

**8 WALWORTH
8-12 WALWORTH STREET
BROOKLYN, NEW YORK
Block 1715 Lot 33**

**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**

August 2017

Prepared for:
Yoldos Yehudah, LLC
209 Harrison Avenue
Brooklyn, NY 11206

Prepared By:



ENVIRONMENTAL BUSINESS CONSULTANTS

1808 Middle Country Road
Ridge, NY 11961

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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 7*

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #: _____

NAME

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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.

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through June 13, 2017.

Selected Entity Name: TOLDOS YEHUDAH, LLC

Selected Entity Status Information

Current Entity Name: TOLDOS YEHUDAH, LLC

DOS ID #: 4139611

Initial DOS Filing Date: SEPTEMBER 08, 2011

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)

TOLDOS YEHUDAH, LLC
182 NOSTRAND AVE.
BROOKLYN, NEW YORK, 11205

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
SEP 08, 2011	Actual	TOLDOS YEHUDAH, 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 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			
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: _____

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME				
ADDRESS/LOCATION				
CITY/TOWN		ZIP CODE		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL):				
COUNTY		SITE SIZE (ACRES)		
LATITUDE (degrees/minutes/seconds) ° ' "		LONGITUDE (degrees/minutes/seconds) ° ' "		
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
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach a metes and bounds description of the property.			Yes	No
2. Is the required property map attached to the application? (application will not be processed without map)			Yes	No
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? If yes, attach relevant supporting documentation.			Yes	No
7. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.			Yes	No

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

No permits were identified

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

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**? ☒ Yes ☐ No

11. For sites located within the five counties comprising New York City, is the requestor seeking a determination that the site is eligible for tangible property tax credits?
If yes, requestor must answer questions on the supplement at the end of this form. ☒ Yes ☐ No
12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? ☐ Yes ☒ No
13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application? ☐ Yes ☐ No

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

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

Initials of each Requestor: PM _____

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			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF REQUESTOR'S CONSULTANT			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF REQUESTOR'S ATTORNEY			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME		OWNERSHIP START DATE:	
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 which require registration? Yes No

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

PARTICIPANT

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

VOLUNTEER

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

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

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

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

Previous Owner Current Owner Potential /Future Purchaser Other_____

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

Yes No

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

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

1. Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment.

Yes No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305?
If yes, please provide: Site # _____ Class # _____

Yes No
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?
If yes, please provide: Permit type: _____ EPA ID Number: _____
 Date permit issued: _____ Permit expiration date: _____

Yes No
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

Yes No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?
If yes, please provide: Order # _____

Yes No
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?
If yes, please provide explanation as an attachment.

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	
<p>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.</p>	
<p>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.</p>	
<p>3. Reasonably anticipated use Post Remediation: Residential Commercial Industrial (check all that apply) Attach a statement detailing the specific proposed use.</p> <p>If residential, does it qualify as single family housing? Yes No</p>	
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)

I hereby affirm that I am Managing Member (title) of Toldos Yehudah, LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree 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: 8/8/17

Signature: 

Print Name: Fischel Miller

SUBMITTAL INFORMATION:

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

FOR DEC USE ONLY

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

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

BCP App Rev 7

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
<p>From ECL 27-1405(31):</p> <p>"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.</p> <p>From 6 NYCRR 375-3.2(I) as of August 12, 2016: (Please note: Eligibility determination for the underutilized category can only be made at the time of application)</p> <p>375-3.2:</p> <p>(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or</p> <p>(c) there are no structures.</p> <p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.</p>		

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

3. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review). **Check appropriate box, below:**

Project is an Affordable Housing Project - Regulatory Agreement Attached;

Project is Planned as Affordable Housing, But Agreement is Not Yet Available*
(*Checking this box will result in a “pending” status. The Regulatory Agreement would need to be provided to the Department prior to issuance of the CoC in order for a positive determination to be made.);

This is Not an Affordable Housing Project.

From 6 NYCRR 375- 3.2(a) as of August 12, 2016:

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

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

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

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

BCP Application Summary (for DEC use only)**Site Name:****City:****Site Address:****County:****Zip:****Tax Block & Lot****Section (if applicable):****Block:****Lot:****Requestor Name:****City:****Requestor Address:****Zip:****Email:****Requestor's Representative (for billing purposes)****Name:****Address:****City:****Zip:****Email:****Requestor's Attorney****Name:****Address:****City:****Zip:****Email:****Requestor's Consultant****Name:****Address:****City:****Zip:****Email:****Percentage of site within an En-Zone:** **0%** **<50%** **50-99%** **100%****Requestor's Requested Status:** **Volunteer** **Participant**

1.0 INTRODUCTION

Toldos Yehudah, LLC seeks to remediate and redevelop a site located on Walworth Street in the Bedford Stuyvesant neighborhood of Brooklyn, NY (the "Site") (see **Figure 1**). The address of the Site is 8-12 Walworth Street, Brooklyn, NY. It is comprised of a single tax parcel identified as Block 1715, Lot 33 (**Figure 2**). The Site is currently occupied by an orthodox congregation in the southern portion of the building. The northern half is unoccupied.

The Site has confirmed contamination in soil gas. Previous reports indicate that soil and groundwater contamination may also be present.

Although plans are only in the earliest stages, Toldos Yehudah, LLC expects to redevelop the entire Site with a commercial building. The potential for Site related contamination and New York State Department of Environmental Conservation's (NYSDEC) P-listing of the property, however, complicates the redevelopment plan. Accordingly, Toldos Yehudah, LLC is submitting its application for entry into the BCP to the NYSDEC. This document contains the supplemental information required in the application package.

1.1 Requestor Information

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

1.2 Property Information

The Site to be remediated and redeveloped is located in the Bedford Stuyvesant section of Kings County and is comprised of a single tax parcel (**Figure 2**) totaling 3,910 square feet (0.089 acres). The Site is located in the City of New York and Borough of Brooklyn. The Site is rectangular shaped with 78 feet of frontage along Walworth Street. Currently the property is developed with a 1-story warehouse building constructed in 1982. Historically, the property was used for paint mixing and storage.

The elevation of the Site is ranges from 14 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 12 feet below grade. Based on measurements made on adjacent properties, groundwater flows to the east toward Walworth Street.

According to the June 27, 2012 deed, the lot is defined as follows:

All that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at a point on the westerly side of Walworth Street, distant 58 feet 8-1/2 inches southerly from the corner formed by the intersection of the southerly side of Flushing Avenue with the westerly side of Walworth Street;

RUNNING THENCE westerly 52 feet 10 inches to a point; THENCE southerly and parallel to Walworth Street, 46 feet 11 inches to a point;

THENCE easterly and parallel to Flushing Avenue, 50 feet to a point on the westerly side of Walworth Street;

THENCE northerly along the westerly side of Walworth Street, 30 feet 6-1/2 inches to the point or place of BEGINNING.

Said premises being known as 8 Walworth Street, Brooklyn, N.Y.

1.3 Current Property Owners / Operators

The property is currently developed with a 1-story building constructed in 1982. The property was most recently used as a warehouse and meeting room but was historically used for paint mixing and storage. See **Figure 3 - Site Plan**.

Current owner (see **Attachment A - Deed**) and operators / tenants are as follows:

Owner:

Address: 209 Harrison Ave, Brooklyn, NY 11206

Phone: 718-484-0061

Toldos Yehudah, LLC Members:

Fischel Miller

Congregation Toldos Yehudah - Usher Brecher

Operator / Tenant: None, building is vacant

Address: 8 Walworth Street, NY 11206

2.0 PROJECT DESCRIPTION

2.1 Project Overview / Eligibility

The Requestor intends to redevelop the property with a new commercial building which will cover the entire Site. Redevelopment plans are only in the preliminary stages at this point.

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 scheduling impacts associated with soil sampling and excavation site constraints that will extend the timeframes customarily required for traditional site excavation. The tax credits available under the Brownfield Cleanup Program will make the project more economically feasible.

All known releases occurred prior to the time that Requestor acquired title in 2012. Requester has undertaken reasonable steps to address any suspected environmental impacts at the site. DEC sent a letter indicating that it, “may be interested in performing environmental investigation,” on July 31, 2014. When alerted via DEC correspondence dated June 27, 2016 that there was a potential for vapor intrusion into the building, the Requester took appropriate action in hiring an environmental consultant and consulting an environmental attorney to develop and understand the reasonable steps necessary to investigate and address the potential environmental impact associated vapor intrusion. The environmental consultant prepared a Soil Vapor Investigation (SVI) Work Plan and submitted it to the DEC for approval. Upon approval, the Requestor preformed the SVI in accordance with the approved plan and presented the results to the DEC. Each of these steps were completed on an expedited basis to evaluate conditions during the heating season. Upon DEC’s recommendation, Requestor arranged for the rental and installation of two air purifications systems. Follow-up testing of indoor air confirmed that the air purification systems substantially improved indoor air quality in the building. Since the follow-up air sampling, modifications have been made to the HVAC system to increase air flow and further reduce any indoor air related impacts. The Requestor now seeks acceptance into the BCP to undertake a comprehensive subsurface investigation of environmental impacts at the subject property.

A Remedial Investigation is being submitted with the application to collect data of sufficient quality and quantity to characterize the nature and extent of known petroleum and suspect 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.

2.2 Benefits to the Community

The property is located in what has historically been a light manufacturing and commercial district with an M1-2 zoning designation. In 2001 the area was rezoned under the Flushing - Bedford rezoning action completed by the City. According to the Final Environmental Impact Statement (FEIS) prepared by the City:

“The rezoning area has experienced a significant decline in industrial activity over the last four decades resulting in an increase in auto related uses, junk yards and vacant land. Study findings indicate that over the last two decades, there has been a substantial growth in the residential population in the surrounding areas, resulting in a housing shortfall and increasing demand for new dwelling Units”

“Overall, the proposed action would alter neighborhood character in beneficial ways, by permitting new moderate-density development on sites which are currently vacant, underutilized and rundown. This would improve the area's visual character and permit the creation of a vibrant residential and mixed-use community which would increase private investment in the area and support nearby retail areas.”

"By adding approximately 1,224 new dwelling units to the housing stock of the Flushing Bedford area, the proposed rezoning would provide new housing opportunities for area residents. By reactivating approximately 30,000 square feet of currently vacant retail space along the Myrtle Avenue and Bedford Avenue corridor, the proposal could provide new job opportunities for the local community. Additionally, by redeveloping many of the area's vacant and underutilized sites, the proposed rezoning could help strengthen socioeconomic conditions in the area, reaffirming the residential character of the proposed R7 district north of Flushing Avenue, and stabilizing the mixed residential and industrial character of the proposed mixed-use district south of Flushing Avenue. Overall, these changes are expected to improve housing and job conditions in the area and result in beneficial impacts."

In response to the change in zoning, the area has seen significant redevelopment as old commercial buildings and warehouses have been replaced by multi-story residential buildings. The Project's commercial / office use blends perfectly with the surrounding properties.

Local Job Creation

The project is expected to generate 100 temporary construction jobs in various trades for several years during the construction phase of the project. In addition 40 to 50 permanent jobs are anticipated for the new office space. 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 and through increased tax revenue.

The proposed project delivers these benefits on a site that is underutilized and currently at risk of becoming a liability to the community due to its historic use as a paint manufacturer and the likely presence of related contamination.

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.

2.3 Project Schedule

BCP Milestones

The following program milestone dates are anticipated based on an assumed date of 9/30/17 for execution of the BCP agreement.

Submit Remedial Investigation Work Plan (RIWP)	with application
Implement Remedial Investigation Work Plan (RIWP)	October 2017
Submit Remedial Investigation Report (RIR)	November 2017
Submit Remedial Action Work Plan (RAWP)	January 2018
Begin Building Demolition	March 2018
Begin Building Construction and Remedial Action	April 2018
Continue Remedial Action	April 2018 - May 2019
Submit Draft Env. Easement (if Track 1 not Achieved)	June 2019
Submit Draft Site Management Plan (if Track 1 not Achieved)	August 2019
Submit Draft Final Engineering Report	September 2019

3.0 ENVIRONMENTAL HISTORY

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 April 2017 by EBC.

According to the review of these sources the Site has been developed since at least 1887. In 1887 the Site was developed a one-story residence and shed on the south side of the Site, a two-story storefront building and single story garage in the middle of the Site along Walworth Street and a three-story residence on the north side of the Site. The Site and surrounding vicinity remained generally unchanged through 1904 except the storefront building was now a residence and the former single-story residence on the south side of the Site was now two-stories tall. The Site remained unchanged in 1947 except that one of the buildings on the north side of the Site was vacant at this time. By 1950 only two two-story residential structure with sheds remained present on the south side of the Site. By 1965 one two-story residence remained on the south side of the Site and a single-story warehouse used for chemical drum storage was present on the north side of the Site. Additionally, the northern and southern adjacent properties were used for paint storage and mixing in 1965. By 1977, the two-story residence was no longer present and the single-story chemical drum storage warehouse remained on the north side of the Site. By 1982 the Site was redeveloped with a single-story paint mixing warehouse. The Site and adjacent properties have remained generally unchanged through the current day.

3.1 NYSDEC Spill Files

The Site is listed on the NYSPILLS database. The database indicates that a spill (No. 07-10116) was reported to the DEC on December 21, 2007 in response to results of a subsurface investigation performed at the Site.

3.2 Summary of Environmental Investigations

Environmental investigations performed at the Site include the following:

- Phase I Environmental Site Assessment Screening (EBC - May 2017)
- Phase II Environmental Site Assessment (PWGC - Dec. 2007)
- Soil Vapor Intrusion Report (EBC - May 2017)

3.2.1 May 2017 – Phase I Environmental Site Assessment Screening (EBC)

EBC was able to establish a history for the Site based upon the review of historic Sanborn fire insurance maps, historic aerial photographs, historic topographic maps and city directory listings. According to the review of these sources the Site has been developed since at least 1887. In 1887 the Site was developed a one-story residence and shed on the south side of the Site, a two-story storefront building and single story garage in the middle of the Site along Walworth Street and a three-story residence on the north side of the Site. The surrounding vicinity was primarily occupied by residential use structures with a few commercial storefronts and industrial/manufacturing use facilities mixed in. Storefronts and residence were adjacent to the north and south of the Site along

Walworth Street and a stone cutting yard was present adjacent to the west in 1887. The Site and surrounding vicinity remained generally unchanged through 1904 except the storefront building was now a residence and the former single-story residence on the south side of the Site was now two-stories tall. By 1918 the western adjacent property was occupied by a junk yard and by 1935 it was developed into an indoor parking garage structure. The surrounding vicinity was increasingly commercial and industrial at this time but the Site and southern adjacent property remained developed with residential use structures. The Site remained unchanged in 1947 except that one of the buildings on the north side of the Site was vacant at this time. By 1950 only two two-story residential structure with sheds remained present on the south side of the Site. The surrounding vicinity remained generally unchanged except the northern adjacent property was undeveloped followed by a broom manufacturer. By 1965 one two-story residence remained on the south side of the Site and a single-story warehouse used for chemical drum storage was present on the north side of the Site. Additionally, the northern and southern adjacent properties were used for paint storage and mixing in 1965. By 1977, the two-story residence was no longer present and the single-story chemical drum storage warehouse remained on the north side of the Site. By 1982 the Site was redeveloped with a single-story paint mixing warehouse. The Site and adjacent properties have remained generally unchanged through the current day.

The Site is listed in the CORRACTS, RCRA NonGen/NLR and NY MANIFEST databases for the recent and historic presence of Techtronics Ecological Corp. whom manufactures paints and coatings.

These listings indicate that potentially hazardous materials have been handled at the Site dating back to at least 1980; however, significant quantities of potentially hazardous materials are not generated. Materials handled at the Site includes ignitable waste, chlorinated VOCs, chlorinated fluorocarbons, halogenated solvents, acetone and petroleum-based materials. Techtronics Ecological Corp. was listed as a large quantity generator (LQG) for a few years in the early 1980s but all other years did not generate significant quantities of potentially hazardous materials and has remained a NonGen site.

The Site is listed as a NY Spills site for the assignment of 07-10116 on December 21, 2007 when chlorinated solvent contamination was identified in soil and groundwater by PW Grosser during a remedial investigation. The contaminants identified were thought to be associated with the historic manufacturing of lacquer and paints at the Site. This spill case remains open through the current day.

The Department of Buildings (DOB) computerized Property Profile Overviews (PPOs) were reviewed and the following summarized EBC's findings. There are six Certificate of Occupancy (COO) forms for the Site. A COO from 1954 indicates the presence of a single-story factory building and COOs from 1960 through 1982 indicate the presence of a single-story warehouse building used to store and manufacture lacquers, solvents and paints.

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

3.2.2 December 2007 - Phase II Environmental Site Assessment (PWGC)

This report includes the results of soil samples collected from four soil borings and groundwater samples collected from two soil borings and two monitoring wells. All soil samples were analyzed for VOCs and SVOCs. All of the groundwater samples were analyzed for VOCs, two were analyzed for SVOCs. The results identified detectable levels of PCE and TCE in shallow soil above the water table in one boring at a concentration above unrestricted SCOs but below residential SCOs. Several

petroleum VOCs were also reported in the same sample. There were no other detections above SCOs in the remaining samples. CVOCs were reported in all four groundwater samples above groundwater standards. Concentrations were highest (by up to two orders of magnitude in one of the monitoring wells (MW2)). The report did not include QA/QC samples, laboratory deliverables or data validation.

A copy of the Phase II Investigation Report prepared by PWGC is provided in digital form in **Attachment B**.

3.2.3 May 2017 - Soil Vapor Intrusion Report (EBC)

This report documents the results of a Soil Vapor Intrusion (SVI) evaluation performed at the Site in March 2017. The work was performed in accordance with a DEC approved work plan and included the collection and analysis of two subslab, two indoor air and one outdoor air sample.

The report concluded the following:

Petroleum related VOCs were detected at low concentrations within the sub-slab soil gas sample SS1, and were detected below outdoor/background concentrations within the two indoor ambient air samples collected at the Site. Petroleum related VOCs were detected at elevated concentrations within sub-slab soil gas sample SS2. Four (4) chlorinated VOCs including, 1,1,1-trichloroethane, carbon tetrachloride, tetrachloroethylene and trichloroethylene were detected above NYSDOH Final Guidance on Soil Vapor Intrusion (October 2006) Matrix 1 and Matrix 2 values within both of the sub-slab soil vapor samples. Two (2) chlorinated VOCs including, tetrachloroethylene and trichloroethylene were detected above NYSDOH Final Guidance on Soil Vapor Intrusion (October 2006) Matrix 1 and Matrix 2 values in both of the indoor ambient air samples and the outdoor ambient air sample. One (1) additional chlorinated VOC (1,1,1-trichloroethane) was detected within one of the two indoor air samples above NYSDOH Final Guidance on Soil Vapor Intrusion (October 2006) Matrix 1 and Matrix 2 values.

Based on these findings, EBC has determined that the presence of chlorinated VOCs below the building's slab and within the indoor air samples is above the action limit specified by the NYSDOH Final Guidance on Soil Vapor Intrusion (October 2006) Matrix 1 and Matrix 2. Based on the findings, mitigation in the form of an air purification system with carbon scrubbers has been deployed on Site.

3.3 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.

- Contamination of groundwater with VOCs. The extent, magnitude and source will require further investigation and remediation.
- Contamination of soil with VOCs. The extent and magnitude will require further investigation and remediation.
- Confirmed contamination of soil gas with CVOCs which are affecting indoor air.

3.4 Cost Analysis of Established Environmental Conditions

The projected remedial costs for this project were based on typical NYSDEC Brownfield Cleanup Program requirements. Since there has not been a comprehensive investigation of the Site and no on-site samples of soil collected since 2008, it is not possible at this point to define a remedial scope for costing purposes. However, considering that some petroleum / CVOC contamination is likely and that fill materials are present, a range in costs for further investigation and remedial actions is assumed for the following tasks:

- NYSDEC Brownfield Cleanup Program - Initial Submittals, Investigative Work Plans, etc.
Cost: \$30,000
- Supplemental Remedial Investigation and Reporting
Cost: \$50,000
- Remedial Work Plans and Remedy Scoping
Cost: \$ 20,000
- Remedial Program Implementation and Reporting
Cost: \$ 200,000 - \$1,000,000
- Final Reporting, Easements (if needed), Related for Certificate of Completion
Cost: \$ 50,000

Subtotal	\$	1,220,000
15% Contingency	\$	122,000
TOTAL PROJECT COST	\$	1,342,000

3.5 Previous Owners and Operators

Previous owners and operators of the property are shown in Tables 1 and 2 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 the requestor, Toldos Yehudah, LLC who purchased the property on June 27, 2012. The existing building is currently vacant but was most recently occupied by an orthodox congregation as a meeting space and as a warehouse.

The historic use of the Site includes a storefront building, garage and residence from sometime prior to 1887 to sometime before to sometime before 1965 when a two-story residence remained on the south side of the Site and a single-story warehouse used for chemical drum storage was present on the north side of the Site. By 1977, the two-story residence was no longer present and the single-story chemical drum storage warehouse remained on the north side of the Site. By 1982 the Site was redeveloped with a single-story paint mixing warehouse. The Site and adjacent properties have

remained generally unchanged through the current day. A listing of previous owners and operators for the property is as follows:

Table 1 – Previous Owners

Dates	Name	Comments	Contact Info
Prior to 5/15/1989	Twelve Walworth CP Formerly Known as 480 F&B & 18W Realty, Inc	Deed	C/O Driscoll & Delaney 415 Madison Avenue, New York, NY 10017
From 5/15/1989 to 12/16/1993	Yau's Brothers Realty, Inc.	Deed	22 Ludlow Street New York, NY 10002
From 12/16/1993 to 8/12/1999	Mei Sin Wong and Lynn Guan Fong	Deed	4201 8 th Avenue, Brooklyn, NY 11232
From 8/12/1999 to 6/27/2012	Mankauf Enterprises LLC	Deed	741 Wythe Avenue, Brooklyn, NY 11211
From 6/27/2012 to Present	Toldos Yehudah, LLC	Deed	8 Walworth Street, Brooklyn, NY 11205

Note: Toldos Yehudah, LLC is in no way affiliated with any of the prior owners of the property.

Table 2 – Previous Operators

Dates	Name	Comments	Contact Info
1934	Residential Listings	City Directory	12 Walworth Street, Brooklyn, NY 11205
1934, 1949, 1965, 1970	Residential Listings	City Directory	18 Walworth Street, Brooklyn, NY 11205
1965	Residential Listings	City Directory	10 Walworth Street, Brooklyn, NY 11205
1980-1994	Techtronics Ecological Corp.	EDR Report	8 Walworth Street, Brooklyn, NY 11205
1992	Accurate Wood Work Interiors	City Directory	8 Walworth Street, Brooklyn, NY 11205
1992	Wing Tat Seaford Corp.	City Directory	12 Walworth Street, Brooklyn, NY 11205
1997	The Best Choice Trading Corp.	City Directory	12 Walworth Street, Brooklyn, NY 11205
1992 and 1997	Double Trading Inc.	City Directory	18 Walworth Street, Brooklyn, NY 11205
2005	Neiman Apples Inc.	City Directory	12 Walworth Street, Brooklyn, NY 11205
2010	S & B Global Enterprises Inc, Kosher Salad Incorporated	City Directory	12 Walworth Street, Brooklyn, NY 11205
2014	Adar Dugim Inc Flushing Fish Market	City Directory	8 Walworth Street, Brooklyn, NY 11205
2014	Brooklyn Top Security	City Directory	12 Walworth Street, Brooklyn, NY 11205

Note: Toldos Yehudah, LLC is in no way affiliated with any of the prior operators of the property.

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

- NYC ACRIS Database

- NYC Department of Finance records, Brooklyn Borough office
- 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
- EDR Environmental Database Radius Search

4.0 PROPERTY INFORMATION

4.1 Tax Parcel Information

Toldos Yehudah, LLC seeks to remediate and redevelop a site located on Walworth Street in the Bedford Stuyvesant neighborhood of Brooklyn, NY (the "Site"). The address of the Site is 8-12 Walworth Street, Brooklyn, NY. It is comprised of a single tax parcel identified as Block 1715, Lot 33.

4.2 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 within Census Tract 1237 which is a designated Environmental Zone (see **Figure 7**). Census Tract 1237 has a poverty rate of 56.7 percent and an unemployment rate of 4.7 percent which meets both the Part B 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. The part B eligibility requires a poverty rate of at least double that of the County rate.

4.3 Property Description Narrative

4.3.1 Location

The Site to be remediated and redeveloped is located in the Bedford Stuyvesant section of Kings County and is comprised of a single tax parcel (**Figure 2**) totaling 3,910 square feet (0.089 acres). The Site is located in the City of New York and Borough of Brooklyn. The Site is rectangular shaped with 78 feet of frontage along Walworth Street.

The north, south and west sides of the property are bordered by warehouses and commercial / industrial buildings.

4.3.2 Site Features

The Site is improved with a 3,910 sf, 1- story masonry building constructed in 1982 (estimate). The building is divided into two sections each with its own access to the outside; the north section which was recently used as warehouse space and the south section which was used by an orthodox congregation for a prayer room.

4.3.3 Current Zoning and Land Use

Compliance with Current Zoning

The property is currently zoned M1-2. 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 an office building, is compatible with the surrounding land use and will be in compliance with the current zoning.

Compliance with Land Use Plans

On May 9, 2001, the City Council approved the Flushing - Bedford rezoning action (CEQR No. 00DCP015K) covering 15 blocks in the Flushing Avenue and Bedford Avenue area of Community Districts 1 and 3 in the Bedford Stuyvesant neighborhood of Brooklyn. According to the Notice of Completion of The Final Environmental Impact Statement issued on March 16, 2001 by the NYC Planning Commission:

"The Flushing Bedford area, although zoned for manufacturing uses, contains a mix of residential uses, vacant land, open uses, auto-related uses, and commercial and industrial buildings. The rezoning area has experienced a significant decline in industrial activity over the last four decades resulting in an increase in auto related uses, junk yards and vacant land. Study findings indicate that over the last two decades, there has been a substantial growth in the residential population in the surrounding areas, resulting in a housing shortfall and increasing demand for new dwelling 'units. Since the mid 1980's there has been a marked increase in residential development, especially in the area north of Flushing Avenue."

"Although the existing manufacturing zoning does not permit as-of-right residential development, in recent years there has been new residential development in the area north of Flushing Avenue pursuant to zoning variances granted by the Board of Standards, and Appeals (BSA). In 1996 and 1998, two rezoning applications were approved changing the designation of a three block area immediately north of the rezoning area from manufacturing to residential. The presence of vacant and underutilized land, coupled with the increasing demand for housing in the adjacent communities, presents an opportunity for new residential development in this part of Brooklyn."

The objectives of the rezoning were to:

- provide opportunities for new residential development on vacant and under- utilized parcels;
- bring existing non-conforming residential uses into conformance, and would allow for their enlargement;
- allow for the continued presence and expansion of commercial and manufacturing uses;
- permit the introduction of new commercial and manufacturing uses; and,
- allow the residential re-use of underutilized and vacant land.

In general, the action would provide the land use controls necessary for appropriate residential development and the continued presence of viable manufacturing uses.

The proposed project will be in full compliance with the current land use plans as identified in the Flushing Bedford Rezoning Action (CEQR No. 00DCP015K) adopted by the City on May 9, 2001 (**Attachment D**).

4.3.4 Past Use of the Site

The historic use of the Site includes a storefront building, garage and residence from sometime prior to 1887 to sometime before to sometime before 1965 when a two-story residence remained on the south side of the Site and a single-story warehouse used for chemical drum storage was present on the north side of the Site. By 1977, the two-story residence was no longer present and the single-story chemical drum storage warehouse remained on the north side of the Site. By 1982 the Site was redeveloped with a single-story paint mixing warehouse. The Site and adjacent properties have remained generally unchanged through the current day.

4.3.5 Site Geography and Geology

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.

Subsurface soils at the Site consist of historic fill materials to a depth of approximately 4 to 6 feet below grade. Silty sand and gravel is present immediately below this layer. According to the USGS topographic map for the area (Brooklyn Quadrangle), the elevation of the property is approximately 20 feet above mean sea level. The topography within the immediate area slopes gradually from south to north.

No portion of the Site is located within a designated flood zone area. As shown on **Figure 9**, the nearest moderate risk flood zone is located 800 feet to the northwest and the nearest high risk flood zone is located 950 feet to the northwest.

4.3.6 Environmental Assessment

Results from a 2007 Phase II investigation identified detectable levels of PCE and TCE in shallow soil above the water table at concentrations above unrestricted SCOs but below residential SCOs (**Figure 10**). Several petroleum SVOCs were also reported above unrestricted, restricted residential or commercial SCOs. VOCs were detected at concentrations exceeding their respective NYSDEC GWQS in all samples collected (**Figure 11**). Concentrations ranged from 1,108 ug/l (1,1-dichloroethene) to 164,000 ug/l (c-1,2-dichloroethene). Detected compounds were primarily chlorinated VOCs. Petroleum VOCs were also reported at elevated concentrations ranging from 4,393 ug/l (ethylbenzene) to 75,488 ug/L for toluene).

Results from the 2017 Soil Vapor intrusion study identified high concentrations of CVOCs beneath the building slab in both sections of the building. Elevated concentrations of these same CVOCs in indoor air indicate that the subslab vapors are affecting indoor air quality (**Figure 12**). In particular PCE and TCE were reported above NYSDOH immediate action levels while 1,1,1-TCA, PCE, cis-DCE, TCE and vinyl chloride were all reported above NYSDOH soil vapor / indoor air matrix levels in which mitigation is recommended.

5.0 CONTACT LIST INFORMATION

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

5.1 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. Brenda Freyson
Chair, Brooklyn Community Board 3
1360 Fulton Street
Brooklyn, NY, 11216

Ms. Charlene Phillips
District Manager, Brooklyn Community Board 1
1360 Fulton Street
Brooklyn, NY, 11216

Stephen Levin NYC Council Member
33rd District
410 Atlantic Avenue
Brooklyn, NY 11217

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

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

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

Hon. Joan L. Millman
NYS Assembly Member
341 Smith Street
Brooklyn, NY 11231

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

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

Hon. 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

Dr. Robert Kulikowski - Director
NYC Office of Environmental Coordination
253 Broadway – 14th Floor
New York, NY 10007

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

5.2 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:

North

1. OWNER
480 FLUSHING LLC
17 KEAP ST.
BROOKLYN NY 11249-7518

OCCUPANT / TENANT
480 FLUSHING AVENUE
BROOKLYN NY 11205

West

2. OWNER
THE W GROUP OF BROOKLYN LLC
2 SKILLMAN ST. STE 213
BROOKLYN NY 11205-1549

OCCUPANT / TENANT
11 SPENCER STREET
BROOKLYN NY 11205

South

3. OWNER
ORIENTAL WORLD CORP.
276 GRAND ST. APT. OWNER
NEW YORK NY 10002-4453

OCCUPANT / TENANT
17 SPENCER STREET
BROOKLYN NY 11205

East

4. OWNER
FLUSHING WALWORTH RE
30 WARSOFF PL.
BROOKLYN NY 11205-1638

OCCUPANT / TENANT
39 WALWORTH STREET
BROOKLYN NY 11205

5. OWNER
490 FLUSHING AVENUE LLC
490 FLUSHING AVE.
BROOKLYN NY 11205-1615

OCCUPANT / TENANT
9 WALWORTH STREET
BROOKLYN NY 11205

6. OWNER
490 FLUSHING AVENUE LLC
490 FLUSHING AVE.
BROOKLYN NY 11205-1615

OCCUPANT / TENANT
486 FLUSHING AVENUE
BROOKLYN NY 11205

5.3 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

5.4 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

5.5 Requested Contacts

No requests have been made at this time.

5.6 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 Bnei Shimon Yisroel of Sopron
18 Warsoff Place, Brooklyn, New York 11205
Attn: Ms. Rosa Friedman - Principal
718-855-4092
- 2 Cong Ahavas Shulem - School
237 Lee Ave, Brooklyn, NY 11206
Attn: Enashe Leifer - Principal
(718) 599-0660
- 3 Mosdos Chasidei Square - Private School
105 Heyward St, Brooklyn, NY 11206
Attn: Manuel Kalisch - Principal
(718) 852-0502
- 4 Beth Chana School for Girls
712 Bedford Avenue, Brooklyn, NY 11206-5406
Attn: Esther Salamon - Principal
(718) 858-5267
- 5 Yeled Vyalda Head Start - Day Care Center
12 Franklin Ave, Brooklyn, NY 11249
Wayne Goldberg - Director
(718) 858-0961

- 6 Hychel Hatorah of Williamsburg
70 Franklin Avenue, Brooklyn, NY 11205-1504
Attn: Moses Friedman
(718) 250-9982
- 7 Central UTA
76 Rutledge Street, Brooklyn, NY 11205
Attn: Isaac Mandel - Principal
(718) 797-2888
- 8 Eis Laasois - Preschool
22 Middleton St, Brooklyn, NY 11206
Attn: David Lichtman - Executive Director
(718) 782-4426

5.7 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 Ave
Brooklyn, NY 11206
718-602-1348

Hours:

Monday: 10:00 AM - 6:00 PM
Tuesday: 10:00 AM - 6:00 PM
Wednesday: 10:00 AM - 8:00 PM
Thursday: 1:00 PM - 8:00 PM
Friday: 10:00 AM - 6:00 PM
Saturday: 10:00 AM - 5:00 PM
Sunday: CLOSED

Brooklyn Community Board 3
1360 Fulton Street Rm. 202
Brooklyn, NY, 11216
718-622-6601



ENVIRONMENTAL BUSINESS CONSULTANTS

August 8, 2017

Brooklyn Community Board 3
1360 Fulton Street Rm. 202
Brooklyn, NY, 11216

**Re: NYS Brownfield Cleanup Program Application
8-18 Walworth Street, Brooklyn, NY**

In compliance with the requirements of the NYSDEC Brownfield Clean-up Program, Brooklyn Community Board 3, located at 1360 Fulton Street, Brooklyn, NY 11216 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 8/9/17
for Brooklyn Community Board 3



ENVIRONMENTAL BUSINESS CONSULTANTS

1800 MIDDLE COUNTRY ROAD
RIDGE, NY 11961

PHONE 631.504.6000
FAX 631.924.2870



August 8, 2017

Brooklyn Public Library - Bushwick Branch
340 Bushwick Ave
Brooklyn, NY 11206

**Re: NYS Brownfield Cleanup Program Application
8-18 Walworth Street, 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: Michelle Balsan (Michelle Balsan) Date 8/10/17
for Brooklyn Public Library - ~~Marey Branch~~
Bushwick Branch



6.0 LAND USE FACTORS

6.1 Current Property Use

The southern portion of the existing building is currently vacant but was most recently used by an orthodox congregation as a meeting / prayer room. The north portion of the building is vacant but was recently being used as a warehouse. Information on the historic use of the property is provided in *Section 3.0 - Environmental History*.

6.2 Intended Post Remediation Property Use

The Requestor intends to redevelop the property with a new commercial office building which will cover the entire Site. Plans are only in the preliminary stages and have not been finalized. Excavation will be required for the building foundations and to remove contaminated soil. Further details of the proposed project are provided in *Section 2.0 - Project Description*.

6.3 Surrounding Land Use

The land use in the immediate vicinity of the Site (**Figure 6**) includes warehouse / commercial buildings. There are several schools in the immediate area of the Site including Bnei Shimon Yisroel of Sopron approximately 200 feet to the east and Eis Laasois Pre-school located approximately 600 feet to the northeast.

The area surrounding the property is highly urbanized and predominantly consists of older industrial / commercial buildings with mixed use (retail / residential) buildings along main corridors such as Bedford Avenue Flushing Avenue and Park Avenue.

The community and area have seen a resurgence in recent years following the rezoning of former industrial properties to residential use during the Bedford-Flushing Rezoning Action completed in 2001. The proposed project is compatible with the surrounding land use and will be in compliance with the current zoning.

6.4 Environmental Justice Area

As shown on **Figure 8**, 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.

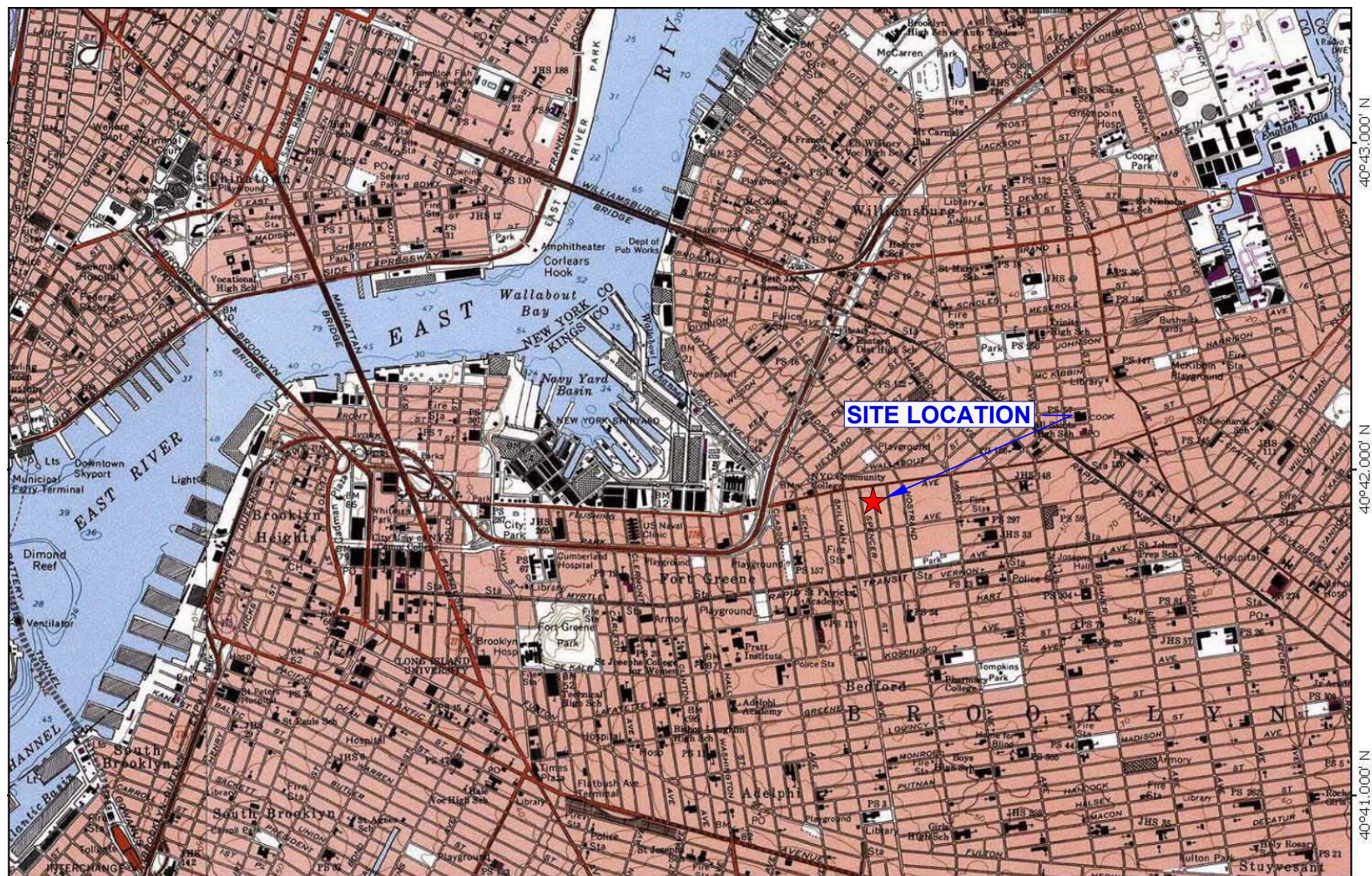
6.5 Groundwater Vulnerability

Groundwater at the Site is present under water table conditions at a depth of approximately 10 feet below grade. Based on water table elevation maps for other properties in the immediate area of the site, groundwater flow is east toward Walworth Street. Groundwater at the site has been affected by volatile organic compounds (VOCs).

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

Vapor intrusion is an on-going concern. Vapor intrusion at the Site will be investigated further under the Remedial Investigation.

FIGURES



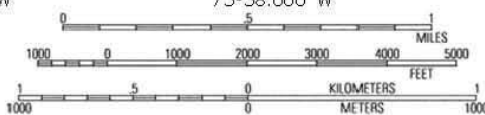
74°00.000' W

73°59.000' W

73°58.000' W

73°57.000' W

WGS84 73°56.000' W



MIN
13°
10/30/11

IBC

ENVIRONMENTAL BUSINESS CONSULTANTS

Phone 631.504.6000
Fax 631.924.2870

Figure No.
1

Site Name: **SOIL VAPOR INTRUSION INVESTIGATION**

Site Address: **8 WALWORTH STREET, BROOKLYN, NY**

Drawing Title: **SITE LOCATION MAP**

Digital Tax Map - New York City Dept. of Finance (6/19/2017)



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1808 MIDDLE COUNTRY ROAD, RIDGE, NY 11961

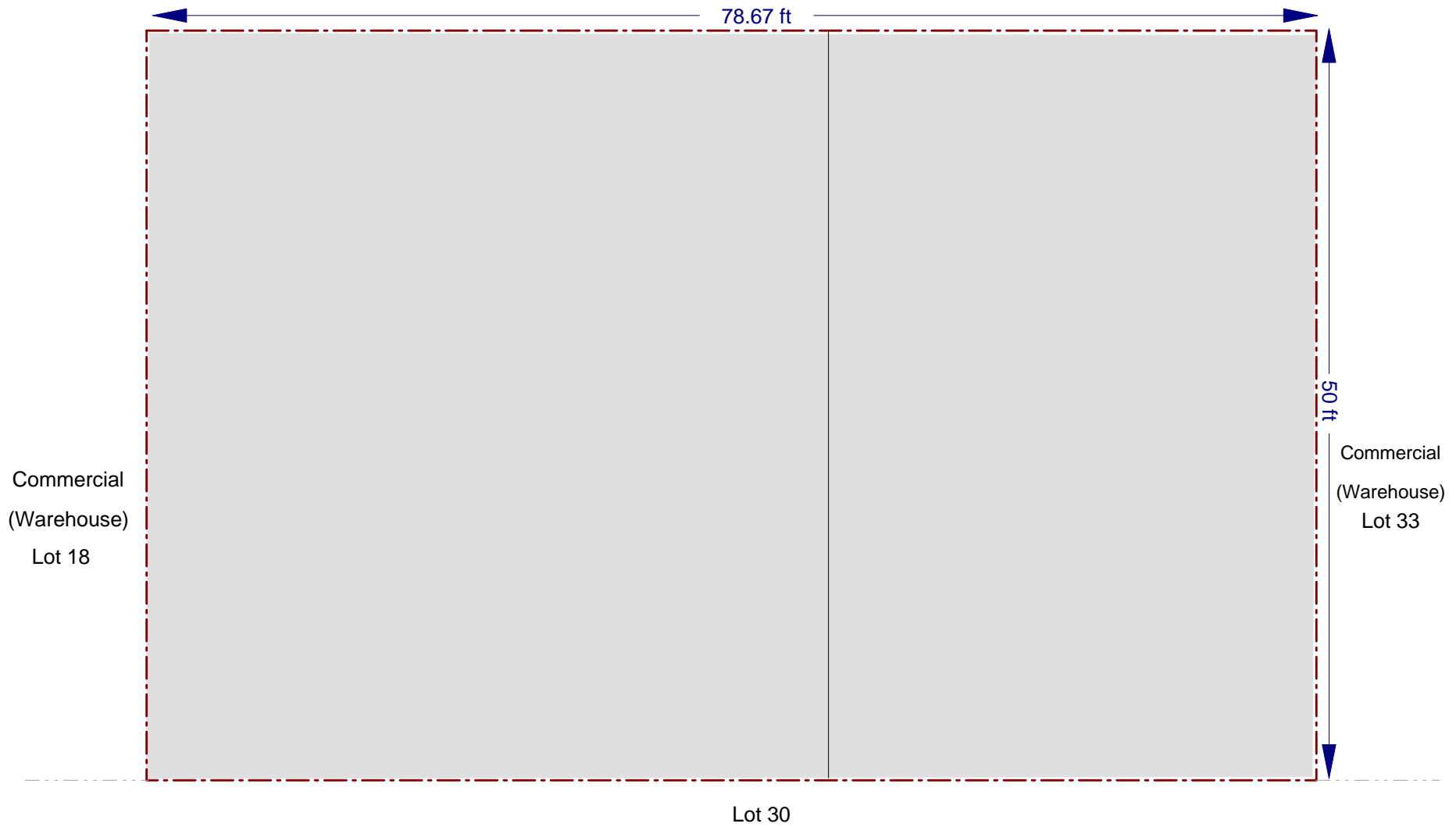
Phone 631.504.6000

Fax 631.924.2780

8 WALWORTH STREET, BROOKLYN, NY
BLOCK 1716 LOT 30

FIGURE 2

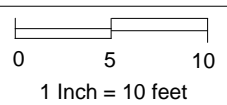
NYC TAX MAP



KEY:

- Property Boundary
- Existing Building

SCALE:



WALWORTH STREET



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Phone 631.504.6000
Fax 631.924.2870

Figure No.
3

Site Name: **8 WALWORTH**

Site Address: **8-18 WALWORTH STREET, BROOKLYN, NY**

Drawing Title: **SITE SAMPLING LOCATIONS**



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Phone: 631.504.6000

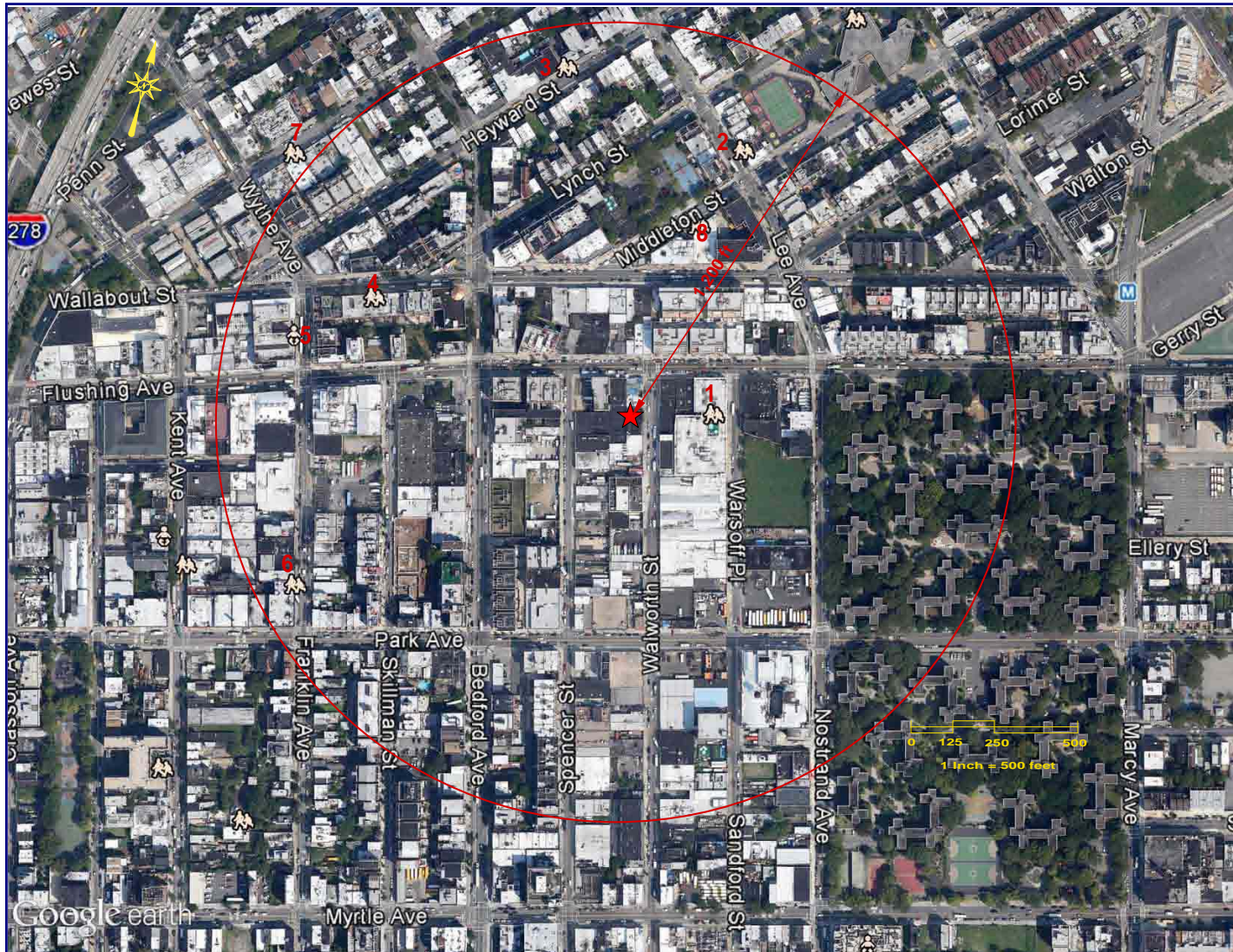
Fax: 631.924.2780

8-18 WALWORTH STREET

BROOKLYN, NY 11205

FIGURE 4

PROJECT SITE AND
ADJACENT PROPERTIES



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

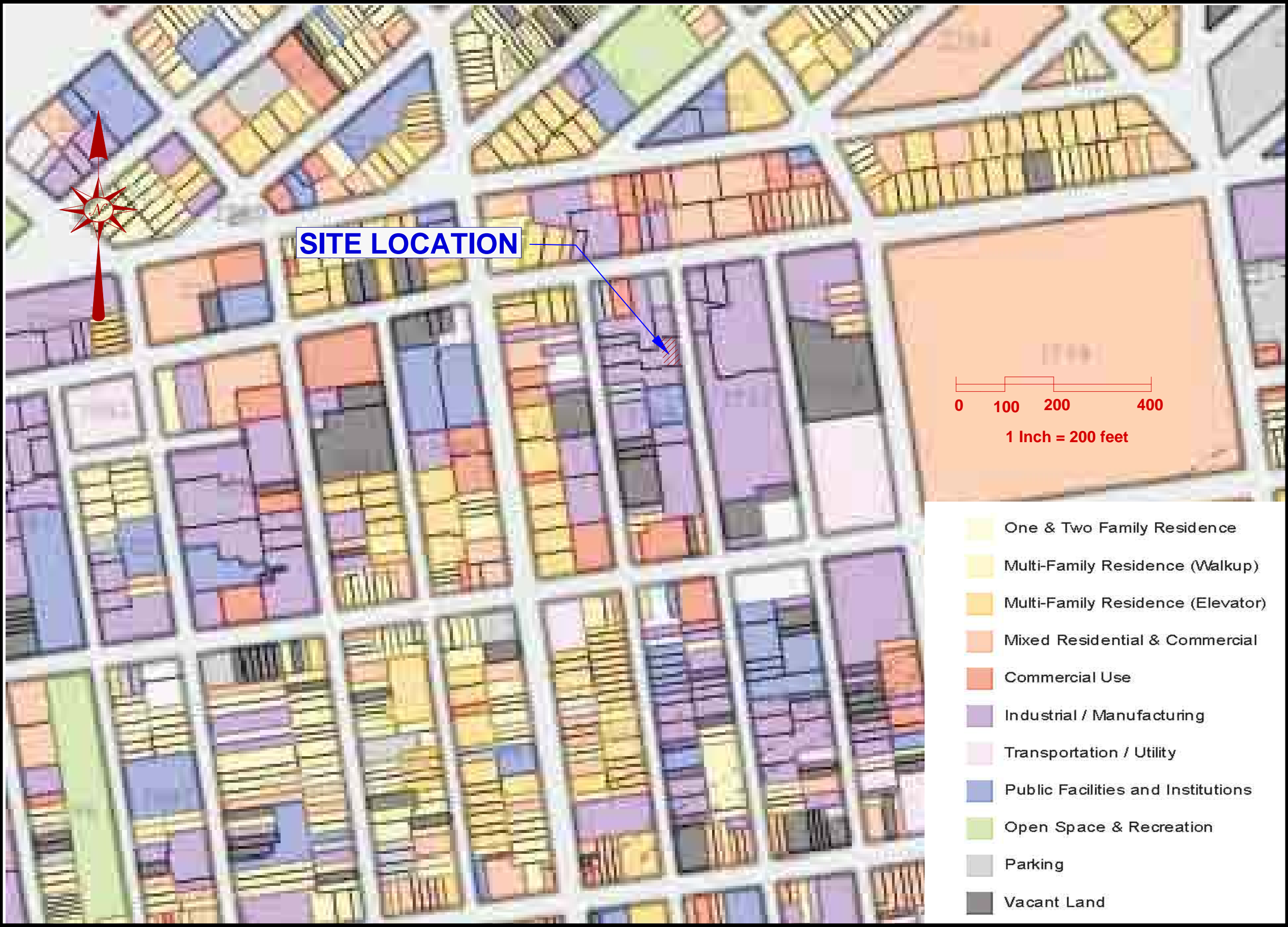
Phone 631.504.6000
Fax 631.924.2780

8 WALWORTH

8-18 WALWORTH STREET, BROOKLYN, NY

FIGURE 5

**AREA SCHOOLS &
DAYCARE CENTERS**

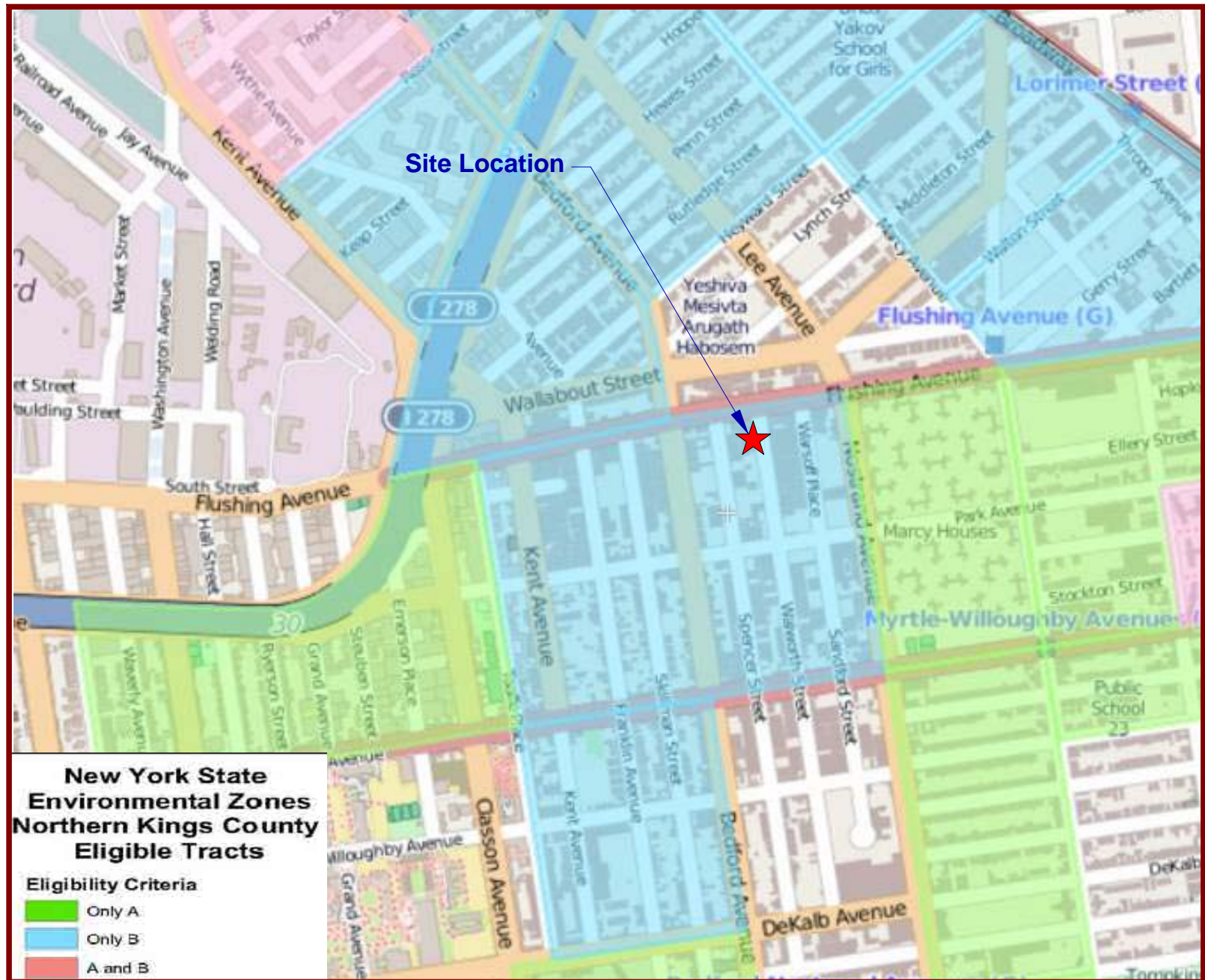


ENVIRONMENTAL BUSINESS CONSULTANTS

Phone 631.504.6000
Fax 631.924.2870

Figure No.
6

Site Name:	8 WALWORTH ST
Site Address:	8-18 WALWORTH STREET, BROOKLYN, NY
Drawing Title:	SURROUNDING LAND USE



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1808 MIDDLE COUNTRY ROAD, RIDGE, NY 11961

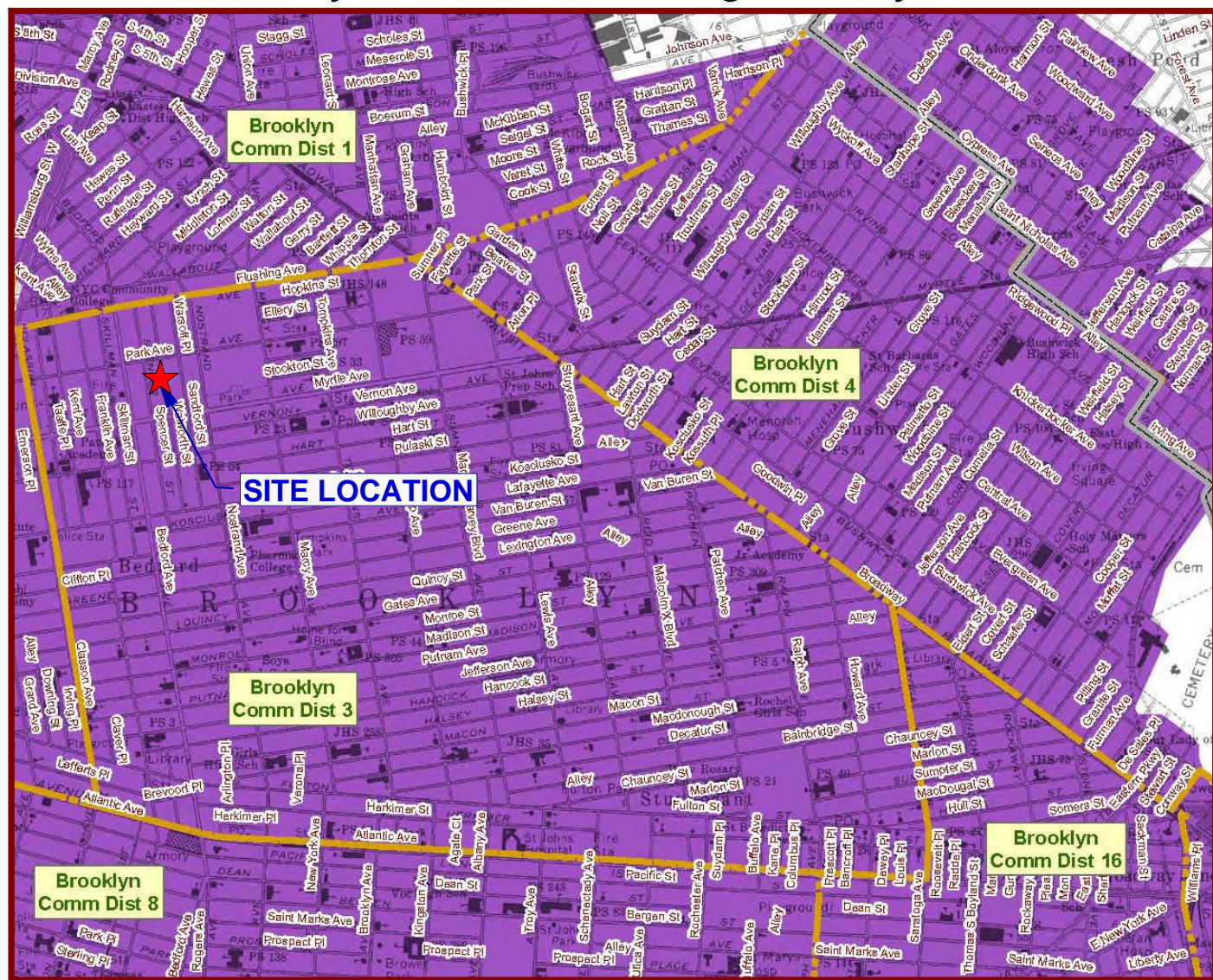
Phone: 631.504.6000

Fax: 631.924.2780

8-18 WALWORTH STREET, BROOKLYN, NY
NYS ENVIRONMENTAL ZONES

FIGURE 7

Potential Environmental Justice Areas in Brooklyn Community Districts 3 & 4, Kings County, New York



Legend

- Potential EJ Area
- County Boundary
- Community Districts

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

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



SCALE: 1:24,000

0 0.2 0.4 0.6 0.8 1 Miles

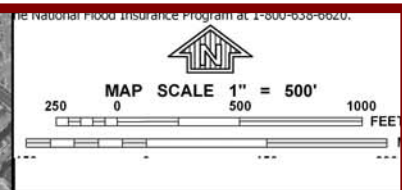


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1808 MIDDLE COUNTRY ROAD, RIDGE, NY 11961

Phone 631.504.6000
Fax 631.924.2780

**8-18 WALWORTH STREET, BROOKLYN, NY
POTENTIAL ENVIRONMENTAL JUSTICE AREAS**

FIGURE 8



NFIP PANEL 0204F

FIRM
FLOOD INSURANCE RATE MAP

CITY OF
NEW YORK,
NEW YORK
BRONX, RICHMOND, NEW YORK,
QUEENS, AND KINGS COUNTIES

PANEL 204 OF 457

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:
COMMUNITY NUMBER PANEL SUFFIX
NEW YORK, CITY OF 360497 0204 F

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
3604970204F

MAP REVISED
SEPTEMBER 5, 2007

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance



ENVIRONMENTAL BUSINESS CONSULTANTS

1808 MIDDLE COUNTRY ROAD, RIDGE, NY 11961

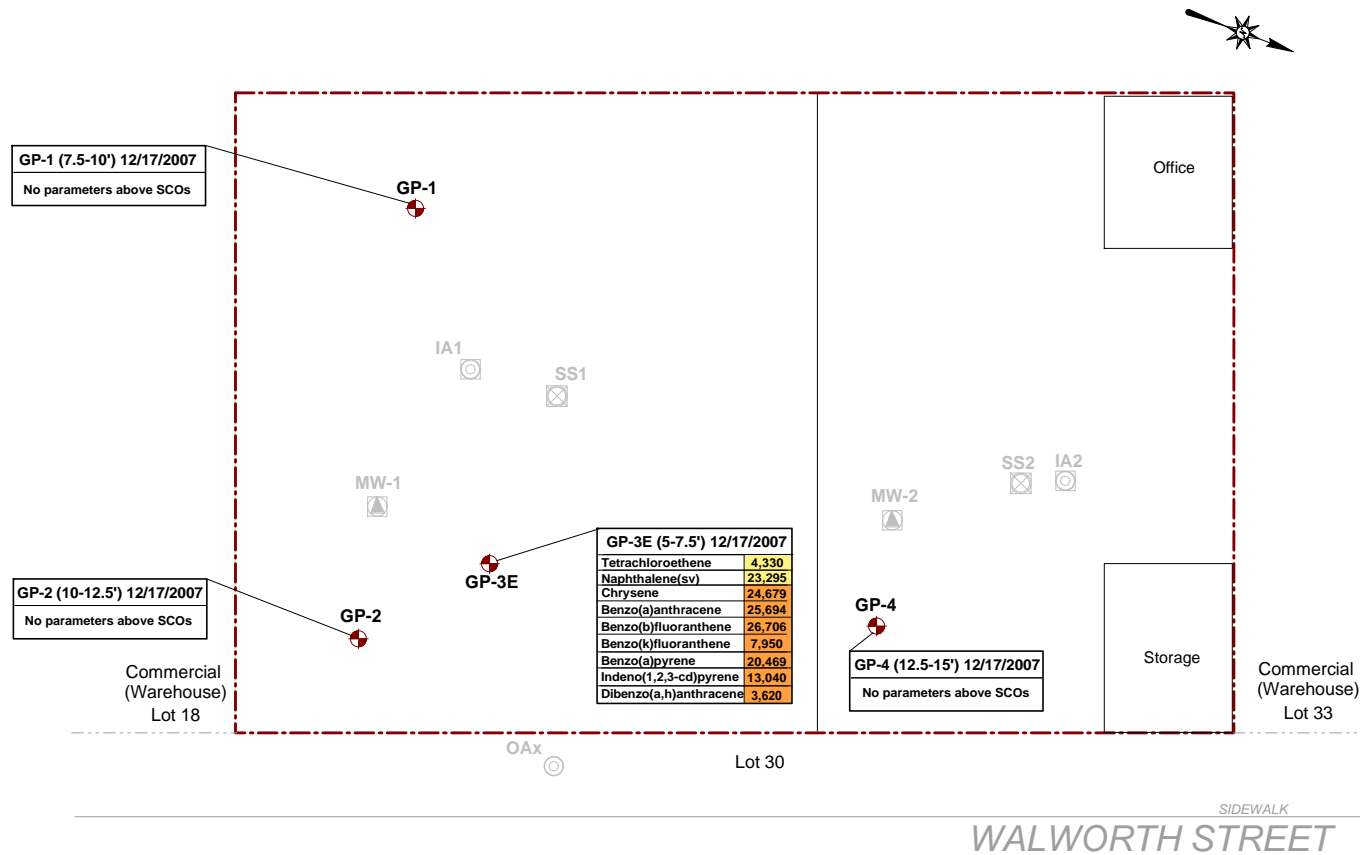
Phone: 631.504.6000

Fax: 631.924.2780

8-18 WALWORTH STREET
BROOKLYN, NY

FIGURE 9

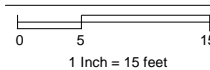
**FEMA FLOOD
ZONE MAP**



KEY:

	Property Boundary		Indoor Air Sampling Location
	Geo Probe Location		Outdoor Air Sampling Location
	Monitoring Well Location		Subslab Vapor Sampling Location
	Exceedence of Restricted Residential SCO		
	Exceedence of Unrestricted Use SCO		

SCALE:



VOCs, SVOCs, PCBs, and Pesticides	ug/Kg
Metals	mg/Kg

Note: Data from Phase II Environmental Assessment Report, PWGC 12/26/2007

EBG
ENVIRONMENTAL BUSINESS CONSULTANTS

Phone 631.504.6000
Fax 631.924.2870

Figure No.
10

Site Name:	8 WALWORTH STREET
Site Address:	8-18 WALWORTH STREET, BROOKLYN, NY
Drawing Title:	SOIL RESULTS ABOVE SCOs (PWGC, 2007)

GP-1 (GW) 12/17/2007

VOCs (ug/L)	
c-1,2-Dichloroethene	387
1,1,1- Trichloroethane	127
Trichloroethylene	2,315
Tetrachloroethene	3,176

MW-1 - 12/17/2007

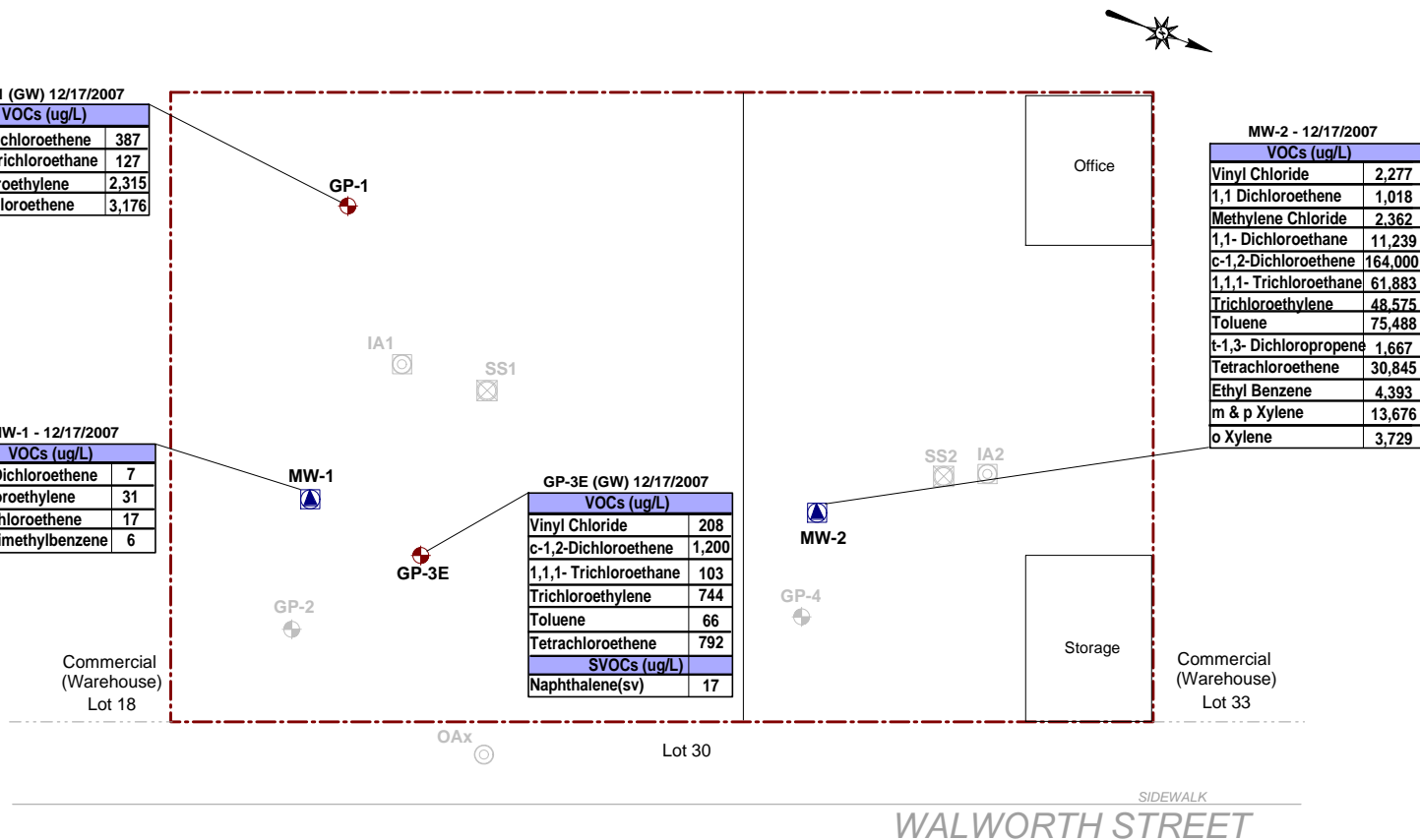
VOCs (ug/L)	
c-1,2-Dichloroethene	7
Trichloroethylene	31
Tetrachloroethene	17
124-Trimethylbenzene	6

GP-3E (GW) 12/17/2007

VOCs (ug/L)	
Vinyl Chloride	208
c-1,2-Dichloroethene	1,200
1,1,1- Trichloroethane	103
Trichloroethylene	744
Toluene	66
Tetrachloroethene	792
SVOCs (ug/L)	
Naphthalene(sv)	17

MW-2 - 12/17/2007

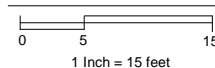
VOCs (ug/L)	
Vinyl Chloride	2,277
1,1 Dichloroethene	1,018
Methylene Chloride	2,362
1,1- Dichloroethane	11,239
c-1,2-Dichloroethene	164,000
1,1,1- Trichloroethane	61,883
Trichloroethylene	48,575
Toluene	75,488
t-1,3- Dichloropropene	1,667
Tetrachloroethene	30,845
Ethyl Benzene	4,393
m & p Xylene	13,676
o Xylene	3,729



KEY:

	Property Boundary		Indoor Air Sampling Location
	Geo Probe Location/ Groundwater Sample Location		Outdoor Air Sampling Location
	Monitoring Well Location		Subslab Vapor Sampling Location

SCALE:



Note: Data from Phase II Environmental Assessment Report, PWGC 12/26/2007

EBG

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Phone 631.504.6000
Fax 631.924.2870

Figure No.
11

Site Name: **8 WALWORTH STREET**

Site Address: **8-18 WALWORTH STREET, BROOKLYN, NY**

Drawing Title: **GROUNDWATER RESULTS ABOVE STANDARDS (PWGC, 2007)**

SS1 - 3/20/2017

1,1,1,2-Tetrachloroethane	5.32
1,1,1-Trichloroethane	5,620
1,1,2-Trichloroethane	4.41
1,1-Dichloroethane	421
1,1-Dichloroethene	99.9
1,2,4-Trimethylbenzene	2.89
1,2-Dichloroethane	3.08
4-Methyl-2-pentanone	27.5
Acetone	1,270
Benzene	13.5
Carbon Disulfide	1.65
Carbon Tetrachloride	1,330
Chloroform	370
cis-1,2-Dichloroethene	8,040
Dichlorodifluoromethane	2.47
Ethanol	369
Ethylbenzene	3.21
Heptane	5.9
Hexane	3.44
Isopropylalcohol	467
Xylene (m&p)	11
Methyl Ethyl Ketone	36
Methylene Chloride	6.91
Xylene (o)	3.73
Tetrachloroethene	37,800
Toluene	18.4
trans-1,2-Dichloroethene	76.9
Trichloroethene	39,800
Trichlorofluoromethane	114
Trichlorotrifluoroethane	155
Vinyl Chloride	3.14

IA1 - 3/20/2017

1,1,1-Trichloroethane	23.8
1,1-Dichloroethane	4.53
Acetone	22.8
Benzene	1.26
Carbon Tetrachloride	1.1
Chloroform	1.4
Chloromethane	1.57
cis-1,2-Dichloroethene	50.3
Dichlorodifluoromethane	2.19
Ethanol	311
Isopropylalcohol	7.42
Xylene (m&p)	2.13
Methyl Ethyl Ketone	1.39
Methylene Chloride	1.13
Tetrachloroethene	331
Toluene	2.84
Trichloroethene	75.7
Trichlorofluoromethane	1.49

SS2 - 3/20/2017

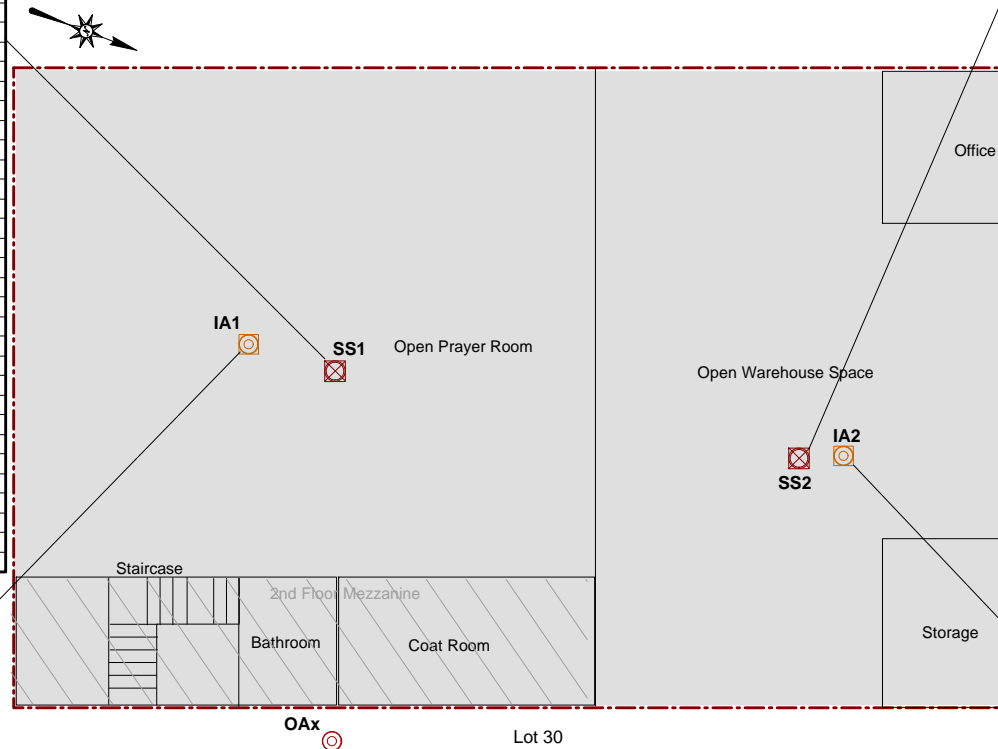
1,1,1,2-Tetrachloroethane	1.23
1,1,1-Trichloroethane	94,300
1,1,2-Trichloroethane	19
1,1-Dichloroethane	22,900
1,1-Dichloroethene	1,920
1,2,4-Trimethylbenzene	3.47
1,3,5-Trimethylbenzene	1.96
4-Ethyltoluene	1.06
4-Methyl-2-pentanone	2,660
Acetone	15,500
Benzene	58.7
Carbon Disulfide	33
Carbon Tetrachloride	73.6
Chloroethane	10.1
Chloroform	188
cis-1,2-Dichloroethene	158,000
Dichlorodifluoromethane	4.99
Ethanol	4,410
Ethylbenzene	54.2
Heptane	864
Hexane	37.3
Isopropylalcohol	2,070
Isopropylbenzene	1.45
Xylene (m&p)	179
Methyl Ethyl Ketone	34,200
Methylene Chloride	2,500
Xylene (o)	52.1
Tetrachloroethene	35,000
Toluene	1,470
trans-1,2-Dichloroethene	5,110
Trichloroethene	25,900
Trichlorofluoromethane	8.93
Trichlorotrifluoroethane	685
Vinyl Chloride	396

IA2 - 3/20/2017

1,1,1-Trichloroethane	115
1,1-Dichloroethane	27.2
1,1-Dichloroethene	2.03
1,2,4-Trimethylbenzene	1.15
Acetone	20.5
Benzene	1.67
Carbon Tetrachloride	1.23
Chloromethane	1.28
cis-1,2-Dichloroethene	255
Dichlorodifluoromethane	2.31
Ethanol	182
Ethylbenzene	1.16
Isopropylalcohol	14.9
Xylene (m&p)	3.97
Methyl Ethyl Ketone	1.78
Methylene Chloride	1.12
Xylene (o)	1.49
Tetrachloroethene	691
Toluene	6.33
trans-1,2-Dichloroethene	5.82
Trichloroethene	115
Trichlorofluoromethane	1.45
Trichlorotrifluoroethane	1.81
Vinyl Chloride	0.3

OA1 - 3/20/2017

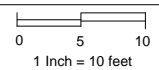
1,1,1-Trichloroethane	3.38
1,2,4-Trimethylbenzene	2.88
Acetone	724
Benzene	1.82
Carbon Tetrachloride	0.64
Chloromethane	1.26
cis-1,2-Dichloroethene	11.9
Dichlorodifluoromethane	2.19
Ethanol	89.6
Ethyl Acetate	2.11
Ethylbenzene	1.74
Heptane	2.65
Hexane	2.28
Isopropylalcohol	9.83
Xylene (m&p)	6.55
Methyl Ethyl Ketone	8.55
Methylene Chloride	1.02
Xylene (o)	2.96
Propylene	9.75
Tetrachloroethene	153
Tetrahydrofuran	1.13
Toluene	17.6
Trichloroethene	27.4
Trichlorofluoromethane	1.21



KEY:

--- Property Boundary	IAx Indoor Air Sampling Location
Existing Building	OAx Outdoor Air Sampling Location
2nd Floor Mezzanine	SSx Subslab Vapor Sampling Location

SCALE:



WALWORTH STREET



ENVIRONMENTAL BUSINESS CONSULTANTS

Phone 631.504.6000
Fax 631.924.2870

Figure No. 12

Site Name: SOIL VAPOR INSTRUSTION INVESTIGATION

Site Address: 8 WALWORTH STREET, BROOKLYN, NY

Drawing Title: SOIL VAPOR DETECTIONS

ATTACHMENT A
Property Deed

**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



2012071000279001001EECB6

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 4

Document ID: 2012071000279001

Document Date: 06-27-2012

Preparation Date: 07-10-2012

Document Type: DEED

Document Page Count: 3

PRESENTER:

INFINITY LAND SERVICES LLC IL4468 **PICKUP**
AS AGENT FOR FIDELITY NATIONAL TITLE
INSURANCE CO
974 EAST 27TH STREET
BROOKLYN, NY 11210
718-338-4200

RETURN TO:

TOLDOS YEHUDAH, LLC
8 WALWORTH STREET
BROOKLYN, NY 11205

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BROOKLYN	1716	33	Entire Lot	8 WALWORTH STREET
Property Type: COMMERCIAL REAL ESTATE				

CROSS REFERENCE DATA

CRFN _____ or Document ID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

GRANTOR/SELLER:

MANKAUF ENTERPRISES L.L.C.
741 WYTHE AVENUE
BROOKLYN, NY 11211

GRANTEE/BUYER:

TOLDOS YEHUDAH, LLC
8 WALWORTH STREET
BROOKLYN, NY 11205

FEES AND TAXES

Mortgage

Mortgage Amount:	\$	0.00
Taxable Mortgage Amount:	\$	0.00
Exemption:		
TAXES: County (Basic):	\$	0.00
City (Additional):	\$	0.00
Spec (Additional):	\$	0.00
TASE:	\$	0.00
MTA:	\$	0.00
NYCTA:	\$	0.00
Additional MRT:	\$	0.00
TOTAL:	\$	0.00

Filing Fee:

	\$	250.00
NYC Real Property Transfer Tax:	\$	14,175.00
NYS Real Estate Transfer Tax:	\$	2,160.00



**RECORDED OR FILED IN THE OFFICE
OF THE CITY REGISTER OF THE
CITY OF NEW YORK**

Recorded/Filed 07-17-2012 15:42
City Register File No.(CRFN):
2012000280637

Annette McMill

City Register Official Signature

Recording Fee:	\$	52.00
Affidavit Fee:	\$	0.00

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 27th day of June two thousand and twelve

MANKAUF ENTERPRISES LLC, a/k/a MENKAUF ENTERPRISES LLC, a Limited Liability Company duly organized and existing under the laws of State of New York with offices at 741 Wythe Avenue Brooklyn, New York 11211

party of the first part, and

TOLDOS YEHUDAH, LLC a Limited Liability Company duly organized and formed under the laws of the State of New York with offices at 8 Walworth Street Brooklyn, New York 11205

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

ALL THAT certain plot, piece or parcel of land with the buildings and improvements thereon erected situate, lying and being in the Borough of Brooklyn, County of Kings City and State of New York bounded and described as follows:

See schedule A annexed hereto

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

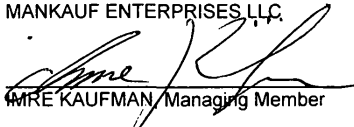
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

MANKAUF ENTERPRISES, LLC.

By:


MIRE KAUFMAN, Managing Member

Infinity Land Services LLC
as agent for Fidelity National Title Insurance Company

Title No: IL4468

SCHEDULE A
LEGAL DESCRIPTION

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

BEGINNING at a point on the westerly side of Walworth Street, distant 89 feet 3 inches southerly from the corner formed by the intersection of the southerly side of Flushing Avenue and the westerly side of Walworth Street;

RUNNING THENCE westerly approximately parallel with Flushing Avenue and part of the distance though a party wall 50 feet to a point;

THENCE southerly and approximately parallel to Walworth Street, 78 feet 8 inches to a point;

THENCE easterly and approximately parallel to Flushing Avenue, 50 feet to a point on the westerly side of Walworth Street;

THENCE northerly along the westerly side of Walworth Street, 78 feet to the point or place of **BEGINNING**.

FOR INFORMATIONAL PURPOSES ONLY: 8 Walworth Street, Brooklyn, NY a/k/a BLOCK 1716 LOT 33 on the KINGS County Tax Map.

For conveyancing only:

TOGETHER with all the right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.

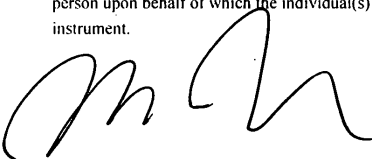
ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Kings, ss:

On the 27 day of June in the year 2012, before me, the undersigned, personally appeared Imre Kaufman

, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

MORDCHE FUCHS
Notary Public, State of New York
No. 01FU6090431
Qualified in Kings County
Commission Expires April 14, 2015



SEAL

ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS TAKEN IN NEW YORK STATE

State of New York, County of , ss:

On the day of in the year , before me, the undersigned, a Notary Public in and for said State, personally appeared the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in

(if the place of residence is in a city, include the street and street number if any, thereof); that he/she/they know(s)

to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of , ss:

On the day of in the year , before me, the undersigned, personally appeared

, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK STATE

*State of , County of , ss:

*(Or insert District of Columbia, Territory, Possession or Foreign County)

On the day of in the year , before me the undersigned personally appeared

Personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual make such appearance before the undersigned in the

(add the city or political subdivision and the state or country or other place the acknowledgement was taken).

Bargain and Sale Deed With Covenants

Title No.

Mankauf Enterprises LLC
TO
Toldos Yehudah LLC

SECTION:

BLOCK: 1716

LOT: 33

COUNTY OR TOWN: Kings

RETURN BY MAIL TO:

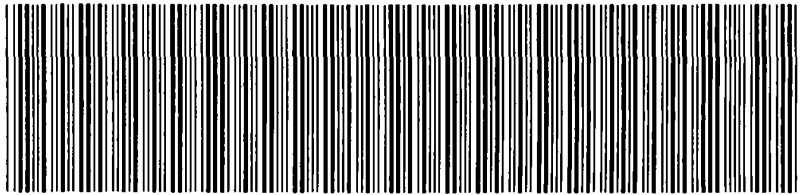
DISTRIBUTED BY



YOUR TITLE EXPERTS
The Judicial Title Insurance Agency LLC
800-281-TITLE (8485) FAX: 800-FAX-9396

Toldos Yehudah LLC
8 Walworth St.
Brooklyn NY 11205

**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**



2012071000279001001S2237

SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

Document ID: 2012071000279001

Document Date: 06-27-2012

Preparation Date: 07-10-2012

Document Type: DEED

ASSOCIATED TAX FORM ID: 2012062700091

SUPPORTING DOCUMENTS SUBMITTED:

DEP CUSTOMER REGISTRATION FORM FOR WATER AND SEWER BILLING
RP - 5217 REAL PROPERTY TRANSFER REPORT

Page Count

1

2

FOR CITY USE ONLY

C1. County Code C2. Date Deed Recorded / /
 Month Day Year

C3. Book C4. Page
 OR

C5. CRFN



REAL PROPERTY TRANSFER REPORT

STATE OF NEW YORK
STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217NYC

PROPERTY INFORMATION

1. Property Location 8 WALWORTH STREET BROOKLYN 11205
 STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name TOLDOS YEHUDAH, LLC
 LAST NAME - COMPANY FIRST NAME

3. Tax Billing Address
 Indicate where future Tax Bills are to be sent if other than buyer address (at bottom of form) LAST NAME - COMPANY STREET NUMBER AND STREET NAME CITY OR TOWN

4. Indicate the number of Assessment Roll parcels transferred on the deed 1 # of Parcels OR ☐ Part of a Parcel

5. Deed Property Size X OR ACRES
 FRONT FEET DEPTH

8. Seller Name MANKAUF ENTERPRISES L.L.C.
 LAST NAME / COMPANY FIRST NAME

9. Check the box below which most accurately describes the use of the property at the time of sale:

A <input type="checkbox"/> One Family Residential	C <input type="checkbox"/> Residential Vacant Land	E <input checked="" type="checkbox"/> Commercial	G <input type="checkbox"/> Entertainment / Amusement	I <input type="checkbox"/> Industrial
B <input type="checkbox"/> 2 or 3 Family Residential	D <input type="checkbox"/> Non-Residential Vacant Land	F <input type="checkbox"/> Apartment	H <input type="checkbox"/> Community Service	J <input type="checkbox"/> Public Service

4A. Planning Board Approval - N/A for NYC
 4B. Agricultural District Notice - N/A for NYC
 Check the boxes below as they apply:
 6. Ownership Type is Condominium ☐
 7. New Construction on Vacant Land ☐

SALE INFORMATION

10. Sale Contract Date 7 / 7 / 2010
 Month Day Year

11. Date of Sale / Transfer 6 / 27 / 2012
 Month Day Year

12. Full Sale Price \$ 5 4 0 0 0 0
 (Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.

13. Indicate the value of personal property included in the sale

14. Check one or more of these conditions as applicable to transfer:

A <input type="checkbox"/> Sale Between Relatives or Former Relatives	B <input type="checkbox"/> Sale Between Related Companies or Partners in Business
C <input type="checkbox"/> One of the Buyers is also a Seller	D <input type="checkbox"/> Buyer or Seller is Government Agency or Lending Institution
E <input type="checkbox"/> Deed Type not Warranty or Bargain and Sale (Specify Below)	F <input type="checkbox"/> Sale of Fractional or Less than Fee Interest (Specify Below)
G <input type="checkbox"/> Significant Change in Property Between Taxable Status and Sale Dates	H <input type="checkbox"/> Sale of Business is Included in Sale Price
I <input type="checkbox"/> Other Unusual Factors Affecting Sale Price (Specify Below)	J <input checked="" type="checkbox"/> None

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill


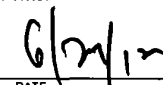
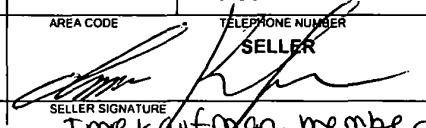
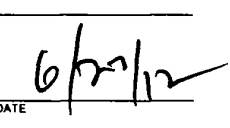
15. Building Class E 9 16. Total Assessed Value (of all parcels in transfer) 9 5 4 0 0

17. Borough, Block and Lot / Roll Identifier(s) (If more than three, attach sheet with additional identifier(s))
BROOKLYN 1716 33

201206270009120102

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

		BUYER				BUYER'S ATTORNEY	
8 WALWORTH STREET		Usher Brecher, member Toldos Yehudah, LLC		AARON STEIN ESQ.		LAST NAME FIRST NAME	
STREET NUMBER		STREET NAME (AFTER SALE)		AREA CODE		TELEPHONE NUMBER	
BROOKLYN		NY		718		645-5600	
CITY OR TOWN		STATE		ZIP CODE		SELLER	
							
				Imre Kaufman, member Markawf Enterprises L.C.C.		DATE	

2012062700091201



The City of New York
Department of Environmental Protection
Bureau of Customer Services
59-17 Junction Boulevard
Flushing, NY 11373-5108

Customer Registration Form for Water and Sewer Billing

Property and Owner Information:

- (1) Property receiving service: BOROUGH: BROOKLYN BLOCK: 1716 LOT: 33
- (2) Property Address: 8 WALWORTH STREET, BROOKLYN, NY 11205
- (3) Owner's Name: TOLDOS YEHUDAH LLC
- Additional Name:

Affirmation:



Your water & sewer bills will be sent to the property address shown above.

Customer Billing Information:

Please Note:

- A. Water and sewer charges are the legal responsibility of the owner of a property receiving water and/or sewer service. The owner's responsibility to pay such charges is not affected by any lease, license or other arrangement, or any assignment of responsibility for payment of such charges. Water and sewer charges constitute a lien on the property until paid. In addition to legal action against the owner, a failure to pay such charges when due may result in foreclosure of the lien by the City of New York, the property being placed in a lien sale by the City or Service Termination.
- B. Original bills for water and/or sewer service will be mailed to the owner, **at the property address or to an alternate mailing address**. DEP will provide a duplicate copy of bills to one other party (such as a managing agent), however, any failure or delay by DEP in providing duplicate copies of bills shall in no way relieve the owner from his/her liability to pay all outstanding water and sewer charges. Contact DEP at (718) 595-7000 during business hours or visit www.nyc.gov/dep to provide us with the other party's information.

Owner's Approval:

The undersigned certifies that he/she/it is the owner of the property receiving service referenced above; that he/she/it has read and understands Paragraphs A & B under the section captioned "Customer Billing Information"; and that the information supplied by the undersigned on this form is true and complete to the best of his/her/its knowledge.

Print Name of Owner:

Signature:

U. Brecher

6/27/2012 Date (mm/dd/yyyy)

Name and Title of Person Signing for Owner, if applicable:

Ufer Brecher, member Toldos Yehudah, LLC

ATTACHMENT B
Environmental Reports (Digital Files on CD)

ATTACHMENT C
Authorization to Sign on Behalf of LLC

RESOLUTION OF LIMITED LIABILITY COMPANY

The undersigned, being a member and manager of Toldos Yehudah, LLC, a New York limited liability company (the "Company"), does hereby resolve that:

1. Phillip Miller 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.



Dated: August 8, 2017
Brooklyn, NY

ATTACHMENT D

Flushing Bedford Rezoning Notice of Final EIS



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Joseph B. Rose, *Director*
Department of City Planning

**NOTICE OF COMPLETION OF
THE FINAL ENVIRONMENTAL IMPACT STATEMENT**

March 16, 2001

Flushing Bedford Rezoning

CEQR No. 00DCP015K
ULURP Nos. 000109 ZMK, 000110 ZRK
SEQRA No. P2-610000-88
SEQRA Classification: Type I

Lead Agency

New York City Planning Commission
22 Reade Street, 1W
New York, NY 10007

Contact Person

Robert Dobruskin (212) 720-3423

Pursuant to City Environmental Quality Review (CEQR), Mayoral Executive Order No. 91 of 1977, and the regulations of Article 8 of the State Environmental Conservation Law, State Environmental Quality Review Act (SEQRA) as found in 6 NYCRR Part 617, a Final Environmental Impact Statement (FEIS) has been prepared for the action described below. Copies of the FEIS are available for public inspection at the office of the undersigned. The proposal involves actions by the City Planning Commission and Council of the City of New York pursuant to Uniform Land Use Review Procedures (ULURP). A public hearing on the Draft Environmental Impact Statement (DEIS) was held on January 31, 2001. Written comments on the DEIS were requested and were received by the Lead Agency until the 10th calendar day following the close of the public hearing. This FEIS incorporates responses to the public comments received on the DEIS and additional analysis conducted subsequent to the completion of the DEIS.

DESCRIPTION OF THE PROPOSED ACTION

The Department of City Planning (DCP) is proposing an amendment to the zoning map to change M1-2 and M3-1 zoning districts to R7-1 and M1-1 and M1-2 zoning districts to M1-2 /R7-1, for 15 blocks in the Flushing Avenue and Bedford Avenue area of Community Districts 1 and 3, Brooklyn. In addition, DCP is also proposing a text amendment pursuant to Zoning Resolution Section 123-90, to establish a new Special Mixed-Use District, MX-4: Flushing/Bedford. As a result of the proposed action, it is anticipated that approximately 1,224

Robert Dobruskin, *Director*
James P. Merani, R.A., *Deputy Director*
22 Reade Street, New York, N.Y. 10007-1216 Room 4E (212) 720-3420
FAX (212) 720-3495
<http://www.ci.nyc.ny.us/planning>

dwelling units would be developed on about 44 sites within the rezoning area over a ten-year period. It is also projected that an additional 30,000 square feet of currently vacant local retail space could be reactivated at various sites on Myrtle Avenue, immediately outside of the rezoning area.

As described in greater detail in the hazardous materials and noise chapters of this document, the proposed rezoning includes the mapping of an Environmental (E) designation for hazardous materials and noise issues on several parcels within the area proposed for rezoning. A complete listing of the affected parcels is presented in each of the chapters. As part of the proposed rezoning, an (E) designation would be placed on the amended zoning map to denote certain parcels where mitigation measures for hazardous materials and noise effects would be required. The (E) designation would ensure that hazardous materials and noise impacts would not occur on those sites should they be redeveloped.

Purpose and Need

In December 1995, the Department of City Planning (DCP) issued a technical memorandum entitled the *Williamsburg Community District 1 Rezoning Study* for manufacturing areas in Community District 1, which identified 22 sub-areas for further study. The Flushing/Bedford area was analyzed as part of the 1995 rezoning study. It consisted of areas formerly known as subareas 20, 21 and 22, located north and south of Flushing Avenue, the boundary between Community Districts 1 and 3 in Brooklyn.

The Flushing/Bedford area, although zoned for manufacturing uses, contains a mix of residential uses, vacant land, open uses, auto-related uses, and commercial and industrial buildings. The rezoning area has experienced a significant decline in industrial activity over the last four decades resulting in an increase in auto related uses, junk yards and vacant land. Study findings indicate that over the last two decades, there has been a substantial growth in the residential population in the surrounding areas, resulting in a housing shortfall and increasing demand for new dwelling units. Since the mid 1980's there has been a marked increase in residential development, especially in the area north of Flushing Avenue. Although the existing manufacturing zoning does not permit as-of-right residential development, in recent years there has been new residential development in the area north of Flushing Avenue pursuant to zoning variances granted by the Board of Standards and Appeals (BSA). In 1996 and 1998, two rezoning applications were approved changing the designation of a three block area immediately north of the rezoning area from manufacturing to residential. The presence of vacant and underutilized land, coupled with the increasing demand for housing in the adjacent communities, presents an opportunity for new residential development in this part of Brooklyn.

The existing M1-1 and M1-2 zoning districts permit light manufacturing, commercial and limited retail uses. One small block within the rezoning area is currently zoned M3-1, which permits heavy manufacturing. In the proposed R7 district north of Flushing Avenue, the proposed action would provide opportunities for new residential development on vacant and under- utilized

parcels, bring existing non-conforming residential uses into conformance, and would allow for their enlargement. In the proposed mixed use zone [M1-2 /R7-1 (MX-4)] south of Flushing Avenue, the proposal would allow for the continued presence and expansion of commercial and manufacturing uses, permit the introduction of new commercial and manufacturing uses, and allow the residential re-use of underutilized and vacant land. In general, the action would provide the land use controls necessary for appropriate residential development and the continued presence of viable manufacturing uses.

Required Approvals

The proposed zoning map amendment and zoning text amendment require approvals by the City Planning Commission and City Council pursuant to Section 200, Section 201, and Section 197-d of the New York City Charter. Both actions are subject to CEQR. The zoning map amendment is subject to the city's Uniform Land Use Review Procedure (ULURP). The text amendment is a non-ULURP action, but is subject to review by the City Planning Commission and City Council as noted above.

DEVELOPMENT SCENARIO

A reasonable worst case development scenario has been analyzed for the build year of 2009. According to this analysis up to 1,224 new dwelling units are projected in the rezoning area by the build year 2009, and approximately 30,000 square feet of currently vacant retail space along Myrtle Avenue, immediately adjacent to the rezoning area, would be re-occupied. No new community facility building is expected to be developed as a result of this action, although small community rooms or houses of worship may be included in the basements of some of the projected residential development.

The development scenario identified 39 projected development sites which could generate 1,064 dwelling units under the proposed action, by the build year 2009. In addition, 37 potential development sites were also identified. Projected development sites are those sites most likely to be developed by the build year. Potential development sites are those sites which fall within development scenario guidelines, but are considered less likely to be developed than the projected development sites. While development is not projected to occur on the potential sites within the foreseeable future, in order to be conservative and to provide a degree of flexibility in identifying future development patterns, the analysis added 160 projected dwelling units from 5 potential sites, bringing the projected residential development count from 1,064 to 1,224 units. Consistent with conservative assessment of action induced development, it was assumed that development sites which were the subject of pending applications for zoning variances at the Board of Standards and Appeals (BSA) would proceed as-of-right under the proposed action. The BSA recently approved four project sites for residential development totaling 140 units. The proposed action projected a total of 148 residential units on those sites. To ensure a conservative analysis, the four sites remain part of the density related impact review and analysis.

New residential construction is expected to consist of 5 to 7 story buildings; average household size is projected as 4.3 persons per residential unit; and the average dwelling unit size is assumed to be 1,200 square feet, given the large dwelling units currently being built in the Williamsburg area. It is anticipated that developers would use proposed Unified Bulk Program Quality Housing Provisions for R7A and R7B (4.0 FAR on wide avenues and 3.50 FAR on narrow streets, respectively).

PROBABLE IMPACTS OF THE PROPOSED ACTION

Land Use, Zoning, and Public Policy

The proposed action would not result in significant adverse impacts to land use, zoning, or public policy. Overall, the proposed action is expected to result in changes that would have beneficial effects with respect to these issues.

Land Use

Historically, the proposed rezoning area contained a mix of residential, commercial and manufacturing uses. Over the last four decades, manufacturing uses have declined in this area, leaving behind many vacant and underutilized buildings and parcels of land. At the same time, the residential population has been rising, creating a greater demand for housing. It is anticipated that the action would induce up to 1,224 new dwelling units in the primary study area and approximately 30,000 square feet of additional local retail space in nearby commercial areas within a ten year period (build year 2009).

The proposed rezoning is expected to result in housing production in an area that has been experiencing a steady rise in population and housing demand by providing options available to property owners in their development of vacant and underutilized land and buildings. A new mixed-use district would allow new residential opportunities without burdening industrial uses with non-conforming status. In general, the proposed action would enable new residential development, the conformance of existing residential uses, and protection for industrial uses in the mixed use district, while providing appropriate land use, zoning controls, and necessary environmental safeguards.

Zoning

The fifteen blocks of the primary study area are proposed to be rezoned. Nine of the blocks are located north of Flushing Avenue in Community District 1; eight of them are zoned M1-2 for light manufacturing and industrial uses and one small triangular block is zoned M3-1 for heavy manufacturing. The remaining six blocks, located south of Flushing Avenue, are in Community District 3. Three of these blocks are in an M1-2 district and three are in an M1-1 district.

M1-1 and M1-2 are light manufacturing districts mapped in industrial areas which permit a range of industrial and commercial uses and are subject to strict performance standards. Residential uses are not permitted in M districts, and some community facilities are permitted in M1 districts

with a special permit. The maximum floor area ratio permitted in an M1-1 district is 1.0 and in an M1-2 district is 2.0. The M3-1 district is for heavy manufacturing uses that generate noise, traffic, and pollutants such as chemical and power plants and foundries.

The proposed rezoning action in the primary study area would change the zoning from M1-1, M1-2 and M3-1 to R7-1 and M1-2/R7-1. The new zoning districts would permit the construction of new as-of-right residential development. It is anticipated that the proposed zoning changes would induce the development of 1,224 new housing units in the primary study area. Existing residences would become conforming uses.

The six blocks south of Flushing Avenue in Community District 3 are proposed to be rezoned to a mixed-use district M1-2/R7-1. A text amendment to Zoning Resolution (ZR) Section 123-90 would allow for the creation of the new special mixed use district, Flushing/Bedford "MX-4". Within the new MX-4 district, residential uses would generally be governed by the bulk provisions of the R7-1 residence district, while community facility uses would be subject to the FAR of the R7-1 residence district and the other bulk regulations of the M1-2 district. Commercial and manufacturing uses would be governed by the bulk provisions of the M1-2 district. In addition, Use Group 18 uses would not be permitted, except for breweries with less than 10,000 square feet of floor area; and three Use Group 16 uses: animal pounds, crematoriums, and public transit yards would also be prohibited.

Public Policy

In 1995, the Department of City Planning issued a technical memorandum entitled the *Williamsburg Community District 1 Rezoning Study* for manufacturing areas in Community District 1, which identified 22 sub-areas for further study- 21 study areas were located in Community District 1 and one in Community District 3. The stated goals of this study were to provide increased opportunities for new housing construction on vacant and underutilized properties in appropriate locations while preserving the manufacturing zoning in areas where industrial uses are prevalent. The proposed rezoning area was formerly known as subareas 20, 21 and 22, in the 1995 document.

The proposed zoning change would accommodate the growing need for the housing in the area while preserving industrial and commercial uses in the proposed mixed use district.

Socioeconomic Conditions

Under CEQR, the principal issues of concern with respect to socioeconomic conditions are: direct (or primary) residential displacement; direct (or primary) business and institutional displacement; indirect (or secondary) residential displacement; indirect (or secondary) business and institutional displacement; and effects on specific industries. In the socioeconomic conditions chapter, preliminary assessments are presented for primary residential displacement, primary business and institutional displacement, secondary business and institutional

displacement, and displacement or other effects on specific industries. The conclusion drawn from each of these assessments is that the proposed action would not result in significant adverse impacts, and that detailed assessments are therefore not warranted.

A detailed analysis is presented for secondary residential displacement. The conclusion drawn from this analysis is that the proposed rezoning may result in secondary residential displacement pressures in the rezoning area and its immediate vicinity. Depending on various factors, including the timing and location of new development during the course of the ten-year build-out period, these pressures could affect as many as several hundred low-income households. Predictions as to how the local real estate market would respond to the introduction of a large number of new housing units into the area and which new residential developments would lead to the indirect displacement of existing area residents are imprecise, and it is possible that secondary residential displacement may not occur to the extent projected. Nonetheless, to ensure a reasonable, conservative analysis, the potential for secondary displacement pressures has been identified as a significant adverse impact. Measures that would partially mitigate the impact are described below in the section on Mitigation.

The analysis also concludes that the proposal could result in beneficial socioeconomic impacts. By adding approximately 1,224 new dwelling units to the housing stock of the Flushing Bedford area, the proposed rezoning would provide new housing opportunities for area residents. By reactivating approximately 30,000 square feet of currently vacant retail space along the Myrtle Avenue and Bedford Avenue corridor, the proposal could provide new job opportunities for the local community. Additionally, by redeveloping many of the area's vacant and underutilized sites, the proposed rezoning could help strengthen socioeconomic conditions in the area, reaffirming the residential character of the proposed R7 district north of Flushing Avenue, and stabilizing the mixed residential and industrial character of the proposed mixed-use district south of Flushing Avenue. Overall, these changes are expected to improve housing and job conditions in the area and result in beneficial impacts.

Community Facilities and Services

The proposed action would not result in significant adverse impacts to community facilities and services. Overall increases in residential and worker populations generated by anticipated development with the proposed action could be accommodated by the study area's schools, fire and police protection, libraries, and health care facilities. No new community facility building is expected to be developed as a result of this action. Small community rooms or houses of worship may be included in the basements of some of the projected residential development.

Open Space

The proposed action would not result in direct open space impacts, but could result in significant, adverse unmitigated indirect open space impacts. The proposed action would not have a direct impact on open space facilities, as projected and potential development sites do not include public or private open spaces and there is no elimination, or alteration of any existing open space. However, the proposed action could result in an indirect impact on open space by increasing the existing deficiency in open space. Currently, the study area contains 0.323 acres of open space per thousand residents, which is well below the city median of 1.5 acres per thousand residents and DCP's goal of 2.5 acres per thousand. In the future without the action, the open space ratio would decrease to 0.295 acres per thousand. In the future with the action, the residential and worker populations generated by the proposed action would further reduce the open space ratio to 0.280 acres per 1,000 residents. This change to the existing deficiency is considered to be a significant adverse impact. Since no new open space resources which could mitigate the impact could be identified, the impact is considered an unmitigated impact.

Shadows

The proposed action is not expected to result in significant adverse shadow impacts. Based on the development scenario projections, the proposed action could result in new shadows in Middleton Park, a 1.1 acre Department of Parks and Recreation park facility adjacent to the rezoning area. The longest shadows will occur in winter and early spring. Although the days are shortest in the December to March period, park usage is also at its lowest level, particularly in the early morning hours. In addition, there are minimal shadows in the summer months when the park usage is at its highest. As a result of the screening analysis, it has been determined that there is no substantial reduction in sunlight to sun-sensitive uses or features and no substantial reduction in the usability of the open space. Therefore, the shadows are not considered to be a significant adverse impact.

Historic Resources

The proposed action could result in significant, adverse unmitigated impacts to archeological resources. The proposal would not result in significant impacts to architectural resources.

Archeological Resources

The proposed action may result in new in-ground disturbance which could adversely affect 19th century remains. Based on a documentary search of lots within the rezoning area, 9 projected development sites and 9 potential development sites may be archaeologically sensitive for 19th century remains. On these parcels, residential development occurred before the availability of sewer or water services. It is therefore likely that the dwellings were equipped with cisterns and privies. Action-induced development on these parcels would be unlikely to disturb

archaeological resources, should they exist, within the required 30-foot rear yard portions of the sites. However, development within the remaining portions of the development sites might disturb resources, should they exist in those locations.. This would constitute a significant adverse impact. No mitigation measures are feasible, because the 9 projected sites and 9 potential sites in question are privately-owned. Private ownership of the land would prevent the City from conducting or requiring a boring program to test for potential archaeological remains, or from mandating the preservation or documentation of such remains, should they exist.

Architectural Resources

No historic architectural resources would be affected by the proposed action. New construction on the projected and potential development sites would not physically alter, or result in construction impacts that would significantly affect any architectural resources within 400 feet of the rezoning area.

Urban Design/Visual Resources

The proposed action is not expected to result in any of the conditions that would typically trigger the need for a detailed assessment of the urban design and visual resource impacts. The rezoning area is characterized by a mix of residential uses, vacant land, open uses, auto related uses, commercial, and industrial buildings and has experienced a gradual loss of industrial activity resulting in several vacant and underutilized lots. Although the existing manufacturing zoning does not permit as-of-right residential development, in recent years there has been new residential development in the area north of Flushing Avenue pursuant to BSA variances. The proposed action would induce new development in the areas to be rezoned R7-1 and M1-2/R7-1 (MX-4). New residential development projected to occur as a result of the proposed action would be built on the projected development sites, which include individual and adjacent vacant lots, vacant residential buildings, auto-related uses (open, garages and buildings), and underbuilt industrial and residential structures.

Hazardous Materials

The proposed action would not result in significant adverse hazardous materials impacts. Based upon the development scenario, 76 development sites (projected and potential) consisting of 179 lots were identified for future residential use. The analysis has identified 49 development sites encompassing 111 lots whose past or present use suggest that they may contain petroleum or non-petroleum based hazardous materials contamination. To ensure that the proposed action would not result in significant, adverse hazardous materials impacts, (E) designations would be mapped on these sites as part of the proposed action. Of the 111 lots where (E) designations would be mapped, there is the potential for *petroleum-based* contamination of soil and/or ground water from historic or current conditions on 37 lots, the potential for *non-petroleum* contamination on 59 lots, and 15 lots contain the potential for *both petroleum and non-petroleum*

based materials. The following sites would receive an (E) zoning designation:

Sites receiving (E) Designations for potential contamination of soil and groundwater by existing or past leakage of <u>petroleum</u> products from underground storage tanks					
Projected Development Sites			Potential Development Sites		
Block #	Lot #	Site #	Block #	Lot #	Site #
886	80	20	1715	24	57**
1715	12,13,14,15,16,17,18,19	21	1715	30	58
1715	1	23	1734	33	70
1885	15	17	1734	47	72**
1900	3,5,6,7	27**	1734	59,60,61,62	74
1900	19	29**	1734	67,68	75
1900	61	31	1734	70	76
2239	8	1	1886	40	55
2264	7, 8, 9	8	1886	71,72	56
			2263	8	45
			2264	42	50
Sites Receiving (E) Designations for Potential Contamination of Soil and Groundwater by Existing or Past Leakage of <u>Non-petroleum</u> Hazardous Materials					
Projected Development Sites			Potential Development Sites		
Block #	Lot #	Site #	Block #	Lot #	Site #
1734	7	35**	1734	19	68
1734	53,54,55	36	1900	24	66
1734	22,23,24,25,26,27,28,29, 30	39	2223	15	40
1899	36,37,39,40,41,44,45,46, 47,48,49,50,51,52,53, 54,55,56	26	2223	23	42
1900	20,21,22,23	29**	2235	1	44
1900	42,43,44	30**	2240	1	47**

1900	14,15,16,17,18	32	2264	29	49
2262	38	5	2264	59	51**
2262	44	6			
2264	33	9			
2264	46,47,48,49,50	10			
Sites Receiving (E) Designations for Potential Contamination of Soil and Groundwater by Existing or Past Leakage of Both <u>Petroleum</u> and <u>Non-petroleum</u> Hazardous Materials					
Projected Development Sites			Potential Development Sites		
Block #	Lot #	Site #	Block #	Lot #	Site #
1735	5	34	1734	10	68**
1885	41	16	1734	31	69
1899	59	24	1734	36	71
1900	53	28	1900	9	63
			1900	10	64
			1900	11	65
			1900	31	67
			2262	1,4,7,48	43

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**Site appears in more than one category

The text of the (E) designation is presented in its entirety in the hazardous materials chapter. The (E) designation ensures that sampling and remediation take place where hazardous material contamination may exist. It requires the fee owner to conduct a testing and sampling protocol, and remediation (where appropriate) to the satisfaction of the New York City Department of Environmental Protection (NYCDEP) before the issuance of a permit by the Department of Buildings. The environmental requirements for the (E) designation also include a mandatory construction-related health and safety plan, which must also be approved by the NYCDEP.

Infrastructure, Solid Waste and Sanitation Services

The proposed actions and anticipated development are not expected to significantly add to the current demands on the water supply, sewage treatment and solid waste disposal systems servicing the area. Consequently, the proposed action would not significantly affect the

infrastructure systems servicing the area, or result in significant adverse impacts.

Neighborhood Character

As defined in the *CEQR Technical Manual*, neighborhood character is an amalgam of the various elements that give neighborhoods their distinct "personality." These elements are land use, urban design, visual resources, historic resources, socioeconomic conditions, traffic, and noise, which are considered individually in other sections of the DEIS. For neighborhood character, CEQR considers how those elements combine to create the context and feeling of a neighborhood, and how an action would affect that context.

The proposed action would substantially alter neighborhood character, but these changes would be largely beneficial, and would not result in significant adverse neighborhood character impacts. The proposed action would permit the transformation of the rezoning area into a largely residential community, although active industry would likely continue to be a strong presence, particularly in the portion of the rezoning area proposed for a mixed-use designation where such uses could continue to locate and expand. As described in the Projected Development section of this EIS, up to 1,224 new dwelling units could be constructed on primary vacant and underutilized properties. The area would feel more like a vibrant residential community, with increased pedestrian traffic, and mid-rise apartment buildings constituting a dominant building type. The hierarchy of streets and the nature of vehicular traffic would not be altered by new development. No architectural resources would be adversely affected by the proposed action. Noise levels would remain typical of a busy urban area with significant vehicular traffic. Socioeconomic conditions would change as the area receives a significant new residential population on sites currently occupied by low-intensity industrial uses. New residents would likely have higher average income than current residents.

Overall, the proposed action would alter neighborhood character in beneficial ways, by permitting new moderate-density development on sites which are currently vacant, underutilized and rundown. This would improve the area's visual character and permit the creation of a vibrant residential and mixed-use community which would increase private investment in the area and support nearby retail areas.

Energy

The proposed action would not result in significant adverse energy impacts. Energy systems serving the rezoning area would be capable of meeting the small increase in demand that would be generated by the anticipated development. All new structures requiring heating and cooling systems are subject to the New York State Energy Conservation Code (effective January 1, 1979) which codifies state and city energy policies.

Traffic and Transportation

The proposed action would result in significant adverse traffic and bus impacts, but no impacts to parking, subways, or pedestrians. Mitigation measures for the traffic impacts are discussed below in the mitigation section. For reasons explained in the analysis, project-sponsored mitigation measures are not needed for the bus impacts.

Anticipated development from the proposed rezoning is projected to generate 291, 156, and 345 net vehicle trips in the AM, Midday, and PM peak hours, respectively. These trips would result in increases in traffic volumes at a number of study area intersections. Street capacities, for the most part, would be sufficient to accommodate these increases. However, based on CEQR Technical Manual standards, the increases in traffic would cause significant impacts at the following locations during the peak hours indicated:

Signalized Intersections

The proposed action would be expected to result in traffic impacts at six signalized intersections.

Flushing Avenue and Williamsburg Place would remain at Level of Service (LOS) F during AM peak (delay increasing from 73.8 seconds to 106.2 seconds). During the Midday Peak, the LOS would also remain at F (delay increases from 81.4 seconds to 95.9 seconds). In the PM peak hour the delay at the same approach would increase from 73.7 seconds to 110 seconds (LOS F under both conditions).

Flushing Avenue and Franklin Avenue, westbound approach, would be impacted in the Midday and PM, the LOS remains at F (delay increases from 62.8 seconds to 103.4 seconds), and in the PM, the LOS remains at D (delay increases from 26.1 seconds to 33.7 seconds).

Flushing Avenue and Nostrand Avenue, eastbound approach, would also remain at LOS F in the Midday (delay increases from 45.3 seconds to 50.5 seconds).

Franklin Avenue and Park Avenue, westbound approach, becomes impacted in all peak hours. In the AM peak, the LOS remains at F (delay increasing from 66.1 seconds to 75.1 seconds). In the Midday, the delay increases from LOS E (48.8 seconds) to LOS F (62.4 seconds). In the PM, the eastbound and westbound approaches would be impacted. The eastbound approach would remain LOS D (delay increasing from 31 seconds to 36.4 seconds) and the westbound approach would remain at LOS E (the delay increasing from 43.1 seconds to 48 seconds).

Bedford Avenue and Park Avenue, eastbound approach, would be impacted in all peak hours. The LOS would worsen from LOS D to LOS E (delay increasing from 33.1 seconds to 42.5 seconds) in the AM, from LOS D to LOS E (delay increasing from 33.7 seconds to 41.6 seconds) in the Midday and, in the PM, the LOS would remain at LOS F (delay increasing from 94.2 seconds to 125.6 seconds).

Myrtle Avenue and Bedford Avenue, westbound approach, would remain at LOS E (delay would increase from 50.7 seconds to 59.8 seconds) in the AM peak hour.

Unsignalized Intersections

Three unsignalized intersections would be impacted.

Park Avenue and Skillman Street, northbound approach, during the AM peak hour the LOS would worsen from D to E (delay increasing from 22.2 seconds to 30.1 seconds). During the PM peak hour the LOS would remain at D (delay increasing from 20.8 seconds to 28.7 seconds).

Myrtle Avenue and Skillman Street, northbound approach, would remain at LOS D (delay increasing from 20.3 seconds to 26.4 seconds) in the PM peak hour.

Wythe Avenue and Wallabout Street, westbound approach, would remain at LOS E (delay increasing from 34.3 seconds to 41.4 seconds).

Theses significantly impacted approaches could be mitigated by retiming traffic signals and/or changing the on-street parking regulations to allow for extra moving lanes (see "Mitigation" section below).

Traffic conditions during an interim analysis year of 2004 were analyzed to determine whether any significant impacts would occur prior to the full build-out in 2009. Significant impacts would occur at four locations in 2004 requiring mitigation prior to the full build-out year of 2009.

The intersection of Flushing Avenue and Williamsburg Place would be at LOS F, the delay increasing from 73.8 seconds to 88.7 seconds in the AM. In the Midday, the delay increases from 81.4 seconds to 88.6 seconds, and in the PM, the delay increases from 73.7 seconds to 96.0 seconds.

The Park Avenue and Franklin Avenue intersection would be impacted at the westbound approach during the AM and Midday peak hours. The delay would increase from 66.1 to 70.6 seconds in the AM, both at LOS F. Midday, the delay would increase from 48.8 seconds to 55.2 seconds, the LOS remains at E.

The Flushing Avenue and Franklin Avenue intersection is only impacted during the Midday peak hour in 2004. The westbound approach would have an increase in delay from 62.8 seconds to 90.7 seconds, with an LOS F under both conditions.

At Park Avenue and Bedford Avenue, the delay at the eastbound approach would increase from 94.2 seconds to 111.0 seconds in the PM peak hour. The LOS would be F under both conditions.

The remaining intersections that are impacted in 2009 would not be impacted during 2004.

Parking

The study area contains only on-street parking; there are no off-street public parking facilities in the study area. On-street parking capacity is approximately 1,007 spaces at midday and 1,011 spaces overnight, and is generally permitted along most roadways in the study area in accordance with parking regulations and space constraints. Current parking utilization pattern peaks are at approximately 70 percent during the midday (12 to 2 PM) time period, and falls to approximately 43 percent during the night (8 to 9 PM) time period. The overnight parking utilization, which is when the demand for parking by the new residents would be greatest, is estimated to be approximately 36 percent, yielding 647 available spaces out of 1,011 total curbside parking spaces. The total increase in midday parking demand due to the proposed project would be 92 vehicles with the utilization increasing to 90%, and the overnight demand would increase by 368 vehicles (utilization increasing from 54% to 90%). There would be 97 available parking spaces in the midday and 98 spaces overnight. Therefore, no significant adverse parking impacts are expected to result from project implementation.

Subway

The proposed rezoning area is located within a short walking distance of two subway stations on the IND G crosstown line, Flushing Avenue and Myrtle-Willoughby Avenues. These two stations, which are approximately one-third of a mile apart, are lightly used. In terms of annual subway registrations (1997), of the 425 station complexes in the NYC Transit subway system, Myrtle-Willoughby Avenues ranked 339 and Flushing Avenue ranked 392. The proposed project is expected to generate 334 subway trips in the AM and 394 subway trips in the PM. In the AM peak hour, 194 project trips are expected to use the Flushing Avenue station, and 140 people in the new dwelling units would use the Myrtle-Willoughby Avenues station. In the PM peak hour, the number of people using the Flushing Avenue station would increase by 229, and the number of people using the Myrtle-Willoughby Avenues station would increase by 165. All station elements will continue to operate at LOS A, therefore, the proposed action would not result in any significant impacts on the subway facilities.

Buses

The proposed actions would add a total of approximately 334 and 394 trips to local bus routes serving the area during the AM and PM peak hours, respectively. These incremental bus trips were distributed to the five bus lines that travel through the area evenly. The Traffic and Transportation section shows there would be impacts on the B54 bus route in the AM and PM peak hours, and the B57 route during the PM peak hour. As standard practice, New York City Transit continuously monitors bus transit ridership in peak and off-peak periods and adjusts frequency of service to comply with their service standards. Therefore, no project-sponsored mitigation is required for the proposed project.

Pedestrians

Due to a low level of pedestrian activity in the study area there is substantial maneuverability available to pedestrians. Hence, pedestrian studies did not appear warranted and were not conducted. Significant adverse impacts are not anticipated.

Air Quality

The proposed action would not result in significant adverse mobile source or stationary source air quality impacts.

To assess the effect of project related traffic on air quality, carbon monoxide concentrations with the proposed project were determined at three analysis intersections: Flushing Avenue/BQE On/Off Ramps/Williamsburg Place; Flushing Avenue and Bedford Avenue; and Flushing Avenue and Franklin Avenue. Based on those measurements, the proposed actions would not result in either violations of the carbon monoxide standards or exceedances of the de minimus criteria.

Stationary sources of air pollution were also assessed to determine the effects of the proposed actions. Development associated with the proposed actions would not cause any significant stationary source impacts from the on-site heating, ventilation, or air conditioning systems.

Noise

The proposed action would not result in significant adverse mobile source or stationary source noise impacts. Project-generated traffic would not significantly increase noise levels. However, the proposal would result in the placement of sensitive receptors (residents) in areas with high levels of existing ambient noise. To preclude the potential for significant adverse impacts, (E) designations for noise, which would require window/wall attenuation and alternate means of ventilation, have been incorporated into the proposed action. The (E) designation would ensure that interior noise levels do not exceed 45 dB(A). The (E) designations would be placed on the zoning map and would be binding on all future development on the affected blocks and lots. The text of the (E) designation is presented in the noise chapter.

The (E) designations for noise would be placed on the following sites:

Sites Receiving (E) Designations Requiring 30 dBA of Noise Attenuation							
Projected Development Sites				Potential Development Sites			
Block #	Lot #	Site #	Noise Receptor	Block #	Lot #	Site #	Noise Receptor
2239	8	1	R2	2239	20	46	R2
2264	4	15	R10	2240	1,6	47	R2
				2240	9	48	R2
Sites Receiving (E) Designations Requiring 35 dBA of Noise Attenuation							
Projected Development Sites				Potential Development Sites			
Block #	Lot #	Site #	Noise Receptor	Block #	Lot #	Site #	Noise Receptor
2262	20,22	3	R7	2223	15	40	R1
2262	30,32	4	R7	2223	19	41	R1
2262	38	5	R7	2223	23	42	R1
2262	44	6	R7	2235	1	44	R7
2264	44	14	R9	2262	1,4,7,4 8	43	R7
2264	46,47,48 , 49,50	10	R9	2263	8	45	R7
2264	54,55	11	R9	2264	42	50	R9
2264	61	12	R9	2264	57,59	51	R8
				2264	1	52	R8

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To ensure an acceptable interior noise environment, future residential uses would be required to provide a closed window condition with a minimum of either 30 or 35 dB(A) window/wall attenuation, as described in Table O-6 in the FEIS, to maintain an interior noise level of 45 dB(A). To maintain a closed window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation include, but is not limited to, central air conditioning or

air conditioning sleeves containing air conditions, or U.S. Department of Housing and Urban Development (HUD) approved fans.

In addition to the sites noted above, several development sites are located within the proposed mixed-use district. The mixed-use district regulations require noise attenuation that would ensure that the sites would not be subject to excessive levels of noise. (E) designations would therefore not be needed for these sites.

Construction Impacts

As with all construction projects, new development which might occur as a result of the proposed actions would cause increases in traffic, fugitive dust, emissions from equipment and vehicles, and noise. However, although these construction conditions may be a source of annoyance, they would be temporary. Fiscal benefits during construction activity would include jobs and direct and indirect economic activity.

ALTERNATIVES TO THE PROPOSED ACTION

No Action Alternative

In the no action scenario this area would continue to be designated for manufacturing uses, which would not permit the vacant and underutilized land in the area to be redeveloped for residential uses. The development of new manufacturing is unlikely within the foreseeable future.

Under the No Action Alternative, new residential projects under development would be completed and occupied. Existing manufacturing zoning would stay in place. Sites that are presently vacant or underutilized could be the subject of additional variance requests.

Under the no action alternative, the significant adverse secondary residential displacement impacts that could result from the proposed action would not occur. Many of the measures that could partly mitigate the impacts (e.g., the development of new housing as a result of City and private initiatives), however, would occur absent the proposed action.

The increase projected in the residential population under the No Action Alternative would place very little additional demand on the open space resources or existing community facilities in the study area including, public schools, hospitals, public libraries, day care centers, police and fire protection and therefore would not substantially exacerbate the existing conditions.

The no action alternative would not result in shadow impacts or historic resource impacts. Existing urban design conditions are generally expected to remain. The area is generally

expected to remain characterized by a mix of land uses, including auto-related and light industrial uses at low density, vacant sites and open uses including junk yards, accessory vehicle storage and residences.

Under the no action alternative, hazardous materials issues similar to those identified in the existing condition analysis would remain.

Under the no action alternative, the minimal effects generated by the proposed action with respect to the city's water supply, treatment of wastewater, and management of storm water, solid waste and sanitation services would not occur. Also, the minor increases in energy consumption that would result from action-induced development would not occur.

Under the no-action alternative, construction activities associated with action-induced development would not occur. Overall, developments resulting from as-of-right development of commercial and industrial buildings and some residential development as a result of BSA variances would occur at less bulk and density than development under the proposed action, lessening the duration of construction projects and therefore the potential for impacts.

Under the no-action alternative, the resultant project traffic impacts (six intersections, four signalized and two un-signalized in the weekday AM and PM peak hours, and five signalized intersections in the weekday midday peak hour) would not occur. The no-action alternative would have adequate on-and off-street parking and would result in any significant adverse impacts to the subway or pedestrian systems.

The no-action alternative was analyzed for year 2009 for three selected intersections in the air quality section of the EAS. The highest 8-hr CO (Carbon Monoxide) concentration is 7.2 ppm during the afternoon peak hour at Flushing Avenue/BQE On-/Off Ramps/Williamsburg Place with no violation of the 9 ppm threshold and no air quality impacts are expected. The highest no-build noise increment is 0.8 dBA at Receptor 4 (Spencer Street between Park Avenue and Myrtle Street) during the morning peak hour. This increment is well below threshold at which noise impacts could occur.

R6 and M1-2/R6 Alternative

An alternative proposal which would rezone the primary study area from M1-1, M1-2 and M3-1 to R6 north of Flushing Avenue and M1-2/R6 south of Flushing Avenue has been analyzed, producing similar, but less dense, development than the proposed action. The R6 alternative would result in 36 projected development sites (three less than the proposed action) with 688 new dwelling units (based on the maximum FAR's permitted under Quality Housing provisions). In addition, thirty-seven potential development sites were identified which, though less likely to be developed than the projected sites, would become developable under the proposed action. Due to the large number of sites available to accommodate induced development, and to provide

a conservative assessment of the potential for density-related environmental impacts, the overall magnitude of development which was assessed was increased by fifteen percent (104 dwelling units). This results in total development projection of 792 dwelling units.

This alternative would have similar effects as the proposed action on land use, zoning, and public policy, although the beneficial effects with respect to land use would be somewhat less.

This alternative would result in the same general socioeconomic effects as the proposed action, although the effects would be somewhat diminished due to the lesser amount of projected residential development. Under this scenario, 432 fewer units of new housing would be added to the rezoning area. The beneficial socioeconomic impacts that an increased housing supply could produce would therefore be less compared to the effects of the proposed action. The effects of the alternative on secondary residential displacement would also be weaker compared to those of the proposed action, but would still be considered significant and adverse. The measures that would partially mitigate displacement impacts of the proposed action would also partially mitigate the impacts of this alternative.

Existing conditions in the open space study area are highly deficient in active and open space resources. The overall effects of this alternative on open space resources would generally be the similar, although slightly lower than the effects of the proposed action. Under this alternative, the proposed action and its impact on open space would constitute an unmitigated adverse impact.

The projected population increase in the R6 and M1-2/R6 alternative is lower than in the proposed action and would place a lesser demand on community facilities and services.

Under the R6 and M1-2/R6 alternative, building heights are projected to be below 50 feet and therefore no shadow impact is anticipated.

Like the proposed action, this alternative would not result in significant adverse impacts to architectural resources.

The effects of the alternative on archaeological resources would be the same as those of the proposed action. The alternative could result in significant adverse unmitigated impacts on the same sites as the proposed action.

Similar to the proposed action, the R6 and M1-2/R6 alternative could result in the construction of larger structures and different building types than characterize the subarea or are permitted by existing zoning. Although the projected development under this alternative would be 40 to 50 feet in height as compared to 50 to 70 feet in the proposed action, the urban design effect of this alternative are not substantially different from those of the proposed action. The R6 and R6/M1-2 alternative would permit the development of many new residential buildings on currently vacant or underutilized properties, although at slightly less bulk than the proposed action. Active

industry would likely continue to be a strong presence within the mixed use zoning district.

The effects of the R6 and M1-2/R6 alternative with respect to hazardous material issues is expected to be identical to those of the proposed action. Under this alternative, however, an (E) designation would not be needed for Block 1743, Lot 7, which is not anticipated for development under the R6 development scenario.

Under the R6 and M1-2/R6 alternative, development would occur at less bulk and density than with the action-induced development. The effects with respect to the city's water supply, treatment of wastewater, management of stormwater, solid waste and sanitation services would be somewhat less than the action-induced development, and would not result in significant adverse impacts. Likewise, under the R6 and M1-2/R6 alternative energy consumption would be somewhat less than the action induced development, resulting in no adverse impacts.

Under the R6 and M1-2/R6 alternative, development would occur at less bulk and density than with the action-induced development, with fewer development sites. Like the proposed action, construction impacts are not expected.

This alternative would generate approximately two-thirds of the vehicular trips generated by the proposed project and would have similar, but lesser impacts to those locations with the proposed project. This alternative would have significant traffic impacts at the following intersections: Flushing Avenue/Williamsburg Place (AM, midday and PM peak hours), Park /Franklin Avenues (AM and midday peak hours), Park/Bedford Avenues (AM, midday and PM peak hours), Flushing/Franklin Avenues (midday peak hour), Myrtle/Bedford Avenues (AM peak hour) and for un-signalized intersections, Park Avenue/ Skillman Street (AM and PM peak hours), Myrtle Avenue /Skillman Street (PM peak hour) and Wallabout Street/Wythe Avenue (AM peak hour). The intersections with significant traffic impacts would be mitigated with similar, but smaller mitigation measures, as the proposed action.

Neither the R6 and M1-2/R6 alternative nor the proposed action would result in any significant adverse impacts to the parking, subway or pedestrian systems. The proposed project's impacts on the westbound B54 bus in the AM peak hour would not occur under the R6 and M1-2/R6 alternative, however, during the PM peak hour, the eastbound B54 and B57 buses would continue to operate with a smaller capacity deficit than the proposed project.

Like the proposed action, the R6 and M1-2/R6 alternative would not result in mobile source air quality impacts. With respect to stationary source emissions, the effects of the alternative would be slightly different due to the reduced density and lower building heights, but like the proposed action would not result in significant adverse impacts.

Since the R6 and M1-2/R6 alternative Scenario would generate less traffic, the noise increase during this alternative would be lower than the proposed action.

Under the R6 and M1-2/R6 Alternative Scenario, (E) designations for noise would be required on three fewer sites compared to the proposed action. Under the R6 alternative, the three sites (15, 33 and 35) are no longer identified for development.

No Impact Alternative

It is the City's practice to include whenever feasible, a "No-Impact" alternative that avoids, without the need for mitigation, all significant environmental impacts of the proposed action. It was determined, after analysis, that there is no such No-Impact alternative that is consistent with City policies.

MITIGATION

Socioeconomic Conditions – Secondary Residential Displacement

Subsequent to the issuance of the DEIS, the Department has developed additional mitigation measures to address the potential for secondary residential displacement impacts. In response to comments received on the DEIS, and in consultation with the New York City Department of Housing Preservation and Development (HPD), a group of interrelated measures have been identified that would provide additional partial mitigation of this impact.

The DEIS identified an extensive amount of existing government-assisted housing in Community Districts 1 and 3 which provides an existing resource for the population of the rezoning area potentially subject to displacement pressures. (See Appendix C.) The DEIS also described the planned construction of over 3,500 new publicly assisted units of housing in the two community planning districts over the analysis period. The purpose of the additional mitigation measures described below is to provide potentially affected residents with enhanced opportunities to obtain low-income housing resources; to expand the range of housing resources available to them; to ensure that they are able to access these resources with the assistance of a community-based provider; and to establish a monitoring mechanism which will ensure a continuing City attention to issues of secondary displacement. The new measures are as follows:

Enhanced and Expanded Community Preference: Under current program design, 30% of all new housing units in HPD projects to be located in Community District Boards 1 and 3 are set aside for residents of those Community Districts, thereby already giving residents potentially affected by secondary displacement a preferential access to such units. Under the proposed mitigation developed in consultation with HPD, residents within the census tracts of the secondary displacement area (Blocks 2241, 2245, 2249, 2265, 2268, 2232, 2236, 2240, 2244, 2248, 2264, 2231, 2235, 2239, 2263, 2262, 2223, 2216, 2260, 261, 1882, 1883, 1884, 1885, 1886, 1715, 1716, 1897, 1898, 1899, 1900, 1734, 1735, 1913, 1914, 1750, 1751, 1752, 1753)

would receive expanded eligibility for the 30% community district residency preference for any low income housing project developed by HPD for which they qualify, in Brooklyn Community District Boards 1, 2 and 3. To illustrate: a resident of Community District 3 within these census tracts would enjoy the preference with respect to new low-income units to be located not just in Community District 3, but Community Districts 1 and 2 as well. In addition, the Community Preference concept would be expanded to include not just newly constructed units, but also units in existing HPD housing which become available through vacancy turnover. It is estimated that residents within the census tracts for the secondary displacement area would thereby enjoy a preference with respect to approximately 1,090 units over a ten-year period, as set forth in Table V.A-6.

Neighborhood Preservation Services: HPD will contract with a locally-based not-for-profit entity with experience and expertise in affordable housing services to provide neighborhood residents with services to link them with HPD housing resources and to identify potential relocation resources for the displaced tenants. In particular, the contractor will familiarize residents with the Enhanced and Expanded Community Preference and assist them in participating in that system. The contract would commence in 2002.

Secondary Displacement Task Force: HPD and the Department of City Planning will form a Flushing-Bedford Secondary Displacement Task Force to monitor any secondary displacement on an on-going basis and make recommendations to the Mayor for further measures, as needed. The Task Force would include local representation and would allow the City to adjust its response to any secondary displacement effects, as they occur. The Task Force would continue in existence for ten years, unless its members submit to the Mayor a report determining that secondary displacement effects are not occurring and that there is no reasonable likelihood that they will occur.

Traffic and Transportation

The proposed project is expected to result in traffic impacts at four signalized intersections under 2004 build conditions, six signalized, and three unsignalized intersections in the full build-out year of 2009. The proposed mitigation measures would attempt to return the impacted locations' LOS to acceptable mid-LOS D, or to the conditions without the proposed project (No Build) or better. The following summarizes the proposed mitigation measures at each impacted intersection, and shows that all impacts are mitigated.

2004 Build Conditions:

Flushing Avenue at Williamsburg Place: This intersection would require signal timing changes and a parking prohibition. The transfer of two (2) seconds of green time from southbound Williamsburg Place to east and westbound Flushing Avenue in the AM peak hour, and prohibiting parking on Williamsburg Place within 150 feet of the intersection to allow a left/through lane, a through lane, and a right turn lane. The Midday and PM peak hour

mitigation measures would require the transfer of one (1) second, and three (3) seconds, respectively, from Williamsburg Place to Flushing Avenue with the same parking prohibitions as in the AM. This mitigation measure would reduce the AM westbound left turn delay from 88.7 seconds ($V/C = 1.098$) under 2004 Build conditions to 72.6 seconds ($V/C = 1.062$) with mitigation. In the Midday, the westbound left turn delay would be reduced from 88.6 seconds ($V/C = 1.112$) under 2004 Build conditions to 76.4 seconds ($V/C = 1.086$) with mitigation. The mitigation measure would reduce the PM westbound left turn delay from 96.0 seconds ($V/C = 1.114$) to 71.5 seconds ($V/C = 1.060$). The LOS would remain at F in all peak hours; however, all impacts due to the project in 2004 would be eliminated.

Flushing Avenue at Franklin Avenue: The mitigation measure at this intersection during the Midday would require a reallocation of two (2) seconds of green time from southbound Franklin Avenue to east/west Flushing Avenue. The delay would be decreased from 90.7 seconds ($V/C = 1.118$ and LOS F) under 2004 Build conditions to 56.1 seconds ($V/C = 1.036$ and LOS E) with this mitigation measure, eliminating the impacts.

Park Avenue at Franklin Avenue: This intersection would be mitigated with a transfer of one (1) second of green time from southbound Franklin Avenue to eastbound/westbound Park Avenue during the AM and Midday peak hours. The delay at the westbound approach would be reduced from 70.6 seconds ($V/C = 1.076$) under 2004 Build conditions to 61.5 seconds ($V/C = 1.053$) under 2004 mitigation conditions in the AM, with the LOS remaining at F, and the delay would be reduced from 55.2 seconds ($V/C = 1.017$) under 2004 Build conditions to 45.1 seconds ($V/C = 0.981$) after mitigation in the Midday (with the LOS remaining at E).

Park Avenue at Bedford Avenue: This intersection would require the transfer of two (2) seconds from northbound Bedford Avenue to Park Avenue (east-west) to be fully mitigated in the PM peak hour in 2004. The delay on the eastbound approach would be reduced from 111.0 seconds ($V/C = 1.135$, and LOS F) to 87.2 seconds ($V/C = 1.087$, and LOS F) with mitigation in 2004.

2009 Build Conditions

SIGNALIZED INTERSECTIONS

Flushing Avenue at Williamsburg Place: Mitigation measures would include the parking prohibition on the southbound Williamsburg Place for 150 feet to allow three lanes-through-left, through and right lanes for all peak hours, as also proposed for mitigation for interim 2004 build year. Total of four (4) seconds of green time (including two seconds for interim 2004) would have to be reallocated from southbound Williamsburg Place to eastbound/westbound Flushing Avenue in the AM peak hour. The Midday peak hour would require the reallocation of two (2) second of green time (including one second for interim 2004) from Williamsburg Place to Flushing Avenue, and the PM peak hour would require four (4) seconds of green time (including three seconds for interim 2004) be reallocated from Williamsburg Place to Flushing Avenue.

The effect of this mitigation would be a reduction in the AM westbound left turn delay on Flushing Avenue from 106.2 seconds ($V/C = 1.135$ and LOS F) under 2009 Build conditions to 71.4 seconds ($V/C = 1.062$, and LOS F) after mitigation. The Midday peak hour westbound left turn delay would be reduced from 95.9 seconds ($V/C = 1.127$, and LOS F) under 2009 Build conditions to 72.0 seconds ($V/C = 1.077$, and LOS F) under mitigation. The PM westbound left turn delay would decrease from 110 seconds ($V/C = 1.142$, and LOS F) to 73.7 seconds ($V/C = 1.068$, and LOS F).

Flushing Avenue at Franklin Avenue: Mitigation at this location would require the reallocation of three (3) seconds of green time (including two seconds for interim 2004) in the Midday and one (4) seconds of green time in the PM from southbound Franklin Avenue to eastbound/westbound Flushing Avenue. The result of these changes would be the westbound delay decreasing from 103.4 seconds ($V/C = 1.154$, and LOS F) to 55.6 seconds ($V/C = 1.036$, and LOS E) in the Midday and from 33.7 seconds ($V/C = 0.902$, and LOS D) to 31.5 seconds ($V/C = 0.886$, and LOS D) in the PM, thereby eliminating the impacts.

Flushing Avenue at Nostrand Avenue: Reallocation of one (1) second of green time from southbound Nostrand Avenue to eastbound/westbound Flushing Avenue would mitigate this intersection in the Midday. The delay decreases from 50.5 seconds ($V/C = 1.015$, and LOS E) under 2009 Build conditions at the eastbound approach to 43.8 seconds ($V/C = 0.992$, and LOS E) after mitigation.

Park Avenue at Franklin Avenue: Transferring one (1) second of green time (same for interim 2004) from southbound Franklin Avenue to eastbound/westbound Park Avenue would mitigate this intersection in the AM peak hour. In the Midday peak hour, a two (2) seconds of green time (including one second for interim 2004) transfer from southbound Franklin Avenue to eastbound/westbound Park Avenue would mitigate the impacts. Also during the PM peak hour, a two (2) seconds of green time transferring from southbound Franklin Avenue to eastbound/westbound Park Avenue would mitigate the impacts. The results are that in the AM peak hour, the delay at the westbound approach would decrease from 75.1 seconds ($V/C = 1.087$, and LOS F) under Build conditions to 65.8 seconds ($V/C = 1.065$, and LOS F) under 2009 Build conditions with mitigation, in the Midday the delay would decrease from 62.4 seconds ($V/C = 1.040$, and LOS F) to 41.5 seconds ($V/C = 0.968$, and LOS E), and in the PM the delay would decrease from 48 seconds ($V/C = 0.996$, and LOS E) to 37.7 seconds ($V/C = 0.956$, and LOS D). And the delay at the eastbound approach would decrease from 36.4 seconds ($V/C = 0.945$, and LOS D) to 29.7 seconds ($V/C = 0.907$, and LOS D) in the PM. Impacts would be eliminated with the changes.

Park Avenue at Bedford Avenue: At this intersection, mitigation would call for a reallocation of four (4)seconds of green time from northbound Bedford Avenue to east and westbound Park Avenue, in the AM, two (2) seconds of green time in the Midday, and three (3) seconds of green time (including two seconds for interim 2004) in the PM peak hour. These mitigation measures would result in a reduction of the eastbound AM delay on Park Avenue from 42.5 seconds (V/C

= 0.905, and LOS E) to 31.6 seconds ($V/C = 0.822$, LOS D), the eastbound Midday delay would be reduced from 41.6 seconds ($V/C = 0.941$, LOS E) to 32.2 seconds ($V/C = 0.886$, LOS D), and the eastbound PM delay would be reduced from 125.6 seconds ($V/C = 1.162$, LOS F) to 87.3 seconds ($V/C = 1.089$, and LOS F). Impacts would be eliminated with the changes.

Myrtle Avenue at Bedford Avenue: At this intersection, the mitigation would involve a signal timing adjustment resulting in the reallocation of two (2) seconds of green time from the northbound Bedford Avenue to the eastbound/westbound Myrtle Avenue during the AM peak hour. This mitigation would reduce the westbound delay from 59.8 seconds ($V/C = 1.036$, and LOS E) to 48.9 seconds ($V/C = 1.001$, and LOS E), eliminating the traffic impacts.

UNSIGNALIZED INTERSECTIONS

Park Avenue at Skillman Street: Mitigation at this unsignalized intersection would call for the parking prohibition on the northbound Skillman Street for 150 feet on the western curb to allow a marked left turn lane from northbound to westbound Park Avenue. The delay would then be decreased at the northbound approach in the AM from 30.1 seconds (LOS E) to 24.5 seconds (LOS D) on the left turn movement and 14.8 seconds (LOS C) on the through/right turn movement with the total northbound approach delay being at 18.8 seconds (LOS C). In the PM, the delay would be decreased from 28.7 seconds (LOS D) to 21.2 seconds (LOS D) for the left turn movement and 16.5 seconds (LOS C) for the through/right turn movement with the total northbound approach delay being at 18.1 seconds (LOS C). A traffic signal would not be warranted as a mitigation measure for this intersection, since the proposed day-lighting would eliminate traffic impacts at this intersection.

Myrtle Avenue at Skillman Street: Mitigation at this unsignalized intersection would also call for the parking prohibiting on the northbound Skillman Street for 150 feet on the western curb to allow a dedicated left turn lane from northbound Skillman Street to westbound Myrtle Avenue. The delay would then be decreased at the northbound approach in the PM from 26.4 seconds (LOS D) to 21.6 seconds (LOS D) on the left turn movement and 17.3 seconds (LOS C) on the through/right turn movement with the total northbound approach delay being at 18.7 seconds (LOS C). A traffic signal would not be warranted as a mitigation measure for this intersection, since the proposed day-lighting would eliminate traffic impacts at this intersection.

Wallabout Street at Wythe Avenue: At this unsignalized intersection, the proposed mitigation measure would involve adding a traffic signal. The delay at the westbound approach in the AM would be decreased from 41.4 seconds (LOS E) to 32.1 seconds ($V/C = 0.931$, and LOS D). The proposed traffic signal would mitigate the traffic impact during the AM peak hour, in- addition to improving the level of service during the other peak hours. The traffic signal would be warranted as a mitigation measure for this intersection.

Supplemental air quality analysis were prepared to support the proposed traffic mitigation

measures. Based on the result of these analysis, the proposed project's mitigation measures would not result in air quality impacts. Carbon monoxide (CO) concentrations with the proposed mitigation for the predicted significant traffic impacts indicate that the maximum predicted 1- and 8- hour averages at the analyzed locations were well below the corresponding standards. All the maximum predicted 8-hour CO concentrations with the proposed mitigation measures would be below the applicable National Ambient Air Quality Standards (NAAQS). Therefore, the proposed action with the proposed traffic mitigation would not result in any significant air quality analysis from mobile sources.

UNMITIGATED ADVERSE IMPACTS

Open Space

The proposed action would increase existing and projected open space deficiencies in the open space study area, resulting in significant, adverse indirect open space impacts. Currently, the open space study area contains 0.323 acres of open space per thousand residents, which is well below the city median of 1.5 acres per thousand residents and DCP's goal of 2.5 acres per thousand. In the future without the action, the open space ratio would decrease to 0.295 acres per thousand. In the future with the action, the residential population generated by the proposed action would further reduce the open space ratio to 0.280 acres per 1,000 residents. The decrease in open space availability would constitute a significant adverse impact.

The study area's open space resources are extremely limited. Given the size of the current and projected open space shortfall, the creation of new on-site or public open space would not significantly improve the open space ratio or eliminate the open space impact. In order to achieve the goal of providing 2.5 acres of open space per 1,000 residents, approximately 233 acres of new open space, consisting of 185 acres of passive space and 48 acres of active open space, would need to be added to the study area in the future with the proposed action.

The Department of Parks and Recreation has funded plans to improve several existing open spaces in the study area. These improvements are expected to occur in the future without the proposed action. At this time, there are no additional measures identified that would improve open space conditions in the study area or eliminate action-induced impacts. However, the Department of City Planning has agreed to continue to work with the Department of Parks and Recreation to identify future potential improvements to open space resources in the study area.

Historic Resources – Archaeology

There is a potential for disturbance of archaeological resources on any of the nine projected development sites and nine potential development sites which may be sensitive for nineteenth century archaeological resources. Archaeological resources within the required rear yard

portions of development sites would likely remain undisturbed. However, resources within portions of the development sites where new construction could occur might be destroyed by action-induced development, which would constitute a significant adverse impact. No mitigation measures are feasible, however, because the area to be rezoned is privately-owned, which prevents the City from conducting or requiring an archaeological testing program.

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