

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

Philip Chong
131-05 Holding, LLC
21 Howard Street, Suite #203,
New York, NY 10013

DEC 14 2018

Re: Certificate of Completion
131-05 & 131-15 Fowler Avenue Site
Flushing, Queens County
Site No. C241161

Dear Mr. Chong:

Congratulations on having satisfactorily completed the remedial program at the 131-05 & 131-15 Fowler Avenue 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., Director
Division of Environmental Remediation

ec w/ enclosure:

P. Chong, philip@hcreal.com
D. Yudelson, dyudelson@sprlaw.com
A. Leung, aleung@yu-associates.com
J. Deming – NYSDOH, justin.deming@health.ny.gov
S. Wagh – NYSDOH, sarita.wagh@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
J. Nehila
J. Andaloro
K. Lewandowski

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

131-05 Holding LLC

Address

21 Howard Street, Suite #203, New York, NY 10013

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 10/21/14 **Agreement Execution:** 11/4/14 **Agreement Index No.:** C241161-10-14

Application Approval Amendment: 4/7/17 **Agreement Execution Amendment:** 4/7/17

SITE INFORMATION:

Site No.: C241161 **Site Name:** 131-05 & 131-15 Fowler Avenue

Site Owner: 131-05 Holding, LLC

Street Address: 131-11 Fowler Avenue

Municipality: Flushing **County:** Queens **DEC Region:** 2

Site Size: 0.527 Acres

Tax Map Identification Number(s): 5076-31

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 five years of the date of the Certificate. If these goals are not achieved within five years, Track 2 Restricted 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 2018000378640.

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: 12/14/18

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)

131-05 & 131-15 Fowler Avenue, Site ID No. C241161
131-11 Fowler Avenue, Flushing, NY 11355
Flushing, Queens County, Block-Lot: 5076-31

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 131-05 Holding LLC for a parcel approximately 0.527 acres located at 131-11 Fowler Avenue in Flushing, 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.

The site is suitable for Unrestricted or Residential Use provided that the remedial goals for groundwater are achieved within five years of the date of the Certificate of Completion. If these goals are not achieved within five years, the Certificate of Completion shall be modified to a cleanup level consistent with Restricted Residential use.

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 2018000378640.

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-

131-05 & 131-15 Fowler Avenue, Site No. C241161, 131-11 Fowler Avenue, Flushing, NY 11355

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

131-05 Holding, 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:
Philip Chong
131-05 Holding LLC
21 Howard Street, Suite #203
New York, NY 10013

Exhibit A
Property Description

SCHEDULE "A" PROPERTY DESCRIPTION

131-05, 131-15 Fowler Avenue
Legal Description – Environmental Easement

ALL that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Borough of Queens, City and State of New York, commonly known as Block 5076, Lot 31 on the tax map of the City of New York bounded and described as follows:

BEGINNING at a point on the northerly side of Fowler Avenue distance 99.91 feet easterly from the corner formed by the intersection of the easterly side of 131st Street with the northerly side of Fowler Avenue;

RUNNING THENCE northerly at a 90 degree angle a distance of 115 feet;

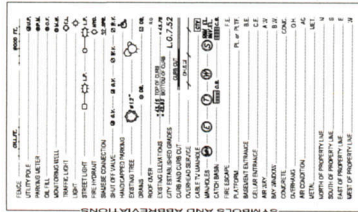
THENCE easterly parallel with the northerly side of Fowler Avenue a distance of 199.49 feet;

THENCE southerly at a 90 degree angle a distance of 115 feet to the northerly side of Fowler Avenue;

THENCE westerly along the northerly side of Fowler Avenue a distance of 200 feet to the point or place of BEGINNING.

LOT AREA = 22970.67 sq. ft. = 0.5273 acre

Exhibit B
Site Survey

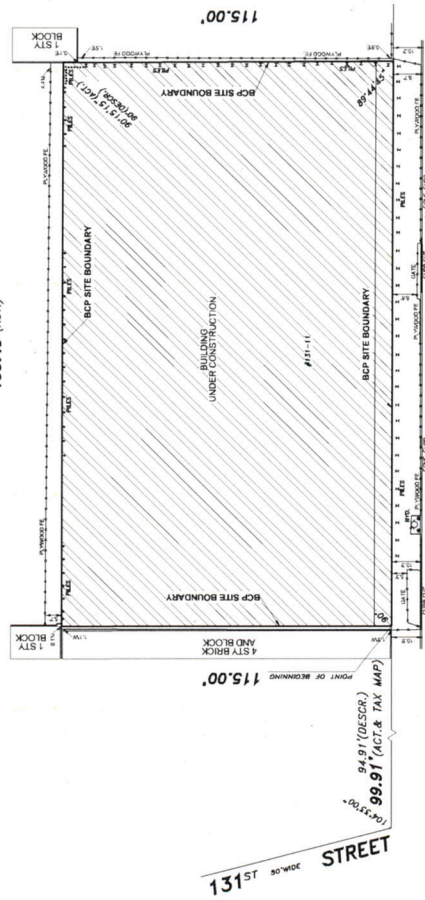
[illegible]

UNDERGROUND UTILITIES NOTES—
UNDERGROUND, OVERHEAD AND GROUND LEVEL UTILITIES ARE NOT GUARANTEED
AS TO ACCURACY, EXACT LOCATION, TYPE OR USE. ACTIVE OR INACTIVE
UTILITIES ARE NOT SHOWN. VERIFICATION IS MANDATORY WITH MUNICIPAL, AGENCIES, PUBLIC AND PRIVATE
UTILITY COMPANIES PRIOR TO TAKING TITLE AND OR DESIGN WORK. BOUNDARIES
ARE NOT GUARANTEED (LINE 50) NOTED

RICHARD TOM
N.Y.S. L.L.S. 049844
7914 ROCKAWAY BEACH BLVD
ROCKAWAY BEACH, NY 11693
TEL. 718-474-7700

UNAUTHORIZED ALTERATION. IN ADDITION, TO THIS SURVEY IS A VIOLATION OF SECTION 7206 OF THE NEW YORK STATE EDUCATION LAW. CONSIDERS OF THIS SURVEY UPON BEING THE, AND SURVEYORS WITTED SEAL, OR STATE EDUCATION SHALL NOT BE CONSIDERED TO BE A VALID COPY. GUARANTEES OF CERTIFICATIONS NOTED HEREON SHALL ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND FINANCIAL INSTITUTION LISTED HEREON AND TO THE ASSIGNEES OF THE LISTING INSTITUTION. GUARANTEES OF CERTIFICATIONS ARE NOT TRANSFERABLE TO ANY OTHER PERSON OR ENTITY.

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 Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12243 or at www.dec.ny.gov



FOWLER 50' WIDE **AVENUE**
FOWLER STREET

LEGAL DESCRIPTION
BLOCK 5076, LOT 31

All that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Borough of Queens, City and State of New York, commonly known as Block 5075, Lot 31 on the tax map of the City of New York bounded and described as follows:

BEGINNING at a point on the northerly side of Fowler Avenue distant 94.91 feet westerly from the corner formed by the intersection of the easterly side of 131st Street with the northerly side of Fowler Avenue;

THENCE northerly at a 90 degree angle a distance of 115 feet;
THENCE easterly parallel with the northerly side of Fowler Avenue a distance of 200 feet;

ENCE southerly at a 90 degrees angle of 115 feet to the northerly side of Fowler Avenue;

ENCE westerly along the northerly side of Fowler Avenue a distance 200 feet to the point or place of BEGINNING.

$$\text{LOT AREA} = 22970.67 \text{ sq.ft.} = 0.5273 \text{ acre}$$

SURVEY DESCRIPTION
BLOCK 5076, LOT 31

All that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Borough of Queens, City and State of New York, commonly known as Block 5076, Lot 31 on the tax map of the City of New York bounded and described as follows:

BEGINNING at a point on the northerly side of Fowler Avenue distant 99.91 feet easterly from the corner formed by the intersection of the easterly side of 131st Street with the northerly side of Fowler Avenue;

*RUNNING THENCE northerly at a 90 degrees angle a distance of 115 feet;
THENCE easterly parallel with the northerly side of Fowler Avenue a distance of 199.59
feet actual;*

THENCE southerly at a 90 degrees 15 minutes 15 seconds angle a distance of 115 feet to the northerly side of Fowler Avenue;

LOT AREA = 22970.67 sq.ft. = 0.5273 acre

ENVIRONMENTAL EASEMENT SURVEY



PERFECT POINT
LAND SURVEYING #T
brooklyn • queens • manhatten • bronx
staten island • nassau

phone: (718) 474-7770
fax: (718) 872-9699
info@ppsurveying.com
www.ppsurveying.com

DATE: JULY 24, 2017

Pr. G. J. J. J.

N.Y.S. JUD. #00044



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/5/2018



SITE DESCRIPTION

SITE NO. C241161

SITE NAME 131-05 & 131-15 Fowler Avenue

SITE ADDRESS: 131-11 Fowler Avenue **ZIP CODE:** 11355

CITY/TOWN: Flushing

COUNTY: Queens

ALLOWABLE USE: Unrestricted, 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: 04/30/2020

Description of Institutional Control

131-05 Holding LLC

21 Howard Street, Suite 203

131-11 Fowler Avenue

Environmental Easement

Block: 5076

Lot: 31

Sublot:

Section:

Subsection:

S_B_L Image: 5076-31

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Description of Engineering Control

131-05 Holding LLC

21 Howard Street, Suite 203

131-11 Fowler Avenue

Environmental Easement

Block: 5076

Lot: 31

Sublot:

Section:

Subsection:

S_B_L Image: 5076-31

Monitoring Wells