

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

May 20, 2021

Kent Riverview LLC
c/o Charles S. Warren, Esq.
Kramer Levin Naftalis & Frankel LLP
1177 Avenue of Americas
New York, NY 10036

Re: Certificate of Completion
Fyn Paint and Lacquer Co., Inc.
Kings County
Site No. C224154

Dear Mr. Warren:

Congratulations on having satisfactorily completed the remedial program at the Fyn Paint and Lacquer Co., Inc. 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:

Bryan Wong
New York State Department of Environmental Conservation



Department of
Environmental
Conservation

Division of Environmental Remediation
47-40 21st Street
Long Island City, NY 11101

- Provide the Notice of Certificate of Completion to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;
- 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 September 2022.

If you have any questions regarding any of these items, please contact Bryan Wong at 718-482-4905.

Sincerely,



Michael J. Ryan, P.E.
Director

Division of Environmental Remediation

ec w/ enclosure:

S. Groszkowski, sean.groszkowski@wsp.com
K. Heaphy, kheaphy@currierandco.com
M. Schweid, mischweid@gmail.com
C. Vooris – NYSDOH, Christine.Vooris@health.ny.gov
S. McLaughlin – NYSDOH, Scarlett.mclaughlin@health.ny.gov
R. Ockerby – NYSDOH, Renata.ockerby@health.ny.gov
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

B. Wong, J. O'Connell, G. Burke, R. Rusinko, J. Andaloro, K. Lewandowski

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Kent Riverview LLC

Address

1177 Avenue of the Americas, New York, NY 10036
c/o Kramer Levin Naftalis & Frankel LLP

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 2/25/15 **Agreement Execution:** 3/5/15

Agreement Index No.: C224154-02-15

Application Approval Amendment: 9/9/20

Agreement Execution Amendment: 9/9/20

Agreement Execution Amendment: 5/28/20

SITE INFORMATION:

Site No.: C224154 **Site Name:** Fyn Paint and Lacquer Co., Inc.

Site Owner: Kent Riverview LLC

Street Address: 230 Kent Avenue

Municipality: Brooklyn

County: Kings

DEC Region: 2

Site Size: 0.125 Acres

Tax Map Identification Number(s): 2362-1

Percentage of site located in an EnZone: 0 - 49 %

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:

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

Eligibility for Tangible Property Credit is available through: Upside-Down

Tangible Property Credit Component Rate is 10%. Comprised of 10% Base.

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 Kings County as 2019000376468.

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(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:  Date: May 20, 2021

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)

Fyn Paint and Lacquer Co., Inc., Site ID No. C224154
230 Kent Avenue, Brooklyn, NY 11249
Brooklyn, Kings County, Tax Map Identification Number: Block 2362 Lot 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 Kent Riverview LLC for a parcel approximately 0.125 acres located at 230 Kent Avenue in Brooklyn, NY 11249.

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.

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 2019000376468.

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.

**Fyn Paint and Lacquer Co., Inc., C224154
230 Kent Avenue, Brooklyn, NY 11249**

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/C224154>.

WHEREFORE, the undersigned has signed this Notice of Certificate

Kent Riverview 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:
Kent Riverview LLC
c/o Kramer Levin Naftalis & Frankel LLP
Attn. Charles S. Warren, Esq
1177 Avenue of Americas
New York, NY 10036

Exhibit A

Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

ALL THAT CERTAIN plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the westerly side of Kent Avenue (formerly 1st Street) with the northerly side of North 1st Street;

RUNNING THENCE westerly along the northerly side of North 1st Street, 100 feet 9 inches to the easterly side of River Street (formerly Water Street);

THENCE northerly along the easterly side of River Street, 57 feet 4 inches;

THENCE easterly 102 feet 3 inches to the westerly side of Kent Avenue; and

THENCE southerly along the westerly side of Kent Avenue, 50 feet 9 inches to the point or place of BEGINNING.

Containing an area of approximately 5,472 square feet or 0.12 acres more or less.

Exhibit B

Site Survey

FIELDWORK COMPLETED: December 03, 2019
& December 10, 2019

LEGAL DESCRIPTION
Block 2362, Lot 1
Deed Document ID. 2017102601029001

All that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

Beginning at the corner formed by the intersection of the westerly side of Kent Avenue (formerly 1st Street) with the northerly side of North 1st Street;

running thence westerly along the northerly side of North 1st Street, 100 feet 9 inches to the easterly side of River Street (formerly Water Street);

thence northerly along the easterly side of River Street, 57 feet 4 inches;

thence easterly, 102 feet 3 inches to the westerly side of Kent Avenue; and

thence southerly along the westerly side of Kent Avenue, 50 feet 9 inches to the point or place of Beginning.

Containing 0.125 Acres.

GENERAL NOTES:

Vertical Datum: NAVD88

To date, no Title Report or Abstract of Title has been provided. This survey is subject to a current, up to date Title Report.

Property corner monuments were not placed as part of this survey.

This map may not be used in connection with a "Survey Affidavit" or similar document, statement or mechanism to obtain title insurance for any subsequent or future grantees.

Unauthorized alteration or addition to this survey is a violation of Section 7209, subdivision 2 of the New York State Education Law.

The alteration of survey maps by anyone other than the original preparer is misleading, confusing and not in the general welfare and benefit of the public. Licensed Land Surveyors shall not alter survey maps, survey plans, or survey plats prepared by others.

Underground structures, if any exist, are not shown hereon, except as noted. The location of underground improvements or encroachments are not always known and often must be estimated. If underground improvements, easements, or encroachments exist and are neither visible during normal field survey operations nor described in instruments provided to this surveyor, they may not be shown on this map and are not certified.

Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. Said certifications shall run only to the person or entity for whom this survey was prepared and on their behalf to the title company, governmental agency and/or lending institution listed hereon, and to the assignees thereof.

Certifications are not transferable to additional lending institutions or subsequent owners.

This property may be affected by instruments which have not been provided to this surveyor. Users of this map should verify title with their attorney or a qualified title examiner.

Only copies from the original of this survey marked with the surveyor's embossed seal are genuine, true and correct copies of the surveyor's original work and opinion. A copy of this document without a proper application of the surveyor's embossed seal should be assumed to be an unauthorized copy.



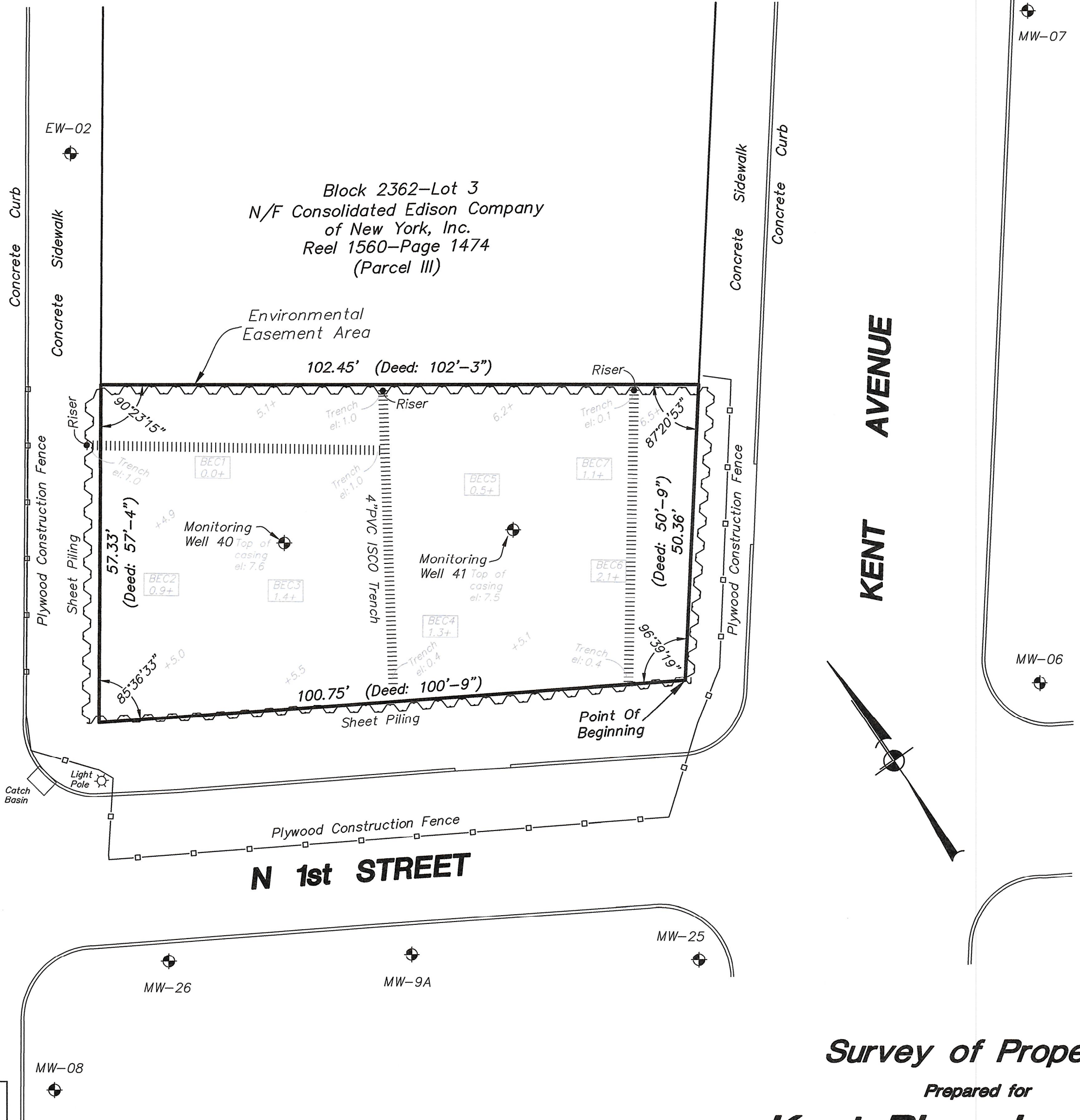
JEFFREY B. DeROSA, LS
New York State License No. 050749

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	LAT	LONG	ELEV
MW-40	40.717284	-73.965446	7.6
MW-41	40.717225	-73.965327	7.5
BEC1	40.717332	-73.965452	0.0
BEC2	40.717303	-73.965522	0.9
BEC3	40.717266	-73.965462	1.4
BEC4	40.717208	-73.965399	1.3
BEC5	40.717250	-73.965325	0.5
BEC6	40.717176	-73.965285	2.1
BEC7	40.717224	-73.965264	1.1

LEGEND	
	Catch Basin
	Light Pole
	Monitoring Well
	Wood Fence
	Steel Sheet Piling
	ISCO Trench & Pipe
	Spot Elevation (12/10/19)
	Bottom Endpoint Confirmation Elevation (12/03/19)

INSITE
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LANDSCAPE ARCHITECTURE, P.C.
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Carmel, NY 10512
(845) 225-9690
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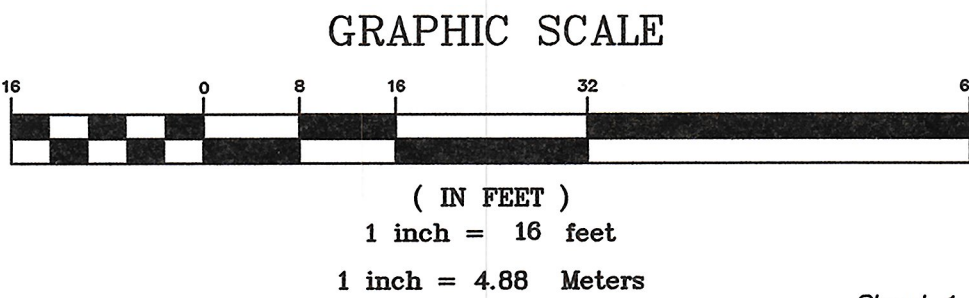
Block 2362-Lot 1
Deed Document ID: 2017102601029001
Area = 0.125 Acres (5,457 S.F.)

ENVIRONMENTAL EASEMENT NOTE:

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 by any party with an 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, NY 12233 or at "derweb@dec.ny.gov."

Survey of Property
Prepared for
Kent Riverview LLC
230 Kent Avenue
Borough of Brooklyn
Kings County, New York

Date: December 13, 2019 Scale 1" = 16'





NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
3/15/2021



SITE DESCRIPTION

SITE NO. C224154

SITE NAME Fyn Paint and Lacquer Co., Inc.

SITE ADDRESS: 230 Kent Avenue **ZIP CODE:** 11249

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 type="checkbox"/>
Monitoring Plan	■	<input type="checkbox"/>
Operation and Maintenance (O&M) Plan	■	<input type="checkbox"/>

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 09/31/2022

Description of Institutional Control

Kent Riverview LLC

Attn.: Charles S. Warren Esq., 1177 Avenue of the Americas

230 Kent Ave

Environmental Easement

Block: 2362

Lot: 1

Sublot:

Section:

Subsection:

S_B_L Image: 2362-1

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

Kent Riverview LLC

Attn.: Charles S. Warren Esq., 1177 Avenue of the Americas

230 Kent Ave

Environmental Easement

Block: 2362

Lot: 1

Sublot:

Section:

Subsection:

S_B_L Image: 2362-1

Cover System

Groundwater Treatment System

Monitoring Wells

Subsurface Barriers