

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

January 6, 2021

J2 147-07 94th Avenue LLC
Evan Kashanian
316 West 118th Street
New York, NY 10026

J2 Owner LLC
Ronen Haron
316 West 118th Street
New York, NY 10026

Jamaica II Housing Development Fund Corporation
Lee Warshavsky
Settlement Housing Fund, Inc
247 West 37th Street, 4th Floor
New York, NY 10018

Re: Certificate of Completion
147-25 94th Avenue
Queens, Queens County
Site No.: C241206

Dear Mr. Kashanian, Mr. Haron, and Lee Warshavsky:

Congratulations on having satisfactorily completed the remedial program at the 147-25 94th Avenue site. Enclosed please find a revised 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:

Sadique Ahmed, Remedial Bureau B
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. 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.

Your COC is being re-issued to correct the Site Preparation and On-site Groundwater Remediation Credit Component Rate from 28% to 40%.

If you have any questions regarding any of these items, please contact Sadique Ahmed at 518-402-9656.

Sincerely,



Michael J. Ryan, P.E.
Director

Division of Environmental Remediation

Enclosure

cc w/ enclosure:

Evan Kashanian (evan@artimusnyc.com)
Ronen Haron, ronen@artimusnyc.com
Rocco Ron Romeo, rr@wwfpinc.com
Lee Warshavsky, lwarshavsky@shfinc.org
Stephen Malinowski, smalinowski@akrf.com
Lawrence Schnapf, Esq. Larry@SchnapfLaw.com
Christine Vooris, Christine.Vooris@health.ny.gov
Scarlett McLaughlin, scarlett.mclaughlin@health.ny.gov
Gregory Rye (gregory.rys@health.ny.gov)
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

Sadique Ahmed, (sadique.ahmed@dec.ny.gov)

John Grathwol, (john.grathwol@dec.ny.gov)

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Jennifer Andalaro, (jennifer.andalaro@dec.ny.gov)

Kelly Lewandowski, (kelly.lewandowski@dec.ny.gov)

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

J2 147-07 94th Avenue LLC

J2 Owner LLC

Address

316 West 118th Street, New York, NY 10026

316 West 118th Street, New York, NY 10026

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 4/2/18

Agreement Execution: 5/1/18

Agreement Index No.: C241206-03-18

Application Approval Amendment: 3/13/20

Agreement Execution Amendment: 3/13/20

SITE INFORMATION:

Site No.: C241206 **Site Name:** 147-25 94th Avenue

Site Owner: Jamaica II Housing Development Fund Corporation
J2 Owner LLC

Street Address: 147-25 94th Avenue

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

Site Size: 0.818 Acres

Tax Map Identification Number: 9998-25

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):

Track 1 Area: See Track 1 Areas in Exhibit A (0.655 acres)

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 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 15%. Comprised of 10% Base, 5% Track 1.

Track 2 Area: See Track 2 Areas in Exhibit A (0.163 acres)

Allowable Uses under the BCP: Residential, Restricted-Residential, Commercial and Industrial

Cleanup Track: Track 2: Residential 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%), 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:  Date: 12/29/2020

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)

147-25 94th Avenue, Site ID No. C241206
147-25 94th Avenue, Queens, NY 11435
Queens, Queens County, Tax Map Identification Number 9998-25

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 J2 147-07 94th Avenue and J2 Owner LLC for a parcel approximately 0.818 acres located at the 147-25 94th Avenue 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 0.655-acre portion of 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 remedial program for 0.163-acre portion of 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.

124-25 94th Avenue BCP Site, C241206, 124-25 94th Avenue

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 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/C241206>

WHEREFORE, the undersigned has signed this Notice of Certificate

J2 Owner 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

Jamaica II Housing Development Fund Corporation

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:

Evan Kashanian
J2 147-07 94th Avenue LLC
316 West 118th Street
New York, NY 10026

Ronen Haron
J2 Owner LLC
316 West 118th Street
New York, NY 10026

Exhibit A
Site Description

Metes & Bounds Description

Area A

Track 1 Unrestricted USE

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

BEGINNING at a point on the northerly side of 94th Avenue (50 feet wide), distant 61.24 feet easterly from the corner formed by the intersection of the northerly side of 94th Avenue with the easterly side Sutphin Boulevard (100 feet wide);

RUNNING THENCE northerly along a line forming an angle of 95 degrees 31 minutes 30 seconds on the northwest, with the northerly side of 94th Avenue, 113.73 feet to a point;

RUNNING THENCE easterly along a line forming an angle of 95 degrees 31 minutes 30 seconds on the southeast, with the last mentioned course 129.11 feet to a point;

RUNNING THENCE southerly at right angles to the last mentioned course, 34.75 feet to a point;

RUNNING THENCE easterly at right angles to the last mentioned course, 56.04 feet to a point;

RUNNING THENCE southerly at right angles to the last mentioned course, 14.63 feet to a point;

RUNNING THENCE easterly at right angles to the last mentioned course, 82.11 feet to a point;

RUNNING THENCE northerly at right angles to the last mentioned course, 36.26 feet to a point;

RUNNING THENCE easterly at right angles to the last mentioned course, 15.01 feet to a point;

RUNNING THENCE southerly at right angles to the last mentioned course, 7.01 feet to a point;

RUNNING THENCE easterly at right angles to the last mentioned course, 35.03 feet to a point;

RUNNING THENCE southerly at right angles to the last mentioned course, 39.52 feet to a point;

RUNNING THENCE westerly at right angles to the last mentioned course, 20.64 feet to a point;

RUNNING THENCE southerly at right angles to the last mentioned course, 53.55 feet to northerly side of 94th Avenue;

RUNNING THENCE westerly along the northerly side of 94th Avenue, 307.61 feet to the point or place of BEGINNING.

Metes & Bounds Description

Area B

Track 2 Residential Use

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

BEGINNING at a point the following three (3) courses and distances from the corner formed by the intersection of the northerly side of 94th Avenue (50 feet wide) with the easterly side Sutphin Boulevard (100 feet wide);

THENCE easterly along the northerly side of 94th Avenue, 61.24 feet to a point;

THENCE northerly along a line forming an angle of 95 degrees 31 minutes 30 seconds on the northwest, with the northerly side of 94th Avenue, 113.73 feet to a point;

THENCE easterly along a line forming an angle of 95 degrees 31 minutes 30 seconds on the southeast, with the last mentioned course 129.11 feet to the point or place of BEGINNING;

RUNNING THENCE southerly at right angles to the last mentioned course, 34.75 feet to a point;

RUNNING THENCE easterly at right angles to the last mentioned course, 56.04 feet to a point;

RUNNING THENCE southerly at right angles to the last mentioned course, 14.63 feet to a point;

RUNNING THENCE easterly at right angles to the last mentioned course, 82.11 feet to a point;

RUNNING THENCE northerly at right angles to the last mentioned course, 49.47 feet to a point;

RUNNING THENCE westerly at right angles to the last mentioned course, 107.41 feet to a point;

RUNNING THENCE southerly along a line forming an angle of 95 degrees 31 minutes 30 seconds on the southeast with the last mentioned course, 0.09 feet to a point;

RUNNING THENCE westerly along a line forming an angle of 95 degrees 31 minutes 30 seconds on the northwest with the last mentioned course, 30.73 feet to the point or place of BEGINNING

Metes & Bounds Description

Area C

Track 2 Residential Use

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

BEGINNING at a point on the northerly side of 94th Avenue (50 feet wide), distant 368.85 feet easterly from the corner formed by the intersection of the northerly side of 94th Avenue with the easterly side Sutphin Boulevard (100 feet wide);

RUNNING THENCE easterly along the northerly side of 94th Avenue, 20.64 feet to a point;

RUNNING THENCE northerly at right angles to the northerly side of 94th Avenue, 53.55 feet to a point;

RUNNING THENCE westerly at right angles to the last mentioned course, 20.64 feet to a point;

RUNNING THENCE southerly at right angles to the last mentioned course, 53.55 feet to northerly side of 94th Avenue the point or place of BEGINNING.

Exhibit B

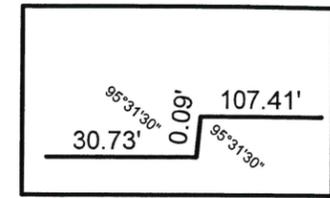
Site Survey

SURVEY NO. 65925-9

65925-9.DWG

REV	DATE	DESCRIPTION	ck
1	10-27-20	PARCEL DIAGRAM	

LONG ISLAND RAILROAD
MONTAUK DIVISION



DETAIL
(NOT TO SCALE)

SUTPHIN BLVD
(GUILFORD STREET)

100' WIDE



Prolongation southerly of the east side of Bridge Abutment of the L.I.R.R. Bridge over Guilford Street

113.73'

159.84'

129.11'

30.73'

107.41'

AREA 'B'
Track 2 Residential Use

AREA 'A'
Track 1 Unrestricted Use

TAX LOT 25
ST. NO. 147-25

307.61'

328.25'

94th AVENUE
(JOHNSON AVENUE)

50' WIDE

AREA 'A' PARCEL AREA = 28,529 SQ. FT.
OR = 0.654936 ACRE

AREA 'B' PARCEL AREA = 6,012 SQ. FT.
OR = 0.138009 ACRE

AREA 'C' PARCEL AREA = 1,105 SQ. FT.
OR = 0.025373 ACRE

TOTAL PARCEL AREAS = 35,646 SQ. FT.
OR = 0.818318 ACRE

0 30 60 90



ESTABLISHED 1876 * SUCCESSOR TO:

B.G. MEINIKHEIM C.S.*C.U. POWELL C.E.,C.S.*L.C.L. SMITH C.S.*NATHAN CAMPBELL C.E.,C.S.*A.U. WHITSON C.E.,C.S.*
WILLIAM L. SAVACOOLO C.E.,L.S.,C.S.*A.U. WHITSON INC. C.E.,C.S.*G. WEBER L.S.,C.S.*C. STIDOLPH R.A.,L.S.*WHITSON &
POWELL INC. P.E.,L.S.,C.S.*KELLER & POWELL P.E.,L.S.,C.S.*LOUIS MONTROSE C.E.,L.S.,C.S.*FRED J. POWELL P.E.,L.S.,C.S.*

COUNTY : QUEENS

TAX BLOCK 9998

STANDARD U.S.

SCALE: 1" = 30'

TAX LOT 25

NOTE

THIS IS NOT A TITLE SURVEY AND IS NOT TO BE USED FOR TITLE PURPOSES ALL PHYSICAL FACTS ARE NOT SHOWN.

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW

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DRAWN: J.B.

MONTROSE
SURVEYING CO. LLP.
CITY & LAND SURVEYORS

116 20 METROPOLITAN AVE • RICHMOND HILL NY 11418-1090 • (718) 849-0600

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