

# 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 29, 2023

Joseph Kohl Riggs  
Nostrand Green LLC  
826 Broadway, 11<sup>th</sup> Floor  
New York, NY 10003  
[jkohlriggs@hudsoninc.com](mailto:jkohlriggs@hudsoninc.com)

Re: Certificate of Completion  
975 Nostrand Avenue  
Brooklyn, Kings County  
Site No. C224335

Dear Joseph Kohl Riggs,

Congratulations on having satisfactorily completed the remedial program at the 975 Nostrand Avenue 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:

Christopher Allan  
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. NYSDEC 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 NYSDEC-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 NYSDEC 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 NYSDEC in April 2025.

If you have any questions, please do not hesitate to contact Christopher Allan, NYSDEC's project manager, at (718) 482-4065.

Sincerely,

*Andrew Guglielmi*

Andrew Guglielmi  
Division Director  
Division of Environmental Remediation

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)  
M. Gokey, [matthew.gokey@tax.ny.gov](mailto:matthew.gokey@tax.ny.gov)  
P. Takac, [paul.takac@tax.ny.gov](mailto:paul.takac@tax.ny.gov)  
A. Schwendt – AKRF, [aschwendt@akrf.com](mailto:aschwendt@akrf.com)  
D. Yudelson – Sieve, Paget & Riesel, PC – [mbogin@sprlaw.com](mailto:mbogin@sprlaw.com)

ec w/o enclosure:

C. Allan, C. Maycock, J. O'Connell, G. Nam, K. Lewandowski – NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

**Name**

Nostrand Green LLC

**Address**

826 Broadway, 11th Floor, New York, NY 10003

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 12/13/21    **Agreement Execution:** 12/21/21

**Agreement Index No.:** C224335-12-21

**Application Amendment Approval:** none

**Agreement Amendment Execution:** none

**SITE INFORMATION:**

**Site No.:** C224335

**Site Name:** 975 Nostrand Avenue

**Site Owner:** Nostrand Green LLC

**Street Address:** 975 Nostrand Avenue

**Municipality:** Brooklyn

**County:** Kings

**DEC Region:** 2

**Site Size:** 1.369 Acres

**Tax Map Identification Number(s):** 1309-6

**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 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.

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 %.

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 2023000270549.

### **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;
- (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;
- (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: 12/29/2023

Andrew O. Guglielmi, Director  
Division of Environmental Remediation

## **Exhibit A**

### **Site Description**

**Legal Description**  
**975 Nostrand Avenue – C224335**

**BOROUGH OF KINGS, BLOCK: 1309, LOT: 6**

**Environmental Easement Area:**

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 a point on the easterly side of Nostrand Avenue, distant 100 feet northerly from the corner formed by the intersection of the easterly side of Nostrand Avenue and the northerly side of Empire Boulevard;

RUNNING THENCE easterly parallel with Empire Boulevard, 350 feet 4-3/4 inches to the southwesterly side of Clove Road;

THENCE northwesterly along the southwesterly side of Clove Road, 248 feet 2-5/8 inches;

THENCE westerly at right angles to Nostrand Avenue, 187 feet 6-1/4 inches to the easterly side of Nostrand Avenue;

THENCE southerly along the easterly side of Nostrand Avenue, 205 feet 9-5/8 inches;

THENCE continuing southerly along the easterly side of Nostrand Avenue, 34 feet 2-3/8 inches to the point or place of BEGINNING.

Area of Lot 6 (Environmental Easement Area) = 59,634 sq. ft. or 1.369 acres

**Deed:**

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 a point on the easterly side of Nostrand Avenue, distant 100 feet northerly from the corner formed by the intersection of the easterly side of Nostrand Avenue and the northerly side of Empire Boulevard;

RUNNING THENCE easterly parallel with Empire Boulevard, 350 4-3/4 inches to the southwesterly side of Clove Road;

THENCE northwesterly along the southwesterly side of Clove Road, 248 2-5/8 inches;

THENCE westerly at right angles to Nostrand Avenue, 187 feet 6-1/4 inches to the easterly side of Nostrand Avenue;

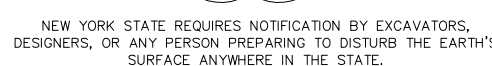
THENCE southerly along the easterly side of Nostrand Avenue, 240 feet to the point or place of BEGINNING.

Area of Lot 6 (Deed) = 59,634 sq. ft. or 1.369 acres

## **Exhibit B**

### **Site Survey**





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 12233 or at [derweb@dec.ny.gov](mailto:derweb@dec.ny.gov).

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP  
BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF  
SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE  
EDUCATION LAW.

ENVIRONMENTAL EASEMENT SURVEY  
SITE NAME: 975 NOSTRAND AVENUE  
SITE NO. C224335  
969-983 NOSTRAND AVENUE  
BOROUGH OF BROOKLYN  
COUNTY OF KINGS  
CITY & STATE OF NEW YORK

GALLAS  
SURVEYING  
GROUP

2865 U.S. ROUTE 1  
NORTH BRUNSWICK, NJ 089  
TELE: 732-422-6700  
FAX: 732-940-8786  
[www.gallassurvey.com](http://www.gallassurvey.com)

DATE 04-12-2023	SCALE 1"=20'	DRAWN: R.S.E./A.J.B.	CHECKED:
FIELD DATE 01/20-21/2021 03/07/2023	FIELD BOOK 150 -	PAGE 78, 80 -	FIELD CREW D.D./L.R. D.A./P.M.
FILE NO.: <b>G21003</b>		DRAWING NAME/SHEET NO. G21003.EE.DWG 1 OF 1	

NOT VALID UNLESS EMBOSSED WITH SEAL OF OFFICE IN OR OUT OF STATE

**GREGORY S. GALLAS**  
NEW YORK PROFESSIONAL LAND SURVEYOR #50124

STATE OF NEW YORK  
GREGORY S. GALLAS  
No. 50124  
LAND SURVEYOR

04-12-



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

**975 Nostrand Avenue, Site ID No. C224335**  
**975 Nostrand Avenue, Brooklyn, NY, 11225**  
**Brooklyn, Kings County, Tax Map Identification Number: 1309-6**

**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 Nostrand Green LLC for a parcel approximately 1.369 acres located at 975 Nostrand Avenue in 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.

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 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 2023000270549.

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

**975 Nostrand Avenue, BCP Site ID No. C224335**  
**975 Nostrand Avenue, Brooklyn, NY, 11225**

**PLEASE TAKE NOTICE**, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to NYSDEC 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 11101, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C224335/>.

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

Nostrand Green 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:**  
Joseph Kohl Riggs  
Nostrand Green LLC  
826 Broadway, 11<sup>th</sup> Floor  
New York, NY 10003



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
12/15/2023



SITE DESCRIPTION

SITE NO. C224335

SITE NAME 975 Nostrand Avenue

SITE ADDRESS: 975 Nostrand Avenue ZIP CODE: 11225

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: 04/30/2025

Description of Institutional Control

Nostrand Green LLC

826 Broadway, 11th Floor

975 Nostrand Avenue

Environmental Easement

Block: 1309

Lot: 6

Sublot:

Section:

Subsection:

S\_B\_L Image: 1309-6

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

**Description of Engineering Control**

**Nostrand Green LLC**

826 Broadway, 11th Floor

**975 Nostrand Avenue**

Environmental Easement

Block: 1309

Lot: 6

Sublot:

Section:

Subsection:

S\_B\_L Image: 1309-6

Air Sparging/Soil Vapor Extraction

Vapor Mitigation