

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, 2022

Michael McCarthy
Betances VI Partners LLC
c/o Alembic Community Development
111 John Street, Suite 1710
New York, NY 10038
mmccarthy@alembiccommunity.com

Anivelca Cordova
Betances VI Partners LLC
c/o Lemle & Wolff Development Corp.
5925 Broadway
Bronx, NY 10463
ACordova@LemleWolff.com

Carole Gordon
Betances VI Housing Development Fund Company, Inc.
290 Lenox Avenue, 3rd Floor
New York, NY 10027
CGordon@thebridgeny.org

New York City Housing Authority
90 Church Street, 5th Floor
New York, NY 10007
DIGSER.ABREU@NYCHA.NYC.GOV

Re: Certificate of Completion
Betances VI
Bronx, Bronx County
C203122

Dear Mr. McCarthy, Ms. Cordova and Ms. Gordon,

Congratulations on having satisfactorily completed the remedial program at the Betances VI 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:
Steven Wu
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;

If you have any questions, please do not hesitate to contact Steven Wu the Department's project manager, at (718) 482-6725

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Division Director

Division of Environmental Remediation

Enclosure

ec w/ enclosure:

C. Vooris – NYSDOH, christine.vooris@health.ny.gov
S. McLaughlin, NYSDOH, scarlet.mclaughlin@health.ny.gov
J. Nealon, NYSDOH, jacquelyn.nealon@health.ny.gov
A. Cordova, Applicant acordova@lemlewoff.com
A. Czermerinski, AMC Engineering PLLC, ariel@amc-engineering.com

R. Hooker, GBTA, richard_hooker@gbtpa.com
D. Desnoyers, Allen & Desnoyers LLP, Dale@allendesnoyers.com
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enclosure:

S. Wu, A. Obligado, J. O'Connell, J. Simpson, L. Schmidt, J. Andalaro, K.
Lewandowski - NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Betances VI Partners LLC

Address

c/o Alembic Community Development, 111 John Street, Suite 1710,
New York, NY 10038

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 7/8/19 **Agreement Execution:** 7/29/19

Agreement Index No.: C203122-07-19

Application Amendment Approval: 12/27/22

Agreement Amendment Execution: 12/27/22

SITE INFORMATION:

Site No.: C203122 **Site Name:** Betances VI

Site Owner: New York City Housing Authority

Betances VI Partners LLC

Betances VI Housing Development Fund Company, Inc.

Street Address: 472-474 Willis Avenue

Municipality: Bronx

County: Bronx

DEC Region: 2

Site Size: 0.230 Acres

Tax Map Identification Number(s): 2291-101

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 %.

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;
- (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; or
- (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: Andrew Guglielmi Date: 12/29/2022

Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A
Site Description

Easement Description

Tax Block 2291

Tax Lot 101

Track 2 Residential

MSC Survey 70182-101

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, more particularly bounded and described as follows:

BEGINNING at a corner formed by the intersection of the northerly side of East 146th Street and the easterly side of Willis Avenue, said point being distant southerly 200.00 feet from a corner formed by the intersection of the southerly side of East 147th Street and the easterly side of Willis Avenue;

RUNNING THENCE northerly along the easterly side of Willis Avenue a distance of 100.00 feet;

RUNNING THENCE easterly at an interior angle of 89 degrees 57 minutes 35 seconds with the preceding course, a distance of 100.00 feet;

RUNNING THENCE southerly at an interior angle of 90 degrees 02 minutes 25 seconds with the preceding course a distance of 100.00 feet to a point on the northerly side of East 146th Street;






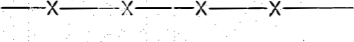
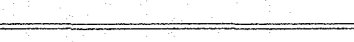


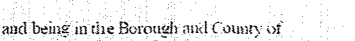
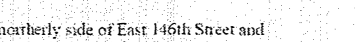
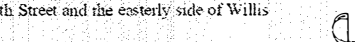
RUNNING THENCE westerly along same at an interior angle of 89 degrees 57 minutes 35 seconds with the preceding course a distance of 100.00 feet to the point or place of BEGINNING.

The above described parcel having an area of 10,000 square ft or 0.23 acres.

Exhibit B

Site Survey

LEGEND

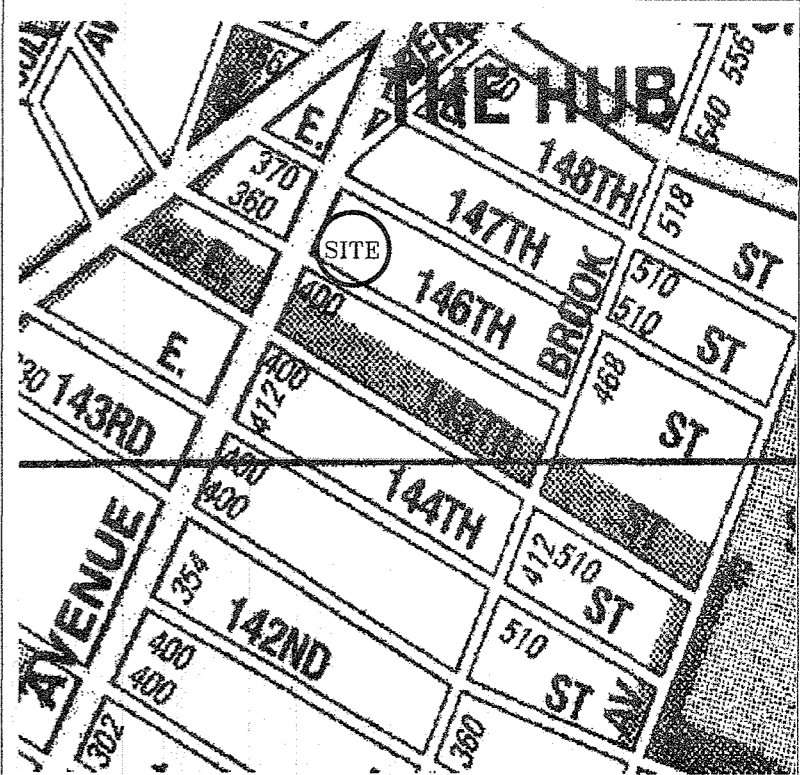
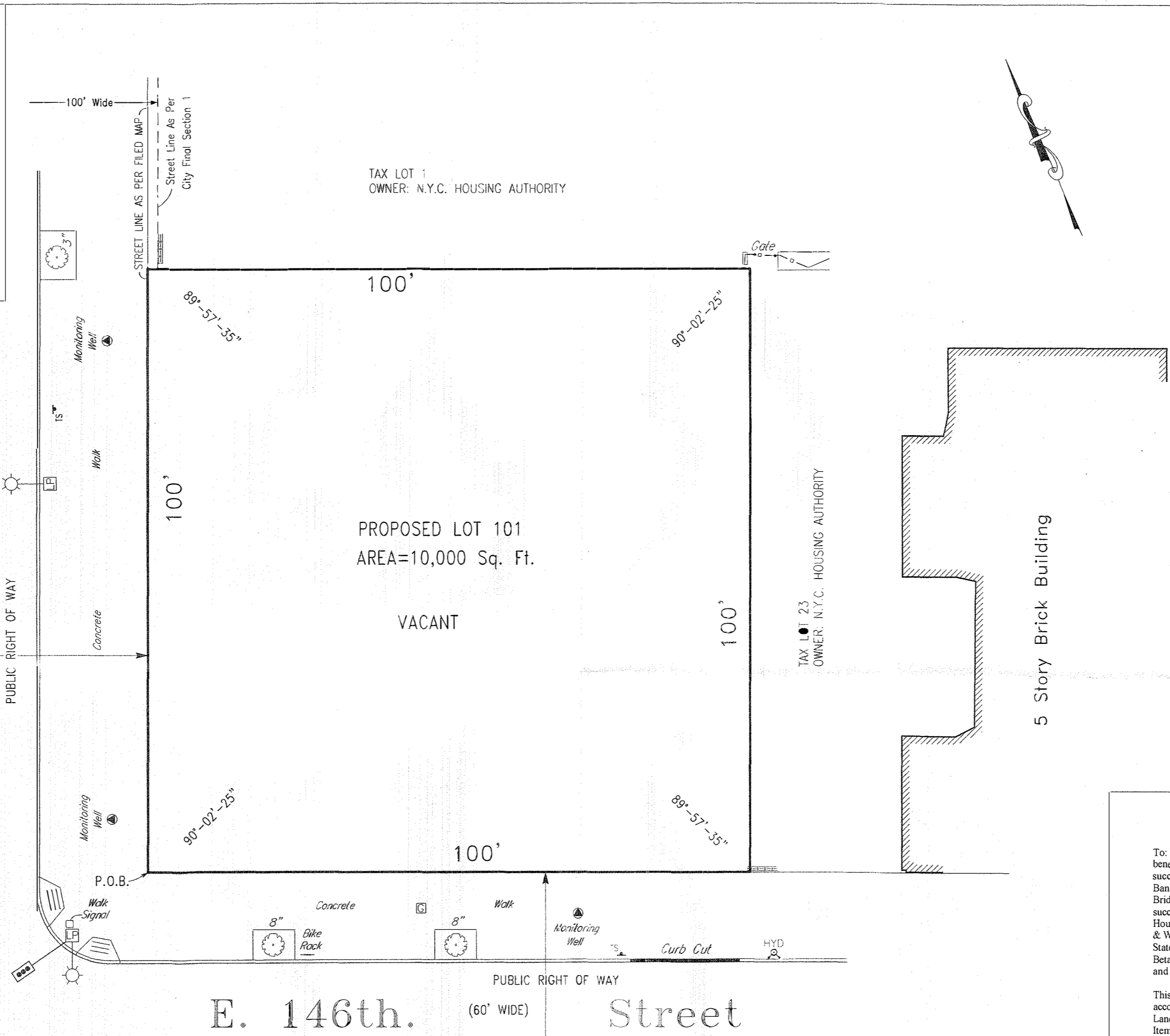
- Tree & Caliper 
- Water Valve 
- Gas Valve 
- Traffic Sign 
- Siamese Connection 
- Overhead Wires 
- Iron Fence/Railing 
- Chain Link Fence 
- Steel Face Curb 
- Concrete or Stone Curb 
- Drop Curb 
- Point of Beginning 

PROPOSED LOT 101:
 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, more particularly bounded and described as follows:
 BEGINNING at a corner formed by the intersection of the northerly side of East 146th Street and the easterly side of Willis Avenue, said point being distant southerly 200.00 feet from a corner formed by the intersection of the southerly side of East 147th Street and the easterly side of Willis Avenue;
 RUNNING THENCE northerly along the easterly side of Willis Avenue a distance of 100.00 feet;
 THENCE easterly at an interior angle of 89 degrees 57 minutes 35 seconds with the preceding course, a distance of 100.00 feet;
 THENCE southerly at an interior angle of 90 degrees 02 minutes 25 seconds with the preceding course a distance of 100.00 feet to a point on the northerly side of East 146th Street;
 THENCE westerly along same at an interior angle of 89 degrees 57 minutes 35 seconds with the preceding course a distance of 100.00 feet to the point or place of BEGINNING.

- AS PER ZONING ANALYSIS DRWG. Z-001.00 BY THINKI ARCHITECTURE & DESIGN, DATED JUNE 28, 2019
- 1) Zoning District: General Residential (R7X) with C2-4 Commercial Overlay
 - 2) Setback Requirements: Front: 10' OR 15'(Wide street/Narrow street)
 Side: 0'
 Rear: 30'
 - 3) Height Restriction: 145' or 15 stories
 - 4) Floor Space Area Restriction (FAR) : Commercial: 2.0
 Quality Housing: 5.0
 - 5) Parking Requirements: 9 Spaces; waived if less than 15

NOTES

- 1) At the time of this survey there was no observable evidence of recent earth moving work, building construction, or building additions.
- 2) There is no evidence of recent street or sidewalk construction or any proposed changes in street right of way lines.
- 3) There are no wetland areas delineated on this property.
- 4) The subject property lies within Flood Zone X, as plotted on the Flood Insurance Rate Map Number 3604970083F, dated September 5, 2007 and, based thereon, except as specifically noted on the survey, no part of the subject property lies within any area designated as "flood prone area," "special flood hazard area" or 100-year flood plain by the Federal Emergency Management Agency, the United States Army Corps of Engineers, the U.S. Department of Housing and Urban Development, the State of New York/City of New York/County of Bronx or any other governmental agency or authority having jurisdiction over the subject property nor is any portion of the Project Property located within any lake or any creek, stream, river or other watercourse required to be undisturbed by an appropriate governmental agency or authority.
- 5) There are no parking spaces on this property.
- 6) The property shown on this survey is the same property as described in the referenced title commitment.
- 7) There was no observed evidence of utilities (except for a gas valve and fire hydrant) on this site or adjoining sidewalk. The utilities servicing this property will enter through the adjoining public right of ways.
- 8) The legal description forms a mathematically closed figure.
- 9) The boundary line dimensions shown form a mathematically closed figure within +/- 0.10 foot.
- 10) There are no gaps or gores within any portion of the property.



Vicinity Map

"ALTA/NSPS LAND TITLE SURVEY"

To: NEF Assignment Corporation, an Illinois not-for-profit corporation, as nominee, its beneficiaries, successors and/or assigns; Betances VI Managers LLC, its beneficiaries, successors and/or assigns; Sterling National Bank, its successors and/or assigns; The Bank of New York Mellon, its successors and/or assigns; Betances VI Partners LLC, The Bridge, Inc.; National Equity Fund, Inc., an Illinois not-for-profit corporation, its successors and/or assigns; City of New York acting by and through its Department of Housing Preservation and Development, its successors and/or assigns; Cannon Heyman & Weiss, LLP, New York City Housing Authority, its successors and/or assigns; United States Department of Housing and Urban Development, its successors and assigns; Betances VI Housing Development Fund Company, Inc.; Benchmark Title Agency, LLC; and First American Title Insurance Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1,2,3,4,6(a),6(b),7(a),8,9,10,11(a),13,14,16,17,18 and 19 of Table A herof. The field work was completed on August 4, 2021

David A. Shaw
 License Number: 50252
 Date of Plat or Map: August 4, 2021



ERLANDSEN-CROWELL & SHAW

FOUNDED IN 1852 BY E.W. CONKLIN
 Civil Engineers & City Surveyors
 241 JERICHO TPKE NEW HYDE PARK, NY 11040 516-326-4353
 718-526-0339

SCHEDULE B EXCEPTIONS: THERE ARE NO SURVEY RELATED EXCEPTIONS

BENCHMARK TITLE AGENCY
 TITLE No. BTA75431
 EFFECTIVE DATE: AUGUST 2, 2021

472 WILLIS AVENUE, BRONX, NY 10455
 TAX BLOCK 2291
 BOROUGH OF THE BRONX, CITY OF NEW YORK

Scale: 1"=16'

70182-101
 © - ALL RIGHTS RESERVED

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

Betances VI, Site ID No. C203122
472-474 Willis Avenue, Bronx, NY, 10455
Bronx, Bronx County, Tax Map Identification Number: 2291-101

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 Betances VI Partners LLC for a parcel approximately 0.23 acres located at 472-474 Willis Avenue in 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.

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.

Betances VI, C203122
472-474 Willis Avenue, Bronx, NY, 10455

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 2 Office located at 4740 21st St, Long Island City, NY 11101, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C203122>.

WHEREFORE, the undersigned has signed this Notice of Certificate

New York City Housing Authority

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

WHEREFORE, the undersigned has signed this Notice of Certificate

Betances VI Partners 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

Betances VI, C203122
472-474 Willis Avenue, Bronx, NY, 10455

WHEREFORE, the undersigned has signed this Notice of Certificate

Betances VI Housing Development Fund Company, Inc.

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:

Michael McCarthy
Betances VI Partners LLC
c/o Alembic Community Development
111 John Street, Suite 1710
New York, NY 10038