

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

December 19, 2023

1640 Flatbush OZ Owner LLC
Michael Zarifpoor
3 Columbus Circle, 26th Floor
New York, NY 10019
Yb321@yahoo.com

Re: Certificate of Completion
1640 Flatbush Avenue
Brooklyn, Kings County
C224212

Dear Michael Zarifpoor:

Congratulations on having satisfactorily completed the remedial program at the 1640 Flatbush Avenue 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:

Jared Donaldson, Bureau A
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. 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 Jared Donaldson, NYSDEC's project manager, at 518-402-9176.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Division Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

Lawrence Hansen – Hansen McMonagle PLLC, LH@hansenlawpllc.com
C. Vooris – NYSDOH, christine.vooris@health.ny.gov
Scarlett McLaughlin – NYSDOH, scarlett.mclaughlin@health.ny.gov
Renata Ockerby – NYSDOH, renata.ockerby@health.ny.gov
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

Jared Donaldson, jared.donaldson@dec.ny.gov
Robert Corcoran, bob.corcoran@dec.ny.gov
Richard Mustico, richard.mustico@dec.ny.gov
Scott Deyette, scott.deyette@dec.ny.gov
Jane O'Connell, jane.oconnell@dec.ny.gov
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Leia Schmidt, leia.schmidt@dec.ny.gov
Kelly Lewandowski, kelly.lewandowski@dec.ny.gov
Matthew Carroll, mcarroll@tenen-env.com

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

1640 Flatbush OZ Owner LLC

Address

3 Columbus Circle, New York, NY 10019

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 6/26/15 **Agreement Execution:** 8/25/15
Agreement Index No.: C224212-06-15

Application Amendment Approval: 5/5/20

Agreement Amendment Execution: 5/5/20

SITE INFORMATION:

Site No.: C224212 **Site Name:** 1640 Flatbush Avenue

Site Owner: 1640 Flatbush OZ Owner LLC

Street Address: 1640 Flatbush Avenue

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

Site Size: 0.418 Acres

Tax Map Identification Number(s): 7577-60

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 2: Restricted use with generic 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 40 %.

Tangible Property Credit Component Rate is 12 %.

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

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 40 %.

Tangible Property Credit Component Rate is 10 %.

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 2021000259646.

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: 12/19/2023

Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A

Metes and Bounds from Environmental Easement

SCHEDULE "A" PROPERTY DESCRIPTION

ALL THAT CERTAIN plot, piece or parcel of land, 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 at the corner formed by the intersection of the northerly line of Aurelia Court and the westerly line of Flatbush Avenue;

RUNNING THENCE northwesterly, along the westerly line of Flatbush Avenue, 191.82 feet (deed) and 191 feet 10 inches (survey) to a point on the southerly line of land now or formerly of the Long Island Railroad and being the southerly line of tax lot 56 on the Tax Map of the City of New York for the County of Kings;

THENCE westerly along the southerly line of land now or formerly of the Long Island Railroad, and being the division line between the southerly line of tax lot 56 and the northerly line of tax lot 60 on the Tax Map of the City of New York for the County of Kings, which division line is per correction deed in CRFN #2005000276268 filed in the Kings County Register's Office, 58.78 feet (deed) and 61 feet 5.5 inches (survey) to a point;

THENCE southerly at right angles to the last mentioned course and parallel with the easterly side of East 31st Street 165 feet to the northerly side of Aurelia Court;

THENCE easterly along the northerly line of Aurelia Court, 159.30 feet (deed) and 159 feet 3 5/8 inches (survey) to the point or place of BEGINNING.

For Information Only: Said premises are known as 1636-1652 Flatbush Avenue a/k/a 3201-3211 Aurelia Court, Brooklyn, NY and designated as Block 7577 Lot 60 as shown on the Tax Map of the City of New York, County of Kings.

Being the same premises described in the deed to the grantor from Stath Realty Corp., by deed dated as of 3/26/2015 and recorded 4/16/2015 as CRFN 2015000127191.

Containing approximately 0.418 acres more or less.

Exhibit B

Survey Figure

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

1640 Flatbush Avenue, Site ID No. C224212
1640 Flatbush Avenue, Brooklyn, NY, 11210
Brooklyn, Kings County, Tax Map Identification Number: 7577-60

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 1640 Flatbush OZ Owner LLC for a parcel approximately 0.418 acres located at 1640 Flatbush Avenue in Brooklyn, Kings 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 Kings County as 2021000259646.

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.

1640 Flatbush Avenue, C224212
1640 Flatbush Avenue, Brooklyn, NY, 11210

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 1 Hunter's Point Plaza, 47-40 21st Street, Long Island City, NY 11101-5401, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C224212>.

WHEREFORE, the undersigned has signed this Notice of Certificate

1640 Flatbush OZ Owner LLC

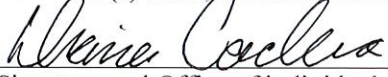
By: 

Title: JOSEPH MONIAN, AUTHORIZED SIGNATORY

Date: 1/4/24

STATE OF NEW YORK) SS:
COUNTY OF New York

On the 4th day of January, in the year 2024, before me, the undersigned, personally appeared Joseph Monian, 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:
1640 Flatbush OZ Owner LLC
Michael Zarifpoor
3 Columbus Circle, 26th Floor
New York, NY 10019

DIANA CORDERO
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01CO6335982
Qualified in New York County
Commission Expires January 25, 2024



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 11/28/2023



SITE DESCRIPTION

SITE NO. C224212

SITE NAME 1640 Flatbush Avenue

SITE ADDRESS: 1640 Flatbush Avenue ZIP CODE: 11210

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	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Monitoring Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/11/2025

Description of Institutional Control

1640 Flatbush OZ Owner LLC

3 Columbus Circle, 26th Floor

1640 Flatbush Avenue

Environmental Easement

Block: 7577

Lot: 60

Sublot:

Section:

Subsection:

S_B_L Image: 7577-60

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Site Management Plan

Soil Management Plan

Description of Engineering Control