

# 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](http://www.dec.ny.gov)

December 27, 2023

204 4th Avenue LLC  
Avi Fisher  
497 Carroll Street, 6<sup>th</sup> Floor  
Brooklyn, NY 11215  
[avi@averyhallinvestments.com](mailto:avi@averyhallinvestments.com)

Speedway LLC  
Jennifer Dart  
P.O. Box 711 – Loc. 0148  
Dallas, TX 75221  
[Jennifer.Dart@7-11.com](mailto:Jennifer.Dart@7-11.com)

Re: Certificate of Completion  
204 4th Avenue  
Brooklyn, Kings County  
Site No. C224295

Dear Avi Fisher and Jennifer Dart,

Congratulations on having satisfactorily completed the remedial program at the 204 4th Avenue 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:

Steven Wu  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
47-40 21<sup>st</sup> 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;
- 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 2025.

If you have any questions, please do not hesitate to contact Steven Wu, NYSDEC's project manager, at [steven.wu@dec.ny.gov](mailto:steven.wu@dec.ny.gov).

Sincerely,

*Andrew Guglielmi*

Andrew Guglielmi  
Division Director  
Division of Environmental Remediation

ec w/ enclosure:

C. Vooris – NYSDOH [christine.vooris@health.ny.gov](mailto:christine.vooris@health.ny.gov)  
S. McLaughlin – NYSDOH [scarlet.mclaughlin@health.ny.gov](mailto:scarlet.mclaughlin@health.ny.gov)  
D. Tucholski – NYSDOH [daniel.tucholski@health.ny.gov](mailto:daniel.tucholski@health.ny.gov)  
M. Gokey, [matthew.gokey@tax.ny.gov](mailto:matthew.gokey@tax.ny.gov)  
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A. Cutrona - Avery Hall [alexander@averyhallinvestments.com](mailto:alexander@averyhallinvestments.com)  
J. Dart - Speedway LLC [Jennifer.Dart@7-11.com](mailto:Jennifer.Dart@7-11.com)  
R. Morley, A. Lockwood – PWGC [ryanm@pwgrosser.com](mailto:ryanm@pwgrosser.com)  
[andyl@pwgrosser.com](mailto:andyl@pwgrosser.com)  
D. Yudelson – Sive, Paget & Riesel, PC [dyudelson@sprlaw.com](mailto:dyudelson@sprlaw.com)

ec w/o enclosure:

S. Wu, A. Obligado, J. O'Connell, J. Andaloro, K. Lewandowski – NYSDEC

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

**CERTIFICATE HOLDER(S):**

**Name**

Speedway LLC  
204 4th Avenue LLC

**Address**

P.O. Box 711 – Loc. 0148, Dallas, TX 75221  
497 Carroll Street, 6<sup>th</sup> Fl, Brooklyn, NY 11215

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 7/18/19

**Agreement Execution:** 8/23/19

**Agreement Index No.:** C224295-07-19

**Agreement Amendment Execution:** 1/2/20

**Application Amendment Approval:** 1/2/20

**Agreement Amendment Execution:** 11/15/23

**Application Amendment Approval:** 11/15/23

**Agreement Amendment Execution:** 12/7/23

**Application Amendment Approval:** 12/7/23

**SITE INFORMATION:**

**Site No.:** C224295 **Site Name:** 204 4th Avenue

**Site Owner:** 204 4th Avenue LLC

**Street Address:** 204 4th Avenue

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

**Site Size:** 0.410 Acres

**Tax Map Identification Number(s):** p/o 434-35

**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:** 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 because the certificate holder submitted documentation to the Department’s satisfaction that the project was an Affordable Housing project. If affordable housing is not constructed there is no Tangible Property Credits. Tangible Property Credit is 10%. Comprised of 10% Base.

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 Recording Office for Kings County as 2023000329009.

#### **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; 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: 12/27/2023

Andrew O. Guglielmi, Director  
Division of Environmental Remediation

**Exhibit A**  
**Site Description**

**Legal Description: Deed & Environmental Easement Area**  
**204 4th Avenue (C224295)**

**BOROUGH OF BROOKLYN, BLOCK: 434, LOT: 35**

**Environmental Easement Area (Part of Tax Lot 35):**

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 Union Street and the westerly side of Fourth Avenue;

RUNNING THENCE northerly along said westerly side of Fourth Avenue, 56 feet 3 inches to a point;

THENCE westerly, forming an interior angle of 90 degrees 0 minutes 0 seconds with the last mentioned course, a distance of 34 feet 2 ½ inches to a point;

THENCE northerly, forming an interior angle of 270 degrees 0 minutes 0 seconds with the last mentioned course, a distance of 33 feet 9 inches to a point;

THENCE easterly, forming an interior angle of 270 degrees 0 minutes 0 seconds with the last mentioned course, a distance of 34 feet 2 ½ inches to a point along the westerly side of Fourth Avenue;

THENCE northerly, running along said westerly side of 4<sup>th</sup> Avenue and forming an interior angle of 90 degrees 0 minutes 0 seconds with the last mentioned course, a distance of 100 feet 0 inches to the south west corner of the intersection of Fourth Avenue and Sackett Street;

THENCE westerly, along the southerly side of Sackett Street, a distance of 100 feet 0 inches to a point;

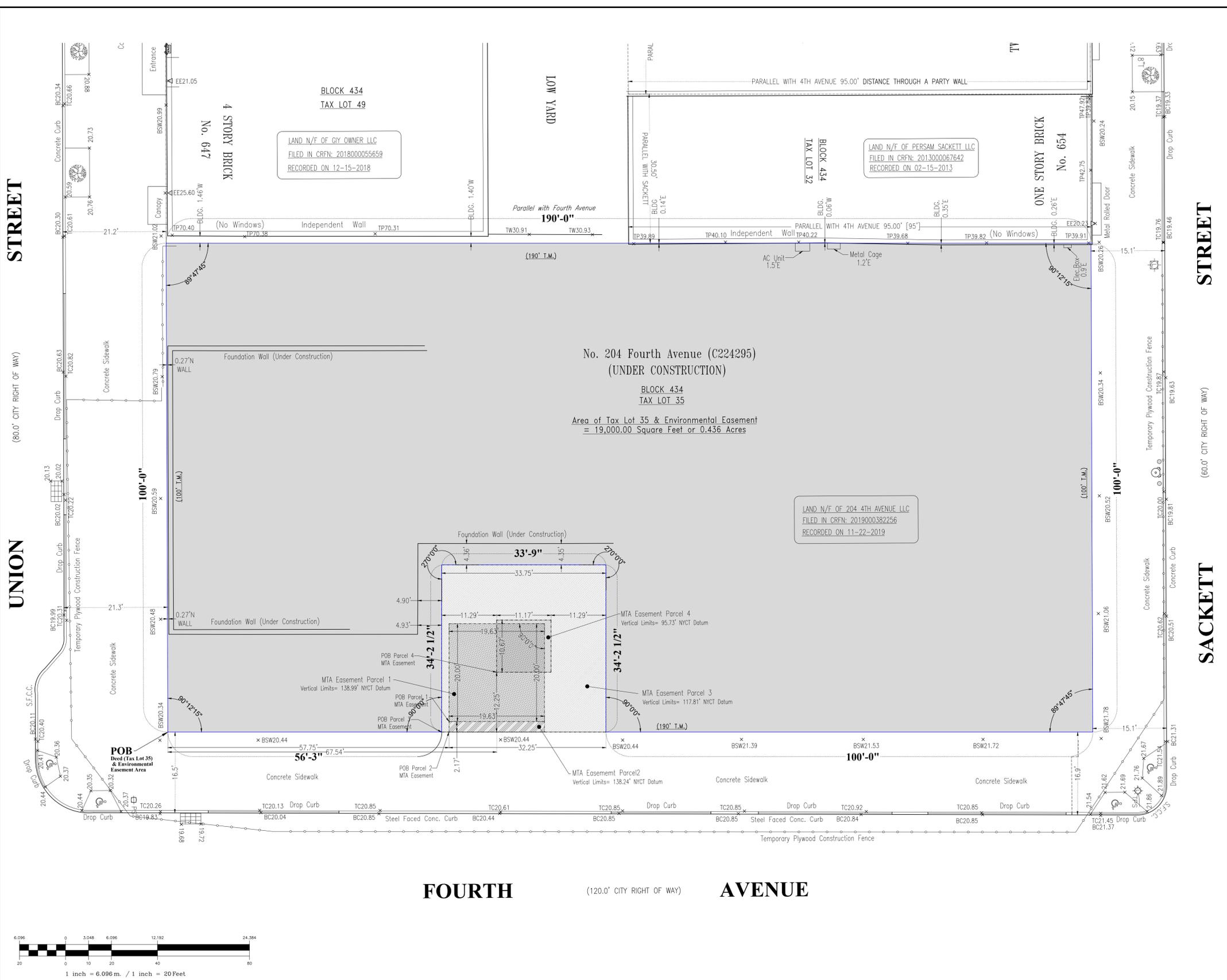
THENCE southerly, forming an interior angle of 90 degrees 12 minutes 15 seconds with the last mentioned course and parallel to Fourth Avenue, a distance of 190 feet to a point along the northerly side of Union Street;

THENCE easterly, running along said northerly side of Union Street, a distance of 100 feet 0 inches to the point and place of BEGINNING.

Land Area = 17,845.41 sq. ft. or 0.4097 acres

**Exhibit B**

**Site Survey**



Abbreviations	
TOP OF CURB ELEVATION	× TC13.29
BOTTOM OF CURB ELEVATION	× BC13.29
TOP OF WALL ELEVATION	× TW13.29
BASE OF ROOF ELEVATION	× R13.29
TOP OF VENT ELEVATION	× TV13.29
TOP OF PARAPET ELEVATION	× TP13.29
SPOT ELEVATION	× 13.29
BLDG.	BUILDING
BM	BENCHMARK
C.C.	CONCRETE CURB
CL	CENTERLINE
C.L.F.	CHAIN LINK FENCE
CONC.	CONCRETE
CRFN	CITY REGISTER FILE NUMBER

Abbreviations	
C.W.	CONCRETE WALL
D.C.	DROP CURB
ELEC.	ELECTRIC
F.R.P.	FROM RECORD PLAN
FL	FLOOR
I.F.	IRON FENCE
MON.	MONUMENT
M.B.P.O.	MANHATTAN BOROUGH PRESIDENTS OFFICE
R.O.W.	RIGHT OF WAY
S.F.C.	STEEL FACE CURB
T.M.	TAX MAP
T.P.	TREE PIT
T.V.	TITLE VESTED
TW	TOP OF WALL ELEVATION

Legend of Symbols	
ENTRANCE ELEVATION	⊙ EE 13.29
CELLAR ENTRANCE ELEVATION	⊙ CE 13.29
GARAGE ENTRANCE ELEVATION	⊙ GE 13.29
UNKNOWN UTILITY MANHOLE	⊙ U
WATER MANHOLE	⊙ W
ELECTRIC MANHOLE	⊙ E
SEWER MANHOLE	⊙ S
VENT PIPE	⊙ V
MONITORING VALVE	⊙ M
FIRE HYDRANT (LOW PRESSURE)	⊙ FH
GAS VALVE	⊙ GV
OIL FILL	⊙ OF
WATER VALVE	⊙ WV
SPOT ELEVATION	⊙ SE
PARKING METER (MUNI-METER)	⊙ PM

Legend of Symbols	
MISCELLANEOUS TRAFFIC SIGN	⊙
BOLLARD	⊙
ENTRANCE ELEVATION	⊙ EE 13.29
LEGAL GRADE/ ACTUAL GRADE FROM FINAL MAP	⊙ LG
LEGAL GRADE INTERPOLATED	⊙ LI
UNDERGROUND UTILITY VAULT	⊙ UV
NYC DOT TRAFFIC SIGN	⊙
ELECTRIC UTILITY BOX	⊙ EUB
METAL LIGHT POLE w/ PEDESTRIAN SIGNAL	⊙ MLPS
STANDARD/ SAMESE CONNECTION (GROUND)	⊙ SC
STANDARD/ SAMESE CONNECTION (WALL-MOUNTED)	⊙ SCW
TAX BLOCK NUMBER	⊙ TB
TAX LOT NUMBER	⊙ TL
TREE	⊙ T
TRAFFIC DIRECTION (ONE-WAY/ TWO-WAY)	⊙

Legend of Symbols	
ANCHOR	⊙
CABLE TV IRON	⊙
CAMERA SECURITY	⊙
CATCH BASIN	⊙
COAL CHUTE	⊙
DEPRESSED CURB (DC)	⊙
DRAIN INLET	⊙
FIRE HYDRANT (HIGH PRESSURE)	⊙
FIRE CALL BOX	⊙
HANDICAP	⊙
GUY WIRE (TENSION CABLE FOR VERTICAL POLE)	⊙
GAS MANHOLE	⊙
MAILBOX	⊙
MONITORING WELL	⊙
N.Y.F.D.	⊙

**Miscellaneous Notes:**

- NOT RESPONSIBLE FOR THE LOCATION FOR ANY UNDERGROUND STRUCTURES, VAULTS, TANKS OR OTHER APPURTENANCES. THE USER OF THIS SURVEY SHOULD BE AWARE THAT WRITTEN AND UNWRITTEN EASEMENTS MAY GIVE OTHERS RIGHTS WHICH MAY AFFECT THE USE OF THIS PROPERTY.
- UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.
- COPIES FROM THE ORIGINAL OF THIS SURVEY MAP NOT MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR HIS EMBOSSED SEAL SHALL NOT BE CONSIDERED A VALID TRUE COPY.
- THE LEGAL GRADES SHOWN ON THIS MAP WERE TAKEN FROM THE BROOKLYN BOROUGH SECTIONAL/ ALTERATION MAPS. LEGAL GRADES REFER TO TOP OF CURB.

**Miscellaneous Notes:**

- ALL ELEVATIONS NOTED ON THIS SURVEY ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 AS ESTABLISHED AND MAINTAINED BY THE NATIONAL GEODETIC SURVEY OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OR SUCCESSOR AGENCY, WHICH IS HEREBY ESTABLISHED AS THE CITY DATUM BY LOCAL LAW 96 OF 2013.
- THE OFFSETS AND 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 STRUCTURES AND ANY OTHER CONSTRUCTION.
- BEFORE PERFORMING ANY EXCAVATION OR DRILLING ON THIS SITE, IT IS REQUIRED THAT SUBSURFACE SERVICE, INCLUDING THE UNDERGROUND MAINS, CUTS, AND CABLES BE MARKED AND IDENTIFIED BY THE UTILITY COMPANY OR AGENCY INVOLVED. THIS SHOULD BE DONE BY PROVIDING THE AFFECTED UTILITY WITH THE NOTICE REFERRED TO IN THE STATE OF NEW YORK UNIFORM CODE §3.
- CERTIFICATIONS ON THIS BOUNDARY SURVEY MAP SIGNIFY THAT THE MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC.

Map Amendments					
NO.	DATE	DESCRIPTION	DRAWN BY	APPROV. BY	
1	11-30-23	REVISED TRACK 4 METES AND BOUNDS			

Linetypes	
GAS LINE	SEWER LINE
CABLE LINE	STEAM LINE
TELEPHONE LINE	TRAFFIC STRIPE
ELECTRIC LINE	NYC R.O.W.
WATER LINE	PROPERTY LINE
CHAIN LINK FENCE	

NYS Department of Environmental Conservation Notes:

"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](mailto:derweb@dec.ny.gov)".

**Legal Description - Tax Lot 35**

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 Union Street and the westerly side of Fourth Avenue;

RUNNING THENCE northerly along said westerly side of Fourth Avenue, 190 feet to the corner formed by the intersection of the southerly side of Sackett Street and the westerly side of Fourth Avenue;

THENCE westerly along the southerly side of Sackett Street, 100 feet;

THENCE southerly, parallel with Fourth Avenue, 190 feet to a point on the northerly side of Union Street;

THENCE easterly along said northerly side of Union Street, 100 feet to the point or place of BEGINNING

Land Area = 19,000.00 sq. ft. or 0.436 Acres

**Flood Note**

By graphic plotting only, this property lies in Zone X of the Flood Insurance Rate Map, Community Panel No. 3604970211F, which bears the effective date of September 5, 2007, the current flood map, and IS NOT in a Special Flood Hazard Area.

Zone X are areas determined to be outside the 0.2% annual chance flood plan.



NEW YORK STATE DEPT. OF ENVIRONMENTAL CONSERVATION	<b>Map of Survey of Property</b> in the County of Kings Borough of Brooklyn City of New York	
	Site Address: <b>204 FOURTH AVENUE BROOKLYN, NY 11215</b>	
	Block: <b>434</b>	Lot(s): <b>35</b>
	Tax Lot 35 Area: 19,000.00 sq. ft. (0.4361 Acres) Track 4 Area: 17,845.41 sq. ft. (0.4097 Acres)	

Client:	2022-29-434K
Project Number:	02-21-2023
Survey Date:	NYS DEC EASEMENT SURVEY
Survey Title:	1"=20'
Scale:	J.D. / Approved By: P. Jones
Drawn By:	Surveyors Certificate

To:

New York State Department of Environmental Conservation:

This is to certify that this survey was prepared in accordance with the existing code of practice for land surveys, adopted by the New York State Association of Professional Land Surveyors, and said certification shall run only to the person for whom the survey was prepared, and on his/her behalf to the title company, governmental agency and lending institution listed hereon, and to the assignee of the lending institution. Certifications are not intended for other institutions or subsequent owners.

Date of Plat or Map: February 21, 2023

Patrick B. Jones  
New York State Licensed Land Surveyor  
License # 050624

**Legal Description**  
Track 4 Environmental Easement Area  
(Part of Tax Lot 35)

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 Union Street and the westerly side of Fourth Avenue;

RUNNING THENCE northerly along said westerly side of Fourth Avenue, 56 feet 3 inches to a point;

THENCE westerly, forming in interior angle of 90 degrees 0 minutes 0 seconds with the last mentioned course, a distance of 34 feet 2 1/2 inches to a point;

THENCE northerly, forming in interior angle of 270 degrees 0 minutes 0 seconds with the last mentioned course, a distance of 33 feet 9 inches to a point;

THENCE easterly, forming in interior angle of 270 degrees 0 minutes 0 seconds with the last mentioned course, a distance of 34 feet 2 1/2 inches to a point along the westerly side of Fourth Avenue;

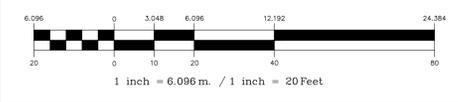
THENCE northerly, running along said westerly side of 4th Avenue and forming in interior angle of 90 degrees 0 minutes 0 seconds with the last mentioned course, a distance of 100 feet 0 inches to the south west corner of the intersection of Fourth Avenue and Sackett Street ;

THENCE westerly, along the southerly side of Sackett Street, a distance of 100 feet 0 inches to a point;

THENCE southerly, forming an interior angle of 90 degrees 12 minutes 15 seconds with the last mentioned course and parallel to Fourth Avenue, a distance of 190 feet to a point along the northerly side of Union Street;

THENCE easterly, running along said northerly side of Union Street, a distance of 100 feet 0 inches to the point and place of BEGINNING.

Land Area = 17,845.41 sq. ft. 0.4097 Acres



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

**204 4th Avenue, Site ID No. C224295**  
**204 4th Avenue, Brooklyn NY 11217**  
**Brooklyn, Kings County, Tax Map Identification Number: p/o 434-35**

**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 204 4th Avenue LLC and Speedway LLC for a portion of a parcel approximately 0.410 acres located at 204 4th 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.
- 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 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 Recording Office for Kings County as CRFN # 2023000329009.

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

**204 4th Avenue, C224295**  
**204 4th Avenue, Brooklyn, NY 11217**

**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 47-40 21st St, Long Island City, NY 11101, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C224295>

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

204 4th Avenue 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:**  
Avi Fisher  
204 4<sup>th</sup> Avenue LLC  
497 Carroll Street, 6th Floor  
Brooklyn, NY 11215



## Description of Engineering Control

### Speedway LLC

500 Speedway Drive

**204 4th Avenue**

Environmental Easement

Block: 434

Lot: 35

Sublot:

Section:

Subsection:

S\_B\_L Image: 434-35

Cover System

Vapor Mitigation