



**DEPARTMENT OF
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PROTECTION**

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NOTICE TO PROCEED

July 3, 2007

Mr. Magdi A. Mossad, P.E.
Brooklyn Borough Commissioner
NYC Department of Buildings
Municipal Building, 8th Floor
Brooklyn, New York 11201

Re: 50-01 Second Street
Hazardous Materials and Air Quality "E" Designation
E-129: Block 16, Lots 8 and 38 (Former Lot 6)
06DEPTECH018Q

Dear Commissioner Mossad:

The New York City Department of Environmental Protection Bureau of Environmental Planning and Analysis (DEP) has reviewed the May 2007 Remedial Action Work Plan (RAP) and Construction Health and Safety Plan (HASP), prepared by Fleming Lee Shue Environmental Management & Consulting, Inc., as well as the June 18, 2007 letter by Alexander Polatsek, P.E. of Mehandes Engineering, P.C. prepared on behalf of CGS Developers, LLC. (the Applicant), for the above-referenced project. It is our understanding that the Applicant is proposing to construct two mixed-used buildings (Building B and C) on Block 16, Lots 8 and 38 (former Lot 6), located at the intersection of 2nd Street and 50th Avenue, in Long Island City section of Queens Community District 2. The current proposal would facilitate the development of two 12-story mixed used buildings consisting of approximately 261 dwelling units with commercial space and a 45,000 square feet underground parking garage in building C. An "E" designation (E-129) for hazardous materials and air quality was placed on the subject parcels by the New York City Department of City Planning as part of the Hunters Point Subdistrict Rezoning (CEQR # 04DCP011Q).

Hazardous Materials

DEP has reviewed the RAP and HASP for the proposed project and find the plan acceptable. Therefore, DEP has no objection to the issuance of New York City Department of Buildings (DOB) permits to commence excavation, foundation work, and construction of the superstructure, in accordance with the RAP and HASP, with the understanding that no other permits (i.e. – Certificate of Occupancy) will be issued by the DOB to the applicant until a Professional Engineer Certified Closure Report is submitted and approved by DEP and a Notice of Satisfaction has been issued for the proposed project.

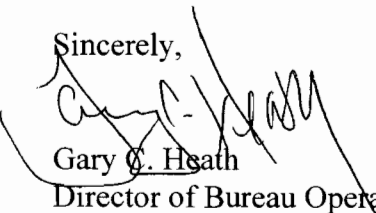


Air Quality

The Hunters Point Subdistrict Rezoning Environmental Assessment Statement determined that in order to avoid significant adverse impacts on surrounding developments, any new residential and/or commercial development on Block 16, Lot 6 must use natural gas as the exclusive fuel source for heating, ventilation and air conditioning systems. The June 18, 2007 letter from Mehandes Engineering, P.C. states that "natural gas will be the sole fuel source for heating and hot water for this project. There will be no oil burning mechanical equipment located on this project." Therefore, DEP has no objection to the issuance of DOB permits for construction in accordance with the June 18, 2007 letter with the understanding that no other permits (i.e. – Certificate of Occupancy) will be issued by the DOB until Installation Report, certified by a P.E. or Registered Architect, is submitted and approved by DEP and a Notice of Satisfaction has been issued for the proposed project.

Please include DEP tracking number 06DEPTECH018Q on all future correspondence and submissions for this project. If you have any questions or comments, please feel free contact Mr. Terrell Estes at (718) 595-4473.

Sincerely,



Gary C. Heath

Director of Bureau Operations and Environmental Analysis

cc: J. Wuthenow
M. Winter
T. Estes
M. Ahmed – Fleming Lee Shue, Inc.