

# 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 18 2016

871 Grand LLC  
Attn.: Joel Greenfield  
199 Lee Avenue No. 693  
Brooklyn, New York 11211

Re: Certificate of Completion  
Site Name: Former Scientific Fire Prevention Inc.  
Site No.: C224165  
Kings County

Dear Mr. Greenfield:

Congratulations on having satisfactorily completed the remedial program at the Former Scientific Fire Prevention Inc. Site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (DEC) 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 (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 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:

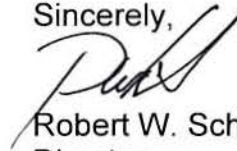
Chief, Site Control Section  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-7020

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. DEC 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 DEC-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 DEC 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 DEC in September 2017.

If you have any questions regarding any of these items, please contact the project manager for the site, James Drumm, at 518-402-9768.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

Enclosures

ec: Krista Anders, DOH  
Chris Doroski, DOH  
Larry Schnapf; [larry@schnapflaw.com](mailto:larry@schnapflaw.com)  
Charles Sosik; [csosik@ebcincny.com](mailto:csosik@ebcincny.com)  
Michael Ryan, DEC  
James Drumm, DEC  
Sally Dewes, DEC  
Robert Cozzy, DEC  
Jane O'Connell, DEC  
Jessica Steinberg-Albin, DEC  
Andrew Guglielmi, DEC

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

**CERTIFICATE HOLDER(S):**

**Name**

871 Grand LLC

**Address**

199 Lee Avenue No. 693, Brooklyn, NY 11211

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 11/13/12    **Agreement Execution:** 12/3/12    **Agreement Index** C224165-11-12

**Application Approval Amendment:** none

**Agreement Execution Amendment:** none

**SITE INFORMATION:**

**Site No.:** C224165    **Site Name:** Former Scientific Fire Prevention Inc

**Site Owner:** 871 Grand LLC

**Street Address:** 871 Grand Street

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

**Site Size:** 0.057 Acres

**Tax Map Identification Number(s):** 3-2922-41

**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:** Residential, Restricted-Residential, Commercial, and Industrial

**Cleanup Track:** Track 2: Restricted use with generic 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 40 %.

Tangible Property Credit Component Rate is 20 %.

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

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 40 %.

Tangible Property Credit Component Rate is 18 %.

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 2015000450324.

#### **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**

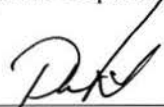
This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (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 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  
Acting Commissioner  
New York State Department of Environmental Conservation

By:

  
Robert W. Schick, P.E., Director  
Division of Environmental Remediation

Date: MAY 18, 2016

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

**Former Scientific Fire Prevention Inc., Site ID No. C224165**  
**871 Grand St., Brooklyn, NY, 11211**  
**Brooklyn, Kings County, Tax Map Identification Number(s) 3-2922-41**

**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 871 Grand LLC for a parcel approximately 0.057 acres located at 871 Grand Street 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.

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 2016000165859.

**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.

**Former Scientific Fire Prevention Inc. Site #C224165, 871 Grand Street**

**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**, 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 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**, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at DEC's Region 2 office located at One Hunters Point Plaza, 47-40 21st Street, Long Island City, by contacting the Regional Environmental Remediation Engineer.

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

871 Grand 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:**  
871 Grand LLC  
Attn: Joel Greenfield  
199 Lee Avenue No. 693  
Brooklyn, NY 11211



**871 Grand LLC**

5314 16th Avenue Box 236

**871 Grand Street**

Environmental Easement

Block: 2922

Lot: 41

Sublot:

Section: 3

Subsection:

S\_B\_L Image: 3-2922-41

Vapor Mitigation

**Exhibit A**  
**Site Description**

## AMENDMENT TO ENVIRONMENTAL EASEMENT

This Amendment to Environmental Easement is made as of this 4~~th~~ day of May 2016, by and between The People of the State of New York, acting through their Commissioner of the Department of Environmental Conservation ("NYSDEC" or the "Department") with its headquarters located at 625 Broadway, Albany, New York 12233, and 871 Grand LLC ("Grantor") with its offices located at 199 Lee Avenue, Brooklyn, New York 12233.

### RECITALS

1. The Department and Grantor entered into that certain Environmental Easement ("Easement Agreement") dated as of December 8, 2015 and recorded in the office of the City Registrar of the City of New York on December 17, 2015 as CFRN # 2015000450324. Capitalized terms used herein without definition have the meanings ascribed to them in the Environmental Easement Agreement.
2. Grantor is the owner of certain land known and designated on the tax map of the New York City Department of Finance as tax map parcel number: Block 2922 Lot 41, being the same as that property conveyed to Grantor by deed dated February 2, 2014 and recorded in the office of the City Registrar of the City of New York as CFRN # 2014000065515. The property comprises approximately 0.057 +/- acres.
3. Pursuant to Section 1, 2, 3, 4, and 5 of the Easement Agreement, Grantor granted the Department rights and interests that run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of the Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of maintenance, monitoring or operation requirements; and to ensure the potential restriction of future uses of the land that are inconsistent with the stated purpose.
4. Pursuant to Section 2 A of the Easement Agreement, the Controlled Property may only be used for Residential, Restricted-Residential, Commercial and Industrial uses described in 6 NYCRR §375-1.8(g) and may only be used consistent with controls set out in that Section 2 A of the Easement Agreement.
5. This Amendment to Environmental Easement is filed solely in order to correct a mutual mistake between the Department and Grantor relating to the inclusion of an erroneous legal description for the Controlled Property that was attached as Exhibit "A" to that Environmental Easement dated as of December 8, 2015 and recorded in the office of the City Registrar of the City of New York on December 17, 2015 as CFRN # 2015000450324. A copy of the erroneous description is attached hereto as Exhibit A.
6. Pursuant to Section 8 of the Easement Agreement, the Department agrees to amend the Easement Agreement in the manner prescribed by Article 9 of the Real Property Law.

## AMENDMENT OF ENVIRONMENTAL EASEMENT

- A. The above recitals are hereby incorporated into this Amendment of Environmental Easement.
- B. The Department and Grantor hereby agree that the metes and bounds description of the Controlled Property attached hereto as Exhibit "B" shall replace the original metes and bounds description attached to Exhibit "A" of the December 8, 2015 Environmental Easement.
- C. All other terms of the December 8, 2015 Environmental Easement shall remain in effect.
- D. This Amendment of Environmental Easement inures to and binds the parties hereto and their respective successors and assigns.
- E. This Amendment of Environmental Easement shall be governed by and interpreted in accordance with the laws of the State of New York.

IN WITNESS WHEREOF, Grantor has caused this Amendment to Environmental Easement to be signed in its name.

871 Grand LLC:

By: *Joel Goldman*

Print Name: Joel Goldman

Title: Manager Date: 5-3-16

**Grantor's Acknowledgment**

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF KINGS )

On the 3rd day of May, in the year 2016, before me, the undersigned, personally appeared Joel Goldman, 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.

\_\_\_\_\_  
Notary Public - State of New York

**JOEL GRUNFELD**  
Notary Public, State of New York  
No. 01-GR6191253  
Qualified in Kings County  
Commission Expires August 11, 2016

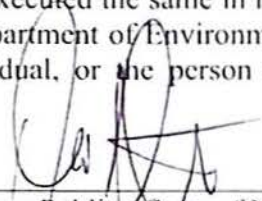
**THIS AMENDMENT OF THE ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,**

By:   
Robert W. Schick, Director  
Division of Environmental Remediation

**Grantee's Acknowledgment**

STATE OF NEW YORK    )  
                                  ) ss:  
COUNTY OF ALBANY    )

On the 4<sup>th</sup> day of May, in the year 2016, before me, the undersigned, personally appeared Robert W. Schick, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public - State of New York

**David J. Chiusano**  
**Notary Public, State of New York**  
**No. 01CH5032146**  
**Qualified in Schenectady County**  
**Commission Expires August 22, 2016**

**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 a point on the northerly side of Grand Street distant 150 feet westerly from the corner formed by the intersection of the northerly side of Grand Street with the westerly side of Olive Street;

RUNNING THENCE northerly, parallel with Olive Street, 100 feet;

THENCE westerly, parallel with Grand Street, 25 feet;

THENCE westerly, parallel with Olive Street, 100 feet to the northerly side of Grand Street; and

THENCE easterly along the northerly side of Grand Street, 25 feet to the point or place of BEGINNING.

Containing 0.057 acre more or less.

For information only: Address known as: 871 Grand Street, Brooklyn, NY  
Block: 2922 Lot: 41

**SCHEDULE "B" AMENDED DESCRIPTION OF CONTROLLED PROPERTY**

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 a point on the northerly side of Grand Street distant 150 feet westerly from the corner formed by the intersection of the northerly side of Grand Street with the westerly side of Olive Street;

RUNNING THENCE northerly, parallel with Olive Street, 100 feet;

THENCE westerly, parallel with Grand Street, 25 feet;

THENCE southerly, parallel with Olive Street, 100 feet to the northerly side of Grand Street; and

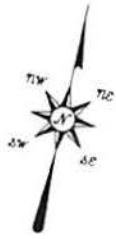
THENCE easterly along the northerly side of Grand Street, 25 feet to the point or place of BEGINNING.

For information only: Address known as: 871 Grand Street, Brooklyn, NY  
Block: 2922 Lot: 41

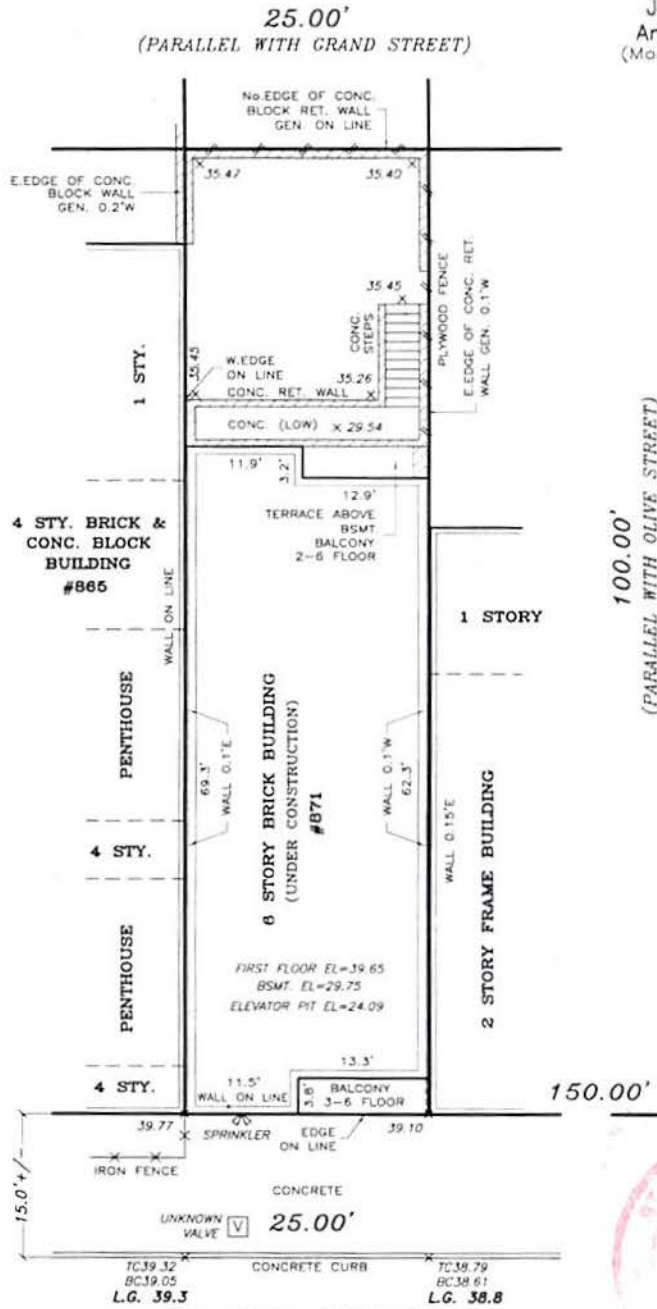
Containing 0.057 acre more or less.

**Exhibit B**  
**Site Survey**

Job No.: 14-36716E  
 Amended: 05/28/2014  
 (Monitoring marks shown)  
 07/15/2014  
 (Monitoring marks)  
 08/05/2014  
 (Stakeout)  
 11/25/2014  
 (Stakeout)  
 08/24/2015  
 (Final Survey)  
 11/23/2015  
 (Update)



100.00'  
 (PARALLEL WITH OLIVE STREET)



**NOTES:**

- 1) ELEVATIONS AND ESTABLISHED GRADES SHOWN HEREON REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88)
- 2) LEGAL GRADES SHOWN HEREON REFER TO THE TOP OF THE CURB TAKEN AT THE PROJECTION OF THE PROPERTY LINES.

**GRAND STREET**  
 (80' WIDE)

THE OFFSETS OR DIMENSIONS SHOWN FROM THE STRUCTURES TO THE PROPERTY LINES ARE FOR A SPECIFIC PURPOSE AND USE AND THEREFORE ARE NOT INTENDED TO GUIDE THE ERECTION OF FENCES, RETAINING WALLS, POOLS, PLANTING AREAS, ADDITIONS TO STRUCTURES AND ANY OTHER CONSTRUCTION.

THE EXISTENCE OF RIGHT OF WAYS AND/OR EASEMENTS OF RECORD, IF ANY, NOT SHOWN ARE NOT CERTIFIED.

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S INKED SEAL OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY.

CERTIFICATION INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF 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.

**LEONARD J. STRANDBERG AND ASSOCIATES,**  
 CONSULTING ENGINEERS AND LAND SURVEYORS, P.C.

32 SMITH STREET, FREEPORT, NY 11520  
 516-378-2064 • 212-213-4090 • FAX 516-378-6649

ONE EDGEWATER PLAZA, STATEN ISLAND, NY 10305  
 Suite 205 • 718-420-9693 • FAX 718-420-9673

SURVEY OF: Described Property  
 FILED MAP: N/A  
 LOCATED AT: Borough of Brooklyn, County of Kings, City and State of New York  
 TAX DESIG: Block: 2922, Lot: 41  
 DRAWN BY: AH/MV      CHECKED BY: AT

FINAL SURVEY  
 DATE: May 19, 2014  
 SCALE 1" = 15'  
 BY: *[Signature]*