

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

DEC 15 2015

43-01 21st Street L.L.C.
Ms. Patricia Dunphy
15 East 26th St., 7th Floor
New York, NY 10010

Re: Certificate of Completion
Site Name: The Wills Building
Site No. C241143
Long Island City, Queens County, NY

Dear Ms. Dunphy:

Congratulations on having satisfactorily completed the remedial program at the Wills Building. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (DEC) 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 a notice of the COC 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 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 DEC'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

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. DEC 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;

- Implement the DEC-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to DEC in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to DEC in April, 2017; and
- You and your lessees must submit an annual report to the New York State Department of Taxation and Finance within one year and for each of the following eleven years after the execution of the Brownfield Site Cleanup Agreement. The Report must provide the information required by Chapter 390 of the Laws of 2008, Tax Law Section 171-s.

If you have any questions regarding any of these items, please contact the project manager for this site, Jonathan Greco, at (518) 402-9694.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

Enclosures

ec: Christine Leas, Sive, Paget & Riesel, P.C.
Ron Tramosch, CORE Environmental Consultants, Inc.
Krista Anders, DOH
Dawn Hettrick, DOH
Michael Ryan, DEC
Robert Cozzy, DEC
Janet Brown, DEC
Jonathan Greco, DEC
Jane O'Connell, DEC
Dolores Tuohy, DEC
Andrew Guglielmi, DEC
Patrick Foster, DEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	Address
43-01 21st Street L.L.C.	15 East 26th St., New York, NY 10010

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 4/7/14 **Agreement Execution:** 5/6/14 **Agreement Index No.:**C241143-04-14

Application Approval Amendment: 1/23/15

Agreement Execution Amendment: 1/23/15

SITE INFORMATION:

Site No.: C241143 **Site Name:** The Wills Building

Site Owner: 43-01 21st Street L.L.C.

Street Address: 43-01 21st Street

Municipality: Long Island City **County:** Queens **DEC Region:** 2

Site Size: 1.110 Acres

Tax Map Identification Number(s): 441-16

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: 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 12 %.

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 10 %.

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls 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 Queens County as 2015000374359.

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 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
Acting Commissioner
New York State Department of Environmental Conservation

By:



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

Date:

December 15, 2015

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

The Wills Building, Site ID No. C241143
43-01 21st Street, Long Island City, Queens County, N.Y. 11101
New York City, Queens County, Block 441, Lot 16

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 the 43-01 21st Street L.L.C. for a parcel approximately 1.11 acres, located at 43-01 21st Street in Long Island City, Queens County, NY.

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.

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 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 Queens County as City Register File Number 2015000374359.

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.

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.

The Wills Building, Site No. C241143, 43-01 21st Street, Long Island City, NY

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 offices, located at 1 Hunter's Point Plaza, 47-40 21st Street, Long Island City, NY 11101-5407 by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

43-01 21st Street L.L.C.

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:
43-01 21st Street L.L.C.
Ms. Patricia Dunphy
15 East 26th St., 7th Floor
New York, NY 10010

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/9/2015

SITE NO. C241143 **SITE DESCRIPTION**

SITE NAME The Wills Building

SITE ADDRESS: 43-01 21st Street **ZIP CODE:** 11101

CITY/TOWN: Long Island City

COUNTY: Queens

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Monitoring Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2017

Description of Institutional Control

The Wills Group Family Ltd. Partnership
43-01 21st Street; Suite 121A
43-01 21st Street
Environmental Easement
Block: 441
Lot: 16
Sublot:
Section:
Subsection:
S_B_L Image: 441-16
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Monitoring Plan
O&M Plan
Site Management Plan
Soil Management Plan

Description of Engineering Control

The Wills Group Family Ltd. Partnership

43-01 21st Street; Suite 121A

43-01 21st Street

Environmental Easement

Block: 441

Lot: 16

Sublot:

Section:

Subsection:

S_B_L Image: 441-16

Air Sparging/Soil Vapor Extraction

Cover System

Groundwater Treatment System

Vapor Mitigation

Exhibit A
Site Description

Legal Description

ALL that certain plot, piece or parcel of land, situate, lying and being in the First Ward of the Borough and County of Queens, City and State of New York, known and designated on a certain map entitled "Map of Hunter, Van Alst and DeBevoise Farms, situate in the First, Second and Third Wards of Long Island City, Queens County, New York, made by P.G. Van Last, C.E. for the trustees of Union College Proprietors, dated January 1, 1874" and filed in the Office of the Clerk, now Register, of the County of Queens on June 11, 1875, as and by lots numbered 13 to 31, both inclusive, in Block numbered 77, and which lots are more particularly bounded and described as follows:

BEGINNING at the corner formed by the intersection of the southerly side of 43rd Avenue, formerly Harris Avenue, with the easterly side of 21st Street, formerly Van Alst Avenue; running thence easterly along the southerly side of 43rd Avenue, 254.77 feet to the corner formed by the intersection of the said southerly side of 43rd Avenue with the westerly side of 22nd Street, formerly Governor Place; running thence southerly along the westerly side of 22nd Street, 190 feet; thence westerly at right angles to 22nd Street, 254.77 feet to the easterly side of 21st Street; running thence northerly along the said easterly side of 21st Street, 190 feet to the point or place of BEGINNING.

TOGETHER with the benefits of that certain private alleyway as set forth in Deed by N. Frederick Ayer and Ellen B. Ayer, his wife to Belford Realty Company Incorporated dated February 4, 1915 and recorded February 5, 1915 in liber 1990 Cp. 252.

Exhibit B

Site Survey

ENVIRONMENTAL EASEMENTS SURVEY

PROPERTY AND ENVIRONMENTAL EASEMENT LEGAL DESCRIPTION

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE FIRST WARD OF THE BOROUGH AND COUNTY OF QUEENS, CITY AND STATE OF NEW YORK, KNOWN AND DESIGNATED ON A CERTAIN MAP ENTITLED "MAP OF HUNTER, VAN ALST AND DEBEVOISE FARMS, SITUATE IN THE FIRST, SECOND AND THIRD WARDS OF LONG ISLAND CITY, QUEENS COUNTY, NEW YORK, MADE BY P.G. VAN LAST, C.E. FOR THE TRUSTEES OF UNION COLLEGE PROPRIETORS, DATED JANUARY 1, 1874" AND FILED IN THE OFFICE OF THE CLERK, NOW REGISTER, OF THE COUNTY OF QUEENS ON JUNE 11, 1875, AS AND BY LOTS NUMBERED 13 TO 31, BOTH INCLUSIVE, IN BLOCK NUMBERED 77, AND WHICH LOTS ARE MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF 43RD AVENUE, FORMERLY HARRIS AVENUE, WITH THE EASTERLY SIDE OF 21ST STREET, FORMERLY VAN ALST AVENUE;

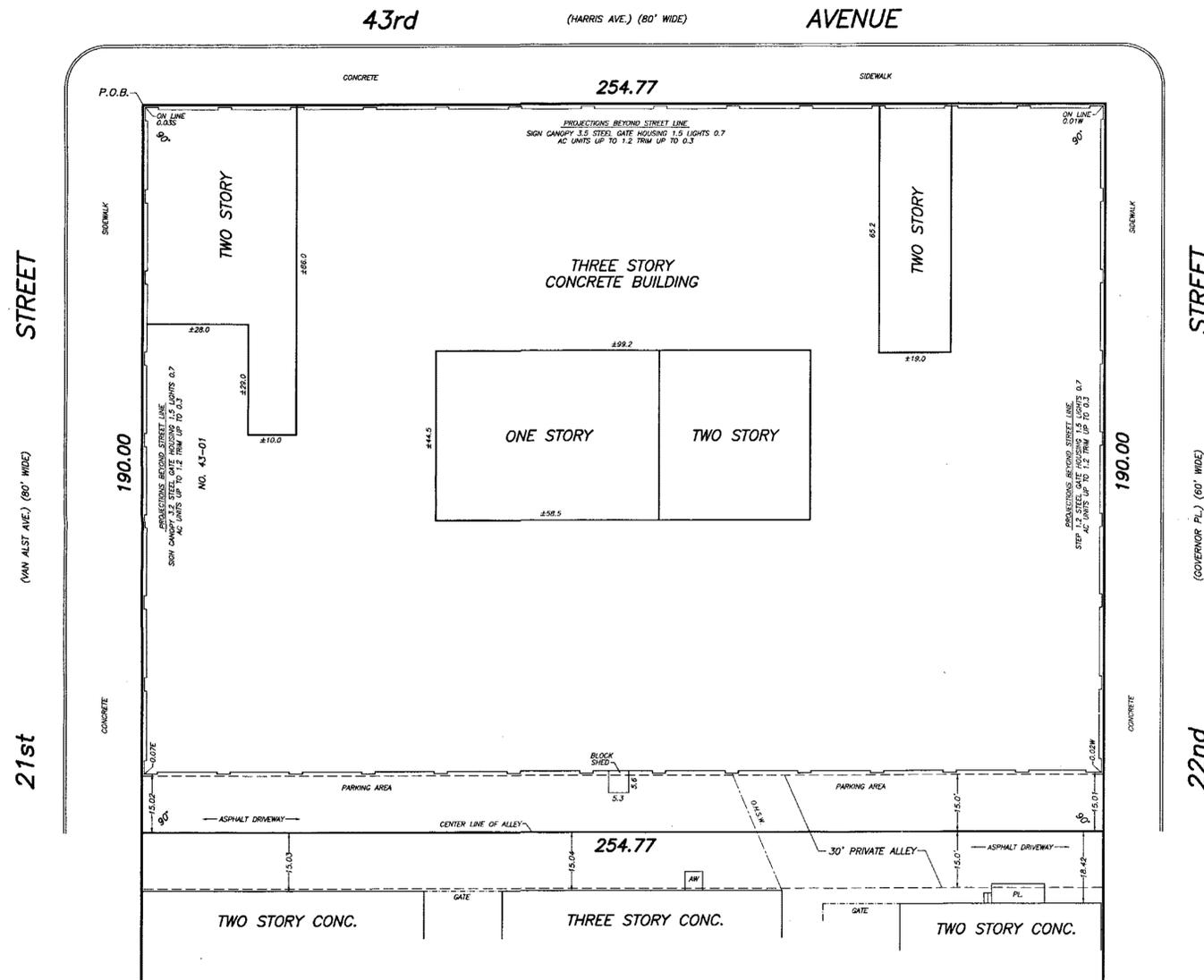
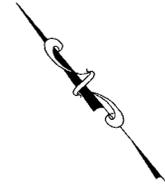
RUNNING THENCE EASTERLY ALONG THE SOUTHERLY SIDE OF 43RD AVENUE, 254.77 FEET TO THE CORNER FORMED BY THE INTERSECTION OF THE SAID SOUTHERLY SIDE OF 43RD AVENUE WITH THE WESTERLY SIDE OF 22ND STREET, FORMERLY GOVERNOR PLACE;

THENCE SOUTHERLY ALONG THE WESTERLY SIDE OF 22ND STREET, 190 FEET; THENCE WESTERLY AT RIGHT ANGLES TO 22ND STREET, 254.77 FEET TO THE EASTERLY SIDE OF 21ST STREET;

THENCE NORTHERLY ALONG THE SAID EASTERLY SIDE OF 21ST STREET, 190 FEET TO THE POINT OR PLACE OF BEGINNING.

AREA = 48,406.30 SQ.FT.

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 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 NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT DERWEB@DEC.NY.GOV".

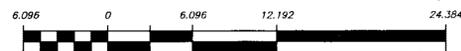


LEGEND:
 AREAWAY AW
 PLATFORM PL
 SOUTH S
 WEST W
 NORTH N
 EAST E
 POINT OF BEGINNING P.O.B.

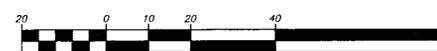
LOTS 13 TO 31 INCL. IN BLOCK 77 ON "MAP OF HUNTER, VAN ALST AND DEBEVOISE FARMS" FILED JUNE 11, 1875

UNAUTHORIZED ALTERATIONS AND/OR ADDITIONS TO THIS SURVEY BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 2209 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S INKED OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY. CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, THE TITLE COMPANY, THE GOVERNMENTAL AGENCY AND THE LENDING INSTITUTION LISTED ON THIS SURVEY MAP. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS AND/OR SUBSEQUENT OWNERS. FENCE OFFSETS TAKEN AT FABRIC. ENCROACHMENTS OR VAULTS BELOW SURFACE ARE NOT SHOWN. RIGHT OF WAYS AND/OR EASEMENTS OF RECORD NOT SHOWN ON THIS SURVEY ARE NOT CERTIFIED. OFFSETS AND DIMENSIONS HEREON ARE FOR A SPECIFIC PURPOSE AND ARE NOT TO BE USED IN THE ERECTION OF ADDITIONAL STRUCTURES, FENCES OR OTHER IMPROVEMENTS.

© 2015 ALL RIGHTS RESERVED



GRAPHIC SCALE 1"=6.096 M



GRAPHIC SCALE 1"=20'

NO.	DATE	REVISION
		MAP OF PROPERTY SITUATED IN LONG ISLAND CITY 43-01 21 STREET QUEENS COUNTY, N.Y. TAX SECT.: 3 TAX BLOCK: 441 TAX LOT(S): 16
		
Empire State Land Surveyor, P.C. Frank I. Galluzzo Professional Land Surveyor Records of Albert A. Bianco Stephen J. Reid - M. Berry Carman - G. W. Haviland Vandewater & Lapp - Robert E. Carlin - William J. Daly 1005 Glen Cove Avenue, Glen Head, NY, 11545 (516)-240-6901		
LICENSE NO. 050088		
SURVEYED AUGUST 20, 2014		