

NYSDEC BROWNFIELD CLEANUP PROGRAM APPLICATION

2864 ATLANTIC AVENUE REDEVELOPMENT
2864 ATLANTIC AVENUE
BLOCK 3965, LOT 11
BROOKLYN, NEW YORK 11207

PREPARED FOR:
2864 ATLANTIC REALTY LLC
40 OSER AVENUE, STE 4
HAUPPAUGE, NY 11788



Haley & Aldrich of New York
237 W 35th Street
16th Floor
New York, NY 10123
Tel: 646.277.5686

21 December 2021
File No. 0203563

Len Zinoman
Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, New York 12233

Subject: Brownfield Cleanup Program Application
2864 Atlantic Avenue Redevelopment
2864 Atlantic Avenue
Brooklyn, New York 11207 (Site)

Ladies and Gentlemen,

Haley & Aldrich of New York, on behalf of 2864 Atlantic Realty LLC, has prepared this revised Brownfield Cleanup Program Application for the above referenced Site reflecting guidance received during a Pre-Application Meeting with the New York State Department of Environmental Conservation (NYSDEC) on 26 October 2021 and the comments received in the Letter of Incompleteness from NYSDEC on 20 December 2021. Comments were addressed as follows:

Site Control Section Comments:

1. Parcel size now reflected in acres in Section IV.

Environmental Assessment Comments:

1. Soil sample results only compared to restricted Residential Soil Cleanup Objectives.
2. Reference to NYSDOH Air Guideline Values or Decision Matrices has been removed from the discussion.
3. Discussion of total VOCs has been removed.
4. Property description has been revised to remove the proposed site name, remove the legal description, include the site size in the site features subsection and include the Petroleum Bulk Storage history in the past land use section.
5. A sentence discussing whether the data indicates any off-site impacts related to this site has been added to Section IV.5.

Enclosed in this package is a USB drive which contains the full Brownfield Cleanup Program Application Package including a Phase I Environmental Site Assessment dated October 2021 and a Limited Phase II Environmental Site Investigation dated November 2021 by Haley & Aldrich of New York.

Should you have any questions, please do not hesitate to contact me at (646) 277-5686 or via email at jbellev@haleyaldrich.com.



Thank you,



James M. Bellew
Senior Associate



Mari C. Conlon, PG
Project Manager

Enclosed copies provided via email to:

Jacob Kohn (2864 Atlantic Realty LLC)
Christine Leas (Sive, Paget & Riesel P.C.)
Gerard Burke (NYSDEC)
Jane O'Connell (NYSDEC)
James Simpson (NYSDEC)

Email: kohnjacob@gmail.com
Email: cleas@sprlaw.com
Email: gerard.burke@dec.ny.gov
Email: jane.oconnell@dec.ny.gov
Email: james.simpson@dec.ny.gov

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BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

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

☐ Yes

☒ No

If yes, provide existing site number: _____

PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 12*

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #:

NAME 2864 Atlantic Realty LLC

ADDRESS 40 Oser Avenue, Suite 4

CITY/TOWN Hauppauge, NY

ZIP CODE 11788

PHONE 917-846-1115

FAX N/A

E-MAIL kohnjacob@gmail.com

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

☒ Yes ☐ No

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

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:

- 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 that the site requires remediation and 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). Please do not submit paper copies of supporting documents.**

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

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

*Please describe: _____

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

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

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

☒ Yes ☐ No

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

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

Other: Gasoline Filling Station _____

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME 2864 Atlantic Avenue Redevelopment				
ADDRESS/LOCATION 2864 Atlantic Avenue				
CITY/TOWN Brooklyn		ZIP CODE 11207		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Brooklyn				
COUNTY Kings		SITE SIZE (ACRES) 0.42		
LATITUDE (degrees/minutes/seconds) 40 ° 40 ' 36.47 "		LONGITUDE (degrees/minutes/seconds) 73 ° 53 ' 16.96 "		
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.
2864 Atlantic Avenue		3	3965	11
Acreage 0.42 acres				
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach an accurate map of the proposed site.				
2. Is the required property map attached to the application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map)				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, identify census tract : 1170 Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 100%				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? See Previous Reports and Narrative in text Section IV. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				

Section IV. Property Information (continued)

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

Easement/Right-of-way Holder

Description

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

Type

Issuing Agency

Description

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

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

☒ Yes ☐ No

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 Jacob Kohn			
ADDRESS 40 Oser Avenue, Suite 4			
CITY/TOWN Hauppauge, NY		ZIP CODE 11788	
PHONE 917-846-1115	FAX Not Availabe	E-MAIL kohnjacob@gmail.com	
NAME OF REQUESTOR'S CONSULTANT James Bellew, Haley & Aldrich of New York			
ADDRESS 237 West 35th Street, 16th Floor			
CITY/TOWN New York		ZIP CODE 10123	
PHONE 646-277-5686	FAX Not Available	E-MAIL jbellew@haleyaldrich.com	
NAME OF REQUESTOR'S ATTORNEY Christine Leas of Sive, Paget & Riesel P.C.			
ADDRESS 500 Lexington Avenue, 15th Floor			
CITY/TOWN New York		ZIP CODE 10022	
PHONE 646-378-7267	FAX 212-421-2035	E-MAIL cleas@sprlaw.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME Speedway LLC		OWNERSHIP START DATE: 9/30/2014	
ADDRESS 500 Speedway Drive			
CITY/TOWN Enon, OH		ZIP CODE 45323	
PHONE 937-864-3001	FAX Not Available	E-MAIL maredicker@speedway.com	
CURRENT OPERATOR'S NAME Speedway LLC			
ADDRESS 500 Speedway Drive			
CITY/TOWN Enon, OH		ZIP CODE 45323	
PHONE 718-963-0536	FAX Not Available	E-MAIL sjkramer@speedway.com	
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?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Section VII. Requestor Eligibility Information (continued)

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

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

☐ PARTICIPANT

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

☒ VOLUNTEER

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

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

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

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

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

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

☒ Yes ☐ No

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

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

1. Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment. ☐ Yes ☒ No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? ☐ Yes ☒ No
If yes, please provide: Site # _____ Class # _____
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? ☐ Yes ☒ No
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____
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? ☐ Yes ☒ No
If yes, please provide: Order # _____
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? ☐ Yes ☒ No
If yes, please provide explanation as an attachment.

Section IX. Contact List Information

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

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). **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

1. What is the current municipal zoning designation for the site? R8-A with C2-4 overlay

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

Yes, recent development in this area has been predominantly residential.

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

☒ Yes ☐ No

Yes, the proposed development would be within the existing zoning framework.

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

Yes, it is aligned with the East New York Neighborhood Plan, providing affordable housing.

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 _____ (title) of _____ (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: _____ Signature: _____

Print Name: _____

SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy of the application form with original signatures and table of contents, and one complete electronic copy in final, non-fillable 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

PLEASE DO NOT SUBMIT PAPER COPIES OF SUPPORTING DOCUMENTS. Please provide a hard copy of ONLY the application form and a table of contents.

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 12

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see DEC's website for more information.	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Underutilized? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
From ECL 27-1405(31):	
<p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>	
<p>From 6 NYCRR 375-3.2(I) as of 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.);
- ☐ 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: 2864 Atlantic Avenue Redevelopment

City: Brooklyn

Site Address: 2864 Atlantic Avenue

County: Kings

Zip: 11207

Tax Block & Lot

Section (if applicable): 3

Block: 3965

Lot: 11

Requestor Name: 2864 Atlantic Realty LLC

City: Hauppauge, NY

Requestor Address: 40 Oser Avenue, Suite 4

Zip: 11788

Email: kohnjacob@gmail.com

Requestor's Representative (for billing purposes)

Name: Jacob Kohn

Address: 40 Oser Avenue, Suite 4

City: Hauppauge, NY

Zip: 11788

Email: kohnjacob@gmail.com

Requestor's Attorney

Name: Christine Leas of Sive, Paget & Riesel P.C. **Address:** 500 Lexington Avenue, 15th Floor

City: New York

Zip: 10022

Email: cleas@sprlaw.com

Requestor's Consultant

Name: Haley & Aldrich of New York

Address: 237 West 35th Street, 16th Floor

City: New York

Zip: 10123

Email: jbellev@haleyaldrich.com

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

DER Determination: ☐ Agree ☐ Disagree

Requestor's Requested Status: ☒ Volunteer ☐ Participant

DER/OGC Determination: ☐ Agree ☐ Disagree

Notes:

For NYC Sites, is the Requestor Seeking Tangible Property Credits: ☒ Yes ☐ No

Does Requestor Claim Property is Upside Down: ☐ Yes ☒ No

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

Does Requestor Claim Property is Underutilized: ☐ Yes ☒ No

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

Does Requestor Claim Affordable Housing Status: ☐ Yes ☐ No ☒ Planned, No Contract

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

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

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

SECTION I REQUESTOR INFORMATION

Requestor Name

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

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

Address, etc.

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

Document Certification

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

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

SECTION II PROJECT DESCRIPTION

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION III

PROPERTY'S ENVIRONMENTAL HISTORY

For all sites, an investigation report is required that is sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data includes site drawings and **data summary tables** requested in Section III, #3 of the BCP application form. **Data summary table instructions are attached.**

SECTION IV

PROPERTY INFORMATION

Proposed Site Name

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

Site Address

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

Site Size

Provide the approximate acreage of the site.

GIS Information

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

Tax Parcel Information

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

1. Tax Map Boundaries

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

2. Map

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION IV (continued)

3. En-zone

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

4. Multiple applications

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

10. Property Description Narrative

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

Location

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

Site Features:

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

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

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

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

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

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION IV (continued)

Property Description Narrative (continued)

Site Geology and Hydrogeology:

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

Environmental Assessment

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

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

A typical Environmental Assessment would look like the following:

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

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

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

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

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

SECTION V

ADDITIONAL REQUESTOR INFORMATION

Representative Name, Address, etc.

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

Consultant and Attorney Name, Address, etc.

Provide requested information.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

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

Owner Name, Address, etc.

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

Operator Name, Address, etc.

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

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

SECTION VII REQUESTOR ELIGIBILITY INFORMATION

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

SECTION VIII PROPERTY ELIGIBILITY INFORMATION

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

1. CERCLA / NPL Listing

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

2. Registry Listing

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

3. RCRA Listing

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

4. Registry / RCRA sites owned by volunteers

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

**NEW YORK STATE
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SECTION VIII (continued)

5. Existing Order

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

6. Enforcement Action Pending

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

SECTION IX CONTACT LIST INFORMATION

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

SECTION X LAND USE FACTORS

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

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

SECTION XI SIGNATURE PAGE

The Requestor must sign the application, or designate a representative who can sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each must sign a signature page. 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 entity's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

DETERMINATION OF A COMPLETE APPLICATION

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

DETERMINATION OF A COMPLETE APPLICATION (continued)

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

DATA SUMMARY TABLES

Data summary tables should include the following columns. Example tables are provided on the following page.

Soil Table:

Analytes > SCOs ^a	Detections > SCOs ^b	Max. Detection (ppm) ^c	SCO (ppm) ^d	Depth (ft bgs)
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Groundwater Table:

Analytes > AWQS ^e	Detections > AWQS ^f	Max. Detection (ppb) ^c	AWQS (ppb) ^g
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Soil Gas Table:

Analytes ^h	Total Detections	Max. Detection (ug/m ³) ^c	Type ⁱ
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^a Include all contaminants over the applicable soil cleanup objectives (SCOs). Column header should specify which SCOs are being compared to. (i.e. "RRSCOs" for Restricted Residential SCOs)

^b Number of detections over applicable SCOs. Specify which SCOs are being compared to in column header.

^c Maximum detection in parts per million (ppm) for soil, parts per billion (ppb) for groundwater, or micrograms per cubic meter (ug/m³) for soil gas.

^d List the respective SCO. Specify which SCOs are being compared to in column header.

^e Include all contaminants over Class GA Ambient Water Quality Standards (AWQS).

^f Number of detections over AWQS.

^g List the respective AWQS.

^h Include all chlorinated volatile organic compound (VOCs) detections.

ⁱ Specify type: soil vapor, sub-slab or indoor air.

Example Data Summary Tables

Soil Table:

Analytes > RR SCOs	Detections > RR SCOs	Maximum Detection (ppm)	RR SCO (ppm)	Depth (ft bgs)
Benzo(a)anthracene	3	11	1	5 – 7
Benzo(a)pyrene	4	15	1	5 – 7
Benzo(b)fluoranthene	5	15	1	5 – 7
Benzo(k)fluoranthene	1	5.3	3.9	5 – 7
Indeno(1,2,3-cd)pyrene	7	8.4	0.5	5 – 7
barium	2	967	400	0.5 – 2.5
cadmium	2	94.1	4.3	6 – 8
lead	3	1,790	400	0.5 – 2.5

Groundwater Table:

Analytes > AWQS	Detections > AWQS	Max. Detection (ppb)	AWQS (ppb)
Benz(a)anthracene	2	0.2	0.002
Benzo(a)pyrene	2	0.221	ND
Benzo(b)fluoranthene	2	0.179	0.002
Benzo(k)fluoranthene	2	0.189	0.002
Indeno(1,2,3-cd)pyrene	2	0.158	0.002
Tetrachloroethene (PCE)	1	12	5

Soil Gas Table:

Analytes	Total Detections	Max. Detection ($\mu\text{g}/\text{m}^3$)	Type
Carbon tetrachloride	1	0.84	Soil vapor
Methylene chloride	1	2.6 J	Soil vapor
Tetrachloroethene	2	47	Soil vapor
Trichloroethene	1	1.2	Soil vapor
Trichlorofluoromethane	1	21	Soil vapor

ATTACHMENT A

Section I: Requestor Information

SECTION I: REQUESTOR INFORMATION

The Requestor is 2864 Atlantic Realty LLC, a New York State limited liability company. Jacob Kohn is a member of and an authorized representative for 2864 Atlantic Realty LLC.

The contact information for the requestor is:

2864 Atlantic Realty LLC
Jacob Kohn, Member
40 Oser Avenue, Suite 4
Hauppauge, New York 11788
Phone: 917-846-1115
Email: kohnjacob@gmail.com
Fax: Not Available

The proposed Brownfield Cleanup Program (BCP) Site is currently owned by Speedway LLC, a limited liability corporation. The Requestor is in contract to purchase the property. The current property owner has provided authorization for 2864 Atlantic Realty 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 current members of 2864 Atlantic Realty LLC are as follows:

- Jacob Kohn
- Abraham Kohn
- Joel Kohn

A printout of the entity information from the NYS Department of state's Corporation & Business Entity Database for 2864 Atlantic Realty LLC is included in this attachment.

All documents will be certified by a Haley & Aldrich of New York Licensed Professional Engineer and/or 2864 Atlantic Realty LLC in accordance with DER-10 Section 1.5.

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.

Vaccine appointments are available at New York State mass vaccination sites for children ages 5- 11. Vaccines are also widely available through your child's pediatrician, family physician, local county health department, FQHC, or pharmacy.

[FIND PROVIDER >](#)

Department of State Division of Corporations

Entity Information

[Return to Results](#)[Return to Search](#)

Entity Details



ENTITY NAME: 2864 ATLANTIC REALTY LLC

FOREIGN LEGAL NAME:

ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY

SECTION OF LAW: LIMITED LIABILITY COMPANY LAW - 203
LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY
COMPANY LAW

DATE OF INITIAL DOS FILING: 10/13/2021

EFFECTIVE DATE INITIAL FILING: 10/13/2021

FOREIGN FORMATION DATE:

COUNTY: Suffolk

JURISDICTION: New York, United States

DOS ID: 6302105

FICTITIOUS NAME:

DURATION DATE/LATEST DATE OF DISSOLUTION:

ENTITY STATUS: Active

REASON FOR STATUS:

INACTIVE DATE:

STATEMENT STATUS: CURRENT

NEXT STATEMENT DUE DATE: 10/31/2023

NFP CATEGORY:

[ENTITY DISPLAY](#)[NAME HISTORY](#)[FILING HISTORY](#)[MERGER HISTORY](#)[ASSUMED NAME HISTORY](#)

Service of Process Name and Address

Name: Jacob Kohn

Address: Iconix, 40 Oser Avenue STE 4, Hauppauge, NY, United States, 11788

Chief Executive Officer's Name and Address

Name:

Address:

Principal Executive Office Name and Address

Name:

Address:

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: No

Stock Information

Share Value

Number Of Shares

Value Per Share

**2864 Atlantic Realty LLC
40 Oser Avenue, Suite 4
Hauppauge, New York 11788**

22 December 2021

Speedway LLC
500 Speedway Drive
Enon, Ohio 45323

RE: Site Access to Perform Brownfield Cleanup Program Work
2864 Atlantic Avenue, Brooklyn, New York 11207
Kings County Block 3965, Lot 11

Dear Sir or Madam:

As you are aware, 2864 Atlantic Realty LLC will be submitting an application to the Brownfield Cleanup Program (BCP) for the property located at 2864 Atlantic Avenue, Brooklyn, New York 11207 (Tax Block 3965, Lot 11), 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 and to place an environmental easement on the property should one be necessary. By execution of the site access agreement letter, you are hereby acknowledging that Speedway LLC has granted site access for this purpose pursuant to the terms of the Purchase and Sale Agreement dated October 14, 2021.

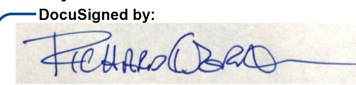
Sincerely,

2864 Atlantic Realty LLC

By: 
Jacob Kohn, Member

As the site owner, I agree that Speedway LLC has granted access to allow 2864 Atlantic Realty LLC, and its contractors, to enter 2864 Atlantic Avenue, Brooklyn, New York 11207 (Block 3965, Lot 11), which is currently owned by Speedway LLC, to perform the required BCP investigation, remediation work and/or place an environmental easement on the property should one be necessary, in accordance with the terms of the Purchase and Sale Agreement dated October 14, 2021.

Speedway LLC

DocuSigned by:

By: E44A352690CD40B...

Richard Ingram, Agent and Attorney-in-Fact

ATTACHMENT B

Section II: Project Description

SECTION II: PROJECT DESCRIPTION

The purpose of the project is to redevelop an underutilized and contaminated property in addition to implementing remedial measures to protect human health and the environment. The Site is currently an active retail petroleum station operated by Speedway LLC. The property is improved with two one-story buildings; one of which is utilized for storage, and the other as a convenience store.

While the development plans are conceptual at this time, the planned project will consist of constructing a new residential building with an affordable housing component anticipated to be pursuant with 421-a.

The proposed project will include:

1. Demolition of the existing structures
2. Removal of underground storage tanks
3. A remedial investigation to characterize the nature and extent of contamination and identify remedial measures
4. Excavation and off-Site disposal of contaminated soil, and
5. Implementation of remedial measures, as required, in tandem with Site-wide redevelopment

According to the New York City Planning Commission Zoning Map 17a, the Site is located within a residential R8-A district with a commercial C2-4 overlay. The proposed development of this property is consistent with the current zoning.

The Site is listed with an environmental E-Designation (E-366) – East New York Rezoning Action, for hazardous materials, noise (window wall attenuation & alternative means of ventilation), and air (HVAC fuel limited to natural gas) resulting from a City Environmental Quality Review (CEQR) effective 20 April 2016 (CEQR #15DCP102K). Satisfaction of the E-Designation requirements is subject to review and approval by the New York City Mayor's Office of Environmental Remediation (NYCOER) to obtain a Notice to Proceed (NTP) or a Notice of No Objection (NNO) prior to obtaining building permits.

The Requestor seeks to enter the New York State Department of Environmental Conservation (NYSDEC) BCP at the investigation stage. A Phase I Environmental Site Assessment (Phase I) was completed in October 2021 and a Limited Phase II Environmental Site Investigation (ESI) was completed in November 2021 by Haley & Aldrich of New York. The Phase I ESA and Limited Phase II ESI letter report are included in this BCP Application in electronic format.

Upon review of the analytical results of the Limited Phase II ESI and previous reports, the project is seeking entry into the NYSDEC BCP due to, among other things, elevated levels of heavy metals, volatile organic compounds (VOC) and semi-volatile organic compounds (SVOCs), specifically polycyclic aromatic hydrocarbons (PAHs) identified in soil, VOCs in groundwater, as well as chlorinated volatile organic compound (CVOs) and petroleum-related VOCs in soil vapor. While the Limited Phase II ESI provided preliminary Site characterization data, it did not fully determine the nature and extent of contamination. Requestor is, therefore, also submitting for NYSDEC approval a Draft Remedial Investigation Work Plan (RIWP) along with this BCP Application.

Once NYSDEC approves Requestor's BCP Application as being ready for public comment and Requestor's Draft RIWP as being sufficient to determine the nature and extent of contamination at the Site, Requestor asks that public comment be solicited upon the Draft RIWP simultaneously with comment upon its BCP Application.

Project Schedule:

It is anticipated that, once Requestor is accepted into the BCP and the RIWP is approved by the Department, the Remedial Investigation will commence. During the investigation/remedial design phase a Change of Use and/or an Interim Remedial Measure (IRM) will be pursued to facilitate the timing requirements of the 421-a affordable housing program. Implementation of the IRM/ Change of Use is anticipated to begin 2 to 3 months following acceptance into the BCP. Implementation of the remedy would start within 6 to 8 months following acceptance of the Remedial Investigation Report by NYSDEC. It is anticipated the remedy would be completed by late 2022, with BCP close-out anticipated by mid-2023. A tentative projected schedule is below.

Task	Start	End	2021		2022												2023			
			Nov	Dec	Jan	Feb	March	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	March	April
Application Execution, Permitting, Demolition, Remedial Investigation, Remedy Design	11/22/2021	6/22/2022																		
Submittal of IRM WP/ Change in Use (Inc. DEC Review)	1/1/2022	2/28/2022																		
Implement IRM WP/ Change of Use - Building Demo & Foundation Element	3/1/2022	6/15/2022																		
Remedy Implementation	7/1/2022	12/31/2022																		
Preparation of FER and SMP	12/1/2022	1/30/2023																		
NYSDEC & NYSDOH Review of FER & SMP	1/31/2023	3/17/2023																		
NYSDEC Issues COC	3/18/2023	4/17/2023																		

Notes:

FER: Final Engineering Report

IRM WP: Interim Remedial Measure Work Plan

SMP: Site Management Plan

COC: Certificate of Completion

ATTACHMENT C

Section III: Property's Environmental History

SECTION III.1: REPORTS

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

1. July 1999, Environmental Site Assessment Report, prepared by Geologic Service Corporation
2. February 2009, Fourth Quarterly Update Report with Pilot Test, prepared by EnviroTrac Ltd.
3. March 2009, Revised Work Plan for Additional Air Sparge Wells, prepared by EnviroTrac Ltd.
4. March 2009, STRE Work Plan, prepared by EnviroTrac Ltd.
5. 2010, First & Second Quarterly Update Reports with STRE Data, prepared by EnviroTrac Ltd.
6. 2019-2021 Quarterly Update Reports, prepared by EnviroTrac Ltd.
7. October 2021, Phase I Environmental Site Assessment, prepared by Haley & Aldrich of New York
8. November 2021, Limited Phase II Environmental Site Assessment, prepared by Haley & Aldrich of New York

Environmental reports are summarized below and are included as separate standalone files on the attached USB.

July 1999 Environmental Site Assessment Report

Prepared by Geologic Service Corporation

In this report, Geologic Service Corporation summarizes the data and findings from the investigation performed at the Site between August 1998 and July 1999.

Underground Storage Tank (UST) closure/upgrade activities were conducted in August, September, and November of 1998 which included removal of three dispenser islands, remote fill ports, remote fill piping, and 38 single-walled steel USTs. Petroleum impacts were observed during UST removal, and NYSDEC Spill No. 9830002 was reported on 06 August 1998. A total of 1,006 tons of soil was excavated and transported off-Site for thermal processing and recycling into hot mix asphalt. Following completion of closure activities, five new double-walled fiberglass vapor recovery lines were installed on-Site.

Following completion of UST closure and upgrade activities, four soil borings and four monitoring wells were installed for the collection of soil and groundwater samples. Soil analytical results were below NYSDEC Stars #1 Memo Guidance Values with the exception of one soil sample, SB-2 which identified a concentration of methyl tert-butyl ether (MTBE) at 25,210.5 parts per billion ([ppb] regulatory standard of 1,000 ppb). All four groundwater samples identified petroleum-based VOCs (including MTBE and BTEX compounds) in excess of NYSDEC Groundwater Quality Standards.

February 2009 Fourth Quarterly Update Report with Pilot Test

Prepared by EnviroTrac Ltd.

This report prepared by EnviroTrac Ltd. summarizes the activities conducted at the Site between August 2008 to November 2008, which included: two short-term remediation events (STREs); gauging and sampling of seven monitoring wells; and installation of three air sparging wells. Groundwater analytical results indicated the following: a maximum combined concentration of BTEX of 6,041 ppb detected at MW-1; the concentration of benzene did not exceed 1.3 ppb in any groundwater sample collected; the concentration of xylene was more than 5,170 ppb in all groundwater samples collected; and MTBE was non-detect in all groundwater samples collected.

EnviroTrac Ltd. concluded that although residual BTEX concentrations remained in MW-1 and MW-6, the breakdown components of these compounds (mostly xylenes) indicated a more degraded, less mobile impact on the subsurface environment.

Due to the favorable results of the two STRE events, EnviroTrac Ltd. proposed to continue remediation efforts. A work plan to address residual VOCs in monitoring wells was developed and submitted to the NYSDEC under separate cover.

***March 2009 Revised Work Plan for Additional Air Sparge Wells
Prepared by EnviroTrac Ltd.***

This revised work plan prepared by EnviroTrac Ltd. proposed the installation of additional air sparge wells to address residual BTEX levels beneath the Site. The work plan indicated that soil samples would be screened continuously during air sparge well installation activities, and two soil samples would be collected and submitted for the analysis of VOCs (plus MTBE) and SVOCs. Results from this investigation would be included in a subsequent report.

***March 2009 STRE Work Plan
Prepared by EnviroTrac Ltd.***

This report summarizes correspondence between the NYSDEC, EnviroTrac, and Hess during a meeting that took place in October 2008. The report concluded that in reviewing the historical groundwater data for the STREs that were conducted at the Site in October 2008 and November 2008, a decrease in residual levels of ethylbenzene and xylenes in monitoring wells MW-4 and MW-6 was evident, especially in MW-6 which showed a ten-fold reduction in ethylbenzene concentrations (from 2,430 ppb to 240 ppb) and a three-fold decrease in xylenes (from 5,850 to 1,271 ppb). However, monitoring wells MW-1 and MW-5 identified slight increases in residual petroleum impacts even though the data obtained during these events confirmed an effective radius of influence (ROI) on all wells.

EnviroTrac Ltd. recommended conducting two additional quarterly groundwater sampling events.

***2010, First & Second Quarterly Update Reports with STRE Data
Prepared by EnviroTrac Ltd.***

The first quarterly report summarizes the activities conducted at the Site between January 2010 to April 2010, which included performance of two STREs, gauging, and sampling of seven on-Site monitoring wells. Total benzene and MTBE were non-detect in the seven groundwater samples collected. Total BTEX concentrations ranged from non-detect in MW2, MW-3, and MW-7 to 3,620.7 ppb in MW-6.

The second quarterly report summarizes the activities conducted at the Site between April 2010 to June 2010, which included performance of two STREs, gauging, and sampling of seven on-Site monitoring wells. Total benzene and MTBE were non-detect in the seven groundwater samples collected. Total BTEX concentrations ranged from non-detect in MW2, MW-3, MW-4, MW-6 and MW-7 to 2,956 ppb in MW-1.

***2019-2021 Quarterly Update Reports
Prepared by EnviroTrac Ltd.***

These reports summarize the STREs implemented, chemical injections, enhanced fluid recovery (EFR), monitoring well gauging events, and groundwater sampling events that were performed at the Site between 2019 and 2021. The most recent sampling results from January-March 2021 groundwater monitoring event indicated a maximum BTEX concentration of 352 ppb at MW-1. Total benzene and

MTBE were non-detect in the four groundwater samples collected in 2021. Per EnviroTrac Ltd. quarterly remedial/monitoring events were proposed to continue at the Site.

October 2021 Phase I Environmental Site Assessment

Prepared by Haley & Aldrich of New York

Haley & Aldrich of New York prepared a Phase I ESA in October 2021 for the Site to identify Recognized Environmental Conditions (RECs) in connection with the Site. As identified in the Phase I ESA, the Site was partially developed in the late 1800s with two stores and one residential building. By the early 1950s, the Site was partially redeveloped with a garage and two gasoline tanks. By 1965, the entire Site was occupied by a filling station that was developed with an overhead canopy and a one-story office building. The Site remained unchanged since approximately 1965 and actively operates as a filling station.

The Phase I ESA identified the following RECs associated with the Site:

1. Petroleum contamination at the Site - Regulatory records and previous reports identify the presence of petroleum-related contamination in groundwater at the Site associated with leaking USTs. The first petroleum-related impacts were reported in 1992; thereafter, investigative activities commenced in 1998 in response to the petroleum-impacted soil identified during a tank upgrade project. Since this time, additional spills have been reported, of which Spill Case 98-30002 is still active, due to petroleum releases impacting soil, groundwater, and soil vapor at the subject Site. In 2010, a soil vapor extraction (SVE) system was installed, and routine remedial/monitoring events (i.e., groundwater treatment, sampling, and gauging) commenced and continue, on a quarterly basis, to present-day.
2. Current and former use of the Site as a petroleum filling station/auto-related facility - Historic records indicate current and former use of the Site as a petroleum filling station/auto-related facility since the early 1950s. Impacts to soil and groundwater at the Site may be present due to the Site's history of petroleum-related operations and petroleum bulk storage.
3. Known contamination of hazardous materials at the upgradient, west-adjacent property – According to regulatory records, known contamination is present at a property located upgradient to the Site. This property, 2840 Atlantic Avenue, enrolled in the NYSDEC BCP in 2017. Investigations performed at the property revealed elevated concentrations of VOCs, SVOCs, and metals in groundwater and soil. Per- and polyfluoroalkyl substances were also detected in upgradient and downgradient monitoring wells on this property.

In addition, one Historic Recognized Environmental Condition (HREC) was identified in connection to closed spill cases associated with potential petroleum releases at the Site. Further information regarding the spill cases is presented in Section IV.6 of this BCP Application.

November 2021 Limited Phase II Environmental Site Assessment

Prepared by Haley & Aldrich of New York

Haley & Aldrich of New York completed a limited sampling event at the Site to investigate soil and soil vapor quality beneath the Site. The investigation was performed between 02 and 03 November 2021 and included installation of 11 soil borings up to 6 feet below grade surface, installation of two temporary soil vapor probes, and collection of soil and soil vapor samples. A total of 11 soil samples and two soil vapor samples were collected. Field observations and laboratory analytical results are summarized below:

Soil

Urban fill generally consisting of brown to dark brown, coarse to medium sand with varying amounts of glass, gravel, brick, asphalt, and silt was observed from surface grade to approximately 2 to 4 ft bgs in each soil boring. The urban fill layer was underlain by a potential native layer consisting of brown to orange-brown coarse to fine sand with varying amounts of silt and gravel and intermittent clay lenses. In general, no apparent subsurface impacts were observed, including odors and staining, and PID readings of non-detect at 0.0 parts per million (ppm) were recorded. However, at B-10, surface soils (i.e. 0-2 ft bgs) exhibited a slight petroleum odor and PID readings up to a maximum of 20.1 ppm VOCs.

Soil samples were analyzed for VOCs, SVOCs, and total metals. Seven SVOCs including benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene were identified above RRSCOs in multiple shallow soil samples. Additionally, Methylphenol/4-Methylphenol was detected above UUSCOs, but below RRSCOs, in one shallow soil sample. Three VOCs, acetone, total xylenes, and 2-butanone were identified at concentrations above the UUSCO in one soil sample collected. Acetone was also detected in a second shallow soil sample above the UUSCO. Metals including lead and mercury were detected above RRSCOs, with copper and zinc identified above the UUSCOs.

Soil Vapor

Total BTEX concentrations ranged between 5.664 $\mu\text{g}/\text{m}^3$ in SV-1 to 998.8 $\mu\text{g}/\text{m}^3$ in SV-2. Tetrachloroethene (PCE) was detected in soil vapor sample SV-1 at a concentration of 34.2 $\mu\text{g}/\text{m}^3$. The high VOC soil vapor concentrations are indicative of source material contamination that was not identified at the limited sample locations that have been analyzed to date.

SECTION III.2: Sampling Data

Analytical data summary tables are included below that present sampling data from the November 2021 Limited Phase II ESI and the most recent quarterly groundwater monitoring event conducted by EnviroTrac on 12 August 2021. Laboratory Analytical Reports are included as attachments. The findings of the analytical reports from the previous investigations are summarized below:

Soil

Analytical results were compared to NYSDEC Title 6 of the Official Compilation of New York Codes, Rules, and Regulations (NYCRR) Part 375 Unrestricted Use Soil Cleanup Objectives (UUSCOs) and Restricted-Residential Use Soil Cleanup Objectives (RRSCOs).

Multiple SVOCs, specifically polycyclic aromatic hydrocarbons (PAHs), were identified in shallow soil samples exceeding both UUSCOs and RRSCOs. Seven SVOCs including benzo(a)anthracene (maximum concentration 56 milligrams per kilogram [mg/kg] in B-7 [0-2']), benzo(a)pyrene (maximum concentration 32 mg/kg in B-7 [0-2']), benzo(b)fluoranthene (maximum concentration 61 mg/kg in B-7 [0-2']), benzo(k)fluoranthene (maximum concentration 12 mg/kg in B-7 [0-2']), chrysene (maximum concentration 32 mg/kg in B-7 [0-2']), dibenzo(a,h)anthracene (maximum concentration 8.1 mg/kg in B-7 [0-2']), and indeno(1,2,3-cd)pyrene (maximum concentration 28 mg/kg in B-8 [0-2']) were identified above RRSCOs in multiple shallow soil samples. Additionally, 3-Methylphenol/4-Methylphenol was detected in shallow soil sample B-7 (0-2') at a concentration of 0.52 mg/kg, exceeding UUSCO..

Three VOCs, acetone (maximum concentration of 0.06 mg/kg in B-08 [0-2']), total xylenes (maximum concentration of 0.3 mg/kg in B-10 [0-2']), and 2-butanone (maximum concentration of 0.17 mg/kg in B-10 [0-2']) were identified at concentrations above the UUSCO in one soil sample collected. Acetone was also detected in a second shallow soil sample (B-3 [0-2']) at the UUSCO.

Metals including lead (maximum concentration of 665 mg/kg in B-8 [0-2']) and mercury (maximum concentration of 1.24 mg/kg in B-8 [0-2']) were detected above RRSCOs, with copper (maximum concentration of 83.7 mg/kg in B-8 [0-2']) and zinc (maximum concentration of 276 mg/kg in B-8 [0-2']) identified above the UUSCOs.

Soil Vapor

The following summarizes VOC concentrations in soil vapor above the NYSDOH AGV:

- PCE SV-1: 34.2 $\mu\text{g}/\text{m}^3$
- Carbon Tetrachloride SV1: 2.13 $\mu\text{g}/\text{m}^3$

The following summarizes petroleum-related VOC concentrations (BTEX) in soil vapor samples collected:

- SV-1: 5.664 $\mu\text{g}/\text{m}^3$
- SV-2: 998.8 $\mu\text{g}/\text{m}^3$

Groundwater

The most recent quarterly groundwater monitoring event was conducted by EnviroTrac on 12 August 2021. Groundwater results were compared to NYSDEC 6NYCRR Part 703.5 Class GA Ambient Water Quality Standards (AWQS).

Several petroleum-related VOCs were detected above AWQS standards including ethylbenzene (maximum concentration 181 µg/L in MW-1), isopropylbenzene (maximum concentration 18.5 µg/L in MW-1), naphthalene (maximum concentration 63.6 µg/L in MW-1), n-propylbenzene (maximum concentration 25.2 µg/L in MW-1), 1,2,4-trimethylbenzene (maximum concentration 582 µg/L in MW-1), 1,3,5-trimethylbenzene (maximum concentration 29.5 µg/L in MW-1), m,p-xylenes (maximum concentration 116 µg/L in MW-1), o-xylene (maximum concentration 54.7 µg/L in MW-1), and total xylenes (maximum concentration of 171 µg/L in MW-1).

Tables summarizing analytical results from the November 2021 Phase II ESI are attached. Please also refer to the attached USB drive containing the full Phase II ESI Letter Report submitted to 2864 Atlantic Realty LLC in November 2021 and all other previous environmental reports completed for the Site for copies of the full laboratory reports for each referenced investigation.

Section III.2: Sampling Data Analytical Results Summary Tables

Table 1: Soil Summary Table

Analytes > RRSCO	Detections > RRSCOs	Max Concentration (ppm)	RRSCO (ppm)	Depth (ft bgs)
Benzo(a)anthracene	6	56	1	0-2
Benzo(a)pyrene	4	32	1	0-2
Benzo(b)fluoranthene	5	61	1	0-2
Benzo(b)fluoranthene	2	12	3.9	0-2
Chrysene	2	32	3.9	0-2
Dibenzo(a,h)anthracene	3	8.1	0.33	0-2
Indeno(1,2,3-cd)pyrene	6	28	0.5	0-2
Lead	2	665	400	0-2
Mercury	1	1.24	0.81	0-2

Table 2: Soil Vapor Summary Table

Analytes	Total Detections	Max. Detection ($\mu\text{g}/\text{m}^3$)	Type
Carbon Tetrachloride	1	2.13	Soil Vapor
Tetrachloroethene	1	34.2	Soil Vapor
Total BTEX	2	998.8	Soil Vapor

Table 3: Groundwater Summary Table

Analytes > AWQS	Detections > AWQS	Max. Detection (ppb)	AWQS (ppb)
Ethylbenzene	1	181	5
Isopropylbenzene	2	18.5	5
Naphthalene	1	63.6	10
n-Propylbenzene	2	25.2	5
1,2,4-Trimethylbenzene	1	582	5
1,3,5-Trimethylbenzene	1	29.5	5
m,p-Xylene	1	116	10
o-Xylene	1	54.7	5
Total Xylene	1	171	15

Notes:

AWQS = Ambient Water Quality Standards

BTEX = Benzene, toluene, ethylbenzene, and total Xylenes

Ft bgs = Feet below grade surface

ppb = parts per billion

ppm = Parts per million

RRSCO = NYSDEC Restricted-Residential Use Soil Cleanup Objective

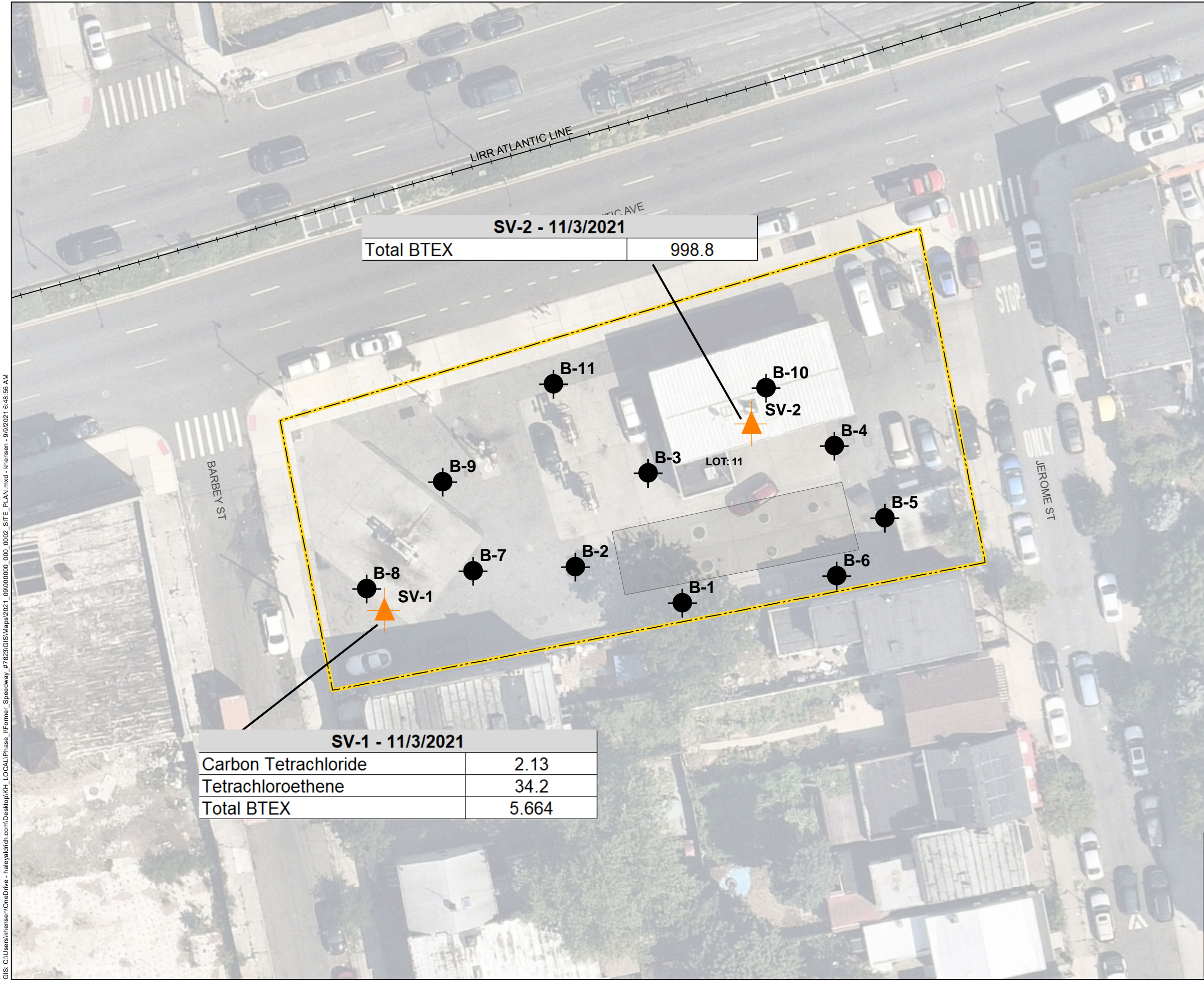
$\mu\text{g}/\text{L}$ = microgram per liter

$\mu\text{g}/\text{m}^3$ = Microgram per cubic meter

SECTION III.3: SAMPLING DATA

For each impacted medium, a Figure is attached below that depicts the information requested in Section III.3 of the Application form. Data presented on these figures is limited to exceedances of the applicable SCGs for restricted residential use.

Figures from previous subsurface investigations performed at the Site for impacted medium which includes all information requested in Application Section III.3 (Figures 1-3)



LEGEND

COMMUTER RAIL LINE

BLOCK 3965 SITE BOUNDARY

APPROXIMATE LOCATION OF UNDERGROUND STORAGE TANKS

SOIL BORING AND SOIL SAMPLE LOCATION

SOIL VAPOR SAMPLE LOCATION

NOTES

1. ALL LOCATIONS ARE APPROXIMATE AND BASED ON FIELD MEASUREMENTS.

2. ASSESSOR PARCEL DATA SOURCE: KINGS COUNTY

3. AERIAL IMAGERY SOURCE: NEARMAP, 12 AUGUST 2021

SPEEDWAY SPECIFIC NOTES

1. GPR SURVEY PERFORMED BY GPRS, INC. ON 11 OCTOBER 2021.

2. ALL DRILLING AND INTRUSIVE WAS CONDUCTED IN ACCORDANCE WITH TO "ENVIRONMENTAL PRE-CLEARING AND DRILLING STANDARD" PROVIDED BY SPEEDWAY DATED 07 JULY 2021.

3. PRIMARY UTILITY CONNECTIONS ARE FROM THE STORAGE SHED TO THE KIOSK.

4. SANITARY SEWER, ROOF DRAINAGE LINES, AND PRODUCT LINES WERE NOT IDENTIFIED AND/OR MARKED OUT DURING THE GPR SURVEY.

**HALEY
ALDRICH**

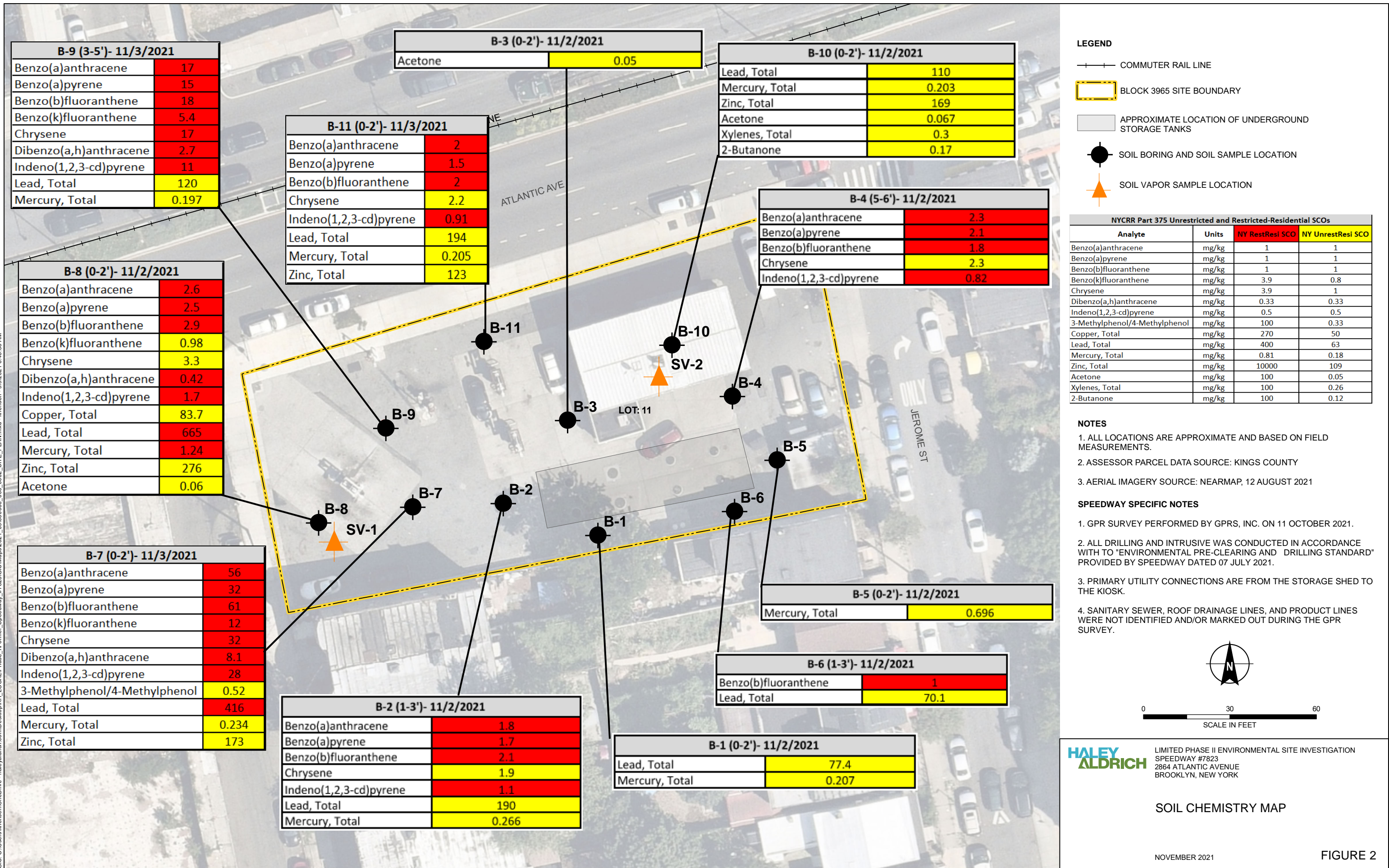
LIMITED PHASE II ENVIRONMENTAL SITE INVESTIGATION
SPEEDWAY #7823
2864 ATLANTIC AVENUE
BROOKLYN, NEW YORK

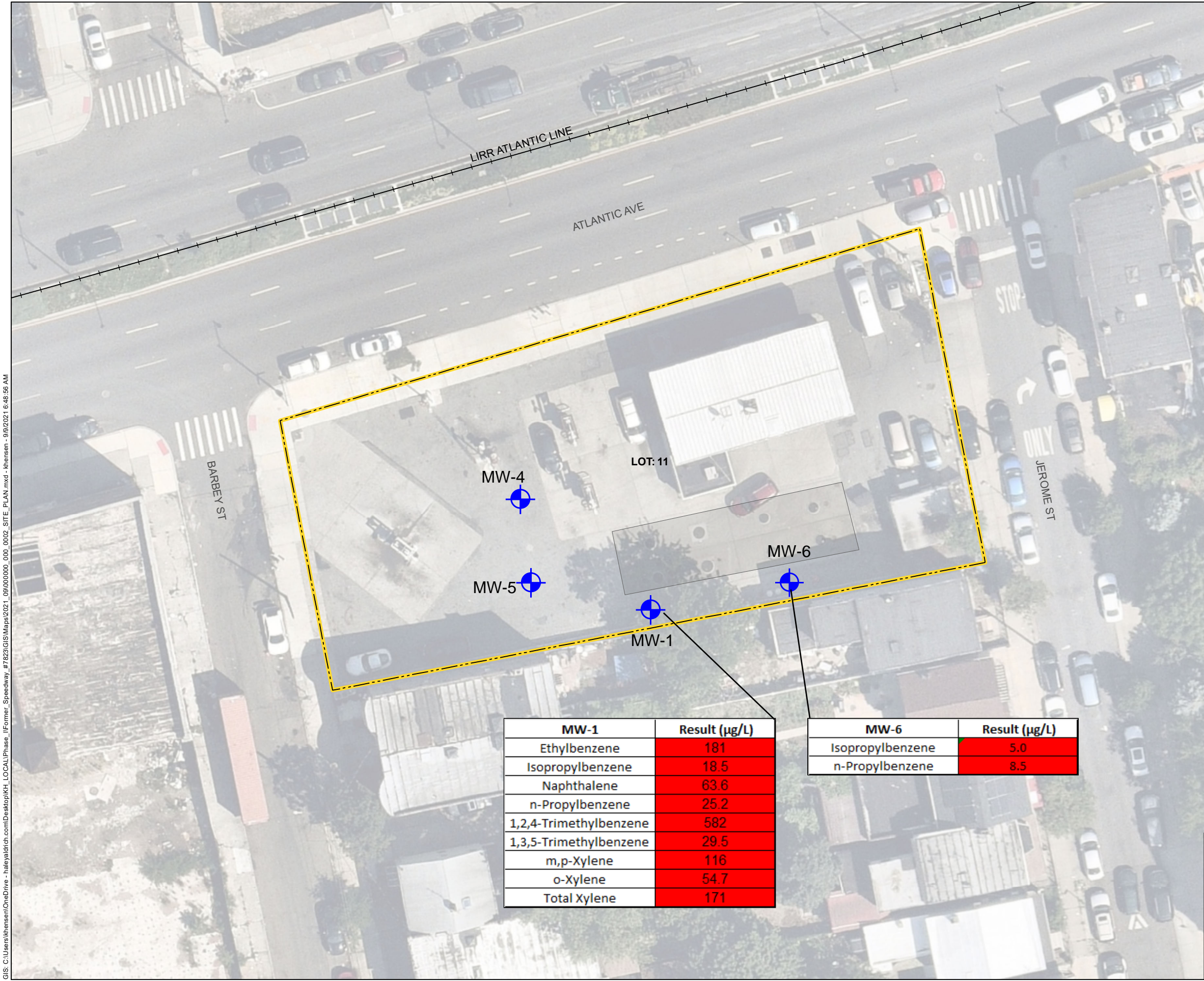
SOIL VAPOR CHEMISTRY MAP

NOVEMBER 2021

FIGURE 1

C:\Users\krsen\OneDrive - haleyaldrich.com\Desktop\KH_LOCAL\Phase II\Former_Speedway_#7823\GIS\Mapa2021_09\000000_000_0002_SITE_PLAN.mxd - krsen - 9/9/2021 6:46:56 AM





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LEGEND

---+---+---+ COMMUTER RAIL LINE

BLOCK 3965 SITE BOUNDARY

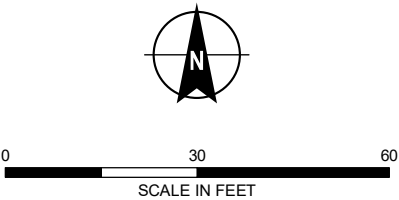
APPROXIMATE LOCATION OF UNDERGROUND STORAGE TANKS

⊕ MONITORING WELL

Ambient water quality (New York State Groundwater Effluent Limitations Class GA)		
Analytes	Value	Unit
Ethylbenzene	5	µg/L
Isopropylbenzene	5	µg/L
Naphthalene	10	µg/L
n-Propylbenzene	5	µg/L
1,2,4-Trimethylbenzene	5	µg/L
1,3,5-Trimethylbenzene	5	µg/L
m,p-Xylene	10	µg/L
o-Xylene	5	µg/L
Total Xylene	15	µg/L
n-Butylbenzene	5	µg/L
sec-Butylbenzene	5	µg/L

Red shaded results exceed New York State Groundwater Effluent Limitations Class GA

- NOTES**
1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE
 2. ASSESSOR PARCEL DATA SOURCE: KINGS COUNTY
 3. AERIAL IMAGERY SOURCE: NEARMAP, 12 AUGUST 2021
 4. MW-1 AND MW-6 DATA FROM MOST RECENT SAMPLING EVENT ON 12 AUGUST 2021
 5. MW-4 AND MW-5 ABANDONED AFTER 2018 SAMPLING EVENT BY ENVIROTRAC



HALEY ALDRICH 2864 ATLANTIC AVENUE
BROOKLYN, NEW YORK

MAP OF GROUNDWATER CHEMISTRY

SECTION III.4: PAST LAND USES

The Site was partially developed in the late 1800s with two stores and one residential building. By the early 1950s, the Site was partially redeveloped with a garage and two gasoline tanks. By 1965, the entire Site was occupied by a filling station that was developed with an overhead canopy and a one-story office building. The Site remained unchanged since approximately 1965 and actively operates as a filling station.

ATTACHMENT D

Section IV: PROPERTY INFORMATION

SECTION IV: PROPERTY DESCRIPTION NARRATIVE

Site Location

The Site's address is 2864 Atlantic Avenue, Brooklyn, NY 11207. The Site is located in Kings County, New York and is identified as Brooklyn Block 3965 Lot 11.

The Site is located in an urban area of the Cypress Hills neighborhood of Brooklyn, NY on the south side of Atlantic Avenue between Jerome Street and Barbey Street. The Site is bounded by Atlantic Avenue followed by mixed-use commercial and residential buildings to the north, Jerome Street followed by mixed-use commercial and residential buildings to the east, residential buildings to the south, and Barbey Street followed by an industrial and manufacturing building to the west. The Long Island Rail Road (LIRR) is located approximately 40 feet to the north beneath Atlantic Avenue.

A Site location map is included in Figure 3. An aerial photograph of the Site is included in Figure 4. A tax map of the Site and surrounding properties is included as Figure 5. A surrounding land use map is included as Figure 6.

Site Features

The Site is 0.42-acres in size and improved with two one-story buildings; one of which is utilized for storage and the other as a convenience store. The buildings do not include cellar levels. There are four 10,000-gallon and one 600-gallon USTs containing gasoline/ethanol currently in use at the Site.

Current Zoning and Land Use

The Site is currently occupied by an active retail petroleum station and is zoned R8-A for residential use and includes a commercial C2-4 overlay. The surrounding properties are currently used for commercial, residential, and warehousing/manufacturing purposes. The nearest residential buildings immediately adjoin the Site to the south. The proposed development of this property is consistent with the current zoning.

As a result of the CEQR process, Block 3965 Lot 11 was assigned an environmental E-Designation (E-366) – East New York Rezoning Action, for hazardous materials, noise (window wall attenuation & alternative means of ventilation), and air (HVAC fuel limited to natural gas) resulting from a City Environmental Quality Review (CEQR) effective 20 April 2016 (CEQR #15DCP102K). Satisfaction of the E-Designation requirements is subject to review and approval by the New York City Mayor's Office of Environmental Remediation (NYCOER) to obtain a Notice to Proceed (NTP) or a Notice of No Objection (NNO) prior to obtaining building permits.

Past Land Use

The Site was partially developed in the late 1800s with two stores and one residential building. By the early 1950s, the Site was partially redeveloped with a garage and two gasoline tanks. By 1965, the entire Site was occupied by a filling station that was developed with an overhead canopy and a one-story office building. The Site remained unchanged since approximately 1965 and actively operates as a filling station.

Records for historic bulk petroleum storage (PBS No. 2-297747) include a total of 43 current/former USTs are listed in the database for the Site. A majority of these USTs, including thirty-one 550-gallon,

three 2,000-gallon, and four 4,000-gallon, have been closed and removed. There are four 10,000-gallon and one 600-gallon USTs containing gasoline/ethanol currently in use at the Site. Spill incidences have been reported at the Site since 1998 due to tank failures. In 1998, a total of 1,006 tons of petroleum-impacted soil was removed from the Site. Data collected following the soil removal indicated concentrations of VOCs in soils above non-detect limits. One Spill Case 98-30002 is still active, due to petroleum releases impacting soil, groundwater, and soil vapor at the Site. The PBS record and spill record provided by NYSDEC are included as attachments.

Site Geology and Hydrogeology

The stratigraphy of the Site, from the surface down, consists primarily of urban fill generally consisting of brown to dark brown, coarse to medium sand with varying amounts of glass, gravel, brick, asphalt, and silt was observed from surface grade to approximately 2 to 4 ft bgs in each soil boring. The urban fill layer was underlain by a potential native layer consisting of brown to orange-brown coarse to fine sand with varying amounts of silt and gravel and intermittent clay lenses. Bedrock underlying the Site is present at depths greater than 100 feet below ground surface (ft bgs) and is part of the Raritan formation consisting of unconsolidated coastal plain deposits. Groundwater was encountered during previous investigations at approximately 25-35 ft bgs and groundwater flow is anticipated to flow to the southeast.

SECTION IV.3: EN-ZONE

The Site is located in Kings County Census Tract 1170, which is EnZone Type A because the poverty rate is 30.6%. The Requestor, therefore, seeks a determination that the Site is eligible for tangible property tax credits.

SECTION IV.5: ENVIRONMENTAL ASSESSMENT

Based on the findings of the November 2021 Limited Phase II ESI and the most recent quarterly groundwater monitoring event conducted by EnviroTrac on 12 August 2021, the primary contaminants of concern for the Site are heavy metals, SVOCs (specifically PAHs), and petroleum-related VOCs in soil, petroleum-related VOCs in groundwater, and chlorinated VOCs and petroleum-related VOCs in soil vapor. Additional investigation is necessary to fully characterize and delineate Site contamination. A summary of findings from the November 2021 Limited Phase II ESI and most recent quarterly groundwater monitoring event conducted by EnviroTrac on 12 August 2021 is provided below:

Soil

Soil analytical results were compared to NYSDEC 6 NYCRR Part 375 RRSCOs.

Multiple SVOCs, specifically PAHs, were identified in shallow soil samples exceeding RRSCOs. Seven SVOCs were found above RRSCOs. These include benzo(a)anthracene (maximum concentration 56 mg/kg in B-7 [0-2']), benzo(a)pyrene (maximum concentration 32 mg/kg in B-7 [0-2']), benzo(b)fluoranthene (maximum concentration 61 mg/kg in B-7 [0-2']) for which the RRSCO is 1 mg/kg. Benzo(k)fluoranthene (maximum concentration 12 mg/kg in B-7 [0-2']) and chrysene (maximum concentration 32 mg/kg in B-7 [0-2']) were also detected above the RRSCO of 3.9 mg/kg. Dibenzo(a,h)anthracene (maximum concentration 8.1 mg/kg in B-7 [0-2']) was detected above the RRSCO 0.33 mg/kg and indeno(1,2,3-cd)pyrene (maximum concentration 28 mg/kg in B-7 [0-2']) was detected above the RRSCO of 0.5 mg/kg in multiple shallow soil samples.

2-butanone was detected at 0.17 mg/kg in B-10 (0-2') the UUSCO 0.12 mg/kg.

Metals including lead (maximum concentration of 665 mg/kg in B-8 [0-2']) and mercury (maximum concentration of 1.24 mg/kg in B-8 [0-2']) were detected above RRSCOs of 400 mg/kg and 0.81 mg/kg, respectively.

Soil Vapor

Total BTEX concentrations ranged between 5.664 µg/m³ in SV-1 to 998.8 µg/m³ in SV-2. PCE was detected in soil vapor sample SV-1 at a concentration of 34.2 µg/m³ and carbon tetrachloride was found at 2.13 µg/m³ in the same location. The high VOC soil vapor concentrations are indicative of source material contamination that was not identified at the limited sample locations that have been analyzed to date.

Groundwater

The most recent quarterly groundwater monitoring event was conducted by EnviroTrac on 12 August 2021. Groundwater results were compared to NYSDEC 6NYCRR Part 703.5 Class GA AWQS.

Several petroleum-related VOCs were detected above AWQS standards including ethylbenzene (maximum concentration 181 µg/L in MW-1), isopropylbenzene (maximum concentration 18.5 µg/L in MW-1), naphthalene (maximum concentration 63.6 µg/L in MW-1), n-propylbenzene (maximum concentration 25.2 µg/L in MW-1), 1,2,4-trimethylbenzene (maximum concentration 582 µg/L in MW-1), 1,3,5-trimethylbenzene (maximum concentration 29.5 µg/L in MW-1), m,p-xylenes (maximum concentration 116 µg/L in MW-1), o-xylene (maximum concentration 54.7 µg/L in MW-1), and total xylenes (maximum concentration of 171 µg/L in MW-1).

Tables summarizing analytical results from the November 2021 Phase II ESI are included in this BCP Application. Please also refer to the attached USB drive containing the full Phase II ESI Letter Report submitted to 2864 Atlantic Realty LLC in November 2021 and all other previous environmental reports completed for the Site for copies of the full laboratory reports for each referenced investigation. Based on available data, it does not appear there are off-site impacts related to this site.

SECTION IV.6: NYSDEC SPILLS ASSOCIATED WITH PROPERTY

Closed Spills Associated with Site

On 07 April 1992, NYSDEC Spill No. 9200248 was reported as a result of a tank test failure at the active gasoline filling station on Site. According to the NYSDEC Spills Database, the tanks were re-tested and the spill case was administratively closed by NYSDEC on 03 August 1994 with no investigation or remediation.

On 16 September 2010 NYSDEC Spill No. 1006577 was reported due to a trace amount of oil identified on the outside of a bailer during periodic groundwater sampling. Regulatory records indicate that the spill may have been related to the adjacent property located at 2840 Atlantic Avenue, and the spilled material was unknown. Analytical results indicated the presence of SVOCs and VOCs were non-detect. Based on the information provided, the spill case was administratively closed by NYSDEC on 20 October 2010 with no investigation or remediation.

Open Spills Associated with Site

Impacted soils were encountered during an UST upgrade project in August 1998. As a result, NYSDEC Spill No. 9830002 was reported on 06 August 1998. The spill source was from the active gasoline station at the time, and the spilled material was petroleum. The following USTs were removed in 1998, including all associated remote fills, product piping, and dispensers: thirty (30) 550-gal gasoline, three

(3) 4,000-gal gasoline, one (1) 2,000-gal gasoline, one (1) 4,000-gal diesel, two (2) 2,000-gal gasoline, two (2) 550-gal wastewater. The PBS database was updated to reflect that the tanks were removed. During removal activities, 1,006 tons of impacted soils were removed for off-Site disposal.

Multiple Short Term Remediation Events (STREs) were conducted on on-Site monitoring wells between 2010 and 2020 including soil vapor extraction/ air sparging, in-situ chemical oxidation (via RegenOx), and enhanced fluid recovery. Based on the NYSDEC database, quarterly groundwater monitoring is ongoing at the Site.

The spill record was last updated on 08 April 2021 and remains open.

Requestor did not observe any continuing release of petroleum at the Site. Requestor is taking the necessary steps to prevent any threatened future release, and prevent and limit human, environmental or natural resource exposure to any previously released contamination at the Site. Currently the Site is capped with impervious cover, and drinking water supplies are limited to the NYC municipal system. The current anticipated plan is to pursue implementation of an IRM WP to remove the on-Site USTs following acceptance into the BCP.



Department of
Environmental
Conservation

Bulk Storage Database Search Details

Facility Information

Site No.: 2-297747

Status: Active

Expiration Date: 09/30/2024

Site Type: PBS

Facility Type: Retail Gasoline Sales

Site Name: SPEEDWAY # 7823

Address: 2880 ATLANTIC AVENUE

Locality: BROOKLYN

State: NY

Zipcode: 11207

County: Kings

Facility(Property) Owner(s) Information

Facility Owner: SPEEDWAY LLC

500 SPEEDWAY DR . ENON, OH. 45323

Mail Contact: SPEEDWAY LLC

500 SPEEDWAY DRIVE . ENON, OH. 45323

Facility Operator

Facility Operator: BRANDIE LEHMAN

Tank Information

43 Tanks Found

Tank No	Tank Location	Status	Capacity (Gal.)
1	Underground including vaulted with no access for inspection	Closed - Removed	550
10	Underground including vaulted with no access for inspection	Closed - Removed	550
11	Underground including vaulted with no access for inspection	Closed - Removed	550
12	Underground including vaulted with no access for inspection	Closed - Removed	550
13	Underground including vaulted with no access for inspection	Closed - Removed	550
14	Underground including vaulted with no access for inspection	Closed - Removed	550
15	Underground including vaulted with no access for inspection	Closed - Removed	550

16	Underground including vaulted with no access for inspection	Closed - Removed	550
17	Underground including vaulted with no access for inspection	Closed - Removed	550
18	Underground including vaulted with no access for inspection	Closed - Removed	550
19	Underground including vaulted with no access for inspection	Closed - Removed	550
2	Underground including vaulted with no access for inspection	Closed - Removed	550
20	Underground including vaulted with no access for inspection	Closed - Removed	550
21	Underground including vaulted with no access for inspection	Closed - Removed	550
22	Underground including vaulted with no access for inspection	Closed - Removed	550
23	Underground including vaulted with no access for inspection	Closed - Removed	550
24	Underground including vaulted with no access for inspection	Closed - Removed	550
25	Underground including vaulted with no access for inspection	Closed - Removed	550
26	Underground including vaulted with no access for inspection	Closed - Removed	550
27	Underground including vaulted with no access for inspection	Closed - Removed	550
28	Underground including vaulted with no access for inspection	Closed - Removed	550
29	Underground including vaulted with no access for inspection	Closed - Removed	550
3	Underground including vaulted with no access for inspection	Closed - Removed	550
30	Underground including vaulted with no access for inspection	Closed - Removed	550
31	Underground including vaulted with no access for inspection	Closed - Removed	4000
32	Underground including vaulted with no access for inspection	Closed - Removed	4000
33	Underground including vaulted with no access for inspection	Closed - Removed	2000
34	Underground including vaulted with no access for inspection	Closed - Removed	4000
35	Underground including vaulted with no access for inspection	Closed - Removed	2000
36	Underground including vaulted with no access for inspection	Closed - Removed	4000
37	Underground including vaulted with no access for inspection	Closed - Removed	550
	Underground including vaulted with no access	Closed -	2000

38	for inspection	Removed	
39	Underground including vaulted with no access for inspection	In Service	10000
4	Underground including vaulted with no access for inspection	Closed - Removed	550
40	Underground including vaulted with no access for inspection	In Service	10000
41	Underground including vaulted with no access for inspection	In Service	10000
42	Underground including vaulted with no access for inspection	In Service	10000
43	Underground including vaulted with no access for inspection	In Service	600
5	Underground including vaulted with no access for inspection	Closed - Removed	550
6	Underground including vaulted with no access for inspection	Closed - Removed	550
7	Underground including vaulted with no access for inspection	Closed - Removed	550
8	Underground including vaulted with no access for inspection	Closed - Removed	550
9	Underground including vaulted with no access for inspection	Closed - Removed	550

[Refine This Search](#)



Department of
Environmental
Conservation

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 2

Spill Number: 9830002

Spill Date/Time

Spill Date: 08/06/1998 **Spill Time:** 12:00:00 PM

Call Received Date: 08/06/1998 **Call Received Time:** 01:16:00 PM

Location

Spill Name: FORMER HESS STATION 32518

Address: 2880 ATLANTIC AVE

City: BROOKLYN **County:** Kings

Spill Description

Material Spilled **Amount Spilled** **Resource Affected**

unknown petroleum UNKNOWN Soil

Cause: Other

Source: Gasoline Station or other PBS Facility

Waterbody:

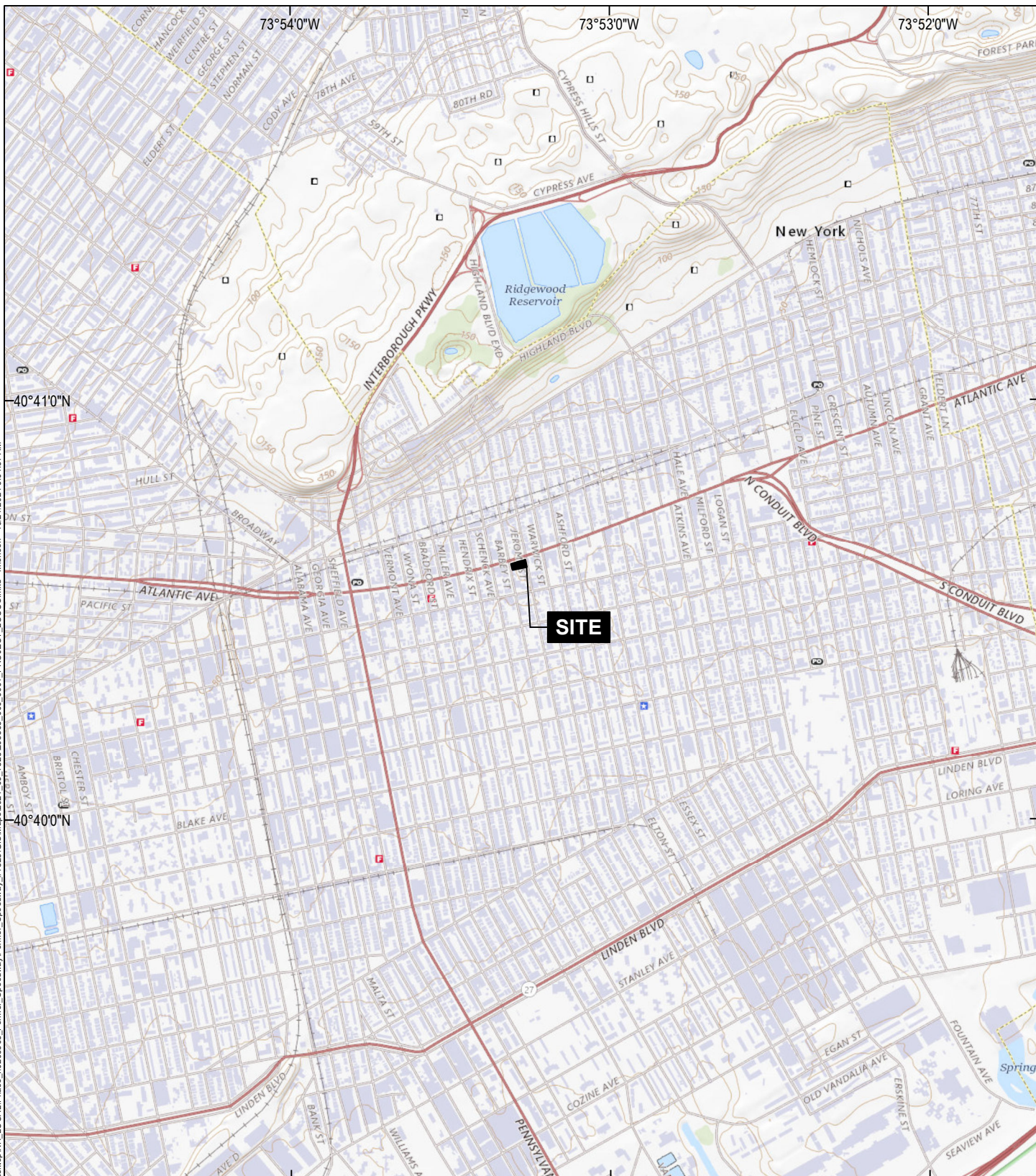
Record Close

Date Spill Closed: Not closed

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

Refine This Search

GIS: C:\Users\Whensen\OneDrive - haleyaldrich.com\Desktop\KH_LOCAL\Phase 10203563 Former Speedway\Former Speedway - 10212021 9:04:37 AM



MAP SOURCE: ESRI
SITE COORDINATES: 40°40'36"N, 73°53'17"W

**HALEY
ALDRICH**

2864 ATLANTIC AVENUE
BROOKLYN, NEW YORK

PROJECT LOCUS

APPROXIMATE SCALE: 1 IN = 2000 FT
OCTOBER 2021

FIGURE 4

FIGURE 5



LEGEND

- COMMUTER RAIL LINE
- BLOCK 3965 SITE BOUNDARY
- APPROXIMATE LOCATION OF UNDERGROUND STORAGE TANKS

- 1 & 2 Family Residential
- Multi-family Residential
- Mixed Use
- Open space & outdoor recreation
- Commercial
- Institutions
- Industrial
- Parking
- Transportation / Utilities
- Vacant Lots

NOTES

1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
2. ASSESSOR PARCEL DATA SOURCE: KINGS COUNTY
3. AERIAL IMAGERY SOURCE: NEARMAP, 12 AUGUST 2021



0 30 60
SCALE IN FEET

HALEY
ALDRICH

2864 ATLANTIC AVENUE
BROOKLYN, NEW YORK

SURROUNDING LAND USE MAP

OCTOBER 2021

FIGURE 7

ATTACHMENT E

Section VI: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

SECTION VI: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Current Owner and Operator

The current owner is Speedway LLC. The Requestor 2864 Atlantic Realty LLC is in contract to purchase the property and remediate and redevelop the Site. The current property owner provided authorization for 2864 Atlantic Realty LLC to take all necessary actions to enter into and carry out the obligations of the BCP. A copy of the access agreement letter is provided as an attachment in Section I: Requestor Information.

The Site is currently operating as a retail petroleum station operated by Speedway LLC.

Previous Owners and Operators

A list of Previous Owners and Operators of 2864 Atlantic Avenue is provided in the below table.

Date	Document Type	First Party	Second Party	Relationship of First Party to Applicant
9/30/2014	Both RPTT and RETT	Hess Corporation	Speedway LLC	None
4/24/2014	Deed	Hess Corporation	Hess Retail Stores LLC	None
Pre 2014 (Ownership records prior to 2014 were not readily available for review)	Unknown	Unknown	Unknown	Unknown

Reference: New York City Department of Finance Automated City Register Information System (ACRIS) website: <https://a836-acris.nyc.gov/DS/DocumentSearch/Index>. Current and former addresses and telephone numbers of the previous property owners are not available. There is no relationship between the Requestor's corporate members and any of the previous owners.

A list of current and previous operators of 2864 Atlantic Avenue is provided in the below table.

Name	Relationship to Property	Address and Phone Number	Relationship to Applicant
Speedway	Operator (present)	2864 Atlantic Avenue Phone No.: 718-277-1390	None
Exchange Motor sales	Operator (1960s)	2864 Atlantic Avenue Phone No.: Not Available	None
G&G Auto Sales	Operator (1940s)	2864 Atlantic Avenue Phone No.: Not Available	None

ATTACHMENT F

Section VII: REQUESTOR ELIGIBILITY INFORMATION

SECTION VII: REQUESTOR ELIGIBILITY INFORMATION

Volunteer Status

The Requestor qualifies as a “Volunteer” in the BCP because it has no connection with any prior owner or operator, and did not cause, contribute, or permit the disposal of any contaminants at the Site, and did not control the Site when such contamination occurred. Requestor did not observe any continuing release. Requestor is taking the necessary steps to prevent any threatened future release, and prevent and limit human, environmental or natural resource exposure to any previously released contamination at the Site. As such, the requestor qualifies as a Volunteer as designed in ECL 27-1405(1)(b).

Requestor Relationship to Property

The current property owner provided authorization for 2864 Atlantic Avenue LLC to take all necessary actions to enter into and carry out the obligations of the BCP. A copy of the access agreement letter is provided as an attachment in Section I: Requestor Information.

ATTACHMENT G

Section IX: CONTACT LIST INFORMATION AND ACKNOWLEDGEMENT FROM REPOSITORY

SECTION IX – CONTACT LIST INFORMATION

SITE CONTACT LISTS

Executive

Role	Name	Phone	Mailing Address	Email
NYC Mayor	Mayor William De Blasio	212-NEW-YORK	City Hall New York, NY 10007	https://www1.nyc.gov/office-of-the-mayor/mayor-contact.page
NYC Department of City Planning Chairperson	Marisa Lago	212-720-3300	120 Broadway 31st Floor New York, NY 10271	https://www1.nyc.gov/site/planning/about/email-the-director.page
Brooklyn Borough President	Eric Adams	718-802-3700	Brooklyn Borough Hall 209 Joralemon Street Brooklyn, NY 11201	askeric@brooklynbo.nyc.gov
Brooklyn Community Board 5 District Manager	Melinda Perkins	718-819-5487	127 Pennsylvania Avenue, 2 nd Floor, Brooklyn, NY 11207	mperkins@cb.nyc.gov
NY Senate District 18 Senator	Julia Salazar	518-455-2177	212 Evergreen Avenue, Brooklyn, NY 11221	salazar@nysenate.gov
NY State Assembly District 55 Member	Latrice Walker	718-342-1256	400 Rockaway Avenue, 2 nd Floor, Brooklyn, NY 11212	walkerL@nyassembly.gov

Owners, Residents, Occupants

The Site is currently serving as a retail petroleum station.

Operator/Operator	Contact Name	Phone	Mailing Address	Email
Speedway LLC	Mark Redicker	Not Available	500 Speedway Drive, Enon, OH 45323	maredicker@speedway.com

Adjacent Properties

Below is a list of the adjoining properties which are also detailed on Figure 8.

Owner/Entity Name	Contact Name	Site Use	Property Address	Owner Mailing Address
Antonia Cardona	Antonia Cardona	One- & Two-Family Buildings	218 Jerome Street	732 Jerome Street, Brooklyn, NY 11207
Jenny Adamez-Cruz	Jenny Adamez-Cruz	One- & Two-Family Buildings	259 Barbey Street	2629 Atlantic Avenue, Brooklyn, NY 11207
Badawy Sons International Corp.	Not Available.	Mixed Residential & Commercial Budlings	2890 Atlantic Ave	2890 Atlantic Avenue, Brooklyn, NY 11207
Over The Pond LLC., C/O Up Realty	Not Available	Mixed Residential & Commercial Budlings	2883 Atlantic Ave	619 Eastern Parkway, Brooklyn, NY 11213
Saleta-Stevenson Enterprise, Inc.	Not Available	Commercial & Office Buildings	2875 Atlantic Ave	2875 Atlantic Avenue, Brooklyn, NY 11207
2873 Realty LLC.	Not Available	Mixed Residential & Commercial Budlings	2873 Atlantic Ave	549 Empire Boulevard, Suite 100, Brooklyn, NY 11225
2869 Atlantic LLC.	Not Available	Mixed Residential & Commercial Budlings	2869 Atlantic Ave	P.O. Box 20700, New York, NY 10009
2863 Realty LLC.	Not Available	Vacant Land	2863 Atlantic Ave	24-30 47 th Street, Astoria, NY 11103

HP Brooklyn Dairy Housing Development Fund Company, Inc.	Not Available	Industrial & Manufacturing	2840 Atlantic Ave	242 W 36 th Street, Front 3, New York, NY 10018-8977
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Local News and Media

Owner/Entity Name	Type	Address	Phone	Website
News12 Brooklyn	Television/Online	164 20 th Street, Brooklyn, NY 11232	718-861-6800	Brooklyn - Contact (news12.com)
ABC7	Television	7 Lincoln Square, New York, NY 10023	877-847-6397	Cypress hills News - ABC7 New York (abc7ny.com)

Public Water Supply

Public water supply is a shared responsibility between the New York City Department of Environmental Protection (NYCDEP) and the Municipal Water Finance Authority.

Owner/Entity Name	Contact	Address	Phone	Email
NYCDEP	Vincent Sapienza - Commissioner	59-17 Junction Blvd. Flushing, NY 11373	718-595-6565	ltcp@dep.nyc.gov
NYC Municipal Water Finance Authority	Olga Chernat-Executive Director	255 Greenwich Street 6th Floor New York, NY 10007	212-788-5889	Not Available

Additional Requests

We are unaware of any requests to be included on the contact list for the 2864 Atlantic Avenue Redevelopment Site located at 2864 Atlantic Avenue, Brooklyn, NY.

School or Day Care located on or proximal to the Site

There are no schools or daycares located on the Site. The following schools or day care facilities are located within ½-mile radius to the Site:

School/Day Care Name	Approximate distance from Site in feet and (directional)	Administrator	Phone	Address
K662 Liberty Avenue Middle School	1584' (southeast)	Kaia Nordtvedt	718-647-1301	350 Linwood St, Brooklyn, NY 11208
P.S. 158 Warwick	2112' (southeast)	Mrs. Towles	718-277-6116	400 Ashford St, Brooklyn, NY 11207
Angela's Daycare	2112' (northeast)	Not Available	347-613-4392	163 Cleveland St, Brooklyn, NY 11208
P.S. 089 Cypress Hills	472' (east)	Irene Leon	718-964-1180	265 Warwick Street, Brooklyn, NY 11207
Achievement First Apollo Elementary School	1584' (southeast)	Noah Hellman	718-265-1437	350 Linwood Street, Brooklyn, NY 11208
Salve Regina Catholic Academy	450' (southeast)	Michelle Donato	Upper School: 718-277-9000 Lower School: 718-277-6766	237 Jerome Street, Brooklyn, NY 11207
DLC Kids Group Family WeeCare	2112' (northwest)	Yensy Pichardo	323-421-7479	128 Miller Ave, 2 nd Floor, Brooklyn, NY 11207

Lillian Davis WeeCare	2640' (south)	Lillian D. Davis	347-919-9913	422 Jerome Street #3-a, Brooklyn, NY 11207
Baybee Lounge Daycare	1584' (west)	Not Available	718-513-0179	2745 Atlantic Ave, Brooklyn, NY 11207

Document Repository

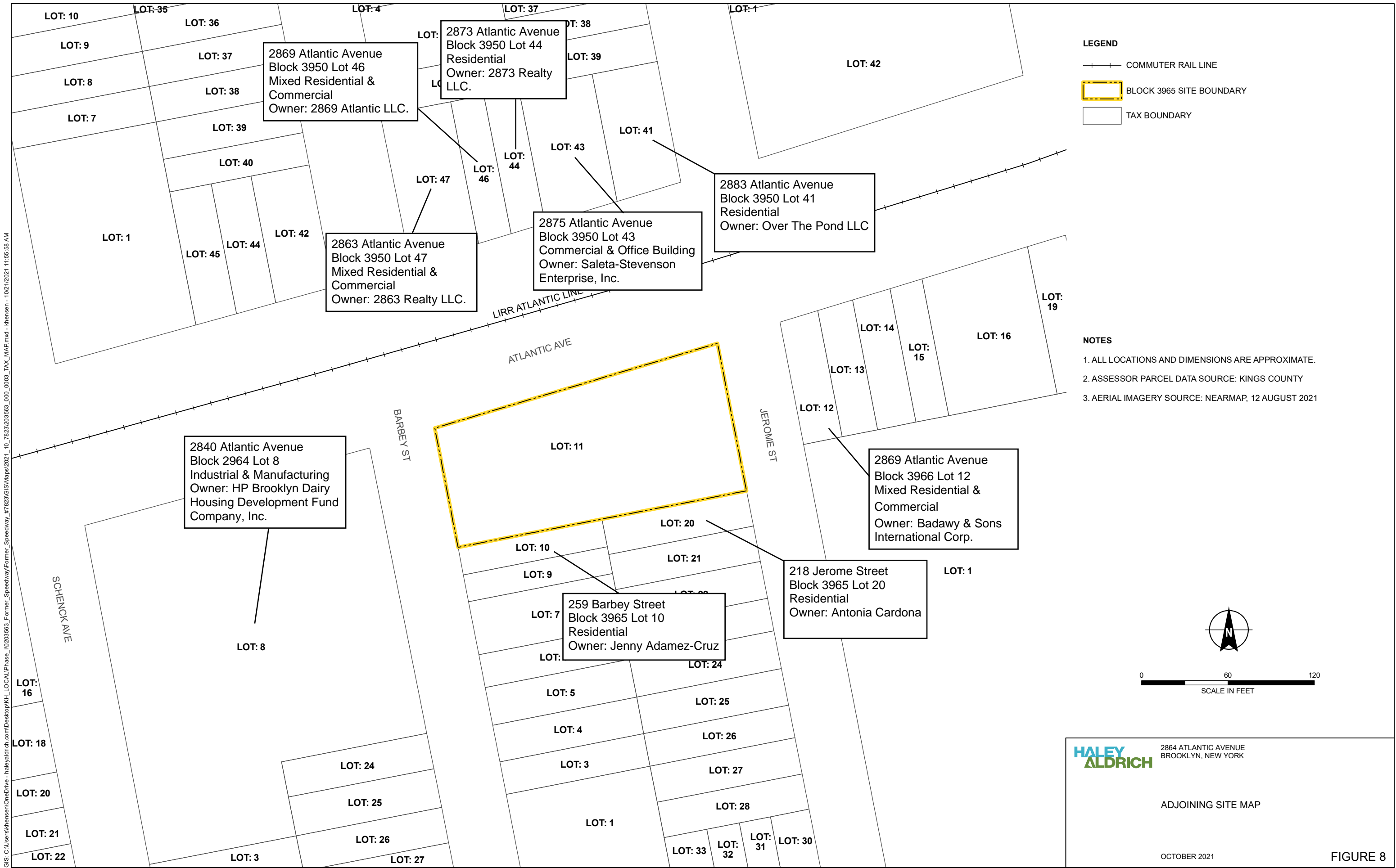
Brooklyn Community Board 5 and Brooklyn Public Library – Cypress Hills Branch were notified on 20 October 2021 via email regarding utilizing their space as document repositories. Acknowledgement from Brooklyn Community Board 5 and Brooklyn Public Library – Cypress Hills Branch agreeing to serve as a document repository is attached below.

Owner/Entity Name	Contact	Address	Phone	Email
Brooklyn Community Board 5	Melinda Perkins	127 Pennsylvania Avenue, 2 nd Floor, Brooklyn, NY 11207	718-819-5487	mperkins@cb.nyc.gov
Cypress Hills Library	Rowshon A. Perveen	1197 Sutter Ave. at Crystal St., Brooklyn, NY 11208	718-277-6004	Rperveen@bklynlibrary.org

Community Board

Owner/Entity Name	Contact	Address	Phone	Email
Brooklyn Community Board 5	Melinda Perkins	127 Pennsylvania Avenue, 2 nd Floor, Brooklyn, NY 11207	718-819-5487	mperkins@cb.nyc.gov

G:\S:\C:\Users\lhensen\OneDrive - haleyaldrich.com\Desktop\KH_LOCAL\Phase_1\0203563_Formal_Speedway\Former_Speedway_#7823\GIS\Map\2021_10_7823\203563_000_0003_TAX_MAP.mxd - lhensen - 10/21/2021 11:55:58 AM



2864 ATLANTIC AVENUE
BROOKLYN, NEW YORK

ADJOINING SITE MAP

OCTOBER 2021

FIGURE 8

Section IX: Acknowledgement from Brooklyn Public Library - Cypress Hills Branch Agreeing to Act as Document Repository



HALEY & ALDRICH OF NEW YORK
237 W 35th Street
16th Floor
New York, NY 10123
Tel: 646.277.5686

20 October 2021
File No. 0203563-002

Cypress Hills Library
1197 Sutter Ave., at Crystal St.,
Brooklyn, NY 11208
Via email: Rperveen@bklynlibrary.org
Attn: Rowshon A. Perveen

Subject: Brownfield Cleanup Program Application – Request for Repository Use
Former Speedway #7823
2864 Atlantic Avenue
Brooklyn, New York 11207

Dear Mr. Perveen:

Haley & Aldrich of New York (Haley & Aldrich), on behalf of 2864 Atlantic Realty LLC, is requesting use of the Cypress Hills Library building as a document repository for the anticipated project located at 2864 Atlantic Ave, Brooklyn, NY. The New York State Department of Environmental Conservation (NYSDEC) requires a letter certifying that the proposed document repository is able to serve as a public repository for all documents pertaining to the environmental cleanup at the Site. Please sign below denoting that your facility would be amenable to serving as a temporary public repository.

Should you have any questions, please do not hesitate to give me a call at (646) 277-5686.

Thank you,
HALEY & ALDRICH OF NEW YORK


James M. Bellew
Senior Associate

The Cypress Hills Library is willing to act as a public document repository holding and making available of all provided environmental documents related to the 2864 Atlantic Ave. Brownfield Cleanup Project.

Rowshon A. Perveen
Name

11/15/2021
Date

Neighborhood Library Supervisor
Title

Section IX: Acknowledgement from Brooklyn Community Board 5 Agreeing to Act as Document Repository



HALEY & ALDRICH OF NEW YORK
237 W 35th Street
16th Floor
New York, NY 10123
Tel: 646.277.5686

20 October 2021
File No. 0203563-002

Brooklyn Community Board 5
127 Pennsylvania Avenue, 2nd Floor
Brooklyn, NY 11207
Via email: mperkins@cb.nyc.gov
Attn: Melinda Perkins

Subject: Brownfield Cleanup Program Application – Request for Repository Use
Former Speedway #7823
2864 Atlantic Avenue
Brooklyn, New York 11207

Dear Ms. Perkins:

Haley & Aldrich of New York (Haley & Aldrich), on behalf of 2864 Atlantic Realty LLC, is requesting use of the Brooklyn Community Board 5 building as a document repository for the anticipated project located at 2864 Atlantic Ave, Brooklyn, NY. The New York State Department of Environmental Conservation (NYSDEC) requires a letter certifying that the proposed document repository is able to serve as a public repository for all documents pertaining to the environmental cleanup at the Site. Please sign below denoting that your facility would be amenable to serving as a temporary public repository.

Should you have any questions, please do not hesitate to give me a call at (646) 277-5686.

Thank you,
HALEY & ALDRICH OF NEW YORK

James M. Bellew
Senior Associate

The Brooklyn Community Board 5 is willing to act as a public document repository holding and making available of all provided environmental documents related to the 2864 Atlantic Ave Brownfield Cleanup Project.

Name
Date
Title

ATTACHMENT H

Section X: LAND USE FACTORS

SECTION X: LAND USE FACTORS

Existing Zoning:

According to the New York City Planning Commission Zoning Map 17c, the Site, identified as Block 3965 Lot 11 on the New York City tax map, is located within a residential R8-A district, with a commercial C2-4 overlay. R8 districts are characterized as high-density residential districts with apartment buildings that can range from mid-rise, eight- to ten-story buildings to much taller buildings set back from the street on large zoning lots. The C2-4 Zoning District is primarily residential with commercial uses on the street level. The commercial uses usually include retail, restaurants, and services for the day to day needs of a residential neighborhood. The Site is currently occupied by an active retail petroleum station operated by Speedway LLC. The applicable zoning map is included as an attachment.

As a result of the CEQR process, the Site was listed with an environmental E-Designation (E-366) – East New York Rezoning Action, for hazardous materials, noise (window wall attenuation & alternative means of ventilation), and air (HVAC fuel limited to natural gas) effective 20 April 2016 (CEQR #15DCP102K). Satisfaction of the E-Designation requirements is subject to review and approval by the NYCOER to obtain a NTP or NNO prior to obtaining building permits.

Current Use

The roughly 0.42-acre Site is occupied by an active retail petroleum station operated by Speedway LLC.

Intended Use Post-Remediation

While the development plans are conceptual at this time, the planned project will consist of a residential building with an affordable component anticipated to be pursuant with 421-a.

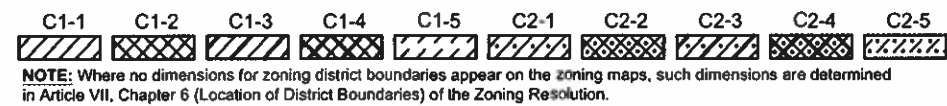
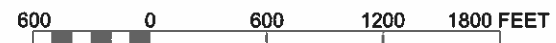
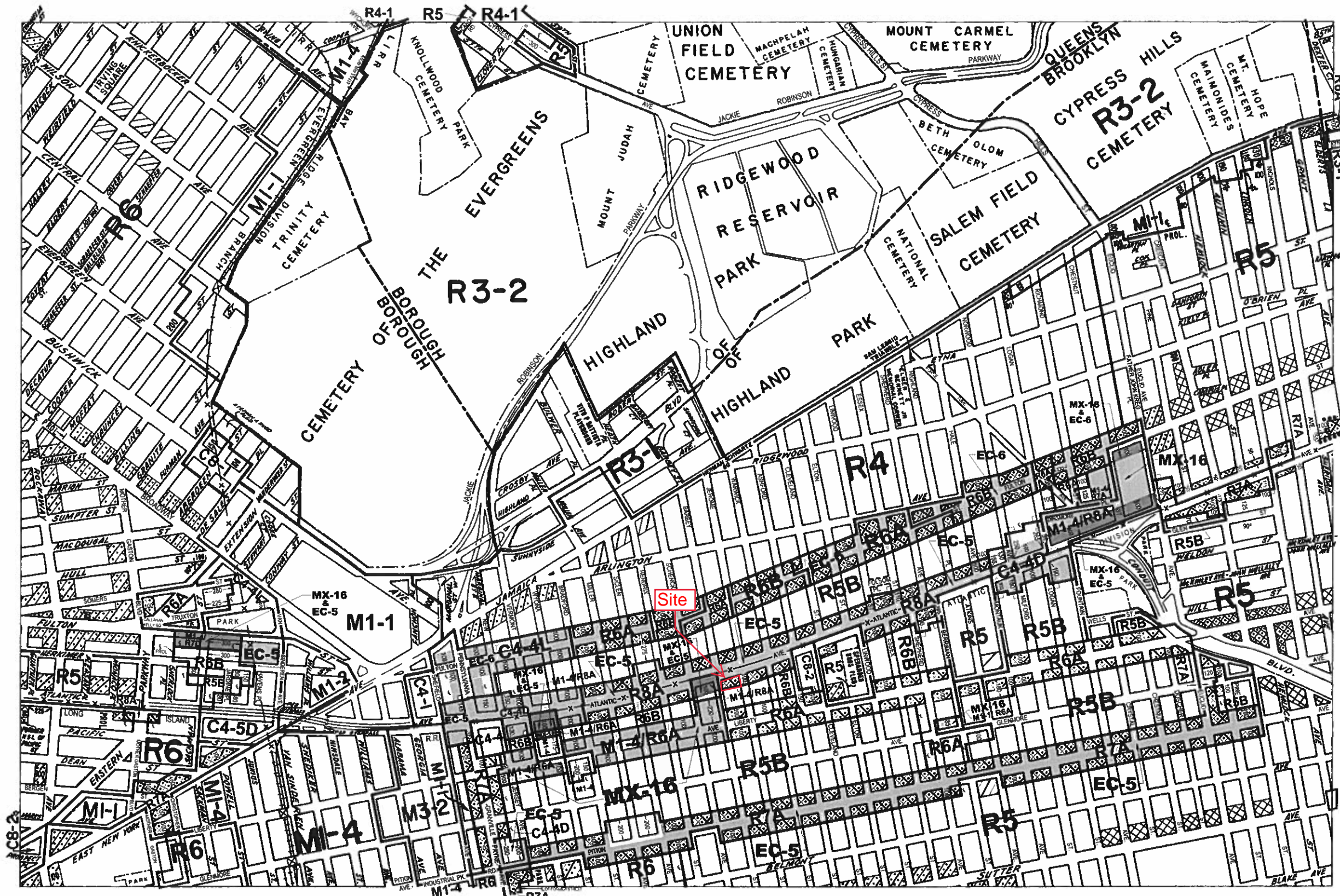
Consistency with Applicable Zoning Laws/Maps

According to the New York City Planning Commission Zoning Map 17c, the Site is located within a residential R8-A district with a commercial C2-4 overlay. The proposed development of this property is consistent with the current zoning. The applicable zoning map is included as an attachment.

Comprehensive Plans

The proposed use is consistent with local and area plans. The East New York Neighborhood Plan is a comprehensive neighborhood plan designed to promote affordable housing preservation and development, encourage economic development, create pedestrian-friendly streets, and invest in community resources to support the long-term growth and sustainability of East New York, Cypress Hills, and Ocean Hill. The Plan was developed through a robust community planning process through close collaboration with residents, stakeholders, and elected officials.

Click blue outline on map to view diagram of proposed zoning change



ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

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.

- R** – RESIDENTIAL DISTRICT
- C** – COMMERCIAL DISTRICT
- M** – MANUFACTURING DISTRICT

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

Effective Date(s) of Rezoning:

09-25-2019 C 190222 ZMK

Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.

For a list of lots subject to "D" restrictive declarations, see APPENDIX D.

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

MAP KEY

13b	13d	14b
17a	17c	18a
17b	17d	18b

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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.

ZONING MAP 17c

ATTACHMENT I

Supplemental Questions Section: Sites Seeking Tangible Property Credits in NYC

ATTACHMENT I: SUPPLEMENTAL QUESTIONS SECTION: SITES SEEKING TANGIBLE PROPERTY CREDITS IN NYC

EnZone Determination

Census Tract 1170

Census Tract 1170	
EnZoneType A	
FIPS	36047117000
County_FIP	36047
Geography	Census Tract 1170
County	Kings County
UnempRate	13.1
NYS_UR	11.5
Pov_Rate	30.6
CountyPR	23.2
CountyRate	46.4
Criteria_B	
Both_AB	
Criteria_A	Y
Type	YA



2864 Atlantic Avenue -
EnZone Type A
indicated in green.