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 I F: (518) 402-9020 www.dec.ny.gov

December 29, 2017

Simon Dushinsky North 13 Holdings LLC 505 Flushing Avenue, Unit 1D Brooklyn, NY 11205

Re: Certificate of Completion Former F&S Central Manufacturing Corp. Site Brooklyn, Kings County C224230

Dear Mr. Dushinsky:

Congratulations on having satisfactorily completed the remedial program for Former F&S Central Manufacturing Corp. 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 has been 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. 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.

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

Sincerely,

hell.

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

ec w/enclosure:

S. Deyette

M. Warner

S. Dushinsky – North 13 Holdings LLC, rabskygroup@gmail.com

C. Sosik - EBC, csosik@ebcincny.com

J. Brooks - Michelman & Robinson, LLP, jbrooks@mrllp.com

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP) CERTIFICATE OF COMPLETION

Name North 13 Holdings LLC BROWNFIELD CLEANUP AGREEMENT: Application Approval: 3/7/16 Agreement Execution: 4/4/16 Agreement Index No.: C224230-03-16

Address 505 Flushing Avenue, Brooklyn, NY 11205

Application Approval Amendment: 12/8/17

Agreement Execution Amendment: 12/8/17

SITE INFORMATION:

Site No.: C224230 Site Name: Former F&S Central Manufacturing Corp. Site Site Owner: North 13 Holdings LLC Street Address: 103 North 13th Street Municipality: Brooklyn County: Kings DEC Region: 2 Site Size: 0.279 Acres Tax Map Identification Number(s): 3-2279-34

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: Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial Cleanup Track: Track 1: Unrestricted use

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 50 %. Tangible Property Credit Component Rate is 0%.

No Environmental Easement has been granted pursuant to ECL Article 71, Title 36 as there are no use restrictions and there is no reliance on the long-term employment of institutional controls.

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.

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

hell Date: 12/29/17

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 F&S Central Manufacturing Corp. Site, Site ID No. C224230 103 North 13th Street, Brooklyn, NY 11249 Brooklyn, Kings County, Tax Map Identification Number 3-2279-34

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 North 13 Holdings LLC for a parcel approximately 0.279 acres located at 103 North 13th 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

PLEASE TAKE NOTICE, provided that the Certificate is 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 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, 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, 11101, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

North	13	Hol	dings	LLC
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Bv.			
J		 	

Title:

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:

North 13 Holdings LLC Simon Dushinsky 505 Flushing Avenue, Unit ID Brooklyn, NY 11205 Exhibit A

Site Description

Legal Description of the Portion of Section 3 Block 2279 Lot 34

Subject to Brownfield Cleanup Agreement #C224230-03-16

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 northwesterly side of North 13th. Street, distant 100.00 feet easterly from the corner formed by the intersection of North 13th. Street and White Avenue;

RUNNING THENCE Northerly parallel with White Avenue, 100.00 feet;

THENCE Easterly parallel with North 13th. Street, 122.44 feet;

THENCE Southerly with a line forming interior angle of 88o56'57" with the last course, 100.02 feet to the northerly side of North 13th. Street and;

THENCE Westerly along the northerly side of North 13th. Street 120.61 feet to the point or place of BEGINNING.

AREA = 12,152.34 Sq.Ft = 0.2790 ACRES

Exhibit B

Site Survey

