



## BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

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

☐

Yes

☒

No

If yes, provide existing site number: \_\_\_\_\_

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

#### Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY  
BCP SITE #:

NAME Reina Diaz & Belio Urena

ADDRESS 37-49 95th Street

CITY/TOWN Jackson Heights, New York

ZIP CODE 11372

PHONE 718-388-2611

FAX

E-MAIL aubree0114@gmail.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. **Please note:** If the requestor is an LLC, the members/owners names need to be provided on a separate attachment.

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

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

#### Section II. Project Description

1. What stage is the project starting at?

☒

Investigation

☐

Remediation

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

2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law

(ECL) Article 27-1415(2):

☒

Yes

☐

No

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

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

### Section III. Property's Environmental History

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

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

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

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

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

\*Please describe: \_\_\_\_\_

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

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

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?\*

(\*answering No will result in an incomplete application)

☒ Yes ☐ No

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

- |   |  |   |   |
|---|--|---|---|
| <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: Mixed-use residential with commercial dry cleaner operating on ground floor



Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME Top Hat Cleaners				
ADDRESS/LOCATION 152 Graham Avenue				
CITY/TOWN Brooklyn, New York		ZIP CODE 11206		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Borough of Brooklyn				
COUNTY Kings		SITE SIZE (ACRES) 0.057		
LATITUDE (degrees/minutes/seconds)		LONGITUDE (degrees/minutes/seconds)		
40 ° 42 ' 24.61 "		73 ° 56 ' 34.10 "		
Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed, please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
152 Graham Avenue, Brooklyn NY 11206		3062	2	0.057
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 an accurate map of the proposed site.				
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 <a href="#">DEC's website</a> for more information) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, identify census tract : _____ Percentage of property in En-zone (check one): <input checked="" type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input 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 type="checkbox"/> Yes <input checked="" 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

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

Type

Issuing Agency

Description

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

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

☒ Yes ☐ No

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

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

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

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

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

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

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

Initials of each Requestor: \_\_\_\_\_



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

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Elvis Cadiz			
ADDRESS 86-52 Woodhaven Boulevard			
CITY/TOWN Woodhaven, New York		ZIP CODE 11421	
PHONE (718)737-3151	FAX	E-MAIL aubree0114@gmail.com	
NAME OF REQUESTOR'S CONSULTANT Tarek Khouri / HydroTech Environmental Engineering and Geology, DPC			
ADDRESS 15 Ocean Avenue, Suite 2B			
CITY/TOWN Brooklyn, New York		ZIP CODE 11225	
PHONE 718-636-0800	FAX	E-MAIL tkhouri@hydrotechenvironmental.com	
NAME OF REQUESTOR'S ATTORNEY George Duke / Brown, Duke & Fogel, Esq., P.G.			
ADDRESS 350 Fifth Avenue, Suite 4640			
CITY/TOWN New York, New York		ZIP CODE 10118	
PHONE 646-915-0236	FAX	E-MAIL gduke@bdflegal.com	
<b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b>			
CURRENT OWNER'S NAME Reina Diaz & Belio Urena		OWNERSHIP START DATE: 11/7/1997	
ADDRESS 37-49 95th Street			
CITY/TOWN Jackson Heights, New York		ZIP CODE 11372	
PHONE 718-388-2611	FAX	E-MAIL aubree0114@gmail.com	
CURRENT OPERATOR'S NAME Top Hat Cleaners			
ADDRESS 37-49 95th Street			
CITY/TOWN Jackson Heights, New York		ZIP CODE 11372	
PHONE 718-388-2611	FAX	E-MAIL aubree0114@gmail.com	
PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".			
IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.			
<b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b>			
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 checked="" type="checkbox"/> Yes <input 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?  
If yes, please provide: Site # \_\_\_\_\_ Class # \_\_\_\_\_ ☐ Yes ☒ No
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?  
If yes, please provide: Permit type: \_\_\_\_\_ EPA ID Number: \_\_\_\_\_  
Date permit issued: \_\_\_\_\_ Permit expiration date: \_\_\_\_\_ ☐ Yes ☒ No
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. ☐ Yes ☐ No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?  
If yes, please provide: Order # \_\_\_\_\_ ☐ Yes ☒ No
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?  
If yes, please provide explanation as an attachment. \* See attached supplement Yes ☐ No ☒

### Section IX. Contact List Information

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

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

## Section X. Land Use Factors

<p>1. What is the current municipal zoning designation for the site? <u>R6</u></p> <p>What uses are allowed by the current zoning? (Check boxes, below)</p> <p><input checked="" type="checkbox"/> Residential   <input checked="" type="checkbox"/> Commercial   <input type="checkbox"/> Industrial</p> <p>If zoning change is imminent, please provide documentation from the appropriate zoning authority.</p>	
<p>2. Current Use: <input checked="" type="checkbox"/> Residential   <input checked="" type="checkbox"/> Commercial   <input type="checkbox"/> Industrial   <input type="checkbox"/> Vacant   <input type="checkbox"/> Recreational (check all that apply)</p> <p><b>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.</b></p>	
<p>3. Reasonably anticipated use Post Remediation: <input checked="" type="checkbox"/> Residential   <input checked="" type="checkbox"/> Commercial   <input type="checkbox"/> Industrial (check all that apply) <b>Attach a statement detailing the specific proposed use.</b></p> <p>If residential, does it qualify as single family housing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>	
<p>4. Do current historical and/or recent development patterns support the proposed use?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>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.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>



## 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 *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: 10/10/19 Signature: Reina Diaz  
Print Name: REINA DIAZ

(By a requestor other than an individual)

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

Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_

### 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: \_\_\_\_\_

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Date: 10/10/19 Signature: Belio Urena  
Print Name: Belio Urena

(By a requestor other than an individual)

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

Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_

### 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
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  - 625 Broadway
  - Albany, NY 12233-7020

FOR DEC USE ONLY

BCP SITE T&A CODE: \_\_\_\_\_ LEAD OFFICE: \_\_\_\_\_



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

**BCP App Rev 10**

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Please answer questions below and provide documentation necessary to support answers.</b>	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see <a href="#">DEC's website</a> for more information.	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Underutilized? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>From ECL 27-1405(31):</b>	
"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.	
<b>From 6 NYCRR 375-3.2(l) as of August 12, 2016:</b> (Please note: Eligibility determination for the underutilized category can only be made at the time of application)	
375-3.2:	
(l) "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:** Top Hat Cleaners  
**City:** Brooklyn, New York

**Site Address:** 152 Graham Avenue  
**County:** Kings **Zip:** 11206

**Tax Block & Lot**  
**Section (if applicable):**

**Block:** 3062

**Lot:** 2

**Requestor Name:** Reina Diaz & Belio Urena  
**City:** Jackson Heights, New York

**Requestor Address:** 37-49 95th Street  
**Zip:** 11372 **Email:** aubree0114@gi

**Requestor's Representative (for billing purposes)**

**Name:** Elvis Cadiz  
**City:** Woodhaven, New York

**Address:** 86-52 Woodhaven Boulevard  
**Zip:** 11421

**Email:** aubree0114@

**Requestor's Attorney**

**Name:** George Duke / Brown, Duke  
**City:** New York, New York

**Address:** 350 Fifth Avenue, Suite 4640  
**Zip:** 10118

**Email:** gduke@bdflegal.

**Requestor's Consultant**

**Name:**  
**City:** Brooklyn, New York

**Address:** 15 Ocean Avenue, Suite 2B  
**Zip:** 11225

**Email:**

**Percentage claimed within an En-Zone:** ☒ 0% ☒ <50% ☐ 50-99% ☐ 100%

**DER Determination:** ☐ Agree ☐ Disagree

**Requestor's Requested Status:** ☐ Volunteer ☒ Participant

**DER/OGC Determination:** ☐ Agree ☐ Disagree  
**Notes:**

**For NYC Sites, is the Requestor Seeking Tangible Property Credits:** ☐ 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(a) 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 (SCGs) 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) TSD 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. 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 entity's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database.

**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.

## **Supplement to Section I – Requestor Information**

The current owners of the Site are Belio Urena and Reina Diaz. Belio Urena and Reina Diaz have been the owners of the property since November 7, 1997 and are the Requestors seeking participation in the New York State Brownfield Program ("BCP") as a Participant. The requestors are applying to the program as two individuals.



## Supplement to Section II – Project Description

### **Project Description:**

Purpose and Scope – The purpose of the project is to address known contamination at the Site in anticipation of redevelopment to include the addition of up to two additional floors and the renovation of the existing apartments and commercial space to continue use as a mixed-use development consistent with existing zoning. The project includes the investigation and remediation of contamination identified on the Site under the New York State Brownfields Program. The requestor plans on conducting a remedial investigation consistent with an approved Remedial Investigation Work Plan in accordance with ECL Article 27, Title 14, 6 NYCRR 375-1.6(a), 375-3.6, and 375-6, and all applicable laws, rules, regulations, and guidance documents. After the Remedial Investigation Work Plan has been implemented, the Requestor plans on submitting a summary report and work plan proposing either remedial action or further investigation.

### Estimated Project Schedule –

The Requestor anticipates continuing with the Site investigation and remediation activities, as needed, immediately upon entry into the Brownfield Cleanup Program (BCP). The Certificate of Completion (COC) is anticipated by December of 2021.

## Supplement to Section III - Property's Environmental History

A Phase I ESA report identified as Recognized Environmental Conditions (RECs) at the Site, the historic and current use of the Site as a dry-cleaning facility, identified as Top Hat Cleaners at 152 Graham Avenue, since circa 1960, and the presence of above-ground storage tanks (ASTs) in the basement with known visible leaks and soil contamination. Additionally, the Phase I identified as an off-site REC the vapor intrusion investigation performed at the adjacent property (154 Graham Avenue) which identified elevated concentrations of PCE, TCE, and cis-1,2-dichloroethylene in sub-slab vapor and indicated the possible source of the contamination was the dry cleaner located at 152 Graham Avenue; and the open NYSDEC spill (Spill No. 1505573) located 0.0852 miles north of the Site at 182 Montrose Avenue.

Site characterization was performed in accordance with an NYSDEC approved work plan dated October 2018 in order to define the nature and extent of contamination in all media, generate sufficient data to evaluate remedial alternatives, and generate sufficient data to evaluate actual and potential threats to human health and the environment.

### Soil:

Figure 1 provides the analytical results for the soil samples at concentrations exceeding their respective method detection limits (MDLs). Figure 1 also provides a comparison of the analytical results to the UUSCOs, RRSCOs, and PGWSCOs.

As Figure 1 indicates, chlorinated VOCs, including PCE (max. 440 mg/kg at SB-2(0-2)) and TCE (0.520 mg/kg at SB-1(6-8)) were detected in samples collected from the two sub-slab soil borings. PCE was detected in the SB-1 sample collected from 6 to 8 feet below the basement slab and in both SB-2 samples collected from 0 to 2 feet and from 10 to 12 feet below the basement slab at concentrations exceeding its RRSCO and PGWSCO. TCE was detected in the SB-1 sample collected from 6 to 8 feet at a concentration exceeding its UUSCO and its PGWSCO. Additionally, 1,2,4-Trimethylbenzene (5.9 mg/kg) was also detected at a concentration exceeding its respective UUSCO and PGWSCO in the SB-1 sample collected from 6 to 8-feet. One pesticide, 4,4'-DDT (max. 0.202 mg/kg at SB-2(0-2)) was detected in both SB-2 samples at concentrations exceeding its UUSCO but below its RRSCO and PGWSCO. Several metals, including copper (max. 175 mg/kg at SB-2(0-2)), zinc (657 mg/kg), and mercury (1.420 mg/kg) were detected in the SB-2 sample collected from 0 to



2 feet below the basement slab at concentrations exceeding their respective UUSCOs but not exceeding their RRSCOs. The concentration of mercury also exceeded the PGWSCo for this compound. Copper was also detected in the SB-2 sample collected from 10 to 12 feet below the basement slab at a concentration exceeding its UUSCO but not exceeding its RRSCO. No SVOCs, PCBs or Herbicides were detected in any soil samples.

#### **Groundwater:**

**Figure 2** and **Figure 3** provide the analytical results for groundwater sampled from monitoring well MW-1, and GW-1 and GW-2. **Figure 2** also provides a comparison of the results to applicable 6NYCRR Part 703.5 Class GA Groundwater Quality Standards (GQS). **Figure 3** reports the analytical results for PFAS (perfluoroalkyl substances) and 1,4-dioxane, which do not have any standards.

As **Figure 2** indicates, several chlorinated VOCs were detected in the groundwater samples including tetrachloroethylene (PCE), trichloroethylene (TCE), cis-1,2-dichloroethylene, and vinyl chloride. PCE was detected in all three wells installed at the property. PCE exceeded its GQS in both on-site temporary wells and was detected at a maximum concentration of 29,000 µg/L in GW-1. TCE in exceedance of its GQS in all of the wells. TCE was detected at a maximum concentration of 200 µg/L in GW-1 and also in off-site downgradient monitoring well MW-3 at a concentration of 5.80 µg/L in. Cis-1,2-dichloroethylene was detected in exceedance of its GQS in all three wells and at a maximum concentration of 1,400 µg/L in GW-1. Vinyl chloride was detected in exceedance of its GQS, at a concentration of 25 µg/L, in GQ-1.

SVOCs, Total PCBs, Herbicides and Pesticides were not detected in any groundwater samples collected from GW-2 and MW-1. Several metals were detected in exceedance of their respective GQS in GW-2 and MW-1. Sodium (max. 66,500 µg/L) and manganese (396 µg/L) were detected in the unfiltered groundwater samples at concentrations exceeding their respective GQS. Sodium (max. 68,700 µg/L) and manganese (357 µg/L) were also detected in the filtered samples at concentration exceeding their respective GQS standards. Manganese was only detected in exceedance of GQS in samples collected from monitoring well GW-2.

## Soil Vapor and Air:

**Figure 4** provides the organic compounds detected in sub-slab vapor samples SV-1 and SV-2 and in soil vapor sample SV-3. **Table 7** in the Site Characterization Report—a supplement to section III of this BCP Application—also provides the organic compounds detected in indoor air samples IA-1 to IA-2 and the outdoor air sample OA-1.

As **Figure 4** indicates, several chlorinated hydrocarbons including PCE and TCE are present in sub-slab and soil vapors. PCE was the most abundant compound in soil vapors and was detected at concentrations of 277,000  $\mu\text{g}/\text{m}^3$  and 331  $\mu\text{g}/\text{m}^3$  in the sub-slab vapor samples collected beneath the western and eastern portions of the basement in SV-1 and SV-2. PCE was also detected in the soil vapor sample collected along Graham Avenue at a high concentration of 929,000  $\mu\text{g}/\text{m}^3$  in SV-3. Cis-1,2-dichloroethene ranked the second highest CVOC detected in sub-slab and soil vapors with a maximum concentration of 2,070  $\mu\text{g}/\text{m}^3$  detected in sub-slab vapor sample SV-1. TCE was also detected at high concentrations, with a maximum concentration of 1,240  $\mu\text{g}/\text{m}^3$  detected in sub-slab vapor sample SV-1. TCE was also present in the sub-slab vapor sample collected at SV-2 (3.58  $\mu\text{g}/\text{m}^3$ ) and in the soil vapor sample collected at SV-3 (1,230  $\mu\text{g}/\text{m}^3$ ). PCE and TCE were also detected in the two indoor air samples at maximum concentrations of 396  $\mu\text{g}/\text{m}^3$  and 6.87  $\mu\text{g}/\text{m}^3$ , respectively. TCE concentrations in indoor air samples exceeded its respective NYSDOH Guidance values of 2  $\mu\text{g}/\text{m}^3$ . PCE was also detected in the outdoor air sample OA-1 at a trace concentration of 10.5  $\mu\text{g}/\text{m}^3$ .





Additional chlorinated and petroleum compounds were also detected in the soil and sub-slab vapor samples including acetone (maximum 34.4  $\mu\text{g}/\text{m}^3$ ), benzene (maximum 96.4  $\mu\text{g}/\text{m}^3$ ), carbon tetrachloride (1.38  $\mu\text{g}/\text{m}^3$ ), chloroform (maximum 85.4  $\mu\text{g}/\text{m}^3$ ), chloromethane (maximum 39.2  $\mu\text{g}/\text{m}^3$ ), ethanol (max. 26.9  $\mu\text{g}/\text{m}^3$ ), ethylbenzene (max. 103  $\mu\text{g}/\text{m}^3$ ), and hexane (max. 191  $\mu\text{g}/\text{m}^3$ ). Except for ethylbenzene, the compounds acetone (maximum 17.8  $\mu\text{g}/\text{m}^3$ ), benzene (maximum 6.39  $\mu\text{g}/\text{m}^3$ ), carbon tetrachloride (maximum 0.7  $\mu\text{g}/\text{m}^3$ ), chloroform (maximum 6.39  $\mu\text{g}/\text{m}^3$ ), chloromethane (maximum 1.28  $\mu\text{g}/\text{m}^3$ ), ethanol (max. 48.6  $\mu\text{g}/\text{m}^3$ ), and hexane (max. 1.12  $\mu\text{g}/\text{m}^3$ ) were also detected in indoor air samples. Of these compounds, only acetone, benzene, carbon tetrachloride, chloromethane, ethanol, and hexane were detected in the outdoor air sample at concentrations ranging between 0.62  $\mu\text{g}/\text{m}^3$  to 26.9  $\mu\text{g}/\text{m}^3$ .

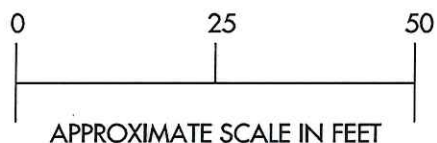


Exceedances for chlorinated VOCs in soil vapor and air were determined using the guidance values found in the NYSDOH 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York. These values and the corresponding recommended actions are found in Figure 4. The analytical results show that mitigation is required for both TCEs and PCEs.

A site characterization report dated March 27, 2019 from Hydro Tech Environmental is provided alongside this application in a separate file.

# LEGEND:

-  SOIL BORING LOCATION (SAMPLED 11/19/18)
- DEPTH FEET BELOW GRADE SURFACE
- mg/Kg MILLIGRAMS PER KILOGRAM
- UUSCO UNRESTRICTED USE SOIL CLEANUP OBJECTIVES
- RRSCO RESTRICTED RESIDENTIAL USE SOIL CLEANUP OBJECTIVES
- PGWSCO PROTECTION OF GROUNDWATER SOIL CLEANUP OBJECTIVES
-  CONCENTRATION EXCEEDS UUSCO
-  CONCENTRATION EXCEEDS UUSCO AND PGWSCO
-  CONCENTRATION EXCEEDS RRSCO AND PGWSCO
- NAS NOT ABOVE STANDARD
- ND NOT DETECTED
- × SOIL PROBE LOCATIONS (THPMW-01 SAMPLED ON 9/22/15, THPMW-02 ON 9/23-9/24/15, THPMW-03 ON 9/24-9/25/15, AND THPMW-04 ON 9/29/15) - NO VOCs DETECTED IN EXCEEDANCE OF NYSDEC UNRESTRICTED USE SCOs\*



GRAHAM AVENUE

× THPMW-01

158 GRAHAM AVENUE

156 GRAHAM AVENUE

154 GRAHAM AVENUE

150 GRAHAM AVENUE

JOHNSON AVENUE

× THPMW-02

THPMW-03 ×

SITE BOUNDARY  
BASEMENT OUTLINE

SUBJECT PROPERTY  
152 GRAHAM AVENUE  
BROOKLYN, NY 11206  
BLOCK 3062, LOT 2

TOP HAT  
CLEANERS

REAR YARD

× THPMW-04

SB-1					
DEPTH	6'-8'	8'-10'	UUSCO	RRSCO	PGWSCO
VOCs	mg/Kg	mg/Kg	mg/Kg	mg/Kg	mg/Kg
TETRACHLOROETHYLENE (PCE)	87	NAS	1.3	19	1.3
TRICHLOROETHYLENE (TCE)	0.52	NAS	0.47	21	0.47
1,2,4-TRIMETHYLBENZENE	5.9	NAS	3.6	52	3.6

SB-2					
DEPTH	0'-2'	10'-12'	UUSCO	RRSCO	PGWSCO
	mg/Kg	mg/Kg	mg/Kg	mg/Kg	mg/Kg
VOCs					
TETRACHLOROETHYLENE (PCE)	440	49	1.3	1.9	1.3
METALS					
COPPER	175	53.5	50	270	1720
MERCURY	1.42	ND	0.18	0.81	0.73
ZINC	457	NAS	109	10000	2480
PESTICIDES					
4,4'-DDT	0.202	0.14	0.0033	8.9	17

ADJACENT 4-STORY  
RESIDENTIAL BUILDING



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BASE DRAWING PREPARED BY

PROJECT NAME AND ADDRESS

152 GRAHAM AVENUE  
BROOKLYN, NY 11206

PROJECT FIGURE

FIGURE 1: MAP OF VOCs, METALS,  
AND PESTICIDES IN SOIL

PROJECT NO.  
190033

DRAWN BY  
G.T.

SCALE (11X17)  
AS NOTED

DATE  
08/02/19

REVIEWED BY  
D.A.

APPROVED BY  
T.K.






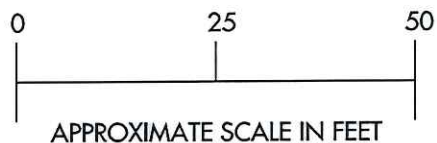
GW-2		
DATE	11/21/2018	NYSDEC GQS
CHLORINATED COMPOUND	ug/L	ug/L
CIS-1,2-DICHLOROETHYLENE	200	5
TETRACHLOROETHYLENE	11,000	5
TRICHLOROETHYLENE	110	5

GW-1		
DATE	11/21/2018	NYSDEC GQS
CHLORINATED COMPOUND	ug/L	ug/L
CIS-1,2-DICHLOROETHYLENE	1,400	5
TETRACHLOROETHYLENE	29,000	5
TRICHLOROETHYLENE	200	5
VINYL CHLORIDE	25	5

MW-1		
DATE	11/21/2018	NYSDEC GQS
CHLORINATED COMPOUND	ug/L	ug/L
CIS-1,2-DICHLOROETHYLENE	360	5
TETRACHLOROETHYLENE	15,000	5
TRICHLOROETHYLENE	120	5

#### LEGEND:

-  GROUNDWATER MONITORING WELL LOCATION (SAMPLED 11/21/2018)
-  PERMANENT MONITORING WELL LOCATION (SAMPLED 11/21/2018)
-  MONITORING WELLS INSTALLED BY PARSONS IN 2015 (THPMW-01 SAMPLED ON 10/12/2015, THPMW-02 AND THPMW-03 SAMPLED ON 10/13/2015)
- DEPTH FEET BELOW GRADE SURFACE
- ug/L MICROGRAMS PER LITER
- NYSDEC NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
- GQS GROUNDWATER QUALITY STANDARDS
-  CONCENTRATION EXCEEDS NYSDEC GQS
- NS NO STANDARD



GRAHAM AVENUE

THPMW-01

THPMW-01		
DATE	10/12/2015	NYSDEC GQS
COMPOUND	ug/L	ug/L
TETRACHLOROETHYLENE	56	5

158 GRAHAM AVENUE

156 GRAHAM AVENUE

154 GRAHAM AVENUE

150 GRAHAM AVENUE

ADJACENT 4-STORY  
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THPMW-02

THPMW-02		
DATE	10/13/2015	NYSDEC GQS
COMPOUND	ug/L	ug/L
CHLOROFORM	8.7	NS

JOHNSON AVENUE

THPMW-03

THPMW-03		
DATE	10/13/2015	NYSDEC GQS
COMPOUND	ug/L	ug/L
TETRACHLOROETHYLENE	10	5

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PROJECT NAME AND ADDRESS  
152 GRAHAM AVENUE  
BROOKLYN, NY 11206



PROJECT FIGURE  
FIGURE 2: MAP OF CHLORINATED  
VOCs IN GROUNDWATER

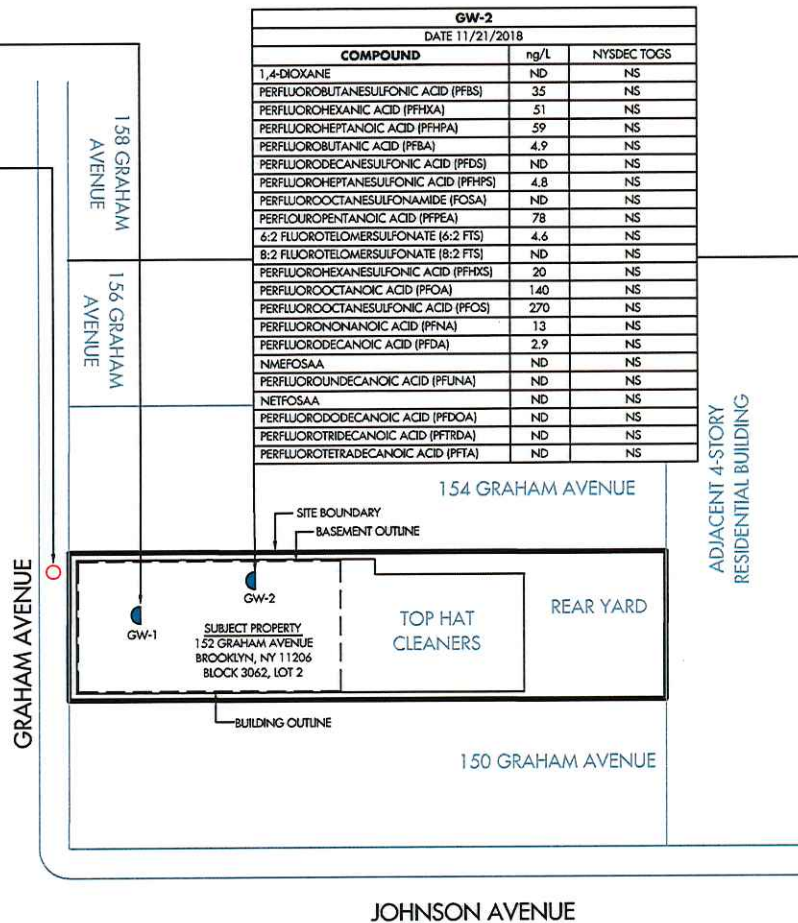
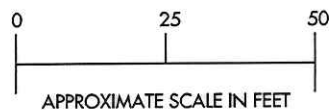
PROJECT NO.	DATE
190033	08/02/19
DRAWN BY	REVIEWED BY
G.T.	D.A.
SCALE (11x17)	APPROVED BY
AS NOTED	T.K.

GW-1	
DATE 11/21/2018	
PFOA, PFOS, 1,4-DIOXANE	NT

MW-1		
DATE 11/21/2018		
COMPOUND	ng/L	NYSDEC TOGS
1,4-DIOXANE	ND	NS
PERFLUOROBUTANESULFONIC ACID (PFBS)	35	NS
PERFLUOROHXANIC ACID (PFHXA)	51	NS
PERFLUOROHEPTANOIC ACID (PFHPA)	59	NS
PERFLUOROBUTANIC ACID (PFBA)	4.9	NS
PERFLUORODECANESULFONIC ACID (PFDS)	ND	NS
PERFLUOROHEPTANESULFONIC ACID (PFHPS)	4.8	NS
PERFLUOROOCTANESULFONAMIDE (FOSA)	ND	NS
PERFLUOROPENTANOIC ACID (PFPEA)	78	NS
6:2 FLUOROTELOMERSULFONATE (6:2 FTS)	4.6	NS
8:2 FLUOROTELOMERSULFONATE (8:2 FTS)	ND	NS
PERFLUOROHXANESULFONIC ACID (PFHXS)	20	NS
PERFLUOROOCTANOIC ACID (PFOA)	140	NS
PERFLUOROOCTANESULFONIC ACID (PFOS)	270	NS
PERFLUORONONANOIC ACID (PFNA)	13	NS
PERFLUORODECANOIC ACID (PFDA)	2.9	NS
NMEFOSAA	ND	NS
PERFLUOROUNDECANOIC ACID (PFUNA)	ND	NS
NETFOSAA	ND	NS
PERFLUORODODECANOIC ACID (PFDOA)	ND	NS
PERFLUOROTRIDECANOIC ACID (PFTRDA)	ND	NS
PERFLUOROTETRADECANOIC ACID (PFTA)	ND	NS

#### LEGEND:

-  GROUNDWATER MONITORING WELL LOCATION (SAMPLED 11/21/2018)
-  PERMANENT MONITORING WELL LOCATION (SAMPLED 11/21/2018)
- PFAS PERFLUOROALKYL SUBSTANCES
- ng/L NANOGRAMS PER LITER
- NYSDEC NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
- TOGS TECHNICAL AND OPERATIONAL GUIDANCE SERIES
- NS NO STANDARD
- NT NOT TESTED



GW-2		
DATE 11/21/2018		
COMPOUND	ng/L	NYSDEC TOGS
1,4-DIOXANE	ND	NS
PERFLUOROBUTANESULFONIC ACID (PFBS)	35	NS
PERFLUOROHXANIC ACID (PFHXA)	51	NS
PERFLUOROHEPTANOIC ACID (PFHPA)	59	NS
PERFLUOROBUTANIC ACID (PFBA)	4.9	NS
PERFLUORODECANESULFONIC ACID (PFDS)	ND	NS
PERFLUOROHEPTANESULFONIC ACID (PFHPS)	4.8	NS
PERFLUOROOCTANESULFONAMIDE (FOSA)	ND	NS
PERFLUOROPENTANOIC ACID (PFPEA)	78	NS
6:2 FLUOROTELOMERSULFONATE (6:2 FTS)	4.6	NS
8:2 FLUOROTELOMERSULFONATE (8:2 FTS)	ND	NS
PERFLUOROHXANESULFONIC ACID (PFHXS)	20	NS
PERFLUOROOCTANOIC ACID (PFOA)	140	NS
PERFLUOROOCTANESULFONIC ACID (PFOS)	270	NS
PERFLUORONONANOIC ACID (PFNA)	13	NS
PERFLUORODECANOIC ACID (PFDA)	2.9	NS
NMEFOSAA	ND	NS
PERFLUOROUNDECANOIC ACID (PFUNA)	ND	NS
NETFOSAA	ND	NS
PERFLUORODODECANOIC ACID (PFDOA)	ND	NS
PERFLUOROTRIDECANOIC ACID (PFTRDA)	ND	NS
PERFLUOROTETRADECANOIC ACID (PFTA)	ND	NS

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PROJECT NAME AND ADDRESS

152 GRAHAM AVENUE  
BROOKLYN, NY 11206

PROJECT FIGURE

FIGURE 3: MAP OF PFAS AND 1,4-DIOXANE IN GROUNDWATER

PROJECT NO. 190033	DATE 08/02/19
DRAWN BY G.T.	REVIEWED BY D.A.
SCALE (11X17) AS NOTED	APPROVED BY T.K.





## **Supplement to Section IV – Property Description**

### **Property Description:**

#### Location

The Site is identified as 152 Graham Avenue, Brooklyn, NY 11206. This Site is located on the east side of Graham Avenue between Montrose Avenue to the north and Johnson Avenue to the south in the Borough of Brooklyn, New York. This property Site is bordered by a 3-story mixed residential and commercial building to the north, Graham Avenue to the west, a 4-story mixed residential and commercial building to the south, and a 4-story residential building to the east.

#### Site Features

The Site is 2,500 square feet in area and currently consists of a 3-story mixed residential and commercial building with a partial basement and a rear yard. The building is constructed of concrete, brick, and mortar, and occupies the majority of the footprint of the lot.

#### Current Zoning and Land Use

The Site is currently zoned as R6 but is categorized in the S2 building class according to the NYC Department of Finance, which allows mixed-use as a residential building with one attached store or office.

#### Past Use of the Site

According to the Sanborn maps, the Site was historically occupied by an unidentified store and 3-story dwelling between 1887 and 1950, although the existing building was constructed in 1920. The Site has been utilized as a dry-cleaning facility, identified as Top Hat Cleaners, since circa 1960.

#### Site Geology and Hydrology

The Site is generally level and is at an elevation of approximately 27 feet above sea level. The geology of Kings County consists of unconsolidated glacial deposits. The groundwater beneath the Site was encountered at depths ranging between 17.5 feet and 22.5 feet below ground surface, and groundwater flow was determined to be in the north to northwest direction.



## Environmental Assessment

Based upon a Site Characterization investigation conducted in November 2018 by Hydro Tech Environmental Engineering and Geology, DPC, the primary contaminants of concern for the Site include VOCs and metals that were detected at concentrations exceeding restricted residential regulatory standards and protection of groundwater regulatory standards in soil.

### **Soil:**

Figure 1 provides the analytical results for the soil samples at concentrations exceeding their respective method detection limits (MDLs). Figure 1 also provides a comparison of the analytical results to the UUSCOs, RRSCOs, and PGWSCOs.

As Figure 1 indicates, chlorinated VOCs, including PCE (max. 440 mg/kg at SB-2(0-2)) and TCE (0.520 mg/kg at SB-1(6-8)) were detected in samples collected from the two sub-slab soil borings. PCE was detected in the SB-1 sample collected from 6 to 8 feet below the basement slab and in both SB-2 samples collected from 0 to 2 feet and from 10 to 12 feet below the basement slab at concentrations exceeding its RRSCO and PGWSCO. TCE was detected in the SB-1 sample collected from 6 to 8 feet at a concentration exceeding its UUSCO and its PGWSCO. Additionally, 1,2,4-Trimethylbenzene (5.9 mg/kg) was also detected at a concentration exceeding its respective UUSCO and PGWSCO in the SB-1 sample collected from 6 to 8-feet. One pesticide, 4,4'-DDT (max. 0.202 mg/kg at SB-2(0-2)) was detected in both SB-2 samples at concentrations exceeding its UUSCO but below its RRSCO and PGWSCO. Several metals, including copper (max. 175 mg/kg at SB-2(0-2)), zinc (657 mg/kg), and mercury (1.420 mg/kg) were detected in the SB-2 sample collected from 0 to 2 feet below the basement slab at concentrations exceeding their respective UUSCOs but not exceeding their RRSCOs. The concentration of mercury also exceeded the PGWSCO for this compound. Copper was also detected in the SB-2 sample collected from 10 to 12 feet below the basement slab at a concentration exceeding its UUSCO but not exceeding its RRSCO. No SVOCs, PCBs or Herbicides were detected in any soil samples.

### **Groundwater:**

**Figure 2** and **Figure 3** provide the analytical results for groundwater sampled from monitoring well MW-1, and GW-1 and GW-2. **Figure 2** also provides a comparison of the results to applicable

6NYCRR Part 703.5 Class GA Groundwater Quality Standards (GQS). **Figure 3** reports the analytical results for PFAS (perfluoroalkyl substances) and 1,4-dioxane, which do not have any standards.

As **Figure 2** indicates, several chlorinated VOCs were detected in the groundwater samples including tetrachloroethylene (PCE), trichloroethylene (TCE), cis-1,2-dichloroethylene, and vinyl chloride. PCE was detected in all three wells installed at the property. PCE exceeded its GQS in both on-site temporary wells and was detected at a maximum concentration of 29,000 µg/L in GW-1. TCE in exceedance of its GQS in all of the wells. TCE was detected at a maximum concentration of 200 µg/L in GW-1 and also in off-site downgradient monitoring well MW-3 at a concentration of 5.80 µg/L in. Cis-1,2-dichloroethylene was detected in exceedance of its GQS in all three wells and at a maximum concentration of 1,400 µg/L in GW-1. Vinyl chloride was detected in exceedance of its GQS, at a concentration of 25 µg/L, in GQ-1.

SVOCs, Total PCBs, Herbicides and Pesticides were not detected in any groundwater samples collected from GW-2 and MW-1. Several metals were detected in exceedance of their respective GQS in GW-2 and MW-1. Sodium (max. 66,500 µg/L) and manganese (396 µg/L) were detected in the unfiltered groundwater samples at concentrations exceeding their respective GQS. Sodium (max. 68,700 µg/L) and manganese (357 µg/L) were also detected in the filtered samples at concentration exceeding their respective GQS standards. Manganese was only detected in exceedance of GQS in samples collected from monitoring well GW-2.

#### **Soil Vapor and Air:**

**Figure 4** provides the organic compounds detected in sub-slab vapor samples SV-1 and SV-2 and in soil vapor sample SV-3. **Table 7** in the Site Characterization Report—a supplement to section III of this BCP Application—also provides the organic compounds detected in indoor air samples IA-1 to IA-2 and the outdoor air sample OA-1.

As **Figure 4** indicates, several chlorinated hydrocarbons including PCE and TCE are present in sub-slab and soil vapors. PCE was the most abundant compound in soil vapors and was detected at concentrations of 277,000 µg/m<sup>3</sup> and 331 µg/m<sup>3</sup> in the sub-slab vapor samples collected beneath the western and eastern portions of the basement in SV-1 and SV-2. PCE was also detected in the soil vapor sample collected along Graham Avenue at a high concentration of 929,000 µg/m<sup>3</sup> in SV-3. Cis-



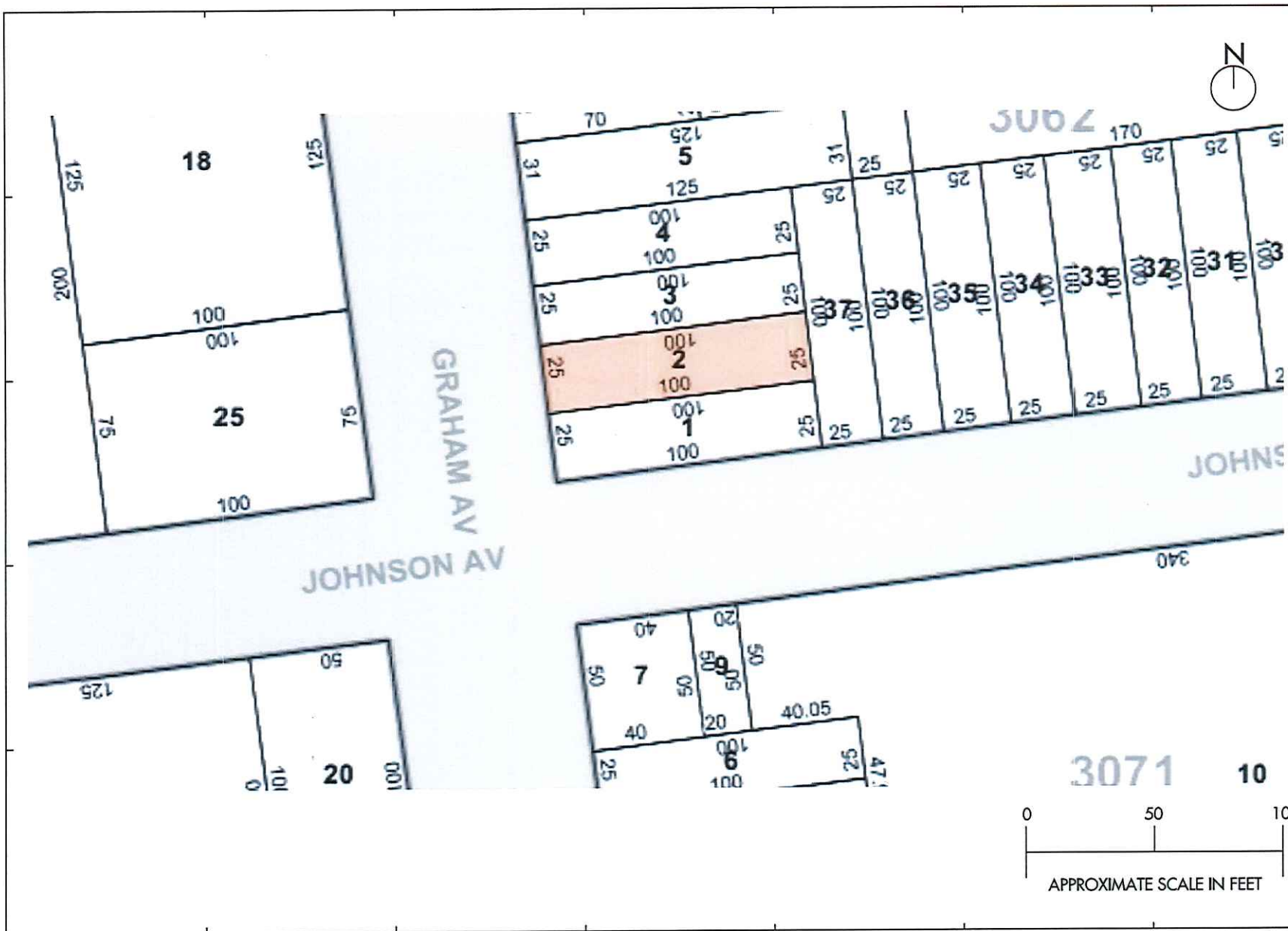
1,2-dichloroethene ranked the second highest CVOC detected in sub-slab and soil vapors with a maximum concentration of 2,070  $\mu\text{g}/\text{m}^3$  detected in sub-slab vapor sample SV-1. TCE was also detected at high concentrations, with a maximum concentration of 1,240  $\mu\text{g}/\text{m}^3$  detected in sub-slab vapor sample SV-1. TCE was also present in the sub-slab vapor sample collected at SV-2 (3.58  $\mu\text{g}/\text{m}^3$ ) and in the soil vapor sample collected at SV-3 (1,230  $\mu\text{g}/\text{m}^3$ ). PCE and TCE were also detected in the two indoor air samples at maximum concentrations of 396  $\mu\text{g}/\text{m}^3$  and 6.87  $\mu\text{g}/\text{m}^3$ , respectively. TCE concentrations in indoor air samples exceeded its respective NYSDOH Guidance values of 2  $\mu\text{g}/\text{m}^3$ . PCE was also detected in the outdoor air sample OA-1 at a trace concentration of 10.5  $\mu\text{g}/\text{m}^3$ .

Additional chlorinated and petroleum compounds were also detected in the soil and sub-slab vapor samples including acetone (maximum 34.4  $\mu\text{g}/\text{m}^3$ ), benzene (maximum 96.4  $\mu\text{g}/\text{m}^3$ ), carbon tetrachloride (1.38  $\mu\text{g}/\text{m}^3$ ), chloroform (maximum 85.4  $\mu\text{g}/\text{m}^3$ ), chloromethane (maximum 39.2  $\mu\text{g}/\text{m}^3$ ), ethanol (max. 26.9  $\mu\text{g}/\text{m}^3$ ), ethylbenzene (max. 103  $\mu\text{g}/\text{m}^3$ ), and hexane (max. 191  $\mu\text{g}/\text{m}^3$ ). Except for ethylbenzene, the compounds acetone (maximum 17.8  $\mu\text{g}/\text{m}^3$ ), benzene (maximum 6.39  $\mu\text{g}/\text{m}^3$ ), carbon tetrachloride (maximum 0.7  $\mu\text{g}/\text{m}^3$ ), chloroform (maximum 6.39  $\mu\text{g}/\text{m}^3$ ), chloromethane (maximum 1.28  $\mu\text{g}/\text{m}^3$ ), ethanol (max. 48.6  $\mu\text{g}/\text{m}^3$ ), and hexane (max. 1.12  $\mu\text{g}/\text{m}^3$ ) were also detected in indoor air samples. Of these compounds, only acetone, benzene, carbon tetrachloride, chloromethane, ethanol, and hexane were detected in the outdoor air sample at concentrations ranging between 0.62  $\mu\text{g}/\text{m}^3$  to 26.9  $\mu\text{g}/\text{m}^3$ .

Exceedances for chlorinated VOCs in soil vapor and air were determined using the guidance values found in the NYSDOH 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York. These values and the corresponding recommended actions are found in Figure 4. The analytical results show that standards are exceeded for both TCEs and PCEs, requiring mitigation.

#### **Maps:**

- Figure 5 – Tax Map
- Figure 6 – Surrounding Land Use Map
- Figure 7 – USGS Topographic Map
- Figure 8 – Adjacent Property Map



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HAUPPAUGE, NY 11788  
15 OCEAN AVENUE, SUITE 2B BROOKLYN,  
NY 11225  
TEL: (631) 462-5866  
FAX: (631) 462-5877

BASE DRAWING PREPARED BY

PROJECT NAME AND ADDRESS  
152 GRAHAM STREET  
BROOKLYN, NY 11206

PROJECT FIGURE  
FIGURE 5: TAX MAP

PROJECT NO. 190033	DATE 07/25/19
DRAWN BY G.T.	REVIEWED BY T.K.
SCALE (11X17) NOT TO SCALE	APPROVED BY T.K.





**SUBJECT PROPERTY**  
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**BROOKLYN, NY 11206**

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HAUPPAUGE, NY 11788

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NY 11225

TEL: (631) 462-5866

FAX: (631) 462-5877

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PROJECT NAME AND ADDRESS

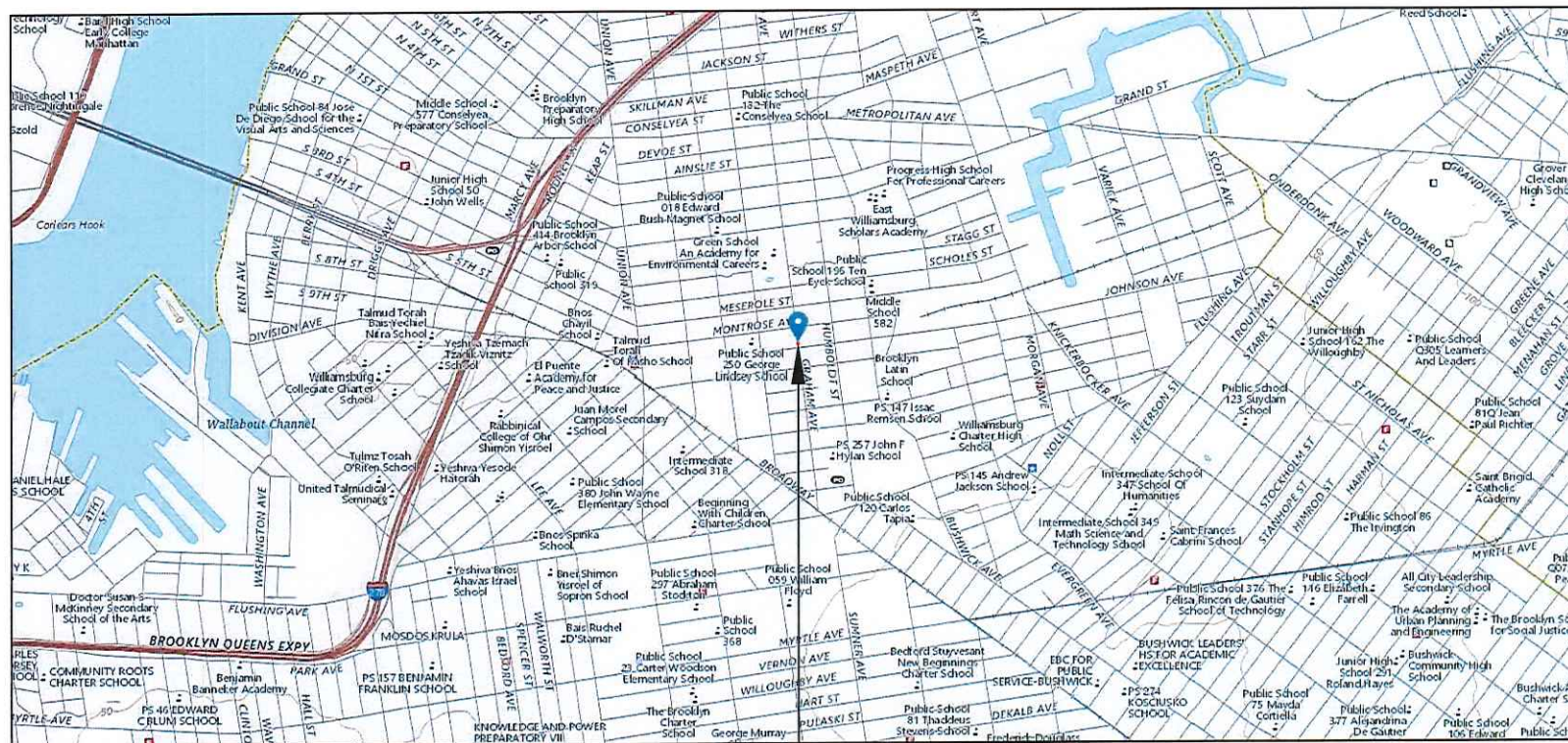
152 GRAHAM STREET  
BROOKLYN, NY 11206

PROJECT FIGURE

FIGURE 4: MAP OF SURROUNDING LAND USE

PROJECT NO. 190033	DATE 07/25/19
DRAWN BY G.T.	REVIEWED BY D.A.
SCALE (1:1K17) NOT TO SCALE	APPROVED BY T.K.





**SUBJECT PROPERTY**  
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HAUPPAUGE, NY 11788  
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NY 11225  
TEL: (631) 462-5866  
FAX: (631) 462-5877

BASE DRAWING PREPARED BY

PROJECT NAME AND ADDRESS  
152 GRAHAM STREET  
BROOKLYN, NY 11206

PROJECT FIGURE  
FIGURE 7: USGS MAP

PROJECT NO. 190033	DATE 09/03/19
DRAWN BY G.T.	REVIEWED BY T.K.
SCALE (1:117)	APPROVED BY T.K.





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15 OCEAN AVENUE, SUITE 2B BROOKLYN,  
NY 11225

TEL: (631) 462-5866

FAX: (631) 462-5877

BASE DRAWING PREPARED BY

PROJECT NAME AND ADDRESS

152 GRAHAM STREET  
BROOKLYN, NY 11206

PROJECT FIGURE

FIGURE B: MAP OF SITE AND ADJACENT  
PROPERTIES

PROJECT NO. 190033	DATE 09/03/19
DRAWN BY G.T.	REVIEWED BY D.A.
SCALE (1"=17')	APPROVED BY T.K.
NOT TO SCALE	

0 50 100  
APPROXIMATE SCALE IN FEET

## Supplement to Section VI – Current Property Owner Information—If Not Requestor

### Additional Requestor Information:

The following provides a list of historical and current owners available on the NYC Department of Finance ACRIS Database:

Name	Address	Date of Deed Registration	Phone	Relationship to Requestor
John and Josephine Rosalia	Unknown	Prior to September 1949	Unknown	None
Paul Massuci	70-15 57 <sup>th</sup> Drive, Queens, NY 11378	9/29/1949	Unknown	None
Manuel De Jesus Sanchez	152 Graham Avenue, Brooklyn, NY 11206	11/24/1980	Unknown	None
Belio Urena and Reina Diaz	37-49 95 <sup>th</sup> Street, Jackson Heights, NY 11372	11/7/1997	(718) 388-2611	Requestor/Current Owner



The following provides a list of historical and current operators available in the City Directory Search Database for the address 152 Graham Avenue.

Name	Phone	Years of Operation	Relationship to Requestor
Top Hat Cleaners	(718) 388-2611	1960s to Present	Requestor/Current Owner

## **Supplement to Section VII – Requestor Eligibility as a Volunteer**

### **Section VII.2:**

It should be noted that Requestors voluntarily entered into an Order on Consent and Administrative Settlement, Index No. R2-2018226-42, (the “Consent Order”) on August 20, 2018. Requestors entered the Consent Order subject to, among other things, no admission of liability, acknowledgment of a release from the Site or any acknowledgement that a release or threatened release constitutes a significant threat to the public health or the environment. The purpose of the Consent Order was to provide an administrative oversight document for Requestors’ Site Characterization Workplan preparation and implementation. The Site Characterization Workplan identified contamination at the Site that is the subject of the instant Brownfield Application. Going forward, Requestors anticipate addressing contamination at the Site under the Brownfield Cleanup Program.



### **Supplement to Section VIII – Property Eligibility Information**

The property currently has a “P” designation as a potential site for placement on the Registry of Inactive Hazardous Waste Disposal Sites.

## **Supplement to Section IX - Site Contact List**

### **1. LOCAL AND STATE OFFICIALS**

Brooklyn Borough President

Eric L. Adams

Borough Hall 209 Joralemon Street

Brooklyn, NY 11201

New York City Department of Planning – Brooklyn Office

Winston Von Engel

16 Court Street, 7th Fl.

Brooklyn, NY 11241-0103

New York City Mayor's Office

Bill De Blasio, Mayor

City Hall

New York, NY 10007

NYC Chair:

Marisa Lago

Commissioner; NYC Dept. Of Planning

22 Read Street

New York, NY 10007

Council Member

Stephen Levin

District 33

410 Atlantic Avenue

Brooklyn, NY 11217

NYS DOH-Albany

Justin Deming, BEEI

Empire State Plaza Corning Tower

Albany, NY 12237



Adanna Roberts NYSDEC Region 2  
Regional Citizen Participation Specialist  
Email: [adanna.roberts@dec.ny.gov](mailto:adanna.roberts@dec.ny.gov)

NYC Chair Carl Weisbrod  
Commissioner; NYC Dept. Of Planning  
22 Read Street  
New York, NY 10007

Hilary Semel  
NYC Office of Environmental Coordination  
100 Gold Street – 2<sup>nd</sup> Floor  
New York, NY 10038

John Wuthenow  
Office of Environmental Assessment & Planning  
NYC Dept. of Environmental Protection  
96-05 Horace Harding Expressway  
Flushing, NY 11373

Hon. Maritza Davila  
NYS Assembly member  
249 Wilson Avenue  
Brooklyn, NY 11237

Hon. Charles Schumer  
U.S. Senator  
780 Third Avenue, Suite 2301  
New York, NY 10017

Hon. Kirsten Gillibrand  
U.S. Senator  
780 Third Avenue, Suite 2601  
New York, NY 10017

**BY EMAIL:**

NYC OER

Dan Walsh, Director

Email: [dwalsh@cityhall.nyc.gov](mailto:dwalsh@cityhall.nyc.gov)

NYC DOS

Kathryn Garcia, Commissioner

Email: [kgarcia@dsny.nyc.gov](mailto:kgarcia@dsny.nyc.gov)

NYC DOHMH

Christopher D'Andrea

Email: [cdandrea@health.nyc.gov](mailto:cdandrea@health.nyc.gov)

NYSDEC-Albany

Gerard Burke

Email: [gerard.burke@dec.ny.gov](mailto:gerard.burke@dec.ny.gov)

NYS DEC Region 2

Jane O'Connell

Email: [jane.oconnell@dec.ny.gov](mailto:jane.oconnell@dec.ny.gov)

Dealice Fuller, Chairwoman

Brooklyn Community Board Office 1

Email: [bk01@cb.nyc.gov](mailto:bk01@cb.nyc.gov)

NYS DOH-Albany

Michael J. Hughes

Email: [mjh03@health.state.ny.us](mailto:mjh03@health.state.ny.us)

**2. OWNERS, RESIDENTS, AND OCCUPANTS ON OR ADJACENT TO THE SITE**

129 Graham Avenue

Brooklyn, NY 11206

Owner: SDP Associates LLC



129 Graham Avenue Apt 1F

Brooklyn, NY 11206

Tenant: Mabel Ramlal

129 Graham Avenue Apt 2F

Brooklyn, NY 11206

Tenant: Electra Alvarado

129 Graham Avenue Apt 3F

Brooklyn, NY 11206

Juan L Illescas

157 Graham Avenue

Brooklyn, NY 11206

Owner: Caring Supported Housing Development Fund

150 Graham Avenue

Brooklyn, NY 11206

Owner: 150 Graham Realty LLC/Abraham Buxbaum

150 Graham Avenue

Brooklyn, NY 11206

Tenant: Carmen L Carambot

154 Graham Avenue

Brooklyn, NY 11206

Owner: 156 Graham Realty LLC

154 Graham Avenue

Brooklyn, NY 11206

Tenant: Sam Chasin

154 Graham Avenue

Brooklyn, NY 11206

Tenant: Terry S Chasin

154 Graham Avenue  
Brooklyn, NY 11206  
Tenant: Regina Chasin

185 Johnson Avenue  
Brooklyn, NY 11206  
Owner: A1 Development LLC

185 Johnson Avenue  
Brooklyn, NY 11206  
Tenant: Gabrielle N Miller

185 Johnson Avenue  
Brooklyn, NY 11206  
Tenant: Robert E Sanders

### **3. LOCAL NEWS MEDIA**

New York Post  
1211 Avenue of Americas  
New York, New York 10036-8790  
Phone: 212-930-8000

VICE Media LLC  
49 S 2nd St, Brooklyn, NY 11211  
Phone: (718) 599-3101

### **4. PUBLIC WATER SUPPLIER**

NYC Department of Environmental Protection,  
Bureau of Environmental Planning and Analysis,  
59-17 Junction Blvd, 11<sup>th</sup> Floor,  
Flushing, NY 11373



**5. ANY PERSON, COMMUNITY BASED ORGANIZATION, BOA GROUP, OR LOCAL MEDIA WHO HAS REQUESTED TO BE PLACED ON THE CONTACT LIST.**

None.

**6. ADMINISTRATOR/OPERATOR OF ANY SCHOOL OR DAY CARE FACILITY LOCATED ON OR NEAR THE SITE.**

Lyons Community School

Principal: Taeko Onishi

223 Graham Ave

Brooklyn, NY 11211

Green School: An Academy for Green Careers

Principal: Cara Tait

223 Graham Ave

Brooklyn, NY 11211

The Brooklyn Latin School

Head Master: Gina Mautschke-Mitchell

223 Graham Ave

Brooklyn, NY 11211

Public School 250

George H. Lindsey

Principal: RoseAnne LaCioppa

108 Montrose Avenue

Brooklyn, NY 11206

Public School 257

John F. Hylan

Principal: Brian De Vale

60 Cook Street

Brooklyn, NY 11206

Intermediate School 318  
Eugenio Maria De Hostos  
Principal: Leander Windley  
101 Walton Street  
Brooklyn, NY 11206

Williamsburg Charter High School  
Principal: Tanishia Lavette Williams  
198 Varet Street  
Brooklyn, NY 11206

Public School 18  
Edward Bush  
Principal: Alison Alexander  
101 Maujer Street  
Brooklyn, NY 11206

Juan Morel Campos Secondary School  
Principal: Esther Shali-Ogli  
215 Heyward St  
Brooklyn, NY 11206

Public School 380  
Principal: Victoria Prisinzano  
370 Marcy Ave  
Brooklyn, NY 11206

Creative Academy  
228 Bushwick Ave  
Brooklyn, NY 11206

Graham Child Care Center  
222 Graham Ave  
Brooklyn, NY 11206



Stagg Street Center for Children  
Executive Director: Rhonda Webb  
77 Stagg Street  
Brooklyn, NY 11206

Young Garden Day Care  
11 Meserole Street  
Brooklyn, NY 11206

The Baby Play Place Preschool & Daycare  
Owner: Tiffany Taylor  
25 Boerum Street, STE 7S  
Brooklyn, NY 11206

Tender Tots Child Care & Learning Center  
Owner: Denise Fairman  
810 Flushing Ave  
Brooklyn, NY 11206

## **7. DOCUMENT REPOSITORY**

Attn: Marc Waldron  
Brooklyn Public Library – Bushwick  
340 Bushwick Avenue  
Brooklyn, NY 11206

Attn: Dealice Fuller  
Brooklyn Community Board Office 1 435 Graham Avenue,  
Brooklyn, NY 11211

NYS DEC  
Region 2 Division of Environmental

Remediation  
47-40 21st Street  
Long Island City, NY 11101



**HydroTech Environmental**  
**ENGINEERING AND GEOLOGY, DPC**

NYC Office  
15 Ocean Avenue, Suite 2B  
Brooklyn, New York 11225  
T (718) 636-0800 ; F (718) 636-0900

Long Island Office  
77 Arkay Drive, Suite K  
Hauppauge, New York 11788  
T (631) 462-5866 ; F (631) 462-5877

[WWW.HYDROTECHENVIRONMENTAL.COM](http://WWW.HYDROTECHENVIRONMENTAL.COM)

August 1, 2019

Mr. Marc Waldron  
Brooklyn Public Library – Bushwick  
340 Bushwick Ave, Brooklyn, NY 11206

**Re: Document Repository for Brownfield Cleanup Program (BCP)**  
**Site Address: 152 Graham Avenue, Brooklyn, NY 11206**

Dear Mr. Waldron;

This letter is intended to seek your approval to use Brooklyn Public Library – Bushwick branch located at the address above as a documents repository for the upcoming remedial development at above referenced property. This document repository is intended to house for community review all principal documents generated prior and during the Brownfield Cleanup Program (BCP) at this site as per the requirements of the New York State Department of Environmental Conservation (NYSDEC).

Should you acknowledge this agreement that your library will act as a documents repository for this upcoming PCP project, I appreciate if you can sign this letter and return to my attention for my record and NYSDEC record.

If you require any additional information, please feel free to contact me directly at (718) 636-0800.

Very Truly Yours,  
Hydro Tech Environmental Engineering and Geology, DPC

Dorina Aliu  
Project Manager

Encs.  
cc: Hydro Tech File # 190033

Brooklyn Public Library – Bushwick

Name Michelle Balsan

Title LTS

Date 8/1/19



**HydroTech Environmental**  
**ENGINEERING AND GEOLOGY, DPC**

NYC Office  
15 Ocean Avenue, Suite 2B  
Brooklyn, New York 11225  
T (718) 636-0800 ; F (718) 636-0900

Long Island Office  
77 Arkay Drive, Suite K  
Hauppauge, New York 11788  
T (631) 462-5866 ; F (631) 462-5877

[WWW.HYDROTECHENVIRONMENTAL.COM](http://WWW.HYDROTECHENVIRONMENTAL.COM)

August 1, 2019

Ms. Dealice Fuller  
Brooklyn Community Board #1  
435 Graham Avenue, Brooklyn, NY 11211

**Re: Document Repository for Brownfield Cleanup Program (BCP)**  
**Site Address: 152 Graham Avenue, Brooklyn, NY 11206**

Dear Ms. Fuller;

This letter is intended to seek your approval to use Brooklyn Community Board #1 Office located at the address above as a documents repository for the upcoming remedial development at above referenced property. This document repository is intended to house for community review all principal documents generated prior and during the Brownfield Cleanup Program (BCP) at this site as per the requirements of the New York State Department of Environmental Conservation (NYSDEC).

Should you acknowledge this agreement that your Brooklyn Community Board #1 Office will act as a documents repository for this upcoming PCP project, I appreciate if you can sign this letter and return to my attention for my record and NYSDEC record.

If you require any additional information, please feel free to contact me directly at (718) 636-0800.

Very Truly Yours,  
Hydro Tech Environmental Engineering and Geology, DPC

Brooklyn Community Board Office

Dorina Aliu  
Project Manager

Name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Encs.  
cc: Hydro Tech File # 190033

Community Board cannot sign without a  
copy of the repository in hand per  
Dealice Fuller & Marie Bueno-Wallin.



## **Supplement to Section X – Land Use Factors**

### **Current Use:**

The property, identified as 152 Graham Avenue, Brooklyn, NY 11206, is 2,500 square feet in area. This property has been used as a dry cleaner since circa 1960. The Site's existing zoning permits a mixture of residential and non-residential (commercial) uses.

### **Anticipated Uses Post-Remediation:**

It is anticipated that the subject Site will be redeveloped to include the addition of up to two additional floors. This redevelopment is also anticipated to include the renovation of the existing apartments and commercial space to continue use as a mixed-use development consistent with existing zoning.

### **Application Zoning Laws/Maps and Plans:**

The Site's existing zoning allows for mixed-use. The surrounding areas within a 500 feet radius of the Site consists of a variety of land uses including: residential (multi-story residential apartments), commercial, parking, industrial, institutions, and vacant properties. Properties located within a 1/4-mile radius of the Site are zoned R6 (general residential district), some with C1-3 and C2-3 commercial overlays. The current uses appear consistent with applicable zoning. The applicable zoning map is attached as Figure 9.

The proposed post-remediation use as a multi-story mixed residential and commercial building is consistent with existing zoning. In this district, a building that contains a residential use and any other use is a mixed-use building. All anticipated uses for the Site will be consistent with borough-wide efforts at revitalization and supported efforts to remediate properties so they can be redeveloped into the highest and best uses consistent with local land use and zoning.



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NY 11225  
TEL: (631) 462-5866  
FAX: (631) 462-5877

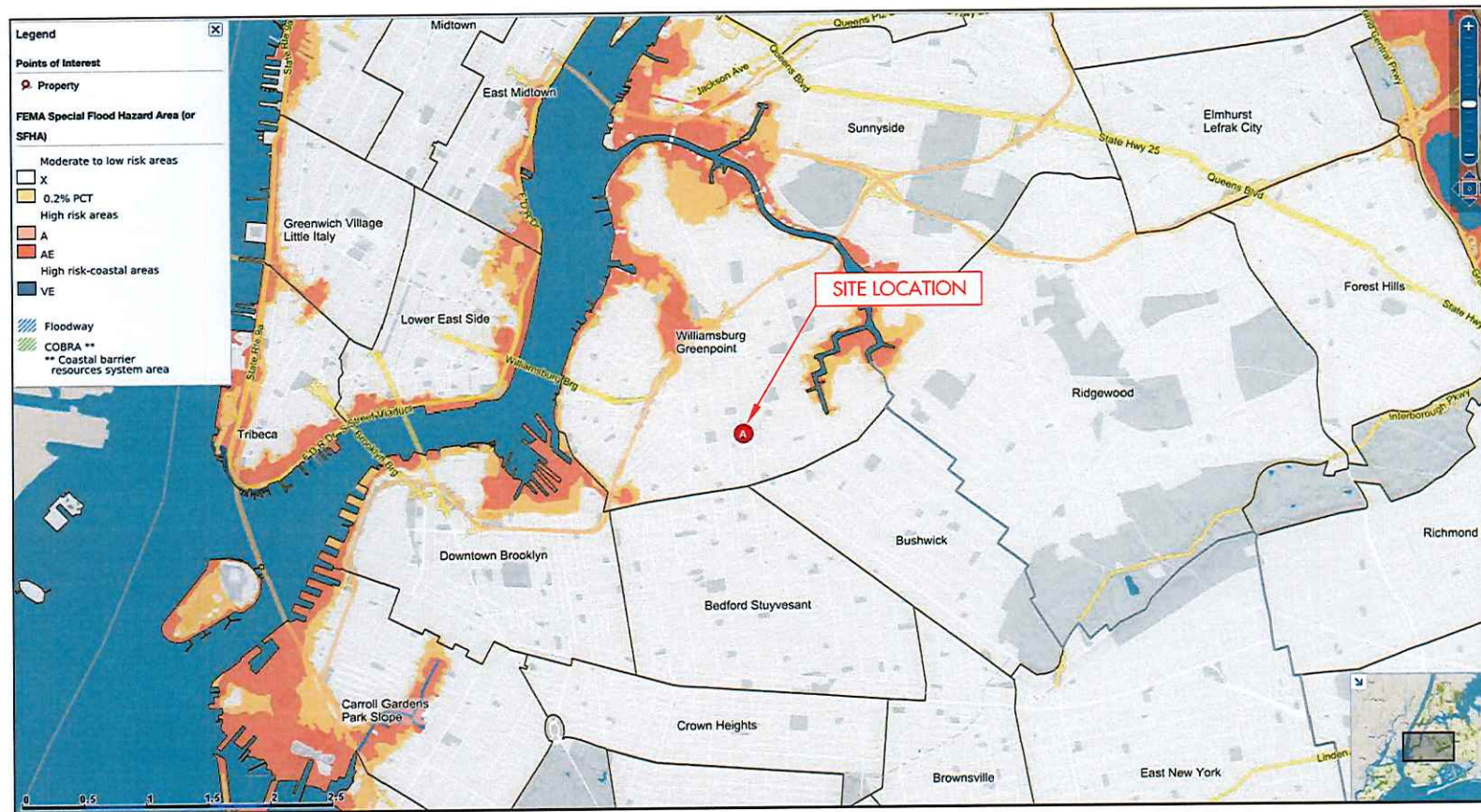
BASE DRAWING PREPARED BY

PROJECT NAME AND ADDRESS  
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BROOKLYN, NY 11206

PROJECT FIGURE  
FIGURE 9: ZONING MAP

PROJECT NO. 190033	DATE 06/07/19
DRAWN BY G.T.	REVIEWED BY T.K.
SCALE (1"=10')	APPROVED BY T.K.





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HAUPPAUGE, NY 11788  
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NY 11225  
TEL: (631) 462-5846  
FAX: (631) 462-5877

BASE DRAWING PREPARED BY

PROJECT NAME AND ADDRESS  
152 GRAHAM AVENUE  
BROOKLYN, NY 11206

PROJECT FIGURE  
FIGURE 10: FLOOD MAP

PROJECT NO. 190033	DATE 08/07/19
DRAWN BY G.T.	REVIEWED BY D.A.
SCALE (11X17) AS NOTED	APPROVED BY T.K.