



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 9*

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #:

NAME M & A Holdings I LLC

ADDRESS 94-28 85th Avenue

CITY/TOWN Woodhaven

ZIP CODE 11417

PHONE (646) 705-1914

FAX

E-MAIL roxroym@yahoo.com

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.

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

2. If the project is starting at the remediation stage, a Remedial Investigation Report (RIR), Alternatives Analysis, and Remedial Work Plan must be attached (see [DER-10 / Technical Guidance for Site Investigation and Remediation](#) for further guidance).

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

4. 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).

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	Yes	Yes	Yes
Chlorinated Solvents	Yes	Yes	Yes
Other VOCs	Yes	No	No
SVOCs	Yes	No	No
Metals	No	No	No
Pesticides	No	No	No
PCBs	No	No	No
Other*	N/A	N/A	N/A

*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):

<input type="checkbox"/> Coal Gas Manufacturing	<input type="checkbox"/> Manufacturing	<input type="checkbox"/> Agricultural Co-op	<input checked="" type="checkbox"/> Dry Cleaner
<input type="checkbox"/> Salvage Yard	<input type="checkbox"/> Bulk Plant	<input type="checkbox"/> Pipeline	<input type="checkbox"/> Service Station
<input type="checkbox"/> Landfill	<input type="checkbox"/> Tannery	<input type="checkbox"/> Electroplating	<input type="checkbox"/> Unknown

Other: _____

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME Former Majestic Garment Cleaners				
ADDRESS/LOCATION 740 Pine Street				
CITY/TOWN Brooklyn		ZIP CODE 11208		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): New York City				
COUNTY Kings		SITE SIZE (ACRES) 0.47 Acres		
LATITUDE (degrees/minutes/seconds) 40 ° 40 ' 01.35 "		LONGITUDE (degrees/minutes/seconds) 73 ° 52 ' 09.71 "		
COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
1151 Loring Avenue Brooklyn, NY a/k/a 740 Pine Street Brooklyn, N.Y.	3	4484	32	.47
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach a metes and bounds description of the property.				
2. Is the required property map attached to the application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map)				
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 <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, identify census tract : 1220 Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 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)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				

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

None to Requestor's knowledge.

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

Type

Issuing Agency

Description

None to Requestor's knowledge.

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

11. For sites located within the five counties comprising New York City, is the requestor seeking a determination that the site is eligible for tangible property tax credits?
If yes, requestor must answer questions on the supplement at the end of this form. ☒ Yes ☐ No
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 Roxroy Marcus			
ADDRESS M & A Holdings I LLC, 94-28 85th Avenue			
CITY/TOWN Woodhaven		ZIP CODE 11417	
PHONE (646) 705-1914	FAX	E-MAIL roxroym@yahoo.com	
NAME OF REQUESTOR'S CONSULTANT Jill S. Haimson, Preferred Environmental Services			
ADDRESS 323 Merrick Avenue			
CITY/TOWN Merrick		ZIP CODE 11566	
PHONE (516) 546-1100	FAX	E-MAIL jhaimson@preferredenv.com	
NAME OF REQUESTOR'S ATTORNEY James P. Rigano, Rigano LLC			
ADDRESS 538 Broad Hollow Road, Suite 217			
CITY/TOWN Melville		ZIP CODE 11747	
PHONE (631) 756-5900	FAX (631) 756-0008	E-MAIL jrigano@riganollc.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME EJM Consulting LLC		OWNERSHIP START DATE: 1/20/2017	
ADDRESS 4513 Avenue D			
CITY/TOWN Brooklyn		ZIP CODE 11203	
PHONE (646) 705-1914	FAX	E-MAIL roxroym@yahoo.com	
CURRENT OPERATOR'S NAME EJM Consulting LLC			
ADDRESS 4513 Avenue D			
CITY/TOWN Brooklyn		ZIP CODE 11203	
PHONE (646) 705-1914	FAX	E-MAIL roxroym@yahoo.com	
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. 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".			
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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE 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? ☒ Yes ☐ No
If yes, please provide: Site # 224035 Class # 02
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? ☐ Yes ☒ No
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____
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? ☐ Yes ☒ No
If yes, please provide: Order # _____
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? ☐ Yes ☒ No
If yes, please provide explanation as an attachment.

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). In addition, attach a copy of an acknowledgement from the repository indicating that it agrees to act as the document repository for the property.
8. Any community board located in a city with a population of one million or more, if the proposed site is located within such community board's boundaries.

Section X. Land Use Factors

1. What is the current zoning for the site? What uses are allowed by the current zoning?

☒ 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 hereby 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 *Proposed 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 PRESIDENT (title) of M&A HOLDINGS, 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 *Proposed 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: 10-26-17 Signature: Roxroy Marcus

Print Name: ROXROY MARCUS

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 9

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
2. Is the property upside down or underutilized as defined below?	<div style="display: flex; justify-content: space-between;"> <div>Upside Down?</div> <div><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div> </div> <div style="display: flex; justify-content: space-between;"> <div>Underutilized?</div> <div><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div> </div>
From ECL 27-1405(31): "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.	
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)	
375-3.2: (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 (1) the proposed use is at least 75 percent for industrial uses; or (2) at which: (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses; (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and (iii) one or more of the following conditions exists, as certified by the applicant: (a) property tax payments have been in arrears for at least five years immediately prior to the application; (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 (c) there are no structures.	
"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.	

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: Former Majestic Garment Cleaners
City: Brooklyn

Site Address: 740 Pine Street
County: Kings **Zip:** 11208

Tax Block & Lot

Section (if applicable): 3 **Block:** 4484 **Lot:** 32

Requestor Name: M & A Holdings I LLC
City: Woodhaven

Requestor Address: 94-28 85th Avenue
Zip: 11417 **Email:** roxroym@yahoo.com

Requestor's Representative (for billing purposes)

Name: Roxroy Marcus
City: Woodhaven

Address: M & A Holdings I LLC, 94-28 85th Avenue
Zip: 11417 **Email:** roxroym@yahoo.com

Requestor's Attorney

Name: James P. Rigano, Rigano LLC
City: Melville

Address: 538 Broad Hollow Road, Suite 217
Zip: 11747 **Email:** jrigano@riganollc.com

Requestor's Consultant

Name: Jill S. Haimson, Preferred Environmental Services
City: Merrick

Address: 323 Merrick Avenue
Zip: 11566 **Email:** jhaimson@preferredenv.com

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: ☒ Yes ☐ No

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:

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM (BCP)
INSTRUCTIONS FOR COMPLETING A BCP APPLICATION**

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional office](#) to schedule a meeting. To add a party to an existing BCP Agreement and/or Application, use the [BCP Agreement Amendment Application](#). **See guidance at the end of these instructions regarding the determination of a complete application.**

SECTION I 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 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 requestor is authorized to do business in NYS.

Address, etc.

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

Document Certification

All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of [DER-10](#). Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:

- New York State licensed professional engineers (PEs), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a PE with current license and registration for work that was done by them or those under their direct supervision. The firm by which the PE is employed must also be authorized to practice engineering in New York State;
- qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;
- remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or
- site owners, which are the owners of the property comprising the site at the time of the certification.

SECTION II PROJECT DESCRIPTION

As a separate attachment, provide complete and detailed information about the project, including the purpose of the project, the date the remedial program is to start, and the date the Certificate of Completion is anticipated..

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION III

PROPERTY'S ENVIRONMENTAL HISTORY

Please follow instructions on application form.

SECTION IV

PROPERTY INFORMATION

Proposed Site Name

Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e. ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.

Site Address

Provide a street address, city/town, zip code, and each municipality and county in which the site is located. .

Site Size

Provide the approximate acreage of the site.

GIS Information

Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.

Tax Parcel Information

Provide the tax parcel address/section/block/lot information and map. 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 and clearly indicate the proposed site's location.

1. Tax Map Boundaries

State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.

2. Map

Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION IV (continued)

3. En-zone

Is any part of the property in an En-zone? If so, what percentage? For information on En-zones, please see [DEC's website](#).

4. Multiple applications

Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where 1) the development project spans more than 25 acres; 2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and 3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).

10. Property Description Narrative

Provide a property description in the format provided below. Each section should be no more than one paragraph long.

Location

Example: "The XYZ Site is located in an {urban, suburban, rural} area." {Add reference points if address is unspecific; e.g., "The site is approximately 3.5 miles east of the intersection of County Route 55 and Industrial Road."}

Site Features:

Example: "The main site features include several large abandoned buildings surrounded by former parking areas and roadways. About one quarter of the site area is wooded. Little Creek passes through the northwest corner."

Current Zoning and Land Use: (Ensure the current zoning is identified.)

Example: "The site is currently inactive, and is zoned for commercial use. The surrounding parcels are currently used for a combination of commercial, light industrial, and utility right-of-ways. The nearest residential area is 0.3 miles east on Route 55."

Past Use of the Site: include source(s) of contamination and remedial measures (site characterizations, investigations, Interim Remedial Measures, etc.) completed outside of the current remedial program (e.g., work under a petroleum spill incident).

Example: "Until 1992 the site was used for manufacturing wire and wire products (e.g., conduit, insulators) and warehousing. Prior uses that appear to have led to site contamination include metal plating, machining, disposal in a one-acre landfill north of Building 7, and releases of wastewater into a series of dry wells."

When describing the investigations/actions performed outside of the remedial program, include the major chronological remedial events that lead to the site entering a remedial program. The history should include the first involvement by government to address hazardous waste/petroleum disposal. Do not cite reports. Only include remedial activities which were implemented PRIOR to the BCA. Do not describe sampling information.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION IV (continued)

Property Description Narrative (continued)

Site Geology and Hydrogeology:

As appropriate, provide a very brief summary of the main hydrogeological features of the site including depth to water, groundwater flow direction, etc.

Environmental Assessment

The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semivolatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths.

The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SGCs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site.

A typical Environmental Assessment would look like the following:

Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE).

Soil - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the site. Concentrations of cadmium found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).

Groundwater - TCE and its associated degradation products are also found in groundwater at the north end of the site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the site has migrated 300 feet down-gradient off-site. The primary contaminant of concern for the off-site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.

Soil Vapor & Indoor Air - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.

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

SECTION V

ADDITIONAL REQUESTOR INFORMATION

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 of Applications determined to be Participants unless another contact name and address is provided with the application.

Consultant and Attorney Name, Address, etc.

Provide requested information.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION VI CURRENT PROPERTY OWNER/OPERATOR INFORMATION
(IF NOT A REQUESTOR)**

Owner Name, Address, etc.

Provide requested information of the current owner of the property. List all parties holding an interest in the Property and, if the Requestor is not the current owner, describe the Requestor's relationship to the current owner.

Operator Name, Address, etc.

Provide requested information of the current operator (if different from the requestor or owner).

Provide a list of previous property owners and operators with names, last known addresses, telephone numbers and the Requestor's relationship to each owner and operator as a separate attachment

SECTION VII REQUESTOR ELIGIBILITY INFORMATION

As a separate attachment, 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 VIII PROPERTY ELIGIBILITY INFORMATION

As a separate attachment, provide complete and detailed information in response to the following eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that that information be summarized.

1. CERCLA / NPL Listing

Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.

2. Registry Listing

Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) [website](#) for a database of sites with classifications.

3. RCRA Listing

Does the property have a Resource Conservation and Recovery Act (RCRA) TSDF Permit in accordance with the ECL 27-0900 *et seq*? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.

4. Registry / RCRA sites owned by volunteers

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.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION VIII (continued)

5. Existing Order

Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.

6. Enforcement Action Pending

Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information on an attachment.

SECTION IX CONTACT LIST INFORMATION

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project.

SECTION X LAND USE FACTORS

In addition to eligibility information, site history, and environmental data/reports, the application requires information regarding the current, intended and reasonably anticipated future land use.

1. This information consists of responses to the "land use" factors to be considered relative to the "Land Use" section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a "brownfield site" pursuant to ECL 27-1405(2).
2. This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

SECTION XI SIGNATURE PAGE

The Requestor must sign the application, or designate a representative who can sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each must sign a signature page.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

DETERMINATION OF A COMPLETE APPLICATION

1. The first step in the application review and approval process is an evaluation to determine if the application is complete. To help ensure that the application is determined complete, requestors should review the list of [common application deficiencies](#) and carefully read these instructions.
2. DEC will send a notification to the requestor within 30 calendar days of receiving the application, indicating whether such application is complete or incomplete.
3. An application must include the following information relative to the site identified by the application, necessary for making an eligibility determination, or it will be deemed incomplete. **(Please note: the application as a whole requires more than the information outlined below to be determined complete).** The application must include:
 - a. for all sites, an investigation report sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data includes site drawings requested in Section III, #3 of the BCP application form.
 - b. for those sites described below, documentation relative to the volunteer status of all requestors, as well as information on previous owners or operators that may be considered responsible parties **and** their ability to fund remediation of the site. This documentation is required for:
 - i. real property listed in the registry of inactive hazardous waste disposal sites as a class 2 site, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP; or
 - ii. real property that was a hazardous waste treatment, storage or disposal facility having interim status pursuant to the Resource Conservation and Recovery Act (RCRA) program, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP.
 - c. for sites located within the five counties comprising New York City, in addition to (a) and if applicable (b) above, if the application is seeking a determination that the site is eligible for tangible property tax credits, sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a). **If this 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, using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.**
 - d. for sites previously remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law, relevant documentation of this remediation.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

DETERMINATION OF A COMPLETE APPLICATION (continued)

4. If the application is found to be incomplete:
 - a. the requestor will be notified via email or phone call regarding minor deficiencies. The requestor must submit information correcting the deficiency to DEC within the 30-day review time frame; or
 - b. the requestor will receive a formal Letter of Incomplete Application (LOI) if an application is substantially deficient, if the information needed to make an eligibility determination identified in #4 above is missing or found to be incomplete, or if a response to a minor deficiency is not received within the 30-day period. The LOI will detail all of the missing information and request submission of the information. If the information is not submitted within 30 days from the date of the LOI, the application will be deemed withdrawn. In this case, the requestor may resubmit the application without prejudice.
5. If the application is determined to be complete, DEC will send a Letter of Complete Application (LOC) that includes the dates of the public comment period. The LOC will:
 - a. include an approved public notice to be sent to all parties on the Contact List included with the application;
 - b. provide instructions for publishing the public notice in the newspaper on the date specified in the letter, and instructions for mailing the notice to the Contact List;
 - c. identify the need for a certification of mailing form to be returned to DEC along with proof of publication documentation; and
 - d. specify the deadline for publication of the newspaper notice, which must coincide with, or occur before, the date of publication in the Environmental Notice Bulletin (ENB).
 - i. DEC will send a notice of the application to the ENB. As the ENB is only published on Wednesdays, DEC must submit the notice by the Wednesday before it is to appear in the ENB.
 - ii. The mailing to parties on the Contact List must be completed no later than the Tuesday prior to ENB publication. If the mailings, newspaper notice and ENB notice are not completed within the time-frames established by the LOC, the public comment period on the application will be extended to insure that there will be the required comment period.
 - iii. Marketing literature or brochures are prohibited from being included in mailings to the Contact List.

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through August 7, 2017.

Selected Entity Name: M & A HOLDINGS I LLC

Selected Entity Status Information

Current Entity Name: M & A HOLDINGS I LLC

DOS ID #: 4138312

Initial DOS Filing Date: SEPTEMBER 06, 2011

County: ALBANY

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)

ALLSTATE CORPORATE SERVICES CORP.

99 WASHINGTON AVENUE

SUITE 1008

ALBANY, NEW YORK, 12260

Registered Agent

ALLSTATE CORPORATE SERVICES CORP.

99 WASHINGTON AVENUE

SUITE 1008

ALBANY, NEW YORK, 12260

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
SEP 06, 2011	Actual	M & A HOLDINGS I 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.

[Search Results](#) [New Search](#)

[Services/Programs](#) | [Privacy Policy](#) | [Accessibility Policy](#) | [Disclaimer](#) | [Return to DOS](#)
[Homepage](#) | [Contact Us](#)

Section 1

M & A Holdings 1 LLC is a New York limited liability company. There is one member of the LLC: Roxroy Marcus. Neither the LLC nor Roxroy Marcus has any relationship to previous owners or operators at the Site (other than EJM Consulting LLC). The Site is currently owned by EJM Consulting LLC, who, through Roxroy Marcus - its 100% member - acquired the property in January of 2017 for purposes entering into the Brownfield Cleanup Program and remediating the property as a “volunteer”. Shortly prior to submitting this application, EJM Consulting LLC, through Roxroy Marcus, has submitted a Change in Ownership form notifying the Department of the future change in ownership from EJM Consulting LLC to M & A Holdings 1 LLC, the requestor.

**THE UNIVERSITY OF THE STATE OF NEW YORK
EDUCATION DEPARTMENT**

THIS IS TO CERTIFY THAT HAVING MET THE REQUIREMENTS OF SECTION 7210 OF THE
EDUCATION LAW AND IN ACCORDANCE THEREWITH THIS CERTIFICATE OF AUTHORIZATION
IS GRANTED WHICH ENTITLES

**ADVANCED AMERICAN ENGINEERING PLLC
445 BROAD HOLLOW RD
STE 25
MELVILLE, NY 11747-0000**

TO PROVIDE PROFESSIONAL ENGINEERING SERVICES IN THE STATE OF NEW YORK FOR
THE PERIOD 07/01/2017 TO 06/30/2020.



**CERTIFICATE NUMBER
0013864**

Maryellen Elia
**MARYELLEN ELIA
COMMISSIONER OF EDUCATION**

To: Licensee/Registrant

- ◆ Please review the Registration Certificate below to be sure the information on it is correct.
- ◆ If any of the information is not correct, please contact us at OPREGFEE@mail.nysed.gov or (518) 474-3817, Ext. 410.
- ◆ If the information is correct, sign above the Licensee/Registrant block and please destroy any previous Registration Certificates you may have, as certificates with incorrect information are not valid and should not be kept.
- ◆ Should your address or name change, please notify us as described on the reverse and a new certificate will be issued.

UPON RECEIPT OF THIS REGISTRATION CERTIFICATE YOUR PREVIOUSLY ISSUED REGISTRATION CERTIFICATE IS NULL AND VOID. PLEASE DESTROY THE PREVIOUSLY ISSUED REGISTRATION CERTIFICATE.

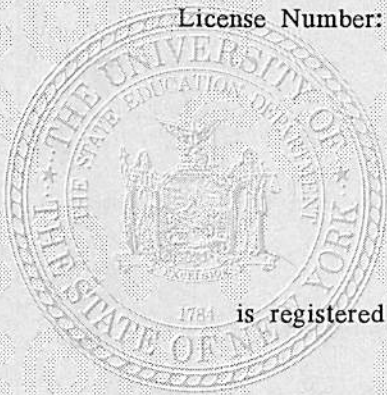
SEE BACK FOR IMPORTANT INFORMATION

The University of the State of New York
Education Department
Office of the Professions
REGISTRATION CERTIFICATE
Do not accept a copy of this certificate

License Number: 079067-1

Certificate Number: 8905779

SEMIOLI JOHN M
SUITE 25
445 BROAD HOLLOW RD
MELVILLE NY 11747-0000



is registered to practice in New York State through 07/31/2018 as a(n)
PROFESSIONAL ENGINEER

LICENSEE/REGISTRANT

James J. L. [Signature]
EXECUTIVE SECRETARY

Elyse R. Busi
ACTING COMMISSIONER OF EDUCATION

De E. [Signature]
DEPUTY COMMISSIONER
FOR THE PROFESSIONS

This document is valid only if it has not expired, name and address are correct, it has not been tampered with and is an original - not a copy. To verify that this registration certificate is valid or for more information please visit www.op.nysed.gov.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



**60-Day Advance Notification of Site Change of Use, Transfer of
Certificate of Completion, and/or Ownership**

Required by 6NYCRR Part 375-1.11(d) and 375-1.9(f)

To be submitted at least 60 days prior to change of use to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation, 625 Broadway
Albany NY 12233-7020

I. **Site Name:** Former Majestic Garment Cleaners **DEC Site ID No.** 224035

II. **Contact Information of Person Submitting Notification:**

Name: M & A Holdings 1 LLC c/o James P. Rigano
Address1: 538 Broad Hollow Road, Suite 217
Address2: Melville, New York 11747
Phone: (631) 756-5900 E-mail: jrigano@riganollc.com

III. **Type of Change and Date:** Indicate the Type of Change(s) (check all that apply):

- ☒ Change in Ownership or Change in Remedial Party(ies)
☐ Transfer of Certificate of Completion (CoC)
☐ Other (e.g., any physical alteration or other change of use)

Proposed Date of Change (mm/dd/yyyy): 12/20/2017

IV. **Description:** Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

Change in ownership from EJM Corp. to M & A Holdings 1 LLC

If "Other," the description must explain and advise the Department how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

The change in ownership will not affect the proposed remedial program as M & A Holdings 1 LLC is requesting authorization to enter into the Brownfield Cleanup Program

- V. **Certification Statement:** Where the change of use results in a change in ownership or in responsibility for the proposed, ongoing, or completed remedial program for the site, the following certification must be completed (by owner or designated representative; see §375-1.11(d)(3)(i));

I hereby certify that the prospective purchaser and/or remedial party has been provided a copy of any order, agreement, Site Management Plan, or State Assistance Contract regarding the Site's remedial program as well as a copy of all approved remedial work plans and reports.

Name:

James P. Rigano
(Signature)

10/20/17

(Date)

James P. Rigano

(Print Name)

Address1: Rigano LLC, 538 Broad Hollow Road, Suite 217

Address2: Melville, NY 11747

Phone: (631) 756-5900

E-mail: jrigano@rlganollc.com

- VI. **Contact Information for New Owner, Remedial Party, or CoC Holder:** If the site will be sold or there will be a new remedial party, identify the prospective owner(s) or party(ies) along with contact information. If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/ECs), indicate who will be the certifying party (attach additional sheets if needed).

☒ Prospective Owner ☒ Prospective Remedial Party ☐ Prospective Owner Representative

Name: M & A Holdings 1 LLC

Address1: 94-28 85th Avenue

Address2: Woodhaven, NY 11417

Phone: (646) 705-1914

E-mail: roxroym@yahoo.com

Certifying Party Name: M & A Holdings 1 LLC

Address1: 94-28 85th Avenue

Address2: Woodhaven, NY 11417

Phone: (646) 705-1914

E-mail: roxroym@yahoo.com

VII. Agreement to Notify DEC after Transfer: If Section VI applies, and all or part of the site will be sold, a letter to notify the DEC of the completion of the transfer must be provided. If the current owner is also the holder of the CoC for the site, the CoC should be transferred to the new owner using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>. This form has its own filing requirements (see 6NYCRR Part 375-1.9(f)).

Signing below indicates that these notices will be provided to the DEC within the specified time frames. If the sale of the site also includes the transfer of a CoC, the DEC agrees to accept the notice given in VII.3 below in satisfaction of the notice required by VII.1 below (which normally must be submitted within 15 days of the sale of the site).

Within 30 days of the sale of the site, I agree to submit to the DEC:

1. the name and contact information for the new owner(s) (see §375-1.11(d)(3)(ii));
2. the name and contact information for any owner representative; and
3. a notice of transfer using the DEC's form found at <http://www.dec.ny.gov/chemical/54736.html> (see §375-1.9(f)).

Name:

James P. Rigano
(Signature)

10/19/17
(Date)

James P. Rigano

(Print Name)

Address1: Rigano LLC, 538 Broad Hollow Road, Suite 217

Address2: Melville, NY 11747

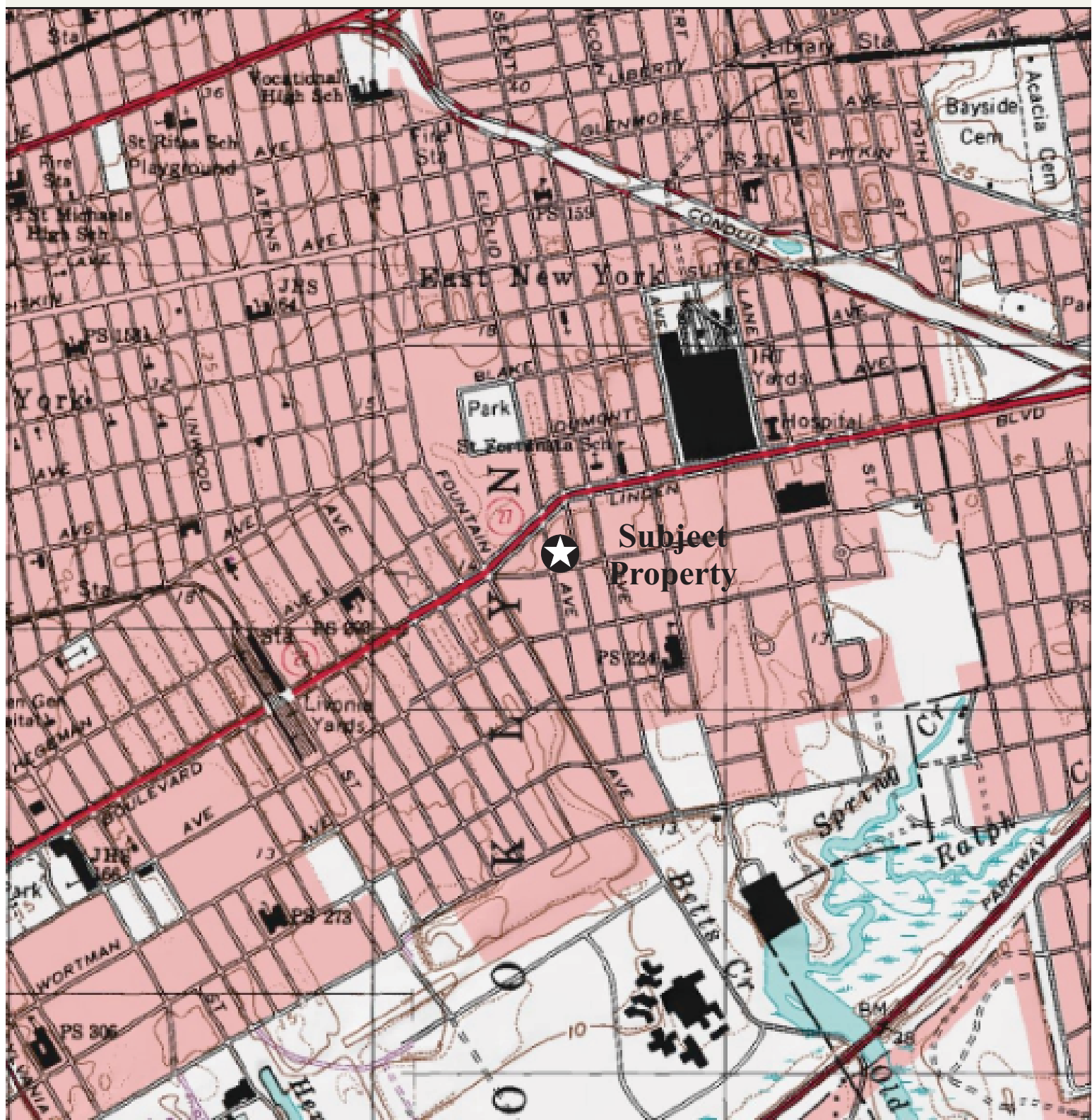
Phone: (631) 756-5900

E-mail: jrigano@riganolc.com

Section II. Project Description

The overall purpose of this project is to remediate the site and ensure that the health and safety of persons thereon are not jeopardized. While Requestor does not intend to develop the site at this time, the site may be developed into a residential/restricted residential and/or commercial property in the future. Applicant wishes to proceed expeditiously with the implementation of remedial activities set forth in the existing Record of Decision and aims to commence the remedial program shortly after entry into the Brownfield Cleanup Program. M&A is willing to enter the program to facilitate the on-site clean-up of the sub-surface contamination. In fact, M&A would prefer to implement Alternative 3 set forth in the ROD which requires Soil Excavation with In-Situ Enhanced Bioremediation, which, according to the ROD, is a more expensive alternative than the Selected Remedial Measure (Alternative 5). M&A reserves the right to conduct new sampling to confirm the nature and extent of on-site sub-surface contamination and, if such sampling reveals a substantial change in circumstances, request to implement a different remedial alternative and/or request a reduction of time to complete the selected remedial alternative.

Applicant anticipates the issuance of a Certificate of Completion in mid-2019 based on the implementation of the remedial measures. Requestor expects the remedial program to begin in June of 2018 and the certificate of completion to be awarded in August of 2019.



0 0.5 Mi
0 3000 Ft

Map provided by MyTopo.com

Figure 1 - Topographic Map



PREFERRED ENVIRONMENTAL SERVICES

323 Merrick Avenue - North Merrick, New York 11566
Tel: (516) 546-1100 Fax: (516) 213-8156

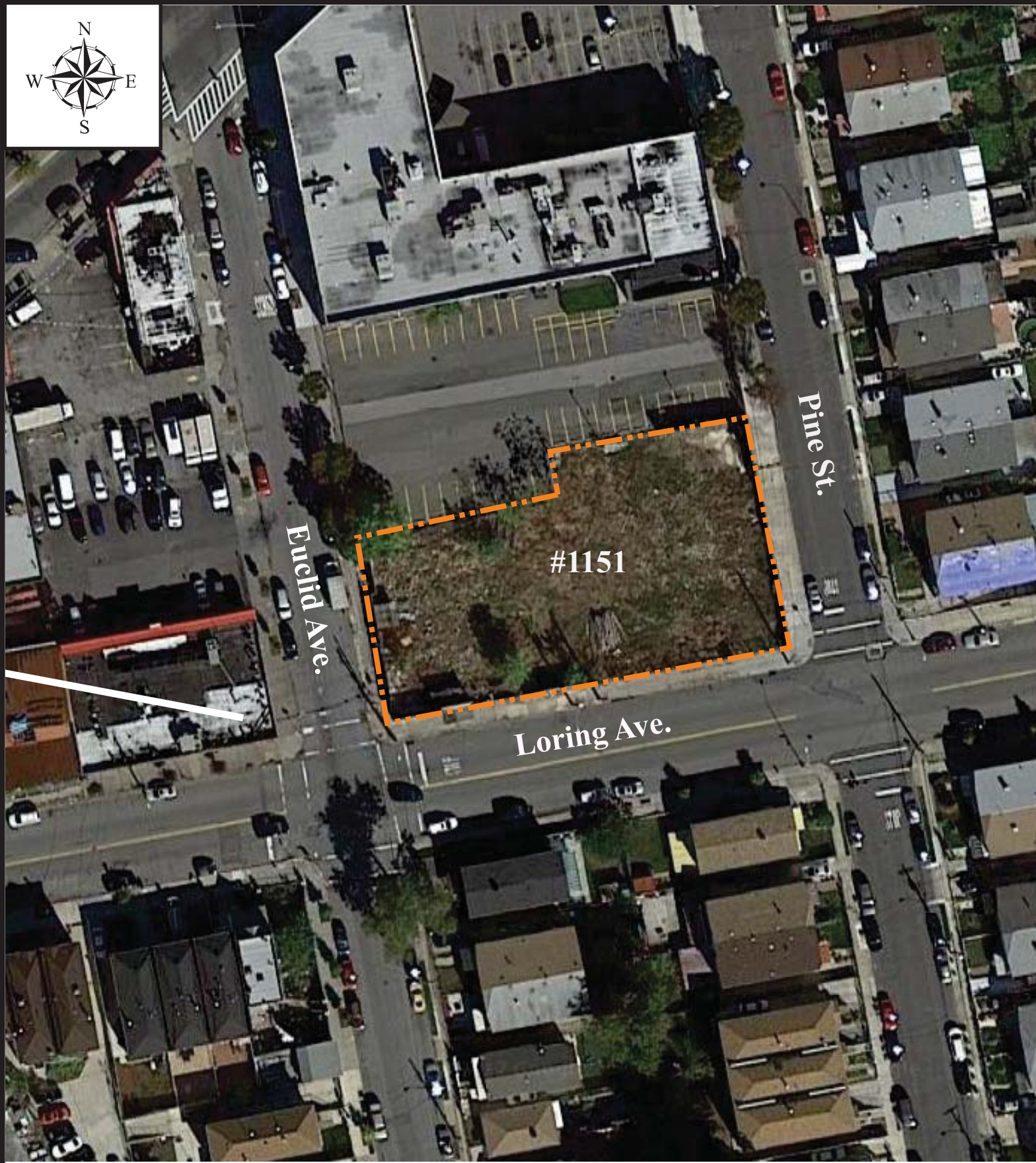


-Approximate Location
of Subject Property

Source: United States Geological Survey
Jamaica Quadrangle

Site: 1151 Loring Avenue,
Brooklyn, NY

Date: April 4, 2017



PREFERRED ENVIRONMENTAL SERVICES

323 Merrick Avenue - North Merrick, New York 11566

Tel: (516) 546-1100 Fax : (516) 213-8156

Figure 2 - Aerial Photograph



-Approximate Location of
Property Line

Scale(ft): 0 50

Site: 1151 Loring Avenue
Brooklyn, NY

Date: April 4, 2017

Source: Google Maps



Source: Water-Table and Potentiometric-Surface Altitudes in the Upper Glacial, Magothy, and Lloyd Aquifers beneath Long Island, New York, March-April 2006

By
Jack Monti Jr., and Ronald Busciolano
2009

Scale



Figure 3 - Groundwater Elevation Map



PREFERRED ENVIRONMENTAL SERVICES

323 Merrick Avenue - North Merrick, New York 11566
Tel: (516) 546-1100 Fax: (516) 213-8156



**-Approximate Location
of Subject Property**

**Site: 1151 Loring Ave
Brooklyn, New York**

Date: April 4, 2017

*Varnoline Tanks:
 One (1) 525-Gallon UST (Not Used)
 One (1) 1,200-Gallon UST
 One (1) 3,000-Gallon UST
 One (1) 1,400-Gallon UST
 One (1) 1,500-Gallon UST

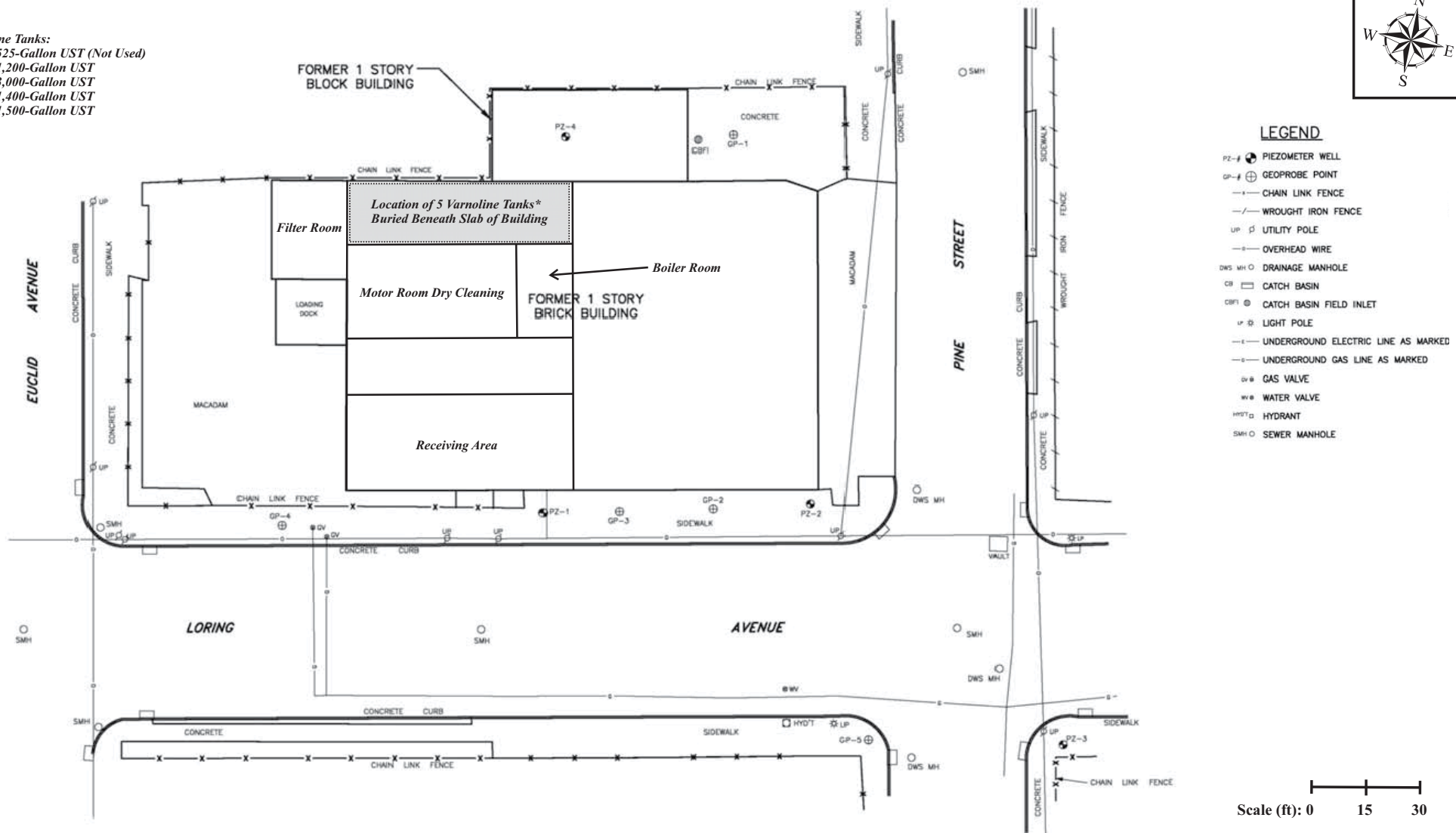


Figure 4 - Historic Site Features



PREFERRED ENVIRONMENTAL SERVICES

323 Merrick Avenue - North Merrick, New York 11566
 Tel: (516) 546-1100 Fax : (516) 213-8156

Sources: Arcadis/Malcolm Pirnie Figure 2 "Site Map"
 NYSDEC Remedial Investigation/Feasibility Study May 2014
 Former Majestic Garment Cleaners Site (#2-24-035)
 Borough of Brooklyn, Kings County, New York
 and
 Sanborn Fire Insurance Map 2007

 - Approximate Location of Buried USTs

Site: 1151 Loring Avenue
 Brooklyn, New York
 Date: April 4, 2017

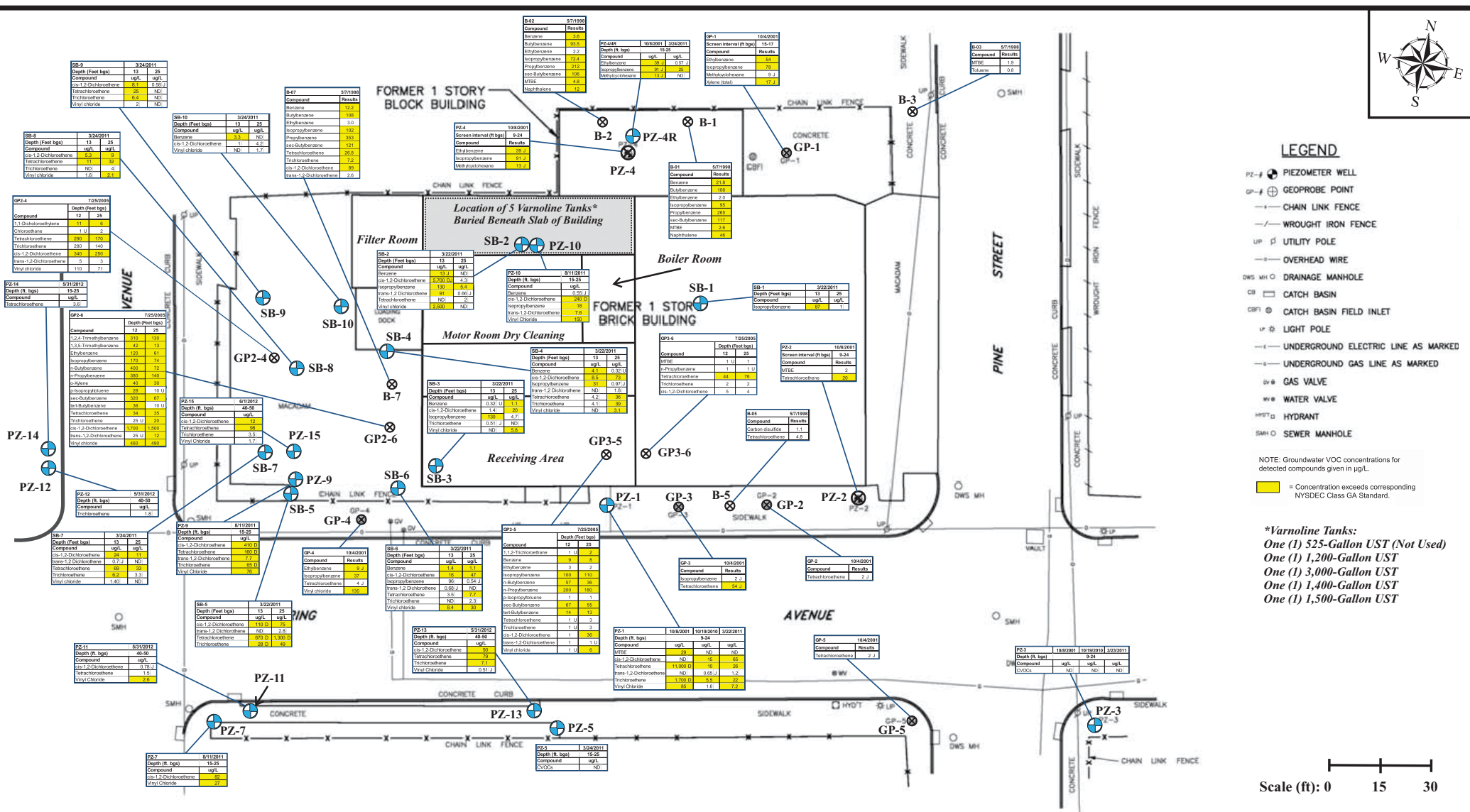


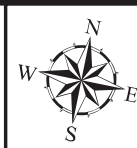
Figure 6 - Historic Groundwater Sampling Locations

Legend:

- Approximate Location of Buried USTs
- Approximate Groundwater Sampling Location Collected During May 2014 RIFS by Arcadis
- Approximate Groundwater Sampling Location Collected Prior to May 2014 RIFS

Site: 1151 Loring Avenue
Brooklyn, New York

Date: April 4, 2017



LEGEND

- PZ-# PIEZOMETER WELL
- GP-# GEOPROBE POINT
- CHAIN LINK FENCE
- WROUGHT IRON FENCE
- UP UTILITY POLE
- OVERHEAD WIRE
- DWS MH DRAINAGE MANHOLE
- CB CATCH BASIN
- CBFI CATCH BASIN FIELD INLET
- LP LIGHT POLE
- UNDERGROUND ELECTRIC LINE AS MARKED
- UNDERGROUND GAS LINE AS MARKED
- GV GAS VALVE
- WV WATER VALVE
- HYDT HYDRANT
- SMH SEWER MANHOLE

NOTE: Soil vapor VOC concentrations for detected compounds given in µg/m³.

***Varnoline Tanks:**
One (1) 525-Gallon UST (Not Used)
One (1) 1,200-Gallon UST
One (1) 3,000-Gallon UST
One (1) 1,400-Gallon UST
One (1) 1,500-Gallon UST

Scale (ft): 0 15 30

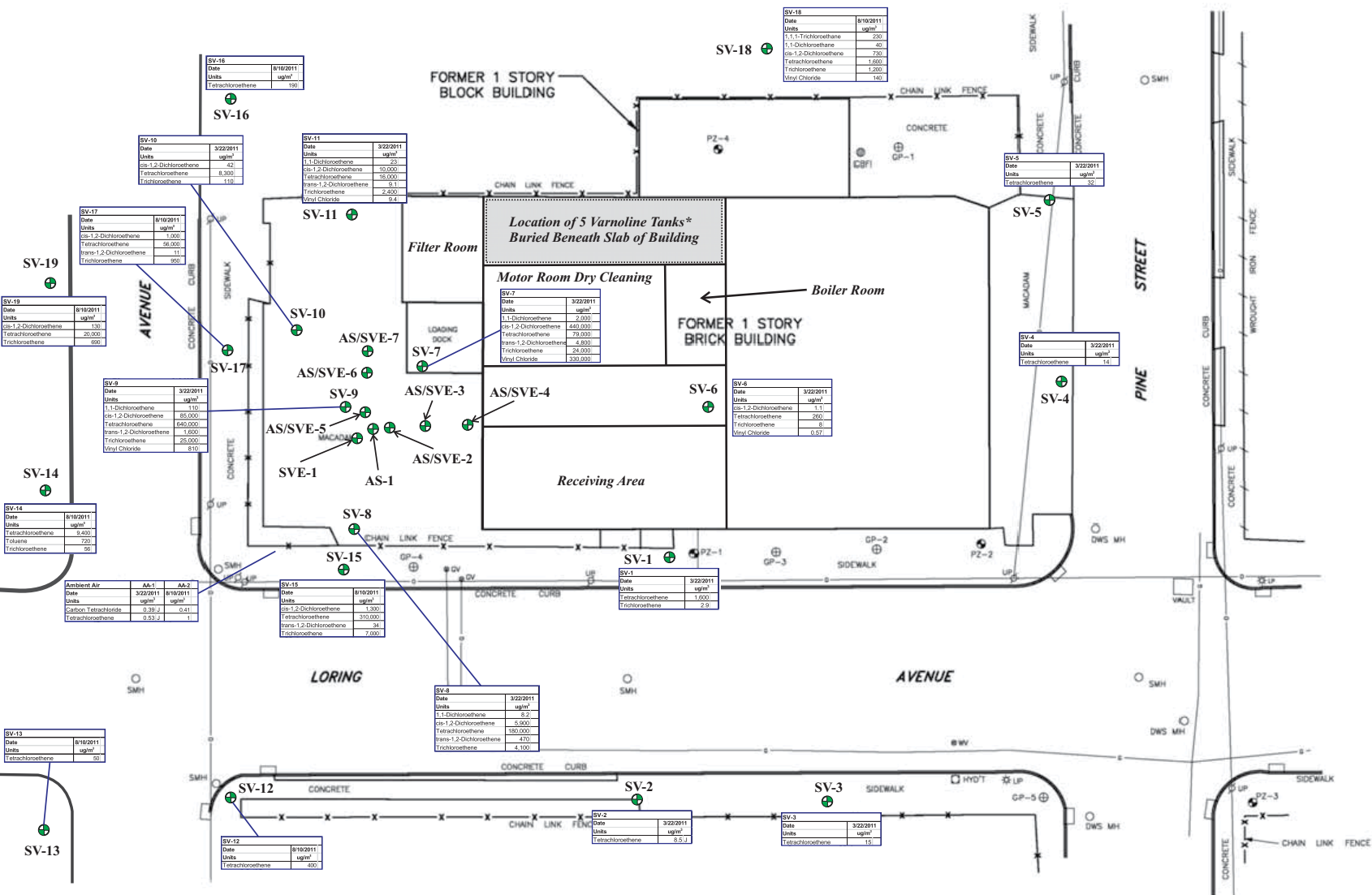


Figure 7 - Historic Soil Vapor Sampling Locations



323 Merrick Avenue - North Merrick, New York 11566
Tel: (516) 546-1100 Fax: (516) 213-8156

- Approximate Location of Buried USTs
- Approximate Soil Vapor Point Location

Site: 1151 Loring Avenue
Brooklyn, New York
Date: April 4, 2017

Section IV, Question 10- Property Description and Environmental Assessment

Location

The 1151 Loring Avenue site is located in an urban area at the corner of Pine Street and Loring Street in Brooklyn, New York. The site comprises an entire tax lot.

Site Features

The site is a vacant lot surrounded by a commercial properties to the north and west and residential properties to the east and south. The site is surrounded by a chain link fence and previously contained a one-story brick building which was demolished sometime in 2007 or 2008.

Current Zoning and Land Use

The site is currently vacant except for demolition debris. The site is zoned for residential use (R4) with commercial overlays (C1-C2). The surrounding parcels are used for a combination of commercial, light industrial and residential.

Past Use of the Site

According to the Department's Site Remediation Database and the May 2014 Remedial Investigation and Feasibility Study completed by Arcadis Malcolm Pirnie (the "RI/FS"), the site was formerly used as an industrial laundry and dry cleaning facility from 1926 to 2007, and operated out of a large one-story brick building which was constructed in 1926. The building was later expanded with a smaller attached one-story cinder block building on its north side. In early 1999, the U. S. Environmental Protection Agency (EPA) conducted two separate inspections of the Majestic Garment Cleaners facility, one on January 25, 1999, and the other on March 29, 1999. During those inspections EPA personnel observed employees disposing of tetrachloroethene (PCE) contaminated water from steam presses onto the ground behind the facility on the western side of the property. They also noticed that the areas around the dry-cleaning equipment were visibly contaminated with PCE-contaminated lint and a dark liquid residue. EPA subsequently learned that Majestic employees regularly vacuumed PCE-contaminated lint and disposed of it in a dumpster behind the building. In the Fall of 2001, the Department conducted an investigation which showed that the groundwater underlying the site was contaminated with PCE and its breakdown products. A Phase II investigation was conducted in June 2009. Soil samples were collected and the results showed exceedances above unrestricted soil cleanup objectives (SCOs) for volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs). Further, on October 12, 2007, the New York City Department of Environmental Protection ("DEP") issued an Order directing, among other things, the then property owner (1151 Loring Avenue LLC) to immediately remediate the release or substantial

threat of release of “corrosive, toxic, flammable and reactive chemicals.” To Requestor’s knowledge, this issue was remediated to the DEP’s satisfaction.

All information obtained in this section was obtained from the Department’s Site Remediation Database and the RI/FS.

Site Geology and Hydrogeology

According to the Department’s Site Remediation Database and the RI/FS, much of the surface soil at the site consists of urban fill composed of mixed sand with varying amounts of gravel, brick, and concrete debris. The urban fill (i.e., debris, brick, etc.) at the site extends down to approximately 8 feet below ground surface (bgs); the fill is underlain by organic rich clay and sand. The depth to groundwater has been observed to be approximately 10 feet bgs. The groundwater flow direction in the vicinity of the site is to the southwest.

All information obtained in this section was obtained from the Department’s Site Remediation Database and the RI/FS.

Environmental Assessment

Based upon investigations conducted to date, the primary contaminants of concern for the site include tetrachloroethene (PCE), Benzo(a)anthracene, Benzo(a)pyrene, Benzo(k)fluoranthene and Chrysene, trichloroethene (TCE), cis-1,2- dichloroethene, vinyl chloride, benzene, isopropylbenzene, Indeno(1,2,3-cd)pyrene and Naphthalene.

Soil

The following contaminants were found at concentrations greater than corresponding residential site clean-up objectives:

- (i) PCE from on the eastern side of the property at 8,100 micrograms per kilogram (ug/kg) (SB-4) and 6,800 ug/kg (SB-6) at depths between ten (10) and twelve (12) feet. The residential clean-up objective is 5,500 ug/kg.
- (ii) Benzo(k)fluoranthene at the north-western portion of the property at 1,200 ug/kg (SB-8) at depths between ten (10) and eleven (11) feet. The residential clean-up objective is 1,000 ug/kg.
- (iii) Chrysene at the north-western portion of the property at 3,100 ug/kg (SB-8) at depths between ten (10) and eleven (11) feet. The residential clean-up objective is 1,000 ug/kg.

The following contaminants were found at concentrations greater than corresponding restricted residential site clean-up objectives:

- (i) Benzo(a)anthracene at the north-western portion of the property at 3,100 ug/kg (SB-8) at depths between ten (10) and eleven (11) feet. The restricted-residential clean-up objective is 1,000 ug/kg
- (ii) Benzo(k)fluoranthene at the north-western portion of the property at 3,100 ug/kg (SB-8) at depths between ten (10) and eleven (11) feet. The restricted-residential clean-up objective is 1,000 ug/kg.
- (iii) Indeno(1,2,3-cd)pyrene at the north-western portion of the property at 1,300 ug/kg (SB-8) at depths between ten (10) and eleven (11) feet. The restricted-residential clean-up objective is 500 ug/kg.

The following contaminants were found at concentrations greater than corresponding commercial soil clean-up objectives:

- (i) Benzo(a)pyrene at the north-western portion of the property at 2,600 ug/kg (SB-8) at depths between ten (10) and eleven (11) feet. The commercial clean-up objective is 1,000 ug/kg.

Groundwater

The following contaminants exceed applicable standards:

- (i) cis 1,2-Dichloroethene at 15, 16, 20, 65 ug/L at the south-eastern part of the property (SB-3; PZ 1), 11, 12, 24, 75, 110, 410 and 370 ug/L at the south-western part of the property (SB-5, 7; PZ 9, 15), 5.8, 5,700 and 240 ug/L at the north-eastern part of the property (SB-2; PZ 10), 8.5 and 73 at the center of the property (SB-4), 16 and 47 ug/L at the southern border of the property (SB-6), 5.3, 8.1, and 9 ug/L at the western portion of the property (SB 8, SB 9). The samples for exceedances were taken at depths of nine (9) to fifty (50) feet. The applicable standard is 5 ug/L.;
- (ii) Isopropylbenzene at 5.4, 6.6, 18 and 130 ug/L at the north-eastern part of the property (SB 2; PZ 10), 130 ug/L at the south-eastern part of the property (SB 3), 31 ug/L at the center of the property (SB 4), 96 ug/L at the southern border of the property (SB 6). The samples for exceedances were taken at depths of nine (9) to twenty-five (25) feet. The applicable standard is 5 ug/L.
- (iii) PCE at 26 ug/L at the south-eastern part of the property (PZ 1), 33, 69, 98, 160, 670 and 1300 ug/L at the south-western part of the property (SB 5, 7; PZ 9, 15), 36 ug/L at the center of the property (SB 4), 7.7 ug/L at the

southern part of the property (SB 6), 11, 25 and 32 ug/L at the western portion of the property (SB 8, 9). The samples for exceedances were taken at depths of nine (9) to fifty (50) feet. The applicable standard is 5 ug/L.

- (iv) trans-1,2-Dichloroethene at 7.7 ug/L at the south-western part of the property (PZ 9), 7.6 and 91 ug/L at the north-eastern part of the property (SB 2; PZ 10). The samples for exceedances were taken at depths of nine (9) to twenty-five (25) feet. The applicable standard is 5 ug/L.
- (v) TCE at 22 ug/L at the south-eastern part of the property (PZ 1), 6.2, 28, 49, 65 and 72 ug/L at the south-western part of the property (SB 5, 7; PZ 9), 39 ug/L at the center of the property (SB 4), and 6.4 ug/L at the western part of the property (SB 9). The samples for exceedances were taken at depths of nine (9) to twenty-five (25) feet. The applicable standard is 5 ug/L.
- (vi) Vinyl Chloride at 5.8, 7.2 ug/L at the south-eastern part of the property (SB3; PZ 1), 76 and 80 ug/L at the south-western part of the property (PZ 9), 150 and 2,500 ug/L the north-eastern part of the property (SB 2; PZ 10), 3.1 ug/L at the center of the property (SB 4), 8.4 and 30 ug/L at the center of the property (SB 6), and 2.1 ug/L at the western part of the property (SB 8). The samples for exceedances were taken at depths of nine (9) to fifty (50) feet. The applicable standard is 2 ug/L.
- (vii) Benzene at 13 ug/L at the north-eastern part of the property (SB 2) and 4.1 ug/L at the center of the property (SB 4). The samples for exceedances were taken at depths of thirteen (13) feet. The applicable standard is 1 ug/L.
- (viii) Napthalene at 19 ug/L at the north-eastern part of the property (SB 2). This exceedance was measured at a depth of thirteen (13) feet. The applicable standard is 10 ug/L.

The horizontal extent of VOC-impacted groundwater has generally been defined and is within the site area and immediately south between Euclid Avenue and Pine Street. Based on concentrations of PCE and daughter products, TCE and cis-1,2-dichloroethene, which are greater than corresponding Class GA Groundwater Standards.

Soil Vapor

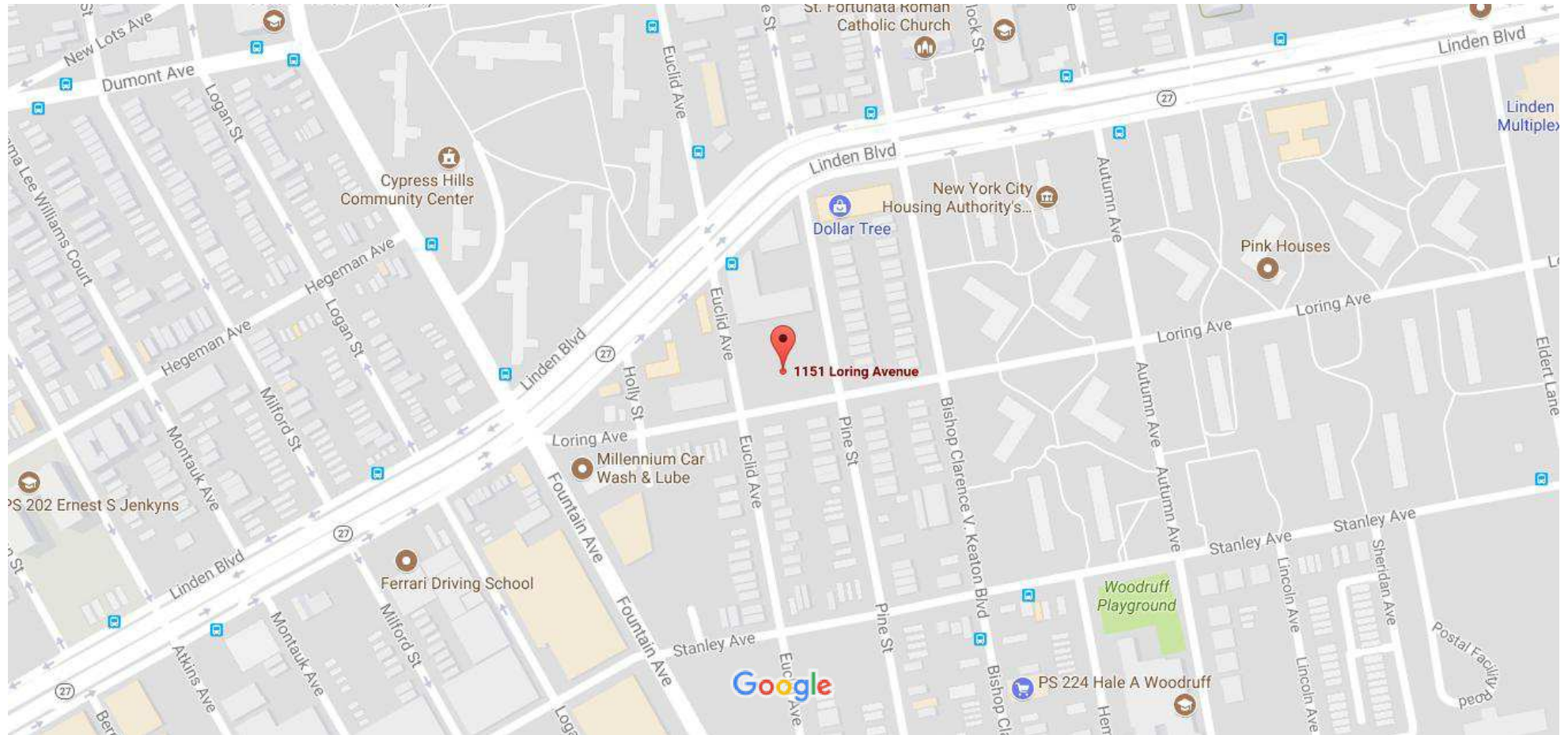
Chlorinated VOCs (CVOCs) are present at elevated concentrations in the samples from SV 1, SV-7, SV-8, SV-9, SV-10, and SV-11 on the western half of the site. While PCE was detected in samples from the off-site vapor points SV-2, SV-3, SV-4, and SV-5 around the perimeter of the site, these concentrations were three to four orders of magnitude less than that of the on-site samples.

All information obtained in this section was obtained from the Department's Site Remediation Database and the RI/FS.

Property
Location



Google Maps 1151 Loring Ave



Map data ©2017 Google United States 200 ft



**Brookdale Family Care Center,
Delicatessen, Pharmacy**

**Single and
Multi-Family
Residential**

Parking Lot

#1151

**Proposed development: open
parking lot for storage of
commercial construction
equipment (i.e., trucks, cranes, etc.).**

**Contractor's
Yard**

Laundryland

Euclid Avenue

Pine Street

Loring Avenue

**Single and
Multi-Family
Residential**

**Figure 2 - Subject Property Layout, Proposed Use
and Surrounding Property Usage**



323 Merrick Avenue - North Merrick, New York 11566
Tel: (516) 546-1100 Fax : (516) 213-8156



**- Approximate Location of
Property Line**

Source: Google Maps

**Site: 1151 Loring Avenue
Brooklyn, NY**

Date: September 20, 2017

Scale(ft): 0 50

1151 Loring - Digital Tax Map - New York City Dept. of Finance (10/26/2017)

— — Borough Boundary

C50 Condo Flag/Condo Number

— Tax Block Boundary

A50 Air Right Flag/Lot Number

50 Tax Block Number

S50 Subterranean Right Flag/Lot Number

1151 Loring Zoomed - Digital Tax Map - New York City Dept. of Finance (10/26/2017)

— — Borough Boundary


C50 Condo Flag/Condo Number


— Tax Block Boundary


A50 Air Right Flag/Lot Number


50 Tax Block Number


S50 Subterranean Right Flag/Lot Number


- 


Tax Lot Boundary
- 


REUC Flag
- 


Tax Lot Number
- 


Under Water Tax Lot Boundary
- 


Condo FKA Tax Lot Number
- 


Other Boundary
- 


Tax Lot Dimension
- 


Possession Hook
- 

Approximate Tax Lot Dimension
- 

Miscellaneous Text
- 

Condo Units Range Label
- 

Small Tax Lot Dimension
- 

Building Footprint
- 

Surface Water

Section VI, VIII(4)

<u>OWNERS</u>						
<u>Prior Owner Name</u>	<u>Dates of Ownership</u>	<u>Address</u>	<u>Tel.No.</u>	<u>Relationship to Requestor</u>	<u>Active or Dissolved</u>	<u>Financial Information in Requestor's Possession</u>
Loring Operating Co., Inc.	Date Unknown Through April 10,1970	1159 Loring Ave. Brooklyn, NY	Unknown	None	Unknown	No
Maj Realty Corp.	April 10,1970 to November 23, 1999	1259 39 th St. Brooklyn, NY and 740 Pine St. Brooklyn, NY	Unknown	None	Dissolved June 11, 2014	No
Jodave Realty Inc.	November 23, 1999 To June 25, 2007	1151 Loring Ave. Brooklyn, NY and 740 Pine Street Brooklyn, NY	Unknown	None	Active	No
1151 Loring Avenue LLC	June 25, 2007 to January 20, 2017	78-50 65 th St. Glendale, N.Y.	Unknown	None	Active	No.

<u>OWNERS</u>						
<u>Prior Owner Name</u>	<u>Dates of Ownership</u>	<u>Address</u>	<u>Tel.No.</u>	<u>Relationship to Requestor</u>	<u>Active or Dissolved</u>	<u>Financial Information in Requestor's Possession</u>
EJM Consulting LLC	January 20, 2017 to Present	4513 Avenue D, Brooklyn, N.Y.	(646) 705-1914	Roxroy Marcus, the 100% owner of Requestor, is the 100% owner of this entity.	Active	Current owner.

<u>PRIOR OPERATORS</u>						
<u>Prior Owner Name</u>	<u>Dates of Ownership</u>	<u>Address</u>	<u>Tel.No.</u>	<u>Relationship to Requestor</u>	<u>Active or Dissolved</u>	<u>Financial Information in Requestor's Possession</u>
Majestic Garment Cleaners	1926 to 2007	1151 Loring Avenue Brooklyn, NY	Unknown	None	Dissolved May 9, 2006	No

Section VII. Requestor Eligibility Information

Appropriate Care Volunteer Memorandum

This memorandum sets forth the site history and appropriate care exercised by EJM Consulting LLC and M & A Holdings 1 LLC (“M&A”) with respect to the property located at 740 Pine Street a/k/a 1151 Loring Avenue Brooklyn, New York (the “Site”). Under the Brownfield Cleanup Program, a “volunteer” is “. . . a person whose liability arises solely as a result of such person’s ownership or operation of or involvement with the site subsequent to the disposal or discharge of contaminants, provided however, such person exercises appropriate care with respect to contamination found at the facility by taking reasonable steps to: (i) stop any continuing release; (ii) prevent any threatened future release; and (iii) prevent or limit human, environmental, or natural resource exposure to any previously released contamination.” The information contained herein establishes M&A as a “volunteer” under the Brownfield Cleanup Program.

DISCUSSION

I. M&A will acquire the site subsequent to the disposal or discharge of contaminants

In March of 2014, the New York State Department of Environmental Conservation (the “Department”), issued the Record of Decision (the “ROD”) requiring remedial action identified as Air Sparge/Soil Vapor Extraction with Limited Soil Excavation (the “Selected Remedial Alternative”). In May of 2014, the Department, through its retained consultant, Arcadis Malcolm Pirnie (“AMP”) performed a Remedial Investigation and Feasibility Study (“RI/FS”). The RI/FS revealed that an industrial dry cleaner named Majestic Garment Cleaners operated at the site from 1926 through 2004. In 2007, all buildings on the Site were demolished. The Site has been vacant since 2007. Upon information and belief, there have been no operations at the Site since 2004. The RI/FS revealed current contamination in the subsurface described fully in the enclosed Brownfield Cleanup Program Application.

On January 20, 2017, EJM Consulting LLC (“EJM”), acquired fee title to the Site by acquiring title via a referee’s deed from foreclosure. Neither EJM nor M&A¹ have a relationship with any prior owner or operator of the Site other than 1151 Loring Ave I.B.M. LLC, which owned the Site for less than one (1) day and was created by EJM solely to serve as an intermediary between the foreclosure referee and EJM to facilitate transfer of title. Further, from the date EJM acquired title to the Site there has been no operations at the premises. The last known operation at the Site was the above-mentioned drycleaner that ceased operating in 2004. These facts demonstrate that EJM’s and M&A’s ownership and involvement with the Site

¹ EJM and M&A are both 100% owned by Roxroy Marcus. M&A will have access to the premises prior to and upon entry into the Brownfield Cleanup Program at all times.

occurred subsequent to the disposal or discharge of contaminants. Therefore, any disposal or discharge occurred several years before EJM and M&A acquired title to the site.

II. M&A exercised “appropriate care” with respect to the contamination

The investigation at the Site entailed the collection of soil, groundwater, soil-gas and indoor air samples. The investigation results provided with this application revealed on-site sub-surface contamination typically associated with drycleaner operations. Since acquiring the Site, EJM and M&A have complied with all DEC requests and has sought entry into the Brownfield Cleanup Program. M&A is willing to enter the program to facilitate the on-site clean-up of the sub-surface contamination. In fact, M&A, at this time, would prefer to implement Alternative 3 set forth in the ROD which requires Soil Excavation with In-Situ Enhanced Bioremediation, which, according to the ROD, is a more expensive alternative than the Selected Remedial Measure. M&A reserves the right to conduct new sampling to confirm the nature and extent of on-site sub-surface contamination and, if such sampling reveals a substantial change in circumstances, request to implement a different remedial alternative and/or request a reduction of time to complete the selected remedial alternative. M&A also reserves its rights to implement Alternative 5 (the remedy selected in the Record of Decision) or such other alternative approved by the Department.

Based on the foregoing information, M&A has adequately demonstrated fulfillment of the “appropriate care” standard by making a proper initial inquiry, corresponding with the DEC and seeking entry into the Brownfield Cleanup Program. Since there are no operations at the Site, remedial activity is not necessary to prevent or limit human, environmental, or natural resource exposure. Nevertheless, M&A would like to move ahead with the necessary remedial activity.

CONCLUSION

This memorandum, along with all of the investigative reports attached to the Brownfield Cleanup Program Application establish that M&A acquired the Site long after the contamination was caused. Furthermore, M&A has worked closely with the Department since it has been interested in the Site. M&A should be considered a “volunteer” arising from its purchase of the Site.

AGREEMENT

On this 12th ^{December} day of ~~November~~, 2017 M & A Holdings I LLC ("Future Owner") and EJM Consulting LLC ("Current Owner", together with Future Owner, the "Parties") hereby enter into this Agreement.

WHEREAS, on January 20, 2017, Current Owner acquired fee simple title of the real property located at 1151 Loring Avenue (a/k/a 740 Pine Street) Brooklyn, New York 11208 (the "Site"). Current Owner is the current fee simple owner of the Site;

WHEREAS, the Site is subject to the Record of Decision issued by the New York State Department of Environmental Conservation (the "Department") dated March 2014 (the "ROD") whereby remedial alternatives are discussed and selected;

WHEREAS, on or about October 19, 2017, a Change of Use form was submitted to the Department, which notified the Department of the future change in ownership from Current Owner to Future Owner. It is contemplated by the Parties that Future Owner will acquire fee simple title of the Site from Current Owner in late December 2017 or early 2018;

WHEREAS, on October 30, 2017, Future Owner submitted a Brownfield Cleanup Application for the Site (the "Application") to the Department;

WHEREAS, on November 21, 2017, the Department requested amendments to the Application, which include the submission of "proof of [Future Owner's] site access sufficient to complete the remediation of the proposed site";

WHEREAS, Future Owner has always had access to the Site to complete the remediation. By this Agreement, the Parties wish to memorialize Future Owner's access rights in writing to comply with the Department's request.

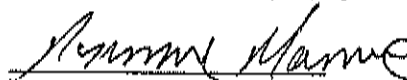
NOW, THEREFORE, the Parties agree as follows:

1. Before and after fee simple title is conveyed by Current Owner to Future Owner, Future Owner has had (since January 20, 2017, the date that Current Owner acquired title), and shall have complete access to the Site to commence and complete the remediation of the Site.

M & A HOLDINGS I LLC


Roxroy Marcus
Managing Member

EJM CONSULTING LLC


Roxroy Marcus
Managing Member

Section IX. Contact List Information

1. The Subject Property is located in New York City within the New York City Planning Commission jurisdiction. The chairperson Marisa Lago. The current Brooklyn Borough President is Eric L. Adams. The Mayor of New York City is Bill de Blasio. Mailing addresses:

Marisa Lago	Mayor Bill de Blasio	Eric L. Adams
Central Office	City Hall	Borough Hall 209 Joralemon St.
120 Broadway, 31 st Fl.	New York, NY 10007	Brooklyn, NY 11201
New York, NY 10271		

2. See attached list of adjacent residential property owners. The contact information for the current owner of the subject property (Block 4484, Lot 32) is:

EJM Consulting LLC
4513 Avenue D,
Brooklyn, N.Y. 11203
Attn: Roxroy Marcus

The property is currently a vacant lot with no structures on it.

3. Local news sources:

CBS local or Brooklyn Daily Eagle Newspaper for Legal: Advertising: LLCs and Legal Notices Contact:

CBS Local Media
1271 Avenue of Americas, 44th Fl.
New York, NY 10020
cbslocaldigitalsales@cbs.com

Brooklyn Daily Eagle
16 Court Street, Suite 1208
Brooklyn, NY 11241
Gina Ong -LLCs and Legal
Notices
Legals@brooklyneagle.com-
718-643-9099, Ext 105

4. The New York State Department of Environmental Protection provides water for New York City. The local public water supplier which services the area is the New York City System.
Mailing address:

Mr. Vincent Sapienza
Acting Commissioner
59-17 Junction Blvd.
Flushing, NY 11373

5. Not applicable.

6. List of nearby schools/day cares:

<u>P.S. 224 Hale A. Woodruff</u>	<u>Marie Durdin Child Care</u>	<u>Lunnon Play School</u>	<u>JHS 218 James P. Sinnott</u>
755 Wortman Avenue Brooklyn, NY 11208 Principal – Rochelle Hinds Phone – 718-235-3600	2700 Linden Blvd. Brooklyn, NY 11208 Phone - 718-647-4730	446 Fountain Avenue Brooklyn, NY 11208 Phone 718-649-0823	370 Fountain Ave Brooklyn, NY 11208 Principal – Lisa Ann Haynes Phone – 718-647-9050
<u>Brooklyn Charter School/ St. Fortunata School</u>	<u>School for Classic an Academy</u>	<u>Invicuis Preparatory Charter School</u>	
2635 Linden Blvd Brooklyn, NY 11208 Principal – Desiree Kirton Phone – 718-348-9360	370 Fountain Avenue Brooklyn, NY 11208 Principal – Deborah Afanador Soukar Phone – 718-277-1069	370 Fountain Avenue, 3 rd FL Brooklyn, NY 11208 Executive Director – Dr. Camille S. Bell Phone – 718-235-1682	

7. We have sent a letter to the Cypress Hills Branch Library located at 1197 Sutter Avenue, Brooklyn NY and the Brooklyn Community Board requesting if they would agree to act as the site document repositories for the property. Copies of the request letters are attached. They have responded to Requestor's Consultant orally that they will serve as the repository for this project. They have advised that they will not be sending a writing confirming their agreement.

8. The property is located within Brooklyn Community Board District No. 5 where Nathan Bradley sits as the Chairperson. His contact information is:

Mr. Nathan Bradley, Chairperson
Brooklyn Community Board 5

404 Pine Street, 3rd Fl.

Brooklyn NY, 11207

Phone- 929-221-8261 Email: BKCB5CC@gmail.com

Adjacent Residential Properties Listed:

Residential

Block 4485

- 1 - Lot 38 - Tulsidai Ramkissoo – 723 Pine Street, Brooklyn NY 11208
- 2 - Lot 37 - Winston A. Lake & Camille V. Lake – 729 Pine Street, Brooklyn NY 11208
- 3 - Lot 36 – Colin Whall – 733 Pine Street, Brooklyn NY 11208
- 4- Lot 35 – Wint Joseph – 737 Pine Street, Brooklyn NY 11208
- 5- Lot 34 – Hakim Carol – 741 Pine Street, Brooklyn NY 11208
- 6- Lot 33 – Living trust of Martin L. Simon & Crystal Simon – 745 Pine Street, Brooklyn NY 11208
- 7- Lot 32 – Theophilus M. Harris / Paul Simpson, Jr. – 747 Pine Street, Brooklyn NY 11208

Block 4507

- 1 – Lot 1 – Mona Alexander – 749 Pine street, Brooklyn NY 11208
- 2 – Lot 56 – Joseph and Stella Frederick – 753 Pine Street, Brooklyn NY 11208
- 3 - Lot 55 – Francis Knox – 757 Pine Street, Brooklyn NY 11208

Block 4506

- 1 – Lot 1- Anabeiba Tejada – 819 Euclid Avenue, Brooklyn, New York 11208
- 2 - Lot 6 – Brian Christopher Hodge – 752 Pine Street, Brooklyn NY 11208
- 3 – Lot 109 – Nafessa Spence- 756 Pine Street, Brooklyn NY 11208
- 4 – Lot 10 – Ina Flanders/ Joyce Thompson/ Angela Flanders – 760 Pine Street, Brooklyn NY 11208
- 5 – Lot 47 – Jeanette Gordon – 827 Euclid Avenue Brooklyn NY 11208

Block 4505

- 1 -Lot 1 – Luisa Sanfelix – 1136 Loring Avenue, Brooklyn NY 11208
- 2 -Lot 53 – Larry Decarmine/ Marcelia Decarmine – 1123 Loring Avenue, Brooklyn NY 11208
- 3 – Lot 52 – Samuel Millington – 1130 Loring Avenue, Brooklyn NY 11208
- 4 – Lot 51 – Carolyn Cain – 1128 Loring Avenue, Brooklyn NY 11208

Adjacent Commercial properties

COMMERCIAL / OFFICE

Block 4483

1 – Lot 15 – MD Linden Realty Corporation – 2550 Linden Blvd, Brooklyn NY 11208

Block 4484

1 – Lot 13 – JM Corporation – 2554 Linden Blvd, Brooklyn NY 11208



PREFERRED ENVIRONMENTAL SERVICES

323 Merrick Avenue - North Merrick, New York 11566

Tel: (516) 546-1100

Fax : (516) 213-8156

July 20, 2017

Brooklyn Community Board 5
Mr. Nathan Bradley
Chairperson
404 Pine Street, 3rd Floor
Brooklyn, NY 11208

Re: **Permission to Continue to Utilize
Brooklyn Community Board District No. 5 as a repository**

Dear Mr. Bradley,

On behalf of M&A Holdings 1, LLC., Preferred Environmental Services and Rigano LLC. are currently in the process of preparing and submitting a New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program application for the property located at 1151 Loring Avenue, Brooklyn, NY 11208. Please accept this letter as a formal request to continue to utilize the Brooklyn Community Board 5 (located at 404 Pine Street, Brooklyn NY 11208), as a site repository for 1151 Loring Avenue, Brooklyn, NY 11208.

We will be forwarding the Brownfield Cleanup Program Application and associated documents for review by the interested public.

We respectfully request that you reply to this inquiry in a timely manner. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

PREFERRED ENVIRONMENTAL SERVICES

William J. Schlageter

William J. Schlageter, NYS PG
Vice President/Senior Hydrogeologist

Section X. Land Use Factors

2. In May of 2014, the New York State Department of Environmental Conservation (the “Department”), through its retained consultant, Arcadis Malcolm Pirnie (“AMP”) performed a Remedial Investigation and Feasibility Study (“RI/FS”). According to the RI/FS, no operations have been conducted on the premises since 2004, all buildings on the site were demolished in 2007 and the site has been vacant since. Neither EJM nor M&A have conducted any operations at the premises since acquiring the property.
3. The reasonably anticipated post-remediation use is residential/restricted residential and/or commercial in accordance with current applicable zoning.