

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

Michael Cohen
441 Eastern Parkway, LLC
36-11 Northern Boulevard
Long Island City, NY 11101

DEC 27 2019

Re: Certificate of Completion
BH Aircraft Site
East Farmingdale, Suffolk County
NYSDEC Site No. C152247

Dear Mr. Cohen

Congratulations on having satisfactorily completed the remedial program at the BH Aircraft 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 a notice of the COC 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 a notice of the COC within 30 days of the date that you acquire the site. A copy of the recorded notice should be provided to the Department's project manager. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter. Please return the proof of recording to:

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

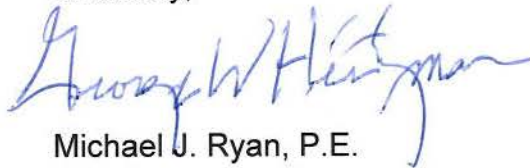
- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet

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 2021.

If you have any questions regarding any of these items, please contact Richard Mustico at (518) 402-9647.

Sincerely,



Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

ec w/ enclosure:

- L. Shaw – lshaw@nyenvlaw.com
- D. Winslow – david.winslow@gza.com
- B. Romagnoli – benjamin.romagnoli@gza.com
- C. Vooris – NYSDOH
- S. Selmer – NYSDOH
- M. Gokey – matthew.gokey@tax.ny.gov
- P. Takac – paul.takac@tax.ny.gov

ec w/o enc.:

- R. Mustico – NYSDEC
- R. DeCandia – NYSDEC
- W. Parish – NYSDEC
- M. Murphy – NYSDEC
- K. Lewandowski – NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

441 Eastern Parkway, LLC

Address

36-11 Northern Boulevard, Long Island City, NY 11101

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 8/28/17 **Agreement Execution:** 1/22/18

Agreement Index No.: C152247-08-17

Application Approval Amendment: none

Agreement Execution Amendment: none

SITE INFORMATION:

Site No.: C152247 **Site Name:** BH Aircraft Site

Site Owner: 441 Eastern Parkway, LLC

Street Address: 441 Eastern Parkway

Municipality: East Farmingdale **County:** Suffolk

DEC Region: 1

Site Size: 3.520 Acres

Tax Map Identification Number(s): 046.00-1.00-020.000

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 is 10%. Comprised of 10% Base.

Dependent upon the project being developed in a manner consistent with the approved Brownfield Cleanup Program application, additional rate increases may be available if the site is developed as affordable housing (5%), if the Certificate Holder receives a separate Determination of Conformance with the BOA from the Secretary of State (5%), or if the site is used primarily for manufacturing activities (5%) not to exceed a maximum 24 %.

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 Suffolk County as 18-21929 (Liber D00012999/Page 023).

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.

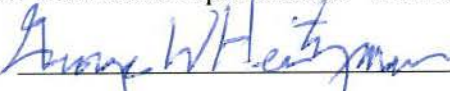
CERTIFICATE MODIFICATION/REVOCAION

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;
- (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:  Date: 12/27/19

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

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

BH Aircraft Site, Site ID No. C152247
441 Eastern Parkway, East Farmingdale, NY, 11735
East Farmingdale, Suffolk County, Tax Map Identification Number 046.00-1.00-020.000

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 441 Eastern Parkway, LLC. for a parcel approximately 3.52 acres located at 441 Eastern Parkway in East Farmingdale, Suffolk 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, since 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 Suffolk County as 18-21929 (Liber D00012999/Page 023).

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.

BH Aircraft Site, C152247, 441 Eastern Parkway

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 1 located on the SUNY Stony Brook at 50 Circle Road, Stony Brook, NY 11790 by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

441 Eastern Parkway, 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:
441 Eastern Parkway, LLC
Attn: Mr. Michael Cohen
36-11 Northern Boulevard
Long Island City, NY 11101

Exhibit A
Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

ALL those lots or parcels of land, in or near the Village of Farmingdale, Town of Babylon, County of Suffolk and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of Eastern Parkway distant 931.69 feet easterly from the corner formed by the intersection of the northerly side of Eastern Parkway with the easterly side of Oakview Avenue;

RUNNING THENCE North 06 degrees 35 minutes 00 seconds West, a distance of 213.83 feet;

THENCE North 83 degrees 25 minutes 00 seconds East, a distance of 725.52 feet;

THENCE South 02 degrees 34 minutes 00 seconds East, a distance of 214.36 feet;

THENCE South 83 degrees 25 minutes 25 seconds West, a distance of 710.50 feet to the point or place of BEGINNING.

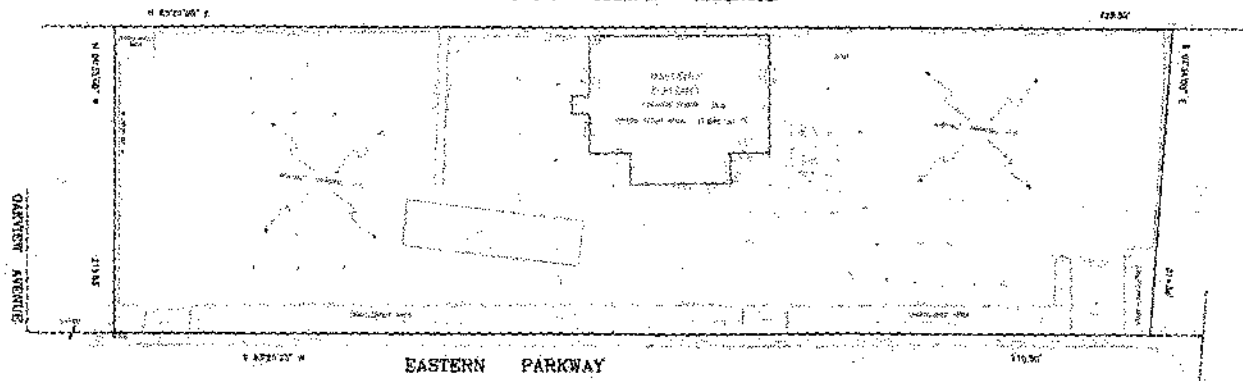
AREA: 153,504.5 SQ. FT. or 3.52 Acres

Exhibit B

Site Survey



LONG ISLAND RAILROAD



EASTERN PARKWAY

ENVIRONMENTAL EASEMENT NOTE

THIS IS TO CERTIFY THAT THE ENVIRONMENTAL EASEMENT HAS BEEN GRANTED TO THE LONG ISLAND RAILROAD COMPANY BY THE BOARD OF SUPERVISORS OF THE VILLAGE OF FARMINGDALE, SUFFER COUNTY, N.Y.

DATE: JANUARY 12, 1966

WITNESSED AND CERTIFIED BY THE CLERK OF THE BOARD OF SUPERVISORS OF THE VILLAGE OF FARMINGDALE, SUFFER COUNTY, N.Y.

CLERK OF THE BOARD OF SUPERVISORS

LOT AREA
19,503.5 SQ. FT.
0.45 ACRES

Dist. 100 Sec. 46 No. 1 1st 20

ENVIRONMENTAL EASEMENT SURVEY

Village of Farmingdale
Suffer County, N.Y.



100 - 1 DISTRICT TOWNSHIP AND COUNTY OF SUFFER COUNTY, N.Y.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 12/19/2019



SITE DESCRIPTION

SITE NO. C152247

SITE NAME BH Aircraft Site

SITE ADDRESS: 441 Eastern Parkway ZIP CODE: 11735

CITY/TOWN: East Farmingdale

COUNTY: Suffolk

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Monitoring Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Periodic Review Frequency: once a year		
Periodic Review Report Submitted Date: 04/30/2021		

Description of Institutional Control

441 Eastern Parkway, LLC
 36-11 Northern Boulevard
441 Eastern Parkway
 Environmental Easement
 Block: 1
 Lot: 20
 Sublot: 00
 Section: 46
 Subsection: 00
 S_B_L Image: 046.00-1.00-020.000
 Ground Water Use Restriction
 IC/EC Plan
 Landuse Restriction
 Monitoring Plan
 O&M Plan
 Site Management Plan
 Soil Management Plan

Description of Engineering Control

441 Eastern Parkway, LLC

36-11 Northern Boulevard

441 Eastern Parkway

Environmental Easement

Block: 1

Lot: 20

Sublot: 00

Section: 46

Subsection: 00

S_B_L Image: 046.00-1.00-020.000

Air Sparging/Soil Vapor Extraction

Cover System

Monitoring Wells