

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
625 Broadway, 12th Floor, Albany, New York 12233-7011
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www.dec.ny.gov

December 20, 2023

Astoria West, LLC
Craig Wood (craigw@capeadvisors.com)
c/o Cape Advisors, Inc.
375 Greenwich Street, 3rd Floor
New York, NY 10013

11-12 30th Drive LLC
Shibber Khan (sak@criteriongroup.com)
35-11 36th Street, 3rd Floor
Long Island City, NY 11106

Re: Certificate of Completion
POP Displays Manufacturing Site
Astoria, New York 11102
Site No.C241181

Dear Shibber Khan and Craig Wood,

Congratulations on having satisfactorily completed the remedial program at the POP Displays Manufacturing Site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (NYSDEC) 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 the Notice of Certificate of Completion 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 the Notice within 30 days of the date that you acquire the site. If you are a non-owner, you must work with the owner to assure the Notice is recorded within the time frame specified. A standard Notice of Certificate of Completion form is attached to this letter.
- Provide electronic copies of the recorded Notice and proof of recording to NYSDEC's project manager. Please return the hard copy of the proof of recording to:

Jolene Lozewski, Project Manager, Bureau A
New York State Department of Environmental Conservation



Division of Environmental Remediation
625 Broadway
Albany, NY 12233

- Provide the Notice of Certificate of Completion to the Document Repositories within 10 days of issuance of the COC. NYSDEC 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 NYSDEC-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 NYSDEC 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 NYSDEC in April 2025.

If you have any questions, please do not hesitate to contact Jolene Lozewski NYSDEC's project manager, at 518-402-8805.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Division Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

C. Leas – Sive Paget & Riesel, P.C., cleas@sprlaw.com
A. Schwendt – AKRF, aschwendt@akrf.com
D. Kronman – Cape Advisors, dkronman@capeadvisors.com
A. Blee – Cape Advisors, ablee@capeadvisors.com
C. Vooris – NYSDOH, christine.vooris@health.ny.gov
W. Kuehner – NYSDOH, wendy.kuehner@health.ny.gov
M. Doroski – NYSDOH, melissa.doroski@health.ny.gov
S. McLaughlin – NYSDOH, scarlett.mclaughlin@health.ny.gov
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

J. Lozewski, B. Corcoran, R. Mustico, J. O'Connell, C. Engelhardt, G. Nam, L. Schmidt, K. Lewandowski

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	Address
11-12 30th Drive LLC	35-11 36th Street, 3rd Floor, Long Island City, NY 11106
Astoria West, LLC	375 Greenwich Street, 3rd floor, New York, NY 10013

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 2/16/16	Agreement Execution: 2/29/16
Agreement Index No.: C241181-02-16	
Application Amendment Approval: 7/1/18	Agreement Amendment Execution: 7/1/18
Application Amendment Approval: 12/31/20	Agreement Amendment Execution: 12/31/20
Application Amendment Approval: 6/12/23	Agreement Amendment Execution: 6/12/23

SITE INFORMATION:

Site No.: C241181 **Site Name:** POP Displays Manufacturing Site
Site Owner: Astoria West, LLC
Street Address: 30-77 Vernon Boulevard & 30-80 12th Street
Municipality: Astoria **County:** Queens **DEC Region:** 2
Site Size: 2.751 Acres
Tax Map Identification Number(s): 504-121, 504-122, 504-3
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 2: Restricted use with generic soil cleanup objectives

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 40 %.

Eligibility for Tangible Property Credit is available because the certificate holder submitted documentation to the Department's satisfaction that the project was an Affordable Housing project. If affordable housing is not constructed there is no Tangible Property Credits. Tangible Property Credit is 10%. Comprised of 10% Base.

Dependent upon the project being developed in a manner consistent with the approved Brownfield Cleanup Program application, additional rate increases may be available if the site is developed as affordable housing (5%), if the Certificate Holder receives a separate Determination of Conformance with the BOA from the Secretary of State (5%), if the site is located in a disadvantaged community and not located in an EnZone (5%), if the site is developed as a renewable energy facility site (5%), or if the site is used primarily for manufacturing activities (5%) not to exceed a maximum 24 %.

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 2020000283091.

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 finding any of the following:

- (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: Andrew Guglielmi Date: 12/20/23

Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A
Site Description

SCHEDULE "A" AMENDED DESCRIPTION OF CONTROLLED PROPERTY

ENVIRONMENTAL EASEMENT DESCRIPTION FOR BCP SITE No. C241181

(30-77 Vernon Blvd., Queens)
(Block 504, Lot 3; Block 504, Lot 121; Block 504, Lot 122)

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:

As to Lot 3

BEGINNING at a point on the northerly side of 31st Avenue (f/k/a Jamaica Avenue) distant 45 feet westerly from the corner formed by the intersection of the northerly side of 31st Avenue and the westerly side of 12th Street (f/k/a Sherman Street);

RUNNING THENCE northerly at right angles to 31st Avenue, a distance of 100 feet;

THENCE westerly and at right angles to the preceding course, a distance of 79.34 feet to a point;

THENCE northerly at right angles to the preceding course, a distance of 70.60 feet to a point;

THENCE westerly at right angles to the preceding course, a distance of 123.53 feet to a point;

THENCE southerly forming an interior angle on its easterly side of 90 degrees 49 minutes 25 seconds, a distance of 40.61 feet to a point;

THENCE westerly forming an exterior angle on its northerly side of 90 degrees 49 minutes 25 seconds, a distance of 8.22 feet to a point;

THENCE southerly and at right angles to the preceding course, a distance of 129.99 feet to the northerly side of 31st Avenue;

THENCE easterly along said northerly side of 31st Avenue, a distance of 211.67 feet to the point or place of BEGINNING.

Containing 0.692 acres more or less.

As to Lot 121

BEGINNING at a point formed by the intersection of the westerly side of 12th Street (f/k/a Sherman Street) and the southerly side of 30th Drive (f/k/a Elm Street);

RUNNING THENCE southerly along said westerly side of 12th Street, a distance of 208.17 feet to a point;

THENCE westerly forming an interior angle on its northerly side of 94 degrees 18 minutes 00 seconds a distance of 131.86 feet to a point;

THENCE northerly and at right angles to the preceding course, a distance of 70.60 feet to a point;

THENCE westerly and at right angles to the preceding course, a distance of 123.53 feet to a point;

THENCE northerly forming an interior angle on its easterly side of 89 degrees 10 minutes 35 seconds, a distance of 140.87 feet to the southerly side of 30th Drive;

THENCE easterly along said southerly side of 30th Drive, a distance of 269.00 feet to the point or place of BEGINNING.

Containing 1.063 acres more or less.

As to Lot 122

BEGINNING at a point formed by the intersection of the easterly side of Vernon Boulevard (f/k/a the Boulevard) and the southerly side of 30th Drive (f/k/a Elm Street);

RUNNING THENCE easterly along said southerly side of 30th Drive, a distance of 205.25 feet to a point;

THENCE southerly at right angles to 30th Drive, a distance of 181.48 feet to a point;

THENCE westerly forming an interior angle on its northerly side of 90 degrees 49 minutes 25 seconds, a distance of 8.22 feet to a point;

THENCE southerly and at right angles to the preceding course, a distance of 29.99 feet to a point;

THENCE westerly and at right angles to the preceding course, a distance of 200 feet to the easterly side of Vernon Boulevard;

THENCE northerly along said easterly side of Vernon Boulevard forming an interior angle on its easterly side of 75 degrees 58 minutes 00 seconds, a distance of 1.94 feet to an angle point;

THENCE northerly and still along said easterly side of Vernon Boulevard forming an interior angle on its easterly side of 191 degrees 18 minutes 41 seconds, a distance of 117.26 feet to an angle point;

THENCE northerly and still along said easterly side of Vernon Boulevard forming an interior angle on its easterly side of 182 degrees 59 minutes 14 seconds, a distance of 95.39 feet to the point or place of BEGINNING.

Containing 0.996 acres more or less

Exhibit B

Site Survey

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

POP Displays Manufacturing Site, Site ID No. C241181
30-77 Vernon Boulevard & 30-80 12th Street, Astoria, NY 11102
Astoria, Queens County, Tax Map Identification Numbers: 504-3, 504-121 & 504-122

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (NYSDEC) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to Astoria West, LLC and 11-12 30th Drive LLC for a parcel approximately 2.751 acres located at 30-77 Vernon Boulevard & 30-80 12th Street in Astoria, Queens County, New York.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by NYSDEC 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.

PLEASE TAKE NOTICE, 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 NYSDEC as not inconsistent with the remedy.

PLEASE TAKE NOTICE, 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 City of New York County Clerk as 2020000283091.

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 NYSDEC'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

**POP Displays Manufacturing Site, Site ID No. C241181
30-77 Vernon Boulevard & 30-80 12th Street, Astoria, NY 11102**

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 NYSDEC 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, or at <https://www.dec.ny.gov/data/DecDocs/C241181>.

WHEREFORE, the undersigned has signed this Notice of Certificate

Astoria West, 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:

Astoria West, LLC
c/o Cape Advisors, Inc.
375 Greenwich Street, 3rd Floor
New York, NY 10013

Feb. 2022



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 10/2/2023



SITE DESCRIPTION

SITE NO. C241181

SITE NAME POP Displays Manufacturing Site

SITE ADDRESS: 30-77 Vernon Boulevard & 30-80 12th Street ZIP CODE: 11102

CITY/TOWN: Astoria

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 type="checkbox"/>	<input checked="" 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: 04/30/2025

Description of Institutional Control

Astoria West, LLC

c/o Cape Advisors, Inc., 375 Greenwich, 3rd Floor

11-12 30th Drive

Environmental Easement

Block: 504

Lot: 122

Sublot:

Section:

Subsection:

S_B_L Image: 504-122

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Site Management Plan

11-28 30th Drive

Environmental Easement

Block: 504

Lot: 121

Sublot:

Section:
Subsection:
S_B_L Image: 504-121
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Site Management Plan

11-37 31st Avenue

Environmental Easement

Block: 504

Lot: 3

Sublot:

Section:

Subsection:

S_B_L Image: 504-3

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Site Management Plan

Description of Engineering Control

Astoria West, LLC

c/o Cape Advisors, Inc., 375 Greenwich, 3rd Floor

11-12 30th Drive

Environmental Easement

Block: 504

Lot: 122

Sublot:

Section:

Subsection:

S_B_L Image: 504-122

Vapor Mitigation

11-28 30th Drive

Environmental Easement

Block: 504

Lot: 121

Sublot:

Section:

Subsection:

S_B_L Image: 504-121

Vapor Mitigation

11-37 31st Avenue

Environmental Easement

Block: 504

Lot: 3

Sublot:

Section:

Subsection:

S_B_L Image: 504-3

Vapor Mitigation