



Department of  
Environmental  
Conservation

## BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

### PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

Check the appropriate box below based on the nature of the amendment modification requested:

☐ Amendment to [check one or more boxes below]

- ☐ Add
- ☐ Substitute
- ☐ Remove
- ☐ Change in Name

applicant(s) to the existing Brownfield Cleanup Agreement [*Complete Section I-IV below and Part II*]

Does this proposed amendment involve a transfer of title to all or part of the brownfield site? ☐ Yes ☐ No

If yes, pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been previously submitted. If not, please submit this form with this Amendment. See <http://www.dec.ny.gov/chemical/76250.html>

- ☒ Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Sections I and V below and Part II*]
- ☐ Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Section I and V below and Part II*]
- ☐ **Sites in Bronx, Kings, New York, Queens, or Richmond counties ONLY:** Amendment to request determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. Please answer questions on the supplement at the end of the form.
- ☐ Other (explain in detail below)

Please provide a brief narrative on the nature of the amendment:

This Amendment is submitted to reflect a lot merger that occurred after the Site's initial admission into the BCP. The Site was originally comprised of Block 5076, Lots 61 and 65, and the two lots have since been merged with a lot designation of Lot 61. The approved application for lot merger and the environmental easement survey for the Site are attached to depict the merged Lot 61.

**\*Please refer to the attached instructions for guidance on filling out this application\***

<b>Section I. Existing Agreement Information</b>			
BCP SITE NAME: 131-10 Avery Avenue		BCP SITE NUMBER: C241228	
NAME OF CURRENT APPLICANT(S): Avery Group LLC			
INDEX NUMBER OF EXISTING AGREEMENT: C241228-01-19 DATE OF EXISTING AGREEMENT: 1/30/19			
<b>Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)</b>			
NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Is the requestor authorized to conduct business in New York State (NYS)? <input type="checkbox"/> Yes <input type="checkbox"/> No			
<ul style="list-style-type: none"> <li>If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's (DOS) Corporation &amp; Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.</li> </ul>			
NAME OF NEW REQUESTOR'S REPRESENTATIVE			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Requestor must submit proof that the party signing this Application and Amendment has the authority to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. Is this proof attached? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Describe Requestor's Relationship to Existing Applicant:			

**Section III. Current Property Owner/Operator Information (only include if new owner/operator or new existing owner/operator information is provided, and highlight new information)**

OWNER'S NAME (if different from requestor)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

**Section IV. Eligibility Information for New Requestor (Please refer to ECL § 27-1407 for more detail)**

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site? ☐ Yes ☐ No
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site? ☐ Yes ☐ No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? ☐ Yes ☐ No  
Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the subject law; ii) any order or determination; iii) any regulation implementing ECL Article 27 Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ☐ No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, Department assigned site number, the reason for denial, and other relevant information. ☐ Yes ☐ No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? ☐ Yes ☐ No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? ☐ Yes ☐ No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department? ☐ Yes ☐ No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? ☐ Yes ☐ No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? ☐ Yes ☐ No
11. Are there any unregistered bulk storage tanks on-site which require registration? ☐ Yes ☐ No

THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL §27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

☐

**PARTICIPANT**

A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.

☐

**VOLUNTEER**

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

**If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.**

Requestor's Relationship to Property (check one):

☐

Prior Owner

☐

Current Owner

☐

Potential /Future Purchaser

☐

Other

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached? ☐ Yes ☐ No

**Note: a purchase contract does not suffice as proof of access.**

**Section V. Property description and description of changes/additions/reductions (if applicable)**

ADDRESS 131-10 Avery Avenue, Queens

CITY/TOWN Flushing, Queens, NY

ZIP CODE 11355

TAX BLOCK AND LOT (TBL) (in existing agreement )

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
131-10 Avery Avenue			5076	61	0.199
131-18 Avery Avenue			5076	65	0.099

Check appropriate boxes below:



Changes to metes and bounds description or TBL correction



Addition of property (may require additional citizen participation depending on the nature of the expansion – see attached instructions)

Approximate acreage added: \_\_\_\_\_

Lots 61 and 61 were merged into new Lot 61. There is no change to the Site boundary or acreage. See attached approved lot merger application and easement survey for depiction of new Lot 61.

**ADDITIONAL PARCELS:**

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage



Reduction of property

Approximate acreage removed: \_\_\_\_\_

**PARCELS REMOVED:**

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, or acceptable site map to this application.

# Supplement to the Application To Amend Brownfield Cleanup Agreement And Amendment - Questions for Sites Seeking Tangible Property Credits in New York City ONLY.

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Please answer questions below and provide documentation necessary to support answers.</b>	
1. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see <a href="#">DEC's website</a> for more information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>From ECL 27-1405(31):</b>  "Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.	
3. Is the project an affordable housing project as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
From 6 NYCRR 375- 3.2(a) as of August 12, 2016:  (a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.  (1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' households annual gross income.  (2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.  (3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.	

## PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME: 131-10 Avery	BCP SITE NUMBER: C241228
NAME OF CURRENT APPLICANT(S): Avery Group LLC	
INDEX NUMBER OF EXISTING AGREEMENT: C241228-01-19	
EFFECTIVE DATE OF EXISTING AGREEMENT: 1/30/19	

### Declaration of Amendment:

By the Requestor(s) and/or Applicant(s) signatures below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from any obligations held under the Agreement or those same laws.

Statement of Certification and Signatures: New Requestor(s) (if applicable)
<p>(Individual)</p> <p>I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.</p> <p>Date: _____ Signature: _____</p> <p>Print Name: _____</p>
<p>(Entity)</p> <p>I hereby affirm that I am (title _____) of (entity _____); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.</p> <p>_____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.</p> <p>Date: _____ Signature: _____</p> <p>Print Name: _____</p>

**Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)**

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

(Entity)

I hereby affirm that I am Authorized Signatory (title) of Avery Group LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. Paul Tao's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 10/6/20 Signature: 

Print Name: Paul Tao

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

☐

PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.

☒

VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.

Effective Date of the Original Agreement:


January 30, 2019

Signature by the Department:

DATED: 11/2/20

NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

By:



Michael J. Ryan, P.E., Director  
Division of Environmental Remediation



**SUBMITTAL INFORMATION:**

- **Two (2)** copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) must be sent to:

Chief, Site Control Section  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-7020

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**FOR DEPARTMENT USE ONLY**

**BCP SITE T&A CODE:** \_\_\_\_\_ **LEAD OFFICE:** \_\_\_\_\_

**PROJECT MANAGER:** \_\_\_\_\_

**APPLICATION FOR MERGERS OR APPORTIONMENTS**

**Instructions:** Please complete this application and submit in person to: **Department of Finance, Property Division - Tax Map Office, 66 John Street, 2nd floor, New York, NY 10038.** Please read the instructions for further details before completing this form. Print clearly.

**SECTION A: PROPERTY INFORMATION**

Borough: Queens Block: 5076 Present Lot(s): 61 & 65

☒ Merger ☐ Apportionment Number of Lots Requested 1

☐ Air ☐ Subterranean

New Lot(s) Usage (check one) ☐ Residential Building Gross Sq/Ft: \_\_\_\_\_ ☒ Commercial Building Gross Sq/Ft: 64499 ☐ Mix (Residential & Commercial) Building Gross Sq/Ft: \_\_\_\_\_

Property Owner's Name: Avery Group LLC.

2. Address: 131-10 Avery Avenue Flushing NY 11355

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

New Lot Number: 61

**SECTION B: APPLICANT INFORMATION**

1. Architect/Engineer/Applicant's Name: Kang Michael

2. Address: 37-01 Main Street, Suite 3A Flushing NY 11354

3. Telephone Number: (718) 353-2929 4. Email Address: michaelkangra@yahoo.com

**SECTION C: CERTIFICATION**

The applicant hereby certifies that, in making this application for merger/apportionment, s/he is the owner, or acting under the direction of the owner.

Signature of Architect/ Engineer/Applicant: [Signature] Date: 8 / 22 / 2018

TAX MAP CHANGE WILL NOT BE MADE UNTIL PRESENTATION OF REQUIRED DOCUMENTS (see reverse for the required documents)

DRAW SKETCH TO SCALE 1" = 50', IF POSSIBLE INDICATE NORTH ARROW

**VERY AVENUE**

208.19'

131ST STREET

67.15'

65.00'

191.32'

61

REGISTERED ARCHITECT  
MICHAEL KANG  
024849  
STATE OF NEW YORK

(Architect or Engineer's seal)

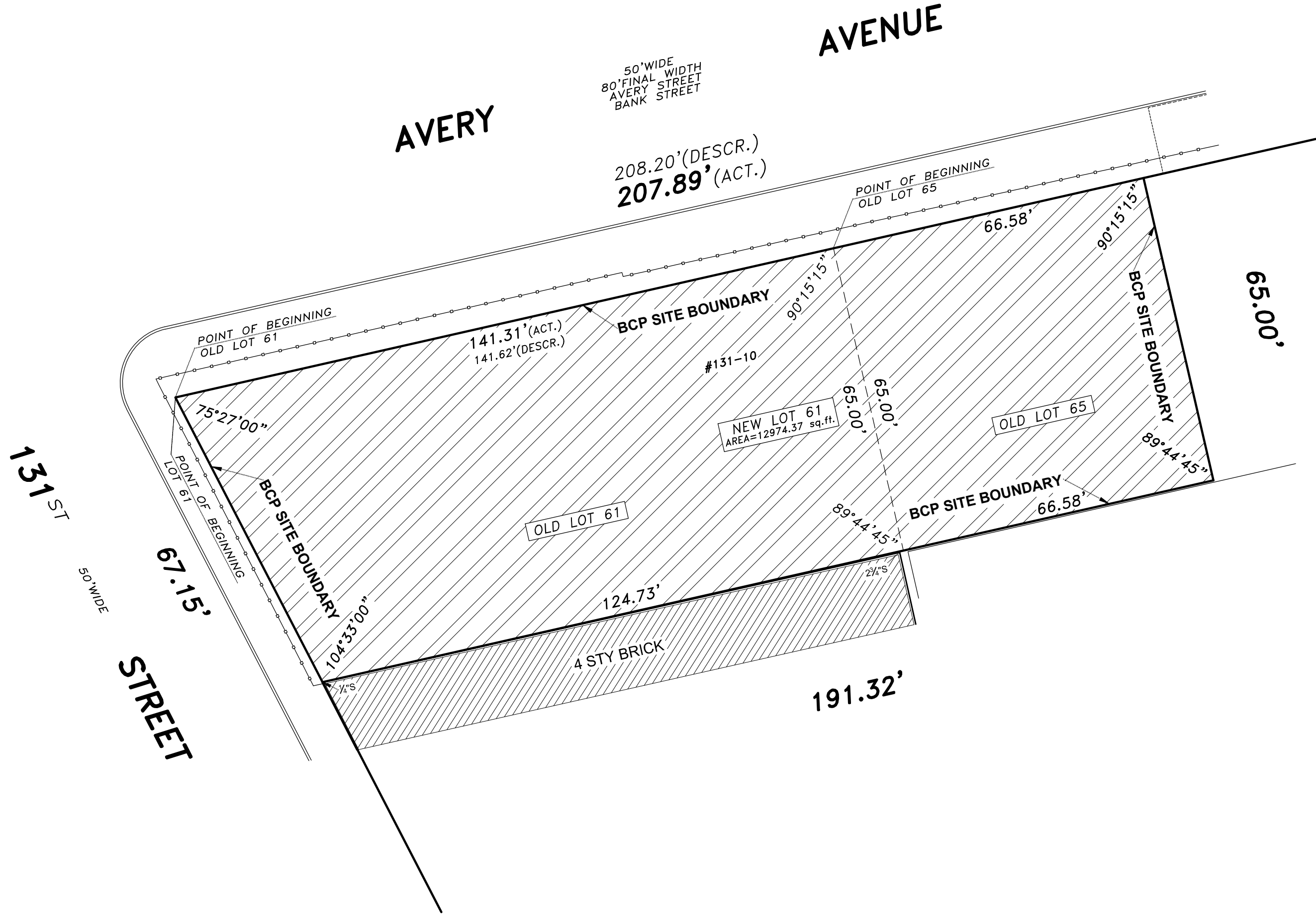
Lot(s) issued: \_\_\_\_\_ Customer Service Representative: KAPLAN Date: 8/31/19 New Lot(s): — Lot(s) Affected: 61 Lot(s) Dropped: 65

Please note: Map changes will not be made until presentation of all required documents is reviewed and approved by the Specialist.

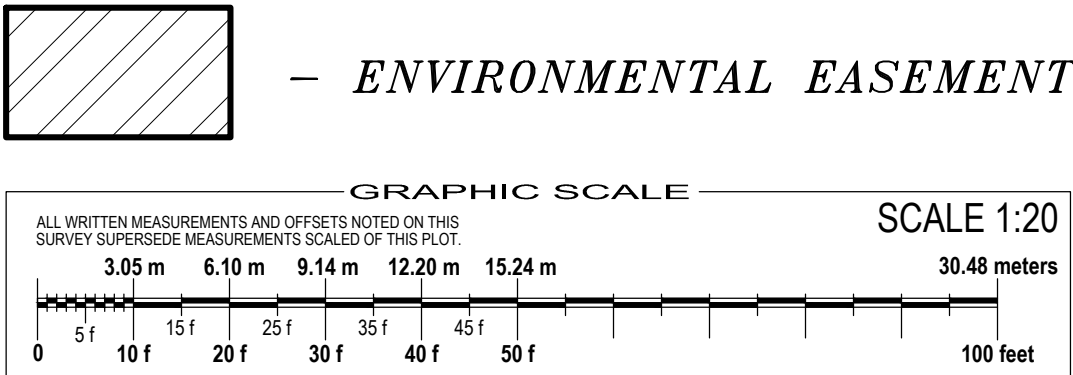
Map Updated: \_\_\_\_\_ Tax Map Specialist: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_



JOB NO. Q 5076-61-ENVI  
SURVEYED ON: JULY 20, 2020



OLD LOT 61 AREA = 8646.45 sq.ft. = 0.1985 acre  
OLD LOT 65 AREA = 4327.92 sq.ft. = 0.0994 acre  
NEW LOT 61 AREA = 12974.37 sq.ft. = 0.2979 acre



**NOTE:**  
*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 New York Environmental Conservation Law. The engineering and institutional controls for this Easement are set forth in the Site Management Plan (SMP). A copy of the SMP must be obtained by any party with an interest in the property. The SMP can be obtained from NYS Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at [derweb@dec.ny.gov](mailto:derweb@dec.ny.gov)*

**LEGAL DESCRIPTION**

**OLD LOT 61**

**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 131st Street, 50 feet wide, with the southerly side of Avery Avenue, 80 feet wide;

**RUNNING THENCE** easterly along the southerly side of Avery Avenue, 141.61 feet (Deed; 141.61 on Tax Map);

**THENCE** southerly and part of the distance through a party wall, 65 feet;

**THENCE** westerly parallel with Avery Avenue, 124.74 feet to the easterly side of 131st Street;

**THENCE** northerly along easterly side of 131st Street, 67.15 feet to the corner, the point or place of BEGINNING.

Area of Old Lot 61: 8646.45 sq.ft = 0.1985 acre

**OLD LOT 65**

**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 point on the southerly side Avery Avenue, 80 feet wide, distant 141.62 feet (Deed; 141.61 on Tax Map) easterly from the corner formed by the intersection of the southerly side of Avery Avenue ant the easterly side of 131st Street;

**RUNNING THENCE** easterly along the southerly side of Avery Avenue, 66.58 feet;

**THENCE** southerly and part of the distance through a party wall, 65 feet;

**THENCE** westerly parallel with Avery Avenue, 66.58 feet ;

**THENCE** northerly and part of the distance through a party wall, 65 feet to the point or place of BEGINNING.

Area of Old Lot 65: 4327.92 sq.ft. = 0.0994 acre

**ENVIRONMENTAL EASEMENT LEGAL DESCRIPTION (NEW LOT 61)**

**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 131st Street, 50 feet wide, with the southerly side of Avery Avenue, 80 feet wide;

**RUNNING THENCE** easterly along the southerly side of Avery Avenue, 208.20 feet (Deed; 208.19 on Tax Map);

**THENCE** southerly and part of the distance through a party wall, 65 feet;

**THENCE** westerly parallel with Avery Avenue, 191.32 feet to the easterly side of 131st Street;

**THENCE** northerly along easterly side of 131st Street, 67.15 feet to the corner, the point or place of BEGINNING.

Area of the Environmental Easement: 12974.37 sq.ft. = 0.2979 acre

FENCE	CH.L.F.	WOOD F.
UTILITY POLE		U.P.
PARKING METER		P.M.
OIL FILL		O.F.
MONITORING WELL		M.W.
TRAFFIC LIGHT		T.L.
LIGHT		L.
STREET LIGHT		S.L.
FIRE HYDRANT		H.
SIAMSESE CONNECTION		S.C.
SHUT OFF VALVE		S.O.V.
HANDICAPPED PARKING		H.P.
EXISTING TREE		E.T.
DRAINS		D.
ROOF OVER		R.O.
EXISTING ELEVATIONS		E.
CITY ESTABLISHED GRADES		C.G.
CURB AND CURB CUT		C.C.
OVERHEAD SERVICE		O.S.
CABLE TV MANHOLE		C.T.M.
MANHOLES		M.
CATCH BASIN		C.B.
FIRE ESCAPE		F.E.
PLATFORM		P.
BASEMENT ENTRANCE		B.E.
CELLAR ENTRANCE		C.E.
AIR WAY		A.W.
BAY WINDOW		B.W.
CONCRETE		C.
OVERBRIDGE		O.B.
AIR CONDITION		A.C.
METAL		M.
NORTH OF PROPERTY LINE		N
SOUTH OF PROPERTY LINE		S
EAST OF PROPERTY LINE		E
WEST OF PROPERTY LINE		W

SUBSURFACE UTILITIES ARE NOT GUARANTEED BY SURVEYOR. HIGH CAUTION RECOMMENDED AND VERIFICATION WITH PROPER CITY AGENCIES IS MANDATORY BEFORE COMMENCING ANY NEW WORK.

ALL SUBSURFACE AND OVERHEAD UTILITIES (AS TO SIZE, TYPE AND DEPTH) SHOWN ON THIS SURVEY ARE TAKEN FROM RECORDS OF GOVERNMENTAL AGENCIES AND UTILITY COMPANIES, UNLESS OTHERWISE NOTED AND SHOWN.

COVER OR DEPTH OF UTILITIES WHICH DERIVED FROM FIELD MEASUREMENTS SHOWN ON THIS SURVEY SHOULD BE VERIFIED WITH PROPER AGENCY PRIOR TO CONSTRUCTION OF PROJECT. INVERT ELEVATIONS ARE DERIVED FROM CITY AGENCY RECORDS WHEN NOT AVAILABLE BY FIELD SURVEY AND NOTED AS "PER RECORD" ON THE SURVEY.

ALL SUBSURFACE UTILITY AS TO LOCATION AND DEPTH, SHOULD BE RECHECKED AND LEGAL GRADES SHOULD BE VERIFIED WITH THE TOPOGRAPHICAL BUREAU, PREFERABLY IN WRITING BEFORE COMMENCING CONSTRUCTION.

THIS IS TO CERTIFY THAT THERE ARE NO STREAMS OR NATURAL WATER COURSES ON THE SURVEYED PROPERTY EXCEPT AS SHOWN AND/OR DESCRIBED ON THIS SURVEY.

ALL OPERATIONS OF UNDERGROUND FACILITIES AND ALL EXCAVATORS ARE OBLIGATED TO COMPLY WITH ARTICLE 36 OF THE GENERAL BUSINESS LAW AND WITH PROVISIONS OF INDUSTRIAL CODE PART (RULE NO. 35) BEFORE ANY EXCAVATION OR DEMOLITION IS COMMENCED. EVERY EXCAVATOR IS REQUIRED BY THESE LAWS TO GIVE ADVANCE NOTICE TO EVERY OPERATOR OF UNDERGROUND FACILITIES OF HIS INTENT TO PERFORM EXCAVATION OR DEMOLITION WORK IN THE SPECIFIED AREA.

ALL ELEVATIONS SHOWN REFER TO THE NAVD 1988 DATUM. TO OBTAIN:  
- NGVD 1988 DATUM - ADD 1.08 FEET  
- QUEENS BOROUGH DATUM - SUBTRACT 1.625 FEET

EASEMENTS IF ANY ARE NOT SHOWN ON THIS SURVEY. NO INFORMATION PROVIDED TO SURVEYOR AT THIS TIME.

**UNDERGROUND UTILITIES NOTES**

UNDERGROUND, OVERHEAD AND GROUND LEVEL UTILITIES ARE NOT GUARANTEED AS TO ACCURACY, EXACT LOCATION, TYPE OR USE, ACTIVE OR INACTIVE. VERIFICATION IS MANDATORY WITH MUNICIPAL AGENCIES, PUBLIC AND PRIVATE UTILITY COMPANIES PRIOR TO TAKING TITLE AND OR DESIGN WORK. BOUNDARIES ARE NOT GUARANTEED UNLESS SO NOTED.

ALL OPERATIONS OF UNDERGROUND FACILITIES AND ALL EXCAVATORS ARE OBLIGATED TO COMPLY WITH ARTICLE 36 OF THE GENERAL BUSINESS LAW AND WITH PROVISIONS OF INDUSTRIAL CODE PART (RULE NO. 35) BEFORE ANY EXCAVATION OR DEMOLITION IS COMMENCED. EVERY EXCAVATOR IS REQUIRED BY THESE LAWS TO GIVE ADVANCE NOTICE TO EVERY OPERATOR OF UNDERGROUND FACILITIES OF HIS INTENT TO PERFORM EXCAVATION OR DEMOLITION WORK IN THE SPECIFIED AREA.

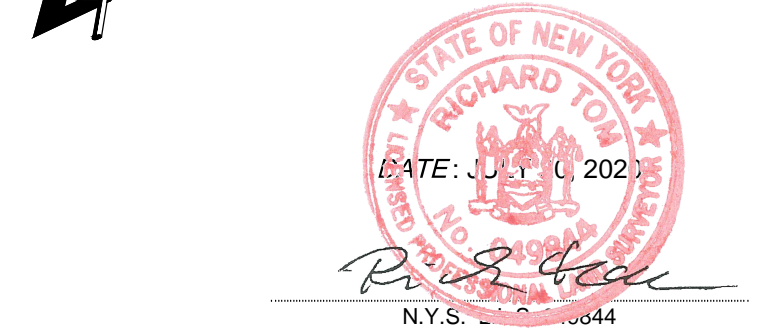
UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S INKED SEAL OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID COPY. GUARANTEES OR CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. GUARANTEES OR CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

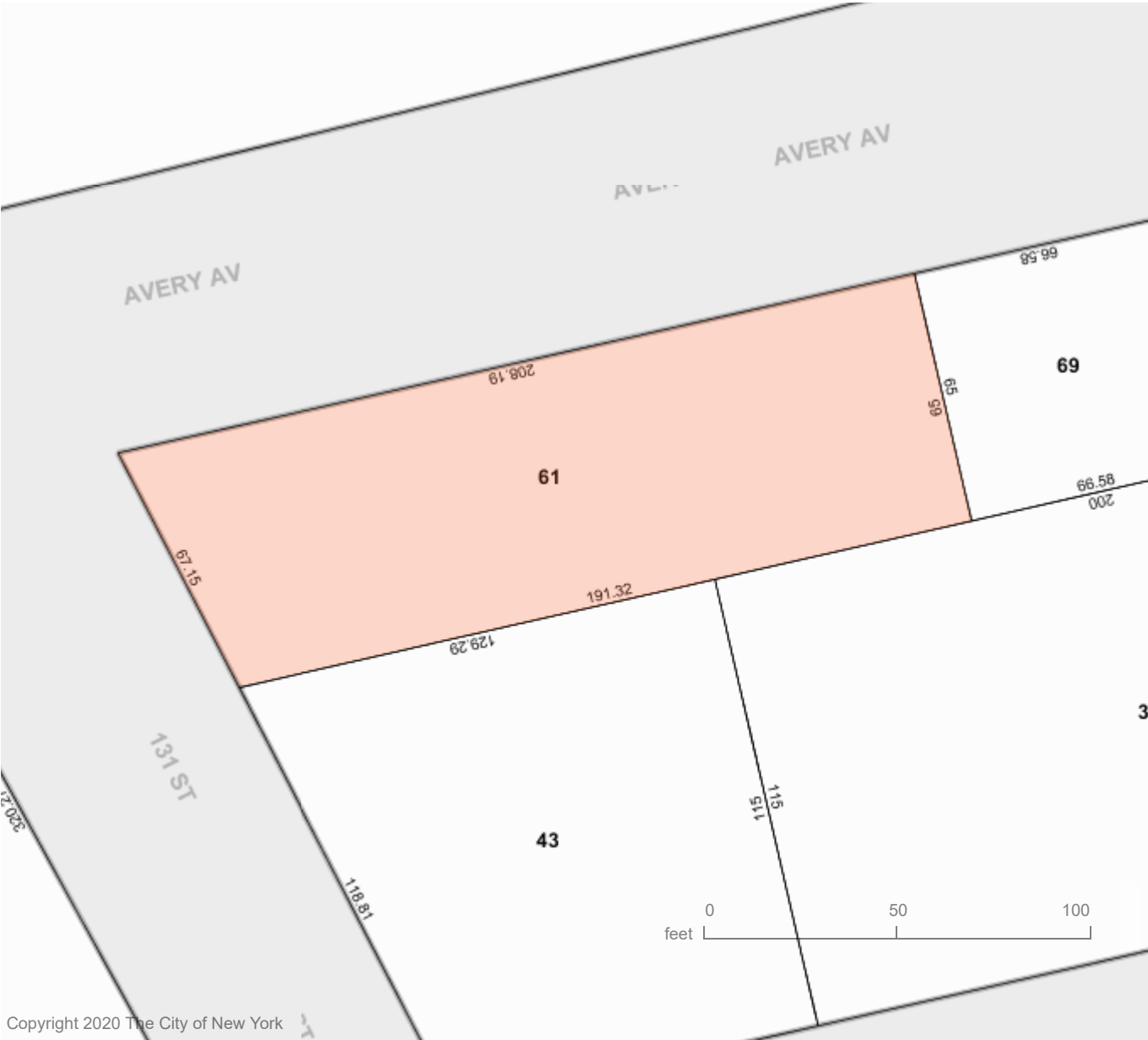
GUARANTEED TO: Avery Group LLC	
COUNTY: QUEENS	CITY: FLUSHING
SECTION:	BLOCK: 5076 LOT(S): 61
PROPERTY ADDRESS: 131-10 AVERY AVENUE	

**ENVIRONMENTAL EASEMENT SURVEY**

PREPARED BY

**PERFECT POINT**  
LAND SURVEYING RT  
brooklyn - queens - manhattan - bronx  
staten island - nassau  
phone: (718) 474-7700  
fax: (718) 872-9699  
info@ppsurveying.com  
www.ppsurveying.com





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