



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 10*

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. **Please note:** If the requestor is an LLC, the members/owners names need to be provided on a separate attachment. **Included in Attachment A**

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

NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required.

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

3. Please attach a short description of the overall development project, including: **Included in Attachment B**

- 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). **Please submit a separate electronic copy of each report in Portable Document Format (PDF).**

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

Included in Attachment C

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				Included in Attachment D	
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 proposed site boundary. If a portion of any lot is proposed , please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column.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 an accurate map of the proposed site.				Yes	No
2. Is the required property map attached to the application? (application will not be processed without map)				Yes	No
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information)				Yes	No
If yes, identify census tract : _____					
Percentage of property in En-zone (check one):		0-49%	50-99%	100%	
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)?					
				Yes	No
If yes, identify name of properties (and site numbers if available) in related BCP applications:_____					
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?					
				Yes	No
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law?					
If yes, attach relevant supporting documentation.				Yes	No
7. Are there any lands under water?					
If yes, these lands should be clearly delineated on the site map.				Yes	No

Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas?
If yes, identify here and attach appropriate information. ***Not Applicable** 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) ***Not Applicable**

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**? **Included in Attachment D** Yes No

Note: Questions 11 through 13 only pertain to sites located within the five counties comprising New York City

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits? Yes No
If yes, requestor must answer questions on the supplement at the end of this form.
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)

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

Section VII. Requestor Eligibility Information (continued)

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

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

PARTICIPANT

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

VOLUNTEER

Attachment F

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.

Attachment A

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 Included in Attachment G

Included in Attachment G

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). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

Section X. Land Use Factors

Included in Attachment H

1. What is the current municipal zoning designation for the site? _____

What uses are allowed by the current zoning? (Check boxes, below)

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 hererby 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 [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 Authorized Signatory (title) of SPG Boerum 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: (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 [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: 2/12/2019 Signature: 

Print Name: David Schwartz

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 10

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

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

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

Project is an Affordable Housing Project - Regulatory Agreement Attached;

Project is Planned as Affordable Housing, But Agreement is Not Yet Available*
(*Checking this box will result in a “pending” status. The Regulatory Agreement 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.); See Attachment I

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:

ATTACHMENT A

SECTION I: REQUESTOR INFORMATION

ATTACHMENT A

SECTION I: REQUESTOR INFORMATION

The Requestor, SPG Boerum LLC, a New York State limited liability company, is the developer and ground lease tenant of the proposed Brownfield Cleanup Program (BCP) property, identified as Block 3071, Lot 40 (the site). A copy of the NYS Department of State Division of Corporations entity information for SPG Boerum LLC (herein referred to as the "Requestor") is included with this attachment along with a copy of the Memorandum of Lease and deed for the property. Written confirmation binding the Requestor, SPG Boerum LLC and Signatory, David Schwartz, is included as an attachment.

The proposed BCP site is currently owned by LB II Associates LLC, a New York State limited liability company. Per the attached Memorandum of Lease dated August 16, 2016, SPG Boerum LLC is a lessor/ ground lease tenant of the proposed BCP site located at 159 Boerum Street (Block 3071, Lot 40), in Brooklyn, New York 11206. The current property owner, LB II Associates, LLC has provided authorization for SPG Boerum LLC to take all actions necessary to enter into and carry out the obligations of the BCP. A copy of the signed access agreement letter is included with this attachment.

The members of SPG Boerum LLC include:

- BE-AVIV BOERUM LP
- SLATE BOERUM INVESTORS LLC
- SPG BOERUM INVESTORS LLC

The Requestor certifies it is a Volunteer. The Requestor or its affiliated entities do not have nor have they ever had a relationship with the past owners or operators of the site that caused the existing contamination.

WRITTEN CONSENT OF THE MANAGER

The undersigned, being the manager of SPG Boerum LLC, a New York limited liability company (the "Company"), does hereby resolve that:

1. David Schwartz is a representative of the Company and has the full power and authority on behalf of the Company, as an Authorized Signatory, to:
 - a. Execute documents in connection with the application of the Company for participation in the New York State Brownfield Cleanup Program (the "BCP");
 - b. Enter into agreements with the New York State Department of Environmental Conservation (the "DEC") in connection with the Company's participation in the BCP;
 - c. Execute any and all documents in connection with the Company's participation in the BCP, including but not limited to applications, agreements, easements and tax returns;
 - d. Take any action necessary to the furtherance of the Company's participation in the BCP, including but not limited to conducting negotiations on behalf of the Company.
2. The authority hereby conferred shall be deemed retroactive, and any and all acts authorized herein which were performed prior to the passage of this consent are hereby approved and ratified. The authority hereby conferred shall continue in full force and effect until the DEC shall have received notice, in writing, of the revocation hereof by a resolution duly adopted by the Manager of the Company. Any such revocation shall be effective only as to actions taken by the Company subsequent to DEC's receipt of such notice.
3. The undersigned hereby represents and warrants that (i) the undersigned is the Manager of the Company; and (ii) the consent of the Manager is sufficient to authorize the Company to take the aforementioned actions.



[PERSON'S NAME], Manager

David Schwartz

Dated: 3/7/19
New York, NY

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through January 29, 2019.

Selected Entity Name: SPG BOERUM LLC

Selected Entity Status Information

Current Entity Name: SPG BOERUM LLC

DOS ID #: 5482611

Initial DOS Filing Date: JANUARY 25, 2019

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 SLATE PROPERTY GROUP, LLC ATTN: MARTIN NUSSBAUM

38 EAST 29TH STREET

9TH FLOOR

NEW YORK, NEW YORK, 10016

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
JAN 25, 2019	Actual	SPG BOERUM LLC

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

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

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**SPG Boerum LLC
C/O Slate Property Group
38 East 29th Street, 9th Floor
New York, NY 10016**

January 24, 2019

**LB II Associates LLC
98 Cutter Mill Road
Suite 240-S
Great Neck, New York, 11021**

**Re: Site Access to Perform Brownfield Cleanup Program Work
159 Boerum Street, Brooklyn, New York 11206
Tax Block 3071, Lot 40**

Dear Sir or Madam:

As you are aware, SPG Boerum LLC will be submitting an application to the Brownfield Cleanup Program (BCP) for the property located at 159 Boerum Street, Brooklyn, New York 11206 (Tax Block 3071, Lot 40), which is currently owned by your company. As the BCP applicant, we are required to seek access to the property from the current property owner for acceptance into the BCP. In order to file the application, we need written permission from you to access the property throughout the BCP Project. By execution of this site access agreement letter, you are hereby allowing site access for this purpose.


Sincerely,

SPG Boerum LLC

By: 
David Schwartz, Principal

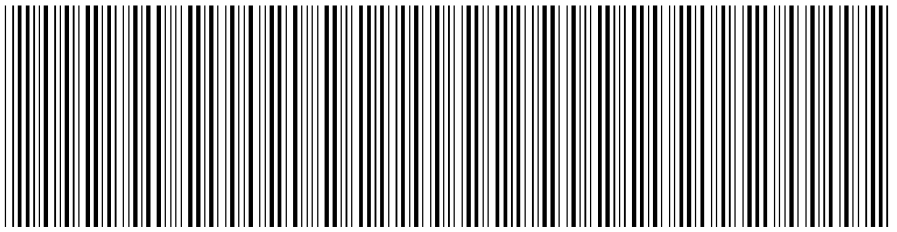
As Site owner, I agree to allow SPG Boerum LLC, and its contractors, to enter 159 Boerum Street, Brooklyn, New York 11206 (Tax Block 3071, Lot 40), which is currently owned by LB II Associates LLC, a New York Corporation, to perform the required BCP investigation and/or remediation work.

LB II Associates LLC

By:  Pres. Managing Member

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

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2016082500887018001EA389

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 11

Document ID: 2016082500887018

Document Date: 08-16-2016

Preparation Date: 08-30-2016

Document Type: MEMORANDUM OF LEASE

Document Page Count: 10

PRESENTER:

RIVERSIDE ABSTRACT LLC
3839 FLATLANDS AVE #208 - RANY-17146
BROOKLYN, NY 11234
718-252-4200
REC@RSABSTRACT.COM

RETURN TO:

RIVERSIDE ABSTRACT LLC
3839 FLATLANDS AVE #208 - RANY-17146
BROOKLYN, NY 11234
718-252-4200
REC@RSABSTRACT.COM

			PROPERTY DATA	
Borough	Block	Lot	Unit	Address
BROOKLYN	3071	40	Entire Lot	N/A JOHNSON AVENUE
Property Type: OTHER				

CROSS REFERENCE DATA

CRFN _____ or DocumentID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

LESSOR:

LB II ASSOCIATES LLC
98 CUTTER MILL ROAD, SUITE 240-S
GREAT NECK, NY 11021

LESSEE:

SPG BOERUM LLC
850 THIRD AVENUE, SUITE 16-B
NEW YORK, NY 10022

FEES AND TAXES

Mortgage :

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

TOTAL: \$ 0.00

Recording Fee: \$ 87.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 250.00

NYC Real Property Transfer Tax:

\$ 0.00

NYS Real Estate Transfer Tax:

\$ 0.00

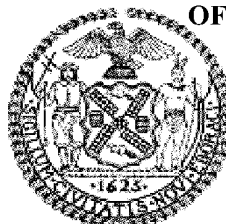
**RECORDED OR FILED IN THE OFFICE
OF THE CITY REGISTER OF THE**

CITY OF NEW YORK

Recorded/Filed 09-02-2016 10:39

City Register File No.(CRFN):

2016000305118



Annette M. Hill

City Register Official Signature

MEMORANDUM OF LEASE

This **MEMORANDUM OF LEASE** (this "Memorandum") is entered into as of August 16, 2016 (the "Effective Date"), by and between LB II Associates LLC, a New York limited liability company, whose address is c/o AMS Realty Company LLC, 98 Cutter Mill Road, Great Neck, New York 11021 ("Landlord"), and SPG Boerum LLC, a Delaware limited liability company, whose address is 38 East 29th Street, 9th Floor, New York, New York 10016 ("Tenant").

By executing and recording this Memorandum, Landlord and Tenant give notice of the following facts. Any person taking any interest in Landlord's Property (as defined below) shall do so subject to all documents (including all terms of such documents) and other matters that this Memorandum refers to or discloses.

1. *Landlord's Property.* Landlord owns the parcel of real property described in **Exhibit A** attached hereto ("Landlord's Property").
2. *Lease.* Lindsay-Bushwick Associates L.P. and Tenant entered into a Lease dated June 22, 2015, as amended by that certain letter agreement dated May 16, 2016, as assigned to Landlord by that certain Assignment and Assumption of Lease Agreement dated August 16, 2016 (as amended, modified, renewed, or extended from time to time, the "Lease").
3. *Lease of Tenant's Premises.* For good and valuable consideration, Landlord has leased to Tenant part of Landlord's Property (such leased part of Landlord's Property, "Tenant's Premises"), all as the Lease provides.
4. *Description of Tenant's Premises.* Tenant's Premises is described in **Exhibit B** attached hereto.
5. *Term.* The "Commencement Date" of the Lease is the earlier of (A) the date that Landlord obtains (i) the consent or approval under the New York State Private Housing Finance Laws to Landlord entering into this Lease and the transactions contemplated herein, (ii) satisfaction of the HAP Contract Condition, and (iii) the approval of the City of New York to the subdivision of the Land and the creation of the Premises Land as a separate tax parcel and notifies Tenant thereof or (B) the date that is fifteen (15) days after the Landlord Approvals Deadline. The Term of the Lease begins on the Commencement Date and ends at 11:59 p.m. on the day prior to the ninety-ninth (99th) anniversary of the Commencement Date, unless terminated sooner under the Lease. Tenant has no option(s) to extend the Term.
6. *No Effect on Lease.* This Memorandum is prepared, signed, and acknowledged solely for recording purposes under New York law. This Memorandum does not modify, increase, decrease, or in any other way affect the rights, duties, and obligations of Landlord or Tenant under the Lease. Landlord and Tenant each has rights, duties, and obligations (and conditions to its rights) under the Lease but not stated in this Memorandum. If the Lease and this Memorandum conflict, the Lease governs. Nothing in this Memorandum constitutes any representation or warranty by either party. To the extent, if any, that the Lease limits the liability of either Landlord or Tenant, such limitation shall apply with the same force and effect to any liability of Landlord or Tenant under this Memorandum.
7. *Successors and Assigns.* The Lease and this Memorandum shall bind and benefit the

parties and their successors and assigns. This shall not limit any restrictions on assignment or other transfer in the Lease.

8. *Termination.* This Memorandum shall automatically terminate and be of no force or effect upon any termination of the Lease, including any termination by Landlord upon an Event of Default as described in the Lease.

9. *Further Assurances.* Each party shall execute, acknowledge (where necessary), and deliver such further documents, and perform such further acts, as may be reasonably necessary to achieve the intent of the parties as expressed in the Lease and this Memorandum. If the Lease terminates, then Tenant shall execute, acknowledge (where necessary), and deliver such documents as Landlord shall reasonably require or as any title insurance, abstract company, or institutional lender shall require to remove this Memorandum of record.

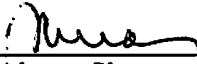
10. *Counterparts.* This Memorandum may be executed in counterparts.

IN WITNESS WHEREOF, Landlord and Tenant have executed this Memorandum as of the Effective Date.

LANDLORD:

LB II ASSOCIATES LLC, a New York limited liability company

By: Jusco Development Corp., its managing member

By: 
Name: Abram Shnay
Title: President

ACKNOWLEDGMENTS

STATE OF NEW YORK

NASSAU County, ss.

On this 24 day of AUGUST, in the year 2016, before me, the undersigned a Notary Public in and for said state, personally appeared ABRAM SHNAY, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed this instrument.

SUSAN VILLEGAS ARGIS
NOTARY PUBLIC - STATE OF NEW YORK
NO. 01VI4836796
QUALIFIED IN NASSAU COUNTY
MY COMMISSION EXPIRES MARCH 30, 2019

Susan Villegas Argis
(official signature and seal of notary)
Name: _____
My Commission Expires: _____

STATE OF _____

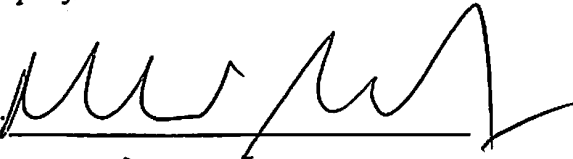
_____ County, ss.

On this _____ day of _____, in the year _____, before me, the undersigned a Notary Public in and for said state, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed this instrument.

(official signature and seal of notary)
Name: _____
My Commission Expires: _____

TENANT:

SPG BOERUM LLC, a Delaware limited liability company

By: 

Name: David Schwartz

Title: Authorized Signatory

Attachments:

Acknowledgments

Exhibit A = Landlord's Premises

Exhibit B = Tenant's Premises

ACKNOWLEDGMENTS

STATE OF _____

_____ County, ss.

On this _____ day of _____, in the year _____, before me, the undersigned a Notary Public in and for said state, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed this instrument.

(official signature and seal of notary)

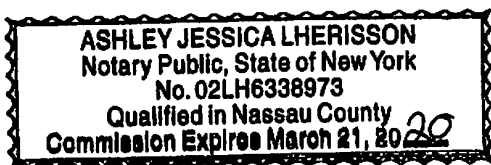
Name: _____

My Commission Expires: _____

STATE OF New York

New York County, ss.

On this 23rd day of August, in the year 2016 before me, the undersigned a Notary Public in and for said state, personally appeared David Schwartz, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed this instrument.



Ashley J. Lherisson
(official signature and seal of notary)

Name: Ashley Lherisson

My Commission Expires: 3/21/20

EXHIBIT A
Landlord's Property

Block 3071 Lot 10

ALL that certain 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 Southerly line of Johnson Avenue and the Westerly line of Humboldt Street as both streets are adopted by the City of New York.

RUNNING THENCE Southerly along said Westerly line of Humboldt Street, a distance of 200.00 feet tax map, 200.25 feet U.S. Std. to the Northerly line of Boerum Street;

THENCE Westerly along said Northerly line of Boerum Street, 191.00 feet to a point;

THENCE Northerly along a line parallel with the Easterly line of Graham Avenue, a distance of 102.21 feet to a point;

THENCE Westerly along a line parallel to said Southerly line of Johnson Avenue, a distance of 109.37 feet to a point;

THENCE Northerly along a line parallel with the Easterly line of Graham Avenue, a distance of 47.98 feet to a point;

THENCE Westerly along a line parallel to said Southerly line of Johnson Avenue, a distance of 40.05 feet to a point;

THENCE Northerly along a line parallel with the Easterly line of Graham Avenue, a distance of 50.00 feet tax map, 50.06 feet U.S. Std. to the Southerly line of Johnson Avenue;

THENCE Easterly along said Southerly line of Johnson Avenue, a distance of 340.00 feet tax map, 340.42 feet U.S. Std. to the westerly line of Humboldt street and the point or place of BEGINNING.

PREPARED in accordance with a survey dated April 4, 2016 and last updated July 13, 2016, made by Rajakaruna & Ettlinger P.C., designated R9278.

EXHIBIT B
Tenant's Premises

Block 3071 Lot 40

All that certain 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 line of Boerum Street (60 feet wide), distant 191.00 feet Westerly of the corner formed by the Northerly line of Boerum Street and the Westerly line of Humbolt Street as both streets are laid out to a width of 60 feet.

Running Thence in a Westerly direction along the Northerly line of Boerum Street, 109.37 feet;

Thence Northerly, deflecting to the right 90°00' 00" from the previous course, 102.21 feet;

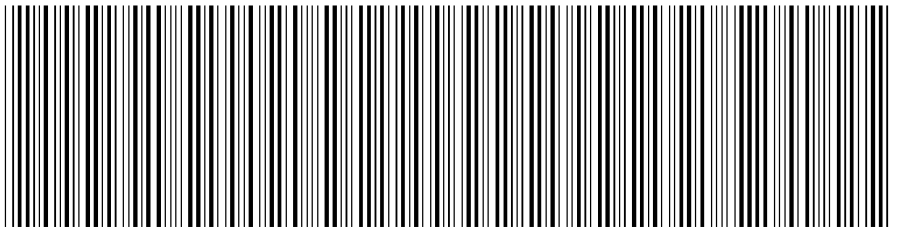
Thence Easterly, deflecting to the right 90°00' 00" from the previous course, 109.37 feet;

Thence Southerly, deflecting to the right 90° 00' 00" from the previous course, 102.21 feet to the Northerly line of Boerum Street and the point or place of beginning.

Containing 11,179 S.F.

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

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RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 7

Document ID: 2016082500887001

Document Date: 08-16-2016

Preparation Date: 08-25-2016

Document Type: DEED

Document Page Count: 6

PRESENTER:

RIVERSIDE ABSTRACT LLC
3839 FLATLANDS AVE #208 - RANY-17146
BROOKLYN, NY 11234
718-252-4200
REC@RSABSTRACT.COM

RETURN TO:

RIVERSIDE ABSTRACT LLC
3839 FLATLANDS AVE #208 - RANY-17146
BROOKLYN, NY 11234
718-252-4200
REC@RSABSTRACT.COM

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BROOKLYN	3071	40	Entire Lot	N/A JOHNSON AVENUE
Property Type: COMMERCIAL REAL ESTATE				

CROSS REFERENCE DATA

CRFN _____ or DocumentID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

GRANTOR/SELLER:

LINDSAY-BUSHWICK ASSOCIATES, L.P.
98 CUTTER MILL ROAD, SUITE 240-S
GREAT NECK, NY 11021

GRANTEE/BUYER:

LB II ASSOCIATES LLC
98 CUTTER MILL ROAD, SUITE 240-S
GREAT NECK, NY 11021

FEES AND TAXES

Mortgage :

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

TOTAL: \$ 0.00

Recording Fee: \$ 67.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 250.00

NYC Real Property Transfer Tax:

\$ 0.00

NYS Real Estate Transfer Tax:

\$ 0.00

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

CITY OF NEW YORK

Recorded/Filed 09-02-2016 10:39

City Register File No.(CRFN):

2016000305101



Annette M. Hill

City Register Official Signature

BARGAIN AND SALE DEED

BY

LINDSAY-BUSHWICK ASSOCIATES, L.P.

TO

LB II ASSOCIATES LLC

COUNTY: Kings
BLOCK & LOT: Block 3071, Lot 40 (formerly part of Lot 10)

Record and return to:
John L. Kelly, Esq.
Nixon Peabody LLP
437 Madison Avenue

BARGAIN AND SALE DEED

THIS INDENTURE, made ⁰⁵ this 16th day of August, 2016 between LINDSAY-BUSHWICK ASSOCIATES, L.P. , a New York limited partnership organized under the laws of the State of New York, having an office at 98 Cutter Mill Road, Suite 240-S, Great Neck, New York, 11021 ("Grantor") and LB II ASSOCIATES LLC, a New York limited liability company organized under the laws of the State of New York, having an office at 98 Cutter Mill Road, Suite 240-S, Great Neck, New York, 11021 ("Grantee").

WITNESSETH:

That Grantor, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration paid by Grantee, the receipt and sufficiency of which are hereby acknowledged, does hereby convey, grant and release unto Grantee, its heirs and successors and assigns, forever, all right, title and interest of Grantor in and to the following:

ALL that certain plot, piece, or parcel of land, with the buildings and improvements thereon erected, situate, lying and being and intended to be part of the same premises conveyed to Grantor by deed from The City of New York, dated as of October 10, 1980 and recorded November 25, 1980 in Reel 1200 Page 67, as indexed by Correct Index/Deed recorded June 30, 2005 in CRFN 200500373152. Said premises are known and designated as Block 3071, Lot 40 (formerly part of Lot 10) in the County of Kings, State of New York, as more particularly described in Exhibit A attached hereto and incorporated herein for all purposes.

TOGETHER with all right, title and interest, if any, of Grantor in and to any streets and roads abutting the above described premises to the center lines thereof;

TOGETHER with the appurtenances and all the estate and rights of Grantor in and to said premises;

TO HAVE AND TO HOLD the premises herein granted unto Grantee, its heirs and successors and assigns, forever.

AND Grantor covenants that it has not done or suffered anything whereby the said premises have been encumbered in any way whatsoever, except as aforesaid.

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 improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

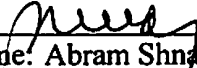
The word "party" as used herein shall be construed as if it reads "parties" whenever the sense of this indenture so requires.

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

[Remainder of this page intentionally left blank. Signature page to follow.]

LINDSAY-BUSHWICK ASSOCIATES, L.P., a
New York limited partnership

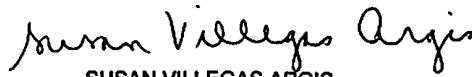
By: **Jusco Development Corp., its managing
general partner**

By: 
Name: Abram Shnay
Title: President

STATE OF NEW YORK)
) ss.:
COUNTY OF Nassau)

On the 22 day of June in the year 2016 before me, the undersigned, a notary public in and for said state, personally appeared **Abram Shnay** 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 she executed the same in her capacity and that by her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Notary Public
My commission expires:


SUSAN VILLEGAS ARGIS
NOTARY PUBLIC - STATE OF NEW YORK
NO. 01VI4836796
QUALIFIED IN NASSAU COUNTY
MY COMMISSION EXPIRES MARCH 30, 2019

SCHEDULE A
Legal Description

Block 3071 Lot 40

All that certain 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 line of Boerum Street (60 feet wide), distant 191.00 feet Westerly of the corner formed by the Northerly line of Boerum Street and the Westerly line of Humbolt Street as both streets are laid out to a width of 60 feet.

Running Thence in a Westerly direction along the Northerly line of Boerum Street, 109.37 feet;

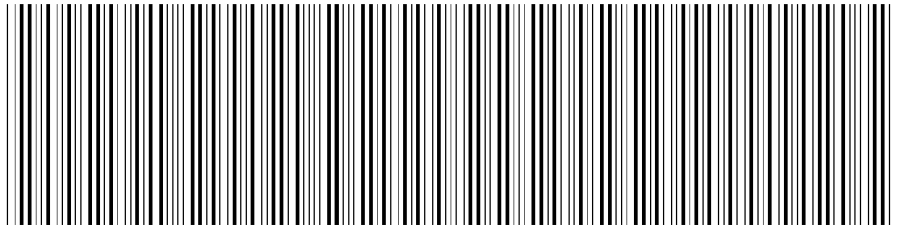
Thence Northerly, deflecting to the right 90°00' 00" from the previous course, 102.21 feet;

Thence Easterly, deflecting to the right 90°00' 00" from the previous course, 109.37 feet;

Thence Southerly, deflecting to the right 90° 00' 00" from the previous course, 102.21 feet to the Northerly line of Boerum Street and the point or place of beginning.

Containing 11,179 S.F.

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2016082500887001001SBDD5

SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

Document ID: 2016082500887001
Document Type: DEED

Document Date: 08-16-2016

Preparation Date: 08-25-2016

ASSOCIATED TAX FORM ID: 2016061400510

SUPPORTING DOCUMENTS SUBMITTED:

Page Count

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

1
2

FOR CITY USE ONLY

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

C3. Book OR C4. Page

C5. CRFN



REAL PROPERTY TRANSFER REPORT

 STATE OF NEW YORK
 STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217NYC

PROPERTY INFORMATION

1. Property Location N/A | JOHNSON AVENUE | BROOKLYN | 11206
 STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name LB II ASSOCIATES LLC
 LAST NAME / COMPANY FIRST NAME

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

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

4A. Planning Board Approval - N/A for NYC
 4B. Agricultural District Notice - N/A for NYC

5. Deed Property Size FRONT FEET X DEPTH OR ACRES

6. Ownership Type is Condominium ☐
 7. New Construction on Vacant Land ☐

8. Seller Name LINDSAY-BUSHWICK ASSOCIATES, L.P.
 LAST NAME / COMPANY FIRST NAME

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

A ☐ One Family Residential C ☐ Residential Vacant Land E ☒ Commercial G ☐ Entertainment / Amusement I ☐ Industrial
 B ☐ 2 or 3 Family Residential D ☐ Non-Residential Vacant Land F ☐ Apartment H ☐ Community Service J ☐ Public Service

SALE INFORMATION

10. Sale Contract Date 8 / 16 / 2016
 Month Day Year

11. Date of Sale / Transfer 8 / 16 / 2016
 Month Day Year

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

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

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

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

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

15. Building Class C, 9 16. Total Assessed Value (of all parcels in transfer) 0

17. Borough, Block and Lot / Roll Identifier(s) (If more than three, attach sheet with additional Identifier(s))
BROOKLYN 3071 40

201606140051020102

CERTIFICATION

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

BUYER**BUYER'S ATTORNEY**

BUYER SIGNATURE

DATE

LAST NAME

FIRST NAME

98 CUTTER MILL ROAD, SUITE 240-S

STREET NUMBER

STREET NAME (AFTER SALE)

AREA CODE

TELEPHONE NUMBER

GREAT NECK

NY

11021

SELLER

CITY OR TOWN

STATE

ZIP CODE

SELLER SIGNATURE

DATE

ABRAM SHNAY, AUTHORIZED SIGNATORY

ABRAM SHNAY, AUTHORIZED SIGNATORY



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

Customer Registration Form for Water and Sewer Billing

Property and Owner Information:

- (1) Property receiving service: BOROUGH: BROOKLYN BLOCK: 3071 LOT: 40
- (2) Property Address: N/A JOHNSON AVENUE, BROOKLYN, NY 11206
- (3) Owner's Name: LB II ASSOCIATES LLC
- Additional Name:

Affirmation:



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

Customer Billing Information:

Please Note:

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

Owner's Approval:

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

Print Name of Owner:

Signature: *[Signature]* Date (mm/dd/yyyy)

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

ABRAM SUNNY, AUTHORIZED SIGNATORY

ATTACHMENT B

SECTION II: PROJECT DESCRIPTION

ATTACHMENT B

SECTION II: PROJECT DESCRIPTION

Purpose and Scope of the Project

The purpose of the project is to redevelop an underutilized and contaminated parcel, while implementing remedial measures that are protective of human health and the environment. The proposed redevelopment includes construction of a new 19-story residential and affordable housing development with one cellar level. The new multi-story development is anticipated to include one below-grade level of ventilated parking. In accordance with the Board of Standards and Appeals Special Permit Procedures, the Applicant will be seeking approval to incorporate additional parking into the development.

The proposed project will include:

- A remedial investigation to characterize the nature and extent of contamination and identify subsequent remedial measures;
- Demolition of the existing asphalt parking lot;
- Excavation and off-site disposal of contaminated soil; and
- Implementation of remedial elements, if and as required, simultaneously with development.

According to the New York City Planning Commission Zoning Map 13b, the site is located within a residential district (R6). According to the New York City Planning Commission, "R6 zoning districts are widely mapped in built-up, medium-density areas in Brooklyn, Queens and the Bronx. The character of R6 districts can range from neighborhoods with a diverse mix of building types and heights." The proposed use is consistent with the current zoning. The applicable zoning map is included as an attachment.

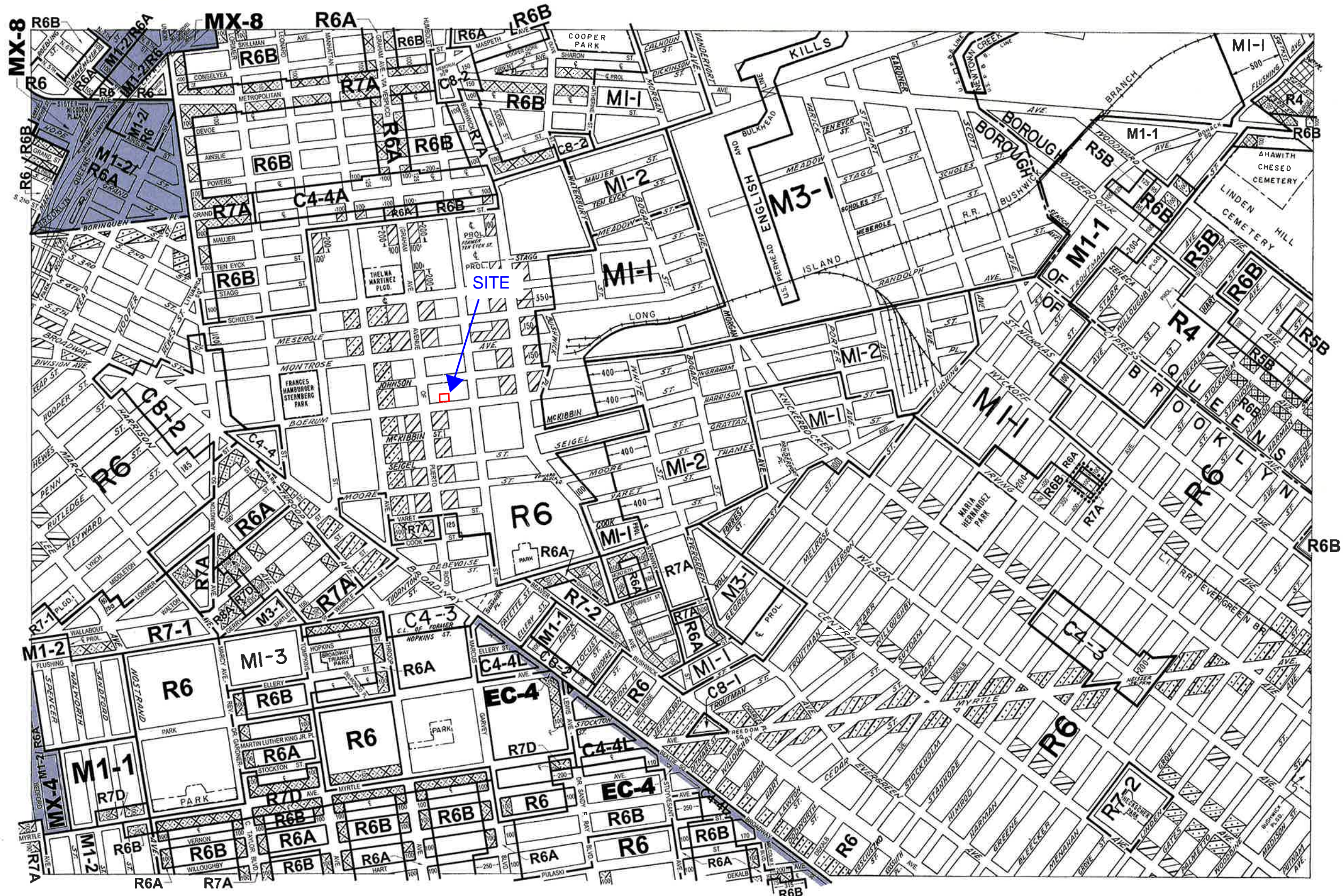
A limited subsurface investigation was performed at the site in October 2018, and is further summarized in Attachment C. The site will be further investigated in accordance with a Remedial Investigation Work Plan (RIWP), which will be implemented to determine the nature and extent of soil, groundwater and soil vapor impacts at the site. The findings of the investigation will be documented in a Remedial Investigation Report (RIR) and future remediation plans to address the identified impacts will be detailed in a Remedial Action Work Plan (RAWP), which will be implemented concurrently with the contemplated development. The RIWP and RAWP will be prepared and submitted in accordance with New York State Department of Environmental Conservation (NYSDEC) guidelines. A timeline of anticipated BCP milestones is provided in the following schedule:

Estimated Project Schedule

Estimated Project Schedule		2019												2020											
Item	Action	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1	Preparation and Submission of BCP Application, RIWP and CPP																								
2	30-Day Public Comment Period for BCP Application and RIWP																								
3	Execute BCA and NYSDEC & NYSDOH approval of RIWP																								
4	Implementation of Remedial Investigation																								
5	Preparation and Submission of RIR and RAWP																								
6	NYSDEC & NYSDOH Review of RIR and RAWP																								
7	45-Day Public Comment Period for RAWP and Issuance of Decision Document																								
8	Implementation of RAWP with Engineering Oversight																								
9	Preparation of an Environmental Easement, FER, and SMP (if required)																								
10	NYSDEC & NYSDOH Review of FER (and SMP, if required)																								
11	NYSDEC Issues COC																								

Notes:

- a) This is an estimated schedule; all items are subject to change.
- b) Completion of Item 8 refers to the completion of remediation and not the end of overall construction.
- c) BCP = Brownfield Cleanup Program
- d) NYSDEC = New York State Department of Environmental Conservation
- e) BCA = Brownfield Cleanup Agreement
- f) RIWP = Remedial Investigation Work Plan
- g) CPP = Citizen Participation Plan
- h) NYSDOH = New York State Department of Health
- i) RIR = Remedial Investigation Report
- j) RAWP = Remedial Action Work Plan
- k) FER = Final Engineering Report
- l) SMP = Site Management Plan
- m) COC = Certificate of Completion



THE NEW YORK CITY PLANNING COMMISSION

The number(s) and/or letter(s) that follows an **R**, **C** or **M** District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

AREA(S) REZONED

09-12-2018 C 180148 ZMK

For Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas on this map, see APPENDIX F.

12c	13a	13c
12d	13b	13d
16c	17a	17c

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NOTE: Zoning Information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: www.nyc.gov/planning or contact the Zoning Information Desk at (212) 720-3291.

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

ATTACHMENT C

SECTION III: PROPERTY'S ENVIRONMENTAL HISTORY

ATTACHMENT C

SECTION III: PROPERTY'S ENVIRONMENTAL HISTORY

Item 1 - Environmental Reports

The following environmental reports were prepared for the site prior to the Requestor's application:

- *May 22, 2015 Phase I Environmental Site Assessment (ESA), prepared by Hydro Tech Environmental, Corp. (Hydro Tech)*
- *October 5, 2018 Due Diligence Sampling – Test Pit Location Plan and Analytical Results, prepared by Langan*
- *January 2019 Phase I ESA, prepared by Langan*

Environmental reports are summarized below and included with this attachment.

May 22, 2015 Phase I ESA, prepared by Hydro Tech Environmental, Corp. (Hydro Tech)

Hydro Tech prepared a Phase I ESA in April 2015 in general conformance with ASTM International's Standard Practice for Environmental Site Assessments E1527-13 and the United States Environmental Protection Agency (USEPA) All Appropriate Inquiries (AAI) Rule, for the purpose of identifying Recognized Environmental Conditions (RECs) in connection with the site. The Phase I ESA was prepared for two parking lots associated with 198 Johnson Avenue (Block 3072, Lot 1) and 157 Boerum Street (Block 3071, Lot 10).

The following REC was identified in the Phase I:

REC 1 – Historic Heating Oil Tanks: A review of available DOB records identified oil burner permits associated with Block 3071, Lot 10. The suspect presence of heating oil tanks may indicate an adverse environmental impact.

Following further review of the May 22, 2015 Phase I ESA and New York City Department of Buildings (NYCDOB) online query system, the suspected heating oil tanks are likely associated with the properties adjoining the site to the north and east (Block 3071, Lot 10).

October 5, 2018 Test Pit Sampling – Test Pit Location Plan and Analytical Results, prepared by Langan

Langan completed a limited sampling event to investigate soil quality in conjunction with a geotechnical investigation. The investigation was conducted on October 5, 2018, and included excavation of two test pits to about 8 feet below grade surface (bgs) and collection of soil

samples. A total of five soil samples were collected from the test pits. Field observations and laboratory analytical results are summarized below:

- Site Geology and Hydrogeology: Beneath the landscaped areas observed throughout the west and northern portions of the site, fill material consisting of buried solid waste within a brown, fine to medium sand and gravel matrix was identified. Solid waste material was heterogeneous and consisted of random distributions of glass, organic fibers, fabric, plastic, automobile tires, coal, ceramics, metal, brick and concrete was observed from surface grade to about 7.5 feet bgs. Groundwater was not encountered during the test pit excavation, but was identified between about 7 to 10 feet bgs at a property located 400 feet southeast of the site during a subsurface investigation performed by Langan.
- Soil: Metals including barium, cadmium, mercury, lead, and zinc were detected at concentrations above Title 6 NYCRR Part 375 Unrestricted Use (UU) Soil Cleanup Objectives (SCOs) in soil, with barium, cadmium, lead and mercury exceeding the Restricted Use Restricted-Residential (RRU) SCOs. Barium concentrations also exceeded the Commercial Use SCOs in three soil samples collected from Test Pit 1.

Several semivolatile organic compounds (SVOC) exceeded the RRU and UU SCOs in soil samples collected from surface grade to 7.5 feet bgs in Test Pit 1. In addition, concentrations of benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene were detected in Test Pit 1 at concentrations exceeding both Commercial and Industrial Use SCOs from about 4 to 7.5 feet bgs.

Total polychlorinated biphenyls (PCBs) in two samples collected from shallow fill (Test Pit 1) exceeded UU SCOs. In addition, several pesticides exceeded the UU SCOs in all soil samples collected from the two test pits.

While these detected contaminants are typical of historic fill material, the concentrations at which they were detected are not. The source of contaminant concentrations identified within the soil appears to be the buried solid waste.

January 2019 Phase I Environmental Site Assessment, prepared by Langan

Langan completed a Phase I ESA in January 2019 in general conformance with ASTM International's Standard Practice for Environmental Site Assessments E1527-13 and the USEPA AAI Rule, for the purpose of identifying RECs in connection with the site. The Phase I ESA was prepared 159 Boerum Street (Block 3071, Lot 40).

The following RECs were identified in the Phase I:

REC 1 – SVOC-Impacted Fill at the Subject Property

Langan's October 2018 test pit sampling within the western part of the Subject Property identified fill material consisting of buried solid waste within a brown, fine to medium sand and gravel matrix. Solid waste material was heterogeneous and consisted of random distributions of glass, organic fibers, fabric, plastic, automobile tires, coal, ceramics, metal, brick and concrete. The fill contained semivolatile organic compounds (SVOCs), pesticides, polychlorinated biphenyls (PCBs), and metals at concentrations above the New York State Department of Environmental Conservation (NYSDEC) Part 375 Unrestricted Use (UU) and Restricted Use Restricted-Residential (RRU) soil cleanup objectives (SCOs).

REC 2 – Historical Use of Surrounding Properties

One dry cleaner, Top Hat Cleaners, was identified as a New York State Hazardous Waste Site (SHWS) about 200 feet north and hydraulically upgradient of the Subject Property. The site previously operated as a dry cleaning facility from as early as 1969. Chlorinated volatile organic compounds (CVOCs) were identified in soil and groundwater at the site and in sub-slab soil vapor samples collected at an off-site property. Impacted groundwater and/or soil vapor may have migrated to the Subject Property.

Item 2 - Sampling Data

Contaminant concentrations detected above applicable regulatory standards for soil tested in October 2018 are summarized below. Laboratory analytical reports are included as an attachment.

Soil

Soil sample results were compared to the UU, RRU, and Commercial Use SCOs. Analytes detected above the UU SCOs are summarized below with those above the RRU SCOs shown in **bold**, those above Commercial Use SCOs shown as underlined.

SVOCs

- TP01 (0'-2'): **benzo(a)anthracene (3.4 milligrams per kilogram [mg/kg])**, **benzo(a)pyrene (2.9 mg/kg)**, **benzo(b)fluoranthene (4.3 mg/kg)**, benzo(k)fluoranthene (1.5 mg/kg), chrysene (3.3 mg/kg), **dibenz(a,h)anthracene (0.51 mg/kg)**, **indeno(1,2,3-c,d)pyrene (2.4 mg/kg)**
- TP01 (4'-6'): **benzo(a)anthracene (11 mg/kg)**, **benzo(a)pyrene (11 mg/kg)**, **benzo(b)fluoranthene (15 mg/kg)**, benzo(k)fluoranthene (3.9 mg/kg), **chrysene (12 mg/kg)**, **dibenz(a,h)anthracene (2 mg/kg)**, **indeno(1,2,3-c,d)pyrene (7.1 mg/kg)**

- TP01 (6'-7.5'): **benzo(a)anthracene (21 mg/kg)**, **benzo(a)pyrene (20 mg/kg)**, **benzo(b)fluoranthene (26 mg/kg)**, **benzo(k)fluoranthene (8.9 mg/kg)**, **chrysene (20 mg/kg)**, **dibenz(a,h)anthracene (2.9 mg/kg)**, **indeno(1,2,3-c,d)pyrene (12 mg/kg)**

Metals

- TP01 (0'-2'): **Barium (479 mg/kg)**, **Lead (446 mg/kg)**, **Mercury (0.945 mg/kg)**, Zinc (403 mg/kg)
- TP01 (4'-6'): **Barium (624 mg/kg)**, **Cadmium (5.98 mg/kg)**, **Lead (900 mg/kg)**, **Mercury (0.85 mg/kg)**, Zinc (863 mg/kg)
- TP01 (6'-7.5'): **Barium (586 mg/kg)**, **Lead (700 mg/kg)**, Mercury (0.556 mg/kg), Zinc (558 mg/kg)
- TP02 (2'-4'): Lead (76.2 mg/kg), Mercury (0.232 mg/kg)
- TP02 (6'-8'): Mercury (0.509 mg/kg), Zinc (171 mg/kg)

Pesticides

- TP01 (0'-2'): 4,4'-DDD (0.00781 mg/kg), 4,4'-DDE (0.0273 mg/kg), 4,4'-DDT (0.13 mg/kg)
- TP01 (4'-6'): 4,4'-DDD (0.0601 mg/kg), 4,4'-DDE (0.128 mg/kg), 4,4'-DDT (0.541 mg/kg), Dieldrin (0.0464 mg/kg)
- TP01 (6'-7.5'): 4,4'-DDD (0.151 mg/kg), 4,4'-DDE (0.0852 mg/kg), 4,4'-DDT (0.128 mg/kg), Dieldrin (0.0544 mg/kg)
- TP02 (2'-4'): 4,4'-DDE (0.00988 mg/kg), 4,4'-DDT (0.0235 mg/kg)
- TP02 (6'-8'): 4,4'-DDE (0.00445 mg/kg), 4,4'-DDT (0.00593 mg/kg)

PCBs

- TP01 (0'-2'): Total PCBs (0.117 mg/kg)
- TP01 (6'-7.5'): Total PCBs (0.159 mg/kg)

Item 3 - Site Drawings

Figure C-1: Site Plan including test pit locations advanced during the previous limited subsurface investigation in October 2018. Analytical results exceeding the NYSDEC Title 6 NYCRR Part 375 UU SCOs are bolded. Analytical results exceeding the NYSDEC Title 6 NYCRR Part 375 RRU SCOs are shaded and bolded.

FIGURES

ATTACHMENT D

SECTION IV: PROPERTY INFORMATION

ATTACHMENT D

SECTION IV: PROPERTY INFORMATION

Item 1 – Metes and Bounds Description

The 11,180-square-foot (0.25 acres) proposed BCP site is located at 159 Boerum Street in Brooklyn, New York, which corresponds with Brooklyn Tax Block 3071, Lot 40.

GIS Information (degrees/minutes/seconds):

- Latitude: 40°42'22.08"
- Longitude: -73°56'32.45"

Item 2 – Property Maps

Figure D-1: Site Location Map is the required United States Geological Survey (USGS) 7.5-minute quadrangle map showing the location of the proposed BCP property.

Figure D-2: Site Plan provides a property base map that shows map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways.

Figure D-3: Surrounding Land Use Map provides a property base map that shows proposed brownfield property boundary lines, with adjacent property owners clearly identified, and surrounding land uses

Figure D-4: Tax Block and Lot Map provides the tax parcel information.

Item 10 - Property Description Narrative

Location

The site is located at 159 Boerum Street within an urbanized area of Brooklyn, New York and is identified as Block 3071, Lot 40 on the Kings County Tax Map. The site is located on the city block bound by Johnson Avenue to the north, Humboldt Street to the east, Boerum Street to the south, and Graham Avenue to the west. The site is bound to the north and east by 170 Johnson Avenue (multi-family residential building with vegetative cover); to the south by Boerum Street followed by 160 Boerum Street (multi-family residential building and parking lot); and to the west by 132-138 Graham Avenue (four multifamily residential buildings).

Site Features

The about 11,180-square-foot (0.25 acres) site is situated on the south-central part of the tax block and is occupied by an open air asphalt parking lot surrounded by landscaped areas to the

north and south. The site grade slopes from north (elevation¹ 28.5±) to south (elevation 25.8±), toward Boerum Street. The topography of the region is characterized by small peaks and valleys, which causes varying changes in the direction and degree of slopes in localized areas. The surrounding area slopes downward gradually to the south-southeast.

Current Zoning and Land Use

According to the New York City Planning Commission Zoning Map 13b, the site is located within a residential district (R6). According to the New York City Planning Commission, "R6 zoning districts are widely mapped in built-up, medium-density areas in Brooklyn, Queens and the Bronx. The character of R6 districts can range from neighborhoods with a diverse mix of building types and heights." The surrounding properties are zoned for residential (R6) uses with commercial overlays (C1/C2) along major thoroughfares. A copy of the zoning map is included in Attachment B.

Land use within a half-mile radius includes residential, commercial, industrial, open space and institutional developments. The nearest ecological receptor is the English Kills (tributary to Newtown Creek), located about 0.64 miles northeast of the site.

The site is currently being utilized as a parking lot for residents of the adjacent building.

Past Use of the Site

A review of available Sanborn® Fire Insurance Maps, historic aerial photographs, and City Directory records indicate the site was developed as early as 1887 with four multi-story buildings used as stores (labeled as tailor shop, synagogue, candy packaging, and warehouse), parking, and residential dwellings until about 1965. The previous mixed commercial/residential buildings were demolished around 1974, and the site was used as an open-air parking lot as early as 1981. Test pits excavated on-site revealed buried solid waste, including glass, organic fibers, fabric, plastic, automobile tires, coal, ceramics, metal, brick and concrete as deep as 7.5 feet bgs, suggesting that undocumented dumping occurred at some point after the buildings were demolished in 1974.

Site Geology and Hydrogeology

Based on findings of the previous limited investigation performed in October 2018 the site is underlain by solid waste within a sand and gravel matrix. Solid waste includes random distributions of brick, glass, organic fibers, fabric, plastic, automobile tires, coal, ceramics, metal and concrete from surface grade to about 7.5 feet below grade surface (bgs). Bedrock was not encountered during previous investigations conducted at the site, and is anticipated to be located over 80 feet bgs based on Langan's experience with other projects in this area of Brooklyn.

¹ Elevations presented herein are in feet and referenced to the North American Vertical Datum of 1988 (NAVD88).

According to the USGS Bedrock and Engineering Geologic Maps of New York County and Parts of Kings and Queens Counties, New York, and parts of Bergen and Hudson Counties, New Jersey, dated 1994, the site is underlain by the Hartland Formation. The Hartland Formation is comprised of 1) quartz-biotite-muscovite schist, 2) gray, fine-grained quartz-muscovite-biotite schist, 3) is white to pinkish-white, gneissic granite, 4) is a dark greenish-black amphibolite, and 5) gray, unevenly foliated gneissic schist.

Based on a review of USGS topographic maps, groundwater is inferred to flow east-southeast toward the English Kills (tributary to the Newtown Creek). According to the NYSDEC SHWS database for Top Hat Cleaners, located 200 feet north of the site (152 Graham Avenue), groundwater was encountered between 17.5 to 22.5 feet bgs. During the October 2018 due diligence sampling performed by Langan, groundwater was not encountered; however, groundwater was identified between about 7 to 10 feet at a property located 400 feet southeast of the site during a subsurface investigation performed by Langan.

Environmental Assessment

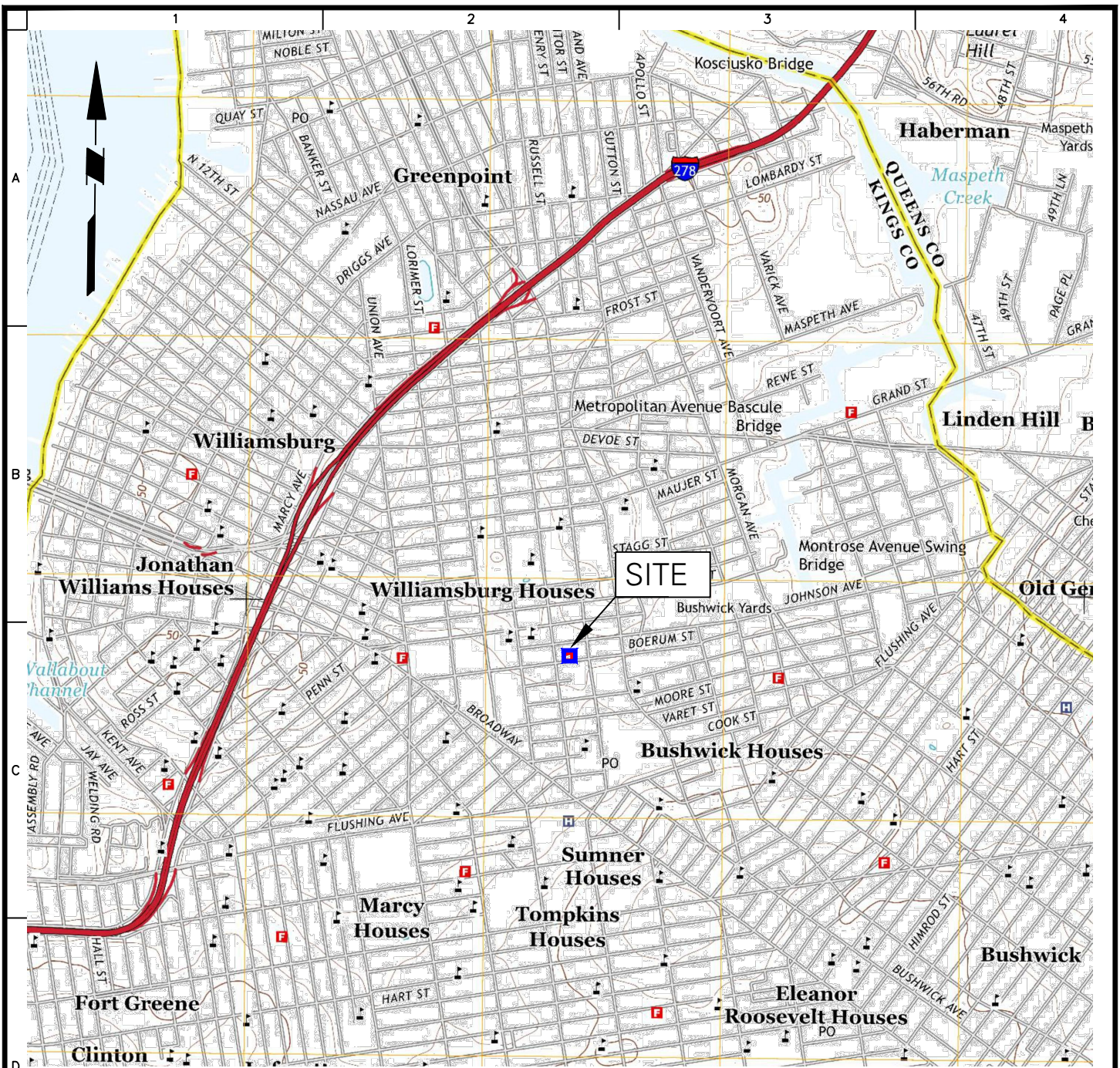
Based on the previous subsurface investigation performed at the site in October 2018, the primary contaminants of concern include: SVOCs, barium, cadmium, lead, mercury, pesticides and PCBs in soil. Further detail regarding documented soil contamination is provided below:

Metals including barium (maximum concentration of 624 mg/kg), cadmium (maximum concentration of 5.98 mg/kg), mercury (maximum concentration of 0.945 mg/kg), lead (maximum concentration of 900 mg/kg), and zinc (maximum concentration of 863 mg/kg) were detected at concentrations above Title 6 NYCRR Part 375 UU SCOs in soil samples collected from two test pits, with barium, cadmium, lead and mercury exceeding the RRU SCOs from soil samples collected from Test Pit 1. Barium concentrations also exceeded the Commercial Use SCOs in three soil samples collected from Test Pit 1.

Several SVOCs including benzo(a)anthracene (maximum concentration of 21 mg/kg), benzo(a)pyrene (maximum concentration of 20 mg/kg), benzo(b)fluoranthene (maximum concentration of 26 mg/kg), benzo(k)fluoranthene (maximum concentration of 8.9 mg/kg), chrysene (maximum concentration of 20 mg/kg), dibenzo(a,h)anthracene (maximum concentration of 2.9 mg/kg), and indeno(1,2,3-cd)pyrene (maximum concentration of 12 mg/kg) were detected in soil samples collected from from Test Pit 1 exceeding UU and/or Restricted Use Restricted-Residential (RRU) SCOs. Concentrations of benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene were detected in Test Pit 1 at concentrations exceeding both Commercial and Industrial Use SCOs from about 4 to 7.5 feet bgs.

Total PCBs in two samples collected from shallow fill (Test Pit 1) exceeded UU SCOs (maximum concentration of 0.159 mg/kg).

Several pesticides including 4,4'-DDD (maximum concentration of 0.151 mg/kg), 4,4'-DDE (maximum concentration of 0.128 mg/kg), 4,4'-DDT (maximum concentration of 0.541 mg/kg), and dieldrin (maximum concentration of 0.0544 mg/kg) exceeded the UU SCOs in all soil samples collected from the two test pits.



NOTES:

1. BASE MAP REFERENCED FROM THE 2013 TOPOGRAPHICAL QUADRANGLE MAP FOR BROOKLYN, NY.

LEGEND:



SITE BOUNDARY

WARNING: IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 145 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS ITEM IN ANY WAY.



LANGAN

Langan Engineering, Environmental, Surveying,
Landscape Architecture and Geology, D.P.C.
21 Penn Plaza, 360 West 31st Street, 8th Floor
New York, NY 10001

T: 212.479.5400 F: 212.479.5444 www.langan.com

Project

159 BOERUM STREET

BLOCK No. 3071, LOT No. 40

BROOKLYN

NEW YORK

Figure Title

**SITE LOCATION
MAP**

Project No.

170552901

Date

01/18/2019

Drawn By

JG

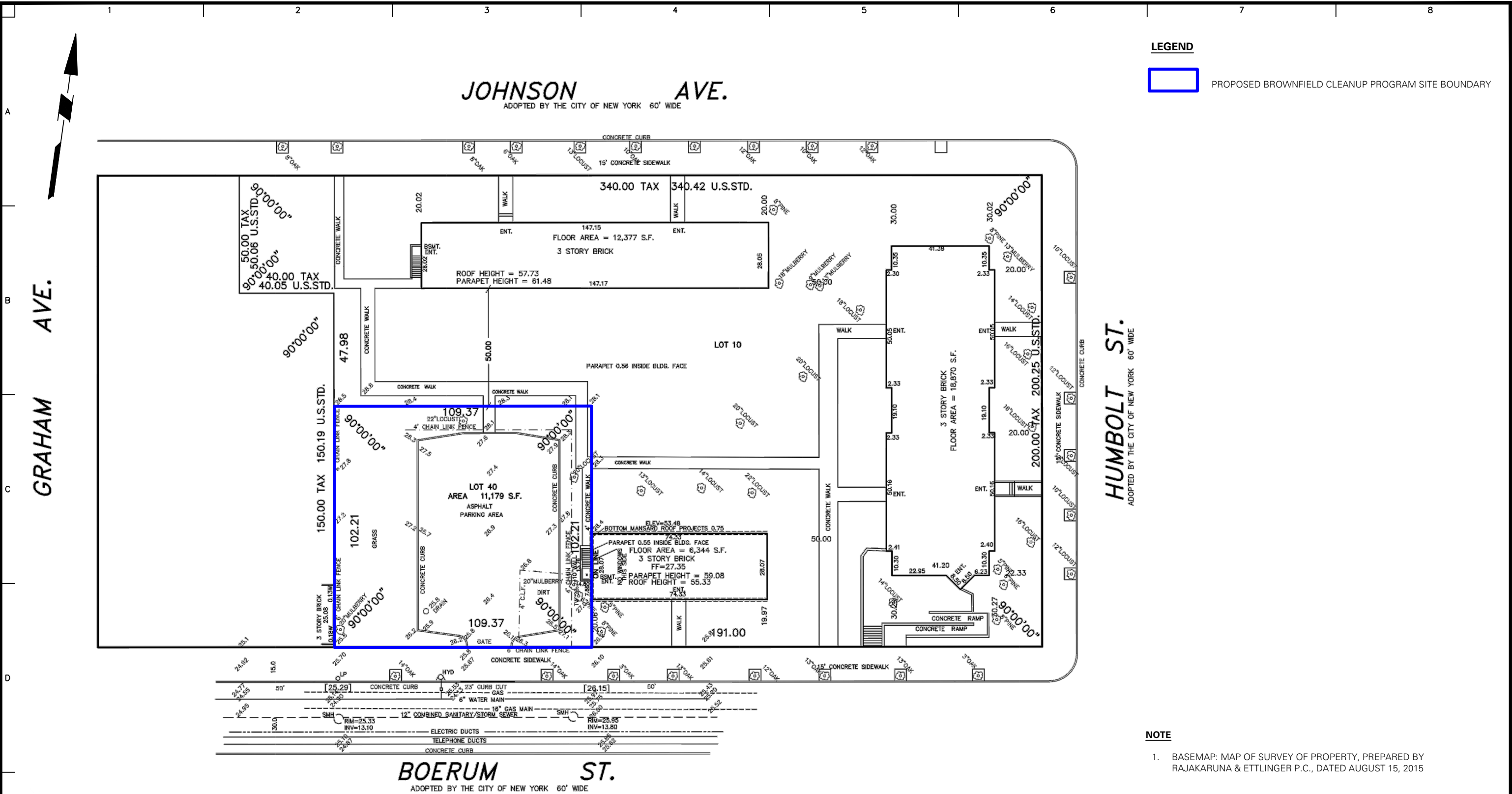
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ES

Figure No.

D-1

Sheet 1 of 4



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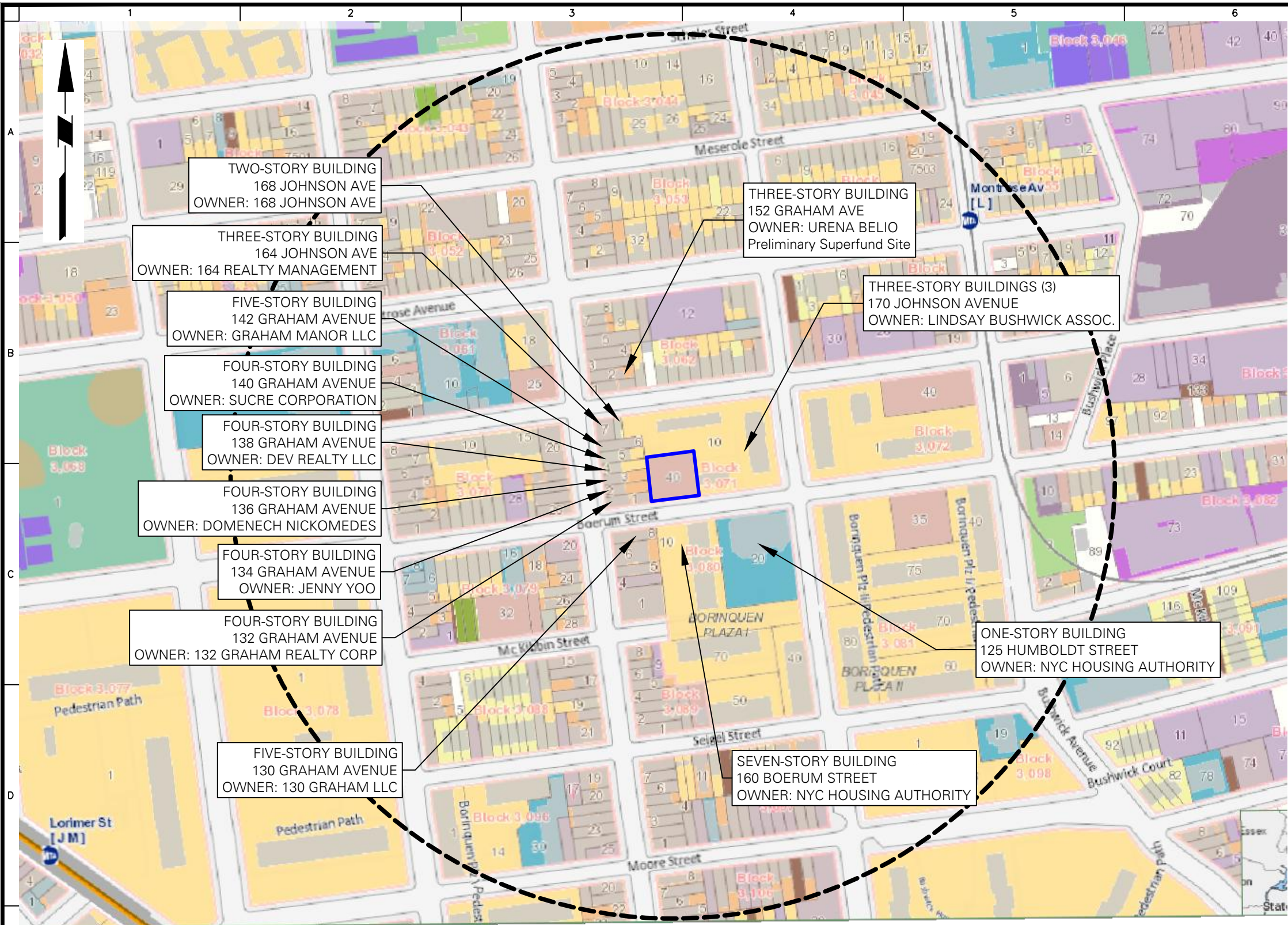
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Langan Engineering, Environmental, Surveying,
Landscape Architecture and Geology, D.P.C.
21 Penn Plaza, 360 West 31st Street, 8th Floor
New York, NY 10001
T: 212.479.5400 F: 212.479.5444 www.langan.com

Project
159 BOERUM STREET
BLOCK No. 3071, LOT No. 40
BROOKLYN NEW YORK

Figure Title
SITE PLAN

Project No.
170552901
Date
1/21/2019
Drawn By
JG
Checked By
ES

Figure No.
D-2
Sheet 2 of 4



LEGEND

- PROPOSED BROWNFIELD CLEANUP PROGRAM SITE BOUNDARY
- 1 & 2 FAMILY RESIDENTIAL
- MULTI-FAMILY RESIDENTIAL
- MIXED USE
- OPEN SPACE & OUTDOOR RECREATION
- COMMERCIAL
- INSTITUTIONS
- INDUSTRIAL
- PARKING
- TRANSPORTATION/UTILITIES
- VACANT LOTS
- 1000-FOOT RADIUS

NOTE

1. BASE MAP ACCESSED FROM (<http://oasisnyc.net/map.aspx>) ON JANUARY 21, 2019.

WARNING: IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 145 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS ITEM IN ANY WAY.



LANGAN Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C. 21 Penn Plaza, 360 West 31st Street, 8th Floor New York, NY 10001 T: 212.479.5400 F: 212.479.5444 www.langan.com	Project	Figure Title	Project No.	Figure No.
	159 BOERUM STREET	SURROUNDING LAND USE MAP	170552901	D-3
	BLOCK No. 3071, LOT No. 40			
	BROOKLYN NEW YORK			

ATTACHMENT E

SECTION VI: OWNER OPERATION INFORMATION

ATTACHMENT E

SECTION VI: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Site Owner

The proposed BCP site is currently owned by LB II Associates LLC. Per the Memorandum of Lease dated August 16, 2016, SPG Boerum LLC (the Applicant) is a lessor/ ground lease tenant of the proposed BCP site located at 159 Boerum Street (Block 3071, Lot 40), in Brooklyn, New York 11206. The current property owner, LB II Associates, LLC has provided authorization for SPG Boerum LLC to take all actions necessary to enter into and carry out the obligations of the BCP. A copy of the signed access agreement, Memorandum of Lease, and property deed are provided in Attachment A. SPG Boerum LLC is in no way affiliated with the past property owners, operators, or the releases of contaminants associated with prior uses.

Property Owner and Contact Information

LB II Associates LLC
c/o A.M.S REALTY COMPANY LLC
Attn: Abe Schnay
98 Cutter Mill Road - 240S
Great Neck, NY 11021
516-466-6520
svillegas@amsrlt.com

Current Operator

Site Use: Parking Lot
SPG Boerum LLC
C/O Slate Property Group
38 East 29th Street, 9th Floor
New York, NY 10016

Previous Site Owners

Date	Document Type	First Party	Second Party
Block 3071, Lot 40 (Post-subdivide)			
8/16/2016	Deed	Lindsay-Bushwick Associates L.P.	LB II Associates LLC
Block 3071, Lot 10 (Pre-subdivide)			
6/30/2005	Correct Index/Deed – Office Use	City of New York	Lindsay-Bushwick Associates L.P.

Date	Document Type	First Party	Second Party
5/28/1986	Deed	Commissioner of Finance	City of New York
11/25/1980	Deed	City of New York	Lindsay Bushwick Associates

Reference: New York City Department of Finance Automated City Register Information System (ACRIS) website: <https://a836-acris.nyc.gov/DS/DocumentSearch/Index>. An official Deed dated August 16, 2016 identifies the present owner of the property as LB II Associates LLC. Current and former addresses and telephone numbers of the previous property owners are not available. SPG Boerum LLC (the Applicant) is a lessor/ ground lease tenant of the proposed BCP site owned by LB II Associates LLC.

Previous Site Operators

A review of available Sanborn® Fire Insurance Maps, historic aerial photographs, and City Directory records indicate the site was developed as early as 1887 with four multi-story buildings used as stores (labeled as tailor shop, synagogue, candy packaging, and warehouse), parking, and residential dwellings until about 1965. The previous mixed commercial/residential buildings were demolished around 1974, and the site was used as an open-air parking lot as early as 1981. Historical site operations are presented in the following table:

Operator Name/ Site Use	Relationship to Property	Address and Phone Number	Relationship to Applicant
Block 3071, Lot 41			
Parking Lot	Operator (2016-Present)	SPG Boerum LLC 850 Third Avenue, Suite 16-B New York, NY 10022	Property Owner. SPG Boerum LLC (the Applicant) is a lessor/ ground lease tenant of the proposed BCP site owned by LB II Associates LLC.
Parking Lot	Operator (1981-2016)	Unknown	None
Vacant Lot	N/A (1974 to 1984)	Unknown	None
Warehouse	Operator (1965)	Unknown	None
Candy Packing	Operator (1947 to 1950)	Unknown	None
Synagogue	Operator (1935)	Unknown	None
Glick, Benj Cleaner and Dyer	Operator (1934)	Unknown	None
Tailor	Operator (1887 to 1935)	Unknown	None

References:

1. January 30, 2019 Phase I Environmental Site Assessment for 159 Boerum Street (Block 3071, Lot 40) prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture, and Geology, D.P.C.

2. January 14, 2019 The EDR Radius Map Report with GeoCheck, Sanborn Maps, Aerial Photographs, and City Directories for 159 Boerum Street, Inquiry Number: 5533893, prepared by Environmental Data Resources.

ATTACHMENT F

SECTION VII: REQUESTOR ELIGIBILITY INFORMATION

ATTACHMENT F

SECTION VII: REQUESTOR ELIGIBILITY INFORMATION

Volunteer Status

Pursuant to ECL § 27-1405(1), SPG Boerum LLC is properly designated as a Volunteer because their liability arises solely from involvement with the site after discharge or disposal of contaminants at the site. There is no indication of any contribution to or exacerbation of site conditions during the time of Requestors involvement with the site.

The Requestor, SPG Boerum LLC is a limited liability company. The requestor has taken appropriate care with respect to current site conditions, to prevent any threatened future release, and to prevent or limit human, environmental or natural resource exposures to any previously released contamination. Prior to leasing the site, the Requestor completed a Phase I ESA that did not identify RECs associated with the site. As such, the Requestor qualifies as a Volunteer in the Brownfield Cleanup Program. The Applicant is prepared to undertake all necessary investigation and remediation required to address identified site contamination.

Requestor Relationship to Property

LB II Associates LLC, a New York limited liability company, is the current owner of 159 Boerum Street (Block 3071, Lot 40), in Brooklyn, New York 11206. Per the Memorandum of Lease, dated August 16, 2016, SPG Boerum LLC (the Applicant) is a lessor/ ground lease tenant of the proposed BCP site located at 159 Boerum Street (Block 3071, Lot 40), in Brooklyn, New York 11206. The current property owner, LB II Associates, LLC has provided authorization for SPG Boerum LLC to take all actions necessary to enter into and carry out the obligations of the BCP. A copy of the signed access agreement, Memorandum of Lease, and property deed are provided in Attachment A. SPG Boerum LLC is in no way affiliated with the past property owners, operators, or the releases of contaminants associated with prior uses.

ATTACHMENT G

SECTION IX: CONTACT LIST INFORMATION

ATTACHMENT G

SECTION IX: CONTACT LIST INFORMATION

Item 1 – Chief Executive Officer and Planning Board

Chief Executive Officer

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

New York City Planning Commission

Marisa Lago, Chairperson
Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Borough of Brooklyn, Borough President

Eric L. Adams
209 Joralemon Street
Brooklyn, NY 11201
(718) 802-3700

Borough of Brooklyn, Department of City Planning

16 Court Street, 7th Floor
Brooklyn, NY 11241
(718) 780-8280

Item 2 - Residents, Owners, and Occupants, of the Property and Adjacent Properties

Residents, owners, and occupants of the site and properties adjacent to the site

Owner information is provided in Attachment E. The site is located at 159 Boerum Street and is identified on New York City Kings County tax maps as Block 3071, Lot 40. The about 11,180-square-foot site is situated on the south-central part of the tax block and is occupied by an open air asphalt parking lot owned by LB II Associates LLC and is surrounded by landscaped areas to the north and south within the property. The Applicant, SPG Boerum LLC, operates the site.

Adjacent properties include:

132 Graham Realty Corp.
131 Graham Avenue
Brooklyn, NY 11206

Jenny Yoo
134 Graham Avenue
Brooklyn, NY 11206

Domenech Nickomedes
136 Graham Avenue
Brooklyn, NY 11206

Dev Realty, LLC
138 Graham Avenue
Brooklyn, NY 11206

Lindsay Bushwick Association
170 Johnson Avenue
Brooklyn, NY 11206

64 Pulaski Equities LLC
130 Graham Avenue
Brooklyn, NY 11206

NYC Housing Authority
125 Humboldt Street
Brooklyn, NY 11206

NYC Housing Authority
160 Boerum Street
Brooklyn, NY 11206

SURCE Corporation
140 Graham Avenue
Brooklyn, NY 11206

64 Pulaski Equities LLC
130 Graham Avenue
Brooklyn, NY 11206

Item 3 - Local News Media

Local news media from which the community typically obtains information

The Brooklyn Paper
1 Metrotech Center, Suite 1001
Brooklyn, NY 11201
(718) 260-2500

PIX11
220 East 42nd Street
New York, NY 10017
(212) 210-2614

New York Daily News
4 New York Plaza
New York, NY 10004
(212) 210-2100

NY 1 Spectrum News
75 Ninth Avenue
New York, NY 10011
(212) 379-3311

New York Post
1211 Avenue of the Americas
New York, NY 10036

Item 4 - Public Water Supply

The responsibility for supplying water in New York City is shared between the NYC Department of Environmental Protection (NYCDEP), the Municipal Water Finance Authority, and the New York City Water Board. The site receives potable water from the Croton Systems, located in the Westchester, Putnam, and Dutchess Counties.

NYCDEP
Vincent Sapienza, Commissioner
59-17 Junction Boulevard
Flushing, NY 11373

New York City Municipal Water Finance Authority
255 Greenwich Street, 6th Floor
New York, NY 10007

New York City Water Board
Department of Environmental Protection
59-17 Junction Boulevard, 8th Floor
Flushing, NY 11373

Item 5 - Request for Contact

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

Item 6 - Schools and Day Care Facilities

There are no schools or day care facilities located on the site. The following are schools or day care facilities located within ½ mile of the site:

P.S. 147 Isaac Remsen
(about 0.2 miles east of the site)
Sandra Noyola, Principal
325 Bushwick Avenue
Brooklyn, NY 11206
(718) 497-0326

P.S. 257 John F. Hylan
(about 0.1 miles southeast of the site)
Brian De Vale, Principal
60 Cook Street
Brooklyn, NY 11206
(718) 384-7128

P.S. 250 George H. Lyndsay
(about 0.2 miles northwest of the site)
Roseann Lacioppa, Principal
108 Montrose Avenue
Brooklyn, NY 11206
(718) 384-0889

P.S. 196 Ten Eyck
(about 0.2 miles east of the site)
Janine Santaromita, Principal
207 Bushwick Avenue
Brooklyn, NY 11206
(718) 497-0139

The Williamsburg High School of Art and
Technology
(about 0.3 miles north of the site)
Cara Tait, Principal
223 Graham Avenue
Brooklyn, NY 11206
(718) 599-1207

PROGRESS High School for Professional
Careers
(about 0.5 miles northeast of the site)
Elvin Crespo, Principal
850 Grand Street
Brooklyn, NY 11211
(718) 387-0228

East Williamsburg Academy
(about 0.5 miles northeast of the site)
Rosemary Vega
850 Grand Street
Brooklyn, NY 11211
(718) 387-2800

P.S. 018 Edward Bush
(about 0.5 miles northwest of the site)
Alison Alexander, Principal
101 Maujer Street
Brooklyn, NY 11206
(718) 387-3241

The High School for Enterprise, Business
and Technology
(about 0.5 miles northeast of the site)
Holger Carillo, Principal
850 Grand Street
Brooklyn, NY 11211
(718) 387-2800

The Brooklyn Latin School
(about 0.3 miles northwest of the site)
Gina Mautschke, Principal
223 Graham Avenue
Brooklyn, NY 11206
(718) 366-0154

P.S. 120 Carlos Tapia
(about 0.4 miles southeast of the site)
Lizabeth Caraballo, Principal
18 Beaver Street
Brooklyn, NY 11206
(718) 455-1000

Lyons Community School
(about 0.3 miles north of the site)
Karon Onishi, Principal
223 Graham Avenue
Brooklyn, NY 11206
(718) 782-0918

Bushwick United HDFC 9
(about 0.4 miles south of the site)
741 Flushing Avenue
Brooklyn, NY 11206
(347) 497-3676

Bushwick United HDFC 4
(about 0.4 miles north of the site)
178 Leonard Street
Brooklyn, NY 11206
(347) 331-0470

Stagg Street Center for Children
(about 0.3 miles northwest of the site)
Ms. Webb, Executive Director
77 Stagg Street
Brooklyn, NY 11206
(718) 338-1395

Williamsburg Charter High School
(about 0.4 miles southeast of the site)
Tanisha Williams, Principal
198 Varet Street
Brooklyn, NY 11206
(718) 782-9830

Creative Academy of NY LLC
(about 0.3 miles northeast of the site)
228 Bushwick Avenue
Brooklyn, NY 11206
(347) 689-2222

Young Garden Day Care
(about 0.5 miles west of the site)
11 Meserole Street
Brooklyn, NY 11206
(347) 987-4720

Graham Child Care Center
(about 0.3 miles north of the site)
222 Graham Avenue
Brooklyn, NY 11206
(718) 387-9482

I.S. 318 Eugenio Maria De Hostos
(about 0.4 miles southwest of the site)
Leander Windley, Principal
101 Walton Street
Brooklyn, NY 11206
(718) 782-0589

Young Women's Leadership School of
Brooklyn
(about 0.2 miles east of the site)
Catherine Mitchell, Principal
325 Bushwick Avenue
Brooklyn, NY 11206
(718) 387-5641

Tender Tots Day Care, Preschool & After
School Programs
(about 0.4 miles south of the site)
Jenny Nearchou, Director
810 Flushing Avenue
Brooklyn, NY 11206
(718) 298-3944

M.S. 582
(about 0.2 miles northeast of the site)
Jeffrey Merced, Principal
207 Bushwick Avenue
Brooklyn, NY 11206
(718) 456-8218

Acorn Community High School
(about 0.35 miles north of the site)
Andrea Piper, Principal
561 Grand Street
Brooklyn, NY 11211
(718) 455-4635

Central Brooklyn Seventh Day Adventist
School
(about 0.07 miles west of the site)
Berlin Pena, Pastor
130 Boerum Street
Brooklyn, NY 11206
(718) 388-9338

BWCCS2 Middle School
(about 0.25 miles southwest of the site)
Joan Walrond, Chair
11 Bartlett Street
Brooklyn, NY 11206
(718) 302-7700

Item 7 - Document Repository

Letters sent to and received from the following sources acknowledging that both agree to act as a document repository for documents generated under the BCP Program:

Brooklyn Public Library - Bushwick Branch

340 Bushwick Avenue
Brooklyn, NY 11206
(718) 602-1348

Hours

Monday, Tuesday, and Friday:	10 AM – 6 PM
Wednesday:	10 AM – 8 PM
Thursday:	1 PM – 8 PM
Saturday:	10 AM – 5 PM

Brooklyn Community Board 1

435 Graham Avenue
Brooklyn, NY 11211
(718) 389-0009
Email: bk01@cb.nyc.gov
Website: www.nyc.gov/html/bkncb1

Letters sent to the repositories acknowledging that both agree to act as a document repository for the project are included in this attachment.

Item 8 – Community Board

The local community board is Brooklyn Community Board 1.

Dealice Fuller, Chairperson
435 Graham Avenue
Brooklyn, NY 11211
(718) 389-0009

25 January 2019

Brooklyn Public Library - Bushwick Branch
340 Bushwick Avenue
Brooklyn, NY 11206
(718) 602-1348

**Re: Brownfield Cleanup Program Application
SPG Boerum LLC
159 Boerum Street
Brooklyn, New York 11206**

To Whom it May Concern:

We represent SPG Boerum LLC in their anticipated New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) application for the above-referenced site at 159 Boerum Street in Brooklyn, New York. It is a NYSDEC requirement that we supply them a letter certifying that the local library is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. Please sign below if you are able to certify that your library would be willing and able to act as the public repository for this BCP project.

Sincerely,
**Langan Engineering, Environmental, Surveying,
Landscape Architecture and Geology, D.P.C.**



Brian Gochenaur
Senior Project Manager

Yes, Brooklyn Public Library – Bushwick Branch is willing and able to act as a public repository on behalf of SPG Boerum LLC in their cleanup of 159 Boerum Street under the NYSDEC BCP.



(Name) Bednag Amerika

1/25/2019

(Date)

children's Librarian

(Title)

January 25, 2019


Dealice Fuller
Brooklyn Community Board 1
435 Graham Avenue
Brooklyn, NY 11211
Phone: (718) 389-0009

**Re: Brownfield Cleanup Program Application
SPG Boerum LLC
159 Boerum Street
Brooklyn, New York 11206**

Dear Ms. Fuller:

We represent SPG Boerum LLC in their anticipated New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) application for the above-referenced site at 159 Boerum Street in Brooklyn, New York. It is a NYSDEC requirement that we supply them a letter certifying that the local community board is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. Please sign below if you are able to certify that your community board would be willing and able to act as the public repository for this BCP project.

Sincerely,
**Langan Engineering, Environmental, Surveying,
Landscape Architecture and Geology, D.P.C.**



Brian Gochenaur
Senior Project Manager

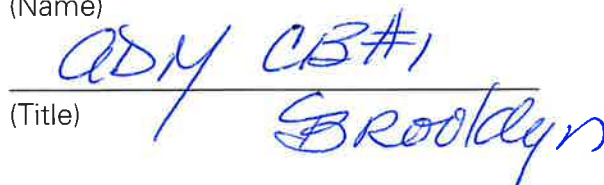
Yes, Brooklyn Community Board 1 is willing and able to act as a public repository on behalf of SPG Boerum LLC in their cleanup of 159 Boerum Street under the NYSDEC BCP.



(Name)



(Date)



(Title)

ATTACHMENT H

SECTION X: LAND USE FACTORS

ATTACHMENT H

SECTION X: LAND USE FACTORS

Item 1 - Current Zoning

According to the New York City Planning Commission Zoning Map 13b, the site is located within a residential district (R6). According to the New York City Planning Commission, "R6 zoning districts are widely mapped in built-up, medium-density areas in Brooklyn, Queens and the Bronx. The character of R6 districts can range from neighborhoods with a diverse mix of building types and heights." The proposed affordable housing development is consistent with the current zoning. The applicable zoning map is included in Attachment B.

Item 2 - Current Use

The site encompasses an area of about 11,180 square feet (0.25 acres) and is occupied by an open air asphalt parking lot surrounded by landscaped areas to the north and south within the property. The site is currently being utilized as a parking lot for residents of the adjacent building. Test pits excavated during environmental due diligence revealed that the site is underlain by municipal solid waste within a matrix of sand and gravel.

Item 3 - Intended Use Post Remediation

Current development plans include construction of a new 19-story residential and affordable housing development with one cellar level. Thirty percent of the new residential units will be designated as affordable housing at 130 percent of the area median income ("AMI"). The new multi-story development is anticipated to include one below-grade level of ventilated parking. In accordance with the Board of Standards and Appeals Special Permit Procedures, the Applicant will be seeking approval for incorporating additional parking into the development.

Item 5 - Consistency with Applicable Zoning Laws/Maps

This project responds to and is fully consistent with the goals of the City Council as embodied in the NYC Zoning Districts and provides additional affordable housing in a growing neighborhood. The site is located within an R6 residential district. Multiple-story residential buildings are permitted in the R6 district.

Item 6 - Comprehensive Plans

The proposed use is consistent with local and area plans.

ATTACHMENT I

SUPPLEMENTAL QUESTIONS FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY

ATTACHMENT I SUPPLEMENTAL QUESTIONS FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY

Item 3 – Affordable Housing Project Determination

A new 19-story residential and affordable housing development will be constructed with a footprint of about 6,345 square feet. A total of 120 new residential units will be constructed, of which thirty percent (30%) will be designated affordable housing for tenants earning at or below the 130% area median income (AMI). The development is planned as Affordable Housing, and a copy of the regulatory agreement with SPG Boerum LLC will be provided to the NYSDEC at a later date prior to the issuance of a Certificate of Completion (COC).