

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

Frank Dubinsky
One Flushing Owner LLC
c/o Monadnock Development LLC
155 3rd Street
Brooklyn, NY 11231

DEC 27 2017

Frank Dubinsky
One Flushing MM LLC
c/o Monadnock Development LLC
155 3rd Street
Brooklyn, NY 11231

Re: Certificate of Completion
One Flushing Site, Flushing, Queens County,
Site No. C241185

Dear Mr. Dubinsky:

Congratulations on having satisfactorily completed the remedial program at the One Flushing 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 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.

If you have any questions regarding any of these items, please contact Michael MacCabe at 518-402-9687 or michael.maccabe@dec.ny.gov.

Sincerely,



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

cc w/ enclosure:

M. MacCabe
A. Guglielmi
F. Dubinsky – One Flushing Owner LLC - fdubinsky@monadnockdevelopment.com
C. Werle – Roux, Inc. - cwerle@rouxinc.com
W. Shen - Roux, Inc. - wshen@rouxinc.com
C. Leas – S,P&R P.C. - cleas@sprlaw.com

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

Name	Address
One Flushing MM LLC	c/o Monadnock Development LLC, Brooklyn, NY 11231
One Flushing Owner LLC	c/o Monadnock Development LLC, Brooklyn, NY 11231

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 7/22/16 **Agreement Execution:** 8/9/16
Agreement Index No.: C241185-07-16

Application Approval Amendment: 3/7/17 **Agreement Execution Amendment:** 3/7/17

SITE INFORMATION:

Site No.: C241185 **Site Name:** One Flushing
Site Owner: One Flushing Owner LLC
Street Address: 133-55 41st Avenue
Municipality: Flushing **County:** Queens **DEC Region:** 2
Site Size: 0.994 Acres
Tax Map Identification Number: 5037-64
Percentage of site located in an EnZone: 100 %

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B. Note that Exhibits A and B describe lots 64 and 65, but this COC covers Lot 64 only

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: Track 1: Unrestricted use

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 50 %.
Tangible Property Credit Component Rate is 20%. Comprised of 10% Base, 5% EnZone, 5% Track 1 Cleanup.

Additional rate increases may be available if the site is developed as affordable housing, if the Certificate Holder receives a separate Determination of Conformance with the BOA from the Secretary of State, or if the site is used primarily for manufacturing activities.

No Environmental Easement has been granted pursuant to ECL Article 71, Title 36 as there are no use restrictions and there is no reliance on the long-term employment of institutional controls.

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.

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: 12/27/17

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

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

One Flushing, Site ID No. C241185
133-55 41st Avenue, Flushing, NY, 11355
Flushing, Queens, Tax Map Identification Number Block 5037, Lot 64

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 One Flushing MM LLC and One Flushing Owner LLC, c/o Monadnock Development LLC for a parcel approximately 0.994 Acres located at 133-55 41st Avenue in Flushing, 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.

PLEASE TAKE NOTICE, provided that the Certificate is 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.

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 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.

One Flushing, C241185, 133-55 41st Avenue, Flushing, NY

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 2 located at 1 Hunter's Point Plaza, 47-40 21st Street, Long Island City, NY 11101-5401, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

(Owner(s))

Frank Dubinsky

Title: _____
One Flushing Owner LLC
c/o Monadnock Development LLC
155 3rd Street, Brooklyn, NY 11231

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:
Frank Dubinsky
One Flushing Owner LLC
c/o Monadnock Development LLC
155 3rd Street,
Brooklyn, NY 11231

Exhibit A and B

**Site Description
and
Site Survey**

Block 5037, Lot 64

BLOCK: 5037
LOTS: 64-65

ALTA/NSPS LAND TITLE SURVEY

TOTAL LOTS AREA:
SQ. FT.: 45,420.5
ACRES: 1.043

SURVEYORS CERTIFICATE

1. One Flatiron Group LLC
2. One Flatiron LP LLC
3. One Flatiron Commercial LLC
4. One Flatiron NP LLC
5. One Flatiron Housing Development Fund Corporation
6. MAXAC, Inc.
7. Allianz American Real Estate, Ltd.
8. CTRUANE, N.A., and its successors on 1/30 assign as their interest in this matter
9. All New York Title Agency, Inc.
10. Street Title Insurance Company
11. The City of New York, by its successors, nominees and assigns
12. New York City Housing Development Corporation, its successors and assigns in their former capacity
13. New York City Housing Development Corporation, its successors and assigns in their present capacity
14. ONE FLATIRON Commerce LLC and its successors and/or assigns

This is to certify that this survey was made by a licensed land surveyor in accordance with the 2013 Minimum Standards and Requirements for ALTA/NSPS Land Title Survey, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6, 8(b), 9(b), 11, 13, 14, 16, 17, 18, 19 and 20 of Table A thereof. The full text is complete as of November 2, 2016.

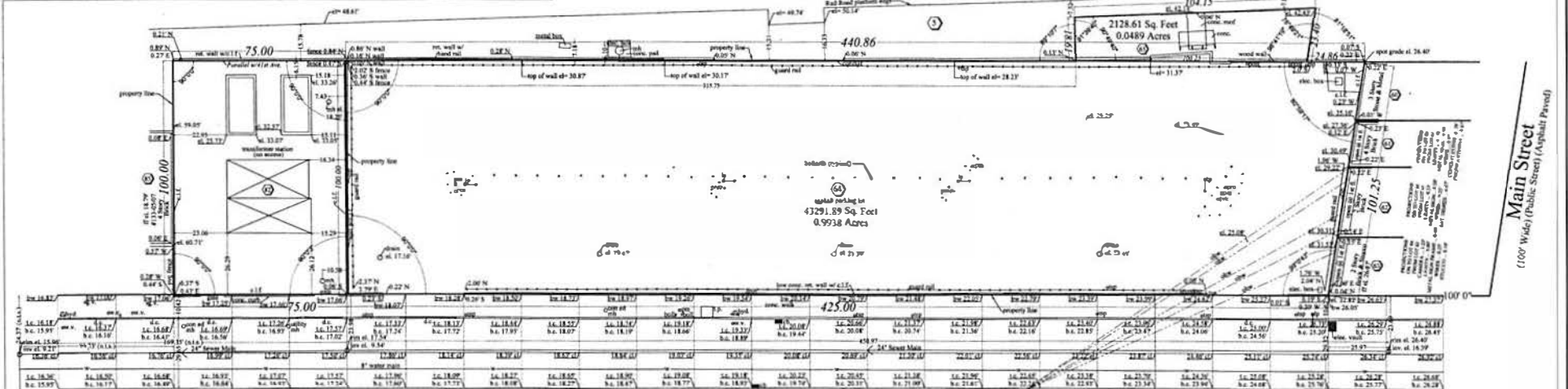
Date of Plot as Made: November 20, 2016

Robert Feilinger
New York State Licensed Land Surveyor
License No. 056061

ZONING ANALYSIS AS PER BLOCK 5037 LOT 64-65, N.Y.C. ZONING MAP ZONING DISTRICT S1-12A
ZONING DISTRICT:
CLASSIFICATION: S1-12A (SINGLE-FAMILY RESIDENTIAL)
MAXIMUM ALLOWED LOT AREA: 60,000 SQ. FT.
MAXIMUM BUILDING HEIGHT: 35 FT.
MAXIMUM BUILDING FOOTPRINT: 10,000 SQ. FT.
MINIMUM SETBACK: 5 FT.
MINIMUM FRONT YARD SETBACK: 5 FT.
MINIMUM SIDE YARD SETBACK: 5 FT.
MINIMUM REAR YARD SETBACK: 5 FT.
MINIMUM LOT WIDTH: 20 FT.
MINIMUM LOT DEPTH: 20 FT.
MINIMUM LOT AREA: 4,000 SQ. FT.

TITLE NUMBER: ANY2015-1441C
EFFECTIVE DATE: JULY 19, 2016

NOTES:
THERE ARE 139 REGULAR AND HANDICAPPED STAIRS OF 1195 R.I.H.
THE ABOVE CAPTIONED PLAN HAS A "CA-S-C" ZONING CLASSIFICATION
NO OBSERVABLE EVIDENCE OF SURFACE EARTH MOVING, MINOR BUILDING DEFORMATION OR BUILDING ADJUSTMENTS
NO OBSERVABLE EVIDENCE OF FOUNDATION SETTLEMENT OR ADJUSTMENTS
ALL ELEVATIONS ARE NAVD83
EASIMENT: SEE PL. 341-941 & 341-942 WHERE VISIBLE & FOOTING NOT VISIBLE



41st AVENUE (FORMERLY BRADFORD AVENUE)

(50' Wide/Public Street) (Asphalt Paved)

LEGEND	
P.A.	PLANTED AREA
○	CON AD MAN-HOLE COVER
⊙	ELECTRIC MAN-HOLE COVER
⊖	UNDERGROUND ELECTRIC DUCTS
⊚	DEPARTMENT OF WATER SUPPLY WATER COVER
○	WATER MAIN
○	5/8" WATER MAIN COVER
○	MANSARD VALVE
○	STEAM MAIN
○	DEPARTMENT OF WATER SUPPLY WATER COVER
○	WATER VALVE
○	GAS MAIN
○	GAS MANHOLE
○	GAS VALVE
○	CLEARANCE MANHOLE COVER
○	TELEPHONE MANHOLE COVER
○	TELEPHONE LINES
○	TAX LOT
○	OVERHEAD UTILITY WIRES
○	UTILITY BRICKWAY POLE
○	STREET LIGHT
○	METAL LIGHT POLE
○	METAL TRAFFIC LIGHT POLE
○	TRAFFIC SIGN POLE
○	FIRE HYDRANT
○	PARKING METER
○	CATCH BASIN
○	OIL PIT
○	TREE PIT
○	DROP CURB
○	STAND PIPE
○	CHAIN LINK FENCE
○	BRICK-CONCRETE FENCE
○	WOOD SHEDDING FENCE
○	POST AND RAIL FENCE

BLOCK 5037, LOT 64

ALL the portion shown or portion of land shown in this map and being in the Borough and County of Queens and City and Town of Flushing is shown or portion of land shown in this map and being in Block 5037, Lot 64, and is being more particularly described as follows:

THE NORTH LINE OF LOT 64 IS A CURVE COMMENCING AT THE NORTH CORNER OF LOT 64, CURVING SOUTHWARD TO THE EAST CORNER OF LOT 64, AND THENCE SOUTHWARD TO THE SOUTH CORNER OF LOT 64, THE CURVE BEING THE ARC OF A CIRCLE HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 36.87 DEGREES.

THE EAST LINE OF LOT 64 IS A CURVE COMMENCING AT THE EAST CORNER OF LOT 64, CURVING WESTWARD TO THE NORTH CORNER OF LOT 64, AND THENCE WESTWARD TO THE WEST CORNER OF LOT 64, THE CURVE BEING THE ARC OF A CIRCLE HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 36.87 DEGREES.

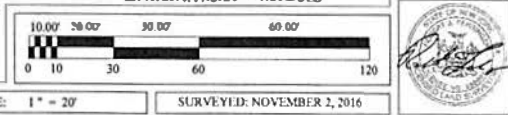
BLOCK 5037, LOT 65

ALL the portion shown or portion of land shown in this map and being in the Borough and County of Queens and City and Town of Flushing is shown or portion of land shown in this map and being in Block 5037, Lot 65, and is being more particularly described as follows:

THE NORTH LINE OF LOT 65 IS A CURVE COMMENCING AT THE NORTH CORNER OF LOT 65, CURVING SOUTHWARD TO THE EAST CORNER OF LOT 65, AND THENCE SOUTHWARD TO THE SOUTH CORNER OF LOT 65, THE CURVE BEING THE ARC OF A CIRCLE HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 36.87 DEGREES.

THE EAST LINE OF LOT 65 IS A CURVE COMMENCING AT THE EAST CORNER OF LOT 65, CURVING WESTWARD TO THE NORTH CORNER OF LOT 65, AND THENCE WESTWARD TO THE WEST CORNER OF LOT 65, THE CURVE BEING THE ARC OF A CIRCLE HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 36.87 DEGREES.

REVISED: DECEMBER 21, 2016
REVISED: DECEMBER 15, 2016; PROJECTIONS ADDED



SCALE: 1" = 20'
SURVEYED: NOVEMBER 2, 2016

SURVEY OF PROPERTY SITUATED IN 133-55 41ST AVENUE, COUNTY OF QUEENS, CITY OF NEW YORK, BOROUGH OF QUEENS, STATE OF NEW YORK

FEHLINGER SURVEYING, P.C.
ROBERT FEHLINGER
LICENSED LAND SURVEYOR
2500 JACKSON AVENUE
SEAFORD, N.Y. 11783
(516) 763-5515 FAX NO. (516) 763-5525