

# 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

November 21, 2022

New York City School Construction Authority  
Attn: Deborah Lee Guterman  
30-30 Thomson Avenue  
Long Island City, NY 11101-3045  
DGuterman@nysca.org

Re: Certificate of Completion  
840 5<sup>th</sup> Avenue  
Brooklyn, Kings County  
C224271

Dear Ms. Guterman:

Congratulations on having satisfactorily completed the remedial program at the 840 5<sup>th</sup> Avenue 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:  
Michael Sollecito, Bureau B  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway



Albany, NY 12233

- 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 February 2024.

If you have any questions, please do not hesitate to contact Michael Sollecito, the Department's project manager, at 518-402-2198.

Sincerely,

*Andrew Guglielmi*

Andrew Guglielmi  
Division Director  
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

Christine Vooris – NYSDOH, [christine.vooris@health.ny.gov](mailto:christine.vooris@health.ny.gov)  
Scarlett McLaughlin – NYSDOH, [scarlett.mclaughlin@health.ny.gov](mailto:scarlett.mclaughlin@health.ny.gov)  
Sara Bogardus – NYSDOH, [sara.bogardus@health.ny.gov](mailto:sara.bogardus@health.ny.gov)  
Deborah Lee Guterman - [Dguterman@nysca.org](mailto:Dguterman@nysca.org)  
William Estes – [westes@nysca.org](mailto:westes@nysca.org)  
Lindsay O'Hara – [lohara@trccompanies.com](mailto:lohara@trccompanies.com)  
Kevin Boger – [kboger@trccompanies.com](mailto:kboger@trccompanies.com)  
William J. Estes, ESQ. – [westes@nysca.org](mailto:westes@nysca.org)  
Matt Gokey - [matthew.gokey@tax.ny.gov](mailto:matthew.gokey@tax.ny.gov)  
Paul Takac - [paul.takac@tax.ny.gov](mailto:paul.takac@tax.ny.gov)

ec w/o enc.:

A. Guglielmi, G. Burke, H. Dudek, J. O'Connell, M. Sollecito, J. Andaloro, R. Seebacher, K. Lewandowski

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

**CERTIFICATE HOLDER(S):**

**Name**

New York City School Construction Authority

**Address**

30-30 Thomson Avenue, Long Island City, NY 11101

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 5/17/18    **Agreement Execution:** 6/19/18

**Agreement Index No.:** C224271-05-18

**Application Amendment Approval:** none

**Agreement Amendment Execution:** none

**SITE INFORMATION:**

**Site No.:** C224271    **Site Name:** 840 5th Avenue

**Site Owner:** New York City School Construction Authority

**Street Address:** 840 5TH AVENUE

**Municipality:** Brooklyn

**County:** Kings

**DEC Region:** 2

**Site Size:** 0.450 Acres

**Tax Map Identification Number(s):** 693-39

**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%.

Tangible Property Credit at the time of this COC issuance is 0%.

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 2022000381450.

#### **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 6 NYCRR 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 6 NYCRR 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; or
- (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: Andrew Guglielmi Date: 11/21/2022

Andrew O. Guglielmi, Director  
Division of Environmental Remediation

## **Exhibit A**

### **Site Description**

**SCHEDULE "A" PROPERTY DESCRIPTION**

ALL THAT CERTAIN PLACE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH OF BROOKLYN, COUNTY OF KINGS AND STATE OF NEW YORK BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF THE NORTHEASTERLY SIDE OF 36TH STREET (60 FEET WIDE) AND THE NORTHWESTERLY SIDE OF 5TH AVENUE (80 FEET WIDE), ALSO KNOWN AS THE SOUTHEASTERLY CORNER OF NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY PUBLIC SCHOOL NUMBER K671;

RUNNING THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY SIDE OF 36TH STREET A DISTANCE OF 128.00 FEET TO A POINT;

THENCE NORTHEASTERLY ALONG A LINE FORMING AT RIGHT ANGLE WITH THE NORTHEASTERLY SIDE OF 36TH STREET A DISTANCE OF 100.17 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF LANDS NOW OR FORMERLY OF GREENWOOD CEMETERY;

THENCE ALONG THE SOUTHWESTERLY, NORTHWESTERLY AND AGAIN SOUTHWESTERLY LINES OF LANDS NOW OR FORMERLY OF GREENWOOD CEMETERY THE FOLLOWING COURSES AND DISTANCES:

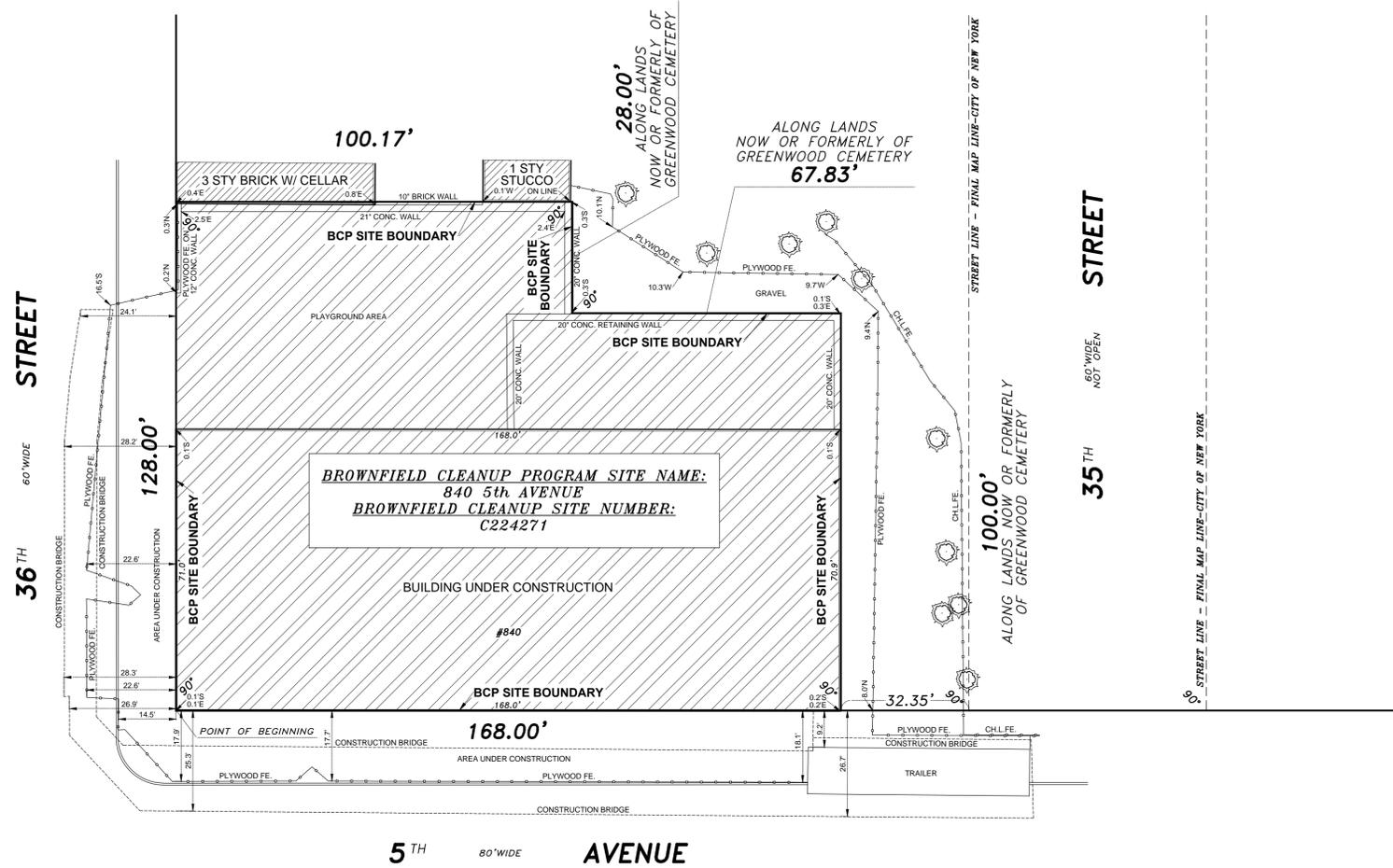
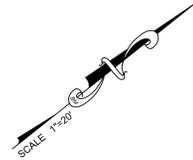
1. SOUTHEASTERLY AT RIGHT ANGLES TO THE LAST MENTIONED COURSE, 28.00 FEET
2. NORTHEASTERLY AT RIGHT ANGLES TO THE LAST MENTIONED COURSE, 67.83 FEET
3. SOUTHEASTERLY AT RIGHT ANGLES TO THE LAST MENTIONED COURSE 100.00 FEET TO A POINT ON THE NORTHWESTERLY SIDE OF 5TH AVENUE;

THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY SIDE OF 5TH AVENUE AND AT RIGHT ANGLES TO THE LAST MENTIONED COURSE A DISTANCE OF 168.00 FEET TO THE CORNER FORMED BY THE INTERSECTION OF THE NORTHEASTERLY SIDE OF 36TH STREET AND THE NORTHWESTERLY SIDE OF 5TH AVENUE, THE POINT OR PLACE OF BEGINNING.

CONTAINING: 19,604.67 SQUARE FEET OR 0.45 ACRES OF LAND MORE OR LESS.

**Exhibit B**

**Site Survey**



**SYMBOLS AND ABBREVIATIONS**

FENCE	CHL.FE.	WOOD FE.
UTILITY POLE	W.P.	W.P.
PARKING METER	W.P.	W.P.
OIL FILL	O.F.	O.F.
MONITORING WELL	M.W.	M.W.
TRAFFIC LIGHT	T.L.	T.L.
LIGHT	L.	L.
STREET LIGHT	S.L.	S.L.
FIRE HYDRANT	H.Y.D.	H.Y.D.
SIAMSESE CONNECTION	S.C.	S.C.
SHUT OFF VALVE	S.O.V.	S.O.V.
HANDICAPPED PARKING	H.P.	H.P.
EXISTING TREE	E.T.	E.T.
DRAINS	D.R.	D.R.
ROOF OVER	R.O.	R.O.
EXISTING ELEVATIONS	+43.78	+43.78
CITY ESTABLISHED GRADES	+42.88	+42.88
CURB AND CURB CUT	C.C.	C.C.
OVERHEAD SERVICE	O.H.S.	O.H.S.
CABLE TV MANHOLE	C.T.V.	C.T.V.
MANHOLES	M.H.	M.H.
CATCH BASIN	C.B.	C.B.
FIRE ESCAPE	F.E.	F.E.
PLATFORM	PL or PLT.	PL or PLT.
BASEMENT ENTRANCE	B.E.	B.E.
CELLAR ENTRANCE	C.E.	C.E.
AIR WAY	A.W.	A.W.
BAY WINDOW	B.W.	B.W.
CONCRETE	CONC.	CONC.
OVERHANG	O.H.	O.H.
AIR CONDITION	AC	AC
METAL	MET.	MET.
NORTH OF PROPERTY LINE	N	N
SOUTH OF PROPERTY LINE	S	S
EAST OF PROPERTY LINE	E	E
WEST OF PROPERTY LINE	W	W

**GENERAL NOTES**

SUBSURFACE UTILITIES ARE NOT GUARANTEED BY SURVEYOR. HIGH CAUTION RECOMMENDED AND VERIFICATION WITH PROPER CITY AGENCIES, IS MANDATORY BEFORE COMMENCING ALL NEW WORK.

ALL SUBSURFACE AND OVERHEAD UTILITIES (AS TO SIZE, TYPE AND DEPTH) SHOWN ON THIS SURVEY ARE TAKEN FROM RECORDS OF GOVERNMENTAL AGENCIES AND UTILITY COMPANIES, UNLESS OTHERWISE NOTED AND SHOWN.

COVER OR DEPTH OF UTILITIES WHICH DERIVED FROM FIELD MEASUREMENTS SHOWN ON THIS SURVEY SHOULD BE VERIFIED WITH PROPER AGENCY PRIOR TO CONSTRUCTION OF PROJECT. INVERT ELEVATIONS ARE DERIVED FROM CITY AGENCY RECORDS WHEN NOT AVAILABLE BY FIELD SURVEY AND NOTED AS "PER RECORD" ON THE SURVEY.

ALL SUBSURFACE UTILITY AS TO LOCATION AND DEPTH, SHOULD BE RECHECKED AND LEGAL GRADES SHOULD BE VERIFIED WITH THE TOPOGRAPHICAL BUREAU, PREFERABLY IN WRITING BEFORE COMMENCING CONSTRUCTION.

THIS IS TO CERTIFY THAT THERE ARE NO STREAMS OR NATURAL WATER COURSES ON THE SURVEYED PROPERTY EXCEPT AS SHOWN AND/OR DESCRIBED ON THIS SURVEY.

ALL OPERATIONS OF UNDERGROUND FACILITIES AND ALL EXCAVATORS ARE OBLIGATED TO COMPLY WITH ARTICLE 36 OF THE GENERAL BUSINESS LAW AND WITH PROVISIONS OF INDUSTRIAL CODE PART (RULE NO.35) BEFORE ANY EXCAVATION OR DEMOLITION IS COMMENCED. EVERY EXCAVATOR IS REQUIRED BY THESE LAWS TO GIVE ADVANCE NOTICE TO EVERY OPERATOR OF UNDERGROUND FACILITIES OF HIS INTENT TO PERFORM EXCAVATION OR DEMOLITION WORK IN THE SPECIFIED AREA.

ALL ELEVATIONS SHOWN REFER TO THE NAVD 1988 DATUM. TO OBTAIN:  
 - NGVD 1929 DATUM - ADD 1.098 FEET  
 - BROOKLYN BOROUGH DATUM - SUBTRACT 1.147 FEET

EASEMENTS IF ANY ARE NOT SHOWN ON THIS SURVEY. NO INFORMATION PROVIDED TO SURVEYOR AT THIS TIME.

**UNDERGROUND UTILITIES NOTES**

UNDERGROUND, OVERHEAD AND GROUND LEVEL UTILITIES ARE NOT GUARANTEED AS TO ACCURACY, EXACT LOCATION, TYPE OR USE, ACTIVE OR INACTIVE. VERIFICATION IS MANDATORY WITH MUNICIPAL AGENCIES, PUBLIC AND PRIVATE UTILITY COMPANIES PRIOR TO TAKING TITLE AND OR DESIGN WORK. BOUNDARIES ARE NOT GUARANTEED UNLESS SO NOTED.

PROFESSIONAL LAND SURVEYOR  
**RICHARD TOM**  
 N.Y.S. L.L.S. 049844  
 8629 BAY PARKWAY, UNIT CFU  
 BROOKLYN, NY 11214  
 TEL. 718-474-7700

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 COPY. GUARANTEES OR CERTIFICATIONS 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. GUARANTEES OR CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

GUARANTEED TO: New York State Department of Environmental Conservation	
COUNTY: KINGS	CITY: BROOKLYN, NY 11232
SECTION: 840	BLOCK: 693 LOT(S): 39
PROPERTY ADDRESS: 840 5th Avenue	

**ENVIRONMENTAL EASEMENT SURVEY**

PREPARED BY

**PERFECT POINT**  
 LAND SURVEYING  
 brooklyn - queens - manhattan - bronx  
 staten island - nassau  
 phone: (718) 474-7700  
 fax: (718) 872-9699  
 info@ppsurveying.com  
 www.ppsurveying.com



**RICHARD TOM**  
 N.Y.S. L.L.S. 049844  
 DATE: FEBRUARY 9, 2022

**LEGAL DESCRIPTION**  
 BLOCK 693, LOT 39

ALL that certain place or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings and State of New York bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northeasterly side of 36th Street (60 feet wide) and the northwesterly side of 5th Avenue (80 feet wide), also known as the southeasterly corner of New York City School Construction Authority Public School Number K671;

RUNNING THENCE northwesterly along the northeasterly side of 36th Street a distance of 128.00 feet to a point;

THENCE northeasterly along a line forming at right angle with the northeasterly side of 36th Street a distance of 100.17 feet to a point on the southwesterly line of lands now or formerly of Greenwood Cemetery;

THENCE along the southwesterly, northwesterly and again southwesterly lines of lands now or formerly of Greenwood Cemetery the following courses and distances:

- 1) Southeasterly at right angles to the last mentioned course, 28.00 feet
- 2) Northeasterly at right angles to the last mentioned course, 67.83 feet
- 3) Southeasterly at right angles to the last mentioned course 100.00 feet to a point on the northwesterly side of 5th Avenue;

THENCE southwesterly along the northwesterly side of 5th Avenue and at right angles to the last mentioned course a distance of 168.00 feet to the corner formed by the intersection of the northeasterly side of 36th Street and the northwesterly side of 5th Avenue, the point or place of BEGINNING.

For Information Only: Premises being known as 836-840 5th Avenue a/k/a 841 5th Avenue a/k/a 483 36th Street, as to Block 693 Lot 39 and no address, as shown on Tax Map of the City of New York, County of Kings.

LOT AREA = 19604.67 sq.ft. = 0.45 acre

**ENVIRONMENTAL EASEMENT LEGAL DESCRIPTION**  
 BLOCK 693, LOT 39

ALL that certain place or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings and State of New York bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northeasterly side of 36th Street (60 feet wide) and the northwesterly side of 5th Avenue (80 feet wide), also known as the southeasterly corner of New York City School Construction Authority Public School Number K671;

RUNNING THENCE northwesterly along the northeasterly side of 36th Street a distance of 128.00 feet to a point;

THENCE northeasterly along a line forming at right angle with the northeasterly side of 36th Street a distance of 100.17 feet to a point on the southwesterly line of lands now or formerly of Greenwood Cemetery;

THENCE along the southwesterly, northwesterly and again southwesterly lines of lands now or formerly of Greenwood Cemetery the following courses and distances:

- 1) Southeasterly at right angles to the last mentioned course, 28.00 feet
- 2) Northeasterly at right angles to the last mentioned course, 67.83 feet
- 3) Southeasterly at right angles to the last mentioned course 100.00 feet to a point on the northwesterly side of 5th Avenue;

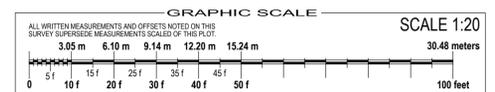
THENCE southwesterly along the northwesterly side of 5th Avenue and at right angles to the last mentioned course a distance of 168.00 feet to the corner formed by the intersection of the northeasterly side of 36th Street and the northwesterly side of 5th Avenue, the point or place of BEGINNING.

For Information Only: Premises being known as 836-840 5th Avenue a/k/a 841 5th Avenue a/k/a 483 36th Street, as to Block 693 Lot 39 and no address, as shown on Tax Map of the City of New York, County of Kings.

LOT AREA = 19604.67 sq.ft. = 0.45 acre

**NOTE:**  
 This property is subject to an environmental easement held by the 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

 - ENVIRONMENTAL EASEMENT



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

**840 5<sup>th</sup> Avenue, Site ID No. C224271**  
**840 5<sup>th</sup> Avenue, Brooklyn, NY, 11232**  
**Brooklyn, Kings County, Tax Map Identification Number: Block 693 Lot 39**

**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 the New York City School Construction Authority for a parcel approximately 0.45 acres located at 840 5<sup>th</sup> Avenue, 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**, 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 2022000381450.

**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 limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

**840 5<sup>th</sup> Avenue, C224271**  
**840 5<sup>th</sup> Avenue, Brooklyn, NY 11232**

**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 21<sup>st</sup> Street, Long Island City, New York by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C224271>.

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

New York City School Construction Authority

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:**  
New York City School Construction Authority  
Attn: Deborah Lee Guterman  
30-30 Thomson Avenue  
Long Island City, NY 11101-3045



## Description of Engineering Control

### **New York City School Construction Authority**

30-30 Thomson Ave.

#### **840 5th Avenue**

Environmental Easement

Block: 693

Lot: 39

Sublot:

Section:

Subsection:

S\_B\_L Image: 693-39

Cover System

Vapor Mitigation