

# 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

420 Kent Avenue LLC  
Charles Morisi  
c/o Spitzer Enterprises  
555 Madison Avenue  
New York, NY 10022

DEC 3 2018

Re: Certificate of Completion  
416 Kent Avenue, Brooklyn, Kings County,  
C224200

Dear Mr. Morisi:

Congratulations on having satisfactorily completed the remedial program at the 416 Kent 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 (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. 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 April 2020.

If you have any questions regarding any of these items, please contact Sarah Quandt at 518-402-9116.

Sincerely,



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

ec w/ enclosure:

C. Leas, [cleas@sprlaw.com](mailto:cleas@sprlaw.com)  
M. Raygorodetsky, [mraygorodetsky@langan.com](mailto:mraygorodetsky@langan.com)  
C. Vooris – NYSDOH  
J. Kenney – NYSDOH  
Matt Gokey, [matthew.gokey@tax.ny.gov](mailto:matthew.gokey@tax.ny.gov)  
Matt Culotti, [matthew.culotti@tax.ny.gov](mailto:matthew.culotti@tax.ny.gov)

ec w/o enc.:

S. Quandt  
J. Brown  
G. Burke  
J. O'Connell  
D. Tuohy  
P. Foster  
B. Anderson  
J. Andaloro

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

**CERTIFICATE HOLDER(S):**

**Name**

420 Kent Avenue LLC

**Address**

c/o Spitzer Enterprises, 555 Madison Ave, New York, NY 10022

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 2/5/15    **Agreement Execution:** 2/11/15    **Agreement Index No.:** C224200-02-15

**Application Approval Amendment:** none

**Agreement Execution Amendment:** none

**SITE INFORMATION:**

**Site No.:** C224200    **Site Name:** 416 Kent Avenue

**Site Owner:** 420 Kent Avenue LLC

**Street Address:** 416 Kent Avenue

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

**Site Size:** 1.056 Acres

**Tax Map Identification Number(s):** 2128-5

**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 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 2015000377618.

**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: 12/3/18

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)**

416 Kent Avenue, Site ID No. C224200  
416 Kent Avenue, Brooklyn, NY, 11249  
Brooklyn, Kings County, Tax Map Identification Number(s) 2128-5

**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 420 Kent Avenue LLC for a parcel approximately 1.056 acres located at 416 Kent Avenue in Brooklyn, Kings County, NY.

**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 City Register File Number (CRFN) 2015000377618.

**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

**416 Kent Avenue, C224200, 416 Kent Avenue, Brooklyn, NY 11249**

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

420 Kent Avenue 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:**  
Charles Morisi  
c/o Spitzer Enterprises  
555 Madison Avenue  
New York, NY 10022

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

**SCHEDULE "A" PROPERTY DESCRIPTION**

Block 2128 Lot 5

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, 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 WESTERLY SIDE OF KENT AVENUE, DISTANT 1080.88 FEET NORHTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE WESTERLY SIDE OF KENT AVENUE WITH THE NORTHERLY SIDE OF DIVISION AVENUE,

RUNNING THENCE WESTERLY FORMING AN INTERIOR ANGLE OF 79 DEGREES 43 MINUTES 02 SECONDS 281.80 FEET (ACTUAL) 281.86 FEET (DEED) TO THE U.S. BULKHEAD LINE. APPROVED 2/25/1918;

THENCE NORTHTERLY ALONG SAID BULKHEAD LINE, 162.20 FEET;

THENCE EASTERLY PARALLEL WITH THE LAND NOW/FORMERLY CITY OF NEW YORK 110.22 FEET;

THENCE NORTHERLY PARALLEL WITH SAID U.S. BULKHEAD LINE 119.87 FEET;

THENCE EASTERLY PARALLEL WITH LAND NOW/FORMERLY CITY OF NEW YORK, 103.87 FEET TO APOINT ON THE WESTERLY SIDE OF KENT AVENUE;

THENCE SOUTHERLY ON THE WESTERLY SIDE OF KENT AVENUE, 225.08 FEET TO THE POINT OR PLACE OF BEGINNING.

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

**LEGEND**

- ⊕ - SEWER MANHOLE
- 10' ⊕ - TREE WITH CALIPER
- ⊕ - UTILITY POLE
- - WATER FLOW
- ⊕ - WATER VALVE
- ⊕ - LIGHT POLE
- - FLOW OF TRAFFIC
- ⊕ - GAS VALVE
- ⊕ - CHIMNEY
- ⊕ - DRAIN INLET
- ⊕ - BOLLARD
- ⊕ - FIRE HYDRANT
- ⊕ - TRAFFIC SIGN
- ⊕ - PUBLIC WORKS MANHOLE
- ⊕ - ELECTRIC MANHOLE
- ⊕ - WATER MANHOLE
- ⊕ - NYC TRUNKS MANHOLE
- ⊕ - RAILROAD MANHOLE



**WRITTEN DESCRIPTION OF BLOCK 2128 LOT 5 AND THE EASEMENT PERIMETER:**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, 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 WESTERLY SIDE OF KENT AVENUE, DISTANT 100.88 FEET NORTHERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE WESTERLY SIDE OF KENT AVENUE WITH THE NORTHERLY SIDE OF DIVISION AVENUE;

RUNNING THENCE WESTERLY FORMING AN INTERIOR ANGLE OF 79 DEGREES 43 MINUTES 02 SECONDS 281.80 FEET (ACTUAL) 281.86 FEET (DEED) TO THE U.S. BULKHEAD LINE, APPROVED FEBRUARY 25TH 1918

THENCE NORTHERLY ALONG SAID U.S. BULKHEAD LINE 162.20 FEET

THENCE EASTERLY PARALLEL WITH THE LAND NOW FORMERLY CITY OF NEW YORK 110.22 FEET

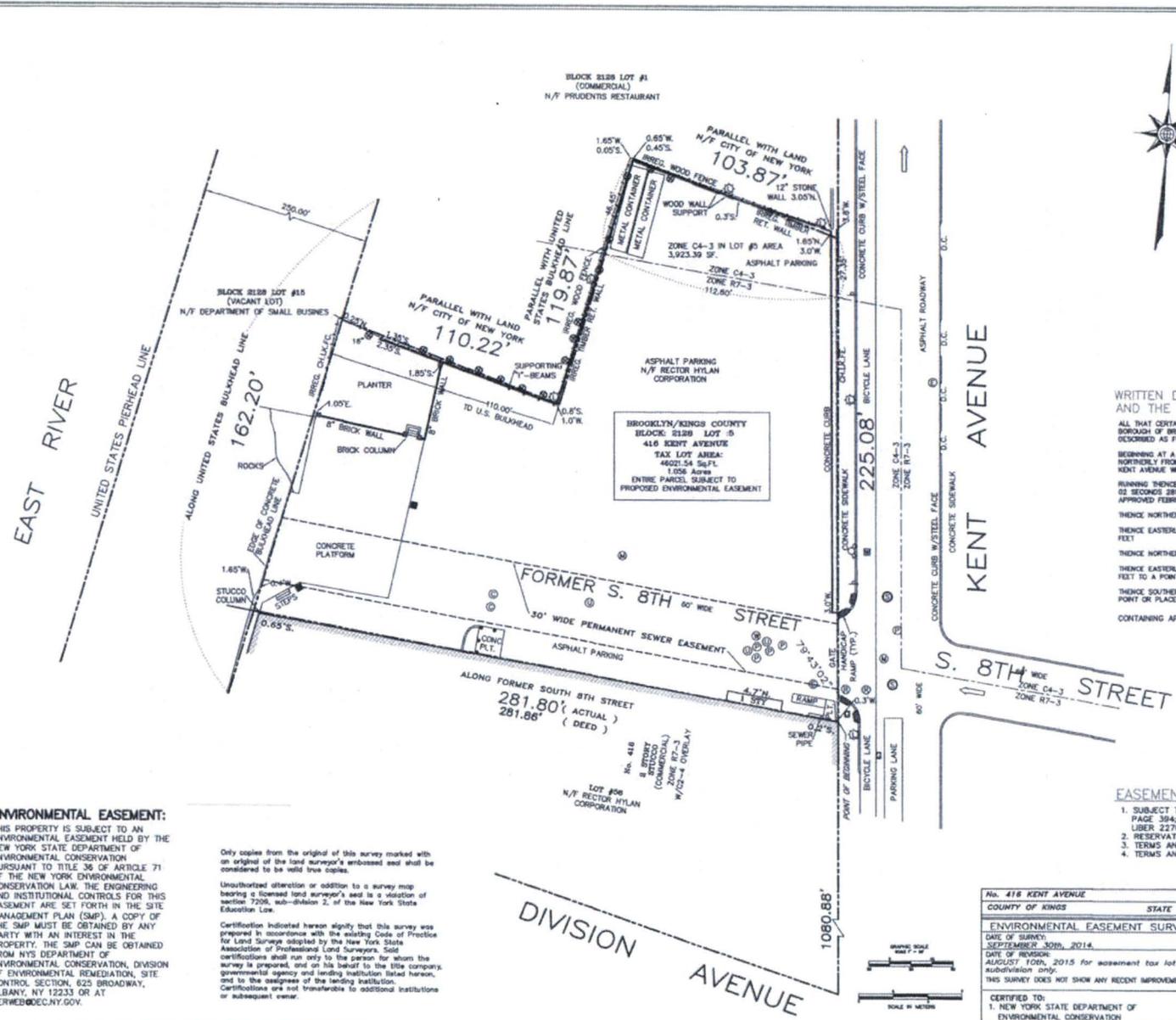
THENCE NORTHERLY PARALLEL WITH SAID U.S. BULKHEAD LINE 119.87 FEET

THENCE EASTERLY PARALLEL WITH LAND NOW FORMERLY CITY OF NEW YORK 103.87 FEET TO A POINT ON THE WESTERLY SIDE OF KENT AVENUE;

THENCE SOUTHERLY ON THE WESTERLY SIDE OF KENT AVENUE 225.08 FEET TO THE POINT OR PLACE OF BEGINNING.

CONTAINING APPROXIMATELY 46021.54 SQUARE FEET (1.056 ACRE)

- EASEMENT, RESERVATION & CONDITION NOTES:**
- SUBJECT TO ELECTRICAL RAILROAD EASEMENT OVER KENT AVENUE LIBER 2133 PAGE 304; LIBER 2140 PAGE 289; LIBER 2083 PAGE 75; LIBER 2008 PAGE 83; LIBER 2276 PAGE 309; LIBER 11 PAGES 387 & 391.
  - RESERVATIONS AS CONTAINED IN LETTER PATENT IN LIBER 2340 PAGE 510;
  - TERMS AND CONDITIONS IN RELEASE IN LIBER 5073 PAGE 246;
  - TERMS AND CONDITIONS IN LETTERS PATENT IN LIBER 898



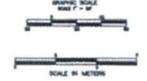
**ENVIRONMENTAL EASEMENT:**

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 DEREMB@DEC.NY.GOV.

Only copies from the original of this survey marked with an original of the land surveyor's embossed seal shall be considered to be valid true copies.

Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 2208, sub-division 2, of the New York State Education Law.

Certification 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. Said certifications 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 owner.



No. 416 KENT AVENUE	BROOKLYN	Tax Map SECT.	BLOCK 2128
COUNTY OF KINGS	STATE OF NEW YORK		LOT(S) 5
<b>ENVIRONMENTAL EASEMENT SURVEY</b>			
DATE OF SURVEY: SEPTEMBER 30TH, 2014			
DATE OF REVISION: AUGUST 10TH, 2015 for assessment tax lot subdivision only.			
THIS SURVEY DOES NOT SHOW ANY RECENT IMPROVEMENTS.			
CERTIFIED TO: 1. NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION			
SURVEY ORDERED BY: RACET & NEEL P.C.			
		<b>CND MAPPING, INC.</b> 46 CEDAR ROAD, WESTBURY NEW YORK, 11590  Phone (516) 333-3885 Fax (516) 333-3055	
		E-MAIL: SURVEY.CNDMAPPING@GMAIL.COM	



**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**Site Management Form**  
 11/13/2018



**SITE DESCRIPTION**

**SITE NO.** C224200

**SITE NAME** 416 Kent Avenue

**SITE ADDRESS:** 416 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	■	□
Monitoring Plan	■	□
Operation and Maintenance (O&M) Plan	■	□

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2020

**Description of Institutional Control**

**420 Kent Avenue LLC**

c/o Spitzer Enterprises, 555 Madison Ave

**416 Kent Avenue**

Environmental Easement

Block: 2128

Lot: 5

Sublot:

Section:

Subsection:

S\_B\_L Image: 2128-5

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

**Description of Engineering Control**

**420 Kent Avenue LLC**

c/o Spitzer Enterprises, 555 Madison Ave

**416 Kent Avenue**

Environmental Easement

Block: 2128

Lot: 5

Sublot:

Section:

Subsection:

S\_B\_L Image: 2128-5

Cover System

Vapor Mitigation