



SUBMITTAL INSTRUCTIONS:

1. Compile the application package in the following manner:
 - a. one file in non-fillable PDF of the application form plus supplemental information, excluding the previous environmental reports and work plans, if applicable;
 - b. one individual file (PDF) of each previous environmental report; and,
 - c. one file (PDF) of each work plan being submitted with the application, if applicable.
2. Compress all files (PDFs) into one zipped/compressed folder.
3. Submit the application to the Site Control Section either via email or ground mail, as described below.

Please select only ONE submittal method – do NOT submit both email and ground mail.

a. VIA EMAIL:

- Upload the compressed folder to the NYSDEC File Transfer Service.
(<http://fts.dec.state.ny.us/fts>) or another file-sharing service.
- Copy the download link into the body of an email with any other pertinent information or cover letter attached to the email.
- Subject line of the email: “*BCP Application NEW - *Proposed Site Name**”
- Email your submission to DESiteControl@dec.ny.gov – do NOT copy Site Control staff.

b. VIA GROUND MAIL:

- Save the application file(s) and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
- Mail the external storage device to the following address:
Chief, Site Control Section
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

PROPOSED SITE NAME: 749 Van Sinderen Avenue, Brooklyn, NY

Is this an application to amend an existing BCA with a major modification? Please refer to the application instructions for further guidance related to BCA amendments.

If yes, provide existing site number: _____

☐

Yes

☒

No

Is this a revised submission of an incomplete application?

If yes, provide existing site number: C224405

☒

Yes

☐

No



BCP App Rev 15 – May 2023

SECTION I: Property Information

PROPOSED SITE NAME 749 Van Sinderen Avenue, Brooklyn, NY

ADDRESS/LOCATION 723-753 Van Sinderen Avenue

CITY/TOWN Brooklyn

ZIP CODE 11207

MUNICIPALITY (LIST ALL IF MORE THAN ONE) Brooklyn

COUNTY Kings County

SITE SIZE (ACRES) 0.52

LATITUDE

LONGITUDE

40° 39' 29.2386" 73° 53' 55.5354"

Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, 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 acreage column.

ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section	Block	Lot	Acreage
749 Van Sinderen Avenue	N/A	3865	9	0.52

1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description.	<input checked="" type="radio"/> Y	<input type="radio"/> N
2. Is the required property map included with the application? (Application will not be processed without a map)	<input checked="" type="radio"/> Y	<input type="radio"/> N
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) If yes, identify census tract: _____ Percentage of property in En-zone (check one): 0% <input checked="" type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input type="radio"/>	<input type="radio"/> Y	<input checked="" type="radio"/> N
4. Is the project located within a disadvantaged community? See application instructions for additional information.	<input checked="" type="radio"/> Y	<input type="radio"/> N
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	<input type="radio"/> Y	<input checked="" type="radio"/> N
6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications: _____	<input type="radio"/> Y	<input checked="" type="radio"/> N

SECTION I: Property Information (CONTINUED)		Y	N
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?		<input type="radio"/>	<input checked="" type="radio"/>
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.		<input type="radio"/>	<input checked="" type="radio"/>
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.		<input type="radio"/>	<input checked="" type="radio"/>
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____		<input type="radio"/>	<input checked="" type="radio"/>
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____		<input type="radio"/>	<input checked="" type="radio"/>
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information. <div style="display: flex; justify-content: space-between;"> <div><u>Easement/Right-of-Way Holder</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <div style="display: flex; justify-content: space-between;"> <div><u>Type</u></div> <div><u>Issuing Agency</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?		<input checked="" type="radio"/>	<input type="radio"/>
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.			
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.		<input checked="" type="radio"/>	<input type="radio"/>
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?		<input type="radio"/>	<input checked="" type="radio"/>
17. If you have answered YES to Question 16 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?		<input type="radio"/>	<input type="radio"/>
NOTE: If a tangible property tax credit determination is not being requested at the time of application, 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 I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions. Initials of each Requestor: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> </div>			

SECTION II: Project Description

1. The project will be starting at: ☒ Investigation ☐ Remediation

NOTE: If the project is proposed to start at the remediation stage, at a minimum, a Remedial Investigation Report (RIR) must be included, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Action Work Plan (RAWP) are also included (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, does it meet the requirements in ECL Article 27-1415(2)?

☐ Yes ☐ No ☒ N/A

3. Have any draft work plans been submitted with the application (select all that apply)?

☒ RIWP ☐ RAWP ☐ IRM ☐ No

4. Please provide a short description of the overall project development, including the date that the remedial program is to begin, and the date by which a Certificate of Completion is expected to be issued.

Is this information attached? ☒ Yes ☐ No

SECTION III: Land Use Factors

1. What is the property's current municipal zoning designation? C4-4L

2. What uses are allowed by the property's current zoning (select all that apply)?

Residential ☒ Commercial ☒ Industrial ☒

3. Current use (select all that apply):

Residential ☐ Commercial ☒ Industrial ☐ Recreational ☐ Vacant ☐

4. Please provide 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 by which the site became vacant.
Is this summary included with the application?

Y ☒ N ☐

5. Reasonably anticipated post-remediation use (check all that apply):

Residential ☒ Commercial ☐ Industrial ☐

If residential, does it qualify as single-family housing?

N/A ☐ ☒

6. Please provide a statement detailing the specific proposed post-remediation use.
Is this summary attached?

☒ ☐

7. Is the proposed post-remediation use a renewable energy facility?
See application instructions for additional information.

☐ ☒

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

☒ ☐

9. Is the proposed use consistent with applicable zoning laws/maps?
Please provide a brief explanation. Include additional documentation if necessary.

☒ ☐

10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans?
Please provide a brief explanation. Include additional documentation if necessary.

☒ ☐

SECTION IV: Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that contamination of environmental media exists on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the site property and that the site requires remediation. To the extent that existing information/studies/reports are available to the requestor, please attach the following:

- 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 ANY supporting documents.**
- 2. SAMPLING DATA: INDICATE (BY SELECTING THE OPTIONS BELOW) KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED AS AN ATTACHMENT, WITH LABORATORY REPORTS REFERENCED AND INCLUDED.**

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Chlorinated Solvents	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other VOCs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SVOCs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Metals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pesticides	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCBs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PFAS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1,4-dioxane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other – indicated below	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Please describe other known contaminants and the media affected:

- For each impacted medium above, include a site drawing indicating:
 - Sample location
 - Date of sampling event
 - Key contaminants and concentration detected
 - For soil, highlight exceedances of reasonably anticipated use
 - For groundwater, highlight exceedances of 6 NYCRR part 703.5
 - For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation

These drawings are to be representative of all data being relied upon to determine if the site requires remediation under the BCP. Drawings should be no larger than 11"x17" and should only be provided electronically. These drawings should be prepared in accordance with any guidance provided.

Are the required drawings included with this application? ☒ YES ☐ NO

- 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: Metal Working, Woodworking, Auto Repair

SECTION V: Requestor Information

NAME SPEQ88 LLC

ADDRESS 1207 Broadway, Suite 907

CITY/TOWN New York

STATE NY

ZIP CODE 10001

PHONE 516-658-1700

EMAIL teg@spatialequity.com

	Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?	<input checked="" type="radio"/>	<input type="radio"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS 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 with this application to document that the requestor is authorized to conduct business in NYS. Is this attached?	<input checked="" type="radio"/>	<input type="radio"/>
3. If the requestor is an LLC, a list of the names of the members/owners is required on a separate attachment. Is this attached? N/A <input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must 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. Do all individuals that will be certifying documents meet these requirements? Documents that are not properly certified will not be approved under the BCP.	<input checked="" type="radio"/>	<input type="radio"/>

SECTION VI: Requestor Eligibility

If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input checked="" type="radio"/>
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	<input type="radio"/>	<input checked="" type="radio"/>
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="radio"/>	<input checked="" type="radio"/>
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 or regulation of the State or Federal government?	<input type="radio"/>	<input checked="" type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.	<input type="radio"/>	<input checked="" type="radio"/>
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?	<input type="radio"/>	<input checked="" type="radio"/>

SECTION VI: Requestor Eligibility (CONTINUED)

7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing, treating, disposing or transporting or contaminants; or (ii) that involved 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?	<input type="radio"/> Y	<input checked="" type="radio"/> N
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 a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>
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?	<input type="radio"/>	<input checked="" type="radio"/>
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?	<input type="radio"/>	<input checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input checked="" type="radio"/>
12. 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 <input type="checkbox"/> <p>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.</p>	VOLUNTEER <input checked="" type="checkbox"/> <p>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.</p> <p>NOTE: By selecting this option, 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; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste.</p> <p>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.</p>	
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?		
Yes <input checked="" type="radio"/> No <input type="radio"/> N/A <input type="radio"/>		

SECTION VI: Requestor Eligibility (CONTINUED)

14. Requestor relationship to the property (check one; if multiple applicants, check all that apply):

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

If the requestor is not the current owner, **proof of site access sufficient to complete remediation must be provided**. 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 environmental easement on the site.

Is this proof attached?



Yes



No



N/A

Note: A purchase contract or lease agreement does not suffice as proof of site access.**SECTION VII: Requestor Contact Information**

REQUESTOR'S REPRESENTATIVE Teghvir Sethi

ADDRESS 120 Thames Street, Unit #201

CITY Brooklyn

STATE NY

ZIP CODE 11237

PHONE 516-658-1700

EMAIL teg@spatialequity.com

REQUESTOR'S CONSULTANT (CONTACT NAME) Erik Draijer

COMPANY PVE Engineering

ADDRESS 25 West 29th Street, 12th Floor

CITY New York

STATE NY

ZIP CODE 10018

PHONE 973-975-7135

EMAIL edraijer@pve-llc.com

REQUESTOR'S ATTORNEY (CONTACT NAME) Linda Shaw

COMPANY Knauf Shaw LLP

ADDRESS 2600 Innovation Square

CITY Rochester

STATE NY

ZIP CODE 14604

PHONE 585-546-8430

EMAIL lshaw@nyenvlaw.com

SECTION VIII: Program Fee

Upon submission of an executed Brownfield Cleanup Agreement to the Department, the requestor is required to pay a non-refundable program fee of \$50,000. Requestors may apply for a fee waiver based on demonstration of financial hardship.

	Y	N
1. Is the requestor applying for a fee waiver based on demonstration of financial hardship?	<input checked="" type="radio"/>	<input type="radio"/>
2. If yes, appropriate documentation to demonstrate financial hardship must be provided with the application. See application instructions for additional information.		
Is the appropriate documentation included with this application? N/A	<input checked="" type="radio"/>	<input type="radio"/>

SECTION IX: Current Property Owner and Operator Information

CURRENT OWNERCalmer Than You Are LLC		
CONTACT NAMEJacob Sacks		
ADDRESS217 Havemeyer Street, 4th Floor		
CITYBrooklyn	STATENY	ZIP CODE11211
PHONE469-420-0905	EMAILjsacks@cayugacapital.com	
OWNERSHIP START DATEJanuary 5, 2015		
CURRENT OPERATORSeveral operator tenants, see supplemental information		
CONTACT NAME		
ADDRESS		
CITY	STATE	ZIP CODE
PHONE	EMAIL	
OPERATION START DATE		

SECTION X: Property Eligibility Information

	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information as an attachment.	<input type="radio"/>	<input checked="" type="radio"/>
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>

SECTION X: Property Eligibility Information (continued)

	Y	N
<p>3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit Type: _____ EPA ID Number: _____ Date Permit Issued: _____ Permit Expiration Date: _____</p>	<input type="radio"/>	<input checked="" type="radio"/>
<p>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? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents. <div style="text-align: right;">N/A</div></p>	<input checked="" type="radio"/>	<input type="radio"/>
<p>5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: _____</p>	<input type="radio"/>	<input checked="" type="radio"/>
<p>6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information as an attachment.</p>	<input type="radio"/>	<input checked="" type="radio"/>

SECTION XI: Site Contact List

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 mailing addresses of the following:

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and adjacent properties.
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- 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 XII: Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [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 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 Manager (title) of SPEQ88 LLC (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [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 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: 12/8/2023

Signature:  _____

Print Name: Teghviri Sethi

PLEASE REFER TO THE APPLICATION COVER PAGE AND BCP APPLICATION INSTRUCTIONS FOR DETAILS OF PAPERLESS DIGITAL SUBMISSION REQUIREMENTS.

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.

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Please respond to the questions below and provide additional information and/or documentation as required. <i>Please refer to the application instructions.</i>	Y	N
1. Is the property located in Bronx, Kings, New York, Queens or Richmond County?	<input checked="" type="radio"/>	<input type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input checked="" type="radio"/>	<input type="radio"/>
3. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)?	<input type="radio"/>	<input checked="" type="radio"/>
4. Is the property upside down or underutilized as defined below?		
Upside down	<input type="radio"/>	<input checked="" type="radio"/>
Underutilized	<input type="radio"/>	<input checked="" type="radio"/>

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.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

5. 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*
- *Selecting this option 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’ household’s 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 homeowners 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.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

6. Is the site a planned renewable energy facility site as defined below?

☐ Yes – planned renewable energy facility site with documentation

☐ Pending – planned renewable energy facility awaiting documentation

*Selecting this option will result in a “pending” status. The appropriate documentation 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.

☒ No – not a planned renewable energy facility site

If yes, please provide any documentation available to demonstrate that the property is planned to be developed as a renewable energy facility site.

From ECL 27-1405(33) as of April 9, 2022:

“Renewable energy facility site” shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.

From Public Service Law Article 4 Section 66-p as of April 23, 2021:

(b) “renewable energy systems” means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and plans to meet the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?

☐ Yes - *Selecting this option will result in a “pending” status, as a BOA conformance determination has not yet been made. Proof of conformance 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.

☒ No

From ECL 75-0111 as of April 9, 2022:

(5) “Disadvantaged communities” means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BROWNFIELD CLEANUP PROGRAM (BCP) INSTRUCTIONS FOR COMPLETING AND SUBMITTING A BCP APPLICATION

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

For further information regarding the determination of a complete application, please refer to the guidance following these instructions, as well as the [NYSDEC BCP website](#).

SUBMITTAL INSTRUCTIONS

- Compile the application package in the following manner:
 - one file in non-fillable portable document format (PDF) of the application form plus supplemental information, excluding the previous environmental reports and work plans, if applicable;
 - one individual file (PDF) of each previous environmental report; and,
 - one file (PDF) of each work plan being submitted with the application, if applicable.
- Compress all files (PDFs) into one zipped/compressed folder
- Submit the application to the Site Control Section either via email or ground mail, as described below.

Please select only ONE submittal method - do NOT submit both via email and via ground mail.

VIA EMAIL:

- Upload the compressed folder to the NYSDEC File Transfer Service (<https://fts.dec.state.ny.us/fts/>) or another file-sharing service.
- Copy the download link into the body of an email with any other pertinent information or cover letter attached to the email.
- Subject line of the email: *"BCP Application NEW - *Proposed Site Name*"*
- Email your submission to DESiteControl@dec.ny.gov - do NOT copy Site Control staff.

VIA GROUND MAIL:

- Save the application file and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
- Mail the external storage device to the following address:

Chief, Site Control Section
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

SECTION I: Property Information	
PLEASE NOTE	If any changes to SECTION I are required prior to application approval, a new page 2, initialed by each requestor, must be submitted with the revisions.
Proposed Site Name	Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e., ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.
Site Address	Provide a street address, city/town, zip code, and each municipality and county in which the site is located.
Site Size	Provide the approximate acreage of the site.
GIS Information	Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.
Tax Parcel Information	Provide the tax parcel address/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5-minute quad map on which the property appears and clearly indicate the proposed site's location.
Tax Map Boundaries	State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/ reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.
Site Map	Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: (i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and (ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.
En-zone	If any part of the site is located within an En-zone, please provide a map showing the location of the site with the En-zone overlay. For information on En-zones, please see DEC's website . Note that new En-zone boundaries are effective January 1, 2023.
Disadvantaged Communities	If the site is located within a Disadvantaged Community, please provide a map showing the location of the site with the Disadvantaged Community overlay. For additional information on disadvantaged communities, please refer to the Climate Leadership and Community Protection Act website .

SECTION I: Property Information (continued)

Brownfield Opportunity Area (BOA)	If the site is located within a NYS Department of State designated Brownfield Opportunity Area, please provide a map showing the location of the site with the BOA overlay. For more information on designated BOAs, please refer to the NYS DOS website . Additional information on BOA conformance determinations can be found at the Office of Planning and Development website . A BOA conformance determination cannot be made until a Decision Document has been issued for the site.
Multiple Applications	Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where (1) the development project spans more than 25 acres; (2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and (3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).
Previous BCP Applications	If all or part of the proposed site has been the subject of a previous BCP application (whether accepted, denied or withdrawn), please provide the assigned DEC site number from the previous application as well as any relevant information regarding why the property is not currently in the program.
Registry Listing and P-site Status	If all or part of the proposed site is now or ever was listed on the Registry of Inactive Hazardous Waste Disposal Sites or is currently the subject of investigation as a Potential Site, please provide the assigned DEC site number.

SECTION I: Property Information (continued)

Property Description Narrative

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

Location:

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

Site Features:

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

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

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

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

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

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

Site Geology and Hydrogeology:

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

SECTION I: Property Information (continued)

Environmental Assessment	<p>The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semi-volatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths. The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SCGs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site.</p> <p>A typical Environmental Assessment would look like the following:</p> <p>Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE).</p> <p><i>Soil</i> - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the site. Concentrations of cadmium found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).</p> <p><i>Groundwater</i> - TCE and its associated degradation products are also found in groundwater at the north end of the site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the site has migrated 300 feet down-gradient off-site. The primary contaminant of concern for the off-site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.</p> <p><i>Soil Vapor & Indoor Air</i> - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.</p>
Questions 15-17: New York City Sites	<p>These questions pertain ONLY to sites located within the five counties comprising New York City. If the requestor is seeking a determination that the site is eligible for tangible property tax credits, this section and the <i>Supplemental Questions for Sites Seeking Tangible Property Credits in New York City</i> must be completed.</p>

SECTION II: Project Description

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

SECTION III: Land Use Factors

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

This information consists of responses to the "land use" factors to be considered relative to the "Land Use" section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a "brownfield site" pursuant to ECL 27-1405(2).

This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

Zoning and Current Use	Provide the current municipal zoning designation and uses permitted by that designation. Provide a summary of the current use of the site, including identifying possible contaminant source areas. If the site is no longer in use, provide the date by which operations ceased.
Anticipated Use	Identify the anticipated post-remediation use of the site and provide a detailed description of the specific anticipated post-remediation use as an attachment.
Renewable Energy Facility Site	Indicate if the post-remediation use of the site is proposed to be a renewable energy facility. A "renewable energy facility site" shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system. Section 66-p of the Public Service Law: "Renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity. Provide any detailed plans or documentation to support this. Appropriate documentation must be provided as follows: for planned renewable energy facilities generating/storing less than twenty-five (25) megawatts, a local land use approval must be provided. For planned renewable energy facilities generating/storing twenty-five (25) megawatts or greater, a permit issued by the Office of Renewable Energy Siting must be provided.
Compliance with Zoning Laws, Recent Development, and Community Master Plans	Provide an explanation to support the responses to each of these items. Attach additional documentation if applicable.

SECTION IV: Property's Environmental History

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

SECTION V: Requestor Information

Requestor Name	<p>Provide the name of the person(s)/entity requesting participation in the BCP (if more than one, attach additional sheets with requested information). The requestor is the person or entity seeking DEC review and approval of the remedial program.</p> <p>If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database. A print-out of entity information from the database must be submitted to DEC with the application, to document that the requestor is authorized to do business in NYS.</p>
Address, etc.	Provide the requestor's mailing address, telephone number and e-mail.
LLC Information	If the requestor(s) is/are an LLC, the names of the members/owners must be provided on a separate attachment.
Document Certification	<p>All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of DER-10. Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:</p> <ul style="list-style-type: none">• New York State licensed professional engineers (P.E.s), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a P.E. with current license and registration for work that was done by them or those under their direct supervision. The firm by which the P.E. is employed must also be authorized to practice engineering in New York State;• qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;• remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or• site owners, which are the owners of the property comprising the site at the time of the certification.

SECTION VI: Requestor Eligibility

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

Volunteer Statement	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.
Proof of Site Access	If a requestor is not the current owner of the entirety of the site, a site access agreement must be provided that demonstrates that the requestor will have access to the property before signing the BCA and throughout the BCP project. Additionally, the access agreement must include language allowing the requestor the ability to place an environmental easement on the site should the requestor not be the owner at the time remediation is complete and a Track 1 cleanup has not been achieved.

SECTION VII: Requestor Contact Information

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

SECTION VIII: Program Fee

If the requestor is applying for a fee waiver, sufficient documentation must be provided to demonstrate financial hardship. To demonstrate financial hardship, the applicant must show that with the payment of the program fee, remediation of the brownfield site would not be economically viable. This documentation may be in the form of federal tax returns with applicable schedules, financial statements and balance sheets, proof that the applicant has waived its right to tax credits, or any other documentation deemed acceptable by the Department.

If the requestor is applying for a fee waiver based on the requestor's status as a not-for-profit entity, please provide documentation of non-profit designation.

SECTION IX: Current Property Owner and Operator Information

Owner Information	Provide requested information of the current owner of the property. List <u>all</u> parties holding an interest in the property and, if the requestor is not the current owner, describe the requestor's relationship to the current owner. If the property consists of multiple parcels, be sure to include the ownership start date of each.
Operator Information	Provide requested information of the current operator(s). If multiple operators, attach the requested information for each operator, including the date each operator began utilizing the property.
Historical Owners and Operators	Provide a list of previous owners and a list of previous operators, including dates of ownership or operation and last-known addresses and phone numbers. Describe the requestor's relationship to each previous owner and operator; if no relationship, indicate "none". When describing the requestor's relationship to current and historical owners and operators, include any relationship between the requestor's corporate members and the previous owners and operators.

SECTION X: Property Eligibility Information

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

CERCLA / NPL Listing	Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.
Registry Listing	Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) website for a database of sites with classifications.
RCRA Listing	Does the property have a Resource Conservation and Recovery Act (RCRA) TSD Permit in accordance with the ECL 27-0900 et seq? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.
Registry/RCRA Sites Owned by Volunteers	If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27- 1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

SECTION X: Property Eligibility Information (CONTINUED)

Existing Order	Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.
Pending Enforcement Actions	Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information as an attachment.

SECTION XI: Site Contact List

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project. For sites located in a city with a population of one million or more, the appropriate community board must be included as an additional document repository, and acknowledgement of their agreement to act as such must also be provided.

SECTION XII: Statement of Certification and Signatures

The requestor must sign the application or designate a representative who is authorized to sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each requestor must sign a signature page. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the entity's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database.

DATA SUMMARY TABLE INSTRUCTIONS

Data summary tables should include the following columns:

Soil Table:

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

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

Analytes ^h	Total Detections	Max. Detection (ug/m3) ^c	Type ⁱ
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^a Include all contaminants over the applicable soil cleanup objectives (SCOs). Column header should specify which SCOs are being compared to. (i.e., "RRSCOs" for Restricted Residential SCOs)

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

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

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

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

^f Number of detections over AWQS.

^g List the respective AWQS.

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

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

Example Data Summary Tables

Soil Table:

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

Groundwater Table:

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

Soil Gas Table:

Analytes	Total Detections	Max. Detection (µg/m³)	Type
Carbon tetrachloride	1	0.84	Soil vapor
Methylene chloride	1	2.6 J	Soil vapor
Tetrachloroethene	2	47	Soil vapor
Trichloroethene	1	1.2	Soil vapor
Trichlorofluoromethane	1	21	Soil vapor

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DETERMINATION OF A COMPLETE APPLICATION

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

DETERMINATION OF A COMPLETE APPLICATION (CONTINUED)

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

NYSDEC BROWNFIELD CLEANUP PROGRAM APPLICATION – SUPPLEMENTAL INFORMATION

**749 VAN SINDEREN AVENUE
723-753 VAN SINDEREN AVENUE
BROOKLYN
KINGS COUNTY, NEW YORK
BCP SITE # TBD**

PREPARED FOR:

SPEQ88, LLC
c/o Spatial Equity
120 Thames Street, # 201
Brooklyn, New York 11237

PREPARED BY:



PVE Engineering
25 West 39th Street, 12th Floor
New York, New York 10018
Phone: 646-602-4999 – Fax: 845-454-2655

December, 2023
PVE File #20230097

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SEPARATE ATTACHMENTS

Attachment IV-1A	Phase I Environmental Site Assessment, by PVE Engineering, dated March 30, 2023
Attachment IV-1B	Remedial Investigation Report, by PVE Engineering, dated July 2023
Attachment IV-2	Supplemental Remedial Investigation Work Plan, by PVE Engineering, dated December 2023



SECTION I – PROPERTY INFORMATION

I.1 – Tax Maps, New York City Assessor’s Office



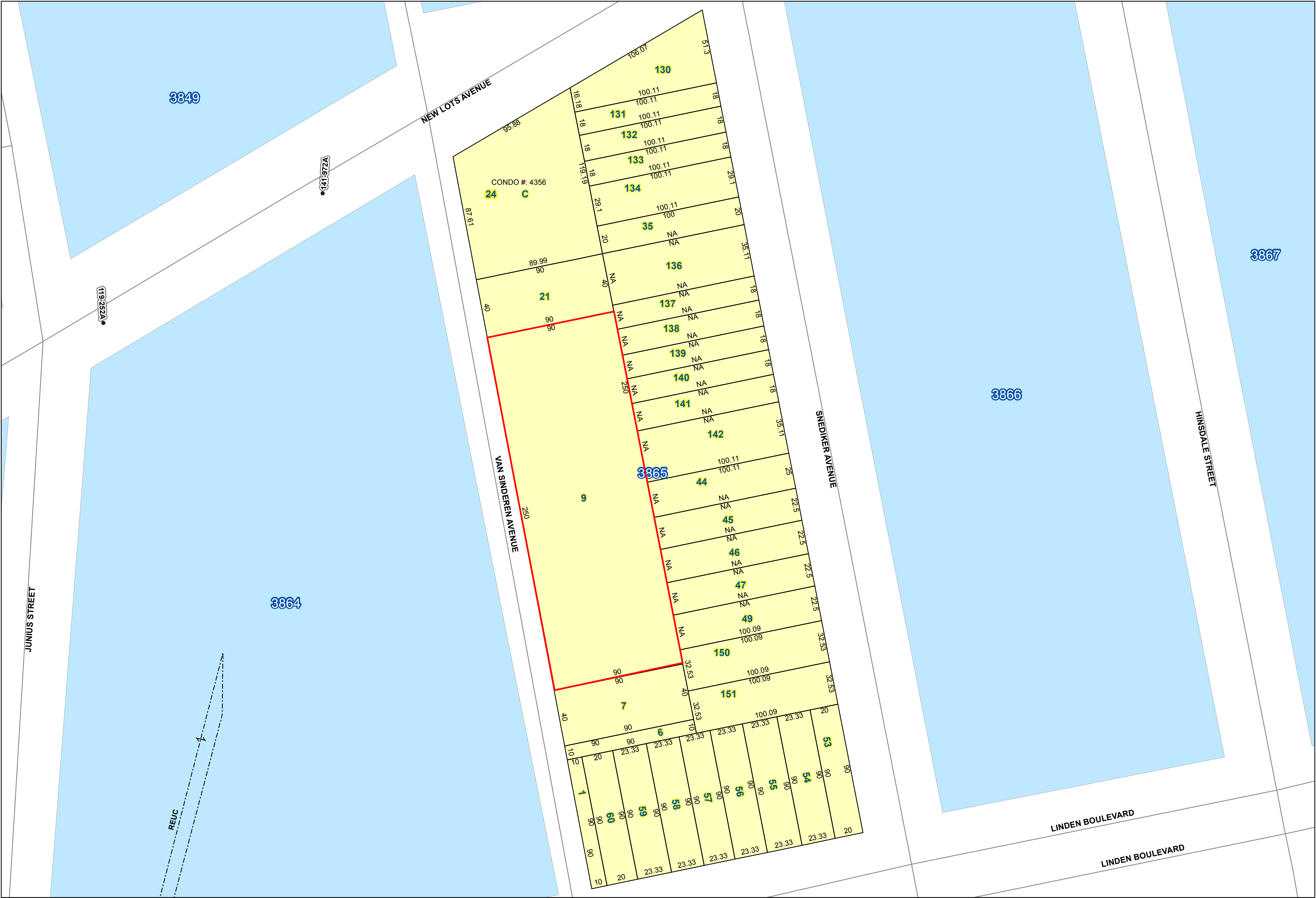
NYC Digital Tax Map

Effective Date : 02-25-2020 10:41:42
End Date : Current
Brooklyn Block: 3865



Legend

- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon

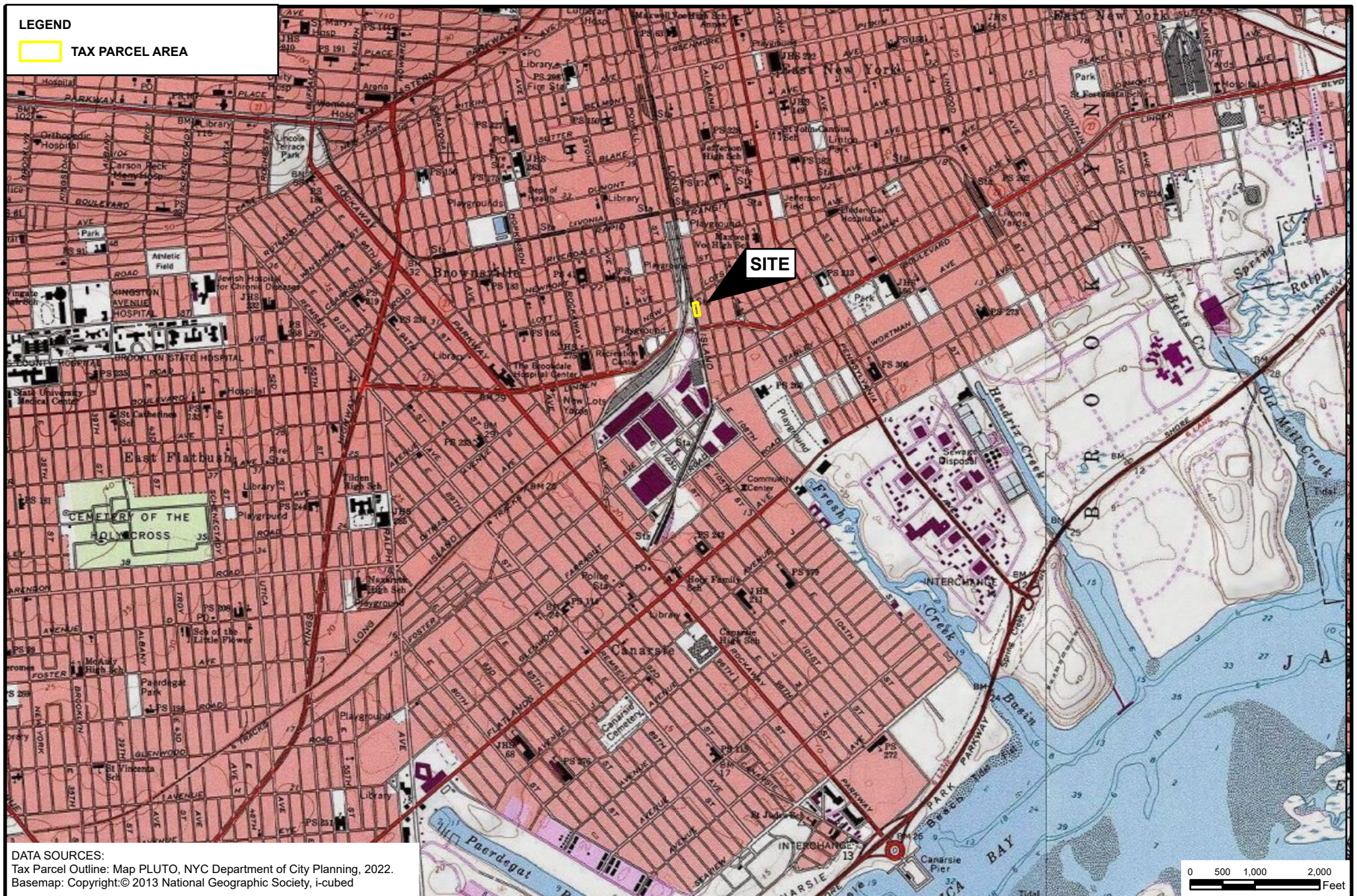




I.2-A – Property Map (USGS 7.5 Quadrangle)

LEGEND

 TAX PARCEL AREA



DATA SOURCES:
Tax Parcel Outline: Map PLUTO, NYC Department of City Planning, 2022.
Basemap: Copyright:© 2013 National Geographic Society, i-cubed

PVE

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12th Floor
New York, NY 10018
Phone: (646) 602-4999
Fax: (212) 682-1991

PROPERTY MAP (USGS 7.5 QUADRANGLE)

749 VAN SINDEREN AVENUE
BROOKLYN, NEW YORK

PROJECT NO.
20230097



FIGURE I.2-A

DATE: 10/30/2023

SCALE: AS INDICATED

PROJECTION: STATE PLANE NAD83 NY LONG IS

ALL LOCATIONS APPROXIMATE



I.2-B – Property Map (Aerial)

LEGEND

 PROPOSED BCP BOUNDARY



DATA SOURCES:

Tax Parcel Outline: Map PLUTO, NYC Department of City Planning, 2022
 Basemap: Esri Community Maps Contributors, NYC OpenData, New Jersey Office of GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, New York State, Maxar, New York State, Maxar, Microsoft, Copyright:© 2013 National Geographic Society, i-cubed



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 12th Floor
 New York, NY 10018
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**PROPERTY MAP (AERIAL) /
 PROPOSED BCP BOUNDARY**

749 VAN SINDEREN AVENUE
 BROOKLYN, NEW YORK

PROJECT NO.
 20230097



FIGURE I.2-B

DATE: 10/31/2023

SCALE: AS INDICATED

PROJECTION: STATE PLANE NAD83 NY LONG IS

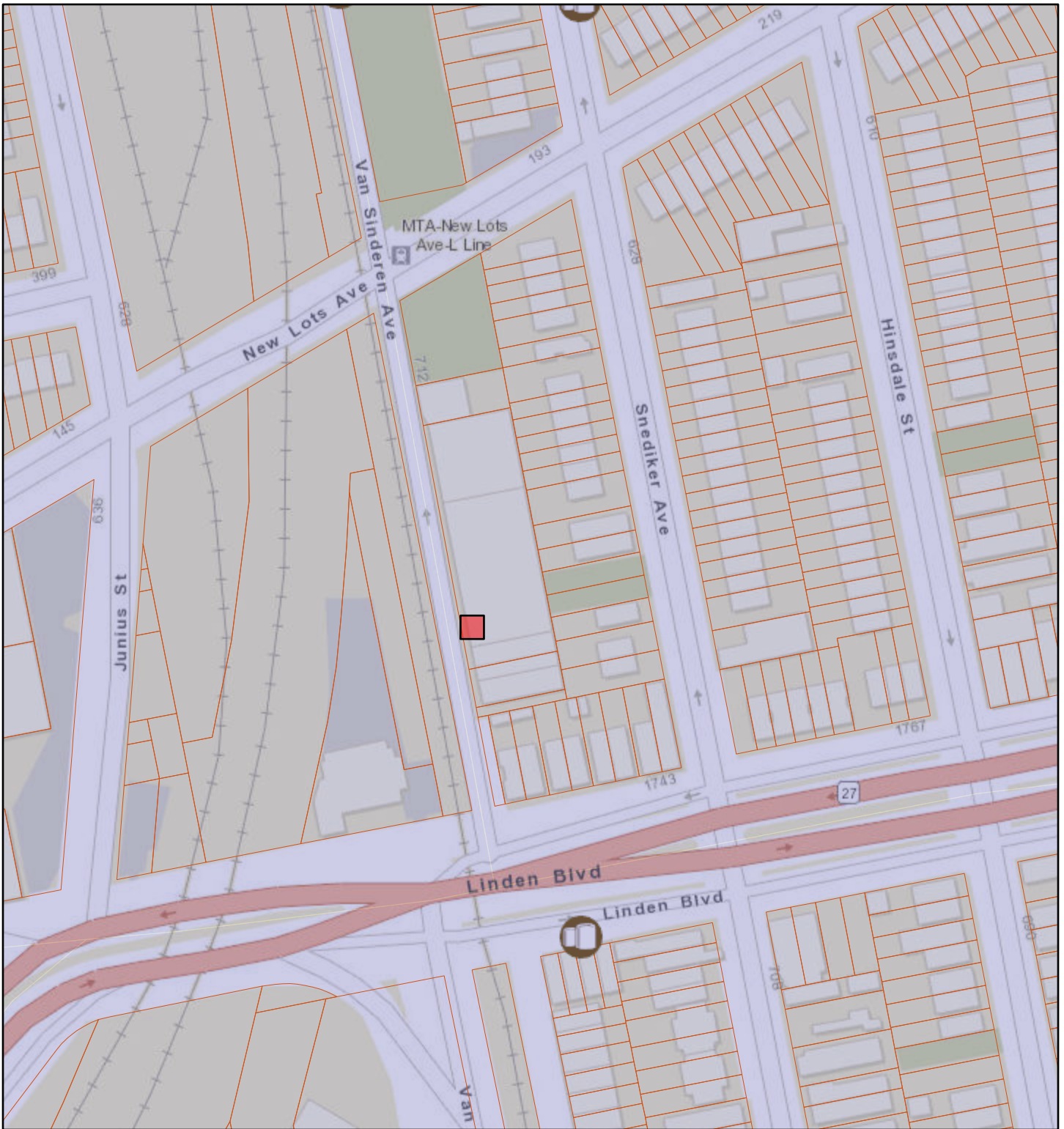
ALL LOCATIONS APPROXIMATE



I.4 – Disadvantaged Community

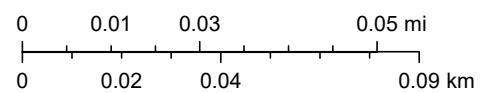
Yes, the site is located in a disadvantage community (DAC), identified with census tract 36047113200.

DECInfo Locator Map



November 2, 2023

1:2,257






City of New York, State of New Jersey, Esri, HERE, Garmin, INCREMENT P, NGA, USGS





Author: PVE
Not a legal document

DECinfo Locator Legend (Active Layers)

Permits and Registrations

-  Hazardous Waste Treatment, Storage & Disposal Facilities
-  Petroleum Bulk Storage Facilities
-  Chemical Bulk Storage Facilities

Environmental Cleanup

-  Environmental Easements
-  Remediation Parcels
-  Active Sites
-  No-Action Sites
-  Closed Sites


Public Involvement

-  Disadvantaged Communities (DAC)




Environmentally Sensitive Areas

-  Critical Environmental Areas

Legal Information

-  Orders on Consent

Reference Layers

-  DEC Regional Offices
-  County Boundaries
-  Tax Parcels



I.14 – Property Description and Environmental Assessment

Location

The Site is comprised of one (1) property located in the New Lots section of Brooklyn, New York and is identified as Block 3865 and Lot 9 on the NYC Tax Map. The Site is located in a commercial and industrial area, bordered to the north by 719 Van Sinderen Avenue (single-story auto repair and machine shop), to the east by 650-680 Snediker Avenue (eleven single and double-family residential buildings), to the south by 753 Van Sinderen Avenue (single-story commercial building), and bounded to the west by Van Sinderen Avenue followed by New Lots Avenue MTA L-Train station.

Site Features

The Site is currently improved with three (3) one-story buildings with six (6) individual commercial units and varying facades occupied by six (6) auto repair auto body shop tenants. The overall structure consists of a total 20,200 square feet of commercial buildings.

Current Zoning and Land Use

According to the New York City Zoning & Land Use Map¹ (ZoLa), the Project Site is located in Zone C4-4L (commercial). Based on historic zoning maps obtained from the ZoLa map (Attachment 2), which included the years 1961-1994, the Project Site was previously zoned as M1-1 (manufacturing). A detailed analysis of land use, zoning, and public policy was submitted as an Environmental Assessment Statement (EAS) to the Department of City Planning as of July 9, 2021. The proposed action included a zoning map amendment to rezone Block 3865, Lot 6, 7, 9, and 21 from an M1-1 district to a C4-4L district, in addition to a Zoning Resolution as a Mandatory Inclusionary Housing (MIH) area.

Past Uses of the Site

The Site was historically developed for manufacturing operations, which included one-story warehouse buildings for manufacturing of wood products, metal working, enamel usage, and a lumber yard from at least 1928 until at least 1987. A 1908 Sanborn map depicts the subject property as unimproved, which is the earliest record available. By 1989, the property was utilized as an auto body works facility with six (6) individual body shops.

Site Geology and Hydrogeology

According to the Mineral Resources Online Spatial Data: Geologic maps (usgs.gov), bedrock underlying the Site consists of the Raritan Formation. This formation is Upper Cretaceous in age and composed of an upper clayey, silt (Woodbridge Clay Member) and a lower sand (Farrington Sand

¹ <https://zola.planning.nyc.gov/>



Member). The direction of groundwater flow is inferred to be to the south/southeast, based on local topography and proximity to surface water to the east of the Site.

Additional details generated during the subsurface investigation is presented below.

Soil borings completed during our Remedial Investigation encountered groundwater between 15.29 feet and 17.20 feet below top of slab. Elevation of the property ranges between 16 and 21 feet above mean sea level (amsl). Stratigraphy of the site below ground surface generally consists of historic fill material from depths of 0.0 feet to 5.0 feet below ground surface. Fill consisted of brown medium to fine grained sands with some silt and comingled brick and coal ash. The fill is underlain by fine to medium sand with some silt to a depth of 20.0 feet below ground surface. Refusal was not encountered during drilling activities, and the depth to bedrock is not known.

The direction of groundwater flow in unconsolidated sediments is inferred to be to the south/southeast, based on local topography and proximity to surface water to the south/southeast of the Site.

Environmental Assessment

Based upon investigations conducted to date, the primary contaminants of concern for the Site include volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals and pesticides. In groundwater, petroleum, other VOCs, SVOCs, and metals. In soil vapor, petroleum and chlorinated VOCs. Below is a summary of analytical results from soil (Table 1), groundwater (Table 2), and soil vapor (Table 3) with contaminants at concentrations exceeding applicable rules, regulations and standards, criteria, and guidance (ARARs and SCGs).

Soil:

- No contaminants of concern were detected in soil samples at concentrations exceeding their respective Commercial Soil Cleanup Objectives (CSCOs) as defined in 6 NYCRR Part 375 (See Section IV).

Groundwater:

- VOCs (1,2,4- Trimethylbenzene, 1,3,5-Trimethylbenzene (Mesitylene), Acetone, Ethylbenzene, Isopropylbenzene (Cumene), Naphthalene, N-Butylbenzene, N-Propylbenzene), SVOCs (Benzo(A)Anthracene, Chrysene, Naphthalene), and Metals (Iron, Lead, Manganese, Sodium), and Emerging Contaminants (Perfluorooctanesulfonic acid (PFOS), Perfluorooctanoic acid (PFOA)) were detected in six (6) of the six (6) groundwater samples exceeding Class GA Groundwater Standards in accordance with 6 NYCRR Part 700-705. These samples were collected from two(2) temporary monitoring wells (TMW-1, TMW-2) and four (4) permanent monitoring well (MW-3, MW-4, MW-5, MW-6) located throughout the Site (See Section IV).

Soil Vapor:



- VOCs (Tetrachloroethylene (PCE)) were detected in soil vapor samples at concentrations warranting mitigation in accordance with NYSDOH Guidance (October 2006). PCE was detected at concentrations ranging from 17 to 5,300 $\mu\text{g}/\text{m}^3$.



SECTION II – PROJECT DESCRIPTION

II – Summary of Overall Project Development.

Summarized below is the intended schedule for the remedial program and anticipated date to receive the Certificate of Completion. If plans change to involve demolition and reconstruction, that would be conducted during remedial construction, likely with a different schedule for each parcel, and the overall project schedule would be extended by approximately 6-months to a year.

The Requestor is currently in contract to purchase the property, and tenants within the auto body facilities are expected to be fully vacated by Spring of 2024. The Requestor anticipates demolition of existing buildings and construction of the affordable housing development to begin by Spring of 2025.



TASK	DATE COMPLETED
-------------	-----------------------

APPLICATION and CITIZEN PARTICIPATION PLAN (CPP)

BCP Application	December 2023
Application Accepted – Released for Public Comment	December 2023
30-Day Public Comment Period Ends	January 2024
Brownfield Cleanup Agreement (BCA) Fully Executed	April 2024
CPP Submitted	May 2024

REMEDIAL INVESTIGATION

Draft Remedial Investigation Work Plan (RIWP) Submitted	December 2023
RIWP - Released for Public Comment	December 2023
RIWP – Approval	April 2024
RI Field Activities	April - May 2024
Draft RI Report Submittal	June 2024
Final RI Report Submittal	June 2024

REMEDIAL ACTION WORK PLAN (RAWP)

Proposed RAWP with Alternative Analysis Submitted	July 2024
45-Day Comment Period Ends	August 2024
Final RAWP Submitted	September 2024
RAWP Implemented During Construction	September 2024 – May 2025

PROJECT COMPLETION

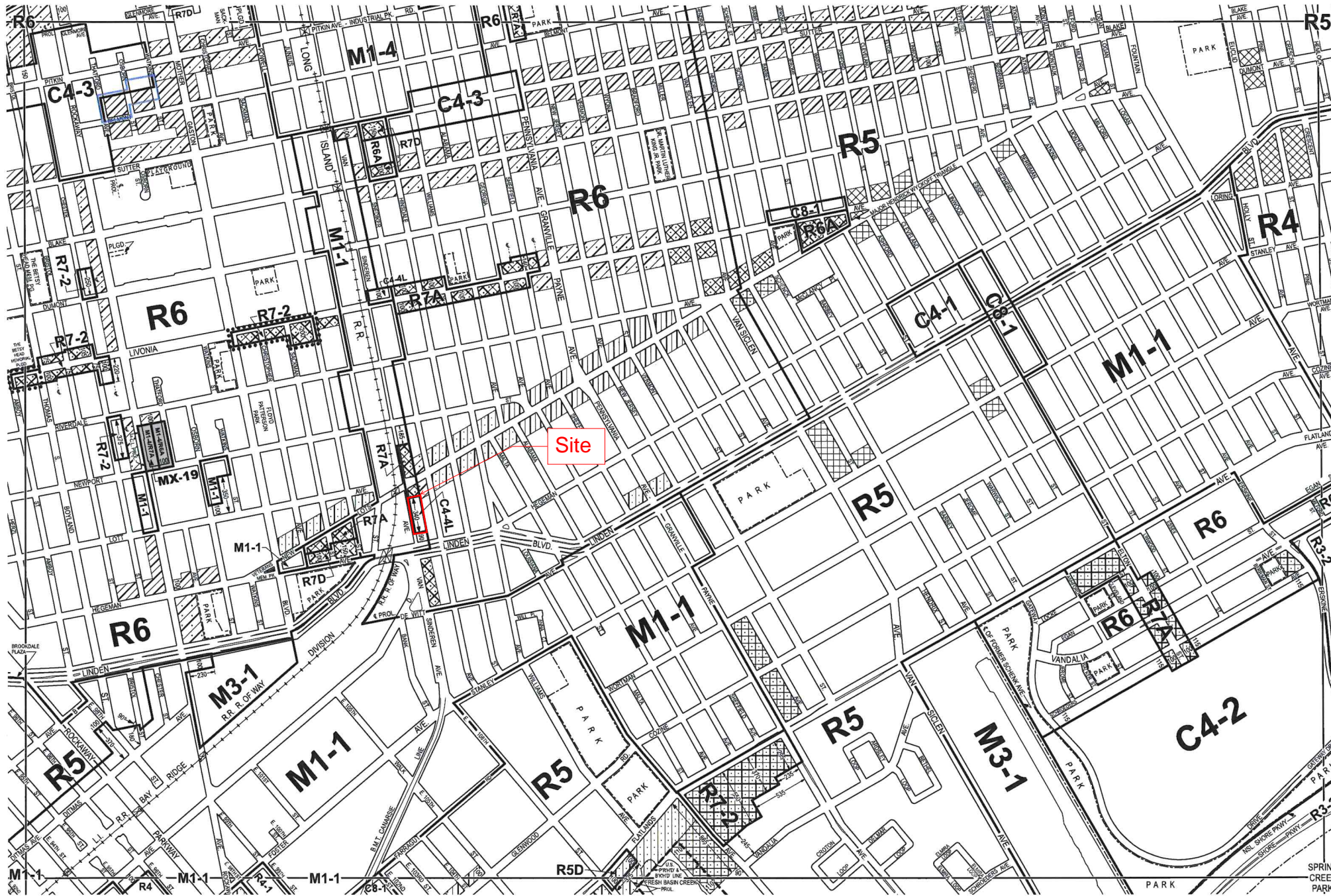
Submit Environmental Easement Package	December 2025
Submit Draft Site Management Plan	December 2025
Construction Completed	May 2026
Submit Final Engineering Report	December 2026
Certificate of Completion	February 2027



SECTION III – LAND USE FACTORS

III.1 – Current Zoning - New York City Zoning Map

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



600 0 600 1200 1800 FEET

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

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.

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:

12-07-2022 C 220429 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

17a	17c	18a
17b	17d	18b
23a	23c	24a

© Copyrighted by the City of New York

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

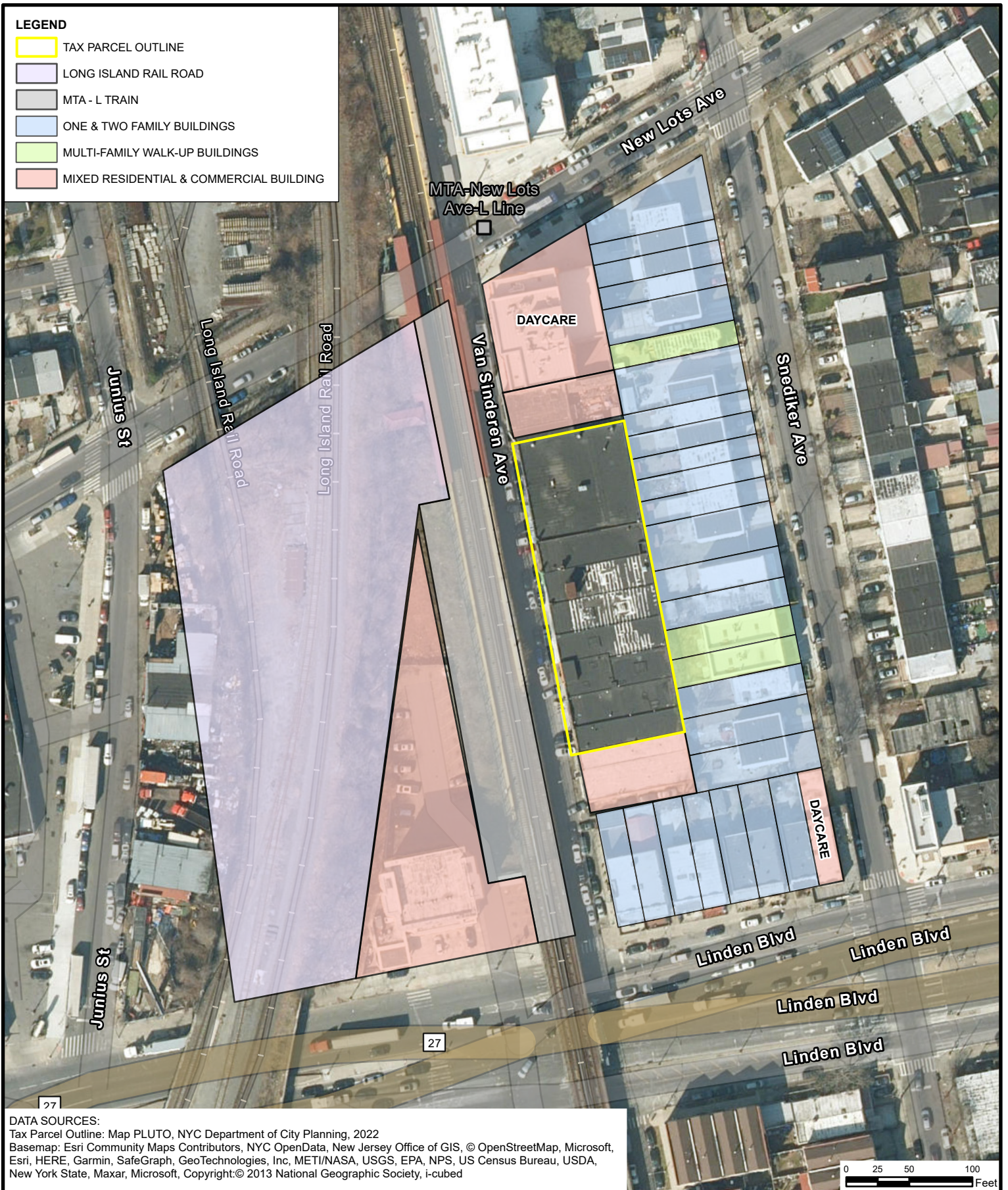
ZONING
MAP **17d**



III.1 – Nearby Zoning (Figure 3)

LEGEND

- TAX PARCEL OUTLINE
- LONG ISLAND RAIL ROAD
- MTA - L TRAIN
- ONE & TWO FAMILY BUILDINGS
- MULTI-FAMILY WALK-UP BUILDINGS
- MIXED RESIDENTIAL & COMMERCIAL BUILDING



DATA SOURCES:

Tax Parcel Outline: Map PLUTO, NYC Department of City Planning, 2022
 Basemap: Esri Community Maps Contributors, NYC OpenData, New Jersey Office of GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, New York State, Maxar, Microsoft, Copyright:© 2013 National Geographic Society, i-cubed



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 Fax: (212) 682-1991

NEARBY ZONING MAP

749 VAN SINDEREN AVENUE
 BROOKLYN, NEW YORK

PROJECT NO.
 20230097



FIGURE 3

DATE: 10/30/2023

SCALE: AS INDICATED

PROJECTION: STATE PLANE NAD83 NY LONG IS

ALL LOCATIONS APPROXIMATE



III.4 – Summary of current business operations or uses, with an emphasis on identifying possible contamination source areas. If operations have ceased, provide the date by which the Site became vacant.

The subject property consists of one lot (Block 3865 Lot 9) containing one (1) one-story structure considered as three (3) buildings with six (6) individual commercial tenant spaces and varying facades. Structures are constructed with a slab-on-grade foundation with no basements. The following tenants currently operate on site:

- 751 Van Sinderen Avenue: Quality Enterprise, auto repair (body work only);
- 749 Van Sinderen Avenue: auto repair, no access provided;
- 747 Van Sinderen Avenue: auto repair (body work only);
- 737 Van Sinderen Avenue: Reliance, auto repair (body work);
- 723 Van Sinderen Avenue: Car & Rim, auto repair (body work);
- 725 Van Sinderen Avenue: Auto Body & Repair, auto repair with body work and repairs.

Each unit is accessed via overhead bay door for automobile access. The site is bordered by the foundation wall of the overhead L train along Van Sinderen Avenue. Several floor drains were observed within each of the six units. 737 Van Sinderen Avenue contained one (1) Ameri-Cure Aquamax enclosed paint booth, one (1) underground hydraulic lift, and associated floor drains. Two (2) 55-gallon drums of unknown contents were observed in the sidewalk of Van Sinderen along the foundation wall of 737 Van Sinderen. An additional enclosed paint booth was observed with 725 Van Sinderen Avenue, along with 55-gallon drums, consumer-sized oil containers and degreasers, and a 550-gallon aboveground storage tank. The AST contains used oil, and is equipped with a basin for secondary containment. Two (2) 55-gallon drums are also manifolded to the steel AST. No evidence of a release was observed in the vicinity of these hazardous material storage features. No hydraulic fluids were observed in the vicinity of the underground lift. .

Several aboveground lifts were observed within the auto repair facilities, with hydraulic fluid contained in 5-gallon containers along the pistons. General housekeeping within these auto repairs varied, as sunken slab areas, clogged floor drains, oil stains, and paints were observed throughout the auto shops.

III.6 – Statement detailing the specific proposed post-remediation use.

Post-remediation use will include a six-story residential structure containing a partial cellar, with a setback along the south and east for landscaping and community areas. The proposed building will consist of affordable housing units. The current zoning designation is M1-1 with C4-4L overlay as established in the Zoning Resolution and CEQR published in 2021.

III.8 – Do current or recent development patterns support the proposed use?

Yes, recent development in the vicinity of the site includes new mixed-use commercial and residential structures to the north within 250 feet located at 180 New Lots Avenue and 679 Van Sinderen Avenue. Both projects began construction circa 2018 and were completed by 2021.



III.9 – Is the proposed use consistent with applicable zoning laws/maps?

Yes, the proposed use is consistent with the purpose and intent of New York City Commercial District zoning laws. The C4-4L Zoning District is a contextual sub district of C4 Zoning and C4-4 zoning in NYC that included an optional residential use. Commercial uses within this zoning district are usually department stores, retail, entertainment, offices, and other commercial uses.

The applicable residence district for buildings residing in C4-4L is R7A. The Quality Housing regulations, which are mandatory in R7A districts, provide directives for lot area/width/yardage/coverage, FAR, base height, building height, number of stories, DU factor, and required parking. The proposed remediation use follows such regulations for a building in this zoning map.

NEGATIVE DECLARATION**Statement of No Significant Effect**

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed actions. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed actions would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The applicant, ENY Community Residences LLC, is seeking approval for two discretionary actions (the "proposed actions") to facilitate the redevelopment of the applicant-owned project site at 749 Van Sinderen Avenue (Block 3865; Lot 9; Projected Development Site 1) in the East New York neighborhood of Brooklyn Community District (CD) 5. The proposed actions include a zoning map amendment to rezone Block 3865; Lots 6, 7, 9, 21, and portions of Lots 137, 138, 139, 140, 141, 142, 44, 45, 46, 46, 49, 150, and 151 (the "Proposed Rezoning Area") from an M1-1 district to a C4-4L district, and a zoning text amendment to Appendix F of the New York City Zoning Resolution (ZR) to map the Proposed Rezoning Area as a Mandatory Inclusionary Housing (MIH) area. The Proposed Rezoning Area is located on the block bounded by New Lots Avenue to the north, Snediker Avenue to east, Linden Boulevard to the south, and Van Sinderen Avenue to the west. Immediately west of the Proposed Rezoning Area is the elevated BMT Canarsie Line (L-Train) that connects Eighth Avenue in Chelsea to Canarsie Brooklyn. Approval of the proposed actions would facilitate new development on the applicant-owned Projected Development Site 1 (Block 3865; Lot 9). The three existing buildings would be demolished and replaced with a nine-story 111,201 gross square foot (gsf) mixed-use residential and commercial building containing 119 DUs, 25-30% of which would be affordable pursuant to MIH, and 11,015 gsf of ground floor retail space. Given the existing character of the surrounding area, the change in land use and zoning would not constitute a significant adverse impact.

Community Facilities

A detailed analysis of community facilities for childcare is included in the EAS. The proposed actions would not result in significant adverse impacts on community facilities. The proposed actions are not expected to generate more than 50 elementary and intermediate school students or 150 high school students, which are the CEQR Technical Manual thresholds for analysis, and therefore a detailed assessment of the potential impacts of the proposed actions on public schools is not warranted. The proposed actions would not result in the introduction of a sizeable new neighborhood and would therefore not result in a more than five percent increase in the ratio of residential units to libraries in Brooklyn. The 128 residential units facilitated by the proposed actions are expected to generate demand for 23 seats at publicly funded child care centers in the surrounding area. While existing publicly funded child care centers in the area would operate over capacity in the future with the proposed actions (with a utilization rate of 101.9 percent), the proposed actions would only increase the child care facility utilization rate by 1.1 percentage points. As the proposed actions would not result in a five percent or greater increase in the child care facility utilization rate, no significant adverse impacts to child care facilities would result, in accordance with the 2020 CEQR Technical Manual impact criteria.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-632) related to hazardous materials, air quality, and noise would be established as part of the approval of the proposed actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The hazardous materials, air quality, and noise analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to hazardous materials, air quality, or noise.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Katherine Glass at +1 212-720-3425.

TITLE
Deputy Director, Environmental Assessment and Review Division

LEAD AGENCY
Department of City Planning on behalf of the City Planning Commission

120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3328

NAME
Stephanie Shellooe, AICP

DATE
July 9, 2021

SIGNATURE



Project Name: 749 Van Sinderen Avenue Rezoning

CEQR # 21DCP147K

SEQRA Classification: Unlisted

TITLE

Chair, City Planning Commission

NAME

Marisa Lago

DATE

July 12, 2021

SIGNATURE

Marisa Lago

Project Name: 749 Van Sinderen Avenue Rezoning

CEQR # 21DCP147K

SEQRA Classification: Unlisted

Determination of Significance Appendix

The Proposed Action(s) were determined to have the potential to result in changes to development on the following site(s):

	Borough	Block and Lot
Projected Development Site 1	Bk	3865/9
Projected Development Site 2	Bk	3865/21
Projected Development Site 3	Bk	3865/ 6 and 7

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality, and noise an (E) designation (E-632) would be established as part of approval of the proposed actions on **Projected Development Sites 1, 2, and 3** as described below:

	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X	X	X
Projected Development Site 2	X	X	X
Projected Development Site 3	X	X	X

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Sites 1, 2, and 3** for hazardous materials would apply as follows:

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is

Project Name: 749 Van Sinderen Avenue Rezoning

CEQR # 21DCP147K

SEQRA Classification: Unlisted

made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

Air Quality

The (E) designation requirements for Air Quality would apply as follows:

Block 3865; Lot 9 (Projected Development Site 1): Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s), ensure that the stack is located at the building's highest level or at least 98 feet above grade, and that the stack is located at least 135 feet from the southern lot line facing Linden Boulevard and at least 100 feet from the northern lot line facing New Lots Avenue to avoid any potential significant adverse air quality impacts.

Block 3865; Lot 21 (Projected Development Site 2): Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s), ensure that the stack is located at the building's highest level or at least 98 feet above grade, and that the stack is located at least 28 feet from the southern lot line facing Linden Boulevard to avoid any potential significant adverse air quality impacts.

Block 3865; Lots 6 and 7 (Projected Development Site 3): Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s) and must be fitted with low NOx (30 ppm) burners, ensure that the stack is located at the building's highest level or at least 98 feet above grade, and that the stack is located at least 20 feet from the northern lot line facing New Lots Avenue to avoid any potential significant adverse air quality impacts.

Noise

The (E) designation requirements for Noise would apply as follows:

Block 3865; Lot 9 (Projected Development Site 1): In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on facades facing Van Sinderen Avenue and the facades facing New Lots Avenue within 50 feet of Van Sinderen Avenue and the facades facing Linden Boulevard within 50 feet of Van Sinderen Avenue to maintain an interior noise level not greater than 45 dBA for residential uses as illustrated in the EAS. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning

Project Name: 749 Van Sinderen Avenue Rezoning

CEQR # 21DCP147K

SEQRA Classification: Unlisted

Block 3865; Lot 21 (Projected Development Site 2): In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on facades facing Van Sinderen Avenue and the facades facing New Lots Avenue within 50 feet of Van Sinderen Avenue and the facades facing Linden Boulevard within 50 feet of Van Sinderen Avenue to maintain an interior noise level not greater than 45 dBA for residential uses as illustrated in the EAS. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

Block 3865; Lots 6 and 7 (Projected Development Site 3): In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on facades facing Van Sinderen Avenue and the facades facing New Lots Avenue within 50 feet of Van Sinderen Avenue and the facades facing Linden Boulevard within 50 feet of Van Sinderen Avenue to maintain an interior noise level not greater than 45 dBA for residential uses as illustrated in the EAS. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.



III.10 – Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plan?

Yes, the proposed use is consistent with the executive summary of community master plans.

The goals and objectives of these Plans involving residential buildings include developing new affordable housing, increasing access to safe housing, and improving the quality of income-restricted housing. The proposed use of the Site is consistent with the immediate surroundings, as a large portion of the immediate area is currently residential in nature. Redevelopment of the Site may include renovation, and reconstruction of existing facilities including exterior landscaping. Proposed construction and renovation will be reviewed by the local planning and zoning authorities and are subject to the normal review process of New York City. Therefore, any redevelopment activities will be consistent with the Brooklyn Development Plan and Vision Plan.



SECTION IV – PROPERTY’S ENVIRONMENTAL HISTORY

IV.1 – Relevant Reports

Relevant reports are summarized below, by address, in chronological order. These reports are attached as electronic copies to the submittal, only.

Phase I ESA, PVE Engineering, March 30, 2023

PVE completed a Phase I Environmental Site Assessment in accordance with ASTM E1527-21 for the property located at 749 Van Sinderen Avenue, dated March 2023 (See Attachment IV-1A).

PVE personnel inspected the Site on March 27, 2023 as a part of the Phase I ESA. The reconnaissance included a walk-through of all accessible exterior areas of the subject property. The Site consists of six (6) commercial tenant spaces, all operating as auto repair shops. At the time of the inspection, the property was operating six (6) separate body work shops, which included cosmetic repairs and limited engine repairs or oil replacement. One (1) 550-gallon waste oil AST, several 55-gallon drums storing unknown contents and used oil, petroleum product storage, new motor oil, waste oil, several consumer-sized containers, and oil staining below aboveground lifts were identified during the site inspection.

This Phase I ESA identified the following conditions and conclusions:

Recognized Environmental Conditions (RECs)

1. The subject property was identified with an E-Designation for Hazardous Materials, Air Quality, and Noise. A City Environmental Quality Review (CEQR) #21DCP147K was performed for the Environmental Assessment Statement (EAS) submitted in 2021 to NYC Department of City Planning (DCP), which resulted in the E-Designation to mitigate Hazmat, Air Quality, and Noise impacts for future development (E-632). A Phase I and Phase II ESA (hazardous materials) testing protocol is required to be completed and reviewed by the Office of Environmental Remediation (OER) prior to NYC DOB issuing a building permit.
2. As indicated in the Site Reconnaissance, Fire Insurance Maps, and City Directories section of the Phase I ESA, the past and current uses of the subject property include, and are not limited to, metal working, various manufacturing uses, woodworking, and auto repair/auto body shops. Current uses of the subject property include auto body repair facilities, petroleum product storage, paint booths, and hydraulic lifts. Chemicals used and/or wastes generated in facilities such as these have the potential to contaminate soil, groundwater, and ultimately soil vapor at the subject property, resulting in a possible vapor intrusion condition.
3. As indicated in Fire Insurance Maps and City Directories section of the Phase I ESA report, the past and current uses of adjoining and nearby properties include metal working, auto repair, dry-cleaning, and a junk yard, within 15 – 482 feet (topographically up-gradient) of the subject property. Chemicals used and/or wastes generated in facilities such as these have the potential



to contaminate soil, groundwater, and ultimately soil vapor at the subject property, resulting in a possible vapor intrusion condition.

PVE reviewed a Phase I ESA conducted on the subject property by Advanced Cleanup Technologies, Inc., and dated May 15, 2020. According to this report the following Recognized Environmental Conditions (RECs) were identified.

- 1) The historical industrial usage of the site, including metal works, manufacturing, and an enamel spray booth.
- 2) A Vapor Intrusion Study and Supplemental Vapor Intrusion Study, conducted on October 7 and 16, 2014, respectively, identified concentrations of chlorinated volatile organic compounds (CVOCs) which warranted mitigation in accordance with the New York State Department of Health (NYSDOH) Guidance.

As indicated in the Phase I ESA, Advanced Cleanup Technologies Inc., conducted a Vapor Intrusion Study on October 7, 2014 at the subject property. The study included the installation of four (4) sub-slab vapor sampling canisters. According to the report, two (2) of the sampling canisters failed, however, trichlorethylene (TCE) and tetrachlorethylene (PCE) were identified in one of the samples at concentrations exceeding NYSDOH guidelines.

Remedial Investigation Report, PVE Engineering, July 2023

Several Areas of Concern were identified for this site during the Site inspection on March 27, 2023 as a part of the Phase I ESA., including:

1. Present use of Site as an auto repair facility since at least 1989, as well as associated on-site hazardous material storage including ASTs, paint booths, hydraulic lifts, and 55-gallon drums.
2. Past use of Site as a metal works manufacturer to the south in 1950-1967, and iron works in 1928 to the south identified in Sanborn fire insurance maps.
3. The past and current uses of adjoining and nearby properties include metal working, auto repair, dry-cleaning, and a junk yard, within 15 –482 feet (topographically up-gradient) of the subject property.

On April 20th, 2023, six, (6) soil borings were completed for due diligence purposes (Phase II ESA). Borings were completed using a track mounted Geoprobe™ 7822DT and a Geoprobe™ 420M unit equipped with 5-foot long, 2-inch diameter core barrels (macro-cores) fitted with liners, and sampled continuously to a maximum depth of 25-feet below ground surface (bgs). Discrete (grab) samples were collected from the sampling intervals discussed below in each boring summary. In general, each boring consisted of historic fill, sand, and silt from the ground surface to the bottom of each boring.

On June 22th, 2023, five (5) supplemental soil borings were completed for the remedial investigation. Borings were completed using a track mounted Geoprobe™ 7822DT unit equipped with 5-foot long, 2.25-inch diameter core barrels (macro-cores) fitted with liners, and sampled continuously to a maximum depth of 25-feet below ground surface (bgs). Discrete (grab) samples were collected from the sampling intervals discussed below in each boring summary.

SOILS: A total of eleven (11) soil borings were installed to a maximum depth of 20-feet bgs. The stratigraphy of the site, below ground surface, generally consists of historic fill material from depths of 0.5 to 5.0 feet bgs. Fill consists of brown medium to fine grained sands and some silt comingled with brick and coal ash. The fill is underlain by fine to medium sand with some silt to a depth of at least 20.0 feet bgs. A total of 16 soil samples were collected for chemical analysis from the 11 soil borings, and analyzed for the following:

SB-1A, SB-1B, SB-2, SB-3, SB-4, and SB-5 samples were analyzed for:

- Part 375 List VOCs via USEPA Method 8260;
- Part 375 List via USEPA Method 8270;
- Part 375 List via USEPA Method 6010/7473; and

SB-7, SB-8, SB-9, SB-10, and SB-11 soil samples were analyzed for the following:

- Part 375 List via USEPA Method 8260;
- Part 375 List via USEPA Method 8270;
- Part 375 List via USEPA Method 6010/7473; and
- Part 375 List Polychlorinated Biphenyls (PCBs) via USEPA method 8082

One sample (SB-9 3-5 FT) was collected and analyzed for Emerging Contaminants via USEPA Method E537.

Results were compared to New York State Department of Environmental Conservation (NYSDEC) Part 375 Table 375-6.8 UUSCOs and RRSCOs. Results are summarized below.

VOCs: VOCs were detected at concentrations exceeding UUSCOs in six (6) of the sixteen (16) soil samples. No VOCs were detected exceeding RRSCOs.

- SB-1 (7-8')
 - Acetone (0.16 mg/kg)
- SB-1 (17-18')
 - 1,2,4-Trimethylbenzene (14 mg/kg)
 - Ethylbenzene (1.1 mg/kg)
 - Xylenes (4.5 mg/kg)
- SB-4 (14-15')
 - Acetone (0.063 mg/kg)
- SB-11 (15-17')
 - Acetone (0.052 mg/kg)
- SB-8 (8-10')
 - Acetone (0.065 mg/kg)
- SB-7 (15-17')
 - Acetone (0.088 mg/kg)



SVOCs: SVOCs were detected in two (2) of the sixteen (16) soil samples at concentrations exceeding UUSCOs. No SVOCs were detected exceeding RRSCOs.

- SB-1 (17-18')
 - Naphthalene (13.6 mg/kg)
- SB-8 (15-7')
 - Hexachlorobenzene (0.397 mg/kg)

Metals: Metals were detected in one (1) of the sixteen (16) soil samples at concentrations exceeding UUSCOs. No Metals were detected exceeding RRSCOs.

- SB-4 (14-15')
 - Copper (114 mg/kg)
 - Lead (280 mg/kg)

Pesticides: Pesticides were detected in one (1) of the eleven (11) soil samples at concentrations exceeding UUSCOs. No Pesticides were detected exceeding RRSCOs.

- SB-11 (15-17')
 - P,P'-DDE (0.00422 mg/kg)

PCBs: No PCBs were detected at concentrations exceeding UUSCOs.

Emerging Contaminants: No PFAS compounds were detected in the one (1) sample analyzed for emerging contaminants [SB-4 (20-21')].

GROUNDWATER: Six (6) soil borings (SB-1, SB-3, SB-7, SB-8, SB-9, and SB-10) were converted to monitoring wells (TMW-1, TMW-2, MW-3, MW-4, MW-5 and MW-6, respectively), completed as 1-inch temporary and permanent monitoring wells at depths of 25 feet below grade. A total of six (6) groundwater samples were collected for analysis. TMW-1 and TMW-2 were analyzed for the following:

- Part 375 List - VOCs via USEPA Method 8260;
- Part 375 List - SVOCs via USEPA Method 8270;
- Part 375 List - Metals via USEPA method 6010/7473; and

MW-3, MW-4, MW-5, and MW-6 were analyzed for the following:

- Part 375 List - VOCs via USEPA Method 8260;
- Part 375 List - SVOCs via USEPA Method 8270;
- Part 375 List - Pesticides via USEPA Method 8081;
- Part 375 List - Polychlorinated Biphenyls (PCBs) via USEPA method 8082;
- Part 375 List - Metals via USEPA method 6010/7473; and
- One sample (MW-5) Emerging Contaminants (PFAS) via USEPA method 537M.

VOCs: VOCs were detected in four (4) out of six (6) groundwater samples, TMW-1, TMW-2, MW-3, and MW-6 at concentrations exceeding 6NYCRR Part 703.5 Class GA Groundwater Quality Standards (GQS). Exceedances are described below.

- TMW-1
 - 1,2,4-Trimethylbenzene (168 ug/L)
 - 1,3,5-Trimethylbenzene (Mesitylene) (55.9 ug/L)
 - Ethylbenzene (59.6 ug/L)
 - Isopropylbenzene (Cumene) (7.99 ug/L)
 - Naphthalene (312 ug/L)
 - N-Butylbenzene (7.35 ug/L)
 - N-Propylbenzene (13.8 ug/L)
- TMW-2
 - Acetone (62.0 ug/L)
- MW-3
 - 1,2,4-Trimethylbenzene (22.5 ug/L)
 - 1,3,5-Trimethylbenzene (Mesitylene) (6.64 ug/L)
 - Naphthalene (36.3 ug/L)
 - N-Propylbenzene (6.61 ug/L)
- MW-6
 - 1,2,4-Trimethylbenzene (138 ug/L)
 - 1,3,5-Trimethylbenzene (Mesitylene) (54.6 ug/L)
 - Ethylbenzene (30.0 ul/L)
 - Isopropylbenzene (Cumene) (9.95 ul/L)
 - Naphthalene (280 ul/L)
 - N-Butylbenzene (9.83 ul/L)
 - N-Propylbenzene (17.0 ul/L)

SVOCs: SVOCs were detected in four (4) of the six (6) groundwater samples, TMW-1, TMW-2, MW-3, and MW-4 at concentrations exceeding Class GA GQS. Exceedances are described below.

- TMW-1
 - Naphthalene (199 ug/L)
- TMW-2
 - Chrysene (0.800 ug/L)
 - Indeno(1,2,3-C,D)Pyrene (0.050 ug/L)
- MW-3
 - Naphthalene (41.1 ul/L)
- MW-4
 - Naphthalene (292.1 ul/L)

Metals: Metals were detected in all of the groundwater samples, TMW-1, TMW-2, MW-3, MW-4, MW-5, and MW-6 at concentrations exceeding Class GA GQS. Exceedances are described below.

- TMW-1
 - Iron (41.2 mg/L)
 - Lead (0.0342 (mg/L)
 - Manganese (3.87 mg/L)
 - Sodium (93.3) mg/L)
- TMW-2
 - Iron (5.16 mg/L)



- Manganese (0.348 mg/L)
 - Sodium (93.7) mg/L)
- MW-3
 - Sodium (108 mg/L)
- MW-4
 - Iron (29.5 mg/L)
 - Manganese (4.02 mg/L)
 - Sodium (57.9 mg/L)
- MW-5
 - Iron (0.835 mg/L)
 - Manganese (1.02 mg/L)
 - Sodium (86.3 mg/L)
- MW-6
 - Manganese (6.73 mg/L)
 - Sodium (86.4 mg/L)

Several samples contained concentrations of analytes in which the Class GA threshold is below the method detection limit.

Pesticides: No pesticides were detected at concentrations exceeding Class GA GQS.

PCBs: No PCBs were detected at concentrations exceeding Class GA GQS.

PFAS: No PFAS were detected at concentrations exceeding Class GA GQS.

Several groundwater samples contained concentrations of analytes in which the Class GA threshold is below the method detection limit.

SOIL VAPOR: PVE installed eleven (11) temporary vapor probes for collection and analysis of soil vapor samples to evaluate the potential for a vapor intrusion condition. Two (2) probes were installed to a depth of 15.0 feet bgs (SV-1 and SV-2), two (2) probes were installed to a depth of 6.0 feet bgs (SV-3 and SV-4), three (3) probes were installed to a depth of 2.0 feet bgs (SV-6, SV-8, and SV-10), and four (4) probes were installed to a depth of 15.0 feet bgs (SV-5, SV-7, SV-9 and SV-11). Vapor/air samples were submitted to a laboratory for analysis of VOCs via EPA Method TO-15. Analytical results were compared to NYSDOH Vapor Intrusion Guidance (2006) Decision Matrices. Tetrachloroethylene (PCE) was detected at concentrations requiring mitigation when comparing soil vapor sample results in accordance with NYSDOH Guidance (2006), a maximum of 5300 µg/m³.

IV.2A – Sampling data

The nature and extent of contamination and environmental media requiring action are summarized below.

The contaminants of concern detected at this Site are:

- VOCs
 - Acetone
 - 1,2,4-Trimethylbenzene
 - 1,3,5-Trimethylbenzene (Mesitylene)
 - Ethylbenzene
 - Isopropylbenzene (Cumene)
 - Naphthalene
 - N-Butylbenzene
 - N-Propylbenzene
 - Xylenes
- CVOCs
 - PCE
 - TCE
- SVOCs
 - Chrysene
 - Indeno(1,2,3-C,D)Pyrene
 - Naphthalene
 - Hexachlorobenzene
- Metals
 - Lead
 - Copper
 - Iron
 - Manganese
 - Sodium

The contaminants of concern exceed the applicable Standards, Criteria and Guidance (SCGs) for:

- Soil
- Groundwater
- Soil Vapor

Not all Contaminants of Concern exceed SCGs in each of these media, but we consider them to be contaminants that demonstrate the Site has been impacted by past Site operations. Summary data tables for each Site media are presented below (Table 1-3). Figures depicting contamination for each media are included in the application (Figure 4-6). Analytical reports are appended to the electronic copy of the Remedial Investigation Report (Attachment IV-1B).

A Supplemental Remedial Investigation Work Plan has been included as Attachment IV-1C.



IV.2 – Impacted Site Media

SOIL TABLE 1:

749 Van Sinderen Avenue

Source: Remedial Investigation, Report, by PVE, dated July 2023

Analytes > UUSCOs	Detections > UUSCOs	Max. Detection (ppm)	UUSCOs (ppm)	Depth (ft bgs)
1,2,4-Trimethylbenzene	1	14	270	17-18
Acetone	5	0.16	0.05	7-8
Copper	1	114	50	14-15
Ethylbenzene	1	1.1	1	17-18
Hexachlorobenzene	1	0.397	0.33	15-17
Lead	1	280	63	14-15
Naphthalene	1	13.6	12	17-18
P,P'-DDE	1	0.00422	0.0033	15-17
Xylenes	1	4.5	0.26	17-18
Analytes > PGW SCOs	Detections > PGW SCOs	Max. Detection (ppm)	PGW SCOs (ppm)	Depth (ft bgs)
Analytes > PGW SCOs	Detections > PGW SCOs	Max. Detection (ppm)	PGW SCOs (ppm)	Depth (ft bgs)
N/A	N/A	N/A	N/A	N/A

GROUNDWATER TABLE 2:

749 Van Sinderen Avenue

Source: Remedial Investigation, Report, by PVE, dated July 2023

Analytes > AWQS	Detections > AWQS	Max. Detection (ppb)	AWQS (ppb)
1,2,4-Trimethylbenzene	3	168	5
1,3,5-Trimethylbenzene (Mesitylene)	3	55.9	5
Acetone	1	62	50
Ethylbenzene	2	59.6	5
Isopropylbenzene (Cumene)	2	9.95	5
Naphthalene	3	312	10
N-Butylbenzene	3	9.83	5
N-Propylbenzene	3	17	5
Benzo(A)Anthracene	1	0.08	0.002
Chrysene	1	0.08	0.002
Iron	5	41.2	0.3
Lead	1	0.0342	0.025
Manganese	6	6.73	0.3
Sodium	6	108	20
Perfluorooctanesulfonic acid (PFOS)	1	28.6	2.7
Perfluorooctanoic acid (PFOA)	1	25.5	6.7

INDOOR AIR AND SOIL VAPOR TABLE 3:

749 Van Sinderen Avenue

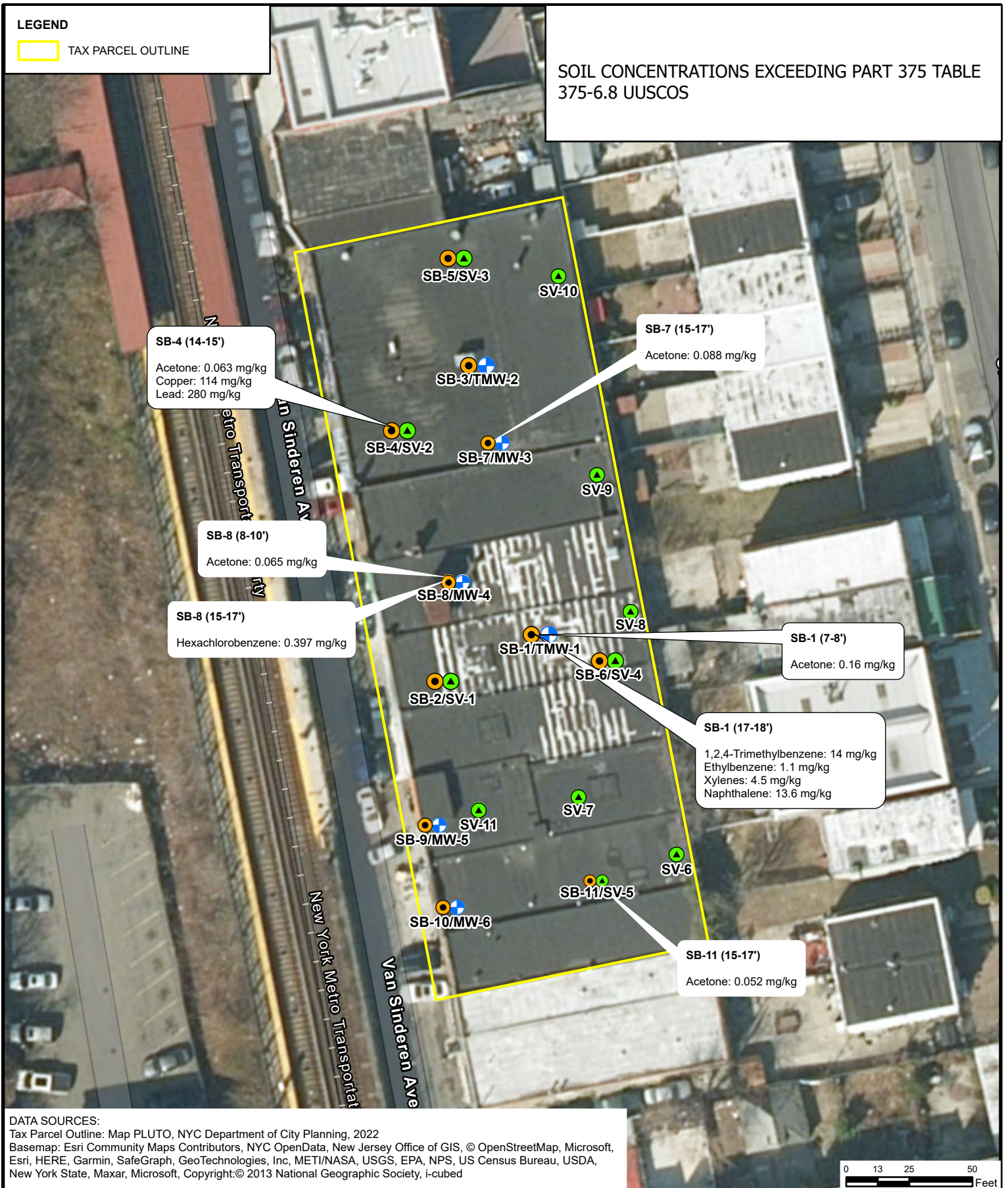
Source: Remedial Investigation, Report, by PVE, dated July 2023

Analytes	Total Detections	Max. Detection (ug/m3)	Type
Tetrachloroethylene (PCE)	2	5300	Sub-Slab Soil Vapor

LEGEND

 TAX PARCEL OUTLINE

SOIL CONCENTRATIONS EXCEEDING PART 375 TABLE
375-6.8 UUSCOS



DATA SOURCES:

Tax Parcel Outline: Map PLUTO, NYC Department of City Planning, 2022
Basemap: Esri Community Maps Contributors, NYC OpenData, New Jersey Office of GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, New York State, Maxar, Microsoft, Copyright:© 2013 National Geographic Society, i-cubed

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25 West 39th Street
12th Floor
New York, NY 10018
Phone: (646) 602-4999
Fax: (212) 682-1991

**SOIL CHEMISTRY RESULTS
VOCs, SVOCs, & METALS**

749 VAN SINDEREN AVENUE
BROOKLYN, NEW YORK

PROJECT NO.
20230097



FIGURE 4

DATE: 11/03/2023

SCALE: AS INDICATED

PROJECTION: STATE PLANE NAD83 NY LONG IS

ALL LOCATIONS APPROXIMATE

LEGEND

 TAX PARCEL OUTLINE

**GROUNDWATER CONCENTRATIONS EXCEEDING 6NYCRR
PART 703.5 CLASS GA GROUNDWATER QUALITY STANDARDS
(GQS)**

TMW-2

Acetone: 62.0 ug/L
Iron: 5.16 mg/L
Manganese: 0.348 mg/L
Sodium: 93.7 mg/L

MW-3

1,2,4-Trimethylbenzene: 22.5 ug/L
1,3,5-Trimethylbenzene (Mesitylene): 6.54 ug/L
Naphthalene: ug/L
N-Propylbenzene: 6.61 ug/L
Naphthalene: 41.1 ug/L
Iron: 8.06 ug/L
Manganese: 1.12 ug/L
Sodium: 108 ug/L

MW-4

Naphthalene: 292 ug/L
Iron: 29.5 mg/L
Manganese: 4.02 mg/L
Sodium: 57.9 mg/L

TMW-1

1,2,4-Trimethylbenzene: 168 ug/L
1,3,5-Trimethylbenzene (Mesitylene): 55.9 ug/L
Ethylbenzene: 59.6 ug/L
Isopropylbenzene (Cumene): 7.99 ug/L
Naphthalene: 312 ug/L
N-Butylbenzene: 7.35 ug/L
N-Propylbenzene: 13.8 ug/L
Iron: 41.2 mg/L
Lead: 0.0342 mg/L
Manganese: 3.87 mg/L
Sodium: 93.3 mg/L

MW-5

Iron: 0.832 mg/L
Manganese: 1.02 mg/L
Sodium: 86.3 mg/L

MW-6

1,2,4-Trimethylbenzene: ug/L
1,3,5-Trimethylbenzene (Mesitylene): 54.6 ug/L
Ethylbenzene: 30.0 ug/L
Isopropylbenzene (Cumene): 9.95 ug/L
Naphthalene: 280 ug/L
N-Butylbenzene: 9.83 ug/L
N-Propylbenzene: 17.0 ug/L
Manganese: 6.73 mg/L
Sodium: 86.4 mg/L
Perfluorooctanesulfonic acid (PFOS): 28.6 ng/L
Perfluorooctanoic acid (PFOA): 25.5 ng/L

DATA SOURCES:

Tax Parcel Outline: Map PLUTO, NYC Department of City Planning, 2022
Basemap: Esri Community Maps Contributors, NYC OpenData, New Jersey Office of GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, New York State, Maxar, Microsoft, Copyright:© 2013 National Geographic Society, i-cubed

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**GROUNDWATER CHEMISTRY RESULTS
VOCs, SVOCs, METALS & PFAS**

749 VAN SINDEREN AVENUE
BROOKLYN, NEW YORK

PROJECT NO.
20230097



FIGURE 5




DATE: 11/2/2023

SCALE: AS INDICATED

PROJECTION: STATE PLANE NAD83 NY LONG IS

ALL LOCATIONS APPROXIMATE

LEGEND

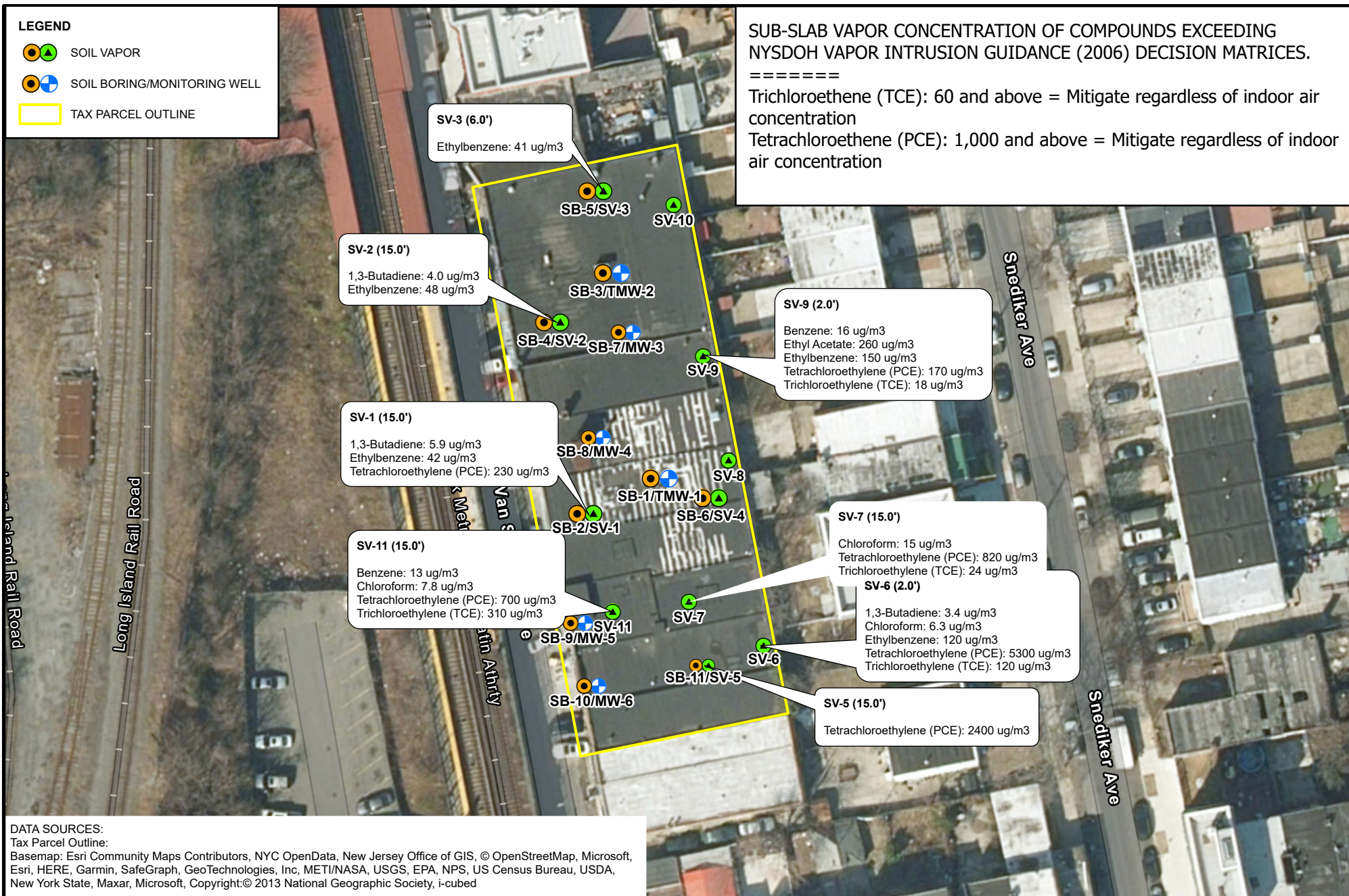
-  SOIL VAPOR
-  SOIL BORING/MONITORING WELL
-  TAX PARCEL OUTLINE

SUB-SLAB VAPOR CONCENTRATION OF COMPOUNDS EXCEEDING
NYSDOH VAPOR INTRUSION GUIDANCE (2006) DECISION MATRICES.

=====

Trichloroethene (TCE): 60 and above = Mitigate regardless of indoor air concentration

Tetrachloroethene (PCE): 1,000 and above = Mitigate regardless of indoor air concentration



DATA SOURCES:

Tax Parcel Outline:

Basemap: Esri Community Maps Contributors, NYC OpenData, New Jersey Office of GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, New York State, Maxar, Microsoft, Copyright:© 2013 National Geographic Society, i-cubed



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SAMPLE LOCATIONS EXCEEDING SOIL VAPOR/AMBIENT INDOOR AIR GUIDANCE

749 VAN SINDEREN AVENUE
BROOKLYN, NEW YORK 11207

PROJECT NO.
20230097



FIGURE 6

DATE: 10/31/2023

SCALE: AS INDICATED

PROJECTION: STATE PLANE NAD83 NY LONG IS

ALL LOCATIONS APPROXIMATE



IV.4 – Past Land Uses

749 Van Sinderen Avenue

749 Van Sinderen Avenue was undeveloped land at least until 1928, at which the property consisted of a sash manufacturer, door manufacturer, and a lumber yard. Several manufacturing operations occupied the three (3) one-story buildings between 1928 and at least 1987, which included wood manufacturing, metal working, enamel usage, and a lumber yard. By 1989, the property was utilized auto body works with six (6) individual auto repair/body shops. This structure has been used for commercial purposes since at least 1928. Currently this subject property and structure are six (6) auto repair/body work commercial units across three (3) one-story buildings.



SECTION V – REQUESTOR INFORMATION

749 Van Sinderen Avenue		
Name: SPEQ88 LLC		
Address: 1207 Broadway, Suite 907		
City/Town: New York	State: NY	Zip Code: 10001
Phone: (516)-658-1700	Email: teg@spatialequity.com	

V.2 – NYS DOS Entity Information

Department of State

Division of Corporations

Entity Information

Return to Results

Return to Search

Entity Details



ENTITY NAME: SPEQ88 LLC
DOS ID: 6406981
FOREIGN LEGAL NAME:
FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY
DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTIONOF LAW: LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW
ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 02/17/2022
REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 02/17/2022
INACTIVE DATE:
FOREIGN FORMATION DATE:
STATEMENT STATUS: CURRENT
COUNTY: ALBANY
NEXT STATEMENT DUE DATE: 02/29/2024
JURISDICTION: NEW YORK, UNITED STATES
NFP CATEGORY:

ENTITY DISPLAY NAME HISTORY FILING HISTORY MERGER HISTORY ASSUMED NAME HISTORY

Service of Process on the Secretary of State as Agent

The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:

Name: THE LIMITED LIABILITY COMPANY
Address: 1207 BROADWAY, SUITE 907, NEW YORK, NY, UNITED STATES, 10001

Electronic Service of Process on the Secretary of State as agent: Not Permitted

Chief Executive Officer's Name and Address

Name:
Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:



V.3 – LLC Members/Owners

Single Owner:

Spatial Equity Co, LLC
1207 BROADWAY SUITE 907, NEW YORK, NY, UNITED STATES, 10001



SECTION VI – REQUESTOR ELIGIBILITY

VI.12 – The requestor must certify that he/she is either a participant or volunteer.

Statement describing why the Requestor should be considered a Volunteer:

The Requestor is a Volunteer because it has performed the appropriate environmental due diligence in the form of a Phase I ESA and Phase II Site Investigation before buying the Site and exercised appropriate care with respect to contamination found at the facility to date having applied to the OER VCP and now to the NYS BCP. The Requestor is not affiliated with any of the past Site owners or operators and was not associated with the Site during the release or disposal of contaminants impacting the Site.



VI.14 – Proof of ownership and access (Access Agreement).

SPEQ88 LLC

240 Kent Avenue, #B13
Brooklyn, NY 11249

Via Electronic Mail
jsacks@cayugacapital.com

Calmer Than You Are LLC
Attn: Jacob Sacks
159 Frontage Road,
Manchester, NJ 03103

Re: Site Access to Perform Brownfield Cleanup Program Work
749 Van Sinderen Avenue, Brooklyn, NY 11207

Dear Mr. Sacks,

As you know, SPEQ88 LLC (the “BCP Party”) will be submitting a Brownfield Cleanup Program (“BCP”) Brownfield Cleanup Agreement (“BCA”) to the New York State Department of Environmental Conservation in relation to 749 Van Sinderen Avenue, Brooklyn, NY 11207 (the “BCP Site”) initially to be added as prospective beneficial owners of the BCP Site, and then after closing, to complete the voluntary remaining investigation and remediation of the BCP Site. Since Calmer Than You Are LLC (“Owner”) owns the BCP Site, the BCP Party needs your written permission below to access the Site pursuant to the terms and provisions of the Purchase Agreement and this Site Access Agreement, enabling access to the BCP Site by the BCP Party to undertake any environmental investigation or remediation work as BCP “volunteer” parties as defined in the BCP Law at NY Environmental Conservation Law Article 27 Title 14 (“BCP Law”) and then subsequently after closing to assume the remedial party role for the purpose of performing environmental investigation and remediation work.

By Owner agreeing to sign below, the Owner is granting the BCP Party what is known as a “temporary license” to allow an appropriate contractor the New BCP Parties hire to enter the BCP Site to perform any required remaining investigation and remediation work. The BCP Party promises to provide you with copies of any environmental information generated about the BCP Site before closing, and the BCP Party does accidentally damage the BCP Site in any way, the BCP Party agrees to repair the damages to restore the BCP Site to the way it was before entering the BCP Site. Our contractor will also maintain insurance that would cover any accidents on the job. We promise to minimize any and all inconvenience to you in connection with this work and will give you one week notice before the work begins.

In addition, in the unlikely circumstance that you still own the BCP Site when the remediation is complete and the Certificate of Completion is about to be obtained, and a Track 1 remediation level is not achieved, you are hereby also agreeing to impose an environmental easement on the BCP Site if required by the New York State Department of Environmental Conservation (“NYSDEC”).

2

If you have any questions, please do not hesitate to call Teghviri Sethi (516) 658-1700. Otherwise, please sign below so that the respective BCA Amendments can be submitted to NYSDEC.

Thank you for your cooperation.

Sincerely,



SPEQ88 LLC

By: Teghviri Sethi
Title: Authorized Signatory

As a Manager of the BCP Site owner, I am authorized to grant this temporary license and agree to allow SPEQ88 LLC and its agents to enter my property to perform the BCP Investigation and/or remediation work required.

DocuSigned by:



8A63761B09FF246B...

Calmer Than You Are LLC

By: Jacob Sacks
Title: Manager



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SECTION VII – REQUESTOR CONTACT INFORMATION

Requestor's Representative: Teghvir Sethi
Address: 120 Thames Street, Unit #201
City: Brooklyn
State: New York
Zip Code: 11237
Phone: 516-658-1700
Email: teg@spatialequity.com

Requestor's Consultant: Erik Draijer
Company: PVE Engineering
Address: 25 West 39th Street, 12th Floor
City: New York
State: New York
Zip Code: 10018
Phone: 973-975-7135
Email: edraijer@pve-llc.com

Requestor's Attorney: Linda Shaw
Company: Knauf Shaw LLP
Address: 2600 Innovation Square
City: Rochester
State: New York
Zip Code: 14604
Phone: 585-546-8430
Email: lshaw@nyenvlaw.com



SECTION VIII – PROGRAM FEE

The developers of 749 Van Sinderen Avenue respectfully request a fee waiver for our 100% affordable & supportive housing project which is to be funded by NYS HCR and NYC HPD. We are requesting the fee waiver for several reasons: a) mission-driven, non-profit owned development; b) extensive costs expended on NYC OER's Voluntary Cleanup Program prior to being redirected to the NYS DEC / NYSDOH due to vapor issues; c) financial hardship to produce deeply affordable housing in a time of inflationary pressures on construction costs and interest rates.

A) The 100% affordable 749 Van Sinderen project is a proposed eleven-story, 60% supportive housing project co-developed by HousingPlus and Spatial Equity Co. The development consists of 167 studio, one-bedrooms and two-bedrooms, LEED Gold and Enterprise Green Communities certifications, sustainable, fully electric building infrastructure including a 65 kilowatt solar array, extensive support service spaces and residential amenities, and a 6,000 S.F. outdoor recreation space and community garden. The supportive housing units (100 units) are targeted towards serving formerly homeless female-led households, with a head of household with severe mental illnesses, veterans, substance use disorders, or re-entry after incarceration. The 60 non-supportive units will prioritize deep affordability and community needs. 17 units will be affordable to seniors earning between 0 and 27% of AMI. The remaining 49 units will be affordable to individuals and families earning between 27% of AMI and 57% of AMI.

B) Starting in Spring 2023, the development team worked expeditiously to conduct Phase I and Phase II investigations on the site. The team found evidence of a historic spill at the soil-groundwater interface, which was promptly reported to DEC. Upon presenting the results to the NYC Mayor's Office of Environmental Remediation (OER), the team developed a supplemental remedial investigation (SRI) and conducted extensive borings, vapor, and groundwater investigations. Following completion of the SRI, OER noted that DEC requested the project enter into the Brownfield Cleanup Program. Unfortunately, the team has already expended over \$75,000 in environmental and soft costs, and the due diligence period in the purchase and sale agreement had expired. Therefore, total costs are now upwards of \$700,000 given the more expensive and time consuming BCP process. None of these costs will be eligible under the BCP, which is already a significant financial hardship for the developers.

C) Since 2020, the affordable housing industry has struggled with high land prices, significant construction cost inflation, and high interest rates, without any relief in the funding term sheets used to implement these projects. The 749 Van Sinderen project, in particular, must contend with a significant acquisition price (\$7,000,000) and still produce housing with no funding increase despite a nearly 15% increase in costs. Due to the fact that the scope of remediation here is based primarily on vapor issues, we do not predict any net financial benefit to the project from participation in the BCP despite receipt of BCP tax credits a number of years from now. We therefore request a waiver in the fee for this financial hardship.

SECTION IX – CURRENT PROPERTY OWNER AND OPERATOR INFORMATION

CURRENT OPERATORS

723 Van Sinderen Avenue:

Current Operator	Paint Master Auto Body				
Contact Name	Owner: Jacob Sacks				
Address	723 Van Sinderen Avenue				
City	Brooklyn	State	NY	Zip Code	11207
Phone	917-907-2609	EMAIL	jsacks@cayugacapital.com		
Operation State Date	Circa 2017				

725 Van Sinderen Avenue:

Current Operator	Ls Auto Body & Repair Shop, LLC				
Contact Name	Owner: Jacob Sacks				
Address	725 Van Sinderen Ave				
City	Brooklyn	State	NY	Zip Code	11207
Phone	347-529-3862	EMAIL	jsacks@cayugacapital.com		
Operation State Date	Circa 2017				

737 Van Sinderen Avenue:

Current Operator	Reliance Auto Works				
Contact Name	Owner: Jacob Sacks				
Address	737 Van Sinderen Ave				
City	Brooklyn	State	New York	Zip Code	11207
Phone	917-426-8686	EMAIL	jsacks@cayugacapital.com		
Operation State Date	Circa 2019				

747 Van Sinderen Avenue:

Current Operator	Unknown Auto Repair Facility				
Contact Name	Owner: Jacob Sacks				
Address	747 Van Sinderen Avenue				
City	Brooklyn	State	New York	Zip Code	11207
Phone	718-676-7094	EMAIL	jsacks@cayugacapital.com		
Operation State Date	Unknown				

749 Van Sinderen Avenue:

Current Operator	Quality Enterprise				
Contact Name	Owner: Jacob Sacks				



Address	751 Van Sinderen Ave				
City	Brooklyn	State	NY	Zip Code	11207
Phone	718-676-7094	EMAIL	jsacks@cayugacapital.com		
Operation State Date	Circa 2019				

CURRENT OWNER

Previous Owner Name	Approximate Dates	Last Known Address	Phone Number	Requestor's Relationship to Owner
Calmer Than You Are LLC	1/5/2015-Present	217 Havemeyer Street, 4 th Floor, Brooklyn, NY 11211	jsacks@cayugacapital.com Jacob Sacks	None

PREVIOUS OWNER(S)

Previous Owner Name	Approximate Dates	Last Known Address	Phone Number	Requestor's Relationship to Owner
749 Van Sinderen Corp.	5/15/2007	12 Lawrence Avenue, Brooklyn, NY 11230	Unknown	None
Kenyon LLC	5/1/2001	Unknown	Unknown	None
Perlstein-Smith Realty Corp.	6/2/1986	362 Bedford Ave, Brooklyn, NY 11249	(347) 942-2502	None
Duncan-Smith Rlty Cp	6/30/1983	Unknown	Unknown	None
Kamen Seymour	5/18/1970	Unknown	Unknown	None

PREVIOUS OPERATOR(S)

723-725 Van Sinderen Avenue

Previous Operator Name	Approximate Dates	Last Known Address	Phone Number	Requestor's Relationship to Operator	Use
Ls Auto Body & Repair Shop, LLC/Paint Master Auto Body	2017-Present	725 Van Sinderen Avenue	347-529-3862	None	Auto Body Repair
Vacant/Uknown auto body tenant	Unknown-2017	725 Van Sinderen Avenue	Unknown	None	Vacant/Uknown auto body tenant

735 Van Sinderen Avenue

Previous Operator Name	Approximate Dates	Last Known Address	Phone Number	Requestor's Relationship to Operator	Use
Franks Complete Auto Repair, Eastern Welding & At Machine SP	2005	735 Van Sinderen Avenue	Unknown	None	Auto Body Repair
CMR Auto Sales	1995 – 2005	735 Van Sinderen Avenue	Unknown	None	Automobile Sales
B&I Body & Fender Repairs Inc	1965 – 1995	735 Van Sinderen Avenue	Unknown	None	Auto Body Repairs

737 Van Sinderen Avenue

Previous Operator Name	Approximate Dates	Last Known Address	Phone Number	Requestor's Relationship to Operator	Use
Reliance Auto Works	2017 – Present	737 Van Sinderen Avenue	917-426-8686	None	Auto Repair
Ready for Accion Towing	2017 ,2017 – 2020	1266 Utica Avenue, Brooklyn, NY 11203	718-629-4750	None	Automobile Towing Facility
Artel Properties Inc, Eastern Welding & Auto Machine Shop	2000 – 2017	737 Van Sinderen Avenue	718-272-5530	None	Welding and Auto Machine Shop
Artel Properties	1995, 1997 – 2000	737 Van Sinderen Avenue	718-272-5530	None	Welding and Auto Machine Shop

745 Van Sinderen Avenue

Previous Operator Name	Approximate Dates	Last Known Address	Phone Number	Requestor's Relationship to Operator	Use
Harvey' S Auto Repair, Cromwell Harvey	1997 – 2000	745 Van Sinderen Avenue	Unknown	None	Auto Body Repair
Cromwell Harvey	1995 – 1997	745 Van Sinderen Avenue	Unknown	None	Unknown

747 Van Sinderen Avenue

Previous Operator Name	Approximate Dates	Last Known Address	Phone Number	Requestor's Relationship to Operator	Use
Jay's Auto Repair	2000, 2005 – Unknown	747 Van Sinderen Avenue	Unknown	None	Auto Body Repair
Jay's Auto Repair, Wayne's Auto Repair	1997 – 2000	747 Van Sinderen Avenue	Unknown	None	Auto Body Repair
Wayne's Auto Repair	1995 – 1997	747 Van Sinderen Avenue	Unknown	None	Auto Body Repair
V&M Auto Parts Inc	1992 – 1995	747 Van Sinderen Avenue	Unknown	None	Auto Body Repair
Amazing Plastic Products Inc	1985 – Unknown	747 Van Sinderen Avenue	Unknown	None	Plastic Product Manufacturer
BL Wayne Furniture MFG Corp	1973, 1976	747 Van Sinderen Avenue	Unknown	None	Furniture Manufacturer

749 Van Sinderen Avenue:

Previous Operator Name	Approximate Dates	Last Known Address	Phone Number	Requestor's Relationship to Operator	Use
LS Autobody Repair, T&R Transmissions, Quality Enterprise	2017 – Present	749-751 Van Sinderen Avenue	718-676-7094	None	Auto Body Repair
LS Autobody Repair	2014 – 2017	749 Van Sinderen Avenue	347-529-3862	None	Auto Body Repair
J&S Auto Repair & Service, Top Class Auto Repair	2005 – 2014	157 21st St, Brooklyn, NY 11232	Unknown	None	Auto Body Repair
Travis Auto Collision	2000 – 2005	749 Van Sinderen Avenue	Unknown	None	Auto Body Repair
Arawalk Auto Sales	1992 – 2000	749 Van Sinderen Avenue	Unknown	None	Automobile Sales
Willoughby Bed & Spring Co	1945, 1960	749 Van Sinderen Avenue	Unknown	None	Furniture Store
Imperial Metal Prods Co	1949 – 1960	W, 8 Chimney Rock Rd, Bound Brook, NJ	732-469-8181	None	Metal Manufacturing
Kings County Millwork Corp	1940 – 1949	749 Van Sinderen Avenue	Unknown	None	Woodworking



SECTION X – PROPERTY ELIGIBILITY INFORMATION

SECTION XI – SITE CONTACT LIST

XI.1 – The Chief Executive Officer and Planning Board Chairperson of each County, City, Town and Village in which the property is located.

Mayor of Brooklyn:

Mayor of New York City	Planning Board Chairman
Eric Adams City Hall New York, New York 10007 311 or 212-NEW-YORK	Dan Garodnick 120 Broadway, 31 st Floor New York, NY 10271 718-780-8280

Brooklyn Borough President
Antonio Reynoso Brooklyn Borough Hall Brooklyn, New York 11201 718-802-3700

New York State Legislature:

NYS Assembly	NYS Senate
Nikki Lucas 425 New Lots Ave. 1 st Floor Brooklyn, NY 11207 Phone: 718-257-2590	19 th District: Roxanne J. Persaud 1222 East 96 th Street Brooklyn, NY 11236 Phone: 718-649-7653

XI.2 – Residents, Owners, and Occupants of the Property and adjacent properties

See table, below. Adjoining parcels were obtained from the New York City Department of Finance Digital Tax Map (<http://gis.nyc.gov/taxmap/>).

<i>Direction from Subject Property</i>	<i>Address</i>	<i>Mailing Address</i>	<i>Owner</i>	<i>Property Type</i>	<i>Zoning</i>
North	719 Van Sinderen Avenue	719 Van Sinderen Avenue, Brooklyn, NY 11207	719 Van Sinderen Corp.	G9-Miscellaneous Garage	M1-1
East	650 Snediker Avenue	650 Snediker Avenue, Brooklyn, NY 11207	Gary W. Edwards	A5-One family attached or semi-detached.	R6
East	652 Snediker Avenue	652 Snediker Avenue, Brooklyn, NY 11207	Wedderburn, Barbaray	A5-One family attached or semi-detached.	R6
East	654 Snediker Avenue	654 Snediker Avenue, Brooklyn, NY 11207	Brenda J Davis	A5-One family attached or semi-detached.	R6
East	656 Snediker Avenue	656 Snediker Avenue, Brooklyn, NY 11207	Moore, Marlene M	A5-One family attached or semi-detached.	R6
East	658 Snediker Avenue	658 Snediker Avenue, Brooklyn, NY 11207	Sandy, Esia E	A5-One family attached or semi-detached.	R6
East	660 Snediker Avenue	660 Snediker Avenue, Brooklyn, NY 11207	Sandy, Peter B	A5-One family attached or semi-detached.	R6
East	662 Snediker Avenue	662 Snediker Avenue, Brooklyn, NY 11207	Alomaja, Paul	A5-One family attached or semi-detached.	R6
East	664 Snediker Avenue	664 Snediker Avenue, Brooklyn, NY 11207	James Forbes	B1-Two family brick	R6
East	666 Snediker Avenue	666 Snediker Avenue, Brooklyn, NY 11207	Tania Sosa	C0-Three families	R6
East	668 Snediker Avenue	668 Snediker Avenue, Brooklyn, NY 11207	Obinna A. Ezeomenaka	C0-Three families	R6
East	670 Snediker Avenue	670 Snediker Avenue, Brooklyn, NY 11207	Harry T Alston	B1-Two family brick	R6
Southeast	680 Snediker Avenue	680 Snediker Avenue, Brooklyn, NY 11207	Lueverna Jackson	A5-One family attached or semi-detached.	R6
South	753 Van Sinderen Avenue	753 Van Sinderen Avenue, Brooklyn, NY 11207	753 Van Sinderen Avenue, LLC	G9-Miscellaneous Garage	M1-1



West	Linden Boulevard	2 Broadway, New York, NY 10004	NYC Transit	U7-Transportation, public ownership	M1-1
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XI.3 – Local news media from which the community typically obtains information.

Brooklyn, NY

New York Post
1211 Avenue of the Americas, New York, NY 10036 customerservice@nypost.com 1-800-552-7678

XI.4 – The public water supplier which services the area in which the property is located.

Water/Sewer Supply
Department of Environmental Protection Customer Service Center 59-17 Junction Boulevard, 13 th Floor Flushing, NY 11373 212-639-9675 or 311

XI.5 – Any person who has been asked to be placed on the contact list and interested parties.

Community Board
Community Board 5 Brooklyn Community Board 5 127 Pennsylvania Avenue, 2 nd Floor Brooklyn, New York 11207 929-221-8261 BK05@cb.nyc.gov

XI.6 – The administrator of any school or day care facility located on or near the property.

Ambassador Christian Daycare Academy (0.1-miles)
180 New Lots Ave, Brooklyn, NY 11207 718-809-0233
Ava's Little Archivers (0.1-miles)
1743 Linden Blvd, Brooklyn, NY 11207 Owner/Director Ava Stewart 347-318-3623
Motivating Minds Child Care (0.3-miles)
602 Snediker Ave, Brooklyn, NY 11207 347-528-7101
Abby's Group Family Daycare (0.3-miles)
90 Louisiana Ave, Brooklyn, NY 11207 347-600-8930
Daycare Natural Love Family (0.04-miles)
615 Williams Ave, Brooklyn, NY 11207 718-566-2424
Night and Weekend Child Care (0.04-miles)
569 Williams Ave, Brooklyn, NY 11207 718-414-3233

XI.7 – The location of a document repository

The document repository for this project is:

Hamilton Fish Park Library
415 East Houston Street New York, NY 10002 212-673-2290

Section XI-7 contains letters from the repository acknowledging that it agrees to act as the document repository for the Site.



December 18, 2023

Brooklyn Public Library, New Lots Branch
665 New Lots Avenue at, Barbey St.
Brooklyn, NY 11207

Re: **Document Repository Letter**; 749 Van Sinderen Avenue, Brooklyn, New York 11207 Block 3865 Lot 9

To whom it may concern:

On behalf of our client, a perspective New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) applicant, we are requesting that the New Lots Branch Library serve as the document repository for the proposed 749 Van Sinderen Avenue site. The BCP application process requires designation of a document repository for documents and reports that can be reviewed by the public. These documents (application, work plans and investigation reports) will be contained in standard 3-ring binders.

At your earliest convenience, please sign the acknowledgment below thus authorizing the applicant's use of your facility as the document repository for the BCP site. The signed copy of this letter can be submitted to us via email at edraijer@pve-llc.com, or mailed to 25 West 39th Street, New York, NY 10018.

Feel free to contact us with any questions.

Sincerely,

PVE ENGINEERING

Erik Draijer, QEP
Project Manager, Environmental Services

Document Repository Acknowledgment

Name: Lea Salem
Title: Branch Manager
Signature: Lea Salem



646.602.4999
PVE-LLC.com

January 29, 2024

Brooklyn Community Board 5
127 Pennsylvania Avenue
Brooklyn, NY 11207

Re: **Document Repository Letter**; 749 Van Sinderen Avenue, Brooklyn, New York 11207 Block 3865 Lot 9

To whom it may concern:

On behalf of our client, a perspective New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) applicant, we are requesting that the Brooklyn Community Board 5 serve as the document repository for the proposed 749 Van Sinderen Avenue site. The BCP application process requires designation of a document repository for documents and reports that can be reviewed by the public. These documents (application, work plans and investigation reports) will be contained in standard 3-ring binders.

At your earliest convenience, please sign the acknowledgment below thus authorizing the applicant's use of your facility as the document repository for the BCP site. The signed copy of this letter can be submitted to us via email at edraijer@pve-llc.com, or mailed to 25 West 39th Street, New York, NY 10018.

Feel free to contact us with any questions.

Sincerely,

PVE ENGINEERING

Erik Draijer, QEP
Senior Project Manager, Environmental Services

Document Repository Acknowledgment

Name: Melinda Perkins

Title: District Manager

Signature: