

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, 2020

GO HPS LLC
Tristan Nadal
c/o Gotham Organization LLC
432 Park Ave, 2nd Floor
New York, NY 10016

GO HPS LIHTC LLC
South Point Housing Development Fund Corporation
Stephanie Rhoades
432 Park Ave, 2nd Floor
New York, NY 10016

Re: Certificate of Completion
HPS Parcel G
Long Island City, Queens County
C241226

Dear Mr. Nadal and Ms. Rhoades:

Congratulations on having satisfactorily completed the remedial program at the HPS Parcel G 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.

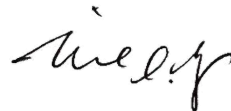
- Provide electronic copies of the recorded Notice and proof of recording to the Department's project manager. Please return the hard copy of the proof of recording to:

Christopher Allan
New York State Department of Environmental Conservation
Division of Environmental Remediation
47-40 21st Street,
Long Island City, NY 11101

- 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 2022.

If you have any questions regarding any of these items, please contact Christopher Allan at (718) 482-4065.

Sincerely,



Michael J. Ryan, P.E.
Director

Division of Environmental Remediation

Enclosure

cc w/ enclosure:

C. Vooris – NYSDOH, christine.vooris@health.ny.gov
S. McLaughlin – NYSDOH, scarlett.mclaughlin@health.ny.gov
J. Nealon – NYSDOH, jacquelyn.nealon@health.ny.gov
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov
Joe Duminuco, jduminuco@rouxinc.com
Adam Stolorow, astolorow@sprlaw.com

ec w/o enc.:

C. Allan

M. Yau

G. Burke

J. O'Connell

K. Lewandowski

J. Andalaro

J. Simpson

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Address

GO HPS LIHTC LLC

432 Park Ave South, 2nd Floor, New York, NY 10016

GO HPS LLC

432 Park Ave South, 2nd Floor, New York, NY 10016

South Point Housing Development Fund Corporation

432 Park Ave South, 2nd Floor, New York, NY 10016

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 11/21/18 **Agreement Execution:** 12/3/18

Agreement Index No.: C241226-11-18

Application Approval Amendment: 7/8/20

Agreement Execution Amendment: 7/8/20

Application Approval Amendment: 10/5/20

Agreement Execution Amendment: 10/5/20

Application Approval Amendment: 11/6/20

Agreement Execution Amendment: 11/5/20

SITE INFORMATION:

Site No.: C241226 **Site Name:** HPS Parcel G

Site Owner: South Point Housing Development Fund Corporation

GO HPS LLC

GO HPS LIHTC LLC

Street Address: 57-28 2nd Street

Municipality: Long Island City

County: Queens

DEC Region: 2

Site Size: 0.45 Acres

Tax Map Identification Number(s): 6 - 20

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):

For a 0.19-acre area – See Exhibits A and B

Allowable Uses under the BCP: Restricted-Residential, Commercial, and Industrial

Cleanup 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 10%. Comprised of 10% Base.

For a 0.26-acre area – See Exhibits A and B

Allowable Uses under the BCP: Restricted-Residential, Commercial, and Industrial

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

Tax Credit Provisions:

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

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 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 Queens County as 2020000283093.

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;

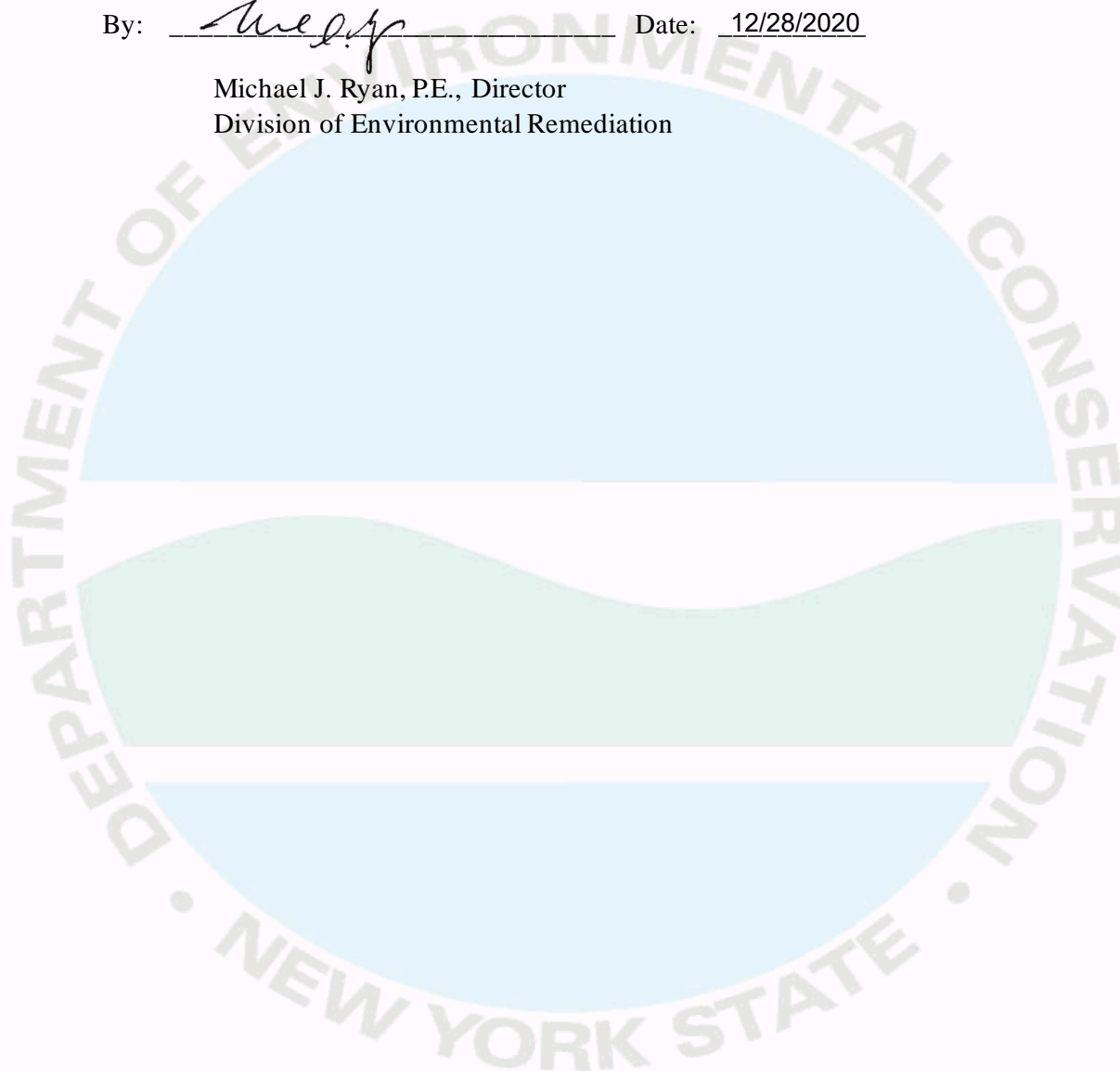
(6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

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 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: 12/28/2020

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)

HPS Parcel G, Site ID No. C241226
57-28 2nd Street, Long Island City, NY 11101
Long Island City, Queens County, Tax Map Identification Number Block 6, Lot 20

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 GO HPS LIHTC LLC, GO HPS LLC, and South Point Housing Development Fund Corporation, and for a parcel approximately 0.45 acres located at 57-28 2nd Street 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 Queens County as 2020000283093.

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.

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 47-40 21st Street, Long Island City, NY 11101, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C241226/>.

WHEREFORE, the undersigned has signed this Notice of Certificate

GO HPS LIHTC 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.

GO HPS 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.

South Point Housing Development Fund Corporation

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:

GO HPS LIHTC LLC
South Point Fund Housing Development Fund Corporation
Stephanie Rhoades
432 Park Ave South, 2nd Floor
New York, NY 10016

GO HPS LLC
Tristan Nadal
c/o Gotham Organization LLC
432 Park Ave South, 2nd Floor
New York, NY 10016

Exhibit A

Site Description

F:\Prjct\Projects\21944 - Hunters Point\BLDG G\DWG\Meets & Bounds Survey.dwg, 11x17 H, 12/24/2020 8:18:54 AM

LEGAL DESCRIPTION

(TRACK 4 CLEANUP)

All certain plot, piece 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 southeasterly sideline of 2nd Street (75 feet wide), therein distant 95'-2 ½” southwesterly from the intersection formed by the centerline prolongation of 56th Avenue (60 feet wide) with the southeasterly sideline prolongation of 2nd Street, running thence;

Southerly with an exterior angle of 130 degrees 49 minutes 6 seconds with the preceding course, 111'-2 ¾” to a point, thence;

Southerly with an interior angle of 167 degrees 57 minutes 41 seconds with the preceding course, 11'-7 5/8” to a point;

Southwesterly with an interior angle of 142 degrees 53 minutes 31 seconds with the preceding course, 176'- 1 ¼” to a point, thence;

Northwesterly with an interior angle of 87 degrees 11 minutes 54 seconds with the preceding course, 91'-5” to a point, thence;

Northeasterly with an interior angle of 92 degrees 46 minutes 00 seconds with the preceding course, 20'-2 1/8” to a point, thence;

Southeasterly with an interior angle of 90 degrees 00 minutes 00 seconds with the preceding course 73'-6” to a point, thence;

Northeasterly with an interior angle of 270 degrees 00minutes 00 seconds with the preceding course, 113'- 4 ¼” to a point, thence;

Northwesterly with an interior angle of 270 degrees 00minutes 00 seconds with the preceding course, 73'-6” to a point, thence;

Northeasterly with an interior angle of 90 degrees 00 minutes 00 seconds with the preceding course, 120'-1 ¾” to appoint and place of Beginning.

Containing 11412.53 square feet or 0.2620 acre of land.

LEGAL DESCRIPTION

(TRACK 2 CLEANUP)

All certain plot, piece 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 southeasterly sideline of 2nd Street (75 feet wide), therein distant 215'-4 3/8” southwesterly from the intersection formed by the centerline prolongation of 56th Avenue (60 feet wide) with the southeasterly sideline prolongation of 2nd Street, running thence;

Southeasterly with an exterior angle of 90 degrees 00 minutes 00 seconds with the preceding course, 73'-6” to a point, thence;

Southwesterly with an interior angle of 90 degrees 00 minutes 00 seconds with the preceding course, 113'- 4 ¼” to a point, thence;

Northwesterly with an interior angle of 90 degrees 00 minutes 00 seconds with the preceding course, 73'-6” to a point, thence;

Northeasterly with an interior angle of 90 degrees 00 minutes 00 seconds with the preceding course, 113'-4 ¼” to a point and place of Beginning.

Containing 8330.96 square feet or 0.1912 acre of land.

SURVEYOR'S CERTIFICATE

MANHATTAN LAND SURVEYING & ENGINEERING D.P.C.



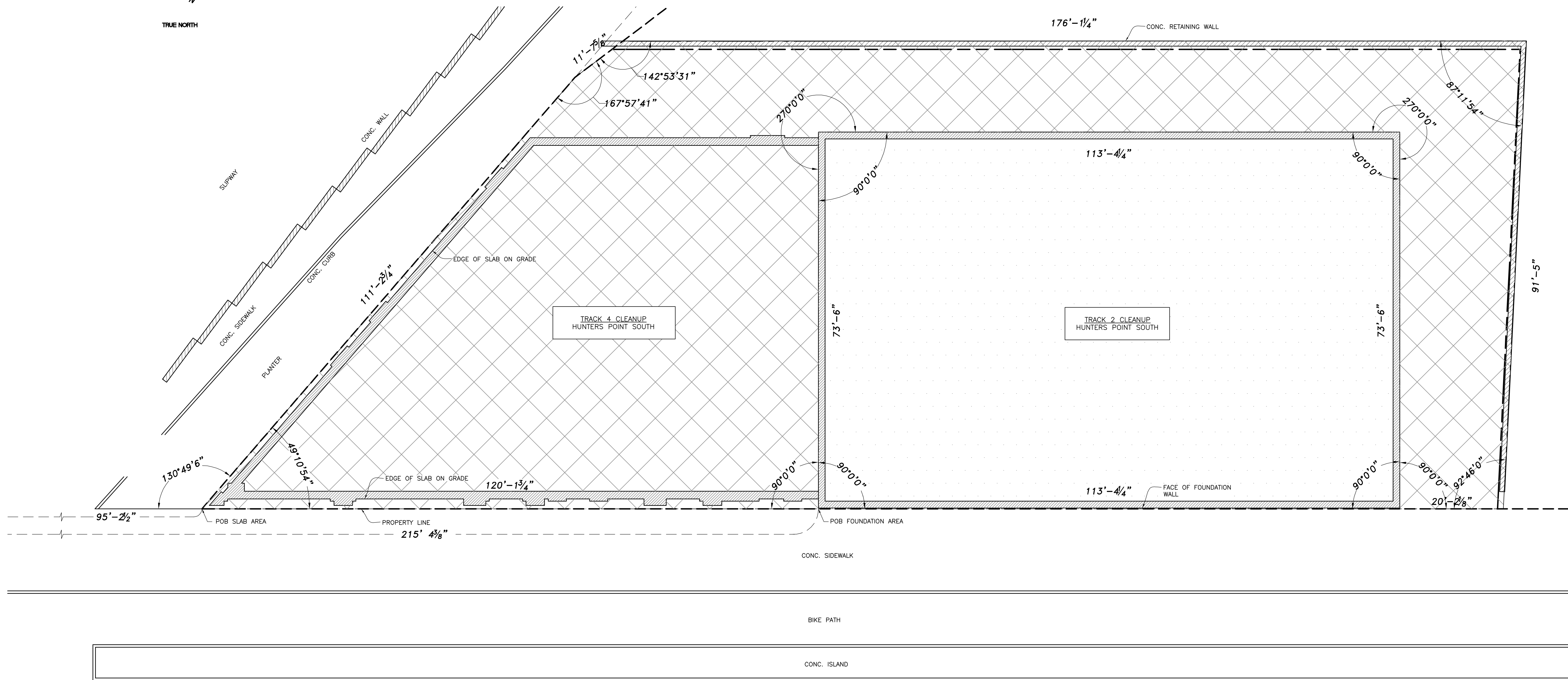
ANGELO J. FIORENZA
NEW YORK STATE LAND SURVEYOR
LICENSE NO. : 049468-1
DATE: NOVEMBER 10, 2020

| | | | | |
|---------------------|--------------------|----------------------|---|---|
| Scale | Date 11-10-2020 | Project No. 21944 | <i>BUILDING G</i> <i>HUNTERS POINT, QUEENS, N.Y.</i> | MANHATTAN LAND SURVEYING & ENGINEERING D.P.C. 505 8th Avenue, Suite 604 New York, NY 10018 |
| Sheet No. 2 of 2 | Drawn AC | Approv. AJF | <i>Meeets & Bounds Survey</i> | |

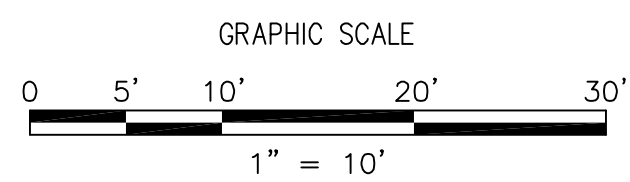
Exhibit B

Site Survey

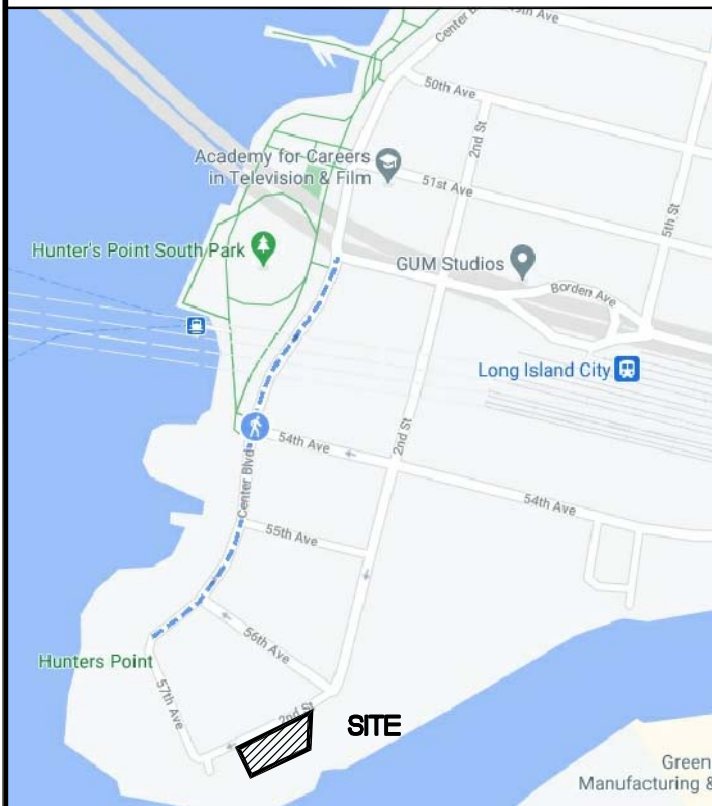
TRUE NORTH



2ND STREET



VICINITY MAP




SURVEYOR'S CERTIFICATE

MANHATTAN LAND SURVEYING &
ENGINEERING D.P.C.



ANGELO J. FIORENZA
NEW YORK STATE LAND SURVEYOR
LICENSE NO. : 049468-1
DATE: NOVEMBER 10, 2020

LEGEND

| | |
|---|--|
| 3/4" N | LOCATION OF FACE OF FOUNDATION WALL/SLAB EDGE FROM PROPERTY LINE |
|  | FOUNDATION WALL/SLAB EDGE |
| POB | POINT OF BEGINNING |

SURVEY NOTES:

1. ALL THEORETICAL LOCATIONS WERE CALCULATED USING DRAWINGS "FO-101.00, FOUNDATION/CELLAR LAYOUT PLAN, 07-31-2019, CONSTRUCTION DOCUMENTS" AND "S-201.00, GROUND FLOOR LAYOUT PLAN, 07-31-2019, CONSTRUCTION DOCUMENTS" AS PROVIDED BY CLIENT

[illegible]

REVISIONS

MANHATTAN LAND SURVEYING
& ENGINEERING D.P.C.

505 8th Avenue, Suite 604
New York, NY 10018

BUILDING G
HUNTERS POINT, QUEENS, N.Y.

Meeets & Bounds Survey

| | | |
|-------------------------|-----------------------------|----------------------------|
| Date 11-10-20 | Project No. 21944 | Sheet No. 1 of 2 |
| Drawn AC | Approv. AUF | Scale 1:10 |

10/7/2020

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

Periodic Review Report Submitted Date: 04/30/2022

Soil Management Plan

Description of Engineering Control

South Point Housing Development Fund Corporation

432 Park Ave South, 2nd Floor

2nd Street

Environmental Easement

Block: 6

Lot: 20

Sublot:

Section:

Subsection:

S_B_L Image: 6 - 20

Cover System