

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

Tony Georgiton
Exclusive Realty Services, LLC
21-03 44th Avenue
Long Island City, NY 11101

DEC 12 2018

Re: Certificate of Completion
Queens Medallion Leasing Site
Long Island City, Queens County
Site No. C241144

Dear Mr. Georgiton:

Congratulations on having satisfactorily completed the remedial program at the Queens Medallion Leasing 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 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 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

- 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



Department of
Environmental
Conservation

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 Department-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 the Department 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 the Department in April 2020.

If you have any questions regarding any of these items, please contact Javier Perez-Maldonado at (518) 402-8172.

Sincerely,



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

ec w/ enclosure:

T. Georgiton, tgeorgiton@qmbrokerage.com
S. Furman, sfurman@sprlaw.com
S. Groszkowski, sean.groszkowski@wsp.com
J. Deming – NYSDOH, justin.deming@health.ny.gov
D. Hettrick – NYSDOH, dawn.hettrick@health.ny.gov
Matt Gokey, matthew.gokey@tax.ny.gov
Matt Culotti, matthew.culotti@tax.ny.gov

ec w/o enc.:

J. Perez-Maldonado
J. Brown
G. Burke
J. O'Connell
D. Tuohy
P. Foster
K. Lewandowsky

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Exclusive Realty Services, LLC

Address

21-03 44th Avenue, Long Island City, NY 11101

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 1/7/14 **Agreement Execution:** 2/10/14 **Agreement Index No.:** C241144-01-14

Application Approval Amendment: none

Agreement Execution Amendment: none

SITE INFORMATION:

Site No.: C241144 **Site Name:** Queens Medallion Leasing

Site Owner: Exclusive Realty Services, LLC

Street Address: 21-03 44th Avenue

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

Site Size: 0.424 Acres

Tax Map Identification Number(s): 441-9

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 2015000449155.

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

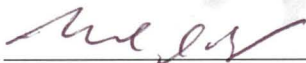
This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (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:



Date:

12/12/10

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)

Queens Medallion Leasing, Site ID No. C241144
21-03 44th Avenue, Long Island City, NY 11101
Long Island City, Queens County, Block-Lot: 441-9

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 Exclusive Realty Services, LLC for a parcel approximately 0.424 acres located at 21-03 44th Avenue in Long Island City, 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.

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 2015000449155.

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.

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

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 office located at 47-40 21st Street, Long Island City, NY 11101, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Exclusive Realty Services, 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:
Tony Georgiton
Exclusive Realty Services, LLC
21-03 44th Avenue
Long Island City, NY 11101

Exhibit A
Property Description

SCHEDULE "A" PROPERTY DESCRIPTION

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough and County of Queens City, and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of 44th Avenue, formerly 14th Street and the easterly side of 21st Street, formerly Van Alst Avenue;

RUNNING THENCE northerly along the easterly side of 21st Street, 226.06 feet;

THENCE easterly at right angles to the easterly side of 21st Street, 95 feet;

THENCE southerly at right angles to the last mentioned course, 125 feet;

THENCE westerly at right angles to the last mentioned course, 20 feet;

THENCE southerly at right angles to the last mentioned course, 75.26 feet to the northerly side of 44th Avenue;

THENCE westerly along the northerly side of 44th Avenue 79.31 feet to the point or place of BEGINNING.

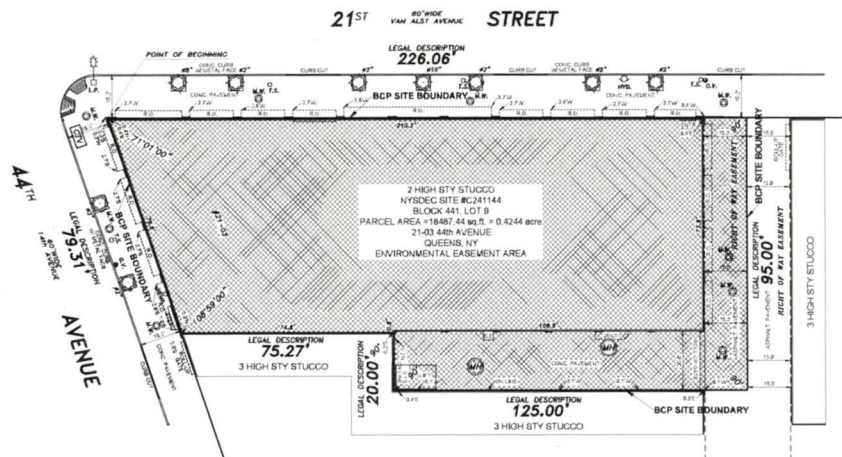
TOGETHER with an easement or right of way over the southerly 15 feet of the premises adjoining on the north for ingress and egress to and from the premises herein above described and the westerly side of 21st Street as set forth in a certain agreement dated 1-10-21 and recorded 3-11-21 in the Office of the Clerk, now Register, of the County of Queens in Liber 2332 Cp. 468.

SUBJECT to a similar easement or right of way over the northerly 15 feet of the premises herein above described.

Containing approximately 0.4244 acres more or less.

Exhibit B
Site Survey

JOB NO. Q 441-9-EN
SURVEYED ON: MAY 15, 2015

[illegible][illegible]

UNDERGROUND UTILITIES NOTES

UNDERGROUND, OVERHEAD AND GROUND LEVEL UTILITIES ARE NOT GUARANTEED AS TO ACCURACY, EXACT LOCATION, TYPE OR USE, ACTIVE OR INACTIVE. VERIFICATION IS MANDATORY WITH MUNICIPAL AGENCIES, PUBLIC AND PRIVATE UTILITY COMPANIES PRIOR TO TAKING TITLE AND/OR DESIGN WORK. BOUNDARIES ARE NOT GUARANTEED UNLESS SO NOTED.

LEGAL DESCRIPTION

ALL THAT Certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough and County of Queens, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of 44th Avenue formerly 14th Street and the easterly side of 21st Street, formerly Van Alst Avenue;

RUNNING THENCE northerly along the easterly side of 21st Street, 226.06 feet;

THENCE easterly at right angles to the easterly side of 21st Street, 95 feet;

THENCE southerly at right angles to the last mentioned course, 125 feet;

THENCE westerly at right angles to the last mentioned course, 20 feet;

THENCE southerly at right angles to the last mentioned course, 75.26 feet to the northerly side of 44th Avenue;;

THENCE westerly along the northerly side of 44th Avenue 79.31 feet to the point or place of BEGINNING.

TOGETHER with an easement or right of way over the southerly 15 feet of the premises adjoining on the north for ingress and egress to and from the premises herein above described and the westerly side of 21st Street as set forth in a certain agreement dated 1-10-21 and recorded in the Office of the Clerk, now Register of the County of Queens in Liber 2332 cp. 468.

SUBJECT to a similar easement or right of way over the northerly 15 feet of the premises herein above described.

BEING the same as recorded in Liber 6719, cp. 447 on 11-17-54.

LOT AREA = 18487.44 sq.ft. = 0.4244 acre



ENVIRONMENTAL EASEMENT NOTE

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 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."

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7206 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S INKED SEAL OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID COPY. GUARANTEES OR CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. GUARANTEES OR CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

GUARANTEED TO: QUEENS MEDALLION LEASING 21-03 44TH AVENUE LONG ISLAND CITY, NEW YORK NYSDEC BCP SITE NO. C241144		
COUNTY:	QUEENS	CITY: LONG ISLAND CITY
SECTION:	BLOCK: 441	LOT(S): 9
PROPERTY ADDRESS: 21-03 44th AVENUE		

ENVIRONMENTAL EASEMENT SURVEY

PREPARED BY



PERFECT POINT
LAND SURVEYING RT
brooklyn • queens • manhattan • bronx
staten island • nassau
phone: (718) 474-7700
fax: (718) 872-9699
info@ppsurveying.com
www.ppsurveying.com

DATE: MAY 15, 2015

FILED



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
11/13/2018



SITE DESCRIPTION

SITE NO. C241144

SITE NAME Queens Medallion Leasing

SITE ADDRESS: 21-03 44th Avenue 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



Monitoring Plan



Operation and Maintenance (O&M) Plan



Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 03/30/2020

Description of Institutional Control

Exclusive Realty Services, LLC

21-03 44th Avenue

21-03 44th Avenue

Environmental Easement

Block: 441

Lot: 9

Sublot:

Section:

Subsection:

S_B_L Image: 441-9

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

Exclusive Realty Services, LLC

21-03 44th Avenue

21-03 44th Avenue

Environmental Easement

Block: 441

Lot: 9

Sublot:

Section:

Subsection:

S_B_L Image: 441-9

Cover System

Vapor Mitigation