

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Remedial Bureau B

625 Broadway, 12th Floor, Albany, NY 12233-7016

P: (518) 402-9767 | F: (518) 402-9773

www.dec.ny.gov

December 29, 2021

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

417 Gerard Avenue Holdings LLC
Azriel Mandel
500 Frank W. Burr Boulevard #47
Teaneck, NJ 07666

Certificate of Completion
Site No. C203111
Gerard Avenue and East 146th Street Site
Bronx, NY

Dear Mr. Papamichael and Mr. Mandel:

Congratulations on having satisfactorily completed the remedial program at the Gerard Avenue and East 146th Street 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:



Department of
Environmental
Conservation

Charles Post
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.
- 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 2023**.

If you have any questions regarding any of these items, please contact Charles Post at (518) 402-9793.

Sincerely,

Susan Edwards

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

Enclosure

cc w/ enclosure:

Chris Papamichael cpapamichael@thedomaincos.com
Jon Schuyler Brooks, Freeborn jbrooks@freeborn.com
Brian Gochenaur, LANGAN bgochenaur@Langan.com
Christine. Vooris, christine.vooris@health.ny.gov
Scarlett McLaughlin, scarlett.mclaughlin@health.ny.gov
Steven Berninger, steven.berninger@health.ny.gov
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

Gerard Burke
Jane O'Connell
Charles Post
Grace Nam
Kelly Lewandowski

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	Address
445 Gerard LLC	11 Park Place, Suite 1705, New York, NY 10007
445 Gerard Owner LLC	11 Park Place, Suite 1705, New York, NY 10007
417 Gerard Avenue Holdings LLC	500 Frank W. Burr Boulevard #47, Teaneck, NJ 07666

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 5/25/18 **Agreement Execution:** 6/27/18

Agreement Index Nos.: C203111-05-18, C203111-02-20

Application Approval Amendment: 2/20/19 **Agreement Execution Amendment:** 2/20/19

Application Approval Amendment: 4/21/20 **Agreement Execution Amendment:** 4/21/20

Application Approval Amendment: 2/19/21 **Agreement Execution Amendment:** 2/19/21

SITE INFORMATION:

Site No.: C203111 **Site Name:** Gerard Avenue and East 146th Street Site

Site Owner: 445 Gerard Owner LLC

Street Address: 417 and 445 Gerard Avenue, 440 Maj. Wm. Deegan Blvd and 404 Exterior Street/404 Maj. Wm. Deegan Blvd

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

Site Size: 0.874 Acres

Tax Map Identification Number(s): 2351-1, 2351-12, 2351-20, 2351-3

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 4: Restricted use with site-specific soil cleanup objectives

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 CRFN 2021000508636.

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: Susan Edwards Date: 12/29/2021

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)

Gerard Avenue and East 146th Street Site, Site ID No. C203111
417 and 445 Gerard Avenue, 440 Maj Wm Deegan Blvd and
404 Exterior Street/404 Maj Wm Deegan Blvd, Bronx, NY 10451
New York City, Bronx, Tax Map Identification Number(s) Block 2351, Lots 1, 3, 12 and 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 455 Gerard LLC, 445 Gerard Owner LLC and 417 Gerard Avenue Holdings LLC for a parcel approximately 0.874-acres located at 417 and 445 Gerard Avenue, 440 Major William Deegan Blvd. and 404 Exterior Street/404 Major William Deegan Blvd in New York City, 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.

PLEASE TAKE NOTICE, 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 CRFN:2021000508636.

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

Gerard Avenue and East 146th Street Site, Site ID No. C203111
417 and 445 Gerard Avenue, 440 Maj Wm Deegan Blvd and 404 Exterior Street/404 Maj Wm
Deegan Blvd, Bronx, NY 10451

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 No.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, or at <https://www.dec.ny.gov/data/DecDocs/C203111/>.

WHEREFORE, the undersigned has signed this Notice of Certificate

445 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:
445 Gerard Owner LLC
11 Park Place, Suite 1705
New York, NY 10007

Exhibit A

Site Description

SURVEY DESCRIPTION

DEC EASEMENT (BLOCK 2351, LOTS 1, 3, 12, 20)

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH AND COUNTY OF THE 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 (60' WIDE) WITH THE EASTERLY SIDE OF EXTERIOR STREET (AKA MAJOR DEEGAN BOULEVARD) (IRREGULAR WIDTH), AND RUNNING THENCE;

NORTHERLY ALONG SAID EASTERLY SIDE OF EXTERIOR STREET, N16°21'00"E 47.46 FEET TO A POINT, THENCE;

NORTHERLY CONTINUING ALONG SAID EASTERLY SIDE OF EXTERIOR STREET, N23°58'06"E 150.69 FEET TO THE CORNER FORMED BY THE INTERSECTION OF SAID EASTERLY SIDE OF EXTERIOR STREET WITH THE SOUTHERLY SIDE OF EAST 146TH STREET (60' WIDE), THENCE;

EASTERLY ALONG SAID SOUTHERLY SIDE OF EAST 146TH STREET, S71°14'04"E 180.18 FEET TO THE CORNER FORMED BY THE INTERSECTION OF SAID SOUTHERLY SIDE OF EAST 146 WITH THE WESTERLY SIDE OF GERARD AVENUE (60' WIDE), THENCE;

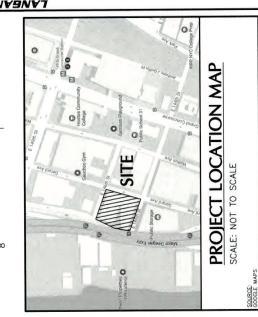
SOUTHERLY ALONG SAID WESTERLY SIDE OF GERARD AVENUE, S16°21'02"W 198.26 FEET TO THE CORNER FORMED BY THE INTERSECTION OF SAID WESTERLY SIDE OF GERARD AVENUE WITH SAID NORTHERLY SIDE OF EAST 144TH STREET, THENCE;

WESTERLY ALONG SAID NORTHERLY SIDE OF EAST 144TH STREET, N71°03'45"W 200.20 FEET TO THE POINT OR PLACE OF BEGINNING.

ENCOMPASSING AN AREA OF 0.87445 ACRES, MORE OR LESS.

Exhibit B

Site Survey

DEED DESCRIPTION
BLOCK 2351 LOT 1 (SEE NOTE 1E)

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

SURVEY DESCRIPTION
BLOCK 2351 LOT 3

ALL THAT CERTAIN RACE OF PARCEL OF LAND SITUATE, LING AND BEING IN THE BROADWAY AND COUNTRY OF NEW YORK CITY AND STATE OF NEW YORK, MORE PARTICULARLY DESCRIBED AND LOCATED AS FOLLOWS, BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF EAST 144TH STREET WITH THE EASTERN SIDE OF EUTIMIO STREET (A MAJOR HIGHWAY DESIGNATED):

RUNNING NINETY EASTWARD ALONG SAID SOUTHERLY SIDE OF EAST 144TH STREET, SOUTH 71 DEGREES 14' 04" WEST 80 FEET TO A POINT;

THENCE NINETY EASTWARD ALONG THE WESTERN SIDE OF BROADWAY, SOUTH 18 DEGREES 31' 00" WEST 100 FEET TO A POINT;

THENCE NINETY EASTWARD PARALLEL WITH THE ADJACENTED SOUTHERLY SIDE OF EAST 144TH STREET, SOUTH 71 DEGREES 14' 04" WEST 144 FEET TO A POINT;

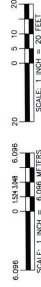
THENCE WESTWARD ALONG A LINE, SOUTH 80 DEGREES 46' 57" WEST 144 FEET TO THE ADJACENTED EASTERN SIDE OF EUTIMIO STREET;

THENCE NORTHERLY ALONG SAID EASTERN SIDE OF EUTIMIO STREET, NORTH 21 DEGREES 50' 00" EAST 152.68 FEET TO THE POINT OF BEGINNING.

SURVEY DESCRIPTION
BLOCK 2351 LOT 12

[illegible]

SURVEY DESCRIPTION
BLOCK 2351 LOT 20

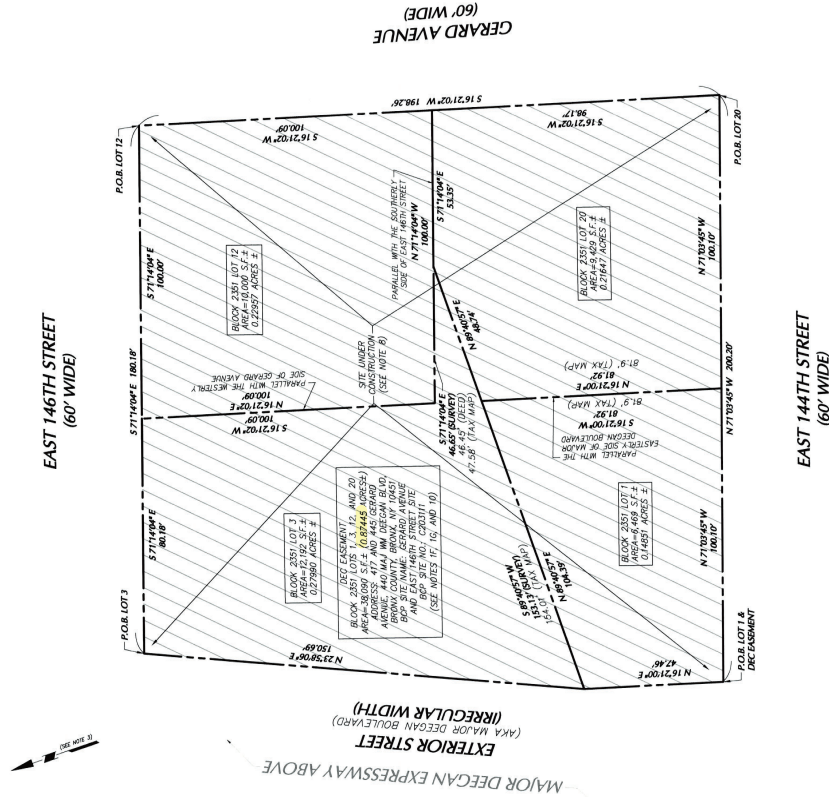
[illegible]

Project 417 & 445 GERRARD AVENUE, 440 MAI WA DEEGAN BLVD, BRONX COUNTY, BRONX, NY 10451 8CF SITE NO. C20311 EAST 146TH STREET AND EAST 147TH STREET BLOCKS 10, 11, 12, & 20 NEP SITE NO. C20311 BRONX COUNTY OF BRONX, CITY OF NEW YORK NEW YORK	Drawing Title DEC EASEMENT SURVEY	Project No. 179487003 Date 08/04/21 Scale 1"=20' Drawn By LB Checked By PDF	Drawing No. DEC10 Sheet 001 of 001
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NOTES

- [illegible]

SURVEY DESCRIPTION

[illegible]

THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PLACED TO TITLE 46 OF OFFICIAL RECORD 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION DEPARTMENT, THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THE ENVIRONMENT. FOR SET FORTH IN MORE DETAIL IN THE SITE MANAGEMENT PLAN. CONVEYING THE EASEMENT. THE SMP MAY 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 12243, OR AT: denw@dep.state.ny.us.

Date	Description	No.
REVISIONS		

I hereby state that this plot is being sold in a field survey made by the Government of Madhya Pradesh and to the best of my knowledge and belief, and to the best of my professional knowledge, information and belief, and in my professional opinion, the figures represent the conditions found on the plot at the time of the survey. Subject property

[Signature] 15-2-2017

GOVERNMENT OF MADHYA PRADESH
LAND REVENUE DEPARTMENT
CHHATTISGARH

DATE: SIGNATURE

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.lincoln.com



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/8/2021



SITE DESCRIPTION

SITE NO. C203111

SITE NAME Gerard Avenue and East 146th Street Site

SITE ADDRESS: 417 and 445 Gerard Avenue, 440 Maj Wm Deegan Blvd 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 ☒ ☐

Monitoring Plan

Operation and Maintenance (O&M) Plan ☒ ☐

Periodic Review Frequency: once a year ☐ ☒

Periodic Review Report Submitted Date: 02/28/2023

Description of Institutional Control

445 Gerard Owner LLC

11 Park Place, Suite 1705

404 Exterior Street

Environmental Easement

Block: 2351

Lot: 1

Sublot:

Section:

Subsection:

S_B_L Image: 2351-1

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

417 Gerard Avenue

Environmental Easement

Block: 2351
Lot: 20
Sublot:
Section:
Subsection:
S_B_L Image: 2351-20
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Monitoring Plan
Site Management Plan
Soil Management Plan

440 Maj Wm Deegan Blvd

Environmental Easement
Block: 2351
Lot: 3
Sublot:
Section:
Subsection:
S_B_L Image: 2351-3
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Monitoring Plan
Site Management Plan
Soil Management Plan

445 Gerard Avenue

Environmental Easement
Block: 2351
Lot: 12
Sublot:
Section:
Subsection:
S_B_L Image: 2351-12
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Monitoring Plan
Site Management Plan
Soil Management Plan

Description of Engineering Control

445 Gerard Owner LLC

11 Park Place, Suite 1705

404 Exterior Street

Environmental Easement

Block: 2351

Lot: 1

Sublot:

Section:

Subsection:

S_B_L Image: 2351-1

Cover System

417 Gerard Avenue

Environmental Easement

Block: 2351

Lot: 20

Sublot:

Section:

Subsection:

S_B_L Image: 2351-20

Cover System

440 Maj Wm Deegan Blvd

Environmental Easement

Block: 2351

Lot: 3

Sublot:

Section:

Subsection:

S_B_L Image: 2351-3

Cover System

Monitoring Wells

445 Gerard Avenue

Environmental Easement

Block: 2351

Lot: 12

Sublot:

Section:

Subsection:

S_B_L Image: 2351-12

Cover System

Monitoring Wells