APPENDIX D

HAZARDOUS MATERIALS

- *Brownfield Cleanup Program Certificate of Completion*

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER

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RECORDING AND ENDORSEMENT COVER PAGE

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PRESENTER:
INTRACOASTAL ABSTRACT CO., INC.
31 STEWART STREET
INTRA-20-040
FLORAL PARK, NY 11001
516-358-0505
RECORDINGDEPARTMENT@INTRACOASTALABSTR

RETURN TO:
ASTORIA OWNERS LLC
43 WEST 47TH STREET, SUITE 203
NEW YORK, NY 10036
ATTN: BORIS ARONOV

PROPERTY DATA

Borough	Block	Lot	Unit	Address
QUEENS	911	1	Entire Lot	3-15 26TH AVENUE

Property Type: NON-RESIDENTIAL VACANT LAND

CROSS REFERENCE DATA

CRFN_____ *or* DocumentID_____ *or* _____ Year_____ Reel____ Page_____ *or* File Number_____

PARTIES

PARTY 1:
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERV
47-40 21ST STREET
LONG ISLAND CITY, NY 11101

PARTY 2:
ASTORIA OWNERS LLC
43 WEST 47TH STREET
NEW YORK, NY 10036

FEES AND TAXES

Mortgage :		
Mortgage Amount:	$	0.00
Taxable Mortgage Amount:	$	0.00
Exemption:		
TAXES: County (Basic):	$	0.00
City (Additional):	$	0.00
Spec (Additional):	$	0.00
TASF:	$	0.00
MTA:	$	0.00
NYCTA:	$	0.00
Additional MRT:	$	0.00
TOTAL:	$	0.00
Recording Fee:	$	77.00
Affidavit Fee:	$	0.00

Filing Fee:	$	0.00
NYC Real Property Transfer Tax:	$	0.00
NYS Real Estate Transfer Tax:	$	0.00

RECORDED OR FILED IN THE OFFICE OF THE CITY REGISTER OF THE CITY OF NEW YORK
Recorded/Filed 01-21-2020 14:22
City Register File No.(CRFN): **2020000023809**

City Register Official Signature

INtra-20-040

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

Astoria Steel Site, Site ID No. C241155
3-15 26th Avenue, Astoria, NY, 11102
Astoria, Queens County, Tax Map Identification Number: 911-1

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 Astoria Owners LLC* for an approximately 3.670-acre parcel located at 3-15 26th Avenue in Astoria, Queens County.

47-40 21st Street LIC, NY 11101

* 43 West 47th Street New York, NY 10036

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 2019000265449.

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 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.

WHEREFORE, the undersigned has signed this Notice of Certificate

Astoria Owners LLC

By: Boris Aronov

Title: Managing Member

Date: 12/26/19

STATE OF NEW YORK) SS:
COUNTY OF New York)

On the 26th day of December, in the year 2019, before me, the undersigned, personally appeared Boris Aronov, 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

JUSTIN ZIM
Notary Public, State of New York
No. 02ZI6388930
Qualified in New York County
Commission Expires 03/18/2023

Please record and return to:
Boris Aronov
Astoria Owners LLC
43 West 47th Street, Suite 203
New York, NY 10036

Exhibit A

Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

Easement Area Legal Description

ALL the certain plot piece or parcel 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 the corner formed by the intersection on the northeasterly side of 26th Avenue (60 feet wide) with the northwesterly side of 3rd Street (50 feet wide)

RUNNING THENCE southeasterly along the northeasterly side of 26th Avenue, 179.00 feet to a point;

RUNNING THENCE northeasterly along a line forming an angle of 88 degrees 35 minutes 00 seconds on the northwest with the northeasterly side of 26th Avenue, 228.52 feet to a point;

RUNNING THENCE southeasterly at right angles to the last mentioned course, 151.23 feet to the southeasterly side of the Former 4th Street;

RUNNING THENCE northeasterly at right angles to the last mentioned course along the southeasterly side of the Former 4th Street, 353.4 feet more or less to the mean high water line of the East River as on 6-23-2018;

RUNNING THENCE northwesterly along the mean high water line of the East River as it meanders 333.2 feet more or less to a Steel Revetment Bulkhead said point being 19.33 feet east of the northwesterly side of 3rd Street and 566.51 feet north of the northeasterly side of 26th Avenue;

RUNNING THENCE South 21 degrees 09 minutes 30 seconds West, along the Steel Revetment, 18.7 feet more or less to a point being 22.04 feet east of the northwesterly side of 3rd Street and 548.06 feet north of the northeasterly side of 26th Avenue;

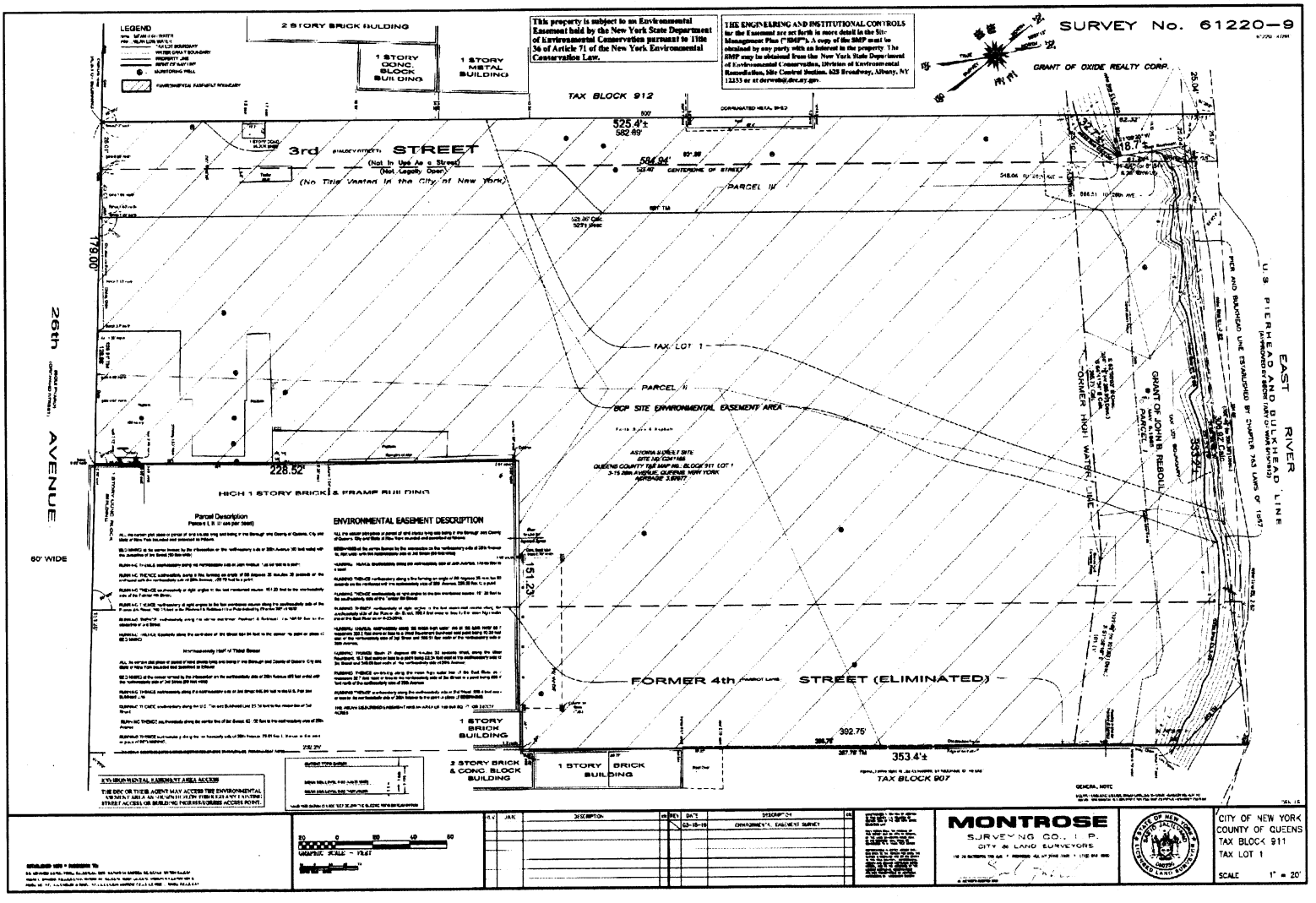
RUNNING THENCE continuing along the mean high water line of the East River as it meanders 32.7 feet more or less to the northwesterly side of 3rd Street to a point being 525.4 feet north of the northeasterly side of 26th Avenue;

RUNNING THENCE southwesterly along the northwesterly side of 3rd Street, 525.4 feet more or less to the northeasterly side of 26th Avenue the corner the point or place of BEGINNING.

THE ABOVE DESCRIBED EASEMENT HAS AN AREA OF 159,899 SQ. FT. OR 3.67077 ACRES.

Exhibit B

Site Survey


SURVEY No. 61220-9
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 must be obtained by any party with an interest in the property. The SMP may 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 derweb@dec.ny.gov.
LEGEND
2 STORY BRICK BUILDING
1 STORY CONC. BLOCK BUILDING
1 STORY METAL BUILDING
TAX BLOCK 912
GRANT OF OXIDE REALTY CORP.
3rd STREET
(Not In Use As a Street)
(Not Legally Open)
(No Title Vested in the City of New York)
525.4'±
582.89'
584.94'
CENTERLINE OF STREET
PARCEL III
TAX LOT 1
PARCEL II
BCP SITE ENVIRONMENTAL EASEMENT AREA
179.00'
26th AVENUE
60' WIDE
228.52'
HIGH 1 STORY BRICK & FRAME BUILDING
Parcel Description
ENVIRONMENTAL EASEMENT DESCRIPTION
151.23'
FORMER 4th STREET (ELIMINATED)
1 STORY BRICK BUILDING
2 STORY BRICK & CONC. BLOCK BUILDING
1 STORY BRICK BUILDING
392.75'
353.4'±
TAX BLOCK 907
EAST RIVER
U.S. PIERHEAD AND BULKHEAD LINE
PIER AND BULKHEAD LINE ESTABLISHED BY CHAPTER 743 LAWS OF 1857
GRANT OF JOHN B. REBOUL
FORMER HIGH WATER LINE
ENVIRONMENTAL EASEMENT AREA ACCESS
THE DEC OR THEIR AGENT MAY ACCESS THE ENVIRONMENTAL EASEMENT AREA AN ADJOINTED PUBLIC STREET ACCESS OR BUILDING INGRESS/EGRESS ACCESS POINT.
GRAPHIC SCALE - FEET
MONTROSE
SURVEYING CO., L.P.
CITY & LAND SURVEYORS
CITY OF NEW YORK
COUNTY OF QUEENS
TAX BLOCK 911
TAX LOT 1
SCALE 1" = 20'

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	**Address**
Astoria Owners LLC	43 West 47th Street, Suite 203, New York, NY 10036

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 1/31/14 **Agreement Execution:** 3/28/14

Agreement Index No.: C241155-01-14

Application Approval Amendment: 6/28/16 **Agreement Execution Amendment:** 6/28/16

Application Approval Amendment: 9/4/18 **Agreement Execution Amendment:** 9/4/18

SITE INFORMATION:

Site No.: C241155 **Site Name:** Astoria Steel Site
Site Owner: Astoria Owners LLC
Street Address: 3-15 26th Avenue
Municipality: Astoria **County:** Queens **DEC Region:** 2
Site Size: 3.670 Acres
Tax Map Identification Number(s): 911-1
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):

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 20%.

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 18%.

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 2019000265449.

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: 12/27/19

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

Subject: FW: Hallets North - CEQR #21DCP138Q
From: "Annabelle Meunier (DCP)" <AMEUNIER@planning.nyc.gov>
Date: 6/21/2021 4:55 PM
To: Christina Szczepanski <christinas@phaeng.com>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

From: Davidow, Scott <sdavidow@dep.nyc.gov>
Sent: Monday, June 21, 2021 1:50 PM
To: Annabelle Meunier (DCP) <AMEUNIER@planning.nyc.gov>
Cc: Yu, Wei <WeiY@dep.nyc.gov>; Weissbard, Ron <RWeissbard@dep.nyc.gov>; Wimbish, Mitchell <MitchellW@dep.nyc.gov>; Estesen, Terrell <terrelle@dep.nyc.gov>; Lucas, Rasheed <rlucas@dep.nyc.gov>
Subject: Hallets North - CEQR #21DCP138Q

Hi Annabelle,

DEP reviewed the Hazardous Materials DEIS chapter for Hallets North. Proposed Development Site 1 (applicant owned site) is subject to a NYSDEC environmental easement which allows restricted residential use. Projected Development Site 2 (non-applicant site) would be mapped with an E-Designation.

DEP has no further comments on the project.

Sincerely,

Scott Davidow, P.G. | Geologist | NYC Environmental Protection
Bureau of Sustainability | Hazardous Materials
(O) 718 595-7716 | sdavidow@dep.nyc.gov