

# BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

# Please refer to the attached instructions for guidance on completing this application.

Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment seeks to add or subtract more than an insignificant acreage of property to the BCA, applicants are encouraged to consult with the DEC project team prior to submitting this application.

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION						
Check the appropriate box(es) below based on the nature of the amendment modification(s) requested:						
Amendment to modify the existing BCA (check one or more boxes below):						
Add applicant(s)						
Substitute applicant(s)						
Remove applicant(s)						
Change in name of applicant(s)						
Amendment to reflect a transfer of title to all or part of the brownfield site:						
a. A copy of the recorded deed must be provided. Is this attached? Yes No						
b. Change in ownership Additional owner (such as a beneficial owner)						
c. Pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been submitted prior to a transfer of ownership. If this has not yet been submitted, include the form with this application. Is this form attached?  Yes  No  Submitted on:						
Amendment to modify description of the property(ies) listed in the existing BCA						
Amendment to expand or reduce property boundaries of the property(ies) listed in the existing BCA						
Sites in Bronx, Kings, New York, Queens or Richmond Counties ONLY: amendment to request determination that the site is eligible for tangible property credit component of the brownfield redevelopment tax credit.						
Other (explain in detail below)						
2. REQUIRED: Please provide a brief narrative describing the specific requests included in this amendment: The Amendment is to change the address of the property from 68-78 New Lots Avenue, Brooklyn New York, 11212 to 589 Christopher Avenue (a/k/a 257 Hegeman Avenue), Brooklyn New York, 11212						

SECTION I: CURRENT AGREEMENT INFORMATION  This section must be completed in full. Attach additional pages as necessary.						
BCP SITE NAME: Ebenezer Plaza 2 BCP SITE CODE: C224241						
NAME OF CURRENT APPLICANT(S): Ebenezer Plaza Owner Phase II LLC						
INDEX NUMBER OF AGREEMENT: C224241-10-16	DATE OF ORIC	SINAL AGREEMENT: 01/10/2017				

TO THE PROPERTY OF THE PARTY.	ION II: NEW REQUESTOR IN lete this section only if adding		or the name of an existing	requestor h	as cha	anged.	
NAME							
ADDR	ESS:						
CITY/	TOWN:			ZIP COD	E:		
PHON	E:	EMAIL:		÷			
REQU	ESTOR CONTACT:						
ADDR	ESS:						
CITY/	TOWN:			ZIP COD	E:		
PHON	E:	EMAIL:					
REQU	ESTOR'S CONSULTANT:		CONTACT;				
ADDR	ESS:			5 <sup>11</sup> 0			
CITY/	TOWN:			ZIP COD	E:		
PHON	IE:	EMAIL:					
REQU	JESTOR'S ATTORNEY:		CONTACT:				
ADDR	ESS:			_			
CITY/	TOWN:			ZIP COD	E:		
PHON	IE:	EMAIL:					
						Υ	N
1.						$\cup$	$\cup$
2. If the requestor is a corporation, LLC, LLP, or other entity requiring authorization from the NYS Department of State (NYSDOS) to conduct business in NYS, the requestor's name must appear exactly as given above in the NYSDOS Corporation & Business Entity Database. A print-out of entity information from the NYSDOS database must be submitted with this application. Is this print-out attached?					0		
3.	3. Requestor must submit proof that the party signing this application and amendment has the authority to bind the requestor. This would be documentation showing the authority to bind the requestor in the form of corporate organizational papers, a Corporate Resolution or an Operating Agreement or Resolution for an LLC. Is this proof attached?					0	
4.	If the requestor is an LLC, the this information attached?	e names of the m	nembers/owners must be pr	ovided. Is	N/A	0	0
5.	Describe the new requestor's	s relationship to a	all existing applicants:				

	ION III: CURRENT lete this section onl					l additional pages if nece	ssary	
	r listed below is:		g Applicant		oplicant	Non-Applicant		
OWNE	ER'S NAME:				CONTAC	T:		
ADDR	ESS:							
CITY/	TOWN:				ZIP CODE	Ξ;		
PHON	IE:		EMAIL:					
OPER	ATOR:				CONTAC	T:		
ADDR	ESS:							
CITYI	TOWN:				ZIP CODI	E:		
PHON	IE:		EMAIL:					
Comp If answ	ION IV: NEW REQ lete this section online wering "yes" to any e refer to ECL § 27-	y if adding in of the follow	new requestor(s). ving questions, pl	. Attach addi		s <i>if necessary</i> . information as an attac	:hmei	nt.
							Υ	N
1.	Are any enforcem	ent actions	pending against	the requesto	r regarding	this site?	0	C
2.	Is the requestor p remediation relation				ie investiga	ition, removal or	0	C
3.	Is the requestor so Any questions reg the Spill Fund Add	arding whe				he site? ould be discussed with	0	C
4.	violation of (i) any	provision of enting ECL	f the subject law; Article 27 Title 1	; (ii) any orde 4; or (iv) any	r or determ similar sta	tute or regulation of	0	C
5.	Has the requestor relative to the apparent and any other rele	lication, suc	ch as site name,			lude information ber, reason for denial,	0	C
6.	Has the requestor intentionally tortio contaminants?					l a negligent or esing or transporting or	0	C
7.	treating, disposing	g or transpo rjury, theft, o	rting of contamin or offense agains	ants; or (ii) tl t public adm	nat involves nistration (	as that term is used in	0	C
8.	within the jurisdict	tion of the D	epartment, or su	bmitted a fal	se stateme	al facts in any matter ent or made use of or on submitted to the	0	C

SECTI	ON IV: NEW REQUESTOR ELIGIBILITY INFO	DRMATION (continued)	Y	N			
9.	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?						
10.	Was the requestor's participation in any remederminated by DEC or by a court for failure to sorder?		0	0			
11.	Are there any unregistered bulk storage tanks	on-site which require registration?	$\bigcirc$	$\bigcirc$			
12.		HAT IT IS EITHER A PARTICIPANT OR VOLUN BY CHECKING ONE OF THE BOXES BELOW:	ITEE	R			
	PARTICIPANT	VOLUNTEER					
or (2) is contain result of with the	A requestor who either (1) was the owner of a at the time of the disposal of contamination is otherwise a person responsible for the nination, unless the liability arises solely as a of ownership, operation of or involvement e site subsequent to the disposal of nination.	A requestor other than a participant, income a requestor whose liability arises solely as a recownership, operation of or involvement with the subsequent to the disposal of a hazardous was 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 certification that hazardous waste found at the facility by tall reasonable steps to: (i) stop any continuing dis (ii) prevent any threatened future release; (iii) por limit human, environmental or natural resounce exposure to any previously released hazardous waste.  If a requestor's liability arises solely as a recownership, operation of or involvement with site, they must submit a statement describit they should be considered a volunteer — be specific as to the appropriate care taken.	esult de site este o se es that est to char este est to char est	of er at to ge; ent			
13.	If the requestor is a volunteer, is a statement considered a volunteer attached?	describing why the requestor should be N/A	Š	Q			
14.	Requestor's relationship to the property (chec	k all that apply):					
	Prior Owner Current Owner P	Potential/Future Purchaser Other:		_			
15.	If the requestor is not the current site owner, p complete the remediation must be submitted. have access to the property before being add project, including the ability to place an easen	Proof must show that the requestor will ed to the BCA and throughout the BCP	Y	N			

SECTION V: PROPERTY DESCRIPTION AND REQU Complete this section only if property is being added to change to site SBL(s) has occurred, or if modifying the	or removed fr	rom the site,		or other
Property information on current agreement (as r				f applicable):
ADDRESS: 68-78 New Lots Avenue				
CITY/TOWN Brooklyn			ZIP CODE:	11212
CURRENT PROPERTY INFORMATION	TOTAL ACRE	AGE OF CU	RRENT SITE	: .845
PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
68-78 New Lots Avenue	Brooklyn	3861	1	.845
Requested change (check appropriate boxes be	elow):			
a. Addition of property (may require additional c expansion – see instructions)	itizen participa	ation depend	ing on the nat	ture of the
PARCELS ADDED:			-	
PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
	TOTAL A	ACREAGE TO	O BE ADDED	):
b. Reduction of property				
PARCELS REMOVED:				
PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
	TOTAL ACF	REAGE TO B	E REMOVED	):
c. Change to SBL (e.g., lot merge, subdivision,	address chan	ge)		
NEW PROPERTY INFORMATION:				
PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
589 Christopher Avenue (a/k/a 257 Hegeman Avenue)	Brooklyn	3861	1	.845
3. TOTAL REVISED SITE ACREAGE:845	-			•
4. For all changes requested in this section, docur attachments are listed in the application instruction attached?				Y N

APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT SUPP QUESTIONS FOR SITE SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONL Complete this section only if the site is located within the five counties comprising New York City a requestor is seeking a determination of eligibility for tangible property credits. Provide supporting documentation as required. Refer to the application instructions for additional information.	Y	
documentation as required. Neler to the application instructions for additional information.	Υ	N
1. Is the site located in Bronx, Kings, New York, Queens or Richmond County?	0	0
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	0	0
<ol> <li>Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website for more information.</li> </ol>	0	0
4. Is the property upside down as defined below?	0	0
From ECL 27-1405(31):		
"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.		
5. Is the project and affordable housing project as defined below?	0	0
From 6 NYCRR 375-3.2(a) as of August 12, 2016:		
<ul> <li>(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.</li> <li>(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' household's annual gross income.</li> <li>(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 homeowners at a defined maximum percentage of the area median income.</li> <li>(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.</li> </ul>		

APPLICATION SUPPLEMENT FOR NYC SITES (co	ntinued)	Y	N
6. Is the project a planned renewable energy fac	ility site as defined below?	0	0
From ECL 27-1405(33) as of April 9, 2022:			
"Renewable energy facility site" shall mean re energy system, as defined in section sixty-six- located system storing energy generated from delivering it to the bulk transmission, sub-trans	p of the public service law; or (b) any co- such a renewable energy system prior to		
From Public Service Law Article 4 Section 66-p as	of April 23, 2021:		
(b) "renewable energy systems" means system energy through use of the following technolog and offshore wind, hydroelectric, geothermal tidal energy, wave energy, ocean thermal, and resource in the process of generating electrici	ies: solar thermal, photovoltaics, on land electric, geothermal ground source heat, d fuel cells which do not utilize a fossil fuel		
Is the site located within a disadvantaged come of section nine-hundred-seventy-r of the general components.	e determinations pursuant to subdivision ten	0	0
From ECL 75-0111 as of April 9, 2022:			
(5) "Disadvantaged communities" means compublic health effects, environmental pollution, certain socioeconomic criteria, or comprise highroome households, as identified pursuant to	impacts of climate change, and possess gh-concentrations of low- and moderate-		

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT						
EXISTING AGREEMENT INFORMATION						
BCP SITE NAME: Ebenezer Plaza 2		BCP SITE CODE: C224241				
NAME OF CURRENT APPLICANT(S): Ebenezer Plaza Owner Phase II LLC						
INDEX NUMBER OF AGREEMENT: C224241-10-16	DATE	OF ORIGINAL AGREEMENT 01/10/2017				

## **Declaration of Amendment:**

By the requestor(s) and/or applicant(s) signature(s) below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from obligations held under the Agreement or those same laws.

## STATEMENT OF CERTIFICATION AND SIGNATURES: NEW REQUESTOR

Complete the appropriate section (individual or entity) below only if this Amendment adds a new requestor. Attach additional pages as needed.

Attach additional pages as need	ded.	
(Individual)		
of my knowledge and belief. I amisdemeanor pursuant to section	tion provided on this form and its attachments is m aware that any false statement made herein is on 210.45 of the Penal Law. My signature below the BCA Application, which will be effective upon	s punishable as a Class A constitutes the requisite
Date: Si	ignature:	
Print Name:		
(Entity)		
authorized by that entity to mak supervision and direction; and t complete to the best of my know	(title) of te this application; that this application was prepared that information provided on this form and its attained wledge and belief. I am aware that any false state meanor pursuant to Section 210.45 of the Penal	ared by me or under my achments is true and tement made herein is
	ature below constitutes the requisite approval fo ive upon signature by the Department.	r the amendment to the BCA
Date: Si	ignature:	
Print Name:		

STATEMENT OF CERTIFICATION AND SIGNATURE An authorized representative of each applicant must co- entity) below. Attach additional pages as needed.	ES: EXISTING APPLICANT(S) complete and sign the appropriate section (individual or
(Individual)	
I hereby affirm that I am a party to the Brownfield Clea Section I above and that I am aware of this Application Application. My signature below constitutes the requisi Application, which will be effective upon signature by the	for an Amendment to that Agreement and/or te approval for the amendment to the BCA
Date: Signature:	
Print Name:	
(Entity)	
	enezer Plaza Owner Phase II LLC (entity) which is a party to the erenced in Section I above and that I am aware of this or Application.  Peter Procida's signature ment to the BCA Application, which will be effective
	SE FOR SUBMITTAL INSTRUCTIONS  COMPLETED SOLELY BY THE DEPARTMENT
Status of Agreement:	
PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of contamination 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 contamination.	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 contamination.
Effective Date of the Original Agreement: 01/10/2017	
Signature by the Department:	
DATED: <u>///15/24</u>	NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
	Ву:
	Janet E. Brown, Assistant Director Division of Environmental Remediation

(Filled out by Applicant)  BLOCK 366 (	APPLICATION for ST OFFICE OF THE PRESIDENT OF TOPOGRAPHICAL BUREAU - 209 JORALEMON STREET, ROC TEL: (718) 802-3816	THE BOROUGH OF BROOKLYN STREET NUMBER DIVISION DM 340, BROOKLYN, NY 11201	Sanborn Atlas In  VOL.  PAGE	formation 7 8
Topo Site/Plot Plan	2 14 90 LO	OFFICIAL SI	LHOUSEN HOWN IN RI DING(S)	ED ROOKLYN EAU
APPLICANTS NAME: PADTO COMPANY: PECCE ADDRESS: 1( FI		GNED MUST BE DISPLAYED HOT MIN. CODE; CITY OF NY  FILLED OUT BY TOPO STAFF ASSIGNED BY:  REVIEWED BY: 129/16	DEC (Dated by To	0 9 2016
INSTRUCTIONS TO APPL  1. Check PURPOSE OF APPl  2. Attach appropriate docume  3. NO RED INK/PENCIL ON TO  4. Complete ground/1st floor promoth arrow  - all street names  - dimensions of site  - distance to neares  - location of entrance	LICATION above. Intation as required. IOPO OR DOB FORMS Iolan including the following:	PD-1 application signed by PE or Finances or Finances.  PD-1 application signed by PE or Finances.  PD-1 application signed by PE or Finances.  PD-1 application signed by PE or Finance or PD-1 application signed by PE or Finances.  PD-1 application signed by PE or Finances.	RA RA)  ation of address y of the deed & Scheo sentative is needed)  REQUEST	•

NOTE: THIS FORM MAY BE USED FOR SITES WITH A LOT SIZE OF 5,000 SQUARE FEET. IN AREA OR LESS.

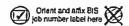
APPLICATIONS FOR SITES WITH A LOT SIZE GREATER THAN 5,000 SQUARE FEET MUST INCLUDE GROUND OR
FIRST FLOOR PLANS (No bigger than 11x17). PLANS ARE ALSO REQUIRED FOR ANY LOT IN WHICH ADDITIONAL
ADDRESSES ARE REQUESTED OR AN ENTRANCE DISCREPANCY. PLANS MUST HAVE ORIGINAL STAMP AND
SIGNATURE OF A NEW YORK STATE PROFESSIONAL ENGINEER (P.E.) OR REGISTERED ARCHITECT (R.A.)

\*\* \$100 fee per house number. (Bank Certified Checks/Money Orders payable to Brooklyn Borough President's Office, Credit/Debit Cards)



# PD-1: Plot Diagram

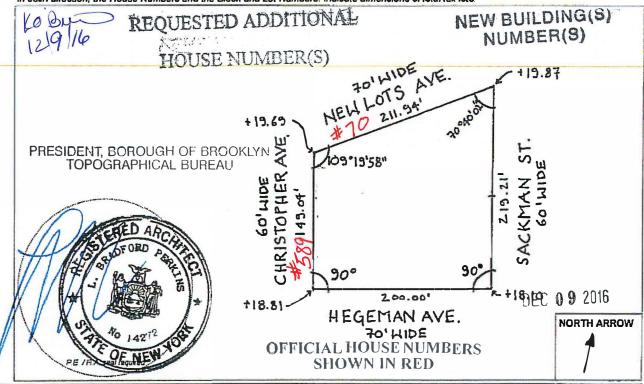
Must be typewritten.



# 1 Location Information House No(s) Street Name CHILSTORHEL AVE Borough BROOKLYN Block 3861 Lot 1 BIN 3327036 C.B. No. 316

# 2 Plot Diagram of Zoning Lot

Plot Diagram must show the correct street lines from the City Plan; the plot to be built upon in relation to the street lines and the portion of the lot to be occupied by the building; the legal grades and the existing grades, properly identified, of streets at nearest point from the proposed buildings in each direction; the House Numbers and the Block and Lot Numbers. Indicate dimensions of total tax lots.



# 3 Description of Land and Premises The zoning lot on which the premises is located is bounded as follows:

BEGINNING at the point on the NORTH		1	side of HEGEMAN STREET		distant		0 feet
of the corner formed by the Intersection of HEGEMAN STREET					and SACKMAN STREET		
running thence	NORTH 219.21 feet	thence	WEST 211.95 feet;	thence	SOUTH 149.12 feet;	thence	EAST 200.00 feet:
thence	feet	thence	feet;	thence	feet;	thence	feet
thence	feet	thence	feet;	thence	feet;	thence	feet.
thence	feet	thence	feet;	thence	feet;	thence	feet,
thence	feet	thence	feet;	thence	feet;		to the point of beginning.

#### 4 Applicant's Statement and Signature

Falsification of any statement is a misdemeanor under § 28-203 1, Item 1, and 28-11.1 of the NYC Administrative Code and is punishable by a fine or imprisonment, or both. It is unlawful to give to a city employee, or for a city employee to accept, any benefit, monetary crothenwise, either as a gratuity for properly performing the job or in exchange for special consideration. Violation is punishable by imprisonment or fine or both.

Applicant Name BRADFORD PERKINS

Signature

Date 7 067 100

