

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

August 18, 2021

Matthew Kelly
FRV Phase 1 Commercial LLC
FRV Phase 1 LIHTC LLC
FRV Phase 1 Moderate LLC
FRV Phase 2 Commercial LLC
FRV Phase 2 LIHTC LLC
Redfern FRP LLC
Rockaway Village Housing Development Fund Corporation
Rockaway Village II Housing Development Fund Corporation
902 Broadway, 13th Floor
New York, NY 10010

Re: Certificate of Completion
Far Rockaway Project
Far Rockaway, Queens County
Site No. C241224

Dear Mr. Kelly:

Congratulations on having satisfactorily completed the remedial program at the Far Rockaway Project 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.



Department of
Environmental
Conservation

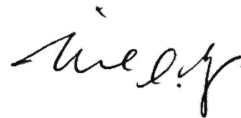
- Provide electronic copies of the recorded Notice and proof of recording to the Department's project manager. Please return the hard copy of the proof of recording to:

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

- Provide the Notice of Certificate of Completion to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days.

If you have any questions regarding any of these items, please contact Christopher Allan at (718) 482-4065 or Christopher.allan@dec.ny.gov.

Sincerely,



Michael J. Ryan, P.E.
Director

Division of Environmental Remediation

Enclosure

ec w/ enclosure:

C. Vooris – NYSDOH, christine.vooris@health.ny.gov
S. McLaughlin – NYSDOH, Scarlett.mclaughlin@health.ny.gov
Eamonn O'Neal – NYSDOH, Eamonn.oneal@health.ny.gov
Matt Gokey, matthew.gokey@tax.ny.gov
Oliver Chase, ochase@hseny.com
Karen Tyll, karen@tyllengineering.com
Jason Copper, jcooper@carichinc.com

ec w/o enc.:

G. Burke
J. O'Connell
M. Yau
C. Allan
K. Lewandowski
J. Andaloro
A. Levine

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Address

FRV Phase 1 Commercial LLC	902 Broadway, 13th Floor, New York, NY 10010
FRV Phase 1 LIHTC LLC	902 Broadway, 13th Floor, New York, NY 10010
FRV Phase 1 Moderate LLC	902 Broadway, 13th Floor, New York, NY 10010
FRV Phase 2 Commercial LLC	902 Broadway, 13th Floor, New York, NY 10010
FRV Phase 2 LIHTC LLC	902 Broadway, 13th Floor, New York, NY 10010
Redfern FRP LLC	902 Broadway, 13th Floor, New York, NY 10010
Rockaway Village Housing Development Fund Corporation	902 Broadway, 13th Floor, New York, NY 10010
Rockaway Village II Housing Development Fund Corporation	902 Broadway, 13th Floor, New York, NY 10010

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 11/21/18 **Agreement Execution:** 12/11/18

Agreement Index No.: C241224-11-18

Application Approval Amendment: 6/3/21

Agreement Execution Amendment: 6/3/21

SITE INFORMATION:

Site No.: C241224 **Site Name:** Far Rockaway Project

Site Owner: Mott Center, LLC

Street Address: 20-02 Mott Avenue

Municipality: Far Rockaway

County: Queens

DEC Region: 2

Site Size: 4.089 Acres

Tax Map Identification Number(s): 15537 - 101

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 are 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;
- (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: 08/18/2021

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)

Far Rockaway Project, Site ID No. C241224
20-02 Mott Avenue, Far Rockaway, NY 11691
Far Rockaway, Queens County, Tax Map Identification Number: Block 15537 Lot 101

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 FRV Phase 1 Commercial LLC, FRV Phase 1 LIHTC LLC, FRV Phase 1 Moderate LLC, FRV Phase 2 Commercial LLC, FRV Phase 2 LIHTC LLC, Redfern FRP LLC, Rockaway Village Housing Development Fund Corporation, and Rockaway Village II Housing Development Fund Corporation for a parcel approximately 4.089 acres located at 20-02 Mott Avenue in Far Rockaway, 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.

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.

Far Rockaway Project, C241224
20-02 Mott Avenue, Far Rockaway, NY 11691

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, NY 11101, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C241224>.

WHEREFORE, the undersigned has signed this Notice of Certificate

Mott Center, 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:
Matthew Kelly
FRV Phase 1 Moderate
902 Broadway, 13th Floor
New York, NY 10010

Exhibit A

Site Description

Exhibit 1

The Land

Metes and Bounds Description
MSC Survey 55682-4
Tax Block 15537 Lot 101
Phase 1 Parcel

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 easterly side of Redfern Avenue (60 feet wide) with the northerly side of Mott Avenue (60 feet wide);

RUNNING THENCE North 06 degrees 52 minutes 55.5 seconds West, along the easterly side of Redfern Avenue, 360.96 feet to a point;

RUNNING THENCE South 87 degrees 35 minutes 55.5 seconds East, 140.89 feet to a point;

RUNNING THENCE North 12 degrees 54 minutes 04.5 seconds East, 247.27 feet to a point;

RUNNING THENCE South 77 degrees 05 minutes 55.5 seconds East, 56.50 feet to a point;

RUNNING THENCE South 12 degrees 54 minutes 04.5 seconds West, 240.26 feet to a point;

RUNNING THENCE South 84 degrees 55 minutes 02 seconds East, 154.83 feet to a point;

RUNNING THENCE South 75 degrees 59 minutes 14 seconds East, 73.00 feet to a point;

RUNNING THENCE South 17 degrees 54 minutes 26 seconds East, 192.69 feet to a point;

RUNNING THENCE South 82 degrees 07 minutes 22 seconds West, 146.69 feet to a point;

RUNNING THENCE South 14 degrees 05 minutes 50 seconds East, 37.22 feet to a point;

RUNNING THENCE South 82 degrees 07 minutes 22 seconds West, 30.18 feet to a point;

RUNNING THENCE South 14 degrees 05 minutes 50 seconds East, 83.70 to the northerly side of Mott Avenue;

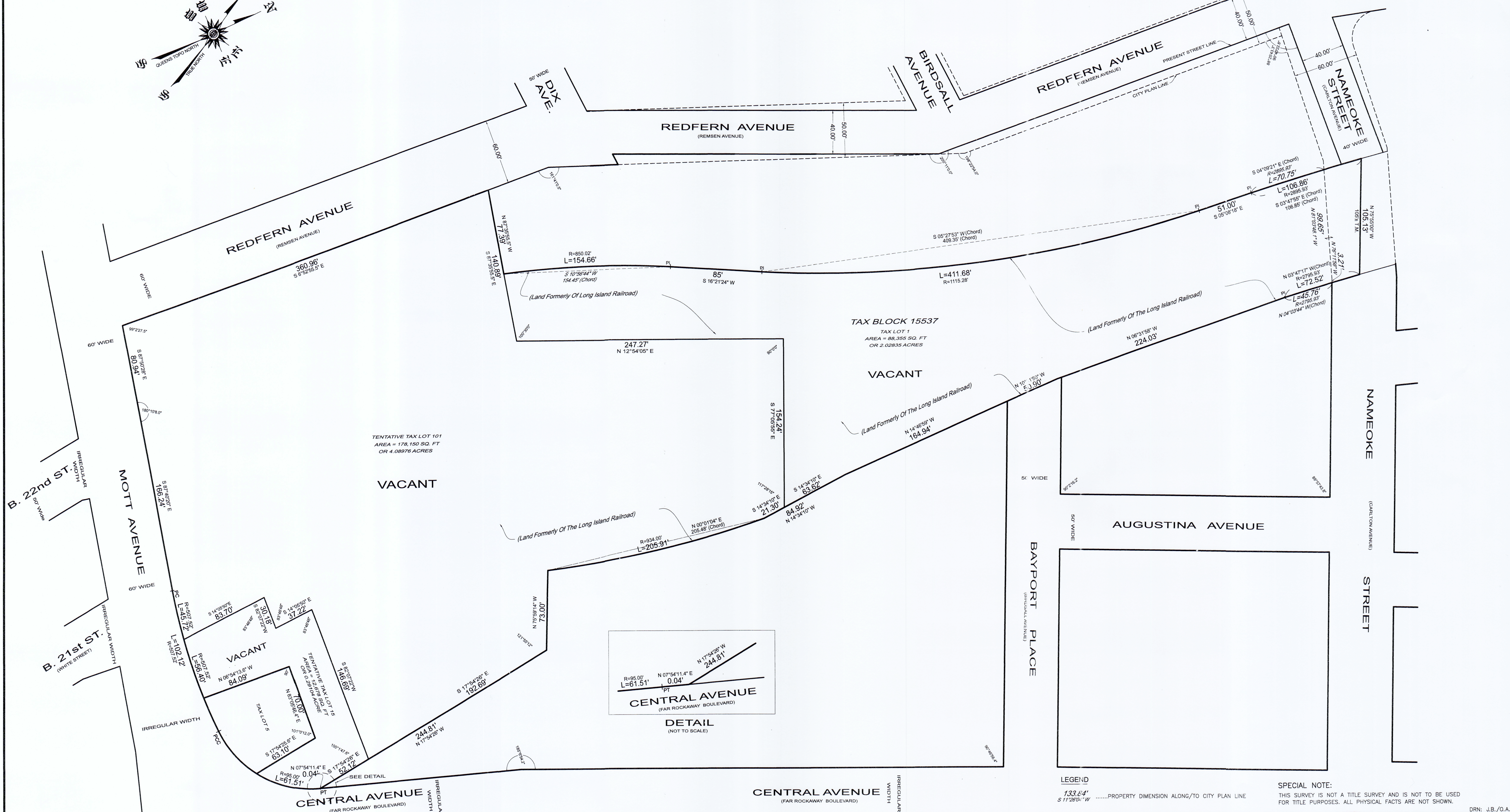
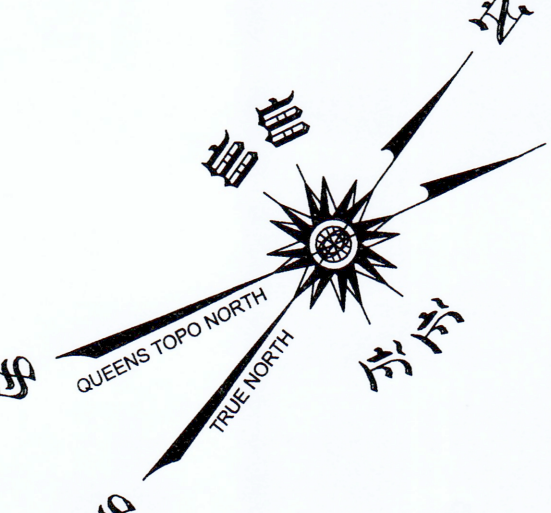
RUNNING THENCE the following three courses and distances along the northerly side of Mott Avenue:

1. Thence westerly along a curve bearing to the right having a radius of 507.52 feet an arc length of 45.72 feet to a point of tangency;
2. Thence North 87 degrees 40 minutes 20 seconds West, 166.24 feet to an angle point;
3. Thence North 87 degrees 50 minutes 28 seconds West, 80.94 feet to corner formed by the intersection of the northerly side of Mott Avenue with the easterly side Redfern Avenue the point or place of BEGINNING.

The above mentioned bearings are in reference to Queens Topographical Bureau Meridian.

Exhibit B

Site Survey

[illegible]

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CITY OF NEW YORK
COUNTY OF QUEENS
TAX BLOCK 15537
TAX LOTS AS SHOWN

SCALE 1" = 40'



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
6/25/2021



SITE DESCRIPTION

SITE NO. C241224

SITE NAME Far Rockaway Project

SITE ADDRESS: 20-02 Mott Avenue **ZIP CODE:** 11691

CITY/TOWN: Far Rockaway

COUNTY: Queens

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

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan ☐ ☒

Monitoring Plan ☐ ☒

Operation and Maintenance (O&M) Plan ☐ ☒

Periodic Review Frequency: N/A

Periodic Review Report Submitted Date: N/A

Description of Institutional Control

Description of Engineering Control