

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

December 26, 2024

Eduard Slinin
E & M Realty Corp.
241 37th Street 1-4 B460
Brooklyn, NY 11231
eslinin@nyc2way.com

Re: Certificate of Completion
335 Bond Street
Brooklyn, Kings County
C224225

Dear Eduard Slinin:

Congratulations on having satisfactorily completed the remedial program at the 335 Bond Street site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (NYSDEC) 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 NYSDEC's project manager. Please return the hard copy of the proof of recording to:

Aaron Fischer, Bureau B
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233



- Provide the Certificate of Completion fact sheet to the Document Repositories within 10 days of issuance of the COC. NYSDEC will develop the 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 NYSDEC-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 NYSDEC 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 NYSDEC in April 2026.

If you have any questions, please do not hesitate to contact Aaron Fischer, NYSDEC's project manager, at 518-402-9805.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Division Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

C. Vooris – NYSDOH, christine.vooris@health.ny.gov
A. Perretta – NYSDOH, anthony.perretta@health.ny.gov
S. McLaughlin – NYSDOH, scarlett.mclaughlin@health.ny.gov
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov
L. Shaw, shaw@nyenvlaw.com
M. Burke, mburke@langan.com
J. Armstrong, jarmstrong@langan.com

ec w/o enc.:

A. Fischer – NYSDEC, aaron.fischer@dec.ny.gov
H. Dudek – NYSDEC, heidi.dudek@dec.ny.gov
S. Deyette – NYSDEC, scott.deyette@dec.ny.gov
J. O'Connell – NYSDEC, jane.oconnell@dec.ny.gov
J. Andaloro – NYSDEC, jennifer.andaloro@dec.ny.gov
L. Schmidt – NYSDEC, leia.schmidt@dec.ny.gov
K. Lewandowski – NYSDEC, kelly.lewandoski@ny.gov

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

E & M Realty Corp.

Address

241 37th Street Suite 1-4-B460, Brooklyn, NY 11231

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 6/29/15 **Agreement Execution:** 8/25/15

Agreement Index No.: C224225-06-15

Application Amendment Approval: none

Agreement Amendment Execution: none

SITE INFORMATION:

Site No.: C224225 **Site Name:** 335 Bond Street

Site Owner: E & M Realty Corp.

Street Address: 335 Bond Street

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

Site Size: 0.355 Acres

Tax Map Identification Number(s): 445-1

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 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 2024000164405.

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 finding any of the following:

- (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.

Sean Mahar
Interim Commissioner
New York State Department of Environmental Conservation

By: Andrew Guglielmi Date: 12/26/2024

Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A

Site Description

Metes and Bounds Description

SCHEDULE "A" PROPERTY DESCRIPTION

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 comer formed by the intersection of the northerly side of Carroll Street with the easterly side of Bond Street;

RUNNING THENCE easterly along the northerly side of Carroll Street, 129 feet;

THENCE northerly parallel with Bond Street, 120 feet;

THENCE westerly parallel with Carroll Street, 129 feet to the easterly side of Bond Street; and

THENCE southerly along the easterly side of Bond Street, 120 feet to the comer at the point or place of beginning.

Acreage: 0.355

Exhibit B

Site Survey



Seed Description/Brownfield Cleanup Program Site/
Environmental Assessment Area

There are three parcels of land, situated in the northern portion of the City of Kings, City and State of New York, bounded and described as follows:

1. BEGINNING at a corner formed by the intersection of the easterly side of Bond Street with the easterly side of Bond Street, 129 feet;

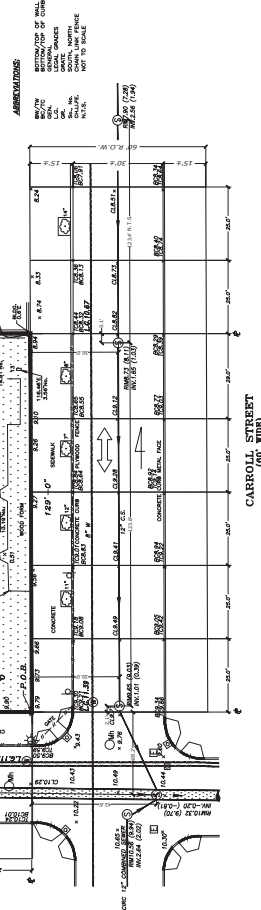
2. RUNNING THENCE easterly along the northerly side of Bond Street, 129 feet;

3. RUNNING THENCE northerly parallel with Bond Street, 120 feet;

4. RUNNING THENCE westerly parallel with Bond Street, 129 feet to the easterly side of Bond Street; and

5. RUNNING THENCE southerly along the easterly side of Bond Street to the corner at the point of beginning.

This property is subject to an environmental assessment held by the New York State Department of Environmental Conservation pursuant to Title 36 of the Consolidated Uniform Rules of the State of New York. The New York State Department of Environmental Conservation 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 and the Control Section, 625 State Street, Albany, NY 12243 or at samp@bedc.ny.gov.



THE EXISTENCE OF RIGHT OF WAY AND/OR EASEMENTS



**LEONARD J. STRANDBERG AND ASSOCIATES,
CONSULTING ENGINEERS AND LAND SURVEYORS, P.C.**
32 SMITH STREET, FREEPORT, NY 11520
516-378-3064 • 312-213-4090 • FAX 516-378-5649

ALEXANDER TSUKERMAN N.Y.S. L.S. No. 050189

ENVIRONMENTAL
MENT SURVEY
OF DESCRIBED PROPERTY

LOCATED AT:
BOROUGH OF BROOKLYN, COUNTY OF KINGS,
CITY AND STATE OF NEW YORK

TAX DESIGNATION:
BLOCK: 446, LOT: 1

AWARDED ON:
OCTOBER 08, 2022 (MONITORING)
OCTOBER 14, 2022 (ADJACENT BUILDING WALL ENCROACHMENTS)
OCTOBER 16, 2023 (ARCHITECTURAL SURVEY)
JUNE 27, 2023 (STAKEOUT)
JANUARY 19, 2024 (STAKEOUT)
FEBRUARY 28, 2024 (AS BUILT * STAKEOUT)
MAY 08, 2024 (ENVIRONMENTAL BASEMENT SURVEY)

[illegible][illegible]

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

335 Bond Street, Site ID No. C224225
335 Bond Street, Brooklyn, NY 11231
Brooklyn, Kings County, Tax Map Identification Number: 445-1

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (NYSDEC) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to E & M Realty Corp. for a parcel approximately 0.355 acres located at 335 Bond Street in Brooklyn, Kings County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by NYSDEC 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 NYSDEC as not inconsistent with the remedy.

PLEASE TAKE NOTICE, 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 2024000164405.

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 NYSDEC'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

335 Bond Street, C224225
335 Bond Street, Brooklyn, NY 11231

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 NYSDEC 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 1 Hunter's Point Plaza, 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/C224225>.

WHEREFORE, the undersigned has signed this Notice of Certificate

E & M Realty Corp.

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:

E & M Realty Corp.
241 37th Street
Suite 1-4 B460
Brooklyn, NY 11231



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
11/19/2024



SITE DESCRIPTION

SITE NO. C224225

SITE NAME 335 Bond Street

SITE ADDRESS: 335 Bond Street ZIP CODE: 11231

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:

Periodic Review Report Submitted Date:

Description of Institutional Control

E & M Realty

335 Bond Street

335 Bond Street

Environmental Easement

Block: 445

Lot: 1

Sublot:

Section:

Subsection:

S_B_L Image: 445-1

Ground Water Use Restriction

Landuse Restriction

Site Management Plan

Description of Engineering Control

E & M Realty

335 Bond Street

335 Bond Street

Environmental Easement

Block: 445

Lot: 1

Sublot:

Section:

Subsection:

S_B_L Image: 445-1

Cover System

Groundwater Treatment System

Monitoring Wells