

# 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

Joel Schwartz  
183 Wilson Street #133  
Brooklyn, NY 11211

DEC 16 2019

Re: Certificate of Completion  
Site Name: 555 Grand Street  
555 Grand Street  
Brooklyn, Kings  
Site No.: C224185

Dear Joel Schwartz:

Congratulations on having satisfactorily completed the remedial program at the 555 Grand 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 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



Department of  
Environmental  
Conservation

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 Sadique Ahmed at 518 402 9656.

Sincerely,



Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

Enclosure

ec w/ enclosure:

Joel Schwartz, [Joel@southsideunits.com](mailto:Joel@southsideunits.com)

Charles Sosik, [csosik@ebcincny.com](mailto:csosik@ebcincny.com)

Lawrence Schnapf, Esq., [larry@schnapflaw.com](mailto:larry@schnapflaw.com)

Christine Vooris – NYSDOH, [Christine.Vooris@health.ny.gov](mailto:Christine.Vooris@health.ny.gov)

Scarlett McLaughlin – NYSDOH, [Scarlett.McLaughlin@health.ny.gov](mailto:Scarlett.McLaughlin@health.ny.gov)

J. Deming – NYSDOH, [Justin.Deming@health.ny.gov](mailto:Justin.Deming@health.ny.gov)

Anthony Perretta - NYSDOH, [anthony.perretta@health.ny.gov](mailto:anthony.perretta@health.ny.gov)

Matt Gokey, [matthew.gokey@tax.ny.gov](mailto:matthew.gokey@tax.ny.gov)

Paul Takac, [paul.takac@tax.ny.gov](mailto:paul.takac@tax.ny.gov)

ec w/o enc.:

Sadique Ahmed, PM, [sadique.ahmed@dec.ny.gov](mailto:sadique.ahmed@dec.ny.gov)

John Grathwol, SC, [john.grathwol@dec.ny.gov](mailto:john.grathwol@dec.ny.gov)

Gerard Burke, Remedial BD, [gerard.burke@dec.ny.gov](mailto:gerard.burke@dec.ny.gov)

Jane O'Connell, RHWRE, [jane.oconnell@dec.ny.gov](mailto:jane.oconnell@dec.ny.gov)

Rachel Seebacher, OGC PA, [rachel.seebacher@dec.ny.gov](mailto:rachel.seebacher@dec.ny.gov)

Kelly Lewandowski, Chief, Site Control Section, [kelly.lewandowski@dec.ny.gov](mailto:kelly.lewandowski@dec.ny.gov)

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

**CERTIFICATE OF COMPLETION**

**CERTIFICATE HOLDER(S):**

**Name**

555 Grand Units LLC

**Address**

183 Wilson Street #133, Brooklyn, NY 11211

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 2/18/14

**Agreement Execution:** 4/16/14

**Agreement Index No.:** C224185-02-14

**Application Approval Amendment:** none

**Agreement Execution Amendment:** none

**SITE INFORMATION:**

**Site No.:** C224185    **Site Name:** 555 Grand Street

**Site Owner:** 555 Grand Units LLC

**Street Address:** 555 Grand Street

**Municipality:** Brooklyn    **County:** Kings    **DEC Region:** 2

**Site Size:** 0.058 Acres

**Tax Map Identification Number(s):** 2779-31

**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:** 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 20%.

**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 18%.

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 Kings County as 2016000342416.

#### **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: 12/14/19

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)**

**555 Grand Street, Site ID No. C224185**  
**555 Grand Street, Brooklyn, Kings, NY 11211**  
**Brooklyn, Kings, Tax Map Identification Number 2779-31**

**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 555 Grand Units LLC for a parcel approximately 0.058 acres located at the 555 Grand Street in Brooklyn, Kings 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.

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 the City Register of the City of New York County as Recorded/Filed on September 29, 2016 , City Register File No (CRFN): 2016000342416.

**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

**555 Grand Street, Site #C224185), 555 Grand Street**

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 21<sup>st</sup> Street, Long Island City, NY 11101, by contacting the Regional Environmental Remediation Engineer.

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

555 Grand Units 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:**  
Joel Schwartz  
183 Wilson Street #133  
Brooklyn, NY 11211

**Exhibit A**  
**Site Description**

**SCHEDULE "A" PROPERTY DESCRIPTION**

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of Grand Street, distant 65 feet westerly from the northwesterly corner of Grand Street and Lorimer Street;

RUNNING THENCE northerly on a line parallel with Lorimer Street 100 feet 6 ½ inches to a point;

THENCE westerly and parallel with Grand Street 25 feet 3;

THENCE southerly parallel with Lorimer Street, 100 feet 5 ¼ inches to the northerly side of Grand Street; and

THENCE easterly along the northerly side of Grand Street, 25 feet 3 inches to the point or place of BEGINNING.

Containing approximately .05866 acres more or less.

FOR INFORMATION ONLY: Said premises designated as Block 2779, Lot 31 and commonly known as 555 Grand Street, Brooklyn, New York.

## **Exhibit B**

### **Site Survey**

— LEGEND —																																					
NO. NORTH		SO. SOUTH		E. EAST		W. WEST		F.E. FIRE ESCAPE		N.W. WINDOW WELL		C.D. CELLAR DOOR		ENT. ENTRANCE		LA. LOW AREA		A. AREAWAY		CL. CLEAR		RT. RIGHT		E. ELEVATION		TOP OF CURB EL.		BOT. OF CURB EL.		CL. CENTER OF ROAD EL.		LEGAL GRADE		CALCULATED		NOT TO SCALE	

555 GRAND STREET

NORTH ARROW

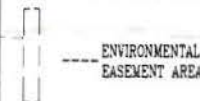


GRAPHIC SCALE

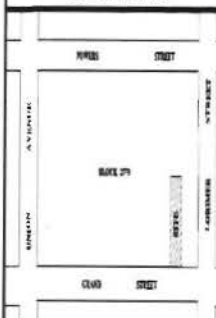
SCALE: 1"=16' GRAPHIC SCALE

LEGEND

P.O.B. --- POINT OF BEGINNING



SITE KEY MAP



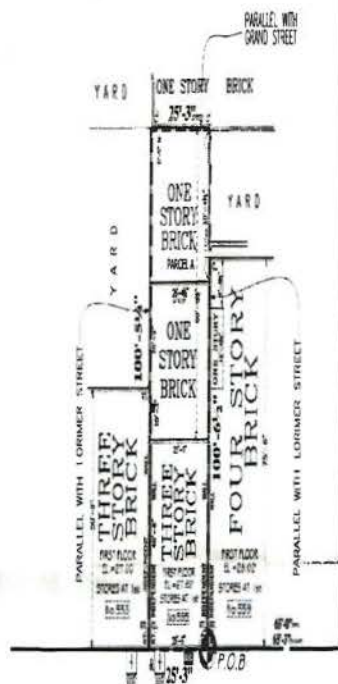
DATE	JOB No.	DESCRIPTION
07-25-2015	15468	ENVIRONMENTAL EASEMENT SURVEY

Block: 2779 Lot: 31 County: KINGS Scale: 1" = 30'



2390 McDONALD AVENUE  
BROOKLYN NY 11223  
718-301-4000 FAX 718-301-5300  
E-MAIL: office@applesurveying.com

LORIMER (60' WIDE) STREET



PARCEL "A" LEGAL DESCRIPTION  
(AREA = 2555.39 SQ FT OR 0.05866 ACRES)

ALL THAT CERTAIN PLOT, PIECE OR PARCELS OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LING AND BEING IN THE BOROUGH OF KINGS, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING at a point on the northerly side of Grand Street, distant 65 feet westerly from the northwesterly corner of Grand Street and Lorimer Street;

RUNNING THENCE northerly on a line Parallel with Lorimer Street 100 feet 6 1/4 inches to a point

THENCE westerly and parallel with Grand Street, 25 feet 3 inches

THENCE southerly parallel with Lorimer Street, 100 feet 3/4 inches to the northerly side of Grand Street;

THENCE easterly along the northerly side of Grand Street, 25 feet 3 inches to the point of BEGINNING.

PARCEL "A" ENVIRONMENTAL EASEMENT AREA  
(AREA = 2555.39 SQ FT OR 0.05866 ACRES)

ALL THAT CERTAIN PLOT, PIECE OR PARCELS OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LING AND BEING IN THE BOROUGH OF KINGS, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING at a point on the northerly side of Grand Street, distant 65 feet westerly from the northwesterly corner of Grand Street and Lorimer Street;

RUNNING THENCE northerly on a line Parallel with Lorimer Street 100 feet 6 1/4 inches to a point

THENCE westerly and parallel with Grand Street, 25 feet 3 inches

THENCE southerly parallel with Lorimer Street, 100 feet 3/4 inches to the northerly side of Grand Street;

THENCE easterly along the northerly side of Grand Street, 25 feet 3 inches to the point of BEGINNING.

GRAND STREET  
(60' WIDE) (50' ± WIDE ASPHALT ROADWAY)

UNAUTHORIZED ALTERATIONS OR ADDITIONS 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 NAME, SEAL OR EMBOSSED SIGN, SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY. GUARANTEES OR CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION, LISTED HEREON, AND TO THE AGENTS OF THE LENDING INSTITUTION. GUARANTEES OR CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL VESTIGATIONS OF SUBSEQUENT OWNERS.

This property is subject to an environmental easement held by the New York State Department of Environmental Conservation pursuant to Title 36, Article 71 of the New York Environmental Conservation Law. The Engineering and institutional controls for this Easement are set forth in more detail 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).



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Site Management Form

12/4/2019



SITE DESCRIPTION

SITE NO. C224185

SITE NAME 555 Grand Street

SITE ADDRESS: 555 Grand Street ZIP CODE: 11211

CITY/TOWN: Brooklyn

COUNTY: Kings

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	Yes	<input type="checkbox"/>
Monitoring Plan	Yes	<input type="checkbox"/>
Operation and Maintenance (O&M) Plan	Yes	<input type="checkbox"/>

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2021

Description of Institutional Control

555 Grand Units LLC

183 Wilson Street & #35;133

555 Grand Street

Environmental Easement

Block: 2779

Lot: 31

Sublot:

Section:

Subsection:

S\_B\_L Image: 2779-31

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Site Management Plan

Description of Engineering Control

**555 Grand Units LLC**

183 Wilson Street &#35;133

**555 Grand Street**

Environmental Easement

Block: 2779

Lot: 31

Sublot:

Section:

Subsection:

S\_B\_L Image: 2779-31

Cover System

Vapor Mitigation