

# 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](http://www.dec.ny.gov)

December 21, 2021

Simon Drummer  
Bayard Holdings LLC  
670 Myrtle Ave Suite 370  
New York, NY 11211  
[simon@keydevelopersny.com](mailto:simon@keydevelopersny.com)

Re: 146 Bayard  
Site ID No.: C224294  
Brooklyn, Kings County  
Certificate of Completion

Dear Mr. Drummer:

Congratulations on having satisfactorily completed the remedial program at the 146 Bayard 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:

Christopher Allan  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
47-40 21<sup>st</sup> Street  
Long Island City, NY 11101  
[Christopher.allan@dec.ny.gov](mailto:Christopher.allan@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.

If you have any questions regarding any of these items, please contact Christopher Allan at (718) 482-4065 or [christopher.allan@dec.ny.gov](mailto:christopher.allan@dec.ny.gov).

Sincerely,

*Susan Edwards*

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

Enclosure

ec w/ enclosure:

C. Vooris – NYSDOH ([christine.vooris@health.ny.gov](mailto:christine.vooris@health.ny.gov))  
S. McLaughlin – NYSDOH ([scarlett.mclaughlin@health.ny.gov](mailto:scarlett.mclaughlin@health.ny.gov))  
S. Surani – NYSDOH ([Shaun.surani@health.ny.gov](mailto:Shaun.surani@health.ny.gov))  
M. Gokey ([matthew.gokey@tax.ny.gov](mailto:matthew.gokey@tax.ny.gov))  
A. Czemerinski – AMC Engineering ([ariel@amc-engineering.com](mailto:ariel@amc-engineering.com))

ec w/o enc.:

C. Allan – NYSDEC  
J. O'Connell – NYSDEC  
G. Burke – NYSDEC  
M. Yau – NYSDEC  
G. Nam – NYSDEC  
K. Lewandowski – NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

**Name**

Bayard Holdings LLC

**Address**

670 Myrtle Ave., Suite 370, Brooklyn, NY 11211

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 8/22/19    **Agreement Execution:** 11/4/19

**Agreement Index No.:** C224294-08-19

**Application Approval Amendment:** 12/10/21

**Agreement Execution Amendment:** 12/10/21

**SITE INFORMATION:**

**Site No.:** C224294    **Site Name:** 146 Bayard

**Site Owner:** Bayard Holdings LLC

**Street Address:** 146 - 150 Bayard Street

**Municipality:** Brooklyn

**County:** Kings

**DEC Region:** 2

**Site Size:** 0.202 Acres

**Tax Map Identification Number(s):** 2724-18

**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:** 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 because the certificate holder submitted documentation to the Department's satisfaction that the project was an Affordable Housing project. If affordable housing is not constructed there are no Tangible Property Credits. Tangible Property Credit is 15%. Comprised of 10% Base, 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%), 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 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.

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: 12/21/2021

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)**

***146 Bayard, Site ID No. C224294***  
***146 -150 Bayard Street, Brooklyn, NY, 11222***  
***Brooklyn, Kings County, Tax Map Identification Number 2724-18***

**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 Bayard Holdings LLC for a parcel approximately 0.202 acres located at 146-150 Bayard 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.

**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 the Department 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.

**146 Bayard, C224294, 146 Bayard Street, Brooklyn, NY 11222**

**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 <https://www.dec.ny.gov/data/DecDocs/C224294/>.

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

Bayard Holdings 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:**

Simon Drummer  
Bayard Holdings LLC  
670 Myrtle Ave., Suite 370  
Brooklyn, NY 11211

## **Exhibit A**

### **Site Description**

**Schedule 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 the corner formed by the intersection of the southerly side of Bayard Street with the westerly side of Graham Avenue;

Running thence westerly along the southerly side of Bayard Street 96 feet 1-1/2 inches;

Thence southerly at right angles to Bayard Street, and part of the distance through a party wall, 100 feet;

Thence easterly parallel with Bayard Street 79 feet 8-1/2 inches to the westerly side of Graham Avenue; and

Thence northerly along the westerly side of Graham Avenue, 101 feet 4 inches to the point or place of beginning.

Said premises being known as: 481 Graham Avenue, a/k/a 146 Bayard Street, Brooklyn

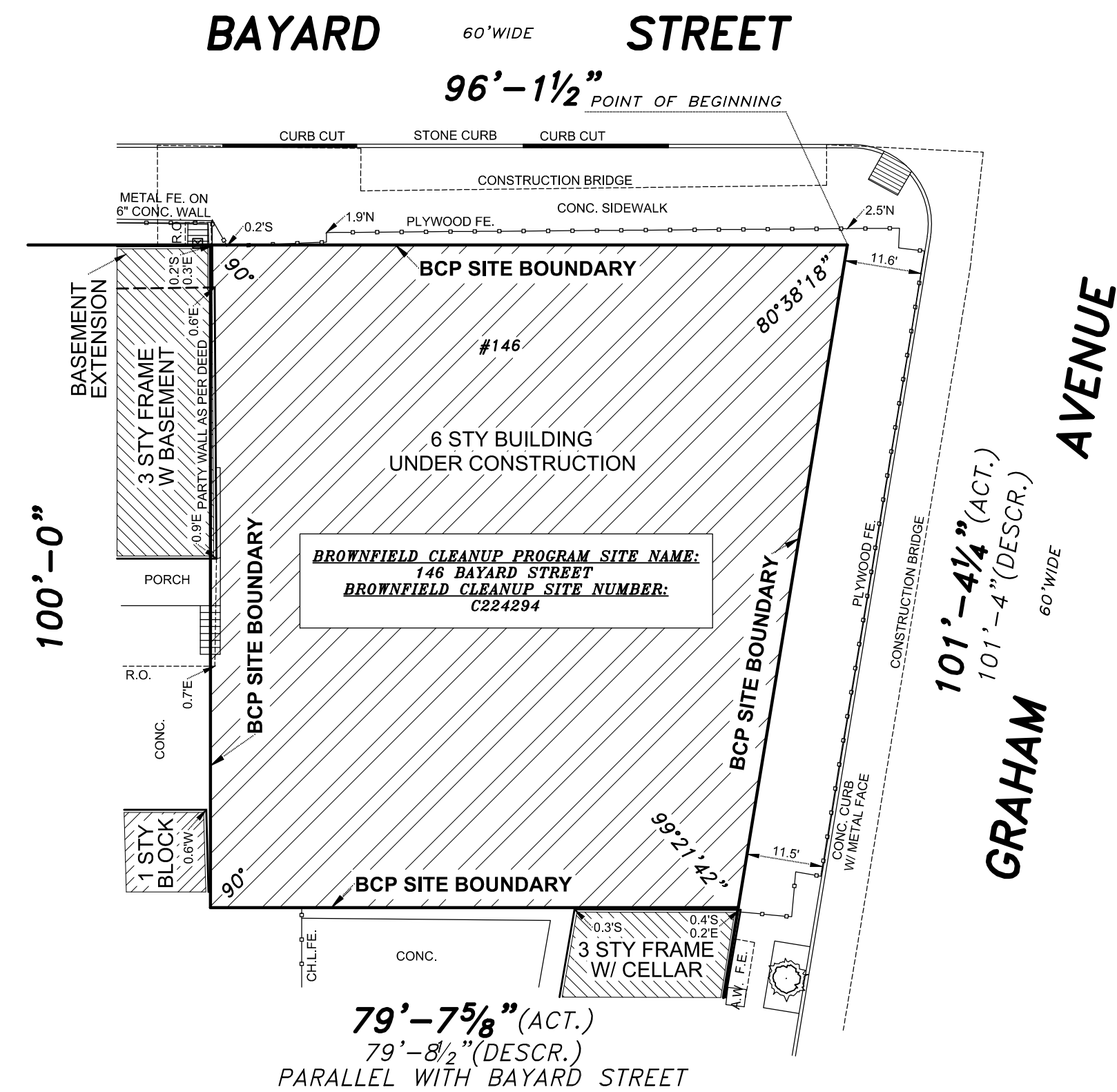
BLOCK: 2724 / LOT: 18



## **Exhibit B**

### **Site Survey**

JOB NO. B 2724-18-ENVI  
SURVEYED ON: JULY 15, 2021



FENCE	CH. L.F.	WOOD FE.
UTILITY POLE		W.P.
PARKING METER		P.M.
OIL FILT.		O.F.
MONITORING WELL		M.W.
TRAFFIC LIGHT		T.L.
LIGHT		L.
STREET LIGHT	□ — L.P.	S.L.P.
FIRE HYDRANT		H.
SIAMSE CONNECTION		S.S.
SHUT OFF VALVE	○ G.V. — □ G.V. — W.V.	G.V. W.V.
HANDICAPPED PARKING		H.C.P.
EXISTING TREE	⊙ #12"	⊙ DR.
DRAINS	○ DR.	⊙ DR.
ROOF OVER		R.O.
EXISTING GRADES	× 45.15 TOP OF CURB	45.15
CITY ESTABLISHED GRADES	× 42.95 BOTTOM OF CURB	42.95
CURBS AND CURB CUT	CURB CUT	L.G. 7.52
OVERHEAD SERVICE	OH.S.W.	
MAN HOLE		M.H.
CABLE T.V. MANHOLE	(M) (E) (T) (W) (S) (C) (M) (F) (L) (W) (E) (L)	
CATCH BASIN	▢▢▢ C.B.	▢▢▢ C.B.
FIRE ESCAPE		F.E.
PLATFORM		PL. or PLTF.
BASEMENT ENTRANCE		B.E.
CELLAR ENTRANCE		C.E.
AIR WAY		A.W.
BAY WINDOW		B.W.
CONCRETE		CONC.
OVERHANG		O.H.
AIR CONDITION		A.C.
METAL		MET.
NORTH OF PROPERTY LINE		N
SOUTH OF PROPERTY LINE		S
EAST OF PROPERTY LINE		E
WEST OF PROPERTY LINE		W

GENERAL NOTES

SUBSURFACE UTILITIES ARE NOT GUARANTEED BY SURVEYOR. HIGH CAUTION RECOMMENDED AND VERIFICATION WITH PROPER CITY AGENCIES IS MANDATORY BEFORE COMMENCING ALL NEW WORK.

ALL SUBSURFACE AND OVERHEAD UTILITIES (AS TO SIZE, TYPE AND DEPTH) SHOWN ON THIS SURVEY ARE TAKEN FROM RECORDS OF GOVERNMENTAL AGENCIES AND UTILITY COMPANIES, UNLESS OTHERWISE NOTED AND SHOWN.

COVER OR DEPTH OF UTILITIES WHICH DERIVED FROM FIELD MEASUREMENTS SHOWN ON THIS SURVEY SHOULD BE VERIFIED WITH PROPER AGENCY PRIOR TO CONSTRUCTION OF PROJECT. INVERT ELEVATIONS ARE DERIVED FROM CITY AGENCY RECORDS WHEN NOT AVAILABLE BY FIELD SURVEY AND NOTED AS "PER RECORD" ON THE SURVEY.

ALL SUBSURFACE UTILITIES AS TO LOCATION AND DEPTH, SHOULD BE RECHECKED AND LEGAL GRADES SHOULD BE VERIFIED WITH THE TOPOGRAPHICAL BUREAU, PREFERABLY IN WRITING BEFORE COMMENCING CONSTRUCTION.

THIS IS TO CERTIFY THAT THERE ARE NO STREAMS OR NATURAL WATER COURSES ON THE SURVEYED PROPERTY EXCEPT AS SHOWN AND/OR DESCRIBED ON THIS SURVEY.

ALL OPERATIONS OF UNDERGROUND FACILITIES AND ALL EXCAVATORS ARE OBLIGATED TO COMPLY WITH ARTICLE 36 OF THE GENERAL BUSINESS LAW AND WITH PROVISIONS OF INDUSTRIAL CODE PART (RULE NO.35) BEFORE ANY EXCAVATION OR DITCHING IS COMMENCED. EVERY EXCAVATOR IS REQUIRED BY THESE LAWS TO GIVE ADVANCE NOTICE TO EVERY OPERATOR OF UNDERGROUND FACILITIES OF HIS INTENT TO PERFORM EXCAVATION OR DEMOLITION WORK IN THE SPECIFIED AREA.

ALL ELEVATIONS SHOWN REFER TO THE NAVD 1988 DATUM. TO OBTAIN:  
- NGVD 1929 DATUM - ADD 1.098 FEET  
- BROOKLYN BOROUGH DATUM - SUBTRACT 1.447 FEET

EASEMENTS IF ANY ARE NOT SHOWN ON THIS SURVEY AND NO INFORMATION PROVIDED BY THIS SURVEY AT THIS TIME.

**UNDERGROUND UTILITIES NOTES**

UNDERGROUND, OVERHEAD AND GROUND LEVEL UTILITIES ARE NOT GUARANTEED AS TO ACCURACY, EXACT LOCATION, TYPE OR USE, ACTIVE OR INACTIVE. VERIFICATION IS MANDATORY WITH MUNICIPAL AGENCIES, PUBLIC AND PRIVATE UTILITY COMPANIES PRIOR TO TAKING TITLE AND/OR DESIGN WORK. BOUNDARIES ARE NOT GUARANTEED UNLESS SO NOTED.

**PROFESSIONAL LAND SURVEYOR**  
**RICHARD TOM**  
N.Y.S. L.L.S. 049844  
8629 BAY PARKWAY, UNIT CFU  
BROOKLYN, NY 11214  
TEL. 718-474-7700

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

GUARANTEED TO:  
New York State Department of Environmental Conservation

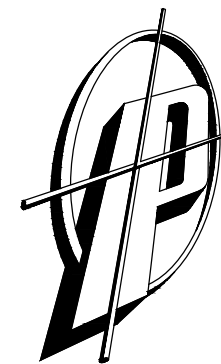
COUNTY: **KINGS** CITY: **BROOKLYN, NY 11222**

SECTION: BLOCK: 2724 LOT(S): 18

PROPERTY ADDRESS: 146 BAYARD STREET

## ENVIRONMENTAL EASEMENT SURVEY

PREPARED BY



**PERFECT POINT**  
LAND SURVEYING RT  
brooklyn - queens - manhattan - bronx  
staten island - nassau  
phone: (718) 474-7777  
fax: (718) 872-9699  
info@ppsurveying.com  
www.ppsurveying.com

**DATE:** JULY 15, 2021

N.Y.S. L.L.S. 049844

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

LEGAL DESCRIPTION  
BLOCK 2724, LOT 18

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 and State of New York, bounded and described as follows:

*BEGINNING at the corner formed by the intersection of the southerly side of Bayard Street with the westerly side of Graham Avenue;*

*RUNNING THENCE westerly along the southerly side of Bayard Street 96 feet 1-1/2 inches;*

THENCE southerly at right angles to Bayard Street, and part of the distance through a party wall, 100 feet;

THENCE easterly parallel with Bayard Street 79 feet 8-1/2 inches to the westerly side of Graham Avenue; and

THENCE northerly along the westerly side of Graham Avenue, 101 feet 4 inches to the point or place of BEGINNING.

LOT AREA = 8787.69 sq.ft. = 0.2017 acre

ENVIRONMENTAL EASEMENT LEGAL DESCRIPTION  
BLOCK 2724, LOT 18

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 and State of New York, bounded and described as follows:

*BEGINNING at the corner formed by the intersection of the southerly side of Bayard Street with the westerly side of Graham Avenue;*

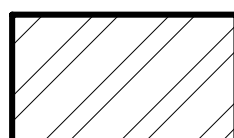
*RUNNING THENCE westerly along the southerly side of Bayard Street 96 feet 1-1/2 inches;*

THENCE southerly at right angles to Bayard Street, and part of the distance through a party wall, 100 feet;

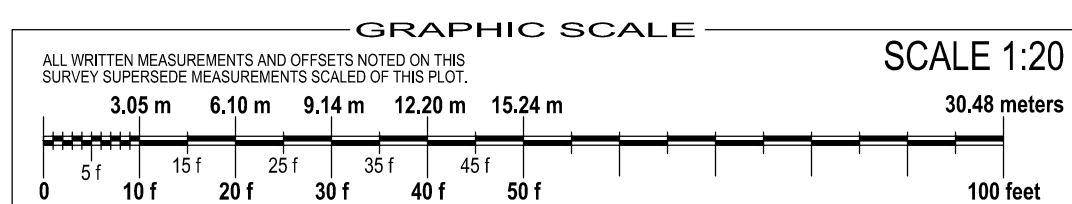
THENCE easterly parallel with Bayard Street 79 feet 8-1/2 inches to the westerly side of Graham Avenue; and

THENCE northerly along the westerly side of Graham Avenue, 101 feet 4 inches to the point or place of BEGINNING.

ENVIRONMENTAL EASEMENT AREA = 8787.69 sq.ft. = 0.2017 acre



– *ENVIRONMENTAL EASEMENT*





NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
12/13/2021



**SITE DESCRIPTION**

**SITE NO.** C224294

**SITE NAME** 146 Bayard

**SITE ADDRESS:** 146 Bayard Street **ZIP CODE:** 11222

**CITY/TOWN:** Brooklyn

**COUNTY:** Kings

**ALLOWABLE USE:** Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial

**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:

**Description of Institutional Control**

**Description of Engineering Control**