

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 21 2015

Mr. Michael Cohen
36 Street QDP LLC
111 Great Neck Road, Suite 408
Great Neck, NY 11021

Mr. Michael Cohen
Jans Realty, L.P.
49 Rolling Hill Lane
Old Westbury, NY 11568
mcohen@silverstar.com

Re: Certificate of Completion
Site Name: Silver Star Motors Site
Site No.: C241156
Long Island City, Queens County

Dear Mr. Cohen:

Congratulations on having satisfactorily completed the remedial program at the Silver Star Motors Site. 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 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

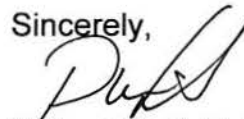


Department of
Environmental
Conservation

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. 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 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 DEC in April 2017.

If you have any questions regarding any of these items, please contact the project manager for this site, Charles Post, at 518.402.9768.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

Enclosures

ec: David Winslow, GZA GeoEnvironmental of New York
Linda Shaw, Esq., Knauf Shaw LLP
Krista Anders, DOH
Dawn Hettrick, DOH
Michael Ryan, DEC
Robert Cozzy, DEC
Janet Brown, DEC
Charles Post, DEC
Jane O'Connell, DEC
Andrew Guglielmi, DEC
Dolores Tuohy, DEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name 36 Street QDP LLC	Address 111 Great Neck Road, Suite 408, Great Neck, NY 11021
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BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 3/26/14 **Agreement Execution:** 4/8/14 **Agreement Index No.:** C241156-03-14

Application Approval Amendment: none

Agreement Execution Amendment: none

SITE INFORMATION:

Site No.: C241156 **Site Name:** Silver Star Motors Site
Site Owner: Jans Realty, L.P.
Street Address: 37-14 36th Street
Municipality: Long Island City **County:** Queens **DEC Region:** 2
Site Size: 0.470 Acres
Tax Map Identification Number(s): 4-377-23
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: Conditional Track 1: Unrestricted use, provided however, the remedial goals for groundwater are achieved within 5 years of the date of the Certificate. If these goals are not achieved, Track 2 Residential Use will apply and this Certificate shall be modified.

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 %.

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 2015000414404.

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

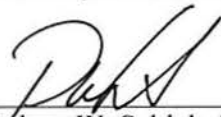
This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (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 21, 2015

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

Silver Star Motors Site, Site ID No. C241156
37-14 36th Street, Long Island City, NY 11101
Long Island City, Queens, Tax Map Identification Number(s) 4-377-23

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 36 Street QDP LLC for a parcel approximately 0.47-acres located at 37-14 36th Street in the 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
Unrestricted use, provided however, the remedial goals for groundwater are achieved within 5 years of the date of the Certificate. If these goals are not achieved, Track 2 Residential Use will apply and the Certificate shall be modified.
- ☒ 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 2015000414404.

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.

Silver Star Motors Site, Site ID No. C241156, 37-14 36th Street, Long Island City, NY 11101

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 located at 1 Hunters 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

Jans Realty, L.P.

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 acknowledgement

Please record and return to:
36 Street QDP LLC
111 Great Neck Road, Suite 408
Great Neck, NY 11021
Attention: Michael Cohen



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/8/2015



SITE DESCRIPTION

SITE NO. C241156

SITE NAME Silver Star Motors Site

SITE ADDRESS: 37-14 36th Street ZIP CODE: 11101

CITY/TOWN: Long Island City

COUNTY: Queens

ALLOWABLE USE: Residential, 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: 04/30/2017

Description of Institutional Control

Jans Realty, L.P.

49 Rolling Hill Lane

37-14 36th Street

Environmental Easement

Block: 23

Lot:

Sublot:

Section: 4

Subsection: 377

S_B_L Image: 4-377-23

Ground Water Use Restriction

IC/EC Plan

Monitoring Plan

Site Management Plan

Description of Engineering Control

EXHIBIT A

SCHEDULE "A" PROPERTY 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, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF THE NORTHERLY SIDE OF NORTHERN BOULEVARD, FORMERLY JACKSON AVENUE, WITH THE WESTERLY SIDE OF 36TH STREET, FORMERLY 7TH AVENUE:

RUNNING THENCE NORTHERLY ALONG THE WESTERLY SIDE OF 36TH STREET 165.98 FEET;

THENCE WESTERLY ALONG A LINE FORMING INTERIOR ANGLE OF 94°45'50" WITH THE WESTERLY SIDE OF 36TH STREET, 101.57;

THENCE SOUTHERLY ALONG LINE FORMING AN INTERIOR ANGLE OF 85°14'10" WITH THE PRECEDING COURSE AND PART OF THE DISTANCE THROUGH A PARTY WALL. 74.50 FEET;

THENCE EASTERLY AT RIGHT ANGLES TO THE PRECEDING COURSE, 0.50 FEET;

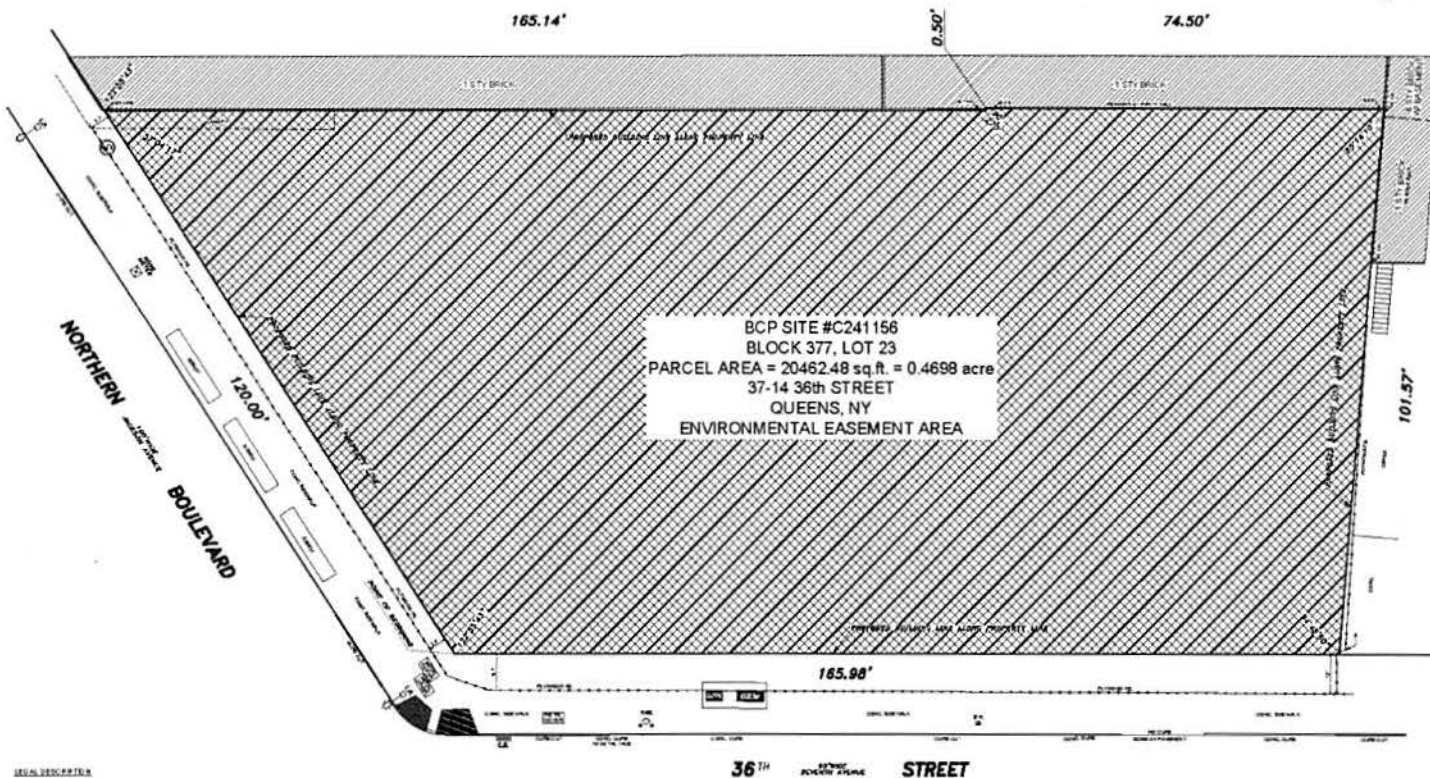
THENCE SOUTHERLY ALONG A LINE FORMING AN EXTERIOR ANGLE OF 122°55'43" WITH THE NORTHERLY SIDE OF NORTHERN BOULEVARD AND AT RIGHT ANGLES TO THE PRECEDING COURSE, 165.14 FEET TO THE NORTHERLY SIDE OF NORTHERN BOULEVARD;

THENCE EASTERLY ALONG THE NORTHERLY SIDE OF NORTHERN BOULEVARD, 120 FEET TO THE CORNER AT THE POINT OR PLACE OF BEGINNING,

Containing 0.4698 acres.

EXHIBIT B

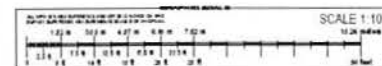
JOB NO. Q 377-23-EN
SURVEYED ON: MAY 13, 2015



LEGAL DISCLOSURE

[illegible]

LOT AREA = 20462.48 sq ft = 0.4698 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 20, 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 NYSDOT DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT

*derweb@dec.ny.gov

[illegible]

1. **THE COMPANY'S POLICY ON EMPLOYMENT OF MINORS AND CHILDREN**
The Company's policy is to employ only persons who are at least 18 years of age at the time of hiring. The Company does not employ minors or children in any capacity, whether as full-time or part-time employees, or as contractors or subcontractors. The Company's policy is to ensure that all employees are of legal age and are not subject to any form of child labor or forced labor.

2. **THE COMPANY'S POLICY ON EMPLOYMENT OF WOMEN**
The Company's policy is to employ women in all positions, including those that are traditionally male-dominated. The Company does not discriminate on the basis of gender in hiring, promotion, or compensation. The Company's policy is to ensure that all employees are treated equally and are not subject to any form of discrimination or harassment.

3. **THE COMPANY'S POLICY ON EMPLOYMENT OF INDIGENT PERSONS**
The Company's policy is to employ persons who are indigent or who are in need of financial assistance. The Company does not discriminate on the basis of economic status in hiring, promotion, or compensation. The Company's policy is to ensure that all employees are treated equally and are not subject to any form of discrimination or harassment.

4. **THE COMPANY'S POLICY ON EMPLOYMENT OF PERSONS WITH DISABILITIES**
The Company's policy is to employ persons with disabilities in all positions, including those that are traditionally male-dominated. The Company does not discriminate on the basis of disability in hiring, promotion, or compensation. The Company's policy is to ensure that all employees are treated equally and are not subject to any form of discrimination or harassment.

5. **THE COMPANY'S POLICY ON EMPLOYMENT OF PERSONS OF DIFFERENT ETHNICITIES**
The Company's policy is to employ persons of different ethnicities in all positions, including those that are traditionally male-dominated. The Company does not discriminate on the basis of ethnicity in hiring, promotion, or compensation. The Company's policy is to ensure that all employees are treated equally and are not subject to any form of discrimination or harassment.

6. **THE COMPANY'S POLICY ON EMPLOYMENT OF PERSONS OF DIFFERENT RELIGIONS**
The Company's policy is to employ persons of different religions in all positions, including those that are traditionally male-dominated. The Company does not discriminate on the basis of religion in hiring, promotion, or compensation. The Company's policy is to ensure that all employees are treated equally and are not subject to any form of discrimination or harassment.

7. **THE COMPANY'S POLICY ON EMPLOYMENT OF PERSONS OF DIFFERENT SEXUAL ORIENTATIONS**
The Company's policy is to employ persons of different sexual orientations in all positions, including those that are traditionally male-dominated. The Company does not discriminate on the basis of sexual orientation in hiring, promotion, or compensation. The Company's policy is to ensure that all employees are treated equally and are not subject to any form of discrimination or harassment.

8. **THE COMPANY'S POLICY ON EMPLOYMENT OF PERSONS OF DIFFERENT MARITAL STATUSES**
The Company's policy is to employ persons of different marital statuses in all positions, including those that are traditionally male-dominated. The Company does not discriminate on the basis of marital status in hiring, promotion, or compensation. The Company's policy is to ensure that all employees are treated equally and are not subject to any form of discrimination or harassment.

9. **THE COMPANY'S POLICY ON EMPLOYMENT OF PERSONS OF DIFFERENT AGES**
The Company's policy is to employ persons of different ages in all positions, including those that are traditionally male-dominated. The Company does not discriminate on the basis of age in hiring, promotion, or compensation. The Company's policy is to ensure that all employees are treated equally and are not subject to any form of discrimination or harassment.

10. **THE COMPANY'S POLICY ON EMPLOYMENT OF PERSONS OF DIFFERENT NATIONALITIES**
The Company's policy is to employ persons of different nationalities in all positions, including those that are traditionally male-dominated. The Company does not discriminate on the basis of nationality in hiring, promotion, or compensation. The Company's policy is to ensure that all employees are treated equally and are not subject to any form of discrimination or harassment.

UNDERGROUND UTILITIES NOTES

REVENUES ARE OVERHAULING AND DROPPED LEVY. STAFFING ARE NOT SUFFICIENT AND NO. NOISES ARE. QUALITY OF SERVICE, TRAFFIC AND ROAD NETWORKS ARE NOT IMPROVED. ROADWAYS ARE OVERHAULING WITH MAJOR CAPITAL EXPENDITURE. PUBLIC AND PRIVATE EMPLOYMENT ARE NOT SUFFICIENT FOR THE TRADING TOWNSHIP. NO. NUMBER OF BUS STOPS ARE NOT SUFFICIENT. BOLDING: NOTED



McGraw-Hill

 ENTERTAINMENT SETTLEMENT AREA

UNAUTHORIZED ATTEMPT AT ADDITION TO THE SURVEY IS A VIOLATION OF SECTION 10 OF THE NEW YORK STATE EDUCATION LAW. OFFICE OF THE SURVEY MAY BE ISSUING THE LARGER SURVEY OR ITS INITIALS OF EMPLOYMENT SHALL NOT BE CONSIDERED TO BE A VALID COPY GUARANTEE OR CERTIFICATE OF EMPLOYMENT HEREIN. MAIL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTIONS LIMITED HEREIN, AND TO THE ADDRESS OF THE LENDING INSTITUTION GUARANTEE OR CERTIFICATE OF EMPLOYMENT NOT TRANSFERABLE TO ADDITIONAL INTERESTS OF A SUBSCRIBER OR OWNER.

QUANTIFIED TO: GZA GeoEnvironmental, Inc.

COUNTY: QUEENS CITY: LONG ISLAND CITY

SECTION BLOCK: 377 LOT(S) 23

PROPERTY ADDRESS: 37-14 36th STREET

ENVIRONMENTAL EASEMENT SURVEY

PLATE 20



PERFECT POINT
LAND SURVEYING, INC.
broker • owner • marketer • lease
chain land • power
phone: (718) 474-7700
fax: (718) 872-0800
info@perfectpoint.com
www.perfectpoint.com

▲ 2007 年 12 月 1 日