

# 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

Peter Procida  
LPC Development Group LLC  
456 E. 173<sup>rd</sup> Street  
Bronx, NY 10457

DEC 27 2018

Peter Procida  
Williamsburg Bridgeview Apartments Housing Development Fund Corporation  
143 Huron Street  
Brooklyn, NY 11222

Re: Certificate of Completion  
Williamsburg Bridgeview Apartments  
Brooklyn, Kings County, Site No. C224233

Dear Mr. Procida:

Congratulations on having satisfactorily completed the remedial program at the Williamsburg Bridgeview Apartments. 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

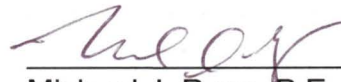


Department of  
Environmental  
Conservation

- 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 30, 2020 (16 months from above date).

If you have any questions regarding any of these items, please contact Melissa Sweet at 518-402-9614.

Sincerely,



Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

ec w/ enclosure:

Christine Vooris - NYSDOH

Eamonn O'Neil - 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.:

Melissa Sweet

John Swartwout

Eric Obrecht

Jane O'Connell

Madeline Warner

Kelly Lewandowski

Dean Sommer, Young and Sommer - [DSommer@youngsommer.com](mailto:DSommer@youngsommer.com)

Bob Jackson, Equity Environmental - [bob.jackson@equityenvironmental.com](mailto:bob.jackson@equityenvironmental.com)

David Goldstein, Goldstein Hall - [dgoldstein@goldsteinhall.com](mailto:dgoldstein@goldsteinhall.com)

Dolores Tuohy



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

**CERTIFICATE HOLDER(S):**

**Name**

LPC Development Group LLC

**Address**

456 E. 173rd Street, Bronx, NY 10457

**BROWNFIELD CLEANUP AGREEMENT:**

**Agreement Execution:** 6/24/16    **Agreement Index No.:** C224233-06-16

**Application Approval Amendment:** 8/15/18

**Agreement Execution Amendment:** 8/15/18

**Application Approval Amendment:** 12/17/18

**Agreement Execution Amendment:** 12/17/18

**SITE INFORMATION:**

**Site No.:** C224233    **Site Name:** Williamsburg Bridgeview Apartments

**Site Owner:** Williamsburg Bridgeview Apartments Housing Development Fund Corporation

**Street Address:** 105 South 5<sup>th</sup> Street

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

**Site Size:** 0.366 Acres

**Tax Map Identification Number(s):** 2443-6

**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:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28 %.

Eligibility for Tangible Property Credit is available because the certificate holder submitted documentation to the Department's satisfaction that the project was an Affordable Housing project. If affordable housing is not constructed there are no Tangible Property Credits."

Tangible Property Credit Component Rate is 10%.

Dependent upon the project being developed in a manner consistent with the requirements of Section 21 (a)(5)(B) of the New York State Tax Law, additional rate increases may be available if the site is developed as affordable housing (5%), if the Certificate Holder receives a separate Determination of Conformance with the Brownfield Opportunity Area (BOA) from the Secretary of State (5%), or if the site is used primarily for manufacturing activities (5%), not to exceed a maximum total Tangible Property Credit Rate of 24 %."



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 2018000366225.

#### **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:

12/27/18

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)**

Williamsburg Bridgeview Apartments, Site ID No. C224233  
105 S. 5<sup>th</sup> Street, Brooklyn, New York, 11249  
Brooklyn, Kings County, Tax Map Identification Number(s) 2443-6

**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 LPC Development Group LLC for a parcel approximately 0.366 acres located at 105 South 5th 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 NYC Office of the City Register as ID: 2018000366225.

**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

***Williamsburg Bridgeview Apartments, C224233, 105 S. 5<sup>th</sup> Street, 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, 47-20 21<sup>st</sup> St, Long Island City, NY 11101, by contacting the Regional Environmental Remediation Engineer.

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

Williamsburg Bridgeview Apartments Housing Development Fund Corporation

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:**  
*Peter Procida*  
*LPC Development Group LLC*  
*456 E. 173<sup>rd</sup> Street*  
*Bronx, NY 10457*

## **Exhibit A**

### **Site 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 point on the easterly side of Berry Street distant 90.00 feet southerly from the corner formed by the intersection of the easterly side of Berry Street with the southerly side of South 4th Street;

RUNNING THENCE easterly at 90 degrees to the easterly side of Berry Street and parallel to the southerly side of South 4th Street, 18.67 feet;

THENCE southwesterly forming an interior angle of 97 degrees 35 minutes 54 seconds with the last mentioned course 10.09 feet (survey), 10.15 feet (tax map);

THENCE southeasterly forming an interior angle of 262 degrees 24 minutes 06 seconds with the last mentioned course and parallel with the southerly side of South 4th Street, 141.00 feet;

THENCE southwesterly forming an interior angle of 90 degrees with the last mentioned course and parallel to the easterly side of Berry Street, 44.00 feet;

THENCE southeasterly forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course and parallel with the southerly side of South 4th Street, 42.50 feet;

THENCE southwesterly forming an interior angle of 90 degrees with the last mentioned course and parallel to the easterly side of Berry Street, 77.89 feet (survey), 77.73 (tax map) to the northerly side of South 5th Street as widened;

THENCE northwesterly forming an interior angle of 93 degrees 57 minutes 02 seconds with the last mentioned course and along the northerly side of said South 5th Street 125.22 feet (survey) 125.21 (tax map);

THENCE northeasterly forming an interior angle of 85 degrees 58 minutes 55 seconds (computed) 46.88 feet (survey) 46.87 feet (tax map);

THENCE southeasterly forming an interior angle of 91 degrees 20 minutes 00 seconds with the last mentioned course, 25.00 feet;

THENCE northeasterly forming an interior angle of 268 degrees 40 minutes 04 seconds 46.25 feet (survey), 45.25 feet (tax map);

THENCE northwesterly forming an interior angle of 271 degrees 23 minutes 59 seconds with the last mentioned course 103.71 feet (survey), 103.67 (tax map) to the easterly side of Berry Street;

THENCE northeasterly along the easterly side of Berry Street forming an interior angle of 88 degrees 40 minutes 00 seconds with the last mentioned course 49.25 feet to the point or place of BEGINNING.

Containing an area of 15,941.13 square feet or 0.366 acres more or less.



**Exhibit B**

**Site Survey**

[illegible]





NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
12/19/2018



SITE DESCRIPTION

SITE NO. C224233

SITE NAME Williamsburg Bridgeview Apartments

SITE ADDRESS: 105 S. 5th Street 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: 04/01/2020

Description of Institutional Control

WBA Housing Development Fund Corp.

143 Huron St

105 South 5th Street

Environmental Easement

Block: 2443

Lot: 6

Sublot:

Section:

Subsection:

S\_B\_L Image: 2443-6

IC/EC Plan

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

## Description of Engineering Control

### **WBA Housing Development Fund Corp.**

143 Huron St

**105 South 5th Street**

Environmental Easement

Block: 2443

Lot: 6

Sublot:

Section:

Subsection:

S\_B\_L Image: 2443-6

Air Sparging/Soil Vapor Extraction

Cover System

Monitoring Wells

Vapor Mitigation