

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

October 21, 2024

Jacob Kohn
401 W 207th Realty LLC
40 Oser Avenue, Suite 4
Hauppauge, NY 11788
kohnjacob@gmail.com

Paul Gagliardi
3761 207th Street Realty LLC
3761 10th Avenue Realty Corp.
3857 9th Avenue
New York, NY 10034
333scd@gmail.com

Re: Certificate of Completion
401 West 207th Street Redevelopment
Manhattan, New York County
C231151

Dear Jacob Kohn and Paul Gagliardi,

Congratulations on having satisfactorily completed the remedial program at the 401 West 207th Street Redevelopment 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:

Madeleine Babick, Region 2
New York State Department of Environmental Conservation
Division of Environmental Remediation
47-40 21st Street
Long Island City, NY 11101



- Provide the COC fact sheet to the Document Repositories within 10 days of issuance of the COC. NYSDEC 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, please do not hesitate to contact Madeleine Babick, NYSDEC's project manager, at (718) 482-4992.

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
S. Wagh – NYSDOH, sarita.wagh@health.ny.gov
Joel Kohn, Joel@JayGroupNY.com
James Bellew, JBellew@haleyaldrich.com
Scott Underhill, SUnderhill@haleyaldrich.com
Matthew Levy, MLevy@haleyaldrich.com
Christine Leas, cleas@sprlaw.com
Daniel Goldberg-Gradess, dgoldberg-gradess@sprlaw.com
Jordan Friedland, jfriedland@friedland.law
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

J. O'Connell, C. Maycock, S. Deyette, K. Lewandowski, M. Babick, L. Schmidt, G. Nam
– NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

3761 10th Avenue Realty Corp.
3761 207th Street Realty LLC
401 W 207th Realty LLC

Address

3857 9th Avenue, New York, NY 10034
3857 9th Avenue, New York, NY 10034
40 Oser Avenue, Suite 4, Hauppauge, NY 11788

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 3/15/22

Agreement Execution: 3/25/22

Agreement Index No.: C231151-03-22

Application Amendment Approval: 7/1/22

Agreement Amendment Execution: 7/1/22

Application Amendment Approval: 3/8/24

Agreement Amendment Execution: 3/8/24

Application Amendment Approval: 8/5/24

Agreement Amendment Execution: 8/5/24

SITE INFORMATION:

Site No.: C231151 **Site Name:** 401 West 207th Street Redevelopment

Site Owner: 401 W 207th Realty LLC
3761 207th Street Realty LLC

Street Address: 401 West 207th Street

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

Site Size: 0.633 Acres

Tax Map Identification Number(s): 2189-60

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 6NYCRR 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: 10/21/2024

Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A

Site Description



**SCHEDULE A
LEGAL DESCRIPTION**

Title Number: **CHA-111610584NY**

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

BEGINNING at a point formed by the intersection of the northerly building line of West 207th Street and the westerly building line of 9th Avenue;

THENCE westwardly along the northerly building line of West 207th Street, a distance of 294.42 feet;

THENCE northwardly along a line perpendicular to the course last described, a distance of 28.5 feet;

THENCE northeasterly along a line making on the southerly side thereof an angle of 125 degrees 38 minutes no seconds with the course last described, a distance of 115.58 feet;

THENCE southeastwardly along a line perpendicular to the course described, a distance of 5.59 feet;

THENCE northeastwardly along a line perpendicular to the course last described, a distance of 113.29 feet;

THENCE southwardly along a line making on the westerly side thereof an angle of 54 degrees 22 minutes no seconds with the course last described, a distance of 62.19 feet;

THENCE eastwardly along a line perpendicular to the course last described, a distance of 105.15 feet to a point on the westerly building line of 9th Avenue;

THENCE southwardly along the westerly building line of 9th Avenue a distance of 95.1 feet to the point or place of BEGINNING.

FOR INFORMATION PURPOSES ONLY: BLOCK 2189 LOT 60 ON THE TAX MAP OF NEW YORK COUNTY
Said Premises being known as 3880 9th Avenue,, a/k/a 401 West 207th Street, New York, NY 10034.

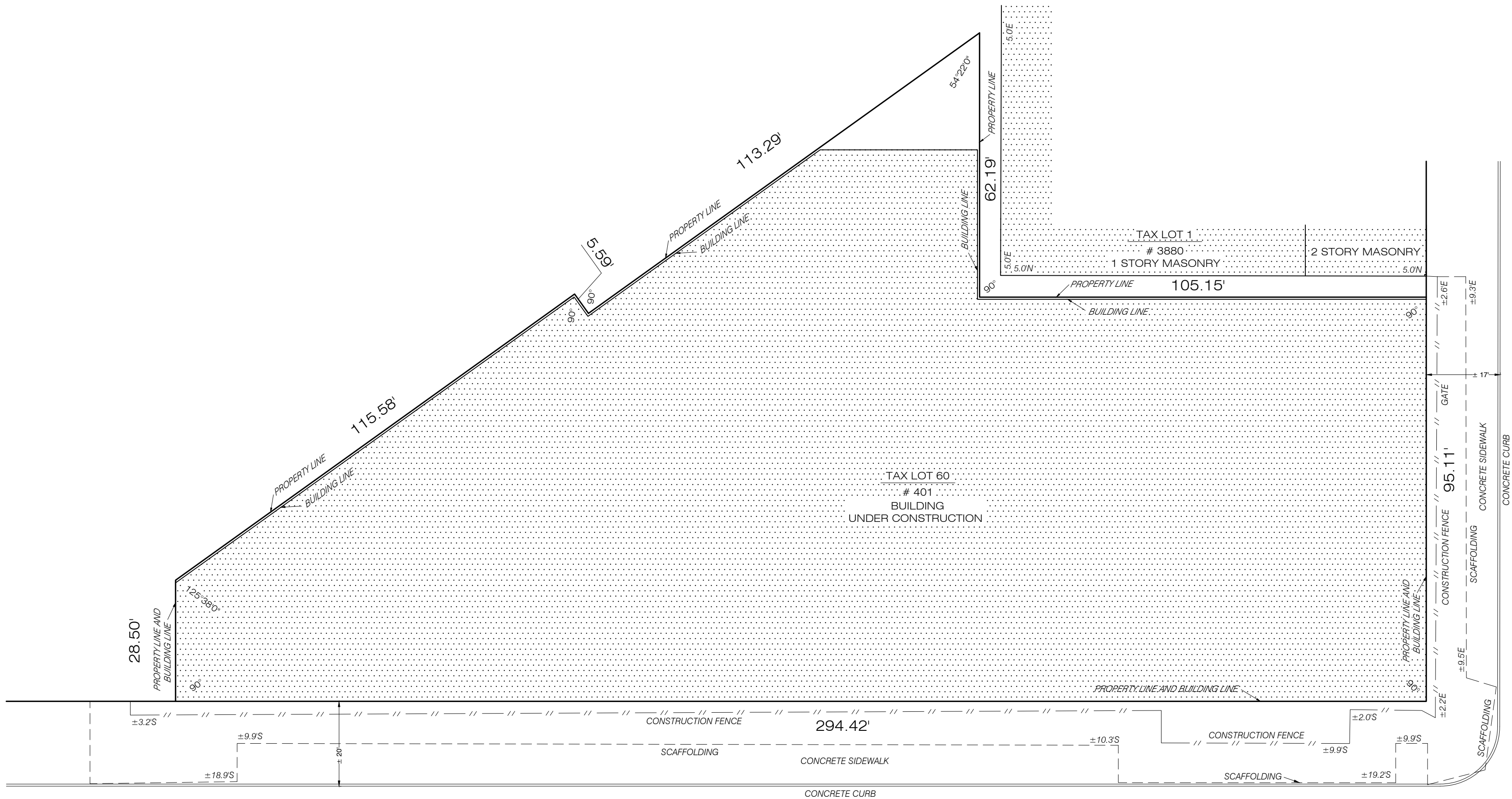
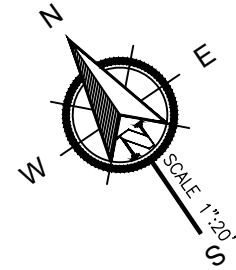
FOR CONVEYANCING ONLY, IF INTENDED TO BE CONVEYED: TOGETHER WITH ALL RIGHT, TITLE AND INTEREST OF, IN AND TO ANY STREETS, ROADS, OR AVENUES ABUTTING THE ABOVE DESCRIBED PREMISES, TO THE CENTER LINE THEREOF.

Exhibit B

Site Survey

LEGEND

OV OIL VALVE | TS TRAFFIC SIGN | LP LIGHT POLE | PR PEDESTRIAN RAMP | UP UTILITY POLE | CB CATCH BASIN | WV WATER VALVE | GV GAS VALVE | MW MONITORING WELL | AC AIR CONDITIONER | HYD. HYDRANT | EB ELECTRIC BOX | TP TREE PIT | SM SEWER MANHOLE | EM ELECTRIC MANHOLE | TM TELEPHONE MANHOLE | W D.W.S WATER | N NORTH | S SOUTH | E EAST | W WEST | CL CLEAR | RT. RIGHT | ELEV. ELEVATION | CALC. CALCULATED | M.B. MAIL BOX | CONC. CONCRETE | SITE BOUNDARY PROPERTY LINE



9th AVENUE

(75' WIDE)

WEST 207th

(100' WIDE)

STREET

PROPERTY ADDRESS					
401 WEST 207th STREET, MANHATTAN					
CAPTION		BOUNDARY SURVEY			
DATE		REVISIONS			
04-09-2024		BOUNDARY SURVEY			
GENERAL NOTES:					
1. THE PROFESSIONAL SURVEYING SERVICE WAS PROVIDED BY TOMASZ SUWALA LAND SURVEYING P.C.					
2. SURVEY MAP PREPARE BY QUIVER LEAGUE					
3. CERTIFICATION INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY, LENDING INSTITUTIONS AND ASSIGNEES.					
CERTIFICATIONS ARE NOT TRANSFERABLE.					
4. THE EXISTENCE OF RIGHT OF WAY AND/OR EASEMENT UNDER OR ABOVE GROUND OF RECORD, IF ANY, NOT SHOWN ARE NOT CERTIFIED.					
5. THERE WERE NO NATURAL STREAMS OR WATERCOURSES VISIBLE AT THE TIME OF THE FIELD SURVEY.					
6. ENCROACHMENTS AND VAULTS, IF ANY, BELOW SURFACE NOT SHOWN HEREON.					
7. THE OFFSETS SHOWN ARE NOT TO BE USED FOR CONSTRUCTION OF ANY STRUCTURE, FENCE, PERMANENT ADDITIONS, ETC.					
8. UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF NEW YORK STATE EDUCATION LAW					
9. COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S SEAL AND SIGNATURE SHELL NOT BE CONSIDERED TO BE A TRUE AND VALID COPY					
DATE		BY		DATE	
SURVEYED		04-09-2024		TW & AS	
		DRAWN		04-10-2024	
		JP			

LOT AREA CALCULATION

AREA = 27,589.5 SQ. FT.

CERTIFIED TO: THE BUILDING DEPARTMENT



TOMASZ SUWALA, P.L.S.
NEW YORK LICENSE 051157



QUIVER LEAGUE

290 UNION AVENUE, BROOKLYN
NEW YORK, 11211
OFFICE TEL: (212) 897-9946
email: INFO@QUIVERLEAGUE.COM
WWW.QUIVERLEAGUE.COM

TS LAND SURVEYING PC

PO BOX 512
DEER PARK, NY 11729
OFFICE TEL: (631) 455-7255
email: INFO@TSLSPC.COM

MAP OF PROPERTY

IN THE BOROUGH OF MANHATTAN
COUNTY OF NEW YORK
CITY AND STATE OF NEW YORK
TAX MAP: BLOCK 2189, LOT 60

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

401 West 207th Street Redevelopment, Site ID No. C231151
401 West 207th Street, New York, NY 10034
Manhattan, New York County, Tax Map Identification Number: 2189-60

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 3761 10th Avenue Realty Corp., 3761 207th Street Realty LLC, and 401 W 207th Realty LLC for a parcel approximately 0.633 acres located at 401 West 207th Street in Manhattan, New York 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.

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 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/C231151>.

401 West 207th Street Redevelopment, C231151
401 West 207th Street, New York, NY 10034

WHEREFORE, the undersigned has signed this Notice of Certificate

401 W 207th Realty 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:

Jacob Kohn
401 W 207th Realty LLC
40 Oser Avenue, Suite 4
Hauppauge, NY 11788

**401 West 207th Street Redevelopment, C231151
401 West 207th Street, New York, NY 10034**

3761 207th Street Realty 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:

Jacob Kohn
401 W 207th Realty LLC
40 Oser Avenue, Suite 4
Hauppauge, NY 11788