

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 30, 2022

Evan Kashanian
E 135 and 3rd Ave Owner LLC
c/o Artimus
316 West 118th Street
New York, NY 10026

Re: Certificate of Completion
2455 Third Avenue
Bronx, Bronx County
Site No. C203125

Dear Evan Kashanian:

Congratulations on having satisfactorily completed the remedial program at the 2455 Third Avenue 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:
Hasan Ahmed
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



Department of
Environmental
Conservation

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 April 2024.

If you have any questions, please do not hesitate to contact Hasan Ahmed, the Department's project manager, at (718) 482-6405.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Division Director
Division of Environmental Remediation

Enclosure

ec w/ enc:

Christine Vooris – NYSDOH christine.vooris@health.ny.gov
Scarlett McLaughlin – NYSDOH scarlett.mclaughlin@health.ny.gov
Steven Berninger – NYSDOH steven.berninger@health.ny.gov
Steve Ciambuschini – Langan sciambuschini@langan.com
Larry Schnapf – Schnapf LLC larry@schnapflaw.com
Matt Gokey matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

H. Ahmed, C. Maycock, G. Burke, J. O'Connell, H. Leibowitz, L. Schmidt, K. Lewandowski

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

E 135 and 3rd Ave Owner LLC

Address

c/o Artimus, 316 West 118th Street, New York, NY 10026

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 1/3/20

Agreement Execution: 2/18/20

Agreement Index No.: C203125-01-20

Application Amendment Approval: 7/8/20

Agreement Amendment Execution: 7/8/20

Application Amendment Approval: 11/19/21

Agreement Amendment Execution: 11/19/21

SITE INFORMATION:

Site No.: C203125 **Site Name:** 2455 Third Avenue

Site Owner: E 135 and 3rd Ave Owner LLC

Street Address: 2455 Third Avenue

Municipality: Bronx **County:** Bronx

DEC Region: 2

Site Size: 0.451 Acres

Tax Map Identification Number(s): 2319-38, 2319-39

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):

For a 0.129-acre and a 0.076-acre area – See Exhibits A and B

Allowable Uses under the BCP: Restricted-Residential, Commercial, and Industrial

Cleanup 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.

For a 0.246-acre area – See Exhibits A and B

Allowable Uses under the BCP: Restricted-Residential, Commercial, and Industrial
Cleanup 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 2022000446678.

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: 12/30/2022

Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A

Site Description

SITE Number C203125

BROWNFIELD EASEMENT AREAS LEGAL DESCRIPTION

TRACKS DESCRIPTIONS

TRACK 2 A

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 being more particularly bounded and described as follows:

BEGINNING at a point on the southerly side of Major Williams F. Deegan Boulevard being distant 149.88 feet westerly from the corner formed by the intersection of the southerly side of Major William F. Deegan Boulevard, formerly known as Sergeant O'Connell Place and East 135th Street as widened, with the westerly side of 3rd Avenue;

THENCE Southerly and parallel with 3rd Avenue 34.83 feet to a point;

THENCE Westerly parallel to Major William F. Deegan Boulevard, 13.42 feet to a point;

THENCE Southerly and parallel with 3rd Avenue 33.79 feet to a point;

THENCE Westerly parallel to Major William F. Deegan Boulevard, 41.50 feet to the westerly boundary of Tax Lot 39;

THENCE Northerly along the westerly boundary of Tax Lot 39 and parallel with 3rd Avenue 68.62 feet to the southerly side of Major William F. Deegan Boulevard;

THENCE Easterly along said southerly side of Major William F. Deegan Boulevard 54.92 feet to the point or place of BEGINNING.

THE ABOVE DESCRIBED TRACK HAS AN AREA OF 3,315 SQ. FT. OR 0.07610 ACRE.

TRACK 2 B

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 being more particularly bounded and described as follows:

BEGINNING at a point on the southerly side of property line of Tax Lot 38 the following 2 courses and distances from the corner formed by the intersection of the southerly side of Major William F. Deegan Boulevard, formerly known as Sergeant O'Connell Place and East 135th Street as widened, with the westerly side of 3rd Avenue;

1. Thence Southerly along the westerly side of 3rd Avenue 97.34 feet to the southerly side of Tax Lot 38 ;
2. Thence Westerly along the southerly side of Tax Lot 68 at right angles to the westerly side of 3rd Avenue 46.55 feet to the point or place of BEGINNING;

RUNNING THENCE Northerly at right angles to the last mentioned course, 56.25 feet;

THENCE Easterly at right angles to the last mentioned course, 8.67 feet to a point;

THENCE Northerly at right angles to the last mentioned course, 18.69 feet to a point;

THENCE Westerly at right angles to the last mentioned course, 39.04 feet to a point;

THENCE Southerly at right angles to the last mentioned course, 10.33 feet to a point;

THENCE Westerly at right angles to the last mentioned course, 23.36 feet to a point;

THENCE Northerly at right angles to the last mentioned course, 24.50 feet to a point;

THENCE Westerly at right angles to the last mentioned course, 25.19 feet to a point;

THENCE Southerly at right angles to the last mentioned course, 33.29 feet to a point;

THENCE Easterly at right angles to the last mentioned course, 1.26 feet to a point;

THENCE Southerly at right angles to the last mentioned course, 28.52 feet to a point;

THENCE Easterly at right angles to the last mentioned course, 18.67 feet to a point;

THENCE Southerly at right angles to the last mentioned course, 27.29 feet to the southerly side of Tax Lot 38;

THENCE Easterly along said the southerly side of property line of Tax Lot 38, at right angles to the last mentioned course, 59.00 feet to the point or place of BEGINNING.

THE ABOVE DESCRIBED TRACK HAS AN AREA OF 5,612 SQ. FT. OR 0.12883 ACRE.

TRACK 4

ALL that certain plot piece or parcel of land situate lying in 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 southerly side of Major Deegan Expressway (169 feet wide), formally known as Sergeant O'Connell Place and East 135th Street with the westerly side of Third Avenue (irregular width), formally known as Old Boston Road;

RUNNING THENCE southerly, along the westerly side of Third Avenue, 97.34 feet to a point;

RUNNING THENCE westerly, parallel with East 134th Street, 46.55 feet to a point;

RUNNING THENCE Northerly at right angles to the last mentioned course, 56.25 feet to a point;

RUNNING THENCE easterly, at right angles to the last mentioned course, 8.67 feet to a point;

RUNNING THENCE northerly, at right angles to the last mentioned course, 18.69 feet to a point;

RUNNING THENCE westerly, at right angles to the last mentioned course, 39.04 feet to a point;

RUNNING THENCE southerly, at right angles to the last mentioned course, 10.33 feet to a point;

RUNNING THENCE westerly, at right angles to the last mentioned course, 23.36 feet to a point;

RUNNING THENCE northerly, at right angles to the last mentioned course, 24.50 feet to a point;

RUNNING THENCE westerly, at right angles to the last mentioned course, 25.19 feet to a point;

RUNNING THENCE southerly, at right angles to the last mentioned course, 33.29 feet to a point;

RUNNING THENCE easterly, at right angles to the last mentioned course, 1.26 feet to a point;

RUNNING THENCE southerly, at right angles to the last mentioned course, 28.52 feet to a point;

RUNNING THENCE easterly, at right angles to the last mentioned course, 18.67 feet to a point;

RUNNING THENCE southerly, at right angles to the last mentioned course, 27.29 feet to a point;

RUNNING THENCE westerly, parallel with East 134th Street , 59.45 to a point;

RUNNING THENCE northerly, parallel with Third Avenue, 7.14 feet to a point;

RUNNING THENCE westerly, forming an interior angle of 270 degrees 18 minutes 43 seconds with the last mentioned course, 39.80 feet to a point;

RUNNING THENCE northerly, parallel with Third Avenue, 21.58 feet to a point;

RUNNING THENCE easterly, parallel with Major Deegan Expressway, 41.50 feet to a point;

RUNNING THENCE northerly, parallel with Third Avenue, 33.79 feet to a point;

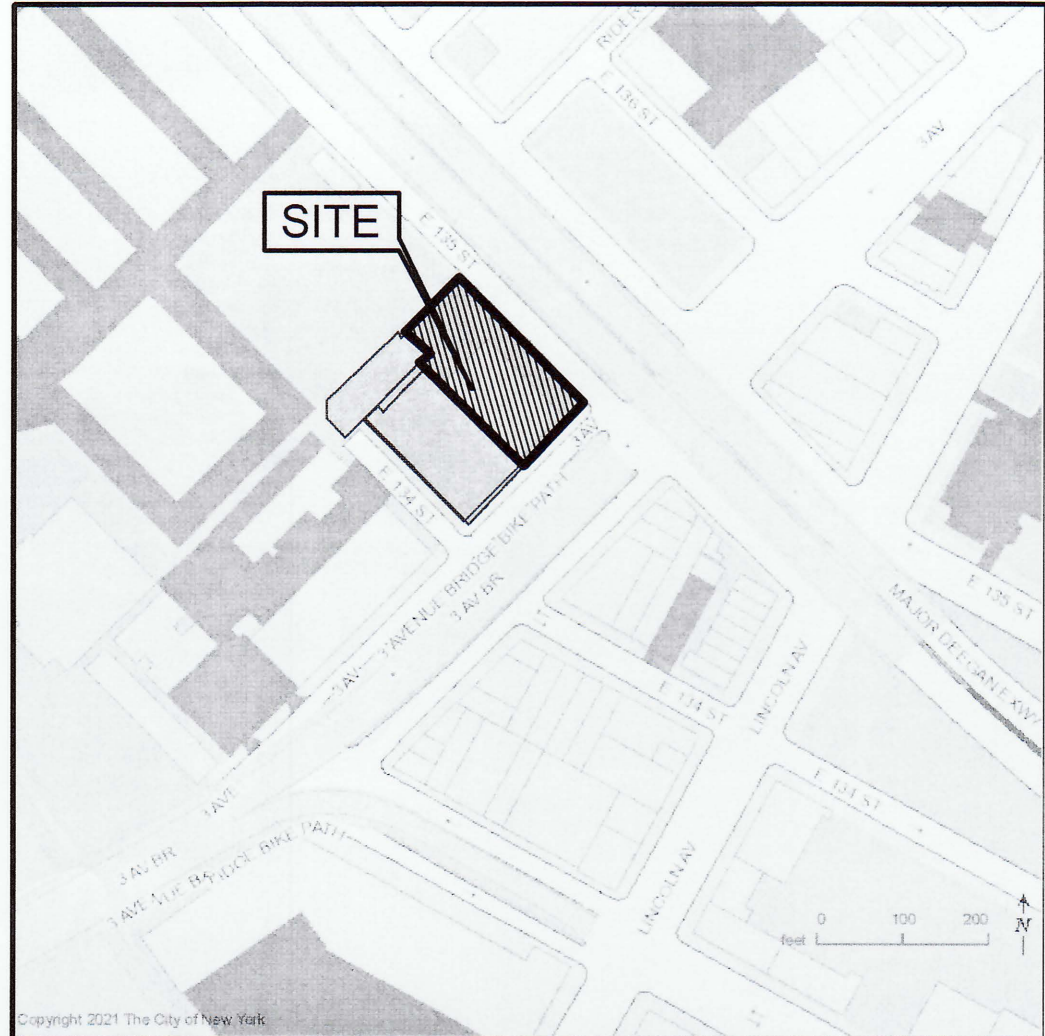
RUNNING THENCE easterly, parallel with Major Deegan Expressway, 13.42 feet to a point;

RUNNING THENCE northerly, parallel with Third Avenue, 34.83 feet to the southerly side Major Deegan Expressway;

RUNNING THENCE easterly, along the southerly side of Major Deegan Expressway, 149.88 feet to the corner formed by the intersection of the southerly side of Major Deegan Expressway with the westerly side of Third Avenue, the point or place of BEGINNING.

Exhibit B

Site Survey



VICINITY MAP
NOT TO SCALE

TRACKS DESCRIPTIONS

TRACK 2 A

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 being more particularly bounded and described as follows:

BEGINNING at a point on the southerly side of Major Williams F. Deegan Boulevard being distant 149.88 feet westerly from the corner formed by the intersection of the southerly side of Major William F. Deegan Boulevard, formerly known as Sergeant O'Connell Place and East 135th Street as widened, with the westerly side of 3rd Avenue;

THENCE Southerly and parallel with 3rd Avenue 34.83 feet to a point;

THENCE Westerly parallel to Major William F. Deegan Boulevard, 13.42 feet to a point;

THENCE Southerly and parallel with 3rd Avenue 33.79 feet to a point;

THENCE Westerly parallel to Major William F. Deegan Boulevard, 41.50 feet to the westerly boundary of Tax Lot 39;

THENCE Northerly along the westerly boundary of Tax Lot 39 and parallel with 3rd Avenue 68.62 feet to the southerly side of Major William F. Deegan Boulevard;

THENCE Easterly along said southerly side of Major William F. Deegan Boulevard 54.92 feet to the point or place of BEGINNING.

THE ABOVE DESCRIBED TRACK HAS AN AREA OF 3,315 SQ. FT. OR 0.07610 ACRE.

TRACK 2 B

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 being more particularly bounded and described as follows:

BEGINNING at a point on the southerly side of property line of Tax Lot 38 the following 2 courses and distances from the corner formed by the intersection of the southerly side of Major William F. Deegan Boulevard, formerly known as Sergeant O'Connell Place and East 135th Street as widened, with the westerly side of 3rd Avenue;

1. Thence Southerly along the westerly side of 3rd Avenue 97.34 feet to the southerly side of Tax Lot 38;
2. Thence Westerly along the southerly side of Tax Lot 38 at right angles to the westerly side of 3rd Avenue 46.55 feet to the point or place of BEGINNING;

RUNNING THENCE Northerly at right angles to the last mentioned course, 56.25 feet;

THENCE Easterly at right angles to the last mentioned course, 8.67 feet to a point;

THENCE Northerly at right angles to the last mentioned course, 18.69 feet to a point;

THENCE Westerly at right angles to the last mentioned course, 39.04 feet to a point;

THENCE Southerly at right angles to the last mentioned course, 10.33 feet to a point;

THENCE Westerly at right angles to the last mentioned course, 23.36 feet to a point;

THENCE Northerly at right angles to the last mentioned course, 24.50 feet to a point;

THENCE Southerly at right angles to the last mentioned course, 33.29 feet to a point;

THENCE Easterly at right angles to the last mentioned course, 1.26 feet to a point;

THENCE Southerly at right angles to the last mentioned course, 28.52 feet to a point;

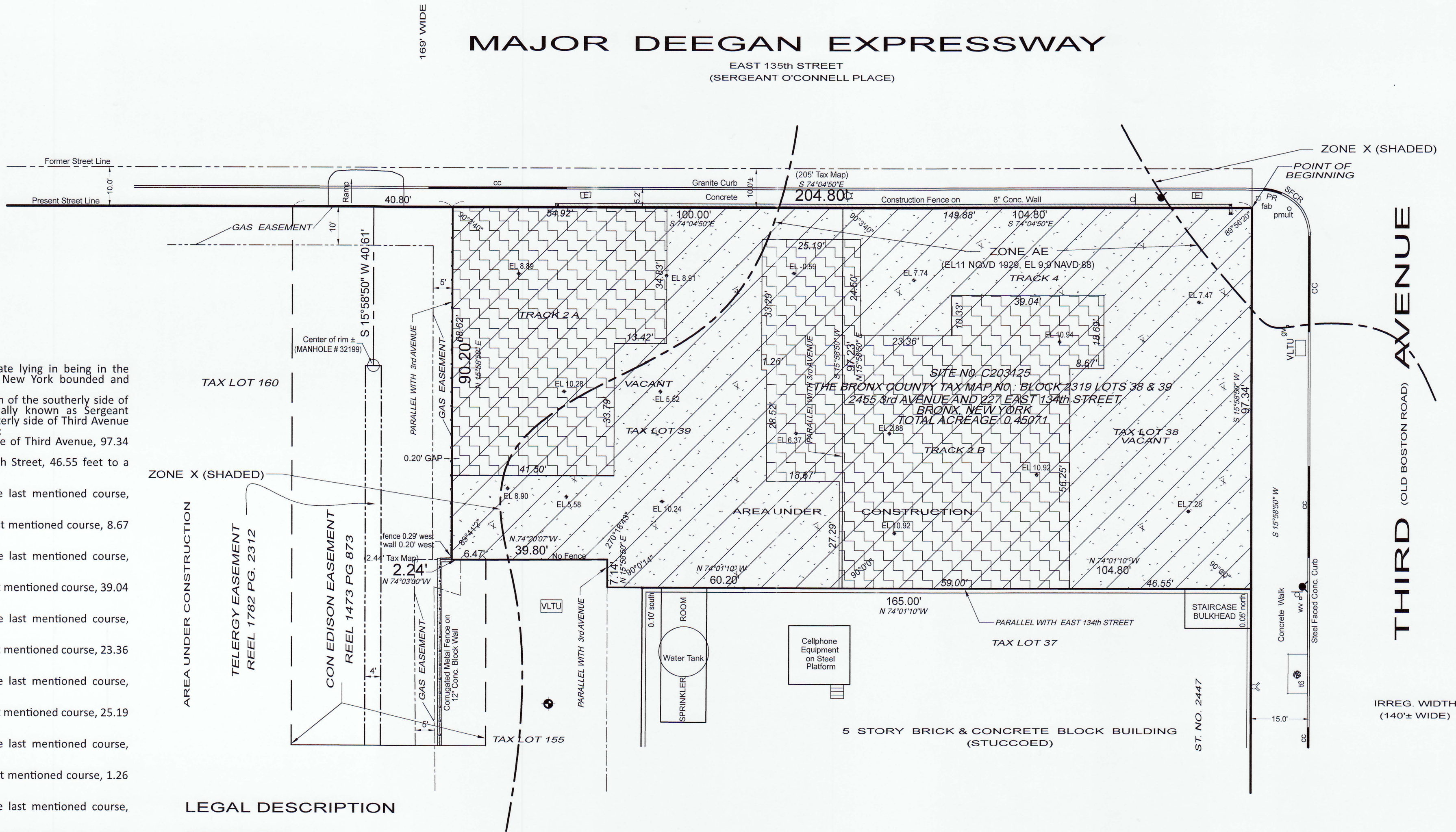
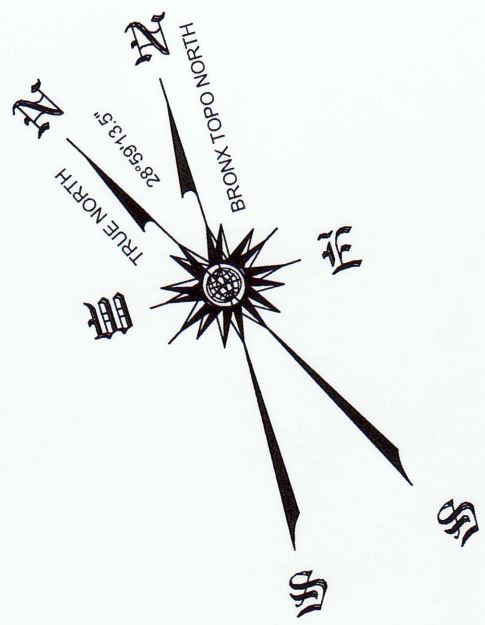
THENCE Easterly at right angles to the last mentioned course, 18.67 feet to a point;

THENCE Southerly at right angles to the last mentioned course, 27.29 feet to the southerly side of Tax Lot 38;

THENCE Easterly along said the southerly side of property line of Tax Lot 38, at right angles to the last mentioned course, 59.00 feet to the point or place of BEGINNING.

THE ABOVE DESCRIBED TRACK HAS AN AREA OF 5,612 SQ. FT. OR 0.12863 ACRE.

TITLE NO. ANY2019-4369C



LEGAL DESCRIPTION

BLOCK 2319 LOT 38:

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 being more particularly bounded and described as follows:

BEGINNING at the corner formed by the intersection of the southerly side of Major William F. Deegan Boulevard, formerly known as Sergeant O'Connell Place and East 135th Street as widened, with the westerly side of 3rd Avenue;

RUNNING THENCE Southerly along the westerly side of 3rd Avenue, 97.34 feet to a point;

THENCE Westerly at right angles to the westerly side of 3rd Avenue, 104.80 feet to a point;

THENCE Northerly and parallel with 3rd Avenue 97.23 feet to the Southerly side of Major William F. Deegan Boulevard;

THENCE Easterly along the Southerly side of Major William F. Deegan Boulevard as widened, 104.80 feet to the corner, the point or place of BEGINNING.

BLOCK 2319 LOT 39:

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 being more particularly bounded and described as follows:

BEGINNING at a point on the southerly side of Major Williams F. Deegan Boulevard being distant 104.80 feet westerly from the corner formed by the intersection of the southerly side of Major William F. Deegan Boulevard, formerly known as Sergeant O'Connell Place and East 135th Street as widened, with the westerly side of 3rd Avenue

THENCE Southerly and parallel with 3rd Avenue, 97.23 feet to a point;

THENCE Westerly at right angles to the last mentioned course, 60.20 feet to a point;

THENCE Northerly and parallel with 3rd Avenue 7.14 feet to a point;

THENCE North 74 degrees 20' 07" West, a distance of 39.80 feet to a point;

THENCE Northerly and parallel with 3rd Avenue 90.20 feet to the southerly side of Major William F. Deegan Boulevard

THENCE Easterly along said southerly side of Major William F. Deegan Boulevard 100.00 feet to the point or place of BEGINNING.

ENVIRONMENTAL EASEMENT DESCRIPTION

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 being more particularly bounded and described as follows:

BEGINNING at the corner formed by the intersection of the southerly side of Major William F. Deegan Boulevard, formerly known as Sergeant O'Connell Place and East 135th Street as widened, with the westerly side of 3rd Avenue;

RUNNING THENCE Southerly along the westerly side of 3rd Avenue 97.34 feet;

THENCE North 74 degrees 01' 10" West, a distance of 165 feet to a point;

THENCE North 15 degrees 58' 50" East, a distance of 7.14 feet to a point;

THENCE North 74 degrees 20' 07" West, a distance of 39.80 feet to a point;

THENCE North 15 degrees 58' 50" East, a distance of 90.20 feet to the southerly side of Major William F. Deegan Boulevard;

THENCE Easterly along the Southerly side of Major William F. Deegan Boulevard as widened, 204.80 feet to the corner, the point or place of BEGINNING.

THE ABOVE DESCRIBED EASEMENT HAS AN AREA OF 19,633 SQ. FT. OR 0.45071 ACRE.

GENERAL NOTE:

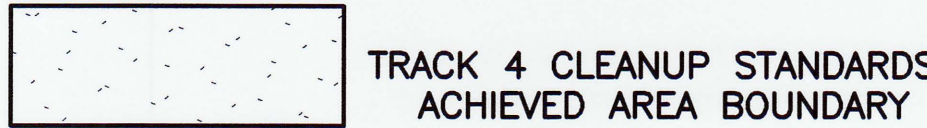
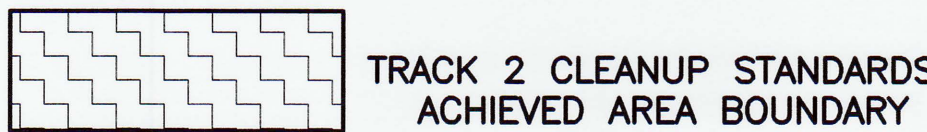
ELEVATIONS AND ESTABLISHED GRADES SHOWN HEREON REFER TO NAVD 1988 WHICH IS 1.508 FEET BELOW THE BRONX TOPOGRAPHICAL BUREAU DATUM.

FLOOD HAZARD NOTE

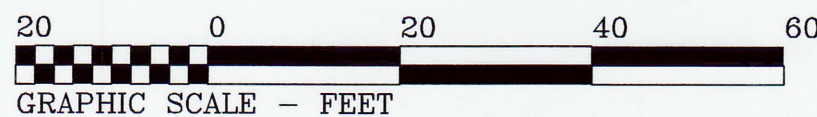
THE PARCEL SURVEYED IS COMPRISED OF AREAS DESIGNATED AS ZONE X (SHADED) (AREA BETWEEN 0.2% & 1% CHANCE OF FLOODING) ZONE AE (EL 11 NAVD 1929, EL 9.9 NAVD 88) FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBERS 360497 0081 F EFFECTIVE DATE SEPTEMBER 5, 2007

PRELIMINARY FLOOD HAZARD NOTE

THE PARCEL SURVEYED IS COMPRISED OF AREAS DESIGNATED AS ZONE AE (EL 11 NAVD 1988) ZONE X(SHADED) (BETWEEN 0.2%-1.0% CHANCE OF FLOODING) FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBERS 360497 0081 G EFFECTIVE DATE JANUARY 30, 2015



ENVIRONMENTAL EASEMENT AREA ACCESS
THE DEC OR THEIR AGENT MAY ACCESS THE ENVIRONMENTAL EASEMENT AREA AS SHOWN HEREON THROUGH ANY EXISTING STREET ACCESS OR BUILDING INGRESS/EGRESS ACCESS POINT.



DRAWN: J.R.

ESTABLISHED 1876 * SUCCESSOR TO:
B.G. MENKHEIM C.S.*C.U. POWELL C.E.C.S.*L.C.L. SMITH C.S.*NATHAN CAMPBELL C.E.C.S.*A.U. WHITSON C.E.C.S.*
WILLIAM L. SAVACOD C.E.L.S.C.S.*A.U. WHITSON INC. C.E.C.S.*G. WEBER L.S.C.S.*C. STODOLPH R.A.L.S.*WHITSON &
POWELL INC. P.E.L.S.C.S.*KELLER & POWELL P.E.L.S.C.S.*LOUIS MONTOSE C.E.L.S.C.S.*FRED J. POWELL P.E.L.S.C.S.*

REV	DATE	DESCRIPTION	ck	REV	DATE	DESCRIPTION	ck
				05-10-22	ENVIRONMENTAL EASEMENT SURVEY		
				A	—	REVISED	
				B	—	TRACK 4 DESCRIPTION ADDED	

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 203 OF THE NEW YORK STATE EDUCATION LAW
ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S PRINTED SEAL OR HIS ELECTRONIC SEAL SHALL BE CONSIDERED TO BE TRUE AND CORRECT
CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED AND OR HIS HEIR OR TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

MONTROSE
SURVEYING CO., LLP.
CITY & LAND SURVEYORS
116 20 METROPOLITAN AVE • RICHMOND HILL NY 11418-1090 • (718) 849-0600



CITY OF NEW YORK
COUNTY THE BRONX
TAX BLOCK 2319
TAX LOTS 38 & 39
SCALE: 1" = 20'

NOTICE OF CERTIFICATE OF COMPLETION

Brownfield Cleanup Program

6 NYCRR Part 375-1.9(d)

2455 Third Avenue, Site ID No. C203125

2455 Third Avenue, Bronx, NY 10451

Bronx, Bronx County, Tax Map Identification Numbers: 2319-38, 2319-39

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 E 135 and 3rd Ave Owner LLC for a parcel approximately 0.451 acres located at 2455 Third 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, 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 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 2022000446678.

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 limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

2455 Third Avenue, C203125
2455 Third Avenue, Bronx, NY 10451

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/C203125>.

WHEREFORE, the undersigned has signed this Notice of Certificate

E 135 and 3rd Ave 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:
Evan Kashanian
E 135 and 3rd Ave Owner LLC
c/o Artimus
316 West 118th Street
New York, NY 10026

Feb. 2022



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/13/2022



SITE DESCRIPTION

SITE NO. C203125

SITE NAME 2455 Third Avenue

SITE ADDRESS: 2455 Third Avenue **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: 04/30/2024

Description of Institutional Control

E 135 and 3rd Ave Owner LLC

2447 Third Avenue

2455 Third Avenue

Environmental Easement

Block: 2319

Lot: 38

Sublot:

Section:

Subsection:

S_B_L Image: 2319-38

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Site Management Plan

2457 Third Avenue

Environmental Easement

Block: 2319

Lot: 39

Sublot:

Section:

Subsection:

S_B_L Image: 2319-39

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Site Management Plan

Description of Engineering Control

E 135 and 3rd Ave Owner LLC

2447 Third Avenue

2455 Third Avenue

Environmental Easement

Block: 2319

Lot: 38

Sublot:

Section:

Subsection:

S_B_L Image: 2319-38

Cover System

2457 Third Avenue

Environmental Easement

Block: 2319

Lot: 39

Sublot:

Section:

Subsection:

S_B_L Image: 2319-39

Cover System