

**NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)**  
**CERTIFICATE OF COMPLETION**

**CERTIFICATE HOLDER(S):**

<b>Name</b>	<b>Address</b>
Whitlock Point LLC	5959 Broadway, Suite 3, Bronx, NY 10463
Whitlock Point Services LLC	5959 Broadway, Suite 3, Bronx, NY 10463

**BROWNFIELD CLEANUP AGREEMENT:**

Application Approval: 9/22/21    Agreement Execution: 10/21/21

Agreement Index No.:C203148-09-21

Application Amendment Approval: 8/2/23

Agreement Amendment Execution: 8/2/23

Application Amendment Approval: 10/26/23

Agreement Amendment Execution: 10/26/23

**SITE INFORMATION:**

Site No.: C203148    Site Name: Sonero Metro City Auto Site

Site Owner: HP Whitlock Housing Development Fund Company, Inc.

Whitlock Point LLC

Street Address: 1001 Whitlock Avenue

Municipality: Bronx    County: Bronx    DEC Region: 2

Site Size: 0.731 Acres

Tax Map Identification Number(s): p/o 2756-85

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 0.694-acre area** - See Exhibits A and B

**Allowable Uses under the BCP:** Unrestricted, Residential, Restricted Residential, Commercial, and Industrial  
**Cleanup Track:** Conditional Track 1: Unrestricted use, provided that the remedial goals for soil vapor intrusion are achieved within five years of the date of the Certificate. If those goals are not achieved within five years, this Certificate shall be modified to a Track 2 Residential cleanup.

**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.

**For a 0.037-acre area** - See Exhibits A and B

**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%), if the site is located in a disadvantaged community and not located in an EnZone (5%), if the site is developed as a renewable energy facility site (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 City Register File No. 2023000319313.

#### **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 finding any of the following:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos  
Commissioner  
New York State Department of Environmental Conservation

By: Andrew Guglielmi Date: 12/26/2023

Andrew O. Guglielmi, Director  
Division of Environmental Remediation

**Exhibit A**

**Site Description**

Brownfield Cleanup Program Site C203148 – portion of Lot 85

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 which property is bounded and described as follows:

BEGINNING at a point on the northwesterly side of Whitlock Avenue distant 203.78 feet southwesterly from the corner formed by the intersection of the northwesterly side of Whitlock Avenue (80 feet wide) and the southerly side of East 165th Street (60 feet wide);

RUNNING THENCE westerly at right angles to Whitlock Avenue, 126.72 feet;

THENCE in a general southerly direction along a line forming an interior angle of 79 degrees 24 minutes 10.3 seconds with the last-mentioned course, 28.30 feet;

THENCE in a general Easterly forming an interior angle of 90 degrees 03 minutes 21 seconds with the last-mentioned course, 7.48 feet;

THENCE in a general southerly direction along a line forming an interior angle of 270 degrees 05 minutes 09 seconds with the last-mentioned course, 350.96 feet;

THENCE in a general westerly forming an interior angle of 269 degrees 51 minutes 29 seconds with the last-mentioned course, 6.60 feet;

THENCE in a general southerly direction along a line forming an interior angle of 90 degrees with the last-mentioned course, 87.47 feet;

THENCE along northwesterly and southwesterly sides of Whitlock Avenue in a general northeasterly direction along a curve having a radius of 1150.00 feet a distance of 307.55 to a point;

THENCE along Westerly side of Whitlock Avenue 154.89 feet to the POINT OR PLACE OF BEGINNING

Acreage 0.731

Conditional Track 1 Area Legal Description

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 which property is bounded and described as follows:

BEGINNING at a point on the northwesterly side of Whitlock Avenue distant 203.78 feet southwesterly from the corner formed by the intersection of the northwesterly side of Whitlock Avenue (80 feet wide) and the Southerly side of East 165th Street (60 feet wide);

RUNNING THENCE westerly at right angles to Whitlock Avenue, 126.72 feet;

THENCE in a general southerly direction along a line forming an interior angle of 79 degrees 24 minutes 10.3 seconds with the last-mentioned course, 28.30 feet;

THENCE in a general Easterly forming an interior angle of 90 degrees 03 minutes 21 seconds with the last-mentioned course, 7.48 feet;

THENCE in a general southerly direction along a line forming an interior angle of 270 degrees 05 minutes 09 seconds with the last-mentioned course, 350.96 feet;

THENCE in a general Westerly forming an interior angle of 269 degrees 51 minutes 29 seconds with the last-mentioned course, 6.60 feet;

THENCE in a general southerly direction along a line forming an interior angle of 90 degrees with the last-mentioned course, 2.57 feet;

THENCE in a general Easterly direction along a line forming an interior angle of 88 degrees 47 minutes 51 seconds with the last-mentioned course, 15.11 feet;

THENCE in a general Easterly direction along a line forming an interior angle of 184 degrees 29 minutes 05 seconds with the last-mentioned course, 21.70 feet;

THENCE along northwesterly and southwesterly sides of Whitlock Avenue in a general northeasterly direction along a curve having a radius of 1150.00 feet a distance of 215.84 to a point;

THENCE along Westerly side of Whitlock Avenue 154.89 feet to the POINT OR PLACE OF BEGINNING

Acreage: 0.694

Track 2 Area Legal Description

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 which property is bounded and described as follows:

BEGINNING at a point on the northwesterly side of Whitlock Avenue distant 574.51 feet southwesterly from the corner formed by the intersection of the northwesterly side of Whitlock Avenue (80 feet wide) and the Southerly side of East 165th Street (60 feet wide);

RUNNING THENCE in a general Westerly direction, 21.7 feet;

THENCE in a general Westerly direction along a line forming an interior angle of 175 degrees 30 minutes 55 seconds with the last-mentioned course, 15.11 feet;

THENCE in a general southerly direction along a line forming an interior angle of 91 degrees 12 minutes 09 seconds with the last-mentioned course, 84.9 feet;

THENCE along northwesterly and southwesterly sides of Whitlock Avenue in a general northeasterly direction along a curve having a radius of 1150.00 feet a distance of 91.71 to the POINT OR PLACE OF BEGINNING

Acreage: 0.037

**Exhibit B**

**Site Survey**



**NOTICE OF CERTIFICATE OF COMPLETION**

**Brownfield Cleanup Program  
6 NYCRR Part 375-1.9(d)**

**Sonero Metro City Auto Site, Site ID No. C203148**

**1001 Whitlock Avenue, Bronx, NY 10459**

**Bronx, Bronx County, Tax Map Identification Number: p/o 2756- 85**

**PLEASE TAKE NOTICE**, the New York State Department of Environmental Conservation (NYSDEC) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to Whitlock Point LLC and Whitlock Point Services LLC for a parcel approximately 0.731 acres located at 1001 Whitlock Avenue in Bronx, Bronx County.

**PLEASE TAKE NOTICE**, the Certificate was issued upon satisfaction of the Commissioner, following review by NYSDEC 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 0.694-acre portion of 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 remedial program for a 0.037-acre portion of 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.

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 NYSDEC 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 City Register File No. 2023000319313.

**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

**Sonero Metro City Auto Site, C203148  
1001 Whitlock Avenue, Bronx, NY 10459**

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 NYSDEC'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.

**PLEASE TAKE NOTICE**, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to NYSDEC 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 21<sup>st</sup> Street, Long Island City, NY 11101, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C203148>.

Sonero Metro City Auto Site, C203148  
1001 Whitlock Avenue, Bronx, NY 10459

WHEREFORE, the undersigned has signed this Notice of Certificate

HP Whitlock Housing Development Fund Company, Inc.

By: Jamie Otman

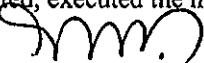
Title: President

Date: \_\_\_\_\_

STATE OF NEW YORK ) SS:

COUNTY OF New York

On the 3<sup>rd</sup> day of January, in the year 2024, before me, the undersigned, personally appeared Jamie A. Smarr, 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

MILEIKA BETHANCOURT  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01BE6220876  
Qualified in Kings County  
Commission Expires April 19, 2026

Sonero Metro City Auto Site, C203148  
1001 Whitlock Avenue, Bronx, NY 10459

WHEREFORE, the undersigned has signed this Notice of Certificate

Whitlock Point LLC

By: Mark Stagg  
Title: Mark Stagg  
Date: 12/26/2023

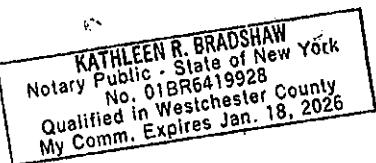
STATE OF NEW YORK ) SS:  
COUNTY OF Bronx )

On the 21 day of December, in the year 2023, before me, the undersigned, personally appeared Mark Stagg, 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:

Whitlock Point LLC  
Attn: Kathleen Bradshaw, Esq.  
5959 Broadway, Suite 3  
Bronx, NY 10463





NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
12/8/2023



**SITE DESCRIPTION**

**SITE NO.** C203148

**SITE NAME** Sonero Metro City Auto Site

**SITE ADDRESS:** 1001 Whitlock Avenue **ZIP CODE:** 10459

**CITY/TOWN:** Bronx

**COUNTY:** Bronx

**ALLOWABLE USE:** Multiple Uses Allowed

**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:** 04/30/2025

**Description of Institutional Control**

**HP Whitlock Housing Dev Fund Co, Inc.**

5959 Broadway, Suite 3  
**1001 Whitlock Avenue**  
Environmental Easement  
Block: 2756

Lot: p/o 85

Sublot:

Section:

Subsection:

S\_B\_L Image: p/o 2756-85  
Ground Water Use Restriction

IC/EC Plan

Monitoring Plan

O&M Plan

Site Management Plan

**Description of Engineering Control**

**HP Whitlock Housing Dev Fund Co, Inc.**

5959 Broadway, Suite 3

**1001 Whitlock Avenue**

Environmental Easement

Block: 2756

Lot: p/o 85

Sublot:

Section:

Subsection:

S\_B\_L Image: p/o 2756-85

Subsurface Barriers

Vapor Mitigation