#### 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 29, 2021

Charles Krieger Harrison Realty LLC 505 Flushing Avenue, No. 1D Brooklyn, NY 11205

Simon Dushinsky Harrison Realty II LLC 505 Flushing Avenue, No. 1D Brooklyn, NY 11205

Re: Certificate of Completion

Site Name: Former Pfizer Site A

Site No.: C224284 Brooklyn, Kings County

Dear Mr. Krieger and Mr. Dushinsky:

Congratulations on having satisfactorily completed the remedial program at the Former Pfizer Site A site. 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 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 the Department's project manager. Please return the hard copy of the proof of recording to:

Mandy Yau
New York State Department of Environmental Conservation
Division of Environmental Remediation
47-40 21st Street
Long Island City, NY 11101
mandy.yau@dec.ny.gov

- Provide the Notice of Certificate of Completion 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 2023.

If you have any questions regarding any of these items, please contact Mandy Yau at (718) 482-4897 or mandy.yau@dec.ny.gov.

Sincerely,

Susan Edwards

Susan Edwards, P.E. Acting Director Division of Environmental Remediation

#### **Enclosure**

ec w/ enclosure:

C. Vooris – NYSDOH (<a href="mailto:Christine.Vooris@health.ny.gov">Christine.Vooris@health.ny.gov</a>)

S. McLaughlin – NYSDOH (scarlett.mclaughlin@health.ny.gov)

S. Selmer - NYSDOH (stephanie.selmer@health.ny.gov)

Matt Gokey (matthew.gokey@tax.ny.gov)

Linda Shaw (Ishaw@nyenvlaw.com)

Ariel Czemerinski (ariel@amc-engineering.com)

Kevin Brussee (kbrussee@ebcincny.com)

#### ec w/o enc.:

- G. Burke
- J. O'Connell
- M. Yau
- K. Lewandowski
- J. Andaloro
- J. Simpson

# NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP) CERTIFICATE OF COMPLETION

#### **CERTIFICATE HOLDER(S):**

Name Address

Harrison Realty II LLC 505 Flushing Avenue, Unit 1D, Brooklyn, NY 11205 Harrison Realty LLC 505 Flushing Avenue, Unit 1D, Brooklyn, NY 11205

**BROWNFIELD CLEANUP AGREEMENT:** 

**Application Approval:** 12/6/18 **Agreement Execution:** 1/9/19

Agreement Index No.:C224284-11-18

Application Approval Amendment: 6/1/21 Agreement Execution Amendment: 6/1/21

SITE INFORMATION:

Site No.: C224284 Site Name: Former Pfizer Site A

Site Owner: Harrison Realty II LLC
Street Address: 243-271 Wallabout Street

Municipality: Brooklyn County: Kings DEC Region: 2

Site Size: 1.640 Acres

**Tax Map Identification Number(s):** 2-2249-122, 2-2249-23, 2-2249-37, 2-2249-41

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):

For a 1.23- acre area: See Exhibits A and B

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

For a 0.41- acre area: See Exhibits A and B

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 %.

Eligibility for Tangible Property Credit is available through: EnZone.

Tangible Property Credit Component Rate is 15%. Comprised of 10% Base, 5 % EnZone.

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%), 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 Kings County as 2021000376637.

#### 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: Susan Edwards

Date: 12/29/2021

Susan Edwards, P.E., Acting Director Division of Environmental Remediation

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

Former Pfizer Site A, C224284 243-271 Wallabout Street, Brooklyn, NY 11206 Brooklyn, Kings County, Tax Map Identification Number: Block 2249 Lots 23, 37, 41, 122

**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 Harrison Realty LLC and Harrison Realty II LLC for a parcel approximately 1.64 acres located at 243-271 Wallabout 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 a 1.23-acre portion of 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 remedial program for a 0.41-acre portion of 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.
$\boxtimes$	Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
$\boxtimes$	Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
$\boxtimes$	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 CFRN 2021000376637.

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.

**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 office located at 47-40 21<sup>st</sup> Street, Long Island City, NY 11101, by contacting the Regional Environmental Remediation Engineer, or at <a href="https://www.dec.ny.gov/data/DecDocs/C224284/">https://www.dec.ny.gov/data/DecDocs/C224284/</a>.

WHEREFORE, the undersigned has signed this Notice of Certificate

Harrison Realty II LLC	
By:	
Title:	-
Date:	

STATE OF NEW YORK	) SS:		
COUNTY OF	)		
appearedevidence to be the individual acknowledged to me that he/s	, personally known (s) whose name is (a she/they executed the he instrument, the incomplete the shear that the instrument is the instrument.	year 20, before me, the undersigned, personally to me or proved to me on the basis of satisfactory are) subscribed to the within instrument and are same in his/her/their capacity(ies), and that by adividual(s), or the person upon behalf of which the	
		Please record and return to:	
Signature and Office of indiv	ridual	Simon Dushinsky	
taking acknowledgment		Harrison Realty II LLC	
		505 Flushing Avenue, Unit 1D	
		Brooklyn, NY 11205	

# Exhibit A Site Description

#### **Exhibit A – METES AND BOUNDS DESCRIPTION**

Former Pfizer Site A
Brownfield Cleanup Program
Title No. C224284
Tax ID Nos. Section 8, Block 2249, Lots 23, 37, 41 and 122
Area is 1.64 Acres
Deed Perimeter Parcel "A"

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 intersection of the southerly side of Walton Street with the westerly side of Harrison Avenue,

RUNNING THENCE westerly along the southerly side of Walton Street, 268 feet 4 1/4" inches to the easterly side of Union Avenue;

THENCE southerly, along said easterly side of Union Avenue, 266 feet 9 inches to the northerly side of Wallabout Street;

THENCE easterly along said northerly side of Wallabout Street, 444 feet 10 ½ inches to the westerly side of Harrison Avenue;

THENCE northerly along said westerly side of Harrison Avenue 200 feet to the corner, the point or place of BEGINNING.

#### Description for Track 1 Area

#### Section 8, Block 2249, Lots 41, 37 and parts of lots 23 and 122

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 intersection of the southerly side of Walton Street with the westerly side of Harrison Avenue,

RUNNING THENCE westerly along the southerly side of Walton Street, 260 feet;

THENCE southerly, parallel with Harrison Avenue, 100 feet;

THENCE westerly, parallel with Wallabout Street, 15 feet;

THENCE southerly, parallel with Harrison Avenue, 100 feet to the northerly side of Wallabout Street;

THENCE easterly, along said northerly side of Wallabout Street, 275 feet to the westerly side of Harrison Avenue;

THENCE northerly, along said westerly side of Harrison Avenue 200 feet to the orner, the point or place of beginning.

#### Description of Track 4 Area

Section 8, Block 2249, Lots 122 and part of lot 23

<u>Controlled Property Subject to Environmental Easement in Favor of the New York State</u> Department of Environmental Conservation

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 intersection of the northerly side of Wallabout Street with the easterly side of Union Avenue,

RUNNING THENCE northerly along the easterly side of Union Street, 266 feet 9 inches to the southerly side of Walton Street;

THENCE easterly along said northerly side of Walton Street 8 feet 4 1/4 inches;

THENCE southerly, parallel with Harrison Avenue, 100 feet;

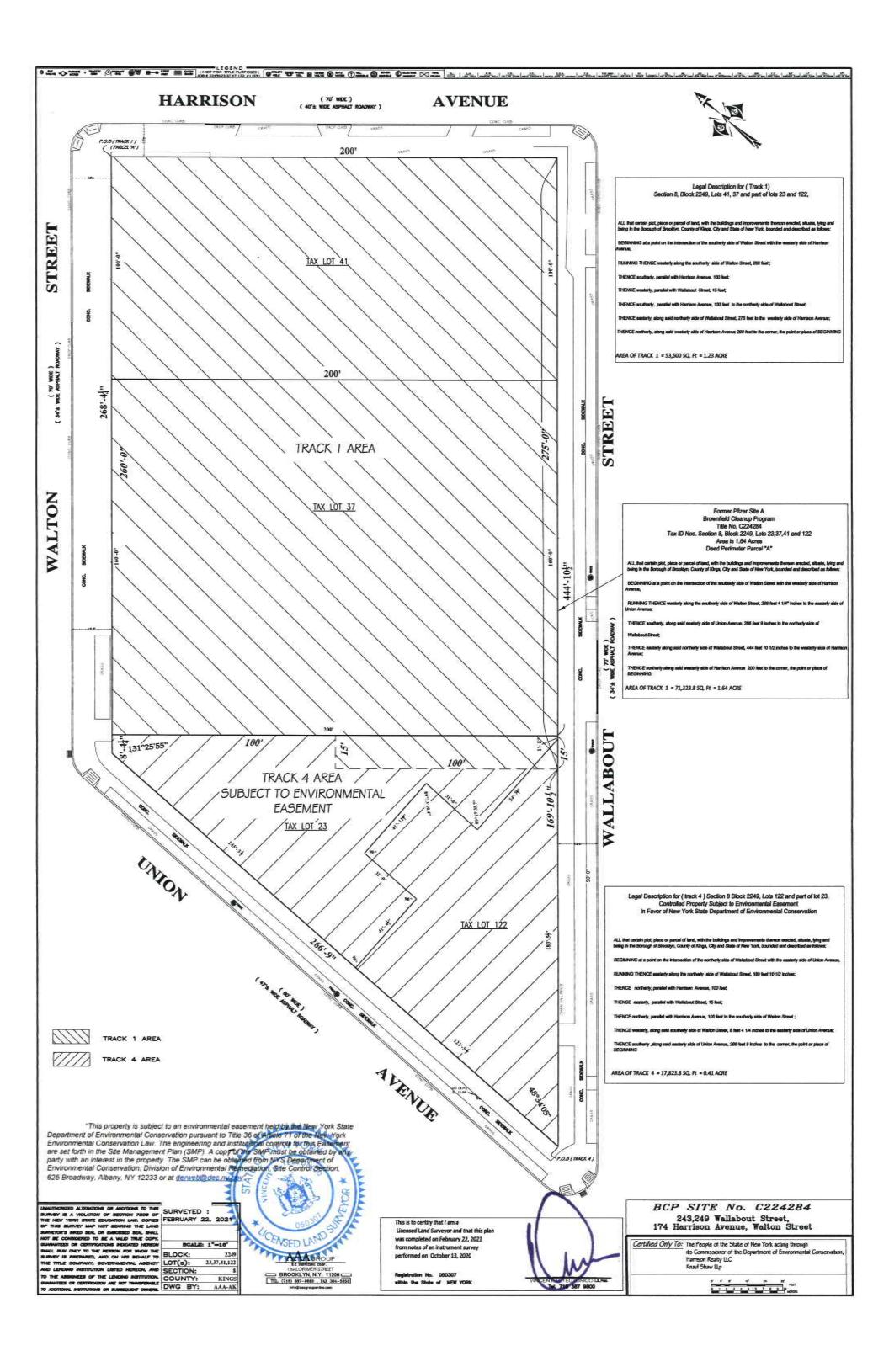
THENCE westerly, parallel with Wallabout Street, 15 feet;

THENCE southerly, parallel with Harrison Avenue, 100 feet to the northerly side of Wallabout Street;

THENCE westerly, along said northerly side of Wallabout Street, 168 feet 5 ½ inches to the corner, the point or place of BEGINNING.

### Exhibit B

Site Survey





## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION Site Management Form

12/3/2021



#### SITE DESCRIPTION

SITE NO. C224284

SITE NAME Former Pfizer Site A

SITE ADDRESS: 243-271 Wallabout Street ZIP CODE: 11206

CITY/TOWN: Brooklyn

COUNTY: Kings

ALLOWABLE USE: Multiple Uses Allowed

#### 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: 04/30/2023

#### **Description of Institutional Control**

#### **Harrison Realty II LLC**

505 Flushing Avenue, No. 1D
243 Wallabout Street
Environmental Easement
Block: 2249
Lot: 122

Sublot: Section: 2

Subsection:

S\_B\_L Image: 2-2249-122

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction
Site Management Plan
Soil Management Plan

#### **Walton Street**

**Environmental Easement** 

Block: 2249

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Lot: 23
Sublot:
Section: 2
Subsection:
S_B_L Image: 2-2249-23
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Site Management Plan
Soil Management Plan
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#### **Description of Engineering Control**

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Harrison Realty II LLC
505 Flushing Avenue, No. 1D
243 Wallabout Street
Environmental Easement
Block: 2249
Lot: 122
Sublot:
```

lot: Section: 2 Subsection:

S\_B\_L Image: 2-2249-122 Cover System

#### **Walton Street**

Environmental Easement Block: 2249 Lot: 23 Sublot:

Section: 2
Subsection:

S\_B\_L Image: 2-2249-23 Cover System