

# 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

NOV 22 2019

Margarette Lee  
YWA-Amsterdam LLC  
545 West 25<sup>th</sup> Street, 8<sup>th</sup> Floor  
New York, NY 10001

Re: Certificate of Completion  
2420 and 2430 Amsterdam Avenue  
New York, NY County  
Site No. C231088

Dear Ms. Lee:

Congratulations on having satisfactorily completed the remedial program at the 2420 and 2430 Amsterdam Avenue Site (site). Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (DEC) 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 a notice of the COC 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 a notice of the COC within 30 days of the date that you acquire the site. A copy of the recorded notice should be provided to DEC's project manager. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter. Please return the proof of recording to:

Chief, Site Control Section  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-7020

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. DEC will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering



Department of  
Environmental  
Conservation

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 regarding any of these items, please contact Kyle Forster at 518-402-8644.

Sincerely,



Michael J. Ryan, P.E.  
Director  
Division of Environmental Remediation

ec w/ enclosure:

Stuart Knoop, [sknoop@langan.com](mailto:sknoop@langan.com)  
Michael Burke, [mburke@langan.com](mailto:mburke@langan.com)  
Albert Tashji, [atashji@langan.com](mailto:atashji@langan.com)  
Michael Bogin, [mbogin@sprlaw.com](mailto:mbogin@sprlaw.com)  
C. Vooris, NYSDOH  
E. O'Neil, NYSDOH  
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)

ec w/o enc.:

K. Forster  
G. Burke  
J. O'Connell  
G. Heitzman  
K. Lewandowski  
S. McLaughlin, NYSDOH  
M. Murphy, OGC  
J. Andaloro, OGC

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

**CERTIFICATE HOLDER(S):**

**Name**

YWA-Amsterdam LLC

**Address**

545 West 25th Street, 8th Floor, New York, NY 10001

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 7/9/14 **Agreement Execution:** 8/4/14

**Agreement Index No.:** C231088-07-14

**Application Approval Amendment:** 2/21/17

**Agreement Execution Amendment:** 2/21/17

**SITE INFORMATION:**

**Site No.:** C231088 **Site Name:** 2420 and 2430 Amsterdam Avenue

**Site Owner:** YWA-Amsterdam LLC

**Street Address:** 2420 and 2430 Amsterdam Avenue

**Municipality:** New York **County:** New York **DEC Region:** 2

**Site Size:** 0.760 Acres

**Tax Map Identification Number(s):** 1-2152-77, 1-2152-83

**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 for Entities Taxable Under Article 9, 9-A, 32, and 33:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 50 %.

Tangible Property Credit Component Rate is 22 %.

**Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 50 %.

Tangible Property Credit Component Rate is 20 %.



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 a finding that:

- (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.

Basil Seggos  
Commissioner  
New York State Department of Environmental Conservation

By:  Date: 11/22/19

Michael J. Ryan, P.E., Director  
Division of Environmental Remediation

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

2420 and 2430 Amsterdam Avenue, Site ID No. C231088  
2420 and 2430 Amsterdam Avenue, New York, NY 10033  
New York, New York County, Tax Map Identification Number(s) 1-2152-77 and 1-2152-83

**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 YWA-Amsterdam LLC for two parcels of approximately 0.76 acres located at 2420 and 2430 Amsterdam Avenue in the City of New York, New York 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.

**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 4740 21<sup>st</sup> Street, Long Island City, NY 11101, by contacting the Regional Environmental Remediation Engineer.



2420 and 2430 Amsterdam Avenue, C231088, New York, NY 10033

WHEREFORE, the undersigned has signed this Notice of Certificate

YWA-Amsterdam 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:**  
Margarette Lee  
545 West 25<sup>th</sup> Street, 8<sup>th</sup> Floor  
New York, NY 10001

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

**CHICAGO TITLE INSURANCE COMPANY**

**Policy No: PRO FORMA**

**Title No.  
CT18-00993-NY**

**SCHEDULE A DESCRIPTION**

**PARCEL I:**

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the southerly side of 181st Street with the westerly side of Amsterdam Avenue;

THENCE westerly along the southerly side of 181st Street, 150 feet;

THENCE southerly parallel with the westerly side of Amsterdam Avenue, 119 feet 6 inches, more or less;

THENCE easterly parallel with the southerly side of 180th Street, 150 feet to the westerly side of Amsterdam Avenue;

THENCE northerly along the westerly side of Amsterdam Avenue, 119 feet 6 inches to the point or place of BEGINNING.

(For Information: Block 2152 Lot 77)

ALTA LOAN POLICY 2006

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**CHICAGO TITLE INSURANCE COMPANY**

**Policy No: PRO FORMA**

**File No.: CT18-00993-NY**

**Title No.  
CT18-00993-NY**

**SCHEDULE A DESCRIPTION- Continued**

**PARCEL II:**

ALL that certain tract or parcel of land situated in the City of New York, County of New York, State of New York, more particularly described as follows:

BEGINNING at a point on the westerly side of Amsterdam Avenue distant one hundred (100) feet northerly from the corner formed by the intersection of the westerly side of Amsterdam Avenue with the northerly side of 180th Street;

RUNNING THENCE southerly along the westerly side of Amsterdam Avenue, one hundred (100) feet to the northerly side of 180th Street;

THENCE westerly along the northerly side of 180th Street, one hundred fifty (150) feet;

THENCE northerly parallel with the westerly side of Amsterdam Avenue, one hundred (100) feet to a point distant one hundred fifty (150) feet from the westerly side of Amsterdam Avenue on a line drawn at right angles to the westerly side of Amsterdam Avenue; and

THENCE easterly parallel with the northerly side of 180th Street, one hundred fifty (150) feet to the point or place of BEGINNING.

(For Information: Block 2152 Lot 83)

ALTA LOAN POLICY 2006

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**CHICAGO TITLE INSURANCE COMPANY**

**Policy No: PRO FORMA**

**File No.: CT18-00993-NY**

**Title No.  
CT18-00993-NY**

**SCHEDULE A DESCRIPTION- Continued**

**PERIMETER DESCRIPTION**

ALL that certain plot, piece or parcel of land situate, lying and being in Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the westerly line of Amsterdam Avenue with the northerly line of West 180th Street;

RUNNING THENCE westerly along the northerly line of 180th Street 150 feet 0 inch to a point;

RUNNING THENCE in a northerly direction parallel with Amsterdam Avenue 219 feet 6 inches to the southerly side of West 181st Street;

RUNNING THENCE in an easterly direction along the southerly side of West 181st Street, 150 feet 0 inch to the westerly side of Amsterdam Avenue;

RUNNING THENCE in a southerly direction along the westerly side of Amsterdam Avenue, 219 feet 6 inches to the point or place of BEGINNING.

ALTA LOAN POLICY 2006

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## **Exhibit B**

### **Site Survey**



