

# 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

OCT 19 2015

Mr. Ned White  
QPS 23-10 Development LLC  
c/o Property Markets Group  
111 Fifth Avenue, 6<sup>th</sup> Floor  
New York, NY 10003

Re: Certificate of Completion  
Site Name: 23-01 42<sup>nd</sup> Road  
BCP Site No.: C241152  
Long Island City, Queens County

Dear Mr. White:

Congratulations on having satisfactorily completed the remedial program at the 23-01 42<sup>nd</sup> Road 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;
- 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 describing the institutional and engineering controls (IC/EC) 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 March 2017; and



Department of  
Environmental  
Conservation

- You and your lessees must submit an annual report to the New York State Department of Taxation and Finance within one year and for each of the following eleven years after the execution of the Brownfield Site Cleanup Agreement. The Report must provide the information required by Chapter 390 of the Laws of 2008, Tax Law Section 171-s.

If you have any questions regarding any of these items, please contact the Project Manager for this site, Ronnie Lee, at (518) 402-9767.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

cc: C. Hunter ([chunter@propertymg.com](mailto:chunter@propertymg.com))  
D. Yudelson ([dyudelson@sprlaw.com](mailto:dyudelson@sprlaw.com))  
M. Burke ([mburke@Langan.com](mailto:mburke@Langan.com))  
Krista Anders, DOH  
Christopher Doroski, DOH  
Ronnie Lee, DEC  
James Moras, DEC  
Jane O'Connell, DEC  
Robert Cozzy, DEC  
Karen Mintzer, DEC  
Andrew Guglielmi, DEC  
Lou Oliva, DEC



NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)  
*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

**Name**

QPS 23-10 Development LLC

**Address**

111 Fifth Avenue - 6th Floor, New York, NY 10003

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 9/19/13 **Agreement Execution:** 10/4/13 **Agreement Index No.:** C241152-09-13

**Application Approval Amendment:** none

**Agreement Execution Amendment:** none

**SITE INFORMATION:**

**Site No.:** C241152 **Site Name:** 23-01 42nd Road

**Site Owner:** QPS 23-10 Development LLC

**Street Address:** 23-01 42nd Road

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

**Site Size:** 0.342 Acres

**Tax Map Identification Number(s):** 425-1

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

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

**Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28 %.

Tangible Property Credit Component Rate is 12 %.

**Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28 %.

Tangible Property Credit Component Rate is 10 %.

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 2015000302414.

#### **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;

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

Marc Gerstman  
Acting Commissioner  
New York State Department of Environmental Conservation

By:  Date: 10/19/15  
Robert W. Schick, P.E., Director  
Division of Environmental Remediation



## **NOTICE OF CERTIFICATE OF COMPLETION**

### **Brownfield Cleanup Program**

#### **6 NYCRR Part 375-1.9(d)**

**Site Name: 23-01 42<sup>nd</sup> Road, Site ID No. C241152**

**Site Address: 23-01 42<sup>nd</sup> Road, Long Island City, New York 11101**

**Long Island City, Queens County, Block 425, Lot 1**

**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 QPS 23-10 Development LLC for a parcel approximately 0.342 acres located at 23-01 42<sup>nd</sup> Road in Long Island City, 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**, 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 the City Register of the City of New York as CFRN 2015000302414.

**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.

**23-01 42<sup>nd</sup> Road, C241152**  
**23-01 42<sup>nd</sup> Road, Long Island City, NY 11101**

**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**, 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 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**, 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 office located at 47-40 21<sup>st</sup> Street, Long Island City, NY 11101, by contacting the Regional Environmental Remediation Engineer.

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

QPS 23-10 Development LLC

By: Ned White

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:**  
QPS 23-10 Development LLC  
111 Fifth Avenue, 6<sup>th</sup> Floor  
New York, NY 10003



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
10/14/2015



SITE DESCRIPTION

SITE NO. C241152

SITE NAME 23-01 42nd Road

SITE ADDRESS: 23-01 42nd Road 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 ☒

Monitoring Plan

Operation and Maintenance (O&M) Plan ☒

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 03/15/2017

Description of Institutional Control

**QPS 23-10 Development LLC**

c/o CT Cooperation, 111 Eighth Avenue

**23-01 42nd Street**

Environmental Easement

Block: 425

Lot: 1

Sublot:

Section:

Subsection:

S\_B\_L Image: 425-1

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

O&M Plan

Site Management Plan

Soil Management Plan

## Description of Engineering Control

### **QPS 23-10 Development LLC**

c/o CT Cooperation, 111 Eighth Avenue

#### **23-01 42nd Street**

Environmental Easement

Block: 425

Lot: 1

Sublot:

Section:

Subsection:

S\_B\_L Image: 425-1

Cover System

Vapor Mitigation



## **Exhibit A**

### **Site Description**

**SCHEDULE "A" PROPERTY DESCRIPTION**

ALL THAT LOT OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE IN THE BOROUGH AND COUNTY OF QUEENS, CITY AND STATE OF NEW YORK, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER FORMED- BY THE INTERSECTION OF THE EASTERLY SIDE OF ELY AVENUE AND THE NORTHERLY SIDE OF HENRY STREET;

RUNNING THENCE EASTERLY ALONG THE NORTHERLY SIDE OF HENRY STREET 186 FEET, 6 INCHES TO THE CORNER FORMED BY THE INTERSECTION OF THE NORTHERLY SIDE OF HENRY STREET WITH THE WESTERLY SIDE OF WILLIAM STREET;

THENCE NORTHERLY ALONG THE WESTERLY SIDE OF WILLIAM STREET 79 FEET 9 INCHES;

THENCE WESTERLY PARALLEL WITH HENRY STREET 186 FEET 6 INCHES TO THE EASTERLY SIDE OF ELY AVENUE AT A POINT THEREIN DISTANT 79 FEET 9 INCHES NORTHERLY FROM THE POINT OF BEGINNING;

THENCE SOUTHERLY ALONG THE EASTERLY SIDE OF ELY AVENUE 79 FEET 9 INCHES TO THE POINT OR PLACE OF BEGINNING.

CONTAINING 14,874 SQUARE FEET (0.3415 ACRE)

**Exhibit B**  
**Site Survey**





DATE 7/2/05



ELABORATES UPON THE NORTH AMERICAN  
WOMEN'S MATCH TO FIGHT SMOKELESS  
CIGARETTES (NANCY)

25-10 4<sup>th</sup> 10042

SUBMITTED: DECEMBER 15, 2014

EARL B. LOVELL - S.P. BELCHER, INC.

LICENSED LAND SURVEYOR  
11 PARK PLACE  
312-732-5745

ALL-PHASES, INC.  
1450 VANCE AVE., FORT WORTH, TEXAS 76107

THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 38 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW, THE ENGINEERING AND INSTITUTIONAL CONTROLS TIER 2 EASEMENT AND SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A PORTION OF THE PROPERTY IS ALSO SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, CONSERVATION, RECREATION AND HISTORIC PRESERVATION DIVISION, DIVISION OF ENVIRONMENTAL CONSERVATION, SECTION, FISH BOARDSMAN, COUNTY OF ALBANY, NY 12233-05 AT DUNWOOD-RECREATION-CONSERVATION.

[illegible]