



December 31, 2025

Gus Vorillas
40th Ave Dutch Kills Realty LLC
27-09 40th Ave, Suite 200
New York, NY 11101
gus@firstelitenyc.com

Re: Certificate of Completion
27-09 40th Avenue
Queens, Queens County
Site No. C241241

Dear Gus Vorillas:

Congratulations on having satisfactorily completed the remedial program at the 27-09 40th Avenue 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;
- Provide the Certificate of Completion fact sheet to the Document Repositories within 10 days of issuance of the COC. NYSDEC will develop the 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 2027.

If you have any questions, please do not hesitate to contact Sydney Sobol, NYSDEC's project manager, at 518-402-4799.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Division Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

S. Yanuck – syanuck@laurelenv.com
J. Cinelli – jcinelli@libertyenviro.com
T. Firetog – tfiretog@eniinternet.com
C. Vooris – NYSDOH, christine.vooris@health.ny.gov
S. McLaughlin – NYSDEC, scarlett.mclaughlin@health.ny.gov
D. Tucholski – NYSDOH, daniel.tucholski@health.ny.gov
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

S. Sobol, D. MacNeal, K. Lewandowski, J. O'Connell, S. Deyette – DEC DER
J. Petkov, L. Schmidt, DEC OGC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

40th Ave Dutch Kills Realty LLC

Address

27-09 40th Ave, suite 200, Long Island City, NY 11101

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 3/26/20 **Agreement Execution:** 4/14/20

Agreement Index No.: C241241-03-20

Application Amendment Approval: 12/30/2025

Agreement Amendment Execution: 12/30/2025

SITE INFORMATION:

Site No.: C241241 **Site Name:** 27-09 40th Avenue

Site Owner: 40th Ave Dutch Kills Realty LLC

Street Address: 27-09 40th Ave

Municipality: Long Island City

County: Queens

DEC Region: 2

Site Size: 0.403 Acres

Tax Map Identification Number(s): 397-35

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

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 50 %.

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 2025000201477.

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.

Amanda Lefton
Commissioner
New York State Department of Environmental Conservation

By: Andrew Guglielmi Date: 12/31/2025

Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A

Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

All that certain plot, piece or parcel of land, with the buildings and improvements erected thereon, situate, lying and being in Astoria, Borough of Queens, City of New York, County of Queens, and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of 40th Avenue, distant 25.04 feet easterly from the corner formed by the intersection of the northerly side of 40th Avenue with the easterly side of 27th Street;

running thence northerly at right angles to the northerly side of 40th Avenue and parallel with 27th Street, 100.13 feet;

running thence easterly and parallel with the northerly side of 40th Avenue, 175.20 feet to the westerly side of 28th Street;

running thence southerly along the westerly side of 28th Street, 100.13 feet to the corner formed by the intersection of the westerly side of 28th Street with the northerly side of 40th Avenue;

running thence westerly along the northerly side of 40th Avenue, 175.20 feet to the point or place of BEGINNING.

Area of subject parcel = 17,542.776 square feet
Address: 27-09 40th Avenue, Astoria, NY

Exhibit B

Site Survey

SURVEY NO. 81086

MAP OF PROPERTY
SITUATE AT

ASTORIA
BOROUGH OF QUEENS
CITY OF NEW YORK

LOT NUMBERS

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 TRUE 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:-

SURVEYED FINAL SURVEY APR. 29, 2024



HAYNES LAND SURVEYORS
199 LAFAYETTE DRIVE, SYOSSET, N.Y.
11791

516-495-1795 LHSURVEYORS@aol.com

RECORDS OF WALTER I. BROWNE, GUSTAVE A. ROULLIER
& ROBERT A. HAYNES

Description: Overall Parcel and Environmental Easement /Tax Block 397 Tax Lot 35

All that certain plot, piece or parcel of land, with the buildings and improvements erected thereon, situate, lying and being in Astoria, Borough of Queens, City of New York, County of Queens and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of 40th Avenue, distant 25.04 feet easterly from the corner formed by the intersection of the northerly side of 40th Avenue with the easterly side of 27th Street;

running thence northerly at right angles to the northerly side of 40th Avenue and parallel with 27th Street, 100.13 feet;

running thence easterly and parallel with the northerly side of 40th Avenue, 175.20 feet to the westerly side of 28th Street;

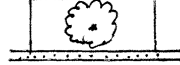
running thence southerly along the westerly side of 28th Street, 100.13 feet to the corner formed by the intersection of the westerly side of 28th Street with the northerly side of 40th Avenue;

running thence westerly along the northerly side of 40th Avenue, 175.20 feet to the point or place of BEGINNING.

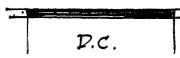
Area of subject parcel = 17,542.776 square feet

Address: 27-09 40th Avenue, Astoria, N.Y.

LEGEND



TREE PIT W/TREE



DROP CURB



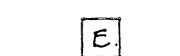
SIGN



CATCH BASIN



PEDESTRIAN DROP



ELECTRIC BOX

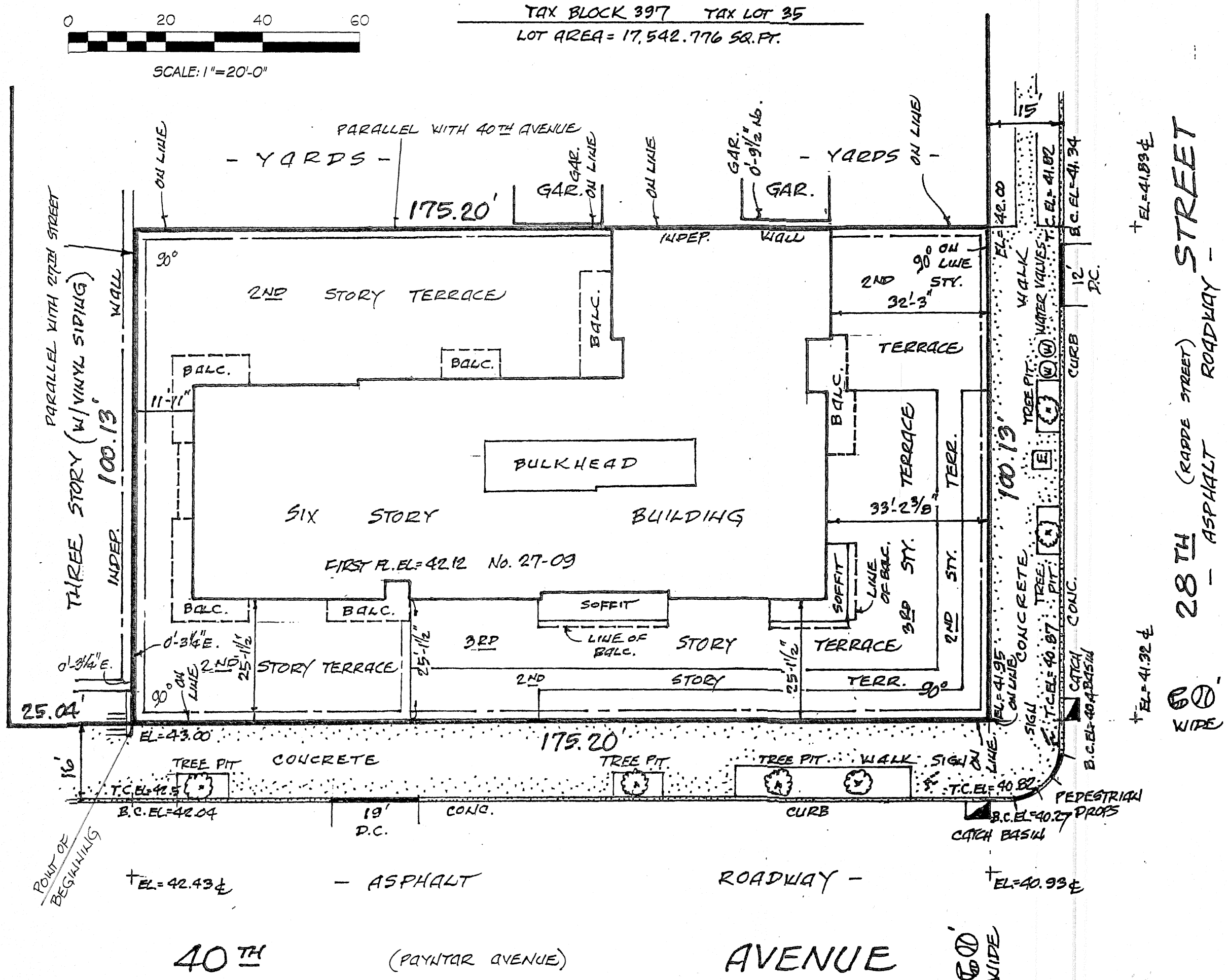


WATER VALVE

27TH (PROSPECT STREET)

6'0" WIDE

6'0" WIDE



"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."

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

27-09 40th Avenue, Site ID No. C241241
27-09 40th Avenue, Long Island City, NY, 11101
Long Island City, Queens County, Tax Map Identification Number: 397-35

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 40th Ave Dutch Kills Realty LLC for a parcel approximately 0.403 acres located at 27-09 40th Avenue in Long Island City, 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 2025000201477.

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

27-09 40th Avenue, C241241
27-09 40th Avenue, Long Island City, NY, 11101}

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, 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 Office located at 47-40 21st Street, Long Island City, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C241241/>

WHEREFORE, the undersigned has signed this Notice of Certificate

40th Ave Dutch Kills Realty 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:

40th Ave Dutch Kills Realty LLC
27-09 40th Avenue, Suite 200
Long Island City, NY, 11101

Feb. 2022



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/17/2025



SITE DESCRIPTION

SITE NO. C241241

SITE NAME 27-09 40th Avenue

SITE ADDRESS: 27-03 and 27-09/27-11 40th Ave and 39-44 28th St. **ZIP CODE:** 11101

CITY/TOWN: Long Island City

COUNTY: Queens

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

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan ☐ ☒
Monitoring Plan
Operation and Maintenance (O&M) Plan ☒ ☐

Periodic Review Frequency: once a year ☒ ☐

Periodic Review Report Submitted Date: 04/30/2027

Description of Institutional Control

40th Ave Dutch Kills Realty LLC

27-09 40TH AVE, Suite 200

27-03 40th Avenue

Environmental Easement

Block: 397

Lot: 39

Sublot:

Section:

Subsection:

S_B_L Image: 397-39

Ground Water Use Restriction

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

27-09/27-11 40th Avenue

Environmental Easement

Block: 397
Lot: 35
Sublot:
Section:
Subsection:
S_B_L Image: 397-35
Ground Water Use Restriction
Landuse Restriction
Monitoring Plan
O&M Plan
Site Management Plan

39-44 28th Street

Environmental Easement
Block: 397
Lot: 33
Sublot:
Section:
Subsection:
S_B_L Image: 397-33
Ground Water Use Restriction
Landuse Restriction
Monitoring Plan
O&M Plan
Site Management Plan

Description of Engineering Control

40th Ave Dutch Kills Realty LLC

27-09 40TH AVE, Suite 200

27-03 40th Avenue

Environmental Easement

Block: 397

Lot: 39

Sublot:

Section:

Subsection:

S_B_L Image: 397-39

Air Sparging/Soil Vapor Extraction

Vapor Mitigation

27-09/27-11 40th Avenue

Environmental Easement

Block: 397

Lot: 35

Sublot:

Section:

Subsection:

S_B_L Image: 397-35

Air Sparging/Soil Vapor Extraction

Vapor Mitigation

39-44 28th Street

Environmental Easement

Block: 397

Lot: 33

Sublot:

Section:

Subsection:

S_B_L Image: 397-33

Air Sparging/Soil Vapor Extraction

Vapor Mitigation