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# 2023-2024 PERIODIC REVIEW REPORT

for

**26-32 Jackson Avenue  
Long Island City, Queens  
NYSDEC BCP Site No.: C241217**

*Prepared For:*

**Italic Realty, L.L.C., 26-32 Jackson Ave LLC, and  
2632 Jackson Property Owner LLC  
11 Grace Avenue #401  
Great Neck, New York 11021**

*Prepared By:*

**Langan Engineering, Environmental, Surveying,  
Landscape Architecture and Geology, D.P.C.  
360 West 31<sup>st</sup> Street, 8<sup>th</sup> Floor  
New York, New York 10001**

**LANGAN**

**April 17, 2025  
Langan Project No. 170472001**

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## **1.0 Introduction**

### **1.1 General**

This Periodic Review Report (PRR) was prepared in accordance with the New York State Department of Environmental Conservation (NYSDEC)-approved December 2022 Site Management Plan (SMP) and Section 6.3 of NYSDEC Division of Environmental Remediation (DER)-10. This report documents the annual site inspection performed on May 8, 2024 for the 26-32 Jackson Avenue site located in the Long Island City neighborhood of Queens, New York (Brownfield Cleanup Program [BCP] Site No. C241217). The site was remediated pursuant to the February 1, 2019 Brownfield Cleanup Agreement (BCA), Index No. C241217-02-2019, between the NYSDEC and Italic Realty, L.L.C. (the Volunteer) for New York State BCP Site No. C241217. Implementation of the remedy is described in detail in the December 2022 Final Engineering Report (FER) and SMP. A Certificate of Completion (COC) was issued by the NYSDEC on January 3, 2023.

Between May 16 and November 15, 2022, the site was remediated to meet Track 2 Residential Use (RU) cleanup objectives and is not subject to any engineering controls (ECs). Institutional Controls (ICs) have been incorporated into the site remedy to control exposure to potential remaining contamination for protection of public health and the environment until a soil vapor intrusion (SVI) evaluation can be performed to assess indoor air quality following substantial completion of the building. At the conclusion of this PRR reporting period, construction for the 51-story building has not yet been completed.

This report is organized as follows:

- Periodic Review Report Certification (Section 2) – Summarizes the annual certifications documenting that ICs were operated, maintained, and monitored in accordance with the SMP.
- SMP Inspection (Section 3, 4 and 5) – Describes the annual site inspection completed for this reporting period, in accordance with the SMP.
- Recommendations (Section 6) – Summarizes recommendations based on observations made during site inspection.
- Division of Environmental Remediation Green Remediation Policy (DER-31) (Section 7) – Discusses and evaluates environmental impacts associated with site management activities.

## **1.2 Site Location and Background**

The about 10,000 square-foot (0.23 acre) site is located at 26-32 Jackson Avenue in the Long Island City neighborhood of Queens, New York and is identified on the Borough of Queens Tax Map as Block 267, Lot 21. The site is bounded by Jackson Avenue, followed by an active construction site (BCP Site No. C241209) to the north, a vacant lot and the Ed Koch Queensboro Bridge on-ramp (elevated) to the east, vacant land and the Ed Koch Queensboro Bridge on-ramp (elevated) to the south, and a 14-story mixed-use commercial and residential building to the west. The Metropolitan Transit Authority (MTA) “E” and “M” subway lines are located beneath Jackson Avenue directly north of the site. Prior to remediation, the site was occupied by residences, offices, and various commercial uses including a garage with a gasoline, an electric supplies warehouse, and an automotive parts center. The site is being developed into a 51-story, mixed-use residential and commercial building with one cellar that will occupy the entire site footprint. A site location map and site plan are provided as Figures 1 and 2, respectively. The site boundary is fully described in the EE, which is included in Appendix A.

The owner of the BCP site at the time of this reporting period is Italic Realty, L.L.C., and the remedial parties responsible for the implementation of the ICs are 26-32 Jackson Ave LLC and 2632 Property Owner LLC.

## **2.0 Periodic Review Report Certification**

### **2.1 Institutional Controls**

The IC for the site is an Environmental Easement (EE) that requires the following only until extinguishment of the EE:

- The property may be used for Residential use as defined in Title 6 of the New York Codes, Rules, and Regulations (6 NYCRR) Part 375-1.8(g)(2)(i), Restricted-Residential use as defined in 6 NYCRR Part 375 1.8(g)(2)(ii), Commercial use as defined in 6 NYCRR Part 375-1.8(g)(2)(iii), and Industrial use as defined in 6 NYCRR Part 375-1.8(g)(2)(iv)
- The site may not be used for high level uses such as Unrestricted Use as defined in 6 NYCRR Part 375-1.8(g)(1)(i) without additional remediation and amendment of the EE, as approved by the NYSDEC and NYSDOH
- The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the New York State Department of Health (NYSDOH) and the New York City department of Health (NYCDOH) to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from NYSDEC
- Data and information pertinent to site management must be reported at the frequency and in a manner as defined in this SMP
- Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by the EE
- Vegetable gardens and farming in remaining soil on the site are prohibited
- Volunteer must provide all persons who acquire any interest in the site a complete copy of the SMP that the NYSDEC approves for the site and all NYSDEC-approved amendments to the SMP

There have been no changes or actions since the NYSDEC issued the COC that would require modification to the EE. A copy of the EE is included as Appendix A.

### **2.3 Institutional Controls Certificate**

This PRR covers the reporting period from April 29, 2023 to April 29, 2024. SMP operations, including the annual inspection, were completed in accordance with the requirements of the BCP, as certified by the owner in the IC Certification Form. The IC Certification Form is provided in Appendix B.

### **3.0 Periodic Review Report – Site Inspection**

In accordance with the SMP, Langan conducted an annual inspection on May 8, 2024 to document the following:

- Compliance with all ICs, including site usage
- General site conditions at the time of the inspection
- The site management activities being conducted including, where appropriate, confirmation sampling and a health and safety inspection
- If these controls continue to be protective of human health and the environment
- Compliance with requirements of this SMP and the EE
- If site records are complete and up to date

The site was in compliance with the SMP and EE during this reporting period. Completed site inspection forms are included as Appendix C. A photograph log showing site conditions during the annual site inspection is included as Appendix D.

#### **4.0 Compliance with SMP**

Specific SMP measures are described in the following sections.

##### **4.1 Construction Health and Safety Plan**

The annual site inspection was performed in compliance with the site-specific Construction Health and Safety Plan (CHASP) and applicable laws and regulations. The health and safety program manager for Langan was William Bohrer, PG.

##### **4.2 Deviations from the Site Management Plan**

The ICs have remained fully in place at the site for the April 29, 2023 to April 29, 2024 reporting period and remain effective. There were no IC deviations during the reporting period.



## **5.0 SMP Operation Description**

The following sections describe SMP operations performed during this reporting period.

### **5.1 Site Controls**

#### 5.1.1 Reporting

Langan performed the annual site inspection. Observations were recorded in a field book that included a project number, and a summary of locations where inspection was performed. A photograph log documenting the annual inspection is provided in Appendix D.

## **6.0 Recommendations**

### **6.1 Amendments to the Frequency of PRR Submissions**

No changes in the frequency of PRR submissions are recommended at this time. Langan will continue to perform annual site inspections in accordance with the SMP until an SVI evaluation can be performed to assess indoor air quality following sufficient completion of the building, which is anticipated in the next reporting period.

### **6.2 Proposed Discontinuation of SMP**

Discontinuation of the SMP is not recommended at this time.

## **7.0 Division of Environmental Remediation Green Remediation Evaluation**

The NYSDEC DER Green Remediation Policy (DER-31) requires that green remediation concepts and techniques be considered during all stages of the remedial program, including site management, with the goal of improving the sustainability of the cleanup and summarizing the net environmental benefit of any implemented green technology. A summary of green remediation metrics for site management during the 2023-2024 reporting period is included in Appendix C. Goals for the project to incorporate green remediation principles and techniques during the next reporting period include use of public transit by personnel when possible during annual site inspections.

Langan will continue to evaluate green remediation concepts and techniques for inclusion in site management, as applicable.

## 8.0 CERTIFICATION

*For each institutional control identified for the site, I certify that all of the following statements are true:*

- The institutional control employed at this site is unchanged from the date the control was put in place, or last approved by the Department;*
- Nothing has occurred that would impair the ability of the control to protect the public health and environment;*
- Nothing has occurred that would constitute a violation or failure to comply with any site management plan for this control;*
- Access to the site will continue to be provided to the Department to evaluate the remedy, including access to evaluate the continued maintenance of this control;*
- If a financial assurance mechanism is required under the oversight document for the site, the mechanism remains valid and sufficient for the intended purpose under the document;*
- Use of the site is compliant with the EE; and*
- The information presented in this report is accurate and complete.*

*I certify that all information and statements in this certification form are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law. I, Brian Gochenaur, QEP, of Langan, Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C., am certifying as the Remedial Party's Designated Site Representative: I have been authorized and designated by all site owners/remedial parties to sign this certification for the site."*

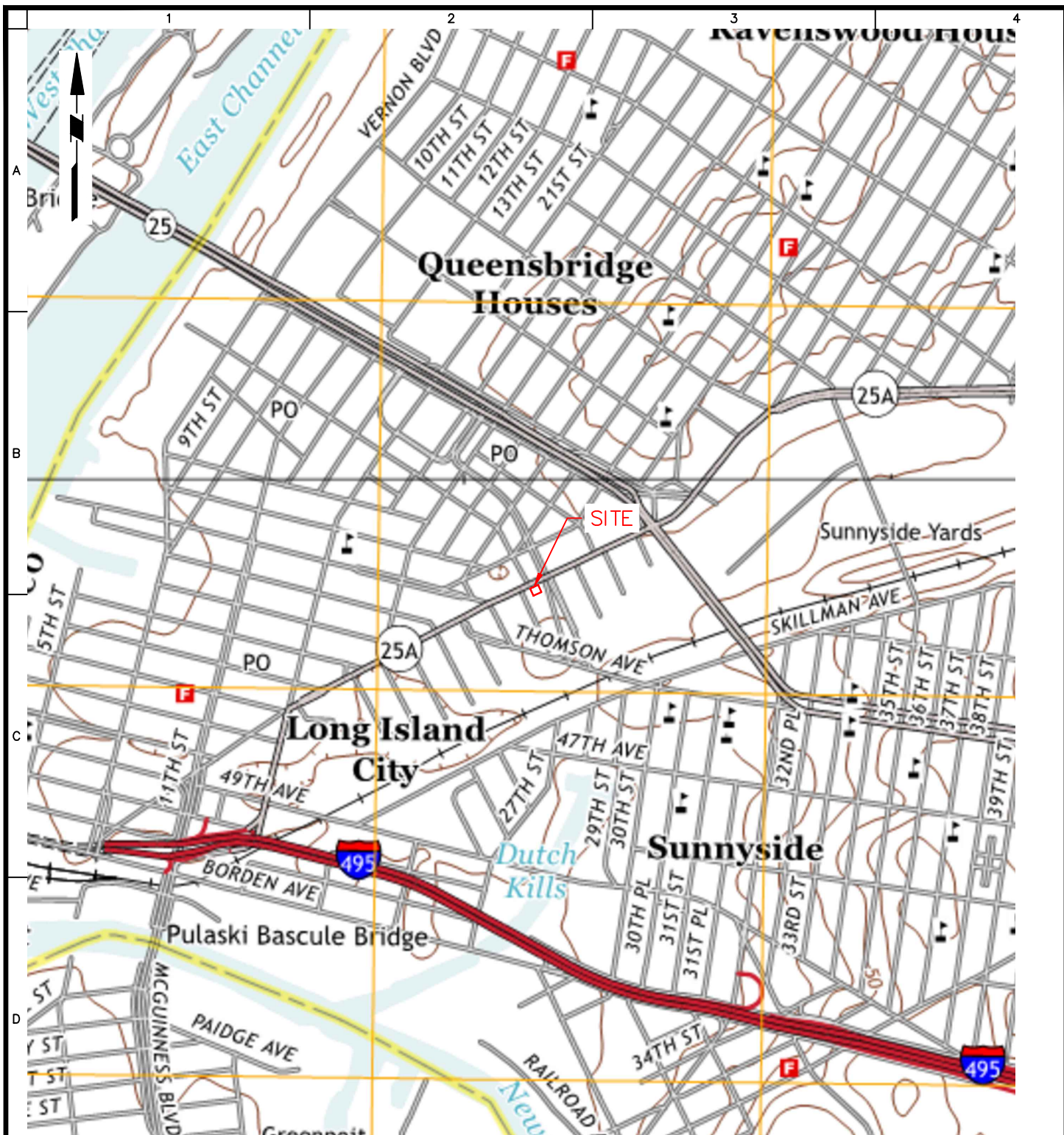


\_\_\_\_\_  
QEP

4/11/2025

\_\_\_\_\_  
DATE

## FIGURES



BASEMAP SOURCE: CENTRAL PARK AND BROADWAY, 7.5-MINUTE SERIES, TOPOGRAPHIC QUADRANGLE MAPS, DATED 2013.

— - APPROXIMATE SITE BOUNDARY

**WARNING:** IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 145 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS ITEM IN ANY WAY.

**LANGAN**

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Landscape Architecture, and Geology, D.P.C.  
Langan Engineering and Environmental Services, Inc.  
Langan CT, Inc.  
Langan International LLC  
Collectively known as Langan

Project

**26-32 JACKSON  
AVENUE**

**BLOCK 267, LOT 21  
LONG ISLAND CITY**

QUEENS

NEW YORK

Figure Title

**SITE LOCATION  
MAP**

Project No.

170472001

Date

10/30/2019

Scale

NTS

Drawn By

Checked By

JFY

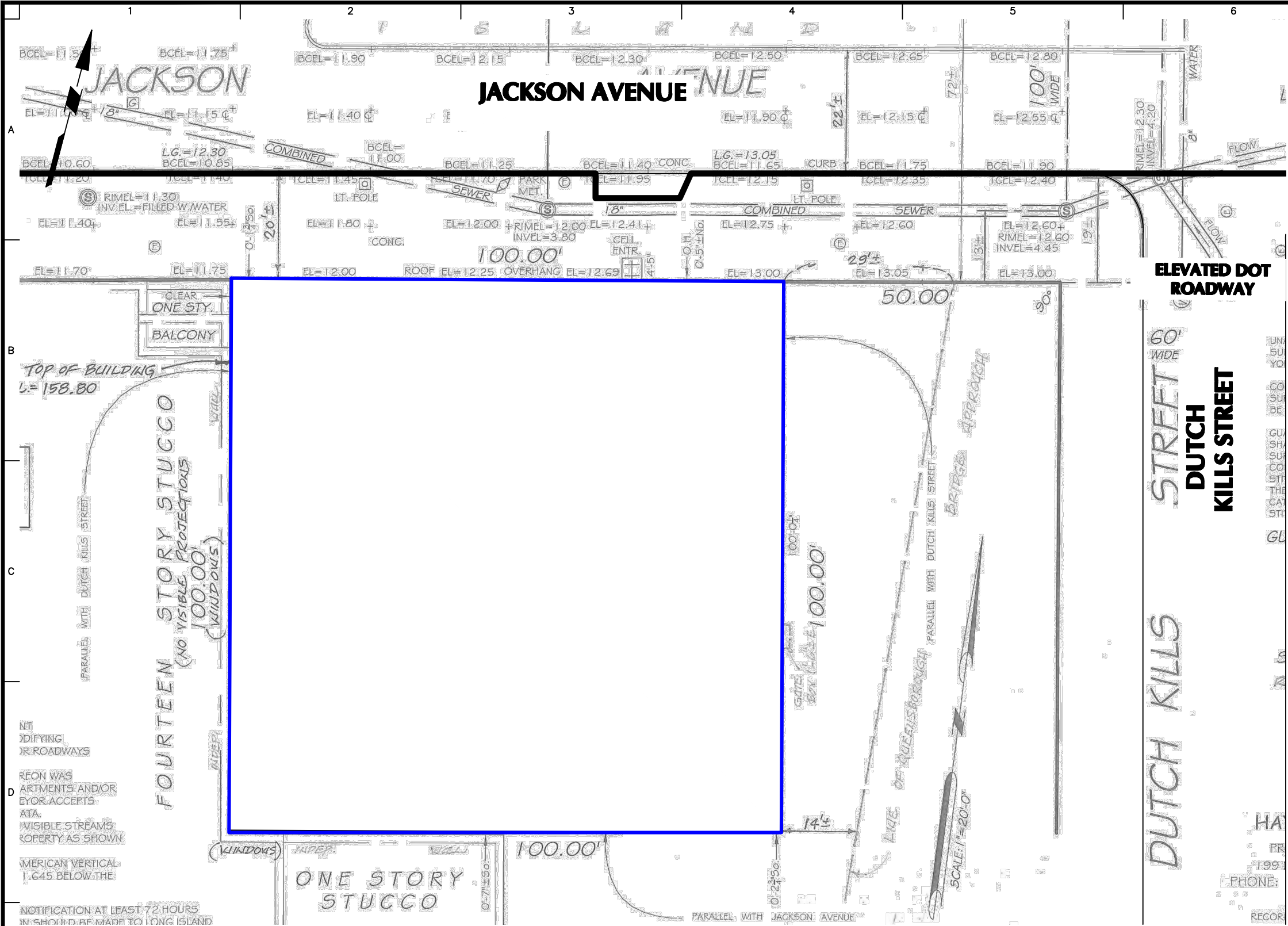
KDC

Submission Date

Figure No.

**1**





LEGEND:

SITE BOUNDARY

- NOTES:
1. BASE MAP TAKEN FROM SURVEY PREPARED BY HAYNES LAND SURVEYORS, DATED MAY 23, 2017 AND LAST REVISED DECEMBER 8, 2017.
  2. DATUM REFERS TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), WHICH IS APPROXIMATELY 1.1 FEET ABOVE MEAN SEA LEVEL DATUM OF SANDY HOOK, NEW JERSEY AS DEFINED BY THE UNITED STATES GEOLOGICAL SURVEY (USGS NGVD 1929).
  3. ALL LOCATIONS ARE APPROXIMATE.

**WARNING:** IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 145 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS ITEM IN ANY WAY.



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Project  
**26-32 JACKSON AVENUE**  
BLOCK No. 267, LOT No. 21  
QUEENS NEW YORK

Figure Title  
**SITE PLAN**

Project No.  
170472001  
Date  
12/16/2022  
Drawn By  
LH  
Checked By  
KS

Figure No.  
**2**

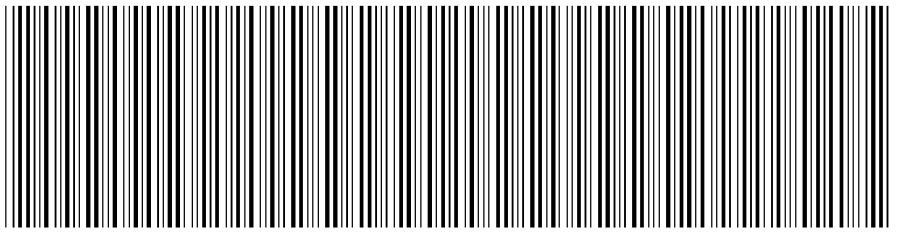
# **APPENDIX A**

## ENVIRONMENTAL EASEMENT



**NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



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**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 12**

**Document ID: 2022122000749001**

Document Date: 12-21-2022

Preparation Date: 12-22-2022

Document Type: EASEMENT

Document Page Count: 10

**PRESENTER:**

SIVE PAGET & RIESEL, P.C.  
560 LEXINGTON AVENUE, 15TH FLOOR  
NEW YORK, NY 10022  
212-421-2150  
NDUNCAN@SPRLAW.COM

**RETURN TO:**

SIVE PAGET & RIESEL, P.C.  
560 LEXINGTON AVENUE, 15TH FLOOR  
NEW YORK, NY 10022  
212-421-2150  
NDUNCAN@SPRLAW.COM

**PROPERTY DATA**

Borough	Block	Lot	Unit	Address
QUEENS	267	21	Entire Lot	26-32 JACKSON AVENUE
<b>Property Type:</b> COMMERCIAL REAL ESTATE Easement				

**CROSS REFERENCE DATA**

CRFN \_\_\_\_\_ or DocumentID \_\_\_\_\_ or \_\_\_\_\_ Year \_\_\_\_\_ Reel \_\_\_\_\_ Page \_\_\_\_\_ or File Number \_\_\_\_\_

**PARTIES**

**GRANTOR/SELLER:**

2632 PROPERTY OWNER LLC  
675 THIRD AVENUE, SUITE 2800  
NEW YORK, NY 10017

**GRANTEE/BUYER:**

PEOPLE OF NEW YORK DEPT. ENVIRONMENTAL  
CONSERVATION  
625 BROADWAY  
ALBANY, NY 12233

☒ Additional Parties Listed on Continuation Page

**FEES AND TAXES**

**Mortgage :**

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

**TOTAL:** \$ 0.00

Recording Fee: \$ 87.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 100.00

NYC Real Property Transfer Tax:

\$ 0.00

NYS Real Estate Transfer Tax:

\$ 0.00

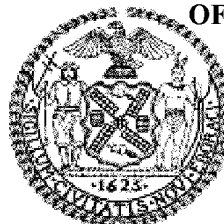
**RECORDED OR FILED IN THE OFFICE  
OF THE CITY REGISTER OF THE**

**CITY OF NEW YORK**

Recorded/Filed 12-27-2022 09:53

City Register File No.(CRFN):

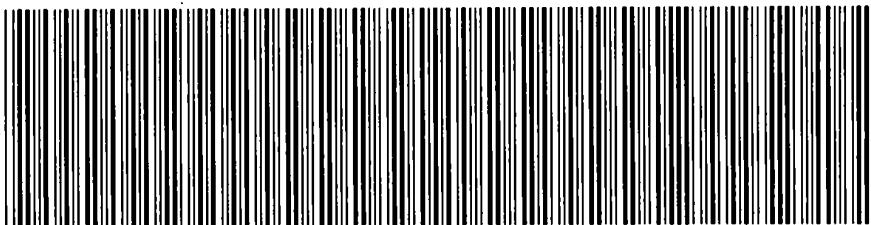
**2022000460529**



*Annette McMill*

**City Register Official Signature**

**NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER**



2022122000749001004C8AC6

**RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION)**

**PAGE 2 OF 12**

**Document ID: 2022122000749001**

**Document Date: 12-21-2022**

**Preparation Date: 12-22-2022**

**Document Type: EASEMENT**

**PARTIES**

**GRANTOR/SELLER:**

2632 JACKSON DEVCO LLC  
675 THIRD AVENUE, RM 2800  
NEW YORK, NY 10017

**ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36  
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW**

**THIS INDENTURE** made this 21<sup>st</sup> day of December, 2023 between Owner, 2632 Property Owner LLC (the "Grantor Fee Owner"), having an office at 425 Northern Boulevard, Suite 6, Great Neck, New York 11021 and 2632 Jackson Devco LLC (the "Grantor Tenant") having an office at 425 Northern Boulevard, Suite 6, Great Neck, New York 11021 (collectively, the "Grantor") and The People of the State of New York (the "Grantee."), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

**WHEREAS**, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

**WHEREAS**, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

**WHEREAS**, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

**WHEREAS**, Grantor Fee Owner, is the owner of the fee interest in the real property located at the address of 26-32 Jackson Avenue in the City of New York, County of Queens and State of New York, known and designated on the tax map of the New York City Department of Finance as tax map parcel number: Block 267 Lot 21, being the same as that property conveyed to Grantor by deed dated June 30, 2020 and recorded in the City Register of the City of New York as CRFN #2020000192063. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately .230 acres, and is hereinafter more fully described in the Land Title Survey dated June 3, 2022 prepared by Vincent M. Teutonico (License No. 050307), Triborough Surveying Inc., which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

**WHEREAS**, Grantor Tenant is the holder of a long-term ground lease pursuant to a Memorandum of Ground Lease dated November 17, 2022 and recorded in the City Register of the

City of New York as CRFN #2022000434024.

**WHEREAS**, the Department accepts this Environmental Easement in order to ensure the protection of public health and the environment and to achieve the requirements for remediation established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

**NOW THEREFORE**, in consideration of the mutual covenants contained herein and the terms and conditions of Brownfield Cleanup Agreement Number: C241217-01-19, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement").

1. **Purposes.** Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. **Institutional and Engineering Controls.** The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

**Residential as described in 6 NYCRR Part 375-1.8(g)(2)(i), Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii), Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv)**

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP;

(4) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the New York City Department of Health and Mental Hygiene to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

(5) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(6) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(7) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(8) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;

(9) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;

(10) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for raising livestock or producing animal products for human consumption, and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section  
Division of Environmental Remediation  
NYSDEC  
625 Broadway  
Albany, New York 12233  
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

**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 Environmental Conservation Law.**

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall, at such time as NYSDEC may require, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:

- (i) are in-place;
- (ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to:

Site Number: C241217  
Office of General Counsel  
NYSDEC  
625 Broadway  
Albany New York 12233-5500

With a copy to:

Site Control Section  
Division of Environmental Remediation  
NYSDEC  
625 Broadway  
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

11. Consistency with the SMP. To the extent there is any conflict or inconsistency between the terms of this Environmental Easement and the SMP, regarding matters specifically addressed by the SMP, the terms of the SMP will control.

**Remainder of Page Intentionally Left Blank**



IN WITNESS WHEREOF, Grantor Fee Owner has caused this instrument to be signed in its name.

2632 Property Owner LLC:

By: 

Print Name:

Albert Shirian

Title:

Member

Date:

12/21/22

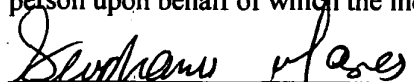
**Grantor's Acknowledgment**

STATE OF NEW YORK )

) ss:

COUNTY OF Queens )

On the 21<sup>st</sup> day of Dec, in the year 2022, before me, the undersigned, personally appeared Albert Shirian 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.

  
Notary Public - State of New York

STEPHANIE MOSES  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01MO8429831  
Qualified in Queens County  
Commission Expires 02/28/2026

SEAL

IN WITNESS WHEREOF, Grantor Tenant has caused this instrument to be signed in its name.

2632 Jackson Devco LLC:

By: 

Print Name: Albert Shirian

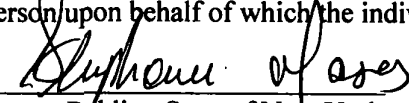
Title: Member Date: 12/21/22

**Grantor's Acknowledgment**

STATE OF NEW YORK )

) ss:  
COUNTY OF Queens )

On the 21<sup>st</sup> day of Dec, in the year 2022, before me, the undersigned, personally appeared Albert Shirian, 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.

  
Notary Public - State of New York

STEPHANIE MOSES  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01MO6429831  
Qualified in Queens County  
Commission Expires 02/28/2026

**THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK**, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

By: Andrew O. Guglielmi  
Andrew O. Guglielmi, Director  
Division of Environmental Remediation

**Grantee's Acknowledgment**

STATE OF NEW YORK     )  
  ) ss:  
COUNTY OF ALBANY     )

On the 20<sup>th</sup> day of December, in the year 2022 before me, the undersigned, personally appeared Andrew O. Guglielmi, 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/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Jennifer Andaloro  
Notary Public - State of New York

JENNIFER ANDALORO  
Notary Public, State of New York  
No. 02AN6098246  
Qualified in Albany County  
Commission Expires January 14, 2024



**APPENDIX B**  
INSTITUTIONAL CONTROLS CERTIFICATION  
FORM



Enclosure 2  
**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**Site Management Periodic Review Report Notice**  
**Institutional and Engineering Controls Certification Form**



**Site Details**

**Box 1**

**Site No.**            **C241217**

**Site Name** 26-32 Jackson Avenue

Site Address: 26-32 Jackson Avenue            Zip Code: 11101  
City/Town: Long Island City  
County: Queens  
Site Acreage: 0.230

Reporting Period: January 01, 2023 to April 29, 2024

YES    NO

1. Is the information above correct? ☒    ☐

If NO, include handwritten above or on a separate sheet.

2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period? ☐    ☒

3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))? ☐    ☒

4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period? ☐    ☒

**If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.**

5. Is the site currently undergoing development? ☒    ☐

**Box 2**

YES    NO

6. Is the current site use consistent with the use(s) listed below? ☒    ☐  
Residential, Restricted-Residential, Commercial, and Industrial

7. Are all ICs in place and functioning as designed? ☒    ☐

**IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

**A Corrective Measures Work Plan must be submitted along with this form to address these issues.**

\_\_\_\_\_  
Signature of Owner, Remedial Party or Designated Representative

\_\_\_\_\_  
Date

		Box 2A	
		YES	NO
8.	Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.</b></p>			
9.	Are the assumptions in the Qualitative Exposure Assessment still valid? (The Qualitative Exposure Assessment must be certified every five years)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.</b></p>			

SITE NO. C241217		Box 3
<p><b>Description of Institutional Controls</b></p>		
<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
267-21	Italic Realty, L.L.C.	Site Management Plan

Box 4
<p><b>Description of Engineering Controls</b></p> <p>None Required</p> <p>Not Applicable/No EC's</p>

**Periodic Review Report (PRR) Certification Statements**

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

☐☐

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

(a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

☐☐

**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and  
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

**A Corrective Measures Work Plan must be submitted along with this form to address these issues.**

\_\_\_\_\_  
Signature of Owner, Remedial Party or Designated Representative

\_\_\_\_\_  
Date

IC CERTIFICATIONS  
SITE NO. C241217

Box 6


**SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE**

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Aaron Shirian at 11 Grace Avenue #401,  
Great Neck, NY 11021  
print name print business address

am certifying as Designated Owner Representative ((Owner) or Remedial Party)

for the Site named in the Site Details Section of this form.

  
Signature of Owner, Remedial Party, or Designated Representative  
Rendering Certification

05/30/2024

Date



**APPENDIX C**  
SITE INSPECTION FORM

## Summary of Green Remediation Metrics for Site Management

Site Name: 26-32 Jackson Avenue Site Code: C241217  
Address: 26-32 Jackson Avenue City: Long Island City  
State: NY Zip Code: 11101 County: Queens

### Initial Report Period (Start Date of period covered by the Initial Report submittal)

Start Date: January 1, 2023

### Current Reporting Period

Reporting Period From: January 1, 2023 To: April 29, 2024

### Contact Information

Preparer's Name: Ali Reach Phone No.: 212-479-5400  
Preparer's Affiliation: Langan Engineering

**I. Energy Usage:** Quantify the amount of energy used directly on-site and the portion of that derived from renewable energy sources.

	Current Reporting Period	Total to Date
Fuel Type 1 (e.g. natural gas (cf))	Electric	N/A
Fuel Type 2 (e.g. fuel oil, propane (gals))	Natural Gas	N/A
Electricity (kWh)	N/A	N/A
<b>Of that Electric usage, provide quantity:</b>		
Derived from renewable sources (e.g. solar, wind)	N/A	N/A

<b>Other energy sources</b> (e.g. geothermal, solar thermal (Btu))		
--	--	--

*Provide a description of all energy usage reduction programs for the site in the space provided on Page 5.*

**II. Solid Waste Generation:** Quantify the management of solid waste generated on-site.

	<b>Current Reporting Period (tons)</b>	<b>Total to Date (tons)</b>
<b>Total waste generated on-site</b>		
OM&M generated waste	N/A	N/A
<b>Of that total amount, provide quantity:</b>		
Transported off-site to landfills	N/A	N/A
Transported off-site to other disposal facilities	N/A	N/A
Transported off-site for recycling/reuse	N/A	N/A
Reused on-site	N/A	N/A

*Provide a description of any implemented waste reduction programs for the site in the space provided on Page 5.*

**III. Transportation/Shipping:** Quantify the distances travelled for delivery of supplies, shipping of laboratory samples, and the removal of waste.

	<b>Current Reporting Period (miles)</b>	<b>Total to Date (miles)</b>
Standby Engineer/Contractor	N/A	N/A
Laboratory Courier/Delivery Service	N/A	N/A
Waste Removal/Hauling	N/A	N/A

*Provide a description of all mileage reduction programs for the site in the space provided on Page 5. Include specifically any local vendor/services utilized that are within 50 miles of the site.*

**IV. Water Usage:** Quantify the volume of water used on-site from various sources.

	<b>Current Reporting Period (gallons)</b>	<b>Total to Date (gallons)</b>
Total quantity of water used on-site	N/A	N/A
<b>Of that total amount, provide quantity:</b>		
Public potable water supply usage	N/A	N/A
Surface water usage	N/A	N/A
On-site groundwater usage	N/A	N/A
Collected or diverted storm water usage	N/A	N/A

*Provide a description of any implemented water consumption reduction programs for the site in the space provided on Page 5.*

**V. Land Use and Ecosystems:** Quantify the amount of land and/or ecosystems disturbed and the area of land and/or ecosystems restored to a pre-development condition (i.e. Green Infrastructure).

	<b>Current Reporting Period (acres)</b>	<b>Total to Date (acres)</b>
Land disturbed	N/A	N/A
Land restored	N/A	N/A

*Provide a description of any implemented land restoration/green infrastructure programs for the site in the space provided on Page 5.*

**Description of green remediation programs reported above**

(Attach additional sheets if needed)

Energy Usage:

N/A

Waste Generation:

N/A

Transportation/Shipping:

N/A

Water usage:

N/A

Land Use and Ecosystems:

N/A

Other:

SITE INSPECTION CHECKLIST

Site Name: 26-32 Jackson Avenue Location: Long Island City, New York Project Number: 170472001

Inspector Name: Ali Reach Date: May 8, 2024 Weather Conditions: Partly cloudy, 64-82 degrees F

Reason for Inspection (i.e., routine, severe condition, etc.): Annual Inspection

Check one of the following:  
(Y: Yes N: No N/A: Not Applicable)

		Y	N	N/A	Normal Situation	Remarks
	General					
1	What are the current site conditions?	-	-	-		See additional Remarks
2	Are all applicable site records (e.g., documentation of construction activity, SMD system maintenance and repair, most current easement, etc.) complete and up to date?	Y			Y	
	Environmental Easement					
3	Has site use (residential) remained the same?	Y			Y	
4	Does it appear that all environmental easement restrictions have been followed?	Y			Y	

\*\*\* If the answer to any of the above questions indicate non-compliance with any Institutional Controls/Engineering Controls (ICs/ECs) for the site, additional remarks must be provided and, where applicable, documentation attached to this checklist detailing additional inspection and repair activities.

Additional remarks: The site is currently in compliance with all environmental easement restrictions and the Site Management Plan. An SVI evaluation will be conducted in accordance with this SMP prior to occupancy; however, at the time of this inspection, the building has not yet reached a sufficient stage of development to accommodate indoor air sampling.

- Minimum Inspection Schedule:
- Site-wide inspections will be conducted annually, per certification year, at a minimum.
  - Additional inspections will also be conducted at times of severe weather condition events.
  - All inspection events will use this checklist.

**APPENDIX D**  
PHOTOGRAPH LOG





**Photo 1:** General view of the site.



**Photo 2:** View of the central part of the site on the ground floor, facing north.



**Photo 3:** View of the southwestern part of the site on the ground floor, facing northeast.



**Photo 4:** View of the northeastern part of the site on the ground floor, facing northeast.



**Photo 5:** View of the central part of the site on the cellar floor, facing east.



**Photo 6:** View of the eastern part of the site on the cellar floor, facing southeast.