

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

19 Kent Acquisition LLC
c/o Eric Shiela
Rubenstein Partners
Cira Centre
2929 Arch Street, 28th Floor
Philadelphia, PA 19104-2868

DEC 27 2017

19 Kent Partners LLC
c/o Jeremiah Kane
Rubenstein Partners
Cira Centre
2929 Arch Street, 28th Floor
Philadelphia, PA 19104-2868

19 Kent Development LLC
c/o Toby Moskovits
Heritage Equity Partners
679 Driggs Avenue
Brooklyn, NY 11211

Re: Certificate of Completion
Former Sunbelt Equipment, Brooklyn, Kings County, C224207

Dear Mr. Shiela, Mr. Kane, and Mr. Moskovits:

Congratulations on having satisfactorily completed the remedial program at the Former Sunbelt Equipment 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 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 (16 months from above date), 2019.

If you have any questions regarding any of these items, please contact Scott Deyette at (518) 402-9794.

Sincerely,



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

ec w/ enclosure:

S. Deyette

J. Nehila

C. Leas – Sive, Paget & Riesel P.C. cleas@sprlaw.com

C. Sosik – EBC csosik@ebcincny.com

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	Address
19 Kent Acquisition LLC	c/o Rubenstein Partners 2929 Arch Street, 28 th Floor, Philadelphia, PA 19104
19 Kent Partners LLC	c/o Rubenstein Partners 2929 Arch Street, 28 th Floor, Philadelphia, PA 19104
19 Kent Development LLC	679 Driggs Avenue, Brooklyn, NY 11211

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 03/15/15 **Agreement Execution:** 05/22/15 **Agreement Index No.:** C224207-03-15
Application Approval Amendment: 01/05/16 **Agreement Execution Amendment:** 01/05/16
Application Approval Amendment: 01/07/16 **Agreement Execution Amendment:** 01/07/16

SITE INFORMATION:

Site No.: C224207 **Site Name:** Former Sunbelt Equipment
Site Owner: 19 Kent Acquisition LLC
Street Address: 25 Kent Avenue
Municipality: Brooklyn **County:** Kings **DEC Region:** 2
Site Size: 1.830 Acres
Tax Map Identification Number(s): 3-2282-1
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):

Track 1 Area: see Track 1 property description and site survey map exhibits.

Allowable Uses under the BCP: Unrestricted as described in 6NYCRR Part 375-1.8(g)(1)(i), Residential as described in 6NYCRR Part 375-1.8(g)(2)(i), Restricted Residential as described in 6NYCRR Part 375-1.8(g)(2)(ii), Commercial as described in 6NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6NYCRR Part 375-1.8(g)(2)(iv).

Cleanup Track: Track 1: Unrestricted 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 for this area is 50 %.

Tangible Property Credit Component Rate for this area is 14 %.

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

Site Preparation and On-Site Groundwater Remediation Credit Component Rate for this area is 50 %.

Tangible Property Credit Component Rate for this area is 12 %.

Track 2 Restricted Residential Area: see Track 2 (EP #81) property description and site survey map exhibits.

Allowable Uses under the BCP: Restricted Residential as described in 6NYCRR Part 375-1.8(g)(2)(ii), Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv).

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 for this area is 40 %.

Tangible Property Credit Component Rate for this area is 12 %.

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

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

Tangible Property Credit Component Rate is 10 %.

Track 2 Commercial Area: see Track 2 (EP #5) property description and site survey map exhibits.

Allowable Uses under the BCP: Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv).

Cleanup Track: Track 2: 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 for this area is 33 %.

Tangible Property Credit Component Rate for this area is 12 %.

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

Site Preparation and On-Site Groundwater Remediation Credit Component Rate for this area is 33 %.

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 2017110700464001.

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;

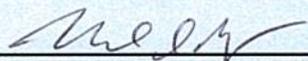
(4) there is good cause for such modification or revocation;

(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: 12/27/17
Michael J. Ryan, P.E., Assistant Director
Division of Environmental Remediation

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

Former Sunbelt Equipment, Site ID No. C224207
25 Kent Avenue, Brooklyn, NY 11249
Brooklyn, Kings County, Tax Map Identification Number(s) 3-2282-1

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 19 Kent Acquisition LLC, 19 Kent Partners LLC, and 19 Kent Development LLC for a parcel approximately 1.830 acres located at the 25 Kent 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 majority 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.

A portion of the site cannot be used for unrestricted use or residential use, and a different portion of the site cannot be used for unrestricted, residential, or restricted residential use. 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 on portions of the site; 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 2017110700464001.

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

Former Sunbelt Equipment, C224207, 25 Kent Avenue, Brooklyn, NY

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 47-40 21st Street, Long Island City, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

19 Kent Acquisition 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:
19 Kent Acquisition LLC
c/o Eric Shiela
Rubenstein Partners
Cira Centre
2929 Arch Street, 28th Floor
Philadelphia, PA 19104-2868

Exhibit A
Site Description

LEGAL DESCRIPTION BLOCK-2281 LOT 1

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 THE CORNER FORMED BY THE INTERSECTION OF THE NORTHERLY SIDE OF NORTH 12TH STREET AND THE EASTERLY SIDE OF KENT AVENUE:

RUNNING THENCE NORTHERLY ALONG THE EASTERLY SIDE OF KENT AVENUE, 200 FEET TO THE CORNER FORMED BY THE INTERSECTION OF THE EASTERLY SIDE OF KENT AVENUE AND THE SOUTHERLY SIDE OF NORTH 13TH STREET, THENCE EASTERLY ALONG THE SOUTHERLY SIDE OF NORTH 13TH STREET, 400 FEET TO THE WESTERLY SIDE OF WYTHE AVENUE, THENCE SOUTHERLY ALONG THE WESTERLY SIDE OF WYTHE AVENUE, 200 FEET TO THE NORTHERLY SIDE OF NORTH 12TH STREET, THENCE WESTERLY ALONG THE NORTHERLY SIDE OF NORTH 12TH STREET, 400 FEET TO THE POINT OR PLACE OF BEGINNING

SCHEDULE "A" PROPERTY DESCRIPTION

LEGAL DESCRIPTION - EP #81 LOCATION (Track 2 Restricted Residential)

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 the corner formed by the intersection of the northerly side of North 12th Street and the easterly side of Kent Avenue;

RUNNING THENCE northerly along the easterly side of Kent Avenue 20 feet;

THENCE easterly 45 feet;

THENCE southerly 20 feet to the northerly side of North 12th Street;

THENCE westerly 45 feet to the point of **BEGINNING**.

Said location contains 900 SF or 0.02 acres of land.

LEGAL DESCRIPTION – EP # 5 LOCATION (Track 2 Commercial)

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 50 feet northerly from the corner formed by the intersection of the northerly side of North 12th street and the easterly side of Kent Avenue;

RUNNING THENCE northerly along the easterly side of Kent Avenue, 30 feet;

THENCE easterly 30 feet;

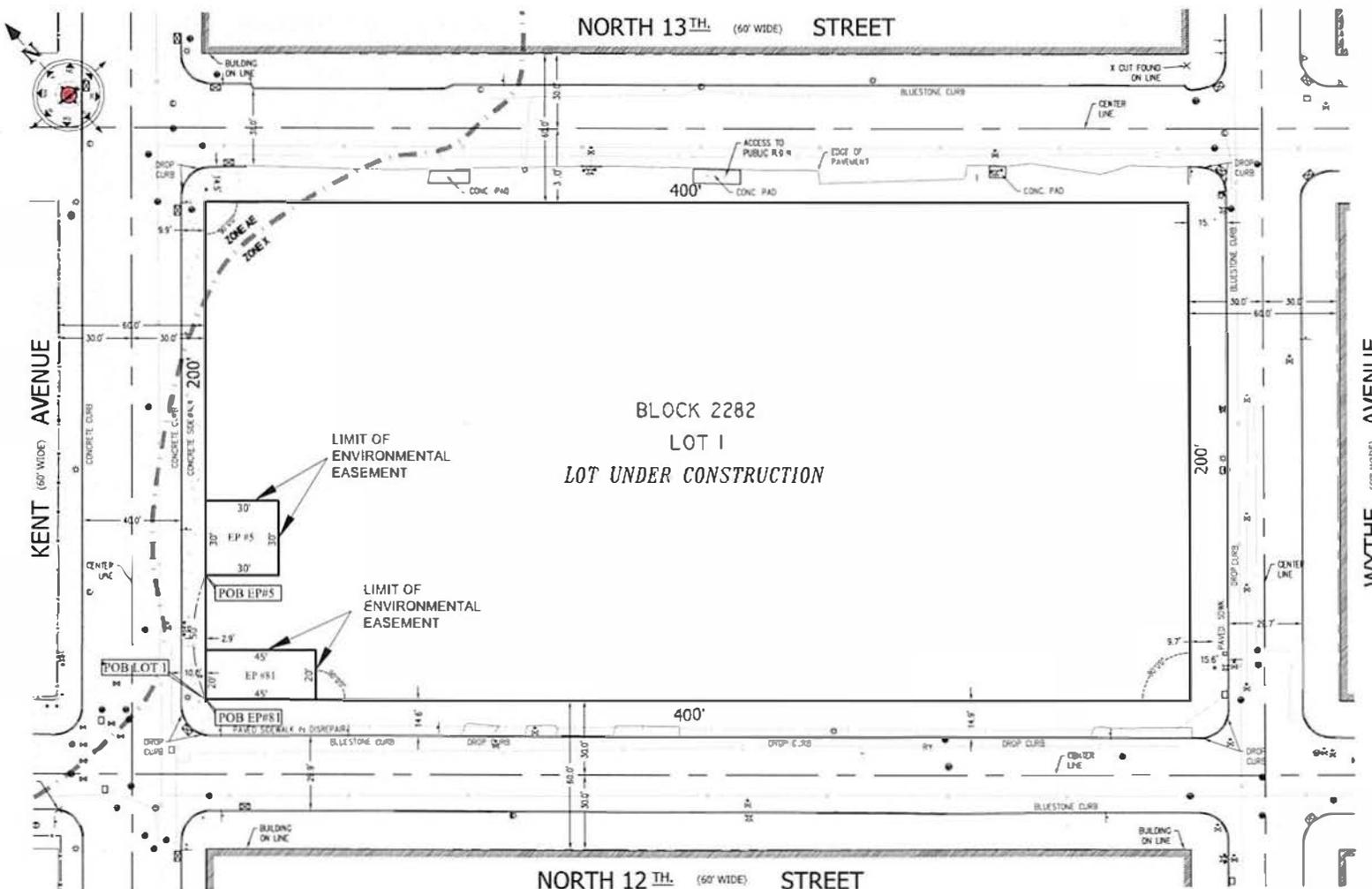
THENCE southerly 30 feet;

THENCE westerly 30 feet to the point of **BEGINNING**.

Said location contains 900 SF or 0.02 acres of land.

Exhibit B

Site Survey

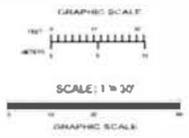


MAP OF PROPERTY LOCATED
25 KENT AVENUE
BROOKLYN, NY

DATE	DESCRIPTION
JULY 21, 2017	ENVIRONMENTAL EASEMENT

BLOCK 2282
LOT 1
SECTION
COUNTY KINGS
DWG BY A. G.
CHKD BY A. S.
SCALE 1" = 25'

NOTE:
Unauthorized alterations or additions 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. Guarantees or certifications 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. Guarantees or certification are not transferable to additional institutions or individuals.



LEGAL DESCRIPTION - BLOCK-2281 LOT-1
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 THE CORNER FORMED BY THE INTERSECTION OF THE NORTHERLY SIDE OF NORTH 12TH STREET AND THE EASTERLY SIDE OF KENT AVENUE; RUNNING THENCE NORTHERLY ALONG THE EASTERLY SIDE OF KENT AVENUE, 200 FEET TO THE CORNER FORMED BY THE INTERSECTION OF THE EASTERLY SIDE OF KENT AVENUE AND THE SOUTHERLY SIDE OF NORTH 13TH STREET; THENCE EASTERLY ALONG THE SOUTHERLY SIDE OF NORTH 13TH STREET, 499 FEET TO THE WESTERLY SIDE OF WYTHE AVENUE; THENCE SOUTHERLY ALONG THE WESTERLY SIDE OF WYTHE AVENUE, 200 FEET TO THE NORTHERLY SIDE OF NORTH 12TH STREET; THENCE WESTERLY ALONG THE NORTHERLY SIDE OF NORTH 12TH STREET, 499 FEET TO THE POINT OR PLACE OF BEGINNING.

LEGAL DESCRIPTION - EP #81 LOCATION
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 THE CORNER FORMED BY THE INTERSECTION OF THE NORTHERLY SIDE OF NORTH 12TH STREET AND THE EASTERLY SIDE OF KENT AVENUE; RUNNING THENCE NORTHERLY ALONG THE EASTERLY SIDE OF KENT AVENUE, 20 FEET; THENCE EASTERLY 45 FEET; THENCE SOUTHERLY 20 FEET TO THE NORTHERLY SIDE OF NORTH 12TH STREET; THENCE WESTERLY 45 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION - EP #5 LOCATION
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 50 FEET NORTHERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE NORTHERLY SIDE OF NORTH 12TH STREET AND THE EASTERLY SIDE OF KENT AVENUE; RUNNING THENCE NORTHERLY ALONG THE EASTERLY SIDE OF KENT AVENUE, 30 FEET; THENCE EASTERLY 30 FEET; THENCE SOUTHERLY 30 FEET; THENCE WESTERLY 30 FEET TO THE POINT OF BEGINNING.

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 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.

EMPIRE STATE LAYOUT, INC.

REG. STATE LICENSED 2294 WEDGEMAN DR. BAYWATER, NY 11706
P.O. BOX 101 11704-0101 609.251.1100 TEL. 609.251.1000
WWW.ESLAYOUT.COM

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/12/2017

SITE DESCRIPTION

SITE NO. C224207

SITE NAME Former Sunbelt Equipment

SITE ADDRESS: 25 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: 04/30/2019

Description of Institutional Control

19 Kent Acquisition LLC
2929 Arch Street, 28th Floor
Portion of 25 Kent Avenue
Environmental Easement
Block: 2282
Lot: 1
Sublot:
Section: 3
Subsection:
S_B_L Image: 3022820001
Ground Water Use Restriction
Landuse Restriction
Site Management Plan

Description of Engineering Control