



## 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 9*

#### Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY  
BCP SITE #: \_\_\_\_\_

NAME

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Is the requestor authorized to conduct business in New York State (NYS)? Yes No

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

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

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

#### Section II. Project Description

1. What stage is the project starting at? Investigation Remediation

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

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

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

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

### Section III. Property's Environmental History

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

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

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

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

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

\*Please describe: \_\_\_\_\_

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

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

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

**ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?\***

(\*answering No will result in an incomplete application)

Yes

No

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

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

Other: \_\_\_\_\_

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

#### Section IV. Property Information (continued)

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

Easement/Right-of-way Holder

Description

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

Type

Issuing Agency

Description

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

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

Yes

No

11. For sites located within the five counties comprising New York City, is the requestor seeking a determination that the site is eligible for tangible property tax credits?  
If yes, requestor must answer questions on the supplement at the end of this form.

Yes

No

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?

Yes

No

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?

Yes

No

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

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

Initials of each Requestor: \_\_\_\_\_

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

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF REQUESTOR'S CONSULTANT			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF REQUESTOR'S ATTORNEY			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b>			
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	
<b>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. See attached.</b> <b>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".</b>			
<b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b>			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site? Yes No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? Yes No			
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. Yes No			

## Section VII. Requestor Eligibility Information (continued)

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

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

### PARTICIPANT

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

### VOLUNTEER

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

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

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

## Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

Previous Owner      Current Owner      Potential /Future Purchaser      Other\_\_\_\_\_

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

Yes No

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

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

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

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

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

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

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

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

Yes    No

## Section IX. Contact List Information

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

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

Section X. Land Use Factors	
<p>1. What is the current zoning for the site? What uses are allowed by the current zoning?  Residential      Commercial      Industrial      Residential on Lot 4 (3913 8th Avenue) only.  If zoning change is imminent, please provide documentation from the appropriate zoning authority.</p>	
<p>2. Current Use:    Residential    Commercial    Industrial    Vacant    Recreational    (check all that apply)  <b>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.</b></p>	
<p>3. Reasonably anticipated use Post Remediation:    Residential    Commercial    Industrial (check all that apply) <b>Attach a statement detailing the specific proposed use.</b></p> <p>If residential, does it qualify as single family housing? <span style="float: right;">Yes    No</span></p>	
4. Do current historical and/or recent development patterns support the proposed use?	Yes    No
5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.	Yes    No
6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.	Yes    No



## XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *Proposed DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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 President (title) of Noris Realty Corp. (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: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *Proposed DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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: Nov 14 2017

Signature:  \_\_\_\_\_

Print Name: Bradley Lubin

### 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 9**

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	Yes	No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	Yes	No
<b>Please answer questions below and provide documentation necessary to support answers.</b>		
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see <a href="#">DEC's website</a> for more information.	Yes	No
2. Is the property upside down or underutilized as defined below?	Upside Down?	Yes No
	Underutilized?	Yes No
<p><b>From ECL 27-1405(31):</b></p> <p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p> <p><b>From 6 NYCRR 375-3.2(I) as of August 12, 2016:</b> (Please note: Eligibility determination for the underutilized category can only be made at the time of application)</p> <p>375-3.2:</p> <p>(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or</p> <p>(c) there are no structures.</p> <p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.</p>		

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

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

Project is an Affordable Housing Project - Regulatory Agreement Attached;

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

This is Not an Affordable Housing Project.

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

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

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

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

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

**BCP Application Summary (for DEC use only)****Site Name:****City:****Site Address:****County:****Zip:****Tax Block & Lot****Section (if applicable):****Block:****Lot:****Requestor Name:****City:****Requestor Address:****Zip:****Email:****Requestor's Representative (for billing purposes)****Name:****Address:****City:****Zip:****Email:****Requestor's Attorney****Name:****Address:****City:****Zip:****Email:****Requestor's Consultant****Name:****Address:****City:****Zip:****Email:****Percentage claimed within an En-Zone:****0%****<50%****50-99%****100%****DER Determination:****Agree****Disagree****Requestor's Requested Status:****Volunteer****Participant****DER/OGC Determination:****Agree****Disagree****Notes:****For NYC Sites, is the Requestor Seeking Tangible Property Credits:****Yes****No****Does Requestor Claim Property is Upside Down:****Yes****No****DER/OGC Determination:****Agree****Disagree****Undetermined****Notes:****Does Requestor Claim Property is Underutilized:****Yes****No****DER/OGC Determination:****Agree****Disagree****Undetermined****Notes:****Does Requestor Claim Affordable Housing Status:****Yes****No****Planned, No Contract****DER/OGC Determination:****Agree****Disagree****Undetermined****Notes:**

New York State Department of Environmental Conservation  
BROWNFIELD CLEANUP PROGRAM

BROWNFIELD CLEANUP PROGRAM APPLICATION  
SUPPLEMENTAL AND SUPPORTING INFORMATION

for

3901-3913 8<sup>TH</sup> AVENUE, BROOKLYN, NY  
NORIS REALTY CORP.

OCTOBER 2017

## Section I – Requestor Information

Noris Realty Corp. is a NYS business entity. A copy of the New York State Department of State's Corporation & Business Entity Database printout is attached in Exhibit A.

The shareholders of Noris Realty Corp. are:

- Bradley Lubin (45%)
- Ellen Lubin-Sherman (45%)
- The Estate of Norman Lubin (10%)

Bradley Lubin and Ellen Lubin-Sherman obtained ownership of their shares in Noris Realty Corp. by bequest from their father, Norman Lubin (now deceased). Mr. Lubin (the elder) gifted a 17.5% interest in Noris Realty Corp. to each of his children in 2008, and an additional 27.5% to each in January 2016. Bradley Lubin and Ms. Lubin-Sherman had no ownership interest in Noris Realty Corp. or the Site prior to 2008, and had no control over the corporation or the Site until 2016. The remaining shares in the corporation passed to the elder Mr. Lubin's estate upon his death on June 6, 2016.

## Section II - Project Description

### II.4 - Narrative Description

The Site consists of two tax lots, which will be developed as separate buildings based on the existing zoning. The building at 3901 8<sup>th</sup> Avenue (Lot 5) will be renovated for use as a supermarket or other industrial or commercial use. The Requestor is currently discussing build-outs with prospective tenants. The building at 3913 8<sup>th</sup> Avenue will be demolished and a new residential or mixed use (residential/commercial) building will be constructed. The Requestor is currently working with an Architect to design the building.

The Requestor anticipates beginning construction, including remedial work, in approximately eight months. The Certificate of Completion would be anticipated about five months after starting work. Below is a more detailed estimated project schedule:

Estimated Project Schedule  
(Reasonable BCP dates; less time for development construction)

		2017			2018									2019									2020														
Item #	215 North 10th Street	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	BCP App. Review/Agreement, RI, RAWP																																				
2	Development Design and Permitting																																				
3	Site Demolition																																				
4	Remedial Implementation																																				
5	Closure Documentation (e.g., FER, SMP, etc)																																				
6	Certificate of Completion																																				
7	Balance of Construction																																				
8	TCO Process																																				
9	Final CO																																				

#### Notes:

1. The estimated scheduling of items 3 thru 7 will be contingent on the timing of acceptance of the BCP Remedial Investigation Report and Remedial Action Work Plan.
2. TCO - Temporary Certificate of Occupancy
3. CO - Certificate of Occupancy



### **Section III – Property’s Environmental History**

#### **III.1 – Environmental Reports**

The environmental reports prepared for the Site include the following, which are included in Exhibit B:

- Phase I Environmental Site Assessment Report of Proposed Primary School Site, 3901 and 3913 Eighth Avenue, Brooklyn, NY 11232, AKRF Engineering, P.C., August 8, 2016.
- Vapor Intrusion Assessment Report of Proposed Pre-Kindergarten Site (Lease), 3901 Eighth Avenue, Brooklyn, NY 11232, AKRF Engineering, P.C., January 20, 2017.
- Phase II Environmental Site Investigation of Proposed Pre-Kindergarten Site (K689) – Lease, 3901 Eighth Avenue, Brooklyn, NY 11232, AKRF Engineering, P.C., June 14, 2017.

#### **III.2 – Sampling Data**

The laboratory reports containing sampling data and data summary tables are contained in the investigation reports referenced above.

#### **III.3 – Site Drawings**

The site drawings depicting soil and soil vapor/indoor air analytical results are attached as Exhibit C. The original data shown on these drawings is contained in the reports and laboratory deliverables referenced above.

### **Section IV – Property Information**

The following maps have been attached as Exhibit D.

- Tax map
- USGS 7.5 minute quad map, indicating the site’s location
- Property base map

#### **IV.10 – Property Description Narrative**

**Location:** The Site is located on the southeast corner of 8<sup>th</sup> Avenue and 39<sup>th</sup> Street in the Sunset Park neighborhood of Brooklyn. The surrounding area is generally commercial/industrial along 39<sup>th</sup> Street with residential/commercial uses to the south, east and west. A NYC Transit train yard and the Green-wood Cemetery are located to the north.

**Site Features:** The 3901 8<sup>th</sup> Avenue property is developed with a one-story warehouse-style building covering the entire 15,000 square foot lot. The 3913 8<sup>th</sup> Avenue property is developed with a one-story warehouse-style building covering the entire 2,517 square foot lot.

**Current Zoning and Land Use:** The 3901 8<sup>th</sup> Avenue property is zoned for manufacturing (M1-2) and is occupied by a clothing assembly factory. The 3913 8<sup>th</sup> Avenue property is zoned for residential use (R6) with a commercial overlay (C1-3) and is currently vacant.

**Past Uses of the Site:** Most of the Site area was vacant except for two dwellings until approximately 1926, when the current buildings were constructed. The known uses of the building at 3901 8<sup>th</sup> Avenue are: a garage (1926-1951), an oil company (1948) and a blender of cleaning products for resale in the hospitality industry (c.1970-1992). Currently, a clothing assembly company is operating at 3901 8<sup>th</sup> Avenue. The known uses of the building at 3913 8<sup>th</sup> Avenue are: a store (1926-1951), a warehouse (1970-1979), storage

of cleaning products blended at 3901 8<sup>th</sup> Avenue (1980-1992) and an automotive repair facility (1992-2016).

Site Geology and Hydrogeology: Based on site-specific sampling, the depth to groundwater is approximately 100 feet below grade, with groundwater flow towards the southwest.

Environmental Assessment: Based on investigations conducted to date at the 3901 8<sup>th</sup> Avenue property, the primary contaminants of concern for the Site include chlorinated solvents (predominantly tetrachloroethylene (PCE) and associated degradation compounds) and petroleum compounds.

*Soil:*

Soil samples collected on the 3901 8<sup>th</sup> Avenue property in April 2017 indicated concentrations of several petroleum-related compounds, including ethylbenzene, toluene, xylenes, 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene at concentrations exceeding their respective Part 375 Industrial Use soil cleanup objectives (SCOs). Based on these concentrations, petroleum spill #1703343 was reported to NYSDEC.

Soil samples were not collected at the 3913 8<sup>th</sup> Avenue property; however, lead was present in one sample collected in shallow historic fill at 3901 8<sup>th</sup> Avenue above the Part 375 Restricted-Residential SCOs.

No fill-related polyaromatic hydrocarbons (PAHs), pesticides or PCBs were detected above the Restricted-Residential SCOs.

*Groundwater:*

In sampling completed in May 2017, no volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs) or metals were detected above the Class GA standards contained in Technical and Operational Guidance Series (TOGS) 1.1.1, "Ambient Water Quality Standards and Guidance Values."

*Soil Vapor & Indoor Air:*

Six co-located soil vapor and indoor air samples were collected in December 2016 and seven soil vapor samples were collected in April 2017.

PCE was not detected in the indoor air above the New York State Department of Health (NYSDOH) Air Guidance Value (AGV) of 30 micrograms per cubic meter (ug/m<sup>3</sup>). TCE was detected in the indoor air above the NYSDOH AGV of 2 ug/m<sup>3</sup>, at a maximum concentration of 4.75 ug/m<sup>3</sup>.

PCE was detected in soil vapor at a maximum concentration of 183,770 ug/m<sup>3</sup>. TCE was detected in soil vapor at a maximum concentration of 8,440 ug/m<sup>3</sup>. The highest concentrations of PCE and TCE were detected in the southwestern portion of 3901 8<sup>th</sup> Avenue, near the border with 3913 8<sup>th</sup> Avenue. Cis-1,2-dichloroethene (cis-1,2-DCE) was detected in soil vapor at a maximum concentration of 96.7 ug/m<sup>3</sup>.

Based on the NYSDOH Decision Matrices, mitigation is required for PCE, TCE and cis-1,2-DCE.

## Section VI – Previous Owners and Operators

Previous Owners			
Name	Last Known Contact Information	Relationship to Applicant	Ownership
<i>3901 8<sup>th</sup> Avenue</i>			
Jacob Werman	Unknown	None	Prior to 5/18/1932
Goldie Werman	Unknown	None	5/18/1932 – 8/8/1938



<b>Previous Owners</b>			
<b>Name</b>	<b>Last Known Contact Information</b>	<b>Relationship to Applicant</b>	<b>Ownership</b>
Dora Dulberg	Unknown	None	8/8/1938 – 8/10/1938
Laura Poprocki	Unknown	None	8/10/1938 – 5/11/1965
Anree Enterprises Inc.	868 45 <sup>th</sup> Street Brooklyn, NY	None	5/11/1965 – 1/27/1970
Noris Realty Corp.	--	Applicant <sup>1</sup>	1/27/1970 to Present
<b>3913 8<sup>th</sup> Avenue</b>			
Jacob Werman	Unknown	None	Prior to 5/18/1932
Goldie Werman	Unknown	None	5/18/1932 – 3/4/1937
Bernhardt Witz	Unknown	None	3/4/1937 – 9/26/1936
John Antoliello	Unknown	None	9/26/1936 – 7/5/1961
John Antonello, Michael Antonello, Rosario George Antonello and Thomas Antonello	Unknown	None	7/5/1961 – 6/3/1969
Leonard Gelb	7260 NW 9 <sup>th</sup> Street Margate, FL 33063	None	6/3/1969 – 10/31/1983
Noris Realty Corp.	--	Applicant	10/31/1983 to Present

<b>Previous Operators</b>			
<b>Name</b>	<b>Last Known Contact Information</b>	<b>Relationship to Applicant</b>	<b>Operation</b>
<b>3901 8<sup>th</sup> Avenue</b>			
Finntown Garage	3901 8 <sup>th</sup> Avenue Brooklyn, NY 11232	None	From before 1928 to at least 1965
J.A.L. Oil Co., Inc.	3901 8 <sup>th</sup> Avenue Brooklyn, NY 11232	None	8/12/1948 (lease)
Finntown Holding Corp.	3901 8 <sup>th</sup> Avenue Brooklyn, NY 11232	None	8/12/1948 (lease)
Cavalier Chemical Company Inc.	26 Papetti Plaza Elizabeth, New Jersey, 07207-0818	Owned by Norman Lubin at the time that it occupied the Site	1/27/1970 – 1992
C Bros Fashions Inc.	3901 8 <sup>th</sup> Avenue Brooklyn, NY 11232	Tenant	From before 1997 to at least 2000
Blazer King	3901 8 <sup>th</sup> Avenue Brooklyn, NY 11232	Tenant	2005
New Style	3901 8 <sup>th</sup> Avenue Brooklyn, NY 11232	Tenant	2005

<sup>1</sup> Prior to 2008, the sole shareholder of Noris Realty Corp. was Norman Lubin. In 2008, Norman Lubin gifted 17.5% of the shares in the corporation each to his son, Bradley Lubin, and his daughter, Ellen Lubin-Sherman. In January 2016, Norman Lubin gifted an additional 27.5% interest to Bradley Lubin and to Ellen Lubin-Sherman. Upon Norman Lubin's passing on June 6, 2016, the remaining shares passed to his estate. No current shareholder of Noris Realty Corp. had any prior ownership or involvement with the Site.

<b>Previous Operators</b>			
<b>Name</b>	<b>Last Known Contact Information</b>	<b>Relationship to Applicant</b>	<b>Operation</b>
Colon Limousine Service	810 39 <sup>th</sup> Street Brooklyn, NY 11232	Tenant	2005 – 2013
Ocean 39	3901 8 <sup>th</sup> Avenue Brooklyn, NY 11232	Tenant	2006 – 2012
Top 8 Enterprises	3901 8 <sup>th</sup> Avenue Brooklyn, NY 11232	Tenant	2012 – 2017
S & A Construction <sup>2</sup>	3901 8 <sup>th</sup> Avenue Brooklyn, NY 11232	Tenant	2017 to Present
<b>3913 8<sup>th</sup> Avenue</b>			
Cavalier Chemical Company Inc.	26 Papetti Plaza Elizabeth, New Jersey, 07207-0818	Owned by Norman Lubin during the time that it occupied the Site	c. 1970 – 1992
Sanwa Metal Inc.	1109 Shore Parkway Brooklyn, NY 11228	Tenant	2008
Tonys Mechanic Shop LLC	3913 8 <sup>th</sup> Avenue Brooklyn, NY 11232	Tenant	1992 – 2017
Nu Image Kustomz	3913 8 <sup>th</sup> Avenue Brooklyn, NY 11232	Tenant	2014 – 2017

## **Section VII – Requestor Eligibility Information**

### Statement Regarding Requested Volunteer Status

Pursuant to ECL § 27-1405(1), Requestor (in its current form) is properly designated as a Volunteer because its liability will arise solely from its ownership acquired after the disposal/discharge of contamination and because it has taken and will take reasonable steps to (i) stop any continuing release, (ii) prevent any threatened future release, and (iii) prevent or limit human, environmental, or natural resource exposure to any previously released contamination. Although Noris Realty Corp. has owned 3901 8<sup>th</sup> Avenue and 3913 8<sup>th</sup> Avenue since 1970 and 1983, respectively, the current shareholders of the corporation all obtained their shares by bequest after the disposal/discharge of contamination and have taken and will continue to take reasonable steps to (i) stop any continuing release, (ii) prevent any threatened future release, and (iii) prevent or limit human, environmental, or natural resource exposure to any previously released contamination.

## **Section IX – Contact List Information**

See contact list in Exhibit E.

---

<sup>2</sup> While the name of current operator implies a construction company, the current operation is as clothing assembly factory.

## **Section X – Land Use Factors**

X.2 – Summary of Current Business Operations or Uses: The 3901 8<sup>th</sup> Avenue property is currently occupied by a clothing assembly company. The 3913 8<sup>th</sup> Avenue property is currently vacant; the prior use as an automotive garage (no petroleum storage) ceased in 2017.

X.3 – Reasonably Anticipated Use Post-Remediation: The anticipated post-remedial use of 3901 8<sup>th</sup> Avenue is as a supermarket or other industrial/commercial use. The anticipated post-remedial use of 3913 8<sup>th</sup> Avenue is mixed residential/commercial.

X.5 – Is the proposed use consistent with applicable zoning laws/maps? The proposed use for the 3901 8<sup>th</sup> Avenue property is consistent with the existing M1-2 zoning. The proposed use for the 3913 8<sup>th</sup> Avenue property is consistent with the existing R6 zoning.

X.5 – Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? The proposed use is not inconsistent with any applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans or other adopted land use plans.

Exhibit A  
NYS Department of State Registration

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through September 28, 2017.

---

Selected Entity Name: NORIS REALTY CORP.

Selected Entity Status Information

**Current Entity Name:** NORIS REALTY CORP.

**DOS ID #:** 285388

**Initial DOS Filing Date:** NOVEMBER 26, 1969

**County:** KINGS

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC BUSINESS CORPORATION

**Current Entity Status:** ACTIVE

Selected Entity Address Information

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

IRVING J. NORTH

120 BROADWAY

NEW YORK, NEW YORK, 10005

**Registered Agent**

NONE

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the chief executive officer, if provided, which would be listed above. Professional corporations must include the name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by [viewing the certificate](#).

**\*Stock Information**

**# of Shares    Type of Stock    \$ Value per Share**

200                      No Par Value

\*Stock information is applicable to domestic business corporations.

**Name History**

<b>Filing Date</b>	<b>Name Type</b>	<b>Entity Name</b>
NOV 26, 1969	Actual	NORIS REALTY CORP.

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](#)

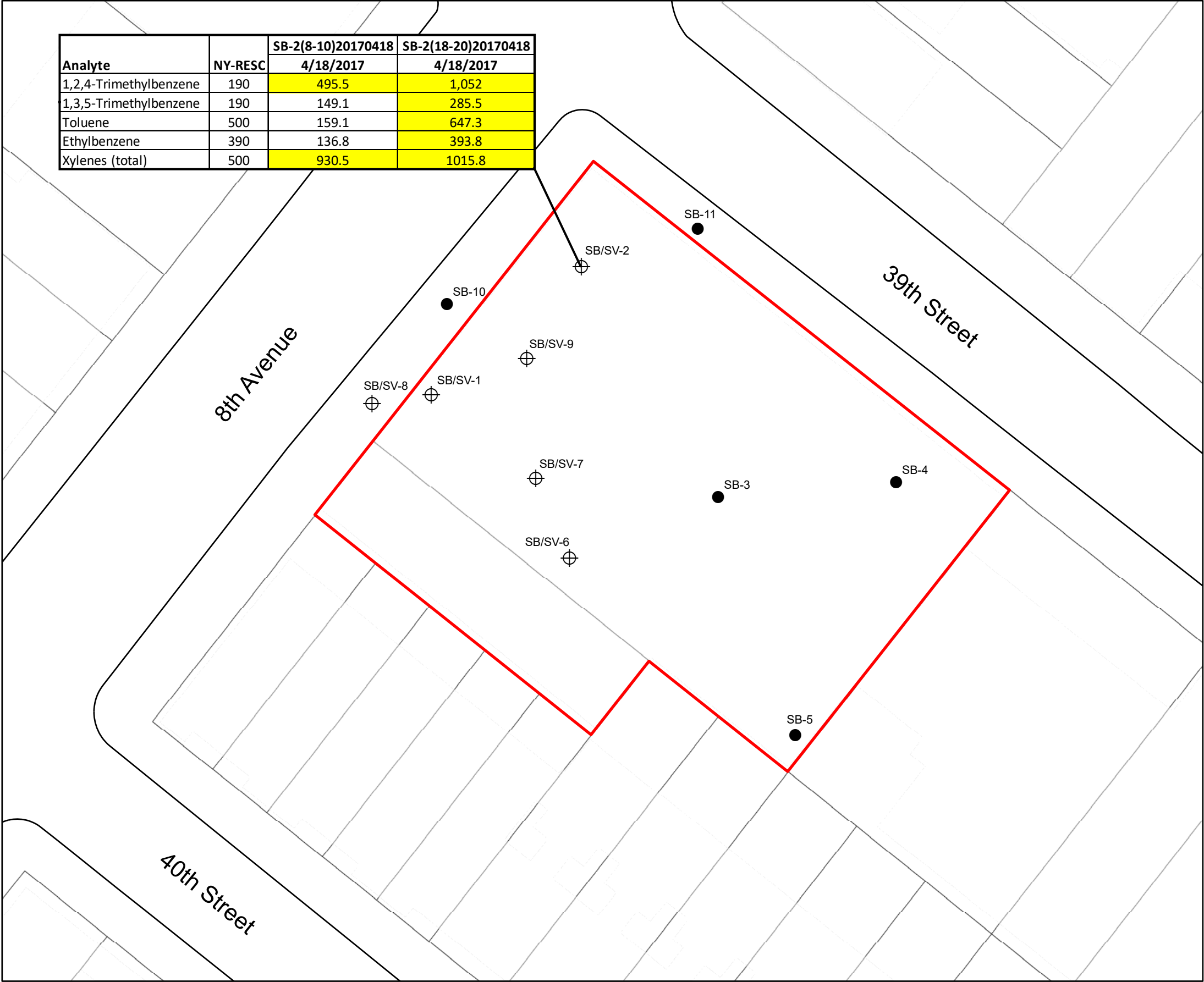
[Services/Programs](#) | [Privacy Policy](#) | [Accessibility Policy](#) | [Disclaimer](#) | [Return to DOS](#)  
[Homepage](#) | [Contact Us](#)

Exhibit B  
Environmental Reports (cd only)

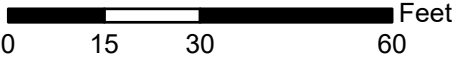
Exhibit C  
Drawings (Sample Summaries)



Analyte	NY-RESC	SB-2(8-10)20170418	SB-2(18-20)20170418
		4/18/2017	4/18/2017
1,2,4-Trimethylbenzene	190	495.5	1,052
1,3,5-Trimethylbenzene	190	149.1	285.5
Toluene	500	159.1	647.3
Ethylbenzene	390	136.8	393.8
Xylenes (total)	500	930.5	1015.8



- Legend**
- Soil Boring Location
  - ⊕ Soil Boring/  
Sub-Slab Soil Vapor Location
  - ▭ Project Site Boundary



Service Layer Credits:  
NYC Department of City Planning, Information Technology Division

NY-RESC = Part 375 Commercial Use soil cleanup objectives (SCOs).  
Highlighted concentrations are above the Commercial Use SCOs.  
Concentrations and SCOs are in milligrams per kilogram (mg/kg).

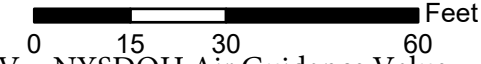
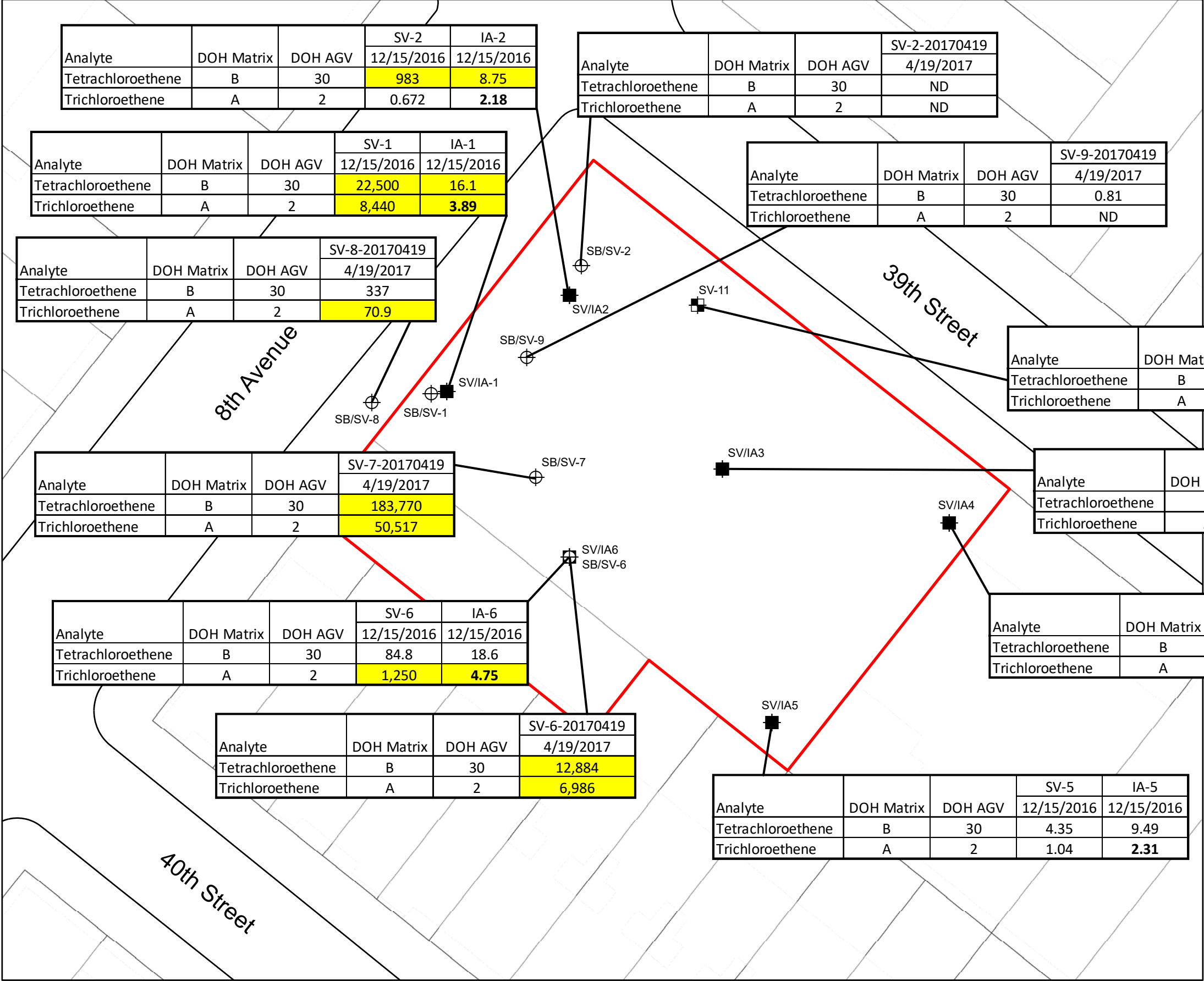
Site



Tenen Environmental, LLC  
121 West 27th Street  
Suite 702  
New York, NY 10001  
O: (646) 606-2332  
F: (646) 606-2379

Drawn By	LM
Checked By	CZ
Date	October 2017
Scale	As Noted

Drawing Title	Soil Sampling Results
Drawing No	Figure 5



**Legend**

- Soil Vapor/Indoor Air
- ⊠ Sub Slab Soil Vapor
- ⊕ Soil Boring/  
Sub-Slab Soil Vapor Location
- Project Site Boundary

Service Layer Credits:  
NYC Department of City Planning, Information Technology Division

DOH Matrix = New York State Department of Health (NYSDOH) Soil Vapor/Indoor Air Decision Matrices, May 2017. DOH AGV = NYSDOH Air Guidance Value. Highlighted concentrations require mitigation based on the NYSDOH Decision Matrices and bolded indoor air concentrations are above the NYSDOH AGV. Concentrations and AGVs are in micrograms per cubic meter (ug/m3).

3901 8th Avenue  
Brooklyn, New York  
Block 916, Lot 5

Site

**TENEN ENVIRONMENTAL**  
Tenen Environmental, LLC  
121 West 27th Street  
Suite 702  
New York, NY 10001  
O: (646) 606-2332  
F: (646) 606-2379

Drawn By	LM
Checked By	CZ
Date	October 2017
Scale	As Noted

Drawing Title	Soil Vapor/Indoor Air Sampling Results
Drawing No	Figure 6

Exhibit D  
Drawings (Property Information)





**Legend**

**Land Use**

One & Two Family Buildings

Multi-Family Walk-Up Buildings

Multi-Family Elevator Buildings

Mixed Residential & Commercial Buildings

Commercial & Office Buildings

Industrial & Manufacturing

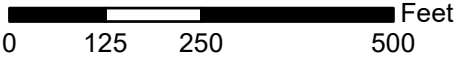
Transportation & Utility

Public Facilities & Institutions

Open Space & Outdoor Recreation

Parking Facilities

Vacant Land



Service Layer Credits: Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User

NYC Department of City Planning, Information Technology Division

Site

TENEN ENVIRONMENTAL

Tenen Environmental, LLC  
121 West 27th Street  
Suite 702  
New York, NY 10001  
O: (646) 606-2332  
F: (646) 606-2379

Drawn By	LM
Checked By	CZ
Date	October 2017
Scale	As Noted

Drawing Title	Land Use Map MapPLUTO - 2016 v2
Drawing No	Figure 1





**3901 8th Avenue  
Brooklyn, New York  
Block 916, Lot 5**

Site

TEN ENVIRONMENTAL

**Tenen Environmental, LLC**  
121 West 27th Street  
Suite 702  
New York, NY 10001  
O: (646) 606-2332  
F: (646) 606-2379

Drawn By

Checked By C7

Date October 2017

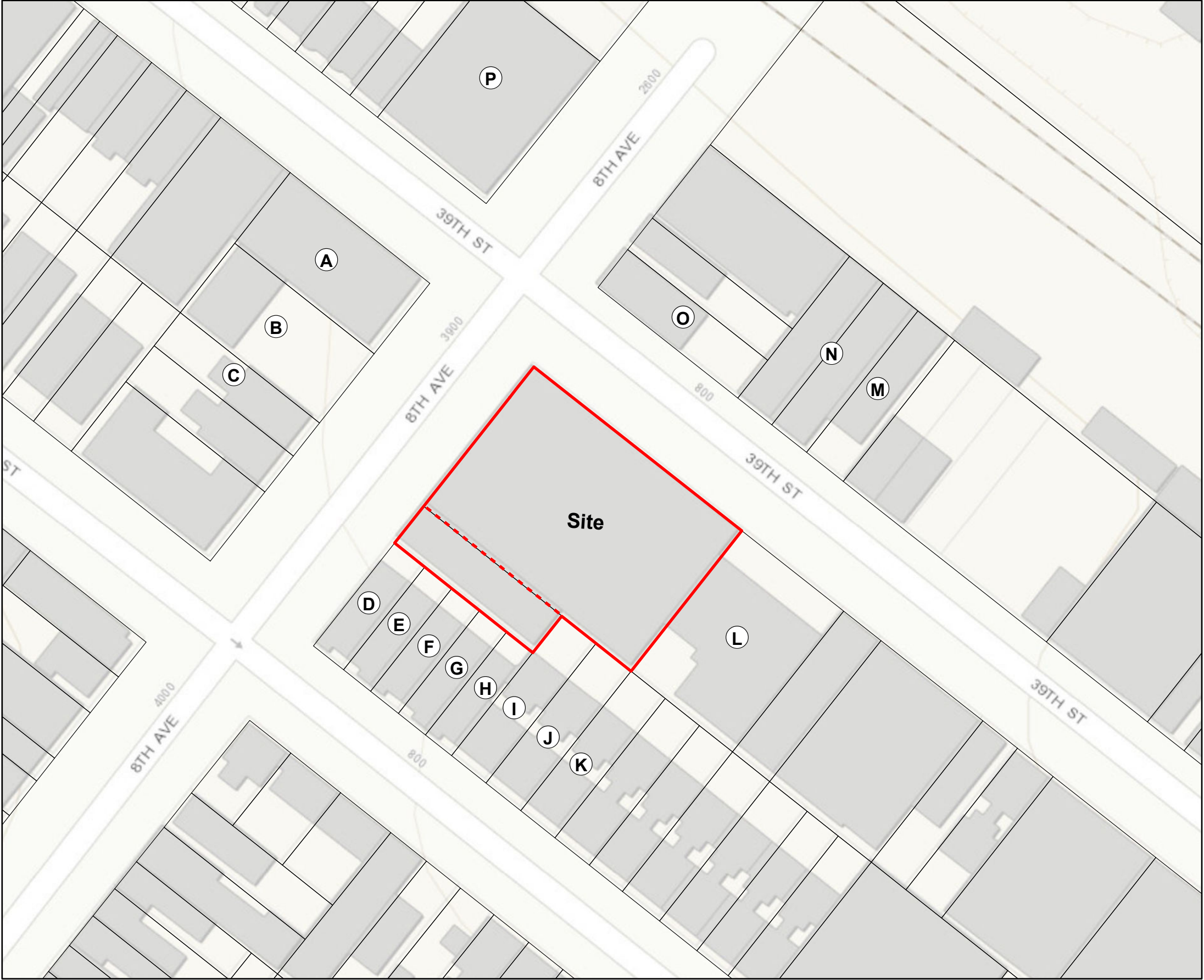
Scale

## Tax Map

## Figure 2

Drawing Title

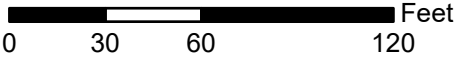
Drawing No



Service Layer Credits: Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User

NYC Department of City Planning, Information Technology Division

Adjacent Property Owners		
ID	OWNER	ADDRESS
A	774 39th LLC	774 39th Street
B	Brooklyn Chinese Development Corporation	3906 8th Avenue
C	3914 Realty LLC	3914 8th Avenue
D	Tak Bun Chan	801 40th Street
E	Bi Yan Guo	803 40th Street
F	Wang Feng Zhen	805 40th Street
G	Tong Feng Lu	807 40th Street
H	Biao Lu	809 40th Street
I	Jian Sheng Zheng	815 40th Street
J	Maria Carrion	817 40th Street
K	Hua Yu Chen	819 40th Street
L	Rong Fa Real Estate	820 39th Street
M	Vincent Bagnato	821 39th Street
N	815-817 39th Street LLC	815-817 39th Street
O	Wai Kun Lee	3823 8th Avenue
P	Jo Art Realty Corp.	775 39th Street



Site

TENEN ENVIRONMENTAL

Tenen Environmental, LLC  
121 West 27th Street  
Suite 702  
New York, NY 10001  
O: (646) 606-2332  
F: (646) 606-2379

Drawn By	LM
Checked By	CZ
Date	October 2017
Scale	As Noted

Adjacent Property Owners

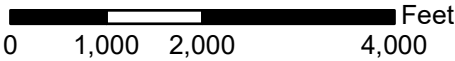
Figure 3





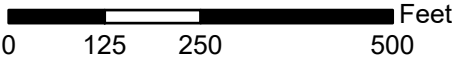
Basemap: ESRI - World Topo Map

Site Location



<http://gis.nyc.gov/taxmap/map.htm>

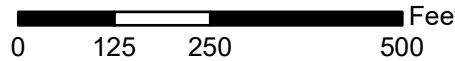
Department of Finance Digital Tax Map



Service Layer Credits: Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User

NYC Department of City Planning, Information Technology Division

Department of City Planning MapPLUTO - 2016 v2



Site

TENEN ENVIRONMENTAL

Tenen Environmental, LLC  
121 West 27th Street  
Suite 702  
New York, NY 10001  
O: (646) 606-2332  
F: (646) 606-2379

Drawn By

LM

Checked By

CZ

Date

October 2017

Scale

As Noted

Site Location Map

Drawing Title

Drawing No

Figure 4



# Exhibit E

## Contact List



## **Contact List Information**

### **1. The Chief Executive Officer And Planning Board Chairperson Of Each County, City, Town And Village In Which The Property Is Located.**

Mayor Bill de Blasio  
City Hall  
260 Broadway Avenue  
New York, New York 10007

Carl Weisbrod, Director  
Department of City Planning  
22 Reade Street  
New York, NY 10007

Eric L. Adams  
Brooklyn Borough President  
Borough Hall  
209 Joralemon Street  
Brooklyn, New York 11201

Department of City Planning  
Brooklyn Borough Office  
16 Court Street, 7<sup>th</sup> Floor  
Brooklyn, NY 11241

Carlos Menchaca  
Council Member, District 38  
4417 4th Avenue  
Brooklyn, NY 11220

Félix W. Ortiz  
Assembly Member, District 51  
5004 4<sup>th</sup> Avenue  
Brooklyn, NY 11220

Simcha Felder  
State Senator, District 17  
1412 Avenue J, Suite 2E  
Brooklyn, NY 11230

### **2. Residents, Owners And Occupants Of The Property And Properties Adjacent To The Property.**

774 39<sup>th</sup> Street  
Commercial building owned by: 774 39<sup>th</sup> LLC  
Owner address: 774 39<sup>th</sup> Street, Brooklyn, NY 11232  
Occupied by: G&L Wholesalers Inc. and Giant Marketing Inc.

3906 8<sup>th</sup> Avenue  
Commercial building owned by: Brooklyn Chinese Development Corporation

Owner address: 2072 East 15<sup>th</sup> Street, Brooklyn, NY 11229  
Occupied by: Brooklyn Chinese-American Association

3914 8th Avenue

Commercial/residential building owned by: 3914 Realty LLC  
Owner address: 3914 8<sup>th</sup> Avenue, Brooklyn, NY 11232  
Occupied by: 39 Fantastic Bar  
Unit 2F, Francis Antonello or Current Resident  
Unit 3R, Uvera or Current Resident  
Unit 3F, Tapia or Current Resident  
Unit 4R, Martinez or Current Resident  
Unit 4F, Cardenas or Current Resident  
Unit 5R, Salazar or Current Resident  
Unit 5F, Martinez or Current Resident  
Unit 6R, Current Resident  
Unit 6F, Current Resident

801 40<sup>th</sup> Street / 3918 8<sup>th</sup> Avenue

Residential building owned by: Tak Bun Chan  
Apt 1, Sayuri Rupini or Current Resident  
Apt 2, Rudy Augustin or Current Resident  
Apt 3F, Wei Xiang or Current Resident  
Apt 3R, Current Resident

803 40<sup>th</sup> Street

Residential building owned by: Bi Yan Guo  
Apt 1, Current Resident  
Apt 2, Current Resident  
Apt 3, Current Resident

805 40<sup>th</sup> Street

Residential building owned by: Wang Feng Zhen  
Apt 1, Current Resident  
Apt 2, Current Resident  
Apt 3, Current Resident

807 40<sup>th</sup> Street

Commercial/residential building owned by: Tong Feng Lu  
Occupied by: Commercial Unit  
Apt 1, Current Resident  
Apt 2, Current Resident  
Apt 3, Current Resident

809 40<sup>th</sup> Street

Residential building owned by: Biao Lu  
Apt 1, Current Resident  
Apt 2, Current Resident  
Apt 3, Current Resident

815 40<sup>th</sup> Street

Residential building owned by: Jian Sheng Zheng

Unit 1L, Jenet Hernandez or Current Resident  
Unit 1R, Current Resident  
Unit 2L, Angel Garcia or Current Resident  
Unit 2R, Current Resident

817 40<sup>th</sup> Street

Residential building owned by: Maria Carrion  
Unit 1L, Maria Carrion or Current Resident  
Unit 1R, Current Resident  
Unit 2L, Norma Carrion or Current Resident  
Unit 2R, Current Resident

819 40<sup>th</sup> Street

Residential building owned by: Hua Yu Chen  
Unit 1L, David F. Blemur or Current Resident  
Unit 1R, Current Resident  
Unit 2L, Hua Chen or Current Resident  
Unit 2R, Current Resident

820 39<sup>th</sup> Street

Commercial building owned by: Rong Fa Real Estate  
Owner address: 115 Bay 25<sup>th</sup> Street, Brooklyn, New York 11214  
Occupied by: Kings Comfort Inn

821 39<sup>th</sup> Street

Commercial building owned by: Vincent Bagnato  
Owner address: 148 Bay 8<sup>th</sup> Street, Brooklyn, NY 11228  
Occupied by: Bagnato Co., Inc.

815 39<sup>th</sup> Street

Commercial building owned by: 815-817 39<sup>th</sup> Street  
Owner address: 838 39<sup>th</sup> Street, Brooklyn, NY 11232  
Occupied by: Car Tone Auto Collision

3823 8<sup>th</sup> Avenue / 801 39<sup>th</sup> Street

Commercial/residential building owned by: Wai Kun Lee  
Owner address: 8753 Bay 16<sup>th</sup> Street, Brooklyn, NY 11220  
Occupied by: All New Restaurant Supply Corp.  
Apt 2F, Frances Salumn or Current Resident  
Apt 2L, Current Resident

775 39<sup>th</sup> Street

Commercial building owned by: Jo-Art Realty Corporation  
Owner address: 775 39<sup>th</sup> Street, Brooklyn, NY 11232  
Occupied by: T.H.L. Furniture

**3. Local News Media From Which The Community Typically Obtains Information.**

The New York Times  
229 West 43rd Street  
New York, NY 10036

Brooklyn Eagle  
30 Henry Street  
Brooklyn, NY 11201

1010 WINS-CBS Radio  
888 7th Avenue, 10th Floor  
New York NY 10106

News 12 Brooklyn  
164 20th Street  
Brooklyn, NY 11232

**4. The Public Water Supplier Which Services The Area In Which The Property Is Located**

Public water is provided from upstate New York reservoirs by the City of New York, Department of Environmental Protection (Consumer Service Center: 59-17 Junction Boulevard, 10th Floor, Flushing, NY 11373).

**5. Any Person Who Has Requested To Be Placed On The Contact List.**

We are unaware of any requests for inclusion on the contact list.

**6. The Administrator Of Any School Or Day Care Facility Located On Or Near The Property.**

PS 169 Sunset Park  
4305 7<sup>th</sup> Avenue  
Brooklyn, NY 11232  
Eujin Tang, Principal

Lil Genies Childcare  
762 41<sup>st</sup> Street  
Brooklyn, NY 11232  
Maria Casatelan

Challenge Early Intervention  
649 39th Street  
Brooklyn, NY 11232  
Ateres Mordechai

Children of the City  
740 40<sup>th</sup> Street  
Brooklyn, NY 11232  
Melody Rodriguez

Yeshiva Imrei Chaim / Bnos Margulia Viznitz  
971 41st Street  
Brooklyn, NY 11219  
Rabbi Mayer

**7. Locations of the Document Repositories**

Community Board #12 Brooklyn  
5910 13<sup>th</sup> Avenue  
Brooklyn, NY 11219

Sunset Park Library, Brooklyn Public Library  
5108 4th Avenue  
Brooklyn, NY 11220

Documentation from the repositories is included below.

**8. In Cities With A Population of One Million or More, The Local Community Board If The Proposed Site Is Located Within Such Community Board's Boundaries**

Community Board #12 Brooklyn  
5910 13<sup>th</sup> Avenue  
Brooklyn, NY 11219

TENEN  
ENVIRONMENTAL

Matthew Carroll <mcarroll@tenen-env.com>

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## 3901-3913 8th Avenue: document repository

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**Community Board 12** <bkc12@gmail.com>

Fri, Oct 20, 2017 at 1:35 PM

To: Matthew Carroll <mcarroll@tenen-env.com>

Hi Matthew,

Yes, we agree.

Thank you,

Ann Marie Honan  
Community Board 12

On Tue, Oct 17, 2017 at 3:54 PM, Matthew Carroll <mcarroll@tenen-env.com> wrote:

Barry,

We are requesting permission to use CB12 as a document repository for a property entering the NYS Brownfield Cleanup Program (BCP). The property is located at 3901-3913 8th Avenue. The BCP application process requires the designation of a document repository for reports so they can be reviewed by the public.

We will require space for the reports for approximately 12-18 months. The total shelf space would likely be less than twelve inches. The documents will be reports on 8-1/2" paper.

Please respond in writing that CB12 will act as the document repository, as noted above, or contact me if you need any additional information. Thank you.

Sincerely,  
Matthew Carroll, PE  
Tenen Environmental  
[646.606.2332](tel:646.606.2332) x103

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ENVIRONMENTAL

Matthew Carroll &lt;mcarroll@tenen-env.com&gt;

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## 3901-3913 8th Avenue: document repository

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**Benavides, Roxana** <rbenavides@bklynlibrary.org>

Wed, Nov 1, 2017 at 7:45 PM

To: Matthew Carroll &lt;mcarroll@tenen-env.com&gt;

Cc: "Lahey, Sharron" &lt;slahey@bklynlibrary.org&gt;

Mr. Carroll,

The Sunset Park Library will serve as document repository. As per our conversation, we expect to move to an interim space by the end of the year, due limited shelving space we will also welcome (CD) electronic format.

Thank you,

Roxana Benavides | Neighborhood Library Supervisor  
Brooklyn Public Library | Sunset Park Library Branch

5108 4th Avenue Brooklyn NY 11220

Tel: 718.567.2806 ext. 55116 Fax: 718.567.2810

[rbenavides@bklynlibrary.org](mailto:rbenavides@bklynlibrary.org)[bklynpubliclibrary.org](http://bklynpubliclibrary.org)Follow us on Facebook, Twitter and more. [Start Here.](#)

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**From:** Matthew Carroll [[mcarroll@tenen-env.com](mailto:mcarroll@tenen-env.com)]**Sent:** Wednesday, November 01, 2017 4:02 PM**To:** Benavides, Roxana**Subject:** Re: [3901-3913 8th Avenue](#): document repository

Good afternoon, Ms. Benavides.

Please let me know if you need any additional information regarding our request, below.

Sincerely,  
Matthew Carroll, PE  
Tenen Environmental  
[646.606.2332](tel:646.606.2332) x103

On Thu, Oct 26, 2017 at 12:46 PM, Matthew Carroll <[mcarroll@tenen-env.com](mailto:mcarroll@tenen-env.com)> wrote:

| Ms. Benavides,

My name is Matthew Carroll and I'm an environmental engineer working with the owner of the above-property, which is near the Sunset Park Library. We are requesting permission to use this library as a document repository as part of the NYS Brownfield Cleanup Program (BCP). The BCP application process requires the designation of a document repository for reports so they can be reviewed by the public. Community Board 12 has also agreed to be a repository.

We will require space for the reports for approximately 12-18 months. The total shelf space would likely be less than twelve inches. The documents will be reports on 8-1/2" paper and we can also provide electronic copies if available.

Please respond in writing if the Sunset Park Library will act as the document repository, as noted above, or contact me if you need any additional information. Thank you.

Sincerely,  
Matthew Carroll, PE  
Tenen Environmental  
[646.606.2332](tel:646.606.2332) x103