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 27, 2024

Konstantin Gubareff Third at Third LLC 84 14th Street Brooklyn, NY 11215 konstantin@prospectdg.com

Andrew Bradfield
Third Street Gowanus Owner LLC
c/o Orange Management Inc.
22 Carroll Street, Ground Floor
Brooklyn, NY 11231
abradfield@orangemgmt.com

Re: Certificate of Completion Third Street Gowanus Brooklyn, Kings County Site No. C224346

Dear Konstantin Gubareff and Andrew Bradfield:

Congratulations on having satisfactorily completed the remedial program at the Third Street Gowanus 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:



Meghan Medwid Project Manager, Bureau B 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;
- 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 2026.

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

Sincerely,

Andrew Guglielmi Division Director

Andrew Guglislmi

Division of Environmental Remediation

Enclosure

ec w/ enclosure:

- C. Vooris NYSDOH, christine.vooris@health.ny.gov
- S. Berninger NYSDOH, steven.berninger@health.ny.gov
- S. McLaughlin NYSDOH, scarlett.mclaughlin@health.ny.gov

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

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

- E. Scheuerman Haley & Aldrich, escheuerman@haleyaldrich.com
- J. Bellew Haley & Aldrich, jbellew@haleyaldrich.com
- S. Underhill Haley & Aldrich, sunderhill@haleyaldrich.com
- G. Duke Connell Foley LLC, gduke@connellfoley.com

ec w/o enc.:

- M. Medwid NYSDEC, meghan.medwid@dec.ny.gov
- H. Dudek NYSDEC, heidi.dudek@dec.ny.gov
- S. Deyette NYSDEC, scott.deyette@dec.ny.gov
- J. O'Connell NYSDEC, jane.oconnell@dec.ny.gov
- J. Andaloro NYSDEC, jennifer.andaloro@dec.ny.gov
- L. Schmidt NYSDEC, leia.schmidt@dec.ny.gov
- K. Lewandowski NYSDEC, kelly.lewandoski@ny.gov

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP) CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Address

Third Street Gowanus Owner LLC THIRD AT THIRD LLC

22 Carroll Street, Ground Floor, Brooklyn, NY 11231

84 14th Street, Brooklyn, NY 11215

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 3/14/22 **Agreement Execution:** 3/22/22

Agreement Index No.:C224346-03-22

Agreement Amendment Execution: 8/21/23 Application Amendment Approval: 8/21/23 Agreement Amendment Execution: 5/24/24 Application Amendment Approval: 5/24/24 **Agreement Amendment Execution: 12/17/2024 Application Amendment Approval:** 11/29/24

SITE INFORMATION:

Site No.: C224346 Site Name: Third Street Gowanus

Site Owner: THIRD AT THIRD LLC

Street Address: 125 3rd Street a/k/a 130-132 2nd Street

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

Site Size: 0.468 Acres

Tax Map Identification Number(s): 462-6

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%), 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 2024000202103.

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.

Sean Mahar Interim Commissioner New York State Department of Environmental Conservation

By: Andrew Guglislmi Date: 12/27/2024

Andrew O. Guglielmi, Director Division of Environmental Remediation

Exhibit A Site Description

Exhibit A

ENVIRONMENTAL EASEMENT LEGAL DESCRIPTION:

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 northerly side of 3rd Street, distant 42 feet 6 inches easterly from the comer formed by the internecion of the northerly side of 3rd Street, with the easterly side of Bond Street;

RUNNING THENCE northerly parallel with Bond Street, 90 feet;

THENCE easterly parallel with 3rd Street, 17 feet 6 inches;

THENCE northerly again parallel with Bond Street, 100 feet to a point on the southerly side of 2nd Street;

THENCE easterly along the southerly side of 2nd Street, 60 feet,

THENCE southerly parallel with Bond Street, 100 feet;

THENCE easterly parallel with 2nd Street, 38 feet 3-1/2 inches;

THENCE northerly again parallel with Bond Street, 9 feet 3-1/2 inches;

THENCE easterly parallel with 2nd Street, 2 feet 9 inches;

THENCE northerly again parallel with Bond Street, 0 feet 5 inches;

THENCE easterly again parallel with 2nd Street, 18 feet 1-1/2 inches;

THENCE southerly again parallel with Bond Street, 9 feet 8-1/2 inches;

THENCE easterly parallel with 3rd Street, 20 feet 10 inches;

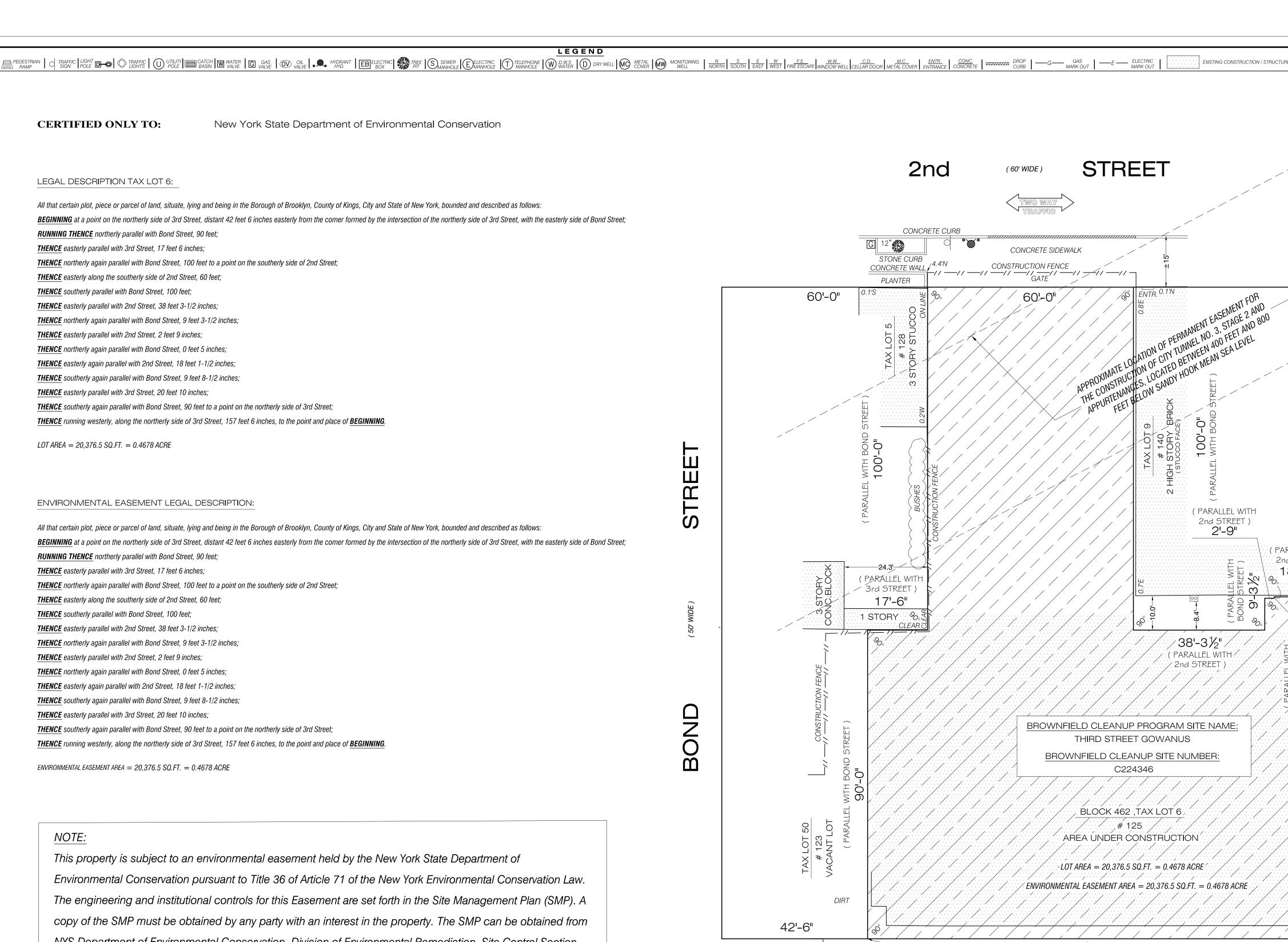
THENCE southerly again parallel with Bond Street. 90 feet to a point on the northerly side of 3rd Street;

THENCE running westerly, along the northerly side of 3rd Street, 157 feet 6 inches, to the point and place of BEGINNING.

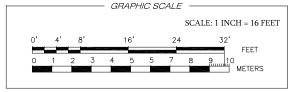
ENVIRONMENTAL EASEMENT AREA = 20,376.5 SQ.FT. = 0.4678 ACRE

Exhibit B

Site Survey



NYS Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at derweb@dec.ny.gov



PROPERTY ADDRESS 125, 131, 137 3rd STREET A/K/A 130 2nd STREET, BROOKLYN (BOROUGH 3), NY 11231 THE ENVIRONMENTAL EASEMENT SURVEY REVISIONS THE ENVIRONMENTAL EASEMENT SURVEY 1. THE PROFESSIONAL SURVEYING SERVICE WAS PROVIDED BY TOMASZ SUWALA LAND SURVEYING P.C. 2. SURVEY MAP PREPARE BY QUIVER LEAGUE 3. CERTIFICATION INDICATED HERON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY, LENDING INSTITUTIONS AND ASSIGNEES. CERTIFICATIONS ARE NOT TRANSFERABLE. 4. THE EXISTENCE OF RIGHT OF WAY AND/OR EASEMENT UNDER OR ABOVE GROUND OF RECORD, IF ANY, NOT

5. THERE WERE NO NATURAL STREAMS OR WATERCOURSES VISIBLE AT THE TIME OF THE FIELD SURVEY.

7. THE OFFSETS SHOWN ARE NOT TO BE USED FOR CONSTRUCTION OF ANY STRUCTURE, FENCE, PERMANENT

9. COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S SEAL AND SIGNATURE SHELL NOT BE

6. ENCROACHMENTS AND VAULTS, IF ANY, BELLOW SURFACE NOT SHOWN HERON.

ADDITIONS, ETC.

CONSIDERED TO BE A TRUE AND VALID COPY

8. UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF NEW YORK

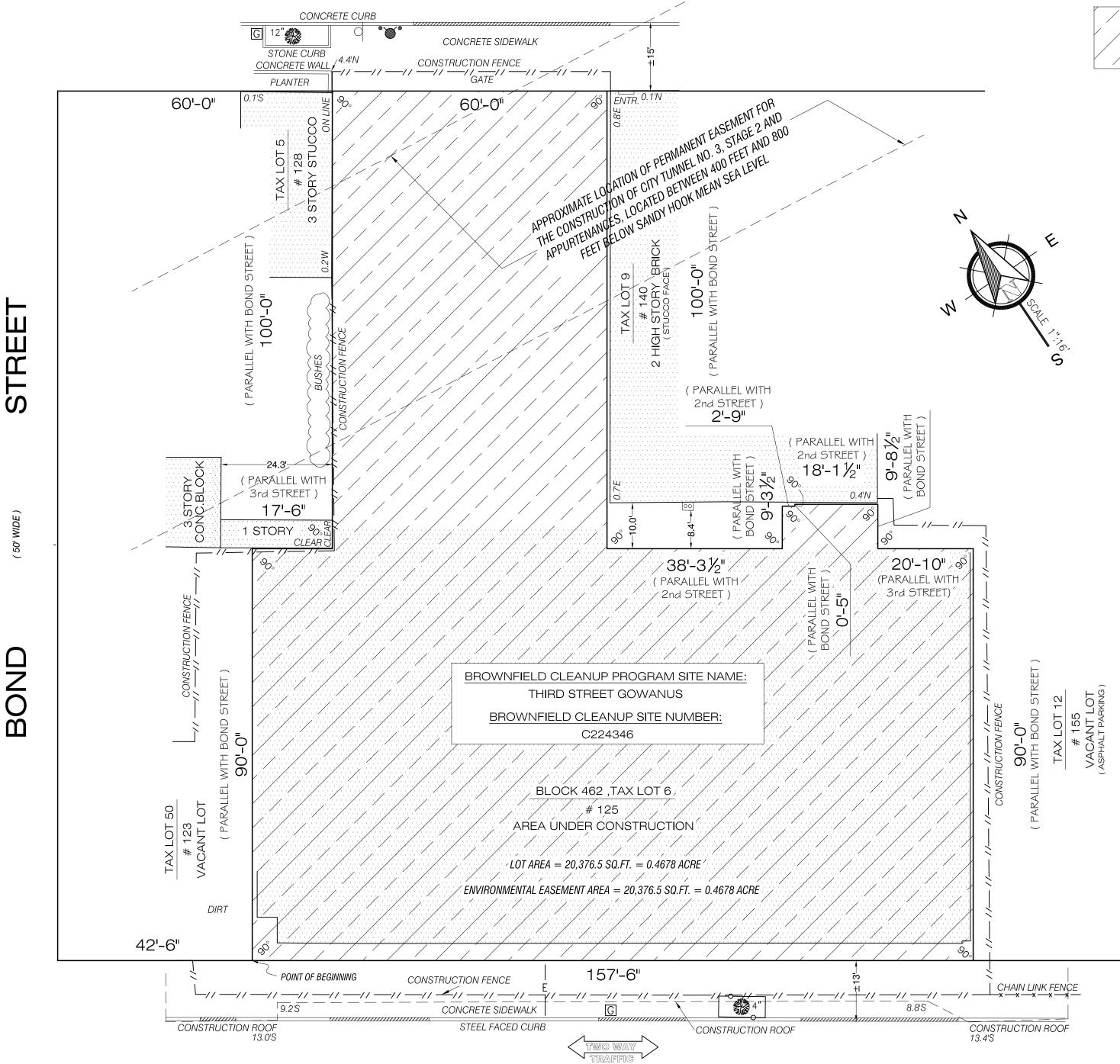
NYSDEC SITE No. C224346

ENVIRONMENTAL EASEMENT AREA ACCESS

THE DEC OR THEIR AGENT MAY ACCESS THE ENVIRONMENTAL EASEMENT AREA AS SHOWN



ENVIRONMENTAL EASEMENT AREA



(80' WIDE)

3rd

STREET

STREET

2nd



TOMASZ SUWALA, P.L.S. NEW YORK LICENSE 051157



QUIVER LEAGUE

290 UNION AVENUE, BROOKLYN NEW YORK, 11211 OFFICE TEL: (212)8979946 email: INFO@QUIVERLEAGUE.COM WWW.QUIVERLEAGUE.COM

TS LAND SURVEYING PC

PO BOX 512 DEER PARK, NY 11729 OFFICE TEL: (631) 455-7255 email: INFO@TSLSPC.COM

MAP OF PROPERTY

IN THE BOROUGH OF BROOKLYN COUNTY OF KINGS CITY AND STATE OF NEW YORK TAX MAP: BLOCK 462, LOT 6

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

Third Street Gowanus, Site ID No. C224346 125 3rd Street a/k/a 130-132 2nd Street, Brooklyn, NY, 11231 Brooklyn, Kings County, Tax Map Identification Number: Block 462 Lot 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 THIRD AT THIRD LLC and Third Street Gowanus Owner LLC for a parcel approximately 0.468 acres located at 125 3rd Street a/k/a 130-132 2nd Street 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.
\boxtimes	Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
\boxtimes	Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
\boxtimes	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 2024000202103.

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

Third Street Gowanus, C224346 125 3rd Street a/k/a 130-132 2nd Street, Brooklyn, NY, 11231

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.

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 holders 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, Long Island City, NY, by contacting the Regional Environmental Remediation Engineer, or at https://www.dec.ny.gov/data/DecDocs/site/C224246.

WHEREFORE, the undersigned has signed this Notice of Certificate

	THIRD AT THIRD 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: THIRD AT THIRD LLC	

Please record and return to: THIRD AT THIRD LLC 84 14th Street Brooklyn, NY 11215



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION Site Management Form

10/29/2024



SITE DESCRIPTION

SITE NO. C224346

SITE NAME Third Street Gowanus

SITE ADDRESS: 125 3rd Street ZIP CODE: 11231

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: 04/30/2026

Description of Institutional Control

THIRD AT THIRD LLC

84 14th Street

125 3rd Street

Environmental Easement

Block: 462 Lot: 6

Sublot:

Section:

Subsection:

S_B_L Image: 462-6

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

THIRD AT THIRD LLC

84 14th Street

125 3rd Street

Environmental Easement

Block: 462

Lot: 6

Sublot:

Section:

Subsection: S_B_L Image: 462-6

Groundwater Treatment System

Vapor Mitigation