

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

18th Highline Associates, L.L.C.
C/O Frank Monterisi, Jr.
The Related Companies
60 Columbus Circle
New York, NY 10023

JAN 30 2019

Re: Brownfield Cleanup Program Certificate of Completion
515 West 18th Street, New York
New York County
Site No: C231093

Dear Mr. Monterisi:

On December 26, 2018, the New York State Department of Environmental Conservation (Department) issued a certificate of completion (COC) for the remedial program at the above-referenced site. On January 11, 2019, the Department was notified, for the first time, of a transcription error in the July 2, 2015 Brownfield Cleanup Agreement (BCA) regarding the site's tax block and lot information, as well as a tax lot merger that occurred after the time of BCA execution. In light of this new information, the Department is now issuing a revised COC reflecting the accurate and current tax block and lot information for the site.

Please note that you are required to perform the following tasks (even if already performed with the December 26, 2018 COC):

- 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



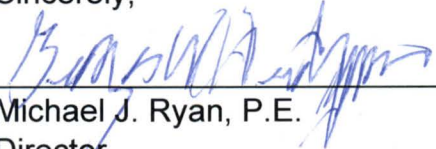
Department of
Environmental
Conservation

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, 2020.

If you have any questions regarding any of these items, please contact Douglas MacNeal at 518-402-9662 or douglas.macneal@dec.ny.gov.

Sincerely,



Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

ec w/enclosure:

Alana Carroll, acarroll@tenen-env
David Freeman, dfreeman@gibbonslaw.com
C. Vooris, NYSDOH
D. Hettrick, NYSDOH
Matt Gokey, matthew.gokey@tax.ny.gov
Matt Culotti, matthew.culotti@tax.ny.gov

ec w/o enclosure:

D. MacNeal
G. Heitzman
J. O'Connell, R2
J. Brown
M. Warner, OGC
K. Lewandowski

NOTICE OF CERTIFICATE OF COMPLETION

Brownfield Cleanup Program 6 NYCRR Part 375-1.9(d)

**515 West 18th Street, Site ID No. C231093
511 West 18th Street and 131 10th Avenue, New York, NY 10011
New York, New York County, Tax Map Identification Number(s) 690-29**

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 18th Highline Associates, L.L.C. for a parcel approximately 1.056 acres located at 511 West 18th Street and 131 10th Avenue in the City and County of New York.

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.

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 2018000393460

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

515 West 18th Street, C231093, 511 West 18th Street and 131 10th Avenue

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 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 47-40 21st Street, Long Island City, New York, 11101 by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

18th Highline Associates, L.L.C.

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:
18th Highline Associates, L.L.C.
C/O The Related Companies
60 Columbus Circle
New York, NY 10023

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Address

18th Highline Associates, L.L.C.

60 Columbus Circle, New York, NY 10023

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 6/11/15 **Agreement Execution:** 7/2/15 **Agreement Index No.:** C231093-05-15

Application Approval Amendment: none

Agreement Execution Amendment: none

SITE INFORMATION:

Site No.: C231093 **Site Name:** 515 West 18th Street

Site Owner: 18th Highline Associates, L.L.C.

Street Address: 511 West 18th Street and 131 10th Avenue

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

Site Size: 1.056 Acres

Tax Map Identification Number(s): 690-29

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: Parcel 1: Track 2 Restricted use with generic soil cleanup objectives
Parcels 2 – 8: 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:

Parcel 1: 40%

Parcels 2 through 8: 28%

Tangible Property Credit Component Rate is 12 % for all parcels.

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

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is:

Parcel 1: 40%

Parcels 2 through 8: 28%

Tangible Property Credit Component Rate is 10 % for all parcels.

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 New York County as 2018000393460.

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

By:



Date:

12/26/12

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

Exhibit A
Site Description

Legal Description of Parcel 1

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

BEGINNING at the corner formed by the intersection of the westerly side of 10th Avenue with the northerly side of West 18th Street;

RUNNING THENCE westerly, along said northerly side of West 18th Street, a distance of 325 feet;

THENCE northerly, and parallel with 10th Avenue, a distance of 92 feet;

THENCE easterly, and parallel with the northerly side of West 18th Street, a distance of 150 feet;

THENCE northerly, and parallel with 10th Avenue, a distance of 92 feet to the southerly side of West 19th Street;

THENCE easterly, along said southerly side of West 19th Street, a distance of 175 feet to the corner formed by the intersection of said southerly side of West 19th Street with the westerly side of 10th Avenue;

THENCE southerly, along said westerly side of 10th Avenue, a distance of 184 feet to the point or place of BEGINNING.

Area containing 46,000.00 Square Feet or 1.0560 Acres
less the Areas of Track 4 Parcels

Legal Description of Parcel 2

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

BEGINNING at a point on the southerly side of West 19th Street, distant 161.05 feet westerly from the corner formed by the intersection of the westerly side of 10th Avenue and the southerly side of West 19th Street;

RUNNING THENCE southerly, forming an interior angle on its southerly side, 89 degrees 57 minutes 33 seconds with 10th Avenue a distance of 106.21 feet to a point;

THENCE westerly, forming an interior angle on its westerly side, 90 degrees 01 minutes 32 seconds, a distance of 73.54 feet to a point;

THENCE northerly, forming an interior angle on its easterly side, 108 degrees 21 minutes 53 seconds, a distance of 14.95 feet to a point;

THENCE easterly, forming an interior angle on its southerly side, 71 degrees 39 minutes 03 seconds, a distance of 64.37 feet to a point;

THENCE northerly, forming an exterior angle on its westerly side, 90 degrees 00 minutes 00 seconds, a distance of 92.00 to a point along the southerly side of West 19th Street;

THENCE easterly, along said southerly side of West 19th Street, a distance of 13.95 feet to the point or place of BEGINNING.

Area containing 2,358.50 Square Feet or 0.0541 Acres

Legal Description of Parcel 3

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

BEGINNING at a point on the southerly side of West 19th Street, distant 86.65 feet westerly from the corner formed by the intersection of the westerly side of 10th Avenue and the southerly side of West 19th Street;

RUNNING THENCE southerly forming an interior angle on its southerly side, 88 degrees 34 minutes 49 seconds with 10th Avenue a distance of 11.69 feet to a point;

THENCE westerly forming an interior angle on its westerly side, 90 degrees 37 minutes 59 seconds, a distance of 40.24 feet to a point;

THENCE northerly forming an interior angle on its easterly side, 91 degrees 21 minutes 53 seconds, a distance of 14.95 feet to a point;

THENCE easterly forming an interior angle on its southerly side, 71 degrees 46 minutes 40 seconds, a distance of 11.13 feet to a point along the southerly side of West 19th Street;

THENCE easterly along said southerly side of West 19th Street, a distance of 40.72 to the point or place of BEGINNING.

Area containing 461.77 Square Feet or 0.0106 Acres

Legal Description of Parcel 4

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

BEGINNING at a point distant 89.90 feet westerly and perpendicular to the Point of Commencement, said Point of Commencement being a point along the westerly side of Tenth Avenue distant 26.59 feet southerly from the corner formed by the intersection of the southerly side of West 19th Street with the westerly side of Tenth Avenue;

RUNNING THENCE westerly and still perpendicular to Tenth Avenue, a distance of 30.07 feet to a point;

THENCE southerly and perpendicular to the last course, a distance of 10.90 feet to a point;

THENCE easterly and perpendicular to the last course, a distance of 30.07 feet to a point; point;

THENCE northerly and again perpendicular to the last course, a distance of 10.90 feet to the point or place of BEGINNING.

Area containing 327.81 Square Feet or 0.0075 Acres

Legal Description of Parcel 5

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

BEGINNING at a point distant 91.11 feet westerly and perpendicular to the Point of Commencement, said Point of Commencement being a point along the westerly side of Tenth Avenue distant 66.46 feet southerly from the corner formed by the intersection of the southerly side of West 19th Street with the westerly side of Tenth Avenue;

RUNNING THENCE southerly, forming an exterior angle with said perpendicular line, on its easterly side, 88 degrees 50 minutes 22 seconds, a distance of 11.65 feet to a point;

THENCE westerly forming an interior angle on its westerly side, 87 degrees 46 minutes 07 seconds, a distance of 29.32 feet to a point;

THENCE northerly forming an interior angle on its easterly side, 89 degrees 01 minutes 56 seconds, a distance of 11.41 feet to a point;

THENCE easterly forming an interior angle on its southerly side, 91 degrees 25 minutes 53 seconds, a distance of 28.68 feet to the point or place of BEGINNING.

Area containing 334.26 Square Feet or 0.0076 Acres

Legal Description of Parcel 6

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

BEGINNING at a point distant 90.74 feet westerly and perpendicular to the Point of Commencement, said Point of Commencement being a point along the westerly side of Tenth Avenue distant 106.29 feet southerly from the corner formed by the intersection of the southerly side of West 19th Street with the westerly side of Tenth Avenue;

RUNNING THENCE southerly, forming an exterior angle with said perpendicular line, on its easterly side, 89 degrees 26 minutes 54 seconds, a distance of 11.62 feet to a point;

THENCE westerly forming an interior angle on its westerly side, 89 degrees 26 minutes 10 seconds, a distance of 29.25 feet to a point;

THENCE northerly forming an interior angle on its easterly side, 88 degrees 50 minutes 01 seconds, a distance of 11.52 feet to a point;

THENCE easterly forming an interior angle on its southerly side, 91 degrees 22 minutes 15 seconds, a distance of 28.91 feet to the point or place of BEGINNING.

Area containing 336.49 Square Feet or 0.0077 Acres

Legal Description of Parcel 7

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

BEGINNING at a point distant 90.39 feet westerly and perpendicular to the Point of Commencement, said Point of Commencement being a point along the westerly side of Tenth Avenue distant 146.06 feet southerly from the corner formed by the intersection of the southerly side of West 19th Street with the westerly side of Tenth Avenue;

RUNNING THENCE southerly, forming an exterior angle with said perpendicular line, on its easterly side, 91 degrees 09 minutes 49 seconds, a distance of 11.82 feet to a point;

THENCE westerly forming an interior angle on its westerly side, 90 degrees 25 minutes 13 seconds, a distance of 28.57 feet to a point;

THENCE northerly forming an interior angle on its easterly side, 92 degrees 14 minutes 03 seconds, a distance of 11.39 feet to a point;

THENCE easterly forming an interior angle on its southerly side, 88 degrees 38 minutes 07 seconds, a distance of 29.10 feet to the point or place of BEGINNING.

Area containing 334.43 Square Feet or 0.0076 Acres

Legal Description of Parcel 8

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

BEGINNING at a point on the northerly side of West 18th Street, distant 86.47 feet westerly from the corner formed by the intersection of the westerly side of 10th Avenue and the northerly side of West 18th Street;

RUNNING THENCE westerly along said northerly side of West 18th Street, a distance of 40.68 feet to a point;

THENCE northerly forming an interior angle on its easterly side, 88 degrees 53 minutes 55 seconds, a distance of 11.33 feet to a point;

THENCE easterly forming an interior angle on its southerly side, 91 degrees 05 minutes 54 seconds, a distance of 40.24 feet to a point;

THENCE southerly forming an interior angle on its westerly side, 91 degrees 07 minutes 29 seconds, a distance of 11.33 feet to the point or place of BEGINNING.

Area containing 458.28 Square Feet or 0.0105 Acres

TRACK LAND AREAS

TRACK 4A LAND AREA = 2358.50 S.F.

TRACK 4B LAND AREA = 461.77 S.F.

TRACK 4C LAND AREA = 327.81 S.F.

TRACK 4D LAND AREA = 334.26 S.F.

TRACK 4E LAND AREA = 336.49 S.F.

TRACK 4F LAND AREA = 334.43 S.F.

TRACK 4G LAND AREA = 458.28 S.F.

TOTAL TRACK 4 LAND AREA = 4,275.05 S.F.

TRACK 2 LAND AREA = 46,000.0 S.F. - 4,275.05 S.F. = 41,724.95 S.F.

Exhibit B

Site Survey



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
1/15/2019



SITE DESCRIPTION

SITE NO. C231093

SITE NAME 515 West 18th Street

SITE ADDRESS: 511 West 18th Street and 131 10th Avenue ZIP CODE: 10011

CITY/TOWN: New York

COUNTY: New York

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: 04/26/2020

Description of Institutional Control

18th Highline Associates, L.L.C.

c/o The Related Companies, 60 Columbus Circle

511 West 18th Street

Environmental Easement

Block: 690

Lot: 29

Sublot:

Section:

Subsection:

S_B_L Image: 690-29

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

18th Highline Associates, L.L.C.

c/o The Related Companies, 60 Columbus Circle

511 West 18th Street

Environmental Easement

Block: 690

Lot: 29

Sublot:

Section:

Subsection:

S_B_L Image: 690-29

Cover System