

NYSDEC BROWNFIELD CLEANUP PROGRAM APPLICATION

FORMER BP GASOLINE SERVICE STATION SITE

SECTION 3, BLOCK 3138, LOT 32
BROOKLYN, NEW YORK

PREPARED FOR:
FLUSHING HOLDINGS NY LLC
670 MYRTLE AVENUE, SUITE 222
BROOKLYN, NEW YORK 11205



H & A OF NEW YORK ENGINEERING
AND GEOLOGY, LLP
213 West 35th Street, 7th Floor
New York, NY 10001
Tel: 646.518.7735

11 December 2024
File No. 0211437

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

Subject: Brownfield Cleanup Program Application
Former BP Gasoline Service Station Site
Site No. C224424
860 Flushing Avenue
Brooklyn, New York 11206 (Site)

Dear Ms. Hathaway,

H & A of New York Engineering and Geology, LLP (Haley & Aldrich of New York), on behalf of Flushing Holdings NY LLC, has prepared this Brownfield Cleanup Program Application Package for the above referenced Site in response to comments received by the New York State Department of Environmental Conservation (NYSDEC) in a letter dated 04 December 2024. The revised BCP Application addresses the NYSDEC comments as follows:

Section I: Property Information

1. NYSDEC Comment: Site Base Map – please label the adjacent property owners on this map

Response: The adjacent property owners have been labeled and the figure has been renamed to Property Base Map.

2. NYSDEC Comment: Note that additional comments regarding the Environmental Assessment may be included in the attached Project Manager's comments.

Project Manager Comments Regarding Section I – Environmental Assessment and/or Section IV – Property's Environmental History: Attachment A, Section 1: For the Environmental Assessment, Section I.14, please report soil concentrations in ppm and please report groundwater concentrations in ppb

Response: Soil concentrations have been reported in parts per million (ppm) and groundwater concentrations have been reported in parts per billion (ppb) in Attachment A – Environmental Assessment, Section I.14 as well as in Attachment D – Property's Environmental History, Section IV.2: Sampling Data – Analytical Results Summary Tables and Section IV.3 – Sampling Data (Figures 6 through 8).

Section III: Land Use Factors

3. NYSDEC Comment: Item 4 – Narrative – Current Use – Please identify possible contaminant source areas

Response: Provided narrative identifying possible contaminant source areas.

4. NYSDEC Comment: Item 6 – Narrative – Intended Use Post Remediation – Please address potential commercial use of the site as indicated on form in Item 5

Response: Commercial use removed from form Item 5.

5. NYSDEC Comment: Item 10 – Narrative – Please describe how the proposed project is consistent with comprehensive community master plans

Response: Provided narrative related to Rheingold Rezoning (City Environmental Quality Review [CEQR] Project No. 09DCP002K) requirements.

6. NYSDEC Comment: Zoning & Compliance with Applicable Zoning Laws, Recent Development and Community Master Plans Narratives – Both these sections indicate the site is zoned for R7A, yet this is not what is indicated on the form in Item 1. Please correct the discrepancy.

Response: Corrected to R6A in these sections and in form Item 1.

Section IV: Property's Environmental History

7. NYSDEC Comment: Please see attached comments provided by the Project Manager. Project Manager Comments Regarding Section IV – Property's Environmental History: The submitted Remedial Investigation Work Plan (RIWP) was prepared in general accordance with DER-10 and will be noticed for public comments.

Response: Noted.

Section VI: Requestor Eligibility

8. NYSDEC Comment: Access Agreement – The property owner named in the Access Agreement is 456 Bushwick LLC (no comma) yet the property owner named in various places of the application (including on the form and in narratives on pdf pages 12, 46, and 58) is named 456 Bushwick, LLC (with comma). Please resolve this discrepancy throughout the application and ensure the access agreement displays the property owner's name correctly.

Response: The property owner name has been revised throughout the application form and narratives; the access agreement displays the property owner's name correctly.

Section IX: Current Property Owner and Operator Information

9. NYSDEC Comment: On Form: The current property owner is listed on the form and in narratives (pdf pages 12, 46, 58, and 60) is named 456 Bushwick, LLC (with comma). The Access Agreement indicates the owner to be 456 Bushwick LLC (no comma). Please resolve this discrepancy

throughout the application and ensure all sections and narratives of the application display the property owner's name correctly.

Response: The property owners name has been revised where needed throughout the application, sections, and narratives to display the correct property owners name – 456 Bushwick LLC.

Section XI: Site Contact List

10. NYSDEC Comment: Figure 9 – Adjacent Site Map – this map should be included in Section 1. Adjacent parcel owner identification is requested on the Site Base Map in Section I. Please rename the figure as necessary and include with Section I supporting documentation.

Response: Figure 9 – Adjacent Site Map has been removed from Section XI and included in Section 1 as Figure 2 - Property Base Map with adjacent parcel owner identification.

Additional Comments

11. NYSDEC Comment: Please include a cover letter reiterating Site Control comments, including Applicant responses and indicating where revisions can be found within the revised application.

Response: Included herein.

12. NYSDEC Comment: In the top section of Page 1 of the revised application, please select “yes” to indicate that the submittal is a revised application and include the NYSDEC site code in the subject line of this letter.

Response: “Yes” selected in the top section of Page 1 to indicate that the submittal is a revised application and the NYSDEC site code (C224424) included as indicated on the form and added to the subject line of this letter.

Should you have any questions, please do not hesitate to contact me at (646) 568-9357 or via email at LMcCartney@haleyaldrich.com.

Sincerely,

H & A OF NEW YORK ENGINEERING AND GEOLOGY, LLP



Luke J. McCartney, P.G.
Project Manager



James Bellew
Principal

Enclosed copies provided via email to:
Simon Brach (Flushing Holdings LLC)
Joel Teitelbaum (Flushing Holdings LLC)
Abe Freund (Flushing Holdings LLC)
George C.D. Duke (Connell Foley LLP)
Cristina Salcedo (Connell Foley LLP)
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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: Former BP Gasoline Service Station Site

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: C224424

☒

Yes

☐

No



BCP App Rev 15 – May 2023

SECTION I: Property Information

PROPOSED SITE NAME **Former BP Gasoline Service Station Site**

ADDRESS/LOCATION **860 Flushing Avenue**

CITY/TOWN **Brooklyn**

ZIP CODE **11206**

MUNICIPALITY (LIST ALL IF MORE THAN ONE)

COUNTY **Kings**

SITE SIZE (ACRES) **0.24**

LATITUDE

LONGITUDE

	°	'	"	°	'	"
40		42	5.763	-73	56	14.6394

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
860 Flushing Avenue	3	3138	32	0.24

	Y	N
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"/>	<input type="radio"/>
2. Is the required property map included with the application? (Application will not be processed without a map)	<input checked="" type="radio"/>	<input type="radio"/>
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"/>	<input checked="" type="radio"/>
4. Is the project located within a disadvantaged community? See application instructions for additional information.	<input checked="" type="radio"/>	<input type="radio"/>
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"/>	<input checked="" type="radio"/>
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"/>	<input checked="" type="radio"/>

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? Pending further evaluation and remedial investigation		<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> None		<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? R6A, C2-4

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chlorinated Solvents	<input checked="" type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
Metals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pesticides	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Please describe other known contaminants and the media affected:

Hazardous lead in soil

3. 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

4. Indicate Past Land Uses (check all that apply):

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

Other:

SECTION V: Requestor Information

NAME Flushing Holdings NY LLC

ADDRESS 670 Myrtle Avenue, Suite 22

CITY/TOWN Brooklyn

STATE NY

ZIP CODE 11205

PHONE (718) 930-3238

EMAIL rdt11206@gmail.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?	Y <input type="radio"/>	N <input checked="" type="radio"/>
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: Tenant

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 Shimon Brach

ADDRESS 670 Myrtle Avenue, Suite 22

CITY Brooklyn

STATE NY

ZIP CODE 11205

PHONE (718) 930-3238

EMAIL rdt11206@gmail.com

REQUESTOR'S CONSULTANT (CONTACT NAME) James Bellew

COMPANY H & A of New York Engineering and Geology, LLP (Haley & Aldrich of New York)

ADDRESS 213 West 35th Street, 7th Floor

CITY New York

STATE NY

ZIP CODE 10123

PHONE (646) 277-5686

EMAIL jbellew@haleyaldrich.com

REQUESTOR'S ATTORNEY (CONTACT NAME) George C. D. Duke

COMPANY Connell Foley LLP

ADDRESS 875 Third Avenue, 21st Floor

CITY New York

STATE NY

ZIP CODE 10022

PHONE (213) 307-3700

EMAIL gduke@connellfoley.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 type="radio"/>	<input checked="" 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 OWNER 456 Bushwick LLC

CONTACT NAME George J. Macchia

ADDRESS 556 Central Ave

CITY Bethpage

STATE NY

ZIP CODE 11714

PHONE (516) 659-8018

EMAIL george@themacchiagroup.net

OWNERSHIP START DATE 2/23/2009

CURRENT OPERATOR Jaswick Mart Inc. and BP Gas Station

CONTACT NAME N/A

ADDRESS 860 Flushing Ave

CITY Brooklyn

STATE NY

ZIP CODE 11206

PHONE (718) 443-2230

EMAIL

OPERATION START DATE 2008

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
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: _____	<input type="radio"/>	<input checked="" type="radio"/>
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 <input checked="" type="radio"/></div>	<input type="radio"/>	<input type="radio"/>
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: _____	<input type="radio"/>	<input checked="" type="radio"/>
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.	<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 Authorized Signatory (title) of Flushing Holdings NY 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: 12/11/2024

Signature:  _____

Print Name: Shimon Brach

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.

BCP App Rev 15

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"/>
<p>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.</p> <p>From 6 NYCRR 375-3.2(I) as of August 12, 2016 (Please note: Eligibility determination for the underutilized category can only be made at the time of application): 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.</p> <p>“Substantial government assistance” shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.</p>		

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.

ATTACHMENT A

Section I: Property Information

SECTION I: PROPERTY DESCRIPTION NARRATIVE

Site Location

The address of the Former BP Gasoline Service Station Site is 860 Flushing Avenue, Brooklyn New York 11206. The Site is located in Kings County, New York and is identified as Block 3138 Lot 32 on the New York City tax map and is approximately 0.24-acres in size (approximately 10,600 square feet [sq ft]). The Site is currently occupied by a BP gasoline service station.

The Site is bounded to the north by Flushing Avenue and a multi-story residential building that is part of the Bushwick Houses apartment complex; to the east by a one-story restaurant and two four-story residential buildings with ground floor commercial use; to the south by a six-story residential building with ground floor commercial use; and to the west by a two-story deli. The Site is located within a mixed-use area characterized by multi-story commercial and residential buildings.

A project locus is included on Figure 1. A property base map is included on Figure 2. A tax map is included on Figure 3. A map showing surrounding land use is included as Figure 4. A map showing the disadvantaged community overlay is included as Figure 5.

Site Features

The Site is a 0.24-acre irregularly shaped lot occupied by a BP gasoline service station with three pump islands, three gasoline pumps, and a convenience store.

Current Zoning and Land Use

According to the New York City Planning Commission Zoning Map 13b, the Site is located in a residential zoning district (R6A) with a commercial overlay (C2-4). The proposed development of this property is consistent with the current zoning. The Site has been assigned an E-Designation for hazardous materials and noise as part of the Rheingold Rezoning (City Environmental Quality Review [CEQR] Project No. 09DCP002K).

Past Site Use

Based on the Phase I Environmental Site Assessment (ESA) prepared by H & A of New York Engineering and Geology, LLP (Haley & Aldrich of New York), the Site was first developed as early as 1887 with multiple dwellings and storefronts. By 1934, the subject property was occupied by commercial and manufacturing businesses, including a chair manufacturer with paint spraying, an upholsterer, a dentist, a scrap iron business, a plumbing supply business, and a shoe store. From 1946 to the present, the subject property has operated as a gasoline filling station with auto service until at least 1979. Historical operations have included a laundry, lubritorium, repair shop, auto inspection, auto washing and sales, and parking and storage of more than five cars. Since 1979, the property has remained relatively unchanged except for the addition of a pump island canopy around 2001.

Site Geology and Hydrogeology

Based on the findings from September 2024 Limited Phase II Environmental Site Investigation (ESI), the Site is underlain by urban fill consisting of brown to dark brown to light gray sand with varying amounts of silt, gravel, brick, asphalt, glass, and ceramic from surface grade to approximately 11.5 to 22.5 ft bgs. The urban fill layer was underlain by a potential native layer consisting of brown to light brown sand with varying amounts of clay, silt, and gravel. Groundwater was encountered between 26 to 28 ft bgs.

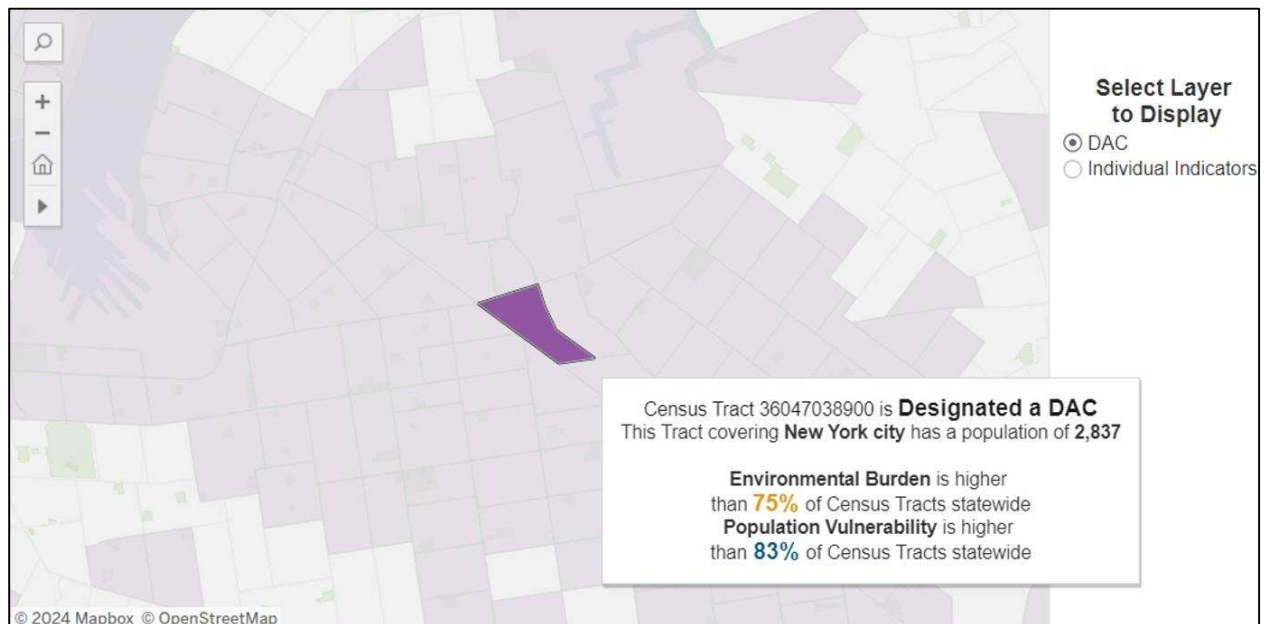
The elevation of the Site is approximately 34-feet above mean sea level (amsl). The topography of the Site is relatively flat and the surrounding area slopes downward towards the northwest.

Environmental Zone Designation

The Site is not located in an EnZone in Census Tract 389 (geoID 36047038900).



The entire Site footprint (100%) is located within a designated Disadvantaged Community (DAC).



SECTION I.8: PREVIOUSLY REMEDIATED

It is our understanding that the Site has not been subject to any remedial activities.

SECTION I.14: ENVIRONMENTAL ASSESSMENT

The Requestor seeks entry into the New York State Department of Environmental Conservation (NYSDEC) BCP at the investigation stage. A Phase I Environmental Update was completed by Merritt Environmental Consulting Corp (Merritt) in November 2023 and a Phase I Environmental Site Assessment (ESA) dated 6 August 2024 and Limited Phase II Environmental Site Investigation Report dated 6 September 2024 were completed by Haley & Aldrich of New York.

These reports are summarized below in Section IV.1 and are appended to this application package. Based on previous investigations, the primary contaminants of concern for the Site are volatile organic compounds (VOCs), semi-VOCs (SVOCs), specifically polycyclic aromatic hydrocarbons (PAHs), and metals, including hazardous lead, in soil; PAHs and metals in groundwater; and chlorinated volatile organic compounds (CVOCs), which were identified at detectable concentrations in soil, groundwater and soil vapor at the Site.

Soil

Soil analytical results were compared to NYSDEC Title 6 of the New York Codes, Rules, and Regulations (NYCRR) Part 375 Unrestricted Use Soil Cleanup Objectives (UUSCOs), Protection of Groundwater Soil Cleanup Objectives (PGWSCOs), Restricted-Residential Soil Cleanup Objectives (RRSCOs), and the United States Environmental Protection Agency (USEPA) Allowable Limit for Toxicity Characteristic. The findings of soil from the 2024 Limited Phase II ESI are summarized as follows:

VOCs were detected at one shallow location above UUSCOs, PGWSCOs, and RRSCOs. Benzene, toluene, and total xylenes were identified above UUSCOs and PGWSCOs at concentrations of 0.69 parts per million (ppm), 1.6 ppm, and 4.6 ppm, respectively. Naphthalene was identified above RRSCOs at B-5_6-7 at a concentration of 230 ppm. No other VOCs exceeded UUSCOs or RRSCOs.

Multiple SVOCs, specifically polycyclic aromatic hydrocarbons (PAHs), were identified in both shallow and deep soil samples collected from fill exceeding UUSCOs, PGWSCOs, and RRSCOs. Seven SVOCs, including benzo(a)anthracene (maximum concentration 21 ppm in B-8_3-4), benzo(a)pyrene (maximum concentration 20 ppm in B-8_3-4), benzo(b)fluoranthene (maximum concentration 27 ppm in B-8_3-4), benzo(k)fluoranthene (maximum concentration 9 ppm B-8_3-4), chrysene (maximum concentration 20 ppm in B-8_3-4), dibenzo(a,h)anthracene (maximum concentration 3.3 ppm in B-8_3-4), and indeno(1,2,3-cd)pyrene (maximum concentration 14 ppm in B-8_3-4), were identified above UUSCOs and RRSCOs in soil samples from immediately below the Site cover up to 18 ft bgs.

Metals, including arsenic (maximum concentration of 18.8 ppm in soil sample B-8_17-18), barium (maximum concentration of 850 ppm in B-8_17-18), copper (maximum concentration of 371 ppm in HA-02_5-6), cadmium (maximum concentration of 22.8 ppm in soil sample B-8_17-18), copper (maximum concentration of 1,760 ppm in soil sample B-8_17-18), lead (maximum concentration of 18,700 ppm in B-8_17-18), mercury (maximum concentration of 5.62 ppm in B-3_0-2), and zinc (maximum concentration of 12,800 ppm in B-8_17-18), were identified above RRSCOs up to 18 ft bgs and UUSCOs and PGWSCOs up to 19 ft bgs.

Eight soil samples, including B-8_17-18, were further analyzed via toxicity characteristic leaching procedure (TCLP) lead and compared to the USEPA Allowable Limit for Toxicity Characteristic. Analytical results for TCLP lead in B-8_17-18 indicate a concentration of 9.17 milligrams per liter (mg/L), which exceeds the USEPA Allowable Limit of 5 mg/L for hazardous waste. No other soil sample analyzed via TCLP exceeded the USEPA Allowable Limit.

CVOCs detected in soil vapor were present in several soil samples at concentrations below SCOs, including 1,1,1-trichloroethane (0.00032 J ppm in B-2_7-9) and tetrachloroethene (maximum concentration of 0.0011 ppm in B-2_7-9).

Comparisons of soil analytical results to UUSCOs, PGWSCOs, RRSCOs, and the USEPA Allowable Limit for Toxicity Characteristic are mapped on Figure 6.

Groundwater

Groundwater analytical results were compared to NYSDEC Technical and Operational Guidance Standards (T.O.G.S.) 1.1.1 Ambient Water Quality Standards (AWQS).

VOCs were not detected above AWQS.

Phenol was identified in sample TWP-3_08062024 (estimated concentration of 1.7 parts per billion (ppb)). Three SVOCs, specifically PAHs, were identified in two groundwater samples exceeding AWQS: benzo(a)anthracene (maximum concentration 0.12 ppb in TWP-02_08072024), benzo(b)fluoranthene (maximum concentration 0.14 ppb in TWP-02_08072024), and indeno(1,2,3-cd)pyrene (maximum concentration 0.08 ppb in TWP-02_08072024). Two additional PAHs were identified in sample TWP-02_08072024, including benzo(k)fluoranthene at a concentration of 0.05 ppb and chrysene at a concentration of 0.11 ppb.

Metals, including iron (maximum concentration of 19,200 ppb in TWP-3_08062024), lead (maximum concentration of 155.2 ppb in TWP-01_08072024, manganese (maximum concentration of 1,341 ppb in TWP-3_08062024), and sodium (maximum concentration of 190,000 ppb in TWP-3_08062024) were detected above AWQS in all three groundwater samples.

CVOCs detected in soil vapor were present in two groundwater samples at concentrations below NYSDEC T.O.G.S. 1.1.1. AQWQS, including tetrachloroethene (maximum concentration of 2.3 ppb in TWP-3_08062024) and trichloroethene (maximum concentration of 0.86 ppb in TWP-3_08062024).

Comparisons of groundwater analytical results to AWQS are mapped on Figure 7.

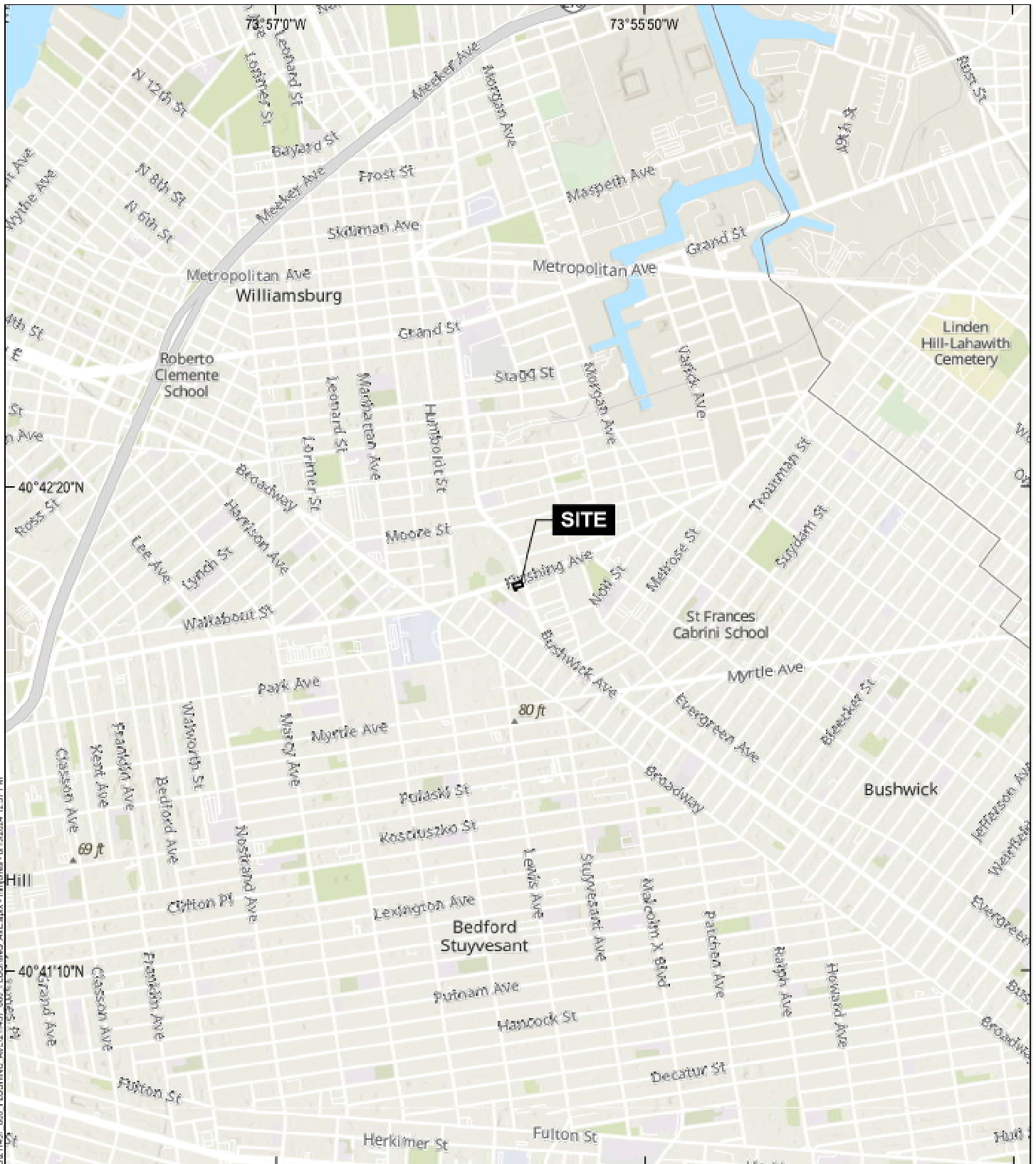
Sub-Slab Soil Vapor

Total VOC concentrations in soil vapor samples ranged from 1,616 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) in SV-03_20240807 to 2,403 $\mu\text{g}/\text{m}^3$ in sample SV-01_20240807. Total BTEX concentrations ranged from 277 $\mu\text{g}/\text{m}^3$ in SV-03_20240807 to 530 $\mu\text{g}/\text{m}^3$ in SV-01_20240807.

Tetrachloroethene (PCE) was detected in all three sub-slab soil vapor samples above laboratory detection limits at a maximum concentration of 96.3 $\mu\text{g}/\text{m}^3$ in SV-03_20240807. Trichloroethene (TCE) was detected in one sub-slab soil vapor sample above laboratory detection limits at a concentration of

6.66 $\mu\text{g}/\text{m}^3$ in sample SV-03_20240807. Multiple petroleum-related VOCs were detected at elevated concentrations in all three sub-slab soil vapor samples, including 1,2,4-trimethylbenzene (maximum concentration of 66.9 $\mu\text{g}/\text{m}^3$ in SV-01_20240807), cyclohexane (maximum concentration of 11.2 $\mu\text{g}/\text{m}^3$ in SV-01_20240807), 2,2,4-trimethylpentane (maximum concentration 12.4 $\mu\text{g}/\text{m}^3$ in SV-02_20240807), and hexane (maximum concentration 30.9 $\mu\text{g}/\text{m}^3$ in SV-03_20240807).

Detected concentrations in soil vapor are mapped on Figure 8.



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MAP SOURCE: ESRI
SITE COORDINATES: 40°42'06"N, 73°56'14"W

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ALDRICH**

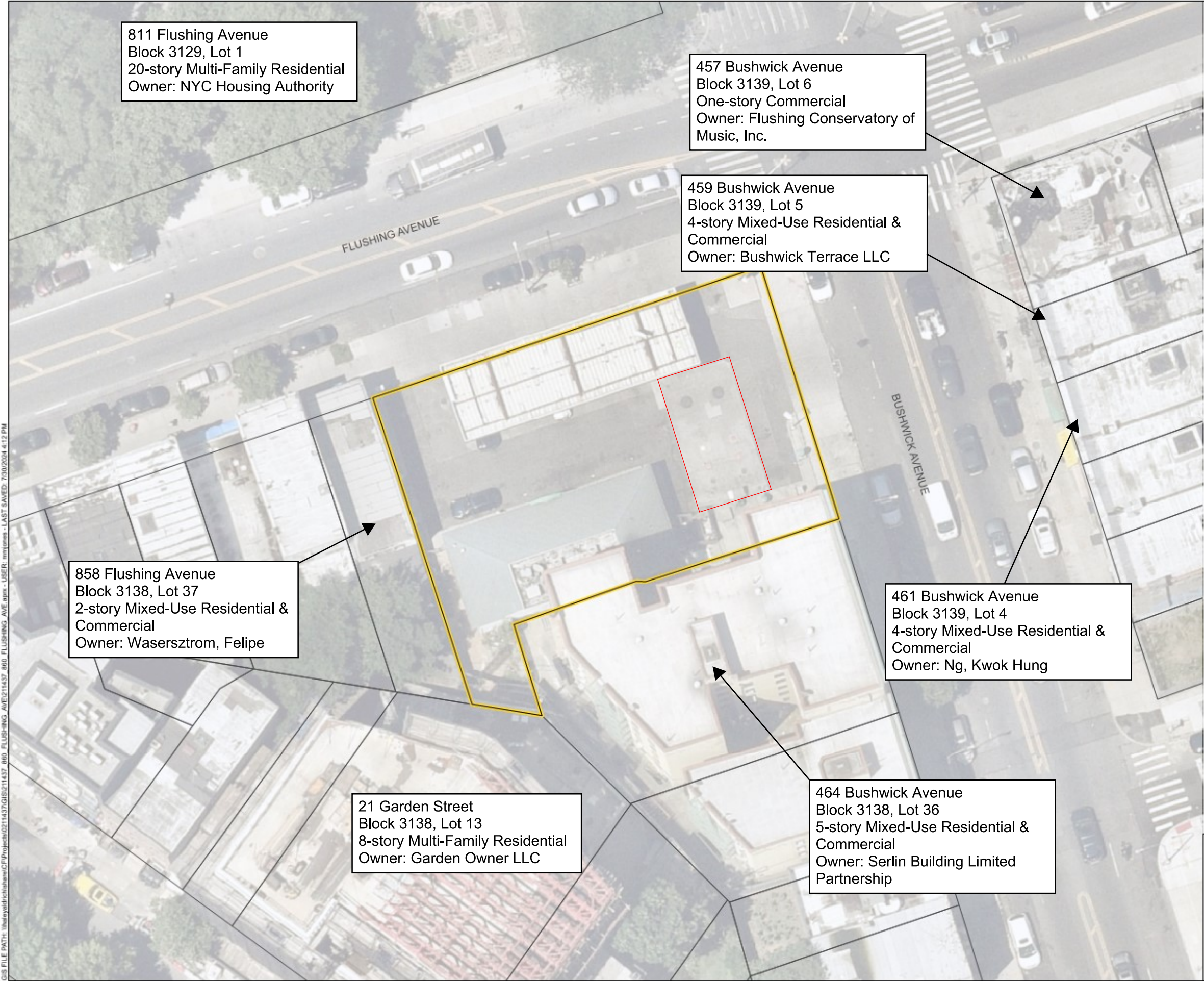
860 FLUSHING AVENUE
BROOKLYN, NEW YORK

PROJECT LOCUS




APPROXIMATE SCALE: 1 IN = 2000 FT
DECEMBER 2024

FIGURE 1

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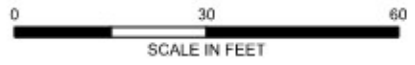


LEGEND

-  SITE BOUNDARY (PROPOSED BROWNFIELD PROPERTY BOUNDARY)
-  PARCEL BOUNDARY
-  LOCATION OF TWO 12,000-GALLON GASOLINE UNDERGROUND STORAGE TANKS

NOTES

1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
2. ASSESSOR PARCEL DATA SOURCE: KINGS COUNTY
3. AERIAL IMAGERY SOURCE: NEARMAP, 18 JUNE 2024



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860 FLUSHING AVENUE
BROOKLYN, NEW YORK

PROPERTY BASE MAP

DECEMBER 2024

FIGURE 2

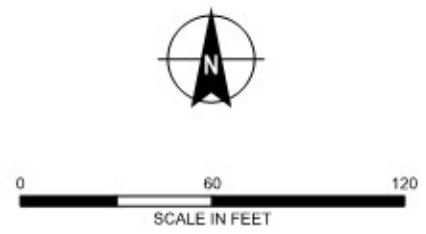


LEGEND

 SITE BOUNDARY

 TAX LOT BOUNDARY

- NOTES**
- 1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
 - 2. ASSESSOR PARCEL DATA SOURCE: KINGS COUNTY
 - 3. AERIAL IMAGERY SOURCE: NEARMAP, 18 JUNE 2024



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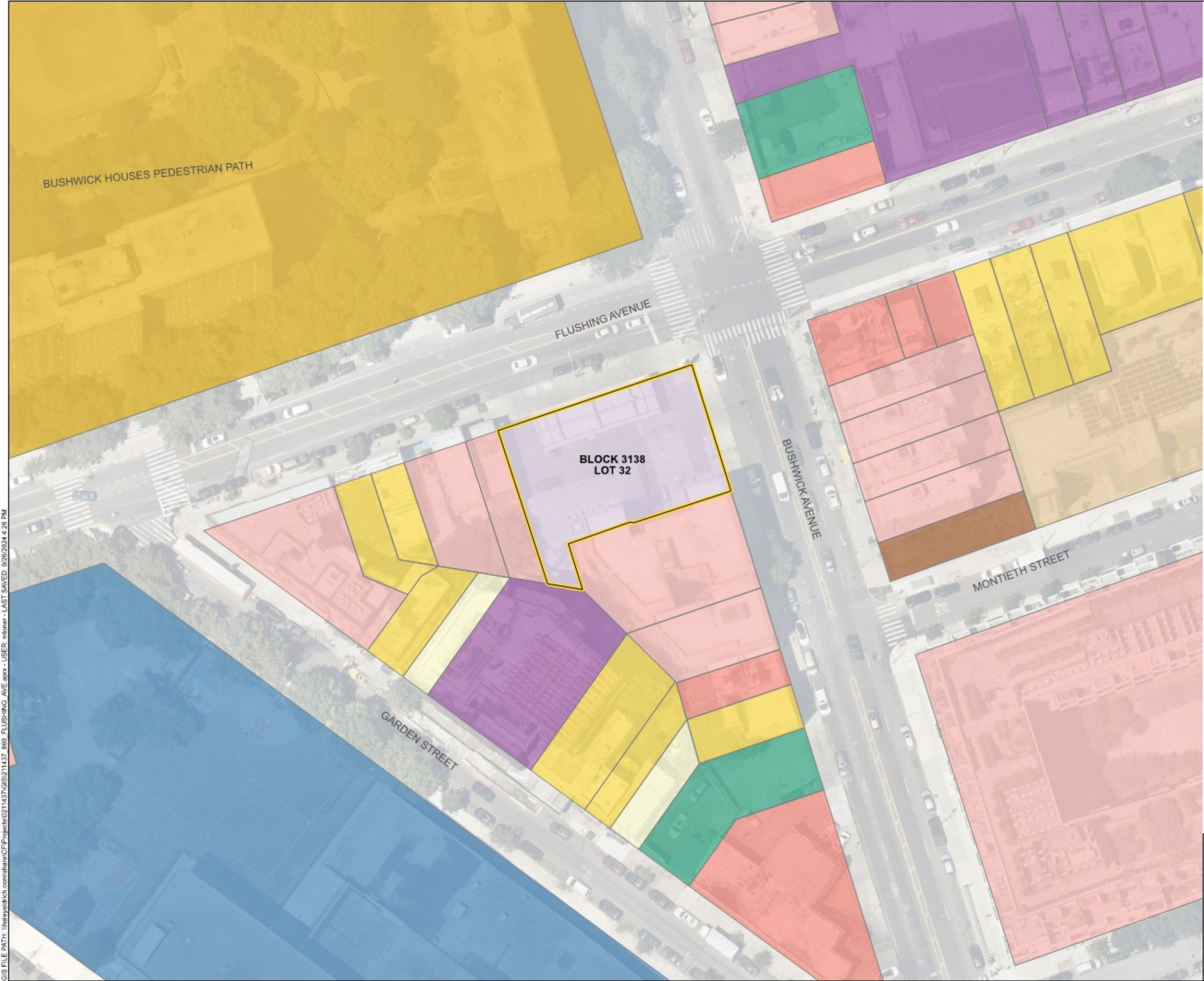
860 FLUSHING AVENUE
BROOKLYN, NEW YORK

TAX MAP

DECEMBER 2024

FIGURE 3

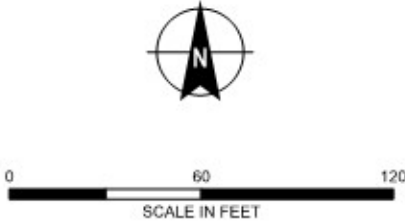
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LEGEND

- ONE AND TWO FAMILY BUILDINGS
- MULTI-FAMILY WALK-UP BUILDINGS
- MULTI-FAMILY ELEVATOR BUILDINGS
- MIXED RESIDENTIAL AND COMMERCIAL BUILDINGS
- COMMERCIAL AND OFFICE BUILDINGS
- INDUSTRIAL AND MANUFACTURING BUILDINGS
- TRANSPORTATION AND UTILITY
- PUBLIC FACILITIES AND INSTITUTIONS
- PARKING FACILITIES
- VACANT LAND
- NOT CATEGORIZED
- SITE BOUNDARY
- PARCEL BOUNDARY

- NOTES**
1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
 2. ASSESSOR PARCEL AND LAND USE DATA SOURCE: KINGS COUNTY
 3. AERIAL IMAGERY SOURCE: NEARMAP, 18 JUNE 2024



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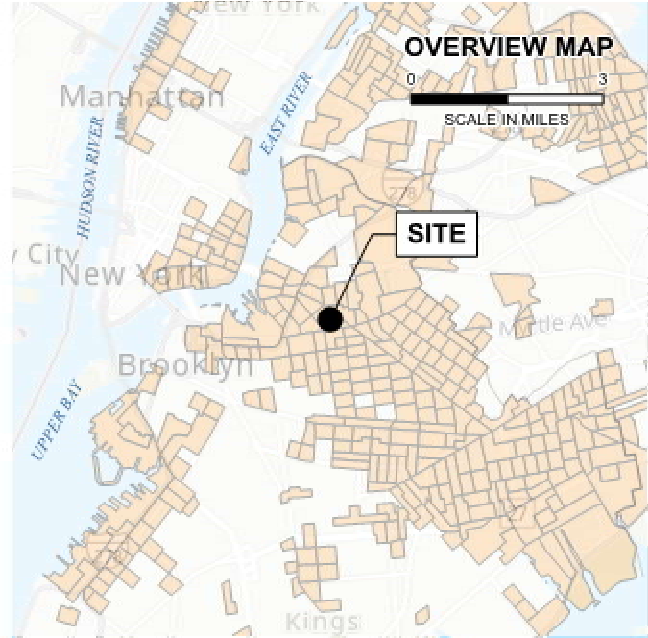
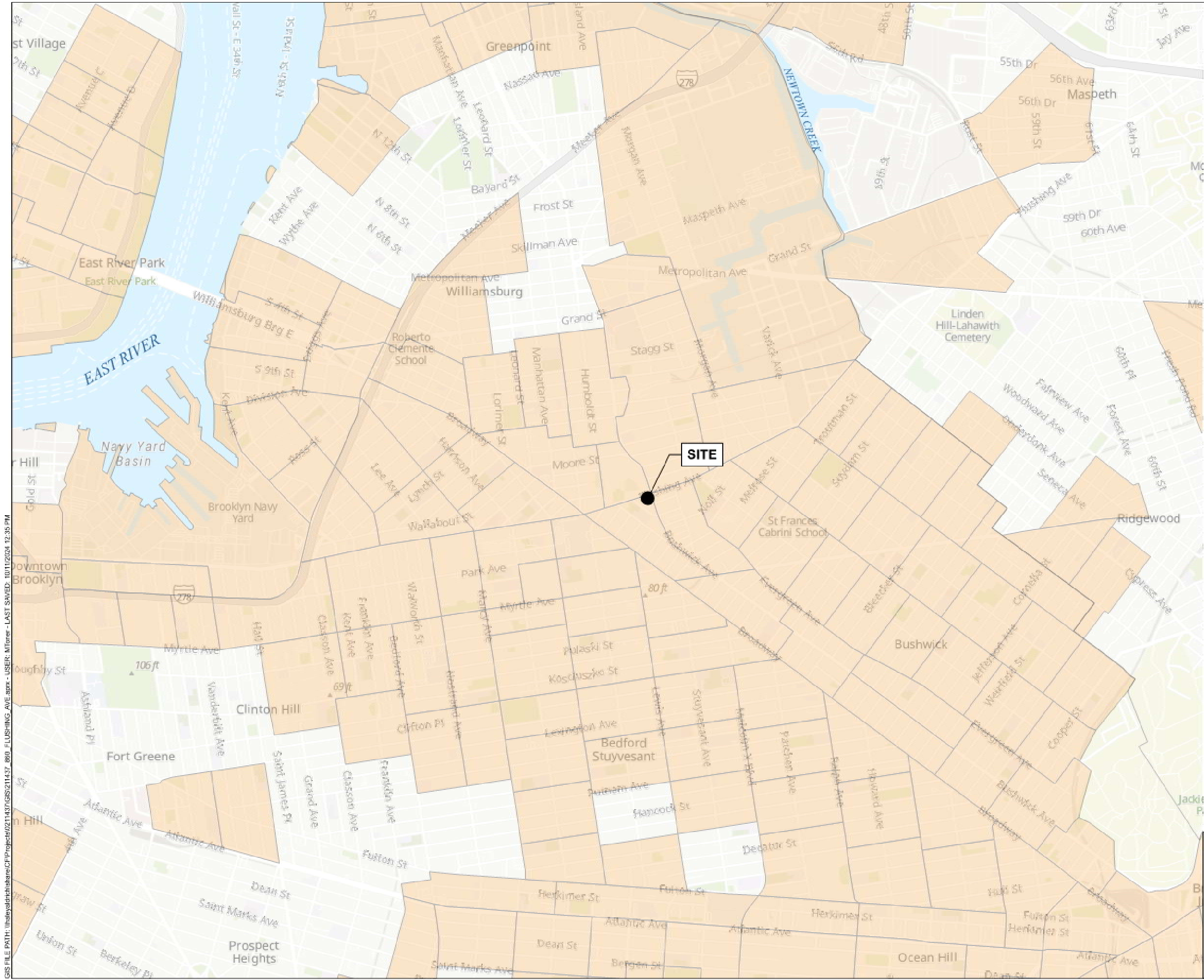
860 FLUSHING AVENUE
BROOKLYN, NEW YORK

LAND USE

DECEMBER 2024

FIGURE 4

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LEGEND

- SITE
- DISADVANTAGED COMMUNITY, NEW YORK CITY AREA

NOTES

1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
2. DISADVANTAGED COMMUNITY DATA SOURCE: THE NEW YORK STATE ENERGY RESERACH AND DEVELOPMENT AUTHORITY (NYSERDA) AND THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) DISADVANTAGED COMMUNITIES CRITERIA MAPS, 2023
3. BASEMAP SOURCE: ESRI



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860 FLUSHING AVENUE
BROOKLYN, NEW YORK

DISADVANTAGED COMMUNITIES

DECEMBER 2024

FIGURE 5

ATTACHMENT B

Section II: Project Description

SECTION II: PROJECT DESCRIPTION

The purpose of the project is to redevelop a contaminated property in addition to implementing remedial measures to protect human health and the environment. The Site is an irregularly shaped lot that is approximately 10,600 square feet (sq ft) in size. The Site is currently occupied by a BP gasoline service station with three pump islands, three gasoline pumps, and a convenience store. The Site was formerly occupied by commercial and manufacturing businesses, including a chair manufacturer with paint spraying, an upholsterer, a dentist, a scrap iron business, a plumbing supply business, a shoe store, a gasoline filling station with auto service, a laundry, lubritorium, repair shop, auto inspection, auto washing and sales, and parking and storage of more than five vehicles. The Site has been assigned an E-designation for hazardous materials and noise as part of the Rheingold Development Rezoning.

The Requestor is not the current owner, but a 99-year lease is in the process of being executed with 456 Bushwick LLC, at which time the Requestor will cease current gasoline filling operations and implement protective measures to ensure the site is secure and minimize potential sources of contamination. An executed Property Access and Authorization letter from 456 Bushwick LLC permits Flushing Holdings NY LLC to: access the property and to apply to participate in and perform any obligations required under the NYSDEC BCP, provide access to the NYSDEC and environmental professionals hired by Flushing Holdings NY LLC to perform any investigation and remedial activities under the BCP, and place an easement on or through the Site.

The proposed project will include:

1. Removal of on-Site tanks [or if they're staying, then implementation of spill prevention measures]
2. Demolition of the existing building and decommissioning of the existing 12,000-gallon underground storage tanks (USTs) and appurtenances to facilitate the remedial investigation;
3. Performance of a remedial investigation to characterize the nature and extent of contamination and identify remedial measures;
4. Excavation and off-Site disposal of contaminated soil; and
5. Implementation of remedial measures, as required, in tandem with Site-wide redevelopment.

Proposed Development

Although future development plans are in preliminary design phases, the proposed development will consist of constructing a new seven- to eight-story multi-family residential building with 65 units with affordable residential rental units. The building will be accessible via Flushing and Bushwick Avenues. The new development is anticipated to include a one cellar level requiring excavation extending to approximately 14 ft below ground surface (ft bgs).

Rationale for BCP Program

The Requestors seek to enter the NYSDEC BCP at the investigation stage.

Upon review of analytical results from previous reports, discussed in further detail in Section IV, the project is seeking entry into the NYSDEC BCP due to, among other things: soil impacted with VOCs, SVOCs, specifically PAHS, and metals including hazardous lead, groundwater impacted with PAHS and metals, and

sub-slab vapor impacted with VOCs and CVOCs. Contamination at the Site is believed to have resulted from historic manufacturing operations, current and historic gasoline filling / auto service operations and documented spills due to petroleum releases from on-site bulk storage tanks. Current gasoline retail operations will be ceased at execution of the 99-year lease and the contamination at the Site will be remediated by the Requestor during development as permitted by 456 Bushwick LLC under the executed Access Agreement.

While the Limited Phase II ESI provided preliminary Site characterization data, it did not fully determine the nature and extent of contamination. Requestors are, therefore, also submitting for NYSDEC approval a Draft RIWP along with this BCP application.

Project Schedule

It is anticipated that, once Requestor is accepted into the BCP and the draft RIWP is approved by the Department, the 30-day public comment period will commence. Following acceptance into the program and approval of the draft RIWP, the Remedial Investigation will commence. A preliminary BCP timeline and project schedule are included as an attachment. Completion of the remedy is anticipated by early 2026 with a Certificate of Completion expected by the end of July 2026. A tentative project schedule is below.

Task	Duration (days)	Start	End	2024		2025												2026						
				Nov	Dec	Jan	Feb	Mar	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July
Application Execution, Permitting, Remedial Investigation, Remedy Design, Remedial Action Work Plan, 30-Day Comment Period	303	11/1/2024	8/31/2025																					
Remedy Implementation	180	9/1/2025	2/28/2026																					
Preparation of FER and SMP	61	3/1/2026	4/30/2026																					
NYSDEC & NYSDOH Review of FER & SMP	45	5/1/2026	6/14/2026																					
NYSDEC Issues COC	45	6/15/2026	7/29/2026																					
Notes:																								
1. Schedule is estimated and subject to change																								
2. Implementation of RAWP does not include completion of building construction																								
RAWP = Remedial Action Work Plan																								
FER = Final Engineering Report																								
SMP = Site Management Plan																								
NYSDEC = New York State Department of Environmental Conservation																								
NYSDOH = New York State Department of Health																								
COC = Certificate of Completion																								

ATTACHMENT C

Section III: Land Use Factors

SECTION III: LAND USE FACTORS

Zoning

According to the New York City Planning Commission Zoning Map 13b, the Site is zoned for residential (R6A) with commercial (C2-4) overlay allowing for commercial or mixed use buildings to be built in residential zones. The C2-4 Zoning District is primarily residential with commercial uses on the street level. The commercial uses are usually typical commercial uses for residential areas including retail, restaurants, and services for the day to day needs of a residential neighborhood.

Current Use

The approximately 10,600 square-foot (0.24 acre) Site is currently operating as a gasoline service station with a convenience store. The Site, currently at grade with the surrounding area, is capped with asphalt and concrete. Possible contaminant source areas include: Urban fill up to a depth of 22.5 feet below grade surface (ft bgs), active petroleum retail operations, including petroleum bulk storage (two NYSDEC PBS registered 12,000-gallon underground storage tanks) and petroleum distribution areas (fuel transfer lines and pump islands), and evidence of historic spills documented in the NYSDEC Spills Database.

Intended Use Post-Remediation

Although future development plans are in preliminary design phases, the proposed development will consist of constructing a new seven- to eight-story multi-family residential building with 65 units with affordable residential rental units. The new development is anticipated to include a one cellar level encompassing the Site footprint.

Compliance with Applicable Zoning Laws, Recent Development and Community Master Plans

According to the New York City Planning Commission Zoning Map 13b, the Site is zoned for residential (R6A) with commercial (C2-4) overlay. The Site has been assigned an E-Designation for hazardous materials and noise as part of the Rheingold Rezoning (City Environmental Quality Review [CEQR] Project No. 09DCP002K). The approved October 2013 Final Environmental Impact Statement (FEIS) lists the Site as projected development site 7 within a Zoning District change from M1-1 to R6A/C2-4. The proposed development of this property is consistent with the current zoning and will be completed in accordance with the Rheingold Zoning requirements. The applicable zoning map is included as an attachment. The Site is located in a Disadvantaged Community.

ATTACHMENT D

Section IV: Property's Environmental History

SECTION IV.1: REPORTS

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

- November 2023 Phase 1 Environmental Update, prepared by Merritt Environmental Consulting Corp (Merritt)
- August 2024 Phase I Environmental Site Assessment, prepared by Haley & Aldrich of New York
- September 2024 Limited Phase II Environmental Site Investigation Report, prepared by Haley & Aldrich of New York

November 2023 Phase I Environmental Update Prepared by Merritt

In November 2023, a Phase I Environmental Update was conducted for the subject property by Merritt Environmental Consulting Corp (Merritt). The assessment revealed no evidence of RECs in connection with the property; however, Merritt noted the following:

- The station is registered with the NYSDEC for two active 12,000-gallon gasoline USTs that were installed in 1998 with a monitoring system. The report further lists eight USTs that have been registered at the subject property: the two active USTs, three 4,000-gallon gasoline USTs removed on 1 July 1998, and three 4,000-gallon USTs listed as non-regulated use. Merritt also noted that the three NYSDEC Spill events and observation of groundwater monitoring wells constitute HRECs and that the subject property has an environmental E-designation that needs to be complied with during any redevelopment.
- Merritt noted that the process to address an E-designation and receive a notice of satisfaction includes submitting a work plan to the New York City Office of Environmental Remediation (NYC OER), conducting a sub-surface investigation, and submitting results to the NYC OER.
- Appended to Merritt's Phase I Environmental Update, subsurface investigation reports detail soil and groundwater sampling completed at the subject property by Kleinfelder East, Inc. (Kleinfelder) on behalf of Exxon Mobil Corp. in reference to the closure of Spill Number 0701041.
- These reports summarized the subsurface investigations completed by Kleinfelder that included the installation of five monitoring wells and the collection of soil and groundwater samples to obtain spill closure with the NYSDEC.
- Subsurface deposits consisting predominantly of artificial fill were observed extending from grade to 7 feet (ft) below grade surface (bgs) and underlain by native deposits consisting predominantly of poorly sorted, medium- to fine-grained sand with trace gravel. Groundwater was measured between 24.95 to 27.46 ft bgs with a north-northwest flow direction.
- Based on the data developed during the subsurface investigation activities, Kleinfelder petitioned the NYSDEC for spill closure based on documented concentrations and trends of benzene, toluene, ethylbenzene, and xylenes (BTEX) and MTBE in groundwater samples, the absence of known impacts/effects to identified sensitive receptors, the absence of potable wells located within 2,500 ft of the subject property and absence of surface-water bodies located within 1,000 ft of the subject property, and further stated that the lateral and vertical extent of adsorbed-phase hydrocarbons and dissolved-phase BTEX and MTBE have been delineated at the subject property.

- Based on these findings, the NYSDEC issued the closure of Spill Number 0701041, and the wells were abandoned on 10 April 2008 with grout/slurry mixture.

August 2023 Phase I ESA Prepared by Haley & Aldrich of New York

In August 2024, Haley & Aldrich of New York prepared a Phase I for the Site. These findings include the following recognized environmental conditions (RECs):

- Spill Number 0701041 was reported at the subject property for an unknown amount of gasoline affecting groundwater based on the results of soil sampling. Spill Number 9614354, related to a gasoline spill that affected groundwater during the Site's use as a Getty Station, was transferred to Spill Number 0701041 by the New York State Department of Environmental Conservation (NYSDEC). Subsurface Investigations were completed that included the installation of five monitoring wells and collection of soil and groundwater samples; the NYSDEC closed the spill on 27 March 2008. However, records indicate that methyl tertiary-butyl ether (MTBE) was detected above regulatory standards in off-Site monitoring wells downgradient to the Site and a source was not identified prior to closure.
- Records identify the current and former use of the Site as a petroleum filling station/auto-related facility since 1947 with three historical spills reported that were transferred or closed with NYSDEC. Additionally, the property was used as a dentist's office from about 1928 to 1934 and the potential for liquid mercury as an amalgam component for use in fillings exists. The Site is currently still operating as a filling station with two active 12,000-gallon underground storage tanks (USTs). Petroleum stains were observed on the ground surface in the vicinity of the pump islands and driveway areas of the Site, and one 55-gallon capacity unsecured and improperly closed drum labeled for benzene-listed (D018) hazardous contents was observed at the Site without implementation of spill prevention measures.
- Additional environmental findings for the Site identify one historical recognized environmental condition (HREC), one *de minimis* condition, and one other finding including the following:
 - Spill Number 0607879 resulting from a suspected leak from a gasoline UST was reported on 11 October 2006. The spill report indicates that the incident resulted from an inventory discrepancy and no leak was identified. The spill was closed by NYSDEC on 16 November 2006.
 - Former uses of the Site, including paint spraying, upholstering, and chair manufacturing, that could have potentially used materials containing perfluorooctanoic acid (PFOA) or perfluorooctane sulfonate (PFOS) as is typical to painting and textile operations.
 - The environmental E-designation (E-315) for hazardous materials, noise, and air quality.
- Based on the findings of the Phase I, Haley & Aldrich of New York recommended a Phase II Subsurface Investigation be performed to determine the nature and extent of contamination at the subject Site, if present.

September 2024 Limited Subsurface Investigation Prepared by Haley and Aldrich of New York

Haley & Aldrich of New York completed a limited sampling event at the Site to investigate soil, groundwater, and sub-slab vapor quality at the Site. Urban fill generally consisting of brown to dark brown to light gray sand with varying amounts of silt, gravel, brick, asphalt, glass, and ceramic was observed from surface grade to approximately 11.5 to 22.5 ft bgs at the Site. The urban fill layer was

underlain by a potential native layer consisting of brown to light brown sand with varying amounts of clay, silt, and gravel. Soil samples were collected continuously, characterized, and screened for visual and olfactory evidence of contamination such as staining and odors. Instrumental screening for the presence of organic vapors was performed using a photoionization detector (PID). No apparent subsurface impacts were observed, including odors and staining, and PID readings did not exceed 0.8 parts per million (ppm). Groundwater was encountered between 26 to 28 ft bgs, and temporary wells were installed to 35 ft bgs to facilitate the collection of groundwater samples.

A geophysical survey was completed prior to completion of intrusive activities. Geophysical anomalies resembling potential and main subsurface utilities, subsurface fuel lines, electrical lines, and large anomalies consistent with the known USTs were identified and marked. An unknown geophysical anomaly located along the east side of the USTs was also identified.

Field observations and analytical results identified historical urban fill contaminated with heavy metals and SVOCs (specifically PAHs) at concentrations consistent with characteristics of urban fill found throughout the New York City area. Urban fill was observed up to a depth of 22.5 ft bgs. SVOCs and total metals exceeding RRSCOs were observed widely distributed throughout the Site in urban fill up to 18 ft bgs, with total metals exceeding UUSCOs up to 19 ft bgs. A hazardous lead hotspot was identified in soil collected from boring B-8 at a depth of 17 to 18 ft bgs in the central region of the Site. Groundwater results indicate the presence of one SVOC, PAHs, and metals exceeding AWQS. Groundwater was encountered between 26 to 28 ft bgs. Sub-slab soil vapor, sampled in the central and northern regions of the Site, is impacted with petroleum and chlorinated VOCs, including BTEX compounds and PCE.

Haley & Aldrich of New York concluded that further delineation would be required to determine the extent of SVOCS and total metals in Site soils and hazardous lead in soil in the central region of the Site. Considering VOCs were identified in Site soil and VOCs, including PCE, were detected in sub-slab soil vapor, an on-Site source may exist.

SECTION IV.2: SAMPLING DATA – ANALYTICAL RESULTS SUMMARY TABLES

Soil Summary Table

Analytes > RRSCO/UUSCO/PGWSCO	Detections > RRSCOs	Detections > UUSCOs	Detections > PGWSCOs	Max Concentration (ppm)	RRSCO (ppm)	UUSCO (ppm)	PGWSCO (ppm)	Depth (ft bgs)
Naphthalene	1	1	1	230	100	12	12	6-7
Benzo(a)anthracene	6	6	6	21	1	1	1	3-4
Benzo(a)pyrene	7	7	7	20	1	1	22	3-4
Benzo(b)fluoranthene	8	8	8	27	1	1	1.7	3-4
Benzo(k)fluoranthene	1	4	2	9	3.9	0.8	1.7	3-4
Chrysene	3	7	7	20	3.9	1	1	3-4
Dibenzo(a,h)anthracene	4	4	0	3.3	0.33	0.33	1,000	3-4
Indeno(1,2,3-cd)pyrene	8	8	1	14	0.5	0.5	8.2	3-4
Arsenic	1	1	1	18.8	16	13	16	17-18
Barium	2	3	0	850	400	350	820	17-18
Cadmium	1	1	1	22.8	4.3	2.5	7.5	17-18
Copper	2	3	1	1760	270	50	1,720	17-18
Lead	4	10	4	18,700	400	63	450	17-18
Mercury	5	10	5	5.62	0.81	0.18	0.73	0-2
Zinc	1	9	1	12,800	10,000	109	2,480	17-18

TCLP Lead Summary Table

Analytes	Total Detections > USEPA Allowable Limit	Max Concentration (mg/L)	USEPA Allowable Limit for Toxicity Characteristic (mg/L)	Depth (ft bgs)
Lead, TCLP	1	9.17	5	17-18

Groundwater Summary Table

Analytes > AWQS	Detections > AWQS	Max Concentration (ppb)	AWQS (ppb)
Phenol	1	1.7 J	1
Benzo(a)anthracene	2	0.12	0.002
Benzo(b)fluoranthene	2	0.14	0.002
Benzo(k)fluoranthene	1	0.05 J	0.002
Chrysene	1	0.11	0.002
Indeno(1,2,3-cd)pyrene	2	0.08 J	0.002
Iron*	3	19,200	300
Lead*	3	155.2	25
Manganese*	3	1,341	300
Sodium*	3	190,000	20000

Sub-slab Vapor Summary Table

Analytes	Total Detections	Max. Detection (µg/m³)	Type
Methylene Chloride	1	2.11	Sub-slab Vapor
1,1,1-Trichloroethane	3	41.7	Sub-slab Vapor
Trichloroethene	1	6.66	Sub-slab Vapor
Tetrachloroethene	3	96.3	Sub-slab Vapor
Benzene, Toluene, Ethylbenzene, Xylenes	3	530	Sub-slab Vapor

Notes:

RRSCO = NYSDEC Restricted Residential Use Soil Cleanup Objectives
UUSCO = NYSDEC Unrestricted Use Soil Cleanup Objectives
PGWSCO = NYSDEC Protection of Groundwater Soil Cleanup Objectives
Detections exceeding RRSCOs also exceed the UUSCOs
USEPA = United States Environmental Protection Agency
ppm = parts per million
ft bgs = feet below grade surface
AWQS = Ambient Water Quality Standards
mg/L = milligram per liter
ppb = parts per billion
 $\mu\text{g}/\text{m}^3$ = microgram per cubic meter
*Total concentrations

SECTION IV.3: SAMPLING DATA

For each impacted medium above, refer to Figures 6 through 8 below, which include detailed information requested in Application Section IV.3.

Figures from Previous Environmental Site Investigation for impacted medium which includes all information requested in Application Section IV.3 (Figures 6-8)

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	B-5 6-7
	08/07/2024
Volatile Organics	
Benzene	0.69
Naphthalene	230
Toluene	1.6
Ethylbenzene	0.93
Xylene (Total)	4.6
Semi-Volatile Organics	
Benzo(a)anthracene	12
Benzo(a)pyrene	10
Benzo(b)fluoranthene	11
Benzo(k)fluoranthene	1.5
Chrysene	13
Dibenz(a,h)anthracene	0.98
Indeno(1,2,3-cd)pyrene	4
Total Metals	
Lead	68.2
Mercury	0.184
Zinc	110

	B-4 5-6	B-4 11-12
	08/07/2024	08/07/2024
Volatile Organics		
Tetrachloroethene	0.00092	ND (0.00048)
Semi-Volatile Organics		
Benzo(a)anthracene	0.25	1.5
Benzo(a)pyrene	0.3 J	1.3
Benzo(b)fluoranthene	0.43	1.8
Chrysene	0.3	1.4
Indeno(1,2,3-cd)pyrene	0.23 J	0.81
Total Metals		
Lead	246	116
Mercury	1.37	0.419
Zinc	220	222

	B-7 2-3
	08/07/2024
Semi-Volatile Organics	
Benzo(a)pyrene	1.1
Benzo(b)fluoranthene	1.5
Chrysene	1.2
Indeno(1,2,3-cd)pyrene	0.72
Total Metals	
Lead	155
Mercury	0.705
Zinc	261

NYCRR Part 375 Protection of Groundwater, Restricted Residential, and Unrestricted Residential Soil Cleanup Objectives			
Analyte	PGWSCOs	RRSCOs	UUSCOs
Volatile Organics			
1,1,1-Trichloroethane	0.68	100	0.68
Benzene	0.06	4.8	0.06
Ethylbenzene	1	41	1
Naphthalene	12	100	12
Tetrachloroethene	1.3	19	1.3
Toluene	0.7	100	0.7
Xylene (Total)	1.6	100	0.26
Semi-Volatile Organics			
Benzo(a)anthracene	1	1	1
Benzo(a)pyrene	22	1	1
Benzo(b)fluoranthene	1.7	1	1
Benzo(k)fluoranthene	1.7	3.9	0.8
Chrysene	1	3.9	1
Dibenz(a,h)anthracene	1000	0.33	0.33
Indeno(1,2,3-cd)pyrene	8.2	0.5	0.5
Total Metals			
Arsenic	16	16	13
Barium	820	400	350
Cadmium	7.5	4.3	2.5
Copper	1720	270	50
Lead	450	400	63
Mercury	0.73	0.81	0.18
Zinc	2480	10000	109

USEPA Allowable Limit for Toxicity Characteristic

TCLP Metals (mg/L)	
Lead	9.17

	B-2 0-2	B-2 7-9
	08/07/2024	08/07/2024
Volatile Organics		
1,1,1-Trichloroethane	ND (0.00079)	0.00032 J
Tetrachloroethene	0.00072 J	0.0011
Semi-Volatile Organics		
Benzo(a)anthracene	0.95	2
Benzo(a)pyrene	0.94	1.9
Benzo(b)fluoranthene	1.3	2.5
Chrysene	0.98	2
Indeno(1,2,3-cd)pyrene	0.64	1.2
Total Metals		
Copper	11	315
Lead	71.6	562
Mercury	0.824	2.57
Zinc	55.7	481

	B-8 3-4	B-8 17-18
	08/07/2024	08/07/2024
Volatile Organics		
Tetrachloroethene	ND (0.00057)	0.00044 J
Semi-Volatile Organics		
Benzo(a)anthracene	21	14
Benzo(a)pyrene	20	8.4
Benzo(b)fluoranthene	27	17
Benzo(k)fluoranthene	9	2.4
Chrysene	20	7.9
Dibenz(a,h)anthracene	3.3	1.3
Indeno(1,2,3-cd)pyrene	14	6
Total Metals		
Arsenic	5.59	18.8
Barium	426	850
Cadmium	1.52	22.8
Copper	101	1760
Lead	2050	18700
Mercury	0.393	0.952
Zinc	890	12800
TCLP Metals (mg/L)		
Lead	-	9.17

	B-6 18-19
	8/6/2024
Total Metals	
Lead, Total	174
Mercury, Total	0.226
Zinc, Total	293

	B-3 0-2
	08/06/2024
Semi-Volatile Organics	
Benzo(a)anthracene	2.7
Benzo(a)pyrene	2.8
Benzo(b)fluoranthene	3.3
Benzo(k)fluoranthene	1.1
Chrysene	2.6
Dibenz(a,h)anthracene	0.42
Indeno(1,2,3-cd)pyrene	1.8
Total Metals	
Barium	353
Lead	506
Mercury	5.62
Zinc	287

LEGEND

- SOIL BORING
- SOIL BORING AND TEMPORARY MONITORING WELL
- SITE BOUNDARY
- PARCEL BOUNDARY

NOTES

- ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
- ASSESSOR PARCEL DATA SOURCE: KINGS COUNTY
- AERIAL IMAGERY SOURCE: NEARMAP, 18 JUNE 2024
- MERRITT ENVIRONMENTAL CONSULTING CORP. ENVIRONMENTAL UPDATE REPORT, NOVEMBER 2023
- NEW YORK CODE OF RULES AND REGULATIONS (NYCRR) PART 375 EXCEEDANCES OF PROTECTION OF GROUNDWATER SOIL CLEANUP OBJECTIVES (PGWSCOs) ARE SHOWN IN BOLD ITALIC
- NYCRR PART 375 EXCEEDANCES OF RESTRICTED RESIDENTIAL SCOs (RRSCOs) ARE SHOWN HIGHLIGHTED IN RED
- NYCRR EXCEEDANCES OF UNRESTRICTED USE SCOs (UUSCOs) ARE SHOWN HIGHLIGHTED IN YELLOW
- EXCEEDANCES OF UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (US EPA) ALLOWABLE LIMIT FOR TOXICITY CHARACTERISTIC ARE SHOWN IN BOLD RED FONT
- RESULTS IN PARTS PER MILLION (PPM)
- TCLP LEAD RESULT SHOWN IN MILLIGRAMS PER LITER (MG/L)



0 30 60
SCALE IN FEET

HALEY ALDRICH

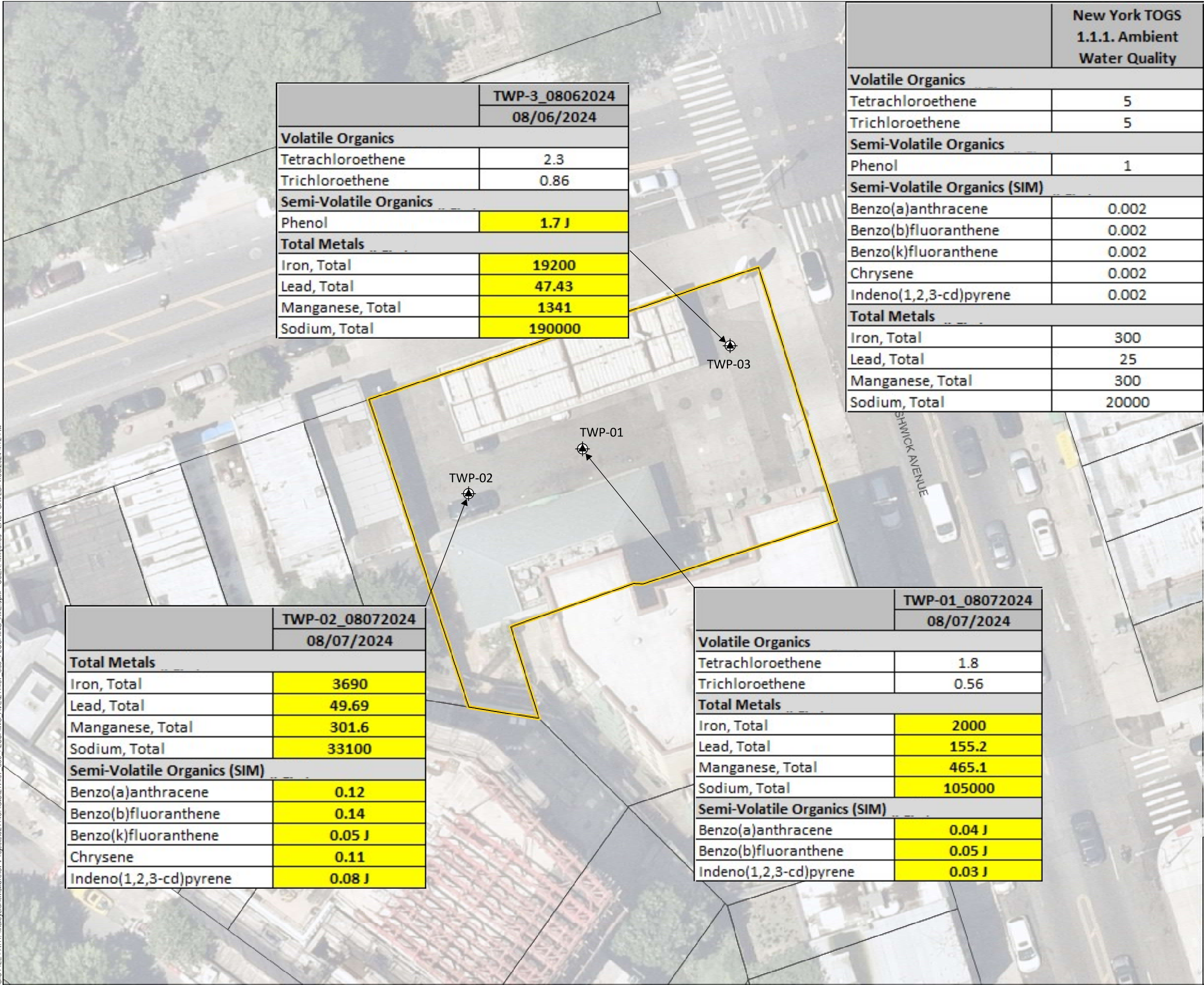
880 FLUSHING AVENUE
BROOKLYN, NEW YORK

MAP OF SOIL CHEMISTRY

OCTOBER 2024

FIGURE 6

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LEGEND

- IG AND TEMPORARY MONITORING WELL
- SITE BOUNDARY
- PARCEL BOUNDARY

NOTES

- ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
- ASSESSOR PARCEL DATA SOURCE: KINGS COUNTY
- AERIAL IMAGERY SOURCE: NEARMAP, 18 JUNE 2024
- MERRITT ENVIRONMENTAL CONSULTING CORP. ENVIRONMENTAL UPDATE REPORT, NOVEMBER 2023
- EXCEEDANCES OF NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) NEW YORK TOGS 1.1.1 AMBIENT WATER QUALITY STANDARDS (AWQS) ARE HIGHLIGHTED IN YELLOW WITH BOLD FONT
- RESULTS IN PARTS PER BILLION (PPB)



0 30 60
SCALE IN FEET

HALEY
ALDRICH

860 FLUSHING AVENUE
BROOKLYN, NEW YORK

MAP OF GROUNDWATER CHEMISTRY

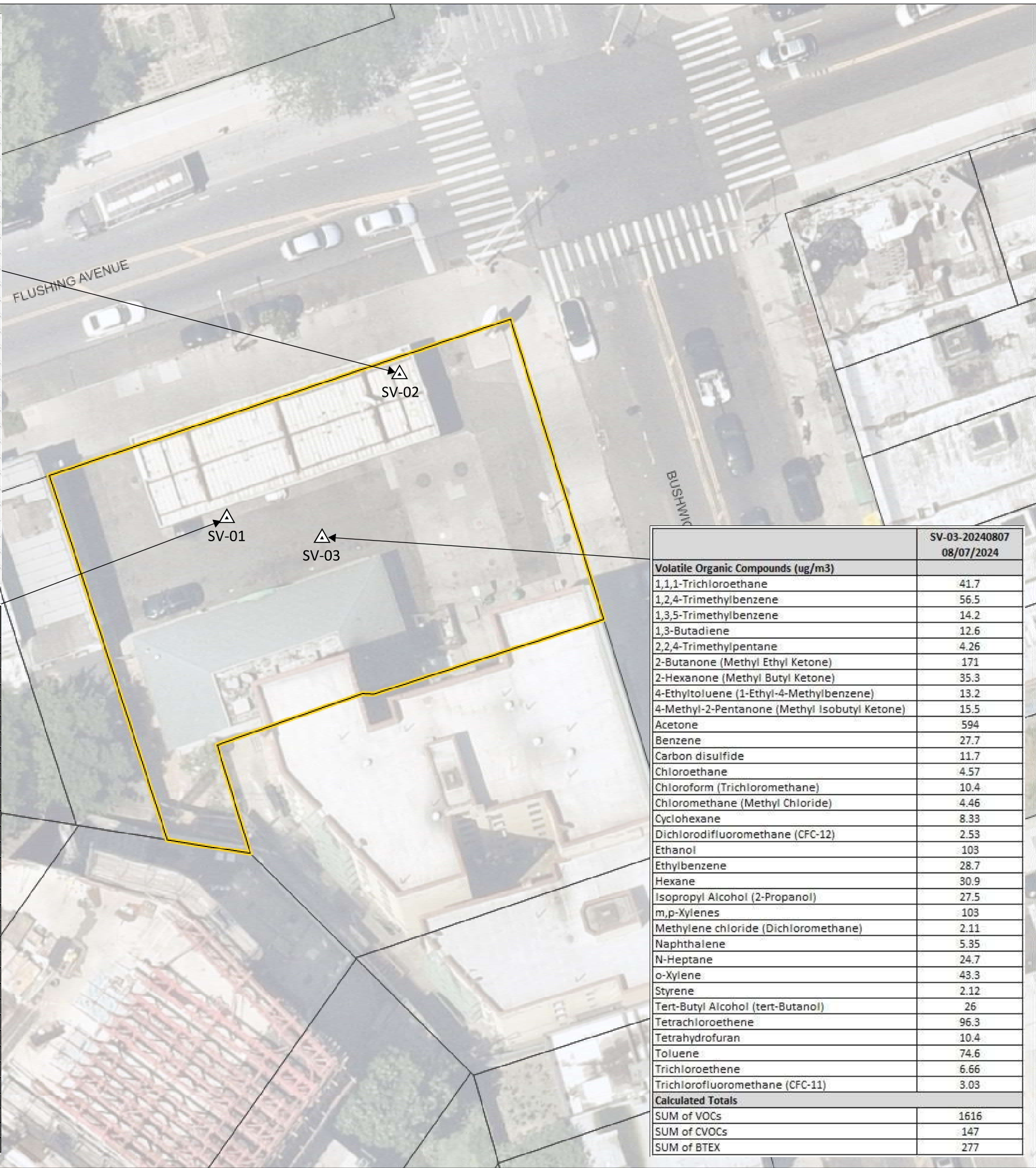
OCTOBER 2024

FIGURE 7

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	SV-02-20240807 08/07/2024
Volatile Organic Compounds (ug/m3)	
1,1,1-Trichloroethane	6.27
1,2,4-Trimethylbenzene	42.1
1,3,5-Trimethylbenzene	10.9
1,3-Butadiene	0.564
1,4-Dioxane	25.3
2,2,4-Trimethylpentane	12.8
2-Butanone (Methyl Ethyl Ketone)	50.4
2-Hexanone (Methyl Butyl Ketone)	7.62
4-Ethyltoluene (1-Ethyl-4-Methylbenzene)	11.4
4-Methyl-2-Pentanone (Methyl Isobutyl Ketone)	11
Acetone	485
Benzene	9.33
Carbon disulfide	8.16
Chloromethane (Methyl Chloride)	0.589
Cyclohexane	4.82
Dichlorodifluoromethane (CFC-12)	2.59
Ethanol	586
Ethylbenzene	35.7
Hexane	11.2
Isopropyl Alcohol (2-Propanol)	40.1
m,p-Xylenes	121
Naphthalene	2.96
N-Heptane	12.3
o-Xylene	52.1
Styrene	1.09
Tert-Butyl Alcohol (tert-Butanol)	42.7
Tetrachloroethene	24.8
Toluene	90.4
Trichlorofluoromethane (CFC-11)	2.04
Calculated Totals	
SUM of VOCs	1711
SUM of CVOCs	31
SUM of BTEX	309

	SV-01-20240807 08/07/2024
Volatile Organic Compounds (ug/m3)	
1,1,1-Trichloroethane	36.1
1,2,4-Trimethylbenzene	66.9
1,3,5-Trimethylbenzene	16.5
1,3-Butadiene	1.13
1,4-Dioxane	7.71
2,2,4-Trimethylpentane	12.2
2-Butanone (Methyl Ethyl Ketone)	103
2-Hexanone (Methyl Butyl Ketone)	12.3
4-Ethyltoluene (1-Ethyl-4-Methylbenzene)	13.2
4-Methyl-2-Pentanone (Methyl Isobutyl Ketone)	17
Acetone	981
Benzene	45.7
Carbon disulfide	6.6
Chloroform (Trichloromethane)	118
Cyclohexane	11.2
Dichlorodifluoromethane (CFC-12)	2.29
Ethanol	298
Ethylbenzene	58.6
Hexane	23.9
Isopropyl Alcohol (2-Propanol)	20.5
m,p-Xylenes	197
Naphthalene	4.78
N-Heptane	23.5
o-Xylene	79.5
Styrene	1.78
Tert-Butyl Alcohol (tert-Butanol)	57.9
Tetrachloroethene	37.6
Toluene	149
Calculated Totals	
SUM of VOCs	2403
SUM of CVOCs	74
SUM of BTEX	530



	SV-03-20240807 08/07/2024
Volatile Organic Compounds (ug/m3)	
1,1,1-Trichloroethane	41.7
1,2,4-Trimethylbenzene	56.5
1,3,5-Trimethylbenzene	14.2
1,3-Butadiene	12.6
2,2,4-Trimethylpentane	4.26
2-Butanone (Methyl Ethyl Ketone)	171
2-Hexanone (Methyl Butyl Ketone)	35.3
4-Ethyltoluene (1-Ethyl-4-Methylbenzene)	13.2
4-Methyl-2-Pentanone (Methyl Isobutyl Ketone)	15.5
Acetone	594
Benzene	27.7
Carbon disulfide	11.7
Chloroethane	4.57
Chloroform (Trichloromethane)	10.4
Chloromethane (Methyl Chloride)	4.46
Cyclohexane	8.33
Dichlorodifluoromethane (CFC-12)	2.53
Ethanol	103
Ethylbenzene	28.7
Hexane	30.9
Isopropyl Alcohol (2-Propanol)	27.5
m,p-Xylenes	103
Methylene chloride (Dichloromethane)	2.11
Naphthalene	5.35
N-Heptane	24.7
o-Xylene	43.3
Styrene	2.12
Tert-Butyl Alcohol (tert-Butanol)	26
Tetrachloroethene	96.3
Tetrahydrofuran	10.4
Toluene	74.6
Trichloroethene	6.66
Trichlorofluoromethane (CFC-11)	3.03
Calculated Totals	
SUM of VOCs	1616
SUM of CVOCs	147
SUM of BTEX	277

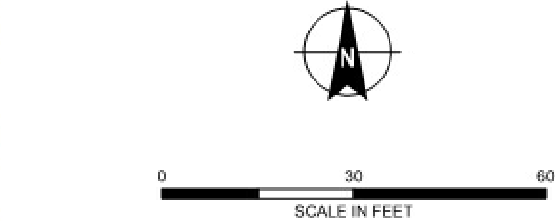
LEGEND

3 SAMPLE

SITE BOUNDARY

PARCEL BOUNDARY

- NOTES**
1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
 2. ASSESSOR PARCEL DATA SOURCE: KINGS COUNTY
 3. AERIAL IMAGERY SOURCE: NEARMAP, 18 JUNE 2024
 4. MERRITT ENVIRONMENTAL CONSULTING CORP. ENVIRONMENTAL UPDATE REPORT, NOVEMBER 2023
 5. ALL DETECTED ANALYTES SHOWN ON FIGURE
 6. RESULTS ARE DISPLAYED IN MICROGRAMS PER CUBIC METER (ug/m3)
 7. SUM OF VOCs IS THE TOTAL OF ALL THE DETECTED VOC CONCENTRATIONS
 8. SUM OF CVOCs IS THE TOTAL DETECTED CONCENTRATION OF TETRACHLORIDE, 1,1-DICHLOROETHENE, CIS-1,2-DICHLOROETHENE, TRICHLOROETHENE, METHYLENE CHLORIDE, TETRACHLOROETHENE, 1,1,1-TRICHLOROETHANE, AND VINYL CHLORIDE
 9. SUM OF BTEX IS THE TOTAL DETECTED CONCENTRATION OF BENZENE, TOLUENE, ETHYLBENZENE, AND XYLENES



**HALEY
ALDRICH**

860 FLUSHING AVENUE
BROOKLYN, NEW YORK

MAP OF SOIL VAPOR CHEMISTRY

OCTOBER 2024

FIGURE 8

ATTACHMENT E

Section V: Requestor Information

SECTION V: REQUESTORS' INFORMATION

The entity requesting participation in the BCP (the Requestor) is Flushing Holdings NY LLC. Miriam Schwartz is the authorized signatory of Flushing Holdings NY LLC.

The contact information for the Requestor is:

Shimon Brach
Flushing Holdings NY LLC
670 Myrtle Avenue, Suite 222
Brooklyn, New York 11205
Phone: 718-930-3238
Email: rdt11206@gmail.com

Flushing Holdings NY LLC entered into a 99 year lease with 456 Bushwick LLC on July 26, 2024. However, as per lease terms the commencement date, delivery of possession and rent commencement have not yet occurred, as the existing gas station tenant is in the process of vacating the premises. The anticipated commencement date is July 26, 2025.

A letter confirming access permission between the Requestor and 456 Bushwick LLC, granting full access to take all actions necessary to enter into and carry out the obligations of the BCP, has been executed. A copy of the executed access letter is included in this attachment.

Flushing Holdings NY LLC is 100% owned by Shimon Brach

A printout of the entity information from the New York State Department of State's Corporation & Business Entity Database for Flushing Holdings NY LLC is included in this attachment.

All BCP submittal documents will be certified by a Haley & Aldrich of New York Licensed Professional Engineer and/or the Requestor in accordance with DER-10 Section 1.5.

Department of State

Division of Corporations

Entity Information

Return to Results

Return to Search

Entity Details

ENTITY NAME: FLUSHING HOLDINGS NY LLC	DOS ID: 7371541
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: 07/11/2024	REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 07/11/2024	INACTIVE DATE:
FOREIGN FORMATION DATE:	STATEMENT STATUS: CURRENT
COUNTY: KINGS	NEXT STATEMENT DUE DATE: 07/31/2026
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: 670 MYRTLE AVE #222, BROOKLYN, NY, UNITED STATES, 11205

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:

Address:

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value	Number Of Shares	Value Per Share

**ARTICLES OF ORGANIZATION
OF
FLUSHING HOLDINGS NY LLC**
Under Section 203 of the Limited Liability Company Law

- FIRST: The Name of the limited liability company is: **FLUSHING HOLDINGS NY LLC**
- SECOND: The county, within this state, in which the office of the limited liability company is to be located is **KINGS**
- THIRD: The Secretary of State is designated as agent of the limited liability company upon whom process against the limited liability company may be served. The post office address to which the Secretary of State shall mail a copy of any process against the limited liability company served upon the Secretary of State by personal delivery is:
THE LIMITED LIABILITY COMPANY
670 MYRTLE AVE #222
BROOKLYN, NY 11205

I certify that I have read the above statements, I am authorized to sign these Articles of Organization, that the above statements are true and correct to the best of my knowledge and belief and that my signature typed below constitutes my signature.

MIRIAM SCHWARTZ (Signature)

FILE IT USA INC, ORGANIZER

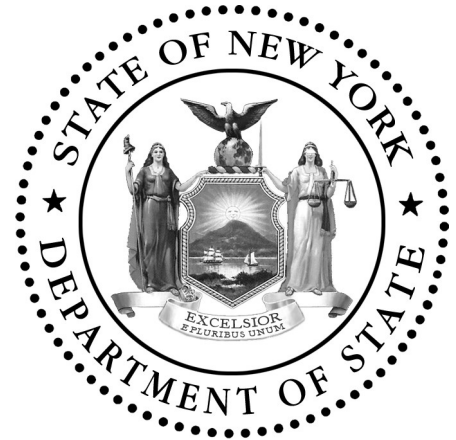
Filed by:

FILE IT USA INC.
866 MYRTLE AVE STE 1
BROOKLYN, NY 11206

**NEW YORK STATE DEPARTMENT OF STATE
DIVISION OF CORPORATIONS, STATE RECORDS AND UNIFORM COMMERCIAL CODE
FILING RECEIPT**

ENTITY NAME : FLUSHING HOLDINGS NY LLC
DOCUMENT TYPE : ARTICLES OF ORGANIZATION
ENTITY TYPE : DOMESTIC LIMITED LIABILITY COMPANY

DOS ID : 7371541
FILE DATE : 07/11/2024
FILE NUMBER : 240711003726
TRANSACTION NUMBER : 202407110004497-3446217
EXISTENCE DATE : 07/11/2024
DURATION/DISSOLUTION : PERPETUAL
COUNTY : KINGS



SERVICE OF PROCESS ADDRESS : THE LIMITED LIABILITY COMPANY
670 MYRTLE AVE #222,
BROOKLYN, NY, 11205, USA

**ELECTRONIC SERVICE OF PROCESS
EMAIL ADDRESS :**

N/A

FILER : FILE IT USA INC.
866 MYRTLE AVE STE 1,
BROOKLYN, NY, 11206, USA

SERVICE COMPANY : FILE IT USA INC.
SERVICE COMPANY ACCOUNT : TH

You may verify this document online at : <http://ecorp.dos.ny.gov>
AUTHENTICATION NUMBER : 100006067247

TOTAL FEES:	\$205.00	TOTAL PAYMENTS RECEIVED:	\$205.00
FILING FEE:	\$200.00	CASH:	\$0.00
CERTIFICATE OF STATUS:	\$0.00	CHECK/MONEY ORDER:	\$0.00
CERTIFIED COPY:	\$0.00	CREDIT CARD:	\$0.00
COPY REQUEST:	\$5.00	DRAWDOWN ACCOUNT:	\$205.00
EXPEDITED HANDLING:	\$0.00	REFUND DUE:	\$0.00

**FLUSHING HOLDINGS NY LLC AUTHORIZATION
TO COMPLETE REMEDIAL REQUIREMENTS AND GRANT
ENVIRONMENTAL EASEMENTS**

The undersigned, being the sole member of Flushing Holdings NY LLC, a New York limited liability company (the "Company"), hereby certifies as of November 5, 2024, as follows, adopts the following resolutions and authorizes the Company to authorize and direct Shimon Brach (the "Authorized Signatory") to take the following actions on behalf of the Company:

WHEREAS, the Company desires to authorize the Authorized Signatory, set forth below, to undertake actions necessary to redevelop 860 Flushing Avenue, Brooklyn, NY 11206 (the "Property" or the "Site").


WHEREAS, in connection with the redevelopment of the Property, the Company has prepared and submitted an application to participate in the New York State Brownfield Cleanup Program ("BCP") and has entered into the BCP, and a Brownfield Cleanup Agreement ("BCA"); filed related documents with the New York State Department of Environmental Conservation ("DEC") to participate in the BCP; and has undertaken certain environmental remediation work related thereto consistent with applicable laws, regulations and guidance under the BCP (collectively referred to as the "Remedial Program Requirements");

NOW THEREFORE, BE IT

RESOLVED, the Authorized Signatory be, and hereby is, authorized and directed, in the name of and on behalf of the Company, to execute and to deliver all applications, documents and instruments required to effectuate the BCA (including execution of the BCA), grant an environmental easement, and make any filings required to comply with the BCA consistent with the Remedial Program Requirements; and be it further;


RESOLVED, that this Authorization may be signed in any number of counterparts, including but not limited to electronic, and shall become effective as of the date herein below written when each person named below shall have signed a copy hereof; and

RESOLVED, The Authorized Signatory is authorized to bind the Company as an Authorized Signatory for the purposes set forth in this Authorization, the signature set forth opposite his name below is his actual signature:

<u>Authorized Signatory</u>	<u>Signature</u>
Shimon Brach	

IN WITNESS WHEREOF, the undersigned have signed and sealed this Member Consent on November 5, 2024.

MEMBERS:


By: Shimon Brach

456 BUSHWICK LLC

October 16, 2024

Flushing Holdings NY LLC
670 Myrtle Avenue #222
Brooklyn, NY 11205


Re: Property Access and Authorization to perform all obligations under the New York State Brownfield Cleanup Program

Dear Sir or Madam:

456 Bushwick LLC, (hereinafter referred to as the "Owner") owns the property located at 860 Flushing Avenue, Brooklyn, NY 11206, Block 3138 Lot 32 (the "Property" or the "Site"). The Owner hereby authorizes the entities listed on Exhibit A, attached hereto (collectively referred to as the "Authorized Applicant(s)/Requestor(s)"), following the delivery of liability insurance to and for the benefit of Owner, to access the Property and to apply to participate in and perform any obligations required under the New York State Department of Environmental Conservation's ("NYSDEC") Brownfield Cleanup Program ("BCP").

Owner understands that the Authorized Applicants/Requestors will also need to provide access to the NYSDEC and environmental professionals that the Authorized Applicants has/have hired to perform any investigation and remedial activities under the BCP. Owner further understands that an easement may be needed in connection with BCP efforts, and authorizes the placement of an easement on or through the Property subject to the prior review and consent of the Owner, in accordance with any subsequent or separate writing between the parties.

Sincerely,

A handwritten signature in black ink, appearing to read "George Macchia". The signature is stylized with a large initial "G" and a long horizontal stroke at the end.

George Macchia
Member

EXHIBIT A

AUTHORIZED APPLICANT(S)/REQUESTOR(S)

- Flushing Holdings NY LLC

ATTACHMENT F

Section VI: Requestor Eligibility Information

SECTION VI: REQUESTORS' ELIGIBILITY INFORMATION

Volunteer Status

The Requestor, Flushing Holdings NY LLC, qualifies as a "Volunteer" in the BCP because the Requestor's liability arises solely as a result of its agreement to lease the proposed BCP Site. The Requestor did not cause, contribute to, or permit the disposal of any contaminants at the Site. The Requestor's lease commencement date, delivery of possession date, and rent commencement date have not yet occurred, as the Site premises must be vacated by the current gas station tenant. Therefore, the Requestor did not control or have possession of the Site when such contamination occurred.

The Requestor has obtained and reviewed Phase I and Phase II Environmental Site Investigations to evaluate the REC's identified in the Phase I ESA. The Volunteer is seeking to enter the BCP to fully investigate and remediate the Site for the proposed development.

The Requestor also qualifies as a "Volunteer" in the BCP because it is an unrelated third-party LLC and neither it or its members has any connection with the current nor any prior owner or operator, nor did the Requestor control the Site when such contamination occurred. The Requestor commissioned a Phase I ESA for the purposes of conducting all appropriate inquiry prior to occupying the Site and intends to address any Site contamination via the BCP. The Requestor did not observe and is not aware of any continuing release. Upon execution of the lease agreement, the tenant will implement all necessary measures to mitigate exposure to contamination and to prevent any threatened, future release, and prevent and limit human, environmental or natural resource exposure to any previously released contamination at the Site such as maintaining the building footprint cover and providing Site security in the form of perimeter fencing with locked exterior doors. As such, the Requestor qualifies as a Volunteer in accordance with ECL § 27-1405(1).

ATTACHMENT G

Section IX: Current Property Owner/Operator Information

SECTION IX: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Current Owner and Operator

The current owner is 456 Bushwick LLC. A letter confirming access permission between the Requestor and 456 Bushwick LLC, granting full access to take all actions necessary to enter and carry out the obligations of the BCP, was executed on 16 October 2024. The 0.24 acre Site is currently operating as a BP gasoline service station with three pump islands, three gasoline pumps, and a convenience store.

Previous Owners and Operators

A list of current and previous Site owners is provided in the below table.

Date	Document Type	First Party	First Party Address	Second Party	Relationship of First Party to Applicant
2/23/2009	Deed	Bearges, LLC	c/o Sig 150 East 58 th Street, Suite 2400, New York, NY 10155	456 Bushwick LLC c/o George J. Macchia	None
8/12/1997	Deed	Baerges Enterprises Corp.	2045 Ralph Avenue, Brooklyn, NY 11234	Baerges, LLC	None
6/27/1997	Deed	Baerges Enterprises Corp.	2045 Ralph Avenue, Brooklyn, NY 11234	Baerges, LLC	None
6/16/1983	Deed	Gulf Oil Corporation	433 Hackensack Avenue, Hackensack, NJ 07601	Baerges Enterprises Corp.	None
6/19/1975	Deed	Finance Admin City of NY	New York, NY	City of NY	None
6/18/1968	Deed	Malisoff, Raymond	1043 East 26 th Street, Brooklyn, NY	Gulf Oil Corp.	None

Reference: New York City Department of Finance Automated City Register Information System (ACRIS) website: <https://a836-acris.nyc.gov/DS/DocumentSearch/BBL>. Current and former addresses and telephone numbers of the previous property owners are not available. Previous owner information prior to 1968 is not available.

Current and previous Site operators are provided in the table below.

Name	Relationship to Property	Address and Phone Number	Relationship to Applicant
Jaswick Mart Inc. & BP	Operator (2008-current)	864 Flushing Avenue, (718) 443-2230	None
Mobil Oil Exxon Mobil Corp.	Operator (2000-2005)	864 Flushing Avenue, not available	None
Flushing Supply Corp.	Operator (1976)	870 Flushing Avenue	None
Frischman & Son Chair Mfrs Frischman & Son Furn Mfrs	Operator (1928-1934)	860 Flushing Avenue	None
Gluckman WM Dr Off Gluckman WM Dentist	Operator (1928-1934)	870 Flushing Avenue	None

Reference: The EDR City Directory Abstract (inquiry number 7721415.5) included in the Phase I ESA completed by Haley & Aldrich of New York in August 2024. New York City Department of Finance Automated City Register Information System (ACRIS) website: <https://a836-acris.nyc.gov/DS/DocumentSearch/BBL>. Previous operator information prior to 1928 is not available.

ATTACHMENT H

Section XI: Contact List Information and Acknowledgement from Repositories

SECTION XI – CONTACT LIST INFORMATION

SITE CONTACT LISTS

Executive

Role	Name	Phone	Mailing Address	Email / Contact
NYC Mayor	Mayor Eric Adams	212-NEW-YORK	City Hall New York, NY 10007	https://www1.nyc.gov/office-of-the-mayor/mayor-contact.page
NYC Department of City Planning Chairperson	Marisa Lago	212-720-3300	120 Broadway 31st Floor New York, NY 10271	https://www1.nyc.gov/site/planning/about/email-the-director.page
Brooklyn Borough President	Antonio Reynoso	718-802-3700	Brooklyn Borough Hall 209 Joralemon Street Brooklyn, NY 11201	AskReynoso@brooklynbp.nyc.gov
Brooklyn Community Board 4 District Manager	Celestina León	718-628-8400	1420 Bushwick Avenue, Suite 370, Brooklyn, NY 11207	Bk04@cb.nyc.gov
New York City Council District 34	Jennifer Gutierrez	718-963-3141	244 Union Avenue, Brooklyn, NY 11211	District34@council.nyc.gov
NY Senate District 18 Senator	Julia Salazar	718-573-1726	212 Evergreen Avenue, Brooklyn, NY 11221	salazar@nysenate.gov
NY State Assembly District 53 Member	Maritza Davila	718-443-1205	249 Wilson Avenue Brooklyn, NY 11237	DavilaM@nyassembly.gov
NYC Department of Health and Mental Hygiene (DOHMH)	Ashwin Vasan, M.D., PhD Commissioner	212-639-9675	42-09 28 th Street, Queens, NY 11101	opmc@health.ny.gov

Owners, Residents, Occupants

The Site is currently operating as a BP Gasoline Service Station with an 1,860 square-foot one-story convenience store, a canopy for three pump islands and parking for the convenience store.

The tables below provide current contact information for the current owner and occupants of the Site.

Owner	Contact Name	Phone	Mailing Address	Email
456 Bushwick LLC	George J. Macchia	718-933-0700	556 Central Avenue, Bethpage, NY 11714	george@themacchiagroup.net

Operator	Contact Name	Phone	Mailing Address	Email
BP	n/a	718-443-2230	864 Flushing Avenue, Brooklyn, NY 11206	n/a

Adjacent Properties

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

Owner/Entity Name	Contact Name	Site Use	Property Address	Owner Mailing Address
New York City Housing Authority (North)	N/A	Multi-Family Residential	811 Flushing Ave, Brooklyn, NY 11206	787 Atlantic Ave, 2 nd Floor, Brooklyn, NY 11238
Flushing Conservatory of Music, Inc. (East)	N/A	Commercial & Office Building	457 Bushwick Ave, Brooklyn, NY 11206	121-17 12 th Avenue, College Point, NY 11356
Bushwick Terrace LLC (East)	N/A	Commercial	459 Bushwick Avenue, Brooklyn, NY 11206	459 Bushwick Avenue, Brooklyn NY 11206
Kwok Hung Ng (East)	Kwok Hung Ng	Mixed-Use Residential & Commercial	461 Bushwick Avenue, Brooklyn, NY 11206	92 Allen Street, New York, NY 10002
Serlin Building Limited Partnership (South)	N/A	Mixed-Use Residential & Commercial	464 Bushwick Ave, Brooklyn, NY 11206	77 Main Street, Suite 101, Staten Island, NY 10307
Garden Owner LLC (South)	N/A	Multi-Family Residential	21 Garden Street, Brooklyn, NY 11206	C/O: Rivington Company LLC, 31 Belvidere Street, 2 nd Floor, Brooklyn, NY 11206
Felipe Wazersztrom (West)	Felipe Wazersztrom	Mixed-Use Residential & Commercial	858 Flushing Ave, Brooklyn, NY 11206	3938 Bell Boulevard, Bayside, NY 11361

Local News and Media

Owner/Entity Name	Type	Address	Phone	Website
The Brooklyn Eagle/ The Daily Eagle	Online & Print Newspaper	16 Court Street Brooklyn, NY 11241	718-422-7413	www.brooklyneagle.com
Brooklyn Paper / Schneps Media	Online & Print Newspaper	1 MetroTech Center, Brooklyn, NY 11201	718-260-2500	www.brooklynpaper.com
Spectrum 1 News	Television	75 Ninth Avenue New York, NY 10011	212-691-6397	https://www.ny1.com/nyc/all-boroughs/about-us/contact-us

Public Water Supply

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

Owner/Entity Name	Contact	Address	Phone	Email
NYCDEP	Rohit T. Aggarwala - Chief Operating Officer	59-17 Junction Blvd. Flushing, NY 11373	718-595-6565	Raggarwala@dep.nyc.gov
NYC Municipal Water Finance Authority	Philip Wasserman - Executive Director	255 Greenwich Street, 6 th Fl., New York, NY 10007	212-788-4969	Not Available

Additional Requests

We are unaware of any requests to be included on the contact list for the Former BP Gasoline Service Station Site located 860 Flushing Avenue, Brooklyn, NY.

School or Day Care Located on or Proximal to the Site

The following schools or day care facilities are located within a ½-mile radius of the Site:

School/Day Care Name	Approximate distance from Site in feet and direction	Administrator	Phone	Address
P.S. 196 Ten Eyck – K196	~1,880 ft (north of site)	Janine Santaromita, Principal	(718) 497-0139	207 Bushwick Avenue, Brooklyn, NY 11206

Young Women's Leadership School of Brooklyn – K614	~900 ft (north of site)	Catherine Mitchell, Principal	(718) 387-5641	325 Bushwick Avenue, Brooklyn, NY 11206
Williamsburg Charter High School – K473	~620 ft (northeast of site)	Jahi Bashir, Head of School	(718) 782-9830	198 Varet Street, Brooklyn, NY 11206
P.S. 145 Andrew Jackson – K145	~1,350 ft (east of site)	Julia Hynes, Principal	(718) 821-4823	100 Noll Street, Brooklyn, NY 11206
I.S. 349 Math, Science & Tech. – K349	~2,615 ft (east of site)	Roxana Toro, Principal	(718) 418-6389	35 Starr Street, Brooklyn, NY 11221
Bushwick United Hdrc 2 - KBSA	~2,730 ft (east of site)	Jose Gonzalez, Executive Director	(718) 821-2345	77 Wilson Avenue, Brooklyn, NY 11237
Wiser Choice - KBWD	~1,745 ft (southeast of site)	Duane Coates, Principal	(718) 574-7558	1001 Broadway, Brooklyn, NY 11221
Bedford Stuyvesant New Beginnings Charter School II – K966	~1,775 ft (south of site)	Nicholas Tishuk, Executive Director	(718) 453-1001	82 Lewis Avenue, Brooklyn, NY 11206
Sumner Children's Center - KBLS	~1,175 ft (southeast of site)	Miroslava Poliscukova-Reyes, Principal	(718) 455-3471	860 Park Avenue, Brooklyn, NY 11206
P.S. 120 Carlos Tapia – K120	~190 ft (southeast of site)	Dr. Liza Caraballo Suarez, Principal	(718) 455-1000	18 Beaver Street, Brooklyn, NY 11206
Success Academy Charter School – Bed Stuy 2 – K125	~1,940 ft (southeast of site)	Eva Moskowitz, Founder, CEO	(718) 704-1439	211 Throop Avenue, Brooklyn, NY, 11206
Tompkins Children's Center – KBLT	~2,495 ft (southeast of site)	Marcia Thompson, Director	(718) 782-9140	730 Park Avenue, Brooklyn, NY 11206
P.S. 373 – Brooklyn Transition Center – K373	~2,240 ft (southeast of site)	Courtney Rattenbury, Principal	(718) 782-6800	185 Ellery Street, Brooklyn, NY 11206
P.S. 257 John F. Hylan – K257	~1,045 ft (northwest of site)	Melvin Martinez, Principal	(718) 384-7128	60 Cook Street, Brooklyn, NY 11206
Brownsville Collegiate Charter School – K710	~2,230 ft (northwest of site)	Mallorie Bocachica, Principal	(718) 636-0370	140 Montrose Avenue, Brooklyn, NY 11206
Jarvis Academy Daycare	~395 ft (southeast of site)	Shauna Campbell, Director	(718) 550-1202	10 Montieith Street, #252, Brooklyn, NY 11206
Tender Tots Childcare, Preschool & Programs	~575 ft (west of site)	N/A	(646) 571-8427	810 Flushing Avenue, Brooklyn, NY 11206
Growing Together Daycare	~2,440 ft (southeast of site)	Dora M. Valladares, Provider	(718) 497-7291	1008 Willoughby Avenue, Brooklyn, NY 11221

Document Repository

The Brooklyn Public Library – Bushwick Branch was contacted on 21 October 2024 via email regarding utilizing their branch as a document repository. Documentation of the acknowledgement from the Brooklyn Public Library – Bushwick Branch is attached below.

Brooklyn Community Board 4 was contacted on 21 October 2024 via email regarding utilizing their location as a document repository. Documentation of the acknowledgement from the Brooklyn Community Board 4 is attached below

Repositories

Owner/Entity Name	Contact	Address	Phone	Email
Brooklyn Public Library – Bushwick Branch	Marc Waldron	340 Bushwick Avenue, Brooklyn, NY 11206	(718)-602-1348	mwaldron@bklynlibrary.org
Brooklyn Community Board 4	Celestina León	1420 Bushwick Avenue, Suite 270, Brooklyn, NY 11207	(718)-628-8400	Bk04@cb.nyc.gov

Acknowledgement from Brooklyn Public Library – Bushwick Branch



H & A OF NEW YORK ENGINEERING
AND GEOLOGY, LLP
213 W 35th Street
7th Floor
New York, NY 10001
Tel: 646.277.5686

21 October 2024
File No. 0211437

Brooklyn Public Library – Bushwick Branch
340 Bushwick Ave
Brooklyn, NY 11206
Via email: mwaldron@bklynlibrary.org
Attn: Marc Waldron – Managing Librarian

Subject: Brownfield Cleanup Program Application – Request for Repository Use
Former BP Gasoline Service Station Site
860 Flushing Ave
Brooklyn, NY 11206

Dear Mr. Waldron:

Haley & Aldrich of New York (Haley & Aldrich), on behalf of Flushing Holdings NY LLC, is requesting use of the Brooklyn Community Board 4 as a document repository for the anticipated project located at 860 Flushing Avenue, Brooklyn, NY. The New York State Department of Environmental Conservation (NYSDEC) requires a letter certifying that the proposed document repository is able to serve as a public repository for all documents pertaining to the environmental cleanup at the Site. Please sign below denoting that your facility would be amenable to serving as a temporary public repository.

Should you have any questions, please do not hesitate to give me a call at (646) 568-9357.

Thank you,
H & A OF NEW YORK ENGINEERING AND GEOLOGY, LLP

Luke J. McCartney, P.G.
Project Manager

The Brooklyn Public Library – Bushwick Branch is willing to act as a public document repository holding and making available of all provided environmental documents related to the Former BP Gasoline Service Station Brownfield Cleanup Project.

PENDING

Name

Date

Title

Acknowledgement from Brooklyn Community Board 4



H & A OF NEW YORK ENGINEERING
AND GEOLOGY, LLP
213 W 35th Street
7th Floor
New York, NY 10001
Tel: 646.277.5686

21 October 2024
File No. 0211437

Brooklyn Community Board 4
1420 Bushwick Ave Ste 270
Brooklyn, NY 11207
Via email: bk04@cb.nyc.gov
Attn: Celestina León, District Manager

Subject: Brownfield Cleanup Program Application – Request for Repository Use
Former BP Gasoline Service Station Site
860 Flushing Ave
Brooklyn, NY 11206

Dear Ms. León:

Haley & Aldrich of New York (Haley & Aldrich), on behalf of Flushing Holdings NY LLC, is requesting use of the Brooklyn Community Board 4 as a document repository for the anticipated project located at 860 Flushing Avenue, Brooklyn, NY. The New York State Department of Environmental Conservation (NYSDEC) requires a letter certifying that the proposed document repository is able to serve as a public repository for all documents pertaining to the environmental cleanup at the Site. Please sign below denoting that your facility would be amenable to serving as a temporary public repository.

Should you have any questions, please do not hesitate to give me a call at (646) 568-9357.

Thank you,
H & A OF NEW YORK ENGINEERING AND GEOLOGY, LLP

A handwritten signature in blue ink, reading 'Luke J. McCartney'.

Luke J. McCartney, P.G.
Project Manager

The Brooklyn Community District 4 is willing to act as a public document repository holding and making available of all provided environmental documents related to the Former BP Gasoline Service Station Brownfield Cleanup Project.

A handwritten signature in blue ink, reading 'Celestina León'.

Name

11/21/24

Date

District Manager

Title