

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director  
625 Broadway, 12th Floor, Albany, New York 12233-7011  
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[www.dec.ny.gov](http://www.dec.ny.gov)

December 23, 2024

SnL XXII, LLC  
Grady Humphrey & Philip Lepine  
3333 New Hyde Park Road, Suite 200  
Lake Success, NY 11042  
[gh@snlstorage.com](mailto:gh@snlstorage.com)

Re: Certificate of Completion  
1440-1460 39th Street Site  
Brooklyn, Kings County  
C224311

Dear Grady Humphrey & Philip Lepine:

Congratulations on having satisfactorily completed the remedial program at the 1440-1460 39<sup>th</sup> Street 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:

William Bennett  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233



- Provide the Certificate of Completion fact sheet to the Document Repositories within 10 days of issuance of the COC. NYSDEC will develop the 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 William Bennett, NYSDEC's project manager, at (518) 402-9659.

Sincerely,

*Andrew Guglielmi*

Andrew Guglielmi  
Division Director  
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

C. Connolly - [cconnolly@impactenvironmental.com](mailto:cconnolly@impactenvironmental.com)  
K. Kleaka - [kkleaka@impactenvironmental.com](mailto:kkleaka@impactenvironmental.com)  
L. Shaw - [shaw@nyenvlaw.com](mailto:shaw@nyenvlaw.com)  
C. Vooris - NYSDOH, [christine.vooris@health.ny.gov](mailto:christine.vooris@health.ny.gov)  
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ec w/o enc.:

NYSDEC – S. Deyette, J. O'Connell, W. Bennett, M. Murphy, L. Schmidt, K. Lewandowski

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

**Name**

SnL XXII, LLC

**Address**

3333 New Hyde Park Road, Suite 200, Lake Success, NY 11042

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 8/24/20    **Agreement Execution:** 8/25/20

**Agreement Index No.:** C224311-08-20

**Application Amendment Approval:** 3/11/21

**Agreement Amendment Execution:** 3/11/21

**SITE INFORMATION:**

**Site No.:** C224311    **Site Name:** 1440-1460 39th Street Site

**Site Owner:** SnL XXII, LLC

**Street Address:** 1454 39th Street

**Municipality:** Brooklyn

**County:** Kings

**DEC Region:** 2

**Site Size:** 0.574 Acres

**Tax Map Identification Number(s):** 5346-17

**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 map 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:** Residential, Restricted-Residential, Commercial, and Industrial

**Cleanup Track:** Track 2: Restricted use with generic soil cleanup objectives

**Tax Credit Provisions:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 40 %.

Eligibility for Tangible Property Credit is available through: EnZone and Under-Utilized.

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%), 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; 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.

Sean Mahar  
Interim Commissioner  
New York State Department of Environmental Conservation

By: Andrew Guglielmi Date: 12/23/24

Andrew O. Guglielmi, Director  
Division of Environmental Remediation

## **Exhibit A**

### **Site Description**

**SCHEDULE "A" PROPERTY DESCRIPTION**

**LEGAL DESCRIPTION FOR BCP SITE ENVIRONMENTAL EASEMENT AREA  
(MERGED LOT 17):**

BEGINNING AT A POINT ON THE SOUTHWESTERLY SIDE OF 39<sup>TH</sup> STREET (80' WIDE), SAID POINT BEING DISTANT 200 FEET NORTHWESTERLY FROM THE INTERSECTION OF THE SOUTHWESTERLY SIDE OF 39<sup>TH</sup> STREET WITH THE WESTERLY SIDE OF 15<sup>TH</sup> AVENUE (80') RUNNING, THENCE;

1. SOUTHWESTERLY, PARALLEL WITH 15<sup>TH</sup> AVENUE, TURNING AN EXTERIOR ANGLE OF 90 DEGREES – 00 MINUTES – 00 SECONDS A DISTANCE OF 81 FEET, 7-3/4 INCHES (81.65') TO A POINT, THENCE;
2. SOUTHERLY, TURNING AN EXTERIOR ANGLE OF 135 DEGREES – 15 MINUTES – 00 SECONDS, A DISTANCE OF 19 FEET, 3/4 INCHES (19.06') TO A POINT, THENCE;
3. NORTHWESTERLY, PARALLEL WITH 39<sup>TH</sup> STREET, TURNING AN INTERIOR ANGLE OF 45 DEGREES – 15 MINUTES – 00 SECONDS, A DISTANCE OF 68 FEET, 5 INCHES (68.42') TO A POINT, THENCE;
4. SOUTHWESTERLY, PARALLEL WITH 15<sup>TH</sup> AVENUE, TURNING AN EXTERIOR ANGLE OF 90 DEGREES – 00 MINUTES – 00 SECONDS, A DISTANCE OF 19 FEET, 2-7/8 INCHES (19.24') TO A POINT, THENCE;
5. NORTHERLY, TURNING AN INTERIOR ANGLE OF 44 DEGREES – 45 MINUTES – 00 SECONDS, A DISTANCE OF 27 FEET, 1-1/4 INCHES (27.10') TO A POINT, THENCE;
6. NORTHWESTERLY, PARALLEL WITH 39<sup>TH</sup> STREET, TURNING AN EXTERIOR ANGLE OF 134 DEGREES – 45 MINUTES – 00 SECONDS, A DISTANCE OF 185 FEET, 11 INCHES (185.92') TO A POINT, THENCE;
7. NORTHEASTERLY, PARALLEL WITH 14<sup>TH</sup> AVENUE, TURNING AN INTERIOR ANGLE OF 90 DEGREES – 00 MINUTES – 00 SECONDS, A DISTANCE OF 95 FEET, 2-1/8 INCHES (95.18') TO A POINT, THENCE;
8. SOUTHEASTERLY, ALONG THE SOUTHWESTERLY SIDE OF 39<sup>TH</sup> STREET, TURNING AN INTERIOR ANGLE OF 90 DEGREES – 00 MINUTES – 00 SECONDS, A DISTANCE OF 260 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING APPROXIMATELY 0.5744 ACRES MORE OR LESS.

**Exhibit B**

**Site Map**

Tax Map - Lot 17 - Digital Tax Map - New York City Dept. of Finance (3/5/2021)



- Borough Boundary
- Tax Block Boundary
- 50 Tax Block Number
- Tax Lot Boundary
- 50 Tax Lot Number
- Condo FKA Tax Lot Number
- 50.5 Tax Lot Dimension
- +/-5.5 Approximate Tax Lot Dimension
- 1500 - 1550 Condo Units Range Label
- Building Footprint
- C50 Condo Flag/Condo Number
- A50 Air Right Flag/Lot Number
- S50 Subterranean Right Flag/Lot Number
- R REUC Flag
- Under Water Tax Lot Boundary
- Other Boundary
- └ Possession Hook
- Misc Miscellaneous Text
- Small Tax Lot Dimension
- Surface Water



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

1440-1460 39th Street Site, Site ID No. C224311  
1454 39th Street, Brooklyn, NY 11218  
Brooklyn, Kings County, Tax Map Identification Number: 5346-17

**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 SnL XXII, LLC for a parcel totaling approximately 0.574 acres located at 1454 39th Street in the 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.

**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.

**1440-1460 39th Street Site, C224311  
1454 39th Street, Brooklyn, NY 11218**

**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 11101, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C224311/>

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

SnL XXII, 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:**  
SnL XXII, LLC  
3333 New Hyde Park Road, Suite 200  
Lake Success, NY 11042