

# 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](http://www.dec.ny.gov)

December 29, 2023

Bruce Weill  
Bud North LLC  
387 Park Avenue South, 7<sup>th</sup> Floor  
New York, NY 10016  
[bruce.weill@tfcornestone.com](mailto:bruce.weill@tfcornestone.com)

Re: Certificate of Completion  
Newtown Creek Bud Site - North Block  
Long Island City, Queens County  
Site No. C241248

Dear Bruce Weill,

Congratulations on having satisfactorily completed the remedial program at the Newtown Creek Bud Site - North Block 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:

Christopher Allan  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
47-40 21<sup>st</sup> Street  
Long Island City, NY 11101



- Provide the Notice of Certificate of Completion 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;
- Implement NYSDEC-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 NYSDEC 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 NYSDEC in April 2025.

If you have any questions, please do not hesitate to contact Christopher Allan, NYSDEC's project manager, at (718) 482-4065.

Sincerely,

*Andrew Guglielmi*

Andrew Guglielmi  
Division Director  
Division of Environmental Remediation

ec w/ enclosure:

C. Vooris – NYSDOH, [christine.vooris@health.ny.gov](mailto:christine.vooris@health.ny.gov)  
S. McLaughlin – NYSDOH, [scarlett.mclaughlin@health.ny.gov](mailto:scarlett.mclaughlin@health.ny.gov)  
S. Surani – NYSDOH, [shaun.surani@health.ny.gov](mailto:shaun.surani@health.ny.gov)  
M. Gokey, [matthew.gokey@tax.ny.gov](mailto:matthew.gokey@tax.ny.gov)  
P. Takac, [paul.takac@tax.ny.gov](mailto:paul.takac@tax.ny.gov)  
M. Godick – AKRF, [mgodick@akrf.com](mailto:mgodick@akrf.com)  
C. Warren – Kramer Levin Naftalis & Frankel LLP – [cwarren@kramerlevin.com](mailto:cwarren@kramerlevin.com)

ec w/o enclosure:

C. Allan, C. Maycock, J. O'Connell, M. Murphy, K. Lewandowski – NYSDEC

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

**CERTIFICATE HOLDER(S):**

**Name**

Bud North LLC

**Address**

387 Park Avenue South, 7th Floor, New York, NY 10016

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 12/18/20    **Agreement Execution:** 1/13/21

**Agreement Index No.:** C241248-12-2020

**Application Amendment Approval:** 2/9/22

**Agreement Amendment Execution:** 2/9/22

**Application Amendment Approval:** 12/11/23

**Agreement Amendment Execution:** 12/11/23

**SITE INFORMATION:**

**Site No.:** C241248    **Site Name:** Newtown Creek Bud Site - North Block

**Site Owner:** Bud North LLC

**Street Address:** 2-21 MALT DRIVE

**Municipality:** LONG ISLAND CITY

**County:** Queens

**DEC Region:** 2

**Site Size:** 3.005 Acres

**Tax Map Identification Number(s):** 11-1

**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:**

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

The Certificate Holder has sworn by affidavit that the project is an Affordable Housing Project because it is being developed and will be operated under the following affordable housing program: Affordable New York as described in section 421-a(16) of the New York Real Property Tax Law. Eligibility for Tangible Property Credits is available as an Affordable Housing Project only if the Certificate Holder presents a certification of compliance or other evidence of eligibility by a federal, state, or local government affordable housing agency that the redevelopment of the site meets the requirements of the aforementioned affordable housing program. Such documentation shall be provided to the Department and presented to the Department of Taxation & Finance (together with this Certificate) with each claim for Tangible Property Credits. If an affordable housing project is not constructed, the Site is not eligible for Tangible Property Credits. Tangible Property Credit is 10%. Comprised of 10% Base.

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 %.

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 Queens County as 2023000265980.



## 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;
- (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: Andrew Guglielmi Date: 12/29/2023

Andrew O. Guglielmi, Director  
Division of Environmental Remediation

## **Exhibit A**

### **Site Description**

## LEGAL DESCRIPTION

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

BEGINNING at a point formed by the intersection of the southerly side of 54th Avenue, formerly Flushing Street and the easterly side of 2nd Street, formerly Front Street;

RUNNING THENCE easterly along the southerly side of 54th Avenue, 530.02 feet to a point in the former centerline of 5th Street;

THENCE southerly along the former center line of 5th Street, at right angles to 54th Avenue, 247.00 feet to a point;

THENCE westerly at right angles with the last described course, 530.02 feet to the easterly line of 2nd Street, formerly Front Street;

THENCE northerly at right angles with the last described course and along the easterly line of 2nd Street, 247.00 feet to the point or place of BEGINNING.

CONTAINING WITHIN SAID BOUNDS 130,916 SQUARE FEET OR 3.0054 ACRES

## **Exhibit B**

### **Site Survey**



# ARCHITECTURAL SURVEY

## LEGAL DESCRIPTION

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

BEGINNING at a point formed by the intersection of the southerly side of 54th Avenue, formerly Flushing Street and the easterly side of 2nd Street, formerly Front Street;

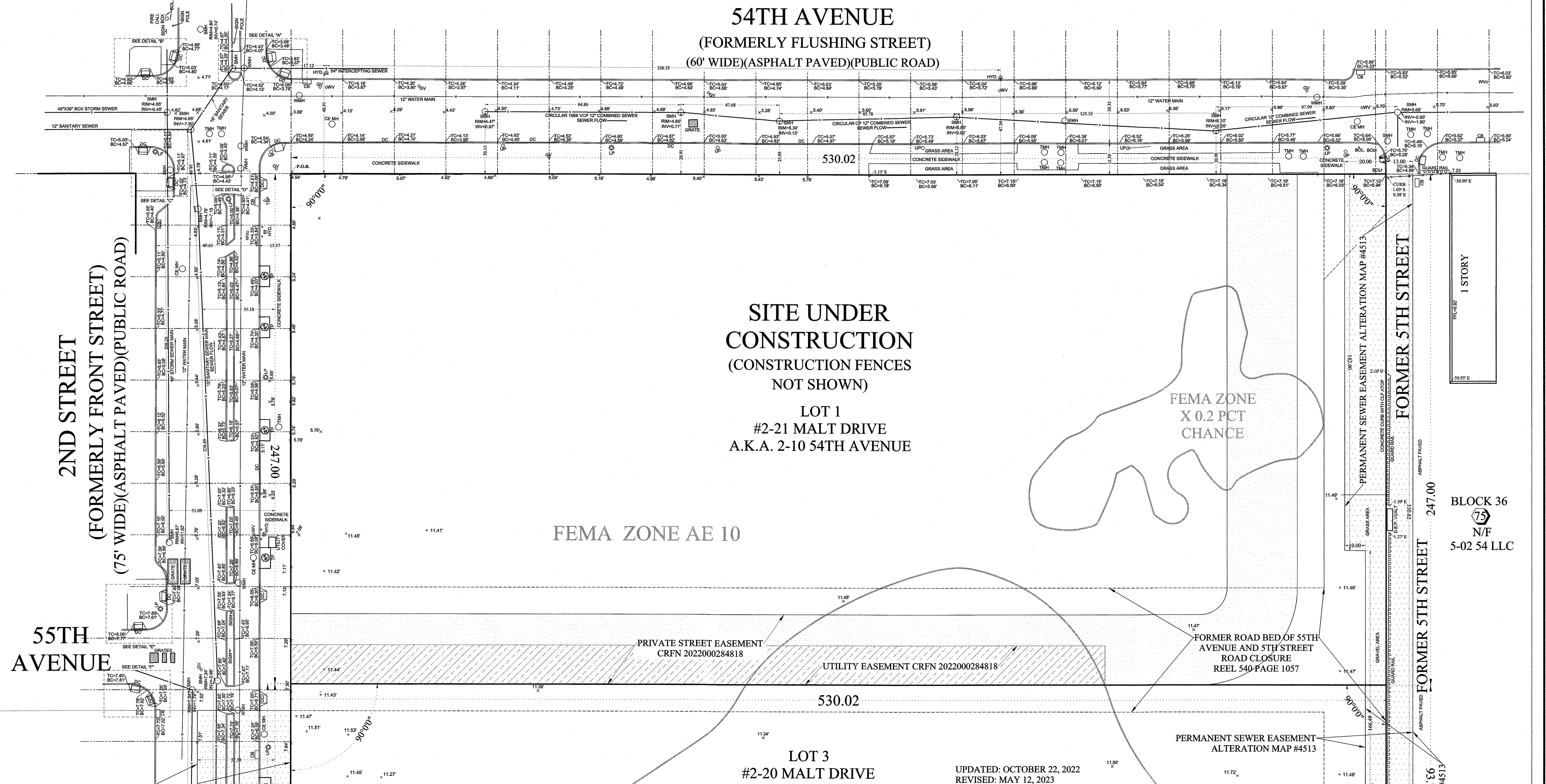
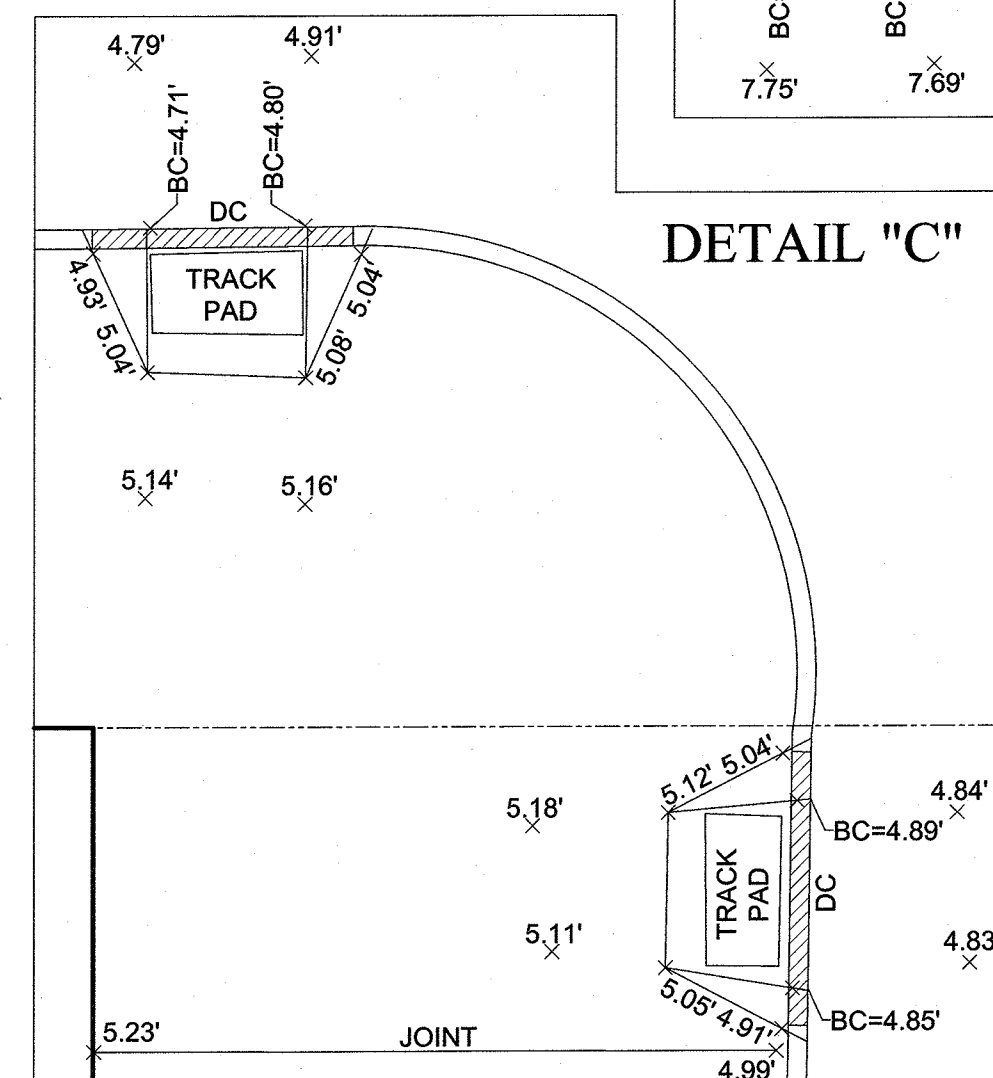
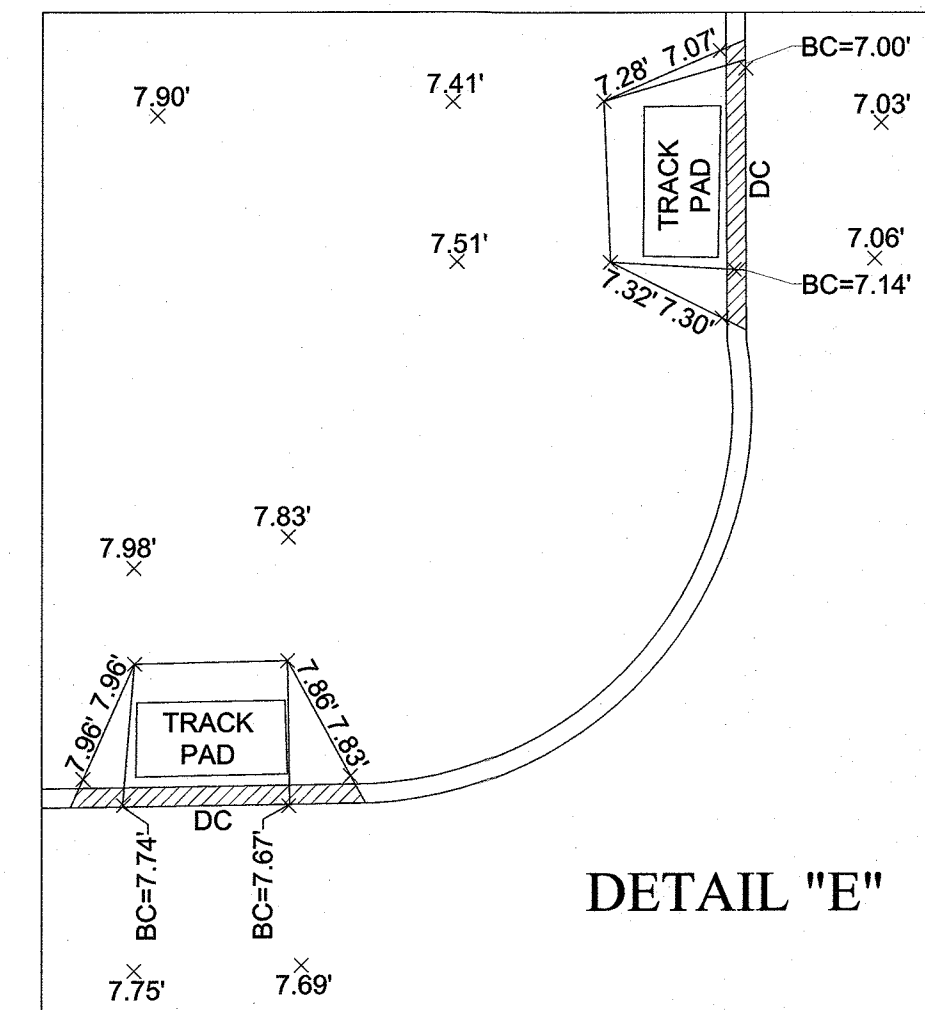
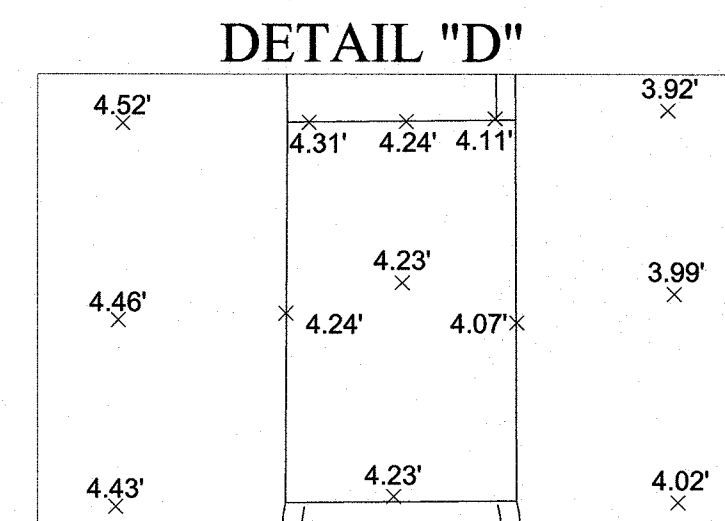
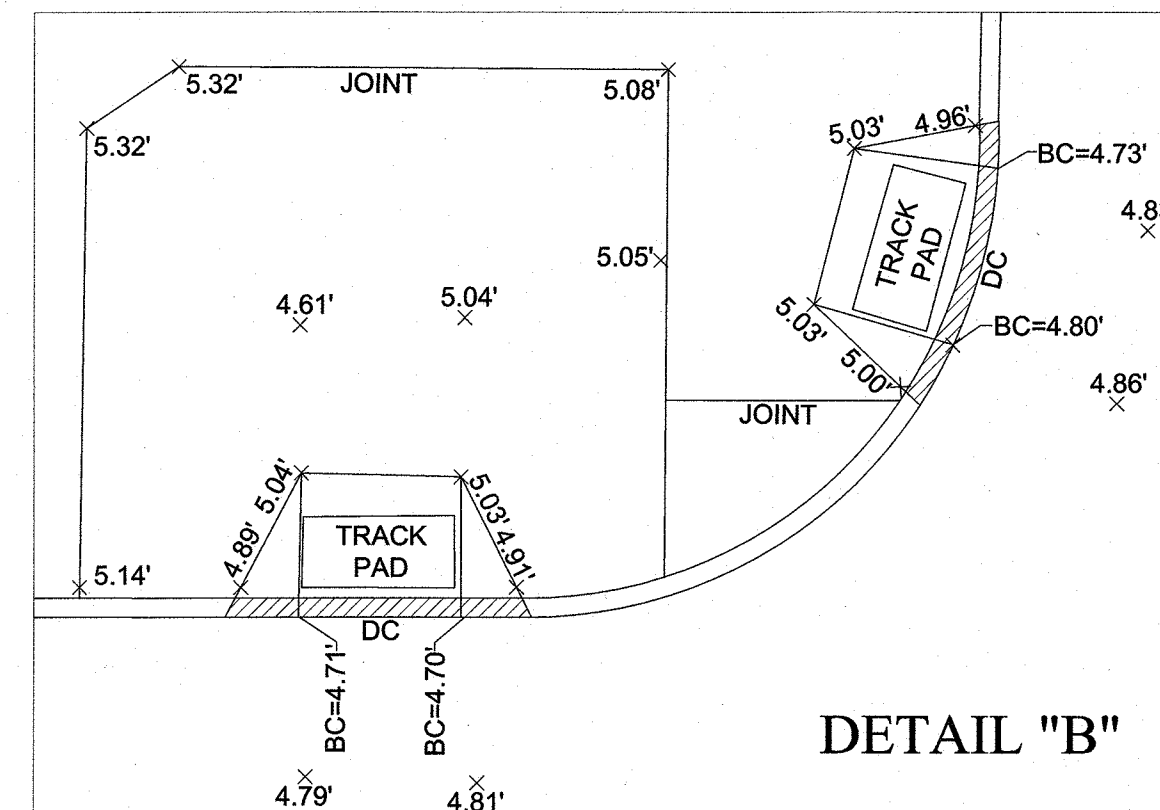
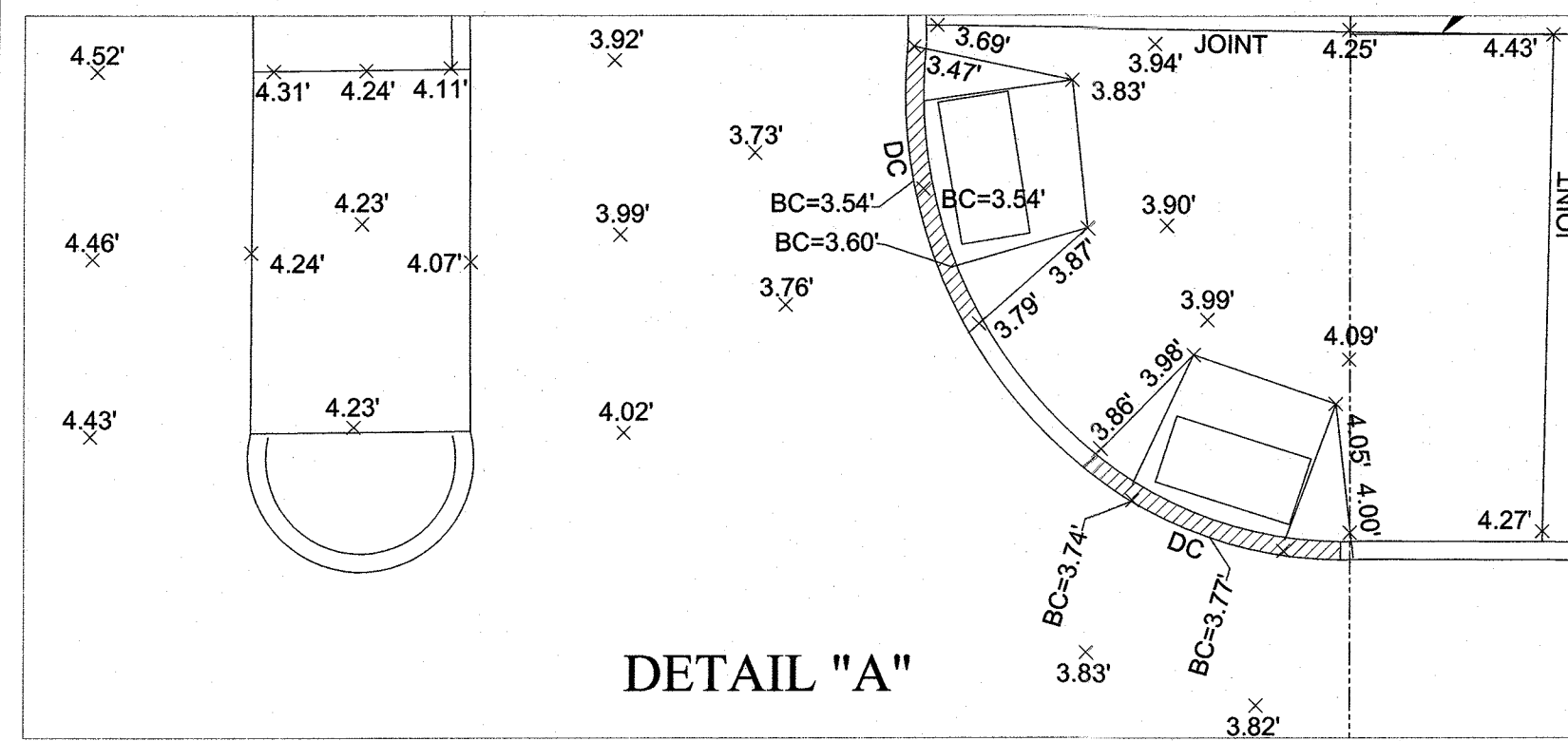
RUNNING THENCE easterly along the southerly side of 54th Avenue, 530.02 feet to a point in the former centerline of 5th Street;

THENCE southerly along the former center line of 5th Street, at right angles to 54th Avenue, 247.00 feet to a point;

THENCE westerly at right angles with the last described course, 530.02 feet to the easterly line of 2nd Street, formerly Front Street;

THENCE northerly at right angles with the last described course and along the easterly line of 2nd Street, 247.00 feet to the point or place of BEGINNING.

CONTAINING WITHIN SAID BOUNDS 130,916 SQUARE FEET OR 3.0054 ACRES



2ND STREET  
(FORMERLY FRONT STREET)  
(75' WIDE)(ASPHALT PAVED)(PUBLIC ROAD)

54TH AVENUE  
(FORMERLY FLUSHING STREET)  
(60' WIDE)(ASPHALT PAVED)(PUBLIC ROAD)

SITE UNDER  
CONSTRUCTION  
(CONSTRUCTION FENCES  
NOT SHOWN)

LOT 1  
#2-21 MALT DRIVE  
A.K.A. 2-10 54TH AVENUE

FEMA ZONE AE 10

FEMA ZONE  
X 0.2 PCT  
CHANCE

BLOCK 36  
N/F  
5-02 54 LLC

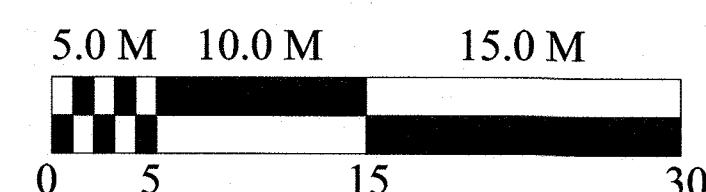
## LEGEND

HYD	FIRE HYDRANT	---	OVERHEAD UTILITY WIRES
T.P.	TREE PIT	W	WATER
DC	DROP CURB	E	ELECTRIC
CB	CATCH BASIN	G	GAS
MM	MUNI-METER	S	SEWER
EB	ELECTRIC BOX	ST	STEAM
TSP	TRAFFIC SIGN POLE	T	TELEPHONE
LP	LIGHT POLE	CE MH	CON ED MANHOLE COVER
TC	TOP OF CURB	EMH	ELECTRIC MANHOLE COVER
BC	BOTTOM OF CURB	WMH	WATER MANHOLE COVER
BW	BACK OF WALK	SMH	SEWER MANHOLE COVER
CLF	CHAIN LINK FENCE	TMH	TELEPHONE MANHOLE COVER
WIF	WROUGHT IRON FENCE	CO MH	CLEAN OUT MANHOLE COVER
WSF	WOOD STOCKADE FENCE	WV	WATER VALVE
PRF	POST AND RAIL FENCE	GV	GAS VALVE
CE	CELLAR ENTRANCE	UP	UTILITY POLE
PA	PLANTED AREA	AS	AUTO SPRINKLER
—	SIGN	SP	STAND PIPE
○	TAX LOT	OF	OIL FILL



This property is subject to an environmental easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the New York Environmental Conservation Law. The engineering and institutional controls for this Easement are set forth in the Site Management Plan (SMP). A copy of the SMP must be obtained by any party with an interest in the property. The SMP can be obtained from NYS Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at [derweb&.dec.ny.gov](mailto:derweb&.dec.ny.gov)

The above referenced easement incorporates the entirety of Tax Lot 1 in Bock 11



FEHRINGER SURVEYING, P.C.  
ROBERT FEHRINGER  
LICENSED LAND SURVEYOR  
WWW.FEHRINGERSURVEYING.COM  
2200 JACKSON AVENUE  
SEAFORD, N.Y. 11783  
(516) 763 - 5515 FAX NO. (516) 763 - 5525  
FS@FEHRINGERSURVEYING.COM

SURVEYED: JUNE 6, 2019  
SCALE: 1" = 30'  
DRAWN BY: MF  
15.00' 30.00' 45.00'  
0 15 45 90

BLOCK: 11  
LOT: 1  
TOTAL LOT AREA:  
SQ. FT.: 130,916.22  
ACRES: 3.0054

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW.  
COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S INKED SEAL OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY.  
GUARANTEES INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. GUARANTEES ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.



SURVEY OF PROPERTY SITUATED IN:  
2-10 54TH AVENUE  
BOROUGH OF QUEENS  
COUNTY OF QUEENS  
CITY OF NEW YORK  
STATE OF NEW YORK

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

**Newtown Creek Bud Site - North Block, Site ID No. C241248**  
**2-21 Malt Drive, Long Island City, New York 11101**  
**Long Island City, Queens County, Tax Map Identification Number: 11-1**

**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 Bud North LLC for a parcel approximately 3.005 acres located at 2-21 Malt Drive in Long Island City, Queens 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.

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 NYSDEC as not inconsistent with the remedy.

**PLEASE TAKE NOTICE**, 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 Queens County as City Register File No. 2023000265980.

**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 NYSDEC'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 limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

**Newtown Creek Bud Site - North Block, C241248  
2-21 Malt Drive, Long Island City, New York 11101**

**PLEASE TAKE NOTICE**, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to NYSDEC 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 Office located at 47-40 21<sup>st</sup> Street, Long Island City, NY 11101-5401, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C241248>.

**WHEREFORE**, the undersigned has signed this Notice of Certificate

*Bud North 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:**  
Bruce Weill  
Bud North LLC  
387 Park Avenue, 7<sup>th</sup> Floor  
New York, NY 10016



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
12/12/2023



SITE DESCRIPTION

SITE NO. C241248

SITE NAME Newtown Creek Bud Site - North Block

SITE ADDRESS: 2-21 Malt Drive ZIP CODE: 11101

CITY/TOWN: Long Island City

COUNTY: Queens

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: 04/30/2025

Description of Institutional Control

**Bud North LLC**

387 Park Avenue South, 7th Floor

**2-21 Malt Drive**

Environmental Easement

Block: 11

Lot: 1

Sublot:

Section:

Subsection:

S\_B\_L Image: 11-1

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

## Description of Engineering Control

### **Bud North LLC**

387 Park Avenue South, 7th Floor

### **2-21 Malt Drive**

Environmental Easement

Block: 11

Lot: 1

Sublot:

Section:

Subsection:

S\_B\_L Image: 11-1

Cover System

Soil Vapor Extraction

Monitoring Wells

Vapor Mitigation

Groundwater Treatment System