

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

November 29, 2021

509 W 34, L.L.C.
Michael B. Benner
45 Rockefeller Plaza
New York, NY 10111

Re: Certificate of Completion
509 West 34th Street
New York City, New York County
Site No. C231094

Dear Mr. Benner:

Congratulations on having satisfactorily completed the remedial program at the 509 West 34th Street. 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 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 the Department's project manager. Please return the hard copy of the proof of recording to:

Javier Perez-Maldonado
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway

Albany, NY 12233

- Provide the Notice of Certificate of Completion 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.

If you have any questions regarding any of these items, please contact Javier Perez-Maldonado at (518) 402-8172.

Sincerely,

Susan L. Edwards

Susan L. Edwards, P.E.
Acting Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

Michael B. Benner, mbenner@tishmanspeyer.com
Schnapf Law, larry@schnapflaw.com
Jeffrey Wills, jwills@rouxinc.com
Christine. Vooris, christine.vooris@health.ny.gov
Scarlett McLaughlin, scarlett.mclaughlin@health.ny.gov
Sarita Wagh, sarita.wagh@health.ny.gov
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

Gerard Burke
Jane O'Connell
Javier Perez-Maldonado
Jennifer Andaloro
Kelly Lewandowski

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

509 W 34, L.L.C.

Address

45 Rockefeller Plaza, New York, NY 10111

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 6/17/15

Agreement Execution: 8/26/15

Agreement Index No.: C231094-06-15

Application Approval Amendment: 6/8/17

Agreement Execution Amendment: 6/8/17

Application Approval Amendment: 10/21/21

Agreement Execution Amendment: 10/21/21

SITE INFORMATION:

Site No.: C231094 **Site Name:** 509 West 34th Street

Site Owner: 509 W 34, L.L.C.

Street Address: 34 Hudson Boulevard East

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

Site Size: 1.548 Acres

Tax Map Identification Number(s): 706-17

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: 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 14 %.

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 12 %.

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: Susan Edwards Date: 11/29/2021

Susan Edwards, P.E., Acting Director
Division of Environmental Remediation

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

509 West 34th Street, Site ID No. C231094
34 Hudson Boulevard East, New York, NY, 10001
New York City, New York County, Tax Map Identification Number 706-17

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 509 W 34, L.L.C. for a parcel approximately 1.548 acres located at the 34 Hudson Boulevard East in New York City, 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 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/C231094/>.

509 West 34th Street, C231094, 34 Hudson Boulevard East, New York, NY, 10001

WHEREFORE, the undersigned has signed this Notice of Certificate

509 W 34, 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:
Michael B. Benner
509 W 34, L.L.C.
45 Rockefeller Plaza
New York, NY 10111

4/20/2020

Exhibit A

Site Description

MSC Survey No, 64671-3
Metes and Bounds Description
Tax Block 706 Tax Lot 17

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 follow:

BEGINNING at the corner formed by the intersection of the westerly side of 10th Avenue (100 feet wide) with the northerly side of West 34th Street (100 feet wide);

RUNNING THENCE westerly along the northerly side of West 34th Street, 347.83 feet to the easterly side of Hudson Boulevard East (50 feet wide);

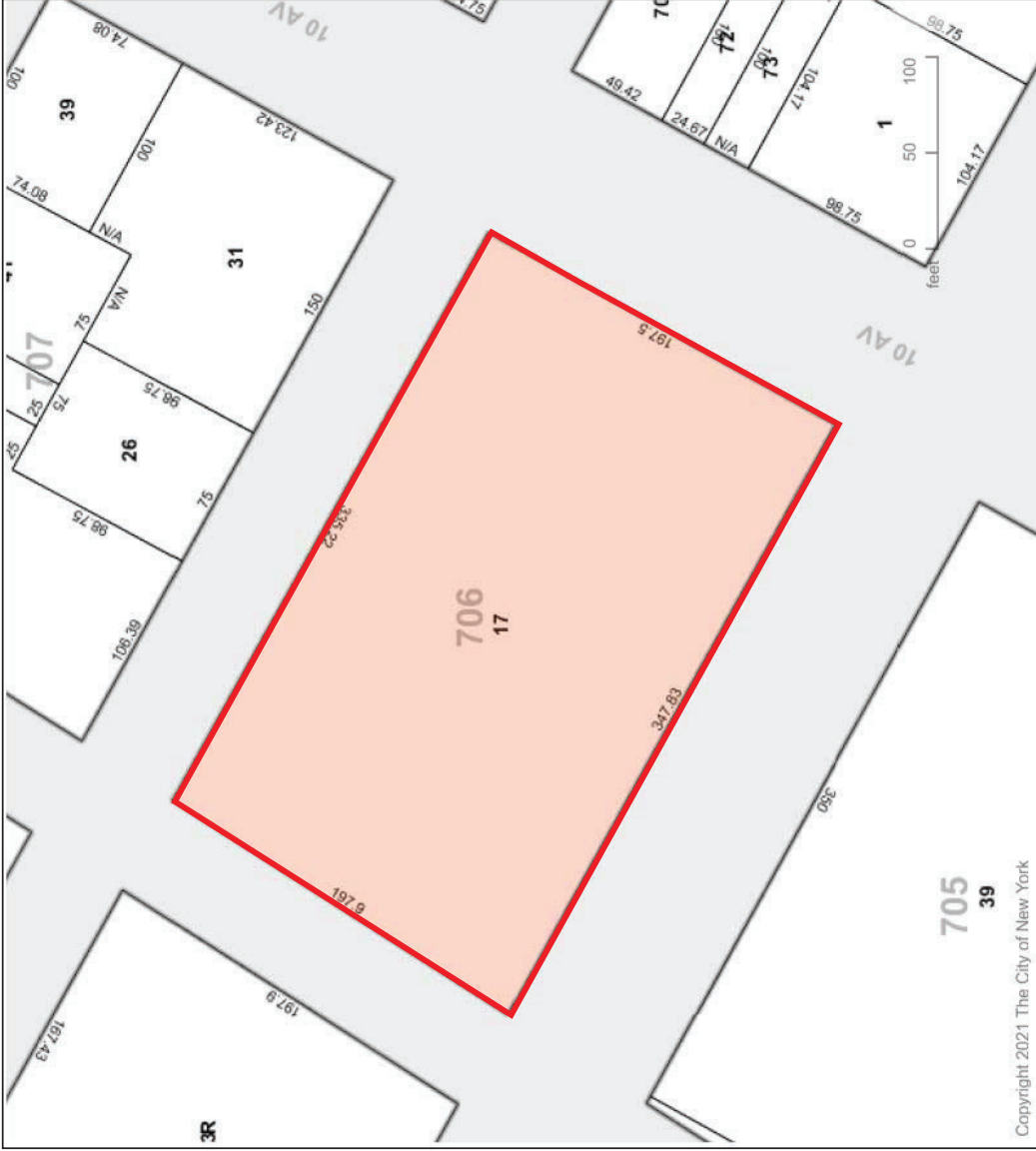
RUNNING THENCE northerly along the easterly side of Hudson Boulevard East, 197.50 feet to the southerly side of West 35th Street(60 feet wide);

RUNNING THENCE easterly along the southerly side of West 35th Street, 335.22 feet to the westerly side of 10th Avenue;

RUNNING THENCE southerly along the westerly side of 10th Avenue, 197.50 feet to the northerly side of West 34th Street the corner the point or place of BEGINNING.

Exhibit B

Site Survey



LEGEND

- TAX BLOCK BOUNDARY
- 706 TAX BLOCK NUMBER
- TAX LOT BOUNDARY
- 17 TAX LOT NUMBER
- 197.5 TAX LOT DIMENSION
- BROWNFIELD SITE BOUNDARY

TAX MAP

BCP SITE NO. C231094
 509 WEST 34TH STREET, NEW YORK, NEW YORK

Prepared for: 509 W 34, L.L.C.

ROUX	Compiled by: J.W.	Date: 18FEB21	FIGURE
	Prepared by: B.H.C.	Scale: AS SHOWN	A1
	Project Mgr.: J.W.	Project No.: 249.002102	
	File: 249.002102\131.04.CDR		

Copyright 2021 The City of New York



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
11/22/2021



SITE DESCRIPTION

SITE NO. C231094

SITE NAME 509 West 34th Street

SITE ADDRESS: 34 Hudson Boulevard East ZIP CODE: 10001

CITY/TOWN: New York

COUNTY: New York

ALLOWABLE USE: Unrestricted, Residential, 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: 04/30/2023

Description of Institutional Control

Description of Engineering Control