

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 29, 2020

Ed Broderick
The Peninsula JV, LLC
7 Jackson Walkway
Providence, RI 02903

Ismene Speliotis
MHANY Peninsula Local Development Corp.
Spofford 1B Housing Development Fund Corp.
470 Vanderbilt Avenue, 9th Floor
Brooklyn, NY 11238

Aaron Koffman
Peninsula Building 1B LLC
88 Pine Street, 27th Floor
New York, NY 10005

The City of New York
Administration for Children's Services
1 Centre Street
New York, NY 10007

Re: Certificate of Completion
The Peninsula
Bronx, Bronx County, Site No. C203097

Dear Applicants and the NYC Administration for Children's Services:

Congratulations on having satisfactorily completed the remedial program at The Peninsula. 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:



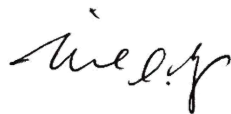
- If you are the site owner, you must record the Notice of Certificate of Completion in the recording office for the county (or counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record the Notice within 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.
- Provide electronic copies of the recorded Notice and proof of recording to the Department's project manager. Please return the hard copy of the proof of recording to:

Wendi Zheng
New York State Department of Environmental Conservation
Division of Environmental Remediation
47-40 21st Street
Long Island City, NY 11101

- 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 first PRR including the certification of the IC/ECs is due to the Department in April 2022.

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

Enclosure

ec w/enclosure:

Christine Vooris – NYSDOH, christine.vooris@health.ny.gov
Scarlet McLaughlin – NYSDOH, scarlett.mclaughlin@health.ny.gov
Melissa Doroski – NYSDOH, melissa.doroski@health.ny.gov
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov
Larry Schnapf – larry@schnapflaw.com
Brian Morrissey – bmorrissey@rouxinc.com
Frank Cherena – fcherena@rouxinc.com
Lauren Dolginko – ldolginko@rouxinc.com

ec w/o enc.:

Gerard Burke
Jennifer Andaloro
Jane O'Connell
Sondra Martinkat
Wendi Zheng
Aldie Levine
Kelly Lewandowski

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDERS:

Name	Address
MHANY Peninsula Local Development Corporation	470 Vanderbilt Ave., 9th Floor, Brooklyn, NY 11238
The Peninsula JV, LLC	7 Jackson Walkway, Providence, RI 02903
Peninsula Building 1B LLC	88 Pine Street, 27th Floor, New York, NY 10005
Spofford 1B Housing Development Fund Corporation	470 Vanderbilt Ave., 9th Floor, Brooklyn, NY 11238

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 11/9/17 **Agreement Execution:** 12/13/17

Agreement Index No.: C203097-10-17

Application Approval Amendment: 7/17/19

Agreement Execution Amendment: 7/17/19

SITE INFORMATION:

Site No.: C203097 **Site Name:** The Peninsula

Site Owner: The City Of New York

Street Address: 1215 & 1221 Spofford Avenue and 720 Tiffany Street

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

Site Size: 3.734 Acres

Tax Map Identification Numbers: 2738-35, 2738-36, 2738-37

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 %.

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 2020000351824.

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: 12/29/2020

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)

The Peninsula, Site ID No. C203097
1215 & 1221 Spofford Avenue and 720 Tiffany Street, Bronx, New York, 10474
Bronx, Bronx County, Tax Map Identification Numbers 2738-35, 2738-36, 2738-37

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 The Peninsula JV, LLC, MHANY Peninsula Local Development Corporation, Spofford 1B Housing Development Fund Corporation, and Peninsula Building 1B LLC for a parcel approximately 3.734 acres located at 1215 & 1221 Spofford Avenue and 720 Tiffany 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 2020000351824.

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

The Peninsula, C203097, 1221 Spofford Avenue, Bronx, New York 10474

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/C203097>.

WHEREFORE, the undersigned has signed this Notice of Certificate

The City of New York

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:

Ed Broderick
The Peninsula JV, LLC
7 Jackson Walkway
Providence, RI 02903

Ismene Speliotis
MHANY Peninsula Local Development
Corporation
470 Vanderbilt Avenue, 9th Floor
Brooklyn, NY 11238

Spofford 1B Housing Development Fund
Corporation
470 Vanderbilt Avenue, 9th Floor
Brooklyn, NY 11238

Aaron Koffman
Peninsula Building 1B LLC
88 Pine Street, 27th Floor
New York, NY 10005

Exhibit A

Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

**METES & BOUNDS DESCRIPTION
ENVIRONMENTAL EASEMENT
LOTS 35, 36 & 37, BLOCK 2738
BOROUGH & COUNTY OF BRONX
CITY & STATE OF NEW YORK**

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

BEGINNING AT A POINT FORMED BY THE INTERSECTION OF THE NORTHEASTERLY LINE OF TIFFANY STREET (80 FEET WIDE) WITH THE NORTHWESTERLY LINE OF SPOFFORD AVENUE (100 FEET WIDE) AND FROM SAID BEGINNING POINT RUNNING, THENCE;

1. NORTHWESTERLY, ALONG THE AFOREMENTIONED NORTHEASTERLY LINE OF TIFFANY STREET, A DISTANCE OF 342.28 FEET TO A POINT, THENCE;
2. NORTHEASTERLY, ALONG THE NORTHERLY LINE OF LOT 37, BLOCK 2738, SAID LINE FORMING AN ANGLE OF 91 DEGREES - 17 MINUTES - 38 SECONDS ON ITS EASTERLY SIDE WITH THE LAST DESCRIBED LINE, A DISTANCE OF 79.01 FEET TO AN ANGLE POINT THEREIN, THENCE;
3. CONTINUING NORTHEASTERLY, ALONG SAID NORTHERLY LINE OF LOT 37 AND ALONG THE NORTHERLY LINE OF LOT 35, BLOCK 2738, SAID LINE FORMING AN ANGLE OF 179 DEGREES - 50 MINUTES - 13 SECONDS ON ITS SOUTHERLY SIDE WITH THE LAST DESCRIBED LINE, A DISTANCE OF 395.53 FEET TO A POINT, THENCE;
4. SOUTHEASTERLY, ALONG THE SOUTHERLY LINE OF FORMER BARRETTO STREET, FORMING AN ANGLE OF 86 DEGREES - 59 MINUTES - 32 SECONDS ON ITS SOUTHERLY SIDE, A DISTANCE OF 352.07 FEET TO A POINT IN SAID NORTHWESTERLY LINE OF SPOFFORD AVENUE, THENCE;
5. SOUTHWESTERLY, ALONG SAID NORTHWESTERLY LINE OF SPOFFORD AVENUE, FORMING AN ANGLE OF 91 DEGREES - 52 MINUTES - 37 SECONDS ON ITS WESTERLY SIDE, A DISTANCE OF 462.92 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 162,688 SQUARE FEET OR 3.7348 ACRES.

Exhibit B

Site Survey



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
9/17/2020



SITE DESCRIPTION

SITE NO. C203097

SITE NAME The Peninsula

SITE ADDRESS: 1221 Spofford Avenue **ZIP CODE:** 10474

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: 04/30/2022

Description of Institutional Control

The Peninsula JV, LLC

1215 Spofford Avenue

Environmental Easement

Block: 2738

Lot: 36

Sublot:

Section:

Subsection:

S_B_L Image: 2738-36

Ground Water Use Restriction

IC/EC Plan

Monitoring Plan

Site Management Plan

Soil Management Plan

1221 Spofford Avenue

Environmental Easement

Block: 2738

Lot: 35

Sublot:

Section:

Subsection:

S_B_L Image: 2738-35

Ground Water Use Restriction

IC/EC Plan

Monitoring Plan

Site Management Plan

Soil Management Plan

720 Tiffany Street

Environmental Easement

Block: 2738

Lot: 37

Sublot:

Section:

Subsection:

S_B_L Image: 2738-37

Ground Water Use Restriction

IC/EC Plan

Monitoring Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control