

ENVIRONMENTAL NOTICE

To be issued in lieu of Environmental Easement/Deed Restriction as referenced in DER-33

THIS ENVIRONMENTAL NOTICE is made the 24th day of Sept 2025, by the New York State Department of Environmental Conservation (Department), having an office for the transaction of business at 625 Broadway, Albany, New York 12233.

WHEREAS, a parcel of real property identified as K-Far Rockaway MGP (Site # 241032), located at 1216 Brunswick Avenue, Far Rockaway, County of Queens, State of New York, being the same as that property conveyed by Morris Lux, Edward Gruenstein and Frida Rabenstein to M. & S. Equities, Associates by deed dated October 26, 1992 and recorded in the City Register of the City of New York on November 17, 1992 in Reel 3442, Page 1256 and being more particularly described in Appendix "A", attached to this noticed and made a part hereof, and hereinafter referred to as "the Property" is the subject of a Order on Consent executed by Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York & KeySpan Gas East Corporation d/b/a KeySpan Energy Delivery Long Island as part of the Department's Manufactured Gas Plant Program; and

WHEREAS, the Department approved a cleanup to address contamination disposed at the Property and such cleanup was conditioned upon certain limitations.

NOW, THEREFORE, the Department provides notice that:

FIRST, the Property subject to this Environmental Notice is as shown on a map attached to this Notice as Appendix "B" and made a part hereof.

SECOND, unless prior written approval by the Department or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first obtained, where contamination remains at the Property subject to the provisions of the Site Management Plan ("SMP"), there shall be no disturbance or excavation of the Property which threatens the integrity of the engineering controls or which results or may result in a significantly increased threat of harm or damage at any site as a result of exposure to soils. A violation of this provision is a violation of 6 NYCRR 375-1.11(b)(2).

THIRD, no person shall disturb, remove, or otherwise interfere with the installation, use, operations, and maintenance of engineering controls required for the Remedy, including but not limited to those engineering controls described in the SMP and listed below, unless in each instance they first obtain a written waiver of such prohibition from the Department or Relevant Agency.

FOURTH, the remedy was designed to be protective for the following uses: **Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv)**. Therefore, any use for purposes other than Commercial and

Industrial without the express written waiver of such prohibition by the Relevant Agency may result in a significantly increased threat of harm or damage at any site.

FIFTH, no person shall use the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Department or Relevant Agency. Use of the groundwater without appropriate treatment may result in a significantly increased threat of harm or damage at any site.

SIXTH, it is a violation of 6 NYCRR 375-1.11(b) to use the Property in a manner inconsistent with this environmental notice.

IN WITNESS WHEREOF, the undersigned, acting by and through the Department of Environmental Conservation as Designee of the Commissioner, has executed this instrument the day written below.

By: Janet E. Brown
Janet E. Brown, P.E. Assistant Division Director
Division of Environmental Remediation

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the 24th day of September in the year 2025, before me, the undersigned, personally appeared Janet E. Brown, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his signature on the instrument, the individual, or the person upon behalf of which individual acted, executed the instrument.

Jennifer Andaloro
Notary Public - State of New York

JENNIFER ANDALORO
Notary Public, State of New York
No. 02ANG098246
Qualified in Albany County
Commission Expires January 14, 2028

Industrial without the express written waiver of such prohibition by the Relevant Agency may result in a significantly increased threat of harm or damage at any site.

FIFTH, no person shall use the groundwater underlying the property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Department or Relevant Agency. Use of the groundwater without appropriate treatment may result in a significantly increased threat of harm or damage at any site.

SIXTH, it is a violation of 6 NYCRR 375-1.1(b) to use the Property in a manner inconsistent with this environmental notice.

IN WITNESS WHEREOF, the undersigned, acting by and through the Department of Environmental Conservation as Designer of the Commission, has executed this instrument the day written below.

By: [Signature]
Janet E. Brown, P.E. Assistant Division Director
Division of Environmental Remediation

STATE OF NEW YORK)
() ss:
COUNTY OF)

On the 24th day of September in the year 2008 before me, the undersigned, personally appeared Janet E. Brown, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Designer of the Commissioner of the State of New York Department of Environmental Conservation, and that by his signature on the instrument, the individual, or the person upon behalf of which individual acted, executed the instrument.

[Signature]
Notary Public - State of New York

JENNIFER ANDALORO
Notary Public, State of New York
No. 0249693246
Qualified in Albany County
Commission Expires January 14, 2010

APPENDIX "A" PROPERTY DESCRIPTION

Beginning at a point in the northwesterly right-of-way line of Brunswick Avenue (50' Wide per Final Section Map 232 and Alteration Map 3749), said point being distant 96.23 feet southerly along said northwesterly right-of-way line from its intersection with the westerly right-of-way line of Beach 12th Street (60' Wide per Alteration Map 3749), running thence;

- 1) Southerly along said northwesterly right-of-way line, for a distance of 85.88 feet to a point, thence;
- 2) Westerly along a line at right angles to the northwesterly right of way line of Brunswick Avenue, for a distance of 102.81 feet (survey) 102.78 feet (deed) to a point on the easterly sideline of lands now or formerly of the Long Island Railroad, thence;
- 3) Along said easterly sideline, northerly along a curve forming an interior angle of 90 degrees 24 minutes 12 seconds from the previous course to a point radially on said curve, along a curve turning to the right with an included angle of 01 degrees 45 minutes 36 seconds, having a radius of 2796.00 feet, an arc length of 85.89 feet and whose long chord bears North 53 degrees 11 minutes 20 seconds East for a distance of 85.88 feet, to a point, thence;
- 4) Easterly along a line forming an interior angle of 91 degrees 21 minutes 24 seconds from a radial point on the previous course with said line, said line also being parallel to and distant 85.88 feet from the second course of this deed, for a distance of 102.09 feet to the POINT AND PLACE OF BEGINNING.

Containing 8,817 square feet (0.202 acres) of land more or less.

This lot is Lot 105 in Block 15529, as shown on the Tax Map of the Queens Borough, New York City, New York.

This lot is subject to an easement as described in Reel 496, Page 1883 to the benefit of Lots 110 & 115 in Block 15529, dated 7/9/71 and described as follows:

Beginning at a point in the northwesterly right-of-way line of Bushwick Avenue (50' Wide per Final Section Map 232 and Alteration Map 3749), said point being distant 182.11 feet southerly along said northwesterly right-of-way line from its intersection with the westerly right-of-way line of Beach 12th Street (60' Wide per Alteration Map 3749), also the second corner as described above, running thence;

- 1) Along a part of the second course of the Lot, westerly along a line right angles to the northwesterly right-of-way line of Brunswick Avenue, for a distance of 25.00 feet, thence;
- 2) Northerly along a line parallel to the northwesterly right-of-way line of Brunswick Avenue, for a distance of 66.00 feet, thence;

- 3) Easterly along a line at right angles to the northwesterly right-of-way line of Brunswick Avenue, for a distance of 25.00 feet to a point on said northwesterly right-of-way line, thence;
- 4) Southerly along said northwesterly right-of-way line of Brunswick Avenue, for a distance of 66.00 feet to the POINT AND PLACE OF BEGINNING.

APPENDIX "B" MAP OF THE PROPERTY



