

# 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

Eric B. Mullen, Vice President  
LGA Hospitality LLC  
c/o Marx Development Group  
158-13 72nd Avenue, Suite 2F  
Flushing, NY 11365

JAN 23 2019

Re: Certificate of Completion  
LGA Hotel, East Elmhurst, Queens County  
C241142

Dear Mr. Mullen:

Congratulations on having satisfactorily completed the remedial program at the LGA Hotel 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. **Note that the attached Certificate of Completion serves as a correction of the COC issued on December 26, 2018 that had an incorrect site owner.**

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record a notice of the COC in the recording office for the county 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 a notice of the COC within 30 days of the date that you acquire the site. A copy of the recorded notice should be provided to the Department's project manager. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter. Please return the proof of recording to:

Chief, Site Control Section  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-7020



Department of  
Environmental  
Conservation

- Provide the notice of the COC 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 distribute it to the County Listserv within 10 days;

If you have any questions regarding any of these items, please contact Michael MacCabe at 518-402-9687 or [michael.maccabe@dec.ny.gov](mailto:michael.maccabe@dec.ny.gov).

Sincerely,



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Michael J. Ryan, P.E.  
Director  
Division of Environmental Remediation

ec w/ enclosure:

K. Vooris, NYSDOH  
J. Deming, NYSDOH  
A. Ghosh, NYSDOH  
K. Meisner, [kmeisner@tenen-env.com](mailto:kmeisner@tenen-env.com)  
M. Ahmed, [mahmed@tenen-env.com](mailto:mahmed@tenen-env.com)  
M. Bogin, [mbogin@sprlaw.com](mailto:mbogin@sprlaw.com)  
Matt Gokey, [matthew.gokey@tax.ny.gov](mailto:matthew.gokey@tax.ny.gov)  
Matt Culotti, [matthew.culotti@tax.ny.gov](mailto:matthew.culotti@tax.ny.gov)

ec w/o enc.:

M. MacCabe  
G. Burke  
J. O'Connell  
J. Nehila  
K. Lewandowski



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

**CERTIFICATE HOLDER:**

Name	Address
LGA Hospitality LLC	158-13 72nd Avenue - Suite 2A, Flushing, NY 11365

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 2/5/13    **Agreement Execution:** 4/11/13    **Agreement Index No.:**C241142-02-13

**Application Approval Amendment:** 12/21/18                      **Agreement Execution Amendment:** 12/21/18

**SITE INFORMATION:**

**Site No.:** C241142    **Site Name:** LGA Hotel  
**Site Owner:** LGA Hospitality, LLC  
**Street Address:** 112-24 Astoria Boulevard  
**Municipality:** East Elmhurst    **County:** Queens    **DEC Region:** 2  
**Site Size:** 0.380 Acres  
**Tax Map Identification Numbers:** 10-1706-11  
**Percentage of site located in an EnZone:** 0 %

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;
- (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:  Date: 12/26/18

Michael J. Ryan, P.E., Director  
Division of Environmental Remediation

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

LGA Hotel, Site ID No. C241142  
112-24 Astoria Boulevard, East Elmhurst, NY 11369  
East Elmhurst, Queens County,  
Tax Map Identification Number; Section 10, Block 1706, Lot 11

**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 LGA Hospitality LLC for an approximately 0.380-acre parcel located at 112-24 Astoria Boulevard in East Elmhurst, Queens 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 2 located at 1 Hunter's Point Plaza, 47-40 21<sup>st</sup> Street, Long Island City, NY 11101, by contacting the Regional Environmental Remediation Engineer.



LGA Hotel, C241142, 112-24 Astoria Boulevard, East Elmhurst

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

LGA Hospitality, 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:**  
LGA Hospitality LLC  
158-13 72nd Avenue, Suite 2F  
Flushing, NY 11365

## Exhibit A

### Site Description

LGA Hospitality- metes and bounds

The subject tract of land with respect to which the foregoing parties are the parties in Interest as aforesaid is known as Tax Tentative Lot 11 (Lots 5, 9 & 11) Block 1706 as shown on the Tax Map of the City of New York, Queens County, and more particularly described as follows:

Lot(s) Tentative Lot 11

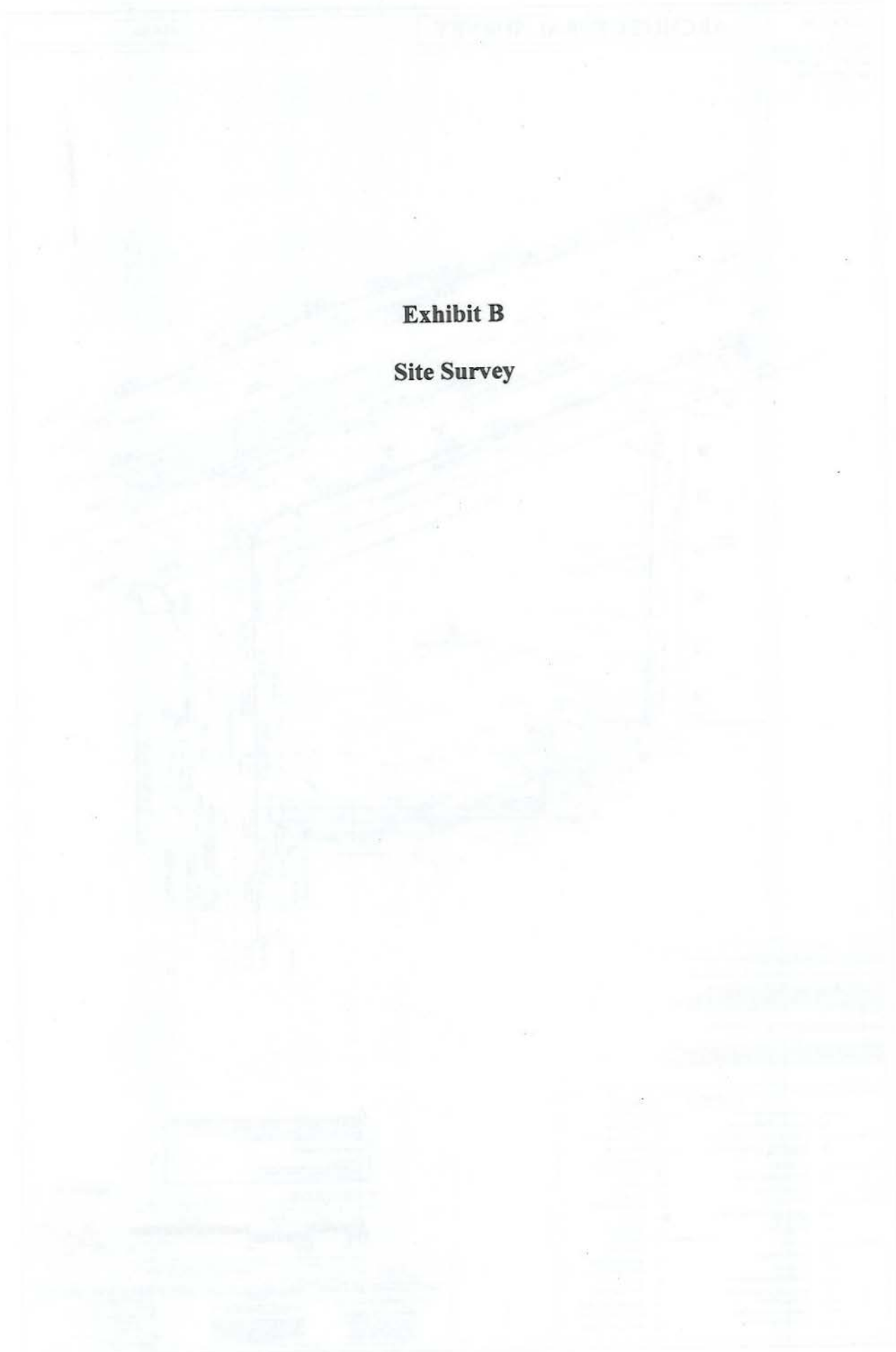
All that certain plot, piece or parcel of land, situate, lying and being in the County of Queens, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the southerly side of Astoria Boulevard and the westerly side of 112th Place (formerly Montgomery Street) 60 feet wide;  
RUNNING THENCE southerly, along the westerly side of 112th Place, 95.88 feet;  
THENCE westerly on a line drawn at right angles to 112th Place, 100.00 feet;  
THENCE northerly again parallel with 112th Place 13.15 feet;  
THENCE westerly on a line drawn at right angles to 112th Place, 18.09 feet;  
THENCE northerly again parallel with 112th Place 20.00 feet;  
THENCE westerly on a line drawn at right angles to 112th Place, 20.00 feet;  
THENCE northerly again parallel with 112th Place, 116.01 feet to the southerly side of Astoria Boulevard;  
THENCE southeasterly along the southerly side of Astoria Boulevard, 151.87 feet to the point or place of BEGINNING.



**Exhibit B**

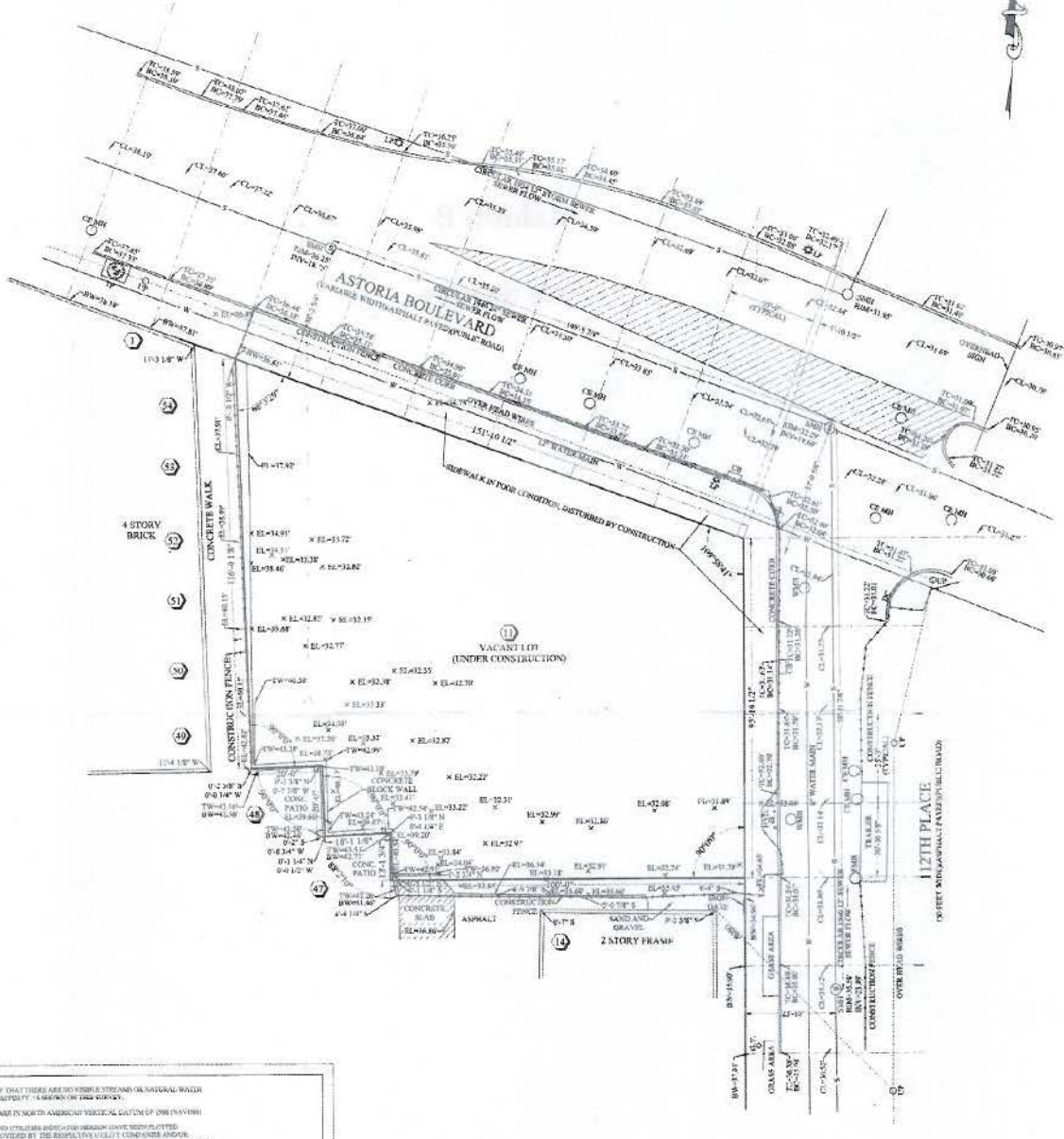
**Site Survey**



BLOCK: 1706  
 LOT: 11  
 TOTAL LOT AREA:  
 SQ. FT.: 16,140.37  
 ACRES: 0.3705

# ARCHITECTURAL SURVEY

TITLE NO.



**NOTES:**  
 1. THIS IS TO CERTIFY THAT THERE ARE NO KNOWN UNDISCOVERED NATURAL WATER COURSES ON THE PROPERTY IS SHOWN ON THIS SURVEY.  
 2. ALL UTILITIES SHOWN ARE IN ACCORDANCE WITH THE LATEST EDITION OF THE NATIONAL ELECTRICAL CODE.  
 3. ALL UTILITIES SHOWN ARE BASED ON FIELD SURVEY DATA AND ARE NOT TO BE CONSIDERED AS A SUBSTITUTE FOR A PROFESSIONAL ENGINEER'S DESIGN.  
 4. ALL UTILITIES SHOWN ARE BASED ON FIELD SURVEY DATA AND ARE NOT TO BE CONSIDERED AS A SUBSTITUTE FOR A PROFESSIONAL ENGINEER'S DESIGN.  
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 6. ALL UTILITIES SHOWN ARE BASED ON FIELD SURVEY DATA AND ARE NOT TO BE CONSIDERED AS A SUBSTITUTE FOR A PROFESSIONAL ENGINEER'S DESIGN.  
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 8. ALL UTILITIES SHOWN ARE BASED ON FIELD SURVEY DATA AND ARE NOT TO BE CONSIDERED AS A SUBSTITUTE FOR A PROFESSIONAL ENGINEER'S DESIGN.  
 9. ALL UTILITIES SHOWN ARE BASED ON FIELD SURVEY DATA AND ARE NOT TO BE CONSIDERED AS A SUBSTITUTE FOR A PROFESSIONAL ENGINEER'S DESIGN.  
 10. ALL UTILITIES SHOWN ARE BASED ON FIELD SURVEY DATA AND ARE NOT TO BE CONSIDERED AS A SUBSTITUTE FOR A PROFESSIONAL ENGINEER'S DESIGN.

LEGEND	
○	UTILITY COMPANY COVER
⊙	ELECTRIC MANHOLE COVER
⊕	UNDERGROUND ELECTRIC DUCTS
⊗	DEPARTMENT OF WATER SUPPLY MANHOLE COVER
⊖	WATER MAIN
⊙	SEWER MANHOLE COVER
⊙	SANITARY SEWER
⊙	STEAM MAIN
⊙	DEPARTMENT OF WATER SUPPLY WATER GATE
⊙	WATER VALVE
⊙	GAS MAIN
⊙	GAS CO. MANHOLE
⊙	GAS VALVE
⊙	CLEAN OUT MANHOLE COVER
⊙	TELEPHONE MANHOLE COVER
⊙	TELEPHONE LINES
⊙	OVERHEAD UTILITY WIRES
⊙	UTILITY COMPANY POLE
○	TAX LOT
○	STREET LIGHT
○	LIGHT POLE
○	TRAFIC SIGNAL POLE
○	FIRE HYDRANT
○	PARKING METER
○	CATCH BASIN
○	OLEFILL
○	STAND PIPE
○	AUTO REGULATOR
○	TRUNK PIT
○	PLANTED AREA
○	DROP CURB
○	TOP OF CURB
○	BOTTOM OF CURB
○	CENTER LINE OF ROAD
○	BALK OF WALK
○	CHAIN LINK FENCE
○	WROUGHT IRON FENCE
○	WOOD STOCK OR FENCE
○	POST AND RAIL FENCE

THIS ARCHITECTURAL SURVEY WAS MADE BY FIELD EXAMINATION OF RECORDS ON SEPTEMBER 28, 2017 BY ROBERT F. FEHRINGER, P.C. CONSULTING ARCHITECTS, INC. 100 BROADWAY, 10TH FLOOR, NEW YORK, NY 10038. (212) 354-1100. © 2017 R.F. FEHRINGER, P.C.

UPDATED: JULY 31, 2017



SCALE: 1" = 15'  
 SURVEYED: JUNE 23, 2017

**SURVEY OF PROPERTY SITUATED IN:**  
 112-16 ASTORIA BOULEVARD  
 BOROUGH OF QUEENS  
 COUNTY OF QUEENS  
 CITY OF NEW YORK  
 STATE OF NEW YORK

**FEHRINGER SURVEYING, P.C.**  
 ROBERT F. FEHRINGER  
 LICENSED LAND SURVEYOR  
 WWW.FEHRINGERSURVEYING.COM  
 100 BROADWAY  
 10TH FLOOR  
 NEW YORK, NY 10038  
 (212) 354-1100 FAX 50 190 9A 102  
 FEHRINGER@FEHRINGERSURVEYING.COM

