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 30, 2024

Ebenezer Plaza Owner Phase II LLC C/O: Procida Development Group LLC ATTN: Peter Procida 456 East 173rd Street Bronx, NY 10457

HP Ebenezer 2 Housing Development Fund Company, Inc. C/O: Housing Partnership Development Corporation 242 West 36th Street, 3rd Floor New York, NY 10018

> Re: Certificate of Completion Ebenezer Plaza 2 Brooklyn, Kings County C224241

Dear Peter Procida:

Congratulations on having satisfactorily completed the remedial program at the Ebenezer Plaza 2 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
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 Division Director

Andrew Guglielmi

Division of Environmental Remediation

Enclosure

ec w/ enclosure:

C. Vooris – NYSDOH, christine.vooris@health.ny.gov

M. Dolan – NYSDOH, michele.dolan@health.ny.gov

S. McLaughlin – NYSDOH, <u>scarlett.mclaughlin@health.ny.gov</u>

Matt Gokey, <u>matthew.gokey@tax.ny.gov</u>

Paul Takac, <u>paul.takac@tax.ny.gov</u>

D. Sommer, <u>dsommer@youngsommer.com</u>

R. Kampf, rkampf@LaBellaPC.com

ec w/o enc.:

- A. Fischer NYSDEC, <u>aaron.fischer@dec.ny.gov</u>
- 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
- L. Schmidt NYSDEC, leia.schmidt@dec.ny.gov
- H. Liebowitz NYSDEC, <u>heather.liebowitz@dec.ny.gov</u>
- K. Lewandowski NYSDEC, kelly.lewandoski@ny.gov

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP) CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name Address

Ebenezer Plaza Owner Phase II LLC 456 E. 173rd Street, Bronx, NY 10457

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 12/5/16 Agreement Execution: 1/10/17

Agreement Index No.: C224241-10-16

Application Amendment Approval: 3/7/17 Agreement Amendment Execution: 3/7/17

Application Amendment Approval: 8/13/18 **Agreement Amendment Execution:** 8/13/18

Application Amendment Approval: 11/15/24

Agreement Amendment Execution: 11/15/24

SITE INFORMATION:

Site No.: C224241 Site Name: Ebenezer Plaza 2

Site Owner: HP Ebenezer 2 Housing Development Fund Company, Inc.

Ebenezer Plaza Owner Phase II LLC

Street Address: 589 Christopher Avenue (a/k/a 257 Hegeman Avenue)

Municipality: Brooklyn County: Kings DEC Region: 2

Site Size: 0.845 Acres

Tax Map Identification Number(s): 3861-1 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 2: Restricted use with generic soil cleanup objectives

Tax Credit Provisions:

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

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%), if the site is located in a disadvantaged community and not located in an EnZone (5%), if the site is developed as a renewable energy facility site (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 Office of the City Register of the City of New York as 2024000185220.

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 Guglislmi Date: 12/30/2024

Andrew O. Guglielmi, Director Division of Environmental Remediation

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 the corner formed by the intersection of the northerly side of Hegeman Avenue with the easterly side of Christopher Avenue;

RUNNING THENCE easterly along the northerly side of Hegeman Avenue, 200.00 feet to the westerly side of Sackman Street;

THENCE northerly at right angles along the westerly side of Sackman Street, 219.21 feet to the corner formed by the intersection of the westerly side of Sackman Street with southerly side of New Lots Avenue;

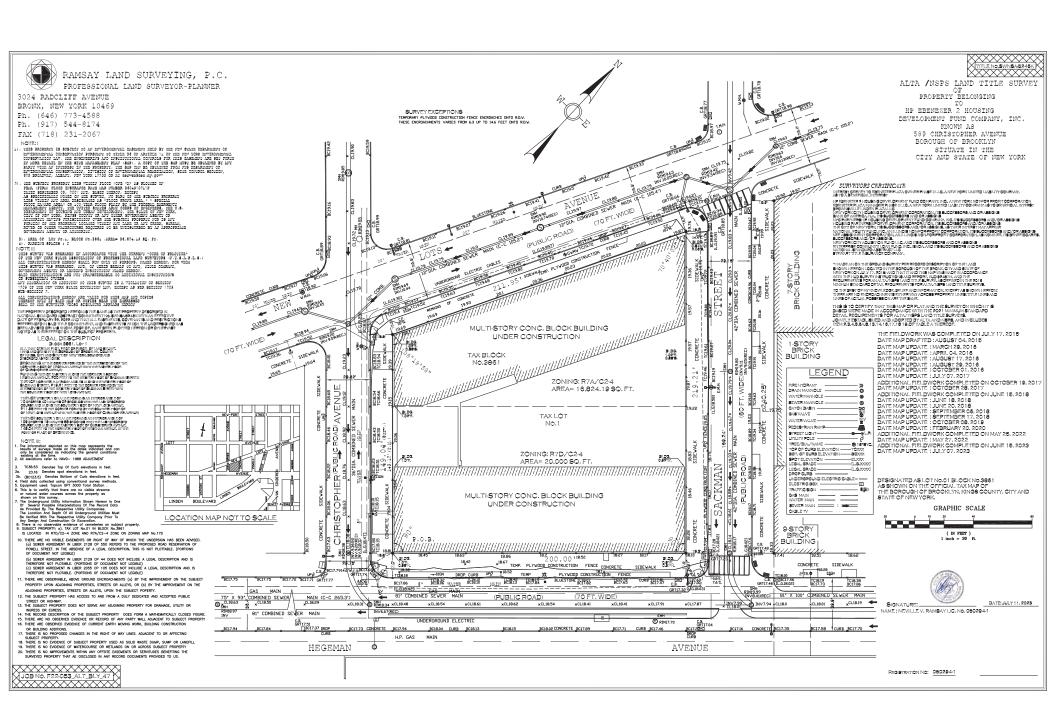
THENCE westerly on a line forming an interior angle of 70 degrees 40 minutes 02 seconds with the last described course and along the southerly side of New Lots Avenue, 211.95 feet to the corner formed by the southerly side of New Lots Avenue with the easterly side of Christopher Avenue;

THENCE southerly on a line forming an interior angle of 109 degrees 19 minutes 58 seconds with the last described course and along the easterly side of Christopher Avenue, 149.04 feet to the northerly side of Hegeman Avenue, at the point or place of BEGINNING.

Area: 36,824.19 SQ FT

Exhibit B

Site Survey



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

Ebenezer Plaza 2 Site ID No. C224241 589 Christopher Avenue (a/k/a 257 Hegeman Avenue), Brooklyn, NY, 11212 Brooklyn, Kings County, Tax Map Identification Number: 3861-1

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 Ebenezer Plaza Owner Phase II LLC for a parcel approximately 0.845 acres located at 589 Christopher Avenue (a/k/a 257 Hegeman Avenue) 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.
\boxtimes	Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii
\boxtimes	Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
\boxtimes	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 Office of the City Register of the City of New York as 2024000185220.

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

Ebenezer Plaza 2, C224241 589 Christopher Avenue (a/k/a 257 Hegeman Avenue), Brooklyn, NY 11212

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, Long Island City, NY by contacting the Regional Environmental Remediation Engineer, or at https://www.dec.ny.gov/data/DecDocs/C224241.

WHEREFORE, the undersigned has signed this Notice of Certificate

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

Ebenezer Plaza 2, C224241 589 Christopher Avenue (a/k/a 257 Hegeman Avenue), Brooklyn, NY 11212

WHEREFORE, the undersigned has signed this Notice of Certificate

HP Ebenezer 2 Housing Development Fund Company, Inc.

	By:
	Title:
	Date:
personally appeared, per satisfactory evidence to be the individual(s) v acknowledged to me that he/she/they execute	, in the year 20, before me, the undersigned, sonally known to me or proved to me on the basis of whose name is (are) subscribed to the within instrument and at the same in his/her/their capacity(ies), and that by ne individual(s), or the person upon behalf of which the
Signature and Office of individual taking acknowledgment	Please record and return to: Ebenezer Plaza Owner Phase II LLC C/O: Housing Partnership Development Corporation 456 E 173 rd Street Bronx, NY 10457



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION Site Management Form



12/17/2024

SITE DESCRIPTION

SITE NO. C224241

SITE NAMEEbenezer Plaza 2

SITE ADDRESS: 589 Christopher Avenue (a/k/a 257 Hegeman Avenue) 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: 04/01/2026

Description of Institutional Control

HP Ebenezer 2 Housing Development Fund C

456 E. 173rd Street

589 Christopher Avenue
Environmental Easement
Block: 3861
Lot: 1
Sublot:
Section:

Subsection:

S_B_L Image: 3861-1

Building Use Restriction

Ground Water Use Restriction

Site Management Plan Soil Management Plan Landuse Restriction Monitoring Plan O&M Plan IC/EC Plan

Description of Engineering Control

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HP Ebenezer 2 Housing Development Fund C

456 E. 173rd Street

589 Christopher Avenue

Environmental Easement

Block: 3861

Lot: 1

Sublot:

Section:

Subsection:

S_B_L Image: 3861-1
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Monitoring Wells Vapor Mitigation

Groundwater Treatment System