

## 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

Bruce Phillips  
LIC Operator Co., L.P.  
c/o Tishman Speyer Properties  
45 Rockefeller Plaza  
New York, NY 10111

DEC 13 2016

RE: Certificate of Completion and Reclassification from A to C  
Queens Plaza Residential Development – Site A Off-site (a.k.a Tax Parcel 14)  
Site ID No. C241105A

Dear Mr. Phillips:

Congratulations on having satisfactorily completed the remedial program at the Queens Plaza Residential Development – Site A Off-site. Enclosed please find an original, signed Certificate of Completion. The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion (COC) to be issued for the above-referenced site. This also results in the reclassification of the site from Class A to Class C. The effective date of the classification change shall be 20 days from the date of this letter.

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. 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. In all cases, proof of filing must be provided to the Department within 30 days of receipt. A standard notice form is attached to this letter.
- Place the notice of the COC in the document repository for the site within 10 days of issuance of the COC; and
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program. 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 2018.



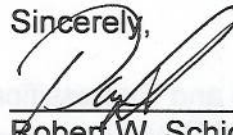
NEW YORK  
STATE OF  
OPPORTUNITY

Department of  
Environmental  
Conservation

- The Department will prepare and distribute to the Site Contact List a fact sheet describing the institutional and engineering controls that are required at the site, and notifications relating to the reclassification of the site.

If you have any questions regarding any of these items, please contact Michael Haggerty at [michael.haggerty@dec.ny.gov](mailto:michael.haggerty@dec.ny.gov) or 518-402-9768.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

#### Enclosure

ec w/ enclosure:

Joshua Levine, P.E. ROUX ASSOCIATES, INC./REMEDIAL ENGINEERING P.C.

[jlevine@rouxinc.com](mailto:jlevine@rouxinc.com)

Lawrence Schnapf, Schnapf LLC - [larry@schnapflaw.com](mailto:larry@schnapflaw.com)

K. Anders – NYSDOH

J. Deming/W. Kuehner - NYSDOH

ec w/o enc:

M. Haggerty

S. Dewes

R. Cozzy

J. O'Connell

B. Conlon



NYSDEC STATE SUPERFUND PROGRAM (SSF)  
**CERTIFICATE OF COMPLETION**

**CERTIFICATE HOLDER:**

**Name**

LIC Operator Co., L.P.

**Address**

c/o Tishman Speyer Properties, 45 Rockefeller Plaza, New York, NY 10111

**SITE INFORMATION**

**Site No.:** C241105A **Site Name:** Queens Plaza Residential Development – Site A Off-site

**Order on Consent: Index No.** CO2-2-15040406-218B **Order Execution Date:** December 3, 2015

**Site Owner:** LIC Development Owner, L.P.

**Street Address:** 28-02 Jackson Avenue

**Municipality:** Long Island City **County:** Queens **DEC Region:** 2

**Site Size:** 0.072 Acres

**Tax Map Identification Number(s):** 264-1 (partial): see property description

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 6 NYCRR §375-1.9.

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 Order on Consent as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the Environmental Conservation Law (ECL) and 6NYCRR Part 375 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 SSF:** Restricted-Residential, Commercial, and Industrial

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 with recording identifier 2016000404869.

**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 6NYCRR §375-2.9. 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 6NYCRR §375-2.9(d). The liability limitation shall be subject to all rights reserved to the State by ECL §27-1321 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 6NYCRR §375-1.9(f)-(g).

## 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 6NYCRR §375-1.9(e)(2) upon a finding that:

- (1) the remedial party has failed to manage the controls or monitoring in full compliance with the terms of the approved remedial program;
- (2) there has been a failure to comply with the terms and conditions of the order;
- (3) there was a misrepresentation of a material fact tending to demonstrate that the cleanup levels were reached;
- (4) the terms and conditions of any environmental easement have been intentionally violated or found to be not protective or enforceable;
- (5) for good cause;
- (6) environmental contamination at, on, under, or emanating from the site if, in light of such conditions, the site is no longer protective of public health or the environment, and the remedial party is not in good faith negotiating, and/or following its approval by the Department, implementing a work plan to achieve conditions at the site which are protective of public health and the environment;
- (7) non-compliance with the terms of the order, the remedial work plan, site management plan, or the certificate of completion after notice of the failure and reasonable opportunity to cure has been afforded to the remedial party by the Department as provided for at paragraph 375-1.9(e)(2);
- (8) fraud related to the remedial program for the site committed by the certificate holder;
- (9) a finding by the Department that a change in an environmental standard, factor, or criterion upon which the remedial work plan was based renders the remedial program implemented at the site no longer protective of public health or the environment, and the remedial party is not in good faith negotiating, and/or following its approval by the Department, implementing a work plan to achieve conditions at the site which are protective of public health and the environment; or
- (10) a change in the site's use subsequent to the Department's issuance of the certificate of completion, unless additional remediation is undertaken which shall meet the standard for protection of the public health and environment that applies to this site.

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 received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

New York State Department of Environmental Conservation

By:

  
Robert W. Schick, P.E., Director  
Division of Environmental Remediation

Date:

December 13, 2016



## NOTICE OF CERTIFICATE OF COMPLETION

### Brownfield Cleanup Program Off-site Pursuant to 6 NYCRR Part 375-1.9(d)

Queens Plaza Residential Development – Site A Off-site, Site ID No. C241105A

Site Address: 28-02 Jackson Avenue, Long Island City NY 11101

Long Island City, Queens County, Block-Lot: 264-1 (partial): see property description

**PLEASE TAKE NOTICE**, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to 6 NYCRR Part 375 to LIC Operator Co., L.P. for a parcel approximately 0.072 acres located at 28-02 Jackson Avenue, Long Island City NY 11101 in the City of New York, 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 Order on Consent, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 13 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 Queens County as Document ID: 2016000404869.

**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 6 NYCRR Part 375-2.9. 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 6 NYCRR Part 375-2.9. The liability limitation shall be subject to all rights reserved to the State by 6 NYCRR Part 375-2.9 and any other applicable provision of law.

Queens Plaza Residential Development – Site A Off-site, Site ID No. C241105A  
28-02 Jackson Avenue, Long Island City NY 11101

**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 only be transferred to the Certificate holders successors or assigns upon transfer or sale of the Site as provided by 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**, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at the NYSDEC's Region 2 located at 47-40 21<sup>st</sup> street, Long Island City N.Y. 11101, by contacting the Regional Environmental Remediation Engineer.

**WHEREFORE**, the undersigned has signed this Notice of Certificate

LIC Development Owner, L.P.

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:**

Bruce Phillips  
LIC Operator Co., L.P.  
c/o Tishman Speyer Properties  
45 Rockefeller Plaza  
New York, NY 10111





**SCHEDULE "B" CONTROLLED PROPERTY DESCRIPTION**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN LONG ISLAND CITY IN THE BOROUGH AND COUNTY OF QUEENS, CITY AND STATE OF NEW YORK, KNOWN AS LOT 4 BLOCK 5 ON A CERTAIN MAP FILED IN THE OFFICE OF THE CLERK OF THE COUNTY OF QUEENS, KNOWN AS MAP OF PROPERTY IN THE SECOND WARD OF LONG ISLAND CITY, QUEENS COUNTY, NEW YORK, MADE BY PETER G. VAN ALST, C.S. FOR JAMES THOMPSON, ESQ. OF THE CITY OF NEW YORK, DATED 11/1/ 1870 BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF JACKSON AVENUE, DISTANT 75 FEET EASTERLY FROM THE SOUTHEASTERLY CORNER OF JACKSON AVENUE AND ORCHARD STREET;

RUNNING THENCE SOUTHERLY PARALLEL WITH ORCHARD STREET, 125 FEET;

THENCE EASTERLY PARALLEL WITH JACKSON AVENUE, 25 FEET;

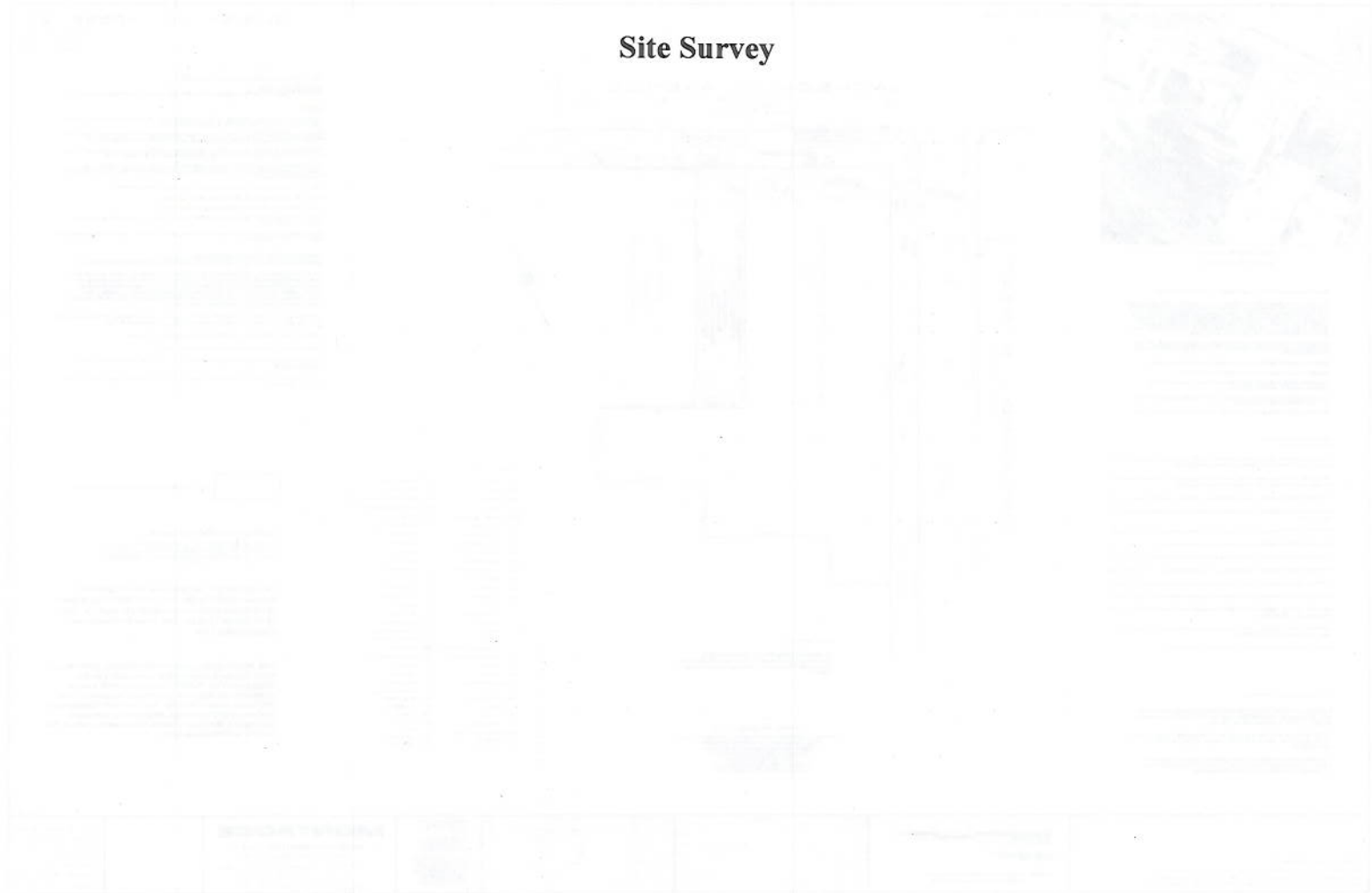
THENCE NORTHERLY PARALLEL WITH ORCHARD STREET, 125 FEET TO THE SOUTHERLY SIDE OF JACKSON AVENUE;

THENCE WESTERLY ALONG SAID SOUTHERLY SIDE OF JACKSON AVENUE, 25 FEET TO THE POINT OR PLACE OF BEGINNING.



## Exhibit B

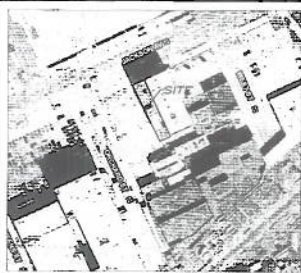
### Site Survey



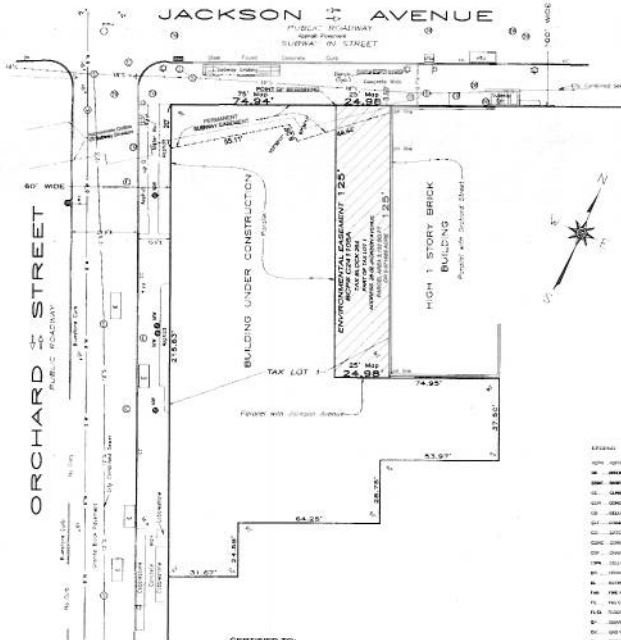
TITLE NO. 3020-78657

SURVEY NO. 40598-26

40598-26.CWG  
40598-26.P13  
40598-26.L2D



VICINITY MAP  
NOT TO SCALE



THIS SECTION CONTAINED IN PLAT 40598-26  
OWNER: [Name]  
SURVEYOR: [Name]

**PARCELS**  
RECORDS AT THE COUNTY CLERK'S OFFICE IN THE OFFICE OF THE COUNTY CLERK OF NEW YORK COUNTY, NEW YORK, SHOWING THAT THE LANDS OF LONG ISLAND RAILROAD AND OTHERS...  
THESE PARCELS ARE SUBJECT TO THE ENVIRONMENTAL CONSERVATION LAW OF THE STATE OF NEW YORK, AS AMENDED, AND TO THE REGULATIONS OF THE STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION...

**ENVIRONMENTAL EASEMENT DESCRIPTION**  
ALL THAT CERTAIN PLAT...  
THE ENVIRONMENTAL EASEMENT AREA IS DEFINED BY THE FOLLOWING BOUNDARIES:  
[Detailed description of the easement area boundaries]

**PERMITS AND APPROVALS**  
This plat was prepared in accordance with the provisions of the Environmental Conservation Law of the State of New York, as amended, and the Regulations of the State Department of Environmental Conservation...  
[List of permits and approvals]

**SCHEDULE B-1 ITEMS**  
1. All other items...  
2. All other items...  
3. All other items...  
4. All other items...  
5. All other items...

**CERTIFIED TO:**  
The Property of the State of New York, acting through its Commissioner of the Department of Environmental Conservation, and American Title Insurance Company and LIC Development Group, LP.  
**FLOOD HAZARD NOTE**  
THE PORTION SHOWN IS UNDEVELOPED AND IS NOT REPRESENTED AS BEING SUBJECT TO FLOODING...  
[Flood hazard information]

**LEGEND**

1	ENVIRONMENTAL EASEMENT BOUNDARY
2	ENVIRONMENTAL EASEMENT AREA
3	EXISTING BUILDING
4	PROPOSED BUILDING
5	UTILITY
6	...

**ENVIRONMENTAL EASEMENT BOUNDARY**

**ENVIRONMENTAL EASEMENT AREA**

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 the Easement are set forth in more detail in the Site Management Plan ("SMP"). A copy of the SMP may be obtained by any party with an interest in the property. The SMP can be obtained from the New York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at [dewic.gov](http://dewic.gov).



**TABLE OF DATA**

NO.	DESCRIPTION	AREA	PERCENTAGE
1	ENVIRONMENTAL EASEMENT AREA	...	...
2	...	...	...
3	...	...	...

**MONTROSE SURVEYING CO., LLP.**  
CITY & LAND SURVEYORS  
[Signature]  
CITY OF NEW YORK  
COUNTY QUEENS  
TAX BLOCK 264  
P/O TAX LOT 1  
(FORMER TAX LOT 14)  
SCALE: 1" = 20'





NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Site Management Form

11/18/2016



SITE DESCRIPTION

**SITE NO.** C241105A

**SITE NAME** Queens Plaza Residential Development-SiteA-OffSite

**SITE ADDRESS:** 28-02 Jackson Avenue ZIP CODE: 11101

**CITY/TOWN:** Long Island City

**COUNTY:** Queens

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

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:

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

Periodic Review Frequency: 1 year

Periodic Review Report Submittal Date: 04/30/2018

Description of Institutional Control

LIC Operator Co., L.P.

28-18 Jackson Avenue

Environmental Easement

Block:

Lot: 1

Sublot:

Section: 264

Subsection:

S\_B\_L Image: 264-1 partial: see metes/bounds

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

LIC Operator Co., L.P.

28-18 Jackson Avenue

Environmental Easement

Block:

Lot: 1

Sublot:

Section: 264

Subsection:

S\_B\_L Image: 264-1 partial: see metes/bounds

Cover System

Groundwater Containment

Groundwater Treatment System

Subsurface Barriers

YES

YES

YES

Description of Additional Control

LIC Operator Co., L.P.

28-18 Jackson Avenue

Environmental Easement

Block:

Lot: 1

Sublot:

Section 264

Subsection:

S\_B\_L Image: 264-1 partial: see metes/bounds

Groundwater Containment

IC-Ed Plan

Land Use Restriction

Monitoring Plan

OSM Plan

Site Management Plan

Soil Management Plan