

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

Transmitted via E-mail

December 23, 2021

Shloime Gross
310 Grand Concourse LLC
336 Grand Concourse LLC
199 Lee Avenue #777
Brooklyn, NY 11211
ysrealtyny@aol.com
sgross@ynsmanagement.com

Re: Certificate of Completion
310 Grand Concourse
City of New York, Bronx County
Site No. C203121

Dear Mr. Gross:

Congratulations on having satisfactorily completed the remedial program at the 310 Grand Concourse 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:

Steve Walsh, Bureau B
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7016

- 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 Steve Walsh at (518) 402-9824.

Sincerely,

Susan Edwards

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

Enclosure

ec w/ enclosure:

S. Gross, 310 Grand Concourse (ysrealtyny@aol.com)
S. Gross, 336 Grand Concourse (sgross@ynsmanagement.com)
J. Bellew, Haley Aldrich (jbellew@haleyaldrich.com)
M. Conlon, Haley Aldrich (mconlon@haleyaldrich.com)
J. Brooks, Freeborn & Peters, LLP (jbrooks@freeborn.com)
C. Vooris – NYSDOH, (christine.vooris@health.ny.gov)
S. McLaughlin, NYSDOH, (scarlett.mclaughlin@health.ny.gov)
S. Wagh, NYSDOH, (sarita.wagh@health.ny.gov)
Matt Gokey, (matthew.gokey@tax.ny.gov)
Paul Takac, (paul.takac@tax.ny.gov)

ec w/o enc.:

S. Walsh, DEC (steven.walsh@dec.ny.gov)
W. Bennett, DEC (william.bennett@dec.ny.gov)
G. Burke, DEC (gerard.burke@dec.ny.gov)
J. O'Connell, DEC (jane.oconnell@dec.ny.gov)
K. McCarthy, DEC (kieran.mccarthy@dec.ny.gov)
J. Andaloro, DEC (jennifer.andaloro@dec.ny.gov)
K. Lewandowski, DEC (kelly.lewandowski@dec.ny.gov)

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

| Name | Address |
|-------------------------|---|
| 310 Grand Concourse LLC | 199 Lee Avenue #777, Brooklyn, NY 11211 |
| 336 Grand Concourse LLC | 199 Lee Avenue #777, Brooklyn, NY 11211 |

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 6/25/19 **Agreement Execution:** 7/23/19
Agreement Index No.: C203121-06-19

Application Approval Amendment: 10/7/21 **Agreement Execution Amendment:** 10/7/21

Application Approval Amendment: 12/14/21 **Agreement Execution Amendment:** 12/14/21

SITE INFORMATION:

Site No.: C203121 **Site Name:** 310 Grand Concourse

Site Owner: 310 Grand Concourse LLC
 336 Grand Concourse LLC

Street Address: 310 and 334 Grand Concourse

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

Site Size: 0.680 Acres

Tax Map Identification Number(s): 2341-28, 2341-31

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: Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial
Cleanup Track: Track 1: Unrestricted use

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 50 %.

Eligibility for Tangible Property Credit is available through: EnZone.

Tangible Property Credit Component Rate is 20%. Comprised of 10% Base, 5 % EnZone, 5% Track 1.

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 %.

No Environmental Easement has been granted pursuant to ECL Article 71, Title 36 as there are no use restrictions and there is no reliance on the long-term employment of institutional controls.

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: 12/23/2021

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)

310 Grand Concourse, Site ID No. C203121
310 and 334 Grand Concourse, Bronx, NY 10451
New York City, Bronx County, Tax Map Identification Numbers: 2341-28

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 310 Grand Concourse LLC and 336 Grand Concourse LLC for a parcel totaling approximately 0.360 acres located at 310 Grand Concourse in the City of New York, 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, 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.

310 Grand Concourse, C203121, 310 and 334 Grand Concourse, Bronx, NY 10451

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, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C203121/>

WHEREFORE, the undersigned has signed this Notice of Certificate

310 Grand Concourse 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:
310 Grand Concourse LLC
199 Lee Avenue #777
Brooklyn, NY 11211

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

310 Grand Concourse, Site ID No. C203121
310 and 334 Grand Concourse, Bronx, NY 10451
New York City, Bronx County, Tax Map Identification Numbers: 2341-31

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 310 Grand Concourse LLC and 336 Grand Concourse LLC for a parcel totaling approximately 0.32 acres located at 334 Grand Concourse in the City of New York, 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, 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.

310 Grand Concourse, C203121, 310 and 334 Grand Concourse, Bronx, NY 10451

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, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C203121/>

WHEREFORE, the undersigned has signed this Notice of Certificate

336 Grand Concourse 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:
336 Grand Concourse LLC
199 Lee Avenue #777
Brooklyn, NY 11211

Exhibit A
Site Description

Metes and Bounds Description: Block 2341 Lot 28

SCHEDULE A

Metes and Bounds Description of Property

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, bounded and described according to a Survey made by City Mapping, Inc., dated June 2, 2021, as follows:

BEGINNING at a point on the easterly side of Grand Concourse distant 698.55 feet southerly from the corner formed by the intersection of the easterly side of Grand Concourse, and the southerly side of East 144th Street;

RUNNING THENCE easterly along a line forming an angle of 90 degrees 00 minutes 23 seconds on its southerly side with the easterly side of Grand Concourse, a distance of 135.28 feet to a point;

THENCE southerly along a line forming an angle of 82 degrees 37 minutes 27 seconds on its westerly side with the last-mentioned course, a distance of 60.50 feet to a point;

THENCE westerly along a line forming an angle of 86 degrees 13 minutes 30 seconds on its northerly side with the last-mentioned course, a distance of 11.00 feet to a point;

THENCE southerly a distance of 83.99 feet to a point;

THENCE westerly along a line forming a right angle with the last-mentioned course, a distance of 19.00 feet to a point;

THENCE continuing westerly along a line which forms a right angle with the easterly side of Grand Concourse, 90.00 feet to said easterly side of Grand Concourse.

THENCE northerly along the easterly side of Grand Concourse at a right angle with the prior course, a distance of 33.36 feet to a point;

THENCE continuing northerly along the easterly side of Grand Concourse as it bends, 86.47 feet to the point or place of BEGINNING.

NOTE: Being Block(s) 2341, Lot(s) 28, Tax Map of the Borough of Bronx, County of Bronx.

LEGAL DESCRIPTION

BLOCK 2341 LOT 31

BEGINNING at a point on the easterly side of Grand Concourse, distant 581.05 feet southerly from the corner formed by the intersection of the easterly side of Grand Concourse with the southerly side of East 144th Street;

THENCE easterly at a right angle to the easterly side of Grand Concourse, 100 feet;

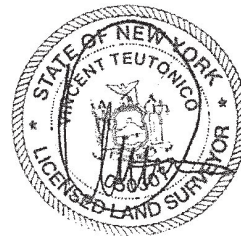
THENCE southerly at right angle to the last mentioned course, 61.67 feet;

THENCE easterly at right angle to the last mentioned course, 42.50 feet;

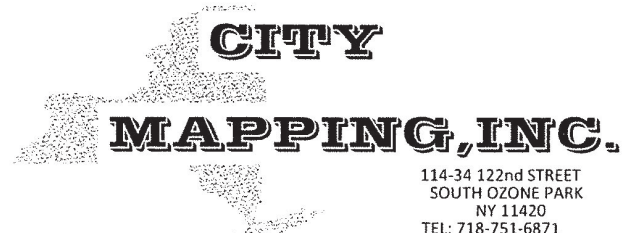
THENCE southerly forming an interior angle 82 degrees 37 minutes 50 seconds with the last mentioned course 56.28 feet;

THENCE westerly forming an interior angle 97 degrees 22 minutes 10 seconds with the last mentioned course 135.28 feet to the easterly side of Grand Concourse;

THENCE northerly along the easterly side of Grand Concourse, 117.50 feet to the point or place of BEGINNING.



VINCENT TEUTONICO, L.S.
NEW YORK LICENSE 050307



114-34 122nd STREET
SOUTH OZONE PARK
NY 11420
TEL: 718-751-6871
email: citymapping@yahoo.com

| CAPTION | LEGAL DESCRIPTION |
|------------|-------------------|
| DATE | REVISIONS |
| 03-03-2021 | LEGAL DESCRIPTION |

Exhibit B

Site Survey

310 GRAND CONCOURSE
BRONX, NY

GRAND CONCOURSE

VARIABLE WIDTH



| DATE | DESCRIPTION |
|--------------|-------------------------|
| NOV.29, 2021 | NYSDEC SITE NO. C203121 |
| BLOCK | 2341 |
| LOT | 28 & 31 |
| SECTION | 9 |
| COUNTY | BRONX |
| DWG BY | A.G. |
| CHK'D BY | J.A. |
| SCALE | 1" = 15' |

NOTE:
Unauthorized alterations or additions to this survey is a violation of section 7209 of the New York State education law. Copies of this survey map not bearing the land surveyor's inked seal or embossed seal shall not be considered to be a valid true copy. Guarantees or certifications are hereby made by the surveyor, in accordance with the provisions of the laws of the State of New York, to the title company, governmental agency and lending institution listed herein, and to the assignees of the lending institution. Guarantees or certification are not transferable to additional institutions or subsequent owners.

CAUTION:
Before performing any digging or drilling on this site, it is required that subsurface services, including the underground mains be marked and identified by the utility involved in compliance with industrial code E3 of New York State.



MERIDIAN
LAYOUT INC

3280 SUNRISE HWY, SUITE 341
WANTAGH, NY 11793
TEL: 516-787-3299



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/15/2021



SITE DESCRIPTION

SITE NO. C203121

SITE NAME 310 Grand Concourse

SITE ADDRESS: 310 and 334 Grand Concourse ZIP CODE: 10421

CITY/TOWN: Bronx

COUNTY: Bronx

ALLOWABLE USE: Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan X

Monitoring Plan X

Operation and Maintenance (O&M) Plan X

Periodic Review Frequency: N/A

Periodic Review Report Submitted Date:

Description of Institutional Control

Description of Engineering Control