

# 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](http://www.dec.ny.gov)

APR 19 2019

Anthony Bileddo  
AAA Sutter Realty LLC  
153-157 Seventh Street  
Garden City, NY 11530

Re: Certificate of Completion  
1199 Sutter Avenue  
Brooklyn, Kings County  
Site No. C224141

Dear Mr. Bileddo:

Congratulations on having satisfactorily completed the remedial program at the 1199 Sutter Avenue. 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 a notice of the COC in the recording office for the county 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 a notice of the COC within 30 days of the date that you acquire the site. A copy of the recorded notice should be provided to the Department's project manager. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter. Please return the proof of recording to:

Chief, Site Control Section  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-7020



Department of  
Environmental  
Conservation

- Provide the notice of the COC 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;
- 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 in August 2020.

If you have any questions regarding any of these items, please contact Michael MacCabe at 518-402-9687 or [michael.maccabe@dec.ny.gov](mailto:michael.maccabe@dec.ny.gov).

Sincerely,



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Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

ec w/ enclosure:

K. Vooris, NYSDOH

W. Kuehner, NYSDOH

Tracy Wall, EnviroTrac, [tracyw@envirotrac.com](mailto:tracyw@envirotrac.com)

Dale Konas, EnviroTrac, [dalek@envirotrac.com](mailto:dalek@envirotrac.com)

James Rigano, Rigano LLC, [jrigano@riganollc.com](mailto:jrigano@riganollc.com)

Matt Gokey, [matthew.gokey@tax.ny.gov](mailto:matthew.gokey@tax.ny.gov)

Paul Takac, [paul.takac@tax.ny.gov](mailto:paul.takac@tax.ny.gov)

ec w/o enc.:

M. MacCabe

G. Burke

J. O'Connell

K. Lewandowski

K. McCarthy, OGC

D. Tuohy, OGC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER:**

**Name**

AAA Sutter Realty LLC

**Address**

153-157 Seventh Street, Garden City, NY 11530

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 4/12/13   **Agreement Execution:** 6/12/13   **Agreement Index No.:** C224141-04-13

**Application Approval Amendment:** 11/21/18

**Agreement Execution Amendment:** 11/21/18

**SITE INFORMATION:**

**Site No.:** C224141   **Site Name:** 1199 Sutter Avenue

**Site Owner:** AAA Sutter Realty LLC

**Street Address:** 1199 - 1221 Sutter Avenue

**Municipality:** Brooklyn   **County:** Kings   **DEC Region:** 2

**Site Size:** 0.532 Acres

**Tax Map Identification Number:** 4248 - 1

**Percentage of site located in an EnZone:** 0 %

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:** Restricted-Residential, Commercial, and Industrial

**Cleanup Track:** Track 4: Restricted use with site-specific soil cleanup objectives

**Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28 %.

Tangible Property Credit Component Rate is 12 %.

**Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28 %.

Tangible Property Credit Component Rate is 10 %.



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 Kings County as 2018000405070.

#### **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;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder (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:



Date:

4/19/19

Michael J. Ryan, P.E., Director  
Division of Environmental Remediation

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

1199 Sutter Avenue, Site ID No. C224141  
1199 - 1221 Sutter Avenue, Brooklyn, NY 11208  
Kings County, Tax Map Identification Number 4248 - 1

**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 AAA Sutter Realty LLC for a parcel of approximately 0.532 acres located at 1199 - 1221 Sutter Avenue in Brooklyn, Kings 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**, since 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 Kings County as 2018000405070.

**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.



**1199 Sutter Avenue, C224141, 1199 - 1221 Sutter Avenue**

**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 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 located at 1 Hunter's Point Plaza, 47-40 21st Street, Long Island City, NY 11101-5401, by contacting the Regional Environmental Remediation Engineer.

**WHEREFORE**, the undersigned has signed this Notice of Certificate

AAA Sutter Realty 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:**  
Anthony Bileddo  
AAA Sutter Realty LLC  
153-157 Seventh Street  
Garden City, NY 11530

**Exhibit A**

**Site Description**

**ENVIRONMENTAL EASEMENT AREA DESCRIPTION**  
**D.E.C. SITE NUMBER C224141**

BLOCK 4248, LOT 1  
BOROUGH OF BROOKLYN  
KINGS COUNTY, NEW YORK

BEGINNING AT A POINT, SAID POINT BEING THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SUTTER AVENUE (75 FOOT WIDE RIGHT-OF-WAY) WITH THE EASTERLY RIGHT-OF-WAY OF CRYSTAL STREET (60 FOOT WIDE RIGHT-OF-WAY), AND RUNNING, THENCE;

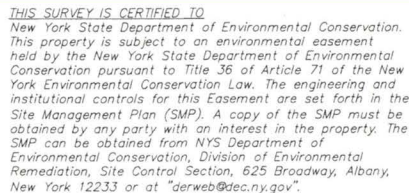
1. ALONG SAID EASTERLY RIGHT-OF-WAY LINE, NORTH  $10^{\circ}43'32''$  WEST A DISTANCE OF 120.58 FEET TO A POINT, THENCE;
2. LEAVING SAID RIGHT-OF-WAY LINE, ALONG THE NORTHERLY LINE OF LOT 1 NORTH  $66^{\circ}44'39''$  EAST, A DISTANCE OF 102.44 FEET TO A POINT, THENCE;
3. ALONG THE WESTERLY LINE OF LOT 36, SOUTH  $10^{\circ}43'32''$  EAST, A DISTANCE OF 42.81 FEET TO A POINT, THENCE;
4. ALONG THE NORTHERLY LINE OF LOT 1, NORTH  $79^{\circ}16'28''$  EAST, A DISTANCE OF 100.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CHESTNUT STREET (60 FOOT WIDE RIGHT-OF-WAY), THENCE;
5. ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF CHESTNUT STREET, SOUTH  $10^{\circ}43'32''$  EAST, A DISTANCE OF 100.00 FEET TO A POINT OF INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF CHESTNUT STREET WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SUTTER AVENUE (75 FOOT WIDE RIGHT-OF-WAY), THENCE;
6. ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SUTTER AVENUE, SOUTH  $79^{\circ}16'28''$  WEST, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 23,169 SQUARE FEET OR 0.532 ACRES.



## **Exhibit B**

### **Site Survey**



THIS SURVEY IS CERTIFIED TO  
New York State Department of Environmental Conservation.  
This property is subject to an environmental easement  
held by the New York State Department of Environmental  
Conservation pursuant to Title 36 of Article 71 of the New  
York Environmental Conservation Law. The engineering and  
institutional controls for this Easement are set forth in the  
Site Management Plan (SMP). A copy of the SMP must be  
obtained and read to fully understand and interest in the property. The  
SMP can be obtained from NYS Department of  
Environmental Conservation, Division of Environmental  
Remediation, Site Control Section, 625 Broadway, Albany,  
New York 12233 or at "derweb@dec.ny.gov".

Diagram illustrating the track layout with alternating black and white segments. The segments are labeled with their lengths in feet: 6.10, 3.05, 6.10, and 12.20. Below the diagram, it states: (IN FEET) 1 inch = 20 ft. (IN METERS) 1 inch = 6.10 meters.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
4/2/2019



SITE DESCRIPTION

SITE NO. C224141

SITE NAME 1199 Sutter Avenue

SITE ADDRESS: 1199 - 1221 Sutter Avenue ZIP CODE: 11208

CITY/TOWN: Brooklyn

COUNTY: Kings

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Monitoring Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Periodic Review Frequency: once a year	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Periodic Review Report Submitted Date: 08/30/2020		

Description of Institutional Control

AAA Sutter Realty, LLC

153 - 157 Seventh Street

1199 Sutter Avenue

Environmental Easement

Block: 4248

Lot: 1

Sublot:

Section:

Subsection:

S\_B\_L Image: 4248 - 1

Ground Water Use Restriction

IC/EC Plan

Land use Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan



**Description of Engineering Control**

**AAA Sutter Realty, LLC**

153 - 157 Seventh Street

**1199 Sutter Avenue**

Environmental Easement

Block: 4248

Lot: 1

Sublot:

Section:

Subsection:

S\_B\_L Image: 4248 - 1

Air Sparging/Soil Vapor Extraction

Cover System

Vapor Mitigation