

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation

625 Broadway, 12th Floor, Albany, New York 12233-7011

P: (518) 402-9706 | F: (518) 402-9020

www.dec.ny.gov

December 28, 2022

90 Ninety LLC
c/o BRP Development Corp.
Andy Cohen
100 Park Avenue, 36th Floor
New York, NY 10017

Re: Certificate of Completion
90-02 168th Street Site
Jamaica, Queens County
C241243

Dear Mr. Cohen:

Congratulations on having satisfactorily completed the remedial program at the 90-02 168th Street 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
Queens, NY 11109



- 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 2024.

If you have any questions regarding any of these items, please contact Christopher Allan at (718) 482-4065 or christopher.allan@dec.ny.gov.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Director, Division of Environmental
Remediation

Enclosure

ec w/ enc.:

C. Vooris – NYSDOH (christine.vooris@health.ny.gov)
S. McLaughlin – NYSDOH, scarlett.mclaughlin@health.ny.gov
A. Perretta – NYSDOH (anthony.perretta@health.ny.gov)
M. Gokey – NYSDTF (mathew.gokey@tax.ny.gov)
F. Dahan – SESI (fd@sesi.org)
L. Shaw – Knauf Shaw LLP (lshaw@nyenlaw.com)

ec w/o enc.:

G. Burke, J. O'Connell, K. Lewandowski, C. Maycock, C. Allan, J. Simpson, L. Schmidt

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

90Ninety LLC

Address

c/o BRP Development Corp., 100 Park Ave, New York, NY 10017

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 6/16/20 **Agreement Execution:** 6/23/20

Agreement Index No.: C241243-06-20

Application Amendment Approval: none

Agreement Amendment Execution: none

SITE INFORMATION:

Site No.: C241243 **Site Name:** 90-02 168th Street Site

Site Owner: 90Ninety LLC

Street Address: 90-02 168th Street

Municipality: Jamaica **County:** Queens

DEC Region: 2

Site Size: 2.286 Acres

Tax Map Identification Number(s): 9796-63

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.

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 1.5692-acre area - See Exhibits A and B

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

Cleanup Track 1: Unrestricted use

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 50%.

Eligibility for Tangible Property Credit is available through: EnZone.

Tangible Property Credit Component Rate is 20%. Comprised of 10% Base, 5% EnZone, 5% Track 1.

For a 0.7170-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 through: EnZone.

Tangible Property Credit Component Rate is 15%. Comprised of 10% Base, 5% EnZone.

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 2022000446247.

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; or
- (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: Andrew Guglielmi Date: 12/28/2022
Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A

Site Description

DEED DESCRIPTION

All that certain lot, piece or parcel of land situate, lying and being in the Borough of Queens, City and State of New York, being known and designated as Block 9796, Lot 63 on the Tax Map for said Borough as such Tax map existed on April 1, 1958 when the City acquired title to Block 9796, Lot 63, bounded and described as follows:

BEGINNING at a point formed by the intersection of the westerly side of 168th Street and the southerly side of 90th Avenue;

RUNNING thence Westerly along the southerly side of 90th Avenue along an interior angle of 89° 58' 20", a distance of 292.50 feet;

THENCE Southerly along an interior angle of 90° 57' 33", a distance of 143.60 feet;

THENCE Easterly along an interior angle of 89° 49' 40", a distance of 21.45 feet (Actual), 21.50 feet (Tax Map);

THENCE Southerly along an exterior angle of 90° 02' 42" and along the Easterly side of 91st Avenue, a distance of 118.30 feet (Actual), 117.36 feet (Tax Map);

THENCE Westerly along the Southerly side of 91st Avenue on an exterior angle of 90° 44' 31", a distance of 3.68 feet;

THENCE Southerly along an interior angle of 90° 46' 00", a distance of 100 feet;

THENCE Easterly along an interior angle of 89° 14' 00", a distance of 120 feet;

THENCE Northerly along an interior angle of 90° 46' 00", a distance of 14.70 feet (Actual), 15.50 feet (Tax Map);

THENCE Easterly along an exterior angle of 89° 39' 50", a distance of 153.44 feet to the Westerly side of 168th Street;

THENCE Northerly along the Westerly side of 168th Street (present street line) on an interior angle of 90° 35' 10", a distance of 214.66 feet to a point; and

THENCE still Northerly along the Westerly side of 168th Street (present street line), on an interior angle of 178° 20' 20", 135.85 to the corner at the point or place of beginning.

TRACK 1 DESCRIPTION - NOT SUBJECT TO ENVIRONMENTAL EASEMENT

BEGINNING at a point on the Southerly side of 90th Avenue, 15.16 feet westerly from the corner formed by the intersection of the Westerly side of 168th Street and the Southerly side of 90th Avenue;

RUNNING thence Westerly along the Southerly side of 90th Avenue, a distance of 228 feet;

THENCE Southerly along an interior angle of 90°, a distance of 299.80 feet;

THENCE Easterly along an interior angle of 90°, a distance of 228 feet;

THENCE Northerly along an interior angle of 90°, a distance of 299.80 feet to the point or place of beginning.

TRACK 4 ENVIRONMENTAL EASEMENT AREA DESCRIPTION

BEGINNING at a point formed by the intersection of the Westerly side of 168th Street and the Southerly side of 90th Avenue;

RUNNING thence Westerly along the southerly side of 90th Avenue, a distance of 15.16 feet;

THENCE Southerly along an interior angle of 90°, a distance of 299.80 feet;

THENCE Westerly at a right angle to the last mentioned course a distance of 228 feet;

THENCE Northerly at a right angle to the last mentioned course a distance of 299.80 feet to the Southerly side of 90th Avenue;

THENCE Westerly along the Southerly side of 90th Avenue 49.56 feet to a point;

THENCE Southerly along an interior angle of 90°-56'-37", a distance of 143.73 feet;

THENCE Easterly along an interior angle of 90°-19'-05", a distance of 21.31 feet;

THENCE Southerly along an exterior angle of 90°-31'-11" and along the Easterly side of 91st Avenue, a distance of 118.00 feet;

THENCE Westerly along the Southerly side of 91st Avenue on an exterior angle of 90°-44'-31", a distance of 3.91 feet;

THENCE Southerly along an interior angle of 90°-46'-00", a distance of 100.09 feet;

THENCE Easterly along an interior angle of 89°-14'-00", a distance of 120.11 feet;

THENCE Northerly along an interior angle of 90°-46'-00", a distance of 15.32 feet;

THENCE Easterly along an exterior angle of 89°-33'-00", a distance of 153.57 feet to the Westerly side of 168th Street;

THENCE Northerly along the Westerly side of 168th Street (present street line) on an interior angle of 90°-28'-10", a distance of 93.86 feet to a point; and

THENCE still Northerly along the Westerly side of 168th Street (present street line), on an interior angle of 179°-11'-50", 256.40 feet to the corner at the point or place of beginning.

Exhibit B

Site Survey

LEGEND

Sewer Manhole	⊙
Water Manhole	⊖
Electric Manhole	⊕
Monitoring Well	⊙
Tree & Colper	⊙
Catch Basin	⊙
Water Valve	⊙
Gas Valve	⊙
Fire Hydrant	⊙
Light Pole	⊙
Traffic Signal	⊙
Pedestrian Ramp	⊙
Top Curb Elevation	TC48.65
Bottom Curb Elevation	BC48.40
Legal Grade	LG49.52
Rim Elevation	RIM=48.97
Invert	Inv=36.9
Top Catch Basin Elevation	TCB48.65
Bottom Catch Basin Elevation	BCB48.40
Spot Elevation	48.56
Chain Link Fence	— — — — —
Guard Rail	— — — — —
Steel Face Curb	— — — — —
Concrete or Stone Curb	— — — — —
Drop Curb	— — — — —
Sewer Line	— — — — —
Water Line	— — — — —
Gas Line	— — — — —

- NOTES:**
- 1) ALL ELEVATIONS SHOWN HEREON REFER TO THE NAVD 1988 DATUM.
 - 2) ALL SUBSURFACE UTILITIES SHOWN HEREON WERE OBTAINED FROM CITY DEPARTMENTS AND PRIVATE UTILITY COMPANIES AND SAID UTILITIES ARE APPROXIMATE ONLY AND NOT GUARANTEED BY THE SURVEYOR. CONSULT APPROPRIATE DEPARTMENT OR COMPANY BEFORE DESIGNING ANY CONNECTIONS.
 - 3) NONVISIBLE EASEMENTS, RECORDED OR UNRECORDED, NOT SHOWN.
 - 4) LEGAL GRADES REFER TO TOP OF CURB.
 - 5) THERE ARE NO VISIBLE STREAMS OR WATERCOURSES ON THE PROPERTY AS SHOWN ON THIS SURVEY.
 - 6) UNDERGROUND FOUNDATIONS OR SUBSTRUCTURES NOT VISIBLE NOT SHOWN.

TRACK 1 DESCRIPTION – NOT SUBJECT TO ENVIRONMENTAL EASEMENT

BEGINNING at a point on the southerly side of 90th Avenue, 15.16 feet westerly from the corner formed by the intersection of the westerly side of 168th Street and the southerly side of 90th Avenue;

RUNNING thence westerly along the southerly side of 90th Avenue, a distance of 228 feet;

THENCE southerly along an interior angle of 90°, a distance of 299.80 feet;

THENCE easterly along an interior angle of 90°, a distance of 228 feet;

THENCE northerly along an interior angle of 90°, a distance of 299.80 feet to the point or place of beginning.

Acreage: 1.5692 Acres

DEED DESCRIPTION

ALL that certain lot, piece or parcel of land situate, lying and being in the Borough of Queens, City and State of New York, being known and designated as Block 9796, Lot 63 on the Tax Map for said Borough as such Tax Map existed on April 1, 1958 when the City acquired title to Block 9796, Lot 63, bounded and described as follows:

BEGINNING at a point formed by the intersection of the westerly side of 168th Street and the southerly side of 90th Avenue;

RUNNING thence westerly along the southerly side of 90th Avenue along an interior angle of 89°-58'-20", a distance of 292.50 feet;

THENCE southerly along an interior angle of 90°-57'-33", a distance of 143.60 feet;

THENCE easterly along an interior angle of 89°-49'-40", a distance of 21.45 feet (Actual), 21.50 feet (Tax Map);

THENCE southerly along an exterior angle of 90°-02'-42" and along the easterly side of 91st Avenue, a distance of 118.30 feet (Actual), 117.36 feet (Tax Map);

THENCE westerly along the southerly side of 91st Avenue on an exterior angle of 90°-44'-31", a distance of 3.91 feet;

THENCE southerly along an interior angle of 90°-46'-00", a distance of 100 feet;

THENCE easterly along an interior angle of 89°-14'-00", a distance of 120 feet;

THENCE northerly along an interior angle of 90°-46'-00", a distance of 14.70 feet (Actual), 15.50 feet (Tax Map);

THENCE easterly along an exterior angle of 89°-39'-50", a distance of 153.44 feet to the westerly side of 168th Street;

THENCE northerly along the westerly side of 168th Street (present street line) on an interior angle of 90°-35'-10", a distance of 214.66 feet to a point; and

THENCE still northerly along the westerly side of 168th Street (present street line), on an interior angle of 178°-20'-20", 135.85 feet to the corner at the point or place of beginning.

Acreage: 2.2862 Acres

TRACK 4 ENVIRONMENTAL EASEMENT AREA DESCRIPTION

BEGINNING at a point formed by the intersection of the westerly side of 168th Street and the southerly side of 90th Avenue;

RUNNING thence westerly along the southerly side of 90th Avenue, a distance of 15.16 feet;

THENCE southerly along an interior angle of 90°, a distance of 299.80 feet;

THENCE westerly at a right angle to the last mentioned course a distance of 228 feet;

THENCE southerly at a right angle to the last mentioned course a distance of 299.80 feet to the southerly side of 90th Avenue;

THENCE westerly along the southerly side of 90th Avenue 49.56 feet to a point;

THENCE southerly along an interior angle of 90°-56'-37", a distance of 143.73 feet;

THENCE easterly along an interior angle of 90°-19'-05, a distance of 21.31 feet;

THENCE southerly along an exterior angle of 90°-31'-11" and along the easterly side of 91st Avenue, a distance of 118.00 feet;

THENCE westerly along the southerly side of 91st Avenue on an exterior angle of 90°-44'-31", a distance of 3.91 feet;

THENCE southerly along an interior angle of 90°-46'-00", a distance of 100.09 feet;

THENCE easterly along an interior angle of 89°-14'-00", a distance of 120.11 feet;

THENCE northerly along an interior angle of 90°-46'-00", a distance of 15.32 feet;

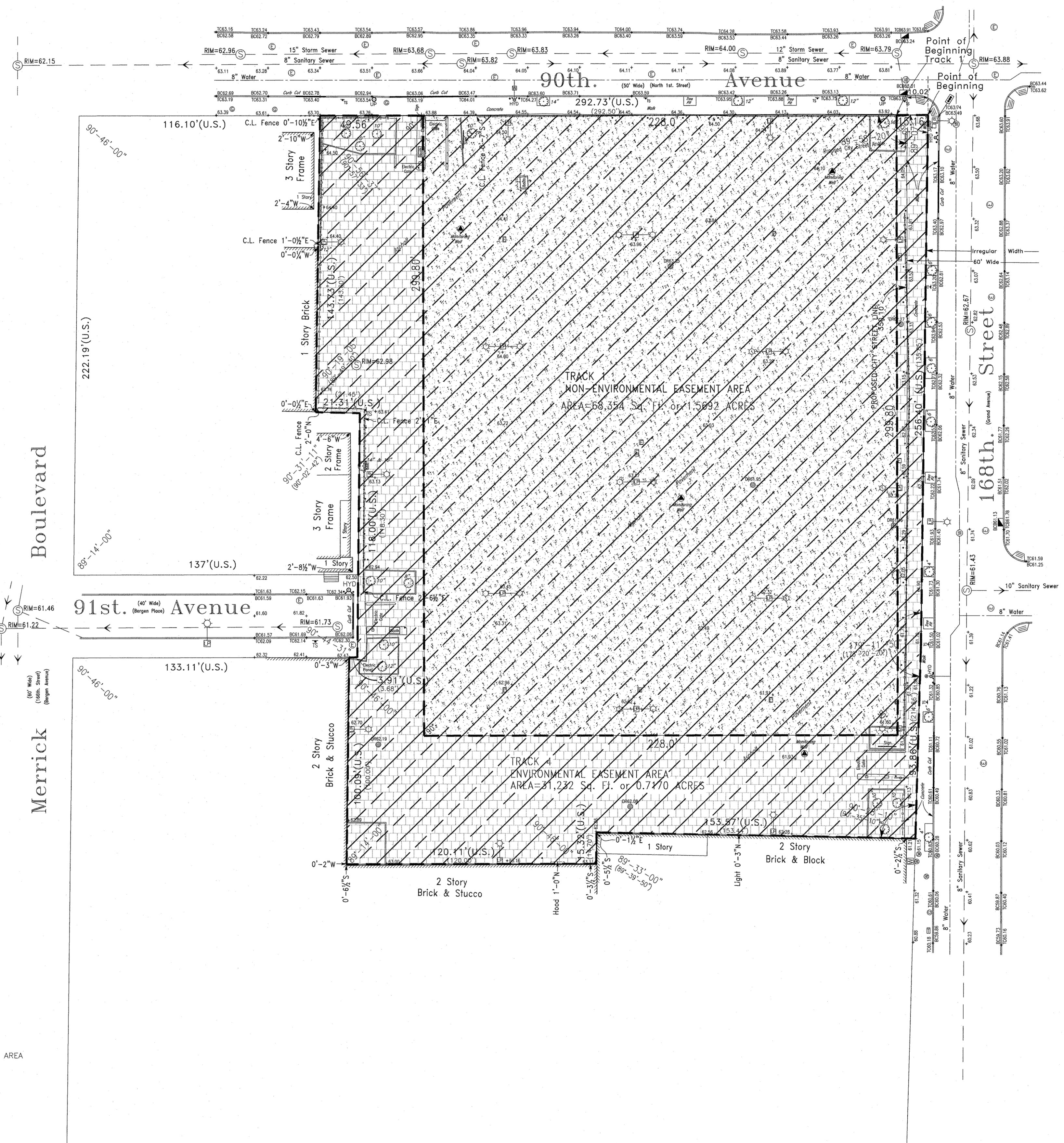
THENCE easterly along an exterior angle of 89°-33'-00", a distance of 153.57 feet to the westerly side of 168th Street;

THENCE northerly along the westerly side of 168th Street (present street line) on an interior angle of 90°-28'-10", a distance of 93.86 feet to a point; and

THENCE still northerly along the westerly side of 168th Street (present street line), on an interior angle of 179°-11'-50", 256.40 feet to the corner at the point or place of beginning.

Acreage: 0.7170 Acres

BROWNFIELD CLEANUP PROGRAM SITE 90-02 168TH STREET SITE NO. C241243
 TAX ID: 9796-63
 90-02 168TH STREET
 ACREAGE: 2.2862 ACRES



	TRACK 1 NON-ENVIRONMENTAL EASEMENT AREA
	TRACK 4 ENVIRONMENTAL EASEMENT AREA
	BROWNFIELD SITE

BROWNFIELD SITE AREA DESCRIPTION

BEGINNING at a point formed by the intersection of the westerly side of 168th Street and the southerly side of 90th Avenue;

RUNNING thence westerly along the southerly side of 90th Avenue, a distance of 292.73 feet;

THENCE southerly along an interior angle of 90°-56'-37", a distance of 143.73 feet;

THENCE easterly along an interior angle of 90°-19'-05, a distance of 21.31 feet;

THENCE southerly along an exterior angle of 90°-31'-11" and along the easterly side of 91st Avenue, a distance of 118.00 feet;

THENCE westerly along the southerly side of 91st Avenue on an exterior angle of 90°-44'-31", a distance of 3.91 feet;

THENCE southerly along an interior angle of 90°-46'-00", a distance of 100.09 feet;

THENCE easterly along an interior angle of 89°-14'-00", a distance of 120.11 feet;

THENCE northerly along an interior angle of 90°-46'-00", a distance of 15.32 feet;

THENCE easterly along an exterior angle of 89°-33'-00", a distance of 153.57 feet to the westerly side of 168th Street;

THENCE northerly along the westerly side of 168th Street (present street line) on an interior angle of 90°-28'-10", a distance of 93.86 feet to a point; and

THENCE still northerly along the westerly side of 168th Street (present street line), on an interior angle of 179°-11'-50", 256.40 feet to the corner at the point or place of beginning.

Acreage: 2.2862 Acres

Jamaica Avenue

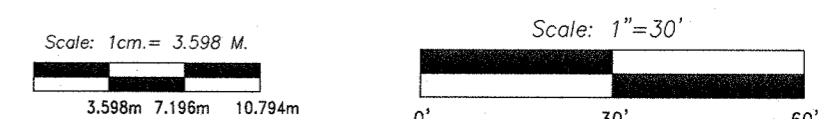
THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW.

THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT derweb@dec.ny.gov.



ERLANDSEN-CROWELL & SHAW
 FOUNDED IN 1852 BY E.W. CONKLIN
 Civil Engineers & City Surveyors
 241 JERICHO TPKE NEW HYDE PARK, NY 11040 516-326-4353
 718-526-0339

DATE: JULY 16, 2021
 REVISED DATE: SEPTEMBER 12, 2022



70125-E
 © - ALL RIGHTS RESERVED

90-02 168th Street Site, C241243
90-02 168th Street Site, Jamaica, NY 11432

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

90-02 168th Street Site, Site ID No. C241243
90-02 168th Street, Jamaica, NY
Jamacia, Queens County, Tax Map Identification Number: 9796-63

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 90Ninety LLC for a parcel approximately 2.286 acres located at 90-02 168th Street in Jamaica, 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 a 1.5692-acre portion of 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, the remedial program for a 0.7170-acre portion of 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.

90-02 168th Street Site, C241243
90-02 168th Street Site, Jamaica, NY 11432

PLEASE TAKE NOTICE, 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 2022000446247.

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 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/C241243/>.

90-02 168th Street Site, C241243
90-02 168th Street Site, Jamaica, NY 11432

WHEREFORE, the undersigned has signed this Notice of Certificate

90Ninety 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:
90Ninety LLC
c/o BRP Development Corp.
Andy Cohen
100 Park Avenue, 36th Floor
New York, NY 10017

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/8/2022

SITE NO. **C241243**

SITE DESCRIPTION

SITE NAME 90-02 168th Street Site

SITE ADDRESS: 90-02 168th Street ZIP CODE: 11432

CITY/TOWN: Jamaica

COUNTY: Queens

ALLOWABLE USE: Restricted-Residential, 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 type="checkbox"/>	<input checked="" type="checkbox"/>

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2024

Description of Institutional Control

90Ninety LLC
100 Park Avenue, 36th Floor
90-02 168th Street
Environmental Easement
Block: 9796
Lot: 63
Sublot:
Section:
Subsection:
S_B_L Image: 9796-63
Ground Water Use Restriction
Landuse Restriction

Description of Engineering Control

90Ninety LLC

100 Park Avenue, 36th Floor

90-02 168th Street

Environmental Easement

Block: 9796

Lot: 63

Sublot:

Section:

Subsection:

S_B_L Image: 9796-63

Cover System