

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
625 Broadway, 12th Floor, Albany, New York 12233-7011
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www.dec.ny.gov

December 15, 2022

71 New Street Huntington LLC
Attn: Greg DeRosa
36 New York Avenue, Suite 2
Huntington, NY 11743
greg@g2ddevelopment.com

Re: Certificate of Completion
71 New Street Site
71 New Street
Huntington, Suffolk County
Site No. C152248

Dear Greg DeRosa:

Congratulations on having satisfactorily completed the remedial program at the 71 New Street 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:

John C. Sheehan, Bureau A
New York State Department of Environmental Conservation
Division of Environmental Remediation
50 Circle Road



Stony Brook, NY 11790

- 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, please do not hesitate to contact Mr. John C. Sheehan, the Department's project manager, at (631) 444-0244.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Division Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

C. Vooris – NYSDOH, christine.vooris@health.ny.gov
C. Bethoney – NYSDOH, charlotte.bethoney@health.ny.gov
S. Wagh – NYSDOH, Sarah.wagh@health.ny.gov
G. Duke, Esq. – Connell Foley LLP, gduke@connellfoley.com
G. Rozmus – GEI grozmus@geiconsultants.com
C. Morris – GEI CMorris@geiconsultants.com
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

J. Sheehan – PM, john.sheehan@dec.ny.gov
G. Desai – RHWRE, girish.desai@dec.ny.gov
R. Mustico – Remedial BD, richard.mustico@dec.ny.gov
M. Murphy, Esq. – OGC PA, michael.murphy1@dec.ny.gov
L. Schmidt, Esq. – OGC SC, leia.schmidt@dec.ny.gov
K. Lewandowski – Chief, SCS, kelly.lewandowski@dec.ny.gov

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

71 New Street Huntington LLC

Address

36 New York Avenue, Suite 2, Huntington, NY 11743

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 10/2/17 **Agreement Execution:** 11/9/17

Agreement Index No.: C152248-09-17

Application Amendment Approval: 11/14/22

Agreement Amendment Execution: 11/14/22

SITE INFORMATION:

Site No.: C152248 **Site Name:** 71 New Street Site

Site Owner: 71 New Street Huntington LLC

Street Address: 71 New Street

Municipality: Huntington **County:** Suffolk **DEC Region:** 1

Site Size: 0.300 Acres

Tax Map Identification Number(s): 69-5-34

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 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 14 %.

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 12 %.

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; or
- (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: 12/15/2022

Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A

Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

Environmental Easement Description

ALL that certain plot, piece or parcel of land, situate, lying and being in the Village of Huntington, Town of Huntington, County of Suffolk and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of New Street distant southerly 124.93 feet from the corner formed by the intersection of the southerly side of Carver Street and the westerly side of New Street.

RUNNING THENCE along the westerly side of New Street, South 07 degrees 20 minutes 20 seconds East, 100.00 feet;

THENCE South 83 degrees 10 minutes 10 seconds West, 131.45 feet;

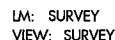
THENCE North 07 degrees 10 minutes 00 seconds West, 100.00 feet;

THENCE North 83 degrees 10 minutes 30 seconds East, 131.15 feet;
to the westerly side of New Street the point or place of BEGINNING.

Area of Subject Parcel = 13,129 sq.ft. or 0.30 acres.

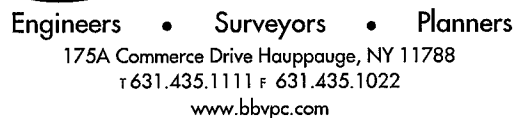
Exhibit B

Site Survey



© 2021 BBV PC

The offsets or dimensions shown from structures to the property lines are for a specific purpose and use, and therefore, are not intended to guide in the erection of fences, retaining walls, pools, patios, planting areas, additions to buildings and any other construction. Subsurface and environmental conditions were not examined or considered as a part of this survey. Easements, Rights-of-Way of record, if any, are not shown. Property corner monuments were not placed as a part of this survey.



Tax Map: **DISTRICT 400 SECTION 69 BLOCK 5 LOT 34**

Map of: **PROPERTY**

Map Lot: --

Map Block: --

File Date: --

File No.: --

County: **SUFFOLK**

Situate: **HUNTINGTON, TOWN OF HUNTINGTON**

Date
12/13/2021

By _____
P.F.

Revision
CERTIFICATE

Surveyed by: **B.S.**

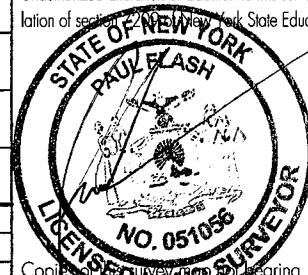
Drafted by: **A.V.R.**

Checked by: **C.W.**

Date: **NOVEMBER 23, 2021**

Scale: 1" = 20'

Unauthorized alteration or addition to this survey is a violation of section 2209 of New York State Education Law.



Copies of a survey map not bearing the land surveyor's embossed seal and signature shall not be considered to be a true and valid copy.

Project No.: **A160839A**

NOTICE OF CERTIFICATE OF COMPLETION

Brownfield Cleanup Program

6 NYCRR Part 375-1.9(d)

71 New Street Site, Site ID No. C152248

71 New Street, Huntington, NY, 11766

Town of Huntington, Suffolk County, Tax Map Identification Number{s}: 69-5-34

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 71 New Street Huntington LLC, for a parcel approximately 0.300 acres located at 71 New Street in Huntington, Suffolk 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.

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 1 Office located at 50 Circle Road, Stony Brook, 11790, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C152248>.

**71 New Street, C152248
71 New Street, Huntington, NY, 11766**

WHEREFORE, the undersigned has signed this Notice of Certificate

71 New Street Huntington LLC
Mr. Gary DeRosa

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:
71 New Street Huntington LLC
Mr. Gary DeRosa
36 New York Avenue, Suite 2
Huntington, NY, 11743