



April 14, 2026

Donald Capoccia  
Coney Island Associates Phase 2 LLC  
Coney Island Associates 2 Moderate LLC  
Coney Island Phase 2 Housing Development Fund Corporation  
150 Myrtle Avenue, Suite 2  
Brooklyn, NY 11201  
[dac@bfcnyc.com](mailto:dac@bfcnyc.com)

Re: Certificate of Completion  
1607 Surf Avenue  
Brooklyn, Kings County  
C224313

Dear Donald Capoccia:

Congratulations on having satisfactorily completed the remedial program at the 1607 Surf Avenue site. Enclosed please find an original, signed Certificate of Completion (COC).

The New York State Departments of Environmental Conservation (NYSDEC) and Health (NYSDOH) have reviewed the information provided in the November 2025 Periodic Review Report (PRR) and concur with the recommendation that operation of the sub-membrane depressurization system and associated monitoring requirements be discontinued. All remedial program requirements have been satisfied within the five-year timeline outlined in the Conditional Track 1 COC requirements; an official Track 1 COC is granted for the site. Site management and periodic reporting requirements are terminated, and the Environmental Easement has been extinguished.

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.

If you have any questions, please do not hesitate to contact Meghan Medwid, NYSDEC's project manager, at (518) 402-8610.

Sincerely,

*Andrew Guglielmi*

Andrew Guglielmi  
Division Director  
Division of Environmental Remediation

ec w/ enclosure:

Christine 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)  
Renata Ockerby, NYSDOH – [renata.ockerby@health.ny.gov](mailto:renata.ockerby@health.ny.gov)  
Kari Pollard, NYSDOH – [kari.pollard@health.ny.gov](mailto:kari.pollard@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)  
Kevin Rogers, [kr Rogers@sprlaw.com](mailto:kr Rogers@sprlaw.com)

ec w/o enc.:

S. Deyette, J. O'Connell, S. Quandt, L. Gorton, K. Lewandowski, L. Schmidt, M. Medwid

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

**CERTIFICATE HOLDER(S):**

<b>Name</b>	<b>Address</b>
Coney Island Associates Phase 2 LLC	150 Myrtle Avenue, Suite 2, Brooklyn, NY 11201
Coney Island Associates 2 Moderate LLC	150 Myrtle Avenue, Suite 2, Brooklyn, NY 11201

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 10/14/20    **Agreement Execution:** 11/12/20  
**Agreement Index No.:** C224313-10-20

<b>Application Amendment Approval:</b> 3/14/22	<b>Agreement Amendment Execution:</b> 3/14/22
<b>Application Amendment Approval:</b> 9/18/22	<b>Agreement Amendment Execution:</b> 9/18/22
<b>Application Amendment Approval:</b> 11/16/22	<b>Agreement Amendment Execution:</b> 11/16/22

**SITE INFORMATION:**

**Site No.:** C224313    **Site Name:** 1607 Surf Avenue  
**Site Owner:** Coney Island Phase 2 Housing Development Fund Corporation  
Coney Island Associates 2 Moderate LLC  
Coney Island Associates Phase 2 LLC  
**Street Address:** 1607 Surf Avenue  
**Municipality:** Brooklyn    **County:** Kings    **DEC Region:** 2  
**Site Size:** 1.360 Acres  
**Tax Map Identification Number(s):** 7062-28  
**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 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 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 through: EnZone.

Tangible Property Credit Component Rate is 20%. Comprised of 10% Base, 5 % EnZone, 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 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.

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 NYSDEC's notice.

Amanda Lefton  
Commissioner  
New York State Department of Environmental Conservation

By: Andrew Guglielmi Date: 12/20/2022, revised 4/14/2026

Andrew O. Guglielmi, Director  
Division of Environmental Remediation

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

**Legal Description of BCP Site:**  
**1607 Surf Avenue - C224313**

**BOROUGH OF BROOKLYN, BLOCK: 7062, LOT: 28:**

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 easterly side of West 17th Street and the northerly side of Surf Avenue;

RUNNING THENCE northerly along said easterly side of West 17th Street 250 feet to a point distance 140 feet southerly from the corner formed by the intersection of said easterly side of West 17th Street and the southerly side of Mermaid Avenue;

THENCE easterly parallel with Mermaid Avenue 237 feet 7 1/2 inches to a point on the westerly side of West 16th Street being distant 140 feet south from the corner formed by the intersection of said westerly side of West 16th Street and the southerly side of Mermaid Avenue;

THENCE southerly along said westerly side of West 16th Street 250 feet to the corner formed by the intersection of said westerly side of West 16th Street and the northerly side of Surf Avenue;

THENCE westerly along said northerly side of Surf Avenue 237 feet 7 1/2 inches to the corner formed by the intersection of said easterly side of West 17th Street and the northerly side of Surf Avenue, said point also being the point or place of beginning.

Area = 59,405 sq. ft. or 1.36 acres.

**Exhibit B**

**Site Survey**



# Property Information Portal

Borough: Brooklyn

Block: 7062

Lot: 28



	TAX_LOT_POLYGON	50 Tax Lot Number	TAX_LOT_FACE
	TAX_BLOCK_POLYGON	50 Tax Block Number	Regular
	BOUNDARY	50 Condo FKA Tax Lot Number	Underwater
	POSSESSION_HOOK	c50 Condo Flag/Number	Unknown
		A9000 Air Lot Flag/Number	50 Tax Lot Dimension
		S8000 Sub Lot Flag/Number	+/- 50 Approximate Tax Lot Dimension
		R REUC Flag	

**Terms of Use:**  
 The City of New York makes no warranties, expressed or implied, concerning any errors, omissions, geographic inaccuracies of the Property Information Portal, nor the suitability of the use of this information. Additionally, this map should not be relied on to measure the relative geospatial position of any street, or other object or location represented on this map in relation to a tax lot or the relative positions of any tax lots. The Geographic Information System information presented should not be used as a substitute for engineer drawings or surveys. Any use of the map for the conveyance of property or any other legal proceedings is at the sole risk of the involved parties.

**1607 Surf Avenue, C224313  
1607 Surf Avenue, Brooklyn, NY 11224**

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

**1607 Surf Avenue, Site ID No. C224313  
1607 Surf Avenue, Brooklyn, NY 11224  
Brooklyn, Kings County, Tax Map Identification Numbers: Block 7062 Lot 28**

**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 Coney Island Associates Phase 2 LLC and Coney Island Associates 2 Moderate LLC for a parcel approximately 1.360 acres located at 1607 Surf Avenue 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.

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 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.

**1607 Surf Avenue, C224313**  
**1607 Surf Avenue, Brooklyn, NY 11224**

**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/C224313/>.

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

Coney Island Phase 2 Housing Development  
Fund Corporation

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:**  
Coney Island Associates Phase 2 LLC  
150 Myrtle Avenue, Suite 2  
Brooklyn, NY

1607 Surf Avenue, C224313  
1607 Surf Avenue, Brooklyn, NY 11224

WHEREFORE, the undersigned has signed this Notice of Certificate

Coney Island Associates 2 Moderate 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

1607 Surf Avenue, C224313  
1607 Surf Avenue, Brooklyn, NY 11224

WHEREFORE, the undersigned has signed this Notice of Certificate

Coney Island Associates Phase 2 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:**  
Coney Island Associates Phase 2 LLC  
150 Myrtle Avenue, Suite 2  
Brooklyn, NY