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

DEC 19 2019

Neil Bender 144-150 Barrow Street LLC 177 Christopher Street New York, NY 10014

Re: Certificate of Completion

Keller Hotel Site, Site No. C231092 Manhattan, New York County

Dear Mr. Bender:

Congratulations on having satisfactorily completed the remedial program at the Keller Hotel Site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) 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 the Department'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. The Department 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 the Department-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 the Department 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 the Department in April 2021.

If you have any questions regarding any of these items, please contact Michael MacCabe at 518-402-9687 or michael.maccabe@dec.ny.gov.

Sincerely,

Michael J. Ryan, P.E.

Well

Director

Division of Environmental Remediation

ec w/ enclosure:

Neil Bender, nbender@wmgottlieb.com

David Yudelson, Sive, Paget & Riesel P.C., ldyudelson@sprlaw.com

Jennifer Armstrong, Langan, jarmstrong@Langan.com

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

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

- C. Vooris, NYSDOH, Vooris, Christine. Vooris@health.ny.gov
- S. McLaughlin, NYSDOH, scarlett.mclaughlin@health.ny.gov

ec w/o enc.:

- M. MacCabe
- G. Burke
- J. Simpson
- K. Lewandowski

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP) CERTIFICATE OF COMPLETION

CERTIFICATE HOLDERS:

Name Address

150 Barrow Street LLC
 177 Christopher Street, New York, NY 10014
 144 Barrow Street LLC
 177 Christopher Street, New York, NY 10014
 144-150 Barrow Street LLC
 177 Christopher Street, New York, NY 10014

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 6/4/15 Agreement Execution: 6/16/15

Agreement Index No.: C231092-05-15
Application Approval Amendment: 6/3/19
Agreement Execution Amendment: 6/3/19

SITE INFORMATION:

Site No.: C231092 Site Name: Keller Hotel Site

Site Owners: 144 Barrow Street LLC (Lot 604-30), 150 Barrow Street LLC (Lot 604-1)

Street Address: 144-150 Barrow Street

Site Size: 0.167 Acres

Tax Map Identification Numbers: 604-1, a portion of 604-30

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

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28%. Tangible Property Credit Component Rate is 12%.

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

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28%. Tangible Property Credit Component Rate is 10%.

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 Environmental Easements granted pursuant to ECL Article 71, Title 36 which have been duly recorded in the Recording Office for New York County as 2019000380925 (Lot 30) and 2019000380926 (Lot 1).

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;
- (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

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)

Keller Hotel Site, Site ID No. C231092 144-150 Barrow Street, New York, NY 10014 Manhattan, New York County, Tax Map Identification Number Block 604, Lot 30 (portion of)

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 144-150 Barrow Street LLC, 144 Barrow Street LLC and 150 Barrow Street LLC for a parcel of approximately 0.0898 acres located at 144 Barrow Street in Manhattan, 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.
\times	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 the Department as not inconsistent with the remedy.

PLEASE TAKE NOTICE, since 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 New York County as 2019000380925.

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 the Department'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

Keller Hotel Site, C231092, 144-150 Barrow Street, New York, NY 10014

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 the Department 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 located at 1 Hunter's Point Plaza, 47-40 21st Street, Long Island City, NY 11101-5401, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

	144 Barrow Street LLC
	By:
	Title:
	Date:
STATE OF NEW YORK) SS:	
evidence to be the individual(s) whose acknowledged to me that he/she/they e	, in the year 20, before me, the undersigned, personally lly known to me or proved to me on the basis of satisfactory name is (are) subscribed to the within instrument and xecuted the same in his/her/their capacity(ies), and that by nent, the individual(s), or the person upon behalf of which the ment.
Signature and Office of individual aking acknowledgment	Please record and return to: c/o Neil Bender 144 Barrow Street LLC 177 Christopher Street

New York, NY 10014

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

Keller Hotel Site, Site ID No. C231092 144-150 Barrow Street, New York, NY 10014 Manhattan, New York County, Tax Map Identification Number Block 604, Lot 1

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 144-150 Barrow Street LLC, 144 Barrow Street LLC and 150 Barrow Street LLC for a parcel of approximately 0.0775 acres located at 150 Barrow Street in Manhattan, 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.
\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 the Department as not inconsistent with the remedy.

PLEASE TAKE NOTICE, since 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 New York County as 2019000380926.

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 the Department'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

Keller Hotel Site, C231092, 144-150 Barrow Street, New York, NY 10014

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 the Department 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 located at 1 Hunter's Point Plaza, 47-40 21st Street, Long Island City, NY 11101-5401, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

		150 Barrow Street LLC
		Ву:
		Title:
		Date:
STATE OF NEW YORK COUNTY OF) \$\$:)	
evidence to be the individu acknowledged to me that h	al(s) whose name is e/she/they executed to the instrument, the	e year 20, before me, the undersigned, personally n to me or proved to me on the basis of satisfactory (are) subscribed to the within instrument and the same in his/her/their capacity(ies), and that by individual(s), or the person upon behalf of which the
Signature and Office of inc taking acknowledgment	lividual	Please record and return to: c/o Neil Bender 150 Barrow Street LLC

New York, NY 10014

Exhibit A Site Description

kana kentan dinggan mengangan kentang merenggan mengan panggan mengang mengang mengang dinggan pengang mengang

SCHEDULE "A" PROPERTY DESCRIPTION

ENVIRONMENTAL EASEMENT PARCEL PART OF LOT 30, BLOCK 604

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 A POINT ON THE NORTHERLY SIDE OF BARROW STREET (WIDTH VARIES) SAID POINT BEING DISTANT 70 FEET EASTERLY ALONG SAID LINE OF BARROW STREET FROM ITS INTERSECTION WITH THE EASTERLY SIDE OF WEST STREET (WIDTH VARIES) SAID POINT OF BEGINNING ALSO BEING AT THE INTERSECTION OF THE DIVIDING LINE BETWEEN LOT 1 AND THE HEREIN DESCRIBED PARCEL WITH THE AFOREMENTIONED NORTHERLY LINE OF BARROW STREET, AND FROM SAID POINT OF BEGINNING RUNNING, THENCE;

CONTINUING EASTERLY ALONG SAID LINE OF BARROW STREET, A DISTANCE OF 74' - 8'5/8" (74.72 FEET) TO A POINT, THENCE;

NORTHERLY, ALONG THE WESTERLY LINE OF LOT 8, BLOCK 604, A DISTANCE OF 59'-7" (59.58 FEET) TO AN ANGLE POINT THEREIN, THENCE;

THROUGH LOT 30, BLOCK 604, A DISTANCE OF 46' - 8" (46.66 FEET) TO THE SOUTHEASTERLY CORNER OF LOT 3, BLOCK 604, THENCE;

WESTERLY, ALONG THE SOUTHERLY LINE OF LOT 3, BLOCK 604, A DISTANCE OF 24' - 0 3/4" (24.06 FEET) TO A POINT, THENCE;

SOUTHERLY A DISTANCE OF 47'-11 1/2" (47.96 FEET) TO THE POINT AND PLACE OF BEGINNING.

CONTAINING WITHIN SAID BOUNDS 3,910 SQUARE FEET OR 0.0898 ACRE.



County: New York Site No: C231092 Brownfield Cleanup Agreement Index: C231092-05-15 as amended June 3, 2019

SCHEDULE "A" PROPERTY DESCRIPTION

ENVIRONMENTAL EASEMENT PARCEL LOT I, BLOCK 604

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 EASTERLY SIDE OF WEST STREET (WIDTH VARIES) AND THE NORTHERLY SIDE OF BARROW STREET (WIDTH VARIES) AND FROM SAID POINT OF BEGINNING RUNNING, THENCE;

EASTERLY ALONG THE NORTHERLY SIDE OF BARROW STREET, 70 FEET TO A POINT, THENCE;

NORTHERLY, 47' - 11 1/2" (47.96 FEET) TO A POINT ON A LINE PARALLEL WITH BARROW STREET, THENCE;

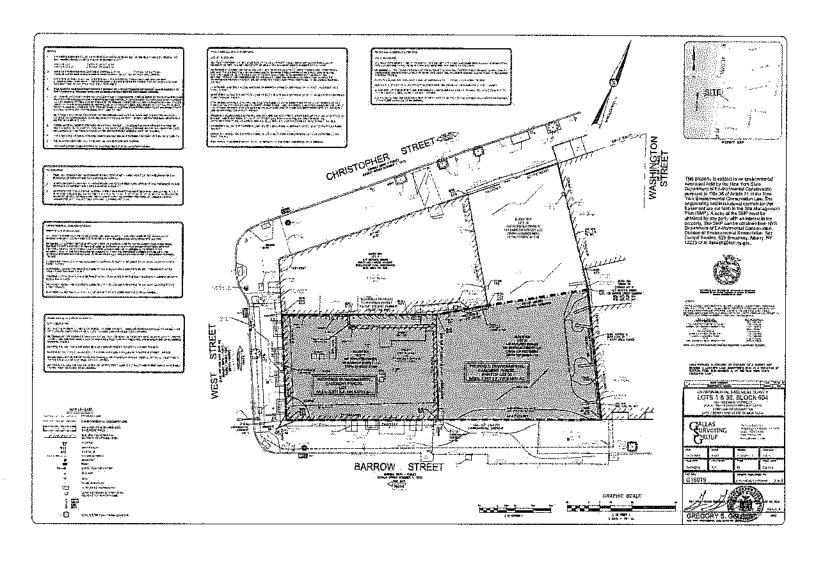
ALONG SAID LAST MENTIONED LINE AND PARALLEL WITH BARROW STREET. THENCE; 70' - 10 1/2" (70.875 FEET) TO THE EASTERLY SIDE OF WEST STREET, THENCE;

SOUTHERLY ALONG THE EASTERLY SIDE OF WEST STREET, 48 FEET TO THE CORNER FIRST ABOVE MENTIONED, TO THE POINT OR PLACE OF BEGINNING.

CONTAINING WITHIN SAID BOUNDS 3.377 SQUARE FEET OR 0.0775 ACRE.

Exhibit B

Site Survey





NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION Site Management Form

12/17/2019

SITE DESCRIPTION



ITE NO.	C231092	

SITE NAME Keller Hotel Site

SITE ADDRESS: 144-150 Barrow Street ZIP CODE: 10014

CITY/TOWN: New York

COUNTY: New York

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:

YES NO

W.

IC/EC Certification Plan

Monitoring Plan

Operation and Maintenance (O&M) Plan

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2021

Description of Institutional Control

177 Christopher Street 144 Barrow Street Environmental Easement Block: 604

144 Barrow Street LLC

Lot: 30 Sublot:

Section:

Subsection:

S_B_L Image: a portion of 604-30 Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

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150 Barrow Street LLC
177 Christopher Street
  150 Barrow Street
   Environmental Easement
     Block: 604
          Lot: 1
              Sublot:
                  Section:
                      Subsection:
                           S_B_L Image: 604-1
                                Ground Water Use Restriction
                                IC/EC Plan
                                Landuse Restriction
                                Site Management Plan
                                Soil Management Plan
                                   Description of Engineering Control
144 Barrow Street LLC
177 Christopher Street
  144 Barrow Street
     Environmental Easement
       Block: 604
          Lot: 30
              Sublot:
                  Section:
                      Subsection:
                           S_B_L Image: a portion of 604-30
                                Cover System
                                Monitoring Wells
150 Barrow Street LLC
177 Christopher Street
   150 Barrow Street
     Environmental Easement
        Block: 604
          Lot: 1
              Sublot:
                  Section:
                      Subsection:
                           S_B_L Image: 604-1
                                Cover System
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Monitoring Wells