



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

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

☐

Yes

☒

No

If yes, provide existing site number: _____

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

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #:

NAME 85 Jay Street (Brooklyn), LLC

ADDRESS 666 Fifth Avenue, 15th Floor

CITY/TOWN New York

ZIP CODE 10103

PHONE 212-527-7000

FAX 212-527-7007

E-MAIL bcurtiss@kushnercompanies.com

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

☒

Yes

☐

No

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

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

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

Section II. Project Description

1. What stage is the project starting at?

☒

Investigation

☐

Remediation

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

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

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

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

Section III. Property's Environmental History

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

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

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

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

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

*Please describe: _____

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

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

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

☒ Yes ☐ No

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

- | | | | |
|---|---|---|--|
| <input type="checkbox"/> Coal Gas Manufacturing | <input checked="" type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input type="checkbox"/> Dry Cleaner |
| <input type="checkbox"/> Salvage Yard | <input type="checkbox"/> Bulk Plant | <input type="checkbox"/> Pipeline | <input type="checkbox"/> Service Station |
| <input type="checkbox"/> Landfill | <input type="checkbox"/> Tannery | <input type="checkbox"/> Electroplating | <input type="checkbox"/> Unknown |

Other: lead smelting, electrical substation, corroding beds

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME 85 Jay Street (Brooklyn), LLC				
ADDRESS/LOCATION 85 Jay Street				
CITY/TOWN Brooklyn		ZIP CODE 11201		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Brooklyn				
COUNTY Kings County		SITE SIZE (ACRES) 3.1		
LATITUDE (degrees/minutes/seconds) 40 ° 42 ' 6.78 "		LONGITUDE (degrees/minutes/seconds) 73 ° 59 ' 9.06 "		
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.
85 Jay Street			54	1
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach a metes and bounds description of the property.				
2. Is the required property map attached to the application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map)				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, identify census tract : _____ Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input type="checkbox"/> 100%				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				

Section IV. Property Information (continued)

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

Easement/Right-of-way Holder

Description

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

Type

Issuing Agency

Description

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

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

☒ Yes ☐ No

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

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

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

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

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

Initials of each Requestor: _____

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

Section V. Additional Requestor Information See Instructions for Further Guidance		<div style="text-align: right; font-size: small;">DEC USE ONLY</div> BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Ben Curtiss			
ADDRESS 85 Jay Street (Brooklyn), LLC, 666 Fifth Avenue, 15th Floor			
CITY/TOWN New York		ZIP CODE 10103	
PHONE 212-527-7000	FAX 212-527-7007	E-MAIL bcurtiss@kushnercompanies.com	
NAME OF REQUESTOR'S CONSULTANT Marc Godick, AKRF			
ADDRESS 440 Park Avenue South			
CITY/TOWN New York		ZIP CODE 10016	
PHONE 914-922-2356	FAX 212-726-0942	E-MAIL mgodick@akrf.com	
NAME OF REQUESTOR'S ATTORNEY David Yudelson			
ADDRESS Sive, Paget & Riesel, 560 Lexington Avenue, 15th Floor			
CITY/TOWN New York		ZIP CODE 10022	
PHONE 646-378-7219	FAX 212-421-1891	E-MAIL dyudelson@sprlaw.com	
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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

Section VII. Requestor Eligibility Information (continued)

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

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

☐ PARTICIPANT

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

☒ VOLUNTEER

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

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

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

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

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

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

☐ Yes ☐ No

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

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

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

Section IX. Contact List Information

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

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

Section X. Land Use Factors

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

☒ Residential ☒ Commercial ☒ Industrial

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

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

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

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

If residential, does it qualify as single family housing?

☐ Yes ☒ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No

XI. Statement of Certification and Signatures

(By requestor who is an individual)

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

Date: _____


Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Authorized Signatory (title) of 85 Jay Street (Brooklyn), 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: 1/4/2017

Signature: 

Print Name: Ben Cortis

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 5

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> 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.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Underutilized? <input type="checkbox"/> Yes <input type="checkbox"/> No
From ECL 27-1405(31):	
<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 July 1, 2015: (Please note: Eligibility determination for the underutilized category can only be made at the time of application)</p>	
<p>(I) "Underutilized" means, as of the date of application, real property:</p> <p style="margin-left: 20px;">(1) on which a building or buildings, can be certified by the municipality in which the site is located, to have for at least five years used no more than fifty percent of the permissible floor area under the applicable base zoning immediately prior to the application which has been in effect for at least five years;</p> <p style="margin-left: 20px;">(2) at which the proposed development is solely for a use other than residential or restricted residential;</p> <p style="margin-left: 20px;">(3) which could not be developed without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p style="margin-left: 20px;">(4) which is subject to one or more of the following conditions, as certified by the municipal department responsible for such determinations of the municipality in which the site is located:</p> <p style="margin-left: 40px;">(i) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p style="margin-left: 40px;">(ii) contains a building that is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or</p> <p style="margin-left: 40px;">(iii) the proposed use is in whole or in substantial part for industrial uses.</p> <p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, or land purchase cost exemption or waiver, from a governmental entity; or for properties to be developed in whole or in part for industrial uses, a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or a tax credit, from a governmental entity, or a low-cost loan from an industrial fund managed by the municipality and partner financial institutions.</p>	

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

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

☐ Yes ☐ No

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

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

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

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

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

BCP Application Summary (for DEC use only)

Site Name: 85 Jay Street (Brooklyn), LLC
City: Brooklyn

Site Address: 85 Jay Street
County: Kings County

Zip: 11201

Tax Block & Lot

Section (if applicable):

Block: 54

Lot: 1

Requestor Name: 85 Jay Street (Brooklyn), LLC
City: New York

Requestor Address: 666 Fifth Avenue, 15th Floor
Zip: 10103 **Email:** bcurtiss@kushnercompanies.com

Requestor's Representative (for billing purposes)

Name: Ben Curtiss
City: New York

Address: 85 Jay Street (Brooklyn), LLC, 666 Fifth Avenue, 15th Floor
Zip: 10103 **Email:** bcurtiss@kushnercompanies.com

Requestor's Attorney

Name: David Yudelson
City: New York

Address: Sive, Paget & Riesel, 560 Lexington Avenue, 15th Floor
Zip: 10022 **Email:** dyudelson@sprlaw.com

Requestor's Consultant

Name: Marc Godick, AKRF
City: New York

Address: 440 Park Avenue South
Zip: 10016 **Email:** mgodick@akrf.com

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

Requestor's Requested Status: ☒ Volunteer ☐ Participant

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM (BCP)
INSTRUCTIONS FOR COMPLETING A BCP APPLICATION**

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional office](#) to schedule a meeting. To add a party to an existing BCP Agreement and/or Application, use the [BCP Agreement Amendment Application](#). See guidance at the end of these instructions regarding the determination of a complete application.

SECTION I REQUESTOR INFORMATION

Requestor Name

Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information. If an LLC, the members/owners names need to be provided on a separate attachment). The requestor is the person or entity seeking DEC review and approval of the remedial program.

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

Address, etc.

Provide the requestor's mailing address, telephone number; fax number and e-mail address.

Document Certification

All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of [DER-10](#). Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:

- New York State licensed professional engineers (PEs), as defined at 6 NYCRR 375-1.2(a) and paragraph 1.3(b)47. Engineering documents must be certified by a PE with current license and registration for work that was done by them or those under their direct supervision. The firm by which the PE is employed must also be authorized to practice engineering in New York State;
- qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;
- remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or
- site owners, which are the owners of the property comprising the site at the time of the certification.

SECTION II PROJECT DESCRIPTION

As a separate attachment, provide complete and detailed information about the project, including the purpose of the project, the date the remedial program is to start, and the date the Certificate of Completion is anticipated..

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION III

PROPERTY'S ENVIRONMENTAL HISTORY

Please follow instructions on application form.

SECTION IV

PROPERTY INFORMATION

Proposed Site Name

Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e. ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.

Site Address

Provide a street address, city/town, zip code, and each municipality and county in which the site is located. .

Site Size

Provide the approximate acreage of the site.

GIS Information

Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.

Tax Parcel Information

Provide the tax parcel address/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5 minute quad map on which the property appears and clearly indicate the proposed site's location.

1. Tax Map Boundaries

State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.

2. Map

Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.

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SECTION IV (continued)

3. En-zone

Is any part of the property in an En-zone? If so, what percentage? For information on En-zones, please see [DEC's website](#).

4. Multiple applications

Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where 1) the development project spans more than 25 acres; 2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and 3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).

10. Property Description Narrative

Provide a property description in the format provided below. Each section should be no more than one paragraph long.

Location

Example: "The XYZ Site is located in an {urban, suburban, rural} area." {Add reference points if address is unspecific; e.g., "The site is approximately 3.5 miles east of the intersection of County Route 55 and Industrial Road."}

Site Features:

Example: "The main site features include several large abandoned buildings surrounded by former parking areas and roadways. About one quarter of the site area is wooded. Little Creek passes through the northwest corner."

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

Example: "The site is currently inactive, and is zoned for commercial use. The surrounding parcels are currently used for a combination of commercial, light industrial, and utility right-of-ways. The nearest residential area is 0.3 miles east on Route 55."

Past Use of the Site: include source(s) of contamination and remedial measures (site characterizations, investigations, Interim Remedial Measures, etc.) completed outside of the current remedial program (e.g., work under a petroleum spill incident).

Example: "Until 1992 the site was used for manufacturing wire and wire products (e.g., conduit, insulators) and warehousing. Prior uses that appear to have led to site contamination include metal plating, machining, disposal in a one-acre landfill north of Building 7, and releases of wastewater into a series of dry wells."

When describing the investigations/actions performed outside of the remedial program, include the major chronological remedial events that lead to the site entering a remedial program. The history should include the first involvement by government to address hazardous waste/petroleum disposal. Do not cite reports. Only include remedial activities which were implemented PRIOR to the BCA. Do not describe sampling information.

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SECTION IV (continued)

Property Description Narrative (continued)

Site Geology and Hydrogeology:

As appropriate, provide a very brief summary of the main hydrogeological features of the site including depth to water, groundwater flow direction, etc.

Environmental Assessment

The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semivolatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths.

The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SGCs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site.

A typical Environmental Assessment would look like the following:

Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE).

Soil - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the site. Concentrations of cadmium found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).

Groundwater - TCE and its associated degradation products are also found in groundwater at the north end of the site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the site has migrated 300 feet down-gradient off-site. The primary contaminant of concern for the off-site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.

Soil Vapor & Indoor Air - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.

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

SECTION V

ADDITIONAL REQUESTOR INFORMATION

Representative Name, Address, etc.

Provide information for the requestor's authorized representative. This is the person to whom all correspondence, notices, etc. will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative of Applications determined to be Participants unless another contact name and address is provided with the application.

Consultant and Attorney Name, Address, etc.

Provide requested information.

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**SECTION VI CURRENT PROPERTY OWNER/OPERATOR INFORMATION
(IF NOT A REQUESTOR)**

Owner Name, Address, etc.

Provide requested information of the current owner of the property. List all parties holding an interest in the Property and, if the Requestor is not the current owner, describe the Requestor's relationship to the current owner.

Operator Name, Address, etc.

Provide requested information of the current operator (if different from the requestor or owner).

Provide a list of previous property owners and operators with names, last known addresses, telephone numbers and the Requestor's relationship to each owner and operator as a separate attachment

SECTION VII REQUESTOR ELIGIBILITY INFORMATION

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

SECTION VIII PROPERTY ELIGIBILITY INFORMATION

As a separate attachment, provide complete and detailed information in response to the following eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that that information be summarized.

1. CERCLA / NPL Listing

Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.

2. Registry Listing

Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) [website](#) for a database of sites with classifications.

3. RCRA Listing

Does the property have a Resource Conservation and Recovery Act (RCRA) TSDF Permit in accordance with the ECL 27-0900 *et seq*? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.

4. Registry / RCRA sites owned by volunteers

If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

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SECTION VIII (continued)

5. Existing Order

Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.

6. Enforcement Action Pending

Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information on an attachment.

SECTION IX CONTACT LIST INFORMATION

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project.

SECTION X LAND USE FACTORS

In addition to eligibility information, site history, and environmental data/reports, the application requires information regarding the current, intended and reasonably anticipated future land use.

1. This information consists of responses to the "land use" factors to be considered relative to the "Land Use" section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a "brownfield site" pursuant to ECL 27-1405(2).
2. This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

SECTION XI SIGNATURE PAGE

The Requestor must sign the application, or designate a representative who can sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each must sign a signature page.

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DETERMINATION OF A COMPLETE APPLICATION

1. The first step in the application review and approval process is an evaluation to determine if the application is complete. To help ensure that the application is determined complete, requestors should review the list of [common application deficiencies](#) and carefully read these instructions.
2. DEC will send a notification to the requestor within 30 calendar days of receiving the application, indicating whether such application is complete or incomplete.
3. An application must include the following information relative to the site identified by the application, necessary for making an eligibility determination, or it will be deemed incomplete. **(Please note: the application as a whole requires more than the information outlined below to be determined complete).** The application must include:
 - a. for all sites, an investigation report sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data includes site drawings requested in Section III, #3 of the BCP application form.
 - b. for those sites described below, documentation relative to the volunteer status of all requestors, as well as information on previous owners or operators that may be considered responsible parties **and** their ability to fund remediation of the site. This documentation is required for:
 - i. real property listed in the registry of inactive hazardous waste disposal sites as a class 2 site, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP; or
 - ii. real property that was a hazardous waste treatment, storage or disposal facility having interim status pursuant to the Resource Conservation and Recovery Act (RCRA) program, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP.
 - c. for sites located within the five counties comprising New York City, in addition to (a) and if applicable (b) above, if the application is seeking a determination that the site is eligible for tangible property tax credits, sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a). **If this determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion, using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.**
 - d. for sites previously remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law, relevant documentation of this remediation.

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DETERMINATION OF A COMPLETE APPLICATION (continued)

4. If the application is found to be incomplete:
 - a. the requestor will be notified via email or phone call regarding minor deficiencies. The requestor must submit information correcting the deficiency to DEC within the 30-day review time frame; or
 - b. the requestor will receive a formal Letter of Incomplete Application (LOI) if an application is substantially deficient, if the information needed to make an eligibility determination identified in #4 above is missing or found to be incomplete, or if a response to a minor deficiency is not received within the 30-day period. The LOI will detail all of the missing information and request submission of the information. If the information is not submitted within 30 days from the date of the LOI, the application will be deemed withdrawn. In this case, the requestor may resubmit the application without prejudice.
5. If the application is determined to be complete, DEC will send a Letter of Complete Application (LOC) that includes the dates of the public comment period. The LOC will:
 - a. include an approved public notice to be sent to all parties on the Contact List included with the application;
 - b. provide instructions for publishing the public notice in the newspaper on the date specified in the letter, and instructions for mailing the notice to the Contact List;
 - c. identify the need for a certification of mailing form to be returned to DEC along with proof of publication documentation; and
 - d. specify the deadline for publication of the newspaper notice, which must coincide with, or occur before, the date of publication in the Environmental Notice Bulletin (ENB).
 - i. DEC will send a notice of the application to the ENB. As the ENB is only published on Wednesdays, DEC must submit the notice by the Wednesday before it is to appear in the ENB.
 - ii. The mailing to parties on the Contact List must be completed no later than the Tuesday prior to ENB publication. If the mailings, newspaper notice and ENB notice are not completed within the time-frames established by the LOC, the public comment period on the application will be extended to insure that there will be the required comment period.
 - iii. Marketing literature or brochures are prohibited from being included in mailings to the Contact List.

Brownfield Cleanup Program Application Supporting Documentation

PART A

SECTION I. Requestor Information

The NYS Department of State's Corporation and Business Entity Database listing is included as *Attachment A*.

1. Member/Owner:

85 Jay Street (Brooklyn), LLC
% Paracorp Incorporated
2804 Gateway Oaks Dr #200
Sacramento, California, 95833-3509

SECTION II. Project Description

4. Description of Development Project

The 85 Jay Street project site (Site) is located at 85 Jay Street in the Dumbo neighborhood of Brooklyn, New York and is legally defined as Tax Block 54, Lot 1. Historical tax lots at the Site included Lots 4, 12, 19, 22, and 38, which were merged into one tax lot some time before 2009. The Site is approximately 135,000 square feet and is currently a private parking lot enclosed in fencing. The Site is bounded by Front Street to the north, Bridge Street to the east, York Street to the south, and Jay Street to the west. A Site Location map is provided as *Figure 1* in *Attachment B*.

Entry into the BCP would facilitate the cleanup and redevelopment of the Site into the proposed mixed-use development named 85 Jay Street (Brooklyn), LLC. The presence of contamination creates an impediment to the development project, as deep excavation combined with likely hazardous waste handling and disposal will impact construction schedule and costs. The proposed project includes the construction of a 22-story building with a partial or full cellar. The proposed redevelopment consists of parking in the cellar and ground level; commercial space and residences on the first and second stories; and residences on the third through 22nd stories. Community facility uses may be incorporated into the first through fifth stories. The current zoning designation for the Site is M1-2/R6 (light manufacturing and residential) and the Site is in the Special Mixed Use District MX-2. The Special Mixed Use District was established to encourage investment in existing neighborhoods with mixed residential and industrial uses. The proposed use is consistent with the existing zoning for the Site.

The remedial action is planned to begin in May 2017 and the Certificate of Completion (COC) is anticipated to be obtained by December 2018. The preliminary project schedule, shown in *Table 1*, is subject to change.

Table 1
Preliminary Project Schedule

Activity	Time To Complete
BCP Pre-Application Meeting	July 2016
BCP Application and Remedial Investigation Work Plan (RIWP) Submittal to NYSDEC	October 2016

Completeness Review of BCP Application and Completeness Determination	November 2016
30-day Public Comment Period Initiated (Environmental News Bulletin, Newspaper)	November 2016
Execute BCP Agreement	December 2016
RIWP Approval, Citizen Participation Plan Submittal	December 2016
Implement Remedial Investigation	January-February 2016
Remedial Investigation Report and Remedial Action Work Plan (RAWP) Submittal to NYSDEC	March 2017
45-day Public Comment Period Initiated (Environmental News Bulletin, Newspaper)	March-April 2017
RAWP Approval and Decision Document	May 2017
RAWP Implementation	May 2017-June 2018
Site Management Plan Submitted to NYSDEC	June 2018
Final Engineering Report Submitted to NYSDEC	August 2018
Certificate of Completion	December 2018

SECTION III. Property's Environmental History

Figures are included in *Attachment B*.

Figure 1 – Site Location Map

Figure 2 – Site Plan

Figure 3 – Tax Map

Figure 4 – Surrounding Land Use Map

Figure 5 – Zoning Map

Figure 6 – Soil Sample Concentrations Above NYSDEC RRSCOs

Figure 7 – Groundwater Sample Concentrations Above NYSDEC AWQs

1. Environmental Reports

Copies of the following previous investigation reports for the Site are included as *Attachment C (CD-Rom)*

- *Phase I Environmental Site Assessment (ESA), 85 Jay Street, Brooklyn, NY, AKRF, Inc., November 2002.*
- *Phase II Environmental Investigation Report, 85 Jay Street, Brooklyn Heights, Brooklyn, New York, AKRF, Inc., March 2004.*
- *Supplemental Phase II Environmental Site Investigation, 85 Jay Street, Brooklyn, NY, AKRF, Inc., October 2016*

Full back-up information and appendices for the 2002 Phase I ESA and the 2004 Phase II ESI are not available. The 2002 Phase I ESA includes the report text, figures, and historical Sanborn maps. An updated regulatory database search was conducted for the Site and is also included in *Attachment C*. The 2002 Phase I ESA identified CERCLIS listings for the Site, but the updated regulatory database suggests this was either erroneously reported or the listing was later changed to No Further Remedial Action Planned (NFRAP) status and subsequently deleted from the database. The 2004 Phase II Report includes the report text, figures, and summary tables.

Summaries of previous investigations are provided below. The Applicant believes that there is sufficient information to proceed expeditiously with this BCP application. The Applicant, as a Volunteer under the BCP, seeks to enroll in the program to remediate the Site in a timely manner under the oversight of the New York State Department of Environmental Conservation (NYSDEC).

Phase I Environmental Site Assessment (ESA), 85 Jay Street, Brooklyn, NY, AKRF, Inc., November 2002. AKRF performed a Phase I Environmental Site Assessment (ESA) in November 2002 in accordance with ASTM Standard E1527-00, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Practice*, which was the standard at the time. Assessment findings included:

- Historical Sanborn maps identified an over 100-year history of industrial and manufacturing uses at the Site, including a lead works from circa 1887 to 1989, an electrical substation on the western portion of the Site from at least 1904 to 1950, and a smelting company, a brewery, a paper goods factory, and an electrical repair company.
- The Site was listed on the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) with two sites (Bradley White Lead Company and Lenox Smelting) investigated simultaneously. Both facilities were listed as NFRAP after the initial investigation from 1981 to 1987. Nonetheless, the Site may have been impacted by these operations.
- The surrounding area was historically occupied by manufacturing and industrial uses, including a manufactured gas plant (MGP) on the east-adjacent block from circa 1887 to sometime between 1938 and 1950 and a thermoplastic company on the south-adjacent block that was listed in the CERCLIS database with NFRAP status.
- A concrete pad with four steel plates was observed on the southern perimeter of the Site during reconnaissance, which may be associated with the presence or historical presence of underground storage tanks (USTs).

Based on these findings, AKRF recommended conducting a subsurface investigation to determine if soil and/or groundwater contamination was present at the Site.

Phase II Environmental Investigation Report, 85 Jay Street, Brooklyn Heights, Brooklyn, New York, AKRF, Inc., March 2004.

Based on the findings of the November 2002 Phase I ESA, AKRF conducted a subsurface investigation at the Site. The scope of work included the collection and laboratory analysis of 12 soil samples and 5 groundwater samples. The scope of work was submitted to the New York City Department of Environmental Protection (NYCDEP) and revised based on the comments provided. Findings of the investigation included:

- Numerous semivolatile organic compounds (SVOCs) were detected in soil above their respective NYSDEC Part 375 Restricted Residential Soil Cleanup Objectives (RRSCOs). SVOC concentrations exceeding RRSCOs were generally typical of historical fill material, but total SVOCs were detected in one soil sample [B-7(0-2)] at a concentration of 822.7 milligrams per kilogram (mg/kg), which may be associated with historical Site operations. Lead was detected in one soil boring at shallow and deep depths with a maximum concentration of 2,720 mg/kg, exceeding the RRSCO of 400 mg/kg. Polychlorinated biphenyls (PCBs) were detected in one soil sample at a concentration above the total PCB RRSCO. No volatile organic compounds (VOCs) or pesticides were detected above applicable RRSCOs.
- Four VOCs were detected in groundwater samples above the NYSDEC Class GA Groundwater Standard: 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, m,p-xylene, and

tetrachloroethene. Several metals were detected above the Class GA Standards in the unfiltered groundwater samples, but only lead, thallium, and selenium were detected above Class GA Standards in filtered groundwater. No SVOCs, pesticides, or PCBs were detected in exceedance of the Class GA Standards.

Supplemental Phase II Environmental Investigation, 85 Jay Street, Brooklyn, New York, AKRF, Inc., October 2016.

To support the BCP application for the Site, AKRF conducted a supplemental subsurface investigation at the Site. The scope of work included the advancement of 10 soil borings with the collection of two soil samples from each boring. Lead was detected at concentrations above the RRSCO in six soil samples, with a maximum concentration of 10,000 mg/kg. Four SVOCs were detected in exceedance of their respective RRSCOs in two soil samples and the blind duplicate soil sample. No VOCs or PCBs were detected in the soil samples at concentrations exceeding their respective RRSCOs.

SECTION IV. Property Information

10. Property Description Narrative

Location:

The 85 Jay Street (Brooklyn) LLC Site is located in an urban area in the Dumbo neighborhood of Brooklyn. Although the neighborhood was formerly characterized by manufacturing and warehouses, the area is transitioning into a residential and commercial district. The approximately 135,000-square foot lot is currently being used as a private parking lot and is fully enclosed in metal fencing. The Site is bounded to the north by Front Street, to the east by Bridge Street, to the south by York Street, and to the west by Jay Street.

Site Features:

Currently, the Site is a private parking lot enclosed in metal fencing.

Current Zoning and Land Use:

The current zoning designation for the Site is M1-2/R6 (light manufacturing and residential) and the Site is in the Special Mixed Use District MX-2. The Special Mixed Use District was established to encourage investment in existing neighborhoods with mixed residential and industrial uses. The proposed use is consistent with the existing zoning for the Site.

Past Use of the Site:

Historical Sanborn maps identified numerous industrial and manufacturing uses, including Bradley Lead Works (with a coal shed, four boilers, and two corroding beds) from at least 1887 to 1950. In 1969, National Lead Company was shown occupying the western portion of the Site. By 1993, the lead company was no longer shown. Additionally, a smelting facility was shown on the western portion of the Site on the 1887 map and a paper goods factory was shown on the eastern side of the Site from 1904 to 1993. The Site was apparently vacant by the 1996 map.

Site Geology and Hydrogeology:

Surface topography slopes downward toward the northwest, resulting in an approximately 10-foot grade change across the Site. Groundwater was encountered at the Site from approximately 23 to 35 feet below grade and is expected to flow in an approximately north-northwesterly direction. Subsurface materials generally consisted of sand and silt, with varying amounts of gravel. Historic fill constituents, including brick, asphalt, concrete, and glass, were encountered in borings advanced at the Site to a maximum depth of 15 feet below grade. A clay layer (silty clay and clayey silt) was encountered in some borings between approximately 8 and 12 feet below grade.

Environmental Assessment:

Based on AKRF's previous investigations, the primary contaminants of concern include lead, SVOCs, and PCBs in soil and petroleum constituents and tetrachloroethene (PCE) in groundwater.

Soil – Lead was detected in shallow and deep soil, primarily on the northern and western portions of the Site. The maximum lead concentration was detected in shallow soil at a concentration of 10,000 parts per million (ppm), substantially over the 400 ppm soil cleanup objective (SCO). The maximum SVOC concentration (fluoranthene and phenanthrene) was 140 ppm. The maximum PCB concentration was 2.5 ppm.

Groundwater – Lead was detected in groundwater at the Site, but at much higher concentrations in unfiltered samples than in filtered samples. The lead detected in groundwater is therefore likely related to soil contamination. Petroleum constituents (1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, and m/p-xylenes) were detected in groundwater samples slightly over the Ambient Water Quality Standard (AWQS). PCE was detected in one groundwater sample at 21 microgram per liter (µg/L), above the AWQS of 5 µg/L.

PART B**SECTION VI. Current Property Owner/Operator Information**

Table 2
Property Owners/Operators

Property Owners/Operators	Years of Ownership	Status of Entity (Alive, Deceased, Active, Dissolved)	Current/Last Known Address (if available)	Relationship to Requestor	Owner/Operator
Lot 1					
85 Jay Street (Brooklyn), LLC % The Kushner Companies	2016	Active	666 Fifth Avenue, 15 th Floor New York, New York 10103	Requestor	Owner and Operator
Watchtower Bible and Tract Society of New York, Inc.	1990-2016	Active	25 Columbia Heights Brooklyn, New York 11201	None	Owner and Operator
S & S X-Ray Products, Inc. (formerly known as S & S Sheet Metal Products, Corp.)	Unknown-1990	Active	1737 Veterans Memorial Highway Islandia, New York 11749	None	Owner, Operator Unknown
Former Lot 4					
Watchtower Bible and Tract Society of New York, Inc.	1986-2016	Active	25 Columbia Heights Brooklyn, New York 11201	None	Owner and Operator
85 Jay Street Realty Corp.	1985-1986	Unknown	430 Kent Avenue Brooklyn, New York 11249	None	Owner, Operator Unknown
Associated Lead, Inc.	1979-1985	Unknown	170 Westminster Street Providence, Rhode Island 02903	None	Owner, Operator Unknown
NL Industries (formerly known as National Lead Corporation)	Unknown-1979	Active	1230 Avenue of the Americas New York, New York 10020	None	Owner, Operator Unknown

Former Lot 12

Watchtower Bible and Tract Society of New York, Inc.	1986-2016	Active	25 Columbia Heights Brooklyn, New York 11201	None	Owner and Operator
85 Jay Street Realty Corp.	1985-1986	Unknown	430 Kent Avenue Brooklyn, New York 11249	None	Owner, Operator Unknown
Associated Lead, Inc.	1979-1985	Unknown	170 Westminster Street Providence, Rhode Island 02903	None	Owner, Operator Unknown
NL Industries (formerly known as National Lead Corporation)	Unknown-1979	Active	3000 N. San Houston Parkway East Houston, Texas 77032	None	Owner, Operator Unknown

Former Lot 19

Watchtower Bible and Tract Society of New York, Inc.	1993-2016	Active	25 Columbia Heights Brooklyn, New York 11201	None	Owner and Operator
Robert H. Lewis	1989-1993	Unknown	436 West 51 st Street New York, New York 10019	None	Owner, Operator Unknown
Esselte Pendaflex Corporation (as Successor by merger to Boerum & Pease Company)	1989	Active	15 Williams Drive Union, Missouri 63084	None	Owner, Operator Unknown
NL Industries, Inc. (formerly known as National Lead Company)	Unknown-1989	Active	3000 N. San Houston Parkway East Houston, Texas 77032	None	Owner, Operator Unknown

Former Lot 22

Watchtower Bible and Tract Society of New York, Inc.	1993-2016	Active	25 Columbia Heights Brooklyn, New York 11201	None	Owner and Operator
Robert H. Lewis	1989-1993	Unknown	436 West 51 st Street New York, New York 10019	None	Owner, Operator Unknown
Esselte Pendaflex Corporation (as Successor by merger to Boerum & Pease Company)	Unknown-1989	Active	15 Williams Drive Union, Missouri 63084	None	Owner, Operator Unknown

Former Lot 38

Watchtower Bible and Tract Society of New York, Inc.	1989-2016	Active	25 Columbia Heights Brooklyn, New York 11201	None	Owner and Operator
P.S. 7 Housing Associates	1986-1989	Unknown	511 16 th Street Brooklyn, New York 11215	None	Owner, Operator Unknown
Bernard Doyle, Marisa Santangeli, Judy Krupka, and Carl Galioto	1985-1986	Unknown	Multiple Addresses	None	Owner, Operator Unknown
Charles A. Pfahl III and Charlotte M. Pfahl	1981-1985	Unknown	150 Broadway New York, New York 10038	None	Owner, Operator Unknown

Vinegar Hill Realty Corp.	1980-1981	Unknown	350 Baltic Street Brooklyn, New York 11201	None	Owner, Operator Unknown
The City of New York	Unknown-1980	Active	City Hall Manhattan, New York	None	Owner, Operator Unknown

SECTION VII. Requestor Eligibility Information

The Requestor is proposed to be a Volunteer because it purchased the site in December 2016 and had no role in causing the contamination that is present or in managing it to date. A statement regarding volunteer status and the deed confirming the change of ownership to the Requestor in December 2016 is provided as *Attachment D*.

SECTION VIII. Property Eligibility Information

The 2002 Phase I ESA identified CERCLIS listings for the Site, but the updated regulatory database suggests this was either erroneously reported or the listing was later changed to NFRAP status and subsequently deleted from the database. A search on the NYSDEC Remedial Site Database did not identify the Site on the NYS Registry of Inactive Hazardous Waste Disposal Sites. An updated regulatory database search was conducted for the Site and is included in *Attachment C*.

SECTION IX. Contact List Information

1. Local, State, and Federal Officials

Hon. Bill de Blasio Mayor of New York City City of New York 1 Centre Street New York, NY 10007-1200	Hon. Scott M. Stringer New York City Comptroller Office of the Comptroller, City of NY 1 Centre Street New York, NY 10007
Hon. Eric L. Adams Brooklyn Borough President 209 Joralemon Street Brooklyn, New York 11201	Hon. Daniel L. Squadron NY State Senator 209 Joralemon Street, Suite #300 Brooklyn, New York 11201
Hon. Stephen Levin New York City Council District 33 410 Atlantic Avenue Brooklyn, New York 11217	Hon. Jo Anne Simon NY State Assembly Member 341 Smith Street Brooklyn, New York 11231
Department of City Planning Brooklyn Borough Office 16 Court Street, 7 th Floor Brooklyn, New York 11241	Department of City Planning City Government Office 120 Broadway, 31 st Floor New York, NY 10271
Hon. Governor Andrew M. Cuomo NYS State Capitol Building Albany, New York 12224	Daniel Walsh, Director Mayor's Office of Environmental Remediation 100 Gold Street, 2 nd Floor New York, NY 10038
Hon. Nydia Velázquez U.S. House of Representatives 266 Broadway, Suite 201 Brooklyn, NY 11211	Hon. Charles Schumer U.S. Senate 780 Third Avenue, Suite 2301 New York, NY 10017
Hon. Kirsten Gillibrand U.S. Senate 780 Third Avenue	Larry Alden, P.E. NYSDEC, Division of Environmental Remediation

Suite 2601 New York, New York 10017	625 Broadway Albany, New York 12233
--	--

2. Residents, Owners, and Occupants of the Site and Adjacent Properties

<u>Adjacent to the north:</u>	<u>Adjacent to the east:</u>
<p><u>Block 41, Lot 1 and 2</u> Jayat Realty Corp. (Owner) 54 Pearl Street Brooklyn, NY 11201</p> <p>Current Occupant(s) 73 Jay Street Brooklyn, NY 11201</p> <p>Current Occupant(s) 69 Jay Street Brooklyn, NY 11201</p> <p><u>Block 41, Lots 42 and 44</u> 177 Front Property Owner, L.L.C. (Owner) The Carlyle Group, 250 Madison Avenue New York, NY 10022</p> <p>Current Occupant(s) 177 Front Street Brooklyn, NY 11201</p> <p>Current Occupant(s) 173 Front Street Brooklyn, NY 11201</p> <p><u>Block 41, Lot 17</u> Hawthorne Village LLC (Owner) 245 Saw Mill River Road Hawthorne, NY 10532</p> <p>Current Occupant(s) 206-220 Water Street Brooklyn, NY 11201</p>	<p><u>Block 55, Lot 11</u> Spyros Poulos (Owner) 73 Bridge Street Brooklyn, NY 11201</p> <p>Current Occupant(s) 73 Bridge Street Brooklyn, NY 11201</p> <p><u>Block 55, Lots 9 and 10</u> II Bridges Realty LLC 17 Blueberry Hills Mahopac, NJ 10541</p> <p>Current Occupant(s) 75 Bridge Street Brooklyn, NY 11201</p> <p>Current Occupant(s) 77 Bridge Street Brooklyn, NY 11201</p> <p><u>Block 55, Lot 5</u> Jeffrey M. Thrasher (Owner) 21-54 Crescent Street Astoria, NY 11105</p> <p>Current Occupant(s) 79 Bridge Street Brooklyn, NY 11201</p> <p><u>Block 55, Lot 3</u> Bruce Brand (Owner) 223 Water Street Brooklyn, NY 11201</p>
<u>Adjacent to the northeast:</u>	
<p><u>Block 42, Lot 1</u> 53 Bridge LLC (Owner) 54 Pearl Street Brooklyn, NY 11201</p> <p>Current Occupant(s) 53 Bridge Street Brooklyn, NY 11201</p>	<p>Current Occupant(s) 89 Bride Street Brooklyn, NY 11201</p> <p><u>Block 55, Lot 1</u> Dumbo Realty Enterprises, Inc. (Owner) % Nayef Hamdan 1534 74th Street Brooklyn, NY 11228</p> <p>Current Occupant(s) 95-97 Bridge Street Brooklyn, NY</p>

<p><u>Adjacent to the southeast:</u></p> <p><u>Block 68, Lot 1</u> New York City Housing Authority (Owner) 250 Broadway, 9th Floor New York, NY</p> <p>Current Occupant(s) Farragut Houses, Building 9 111 Bridge Street Brooklyn, NY 11201</p>	<p><u>Adjacent to the south:</u></p> <p><u>Block 66, Lot 18</u> 110 Bridge Street Realty Corp. (Owner) 110 Bridge Street Brooklyn, NY 11201</p> <p>Current Occupant(s) 110 Bridge Street Brooklyn, NY 11201</p>
<p><u>Adjacent to the southwest:</u></p> <p><u>Block 64, Lot 8</u> CK-1 Realty, Inc. (Owner) Pier 63 North River New York, NY 10011</p> <p>Current Occupant(s) 110 York Street Brooklyn, NY 11201</p>	<p><u>Block 66, Lot 1</u> New York City Parks (Owner/Operator) The Arsenal, Central Park 830 Fifth Avenue New York, NY 10065</p> <p><u>Block 66, Lot 4</u> New York City Transit Authority (Owner/Operator) 130 Livingston Street Brooklyn, NY 11201</p>
<p><u>Adjacent to the northwest:</u></p> <p><u>Block 40, Lot 1</u> Chatov, LLC (Owner) 202 Plymouth Street Brooklyn, NY 11201</p> <p>Current Occupant(s) 68 Jay Street Brooklyn, NY 11201</p>	<p><u>Adjacent to the west:</u></p> <p><u>Block 53, Lot 3</u> 100 J LLC (Owner) 231 Greene Avenue Brooklyn, NY 11238</p> <p>Current Occupant(s) 100 Jay Street Brooklyn, NY 11201</p>

3. Local News Media

Brooklyn Daily Eagle 16 Court Street, Suite 1208 Brooklyn, New York 11241	WABC-TV 7 Lincoln Square New York, NY 10023
New York 1 News 75 Ninth Avenue New York, NY 10011	1010 Wins – CBS Radio 345 Hudson Street New York, NY 10014
The New York Times 229 West 43 rd Street New York, NY 10036	WNYW Fox 5 205 East 67 th Street New York, NY 10021
New York Daily News 4 New York Plaza New York, NY 10004	WNBC News 4 30 Rockefeller Plaza, 7 th Floor New York, NY 10112

4. Public Water Supply

Public water is provided by The City of New York, Department of Environmental Protection (Customer Service Center, 59-17 Junction Boulevard, 13th Floor, Flushing, New York 11373).

5. *Additional Contacts*

None

6. *Daycare and Public School*

Daycare:

Imagine Early Learning Centers @ Dumbo
85 Adams Street
Brooklyn, NY 11201
Director: Caroline Moran
(718) 522-2263
Distance /Direction from Site: 425 feet west

School:

P.S. 307 Daniel Hale Williams
209 York Street
Brooklyn, NY 11201
Principal: Stephanie Carroll
(718) 834-4748
Distance/Direction from Site: 790 feet east

7. *Document Repositories*

Walt Whitman Branch, Brooklyn Public Library
93 Saint Edwards Street
Brooklyn, New York 11205
Janet Conton
(718) 935-0244

Brooklyn Community Board District 2
350 Jay Street, 8th Floor
Brooklyn, New York 11201
Shirley McRae
(718) 596-5410

Verification of the use of the Walt Whitman Branch and the Brooklyn Community Board District 2 as document repositories is included in *Attachment E*.

8. *Local Community Board*

Brooklyn Community Board District 2
350 Jay Street, 8th Floor
Brooklyn, New York 11201
(718) 596-5410

SECTION X. Land Use Factors

1. Zoning

The Site is currently zoned M1-2/R6 (light manufacturing and residential) and is in the Special Mixed Use District MX-2. The Special Mixed Use District was established to encourage investment in existing neighborhoods with mixed residential and industrial uses. The proposed use is consistent with the existing zoning for the Site.

2. Current Site Use

The Site is currently used as a private parking lot.

3., 4., 5. & 6. Proposed Site Use, Development Patterns, Consistency with Zoning & Land Use Plans

The Site is currently zoned M1-2/R6 (light manufacturing and residential) and is in the Special Mixed Use District MX-2. The Special Mixed Use District was established to encourage investment in existing neighborhoods with mixed residential and industrial uses. The proposed use is consistent with the existing zoning for the Site.

The proposed project includes the construction of a 22-story building with a partial or full cellar. The proposed redevelopment consists of parking in the cellar and ground level; commercial space and residences on the first and second stories; and residences on the third through 22nd stories. This project will be a benefit to the community by bringing in additional residential and commercial opportunities. Community facility uses may be incorporated into the first through fifth stories.

ATTACHMENT A

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through September 13, 2016.

Selected Entity Name: 85 JAY STREET (BROOKLYN), LLC

Selected Entity Status Information

Current Entity Name: 85 JAY STREET (BROOKLYN), LLC

DOS ID #: 4953640

Initial DOS Filing Date: MAY 26, 2016

County: NEW YORK

Jurisdiction: DELAWARE

Entity Type: FOREIGN LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

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

C/O PARACORP INCORPORATED

2804 GATEWAY OAKS DR #200

SACRAMENTO, CALIFORNIA, 95833-3509

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
MAY 26, 2016	Actual	85 JAY STREET (BROOKLYN), LLC

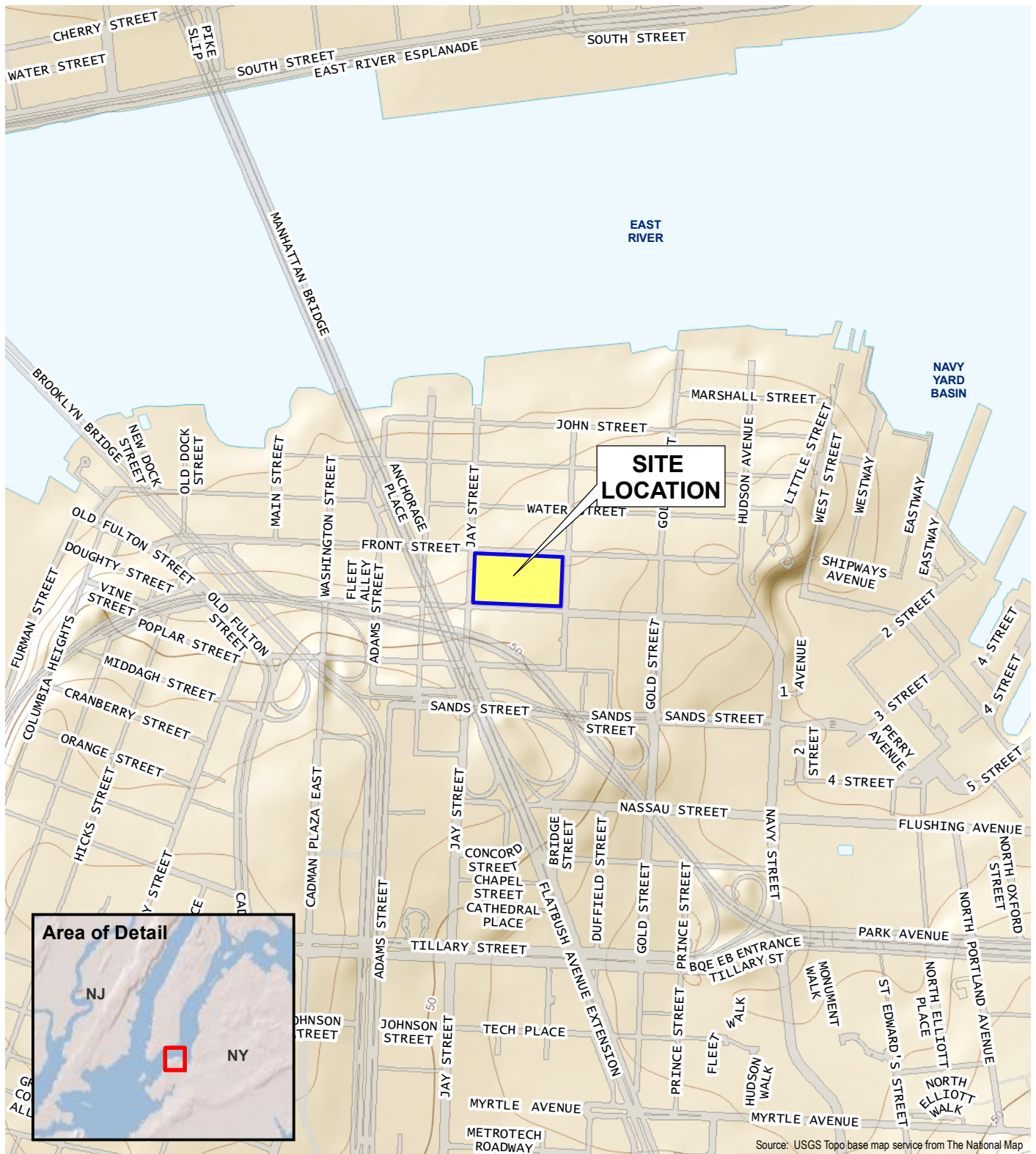
A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

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

[Search Results](#) [New Search](#)

[Services/Programs](#) | [Privacy Policy](#) | [Accessibility Policy](#) | [Disclaimer](#) | [Return to DOS Homepage](#) | [Contact Us](#)

ATTACHMENT B



0 800 1,600 Feet



85 Jay Street
Brooklyn, New York

SITE LOCATION



Environmental Consultants
440 Park Avenue South, New York, NY 10016

DATE
9/12/2016

PROJECT No.
12519

FIGURE
1

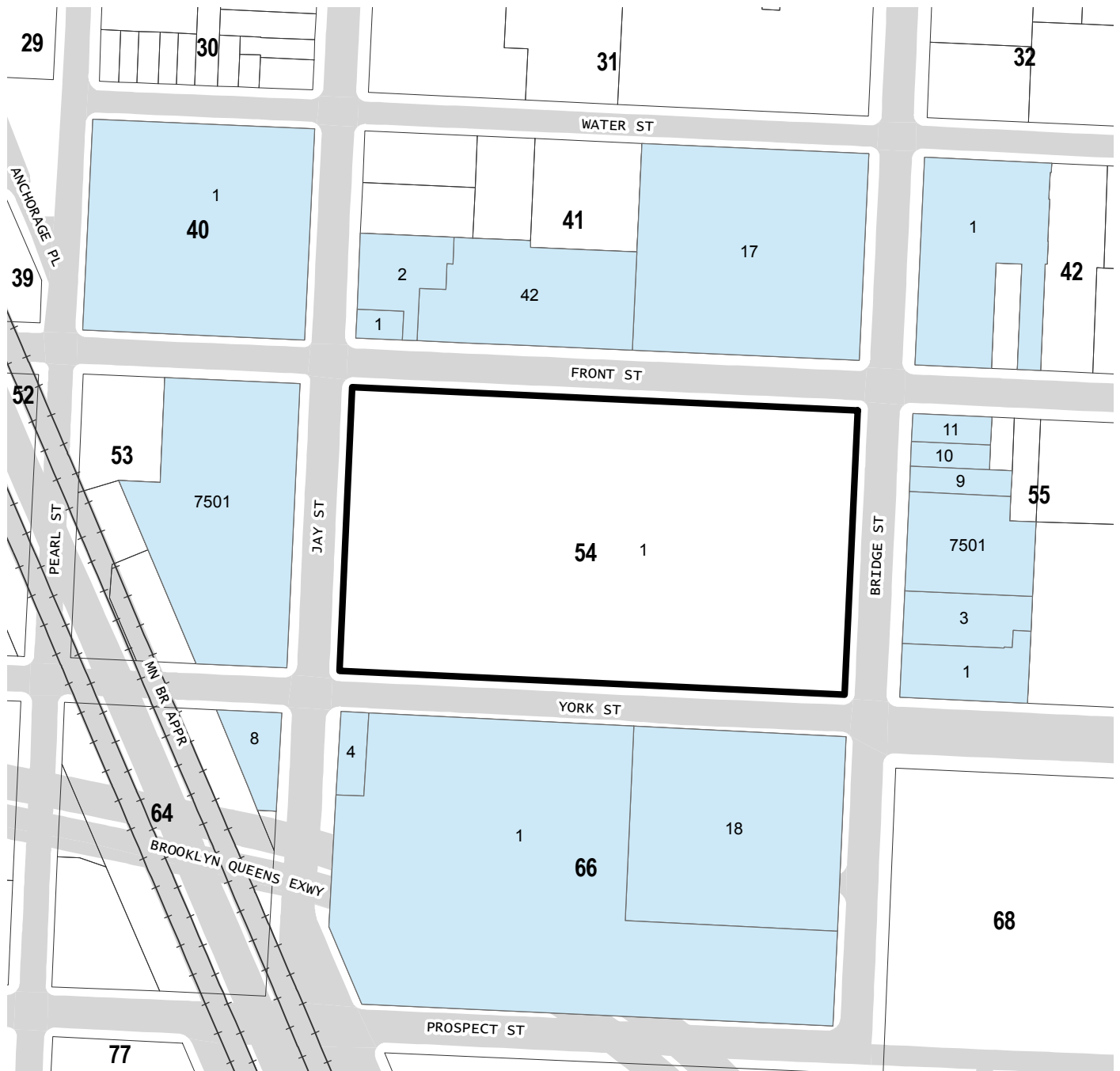
©2016 AKRF, Inc. W:\Projects\12519 - 88 JAY STREET BROOKLYN\Technical\Hazmat\Figures\phase II sup\CAD\12519 Fig Site Plan & Soil Sample Concentrations above NYSDEC SCOs.dwg last save: jzsalus 9/20/2016 1:50 PM



LEGEND:

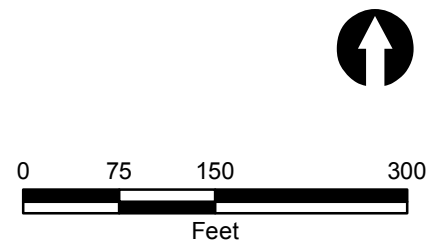
- PROJECT SITE BOUNDARY
- APPROXIMATE SOIL SAMPLING LOCATION, 2016 SUPPLEMENTAL PHASE II
- APPROXIMATE SOIL SAMPLING LOCATION, 2004 PHASE II
- APPROXIMATE SOIL AND GROUNDWATER SAMPLING LOCATION, 2004 PHASE II

 Environmental Consultants 440 Park Avenue South, New York, N.Y. 10016	
85 JAY STREET BROOKLYN, NEW YORK	
SITE PLAN WITH SAMPLE LOCATIONS	
DATE	9/20/2016
PROJECT NO.	12519
FIGURE	2



Legend

- Project Site Boundary
- Adjacent Properties
- Lot Boundary
- 66** Block Number



85 Jay Street
Brooklyn, New York

SITE PLAN AND TAX MAP

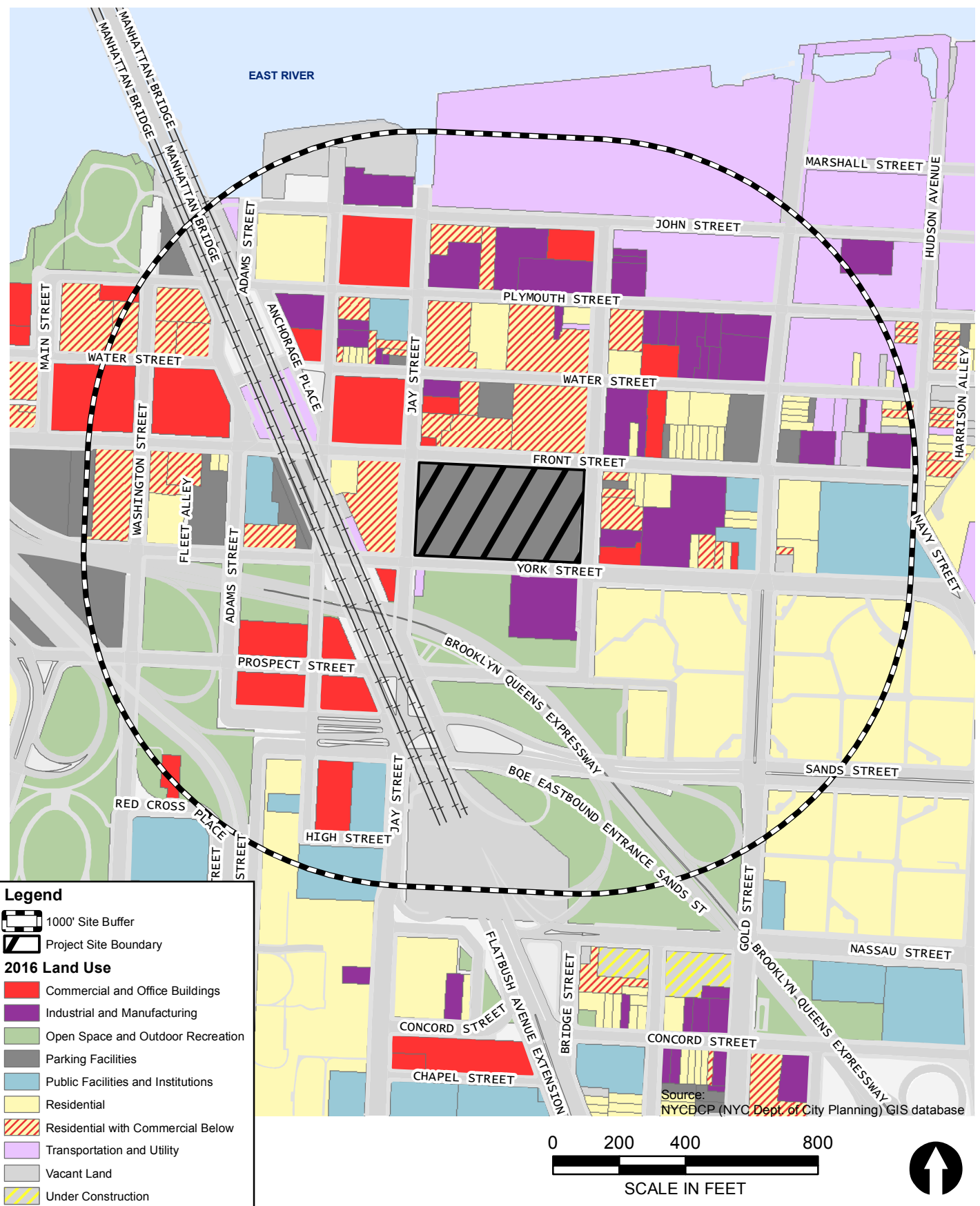


Environmental Consultants
440 Park Avenue South, New York, N.Y. 10016

DATE
9/23/2016

PROJECT No.
12519

FIGURE
3



85 Jay Street
Brooklyn, New York

SURROUNDING LAND USE

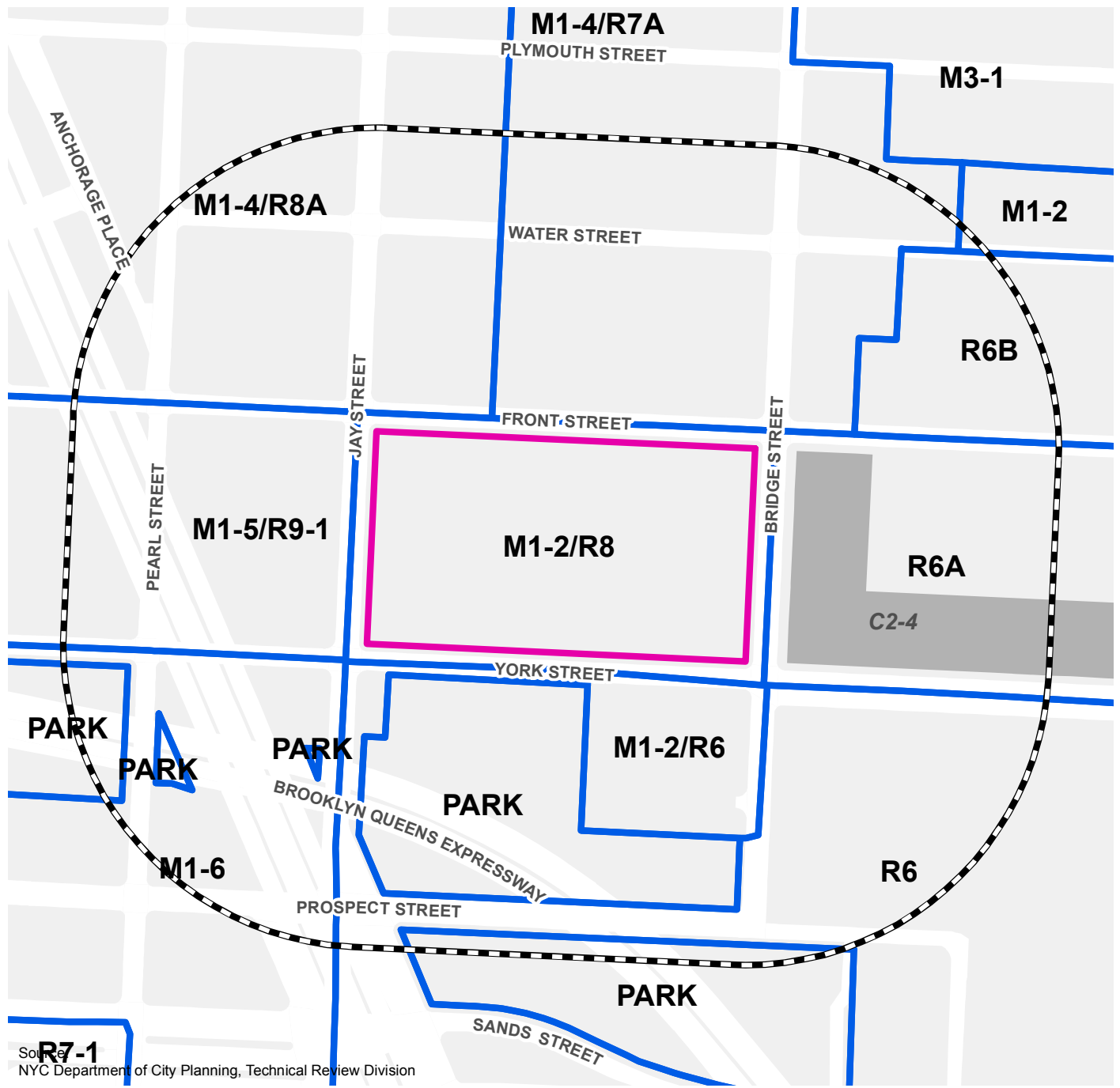


Environmental Consultants
440 Park Avenue South, New York, NY 10016

DATE
9/22/2016

PROJECT NO.
12519

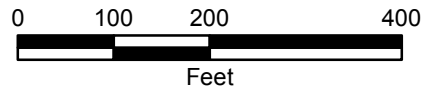
FIGURE
4



Source:
NYC Department of City Planning, Technical Review Division

Legend

- Project Site Boundary
- 400 ft buffer
- Zoning Districts
- Commercial Overlay Districts



85 Jay Street
Brooklyn, New York

ZONING MAP

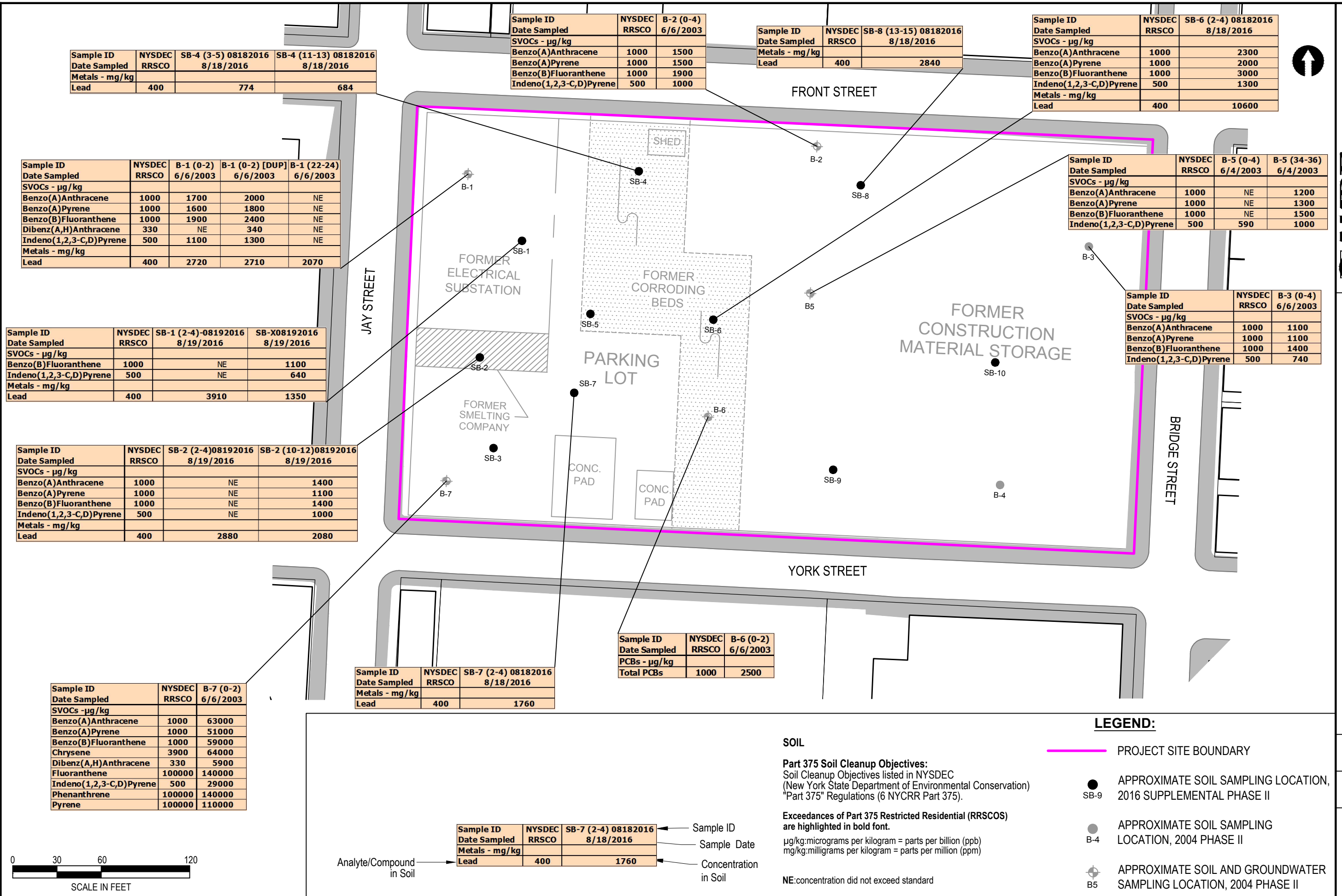


Environmental Consultants
440 Park Avenue South, New York, N.Y. 10016

DATE
9/22/2016

PROJECT No.
12519

FIGURE
5



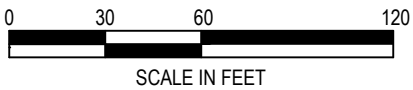
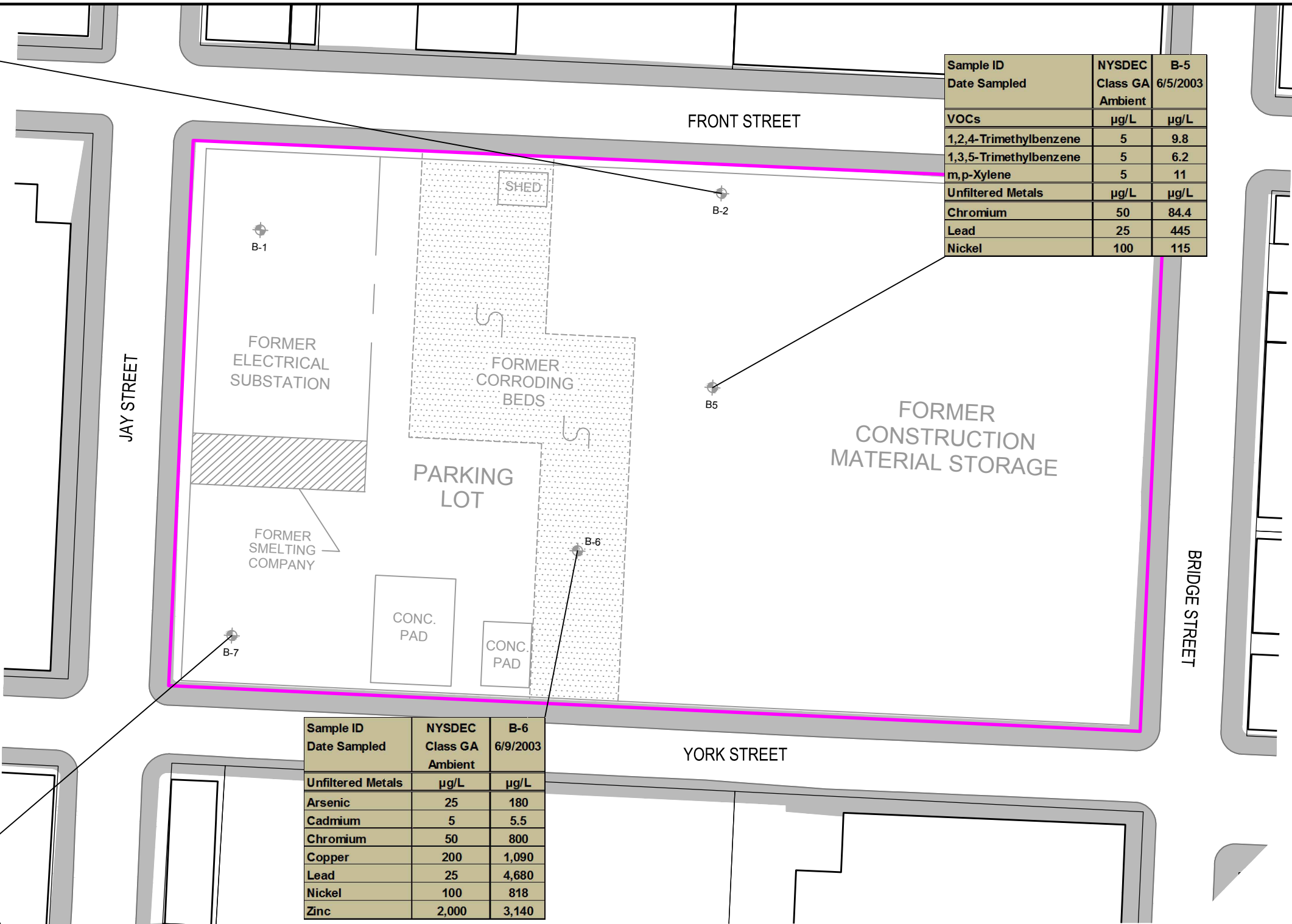
©2016 AKRF, Inc. W:\Projects\12519 - 88 JAY STREET BROOKLYN\Technical\Hazmat\Figures\Bcp\CAD\12519 Fig 7 GW Sample Concentrations Above NYSDEC AWQS.dwg last save: iszalus 9/22/2016 4:11 PM

Sample ID Date Sampled	NYSDEC Class GA Ambient	B-2 6/5/2003
VOCs	µg/L	µg/L
1,2,4-Trimethylbenzene	5	8.6
1,3,5-Trimethylbenzene	5	5.4
m,p-Xylene	5	7.5
Unfiltered Metals	µg/L	µg/L
Chromium	50	94.7
Lead	25	1,300
Nickel	100	120
Dissolved Metals	µg/L	µg/L
Selenium	10	20

Sample ID Date Sampled	NYSDEC Class GA Ambient	B-7 6/9/2003
VOCs	µg/L	µg/L
Tetrachloroethene	5	21
Unfiltered Metals	µg/L	µg/L
Arsenic	25	95.7
Cadmium	5	7.1
Chromium	50	524
Copper	200	671
Lead	25	2,770
Nickel	100	609
Thallium	0.5	19.4
Zinc	2,000	2,280
Dissolved Metals	µg/L	µg/L
Lead	25	41.6
Thallium	0.5	22

Sample ID Date Sampled	NYSDEC Class GA Ambient	B-6 6/9/2003
Unfiltered Metals	µg/L	µg/L
Arsenic	25	180
Cadmium	5	5.5
Chromium	50	800
Copper	200	1,090
Lead	25	4,680
Nickel	100	818
Zinc	2,000	3,140

Sample ID Date Sampled	NYSDEC Class GA Ambient	B-5 6/5/2003
VOCs	µg/L	µg/L
1,2,4-Trimethylbenzene	5	9.8
1,3,5-Trimethylbenzene	5	6.2
m,p-Xylene	5	11
Unfiltered Metals	µg/L	µg/L
Chromium	50	84.4
Lead	25	445
Nickel	100	115



Compound in Groundwater/Analyte

Sample ID Date Sampled	NYSDEC Class GA Ambient	B-6 6/9/2003
Unfiltered Metals	µg/L	µg/L
Arsenic	25	180
Cadmium	5	5.5
Chromium	50	800
Copper	200	1,090
Lead	25	4,680
Nickel	100	818
Zinc	2,000	3,140

Sample ID

Sample Date

Concentration in water

GROUNDWATER

NYSDEC Class GA Ambient Standard:
New York State Department of Environmental Conservation Technical and Operational Guidance Series (1.1.1): Class GA Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations. (AWQS)

Exceedances of NYSDEC Class GA Ambient Standards are highlighted in bold font.

(µg/L) - micrograms per Liter = parts per billion (ppb)

LEGEND:

PROJECT SITE BOUNDARY



APPROXIMATE SOIL AND GROUNDWATER SAMPLING LOCATION, 2004 PHASE II

Environmental Consultants
440 Park Avenue South, New York, N.Y. 10016

85 JAY STREET
BROOKLYN, NEW YORK

GROUNDWATER SAMPLE CONCENTRATIONS ABOVE NYSDEC AWQS

DATE
9/22/2016

PROJECT NO.
12519

FIGURE
7

ATTACHMENT C

ATTACHMENT D

STATEMENT REGARDING VOLUNTEER STATUS

BCP SITE C224248 – 85 JAY STREET BROOKLYN NY

Requestor, 85 Jay Street (Brooklyn), LLC should be deemed a volunteer because it was a prospective and bona fide purchaser at the time the Brownfields Cleanup Program Application was first submitted. Requestor had no relationship to the site or the seller prior to contracting to purchase the site. Purchaser exercised due care with respect to the site by undertaking all appropriate inquiry into its environmental condition prior to taking title. Requestor closed on the site in December 2016 and has exercised due care since taking title.

BARGAIN AND SALE DEED

THIS INDENTURE, made as of the ____ day of December, 2016, by WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC., a New York not-for-profit corporation, having an address at 25 Columbia Heights, Brooklyn, NY 11201 (hereinafter referred to as "Grantor"), to 85 JAY STREET (BROOKLYN), LLC, a Delaware limited liability company, having an address c/o The Kushner Companies, 666 Fifth Avenue, 15th Floor, New York, New York 10103 (hereinafter referred to as "Grantee").

WITNESSETH, that Grantor, in consideration of Ten Dollars (\$10.00), lawful money of the United States, paid by Grantee, does hereby grant and release unto Grantee, the heirs or successors and assigns of Grantee forever:

ALL that certain plot, piece or parcel of land with the building and improvements thereon erected, situate, lying and being, more particularly described on Exhibit A attached hereto and made a part hereof (the "Premises");

TOGETHER WITH all right, title and interest, if any, of Grantor in and to any streets and roads abutting the Premises to the center lines thereof;

TOGETHER WITH the appurtenances and all the estate and rights of Grantor in and to the Premises.

TO HAVE AND TO HOLD the Premises unto Grantee, the heirs or successors and assigns of Grantee forever.

AND Grantor, in compliance with Section 13 of the Lien Law, covenants that Grantor 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 improvements at the Premises and will apply the same first to the payment of the cost of the improvements before using any part of the total of the same for any other purpose.

[Remainder of page intentionally left blank]

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

GRANTOR:

WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, INC.,
a New York not-for-profit corporation

By:

Leon Weaver Jr
Name: Leon Weaver, Jr.

Title: President/Vice President

By:

G. F. Simonis
Name: G. F. Simonis

Title: Secretary/Treasurer or Assistant

STATE OF NEW YORK)

WESTER) ss.:
COUNTY OF NEW YORK)

On the 8 day of DECEMBER in the year 2016 before me, the undersigned, personally appeared Leon Weaver, Jr., personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person or entity upon behalf of which the individual acted, executed the instrument.

Jeremy J. Carpenter Notary Public
Signature and Office of individual taking
acknowledgment

JEREMY J. CARPENTER
Notary Public, State of New York
No. 0106003317
Qualified in Putnam County
Commission Expires 7/7/2018

STATE OF NEW YORK)

Putnam) ss.:
COUNTY OF NEW YORK)

LAURIE L JONES
Notary Public - State of New York
No. 01JO6180201
Qualified In Putnam County
My Commission Expires January 7, 2020

On the 8 day of December in the year 2016 before me, the undersigned, personally appeared G. F. Simonis, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person or entity upon behalf of which the individual acted, executed the instrument.

Laurie L Jones
Signature and Office of individual taking
acknowledgment

Bargain and Sale Deed
Without Covenant Against Grantor's Acts

SECTION: 1
BLOCK: 54
LOT: 1
COUNTY: Kings

WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, INC.

TO

85 JAY STREET (BROOKLYN), LLC

STREET
ADDRESS: 85 Jay Street
Brooklyn, NY 11201

RETURN BY MAIL TO:

Greenberg Traurig, LLP 200 Park Avenue New York, NY 10166 Attention: Stephen L. Rabinowitz, Esq.

Exhibit A

Legal Description
(see attached)

Description of the Land

85/111 JAY STREET BLOCK 54 LOT 1

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 the corner formed by the intersection of the westerly side of Bridge Street and southerly side of Front Street;

RUNNING THENCE westerly along the southerly side of Front Street, 192 feet 4 inches;

THENCE southerly and parallel with Bridge Street, 117 feet 10-½ inches;

THENCE easterly and parallel with Front Street, 72 feet 4 inches;

THENCE southerly and parallel with Bridge Street, 19 feet 11-½ inches;

THENCE easterly and parallel with Front Street, 25 feet;

THENCE southerly and parallel with Bridge Street, 37 feet 10 inches;

THENCE easterly and parallel with York Street 10 feet;

THENCE southerly and parallel with Bridge Street, 99 feet 8 inches to a point on the Northerly side of York Street;

THENCE easterly along the northerly side of York Street, 85 feet to the corner formed by the intersection of the northerly side of York Street and the westerly side of Bridge Street;

THENCE northerly along the westerly side of Bridge Street, 275 feet 4 inches to the corner formed by the intersection of the westerly side of Bridge Street and the southerly side of Front Street, the point or place of BEGINNING.

And also blanket description for Parcels A, B and C below:

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 the corner formed by the intersection of the northerly side of York Street with the easterly side of Jay Street;

RUNNING THENCE northerly along the easterly side of Jay Street, 163 feet 3-½ inches;

THENCE easterly parallel with Front Street, 135 feet;

THENCE southerly parallel with Jay Street, 73 feet 3-½ inches;

THENCE westerly parallel with York Street, 88 feet;

THENCE southerly parallel with Jay Street, 90 feet to the northerly side of York Street;

THENCE westerly along the northerly side of York Street, 47 feet to the point or place of BEGINNING.

Parcel A

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 easterly side of Jay Street, distant 112 feet or thereabouts southerly from the corner formed by the intersection of the easterly side of Jay Street with the southerly side of Front Street;

RUNNING THENCE easterly along the land of Leavy and Britton Brewing Company and parallel or nearly so with Front Street, 135 feet more or less to the westerly side of the buildings now or formerly owned by the National Lead Company known as the Bradley White Lead Works;

THENCE southerly along said buildings and parallel with Jay Street, 72 feet;

THENCE westerly parallel with Front Street, 135 feet more or less to the easterly side of Jay Street;

THENCE northerly along the easterly side of Jay Street, 72 feet to the point or place of BEGINNING.

Parcel B

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 formed by the intersection of the easterly line of Jay Street with the northerly line of York Street;

RUNNING THENCE northerly along the easterly line of Jay Street, 90 feet;

THENCE easterly on a line parallel with York Street, 25 feet;

THENCE southerly on a line parallel with Jay Street, 90 feet to York Street;

THENCE westerly along the northerly line of York Street, 25 feet to the point or place of

BEGINNING.

Parcel C

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 northerly side of York Street, distant 25 feet easterly from the northeasterly corner of York and Jay Street;

RUNNING THENCE northerly parallel with Jay Street, 90 feet;

THENCE easterly parallel with York Street, 22 feet;

THENCE southerly parallel with Jay Street, 90 feet to the northerly side of York Street;

THENCE westerly along the northerly side of York Street, 22 feet to the point or place of BEGINNING.

And also 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 formed by the intersection of the easterly side of Jay Street and southerly side of Front Street and from said point;

RUNNING THENCE southerly along the easterly side line of Jay Street, 112 feet to a point;

THENCE easterly parallel with the southerly side line of Front Street, 135.0 feet to a point;

THENCE southerly parallel with the easterly side line of Jay Street, 73.29 feet to a point;

THENCE westerly parallel with the northerly side line of York Street, 88.00 feet to a point;

THENCE southerly parallel with the easterly side line of Jay Street, 90.0 feet to a point on the northerly side line of York Street;

THENCE easterly along the northerly side line of York Street, 222.11 feet to the southwesterly corner of lands of the Board of Education;

THENCE northerly parallel with the easterly side line of Jay Street and along the westerly line of lands of said Board of Education, 137.60 feet to a point;

THENCE easterly parallel with the northerly side line of York Street and along a northerly line of said lands of the Board of Education, 50.0 feet to a point;

THENCE northerly parallel with the easterly side line of Jay Street and along another westerly line of said lands of the Board of Education, 20.72 feet to a point on the southerly line of lands of Boorum & Pease;

THENCE westerly along the southerly line of said lands of Boorum & Pease, 20.71 feet to the southwesterly corner of lands of Boorum & Pease;

THENCE northerly parallel with the easterly side line of Jay Street and along the westerly line of said lands of Boorum & Pease, 117.10 feet to a point on the southerly side of Front Street;

THENCE westerly along the southerly side line of Front Street, 298.40 feet to the intersection with the easterly side line of Jay Street and place of BEGINNING.

And also 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 northerly side of York Street, distant 85 feet westerly from the corner formed by the intersection of the said northerly side of York Street with the westerly side of Bridge Street;

RUNNING THENCE northerly and parallel with Bridge Street, 99 feet 8 inches;

THENCE westerly and parallel with York Street, 10 feet;

THENCE northerly and parallel with Bridge Street, 37 feet 10 inches;

THENCE westerly and parallel with York Street, 25 feet;

THENCE northerly and parallel with Bridge Street, 20 feet;

THENCE westerly and parallel with York Street, 50 feet;

THENCE southerly and parallel with Bridge Street, 20 feet;

THENCE westerly and parallel with York Street, 50 feet;

THENCE southerly and parallel with Bridge Street, 137 feet 6 inches to the northerly side of York Street;

THENCE easterly along the northerly side of York Street, 135 feet to the point or place of BEGINNING.

Being and intended to be the same premises conveyed to Grantor by the following deeds:

1. Deed dated May 9, 1986 and recorded May 20, 1986 in Reel 1814, Page 1688;
2. Deed dated October 31, 1989 and recorded November 15, 1989 in Reel 2474, Page 2186;

3. Deed dated June 27, 1990 and recorded July 9, 1990 in Reel 2578, Page 2207; and
4. Deed dated July 12, 1993 and recorded July 27, 1993 in Reel 3085, Page 2396.

ATTACHMENT E



Environmental and Planning Consultants

440 Park Avenue South
7th Floor
New York, NY 10016
tel: 212 696-0670
fax: 212 213-3191
www.akrf.com

September 13, 2016

Brooklyn Community Board 2
350 Jay Street, 8th Floor
Brooklyn, New York 11201

Re: Document Repository for 85 Jay Street, Brooklyn, NY

To Whom It May Concern:

AKRF, Inc. is submitting a New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Application on behalf of 85 Jay Street (Brooklyn), LLC for the project site located at 85 Jay Street in Brooklyn, New York. As required by NYSDEC, Community Board 2 will serve as a repository to which all pertinent electronic documents generated for this project will be sent. Please understand that these documents will have to be made available to the public when requested until the NYSDEC determines that these documents are no longer needed.

Please signify your understanding and agreement by signing below and returning a copy of the signed letter using either the envelope provided or via email to mdavis@akrf.com. Please call me at (646) 388-9570 with any questions. Thank you.

Sincerely,

Margo Davis
Environmental Scientist

ACKNOWLEDGED AND ACCEPTED:

	District Manager	
Name	Title	Signature
ROBERT FERRIS		

COMMUNITY BOARD 2 BROOKLYN

SEP 16, 2016 PM 4:08



Environmental and Planning Consultants

440 Park Avenue South
7th Floor
New York, NY 10016
tel: 212 696-0670
fax: 212 213-3191
www.akrf.com

September 29, 2016

Ms. Janet Conton
Brooklyn Public Library Walt Whitman Branch
93 Saint Edwards Street
Brooklyn, New York 11205

VIA EMAIL

Re: Document Repository for 85 Jay Street, Brooklyn, NY

Dear Ms. Conton:

AKRF, Inc. is submitting a New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Application on behalf of 85 Jay Street (Brooklyn), LLC for the project site located at 85 Jay Street in Brooklyn, New York. As required by NYSDEC, the Walt Whitman Branch of the Brooklyn Public Library will serve as a repository to which all pertinent electronic documents generated for this project will be sent. Please understand that these documents will have to be made available to the public when requested until the NYSDEC determines that these documents are no longer needed.

Please signify your understanding and agreement by signing below and returning a copy of the signed letter using either the envelope provided or via email to mdavis@akrf.com. Please call me at (646) 388-9570 with any questions. Thank you.

Sincerely,

Margo Davis
Environmental Scientist

ACKNOWLEDGED AND ACCEPTED:

Janet Conton, Neighborhood Library Supervisor, BPL Walt Whitman Branch

Name

Title

Signature