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New York State Department of Environmental Conservation  
Brownfield Cleanup Program (BCP) 207th Street/9th Avenue  
BCP Site Number C231102  
Monthly Site Status Report  
February 2023

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GEI Consultants, Inc., P. C., has prepared this Monthly Site Status Report (Monthly Report) on behalf of J.207 ST LLC and MFC Realty Corp. On February 23, 2017, a Brownfields Cleanup Agreement (BCA) was signed by the New York State Department of Environmental Conservation (NYSDEC) for the applicant J.207 ST LLC and MFC Realty Corp. to participate in the NYS Brownfields Cleanup Program (BCP) as a volunteer. BCA Index No. 231101-11-16 and NYSDEC Site Number C231102 were assigned to the Site. This Monthly Report summarizes Site progress within the BCP pursuant to the reporting requirements set forth in Section XI of the BCA.

### **1.0 Actions Completed at the Site during the Reporting Period (January 2023)**

- Ongoing: GEI notified and coordinated with NYSDEC during the reporting period.
- No intrusive field work took place during January 2023. No stockpiles were present onsite.
- The project Site was deemed non-essential and secured and shutdown on March 30, 2020 pursuant to NYS Executive Order 202.6 (the “Order”). Construction has not restarted since the Order due to complications related to Covid-19 as well as the need to resolve local zoning and permitting issues.
- The project team completed work on the Builder’s Pavement Plan (BPP) approvals and permitting, and other items pertaining to the real estate closing, which took place on January 27, 2023 (See Section 6.0 for details).

### **2.0 Anticipated Site Activities for the Next Reporting Period (February 2023)**

- Construction has not restarted since the Order due to complications related to Covid-19 as well as the need to resolve local zoning issues. The local zoning issues are resolved, and the required permitting and other coordinated approvals have been received. Remobilization is anticipated for February 2, 2023, and construction restart is anticipated for February 6, 2023.

### **3.0 Sample Data Generated During the Reporting Period**

No sample data was generated during the reporting period.

### **4.0 Percentage of Work Complete**

Work is approximately 70% complete. The remedial action began on July 31, 2019 with the removal of asphalt in preparation for remedial excavation activities. The localized remedial excavations outlined in the NYSDEC-approved RAWP took place from August 1 to August 13, 2019. Additional

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1000 New York Avenue, Suite B  
Huntington Station, NY 11746  
631.760.9300

soil excavation to complete the Remedial Action is required. Pile installation was completed on January 24, 2020. Pile cap work was begun on February 6, 2020 in the stormwater detention tank area and this work remains to be completed. The Environmental Easement (EE) was prepared and submitted in November 2021. The final EE was recorded on December 2, 2021. Based on current circumstances and in discussion with NYSDEC, the project intends to obtain the Certification of Completion (COC) by December 31, 2023.

Updated waterfront design plans were submitted to the New York City Public Design Commission (PDC) in January 2022. The PDC approval was received on February 14, 2022. GEI notes a significant portion of this work is to take place on the adjacent parcel (not part of the BCP but will be remediated under NYC OER E-Designation program); however, the planting beds and permeable paver walkways proposed in the NYSDEC-approved RAWP have not been changed. Natural stone tree rings have been added to the design along the top of bank area to address soil remediation requirements (i.e., minimum 2' clean soil cover) in conjunction with the desire to preserve the existing trees to the extent possible. GEI notes that the NYSDEC Wetlands group and the DER were involved in the discussion of these elements, and no objections were raised. A permit modification request for the NYSDEC Wetlands permit was submitted to the NYSDEC Wetlands group on February 17, 2022. The NYSDEC Wetlands permit modification was granted on February 24, 2022.

## 5.0 Changes to Work Scope or Schedule

The anticipated schedule is provided below:

| <b><i>SCHEDULE</i></b>                                                    |                                  |
|---------------------------------------------------------------------------|----------------------------------|
| Conduct RI                                                                | April 30 – May 23, 2018          |
| Submit RIR                                                                | July 2, 2018                     |
| NYSDEC and New NYSDOH Review of RIR;<br>Preparation of Fact Sheet         | July-September 2018              |
| Submission of Draft RAWP                                                  | October 2018                     |
| NYSDEC and NYSDOH Review of RAWP                                          | October – February 2019          |
| Conduct SRI                                                               | November 2018                    |
| Submission of revised Draft RAWP                                          | December 2018                    |
| Submission of SRI Report                                                  | January 2019                     |
| Submission of revised Draft RAWP                                          | February 2019                    |
| Submission of revised SRI Report                                          | February 8, 2019                 |
| NYSDEC acceptance of Draft RAWP and begin<br>45-day Public Comment Period | February 20, 2019- April 6, 2019 |

| <b><i>SCHEDULE</i></b>                                            |                   |
|-------------------------------------------------------------------|-------------------|
| NYSDEC approval of the RAWP and issuance of the Decision Document | May 15, 2019      |
| Demolition/Site Preparation                                       | May-July 2019     |
| Implement RAWP                                                    | Started July 2019 |
| Prepare and submit Environmental Easement                         | November 2021     |
| Final Easement Recorded                                           | December 2, 2021  |
| Construction Restart                                              | February 6, 2023  |
| Submit Final Engineering Report (FER)                             | To Be Determined  |
| Certificate of Completion                                         | December 2023     |

## **6.0 Project Delays and Resolution Efforts**

Construction has not restarted since the Order due to complications related to Covid-19 as well as the need to resolve local zoning issues. Final resolution of local zoning issues was decided in late November 2020. Construction restart schedule is the first week of February 2023, with re-mobilization to the Site anticipated February 2, 2023.

The project team has been working through various tasks in support of finalizing various land use approvals and agreements needed to close on project financing and obtain a New York City Department of Buildings (NYCDOB) New Building (NB) Permit in order to re-start construction. The following is a list of the tasks which were required and have been completed:

I. Exterior Street Demapping & Tax Lot Issuance – COMPLETE (Adjacent parcel, not in BCP, rather in New York City Office of Environmental Remediation [NYC OER] E-Designation Program)

- a. Mapping agreement executed
- b. Map filed by City and effective
- d. DOF issued updated tax map with new tax lot #20 on 10/17/22

II. BPP & DOT Easement – COMPLETE

- a. BPP approved by DOT
- b. Easement finalized and fully executed

III. Department of City Planning (DCP) Certification – COMPLETE

- a. DCP issued certification letter to DOB on 11/3 (conditioned on recordation of waterfront restrictive declaration and DOT easement, both of which have been finalized, fully executed and will be recorded at closing)

IV. DEC Wetlands Permit - COMPLETE

- a. Modification reflecting revised design approved February 24<sup>th</sup>, 2022

V. Public Design Commission (PDC) Final approval - COMPLETE

- a. Final approval issued February 14<sup>th</sup>, 2022

VI. Housing Preservation and Development (HPD) Financing – COMPLETE January 27, 2023

- a. CEQR Negative Declaration issued
- b. Revised NEPA reviewed by HUD
- c. Various closing documents including, but not limited to, access agreements, maintenance and operations agreements, ZLDA and related documents, and SBS license were finalized and executed and held in escrow pending January closing.

**7.0 Citizen Participation Activities Conducted During the Reporting Period (Jan 2023)**

None.

**8.0 Citizen Participation Activities Planned for the Upcoming Reporting Period (February 2023)**

No Citizen Participation Activities relative to the BCP are anticipated for the upcoming reporting period.