

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 13, 2023

SPG Boerum LLC
Attn: David Schwartz
440 Park Avenue South, Floor 3
New York, NY 10016

LB II Associates LLC
Attn: Abe Schnay
c/o AMS Realty Company LLC
98 Cutter Mill Road, Suite 240-S
Great Neck, NY 11021

Re: Certificate of Completion
159 Boerum Street
Brooklyn, Kings County
C224291

Dear David Schwartz and Abe Schnay,

Congratulations on having satisfactorily completed the remedial program at the 159 Boerum Street 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:



Rafi Alam, Bureau B
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;

If you have any questions, please do not hesitate to contact Rafi Alam, NYSDEC's project manager, at 518-402-8606.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Division Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

M. Burke – Rem. Party Consultant - mburke@langan.com
B. Gochenaur – Rem. Party Consultant - bgochenaur@langan.com
L. Haley - Rem. Party Consultant - lhaley@langan.com
M. Bogin - Rem. Party Attorney - mbogin@sprlaw.com
C. Vooris – NYSDOH, christine.vooris@health.ny.gov
S. McLaughlin – NYSDOH, scarlett.mclaughlin@health.ny.gov
M. Sergott -NYSDOH, mark.sergott@health.ny.gov
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

R. Alam, H. Dudek, S. Deyette, J. O'Connell, L. Schmidt, K. Lewandowski

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	Address
SPG BOERUM LLC	440 Park Avenue South, Floor 3, New York, NY 10016

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 7/3/19 **Agreement Execution:** 7/30/19
Agreement Index No.: C224291-07-19
Application Amendment Approval: 10/30/23 **Agreement Amendment Execution:** 10/30/23

SITE INFORMATION:

Site No.: C224291 **Site Name:** 159 Boerum Street
Site Owner: LB II Associates LLC
Street Address: 159 Boerum Street
Municipality: Brooklyn **County:** Kings **DEC Region:** 2
Site Size: 0.257 Acres
Tax Map Identification Number(s): 3071-40
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: 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 .

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 %.

No Environmental Easement has been granted pursuant to ECL Article 71, Title 36 as there are no use restrictions and there is no reliance on the long-term employment of institutional controls.

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.

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: 12/13/2023

Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A
Site Description

METES AND BOUND DESCRIPTION

BLOCK 3071 LOT 40

ALL THAT CERTAIN 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:

1. BEGINNING AT A POINT ON THE NORTHERLY LINE OF BOERUM STREET (60 FEET WIDE), DISTANT 191.00 FEET WESTERLY OF THE CORNER FORMED BY THE NORTHERLY LINE OF BOERUM STREET AND THE WESTERLY LINE OF HUMBOLT STREET AS BOTH STREETS ARE LAID OUT TO A WIDTH OF 60 FEET.
2. RUNNING THENCE IN A WESTERLY DIRECTION ALONG THE NORTHERLY LINE OF BOERUM STREET, 109.37 FEET;
3. THENCE NORTHERLY, DEFLECTING TO THE RIGHT 90°00'00" FROM THE PREVIOUS COURSE, 102.21 FEET;
4. THENCE EASTERLY, DEFLECTING TO THE RIGHT 90°00'00" FROM THE PREVIOUS COURSE, 109.37 FEET;
5. THENCE SOUTHERLY, DEFLECTING TO THE RIGHT 90°00'00" FROM THE PREVIOUS COURSE, 102.21 FEET TO THE NORTHERLY LINE OF BOERUM STREET AND THE POINT OR PLACE OF BEGINNING.

CONTAINING 11, 179 SQUARE FEET OR 0.257 ACRES

Exhibit B

Site Survey

ELEVATIONS REFER TO NAVD88 WHICH IS 1.45 BELOW BROOKLYN HIGHWAY DATUM.
FINAL GRADES ARE SHOWN THUS []
ELEVATIONS SHOWN ON THIS MAP ARE FINISHED GRADES.

TAX BLOCK 3071 LOT 40

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW.
COPIES OF THE SURVEY MAP NOT BEARING THE LAND SURVEYOR'S INKED SEAL OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY.
GUARANTEES OR CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEYS 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 OR CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

UTILITY NOTE:

BY LAW, EXCAVATORS AND CONTRACTORS WORKING IN THE FIVE BOROUGHS OF NEW YORK CITY AND NASSAU AND SUFFOLK COUNTIES ON LONG ISLAND MUST CONTACT DIGNET, 1-800-272-4480 AT LEAST 48 HOURS PRIOR TO BEGINNING ANY MECHANIZED DIGGING OR EXCAVATION WORK TO INSURE UNDERGROUND UTILITY LINES ARE MARKED.

UTILITIES SHOWN WERE OBTAINED FROM THE VARIOUS NYC AGENCIES AND UTILITY COMPANIES THE SURVEYOR IS NOT RESPONSIBLE FOR THE LOCATIONS. ALL UTILITY LOCATIONS MUST BE VERIFIED PRIOR TO CONSTRUCTION.

LEGEND

- CHAIN LINK FENCE C.L.F. — — —
- CONCRETE CONC.
- DRAIN ○ DR
- GAS BOX □
- HYDRANT ○ HYD
- WATER MAN HOLE ○ WWS
- LIGHT POLE ○ LP
- SANITARY MANHOLE ○ SMH
- STORM MANHOLE ○ STMH
- TREE ○

THIS IS TO CERTIFY THAT THERE ARE NO STREAMS OR NATURAL WATER COURSES ON THIS PROPERTY

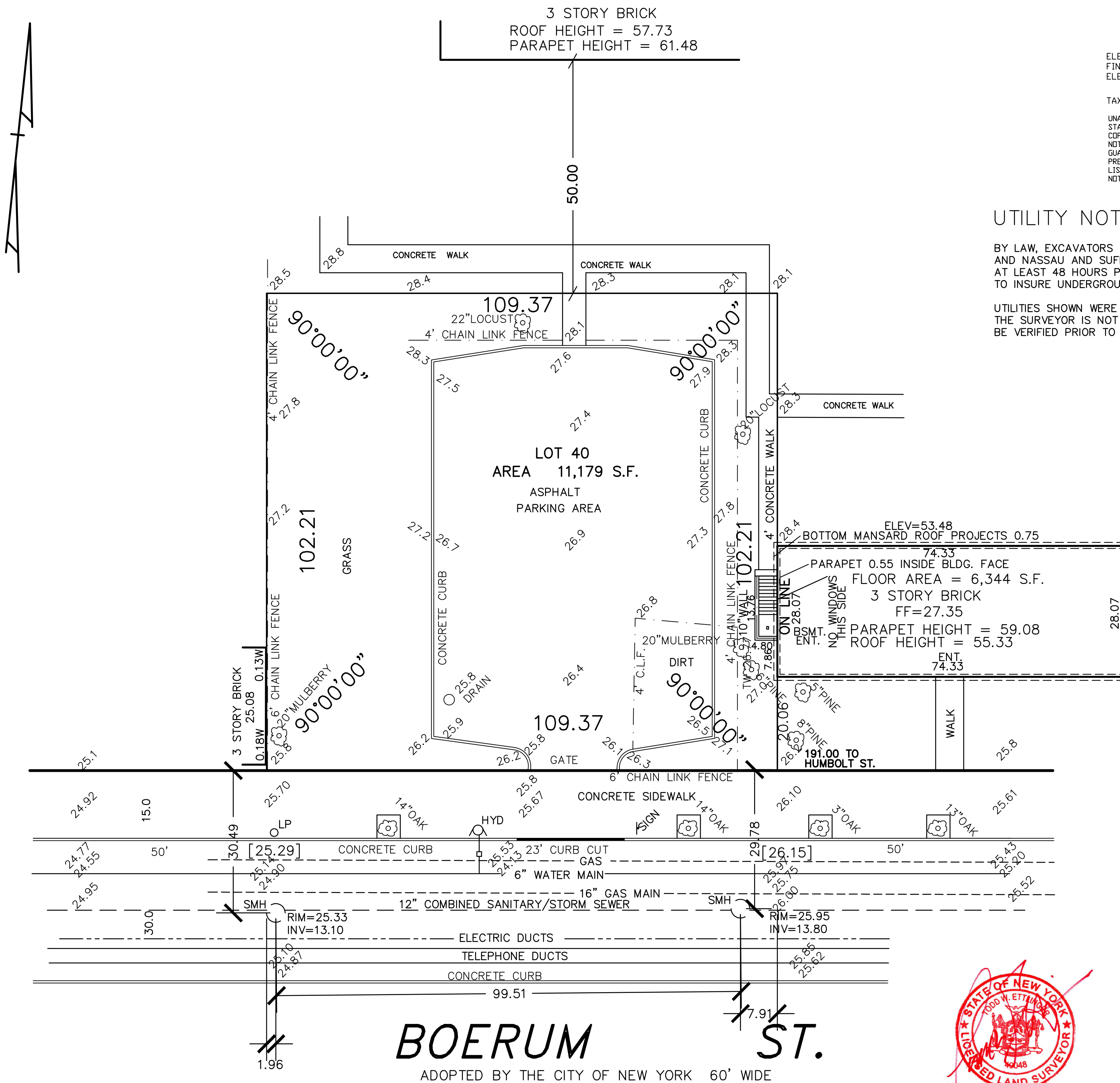
UPDATED JAN. 26, 2022
SANITARY SEWER DIMENSIONS ADDED FEB. 7, 2018
UPDATED AND ADDITIONAL TREES SHOWN SEPT 4, 2017
ADDITIONAL BUILDING INFORMATION DEC 27, 2015
REVISED DEC. 5, 2015
REVISED OCT. 23, 2015
REVISED AUG. 28, 2015

SPG BOERUM LLC
Map of Survey of Property
Block 3071 Lot 40
in the
Borough of Brooklyn, Kings County
City of New York

DRAWN BY: T.W.E.	RAJAKARUNA & ETLINGER P.C. CONSULTING ENGINEERS & CITY SURVEYORS 49 ENGLEWOOD AVE. UNIT 4, STATEN ISLAND, NY 10309 718-984-9500	SCALE 1" = 15'
CHECKED BY: T.W.E.		FB: PRINT CB: FM:
DATE: AUG. 15, 2015		



TODD W. ETLINGER, P.E., L.S.,C.S.
NYS LS# 49048



NOTICE OF CERTIFICATE OF COMPLETION

Brownfield Cleanup Program

6 NYCRR Part 375-1.9(d)

159 Boerum Street, Site ID No. C224291

159 Boerum Street, Brooklyn, New York, 11206

Brooklyn, Kings County, Tax Map Identification Number: 3071-40

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 SPG Boerum LLC for a parcel approximately 0.257 acres located at 159 Boerum Street 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.

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.

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 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.

159 Boerum Street, C224291
159 Boerum Street, Brooklyn, New York, 11206

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 2 Office located at 47-40 21st St, Long Island City, NY 11101, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C224291>.

WHEREFORE, the undersigned has signed this Notice of Certificate

LB II Associates 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:
SPG Boerum LLC
Attn: David Schwartz
440 Park Avenue South, Floor 3
New York, NY 10016