

# 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](http://www.dec.ny.gov)

December 14, 2021

Chris Papamichael  
414 Gerard Owner LLC  
414 Gerard LLC  
11 Park Place, Suite 1705  
New York, NY 10007

Azi Mandel  
125 East 144 Street Holdings LLC  
500 Frank W. Burr Boulevard, #47  
Teaneck, NJ 07666

Re: Certificate of Completion  
Former Rocket Jewelry Box Site  
Bronx, NY  
Site No. C203106

Dear Mr. Papamichael and Mr. Mandel:

Congratulations on having satisfactorily completed the remedial program at the Former Rocket Jewelry Box 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 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:

Nathan Freeman, Bureau B  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233

- 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;

If you have any questions regarding any of these items, please contact Nathan Freeman at (518) 402-9608.

Sincerely,

*Susan Edwards*

Susan Edwards, P.E.  
Acting Director  
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

B. Gochenaaur, [bgochenaaur@langan.com](mailto:bgochenaaur@langan.com)  
Jon Brooks, [jbrooks@freeborn.com](mailto:jbrooks@freeborn.com)  
C. Vooris – NYSDOH, [Christine.Vooris@health.ny.gov](mailto:Christine.Vooris@health.ny.gov)  
Scarlett McLaughlin – NYSDOH, [scarlett.mclaughlin@health.ny.gov](mailto:scarlett.mclaughlin@health.ny.gov)  
Steven Berninger – NYSDOH, [steven.berninger@health.ny.gov](mailto:steven.berninger@health.ny.gov)  
Matt Gokey, [matthew.gokey@tax.ny.gov](mailto:matthew.gokey@tax.ny.gov)  
Paul Takac, [paul.takac@tax.ny.gov](mailto:paul.takac@tax.ny.gov)

ec w/o enc.:

N. Freeman  
H. Dudek  
G. Burke  
J. O'Connell  
G. Nam  
K. Lewandowski

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

**CERTIFICATE HOLDER(S):**

**Name**

414 Gerard LLC

414 Gerard Owner LLC

125 East 144 Street Holdings LLC

**Address**

11 Park Place Suite 1705, New York, NY 10007

11 Park Place Suite 1705, New York, NY 10007

500 Frank W. Burr Boulevard #47, Teaneck, NJ 07666

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 3/7/18    **Agreement Execution:** 3/26/18

**Agreement Index No.:** C203106-02-18

**Application Approval Amendment:** 4/4/19

**Agreement Execution Amendment:** 4/4/19

**Application Approval Amendment:** 1/27/21

**Agreement Execution Amendment:** 1/27/21

**SITE INFORMATION:**

**Site No.:** C203106    **Site Name:** Former Rocket Jewelry Box Site

**Site Owner:** 414 Gerard Owner LLC

**Street Address:** 414 Gerard Avenue

**Municipality:** Bronx    **County:** Bronx

**DEC Region:** 2

**Site Size:** 0.295 Acres

**Tax Map Identification Number(s):** 2350-1

**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:** Residential, 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 %.

## **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: Susan Edwards Date: 12/14/2021

Susan Edwards, P.E., Acting Director  
Division of Environmental Remediation

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

**Former Rocket Jewelry Box Site, Site ID No. C203106**  
**414 Gerard Avenue, Bronx, New York, 10451**  
**Bronx, Bronx County, Tax Map Identification Number(s) 2350-1**

**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 414 Gerard Owner LLC, 125 East 144 Street Holdings, LLC and 414 Gerard LLC for a parcel approximately 0.295 acres located at 414 Gerard Avenue in the Bronx, New York.

**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.

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**, 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.

**Former Rocket Jewelry Box Site, C203106, 414 Gerard Avenue, Bronx, NY 10451**

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at the NYSDEC's Region 2 located at 4740 21<sup>st</sup> Street, Long Island City, NY 11101, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C203106/>

**WHEREFORE**, the undersigned has signed this Notice of Certificate

414 Gerard 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.

\_\_\_\_\_  
Signature and Office of individual  
taking acknowledgment

**Please record and return to:**

Chris Papamichael  
414 Gerard Owner LLC  
11 Park Place, Suite 1705  
New York, NY 10007

4/20/2020

## **Exhibit A**

### **Site Description**

Survey Description: Former Rocket Jewelry Box Site  
Brownfield Cleanup Program Site No.: C203106  
414 Gerard Avenue, Bronx, NY 10451  
Block 2350 Former Lot 1

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 northerly side of East 144th Street with the easterly side of Gerard Avenue;

Thence northerly along said easterly side of Gerard Avenue, north 16 degrees 21' 02" east of 98.24 feet to a point;

Thence south 71 degrees 14' 04" east 133.06 feet to a point;

Thence south 18 degrees 56' 16" west 98.54 feet to the aforementioned northerly side of East 144th Street;

Thence westerly along said northerly side of East 144th Street, north 71 degrees 03' 44" west 128.62 feet to the point or place of beginning.

Encompassing an area of 0.29539 acres, more or less.



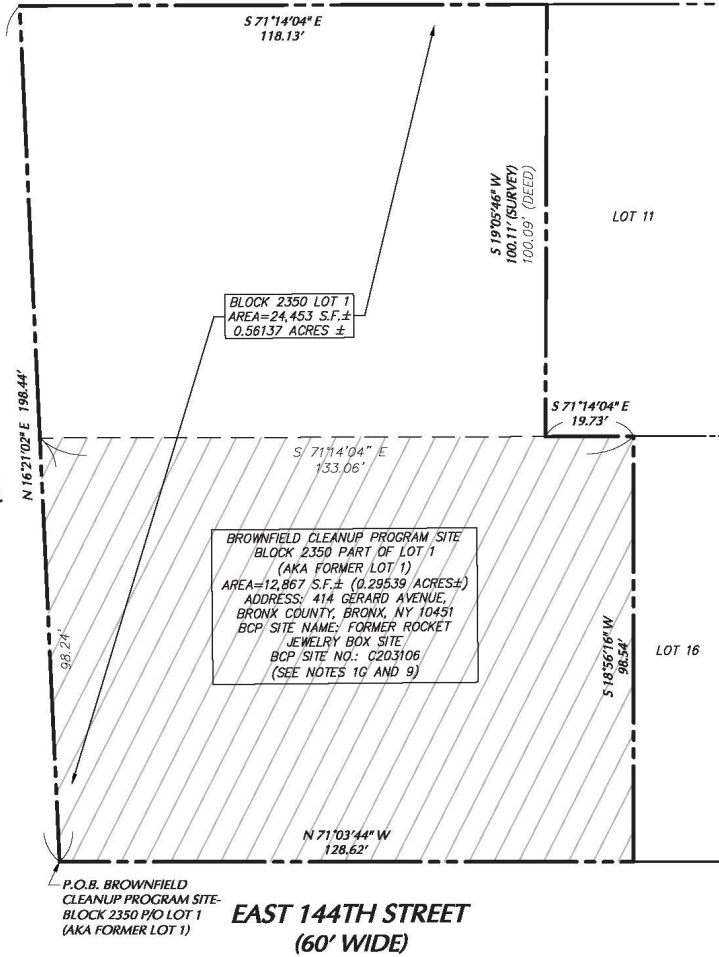
## **Exhibit B**

### **Site Survey**

LANEAW PROJECT NO. 170488401

EAST 146TH STREET  
(60' WIDE)

GERARD AVENUE  
(60' WIDE)



## NOTES

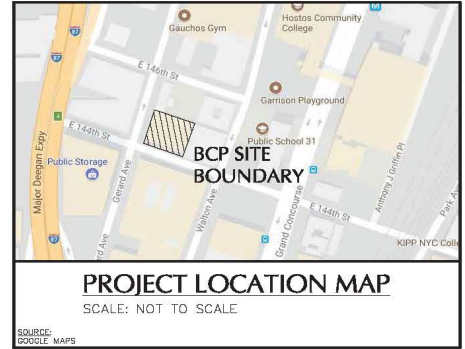
- THIS SURVEY IS BASED UPON EXISTING PHYSICAL CONDITIONS FOUND AT THE SUBJECT SITE, AND THE FOLLOWING REFERENCES:
  - CURRENT NYC DEPARTMENT OF FINANCE TAX MAP FOR BLOCK 2350 IN THE BRONX, DATED 03/24/21 10:27:27.
  - BOROUGH OF BRONX, RECORD MAP SECTION 7.
  - BOROUGH OF BRONX, GRADE MAP SECTION 2.
  - "ALTA/NSPS LAND TITLE SURVEY, 414 GERARD AVENUE, 444 GERARD AVENUE", BY LANGAN, PROJECT NO. 170488401, DRAWING NO. W.101, DATED 03/26/19, LAST REVISED 12/10/20.
  - CITN: 2021000004640, RECORDED/FILED 01/06/21 14:48 [DEED- BLOCK 2350 FORMER LOT 1]
  - CITN: 2012000300302, RECORDED/FILED 07/31/12 10:12 [DEED- BLOCK 2350 FORMER LOT 5]
  - "NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION BROWNFIELD CLEANUP PROGRAM BROWNFIELD SITE CLEANUP AGREEMENT, INDEX NO. C203106-02-18, FORMER ROCKET JEWELRY BOX SITE", DEC. SITE NO.: C203106, SIGNED AND DATED 03/26/19 BY MICHAEL J. RYAN, P.E., DIRECTOR, DIVISION OF ENVIRONMENTAL REMEDIATION.
  - "DEED CASEMENT SURVEY, 414 GERARD AVENUE, BRONX COUNTY, BRONX, NY 10451", BY LANGAN, PROJECT NO. 170488401, DRAWING NO. DEC101, DATED 06/04/21.
- THE SURVEYED PROPERTY IS SUBJECT BUT NOT LIMITED TO THE FOLLOWING FACTS AS REVEALED BY THE HEREON REFERENCED INFORMATION. THE INFORMATION SHOWN HEREON DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. ALL INFORMATION THAT MAY AFFECT THE QUALITY OF TITLE TO BOTH THE SUBJECT AND ADJOINING PARCELS SHOULD BE VERIFIED BY AN ACCURATE AND CURRENT TITLE REPORT.
- THE MERIDIAN OF THIS SURVEY IS REFERENCED TO THE NEW YORK STATE PLANE COORDINATE SYSTEM NYU MADRI AS ESTABLISHED BY GPS METHODS.
- STREET NAMES, R.O.W WIDTHS, BLOCK, AND LOT NUMBERS AS PER MAPS REFERENCED IN NOTES 1A, 1B, 1D, AND 1H.
- OFFSETS (IF SHOWN) ARE FOR SURVEY REFERENCES ONLY AND ARE NOT TO BE USED IN CONSTRUCTION OF ANY TYPE.
- METLANDS, ENVIRONMENTAL AND/OR HAZARDOUS MATERIALS LOCATION, IF ANY, NOT COVERED UNDER THIS CONTRACT.
- UNLESS SPECIFICALLY NOTED HEREON, STORM AND SANITARY SEWER INFORMATION (INCLUDING PIPE INVERT, PIPE MATERIAL, AND PIPE SIZE) WAS OBSERVED AND MEASURED AT FIELD LOCATED STRUCTURES (MANHOLES/CATCH BASINS, ETC.). CONDITIONS CAN VARY FROM THOSE ENCOUNTERED AT THE TIMES WHEN AND THE LOCATIONS WHERE DATA WAS OBTAINED. DESPITE MEETING THE REQUIRED STANDARD OF CARE, THE SURVEYOR CANNOT AND DOES NOT WARRANT THAT PIPE MATERIAL AND/OR PIPE SIZE THROUGHOUT THE PIPE RUN ARE THE SAME AS THOSE OBSERVED AT EACH STRUCTURE, OR THAT THE PIPE RUN IS STRAIGHT BETWEEN THE LOCATED STRUCTURES.

ADDITIONAL UTILITY (WATER, GAS, ELECTRIC, ETC.) DATA MAY BE SHOWN FROM FIELD LOCATED SURFACE MARKINGS (BY OTHERS), EXISTING STRUCTURES, AND/OR FROM EXISTING DRAWINGS.

UNLESS SPECIFICALLY NOTED HEREON, THE SURVEYOR HAS NOT EXCAVATED TO PHYSICALLY LOCATE THE UNDERGROUND UTILITIES. THE SURVEYOR MAKES NO GUARANTEES THAT THE SHOWN UNDERGROUND UTILITIES ARE EITHER IN SERVICE, ABANDONED OR SUITABLE FOR USE, NOR ARE IN THE EXACT LOCATION OR CONFIGURATION INDICATED HEREON.

PRIOR TO ANY DESIGN OR CONSTRUCTION THE PROPER UTILITY AGENCIES MUST BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.

UNLESS NOTED BELOW SUPPLEMENTAL DOCUMENTS WERE NOT USED TO COMPILE THE SUBSURFACE UTILITY INFORMATION SHOWN HEREON.
- EASEMENTS AND/OR LIMITING PLANES, IF ANY, ARE NOT SHOWN.
- ADDRESS, BCP SITE NAME, BCP SITE NUMBER, AND PART OF LOT TO BE INCLUDED IN BROWNFIELD CLEANUP SITE SHOWN PER DOCUMENT CITED IN NOTE 1G.
- UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.
- THIS PLAN NOT VALID UNLESS EMBOSSED OR BLUE INK STAMPED WITH THE SEAL OF THE PROFESSIONAL.



## PROJECT LOCATION MAP

SCALE: NOT TO SCALE

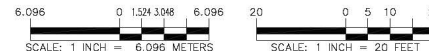
## SURVEY DESCRIPTION

### BROWNFIELD CLEANUP PROGRAM SITE & BLOCK 2350 FORMER LOT 1

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 NORTHERLY SIDE OF EAST 144TH STREET WITH THE EASTERLY SIDE OF GERARD AVENUE;  
THENCE NORTHERLY ALONG SAID EASTERLY SIDE OF GERARD AVENUE, NORTH 16 DEGREES 21' 02" EAST 98.24 FEET TO A POINT;  
THENCE SOUTH 71 DEGREES 14' 04" EAST 133.06 FEET TO A POINT;  
THENCE SOUTH 18 DEGREES 56' 16" WEST 98.54 FEET TO THE AFOREMENTIONED NORTHERLY SIDE OF EAST 144TH STREET;  
THENCE WESTERLY ALONG SAID NORTHERLY SIDE OF EAST 144TH STREET, NORTH 71 DEGREES 03' 44" WEST 128.62 FEET TO THE POINT OR PLACE OF BEGINNING.  
ENCOMPASSING AN AREA OF 0.29539 ACRES, MORE OR LESS.

## LEGEND (NOT SHOWN TO SCALE)

|        |                            |
|--------|----------------------------|
| P.O.B. | POINT OF BEGINNING         |
| S.F.   | SQUARE FEET                |
| AKA    | ALSO KNOWN AS              |
| P/O    | PART OF                    |
| BCP    | BROWNFIELD CLEANUP PROGRAM |
| N      | NORTH                      |
| S      | SOUTH                      |
| W      | WEST                       |
| E      | EAST                       |
| ---    | PROPERTY LINE              |
| ---    | RIGHT-OF-WAY LINE          |
| ---    | BCP SITE                   |



"I hereby state that this plan is based on a field survey made by me or by a duly licensed land surveyor under my direct supervision in accordance with NYSPLS 2009, and that the information and data shown on this plan are true and correct to the best of my knowledge and belief, and in my professional opinion, and I represent the conditions found on the date of the field survey at the subject property."

11-09-2021  
DATE SIGNED

SIGNATURE OF LAND SURVEYOR  
PROFESSIONAL LAND SURVEYOR NY Lic. No. 050784-1

**LANGAN**  
Langan Engineering, Environmental, Surveying,  
Landscape Architecture and Geology, D.P.C.  
21 Penn Plaza, 360 West 31st Street, 8th Floor  
New York, NY 10001  
T: 212.479.5400 F: 212.479.5444 www.langan.com

Project  
414 GERARD AVENUE,  
BRONX COUNTY, BRONX, NY 10451  
BCP SITE NAME: FORMER ROCKET JEWELRY BOX SITE  
BCP SITE NO.: C203106  
LOT No. 1  
BOROUGH OF BRONX  
CITY OF NEW YORK  
BRONX COUNTY  
NEW YORK

Drawing Title  
**BROWNFIELD  
CLEANUP PROGRAM  
SITE BOUNDARY  
SURVEY**

| Date        | Description      | No. |
|-------------|------------------|-----|
| REVISIONS   |                  |     |
| Project No. | Drawing No.      |     |
| 170488401   | <b>BCP101</b>    |     |
| Date        |                  |     |
| 10/19/2021  |                  |     |
| Drawn By    |                  |     |
| LB          | Sheet 001 of 001 |     |
| Checked By  |                  |     |
| PDF         |                  |     |



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
11/29/2021



**SITE DESCRIPTION**

**SITE NO.** C203106

**SITE NAME** Former Rocket Jewelry Box Site

**SITE ADDRESS:** 414 Gerard Avenue **ZIP CODE:** 10451

**CITY/TOWN:** Bronx

**COUNTY:** Bronx

**ALLOWABLE USE:** Residential, 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:**

**Periodic Review Report Submitted Date:**

**Description of Institutional Control**

**Description of Engineering Control**