

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 18 2019

21-25 31 Street LLC
Attn: John C. Petras
c/o Douglaston Realty Management Corp.
42-01 235th Street
Douglaston, NY 11363

RFC 31 Street I LLC
Attn: John C. Petras
42-15 235th Street
Douglaston, NY 11363

RFC 31 Street Holdings, LLC
Attn: John C. Petras
42-15 235th Street
Douglaston, NY 11363

Re: Certificate of Completion
Site Name: 21-25 31st Street
21-25 31st Street, Queens County, C241167

Dear Mr. Petras:

Congratulations on having satisfactorily completed the remedial program at the 21-25 31st Street 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 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 2021.

If you have any questions regarding any of these items, please contact Daniel McNally at (518) 402-9767.

Sincerely,



Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

ec w/ enclosure:

J. Petras, Requestor, jpetras@douglastonmgmt.com
J. Petras, Site Owner, jpetras@rockfarmerproperties.com
M. Carroll, Requestor's Consultant, mcarroll@tenen-env.com
S. Furman, Requestor's Counsel, sfurman@sprlaw.com
C. Vooris, NYSDOH
W. Kuehner, NYSDOH
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

Daniel McNally, Project Manager, daniel.mcnally@dec.ny.gov
M. Komoroske, Section Chief, michael.komoroske@dec.ny.gov
G. Burke, Bureau Chief, gerard.burke@dec.ny.gov
J. O'Connell, Region 2 Chief, jane.oconnell@dec.ny.gov
L. Schmidt, NYSDEC Counsel, leia.schmidt@dec.ny.gov
K. Lewandowski, Chief Site Control Section, kelly.lewandowski@dec.ny.gov

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	Address
RFC 31 Street Holdings, LLC	42-15 235th Street, Douglaston, NY 11363
RFC 31 Street I LLC	42-15 235th Street, Douglaston, NY 11363
21-25 31 Street LLC	42-01 235th Street, Douglaston, NY 11363

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 2/24/15	Agreement Execution: 3/10/15
Agreement Index No.: C241167-02-15	
Application Approval Amendment: 9/13/19	Agreement Execution Amendment: 9/13/19

SITE INFORMATION:

Site No.: C241167 **Site Name:** 21-25 31st Street
Site Owner: RFC 31 Street I LLC
Street Address: 21-25 31st Street
Municipality: Astoria **County:** Queens **DEC Region:** 2
Site Size: 0.273 Acres
Tax Map Identification Number(s): portion of 831-18
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 that the remedial goals for soil vapor intrusion are achieved within five years of the date of the Certificate. If those goals are not achieved within five years, this Certificate shall be modified to a Track 2 Residential cleanup. Unrestricted use, provided that 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, this Certificate shall be modified to a Track 2 Residential cleanup.

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 %.

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

21-25 31st Street, Site ID No.: C241167
21-25 31st Street, Astoria, Queens County, NY 11105
Astoria, Queens County, Tax Map Identification Number: portion of 831-18

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 RFC 31 Street Holdings, LLC, RFC 31 Street I LLC, and 21-25 31 Street LLC for a parcel approximately 0.273 acres located at 21-25 31st Street in Astoria, 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.

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 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 2019000359520.

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.

21-25, 31st Street, C241167, 21-25, 31st Street, Astoria, Queens County, 11105

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 1 Hunters Point Plaza, 47-40 21st Street, Long Island City, NY 11101-5401, by contacting the Regional Environmental Remediation Engineer:

WHEREFORE, the undersigned has signed this Notice of Certificate

RFC 31 Street I 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:
RFC 31 Street I LLC
Attn: John C. Petras
42-15 235th Street
Douglaston, NY 11363

Exhibit A
Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

BOROUGH OF QUEENS, BLOCK 831, PORTION OF LOT 18

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

BEGINNING at a point the southeasterly side of 31st Street (formerly 2nd Avenue and also formerly DeBovoise Avenue) as the same is laid out on the final topographical map of the Borough of Queens, 100 feet wide, distant 225 feet southwesterly from the corner formed by the intersection of the southeasterly side of 31st Street with the southwesterly side of 21st Avenue (formerly Wolcott Avenue);

RUNNING THENCE southeasterly at right angles to 31st Street 95 feet to the northwesterly side of Leach Place;

THENCE southwesterly along said northwesterly side of Leach Place, 125 feet;

THENCE northwesterly at right angles to Leach Place and at right angles to the southeasterly side of 31st Street 95 feet to the southeasterly side of 31st Street:

THENCE northeasterly along the southeasterly side of 31st Street 125 feet to the point or place of BEGINNING.

TOGETHER with an easement and right of way over the 15-foot wide lane as set forth in Deed made by Susan R. Leach and The Louis Friedman Realty Co. Inc., dated December 4, 1923 and recorded December 7, 1923 in Liber 2574 cp. 428.

THAT BEING THE SAME as that property conveyed to 20 RFC Astoria LLC by deed dated August 6, 2018 and recorded in the City Register of the City of New York as CRFN # 2018000272159.

Containing approximately 0.273 acres more or less.

B. 831
L. 18
County of Queens

182853

Royal Registered Property Reports, Inc.
125 Park Avenue, Suite 1810
New York, N.Y. 10017
(212) 378-8888

Record and Return TO:
Sive Paged & Rissel, P.C.
560 Lexington Avenue, 15th Fl.
New York, NY 10022
Attn: Henry E. Myers

Exhibit B
Site Survey



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Site Management Form

12/10/2019



SITE DESCRIPTION

SITE NO. C241167

SITE NAME 21-25 31st Street

SITE ADDRESS: 21-25 31st Street ZIP CODE: 11105

CITY/TOWN: Astoria

COUNTY: Queens

ALLOWABLE USE: Unrestricted, Residential, 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 type="checkbox"/>	<input checked="" type="checkbox"/>

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2021

Description of Institutional Control

RFC 31 Street | LLC

42-15 235th Street

21-25 31st Street

Environmental Easement

Block: 831

Lot: p/o 18

Sublot:

Section:

Subsection:

S_B_L Image: portion of 831-18

Ground Water Use Restriction

IC/EC Plan

Monitoring Plan

Site Management Plan

Description of Engineering Control