

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 28, 2022

Emmanuel Kokinakis
MD45 Developers LLC
48-02 25th Avenue, Suite 400
Astoria, NY 11103
ekokinakis@megagroup.nyc

Re: Certificate of Completion
22-60 46th Street
Astoria, Queens County
C241244

Dear Emmanuel Kokinakis:

Congratulations on having satisfactorily completed the remedial program at the 22-60 46th Street 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.
- 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:

Meghan Medwid
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233



- 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;
- Implement the Department-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 the Department 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 the Department in April 2024.

If you have any questions, please do not hesitate to contact Meghan Medwid, the Department's project manager, at (518) 402-8610.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Division Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

Christine Vooris – NYSDOH, christine.vooris@health.ny.gov
Scarlett McLaughlin, scarlett.mclaughlin@health.ny.gov
Renata Ockerby, renata.ockerby@health.ny.gov
Sally Rushford, sally.rushford@health.ny.gov
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov
George Duke, gduke@connellfoley.com

ec w/o enc.:

Gerard Burke, gerard.burke@dec.ny.gov
Jane O'Connell, jane.oconnell@dec.ny.gov
Heidi Dudek, heidi.dudek@dec.ny.gov
Kelly Lewandowski, kelly.lewandowski@dec.ny.gov
Jen Andaloro, jennifer.andaloro@dec.ny.gov
Leia Schmidt, leia.schmidt@dec.ny.gov
Phoebe Gittelson, phoebe.gittelson@dec.ny.gov
Meghan Medwid, meghan.medwid@dec.ny.gov
Mike Murphy, michael.murphy1@dec.ny.gov

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

MD45 Developers LLC

Address

48-02 25th Avenue, Suite 400, Astoria, NY 11103

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 9/10/20 **Agreement Execution:** 9/17/20

Agreement Index No.: C241244-09-20

Application Amendment Approval: 11/19/21

Agreement Amendment Execution: 11/19/21

Application Amendment Approval: 10/19/22

Agreement Amendment Execution: 10/19/22

SITE INFORMATION:

Site No.: C241244 **Site Name:** 22-60 46th Street

Site Owner: MD45 Developers LLC

Street Address: 22-60 46th Street and 22-61 45th Street

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

Site Size: 0.689 Acres

Tax Map Identification Number(s): 769-25, 769-42

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: Restricted-Residential, Commercial, and Industrial

Cleanup Track: Track 2: Restricted use with generic soil cleanup objectives

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 40 %.

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 is no Tangible Property Credits. Tangible Property Credit is 0%. Comprised of 10% Base.

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 2022000457089.

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;
- (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; or
- (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: 12/28/2022

Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A

Site Description

ENVIRONMENTAL EASEMENT 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 a point on the Easterly side of 45th Street (formerly 15th Avenue, formerly Luyster Street) distant 100.02 feet (100 feet tax map) Northerly from the corner formed by the intersection of the Northerly side of 23rd Avenue (Potter Avenue) with the Easterly side of 45th Street;

RUNNING THENCE Easterly and parallel with the Northerly side of 23rd Avenue, 100.01 feet;

THENCE Northerly parallel with the easterly 45th Street, 50.01 feet;

THENCE Easterly parallel with the Northerly side of 23rd Avenue, 100.01 feet;

THENCE Northerly along the westerly side of 46th Street, 125.02 feet;

THENCE Westerly at right angles to the Westerly side of 46th Street 200.02 feet to the Easterly side of 45th Street;

THENCE southerly along the westerly side of 45th Street 175.03 feet to the point or place of BEGINNING

CONTAINING WITHIN SAID BOUNDS 0.689 ACRES OR 30,008.00 SQUARE FEET

Exhibit B

Site Survey

TITLE SURVEY

45TH STREET
(70' WIDE/ASPHALT PAVED/PUBLIC ROAD)

46TH STREET
(70' WIDE/ASPHALT PAVED/PUBLIC ROAD)

23RD AVENUE

23RD AVENUE

:INDICATES ENVIRONMENTAL EASEMENT AREA
AREA= 30,008.00 SQ. FT. = 0.689 ACRES

ENVIRONMENTAL EASEMENT 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 a point on the Easterly side of 45th Street (formerly 15th Avenue, formerly Luyster Street) distant 100.02 feet (100 feet tax map) Northerly from the corner formed by the intersection of the Northerly side of 23rd Avenue (Potter Avenue) with the Easterly side of 45th Street;

RUNNING THENCE Easterly and parallel with the Northerly side of 23rd Avenue, 100.01 feet;

THENCE Northerly parallel with the easterly 45th Street, 50.01 feet;

THENCE Easterly parallel with the Northerly side of 23rd Avenue, 100.01 feet;

THENCE Northerly along the westerly side of 46th Street, 125.02 feet;

THENCE Westerly at right angles to the Westerly side of 46th Street 200.02 feet to the Easterly side of 45th Street;

THENCE southerly along the westerly side of 45th Street 175.03 feet to the point or place of BEGINNING.

CONTAINING WITHIN SAID BOUNDS 0.689 ACRES OR 30,008.00 SQUARE FEET

LEGAL DESCRIPTION

LOT 25

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 a point on the westerly side of 46th Street, distant 150.03 feet (150.00 feet tax map) northerly from the corner formed by the intersection of the westerly side of 46th Street with the northerly side of 23rd Avenue;

RUNNING THENCE westerly parallel with 23rd Avenue, 100.01 feet;

THENCE northerly parallel with 46th Street, 125.02 feet;

THENCE easterly parallel with 23rd Avenue, 100.01 feet to the westerly side of 46th Street;

THENCE southerly along the westerly side of 46th Street, 125.02 feet to the point or place of BEGINNING.

LOT 42

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, designated as Block 769 Lot 42, bounded and described as follows:

BEGINNING at a point on the Easterly side of 45th Street (formerly 15th Avenue, formerly Luyster Street) distant 100.02 feet (100 feet tax map) Northerly from the corner formed by the intersection of the Northerly side of 23rd Avenue (Potter Avenue) with the Easterly side of 45th Street;

RUNNING THENCE Northerly along the Easterly side of 45th Street, 175.03 feet;

THENCE Easterly parallel with the Northerly side of 23rd Avenue, 100.01 feet;

THENCE Southerly at right angles to the last mentioned course 175.03 feet;

THENCE Westerly at right angles to the Westerly side of 46th Street; 100.01 feet to the Easterly side of the street, the point or place of BEGINNING.

DEC SITE NUMBER C241244

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

| LEGEND | |
|--------|-------------------------|
| HYD | FIRE HYDRANT |
| T.P. | TREE PIT |
| DC | DROP CURB |
| CB | CATCH BASIN |
| MM | MUNI-METER |
| EB | ELECTRIC BOX |
| TSP | TRAFFIC SIGN POLE |
| LP | LIGHT POLE |
| SOE | SUPPORT OF EXCAVATION |
| TC | TOP OF CURB |
| BC | BOTTOM OF CURB |
| BW | BACK OF WALK |
| CLF | CHAIN LINK FENCE |
| WIF | WROUGHT IRON FENCE |
| WSF | WOOD STOCKADE FENCE |
| PRF | POST AND RAIL FENCE |
| CE | CELLAR ENTRANCE |
| PA | PLANTED AREA |
| ~ | SIGN |
| ○ | TAX LOT |
| --- | OVERHEAD UTILITY WIRES |
| -W- | WATER |
| -E- | ELECTRIC |
| -G- | GAS |
| -S- | SEWER |
| -ST- | STEAM |
| -T- | TELEPHONE |
| CE MH | CON ED MANHOLE COVER |
| EMH | ELECTRIC MANHOLE COVER |
| WMH | WATER MANHOLE COVER |
| SMH | SEWER MANHOLE COVER |
| TMH | TELEPHONE MANHOLE COVER |
| CO MH | CLEAN OUT MANHOLE COVER |
| WV | WATER VALVE |
| GV | GAS VALVE |
| UP | UTILITY POLE |
| AS | AUTO SPRINKLER |
| SP | STAND PIPE |
| OF | OIL FILL |

FEHRINGER SURVEYING, P.C.

ROBERT FEHRINGER
LICENSED LAND SURVEYOR
WWW.FEHRINGERSURVEYING.COM
2200 JACKSON AVENUE
SEAFORD, N.Y. 11783
(516) 763 - 5515 FAX NO. (516) 763 - 5525
FS@FEHRINGERSURVEYING.COM

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 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 ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SURVEYED: MAY 25, 2022

DRAWN BY: MF

FEET
8.00' 16.00' 24.00'

0 8 24 48

METERS
3 M 5 M 8 M

0 3 M 8 M 16 M



SURVEY OF PROPERTY SITUATED IN:

22-60 46TH STREET

BOROUGH OF QUEENS
COUNTY OF QUEENS
CITY OF NEW YORK
STATE OF NEW YORK

BLOCK: 769
LOTS: 25, 42

LOT 25 AREA:
SQ. FT.: 12,503.25
ACRES: 0.2870

LOT 42 AREA:
SQ. FT.: 17,504.75
ACRES: 0.4019

TOTAL LOT AREA:
SQ. FT.: 30,008.00
ACRES: 0.689

NOTICE OF CERTIFICATE OF COMPLETION

Brownfield Cleanup Program

6 NYCRR Part 375-1.9(d)

22-60 46th Street, Site ID No. C241244

22-60 46th Street and 22-61 45th Street, Astoria, NY, 11105

Astoria, Queens County, Tax Map Identification Numbers: Block 769 Lots 25, 42

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 MD45 Developers LLC for a parcel approximately 0.689 acres located at 22-60 46th Street and 22-61 45th Street in Astoria, 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.

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 the Department 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 (2022000457089).

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 the Department'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.

22-60 46th Street, C241244
22-60 46th Street and 22-61 45th Street, Astoria, NY, 11105

PLEASE TAKE NOTICE, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department 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 1 Hunters Point, 47-40 21st St, Long Island City, NY 11101, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C241244>.

WHEREFORE, the undersigned has signed this Notice of Certificate

MD45 Developers 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.

Please record and return to:

Signature and Office of individual
taking acknowledgment

Peter Neglia
2002 Cropsey Associate LLC
c/o Apartment Management Associates LLC
626 Sheepshead Bay Road, Suite 620
Brooklyn, NY 11224



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Site Management Form

11/23/2022



SITE DESCRIPTION

SITE NO. C241244

SITE NAME 22-60 46th Street

SITE ADDRESS: 22-60 46th Street ZIP CODE: 11105

CITY/TOWN: Queens

COUNTY: Queens

ALLOWABLE USE: 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: 03/30/2024

Description of Institutional Control

MD45 Developers LLC

48-02 25th Avenue, Suite 400

22-60 46th Street

Environmental Easement

Block: 769

Lot: 25

Sublot:

Section:

Subsection:

S_B_L Image: 769-25

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Site Management Plan

O & M Plan

22-61 45th Street

Environmental Easement

Block: 769

Lot: 42

Sublot:

Section:

Subsection:

S_B_L Image: 769-42

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Site Management Plan

O & M Plan

Description of Engineering Control

MD45 Developers LLC

48-02 25th Avenue, Suite 400

22-60 46th Street

Environmental Easement

Block: 769

Lot: 25

Sublot:

Section:

Subsection:

S_B_L Image: 769-25

Air Sparging/Soil Vapor Extraction

Monitoring Wells

Vapor Mitigation

22-61 45th Street

Environmental Easement

Block: 769

Lot: 42

Sublot:

Section:

Subsection:

S_B_L Image: 769-42

Air Sparging/Soil Vapor Extraction

Monitoring Wells

Vapor Mitigation