

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

Ebenezer Plaza Owner LLC

Mario Procida

456 E. 173rd Street

New York, NY 10457

DEC 24 2019

Ebenezer Plaza Owner Phase 1B LLC

Peter Procida

456 E. 173rd Street

New York, NY 10457

HP Ebenezer Plaza Housing Development Fund Company, Inc.

Peter Procida

253 West 35th Street, 3rd Floor

New York, NY 10018

Re: Certificate of Completion
Ebenezer Plaza 1
672 Powell Street, 96 New Lots Ave.,
Brooklyn, NY, 11212
Site Code C224240

Dear Mr. Procida,

Congratulations on having satisfactorily completed the remedial program at the Ebenezer Plaza 1 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

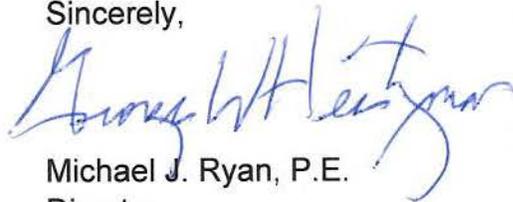
the time frame specified. A standard notice form is attached to this letter. Please return the proof of recording to:

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, 2021.

If you have any questions regarding any of these items, please contact Aaron Fischer at 518-402-9767.

Sincerely,



Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

Enclosure

ec w/ enclosure:

K. McGrath – KMcGrath@chazencompanies.com

D. Sommer – DSommer@youngsommer.com

C. Vooris – NYSDOH, Christine.Vooris@health.ny.gov

E. O'Neil – NYSDOH, Eamonn.ONeil@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

ec w/o enc.:

A. Fischer

H. Dudek

G. Burke

J. O'Connell

H. Leibowitz

K. Lewandowski

D. Tuohy

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	Address
Ebenezer Plaza Owner LLC	456 E.173 rd Street, Bronx, NY 10457
Ebenezer Plaza Owner Phase 1B LLC	456 E.173 rd Street, Bronx, NY 10457

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 12/5/16 **Agreement Execution:** 1/10/17
Agreement Index No.: C224240-10-16

Application Approval Amendment: 3/6/17	Agreement Execution Amendment: 3/6/17
Application Approval Amendment: 8/13/18	Agreement Execution Amendment: 8/14/18
Application Approval Amendment: 7/17/19	Agreement Execution Amendment: 7/17/19
Application Approval Amendment: 12/17/19	Agreement Execution Amendment: 12/18/19
Application Approval Amendment: 12/20/19	Agreement Execution Amendment: 12/23/19

SITE INFORMATION:

Site No.: C224240 **Site Name:** Ebenezer Plaza 1

Site Owner: HP Ebenezer Plaza Housing Development Fund Company, INC. and HP Ebenezer 1B Housing Development Fund Company, INC.

Street Address: 96 New Lots Avenue, 672 Powell Street

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

Site Size: 1.26 Acres

Tax Map Identification Number(s): 3862-1 a.k.a. lots 1001, 1002, 1003, 1004, and 1005

Percentage of site located in an EnZone: 100 %

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 through: EnZone.

Tangible Property Credit Component Rate is 15%. Comprised of 10% Base, 5 % EnZone.

Dependent upon the project being developed in a manner consistent with the approved Brownfield Cleanup Program application, 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 BOA from the Secretary of State (5%), or if the site is used primarily for manufacturing activities (5%) not to exceed a maximum 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 2019000362530 and 2019000362531.

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: 12/29/19

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)

Ebenezer Plaza 1, Site ID No. C224240
96 New Lots Ave., 672 Powell Street, Brooklyn, NY 11212

Brooklyn, Kings County, Tax Map Identification Nos. 3862-1 a.k.a. lots 1001, 1002, 1003, 1004, and 1005

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 Ebenezer Plaza Owner LLC, and Ebenezer Plaza Owner Phase 1B LLC for a parcel approximately 1.26 acres located at 96 New Lots Avenue and 672 Powell Street in the 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 Kings County as 2019000362530 and 2019000362531.

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

Ebenezer Plaza 1, C224240, 96 New Lots Ave., 672 Powell Street, 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 4740 21st Street, Long Island City, NY 11101, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

HP Ebenezer Plaza Housing Development Fund Company, Inc.

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:
Ebenezer Plaza Owner LLC
Mario Procida
456 E. 173rd Street
New York, NY 10457

Exhibit A
Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

The Condominium Units (hereinafter called the "Units") in the building (hereinafter called the "Building") known as Ebenezer Plaza Condominium and by the street address 96 New Lots Avenue, Borough of Brooklyn, County of Kings, City and State of New York, said Units being designated and described as Unit 3 or Residential Unit South and Unit 5 or Community Facility Unit South, in that certain Declaration, dated as of February 6, 2019 made pursuant to Article 9-B of the Real Property Law of the State of New York establishing condominium ownership of the Building and the land upon which the Building is situate (hereinafter called the "Land", which Land is more particularly described below), which Declaration was recorded in the Office of the City Register of The City of New York (the "City Register's Office") on May 23, 2019 as CRFN 2019000163520, as amended by First Amendment to the Declaration of the Ebenezer Plaza Condominium dated June 7, 2019 and recorded in the City Register's Office on June 7, 2019 as CRFN 2019000179407 (which declaration and any amendments thereto, are hereinafter collectively called the "Declaration"). The Units are also designated as Tax Lot 1003 and 1005 in Block 3862 of the Borough of Kings on the Tax Map of the Tax Map Unit, Land Records Division, NYC Department of Finance and on the Floor Plans of the Building certified by L. Bradford Perkins on April 22, 2019 and filed with the Tax Map Unit, Land Records Division, NYC Department of Finance on May 13, 2019 as Condominium Plan No. 4563 and also recorded in the City Register's Office on May 23, 2019 as CRFN 2019000163521. TOGETHER with (i) an undivided 48.66% interest as to Residential Unit South and 15.00% interest as to Community Facility Unit South, respectively, in the General Common Elements (as defined in the Declaration), and (ii) as to the Residential Unit South, an interest in the Limited Common Elements South (as provided in and as defined in the Declaration).

The Land is more particularly described as follows:

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 easterly side of Sackman Street with the southeasterly side of New Lots Avenue;

THENCE northeasterly along the southeasterly side of New Lots Avenue, 211.94 feet to the corner formed by the southeasterly side of New Lots Avenue with the westerly side of Powell Street;

THENCE southerly along the westerly side of Powell Street, 310.45 feet (deed) 310.42 feet (survey) 310.43 feet (B.F.S. No 47) to the corner formed by the westerly side of Powell Street with the northerly side of Hegeman Avenue;

THENCE westerly along the northerly side of Hegeman Avenue, 200.00 feet to the corner formed by the intersection of the northerly side of Hegeman Avenue with the easterly side of Sackman Street;

THENCE northerly along the easterly side of Sackman Street, 240.26 feet (Actual) 240.25 feet (Deed) to the southeasterly side of New Lots Avenue at the point or place of BEGINNING.

Containing an area of approximately 55,067.75 square feet or 1.26418 acres more or less.

Exhibit B

Site Survey



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/23/2019



SITE DESCRIPTION

SITE NO. C224240

SITE NAME Ebenezer Plaza 1

SITE ADDRESS: 96 New Lots Ave, 672 Powell Street ZIP CODE: 11212

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: 04/30/2021

Description of Institutional Control

- Compliance with the Environmental Easement and SMP
- Operation and maintenance of Environmental Controls as specified in the SMP
- Inspection of all Engineering Controls at frequency specified in the SMP
- Reporting of data at frequency specified in the SMP

Institutional Controls in the form of site restrictions:

- Long-term IC/EC must be employed to allow for restricted residential, commercial, and industrial use
- Property may not be used for a higher level of use
- Future activities distributing remaining contamination must adhere to SMP
- Prohibited use of groundwater without treatment
- Prohibited farming and vegetable gardens
- Periodic review and certification at frequency specified in the SMP
- Monitoring to assess the performance and effectiveness of the remedy as defined in the SMP
- Access to the site must be provided to NYS with reasonable prior notice

Description of Engineering Control

- Composite cover (asphalt, concrete, building slabs, landscaped areas)
- Submembrane depressurization system
- Carbon slurry wall restricting movement of contamination within the water table