

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 27, 2023

David Speiser
Dupont Street 1 LLC
Dupont Street Owner 2 LLC
520 Madison Avenue, Suite 3501
New York, NY 10022

Zachary Kadden
Dupont Street Owner LLC
520 Madison Avenue, Suite 3501
New York, NY 10022

Re: Certificate of Completion
Former NuHart East
Kings County, New York
Site No. C224287

Dear David Speiser and Zachary Kadden,

Congratulations on having satisfactorily completed the remedial program at the Former NuHart East. 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:

Bryan Wong
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. NYSDEC 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;

If you have any questions regarding any of these items, please contact Bryan Wong at 718-482-4905 or yukyin.wong@dec.ny.gov.

Sincerely,

Andrew Guglielmi

Andrew O. Guglielmi
Division Director
Division of Environmental Remediation

ec w/ enclosure:

C. Vooris – NYSDOH, christine.vooris@health.ny.gov
S. McLaughlin – NYSDOH scarlett.mclaughlin@health.ny.gov
S. Lawrence – NYSDOH, stephen.lawrence@health.ny.gov
D. Speiser, dspeiser@madisonrealtycapital.com
Z. Kadden, zkadden@madisonrealtycapital.com
S. Underhill, sunderhill@haleyaldrich.com
D. Freeman, dfreeman@gibbonslaw.com
M. Gokey – NYSDTF, matthew.gokey@tax.ny.gov
P. Takac – NYSDTF, paul.takac@tax.ny.gov

ec w/o enc.:

J. O'Connell, A. Obligado, B. Wong, K. Lewandowski, A. Pereira – NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	Address
Dupont Street 1 LLC	520 Madison Avenue, Suite 3501, New York, NY 10022
Dupont Street Owner 2 LLC	520 Madison Avenue, Suite 3501, New York, NY 10022
Dupont Street Owner LLC	520 Madison Avenue, Suite 3501, New York, NY 10022

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 11/19/21 **Agreement Execution:** 11/24/21
Agreement Index No.: C224287-11-21

Application Amendment Approval: 12/16/22	Agreement Amendment Execution: 12/16/22
Application Amendment Approval: 12/11/23	Agreement Amendment Execution: 12/11/23

SITE INFORMATION:

Site No.: C224287 **Site Name:** Former NuHart East
Site Owner: Dupont Street Owner LLC
Dupont Street Owner 2 LLC
Street Address: 65 Dupont Street and 75 Dupont Street
Municipality: Brooklyn **County:** Kings **DEC Region:** 2
Site Size: 1.120 Acres
Tax Map Identification Number(s): 2487-17 (portion of lot 17), 2487-18
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: Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial

Cleanup Track: Track 1: Unrestricted use

Tax Credit Provisions:

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

The Certificate Holder has sworn by affidavit that the project is an Affordable Housing Project because it is being developed and will be operated under the following affordable housing program: Affordable New York as described in section 421-a(16) of the New York Real Property Tax Law. Eligibility for Tangible Property Credits is available as an Affordable Housing Project only if the Certificate Holder presents a certification of compliance or other evidence of eligibility by a federal, state, or local government affordable housing agency

that the redevelopment of the site meets the requirements of the aforementioned affordable housing program. Such documentation shall be provided to the Department and presented to the Department of Taxation & Finance (together with this Certificate) with each claim for Tangible Property Credits. If an affordable housing project is not constructed, the Site is not eligible for Tangible Property Credits.

Tangible Property Credit is 15%. Comprised of 10% Base, 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%), 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 %.

No Environmental Easement has been granted pursuant to ECL Article 71, Title 36 as there are no use restrictions and there is no reliance on the long-term employment of institutional controls.

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.

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: 12/27/2023
Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A

Site Description

EXHIBIT A

Legal 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 northerly side of Dupont Street distant 300.00 feet from corner formed by the intersection of the westerly side of Manhattan Avenue and the northerly side of Dupont Street;

RUNNING THENCE westerly along the northerly side of Dupont Street 310.00 feet to a point;

THENCE northerly and parallel with Manhattan Avenue 200.00 feet to the southerly side of Clay Street;

THENCE easterly along the southerly side of Clay Street 180.00 feet to the point on the southerly side of Clay Street;

THENCE southerly and parallel with Manhattan Avenue 100.00 feet to the point;

THENCE easterly and parallel with Dupont Street 130.00 feet to the point;

THENCE southerly and parallel with Manhattan Avenue 100.00 feet to the northerly side of Dupont Street to the point or place of BEGINNING.

Exhibit B

Site Survey

JOB No.: 18-44099E

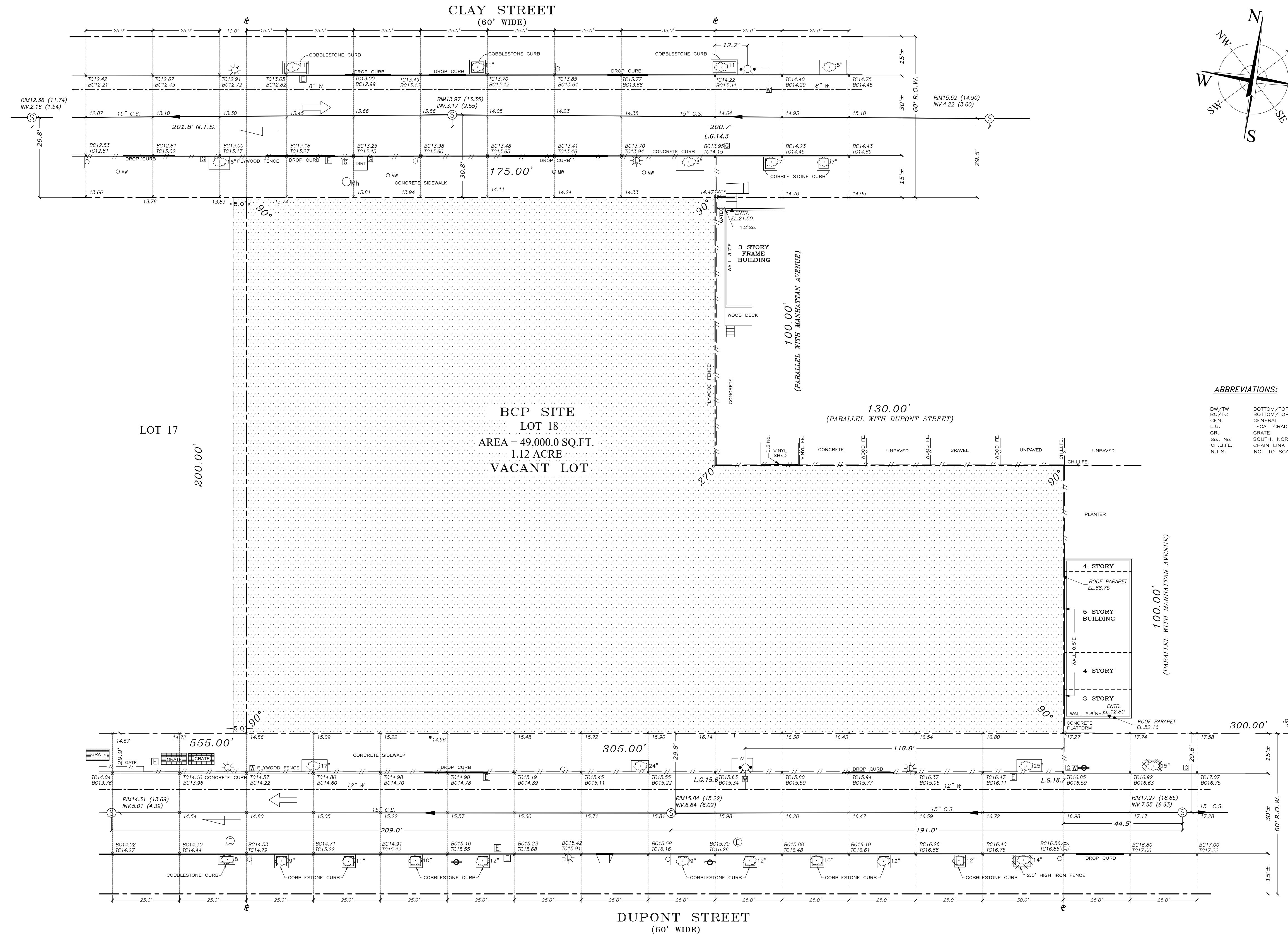
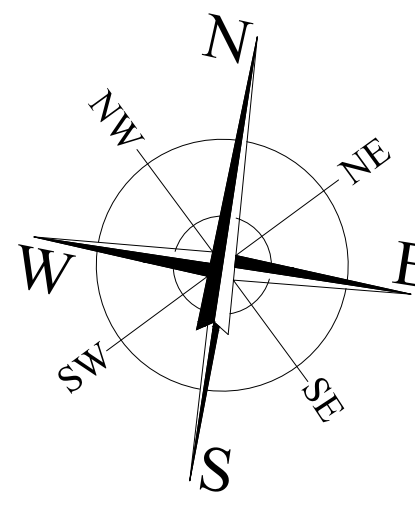
BROWNFIELD SITE

OF DESCRIBED PROPERTY

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

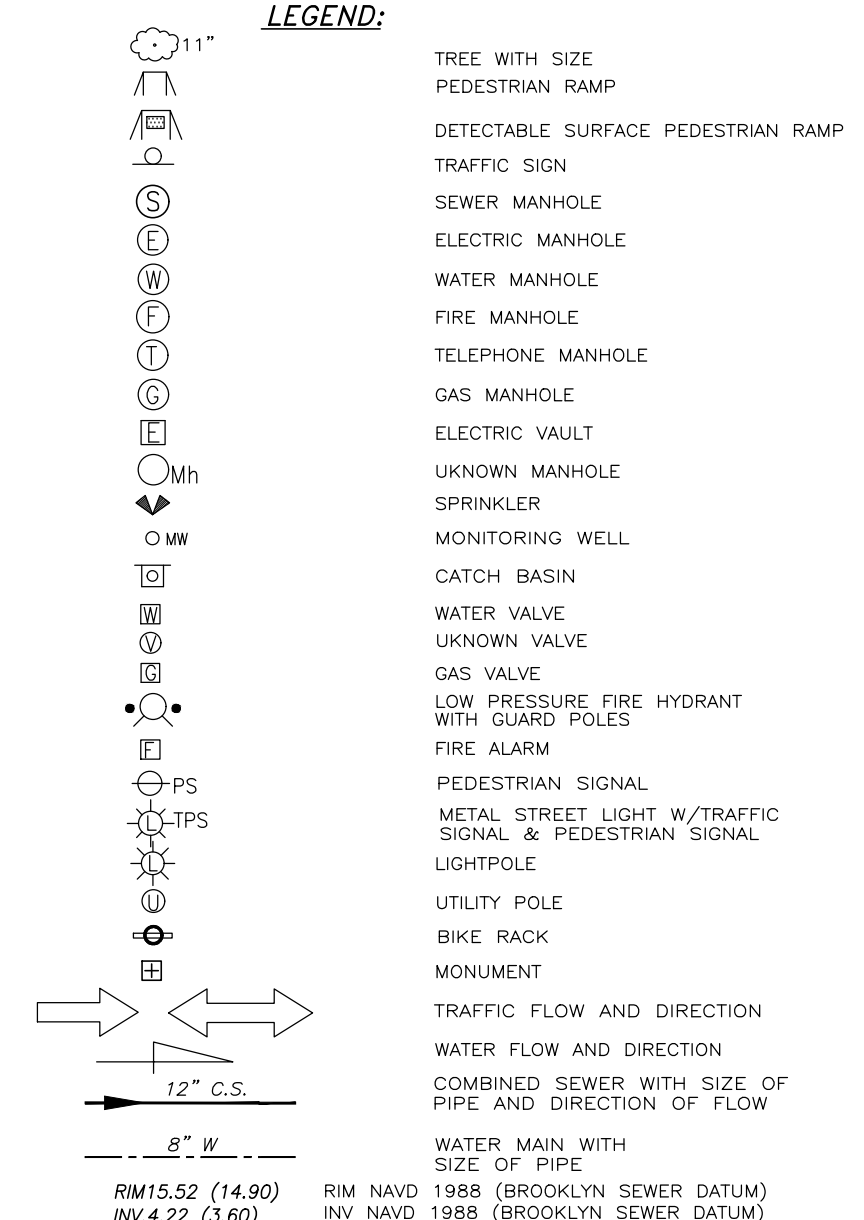
TAX DESIGNATION:
BLOCK: 2487,
LOT: 18 & P/O LOT 17

SURVEYED ON: APRIL 16, 2018
AMENDED ON: JULY 14, 2020 (UPDATE)
SEPTEMBER 02, 2021 (UPDATE)
OCTOBER 01, 2021 (PROPOSED SUBDIVISION)
DECEMBER 23, 2021 (UPDATE)
JANUARY 26, 2022 (ADDITIONAL INFO SHOWN)
OCTOBER 4, 2022 (UPDATE)
DECEMBER 6, 2023 (BROWNFIELD SITE)



ABBREVIATIONS:

SW/TW BOTTOM/TOP OF WALL
BC/TC BOTTOM/TOP OF CURB
GEN. GENERAL
L.G. LEGAL GRADES
CR. CURB
S&I, No. SOUTH, NORTH
CH/LF. CHAIN LINK FENCE
N.T.S. NOT TO SCALE



DRAWN BY: AH/SM CHECKED BY: AT

- 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 EXCEPT AT THE PROJECTION OF THE PROPERTY LINES
 - THE INFORMATION GIVEN ON THIS SURVEY PERTAINING TO SUBSURFACE UTILITIES AND/OR SUBSTRUCTURES IS NOT CERTIFIED AS TO ACCURACY OR COMPLETENESS.
 - 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 DEEP 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.

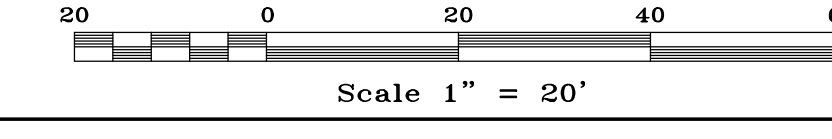
THE OFFSETS OR DIMENSIONS SHOWN FROM THE STRUCTURES TO THE PROPERTY LINES ARE FOR A SPECIFIC PURPOSE AND USE AND THEREFORE ARE NOT INTENDED TO GUIDE THE ERECTION OF FENCES, RETAINING WALLS, POOLS, PLANTING AREAS, ADDITIONS TO STRUCTURES AND ANY OTHER CONSTRUCTION.

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 WAY AND/OR EASEMENTS OF RECORD, IF ANY, NOT SHOWN ARE NOT CERTIFIED.



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

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

Former NuHart East, Site ID No. C224287
65 Dupont Street and 75 Dupont Street, Brooklyn, NY 11222
Kings County, Tax Map Identification Numbers: Block 2487 p/o Lot 17

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 Dupont Street Owner LLC, Dupont Street 1 LLC and Dupont Street Owner 2 LLC for two parcels, this portion amounting to 0.023 acres located at 65 Dupont Street in the City of New York, 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.
- 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.

PLEASE TAKE NOTICE, provided that the Certificate is 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.

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 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 Region 2 Office located at 47-40 21st Street, Long Island City, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C224287/>

WHEREFORE, the undersigned has signed this Notice of Certificate

Dupont Street Owner 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:
Zachary Kadden
Dupont Street Owner LLC
520 Madison Avenue, Suite 3501
New York, NY 10022

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

Former NuHart East, Site ID No. C224287
65 Dupont Street and 75 Dupont Street, Brooklyn, NY 11222
Kings County, Tax Map Identification Numbers: Block 2487 Lots 17 (partial) and 18

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 Dupont Street Owner LLC, Dupont Street 1 LLC and Dupont Street Owner 2 LLC for two parcels totaling approximately 1.097 acres located at 65 Dupont Street and 75 Dupont Street in the City of New York, 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.
- 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.

PLEASE TAKE NOTICE, provided that the Certificate is 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.

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 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 Region 2 Office located at 47-40 21st Street, Long Island City, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C224287/>

WHEREFORE, the undersigned has signed this Notice of Certificate

Dupont Street Owner 2 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:
David Speiser
Dupont Street Owner 2 LLC
520 Madison Avenue, Suite 3501
New York, NY 10022