NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP) CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name Address

AVG Capital LLC 62 West 47th Street, Suite 602, New York, NY 10036
De Boulevard LLC 62 West 47th Street, Suite 602, New York, NY 10036

RJ Capital Holdings LLC 62 West 47th Street, Suite 602, New York, NY 10036

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 2/6/17 Agreement Execution: 3/1/17

Agreement Index No.: C241196-01-17

Application Approval Amendment: none

Agreement Execution Amendment: none

SITE INFORMATION:

Site No.: C241196 Site Name: 107-02 Queens Boulevard

Site Owner: De Boulevard LLC

Street Address: 107-02 to 107-16 Queens Boulevard

Municipality: Queens County: Queens DEC Region: 2

Site Size: 0.390 Acres

Tax Map Identification Number(s): 3238-44 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 %.

Tangible Property Credit at the time of this COC issuance 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 2021000234492.

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.

09/29/21

Date:

Basil Seggos Commissioner

New York State Department of Environmental Conservation

Michael J. Ryan, P.E., Director Division of Environmental Remediation

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

September 29, 2021

Rudolph Abramov AVG Capital LLC De Boulevard LLC RJ Capital Holdings LLC 62 West 47th Street, Suite 602 New York, NY 10036

Re: Certificate of Completion

107-02 Queens Boulevard Forest Hills, Queens County

Site No.: C241196

Dear Rudolph Abramov:

Congratulations on having satisfactorily completed the remedial program at the 107-02 Queens Boulevard 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:



Manfred Magloire
New York State Department of Environmental Conservation
Division of Environmental Remediation
47-40 21st Street
Long Island City, NY 11101

- 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.
- 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 January 2023.

If you have any questions regarding any of these items, please contact Manfred Magloire at (718) 482-4078.

Sincerely,

Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

Enclosure

ec w/ enclosure:

C. Vooris – NYSDOH, Christine. Vooris@health.ny.gov

S. McLaughlin – NYSDOH, Scarlett.mclaughlin@health.ny.gov

S. Wagh - NYSDOH, (sarita.wagh@health.ny.gov)

Matt Gokey, (matthew.gokey@tax.ny.gov)

P. Takac, (paul.takac@tax.ny.gov)

Tarek Khouri, (tkhouri@hydrotechenvironmental.com)

George Duke, (gduke@bdflegal.com)

ec w/o enc.:

G. Burke, J. O'Connell, M. Magloire, J. Simpson, J. Andaloro, K. Lewandowski

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

107-02 Queens Boulevard, Site ID No. C241196 107-02 to 107-16 Queens Boulevard, Queens, NY 11375 Queens County, Tax Map Identification Number: Block 3238 Lot 44

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 AVG Capital LLC, De Boulevard LLC and RJ Capital Holdings LLC for a parcel approximately 0.390 acres located at 107-02 to 107-16 Queens Boulevard 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.
\boxtimes	Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii
\boxtimes	Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
\boxtimes	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 2021000234492.

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

107-02 Queens Boulevard, C241196 107-02 to 107-16 Queens Boulevard, Queens, NY 11375

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 47-40 21st Street, Long Island City, New York, 11101, by contacting the Regional Environmental Remediation Engineer, or at https://www.dec.ny.gov/data/DecDocs/C241196/.

WHEREFORE, the undersigned has signed this Notice of Certificate

62 West 47th Street, Suite 602

New York, NY 10036

WHEREFOR	ine, the diddersighed has signed this Notice of Certificate
	De Boulevard LLC
	By:
	Title:
	Date:
STATE OF NEW YORK) SS: COUNTY OF)	
evidence to be the individual(s) whose acknowledged to me that he/she/they ex	, in the year 20, before me, the undersigned, personally lly known to me or proved to me on the basis of satisfactory name is (are) subscribed to the within instrument and secuted the same in his/her/their capacity(ies), and that by nent, the individual(s), or the person upon behalf of which the ment.
Signature and Office of individual taking acknowledgment	Please record and return to: Rudolph Abramov RJ Capital Holdings LLC AVG Capital LLC De Boulevard LLC

Exhibit A Site Description

Environmental Easement Description

ALL that certain place or parcel of land, situate, lying and being in the Second Ward of the Borough of Queens, City and State of New York, know designated as block 3238 tax lot 44, which is more particularly bounded and described as follows:

BEGINNING at the corner formed by the southerly side of Queens Boulevard and the easterly side of 70/h Avenue.

RUNNING THENCE easterly and along the southerly side of Queens Boulevard, 162.36 feet;

THENCE southerly forming an interior angle of 80 degrees 12 minutes 39 seconds, 120.04 feet;

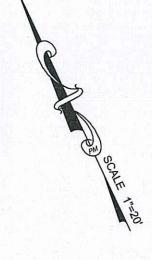
THENCE westerly and at right angles to the last mentioned course, 160.00 feet;

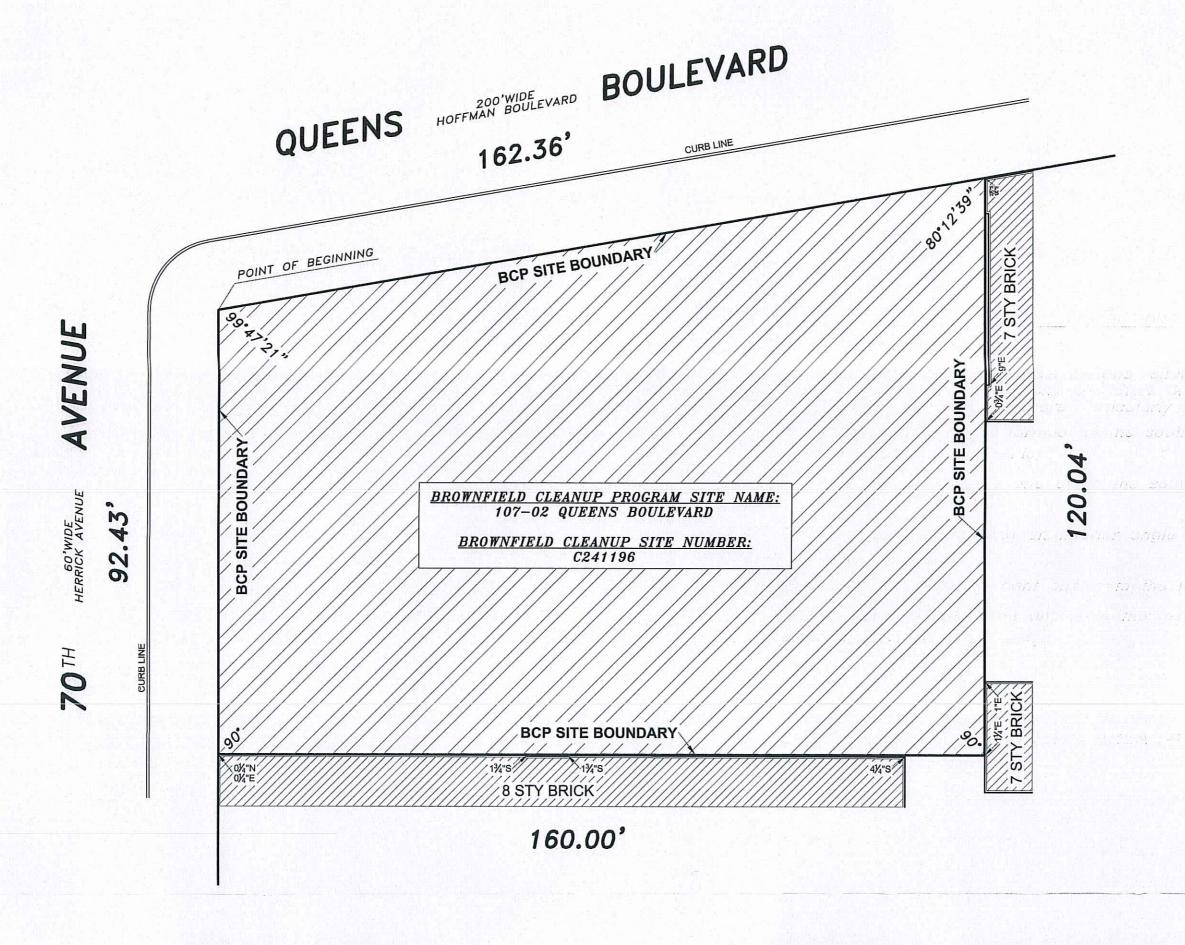
THENCE northerly and right angles to the last mentioned course, 92.43 feet to the point or place of BEGINNING.

Exhibit B

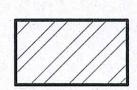
Site Survey

ЈОВ NO. Q 3238-44-ENVI SURVEYED ON: MARCH 29, 2021





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 SMP can be obtained from NYS Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at derweb@dec.ny.gov



ENVIRONMENTAL EASEMENT

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LEGAL DESCRIPTION BLOCK 3238, LOT 44

ALL that certain placeor parcel of land, situate, lying and being in the Second Ward of the Borough of Queens, City and State of New York, know designated as block 3238 tax lot 44, which is more particularly bounded and described as follows: BEGINNING at the corner formed by the southerly side of Queens Boulevard and the easterly side of 70th Avenue;

RUNNING THENCE easterly and along the southerly side of Queens Boulevard, 162.36

THENCE southerly forming an interior angle of 80 degrees 12 minutes 39 seconds, 120.04 feet;

THENCE westerly and at right angles to the last mentioned course, 160.00 feet; THENCE northerly and right angles to the last mentioned course, 92.43 feet to the point or place of BEGINNING.

 $LOT \ AREA = 16999.26 \ sq.ft. = 0.3902 \ acre$

ENVIRONMENTAL EASEMENT LEGAL DESCRIPTION BLOCK 3238, LOT 44

ALL that certain placeor parcel of land, situate, lying and being in the Second Ward of the Borough of Queens, City and State of New York, know designated as block 3238 tax lot 44, which is more particularly bounded and described as follows: BEGINNING at the corner formed by the southerly side of Queens Boulevard and the easterly side of 70th Avenue;

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ENVIRONMENTAL EASEMENT AREA = 16999.26 sq.ft. = 0.3902 acre

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SUBSURFACE UTILITIES ARE NOT GUARANTEED BY SURVEYOR. HIGH CAUTION RECOMMENDED AND VERIFICATION WITH PROPER CITY AGENCIES, IS MANDATORY BEFORE COMMENCING ALL NEW WORK.

ALL SUBSURFACE AND OVERHEAD UTILITIES (AS TO SIZE , TYPE AND DEPTH) SHOWN ON THIS SURVEY ARE TAKEN FROM RECORDS OF GOVERNMENTAL AGENCIES AND UTILITY COMPANIES, UNLESS OTHERWISE NOTED AND SHOWN. COVER OR DEPTH OF UTILITIES WHICH DERIVED FROM FIELD MEASUREMENTS SHOWN ON THIS SURVEY SHOULD BE VERIFIED WITH PROPER AGENCY PRIOR TO CONSTRUCTION OF PROJECT. INVERT ELEVATIONS ARE DERIVED FROM

ALL SUBSURFACE UTILITY AS TO LOCATION AND DEPTH, SHOULD BE RECHECKED AND LEGAL GRADES SHOULD BE VERIFIED WITH THE TOPOGRAPHICAL BUREAU, PREFERABLY IN WRITING BEFORE COMMENCING CONSTRUCTION.

CITY AGENCY RECORDS WHEN NOT AVAILABLE BY FIELD SURVEY AND NOTED AS "PER RECORD" ON THE SURVEY.

THIS IS TO CERTIFY THAT THERE ARE NO STREAMS OR NATURAL WATER COURSES ON THE SURVEYED PROPERTY EXCEPT AS SHOWN AND/OR DESCRIBED ON THIS SURVEY.

ALL OPERATIONS OF UNDERGROUND FACILITIES AND ALL EXCAVATORS ARE OBLIGATED TO COMPLY WITH ARTICLE 36 OF THE GENERAL BUSINESS LAW AND WITH PROVISIONS OF INDUSTRIAL CODE PART (RULE NO.35) BEFORE ANY EXCAVATION OR DEMOLITION IS COMMENCED. EVERY EXCAVATOR IS REQUIRED BY THESE LAWS TO GIVE ADVANCE NOTICE TO EVERY OPERATOR OF UNDERGROUND FACILITIES OF HIS INTENT TO PERFORM EXCAVATION OR DEMO-LITION WORK IN THE SPECIFIED AREA

EASEMENTS IF ANY ARE NOT SHOWN ON THIS SURVEY. NO INFORMATION PROVIDED TO SURVEYOR AT THIS TIME.

ALL ELEVATIONS SHOWN REFER TO THE NAVD 1988 DATUM. TO OBTAIN: - NGVD 1929 DATUM - ADD 1.098 FEET - QUEENS BOROUGH DATUM - SUBTRACT 1.625 FEET

-UNDERGROUND UTILITIES NOTES-

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

> PROFESSIONAL LAND SURVEYOR RICHARD TOM N.Y.S. L.L.S. 049844 8629 BAY PARKWAY, UNIT CFU BROOKLYN, NY 11214 TEL. 718-474-7700

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S INKED SEAL OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID COPY. GUARANTEES OR CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. GUARANTEES OR CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

GUARANTEED T New York Sta	ate Department of Environmental Conservation
OUNTY: OUE	EENS CITY: FOREST HILL, NY 11375
	вьоск: 3238 lot(s): 44

ENVIRONMENTAL EASEMENT SURVEY



phone: (718) 474-7700 fax: (718) 872-9699 info@ppsurveying.com www.ppsurveying.com DATE MARCH 29, 202



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION Site Management Form

8/25/2021



SITE DESCRIPTION

SITE NO. C241196

SITE NAME 107-02 Queens Boulevard

SITE ADDRESS: 107-02 to 107-16 Queens Boulevard ZIP CODE: 11375

CITY/TOWN: Queens

COUNTY: Queens

ALLOWABLE USE: 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: 01/30/2023

Description of Institutional Control

De Boulevard LLC

62 West 47th Street, Suite 602
107-02 to 107-16 Queens
Environmental Easement
Block: 3238
Lot: 44
Sublot:
Section:

Subsection:

S_B_L Image: 3238-44

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction Monitoring Plan

O&M Plan

Site Management Plan Soil Management Plan

Description of Engineering Control

De Boulevard LLC

62 West 47th Street, Suite 602

107-02 to 107-16 Queens Boulevard

Environmental Easement Block: 3238

Lot: 44 Sublot:

Section: Subsection:

S_B_L Image: 3238-44 Vapor Mitigation