

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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December 23, 2022

Harold Fetner
2701 Property Owner LLC
675 Third Avenue
New York, NY 10017

Aaron Shirian
2701 Jackson LLC
425 Northern Boulevard, Suite #6
Great Neck, NY 11021

Re: Certificate of Completion
27-01 Jackson Avenue
Long Island City, Queens County
C241209

Dear Messrs. Fetner and Shirian:

Congratulations on having satisfactorily completed the remedial program at the 27-01 Jackson Avenue 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:

Shaun Bollers
New York State Department of Environmental Conservation
Division of Environmental Remediation, Region2
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.

If you have any questions regarding any of these items, please contact Shaun Bollers at (718) 482-4096.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Division 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
J. Kenney – NYSDOH julia.kenney@health.ny.gov
H. Fetner – 2701 Property Owner LLC hal@fetner.com
M. Bogin – Sive, Paget & Riesel P.C. mbogin@sprlaw.com
J. Hayes – Langan jhayes@langan.com
M. Raygorodetsky – Langan mraygorodetsky@langan.com
K. Semon – Langan ksemon@langan.com
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enclosure:

G. Burke, J. O'Connell, A. Obligado, S. Bollers, K. Lewandowski, G. Nam, L. Schmidt – NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

2701 Jackson LLC
2701 Property Owner LLC

Address

425 Northern Boulevard, Suite #6, Great Neck, NY 11021
675 Third Avenue, New York, NY 10017

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 8/30/18

Agreement Execution: 9/17/18

Agreement Index No.: C241209-08-09

Application Amendment Approval: 7/27/21

Agreement Amendment Execution: 7/27/21

Application Amendment Approval: 9/3/21

Agreement Amendment Execution: 9/3/21

SITE INFORMATION:

Site No.: C241209 **Site Name:** 27-01 Jackson Avenue

Site Owner: 2701 Property Owner LLC

Street Address: 27-01 JACKSON AVENUE

Municipality: Long Island City **County:** Queens

DEC Region: 2

Site Size: 0.211 Acres

Tax Map Identification Number(s): 432-21

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: 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.

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; or
- (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: Andrew Guglielmi Date: 12/23/2022

Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A – Site Description

Title No. CLC 21947Q

SCHEDULE A

BLOCK: 432 LOT: 21
on Tax Map of Queens County

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, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of Jackson Avenue and the easterly side of 43rd Avenue;

THENCE easterly along the northerly side of Jackson Avenue, a distance of 91.95 feet;

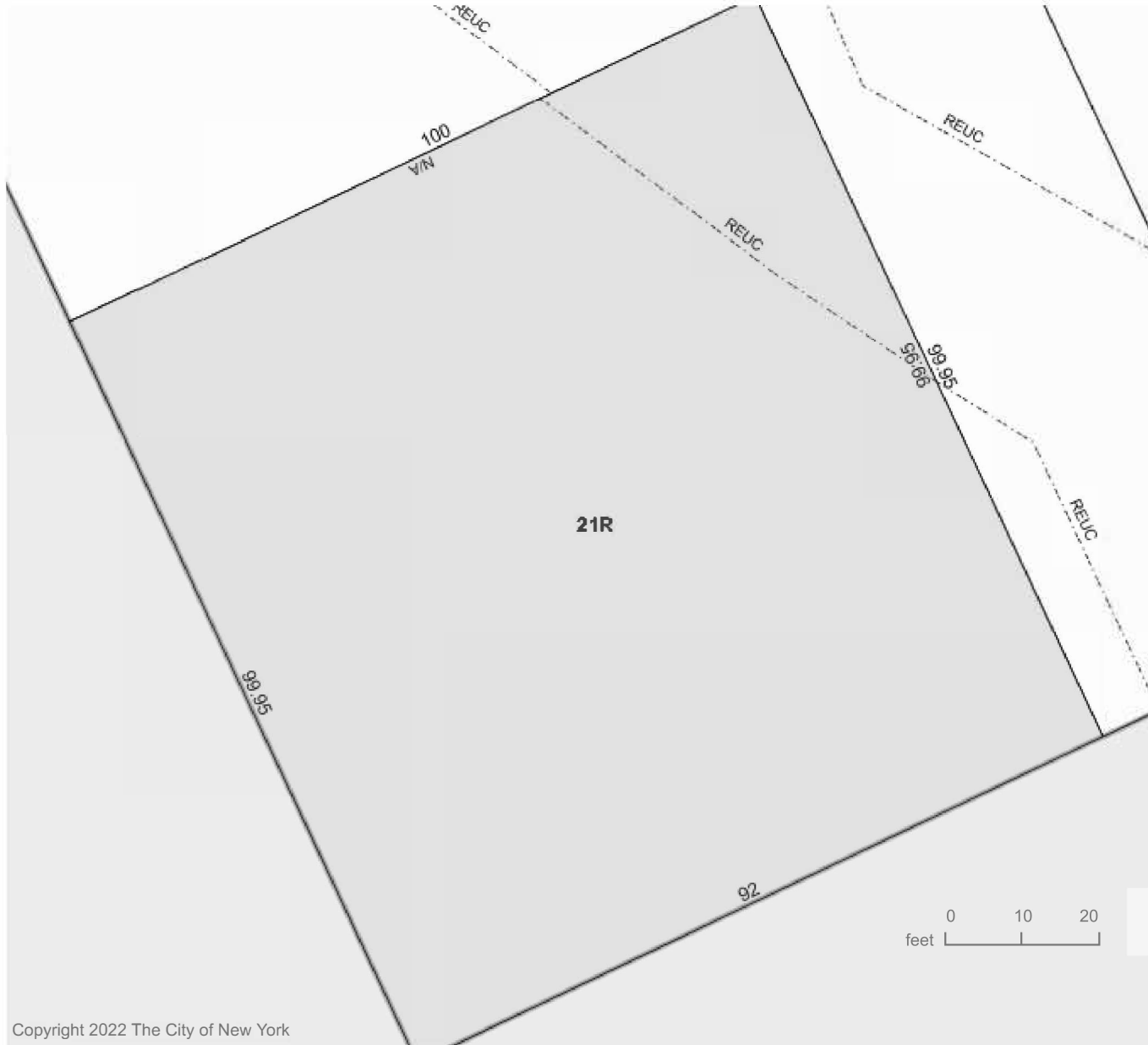
THENCE northerly at right angles to Jackson Avenue, a distance of 99.95 feet;

THENCE westerly parallel with Jackson Avenue, a distance of 91.95 feet to the easterly side of 43rd Avenue;

THENCE southerly along the easterly side of 43rd Avenue, a distance of 99.95 feet to the point or place of BEGINNING.

Exhibit B – Tax Map

27-01 Jackson Avenue - Digital Tax Map - New York City Dept. of Finance (8/31/2022)



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- | | | | |
|----------------------------|---|--|-------------------------|
| Borough Boundary | C50 Condo Flag/Condo Number | 50 Condo FKA Tax Lot Number | Other Boundary |
| Tax Block Boundary | A50 Air Right Flag/Lot Number | 50.5 Tax Lot Dimension | Possession Hook |
| 50 Tax Block Number | S50 Subterranean Right Flag/Lot Number | +/-5.5 Approximate Tax Lot Dimension | Misc Miscellaneous Text |
| Tax Lot Boundary | R REUC Flag | <u>1500 - 1550</u> Condo Units Range Label | Small Tax Lot Dimension |
| 50 Tax Lot Number | - - - - - Under Water Tax Lot Boundary | Building Footprint | Surface Water |

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

27-01 Jackson Avenue, Site ID No. C241209
27-01 Jackson Avenue, Long Island City, NY 11101
Long Island City, Queens County, Tax Map Identification Number: 432-21

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 2701 Jackson LLC and 2701 Property Owner LLC for a parcel approximately 0.211 acres located at 27-01 Jackson Avenue in Long Island City, 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.

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, 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.

27-01 Jackson Avenue, C241209
27-01 Jackson Avenue, Long Island City, NY 11101

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 11101, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C241209/>.

WHEREFORE, the undersigned has signed this Notice of Certificate

2701 Property 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

Please record and return to:
Harold Fetner
2701 Property Owner LLC
675 Third Avenue
New York, NY 10017