

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 23, 2020

Zelig Weiss
Rose Castle Redevelopment II LLC
Flushing & Little Nassau LLC
266 Broadway, Suite 301
Brooklyn, NY 11211

Re: Certificate of Completion
Former NY Cleaning and Dyeing Site
Brooklyn, Kings County
C224264

Dear Mr. Weiss:

Congratulations on having satisfactorily completed the remedial program at the Former NY Cleaning and Dyeing 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 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 the Department's project manager. Please return the hard copy of the proof of recording to:

Wendi Zheng
New York State Department of Environmental Conservation
Division of Environmental Remediation
47-40 21st Street
Long Island City, NY 11101



- Provide the Notice of Certificate of Completion 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 2022.

If you have any questions regarding any of these items, please contact Wendi Zheng at (718) 482-7541.

Sincerely,



Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

Enclosure

ec w/ enclosure:

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

S. McLaughlin – NYSDOH, scarlett.mclaughlin@health.ny.gov

K. Kulow – NYSDOH, kristin.kulow@health.ny.gov

Jon Brooks, jbrooks@freeborn.com

Ariel Czemerinski, ariel@amc-engineering.com

Charles Cosik, csosik@ebcincny.com

Chawinie Reilly, creilly@ebcincny.com

Matt Gokey, matthew.gokey@tax.ny.gov

Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

W. Zheng

G. Burke

J. O'Connell

S. Martinkat

G. Nam

J. Andaloro

K. Lewandowski

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Flushing & Little Nassau LLC
Rose Castle Redevelopment II LLC

Address

266 Broadway, Suite 301, Brooklyn, NY 11211
266 Broadway, Suite 301, Brooklyn, NY 11211

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 2/2/18 **Agreement Execution:** 2/23/18

Agreement Index No.: C224264-01-18

Application Approval Amendment: 12/17/20

Agreement Execution Amendment: 12/17/20

SITE INFORMATION:

Site No.: C224264 **Site Name:** Former NY Cleaning and Dyeing Site

Site Owner: Flushing & Little Nassau LLC

Street Address: 376-378 FLUSHING AVENUE

Municipality: BROOKLYN **County:** Kings

DEC Region: 2

Site Size: 0.882 Acres

Tax Map Identification Number(s): 1884-40, 1884-48

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: Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial
Cleanup Track: Conditional Track 1, provided that the remedial goals for groundwater are achieved within five years of the date of the Certificate. If these goals are not achieved within five years, this Certificate shall be modified to a Track 2 Residential cleanup.

Tax Credit Provisions:

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

Eligibility for Tangible Property Credit is available through: EnZone.

Tangible Property Credit Component Rate is 20%. Comprised of 10% Base, 5 % EnZone, 5% Track 1.

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 2020000341247.

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: 12/23/2020

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)

Former NY Cleaning and Dyeing Site, Site ID No. C224264
376-378 Flushing Avenue, Brooklyn, NY 11205
Brooklyn, Kings County, Tax Map Identification Numbers: 1884-40 and 1884-48

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 Rose Castle Redevelopment II LLC and Flushing & Little Nassau LLC for a parcel approximately 0.882 acres located at 376-378 Flushing Avenue 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 Kings County as 2020000341247.

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

Former NY Cleaning and Dyeing Site, C224264, 376-378 Flushing Avenue, Brooklyn, NY 11205

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 Office located at 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/C224264>.

WHEREFORE, the undersigned has signed this Notice of Certificate

Flushing & Little Nassau LLC

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:
Zelig Weiss
Rose Castle Redevelopment II LLC
Flushing & Little Nassau LLC
266 Broadway, Suite 301
Brooklyn, NY 11211

Exhibit A
Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

**LEGAL AND EASEMENT DESCRIPTION FOR BLOCK 1884 LOT 40 & 48
(as 1 zoning Lot)**

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 southerly side of Flushing Avenue distant 50.02 feet easterly from the corner formed by the intersection of the southerly side of Flushing Avenue with the easterly side of Kent Avenue;

THENCE easterly along the southerly side of Flushing Avenue, 268.85 feet;

THENCE southerly along the westerly side of Franklin Avenue, 102.75 feet;

THENCE westerly approximately parallel with Park Avenue, 118.25 feet;

THENCE southerly approximately parallel with Franklin Avenue, 90.75 feet;

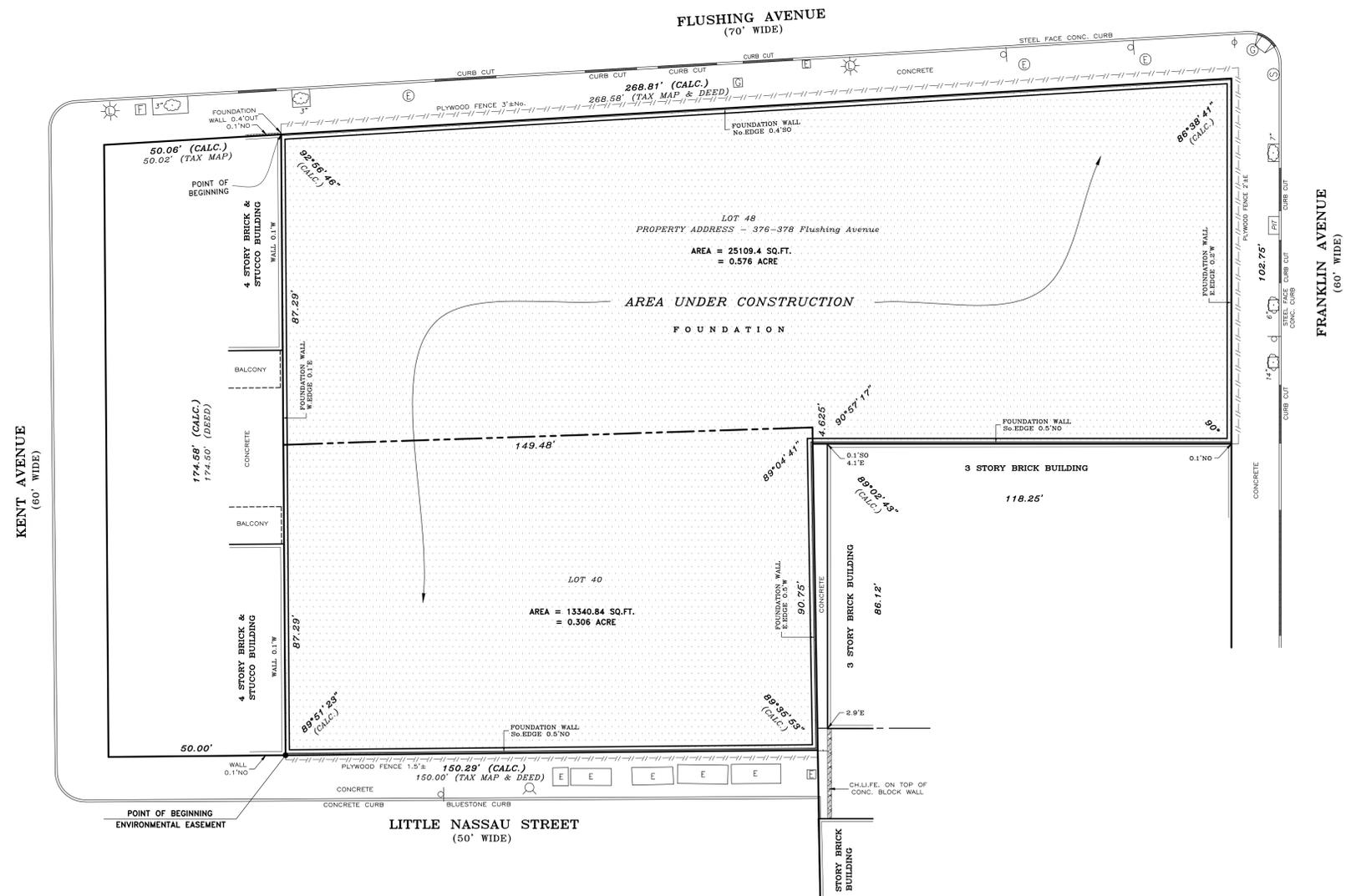
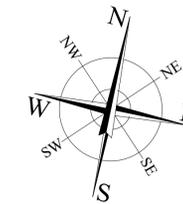
THENCE westerly along with the northerly side of Little Nassau Street, 150.00 feet;

THENCE northerly approximately parallel with Kent Avenue, 174.64 feet, to the point or place of BEGINNING.

Containing an area of approximately 38,450.24 square feet or 0.882 acres more or less.

Exhibit B

Site Survey



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

MAP OF SURVEY

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

TAX DESIGNATION:
BLOCK: 1884, LOTS: 40, 48

SURVEYED ON: JANUARY 29, 2014
AMENDED: JUNE 20, 2016 (ADDITIONAL SEWER MANHOLE ADDED)
 AUGUST 28, 2018 (STAKEOUT)
 DECEMBER 26, 2018 (PROPERTY ADJUSTMENT)
 JANUARY 16, 2019 (STAKEOUT)
 JANUARY 25, 2019 (PLEASANTNESS OF ADJACENT BUILDINGS)
 JUNE 20, 2019 (ENVIRONMENTAL EASEMENTS SHOWN)
 SEPTEMBER 26, 2019 (UPDATE)
 OCTOBER 10, 2019 (CONVERTED TO TITLE)
 MAY 22, 2020 (UPDATE)
 MAY 27, 2020 (TIE DISTANCE SHOWN)
 JULY 21, 2020 (CERTIFICATION ONLY)
 AUGUST 19, 2020 (ENVIRONMENTAL EASEMENT)
 SEPTEMBER 30, 2020 (POINT OF BEGINNING)

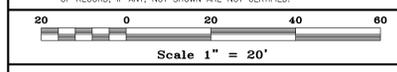
DRAWN BY: M.V./M.K./M.V. **CHECKED BY:** A.T.

- NOTES:**
- ELEVATIONS AND ESTABLISHED GRADES SHOWN HEREON REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88)
 - LEGAL GRADES SHOWN HEREON REFER TO THE TOP OF THE CURB TAKEN AT THE PROJECTION OF THE PROPERTY LINES.
 - THE INFORMATION GIVEN ON THIS SURVEY PERTAINING TO UTILITIES AND/OR SUBSTRUCTURES IS NOT CERTIFIED AS TO ACCURACY OR COMPLETENESS.
 - NO UTILITY AND/OR SUBGRADE INFORMATION OTHER THAN SEWER, WATER IS INDICATED ON THIS SURVEY. CONSULT WITH THE APPROPRIATE UTILITY COMPANY OR AGENCY PRIOR TO DESIGNING IMPROVEMENTS.
 - SIZES AND TYPES OF SEWERS SHOWN HEREON AS OBTAINED FROM THE BOROUGH OF BROOKLYN SEWER DEPARTMENT RECORDS; SEWER MANHOLE RIM AND INVERT ELEVATIONS SHOWN HEREON OBTAINED BY FIELD MEASUREMENTS.
 - SIZE OF WATER MAIN SHOWN HEREON AS OBTAINED FROM THE CITY OF NEW YORK DEPARTMENT OF ENVIRONMENTAL PROTECTION RECORDS, AS SHOWN ON MAP.
 - THE OWNER, CONTRACTOR AND/OR HIS AGENTS MUST NOTIFY THE APPROPRIATE UTILITY COMPANIES AND/OR AGENCIES AT LEAST 72 HOURS PRIOR TO ANY CONSTRUCTION IN ACCORDANCE WITH INDUSTRIAL CODE RULE 53.
 - THIS IS TO CERTIFY THAT THERE ARE NO STREAMS NOR NATURAL WATERCOURSES IN THE PROPERTY AS SHOWN ON THIS SURVEY.

THE OFFSETS OR DIMENSIONS SHOWN FROM THE STRUCTURES TO THE PROPERTY LINES ARE FOR A SPECIFIC PURPOSE AND USE AND THEREFORE ARE NOT INTENDED TO GUIDE THE ERECTION OF FENCES, RETAINING WALLS, POOLS, PLANTING AREAS, ADDITIONS TO STRUCTURES AND ANY OTHER CONSTRUCTION.

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S INKED SEAL OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY. CERTIFICATION INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

THE EXISTENCE OF RIGHT OF WAYS AND/OR EASEMENTS OF RECORD, IF ANY, NOT SHOWN ARE NOT CERTIFIED.



LEONARD J. STRANDBERG AND ASSOCIATES,
 CONSULTING ENGINEERS AND LAND SURVEYORS, P.C.
 52 SMITH STREET, FREEPORT, NY 11520
 516-378-2064 • 212-213-4090 • FAX 516-378-6649
 EMAIL: INFO@LJSPC.COM

- Legend:**
- TREE WITH SIZE
 - TRAFFIC SIGN
 - ELECTRIC MANHOLE
 - ELECTRIC VAULT
 - WATER VALVE
 - FIRE ALARM BOX
 - GAS MANHOLE
 - GAS VALVE
 - LIGHT POLE
 - LOW PRESSURE FIRE HYDRANT
 - PEDESTRIAN RAMP
 - ENVIRONMENTAL EASEMENT

NOTES:
 THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW. THE ENGINEERING 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, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT DERWEB@DEC.NY.GOV.

TOTAL AREA OF THE ENVIRONMENTAL EASEMENT =
 38,450.2 SQ.FT. = 0.88 ACRES

LEGAL DESCRIPTION FOR ENVIRONMENTAL EASEMENT (BLOCK 1884 LOT 40 & 48 as 1 zoning Lot)

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, situated and described as follows:
 BEGINNING at a point on the southerly side of Flushing Avenue distant 50.02 feet easterly from the corner formed by the intersection of the southerly side of Flushing Avenue with the easterly side of Kent Avenue;
 THENCE easterly along the southerly side of Flushing Avenue, 268.85 feet;
 THENCE southerly along the westerly side of Franklin Avenue, 102.75 feet;
 THENCE westerly approximately parallel with Park Avenue, 118.25 feet;
 THENCE southerly approximately parallel with Franklin Avenue, 90.75 feet;
 THENCE westerly along with the northerly side of Little Nassau Street, 150.00 feet;
 THENCE northerly approximately parallel with Kent Avenue, 174.64 feet, to the point or place of BEGINNING.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 12/18/2020



SITE DESCRIPTION

SITE NO. C224264

SITE NAME Former NY Cleaning and Dyeing Site

SITE ADDRESS: 376-378 FLUSHING AVENUE ZIP CODE: 11205

CITY/TOWN: Brooklyn

COUNTY: Kings

ALLOWABLE USE: Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Monitoring Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2022

Description of Institutional Control

Flushing & Little Nassau LLC

266 Broadway, Suite 301

376 Flushing Avenue

Environmental Easement

Block: 1884

Lot: 40

Sublot:

Section:

Subsection:

S_B_L Image: 1884-40

Ground Water Use Restriction

IC/EC Plan

Monitoring Plan

Site Management Plan

378 Flushing Avenue

Environmental Easement

Block: 1884

Lot: 48

Sublot:

Section:

Subsection:

S_B_L Image: 1884-48

Ground Water Use Restriction

IC/EC Plan

Monitoring Plan

Site Management Plan

Description of Engineering Control