

# 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 20 2018

BMHQ Realty LLC  
Attn: Mr. Anthony Montalbano  
c/o Phoenix Building Supply, Inc.  
74-02 Forest Avenue  
Ridgewood, NY 11385

Re: Certificate of Completion  
Site Name: 18-46 Decatur Street  
BCP Site No.: C241194  
Ridgewood, Queens County

Dear Mr. Montalbano:

Congratulations on having satisfactorily completed the remedial program at the 18-46 Decatur 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

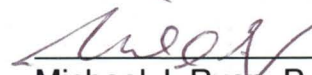


Department of  
Environmental  
Conservation

- 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 2020.

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

Sincerely,



---

Michael J. Ryan, P.E.

Assistant Director

Division of Environmental Remediation

ec w/ enclosure:

C. Vooris - NYSDOH

S. Lawrence - NYSDOH

Matt Gokey, [matthew.gokey@tax.ny.gov](mailto:matthew.gokey@tax.ny.gov)

Matt Culotti, [matthew.culotti@tax.ny.gov](mailto:matthew.culotti@tax.ny.gov)

Michael Bogin, [mbogin@sprlaw.com](mailto:mbogin@sprlaw.com)

Allison Sloto, [asloto@sprlaw.com](mailto:asloto@sprlaw.com)

M. Ahmed, [mahmed@tenen-env.com](mailto:mahmed@tenen-env.com)

K. Meisner, [kmeisner@tenen-env.com](mailto:kmeisner@tenen-env.com)

M. Carroll, [mcarroll@tenen-env.com](mailto:mcarroll@tenen-env.com)

ec w/o enc.:

R. Lee

G. Burke

J. O'Connell

G. Nam

K. Lewandowski

D. Tuohy



NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)  
*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

<b>Name</b>	<b>Address</b>
BMHQ Realty LLC	c/o Phoenix Building Supply, Inc., 74-02 Forest Avenue Ridgewood, NY 11385

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 1/26/17    **Agreement Execution:** 2/16/17    **Agreement Index No.:** C241194-01-17

**Application Approval Amendment:** 11/21/18

**Agreement Execution Amendment:** none

**SITE INFORMATION:**

**Site No.:** C241194    **Site Name:** 18-46 Decatur Street  
**Site Owner:** BMHQ Realty LLC  
**Street Address:** 18-46 Decatur Street  
**Municipality:** Ridgewood    **County:** Queens    **DEC Region:** 2  
**Site Size:** 0.116 Acres  
**Tax Map Identification Number(s):** 4-3579-45  
**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:** Commercial and Industrial

**Cleanup Track:** Track 4: Restricted use with site-specific soil cleanup objectives

**Tax Credit Provisions:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 25 %.  
Tangible Property Credit Component Rate is 0%.



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 2018000349419.

### **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: 12/20/18

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)**

**Site Name: 18-46 Decatur Street, Site ID No. C241194**  
**Site Address: 18-46 Decatur Street, Ridgewood, New York 11385**  
**Ridgewood, Queens County, Section 4, Block 3579, Lot 45**

**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 BMHQ Realty LLC for a parcel approximately 0.116 acres located at 18-46 Decatur Street in the Ridgewood neighborhood of 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.

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 CFRN 2018000349419.

**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

**18-46 Decatur Street, C241194  
18-46 Decatur Street, Ridgewood, NY 11385**

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 21<sup>st</sup> Street, Long Island City, NY 11101, by contacting the Regional Environmental Remediation Engineer.

**WHEREFORE**, the undersigned has signed this Notice of Certificate

BMHQ Realty LLC

By: Anthony Montalbano

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:**  
BMHQ Realty LLC  
Attn: Anthony Montalbano  
c/o Phoenix Building Supply, Inc.  
74-02 Forest Avenue  
Ridgewood, New York 11385

**Exhibit A**  
**Site Description**



**SCHEDULE "A" PROPERTY DESCRIPTION**

**18-46 Decatur Street**

**Legal Description – Environmental Easement**

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, known and designated as Lot Number 149, 150 as shown on a certain map entitled, "Map of Property belonging to the Estate of John H. Rathjan, deceased, situated in the Town of Newtown, Queens County, New York, surveyed December 1, 1886, by Nostrand & Debevoise, B.E. and C.S." and filed in the Queen's County Clerk's (now Registrar's) Office 7/29/1889, as Map No. 179, which lots when taken together as one parcel are more particularly bounded and described as follows, according to the U.S. Standard of Measurement:

BEGINNING at a point on the Southeasterly side of Decatur Street, distant 425.48 feet Northeasterly from the corner formed by the intersection of the Southeasterly side of Decatur Street with the Northeasterly side of Seneca Avenue, said point of beginning being distant 175 feet according to local Standard of Measurement, Northeasterly from the corner formed by the intersection of the Southeasterly side of Decatur Street with the Northeasterly side of Rathjan Avenue as shown on the above filed map;

RUNNING THENCE Northeasterly along the Southeasterly side of Decatur Street, a distance of 50.04 feet;

RUNNING THENCE Southeasterly at right angles to Decatur Street, a distance of 100.48 feet to the Northwesterly line of the right of way of the Long Island Railroad (N.Y. and Manhattan Division);

RUNNING THENCE Southwesterly along the last mentioned railroad right of way, a distance of 50.04 feet; and

THENCE Northwesterly at right angles to Decatur Street, a distance of 100.87 feet to the Southeasterly side of Decatur Street, at the point or place of BEGINNING.

Containing 5,038 square feet or 0.116 acre of land more or less

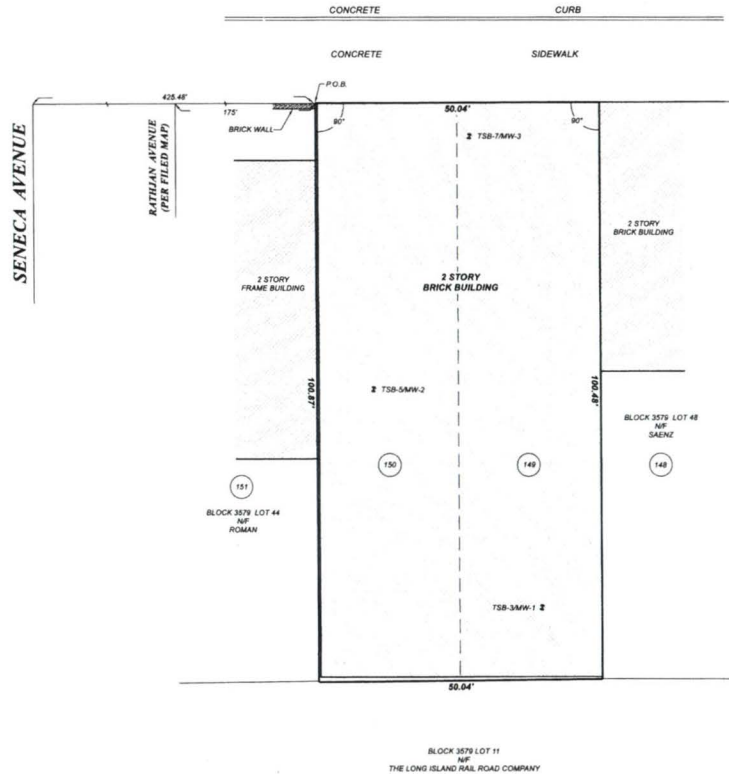


**Exhibit B**

**Site Survey**



# DECATUR STREET



### METES AND BOUNDS DESCRIPTION

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, KNOWN AND DESIGNATED AS LOT NUMBERS 148, 150 AS SHOWN ON CERTAIN MAP ENTITLED, "MAP OF PROPERTY BELONGING TO THE ESTATE OF JOHN W. RATHMAN, DECEASED, SITUATED IN THE TOWN OF NEWTOWN, QUEENS COUNTY, NEW YORK, SURVEYED DECEMBER 1, 1881 BY HOSIERS & DEBOVOISE, B.E. AND C.S." AND FILED IN THE QUEENS COUNTY CLERK'S (NOW REGISTRAR'S) OFFICE 702188, AS MAP NO. 178, WHICH LOTS WHEN TAKEN TOGETHER AS ONE PARCEL, ARE MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS, ACCORDING TO THE U.S. STANDARD OF MEASUREMENT:

BEGINNING AT A POINT ON THE SOUTHEASTERLY SIDE OF DECATUR STREET, DISTANT 425.48 FEET NORTHEASTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHEASTERLY SIDE OF DECATUR STREET WITH THE NORTHEASTERLY SIDE OF SENECA AVENUE, SAID POINT OF BEGINNING BEING DISTANT 175 FEET ACCORDING TO LOCAL STANDARDS OF MEASUREMENT, NORTHEASTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHEASTERLY SIDE OF DECATUR STREET WITH THE NORTHEASTERLY SIDE OF RATHMAN AVENUE AS SHOWN ON THE ABOVE FILED MAP, RUNNING THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY SIDE OF DECATUR STREET, A DISTANCE OF 50.04 FEET;

RUNNING THENCE SOUTHEASTERLY AT RIGHT ANGLES TO DECATUR STREET, A DISTANCE OF 100.48 FEET TO THE NORTHWESTERLY LINE OF THE RIGHT OF WAY OF THE LONG ISLAND RAILROAD IN 1 AND MANHATTAN DIVISION;

RUNNING THENCE SOUTHWESTERLY ALONG THE LAST MENTIONED RAILROAD RIGHT OF WAY, A DISTANCE OF 50.04 FEET; AND

THENCE NORTHWESTERLY AT RIGHT ANGLES TO DECATUR STREET, A DISTANCE OF 100.87 FEET TO THE SOUTHEASTERLY SIDE OF DECATUR STREET, AT THE PLACE ON POINT OF BEGINNING.

CONTAINING 5.038 SQUARE FEET OR 0.116 ACRE OF LAND MORE OR LESS

### LEGEND

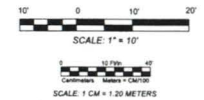
☒ MONITORING WELL

### NOTES:

- TAX LOT: BLOCK 3579 LOT 45
- AREA: 5,038 S.F. = 0.116 ACRE
- DATE OF FIELD SURVEY: APRIL 20, 2017
- HORIZONTAL AND VERTICAL DATUM: ASSUMED
- SUBJECT TO THE FINDINGS OF AN UP TO DATE ABSTRACT OF TITLE
- UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S EMBOSSED SEAL, IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW
- ONLY COPIES OF THIS MAP BEARING THE LICENSED LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID, TRUE COPIES
- UNDERGROUND UTILITIES SUCH AS SEWERAGE DISPOSAL SYSTEMS, DRAINAGE, WATER, GAS, AND/OR ELECTRIC LINES, ETC., ARE NOT SHOWN AND ARE NOT CERTIFIED TO

### WELL ELEVATION TABLE

WELL I.D.	TOP OF CASING	TOP OF PVC
TSB-3MW-1	80.58	80.07
TSB-5MW-2	80.58	80.27
TSB-7MW-3	80.63	80.24



I HEREBY CERTIFY TO THE PARTIES LISTED BELOW THAT THIS MAP IS BASED ON AN ACTUAL FIELD COMPLETED ON JUNE 11, 2018 AND WAS PREPARED IN ACCORDANCE WITH THE CURRENT EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADAPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



DONALD R. STEDJE, P.E. LIC. NO. 49759

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 STATE ENVIRONMENTAL CONSERVATION LAW. THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN MORE DETAIL 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 THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT [derweb@dec.ny.gov](mailto:derweb@dec.ny.gov)

ENVIRONMENTAL EASEMENT PREPARED FOR

**1846 DECATUR STREET  
QUEENS, NY**

QUEENS COUNTY  
SCALE: 1" = 10'  
DONALD R. STEDJE, P.L.S.  
112 MURRAY AVENUE  
GOSHEN, NY 10924  
(845) 325-8734

NEW YORK  
JUNE 11, 2018

JOB NO.  
1815



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



**SITE DESCRIPTION**

**SITE NO.** C241194

**SITE NAME** 18-46 Decatur Street

**SITE ADDRESS:** 18-46 Decatur Street      **ZIP CODE:** 11385

**CITY/TOWN:** Ridgewood

**COUNTY:** Queens

**ALLOWABLE USE:** 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**

**BMHQ Realty LLC**  
 74-02 Forest Avenue  
**18-46 Decatur Street**  
 Environmental Easement  
 Block: 3579  
 Lot: 45  
 Sublot:  
 Section: 4  
 Subsection:  
 S\_B\_L Image: 4-3579-45  
 Ground Water Use Restriction  
 IC/EC Plan  
 Land Use Restriction  
 Monitoring Plan  
 O&M Plan  
 Site Management Plan



**Description of Engineering Control**

**BMHQ Realty LLC**

74-02 Forest Avenue

**18-46 Decatur Street**

Environmental Easement

Block: 3579

Lot: 45

Sublot:

Section: 4

Subsection:

S\_B\_L Image: 4-3579-45

Air Sparging/Soil Vapor Extraction

Cover System

Monitoring Wells

Vapor Mitigation