

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

Transmitted via E-mail

December 28, 2021

Robert Cerrone
31st Avenue Associates LLC
37-26 30th Street LLC
1836 Gilford Avenue
New Hyde Park, NY 11040
parkconstructioncorp@gmail.com

Re: Certificate of Completion
Site: 37-24 & 37-28 30th Street Redevelopment Site
Site No: C241214
Location: City of New York, Queens County

Dear Mr. Cerrone:

Congratulations on having satisfactorily completed the remedial program at the 37-24 & 37-28 30th Street Redevelopment 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:



Department of
Environmental
Conservation

Steve Walsh, Bureau B
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, 12th Floor
Albany, NY 12233-7016

- 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 April 2023.

If you have any questions regarding any of these items, please contact Steve Walsh at steven.walsh@dec.ny.gov or 518-402-9824.

Sincerely,

Susan Edwards

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

Enclosure

ec w/ enclosure:

R. Cerrone, 31st Avenue Associates LLC (parkconstructioncorp@gmail.com)
R. Cerrone, 37-26 30th Street LLC (parkconstructioncorp@gmail.com)
N. Recchia, GEI Consultants, Inc. (nrecchia@geiconsultants.com)
G. Duke, Brown Duke & Fogel, P.C. (gduke@bdflegal.com)
C. Vooris – NYSDOH (christine.vooris@health.ny.gov)
S. McLaughlin – NYSDOH (scarlett.mclaughlin@health.ny.gov)
S. Surani – NYSDOH (shaun.surani@health.ny.gov)
Matt Gokey (matthew.gokey@tax.ny.gov)
Paul Takac (paul.takac@tax.ny.gov)

ec w/o enc.:

S. Walsh, PM (steven.walsh@dec.ny.gov)
B. Bennett, SC (william.bennett@dec.ny.gov)
G. Burke, BD (gerard.burke@dec.ny.gov)
J. O'Connell, RHWRE (jane.oconnell@dec.ny.gov)
J. Simpson, OGC PA (james.simpsons@dec.ny.gov)
K. Lewandowski, SC, Site Control (kelly.lewandowski@dec.ny.gov)

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

31st Avenue Associates LLC

37-26 30th Street LLC

Address

1836 Gilford Avenue, New Hyde Park, NY 11040

1836 Gilford Avenue, New Hyde Park, NY 11040

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 8/20/18 **Agreement Execution:** 9/17/18

Agreement Index No.: C241214-08-13

Application Approval Amendment: 8/3/20

Agreement Execution Amendment: 8/3/20

SITE INFORMATION:

Site No.: C241214 **Site Name:** 37-24 & 37-28 30th Street Redevelopment Site

Site Owner: 37-26 30th Street LLC

Street Address: 37-24 & 37-28 30th Street (aka 37-24 and 37-26 30th Street)

Municipality: Long Island City

County: Queens

DEC Region: 2

Site Size: 0.370 Acres

Tax Map Identification Number(s): 371-33, 371-34

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: Conditional Track 1: Unrestricted use, provided that the remedial goals for soil vapor intrusion are achieved within five years of the date of the Certificate. If those goals are not achieved within five years, this Certificate shall be modified to a Track 2 Residential cleanup. Unrestricted use, provided that the remedial goals for groundwater are achieved within five years of the date of the Certificate. If these goals are not achieved within five years, this Certificate shall be modified to a Track 2 Residential cleanup.

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%.

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 2021000441699.

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 6 NYCRR 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 6 NYCRR 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; or
- (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: Susan Edwards Date: 12/28/2021

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)

37-24 & 37-28 30th Street Redevelopment Site, Site ID No. C241214
37-24 & 37-28 30th Street (aka 37-24 and 37-26 30th Street), Long Island City, NY, 11101
New York City, Queens County, Tax Map Identification Numbers: 371-33 and 371-34

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 31st Avenue Associates LLC and 37-26 30th Street LLC for two parcels totaling approximately 0.370 acres located at 37-24 & 37-28 30th Street (aka 37-24 and 37-26 30th Street) in the City of New York, 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 2021000441699.

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 limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

37-24 & 37-28 30th Street Redevelopment Site, Site No. C241214
37-24 & 37-28 30th Street (aka 37-24 and 37-26 30th Street), Long Island City, NY 11101

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, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C241214/>.

WHEREFORE, the undersigned has signed this Notice of Certificate

37-26 30th Street 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:
31st Avenue Associates LLC
1836 Gilford Avenue
New Hyde Park, NY 11040

Exhibit A - Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

BLOCK 371 LOTS 33 & 34

ALL that certain plot, piece or parcel of land, with the building and improvements thereon erected, situate, lying and being in the Borough of Queens City and State of New York and more particularly bounded and described as follows:

BEGINNING at a point on the northwesterly side of 30th Street (1st Avenue) distant 70 feet 4 inches northeasterly from the corner formed by the northwesterly side of 30th Street with the northeasterly side of 38th Avenue, (Freeman Avenue);

RUNNING THENCE northeasterly on a line forming an interior angle of 86 degrees 38 minutes 30 seconds with the northwesterly side of 30th Street a distance of 143 feet 3-5/8 inches to the southeasterly side of Old Ridge Road;

THENCE northeasterly along the southeasterly side of Old Ridge Road 125.1 feet (Tax Map 125.08 feet);

THENCE southeasterly along a line forming an exterior angle of 86 degrees 40 minutes 13 seconds with the northwesterly side of 30th Street 114.95 feet to the northwesterly side of 30th Street; and;

RUNNING THENCE southwesterly along the northwesterly side of 30th Street 123.54 feet to the point or place of BEGINNING.

Being approximately 0.370 acres more or less.

Said premises being commonly known as 37-24 30th Street and 37-26 30th Street, Long Island City, New York

Exhibit B - Site Survey

ENVIRONMENTAL EASEMENT DESCRIPTION

THE DEC OR THEIR AGENT MAY ACCESS THE ENVIRONMENTAL
EASEMENT AREA AS SHOWN HEREON THROUGH ANY EXISTING
STREET ACCESS OR BUILDING INGRESS/EGRESS ACCESS POINT.

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:

The above described parcel has an area of 15,926 square feet or 0.37 acres.

The above described parcel has an area of 15,926 square feet or 0.37 acres.

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:

THENCE southerly along 30th Street 123.55 feet to the point or place of BEGINNING.

The above described parcel has an area of 15,926 square feet or 0.37 acres



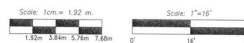
BROWNFIELD SITE &
ENVIRONMENTAL EASEMENT AREA



ADDRESS: 37-24 & 37-28 30th. Street
LONG ISLAND CITY, NY 11101

TAX BLOCK 371
BOROUGH OF QUEENS, CITY OF NEW YORK

FOUNDATION LOCATION: JULY 2, 2021



ERLANDSEN-CROWELL & SHAW
FOUNDED IN 1852 BY E.W. CONKLIN
Civil Engineers & City Surveyors
241 JERICHO TPKE NEW HYDE PARK, NY 11040 516-326-4353
718-526-0339

Scale: 1"=16'

69613-E
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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/20/2021



SITE DESCRIPTION

SITE NO. C241214

SITE NAME 37-24 & 37-28 30th Street Redevelopment Site

SITE ADDRESS: 37-24 & 37-28 30th Street **ZIP CODE:** 11101

CITY/TOWN: Long Island City

COUNTY: Queens

ALLOWABLE USE: Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan ☒ YES ☐ NO

Monitoring Plan ☒ YES ☐ NO

Operation and Maintenance (O&M) Plan ☒ YES ☐ NO

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2023

Description of Institutional Control

37-26 30th Street LLC

1836 Gilford Avenue

37-24 30th Street

Environmental Easement

Block: 371

Lot: 33

Sublot:

Section:

Subsection:

S_B_L Image: 371-33

Ground Water Use Restriction

IC/EC Plan

Monitoring Plan

O&M Plan

Site Management Plan

37-28 30th Street

Environmental Easement

Block: 371

Lot: 34

Sublot:

Section:

Subsection:

S_B_L Image: 371-34

Ground Water Use Restriction

IC/EC Plan

Monitoring Plan

O&M Plan

Site Management Plan

Description of Engineering Control

37-26 30th Street LLC

1836 Gilford Avenue

37-24 30th Street

Environmental Easement

Block: 371

Lot: 33

Sublot:

Section:

Subsection:

S_B_L Image: 371-33

Groundwater Treatment System

Monitoring Wells

Vapor Mitigation

37-28 30th Street

Environmental Easement

Block: 371

Lot: 34

Sublot:

Section:

Subsection:

S_B_L Image: 371-34

Groundwater Treatment System

Monitoring Wells

Vapor Mitigation