

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 15, 2022

GPL Development LLC
Greenpoint Landing Associates, L.L.C.
Greenpoint Landing Developers LLC
Greenpoint Storage Terminal LLC
H Owner LLC
H1H2 GPL Owner LLC
H1H2 Owner LLC
H1H2 Retail LLC

Attn: Guy Morton
535 Madison Avenue
New York, NY 10022
Gmorton@parktowergroup.com
Acarsonblair@parktowergroup.com

HP H1H2 Housing Development Fund Company, Inc.
c/o NYC Partnership HDFC, Inc.
253 West 35th Street, 3rd Floor
New York, NY 10001
ckay@housingpartnership.com

Re: Certificate of Completion
45 Commercial Street
Brooklyn, Kings County
C224304

Dear Mr. Morton:

Congratulations on having satisfactorily completed the remedial program at the 45 Commercial Street 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:

Ruth Curley, 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 April 2024.

If you have any questions, please do not hesitate to contact Ruth Curley, the Department's project manager, at 518 402 9480.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Division Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

M. Chertok, Sive Paget & Riesel, mchertok@sprlaw.com

K. Rogers, Sive Paget & Riesel, kr Rogers@sprlaw.com

M. Raygorodetsky, Langan, mraygorodetsky@langan.com

G. Wyka, Langan, gwyka@langan.com

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

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

E. O’Neil – NYSDOH, eamonn.oneil@health.ny.gov

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

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

ec w/o enc.:

R. Curley, D. MacNeal, G. Burke, J. O’Connell, M. Murphy, J. Andaloro, K. Lewandowski

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	Address
GPL Development LLC	535 Madison Avenue, New York, NY 10022
Greenpoint Landing Associates, L.L.C.	535 Madison Avenue, New York, NY 10022
Greenpoint Landing Developers LLC	535 Madison Avenue, New York, NY 10022
Greenpoint Storage Terminal LLC	535 Madison Avenue, New York, NY 10022
H Owner LLC	535 Madison Avenue, New York, NY 10022
H1H2 GPL Owner LLC	535 Madison Avenue, New York, NY 10022
H1H2 Owner LLC	535 Madison Avenue, New York, NY 10022
H1H2 Retail LLC	535 Madison Avenue, New York, NY 10022

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 3/26/20 **Agreement Execution:** 4/17/20

Agreement Index No.: C224304-03-20

Application Amendment Approval: 6/11/21 **Agreement Amendment Execution:** 6/11/21

Application Amendment Approval: 7/18/22 **Agreement Amendment Execution:** 7/18/22

Application Amendment Approval: 10/24/22 **Agreement Amendment Execution:** 10/24/22

SITE INFORMATION:

Site No.: C224304 **Site Name:** 45 Commercial Street

Site Owner: HP H1H2 Housing Development Fund Company, Inc.
H1H2 Owner LLC

Street Address: 45 Commercial Street

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

Site Size: 1.020 Acres

Tax Map Identification Number(s): 2472-70

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%), 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 2022000396110.

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/REVOCAION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program; 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: 12/15/2022

Andrew O. Guglielmi, Director
Division of Environmental Remediation



Exhibit A
Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

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

BEGINNING AT A POINT ON THE NORTHERLY SIDE OF COMMERCIAL STREET (MAPPED 70 FEET WIDE), DISTANT 663.25 FEET (COMPUTED) WESTERLY FROM THE INTERSECTION OF SAID NORTHERLY SIDE OF COMMERCIAL STREET WITH THE WESTERLY SIDE OF MANHATTAN AVENUE, SAID POINT BEING THE POINT OR PLACE OF BEGINNING; THENCE

WESTERLY, ALONG SAID NORTHERLY SIDE OF COMMERCIAL STREET, A DISTANCE OF 210.78 FEET TO A POINT; THENCE

NORTHWESTERLY, FORMING AN INTERIOR ANGLE OF 90° WITH THE PREVIOUS COURSE, A DISTANCE OF 211.59 FEET TO A POINT; THENCE

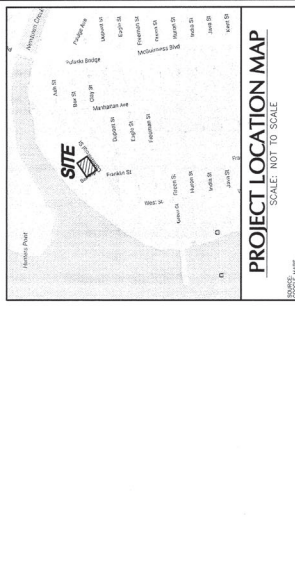
NORTHEASTERLY, FORMING AN INTERIOR ANGLE OF 90° WITH THE PREVIOUS COURSE, A DISTANCE OF 210.78 FEET TO A POINT; THENCE

SOUTHEASTERLY, FORMING AN INTERIOR ANGLE OF 90° WITH THE PREVIOUS COURSE, A DISTANCE OF 211.59 FEET TO A POINT, SAID POINT BEING THE POINT OR PLACE OF BEGINNING.

ENCOMPASSING AN AREA OF 44,599 SQUARE FEET OR 1.02 ACRES, MORE OR LESS.

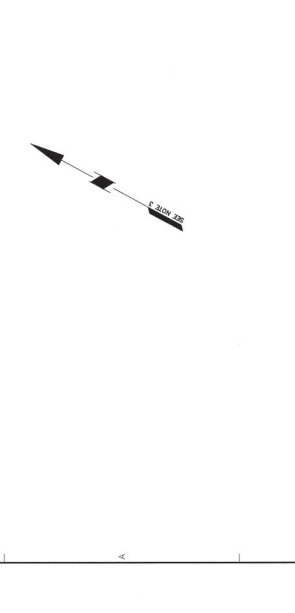
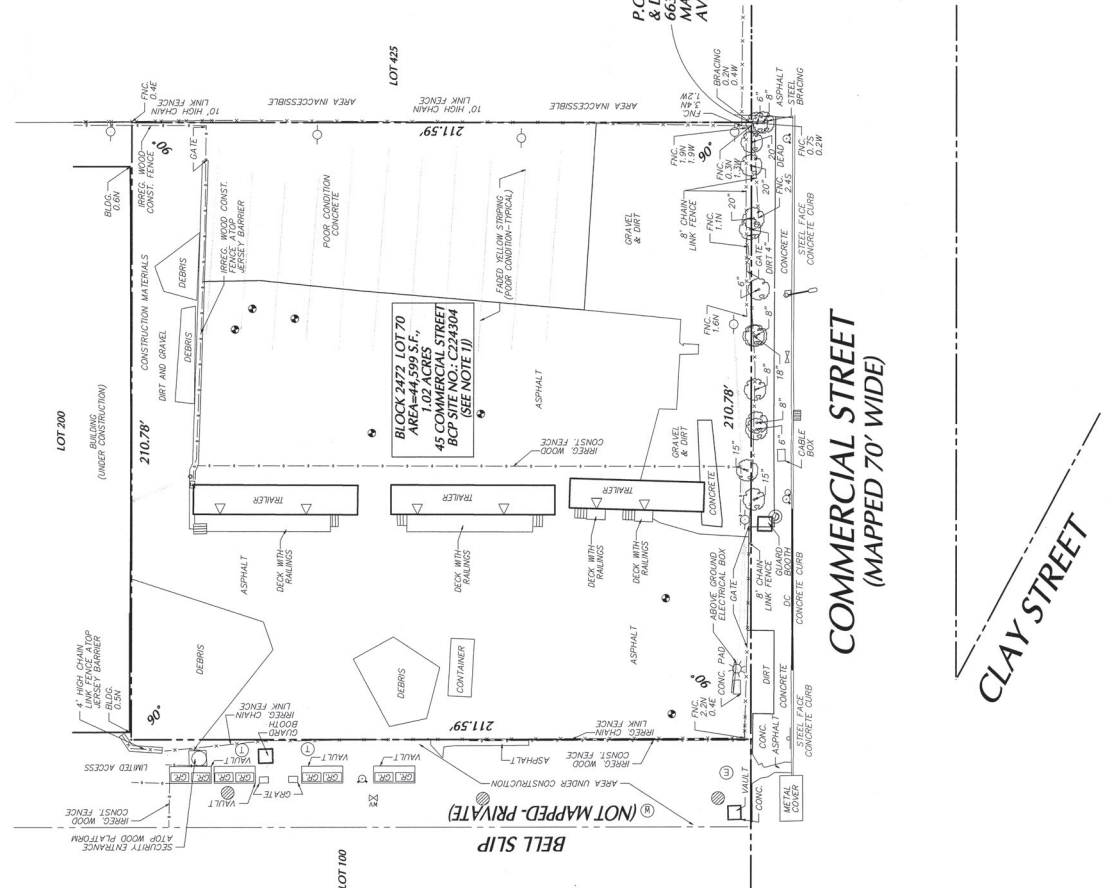
Exhibit B

Site Survey



NOTES

1. THE SURVEY AND FIELD RECORDS, INCLUDING THE SURVEY DATA, ARE THE PROPERTY OF LANGAN AND SHALL REMAIN THE PROPERTY OF LANGAN.
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LANGAN
Langan Engineering, Environmental, Surveying, Mapping, and Construction
21 Penn Plaza, 9th Floor, New York, NY 10001
Tel: 212-678-6461 Fax: 212-678-6444 www.langan.com

PROJECT
45 COMMERCIAL STREET
BCP SITE NO.: C224304
BLOCK 2472 LOT 70
Borough of Brooklyn
CITY OF NEW YORK

DRAWING TITLE
DEC EASEMENT SURVEY

DRAWING NO.
17022024

DATE
06/01/21

SCALE
1"=20'

DRAWN BY
JM

CHECKED BY
IM

PROJECT NO.
17022024

DRAWING NO.
DEC101

SHEET
1 of 1

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SHEET
1 of 1

NOTICE OF CERTIFICATE OF COMPLETION

Brownfield Cleanup Program

6 NYCRR Part 375-1.9(d)

45 Commercial Street, Site ID No. C224304

45 Commercial Street, Brooklyn, NY 11222

Brooklyn, Kings County, Tax Map Identification Number: 2472-70

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: GPL Development LLC, Greenpoint Landing Associates, L.L.C., Greenpoint Landing Developers LLC, Greenpoint Storage Terminal LLC, H Owner LLC, H1H2 GPL Owner LLC, H1H2 Owner LLC, and H1H2 Retail LLC for a parcel approximately 1.020 acres located at 45 Commercial 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.

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 2022000396110.

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

**45 Commercial Street, C224304
45 Commercial Street, Brooklyn, NY 11222**

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

PLEASE TAKE NOTICE, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

PLEASE TAKE NOTICE, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

PLEASE TAKE NOTICE, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

PLEASE TAKE NOTICE, the Certificate may only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

PLEASE TAKE NOTICE, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 2 Office located at 1 Hunter's Point Plaza, 47-40 21st Street, Long Island City, NY 11101 by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C224304/>.

WHEREFORE, the undersigned has signed this Notice of Certificate

H1H2 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

45 Commercial Street, C224304
45 Commercial Street, Brooklyn, NY 11222

WHEREFORE, the undersigned has signed this Notice of Certificate

HP H1H2 Housing Development Fund Company, Inc.

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:
H1H2 Owner LLC
535 Madison Avenue
New York, NY 10022



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 12/6/2022



SITE DESCRIPTION

SITE NO. **C224304**

SITE NAME **45 Commercial Street**

SITE ADDRESS: 45 Commercial Street ZIP CODE: 11222

CITY/TOWN: Brooklyn

COUNTY: Kings

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

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

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/15/2024

Description of Institutional Control

H1H2 Owner LLC
 535 Madison Avenue, 35th Floor
45 Commercial Street
 Environmental Easement
 Block: 2472
 Lot: 70
 Sublot:
 Section:
 Subsection:
 S_B_L Image: 2472-70
 Ground Water Use Restriction
 IC/EC Plan
 Site Management Plan

Description of Engineering Control

H1H2 Owner LLC

535 Madison Avenue, 35th Floor

45 Commercial Street

Environmental Easement

Block: 2472

Lot: 70

Sublot:

Section:

Subsection:

S_B_L Image: 2472-70

Cover System

Vapor Mitigation