

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

Check the appropriate box below based on the nature of the amendment modification requested:
✓ Amendment to [check one or more boxes below]
✓ Add ☐ Substitute ☐ Remove ☐ Change in Name
applicant(s) to the existing Brownfield Cleanup Agreement [Complete Section I-IV below and Part II]
Does this proposed amendment involve a transfer of title to all or part of the brownfield site? ☐Yes ☑No
If yes, pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been previously submitted. If not, please submit this form with this Amendment. See http://www.dec.ny.gov/chemical/76250.html
Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [Complete Sections I and V below and Part II]
Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [Complete Section I and V below and Part II]
Sites in Bronx, Kings, New York, Queens, or Richmond counties ONLY: Amendment to request determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. Please answer questions on the supplement at the end of the form.
Other (explain in detail below)
Please provide a brief narrative on the nature of the amendment: Potential new purchaser of the property, 1800 Fee Owner LLC, desires to be added to the BCA.

Section I. Existing Application Information					
BCP SITE NAME: Harlem Park BCP SITE NUMBER: C231041					
NAME OF CURRENT APPLICANT(S): CV Harlem Park LLC, 1800 Park Ave., LLC, Harlem Park Acquisition LLC					
INDEX NUMBER OF EXISTING	AGREEMENT: W210	0370412 DATE OF EXISTING AGREEMENT:7/8/15			
Section II. New Requestor Infor	mation (if no chang	e to Current Applicant, skip to Section V)			
NAME 1800 Fee Owner LLC					
ADDRESS c/o Royal Realty Cor	rp., One Bryant Pa	rk, 49th Floor			
CITY/TOWN New York		ZIP CODE 10036			
PHONE 212-257-6677	FAX	E-MAIL alexander@durst.org			
 Is the requestor authorized to conduct business in New York State (NYS)? Yes No If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's (DOS) Corporation & Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS. 					
NAME OF NEW REQUESTOR'S	REPRESENTATIVE	Alexander Durst, Jonathan Drescher & Michael Rhee			
ADDRESS c/o Royal Realty (Corp., One Brya	nt Park, 49th Floor			
CITY/TOWN New York	CITY/TOWN New York ZIP CODE 10036				
PHONE 212-257-6600	FAX	E-MAIL alexander @durst.org; jdrescher@durst.org; mrhee@durst.org			
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable) Fleming Lee Shue					
ADDRESS 158 West 29th St	reet, 9th Floor				
CITY/TOWN New York ZIP CODE 10001					
PHONE 212-675-3225	FAX 212-675-3224	E-MAIL arnie@flemingleeshue.com			
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable) Larry Schnapf					
ADDRESS 55 East 87th Street #8B					
CITY/TOWN New York ZIP CODE 10128					
PHONE 212-876-3189	FAX	E-MAIL larry@schnapflaw.com			
Requestor must submit proof that the party signing this Application and Amendment has the authority to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. Is this proof attached?					
Describe Requestor's Relationship to Existing Applicant:					
The new requestor is the prospective purchaser of the property.					

Section III. Current Property O existing owner/operator inform				
OWNER'S NAME (if different fro	m requestor) N/A			
ADDRESS				
CITY/TOWN			ZIP CODE	
PHONE	FAX	E-MAIL		
OPERATOR'S NAME (if differen	nt from requestor or owner) N/A			
ADDRESS				
CITY/TOWN			ZIP CODE	
PHONE	FAX	E-MAIL		
Section IV. Eligibility Informat	ion for New Requestor (Pleas	se refer to ECL § 27	'-1407 for more detail)	
If answering "yes" to any of the f	ollowing questions, please pro-	vide an explanation	as an attachment.	
Are any enforcement actions	pending against the requestor	regarding this site?	_Yes √No	
Is the requestor presently su relating to contamination at t	bject to an existing order for the he site?	e investigation, remo	oval or remediation ☐Yes ☑ No	
Is the requestor subject to ar Any questions regarding who Fund Administrator.	n outstanding claim by the Spill ether a party is subject to a spil		Yes No scussed with the Spill	
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the subject law; ii) any order or determination; iii) any regulation implementing ECL Article 27 Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ✓ No				
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, Department assigned site number, the reason for denial, and other relevant information. ☐ Yes ✓ No				
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? ☐ Yes ✓ No				
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? ☐ Yes ✓ No				
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department?				
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?				
10. Was the requestor's participal by a court for failure to subst	ation in any remedial program o antially comply with an agreem	7	☐ Yes ☑ No tht terminated by DEC or ☐ Yes ☑ No	
11. Have all known bulk storage	tanks on-site been registered	with DEC?	✓Yes No	

THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL §27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:				
PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of contamination 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 contamination.	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 of discharge of petroleum.			
	NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste. See attachment. 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.			
Requestor's Relationship to Property (check one):				
☐ Prior Owner ☐ Current Owner ☑ Potential /Futu	ure Purchaser Other			
If requestor is not the current site owner, proof of site access sufficient to complete the remediation must be submitted. Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached? Yes No				
Note: a purchase contract does not suffice as proo	of access.			
Section V. Property description and description of	changes/additions/reductions (if applicable)			
ADDRESS				
CITY/TOWN ZIP CODE				
TAX BLOCK AND LOT (TBL) (in existing agreement)				
Parcel Address	Parcel No. Section No. Block No. Lot No. Acreage			
•				

Check appropriate boxes below:					
Changes to metes and bounds description or TBL correction					
Addition of property (may require additional citize expansion – see attached instructions)	en participa	ation depend	ding on the	nature of	the
Approximate acreage added:					
ADDITIONAL PARCELS:					
Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
Reduction of property					
Approximate acreage removed:					
PARCELS REMOVED:					
Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

If requesting to modify a metes and bounds description please attach a revised metes and bounds description,					

Supplement to the Application To Amend Brownfield Cleanup Agreement And Amendment - Questions for Sites Seeking Tangible Property Credits in New York City ONLY.

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	Yes No
Requestor seeks a determination that the site is eligible for the tangible property credit obrownfield redevelopment tax credit.	component of the Yes No
Please answer questions below and provide documentation necessary to support a	nswers.
 Is at least 50% of the site area located within an environmental zone pursuant to Taplease see <u>DEC's website</u> for more information. 	ax Law 21(6)?
2. Is the property upside down as defined below?	Yes No
From ECL 27-1405(31):	
"Upside down" shall mean a property where the projected and incurred cost of the inverted remediation which is protective for the anticipated use of the property equals or exceeds of its independent appraised value, as of the date of submission of the application for part brownfield cleanup program, developed under the hypothetical condition that the propert contaminated.	seventy-five percent ticipation in the
3. Is the project an affordable housing project as defined below?	Yes No
From 6 NYCRR 375- 3.2(a) as of July 1, 2015:	
(a) "Affordable housing project" means, for purposes of this part, title fourteen of article two environmental conservation law and section twenty-one of the tax law only, a project that is residential use or mixed residential use that must include affordable residential rental units home ownership units.	s developed for and/or affordable
(1) Affordable residential rental projects under this subdivision must be subject to a fed government housing agency's affordable housing program, or a local government's regula legally binding restriction, that defines (i) a percentage of the residential rental units in the project to be dedicated to (ii) tenants at a defined maximum percentage of the area median the occupants' households annual gross income.	tory agreement or affordable housing n income based on
(2) Affordable home ownership projects under this subdivision must be subject to a fed government housing agency's affordable housing program, or a local government's regular legally binding restriction, that sets affordable units aside for tenants at a defined maximum area median income.	tory agreement or
(3) "Area median income" means, for purposes of this subdivision, the area median incometropolitan statistical area, or for the county if located outside a metropolitan statistical area by the United States department of bousing and urban development, or its successor, for a	rea, as determined

adjusted for family size.

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME: Harlem Park	BCP SITE NUMBER: C231041
NAME OF CURRENT APPLICANT(S): CV Harlem Park	LLC, 1800 Park Ave., LLC, Harlem Park Acquisition LLC
INDEX NUMBER OF EXISTING AGREEMENT: W210	370412
EFFECTIVE DATE OF EXISTING AGREEMENT: Last	amended: July 8, 2015

Declaration of Amendment:

By the Requestor(s) and/or Applicant(s) signatures below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from any obligations held under the Agreement or those same laws.

Statement of Certification and Signatures: New Requestor(s) (if applicable)
(Individual)
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. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.
Date:Signature:
Print Name:
(Entity)
I hereby affirm that I am (title
Date: 5/26/16 Signature:
Print Name: Alexander Durst

Statement of Certification applicant must sign)	n and Signatur	es: Existing Applicant(s) (an authorized representative of each
(Individual)		
Section I above and that I a Application. My signature	am aware of this below constitute	wnfield Cleanup Agreement and/or Application referenced in s Application for an Amendment to that Agreement and/or es the requisite approval for the amendment to the BCA gnature by the Department.
Date:s	ignature:	
Print Name:		
(Entity)		
Brownfield Cleanup Agrees Application for an Amendm	ment and/or Applent to that Agresite approval for artment. Signature:	(title) of
REMAINDER OF THIS AMI	ENDMENT WIL	L BE COMPLETED SOLELY BY THE DEPARTMENT
Status of Agreement:		
PARTICIPANT A requestor who either owner of the site at the disposal of contamination otherwise a person responsible to the solely as a result of operation of, or involvement subsequent to the contamination.	e time of the on or 2) is onsible for the liability arises of ownership,	VOLUNTEER A requestor other than a participant, including a requestor whos liability arises solely as a result of ownership, operation of involvement with the site subsequent to the contamination.
Effective Date of the Origi	nal Agreement	•
	SA 100 M. S. J. S.	
Signature by the Departme	2111.	
DATED:		
		NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
		Ву:
		Robert W. Schick, P.E., Director Division of Environmental Remediation

Statement of Certification and Signatur applicant must sign)	es: Existing Applicant(s) (an authorized representative of each
(Individual)	
Section I above and that I am aware of thi	wnfield Cleanup Agreement and/or Application referenced in s Application for an Amendment to that Agreement and/or es the requisite approval for the amendment to the BCA ignature by the Department.
Date:Signature:	
Print Name:	
(Entity)	
Application for an Amendment to that Agree	(tifle) of
Print Name: Ian Bruce Eichner	
REMAINDER OF THIS AMENDMENT WIL	L BE COMPLETED SOLELY BY THE DEPARTMENT
Status of Agreement:	
PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of contamination 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 contamination.	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 contamination.
Effective Date of the Original Agreement	: FAMURA 20, 2005
Signature by the Department:	22 100 00 00 00 00 00 00 00 00 00 00 00 00
DATED:	
	NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION By: Robert W. Softick, P.E., Director Division of Environmental Remediation

Statement of Certification and Signatur applicant must sign)	res: Existing Applicant(s) (an authorized representative of each
(Individual)	
Section I above and that I am aware of thi	wnfield Cleanup Agreement and/or Application referenced in s Application for an Amendment to that Agreement and/or es the requisite approval for the amendment to the BCA ignature by the Department.
Date:Signature:	
Print Name:	
(Entity)	
Application for an Amendment to that Agre below constitutes the requisite approval for upon signature by the Department.	(title) of CV Harlem Park LLC (entity) which is a party to the plication referenced in Section I above and that I am aware of this element and/or Application. David R. Gyenbaum signature or the amendment to the BCA Application, which will be effective
Date: May 18, 2016 Signature:	DAVID & GRONDLY
Print Name: David R. Greenbaum	
Status of Agreement: PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of contamination 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 contamination.	liability arises solely as a result of ownership, operation of or
Effective Date of the Original Agreement	: JAXNARY 20, 2005
Signature by the Department:	
DATED:	amendment No. 4
JUL 13 2016	NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Robert W. Schick, P.E., Director Division of Environmental Remediation

SUBMITTAL INFORMATION:

 Two (2) copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) must be sent to:

Chief, Site Control Section New York State Department of Environmental Conservation Division of Environmental Remediation 625 Broadway Albany, NY 12233-7020

FOR DEPARTMENT USE ONLY		
BCP SITE T&A CODE:	LEAD OFFICE:	
PROJECT MANAGER:		