

**FORMER
UNIVERSAL SCRAP METAL PROCESSORS
CORP.**

**1181 FLUSHING AVENUE
BROOKLYN, NEW YORK
Block Lots 9 and 75**

**NEW YORK STATE
BROWNFIELD CLEANUP PROGRAM
APPLICATION AND SUPPLEMENTAL
INFORMATION**



**New York State Department of Environmental Conservation
Brownfields and Voluntary Cleanup Section
625 Broadway, 11th floor
Albany, NY 12233-7015**

February 2015

Prepared for:
Flushing Stewart LLC
266 Broadway, Suite 301
Brooklyn, NY 11211

Prepared By:



ENVIRONMENTAL BUSINESS CONSULTANTS

**1808 Middle Country Road
Ridge, NY 11961**

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NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM (BCP)

ECL ARTICLE 27 / TITLE 14



DEPARTMENT USE ONLY
BCP SITE #:

08/2013

Section I. Requestor Information

NAME **Flushing Stewart LLC**

ADDRESS **266 Broadway, Suite 301**

CITY/TOWN **Brooklyn**

ZIP CODE **11211**

PHONE **(718) 599-1145**

FAX

E-MAIL **zelig@riversideny.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 DEC with the application, to document that the applicant is authorized to do business in NYS.

-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 New York State Education Law. **Documents that are not properly certified will not be approved under the BCP.**

☒ Yes ☐ No

NAME OF REQUESTOR'S REPRESENTATIVE **Zelig Weiss**

ADDRESS **Same as above**

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

NAME OF REQUESTOR'S CONSULTANT **Environmental Business Consultants**

ADDRESS **1808 Middle Country Road**

CITY/TOWN **Ridge**

ZIP CODE **11961**

PHONE **631-504-6000**

FAX **631-924-2870**

E-MAIL **csosik@ebcincny.com**

NAME OF REQUESTOR'S ATTORNEY **Jon Schuyler Brooks - Phillips Nizer LLP**

ADDRESS **600 Old Country Road, Suite 305**

CITY/TOWN **Garden City**

ZIP CODE **11530-2011**

PHONE **(516) 229-9401**

FAX **(516) 228-9612**

E-MAIL **JBrooks@PhillipsNizer.com**

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, the requestor 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; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

Requestor Relationship to Property (check one):

☐ Previous Owner ☐ Current Owner ☒ Potential /Future Purchaser ☐ Other _____

If requestor is not the site owner, requestor will have access to the property throughout the BCP project. ☒ Yes ☐ No
-Proof of site access must be submitted for non-owners

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through February 13, 2015.

Selected Entity Name: FLUSHING STEWART LLC

Selected Entity Status Information

Current Entity Name: FLUSHING STEWART LLC

DOS ID #: 4660750

Initial DOS Filing Date: NOVEMBER 04, 2014

County: KINGS

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

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

FLUSHING STEWART LLC
266 BROADWAY
SUITE 301
BROOKLYN, NEW YORK, 11211

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies.

Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

***Stock Information**

| # of Shares | Type of Stock | \$ Value per Share |
|--------------------|----------------------|---------------------------|
|--------------------|----------------------|---------------------------|

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

| Filing Date | Name Type | Entity Name |
|--------------------|------------------|----------------------|
| NOV 04, 2014 | Actual | FLUSHING STEWART LLC |

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

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

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Section II. Property Information**Check here if this application is to request significant changes to property set forth in an existing BCA:** ☐

Existing BCP site number: _____

PROPERTY NAME **Former Universal Scrap Metal Processors Corp.**ADDRESS/LOCATION **1181 Flushing Avenue** CITY/TOWN **Brooklyn** ZIP CODE **11237**

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):

City of New YorkCOUNTY **Kings**SITE SIZE (ACRES) **0.92**LATITUDE (degrees/minutes/seconds) **40 ° 42 ' 23.90 "**LONGITUDE (degrees/minutes/seconds) **73 ° 55 ' 31.63 "**HORIZONTAL COLLECTION METHOD: ☐ SURVEY ☐ GPS ☒ MAPHORIZONTAL REFERENCE DATUM: **WGS84**

COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

| Parcel Address | Parcel No. | Section No. | Block No. | Lot No. | Acreage |
|--|------------|-------------|-----------|---------|---------|
| 1181 Flushing Avenue, Brooklyn, NY 11237 | | 3 | 2994 | 75 | 0.52 |
| 25 Stewart Avenue, Brooklyn, NY 11237 | | 3 | 2994 | 9 | 0.40 |
| | | | | | |

1. Do the property boundaries correspond to tax map metes and bounds? ☒ Yes ☐ No
If no, please attach a metes and bounds description of the property.
2. Is the required property map attached to the application? (application will not be processed without map) ☒ Yes ☐ No
3. Is the property part of a designated En-zone pursuant to Tax Law § 21(b)(6)? ☒ Yes ☐ No
For more information please see Empire State Development's [website](#).
If yes, identify area (name) Census Tract 453
- Percentage of property in En-zone (check one): ☐ 0-49% ☐ 50-99% ☒ 100%
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? If yes, identify name of properties in related BCP applications: ☐ Yes ☒ No

5. Property Description Narrative:

The Site is located in the Bushwick neighborhood of the borough of Brooklyn (Kings County) and is identified as Block 2994 Lots 9 and 75. The Site includes 119.93 feet of street frontage on Flushing Avenue and 210.19 feet of street frontage on Stewart Avenue with a total area of 40,006 sf. The property is currently used as a scrap metal yard. Prior uses include, gas station, auto repair, auto wreking yard and railroad fright yard.

6. List of Existing Easements (type here or attach information)

| <u>Easement Holder</u> | <u>Description</u> |
|------------------------|--------------------|
|------------------------|--------------------|

No easements were identified**7. List of Permits issued by the NYSDEC or USEPA Relating to the Proposed Site (type here or attach information)**

| <u>Type</u> | <u>Issuing Agency</u> | <u>Description</u> |
|-------------|-----------------------|--------------------|
|-------------|-----------------------|--------------------|

No permits were identified

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

Initials of each Requestor: ZW _____

Section III. Current Property Owner/Operator InformationOWNER'S NAME **1175 Flushing Avenue Associates, LLC**ADDRESS **1175 Flushing Avenue**CITY/TOWN **Brooklyn**ZIP CODE **11237**PHONE **(718) 381-1000**

FAX

E-MAIL

OPERATOR'S NAME **Universal Scrap Metal Processors Corp.**ADDRESS **27 Stewart Avenue**CITY/TOWN **Brooklyn**ZIP CODE **11237**PHONE **(718) 381-2234**

FAX

E-MAIL

Section IV. Requestor Eligibility Information (Please refer to ECL § 27-1407)

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

- | | | |
|--|------------------------------|--|
| 1. Are any enforcement actions pending against the requestor regarding this site? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. Is the requestor subject to an existing order relating to contamination at the site? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 4. Has the requestor been determined to have violated any provision of ECL Article 27? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5. Has the requestor previously been denied entry to the BCP? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> 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? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Section V. Property Eligibility Information (Please refer to ECL § 27-1405)

- | | | |
|--|------------------------------|--|
| 1. Is the property, or was any portion of the property, listed on the National Priorities List? If yes, please provide relevant information as an attachment. | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. Is the property, or was any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites? If yes, please provide: Site # _____ Class # _____ | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Is 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: _____ | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 4. Is the property subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10? If yes, please provide: Order # _____ | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5. 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. | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Section VI. Project Description

What stage is the project starting at?

☒ Investigation☐ Remediation

Please attach a description of the project which includes the following components:

- Purpose and scope of the project
- Estimated project schedule

Section VII. Property's Environmental History

To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. Environmental Reports

A Phase I environmental site assessment report prepared in accordance with ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), and all environmental reports related to contaminants on or emanating from the site.

If a final investigation report is included, indicate whether it meets the requirements of ECL Article 27-1415(2): ☒ Yes ☐ No

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 | Surface Water | Sediment | Soil Gas |
|----------------------|------|-------------|---------------|----------|----------|
| Petroleum | x | X | | | |
| Chlorinated Solvents | | | | | |
| Other VOCs | | | | | |
| SVOCs | x | | | | |
| Metals | x | | | | |
| Pesticides | | | | | |
| PCBs | x | | | | |
| Other* | | | | | |

*Please describe: _____

3. SUSPECTED CONTAMINANTS: INDICATE SUSPECTED CONTAMINANTS AND THE MEDIA WHICH MAY HAVE BEEN AFFECTED. PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT.

| Contaminant Category | Soil | Groundwater | Surface Water | Sediment | Soil Gas |
|----------------------|------|-------------|---------------|----------|----------|
| Petroleum | | | | | X |
| Chlorinated Solvents | X | X | | | X |
| Other VOCs | | | | | |
| SVOCs | | | | | |
| Metals | | | | | |
| Pesticides | | | | | |
| PCBs | | | | | |
| Other* | | | | | |

*Please describe: _____

4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS (CHECK ALL THAT APPLY). PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT.

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Above Ground Pipeline or Tank | <input type="checkbox"/> Lagoons or Ponds | <input checked="" type="checkbox"/> Underground Pipeline or Tank | <input checked="" type="checkbox"/> Surface Spill or Discharge |
| <input checked="" type="checkbox"/> Routine Industrial Operations | <input type="checkbox"/> Dumping or Burial of Wastes | <input type="checkbox"/> Septic tank/lateral field | <input type="checkbox"/> Adjacent Property |
| <input type="checkbox"/> Drums or Storage Containers | <input type="checkbox"/> Seepage Pit or Dry Well | <input type="checkbox"/> Foundry Sand | <input type="checkbox"/> Electroplating |
| <input type="checkbox"/> Coal Gas Manufacture | <input type="checkbox"/> Industrial Accident | <input type="checkbox"/> Unknown | |

Other: _____

5. 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 type="checkbox"/> Dry Cleaner | <input checked="" type="checkbox"/> Salvage Yard | <input type="checkbox"/> Bulk Plant |
| <input type="checkbox"/> Pipeline | <input checked="" type="checkbox"/> Service Station | <input type="checkbox"/> Landfill | <input type="checkbox"/> Tannery | <input type="checkbox"/> Electroplating | <input type="checkbox"/> Unknown |

Other: Railroad Freight yard, auto repair, scrap metal recycler

6. PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".

Section VIII. Contact List Information

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. In cities with a population of one million or more, the local community board if the proposed site is located within such community board's boundaries (*note: per the 2010 census, New York City is the only city in NY with a population over one million).
8. The location of a document repository for the project (e.g., local library). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the property.

Section IX. Land Use Factors (Please refer to ECL § 27-1415(3))

1. Current Use: ☐ Residential ☐ Commercial ☒ Industrial ☐ Vacant ☐ Recreational (check all that apply)
Provide summary of business operations as an attachment.

2. Intended Use Post Remediation: ☒ Unrestricted ☐ Residential ☒ Commercial ☐ Industrial (check all that apply)
Provide specifics as an attachment.

- | | |
|--|---|
| 3. Do current historical and/or recent development patterns support the proposed use? (See #14 below re: discussion of area land uses) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 4. Is the proposed use consistent with applicable zoning laws/maps? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 5. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 6. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)). | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 7. Are there any federal or state land use designations relating to this site? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 8. Do the population growth patterns and projections support the proposed use? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 9. Is the property accessible to existing infrastructure? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 10. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 11. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 12. Are there floodplains within ½ mile? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 13. Are there any institutional controls currently applicable to the property? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 14. Describe the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas in an attachment. | |
| 15. Describe the potential vulnerability of groundwater to contamination that might migrate from the property, including proximity to wellhead protection and groundwater recharge areas in an attachment. | |
| 16. Describe the geography and geology of the site in an attachment. | |

Section X. Statement of Certification and Signatures

(By requestor who is an individual)

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

Date: _____ Signature: _____ Print Name: _____

(By an requestor other than an individual)

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

Date: 2/18/15 Signature: _____ Print Name: Zelig Weiss

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD, 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

- **One (1)** paper copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our [website](#) for the address of our regional offices.

FOR DEPARTMENT USE ONLY

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

1.0 INTRODUCTION (Application Section I-III)

Flushing Stewart LLC seeks to remediate and redevelop a site located at 1181 Flushing Avenue in the East Williamsburg neighborhood of Brooklyn, NY (the "Site") (see **Figure 1**). The Site is comprised of a two tax parcels identified as Block 2994, Lots 9 and 75 (**Figure 2**). The Site is currently occupied by Scrap Metal recycling facility.

The Site has confirmed contamination in soil and groundwater which is related to historic fuel storage in underground tanks and the historic use of the property as a gas station, auto repair and auto wrecking yard.

Flushing Stewart LLC plans a commercial redevelopment of the Site consisting of a new 6 to 8 story building with at grade retail / restaurants and a loft-style hotel that will occupy the entire Site. The nature and extent of existing contamination and the potential for off-site contamination related to this property, however, complicates the redevelopment plan. Accordingly, Flushing Stewart LLC is submitting its application for entry into the BCP to the New York State Department of Environmental Conservation (NYSDEC). This document contains the supplemental information required in the application package.

1.1 Requestor Information

Flushing Stewart LLC is the applicant for the project and is applying to the program as a Volunteer. Flushing Stewart LLC is the contract vendee to purchase the property, and is not affiliated in any way with the past property owners or operators, or the release of contaminants at the site. As contract vendee, Flushing Stewart LLC has access to the Site to implement the required remedial actions that will be required under the BCP (**Attachment A**).

1.2 Property Information

The Site to be remediated and redeveloped is located in the East Williamsburg neighborhood of Kings County and is comprised of two tax parcels (**Figure 2**) totaling 40,006.98 square feet (0.92 acres). The Site is located in the City of New York and Borough of Brooklyn. The Site has approximately 120 ft of street frontage on Flushing Avenue and 210 feet of street frontage on Stewart Avenue. Currently the property is occupied by a scrap metal recycler. The property is partially developed with a 1-story 4,500 sf commercial building which was constructed in 1931. The building yard area and Lot 9 to the north are used as a metal scrap yard. The area to the south of the building is used for parking.

The elevation of the Site ranges from 16 to 18 feet above the National Geodetic Vertical Datum (NGVD). The area topography gradually slopes to the north. The depth to groundwater beneath the Site is approximately 10 feet below grade. Based on regional groundwater elevation maps, groundwater flows to the northwest toward the English Kills Channel.

The lot is defined as follows:

BEGINNING at a corner formed by the intersection of the westerly side of Stewart Avenue and the northwesterly side of Flushing Avenue;

THENCE southwesterly along Flushing Avenue, 119.93 feet;

THENCE northerly approximately parallel with Stewart Avenue, 297.68 feet;

THENCE northeasterly, 30.37 feet;

THENCE northwesterly, 349.69 feet;

THENCE northeasterly, 40 feet;

THENCE southeasterly, 404.90 feet;

THENCE southerly along the westerly side of Stewart Avenue, 210.19 feet, to the point or place of BEGINNING.

1.3 Current Property Owners / Operators

The property is currently developed with a single 1-story 4,500 sf commercial building which was constructed in 1931. The property is currently occupied by a scrap metal recycler. See **Figure 3** - Site Plan.

Current owners (see **Appendix A - Deed**) and operators are as follows:

Owner: 1175 Flushing Avenue Associates, LLC
Address: 1175 Flushing Avenue, Brooklyn, NY 11237
Phone: (718) 381-1000

Operator: Universal Scrap Metal Processors Corp.
Address: 27 Stewart Avenue, Brooklyn, NY 11237
Phone: (718) 381-2234

2.0 PROJECT DESCRIPTION (Application Section VI)

2.1 Project Overview / Eligibility

The Requestor intends to redevelop the property with a new 6-8 story commercial building which will cover approximately 60 percent of the south lot (lot 75). The project includes 14,362 sf of commercial / retail space, 14,362 sf of community space and 71,810 sf of hotel space. Plans include a full height basement level requiring excavation to a depth of approximately 11 ft below grade. The basement level will be used for meter rooms and retail storage space. The remainder of the property including, Lot 9, will be utilized for parking. With groundwater present at 10 feet below grade, dewatering will likely be required during construction of the building's foundation.

The lender/investors for this project will require any cleanup be conducted with oversight of the NYSDEC so that the NYSDEC can issue a certificate of completion and liability release from the State of NY. The BCP will allow the applicant to satisfy this requirement as well as to limit its liability to on-site contamination by virtue of its status as a "Volunteer" under the BCP.

The remediation of the existing contamination will increase project costs because of expenses or "premiums" associated with disposal of contaminated soil, increased labor or "trade" premium due to the need to use HAZWOPER-trained-workers in and around the contaminated materials as well as ancillary monitoring and reporting costs. In addition, there will be adverse scheduling impacts on the present completion schedule associated with soil sampling and excavation site constraints that will extend the timeframes customarily required for traditional site excavation.

2.2 Scope of the Brownfield Project

A Remedial Investigation (RI) is proposed to collect data of sufficient quality and quantity to characterize the nature and extent of known petroleum and other potential contaminants in on-site soil, groundwater and soil gas. The RI will include a qualitative exposure assessment for future occupants of the proposed building and the surrounding community and to evaluate alternatives to remediate the contamination. A Draft Remedial Investigation Work Plan (RIWP) is being submitted with this application. Proposed on-site testing under the Draft RIWP includes the installation of soil borings, monitoring wells and soil vapor implants and the collection and analysis of soil, groundwater and soil vapor samples.

Based on the results of previous investigations performed at the Site, the scope of the remedial activity under the BCP will include the removal and proper close out of underground storage tanks, the excavation and proper disposal of residually contaminated and historic fill soils and the remediation of groundwater. Further assessment of soil vapor will be completed during the RI and remediation will be addressed, if required, under the Remedial Action Work Plan to be prepared for the project under the BCP. Further details on the projected scope of the brownfield project including estimated costs are provided in Section 3.6.

2.3 Benefits to the Community

The property is located in a manufacturing district with an M1-2 zoning designation. The area is generally characterized by large warehouses and manufacturing facilities with heavy industry located adjacent and north of the Site toward the English Kills Channel. Predominantly residential areas are located south of Flushing Avenue placing the property within a transition zone between the heavy manufacturing area to the north and the residential areas to the south.

The Project's commercial / retail and hotel use is well suited to its location along this transition zone and provides significant economic benefits to the local community.

Local Job Creation

The project is expected to generate 50-100 temporary construction jobs, 30-50 permanent jobs associated with the commercial / retail aspect of the project and 20-30 jobs permanent jobs associated with the hotel. The project also benefits the local economy through the purchase of materials, supplies and services related to the design and construction of the new building in the short term. In the long term the project will benefit the local economy through the purchase of goods and services by the commercial tenants of the new building and through increased tax revenue. The proposed project delivers these benefits on a site that is underutilized and has been used as a scrap metal yard and auto recycler for the past twenty-three years.

For this project to be realized the developer will be required to commit significant time, effort and resources to remedy the contamination, develop the Site and begin construction. That commitment will not be made if there exists a risk of a meaningful yet uncertain environmental issue. On the other side, the developer cannot secure financing without assurances to lenders that environmental issues will be fully mitigated with reasonable protection from liability.

2.4 Project Schedule

BCP Milestones

The following program milestone dates are anticipated based on an assumed date of 12/22/14 for execution of the BCP agreement.

| | |
|---|----------------------------|
| Submit Remedial Investigation Work Plan (RIWP) | With BCP application |
| Implement Remedial Investigation Work Plan (RIWP) | March 2015 |
| Submit Remedial Investigation Report (RIR) | April 2015 |
| Submit Remedial Action Work Plan (RAWP) | April 2015 |
| Begin Building Construction and Remedial Action | June 2015 |
| Continue Remedial Action | June 2015 - September 2015 |
| Submit Draft Env. Easement (if Track 1 not Achieved) | June 2015 |
| Submit Draft Site Management Plan (if Track 1 not Achieved) | August 2015 |
| Submit Draft Final Engineering Report | September 2015 |
| Anticipated Date Certificate of Completion Issued | December 2015 |

3.0 ENVIRONMENTAL HISTORY (Application Section VII)

The environmental history of the subject lot was previously investigated through the review of Federal and State Environmental databases, Environmental Sanborn Fire Insurance maps, NYC Department of Building records and the NYC Department of Finance databases as part of the Phase I Environmental Site Screening completed in December 2014 by EBC.

The Site served as a Long Island Rail Road freight yard from between 1888 and 1907 until sometime between 1951 and 1965. The current building was constructed between 1933 and 1951 in the southeast corner of the Site. In 1951 the building was utilized for fire wood cutting, bagged charcoal storage and automobile storage. The south end of the building, along Flushing Avenue, contained a gasoline tank. In 1965 the south end of the building is no longer present and instead the area, where the gasoline tank had been listed, is a filling station. The structure formerly used for charcoal storage is being used as an auto service. The rest of Lot 75 is lumber storage and Lot 9 still contains two rail road tracks. In 1968 the auto services and filling station remain, and the rest of lot 75 is being utilized for parking. In 1981 the parking area was also being used as an auto parts yard. Staring in 2003 the filling station is no longer depicted at the Site. Between 2007 and 2014 the building on Site was converted from an auto service to a scrap metal facility and the two sets of railroad tracks were removed.

3.1 Underground / Aboveground Storage Tanks

The property is not identified as PBS facility. However, the 1951 Sanborn map identifies a gasoline tank at the south-central portion of the property and the south portion is identified as a filling station from 1965 to 2002. In addition a geophysical survey performed at the Site during the Phase II investigation confirmed that underground tanks are present in the parking area south of the building.

3.2 NYSDEC Spill Files

The Site is listed on the NYSPILLS database. The database indicates that a spill (No. 1410058) was reported to the DEC on January 14, 2015 for petroleum contamination identified in soil and groundwater during a due diligence subsurface investigation. This spill file remains open.

3.3 Summary of Environmental Investigations

Environmental investigations performed at the Site include the following:

- Phase I Environmental Site Assessment Report - EBC (December 2014)
- Phase II Subsurface Investigation Data Summary - EBC (January 2015)

3.3.1 December 2014 – Phase I Environmental Site Assessment (EBC)

Based upon reconnaissance of the subject site and surrounding properties, and review of historical records and regulatory agency databases, the Phase I Screening identified the following Recognized Environmental Conditions (RECs) for the Site:

- The entire property was used as a Railroad freight yard from sometime between 1888 and 1907 to sometime between 1951 and 1965. Historic rail lines were known to use PCBs and herbicides for weed control. In addition rail freight yards would be subject to fuel and petroleum releases from equipment and potential chemical releases from rail tanker cars, etc.
- The south end of the Site was utilized as filling station from approximately 1955 until at least 2003.
- The southern portion of the Site and the building were used for auto repair from 1955 until 2007.
- The Site contained a gasoline storage tank at the south end, along Flushing Avenue, in 1951.
- The northern portion of the property was used as an auto scrap yard from 1981 through 2007.
- From 2007 through 2014 the property was used as a scrap metal facility.

A digital copy of the Phase I ESA is included in **Attachment B**.

3.3.2 January 2015 - Phase II Investigation Data Summary (EBC)

The field work portion of the Phase II was performed on December 29th and 30th, 2014 and included the installation of six soil borings and the collection and analysis of eight soil and five groundwater samples. Shallow soil samples were also analyzed for TAL metals and PCBs. Deeper samples, from the water table interface, were analyzed for VOCs by USEPA 8260 and SVOCs by USEPA 8270. Groundwater samples were analyzed for VOCs only. Laboratory services were provided by Phoenix Environmental Laboratories of Manchester, CT 06040, a New York State ELAP certified environmental laboratory (ELAP Certification No. 11301).

The depth to groundwater at the site is approximately 10 feet below grade. Soil at the site is described as historic fill materials to a depth of approximately 0-4 feet below the surface followed by native brown sand and silt.

Laboratory results identified VOCs including 1,2-dichloroethane (B3), benzene, trimethylbenzene, ethylbenzene, toluene and xylene (B9, B10) above unrestricted and groundwater protection SCOs indicated multiple source areas across the Site. The concentration of total VOCs (when including naphthalene) were reported as high as 37,037 ug/kg. One or more SVOCs including chrysene, benzo(a)anthracene, benzo(a)pyrene, ideno(1,2,3-cd)pyrene, benzo(k)fluoranthene were reported above Unrestricted or Restricted Residential SCOs in two locations (B2 and B10).

Metals reported above included the following:

Unrestricted Use

B2 0-4 ft - Copper (76.6 mg/kg), lead (108 mg/kg), zinc (856 mg/kg)

B3 0-2 ft - Copper (62 mg/kg), lead (161 mg/kg), zinc (170 mg/kg)

B6 0-5 ft - Lead (72.6 mg/kg)

B9 4-6 ft - Zinc (134 mg/kg)

B10 0-4 ft - Copper (68.6 mg/kg), lead (147 mg/kg), mercury (0.55 mg/kg), zinc (1800 mg/kg)

Restricted Residential Use

B1 0-2 ft - Cadmium (3 mg/kg), mercury (1.94 mg/kg)

B2 0-4 ft - Mercury (5.54 mg/kg)

B3 0-2 ft - Mercury (1.01 mg/kg)

Petroleum VOCs were reported in three of the five groundwater samples (MW3, MW5, MW6) above water quality standards. Total petroleum VOCs were reported to 8,727 ug/L.

Summary tables / maps / laboratory reports of the Phase II Investigation data summary are provided in digital form in **Attachment B**.

3.4 Summary of Confirmed Contamination and Environmental Conditions

The results of the investigations performed at the site have identified the following contaminated media and environmental conditions that will complicate redevelopment of the property.

- Confirmed petroleum volatile organic compound (VOC) contaminants in soil above unrestricted and groundwater protection SCOs. This issue will require further investigation and remediation. Soils excavated under the proposed redevelopment scenario will require proper management and disposal at a permitted disposal facility.
- Confirmed chlorinated VOC (CVOC) contaminants in soil above unrestricted and groundwater protection SCOs. This issue will require further investigation to determine if the extent and degree of CVOC impact.
- Confirmed semi-volatile organic compound (SVOC) contaminants in soil above unrestricted and restricted residential SCOs. Soils excavated under the proposed redevelopment scenario will require proper management and disposal at a permitted disposal facility.
- Confirmed petroleum volatile organic compound (VOC) contaminants in groundwater above water quality standards.
- The potential for CVOCs in soil gas related to off-gassing from shallow impacted ground soil. Under a redevelopment scenario, VOCs in soil gas and the potential for on and off-site vapor intrusion must be evaluated as part of the Remedial Investigation of the Site.
- PCBs were reported in two samples below unrestricted SCOs. Based on the historic use of the Site as a rail yard and scrap metal yard, there is concern for higher PCB levels to be present elsewhere on the Site.

- The confirmed presence of UST at the Site. There is also a significant potential for unidentified tanks to be present at other locations on the property. The tanks will need to be removed and closed out in accordance with NYSDEC PBS regulations and DER10 guidance.
- Historic fill material is known to be present at the Site. The fill contains elevated levels of heavy metals including cadmium, copper, lead, mercury and zinc.

3.5 Cost Analysis of Established Environmental Conditions

The projected remedial costs for this project were based on typical NYSDEC Brownfield Cleanup Program requirements. Petroleum contamination in the form of VOCs and SVOCs was reported in soil to depths of 10 feet. However the extent of horizontal and vertical impact has not been determined. Groundwater is also impacted with petroleum.

Historic fill materials were documented through out the Site to a depth of 4 feet below the surface. This fill contains elevated levels of metals including cadmium, copper, lead, mercury and zinc and semi-volatile organic compounds. These metals, especially lead, will have a significant effect on disposal costs. If lead is present above 600 ppm disposal costs increase considerably. In addition lead levels in such fill occasionally exceed TCLP analysis resulting in a hazardous classification.

For the purposes of cost analysis it is assumed that soils impacted with petroleum will be removed during excavation for the new building's foundation with over excavation as needed in several areas outside of the building footprint. Up to 2 feet of soil would be removed from the remainder of the Site. Groundwater remediation will include dewatering and the application of oxidants to the open excavation along with some supplemental injections.

The costs for soil disposal under a non-hazardous classification were based on those recently established within the area. It is assumed that contaminant levels for non-hazardous soils are within acceptable limits at standard range New Jersey non-hazardous and beneficial reuse disposal facilities. Costs are also included for the cleaning and removal of the existing USTs.

Further investigation and remedial action of existing environmental conditions will include the following tasks:

- NYSDEC Brownfield Cleanup Program - Initial Submittals, Investigative Work Plans, etc.
Cost: \$30,100
- Supplemental Remedial Investigation and Reporting
Cost: \$72,182
- Remedial Work Plans and Remedy Scoping
Cost: \$ 18,750
- Remedial Program Implementation and Reporting
Cost: \$ 996,070

- Final Reporting, Easements (if needed), DEC/DOH costs and Related for Certificate of Completion
Cost: \$ 47,950
- Post Remedial Monitoring and Reporting (if needed) for 1 year
Cost: \$ 82,500

| | | |
|---------------------------|-----------|------------------|
| Subtotal | \$ | 1,247,552 |
| 15% Contingency | \$ | 187,132 |
| TOTAL PROJECT COST | \$ | 1,434,684 |

A detailed summary of the projected remedial costs by task is provided in **Attachment C**.

3.6 Previous Owners and Operators

Previous owners and operators of the property are shown in the tables below. Information regarding ownership of the property was obtained from online property records maintained by the NYC Department of Finance Office of the City Register under its Automated City Register Information System (ACRIS) and from hard copy records at the agencies regional office. Information regarding past operators was obtained from Sanborn Fire Insurance maps, from telephone directory listings and from an internet search of the property address.

The Site is currently owned by 1175 Flushing Avenue Associates LLC. The Requestor is under contract to purchase the property. The property is currently occupied by a scrap metal recycling facility.

A review of Sanborn maps shows that the Site served as a Long Island Rail Road freight yard from between 1888 and 1907 until sometime between 1951 and 1965. The current building was constructed 1931 in the southeast corner of the Site. In 1951 the building was utilized for fire wood cutting, bagged charcoal storage and automobile storage. An underground gas tank is shown in the south central area of the site at this time. From 1955 to 2003 the building along Flushing Avenue was used as a service station, car wash and auto repair shop. The remainder of the property was used for parking through 1981. In 1981 the parking area was used as an auto parts yard. Between 2007 and 2014 the building on Site was converted from an auto service to a scrap metal facility. A listing of previous owners and operators for the property is as follows:

Table 1 – Previous Owners Lot 75

| Dates | Name | Comments | Contact Info |
|-----------------------------|---|----------|---|
| Prior to 6/10/1982 | Dora Getreider | Deed | 2335 Emmons Avenue, Brooklyn NY 11235 |
| From 6/10/1982 to 5/18/1990 | JCB Realty Corp. | Deed | 1175 Flushing Avenue, Brooklyn, NY 11237 |
| From 5/18/1990 to 7/22/1992 | James F. Dwyer Charles Manor Glen C. Finnerty | Deed | 6436 Myrtle Avenue, Glendale, NY 11383 P.O. Box 177, Bethel, NY 12720 87-16 Atlantic Avenue, Ozone Park, NY 11416 |
| From 7/22/1992 to 7/31/1998 | Kevin Dwyer | Deed | 6436 Myrtle Avenue, Glendale, NY 11383 |
| From 7/31/1998 to 12/1/2004 | Louis C. Ruggiero | Deed | 164-40 91 st Street, Howard Beach, NY 11414 |
| From 12/1/2004 to 2/3/2005 | James C. Ruggiero | Deed | 163-14 92 nd Street, Howard Beach, NY 11414 |
| From 2/3/2005 to Present | 1175 Flushing Avenue Associates LLC | Deed | 1175 Flushing Avenue, Brooklyn, NY 11237 |

Note: Flushing Stewart LLC is in no way affiliated with any of the previous owners of the property

Table 2 – Previous Owners Lot 9

| Dates | Name | Comments | Contact Info |
|-------------------------------------|-------------------------------------|--------------|--|
| Sometime prior to 1888 to 8/19/2014 | The Long Island Railroad Company | Sanborn Maps | Jamaica Station, Jamaica, NY 11434 |
| From 8/19/2014 to Present | 1175 Flushing Avenue Associates LLC | Deed | 1175 Flushing Avenue, Brooklyn, NY 11237 |

Note: Flushing Stewart LLC is in no way affiliated with any of the previous owners of the property

Table 3 – Previous Operators

| Dates | Name | Comments | Contact Info |
|--|--|--------------------------------|---|
| Sometime between 1888 and 1907 to sometime between 1951 and 1965 | The Long Island Railroad Company | Sanborn Maps | Jamaica Station, Jamaica, NY 11434 |
| Sometime between 1933 and 1945 to sometime between 1949 and 1960 | Gowanus Kindling Wood works (1945, 1949) Morgan Avenue Wood Works (1945) LWood & Fuel Co. (1949) Consolidated Charcoal (1949) | Sanborn Maps City Directory | Unknown 1175 Flushing Avenue, Brooklyn, NY 11237 |
| Sometime between 1949 and 1960 to 1970 | T&T Auto Wash (1960) Public Serv. Station (1960, 1965) Quality Car Wash (1965) AAA Bargain Car Wash Corp. (1970) | Sanborn Maps City Directory | Unknown 1175 Flushing Avenue, Brooklyn, NY 11237 |
| Sometime between 1970 and 1973 to 1980 | Stewart Car Wash (1973, 1976) B&M Service Station (1973) Flushing Avenue Service Station (1976) AFA Auto Repair (1980) | Sanborn Maps City Directory | Unknown 1175 Flushing Avenue, Brooklyn, NY 11237 |
| Sometime between 1980 and 1985 to 1992 | Stewarts Auto Repair (1985) D&G Tire (1985) Riteway Tire Service (1992) | Sanborn Maps City Directory | Unknown 1175 Flushing Avenue, Brooklyn, NY 11237 |
| Sometime between 1992 and 2005 to 2008 | Newark II Auto Recycling Corp. (2005) &R Used Auto Parts (2005) Newark II Automotive (2005, 2008) Universal Used Auto Parts Inc. (2008) | Sanborn Maps City Directory | Unknown 1175 Flushing Avenue, Brooklyn, NY 11237 |
| From 2008 to present | Universal Scrap Metal Processors Corp. | Sanborn Maps City Directory | 25 Stewart Avenue, Brooklyn, NY 11237 |

Note: Flushing Stewart LLC is in no way affiliated with any of the previous operators of the property

The following resources were employed in obtaining historical information with respect to ownership:

- NYC ACRIS Database
- NYS Department of State Business Search

The following resources were employed in obtaining historical information with respect to operators:

- Interviews with current Operators / Owners
- Sanborn Fire Insurance Maps
- Certificate of Occupancy Records as Maintained by the NYC Department of Buildings
- Internet Address Search
- NYS Department of State Business Search

4.0 CONTACT LIST INFORMATION (Application Section VIII)

The following sub-sections provide the minimum contact list information as required in the BCP application form.

4.1 Local Government Contacts

City of New York

William de Blasio
Mayor of New York City
City Hall
New York, NY 10007

Eric Adams
Brooklyn Borough President
209 Joralemon Street
New York, NY 11201

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

Mr. Gerald Esposito
District Manager, Brooklyn Community Board 1
435 Graham Avenue
Brooklyn, NY, 11211

Antonio Reynoso
NYC Council Member
34th District
244 Union Ave
Brooklyn NY 11211

Carl Weisbrod
Chair of City Planning (Zoning)
22 Reade St.
Third Floor
New York, NY 10007

Dalila Hall
New York City Department of Transportation
Brooklyn Borough Commissioner
55 Water Street, 9th Floor
New York, NY 10041

Kings County Clerk's Office
Nancy Sunshine, County Clerk
360 Adams Street, Room 189
Brooklyn, NY 11201

Ms. Letitia James
Public Advocate
1 Centre Street, 15th Floor
New York, NY 10007
Email: kjfoey@pubadvocate.nyc.gov

Scott M. Stringer
Office of the Comptroller
1 Centre Street
New York, NY 10007
Email: intergov@comptroller.nyc.gov

Jose Peralta
NYS Senator
32-37 Junction Boulevard
East Elmhurst, NY 11369

Richard N. Gottfried
NYS Assembly Member
242 West 27th Street
New York, NY 10001

Charles Schumer
U.S. Senator
757 Third Avenue, Suite 17-02
New York, NY 10017

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

Nydia M. Velazquez
U.S. House of Representatives
266 Broadway, Suite 201
Brooklyn, NY 11211

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

Director
NYC Office of Environmental Coordination
100 Gold Street– 2nd Floor
New York, NY 10038

Daniel Walsh
NYC Department of Environmental Remediation
100 Gold Street
New York, NY 10038

4.2 Adjacent Property Owner Contacts

Properties adjacent to the project site are shown in **Figure 4**. Contact information for the identified owners, as listed in the New York City ACRIS Database, are as follows:

West

1. MASLAVI 5 LLC
1177 FLUSHING AVE.
BROOKLYN, NY 11237-1717
2. 28 VARICK AVENUE LLC
C/O JAVANI FASHIONS
1370 BROADWAY FL. 4
NEW YORK, NY 10018-7786

OCCUPANT
28 VARICK AVENUE
BROOKLYN, NY 11211

North

3. NYC MTA
347 MADISON AVE.
NEW YORK, NY 10017-3706
4. BUSHWICK PARTNERS REALTY, LLC
47 STEWART AVE.
BROOKLYN, NY 11237-1517

East

5. 220 INGRAHAM LLC C/O
220 INGRAHAM ST.
BROOKLYN, NY 11237-1525

6. BROTHER REAL ESTATE INC.
1201 FLUSHING AVE.
BROOKLYN, NY 11237-1701

7. 141 5TH AVE. PAYLESS INC.
C/O G. JACOBS
2672 E. 65TH ST.
BROOKLYN, NY 11234-6824

OCCUPANT
1182 FLUSHING AVENUE
BROOKLYN, NY 11237

South

8. B. AND B. SWEATER MILLS INC.
1160 FLUSHING AVE.
BROOKLYN, NY 11237-1747

9. CHRIST REALTY CORPORATION
1154 FLUSHING AVE.
BROOKLYN, NY 11237-1747

10. CHAO, JOAN
1154 FLUSHING AVE.
BROOKLYN, NY 11237-1747

4.3 Local News Media

The Brooklyn Paper

One Metrotech Center, Suite 1001
Brooklyn, NY 11201
(718) 260-4504

New York Times

620 Eighth Ave.
New York, NY 10018

New York Daily News

450 W. 33 Street
New York, NY 10001

New York Post

1211 Avenue of the Americas
New York, NY 10036-8790

4.4 Public Water Supplier

New York City Department of Environmental Protection
Bureau of Water Supply
1250 Broadway - 8th Floor
Manhattan, NY 10001
New York City Department of City Planning

4.5 Requested Contacts

No requests have been made at this time.

4.6 Schools and Daycare Facilities

The following Schools and Daycare facilities were identified within a one-quarter mile radius of the project site (see **Figure 5**):

1. P.S. 123 Suydam
100 Irving Avenue, Brooklyn, NY 11237
(718) 821-4810
Attn: Arelis Parache, Principal
2. J.H.S. 162 The Willoughby
1390 Willoughby Avenue, Brooklyn, NY 11237
(718) 821-4860
Attn: Barbara De Martino, Principal

4.7 Document Repository

The following location will serve as a repository for public access to documents generated under the BCP program:

Brooklyn Public Library – Bushwick Branch

340 Bushwick Avenue, Brooklyn, NY 11206
(718) 602-1348

Hours

| | |
|-----|--------------------|
| Mon | closed |
| Tue | 10:00 am - 6:00 pm |
| Wed | 10:00 am - 8:00 pm |
| Thu | 10:00 am - 8:00 pm |
| Fri | 10:00 am - 6:00 pm |
| Sat | 10:00 am - 5:00 pm |

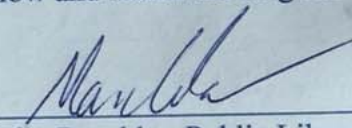
February 17, 2015

Brooklyn Public Library
Bushwick Branch
340 Bushwick Avenue
Brooklyn, NY 11206

**Re: NYS Brownfield Cleanup Program Application
Former Universal Scrap Metal Processors Corp. – 1181 Flushing Avenue,
Brooklyn, NY**

In compliance with the requirements of the NYSDEC Brownfield Clean-up Program, the Brooklyn Public Library, Bushwick Branch, located at 340 Bushwick Avenue, Brooklyn, NY 11206 agrees to serve as a designated repository for the above referenced project to facilitate citizen access to project documents such as Work Plans, Technical Specifications and Investigative Reports.

Please sign below and return the original copy to our office at the address shown below.

Accepted by:  Date 1/17/15
for Brooklyn Public Library – Bushwick Branch

5.0 LAND USE FACTORS (Application Section IX)

5.1 Current Property Use (Question 1)

The site is currently improved with a 4,500 sf building constructed in 1931. The building and property are currently used by a scrap metal recycling facility. Historically the property was used for many years as a service station auto repair shop and auto wrecking yard. Further information on the historic use of the property is provided in *Section 3.0 - Environmental History*.

5.2 Intended Post Remediation Property Use (Question 2)

The Requestor intends to redevelop the property with a new 6-8 story commercial building which will cover approximately 60 percent of the south lot (lot 75). The project includes 14,362 sf of commercial / retail space, 14,362 sf of community space and 71,810 sf of hotel space. Plans include a full height basement level requiring excavation to a depth of approximately 11 ft below grade. The basement level will be used for meter rooms and retail storage space. The remainder of the property will be utilized for parking. With groundwater present at 10 feet below grade, dewatering will likely be required during construction of the building's foundation.

Further details of the proposed project are provided in *Section 2.0 - Project Description*.

5.3 Surrounding Land Use (Question 14)

The land use in the immediate vicinity of the Site (**Figure 6**) is primarily industrial / commercial in accordance with the M1-1, M1-2 and M3-1 zoning which surrounds the property. Adjacent land use includes large manufacturing / warehouse buildings to the west, north and east and a lumber yard, Manhattan Transit Authority maintenance building and a wholesale food warehouse to the south. Residential areas are present further to the south behind the commercial properties along Flushing Avenue.

There are no schools or daycare centers in the immediate area (1,000 ft) of the Site, however there are two schools, P.S. 123 and J.H.S. 162, located to the south and east respectively, of the Site.

The proposed project is compatible with the surrounding land use and will be in compliance with the current zoning.

Compliance with Current Zoning

The property is currently zoned M1-2 (**Figure 7**). M1 districts are often buffers between M2 or M3 districts and adjacent residential or commercial districts. M1 districts typically include light industrial uses, such as woodworking shops, repair shops, and wholesale service and storage facilities. Nearly all industrial uses are allowed in M1 districts if they meet the stringent M1 performance standards. Offices, hotels and most retail uses are also permitted. Certain community facilities, such as hospitals, are allowed in M1 districts only by special permit, but houses of worship are allowed as-of-right.

The proposed project which includes a hotel and commercial-retail space is compatible with the surrounding land use and will be in compliance with the current zoning.

Compliance with Land Use Plans

In early 2006, the City created 16 Industrial Business Zones (IBZ) across the City where expanded business services are available for industrial and manufacturing businesses. This designation fosters high-performing business districts by creating competitive advantages over locating in areas outside of New York City. The IBZs are supported by tax credits for relocating within them, zone-specific planning efforts, and direct business assistance from Industrial Providers of NYC Business Solutions Industrial and Transportation. In light of the purpose of IBZs to foster industrial sector growth by creating real estate certainty, rezoning of these areas for residential use are not allowed.

The proposed project is located within the North Brooklyn Industrial Business Zone and will be in compliance with this land use plan as ratified by the NY City Boundary Commission in November 2014 after expanding and adding several IBZs (**Attachment D**).

5.4 Environmental Zone

In October 2003, the New York State Brownfield Cleanup Program was signed into law under Title 14 of the ECL, Article 27. The law directed New York State's economic development agency, Empire State Development (ESD) to designate Environmental Zones in which tax credits offered under the BCP are enhanced. The subject site is located within Census Tract 453 which is a designated Environmental Zone (see **Figure 8**). Census Tract 453 has a poverty rate of 45.78 percent and an unemployment rate of 24.30 percent which meets the Part A eligibility criteria for an Environmental Zone. Part A eligibility requires a poverty rate of greater than 20 percent and an unemployment rate of greater than 8.868 percent.

5.5 Environmental Justice Area

As shown on **Figure 9**, the Site is located within a potential environmental justice area. The NYSDEC defines a potential environmental justice area as a "minority or low-income community that may bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

5.6 Groundwater Vulnerability (Question 15)

Groundwater at the Site is present under water table conditions at a depth of approximately 10 feet below grade. Based on regional and local water table elevation maps, groundwater flow is expected to be north. Groundwater at the site has been affected by petroleum related volatile organic compounds (VOCs).

Impact to drinking water is not an immediate concern to the buildings downgradient of the Site as all water for the area is supplied by the NYC Municipal water supply system.

Vapor intrusion, from impacted soil and /or groundwater at the Site, to any new development on the Site and to adjacent residential and commercial buildings is a potential concern that will be investigated further under the Remedial Investigation.

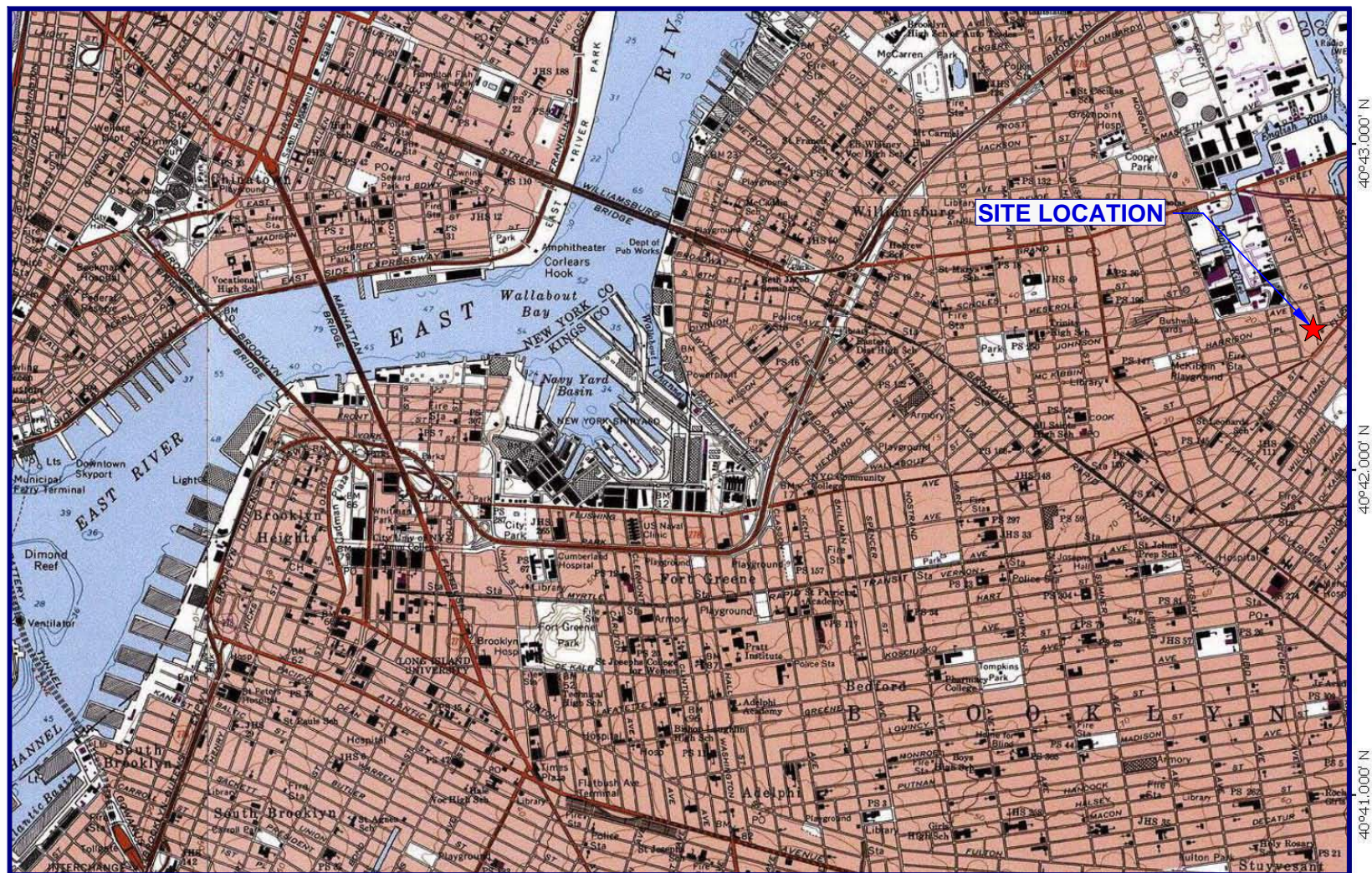
5.7 Site Geography and Geology (Question 16)

The geologic setting of Long Island is well documented and consists of crystalline bedrock overlain by layers of unconsolidated deposits. According to geologic maps of the area created by the United States Geologic Survey (USGS), the bedrock in this area of Brooklyn is an igneous intrusive classified as the Ravenswood grano-diorite of middle Ordovician to middle Cambrian age. Unconsolidated sediments overlie the bedrock and consist of Pleistocene aged sand, gravel and silty clays, deposited by glacial-fluvial activity. Non-native fill materials consisting of dredge spoils, rubble and / or other materials have historically been used to reinforce and extend shoreline areas and to raise and improve the drainage of low lying areas.

Soil at the site is described as historic fill materials to a depth of approximately 4 feet below the surface followed by native brown fine sand with silt. According to the USGS topographic map for the area (Brooklyn Quadrangle), the elevation of the property ranges from 16 to 18 feet above the National Geodetic Vertical Datum (NGVD). The area topography gradually slopes to the north.

No portion of the Site is located within a designated flood zone area. As shown on **Figure 10**, the nearest moderate risk flood zone is located 820 feet to the northwest and the nearest high risk flood zone is located 1,000 feet to the northwest.

FIGURES



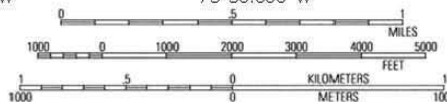
74°00.000' W

73°59.000' W

73°58.000' W

73°57.000' W

WGS84 73°56.000' W



USGS Brooklyn Quadrangle 1995, Contour Interval = 10 feet

IBC

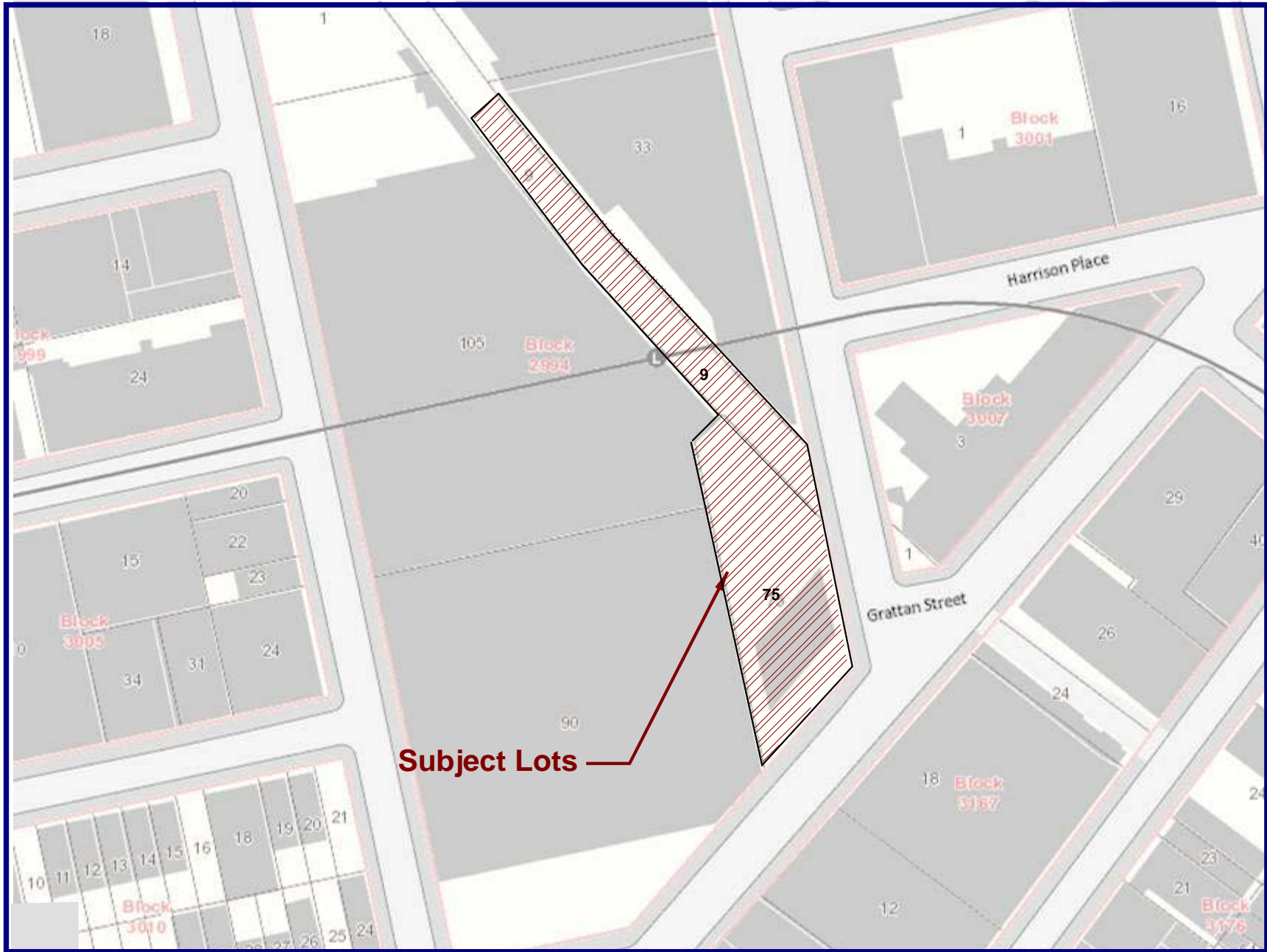
ENVIRONMENTAL BUSINESS CONSULTANTS
1808 MIDDLE COUNTRY ROAD, RIDGE, NY 11961

Phone 631.504.6000
Fax 631.924.2780

FORMER UNIVERSAL SCRAP PROCESSORS CORP.
1181 FLUSHING AVENUE, BROOKLYN, NY

FIGURE 1 SITE LOCATION MAP

MNJ
13°
10/30/11



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1808 MIDDLE COUNTRY ROAD, RIDGE, NY 11961

Phone 631.504.6000
Fax 631.924.2780

FORMER UNIVERSAL SCRAP PROCESSORS CORP. BROOKLYN, NY
BLOCK 2994 LOTS 9 AND 75

FIGURE 2 NYC TAX MAP



ENVIRONMENTAL BUSINESS CONSULTANTS

Phone 631.504.6000
Fax 631.924.2870

Figure No.
3

Site Name: **FORMER UNIVERSAL SCRAP METAL PROCESSORS CORP.**

Site Address: **1181 FLUSHING AVENUE, BROOKLYN, NY**

Drawing Title: **SITE PLAN**



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Phone: 631.504.6000
Fax: 631.924.2780

FORMER UNIVERSAL SCRAP PROCESSORS CORP.
1181 FLUSHING AVENUE, BROOKLYN, NY

FIGURE 4

**PROJECT SITE AND
ADJACENT PROPERTIES**



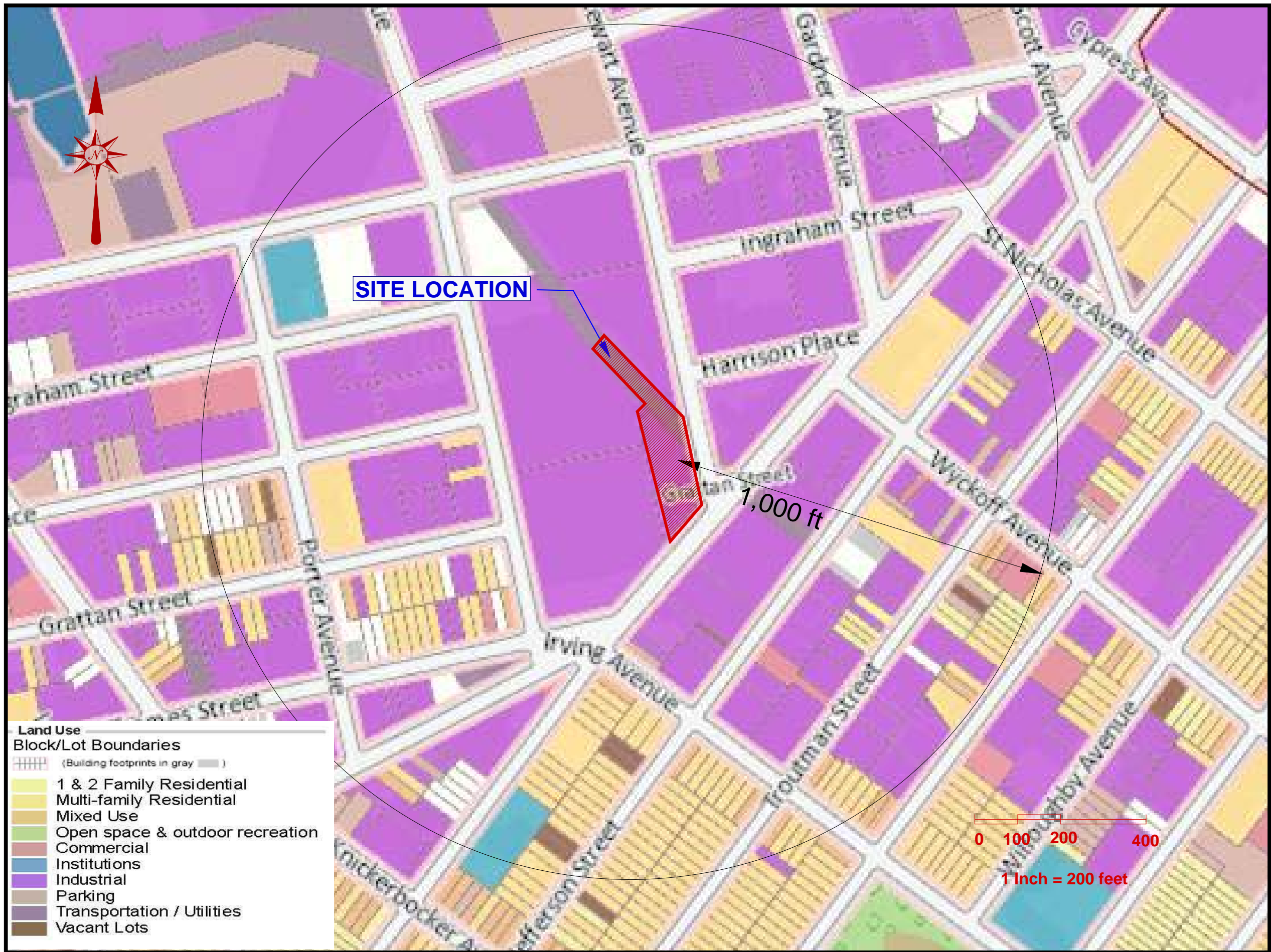
ENVIRONMENTAL BUSINESS CONSULTANTS
1808 MIDDLE COUNTRY ROAD, RIDGE, NY 11961

Phone 631.504.6000
Fax 631.924.2780

FORMER UNIVERSAL SCRAP PROCESSORS CORP.
1181 FLUSHING AVENUE, BROOKLYN, NY

FIGURE 5

**AREA SCHOOLS &
DAYCARE CENTERS**



ENVIRONMENTAL BUSINESS CONSULTANTS

Phone 631.504.6000
Fax 631.924.2870

Figure No.
6

Site Name: **FORMER UNIVERSAL SCRAP PROCESSORS CORP.**

Site Address: **1181 FLUSHING AVENUE, BROOKLYN, NY**

Drawing Title: **SURROUNDING LAND USE**

New York State Environmental Zones Northern Kings County Eligible Tracts

Eligibility Criteria

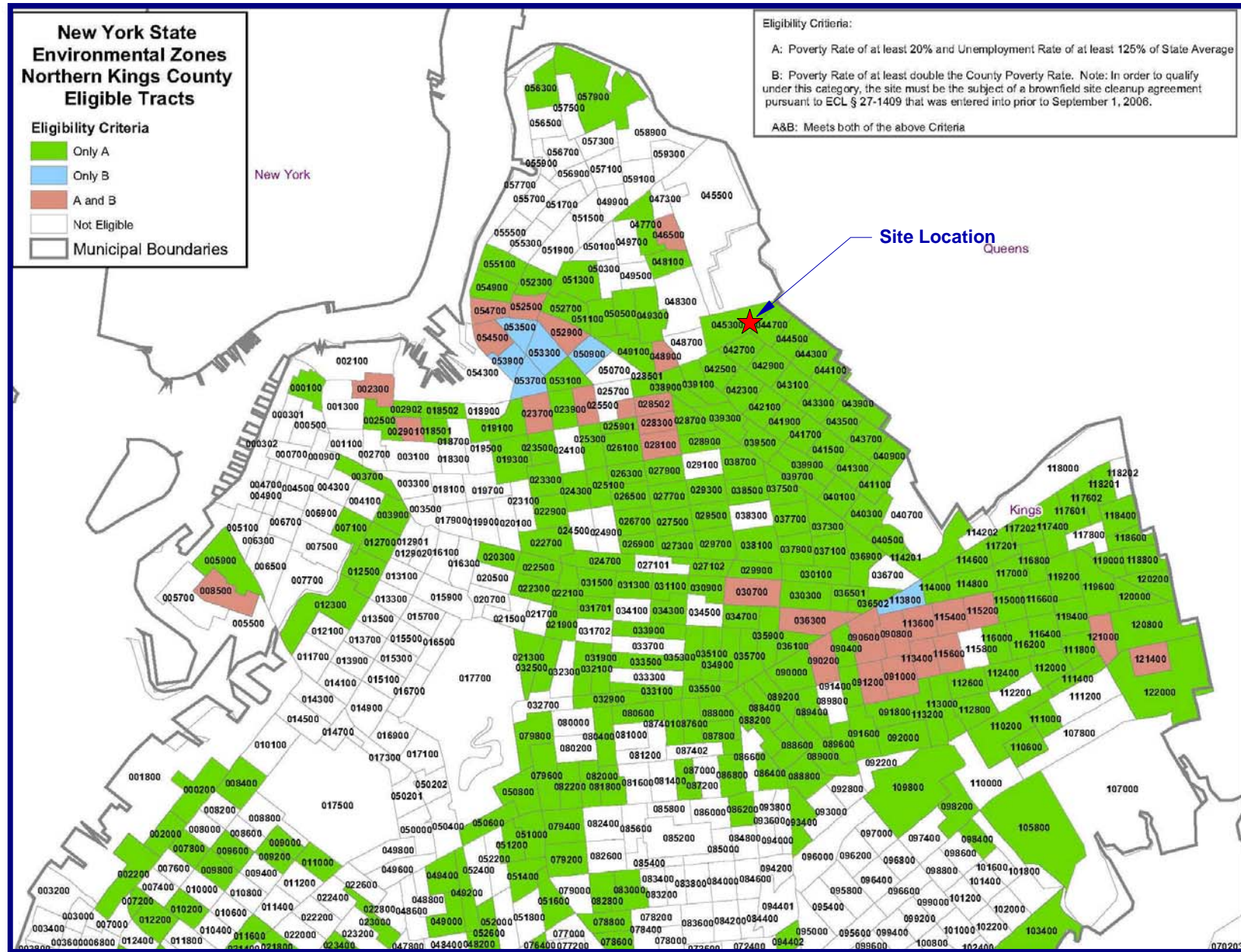
- Only A
- Only B
- A and B
- Not Eligible
- Municipal Boundaries

Eligibility Criteria:

A: Poverty Rate of at least 20% and Unemployment Rate of at least 125% of State Average

B: Poverty Rate of at least double the County Poverty Rate. Note: In order to qualify under this category, the site must be the subject of a brownfield site cleanup agreement pursuant to ECL § 27-1409 that was entered into prior to September 1, 2006.

A&B: Meets both of the above Criteria



ENVIRONMENTAL BUSINESS CONSULTANTS

1808 MIDDLE COUNTRY ROAD, RIDGE, NY 11961

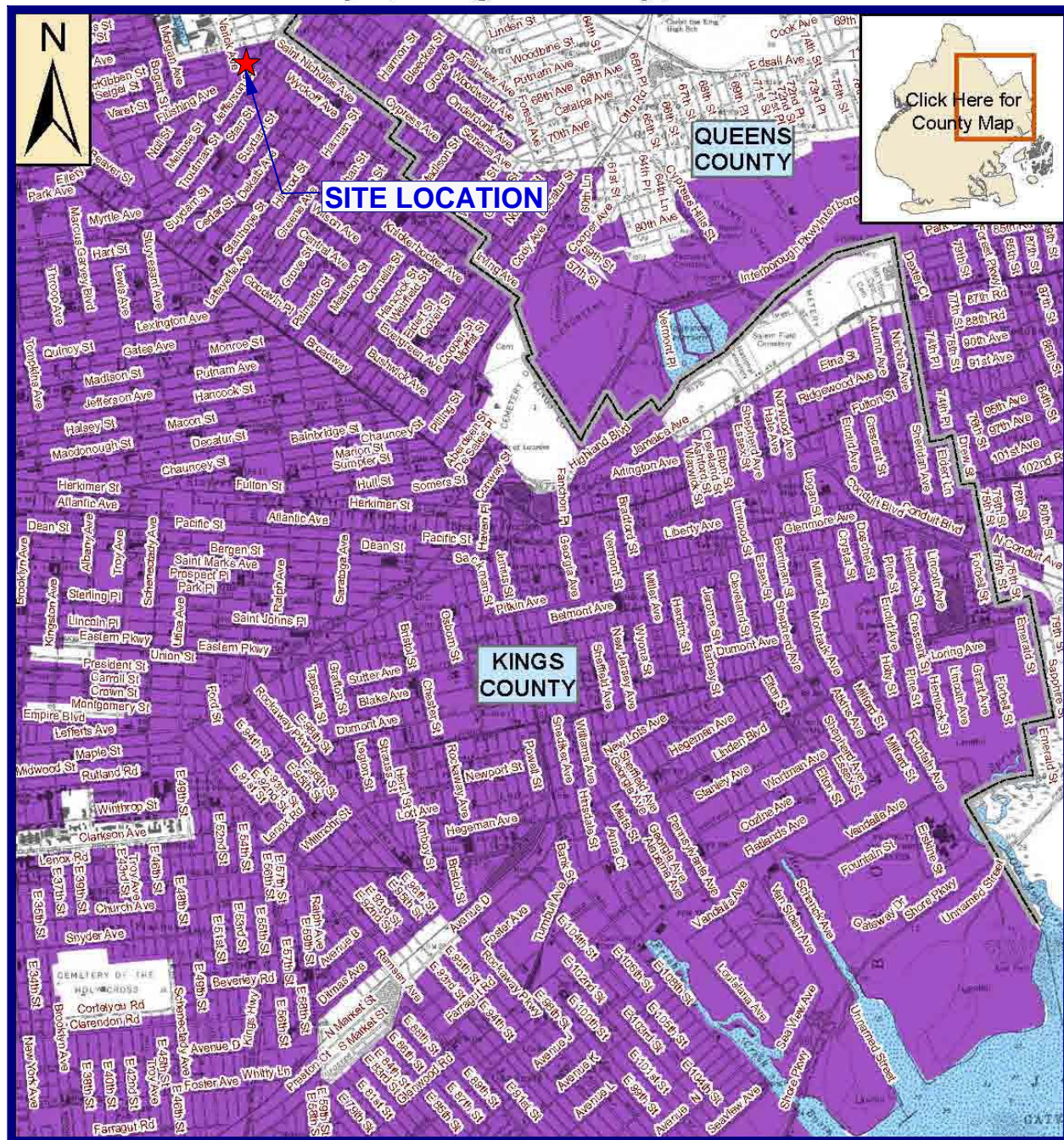
Phone: 631.504.6000

Fax: 631.924.2780

FORMER UNIVERSAL SCRAP PROCESSORS CORP.
1181 FLUSHING AVENUE, BROOKLYN, NY

FIGURE 8 NYS ENVIRONMENTAL ZONES

Potential Environmental Justice Areas in Northeast Brooklyn, Kings County, New York



This computer representation has been compiled from supplied data or information that has not been verified by EPA or NYSDEC. The data is offered here as a general representation only and is not to be used for commercial purposes without verification by an independent professional qualified to verify such data or information.

Neither EPA nor NYSDEC guarantee the accuracy, completeness, or timeliness of the information shown and shall not be liable for any loss or injury resulting from reliance.

Data Source for Potential Environmental Justice Areas:
U.S. Census Bureau, 2000 U.S. Census

Legend

- Potential EJ Area
- County Boundary
- Waterbodies

0 0.2 0.4 0.6 0.8 1 Miles

SCALE: 1:40,000

For questions about this map contact:
New York State Department of
Environmental Conservation
Office of Environmental Justice
625 Broadway, 14th Floor
Albany, New York 12233-1500
(518) 402-8556
ej@gw.dec.state.ny.us



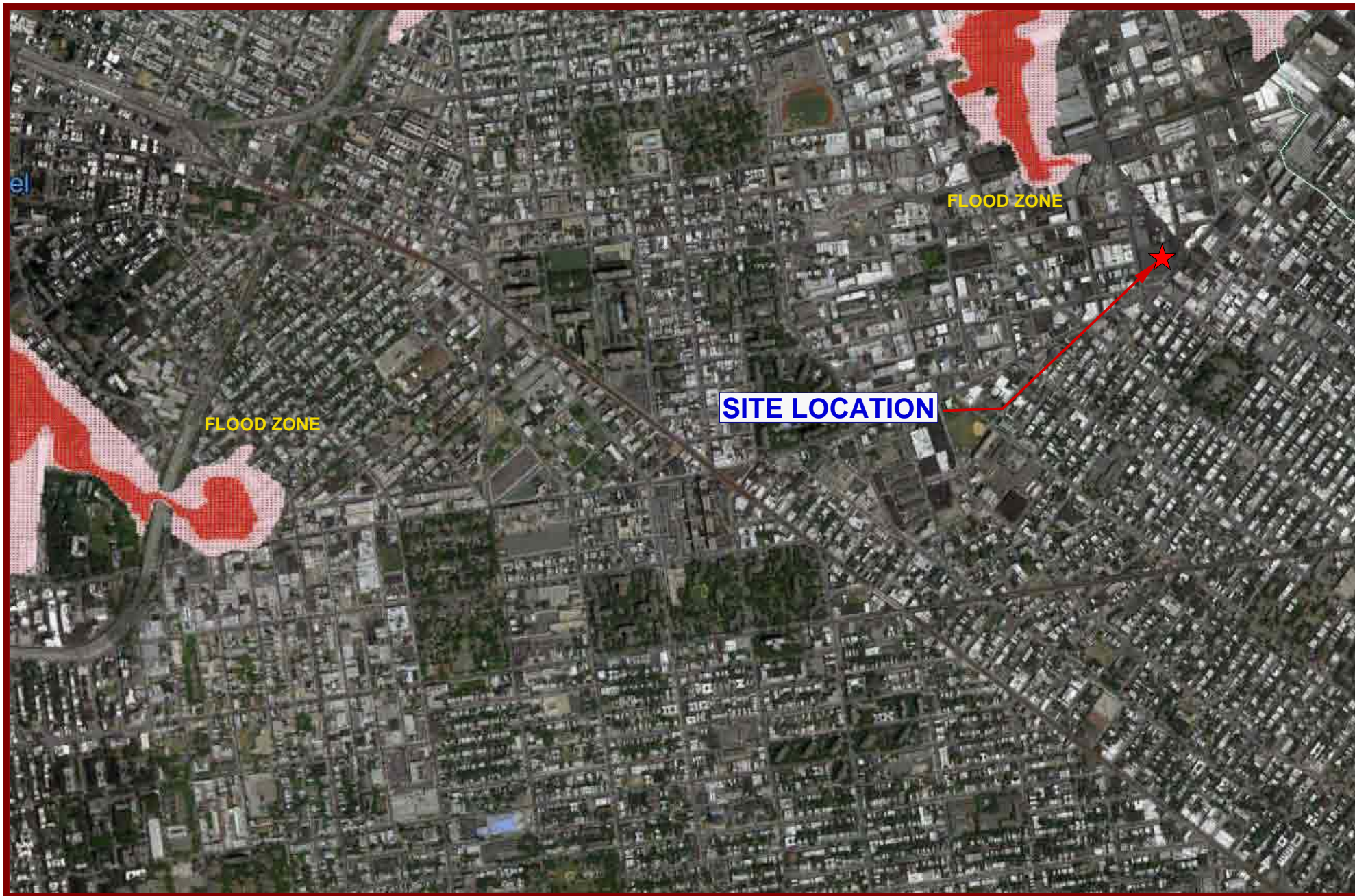
ENVIRONMENTAL BUSINESS CONSULTANTS

Phone 631.504.6000
Fax 631.924.2870

FORMER UNIVERSAL SCRAP PROCESSORS CORP.
1181 FLUSHING AVENUE, BROOKLYN, NY

FIGURE 9

POTENTIAL ENVIRONMENTAL
JUSTICE AREAS



EBC

ENVIRONMENTAL BUSINESS CONSULTANTS

1808 MIDDLE COUNTRY ROAD, RIDGE, NY 11961

Phone: 631.504.6000

Fax: 631.924.2780

FORMER UNIVERSAL SCRAP PROCESSORS CORP.
1181 FLUSHING AVENUE, BROOKLYN, NY

FIGURE 10 FEMA FLOOD
ZONE MAP

ATTACHMENT A

Access Agreement

Flushing Stewart LLC

1175 Flushing Avenue Associates, LLC
25 Stewart Avenue
Brooklyn, NY 11237

Re: Access to Property located at 1181-1189 Flushing Avenue aka 25-31 Stewart Avenue,
Brooklyn, NY 11237. Tax Block 2994 Lots 75 & 9

Dear Sir:

As you are aware, Flushing Stewart LLC will be submitting an application to the New York State Brownfield Cleanup Program (BCP) for the property located at 1181-1189 Flushing Avenue aka 25-31 Stewart Avenue, Brooklyn, NY 11237 (Tax Block 2994 Lots 75 & 9), which is currently owned by your company. As the BCP applicant, we are required to demonstrate we have the ability to access the property. In order to file the application, therefore, we need written permission from you to access the property throughout the BCP Project. By execution of this site access agreement letter, you are hereby allowing site access for this purpose.

Sincerely,

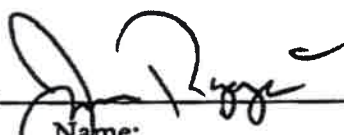
Flushing Stewart LLC



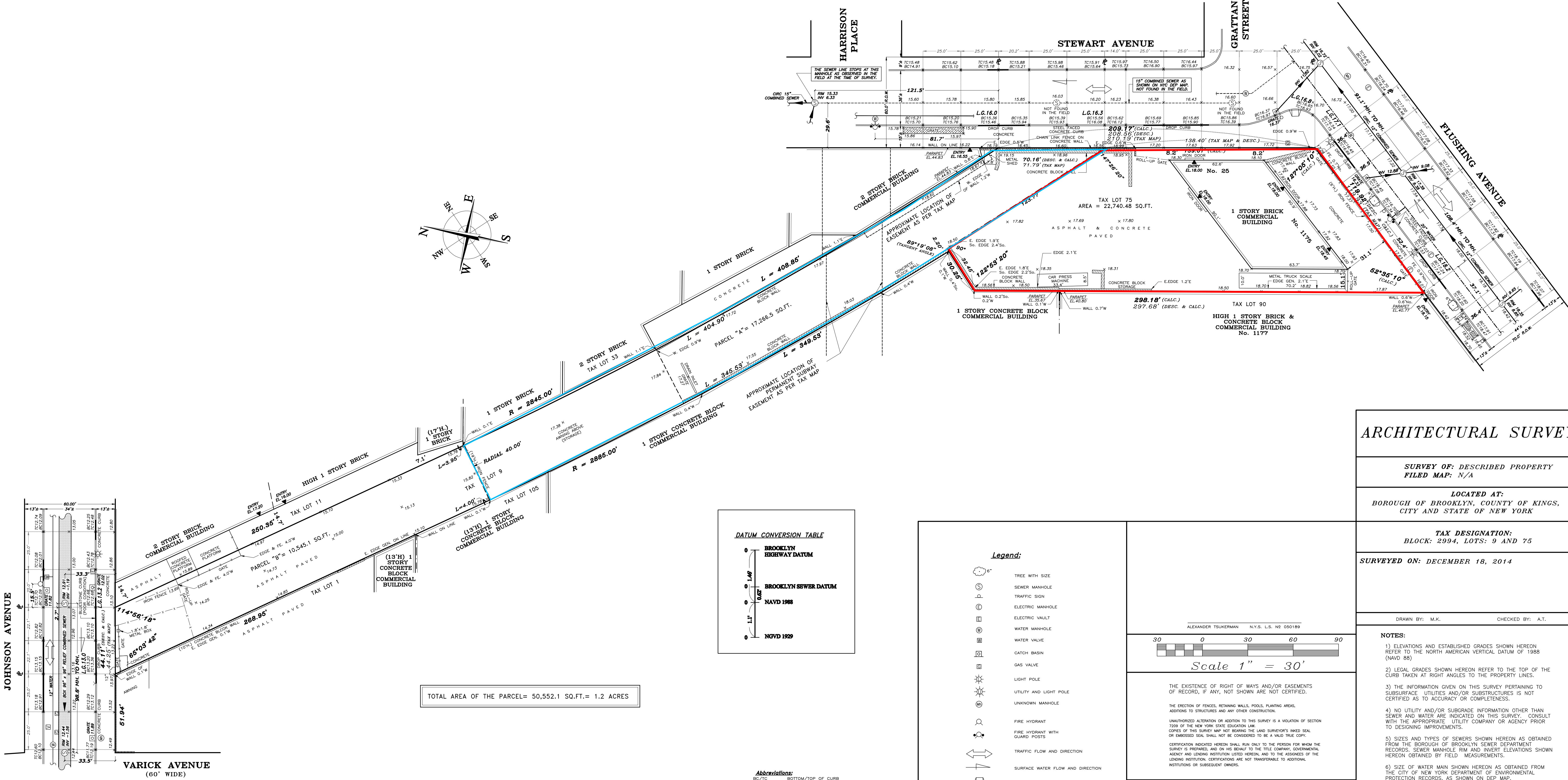
By: _____
Zelig Weiss, Managing Member

As Site owner, I agree to allow Flushing Stewart LLC, and its contractors, to enter 1181-1189 Flushing Avenue aka 25-31 Stewart Avenue, Brooklyn, NY 11237 (Tax Block 2994 Lots 75 & 9), which is currently owned by 1175 Flushing Avenue Associates, LLC, to perform the required BCP investigation and/or remediation work.

1175 Flushing Avenue Associates, LLC

By:  _____
Name:
Title:

JOB NO.: 14-37682E



TOTAL AREA OF THE PARCEL= 50,552.1 SQ.FT.= 1.2 ACRES

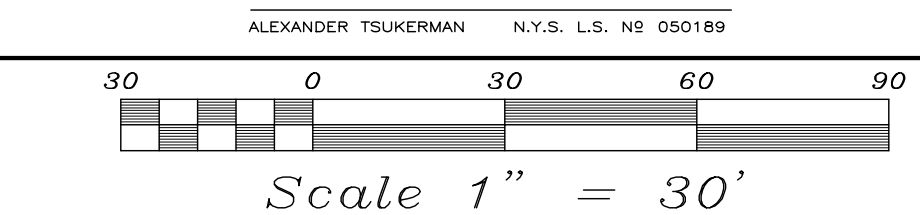
DATUM CONVERSION TABLE

| | |
|------|------------------------|
| 0 | BROOKLYN HIGHWAY DATUM |
| 1.49 | BROOKLYN SEWER DATUM |
| 1.48 | NAVD 1988 |
| 1.1 | NGVD 1929 |

Abbreviations:
BC/TC BOTTOM/TOP OF CURB
GEN. GENERAL
MH. TO MH. MANHOLE TO MANHOLE
L.G. LEGAL GRADES
(10'±) HEIGHT OF STRUCTURE
N.T.S. NOT TO SCALE
CIRC. CIRCULAR PIPE
BOX SHAPE OF SEWER

Legend:

- 6" TREE WITH SIZE
- SEWER MANHOLE
- TRAFFIC SIGN
- ELECTRIC MANHOLE
- ELECTRIC VAULT
- WATER MANHOLE
- WATER VALVE
- CATCH BASIN
- GAS VALVE
- LIGHT POLE
- UTILITY AND LIGHT POLE
- UNKNOWN MANHOLE
- FIRE HYDRANT
- FIRE HYDRANT WITH GUARD POSTS
- TRAFFIC FLOW AND DIRECTION
- SURFACE WATER FLOW AND DIRECTION
- PEDESTRIAN RAMP
- CIRC. 12" COMBINED SEWER COMBINED SEWER WITH SIZE OF PIPE AND DIRECTION OF FLOW
- 20" WATER WATER MAIN WITH SIZE OF PIPE



THE EXISTENCE OF RIGHT OF WAYS AND/OR EASEMENTS OF RECORD, IF ANY, NOT SHOWN ARE NOT CERTIFIED.

THE LOCATION OF FENCES, RETAINING WALLS, POOLS, PLANTING AREAS, ADDITIONS TO STRUCTURES AND ANY OTHER CONSTRUCTION.

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW.

COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S INKED SEAL OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY.

CERTIFICATION INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

LEONARD J. STRANDBERG AND ASSOCIATES,
CONSULTING ENGINEERS AND LAND SURVEYORS, P.C.
32 SMITH STREET, FREEPORT, NY 11520
516-378-2064 • 212-213-4090 • FAX 516-378-6649

ARCHITECTURAL SURVEY

SURVEY OF: DESCRIBED PROPERTY
FILED MAP: N/A

LOCATED AT:
BOROUGH OF BROOKLYN, COUNTY OF KINGS,
CITY AND STATE OF NEW YORK

TAX DESIGNATION:
BLOCK: 2994, LOTS: 9 AND 75

SURVEYED ON: DECEMBER 18, 2014

DRAWN BY: M.K. CHECKED BY: A.T.

NOTES:

- ELEVATIONS AND ESTABLISHED GRADES SHOWN HEREON REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
- LEGAL GRADES SHOWN HEREON REFER TO THE TOP OF THE CURB TAKEN AT RIGHT ANGLES TO THE PROPERTY LINES.
- THE INFORMATION GIVEN ON THIS SURVEY PERTAINING TO SUBSURFACE UTILITIES AND/OR SUBSTRUCTURES IS NOT CERTIFIED AS TO ACCURACY OR COMPLETENESS.
- NO UTILITY AND/OR SUBGRADE INFORMATION OTHER THAN SEWER AND WATER ARE INDICATED ON THIS SURVEY. CONSULT WITH THE APPROPRIATE UTILITY COMPANY OR AGENCY PRIOR TO DESIGNING IMPROVEMENTS.
- SIZES AND TYPES OF SEWERS SHOWN HEREON AS OBTAINED FROM THE BOROUGH OF BROOKLYN SEWER DEPARTMENT RECORDS, SEWER MANHOLE RIM AND INVERT ELEVATIONS SHOWN HEREON OBTAINED BY FIELD MEASUREMENTS.
- SIZE OF WATER MAIN SHOWN HEREON AS OBTAINED FROM THE CITY OF NEW YORK DEPARTMENT OF ENVIRONMENTAL PROTECTION RECORDS, AS SHOWN ON DEP MAP.
- THE OWNER, CONTRACTOR AND/OR HIS AGENTS MUST NOTIFY THE APPROPRIATE UTILITY COMPANIES AND/OR AGENCIES AT LEAST 72 HOURS PRIOR TO ANY CONSTRUCTION IN ACCORDANCE WITH INDUSTRIAL CODE RULE 53.
- THIS IS TO CERTIFY THAT THERE ARE NO STREAMS NOR NATURAL WATERCOURSES IN THE PROPERTY AS SHOWN ON THIS SURVEY.

ATTACHMENT B
Environmental Reports (Digital Files on CD)

ATTACHMENT C

Detailed Cost Analysis of Established Environmental Conditions

TABLE 1

Summary of Project Costs**NYS Brownfields Cleanup Program
Costs by Task****TASK**

| | | |
|---|-----------|---------------------|
| BCP Entry Documents | \$ | 30,100.00 |
| Supplemental Investigation And RI Report | \$ | 72,182.00 |
| Remedial Work Plan, Remedy Scoping & Coordination | \$ | 18,750.00 |
| Remedial Program Implementation | \$ | 996,070.00 |
| Final Engineering Report, Site Management Plan & IC/ECs | \$ | 47,950.00 |
| Site Management - Operation and Maintenance Program | \$ | 82,500.00 |
| Subtotal | \$ | 1,247,552.00 |
| 15% Contingency | \$ | 187,132.80 |
| Total | \$ | 1,434,684.80 |

ATTACHMENT D
Land Use Plan
North Brooklyn Industrial Business Zone

The City of New York Industrial Business Zone Boundary Commission Staff Recommendations



November 2013

110 William Street,
New York, NY 10038

THE CITY OF NEW YORK
INDUSTRIAL BUSINESS ZONE BOUNDARY COMMISSION
STAFF RECOMMENDATIONS
NOVEMBER 21, 2013 MEETING
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| ▪ Ridgewood | Maps 2A, 2B, 2C |
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INDUSTRIAL BUSINESS ZONE BOUNDARY COMMISSION STAFF RECOMMENDATIONS

INTRODUCTION

In June of 2011, Mayor Michael R. Bloomberg announced a 22-initiative effort to support industrial firms throughout New York City. Included in this effort was the commitment to create an Industrial Business Zone on Staten Island following the release of the North and the West Shore interagency studies. The 2011 report built upon the January 2005 industrial white paper, which included a comprehensive set of policy initiatives to retain and grow New York City's industrial and manufacturing job base. The cornerstone of those initiatives was the creation of the Industrial Business Zones (IBZs). The IBZs have addressed the sector's primary concerns of escalating land costs and real estate speculation in predominantly industrial neighborhoods.

Industrial Business Zones are geographic areas that serve as safe havens for manufacturing and industrial firms, under which the Bloomberg Administration guarantees not to support the rezoning of properties to allow residential uses. Additionally a tax credit of \$1,000 per employee, up to \$100,000, will be offered to industrial and manufacturing firms choosing to move into IBZs to help defray relocation costs and encourage industrial development in these areas throughout the City.

The genesis of the IBZs resides in the 1980s when nine In-Place Industrial Parks (IPIPs) were designated throughout the City to create communities for industrial and manufacturing activities. However, the IPIP boundaries do not capture all of the City's largest industrial areas. The IBZ boundaries reflect areas that can best support manufacturing and industrial activities.

The IBZs are comprised entirely of manufacturing-zoned land. However, not all of the City's manufacturing-zoned land is included within IBZs. While proposed and existing IBZs may contain legal, non-conforming uses such as housing and small parks or playgrounds, the proposed IBZ boundaries reflect significant concentrations of industrial businesses and are potential areas for further growth.

Currently there are 19 IBZs throughout the City:

Brooklyn

Brooklyn Navy Yard
Flatlands and Fairfield
Greenpoint-Williamsburg
North Brooklyn
Southwest Brooklyn
East New York

Bronx

Bathgate
Eastchester
Hunts Point
Port Morris
Zerega

Queens

Jamaica
JFK Industrial Corridor
Long Island City
Maspeth
Steinway LaGuardia
Woodside

Staten Island

Rossville
West Shore

EXISTING CONTEXT

As of August 2013, the manufacturing and industrial sector provides approximately 460,000 jobs in New York City, comprising 13.5% of total private sector jobs¹. The sector provides well-paying jobs for those with limited education levels and English language proficiency relative to the service-sector jobs for which they would qualify if industrial employment were not available. The manufacturing and industrial sector also supports many of New York City's signature industries such as media, retail, and the arts.

The creation of the IBZ program was a result of a task force that Mayor Bloomberg and then-Deputy Mayor of Economic Development and Rebuilding Daniel L. Doctoroff convened. The task force regularly worked with industrial firms to identify the sector's competitive advantages, needs, and challenges. Together with an independent consultant, the task force surveyed approximately 500 firms and found that New York City remains an exceptional location for industrial business activity given the strong end-market for industrial goods and services, and the large, talented labor pool.

The task force learned that the City's industrial and manufacturing businesses frequently struggles with high utility and real estate costs and the limited availability of industrial real estate for expansion. As a result of their analysis a set of policy recommendations were created to encourage the retention and growth of industrial and manufacturing businesses, one of which was the creation of highly performing industrial zones.

In June of 2011, the Bloomberg Administration created the Industrial Desk (Desk) at the New York Economic Development Corporation (NYCEDC) to supplant the Mayor's Office of Industrial and Manufacturing Businesses (IMB). The Desk's role is to

¹Source: NYSDOL (seasonally adjusted by NYCOMB) and BLS

²Source: Parthenon Group Study 2003, quantitative survey of NYC industrial sector business owners, N = 469

coordinate the execution of a package of 22 policy initiatives aimed to improve the City's business environment for industrial and manufacturing firms, including the creation of IBZs throughout the City.

The IBZs address the challenges that industrial and manufacturing firms face by reinforcing the City's intention to retain the land in these areas for industrial uses. This commitment allows for more predictable real estate valuation since industrial space is less vulnerable to speculation in the residential marketplace.

INDUSTRIAL BUSINESS ZONE CREATION

The first IBZ boundaries were created in 2006. Their creation was a result of a 2005 workgroup convened by IMB. The group, consisting of the Departments of City Planning, Small Business Services, Housing Preservation and Development, Citywide Administrative Services, and the Economic Development Corporation, evaluated existing land uses and potential for development in industrial areas. Title 22, Section 626 of the New York City Administrative Code outlines the guidelines for determining where IBZs are appropriate. The workgroup's primary objective was to determine where IBZ relocation tax credits would have their greatest impact for future economic development.

RATIFICATION OF PROPOSED CHANGES AND ADDITIONS TO EXISTING IBZS: 2012/2013

Title 22 of the Administrative Code for the City of New York empowers the City of New York to create the IBZ Boundary Commission (the "Commission") which is charged with considering and ratifying the IBZs and any proposed modifications of the IBZs. The Commission is comprised of the five Borough Presidents; the Commissioners of the Departments of Buildings, Citywide Administrative Services, Finance, Housing Preservation and Development, Small Business Services; the Director of the Department of City Planning; the President of the Economic Development Corporation; and a member of the public associated with manufacturing and industrial activities by the Mayor³.

The Commission's first meeting to consider modifications to the existing IBZs was on June 28, 2012 at 110 William Street to review preliminary proposed boundary changes for the 16 IBZs and a proposed North and West Shore IBZ for Staten Island. The Commission authorized Miquela Craytor, Director of the Industrial Desk and Asima Jansfeld, Vice President of Development Department at EDC, to serve as staff of the Commission, and approved the preliminary boundaries for the modified 16 IBZs and the

³ On November 21, 2005, Adam Friedman, Director of the Pratt Center, was appointed by the Mayor to fulfill this post

proposed draft boundaries for Staten Island as draft boundaries that should be published and made available for public review.

Boundaries for the proposed and modified IBZs were published and made available to the public in several formats, including the NYCEDC website, and the City Record on July 12, 2012. Printed copies of the maps were also available for public inspection.

Members of the public were invited to submit written comments on the proposed boundaries or to present oral testimony at a public hearing on July 20, 2012 at 110 William Street, New York, New York. Notice of the public hearing was published on July 12, 2012 in the City Record.

At the public hearing on July 20, 2012, the Commission received testimony from 19 individuals representing themselves and various organizations. At the conclusion of the hearing, the record was left open until July 27, 2012 for any further written comments. During the public comment period that spanned approximately 1 month, 15 written comments were received (in addition to the 19 comments from the hearing) and over 100 comments were registered through the NYCEDC website.

Commission staff compiled all written and oral comments (134 in total) received during the public comment period, and made the written record publicly available, along with the transcript from the public hearing, on September 6, 2013. The Commission Staff worked closely with a group of relevant City agencies and other stakeholders to evaluate those comments that were relevant to the IBZ policy guidelines that were received during the public comment period and to ultimately create the recommendations that were presented to the Commission in August 2013. The Commission was reconvened and voted in final boundaries on September 13, 2013.

At the September 13, 2013 Boundary Commission meeting, Commission members requested that staff initiate a public comment period for two additions to the ratified IBZs: one in the Ridgewood area of Queens as an extension of the Maspeth IBZ and one in the Port Morris area in the Bronx.

PROPOSED CHANGES AND ADDITIONS TO EXISTING IBZS: 2013

In October of 2013, the Industrial Desk in partnership with relevant city agencies prepared modifications to the existing IBZs in the Port Morris and Maspeth areas. As part of this effort, group examined:

- Concentrations of industrial activity including the number of business and jobs;
- The potential for future development of industrial and manufacturing activities;
- The geographical confluence of other economic development tools;

- The presence of any legal but non-conforming uses such as residences and commercial enterprises; and
- General business conditions in each area.

Boundary Commission staff issued a public notice in the City Record on October 29, 2013 to request public comment on these proposed additions. A public hearing was held on November 8, 2013 from 2:00 - 4:00 pm, and written public comments were also accepted through November 8, 2013 until 5:00 pm.

During the public comment period, 6 written comments were received in addition to 8 comments from the hearing. Commission staff compiled all written and oral comments (14 in total) received during the public comment period, and made the written record publicly available, along with the transcript from the public hearing, beginning on November 12, 2013.

STAFF PROPOSALS

The following section of this staff report categorizes the specific proposals made by the public. The Commission Staff worked closely with a group of relevant City agencies and other stakeholders to evaluate those comments that were relevant to the IBZ policy guidelines that were received during the public comment period and to ultimately create the recommendations that were presented to the Commission beginning in November 2013. Upon consultation and feedback from the relevant stakeholders, the recommendations from Commission Staff are contained below. Maps corresponding to these proposals can be found in the Exhibit D.

For the following proposed modified IBZs, comments with specific changes were made:

| IBZ | Port Morris |
|------------------|---|
| Proposed Changes | <ol style="list-style-type: none"> 1. Add two blocks to the south of East 138th Street, between Rider Avenue and Morris Avenue. These areas are within an M1-4 zone and include two large industrial employers. 2. Remove two blocks between Canal Place and Rider Avenue, north of East 138th Street and south of East 144th Street. This area is primarily developed with multi-story loft and office buildings ill-suited for modern industrial needs. 3. Remove area west of Park Avenue, north of East 138th Street and south of East 144th Street. |
| Submitted By | Bronx Borough President |

| | |
|----------------------|--|
| | SoBRO NYC Department of City Planning – Bronx Office |
| Staff Recommendation | <ol style="list-style-type: none"> 1. South of East 138th Street, between Rider Avenue and Morris Avenue, staff recommends a MODIFICATION to include the M1-4 proposed area. 2. South of East 138th Street, between Canal Street West and Canal Place, mid-block, staff recommends a MODIFICATION to include the M1-4 proposed area. 3. North of East 138th Street, between Park Avenue and Canal Place, staff recommends a MODIFICATION to include the M1-4 proposed area. 4. Staff also recommends a MODIFICATION to exclude the blocks between south of East 141st Street to one block south of East 140th Street, between Canal Place and Rider Avenue. 5. Staff recommends a MODIFICATION to exclude the area west of Park Avenue, north of East 138th Street and south of East 144th Street. |
| Accompanying Maps | Maps 1A, 1B, 1C |

| | |
|----------------------|--|
| IBZ | Ridgewood |
| Proposed Changes | <ol style="list-style-type: none"> 1. Add M1-4 zoned lots north of Wyckoff Avenue and south of Cypress Avenue, between George Street and Norman Street 2. Add parcels along the rail line that runs parallel Decatur, between Cypress and Myrtle Ave, which have M1-4 zoning 3. Add M1 zoned, non-conforming use lots on Stephen Street, between Wyckoff Avenue and Cypress Avenue, as they have unique footprints for re-adaptive use |
| Submitted By | Ridgewood Local Development Corporation Queens Community Board 5 Councilmember Diana Reyna Assemblymember Mike Miller Assemblymember Catherine Nolan EWVIDCO Business Outreach Center Network Vernon McDermott |
| Staff Recommendation | <ol style="list-style-type: none"> 1. Staff recommends a MODIFICATION to include the M1-4 zoned lots north of Wyckoff Avenue and south of Cypress Avenue, between George Street and Stephen Street 2. Staff recommends NO CHANGE to the parcels near the rail line parallel to Decatur, between Cypress and |

| | |
|-------------------|--|
| | Myrtle 3. Staff recommends NO CHANGE to the M1 zoned, non-conforming uses on Stephen Street |
| Accompanying Maps | Maps 2A, 2B, 2C |

| | |
|----------------------|--|
| IBZ | Staten Island, North Shore |
| Proposed Changes | <ol style="list-style-type: none"> 1. Remove all areas under consideration by Brownfields Opportunity Areas on the North Shore. 2. Preserve original recommendations along the North Shore, which is home to 22 tug and barge operators and other maritime-related uses. |
| Submitted By | Local residents Northfield Community LDC Friends of Abandoned Cemeteries West Brighton Community LDC North Shore Waterfront Greenway Tug & Barge Committee, Port of NY/NJ |
| Staff Recommendation | <ol style="list-style-type: none"> 1. Staff recommends a MODIFICATION to exclude existing parks as well as forthcoming park land. 2. Staff recommends further MODIFICATIONS to exclude properties in the North Shore in which non-maritime industrial activity is taking place. |
| Accompanying Maps | Maps 3A, 3B, 3C |

NEXT STEPS

The Commission will reconvene in the morning on November 21, 2013 to review public comment and staff recommendations. The IBZ Boundaries will take effect upon the Commission's ratification. Once ratified, the IBZ Boundaries will be published in the *City Record* along with a notice of final rulemaking and Statement of Basis and Purpose. The speaker of the Council will receive copies of the IBZ boundaries and an accompanying letter from the Commission within 30 days from ratification.

EXHIBIT A: PUBLIC NOTICES

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 11 - Monday, November 4, 2013 at 7:30 P.M., M.S. 158, 46-35 Oceania Avenue, Bayside, NY

BSA# 528-64-BZ
An application to the NYC Board of Standards and Appeals to amend a previously granted variance which will include the enlargement of a existing automobile showroom and the addition of a parking deck and canopy at the rear of the building at 240-02 Northern Boulevard, Queens.

o29-n4

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 13 - Wednesday, October 30, 2013 at 7:00 P.M., Coney Island Hospital, 2nd Floor Auditorium, 2601 Ocean Parkway, Brooklyn, NY

BSA# 268-12-BZ
Special permit application for the building at 2849 Cropsey Avenue, to permit increase in lot coverage from 55.28% (existing non-complying) to 58.53%.

o24-30

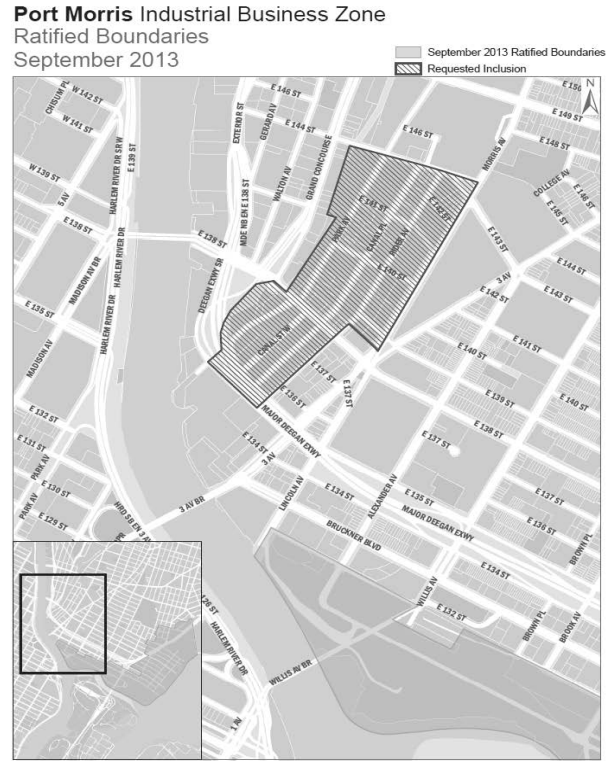
SMALL BUSINESS SERVICES

PUBLIC HEARINGS

New York City Industrial Business Zone Boundary Commission

NOTICE IS HEREBY GIVEN that, pursuant to Title 22 Section 625 of the NYC Administrative Code, the Industrial Business Zone Boundary Commission will hold a public hearing on Friday, November 8, 2013, commencing at 2:00 P.M. and concluding at 4:00 P.M. to receive comments related to the proposed boundaries for an Industrial Business Zone for the Ridgewood area of Queens and for an addition to the Industrial Business Zone in the Port Morris area of the Bronx. The hearing will be held at 110 William Street, 4th Floor, Conference Room 4A, New York, New York 10038. Those wishing to be heard are encouraged to pre-register by contacting the Boundary Commission staff through email at: industrial@nycdec.com or can register on the date of the hearing between the hours of 1:00 P.M. and 2:00 P.M. at 110 William Street, 4th Floor. To register in advance to testify in person, please email industrial@nycdec.com. Please include your name, what business or group you are representing, and the IBZ for which you would like to testify.

Maps of the proposed Industrial Business Zone boundaries for Ridgewood, Queens and Port Morris, Bronx are available for public review in this issue of the City Record and can be found at www.nycdec.com/ibz. If you wish to view the proposed boundaries in hard copy or have additional questions, please contact staff through industrial@nycdec.com or call (212) 312-3982. Members of the public may submit written or oral testimony regarding the proposed boundaries. Written comments should be submitted to the Boundary Commission staff by emailing industrial@nycdec.com. Written comments may be submitted until 5:00 P.M. on Friday, November 8, 2013.



FRANCHISE AND CONCESSION REVIEW COMMITTEE

MEETING

PUBLIC NOTICE IS HEREBY GIVEN THAT the Franchise and Concession Review Committee will hold a Public Meeting on Wednesday, November 13, 2013 at 2:30 P.M., at 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan.

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, NY 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC MEETING. TDD users should call Verizon relay service.

n4-13

HOUSING AND COMMUNITY RENEWAL

OFFICE OF RENT ADMINISTRATION

NOTICE

NOTICE OF MAXIMUM BASE RENT PUBLIC HEARING

Public Notice is Hereby Given pursuant to Section 26-405a(9) of the New York City Rent and Rehabilitation Law that the New York State Division of Housing and Community Renewal (DHCR) will conduct a public hearing to be held at the New York City Department of City Planning, Spector Hall, 22 Reade Steet, (First Floor), New York, NY on Friday, November 22, 2013 for the purpose of collecting information relating to all factors which the DHCR may consider in establishing a Maximum Base Rent (MBR) for rent controlled housing accommodations located in the City of New York for the 2014-2015 biennial MBR cycle. The morning session of the hearing will be held from 10:00 A.M. to 12:30 P.M.; the afternoon session will run from 2:00 P.M. to 4:30 P.M.

Pre-registration of speakers is advised. Those who wish to pre-register may call the office of Michael Berrios, Executive Assistant, at (718) 262-4816 and state the time they wish to speak at the hearing and whom they represent. Pre-registered speakers who have reserved a time to speak will be heard at approximately that time. Speakers who register the day of the hearing will be heard in the order of registration at those times not already reserved by pre-registered speakers. Speaking time will be limited to five minutes in order to give as many people as possible the opportunity to be heard. Speakers should be prepared to submit copies of their remarks to the DHCR official presiding over the hearing. The hearing will conclude when all registered speakers in attendance at the hearing have been heard. DHCR will also accept written testimony submitted prior to the end of the hearing. Submissions may also be sent in advance to Michael Berrios, Executive Assistant, 6th Floor, Division of Housing and Community Renewal, Gertz Plaza, 92-31 Union Hall Street, Jamaica, NY 11433. To obtain a report on the DHCR recommendation for the 2014-2015 MBR cycle, interested parties should call (718) 262-4816.

n1-21

BOARD OF STANDARDS AND APPEALS

PUBLIC HEARINGS

NOVEMBER 26, 2013, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, November 26, 2013, 10:00 A.M., in Spector Hall, 22 Reade Street, New York, N.Y. 10007, on the following matters:

SOC CALENDAR

182-69-BZ
APPLICANT – Kramer Levin Naftalis & Frankel LLP, for 227 East 19th Street Owner LCL, owner.
SUBJECT – Application September 4, 2013 – ADMENDMENT 23-633: with regard to height and setback, yards distance between buildings and floor area proposed residential conversion and alterations of existing hospital parking pre-1961 is subject to ZR 23-145, ZR-23-711 and ZR23-89 zoning resolution
PREMISES AFFECTED – 211-235 3 East 19th Street aka 224-228 East 20th St & 2nd & 3rd Avenues, midblock portion of block bounded by East 19th and East 20th Street, Block 900, lot 6, Borough of Manhattan.
COMMUNITY BOARD #6M

380-01-BZ
APPLICANT – Law office of Fredrick A. Becker, for 230 West 41st St. LLC, owner;
TSI West 41st LLC dba New York Sports Club, lessee.
SUBJECT – Application April 17, 2013 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of a physical culture establishment (*New York Sports Club*), located in portions of the cellar, first floor and second floor of a 21-story commercial office structure, which expired on April 9, 2012; Waiver of the Rules. C6-6.5 M1-6 (Mid) zoning district.
PREMISES AFFECTED – 230 West 41st Street, south side of West 41st Street, 320' west of Seventh Avenue, through block to West 40th Street, Block 1012, Lot 15, Borough of Manhattan.
COMMUNITY BOARD #5M

265-08-BZ
APPLICANT – Herrick, Feinstein LLP by Arthur Huh, for 70 Wyckoff LLC, owner.
SUBJECT – Application October 23, 2013 – Extension of Time to Obtain a Certificate of Occupancy for a previously granted Variance (72-21) for the legalization of residential units in a manufacturing building which expired on September 27, 2013. M1-1 zoning district.
PREMISES AFFECTED – 70 Wyckoff Avenue, southeast corner of Wyckoff Avenue and Suydam Street, Block 3221, Lot 31, Borough of Brooklyn.
COMMUNITY BOARD #4BK

20-12-BZ
APPLICANT – Herrick Feinstein LLP.by Arthur Huh, for LNA Realty Holdings LLC, owner; Brookfit Ventures LLC, lessee.
SUBJECT – Application October 21, 2013 – Amendment to

the BSA resolution of a previously granted Special Permit (73-36) for the legalization of a Physical Culture Establishment (*Retro Fitness*) to obtain additional time to obtain a Public Assembly license which expired on January 10, 2013. M1-2/R6B Special MX-8 zoning district.
PREMISES AFFECTED – 203 Berry Street, northeast corner of N. 3rd Street and Berry Street, Block 2351, Lot 1087, Borough of Brooklyn.
COMMUNITY BOARD #1BK

APPEALS CALENDAR

191-13-A
APPLICANT – Rothkrug Rothkrug & Spector LLP, for McAllister Maritime Holdings, LLC, owner.
SUBJECT – Application June 28, 2013 – Proposed construction of a three story office building within the bed of a mapped street pursuant to Article 3 of General City Law 35. M3-1 zoning district.
PREMISES AFFECTED – 3161 Richmond Terrace, north side of Richmond Terrace at intersection of Richmond Terrace and Grandview Avenue, Block 1208, Lot 15, Borough of Staten Island.
COMMUNITY BOARD #1SI

*Please note that the BZ calendar will immediately follow the SOC and A calendars.

ZONING CALENDAR

171-13-BZ
APPLICANT – Law Office of Fredrick A. Becker, for 1034 East 26th Street, LLC, owner.
SUBJECT – Application June 6, 2013 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area and open space (ZR 23-141); side yards (ZR 23-461) and less than the required rear yard (ZR 23-47). R2 zoning district.
PREMISES AFFECTED – 1034 East 26th Street, west side of East 26th Street between Avenue J and Avenue K, Block 7607, Lot 63, Borough of Brooklyn.
COMMUNITY BOARD #14BK

192-13-BZ
APPLICANT – Jesse Masyr, Esq., Fox Rothschild, LLP, for AP-ISC Leroy, LLC, Authorized Representative, owner.
SUBJECT – Application July 2, 2013 – Variance (§72-21) to permit the construction of a mixed use primarily residential building for a 12 story residential and accessory parking contrary to §42-10. M1-5 zoning district.
PREMISES AFFECTED – 354/361 West Street aka 156/162 Leroy Street and 75 Clarkson Street, West Street between Clarkson and Leroy Streets, Block 601, Lot 1, 4, 5, 8, 10, Borough of Manhattan.
COMMUNITY BOARD #2M

223-13-BZ
APPLICANT – Stroock & Stroock & Lavan LLP by Ross F. Moskowitz, for NYC Department of Citywide Administrative Services, owner.
SUBJECT – Application July 24, 2013 – Special Permit (§73-36) to permit the operation of a physical culture of health establishment (*Kingsbridge Nat'l Ice Wellness Center*) in an existing building. C4-4/R6 zoning district.
PREMISES AFFECTED – 29 West Kingsbridge Road aka Kingsbridge Armory Building, Block 3247, Lot 10 part of 2, Borough of Bronx.
COMMUNITY BOARD #7BX

228-13-BZ
APPLICANT – Herrick, Feinstein LLP by Arthur Huh, for 45 W 67th Street Development Corporation, owner; CrossFit NYC, lessee.
SUBJECT – Application August 1, 2013 – Special Permit (§73-36) to allow a physical culture establishment (*Cross Fit*) located in the cellar level of an existing 31-story condominium building. C4-7 zoning district.
PREMISES AFFECTED – 157 Columbus Avenue, northeast corner of West 67th Street and Columbus Avenue, Block 1120, Lot 7501, Borough of Manhattan.
COMMUNITY BOARD #7M

243-13-BZ
APPLICANT – Kramer Levin Naftalis & Frankel LLP, for Henry II Thames LP c/o of Fisher Brothers, owners.
SUBJECT – Application August 21, 2013 – Variance (§72-21) to permit construction of a mixed use building that does not comply with the setback requirements §91-32. C5-5 (LM) zoning district.
PREMISES AFFECTED – 22 Thames Street, 125-129 Greenwich Street, southeast corner of Greenwich Street and Thames Street, Block 51, Lot 13, 14, Borough of Manhattan.
COMMUNITY BOARD #1M

249-13-BZ
APPLICANT – Eric Palatnik, P.C., for Reva Holding Corporation, owner; Crunch LLC, lessee.
SUBJECT – Application August 26, 2013 – Special Permit (§73-36) to permit a physical cultural establishment (*Crunch Fitness*) within portions of existing commercial building. C4-3 zoning district.
PREMISES AFFECTED – 747 Broadway, northeast corner of intersection of Graham Avenue, Broadway and Flushing Avenue, Borough of Brooklyn.
COMMUNITY BOARD #1BK

n7-8

SMALL BUSINESS SERVICES

MEETING

The New York City Industrial Business Zone Boundary Commission has scheduled a meeting on November 21, 2013 at 9:00 A.M. at 110 William Street, 4th Floor, Conference Room 4A.

The Industrial Business Zone Boundary Commission will be convened to review proposals to modify the existing and ratify additional Industrial Business Zone (IBZ) boundaries. Maps of the boundaries can be viewed at www.nycedc.com/ibz. The Commission was convened in September 2013 and introduced the proposed boundaries and modifications of IBZs. If you would like additional information, please contact Kathleen Ahn, General Counsel, New York City Department of Small Business Services, 110 William Street, NY, NY 10038, 7th Floor, (212) 513-6391.

n8

COURT NOTICE

SUPREME COURT

NOTICE

QUEENS COUNTY
IA PART 8
NOTICE OF PETITION
INDEX NUMBER 19875/13

In the Matter of the Application of the
NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY,

Petitioner,

To Acquire By Exercise of its Powers of Eminent Domain Title in Fee Simple Absolute to Certain Real Property Known as Tax Block 1891, Lots 1, 12, 15, 20 and 22, located in the Borough of Queens, City of New York, in Connection With the Construction of P.S. 298Q

PLEASE TAKE NOTICE that, upon the annexed petition of Petitioner New York City School Construction Authority ("SCA"), duly verified on the 23 day of October, 2013, by Jenson Ambachen, Senior Attorney for the SCA, Petitioner shall move this Court on the 6th day of December, 2013 at 9:30 a.m., or as soon thereafter as counsel may be heard, at I.A.S. Part 8 of this Court, to be held at the Courthouse thereof, located at 88-11 Sutphin Blvd, Jamaica, New York for an order:

- (a) granting the Petition in all respects;
- (b) authorizing the SCA to file the Acquisition Map, in the form annexed to the Petition, in the Office of the Clerk of Queens County;
- (c) directing that, upon the filing of the Order of this Court and the Acquisition Map, title and possession to the property shown on said Map, shall vest in the SCA, said property consisting of all that certain plot, piece or parcel of land, comprising Tax Block 1891, Lots 1, 12, 15, 20 and 22, with any buildings and improvements thereon, erected, situated, lying and being in the Borough and County of Queens State of New York, bounded and described as follows:

PARCEL 1

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough and County of the Queens, City and State of New York, bounded and describe as follows:

BEGINNING. At the corner formed by the intersection of the northerly side of Christie Avenue with the easterly side of 98th Street;

RUNNING THENCE northerly along the easterly side of 98th Street, 216.91 feet;

THENCE easterly at right angles to the easterly side of 98th Street, 100 feet;
THENCE southerly parallel with the easterly side of 98th Street, 182.15 feet to the northerly side of Christie Avenue;

THENCE westerly along the northerly side of Christie Avenue, 105.87 feet to the corner, aforesaid, at the point or place of BEGINNING.

PARCEL 2

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough and County of the Queens, City and State of New York, bounded and describe as follows:

BEGINNING at a point on the easterly side of 98th Street distant 115 feet southerly from the corner formed by the intersection of the southerly side of 50th Avenue with the easterly side of 98th Street;
RUNNING THENCE easterly parallel with 50th Avenue, 100 feet;

THENCE southerly parallel with the easterly side of 98th Street, 280.00;

THENCE westerly parallel with 50th Avenue, 100 feet to the easterly side of 98th Street;

THENCE northerly along the easterly side of 98th Street, 280 feet to the point or place of BEGINNING.

(The above-described properties are hereafter referred to as the "Property").

- (d) providing that this Court shall determine all claims for just compensation arising from the acquisition of said Property and that such claims shall be heard without a jury and without referral to a referee or commissioner;
- (e) directing that, within thirty (30) days after the entry of the Order of this Court, the SCA shall cause a Notice of Acquisition to be served upon each condemnee or such condemnee's attorney of record; directing that all claimants have a period of one hundred eighty (180) days from the date of service of the Notice of Acquisition within which to file a written claim or notice of appearance; and granting such other and further relief as this Court deems just and proper.
- (f)
- (g)

Dated: October 23, 2013, New York, New York
MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
Attorney for the Condemnor,
New York City Construction Authority
100 Church Street
New York, New York 10007
Tel. (212) 356-2140

SEE MAP ON BACK PAGES

n8-22

QUEENS COUNTY
IA PART 8
NOTICE OF PETITION
INDEX NUMBER 19509/13

In the Matter of Application of the CITY OF NEW YORK, relative to acquiring title in fee simple absolute to certain

EXHIBIT B: RESOLUTIONS

INDUSTRIAL BUSINESS ZONE BOUNDARY COMMISSION

RESOLUTIONS

The New York City Industrial Business Zone Boundary Commission (the “Commission”), an entity created pursuant to Title 22, Section 625 of the New York City Administrative Code, hereby adopt the following resolutions:

RESOLVED, that the Members of the Industrial Business Zone Boundary Commission hereby ratify the final proposed boundary modifications for the Brooklyn Navy Yard IBZ Boundaries in Brooklyn, NY.

RESOLVED, that the Members of the Industrial Business Zone Boundary Commission hereby ratify the final proposed boundary modifications for the East New York IBZ Boundaries in Brooklyn, NY.

RESOLVED, that the Members of the Industrial Business Zone Boundary Commission hereby ratify the final proposed boundary modifications for the Flatlands Fairfield IBZ Boundaries in Brooklyn, NY.

RESOLVED, that the Members of the Industrial Business Zone Boundary Commission hereby ratify the final proposed boundary modifications for the Greenpoint/Williamsburg IBZ Boundaries in Brooklyn, NY.

RESOLVED, that the Members of the Industrial Business Zone Boundary Commission hereby ratify the final proposed boundary modifications for the North Brooklyn IBZ Boundaries in Brooklyn, NY.

RESOLVED, that the Members of the Industrial Business Zone Boundary Commission hereby ratify the final proposed boundary modifications for the Southwest Brooklyn IBZ Boundaries in Brooklyn, NY.

RESOLVED, that the Members of the Industrial Business Zone Boundary Commission hereby ratify the final proposed boundary modifications for the Bathgate IBZ Boundaries in Bronx, NY.

RESOLVED, that the Members of the Industrial Business Zone Boundary Commission hereby ratify the final proposed boundary modifications for the Eastchester IBZ Boundaries in Bronx, NY.

RESOLVED, that the Members of the Industrial Business Zone Boundary Commission hereby ratify the final proposed boundary modifications for the Hunts Point IBZ Boundaries in Bronx, NY.

RESOLVED, that the Members of the Industrial Business Zone Boundary Commission hereby ratify the final proposed boundary modifications for the Port Morris IBZ Boundaries in Bronx, NY, and further approve the Boundary Commission staff to issue a public notice, conduct due diligence on environmental requirements and public hearing requirements to consider addition to the Port Morris IBZ Boundary to include the requested area near the Grand Concourse in Port Morris.

RESOLVED, that the Members of the Industrial Business Zone Boundary Commission hereby ratify the final proposed boundary modifications for the Zerega IBZ Boundaries in Bronx, NY.

RESOLVED, that the Members of the Industrial Business Zone Boundary Commission hereby ratify the final proposed boundary modifications for the Jamaica IBZ Boundaries in Queens, NY.

RESOLVED, that the Members of the Industrial Business Zone Boundary Commission hereby ratify the final proposed boundary modifications for the JFK IBZ Boundaries in Queens, NY.

RESOLVED, that the Members of the Industrial Business Zone Boundary Commission hereby ratify the final proposed boundary modifications for the Long Island City IBZ Boundaries in Queens, NY.

RESOLVED, that the Members of the Industrial Business Zone Boundary Commission hereby ratify the final proposed boundary modifications for the Maspeth IBZ Boundaries in Queens, NY, and further approve the Boundary Commission staff to issue a public notice, conduct due diligence on environmental requirements and public hearing requirements to consider addition to the Maspeth IBZ Boundary to include the Ridgewood area of Queens, NY.

RESOLVED, that the Members of the Industrial Business Zone Boundary Commission hereby ratify the final proposed boundary modifications for the Steinway IBZ Boundaries in Queens, NY.

RESOLVED, that the Members of the Industrial Business Zone Boundary Commission hereby authorize the Boundary Commission Chair to Issue a Negative Declaration based on the Review of the Environmental Assessment Statement for the Industrial Business Zone within the Woodside area of Queens, NY based on the summary of the EAS presented to the Commission.

RESOLVED, that the Members of the Industrial Business Zone Boundary Commission hereby ratify the boundaries of an Industrial Business Zone within the Woodside area of Queens, NY based on the final proposed boundaries presented to the Commission.

RESOLVED, that the Members of the Industrial Business Zone Boundary Commission hereby authorize the Boundary Commission Chair to Issue a Negative Declaration based on the Review of the Environmental Assessment Statement for the Industrial Business Zone in Staten Island, NY based on the summary of the EAS presented to the Commission.

RESOLVED, that the Members of the Industrial Business Zone Boundary Commission hereby ratify boundaries of an Industrial Business Zone in the Rossville area of Staten Island, NY based on the final proposed boundaries presented to the Commission.

RESOLVED, that the Members of the Industrial Business Zone Boundary Commission hereby ratify boundaries of an Industrial Business Zone in the West Shore area of Staten Island, NY based on the final proposed boundaries presented to the Commission.

Dated as of September 13, 2013

EXHIBIT C: MEETING MINUTES

EXHIBIT C:
MEETING MINUTES
INDUSTRIAL BUSINESS ZONE (IBZ) BOUNDARY COMMISSION
SEPTEMBER 13, 2013, 1:30 PM
110 WILLIAM STREET, 4TH FLOOR, ROOM 4A/B

IBZ Boundary Commission Board Members:

Present: Donald Giampietro (SBS Proxy), Matthew Berk (DCAS Proxy), Melva Miller (Queens Borough President's Office Proxy), Richard Bearak (Brooklyn Borough President's Office Proxy), Adam Friedman (Pratt Center), Barry Dinerstein (DCP Proxy), Charlie Marcus (HPD Proxy), Wilhelm Ronda (Bronx Borough President's Office Proxy), Robert Liandri (DOB Proxy), Kyle Kimball (NYCEDC), Nick Dmytryszyn (Staten Island Borough President's Office Proxy), Carly Laske (DOF Proxy), Brian Cook (Manhattan Borough President's Office Proxy)

Quorum Present? Yes

Staff to the Boundary Commission:

Present: Miquela Craytor, Katy McShane

Absent: None

Others:

Nnenna Lynch (City Hall)

Chairman Donald Giampietro convened the meeting at 1:30PM.

Commission Procedures

Chairman Donald Giampietro announced that the Commission was convening to initiate the process of reviewing the proposed modifications to the existing Industrial Business Zone (IBZ) boundaries and reviewing the recommendation of establishing additional IBZs in Staten Island and Woodside, Queens. This was part of the second cycle of meetings for the commission; it was first convened November 2005 for the initial creation of IBZs and associated Ombudsman area throughout the five boroughs with subsequent hearing and meeting in June and July of 2012 to initiate the discussion of revisions and additions to the original IBZs.

Chair asked all attendees to sign in and to speak into microphones as a means of recording. Chair asked all attendees to introduce themselves and indicate if they are attending as a Proxy, and who they are representing.

Chair announced that when the Boundary Commission comes to the items related to a specific borough, only the respective borough representative – for that borough – can vote along with the other non-borough representatives. Borough representatives can vote only on the borough they represent.

General Overview of Purpose of Commission Meeting, Summary of Public Review Process

Ms. Miquela Craytor discussed Mayor Bloomberg's industrial policy and the criteria for designating IBZs.

- Ms. Craytor explained the rationale for Industrial Business Zones:
 - In early 2006 the City created 16 Industrial Business Zones across the City where expanded business services are available for industrial and manufacturing businesses.
 - This designation fosters high-performing business districts by creating competitive advantages over locating in areas outside of New York City.
 - The IBZs are supported by tax credits for relocating within them, zone-specific planning efforts, and direct business assistance from Industrial Providers of NYC Business Solutions Industrial and Transportation.
 - In view of the purposes of IBZs, to foster industrial sector growth by creating real estate certainty, the Bloomberg Administration has stated that it will not support the rezoning of these areas for residential use.
 - In 2011, the City announced suite of initiatives to strengthen the industrial sector and help small industrial businesses grow in NYC
 - One of initiatives is to create an IBZ in SI
 - In the process of creating the SI IBZ, we have taken the opportunity to also convert the existing IBZ boundaries to Mets and Bounds instead of Block and Lot as they currently exist
 - Minor adjustments to align with zoning, and remove non-conforming uses where most logical
 - Results in a gain of approximately 2674 acres of M-zone land in IBZs
 - 107 acres if we exclude SI IBZ
 - Brooklyn approximately 6.5 acres
 - Bronx 13.6 acres
 - Queens 85.7 acres
 - SI 2,568 acres
- Ms. Craytor then explained the IBZ process:

- The Boundary Commission was convened on June 28, 2012, which commenced a public review and comment period of the proposed boundaries and boundary modifications.
 - Staff released a public notice of the proposed boundaries and held a public hearing on July 20, 2012 to gather public comments on the proposals
 - Staff compiled the public comments and considered the requested modifications
 - Additionally, staff drafted and worked with DCP and SBS to review Environmental Assessment Statement documents for new proposed IBZs.
- On September 13, 2013, staff worked to complete a number of tasks:
 - Completed Environmental Review for new proposed IBZs
 - Held public hearing to consider comments on the proposed Woodside IBZ in the Borough of Queens
 - Held Boundary Commission meeting to consider the modifications made to IBZ boundaries based on public comment
- Ms. Craytor then summarized the public comments received during the 1-month public comment period, from June – July 2012. Boundary Commission members received descriptions of the comments in their materials for the Commission meeting, and the full set of comments were available on www.nycedc.com/ibz.
 - Over 130 public comments were received in June-July 2012, including 19 at the public hearing and 115 written through email and website form.
 - Staff compiled all comments and evaluated those comments with relevant City agencies and external stakeholders
 - Based on this evaluation, staff proposed maps to the Boundary Commission for consideration during the September 13, 2013 meeting
 - The Final Proposed maps include approximately 3,041 acres of M-zoned land in IBZs
 - In addition to requested modifications to existing/proposed IBZs, staff received comments to add an IBZ in the Woodside area of Queens. Staff collected public comment on this proposal and held a public hearing in the morning of September 13, 2013 regarding this proposal.

Summary of Public Comment, Discussion, and Boundary Commission Resolution on Final Boundaries, by IBZ

Ms. Miquela Craytor provided a review of the public comments received and Final Proposed boundaries for each IBZ. For each IBZ, the Boundary Commission considered a resolution to ratify boundaries.

▪ BROOKLYN NAVY YARD

- **Discussion of Public Comments:**
 - Public comment to add area south of Flushing Avenue and north of Park Avenue/Brooklyn-Queens Expressway, between Taaffe Place and Vanderblit Avenue and between Clermont Avenue and North Oxford Street, based on the M1-2 zoning adjacent to the existing IBZ.
 - Public comments to expand the IBZ boundary to include existing Coned facility and adjacent industrial uses on John Street, as well as the Watchtower Buildings in DUMBO.
- **Staff Recommendation:**
 - Based on the public comments and input from external stakeholders, Boundary Commission staff recommended maintaining the Brooklyn Navy Yard boundary as originally proposed.
- **Boundary Commission Consideration of Resolution**
 - Chair introduced a resolution that the Commission ratify the final proposed boundary modifications for the Brooklyn Navy Yard IBZ Boundaries
- **Adoption of Resolution:**
 - Mr. Bearak moves to adopt the resolution
 - Mr. Dinerstein seconds the motion
 - Resolution is passed unanimously with no abstentions.
- **EAST NEW YORK**
 - **Discussion of Public Comments:**
 - Ms. Craytor noted that there were no public comments received related to the proposed boundaries in the East New York IBZ.
 - **Boundary Commission Consideration of Resolution**
 - Chair introduced a resolution that the Commission ratify the final proposed boundary modifications for the East New York IBZ Boundaries
 - **Adoption of Resolution:**
 - Mr. Bearak moves to adopt the resolution
 - Mr. Kimball seconds the motion
 - Resolution is passed unanimously with no abstentions.
- **FLATLANDS FAIRFIELD**
 - **Discussion of Public Comments:**
 - Public request to add a NYC Transit car storage area, which was removed due to C8-1 zoning.
 - Public request to remove a child care center from the boundaries, which was added due to M zoning.

- **Staff Recommendation:**
 - Staff recommendation was to maintain the boundaries as proposed in June 2012.
- **Boundary Commission Consideration of Resolution**
 - Chair introduced a resolution that the Commission ratify the final proposed boundary modifications for the Flatlands Fairfield IBZ Boundaries
- **Adoption of Resolution:**
 - Mr. Bearak moves to adopt the resolution
 - Mr. Kimball seconds the motion
 - Resolution is passed unanimously with no abstentions.
- **GREENPOINT/WILLIAMSBURG**
 - **Discussion of Public Comments:**
 - Staff received a request to remove the properties at the southwest corner of Dobbin Street and Mersehole Avenue, which are residential.
 - Staff received a general comment to include parcels along the East River from Williamsburg to Newtown Creek to support future maritime terminals in the area.
 - **Staff Recommendation:**
 - Staff recommended that the IBZ boundary be modified to exclude the residential uses at the intersection of Dobbin Street and Mersehole Street.
 - **Boundary Commission Consideration of Resolution**
 - Chair introduced a resolution that the Commission ratify the final proposed boundary modifications for the Greenpoint/Williamsburg IBZ Boundaries
 - **Adoption of Resolution:**
 - Mr. Bearak moves to adopt the resolution
 - Mr. Kimball seconds the motion
 - Resolution is passed unanimously with no abstentions.
- **NORTH BROOKLYN**
 - **Discussion of Public Comments:**
 - Staff received comments to add properties along the south side of Nassau Avenue between Apollo Street and Van Dam
 - Public comment to retain within the IBZ properties to the west of Beadel Street between Debevoise Street and Richardson Street
 - Request to add parcels along the entrance to Newtown Creek
 - Staff received comments to add industrial area in and around old Pfizer Plant (630 Flushing Avenue)

- Public comment to retain within the IBZ lots between Johnson Avenue and Ingraham Street, as well as a block bounded by Cook Street, White Street, Varet Street, and Bushwick Avenue
 - Staff received request to retain within the IBZ areas between Grand Street and Maujer Street at Olive Street
 - Request to expand the IBZ to include M-zoned areas south and east of Flushing Avenue at and around Wyckoff Street and St. Nicholas Avenue
- **Staff Recommendation:**
 - Staff recommended modifications to include certain requested areas within the IBZ, particularly at Johnson Avenue and Ingraham Avenue and the block bounded by Grand Street, Morgan Street, Maujer Street, and Olive Street. Staff also recommended a modification to include a portion of the requested addition on the block bounded by Troutman Street, Wyckoff Avenue, Starr Street, and Irving Street
- **Boundary Commission Consideration of Resolution**
 - Chair introduced a resolution that the Commission ratify the final proposed boundary modifications for the North Brooklyn IBZ Boundaries
- **Adoption of Resolution:**
 - Mr. Bearak moves to adopt the resolution
 - Mr. Kimball seconds the motion
 - Resolution is passed unanimously with no abstentions.
- **SOUTHWEST BROOKLYN**
 - **Discussion of Public Comments:**
 - Staff received requests to expand the IBZ to include areas within the Ombudsman Area in Gowanus, with a request to increase the FAR in this area as well
 - Staff also received comments to remove residential uses and a playground that had previously been excluded from the IBZ boundary in the Gowanus area
 - Staff received public comment to retain proposed expansion at the Bowne Street corridor
 - Public comment to add area approximately bounded by Seabring Street, Dwight Street, Verona Street, and Van Brunt Street
 - Request to add block bounded by Imlay Street, Commerce Street, Bowne Street, and Commercial Wharf
 - Public request to remove 135 Conover Street to allow the development of a new nursing home

- Staff received comment to remove block bounded by Pioneer Street, Van Brunt Street, King Street, and Conover Street
- Public request to add the former Revere Sugar property to the IBZ
- Request to remove the block bounded by Wolcott Street, Conover Street, Dikeman Street, and Ferris Street
- Public request to add block bounded by Dikeman Street, Conover Street, Coffey Street, and Ferris Street
- Request to remove northern portion of block bounded by Coffey Street, Conover Street, Van Dyke Street, and Ferris Street
- Public request to remove residential uses on northern portion of the block bounded by Coffey Street, Richards Street, Van Dyke Street, and Van Brunt Street, as well as the residential uses bounded by Dwight Street, Wolcott Street, Ostego Street, and Dikeman Street
- In the Sunset Park area, staff received comments to remove residential land uses in three areas between 2nd Avenue and 3rd Avenue.
- Staff also received a request to add industrial uses between 54th Street and 58th Street, from 1st Avenue to 3rd Avenue.
- **Staff Recommendation:**
 - Staff recommended a modification to exclude existing residential uses on the block bounded by 10th Street, 3rd Avenue, 11th Street, and 2nd Avenue in the Gowanus area; a modification to remove the proposed nursing home site at 135 Conover Street; a modification to include a portion of the block bounded by Dikeman Street, Conover Street, Coffey Street, and Ferris Street; and a modification to exclude only residential uses requested to be removed in the Red Hook area.
- **Boundary Commission Consideration of Resolution**
 - Mr. Friedman requested that the Commission consider modifying the boundaries in the Red Hook area to add the former Revere Sugar site to the IBZ boundaries. This request was considered but not included in the Commission resolution.
 - Mr. Bearak noted that the request to add areas in the Gowanus Ombudsman Area was specifically related to increase in density.
 - Chair introduced a resolution that the Commission ratify the final proposed boundary modifications for the Southwest Brooklyn IBZ Boundaries;
- **Adoption of Resolution:**
 - Mr. Bearak moves to adopt the resolution
 - Mr. Kimball seconds the motion

- Resolution is passed with an abstention from Mr. Friedman.
- **BATHGATE**
 - **Discussion of Public Comment:**
 - Staff received requests to remove areas north of the Cross Bronx Expressway, except for those parcels on the block north of the Cross Bronx between Webster Avenue and Park Avenue, and those fronting on 175th Street and east of Park Avenue.
 - Staff received comment to remove areas south of the Cross Bronx Expressway, east of Webster Avenue
 - Public Comment to remove areas along Claremont Avenue
 - **Staff Recommendation:**
 - Staff recommended modifications to the IBZ boundary to exclude blocks north of Cross Bronx Expressway and west of Webster Avenue, as well as a portion of the block bounded by Webster Avenue, East 176th Street, Park Avenue, and East Tremont Avenue. Staff also recommended excluded the block bounded by Carter Avenue, East 173rd Street, Anthony Avenue, and the Cross Bronx Expressway.
 - **Boundary Commission Consideration of Resolution**
 - Chair introduced a resolution that the Commission ratify the final proposed boundary modifications for the Bathgate IBZ Boundaries
 - **Adoption of Resolution:**
 - Mr. Ronda moves to adopt the resolution
 - Mr. Kimball seconds the motion
 - Resolution is passed unanimously with no abstentions.
- **EASTCHESTER**
 - **Discussion of Public Comments:**
 - Ms. Craytor noted that there were no public comments received related to the proposed boundaries in the Eastchester IBZ.
 - **Boundary Commission Consideration of Resolution**
 - Chair introduced a resolution that the Commission ratify the final proposed boundary modifications for the Eastchester IBZ Boundaries
 - **Adoption of Resolution:**
 - Mr. Ronda moves to adopt the resolution
 - Mr. Kimball seconds the motion
 - Resolution is passed unanimously with no abstentions.
- **HUNTS POINT**
 - **Discussion of Public Comments:**

- Ms. Craytor noted that there were no public comments received related to the proposed boundaries in the Hunts Point IBZ.
- **Boundary Commission Consideration of Resolution**
 - Chair introduced a resolution that the Commission ratify the final proposed boundary modifications for the Hunts Point IBZ Boundaries
- **Adoption of Resolution:**
 - Mr. Ronda moves to adopt the resolution
 - Mr. Kimball seconds the motion
 - Resolution is passed unanimously with no abstentions.
- **PORT MORRIS**
 - **Discussion of Public Comments:**
 - Staff received comments to expand the IBZ to include M1-2 and M1-4 zoned, non-residential areas west of Morris Avenue and east of the Grand Concourse
 - **Staff Recommendation:**
 - Staff recommended no change to the boundaries as proposed in June 2012
 - **Boundary Commission Consideration of Resolution**
 - The Bronx Borough President representative Wilhelm Ronda requested that the Commission staff further study the requested inclusion area
 - Commission member Adam Friedman offered an amendment to the ratified boundaries to include the requested inclusion area, which is a solidly industrial area
 - Commission member Barry Dinerstein emphasized that the Department of City Planning has no intention of rezoning the area in question, but the Department would like to keep use options open
 - **Adoption of Resolution:**
 - Chair introduced a resolution that the Commission ratify the final proposed boundary modifications for the Port Morris IBZ Boundaries with the requested inclusion area near the Grand Concourse
 - Mr. Friedman moved to adopt the resolution
 - Mr. Ronda seconds the motion
 - Resolution is accepted with Department of City Planning abstaining
- **ZEREGA**
 - **Discussion of Public Comments:**

- Staff received comments to retain the area proposed to be removed from the IBZ at the terminus of Brush Avenue, and follow original recommendations at the terminus of Brush Avenue.
- **Staff Recommendation:**
 - Staff recommended a modification to the June 2012 recommendations to following the existing IBZ boundaries
- **Boundary Commission Consideration of Resolution**
 - Chair introduced a resolution that the Commission ratify the final proposed boundary modifications for the Zerega IBZ Boundaries
- **Adoption of Resolution:**
 - Mr. Ronda moves to adopt the resolution
 - Mr. Kimball seconds the motion
 - Resolution is passed unanimously with no abstentions.
- **JAMAICA**
 - **Discussion of Public Comments:**
 - Ms. Craytor noted that there were no public comments received related to the proposed boundaries in the Jamaica IBZ.
 - **Boundary Commission Consideration of Resolution**
 - Chair introduced a resolution that the Commission ratify the final proposed boundary modifications for the Jamaica IBZ Boundaries
 - **Adoption of Resolution:**
 - Ms. Miller moves to adopt the resolution
 - Mr. Kimball seconds the motion
 - Resolution is passed unanimously with no abstentions.
- **JFK**
 - **Discussion of Public Comments:**
 - Ms. Craytor noted that there were no public comments received related to the proposed boundaries in the JFK IBZ.
 - **Boundary Commission Consideration of Resolution**
 - Chair introduced a resolution that the Commission ratify the final proposed boundary modifications for the JFK IBZ Boundaries
 - **Adoption of Resolution:**
 - Ms. Miller moves to adopt the resolution
 - Mr. Kimball seconds the motion
 - Resolution is passed unanimously with no abstentions.
- **LONG ISLAND CITY**
 - **Discussion of Public Comments:**
 - Ms. Craytor noted that there were no public comments received related to the proposed boundaries in the Long Island City IBZ.
 - **Boundary Commission Consideration of Resolution**

- Chair introduced a resolution that the Commission ratify the final proposed boundary modifications for the Long Island City IBZ Boundaries
- **Adoption of Resolution:**
 - Ms. Miller moves to adopt the resolution
 - Mr. Kimball seconds the motion
 - Resolution is passed unanimously with no abstentions.
- **MASPETH**
 - **Discussion of Public Comments:**
 - Staff received comments to add the block bounded by Rust Street, 57th Drive, 58th Street, and 57th Road
 - Request to remove a portion of the block bounded by Onderdonk Avenue, Troutman Street, Cypress Avenue, and Flushing Avenue, which includes a historic home
 - **Staff Recommendation:**
 - Staff recommends no change to block bounded by Rust Street, 57th Drive, 58th Street, and 57th Road; and a modification to exclude a portion of the block bounded by Onderdonk Avenue, Troutman Street, Cypress Avenue, and Flushing Avenue.
 - **Boundary Commission Consideration of Recommendation**
 - Mr. Friedman presented a motion of amend the IBZ boundaries and the proposed resolution to add the Ridgewood area of Queens into the Maspeth IBZ, as the area is overwhelmingly industrial.
 - Ms. Miller seconds Mr. Friedman's motion
 - Mr. Dinerstein asks if Boundary Staff has given public notice and received public comment on the proposed addition
 - Mr. Giampietro suggests that public notice would need to be done in order to add this area to the IBZ, and suggests that the Commission pass a second resolution to allow Boundary Staff to move forward with a public notice, and conducting due diligence on environmental requirements and public hearing requirements.
 - **Adoption of Resolution:**
 - Chair introduced a resolution that the Commission ratify the final proposed boundary modifications for the Maspeth IBZ Boundaries and further approve the Boundary Commission staff to issue a public notice, conduct due diligence on environmental requirements and public hearing requirements to consider addition to the Maspeth IBZ Boundary to include the Ridgewood area of Queens, NY
 - Ms. Miller moves to adopt the motion

- Mr. Kimball seconds the motion
 - Resolution is passed with Mr. Dinerstein abstaining.
- **PORT MORRIS**
 - Mr. Kimball suggests that the Commission pass an amended resolution for the Port Morris IBZ to reflect the language of the Maspeth IBZ resolution
 - **Adoption of Resolution:**
 - Chair introduced a resolution that the Commission ratify the final proposed boundary modifications for the Port Morris IBZ Boundaries and further approve the Boundary Commission staff to issue a public notice, conduct due diligence on environmental requirements and public hearing requirements to consider addition to the Port Morris IBZ Boundary to include the requested inclusion near the Grand Concourse in Port Morris
 - Mr. Ronda moves to adopt the motion
 - Mr. Kimball seconds the motion
 - Resolution is passed
- **STEINWAY**
 - **Discussion of Public Comments:**
 - Ms. Craytor noted that there were no public comments received related to the proposed boundaries in the Steinway IBZ.
 - **Boundary Commission Consideration of Resolution**
 - Chair introduced a resolution that the Commission ratify the final proposed boundary modifications for the Steinway IBZ Boundaries
 - **Adoption of Resolution:**
 - Ms. Miller moves to adopt the resolution
 - Mr. Kimball seconds the motion
 - Resolution is passed unanimously with no abstentions.
- **WOODSIDE: ENVIRONMENTAL ASSESSMENT STATEMENT**
 - **Staff Summary of Environmental Assessment Statement:**
 - Ms. Craytor noted that in June of 2012 the Commission passed a resolution that the Commission is to serve as lead agency for the City Environmental Quality Review (CEQR Review) for the creation of new or modification of existing Industrial Business Zones; resolution was passed unanimously
 - Based on public comments received, proposed action will create an Industrial Business Zone in Woodside, Queens
 - Proposed action would not change existing zoning (M1-1) or create any site-specific development
 - Staff wrote an Environmental Assessment Statement analyzing the proposed action's potential for significant adverse impacts, based

on the guidelines in the 2012 City Environmental Quality Review Technical Manual.

- Based on a preliminary screening analysis, the proposed action would not exceed any of the CEQR manual thresholds and would not result in potentially significant adverse impacts and the IBZ boundary commission recommends issuing a negative declaration. The proposed action would preserve existing underlying zoning and would not affect land uses within the project area. No change is proposed to the currently allowed land uses, density yard, or other bulk requirements of underlying zoning. The proposed action would not result in new construction or displacement.
- **Staff Recommendation:**
 - Staff recommends that the Boundary Commission approve a negative declaration
- **Boundary Commission Consideration of Resolution**
 - Chair introduced a resolution that the Commission authorize the Boundary Commission Chair to Issue a Negative Declaration based on the Review of the Environmental Assessment Statement for the Industrial Business Zone within the Woodside area of Queens, NY based on the summary of the EAS presented to the Commission
- **Adoption of Resolution:**
 - Ms. Miller moves to adopt the resolution
 - Mr. Kimball seconds the motion
 - Resolution is passed unanimously with no abstentions.
- **WOODSIDE**
 - **Discussion of Public Comments:**
 - Ms. Craytor noted that during the public hearing, a request was received to exclude a portion of the southern boundary of the proposed IBZ boundaries to avoid a rail line at 38th Avenue
 - **Staff Recommendation:**
 - Staff recommends a modification to the boundary to remove the rail line
 - **Boundary Commission Consideration of Resolution**
 - Mr. Friedman noted that it was admirable how Boundary Commission Staff responded to public comment requesting the addition of this IBZ
 - Chair introduced a resolution that the Commission ratify the final proposed boundary modifications for the Woodside IBZ Boundaries
 - **Adoption of Resolution:**
 - Ms. Miller moves to adopt the resolution

- Mr. Kimball seconds the motion
- Resolution is passed unanimously with no abstentions.
- **STATEN ISLAND: ENVIRONMENTAL ASSESSMENT STATEMENT**
 - **Staff Summary of Environmental Assessment Statement:**
 - Ms. Craytor noted that in June of 2012 the Commission passed a resolution that the Commission is to serve as lead agency for the City Environmental Quality Review (CEQR Review) for the creation of new or modification of existing Industrial Business Zones; resolution was passed unanimously
 - Proposed action would not alter existing M1-1, M2-1, or M3-1 zoning districts or the Special South Richmond Development District, which are found in the Staten Island IBZ
 - Proposed action would comply with the appropriate policies within the Waterfront Revitalization Program
 - Staff wrote an Environmental Assessment Statement analyzing the proposed action's potential for significant adverse impacts, based on the guidelines in the 2012 City Environmental Quality Review Technical Manual.
 - Based on a preliminary screening analysis, the proposed action would not exceed any of the CEQR manual thresholds and would not result in potentially significant adverse impacts and the IBZ boundary commission recommends issuing a negative declaration. The proposed action would preserve existing underlying zoning and would not affect land uses within the project area. No change is proposed to the currently allowed land uses, density yard, or other bulk requirements of underlying zoning. The proposed action would not result in new construction or displacement.
 - **Staff Recommendation:**
 - Staff recommends that the Boundary Commission approve a negative declaration
 - **Boundary Commission Consideration of Resolution**
 - Mr. Dinerstein noted that the Department of City Planning would like to see the maps associated with the EAS document, which were not included in the submission to DCP for review
 - Chair introduced a resolution that the Commission authorize the Boundary Commission Chair to Issue a Negative Declaration based on the Review of the Environmental Assessment Statement for the Industrial Business Zone in Staten Island, NY based on the summary of the EAS presented to the Commission
 - **Adoption of Resolution:**

- Mr. Dmytryszyn moves to adopt the resolution
 - Mr. Kimball seconds the motion
 - Resolution is passed unanimously with no abstentions.
- **STATEN ISLAND: NORTH SHORE**
 - **Staff Comments:**
 - Ms. Craytor noted that at this juncture Staff is recommending that the Commission postpone the vote on the North Shore area
- **STATEN ISLAND: ROSSVILLE**
 - **Discussion of Public Comments:**
 - Ms. Craytor noted that there were no public comments received related to the proposed boundaries in the Rossville area of the Staten Island IBZ.
 - **Boundary Commission Consideration of Resolution**
 - Chair introduced a resolution that the Commission ratify the final proposed boundary modifications for the Rossville area of the Staten Island IBZ Boundaries
 - **Adoption of Resolution:**
 - Mr. Dmytryszyn moves to adopt the resolution
 - Mr. Kimball seconds the motion
 - Resolution is passed unanimously with no abstentions.
- **STATEN ISLAND: WEST SHORE**
 - **Discussion of Public Comments:**
 - Ms. Craytor noted that there were no public comments received related to the proposed boundaries in the West Shore area of the Staten Island IBZ.
 - **Boundary Commission Consideration of Resolution**
 - Chair introduced a resolution that the Commission ratify the final proposed boundary modifications for the West Shore area of the Staten Island IBZ Boundaries
 - **Adoption of Resolution:**
 - Mr. Dmytryszyn moves to adopt the resolution
 - Mr. Kimball seconds the motion
 - Resolution is passed unanimously with no abstentions.

CLOSING COMMENTS

Mr. Giampietro discussed the next steps: the Boundary Commission staff will follow up with counsel to determine how to proceed on requested inclusions in the Ridgewood area and the Port Morris area. Staff will also conduct any subsequent due diligence, EAS document drafting, and public notices necessary.

Mr. Giampietro opened the floor to questions and answers and closing comments

- Mr. Friedman noted that Boundary Commission Staff has done good work on the IBZ program and Industrial policy. The analysis preceding the 2005 announcement of the Industrial Initiative was on point. Mr. Friedman suggested that the City begin to focus on what goes on inside of the IBZ boundaries in terms of capital plans for individual buildings. Mr. Friedman also suggested further study of the proliferation of schools, hotels, and office buildings within the IBZ boundaries.
- Mr. Dinerstein wished to thank Jodi Byron who helped to work out the IBZ boundary maps with NYCEDC
- Mr. Kimball wished to thank staff at NYCEDC and Nnenna Lynch at City Hall for their work on the IBZ boundaries
- Ms. Craytor noted that the IBZ Boundaries will take effect upon the Commission's ratification. Once ratified, the IBZ Boundaries will be published in the City Record along with a notice of final rulemaking and Statement of Basis and Purpose. The speaker of the Council will receive copies of the IBZ boundaries and an accompanying letter from the Commission within 30 days from ratification.

Mr. Giampietro moved to adjourn the meeting at 3:00 PM.

Meeting adjourned.

**EXHIBIT D: IBZ EXISTING BOUNDARIES, PUBLIC COMMENTS, AND
STAFF RECOMMENDATIONS**

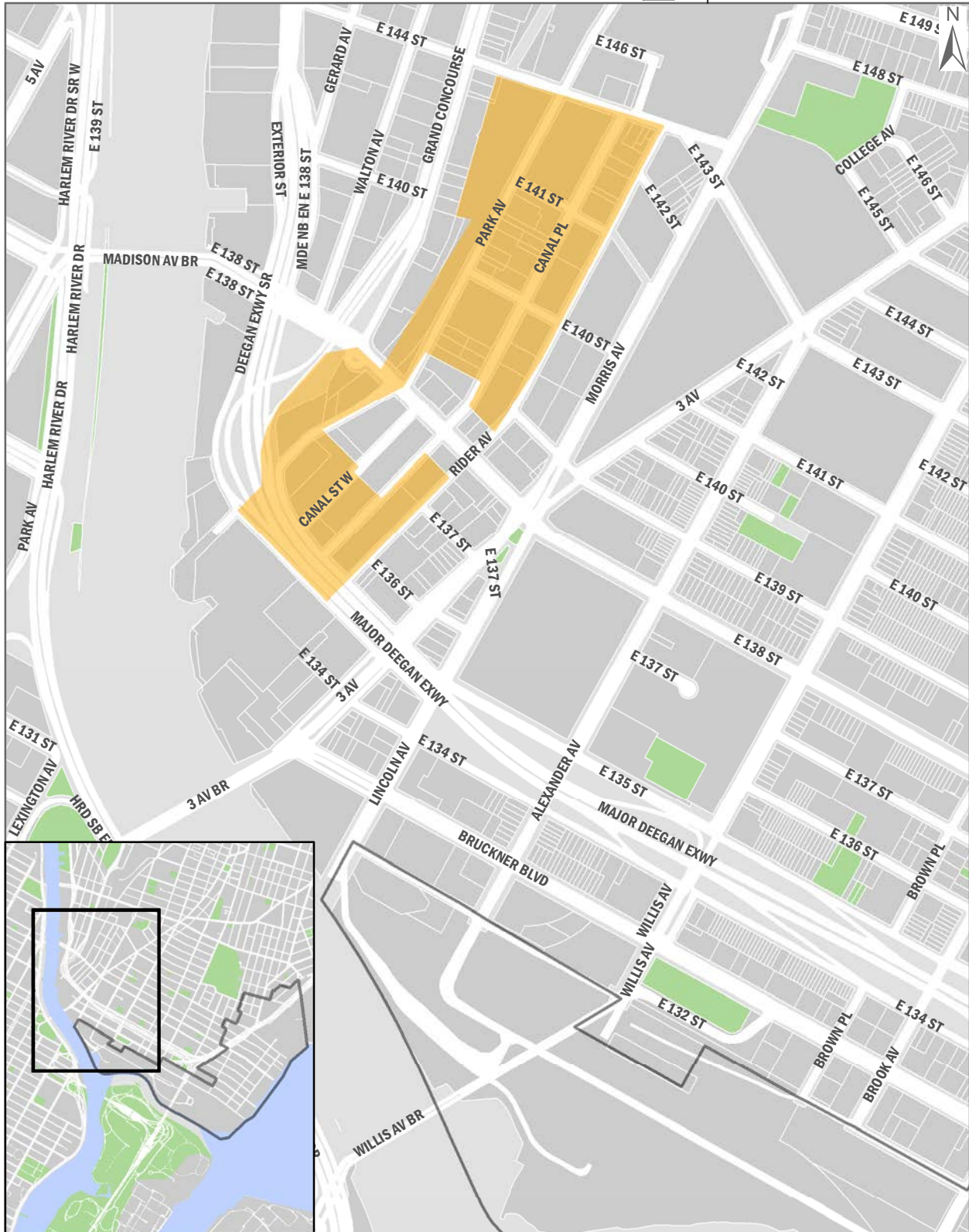
Port Morris Industrial Business Zone

DRAFT for Internal Review

Public Requests

November 2013 Draft Staff Recommendations





September 2013 Ratified Boundaries

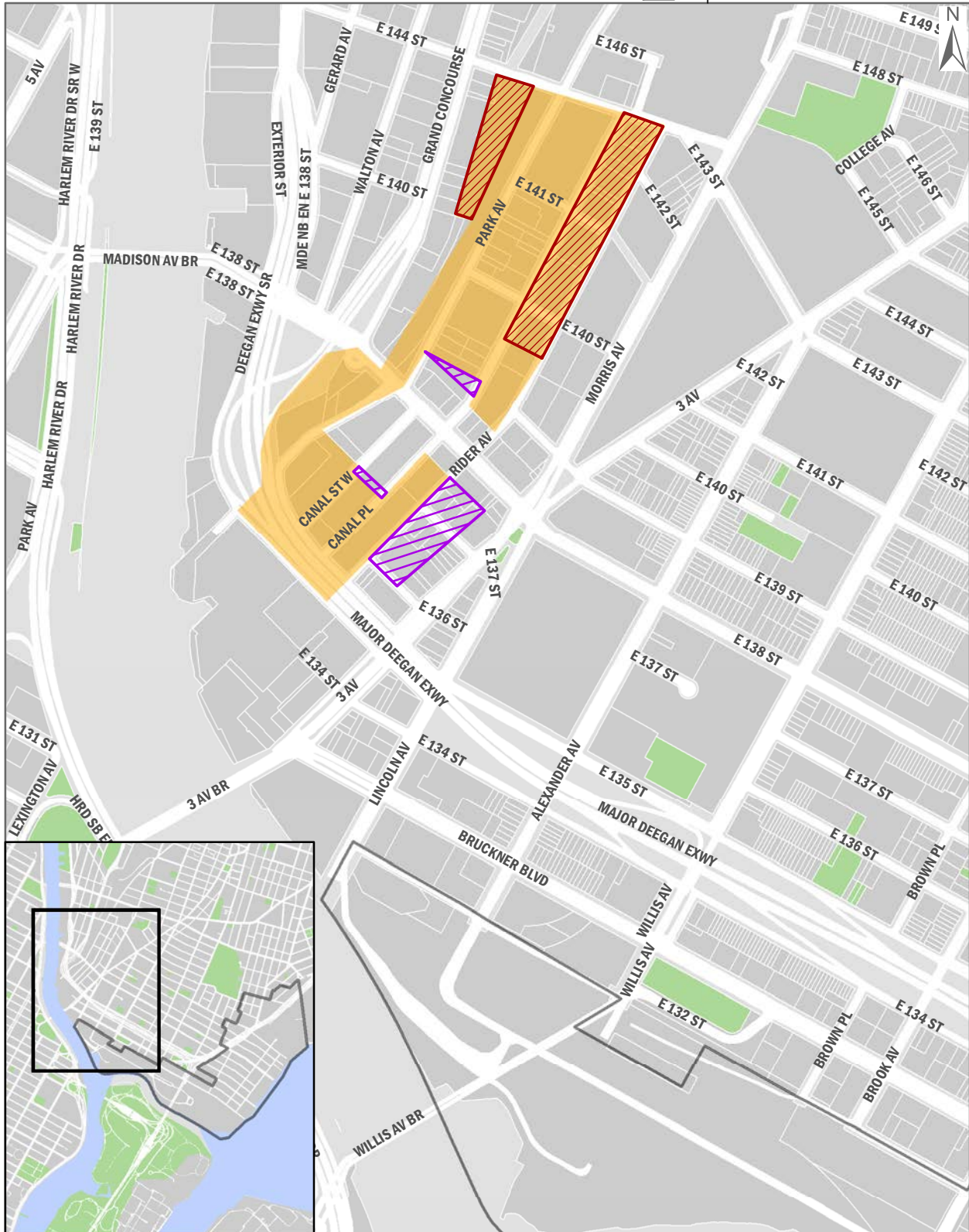


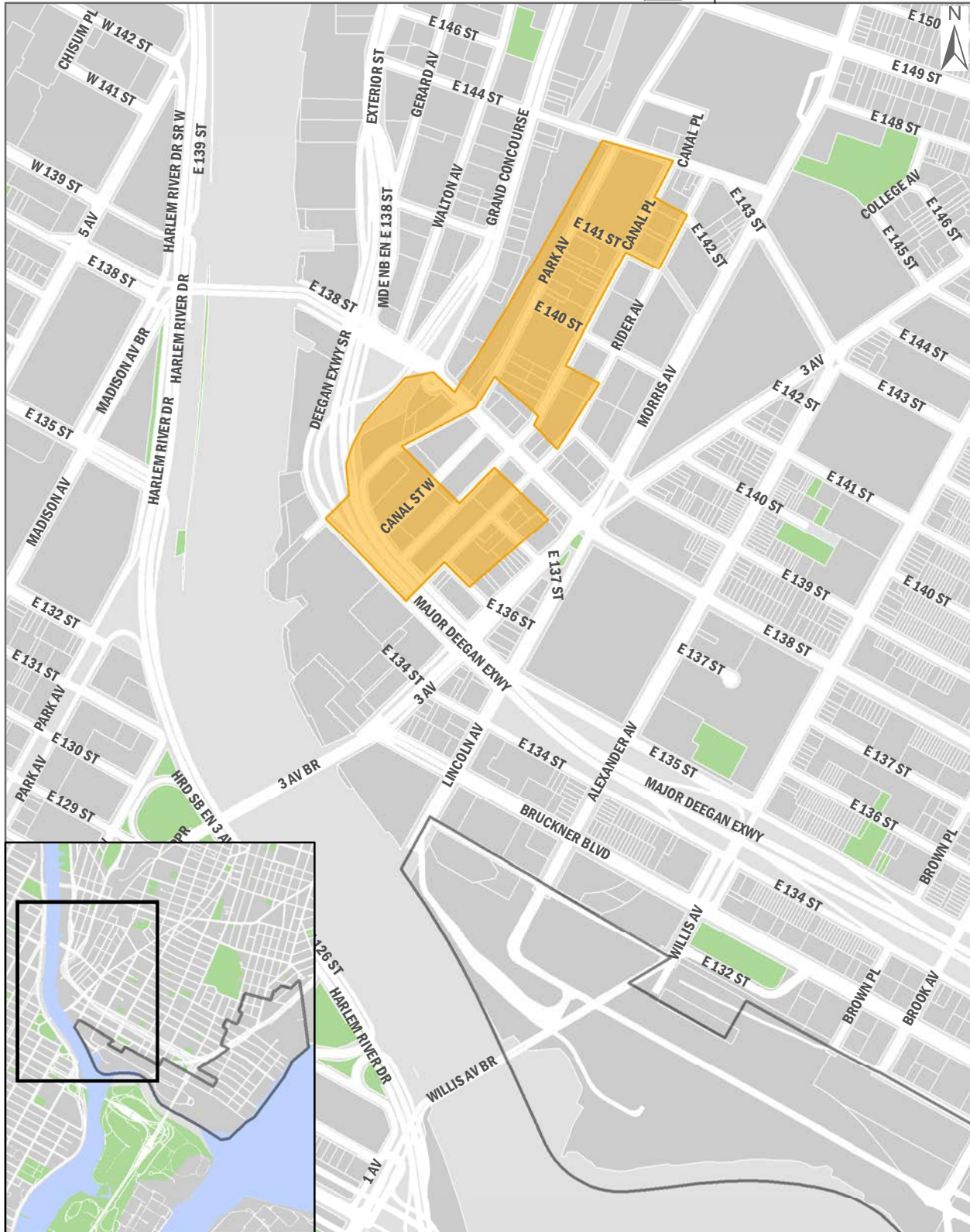
Port Morris Industrial Business Zone

Draft for Internal Review

November 2013

-  Requested Inclusion
-  Requested Omission
-  November 2013 Draft Staff Recommendations
-  September 2013 Ratified Boundaries



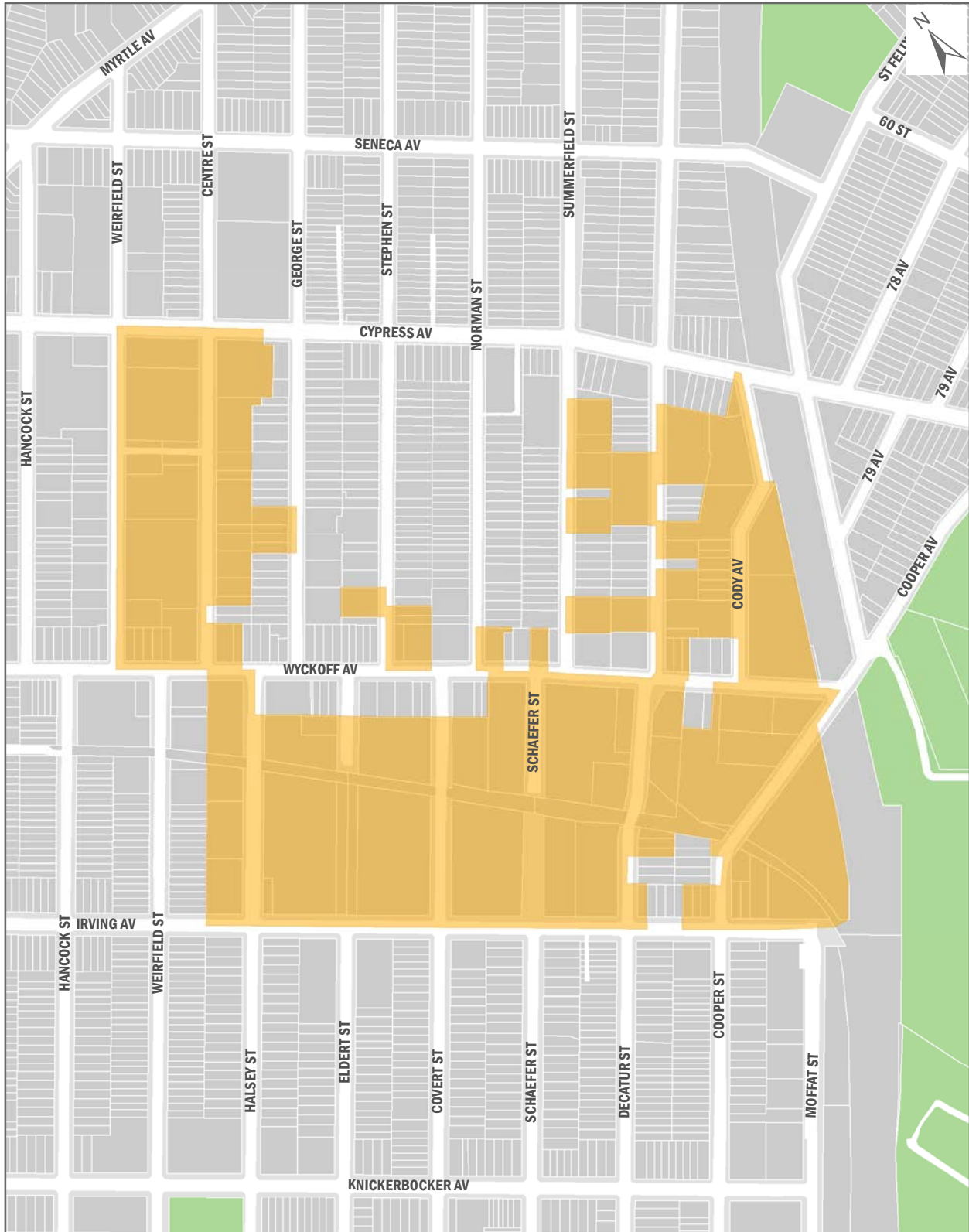


Ridgewood Industrial Business Zone

DRAFT for Internal Review

Public Requests



November 2013 Draft Staff Recommendations

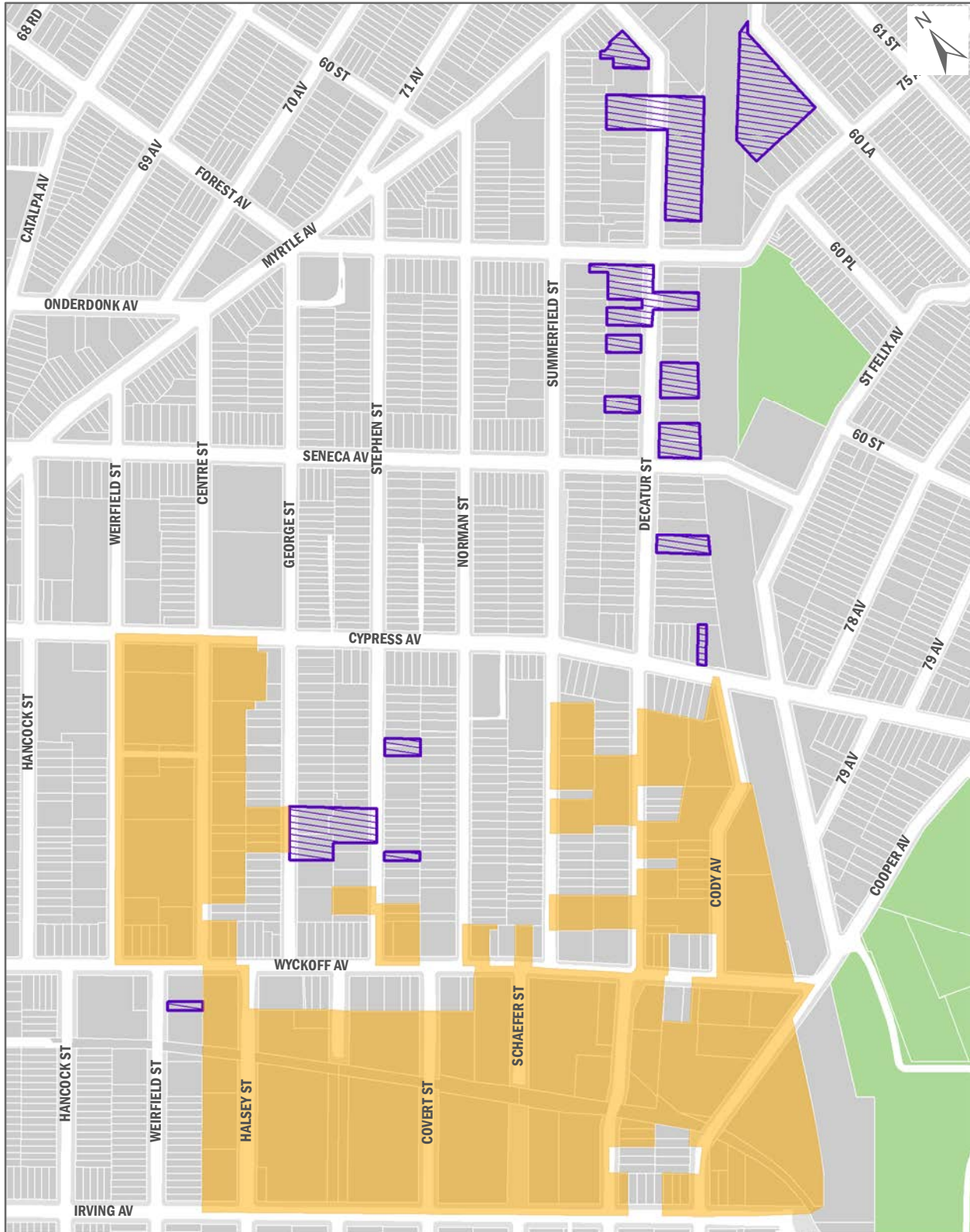


Ridgewood Industrial Business Zone

Draft for Internal Review

November 2013

-  Requested Inclusion
-  November 2013 Recommendations

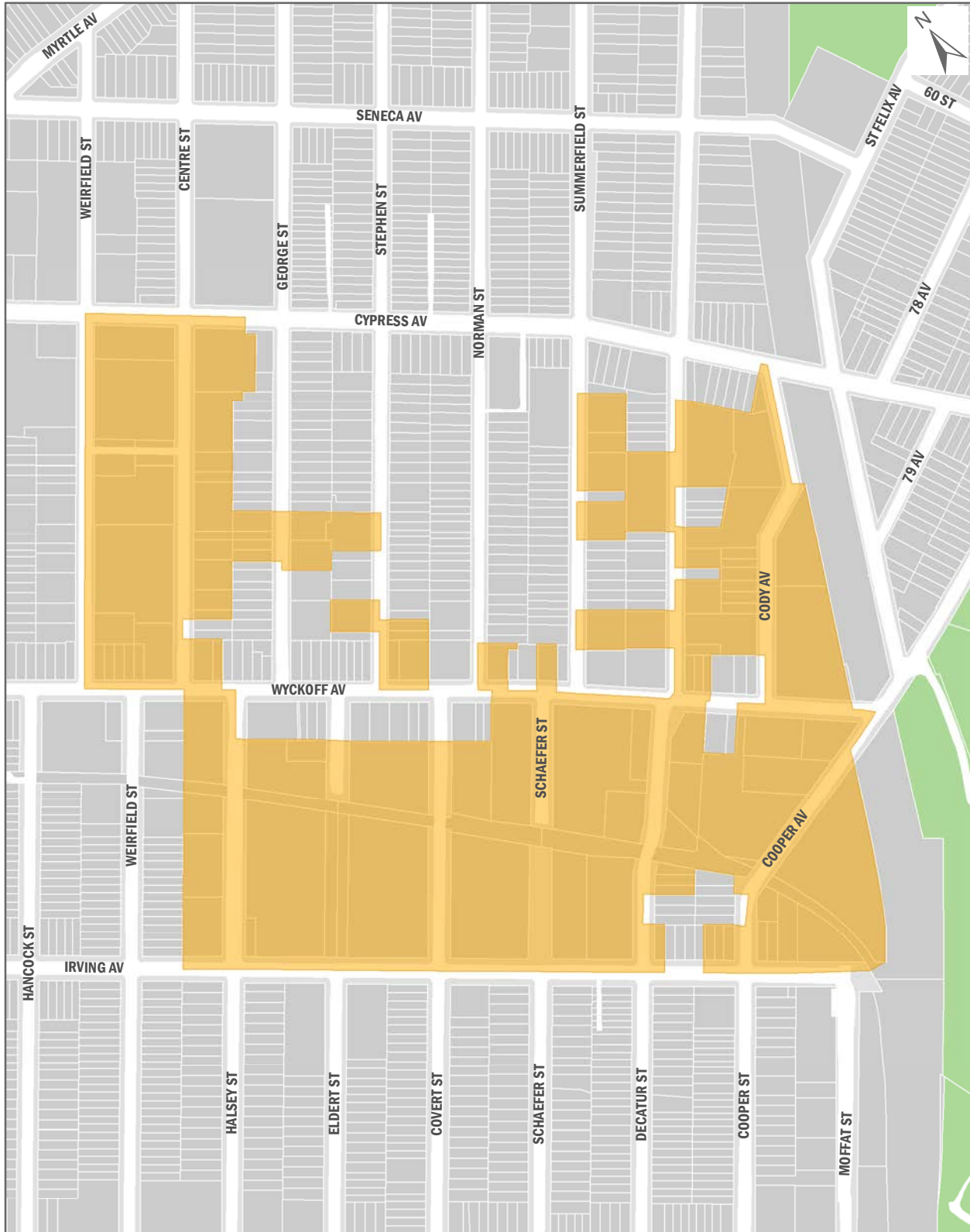


Ridgewood Industrial Business Zone

Draft Staff Recommendations

November 2013

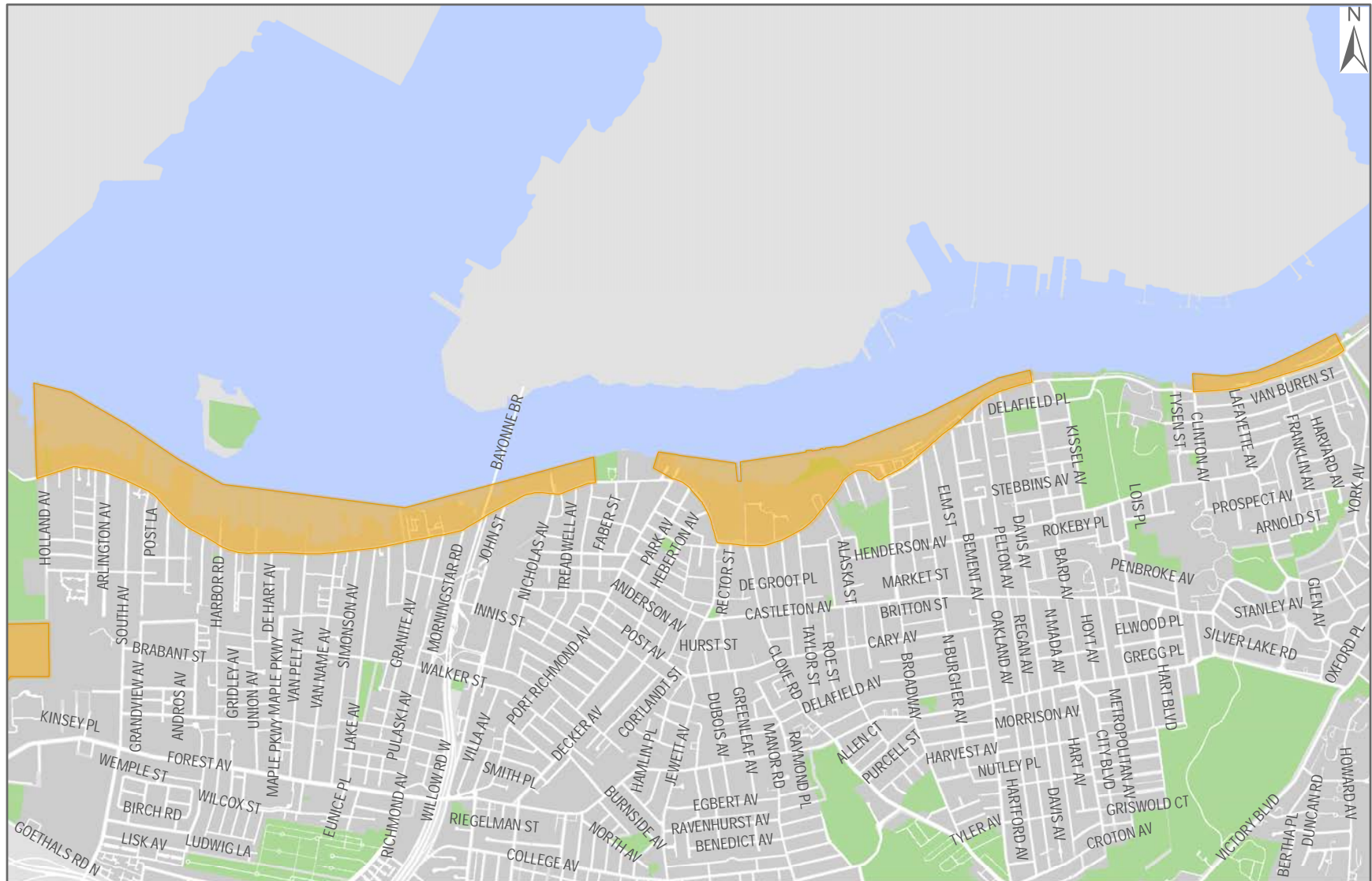
November 2013 Draft Staff Recommendations



Staten Island Industrial Business Zone North Shore

DRAFT for Public Review June 2012

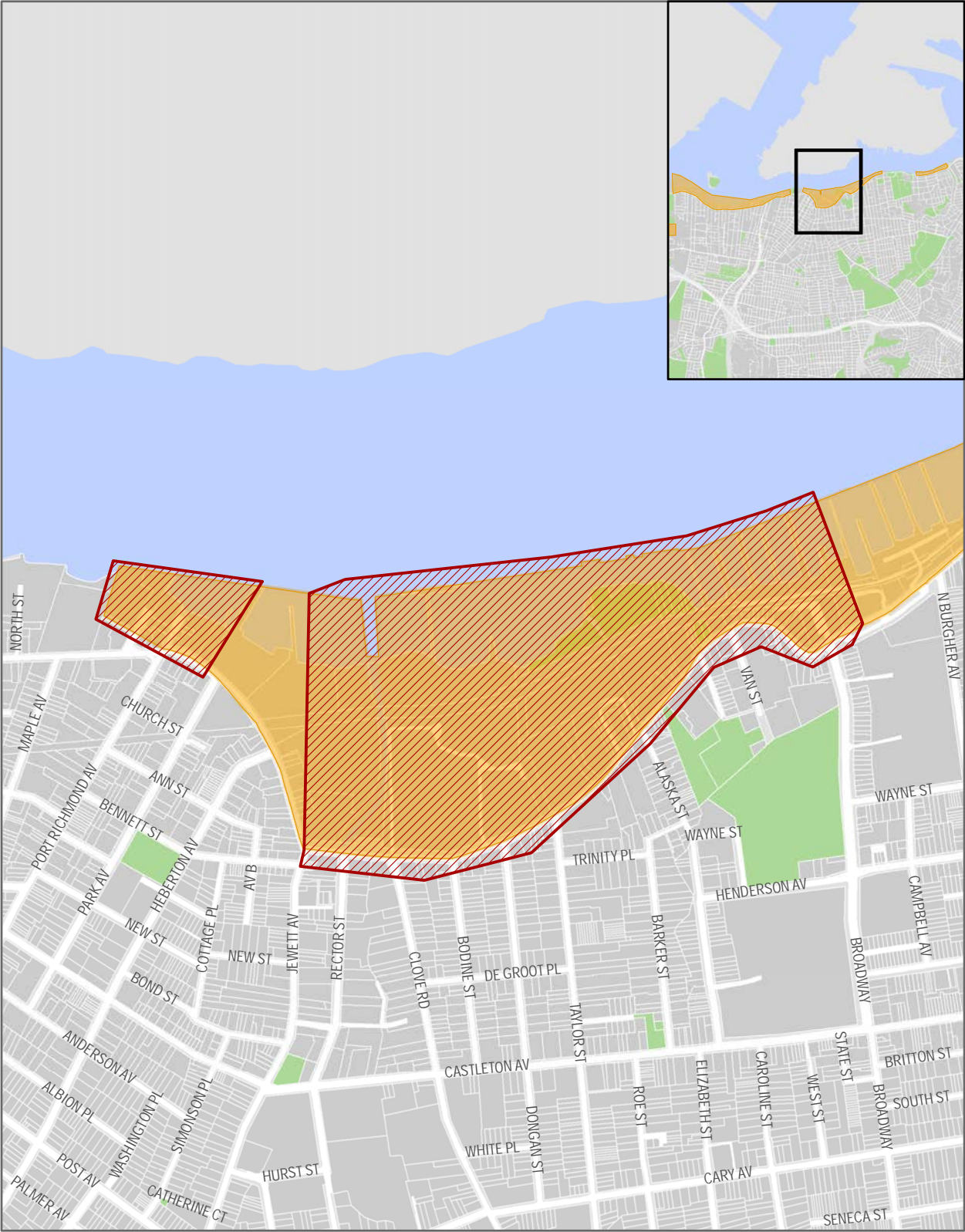
June 2012 Staff Recommendations



Data Source: MapPLUTO copyrighted by the New York City Department of City Planning
Prepared by New York City Economic Development Corporation (MGIS Unit) 06/28/2013

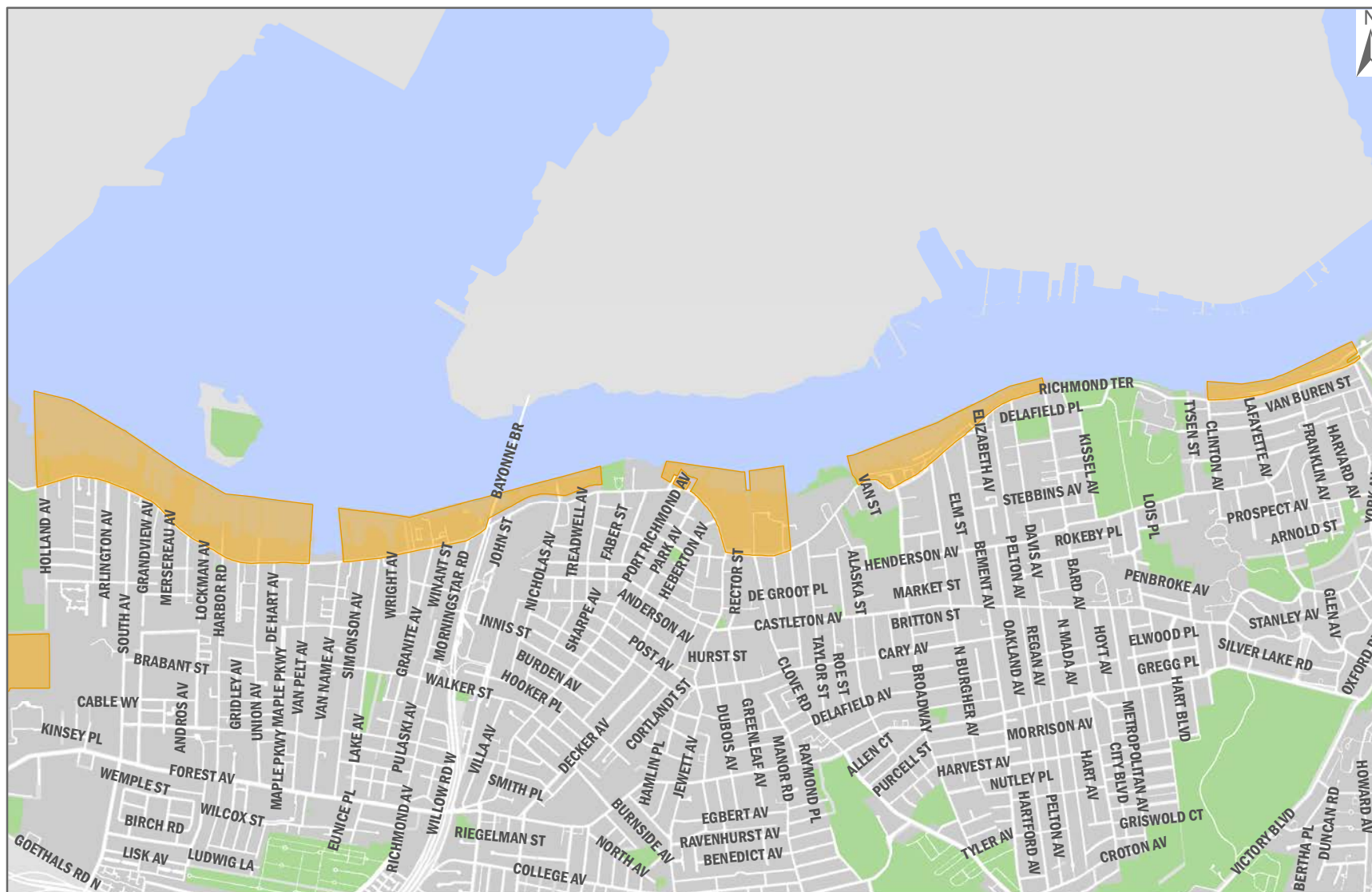
Staten Island Industrial Business Zone North Shore
DRAFT for Internal Review
Public Requests

- June 2012 Staff Recommendations
- Requested Omission



Data Source: MapPLUTO copyrighted by the New York City Department of City Planning
Prepared by New York City Economic Development Corporation (MGIS Unit) 07/01/2013

DRAFT Staff Recommendations November 2013



Data Source: MapPLUTO copyrighted by the New York City Department of City Planning
Prepared by New York City Economic Development Corporation (MGIS Unit) 11/14/2013

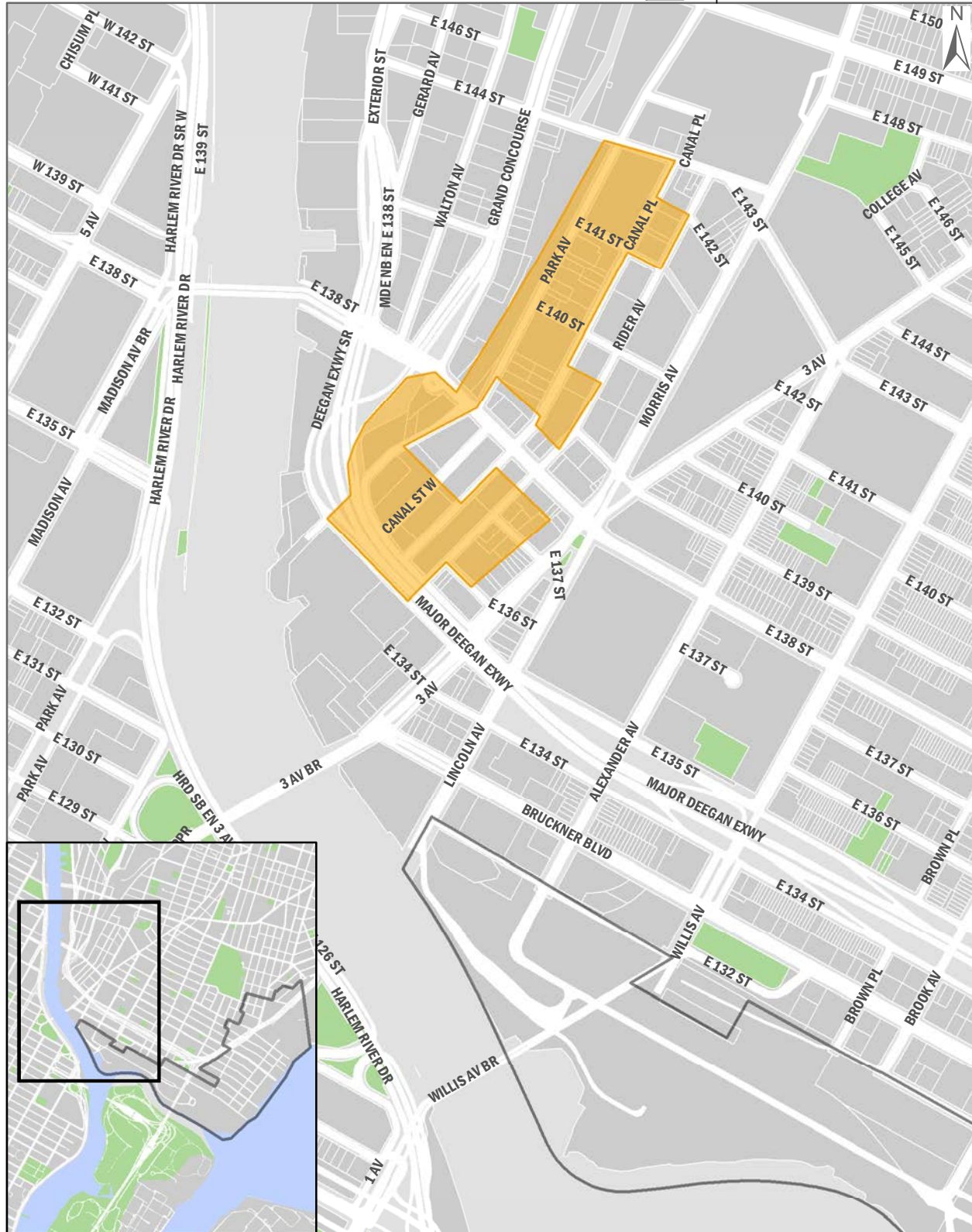
EXHIBIT E: FINAL STAFF RECOMMENDATIONS

Port Morris Industrial Business Zone

Final Proposed

November 2013

- November 2013 Final Proposed
- September 2013 Ratified Boundaries

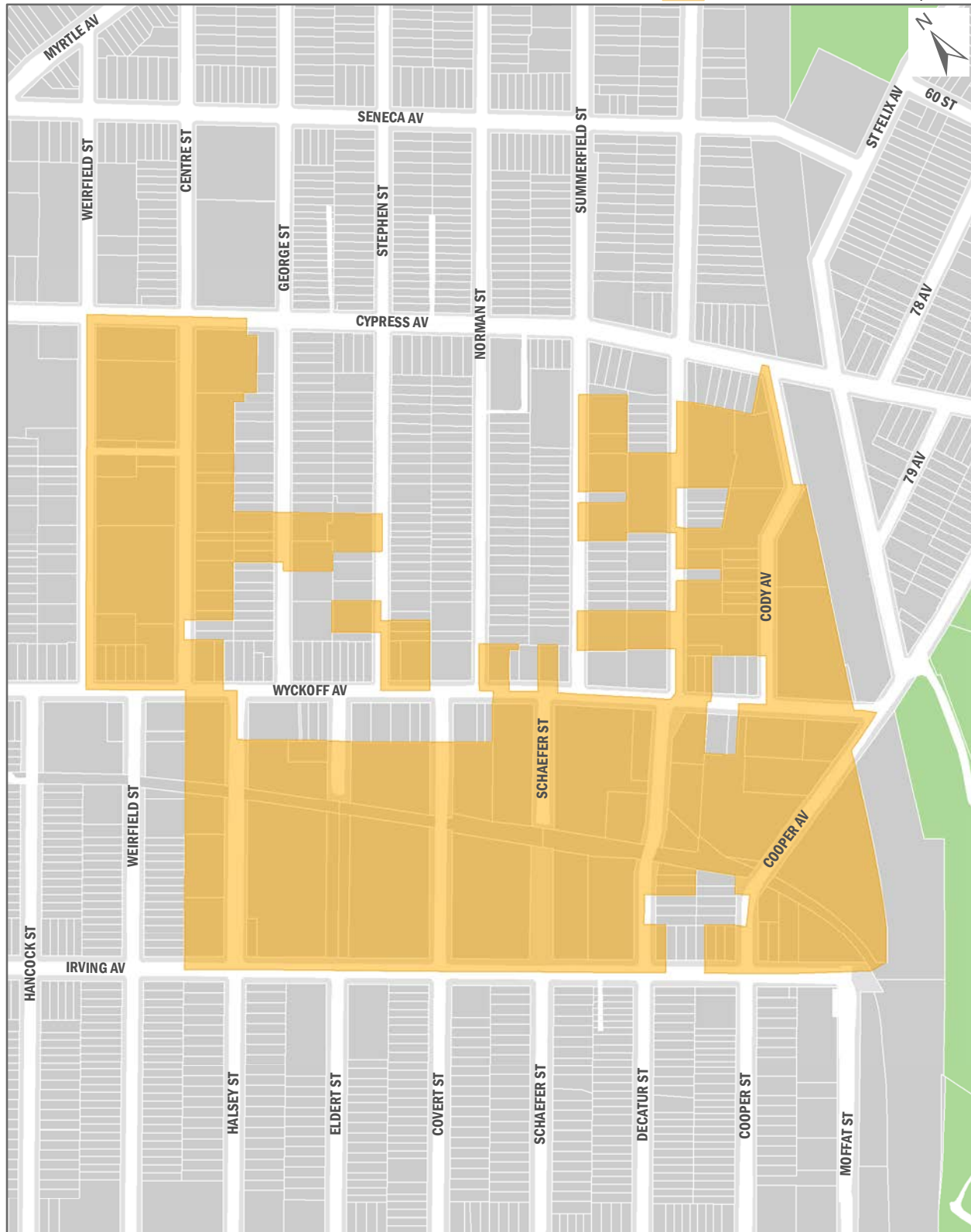


Ridgewood Industrial Business Zone

Final Proposed

November 2013

November 2013 Final Proposed

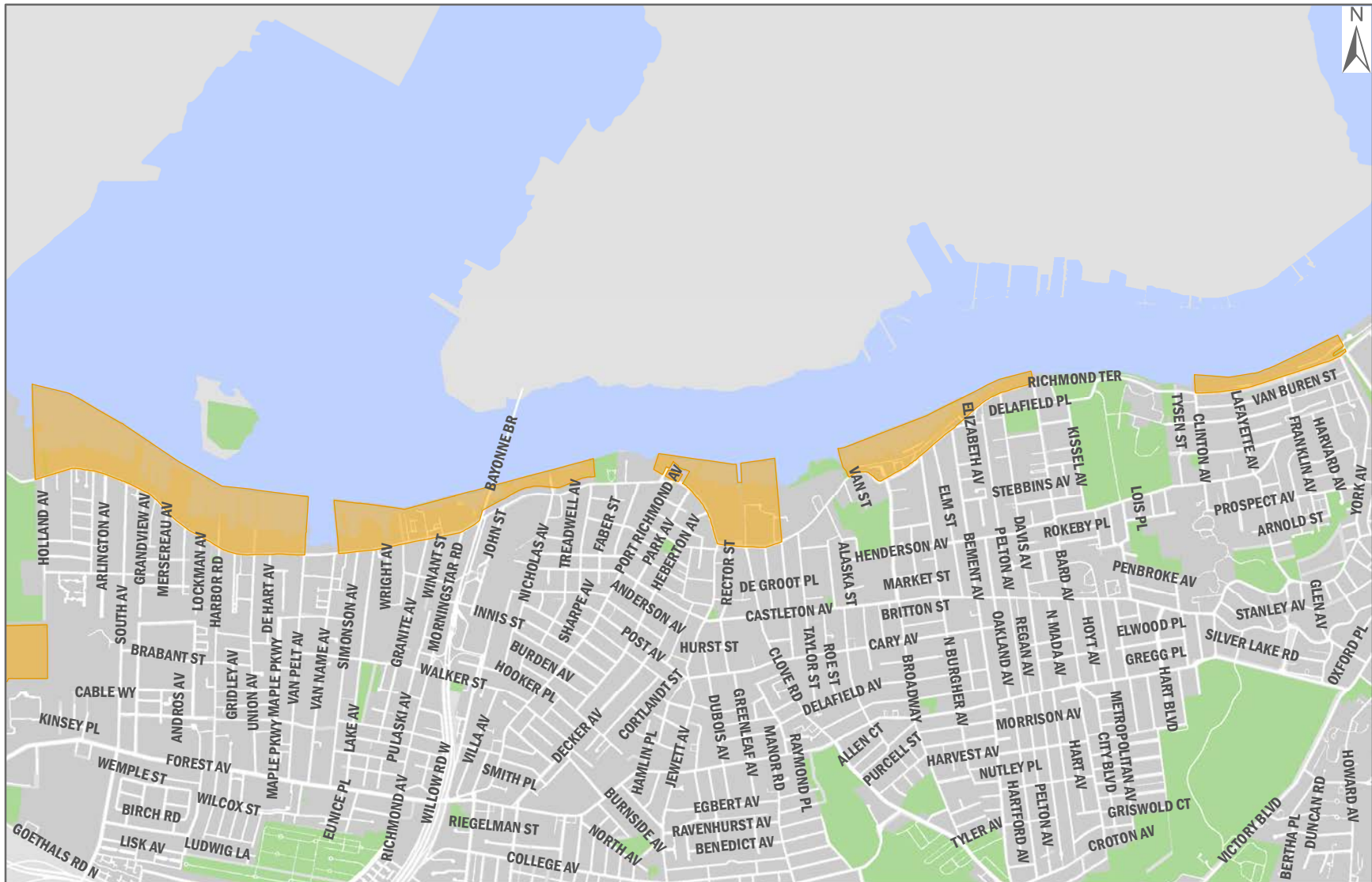


Staten Island Industrial Business Zone

North Shore

Final Proposed November 2013

November 2013 Final Proposed



Data Source: MapPLUTO copyrighted by the New York City Department of City Planning
Prepared by New York City Economic Development Corporation (MGIS Unit) 11/14/2013

ATTACHMENT E
Authorization to Sign on Behalf of LLC

RESOLUTION OF LIMITED LIABILITY COMPANY

The undersigned, being a member and manager of Flushing Stewart LLC, a New York limited liability company (the “**Company**”), does hereby resolve that:

1. Zelig Weiss is an officer of the Company and has the full power and authority on behalf of the Company to:

(a) Execute documents in connection with the application of the Company for participation in the New York State Brownfield Cleanup Program (the “BCP”);

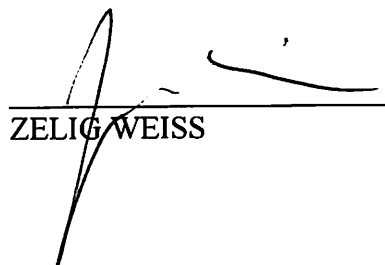
(b) Enter into agreements with the New York State Department of Environmental Protection (the “DEC”) in connection with the Company’s participation in the BCP;

(c) Execute any and all documents in connection with the Company’s participation in the BCP, including but not limited to applications, agreements, and tax returns;

(d) Take any action necessary to the furtherance of the Company’s participation in the BCP, including but not limited to conducting negotiations on behalf of the Company.

2. The authority hereby conferred shall be deemed retroactive, and any and all acts authorized herein which were performed prior to the passage of this unanimous consent are hereby approved and ratified. The authority hereby conferred is in addition to that conferred by any other consent heretofore or hereafter delivered to the DEC and shall continue in full force and effect until the DEC shall have received notice in writing, certified by the sole member of this company, of the revocation hereof by a resolution duly adopted by the sole member of this company. Any such revocation shall be effective only as to actions taken by this company subsequent to DEC’s receipt of such notice.

3. The undersigned hereby represents and warrants that (i) the undersigned is a member and manager of the Company; and (ii) the consent of any member and manager is sufficient to authorize the Company to take the aforementioned actions.



ZELIG WEISS

Dated: Brooklyn, NY
February 17, 2015