

## 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 28, 2022

Anthony Tortora  
Surf Avenue L/CAL LLC  
c/o LCOR  
One Penn Plaza, Suite 1801  
New York, NY 10119  
[atorora@lcor.com](mailto:atorora@lcor.com)

Michael Russo  
Sirena Realty Corp.  
2911 West 15<sup>th</sup> Street  
Brooklyn, NY 11224  
[michael@gargiulos.com](mailto:michael@gargiulos.com)

Re: Certificate of Completion  
Surf Avenue Railroad Cleaners Site  
Brooklyn, Kings County  
C224310

Dear Anthony Tortora and Michael Russo:

Congratulations on having satisfactorily completed the remedial program at the Surf Avenue Railroad Cleaners 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:  
 Meghan Medwid  
 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 Meghan Medwid, the Department's project manager, at (518) 402-8610.

Sincerely,

*Andrew Guglielmi*

Andrew Guglielmi  
 Division Director  
 Division of Environmental Remediation

Enclosure

cc w/ enclosure:

C. 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)  
 Jim Sullivan – NYSDOH, [jim.sullivan@health.ny.gov](mailto:jim.sullivan@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)  
 Linda Shaw, [shaw@nyenvlaw.com](mailto:shaw@nyenvlaw.com)  
 James Vander Vilet, [james.vandervilet@sesi.org](mailto:james.vandervilet@sesi.org)  
 Fuad Dahan, [fd@sesi.org](mailto:fd@sesi.org)  
 Jonathan Stuart, [jcs@sesi.org](mailto:jcs@sesi.org)

ec w/o enc.:

Heidi Dudek – NYSDEC, [heidi.dudek@dec.ny.gov](mailto:heidi.dudek@dec.ny.gov)

Jane O'Connell- NYSDEC, [jane.oconnell@dec.ny.gov](mailto:jane.oconnell@dec.ny.gov)

Jennifer Andalaro – NYSDEC, [jennifer.andalaro@dec.ny.gov](mailto:jennifer.andalaro@dec.ny.gov)

Kelly Lewandowski – NYSDEC, [kelly.lewandowski@dec.ny.gov](mailto:kelly.lewandowski@dec.ny.gov)

Meghan Medwid – NYSDEC, [meghan.medwid@dec.ny.gov](mailto:meghan.medwid@dec.ny.gov)

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

**Name**

**Address**

Surf Avenue L/CAL LLC

c/o LCOR, One Penn Plaza, Suite 1801, New York, NY 10119

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 7/22/20    **Agreement Execution:** 8/10/20

**Agreement Index No.:** C224310-07-20

**Application Approval Amendment:** 11/2/20

**Agreement Execution Amendment:** 11/3/20

**Application Approval Amendment:** 3/25/21

**Agreement Execution Amendment:** 3/25/21

**Application Approval Amendment:** 9/30/22

**Agreement Execution Amendment:** 9/30/22

**Application Approval Amendment:** 12/21/22

**Agreement Execution Amendment:** 12/21/22

**SITE INFORMATION:**

**Site No.:** C224310    **Site Name:** Surf Avenue Railroad Cleaners Site

**Site Owner:** Sirena Realty Corp. and Surf Avenue L/Cal LLC

**Street Address:** 1515 Surf Avenue & 2925 West 16th St (f/k/a 2910 W 15th St)

**Municipality:** Brooklyn

**County:** Kings

**DEC Region:** 2

**Site Size:** 1.521 Acres

**Tax Map Identification Number(s):** 7063-12

**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 %.

Eligibility for Tangible Property Credit is available through: EnZone.

Tangible Property Credit Component Rate is 15%. Comprised of 10% Base, 5 % EnZone.

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 2022000453435.

### **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 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: 12/28/2022

Andrew O. Guglielmi, Director  
Division of Environmental Remediation

## **Exhibit A**

### **Site Description**

LEGAL DESCRIPTION – (MERGED) LOT 12

BEGINNING AT THE POINT FORMED BY THE INTERSECTION OF THE WESTERLY SIDE OF WEST 15<sup>TH</sup>. STREET (60' WIDE) WITH THE NORTHERLY SIDE OF SURF AVENUE (120' WIDE)

1. RUNNING THENCE WESTERLY ALONG SAID NORTHERLY SIDE OF SURF AVENUE ALONG A CURVE DEFLECTING TO THE LEFT HAVING A RADIUS OF 4060.00 FEET, A CENTRAL ANGLE OF 02 DEGREES 29 MINUTES 02 SECONDS AND A LENGTH OF 176.01 FEET TO A POINT OF TANGENCY
2. THENCE CONTINUING WESTERLY ALONG SAID NORTHERLY SIDE OF SURF AVENUE 2.75 FEET TO A POINT.
3. THENCE NORTHERLY ALONG A LINE FORMING AN INTERIOR ANGLE OF 89 DEGREES 21 MINUTES 24 SECONDS WITH THE PREVIOUS COURSE 100.00 FEET TO A POINT
4. THENCE WESTERLY ALONG A LINE FORMING AN EXTERIOR ANGLE OF 89 DEGREES 21 MINUTES 24 SECONDS WITH THE PREVIOUS COURSE 60.00 FEET TO A POINT ON THE EASTERLY SIDE OF WEST 16<sup>TH</sup> STREET (60' WIDE)
5. THENCE NORTHERLY ALONG SAID EASTERLY SIDE OF WEST 16<sup>TH</sup> STREET FORMING AN INTERIOR ANGLE OF 89 DEGREES 59 MINUTES 30 SECONDS WITH THE PREVIOUS COURSE 190.00 FEET TO A POINT.
6. THENCE EASTERLY FORMING AN INTERIOR ANGLE OF 90 DEGREES 00 MINUTES 30 SECONDS TO WEST 16<sup>TH</sup> STREET 26.92 FEET TO A POINT OF CURVATURE
7. THENCE CONTINUING EASTERLY ON A CURVE DEFLECTING TO THE RIGHT HAVING A RADIUS OF 1166.28 FEET, A DEFLECTION OF 06 DEGREES 55 MINUTES AND 40 SECONDS AND A DISTANCE OF 126.94 FEET TO A POINT
8. THENCE NORTHERLY AND PARALLEL TO WEST 15<sup>TH</sup> STREET 46.87 FEET TO A POINT
9. THENCE EASTERLY AND FORMING IN INTERIOR ANGLE OF 90 DEGREES 00 MINUTES AND 30 SECONDS WITH THE PREVIOUS COURSE 84.00 FEET TO A POINT ON THE WESTERLY SIDE OF WEST 15<sup>TH</sup> STREET
10. THENCE SOUTHERLY ALONG SAID WESTERLY SIDE OF WEST 15<sup>TH</sup> STREET FORMING AN INTERIOR ANGLE OF 89 DEGREES 59 MINUTES 30 SECONDS WITH THE PREVIOUS COURSE 333.77 FEET TO THE INTERSECTION OF SAID WESTERLY SIDE OF WEST 15<sup>TH</sup> STREET WITH THE NORTHERLY SIDE OF SURF AVENUE AND POINT OR PLACE OF BEGINNING.

ACREAGE: 1.521 ACRES

## **Exhibit B**

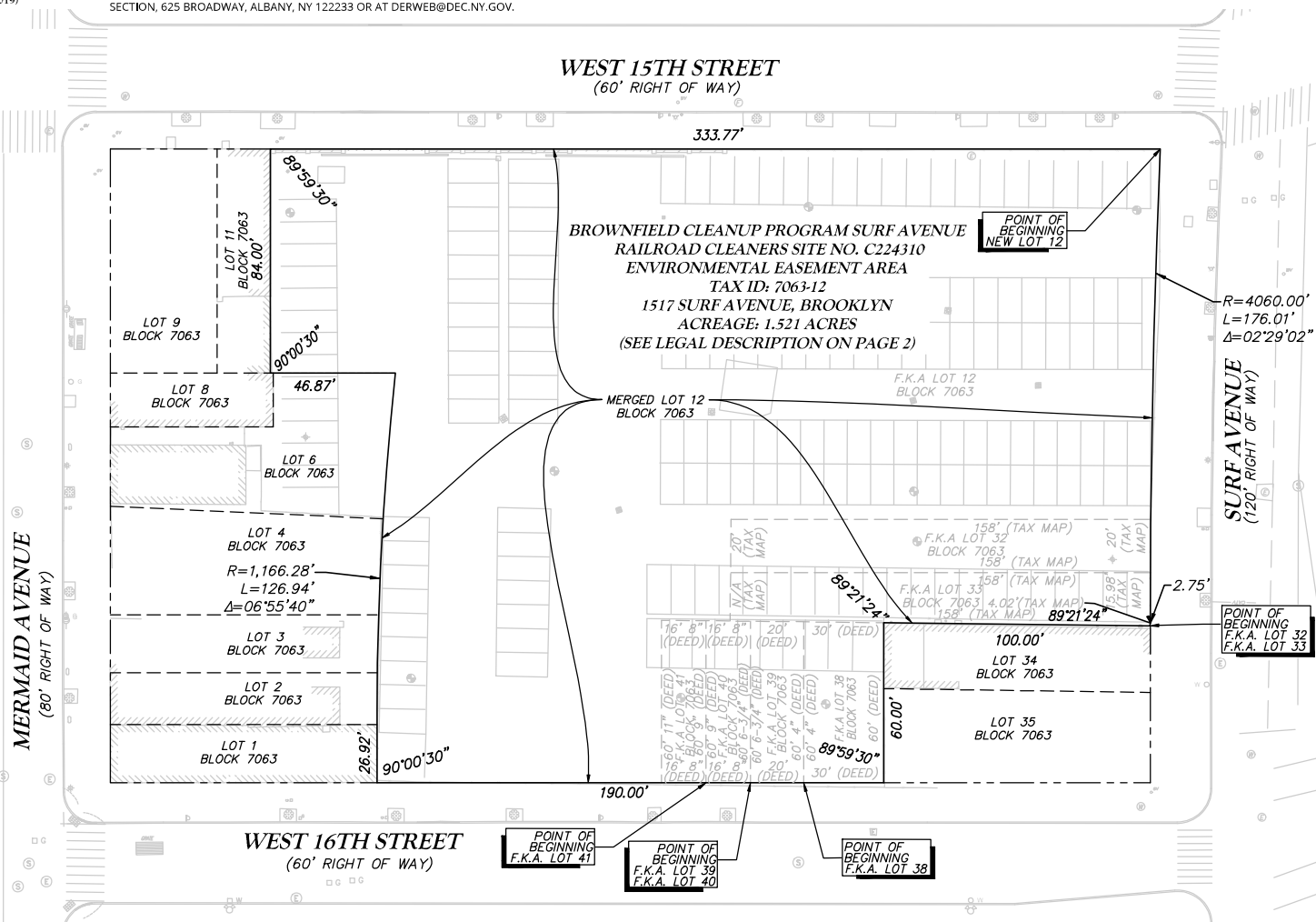
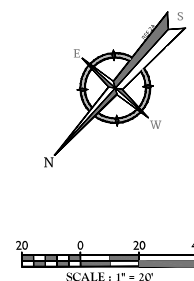
### **Site Survey**












SURVEY NOTES:

1. PROPERTY KNOWN AS LOT 12 AS SHOWN ON BLOCK 7063 OF THE CURRENT OFFICIAL TAX MAP OF THE CITY OF NEW YORK, BOROUGH OF BROOKLYN, KINGS COUNTY, NEW YORK.
2. REFERENCES
  - a. MAP ENTITLED "ALTA/NPS TITLE & ARCHITECTURAL SURVEY, BOROUGH OF BROOKLYN, CITY OF NEW YORK, SHEET 1 OF 4" PREPARED BY WOHL & O'MARA, L.L.P. DATED 8-15-2019. LAST REVISED 04-21-2020.
  - b. BLOCK 7063 OF THE CURRENT DIGITAL TAX MAP OF THE CITY OF NEW YORK, BOROUGH OF BROOKLYN, KINGS COUNTY, NEW YORK.
3. BOUNDARY INFORMATION SHOWN HEREON IS PER REF. 2a AND DOES NOT REPRESENT A BOUNDARY OPINION BY COLLIER ENGINEERING AND DESIGN.
4. 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 122233 OR AT DERWEB@DEC.NY.GOV.



NOTE: DO NOT SCALE DRAWINGS FOR CONSTRUCTION

																																																																																																	
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**NOTICE OF CERTIFICATE OF COMPLETION**

**Brownfield Cleanup Program**

**6 NYCRR Part 375-1.9(d)**

**Surf Avenue Railroad Cleaners, Site ID No. C224310**

**1515 Surf Avenue and 2925 West 16th Street (formerly known as 2910 West 15th Street)**

**Brooklyn, NY, 11224**

**Brooklyn, Kings County, Tax Map Identification Number: Block 7063, Lot 12**

**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 Surf Avenue L/CAL LLC for a parcel approximately 1.521 acres located at 1515 Surf Avenue and 2925 West 16th Street (formerly known as 2910 West 15th 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 2022000453435.

**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

**Surf Avenue Railroad Cleaners Site, C224310**  
**1515 Surf Avenue and 2925 West 16th Street (formerly known as 2910 West 15th Street)**  
**Brooklyn, NY, 11224**

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 47-40 21<sup>st</sup> Street, Long Island City, NY, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C224310/>.

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

Sirena Realty Corp.

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

**Surf Avenue Railroad Cleaners Site, C224310**  
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**Brooklyn, NY, 11224**

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

Surf Avenue L/CAL 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:**  
Surf Avenue L/CAL LLC.  
c/o LCOR  
One Penn Plaza, Suite 1801  
New York, NY 10119



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
12/16/2022



SITE DESCRIPTION

SITE NO. C224310

SITE NAME Surf Avenue Railroad Cleaners Site

SITE ADDRESS: 1515 Surf & 2925 West 16th St (fka 2910 W 15th St) ZIP CODE: 11224

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 ☒ ☐

Monitoring Plan

Operation and Maintenance (O&M) Plan ☒ ☐

Periodic Review Frequency: once a year ☐ ☒

Periodic Review Report Submitted Date: 04/30/2024

Description of Institutional Control

Sirena Realty Corp.

2911 West 15th Street

1515 Surf and 2925 West

Environmental Easement

Block: 7063

Lot: 12

Sublot:

Section:

Subsection:

S\_B\_L Image: 7063 - 12

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control