

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 16, 2022

Terence Mallon
RXR 2413 Third Owner LLC
625 RXR Plaza
Uniondale, NY 11556

Re: Certificate of Completion
2413 Third Avenue
Bronx, Bronx County
C203137

Dear Terence Mallon:

Congratulations on having satisfactorily completed the remedial program at the *2413 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:

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



- Provide the Notice of Certificate of Completion to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days.

If you have any questions, please do not hesitate to contact Meghan Medwid the Department's project manager, at (518) 402-8610.

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, scarlett.mclaughlin@health.ny.gov
A. Perretta – NYSDOH, anthony.perretta@health.ny.gov
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

M. Medwid, J. O'Connell, H. Dudek, G. Burke, L. Schmidt, K. Lewandowski

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

RXR 2413 Third Owner LLC

Address

75 Rockefeller Plaza, Suite 1500, New York, NY 10019

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 7/29/20 **Agreement Execution:** 8/11/20

Agreement Index No.: C203137-07-20

Application Approval Amendment: 6/22/21

Agreement Execution Amendment: 6/22/21

SITE INFORMATION:

Site No.: C203137 **Site Name:** 2413 Third Avenue

Site Owner: RXR 2413 Third Owner LLC

Street Address: 2413 Third Avenue

Municipality: Bronx **County:** Bronx

DEC Region: 2

Site Size: 0.563 Acres

Tax Map Identification Number(s): 2319 p/o 109

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; or
- (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: Andrew Guglielmi Date: 12/16/2022

Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A
Site Description

SCHEDULE A

BCP Site Boundary (Block 2319, Portion of Lot 109):

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 a point on the westerly side of Third Avenue, distant 276.13 feet southerly from the corner formed by the intersection of said westerly side of Third Avenue with the southerly side of East 134th Street;

RUNNING THENCE Westerly at right angles to said westerly side of Third Avenue, 88 feet; THENCE Northerly parallel with Third Avenue, 50 feet;

THENCE Westerly at right angles to Third Avenue, 13.40 feet;

THENCE Northerly parallel with Third Avenue, 29.13 feet to the southerly line of land now or formerly of Abram Fremer; THENCE Westerly at right angles to the last course and along said land of Abram Fremer, 94.60 feet;

THENCE Southerly parallel with Third Avenue, 23.34 feet;

THENCE Westerly along a line which forms an angle of 89 degrees 36 minutes on its northerly side with the last mentioned course and part of the way through a party wall, 203.61 feet to the easterly side of Mott Haven Canal;

THENCE Southerly along said easterly side of Mott Haven Canal, 29.37 feet;

THENCE Easterly along a line which forms an angle of 89 degrees 50 minutes 30 seconds on its southerly side with the last course, 101.70 feet (101.17 feet per survey);

THENCE Southerly along a line which forms an angle of 89 degrees 45 minutes 50 seconds on its westerly side with the last course, .35 of a foot;

THENCE Easterly at right angles to the last course, 107.35 feet;

TEHNCE Southerly along a line which forms angle of 90 degrees 02 minutes 50 seconds on its westerly side with the last course 82.32 feet;

THENCE Easterly along a line which forms an angle of 89 degrees 44 minutes 10 seconds on its northerly side with the last course 53.28 feet;

THENCE Northerly, parallel with Third Avenue, .34 feet;

THENCE Easterly at right angles to Third Avenue, 138.15 feet to said westerly side of Third Avenue; THENCE Northerly along said westerly side of Third Avenue, 55.20 feet to the point or place of BEGINNING.

Exhibit B

Site Survey

EAST 135TH STREET

(VARIABLE WIDTH - PUBLIC)
(A.K.A. MAJOR BRUCKNER BOULEVARD)
(A.K.A. INTERSTATE ROUTE 87)
(TITLE VESTED SEPTEMBER 1, 1896)

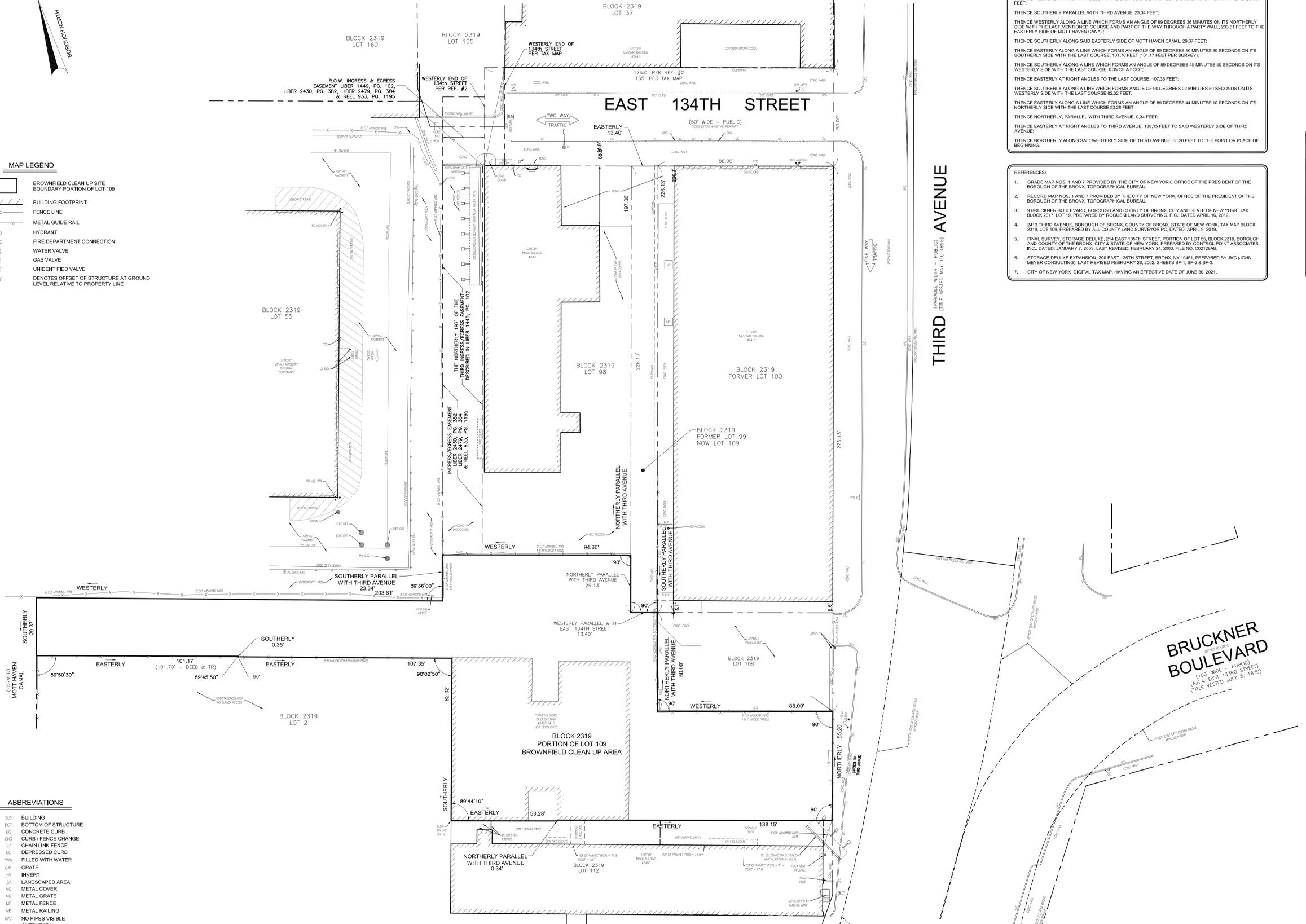


PORTION OF LOT 109, BLOCK 2319 (BROWNFIELD CLEAN UP AREA):
ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH AND COUNTY OF THE BRONX, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE WESTERLY SIDE OF THIRD AVENUE, DISTANT 276.13 FEET SOUTHERLY FROM THE CORNER FORMED BY THE INTERSECTION OF SAID WESTERLY SIDE OF THIRD AVENUE WITH THE SOUTHERLY SIDE OF EAST 134TH STREET;
RUNNING THENCE WESTERLY AT RIGHT ANGLES TO SAID WESTERLY SIDE OF THIRD AVENUE, 88 FEET;
THENCE NORTHERLY PARALLEL WITH THIRD AVENUE, 50 FEET;
THENCE WESTERLY AT RIGHT ANGLES TO THIRD AVENUE, 13.40 FEET;
THENCE NORTHERLY PARALLEL WITH THIRD AVENUE, 29.13 FEET TO THE SOUTHERLY LINE OF LAND NOW OR FORMERLY OF ABRAM FREMER;
THENCE WESTERLY AT RIGHT ANGLES TO THE LAST COURSE AND ALONG SAID LAND OF ABRAM FREMER, 94.60 FEET;
THENCE SOUTHERLY PARALLEL WITH THIRD AVENUE, 23.34 FEET;
THENCE WESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 89 DEGREES 36 MINUTES ON ITS NORTHERLY SIDE WITH THE LAST MENTIONED COURSE AND PART OF THE WAY THROUGH A PARTY WALL, 203.61 FEET TO THE EASTERLY SIDE OF MOTT HAVEN CANAL;
THENCE SOUTHERLY ALONG SAID EASTERLY SIDE OF MOTT HAVEN CANAL, 29.37 FEET;
THENCE EASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 89 DEGREES 50 MINUTES 30 SECONDS ON ITS SOUTHERLY SIDE WITH THE LAST COURSE, 101.70 FEET (101.71 FEET PER SURVEY);
THENCE SOUTHERLY ALONG SAID EASTERLY SIDE OF MOTT HAVEN CANAL, 29.37 FEET;
THENCE WESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 89 DEGREES 02 MINUTES 50 SECONDS ON ITS WESTERLY SIDE WITH THE LAST COURSE 82.22 FEET;
THENCE EASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 89 DEGREES 44 MINUTES 10 SECONDS ON ITS NORTHERLY SIDE WITH THE LAST COURSE 53.28 FEET;
THENCE NORTHERLY, PARALLEL WITH THIRD AVENUE, 0.34 FEET;
THENCE EASTERLY AT RIGHT ANGLES TO THIRD AVENUE, 138.15 FEET TO SAID WESTERLY SIDE OF THIRD AVENUE;
THENCE NORTHERLY ALONG SAID WESTERLY SIDE OF THIRD AVENUE, 55.20 FEET TO THE POINT OR PLACE OF BEGINNING.

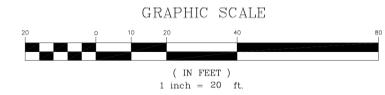
- REFERENCES:**
- GRADE MAP NOS. 1 AND 7 PROVIDED BY THE CITY OF NEW YORK, OFFICE OF THE PRESIDENT OF THE BOROUGH OF THE BRONX, TOPOGRAPHICAL BUREAU.
 - RECORD MAP NOS. 1 AND 7 PROVIDED BY THE CITY OF NEW YORK, OFFICE OF THE PRESIDENT OF THE BOROUGH OF THE BRONX, TOPOGRAPHICAL BUREAU.
 - 9 BRUCKNER BOULEVARD, BOROUGH AND COUNTY OF BRONX, CITY AND STATE OF NEW YORK, TAX MAP BLOCK 2317, LOT 19, PREPARED BY ROGUSKI LAND SURVEYING, P.C., DATED APRIL 16, 2019.
 - 2413 THIRD AVENUE, BOROUGH OF BRONX, COUNTY OF BRONX, STATE OF NEW YORK, TAX MAP BLOCK 2319, LOT 109, PREPARED BY ALL COUNTY LAND SURVEYOR PC, DATED APRIL 8, 2019.
 - FINAL SURVEY, STORAGE DELUXE, 214 EAST 135TH STREET, PORTION OF LOTS 5, BLOCK 2319, BOROUGH AND COUNTY OF THE BRONX, CITY & STATE OF NEW YORK, PREPARED BY CONTROL POINT ASSOCIATES, INC., DATED JANUARY 7, 2003, LAST REVISED FEBRUARY 24, 2003, FILE NO. C02128AB.
 - STORAGE DELUXE EXPANSION, 200 EAST 130TH STREET, BRONX, NY 10451, PREPARED BY JMC JOHN MEYER CONSULTING, LAST REVISED FEBRUARY 20, 2002, SHEETS SP-1, SP-2 & SP-3.
 - CITY OF NEW YORK DIGITAL TAX MAP, HAVING AN EFFECTIVE DATE OF JUNE 30, 2021.

- NOTES:**
- AREA OF PORTION OF LOT 109, BLOCK 2319: 24,523 S.F. OR 0.5630 AC.
 - THE LOCATION OF UNDERGROUND UTILITIES HAVE NOT BEEN SHOWN, BEFORE ANY EXCAVATION IS TO BEGAIN. ALL UNDERGROUND UTILITIES SHOULD BE VERIFIED AS TO THEIR LOCATION, SIZE AND TYPE BY THE PROPER UTILITY COMPANIES.
 - THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT AND IS SUBJECT TO THE COVENANTS, RESTRICTIONS AND EASEMENTS THAT MAY BE CONTAINED THEREIN.
 - BY GRAPHIC PLOTTING, PROPERTY IS LOCATED IN FLOOD HAZARD ZONE AE (BASE FLOOD ELEVATION 11 IN NAVD 88) - CONVERTS TO ELEVATION 10 IN NAVD 88) PER NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP NO. 380497001F, EFFECTIVE DATE SEPTEMBER 5, 2007, OBTAINED FROM FEMA NFHL WEB SERVICE ON JULY 22, 2019. BE ADVISED THAT FEMA HAS POSTED A PRELIMINARY MAP FOR THIS AREA AND SHOWS THE PROPERTY LOCATED IN FLOOD HAZARD ZONE AE (BASE FLOOD ELEVATION 11 IN NAVD 88), MAP NUMBER 380497001G, DATED JANUARY 30, 2015.
 - THERE WERE NO VISIBLE STREAMS OR NATURAL WATER COURSES IN THE PROPERTY AT THE TIME OF FIELD SURVEY.
 - THE LOCATION AND EXTENTS OF UNDERGROUND TANKS AND VALVES, IF ANY EXIST, HAVE NOT BEEN DETERMINED BY THE SURVEYORS.
 - SITE IS CURRENTLY UNDER CONSTRUCTION AND DOES NOT REPRESENT CURRENT CONDITIONS. ON SITE BUILDING SHOWN HEREON HAS BEEN DEMOLISHED AND IS SHOWN FOR REFERENCE PURPOSES ONLY.

- MAP LEGEND**
- BROWNFIELD CLEAN UP SITE
 - BOUNDARY PORTION OF LOT 109
 - BUILDING FOOTPRINT
 - FENCE LINE
 - METAL GUIDE RAIL
 - HYDRANT
 - FIRE DEPARTMENT CONNECTION
 - WATER VALVE
 - GAS VALVE
 - UNIDENTIFIED VALVE
 - DENOTES OFFSET OF STRUCTURE AT GROUND LEVEL RELATIVE TO PROPERTY LINE



- ABBREVIATIONS**
- BLD BUILDING
 - BSOT BOTTOM OF STRUCTURE
 - CC CONCRETE CURB
 - CF CURB/FENCE CHANGE
 - CLT CHAIN LINK FENCE
 - DC DEPRESSED CURB
 - FHW FILLED WITH WATER
 - GRG GRATE
 - INVERT INVERT
 - LSA LANDSCAPED AREA
 - MC METAL COVER
 - MG METAL GRATE
 - MF METAL FENCE
 - MR METAL RAILING
 - NPV NO PIPES VISIBLE
 - OH OVERHEAD
 - SI SEWER INFORMATION DERIVED FROM REFERENCE MAPPING
 - RD ROOF DRAIN
 - R255 METAL ROLL DOWN SECURITY GATE
 - REC RECESSED
 - SFC STEEL FACED CONCRETE CURB
 - TR TITLE REPORT
 - WAT WATER LEVEL



UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.

1	REVISE PER CLIENT COMMENTS	N.B.	12-06-2022
No.	DESCRIPTION OF REVISION	DRAWN	DATE

BOUNDARY SURVEY
PORTION OF LOT 109, BLOCK 2319
(FORMERLY KNOWN AS LOT 109, BLOCK 2319)
2413 THIRD AVENUE
BOROUGH AND COUNTY OF BRONX
CITY AND STATE OF NEW YORK

GALLAS SURVEYING GROUP
2865 U.S. ROUTE 1
NORTH BRUNSWICK, NJ 08902
TEL: 732-425-6700
FAX: 732-948-8796
www.gallasurvey.com

DATE	SCALE	DRAWN	CHECKED
09-08-2022	1"=20'	T.J.D.	G.S.G.

FIELD DATE	FIELD BOOK	PAGE	FIELD CREW
7-16-19, 5-07-20, 4-15-21	117	74	M.S.G.S. M.S.K.C.

FILE NO: **G19154** DRAWING NAME/SHEET NO: **G19154-BND.DWG 1 OF 1**

NOT VALID UNLESS APPROVED WITH RAISED SEAL OR INK SEAL

GREGORY S. GALLAS
NEW YORK PROFESSIONAL LAND SURVEYOR #50124

DATE: 12-06-2022

2413 Third Avenue, C203137
2413 Third Avenue, Bronx, NY, 10451

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

2413 Third Avenue, Site ID No. C203137
2413 Third Avenue, Bronx, NY 10451
New York City, Bronx County, Tax Map Identification Number: 2319 p/o109

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 RXR 2413 Third Owner LLC for a parcel approximately 0.563 acres located at 2413 Third Avenue in 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.

**2413 Third Avenue, C203137
2413 Third Avenue, Bronx, NY, 10451**

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/C203137/>.

WHEREFORE, the undersigned has signed this Notice of Certificate

Todd Rechler
RXR 2413 Third 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:
RXR 2413 Third Owner LLC
75 Rockefeller Plaza, Suite 1500,
New York, NY 10019

Feb. 2022