

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

RECEIVED  
STANDARDS AND APPEALS  
2017 SEP 18 P 7:02  
CAL. NO.

January 13, 2017

Mr. Matthew Baron  
CSC 4540 Property Co., LLC  
c/o Simon Development  
757 Third Avenue – 17<sup>th</sup> Floor  
New York, NY 10017

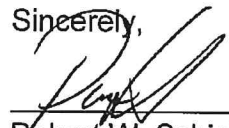
Re: Certificate of Completion  
Site No.: C241108  
Site: Paragon Paint & Varnish Corp.  
Long Island City, Queens County

Dear Mr. Baron:

It has come to the Department's attention that the Certificate of Completion that was originally mailed on December 15, 2016 was sent to wrong address.

If you have any questions regarding any of these items, please contact Sondra Martinkat at 718-482-4891.

Sincerely,

  
Robert W. Schick, P.E.

Director

Division of Environmental Remediation



Department of  
Environmental  
Conservation



## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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Brent Carrier  
4540 Vernon Realty LLC  
45 Carleon Ave.  
Larchmont, NY 10538

**DEC 15 2016**

Matthew Baron  
CSC 4540 Property Co., LLC  
c/o Simon Development  
230 Park Ave.  
New York, NY 10169

Angela Krevey  
Anable Beach, Inc.  
375 South End Ave., Apt 6S  
New York, NY 10280

Donald Rattner  
549 46<sup>th</sup> Avenue LLC  
116 Ferncliff Rd.  
Cos Cob, CT 06807

Re: Certificate of Completion  
Site No.: C241108  
Site: Paragon Paint and Varnish Corp.  
Long Island City, Queens County

Dear Applicants/Site Owner:

Congratulations on having satisfactorily completed the remedial program at the Paragon Paint and Varnish Corp 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:



Department of  
Environmental  
Conservation

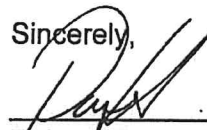
- If you are the site owner, you must record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of 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. 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;
- 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 2018.

If you have any questions regarding any of these items, please contact Sondra Martinkat at (718) 482-4891.

Sincerely,



Robert W. Schick, P.E.  
Director  
Division of Environmental Remediation

ec w/ enclosure:

K. Anders, J. Deming, A. Perretta – NYSDOH

ec w/o enc.:

S. Martinkat, J. O'Connell, R. Cozzy, G. Burke, K. Mintzer, K. Lewandowski, G. Heitzman – NYSDEC  
O. Ramotar – Remedial Engineering, P.C. ([oramotar@rouxinc.com](mailto:oramotar@rouxinc.com))  
M. Bogin – Sive, Paget & Riesel P.C. ([mbogin@sprlaw.com](mailto:mbogin@sprlaw.com))

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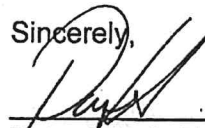
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Robert W. Schick, P.E.

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O. Ramotar – Remedial Engineering, P.C. ([oramotar@rouxinc.com](mailto:oramotar@rouxinc.com))

M. Bogin – Sive, Paget & Riesel P.C. ([mbogin@sprlaw.com](mailto:mbogin@sprlaw.com))

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

**CERTIFICATE HOLDER(S):**

**Name**

549 46TH AVENUE LLC  
Anable Beach, Inc.  
4540 Vernon Realty LLC

**Address**

11 Ferncliff Road, Cos Cob, CT 06807  
375 South End Avenue, New York, NY 10280  
45 Carleon Avenue, Larchmont, NY 10538

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 3/24/08    **Agreement Execution:** 9/4/08    **Agreement Index No.:** W2-1119-08-03

**Application Approval Amendment:** 8/17/10

**Agreement Execution Amendment:** 8/17/10

**Application Approval Amendment:** 7/21/11

**Agreement Execution Amendment:** 8/2/11

**SITE INFORMATION:**

**Site No.:** C241108    **Site Name:** Paragon Paint and Varnish Corp

**Site Owner:** CSC 4540 Property Co, LLC

**Street Address:** 5-49 46th Avenue

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

**Site Size:** 0.759 Acres

**Tax Map Identification Number(s):** 26-4

**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 12 %.

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 10 %.

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 2015000400038.

#### **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/REVOCAION**

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: \_\_\_\_\_

Robert W. Schick, P.E., Director  
Division of Environmental Remediation

Date: December 15, 2016



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

**Paragon Paint and Varnish Corporation, Site ID No. C241108**  
5-49 46<sup>th</sup> Avenue, Long Island City, NY 11101  
New York City, Queens County, Tax Map Identification Number 26-4

**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 549 46th Avenue LLC, Anable Beach, Inc, and 4540 Vernon Realty LLC for a parcel approximately 0.759 acres, located at 5-49 46<sup>th</sup> Avenue in Long Island City in 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 2015000400038.

**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

***Paragon Paint and Varnish Corporation, C241108, 5-49 46<sup>th</sup> Ave, Long Island City NY 11101***

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 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, by contacting the Regional Environmental Remediation Engineer.

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

***CSC 4540 Property Co., 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:**  
Brent Carrier  
4540 Vernon Realty LLC  
45 Carleon Avenue  
Larchmont, NY 10538

**EXHIBIT A**

**METES AND BOUNDS  
FROM THE EASEMENT**



**SCHEDULE "A" PROPERTY DESCRIPTION**

**ALL THAT CERTAIN** plot, piece or parcel of land, together with the buildings and improvements thereon erected, situate, lying and being at Long Island City in the County of Queens, City of New York, known as Lot Numbers 4, 5, 6, 7, 13 14, 15 and 16, in Block 21 "Map of Hunter Van Alst and Debevoise Farms" situate in the 1st, 2nd and 3rd Wards, Long Island, Queens County, surveyed by Peter Van Alst for the Trustees of Union College bounded and described as follows:

BEGINNING at a point on the westerly side of Vernon Boulevard, distant 75 feet northerly from the corner formed by the intersection of the westerly side of Vernon Boulevard and the northerly side of 46th Avenue;

RUNNING THENCE south 75 degrees 17 minutes 05 seconds west and parallel with 46<sup>th</sup> Avenue, 100 feet;

THENCE south 14 degrees 42 minutes 55 seconds east and parallel with Vernon Boulevard, 75 feet to the northerly side of 46th Avenue;

THENCE south 75 degrees 17 minutes 05 seconds west along the northerly side of 46th Avenue, 100 feet to the easterly line of Lot 17 on the aforesaid map;

THENCE north 14 degrees 42 minutes 55 seconds west along the easterly line of Lot 17 and parallel to Vernon Boulevard, 231 feet, 6 inches to the southerly line of the 11th Street Basin;

THENCE north 75 degrees 17 minutes 05 minutes east along the southerly line of the 11th Street Basin and parallel to 46th Avenue, 49 feet to the westerly line of Lot 10;

THENCE south 14 degrees 42 minutes 55 seconds east along the westerly line of Lot 10 and parallel to Vernon Boulevard, 1 foot 6 inches;

THENCE north 75 degrees 17 minutes 05 seconds east along said southerly side of Lot 10 and parallel with 46th Avenue, 51 feet to the westerly side of Lot 9 on said map;

THENCE south 14 degrees 42 minutes 55 seconds east and parallel with Vernon Boulevard and along the westerly sides of Lots 9 and 8, 55 feet to the northerly side of Lot 7 on said map;

THENCE north 75 degrees 17 minutes 05 seconds east and along the northerly side of Lot 7 and parallel with the northerly side of 46th Avenue, 100 feet to the westerly side of Vernon Boulevard;

THENCE south 14 degrees 42 minutes 55 seconds east and along the westerly side of Vernon Boulevard, 100 feet to the point or place of BEGINNING.

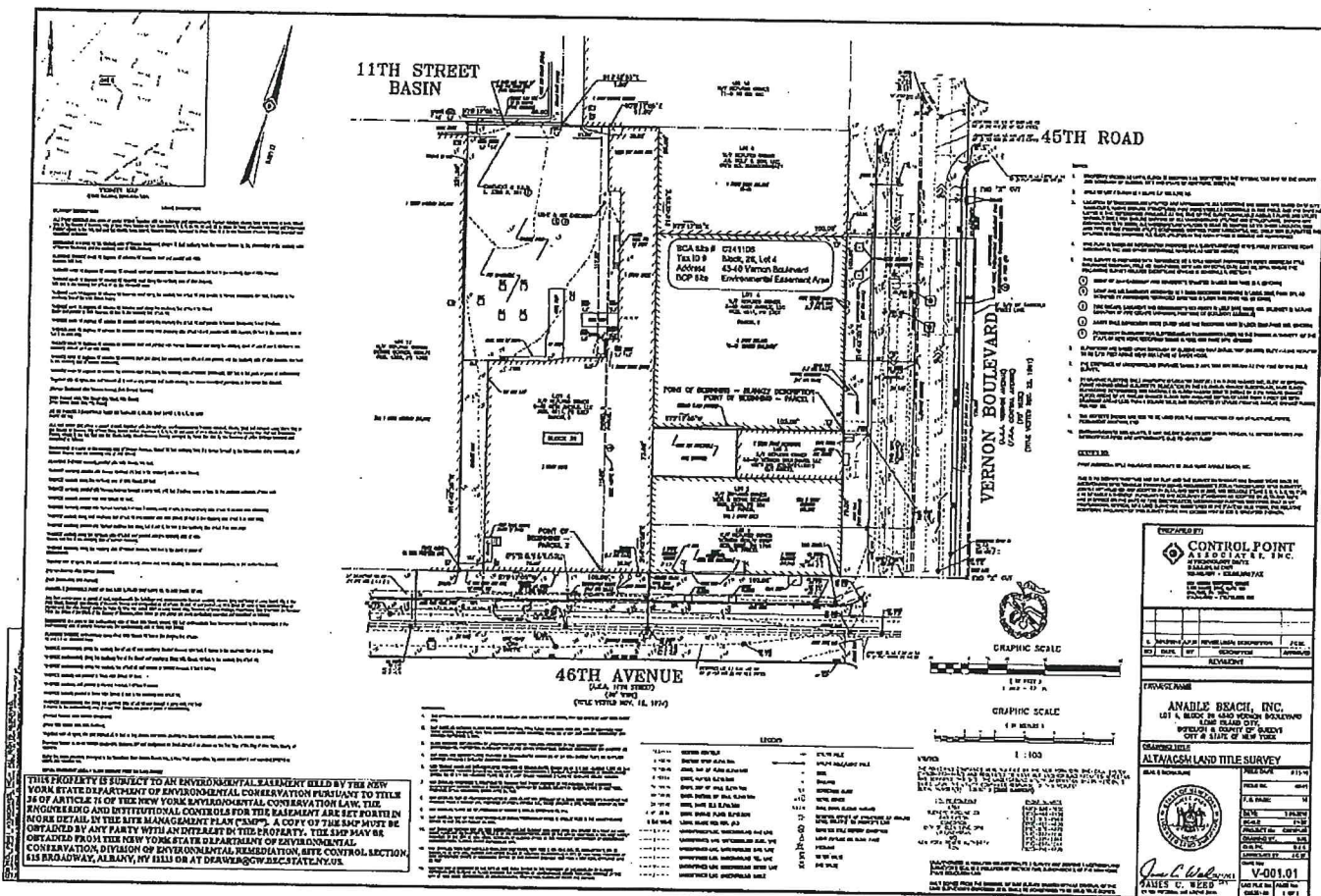
Together with all rights, title and interest of, in and to any streets and roads abutting the above described premises, to the center line thereof.

(Vernon Boulevard a/k/a Vernon Avenue f/k/a Central Avenue)

(46th Avenue a/k/a 10th Street f/k/a West 10th Street)

(11th Street Basin f/k/a The Canal)

## SURVEY FIGURE







NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
11/29/2016



**SITE DESCRIPTION**

**SITE NO.** C241108

**SITE NAME** Paragon Paint and Varnish Corp

**SITE ADDRESS:** 5-49 46th Avenue **ZIP CODE:** 11101-5214

**CITY/TOWN:** Long Island City

**COUNTY:** Queens

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

**SITE MANAGEMENT DESCRIPTION**

**SITE MANAGEMENT PLAN INCLUDES:** YES NO

IC/EC Certification Plan

☒ ☐

Monitoring Plan

☒ ☐

Operation and Maintenance (O&M) Plan

☒ ☐

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2018

**Description of Institutional Control**

**CSC 4540 Property Co, LLC**

c/o Simon Development, 230 Park Avenue

**549 46th Avenue**

Environmental Easement

Block: 26

Lot: 4

Sublot:

Section:

Subsection:

S\_B\_L Image: 26-4

Ground Water Use Restriction

IC/EC Plan

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

**Description of Engineering Control**

**CSC 4540 Property Co, LLC**

c/o Simon Development, 230 Park Avenue

**549 46th Avenue**

Environmental Easement

Block: 26

Lot: 4

Sublot:

Section:

Subsection:

S\_B\_L Image: 26-4

Cover System