

**2488 Fulton Owner LLC**  
**Brownfield Cleanup Program Application**  
**Fulton Street Auto Wrecking Construction Yard Site**  
**2488 Fulton Street and 2514 Fulton Street**  
**Brooklyn, New York 11207**



**Legal & Consulting Team:**  
**Knauf Shaw LLP & P.W. Grosser Consulting Engineer & Hydrogeologist, D.P.C.**  
**April 2026**

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2600 Innovation Square  
100 South Clinton Avenue  
Rochester, New York 14604  
nyenvlaw.com

**LINDA R. SHAW**  
ATTORNEY AT LAW

T 585.546.8430  
C 585.414.3122  
lshaw@nyenvlaw.com

April 7, 2026

**VIA ELECTRONIC MAIL**

Site Control Section  
Attn: Alexandra Servis  
NYS Department of Environmental Conservation  
Bureau of Technical Support  
625 Broadway, 11<sup>th</sup> Floor  
Albany, New York 12233-7020

**RE: Brownfield Cleanup Program Application – Second Submission  
2488 Fulton Owner LLC  
C224458**

Dear Alexandra:

On behalf of 2488 Fulton Owner LLC, a revised Brownfield Cleanup Program (“BCP”) application, in response to a Letter of Incomplete Application received via email from the NYS Department of Environmental Conservation (the “Department”) on March 31, 2026, has been uploaded to Site Control Dropbox. Responses to each comment are provided below.

Section X: Requestor Eligibility

- Please provide a dated access agreement

**RESPONSE: The Site Access Agreement was originally fully executed on February 25, 2026. The date has been added to the Site Access Agreement included as Exhibit H.**

- Please remove the written consent for 45 Van Sinderen Owner LLC, as that entity is not a requestor to this application.

**RESPONSE: The written consent for 45 Van Sinderen Owner LLC was submitted in error. The correct written consent for Requestor 2488 Fulton Owner LLC has been included as Exhibit K.**

Sincerely,

**KNAUF SHAW LLP**

A handwritten signature in black ink that reads "Linda R. Shaw".

LINDA R. SHAW, ESQ.



Enclosure

ec: Scott Deyette, NYS DEC  
Mohamed Sahraoui, NYS DEC  
David Gardner, NYS DEC  
Jane O'Connell, NYS DEC  
Madeline Warner, NYS DEC  
Adam Balick, NYS DEC  
Kelly Lewandowski, NYS DEC  
Brian Kelly, 2488 Fulton Owner LLC  
Jennifer Lewis, PW Grosser  
Michael Pecararo, PW Grosser



SUBMITTAL INSTRUCTIONS:

- 1. Compile the application package in the following manner:
a. one file in non-fillable PDF which includes a Table of Contents, the application form, and supplemental information...
2. \*OPTIONAL: Compress all files (PDFs) into one zipped/compressed folder
3. Submit the application to the Site Control Section either via NYSDEC dropbox or ground mail, as described below.

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

a. VIA SITE CONTROL DROPBOX:

- Request an invitation to upload files to the Site Control submittal dropbox.
In the "Title" field, please include the following: "New BCP Application - Proposed Site Name".
After uploading files, an automated email will be sent to the submitter's email address with a link to verify the status of the submission.
Application packages submitted through third-party file transfer services will not be accepted.

a. 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, 12th Floor
Albany, NY 12233-7015

Form with fields for SITE NAME: Fulton Street Auto Wrecking Construction Yard Site, and two questions about BCA amendments and revised submissions with radio button options for Yes/No.



# BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

BCP App Rev 17 – October 2025

SECTION I: Property Information						
PROPOSED SITE NAME <b>Fulton Street Auto Wrecking Construction Yard Site</b>						
ADDRESS/LOCATION <b>2488 &amp; 2514 Fulton Street</b>						
CITY/TOWN <b>Brooklyn</b>				ZIP CODE <b>11207</b>		
MUNICIPALITY (LIST ALL IF MORE THAN ONE) <b>New York City</b>						
COUNTY <b>Kings</b>				SITE SIZE (ACRES) <b>0.530</b>		
LATITUDE			LONGITUDE			
40	°	40	′	37.308	″	
-73	°	54	′	6.3	″	
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. <b>ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.</b>						
Parcel Address		Section	Block	Lot	Acreage	
2488 Fulton Street		3	1577	17	0.31	
2514 Fulton Street		3	1577	26	0.22	
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.					Y	N
					<input checked="" type="radio"/>	<input type="radio"/>
2. Is the required property map, provided in electronic format, 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 <a href="#">DEC's website</a> for more information) If yes, identify census tract: <u>N/A</u> Percentage of property in En-zone (check one): <input checked="" type="radio"/> 0% <input type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100%					<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"/>

<b>SECTION I: Property Information (continued)</b>		<b>Y</b>	<b>N</b>			
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?		<input type="radio"/>	<input checked="" type="radio"/>			
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.		<input type="radio"/>	<input checked="" type="radio"/>			
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.		<input type="radio"/>	<input checked="" type="radio"/>			
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____		<input type="radio"/>	<input checked="" type="radio"/>			
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____		<input type="radio"/>	<input checked="" type="radio"/>			
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information.  <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-bottom: 1px solid black;"><u>Easement/Right-of-Way Holder</u></td> <td style="width: 50%; border-bottom: 1px solid black;"><u>Description</u></td> </tr> </table>		<u>Easement/Right-of-Way Holder</u>	<u>Description</u>	<input type="radio"/>	<input checked="" type="radio"/>	
<u>Easement/Right-of-Way Holder</u>	<u>Description</u>					
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information):  <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; border-bottom: 1px solid black;"><u>Type</u></td> <td style="width: 35%; border-bottom: 1px solid black;"><u>Issuing Agency</u></td> <td style="width: 40%; border-bottom: 1px solid black;"><u>Description</u></td> </tr> </table>		<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>	<input type="radio"/>	<input checked="" type="radio"/>
<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>				
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"/>			
<b>Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.</b>						
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.		<b>Y</b>	<b>N</b>			
		<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"/>			
<b>NOTE:</b> 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.						
<b>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.</b>						
<b>Initials of each Requestor:</b>  _____						

**SECTION II: Project Description**

1. The project will be starting at:  Investigation  Remediation

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

4a. Please provide a short description of the overall project development, including a complete project schedule with all key BCP program milestones through issuance of the Certificate of Completion. Include DEC/DOH review times in the schedule (best efforts to review documents within 45 days pursuant to 6 NYCRR Part 375-3.6(b)).  
 Is this information attached?  Yes  No

4b. Please include in the project schedule the dates of any outside public or private funding source deadlines with the associated BCP milestones, e.g., NYC HPD or NYS HCR funding deadlines, or private funding interim milestones from loan documents, that depend on a particular BCP milestone such as a work plan or report approval, decision document issuance, etc.  
 Is this information clearly identified in the BCP project schedule?  Yes  No  N/A

Beginning January 1, 2024, all work plans and reports submitted for the BCP shall address Green and Sustainable Remediation (GSR) and DER-31 (see [DER-31, Green Remediation](#)). Work plans, reports and design documents will need to be certified in accordance with DER-31.

5. Please provide a description of how Green and Sustainable Remediation will be evaluated and incorporated throughout the remedial phases of the project including Remedial Investigation, Remedial Design/Remedial Action, and Site Management and reporting efforts.  
 Is this information attached?  Yes  No

6. If the project is proposed to start at the remediation stage (Section 2, Item 1, above), a climate change screening or vulnerability assessment must have been completed. Is this attached?  
 Yes  No

**SECTION III: Ecological Concerns**

	Y	N
1. Are there fish, wildlife, or ecological resources within a 1/2-mile radius of the site?	<input type="radio"/>	<input checked="" type="radio"/>
2. Is there a potential path for contamination to potentially impact fish, wildlife or ecological resources?	<input type="radio"/>	<input checked="" type="radio"/>
3. Is/are there a/any Contaminant(s) of Ecological Concern?	<input type="radio"/>	<input checked="" type="radio"/>

If any of the conditions above exist, a Fish and Wildlife Resources Impact Analysis (FWRIA) Part I, as outlined in DER-10 Section 3.10.1, is required. The applicant may submit the FWRIA with the application or as part of the Remedial Investigation Report.

4. Is a Fish and Wildlife Resources Impact Analysis Part I included with this application?  
 N/A

SECTION IV: Land Use Factors		
1. What is the property's current municipal zoning designation? <u>C6-4</u>		
2. What uses are allowed by the property's current zoning (select all that apply)? Residential <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/>		
3. Current use (select all that apply): Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Recreational <input type="checkbox"/> Vacant <input type="checkbox"/>		
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
	<input checked="" type="radio"/>	<input type="radio"/>
5. Reasonably anticipated post-remediation use (check all that apply): Residential <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> If residential, does it qualify as single-family housing? N/A <input type="radio"/>		
6. Please provide a statement detailing the specific proposed post-remediation use. Is this summary attached?	<input checked="" type="radio"/>	<input type="radio"/>
7. Is the proposed post-remediation use a renewable energy facility? See application instructions for additional information.	<input type="radio"/>	<input checked="" type="radio"/>
8. Do current and/or recent development patterns support the proposed use?	<input checked="" type="radio"/>	<input type="radio"/>
9. Is the proposed use consistent with applicable zoning laws/maps? Please provide a brief explanation. Include additional documentation if necessary.	<input checked="" type="radio"/>	<input type="radio"/>
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.	<input checked="" type="radio"/>	<input type="radio"/>

SECTION V: Current and Historical Property Owner and Operator Information		
CURRENT OWNER Fulton Junction LLC		
CONTACT NAME Yehuda Simpson		
ADDRESS 377 Pearsall Avenue, Suite C		
CITY Cedarhurst	STATE NY	ZIP CODE 11516
PHONE (718) 938-7810	EMAIL simpsonnyc@gmail.com	
OWNERSHIP START DATE April 26, 2017		
CURRENT OPERATOR Ahren Contractors		
CONTACT NAME Kieran Ahern		
ADDRESS 2 Seaview Boulevard, Suite 300		
CITY Port Washington	STATE NY	ZIP CODE 11050
PHONE (718) 639-5880	EMAIL kieran@aherncontractors.com	
OPERATION START DATE January 2023		

**SECTION VI: 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 (**please submit information requested in this section in electronic format ONLY**):

- 1. Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard ([ASTM E1903](#)). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do NOT submit paper copies of 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 checked="" type="checkbox"/>
Chlorinated Solvents	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other VOCs	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SVOCs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Metals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCBs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PFAS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1,4-dioxane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other – indicated below	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*Please describe other known contaminants and the media affected:

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

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

Are the required drawings included with this application?

YES  NO

- Indicate Past Land Uses (check all that apply):

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

Other: Lumber yard, auto wrecking and repair, and construction yard.

SECTION VII: Requestor Information							
NAME 2488 Fulton Owner LLC							
ADDRESS 111 5th Avenue, 9th Floor							
CITY/TOWN New York		STATE NY	ZIP CODE 10003				
PHONE (516) 456-8212	EMAIL bkelly@gothamorg.com						
1. Is the requestor authorized to conduct business in New York State (NYS)?			<table border="1"> <thead> <tr> <th>Y</th> <th>N</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="radio"/></td> <td><input type="radio"/></td> </tr> </tbody> </table>	Y	N	<input checked="" type="radio"/>	<input type="radio"/>
Y	N						
<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 <a href="#">NYS Department of State's Corporation &amp; Business Entity Database</a> . 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?			<table border="1"> <tbody> <tr> <td><input checked="" type="radio"/></td> <td><input type="radio"/></td> </tr> </tbody> </table>	<input checked="" type="radio"/>	<input type="radio"/>		
<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? <span style="float: right;">N/A <input type="radio"/></span>			<table border="1"> <tbody> <tr> <td><input checked="" type="radio"/></td> <td><input type="radio"/></td> </tr> </tbody> </table>	<input checked="" type="radio"/>	<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 <a href="#">DER-10: Technical Guidance for Site Investigation and Remediation</a> and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? <b>Documents that are not properly certified will not be approved under the BCP.</b>			<table border="1"> <tbody> <tr> <td><input checked="" type="radio"/></td> <td><input type="radio"/></td> </tr> </tbody> </table>	<input checked="" type="radio"/>	<input type="radio"/>		
<input checked="" type="radio"/>	<input type="radio"/>						

SECTION VIII: Requestor Contact Information			
REQUESTOR'S REPRESENTATIVE Brian Kelly			
ADDRESS 111 5th Avenue, 9th Floor			
CITY New York		STATE NY	ZIP CODE 10003
PHONE (516) 456-8212	EMAIL bkelly@gothamorg.com		
REQUESTOR'S CONSULTANT (CONTACT NAME) Jennifer Lewis & Michael Pecoraro			
COMPANY P.W. Grosser Consulting Engineer & Hydrogeologist, D.P.C.			
ADDRESS 630 Johnson Avenue, Suite 7			
CITY Bohemia		STATE NY	ZIP CODE 11716
PHONE (631) 589-6353	EMAIL jenniferl@pwgrosser.com; MPecoraro@pwgrosser.com		
REQUESTOR'S ATTORNEY (CONTACT NAME) Linda Shaw, Esq.			
COMPANY Knauf Shaw LLP			
ADDRESS 100 South Clinton Avenue, 2600 Innovation Square			
CITY Rochester		STATE NY	ZIP CODE 14604
PHONE (585) 546-8430	EMAIL lshaw@nyenvlaw.com		

<b>SECTION IX: Program Fee</b>		
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 with supporting documentation.		
	<b>Y</b>	<b>N</b>
1. Is the requestor applying for a fee waiver?	<input checked="" type="radio"/>	<input type="radio"/>
2. If yes, appropriate documentation must be provided with the application. See application instructions for additional information.		
Is the appropriate documentation included with this application? <span style="float: right;">N/A <input type="radio"/></span>	<input checked="" type="radio"/>	<input type="radio"/>

<b>SECTION X: Requestor Eligibility</b>		
If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.		
	<b>Y</b>	<b>N</b>
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"/>
7. Has the requestor been convicted of a criminal offence (i) involving the handling, storing, treating, disposing or transporting of contaminants; or (ii) that involved a violent felony, fraud, bribery, perjury, theft or offense against public administration (as that term is used in Article 195 of the Penal Law) under Federal law or the laws of any state?	<input type="radio"/>	<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"/>

**SECTION X: Requestor Eligibility (continued)**

12. The requestor must certify that he/she/they is/are either a participant or volunteer in accordance with ECL 27-1405(1) by checking one of the boxes below:

**PARTICIPANT**

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

**VOLUNTEER**

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

NOTE: By 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.

**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.**

13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?

 Yes No N/A

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

 Previous Owner Current Owner Potential/Future Purchaser Other: \_\_\_\_\_

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

Is this proof attached?

 Yes No N/A

**Note:** A purchase contract or lease agreement does not suffice as proof of site access.

SECTION XI: 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.	<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"/>
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 type="radio"/></div>	<input type="radio"/>	<input checked="" 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 XII: Site Contact List
<p>To be considered complete, the application must include the Brownfield Site Contact List in accordance with <i>DER-23: Citizen Participation Handbook for Remedial Programs</i>. Please attach, at a minimum, the names and mailing addresses of the following:</p> <ul style="list-style-type: none"> <li>• The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.</li> <li>• Residents, owners, and occupants of the property and adjacent properties.</li> <li>• Local news media from which the community typically obtains information.</li> <li>• The public water supplier which services the area in which the property is located.</li> <li>• Any person who has requested to be placed on the contact list.</li> <li>• The administrator of any school or day care facility located on or near the property.</li> <li>• The location of a document repository for the project (e.g., local library). <b>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.</b> In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.</li> <li>• For sites located in the five counties comprising New York City, the Director of the Mayor's Office of Environmental Remediation.</li> </ul>

**SECTION XIII: 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 2488 Fulton Owner 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: 2/25/26 Signature: \_\_\_\_\_

Print Name: Tucker Reed

**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 17*

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

**From ECL 27-1405(31):**

“Upside down” shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.

**From 6 NYCRR 375-3.2(I) as of August 12, 2016** (Please note: Eligibility determination for the underutilized category can only be made at the time of application):

375-3.2:

- (I) “Underutilized” means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and
  - (1) the proposed use is at least 75 percent for industrial uses; or
  - (2) at which:
    - (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;
    - (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and
    - (iii) one or more of the following conditions exists, as certified by the applicant:
      - (a) property tax payments have been in arrears for at least five years immediately prior to the application;
      - (b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or
      - (c) there are no structures.

“Substantial government assistance” shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.

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

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

**Check appropriate box below:**

- Project is an Affordable Housing Project – regulatory agreement attached
- Project is planned as Affordable Housing, but agreement is not yet available
- 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.

**BCP APPLICATION  
SUPPORT  
DOCUMENT**

## **Exhibit List**

<b>Exhibit A</b>	Site Location Map, Base Map, and Street Map
<b>Exhibit B</b>	Tax Boundary Map and Survey Map
<b>Exhibit C</b>	Brownfield Opportunity Area (“BOA”) Map, Disadvantage Communities Map (“DCM”), Environmental Justice (“EJ”) Map and En-Zone Map
<b>Exhibit D</b>	Flood Map
<b>Exhibit E</b>	Zoning Map, Zoning Change Map and City Planning Commission Resolutions
<b>Exhibit F</b>	Previous & Current Owner & Operator List
<b>Exhibit G</b>	Deed
<b>Exhibit H</b>	Site Access Agreement
<b>Exhibit I</b>	Site Drawing Spider Maps
<b>Exhibit J</b>	NYS DOS Entity Information
<b>Exhibit K</b>	Written Consent
<b>Exhibit L</b>	Site Contact List
<b>Exhibit M</b>	Repository Letters
<b>Exhibit N</b>	Organizational Chart
<b>Exhibit O</b>	Fee Waiver Affidavit

### **ENVIRONMENTAL REPORTS:**

1. September 2018 Phase I Environmental Site Assessment prepared by CBRE, Inc. for Metropolitan Commercial Bank;
2. May 2024 Phase II Environmental Site Assessment prepared by P.W. Grosser Consulting, Inc. for Broadway Junction Partners, LLC;
3. June 2025 Phase I Environmental Site Assessment prepared by P.W. Grosser Consulting, Inc. for 2488 Fulton Owner LLC;
4. September 2025 Supplemental Phase II Environmental Site Assessment prepared by P.W. Grosser Consulting, Inc. for 2488 Fulton Owner LLC;
5. January 2026 Phase II Environmental Site Assessment Update Letter prepared by P.W. Grosser Consulting, Inc. for 2488 Fulton Owner LLC; and
6. January 2026 Remedial Investigation Work Plan prepared by P.W. Grosser Consulting, Inc. for 2488 Fulton Owner LLC.

## SECTION I – PROPERTY INFORMATION

The Site is located at the following addresses:

Parcel Address	Tax Parcel Identification No.	Acreage <sup>1</sup>
2488 Fulton Street	Section 3 Block 1577 Lot 17	0.31
2514 Fulton Street	Section 3 Block 1577 Lot 26	0.22

The Site located in Brooklyn, New York 11207 (“Site” or “BCP Site”). The Site Location Map, Base Map and Street Map are in Exhibit A.

### 1. Site Boundary and Tax Parcel Information

The Site boundary does correspond to the tax boundary. The Tax Boundary Map and a Survey Map are provided in Exhibit B.

### 2. Property Map

The Site Location Map, Base Map and Street Map are in Exhibit A. The Tax Boundary Map and Survey Map are in Exhibit B.

### 3-5. BOA, Disadvantaged Communities, EJ and En-Zone Designations

The Site BOA, Disadvantaged Communities, Environmental Justice, and En-Zone Maps are in Exhibit C. The Site is not located in an En-Zone or a BOA. The Site is located in a Potential Environmental Justice Area. The EPA ArcGIS map indicates that approximately 93.99 (%) percent of the population surrounding this Site is a minority population. The Site is located in a disadvantaged community area. According to the New York State Disadvantaged Communities Map, the Site is located on Census Tract 36047036700, which has an environmental burden higher than 74.7 (%) percent of Census Tracts statewide and a population vulnerability higher than 87.8 (%) percent of Census Tracts statewide.

### 6-11. Please refer to the BCP Application Form.

### 12. Easements and Existing Right of Ways

There are no Easements or Existing Right-of-Ways located on the Site.

### 13. Please refer to BCP Application Form.

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<sup>1</sup> Acreages were determined from the NYC Department of Finance 2026-2027 Tentative Tax Assessment Land Information.

## 14. Property Description and Environmental Assessment

### A. Site Location

The Site is located at the following addresses:

Parcel Address	Tax Parcel Identification No.
2488 Fulton Street	Section 3 Block 1577 Lot 17
2514 Fulton Street	Section 3 Block 1577 Lot 26

The Site located in an urban area of Brooklyn, New York 11207. The closest body of water to the Site is the Pond at Highland Park, which is approximately 1.14 miles from the Site. The Site is not located in a flood zone. See Exhibit D – Flood Map. The Site is directly bordered to the east by the NYC Subway L Trainline and the Long Island Railroad Broadway Junction station.

### B. Site Features

The Site is currently occupied by a construction yard with no permanent building. Although there are no permanent buildings, multiple trailers used for offices and other purposes are present on-Site as well as storage units for paint, tools and truck storage. The Site is currently operated by Ahern Contractors. The ground cover appeared to currently consist of soil; however, Google Street View showed the surface as being concrete and asphalt as of 2017, so the soil may be underlain by asphalt pavement.

### C. Current Zoning and Land Use

The Site is currently located in the C6-4 District. See Exhibit E – Zoning Map, Zoning Change Map and City Planning Commission Resolutions. The Site was previously located in an M1-2 District; however, the Site was rezoned effective December 18, 2025. The proposed project is now consistent with the zoning. This Districts allows for residential and commercial use. The Site currently has a commercial use and is occupied by a construction yard. The surrounding properties are predominately industrial or commercial in nature. To the north is an auto repair shop and New York City Transit property and railroad lines. To the south of the Site is New York City Transit Maintenance Authority building, an auto dealership, an iron working business, and an auto repair facility. East of the Site is Jewel Square Park, a liquor store, and a smoke shop. West of the Site there are more railroad lines, a parking lot, and a medical center. The nearest residential area is approximately 0.11 miles west of the Site.

### D. Past Use of the Site

The Site has been used as a lumber yard, auto wrecking, parking and a construction yard. The historical owners and operators associated with the Site are further described below and in Exhibit F – Previous & Current Owner & Operator List.

#### E. Site Geology and Hydrogeology

According to the USGS 7.5-minute series topographic map for the Brooklyn, NY quadrangle, the Site sits about 73 feet above the National Geodetic Vertical Datum. The soils at the Site are classified as Urban Land.

According to a report titled "Potentiometric Surface of the Water Table, Magothy and Lloyd Aquifer on Long Island, New York in 1984, Water Resources Investigation Report 86--4189 and published by USGS in 1987, the subsurface geology in the vicinity of the Subject consists of the Upper Glacial Deposits, Gardiners Clay, Jameco Gravel, the Raritan formation, and bedrock. The unconsolidated Upper Glacial layer, deposited during the Pleistocene, extends to a depth of 175' below grade surface (bgs) and consists of glacial outwash deposits composed of sands and gravel. The permeability of this unit is moderate to high.

The Upper Glacial deposits are underlain by Gardiners Clay consisting of clay, silt, and a few layers of sand. Also deposited during Pleistocene, the Gardiners Clay extends to a depth of 200' confining unit for the underlying aquifer.

The Gardiners Clay is underlain by the Jameco Gravel unit consisting primarily of sand and gravel with a few layers of clay and silt. This unit extends to a depth of 250' bgs and is moderately to highly permeable.

The Jameco Gravel is underlain by the Raritan formation consisting of the Raritan Confining Unit and the Lloyd Sand Member, deposited during the Cretaceous Period. The Raritan Confining Unit extends to a depth of 300' bgs and is composed of clay (solid and silty), with a few lenses and layers of sand, lignite, and pyrite. The permeability of this unit is very poor. The Lloyd Sand Member extends to a depth of 400' bgs and is composed of sand and gravel within a clayey matrix. The permeability of this layer is poor to moderate.

Underlying the Raritan formation is bedrock. Paleozoic and Precambrian in age, the bedrock consists of metamorphic and metaigneous rocks (muscovite and biotic schist, gneiss and metagranites). The bedrock is poorly permeable to virtually impregnable and constitutes the lower boundary of groundwater reservoir.

Based upon the Site's elevation and regional groundwater contour maps, P.W. Grosser Consulting, Inc. ("P.W. Grosser") estimated the depth to groundwater to be 62 feet below existing grade at the Site. They further estimated that the regional groundwater flow is toward the southeast.

#### F. Environmental Assessment

In soil, SVOCs were detected in exceedance of the Restricted Residential Soil Cleanup Objective (RRSCOs) including benzo(a)anthracene (max of 67.6 mg/kg), benzo(a)pyrene (max of 57.9 mg/kg), benzo(b)fluoranthene (max of 73.8 mg/kg), benzo(k)fluoranthene (max of 28.9 mg/kg), chrysene (max of 71.2 mg/kg), dibenzo(a,h)anthracene (max of 7.87 mg/kg), fluoranthene (max of 153 mg/kg), indeno(1,2,3-c)pyrene (max of 37 mg/kg), phenanthrene (max of 112 mg/kg), and pyrene (max of 134 mg/kg). The following metals were also detected exceeding RRSCOs: arsenic

(max of 16.9 mg/kg), copper (max of 2,850 mg/kg), lead (max of 1,400 mg/kg), and mercury (max of 2.47 mg/kg). Several of these analytes were detected in concentrations so high that they also exceeded Industrial Soil Cleanup Objectives (ISCOs) including benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, dibenzo(a,h)anthracene, indeno(1,2,3-c)pyrene, phenanthrene, arsenic, and mercury.

In soil vapor ambient air, petroleum, chlorinated and other VOCs were detected including 1,2,4-trimethylbenzene (max of 43.0 µg/m<sup>3</sup>), 1,3,5-trimethylbenzene (max of 10.6 µg/m<sup>3</sup>), 1,3-butadiene (max of 31.0 µg/m<sup>3</sup>), 2-butanone (max of 66.7 µg/m<sup>3</sup>), 2-hexanone (max of 17.7 µg/m<sup>3</sup>), 4-ethyltoluene (max of 10.5 µg/m<sup>3</sup>), 4-methyl-2-pentanone (max of 7.99 µg/m<sup>3</sup>), acetone (max of 710 µg/m<sup>3</sup>), benzene (max of 10 µg/m<sup>3</sup>), bromomethane (max of 1.22 µg/m<sup>3</sup>), carbon disulfide (max of 12.1 µg/m<sup>3</sup>), chloroform (max of 5.8 µg/m<sup>3</sup>), chloromethane (max of 5.31 µg/m<sup>3</sup>), cyclohexane (max of 24.4 µg/m<sup>3</sup>), dichlorodifluoromethane (max of 2.72 µg/m<sup>3</sup>), ethanol (max of 21.3 µg/m<sup>3</sup>), ethylbenzene (max of 26.6 µg/m<sup>3</sup>), heptane (max of 26.5 µg/m<sup>3</sup>), isopropanol (max of 3.66 µg/m<sup>3</sup>), methylene chloride (max of 4.52 µg/m<sup>3</sup>), naphthalene (max of 1.96 µg/m<sup>3</sup>), n-hexane (max of 36.7 µg/m<sup>3</sup>), o-xylene (max of 38.9 µg/m<sup>3</sup>), p/m-xylene (max of 105 µg/m<sup>3</sup>), tertiary butyl alcohol (max of 25.3 µg/m<sup>3</sup>), tetrachloroethene (max of 2.21 µg/m<sup>3</sup>), tetrahydrofuran (max of 6.78 µg/m<sup>3</sup>), toluene (max of 79.9 µg/m<sup>3</sup>), trichlorofluoromethane (max of 15.6 µg/m<sup>3</sup>), and vinyl chloride (max of 0.55 µg/m<sup>3</sup>).

#### **15-17. Regarding Questions 15-17 on the BCP Application Form:**

Requestor is seeking a determination that the project will be eligible for affordable housing credits because the project is 100% affordable housing, and the regulatory agreement will be prepared at a future time. Requestor is not seeking a determination that the Site is Upside Down or Underutilized.

## **SECTION II: PROJECT DESCRIPTION**

### **1-3. Please refer to the BCP Application Form.**

### **4. Short Project Description**

The planned redevelopment of the Site entails the construction of a 249,581 square foot, mixed-use 100% affordable residential and commercial building with 26 floors of residential housing. The project is an MTA ADA transit-oriented development project because the BCP Site is situated at the intersection of five major subway lines, six bus routes, and the Long Island Railroad Broadway Junction stop, through which more than 4 million people pass through Broadway Junction annually and 30 million commuters transfer at the station.

#### Schedule – Commencement through COC

Affordable Housing construction financing is expected to occur wither June or December 2027. Given that it may occur in June 2027, the schedule below is based on this earlier date with the caveat that dates may slip a bit if financing does not occur until December 2027.

A Remedial Investigation (RI) Work Plan (RIWP) was submitted with the application. The Site is expected to be approved for entrance into the BCP by late Spring 2026 and the DEC will review the RIWP and provide comments by early Summer 2026. The RI will proceed thereafter and is expected to be completed on the Site by mid-late Summer 2026. The Remedial Investigation Report (RIR) is expected to be completed by late Summer/Fall 2026. The DEC will provide comments on the RIR and a revised RIR will be submitted by late Fall/Early Winter 2026. The Remedial Action Work Plan (RAWP) will be submitted by early 2027 and DEC will provide their comments within 45 days of submission. Any required comments will be incorporated into the RAWP and the Decision Document is expected to be issued by Spring 2027. Remediation would then commence thereafter in Summer 2027 after the early anticipated June 2027 financing or later if the financing does not occur until December 2027. The Site Management Plan (SMP) will be submitted by September 2027 if the June 2027 financing occurs and the Final Engineering Report (FER) in October 2027. DEC will have 45 days to review and comment on each of these reports and final reports will be turned around either before the end of 2027 in order to earn the Certificate of Completion before December 31, 2027, or in early 2028 if the reports are not revised in time to meet the end of year deadlines. Alternatively, if the financing does not occur until December 2027, then the SMP will likely be submitted in Spring of 2028 and the FER in early summer of 2028 with a Certificate of Completion expected before December 31, 2028.

## **5. Green and Sustainable Remediation (GSR)**

Remedial Investigation/Alternatives Analysis: GSR will be incorporated into RI project planning, including the application of the proposed environmental footprint analysis tool, and how climate resiliency will be included. A discussion about the plan to implement GSR will be included in the RIR. Specifically during the RI implementation, the consultant will:

- Evaluate sensitive, local human and ecological receptors which require protection from contaminants of concern, traffic, noise, dust and odors during the implementation. An enhanced Community Air Monitoring Plan will be implemented.
- Identify vendors with operation centers local to the Site to minimize fuel consumption associated with travel to and from the Site.
- Salvage organic debris that is uncontaminated and free of pests or disease, for use as supplemental infill, mulch or compost.
- Salvage uncontaminated objects with potential recycle, resale, donation or onsite infrastructure value, such as steel, concrete and granite.
- Designate collection points for recycling single-use items such as metal, plastic and glass containers; paper and cardboard; and other consumable items.
- Advise contractors to avoid idling vehicles while on the BCP Site.

Remedial Design & Remedial Action: Green remediation principles and techniques will be implemented to the extent feasible in the design and implementation of the remedy as per DER-31. The major green remediation components are as follows:

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term and specify chemicals or agents, where applicable, that are not harmful or hazardous to aquatic environments and the subsurface, are readily biodegradable, and/or can help to improve site geochemical conditions;
- Reducing direct and indirect greenhouse gases and other emissions;

- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;
- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
- Maximizing habitat value and creating habitat when possible;
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
- Additionally, to incorporate green remediation principles and techniques to the extent feasible in the future development at this site, including that any future on-site buildings shall be constructed, at a minimum, to meet the 2020 Energy Conservation Construction Code of New York (or most recent edition) to improve energy efficiency as an element of construction. (see below)

An environmental footprint analysis will be completed, which will use an accepted environmental footprint analysis calculator such as SEFA (Spreadsheets for Environmental Footprint Analysis, USEPA), SiteWise™ (available in the Sustainable Remediation Forum [SURF] library) or similar Department accepted tool and construction considerations should reference NYSDEC standard specification 01 89 29-Green Remediation Practice and the associated Form A – Summary of Green Remediation Metrics will be used to track actual metrics for the footprint analysis. Contractors will also pay attention to the carbon emissions used in the material generation and transportation to reduce the carbon footprint and recycling applicability where possible. This extends to the use of drilling fluids that are biodegradable and chemicals that are not harmful or hazardous during site operations.

Water consumption, greenhouse gas emissions, renewable and non-renewable energy use, waste reduction and material use will be estimated, and goals for the project related to these green and sustainable remediation metrics, as well as for minimizing community impacts, protecting habitats and natural and cultural resources, and promoting environmental justice, will be incorporated into the remedial design program, as appropriate. The project design specifications will include detailed requirements to achieve the green and sustainable remediation goals. Further, progress with respect to green and sustainable remediation metrics will be tracked during implementation of the remedial action and reported in the Final Engineering Report (FER), including a comparison to the goals established during the remedial design program.

Site Management: GSR will be incorporated into Site Management, including use of DEC's SMP template, resource and energy consumption reduction, waste minimization, and climate resiliency evaluation within Periodic Review Reports (PRRs). Further, progress with respect to green and sustainable remediation metrics will be tracked, and reported in PRRs, as part of the Site Management program, and opportunities to further reduce the environmental footprint of the project will be identified as appropriate.

Redevelopment: As an affordable housing project, the proposed building will meet HCR's stringent green building requirements and the NYC green building code requirements and will be all electric.

## **6. Climate Change Screening or Vulnerability Assessment**

The Site is entering the program at the investigation stage; therefore, a Climate Change Screening or Vulnerability Assessment is not required at this time.

### **SECTION III: ECOLOGICAL CONCERNS**

#### **1-3. Please refer to the BCP Application Form**

#### **4. Fish and Wildlife Resources Impact Analysis Part I (FWRIA Part I).**

None of the designated conditions exist on the Site; therefore, FWRIA Part I, pursuant to DER-10 Section 3.10.1, is not required to be submitted with this application.

### **SECTION IV: LAND USE FACTORS**

#### **1. Current Zoning**

The Site is within the C6-4 Districts. *See Exhibit E – Zoning Map and Zoning Change Map.*

#### **2. Allowed Uses**

The C6-4 zoning district allows for residential and commercial uses.

#### **3-4. Current Use**

This Site is currently used as a construction yard by Ahren Contractors.

#### **5. Intended Use Post Remediation**

After the remediation, the Site will be used for commercial and residential purposes.

#### **6. Post Remediation Use**

Post remediation use of the Site entails construction of a 249,581 square foot 100% affordable transit-oriented mixed-use commercial and residential building.

#### **7. Renewable Energy Facility**

The proposed post-remediation use is not a renewable energy facility.

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

Yes, current, historical and/or recent development patterns support the proposed use because this area of NYC needs additional affordable housing near mass transit.

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

Yes, the project is consistent with the New York City zoning laws and map.

**10. Consistent with the Master Plan?**

Yes, the project is consistent with the East New York rezoning plan which calls for the creation of 1200 new units of affordable housing and the Brooklyn Comprehensive Plan, which intends to further promote fair housing, support growth, and increase housing options for individuals and families.<sup>2</sup>

**SECTION V: CURRENT AND HISTORICAL PROPERTY OWNER AND OPERATOR INFORMATION**

The owners of the Site are listed in the table below.

Parcel Address	Owner	Ownership Start Date
2488 Fulton Street	Fulton Junction LLC	April 26, 2017
2514 Fulton Street	Fulton Junction LLC	April 26, 2017

See Exhibit G - Deed for additional information.

Requestor is not the owner of the site. Fulton Junction LLC is the current owner of the Site. See Exhibits G - Deed. The Requestor has received a temporary license from the owner to access the property to perform investigation and remediation work required by the BCP. See Exhibit H - Site Access Agreement.

The Previous & Current Owner & Operator list is attached as Exhibit F. This Exhibit includes both current and previous property owners and operators by name, last known address, telephone number, and the Requestor’s relationship to each owner and operator (all of which are “None”). Exhibit F also includes the prior operators’ use of the Site.

**SECTION VI: PROPERTY’S ENVIRONMENTAL HISTORY**

**1. List of Environmental Reports**

The following is the list of environmental reports for the Site separately attached:

- a) September 2018 Phase I Environmental Site Assessment prepared by CBRE, Inc. for Metropolitan Commercial Bank;
- b) May 2024 Phase II Environmental Site Assessment prepared by P.W. Grosser Consulting, Inc. for Broadway Junction Partners, LLC;
- c) June 2025 Phase I Environmental Site Assessment prepared by P.W. Grosser Consulting, Inc. for 2488 Fulton Owner LLC;

<sup>2</sup> <https://www.brooklynbp.nyc.gov/the-comprehensive-plan-for-brooklyn/> at p. 33.

- d) September 2025 Supplemental Phase II Environmental Site Assessment prepared by P.W. Grosser Consulting, Inc. for 2488 Fulton Owner LLC;
- e) January 2026 Phase II Environmental Site Assessment Update Letter prepared by P.W. Grosser Consulting, Inc. for 2488 Fulton Owner LLC; and
- f) January 2026 Remedial Investigation Work Plan prepared by P.W. Grosser Consulting, Inc. for 2488 Fulton Owner LLC.

## 2. Sampling Data

See Exhibit I - Spider Maps which include sampling data summaries.

## 3. Environmental Assessment

Based on the investigations conducted to date, the primary contaminants of concern are high levels of heavy metals and SVOCs in soil, some of which exceed not only the RRSCOs but also the CSCOs and ISCOs, and VOCs in soil vapor. See Exhibit I - Site Drawing Spider Maps.

### Soil:

Analytes > RRSCOs	Detections > RRSCOs	Detections > CSCOs	Detections > ISCOs	Maximum Detection (mg/kg)	RRSCO (mg/kg)	CSCO (mg/kg)	ISCO (mg/kg)	Depth (ft-bgs)
<b>SVOCs</b>								
Benzo(a)anthracene	2	1	1	67.6	1.4	37	37	0-2
Benzo(a)pyrene	3	1	1	57.9	1	3.7	3.7	0-2
Benzo(b)fluoranthene	2	1	1	73.8	1.4	37	37	0-2
Benzo(k)fluoranthene	1	0	0	28.9	4.9	47	78	0-2
Chrysene	1	1	0	71.2	4.9	47	78	0-2
Dibenzo(a,h)anthracene	1	1	1	7.87	0.33	3.7	3.7	0-2
Fluoranthene	1	0	0	153	100	500	1,000	0-2
Indeno(1,2,3-c)pyrene	1	1	1	37	1.4	37	37	0-2
Phenanthrene	1	1	1	112	4.9	47	78	0-2
Pyrene	1	0	0	134	100	500	1,000	0-2
<b>Metals</b>								
Arsenic	2	2	2	16.9	16	16	16	0-2
Copper	3	3	0	2,850	280	280	10,000	0-2
Lead	3	1	0	1,400	400	1,000	3,900	0-2
Mercury	11	1	1	2.47	0.3	1.1	1.1	0-2

### Soil Vapor:

Analytes	Total Detections	Max Detection ( $\mu\text{g}/\text{m}^3$ )	Type
<b>VOCs</b>			
1,2,4-Trimethylbenzene	2	43.0	Soil Vapor

1,3,5-Trimethylbenzene	2	10.6	Soil Vapor
1,3-Butadiene	2	31.0	Soil Vapor
2-Butanone	2	66.7	Soil Vapor
2-Hexanone	1	17.7	Soil Vapor
4-Ethyltoluene	2	10.5	Soil Vapor
4-Methyl-2-pentanone	2	7.99	Soil Vapor
Acetone	2	710	Soil Vapor
Benzene	2	10	Soil Vapor
Bromomethane	1	1.22	Soil Vapor
Carbon disulfide	2	12.1	Soil Vapor
Chloroform	1	5.8	Soil Vapor
Chloromethane	2	5.31	Soil Vapor
Cyclohexane	2	24.4	Soil Vapor
Dichlorodifluoromethane	2	2.72	Soil Vapor
Ethanol	1	21.3	Soil Vapor
Ethylbenzene	2	26.6	Soil Vapor
Heptane	2	26.5	Soil Vapor
Isopropanol	2	3.66	Soil Vapor
Methylene Chloride	1	4.52	Soil Vapor
Naphthalene	2	1.96	Soil Vapor
n-Hexane	2	36.7	Soil Vapor
o-Xylene	2	38.9	Soil Vapor
p/m-Xylene	2	105	Soil Vapor
Tertiary butyl Alcohol	2	25.3	Soil Vapor
Tetrachloroethene	1	2.21	Soil Vapor
Tetrahydrofuran	1	6.78	Soil Vapor
Toluene	2	79.9	Soil Vapor
Trichlorofluoromethane	1	15.6	Soil Vapor
Vinyl Chloride	1	0.55	Soil Vapor

#### 4. Past Land Use

##### 1. Past Use of the Site

The Site's known history began in 1888 when it was developed with a single-family dwelling on the western portion and a single-story flour, feed, and hay storage structure on the eastern half. In 1908, there were two (2) dwellings on the Site, one on the western portion and one on the eastern portion. Sometime between 1908 and 1932, the dwelling on the eastern portion of the Site was converted into an apartment building. Both dwellings were demolished by 1951, and the site was being utilized as a lumber yard. The Site was used for parking starting in the 1960s and continuing until at least 2007, possibly until 2023, when the Site was occupied by Ahern Contractors as a construction yard. According to the City Directories, Eastern Auto Wreckers occupied the Site in 1940s, United Brothers Auto Body/Ideal Motors was present in 1992, and Cheak Jake's Wheels was present in 1995.

## 2. Past Investigations Related to Uses and Environmental Conditions that Led to the Submission of this Application.

In September 2018, CBRE, Inc. performed a Phase I Environmental Site Assessment (“ESA”) for the Site. Oddly, this Phase I ESA did not identify any Recognized Environmental Conditions (“RECs”), Historical Recognized Environmental Conditions (“HRECs”), Controlled Recognized Environmental Conditions (“CRECs”), and no business environmental risks (“BERs”). However, this Phase I was prepared for purposes of selling the property by a broker.

In May 2024, P.W. Grosser completed a Phase II ESA at the Site. Subsurface investigations did not reveal any subsurface anomalies indicative of possible unknown underground storage tanks (“USTs”). Soil quality testing revealed the presence of historic fill down to 15 feet bgs at the Site. Soil testing revealed SVOCs and metals exceeding RRSCOs. Soil vapor samples revealed the presence of numerous VOCs including petroleum-related compounds and chlorinated VOCs.

In June 2025, P.W. Grosser completed a Phase I ESA at the Site. This ESA identified four RECs for the Site. First, the Site has been used as a construction yard since about 2019, including the storage of paint, soil and stone. Stormwater runoff from these stockpiles may have infiltrated the and impacted the subsurface, constituting a REC. Second, the current Site occupant, Ahern Contractors, Inc., uses lead-based paint for their operations. Although this paint is not stored on-Site, minor or inadvertent releases may have nevertheless occurred on-Site. Third, the Site’s historical usage as a lumber yard potentially involved the storage of wood containing chromated copper arsenate or creosote that may have leached into the soil through stormwater runoff, and which may have caused some of the heavy metals contamination. Fourth, the Site’s historical use for auto wrecking in the 1940s and as an auto body shop in 1992 likely entailed the use and storage of hazardous substances and petroleum products that may have been released on-Site.

P.W. Grosser then completed a Supplemental Phase II ESA for the Site in September 2025. This Supplemental Phase II was focused on additional soil investigation. This investigation further documented the presence of contamination soil across the Site, at some points down to 15 feet bgs. It further confirmed the presence of SVOCs, namely PAHS, and metals in the soil in exceedance of not only the RRSCOs but in some instances the ISCOs and CSCOs.

In January 2026, P.W. Grosser prepared a Phase II ESA Update Letter for the Site. This Update Letter brought their September 2025 Phase II ESA into conformity with the revisions made on December 31, 2025, to the 6 NYCRR Part 375 regulations.

P.W. Grosser also completed a Remedial Investigation Work Plan (RIWP) for the Site in January 2026. The RIWP was prepared to detail how P.W. Grosser intends to delineate the impacted areas of concern at the Site and obtain additional subsurface quality data. This investigation has proposed the installation of 18 soil borings across the Site, advanced down to 15 feet bgs with four samples proposed to be collected from each boring. For groundwater sampling, 4 of the soil borings have been proposed to be converted into groundwater monitoring wells, with samples proposed for collection one week after their development. For soil vapor sampling, 8 soil vapor sample points have been proposed to be installed, at a depth of 15 feet bgs.

## **SECTION VII: REQUESTOR INFORMATION**

The Requestor is 2488 Fulton Owners LLC, a New York limited liability company, located at 111 5th Avenue, 9th Floor, New York, NY 1003. 2488 Fulton Owners LLC is authorized to do business in the State of New York. See Exhibit J - NYSDOS Entity Information. The members are shown in the Organizational Chart provided as Exhibit N.

The Written Consent provides Tucker Reed, being a member of Ailanthus BK LLC, which is the sole member of Ailanthus Herkimer Williams LLC, which is a 50% member Herkimer Williams C JV LLC, which is the sole member 2488 Fulton Owner LLC, with authority to sign all Brownfield Cleanup Program documents on behalf of the Requestor 2488 Fulton Owner LLC. See Exhibit K – Written Consents.

## **SECTION VIII: REQUESTOR CONTACT INFORMATION**

**Please refer to the BCP Application Form.**

## **SECTION IX: PROGRAM FEE**

Please see Exhibit O - Fee Waiver Affidavit for this 100% affordable housing project.

## **SECTION X: REQUESTOR ELIGIBILITY**

**1-10. Please refer to BCP Application Form.**

**11. Unregistered Bulk Storage Tanks**

The answer to this question is “no” because a geophysical survey was conducted during environmental due diligence to date and this survey did not identify subsurface anomalies indicative of potential USTs, drywells, or other objects. There is also no known history of petroleum bulk storage being present on the Site.

## **REQUESTOR CERTIFICATION**

The Requestor certifies it is a Volunteer, since it does not have nor has ever had a relationship with any of the past owners or operators of the Site that caused the contamination other than the plan to purchase the Site from the current owner. Requestor did not have any involvement with the Site at the time of disposal. The Requestor has performed all required environmental due diligence prior to acquiring the Site and will continue to perform all required environmental due diligence after purchasing the Site, and has implemented due care of the Site when it has accessed the Site.

## **SECTION XI: PROPERTY ELIGIBILITY INFORMATION**

**Please refer to the responses to the Questions 1-6 on the BCP Application Form, which confirms the site is not ineligible for the BCP.**

In addition to the responses on the application form, which clarify the Site is an eligible brownfield site pursuant to ECL § 27-1405, the following information further demonstrates this Site's eligibility for the BCP.

The Site meets the definition of an eligible "brownfield site" in Environmental Conservation Law § 27-1405(2) as "any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by the department that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations." Environmental investigation results show evidence of impact from the Site's previous commercial and industrial uses, which can be linked to and caused Site contamination above the applicable cleanup standards. See Environmental Reports separately attached and the Spider Maps in Exhibit I, providing the data demonstrating exceedances of the cleanup standards for this Site. As a result, the Site meets the definition of a brownfield site pursuant to Environmental Conservation Law § 27-1405(2).

## **SECTION XII: SITE CONTACT LIST**

See Exhibit L - Site Contact List. See Exhibit M - Repository Letters.

# **EXHIBIT A**

# BASE MAP

Fulton Street Auto Wrecking Construction Yard Site  
2488 Fulton Street and 2514 Fulton Street  
Brooklyn, New York 11207



All feature locations are approximate. This map is intended as a schematic to be used in conjunction with associated Application and Support Information, and should not be relied upon as a survey for planning and other activities.

**Legend:**  
 Site Property Boundary

Corresponding page lists adjacent property owners by letter A – L



<b>Number</b>	<b>Property Owner(s) Name(s)</b>	<b>Property Address</b>	<b>Section-Block-Lot</b>
<b>1</b>	Fulton Junction LLC	2488 Fulton Street	Brooklyn-1577-17
<b>2</b>	Fulton Junction LLC	2514 Fulton Street	Brooklyn-1577-26

	<b>Adjacent Property Owner(s) Name(s)</b>	<b>Property Address</b>	<b>Section-Block-Lot</b>
<b>A</b>	Real Estate of Utility Corporation (REUC) – Railroad	NA	Brooklyn-1547-25
<b>B</b>	Acquisition Debt 1A LLC	2501 Fulton Street	Brooklyn-1547-1
<b>C</b>	NYC Transit	__ Fulton Street	Brooklyn-1555-1
<b>D</b>	NYC Transit	__ Herkimer Street	Brooklyn-1576-13
<b>E</b>	Mystic Display Co., Inc.	47 Williams Place	Brooklyn-1577-7
<b>F</b>	Broadway Junction LLC	__ Herkimer Street	Brooklyn-1577-32
<b>G</b>	Broadway Junction LLC	1833 East New York Avenue	Brooklyn-1577-35
<b>H</b>	864 Penn Realty Corporation	1838 East New York Avenue	Brooklyn-3666-10
<b>I</b>	2550 E NY LLC	2550 East New York Avenue	Brooklyn-3666-15
<b>J</b>	2550 E NY LLC	2562 East New York Avenue	Brooklyn-3666-18
<b>K</b>	NYC Transit	1993 Broadway	Brooklyn-3476-10

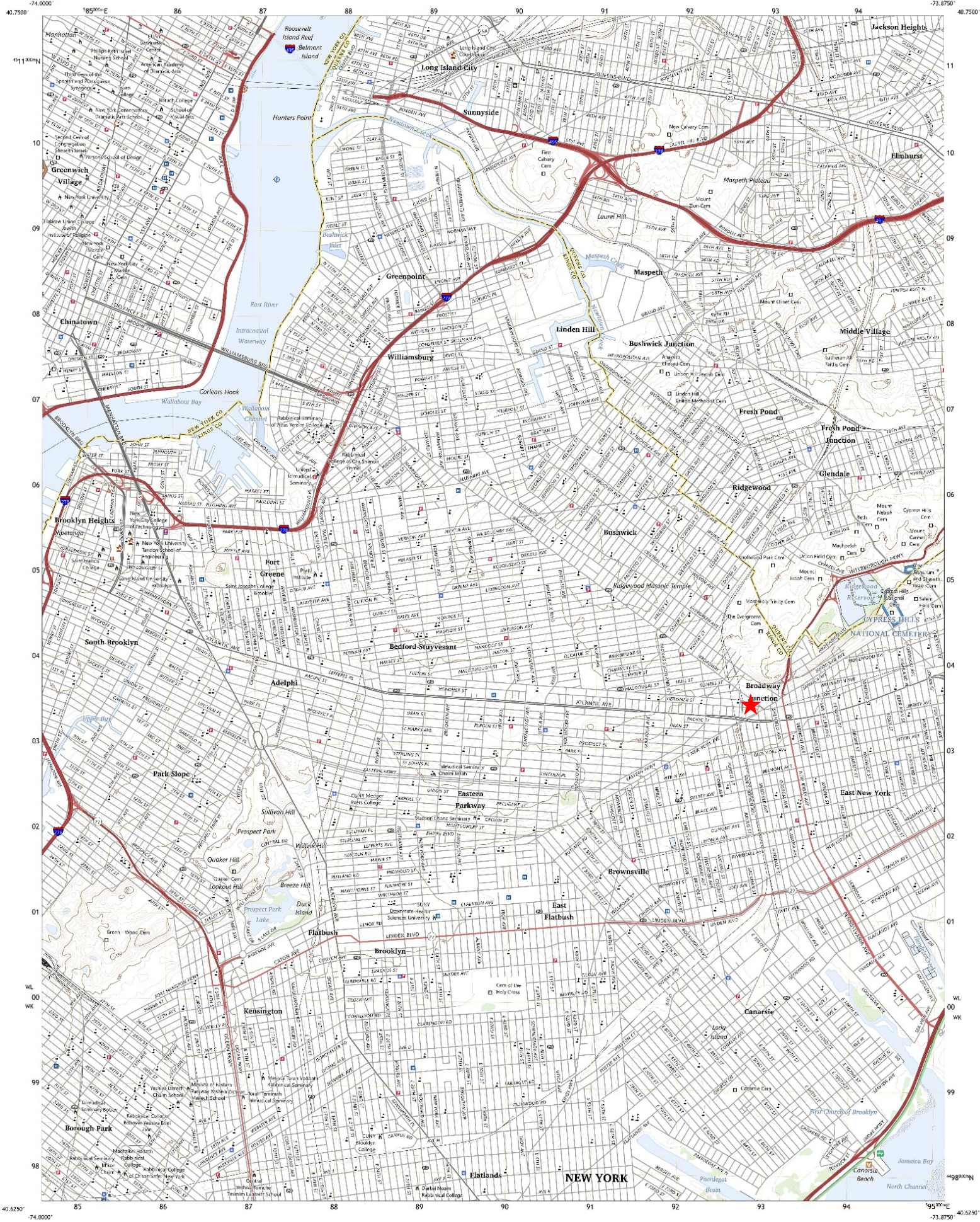
# SITE LOCATION MAP



U.S. DEPARTMENT OF THE INTERIOR  
U.S. GEOLOGICAL SURVEY

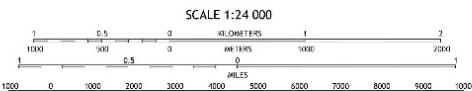
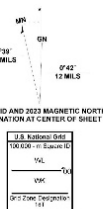


BROOKLYN QUADRANGLE  
NEW YORK  
7.5-MINUTE SERIES



Produced by the United States Geological Survey  
 North American Datum of 1983 (NAD83)  
 World Geodetic System of 1984 (WGS84). Projection and  
 1 000-meter grid. Universal Transverse Mercator, Zone 18T  
 This map is not a legal document. Boundaries may be  
 generalized for this map scale. Private lands within government  
 reservations may not be shown. Obtain permission before  
 entering private lands.

Metadata:  
 Base Map: August 2017, December 2017  
 Roads: U.S. Census Bureau, 2015 - 2021  
 Names: National Geospatial Intelligence Agency, 1999 - 2023  
 Hydrography: National Hydrography Dataset, 2002, 2002  
 Contours: National Elevation Dataset, 2015  
 Boundaries: Multiple sources, see metadata file, 2013 - 2022  
 Wetlands: FWS National Wetlands Inventory, 2004



CONTOUR INTERVAL: 10 FEET  
 NORTH AMERICAN VERTICAL DATUM OF 1988  
 This map was produced to conform with the  
 National Geospatial Program US Topo Product Standard.



1	2	3
4	5	6
7	8	

ADJOINING QUADRANGLES

ROAD CLASSIFICATION		ROAD CLASSIFICATION	
Expressway	Local Connector	Expressway	Local Connector
Secondary Hwy	Local Road	Secondary Hwy	Local Road
Ramp	4WD	Ramp	4WD
Interstate Route	US Route	Interstate Route	US Route
	State Route		State Route

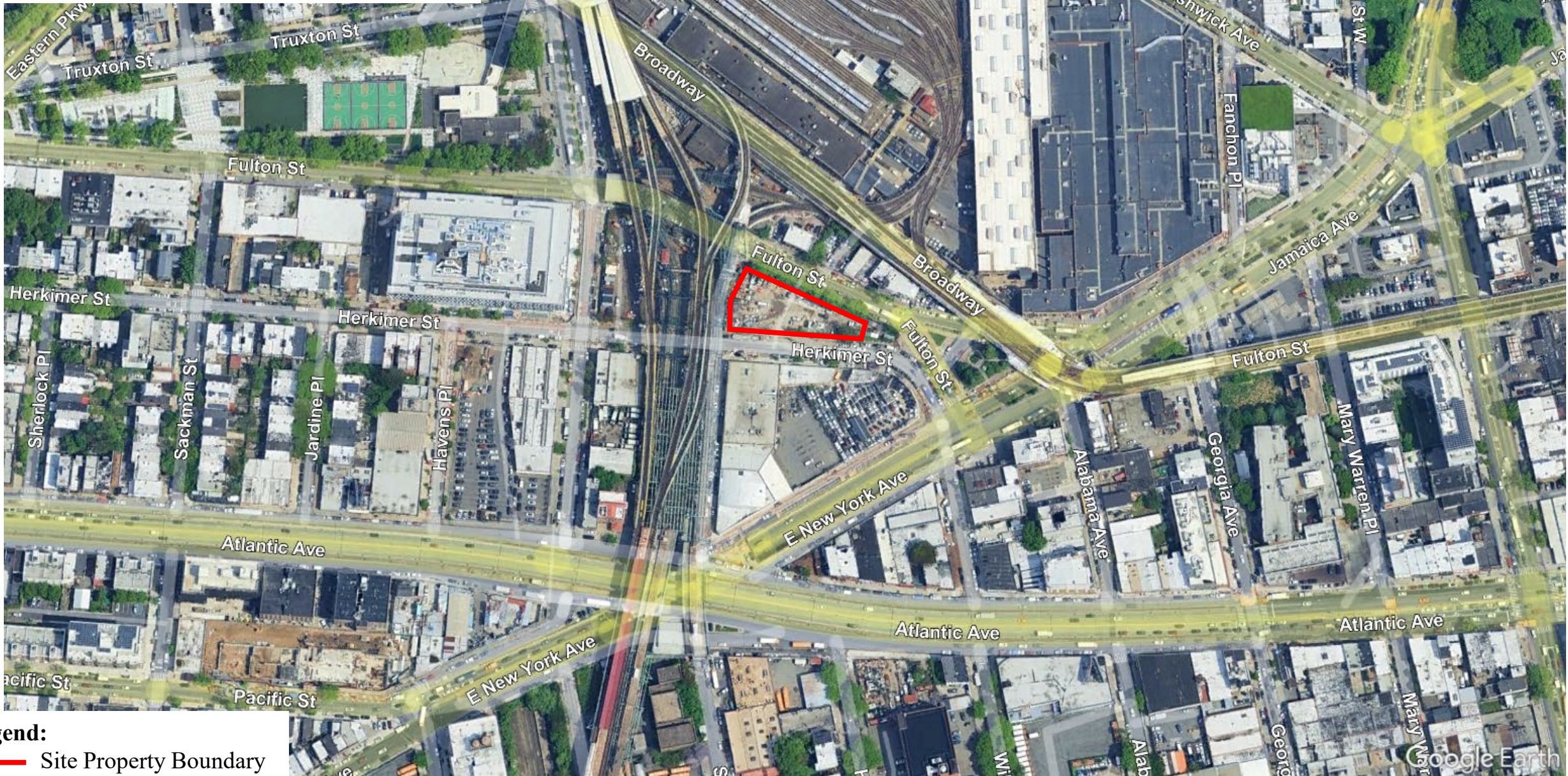
1. Woodhull
2. Central Park
3. Flatbush
4. Jersey City
5. Jamaica
6. The Narrows
7. Coney Island
8. Far Rockaway

BROOKLYN, NY  
2023



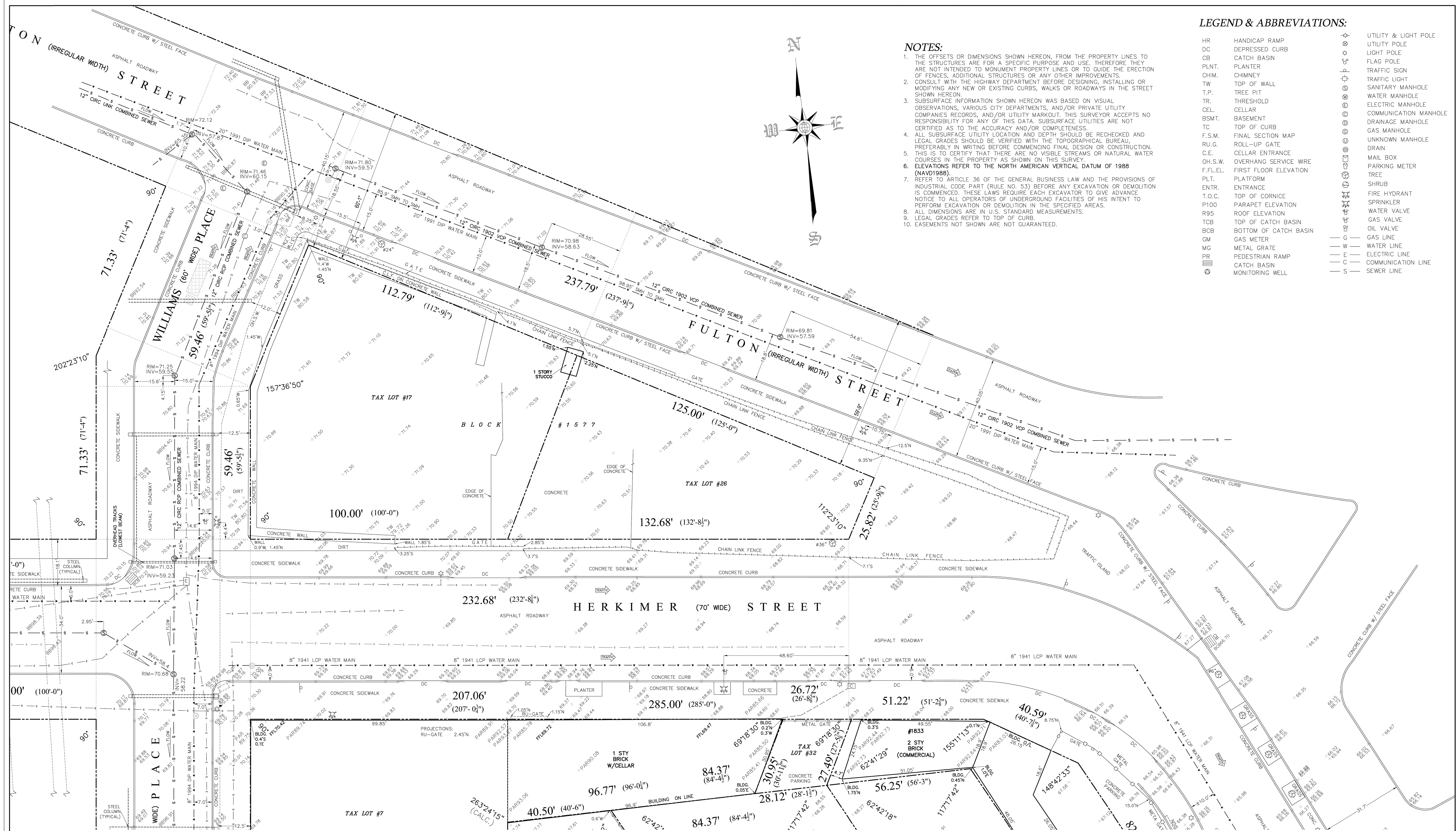
# Street Map

Fulton Street Auto Wrecking Construction Yard Site  
2488 Fulton Street and 2514 Fulton Street  
Brooklyn, New York 11207



**Legend:**  
— Site Property Boundary

# **EXHIBIT B**



- NOTES:**
1. THE OFFSETS OR DIMENSIONS SHOWN HEREON, FROM THE PROPERTY LINES TO THE STRUCTURES ARE FOR A SPECIFIC PURPOSE AND USE. THEREFORE THEY ARE NOT INTENDED TO MONUMENT PROPERTY LINES OR TO GUIDE THE ERECTION OF FENCES, ADDITIONAL STRUCTURES OR ANY OTHER IMPROVEMENTS.
  2. CONSULT WITH THE HIGHWAY DEPARTMENT BEFORE DESIGNING, INSTALLING OR MODIFYING ANY NEW OR EXISTING CURBS, WALKS OR ROADWAYS IN THE STREET SHOWN HEREON.
  3. SUBSURFACE INFORMATION SHOWN HEREON WAS BASED ON VISUAL OBSERVATIONS, VARIOUS CITY DEPARTMENTS, AND/OR PRIVATE UTILITY COMPANIES RECORDS, AND/OR UTILITY MARKOUT. THIS SURVEYOR ACCEPTS NO RESPONSIBILITY FOR ANY OF THIS DATA. SUBSURFACE UTILITIES ARE NOT CERTIFIED AS TO THE ACCURACY AND/OR COMPLETENESS.
  4. ALL SUBSURFACE UTILITY LOCATION AND DEPTH SHOULD BE RECHECKED AND LEGAL GRADES SHOULD BE VERIFIED WITH THE TOPOGRAPHICAL BUREAU, PREFERABLY IN WRITING BEFORE COMMENCING FINAL DESIGN OR CONSTRUCTION. THIS IS TO CERTIFY THAT THERE ARE NO VISIBLE STREAMS OR NATURAL WATER COURSES IN THE PROPERTY AS SHOWN ON THIS SURVEY.
  5. ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD1988).
  6. REFER TO ARTICLE 36 OF THE GENERAL BUSINESS LAW AND THE PROVISIONS OF INDUSTRIAL CODE PART (RULE NO. 53) BEFORE ANY EXCAVATION OR DEMOLITION IS COMMENCED. THESE LAWS REQUIRE EACH EXCAVATOR TO GIVE ADVANCE NOTICE TO ALL OPERATORS OF UNDERGROUND FACILITIES OF HIS INTENT TO PERFORM EXCAVATION OR DEMOLITION IN THE SPECIFIED AREAS.
  7. ALL DIMENSIONS ARE IN U.S. STANDARD MEASUREMENTS.
  8. LEGAL GRADES REFER TO TOP OF CURB.
  9. EASEMENTS NOT SHOWN ARE NOT GUARANTEED.

**LEGEND & ABBREVIATIONS:**

HR	HANDICAP RAMP	⊕	UTILITY & LIGHT POLE
DC	DEPRESSED CURB	⊙	UTILITY POLE
CB	CATCH BASIN	⊛	FLAG POLE
PLNT.	PLANTER	⊠	TRAFFIC SIGN
CHIM.	CHIMNEY	⊞	TRAFFIC LIGHT
TW	TOP OF WALL	⊟	SANITARY MANHOLE
T.P.	TREE PIT	⊠	WATER MANHOLE
TR.	THRESHOLD	⊡	ELECTRIC MANHOLE
CEL.	CELLAR	⊢	COMMUNICATION MANHOLE
BSMT.	BASEMENT	⊣	DRAINAGE MANHOLE
TC	TOP OF CURB	⊤	GAS MANHOLE
F.S.M.	FINAL SECTION MAP	⊥	UNKNOWN MANHOLE
RU.G.	ROLL-UP GATE	⊦	DRAIN
C.E.	CELLAR ENTRANCE	⊧	MAIL BOX
OH.S.W.	OVERHANG SERVICE WIRE	⊨	PARKING METER
F.F.L.E.L.	FIRST FLOOR ELEVATION	⊩	TREE
PLT.	PLATFORM	⊪	SHRUB
ENTR.	ENTRANCE	⊫	FIRE HYDRANT
T.O.C.	TOP OF CORNICE	⊬	SPRINKLER
P100	PARAPET ELEVATION	⊭	WATER VALVE
R95	ROOF ELEVATION	⊮	GAS VALVE
TCB	TOP OF CATCH BASIN	⊯	OIL VALVE
BBB	BOTTOM OF CATCH BASIN	⊰	GAS LINE
GM	GAS METER	⊱	WATER LINE
MG	METAL GRATE	⊲	ELECTRIC LINE
PR	PEDESTRIAN RAMP	⊳	COMMUNICATION LINE
⊴	CATCH BASIN	⊴	SEWER LINE
⊵	MONITORING WELL		

**SURVEY OF PROPERTY LOCATED AT:**  
 #1519 HERKIMER STREET, #45, #25 VAN SINDEREN AVENUE, BROOKLYN  
 #2465 ATLANTIC AVENUE, #27 WILLIAMS PLACE, BROOKLYN  
 #2488 & #2514 FULTON STREET,  
 #1785, #1809, #1811, #1821, #1829 & #1833 EAST NEW YORK AVENUE, BROOKLYN  
 COUNTY OF KINGS  
 CITY & STATE OF NEW YORK  
 BLOCK ..... 1555, LOT(S) ..... 19  
 BLOCK ..... 1576, LOT(S) ..... 1, 9 & 34  
 BLOCK ..... 1577, LOT(S) ..... 1, 7, 17, 26, 32, 35, 51, 53, 56, 58

Only copies from the original of this survey marked with an original of the land surveyor's embossed seal shall be considered to be valid true copies.  
 Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law.  
 Certification indicated herein signifies that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certification shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed herein, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owner.

SHEET 2 OF 7

REVISIONS DESCRIPTION	PREPARED BY	DATE	FILE	CERTIFY TO:
1. TOPOGRAPHICAL & UTILITY SURVEY	K.S./K.Z.	05-27-22	ASC22195	
SURVEYED BY ARKADIUSZ JUSIEGA, P.L.S. N.Y.S. LIC. NO. 029569				ORDERED BY: <b>BEB Capital</b>
AREK SURVEYING P.C. 10 TAFT PLACE ALBANY, NY 12207 WWW.ASCNY.NET TEL: (516) 792-6676				

Architect  
**WXY**  
 WXY architecture + urban design  
 25 Park Place, Fifth Floor  
 New York, NY 10007  
 P (212) 219-1953  
 F (212) 334-1952

Rev.	Date	Description
1	12/18/2024	DCP SUBSTANTIALLY COMPLIANT

Project  
**Herkimer Williams**  
 Brooklyn, New York  
 Block 1555 Lot 1, 19  
 Block 1576 Lot 1, 9, 13, 32, 34  
 Block 1577 Lot 1, 7, 17, 26, 32,  
 35, 51, 53, 56, 58

Client

Seal

**DRAFT ULURP SET  
 PROGRESS PRINT**

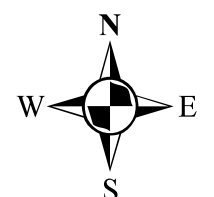
Drawing Title  
**Survey**

Drawn by  
 Checked by

Date January 29, 2025  
 Scale 1"=50'

Drawing Number **Z-002.00**

Sheet Number 3 OF 49  
 Sheet Size ARCH E1



**NYC Digital Tax Map**

Effective Date : 12-04-2008 17:34:03  
 End Date : Current  
 Brooklyn Block: 1577

**Legend**

- Streets
- Miscellaneous Text
- ↓ Possession Hooks
- - - - - Boundary Lines
- ↓ Lot Face Possession Hooks
- Regular
- - - - - Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon
- Brownfield Cleanup Program Site



# **EXHIBIT C**

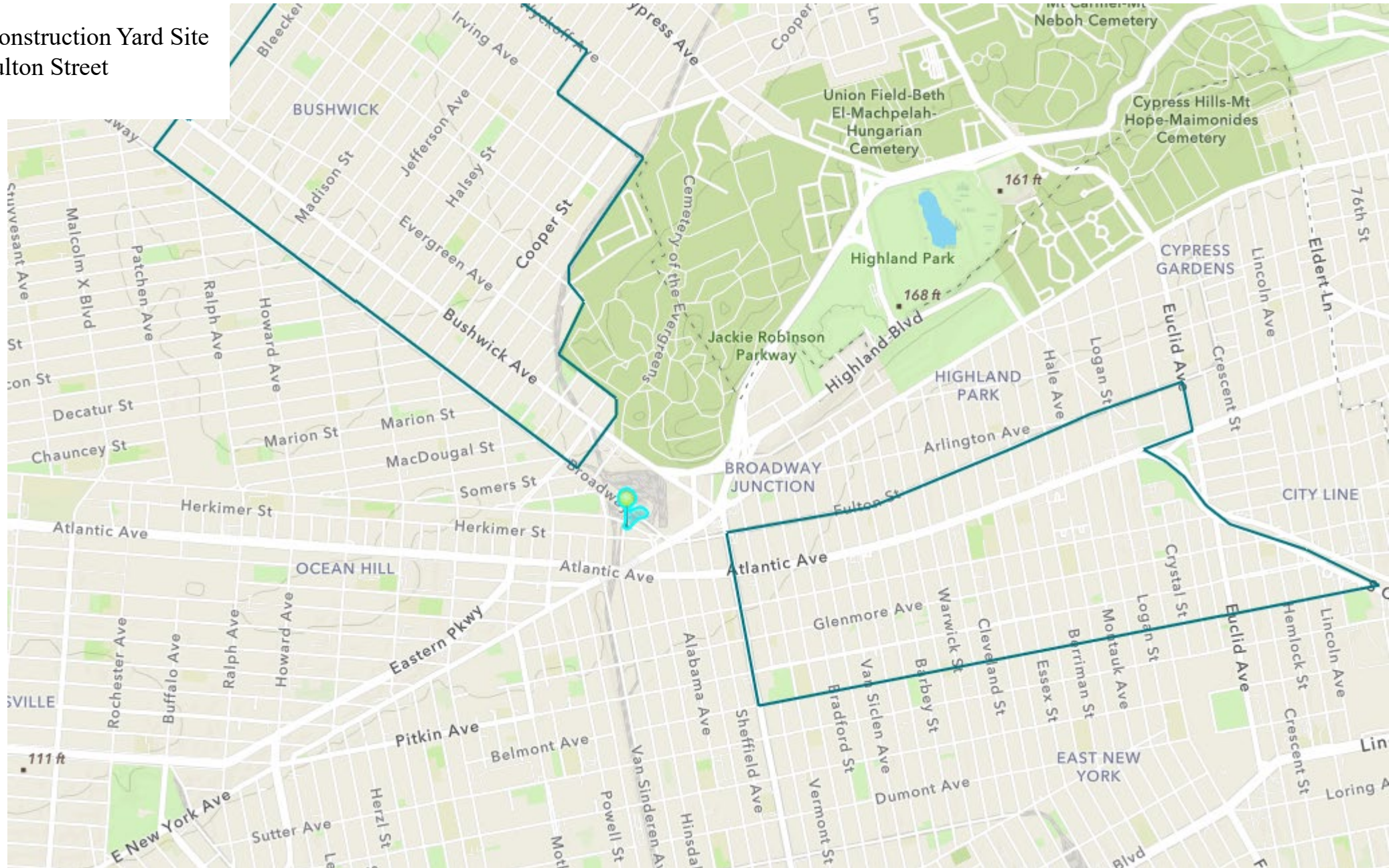
# BOA Map

Fulton Street Auto Wrecking Construction Yard Site  
2488 Fulton Street and 2514 Fulton Street  
Brooklyn, New York 11207

## Legend:

 Site Location

 Brownfield Opportunity Area Boundary



December 2025

Source: NYS DOS – Geographic Information Gateway

# Disadvantaged Communities Map

Fulton Street Auto Wrecking Construction Yard Site  
2488 Fulton Street and 2514 Fulton Street  
Brooklyn, New York 11207

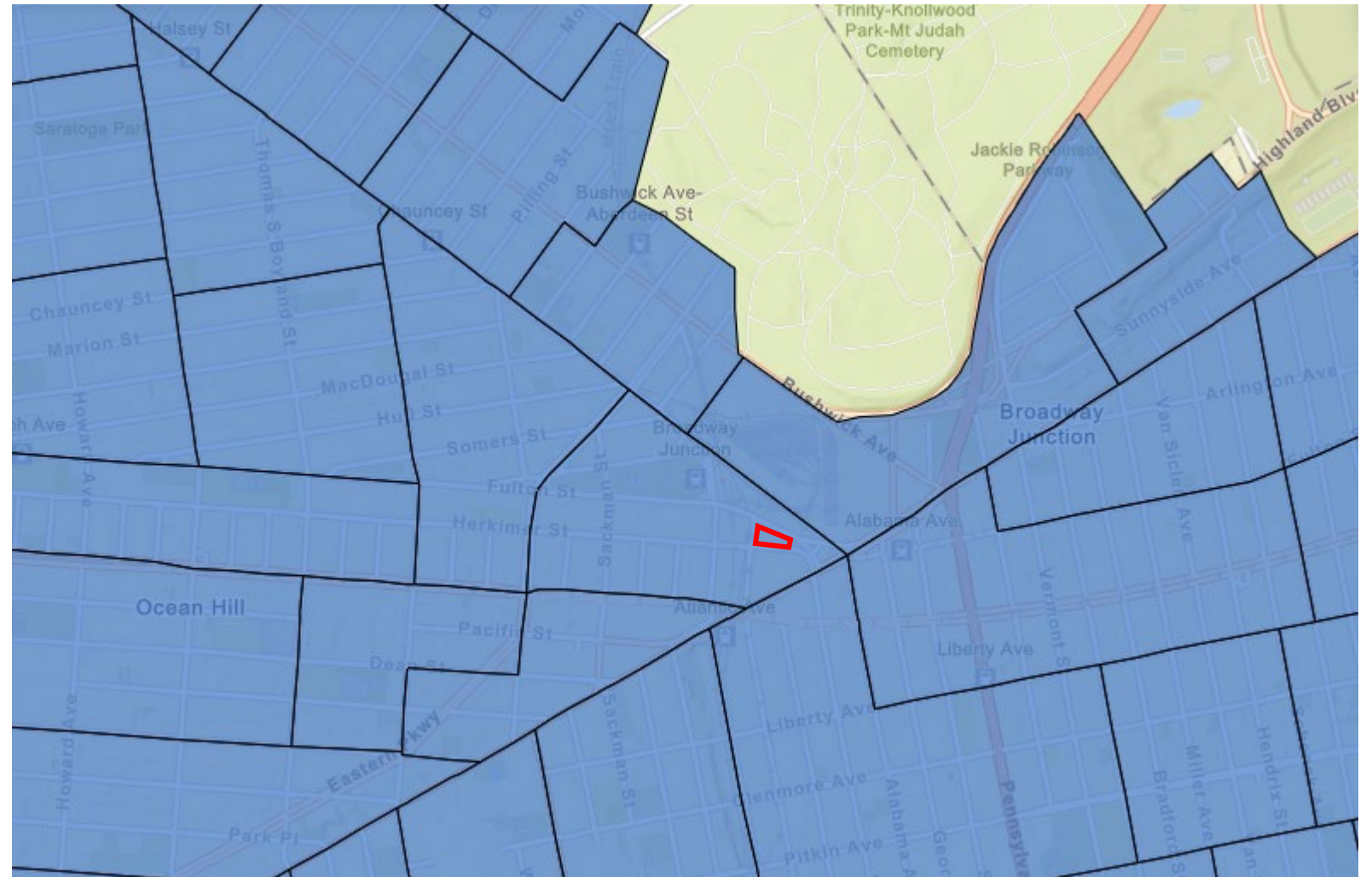
## DAC

GEOID: 36047036700

Household Count: 515

Population Count: 1281

Regional Economic Development Council: New York City



## Legend:

 Site Property Boundary

 Disadvantaged Community

Census Tract 36047036700 is **Designated a DAC**  
 This Tract covering **New York city** has a population of **1,281**

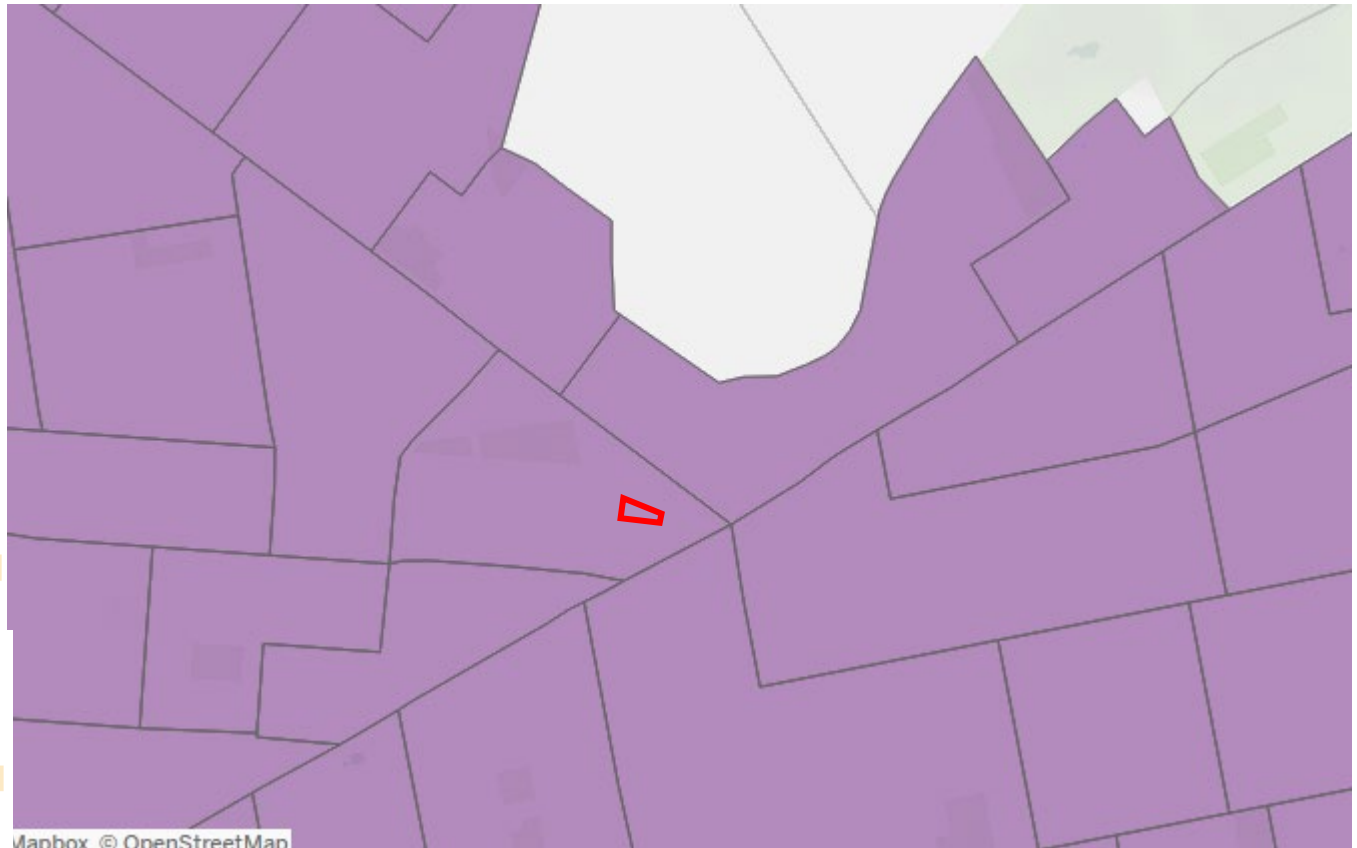
**Environmental Burden** is higher than **72%** of Census Tracts statewide  
**Population Vulnerability** is higher than **90%** of Census Tracts statewide

**Population Characteristics & Vulnerability ...**

<b>Health Impacts &amp; Burdens</b>	Asthma ED visits	97%
	COPD ED visits	76%
	Heart attack (MI) Hospitalization	85%
	Low Birthweight	89%
	Pct Adults Age 65+	3%
	Pct w/ Disabilities	62%
	Pct w/o Health Insurance	98%
	Premature Deaths	94%
<b>Housing, Mobility, Communications</b>	Energy Poverty / Cost Burden	83%
	Homes Built Before 1960	81%
	Housing Cost Burden (Rental C...	82%
	Manufactured Homes	0%
	Pct Renter-Occupied Homes	76%
	Pct w/o Internet (home or cellul...	97%
<b>Income</b>	Pct <100% of Federal Poverty ...	63%
	Pct <80% Area Median Income	81%
	Pct Single-Parent Households	86%
	Pct w/o Bachelor/Es Degree	69%
	Unemployment Rate	25%
<b>Race/Ethnicity</b>	Historical Redlining Score	81%
	Limited English Proficiency	64%
	Pct Asian	55%
	Pct Black or African American	90%
	Pct Latino/a or Hispanic	83%
	Pct Native American or Indigen...	0%

**Environmental Burden & Climate Change Risk ...**

<b>Land Use &amp; Historic Discrimination</b>	Active Landfills	0%
	Housing Vacancy Rate	65%
	Industrial/Manufacturing/Mining La...	85%
	Major Oil Storage Facilities	0%
	Municipal Waste Combustors	0%
	Power Generation Facilities	0%
	Regulated Management Plan (Ch...	91%
	Remediation Sites	0%
	Scrap Metal Processing	0%
	<b>Potential Climate Change Risk</b>	Agricultural Land Use
Coastal Flooding and Storm Risk ...		0%
Driving Time to Urgent/Critical Care		36%
Extreme Heat Projections (>90? d...		44%
Inland Flooding Risk Areas		0%
Low Vegetative Land Cover		87%
<b>Potential Pollution Exposure</b>	Benzene Concentration (Modeled)	74%
	Particulate Matter (PM2.5)	80%
	Traffic: Diesel Trucks	80%
	Traffic: Number of Vehicles	87%
Wastewater Discharge	0%	



Mapbox © OpenStreetMap

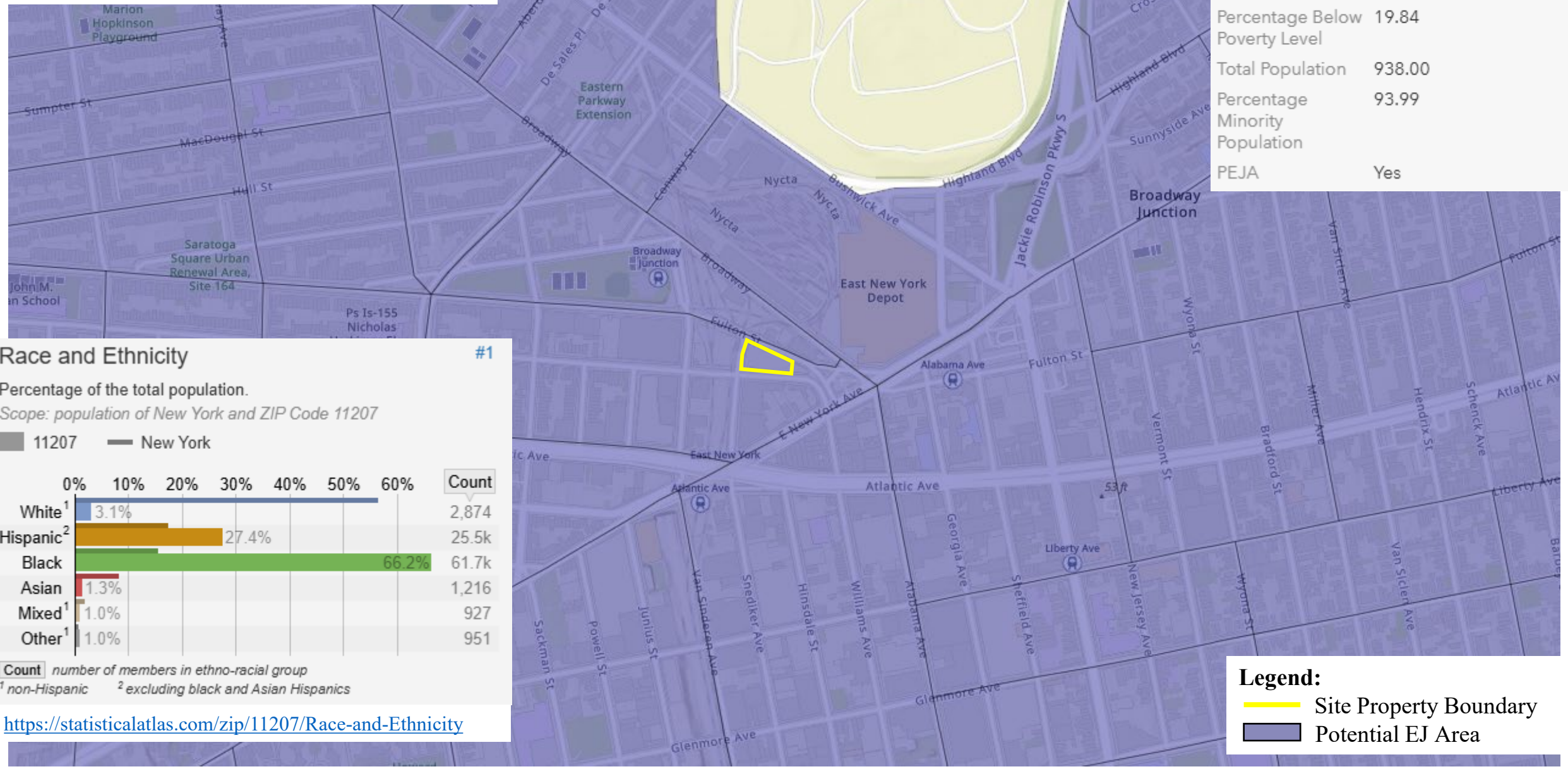
**Legend:**

 Site Property Boundary

 Disadvantaged Community

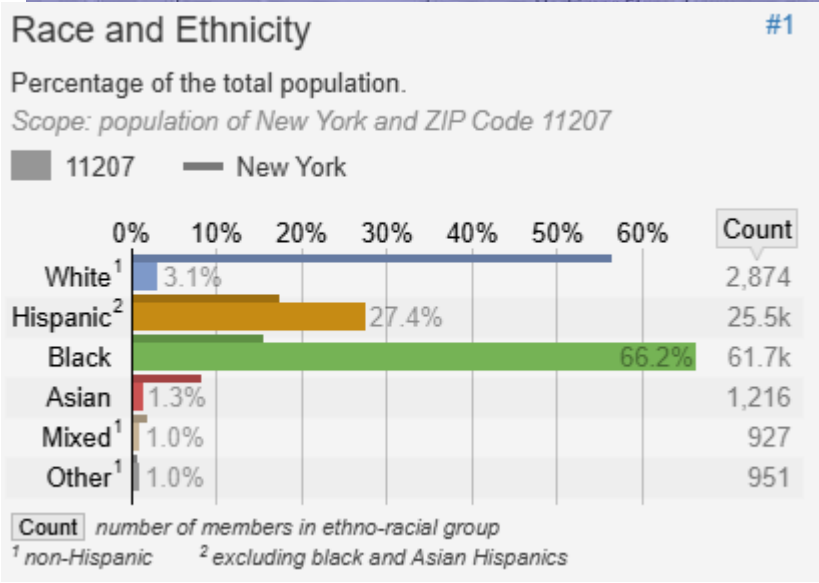
# EJ MAP

Fulton Street Auto Wrecking Construction Yard Site  
 2488 Fulton Street and 2514 Fulton Street  
 Brooklyn, New York 11207



**Potential Environmental Justice Area (PEJA)**  
**Communities: 15000US360470367001**

Census Block Group	15000US360470367001
Percentage Below Poverty Level	19.84
Total Population	938.00
Percentage Minority Population	93.99
PEJA	Yes



<https://statisticalatlas.com/zip/11207/Race-and-Ethnicity>

**Legend:**

- Site Property Boundary
- Potential EJ Area

# En-Zone Map

Fulton Street Auto Wrecking Construction Yard Site  
2488 Fulton Street and 2514 Fulton Street  
Brooklyn, New York 11207

## Legend:

 Site Property Boundary



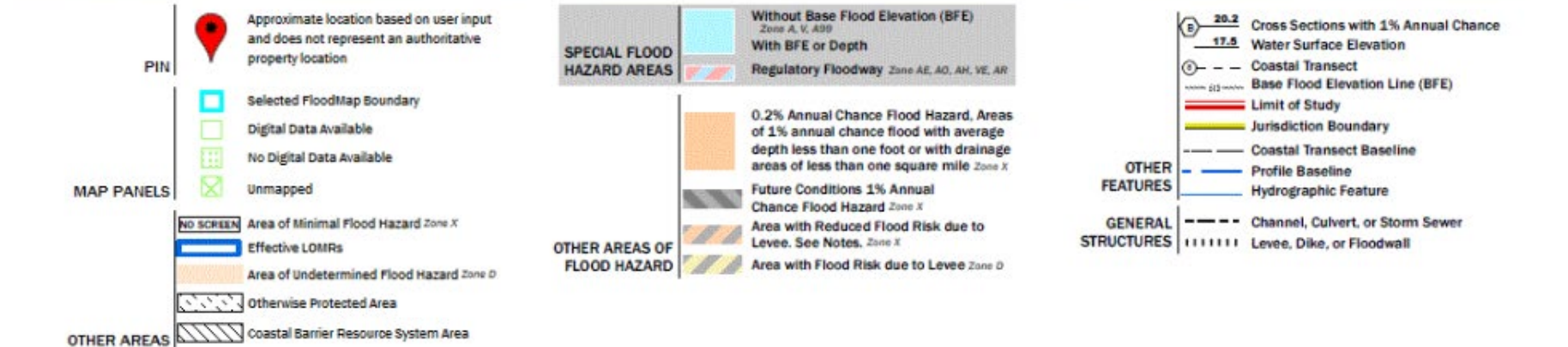
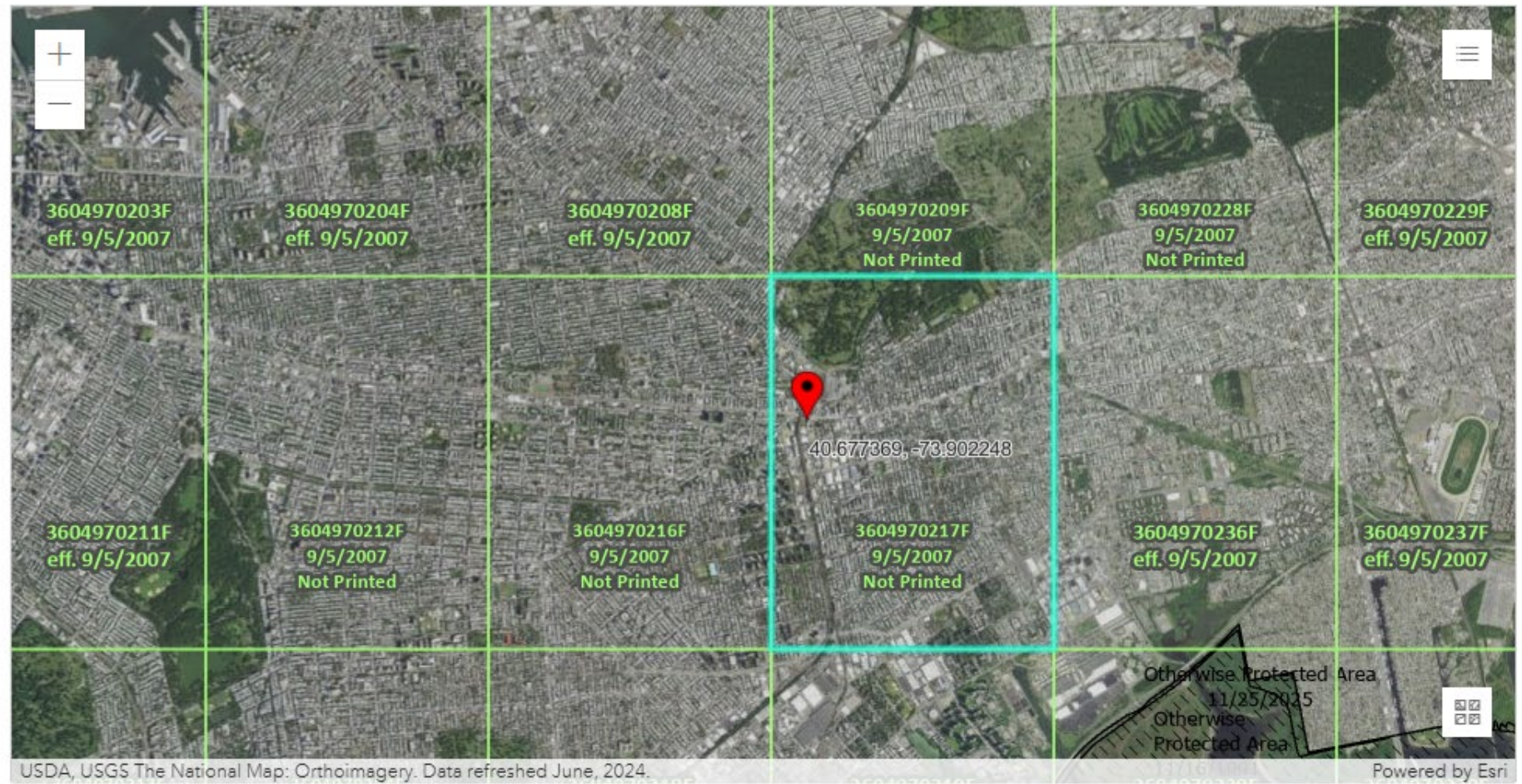
December 2025

Source: Google Earth

# **EXHIBIT D**

# FLOOD MAP

Fulton Street Auto Wrecking Construction Yard Site  
 2488 Fulton Street and 2514 Fulton Street  
 Brooklyn, New York 11207



# **EXHIBIT E**



**IN THE MATTER OF** an application submitted by Broadway Junction Partners LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17c:

1. changing from an M1-2 District to a C6-4 District property bounded by Fulton Street, East New York Avenue, a line perpendicular to the northwesterly street line of East New York Avenue, distant 160 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of East New York Avenue and the southwesterly street line of Fulton Street, Herkimer Street, Williams Place, East New York Avenue, and Van Sinderen Avenue; and
2. changing from an M1-2 District to an M1-6 District property bounded by Herkimer Street, a line perpendicular to the northwesterly street line of East New York Avenue, distant 160 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of East New York Avenue and the southwesterly street line of Fulton Street, East New York Avenue, and Williams Place;

as shown on a diagram (for illustrative purposes only) dated June 2, 2025, and subject to the conditions of CEQR Declaration E-857.

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This application (C 250285 ZMK) for a zoning map amendment was filed by Broadway Junction Partners LLC, on May 7, 2025. This application, in conjunction with the related actions, would facilitate the construction of an approximately 1.23 million-square-foot mixed-use large-scale general development (LSGD) containing approximately 988 residential units (of which 222 to 334 would be permanently income restricted), 494,000 square feet of commercial floor area, 59,000 square feet of industrial space, and 20,000 square feet of publicly accessible open space located in the Broadway Junction area of Brooklyn, Community District 5.

On September 9, 2025, the applicant revised the application by submitting an (A) special permit, requesting to modify the proposed setback above the base height for Building B. The resulting

proposed development would retain the same number of units, base height, and maximum building height, but with a reduced setback above the base height.

## **RELATED ACTIONS**

In addition to the proposed zoning map amendment (C 250285 ZMK) that is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission (CPC) on the following applications, which are being considered concurrently with this application:

- N 250284 ZRK**      Zoning text amendment to Appendix F to establish a Mandatory Inclusionary Housing (MIH) area co-terminus with the proposed C6-4 district and to modify Zoning Resolution (ZR) section 74-742 with respect to the contiguity of ownership of zoning lots in a LSGD.
- C 250286(A) ZSK**      Zoning special permit pursuant to ZR Section 74-743 to establish a LSGD to modify bulk regulations and to allow the distribution of total allowable floor area without regard for the zoning lot lines or district boundaries.
- C 250287 ZSK**      Zoning special permit pursuant to ZR Section 74-161 to allow Use Group VI retail and service use with floor area greater than 10,000 square feet.
- C 250288 PCK**      Combination of an acquisition and site selection of a privately owned lot.

## **BACKGROUND**

The applicant, Broadway Junction Partners LLC, seeks a zoning map amendment, zoning text amendment, and two special permits to facilitate a new approximately 1.23 million-square-foot mixed-use development with approximately 988 apartments, including 222 to 334 permanently income restricted apartments, commercial space, and light industrial space, 20,000 square feet of publicly accessible open space, and 213 parking spaces located in the Broadway Junction area of

Brooklyn, Community District 5. A combination of an acquisition and site selection is also being sought with co-applicants, the New York City Economic Development Corporation (EDC) and the New York City Department of Citywide Administrative Services (DCAS).

The Broadway Junction area is one of Brooklyn's major transit centers with five subway lines and the Long Island Rail Road (LIRR), located at the nexus of six Brooklyn neighborhoods, including East New York, Bushwick, Bedford Stuyvesant, Crown Heights, Brownsville, and Cypress Hills. Extensive planning efforts and community engagement have occurred with the aim of realizing Broadway Junction's potential as a regional mixed-use transit hub.

In November 2008, the NYC Department of City Planning (DCP), the NYC Department of Transportation (DOT), and regional transit agencies including Metropolitan Transportation Authority (MTA) New York City Transit and the LIRR completed the Broadway Junction Transportation Study to assess existing conditions and develop a framework for near-and long-term improvements at and around the Broadway Junction transit complex, establishing goals that informed subsequent planning initiatives for the area. The study included recommendations for improving safe and accessible pedestrian connections between stations and surrounding streets, enhancing the public realm and lighting under elevated structures, and advancing targeted capital upgrades to support efficient intermodal transfers and future growth.

In 2014, DCP published the *Sustainable Communities East New York (SCENY)* study, which examined opportunities for regional destination and transit-oriented development reflecting East New York's robust transportation assets including a regional LIRR station and numerous City transit stations, particularly Broadway Junction Station. Subsequently, the City undertook the East New York Neighborhood Plan (C 160035 ZMK), a comprehensive neighborhood planning study with extensive community engagement, with the goal of supporting more housing and income-restricted housing development through changes to zoning, coordinated investments, and programs to support economic development and provide enhanced neighborhood amenities. The East New York Neighborhood Plan resulted in zoning changes to nearly 190 blocks in East New York and Ocean Hill, as well as over \$260 million in capital projects. Zoning immediately surrounding the Broadway Junction Station was left unchanged, recognizing the need for broader

City coordination and investment, which was a commitment as part of the East New York Neighborhood Plan.

In 2019, EDC released the report *Broadway Junction: A Vision for the Future*, which was the result of a working group including city agencies, local elected officials, and community stakeholders to advance a vision for Broadway Junction. The report identified goals such as making all lines at Broadway Junction Station fully accessible, activating the nearby streets, sidewalks, and open spaces, and growing the area into mixed-use district and major jobs center accessible to local residents. In 2022, the NYC Mayor’s Office released *Rebuild, Renew, Reinvent: A Blueprint for New York City’s Economic Recovery* report, an outcome of which was launching the “City Agencies Revitalizing the Economy” (CARE) strategy, which seeks to create jobs hubs by strategically locating City agency offices in key neighborhoods, including Broadway Junction. The first phase of the CARE strategy is located at 2440 Fulton Street, where the development of a new office building pursuant to zoning established by the East New York Neighborhood Plan will be anchored by the New York City Department of Social Services (DSS) Human Resources Administration.

Building on the *Broadway Junction: A Vision for the Future* report, in May 2023, Mayor Eric Adams and the MTA announced more than \$500 million in public investment in the Broadway Junction area. This investment includes \$400 million from the MTA for ADA accessibility upgrades, including new elevators, a Van Sinderen Avenue entrance, and seven elevators serving each subway line. Over \$100 million will be invested in public realm improvements, including an expansion of Callahan-Kelly Playground and street safety enhancements along Van Sinderen Avenue with raised crosswalks, lighting, and streetscape elements. In July 2025, the CPC approved the Broadway Junction Station City Map Amendment (C 230275 MMK) to facilitate the ADA upgrades, and in September 2025, approved an application (C 250263 PCK) for a site selection and acquisition to facilitate the relocation of the NYPD Transit Bureau’s 33rd District to a new facility in the Broadway Junction area and the creation of two new public open spaces along Van Sinderen Avenue, one of which is the previously mentioned Callahan-Kelly Playground extension.

The project area comprises four blocks with a total lot area of approximately 190,000 square feet (Block 1555, Lots 1 and 19; Block 1576, Lots 1, 9, 13, 32, and 34; Block 1577, Lots 1, 7, 17, 26, 32, 35, 51, 53, 56, and 58), bounded by Van Sinderen Avenue (approximately 70 feet wide) to the west, Fulton Street (approximately 80 feet wide, but generally varying in width) to the north, and East New York Avenue (approximately 115 feet wide, with a small portion bounded by Atlantic Avenue, which is approximately 280 feet wide adjacent to the project area) to the south, and bisected by Herkimer Street (approximately 70 feet wide) running east to west and Williams Place (approximately 60 feet wide) running north to south. The project area includes the development site (Block 1555, Lot 19; Block 1576, Lots 1 and 34; Block 1577, Lots 1, 7, 17, 26, 32, 35, 51, 53, 56, and 58), and several outparcels (Block 1555, Lot 1; and Block 1576, Lots 9, 13, and 32) that would not be included in the LSGD.

The development site is divided into five parcels: Parcels 1, 2, 3, 4, and 5. Overall, the development site has a lot area of approximately 111,550 square feet.

Parcel 1 is located on the northwestern block of the development site and consists of Block 1555, Lot 19, which is located at the northeast corner of Herkimer Street and Van Sinderen Avenue. It is an approximately 4,900-square-foot rectangular lot that is currently unimproved and formerly used as unenclosed parking and storage space. There is an existing curb cut along the Herkimer Street frontage. The parcel is owned by the applicant.

Parcel 2 is located on the southwestern block of the development site and consists of Block 1576, Lots 1 and 34. It is an approximately 15,600-square-foot lot located nearest the northeast corner of the Van Sinderen and Atlantic avenues. Lot 1 is improved with a two-story building containing approximately 8,000 square feet and is currently occupied by truck storage, a product distributor, and studio space on the second floor. Lot 34 is improved with a three-story commercial office building containing approximately 8,200 square feet. There is an existing curb cut along the Van Sinderen Avenue frontage. The parcel is owned by the applicant.

Parcel 3 is the entire northeastern block of the development site and consists of Block 1577, Lots 17 and 26. It is bounded by Herkimer Street, Williams Place, and Fulton Street. It has an area of approximately 17,000 square feet. Lots 17 and 26 are irregular and triangular-shaped, currently unimproved and used for parking and storage of vehicles. There is one existing curb cut along

the Herkimer Street frontage and two existing curb cuts along the Fulton Street frontage. The parcel is owned by the applicant.

Parcel 4 is the eastern zoning lot of the southeastern block of the development site and consists of Block 1577, Lots 32, 35, 51, and 53. It is bounded by Herkimer Street to the north, which curves to the intersection with East New York Avenue, which borders the site to the south. It has a lot area of approximately 22,600 square feet. It currently contains a used-car auto dealership with several small buildings related to the dealership use spread over the sites. There are four existing curb cuts along the Herkimer Street frontage and three existing curb cuts along East New York Avenue. The parcel is owned by the applicant.

Parcel 5 is the western zoning lot of the southeastern block of the development site, consisting of Block 1577, Lots 1, 7, 56, and 58. It is bounded by Herkimer Street to the north, Williams Place to the west, and East New York Avenue to the south. These lots are owned by Mystic Display Co., Inc.(a non-applicant declarant of the Restrictive Declaration) and are utilized as warehouses, parking, workshop, and offices for New York City Transit's (NYCT) Automated Fare Collection and Electronic Maintenance Division. Parcel 5 has a lot area of approximately 51,400 square feet. Lot 1 and 7 are each improved with one story plus mezzanine buildings used for the MTA maintenance facility, and Lots 56 and 58 are currently improved with an unenclosed surface parking lot that provides access to the adjacent Lots 1 and 7. There are two existing curb cuts along each street frontage.

The outparcels include two properties that are owned by the MTA (Block 1555, Lot 1 and Block 1576, Lot 13) and improved with elevated subway structures and an at-grade parking lot for MTA employee vehicles and used for temporary construction staging for the MTA's ongoing ADA accessibility project at Broadway Junction. Other lots include Block 1576, Lot 32, which contains a six-story, 40-room hotel building with approximately 16,800 square feet of floor area, and Block 1576, Lot 9, which contains a two-story house of worship containing approximately 11,700 square feet of floor area and is owned by the Calvary Baptist Church.

The surrounding area is characterized by a wide variety of light industrial, commercial, residential, community facility, and transportation/utility uses. Residential uses are

predominantly located to the west of the project area and consist primarily of low- to mid-density multi-family buildings ranging from two to four stories in height. Higher density residential development nearby includes two recently constructed buildings at 2377 Pacific Street, an eight-story building with 136 units southwest of the project area, and 62 Pennsylvania Avenue, a nine-story mixed-use building with 218 apartments to the east of the project area. The New York City Housing Authority's (NYCHA) Ocean Hill Houses, consisting of three 14-story buildings with 238 apartments, and Howard Houses, consisting of 10 buildings ranging from seven to 13 stories with approximately 815 apartments, are located approximately a third of a mile northwest and southwest of the project area, respectively.

Commercial and mixed-use buildings are generally low- to mid-rise structures ranging from one to four stories, primarily located along Atlantic and East New York avenues. Commercial uses include hotels, local retail (eating and drinking establishments, pharmacies, beauty salons, clothing stores, and convenience stores), and local service uses (wholesale, grocery, and hardware stores). A new six-story office building for the NYC DSS's Human Resources Administration (HRA) as part of the CARE strategy is located at 2440 Fulton Street across from Broadway Junction Station.

Industrial uses are typically contained in one- to two-story buildings and include warehouses, storage facilities, and distributors. Light industrial and transportation/utility uses predominate along Fulton Street, East New York Avenue, Atlantic Avenue, Williams Place, Van Sinderen Avenue, and Broadway. Transportation and utility uses are prominent in the area, particularly the MTA's East New York Rail Yard located north of the project area. The yard is a major transit facility used for the open storage of subway cars and contains several one- and two-story maintenance buildings. The immediate surrounding blocks contain a mix of manufacturing buildings, auto body repair shops, glass and metal recycling facilities, storage sheds, and large open lots used for vehicle parking and bus parking.

Community facilities and institutional uses in the surrounding area include several schools, such as a two-story charter school, a five-story school south of the project area, and the Trey Whitfield School at the corner of Atlantic and Williams Avenues. The area also includes the WIN Junius and Liberty Residences, both of which provide transitional housing services for formerly

unhoused families, as well as several houses of worship, including Sacred Fellowship Ministries and Glorious Praise Baptist Church, the Kingdon Life Center, and the Kingdon Life Christian Center.

The major open space in the surrounding area is the newly renovated Callahan-Kelly Playground which spans 3.25 acres and includes both active and passive recreation, including handball and basketball courts, spray showers, dog runs, fitness equipment, playgrounds, and the main Broadway Junction subway entrance. As part of the East New York Neighborhood Plan, the park was renovated in 2023 with updated play areas, courts, sidewalks, fitness zones, seating, and a new skate park. Jewel Square, a small triangular median with seating, walking paths, plantings, and trees, is located just south of the East New York Bus Depot and adjacent to the southeast corner of the project area.

The area is well served by mass transit, including the Broadway Junction Station serving the A/C/J/L/Z subway lines, and to the south, the East New York Station serving the LIRR's Atlantic Branch connecting Downtown Brooklyn and Jamaica station for connections to the John F. Kennedy International Airport. The area is served by several bus lines, including the B12 (Lefferts Gardens to East New York), B20 (Ridgewood to Spring Creek), B25 (Broadway Junction to Downtown Brooklyn), B83 (Spring Creek to Broadway Junction), Q24 (Bedford Stuyvesant to Jamaica), and Q56 (Broadway Junction to Jamaica). Several Citi Bike stations are located within and around the project area: at Van Sinderen Avenue and Truxton Street on the east side of Callahan-Kelly Playground, in the north area of Jewel Square at Fulton Street and Williams Avenue, and on the west side of Van Sinderen Avenue at the Atlantic Avenue intersection. There are several streets that serve as truck routes, including Atlantic Avenue (through truck route), and Broadway, Jamaica Avenue, Pennsylvania Avenue, and parts of Van Sinderen Avenue and Herkimer Street (local truck routes).

Portions of the project area are improved with elevated subway structures and rail lines. The structures generally run over Williams Place for the elevated L train with connecting tracks to the J/Z train. The elevated L train runs north-south and bifurcates the project area, while the elevated J/Z train runs southeast-northwest along Broadway and Jamaica Avenue just north and east of the

project area. Supports for these elevated structures have been erected within the MTA-owned sites, as well as on sidewalks on both sides of Williams Place.

The surrounding area generally contains ten zoning districts: R5B, R6B, R7A, R7A/C2-4, C4-4L, C4-5D, M1-1, M1-2, M1-4, and M1-4/R7D districts, as well as an Enhanced Commercial District (EC-5) and a Special Mixed-Use District (MX-16). As part of the East New York Neighborhood Plan, existing M1 districts in the surrounding area were rezoned with low- and mid-density residential districts to reflect the existing rowhouses in Ocean Hill, and commercial and MX districts were mapped along key corridors to enable moderate- to high-density mixed-use development with ground-floor retail and residential uses above. These districts were intended to create walkable, transit-oriented corridors that serve as neighborhood commercial spines while providing new housing opportunities, including affordable units through MIH. The project area sits within the Outer Transit Zone.

R5B and R6B zoning districts, which are mapped several blocks west and southwest of the project area, are low- and medium-density residential districts that permit Use Group II residential and Use Group III community facility uses, but do not permit commercial and industrial uses. For residential use, these districts have a maximum FAR of 2.0 (if a qualifying residential site) and 2.4 (with qualifying affordable housing), respectively. For community facility uses, the maximum FAR is 2.0. R5B districts permit a maximum base height of 45 feet and maximum building height of 55 feet (if a qualifying residential site). R6B districts permit a maximum base height of 45 feet and a maximum building height of 65 feet (with qualifying affordable housing). Within the Outer Transit Zone, these districts have parking requirements per standard dwelling units at 25 percent. If the maximum spaces are below 15, then the parking requirement is waived. For qualifying affordable housing units, there are no parking requirements.

R7A and R7A/C2-4 districts are primarily mapped along major corridors including East New York Avenue and Pennsylvania Avenue to enable moderate- to high-density mixed-use development with ground-floor retail and residential uses above. A C4-4L district is mapped along Broadway and Fulton Street adjacent to elevated rail structures for flexibility and to support retail and service uses, and C4-5D districts are mapped along key commercial corridors

including Van Sinderen Avenue and Atlantic Avenue to allow higher-intensity commercial development and greater building heights in areas with strong transit access.

R7A/C2-4, C4-4L (R7A equivalent), and C4-5D (R7D equivalent) districts, which are mapped immediately west of the project area, are medium-density residential districts with commercial overlays, or commercial districts with residential equivalents. They permit Use Group II residential and Use Group III and Use Group IV community facility, and permitted commercial uses include Use Group I agriculture and open uses, Use Group VI retail and service uses, Use Group VII offices and laboratories, Use Group VIII recreation, entertainment and amenity uses, and Use Group X production uses (subject to certain size and locational restriction). The R7A/C2-4 district permits up to 5.01 FAR for residential (with qualifying affordable housing), 4.0 FAR for community facility use, and 2.0 FAR for commercial use. The C4-4L district permits up to 5.01 FAR (with qualifying affordable housing) for residential use and 4.0 FAR for commercial and community facility uses. The C4-5D district permits up to 6.0 FAR (with qualifying affordable housing) and 4.2 FAR for commercial and community facility uses. R7A districts permit a maximum base height of 85 feet and a maximum building height of 115 feet (with qualifying affordable housing). C4-4L districts permit a maximum base height of 85 feet and a maximum building height of 115 feet (with qualifying affordable housing), and C4-5D districts permit a maximum base height of 95 feet and a maximum building height of 125 feet (with qualifying affordable housing). Within the Outer Transit Zone, R7A and R7D districts have parking requirements per standard dwelling units at 15 percent. If the maximum spaces are below 15, or 25, respectively, then the parking requirement is waived. For qualifying affordable housing units, there is a 0 percent requirement for all zoning districts.

The M1-4/R7D (MX-16) Special Mixed-Use District was established to support modern mixed-use development that accommodates light industrial, commercial, and residential uses in proximity to one another. The district is mapped a half block west of the project area and permits a mix of residential, community facility, commercial, and light industrial uses, subject to special locational and performance regulations to control the compatibility of the adjacency of such uses. The district permits up to 5.6 FAR for residential uses (with qualifying affordable housing,) up to 4.2 FAR for community facility uses, and 2.0 FAR for commercial and light industrial uses. The

MX-16 district also permits a maximum base height of 95 feet and a maximum building height of 125 feet.

The M1-1, M1-2, and M1-4 districts, which are mapped immediately north, east, and south of the project area, are light manufacturing districts that have been unchanged since the adoption of the 1961 Zoning Resolution. These districts permit most commercial uses as well as industrial uses that meet high performance standards. Residential use is not permitted. In the M1-1 district, commercial and light manufacturing uses are permitted up to 1.0 FAR, and community facility uses up to 2.4 FAR; in the M1-2 district, 2.0 FAR is permitted for commercial/manufacturing uses and 4.8 FAR for community facility uses; and in the M1-4 district, 2.0 FAR is permitted for commercial/manufacturing uses and 6.5 FAR for community facility uses. M1-1 districts permit developments with maximum base heights of up to 30 feet, which are thereafter subject to a Sky Exposure Plane (SEP) while M1-2 and M1-4 districts permit developments with maximum base heights of up to 60 feet, which are thereafter subject to an SEP. Off-street parking is generally required for most uses, typically one space per 1,000 square feet of industrial floor area or one space per 300 to 400 square feet of commercial use.

The EC-5 Enhanced Commercial Special District, which is mapped just west of the project area across Van Sinderen Avenue (and over C4-5D and M1-4/R7D districts), is a special district created to promote a lively and engaging pedestrian experience.. EC-5 requires active commercial uses on the ground floor, breaks up long or inactive storefronts by limiting their width, and ensures ground floors have enough windows so the street feels open and inviting.

The East New York Industrial Business Zone (IBZ) is located to the south of the project area and covers approximately 57 blocks, where tax credit benefits and other city-based programs are provided to support businesses.

The applicant proposes a new four-building mixed-use development spread across the five parcels. The project would total approximately 1.23 million square feet of floor area (11.08 FAR), up to approximately 690,000 square feet of residential floor area (6.19 FAR) for 988 units (of which 222 to 334 would be permanently income restricted), up to approximately 494,000 square feet of commercial floor area inclusive of commercial office, local retail, and destination

retail (4.43 FAR), and up to approximately 59,000 square feet of light industrial floor area (0.53 FAR), along with approximately 20,000 square feet of publicly accessible open space.

The proposed buildings are organized around a series of interconnected open spaces and feature street wall setbacks that create new pedestrian connections through and around the development site. The four new buildings are arranged to respond to the site's irregular block geometry and the elevated rail infrastructure that bisects the area. Building heights step up along Fulton Street, East New York Avenue, and Van Sinderen Avenue, and transition down towards Herkimer Street and Williams Place, narrow streets closer to publicly accessible open spaces . Parcel 1 would consist of an approximately 4,900-square-foot open space, defined as Publicly Accessible Area (PAA)-1. The design and construction of PAA-1 would be coordinated with the design and construction of the proposed Van Sinderen Plaza on a City-owned lot immediately to the north. The City-owned space will be developed by EDC as described in the approved site selection and acquisition application (C 250288 PCK). Due to the coordination and the timing of the design of the EDC-lead project, a specific design for PAA-1 within Parcel 1 cannot be approved at this time. However, the eventual design of the space must achieve a high level of quality and form a continuous space with the adjacent Van Sinderen Plaza. To ensure that this is achieved, the project's restrictive declaration requires the Chairperson of the City Planning Commission to certify that the design of PAA-1 of the LSGD creates an accessible open space that is well-lit, includes a range of seating and planting elements, maintains continuity and coordination with the adjacent EDC-developed plaza and is consistent with the LSGD.

Parcel 2 would include Building B and the existing building on Lot 34. Building B would include a 24-story, approximately 195,000-square-foot mixed-use building, with approximately 190,000 square feet of residential use and 4,250 square feet of commercial use. Building B would rise to a base height of up to 95 feet along Van Sinderen Avenue, followed by an initial set back of 10 feet, then rise to an overall maximum height of 265 feet (plus a 30-foot bulkhead). The building would contain approximately 263 units on the upper floors, all of which the applicant intends to be income-restricted, and 4,250 square feet of ground floor retail use along Van Sinderen Avenue. A 23-foot-3-inch curb cut along Van Sinderen Avenue would be provided for 26 accessory parking spaces located in the cellar. The existing three-story commercial office building on Lot 34 would remain and be subject to the LSGD.

Parcel 3 would include Building C and open space. Building C would be, a 27-story, approximately 250,000-square-foot mixed-use building with up to 341 units of housing and up to approximately 18,000 square feet of retail on the lower floor fronting Herkimer Street, Fulton Street and Williams Place. Along Herkimer Street, portions of Building C would rise to a base height of 55 feet at the street line, then setback at varying depths due to the triangular geometry of the lot and ultimately rise to an overall maximum height of 300 feet. Other portions of the building would rise to the overall height without setback. Along Fulton Street, the street wall would be slightly set back at grade, allowing for an additional two to 12 feet of sidewalk space along Williams Place and Fulton Street. A portion of the street wall would rise to a base height of 55 feet, set back another five feet, and then rise to the overall building height. Along Williams Place, the street wall would have varying at-grade setbacks to accommodate additional space for pedestrians along sidewalks before rising to the 55-foot base height closer along Herkimer Street, or rising sheer along Fulton Street to the overall building height of 300 feet.

Open space on this parcel (PAA-3) would consist of additional space adjacent to sidewalks along Williams Place and Fulton Street, with centralized meeting and gathering spaces along Herkimer Street and the corner of the site towards the intersection of Herkimer Street, Fulton Street, and East New York Avenue. PAA-3 would be approximately 4,190 square feet and contain several planters, seating options, and PAA signage.

Parcel 4 would include Building D and open space. Building D would be a 29-story, approximately 278,000 square-foot, mixed-use building with residential, community facility, and retail uses situated closest to the East New York Avenue and Herkimer Street intersection. The building would have up to 384 units of housing and up to approximately 21,000 square feet of retail space on the first and second floor. The street walls would be setback at grade at various distances on its two street frontages, Williams Place and East New York Avenue, to accommodate space for pedestrians along sidewalks and open spaces as well as to allow for facade articulation. Along East New York Avenue, the building would set back approximately six feet at grade and rise to a maximum height of 230 feet. On the western part of the parcel, the building would step down from height of 230 feet along East New York Avenue to a height of 55 feet along Herkimer Street. On the eastern portion of the parcel, the building would set back an additional five feet starting at a setback height of 230 feet, then rise to an overall maximum height of 350

feet. The massing would result in a tower-like form juxtaposed to the lower-scale building portion to the west.

Along East New York Avenue, an 18-foot-eight-inch curb cut would be provided for access to 68 accessory parking spaces located in the cellar provided voluntarily, and a 22-foot-seven-inch curb cut for access to one accessory loading berth would be provided. Open space on this parcel (PAA-4) would primarily consist of three small gathering spaces along Herkimer Street. These spaces, which total approximately 3,700 square feet, would include amenities such as planters, trees, various seating options, and signage.

Parcel 5 would be developed with Building E and open space. Building E would be a 17-story, approximately 514,000 square-foot commercial and light industrial building with approximately 105,000 square feet of commercial use and 59,000 square feet of industrial use. Building E would consist of a two-story retail podium with a maximum base height of up to approximately 55 to 59 feet and then would set back at various depths along Herkimer Street. Above the podium, the street wall frontages would be orientated towards Williams Place and East New York Avenue, setting back five and six feet at grade, respectively, allowing additional space for pedestrians along sidewalks on both frontages. Street walls would rise to 207 feet along Williams Place and 209 feet on East New York Avenue, followed by five-foot setbacks with an overall maximum building height of 284 feet. The at-grade setback increases in width an additional five feet closer to the Williams Place and East New York Avenue intersection where the building chamfers to accommodate a new open space at the corner.

Along East New York Avenue, an 18-foot-8-inch curb cut would be provided for access to up to 119 accessory parking spaces located in the subcellar, and a 77-foot-7-inch curb cut for access to six required accessory loading berths would be provided.

Parcel 5 would contain a larger meeting and gathering space along the south side of Herkimer Street (PAA-5A), as well as open space in the form of street wall setbacks that allow more space along sidewalks on Williams Place and East New York Avenue and a triangular meeting and gathering area at the corner of Williams Place and East New York Avenue (PAA-5B), collectively PAA-5. PAA-5A would provide amenities, including planters, trees, various seating options, and signage. PAA-5B would contain small planters, linear seating, and signage, and is intended to be

an outdoor space for the employees and users of the commercial office and light manufacturing use in Building E. Overall, PAA-5 would be approximately 7,300 square feet. Once the LSGD is fully constructed, PAA-4 and PAA-5A would function as a single open space.

The applicant proposes to construct the project in several phases. The applicant proposes to construct Building B first, then Building C and PAA-3 in the second phase followed by Building D and PAA-4. In the final phase, Building E and PAA-5 would be constructed and described in a restrictive declaration.

The applicant also proposed two alternative uses within Buildings B and D. Within Building B, up to approximately 47,880 square feet of light industrial and other commercial uses. In the event light industrial and/or public institution tenants seek to occupy the lower portions of the building, floor plates on the lower levels may be extended in the rear to the rear lot line with that rear portion of the building rising up to a height of 95 feet. Within Building D, as an alternative development scenario, there is the potential to contain up to approximately 83,000 square feet of community facility use (resulting in less residential use) for the potential use of a higher education institution.

#### Zoning Map Amendment (N 250285 ZMK)

The applicant proposes a zoning map amendment to change the project area from an M1-2 zoning district to C6-4 and M1-6 zoning districts. Parcels 1 through 4 are proposed to be changed to a C6-4 zoning district, and Parcel 5 is proposed to be changed to M1-6 zoning district.

The proposed C6-4 district (R10 equivalent), a high-density mixed-use district, allows residential uses up to an FAR of 12.0 within an MIH area and commercial and community facility uses up to an FAR of 10.0. For buildings that provide qualifying affordable housing, height and setback regulations allow for a minimum base height of 60 feet, a maximum base height of 155 feet, and a maximum building height of 235 feet. Pursuant to ZR Section 23-662, on eligible sites, zoning lots located in C6-4 districts mapped with MIH that front on wide streets and meet minimum frontage and lot area requirements, the maximum building height is 355 feet. Tower regulations are also applicable in C6-4 districts, permitting portions of buildings above the maximum base height to rise within a defined tower envelope, provided that tower coverage and setback

requirements are met to ensure adequate light, air, and sky exposure. For residential use, no accessory parking is required for income restricted housing units while parking is required for 40% of market rate units. No accessory parking is required for commercial use. The number of accessory loading berths required depends on the use proposed and floor area provided for such use.

The proposed M1-6 district would permit most commercial, community facility, and industrial uses that meet high performance standards up to an FAR of 10.0. Residential use is not permitted. Height and setback regulations allow for a maximum front wall height of 85 feet or six stories (whichever is less), followed by a minimum initial setback of 15 feet along wide streets and 20 feet along narrow streets, and thereafter buildings may rise subject to a sky exposure plane with a vertical-to-horizontal ratio of 2.7:1 along wide streets and 5.6:1 along narrow streets. Tower regulations are also applicable in M1-6 districts. For nearly all uses, accessory parking is not required, and the number of accessory loading berths required depends on the use proposed and floor area provided for such use.

The proposed mixed-use development would have an overall FAR of 11.08, which is less than the 11.12 FAR that is the blended FAR in the proposed C6-4 and M1-6 districts. The proposed LSGD would modify the height and setback regulations of the proposed C6-4 and M1-6 district.

#### Zoning Text Amendment (N 250284 ZRK)

The applicant is seeking zoning text amendments that would establish the C6-4 district within the project area as an MIH area in Appendix F and to allow the elevated rail line to be considered a “street” for the purposes of the contiguity of the ownership arrangement of the LSGD.

#### *MIH Text Amendment to Appendix F*

The applicant is proposing a zoning text amendment to Appendix F to designate the C6-4 district within the project area an MIH area mapped with Options 1 and 2. Option 1 mandates that 25 percent of the total residential floor area be affordable to households at an average of up to, but not to exceed, 60 percent of the Area Median Income (AMI), with no more than three income bands, and no unit targeted at a level exceeding 130 percent of AMI. Option 2 mandates that 30 percent of the total residential floor area be affordable at an average of no more than 80 percent

of AMI. The applicant proposes that all units be income restricted, though 222-334 units required by MIH would be permanently income restricted pursuant to Option 1 or Option 2.

*Modification to LSGD ownership requirements of ZR 74-742*

The applicant is proposing a zoning text amendment of the provisions of ZR Section 74-742 (Ownership) to allow the elevated rail line to be considered a “street” for the purposes of the contiguity of the ownership arrangement of the LSGD, as required by its ZR Section 12-10 definition.

The proposed text amendment would allow for the establishment of the development site as a single LSGD, enabling the application of uniform bulk and design controls across multiple parcels that are separated by publicly owned lots containing elevated rail infrastructure (Block 1555, Lot 1 and Block 1576, Lot 13) and allow the applicant the transfer of floor area from Parcel 1 to zoning lots within the LGSD located to the east.

Zoning Special Permit (C 250286(A) ZSK)

The applicant requests a zoning special permit pursuant to ZR Section 74-743(a)(1) to allow the distribution of total allowable floor area without regard for zoning lot lines or distinct boundaries and ZR Section 74-743(a)(2) to allow the location of buildings without regard for the rear yard regulations of Sections 23-34 (Rear Yard and Rear Yard Equivalent Requirements), 33-26 (Minimum Required Rear Yards), 33-28 (Special Provisions for Through Lots), 43-26 (Minimum Required Rear Yards), and 43-28 (Special Provisions for Through Lots), and to modify the height and setback regulations of Sections 23-432 (Height and setback requirements), 23-433 (Standard setback regulations), and 43-43 (Maximum Height of Front Wall and Required Front Setbacks) within an LSGD to promote better site planning and urban design of the development site.

*Distribution of Total Allowable Floor Area: ZR 74-743(a)(1)*

The applicant requests to allow the distribution of floor area without regard for zoning district boundary lines and zoning lot lines. Parcel 1 would include approximately 58,000 square feet of

floor area distributed to parcels 2, 3, and 4. Depending on the selected mix of uses, the maximum permitted floor area on Parcel 2 would be increased by approximately 7,000 square feet; Parcel 3 would be increased by approximately 45,000 square feet; and Parcel 4 would be increased by approximately 15,000 square feet. The overall distribution from Parcel 1 would not exceed approximately 58,000 square feet.

*Modify Rear Yard Regulations: ZR 74-743(a)(2)*

The applicant requests rear yard waivers for Building B, D, and E. In C6-4 districts, on interior lots, a minimum 20-foot residential rear yard is required up to a height of 75 feet, above which a 30-foot residential rear yard is required, and 20-foot commercial and community facility rear yards are required. One-story building portions not exceeding heights of 23 feet and used for commercial or community facility use may be located in the commercial or community facility required rear yard. Rear yards are not required for portions of zoning lots within 100 feet of a corner, or for zoning lots that occupy entire street blocks. In C6-4 districts, no rear yard is required on through lots. In M1-6 districts, on through lot portions which extend more than 110 feet, a rear yard equivalent is required and may be provided along the full length of the side lot line for a minimum depth of 20 feet.

For Building B, the applicant is requesting to waive the rear yard requirement up to a height of 95 feet. For Building D, the applicant is requesting to waive the entire rear yard requirement where the building steps down from 230 feet along East New York Avenue to 55 feet near the rear lot line with Parcel 5. For Building E, the applicant is requesting to waive up to 59 feet for the entire rear yard equivalent.

*Modify Building Height and Setback Regulations: ZR 74-743(a)(2)*

In a C6-4 zoning district, the maximum base height is 155 feet with a maximum building height of 235 feet, or 23 stories when mapped with MIH. Above the maximum base height, buildings are required to setback 15 feet along narrow streets and ten feet along wide streets. In M1-6 zoning districts, the maximum street wall height is 85 feet or six stories, followed by a minimum setback of 15 feet along wide streets and 20 feet along narrow streets, and a sky exposure plane with a vertical-to-horizontal ratio of 2.7:1 along wide streets and 5.6:1 along narrow streets.

The applicant requests height and setback waivers to facilitate the proposed design for Buildings B, C, D, and E.

For Building B, the applicant requests to modify the required setback along Van Sinderen Avenue from 15 feet to eight feet and the maximum building height from 235 feet to 295 feet.

For Building C, the applicant requests to modify the required minimum 15-foot setback along all frontages to various degrees. Along Fulton Street, above the maximum base height of 155 feet, a modification is requested to allow setbacks ranging from approximately two to six feet up to a height of 260 feet, and setbacks ranging from approximately seven to 12 feet above that height, up to the proposed maximum envelope height. In addition, along both Williams Place and Herkimer Street where a 60-foot minimum base height is required, a modification is requested to allow the base to rise to a height of 20 feet. Along Williams Place, above the maximum base height of 155 feet, a modification is requested to allow setbacks ranging from approximately five to 11 feet up to the proposed envelope height. Along Herkimer Street, where the 20-foot base depth is the tower then rises sheer from the street line, a modification is requested to allow no setback up to 15 feet above the 155-foot base height, up to the proposed envelope height.

For Building D, the applicant requests to modify the required 15-foot and 10-foot setbacks along Herkimer Street and East New York Avenue respectively. Along Herkimer Street, the building is set back at varying depths, approximately 23 feet along the street's curvature on the north eastern portion of the lot and 14 feet near the intersection with East New York Avenue, before rising vertically to heights of approximately 350 feet and 230 feet, respectively. Additionally, a modification to allow reduced setbacks in two locations along the curved portion of Herkimer Street, down to approximately two feet eight inches and three feet two inches above the maximum base height, where the facade shifts in relation to the street line. Near the intersection with East New York Avenue, a modification is also requested to allow a 12-foot-six-inch setback above the maximum base height, representing a reduction of approximately six inches from the required setback. Along East New York Avenue, a modification is requested to the setback from 10 feet to six feet up to the proposed base height of 230 feet.

For Building E, the applicant requests to waive the minimum setback requirements above the 85-foot street wall height to rise 207 feet along Williams Place and 209 feet along East New York Avenue. The applicant requests that the entire building would penetrate the required sky exposure plane on all frontages.

#### Zoning Special Permit (C 250287 ZSK)

The applicant requests a zoning special permit pursuant to ZR Section 74-161 to allow Use Group VI retail and service use with floor area greater than 10,000 square feet within the proposed M1-6 district. The applicant is proposing up to 75,992 square feet of Use Group VI retail and service uses on the first and second floors of the portion of Building E.

#### Combination Acquisition and Site Selection by the City (C 250288 PCK)

EDC and DCAS, as co-applicants and representative entities of the City, seek an acquisition and site selection of real property (Parcel 1; Block 1555, Lot 19) for the purposes of access to and construction of PAA-1.

The City has committed financial investments to make public realm improvements in and around the Broadway Junction subway station. This investment includes the development of two new public plazas, Van Sinderen and Callahan Kelly Extension plazas, the former of which would be located immediately north of and adjacent to Parcel 1. The proposed acquisition/site selection would allow EDC to explore options like an easement to construct PAA-1 utilizing capital funding and plan for its design such that it functions harmoniously with the planned Van Sinderen Plaza to the north and creates the perception of a single open space. Following the construction of Van Sinderen Plaza and PAA-1, it is anticipated that the applicant would maintain them as a single space pursuant to a maintenance agreement with the City.

#### **ENVIRONMENTAL REVIEW**

This application (C 250285 ZMK), along with the related applications (N 250284 ZRK, C 250286(A) ZSK, C 250287 ZSK, and C 250288 PCK), was reviewed pursuant to the New York

State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 24DCP055K.

It was determined that this application, in conjunction with the applications for related actions, may have a significant effect on the environment, and that an Environmental Impact Statement (EIS) would be required. A Positive Declaration was issued on November 17, 2023, and subsequently distributed, published, and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on November 17, 2023. A public scoping meeting was held on December 19, 2023 and the Final Scope of Work was issued on May 30, 2025.

A DEIS was prepared and a Notice of Completion for the DEIS was issued on May 30, 2025. After completion of the DEIS, the applicant proposed a modification (ULURP. No C250286(A)ZSK) to the proposed development that would modify the maximum permitted envelope for proposed development site 1B compared to what was analyzed in the DEIS. A Technical Memorandum was prepared to examine whether the proposed modification to the proposed LSGD Special Permit for projected development site 1B would result in any significant adverse environmental impacts not previously identified and addressed in the DEIS. The Technical Memorandum concluded that the proposed modification would not result in any new or different significant adverse impacts not identified in the DEIS. Pursuant to SEQRA regulations and the CEQR procedures, a joint public hearing was held on the DEIS on October 8, 2025 in conjunction with the public hearing on the related Uniform Land Use Review Procedure (ULURP) items (N 250284 ZRK, C 250286(A) ZSK, C 250287 ZSK, C 250288 PCK). A Final Environmental Impact Statement (FEIS) reflecting the comments made during the public review

process was completed, and a Notice of Completion of the FEIS was issued on November 6, 2025.

The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to transportation (traffic, transit, and pedestrians) and construction (traffic). The identified significant adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 20, “Mitigation”. To ensure the implementation of the mitigation measures identified in the FEIS, the mitigation measures are included in the Restrictive Declaration.

The application, as analyzed in the FEIS, contained Project Components Related to the Environment (PCREs), which are set forth in “Transportation”, Chapter 13, and “Construction”, Chapter 19. To ensure the implementation of the PCREs, these measures are included in the Restrictive Declaration.

Potential significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of an (E) designation (E-857) on the project site as specified in Chapter 9, Chapter 14, and Chapter 16, respectively, of the FEIS.

#### **UNIFORM LAND USE REVIEW**

This application (C 250285 ZMK), along with the related applications (C 250286(A) ZSK, C 250287 ZSK, and C 250288 PCK), was certified as complete by the Department of City Planning (DCP) on June 2, 2025 and was duly referred to Brooklyn Community Board 5 and the Brooklyn Borough President in accordance with Title 62 of the rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment, (N 250284 ZRK), which were referred for information and review in accordance with the procedures for non-ULURP matters.

#### **COMMUNITY BOARD PUBLIC HEARING**

Brooklyn Community Board 5 held a public hearing on this application (C 250285 ZMK), along with the related actions, on July 25, 2025. On September 5, 2025, by a vote of 26 against, none in favor, and with none abstaining, adopted a resolution recommending disapproval with conditions of this application.

- “ • Restrictive Declaration (RD). This specific recommendation is a necessary condition and without its inclusion should not allow for a Herkimer-Williams rezoning to take place. A restrictive declaration that is recorded against all of Totem’s properties must be implemented by the developer to ensure that:
  - All of the residential units constructed are affordable as per HPD term sheets (this is essential given that public financing has not been secured for the entirety of the phased-construction proposal by the developer;
  - Usages such as hotels and casinos should be forbidden;
  - The levels of rental affordability or AMI ranges cited in this document are included;
  - The quantity of rental units with studios, 1-, 2-, and 3- bedroom mixes cited in this document are included;
  - Binds the community facility space usage to an institution of higher education, a trade school, a public health facility, a childcare center, an art/cultural center, and/or a recreational space;
  - Allows for small businesses to lease parts of the retail space at below market-rate rents.
  - This restrictive declaration must be anchored and therefore enforced by a community-based organization (CBO) or coalition of CBOs that are located within CD5. Any expenses incurred by the CBO(s) for overseeing the conditions of this restricted declaration (such as legal fees) should be paid by Totem.
- Calvary Unified Free Will Baptist Church. The church located at 1520 Herkimer St is a party to this proposed rezoning. The church will benefit by being granted a C6-4 zoning designation and therefore an ability to build higher or more densely in comparison to its current M1-2 zoning. Our main concern is that the church will be granted this ability without a guarantee that they will build affordable units or anything that truly benefits our

community. At the moment, Calvary has yet to produce any schematics, renderings, architectural blueprints, or general development plans that will generate affordable home ownership opportunities which is what our Board desires for this parcel. Given that this is the case, we recommend that Calvary's land parcel be carved out of this proposed rezoning.

- **Reducing Commercial Office Space Footprint.** The current Herkimer-Williams proposal calls for a total of 440,000 sq ft of commercial space to be built within Building E through a M1-6 zoning designation. Although we appreciate Totem's reduction of ~330,000 sq ft of commercial space from its original proposal, nowhere in East Brooklyn can you find such a high concentration of commercial office space in a single building as is still being proposed. We find it necessary for Totem to further reduce the commercial space footprint by a major extent, and as an alternative, replace it with more light industrial space in Building E.
- **Reducing Building Heights.** The current rezoning proposal calls for 20 stories in building B, 24 stories in building C, 29 stories in building D, and 22 stories in building E. Totem must redistribute residential units among buildings to summative reduce the heights of the buildings to be closer to 20-stories which is the size of the tallest buildings found in CD5.
- **Mixed Income Affordability.** Totem should be able to provide the following affordability through HPD's Extremely Low & Low Income Affordability (ELLA) term sheet or other viable term sheets. We recommend that Building B (the first 321-units of affordable housing to be erected) and the rest of the project (769 units), or all of the buildings built, to embody the totality of these compositions of income ranges. Herkimer Williams must consist of:
  - 60% of the affordable units at below 50% AMI (or an income of less than \$81,000 for a family of four), including possibly reaching deeper levels of affordability such as 25% AMI (or below an income of \$48,600 for a family of four)
  - 40% of the affordable units above 50% AMI with a cap of 100% AMI (or an income of \$162,000 for a family of four)
- New York City's Area Median Income (AMI) ranges for the year of 2025 must be solely relied upon for these affordable housing units.

- Unit Sizes and Composition of Units. Studio apartments should be no less than 400 square feet as we perceived apartments with square footage less than this to be nonlignified housing for community district 5 residents. The project should have the following breakdowns for the first 231-units and the rest of the units:
  - No more than 20% of the units should consist of studios
  - 75% of the units should be 1–3-bedroom sizes
  - 5% of the units should be 4-bedroom sizes
- Home Ownership. As stated earlier, this project lacks any equity-based housing options or affordable home ownership. The residential footprint of Eastern Brooklyn is made up mostly of homeowners and yet this is becoming less and less of a possibility for Black and Brown people in the borough of Brooklyn due to the high costs of homes. Where possible, including through the development of Calvary’s land, this project must include creation of affordable homeownership units. If the church fails to sign off on a restrictive declaration to create affordable homeownership, then one of the buildings within Totem’s project must be reserved for affordable homeownership; in other words, this rezoning cannot fail to produce affordable home ownership and this onus falls on 1) Calvary through an RD that if not signed off on then requires 2) Totem to produce said ownership units
- Affordable, below-market-rate rental space for small businesses. The Herkimer-Williams rezoning proposal contains 114,000 sq ft of commercial retail space. Given the development efforts occurring altogether at Broadway Junction and should this rezoning proposal pass, it will. Be a difficult task for small businesses to find affordable commercial spaces to continue their operations; this is being so because the value of real estate will altogether increase near and around Broadway Junction. We therefore find it necessary for Totem to provide below-market rate rental space for small businesses within their commercial retail space footprint. Totem should carve up and reserve spaces of no less than 1,500-2,000 sq ft of commercial retail space within its retail ground floor for these small businesses.
- Residential Parking. The Totem rezoning will create large amounts of human activity near the Broadway Junction area and although located near a transit hub some people (especially those working within these sites) will rely on cars to commute. Although

Building E is said to host 70 parking spots, we recommend those parking spots to be solely for residential parking. We also recommend totem to create an additional 40 parking spots for residents (offering a total of 11% of the families living in the 1,000 units to have an opportunity to park).

- Residential Parking Revenue. Any income gained through fees for residential parking should go to a Community District 5 based CBO to help cover their operational expenses. This income stream should be paid to the CBO in perpetuity and must be cemented within the restrictive declaration signed off by Totem.
- Public or City maintenance of Van-Sinderen-Herkimer St. Plaza. This same recommendation was made by CB5 as it pertains to the Economic Development Corporation's (EDC) proposal of creating two public plazas, one that will run contiguously adjacent to the open space plaza that Totem is proposing. These plazas must altogether be unkept or maintained by the City and not by Totem; the plazas consist mostly of public space (square footage-wise) and the City should not be absolved of their responsibility of maintaining these sites.
- Anti-Displacement Fund. The feasibility of this recommendation depends on the income cash flow of this project (especially income generated from any and all commercial spaces). Totem must contribute to allowing long-term homeowners and their tenants to stay within the neighborhood and for further creation of permanent affordable housing. A portion of the net-positive cashflow from this project, including a percentage of the developer fee to be obtained from Totem, should be used to develop a permanent anti-displacement fund that allows homeowners in need of repairs to access funds to implement much needed repairs that will help them stay put. Likewise, this fund must help local CBOs with land acquisition and ultimately permanent affordable housing creation by allowing them to obtain the land of property owners that will try to cash-in on the real estate boom near and around Broadway Junction. We also recommend this anti-displacement fund to be memorialized within the restrictive declaration by Totem.
- General needs near and around the Broadway Junction area. Putting aside Totem's rezoning proposal for a brief moment, we know that Broadway Junction is receiving multi-million dollars of public and private investment which will ultimately displace and threaten the homes of predominantly Black and Brown people by consequently raising

property values and rents. We therefore find it necessary for the city and State government to provide anti-displacement funding or resources to assist with this area. That funding should be secured within the respective budgets of each and should consist of resources for tenants and homeowners to be organized or provided assistance (i.e. Partners in Preservation and the Homeowner Help Desk), property tax relief, freezing of rent for all renters, and a fund for community acquisitions. These resources should cover at least a 2-mile radius from the Broadway Junction area.”

### **BOROUGH PRESIDENT RECOMMENDATION**

On August 20, 2025, the Brooklyn Borough President held a public hearing on this application (C 250285 ZMK), along with the related actions, and, on September 16, 2025, issued a waiver of recommendation with conditions.

- “ • The Borough President encourages the applicant to enter a Community Benefits Agreement with a long-standing community organization that has the experience and administrative capacity to ensure accountability for commitments made to the community.
- The Borough President amplifies CB 5’s call for deeper affordability and unit diversity on site to provide meaningful housing options for a wide cross section of CB5 residents.
- The Borough President recommends additional public realm improvements, including for open space and urban design, to ensure that both new and existing open spaces are properly maintained. These improvements include but are not limited to:
  - Additional funding and resources for area upkeep and parks maintenance.
  - Enforcement for placard abuse by illegally parked vehicles, and the installation of street furniture and other hardscaped improvements on Van Sinderen Avenue to prevent the misuses of city vehicles on a planned pedestrian plaza.
  - Ensure that EDC is able to appropriately manage and maintain new public open spaces.
  - Ensure that the funding allocated to the Callahan Kelly extension reflects the expected influx of residents to the area.

- Implement placemaking and urban design interventions for overhead track structures, such as those identified by the Design Trust for Public Space’s (E1-Space) toolkit, which has been implemented as a pilot in Sunset Park.
- While the Borough President is encouraged by the inclusion of some transit investments in the area, such as the ADA-elevator projects and the repainting and maintenance of overhead structures, further investments are necessary in order to realize Broadway Junction’s potential as a world class transit hub, including;
  - A reconstruction of the East New York LIRR station and the viaduct along Atlantic Avenue, in order to facilitate an improved public realm experience for LIRR riders, and nearby pedestrians alike.
    - Said reconstruction should be planned in concern with the design and construction for a future IBX station, as to ensure that any passengers for the IBX will have as seamless a transfer experience between the IBX and subway as possible.
  - Fare integration between the LIRR and subway system, which would allow easier and more efficient transfers between the East New York station, three subway lines, and future IBX service in the area.
- The Borough President echoes CB 5’s concern about excessive commercial square footage. Additional steps are needed to right-size the proposed commercial floor area and this project would benefit from reallocation of these spaces to allow for greater housing and/or light industrial uses on-site. The Borough President recognizes the adjustments the applicant has committed to make with both a decrease in height and commercial square footage to date, but he remains concerned about high commercial vacancy across the city and the viability of a full lease-up of commercial square footage as proposed at this location.
- In the Borough President’s commitment to manufacturing and light industrial uses, he recommends that the industrial space proposed for Building E is preserved and that there be sufficient implementation plans to ensure the success of new industrial businesses within the Project Area.
- The Borough President encourages a more formal agreement between the applicant and CUNY to ensure a successful partnership for a satellite campus at this location. In the

event that CUNY is unable to accept the option for a satellite campus, Borough President Reynoso supports the programming of additional residential floor area in order to maximize the amount of affordable housing on site.

- The Borough President encourages the applicant to commit to and sign labor agreements to ensure safe working conditions and well-paying jobs while the project is under construction and for permanent jobs that will remain on-site, regardless of whether or not the city agrees to finance prevailing wage work.
- The Borough President believes in the strength of Brooklyn’s small business community and encourages the applicant to commit to discounted commercial rents for the proposed local retail included in the project proposal.
- The Borough President recognizes that East New York has high rates of deed theft and encourages the applicant to fund anti-displacement efforts to protect existing residents, including:
  - Outreach for property owners vulnerable to the tax-lien sale, uncollected property taxes, and water debt
  - HPD’s Homeowner Help Desk
  - Increased outreach to tenants in both multi-family and small buildings
  - HPD’s Partners in Preservation program
  - HPD’s Unlocking Doors program”

## **CITY PLANNING COMMISSION PUBLIC HEARING**

On September 17, 2025 (Supplemental Calendar No. 1), the CPC scheduled October 8, 2025, for a public hearing on this application (C 250285 ZMK) and related applications (N 250284 ZRK, C 250286(A) ZSK, C 250287 ZSK, C 250288 PCK). The hearing was duly held on October 8, 2025 (Calendar No. 23). Thirteen speakers testified in favor of the application, and one in opposition.

An applicant team consisting of four members spoke in favor of the application. A principal of the development team presented an overview of their team, the proposed development, described the need for housing and transit-oriented development, the history of proposals and planning for

Broadway Junction in the past decade, and a list of their community partners and history of outreach.

An applicant representative discussed the proposed housing affordability levels and unit distribution. They stated that Building B would provide 230 units through the NYC Department of Housing Preservation and Development's (HPD) Extremely Low and Low-Income Affordability (ELLA) program, with incomes ranging from 30–80 percent of AMI across unit types. Buildings C and D are designed to maximize affordable housing using a mix of HPD and NYC Housing Development Corporation (HDC) term sheets. The representative also described partnerships with community-based organizations focused on economic development within the green economy sector, including plans for a Green Economy Institute on the ground floor of Building B as the first phase of this initiative. They noted that Building D may include higher educational facilities, while Building E would feature commercial spaces, and ground-floor non-residential uses are proposed throughout the development. The representative concluded with an overview of the project's sustainable building practices, open space integrated with the new buildings, and development phasing strategy. They mentioned the development would include approximately 25,000 square feet of publicly accessible open space throughout the site, including the EDC-led 5,000-square-foot plaza along Van Sinderen Avenue directly across from the Broadway Junction train station. This plaza will be designed and implemented in collaboration with EDC, incorporating community feedback gathered during the planning process.

An applicant representative provided an update on Building D, noting that the proposal includes flexibility to accommodate approximately 85,000 square feet of community facility space for an institutional anchor. The representative explained that the development team extended an option to City University of New York (CUNY) to occupy some or all of the space, and CUNY responded that they would consider the site for expansion. The applicant representative also indicated the team will continue exploring other workforce training partnerships.

The applicant representative discussed incorporating green building practices to address the effects of climate change and sustainable technologies like rain gardens, green roofs, passive house standards, and street wall setbacks along sidewalks to provide more space for pedestrians.

An applicant representative spoke about the opportunity to coordinate the proposed development with significant public investments in the Broadway Junction area. The representative highlighted the MTA's approximately \$400 million commitment to accessibility upgrades at the Broadway Junction station complex, as well as EDC's \$95 million investment in streetscape improvements and new public plazas in the surrounding area. The representative emphasized that the proposed development is designed to complement these major infrastructure improvements and create a seamless connection between the new residential and commercial buildings and the enhanced public realm. Additionally, the applicant representative noted that their proposal would complement the recently completed 400,000-square-foot commercial development at 2440 Fulton Street, which houses approximately 1,100 city workers for HRA, further reinforcing Broadway Junction's role as an emerging employment hub and regional destination.

The applicant's attorney discussed the five proposed actions. They explained that the requested C6-4 and M1-6 zoning districts would allow residential, commercial, and modern light-industrial uses at densities appropriate for the site's large blocks and surrounding built context. The representative noted that the Large-Scale General Development special permit is needed to establish a unified site plan, create new publicly accessible open spaces, redistribute floor area so that bulk can be located throughout the development site, and modify height and setback regulations to achieve rational floor plates on irregular lots. They further stated that the retail special permit is required to accommodate approximately 76,000 square feet of larger-format retail within the base of Building E. The zoning text amendment, they explained, would map an MIH area and allow the elevated rail structure to be treated as a "street" for LSGD contiguity, enabling floor area to be transferred across parcels to support additional housing. Finally, the representative described the proposed acquisition and site selection action, which would allow for a coordinated design and construction of a new publicly accessible open space at Herkimer Street and Van Sinderen Avenue, with long-term maintenance provided by the applicant.

In addition to the applicant team, nine people spoke in favor of the application, including representatives of borough and local organizations and several residents.

All speakers recognized the applicant team for proposing a development that would bring income-restricted housing, economic opportunities, and community services to current and future

East New York residents. All speakers supported the amount of permanently affordable housing proposed, and many discussed other benefits of the project, including the inclusion of income-restricted housing and job-creating uses.

Other speakers in favor of the application included representatives of the Central Brooklyn Economic Development Corporation, the Crescent Companies, and the Local Development Corporation of East New York. These groups praised the applicant team for addressing the local and citywide housing crisis through much-needed housing, including income-restricted units, commitments to local hiring and MWBE participation, and opportunities for green industrial jobs near the Broadway Junction area. Several speakers appreciated working with the applicant team during outreach sessions and noted how the team modified their proposal in response to feedback. One speaker expressed a desire for industrial uses to be included in earlier phases and voiced support for the applicant's proposal.

A representative for SEIU 32BJ testified in support of the proposed development, emphasizing the number and quality of jobs the project would create. The representative noted that the developer has made an early commitment to creating prevailing wage jobs at the site.

A representative of the East New York Coalition for Community Advancement testified in opposition of the proposed development and emphasized the need for deeper affordability with lower AMI targets, capped heights, stronger anti-displacement measures, local hiring requirements, below-market local retail, inclusion of educational facilities, and reduced office space.

There were no other speakers, and the hearing was closed.

## CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 250285 ZMK), in conjunction with the related applications (N 250284 ZRK, C 250286(A) ZSK, C 250287 ZSK, C 250288 PCK), is appropriate.

The proposed actions will facilitate the redevelopment of a number of underutilized sites located at Broadway Junction with an approximately 1.23-million-square-foot mixed-use development with approximately 690,000 square feet of residential (988 apartments, including 222 to 334 permanently income restricted units) and approximately 553,000 square feet of commercial and light industrial space. Additionally, approximately 20,000 square feet of publicly accessible open space and approximately 213 parking spaces will be provided.

The Commission finds that the area is appropriate for growth given its exceptional transit access—served by five subway lines, the Long Island Rail Road, and multiple bus routes, and notes that the City has undertaken multiple studies and engagement processes including *Sustainable Communities: East New York* (2014), the *East New York Neighborhood Plan* (2016), and the *Broadway Junction Vision Plan* (2019), which have consistently identified Broadway Junction as a major regional transit hub with significant but unrealized development potential. These studies have emphasized the need to address the area’s complex infrastructure, limited zoning capacity, and challenging pedestrian environment, while advancing a vision for transit-oriented growth that includes new housing and affordable housing, job-generating commercial and light-industrial uses, as well as safer, more active streetscapes.

The Commission finds the proposed development aligns with these long-standing planning objectives by introducing substantial residential density, including permanently income-restricted apartments, and providing new commercial and light-industrial space that will generate jobs and economic activity adjacent to one of Brooklyn’s most connected transit nodes.

The Commission recognizes the synergy between the proposed development and the approximately \$500 million in recent public investment into Broadway Junction, including transit accessibility upgrades, streetscape and public realm improvements, and City-sponsored commercial development at 2440 Fulton Street, bringing 1,100 new office workers to this

regional transit hub. Together, these public and private efforts represent a coordinated strategy to transform underutilized parcels into an active mixed-use and pedestrian-friendly district, improving the connectivity, safety, and experience for commuters and nearby residents while realizing the City's long-standing vision for Broadway Junction as a regional center for jobs, resources, and housing.

#### Zoning Map Amendment (C 250285 ZMK)

The Commission believes that the proposed zoning map amendment to change an M1-2 zoning district to C6-4 and M1-6 zoning districts is appropriate.

The current M1-2 zoning district does not permit residential use and only allows commercial and light industrial uses up to a maximum FAR of 1.0, community facility uses up to maximum FAR of 2.4, and has high parking requirements. This zoning district, mapped originally in 1961, does not reflect Broadway Junction's excellent transit access nor the ongoing and future needs of the surrounding area. In contrast, the C6-4 district will allow up to 12.0 FAR for residential uses with MIH, and up to 10.0 FAR for commercial and community facility uses, enabling the production of more housing, including permanently income-restricted housing, along with job-generating uses and services fitting a regional transit hub and tertiary business district. The M1-6 zoning district will allow high-performance industrial uses, commercial, and community facility uses up to 10.0 FAR, supporting a mix of modern manufacturing, commercial, and community facility uses, prioritizing these uses on portions of the applicant's development site instead of residential uses. The Commission believes these two districts work well together to support new transit-oriented development, balancing both housing and job growth, and at densities which are appropriate given the surrounding context and excellent access to public transit.

The Commission notes these districts are consistent with past planning work for the area, including the 2016 East New York Neighborhood Plan, which established new zoning districts in

the areas surrounding Broadway Junction to support mixed-use development, affordable housing, retail, and services. The Neighborhood Plan mapped C4-5D, M1-4/R7D, and C4-4L districts as transition areas, stepping up from the low-rise, intact residential blocks, increasing in density and height towards the Broadway Junction infrastructure. The proposed M1-6 and C6-4 districts mapped across the project area align with the goals and framework established by that rezoning, extending similar objectives to Broadway Junction area to enable transit-oriented growth, increasing densities closer to the station and further away from lower-scale residential portions of the neighborhood.

The Commission further believes the proposed height regulations are appropriate given the site's context. The C6-4 district permits buildings up to a maximum height of 235 feet, with maximum base heights of 155 feet, and pursuant to ZR Section 23-662, on eligible sites, zoning lots located in C6-4 districts mapped with MIH that front on wide streets and meet minimum frontage and lot area requirements, the maximum building height is 355 feet, providing a suitable scale and built form given the area's wide streets and elevated transit infrastructure, which further separate the project area from more medium- and low-scale neighborhoods to the west and east. The Commission believes the proposed M1-6 district, mapped over a portion of Building E, is appropriate given the site's location adjacent wide streets and elevated rail where taller buildings forms of non-residential uses can be accommodated, while complementing the higher-density mixed-use character of the adjoining C6-4 district.

The Commission finds the parking regulations appropriate. The C6-4 district does not require accessory parking for residential uses within an MIH area, and the M1-6 district has no accessory parking requirements, reflecting the exceptional transit access provided by five subway lines, the LIRR, and multiple bus routes. These zoning districts encourage transit use, consistent with citywide sustainability and climate goals, reduces development costs, reduces vehicular traffic and pedestrian conflicts, and provides greater site planning flexibility with more space for active ground floors and improved streetscape conditions.

Zoning Text Amendment (N 250284 ZRK)

The Commission believes that the proposed zoning text amendments are appropriate. The amendments will map an MIH area and allow the elevated rail line to be considered a “street” for the purposes of the contiguity of the ownership arrangement of the LSGD, as required by ZR Section 12-10.

*MIH Text Amendment to Appendix F*

The Commission believes that the establishment of an MIH area through the proposed zoning text amendment is consistent with the City’s policy of requiring income-restricted housing in areas being rezoned to allow for a substantial increase in residential capacity. The MIH area mapped will be coterminous with the proposed C6-4 zoning district and the applicant is proposing to map MIH Option 1 and 2. Option 1 mandates that 25 percent of the total residential floor area be affordable to households at an average of up to, but not to exceed, 60 percent of the AMI, with no more than three income bands, and no unit targeted at a level exceeding 130 percent of AMI. Option 2 provides that 30 percent of the total residential floor area by affordable at an average of no more than 80 percent of AMI. The proposed development is expected to create approximately 222 to 334 permanently income-restricted apartments depending on the MIH Option selected.

The Commission acknowledges the opportunity for this site to provide a significant number of permanently income-restricted and rent stabilized apartments, providing much-needed affordable housing. In addition to the MIH units, the Commission is pleased that the applicant has publicly stated that their intent is to achieve even greater affordability across the entire development: the applicant intends for the first phase (Building B) to include 100 percent income-restricted housing pursuant to HPD’s Extremely Low- and Low-Income Affordability (ELLA) program, which targets income ranges between 30 percent and 80 percent of AMI, and further intends for subsequent residential phases (Buildings C and D) to also be fully income-restricted, subject to

HPD approval and financing, advancing the City's goals of providing affordable housing near transit. The Commission encourages the applicant, in coordination with HPD, to continue pursuing comparable financing tools and affordability levels for these future phases, reflecting the Community Board's recommendations for deeper income-restricted options and ensuring that subsequent buildings continue to advance the City's broader housing policy objectives.

*Modification to LSGD ownership requirements of ZR 74-742*

The Commission believes that the text amendment to allow the elevated rail line to be considered a "street" for the purposes of the contiguity of the ownership arrangement of the LSGD, as required by its ZR Section 12-10 definition, is appropriate. The proposed text amendment will allow for the establishment of a single LSGD, enabling the application of uniform bulk and design controls across multiple parcels that are separated by publicly-owned lots encumbered by elevated rail infrastructure. This flexibility allows the applicant to transfer floor area from Parcel 1 to the applicant's Parcels 2, 3, and 4 to the east, concentrating development on sites better suited to accommodate density while enabling Parcel 1 to be transformed into publicly accessible open space. The Commission notes that the MTA's elevated tracks on Block 1555, Lot 1 and Block 1576, Lot 13, would be treated as a street for the purposes of LSGD contiguity, but are not within and will not contribute floor area to the LSGD.

Zoning Special Permit (C 250286(A) ZSK)

The Commission believes that the special permit pursuant to Section 74-743(a)(1) and Section 74-743(a)(2) of the Zoning Resolution, as modified herein, is appropriate. As part of this special permit, the applicant requests to allow the distribution of zoning floor area without regard for zoning district boundary lines and modify certain underlying height and setback regulations.

The Commission finds that the requested special permit will support a superior site plan and design outcomes that would not be achievable pursuant to the regulations of the underlying districts given the location of elevated rail infrastructure and irregularly-shaped lots. Pursuant to the LSGD special permit, the proposed distribution of building bulk concentrates density along

wider streets and major intersections where it can be appropriately accommodated, while creating meaningful publicly accessible open spaces that enhance pedestrian circulation and connectivity between Broadway Junction station complex and the surrounding neighborhood. The new plazas, additional space along sidewalks, and building setbacks establishes improved sight lines and pedestrian routes that address longstanding challenges posed by transportation infrastructure. The Commission notes that the requested waivers are essential to achieving this integrated approach, enabling the efficient placement of buildings on irregular lots, the creation of active street frontages with job generating uses, and the addition of open spaces that complement the City's planned public realm improvements, including the Van Sinderen Plaza and Callahan Kelly playground extension plaza at the corner of Fulton Street and Van Sinderen Avenue. Without the flexibility provided by this special permit, the project area would remain constrained by standard bulk regulations that do not respond to the unique physical conditions and strategic importance of this transit-rich location.

#### *Distribution of Total Allowable Floor Area*

The Commission believes that the applicant's request to allow the distribution of zoning floor area without regard for zoning district boundary lines is appropriate. This approach enables the full utilization of allowable floor area, supports the development of new housing and open space, and creates a better site plan and relationship with the existing buildings, elevated rail structures, and surrounding open space. The Commission notes that the proposed transfer of approximately 58,000 square feet of floor area from Parcel 1 to Parcels 2, 3, and 4 will not increase the overall permitted density of the LSGD but rather allow flexibility to locate additional floor area where site conditions and street widths can accommodate it. The redistribution enables the creation of the Parcel 1 public open space along Van Sinderen Avenue, while concentrating density near the intersection of Fulton Street, Herkimer Street, and East New York Avenue, an area characterized by elevated rail structures and wide rights-of-way that can support larger buildings on larger development parcels.

The Commission notes that the proposed open space will directly complement the planned public realm investments, including the Van Sinderen Plaza immediately north of the development site. The Commission recognizes that the PAA-1 on Parcel 1 will extend the experience of the future plaza, creating a unified and continuous pedestrian network along Van Sinderen Avenue and strengthening connections to both the Broadway Junction subway station and the East New York LIRR station. When combined with Van Sinderen Avenue streetscape upgrades, the open space will serve as an integral part of a coordinated system of public spaces and access routes that knit together transit, employment, and residential uses in the area.

#### *Modification of Rear Yard Regulations*

The Commission believes the request to waive rear yard requirements for Buildings B, D, and E is appropriate. The Commission finds that these rear yard modifications allow for more flexible and efficient building design, improve the relationship between buildings and open spaces, and better accommodate the mix of residential, local and destination retail, and light-industrial uses envisioned for the LSGD. The Commission finds these adjustments are consistent with good site planning and compatible with surrounding conditions.

For Building B, the waiver will eliminate the required 20- and 30-foot rear yards up to a height of 95 feet, accommodating several floors of commercial and light-industrial uses adjacent to the elevated rail line. The Commission finds that this configuration, in support of a potential alternate scenario which could include a greater share of non-residential uses, would allow for larger, more functional floor plates where existing transportation infrastructure already defines the character of that portion of the block, minimizing potential visual or noise impacts..

For Building D, the waiver will remove the required 20-foot rear yard along the southern portion of the site, enabling the building to step up from approximately 55 feet to 230 feet between Herkimer Street and East New York Avenue. The Commission believes this stepped massing provides a gradual transition of scale, strengthening the street wall along East New York Avenue while preserving openness near new publicly accessible open spaces, including PAA-4 and PAA-5A.

For Building E, located within the proposed M1-6 district, the waiver will modify the required 20-foot rear yard equivalent along the shared lot line with Parcel 4. The Commission notes this adjustment will permit a two-story retail base approximately 55 to 59 feet in height, creating larger floor plates suitable for destination retail uses while maintaining an active, continuous street wall along Williams Place and Herkimer Street.

#### *Modification of Building Height and Setback Regulations*

The Commission believes that the requested modifications to building height and setback regulations will result in more efficient layouts, improved ground-floor programming, and a superior overall site plan. The proposed modifications provide greater flexibility in building form than the standard envelopes permitted under the C6-4 and M1-6 districts, which would otherwise constrain development on these irregular parcels and limit the ability to realize the full potential for density, income-restricted housing, and a variety of ground-floor uses. The Commission finds that this flexibility allows the building envelopes to respond appropriately to site-specific conditions such as adjacent elevated rail structures, wide street frontages, and planned publicly accessible open spaces, while maintaining adequate light and air at street level. The special permit enables the LSGD to concentrate height along wider streets and major intersections, where additional bulk can be accommodated and stepping down near narrower corridors and open spaces to create a more comfortable pedestrian experience. The Commission believes that these modifications also support the mix of residential and ground-floor commercial uses envisioned by prior planning efforts, including the *2019 NYCEDC Broadway Junction Plan* and the *2016 East New York Community Plan*, both of which promote higher-density housing, employment opportunities, and active street-level uses near transit.

Building B, located within the proposed C6-4 district along Van Sinderen Avenue, will permit a maximum height of approximately 295 feet, an increase of roughly 60 feet above the permitted envelope, and reduce the initial setback from 15 feet to 10 feet. An updated application filed post-Certification (C 250286 (A) ZSK) further reduces this setback to eight feet. The Commission believes these adjustments are appropriate given the parcel's shallow depth and direct adjacency to the elevated rail line which limit modern residential building typologies. The applicant stated the modified setback, from the required 10 feet to eight feet, will enable more efficient floor plates (55 feet in depth to 57 feet in depth) that better comply with HPD's

residential design standards, particularly with respect to unit layouts, natural light access, and corridor configuration. The Commission believes that this flexibility supports the production of high-quality income-restricted housing, without creating negative urban design outcomes to the surrounding streets and properties.

Building C, located within the proposed C6-4 district, fronting Herkimer Street, Fulton Street, and Williams Place, will include variable setback depths above the maximum base height of 155 feet, ranging from approximately two to 12 feet rather than the required 15-foot setback. The Commission notes that Building C occupies an irregular, triangular-shaped lot that presents unique site planning challenges. The Commission believes the requested waivers are necessary to accommodate efficient building layouts on this constrained parcel while creating opportunities for new open space at the building's edges and wider pedestrian areas along Herkimer Street and Williams Place. The Commission notes that the proposed street wall and envelope setbacks allow for the creation of publicly accessible open space (PAA-3), which will provide enhanced pedestrian amenities and gathering space for residents, workers, and transit users. The Commission finds that this flexibility results in a building form that better frames Herkimer Street and relates to the adjacent elevated rail structure and open spaces envisioned as part of the Broadway Junction public realm.

Building D, located within the proposed C6-4 district and bounded by East New York Avenue, Fulton Street, and Herkimer Street, will reach approximately 350 feet in height, with minor setback relief along East New York Avenue and Herkimer Street. Portions of the building base will be set back from six feet to 15 feet to create expanded pedestrian areas along sidewalks that connect directly to new publicly accessible open spaces on the south side of Herkimer Street. The Commission notes that the street wall and envelope setbacks allow for the creation of publicly accessible open space (PAA-4), which will provide enhanced pedestrian amenities and gathering space for residents, workers, and transit users. The Commission believes that the stepped massing, ranging in heights from approximately 55 feet near Herkimer Street to 230 feet near East New York Avenue, achieves a gradual transition of scale that frames major streets and provides opportunities for open space along Herkimer Street while shifting massing toward wide streets and intersections. The Commission finds that this configuration appropriately concentrates height and density along the area's widest corridors while enhancing the pedestrian

experience through coordinated setbacks, lighting, seating, landscaping, and open-space integration. Furthermore, the Commission appreciates the flexibility in in the base heights to provide flexibility in the alternative development scenario where a higher educational institutional use occupies the base of the building.

For Building E, located within the proposed M1-6 district, the applicant seeks modifications to the height and setback regulations to allow a building envelope that better accommodates retail, commercial, manufacturing, and light industrial uses. The requested waivers will permit portions of the building to rise above the required 85-foot street wall height and to penetrate the applicable sky exposure plane, allowing for more continuous and functional massing that complements the adjoining Building D and reinforces the street wall along Williams Place. The Commission notes that the proposed street wall and envelope setbacks allow for the creation of publicly accessible open spaces, including PAA-5B and PAA-5A, which will enhance the pedestrian experience and provide much-needed gathering spaces for residents, workers, and commuters. The Commission appreciates that these modifications will create flexible floor plates suitable for manufacturing and light industrial uses, including green economy institutions, as publicly stated by the applicant. The Commission believes that this flexibility is particularly important given the irregular block and lot configuration. It enables the development to accommodate a mix of employment-generating uses consistent with the goals identified in the 2016 *East New York Community Plan*, which sought to preserve and expand opportunities for local job creation, support growth in emerging sectors such as green industrial uses, and strengthen connections between residential neighborhoods and employment centers.

The Commission finds that the proposed industrial space is an integral component of the overall program and will contribute to a balanced mix of jobs, supporting both local employment needs and the long-term economic objectives identified in previous planning studies. The Commission strongly encourages the applicant to maintain this space as the project progresses through later phases.

The Commission believes that, collectively, the requested height and setback modifications achieve the intent of the LSGD special permit to produce a superior site plan, one that integrates

income-restricted housing, employment-generating uses, and quality open spaces in a unified and responsive design.

### *Design Controls*

The Commission is pleased that the proposal includes design notes that ensure well-articulated buildings with vertical breaks, material changes, and ground-floor transparency for commercial, community facility, and residential lobby frontages. These design controls will contribute to an engaging pedestrian experience while establishing visual interest and variation across the building facades that face corridors and public spaces within the Broadway Junction area.

### Zoning Special Permit (C 250287 ZSK)

The Commission believes that the special permit pursuant to ZR Section 74-161, to allow Use Group VI retail and service uses exceeding 10,000 square feet in the proposed M1-6 zoning district, is appropriate. The action will facilitate large-format retail within Building E, which is designed to accommodate destination retail, commercial, manufacturing, and light industrial uses, including green economy institutions. Within the LSGD, Building E serves as an employment-generating anchor and regional commercial destination that complements the residential programming of adjacent buildings, responding to the area's excellent transit access.

The Commission finds that Broadway Junction is a suitable location to support destination retail as part of a mixed-use, transit-oriented development, with access to multiple subway and bus lines, the LIRR, and planned public realm improvements. The Commission notes that the proposed development aligns with prior City planning initiatives, including the 2016 *East New York Community Plan* and the 2019 *NYCEDC Broadway Junction Plan*, which envisioned Broadway Junction as a regional hub for jobs, services, retail, and mixed-use growth. Both plans identified destination retail and green manufacturing as key service and employment sectors to support at this location. Building E will accommodate these uses, serving current and future residents with improved shopping in a relatively under-retailed area, providing opportunities for a variety of new anchor businesses supporting a 24-7 neighborhood, while also activating the

Herkimer Street and Williams Place frontages and strengthening connections between residential neighborhoods and employment centers. This will provide another transit-accessible alternative to the extremely popular and successful Gateway Center shopping complex located on the south side of East New York.

Combination Acquisition and Site Selection by the City (C 250288 PCK)

The Commission believes that the proposed acquisition and site selection by the City on Block 1555, Lot 19, situated at the northeast corner of Herkimer Street and Van Sinderen Avenue, is appropriate. This action will facilitate the ability for the City to construct approximately 5,000 square feet of new publicly accessible open space with new seating, landscaped areas, and lighting. The transformation of the lot supports the City's goal of activating the Van Sinderen Avenue corridor and providing a future clearer line of sight between the development site and the Broadway Junction station complex.

The Commission is pleased that this coordinated approach to public realm design will ensure that City-owned and privately developed parcels function cohesively. The proposed open space on Lot 19 will operate in concert with adjacent improvements, including additional space along sidewalks and setback areas along Herkimer Street and Williams Place, which together will form a legible pedestrian environment. The Commission believes that these interventions will substantially enhance pedestrian safety, comfort, and wayfinding along Van Sinderen Avenue, an important north-south pedestrian connector between the subway, bus transfers, and the regional LIRR.

The Commission notes that this relationship between the two planned open spaces and the contribution to a larger contiguous space greatly increases the utility of the proposal for parcel one and improves its relationship to adjacent streets, surrounding development, and adjacent open areas. The Commission recognizes that, due to this coordination and the timing of the design of the EDC-led project, a specific design for this space within parcel one cannot be approved at this time. However, because the eventual design of the space must achieve a high level of quality and form a continuous space with the adjacent Van Sinderen Plaza, the project's

restrictive declaration requires the Chairperson of the City Planning Commission to certify that the design of PAA-1 of the LSGD creates an accessible open space that is well-lit, includes a range of seating and planting elements, maintains continuity and coordination with the adjacent EDC-developed plaza, and is consistent with the LSGD.

Finally, the Commission finds that the site selection and acquisition action ensures public ownership and coordinated maintenance. The Commission notes that maintenance obligations and capital funding alignment will be secured through a restrictive declaration, ensuring consistent stewardship and operational standards across both privately managed spaces. This integration of capital and land-use actions represents a model of coordinated planning and stewardship, advancing the goal of transforming Van Sinderen Avenue into a continuous, active, and well-maintained public corridor serving both local residents and regional transit users.

The Commission believes the phasing of the proposed development demonstrates a coordinated approach to growth. Early phases will introduce income-restricted housing and open space improvements, with non-residential uses such as office and light manufacturing in later stages. This sequencing will ensure that new residents benefit from improved public spaces and services while positioning subsequent phases to deliver economic benefits, job creation, and long-term activation of the area.

The Commission believes that the site plan successfully balances the introduction of approximately half a million square feet of commercial and light industrial space with new housing and open space, establishing Broadway Junction as both a mixed-use employment hub and a destination that extends beyond a transfer-only station. By organizing buildings to frame new plazas, widening areas along sidewalks, and activating street frontages, the proposal transforms underutilized parcels into a transit-oriented neighborhood that strengthens connections between the station and surrounding communities.

Regarding the Community Board's condition to reduce the height of the buildings, the Commission believes that the site is appropriate for the proposed heights given the surrounding built context. The development parcels have significant physical separation from any nearby existing low-scale residential neighborhoods, separated by numerous streets, transportation

infrastructure, and open spaces, with the tallest buildings proposed closer to the center of the project area. The large parcels, irregular lots, and wide streets can accommodate taller building forms without changing the neighborhood character of nearby Ocean Hill, Cypress Hills, and East New York. And while reducing overall heights would likely have limited visual benefits to area residents, it would reduce the production of housing, including affordable housing, and space for businesses and jobs.

Regarding the Community Board's and Borough President's recommendations that the applicant commit to deeper affordability levels, provide larger apartments with a greater share of two- and three-bedroom units, introduce home ownership opportunities, the Commission notes the applicant's public commitment to a 100 percent affordable development, and intention to apply to HPD's ELLA program for the first residential phase. The Commission encourages the applicant, in coordination with HPD, to continue pursuing comparable financing tools and affordability levels for these future phases, reflecting the Community Board's recommendations for deeper income-restricted options and ensuring that subsequent buildings continue to advance the City's broader housing policy objectives.

Regarding the Community Board's and Borough President's recommendations to reduce the amount of commercial space and provide more housing or light industrial uses, the Commission encourages the applicant to continue their outreach as the project progresses and notes the applicant has publicly mentioned their ongoing work with local stakeholders and business owners to ensure a coordinated effort in providing jobs related to light industrial uses. Though the Commission supports the proposed non-residential component as a way to provide jobs, services, and retail for a growing residential community, it notes that the potential reduction of non-residential uses within the development would be permitted, and the phasing plan would allow the applicant to respond to evolving community needs and market conditions and update portions of the program over time.

Regarding the Community Board's recommendation to prohibit the hotels and casinos, the Commission notes that these uses would not be allowed as of right under existing zoning nor the proposed actions.

Regarding the Community Board's recommendation that 70 parking spaces in Building E be reserved for residential use and that 40 additional residential parking spaces be provided, the Commission notes that the proposed development's parking proposal provides appropriate flexibility consistent with its transit-oriented location. Under the proposed C6-4 and M1-6 districts, no accessory parking is required for residential or commercial uses. The Commission believes that this flexibility is appropriate given the area's exceptional transit access and the City's sustainability goals, to prioritize pedestrian and transit improvements in highly connected locations such as Broadway Junction. Additionally, providing additional parking spaces, particularly below-grade, would significantly increase development costs and hurt the applicant's ability to provide a greater share of subsidized affordable housing and runs counter to the recommendation by both the Community Board and Borough President for greater affordability.

Regarding the recommendation that parking fees be used to fund Community District 5 community-based organization operations, the Commission notes that the establishment or allocation of such fees is outside of its purview. While the Commission generally supports public parking being priced at fair-market value as to not induce additional vehicle ownership, traffic, and congestion, as described earlier, providing additional parking at this location runs counter to the goals of transit-oriented development and deeper housing affordability.

Regarding the Community Board's recommendation to introduce additional programs and funding for tenant and homeowner organizing, property tax relief, rent freezes, and a community acquisition fund, the Commission notes that these recommendations are outside of its purview, however points to the existing HPD programs available for renters and homeowners, and the funding provided to local not-for-profit organizations in the area. The Commission encourages the applicant to continue outreach with community stakeholders to explore opportunities for partnership and community investment as the project advances, consistent with the intent to ensure that the benefits of the development are shared broadly by the surrounding neighborhood.

Regarding the Community Board's recommendation to remove the Calvary Church (Block 1576, Lot 9) from the rezoning boundaries unless they provide development plans for affordable homeownership. The Commission notes that the inclusion of this lot within the rezoning area is to establish a rational district boundary. The site is located at the intersection of Herkimer Street

and Van Sinderen within the broader C6-4 district, and its inclusion ensures zoning consistency with a well-considered plan. If this site is removed, it would instead maintain an existing house of worship within an isolated M-district, resulting in an extremely irrational zoning district boundary. Additionally, the Commission acknowledges the community's interest in ensuring that any future redevelopment of the site contributes to local housing needs, but removing the site would also force a faith-based organization to undertake a separate land use application, environmental analysis, and public review, which is a costly and time-consuming process, and runs counter to the goals of supporting faith-based organizations and more affordable housing. In light of this, the Commission encourages the applicant to continue engaging with the property owners and local stakeholders for affordable housing or community-serving development where feasible. The Commission notes that the recommendation to mandate affordable homeownership or a specific programmatic use is outside of its purview.

Regarding the Borough President's recommendation to formalize an agreement with City University of New York (CUNY) for a satellite campus and if they cannot, then remove the non-residential use to provide more affordable housing, the Commission encourages the applicant to continue working on a formal agreement to ensure an institutional campus is provided at this location, as an anchor educational, institutional, or community facility use is aligned with past planning goals for this regional transit hub. As such, the Commission notes that such a use is consistent with the goals of the proposed C6-4 district, which permits a broad range of educational, and community-facility uses that can serve as an anchor for workforce development and job training. Additionally, the Commission encourages the applicant, in coordination with CUNY and relevant City agencies, to explore opportunities for trade or vocational programs and space for small-scale industrial businesses within the development that could complement academic or training program, such as fabrication, green-technology, or maker-space facilities. The Commission believes that integrating vocational, along with office space and small-scale industrial and production businesses within the C6-4 district would be allowed and would advance the City's broader objectives for equitable economic growth, education, and workforce development. The Commission recognizes, however, that decisions regarding institutional partnerships and the establishment of a CUNY facility are outside of its purview for these actions, and therefore encourages the applicant to continue coordinating with the Borough

President's office, CUNY, local workforce organizations, and relevant City agencies to advance these opportunities in a manner consistent with the goals of the proposed development.

Regarding the Borough President's recommendation to ensure labor agreements for jobs during construction and for permanent positions, provide anti-displacement funds and discounted commercial rents for local retail tenants, and support homeowners through grants for renovations and legal services, the Commission encourages the applicant to continue their outreach as the project progresses. While these matters are outside of the Commission's purview, the Commission recognizes their importance and encourages the applicant to work closely with the local Council Member, HPD and other City agencies to identify opportunities for collaboration that advance equitable economic development, preserve housing stability, and support local hiring, training, small business retention.

With regard to concerns around potential residential displacement raised by the community Board, the Commission notes that the project area is completely within an existing M1-2 -district and there are no residential uses within the project area. However, the Commission acknowledges the general concerns about the ongoing and planned improvements to the Broadway Junction area and the interest in protecting residents living in the surrounding blocks. While outside the purview of the actions before the Commission, the Commission understands the community's concerns regarding secondary displacement in nearby neighborhoods. The Commission encourages the applicant to continue coordinating with stakeholders and the City to explore ways to alleviate these concerns through homeowner assistance, tenant support programs, workforce development, and neighborhood stabilization strategies. The Commission believes that these efforts would help ensure that the public realm, economic, and housing benefits of the proposed development and public investments are shared across the Ocean Hill, Cypress Hills, and East New York communities.

Regarding the Borough President's recommendation to provide additional funding for open space maintenance, install street furniture and hardscaping to prevent illegal vehicle parking along Van Sinderen Avenue, the reconstruction of the East New York LIRR station with coordination with the future IBX station, fare integration between the LIRR and subway, and implementing placemaking interventions around elevated structures, the Commission

recommends the applicant continues to coordinate with the Department of Transportation, MTA, and EDC, but notes that these recommendations are outside of its purview of these actions.

While not related to the proposed development, the Commission notes that there are a number of public investments that will improve the streetscape conditions and pedestrian safety around the project area.

The Community Board's and Borough President's recommendations also included a number of additional modifications and conditions including entering into a Community Benefits Agreement, that are beyond the CPC's purview with respect to the proposed actions as they fall under the purview of other entities, including the Department of Housing Preservation and Development (HPD), the Department of Transportation, the Department of Parks and Recreation, the Metropolitan Transit Authority (MTA), and the New York City Economic Development Corporation (EDC) and encourages the applicant to continue their outreach as the project progresses.

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on November 6, 2025, with respect to this application (CEQR No. 24DCP055K), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action[s] that are set forth in this report; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the

approval, pursuant to the restrictive declaration dated November 17, 2025, those project components related to the environment and mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 17c:

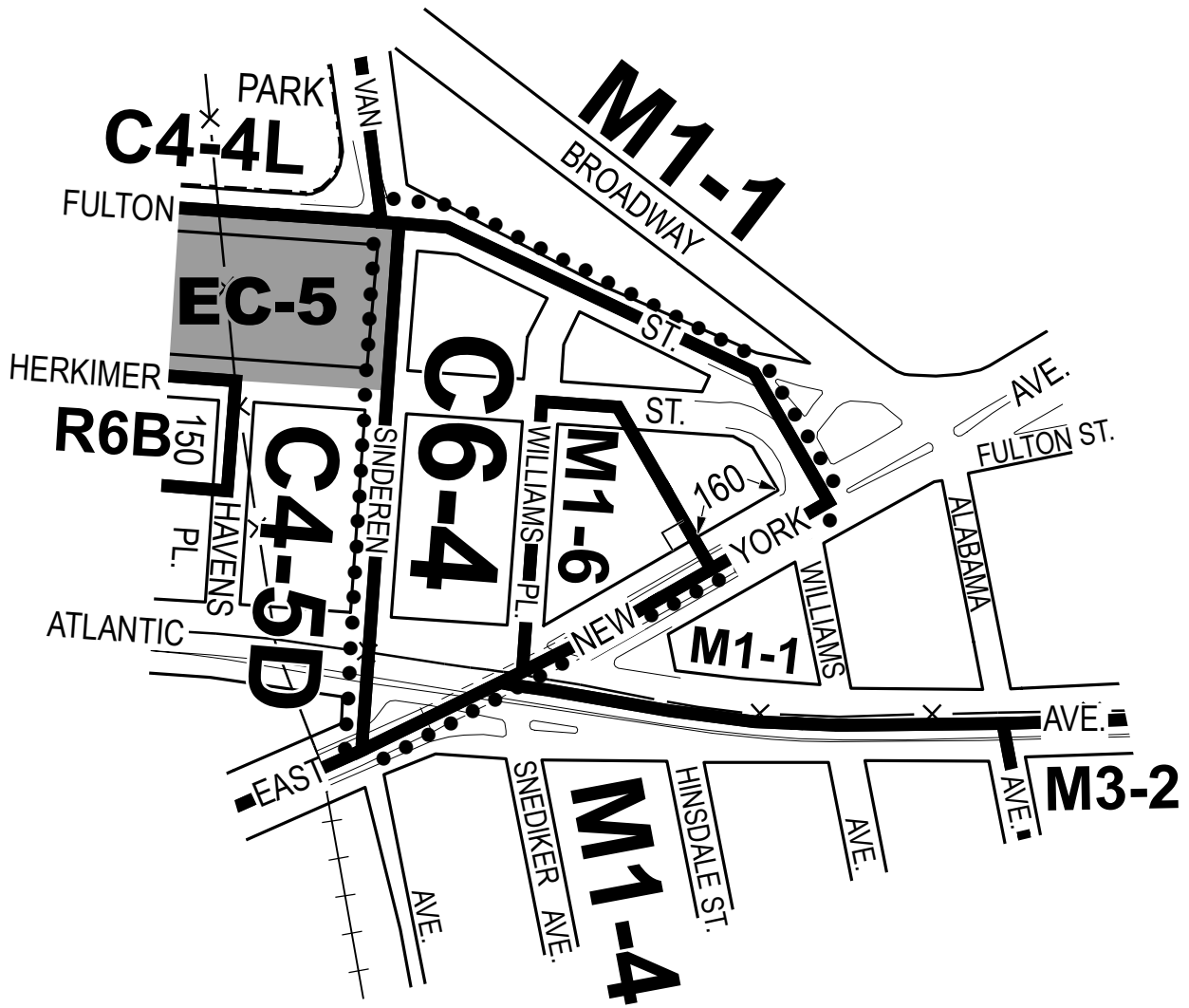
1. changing from an M1-2 District to a C6-4 District property bounded by Fulton Street, East New York Avenue, a line perpendicular to the northwesterly street line of East New York Avenue, distant 160 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of East New York Avenue and the southwesterly street line of Fulton Street, Herkimer Street, Williams Place, East New York Avenue, and Van Sinderen Avenue; and
2. changing from an M1-2 District to an M1-6 District property bounded by Herkimer Street, a line perpendicular to the northwesterly street line of East New York Avenue, distant 160 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of East New York Avenue and the southwesterly street line of Fulton Street, East New York Avenue, and Williams Place;

as shown on a diagram (for illustrative purposes only) dated June 2, 2025, and subject to the conditions of CEQR Declaration E-857.

The above resolution (C 250285 ZMK), duly adopted by the City Planning Commission on November 17, 2025 (Calendar No. 1) filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

**DANIEL R. GARODNICK Esq., *Chair***  
**KENNETH J. KNUCKLES, Esq., *Vice Chairman***  
**GAIL BENJAMIN, ALFRED C. CERULLO III, Esq.,**  
**ANTHONY W. CROWELL, Esq., JOSEPH I. DOUEK, DAVID GOLD, Esq.,**  
**RASMIA KIRMANI FRYE, RAJU MANN, ORLANDO MARÍN,**  
**JUAN CAMILO OSORIO, RAJ RAMPERSHAD, *Commissioners***

**LEAH GOODRIDGE, Esq., *Commissioner, VOTING NO***

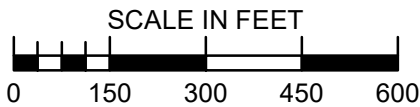


CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP




**17c**  
 BOROUGH OF  
**BROOKLYN**

*S. Lenard*  
 S. Lenard, Director  
 Technical Review Division

New York, Certification Date:  
 June 02, 2025



**NOTE:**

-  Indicates Zoning District Boundary
-  The area enclosed by the dotted line is proposed to be rezoned by changing an M1-2 District to C6-4 and M1-6 Districts.
-  Indicates a Special Enhanced Commercial District-5 (**EC-5**)



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Herkimer-Williams	
<b>Applicant:</b> Totem Brooklyn	<b>Applicant's Primary Contact:</b> Giovanni Gioia
<b>Application #</b> 250288PCK	<b>Borough:</b>
<b>CEQR Number:</b> 24DCP055K	<b>Validated Community Districts:</b> K05

**Docket Description:**  
IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services and the Economic Development Corporation, pursuant to Section 197-c of the New York City Charter, for acquisition of property located at Block 1555, Lot 19, Borough of Brooklyn, Community District 5, and for site selection of such property for publicly accessible open space.

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Conditional Unfavorable</b>			
<b># In Favor:</b> 0	<b># Against:</b> 26	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 50
<b>Date of Vote:</b> 9/5/2025 6:30 PM		<b>Vote Location:</b> 127 Pennsylvania Avenue Brooklyn, NY 11207	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 7/25/2025 6:30 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	127 Pennsylvania Avenue, 3rd Flr - Bklyn 11207

<b>CONSIDERATION:</b>		
Recommendation submitted by	BK CB5	Date: 9/8/2025 5:03 PM

**BROOKLYN COMMUNITY BOARD 5 (CB5)  
HOUSING AND LAND USE COMMITTEE  
RECOMMENDATIONS RE: HERKIMER-WILLIAMS REZONING**

The Board votes No with the following recommendations:

**Restrictive Declaration (RD).** This specific recommendation is a necessary condition and without its inclusion should not allow for a Herkimer-Williams rezoning to take place. A restrictive declaration that is recorded against all of Totem's properties must be implemented by the developer to ensure that:

- a) all of the residential units constructed are affordable as per HPD term sheets (this is essential given that public financing has not been secured for the entirety of the phased-construction proposal by the developer)
- b) usages such as hotels and casinos should be forbidden
- c) the levels of rental affordability or "area medium income" ranges cited in this document are included
- d) the quantity of rental units with studios, 1-, 2-, and 3- bedroom mixes cited in this document are included
- e) binds the community facility space usage to an institution of higher education, a trade school, a public health facility, a child care center, an art/cultural center, and/or a recreational space
- f) allows for small businesses to lease parts of the retail space at below market-rate rents.

This restrictive declaration must be anchored and therefore enforced by a community-based organization (CBO) or coalition of CBOs that are located within CD5. Any expenses incurred by the CBO(s) for overseeing the conditions of this restricted declaration (such as legal fees) should be paid by Totem.

**Calvary Unified Free Will Baptist Church.** The church located at 1520 Herkimer St is a party to this proposed rezoning. The church will benefit by being granted a C6-4 zoning designation and therefore an ability to build higher or more densely in comparison to its current M1-2 zoning. Our main concern is that the church will be granted this ability without a guarantee that they will build affordable units or anything that truly benefits our community. At the moment, Calvary has yet to produce any schematics, renderings, architectural blueprints, or general development plans that will generate affordable home ownership opportunities which is what our Board desires for this parcel. Given that this is the case, we recommend that Calvary's land parcel be carved out of this proposed rezoning.

**Reducing Commercial Office Space Footprint.** The current Herkimer-Williams proposal calls for a total of 440,000 sq ft of commercial space to be built within Building E through a M1-6 zoning designation. Although we appreciate Totem's reduction of ~330,000 sq ft of commercial space from its original proposal, nowhere in East Brooklyn can you find such a high concentration of commercial office space in a single building as is still being proposed. We find it

necessary for Totem to further reduce the commercial space footprint by a major extent, and as an alternative, replace it with more light industrial space in Building E.

**Reducing Building Heights.** The current rezoning proposal calls for 20 stories in building B, 24 stories in building C, 29 stories in building D, and 22 stories in building E. Totem must redistribute residential units among buildings to summatively reduce the heights of the buildings to be closer to 20-stories which is the size of the tallest buildings found in CD5 (i.e. Starrett City or Linden Plaza).

**Mixed Income Affordability.** Totem should be able to provide the following affordability through the *Department of Housing and Preservation Development's* Extremely Low & Low Income Affordability (ELLA) term sheet or other viable term sheets. Despite Totem's project being based on phased construction, we recommend that Building B (the first 231-units of affordable housing to be erected) and the rest of the project (769 units), or all of the buildings built, to embody the totality of these compositions of income ranges. Herkimer-Williams must consist of:

- 60% of the affordable units at below 50% AMI (or an income of less than \$81,000 for a family of four), including possibly reaching deeper levels of affordability such as 20% AMI (or below an income of \$48,600 for a family of four)
- 40% of the affordable units above 50% AMI with a cap at 100% AMI (or an income of \$162,000 for a family of four)

New York City's Area Median Income (AMI) ranges for the year of 2025 must be solely relied upon for these affordable housing units.

**Unit Sizes and Composition of Units.** Studio apartments should be no less than 400 sq ft as we perceive apartments with square footage less than this to be nondignified housing for community district 5 residents. The project should have the following breakdowns for the first 231-units and the rest of the units:

- No more than 20% of the units should consist of studios
- 75% of the units should be of 1-3 bedroom sizes
- 5% of the units should be 4-bedroom sizes

**Home Ownership.** As stated earlier, this project lacks any equity-based housing options or affordable home ownership. The residential footprint of Eastern Brooklyn is made up mostly of homeowners and yet this is becoming less and less of a possibility for Black and Brown people in the borough of Brooklyn due to the high costs of homes. Where possible, including through the development of Calvary's land, this project must include creation of affordable homeownership units. If the church fails to sign off on a restrictive declaration to create affordable homeownership then one of the buildings within Totem's project must be reserved for affordable home ownership; in other words, this rezoning cannot fail to produce affordable home ownership and this onus falls on 1) Calvary through an RD that if not signed off on then requires 2) Totem to produce said ownership units.

**Affordable, below-market-rate rental space for small businesses.** The Herkimer-Williams rezoning proposal contains 114,000 sq ft of commercial retail space. Given the development efforts occurring altogether at Broadway Junction and should this rezoning proposal pass, it will

be a difficult task for small businesses to find affordable commercial spaces to continue their operations; this being so because the value of real estate will altogether increase near and around Broadway Junction. We therefore find it necessary for Totem to provide below-market rate rental space for small businesses within their commercial retail space footprint. Totem should carve up and reserve spaces of no less than 1,500-2,000 sq ft of commercial retail space within its retail ground floor for these small businesses.

**Residential Parking.** The Totem rezoning will create large amounts of human activity near the Broadway Junction area and although located near a transit hub some people (especially those working within these sites) will rely on cars to commute. Although Building E is said to host 70 parking spots, we recommend those parking spots to be solely for residential parking. We also recommend Totem to create an additional 40 parking spots for residents (offering a total of 11% of the families living in the 1,000 units to have an opportunity to park).

- **Residential Parking Revenue:** Any income gained through fees for residential parking should go to a Community District 5 based CBO to help cover their operational expenses. This income stream should be paid to the CBO in perpetuity and must be cemented within the restrictive declaration signed off by Totem.

**Public or City maintenance of Van-Sinderin-Herkimer St Plaza.** This same recommendation was made by CB5 as it pertains to the Economic Development Corporation's (EDC) proposal of creating two public plazas, one that will run contiguously adjacent to the open space plaza that Totem is proposing. These plazas must altogether be upkept or maintained by the City and not by Totem; the plazas consist mostly of public space (square footage-wise) and the City should not be absolved of their responsibility of maintaining these sites.

**Anti-Displacement Fund.** The feasibility of this recommendation depends on the income cash flow of this project (especially income generated from any and all commercial spaces). Totem must contribute to allowing long-term homeowners and their tenants to stay within the neighborhood and for further creation of permanent affordable housing. A portion of the net-positive cash flow from this project, including a percentage of the developer fee to be obtained from Totem, should be used to develop a permanent anti-displacement fund that allows homeowners in need of repairs to access funds to implement much needed repairs that will help them stay put. Likewise, this fund must help local CBOs with land acquisition and ultimately permanent affordable housing creation by allowing them to obtain the land of property owners that will try to "cash-in" (i.e. sell their properties and profit from increasing assessed land values) on the real estate boom near and around Broadway Junction. We also recommend this anti-displacement fund to be memorialized within the restrictive declaration by Totem.

**General needs near and around the Broadway Junction area.** Putting aside Totem's rezoning proposal for a brief moment, we know that Broadway Junction is receiving multi-million dollars of public and private investment which will ultimately displace and threaten the homes of predominantly Black and Brown people by consequently raising property values and rents. We therefore find it necessary for the City and State government to provide anti-displacement funding or resources to assist with this area. That funding should be secured within the

respective budgets of each and should consist of resources for tenants and homeowners to be organized or provided assistance (i.e. *Partners in Preservation* and the *Homeowner Help Desk*), property tax relief, freezing of rent for all renters, and a fund for community acquisitions. These resources should cover at least a 2-mile radius from the Broadway Junction area.

Sep 8, 2025

Date \_\_\_\_\_

Signature  \_\_\_\_\_  
Alice Lowman (Sep 8, 2025 16:18:45 EDT)

Name: Alice Lowman, Chair, Brooklyn Community Board 5



# BOROUGH PRESIDENT RECOMMENDATION

<b>Project Name:</b> Herkimer-Williams	
<b>Applicant:</b> Totem Brooklyn	<b>Applicant's Administrator:</b> Giovanni Gioia
<b>Application #</b> 250288PCK	<b>Borough:</b> Brooklyn
<b>CEQR Number:</b> 24DCP055K	<b>Validated Community Districts:</b> K05

**Docket Description:**  
 IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services and the Economic Development Corporation, pursuant to Section 197-c of the New York City Charter, for acquisition of property located at Block 1555, Lot 19, Borough of Brooklyn, Community District 5, and for site selection of such property for publicly accessible open space.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION:** Waiver of Recommendation

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**CONSIDERATION:** Please see memo for full comment.

Recommendation submitted by	BK BP	Date: 9/16/2025 12:05 PM
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Brooklyn Borough President ULURP Memo  
Herkimer-Williams  
September 16, 2025

### **Project Description**

Broadway Junction Partners LLC is requesting actions to facilitate 1.23 million sf of new development: rezoning from M1-2 to C6-4/M1-6, Large Scale General Development Special Permits for bulk, height, envelope modifications, and to move floor area, a special permit to allow certain Use Groups, Text Amendment to map MIH and modify LSGD ownership definition requirements, and Combination Acquisition and Site Selection by the City with co-applicants, EDC and DCAS. Located in Community District 5, Brooklyn.



### **Community Board Review**

The Borough President commends Community Board 5 for their thorough review and recommendation and would like to uplift the following conditions from their submission.

- A request for a restrictive declaration to bind the developer to several commitments, including:
  - o Commitments for specific levels of affordability, as per HPD term sheets.
  - o A reduction in commercial uses and/or a conversion for the inclusion of more light industrial space.
  - o A greater variety of affordability and mixed-incomes in the project.
  - o An increase in unit diversity to produce larger unit sizes (no more than 20% of units as studios, with 5 % of units being 4-bedrooms or more, and the remaining units being 1-3 bedroom)
  - o Public maintenance and stewardship of Van-Sinderen-Herkimer Street Plaza

- The establishment of an anti-displacement fund

### **BP Hearing + Comments**

The Borough President held a hearing on this item on August 20, 2025. Fourteen members of the public testified at the hearing, and the Borough President received two written testimonies via email.

### **Waiver Rationale**

In the 2025 Comprehensive Plan for Brooklyn, the Borough President committed to an expedited land use review for applications that respond to conditions identified by the Plan's various Housing Priority Areas.

This application is aligned with several of the Plan's Housing Priority Areas as well as the Plan's Urban Design Typology, which identifies the Broadway Junction area as a Regional Center. This alignment is discussed in further detail in the following section.

In conversations with the Department of City Planning (DCP), the Office of the Borough President has learned that due to administrative procedures, the only way to meaningfully expedite the Borough President's 30-day review period is to submit a waiver of recommendation. Otherwise, the City Planning Commission will always schedule an application to be heard based on the Borough President's full 30-day review period, regardless of when a recommendation is submitted within that window.

To that end, the Borough President is submitting this memo alongside a waiver of recommendation. Borough President Reynoso is frustrated by the limited tools for meaningful expedition as discussed in The Comprehensive Plan for Brooklyn and will continue to consider alternative ways to deliver expedited review of qualifying ULURP applications in the future, including engaging with DCP to consider a pathway for expedited hearing scheduling that does not involve a waiver of recommendation.

### **Comprehensive Plan Alignment**

This application is aligned with the 2025 Comprehensive Plan for Brooklyn in the following ways:

- The Project Area is within an **Affordability Priority Area** as defined by the Comprehensive Plan for Brooklyn. These are areas identified using The Department of Housing Preservation and Development's (HPD) and DCP's Displacement Risk Index (DRI) as areas with the highest displacement risk where anti-displacement measures and affordable housing development should be prioritized. By committing to up to 1,000 affordable units, this project directly advances the goals of Affordability Priority Areas.
- The Project Area is located at Broadway Junction, one of four **Regional Centers** identified in The Plan. Regional Centers are higher density, mixed-use destinations that serve the entire region and are anchored by transit infrastructure and major institutions. Broadway Junction's designation as a Regional Center is in large part due to its presence at the confluence of three subway lines, a branch of the Long Island Rail Road (LIRR), and a proposed future station for the Interborough Express (IBX). Despite this wealth of transit options, Broadway Junction has historically served as a transfer point rather than a transit destination in and of itself, with the surrounding area characterized by a heavy concentration of transportation, utilities, and automotive uses, and minimal amounts of housing, commercial, or more job-intensive light industrial uses that would

take advantage of proximity to excellent transit. Recognizing unmet potential of this transit node, several efforts have sought to invest in Broadway Junction as a mixed-use destination, including the East New York Neighborhood Plan, City Agencies Revitalizing the Economy (CARES), and a series of capital improvements to the Broadway Junction subway station and public spaces. The 2025 Comprehensive Plan for Brooklyn's designation of Broadway Junction as a Regional Center reflects the outsized importance of the area in the city's recent planning and development efforts.

This application is aligned with the Plan's vision of Broadway Junction as a Regional Center. While other recent efforts have considered office space, city agencies, and public realm investments, this application would result in a substantial increase in residential development in close proximity to the station and result in an uptick in foot traffic, moving the area closer to realizing its potential as a major mixed-use hub of homes, jobs, and commercial activity near a major transit hub.

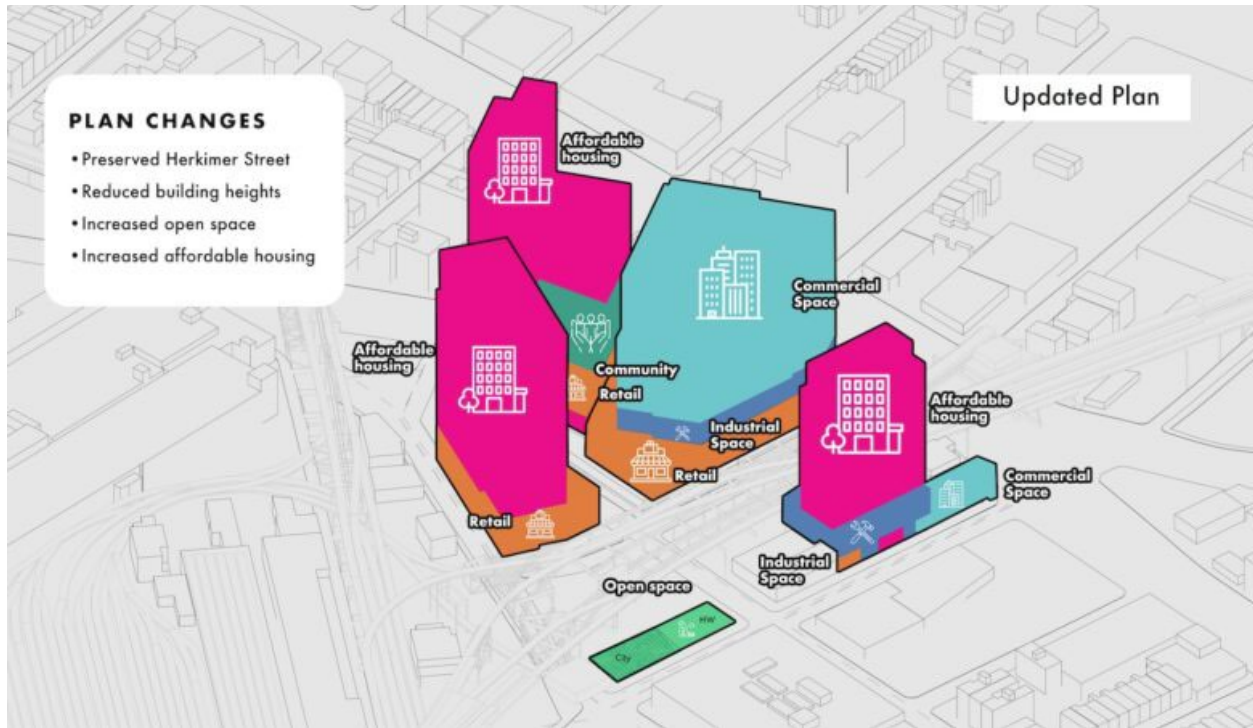
By facilitating the development of commercial, light industrial, and ground floor retail uses that would, this application poses to diversify the jobs within the immediate area. The proposed development also includes a potential option for the City University of New York (CUNY), which would serve as a new anchor institution in East New York. In sum, by adding affordable housing, commercial space, preserving light industrial space, this project reinforces Broadway Junction's role as a Regional Center.

- The Project Area is also located within a **Rehabilitation Priority Area**, defined in the Comprehensive Plan as neighborhoods with the highest concentrations of vulnerable housing stock according to the DRI's Housing Conditions Subindex. This underscores the need for a fund to assist distressed homeowners with rehabilitation needs and property tax burdens.

### **Project Improvements to Date**

The applicant is actively engaged with community stakeholders, Community Board 5, and CM Nurse on further modifications to the proposal to bring into greater alignment with shared priorities and considerations:

- The applicant has reduced commercial sq footage by ~ 330,000 already from certification.
- The applicant has been responsive to the community's request for an anchor institution at the site, having secured a letter of interest from CUNY to site a new campus here in addition to exploration of additional services, including ambulatory care.
- The applicant has committed to an increase in the light industrial footprint.



### Conditions/Modifications

Finally, the Borough President recommends the following modifications to the application to further align with the Comprehensive Plan.

- The Borough President encourages the applicant to enter into a Community Benefits Agreement with a long-standing community organization that has the experience and administrative capacity to ensure accountability for commitments made to the community.
- The Borough President amplifies CB 5’s call for deeper affordability and unit diversity on site to provide meaningful housing options for a wide cross section of CB5 residents.
- The Borough President recommends additional public realm improvements, including for open space and urban design, to ensure that both new and existing open spaces are properly maintained. These improvements include but are not limited to:
  - Additional funding and resources for area upkeep and parks maintenance.
  - Enforcement for placard abuse by illegally parked vehicles, and the installation of street furniture and other hardscaped improvements on Van Sinderen Avenue to prevent the misuse of city vehicles on a planned pedestrian plaza.
  - Ensure that EDC is able to appropriately manage and maintain new public open spaces.
  - Ensure that the funding allocated to the Callahan Kelley extension reflects the expected influx of residents to the area.
  - Implement placemaking and urban design interventions for overhead track structures, such as those identified by the Design Trust for Public Space’s “EI-Space” toolkit, which has been implemented as a pilot in Sunset Park.
- While the Borough President is encouraged by the inclusion of some transit investments in the area, such as the ADA-elevator projects and the repainting and maintenance of overhead structures, further investments are necessary in order to realize Broadway Junction’s potential as a world class transit hub, including:

- A reconstruction of the East New York LIRR station and the viaduct along Atlantic Avenue, in order to facilitate an improved public realm experience for LIRR riders, and nearby pedestrians alike.
  - Said reconstruction should be planned in concert with the design and construction for a future IBX station, as to ensure that any passengers for the IBX will have as seamless a transfer experience between the IBX and subway as possible.
- Fare integration between the LIRR and subway system, which would allow easier and more efficient transfers between the East New York station, three subway lines, and future IBX service in the area.
- The Borough President echoes CB 5's concern about excessive commercial square footage. Additional steps are needed to right-size the proposed commercial floor area and this project would benefit from reallocation of these spaces to allow for greater housing and/or light industrial uses on-site. The Borough President recognizes the adjustments the applicant has committed to make with both a decrease in height and commercial square footage to date, but he remains concerned about high commercial vacancy across the city and the viability of a full lease-up of commercial square footage as proposed at this location.
- In the Borough President's commitment to manufacturing and light industrial uses, he recommends that the industrial space proposed for Building E is preserved and that there be sufficient implementation plans to ensure the success of new industrial businesses within the Project Area.
- The Borough President encourages a more formal agreement between the applicant and CUNY to ensure a successful partnership for a satellite campus at this location. In the event that CUNY is unable to accept the option for a satellite campus, Borough President Reynoso supports the programming of additional residential floor area in order to maximize the amount of affordable housing on site.
- The Borough President encourages the applicant to commit to and sign labor agreements to ensure safe working conditions and well-paying jobs while the project is under construction and for permanent jobs that will remain on-site, regardless of whether or not the City agrees to finance prevailing wage work.
- The Borough President believes in the strength of Brooklyn's small business community and encourages the applicant to commit to discounted commercial rents for the proposed local retail included in the project proposal.
- The Borough President recognizes that East New York has high rates of deed theft and encourages the applicant to fund anti-displacement efforts to protect existing residents, including:
  - Outreach for property owners vulnerable to the tax-lien sale, uncollected property taxes, and water debt
  - HPD's Homeowner Help Desk
  - Increased outreach to tenants in both multi-family and small buildings
  - HPD's Partners in Preservation program
  - HPD's Unlocking Doors program



**IN THE MATTER OF** an application submitted by Broadway Junction Partners LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, amending large-scale general development provisions of Article VII, Chapter 4 (Special Permits by the City Planning Commission) and APPENDIX F (Mandatory Inclusionary Housing Designated Areas and former Inclusionary Housing Designated Areas) for the purpose of establishing a Mandatory Inclusionary Housing area.

This application (N 250284 ZRK) was filed by Broadway Junction Partners LLC on May 7, 2025. This application, in conjunction with the related actions, would facilitate the construction of an approximately 1.23 million-square-foot mixed-use large-scale general development (LSGD) containing approximately 988 residential units (of which 222 to 334 would be permanently income restricted), 494,000 square feet of commercial floor area, 59,000 square feet of industrial space, and 20,000 square feet of publicly accessible open space located in the Broadway Junction area of Brooklyn, Community District 5.

**RELATED ACTIONS**

In addition to the proposed text amendment (N 250284 ZRK) that is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

- C 250285 ZMK**      Zoning map amendment to change an M1-2 zoning district to a C6-4 and M1-6 zoning districts.
  
- C 250286(A) ZSK**      Zoning text amendment to Appendix F to establish a Mandatory Inclusionary Housing (MIH) area co-terminus with the proposed C6-4 district and to modify Zoning Resolution (ZR) section 74-742 with respect to the contiguity of ownership of zoning lots in a LSGD.
  
- C 250287 ZSK**      Zoning special permit pursuant to ZR Section 74-161 to allow Use Group

VI retail and service use with floor area greater than 10,000 square feet.

**C 250288 PCK**      Combination of an acquisition and site selection of a privately owned lot.

## **BACKGROUND**

A full background discussion and description of this project appears in the report for the related zoning map amendment (C 250285 ZMK).

## **ENVIRONMENTAL REVIEW**

This application (N 250284 ZRK), in conjunction with the related applications (C 250285 ZMK, C 250286(A) ZSK, C 250287 ZSK, and C 250288 PCK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et. seq.* and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 24DCP055K.

A summary of the environmental review, including the Final Environmental Impact Statement (FEIS) dated November 6, 2025, appears in the report on the related application for a zoning map amendment (C 250285 ZMK).

## **UNIFORM LAND USE REVIEW**

This application (N 250284 ZRK) was referred for information and review in accordance with the procedures for non-ULURP matters, in conjunction with the related ULURP applications (C 250285 ZMK, C 250286(A) ZSK, C 250287 ZSK, and C 250288 PCK), which were certified as complete by the Department of City Planning on June 2, 2025 and were duly referred to Community Board 5 and the Brooklyn Borough President, in accordance with Title 62 of the

Rules of the City of New York, Section 2-02(b).

### **COMMUNITY BOARD PUBLIC HEARING**

Brooklyn Community Board 5 held a public hearing on this application (N 250284 ZRK), along with the related actions, on July 25, 2025. On September 5, 2025, by a vote of 26 against, none in favor, and with none abstaining, adopted a resolution recommending disapproval with conditions of this application. A summary of the community board's recommendation appears in the report for the related zoning map amendment (C 250285 ZMK).

### **BOROUGH PRESIDENT RECOMMENDATION**

This application (N 250284 ZRK), in conjunction with the related actions, was considered by the Brooklyn Borough President, who held a public hearing on August 20, 2025, and, on September 16, 2025, issued a waiver of recommendation with conditions. A summary of the Borough President's recommendation appears in the report for the related zoning map amendment (C 250285 ZMK).

### **CITY PLANNING COMMISSION PUBLIC HEARING**

On September 17, 2025 (Supplemental Calendar No. 2), the City Planning Commission scheduled October 8, 2025, for a public hearing on this application (N 250284 ZRK) and related applications. The hearing was duly held on October 8, 2025 (Calendar No. 3). Thirteen speakers testified in favor of the application, and one was in opposition, as described in the report on the related zoning map amendment (C 250285 ZMK).

### **CONSIDERATION**

The Commission believes that the proposed zoning text amendment (N 250284 ZRK), in conjunction with the related applications (C 250285 ZMK, C 250286(A) ZSK, C 250287 ZSK, and C 250288 PCK), is appropriate. A full consideration and analysis of the issues and the reasons for approving the application appear in the report for the related zoning map amendment (C 250285 ZMK).

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on November 6, 2025, with respect to this application (CEQR No. 24DCP055K), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action[s] that are set forth in this report; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration dated November 17, 2025, those project components related to the environment and mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter that based on the environmental determination, and the consideration and findings described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter underlined is new, to be added;  
Matter ~~struck-out~~ is to be deleted;  
Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution.

\* \* \*

## **ARTICLE VII ADMINISTRATION**

### **Chapter 4 Special Permits by the City Planning Commission**

\* \* \*

#### **74-74 Large-scale General Development**

\* \* \*

#### **74-742 Ownership**

Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (Large-scale General Development) shall be on a tract of land which at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. No special permit shall be granted unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#) of, or executed a binding sales contract for, all of the property comprising such tract.

When a #large-scale general development# is located within a designated urban renewal area, the City's urban renewal agency, or a person authorized by such agency, may apply for and be granted a special permit under the provisions of Section 74-74 even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section. All parcels comprising such #large-scale general development# shall be within the designated urban renewal area and subject to the urban renewal controls set forth in the approved urban renewal plan.

A special permit may be applied for and granted under the provisions of Section 74-74, even though such #large-scale general development# does not meet the ownership requirements set

forth elsewhere in this Section, when the site of such #large-scale general development# is:

\* \* \*

- (e) within Manhattan Community District 2, where the City Planning Commission has approved a special permit under Section 74-74 for a #large-scale general development# located partially within a C2-7 District, and a portion of such #large-scale general development# is subsequently mapped as a park and transferred to City ownership, then the consent or authorization of any owner or party in interest to:
  - (1) such #public park# shall not be required for any application for a modification to the special permit or associated restrictive declaration relating only to property within the #large-scale general development# other than the #public park#; and
  - (2) property other than the #public park# shall not be required for any application for a modification to the special permit or associated restrictive declaration relating only to the #public park#.

However, the consent or authorization of the owners and any party in interest to the other property shall be required if the proposed modification would impose an additional obligation or increase the degree of an obligation existing as of the date of the application for the modification on any such owner or any such party in interest; ~~or~~

- (f) partially under State or City ownership, and is located within the boundaries of Community District 1 in the Borough of Brooklyn, on a #waterfront zoning lot# located within a C6-2 District that is mapped within a #Mandatory Inclusionary Housing area#, provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in State or City ownership; or
- (g) partially under State or City ownership, and occupied by an elevated rail line and associated structures, and is located within the boundaries of Community District 5 in the Borough of Brooklyn partially within a C6-4 District that is mapped within a #Mandatory Inclusionary Housing area#, provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in State or City ownership.

\* \* \*

**APPENDIX F**  
**Mandatory Inclusionary Housing Designated Areas and former Inclusionary Housing Designated Areas**

\* \* \*

**BROOKLYN**

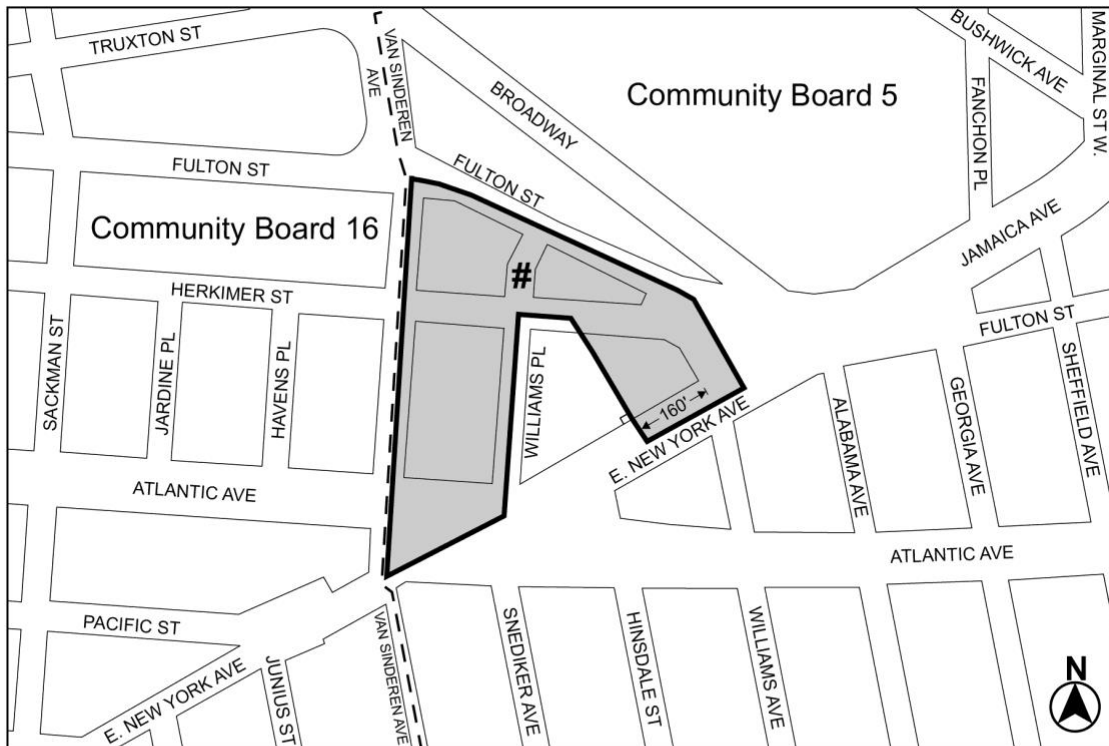
\* \* \*

### Brooklyn Community District 5


\* \* \*

Map 8 – [date of adoption]

[PROPOSED MAP]



- - - Community District Boundary

 Mandatory Inclusionary Housing area

Area # — [date of adoption] MIH Option 1 and Option 2

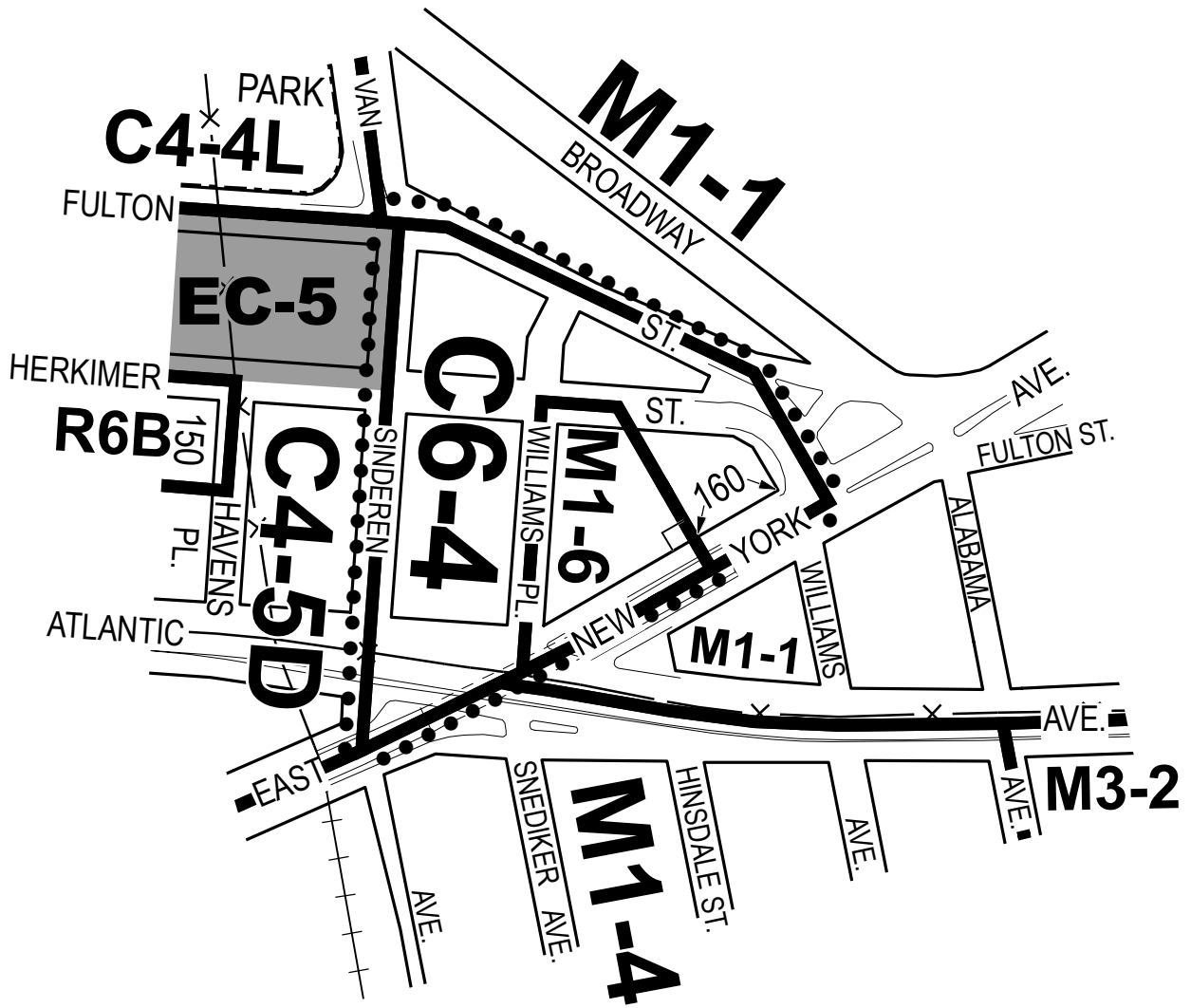
### Portion of Community District 5, Brooklyn

\* \* \*

The above resolution (N 250284 ZRK), duly adopted by the City Planning Commission on November 17, 2025 (Calendar No. 2), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

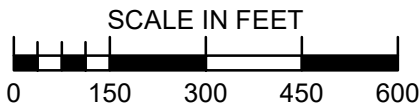
**DANIEL R. GARODNICK Esq.,** *Chair*  
**KENNETH J. KNUCKLES, Esq.,** *Vice Chairman*  
**GAIL BENJAMIN, ALFRED C. CERULLO III, Esq.,**  
**ANTHONY W. CROWELL, Esq., JOSEPH I. DOUEK, DAVID GOLD, Esq.,**  
**RASMIA KIRMANI FRYE, RAJU MANN, ORLANDO MARÍN,**  
**JUAN CAMILO OSORIO, RAJ RAMPERSHAD,** *Commissioners*

**LEAH GOODRIDGE, Esq.,** *Commissioner, VOTING NO*






CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING  
**ZONING CHANGE**  
 ON SECTIONAL MAP  
**17c**  
 BOROUGH OF  
**BROOKLYN**

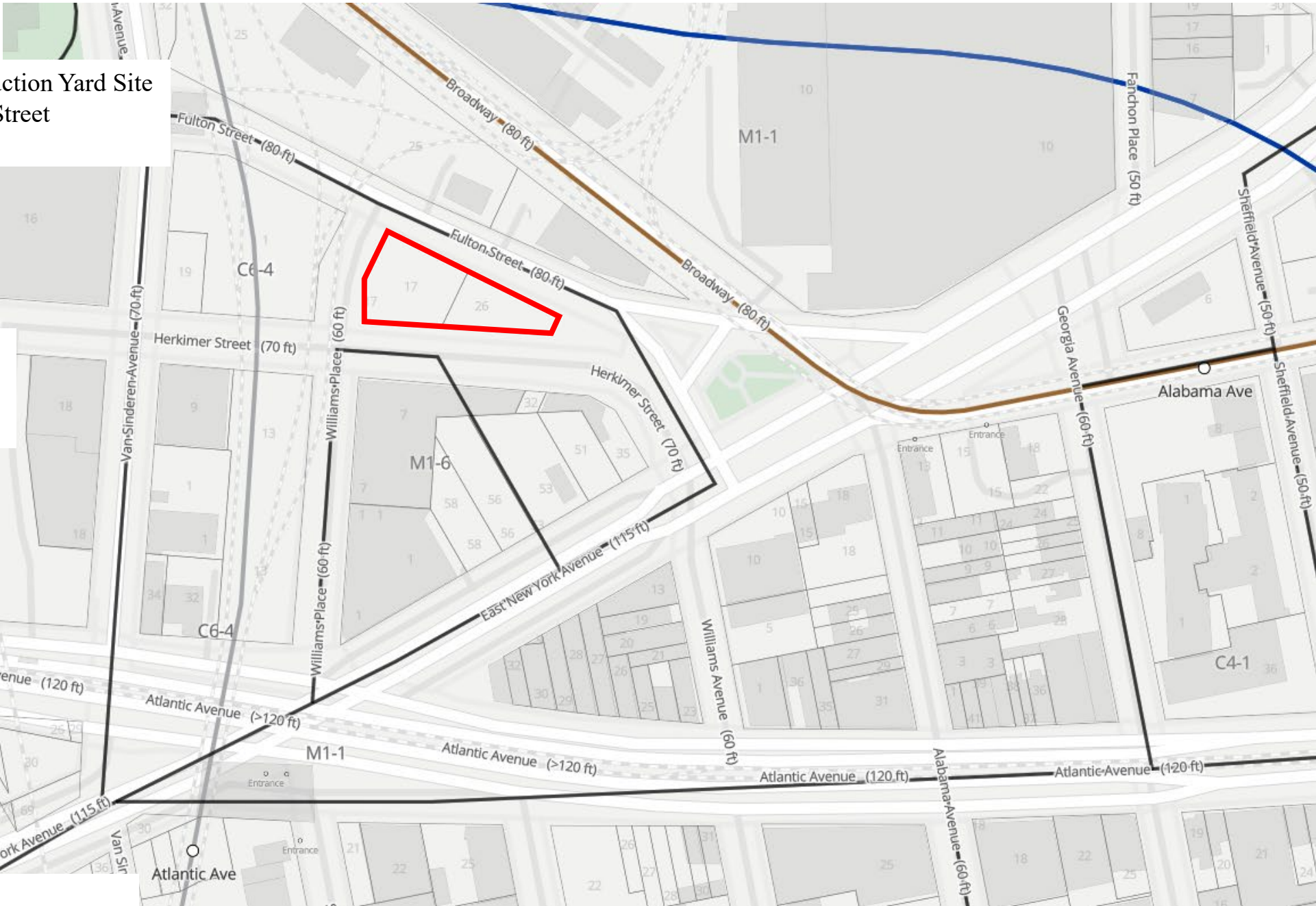
EFFECTIVE DATE  
**December 18, 2025**  
 C. C. RESO.#1209



**NOTE:**


-  Indicates Zoning District Boundary
-  The area enclosed by the dotted line is rezoned by changing an M1-2 District to C6-4 and M1-6 Districts.
-  **EC-5** Indicates a Special Enhanced Commercial District-5 (**EC-5**)

# ZONING MAP



Fulton Street Auto Wrecking Construction Yard Site  
2488 Fulton Street and 2514 Fulton Street  
Brooklyn, New York 11207

## Legend:

 Site property boundary

Zoning Districts: C6-4

# **EXHIBIT F**

**PREVIOUS & CURRENT OWNER & OPERATOR LIST**  
**Fulton Street Auto Wrecking Construction Yard Site**  
**2488 Fulton Street and 2514 Fulton Street, Brooklyn, New York 11207**

Year	Contact Information 2488 Fulton Street (Brooklyn-1577-17) Owners	Status	Relation to Requestor
1954 – 1975	Raymond D. Benzing Address: N/A Phone: N/A	Deceased 1976	None
1975 – 1984	Broadway Fulton Service Station, Inc Address: c/o Larry Russolello 66-60 80 <sup>th</sup> Street Middle Village, New York 11279 Phone: Unknown	Inactive	None
1984 - 1989	Palmer Sasser Last Known Address: 5 E. 93 <sup>rd</sup> Street Brooklyn, New York Phone: Unknown	Unknown	None
1989 – 2015	2488 Fulton Realty Corp. Address: c/o Hecht & Hecht 910 Grand Concourse, Suite 1C Bronx, New York 10451 Phone: (212) 226-2400	Inactive	None
2015 – 2017	2488 Fulton LLC Address: c/o Berliner & Pilson 80 Cutter Mill Road, Suite 308 Great Neck, New York 11201 Phone: (516) 304-5555	Active	None
4/26/2017 – Present	Fulton Junction LLC Address: 377 Pearsall Avenue, Suite C Cedarhurst, New York 11516 Phone: (718) 938-7810	Active	Parties to Contract of Sale
<b>Operators</b>			
1888 - 1932	Dwelling	N/A	None
1932 - 1951	Lumber Yard	N/A	None
1940	Eastern Auto Wreckers Address: Unknown Phone: Unknown	Unknown	None
1960s - 2007	Parking	N/A	None
1992	United Brothers Auto Body & Home Improvement/Ideal Motors Address: Unknown Phone: Unknown	Unknown	None
1995	Cheap Jake's Wheels Address: Unknown Phone: Unknown	Unknown	None
2023 - Present	Ahern Contractors - Construction Yard – Trailer Offices, Storage Units and Trucks Address: 2 Seaview Boulevard, Suite Port Washington, New York 11050 Phone: (718) 639-5880	Active	None

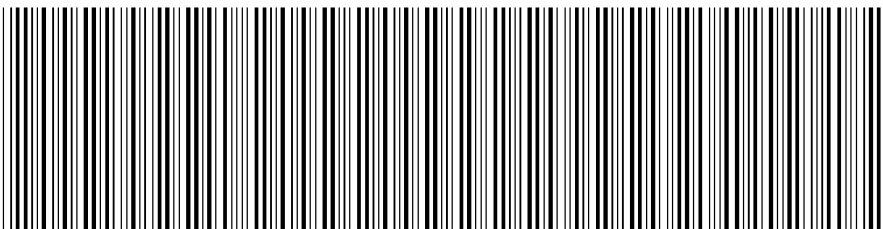
**PREVIOUS & CURRENT OWNER & OPERATOR LIST**  
**Fulton Street Auto Wrecking Construction Yard Site**  
**2488 Fulton Street and 2514 Fulton Street, Brooklyn, New York 11207**

Year	Contact Information 2514 Fulton Street (Brooklyn-1577-26) Owners	Status	Relation to Requestor
1954 - 1975	Raymond D. Benzing Address: N/A Phone: N/A	Deceased 1976	None
1975 – 1984	Broadway Fulton Service Station, Inc. Address: c/o Larry Russolello 66-60 80 <sup>th</sup> Street Middle Village, New York 11279 Phone: Unknown	Inactive	None
1984 – 1989	Palmer Sasser Last Known Address: 5 E. 93 <sup>rd</sup> Street Brooklyn, New York Phone: Unknown	Unknown	None
1989 - 2015	2488 Fulton Realty Corp. Address: c/o Hecht & Hecht 910 Grand Concourse, Suite 1C Bronx, New York 10451 Phone: (212) 226-2400	Inactive	None
2015 – 2017	2488 Fulton LLC Address: c/o Berliner & Pilson 80 Cutter Mill Road, Suite 308 Great Neck, New York 11201 Phone: (516) 304-5555	Active	None
4/26/2017 – Present	Fulton Junction LLC Address: 377 Pearsall Avenue, Suite C Cedarhurst, New York 11516 Phone: (718) 938-7810	Active	Parties to Contract of Sale
<b>Operators</b>			
1888	Feed and Hay Storage	N/A	None
1908	Dwelling	N/A	None
1932	Apartment Buildings	N/A	None
1951	Lumber Yard	N/A	None
1960s – 2007	Parking	N/A	None
2023 - Present	Ahern Contractors - Construction Yard – Trailer Offices, Storage Units and Trucks Address: 2 Seaview Boulevard, Suite Port Washington, New York 11050 Phone: (718) 639-5880	Active	None

# **EXHIBIT G**

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

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



2017050200200001001E65C6

**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 4**

**Document ID: 2017050200200001**

Document Date: 04-26-2017

Preparation Date: 05-02-2017

Document Type: DEED

Document Page Count: 3

**PRESENTER:**

INFINITY LAND SERVICES LLC IL8248 \*\*PICKUP\*\*  
AS AGENT FOR OLD REPUBLIC NATIONAL TITLE  
974 EAST 27TH STREET  
BROOKLYN, NY 11210  
718-338-4200  
TAMARA@ILSTITLE.COM

**RETURN TO:**

FULTON JUNCTION LLC  
377 PEARSALL AVENUE, SUITE C  
CEDARHURST, NY 11516

**PROPERTY DATA**

Borough	Block	Lot	Unit	Address
BROOKLYN	1577	17	Entire Lot	2488 FULTON STREET

**Property Type:** COMMERCIAL REAL ESTATE

Borough	Block	Lot	Unit	Address
BROOKLYN	1577	26	Entire Lot	2514 FULTON STREET

**Property Type:** COMMERCIAL REAL ESTATE

**CROSS REFERENCE DATA**

CRFN \_\_\_\_\_ or DocumentID \_\_\_\_\_ or \_\_\_\_\_ Year \_\_\_\_\_ Reel \_\_\_\_\_ Page \_\_\_\_\_ or File Number \_\_\_\_\_

**PARTIES**

**GRANTOR/SELLER:**

2488 FULTON LLC  
C/O BERLINER PILSON ESQS., 40 CUTTER MILL  
ROAD, SUITE 308  
NEW YORK, NY 10013

**GRANTEE/BUYER:**

FULTON JUNCTION LLC  
377 PEARSALL AVENUE, SUITE C  
CEDARHURST, NY 11516

**FEES AND TAXES**

**Mortgage :**

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

**TOTAL:** \$ 0.00

Recording Fee: \$ 55.00

Affidavit Fee: \$ 0.00

**Filing Fee:**

\$ 250.00

NYC Real Property Transfer Tax:

\$ 14,437.50

NYS Real Estate Transfer Tax:

\$ 2,200.00

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

**CITY OF NEW YORK**

Recorded/Filed 05-03-2017 09:56

City Register File No.(CRFN):

**2017000168313**



*Annette McMill*

**City Register Official Signature**

**BARGAIN AND SALE DEED WITHOUT COVENANTS AGAINST GRANTORS' ACTS**

**CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT--THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.**

**THIS INDENTURE**, made the 26 day of April, 2017.

**BETWEEN**, 2488 FULTON LLC, a New York limited liability company with its office c/o Berliner & Pilson Esqs., 40 Cutter Mill Road, Suite 308, Great Neck, New York 11021, the party of the first part, and

FULTON JUNCTION LLC, a New York limited liability company, with its office at 377 Pearsall Avenue, Suite C, Cedarhurst, New York 11516, party of the second part.

**WITNESSETH**, that the party of the first part, in consideration of Ten Dollars (\$10.00) and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

All that certain plot, piece or parcel of land, with buildings and improvements thereon erected, situate, lying and being in the Kings County, City and State of New York, designated and shown upon the Tax Map of the City of New York for the Borough of Kings as Lots 17 and 26, respectively, in Block 1577, being more particularly described as follows:

See Schedule "A" attached hereto and incorporated herein.

The premises also known as 2488 Fulton Street and 2514 Fulton Street, (Block 1577/Lots 26 and 17, respectively) both in Brooklyn, New York.

Being and intended to be a portion of the same land conveyed to party of the first part by the first Deed dated June 2, 2015 and recorded June 18, 2015 at CRFN 2015000208680 recorded October in the Office of the Clerk of Kings County.

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

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

**TO HAVE AND TO HOLD** the same unto Grantee and the heirs or successors and assigns of Grantee, forever;

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the



as agent for Old Republic National Title Insurance Company

Title No: IL8248

## Schedule A (Legal Description)

**ALL** that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

**BEGINNING** at the corner formed by the intersection of the southwesterly side of Fulton Street with the southeasterly side of Williams Place;

**RUNNING THENCE** southwesterly along the southeasterly side of Williams Place 59.46 feet to an angle in the same side of said place;

**THENCE** southerly along the easterly side of Williams Place 59.46 feet to the northerly side of Herkimer Street, as now opened 70 feet wide;

**THENCE** easterly along the said northerly side of Herkimer Street 232.68 feet to the westerly line of lot 53 on the Map of Property of East New York, Kings County, belonging to James L. Williams, surveyed by Martin G. Johnson April 1861 and filed in the Office of the Register of Kings County, July 2, 1881;

**THENCE** northeasterly along said westerly side of lot 53, 25.82 feet to the southwesterly side of Fulton Street;

**THENCE** northwesterly along the southwesterly side of Fulton Street 237.79 feet to the corner, the point or place of **BEGINNING**.

**EXCEPT** so much as has been acquired by the City of New York for the opening of Herkimer Street.

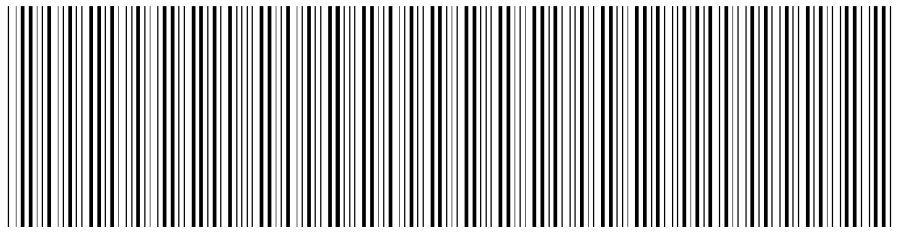
FOR INFORMATIONAL PURPOSES ONLY: 2488 Fulton Street, Brooklyn, NY & 2514 Fulton Street, Brooklyn, NY a/k/a Block 1577 Lot 17 & Block 1577 Lot 26 on the KINGS County Tax Map.

**For conveyancing only:**

**TOGETHER with all the right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.**



NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER



2017050200200001001SAB47

**SUPPORTING DOCUMENT COVER PAGE**

**PAGE 1 OF 1**

**Document ID: 201705020020001**  
Document Type: DEED

Document Date: 04-26-2017

Preparation Date: 05-02-2017

**ASSOCIATED TAX FORM ID:** 2017042100147

**SUPPORTING DOCUMENTS SUBMITTED:**

Page Count

RP - 5217 REAL PROPERTY TRANSFER REPORT

2



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

## Customer Registration Form for Water and Sewer Billing

### Property and Owner Information:

(1) Property receiving service: BOROUGH: BROOKLYN      BLOCK: 1577      LOT: 17

(2) Property Address: 2488 FULTON STREET, BROOKLYN, NY 11207

(3) Owner's Name: FULTON JUNCTION LLC

Additional Name:

### Affirmation:



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

Send to: 377 Pearsall Avenue Suite C  
Cedarhurst NY 11516

### Customer Billing Information:

#### Please Note:

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

### Owner's Approval:

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

Print Name of Owner:

Signature:

Moshe Simpson

04/26/17 Date (mm/dd/yyyy)

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

**SEE ATTACHED PAGE FOR ADDITIONAL APPLICABLE PROPERTIES**



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

## Customer Registration Form for Water and Sewer Billing

---

<b>Borough</b>	<b>Block</b>	<b>Lot</b>	<b>Street</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
BROOKLYN	1577	26	2514 FULTON STREET	NY	NY	11207

FOR CITY USE ONLY

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

C3. Book  OR  C4. Page

C5. CRFN



**REAL PROPERTY TRANSFER REPORT**  
 STATE OF NEW YORK  
 STATE BOARD OF REAL PROPERTY SERVICES  
**RP - 5217NYC**

**PROPERTY INFORMATION**

1. Property Location  2488  FULTON STREET  BROOKLYN  11207  
 STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name  FULTON JUNCTION LLC   
 LAST NAME / COMPANY FIRST NAME  
   
 LAST NAME / COMPANY FIRST NAME

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

4. Indicate the number of Assessment Roll parcels transferred on the deed  2  # of Parcels OR  Part of a Parcel

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

5. Deed Property Size  FRONT FEET X  DEPTH OR  ACRES

Check the boxes below as they apply:  
 6. Ownership Type is Condominium   
 7. New Construction on Vacant Land

8. Seller Name  2488 FULTON LLC   
 LAST NAME / COMPANY FIRST NAME  
   
 LAST NAME / COMPANY FIRST NAME

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

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

**SALE INFORMATION**

10. Sale Contract Date  4 / 25 / 2017   
 Month Day Year

11. Date of Sale / Transfer  4 / 26 / 2017   
 Month Day Year

12. Full Sale Price \$  5,500,000

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

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

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

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

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



15. Building Class  G, 6  16. Total Assessed Value (of all parcels in transfer)  2,106,000

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

BROOKLYN 1577 17  BROOKLYN 1577 26

**CERTIFICATION**

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

BUYER			BUYER'S ATTORNEY	
 BUYER SIGNATURE	377 PEARSALL AVENUE SUITE C by: Moshe Simpson Member	4/26/17 DATE	Newman LAST NAME	Eva FIRST NAME
STREET NUMBER	STREET NAME (AFTER SALE)		516 AREA CODE	545 0343 TELEPHONE NUMBER
CEDARHURST CITY OR TOWN	NY STATE	11516 ZIP CODE	 SELLER SIGNATURE	4/25/17 DATE
			by: David Moyal, Managing Member	

# **EXHIBIT H**

Yehuda Simpson  
Fulton Junction LLC  
377 Pearsall Avenue  
Suite C  
Cedarhurst, NY 11516

Date: February 25, 2026

**Re: Site Access to Perform Brownfield Cleanup Program Work  
2488 & 2514 Fulton Street  
Brooklyn, NY 11207**

Dear Mr. Simpson:

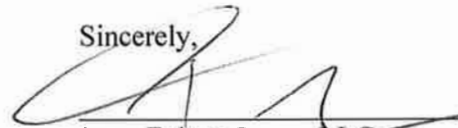
2488 Fulton Owner LLC is submitting a Brownfield Cleanup Program ("BCP") Application to the New York State Department of Environmental Conservation ("NYSDEC") to voluntarily investigate and remediate the following properties: 2488 Fulton Street (Tax Parcel No. Block 1577 Lot 17) and 2514 Fulton Street (Tax Parcel No. Block 1577 Lot 26), Brooklyn, NY 11207 (the "BCP Site"). As you know, Fulton Junction LLC owns the aforementioned parcels that make up the BCP Site. As an authorized signatory for the site owner Fulton Junction LLC, 2488 Fulton Owner LLC needs your written permission below to access the BCP Site for the purpose of performing environmental investigation and remediation work that may be required by the NYSDEC during the BCP process.

If you agree to sign below, you are granting 2488 Fulton Owner LLC what is known as a "temporary license" to allow an appropriate contractor hired to enter the BCP Site to perform investigation, provided such investigation work shall not materially interfere with the current use and operation of the Premises until such time as the remediation commences, which is not expected to occur until after the Closing, and thereafter remediation work. 2488 Fulton Owner LLC promises to provide you with copies of any information generated about the BCP Site, and if it is accidentally damaged, 2488 Fulton Owner LLC agrees to repair the damages to restore the BCP Site to the way it was before entry. The contractor will also maintain insurance that would cover any accidents on the job. We promise to minimize any and all inconvenience to you in connection with this work, and will give you one week notice before the work begins.

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

Thank you for your cooperation.

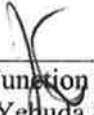
Sincerely,



2488 Fulton Owner LLC

By. Tucker Reed  
Authorized Signatory

As an authorized signatory for the site owner Fulton Junction LLC, I am authorized to grant this temporary license and agree to allow 2488 Fulton Owner LLC and its agents to enter the BCP Site to perform the BCP Investigation and/or remediation work required.

  
\_\_\_\_\_  
Fulton Junction LLC  
By. Yehuda Simpson

# **Exhibit I**



**PWGC**  
ENVIRONMENTAL ENGINEERING & CONSULTING

P.W. GROSSER CONSULTING ENGINEER  
AND HYDROGEOLOGIST, D.P.C.

630 Johnson Avenue, Suite 7  
Bohemia, NY • 11716-2618  
Phone: 631.589.6353 • Fax: 631.589.8705  
Email: pwgc.info@pwgros.com

UNAUTHORIZED ALTERATION OR ADDITION TO THIS  
DRAWING AND RELATED DOCUMENTS IS A VIOLATION  
OF SEC. 7209 OF THE N.Y.S. EDUCATION LAW

DRAWING PREPARED FOR:

REVISION DATE INITIAL COMMENTS

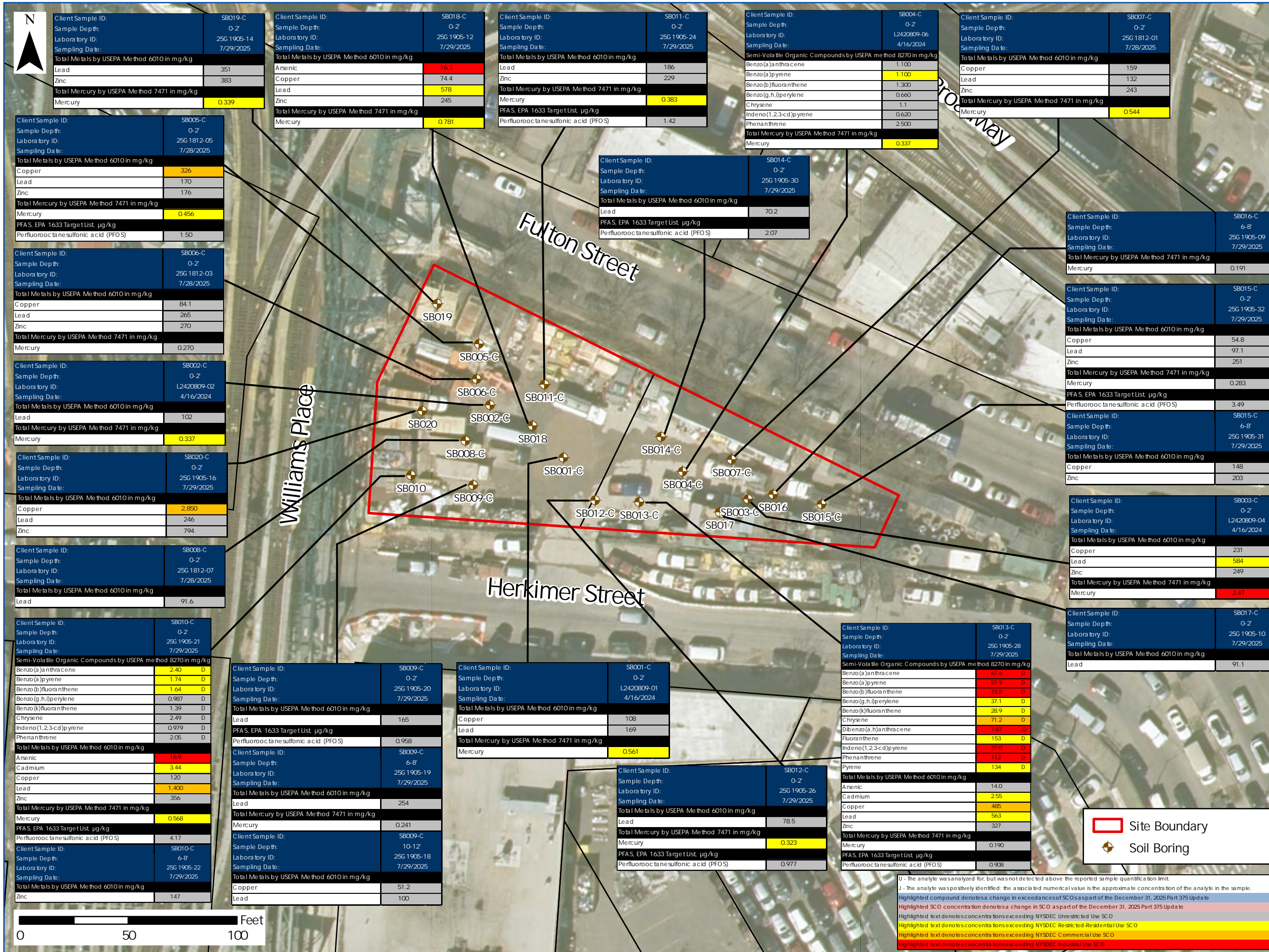
DRAWING INFORMATION:

Project: TOT2506 Designed by: MP  
Date: 1/13/2026 Drawn by: KM  
Scale: ASSHOWN Approved by: MP

# SOIL ANALYTICAL RESULTS

2488-2514 Fulton St  
Brooklyn, NY 11207

FIGURE NO:





# **Exhibit J**



# Department of State

## Division of Corporations

### Entity Information

[Return to Results](#)

[Return to Search](#)

#### Entity Details ^

**ENTITY NAME:** 2488 FULTON OWNER LLC

**DOS ID:** 7654238

**FOREIGN LEGAL NAME:** 2488 FULTON OWNER LLC

**FICTITIOUS NAME:**

**ENTITY TYPE:** FOREIGN LIMITED LIABILITY COMPANY

**DURATION DATE/LATEST DATE OF DISSOLUTION:**

**SECTION OF LAW:** LIMITED LIABILITY COMPANY - 802 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW

**ENTITY STATUS:** ACTIVE

**DATE OF INITIAL DOS FILING:** 07/07/2025

**REASON FOR STATUS:**

**EFFECTIVE DATE INITIAL FILING:** 07/07/2025

**INACTIVE DATE:**

**FOREIGN FORMATION DATE:** 07/07/2025

**STATEMENT STATUS:** CURRENT

**COUNTY:** NEW YORK

**NEXT STATEMENT DUE DATE:** 07/31/2027

**JURISDICTION:** DELAWARE, 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:** C/O CORPORATION SERVICE COMPANY

**Address:** 80 STATE STREET, ALBANY, NY, UNITED STATES, 12207 - 2543

**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

# **Exhibit K**

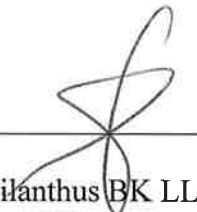
## WRITTEN CONSENT

The undersigned, being a member of Ailanthus BK LLC, which is the sole member of Ailanthus Herkimer Williams LLC, which is a 50% member Herkimer Williams C JV LLC, which is the sole member of 2488 Fulton Owner LLC, does hereby certify as follows:

1. 2488 Fulton Owner LLC is the prospective volunteer for the prospective Brownfield Cleanup Program (BCP) Site located at 2488 Fulton Street (Tax Block 1577 Lot 17) and 2514 Fulton Street (Tax Block 1577 Lot 26) (collectively the "BCP Site").

2. The following person, Tucker Reed, a member of Ailanthus BK LLC, which is the sole member of Ailanthus Herkimer Williams LLC, which is a member of Herkimer Williams C JV LLC, which is the sole member of 2488 Fulton Owner LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer 2488 Fulton Owner LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this    day of April, 2026.

  
\_\_\_\_\_  
Ofer Cohen  
Member of Ailanthus BK LLC  
Sole member of Ailanthus Herkimer Williams LLC  
Member Herkimer Williams C JV LLC,  
Sole member 2488 Fulton Owner LLC

# **Exhibit L**

# Site Contact List

## Fulton Street Auto Wrecking Construction Yard Site

2488 Fulton Street and 2514 Fulton Street, Brooklyn, New York 11207

Name	Title	Address	City	State	Zip
Charles Schumer	U.S. Senator	780 Third Avenue, Suite 2301	New York	NY	10017
Kirsten Gillibrand	U.S. Senator	780 Third Avenue, Suite 2601	New York	NY	10017
Hakeem S. Jeffries	U.S. House of Representatives	55 Hanson Place, Suite 603	Brooklyn	NY	11217
Jabari Brisport	New York State Senator	906 Broadway, 2nd Floor	Brooklyn	NY	11206
Antonio Reynoso	Brooklyn Borough President	209 Joralemon Street	Brooklyn	NY	11201
Zohran K. Mamdani	Mayor of NYC	City Hall	New York	NY	10007
Shaminder Chawla	NYC Mayor's Office of Environmental Remediation, Director	100 Gold Street, 2nd Floor	New York	NY	10038
Daniel Garodnick	Department of City Planning	120 Broadway, 31st Floor	New York	NY	10271
Alfonso L. Carney, Jr.	NYC Water Board	59-17 Junction Boulevard, 9th Floor	Flushing	NY	11373
Rohit T. Aggarwala	NYC Environmental Protection, Commissioner	59-17 Junction Boulevard, 13th Floor	Flushing	NY	11373
Drisana Hughes	NYC Environmental Protection, Brooklyn Commissioner	59-17 Junction Boulevard, 13th Floor	Flushing	NY	11373
The Brooklyn Paper	Media Outlet	15 Metro Tech Center	Brooklyn	NY	11201
Samdra Eddie	Brooklyn Public Library - Arlington Branch	203 Arlington Avenue	Brooklyn	NY	11207
Melinda Perkins	Brooklyn Community Board 5	127 Pennsylvania Avenue, 2nd Floor	Brooklyn	NY	11207
Constance Hahn	Public School 108 - Sal Abbracciamento	200 Linwood Street	Brooklyn	NY	11208
Janie C. Whitney	Trey Whitfield School	17 Hinsdale Street	Brooklyn	NY	11207
Ana Samper	Achievement First Brownsville Elementary School	2021 Bergen Street	Brooklyn	NY	11233
Danaika De Los Rios	Public School 298 - Dr. Betty Shabazz	85 Watkins Street	Brooklyn	NY	11212
Christian Pierre	Public School 328 - Phyllis Wheatley	330 Alabama Avenue, 1st Floor	Brooklyn	NY	11207
Ciani Espada	Brooklyn Gardens Elementary School	574 Dumont Avenue	Brooklyn	NY	11207
Estrella De La Torre	Uncommon Brownsville North Elementary School	51 Christopher Avenue, 3rd Floor	Brooklyn	NY	11212
Meryl Senter	Achievement First East New York Elementary School	557 Granville Payne Avenue	Brooklyn	NY	11207
To Whom It May Concern	Baybee Lounge Daycare Corp.	2789 Atlantic Avenue	Brooklyn	NY	11207
To Whom It May Concern	God's Gift Group Family Daycare Inc.	852 Blake Avenue	Brooklyn	NY	11207
Chrissy Brien	Elite Kids Center	474 Sutter Avenue, #476	Brooklyn	NY	11207
Princess Fornah	Princess Daycare	1904 Strauss Street	Brooklyn	NY	11212
Kadia Mighty	Pinky's Daycare	247 Amboy Street	Brooklyn	NY	11212
Fulton Junction LLC	Owner of Site	377 Pearsall Avenue, Suite C	Cedarhurst	NY	11516
Acquisition Debt 1A LLC	Adjacent Property Owner of 2501 Fulton Street	3275 Steinway Street, Suite 211	Long Island City	NY	11103
NYC Transit	Adjacent Property Owner of Fulton Street, Herkimer Street, 1993 Broadway	2 Broadway, Front 4	New York	NY	10004
Mystic Display Co., Inc.	Adjacent Property Owner of 47 Williams Place	3370 Edgerton Avenue	Wantagh	NY	11793
Broadway Junction LLC	Adjacent Property Owner of Herkimer Street and 1833 E NY Ave	1833 E. New York Avenue	Brooklyn	NY	11207
864 Penn Realty Corporation	Adjacent Property Owner of 1838 East NY Avenue	PO Box 4456	Great Neck	NY	11023
2550 E NY LLC	Adjacent Property Owner of 2550 E NY Ave and 2562 E NY Ave	130 S. Jefferson Street, Suite 300	Chicago	IL	60661
M&R Auto Repair	Adjacent Property Operator of 2501 Fulton Street	2501 Fulton Street	Brooklyn	NY	11207
Brooklyn Auto Mall	Adjacent Property Operator of 1833 East New York Avenue	1833 E New York Avenue	Brooklyn	NY	11207
Spirited Fabrication	Adjacent Property Operator of 1833 East New York Avenue	1576 Herkimer Street	Brooklyn	NY	11207
BT Automotive	Adjacent Property Operator of 1833 East New York Avenue	1855 E New York Avenue	Brooklyn	NY	11207
Grab and Go Deli Pizza	Adjacent Property Operator of 1838 East New York Avenue	1842 E New York Avenue	Brooklyn	NY	11207

CK Gyro & Grill	Adjacent Property Operator of 1838 East New York Avenue	1846 E New York Avenue	Brooklyn	NY	11207
Golden Krust Caribbean Restaurant	Adjacent Property Operator of 1838 East New York Avenue	1848 E New York Avenue	Brooklyn	NY	11207
Imperial Hotel	Adjacent Property Operator of 2550 E New York Ave and 2562 East New York Avenue	2550 E New York Avenue	Brooklyn	NY	11207

# **Exhibit M**



2600 Innovation Square  
100 South Clinton Avenue  
Rochester, New York 14604  
nyenvlaw.com

LINDA R. SHAW  
ATTORNEY AT LAW

T 585.546.8430  
C 585.414.3122  
lshaw@nyenvlaw.com

January 27, 2026

VIA ELECTRONIC MAIL

Melinda Perkins and Shamika Chappel  
Brooklyn Community Board 5  
127 Pennsylvania Avenue  
2<sup>nd</sup> Floor  
Brooklyn, New York 11207

**RE: Brownfield Cleanup Program Application**  
**Applicant: 2488 Fulton Owner LLC**  
**Site Name: Fulton Street Auto Wrecking Construction Yard Site**  
**Site Address: 2488 Fulton Street & 2514 Fulton Street**  
**Brooklyn, New York 11207**


Dear Ms. Perkins and Ms. Chappel:

We represent 2488 Fulton Owner LLC in its anticipated Brownfield Cleanup Program application for the above-referenced site at 2448 Fulton Street and 2514 Fulton Street, Brooklyn, New York 11207. We respectfully request that the Community Board serve as a document repository for this project. It is a requirement of the NYS Department of Environmental Conservation that we supply them with a letter certifying that the local Community Board is willing and able to serve as a document repository for all documents pertaining to the cleanup of this property. To avoid significant use of your shelf space, all documents will be sent in CD format.


Please sign below and return the executed letter as an attachment to an email to my paralegal, Rebecca Owten, at [rowten@nyenvlaw.com](mailto:rowten@nyenvlaw.com), if you are able to certify that the Brooklyn Community Board No. 5 is willing and able to act as a temporary public repository for this Brownfield Cleanup Program Project.

Sincerely,

KNAUF SHAW LLP

  
LINDA R. SHAW, ESQ.

The Brooklyn Community Board No. 5 is willing and able to act as a document repository for the Brownfield Cleanup Program Project located at 2448 Fulton Street and 2514 Fulton Street, Brooklyn, New York 11207.

  
\_\_\_\_\_  
Melinda Perkins, District Manager

February 19<sup>th</sup>, 2026

\_\_\_\_\_  
Date



2600 Innovation Square  
100 South Clinton Avenue  
Rochester, New York 14604  
nyenvlaw.com

LINDA R. SHAW  
ATTORNEY AT LAW

T 585.546.8430  
C 585.414.3122  
lshaw@nyenvlaw.com

Sandra Eddie  
Brooklyn Public Library – Arlington Branch  
203 Arlington Avenue  
Brooklyn, New York 11207  
[seddie@bklynlibrary.org](mailto:seddie@bklynlibrary.org)


**RE: Brownfield Cleanup Program Application**  
**Applicant: 2488 Fulton Owner LLC**  
**Site Name: Fulton Street Auto Wrecking Construction Yard Site**  
**Site Address: 2488 Fulton Street & 2514 Fulton Street**  
**Brooklyn, New York 11207**

Dear Ms. Eddie:

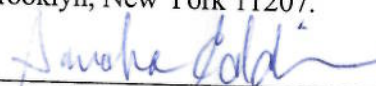
We represent 2488 Fulton Owner LLC in its anticipated Brownfield Cleanup Program application for the above-referenced site at 2488 Fulton Street and 2514 Fulton Street, Brooklyn, New York 11207. We respectfully request that the Brooklyn Public Library – Arlington Branch serve as a document repository for this project. It is a requirement of the NYS Department of Environmental Conservation that we supply them with a letter certifying that the local library is willing and able to serve as a document repository for all documents pertaining to the cleanup of this property. To avoid significant use of your shelf space, all documents will be sent in CD format.

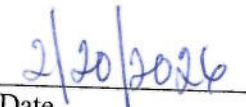
Please sign below and return the executed letter as an attachment to an email to my paralegal, Rebecca Owten, at [rowten@nyenvlaw.com](mailto:rowten@nyenvlaw.com), if you are able to certify that the Brooklyn Public Library – Arlington Branch is willing and able to act as a temporary public repository for this Brownfield Cleanup Program Project.

Sincerely,

KNAUF SHAW LLP  
  
LINDA R. SHAW, ESQ.

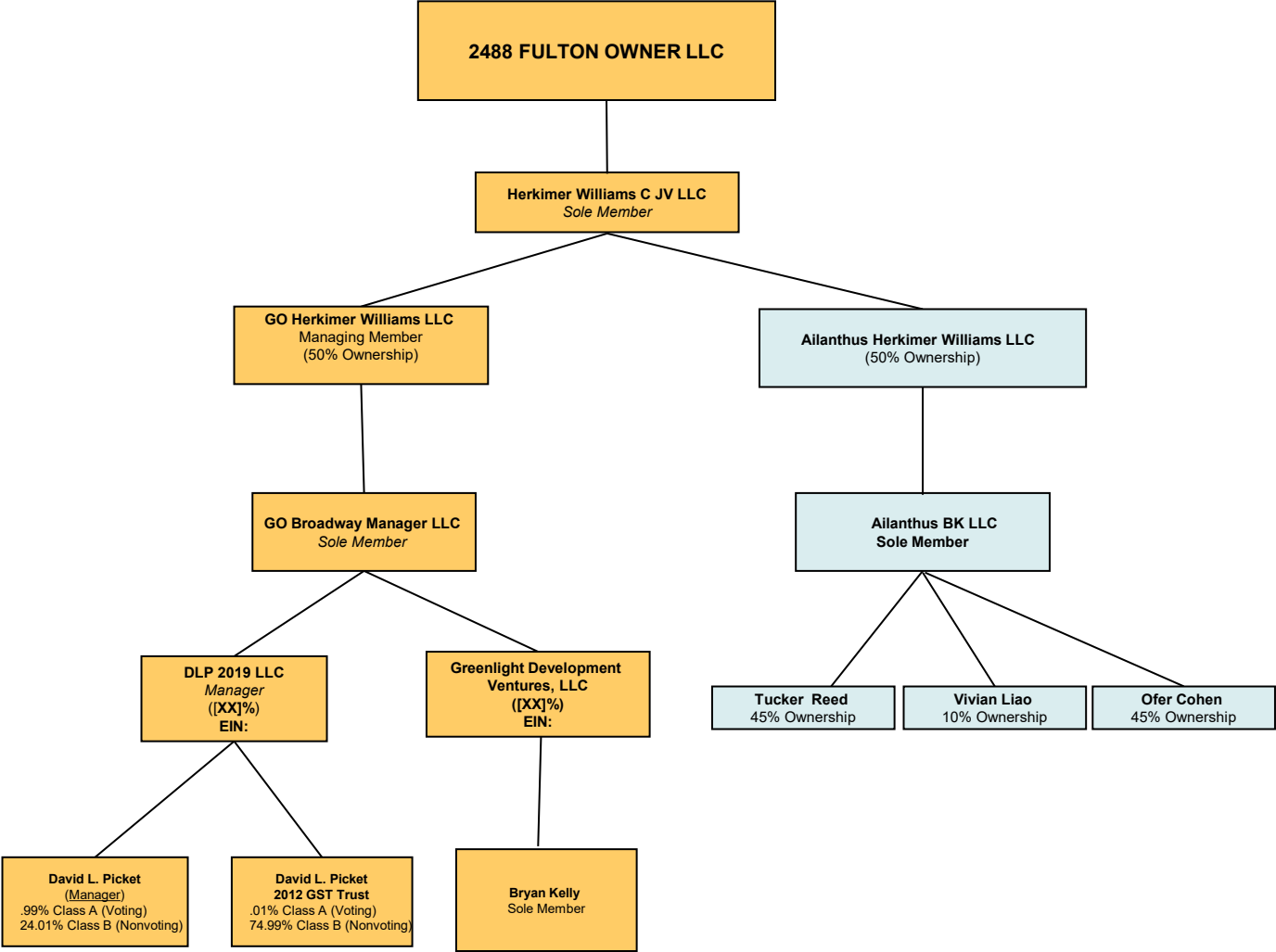
The Brooklyn Public Library – Arlington Branch is willing and able to act as a document repository for the Brownfield Cleanup Program Project located at 2488 Fulton Street and 2514 Fulton Street, Brooklyn, New York 11207.

  
\_\_\_\_\_  
Sandra Eddie, Managing Librarian

  
\_\_\_\_\_  
Date

**Exhibit N**

# Site C



# **Exhibit O**

STATE OF NEW YORK )  
 )  
COUNTY OF ~~NEW YORK~~ <sup>KINGS</sup> ) s.s.:  
 )

**AFFIDAVIT IN SUPPORT OF APPLICATION FEE WAIVER FOR  
THE FULTON STREET AUTO WRECKING CONSTRUCTION YARD SITE**

I, **Tucker Reed**, being duly sworn, deposes and says:

1. I am a member of Ailanthus BK LLC, the sole member of Ailanthus Herkimer Williams LLC, a 50% member of Herkimer Williams C JV LLC, which is the sole member 2488 Fulton Owner LLC (“Volunteer”), which has offices located at 111 Fifth Avenue, 9<sup>th</sup> Floor, NY and which is the current volunteer entity for the prospective Brownfield Cleanup Program (“BCP”) Site located at 2488 Fulton Street (Tax Parcel No. Block 1577 Lot 17) and 2514 Fulton Street (Tax Parcel No. Block 1577 Lot 26), Brooklyn, NY 11207 (the “BCP Site”).

2. I submit this affidavit to request a waiver of the \$50,000 application fee because this is a 100% affordable housing project within the definition of 6 NYCRR Section 375-3.2(a).

3. The proposed transit-oriented development project is set to create approximately 354 fully affordable rental homes in a mixed-use, residential, commercial, and community facility building along with publicly accessible landscaped central green space in an identified Potential Environmental Justice Area/ Disadvantage Community in Kings County with approximately 20 (%) percent of the total population living below the poverty level and approximately 94 (%) percent of the area’s population being a minority population. The project is also transit-oriented, located within walking distance to the Long Island Railroad Broadway Junction station, subway and major bus lines.

4. Our company has performed a number of brownfield projects, including those that provide a significant volume of affordable housing.

5. As a developer of primarily affordable housing projects, there are limited upfront financial resources to fund the pre-development costs for a 100% affordable project such as this, which poses significant financial risk.

6. As a result, the application fee is a financial hardship to pay for a project with unknown future costs.

7. I declare under penalty of perjury that the foregoing is true and correct.

Executed: February 25<sup>th</sup>, 2026



Tucker Reed, Authorized Signatory

Sworn to this 25<sup>th</sup> day  
of February, 2026



Notary Public

Jayson Berkshire  
Notary Public, State of New York  
Reg. No. 01BE0010921  
Qualified in Kings County  
Commission Expires 07/11/2027