

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

December 18, 2023

Jennifer Piibe
1906 Flushing LLC
11 Park Place
New York, NY 10007
JPiibe@nycacc.org

Re: Certificate of Completion
Queens Animal Shelter and Care Center
Queens, Queens County
C241230

Dear Jennifer Piibe:

Congratulations on having satisfactorily completed the remedial program at the Queens Animal Shelter and Care Center site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (NYSDEC) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record the Notice of Certificate of Completion in the recording office for the county (or counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record the Notice within 30 days of the date that you acquire the site. If you are a non-owner, you must work with the owner to assure the Notice is recorded within the time frame specified. A standard Notice of Certificate of Completion form is attached to this letter.
- Provide electronic copies of the recorded Notice and proof of recording to NYSDEC's project manager. Please return the hard copy of the proof of recording to:

Michael MacCabe, Bureau B
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7016



- Provide the Notice of Certificate of Completion to the Document Repositories within 10 days of issuance of the COC. NYSDEC will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days.
- Implement NYSDEC-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to NYSDEC in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to NYSDEC in April 2025.

If you have any questions, please do not hesitate to contact Michael MacCabe, NYSDEC's project manager, at 518-402-9687 or michael.maccabe@dec.ny.gov.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Division Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

Michael Bogin, SPR - MBogin@sprlaw.com
Patrick Diggins, AKRF - jdiggins@akrf.com
Deborah Shapiro, AKRF - dshapiro@akrf.com
C. Vooris, NYSDOH - christine.vooris@health.ny.gov
S. McLaughlin, NYSDOH - scarlett.mclaughlin@health.ny.gov
S. Berninger, NYSDOH - Steven.Berninger@health.ny.gov
Matt Gokey - matthew.gokey@tax.ny.gov
Paul Takac - paul.takac@tax.ny.gov

ec w/o enc.:

M. MacCabe
S. Quandt
S. Deyette
J. O'Connell
K. McCarthy
L. Schmidt
K. Lewandowski

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER:

Name

1906 Flushing LLC

Address

11 Park Place, New York, NY 10007

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 3/22/19 **Agreement Execution:** 4/8/19

Agreement Index No.: C241230-03-19

Application Amendment Approval: 1/22/21

Agreement Amendment Execution: 1/22/21

SITE INFORMATION:

Site No.: C241230 **Site Name:** Queens Animal Shelter and Care Center

Site Owner: 1906 Flushing LLC

Street Address: 151 Woodward Avenue a/k/a 1902 Flushing Ave

Municipality: Queens **County:** Queens **DEC Region:** 2

Site Size: 1.005 Acres

Tax Map Identification Number: 3376-1

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: Commercial and Industrial

Cleanup Track: Track 4: Restricted use with site-specific soil cleanup objectives

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 25 %.

Tangible Property Credit at the time of this COC issuance is 0%.

The Remedial Program includes use restrictions or reliance on the long-term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Queens County as 2021000357252.

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 finding any of the following:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos
Commissioner
New York State Department of Environmental Conservation

By: Andrew Guglielmi Date: December 18, 2023

Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A

Site Description

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 NORTHWESTERLY SIDE OF TROUTMAN STREET AND THE NORTHEASTERLY SIDE OF WOODWARD AVENUE;

RUNNING THENCE EASTERLY ALONG A LINE FORMING AN INTERIOR ANGLE OF 90 DEGREES 08 MINUTES 09 SECONDS WITH THE NORTHEASTERLY SIDE OF WOODWARD AVENUE, 165.85 FEET ALONG THE NORTHWESTERLY SIDE OF TROUTMAN STREET;

THENCE NORTHERLY AT RIGHT ANGLES TO THE NORTHERLY SIDE OF TROUTMAN STREET, 230.94 FEET TO THE SOUTHERLY SIDE OF FLUSHING AVENUE;

THENCE WESTERLY ALONG THE SOUTHERLY SIDE OF FLUSHING AVENUE, 38.25 FEET TO A POINT;

THENCE WESTERLY ALONG A LINE FORMING AN INTERIOR ANGLE OF 165 DEGREES 51 MINUTES 52. 4 SECONDS WITH THE LAST MENTIONED COURSE AND CONTINUING ALONG THE SOUTHERLY SIDE OF FLUSHING AVENUE, 138.83 FEET TO THE NORTHEASTERLY SIDE OF WOODWARD AVENUE;

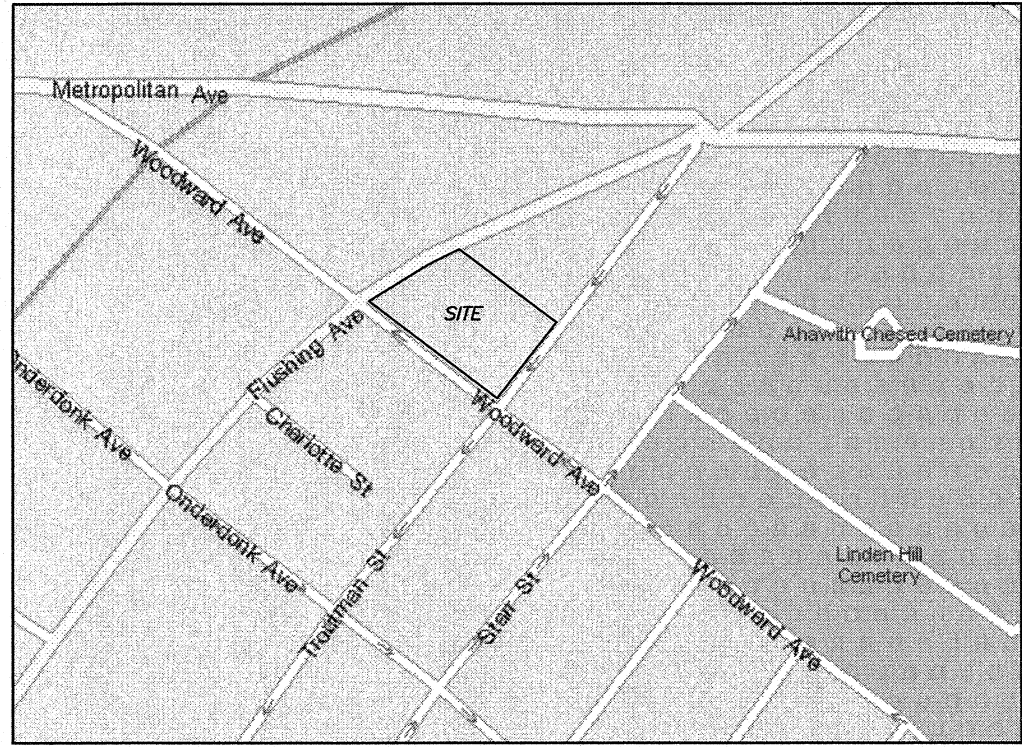
THENCE SOUTHERLY ALONG THE NORTHEASTERLY SIDE OF WOODWARD AVENUE, 288.40 FEET TO THE POINT OR PLACE OF BEGINNING.

LOT AREA = 43,793.19 SQ.FT. = 1.00535 ACRES

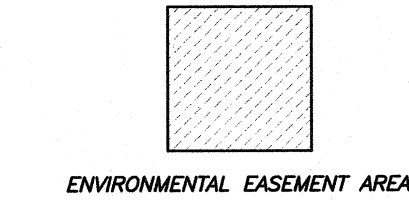
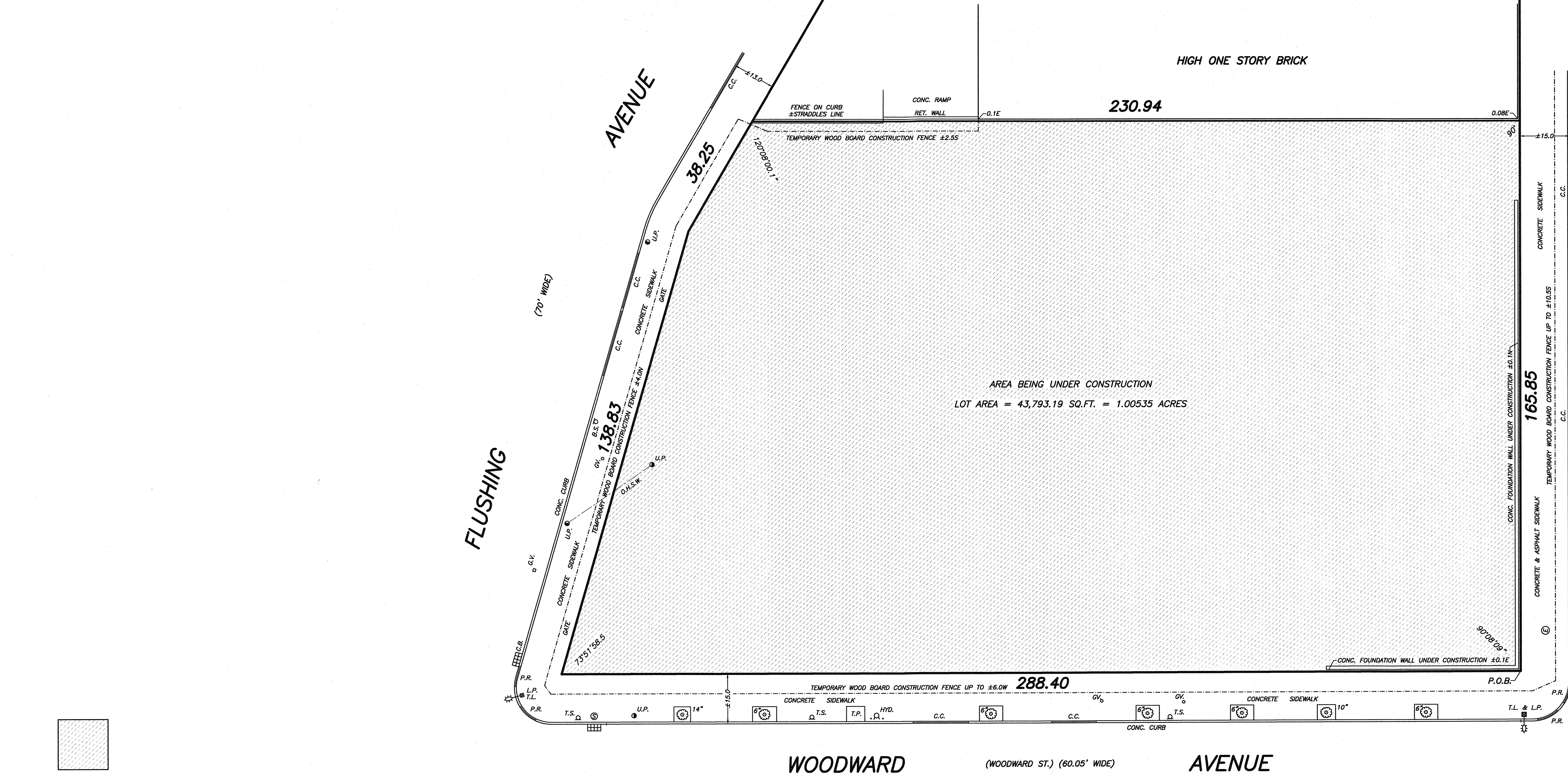
Exhibit B

Site Survey

ENVIRONMENTAL EASEMENT SURVEY



VICINITY MAP

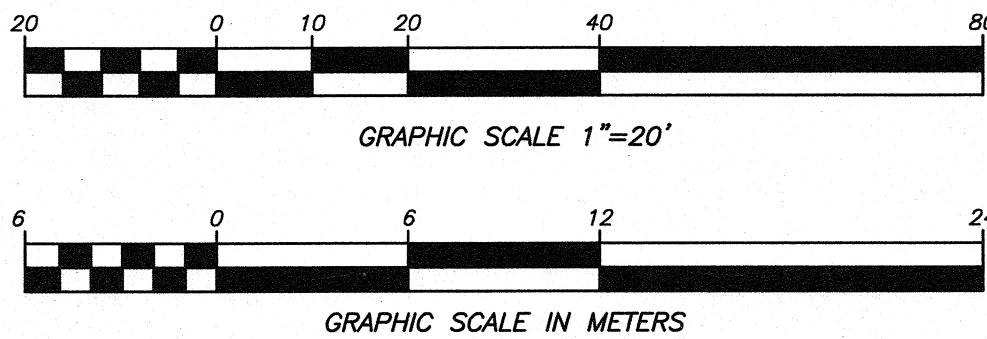


- LEGEND:
- T.L. TRAFFIC LIGHT
 - HYD. FIRE HYDRANT
 - C.B. CATCH BASIN
 - TREE
 - U.P. UTILITY POLE
 - GAS-G.V. VALVES
 - WATER-W.V. OVERHEAD SERVICE WIRES
 - D.S.W. DRAIN
 - T.S. TRAFFIC SIGN
 - L.G. LEGAL EASEMENT
 - P.R. PEDESTRIAN RAMP
 - T.P. TREE PIT
 - C.C. CURB AND CURB CUT
 - B.S. BUS STOP SIGN
 - TEL. TELEPHONE
 - MH. MANHOLES
 - HANDICAP SPACE

SITE #C241230 CONSENT INDEX #C-241230-03-19

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

UNAUTHORIZED ALTERATIONS AND/OR ADDITIONS TO THIS SURVEY BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 2209 OF THE NEW YORK STATE EASEMENT LAW. COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S INKED OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY. CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, THE TITLE COMPANY, THE GOVERNMENTAL AGENCY AND THE LENDING INSTITUTION LISTED ON THIS SURVEY MAP. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS AND/OR SUBSEQUENT OWNERS. FENCE OFFSETS TAKEN AT POSTS. ENCROACHMENTS OR VAULTS BELOW SURFACE ARE NOT SHOWN. RIGHT OF WAYS AND/OR EASEMENTS OF RECORD NOT SHOWN ON THIS SURVEY ARE NOT CERTIFIED. OFFSETS AND DIMENSIONS HEREON ARE FOR A SPECIFIC PURPOSE AND ARE NOT TO BE USED IN THE ERECTION OF ADDITIONAL STRUCTURES, FENCES OR OTHER IMPROVEMENTS. © 2019 ALL RIGHTS RESERVED



LEGAL DESCRIPTION

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 NORTHWESTERLY SIDE OF TROUTMAN STREET AND THE NORTHEASTERLY SIDE OF WOODWARD AVENUE;

RUNNING THENCE EASTERLY ALONG A LINE FORMING AN INTERIOR ANGLE OF 90 DEGREES 08 MINUTES 09 SECONDS WITH THE NORTHEASTERLY SIDE OF WOODWARD AVENUE, 165.85 FEET ALONG THE NORTHWESTERLY SIDE OF TROUTMAN STREET;

THENCE NORTHERLY AT RIGHT ANGLES TO THE NORTHERLY SIDE OF TROUTMAN STREET, 230.94 FEET TO THE SOUTHERLY SIDE OF FLUSHING AVENUE;

THENCE WESTERLY ALONG THE SOUTHERLY SIDE OF FLUSHING AVENUE, 38.25 FEET TO A POINT;

THENCE WESTERLY ALONG A LINE FORMING AN INTERIOR ANGLE OF 165 DEGREES 51 MINUTES 52.4 SECONDS WITH THE LAST MENTIONED COURSE AND CONTINUING ALONG THE SOUTHERLY SIDE OF FLUSHING AVENUE, 138.83 FEET TO THE NORTHEASTERLY SIDE OF WOODWARD AVENUE;

THENCE SOUTHERLY ALONG THE NORTHEASTERLY SIDE OF WOODWARD AVENUE, 288.40 FEET TO THE POINT OR PLACE OF BEGINNING.

LOT AREA = 43,793.19 SQ.FT. = 1.00535 ACRES

"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 MORE DETAIL 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".

ENVIRONMENTAL EASEMENT DESCRIPTION

SITE #C241230 CONSENT INDEX #C-241230-03-19

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:

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LOT AREA = 43,793.19 SQ.FT. = 1.00535 ACRES

SURVEYORS NOTES

1. THE ACCOMPANYING SURVEY WAS MADE ON THE GROUND AND CORRECTLY SHOWS THE LOCATION OF ALL BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS SITUATED ON THE ABOVE DESCRIBED PREMISES.
2. THE PROPERTY HAS DIRECT PHYSICAL ACCESS TO A PUBLIC STREET KNOWN AS FLUSHING AVENUE, WOODWARD AVENUE AND TROUTMAN STREET. THERE ARE NO CHANGES IN STREET RIGHT OF WAYS.
3. THE RECORD DESCRIPTION OF THE PROPERTY FORMS A MATHEMATICALLY CLOSED FIGURE.
4. THERE IS NO VISIBLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
5. THERE IS NO VISIBLE EVIDENCE OF CEMETERIES.
6. THE SUBJECT PROPERTY DOES NOT LIE WITHIN A WETLANDS AREA.

NO.	DATE	REVISION
		MAP OF PROPERTY SITUATED IN RIDGEWOOD QUEENS COUNTY, N.Y. NO. 151 WOODWARD AVENUE AND 1902 FLUSHING AVENUE TAX SECT.: 18 TAX BLOCK: 3376 TAX LOT(S): 1
		Empire State Land Surveyor, P.C. Frank I. Galluzzo Professional Land Surveyor Records of Albert A. Bianco Stephen J. Reid - M. Berry Carman - G. W. Haviland Vandewater & Lapp - Robert E. Carlin - William J. Daly 1005 Glen Cove Avenue, Glen Head, NY, 11545 (516)-240-6901
		SURVEYED: JUNE 27, 2020

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

Queens Animal Shelter and Care Center, Site ID No. C241230
151 Woodward Avenue a/k/a 1902 Flushing Ave, Queens, NY, 11385
Queens, Queens County, Tax Map Identification Number: 3376-1

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (NYSDEC) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to 1906 Flushing LLC for a parcel approximately 1.005 acres located at 151 Woodward Avenue a/k/a 1902 Flushing Avenue in Queens, Queens County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by NYSDEC of the Final Engineering Report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the Remedial Work Plan.

PLEASE TAKE NOTICE, the remedial program for the site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- ☐ Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- ☐ Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- ☐ Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by NYSDEC as not inconsistent with the remedy.

PLEASE TAKE NOTICE, the remedial program relies upon use restrictions or the long-term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Queens County as 2021000357252.

PLEASE TAKE NOTICE, the Environmental Easement requires that the approved Site Management Plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to NYSDEC's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

PLEASE TAKE NOTICE, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the site and to a person who develops or otherwise occupies the site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

Queens Animal Shelter and Care Center, C241230
151 Woodward Avenue a/k/a 1902 Flushing Ave, Queens, NY, 11385

PLEASE TAKE NOTICE, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to NYSDEC in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

PLEASE TAKE NOTICE, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

PLEASE TAKE NOTICE, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

PLEASE TAKE NOTICE, the Certificate may only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

PLEASE TAKE NOTICE, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 2 located at 1 Hunter's Point Plaza, 47-40 21st Street, Long Island City, NY 11101-5401, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C241230>.

WHEREFORE, the undersigned has signed this Notice of Certificate

1906 Flushing 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:

1906 Flushing LLC
Attn: Jennifer Piibe
11 Park Place
New York, NY 10007



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
11/28/2023



SITE DESCRIPTION

SITE NO. C241230

SITE NAME Queens Animal Shelter and Care Center

SITE ADDRESS: 151 Woodward Avenue a/k/a 1902 Flushing Ave **ZIP CODE:** 11385

CITY/TOWN: Queens

COUNTY: Queens

ALLOWABLE USE: 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: once a year

Periodic Review Report Submitted Date: 04/30/2025

Description of Institutional Control

1906 Flushing LLC

11 Park Place

1902 Flushing Avenue

Environmental Easement

Block: 3376

Lot: 1

Sublot:

Section:

Subsection:

S_B_L Image: 3376-1

Building Use Restriction

Groundwater Use Restriction

IC/EC Plan

Land use Restriction

O&M Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

1906 Flushing LLC

11 Park Place

1902 Flushing Avenue

Environmental Easement

Block: 3376

Lot: 1

Sublot:

Section:

Subsection:

S_B_L Image: 3376-1

Cover System

Groundwater Treatment System

Monitoring Wells

Subsurface Barriers

Vapor Mitigation