

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 26, 2024

Yoel Barminka
Rogers Plaza NY LLC
162 Manhattan Avenue, 1st Floor
Brooklyn, NY 11206
barminyc@gmail.com

Yoel Barminka
Manhattan Management Realty LLC
162 Manhattan Avenue, 1st Floor
Brooklyn, NY 11206
barminyc@gmail.com

Re: Certificate of Completion
Rogers Snyder Brownfield Site
Brooklyn, Kings County
C224374

Dear Yoel Barminka:

Congratulations on having satisfactorily completed the remedial program at the Rogers Snyder Brownfield 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:



Shawn Roberts, 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.

If you have any questions, please do not hesitate to contact Shawn Roberts, NYSDEC's project manager, at (518) 402-9799.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Division Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

C. Vooris – NYSDOH, christine.vooris@health.ny.gov
S. McLaughlin – NYSDOH, scarlett.mclaughlin@health.ny.gov
C. Budd – NYSDOH, christopher.budd@health.ny.gov
M. Gokey, matthew.gokey@tax.ny.gov
P. Takac, paul.takac@tax.ny.gov
G. Duke – Connell Foley LLP gduke@connellfoley.com
Y. Barminka – Rogers Plaza NY LLC, Manhattan Management Realty LLC
barminyc@gmail.com
J. Bellew – H & A of New York Engineering and Geology, LLP
jbellew@haleyaldrich.com
M. Conlon – H & A of New York Engineering and Geology, LLP
mconlon@haleyaldrich.com
L. McCartney – H & A of New York Engineering and Geology, LLP
lmccartney@haleyaldrich.com
S. Bell – H & A of New York Engineering and Geology, LLP
sbell@haleyaldrich.com

ec w/o enc.:

S. Roberts, D. Gardner, J. O'Connell, S. Deyette, M. Murphy, L. Schmidt, K. Lewandowski – NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Rogers Plaza NY LLC

Manhattan Management Realty LLC

Address

162 Manhattan Avenue, Brooklyn, NY 11206

162 Manhattan Avenue, 1st Floor, Brooklyn, NY 11206

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 11/21/22 **Agreement Execution:** 1/10/23

Agreement Index No.: C224374-11-22

Application Amendment Approval: 12/11/23

Agreement Amendment Execution: 12/11/23

SITE INFORMATION:

Site No.: C224374 **Site Name:** Rogers Snyder Brownfield Site

Site Owner: Rogers Plaza NY LLC

Street Address: 858 Rogers Avenue and 2605 Snyder Avenue

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

Site Size: 0.328 Acres

Tax Map Identification Number(s): 5107-101, 5107-88, 5107-97

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: 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%), 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 6 NYCRR 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 the Department's notice.

Sean Mahar
Interim Commissioner
New York State Department of Environmental Conservation

By: Andrew Guglielmi Date: 12/26/2024

Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A

Site Description

“SCHEDULE A”

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, 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 Southerly side of Erasmus Street and the Westerly side of Rogers Avenue;

RUNNING THENCE Southerly along the Westerly side of Rogers Avenue, 119.11 feet;

THENCE Westerly 37.86 feet to a point distant 119.97 feet from the southerly side of Erasmus Street;

THENCE Northerly 119.97 feet to the Southerly side of Erasmus Street;

THENCE Easterly along the Southerly side of Erasmus Street, 36.33 (Tax map 36.36 feet) to the point or place of **BEGINNING**.

FOR INFORMATION ONLY:

Property Address: 858 Rogers Avenue, Brooklyn, NY
Block: 5107 Lot: 97

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, 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 from the intersection of the northerly side of Snyder Avenue formerly Grant Street with the westerly side of Rogers Avenue;

RUNNING THENCE westerly along the northerly side of Snyder Avenue 88.03 feet (Tax map 88.07 feet) to the easterly side of Veronica Place;

THENCE to the northerly side along the easterly side of Veronica Place 92.67 feet;

THENCE Easterly to the Westerly side of Rogers Avenue 46.84 feet, (Tax map 46.93 feet);

THENCE Northerly 47.73 feet to a point distant 37.86 feet from the Westerly side of Rogers Avenue;

THENCE Easterly 37.86 feet to the Westerly side of Rogers Avenue;

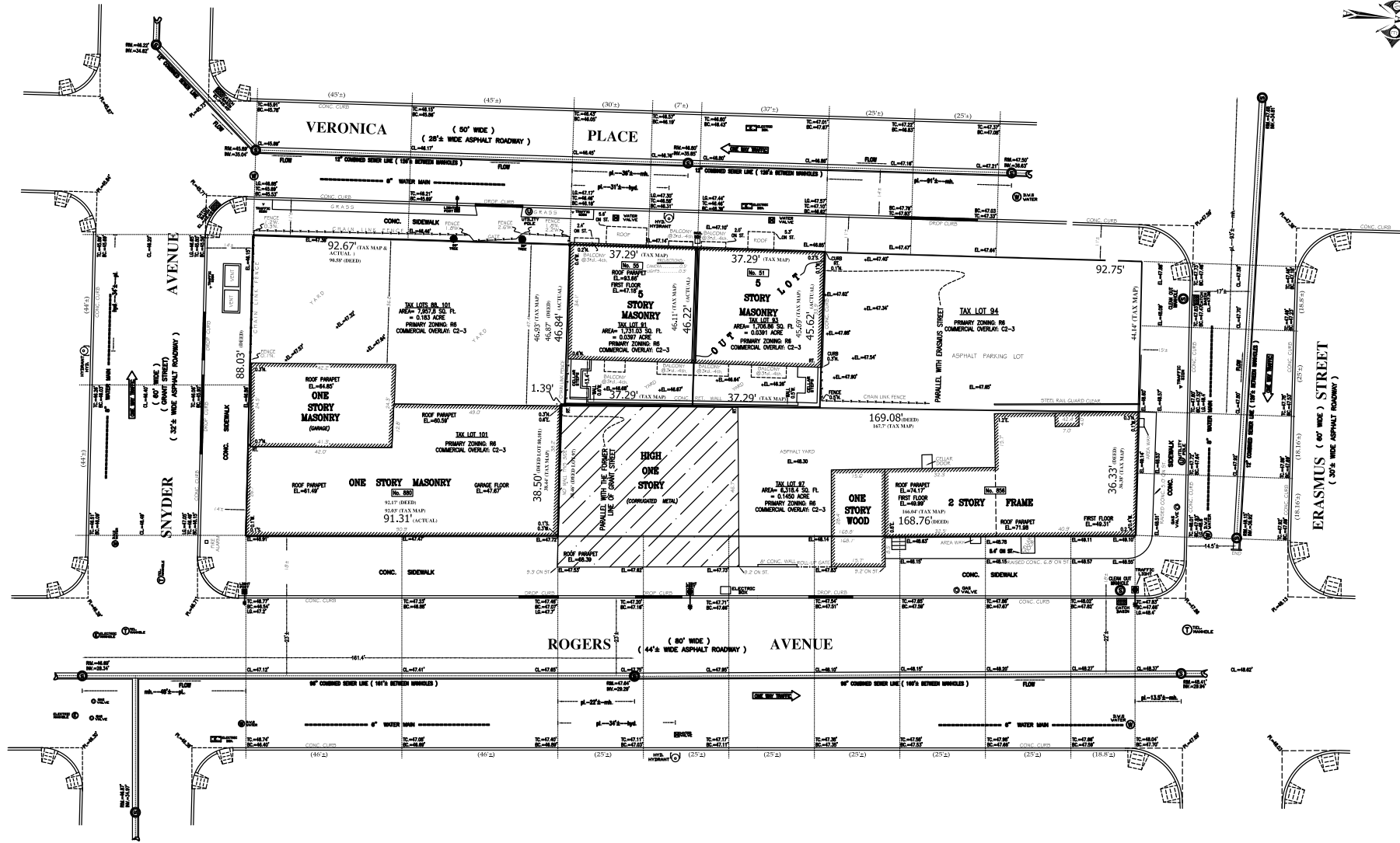
THENCE Southerly 140.96 feet along the Westerly side of Rogers Avenue, to the point or place of **BEGINNING**.

FOR INFORMATION ONLY:

Property Address: 880 Rogers Avenue and 2601 Snyder Avenue, Brooklyn, NY
Block: 5107 Lots: 88 and 101

Exhibit B

Site Survey



UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS SURVEY IS A VIOLATION OF SECTION 7800 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S SEAL OR SIGNATURE SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY. REVISIONS OR CORRECTIONS REQUIRED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL, AGENCY OR LENDING INSTITUTION LIMITED HEREON, AND TO THE ADDRESS OF THE LENDING INSTITUTION. REVISIONS OR CORRECTIONS ARE NOT TRANSMITTAL TO ORIGINAL INSTITUTION OR SUBSEQUENT OWNERS.

SURVEYED : OCTOBER 18, 2021
AMENDED : NOVEMBER 12, 2021
SCALE: 1"=33'

BLOCK: 5107
LOT(S): 80,91,101
SECTION: 10
COUNTY: KINGS
DWG BY: AAA-RD



ARCHITECTURAL SURVEY

THIS SURVEY MAP IS A TRUE COPY OF THE ORIGINAL SURVEY MAP. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. ANY REVISIONS OR CORRECTIONS REQUIRED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL, AGENCY OR LENDING INSTITUTION LIMITED HEREON, AND TO THE ADDRESS OF THE LENDING INSTITUTION. REVISIONS OR CORRECTIONS ARE NOT TRANSMITTAL TO ORIGINAL INSTITUTION OR SUBSEQUENT OWNERS.

7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

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

Rogers Snyder Brownfield Site, Site ID No. C224374
858 Rogers Avenue and 2605 Snyder Avenue, Brooklyn, NY 11226
Brooklyn, Kings County, Tax Map Identification Numbers: 5107-88, 5107-97, and 5107-101

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 Rogers Plaza NY LLC and Manhattan Management Realty LLC for three parcels totaling approximately 0.328 acres located at 2605 Snyder Avenue, 858 Rogers Avenue, and 880 Rogers 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.

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.

Rogers Snyder Brownfield Site, C224374
858 Rogers Avenue and 2605 Snyder Avenue, Brooklyn, NY 11226

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 2 Office located at 47-40 21st Street, Long Island City, NY 11101, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C224374>.

WHEREFORE, the undersigned has signed this Notice of Certificate

Rogers Plaza NY 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:
Rogers Plaza NY LLC
162 Manhattan Avenue
Brooklyn, NY 11206