



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

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

☐

Yes

☐

No

If yes, provide existing site number: _____

PART A (note: application is separated into Parts A and B for DEC review purposes) **BCP App Rev 5**

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #:

NAME Acadia 3780-3858 Nostrand Avenue LLC

ADDRESS 411 Theodore Fremd Avenue, Suite 300

CITY/TOWN Rye, NY

ZIP CODE 10580

PHONE 914-288-3379

FAX 914-428-2760

E-MAIL bbarach@acadiarealty.com

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

☒

Yes

☐

No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database. A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application, to document that the requestor is authorized to do business in NYS.

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

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

Section II. Project Description

1. What stage is the project starting at?

☒

Investigation

☐

Remediation

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

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

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

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

Section III. Property's Environmental History

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

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

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903).

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

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

*Please describe: _____

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

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

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

☒ Yes ☐ No

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

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

Other: Retail Shopping Center

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME Former Debbie Cleaners				
ADDRESS/LOCATION 3800-3808 Nostrand Avenue				
CITY/TOWN Brooklyn, NY		ZIP CODE 11235		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL):				
COUNTY Kings		SITE SIZE (ACRES) 0.256		
LATITUDE (degrees/minutes/seconds) 40 ° 35 ' 27.87 "		LONGITUDE (degrees/minutes/seconds) -73 ° 56 ' 25.58 "		
COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.				
Parcel Address		Section No.	Block No.	Lot No. Acreage
3800-3808 Nostrand Avenue		22	7445	1 0.256
1. Do the proposed site 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? ☒ Yes ☐ No (application will not be processed without map)				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) Yes ☐ No ☒ If yes, identify census tract : _____ Percentage of property in En-zone (check one): ☐ 0-49% ☐ 50-99% ☐ 100%				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? ☐ Yes ☒ No If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? ☐ Yes ☒ No				
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? ☐ Yes ☒ No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? ☐ Yes ☒ No If yes, these lands should be clearly delineated on the site map.				

Section IV. Property Information (continued)

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

Easement/Right-of-way Holder

Description

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

Type

Issuing Agency

Description

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

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

☒ Yes ☐ No

11. For sites located within the five counties comprising New York City, is the requestor seeking a determination that the site is eligible for tangible property tax credits?
If yes, requestor must answer questions on the supplement at the end of this form. ☐ Yes ☒ No

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

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

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

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

Initials of each Requestor: _____

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

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Brian Bacharach			
ADDRESS 411 Theodore Fremd Avenue, Suite 300			
CITY/TOWN Rye, NY		ZIP CODE 10580	
PHONE 914-288-3379	FAX 914-428-2760	E-MAIL bbacharach@acadiarealty.com	
NAME OF REQUESTOR'S CONSULTANT CNS Environmental Corp			
ADDRESS 208 Newtown Road			
CITY/TOWN Plainview, NY		ZIP CODE 11803	
PHONE 516-932-3228	FAX 516-932-3288	E-MAIL cpowers@cnsenviro.com	
NAME OF REQUESTOR'S ATTORNEY James Rigano			
ADDRESS 538 Broad Hollow Road, Suite 217			
CITY/TOWN Melville, NY		ZIP CODE 11747	
PHONE 631-756-5900	FAX 631-756-0008	E-MAIL jrigano@riganollc.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME		OWNERSHIP START DATE: 02/15/2013	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER. PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".			
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)			
If answering "yes" to any of the following questions, please provide an explanation as an attachment. 1. Are any enforcement actions pending against the requestor regarding this site? ☐ Yes ☒ No 2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? ☐ Yes ☒ No 3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. ☐ Yes ☒ No			

Section VII. Requestor Eligibility Information (continued)

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

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

☐ PARTICIPANT

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

☒ VOLUNTEER

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

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

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

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

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

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

☐ Yes ☐ No

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

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

1. Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment. ☐ Yes ☒ No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305?
If yes, please provide: Site # _____ Class # _____ ☐ Yes ☒ No
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____ ☐ Yes ☒ No
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. ☐ Yes ☐ No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?
If yes, please provide: Order # _____ ☐ Yes ☒ No
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?
If yes, please provide explanation as an attachment. ☐ Yes ☒ No

Section IX. Contact List Information

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

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

Section X. Land Use Factors

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

☐ Residential ☒ Commercial ☐ Industrial

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

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

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

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

If residential, does it qualify as single family housing?

☐ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I acknowledge and agree to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____

Signature: _____

Print Name: _____

(By a requestor other than an individual)

Acadia 3780-3858 Nostrand Avenue LLC

I hereby affirm that I am Senior V.P. (title) of _____ (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree to execute a BCA within 60 days of the date of DEC's approval letter. 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: July 29, 2016

Signature: _____

Print Name: Jason Blacksberg

SUBMITTAL INFORMATION:

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

FOR DEC USE ONLY

BCP SITE T&A CODE: _____

LEAD OFFICE: _____

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

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Property is in Bronx, Kings, New York, Queens, or Richmond counties. ☐ Yes ☒ No

Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. ☐ Yes ☒ No

Please answer questions below and provide documentation necessary to support answers.

1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see DEC's website for more information. ☐ Yes ☒ No

2. Is the property upside down or underutilized as defined below?
Upside Down? ☐ Yes ☒ No
Underutilized? ☐ Yes ☒ No

From ECL 27-1405(31):

"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.

From 6 NYCRR 375-3.2(l) as of July 1, 2015: (Please note: Eligibility determination for the underutilized category can only be made at the time of application)

(l) "Underutilized" means, as of the date of application, real property:

(1) on which a building or buildings, can be certified by the municipality in which the site is located, to have for at least five years used no more than fifty percent of the permissible floor area under the applicable base zoning immediately prior to the application which has been in effect for at least five years;

(2) at which the proposed development is solely for a use other than residential or restricted residential;

(3) which could not be developed without substantial government assistance, as certified by the municipality in which the site is located; and

(4) which is subject to one or more of the following conditions, as certified by the municipal department responsible for such determinations of the municipality in which the site is located:

(i) property tax payments have been in arrears for at least five years immediately prior to the application;

(ii) contains a building that is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or

(iii) the proposed use is in whole or in substantial part for industrial uses.

"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, or land purchase cost exemption or waiver, from a governmental entity; or for properties to be developed in whole or in part for industrial uses, a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or a tax credit, from a governmental entity, or a low-cost loan from an industrial fund managed by the municipality and partner financial institutions.

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

3. Is the project an affordable housing project as defined below?

☐ Yes ☒ No

From 6 NYCRR 375- 3.2(a) as of July 1, 2015:

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

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

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

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

BCP Application Summary (for DEC use only)

Site Name: Former Debbie Cleaners
City: Brooklyn, NY

Site Address: 3800-3808 Nostrand Avenue
County: Kings **Zip:** 11235

Tax Block & Lot
Section (if applicable): 22 **Block:** 7445 **Lot:** 1

Requestor Name: Acadia 3780-3858 Nostrand Avenue LLC **Requestor Address:** 411 Theodore Fremd Avenue, Suite 300
City: Rye, NY **Zip:** 10580 **Email:** bbarach@acadiarealty.com

Requestor's Representative (for billing purposes)

Name: Brian Bacharach **Address:** 411 Theodore Fremd Avenue, Suite 300
City: Rye, NY **Zip:** 10580 **Email:** bbarach@acadiarealty.com

Requestor's Attorney

Name: James Rigano **Address:** 538 Broad Hollow Road, Suite 217
City: Melville, NY **Zip:** 11747 **Email:** jrigano@riganollc.com

Requestor's Consultant

Name: CNS Environmental Corp **Address:** 208 Newtown Road
City: Plainview, NY **Zip:** 11803 **Email:** cpowers@cnsenviro.com

Percentage of site within an En-Zone: ☒ 0% ☐ <50% ☐ 50-99% ☐ 100%

Requestor's Requested Status: ☒ Volunteer ☐ Participant

ATTACHMENTS

Section I. Requestor Information

Acadia 3780-3858 Nostrand Avenue, LLC is a limited liability company. The members are Acadia Nostrand Avenue LLC (Managing Member @ 99%) and Nostrand Properties, LLC (Member @ 1%).

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through August 15, 2016.

Selected Entity Name: ACADIA 3780-3858 NOSTRAND AVENUE LLC
Selected Entity Status Information

Current Entity Name: ACADIA 3780-3858 NOSTRAND AVENUE LLC

DOS ID #: 4343795

Initial DOS Filing Date: JANUARY 10, 2013

County: WESTCHESTER

Jurisdiction: DELAWARE

Entity Type: FOREIGN 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)

C/O NATIONAL REGISTERED AGENTS, INC.

111 EIGHTH AVENUE

13TH FLOOR

NEW YORK, NEW YORK, 10011

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
FEB 06, 2013	Actual	ACADIA 3780-3858 NOSTRAND AVENUE LLC
JAN 10, 2013	Actual	ACADIA 3780-3860 NOSTRAND AVENUE 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. Project Description

The overall purpose of this project is to continue the operation of the existing shopping center and ensure the health and safety of all tenant employees and their customers. Applicant has prepared and submitted to the New York State Department of Environmental Conservation an initial draft of the investigation work plan for the property. Applicant intends to promptly begin the investigation process. Applicant wishes to proceed expeditiously with the remedial activities and aims to commence the remedial program in November 2017. Applicant anticipates the issuance of a Certificate of Completion in December 2018 based on the implementation of the remedial measures.

Section III. Property's Environmental History

Existing information/studies/reports are provided on attached disc.

Date	Title	Author
12/06/12	Phase I Environmental Site Assessment	LSC, Inc.
05/28/13	Phase II Investigation Report	CNS Management Corp.
12/05/13	Groundwater Investigation Report	CNS Management Corp.
04/25/14	Quarterly Groundwater Monitoring Report – 2 nd Quarter April 2014	CNS Management Corp.
07/30/14	Quarterly Groundwater Monitoring Report – 3 rd Quarter July 2014	CNS Management Corp.
10/29/14	Quarterly Groundwater Monitoring Report – 4 th Quarter October 2014	CNS Management Corp.
01/29/15	Quarterly Groundwater Monitoring Report – 1 st Quarter January 2015	CNS Management Corp.
06/10/15	Quarterly Groundwater Monitoring Report – 2 nd Quarter June 2015	CNS Management Corp.
09/14/15	Quarterly Groundwater Monitoring Report – 3 rd Quarter September 2015	CNS Management Corp.
09/21/15	Soil Vapor Intrusion Investigation	CNS Management Corp.
11/17/15	Supplemental Phase II Site Investigation	CNS Management Corp.
11/24/15	Quarterly Groundwater Monitoring Report – 4 th Quarter November 2015	CNS Management Corp.
01/2016	Remedial Action Work Plan	CNS Management Corp.
04/07/16	Quarterly Groundwater Monitoring Report – 1 st Quarter April 2016	CNS Management Corp.

Section III. Property's Environmental History

SITE DRAWINGS

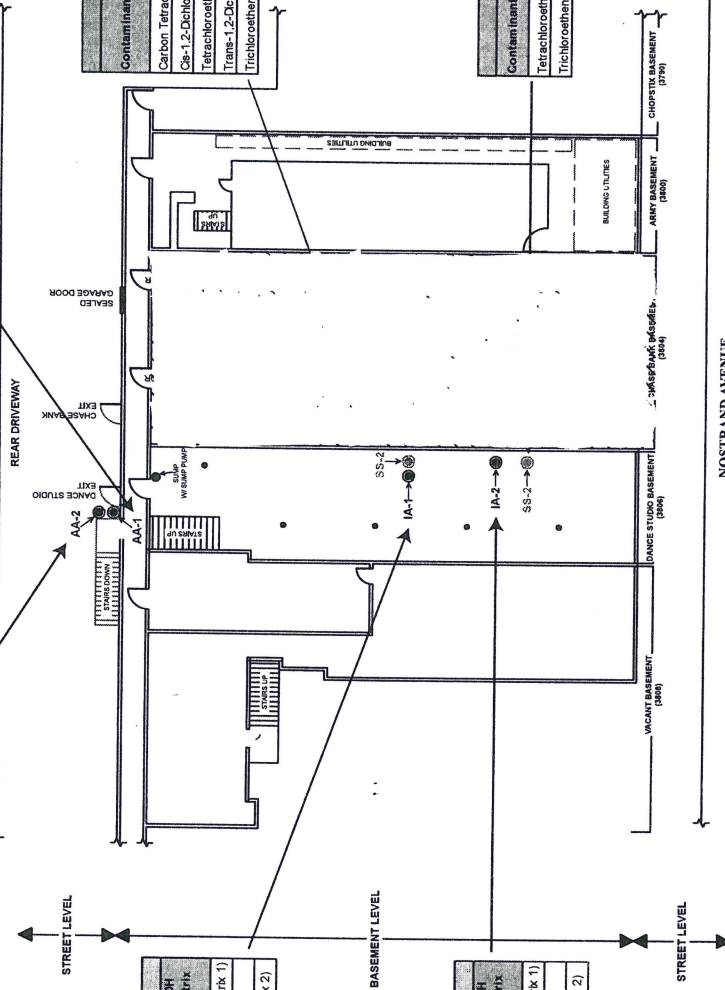




Outdoor Ambient Air Sample # AA-2 (OK-1A)		
Contaminant	5/8/2015	
Carbon Tetrachloride	0.52 $\mu\text{g}/\text{m}^3$	
Tetrachloroethene	1.53 $\mu\text{g}/\text{m}^3$	

Outdoor Ambient Air Sample # AA-1		
Contaminant	4/12/2013	
Carbon Tetrachloride	0.503 $\mu\text{g}/\text{m}^3$	
Methylene Chloride	3.99 $\mu\text{g}/\text{m}^3$	
Tetrachloroethene (PCE)	0.474 $\mu\text{g}/\text{m}^3$	

ABUTTING RESIDENTIAL PROPERTIES



Indoor Air Sample # IA-1		
Contaminant	4/12/2013	Min. NYSDOH Decision Matrix Conc.
Carbon Tetrachloride	0.503 $\mu\text{g}/\text{m}^3$	NA
Methylene Chloride	1.49 $\mu\text{g}/\text{m}^3$	60 $\mu\text{g}/\text{m}^3$
Tetrachloroethene (PCE)	1.22 $\mu\text{g}/\text{m}^3$	100 $\mu\text{g}/\text{m}^3$

Indoor Air Sample # IA-2 (IA-1A)		
Contaminant	8/6/2015	Min. NYSDOH Decision Matrix Conc.
Carbon Tetrachloride	0.52 $\mu\text{g}/\text{m}^3$	NA
Methylene Chloride	1.35 $\mu\text{g}/\text{m}^3$	60 $\mu\text{g}/\text{m}^3$
Tetrachloroethene (PCE)	2.38 $\mu\text{g}/\text{m}^3$	100 $\mu\text{g}/\text{m}^3$

Sub-slab Soil Vapor Sample # SS-1		
Contaminant	4/12/2013	Min. NYSDOH Decision Matrix Conc.
Carbon Tetrachloride	0.314 $\mu\text{g}/\text{m}^3$	5 $\mu\text{g}/\text{m}^3$ (Matrix 1)
Cis-1,2-Dichloroethene (c-DCE)	6.54 $\mu\text{g}/\text{m}^3$	NA
Tetrachloroethene (PCE)	120,000 $\mu\text{g}/\text{m}^3$	100 $\mu\text{g}/\text{m}^3$ (Matrix 2)
Trans-1,2-Dichloroethene (t-DCE)	4.72 $\mu\text{g}/\text{m}^3$	NA
Trichloroethene (TCE)	828 $\mu\text{g}/\text{m}^3$	5 $\mu\text{g}/\text{m}^3$ (Matrix 1)

Sub-slab Soil Vapor Sample # SS-2 (SS-1A)		
Contaminant	5/8/2015	Min. NYSDOH Decision Matrix Conc.
Tetrachloroethene (PCE)	6700 $\mu\text{g}/\text{m}^3$	100 $\mu\text{g}/\text{m}^3$ (Matrix 2)
Trichloroethene (TCE)	409 $\mu\text{g}/\text{m}^3$	5 $\mu\text{g}/\text{m}^3$ (Matrix 1)



PREPARED FOR:
ACQUA 3760-3658 NOSTRAND AVENUE, LLC
411 THEODORE FREID AVE., SUITE 300, RYE, NY 10580

SUBJECT SITE:
INVESTIGATION OF
"FORMER" DEBBIE CLEANERS
3804 NOSTRAND AVENUE
BROOKLYN, NY 11235

DATE: JUNE 2016
DWN BY: JL
CND BY: WC
APPR'D BY: CP

FIGURE BCP-SG
SOIL GAS DATA

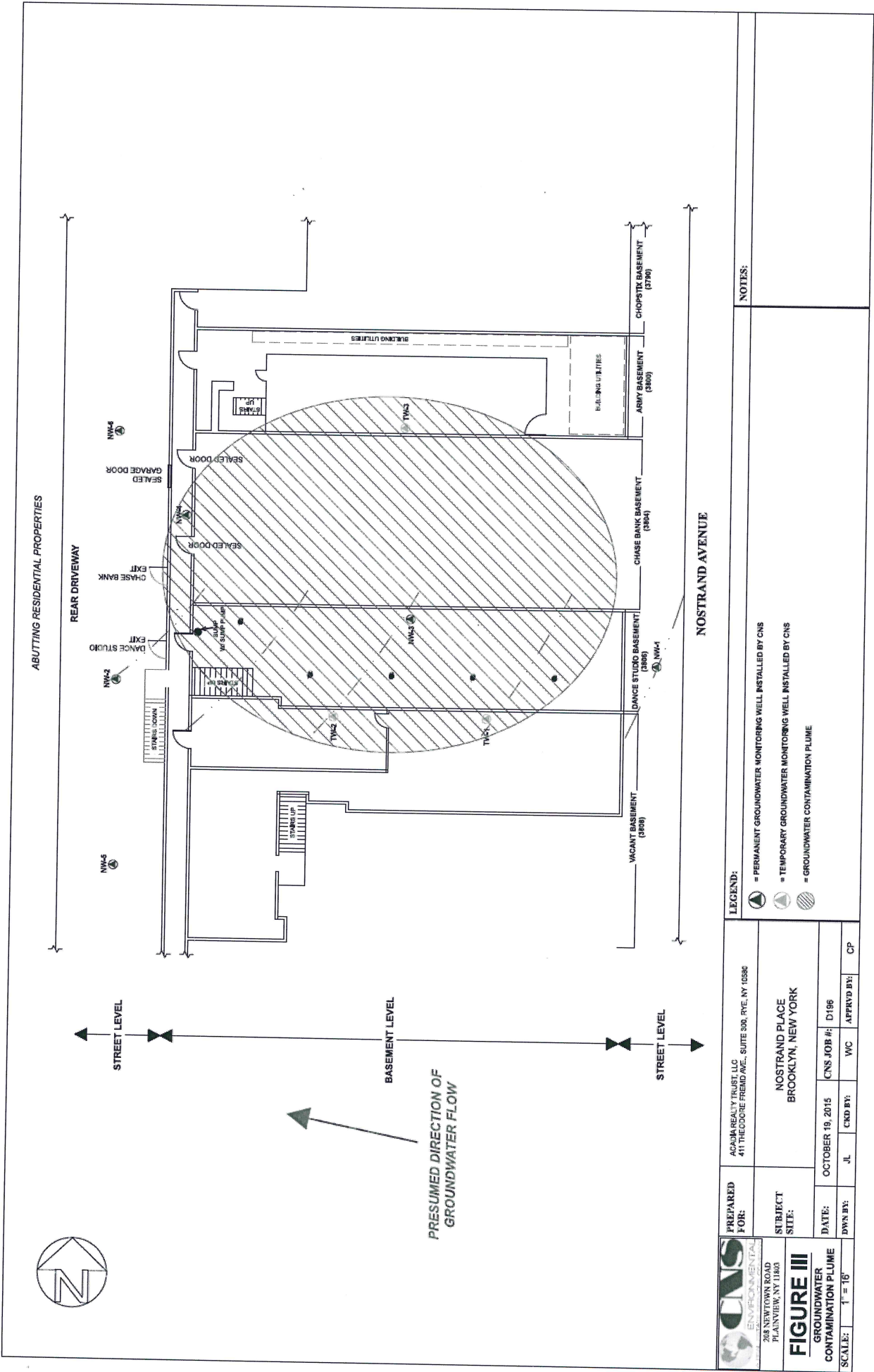
SCALE: 1" = 20'

LEGEND:

- = SUB-SLAB SOIL VAPOR SAMPLE LOCATION
- = INDOOR AIR SAMPLE LOCATION
- = OUTDOOR AIR SAMPLE LOCATION

NOTES:

All Analytical Results and associated standards are presented in micrograms per cubic meter ($\mu\text{g}/\text{m}^3$)
NA = Standard or Guideline Value not available
NYSDOH Air Guideline Values = Table 3.1 Air Guidelines Values presented within the NYSDOH Final Guidance for Evaluating Soil Vapor Intensity in the State of New York (October 2009)
Min. NYSDOH Decision Matrix = Table 3.3 Volatile Chemicals and their Decision Matrices, Soil Vapor Intensity Matrix 1, and Soil Vapor Intensity Matrix 2 presented within the NYSDOH Final Guidance for Evaluating Soil Vapor Intensity in the State of New York (October 2009)
Concentrations exceeding the Min. NYSDOH Decision Matrix Concentrations are highlighted in RED
Indoor Air: YELLOW



NOTES:

LEGEND:

- PERMANENT GROUNDWATER MONITORING WELL INSTALLED BY CNS
- TEMPORARY GROUNDWATER MONITORING WELL INSTALLED BY CNS
- GROUNDWATER CONTAMINATION PLUME

ACADIA REALTY TRUST LLC
411 THEODORE FREUND AVE., SUITE 300, RYE, NY 10586

NOSTRAND PLACE
BROOKLYN, NEW YORK

DATE: OCTOBER 19, 2015
DWN BY: JL
CNS JOB #: D196

WC APPR'D BY: CP



204 NEW TOWN ROAD
PLAINVIEW, NY 11803

FIGURE III
GROUNDWATER
CONTAMINATION PLUME

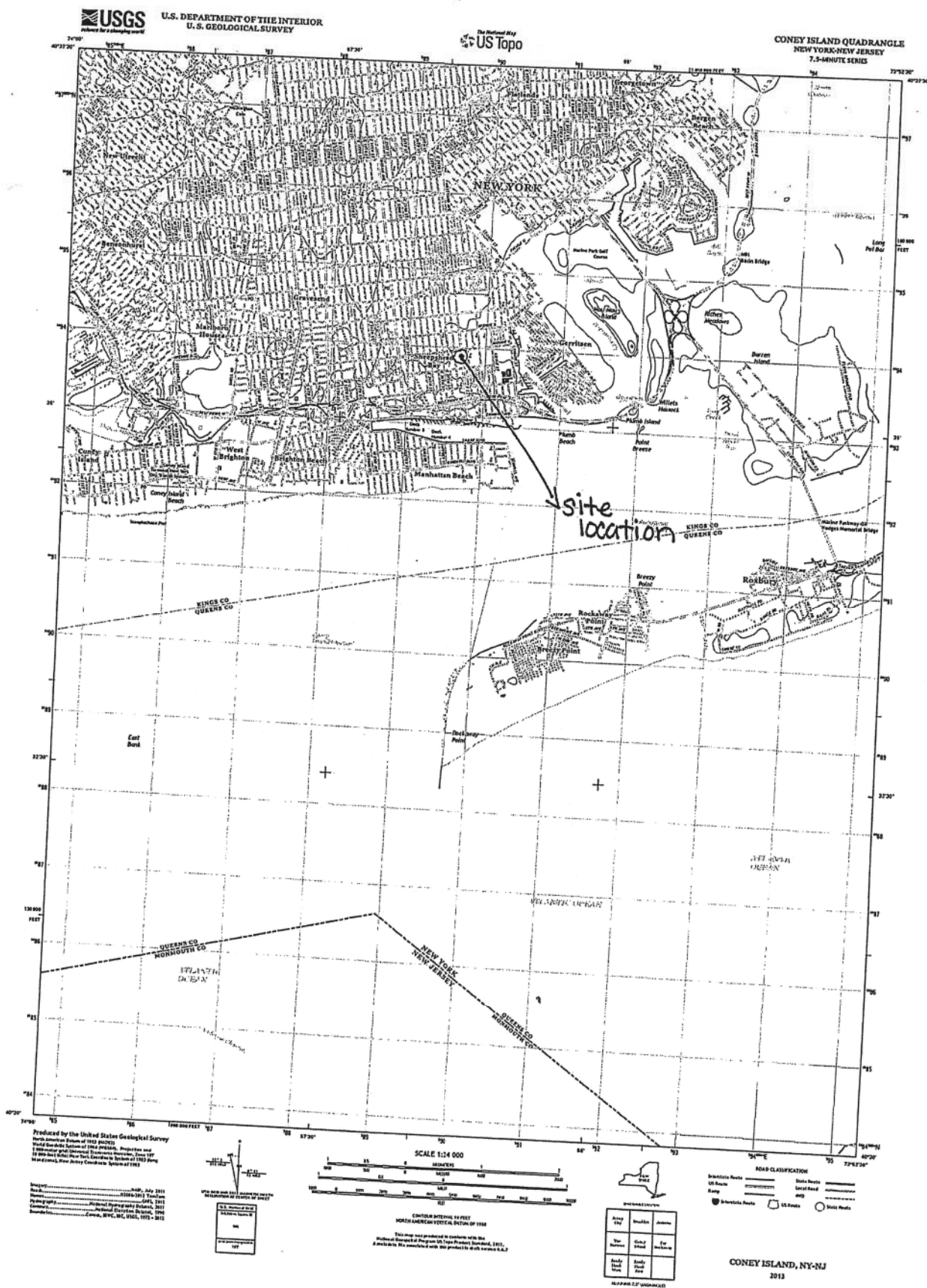
SCALE: 1" = 15'

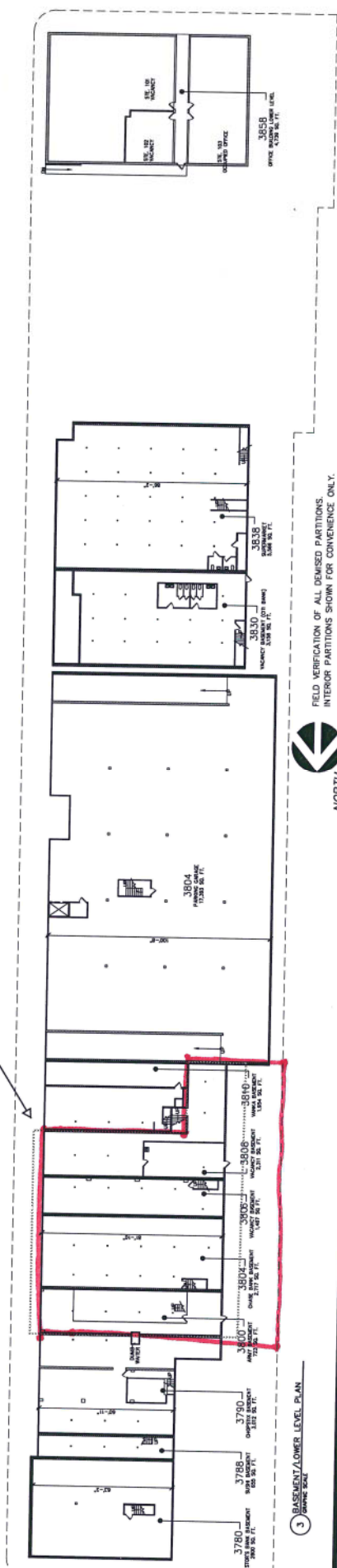
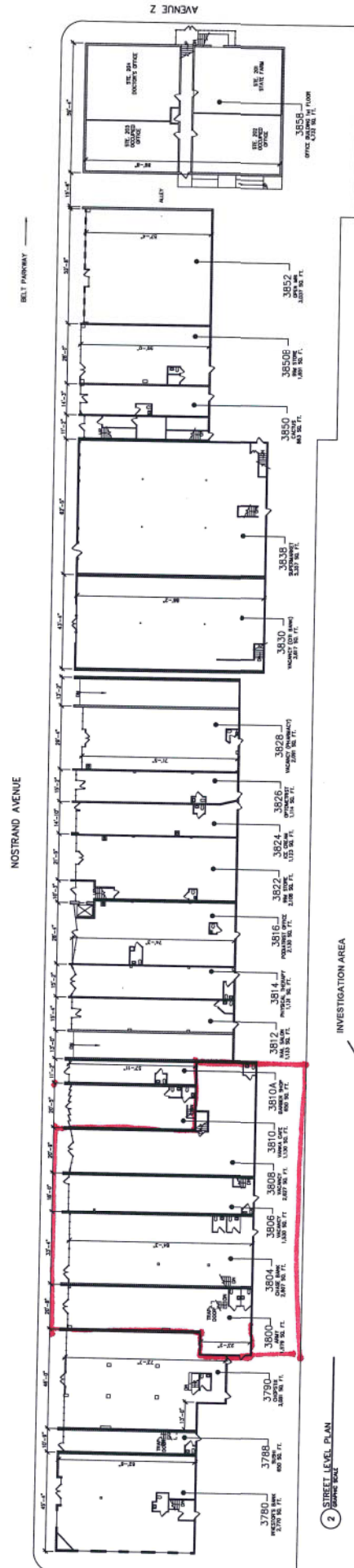
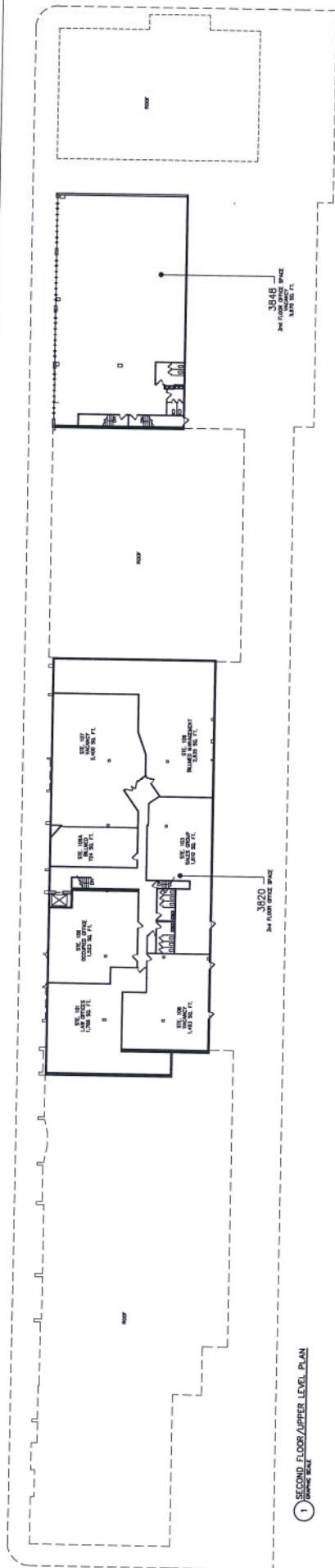
Section IV. Property Information

SITE MAPS

Acadia Nostrand - Digital Tax Map - New York City Dept. of Finance (8/16/2016)

- | | |
|---|---|
| Borough Boundary | C50 Condo Flag/Condo Number |
| Tax Block Boundary | A50 Air Right Flag/Lot Number |
| 50 Tax Block Number | S50 Subterranean Right Flag/Lot Number |
| Tax Lot Boundary | R REUC Flag |
| 50 Tax Lot Number | Under Water Tax Lot Boundary |
| Condo FKA Tax Lot Number | Other Boundary |
| 50.5 Tax Lot Dimension | Possession Hook |
| +/-5.5 Approximate Tax Lot Dimension | Misc Miscellaneous Text |
| Condo Units Range Label | Small Tax Lot Dimension |
| Building Footprint | Surface Water |





FIELD VERIFICATION OF ALL DEMISED PARTITIONS.
INTERIOR PARTITIONS SHOWN FOR CONVENIENCE ONLY.

NORTH

[illegible][illegible]

 ACADIA ENGINEERING	3780-3850 NOSTRAND AVE. BROOKLYN, NEW YORK	DATE: 01.19.13 DRAWN BY: AP CHECKED BY:
	Drawing Name PRELIMINARY EXISTING CONDITIONS PLAN	Drawing Number EC-1

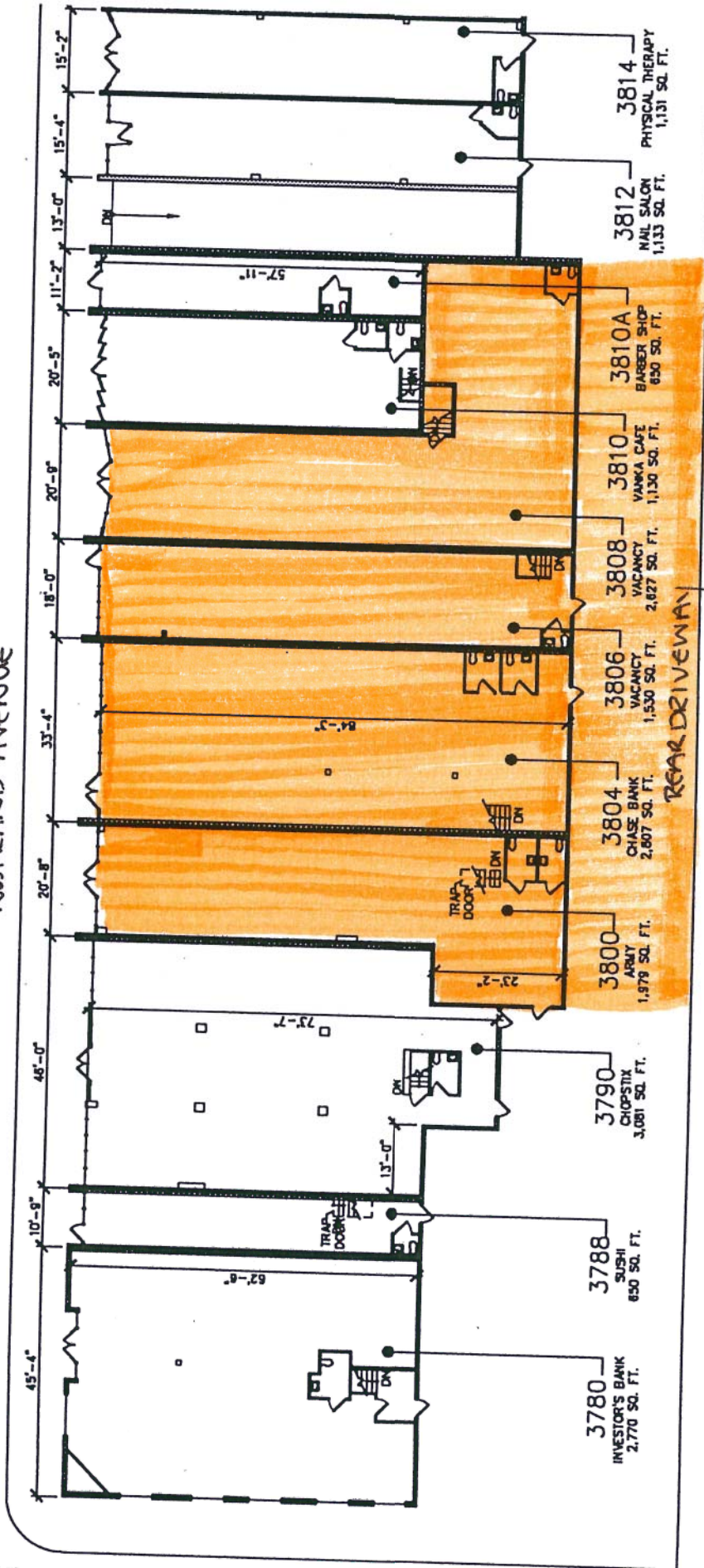
ACADIA
ARCHITECTS

3780-3850 NOSTRAND AVE.
BROOKLYN, NEW YORK

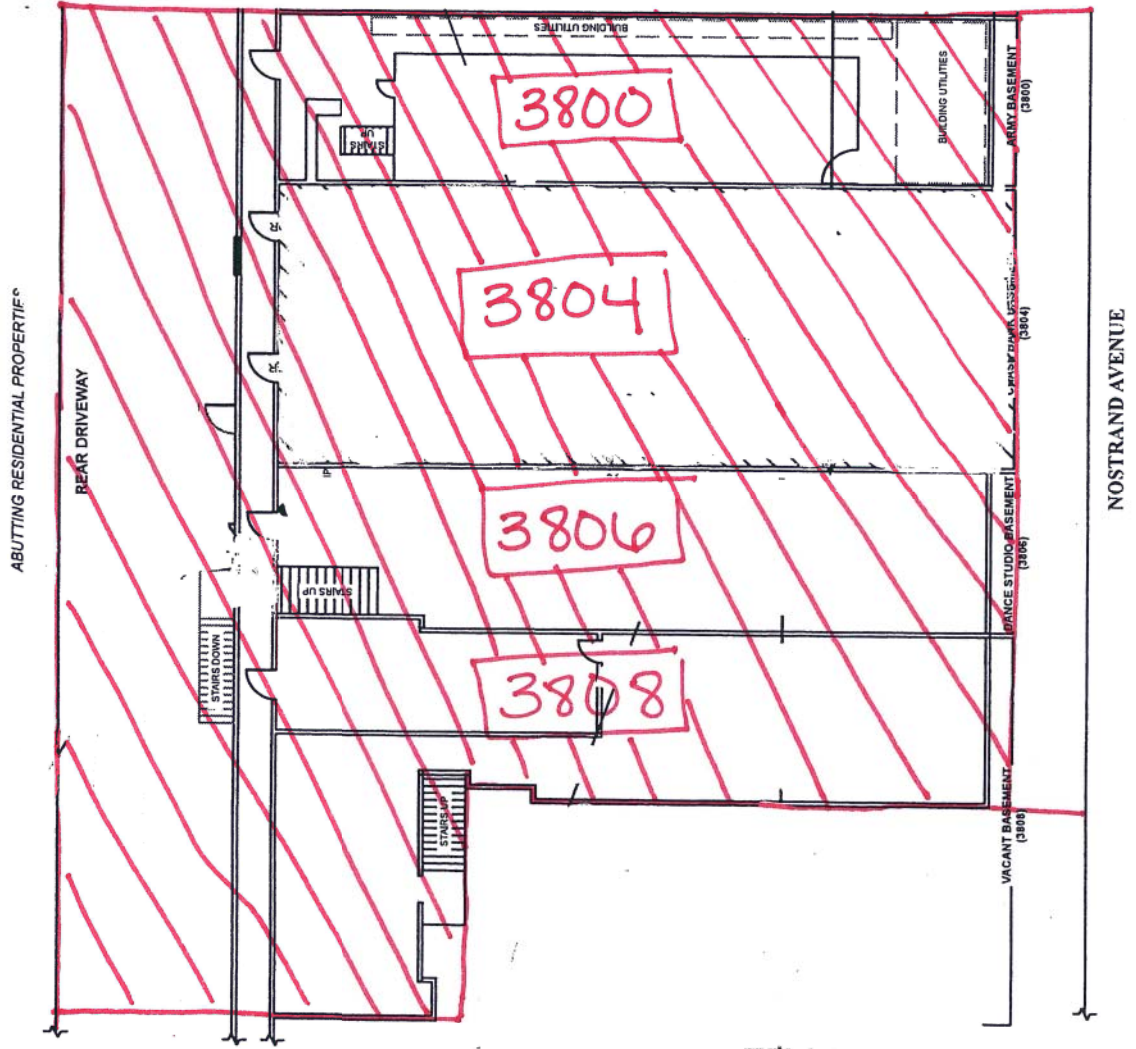
DATE: 03.19.13
DRAWING BY: AP
CHK BY: DN

SITE BOUNDARIES

NOSTRAND AVENUE



SITE BOUNDARIES



Section IV. Property Information: 10. Property Description and Environmental Assessment

Location:

The "Former" Debbie Cleaners site is located at 3800-3808 Nostrand Avenue, Brooklyn, NY, ("Site") situated on the west side of Nostrand Avenue in an urban area characterized by commercial retail properties along Nostrand Avenue with residential homes in the outlying areas. The Site is further defined as being situated within the northernmost building of the Nostrand Place shopping center property located from 3780 through 3860 Nostrand Avenue between Avenue Y and Avenue Z which consists of five (5) buildings divided into 22 tenant spaces with operations consisting of retail, office or businesses serving the local needs of the community.

Site Features:

The Site is approximately 19,951 square feet of tenant spaces and driveway behind the tenant spaces located within the Nostrand Place shopping center property, consisting of 8,843 square feet at ground level, 7,238 square feet of basement and 3,870 square feet of rear driveway. The Site is abutted to the north and south by other commercial tenant spaces; to the east by Nostrand Avenue with a retail shopping center beyond; and to the west by the shopping center driveway on the ground level and a hallway on the basement level, with residential homes beyond.

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

The Site and the Nostrand Place shopping center are situated within the R4 Residence District with a C2-2 Commercial Overlay. The surrounding parcels to the north, northeast and east are zoned similarly; however the surrounding parcels to the northwest, west and south are solely zoned within the R4 Residence District. The current uses at the site are as follows:

U.S. Army Recruiting – 3800 Nostrand Avenue
Chase Bank – 3804 Nostrand Avenue
Academy of Dance – 3806 Nostrand Avenue
Available Vacant Space – 3808 Nostrand Avenue

Past Use of the Site:

From approximately 1959 through 1985, a portion of the Site was occupied by Debbie Cleaners, which appears to have led to the dry cleaning-related chlorinated solvent contamination of groundwater and soil vapor. The Site has been occupied by commercial tenants and investigations within the former Debbie Cleaners space have not been performed to date.

An initial site investigation completed from April-May 2013 in the 3806 Nostrand Avenue tenant space identified dry cleaning-related compounds in the groundwater above the NYSDEC groundwater standards. Subsequent groundwater investigation have been performed in 2014 through 2016 and dry cleaning-related compounds continued to be identified above the NYSDEC groundwater standards. As a result of the findings, the identified contamination was reported to the NYSDEC and Spill #13-10667 was assigned. In 2015, a soil vapor intrusion investigation was completed where dry cleaning-related compounds were identified within soil vapor and indoor air within the mitigation guidelines and under the NYSDOH Decision Matrix. Soil sampling has not exhibited evidence of contamination above remedial requirements.

Site Geology and Hydrogeology:

Based upon borings completed, the Site structure's footings and slabs are atop a bedrock shelf from 22'-24' below grade surface (bgs) with groundwater encountered at an average depth of 12' bgs, presumed to flow in a westerly direction.

Environmental Assessment

Based upon investigations conducted to date, the primary contaminants of concern for the site consist of dry cleaning-related chlorinated volatile organic compounds including cis-1,2-Dichloroethene (c-DCE), trans-1,2-Dichloroethene (t-DCE), Tetrachloroethene (PCE), and Trichloroethene (TCE).

Soil – Data has not identified contaminants exceeding NYSDEC Unrestricted SCOs, except one sample which was below commercial SCOs.

Groundwater – DCE, PCE and TCE have been identified in the groundwater collected at the Site exceeding groundwater standards. c-DCE has ranged from 0.6 parts per billion (ppb) (minimum) to 840 ppb (maximum); t-DCE has ranged from non-detect (minimum) to 13 ppb (maximum); PCE has ranged from 2.2 ppb (minimum) to 2,000 ppb (maximum); and TCE has ranged from 0.24 ppb (minimum) to 360 ppb (maximum).

Soil Vapor & Indoor Air – PCE was detected within Indoor Air at a maximum of 2.38 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) and was identified within Soil Vapor at a maximum concentration of 120,000 $\mu\text{g}/\text{m}^3$. TCE was identified in Soil Vapor at a maximum concentration of 628 $\mu\text{g}/\text{m}^3$; c-DCE was identified in Soil Vapor at a maximum concentration of 6.54 $\mu\text{g}/\text{m}^3$; and t-DCE was identified in Soil Vapor at a maximum concentration of 4.72 $\mu\text{g}/\text{m}^3$.



CONTROL POINT ASSOCIATES, INC.

traditional methods | modern approaches

35 Technology Drive
Warren, NJ 07059
Tel: 908.668.0099
www.cpasurvey.com

AUGUST 31, 2016
C12449

METES AND BOUNDS DESCRIPTION

LIMITS OF BROWNFIELD SITE

LOT 1, BLOCK 7445

BOROUGH OF BROOKLYN,

COUNTY OF KINGS,

CITY AND STATE OF NEW YORK

BEGINNING AT A POINT IN THE WESTERLY RIGHT-OF-WAY LINE FOR NOSTRAND AVENUE MARKING THE NORTHEASTERLY MOST CORNER OF THE LIMITS OF THE BROWNFIELD AREA, SAID POINT BEING DISTANT 600.19 FEET NORTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE FROM THE INTERSECTION OF THE NORTHERLY SIDE OF AVENUE Z WITH WESTERLY SIDE OF NOSTRAND AVENUE BEING THE SAME POINT OF BEGINNING AS DESCRIBED FOR LOT 1, BLOCK 7445. BEING ALSO DISTANT 99.81 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE FROM THE SOUTHERLY RIGHT-OF-WAY LINE FOR AVENUE "Y", AND FROM SAID POINT OF BEGINNING RUNS;

1. 89.49' SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE FOR NOSTRAND AVENUE, THENCE;
2. 60.64' WESTERLY AND PERPENDICULAR TO NOSTRAND AVENUE, THENCE;
3. 30.70' SOUTHERLY AND PARALLEL TO NOSTRAND AVENUE, THENCE;
4. 44.36' WESTERLY AND PERPENDICULAR TO NOSTRAND AVENUE TO A POINT IN THE WESTERLY LOT LINE FOR LOT 1, BLOCK 7445, THENCE;
5. 130.19' NORTHERLY ALONG SAID WESTERLY LOT LINE, THENCE;
6. 40.04' EASTERLY AND PERPENDICULAR TO NOSTRAND AVENUE, THENCE;
7. 10.00' SOUTHERLY AND PARALLEL TO NOSTRAND AVENUE, THENCE;
8. 64.96' EASTERLY AND PERPENDICULAR TO NOSTRAND AVENUE TO THE POINT AND PLACE OF BEGINNING,

CONTAINING 11,158 SQ. FT., OR 0.256 ACRES

THIS PROPERTY MAY BE SUBJECT TO ANY RESTRICTIONS, COVENANTS AND/OR EASEMENT EITHER WRITTEN OR IMPLIED.

THIS DESCRIPTION IS WRITTEN WITH REFERENCE TO A MAP ENTITLED "ALTA/NSPS LAND TITLE SURVEY, ACADIA REALTY TRUST, 3780-3858 NOSTRAND AVENUE, LOT 1, BLOCK 7445, BOROUGH OF BROOKLYN, CITY AND STATE OF NEW YORK" DATED DECEMBER 14, 2012, LAST REVISED AUGUST 30, 2016, AS PREPARED BY CONTROL POINT ASSOCIATES, INC., DATED 08-30-16.

CONTROL POINT ASSOCIATES, INC.

JAMES C. WEED
STATE OF NEW YORK
PROFESSIONAL LAND SURVEYOR # 50765

8/30/16
DATE

JDS/la

P:\surveys\2016\01-160267 - 256-264BellevilleAve-Belleville-NJ-JDS\M&B M&B LOT 1 BLOCK 5902 - 7-1-16.DOCX

Prepared By: _____
Reviewed By: _____

Corporate Headquarters
35 Technology Drive, Warren, NJ 07059
Tel: 908.668.0099 Fax: 908.668.9595

Professional Land Surveying, Geospatial and Consulting Services

Section VI: Current Property Owner/Operator Information

Previous Site Owners/Operators:

Joange Building Corp.

Approximate ownership period: 19xx-1966

Relationship to Acadia 3780-3858 Nostrand Avenue LLC: None

Last known mailing address:
3858 Nostrand Avenue
Brooklyn, NY 11235

Ralstrand Realty Corp.

Approximate ownership period: 1966-1969

Relationship to Acadia 3780-3858 Nostrand Avenue LLC: None

Last known mailing address:
c/o George A. Berkowitz
253 Broadway
New York, NY 10007

Debbie Cleaners

Approximate occupancy period: 1965 – sometime prior to 2003

Relationship to Acadia 3780-3858 Nostrand Avenue LLC: None

Last known mailing address:
3804 Nostrand Avenue
Brooklyn, NY 11235

Avenue Z Associates

Approximate ownership period: 1969-1982

Relationship to Acadia 3780-3858 Nostrand Avenue LLC: None

Last known mailing address:
c/o Leonard S. Elman
1133 Avenue of the Americas
New York, NY 10036

Spare Realty Corp.

Approximate ownership period: 1975

Relationship to Acadia 3780-3858 Nostrand Avenue LLC: None

Last known mailing address:
c/o Elman & Ornstein
230 Park Avenue
New York, NY 10017

NYS Dep. of State Entity Address:
c/o Theodore Ornstein, Esq.
21 East 40th St.
New York, NY 10016

Bay Ridge Estates Inc.

Approximate ownership period: 1982-1983

Relationship to Acadia 3780-3858 Nostrand Avenue LLC: None

Last known mailing address:
549 86th Street
Brooklyn, NY 11209

NYS Dep. of State Entity Address:
Stella Estates Inc.
9002 Fifth Ave.
Brooklyn, NY 11209

Bakalis Charalabos

Approximate ownership period: 1982-1997

Relationship to Acadia 3780-3858 Nostrand Avenue LLC: None

Last known mailing address:
8423 Tenth Avenue
Brooklyn, NY 11228

Realty Equity Holdings, L.L.C.

Approximate ownership period: 1996-1998

Relationship to Acadia 3780-3858 Nostrand Avenue LLC: None

Last known mailing address:
3820 Nostrand Avenue, Suite 101
Brooklyn, NY 11235

NYS Dep. of State Entity Address:
Efthimios Zissimopoulos
c/o Colman Securities
666 Fifth Avenue
New York, NY 10022

Realty Equity Holdings 3820, LLC

Approximate ownership period: 1999-2003

Relationship to Acadia 3780-3858 Nostrand Avenue LLC: None

Last known mailing address:
3820 Nostrand Avenue, Suite 101
Brooklyn, NY 11235

Current mailing address:
815 27th Avenue
Astoria, NY 11102
(718) 745-8100

Nostrand Properties, LLC

Approximate ownership period: 2003-2013

Relationship to Acadia 3780-3858 Nostrand Avenue LLC: Nostrand Properties, LLC is a member owning 1% of Acadia 3780-3858 Nostrand Avenue LLC.

Last known mailing address/NYS Dep. of State Entity Address:
c/o Cohen & Co., Inc.
9 E 40th Street / 10th Fl.
New York, NY 10016

Section VII. Requestor Eligibility Information

Appropriate Care Volunteer Memorandum

This memorandum sets forth the site history and appropriate care exercised by Acadia 3780-3858 Nostrand Avenue LLC ("Acadia") with respect to the property located at 3800-3808 Nostrand Avenue in Brooklyn, New York ("the site"). Under the Brownfield Cleanup Program, a "volunteer" is "... a person whose liability arises solely as a result of such person's ownership or operation of or involvement with the site subsequent to the disposal or discharge of contaminants, provided however, such person exercises appropriate care with respect to contamination found at the facility by taking reasonable steps to: (i) stop any continuing release; (ii) prevent any threatened future release; and (iii) prevent or limit human, environmental, or natural resource exposure to any previously released contamination." The information contained herein establishes Acadia as a volunteer under the Brownfield Cleanup Program.

DISCUSSION

I. Acadia acquired the site subsequent to the disposal or discharge of contaminants

Prior to Acadia's acquisition of the property in 2013, LCS, Inc. ("LCS") performed a Phase I Environmental Site Assessment at the site. LCS's findings identified a former drycleaner as an on-site Recognized Environmental Condition (REC). The drycleaner was identified as operating from 1968 through 1996, although, a review of historical Sanborn Fire Insurance Maps depict a "drycleaner" notation through the 2007 map. However, a commercial lender leased the space in 2003 and remains at the location. As a result the dry cleaning operations ended sometime prior to 2003.

CNS Management Corp. (CNS) subsequently performed a Phase II Investigation at the site. CNS also identified a drycleaner by the name of "Debbie Cleaners" under the address of 3804 Nostrand Avenue from 1965 through 1973. CNS noted that the actual occupancy may have occurred as early as 1959 and extended through 1985 when the tenants name was listed as "Flower Den".

3804 Nostrand Avenue, the location of the former drycleaner, is currently occupied by a Chase Bank. CNS conducted an initial site visit to determine an appropriate investigation approach. However, the Chase Bank would not allow access. CNS conducted the investigation in the vacant tenant space located at 3806 Nostrand Avenue, immediately adjacent to the Chase Bank.

As the property records depict, Nostrand Properties LLC acquired the property in 2003. Acadia acquired title to the property in 2013 with Nostrand Properties, LLC holding a 1% interest in Acadia. Prior to this transaction, Acadia and Nostrand

Properties, LLC had no previous affiliation or relationship. Acadia Nostrand Avenue LLC which is controlled by Acadia is the managing member and owns 99% of Acadia. Nostrand Properties, LLC does not participate in the management of Acadia.

From the date Acadia acquired title to the site there were no actively operating drycleaner facilities on site. The last known drycleaner operated at the site sometime prior to 2003. There were several years between an active on site drycleaner and Acadia's acquisition and involvement with the property. These facts demonstrate that Acadia's ownership, operation and involvement with the site occurred subsequent to the disposal or discharge of contaminants. Acadia acquired the property in 2013 and two different investigations concluded that drycleaner operations ended several years prior to the acquisition. Therefore, any disposal or discharge occurred several years before Acadia acquired title to the site.

II. Acadia exercised "appropriate care" with respect to the contamination

The investigation at 3800-3808 Nostrand Avenue entailed the collection of soil, groundwater, soil-gas and indoor air samples.

The investigation results provided with this application revealed on-site chlorinated solvent contamination typically associated with drycleaner operations. The soil sample results showed low levels of Tetrachloroethene, although this detection did not exceed the applicable remediation standards. The groundwater results identified Tetrachloroethene contamination which did exceed the respective NYSDEC standards. Tetrachloroethene was also identified in the indoor air and sub-slab at levels that require mitigation.

Acadia's investigation of the property commenced in 2013 and, on its own initiative, continued through 2016 which has included quarterly groundwater monitoring to track the status of the contamination.

Acadia reported the contamination to the NYSDEC. The site was listed on the Spill Incidents Database under spill # 13-10667. Acadia did not receive any correspondence or direction with respect to how it should proceed with the onsite investigation or remedial actions. Nevertheless, Acadia proceeded with quarterly groundwater monitoring beginning in 2014. All of the quarterly groundwater monitoring reports were prepared for and submitted to NYSDEC on Acadia's own initiative. NYSDEC never requested or required further investigations or submissions from Acadia. During this time, NYSDEC also did not respond to Acadia's submissions.

On its own initiative, Acadia continued investigations through 2016 and even went so far as to prepare a Remedial Action Work Plan which was submitted to NYSDEC in early 2016. In May 2016, Acadia received its first correspondence from NYSDEC since

the matter was reported. The letter indicated that the property is considered a potential inactive hazardous waste disposal site. The site was simultaneously removed from the Spill Incidents Database.

Based on the foregoing information, Acadia has adequately demonstrated fulfillment of the "appropriate care" standard by making a proper initial inquiry, taking further investigative steps and informing the NYSDEC of the contamination, as well as, providing NYSDEC with copies of all the investigation reports from 2013 to present. The groundwater is not utilized at the property and the indoor air levels are well below NYSDOH indoor air guidelines so remedial activity was not necessary to prevent or limit human, environmental, or natural resource exposure. Nevertheless, Acadia would like to move ahead with the necessary remedial activity.

CONCLUSION

This memorandum, along with all of the investigative reports attached to the Brownfield Cleanup Program Application establish that Acadia acquired the property long after any drycleaners were present at the site and disposal or discharge of contaminants. Furthermore, upon discovery of the contamination, Acadia engaged in thorough environmental investigations, notified the NYSDEC, voluntarily continued investigations and submitted all reports to the NYSDEC throughout its entire ownership period. Acadia's status as a "volunteer" arising from its purchase of the site is established.

Section IX. Contact List Information

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

Carl Weisbrod
Central Office
120 Broadway, 31st Fl.
New York, NY 10271

Mayor Bill de Blasio
City Hall
New York, NY 10007

Eric L. Adams
Borough Hall 209 Joralemon St
Brooklyn, NY 11201

2. See attached list of adjacent residential property owners.
See attached list of owners/occupants of Block 7446, Lot 1.
See attached list of tenants within Nostrand Place.
3. Local news sources: CBS local or Brooklyn Daily Eagle Newspaper. For Legal Advertising: LLCs and Legal Notices Contact:

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

Brooklyn Daily Eagle
Gina Ong
Legals@brooklyneagle.com
718-643-9099, ext 105

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

Ms. Emily Lloyd
59-17 Junction Blvd.,
Flushing, NY 11373.

5. Not applicable.
6. List of nearby schools/day cares:

Sunrise Day Care
2900 Avenue Y
Brooklyn, NY 11235

P.S. # 52
2675 East 29th Street
Brooklyn, NY 11235
Phone: (718) 648-0882
Rafael Alvarez, Principal

JHS # 14 Shell Bank
2424 Batchelder Street
Brooklyn, NY 11234

Phone: (718) 743-0220
Teri Ahearn, Principal

Yeshiva of Kings Bay Universal Pre-K
2611 Avenue Z
Brooklyn, NY 11235
Phone: (718) 646-8500

7. We have sent a letter to the Kings Bay Library located at 3650 Nostrand Ave and the Brooklyn Community Board requesting if they would agree to act as the site document repositories for the property. Copies of the request letters and their responses are attached hereto.
8. The property is located within Brooklyn Community Board District No. 15 where Theresa Scavo sits as the Chairperson. Mailing address:

Brooklyn Community Board 15
Kingsboro Community College,
2001 Oriental Boulevard, C Cluster,
Room C124
Brooklyn, NY 11235

List of tenants within Nostrand Place

Investor's Bank – 3780 Nostrand Avenue, Brooklyn, New York 11235
Tokyo Boy Sushi – 3788 Nostrand Avenue, Brooklyn, New York 11235
Chop Stix Chinese Restaurant and Sushi Bar – 3790 Nostrand Avenue, Brooklyn, NY 11235
U.S. Army Recruiting Office – 3800 Nostrand Avenue, Brooklyn, New York 11235
Chase Bank – 3804 Nostrand Avenue, Brooklyn, New York 11235
Academy of Dance and Creative Arts – 3806 Nostrand Avenue, Brooklyn, NY 11235
Vacant Space – 3808 Nostrand Avenue, Brooklyn, New York 11235
Vanka Café – 3010 Nostrand Avenue, Brooklyn, New York 11235
Arie Express Barber Shop – 3810A Nostrand Avenue, Brooklyn, New York 11235
Sensitive Nails – 3812 Nostrand Avenue, Brooklyn, New York 11235
Laszczyk Bozena Physical Therapy – 3814 Nostrand Avenue, Brooklyn, NY 11235
Dr. Oleg Kotelskiy, MD – 3816 Nostrand Avenue, Brooklyn, New York 11235
Law offices of Anna Latkovskaia - 3820 Nostrand Avenue, Suite 101 Brooklyn, New York 11235
BillMed Management LLC – 3820 Nostrand Avenue, Suite 109 Brooklyn, New York 11235
eAutoLease – 3820 Nostrand Avenue, Suite 107 Brooklyn, New York 11235
Danny Super Dollar Inc. – 3822 Nostrand Avenue, Brooklyn, New York 11235
Nostrand Ice Cream Shop – 3824 Nostrand Avenue, Brooklyn, New York 11235
Viewpoint Optical – 3826 Nostrand Avenue, Brooklyn, New York 11235
Care Pharmacy – 3828 Nostrand Avenue, Brooklyn, New York 11235
Vacant Space – 3830 Nostrand Avenue, Brooklyn, New York 11235
Silver Star Meat Market – 3838 Nostrand Avenue, Brooklyn, New York 11235
Aurora Energy Advisors – 3848 Nostrand Avenue, Brooklyn, New York 11235
Cactus Gourmet – 3850 Nostrand Avenue, Brooklyn, New York 11235
99 ¢ E & S USA – 3850B Nostrand Avenue, Brooklyn, New York 11235
Complete Radiology PC – 3852 Nostrand Avenue, Brooklyn, New York 11235
State Farm Insurance – 3858 Nostrand Avenue, Suite 201 Brooklyn, New York 11235
George Hofman Realty Inc. – 3858 Nostrand Avenue, Suite 202 Brooklyn, NY 11235
Starealty Estate – 3858 Nostrand Avenue, Suite 203 Brooklyn, New York 11235
Atlantic Medical Care Associates – 3858 Nostrand Avenue, Suite 204 Brooklyn, NY 11235

List of Adjacent Residential Property Owners

Section 22 Block 7445

1. Lot 171 – Rakhel Chtok – 2501 East 29th St, Brooklyn, New York 11235
2. Lot 71 – Phillip and Jeri Babich – 2503 East 29th St, Brooklyn, New York 11235
3. Lot 70 – Gennaro and Maria Petraro – 2505 East 29th St, Brooklyn, New York 11235
4. Lot 69 – Yefim and Marina Sabler – 2507 East 29th St, Brooklyn, New York 11235
5. Lot 68 – Info unavailable
6. Lot 67 – Michael P. and Fay T. Gutnick – 2511 East 29th St, Brooklyn, New York 11235
7. Lot 66 – Wai Kwan Lau – 2515 East 29th St, Brooklyn, New York 11235
8. Lot 65 – Dmitriy Gutkin – 2517 East 29th St, Brooklyn, New York 11235
9. Lot 59 – Andrew Klymkovich – 2519 East 29th St, Brooklyn, New York 11235
10. Lot 58 – Albert Itkin and Anna Pertseva – 2521 East 29th St, Brooklyn, New York 11235
11. Lot 57 – Arnold J and Madeline Kiner – 2525 East 29th St, Brooklyn, New York 11235
12. Lot 56 – Filipp and Anna Desyatnikov – 2527 East 29th St, Brooklyn, New York 11235
13. Lot 55 – Alexander and Tanya Gitarts – 2529 East 29th St, Brooklyn, New York 11235
14. Lot 54 – Stanley Arthur and Karen Beth Sorongon – 2531 East 29th St, Brooklyn, New York 11235
15. Lot 53 – Sabina Safanov – 2535 East 29th St, Brooklyn, New York 11235
16. Lot 52 – Leonid Elent – 2537 East 29th St, Brooklyn, New York 11235
17. Lot 51 – Nataliya and Leonid Lipman – 2539 East 29th St, Brooklyn, New York 11235
18. Lot 50 – Yefim and Lilia Mayzus – 2541 East 29th St, Brooklyn, New York 11235
19. Lot 49 – Laura Blady – 2543 East 29th St, Brooklyn, New York 11235
20. Lot 48 – Mikhail and Liliya Gorelik – 2545 East 29th St, Brooklyn, New York 11235
21. Lot 47 – Leonid Vinokur – 2549 East 29th St, Brooklyn, New York 11235
22. Lot 46 – Vyacheslav Lempert – 2551 East 29th St, Brooklyn, New York 11235
23. Lot 45 – Jae R. and Sandra S. Lee – 2553 East 29th St, Brooklyn, New York 11235
24. Lot 44 – Eldar Rakhamimov – 2555 East 29th St, Brooklyn, New York 11235
25. Lot 43 – Mauro Dell'olio – 2557 East 29th St, Brooklyn, New York 11235
26. Lot 42 – Mitchell A. and Jamie S. Judd – 2559 East 29th St, Brooklyn, New York 11235
27. Lot 41 – Roman and Bella Grinshpun – 2561 East 29th St, Brooklyn, New York 11235
28. Lot 40 – Xiu Rong Wen – 2563 East 29th St, Brooklyn, New York 11235
29. Lot 39 – Misha Messing – 2567 East 29th St, Brooklyn, New York 11235
30. Lot 38 – Svetlana Leybovich – 2569 East 29th St, Brooklyn, New York 11235
31. Lot 37 – Tanya Unisov – 2571 East 29th St, Brooklyn, New York 11235
32. Lot 36 – Miriam McKay – 2903 Avenue Z, Brooklyn, New York 11235
33. Lot 35 – Nicola and Barbara Quaranta – 2905 Avenue Z, Brooklyn, New York 11235
34. Lot 34 – Anthony Pezzolanti II – 2907 Avenue Z, Brooklyn, New York 11235
35. Lot 136 – Francesco and Rosa Marino – 2901 Avenue Z, Brooklyn, New York 11235

List of Owners/Occupants at Block 7446, Lot 1

Parcel address: 3861 Nostrand Avenue, Brooklyn, New York 11235

Current owner: Country Leasing Limited Partnership

See attached NYS Department of State Entity Information.

Current tenants:

Blink Fitness – 3827 Nostrand Avenue, Brooklyn, New York 11235
Aldi Market – 3785 Nostrand Avenue, Brooklyn, New York 11235
Bay Gift and Stationary – 3809 Nostrand Avenue, Brooklyn, New York 11235
Petland Discounts – 3815 Nostrand Avenue, Brooklyn, New York 11235
Rite Aid – 3823 Nostrand Avenue, Brooklyn, New York 11235
Goldstar Jewelry – 3833 Nostrand Avenue, Brooklyn, New York 11235
Party City – 3797-3849 Nostrand Avenue, Brooklyn, New York 11235
Rainbow – 3839 Nostrand Avenue, Brooklyn, New York 11235
Connie's Pizzeria – 3845 Nostrand Avenue, Brooklyn, New York 11235
Subway – 3847 Nostrand Avenue, Brooklyn, New York 11235
Allstate – 3847A Nostrand Avenue, Brooklyn, New York 11235
Kouros Bay Diner - 3861 Nostrand Avenue, Brooklyn, New York 11235

CNS Environmental Corp.
208 Newtown Road
Plainview, New York 11803

July 26, 2016

Kings Bay Library
3650 Nostrand Avenue
Brooklyn, NY 11229

Re: Site Document Repository Request

Dear Madams or Sirs:

The New York State Department of Environmental Conservation (NYSDEC) requires that all properties subject to a remedial program establish a document repository where local citizens can access and review remedial program documents. We would like to designate your public library as an environmental document repository for a potential remedial program site located at 3800-3808 Nostrand Avenue. As the environmental consultants for the potential site, we will be generating most of the documents and will periodically send copies of environmental reports, data, fact sheets, etc. to be kept on file at your library.

We ask that you respond to this request with an acceptance and acknowledgment as the designated site document repository or kindly inform us if you do not wish to be the designated site document repository. Please feel free to contact me if you have any questions. Thank you.

Very truly yours,

Charles Powers

CNS Environmental Corp.
208 Newtown Road
Plainview, New York 11803

August 15, 2016

Brooklyn Community Board 15
Kingsboro Community College,
2001 Oriental Boulevard, C Cluster
Room C124
Brooklyn, NY 11235

Re: Site Document Repository Request

Dear Madams or Sirs:

The New York State Department of Environmental Conservation (NYSDEC) requires that all properties subject to a remedial program establish a document repository where local citizens can access and review remedial program documents. We would like to designate your location as an environmental document repository for a potential remedial program site located at 3800-3808 Nostrand Avenue. As the environmental consultants for the potential site, we will be generating most of the documents and will periodically send copies of environmental reports, data, fact sheets, etc. to be kept on file at your offices.

We ask that you promptly respond to this request with an acceptance and acknowledgment as the designated site document repository or kindly inform us if you do not wish to be the designated site document repository. Please feel free to contact me if you have any questions. Thank you.

Very truly yours,

Charles Powers



ERIC ADAMS
BOROUGH PRESIDENT

THERESA SCAVO
CHAIRPERSON

OFFICERS

RONALD TAWIL
FIRST VICE-CHAIRPERSON
RITA NAPOLITANO
SECOND VICE-CHAIRPERSON
JACK ERDOS, ESQ.
TREASURER
ALLEN POPPER, ESQ.
SECRETARY



BILL DE BLASIO
MAYOR

LAURA SINGER
DISTRICT MANAGER

August 18, 2016

Mr. Charles Powers
CNS Environmental Corp.
208 Newtown Road
Plainview, New York 11803

RE: Site Document Repository Request

Dear Mr. Powers,

Please be advised, Community Board 15, located at Kingsborough Community College, 2001 Oriental Blvd., Room C124, Brooklyn, NY 11235, would be happy to serve as a repository site for a remedial program in our district located at 3800-3808 Nostrand Avenue, Brooklyn, NY.

Sincerely,

Theresa Scavo
Chairperson

Alyse Delle Fave

From: Alaverdova, Liana [lialaverdova@bklynlibrary.org]
Sent: Friday, August 19, 2016 12:50 PM
To: Alyse Delle Fave
Subject: RE: Site Document Repository Request

To whom it may concern:

This is the acknowledgement letter that we received your request regarding our library being an environment document depository. We would gladly accommodate your documents and make them accessible to public.

We look forward to our collaboration,

Liana Alaverdova | Neighborhood Library Supervisor, Kings Bay
Brooklyn Public Library

718.368.1709
Internal extension: 44116
bklynlibrary.org

Section X: Land Use Factors

2. Current Use and 3. Reasonably Anticipated Use Post Remediation

The site is located at 3800-3808 Nostrand Ave, Brooklyn, NY and currently occupied by a Chase bank, a U.S. Army Recruiting Office, an Academy of Dance studio and a vacant tenant space. It is a portion of the Nostrand Place shopping center. The site includes the location where the former dry cleaner operated. The site consists of 19,951 square feet of space, consisting of an 8,843 square foot ground level, a 7,238 square foot basement and a 3,870 square foot area of the rear driveway. The site is abutted to the north and south by other commercial tenant spaces; to the east by Nostrand Avenue with a retail shopping center beyond; and to the west by the shopping center driveway on the ground level and a hallway on the basement level, with residential homes beyond. From approximately 1959 through 1985, part of the site was occupied by a tenant named Debbie Cleaners, which appears to have led to the dry cleaning-related chlorinated solvent contamination of groundwater and soil vapor. Currently, there are not active dry cleaner establishments on the property. It is anticipated that the uses will remain the same post remediation.