

# 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 23, 2022

Joel Hirsch  
Franklin 33 LLC  
266 Broadway, Suite B04  
Brooklyn, NY 11211

Re: Certificate of Completion  
33 Franklin  
Brooklyn, Kings County  
C224303

Dear Joel Hirsch:

Congratulations on having satisfactorily completed the remedial program at the 33 Franklin 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:

Hasan Ahmed  
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. 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;

If you have any questions, please do not hesitate to contact Hasan Ahmed, the Department's project manager, at (718) 482-6405.

Sincerely,

*Andrew Guglielmi*

Andrew Guglielmi  
Division Director  
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

C. Vooris – NYSDOH [christine.vooris@health.ny.gov](mailto:christine.vooris@health.ny.gov)  
S. McLaughlin – NYSDOH [scarlett.mclaughlin@health.ny.gov](mailto:scarlett.mclaughlin@health.ny.gov)  
S. Rushford – NYSDOH [sally.rushford@health.ny.gov](mailto:sally.rushford@health.ny.gov)  
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)  
C. Leas – Sive Page & Riesel [P.C.cleas@sprlaw.com](mailto:P.C.cleas@sprlaw.com)  
J. Bellew - Haley & Aldrich of New York [jbellew@haleyaldrich.com](mailto:jbellew@haleyaldrich.com)

ec w/o enclosure:

H. Ahmed, J. O'Connell, G. Burke, C. Maycock, M. Kaufer, J. Andaloro, L. Schmidt, K. Lewandowski – NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

**Name**

Franklin 33 LLC

**Address**

266 Broadway, Suite B04, Brooklyn, NY 11211

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 3/31/20    **Agreement Execution:** 4/14/20

**Agreement Index No.:** C224303-04-20

**Application Amendment Approval:** 10/30/22

**Agreement Amendment Execution:** 10/30/22

**SITE INFORMATION:**

**Site No.:** C224303    **Site Name:** 33 Franklin

**Site Owner:** Franklin 33 LLC

**Street Address:** 33-41 Franklin Street (a/k/a 93 Quay Street)

**Municipality:** Brooklyn

**County:** Kings

**DEC Region:** 2

**Site Size:** 0.482 Acres

**Tax Map Identification Number(s):** 2589-13

**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 %.

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 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%), 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 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; or
- (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: 12/23/2022

Andrew O. Guglielmi, Director  
Division of Environmental Remediation

## **Exhibit A**

### **Site Description**

# LEGAL DESCRIPTION

**BLOCK 2589 LOT 13**

*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 the corner formed by the intersection of the northerly side of Quay Street and the westerly side of Franklin Street;*

*RUNNING THENCE westerly 81 feet 6 inches along the northerly side of Quay Street;*

*THENCE northerly at right angles to Quay Street, 100 feet;*

*THENCE westerly parallel with Quay Street, 49.5 feet;*

*THENCE northerly at right angles to Calyer Street and through a party wall 100 feet to the southerly side of Calyer Street;*

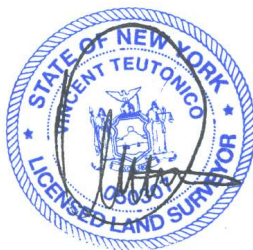
*THENCE easterly along the southerly side of Calyer Street, 99. 50 feet;*

*THENCE southerly at right angles to Calyer Street, 75 feet;*

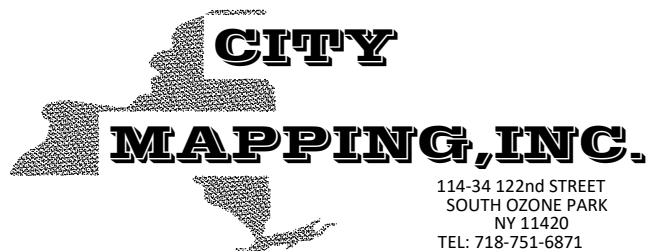
*THENCE easterly parallel with Quay Street, 65 feet 3 inches the westerly side of Franklin Street;*

*THENCE southerly along the westerly side of Franklin Street, 129 feet 5-1/8 inches, to the northerly side of Quay Street, to the point or place of BEGINNING*

*NOTE: Being Block(s) 2589, Lot(s) 13, Tax Map of the Borough of Brooklyn, County of Kings.*



VINCENT TEUTONICO, L.S.  
NEW YORK LICENSE 050307



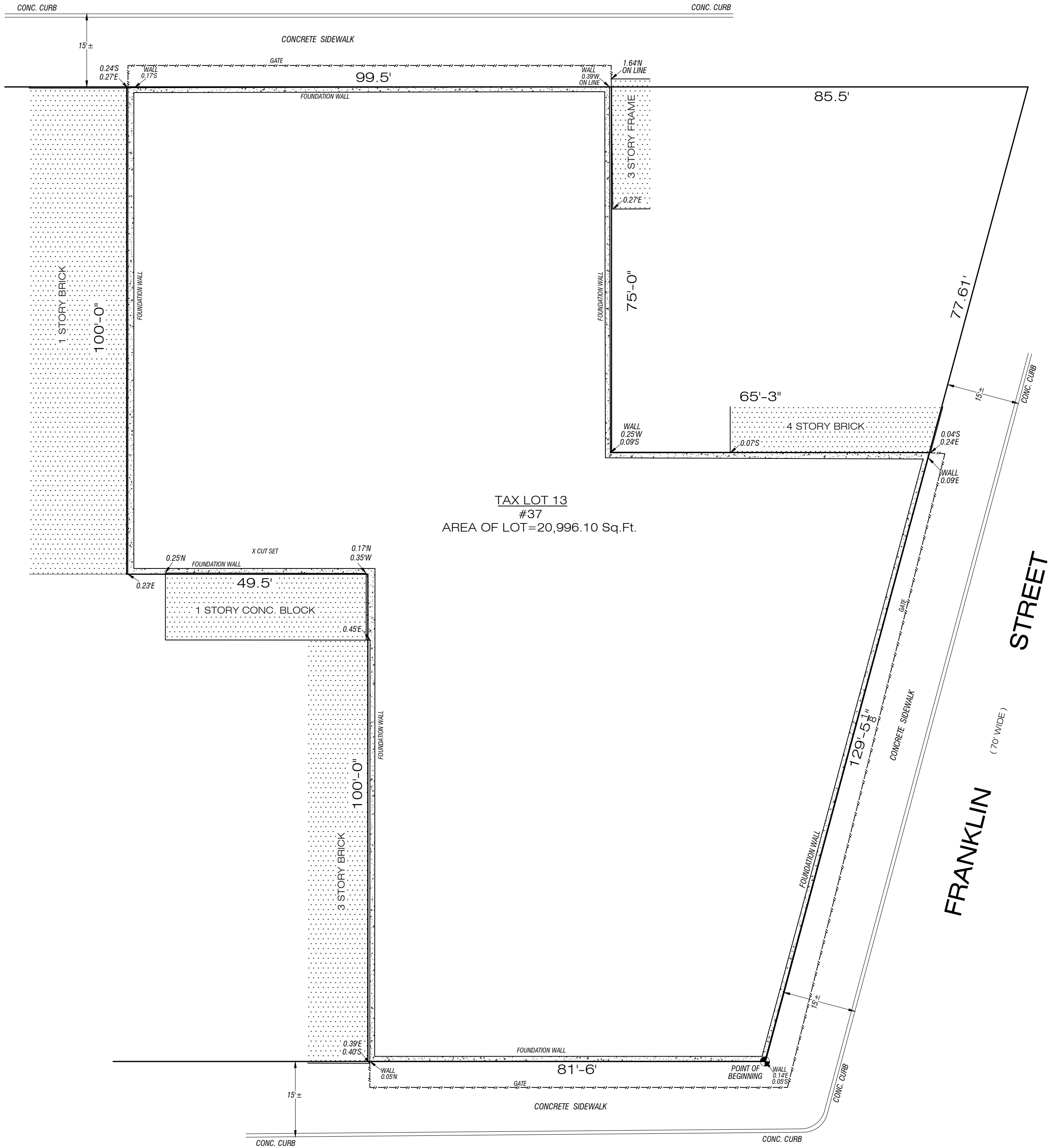
114-34 122nd STREET  
SOUTH OZONE PARK  
NY 11420  
TEL: 718-751-6871  
email: citymapping@yahoo.com

CAPTION	LEGAL DESCRIPTION
DATE	REVISIONS
08-08-2022	LEGAL DESCRIPTION

## **Exhibit B**

### **Site Survey**

CALYER STREET ( 60' WIDE )

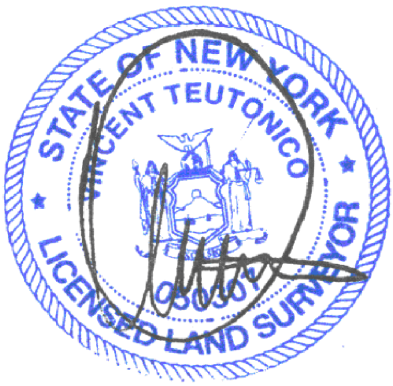
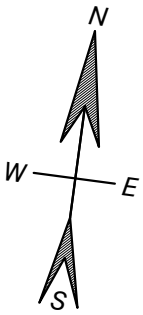


TAX LOT 13  
#37  
AREA OF LOT=20,996.10 Sq.Ft.

GENERAL NOTES:  
1. This survey was prepared only for the party (parties) and purpose indicated hereon.  
2. Property corner monuments or markers were (not) placed as part of this survey.  
3. Certifications on this 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. Said certifications are limited to the party (parties) for whom the survey is prepared and are not transferable.  
4. The location and nature of underground structures, internal walls and improvements or encroachments not visible to the surveyor are not covered under this certification.  
5. Easements of record are only guaranteed if an Abstract of Title is furnished to the surveyor.  
6. This is to certify that there are no streams nor natural water courses on the property except as shown on this survey.

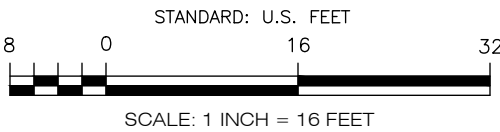
CAPTION	AS-BUILT SURVEY				
DATE	REVISIONS				
07-20-2022	AS-BUILT SURVEY				
	DATE	BY	DATE	BY	
SURVEYED	08-07-2022	V.B & V.J	DRAWN	08-07-2022	V.B

LEGEND	
CONC.	CONCRETE
---	CONSTRUCTION FENCE



VINCENT TEUTONICO, L.S.  
NEW YORK LICENSE 050307  
**MAP OF SURVEY OF PROPERTY**  
IN THE BOROUGH AND COUNTY OF BROOKLYN  
CITY AND STATE OF NEW YORK  
TAX MAP: BLOCK 2589, LOT 13

**CITY MAPPING, INC.**  
114-34 122nd STREET  
SOUTH OZONE PARK  
NY 11420  
TEL: 718-751-6871  
email: citymapping@yahoo.com



**Site Name: 33 Franklin, C224303**  
**33-41 Franklin Street (a/k/a 93 Quay Street), Brooklyn, NY 11222**

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

**Site Name: 33 Franklin, Site ID No. C224303**  
**33 -41 Franklin Street (a/k/a 93 Quay Street), Brooklyn, NY 11222**  
**Brooklyn, Kings County, Tax Map Identification Number: 2589-13**

**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 Franklin 33 LLC for a parcel approximately 0.482 acres located at 33 Franklin Street (a/k/a 93 Quay Street) 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.

**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.

**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> St, Long Island City, NY 1101, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C224303>

**Site Name: 33 Franklin, C224303**  
**33-41 Franklin Street (a/k/a 93 Quay Street), Brooklyn, NY 11222**

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

Franklin 33 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:**

Joel Hirsch  
Franklin 33 LLC  
266 Broadway, Suite B04  
Brooklyn, NY 11211

Feb. 2022