



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

Yes

No

If yes, provide existing site number: _____

PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 10*

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #:

NAME

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Is the requestor authorized to conduct business in New York State (NYS)?

Yes

No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. **Please note:** If the requestor is an LLC, the members/owners names need to be provided on a separate attachment.

Do all individuals that will be certifying documents meet the requirements detailed below? Yes No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. **Documents that are not properly certified will be not approved under the BCP.**

Section II. Project Description

1. What stage is the project starting at?

Investigation

Remediation

NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required.

2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): Yes No

3. Please attach a short description of the overall development project, including:

- the date that the remedial program is to start; and
- the date the Certificate of Completion is anticipated.

Section III. Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (***please submit the information requested in this section in electronic format only***):

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). **Please submit a separate electronic copy of each report in Portable Document Format (PDF).**

2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum			
Chlorinated Solvents			
Other VOCs			
SVOCs			
Metals			
Pesticides			
PCBs			
Other*			

*Please describe: _____

3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:

- SAMPLE LOCATION
- DATE OF SAMPLING EVENT
- KEY CONTAMINANTS AND CONCENTRATION DETECTED
- FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE
- FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5
- FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

Yes No

4. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

Coal Gas Manufacturing	Manufacturing	Agricultural Co-op	Dry Cleaner
Salvage Yard	Bulk Plant	Pipeline	Service Station
Landfill	Tannery	Electroplating	Unknown

Other: _____

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME				
ADDRESS/LOCATION				
CITY/TOWN			ZIP CODE	
MUNICIPALITY(IF MORE THAN ONE, LIST ALL):				
COUNTY		SITE SIZE (ACRES)		
LATITUDE (degrees/minutes/seconds) ° ' "		LONGITUDE (degrees/minutes/seconds) ° ' "		
Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed , please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column.ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site.			Yes	No
2. Is the required property map attached to the application? (application will not be processed without map)			Yes	No
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information)			Yes	No
If yes, identify census tract : _____				
Percentage of property in En-zone (check one): 0-49% 50-99% 100%				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? Yes No If yes, identify name of properties (and site numbers if available) in related BCP applications:_____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?			Yes	No
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.			Yes	No
7. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.			Yes	No

Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas?
If yes, identify here and attach appropriate information. Yes No

Easement/Right-of-way Holder

Description

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

Type

Issuing Agency

Description

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.**

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**?

Yes No

Note: Questions 11 through 13 only pertain to sites located within the five counties comprising New York City

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits? Yes No

If yes, requestor must answer questions on the supplement at the end of this form.

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? Yes No

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application? Yes No

NOTE: If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: _____

BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF REQUESTOR'S CONSULTANT			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF REQUESTOR'S ATTORNEY			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME		OWNERSHIP START DATE:	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".			
IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.			
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site? Yes No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? Yes No			
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. Yes No			

Section VII. Requestor Eligibility Information (continued)

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. Yes No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. Yes No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? Yes No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? Yes No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? Yes No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9 (f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? Yes No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? Yes No
11. Are there any unregistered bulk storage tanks on-site which require registration? Yes No

Unknown. Please see Att. VII

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OF WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

Previous Owner Current Owner Potential /Future Purchaser Other_____

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached?

Yes No

Note: a purchase contract does not suffice as proof of access.

Section VIII. Property Eligibility Information - See Instructions for Further Guidance

1. Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment.

Yes No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305?
If yes, please provide: Site # _____ Class # _____

Yes No
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____

Yes No
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

Yes No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?
If yes, please provide: Order # _____

Yes No
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?
If yes, please provide explanation as an attachment.

Yes No

Section IX. Contact List Information

To be considered complete, the application must include the Brownfield Site Contact List in accordance with [DER-23 / Citizen Participation Handbook for Remedial Programs](#). Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

Section X. Land Use Factors

1. What is the current municipal zoning designation for the site? _____

What uses are allowed by the current zoning? (Check boxes, below)

Residential Commercial Industrial

If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use: Residential Commercial Industrial Vacant Recreational (check all that apply)

Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.

3. Reasonably anticipated use Post Remediation: Residential Commercial Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**

If residential, does it qualify as single family housing?

Yes No

4. Do current historical and/or recent development patterns support the proposed use?

Yes No

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.

Yes No

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.

Yes No

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hererby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____ Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am _____ the Authorized Signatory (title) of Inwood 175, LLC & AJM Capital II, LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 2/14/19 Signature: 

Print Name: Adam Mann

SUBMITTAL INFORMATION:

- **Two (2) copies**, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), must be sent to:
 - Chief, Site Control Section
 - New York State Department of Environmental Conservation
 - Division of Environmental Remediation
 - 625 Broadway
 - Albany, NY 12233-7020

FOR DEC USE ONLY

BCP SITE T&A CODE: _____ LEAD OFFICE: _____

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City ONLY. Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a) must be submitted if requestor is seeking this determination.

BCP App Rev 10

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	Yes	No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	Yes	No
Please answer questions below and provide documentation necessary to support answers.		
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see DEC's website for more information.	Yes	No
2. Is the property upside down or underutilized as defined below?	Upside Down?	Yes No
	Underutilized?	Yes No
<p>From ECL 27-1405(31):</p> <p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p> <p>From 6 NYCRR 375-3.2(I) as of August 12, 2016: (Please note: Eligibility determination for the underutilized category can only be made at the time of application)</p> <p>375-3.2:</p> <p>(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or</p> <p>(c) there are no structures.</p> <p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.</p>		

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)

3. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review). **Check appropriate box, below:**

Project is an Affordable Housing Project - Regulatory Agreement Attached;

Project is Planned as Affordable Housing, But Agreement is Not Yet Available*
(*Checking this box will result in a “pending” status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);

This is Not an Affordable Housing Project.

From 6 NYCRR 375- 3.2(a) as of August 12, 2016:

(a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ households annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.

(3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

BCP Application Summary (for DEC use only)**Site Name:****City:****Site Address:****County:****Zip:****Tax Block & Lot****Section (if applicable):****Block:****Lot:****Requestor Name:****City:****Requestor Address:****Zip:****Email:****Requestor's Representative (for billing purposes)****Name:****Address:****City:****Zip:****Email:****Requestor's Attorney****Name:****Address:****City:****Zip:****Email:****Requestor's Consultant****Name:****Address:****City:****Zip:****Email:****Percentage claimed within an En-Zone:****0%****<50%****50-99%****100%****DER Determination:**

Agree

Disagree

Requestor's Requested Status:**Volunteer****Participant****DER/OGC Determination:**

Agree

Disagree

Notes:**For NYC Sites, is the Requestor Seeking Tangible Property Credits:****Ye****N****Does Requestor Claim Property is Upside Down:**

Yes

No

DER/OGC Determination:

Agree

Disagree

Undetermined

Notes:**Does Requestor Claim Property is Underutilized:**

Yes

No

DER/OGC Determination:

Agree

Disagree

Undetermined

Notes:**Does Requestor Claim Affordable Housing Status:**

Yes

No

Planned, No Contract

DER/OGC Determination:

Agree

Disagree

Undetermined

Notes:

ATTACHMENT I

BCP Application Section 1 Supplementary Information

Section I. Requestor Information

Is this application to amend an existing BCA?

The Site was formerly in the Brownfield Cleanup Program (BCP #C130164). A remedial investigation report was submitted in 2009, but no remediation activities have been conducted on Site. In March 2013, the prior Applicant, 175 Roger Avenue LLC, elected to terminate the Brownfield Cleanup Agreement and cease participating in the BCP. This application is submitted by Requestors Inwood 175, LLC and AJM Capital II, LLC; neither of which has any connection to 175 Roger Avenue LLC or any of its members or affiliates.

Is the Requestor authorized to conduct business in New York State?

Both Requestors Inwood 175, LLC and AJM Capital II, LLC are authorized to conduct business in NYS. Please see the attached print-out of entity information from the NYS Department of State's Corporation & Business Entity Database for each of the Requestors.

If the Requestor is an LLC, the member/owner's names need to be provided.

Inwood 175, LLC and AJM Capital, LLC ("the Requestors") are applying to the BCP as Volunteers. The following are members of the Requestors:

- Inwood 175, LLC:
 - Sole member: AJM RE LLC
 - Members of AJM RE LLC: Adam Mann and Michael Mann
- AJM Capital II, LLC:
 - Sole member: AJM RE LLC
 - Members of AJM RE LLC: Adam Mann and Michael Mann

The Requestor AJM Capital II, LLC is the successful respondent to an RFP from Nassau County and has secured an award letter from the County for exclusive rights to negotiate for the purchase of the property. Both Requestors have been granted access rights to the property, as necessary to implement all BCA obligations of an Applicant. Please see the attached access letter from the current owner, Nassau County.

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through January 30, 2019.

Selected Entity Name: AJM CAPITAL II, LLC

Selected Entity Status Information

Current Entity Name: AJM CAPITAL II, LLC

DOS ID #: 4045736

Initial DOS Filing Date: JANUARY 24, 2011

County: NASSAU

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

AJM CAPITAL II, LLC

PO BOX 234800

GREAT NECK, NEW YORK, 11023-4800

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this

information is not recorded and only available by
[viewing the certificate.](#)

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
JAN 24, 2011	Actual	AJM CAPITAL II, LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through January 30, 2019.

Selected Entity Name: INWOOD 175, LLC

Selected Entity Status Information

Current Entity Name: INWOOD 175, LLC

DOS ID #: 5432717

Initial DOS Filing Date: OCTOBER 25, 2018

County: NASSAU

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

INWOOD 175, LLC

PO BOX 234800

GREAT NECK, NEW YORK, 11023

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this

information is not recorded and only available by
[viewing the certificate.](#)

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
OCT 25, 2018	Actual	INWOOD 175, LLC

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LAURA CURRAN
COUNTY EXECUTIVE



KENNETH G. ARNOLD, P.E.
COMMISSIONER

NASSAU COUNTY DEPARTMENT OF PUBLIC WORKS
DIVISION OF REAL ESTATE SERVICES
RALPH G. CASO SHARED SERVICES BUILDING
ONE WEST STREET, ROOM 200
MINEOLA, NEW YORK 11501
PHONE: (516) 571-4207 FAX: (516) 571-3986

February 7, 2019

BY E-MAIL TRANSMISSION
AND FIRST CLASS MAIL

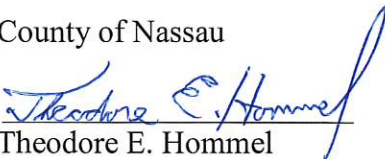
Adam Mann
AJM Capital II, LLC
2 Jericho Plaza, Suite 101
Jericho, N.Y. 11753

Re: 175 Roger Avenue
Inwood, N.Y. (the "Premises")

Dear Mr. Mann:

This letter confirms that AJM Capital II, LLC and its affiliate, Inwood 175, LLC have access to the subject Premises, in accordance with the terms and conditions of that certain Access Agreement dated as of February 1, 2019.

County of Nassau

By: 
Theodore E. Hommel
Assistant County Attorney

cc: K. Walsh, Esq.
Chief Real Estate Negotiator
and Special Counsel

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ONE WEST STREET, ROOM 200
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March 12, 2019

BY E-MAIL TRANSMISSION
AND FIRST CLASS MAIL

Adam Mann
AJM Capital II, LLC
2 Jericho Plaza, Suite 101
Jericho, N.Y. 11753


Re: 175 Roger Avenue
Inwood, N.Y. (the "Premises")

Dear Mr. Mann:

This letter confirms that AJM Capital II, LLC and its affiliate, Inwood 175, LLC has access to the above-referenced site, subject to and in accordance with that certain Access Agreement dated as of February 1, 2019, to implement any investigation or remedial work required by the New York State Department of Environmental Conservation (NYSDEC) pursuant to the Brownfield Cleanup Program (BCP), and otherwise comply with all obligations under the Brownfield Cleanup Agreement (BCA), including the recording of an environmental easement, if required, and subject to required approval of the Nassau County Legislature and County Executive, from the date hereof until such time as the BCA is terminated or NYSDEC issues a Certificate of Completion.

cc: T. Hommel
Assistant County Attorney

Sincerely,


Kevin C. Walsh
Chief Real Estate Negotiator
and Special Counsel

ATTACHMENT II

BCP Application Section II Supplementary Information

Section II. Project Description

1. Prior Site Investigation and Removal Actions

In June 1992, the United States Environmental Protection Agency (EPA) conducted a Site inspection and discovered approximately 240, 55-gallon deteriorated and/or leaking drums, a 5,000-gallon tanker trailer, underground storage tanks (USTs), and observed dry wells containing sludge. In order to address the hazardous condition, the EPA conducted an Emergency Removal Action beginning in August 1993 (SEMS EPA ID NYD002059202). The drums, tanker trailer, one (1) 1,000-gallon heating oil UST, and UST piping were removed.

The Site was then used largely as a warehouse by various tenants from 1990 to 2004 including an auto repair shop (Gunter Auto Shop) and Long Island Party Rentals. The site was acquired by Nassau County Department of Real Estate in 1995 due to nonpayment of taxes and has remained vacant since approximately 2004. This Site is listed in under the following pseudonyms in the several environmental databases:

Alternative Listing Name	Source of Data	Site No or ID.
175 Roger Avenue LLC	Brownfield Cleanup Program	C130164 N Site listing for withdrawal from the program
Rockaway Metal Products Corp	EPA Registry ID	110001984773
Rockaway Metal	AIRS/AFS	-
175 Roger Avenue LLC	CERCLIS	-
Rockaway Metal Products	CERCLIS	-
Rockaway Metal Products C	FRS	-
Rockaway Metal Products	SEMS	NYD002059202

In 2005, a previous applicant (175 Roger Avenue LLC), submitted an application and was accepted into the Brownfield Cleanup Program (BCP #C130164). A Remedial Investigation Report was submitted in 2009, but no remediation has been conducted on Site. The warehouse building on Site was damaged in a fire in February 2011 and was subsequently condemned. In March 2013, the Applicant elected to terminate the Brownfield Cleanup Agreement and ceased participating in the BCP and the NYSDEC Site Control issued a withdrawal acceptance letter March 19th 2013. Nassau County foreclosed on tax liens and currently owns the property.

In October 2018, Nassau County, in concurrence with the New York State Department of Environmental Conservation (NYSDEC) began demolition of Site buildings, which was completed in January 2019.

2. Prior Remedial Investigation Report

The Requestors have reviewed the 2009 RIR and have determined that additional investigation work is needed to meet the requirements of ECL Article 27-1415(2), as the Site has been insufficiently characterized for design of a remedy.

3. Project Description Narrative

The Site is located at 175 Roger Avenue, Inwood, Town of Hempstead, Nassau County, New York. It consists of Tax Block L, Lots 5, 55, 56, 57, 59, 117, 2579, and 2585 and is bounded by Roger Avenue to the north, Gates Avenue to the east, residential buildings to the south and a freight service to the west. The Site was developed with a 155,000 square foot, one-story, warehouse building and a 2-story warehouse and office, which were constructed in several stages from 1954 to approximately 1967. The Site operated as a “Sheet Metal Fabrication” factory beginning circa 1961. Rockaway Metal Products occupied the Site from approximately 1971 to 1987, when they abandoned the Site and reportedly left hazardous waste material improperly stored and disposed of on-Site.

The primary contaminants of concern at the Site include petroleum hydrocarbons, chlorinated volatile organic compound (VOCs), semi-volatile organic compounds (SVOCs) and metals. The impacted media include soil, soil vapor and groundwater. Previous investigations of the property were not inclusive of all areas of the Site and the full extent and degree of contamination on Site has yet to be fully delineated. Little or no sampling for polychlorinated biphenyls (PCBs) or pesticides has been completed.

The Requestor intends to remediate and redevelop the property with a slab on grade structure for commercial uses, likely to include warehousing. Exact dimensions of proposed building are not known at this time; details are dependent upon further evaluation and investigation of the property.

Without a clearer delineation of Site contamination, the full extent of planned remediation is not known at this time. It is anticipated that remediation activities will likely include, but not be limited to, the removal of any remaining underground storage tanks (USTs) and excavation of grossly impacted soil to the extent practicable. Post remediation activities may include groundwater monitoring and the potential installation of engineering controls and institutional controls to protect public health and the environment if residual contamination remains post remediation.

Anticipated Project Schedule

	Task Name	Duration	Start	Finish
1	Acceptance into the BCP, Execute BCA	-	February 2019	April 2019
2	DEC Approval of Remedial Investigation Work Plan	5 months	May 2019	September 2019
3	Remedial Investigation/Reporting	5 months	October 2019	February 2020
4	DEC Approval of Remedial Investigation Report	5 months	March 2020	July 2020
5	DEC Approval of Remedial Action Work Plan	5 months	August 2020	December 2020
6	Remedy Implementation	6 months	January 2021	June 2021
7	DEC Approval of Final Engineering Report	3 months	July 2021	September 2021
8	DEC Approval of Environmental Easement	3 months	July 2021	September 2021
9	DEC Approval of Site Management Plan	2 months	October 2021	November 2021
10	Certificate of Completion	2 months	December 2021	January 2022
11	Post -remediation groundwater monitoring	2 years	February 2022	February 2024

ATTACHMENT III

BCP Application Section III Supplementary Information

Section III. Property's Environmental History

1. Environmental Reports (electronic copies provided)

June 2005, *Site Investigation Report* by ATC Associates Inc.

June, 2009 *NYSDEC BCP Remedial Investigation Report* by ATC Associates, Inc. (approved by NYSDEC on September 24, 2009)

Summary of Prior Site Investigation and Removal Actions

In June 1992, the United States Environmental Protection Agency (EPA) conducted a Site inspection and discovered approximately 240, 55-gallon deteriorated and/or leaking drums, a 5,000-gallon tanker trailer, underground storage tanks (USTs), and observed dry wells containing sludge. In order to address the hazardous condition, the EPA conducted an Emergency Removal Action beginning in August 1993 (SEMS EPA ID NYD002059202). The drums, tanker trailer, one (1) 1,000-gallon heating oil UST, and UST piping were removed.

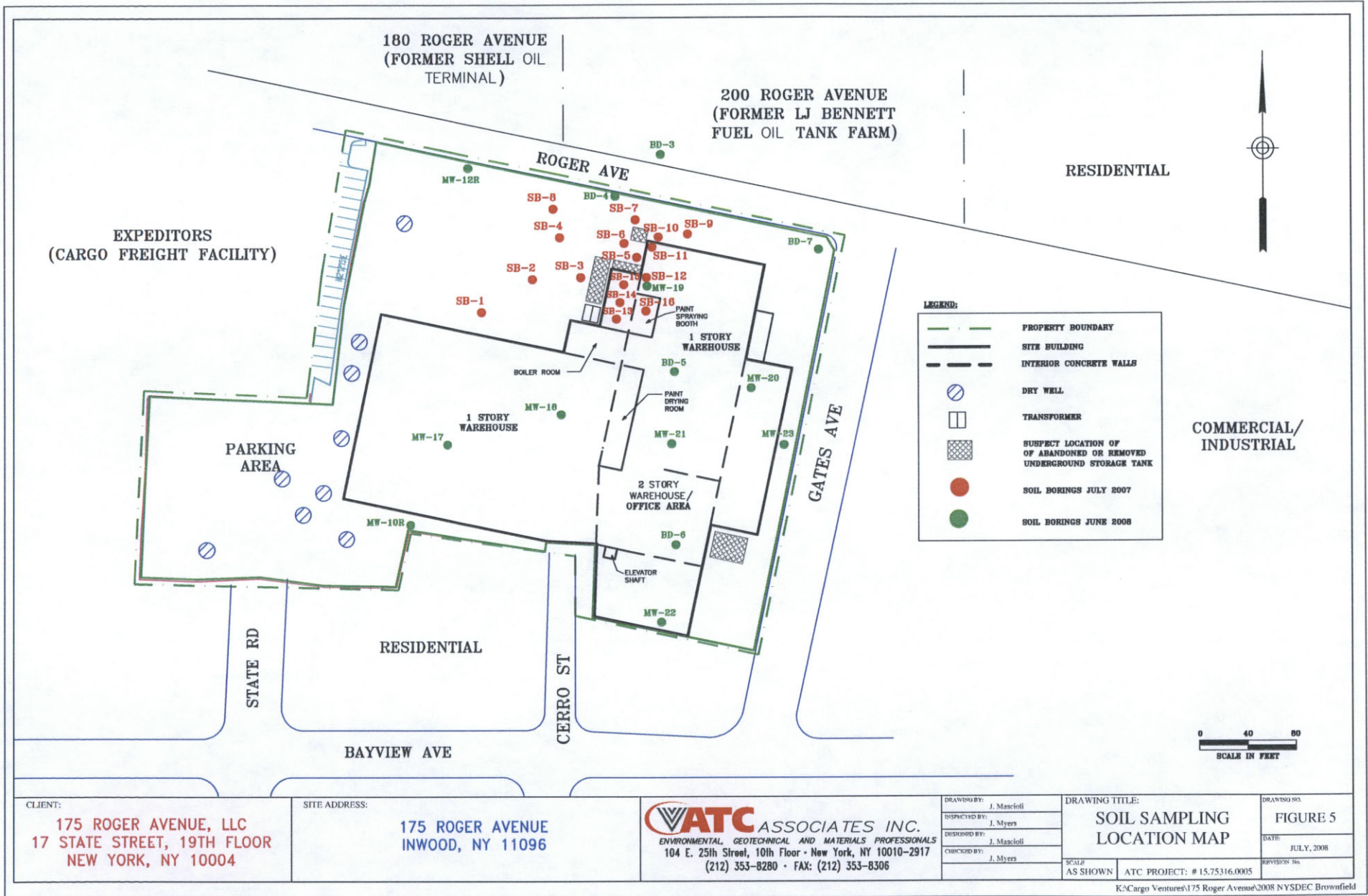
The Site was then used largely as a warehouse by various tenants from 1990 to 2004 including an auto repair shop (Gunter Auto Shop) and Long Island Party Rentals. The site was acquired by Nassau County Department of Real Estate in 1995 due to nonpayment of taxes and has remained vacant since approximately 2004. This Site is listed in under the following pseudonyms in the several environmental databases:

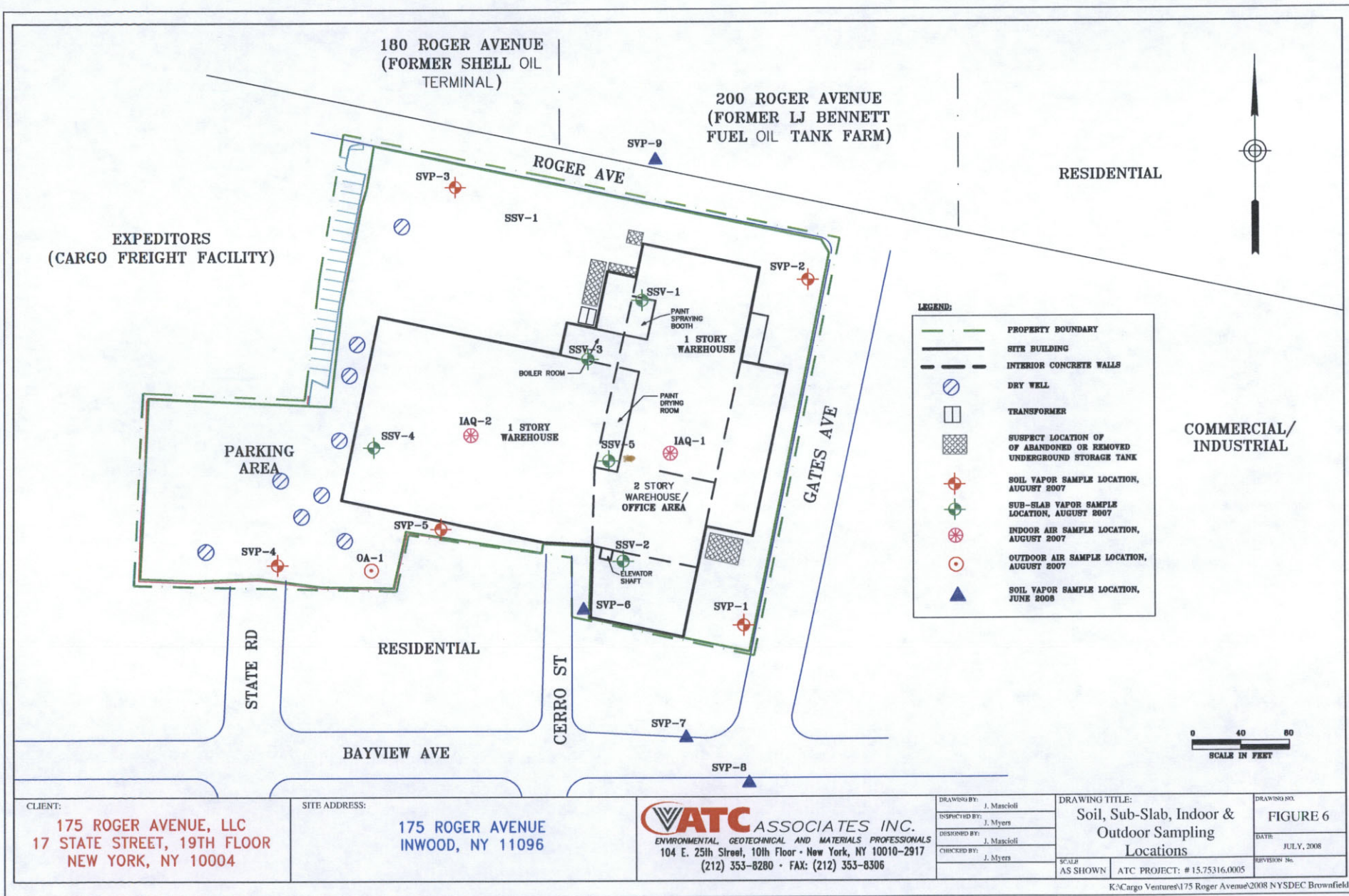
Alternative Listing Name	Source of Data	Site No or ID.
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Rockaway Metal Products	CERCLIS	-
Rockaway Metal Products C	FRS	-
Rockaway Metal Products	SEMS	NYD002059202

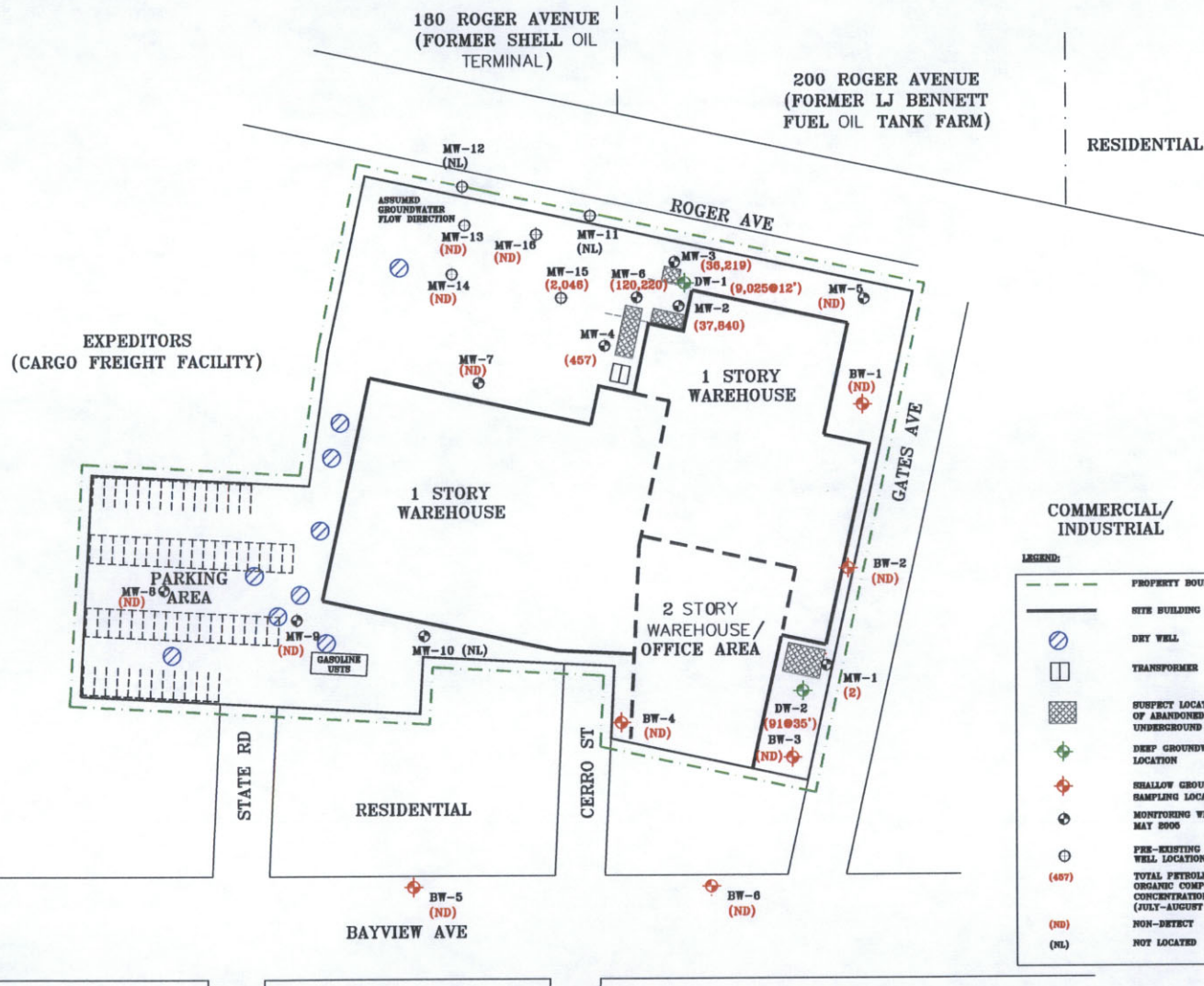
In 2005, a previous applicant (175 Roger Avenue LLC), submitted an application and was accepted into the Brownfield Cleanup Program (BCP #C130164). A Remedial Investigation Report was submitted in 2009, but no remediation has been conducted on Site. The warehouse building on Site was damaged in a fire in February 2011 and was subsequently condemned. In March 2013, the Applicant elected to terminate the Brownfield Cleanup Agreement and ceased participating in the BCP and the NYSDEC Site Control issued a withdrawal acceptance letter March 19th 2013. Nassau County foreclosed on tax liens and currently owns the property.

In October 2018, Nassau County, in concurrence with the New York State Department of Environmental Conservation (NYSDEC) began demolition of Site buildings, which was completed in January 2019.

Original Figure Name	Original Report	Attachment in this Application
Figure 5 – Soil Sampling Location Map	2009, Remedial Investigation Report	III
Figure 6 – Soil, Sub-Slab, Indoor & Outdoor Sampling Locations	2009, Remedial Investigation Report	III
Figure 7 – Groundwater Elevations and Contour Map July 18, 2008	2009, Remedial Investigation Report	III
Figure 9 – Total Petroleum VOCs Groundwater Concentration Aug. 2007	2009, Remedial Investigation Report	III
Figure 10 – Total Petroleum VOCs Monitoring Wells June 2008	2009, Remedial Investigation Report	III
Figure 11 – Total Petroleum VOC Conc. With Depth, June 2008	2009, Remedial Investigation Report	III
Figure 12 – Chlorinated VOC Groundwater Conc. August 2007	2009, Remedial Investigation Report	III
Figure 13 – Total Chlorinated VOCs Monitoring Wells, June 2008	2009, Remedial Investigation Report	III
Figure 14 – Total Chlorinated VOCs w/ Depth, June 2008	2009, Remedial Investigation Report	III







CLIENT:

175 ROGER AVENUE, LLC
17 STATE STREET, 19TH FLOOR
NEW YORK, NY 10004

SITE ADDRESS:

175 ROGER AVENUE
INWOOD, NY 11096

ATC ASSOCIATES INC.
ENVIRONMENTAL, GEOTECHNICAL AND MATERIALS PROFESSIONALS
104 E. 25th Street, 10th Floor • New York, NY 10010-2917
(212) 353-8280 • FAX: (212) 353-8306

DRAWING BY: EM

INSPECTED BY: SS

DESIGNED BY: SS

CHECKED BY: SS

DRAWING TITLE:

TOTAL PETROLEUM VOC
GROUNDWATER CONC.,
AUGUST 2007

SCALE

AS SHOWN

ATC PROJECT: # 15.75316.0005

DRAWING NO.

FIGURE 9

SHEET OF

DATE: SEPTEMBER, 2007

REVISION No. 0

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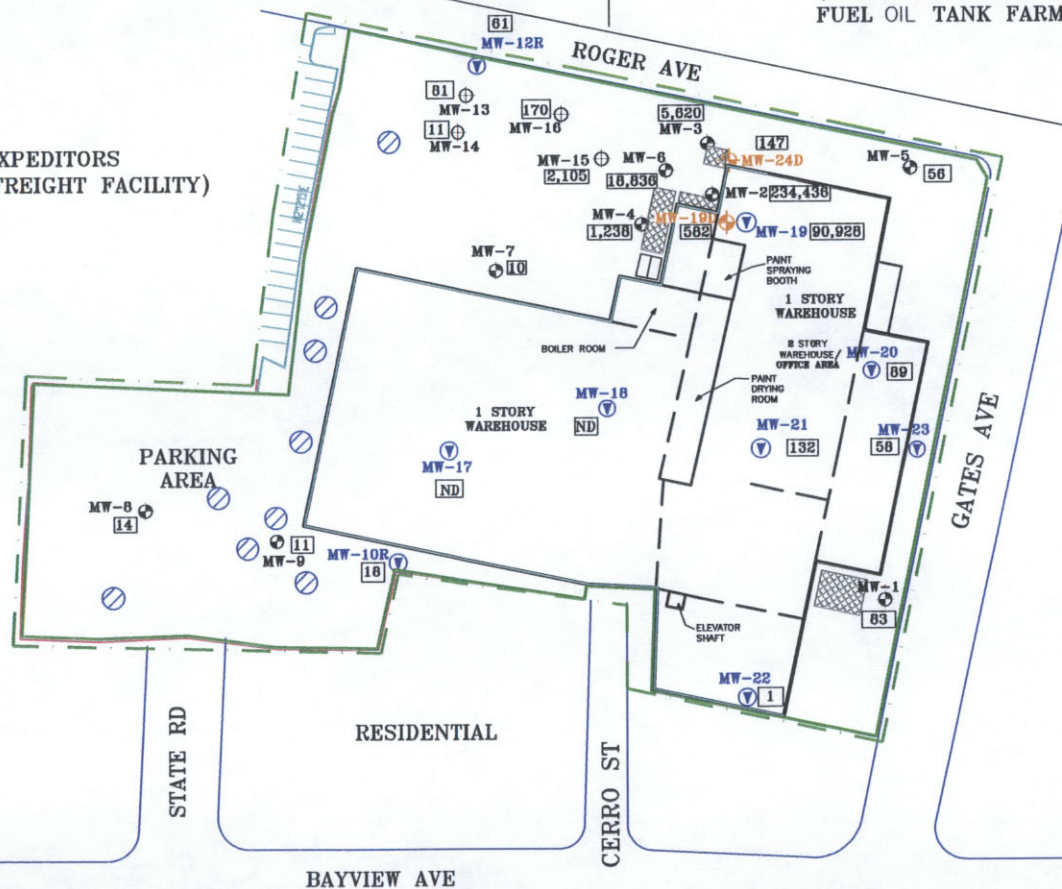
EXPEDITORS
(CARGO FREIGHT FACILITY)

180 ROGER AVENUE
(FORMER SHELL OIL
TERMINAL)

200 ROGER AVENUE
(FORMER LJ BENNETT
FUEL OIL TANK FARM)

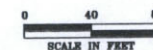
RESIDENTIAL

COMMERCIAL/
INDUSTRIAL



LEGEND:

	PROPERTY BOUNDARY
	SITE BUILDING
	INTERIOR CONCRETE WALLS
	DRY WELL
	TRANSFORMER
	SUSPECT LOCATION OF OF ABANDONED OR REMOVED UNDERGROUND STORAGE TANK
	VERTICAL GROUNDWATER DELINEATION & MONITORING WELL LOCATION (JUNE 2008)
	DEEP MONITORING WELL (JUNE 2008)
	MONITORING WELLS INSTALLED MAY 2005
	PRE-EXISTING MONITORING WELL LOCATION
	TOTAL PETROLEUM VOLATILE ORGANIC COMPOUNDS CONCENTRATION (µg/L)



CLIENT:
175 ROGER AVENUE, LLC
17 STATE STREET, 19TH FLOOR
NEW YORK, NY 10004

SITE ADDRESS:
175 ROGER AVENUE
INWOOD, NY 11096

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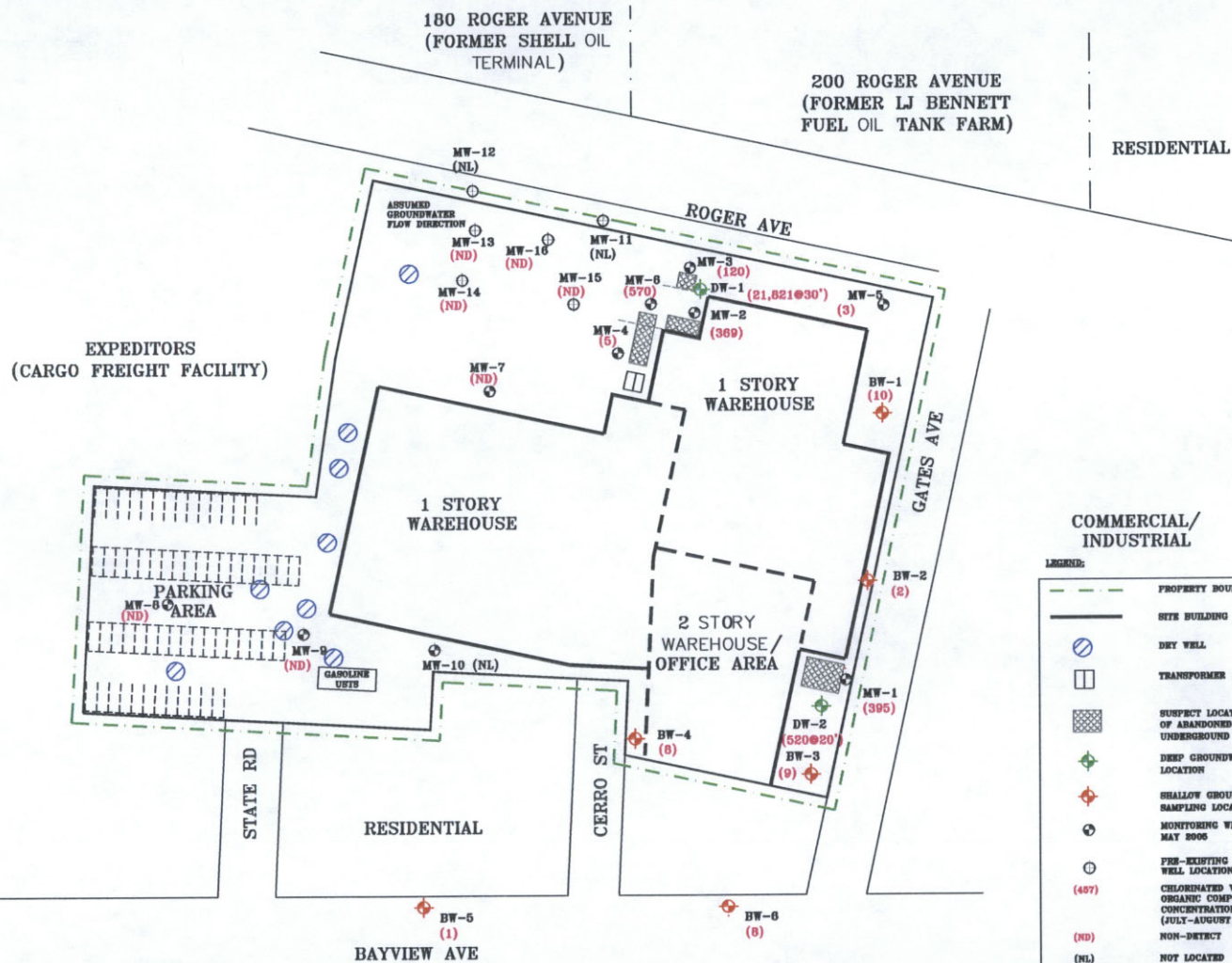
DRAWING BY: J. Mascioli
DISCUSSED BY: J. Myers
DESIGNED BY: J. Mascioli
CHECKED BY: J. Myers

DRAWING TITLE: TOTAL
PETROLEUM VOC's
MONITORING WELLS
JUNE 2008

DRAWING NO.
FIGURE 10
DATE:
JULY, 2008
REVISION No.

SCALE: AS SHOWN
ATC PROJECT: # 15.75316.0005

K:\Cargo Ventures\175 Roger Avenue\2008 NYSDEC Brownfield



CLIENT:

175 ROGER AVENUE, LLC
17 STATE STREET, 19TH FLOOR
NEW YORK, NY 10004

SITE ADDRESS:

175 ROGER AVENUE
INWOOD, NY 11096

ATC ASSOCIATES INC.
ENVIRONMENTAL, GEOTECHNICAL AND MATERIALS PROFESSIONALS
104 E. 25th Street, 10th Floor • New York, NY 10010-2917
(212) 353-8280 • FAX: (212) 353-8306

DRAWING BY: EM

INSPECTED BY: SS

DESIGNED BY: SS

CHECKED BY: SS

DRAWING TITLE:

CHLORINATED VOC
GROUNDWATER CONC.
AUGUST 2007

SCALE

AS SHOWN

ATC PROJECT: # 15.75316.0005

DRAWING NO.

FIGURE 12

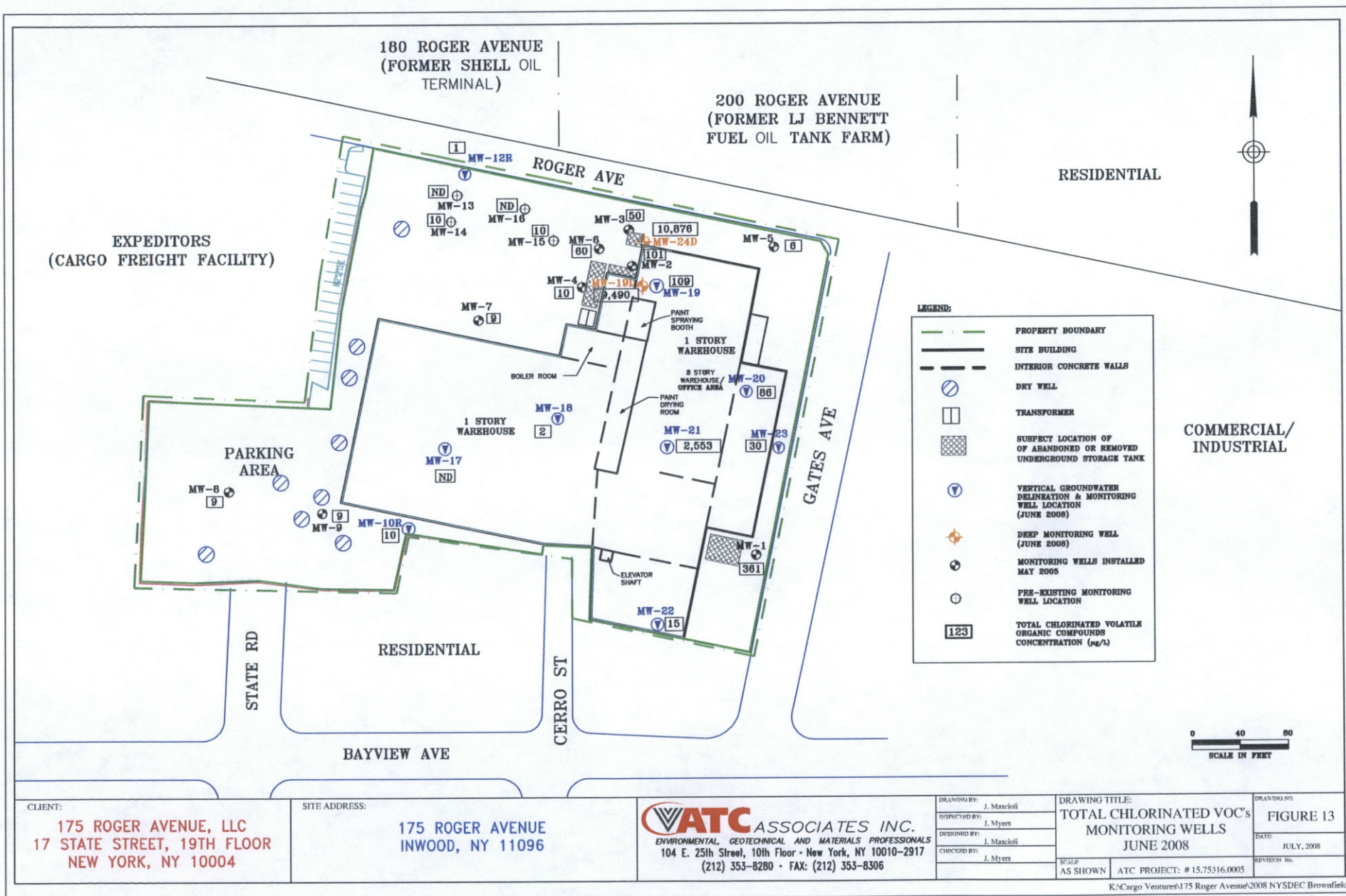
SHEET OF

DATE: SEPTEMBER, 2007

REVISION No.

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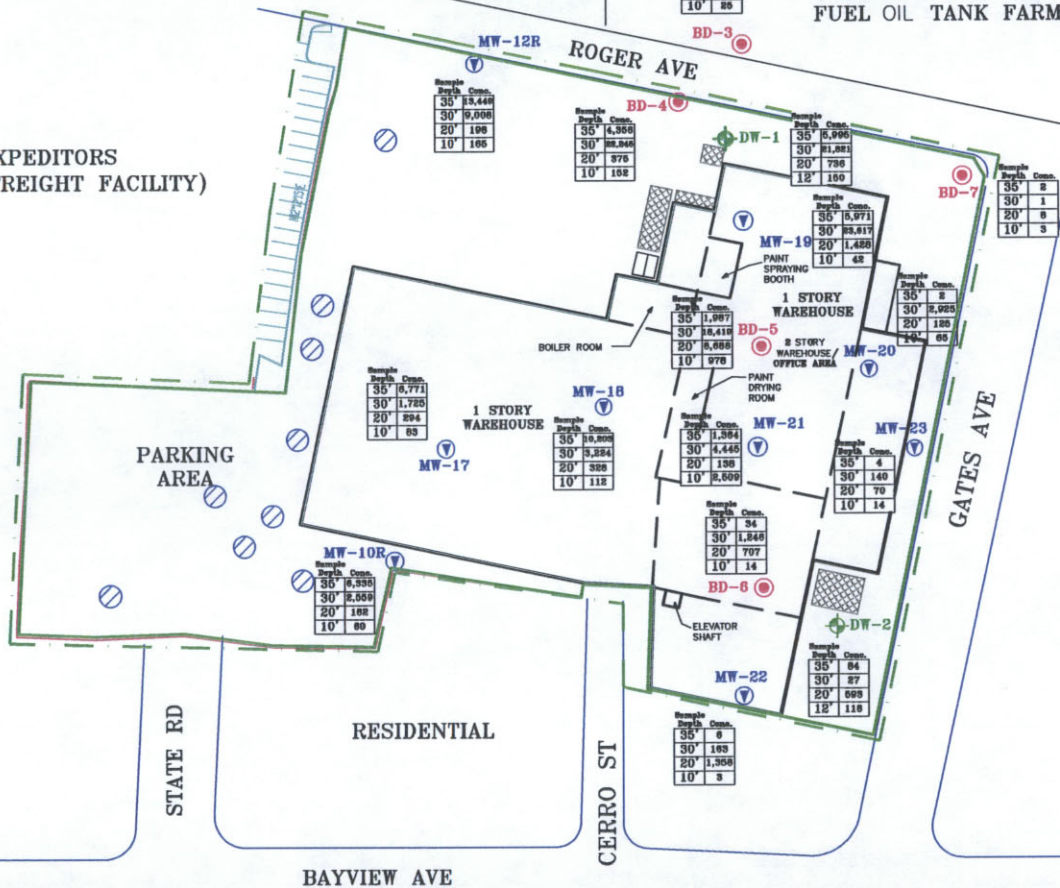
EXPEDITORS
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180 ROGER AVENUE
(FORMER SHELL OIL
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200 ROGER AVENUE
(FORMER LJ BENNETT
FUEL OIL TANK FARM)

RESIDENTIAL

COMMERCIAL/
INDUSTRIAL



0 40 80
SCALE IN FEET

CLIENT:

175 ROGER AVENUE, LLC
17 STATE STREET, 19TH FLOOR
NEW YORK, NY 10004

SITE ADDRESS:

175 ROGER AVENUE
INWOOD, NY 11096

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104 E. 25th Street, 10th Floor • New York, NY 10010-2917
(212) 353-8280 • FAX: (212) 353-8306

DRAWN BY:

J. Mancini

INSPECTED BY:

J. Myers

DESIGNED BY:

J. Mancini

CHECKED BY:

J. Myers

DRAWING TITLE: **TOTAL
CHLORINATED VOC's
W/ DEPTH, JUNE 2008**

SCALE AS SHOWN ATC PROJECT: # 15.75316.0005

DRAWING NO.

FIGURE 14

DATE:

JULY, 2008

REVISION No.

K:\Cargo Ventures\175 Roger Avenue\2008 NYSDEC Brownfield

ATTACHMENT IV

BCP Application Section IV Supplementary Information

Section IV. Property Information

1. Tax Map Information

Parcel Address	Section No.	Block Number	Lot No.	Acres
175 Roger Avenue	40	L	5	0.11500
175 Roger Avenue	40	L	55	0.37720
175 Roger Avenue	40	L	56	0.25875
175 Roger Avenue	40	L	59	0.59225
175 Roger Avenue	40	L	117	0.22425
175 Roger Avenue	40	L	2579	3.09000
175 Roger Avenue	40	L	2585	0.19838

As requested per the BCP application instructions a topographic map and county Tax Map of the Site location are provided in Attachment IV as the following:

Figure 1 – Site Location

Figure 2 – Tax Map

2. Property Map (Provided in Attachment IV)

As requested per the BCP application instructions a map detailing property location, proposed brownfield property boundary lines, and adjacent property owners. This map is provided in Attachment IV as the following:

Figure 3 – Site Plan

8. List of Easement/Right-of-way Holders

The following easements were identified in the 2005 BCP Application and a determination was made that none would preclude remediation in any areas of the Site.

Easement/Agreement	Beneficiary of Easement or Agreement	Description of Easement or Agreement
Electric Aerial Easement Agreement dated June 2, 1927 made by Roan Ox Point Realty Corp. in favor of Queensboro Gas & Electric Co.	Queensboro Gas & Electric Co.	Electrical easement granting Queensboro Gas & Electric Co. the right to construct, reconstruct, operate and maintain its electrical transmission lines across the property.
Sanitary Sewer Agreement dated August 9, 1966 between County of Nassau and Inwood Holding Corp.	County of Nassau	In consideration of Nassau County abandoning certain previously existing sanitary sewers in an adjoining street (Cerro Street), agreement creates an obligation on the part of Inwood Holding Corp. to pay

Attachment IV
BCP Application – 175 Roger Avenue

		\$2,560.52 for the cost of installing, constructing, maintaining and restoring sewer sanitary lines and related appurtenances in Cerro Street and to construct a new terminal manhole in Cerro Street.
Agreement dated May 22, 1981 between Rockaway Metal Products Corporation and Ann Lagatta and Connie Donadio (a/k/a Connie Oberer)	Ann Lagatta and Connie Donadio (a/k/a Connie Oberer)	Reestablishes the northerly and westerly boundary lines between the property owned by Rockaway Metal Products Corporation (“Rockaway”) and the property owned by Ann Lagatta and Connie Donadio (a/k/a Connie Oberer) (“Lagatta/Donadio”); Rockaway also granted a revocable license to Lagatta/Donadio to use certain land north and west of the reestablished boundary lines.
Map No. 7212 filed August 25, 1959		Designates real property to be acquired for sanitary sewers and other public purposes (indefinite in terms).

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site

This list of permits was generated from the Site’s initial application to the BCP program and there are no other known permits at this time.

- Permit # 882 was issued to the Site by the NYSDEC to “Operate Air Contamination Source” on June 6, 1978 and it expired on June 17, 1981. The purpose of this permit was to control paint spray emissions from former site operations associated with Rockaway Metal Products, Inc.
- The NYSDEC issued Permit #434 on November 14, 1985 to the Site and it expired on November 13, 1986. This permit was issued for solid waste management.

10. Property Description Narrative

Location

The Site is located at 175 Roger Avenue, Inwood, Town of Hempstead, Nassau County. The Site is bordered to the north by Roger Avenue, with a parking lot (former Shell terminal) to the northwest, a gravel/soil recycling facility and Sony Pictures and Entertainment to the northeast. Further north is the Negro Bar Channel, a waterway to Jamaica Bay. South of the Site are residential properties, followed by Bayview Avenue. The Site is bordered to the east by Gates Avenue, followed by commercial buildings

occupied by D. Daniels Sanitation and MGR Equipment Corporation. Immediately west of the Site is Expeditors, a freight and cargo company.

Site Features

The Site consists of a 4.85-acre parcel of land that was developed with a 155,000 square foot, one-story, warehouse building with a partial mezzanine. The remainder of the site consists of asphalt and concrete paved driveway/parking area with limited areas of grass. Demolition of the buildings was complete in February 2019, with the foundation slab left in place.

Current Zoning/Use(s)

This site, which is currently zoned for industrial use, is located at the southwest corner of the intersection of Roger Avenue and Gates Avenue in a light industrial and residential urban area. A zoning map is included in Attachment IV.

Past Use of the Site

The Site was developed with a 155,000 square foot, one-story, warehouse building and a 2-story warehouse and office, which were constructed in several stages from 1954 to approximately 1967. The Site operated as a “Sheet Metal Fabrication” factory beginning circa 1961. Rockaway Metal Products occupied the Site from approximately 1971 to 1987, when they abandoned the Site and reportedly left hazardous waste material improperly stored and disposed of on-Site.

In June 1992, the United States Environmental Protection Agency (EPA) conducted a Site inspection and discovered approximately 240, 55-gallon deteriorated and/or leaking drums, a 5,000-gallon tanker trailer, underground storage tanks (USTs), and observed dry wells containing sludge. In order to address the hazardous condition, the EPA conducted an Emergency Removal Action beginning in August 1993 (SEMS EPA ID NYD002059202). The drums, tanker trailer, one (1) 1,000-gallon heating oil UST, and UST piping were removed.

The Site was then used largely as a warehouse by various tenants from 1990 to 2004 including an auto repair shop (Gunter Auto Shop) and Long Island Party Rentals. The site was acquired by Nassau County Department of Real Estate in 1995 due to nonpayment of taxes and has remained vacant since approximately 2004.

In 2005, a previous applicant (175 Roger Avenue LLC), submitted an application and was accepted into the Brownfield Cleanup Program (BCP #C130164). A Remedial Investigation Report was submitted in 2009, but no remediation has been conducted on Site. The warehouse building on Site was damaged in a fire in February 2011 and was subsequently condemned. In March 2013, the Applicant elected to terminate the Brownfield Cleanup Agreement and ceased participating in the BCP and the NYSDEC Site Control issued a withdrawal acceptance letter March 19th 2013. Nassau County foreclosed on tax liens and continues to own the property.

In October 2018, Nassau County, in concurrence with the New York State Department of Environmental Conservation (NYSDEC) began demolition of Site buildings, which was completed in January 2019.

Site Geology and Hydrogeology

The Site is located in the southern section of Nassau County, which is composed of flat plains sloping gently to the south. The surficial deposits consist of glacial material that accumulated during the Pleistocene Epoch. Bedrock beneath Nassau County is found at relatively deep depths and consists of Cretaceous sedimentary layers. The bedrock floor dips in a general southeastern direction to depths of 1,000 feet in the eastern portions of Long Island.

In the area of the Site, the uppermost unconsolidated unit consists of Pleistocene glaciofluvial sediments. The deposits are stratified in well sorted sands and gravels. A marine clay confining layer is present at approximately 35 feet below ground surface (bgs). The Pleistocene sediments are underlain by the Gardiners Clay confining layer at approximately 70 feet bgs. Then beneath this clay is the Magothy Aquifer that occurs at approximately 110 feet bgs. The upper five feet of soil beneath the Site generally consist of brown to yellow, fine to medium sands, with some gravel and trace silt.

The Site ground surface is approximately 10 feet above mean sea level. The Site is generally flat and has a gentle slope towards the northwest. The Site contains no areas classified as wetlands, and is covered with concrete, asphalt and surrounded by paved roadways and sidewalks. According to previous Site investigations, depth to groundwater throughout the Site ranges from 4 to 6 feet bgs and appears to be tidally influenced. A groundwater divide appears to run through the center of the Site, with an apparent groundwater flow direction towards both the northwest and southeast.

Environmental Assessment

Past investigation into contamination was somewhat limited and at this time the full extent and degree of contamination has not been evaluated or delineated.

Nature and Extent of Contamination

The primary contaminants of concern at the site at this time include petroleum hydrocarbons, chlorinated volatile organic compound, semi-volatile organic compounds and metals. The media impacted include soil, soil vapor and groundwater.

Site Soils

Soil impacts appear to be limited to the area immediately surrounding the three abandoned USTs in the north central area of the Site. Shallow soil samples were found to contain levels of VOCs, including 1,2,4-trimethylbenzene (870,000 micrograms per kilogram, ug/kg), 1,3,5-trimethylbenzene (390,000 ug/kg) and several petroleum related compounds above the commercial SCOs.

Similarly, Site dry wells (which are largely concentrated in the southwest area of the Site) have been impacted by selected metals, such as cadmium, chromium, lead and mercury. Those compounds were detected above protection of groundwater SCOs.

Groundwater

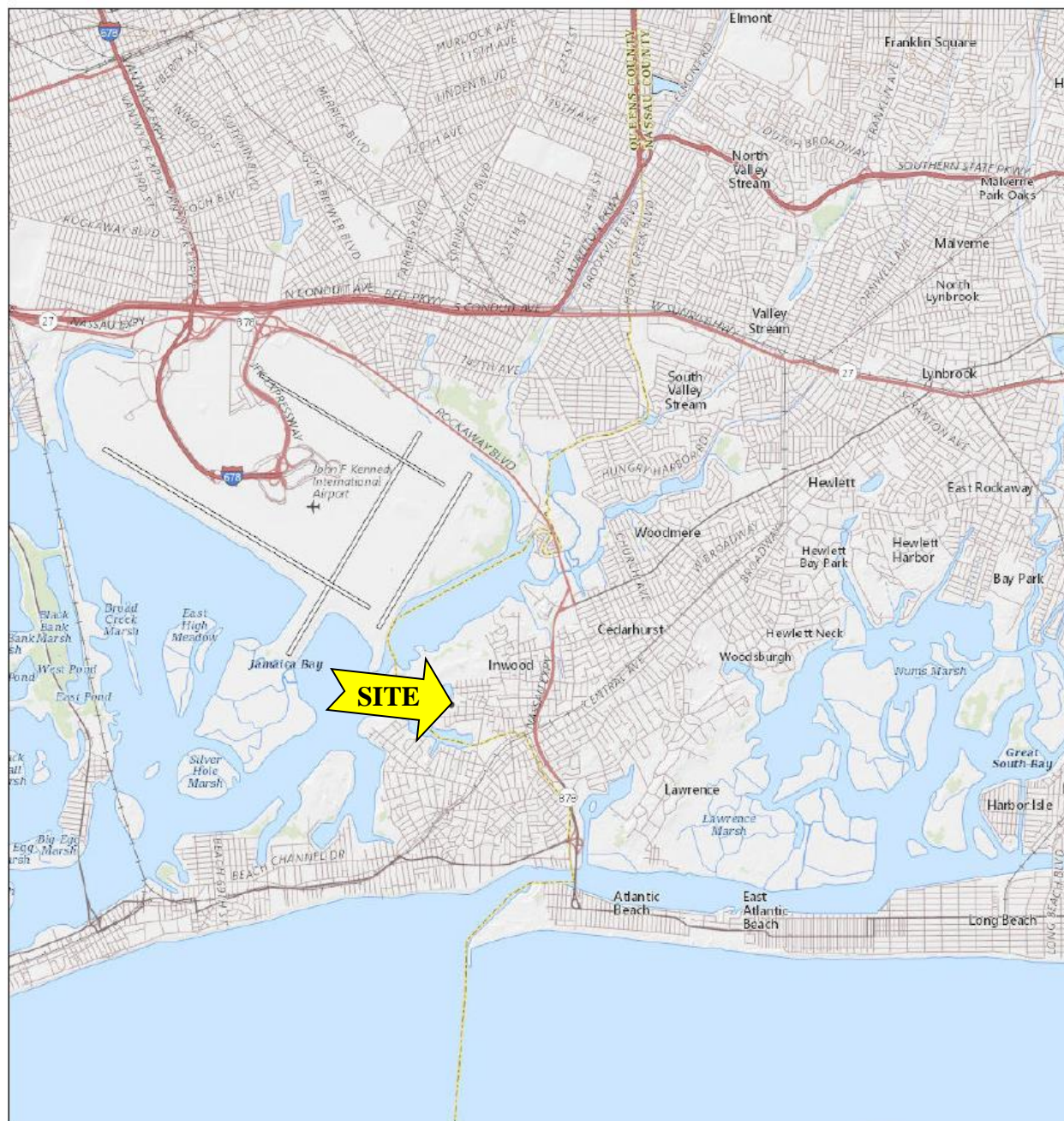
A petroleum hydrocarbon plume appears to be centered along the northeast section of the Site and extends off Site to the northeast and southwest at depths greater than 20 feet below ground surface (bgs). The plume appears to be emanating from the area of the abandoned USTs. A chlorinated VOC plume is widespread throughout the Site, with elevated levels of vinyl chloride (340 micrograms per Liter, ug/L), cis-1,2-dichloroethylene (6,400 ug/L), trichloroethylene (TCE) (6,100 ug/L) and tetrachloroethylene (PCE) (9,800 ug/L) in groundwater. The chlorinated VOC levels increase with depth throughout the Site. The plume appears to extend off-Site to the southeast and northwest. In addition, arsenic (29 ug/L), thallium (55 ug/L) and lead (69 ug/L), were identified in the Site groundwater at levels above the standards.

Soil Vapor

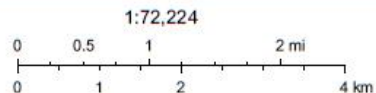
Several VOCs, such as PCE and TCE, were measured in the soil vapor samples collected under the asphalt pavement outside of the Site buildings. VOCs were also measured in sub-slab vapor samples collected beneath the existing Site building. PCE and TCE were detected in sub-slab soil vapor samples at levels ranging up to 4,300 micrograms per cubic meter (ug/m³) to 170 ug/m³. Additionally, acetone, 2-butanone (MEK), ethylbenzene, 4-ethyltoluene, toluene, 1,2,4- trimethylbenzene, 1,3,5-trimethylbenzene, m- and p-xylene, and o-xylene were detected in soil vapor samples. PCE and TCE were not detected in indoor air samples at levels above the New York State Department of Health (NYSDOH) Air Guidance Value (AGV).

Special Resources Impacted

No special resource impacts have occurred on-site. A groundwater plume appears to be migrating off-site towards adjacent water bodies including the receiving waters Motts Basin, the Negro Bar Channel and Jamaica Bay.



10/25/2018, 4:56:07 PM




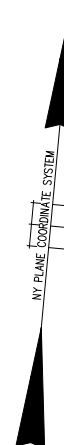
Quadrant 7.5 Minute Topographic Map, published by the USGS, and obtained from National Map Viewer ©2018

FIGURE 1: SITE LOCATION MAP

**Fleming
Lee Shue**

SITE: 175 Rogers Ave
Inwood, NY, 11096

CLIENT: AJM Capital



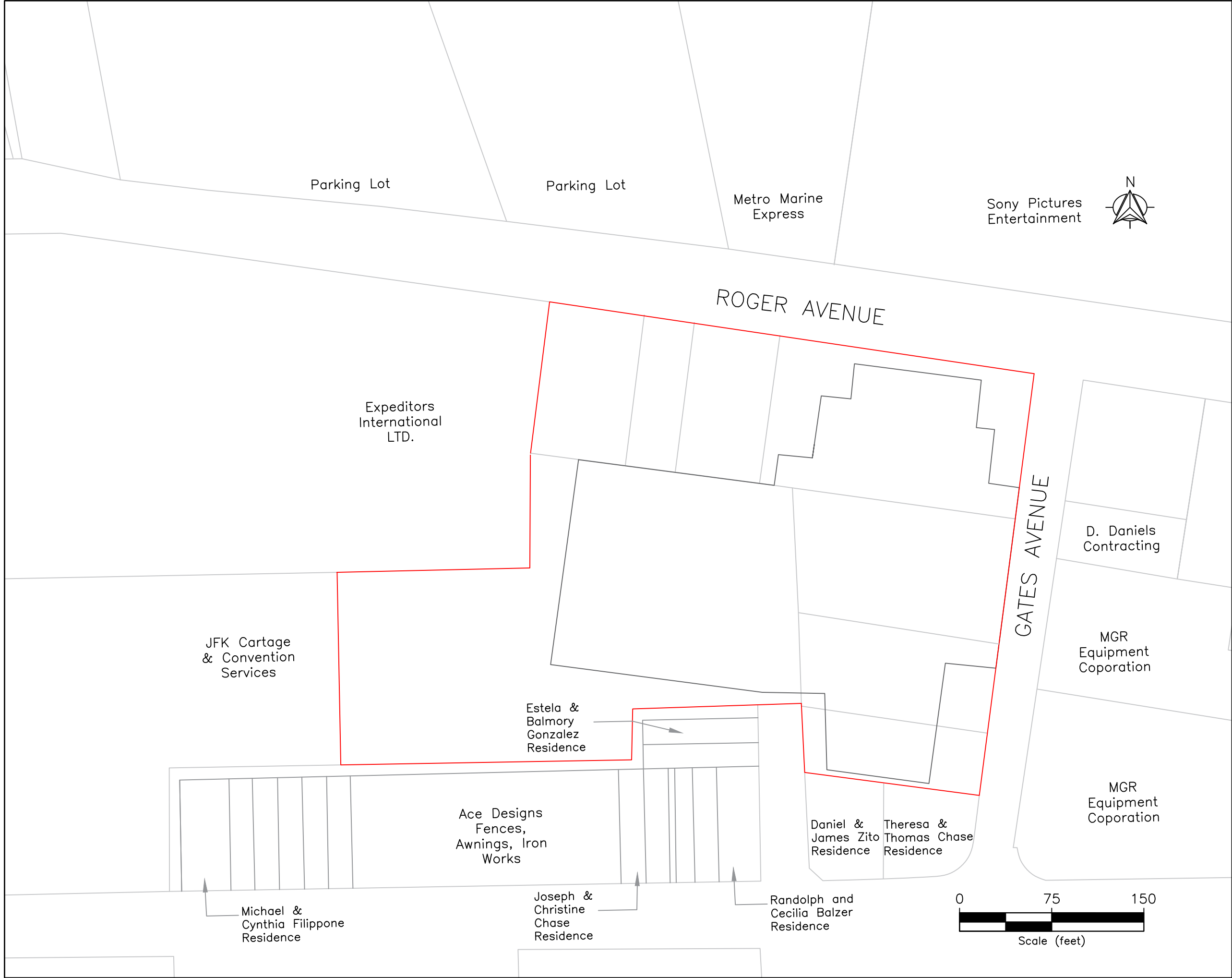
Nassau County
Department of Assessment
James E. Davis, Acting Assessor
Land & Tax Map

Map Last Revised: April 2 2015

SEC. 40
BLK. L

SHEET 1 OF 2

FILE: P:\10188 - AUM Capital\017 - 175 Roger\Figures\BCP Application\3. Site Plan\Figure X Site Plan.dwg DATE: 2/5/2019



Environmental Management & Consulting

**158 West 29th Street, 9th Fl.
New York, NY 10001**

**175 Roger Avenue
Inwood, N, 11096**

Figure 3

Site Plan

February 2019

**Project Number
10188-017**

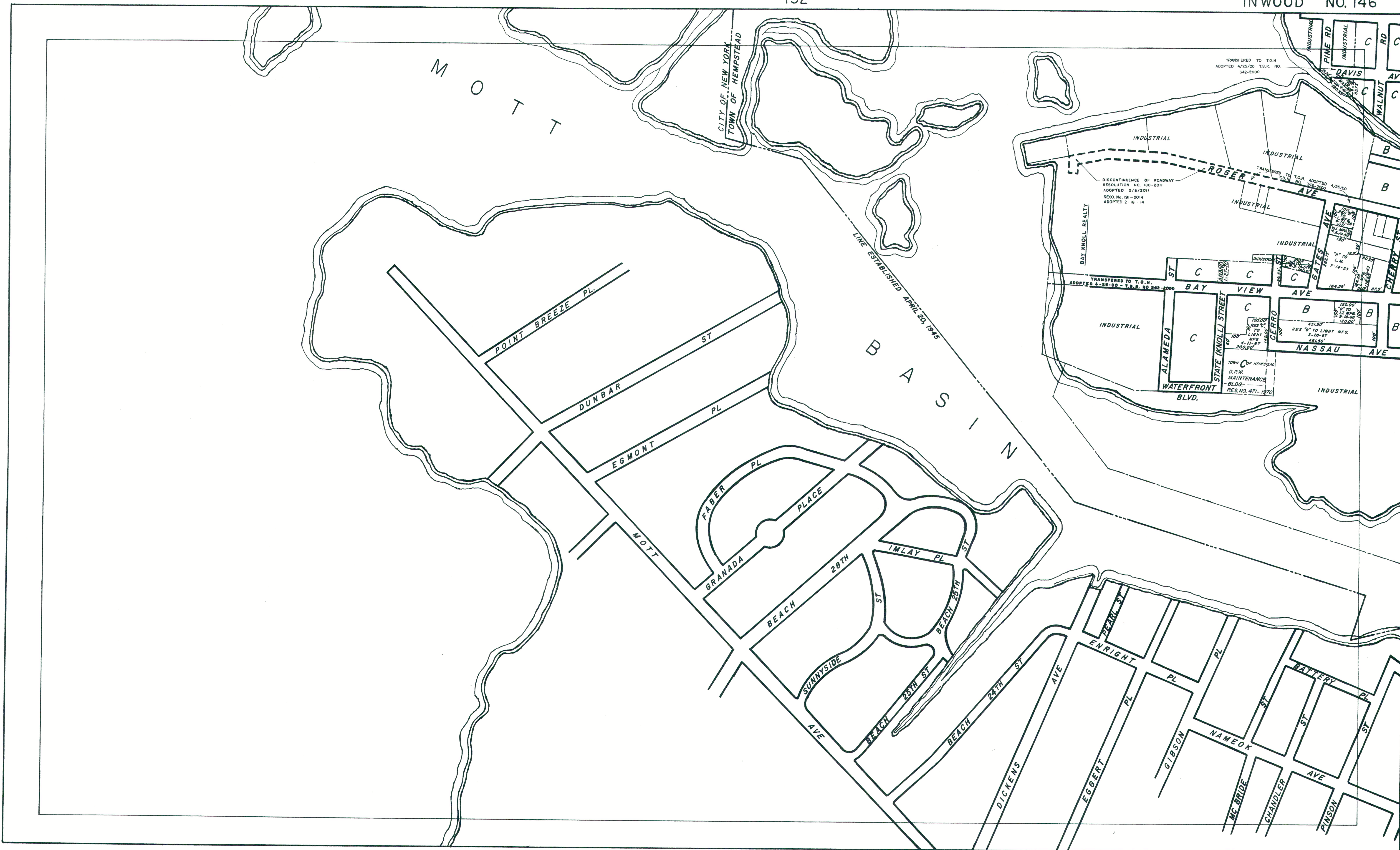
LEGEND

- TAX LOT BOUNDARIES
- FORMER WAREHOUSE BUILDING OUTLINE
- PROPOSED BCP BOUNDARY

AMENDED MAY 26, 1959
FEB. 27, 1963
DEC. 6, 1966
DEC. 12, 1966
MARCH 28, 1967
APRIL 11, 1967
APRIL 16, 1968
SEPT. 10, 1968
JAN. 27, 1970
FEB. 24, 1970
(3) ROADWAY
TRANSFER
4-25-00
2-8-11
2-18-14

132

IN WOOD NO. 146



DATE: JULY 1972
DRAWN BY R.Z.
CHECKED BY E.G.D.

THE NOTATION (R) HAS BEEN ADDED TO THE ZONING SHEETS AS OF 10/15/88, TO DENOTE THAT DECLARATION, RESTRICTIONS OR COVENANTS HAVE BEEN MADE PART OF THE REZONING. REZONINGS PRIOR TO THAT DATE ARE NOT SO DESIGNATED AND MAY OR MAY NOT HAVE CONDITIONS OR RESTRICTIONS IMPOSED ON THEIR USE. THE ACTUAL REZONING DOCUMENTS SHOULD BE EXAMINED AT THE TOWN CLERK'S OFFICE TO DETERMINE IF ANY C & R'S ENCUMBER THE USE OF APPLICABLE PROPERTY.

THE OFFICIAL TOWN OF HEMPSTEAD ZONING MAP WAS ESTABLISHED AND ADOPTED IN 1929 BY THE TOWN OF HEMPSTEAD ZONING COMMISSION AND PLANNING BOARD. THIS SHEET MAY NOT ACCURATELY REFLECT HIGHWAY ACQUISITION AND PROPERTY ALIGNMENT AND MAY BE SUBJECT TO ANY STATEMENT OF FACT AN ACCURATE SURVEY MIGHT REVEAL.

ALL RESIDENCE "B" EXCEPT AS OTHERWISE NOTED PREPARED BY HEMPSTEAD PLANNING BOARD

ATTACHMENT V

BCP Application Section V Supplementary Information

**This Attachment has been left intentionally blank in the event
future documentation is needed in Section V of the BCP
Application.**

ATTACHMENT VI

BCP Application Section VI Supplementary Information

Section VI. Current Property Owner/Operator Information – If Not a Requestor

1. List of Previous Property Owners and Occupants

Below is a table summarizing known information for current and past owners of the Site.

Date	Owner	Last Known Address	Contact Number	Requestor Relationship
1995 – Present	Nassau County Department of Real Estate	1 West Street, Suite 200 Mineola, 11501	(516) 571- 4203	None.
1971 – 1987	Rockaway Metal Products	175 Roger Ave.	NA	None.

Below is a table summarizing known information for current and past occupants of the Site.

Date	Occupant	Last Known Address	Contact Number	Requestor Relationship
1995-2004	Long Island Party Rental	175 Roger Ave.	NA	None.
2000	Gunter Auto Shop	175 Roger Ave.	NA	None.
1995-2000	Richman Medical Leasing	175 Roger Ave.	NA	None.
1995-2000	SBA Consolidators Inc.	175 Roger Ave.	NA	None.
1995-2000	Service by Air Inc.	175 Roger Ave.	NA	None.
1990	Elg Haniel Trading	175 Roger Ave.	(516) 571- 4203	None.
1990	Stainless International	175 Roger Ave.	NA	None.

Requestor AJM Capital II, LLC is the successful respondent to an RFP from Nassau County and has secured an award letter from the County for exclusive rights to negotiate for the purchase of the property. Both Requestors have been granted access rights to the property, as necessary to implement all BCA obligations of an Applicant. Other than as described, there is no relationship between the current owner and the Requestors or the Requestors' members.

ATTACHMENT VII

BCP Application Section VII Supplementary Information

Section VII. Requestor Eligibility Information

11. Unregistered Bulk Storage Tanks On-Site

During the 2005 Site Investigation several underground anomalies were identified on-Site using ground penetrating radar (GPR). ATC Associates, the consultant conducting the investigation, speculated on UST contents and size based on these surveys and Site history. However, not all GPR anomalies were identified and tanks were not removed. In the event that unregistered USTs are encountered during additional site investigation or remediation, the proper steps will be taken to register such tanks before closing and removing.

Volunteer Requestor: If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer.

The Requestors are knowingly purchasing and plan to redevelop the property despite its environmental issues with the intent of remediating this property in a coordinated effort with the local, county and state-wide offices plan to clean-up, revitalize this area and restore it to use commensurate with local zoning. Requestors' liability in connection with existing site conditions would arise solely as a result of ownership or operation of the site, as neither Requestor nor any of Requestors' members has had any prior involvement with the site or operations at the property and none of the foregoing parties has otherwise contributed to releases at the property.

Proof of Site Access Sufficient to Complete Remediation

Current owner, Nassau County, has provided site access permission, as necessary to implement the obligations of Applicants under a BCA. Please see the attached letters dated February 7, 2019 and March 12, 2019 included in Attachment I and below.

LAURA CURRAN
COUNTY EXECUTIVE



KENNETH G. ARNOLD, P.E.
COMMISSIONER

NASSAU COUNTY DEPARTMENT OF PUBLIC WORKS
DIVISION OF REAL ESTATE SERVICES
RALPH G. CASO SHARED SERVICES BUILDING
ONE WEST STREET, ROOM 200
MINEOLA, NEW YORK 11501
PHONE: (516) 571-4207 FAX: (516) 571-3986

February 7, 2019

BY E-MAIL TRANSMISSION
AND FIRST CLASS MAIL

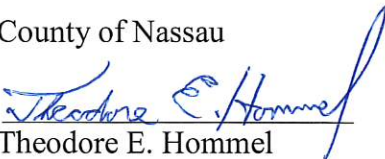
Adam Mann
AJM Capital II, LLC
2 Jericho Plaza, Suite 101
Jericho, N.Y. 11753

Re: 175 Roger Avenue
Inwood, N.Y. (the "Premises")

Dear Mr. Mann:

This letter confirms that AJM Capital II, LLC and its affiliate, Inwood 175, LLC have access to the subject Premises, in accordance with the terms and conditions of that certain Access Agreement dated as of February 1, 2019.

County of Nassau

By: 
Theodore E. Hommel
Assistant County Attorney

cc: K. Walsh, Esq.
Chief Real Estate Negotiator
and Special Counsel

LAURA CURRAN
COUNTY EXECUTIVE



KENNETH G. ARNOLD, P.E.
COMMISSIONER

NASSAU COUNTY DEPARTMENT OF PUBLIC WORKS
DIVISION OF REAL ESTATE SERVICES
RALPH G. CASO SHARED SERVICES BUILDING
ONE WEST STREET, ROOM 200
MINEOLA, NEW YORK 11501
PHONE: (516) 571-4207 FAX: (516) 571-3986

March 12, 2019

BY E-MAIL TRANSMISSION
AND FIRST CLASS MAIL

Adam Mann
AJM Capital II, LLC
2 Jericho Plaza, Suite 101
Jericho, N.Y. 11753


Re: 175 Roger Avenue
Inwood, N.Y. (the "Premises")

Dear Mr. Mann:

This letter confirms that AJM Capital II, LLC and its affiliate, Inwood 175, LLC has access to the above-referenced site, subject to and in accordance with that certain Access Agreement dated as of February 1, 2019, to implement any investigation or remedial work required by the New York State Department of Environmental Conservation (NYSDEC) pursuant to the Brownfield Cleanup Program (BCP), and otherwise comply with all obligations under the Brownfield Cleanup Agreement (BCA), including the recording of an environmental easement, if required, and subject to required approval of the Nassau County Legislature and County Executive, from the date hereof until such time as the BCA is terminated or NYSDEC issues a Certificate of Completion.

cc: T. Hommel
Assistant County Attorney

Sincerely,


Kevin C. Walsh
Chief Real Estate Negotiator
and Special Counsel

ATTACHMENT VIII

BCP Application Section VIII Supplementary Information

Section VIII. Property Eligibility Information

2. Is/Was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305?

The Site was previously listed as a Class 02, State Superfund Site and as a participant in the BCP under the Site Code: Index # A1-0543-0406 and Site # C130164. It is Requestors' understanding that the New York State Department of Environmental Conservation has undertaken a review and has not identified any responsible party for the property having the ability to pay for the investigation or cleanup of the property.

4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility of property and their financial viability including any bankruptcy filing and corporate dissolution documentation.

Requestor AJM Capital II, LLC is the successful respondent to an RFP from Nassau County and has secured an award letter from the County for exclusive rights to negotiate for the purchase of the property.

No information on the previous owner's financial viability is available to Requestors.

LAURA CURRAN
COUNTY EXECUTIVE



KENNETH G. ARNOLD, P.E.
COMMISSIONER

NASSAU COUNTY DEPARTMENT OF PUBLIC WORKS
DIVISION OF REAL ESTATE SERVICES
RALPH G. CASO SHARED SERVICES BUILDING
ONE WEST STREET, ROOM 200
MINEOLA, NEW YORK 11501
PHONE: (516) 571-4207; FAX: (516) 571-3986

October 2, 2018

Via Email and Regular mail

AJM Capital II, LLC
2 Jericho Plaza, Suite 101
Jericho, New York 11753
Attn: Adam Mann

RFP No. RE0921-1731
Purchase and Redevelopment of
175 Roger Avenue, Inwood, NY

Dear Mr. Mann:

Nassau County is pleased to notify you that AJM Capital II, LLC ("AJM") has been selected to purchase and redevelop Nassau County's owned property referenced above, in accordance with AJM's response to Nassau County's **RFP #RE0921-1731**. This letter serves as a notice of our intent to negotiate a contract with AJM.

In accordance with Section V of the RFP, AJM is deemed to be firmly committed to the terms, conditions and prices in its proposal. The County anticipates that the parties will conclude contract negotiations and obtain all the necessary contract approvals expeditiously. In accordance with section VI of the RFP, the contract is subject to approval by the Office of the County Attorney, the County Legislature and the County Executive.

Please note that a Notice of Intent to Award is not a contract between the County and your firm. Your firm will not acquire any legal or equitable rights with respect to the subject premises until a contract containing terms and conditions acceptable to the County is executed by AJM, approved by the appropriate entities and executed by the County.

We look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin C. Walsh".

Kevin C. Walsh,
Chief Real Estate Negotiator
and Special Counsel

ATTACHMENT IX

BCP Application Section IX Supplementary Information

Section IX. Contact List Information

- 1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.**

Nassau County

Nassau County Executive
Laura Curran
1550 Franklin Avenue Mineola NY 11501
516-571-3131

Planning Board Chair Person
Laura Schaefer
Ph: 516 -571-6214

Hempstead

Mayor/Chief Executive Officer
Don Ryan
99 James A. Garner Way
Hempstead, NY 11550,
516-478-6200,
donryan@villageofhempsteadny.gov

Supervisor/ Chief Executive Officer of Town of Hempstead
Laura A. Gillen
1 Washington Street Hempstead NY 11550
516-812-3260

Planning Board Chair Person
Kennetha Pettus
516-478-6263

- 2. Residents, owners, and occupants of the property and properties adjacent to the property.**

Current Owner
Nassau County
1 West St.
Mineola, NY 11501

Prospective/Future Owner
AJM Capital, LLC
P.O. 234800
Great Neck, 11023

Occupants

Site is vacant and currently has no occupants.

Properties Adjacent

Property Locations shown on Figure 3 provided in Attachment IV.

Sony Picture Entertainment
150 Roger Ave,
Inwood, NY, 11096
(718) 868-5800

Metro Marine Express
180 Roger Ave
Inwood, NY, 11096

Expeditors International
245 Roger Ave
Inwood, NY, 11096
(516) 371-3330

Ace Designs Fences, Awnings, Iron Works
574 Bayview Ave
Inwood, NY, 11096
(516) 371-6444

MGR Equipment Corporation
22 Gates Ave
Inwood, NY, 11096

D. Daniels Contracting LTD.
32 Gates Ave
Inwood, NY, 11096

Fanny, Theresa and Thomas Chase
542 Bayview Ave
Inwood, NY, 11096
(516) 371-1940

Daniel and James Zito
554 Bayview Ave
Inwood, NY, 11096

Randolph and Cecilia Balzer
562 Bayview Ave
Inwood, NY, 11096

Joseph and Christine Chase
568 Bayview Ave
Inwood, NY, 11096

Estela and Balmory Gonzalez
41 Cerro St.
Inwood, NY, 11096
(516) 371-0680

Michael and Cynthia Filippone
598 Bayview Avenue
Inwood, NY, 11096

3. Local news media from which the community typically obtains information.

The Daily News
450 W. 33rd St.
New York, NY 10001

Queens Chronicle
PO Box 74-7769
Rego Park, NY 11374-7769

Long Island Herald
2 Endo Boulevard
Garden City, NY, 11530

Long Island Press
6901 Jericho Tpke.
Suite 215
Syosset, NY 11791

Long Island.com
<https://www.longisland.com/inwood/news/>

4. The public water supplier which services the area in which the property is located.

New York American Water
60 Brooklyn Avenue
Merrick, NY 11566
(877) 426-6999

5. Any person who has requested to be placed on the contact list

At this time no additional people have requested to be placed on this contact list.

6. The administrator of any school or day care facility located on or near the property.

There are no schools or day care facilities located on or near (within 0.5 miles) of the property. The closest schools are as follows:

Distance: 0.5 miles
Lawrence Primary at #2 School
Ms. Christine Moore
1 Donahue Ave
Inwood, NY 11096
(516) 295-6200

Distance: 1.2 miles
Lawrence Elementary School at Broadway
Ms. Rina Beach
195 Broadway
Lawrence, NY 11559

Distance: 1.2 miles
Lawrence Middle School at Broadway
Mr. Willis Perry
195 Broadway
Lawrence, NY 11559

Distance: 1.6 miles
Lawrence High School
Dr. Jennifer Lagnado Papp
2 Reilly Rd.
Cedarhurst, NY 11516

The closest Day Care facilities to the Site are:

Distance: 0.3 miles
A Smart Start Preschool
73 Bayswater Blvd.
Inwood, NY 11096

Distance: 0.45 miles
Rockaway Child Care Center
1466 Beach Channel Dr.
Far Rockaway, NY, 11691
(718) 327-1384

Distance: 0.5 miles
LB Child Day Care
2 Spaulding Ln,
Inwood, NY 11096
(516) 220-4269

Distance: 0.85 miles
Lawrence Early Childhood Center at #4 School
Mrs. Pamela Renneisen
87 Wanser Avenue
Inwood, NY 11096

**7. The location of a document repository for the project (e.g, local library)
(Attachment II).**

Peninsula Public Library
280 Central Avenue
Lawrence, NY 11559

A confirmation from the document repository is provided below.

Date: 1/10/19

Joel Kane
Fleming-Lee Shue, Inc.
158 West 29th Street, 9th Floor
New York, NY 10001

**Re: Document Repository Acknowledgement
175 Roger Ave, Inwood, NY**

Dear Mr. Kane:

The Peninsula Public Library agrees to act as the document repository for the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) project located at 175 Roger Avenue Inwood, New York. Any documents provided to the library for this NYSDEC BCP site will be made available to the public upon receipt.

Sincerely,

Peninsula Public Library

Filomena Perrella

Signature

Filomena Perrella, Head of Reference
Print Name, Title

Peninsula Public Library
280 Central Avenue
Lawrence, NY 11559

ATTACHMENT X

BCP Application Section X Supplementary Information

Section X. Land Use Factors

2. Current Use: Attach a Summary of Current Business Operations or Uses.

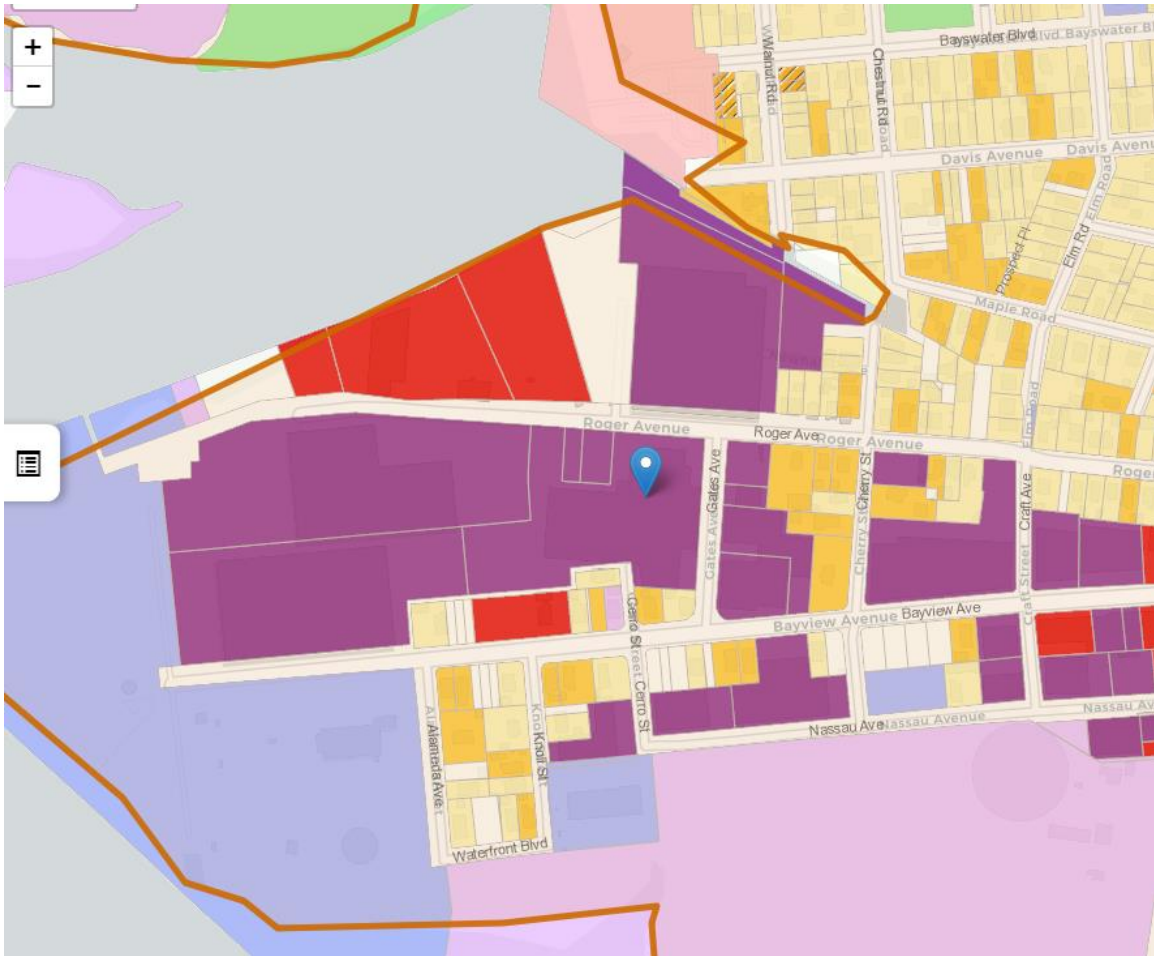
The Site is currently vacant and all operations ceased in 2004. Sheet metal fabrication operations on Site started in 1961 and ceased in 1987. Rockaway Metal Products operated on Site from 1971 and ceased in 1987. Hazardous waste material was abandoned and improperly stored on the Site until EPA's emergency removal action beginning in August 1993. The Site was then used largely as a warehouse by various tenants from 1990 to 2004 including an auto repair shop (Gunter Auto Shop) and Long Island Party Rentals. The Site was acquired by Nassau County in 1995 and has remained vacant since approximately 2004.

3. Reasonably anticipated use Post Remediation.

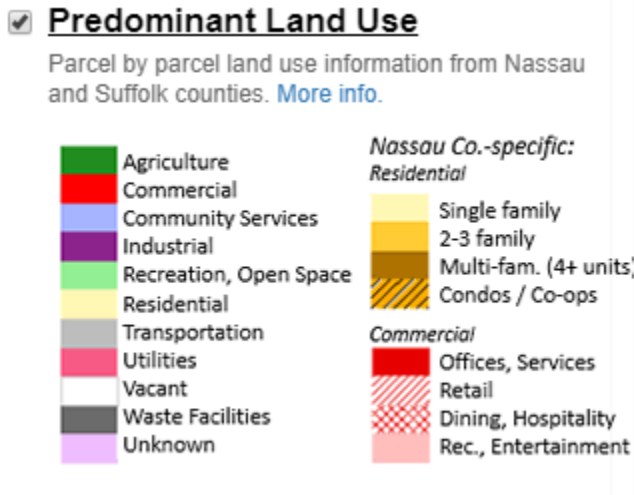
The Requestor intends to remediate and redevelop the property with an approximately 100,000 square foot slab on grade (i.e., no basement) commercial building to be utilized as a commercial warehouse.

4. Do Current Historical and/or recent development patterns support the proposed use?

The historical use of the area has been industrial and commercial with some residential. The planned use for the Site is commercial and consistent with historical and recent development patterns.



Land use map provided by Long Island Index Map on 1/11/19. <http://www.longislandindexmaps.org/>



5. Is the proposed use consistent with applicable zoning laws/maps?

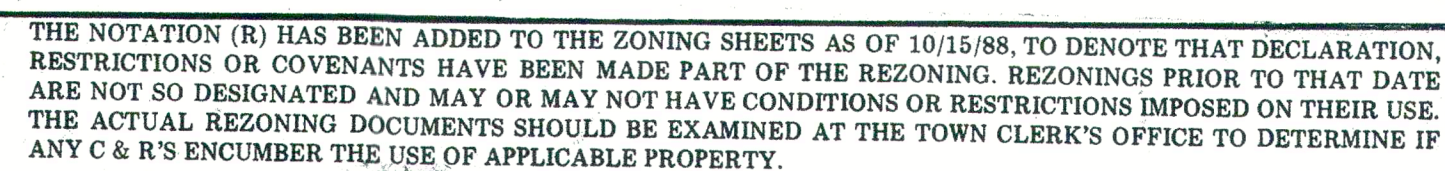
The Site is zoned for Industrial Districts (Y). The planned use for the Site is industrial/commercial.

A zoning map of the Site was provided in Attachment IV and below.

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans?

The Site is currently owned by Nassau County and as a part of the County's development plan for the area has scheduled the demolition and redevelopment of the Site. The demolition plan which was approved by the NYSDEC, is expected to conclude in February 2019.

DATE! JULY 1972
DRAWN BY R.Z.
CHECKED BY E.G.D.



ALL RESIDENCE "B"
EXCEPT AS OTHERWISE NOTED PREPARED BY HEMPSTEAD PLANNING BOARD