

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

Check the appropriate box below based on the nature of the amendment modification requested:
Amendment to [check one or more boxes below]
☐ Add ☐ Substitute ☑ Remove ☐ Change in Name
applicant(s) to the existing Brownfield Cleanup Agreement [Complete Section I-IV below and Part II]
Does this proposed amendment involve a transfer of title to all or part of the brownfield site? ☐Yes ☐No
If yes, pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been previously submitted. If not, please submit this form with this Amendment. See http://www.dec.ny.gov/chemical/76250.html
Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [Complete Sections I and V below and Part II]
Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [Complete Section I and V below and Part II]
Sites in Bronx, Kings, New York, Queens, or Richmond counties ONLY: Amendment to request determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. Please answer questions on the supplement at the end of the form.
Other (explain in detail below)
Please provide a brief narrative on the nature of the amendment: Application to remove 459 Smith Street (Parcel III) from existing Brownfield Cleanup Agreement, in order for the current property owner to submit new BCP application solely encompassing 459 Smith Street. This application also seeks to remove Harvic International Ltd. and Vichar, Inc. as requestors on the existing Brownfield Cleanup Agreement, reflecting the sale of Parcel III to Smith Street Owner LLC.

Section I. Existing Agreement I	nformation		
		ormor MCD, DCD SITE NUMBER, C224012	
BCP SITE NAME: Carroll Gardens/Public Place Former MGP BCP SITE NUMBER: C224012 NAME OF CURRENT APPLICANT(S): Brooklyn Union Gas Company, City of New York, Vichar, Inc., Harvic International Ltd.			
		610-08 DATE OF EXISTING AGREEMENT:02/18/0	
Section II. New Requestor Infor	mation (if no chang	ge to Current Applicant, skip to Section V)	
NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Is the requestor authorized to con	duct business in Nev	w 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 (DOS) Corporation & Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS. 			
NAME OF NEW REQUESTOR'S	REPRESENTATIVE		
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S	ATTORNEY (if applic	cable)	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Requestor must submit proof that the party signing this Application and Amendment has the authority to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. Is this proof attached?			
Describe Requestor's Relationship			

Section III. Current Property Owner/Operator Information (only include if new owner/operator or new existing owner/operator information is provided, and highlight new information)				
OWNER'S NAME (if different from requestor)				
ADDRESS				
CITY/TOWN		ZIP CO	DDE	
PHONE	FAX	E-MAIL		
OPERATOR'S NAME (if differen	ent from requestor or owner)			
ADDRESS				
CITY/TOWN	T	ZIP C	ODE	
PHONE	FAX	E-MAIL		
Section IV. Eligibility Informat	tion for New Requestor (Please refer t	o ECL § 27-1407 fo	or more detail)	
If answering "yes" to any of the	following questions, please provide an e	xplanation as an att	achment.	
Are any enforcement action:	s pending against the requestor regardir	g this site?	∐Yes ∏No	
Is the requestor presently surelating to contamination at	ubject to an existing order for the investige the site?	gation, removal or re	emediation Yes No	
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Yes No Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.				
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the subject law; ii) any order or determination; iii) any regulation implementing ECL Article 27 Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment.				
Has the requestor previously application, such as name, a relevant information.	been denied entry to the BCP? If so, in ddress, Department assigned site numb	clude information re er, the reason for de	elative to the enial, and other Yes No	
6. Has the requestor been foun act involving the handling, sto	d in a civil proceeding to have committed oring, treating, disposing or transporting	d a negligent or inter of contaminants?	ntionally tortious	
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?				
jurisdiction of the Departmen	falsified statements or concealed materi t, or submitted a false statement or made nent or application submitted to the Depa	e use of or made a f	er within the false statement 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				
	ation in any remedial program under DEo tantially comply with an agreement or ord			
11. Are there any unregistered b	oulk storage tanks on-site which require r	egistration?	☐Yes ☐No	

THE NEW REQUESTOR MUST CERTIFY THAT IT IS ACCORDANCE WITH ECL §27-1405 (1) BY CHECKIN					RIN
PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of contamination 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 contamination.	VOLUMA requestor ownership subsequel	NTEER tor other	than a pa ility arises of or invo	articipant, i s solely as olvement w	a result of ith the site
	liability are operation he/she had to the haz reasonable discharge; iii) prevent resource hazardous lf a requeresult of with the syou should be operation.	t or limit hu exposure swaste. estor whos ownership site, submi	y as a lement with appropriate found a circle. In any threatment, envious to any coperation a statement a statemen	result of the site content the facility stop any stened futu ironmental, previously arises so n of or invent descr a volunt	ownership, ertifies that ith respect y by taking continuing re release; or natural released blely as a volvement ibing why eer — be
Requestor's Relationship to Property (check one):	specific a	s to the ap	propriate	care taker	1.
☐ Prior Owner ☐ Current Owner ☐ Potential /Futu	re Purchas	ser Other_		7.000	
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	b	The state of the s		
Section V. Property description and description of c	:hanges/a	dditions/re	ductions ((if applicat	ole)
ADDRESS Intersection of Smith Street and 5th S	Street				
CITY/TOWN Brooklyn, NY	-		ZIP C	ODE 1123	31
TAX BLOCK AND LOT (TBL) (in existing agreement)					
Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
Smith Street and 5th Street (Parcel I)	ı		471	1	3.6
68 5th Street (Parcel II)	II		471	100	2.2
459 Smith Street (Parcel III)	III		471	200	4.5

Check appropriate boxes below:						
Changes to metes and bounds description or TBL correction						
Addition of property (may require additional citizen participation depending on the nature of the expansion – see attached instructions)						
Approximate acreage added:						
ADDITIONAL PARCELS:						
Parcel Address		Parcel No.	Section No.	Block No.	Lot No.	Acreage
✓ Reduction of property						
Approximate acreage removed: 4.	5					
PARCELS REMOVED:	achment A					
Parcel Address	acriment A	Parcel No.	Section No.	Block No.	Lot No.	Acreage
459 Smith Street (Parcel	III)	111		471	200	4.5
If requesting to modify a metes and boplease attach a revised metes and bound	unds description	or requesting	ng changes	to the bousite map to	undaries of this applic	a site,

Supplement to the Application To Amend Brownfield Cleanup Agreement And Amendment - Questions for Sites Seeking Tangible Property Credits in New York City ONLY.

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 brownfield redevelopment tax credit.	component of the Yes No			
Please answer questions below and provide documentation necessary to support a	answers.			
 Is at least 50% of the site area located within an environmental zone pursuant to 7. Please see <u>DEC's website</u> for more information. 	Γax Law 21(6)? ☐Yes ☐No			
2. Is the property upside down as defined below?	Yes No			
From ECL 27-1405(31):				
"Upside down" shall mean a property where the projected and incurred cost of the inverse remediation which is protective for the anticipated use of the property equals or exceeds of its independent appraised value, as of the date of submission of the application for par brownfield cleanup program, developed under the hypothetical condition that the proper contaminated.	seventy-five percent rticipation in the			
3. Is the project an affordable housing project as defined below?	Yes No			
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.				

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement I	nformation	
BCP SITE NAME: Ca	arroll Gardens/ Public Place MGP Site	BCP SITE NUMBER: C224012
NAME OF CURRENT	APPLICANT(S): Brooklyn Union Gas Company, City of N	New York, Vichar, Inc., Harvic International Ltd.
INDEX NUMBER OF EXISTING AGREEMENT: A2-0610-0808		
EFFECTIVE DATE OF EXISTING AGREEMENT: 02/18/09		

Declaration of Amendment:

By the Requestor(s) and/or Applicant(s) signatures below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from any obligations held under the Agreement or those same laws.

Statement of Certification and Signatures: New Requestor(s) (if applicable)
(Individual)
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. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.
Date:Signature:
Print Name:
(Entity)
I hereby affirm that I am (title
Date:Signature:
Print Name:

Statement of Certification and Signatures applicant must sign)	s: Existing Applicant(s) (an authorized representative of each
(Individual)	
Section I above and that I am aware of this	Application for an Amendment to that Agreement and/or sthe requisite approval for the amendment to the BCA nature by the Department.
Date:Signature:	
Print Name:	
(Entity)	
Brownfield Cleanup Agreement and/or Appl Application for an Amendment to that Agree below constitutes the requisite approval for upon signature by the Department.	title) of
Date: 29-August-2018 ignature:	-Coll Curage
Print Name:	
Status of Agreement: PARTICIPANT A requestor who either 1) was the owner of the site at the time of the	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 contamination.
Effective Date of the Original Agreement:	
Signature by the Department:	
DATED:	
	NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Michael Z. Ryan F	Robert W. Schick, P.E., Director Division of Environmental Remediation

Statement of Certification and Signature applicant must sign)	es: Existing Applicant(s) (an authorized representative of each
(Individual)	
Section I above and that I am aware of this	wnfield Cleanup Agreement and/or Application referenced in s Application for an Amendment to that Agreement and/or es the requisite approval for the amendment to the BCA gnature by the Department.
Date:Signature:	
Print Name:	
(Entity)	
Application for an Amendment to that Agrebelow constitutes the requisite approval fo	(title) of Harvic International Ltd. (entity) which is a party to the plication referenced in Section I above and that I am aware of this element and/or Application. My signature or the amendment to the BCA Application, which will be effective
Print Name: Henry A. Abadi	
Status of Agreement:	
Effective Date of the Original Agreement	:
Signature by the Department:	
DATED:	
FEB 1 2019	NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Michael J. Ryan	Robert W. Schick, P.E., Director Division of Environmental Remediation

Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)
(Individual)
I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.
Date:Signature:
Print Name:
(Entity)
I hereby affirm that I am Authorized Signatory (title) of Vichar, Inc. (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department. Date: 6-20-20/8 Signature:
Print Name: Henry A. Abadi
Print Name: Trothy 7t. 7toddi
REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT
Status of Agreement:
PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of contamination 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 contamination.
Effective Date of the Original Agreement:
Signature by the Department:
DATED:
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Mithel J. Ryan

Robert W. Schick, P.E., Director

Division of Environmental Remediation

Statement of Certification and Signature applicant must sign)	es: Existing Applicant(s) (an authorized representative of each
(Individual)	
Section I above and that I am aware of this	wnfield Cleanup Agreement and/or Application referenced in a Application for an Amendment to that Agreement and/or es the requisite approval for the amendment to the BCA gnature by the Department.
Date:Signature:	
Print Name:	
(Entity)	
Application for an Amendment to that Agreelow constitutes the requisite approval for upon signature by the Department.	(title) of the City of New York (entity) which is a party to the olication referenced in Section I above and that I am aware of this ement and/or Application. The amendment to the BCA Application, which will be effective
Date: 11/16/18 Signature:	
Date:	
	L BE COMPLETED SOLELY BY THE DEPARTMENT
Status of Agreement:	
PARTICIPANT	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 contamination.
Effective Date of the Original Agreement	
Signature by the Department:	
DATED:	
FEB 1 2019	NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

SUBMITTAL INFORMATION:

• Two (2) copies, one hard 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 DEPARTMENT USE ONLY	
BCP SITE T&A CODE:	LEAD OFFICE:
PROJECT MANAGER:	

BROWNFIELD CLEANUP PROGRAM (BCP) INSTRUCTIONS FOR COMPLETING A BCP AMENDMENT APPLICATION

This form must be used to add a party, modify a property description, or reduce/expand property boundaries for an existing BCP Agreement and/or Application. NOTE: DEC requires a standard application to request major changes to the description of the property set forth in the 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). The application must be submitted to DEC in the same manner as the original application to participate.

SECTION II

NEW REQUESTOR INFORMATION

Requestor Name

Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information. If an LLC, the members/owners names need to be provided on a separate attachment). The requestor is the person or entity seeking DEC review and approval of the remedial program.

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 DEC with the application, to document that the applicant is authorized to do business in NYS.

Requestor Address, etc.

Provide the requestor's mailing address, telephone number; fax number and e-mail address.

Representative Name, Address, etc.

Provide information for the requestor's authorized representative. This is the person to whom all correspondence, notices, etc will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative unless another contact name and address is provided with the application.

Consultant Name, Address, etc.

Provide information for the requestor's consultant.

Attorney Name, Address, etc.

Provide information for the requestor's attorney.

SECTION III CURRENT PROPERTY OWNER/OPERATOR INFORMATION - only include if new owner/operator or new existing owner/operator information is provided, and highlight new information in form.

Owner Name, Address, etc.

Provide information for the new owner of the property. List all new parties holding an interest in the property.

Operator Name, Address, etc.

Provide information for the new operator (if different from the new requestor or owner).

SECTION IV NEW

NEW REQUESTOR ELIGIBILITY INFORMATION

As a <u>separate attachment</u>, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

SECTION V PROPERTY DESCRIPTION AND DESCRIPTION OF CHANGES / ADDITIONS / REDUCTIONS (IF APPLICABLE)

NOTE: DEC requires a standard application to request major changes to the description of the property set forth in the 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). The application must be submitted to DEC in the same manner as the original application to participate.

Property Address

Provide a street address, city/town, and zip code. For properties with multiple addresses, provide information for all.

Tax Parcel Information

Provide the tax parcel/section/block/lot information. If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, and/or acceptable site map to this application. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5 minute quad map on which the property appears.



