

NYSDEC BROWNFIELD CLEANUP PROGRAM APPLICATION

FORMER GUTTA PERCHA AND RUBBER MANUFACTURING SITE
43 FRANKLIN AVENUE
BLOCK 1885, LOT 15
BROOKLYN, NEW YORK

PREPARED FOR:
ROSE CASTLE REDEVELOPMENT II LLC
266 BROADWAY, SUITE 301
BROOKLYN, NY 11211



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

03 January 2022
File No. 0200894

Alexandra Servis
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
Former Gutta Percha and Rubber Manufacturing Site
43 Franklin Avenue
Brooklyn, New York 11205 (Site)

Ladies and Gentlemen,

Haley & Aldrich of New York, on behalf of Rose Castle Redevelopment II LLC, has prepared this Brownfield Cleanup Program (BCP) 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 29 November 2021. Enclosed in this package is a USB drive which contains the full Brownfield Cleanup Program Application Package including one Phase I Environmental Site Assessment dated August 2015 by Equity Environmental, a Limited Phase II Environmental Site Investigation Report dated 24 November 2021 by Haley & Aldrich of New York, and a Remedial Investigation Report dated December 2021 by Haley & Aldrich of New York. Also, for NYSDEC consideration and review, is a draft Remedial Action Work Plan (RAWP) that evaluates remedial alternatives for cleanup of the property.

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

Thank you.



James M. Bellew
Principal



Emily L. Snead, PG
Senior Project Manager

Enclosed copies provided via email to:

Zelig Weiss (Rose Castle Redevelopment II LLC)
Jon Brooks (Freeborn & Peters LLP)
Gerard Burke (NYSDEC)
Jane O'Connell (NYSDEC)
James Simpson (NYSDEC)

Email: zelig@riversideny.com
Email: jbrooks@freeborn.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 Rose Castle Redevelopment II LLC

ADDRESS 266 Broadway, Suite 301

CITY/TOWN Brooklyn

ZIP CODE 11211

PHONE 718-599-1145

FAX N/A

E-MAIL zelig@riversideny.com

Is the requestor authorized to conduct business in New York State (NYS)? 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? 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
Chlorinated Solvents			X
Other VOCs		X	
SVOCs	X	X	
Metals	X	X	
Pesticides	X		
PCBs			
Other*		X	

*Please describe: PFOA and PFOS

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? Yes No
 (*answering No will result in an incomplete application)

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

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

Other: Gutta Percha & Rubber Manufacturing Company

Section IV. Property Information - See Instructions for Further Guidance

PROPOSED SITE NAME Former Gutta Percha and Rubber Manufacturing Site

ADDRESS/LOCATION 43 Franklin Avenue

CITY/TOWN Brooklyn ZIP CODE 11205

MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Brooklyn

COUNTY Kings SITE SIZE (ACRES) 0.809

LATITUDE (degrees/minutes/seconds) 40 ° 41 ' 52.06 "	LONGITUDE (degrees/minutes/seconds) 73 ° 57 ' 30.5 "
---	---

Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed, please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section No.	Block No.	Lot No.	Acreage
43 Franklin Avenue		1885	15	0.809

1. Do the proposed site boundaries correspond to tax map metes and bounds? Yes No
If no, please attach an accurate map of the proposed site.

2. Is the required property map attached to the application? Yes 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 No
If yes, identify census tract : Census Tract 1237
Percentage of property in En-zone (check one): 0-49% 50-99% 100%

4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? Yes No
If yes, identify name of properties (and site numbers if available) in related BCP applications: _____

5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? Yes No

6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? Yes No
If yes, attach relevant supporting documentation.

7. Are there any lands under water? Yes 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

None

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 Zelig Weiss			
ADDRESS 266 Broadway, Suite 301			
CITY/TOWN Brooklyn		ZIP CODE 11211	
PHONE 718-599-1145	FAX N/A	E-MAIL zelig@riversideny.com	
NAME OF REQUESTOR'S CONSULTANT James M. Bellew			
ADDRESS 237 West 37th Street, 16th Floor			
CITY/TOWN New York		ZIP CODE 10123	
PHONE 646-277-5686	FAX	E-MAIL JBellew@haleyaldrich.com	
NAME OF REQUESTOR'S ATTORNEY Jon Schuyler Brooks of Freeborn & Peters LLP			
ADDRESS 1155 Avenue of the Americas			
CITY/TOWN New York		ZIP CODE 10036	
PHONE (646) 993-4456	FAX N/A	E-MAIL jbrooks@freeborn.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME Lotus Residences LLC.		OWNERSHIP START DATE: 03/2014	
ADDRESS c/o Rose Castle Redevelopment II LLC, 266 Broadway, Suite 301			
CITY/TOWN Brooklyn		ZIP CODE 11211	
PHONE 718-599-1145	FAX N/A	E-MAIL zelig@riversideny.com	
CURRENT OPERATOR'S NAME N/A - No Operator (vacant lot)			
ADDRESS N/A			
CITY/TOWN N/A		ZIP CODE N/A	
PHONE N/A	FAX N/A	E-MAIL N/A	
<p>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".</p> <p>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.</p>			
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 See Note Below: _____

Note: The Requestor acquired indirect ownership and control of the fee owner of the site, Lotus Residences LLC, in February 2020. 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?
If yes, please provide: Order # _____ Yes No
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?
If yes, please provide explanation as an attachment. Yes No

Section IX. Contact List Information

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

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). **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? M1-2/R6A and MX-4

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

The proposed development will consist of constructing a new mixed-use (residential and commercial), mixed-income building with an affordable housing component. The proposed development of this property is consistent with the current zoning.

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. According to the New York City Planning Commission (Zoning Map 12d) the site is located within a Special Mixed Use District (MX-4) paired with a mixed Manufacturing/Residential Use District (M1-2/R6A)

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

Please refer to attachment.

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hererby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____ Signature: _____
Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Authorized Representative (title) of Rose Castle Redevelopment II LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 12/30/2021 Signature: _____
Print Name: Zelig Weiss

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):	
"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.	
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)	
375-3.2:	
(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	
(1) the proposed use is at least 75 percent for industrial uses; or	
(2) at which:	
(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;	
(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and	
(iii) one or more of the following conditions exists, as certified by the applicant:	
(a) property tax payments have been in arrears for at least five years immediately prior to the application;	
(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	
(c) there are no structures.	
"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.	

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: Former Gutta Percha and Rubber Manufacturing Site **Site Address:** 43 Franklin Avenue
City: Brooklyn **County:** Kings **Zip:** 11205

Tax Block & Lot
Section (if applicable): **Block:** 1885 **Lot:** 15

Requestor Name: Rose Castle Redevelopment II LLC **Requestor Address:** 266 Broadway, Suite 301
City: Brooklyn **Zip:** 11211 **Email:** zelig@riversideny.com

Requestor's Representative (for billing purposes)
Name: Zelig Weiss **Address:** 266 Broadway, Suite 301
City: Brooklyn **Zip:** 11211 **Email:** zelig@riversideny.com

Requestor's Attorney
Name: Jon Schuyler Brooks of Freeborn & Peters LLP **Address:** 1155 Avenue of the Americas
City: New York **Zip:** 10036 **Email:** jbrooks@freeborn.com

Requestor's Consultant
Name: James M. Bellew **Address:** 237 West 37th Street, 16th Floor
City: New York **Zip:** 10123 **Email:** JBellew@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:

ATTACHMENT A

Section I: Requestor Information

SECTION I: REQUESTOR INFORMATION

The Requestor is Rose Castle Redevelopment II LLC, a New York Limited Liability Company (LLC). Zelig Weiss is the managing member and authorized representative of Rose Castle Redevelopment II LLC.

The contact information for the Requestor is:

Rose Castle Redevelopment II LLC
Zelig Weiss, Managing Member
266 Broadway, Suite 301
Brooklyn, New York, 11211
Phone: 718-599-1145
Email: zelig@riversideny.com

The Requestor acquired indirect ownership and control of the fee owner of the Site, Lotus Residences LLC, in February 2020. The proposed Brownfield Cleanup Program (BCP) Site is currently owned by Lotus Residences LLC, a New York LLC. The current property owner has provided authorization for Rose Castle Redevelopment II 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 Rose Castle Redevelopment II LLC are as follows:

- Zelig Weiss
- Fedor Itskovitch

A printout of the entity information from the NYS Department of State's Corporation & Business Entity Database for Rose Castle Redevelopment II LLC is included in this attachment.

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

The Requestor certifies it is a Volunteer. The Requestor does not have, nor has it ever had, a relationship with the past owners or operators of the Site that caused the existing contamination.

**Rose Castle Redevelopment II LLC
266 Broadway, Suite 301
Brooklyn, NY 11211**

20 December 2021

Lotus Residences LLC
266 Broadway, Suite 301
Brooklyn, New York 11211

RE: Site Access to Perform Brownfield Cleanup Program Work
43 Franklin Avenue, Brooklyn, New York 11205
Kings County Block 1885, Lot 15

Dear Sir or Madam:

As you are aware, Rose Castle Redevelopment II LLC will be submitting an application to the Brownfield Cleanup Program (BCP) for the property located at 43 Franklin Avenue, Brooklyn, New York 11205 (Tax Block 1885, Lot 15), 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 easement on the site should one be necessary. By execution of the site access agreement letter, you are hereby allowing site access for this purpose.

Sincerely,

Rose Castle Redevelopment II LLC



By: _____
Zelig Weiss, Member

As the site owner, I agree to allow Rose Castle Redevelopment II LLC, and its contractors, to enter 43 Franklin Avenue, Brooklyn, New York 11205 (Tax Block 1885, Lot 15), which is currently owned by Lotus Residences LLC, to perform the required BCP investigation, remediation work and/or place an easement on the site should one be necessary.

Lotus Residences LLC



By: _____

November 21, 2021 | 2:20 pm

COVID-19 Vaccines

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: ROSE CASTLE REDEVELOPMENT II LLC

DOS ID: 4839067

FOREIGN LEGAL NAME:

FICTITIOUS NAME:

ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY

DURATION DATE/LATEST DATE OF DISSOLUTION:

SECTION OF LAW: 203 LLC - LIMITED LIABILITY COMPANY LAW

ENTITY STATUS: Active

DATE OF INITIAL DOS FILING: 10/23/2015

REASON FOR STATUS:

EFFECTIVE DATE INITIAL FILING: 10/23/2015

INACTIVE DATE:

FOREIGN FORMATION DATE:

STATEMENT STATUS: PAST DUE DATE

COUNTY: Kings

NEXT STATEMENT DUE DATE: 10/31/2019

JURISDICTION: New York, United States

NFP CATEGORY:

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

Service of Process Name and Address

Name: C/O ZELIG WEISS

Address: 266 BROADWAY, #301, BROOKLYN, NY, United States, 11211

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

ATTACHMENT B

Section II: Project Description

SECTION II: PROJECT DESCRIPTION

The purpose of the project is to remediate the contaminated property by implementing remedial measures designed to protect human health and the environment, and then redevelop the Site to construct 50 affordable residential rental units as part of a mixed-use (residential and commercial), mixed-income building. The Site is a rectangular-shaped vacant lot totaling approximately 32,250-square-feet in size. The Requestor acquired indirect ownership and control of the fee owner of the Site, Lotus Residences LLC, in February 2020. At that time, the lot was being used as a parking lot. Those operations ceased in October 2021. Since at least the time Lotus Residences LLC acquired ownership of the lot, and through the present day, the lot has not been used for any manufacturing operations. To the contrary, the lot has been vacant since the 1960s, paved with an impervious surface (asphalt), and secured with a 10-ft high locked chain link fence with barbed wire installed on the post caps.

Proposed Development

Although the future development plans are in preliminary design phases, the proposed development will consist of constructing a new mixed-use (residential and commercial), mixed-income building that will provide approximately 50 new affordable residential rental units. The building will be accessible via Franklin Avenue and Skillman Street. The new development is anticipated to include one cellar level requiring remedial excavations extending up to approximately 12 feet below ground surface (ft bgs).

Following New York State Department of Environmental Conservation (NYSDEC) approval of this Brownfield Cleanup Program (BCP) Application and its associated Remedial Investigation Report (RIR) and draft Remedial Action Work Plan (RAWP), the proposed work will include:

1. Contractor mobilization,
2. Excavation and off-site disposal of contaminated soil, and
3. Implementation of remedial measures, as required, in tandem with site-wide redevelopment

Zoning & E-Designation

According to the New York City Planning Commission Zoning Map 12d, the Site is located within a residential and manufacturing zoning district (M1-2 and R6A) with Mandatory Inclusionary Housing (MIH) with the intended use post development as a mixed-use (residential and commercial), mixed-income building that will provide approximately 50 new affordable residential rental units. The proposed development of this property is consistent with the current zoning.

The Site is listed with an environmental E-Designation (E-395) for hazardous materials and air quality (HVAC limited to natural gas and exhaust stack location limitations) resulting from a City Environmental Quality Review (CEQR) effective 05 May 2017 (CEQR #16DCP121K). 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) and/or a Notice of No Objection (NNO) prior to obtaining building permits.

Previous Reports & Rationale for BCP Program

A Phase I Environmental Site Assessment (ESA) was completed August 2015 by Equity Environmental Engineering, a limited soil investigation was completed by Environmental Business Consultants (EBC) in January 2021, and a Limited Phase II Environmental Site Investigation (ESI) was completed by Haley &

Aldrich of New York (Haley & Aldrich) in November 2021. Copies of the previous reports are included in this BCP Application as an attachment in electronic format.

Upon review of the analytical results of the January 2021 limited soil investigation and November 2021 Limited Phase II ESI, urban fill contaminated with heavy metals and semi-volatile organic compounds (SVOCs) (specifically polycyclic aromatic hydrocarbons [PAHs]), was identified widely distributed throughout the Site in urban fill. Groundwater in the southern region of the Site was also impacted with SVOCs exceeding NYSDEC AGVs and chlorinated volatile organic compounds (CVOCs) were also identified above method detection limits. While the Limited Phase II ESI provided preliminary site characterization data, it did not fully determine the nature and extent of contamination at the Site.

On behalf of the Requestor, Haley & Aldrich implemented and completed a Remedial Investigation (RI) in December 2021 in substantial conformance with DER Technical Guidance for Site Investigation and Remediation (DER-10) following a preliminary scoping discussion during the BCP Pre-Application meeting with NYSDEC on 29 November 2021. The purpose of the RI was to investigate and delineate the nature and extent of contamination identified at the Site during the previous subsurface investigations.

Based on the analytical results of the RI, urban fill contaminated with heavy metals and SVOCs (specifically PAHs), was identified widely distributed throughout the site in urban fill, which was observed up to about 8 feet bgs. PAH concentrations above UUSCOs were also identified in one deeper soil sample collected from the 11-13 ft bgs at one soil boring located in the northern portion of the Site (SB-5). Hazardous lead-impacted soil was identified in one soil boring (B-7) located in the western portion of the Site, from the surface to a depth of 1 ft bgs. Groundwater is impacted with SVOCs (specifically PAHs), metals, and volatile organic compounds (VOCs). In addition, soil vapor was found to be impacted with CVOCs.

An RIR was prepared in December 2021 and is being submitted concurrent with this BCP Application, as is a draft RAWP. A copy of the RIR and draft RAWP are included as attachments to this BCP Application. Accordingly, the Requestor seeks to enter the NYSDEC BCP at the remediation stage.

Project Schedule

It is anticipated that once Requestor is accepted into the BCP and the RIR and RAWP are approved by the Department, the 45-day RAWP and BCP Application public comment period will commence. Following acceptance into the BCP and approval of the RAWP, the remedial contractor will mobilize to the Site to begin implementation of the NYSDEC-approved remedy to facilitate the timing requirements of the 421-a affordable housing program. A preliminary BCP timeline and project schedule is provided 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
BCP Application Submission, Remedial Investigation, Remedy Design, Prepare Remedial Action Work Plan	11/29/2021	12/30/2021																		
NYSDEC BCP Application, RIR and RAWP Review	1/3/2022	1/31/2022																		
45-Day Public Comment for RAWP and BCP Application	2/1/2022	3/18/2022																		
Execute Brownfield Cleanup Agreement	3/28/2022	4/1/2022																		
NYSDEC issues Decision Document	3/28/2022	4/15/2022																		
Implement RAWP	4/18/2022	12/30/2022																		
Preparation of FER and SMP (if required)	12/1/2022	1/31/2023																		
NYSDEC & NYSDOH Review of FER & SMP (if required)	2/1/2023	3/31/2023																		
NYSDEC Issues COC	4/1/2023	4/20/2023																		

Notes:

1. Schedule is estimated and subject to change.
2. Implementation of RAWP does not include completion of building construction
3. NYSDEC - New York State Department of Environmental Conservation
4. NYSDOH - New York State Department of Health
5. BCP - Brownfield Cleanup Program
6. RAWP - Remedial Action Work Plan
7. FER - Final Engineering Report
8. SMP - Site Management Plan
9. COC - Certificate of Completion
10. COC issuance estimated for April 2023 and prior to December 31, 2023

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 BCP Application:

1. August 2015 Phase I Environmental Site Assessment, prepared by Equity Environmental Engineering
2. 27 January 2021 Limited Soil Sampling Event, prepared by EBC
3. 24 November 2021 Limited Phase II Environmental Site Assessment, prepared by Haley & Aldrich
4. December 2021 Remedial Investigation Report, prepared by Haley & Aldrich

Environmental reports are summarized below and are included as separate standalone files on the attached USB. In addition, a copy of the draft RAWP is included as an attachment for review.

August 2015 Phase I Environmental Site Assessment Prepared by Equity Environmental Engineering

Based on a Phase I ESA completed by Equity Environmental Engineering (Equity) for the Site in August 2015, the Site was developed in the late 1800s and was part of the "Gutta Percha & Rubber Manufacturing Company," a rubber manufacturing company. Early Sanborn Maps depict several small buildings on the Site with rooms designated for packing, pressing, and storage. Historical maps identify at least six storage tanks of unknown contents at the Site. Additionally, it is unknown if the storage tanks are above grade or below grade. Tank sizes are not identified with the exception of one, 60,000-gallon tank. In addition, Sanborn Maps dated 1904, 1918, and 1921 depict an 8-inch diameter well in the center of the Site while the property operated as a rubber manufacturing company. By the late 1940s, operations of the "Gutta Percha & Rubber Manufacturing Company" ceased and the buildings were razed leaving the Site as a vacant lot. The lot has been vacant since at least the 1960s.

The Phase I ESA revealed no Recognized Environmental Conditions (RECs), Historic RECS (HRECS), or Controlled RECs (CRECs) in connection with the Site.

27 January 2021 Limited Soil Investigation Results, Prepared by Phoenix Environmental Laboratories Inc.

Environmental Business Consultants (EBC) completed a limited soil sampling event at the Site in January 2021 to investigate soil quality beneath the Site. The investigation included advancement of eight soil borings distributed throughout the property and collection of 11 soil samples from 0-2 ft bgs and 12-14 ft bgs. A copy of the laboratory report prepared by Phoenix Environmental Laboratories Inc. (Lab ID GCH49565) was provided for review. 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 (RRSCO). Results are summarized below:

- SVOCs, specifically PAHs were identified in excess of the RRSCO in three shallow soil samples collected throughout the Site from the shallow urban fill interval of 0-2 ft bgs. Ten SVOCs including benzo(a)anthracene (maximum concentration 110 in B3 [0-2']), benzo(a)pyrene (maximum concentration 70 milligrams per kilogram [mg/kg] in in B3 [0-2']), benzo(b)fluoranthene (maximum concentration 70 mg/kg in B3 [0-2']), benzo(k)fluoranthene (maximum concentration 4.7 mg/kg in B3 [0-2']), chrysene (maximum concentration 110 mg/kg

in in B3 [0-2']), dibenzo(a,h)anthracene (maximum concentration 14 mg/kg in in B3 [0-2']), fluoranthene (maximum concentration of 170 mg/kg in B3 [0-2']), indeno(1,2,3-cd)pyrene (maximum concentration 39 mg/kg in in B3 [0-2']), phenanthrene (maximum concentration 110 mg/kg in in B3 [0-2']), and pyrene (maximum concentration 150 mg/kg in in B3 [0-2']) were identified above RRSCOs in shallow soil samples collected

- Heavy metals including barium (maximum concentration of 939 mg/kg) lead (maximum concentration of 420 mg/kg) and mercury (maximum concentration of 1.89 mg/kg) were identified in shallow fill samples collected throughout the Site from the shallow urban fill interval of 0-2 ft bgs. Metals including arsenic, chromium, copper, lead cadmium, nickel and zinc exceeded UUSCOs in multiple shallow soil samples collected from 0-2 ft bgs.
- Nickel was identified in native soil above the UUSCO of 30 mg/kg at a concentration of 34.3 in boring B7 (12-14).

24 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, soil vapor, and groundwater quality beneath the Site. The investigation was performed on 5 November 2021 and included installation of eight soil borings to depths ranging from 19 to 25 feet below ground surface (ft bgs), two temporary groundwater monitoring wells to depths of 20 ft bgs and 26 ft bgs, respectively, and two soil vapor points to depths of 12 ft bgs and 16 ft bgs, respectively. The investigation also included the collection of soil, groundwater, and soil vapor samples. A total of eight soil samples, two groundwater samples, and two soil vapor samples were collected. Field observations and laboratory analytical results are summarized below:

Limited Phase II ESI - Soil

- Urban fill generally consisting of brown to dark brown, coarse to fine sand with varying amounts of gravel, brick, asphalt, and silt was observed from surface grade to approximately 5 to 15 ft bgs in each soil boring.
- The urban fill layer was underlain by a potential native layer consisting of brown to light brown medium to fine sand with varying amounts of coarse sand, silt, gravel, and intermittent clay lenses.
- No apparent subsurface impacts were observed, including odors and staining, and photoionization detector (PID) readings of non-detect at 0.0 parts per million (ppm) were recorded.
- Soil samples were analyzed for VOCs, SVOCs, and total metals. Results are summarized as follows:
 - Multiple SVOCs, specifically PAHs, were identified in shallow soil samples exceeding both UUSCOs and RRSCOs. Seven SVOCs including benzo(a)anthracene (maximum concentration 44 mg/kg in SB2 [0-2']), benzo(a)pyrene (maximum concentration 33 mg/kg in SB2 [0-2']), benzo(b)fluoranthene (maximum concentration 46 mg/kg in SB2 [0-2']), benzo(k)fluoranthene (maximum concentration 14 mg/kg in SB2 [0-2']), chrysene (maximum concentration 42 mg/kg in SB2 [0-2']), dibenzo(a,h)anthracene (maximum concentration 5.3 mg/kg in SB2 [0-2']), and indeno(1,2,3-cd)pyrene (maximum

concentration 22 mg/kg in SB2 [0-2']) were identified above RRSCOs in shallow soil sample SB2 from 0 to 2 ft bgs. Additionally, benzo(a)anthracene and indeno(1,2,3-cd)pyrene were detected in SB5 (11-13') at concentrations exceeding RRSCOs.

- One VOC, acetone, was detected in soil sample SB8 (5-7') at a concentration of 0.093 mg/kg, exceeding USSCOs, but below RRSCOs. No other VOCs exceeded UUSCOs.
- Metals including arsenic (maximum concentration of 31.1 mg/kg in SB8 [5-7']), barium (maximum concentration of 785 mg/kg in SB2 [0-2']), lead (maximum concentration of 1,180 mg/kg in SB2 [0-2]), and mercury (maximum concentration of 2.53 mg/kg in SB2 [0-2']) were detected above RRSCOs, with cadmium (maximum concentration of 3.18 mg/kg in SB8 [5-7']), copper (maximum concentration of 110 mg/kg in SB8 [5-7']), nickel (maximum concentration of 67.1 mg/kg in SB8 [5-7']), and zinc (maximum concentration of 1,520 mg/kg in SB2 [0-2']) identified above the UUSCOs, but below RRSCOs.

Limited Phase II ESI - Groundwater

- Groundwater samples were analyzed for VOCs and SVOCs. Results are summarized as follows:
 - Multiple SVOCs, specifically PAHs, were identified in both groundwater samples exceeding NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Guidance Values (SGVs) for Class GA Water (herein referred to as NYSDEC SGVs). Six SVOCs including benzo(a)anthracene (maximum concentration 1.4 micrograms per liter [$\mu\text{g}/\text{L}$] in TW2), benzo(a)pyrene (maximum concentration 1.2 $\mu\text{g}/\text{L}$ in TW2), benzo(b)fluoranthene (maximum concentration 1.6 $\mu\text{g}/\text{L}$ in TW2), benzo(k)fluoranthene (maximum concentration 0.47 $\mu\text{g}/\text{L}$ in TW2), chrysene (maximum concentration 1.3 $\mu\text{g}/\text{L}$ in TW2), and indeno(1,2,3-cd)pyrene (maximum concentration of 0.99 $\mu\text{g}/\text{L}$ in TW2) were detected at concentrations in exceedance of the NYSDEC AGVs.
 - Tetrachloroethene (PCE) was detected in both groundwater samples at a maximum concentration of 1.8 $\mu\text{g}/\text{L}$ in TW1, below the NYSDEC SGV of 5 $\mu\text{g}/\text{L}$. Trichloroethene (TCE) was also detected in TW1 at a concentration of 0.44 $\mu\text{g}/\text{L}$, below the NYSDEC SGV of 5 $\mu\text{g}/\text{L}$, and was non-detect in TW2.

Limited Phase II ESI - Soil Vapor

- Total VOC concentrations in soil vapor samples ranged from 1,441.09 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) in sample SV1 to 4,159.35 $\mu\text{g}/\text{m}^3$ in SV2.
- Total BTEX concentrations ranged between 267.2 $\mu\text{g}/\text{m}^3$ in SV1 to 414.3 $\mu\text{g}/\text{m}^3$ in SV2.
- Soil vapor analytical results were compared to the New York State Department of Health (NYSDOH) Air Guideline Values (AGV) specified in the NYSDOH guidance document.
 - PCE was detected in soil vapor sample SV1 at a concentration of 30.1 $\mu\text{g}/\text{m}^3$, above the AGV of 30 $\mu\text{g}/\text{m}^3$.
 - TCE was detected in soil vapor sample SV1 at a concentration of 60.7 $\mu\text{g}/\text{m}^3$, above the AGV of 2 $\mu\text{g}/\text{m}^3$. No other VOCs exceeded the NYSDOH AGVs.

December 2021 Remedial Investigation Report (RIR) Prepared by Haley & Aldrich of New York

On behalf of the Requestor, Haley & Aldrich completed a RI in December 2021 in substantial conformance with NYSDEC DER-10 following a preliminary scoping discussion during the BCP Pre-Application meeting with NYSDEC on 29 November 2021. The purpose of the RI was to investigate and delineate the nature and extent of contamination identified at the Site during the previous subsurface investigations. The RI was conducted at the Site from 03 December 2021 through 22 December 2021.

The RI included installation of 10 soil borings to depths ranging from 18 to 25 ft bgs, installation of five permanent groundwater monitoring wells to depths of 25 to 30 ft bgs, and installation of six soil vapor points to depths of 15 ft bgs and 16 ft bgs. The investigation included the collection of soil, groundwater, soil vapor, and ambient air samples. A total of 35 soil samples, five groundwater samples, six soil vapor samples and one ambient air sample were collected (plus quality assurance/ quality control [QA/QC] samples). Field observations and laboratory analytical results from the RI are summarized below:

Remedial Investigation - Soil

- Urban fill generally consisting of light brown to dark brown, medium to fine sand with trace amounts of silt and clay and varying amounts of loose gravel, brick, concrete, slag/ash, glass and asphalt was observed from surface grade to depths extending approximately 6.5 to 8 ft bgs.
- The urban fill layer was underlain by a potential native layer consisting of brown to orange medium to fine sand with varying amounts of coarse sand, silt, gravel, and intermittent clay lenses. The native interval was observed up to the terminus depth of each soil boring, ranging from 18 to 25 feet bgs.
- No apparent subsurface impacts were observed, including odors and staining, and PID readings of non-detect at 0.0 ppm were recorded.
- Soil samples were analyzed for VOCs, SVOCs, pesticides, herbicides, polychlorinated biphenyls (PCBs), total metals (including total cyanide and hexavalent/ trivalent chromium) and emerging contaminants: 1,4-dioxane; and, and per- and polyfluoroalkyl substances (PFAS). Soil samples from two borings were also analyzed for total and toxicity characteristic leaching procedure (TCLP) lead. Results are summarized as follows:
 - Four SVOCs including benzo(a)anthracene (maximum concentration 62 mg/kg in B-7_3-5), benzo(a)pyrene (maximum concentration 49 mg/kg in B-7_3-5), benzo(b)fluoranthene (maximum concentration 65 mg/kg in B-7_3-5) and indeno(1,2,3-cd)pyrene (maximum concentration 35 mg/kg in B-7_3-5) were identified above RRSCOs in 13 soil samples analyzed; dibenzo(a,h)anthracene (maximum concentration 8.2 mg/kg in B-7_0-1) was identified above RRSCOs in seven soil samples analyzed; chrysene (maximum concentration 58 mg/kg in B-7_3-5) was identified above RRSCOs in six soil samples analyzed; and, benzo(k)fluoranthene (maximum concentration 18 mg/kg in B-7_3-5 and B-8_0-1), fluoranthene (maximum concentration 140 mg/kg in B-7_0-1), phenanthrene (maximum concentration 130 mg/kg in B-7_0-1) and pyrene (maximum concentration 120 mg/kg in B-7_0-1 and B-7_3-5) were identified above RRSCOs in three soil samples analyzed. SVOCs were not detected above RRSCOs in the remaining soil samples analyzed.
 - VOC concentrations did not exceed RRSCOs in soil samples analyzed. Two CVOCs, PCE and TCE were identified in soil samples collected in the southern (PCE and TCE) and

eastern/northeast (PCE) regions of the site at concentrations below UUSCOs. PCE was identified in 11 soil samples collected from soil borings B-1, B-2, B-5, B-6, and B-8 from surface grade up to 13 ft bgs at concentrations ranging from 0.00027 mg/kg in B-8 (0-1 ft bgs) to 0.023 mg/kg in B-8 (5-7 ft bgs). TCE was identified in two soil samples B-2 and B-8 from historical fill material at concentrations ranging from 0.0015 mg/kg in B-8 (5-7 ft bgs) to 0.0018 mg/kg in B-2 (4-5 ft bgs). The PCE and TCE detections in soil were below UUSCOs.

- PCB concentrations did not exceed RRSCOs in soil samples analyzed.
- Pesticide concentrations did not exceed RRSCOs in soil samples analyzed. Three pesticides, 4,4'-DDE, 4,4'-DDT, and dieldrin were identified in up to two shallow soil samples collected from 0-1 ft bgs at concentrations exceeding UUSCOs.
- Herbicides were not detected above laboratory detection limits in soil samples analyzed.
- Metals including arsenic (maximum concentration of 167 mg/kg in B-10_4-5); barium (maximum concentration of 646 mg/kg in B-5_0-1); lead (maximum concentration of 1,830 mg/kg in B-8_0-1); and, mercury (maximum concentration of 3.20 mg/kg in B-3_3-5) were detected above RRSCOs in four or more shallow soil samples analyzed.
- One soil sample, B-7_0-1, identified lead at a concentration of 8.34 milligrams per liter (mg/L), which is above the USEPA Characteristic of Hazardous Waste of 5 mg/L.
- 1,4-dioxane was not detected above laboratory detection limits in soil samples analyzed.
- Concentrations of PFOS or PFOA did not exceed the UU or RRU soil guidance values in any soil samples analyzed. PFOS was detected in 15 soil samples, collected from the surface to a maximum depth of 5 ft bgs, at a maximum concentration of 0.581 nanograms per gram (ng/g) in B-3_3-5. PFOA was detected in seven soil samples, collected from the surface to a maximum depth of 9 ft bgs, at a maximum concentration of 0.581 ng/g in B-3_3-5. Total PFOA/PFAS compounds detected ranged from 0.476 ng/g in B-1_0-1 to 3.68 ng/g in B-10_4-5.

Remedial Investigation - Groundwater

- Groundwater samples were analyzed for VOCs, SVOCs, total metals and emerging contaminants: 1,4-dioxane; and, PFAS. Results are summarized as follows:
 - One VOC, chloroform, was identified in one groundwater sample at a concentration above the NYSDEC SGVs (MW-01 concentration 8.7 µg/L). In addition, acetone was identified in one groundwater sample at a concentration above the NYSDEC SGVs (MW-02 concentration 56 µg/L).
 - Tetrachloroethene (PCE) was identified in three groundwater samples from MW-01, MW-02, and MW-05 (plus its duplicate sample) at concentrations ranging from 0.26 µg/L in MW-01 to 2.4 µg/L in MW-02 (below the NYSDEC SGV of 5 µg/L). In addition, trichloroethene (TCE) was identified in two groundwater samples at concentrations of 0.21 µg/L in MW-05 to 0.4 µg/L in MW-02 (below the NYSDEC SGV of 5 µg/L).
 - The following six SVOCs, specifically PAHs, were identified in two groundwater samples, MW-01 and MW-03 and the duplicate sample of MW-05 (MWDUP01_20211217), at concentrations exceeding NYSDEC AGVs: benzo(a)anthracene (maximum concentration 0.8 µg/L in MW-01); benzo(a)pyrene (maximum concentration 0.7 µg/L in MW-1);

benzo(b)fluoranthene (maximum concentration 0.9 µg/L in MW-01); benzo(k)fluoranthene (maximum concentration 0.31 µg/L in MW-01); chrysene (maximum concentration 0.67 µg/L in MW-10); and, indeno(1,2,3-cd)pyrene (maximum concentration 0.48 µg/L in MW-01). The SVOC benzo(a)anthracene was also detected in MW-02 and MW-05 at a concentration of 0.03 µg/L, exceeding the SGV. Both benzo(b)fluoranthene and chrysene were also detected in MW-02 at concentrations of 0.02 µg/L and 0.05 µg/L, respectively, exceeding their respective SGVs.

- A groundwater cleanup regulatory criterion does not exist for 1,4-dioxane in New York State. Concentrations of 1,4-dioxane were compared to New York State's drinking water MCL of 1 µg/L. PFAS compounds in groundwater are compared to the NYSDEC June 2021 guidance values. Perfluorooctanesulfonic Acid (PFOS) was detected at concentrations exceeding the NYSDEC June 2021 guidance value of 0.01 µg/L in three groundwater samples collected. Perfluorooctanoic Acid (PFOA) was detected at concentrations exceeding the NYSDEC June 2021 guidance value of 0.01 µg/L in all five groundwater samples collected (plus one duplicate sample collected from MW-05). The maximum concentration of PFOA was identified at a concentration of 0.077 µg/L in MW-05; and the maximum concentration of PFOS was identified in MW-04 at of 0.0578 µg/L.

Total PFOA/PFAS concentrations in groundwater samples ranged from 0.0266 µg/L in MW-02 to 0.0826 µg/L in MW-04, below the NYSDEC June 2021 guidance value of 0.5 µg/L. 1,4-dioxane was not detected in groundwater samples collected.

- Five metals were identified in groundwater samples at concentrations exceeding the NYSDEC SGVs groundwater samples. Iron concentrations exceeded the NYSDEC SGVs in all five groundwater samples analyzed plus the duplicate sample of MW-05 (maximum concentration 2,020 µg/L in MW-04); magnesium exceeded the NYSDEC SGVs in two groundwater samples analyzed (maximum concentration 50,700 µg/L in the duplicate sample of MW-05); manganese exceeded the NYSDEC SGVs in four groundwater samples analyzed plus the duplicate of MW-05 (maximum concentration 7,031 µg/L in MW-05); and sodium concentrations exceeded the NYSDEC SGVs in all five groundwater samples analyzed plus the duplicate sample of MW-05 (maximum concentration 116,000 µg/L in MW-01).

Remedial Investigation - Soil Vapor

- Total benzene, toluene, ethylbenzene, and xylene (BTEX) concentrations ranged between 10.2 µg/m³ in SV-06 to 88.6 µg/m³ in SV-04. Three chlorinated VOCs were detected in soil vapor samples: vinyl chloride at a maximum concentration of 8.33 µg/m³ in SV-04; TCE at a maximum concentration of 26.1 µg/m³ in SV-02; and, PCE, at a maximum concentration of 8.14 µg/m³ in SV-01.
- In addition, chloroform was detected in one soil vapor sample, SV-01, at a concentration of 1.49 µg/m³.

SECTION III.2: Sampling Data

See Application Section III.2 for overview tables of the sampling data from the Limited Phase II ESI conducted on 05 November 2021 and RI conducted between 03 December 2021 and 16 December 2021. Previous environmental investigation reports are included as an attachment.

Soil

Soil analytical results were compared to NYSDEC Title 6 NYCRR Part 375 Unrestricted Use Soil Cleanup Objectives (UUSCOs) and Restricted-Residential Use Soil Cleanup Objectives (RRSCOs). Soil analytical results from the November 2021 Phase II and December RI were validated and used to determine the nature and extent of contamination in subsurface urban fill beneath the Site. As such, the combined findings for soil from the Phase II ESI and Remedial Investigation performed by Haley & Aldrich are summarized as follows:

Multiple SVOCs, specifically PAHs, were identified in shallow soil samples at concentrations exceeding the UUSCOs. Four SVOCs including benzo(a)anthracene (maximum concentration 62 mg/kg in B-7_3-5), benzo(a)pyrene (maximum concentration 49 mg/kg in B-7_3-5), benzo(b)fluoranthene (maximum concentration 65 mg/kg in B-7_3-5) and indeno(1,2,3-cd)pyrene (maximum concentration 35 mg/kg in B-7_3-5) were identified above RRSCOs in up to 15 shallow soil samples analyzed; one SVOC, dibenzo(a,h)anthracene (maximum concentration 8.2 mg/kg in B-7_0-1), was identified above RRSCOs in eight shallow soil samples analyzed; one SVOC, chrysene (maximum concentration 58 mg/kg in B-7_3-5), was identified above RRSCOs in seven shallow soil samples analyzed; one SVOC, benzo(k)fluoranthene (maximum concentration 18 mg/kg in B-7_3-5 and B-8_0-1), was identified above RRSCOs in four shallow soil samples analyzed; and, three SVOCs, fluoranthene (maximum concentration 140 mg/kg in B-7_0-1), phenanthrene (maximum concentration 130 mg/kg in B-7_0-1) and pyrene (maximum concentration 120 mg/kg in B-7_0-1 and B-7_3-5) were identified above RRSCOs in three shallow soil samples analyzed.

Additionally, benzo(a)anthracene and indeno(1,2,3-cd)pyrene were detected in SB5 (11-13') at concentrations exceeding RRSCOs.

Two CVOCs, PCE and TCE were identified in soil samples collected in the southern (PCE and TCE) and eastern/northeast (PCE) regions of the site at concentrations below UUSCOs. PCE was identified in 11 soil samples collected from soil borings B-1, B-2, B-5, B-6, and B-8 from surface grade up to 13 ft bgs at concentrations ranging from 0.00027 mg/kg in B-8 (0-1 ft bgs) to 0.023 mg/kg in B-8 (5-7 ft bgs). TCE was identified in two soil samples B-2 and B-8 from historical fill material at concentrations ranging from 0.0015 mg/kg in B-8 (5-7 ft bgs) to 0.0018 mg/kg in B-2 (4-5 ft bgs). The PCE and TCE detections in soil were below UUSCOs.

Four metals including: arsenic (maximum concentration of 167 mg/kg in B-10_4-5); barium (maximum concentration of 785 mg/kg in SB2 [0-2']); lead (maximum concentration of 1,830 mg/kg in B-8_0-1); and mercury (maximum concentration of 3.20 mg/kg in B-3_3-5) were detected above RRSCOs in five or more shallow soil samples analyzed. Two soil samples, B-7_0-1 and B-8_0-1, were further analyzed via the Toxicity Characteristic Leaching Procedure (TCLP) to assess the potential for hazardous lead characteristics. One of these soil samples, B-7_0-1, identified a TCLP lead concentration of 8.34 mg/L, which exceeds the USEPA Allowable Limit of 5 mg/L.

Groundwater

Groundwater samples collected during the December 2021 RI were analyzed for VOCs, SVOCs, total metals (including total cyanide and hexavalent/ trivalent chromium) and emerging contaminants: 1,4-dioxane and PFAS. The findings for groundwater from the December 2021 RI performed by Haley & Aldrich are as follows:

One VOC, chloroform, was identified in one groundwater sample at a concentration above the NYSDEC SGVs (MW-01 concentration 8.7 µg/L). In addition, acetone was identified in one groundwater sample at a concentration above the NYSDEC SGVs (MW-02 concentration 56 µg/L). Tetrachloroethene (PCE) was identified in three groundwater samples from MW-01, MW-02, and MW-05 (plus its duplicate sample) at concentrations ranging from 0.26 µg/L in MW-01 to 2.4 µg/L in MW-02 (below the NYSDEC SGV of 5 µg/L). In addition, trichloroethene (TCE) was identified in two groundwater samples at concentrations of 0.21 µg/L in MW-05 to 0.4 µg/L in MW-02 (below the NYSDEC SGV of 5 µg/L).

The following six SVOCs, specifically PAHs, were identified in two groundwater samples, MW-01 and MW-03 and the duplicate sample of MW-05 (MWDUP01_20211217), at concentrations exceeding NYSDEC AGVs: benzo(a)anthracene (maximum concentration 0.8 µg/L in MW-01); benzo(a)pyrene (maximum concentration 0.7 µg/L in MW-1); benzo(b)fluoranthene (maximum concentration 0.9 µg/L in MW-01); benzo(k)fluoranthene (maximum concentration 0.31 µg/L in MW-01); chrysene (maximum concentration 0.67 µg/L in MW-10); and, indeno(1,2,3-cd)pyrene (maximum concentration 0.48 µg/L in MW-01). The SVOC benzo(a)anthracene was also detected in MW-02 and MW-05 at a concentration of 0.03 µg/L, exceeding the SGV. Both benzo(b)fluoranthene and chrysene were also detected in MW-02 at concentrations of 0.02 µg/L and 0.05 µg/L, respectively, exceeding their respective SGVs.

A groundwater cleanup regulatory criterion does not exist for 1,4-dioxane in New York State. Concentrations of 1,4-dioxane were compared to New York State's drinking water MCL of 1 µg/L. PFAS compounds in groundwater are compared to the NYSDEC June 2021 guidance values. 1,4-dioxane was not detected above laboratory detection limits in groundwater samples analyzed. Perfluorooctanesulfonic Acid (PFOS) was detected at concentrations exceeding the NYSDEC June 2021 guidance value of 0.01 µg/L in three groundwater samples collected. Perfluorooctanoic Acid (PFOA) was detected at concentrations exceeding the NYSDEC June 2021 guidance value of 0.01 µg/L in all five groundwater samples collected (plus one duplicate sample collected from MW-05). The maximum concentration of PFOA was identified at a concentration of 0.077 µg/L in MW-05; and the maximum concentration of PFOS was identified in MW-04 at of 0.0578 µg/L. Total PFOA/PFAS concentrations in groundwater samples ranged from 0.0266 µg/L in MW-02 to 0.0826 µg/L in MW-04, below the NYSDEC June 2021 guidance value of 0.5 µg/L.

Five metals were identified in groundwater samples at concentrations exceeding the NYSDEC SGVs groundwater samples. Iron concentrations exceeded the NYSDEC SGVs in all five groundwater samples analyzed plus the duplicate sample of MW-05 (maximum concentration 2,020 µg/L in MW-04); magnesium exceeded the NYSDEC SGVs in two groundwater samples analyzed (maximum concentration 50,700 µg/L in the duplicate sample of MW-05); manganese exceeded the NYSDEC SGVs in four groundwater samples analyzed plus the duplicate of MW-05 (maximum concentration 7,031 µg/L in MW-05); and sodium concentrations exceeded the NYSDEC SGVs in all five groundwater samples analyzed plus the duplicate sample of MW-05 (maximum concentration 116,000 µg/L in MW-01).

Soil Vapor

The following summarizes maximum concentrations of chlorinated VOC concentrations in soil vapor samples collected during the RI:

- Vinyl chloride: 8.33 µg/m³ in SV-04
- TCE: 26.1 µg/m³ in SV-02
- PCE: 8.14 µg/m³ in SV-01

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

- Benzene: 60.1 $\mu\text{g}/\text{m}^3$ in SV-04
- Toluene: 28.5 $\mu\text{g}/\text{m}^3$ in SV-04
- Ethylbenzene: 1.83 $\mu\text{g}/\text{m}^3$ in SV-01
- p/m Xylene: 6.78 $\mu\text{g}/\text{m}^3$ in SV-01
- o-Xylene: 2.59 $\mu\text{g}/\text{m}^3$ in SV-01
- Total BTEX: 88.6 $\mu\text{g}/\text{m}^3$ in SV-04

One VOC, chloroform, which was detected above the NYSDEC SGVs in one groundwater sample, was detected in soil vapor sample SV-01 at a concentration of 1.49 $\mu\text{g}/\text{m}^3$.

Tables summarizing analytical results are attached. Please also refer to the attached USB drive containing the full Limited Phase II ESI Letter Report submitted to Rose Castle Redevelopment II LLC in November 2021 and the RIR submitted to Rose Castle Redevelopment II LLC in December 2021.

Analytical results summary tables are provided in the below section.

Section III.2: Sampling Data
Analytical Results Summary Tables

Soil Summary Table¹

Analytes > RRSCO	Detections > RRSCOs	Max Concentration (ppm)	RRSCO (ppm)	Depth (ft bgs)
Benzo(a)anthracene	15	62	1	3-5
Benzo(a)pyrene	14	49	1	3-5
Benzo(b)fluoranthene	14	65	1	3-5
Benzo(k)fluoranthene	4	18	3.9	0-1 and 3-5
Chrysene	7	58	3.9	3.5
Dibenzo(a,h)anthracene	8	8.2	0.33	0-1
Indeno(1,2,3-cd)pyrene	15	35	0.5	3-5
Fluoranthene	3	140	100	0-1
Phenanthrene	3	130	100	0-1
Pyrene	3	120	100	0-1 and 3-5
Arsenic	6	167	16	4-5
Barium	6	785	400	0-2
Lead	8	1,830	400	0-1
Mercury	5	3.2	0.81	3-5

¹ Soil Summary Table includes sampling data from the Limited Phase II ESI conducted November 2021 and RI conducted December 2021.

TCLP Soil Summary Table

Analytes > USEPA Allowable Limit	Detections > USEPA Allowable Limit	Max Concentration (mg/L)	USEPA Allowable Limit (mg/L)	Depth (ft bgs)
TCLP Lead	1	8.34	5	0-1

Groundwater Summary Table

Analytes > SGV	Detections > SGVs	Max Concentration (µg/L)	SGV (µg/L)
Acetone	1	56	50
Chloroform	1	8.7	7
Benzo(a)anthracene	5	0.8	0.002
Benzo(a)pyrene	3	0.7	0
Benzo(b)fluoranthene	4	0.9	0.002
Benzo(k)fluoranthene	3	0.31	0.002
Chrysene	4	0.67	0.002
Indeno(1,2,3-cd)pyrene	3	0.48	0.002
Iron	6	2,020	300
Magnesium	2	50,700	35,000
Manganese	3	1,601	300
Selenium	2	19.7	10

Analytes > SGV	Detections > SGVs	Max Concentration (µg/L)	SGV (µg/L)
PFOS	3	0.0578	0.01
PFOA	6	0.077	0.01
Sodium	6	116,000	20,000

Soil Vapor Summary Table

Analytes	Total Detections	Max. Detection (µg/m ³)	Type
Vinyl Chloride	1	8.33	Soil Vapor
TCE	1	26.1	Soil Vapor
PCE	1	8.14	Soil Vapor
Benzene	5	60.1	Soil Vapor
Toluene	6	28.5	Soil Vapor
Ethylbenzene	1	1.83	Soil Vapor
p/m Xylene	1	6.78	Soil Vapor
o-Xylene	1	2.59	Soil Vapor

Notes:

Ft bgs = Feet below grade surface

ppm= Parts per million

RRSCO = NYSDEC Restricted-Residential Use Soil Cleanup Objective

µg/m³ = Microgram per cubic meter

µg/L = Microgram per liter

mg/L = Milligrams per liter

mg/kg = Milligrams per kilogram

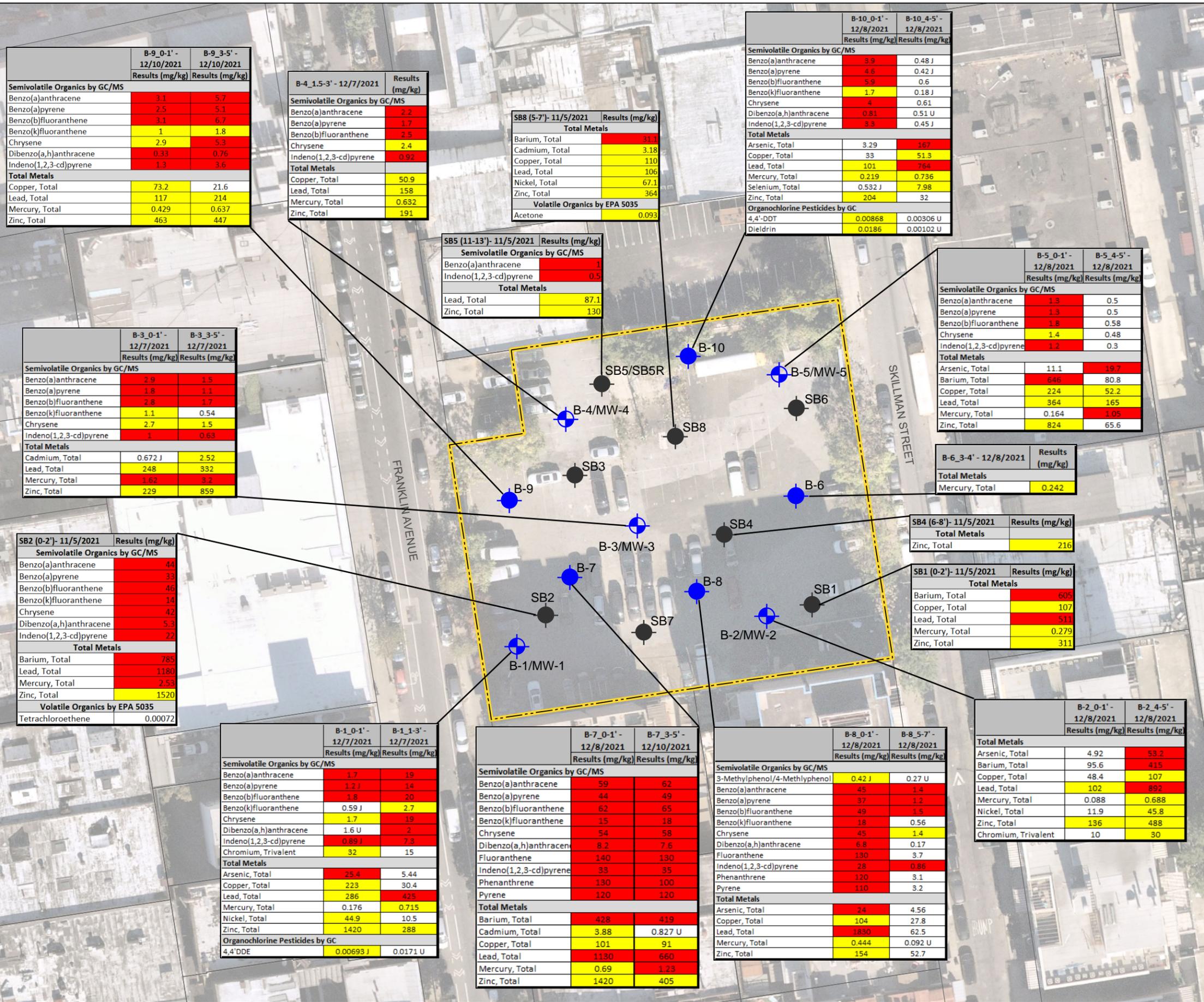
USEPA Allowable Limit = United States Environmental Protection Agency (USEPA), Title 40 of the Code of Federal Regulations (CFR) Parts 239 through 282.

SECTION III.3: SAMPLING DATA

For each impacted medium above, see attached Figure 1 below summarizing soil analytical results from the November 2021 Limited Phase II ESI and December 2021 RIR prepared by Haley & Aldrich and Figures 2 through 6 from the December 2021 RIR prepared by Haley & Aldrich which include detailed information requested in Application Section III.3.

**Figures from November 2021 Phase II ESI Report/ December 2021 RIR for impacted medium
which includes information requested in Application Section III.3 (Figures 1-6)**

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LEGEND

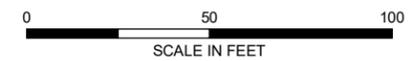
- SITE BOUNDARY
- PARCEL BOUNDARY
- NOVEMBER 2021 PHASE II SOIL BORING
- DECEMBER 2021 RI SOIL BORING/
GROUNDWATER MONITORING WELL
- DECEMBER 2021 RI SOIL BORING

	NY-RESRR	NY-UNRES	Units
Semivolatile Organics by GC/MS			
3-Methylphenol/4-Methylphenol	100	0.33	mg/kg
Benzo(a)anthracene	1	1	mg/kg
Benzo(a)pyrene	1	1	mg/kg
Benzo(b)fluoranthene	1	1	mg/kg
Benzo(k)fluoranthene	3.9	0.8	mg/kg
Chrysene	3.9	1	mg/kg
Dibenzo(a,h)anthracene	0.33	0.33	mg/kg
Fluoranthene	100	100	mg/kg
Indeno(1,2,3-cd)pyrene	0.5	0.5	mg/kg
Phenanthrene	100	100	mg/kg
Pyrene	100	100	mg/kg
Total Metals			
Chromium, Trivalent	180	30	mg/kg
Arsenic, Total	16	13	mg/kg
Barium, Total	400	350	mg/kg
Cadmium, Total	4.3	2.5	mg/kg
Copper, Total	270	50	mg/kg
Lead, Total	400	63	mg/kg
Mercury, Total	0.81	0.18	mg/kg
Nickel, Total	310	30	mg/kg
Selenium, Total	180	3.9	mg/kg
Zinc, Total	10000	109	mg/kg
Organochlorine Pesticides by GC			
4,4'-DDT	7.9	0.0033	mg/kg
Dieldrin	0.2	0.005	mg/kg
4,4'DDE	8.9	0.0033	mg/kg
Volatile Organics by EPA Method 5035			
Acetone	100	0.05	mg/kg
Tetrachloroethene	19	1.3	mg/kg

NY-RESRR: New York NYCRR Part 375 Restricted-Residential Criteria, New York Restricted use Criteria per 6 NYCRR Part 375 Environmental Remediation Programs, effective December 14, 2006.
 NY-UNRES: New York NYCRR Part 375 New York Unrestricted use Criteria per 6 NYCRR Part 375 Environmental Remediation Programs, effective December 14, 2006.

NOTES

1. ALL LOCATIONS ARE APPROXIMATE AND BASED ON FIELD MEASUREMENTS.
2. ASSESSOR PARCEL DATA SOURCE: NYC DEPARTMENT OF CITY PLANNING
3. AERIAL IMAGERY SOURCE: NEARMAP, 19 OCTOBER 2021



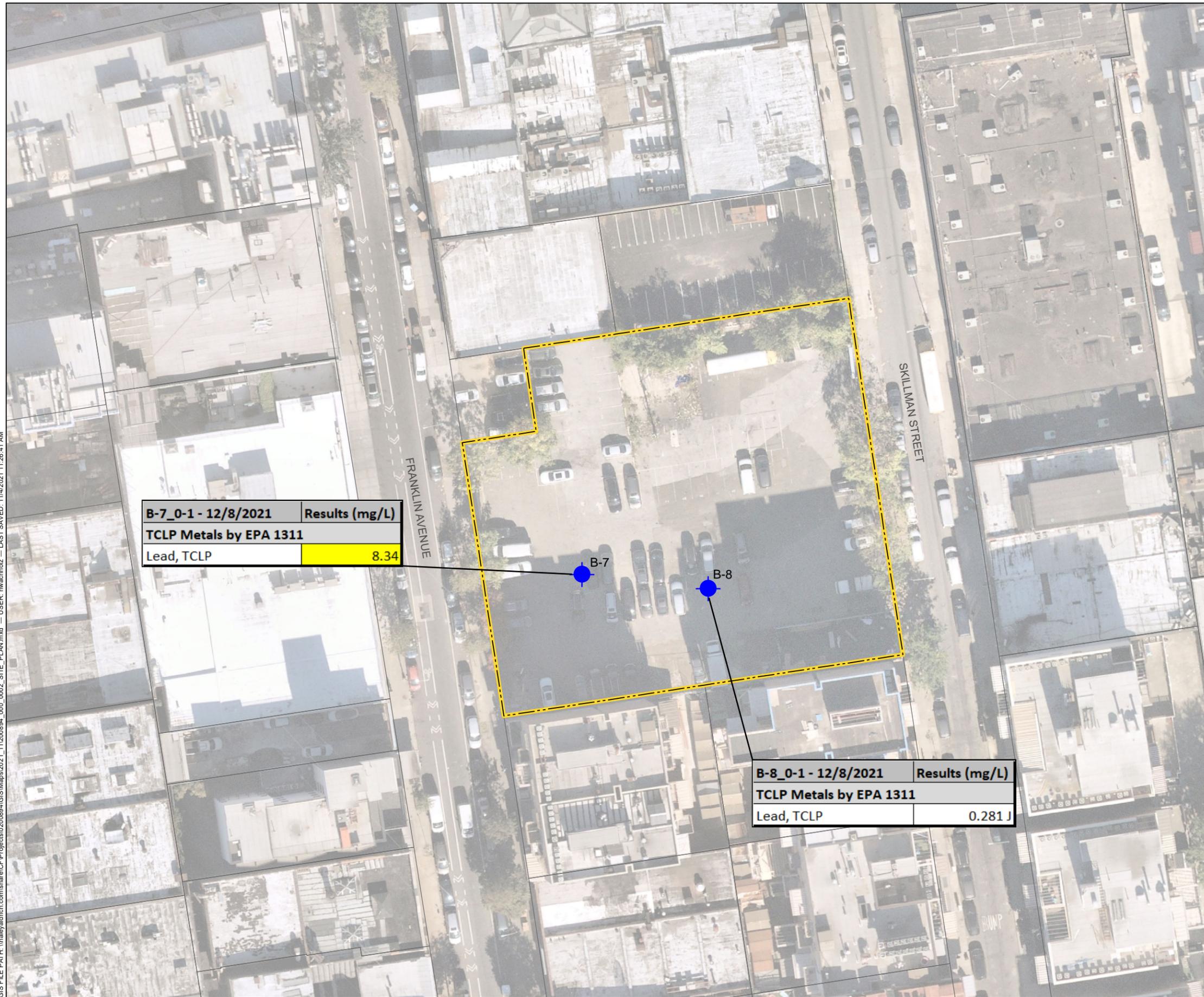
HALEY ALDRICH 43 FRANKLIN AVENUE
BROOKLYN, NEW YORK

SOIL RESULTS EXCEEDANCE MAP

NOVEMBER 2021

FIGURE 1

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B-7_0-1 - 12/8/2021	Results (mg/L)
TCLP Metals by EPA 1311	
Lead, TCLP	8.34

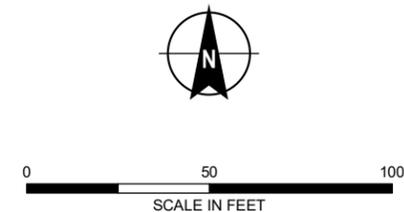
B-8_0-1 - 12/8/2021	Results (mg/L)
TCLP Metals by EPA 1311	
Lead, TCLP	0.281 J

- LEGEND**
- SITE BOUNDARY
 - PARCEL BOUNDARY
 - DECEMBER 2021 RI SOIL BORING

	US EPA Allowable Limit	Units
TCLP Metals by EPA 1311		
Lead, TCLP	5	mg/L

US EPA Allowable Limit: United States Environmental Protection Agency, Title 40 of the Code of Federal Regulations (CFR) Parts 239 through 282, effective December 17, 2021.

- NOTES**
1. ALL LOCATIONS ARE APPROXIMATE AND BASED ON FIELD MEASUREMENTS.
 2. ASSESSOR PARCEL DATA SOURCE: NYC DEPARTMENT OF CITY PLANNING
 3. AERIAL IMAGERY SOURCE: NEARMAP, 19 OCTOBER 2021.
 4. mg/L = milligrams per liter
 5. J = ESTIMATED RESULT
 6. TCLP = TOXICITY CHARACTERISTIC LEACHING PROCEDURE



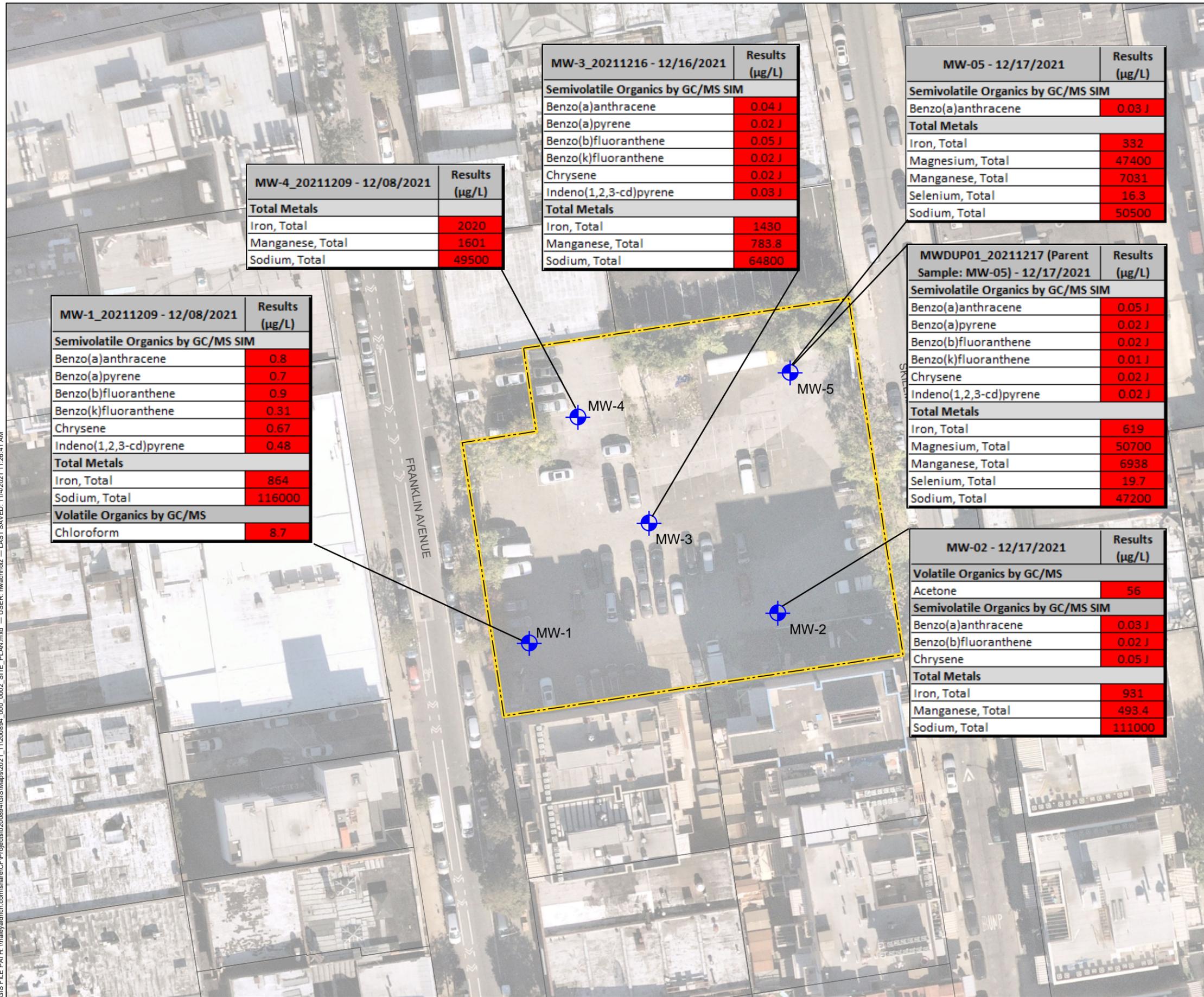
HALEY ALDRICH 43 FRANKLIN AVENUE
BROOKLYN, NEW YORK

**TCLP LEAD SOIL RESULTS
EXCEEDANCE MAP**

NOVEMBER 2021

FIGURE 2

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MW-1_20211209 - 12/08/2021	Results (µg/L)
Semivolatile Organics by GC/MS SIM	
Benzo(a)anthracene	0.8
Benzo(a)pyrene	0.7
Benzo(b)fluoranthene	0.9
Benzo(k)fluoranthene	0.31
Chrysene	0.67
Indeno(1,2,3-cd)pyrene	0.48
Total Metals	
Iron, Total	864
Sodium, Total	116000
Volatile Organics by GC/MS	
Chloroform	8.7

MW-4_20211209 - 12/08/2021	Results (µg/L)
Total Metals	
Iron, Total	2020
Manganese, Total	1601
Sodium, Total	49500

MW-3_20211216 - 12/16/2021	Results (µg/L)
Semivolatile Organics by GC/MS SIM	
Benzo(a)anthracene	0.04 J
Benzo(a)pyrene	0.02 J
Benzo(b)fluoranthene	0.05 J
Benzo(k)fluoranthene	0.02 J
Chrysene	0.02 J
Indeno(1,2,3-cd)pyrene	0.03 J
Total Metals	
Iron, Total	1430
Manganese, Total	783.8
Sodium, Total	64800

MW-05 - 12/17/2021	Results (µg/L)
Semivolatile Organics by GC/MS SIM	
Benzo(a)anthracene	0.03 J
Total Metals	
Iron, Total	332
Magnesium, Total	47400
Manganese, Total	7031
Selenium, Total	16.3
Sodium, Total	50500

MWDUP01_20211217 (Parent Sample: MW-05) - 12/17/2021	Results (µg/L)
Semivolatile Organics by GC/MS SIM	
Benzo(a)anthracene	0.05 J
Benzo(a)pyrene	0.02 J
Benzo(b)fluoranthene	0.02 J
Benzo(k)fluoranthene	0.01 J
Chrysene	0.02 J
Indeno(1,2,3-cd)pyrene	0.02 J
Total Metals	
Iron, Total	619
Magnesium, Total	50700
Manganese, Total	6938
Selenium, Total	19.7
Sodium, Total	47200

MW-02 - 12/17/2021	Results (µg/L)
Volatile Organics by GC/MS	
Acetone	56
Semivolatile Organics by GC/MS SIM	
Benzo(a)anthracene	0.03 J
Benzo(b)fluoranthene	0.02 J
Chrysene	0.05 J
Total Metals	
Iron, Total	931
Manganese, Total	493.4
Sodium, Total	111000

LEGEND

- SITE BOUNDARY
- PARCEL BOUNDARY

DECEMBER 2021 RI SOIL BORING/
GROUNDWATER MONITORING WELL

Ambient Water Quality (New York State Groundwater Effluent Limitations for Class GA Groundwater)

Analytes	Value	Unit
Benzo(a)anthracene	0.002	µg/L
Benzo(a)pyrene	0	µg/L
Benzo(b)fluoranthene	0.002	µg/L
Benzo(k)fluoranthene	0.002	µg/L
Chrysene	0.002	µg/L
Indeno(1,2,3-cd)pyrene	0.002	µg/L
Iron, Total	300	µg/L
Magnesium, Total	300	µg/L
Manganese, Total	300	µg/L
Selenium, Total	10	µg/L
Sodium, Total	20000	µg/L
Acetone	50	µg/L
Chloroform	7	µg/L

NOTES

1. ALL LOCATIONS ARE APPROXIMATE AND BASED ON FIELD MEASUREMENTS.
2. ASSESSOR PARCEL DATA SOURCE: NYC DEPARTMENT OF CITY PLANNING
3. AERIAL IMAGERY SOURCE: NEARMAP, 19 OCTOBER 2021
4. GROUNDWATER ANALYTICAL RESULTS COMPARED TO NYSDEC TECHNICAL AND OPERATIONAL GUIDANCE SERIES (TOGS) 1.1.1 AMBIENT WATER QUALITY STANDARDS AND GUIDANCE VALUES FOR CLASS A DRINKING WATER.
5. RESULTS SHOWN IN MICROGRAMS PER LITER (µg/L)
6. RESULTS IN EXCEEDANCE OF NYSDEC TOGS AWQS ARE HIGHLIGHTED



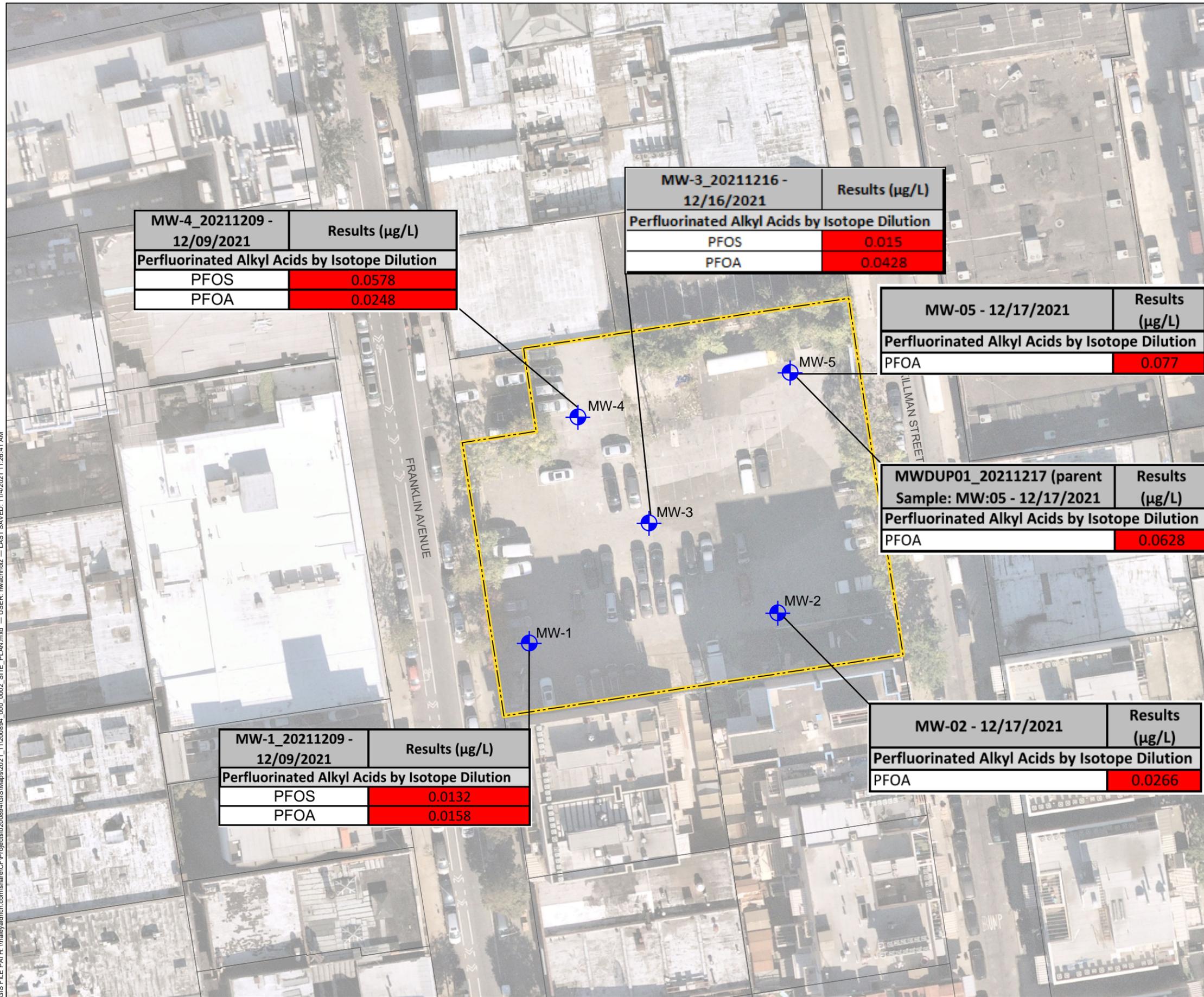
HALEY ALDRICH 43 FRANKLIN AVENUE
BROOKLYN, NEW YORK

GROUNDWATER RESULTS EXCEEDANCE MAP

DECEMBER 2021

FIGURE 3

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MW-4_20211209 - 12/09/2021	Results (µg/L)
Perfluorinated Alkyl Acids by Isotope Dilution	
PFOS	0.0578
PFOA	0.0248

MW-3_20211216 - 12/16/2021	Results (µg/L)
Perfluorinated Alkyl Acids by Isotope Dilution	
PFOS	0.015
PFOA	0.0428

MW-05 - 12/17/2021	Results (µg/L)
Perfluorinated Alkyl Acids by Isotope Dilution	
PFOA	0.077

MWDUP01_20211217 (parent Sample: MW:05 - 12/17/2021	Results (µg/L)
Perfluorinated Alkyl Acids by Isotope Dilution	
PFOA	0.0628

MW-1_20211209 - 12/09/2021	Results (µg/L)
Perfluorinated Alkyl Acids by Isotope Dilution	
PFOS	0.0132
PFOA	0.0158

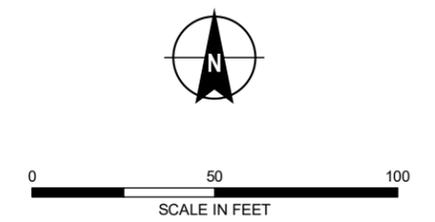
MW-02 - 12/17/2021	Results (µg/L)
Perfluorinated Alkyl Acids by Isotope Dilution	
PFOA	0.0266

LEGEND

- SITE BOUNDARY
- PARCEL BOUNDARY
- DECEMBER 2021 RI SOIL BORING/
GROUNDWATER MONITORING WELL

Ambient Water Quality (New York State Groundwater Effluent Limitations for Class GA Groundwater)		
Analytes	Value	Unit
Perfluorooctanesulfonic Acid (PFOS)	0.01	µg/L
Perfluorooctanoic Acid (PFOA)	0.01	µg/L

- NOTES**
- ALL LOCATIONS ARE APPROXIMATE AND BASED ON FIELD MEASUREMENTS.
 - ASSESSOR PARCEL DATA SOURCE: NYC DEPARTMENT OF CITY PLANNING
 - AERIAL IMAGERY SOURCE: NEARMAP, 19 OCTOBER 2021
 - RESULTS ARE DISPLAYED IN MICROGRAMS PER LITER (µg/L)



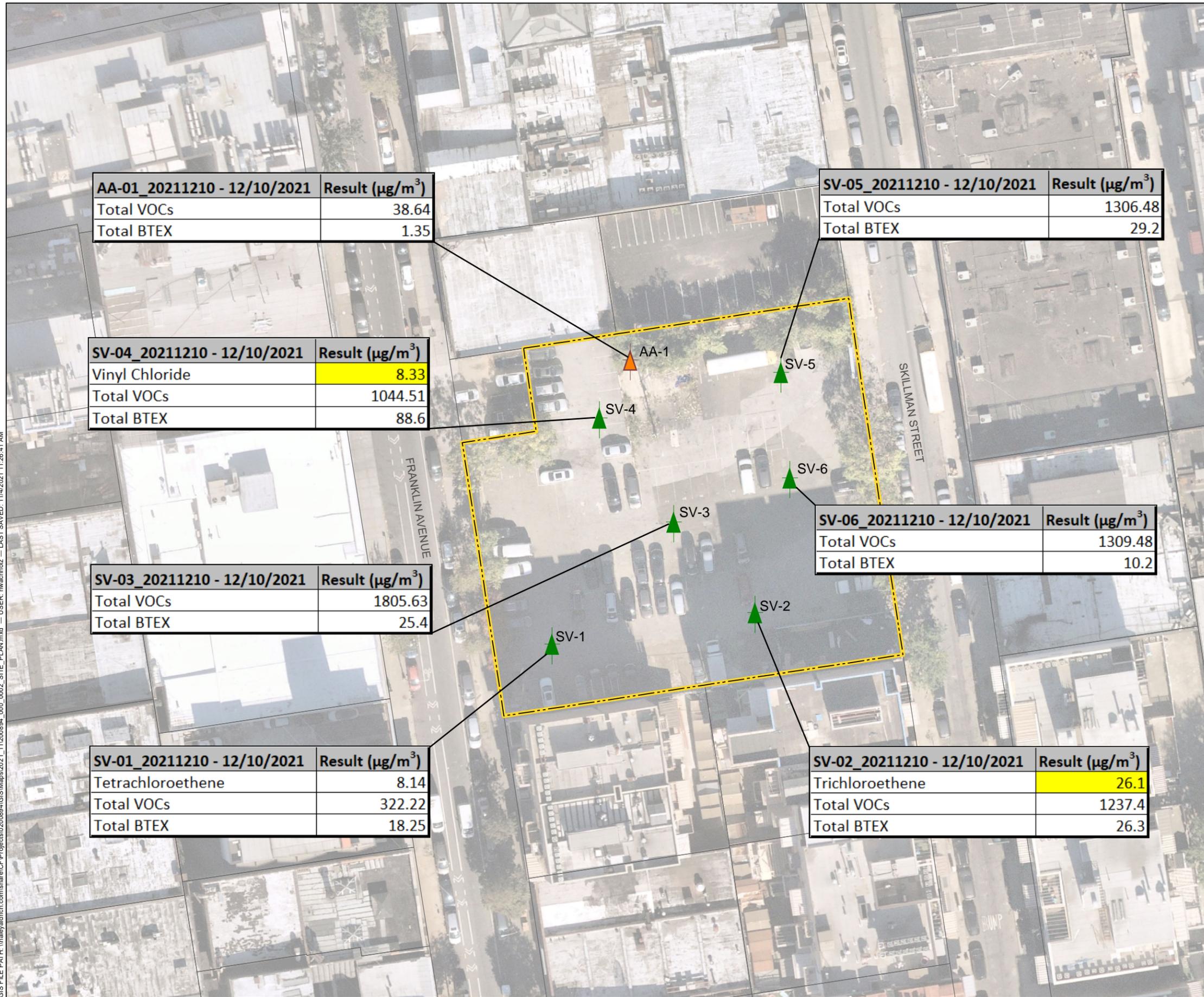
HALEY ALDRICH 43 FRANKLIN AVENUE
BROOKLYN, NEW YORK

**EMERGING CONTAMINANTS IN
GROUNDWATER RESULTS
EXCEEDANCE MAP**

DECEMBER 2021

FIGURE 4

GIS FILE PATH: \\haleyaldrich.com\share\GIS\Projects\20200894\GIS\Maps\2021_11200894_000_0002_SITE_PLAN.mxd — USER: hwaicholz — LAST SAVED: 11/14/2021 11:26:41 AM



AA-01_20211210 - 12/10/2021	Result ($\mu\text{g}/\text{m}^3$)
Total VOCs	38.64
Total BTEX	1.35

SV-05_20211210 - 12/10/2021	Result ($\mu\text{g}/\text{m}^3$)
Total VOCs	1306.48
Total BTEX	29.2

SV-04_20211210 - 12/10/2021	Result ($\mu\text{g}/\text{m}^3$)
Vinyl Chloride	8.33
Total VOCs	1044.51
Total BTEX	88.6

SV-06_20211210 - 12/10/2021	Result ($\mu\text{g}/\text{m}^3$)
Total VOCs	1309.48
Total BTEX	10.2

SV-03_20211210 - 12/10/2021	Result ($\mu\text{g}/\text{m}^3$)
Total VOCs	1805.63
Total BTEX	25.4

SV-01_20211210 - 12/10/2021	Result ($\mu\text{g}/\text{m}^3$)
Tetrachloroethene	8.14
Total VOCs	322.22
Total BTEX	18.25

SV-02_20211210 - 12/10/2021	Result ($\mu\text{g}/\text{m}^3$)
Trichloroethene	26.1
Total VOCs	1237.4
Total BTEX	26.3

LEGEND

- SITE BOUNDARY
- PARCEL BOUNDARY
- DECEMBER 2021 RI SOIL VAPOR POINT
- DECEMBER 2021 RI AMBIENT AIR SAMPLE LOCATION

	NY-SSC-A	NY-SSC-B	NY-SSC-C	NYSDOH AGV	Units
Tetrachloroethene	-	100	-	30	$\mu\text{g}/\text{m}^3$
Trichloroethene	6	-	-	2	$\mu\text{g}/\text{m}^3$
Vinyl Chloride	-	-	6	-	$\mu\text{g}/\text{m}^3$

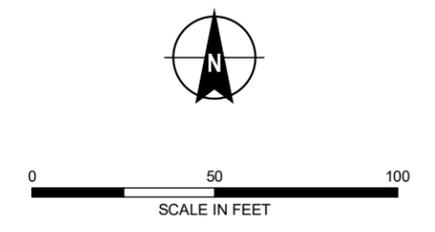
NY-SSC-A: New York DOH Matrix A Sub-slab Vapor Concentrations Criteria per Guidance for Evaluating Soil Vapor Intrusion, October 2006, and updated May 2017.

NY-SSC-B: New York DOH Matrix B Sub-slab Vapor Concentrations Criteria per Guidance for Evaluating Soil Vapor Intrusion, October 2006, and updated May 2017.

NY-SSC-C: New York DOH Matrix C Sub-slab Vapor Concentrations Criteria per Guidance for Evaluating Soil Vapor Intrusion, October 2006, and updated May 2017.

NYSDOH AGV: New York DOH Air Guidance Values Concentrations Criteria per Guidance for Evaluating Soil Vapor Intrusion, October 2006, and updated May 2017.

- NOTES**
- ALL LOCATIONS ARE APPROXIMATE AND BASED ON FIELD MEASUREMENTS.
 - ASSESSOR PARCEL DATA SOURCE: NYC DEPARTMENT OF CITY PLANNING
 - AERIAL IMAGERY SOURCE: NEARMAP, 19 OCTOBER 2021
 - $\mu\text{g}/\text{m}^3$ = MICROGRAMS PER CUBIC METER



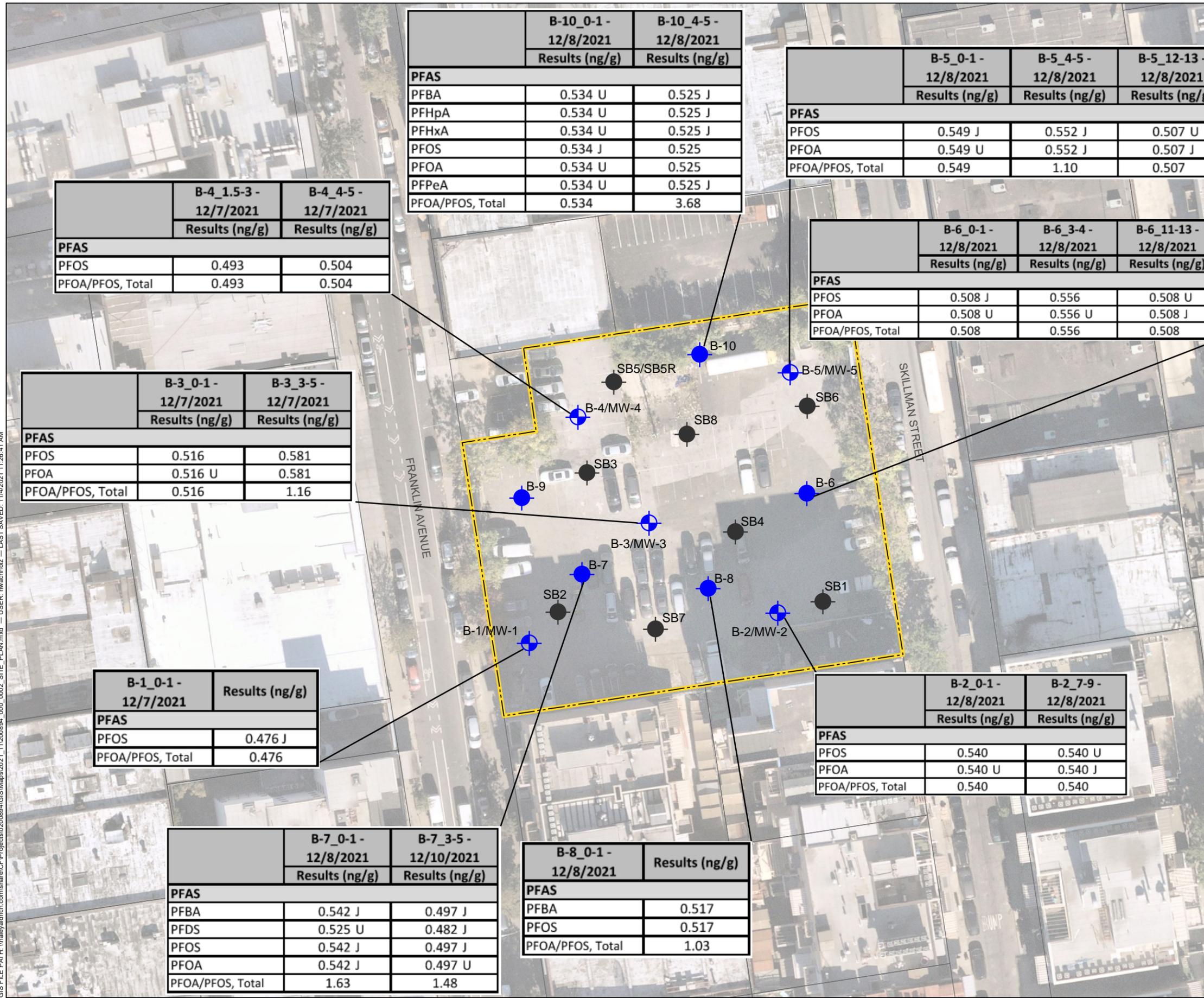
HALEY ALDRICH 43 FRANKLIN AVENUE
BROOKLYN, NEW YORK

SOIL VAPOR RESULTS SUMMARY MAP

NOVEMBER 2021

FIGURE 5

GIS FILE PATH: \\haleyaldrich.com\haleyaldrich\GIS\Projects\20200894\GIS\Maps\2021_11200894_000_0002_SITE_PLAN.mxd — USER: hwaeholz — LAST SAVED: 11/24/2021 11:28:41 AM



LEGEND

- SITE BOUNDARY
- PARCEL BOUNDARY
- NOVEMBER 2021 PHASE II SOIL BORING
- DECEMBER 2021 RI SOIL BORING/
GROUNDWATER MONITORING WELL
- DECEMBER 2021 RI SOIL BORING

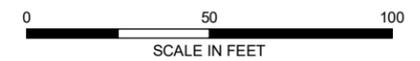
PFAS	NY PGW	RRU SCO	UU SCO	Units
Perfluorobutanoic Acid (PFBA)				ng/g
Perfluorodecanesulfonic Acid (PFDS)				ng/g
Perfluoroheptanoic Acid (PFHpA)				ng/g
Perfluorohexanoic Acid (PFHxA)				ng/g
Perfluorooctanesulfonic Acid (PFOS)	3.7	44	8.8	ng/g
Perfluorooctanoic Acid (PFOA)	1.1	33	6.6	ng/g
Perfluoropentanoic Acid (PFPeA)				ng/g
PFOA/PFOS, Total				ng/g

NY-RESRR: New York NYCRR Part 375 Restricted-Residential Criteria, New York Restricted use Criteria per 6 NYCRR Part 375 Environmental Remediation Programs, effective December 14, 2006.

NY-UNRES: New York NYCRR Part 375 New York Unrestricted use Criteria Criteria per 6 NYCRR Part 375 Environmental Remediation Programs, effective December 14, 2006.

NOTES

1. ALL LOCATIONS ARE APPROXIMATE AND BASED ON FIELD MEASUREMENTS.
2. ASSESSOR PARCEL DATA SOURCE: NYC DEPARTMENT OF CITY PLANNING
3. AERIAL IMAGERY SOURCE: NEARMAP, 19 OCTOBER 2021
4. NANOGRAM PER GRAM (ng/g)
5. J = THE ANALYTE WAS DETECTED ABOVE THE METHOD DETECTION LIMIT (MDL), BUT BELOW THE RL; THEREFORE, THE RESULT IS AN ESTIMATED CONCENTRATION.
6. U = THE ANALYTE WAS ANALYZED FOR, BUT WAS NOT DETECTED AT A LEVEL GREATER THAN OR EQUAL TO THE REPORTING LIMIT (RL); THE VALUE SHOWN IN THE TABLE IS THE RL.



HALEY ALDRICH
43 FRANKLIN AVENUE
BROOKLYN, NEW YORK

EMERGING CONTAMINANTS SOIL RESULTS MAP

NOVEMBER 2021

FIGURE 6

SECTION III.4: PAST LAND USES

Based on the findings of the Phase I ESA dated August 2015 completed by Equity Environmental Engineering, the Site was developed in the late 1800s and was part of the “Gutta Percha & Rubber Manufacturing Company,” a rubber manufacturing and thermoplastic dental filling company. Early Sanborn Maps depict several small buildings on the Site with rooms designated for packing, pressing, and storage. Historical maps identify at least six storage tanks of unknown contents at the Site. Additionally, it is unknown if the storage tanks are above grade or below grade. Tank sizes are not identified with the exception of one, 60,000-gallon tank. In addition, Sanborn Maps dated 1904, 1918, and 1921 depict an 8-inch diameter well in the center of the Site while the property operated as a rubber manufacturing company. By the late 1940s, operations of the “Gutta Percha & Rubber Manufacturing Company” ceased and the buildings were razed leaving the Site as a vacant lot. The lot has been vacant since at least the 1960s, and most recently operated as a parking lot (operations ceased October 2021).

ATTACHMENT D

Section IV: PROPERTY INFORMATION

SECTION IV: PROPERTY DESCRIPTION NARRATIVE

Site Location

The Site's address is 43 Franklin Avenue, Brooklyn, NY 11205. The Site is located in Kings County, New York and is identified as Brooklyn Block 1885, Lot 15 and is currently vacant and is approximately 0.809-acres in size (35,250 square feet). There are no structures on the Site.

The Site is bound to the north by an auto parts store followed by a mixed-use commercial/office building, to the east by Skillman Street followed by commercial/industrial buildings, to the south by multi-family residential buildings, and to the west by Franklin Avenue followed by a seafood distribution center and a hotel. The Site is located within a mixed-use area characterized by low-rise commercial, industrial, and residential buildings. The Site is located within an urban area of Bedford-Stuyvesant, Brooklyn characterized by multi-story mixed-use residential and commercial buildings and industrial-use developments. The Metropolitan Transit Authority (MTA) subway G line is located approximately 2,640 feet to the northwest at the corner of Marcy Avenue and Flushing Avenue. The Brooklyn Navy Yard Basin is located about 3,500 feet west-northwest of the Site.

A project locus is included in Figure 7. An aerial photograph of the Site is included in Figure 8. A tax map is included in Figure 9. A map showing surrounding land use is included as Figure 10.

Site Features

The Site is a 0.809-acre rectangular-shaped lot, is paved with an impervious surface (asphalt), and secured with a 10-foot high locked chain link fence with barbed wire installed on the post caps. The Site is currently vacant. Access to the Site is from both Franklin Avenue and Skillman Street. There are no structures on the Site.

Current Zoning and Land Use

According to the New York City Planning Commission Zoning Map 12d, the Site is located within a residential and manufacturing zoning district (R6A and M1-2) with Mandatory Inclusionary Housing (MIH). The proposed development of this property is consistent with the current zoning.

As a result of the CEQR process, Block 1885, Lot 15 was assigned an environmental E-Designation (E-395) for hazardous materials, and air quality (HVAC limited to natural gas and exhaust stack location limitations) effective 05 May 2017 (CEQR #16DCP121K). 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.

Past Land Use

Based on the findings of the Phase I ESA dated August 2015 completed by Equity Environmental Engineering, the Site was developed in the late 1800s and was part of the "Gutta Percha & Rubber Manufacturing Company," a rubber manufacturing and thermoplastic dental filling company. Early Sanborn Maps depict several small buildings on the Site with rooms designated for packing, pressing, and storage. Historical maps identify at least six storage tanks of unknown contents at the Site. Additionally, it is unknown if the storage tanks are above grade or below grade. Tank sizes are not identified with the exception of one, 60,000-gallon tank. In addition, Sanborn Maps dated 1904, 1918, and 1921 depict an 8-inch diameter well in the center of the Site while the property operated as a rubber manufacturing company. By the late 1940s, operations of the "Gutta Percha & Rubber Manufacturing Company" ceased and the buildings were razed leaving the Site as a vacant lot. The lot

has been vacant since at least the 1960s, and most recently operated as a parking lot (operations ceased October 2021).

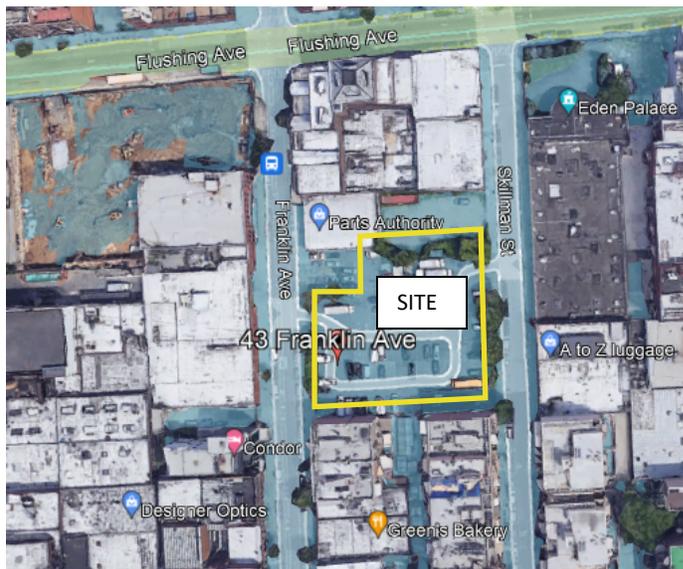
Site Geology and Hydrogeology

Based on findings from the November 2021 Limited Phase II ESI and December 2021 RIR, the Site is underlain by historical urban fill predominantly consisting of light brown to dark brown medium to fine sand with trace amounts of silt and clay and varying amounts of loose gravel, brick and asphalt. The urban fill was observed from surface grade to depths extending approximately 6.5 to 7 ft bgs in each soil boring. The urban fill layer was underlain by a potential native layer consisting of brown to orange-brown, medium to fine sand with varying amounts of coarse sand, silt, gravel, and intermittent clay lenses.

The topography of the Site and the surrounding area slopes north towards the Brooklyn Navy Yard Basin and the East River. The ground level elevation on the property is approximately 16 feet above MSL. During the December 2021 RI, groundwater was encountered at depths ranging from about 17 to 18 ft bgs.

SECTION IV.3: EN-ZONE

100% of the Site is located in an En-Zone under Census Tract 1237 (EnZone Type B).



Census Tract 1237	
EnZoneType	B
FIPS	36047123700
County_FIP	36047
Geography	Census Tract 1237
County	Kings County
UnempRate	4.7
NYS_UR	11.5
Pov_Rate	56.7
CountyPR	23.2
CountyRate	46.4
Criteria_B	Y
Both_AB	
Criteria_A	
Type	AY

SECTION IV.5: ENVIRONMENTAL ASSESSMENT

Based on the analytical results of the RI and Limited Phase II ESI, the primary contaminants of concern for the Site are heavy metals, pesticides and SVOCs (specifically PAHs) in soil, SVOCs and metals in groundwater, and chlorinated VOCs in soil vapor. Potential sources of contamination have been identified and include historical site usage and historical fill material. Historical fill is contaminated with heavy metals (including hazardous lead), and SVOCs, was identified widely distributed throughout the Site in urban fill, up to 7 feet bgs. One deeper sample collected from 11-13 ft bgs in the northern region of the site was impacted with SVOCs and metals. The highest SVOC concentrations in soil were primarily identified in the southern region of the Site where former rubber manufacturing operations, including a press room and bulk storage tanks were located. SVOC-impacted groundwater was primarily identified in the central and southwest region of the Site where former rubber manufacturing operations, including an unidentified well, were located. Similarly, the highest CVOC soil vapor concentrations were located in the southeast and northwest region of the Site in close proximity to former bulk storage tank operations of the rubber manufacturing plant. Historical rubber manufacturing operations typically utilized hazardous materials (i.e., chlorinated solvents, petroleum), which, if not stored properly, may have had the potential to spill and impact the surrounding environment, including the Site. Based on the identified contaminants, the source of contamination to soil is likely the result of both the historical rubber manufacturing processes at the Site and placement of historical urban fill from an unknown source, and groundwater and soil vapor impacts may be attributed to the former rubber manufacturing operation at the Site and/or the presence of historical urban fill (for groundwater impacts). A more detailed summary of findings is provided below by impacted media:

Soil

Soil analytical results were compared to UUSCOs and RRSCOs. Soil analytical results from the November 2021 Phase II and December RI were validated and used to determine the nature and extent of contamination in subsurface urban fill beneath the Site. As such, the combined findings for soil from the Phase II ESI and Remedial Investigation performed by Haley & Aldrich are summarized as follows:

Multiple SVOCs were identified in shallow soil samples at concentrations exceeding the RRSCOs. Four SVOCs including benzo(a)anthracene (maximum concentration 62 mg/kg in B-7_3-5), benzo(a)pyrene (maximum concentration 49 mg/kg in B-7_3-5), benzo(b)fluoranthene (maximum concentration 65 mg/kg in B-7_3-5) and indeno(1,2,3-cd)pyrene (maximum concentration 35 mg/kg in B-7_3-5) were identified above RRSCOs in up to 15 shallow soil samples analyzed; one SVOC, dibenzo(a,h)anthracene (maximum concentration 8.2 mg/kg in B-7_0-1), was identified above RRSCOs in eight shallow soil samples analyzed; one SVOC, chrysene (maximum concentration 58 mg/kg in B-7_3-5), was identified above RRSCOs in seven shallow soil samples analyzed; one SVOC, benzo(k)fluoranthene (maximum concentration 18 mg/kg in B-7_3-5 and B-8_0-1), was identified above RRSCOs in four shallow soil samples analyzed; and, three SVOCs, fluoranthene (maximum concentration 140 mg/kg in B-7_0-1), phenanthrene (maximum concentration 130 mg/kg in B-7_0-1) and pyrene (maximum concentration 120 mg/kg in B-7_0-1 and B-7_3-5) were identified above RRSCOs in three shallow soil samples analyzed.

Additionally, benzo(a)anthracene and indeno(1,2,3-cd)pyrene were detected in SB5 (11-13') at concentrations exceeding RRSCOs.

Four metals including: arsenic (maximum concentration of 167 mg/kg in B-10_4-5); barium (maximum concentration of 785 mg/kg in SB2 [0-2']); lead (maximum concentration of 1,830 mg/kg in B-8_0-1); and mercury (maximum concentration of 3.20 mg/kg in B-3_3-5) were detected above RRSCOs in five or

more shallow soil samples analyzed. Two soil samples, B-7_0-1 and B-8_0-1, were further analyzed via the TCLP to assess the potential for hazardous lead characteristics. One of these soil samples, B-7_0-1, identified a TCLP lead concentration of 8.34 mg/L, which exceeds the USEPA Allowable Limit of 5 mg/L. Further delineation will be needed to determine the horizontal and vertical extent of hazardous lead-impacted soil in this region of the Site, which is included in the draft RAWP.

Two CVOCs, PCE and TCE were identified in soil samples collected in the southern (PCE and TCE) and eastern/northeast (PCE) regions of the site at concentrations below UUSCOs. PCE was identified in 11 soil samples collected from soil borings B-1, B-2, B-5, B-6, and B-8 from surface grade up to 13 ft bgs at concentrations ranging from 0.00027 mg/kg in B-8 (0-1 ft bgs) to 0.023 mg/kg in B-8 (5-7 ft bgs). TCE was identified in two soil samples B-2 and B-8 from historical fill material at concentrations ranging from 0.0015 mg/kg in B-8 (5-7 ft bgs) to 0.0018 mg/kg in B-2 (4-5 ft bgs). The PCE and TCE detections in soil were below UUSCOs.

Groundwater

Groundwater samples collected during the December 2021 RI were analyzed for VOCs, SVOCs, total metals (including total cyanide and hexavalent/ trivalent chromium) and emerging contaminants: 1,4-dioxane and PFAS. The findings for groundwater from the December 2021 RI performed by Haley & Aldrich are as follows:

One VOC, chloroform, was identified in one groundwater sample at a concentration above the NYSDEC SGVs (MW-01 concentration 8.7 µg/L). In addition, acetone was identified in one groundwater sample at a concentration above the NYSDEC SGVs (MW-02 concentration 56 µg/L). Tetrachloroethene (PCE) was identified in three groundwater samples from MW-01, MW-02, and MW-05 (plus its duplicate sample) at concentrations ranging from 0.26 µg/L in MW-01 to 2.4 µg/L in MW-02 (below the NYSDEC SGV of 5 µg/L). In addition, trichloroethene (TCE) was identified in two groundwater samples at concentrations of 0.21 µg/L in MW-05 to 0.4 µg/L in MW-02 (below the NYSDEC SGV of 5 µg/L).

The following six SVOCs, specifically PAHs, were identified in two groundwater samples, MW-01 and MW-03 and the duplicate sample of MW-05 (MWDUP01_20211217), at concentrations exceeding NYSDEC AGVs: benzo(a)anthracene (maximum concentration 0.8 µg/L in MW-01); benzo(a)pyrene (maximum concentration 0.7 µg/L in MW-1); benzo(b)fluoranthene (maximum concentration 0.9 µg/L in MW-01); benzo(k)fluoranthene (maximum concentration 0.31 µg/L in MW-01); chrysene (maximum concentration 0.67 µg/L in MW-10); and, indeno(1,2,3-cd)pyrene (maximum concentration 0.48 µg/L in MW-01). The SVOC benzo(a)anthracene was also detected in MW-02 and MW-05 at a concentration of 0.03 µg/L, exceeding the SGV. Both benzo(b)fluoranthene and chrysene were also detected in MW-02 at concentrations of 0.02 µg/L and 0.05 µg/L, respectively, exceeding their respective SGVs.

A groundwater cleanup regulatory criterion does not exist for 1,4-dioxane in New York State. Concentrations of 1,4-dioxane were compared to New York State's drinking water MCL of 1 µg/L. PFAS compounds in groundwater are compared to the NYSDEC June 2021 guidance values. 1,4-dioxane was not detected above laboratory detection limits in groundwater samples analyzed.

Perfluorooctanesulfonic Acid (PFOS) was detected at concentrations exceeding the NYSDEC June 2021 guidance value of 0.01 µg/L in three groundwater samples collected. Perfluorooctanoic Acid (PFOA) was detected at concentrations exceeding the NYSDEC June 2021 guidance value of 0.01 µg/L in all five groundwater samples collected (plus one duplicate sample collected from MW-05). The maximum concentration of PFOA was identified at a concentration of 0.077 µg/L in MW-05; and the maximum

concentration of PFOS was identified in MW-04 at of 0.0578 µg/L. Total PFOA/PFAS concentrations in groundwater samples ranged from 0.0266 µg/L in MW-02 to 0.0826 µg/L in MW-04, below the NYSDEC June 2021 guidance value of 0.5 µg/L.

Five metals were identified in groundwater samples at concentrations exceeding the NYSDEC SGVs groundwater samples. Iron concentrations exceeded the NYSDEC SGVs in all five groundwater samples analyzed plus the duplicate sample of MW-05 (maximum concentration 2,020 µg/L in MW-04); magnesium exceeded the NYSDEC SGVs in two groundwater samples analyzed (maximum concentration 50,700 µg/L in the duplicate sample of MW-05); manganese exceeded the NYSDEC SGVs in four groundwater samples analyzed plus the duplicate of MW-05 (maximum concentration 7,031 µg/L in MW-05); and sodium concentrations exceeded the NYSDEC SGVs in all five groundwater samples analyzed plus the duplicate sample of MW-05 (maximum concentration 116,000 µg/L in MW-01).

Soil Vapor

The following summarizes maximum concentrations of chlorinated VOC concentrations in soil vapor samples collected during the RI:

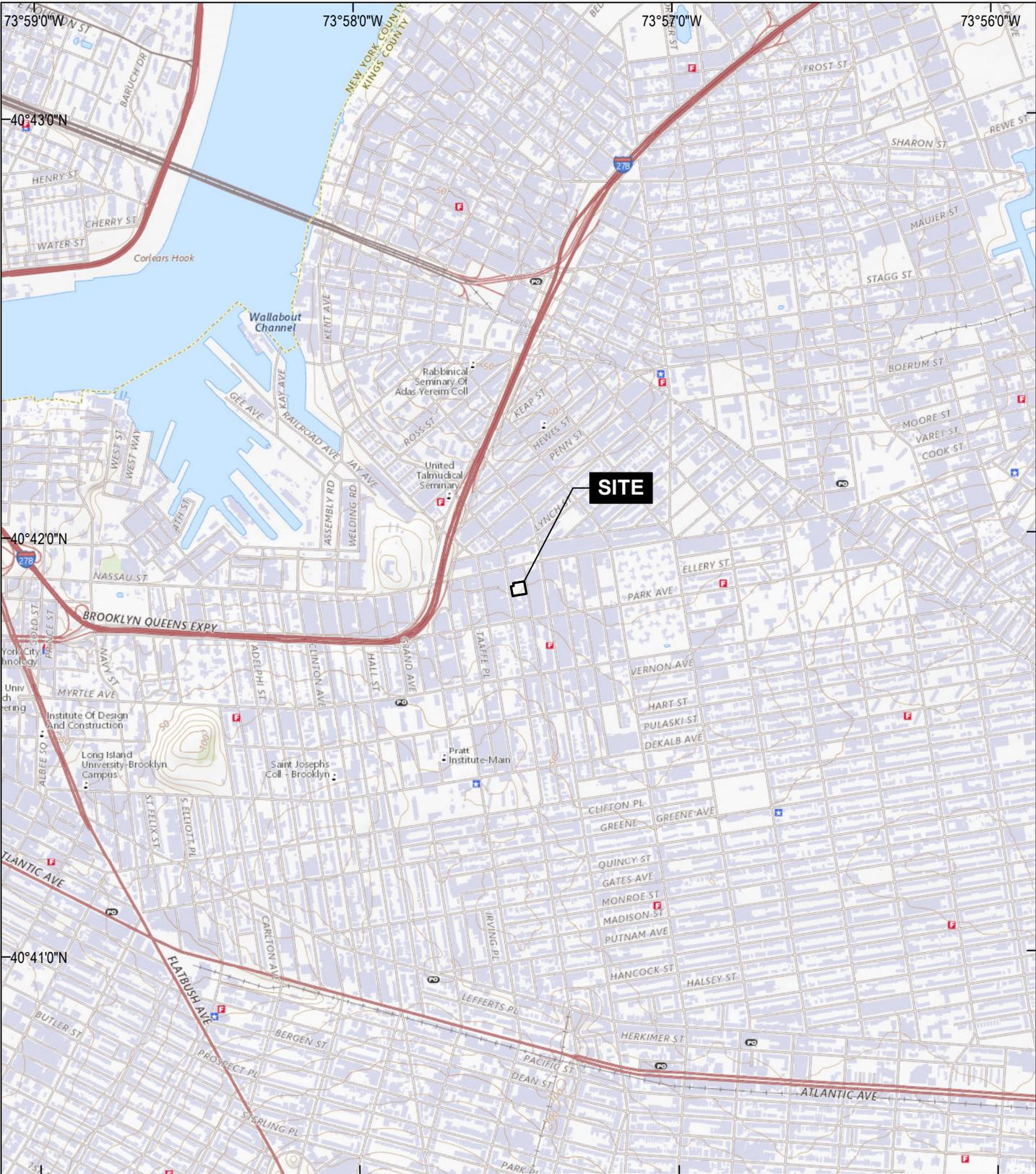
- Vinyl chloride: 8.33 $\mu\text{g}/\text{m}^3$ in SV-04
- TCE: 26.1 $\mu\text{g}/\text{m}^3$ in SV-02
- PCE: 8.14 $\mu\text{g}/\text{m}^3$ in SV-01

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

- Benzene: 60.1 $\mu\text{g}/\text{m}^3$ in SV-04
- Toluene: 28.5 $\mu\text{g}/\text{m}^3$ in SV-04
- Ethylbenzene: 1.83 $\mu\text{g}/\text{m}^3$ in SV-01
- p/m Xylene: 6.78 $\mu\text{g}/\text{m}^3$ in SV-01
- o-Xylene: 2.59 $\mu\text{g}/\text{m}^3$ in SV-01
- Total BTEX: 88.6 $\mu\text{g}/\text{m}^3$ in SV-04

One VOC, chloroform, which was detected above the NYSDEC SGVs in one groundwater sample, was detected in one soil vapor sample, SV-01, at a concentration of 1.49 $\mu\text{g}/\text{m}^3$.

Tables summarizing analytical results are attached. Please also refer to the attached USB drive containing the full Limited Phase II ESI Letter Report submitted to Rose Castle Redevelopment II LLC in November 2021 and the RIR submitted to Rose Castle Redevelopment II LLC in December 2021.



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MAP SOURCE: ESRI
 SITE COORDINATES: 73°57'29"N, 40°41'52"W

**HALEY
 ALDRICH**

FORMER GUTTA PERCHA AND RUBBER MANUFACTURING SITE
 43 FRANKLIN AVENUE
 BLOCK 1885, LOT 15
 BROOKLYN, NEW YORK

PROJECT LOCUS

APPROXIMATE SCALE: 1 IN = 2000 F
 DECEMBER 2021

FIGURE 7

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LEGEND

-  SITE BOUNDARY
-  PARCEL BOUNDARY

NOTES

1. ALL LOCATIONS ARE APPROXIMATE.
2. ASSESSOR PARCEL DATA SOURCE: NYC DEPARTMENT OF CITY PLANNING
3. AERIAL IMAGERY SOURCE: NEARMAP, 19 OCTOBER 2021



FORMER GUTTA PERCHA AND RUBBER MANUFACTURING SITE
43 FRANKLIN AVENUE
BLOCK 1885, LOT 15
BROOKLYN, NEW YORK

SITE PLAN

DECEMBER 2021

FIGURE 8

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LEGEND

-  SITE BOUNDARY
-  PARCEL BOUNDARY

NOTES

1. ALL LOCATIONS ARE APPROXIMATE.
2. ASSESSOR PARCEL DATA SOURCE: NYC DEPARTMENT OF CITY PLANNING
3. AERIAL IMAGERY SOURCE: NEARMAP, 19 OCTOBER 2021



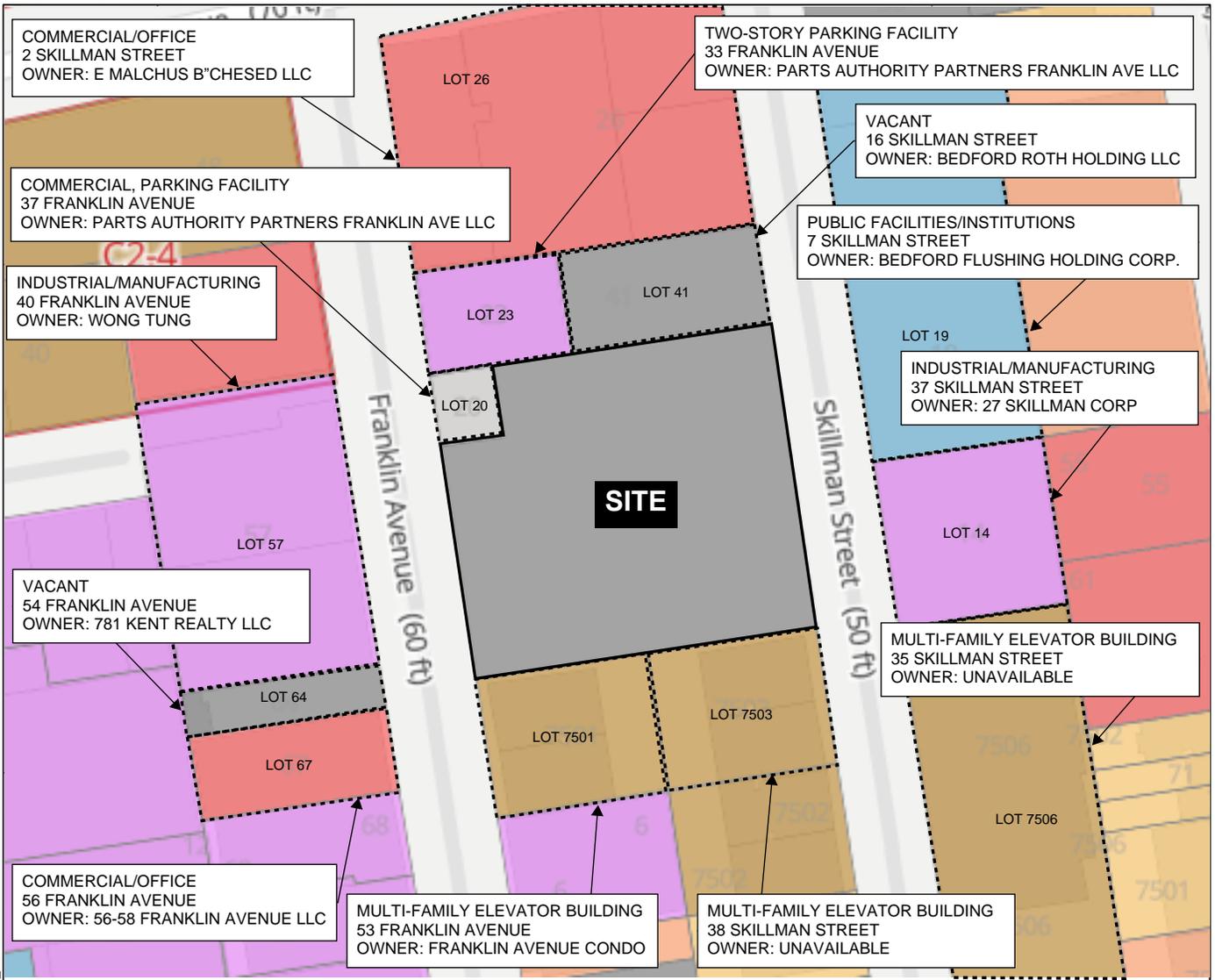
FORMER GUTTA PERCHA AND RUBBER MANUFACTURING SITE
43 FRANKLIN AVENUE
BLOCK 1885, LOT 15
BROOKLYN, NEW YORK

TAX MAP

DECEMBER 2021

FIGURE 9

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LEGEND:

-  SITE BOUNDARY
-  ADJACENT PROPERTY BOUNDARY

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

NOTES:

1. IMAGERY PROVIDED BY NEW YORK CITY OPEN ACCESSIBLE SPACE INFORMATION SYSTEM





FORMER GUTTA PERCHA AND RUBBER MANUFACTURING SITE
43 FRANKLIN AVENUE
BLOCK 1885, LOT 15
BROOKLYN, NEW YORK

SURROUNDING LAND USE

DECEMBER 2021

FIGURE 10

ATTACHMENT E

Section VI: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

SECTION VI: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Current Owner and Operator

Lotus Residences LLC, a New York State limited liability company is the current owner of 43 Franklin Avenue. The current property owner provided authorization for Rose Castle Redevelopment II 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 Requestor, Rose Castle Redevelopment II LLC, acquired indirect ownership and control of Lotus Residences LLC in February 2020. At that time, the lot was being used as a parking lot. Those operations ceased in October 2021. Since at least the time Lotus Residences LLC acquired ownership of the lot, and through the present day, the lot has not been used for any manufacturing operations. To the contrary, the lot has been vacant since at least the 1960s, paved with an impervious surface (asphalt), and secured with a 10' high locked chain link fence with barbed wire installed on the post caps. The Site is vacant.

Previous Owners and Operators

A list of current and previous owners of 43 Franklin Avenue is provided in the below table.

Date	Document Type	First Party	First Party Address	Second Party	Relationship of First Party to Applicant
3/6/2014	Deed	Franklin Realty Owners LLC	470 Kent Avenue, Brooklyn, NY 11249	Lotus Residences LLC	None
6/1/2013	Deed	Franklin Realty Corp.	470 Kent Avenue, Brooklyn, NY 11249	Franklin Realty Owners LLC	None
4/15/1986	Deed	Paz Franklin Co.	12 Heyward Street, Brooklyn, NY 11249	Franklin Realty Corp.	None
2/3/1982	Deed	Beatrice Foods Co.	2 North LaSalle Street, Chicago, IL, 60602	Paz Franklin Co.	None
9/18/1979	Deed	Mishne Halachoth Gedoloth Institute	1578-53 rd Street, Brooklyn, NY 11219	Beatrice Foods Co.	None
6/13/1979	Deed (Foreclosure on tax liens formerly owned and held by The City of New York)	Commissioner of Finance of the City of New York	Room 500, Municipal Building, New York, NY	The City of New York	None
6/18/1975	Deed	Edwin B. Stimpson Company, Inc.	900 Sylvan Ave. Bayport, NY 11705	Mishne Halachoth Gedoloth Institute	None
Pre 1975 Ownership records prior to 1975 were not readily available for review	Unknown	Unknown	Unknown	Unknown	None

The Site is currently vacant. A list of current and previous operators of 43 Franklin Avenue is provided in the below table.

Name	Relationship to Property	Address and Phone Number	Relationship to Applicant
N/A – Vacant Lot	N/A, October 2021 to Present	43 Franklin Avenue, Phone No. Unknown	None
Franklin Parking Services LLC	Operator, April 2018 to October 2021	43 Franklin Avenue, Phone No. Unknown	None
N/A – Parking Lot	N/A, Late 1960s to Early 2000s	43 Franklin Avenue, Phone No. Unknown	None
N/A – Vacant Lot	N/A, Late 1940s to Mid-1960s	43 Franklin Avenue, Phone No. Unknown	None
Wallabout Basin Storage & Terminal Co. Inc.	Operator, Mid-1930s to Mid-1940s	43 Franklin Avenue, Phone No. Unknown	None
Kingston Fish Market and Sabine Carl Seafood	1940	43 Franklin Avenue, Phone No. Unknown	None
Gutta Percha & Rubber Manufacturing Company	Operator, Prior to 1887 to Early 1930s	43 Franklin Avenue, Phone No. Unknown	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, 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 and is not aware of 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. The Site is vacant, paved with an impervious surface (asphalt), and secured with a 10' high locked chain link fence with barbed wire installed on the post caps. As such, the requestor qualifies as a Volunteer as designed in ECL 27-1405(1)(b).

Requestor Relationship to Property

The Requestor, Rose Castle Redevelopment II LLC, acquired indirect ownership and control of the fee owner of the Site, Lotus Residences LLC, in February 2020.

The current property owner provided authorization for Rose Castle Redevelopment II 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 / Contact
NYC Mayor - Elect	Eric Adams	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	Anita Laremont - Chair	212-720-3300	120 Broadway 31st Floor New York, NY 10271	https://www1.nyc.gov/site/planning/about/contact-us.page
Brooklyn Borough President - Elect	Hon. Antonio Reynoso	718-802-3700	Brooklyn Borough Hall 209 Joralemon Street Brooklyn, NY 11201	https://www.brooklyn-usa.org/ask-eric/
Brooklyn Community Board 3 District Manager	Henry Butler	718-622-6601	1360 Fulton Street, 2 nd Floor, Brooklyn, NY 11216	Bk03@cb.nyc.gov
New York City Council District 33 - Elect	Lincoln Restler	718-875-5200	410 Atlantic Avenue, Brooklyn, NY 11217	LRestler@council.nyc.gov
NY Senate District 26 Senator	Brian Kavanagh	212-298-5565	250 Broadway, Room 2011, New York, NY 10007	kavanagh@nysenate.gov
NY State Assembly District 050 Member	Emily Gallagher	718-383-7474	685A Manhattan Avenue, Brooklyn, NY 11222	gallaghere@nyassembly.gov

Owners, Residents, Occupants

The Site is currently an unoccupied vacant lot owned by Lotus Residences LLC. The tables below provide current contact information for the owner and occupant of the Site.

Owner	Contact Name	Phone	Mailing Address	Email
Lotus Residences LLC	Zelig Weiss	718-599-1145	266 Broadway, Suite 301, Brooklyn, NY 11211	zelig@riversideny.com

Operator	Contact Name	Phone	Mailing Address	Email
N/A – Vacant Lot	Not Available	N/A	N/A	N/A

Adjacent Properties

Below is a list of the adjoining properties which are also detailed on Figure 11.

Owner/Entity Name	Contact Name	Site Use	Property Address	Owner Mailing Address
Parts Authority Partners Franklin Ave LLC	Not Available	Commercial, Parking Facilities	37 Franklin Avenue	211-10 Hillside Avenue, Queens Village, NY 11427
Bedford Roth Holding LLC	Not Available	Vacant Land	16 Skillman Street	760 Bedford Avenue, Brooklyn, NY 11205
Parts Authority Partners Franklin Ave LLC	Not Available	Industrial/Manufacturing	33 Franklin Avenue	211-10 Hillside Avenue, Queens Village, NY 11427
Wong Tung	Not Available	Industrial/Manufacturing	40 Franklin Avenue	29 Monroe Street, New York, NY 10038
781 Kent Realty LLC	Not Available	Vacant Land	54 Franklin Avenue	781-789 Kent Avenue, Brooklyn, NY 11205
56-58 Franklin Avenue LLC	Not Available	Commercial/Office	56 Franklin Avenue	56-58 Franklin Avenue, Brooklyn, NY 11205
Franklin Avenue Condo	Not Available	Multi-Family Elevator Building	53 Franklin Avenue	53 Franklin Avenue, Brooklyn, NY 11205
Unavailable Owner (Not Listed in ACRIS)	Not Available	Multi-Family Elevator Building	38 Skillman Street	38 Skillman Street, Brooklyn, NY 11205
Unavailable Owner (Not Listed in ACRIS)	Not Available	Multi-Family Elevator Building	35 Skillman Street	35 Skillman Street, Brooklyn, NY 11205
27 Skillman Corp	Not Available	Industrial/Manufacturing	37 Skillman Street	27 Skillman Street, Brooklyn, NY 11205
Bedford Flushing Holding Corp.	Not Available	Public Facilities/Institutions	7 Skillman Street	760 Bedford Avenue, Brooklyn, NY 11205
Malchus B"Chesed LLC	Not Available	Commercial/Office	2 Skillman Street	52 Clymer Street, Brooklyn, NY 11211

Local News and Media:

Owner/Entity Name	Type	Address	Phone	Website
The Brooklyn Eagle	Print Newspaper, Online Media	16 Court Street Brooklyn, NY 11241	718-422-7413	www.brooklyneagle.com
Spectrum 1 News	Television	75 Ninth Avenue, New York, NY 10011	212-691-6397	https://www.ny1.com/nyc/all-boroughs/about-us/contact-us

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 Former Gutta Percha & Rubber Manufacturing Site located at 43 Franklin Avenue, Brooklyn, NY.

School or Day Care Located on or Proximal to the Site

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
P.S./I.S. 157 The Benjamin Franklin Health & Science Academy	1,056 ft (southwest)	Nyree Dixon	718-302-7600	850 Kent Avenue, Brooklyn, NY 11205
Cheeryos Daycare Williamsburg	1,056 ft (northwest)	Not Available	718-842-8200	87 Rutledge Street, Brooklyn, NY 11249
Our Children The Leaders of Tomorrow - KBWT	2,018 ft (southeast)	Not Available	718-643-8201	756 Myrtle Avenue, Brooklyn, NY 11206
Yeshiva Early Head Start - Brooklyn NY Head Start	2,112 ft (north)	Not Available	718-963-3940	638 Bedford Avenue, Brooklyn, NY 11249
Beautiful Garden Family Daycare LLC	2,112 ft (southeast)	Glenis A. Vasquez	347-489-0905	71 Nostrand Avenue, #5C, Brooklyn, NY 11206
Kirindy Family Daycare & Wonderschool	2,112 ft (southeast)	Yubany Santana	917-933-8840	534 Flushing Avenue, #4B, Brooklyn, NY 11206
Brooklyn High School for Leadership and Community Service - K616	2,218 ft (south)	Paul Rotondo	718-638-3062	300 Willoughby Avenue, Brooklyn, NY 11205
P.S. 054 Samuel C. Barnes - K054	2,440 ft (southeast)	Emma Pelaezvelazquez	718-834-6752	195 Sanford Street, Brooklyn, NY 11205
Juan Morel Campos Secondary School - K071	2,445 ft (northeast)	Esther Shali-Ogli	718-302-7900	215 Heyward Street, Brooklyn, NY 11206
P.S. 380 John Wayne Elementary	2,640 ft (northeast)	Victoria Prisinzano	718-388-0607	370 Marcy Avenue, Brooklyn, NY 11206
Touro College	2,640 ft (northwest)	Not Available	844-868-7666	2002 Wallabout Road, Brooklyn, NY 11210

Document Repository

Brooklyn Community Board 3 was notified on 08 December 2021 via email regarding utilizing their space as a document repository. On 22 December 2021 via email Brooklyn Community Board 3 acknowledged that they could act as a public repository. Documentation is attached below.

The Brooklyn Public Library – Williamsburg Branch was contacted on 30 November 2021 in person regarding utilizing their branch as a document repository. Documentation of the confirmation from the Brooklyn Public Library – Williamsburg Branch is attached below.

Public Library

Owner/Entity Name	Contact	Address	Phone	Email
Brooklyn Public Library – Williamsburg Branch	Catherine Skrzypek	240 Division Avenue. at., Marcy Ave, Brooklyn, NY 11211	718-302-3485	cskrzypek@bklynlibrary.org

Community Board

Owner/Entity Name	Contact	Address	Phone	Email
Brooklyn Community Board 3 District Manager	Henry Butler	718-622-6601	1360 Fulton Street, 2 nd Floor, Brooklyn, NY 11216	Bk03@cb.nyc.gov

Section IX: Acknowledgement from Brooklyn Public Library – Williamsburg Branch to Act as Document Repository



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

23 November 2021
File No. 0200894-000

Brooklyn Public Library – Williamsburg Branch
240 Division Avenue at Marcy Avenue
Brooklyn, NY 11211
Via email: cskrzypek@bklynlibrary.org
Attn: Catherine Skrzypek

Subject: Brownfield Cleanup Program Application – Request for Repository Use
43 Franklin Avenue
Brooklyn, NY 11205

Dear Ms. Skrzypek:

Haley & Aldrich of New York (Haley & Aldrich), on behalf of Rose Castle Redevelopment II LLC, is requesting use of the Brooklyn Public Library – Williamsburg Branch as a document repository for the anticipated project located at 43 Franklin Avenue, 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 Public Library – Williamsburg Branch is willing to act as a public document repository holding and making available of all provided environmental documents related to the 43 Franklin Avenue Brownfield Cleanup Project.

Catherine Skrzypek
Name

11/30/21
Date

Neighborhood Library Supervisor
Title

Section IX: Acknowledgement from Brooklyn Community Board 3 to Act as Document Repository

Scheuerman, Elizabeth

From: Butler, Henry (CB) <hbutler@cb.nyc.gov>
Sent: Wednesday, December 22, 2021 10:28 AM
To: Scheuerman, Elizabeth
Cc: Butler, Henry (CB)
Subject: Re: Document Repository

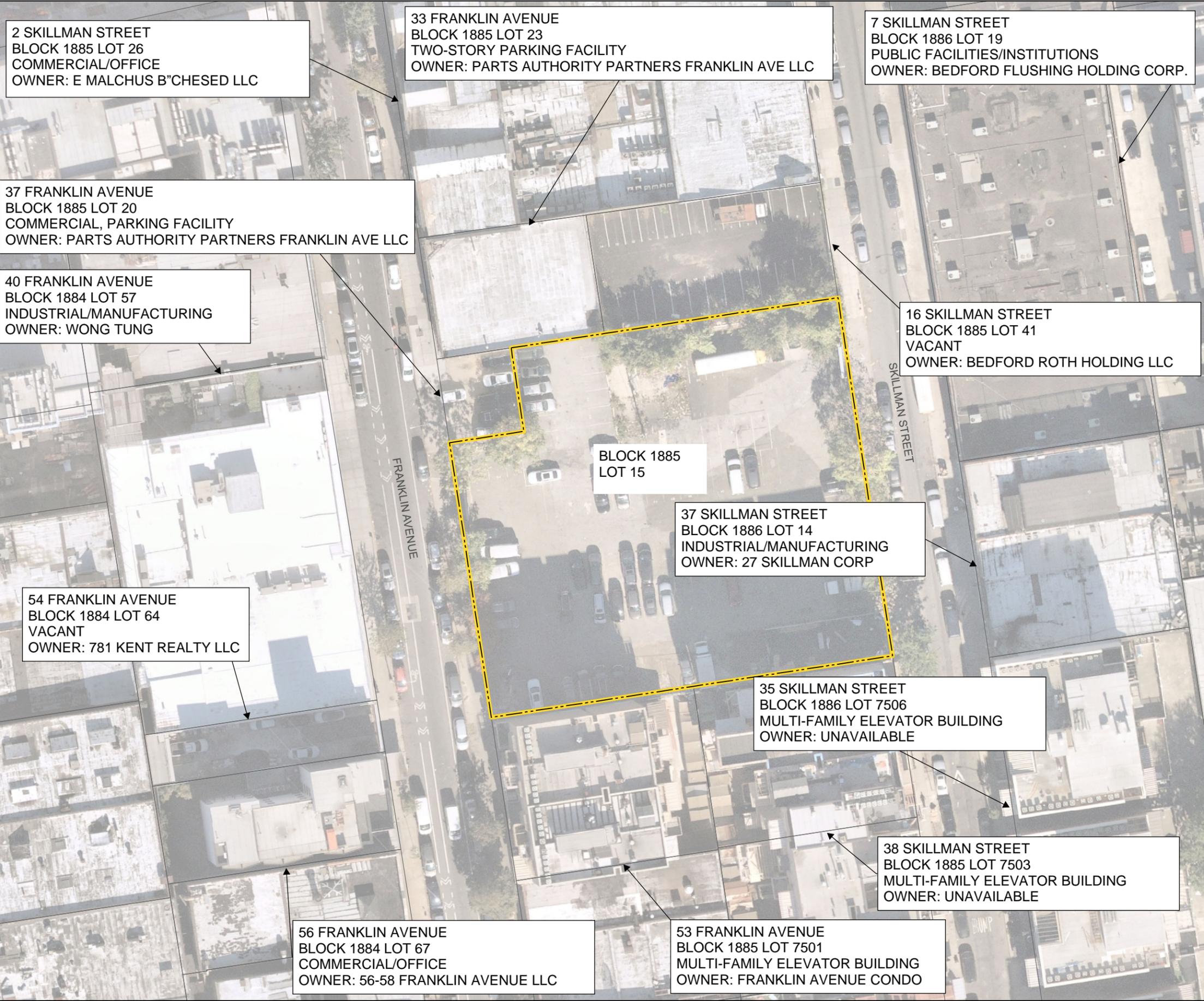
CAUTION: External Email

Hi Elizabeth,

This email is to confirm Brooklyn Community Board 3 will be a temporary public repository for 43 Franklin Avenue.

Thank You
Henry L. Butler
District Manager
Brooklyn Community Board #3

GIS FILE PATH: \\haleyaldrich.com\haleyaldrich\GIS\Projects\2020\894\GIS\Map\2021_11\2020894_000_0002_SITE_PLAN.mxd — USER: hwaicholz — LAST SAVED: 11/14/2021 11:26:41 AM



2 SKILLMAN STREET
BLOCK 1885 LOT 26
COMMERCIAL/OFFICE
OWNER: E MALCHUS B"CHESED LLC

33 FRANKLIN AVENUE
BLOCK 1885 LOT 23
TWO-STORY PARKING FACILITY
OWNER: PARTS AUTHORITY PARTNERS FRANKLIN AVE LLC

7 SKILLMAN STREET
BLOCK 1886 LOT 19
PUBLIC FACILITIES/INSTITUTIONS
OWNER: BEDFORD FLUSHING HOLDING CORP.

37 FRANKLIN AVENUE
BLOCK 1885 LOT 20
COMMERCIAL, PARKING FACILITY
OWNER: PARTS AUTHORITY PARTNERS FRANKLIN AVE LLC

40 FRANKLIN AVENUE
BLOCK 1884 LOT 57
INDUSTRIAL/MANUFACTURING
OWNER: WONG TUNG

16 SKILLMAN STREET
BLOCK 1885 LOT 41
VACANT
OWNER: BEDFORD ROTH HOLDING LLC

BLOCK 1885
LOT 15

37 SKILLMAN STREET
BLOCK 1886 LOT 14
INDUSTRIAL/MANUFACTURING
OWNER: 27 SKILLMAN CORP

54 FRANKLIN AVENUE
BLOCK 1884 LOT 64
VACANT
OWNER: 781 KENT REALTY LLC

35 SKILLMAN STREET
BLOCK 1886 LOT 7506
MULTI-FAMILY ELEVATOR BUILDING
OWNER: UNAVAILABLE

56 FRANKLIN AVENUE
BLOCK 1884 LOT 67
COMMERCIAL/OFFICE
OWNER: 56-58 FRANKLIN AVENUE LLC

53 FRANKLIN AVENUE
BLOCK 1885 LOT 7501
MULTI-FAMILY ELEVATOR BUILDING
OWNER: FRANKLIN AVENUE CONDO

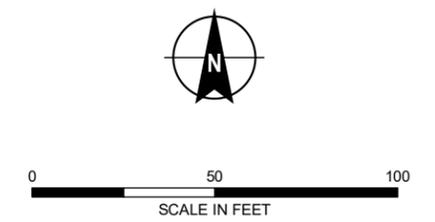
38 SKILLMAN STREET
BLOCK 1885 LOT 7503
MULTI-FAMILY ELEVATOR BUILDING
OWNER: UNAVAILABLE

LEGEND

 SITE BOUNDARY

 PARCEL BOUNDARY

- NOTES**
1. ALL LOCATIONS ARE APPROXIMATE.
 2. ASSESSOR PARCEL DATA SOURCE: NYC DEPARTMENT OF CITY PLANNING
 3. AERIAL IMAGERY SOURCE: NEARMAP, 19 OCTOBER 2021



HALEY ALDRICH FORMER GUTTA PERCHA AND RUBBER MANUFACTURING SITE
43 FRANKLIN AVENUE
BLOCK 1885, LOT 15
BROOKLYN, NEW YORK

ADJOINING SITE MAP

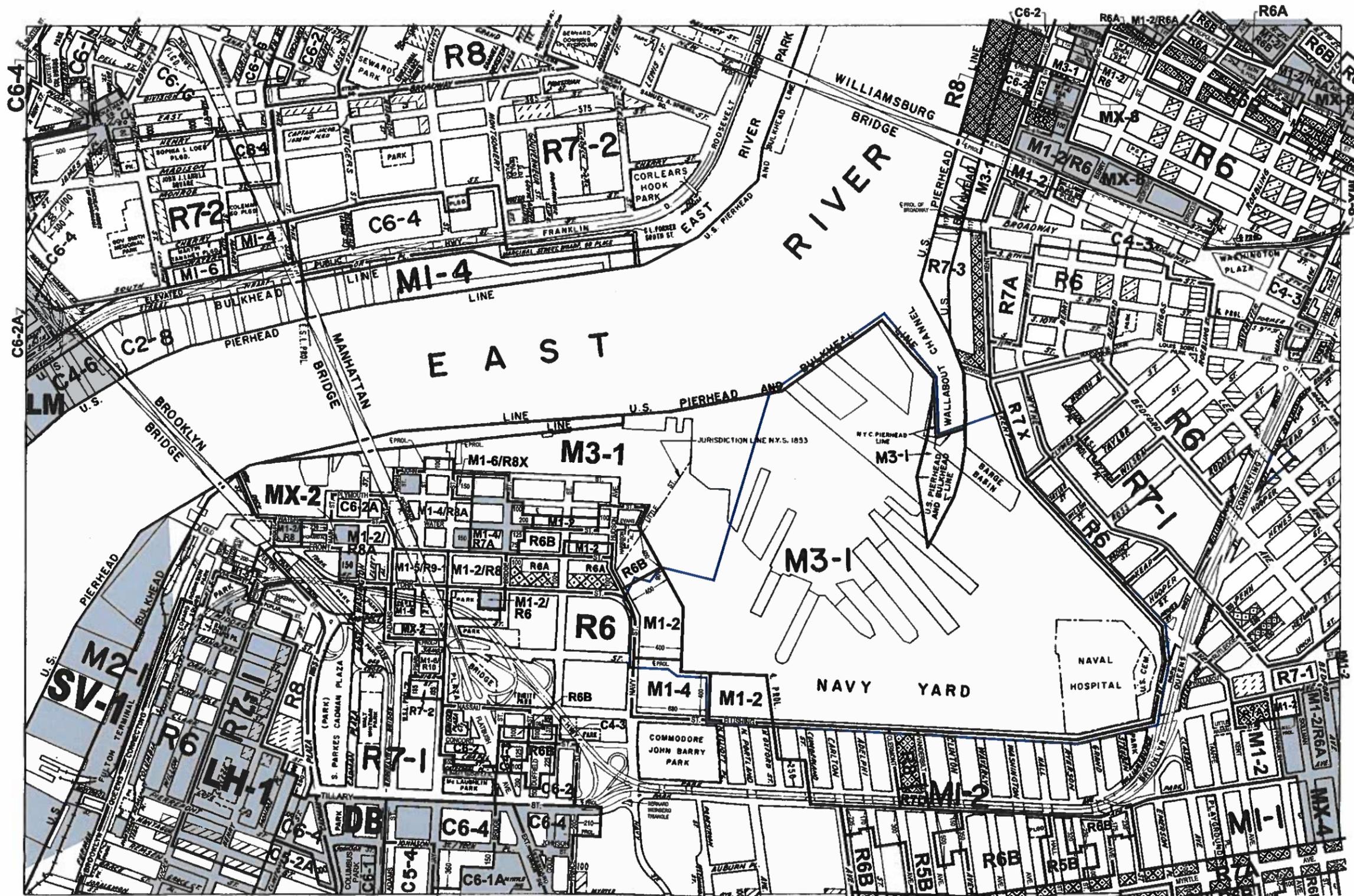
DECEMBER 2021

ATTACHMENT H

Section X: LAND USE FACTORS



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:

10-07-2021 C 200306 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.

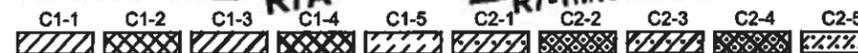
MAP KEY

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

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ZONING MAP 12d

600 0 600 1200 1800 FEET



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

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.

ATTACHMENT I

**Supplemental Questions Sections:
Sites Seeking Tangible Property Credits in NYC**

SECTION X: LAND USE FACTORS

Existing Zoning

According to the New York City Planning Commission Zoning Map 12d, the Site is located within a manufacturing and residential (M1-2/R6A), Special Use District MX-4 zoning area with Mandatory Inclusionary Housing (MIH). M-1 zoning districts are identified as light industrial uses and are commonly utilized as buffers between M2 or M3 districts and adjacent residential or commercial districts. M-2 zoning districts occupy the middle ground between light and heavy industrial areas. R6A zoning districts are widely mapped in built-up medium-density areas in Brooklyn, Queens, and the Bronx. The character of R6 districts can range from neighborhoods with a diverse mix of building types and heights to large-scale “tower in the park” developments. Lastly, the Special Mixed Use District (MX) zoning is in place to encourage and enhance the vitality of, existing neighborhoods with mixed residential and industrial uses in close proximity. New residential and non-residential uses (commercial, community facility and light industrial) can be located side-by-side or within the same building. MX zoning districts are widely mapped within Brooklyn, Queens, and the Bronx.

As a result of the CEQR process, Block 1885, Lot 15 was assigned an environmental E-Designation (E-395) for hazardous materials, and air quality (HVAC limited to natural gas and exhaust stack location limitations) effective 05 May 2017 (CEQR # 16DCP121K). Satisfaction of the E-Designation requirements is subject to review and approval by the NYCOER prior to redevelopment.

Current Use

The roughly 35,250-square-foot (0.809 acres) Site is an undeveloped, vacant lot. The former parking lot operations at the Site ceased in October 2021.

Intended Use Post-Remediation

Although the future development plans are in preliminary design phases, the proposed development will consist of constructing a new mixed-use (residential and commercial), mixed-income building that will provide approximately 50 new affordable residential rental units. The building will be accessible via Franklin Avenue and Skillman Street. The new development is anticipated to include one cellar level requiring remedial excavations extending up to approximately 12 feet below ground surface (ft bgs).

The architectural set is still in the design phase and will be released when available.

Consistency with Applicable Zoning Laws/Maps

According to the New York City Planning Commission Zoning Map 12d, the Site is located within a manufacturing and residential zoning district (M1-2 and R6A). The proposed development of this property is consistent with the current zoning. The applicable zoning map is included as an attachment.

Comprehensive Plans

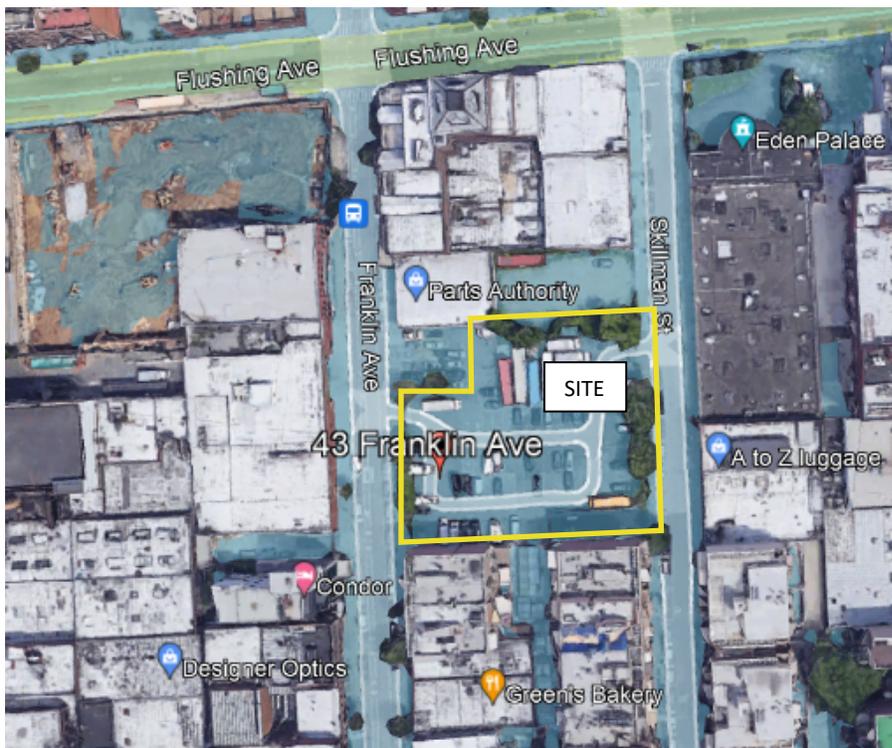
The proposed use is consistent with local and area plans. The current zoning is M1-2/R6A, Special Mixed-Use District – MX-4 with MIH with the intended use post development as a mixed-use (residential and commercial), mixed-income building that will provide approximately 50 new affordable residential rental units. The project area is currently located towards the western edge of Brooklyn and is located in an Environmental “En-Zone” identified as Census Tract 1237. The Site is located within a mixed-use area characterized by low-rise commercial, industrial, and residential buildings.

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

Affordable Housing Project Determination

Although the future development plans are in preliminary design phases, the proposed development will consist of constructing a new mixed-use (residential and commercial), mixed-income building that will provide approximately 50 new affordable residential rental units pursuant to 421-a. The development is planned as Affordable Housing, and a copy of the regulatory agreement will be provided to the NYSDEC prior to issuance of the Certificate of Completion (COC).

EnZone Determination



Census Tract 1237

Census Tract 1237	
EnZoneType B	
FIPS	36047123700
County_FIP	36047
Geography	Census Tract 1237
County	Kings County
UnempRate	4.7
NYS_UR	11.5
Pov_Rate	56.7
CountyPR	23.2
CountyRate	46.4
Criteria_B	Y
Both_AB	
Criteria_A	
Type	AY