

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

December 27, 2021

31/32 LIC LLC
Attn: Fredric Oliver
100 Ring Road West – Suite 101
Garden City, NY 11530

37-29 31st Street LLC
166 Manhattan CM LLC
Attn: Yi Hua Chen
35-22 Linden Place
Flushing, NY 11354

Re: Certificate of Completion
Site Name: 31/32 LIC LLC
Site No. C241182
Queens, Queens County

Dear Mr. Oliver and Mr. Chen:

Congratulations on having satisfactorily completed the remedial program at the 31/32 LIC LLC 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 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 the Department's project manager. Please return the hard copy of the proof of recording to:

Tara Rutland, Bureau A
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7015

- Provide the Notice of Certificate of Completion 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;

If you have any questions regarding any of these items, please contact Tara Rutland at (518) 402-9621.

Sincerely,

Susan Edwards

Susan Edwards, P.E.

Acting Director

Division of Environmental Remediation

Enclosure

ec w/ enclosure:

Gary Chen - garychenfishing@yahoo.com
Fredric Oliver - foliver73@gmail.com
C. Vooris - christine.vooris@health.ny.gov
Scarlett McLaughlin - scarlett.mclaughlin@health.ny.gov
Stephanie Selmer - stephanie.selmer@health.ny.gov
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

Tara Rutland - tara.rutland@dec.ny.gov
Bob Corcoran - bob.corcoran@dec.ny.gov
Richard A. Mustico - richard.mustico@dec.ny.gov
Jane O'Connell - jane.oconnell@dec.ny.gov
James Simpson - james.simpson@dec.ny.gov
Kelly Lewandowski - kelly.lewandowski@dec.ny.gov
Jennifer Andaloro - Jennifer.andaloro@dec.ny.gov

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	Address
31/32 LIC LLC	100 Ring Road West - Suite 101, Garden City, NY 11530
166 Manhattan CM LLC	35-22 Linden Place, Flushing, NY 11354
37-29 31st St LLC	35-22 Linden Place, Flushing, NY 11354

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 3/4/16 **Agreement Execution:** 3/15/16
Agreement Index No.: C241182-02-16

Application Approval Amendment: 3/11/19	Agreement Execution Amendment: 3/11/19
Application Approval Amendment: 9/18/19	Agreement Execution Amendment: 9/18/19
Application Approval Amendment: 12/23/21	Agreement Execution Amendment: 12/23/21

SITE INFORMATION:

Site No.: C241182 **Site Name:** 31/32 LIC LLC

Site Owner: 37-29 31st ST LLC
166 Manhattan CM LLC

Street Address: 37-29 31st Street

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

Site Size: 0.400 Acres

Tax Map Identification Number(s): 373-6

Percentage of site located in an EnZone: 100 %

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: Track 1: Unrestricted use

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 50 %.

Eligibility for Tangible Property Credit is available through: EnZone.

Tangible Property Credit Component Rate is 20%. Comprised of 10% Base, 5 % EnZone, 5% Track 1. 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%), or if the site is used primarily for manufacturing activities (5%) not to exceed a maximum 24 %.

No Environmental Easement has been granted pursuant to ECL Article 71, Title 36 as there are no use restrictions and there is no reliance on the long-term employment of institutional controls.

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.

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: *Susan Edwards* Date: 12/27/2021

Susan Edwards, P.E., Acting Director
Division of Environmental Remediation

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

31/32 LIC LLC, Site ID No. C241182
37-29 31st Street, Queens, NY 11101
Queens, Queens County, Tax Map Identification Number(s) 373-6

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 31/32 LIC LLC, 37-29 31st ST LLC, and 166 Manhattan CM LLC for a parcel of approximately 0.4 acres located at 37-29 31st Street in Queens, 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.

PLEASE TAKE NOTICE, provided that the Certificate is 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, 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 Hunter's Point Plaza, 47-40 21st St, Long Island City, NY 11101-5401, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C241182/>.

WHEREFORE, the undersigned has signed this Notice of Certificate

37-29 31st ST 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

WHEREFORE, the undersigned has signed this Notice of Certificate

166 Manhattan CM 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:
31/32 LIC LLC
100 Ring Road West - Suite 101, Garden City,
NY 11530

Exhibit A
Site Description

SCHEDULE "A"

AL 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 ON THE SOUTHEASTERLY SIDE OF 31ST STREET (FORMERLY DEBEVOISE AVENUE), DISTANT 223.81 FEET SOUTHWESTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHEASTERLY SIDE OF 31ST STREET WITH THE SOUTHWESTERLY SIDE OF 37TH AVENUE (FORMERLY WEBSTER AVENUE);

RUNNING THENCE SOUTHEASTERLY PARALLEL WITH THE SOUTHWESTERLY SIDE OF 37TH AVENUE, 180.83 FEET TO THE NORTHERLY SIDE OF 32ND STREET;

THENCE SOUTHWESTERLY ALONG SAID SIDE OF 32ND STREET, 70.65 FEET TO A POINT DISTANT 133.28 FEET NORTHEASTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE NORTHWESTERLY SIDE OF 32ND STREET WITH THE NORTHEASTERLY SIDE OF 38TH AVENUE (FORMERLY FREEMAN AVENUE)

THENCE NORTHWESTERLY AT AN INTERIOR ANGLE OF $85^{\circ} 13' 1''$, A DISTANCE OF 42.18 FEET TO THE CENTER LINE OF OLD THIRD AVENUE;

THENCE SOUTHWESTERLY 30.08 ALONG THE CENTER LINE OF OLD THIRD AVENUE TO A POINT;

THENCE NORTHWESTERLY AND AGAIN PARALLEL WITH THE SOUTHWESTERLY SIDE OF 37TH AVENUE, 134.35 FEET TO THE SOUTHEASTERLY SIDE OF 31ST STREET;

THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY SIDE OF 31ST STREET, 100.76 FEET TO THE POINT OR PLACE OF BEGINNING.

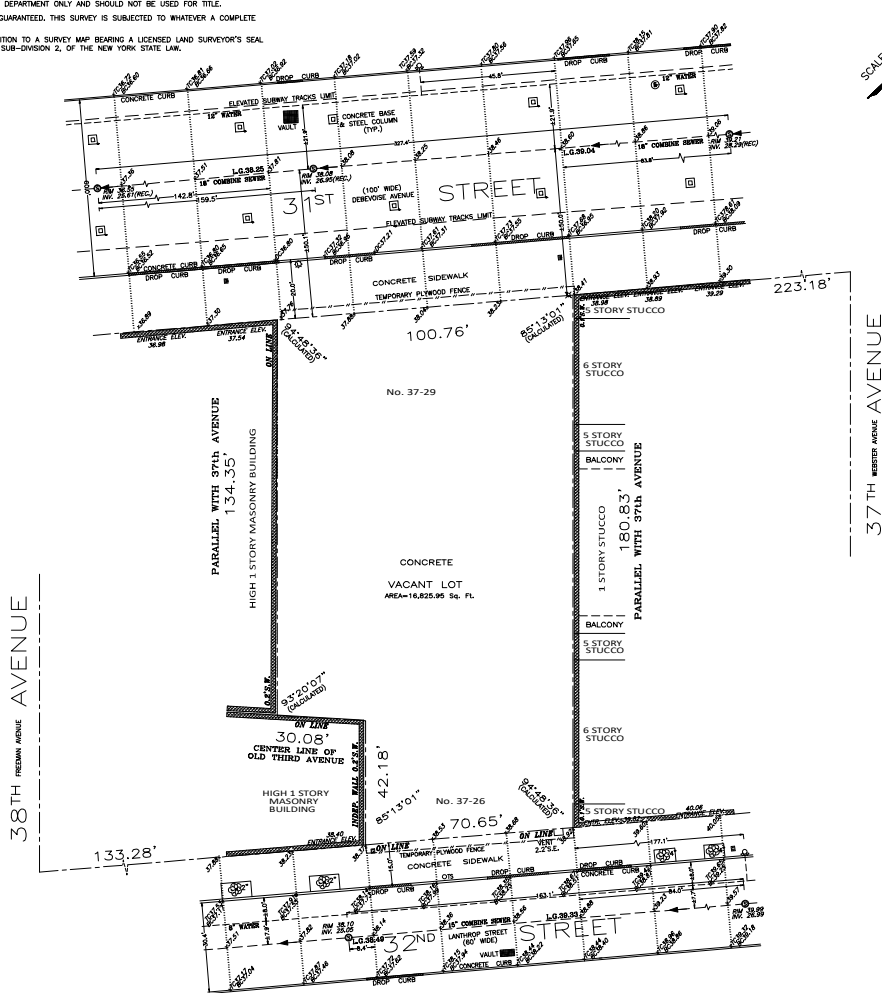
TOGETHER with all the right, title and interest of the party of the first part, of in and to the land lying in the street in front of and adjoining said premises.

Exhibit B

Site Survey

NOTES:

1. THIS SURVEY IS FOR THE BUILDING DEPARTMENT ONLY AND SHOULD NOT BE USED FOR TITLE.
2. EASEMENTS NOT SHOWN ARE NOT GUARANTEED. THIS SURVEY IS SUBJECT TO WHATEVER A COMPLETE TITLE REPORT MAY REVEAL.
3. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE LAW.



LEGEND

	- SEWER MANHOLE		- FLOW OF TRAFFIC
	- TREE		- GAS VALVE
	- UTILITY POLE		- CHIMNEY
	- WATER FLOW		- DRAIN INLET
	- WATER MANHOLE		- ELECTRIC BOX
	- SINK		- ELECTRIC MANHOLE
	- LIGHT POLE		- FIRE HYDRANT

GENERAL NOTES

SUBSURFACE UTILITIES SHOWN ARE TAKEN FROM RECORDS OF GOVERNMENTAL AGENCIES AND UTILITY COMPANIES UNLESS OTHERWISE SHOWN BY NOTE. ALL SUBSURFACE UTILITY LOCATIONS AND DEPTHS SHOULD BE RECHECKED AND LOGS, GRIDS SHOULD BE VERIFIED WITH THE TOPOGRAPIHICAL SURVEY, PREFERABLY IN WRITING BEFORE COMMENCING FINAL DESIGN OR CONSTRUCTION. HEIGHT ELEVATIONS ARE DERIVED FROM CITY AGENCY RECORDS WHEN THEY ARE NOT ACCESSIBLE BY FIELD SURVEY.

REFER TO ARTICLE 36 OF GENERAL BUSINESS LAW AND THE PROVISIONS OF MODERN CODE PART (TITLE NO. 33) BEFORE ANY EXCAVATION AND RELOCATION IS COMMENCED. THESE LAWS REQUIRE EACH EXCAVATOR TO GIVE FORWARD NOTICE TO ALL OWNERS OF UNDERGROUND FACILITIES OF HIS INTENT TO PERFORM EXCAVATION OR CONSTRUCTION WORK IN THE SPECIFIED AREA.

ALL ELEVATIONS SHOWN REFER TO TRIMED NORTH AMERICAN VERTICAL DATUM (NAVD83).

THIS IS TO CERTIFY THAT THERE ARE NO VISIBLE STREAMS NOR NATURAL WATER COURSES IN THE PROPERTY EXCEPT AS SHOWN ON THIS SURVEY.

ALL ELEVATIONS SHOWN IN THE STREET ARE TAKEN AT 2' INTERNAL LEGAL CURB REFERS TO CENTER OF THE STREET.

No. 37-26 32nd STREET & 37-29 31st STREET BOROUGH & COUNTY OF QUEENS, STATE OF NEW YORK	
Tax Map BLOCK 373 LOT(S) 6	
CERTIFIED TO: NEW YORK CITY DEPARTMENT OF BUILDINGS	
DATE OF SURVEY: MAY 10th, 2015	DATE OF UPDATE: FEBRUARY 4th, 2020
CND MAPPING, INC. 46 CEDAR ROAD, WESTBURY NEW YORK, 11590 Phone (516) 333-3555 Fax (516) 333-3055 E-MAIL SURVEY.CNDMAPPING@GMAIL.COM	
SURVEY ORDERED BY: RIVERSIDE ABSTRACT, LLC	