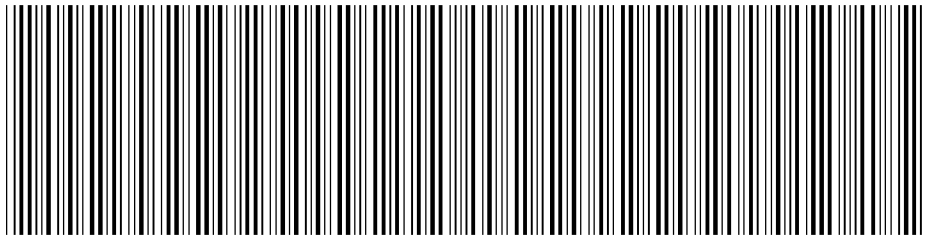


**NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



2017011200839001001E1D36

**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 17**

**Document ID: 2017011200839001**

Document Date: 01-06-2017

Preparation Date: 01-12-2017

Document Type: SUNDRY MISCELLANEOUS

Document Page Count: 15

**PRESENTER:**

CHICAGO TITLE INSURANCE CO. (PICK-UP)  
711 THIRD AVE, 5TH FLOOR  
3214-00044 (MAF)  
NEW YORK, NY 10017  
212-880-1200  
CTINYRECORDING@CTT.COM

**RETURN TO:**

CHICAGO TITLE INSURANCE CO. (PICK-UP)  
EAST 138TH STREET LLC C/O LETTIRE  
CONSTRUCTION  
334-336 E. 110TH STREET  
NEW YORK, NY 10029

				<b>PROPERTY DATA</b>	
<b>Borough</b>	<b>Block</b>	<b>Lot</b>		<b>Unit</b>	<b>Address</b>
BRONX	2333	1	Entire Lot		255 EAST 138TH STREET
<b>Property Type:</b> NON-RESIDENTIAL VACANT LAND					

**CROSS REFERENCE DATA**

**CRFN:** 2016000336912

**PARTIES**

**PARTY 1:**

EAST 138TH STREET LLC  
C/O LETTIRE CONSTRUCTION, 255 EAST 138TH  
STREET  
BRONX, NY 10451

☒ Additional Parties Listed on Continuation Page

**FEES AND TAXES**

**Mortgage :**

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

**TOTAL:** \$ 0.00

Recording Fee: \$ 112.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 0.00

NYC Real Property Transfer Tax:

\$ 0.00

NYS Real Estate Transfer Tax:

\$ 0.00

**RECORDED OR FILED IN THE OFFICE**

**OF THE CITY REGISTER OF THE**

**CITY OF NEW YORK**

Recorded/Filed 01-13-2017 13:48

City Register File No.(CRFN):

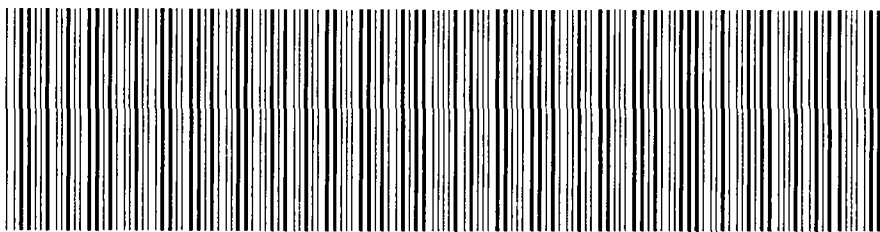
**2017000019656**



*Annette McMill*

**City Register Official Signature**

NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER



2017011200839001001C1FB6

RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION)

PAGE 2 OF 17

Document ID: 2017011200839001

Document Date: 01-06-2017

Preparation Date: 01-12-2017

Document Type: SUNDRY MISCELLANEOUS

**PARTIES**

**PARTY 1:**

HP EAST 138TH ST. HOUSING DEVEL. FUND CO.,  
INC.  
255 EAST 138TH STREET  
BRONX, NY 10451

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

Former G & C Services, Site ID No. C203057  
 Brownfield Cleanup Index: C203057-05-11  
 255 East 138<sup>th</sup> Street, Bronx, Bronx County, New York 10451  
 Tax Map Identification Number(s): Block 2333 Lot 1

**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 East 138<sup>th</sup> Street LLC, c/o Lettire Construction for a parcel approximately 0.468 acres located at 255 East 138<sup>th</sup> Street in Bronx, Bronx County, New York.

**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,

except for the portion of the property consisting of 0.262 acres described as Track 2 Cleanup Standards Achieved Area in Schedule A, which may be used for Residential, Restricted Residential, Commercial and Industrial Uses, but not Unrestricted Use and the portion of the property consisting of 0.097 acres described as Track 4 Cleanup Standards Achieved Area in Schedule A, which may be used for Residential, Restricted Residential, Commercial and Industrial Uses, but not Unrestricted Use.

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 for a portion of the site 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 Bronx County as CRFN # 2016000336912 on September 27, 2016.

**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.

**Former G & C Services, C203057, 255 East 138<sup>th</sup> Street, Bronx**

**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**, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

**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 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**, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at the NYSDEC's Region 2 located at 47-40 21<sup>st</sup> Street, Long Island City, New York 11101, by contacting the Regional Environmental Remediation Engineer.

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

East 138<sup>th</sup> Street LLC (c/o Lettire Construction)

HP East 138<sup>th</sup> St. Housing Devel. Fund Co., Inc

By: Nicholas Lettire  
Title: Managing Member

By: \_\_\_\_\_

Date: 1/4/17

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF NEW YORK ) SS:  
COUNTY OF Kings )

On the 4<sup>th</sup> day of January, in the year 2017, before me, the undersigned, personally appeared Nicholas Lettire 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.

Edyta Santiago  
Signature and Office of individual  
taking acknowledgment

**Please record and return to:**  
East 138<sup>th</sup> Street LLC  
(c/o Lettire Construction)  
Attn. Roger Piné

334-336 E. 110<sup>th</sup> Street  
New York, NY 10029

**EDYTA SANTIAGO**  
Notary Public, State of New York  
No. 01SA6330571  
Qualified in Kings County  
Commission Expires 09/14/2019

**SEAL**

**Former G & C Services, C203057, 255 East 138<sup>th</sup> Street, Bronx**

**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**, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

**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 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**, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at the NYSDEC's Region 2 located at 47-40 21<sup>st</sup> Street, Long Island City, New York 11101, by contacting the Regional Environmental Remediation Engineer.

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

**East 138<sup>th</sup> Street LLC (c/o Lettire Construction)**

**HP East 138<sup>th</sup> St. Housing Devel. Fund Co., Inc**

By: \_\_\_\_\_

By: Shelia Martin

Title: \_\_\_\_\_

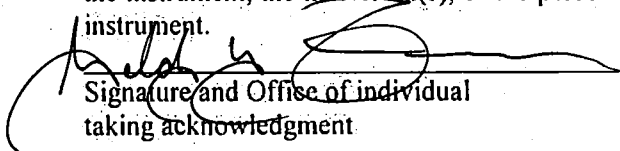
Title: **SHELIA MARTIN**  
**VICE PRESIDENT**

Date: \_\_\_\_\_

Date: 1/6/2017

STATE OF NEW YORK ) SS:  
COUNTY OF New York

On the 6 day of January, in the year 2017, before me, the undersigned, personally appeared Shelia Martin 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.

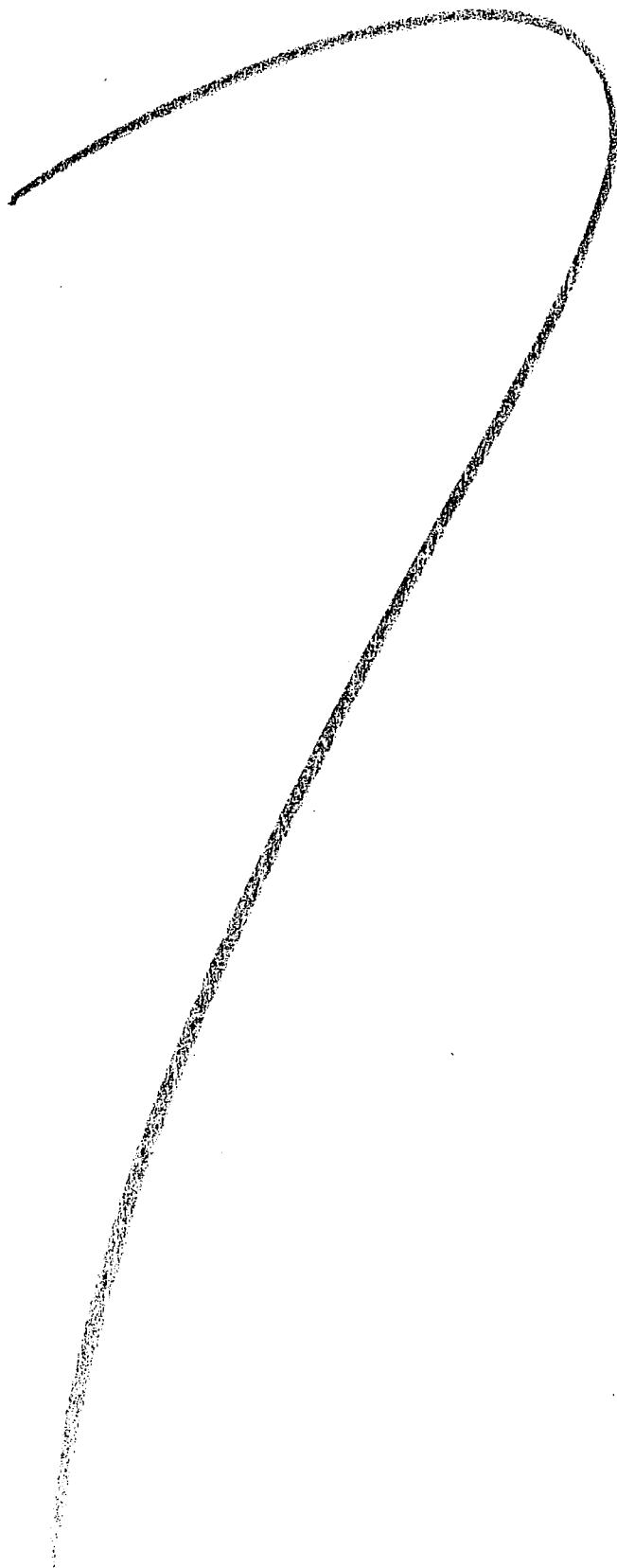
  
Signature and Office of individual  
taking acknowledgment

**Please record and return to:**  
East 138<sup>th</sup> Street LLC  
(c/o Lettire Construction)  
Attn. Roger Piné  
334-336 E. 110<sup>th</sup> Street  
New York, NY 10029

**GELDY YESSANIA TRINIDAD**  
Notary Public-State of New York  
No. 01TR6192062  
Qualified in Bronx County  
Commission Expires 08/25/2020

**SEAL**

## **Schedule A**





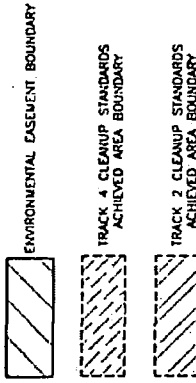
TITLE NO. 3214-00044

# ENVIRONMENTAL EASEMENT SURVEY

SURVEY NO. 63781-2  
63781-2-000  
63781-2-000

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 the Easement are set forth in more detail 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 the New York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 615 Broadway, Albany, NY 12233 or at [dermweb@dec.ny.gov](mailto:dermweb@dec.ny.gov).

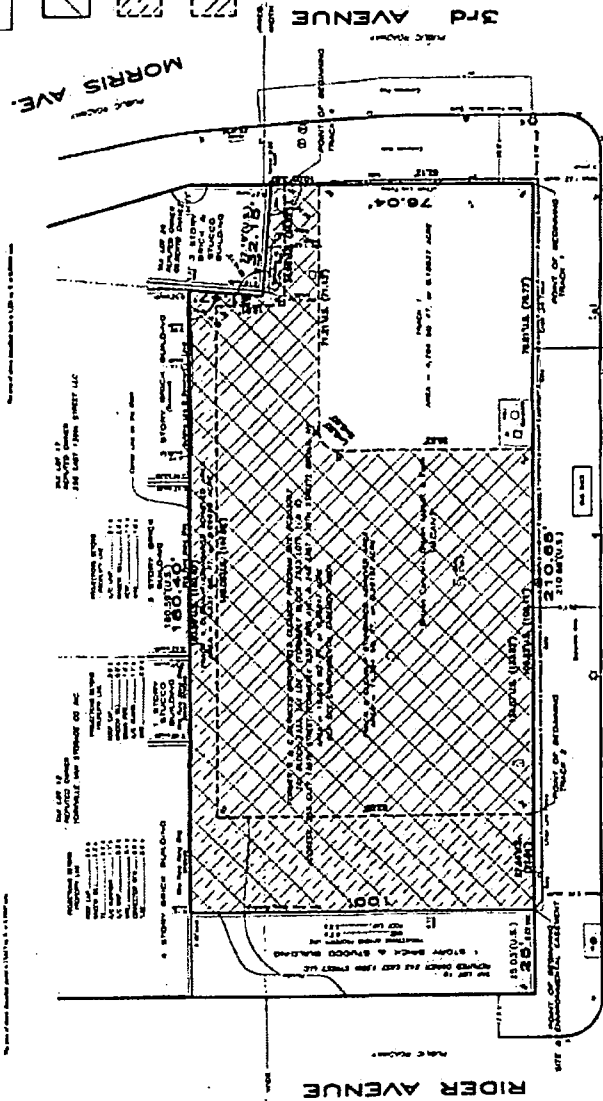


ENVIRONMENTAL EASEMENT AREA ACKNOWLEDGEMENT  
THE DEC OR THEIR AGENT MAY ACCESS THE ENVIRONMENTAL EASEMENT AREA AS SHOWN IN THIS SURVEY THROUGH ANY EXISTING STREET AVENUE OR BUILDING SUBTERRANEAN ACCESS POINT.

ENGINEERING CONTROLS  
1. Soil Vapor Barriers and Other Vapor Control Systems. The owner and the contractor shall be responsible for the engineering controls on the site as the site owner and contractor.

ALSO SEE: ALIEN EASEMENT  
THE DEC OR THEIR AGENT MAY ACCESS THE ENVIRONMENTAL EASEMENT AREA AS SHOWN IN THIS SURVEY THROUGH ANY EXISTING STREET AVENUE OR BUILDING SUBTERRANEAN ACCESS POINT.

PRELIMINARY ALIEN EASEMENT  
THE DEC OR THEIR AGENT MAY ACCESS THE ENVIRONMENTAL EASEMENT AREA AS SHOWN IN THIS SURVEY THROUGH ANY EXISTING STREET AVENUE OR BUILDING SUBTERRANEAN ACCESS POINT.



SCHEDULE "D" NOTES:  
1. Reference to Section 1.1 of the Environmental Conservation Law.  
2. Reference to Section 1.2 of the Environmental Conservation Law.  
3. Reference to Section 1.3 of the Environmental Conservation Law.

EAST 138th STREET

CERTIFIED TO:  
The Survey of the State of New York, Surveying Company, Inc., is a duly licensed Surveying Company, Inc., and is duly licensed by the State of New York.

Map of the Village of Mott Haven, New York, showing the location of the project site.



- LEGEND
- ENVIRONMENTAL EASEMENT BOUNDARY
  - TRACK 4 CLEANUP STANDARDS ACHIEVED AREA BOUNDARY
  - TRACK 2 CLEANUP STANDARDS ACHIEVED AREA BOUNDARY
  - ENVIRONMENTAL EASEMENT AREA ACKNOWLEDGEMENT
  - ENGINEERING CONTROLS
  - ALSO SEE: ALIEN EASEMENT
  - PRELIMINARY ALIEN EASEMENT

CITY OF NEW YORK  
COUNTY OF BROOKLYN  
TAX BLOCK 2333  
TAX LOT 1



**MONTROSE**  
SURVEYING CO., L.P.C.  
CITY OF NEW YORK  
COUNTY OF BROOKLYN  
TAX BLOCK 2333  
TAX LOT 1

LOCAL MAP STANDARD EXCEPT WHERE NOTED U.S. WHICH DENOTES UNITED STATES STANDARD OF MEASUREMENT

SCALE: 1" = 16'

DATE: 10/1/00

BY: [Signature]

FOR: [Signature]

PROJECT: [Signature]

CLIENT: [Signature]

ADDRESS: [Signature]

PHONE: [Signature]

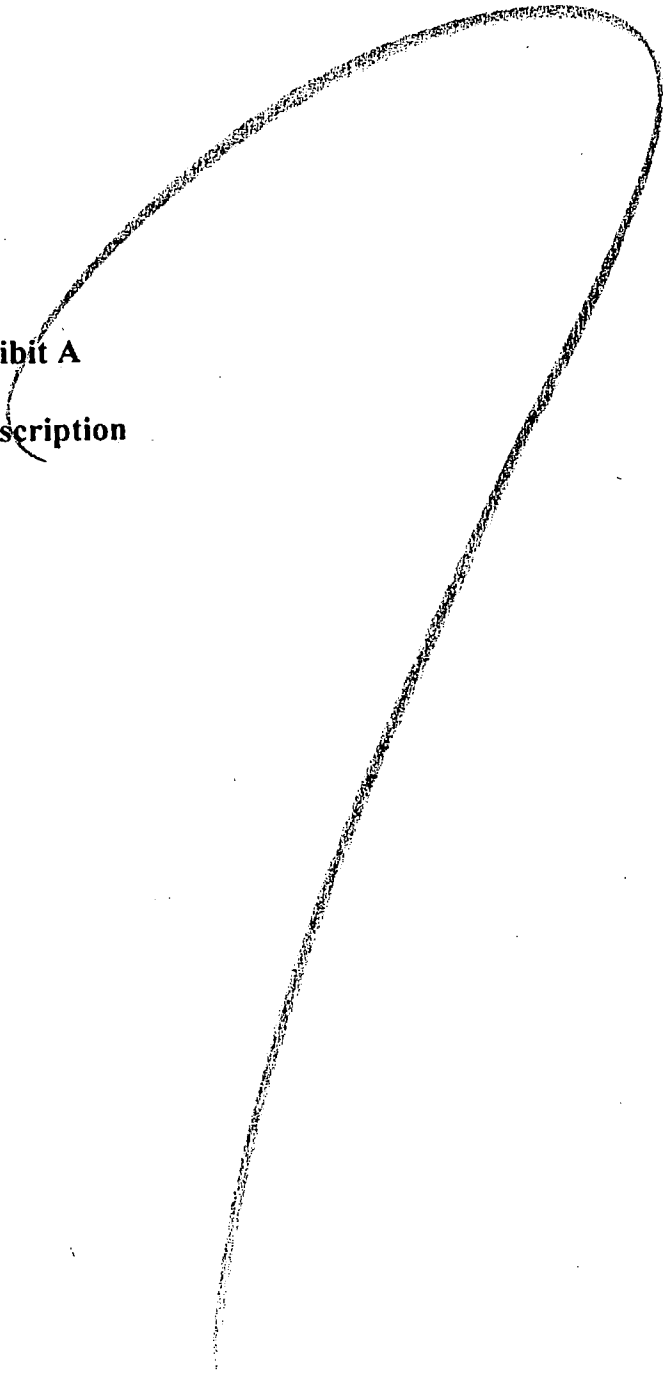
FAX: [Signature]

EMAIL: [Signature]

WEBSITE: [Signature]

OTHER: [Signature]

**Exhibit A**  
**Site Description**





**SCHEDULE "A" PROPERTY DESCRIPTION TRACK 2 PARCEL**

**METES AND BOUNDS DESCRIPTION**

**Track 2 Cleanup Standards Achieved Area**

ALL that certain plot, piece, or parcel of land situate, lying and being in the Borough and County of the Bronx, City and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of East 138<sup>th</sup> Street (100 feet wide), distant 52.81 feet (52.87 feet U.S.) easterly from the corner formed by the intersection of the northerly side of East 138<sup>th</sup> Street with the easterly side of Rider Avenue (60 feet wide);

RUNNING THENCE northerly, parallel with the easterly side of Rider Avenue, 92.08 feet to a point;

RUNNING THENCE easterly, at right angles to the last mentioned course, 147.92 feet (148.08 feet U.S.) to a point;

RUNNING THENCE southerly, at right angles to the last mentioned course, 19.91 feet to a point;

RUNNING THENCE easterly, at right angles to the westerly side of 3<sup>rd</sup> Avenue (Irregular width) 34.92 feet (34.96 feet U.S.) to the westerly side of 3<sup>rd</sup> Avenue;

RUNNING THENCE southerly along the westerly side of 3<sup>rd</sup> Avenue, 10.05 feet to a point;

RUNNING THENCE westerly, at right angles to the last mentioned course, 71.13 feet (71.21 feet U.S.) to a point of curvature;

RUNNING THENCE southwesterly and southerly, along a curve bearing to the left, having a radius of 5.60 feet, an arc length of 8.80 feet to a point of tangency;

RUNNING THENCE southerly, at right angles to the northerly side of East 138<sup>th</sup> Street, 56.62 feet to the northerly side of East 138<sup>th</sup> Street;

RUNNING THENCE westerly, along the northerly side of East 138<sup>th</sup> Street, 106.11 feet (106.23 feet U.S.) to the point or place of BEGINNING

The area of above described track is 11,394 sq. ft. or 0.26157 acre.

**SCHEDULE "B" PROPERTY DESCRIPTION TRACK 4 PARCEL**

**METES AND BOUNDS DESCRIPTION**

**Track 4 Cleanup Standards Achieved Area**

ALL that certain plot, piece, or parcel of land situate, lying in the Borough and County of the Bronx, City and State of New York, bounded and described as follows:

BEGINNING at a point on the westerly side of 3<sup>rd</sup> Avenue (Irregular width) distant 76.04 feet northerly from the corner formed by the intersection of the westerly side of 3<sup>rd</sup> Avenue with the northerly side of East 138<sup>th</sup> Street (100 feet wide);

RUNNING THENCE northerly, along the westerly side of 3<sup>rd</sup> Avenue, 3.87 feet to a point;

RUNNING THENCE westerly, along a line forming an angle of 94 degrees 34 minutes 20 seconds on the southwest with the westerly side of 3<sup>rd</sup> Avenue, 32.15 feet (32.19 feet U.S.) to a point;

RUNNING THENCE northerly, along a line forming an angle of 89 degrees 46 minutes 15 seconds on the northeast with the last mentioned course, 21.47 feet to the centerline of the block;

RUNNING THENCE westerly, along the centerline of the block, along a line forming an angle of 85 degrees 11 minutes 55 seconds on the southwest with the last mentioned course, 180.40 feet (180.59 feet U.S.) to a point;

RUNNING THENCE southerly, parallel with the easterly side of Rider Avenue (60 feet wide) 100 feet to the northerly side of East 138<sup>th</sup> Street;

RUNNING THENCE easterly, along the northerly side of East 138<sup>th</sup> Street, 27.81 feet (27.84 feet U.S.) to a point;

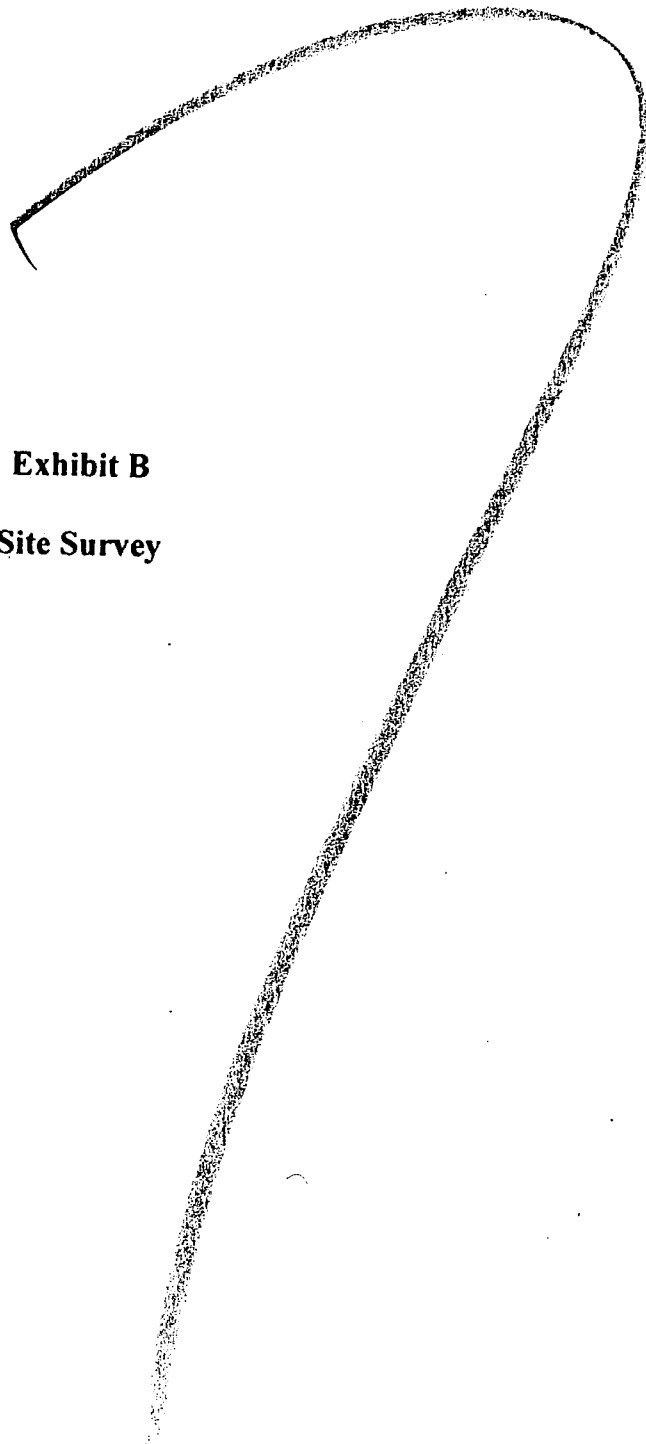
RUNNING THENCE northerly, parallel with the easterly side of Rider Avenue 92.08 feet to a point;

RUNNING THENCE easterly, at right angles to the last mentioned course, 147.92 feet (148.08 feet U.S.) to a point;

RUNNING THENCE southerly, at right angles to the last mentioned course, 19.91 feet to a point;

RUNNING THENCE easterly, at right angles to the westerly side of 3<sup>rd</sup> Avenue, 34.92 feet (34.96 feet U.S.) to the westerly side of 3<sup>rd</sup> Avenue, the point or place of BEGINNING.

The area of above described track is 4,221 sq. ft. or 0.09690 acre.



**Exhibit B**  
**Site Survey**

TITLE NO. 3214-00044

SURVEY NO. 63781-2  
63781-2.DWG  
63781.DWG

# ENVIRONMENTAL EASEMENT SURVEY

## VICINITY MAP

THIS MAP IS A VICINITY MAP OF THE PROPERTY DESCRIBED IN THE TITLE. IT SHOWS THE LOCATION OF THE PROPERTY IN RELATION TO THE SURROUNDING STREETS AND OTHER FEATURES. THE PROPERTY IS LOCATED AT THE CORNER OF RIDER AVENUE AND EAST 138th STREET. THE MAP IS A SCALE OF 1" = 16'.

## LEGEND

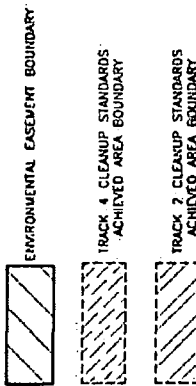
ENVIRONMENTAL EASEMENT SURVEY  
THIS MAP IS A SURVEY OF THE ENVIRONMENTAL EASEMENT SURVEY. IT SHOWS THE LOCATION OF THE PROPERTY IN RELATION TO THE SURROUNDING STREETS AND OTHER FEATURES. THE PROPERTY IS LOCATED AT THE CORNER OF RIDER AVENUE AND EAST 138th STREET. THE MAP IS A SCALE OF 1" = 16'.

## NOTES

THIS MAP IS A SURVEY OF THE ENVIRONMENTAL EASEMENT SURVEY. IT SHOWS THE LOCATION OF THE PROPERTY IN RELATION TO THE SURROUNDING STREETS AND OTHER FEATURES. THE PROPERTY IS LOCATED AT THE CORNER OF RIDER AVENUE AND EAST 138th STREET. THE MAP IS A SCALE OF 1" = 16'.

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.

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ENVIRONMENTAL EASEMENT AREA NOTES:  
THE DECORATED AREA MAY ACCESS THE ENVIRONMENTAL EASEMENT AREA FOR THE PURPOSES OF THE ENVIRONMENTAL EASEMENT SURVEY. THE DECORATED AREA MAY ACCESS THE ENVIRONMENTAL EASEMENT SURVEY FOR THE PURPOSES OF THE ENVIRONMENTAL EASEMENT SURVEY.

## ENGINEERING CONTROLS

See Vapor Barrier and Shallow Soil Cover System. The barrier and cover are for engineering controls for the site in the future and are not to be installed until the site is ready for future development.

ALSO SEE MAPS  
THE DECORATED AREA MAY ACCESS THE ENVIRONMENTAL EASEMENT SURVEY FOR THE PURPOSES OF THE ENVIRONMENTAL EASEMENT SURVEY. THE DECORATED AREA MAY ACCESS THE ENVIRONMENTAL EASEMENT SURVEY FOR THE PURPOSES OF THE ENVIRONMENTAL EASEMENT SURVEY.

ENVIRONMENTAL EASEMENT SURVEY  
THIS MAP IS A SURVEY OF THE ENVIRONMENTAL EASEMENT SURVEY. IT SHOWS THE LOCATION OF THE PROPERTY IN RELATION TO THE SURROUNDING STREETS AND OTHER FEATURES. THE PROPERTY IS LOCATED AT THE CORNER OF RIDER AVENUE AND EAST 138th STREET. THE MAP IS A SCALE OF 1" = 16'.

LOCAL MAP STANDARD EXCEPT WHERE NOTED U.S. WHICH DENOTES UNITED STATES STANDARD OF MEASUREMENT

**MONTRONSE**  
SURVEYING CO., A.P.  
1111 N. 10th Street, Suite 100  
Albany, NY 12208  
Tel: 518/462-1111  
Fax: 518/462-1112  
www.montronse.com

CITY OF NEW YORK  
COUNTY OF THE BRONX  
TAX BLOCK 2333  
TAX LOT 1  
SCALE: 1" = 16'

LOCAL MAP STANDARD EXCEPT WHERE NOTED U.S. WHICH DENOTES UNITED STATES STANDARD OF MEASUREMENT

LOCAL MAP STANDARD EXCEPT WHERE NOTED U.S. WHICH DENOTES UNITED STATES STANDARD OF MEASUREMENT

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LOCAL MAP STANDARD EXCEPT WHERE NOTED U.S. WHICH DENOTES UNITED STATES STANDARD OF MEASUREMENT



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
12/19/2016



SITE DESCRIPTION

SITE NO. C203057

SITE NAME Former G & C Services

SITE ADDRESS: 255 East 138th Street ZIP CODE: 10451

CITY/TOWN: Bronx

COUNTY: Bronx

ALLOWABLE USE: 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: 04/30/2018

Description of Institutional Control

Thlrd Avenue/138th Street, LLC

1536 Third Avenue, 3rd Floor

255 East 138th Street

Environmental Easement

Block: 2333

Lot: 1

Sublot:

Section:

Subsection:

S\_B\_L Image: 2333-1

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

**Description of Engineering Control**

**Third Avenue/138th Street, LLC**

**1536 Third Avenue, 3rd Floor**

**255 East 138th Street**

**Environmental Easement**

**Block: 2333**

**Lot: 1**

**Sublot:**

**Section:**

**Subsection:**

**S\_B\_L Image: 2333-1**

**Cover System**

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

**CERTIFICATE HOLDER(S):**

**Name**

East 138th Street LLC

**Address**

Lettire Construction Corp, 334-336 East 110<sup>th</sup> St.  
New York, NY 10029

**BROWNFIELD CLEANUP AGREEMENT:**

Application Approval: 5/5/11    Agreement Execution: 5/19/11    Agreement Index C203057-05-11

Application Approval Amendment: 9/4/15

Agreement Execution Amendment: 9/4/15

**SITE INFORMATION:**

Site No.: C203057    Site Name: Former G & C Services

Site Owner:    HP East 138th Street Housing Development Fund Company, Inc.  
East 138th Street LLC

Street Address: 255 East 138th Street

Municipality: Bronx    County: Bronx    DEC Region: 2

Site Size: 0.468 Acres

Tax Map Identification Number(s): 2333-1

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):

**Area 1 (identified as "Track 1 Area" on Exhibit B)**

Allowable Uses under the BCP: Residential, Restricted-Residential, Commercial, and Industrial  
Cleanup Track: Track 1: Unrestricted use

**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 50 %.

Tangible Property Credit Component Rate is 22 %.

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

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 50 %.

Tangible Property Credit Component Rate is 20 %.

No Environmental Easement has been granted for the Track 1 Area 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.

**Area 2 (identified as "Track 2 Cleanup Standards Achieved Area" on Exhibit B)**

**Allowable Uses under the BCP:** Residential, 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 20 %.

**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 18 %.

**Area 3 (identified as "Track 4 Cleanup Standards Achieved Area" on Exhibit B)**

**Allowable Uses under the BCP:** Residential, Restricted-Residential, Commercial, and Industrial  
**Cleanup Track:** Track 4: Restricted use with site-specific 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 28 %.  
Tangible Property Credit Component Rate is 20 %.

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

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28 %.  
Tangible Property Credit Component Rate is 18 %.

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls for the Track 2 and Track 4 Areas 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 Bronx County as 2016000336912.

**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.



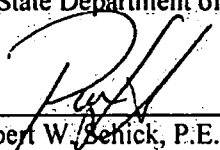
## **CERTIFICATE MODIFICATION/REVOCATION**

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:   
Robert W. Schick, P.E., Director  
Division of Environmental Remediation

Date: December 29, 2016