

# 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

DEC 28 2018

Aladdin Ghafari  
Brooklyn Kings Plaza LLC  
401 Wilshire Boulevard, Suite 700  
Santa Monica, CA 90401

Re: Certificate of Completion  
Kings Plaza Shopping Center  
Brooklyn, New York  
Site No: C224263

Dear Mr. Ghafari:

Congratulations on having satisfactorily completed the remedial program at the Kings Plaza Shopping Center. 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

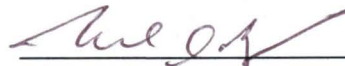


Department of  
Environmental  
Conservation

- 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 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 2020.

If you have any questions regarding any of these items, please contact Hasan Ahmed at (718) 482-6405.

Sincerely,



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Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

ec w/ enclosure:

C. Vooris, J. Deming, S. Bogardus - NYSDOH

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

Matt Culotti, [matthew.culotti@tax.ny.gov](mailto:matthew.culotti@tax.ny.gov)

D. Yudelson, [dyudelson@sprlaw.com](mailto:dyudelson@sprlaw.com)

J. Barr, [jbarr@langan.com](mailto:jbarr@langan.com)

ec w/o enc.:

H. Ahmed

J. O'Connell

G. Burke

J. Nehila

K. Lewandowski

D. Tuohy



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

**CERTIFICATE HOLDER(S):**

**Name <sub>1</sub>**

Brooklyn Kings Plaza LLC

**Address**

401 Wilshire Boulevard, Suite 700, Santa Monica, CA

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 11/16/17

**Agreement Execution:** 1/22/18

**Agreement Index No.:** C224263-09-17

**Application Approval Amendment:** 5/14/18

**Agreement Execution Amendment:** 5/14/18

**SITE INFORMATION:**

**Site No.:** C224263 **Site Name:** Kings Plaza Shopping Center

**Site Owner:** Brooklyn Kings Plaza LLC

**Street Address:** 5120 Avenue U

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

**Site Size:** 0.837 Acres

**Tax Map Identification Number(s):** 8470-55 (portion of)

**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:** 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 25 %.

Tangible Property Credit Component Rate is 0%.



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 2018101100598001.

#### **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: 12/28/18

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)**

Site Name: Kings Plaza Shopping Center, Site ID No. C224263  
5120 Avenue U, Brooklyn, NY 11234  
Brooklyn, Kings County, Tax Map Identification Number: Block 8470, portion of Lot 55

**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 Brooklyn Kings Plaza LLC for a parcel approximately 0.837 acre located at 5120 Ave U 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 Kings County as 2018101100598001.

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

**Site Name: Kings Plaza Shopping Center, Site # C224263, Site Address: 5120 Ave U, Brooklyn, NY**

**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 21st Street, Long Island City, NY 11101, by contacting the Regional Environmental Remediation Engineer.

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

Brooklyn Kings Plaza 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:**

Aladdin Ghafari  
Brooklyn Kings Plaza LLC  
401 Wilshire Boulevard, Suite 700  
Santa Monica, CA 90401

## **Exhibit A – Metes and Bounds**



2865 US Route 1  
North Brunswick, NJ 08902  
Tele: 732-422-6700  
Fax: 732-940-8786  
www.gallassurvey.com

APRIL 9, 2018  
GSG PROJECT NO. G15252

**METES & BOUNDS DESCRIPTION**  
PROPOSED DEC SITE ENVIRONMENTAL EASEMENT AREA  
NYSDEC BCP NO. C224263  
PART OF LOT 55, BLOCK 8470  
BOROUGH OF BROOKLYN  
KINGS COUNTY, CITY & STATE OF NEW YORK

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 ON THE SOUTHEASTERLY SIDE OF AVENUE U (110 FEET WIDE), WHERE THE SAME IS INTERSECTED WITH THE DIVIDING LINE BETWEEN LOT 55 AND LOT 114, BLOCK 8470, SAID POINT BEING DISTANT NORTHEASTERLY ALONG SAID LINE OF AVENUE U, 930.00 FEET FROM A POINT FORMED BY SAID LINE OF AVENUE U WITH THE NORTHEASTERLY LINE OF FLATBUSH AVENUE AND FROM SAID BEGINNING POINT RUNNING;

1. THENCE, SOUTHEASTERLY AT 90 DEGREES TO SAID AVENUE U, 434.00 FEET TO A POINT;
2. THENCE, SOUTHWESTERLY AT 90 DEGREES TO THE LAST MENTIONED COURSE, 84.00 FEET TO A POINT;
3. THENCE, NORTHWESTERLY AT 90 DEGREES TO THE LAST MENTIONED COURSE, 434.00 FEET TO SAID SOUTHEASTERLY LINE OF AVENUE U;
4. THENCE, NORTHEASTERLY, ALONG SAID EASTERLY LINE OF AVENUE U, 84.00 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 36,456 SQUARE FEET OR 0.8369 ACRE



## **Exhibit B – Survey Map**





NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
12/19/2018



SITE DESCRIPTION

SITE NO. C224263

SITE NAME Kings Plaza Shopping Center

SITE ADDRESS: 5120 Avenue U ZIP CODE: 11234

CITY/TOWN: Brooklyn

COUNTY: Kings

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

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2020

Description of Institutional Control

Brooklyn Kings Plaza LLC

401 Wilshire Boulevard, Suite 700

5120 Avenue U

Environmental Easement

Block: 8470

Lot: 55

Sublot:

Section: 1

Subsection:

S\_B\_L Image: 8470-55 (portion of)  
Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan



### Description of Engineering Control

**Brooklyn Kings Plaza LLC**

401 Wilshire Boulevard, Suite 700

**5120 Avenue U**

Environmental Easement

Block: 8470

Lot: 55

Sublot:

Section: 1

Subsection:

S\_B\_L Image: 8470-55 (portion of)

Air Sparging/Soil Vapor Extraction

Cover System

Monitoring Wells

Vapor Mitigation