



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

Yes **No** **If yes, provide existing site number:** _____

PART A (note: application is separated into Parts A and B for DEC review purposes) BCP App Rev 10

Section I. Requestor Information - See Instructions for Further Guidance		DEC USE ONLY BCP SITE #: _____
NAME		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
<p>Is the requestor authorized to conduct business in New York State (NYS)? Yes No</p> <ul style="list-style-type: none"> 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 Corporation & Business Entity Database. A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. Please note: If the requestor is an LLC, the members/owners names need to be provided on a separate attachment. Attachment A <p>Do all individuals that will be certifying documents meet the requirements detailed below? Yes No</p> <ul style="list-style-type: none"> Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Documents that are not properly certified will be not approved under the BCP. 		

Section II. Project Description	Attachment B
<p>1. What stage is the project starting at? Investigation Remediation</p> <p>2. If the project is starting at the remediation stage, a Remedial Investigation Report (RIR), Alternatives Analysis, and Remedial Work Plan must be attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance).</p> <p>3. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): Yes No</p> <p>4. Please attach a short description of the overall development project, including:</p> <ul style="list-style-type: none"> the date that the remedial program is to start; and the date the Certificate of Completion is anticipated. 	



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Yes **No** **If yes, provide existing site number:** _____

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Section III. Property's Environmental History

Attachment C

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (**please submit the 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).**

2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum			
Chlorinated Solvents			
Other VOCs			
SVOCs			
Metals			
Pesticides			
PCBs			
Other*			

*Please describe: _____

3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:

- **SAMPLE LOCATION**
- **DATE OF SAMPLING EVENT**
- **KEY CONTAMINANTS AND CONCENTRATION DETECTED**
- **FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE**
- **FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5**
- **FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX**

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

Yes No

4. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

Coal Gas Manufacturing	Manufacturing	Agricultural Co-op	Dry Cleaner
Salvage Yard	Bulk Plant	Pipeline	Service Station
Landfill	Tannery	Electroplating	Unknown

Other: _____

Section IV. Property Information - See Instructions for Further Guidance

Attachment D

PROPOSED SITE NAME

ADDRESS/LOCATION

CITY/TOWN

ZIP CODE

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):

COUNTY

SITE SIZE (ACRES)

LATITUDE (degrees/minutes/seconds)

LONGITUDE (degrees/minutes/seconds)

Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed, 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 far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Attachment D

Parcel Address

Section No.

Block No.

Lot No.

Acreage

1. Do the proposed site boundaries correspond to tax map metes and bounds?
If no, please attach an accurate map of the proposed site.

Yes No

2. Is the required property map attached to the application?
(application will not be processed without map)

Attachment D

Yes No

3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)?
(See [DEC's website](#) for more information)

Yes No

If yes, identify census tract : _____

Percentage of property in En-zone (check one): 0-49% 50-99% 100%

4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)?

Yes No

If yes, identify name of properties (and site numbers if available) in related BCP applications: _____

5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?

Yes No

6. 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?

Yes No

If yes, attach relevant supporting documentation.

7. Are there any lands under water?

Yes No

If yes, these lands should be clearly delineated on the site map.

Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas?
 If yes, identify here and attach appropriate information. Yes No

<u>Easement/Right-of-way Holder</u>	<u>Description</u>
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9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>
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10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.**

Are the Property Description and Environmental Assessment narratives included in the prescribed format ?	Yes	No
Attachment D		

Note: Questions 11 through 13 only pertain to sites located within the five counties comprising New York City

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits? Yes No
 If yes, requestor must answer questions on the supplement at the end of this form.

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? Yes No

13. If you have answered Yes to Question 12, 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? Yes No

NOTE: If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: _____

BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)

Section V. Additional Requestor Information See Instructions for Further Guidance	DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____
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NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE

ADDRESS

CITY/TOWN	ZIP CODE
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PHONE	FAX	E-MAIL
-------	-----	--------

NAME OF REQUESTOR'S CONSULTANT

ADDRESS

CITY/TOWN	ZIP CODE
-----------	----------

PHONE	FAX	E-MAIL
-------	-----	--------

NAME OF REQUESTOR'S ATTORNEY

ADDRESS

CITY/TOWN	ZIP CODE
-----------	----------

PHONE	FAX	E-MAIL
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Section VI. Current Property Owner/Operator Information – if not a Requestor	Attachment E
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CURRENT OWNER'S NAME	OWNERSHIP START DATE:
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ADDRESS

CITY/TOWN	ZIP CODE
-----------	----------

PHONE	FAX	E-MAIL
-------	-----	--------

CURRENT OPERATOR'S NAME

ADDRESS

CITY/TOWN	ZIP CODE
-----------	----------

PHONE	FAX	E-MAIL
-------	-----	--------

PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".

IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.

Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)	Attachment F
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- If answering "yes" to any of the following questions, please provide an explanation as an attachment.
1. Are any enforcement actions pending against the requestor regarding this site? Yes No
 2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? Yes No
 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. Yes No

Section VII. Requestor Eligibility Information (continued)

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, 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, DEC 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 DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? Yes No
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? Yes No
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? Yes No
11. Are there any unregistered bulk storage tanks on-site which require registration? Yes No

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

PARTICIPANT

Attachment F

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 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.

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.

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

Previous Owner Current Owner Potential /Future Purchaser Other Attachment F

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 proof of access.

Section VIII. Property Eligibility Information - See Instructions for Further Guidance

- 1. Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment. Yes No
- 2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? Yes No
If yes, please provide: Site # _____ Class # _____
- 3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? Yes No
If yes, please provide: Permit type: _____ EPA ID Number: _____
 Date permit issued: _____ Permit expiration date: _____
- 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? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. Yes No
- 5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?
If yes, please provide: Order # _____ Yes No
- 6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?
If yes, please provide explanation as an attachment. Yes No

Section IX. Contact List Information

Attachment G

To be considered complete, the application must include the Brownfield Site Contact List in accordance with [DER-23 / Citizen Participation Handbook for Remedial Programs](#). Please attach, at a minimum, the names and addresses of the following:

- 1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- 2. Residents, owners, and occupants of the property and properties adjacent to the property.
- 3. Local news media from which the community typically obtains information.
- 4. The public water supplier which services the area in which the property is located.
- 5. Any person who has requested to be placed on the contact list.
- 6. The administrator of any school or day care facility located on or near the property.
- 7. The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

Section X. Land Use Factors	
<p>1. What is the current municipal zoning designation for the site? _____ What uses are allowed by the current zoning? (Check boxes, below) Residential Commercial Industrial If zoning change is imminent, please provide documentation from the appropriate zoning authority.</p>	
<p>2. Current Use: Residential Commercial Industrial Vacant Recreational (check all that apply) Attach 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.</p>	
<p>3. Reasonably anticipated use Post Remediation: Residential Commercial Industrial (check all that apply) Attach a statement detailing the specific proposed use. Attachment H If residential, does it qualify as single family housing? Yes No</p>	
<p>4. Do current historical and/or recent development patterns support the proposed use?</p>	<p style="text-align: right;">Yes No</p>
<p>5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.</p>	<p style="text-align: right;">Yes No</p>
<p>6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.</p>	<p style="text-align: right;">Yes No</p>

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hererby 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 the 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 Managing Director of Real Estate (title) of The Rector, Church-Wardens, and Vestrymen of Trinity Church, in the city of New-York (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a 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 the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 12/11/18 Signature: _____

Print Name: David Godbout

SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper 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 DEC USE ONLY
BCP SITE T&A CODE: _____ LEAD OFFICE: _____

XI. Statement of Certification and Signatures

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Date: _____ Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Chief Executive Officer (title) of 92 HH LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a 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 the 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.

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Date: _____ Signature: _____

Print Name: _____

(By a requestor other than an individual)

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Date: 12-11-18 Signature: 

Print Name: David Godbout

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

FOR DEC USE ONLY
BCP SITE T&A CODE: _____ LEAD OFFICE: _____

Supplemental Questions 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 10

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 component of the brownfield redevelopment tax credit.	Yes	No
Please answer questions below and provide documentation necessary to support answers.		
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see DEC's website for more information.	Yes	No
2. Is the property upside down or underutilized as defined below?	Upside Down?	Yes No
	Underutilized?	Yes No
From ECL 27-1405(31):		
<p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>		
<p>From 6 NYCRR 375-3.2(I) as of August 12, 2016: (Please note: Eligibility determination for the underutilized category can only be made at the time of application)</p>		
<p>375-3.2:</p> <p>(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</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(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</p> <p>(c) there are no structures.</p> <p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.</p>		

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)

3. 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*
(*Checking this box will result in a “pending” status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);

This is Not an Affordable Housing Project.

From 6 NYCRR 375- 3.2(a) as of August 12, 2016:

(a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ households 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 home owners 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.

BCP Application Summary (for DEC use only)

Site Name:

City:

Site Address:

County:

Zip:

Tax Block & Lot

Section (if applicable):

Block:

Lot:

Requestor Name:

City:

Requestor Address:

Zip:

Email:

Requestor's Representative (for billing purposes)

Name:

Address:

City:

Zip:

Email:

Requestor's Attorney

Name:

Address:

City:

Zip:

Email:

Requestor's Consultant

Name:

Address:

City:

Zip:

Email:

Percentage claimed within an En-Zone:

0%

<50%

50-99%

100%

DER Determination:

Agree

Disagree

Requestor's Requested Status:

Volunteer

Participant

DER/OGC Determination:

Agree

Disagree

Notes:

For NYC Sites, is the Requestor Seeking Tangible Property Credits:

Yes

No

Does Requestor Claim Property is Upside Down:

Yes

No

DER/OGC Determination:

Agree

Disagree

Undetermined

Notes:

Does Requestor Claim Property is Underutilized:

Yes

No

DER/OGC Determination:

Agree

Disagree

Undetermined

Notes:

Does Requestor Claim Affordable Housing Status:

Yes

No

Planned, No Contract

DER/OGC Determination:

Agree

Disagree

Undetermined

Notes:

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM (BCP)
INSTRUCTIONS FOR COMPLETING A BCP APPLICATION**

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional office](#) to schedule a meeting. To add a party to an existing BCP Agreement and/or Application, use the [BCP Agreement Amendment Application](#). **See guidance at the end of these instructions regarding the determination of a complete application.**

SECTION I REQUESTOR INFORMATION

Requestor Name

Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information. If an LLC, the members/owners names need to be provided on a separate attachment). The requestor is the person or entity seeking DEC review and approval of the remedial program.

If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear exactly as given in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to DEC with the application, to document that the requestor is authorized to do business in NYS.

Address, etc.

Provide the requestor's mailing address, telephone number; fax number and e-mail address.

Document Certification

All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of [DER-10](#). Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:

- New York State licensed professional engineers (PEs), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a PE with current license and registration for work that was done by them or those under their direct supervision. The firm by which the PE is employed must also be authorized to practice engineering in New York State;
- qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;
- remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or
- site owners, which are the owners of the property comprising the site at the time of the certification.

SECTION II PROJECT DESCRIPTION

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION III

PROPERTY'S ENVIRONMENTAL HISTORY

Please follow instructions on application form.

SECTION IV

PROPERTY INFORMATION

Proposed Site Name

Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e. ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.

Site Address

Provide a street address, city/town, zip code, and each municipality and county in which the site is located. .

Site Size

Provide the approximate acreage of the site.

GIS Information

Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.

Tax Parcel Information

Provide the tax parcel address/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5 minute quad map on which the property appears and clearly indicate the proposed site's location.

1. Tax Map Boundaries

State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.

2. Map

Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION IV (continued)

3. En-zone

Is any part of the property in an En-zone? If so, what percentage? For information on En-zones, please see [DEC's website](#).

4. Multiple applications

Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where 1) the development project spans more than 25 acres; 2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and 3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).

10. Property Description Narrative

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

Location

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

Site Features:

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

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

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

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

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

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION IV (continued)

Property Description Narrative (continued)

Site Geology and Hydrogeology:

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

Environmental Assessment

The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semivolatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths.

The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SGCs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site.

A typical Environmental Assessment would look like the following:

Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE).

Soil - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the site. Concentrations of cadmium found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).

Groundwater - TCE and its associated degradation products are also found in groundwater at the north end of the site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the site has migrated 300 feet down-gradient off-site. The primary contaminant of concern for the off-site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.

Soil Vapor & Indoor Air - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

SECTION V

ADDITIONAL REQUESTOR INFORMATION

Representative Name, Address, etc.

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

Consultant and Attorney Name, Address, etc.

Provide requested information.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION VI CURRENT PROPERTY OWNER/OPERATOR INFORMATION
(IF NOT A REQUESTOR)**

Owner Name, Address, etc.

Provide requested information of the current owner of the property. List all parties holding an interest in the Property and, if the Requestor is not the current owner, describe the Requestor's relationship to the current owner.

Operator Name, Address, etc.

Provide requested information of the current operator (if different from the requestor or owner).

Provide a list of previous property owners and operators with names, last known addresses, telephone numbers and the Requestor's relationship to each owner and operator as a separate attachment

SECTION VII REQUESTOR ELIGIBILITY INFORMATION

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

SECTION VIII PROPERTY ELIGIBILITY INFORMATION

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

1. CERCLA / NPL Listing

Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.

2. Registry Listing

Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) [website](#) for a database of sites with classifications.

3. RCRA Listing

Does the property have a Resource Conservation and Recovery Act (RCRA) TSDF Permit in accordance with the ECL 27-0900 *et seq*? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.

4. Registry / RCRA sites owned by volunteers

If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION VIII (continued)

5. Existing Order

Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.

6. Enforcement Action Pending

Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information on an attachment.

SECTION IX CONTACT LIST INFORMATION

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project.

SECTION X LAND USE FACTORS

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

1. This information consists of responses to the "land use" factors to be considered relative to the "Land Use" section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a "brownfield site" pursuant to ECL 27-1405(2).
2. This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

SECTION XI SIGNATURE PAGE

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

DETERMINATION OF A COMPLETE APPLICATION

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

DETERMINATION OF A COMPLETE APPLICATION (continued)

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

ATTACHMENT A

SECTION I: REQUESTOR INFORMATION

Each of the Requestors are summarized as follows:

1. The Rector, Church-Wardens, and Vestrymen of Trinity Church, in the city of New-York (“Trinity”)
 - A parish in the Episcopal Diocese of New York
 - As of the date of the application, the owner of the property and, after the restructuring, will hold (i) an indirect majority interest in 92 HH LLC (a REIT) which entity will hold the 102 year estate for years in the property and (ii) a 100% interest in New Remainderman 92 AOA LLC, the entity that will hold the remainder interest in the property
 - Trinity is authorized to do business in New York, is incorporated, and operates (and has for many centuries been operating) in New York under a 1697 colonial Charter from the then King William III of England. Trinity is registered with the Department of State in New York to do business under the following three assumed names (i.e., d/b/a), Trinity Wall Street, Trinity Church Wall Street and Trinity Real Estate, under which d/b/as Trinity’s real estate is managed. Copies of the Certificates of Assumed Names for Trinity are included in this attachment. See also Attachment E for more details.
2. 92 HH LLC
 - A Delaware limited liability company (that intends to qualify as a REIT) that is a direct subsidiary of Trinity (the property owner) and, after the restructuring, will hold a 102 year estate for years in the property
 - A copy of the entity information is included with this attachment
3. New Remainderman 92 AOA LLC
 - A Delaware limited liability company that is a wholly-owned subsidiary of 92 HH LLC, which is currently wholly owned by Trinity (the property owner) and, after the restructuring, will be wholly owned by Trinity and will hold the remainder interest in the property.
 - A copy of the entity information is included with this attachment

As of the date of the application, Trinity is the property owner and will have full access to investigate, remediate, and develop the site.

As of the date of the application, the sole member of 92 HH LLC is the Rector, Church-Wardens, and Vestryman of Trinity Church, in the city of New-York. As a subsidiary of Trinity (the property owner), 92 HH LLC will have full access to investigate, remediate and develop the site.

As of the date of the application, the sole member of New Remainderman 92 AOA LLC is 92 HH LLC. As a subsidiary of Trinity (the property owner), New Remainderman 92 AOA LLC will have full access to investigate, remediate and develop the site.

ENTITY INFORMATION

STATE OF NEW YORK
DEPARTMENT OF STATE

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of the
Department of State, at the City of Albany, on
April 18, 2008.

Paul LaPointe

Paul LaPointe
Special Deputy Secretary of State

Certificate of Assumed Name
Pursuant to General Business Law, §130

1. NAME OF ENTITY

The Rector, Church-Wardens, and Vestrymen of Trinity Church, in the city of New-York

1a. FOREIGN ENTITIES ONLY. If applicable, the fictitious name the entity agreed to use in New York State is:

2. NEW YORK LAW FORMED OR AUTHORIZED UNDER (CHECK ONE):

- Business Corporation Law
- Education Law
- Insurance Law
- Other (specify law): Pursuant to the charter of King William III of England in 1697
- Limited Liability Company Law
- Not-for-Profit Corporation Law
- Revised Limited Partnership Act

3. ASSUMED NAME

TRINITY REAL ESTATE

4. PRINCIPAL PLACE OF BUSINESS IN NEW YORK STATE (MUST BE NUMBER AND STREET. IF NONE, INSERT OUT-OF-STATE ADDRESS)

75 Varick Street, 2nd floor, NY, NY 10013

5. COUNTIES IN WHICH BUSINESS WILL BE CONDUCTED UNDER ASSUMED NAME

ALL COUNTIES (if not, circle county[ies] below)

Albany	Clinton	Genesee	Monroe	Orleans	Saratoga	Tompkins
Allegany	Columbia	Greene	Montgomery	Oswego	Schenectady	Ulster
Bronx	Cortland	Hamilton	Nassau	Otsego	Schoharie	Warren
Broome	Delaware	Herkimer	New York	Putnam	Schuyler	Washington
Cattaraugus	Dutchess	Jefferson	Niagara	Queens	Seneca	Wayne
Cayuga	Erie	Kings	Oneida	Rensselaer	Steuben	Westchester
Chautauqua	Essex	Lewis	Onondaga	Richmond	Suffolk	Wyoming
Chemung	Franklin	Livingston	Ontario	Rockland	Sullivan	Yates
Chenango	Fulton	Madison	Orange	St. Lawrence	Tioga	

6. INSERT THE ADDRESS OF EACH LOCATION WHERE BUSINESS WILL BE CARRIED ON OR TRANSACTED UNDER THE ASSUMED NAME.

Use a continuous sheet, if needed. (The address must be set forth in terms of a number and street, city, state and zip code. Please note that the address(es) reflected in paragraph 6 must be within the county(ies) circled in paragraph 5. If the entity does not have a specific location where it will conduct business under the assumed name please check the statement below.)

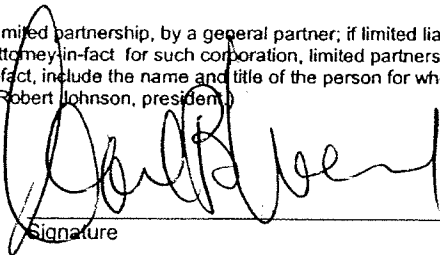
75 Varick Street, 2nd floor, NY, NY
10013

No New York State Business Location

20080417047

INSTRUCTIONS FOR SIGNATURE: If corporation, by an officer; if limited partnership, by a general partner; if limited liability company, by a member or manager or by an authorized person or attorney-in-fact for such corporation, limited partnership, or limited liability company. If the certificate is signed by an attorney-in-fact, include the name and title of the person for whom the attorney-in-fact is acting. (Example, John Smith, attorney-in-fact for Robert Johnson, president)

Carl Weisbrod
Name of Signer


Signature

Executive Vice President
Title of Signer

CERTIFICATE OF ASSUMED NAME
OF

The Rector, Church-Wardens, and Vestrymen of Trinity Church, in the City of New York

(Insert Entity Name)

Pursuant to §130, General Business Law

100
STATE OF NEW YORK
DEPARTMENT OF STATE
FILED APR 17 2008
TAXS 196721
BY FL

FILER'S NAME AND MAILING ADDRESS

John R. Casolaro
Carter Ledyard & Milburn, Two Wall Street, New York, NY 10005

NOTE: This form was prepared by the New York State Department of State. You are not required to use this form. You may draft your own form or use forms available at legal stationery stores. The Department of State recommends that all documents be prepared under the guidance of an attorney. The certificate must be submitted with a \$25 fee. The Department of State also collects the following, additional, county clerk fees for each county in which a corporation does or transacts business: \$100 for each county within New York City (Bronx, Kings, New York, Queens and Richmond) and \$25 for each county outside New York City. All checks over \$500 must be certified.

(For office use only)

FILED
2008 APR 17 PM 3:45

DLS-10

STATE OF NEW YORK
DEPARTMENT OF STATE

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of the
Department of State, at the City of Albany, on
April 18, 2008.

Paul LaPointe

Paul LaPointe
Special Deputy Secretary of State

20080417049

NYS Department of State
Division of Corporations, State Records and UCC
41 State Street, Albany, NY 12231-0001
www.dos.state.ny.us

Certificate of Assumed Name
Pursuant to General Business Law, §130

1. NAME OF ENTITY

The Rector, Church-Wardens, and Vestrymen of Trinity Church, in the city of New-York

1a. FOREIGN ENTITIES ONLY. If applicable, the fictitious name the entity agreed to use in New York State is:

2. NEW YORK LAW FORMED OR AUTHORIZED UNDER (CHECK ONE):

- Business Corporation Law
- Limited Liability Company Law
- Education Law
- Not-for-Profit Corporation Law
- Insurance Law
- Revised Limited Partnership Act
- Other (specify law): Pursuant to the charter of King William III of England in 1697

3. ASSUMED NAME

TRINITY WALL STREET

4. PRINCIPAL PLACE OF BUSINESS IN NEW YORK STATE (MUST BE NUMBER AND STREET. IF NONE, INSERT OUT-OF-STATE ADDRESS)

75 Varick Street, 2nd floor, NY, NY 10013

5. COUNTIES IN WHICH BUSINESS WILL BE CONDUCTED UNDER ASSUMED NAME

ALL COUNTIES (if not, circle county[ies] below)

Albany	Clinton	Genesee	Monroe	Orleans	Saratoga	Tompkins
Allegany	Columbia	Greene	Montgomery	Oswego	Schenectady	Ulster
Bronx	Cortland	Hamilton	Nassau	Otsego	Schoharie	Warren
Broome	Delaware	Herkimer	<u>New York</u>	Putnam	Schuyler	Washington
Cattaraugus	Dutchess	Jefferson	Niagara	Queens	Seneca	Wayne
Cayuga	Erie	Kings	Oneida	Rensselaer	Steuben	Westchester
Chautauqua	Essex	Lewis	Onondaga	Richmond	Suffolk	Wyoming
Chemung	Franklin	Livingston	Ontario	Rockland	Sullivan	Yates
Chenango	Fulton	Madison	Orange	St. Lawrence	Tioga	

6. INSERT THE ADDRESS OF EACH LOCATION WHERE BUSINESS WILL BE CARRIED ON OR TRANSACTED UNDER THE ASSUMED NAME.

Use a continuous sheet, if needed. (The address must be set forth in terms of a number and street, city, state and zip code. Please note that the address(es) reflected in paragraph 6 must be within the county(ies) circled in paragraph 5. If the entity does not have a specific location where it will conduct business under the assumed name please check the statement below.)

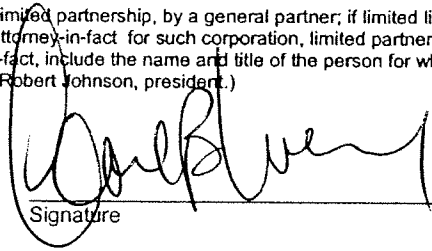
75 Varick Street, 2nd floor, NY, NY
10013

No New York State Business Location

20080417049

INSTRUCTIONS FOR SIGNATURE: If corporation, by an officer; if limited partnership, by a general partner; if limited liability company, by a member or manager or by an authorized person or attorney-in-fact for such corporation, limited partnership, or limited liability company. If the certificate is signed by an attorney-in-fact, include the name and title of the person for whom the attorney-in-fact is acting. (Example, John Smith, attorney-in-fact for Robert Johnson, president.)

Carl Weisbrod
Name of Signer


Signature

Executive Vice President
Title of Signer

FILED

2008 APR 17 PM 3:45

CERTIFICATE OF ASSUMED NAME
OF

The Rector, Church-Wardens, and Vestrymen of Trinity Church, in the City of New York

(Insert Entity Name)

Pursuant to §130, General Business Law

lc c
STATE OF NEW YORK
DEPARTMENT OF STATE
196723
IN

FILER'S NAME AND MAILING ADDRESS

John R. Casolaro
Carter Ledyard & Milburn, Two Wall Street, New York, NY 10005

DLS-10

NOTE: This form was prepared by the New York State Department of State. You are not required to use this form. You may draft your own form or use forms available at legal stationery stores. The Department of State recommends that all documents be prepared under the guidance of an attorney. The certificate must be submitted with a \$25 fee. The Department of State also collects the following, additional, county clerk fees for each county in which a corporation does or transacts business: \$100 for each county within New York City (Bronx, Kings, New York, Queens and Richmond) and \$25 for each county outside New York City. All checks over \$500 must be certified.

(For office use only)

STATE OF NEW YORK
DEPARTMENT OF STATE

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.

WITNESS my hand and official seal of the
Department of State, at the City of Albany, on
August 16, 2017.



A handwritten signature in black ink, appearing to read "B. Fitzgerald", written over a horizontal line.

Brendan Fitzgerald
Executive Deputy Secretary of State

201708150 No



Division of Corporations, State Records and Uniform Commercial Code

New York State Department of State Division of Corporations, State Records and Uniform Commercial Code One Commerce Plaza 99 Washington Avenue Albany, NY 12231 www.dos.ny.gov

Certificate of Assumed Name

(Pursuant to General Business Law §130)

1. REAL NAME OF ENTITY:

The Rector, Church-Wardens, and Vestrymen of Trinity Church, in the city of New-York

1a. FICTITIOUS NAME, IF ANY, OF FOREIGN ENTITY (Not Assumed Name):

2. THE ENTITY WAS FORMED OR AUTHORIZED UNDER THE FOLLOWING NEW YORK LAW (Check one):

- Business Corporation Law, Limited Liability Company Law, Religious Corporations Law, Education Law, Not-for-Profit Corporation Law, Revised Limited Partnership Act, Other (specify law): Pursuant to the charter of King William III of England in 1697

3. ASSUMED NAME OF ENTITY:

Trinity Church Wall Street

4. PRINCIPAL PLACE OF BUSINESS IN NEW YORK STATE (MUST INCLUDE NUMBER AND STREET). IF NONE, CHECK THIS BOX AND PROVIDE OUT-OF- STATE ADDRESS:

120 Broadway, 38th Floor, New York, NY 10271

5. COUNTY(IES) IN WHICH ENTITY DOES OR INTENDS TO DO BUSINESS:

- ALL COUNTIES (or check applicable county(ies) below) Albany, Cattaraugus, Chenango, Delaware, Franklin, Hamilton, Lewis, Montgomery, Allegany, Cayuga, Clinton, Dutchess, Fulton, Herkimer, Livingston, Nassau, Bronx, Chautauqua, Columbia, Erie, Genesee, Jefferson, Madison, New York, Broome, Chemung, Cortland, Essex, Greene, Kings, Monroe, Niagara, Oneida, Orleans, Queens, St. Lawrence, Schuyler, Sullivan, Warren, Wyoming, Onondaga, Oswego, Rensselaer, Saratoga, Seneca, Tioga, Washington, Yates, Ontario, Otsego, Richmond, Schenectady, Steuben, Tompkins, Wayne, Orange, Putnam, Rockland, Schoharie, Suffolk, Ulster, Westchester

6. ADDRESS OF EACH LOCATION, INCLUDING NUMBER AND STREET, IF ANY, OF EACH PLACE WHERE THE ENTITY CARRIES ON, CONDUCTS OR TRANSACTS BUSINESS IN NEW YORK STATE. (Use page 2 if needed. The address(es) must be a number and street, city, state and zip code. The address(es) must be within the county(ies) indicated in paragraph 5.) If none, check this box: No New York State Business Location.

(1) Trinity Church, 75 Broadway, New York, NY 10006; (2) St. Paul's Chapel, 209 Broadway, New York, NY 10007; (3) 120 Broadway, 38th Fl., New York, NY 10271 (continued on p.2)

Print or Type Name of Signer: Miles Lackey Signature: [Handwritten Signature]

Capacity of Signer (Check one): Authorized Person, Officer of the Corporation, General Partner of the Limited Partnership, Member of the Limited Liability Company, Manager of the Limited Liability Company

Certificate of Assumed Name

201708150 *Ho*

6. ADDRESS OF EACH LOCATION, INCLUDING NUMBER AND STREET, IF ANY, OF EACH PLACE WHERE THE ENTITY CARRIES ON OR CONDUCTS OR TRANSACTS BUSINESS IN NEW YORK STATE: (Continued)

(4) 68-74 Trinity Place, New York, NY 10006; (5) Trinity Church Parish Center, 2 Rector Street, New York, NY 10006; (6) Trinity Preschool, 50 Park Place, New York, NY 10007; (7) Trinity Cemetery and Mausoleum, 770 Riverside Drive, New York, NY 10032; (8) Chapel of St. Cornelius the Centurion, Governors Island, New York Harbor, New York, NY 10004

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED AUG 15 2017

TAXS 405851
BY: *VIA*

Filer's Name and Mailing Address:

David A. Bondy, Esq., Ass't General Counsel

Name:

The Rector, Church-Wardens, and Vestrymen of Trinity Church, etc

Company, if Applicable:

120 Broadway, 38th Floor

Mailing Address:

New York, NY 10271

City, State and Zip Code:

no Record

NOTE: You are not required to use this form. This certificate should be prepared under the guidance of an attorney.

FEE: Limited Liability Companies and Limited Partnerships - \$25.

Corporations - \$25 plus the fee for each county indicated in paragraph 5. The additional fee for each county within New York City (Bronx, Kings, New York, Queens and Richmond) is \$100 additional. The fee for each county outside New York City is \$25. Checks over \$500 must be certified.

(For office use only)

GT

FILING RECEIPT

=====

ENTITY NAME : THE RECTOR, CHURCH-WARDENS, AND VESTRYMEN OF (SEE COMMENT)

DOCUMENT TYPE : ASSUMED NAME CERTIFICATE

=====

FILER:

FILED: 08/15/2017

CASH#: 405851

FILM#: 20170815076

DAVID A. BONDY, ESQ. ASST GEN. COUNSEL
THE RECTOR CHURCH-WARDEN
120 BROADWAY, 38TH FLOOR
NEW YORK NY 10271

PRINCIPAL LOCATION

120 BROADWAY
38TH FLOOR
NEW YORK
NY 10271



COMMENT: TRINITY CHURCH, IN THE CITY OF NEW-YORK

ASSUMED NAME

TRINITY CHURCH WALL STREET

=====

SERVICE COMPANY : +++ NO SERVICE COMPANY +++

CODE:

BOX :

FEES 135.00

PAYMENTS: 135.00

FILING : 25.00

CASH :

COUNTY : 100.00

CHECK : 135.00

COPIES : 10.00

C CARD :

MISC : .00

HANDLE : .00

REFUND :

CERTIFICATE OF AUTHORITY UNDER SEC. 805 OF THE LIMITED LIABILITY COMPANY LAW

ENTITY NAME: 92 HH LLC

DOCUMENT TYPE: APPLICATION FOR AUTHORITY (FOR LLC)

COUNTY: NEWY

FILED:10/29/2018 DURATION:***** CASH#:181029000473 FILM #:181029000469
DOS ID:5433687

FILER:

EXIST DATE

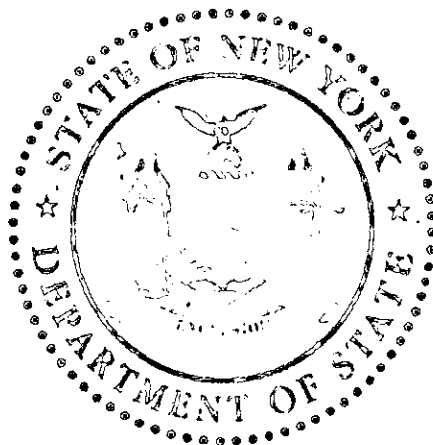
FRIED, FRANK, HARRIS, SHRIVER &
JACOBSON LLP
ONE NEW YORK PLAZA, 22ND FLOOR
NEW YORK, NY 10004

10/29/2018

ADDRESS FOR PROCESS:

CT CORPORATION SYSTEM
111 EIGHTH AVENUE
NEW YORK, NY 10011

REGISTERED AGENT:



The limited liability company is required to file a Biennial Statement with the Department of State every two years pursuant to Limited Liability Company Law Section 301. Notification that the biennial statement is due will only be made via email. Please go to www.email.ebiennial.dos.ny.gov to provide an email address to receive an email notification when the Biennial Statement is due.

=====

SERVICE COMPANY: C T CORPORATION SYSTEM - 07

SERVICE CODE: 07

FEEs 285.00

FILING 250.00
TAX 0.00
CERT 0.00
COPIES 10.00
HANDLING 25.00

PAYMENTS 285.00

CASH 0.00
CHECK 0.00
CHARGE 0.00
DRAWDOWN 285.00
OPAL 0.00
REFUND 0.00

=====

11228342SD

DOS-1025 (04/2007)

Delaware

Page 1

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "92 HH LLC", FILED IN THIS OFFICE ON THE TWENTY-SIXTH DAY OF OCTOBER, A.D. 2018, AT 10:55 O`CLOCK A.M.




Jeffrey W. Bullock, Secretary of State

7120199 8100
SR# 20187339515

Authentication: 203688849
Date: 10-26-18

You may verify this certificate online at corp.delaware.gov/authver.shtml

STATE of DELAWARE
LIMITED LIABILITY COMPANY
CERTIFICATE of FORMATION

First: The name of the limited liability company is _____
92 HH LLC

Second: The address of its registered office in the State of Delaware is _____
1209 Orange Street _____ in the City of Wilmington _____.
Zip code 19801 _____. The name of its Registered agent at such address is
The Corporation Trust Company

Third: (Use this paragraph only if the company is to have a specific effective date of dissolution: "The latest date on which the limited liability company is to dissolve is _____.")

Fourth: (Insert any other matters the members determine to include herein.)

In Witness Whereof, the undersigned have executed this Certificate of Formation this
26th day of October, 2018.

By: /s/ Joseph Meland
Authorized Person (s)

Name: Joseph Meland

STATE OF NEW YORK
DEPARTMENT OF STATE

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of the Department of State, at the City of Albany, on October 30, 2018.

A handwritten signature in black ink, appearing to read "B. Fitzgerald", written over a horizontal line.

Brendan W. Fitzgerald
Executive Deputy Secretary of State

CT-07

781029000 469

New York State
Department of State
Division of Corporations, State Records
and Uniform Commercial Code
One Commerce Plaza, 99 Washington Ave.
Albany, NY 12231
www.dos.state.ny

APPLICATION FOR AUTHORITY
OF
92 HH LLC

(Insert name of Foreign Limited Liability Company)

Under Section 802 of the Limited Liability Company Law

FIRST: The name of the limited liability company is:

92 HH LLC

If the name does not contain a required word or abbreviation pursuant to Section 204 of the Limited Liability Company Law, the following word or abbreviation is added to the name for use in this state:

(Do not complete this section unless the limited liability company's true name is not available pursuant to §204 of the Limited Liability Company Law.) The fictitious name under which the limited liability company will do business in New York is:

SECOND: The jurisdiction of organization of the limited liability company is:

Delaware

The date of its organization is: 10/26/2018

THIRD: The county within this state in which the office, or if more than one office, the principal office of the limited liability company is to be located is: New York County

(A county in New York State must be stated. Please note that the limited liability company is not required to have an actual physical office in this state.)

FOURTH: The Secretary of State is designated as agent of the limited liability company upon whom process against it may be served. The address within or without this state to which the Secretary of State shall mail a copy of any process served against him or her is:

CT Corporation System, 111 Eighth Avenue, New York, New York 10011

FIFTH: (Complete the statement that applies)

The address of the office required to be maintained in the jurisdiction of its formation is:
The Corporation Trust Company, 1209 Orange Street, Wilmington, DE 19801

If no office is required to be maintained in the jurisdiction of its formation, the address of the principal office of the limited liability company is:

SIXTH: The foreign limited liability company is in existence in its jurisdiction of formation at the time of filing of this application.

SEVENTH: The name and address of the Secretary of State or other authorized official in its jurisdiction of organization where a copy of its articles of organization is filed is:

Delaware Secretary of State
John G. Townsend Building
401 Federal Street, Suite 4
Dover, DE 19901

X/s/ Joseph Meland

(Signature)

Joseph Meland

(Type or print name)

Authorized Person

(Title or capacity of signer)

Please Note: A certificate of existence or, if no such certificate is issued by the jurisdiction of formation, a certified copy of the articles of organization of the limited liability company and all subsequent amendments therefore, or if no articles of organization have been filed, a certified copy of the certificate filed as its organizational base and all amendments thereto, **must be attached** to the application for authority when submitted for filing. If such certificate or certified copy is in a foreign language, a translation in English thereto under oath of the translator shall be attached.

Delaware

Page 1

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "92 HH LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TWENTY-SIXTH DAY OF OCTOBER, A.D. 2018.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN ASSESSED TO DATE.




Jeffrey W. Bullock, Secretary of State

7120199 8300

SR# 20187341137

You may verify this certificate online at corp.delaware.gov/authver.shtml

Authentication: 203689379

Date: 10-26-18

CT-07

469

APPLICATION FOR AUTHORITY
OF

92 HH LLC

(Insert name of Foreign Limited Liability Company)

Under Section 802 of the Limited Liability Company Law

FILED
2018 OCT 29 AM 9:55

Filed by: Fried, Frank, Harris, Shriver & Jacobson LLP
(Name)
One New York Plaza, 22nd Floor
(Mailing address)
New York, New York, 10004
(City, State and Zip code)

NOTE: This form was prepared by the New York State Department of State for filing an application for authority for a foreign limited liability company to conduct business in New York State. It does not contain all optional provisions under the law. You are not required to use this form. You may draft your own form or use forms available at legal supply stores. The Department of State recommends that legal documents be prepared under the guidance of an attorney. The certificate must be submitted with a \$250 filing fee made payable to the Department of State.

(For office use only.)

RECEIVED
2018 OCT 26 PM 4:12

1cc
STATE OF NEW YORK
DEPARTMENT OF STATE
FILED OCT 29 2018
TAX \$ _____
BY: DW

473

DRAWDOWN
Cst ref 11228342 SD

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through January 10, 2019.

Selected Entity Name: 92 HH LLC

Selected Entity Status Information

Current Entity Name: 92 HH LLC

DOS ID #: 5433687

Initial DOS Filing Date: OCTOBER 29, 2018

County: NEW YORK

Jurisdiction: DELAWARE

Entity Type: FOREIGN LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

CT CORPORATION SYSTEM

111 EIGHTH AVENUE

NEW YORK, NEW YORK, 10011

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
-------------	---------------	--------------------

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
OCT 29, 2018	Actual	92 HH LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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[Homepage](#) | [Contact Us](#)

CERTIFICATE OF AUTHORITY UNDER SEC. 805 OF THE LIMITED LIABILITY COMPANY LAW

ENTITY NAME: NEW REMAINDERMAN.92 AOA LLC

DOCUMENT TYPE: APPLICATION FOR AUTHORITY (FOR LLC)

COUNTY: NEWY

FILED:10/30/2018 DURATION:***** CASH#:181030000606 FILM #:181030000580
DOS ID:5434836

FILER:

EXIST DATE

FRIED, FRANK, HARRIS, SHRIVER &
JACOBSON LLP
ONE NEW YORK PLAZA, 22ND FLOOR
NEW YORK, NY 10004

10/30/2018

ADDRESS FOR PROCESS:

C T CORPORATION SYSTEM
111 EIGHTH AVENUE
NEW YORK, NY 10011

REGISTERED AGENT:



The limited liability company is required to file a Biennial Statement with the Department of State every two years pursuant to Limited Liability Company Law Section 301. Notification that the biennial statement is due will only be made via email. Please go to www.email.ebiennial.dos.ny.gov to provide an email address to receive an email notification when the Biennial Statement is due.

=====

SERVICE COMPANY: C T CORPORATION SYSTEM - 07

SERVICE CODE: 07

FEEs 285.00

FILING 250.00
TAX 0.00
CERT 0.00
COPIES 10.00
HANDLING 25.00

PAYMENTS 285.00

CASH 0.00
CHECK 0.00
CHARGE 0.00
DRAWDOWN 285.00
OPAL 0.00
REFUND 0.00

=====

11230888CS

DOS-1025 (04/2007)

Delaware

Page 1

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "NEW REMAINDERMAN 92 AOA LLC", FILED IN THIS OFFICE ON THE TWENTY-NINTH DAY OF OCTOBER, A.D. 2018, AT 1:07 O`CLOCK P.M.




Jeffrey W. Bullock, Secretary of State

7124412 8100
SR# 20187364802

Authentication: 203701212
Date: 10-29-18

You may verify this certificate online at corp.delaware.gov/authver.shtml

STATE of DELAWARE
LIMITED LIABILITY COMPANY
CERTIFICATE of FORMATION

First: The name of the limited liability company is _____
New Remainderman 92 AOA LLC

Second: The address of its registered office in the State of Delaware is _____
1209 Orange Street in the City of Wilmington.
Zip code 19801. The name of its Registered agent at such address is
The Corporation Trust Company

Third: (Use this paragraph only if the company is to have a specific effective date of dissolution: "The latest date on which the limited liability company is to dissolve is N/A.")

Fourth: (Insert any other matters the members determine to include herein.)

N/A

In Witness Whereof, the undersigned have executed this Certificate of Formation this
29th day of October, 2018.

By: /s/ Joseph Meland
Authorized Person (s)

Name: Joseph Meland

STATE OF NEW YORK
DEPARTMENT OF STATE

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of the Department of State, at the City of Albany, on October 31, 2018.

A handwritten signature in black ink, appearing to read "B. Fitzgerald", written over a horizontal line.

Brendan W. Fitzgerald
Executive Deputy Secretary of State

CT-07

New York State
 Department of State
 Division of Corporations, State Records
 and Uniform Commercial Code
 One Commerce Plaza, 99 Washington Ave.
 Albany, NY 12231
 www.dos.state.ny

APPLICATION FOR AUTHORITY OF

New Remainderman 92 AOA LLC

(Insert name of Foreign Limited Liability Company)

Under Section 802 of the Limited Liability Company Law

FIRST: The name of the limited liability company is:

New Remainderman 92 AOA LLC

If the name does not contain a required word or abbreviation pursuant to Section 204 of the Limited Liability Company Law, the following word or abbreviation is added to the name for use in this state:

(Do not complete this section unless the limited liability company's true name is not available pursuant to §204 of the Limited Liability Company Law.) The fictitious name under which the limited liability company will do business in New York is:

SECOND: The jurisdiction of organization of the limited liability company is:

Delaware

The date of its organization is: 10/29/2018

THIRD: The county within this state in which the office, or if more than one office, the principal office of the limited liability company is to be located is: New York County

(A county in New York State must be stated. Please note that the limited liability company is not required to have an actual physical office in this state.)

FOURTH: The Secretary of State is designated as agent of the limited liability company upon whom process against it may be served. The address within or without this state to which the Secretary of State shall mail a copy of any process served against him or her is:

CT Corporation System, 111 Eighth Avenue, New York, New York 10011

FIFTH: (Complete the statement that applies)

The address of the office required to be maintained in the jurisdiction of its formation is:
The Corporation Trust Company, 1209 Orange Street, Wilmington, DE 19801

If no office is required to be maintained in the jurisdiction of its formation, the address of the principal office of the limited liability company is:

SIXTH: The foreign limited liability company is in existence in its jurisdiction of formation at the time of filing of this application.

SEVENTH: The name and address of the Secretary of State or other authorized official in its jurisdiction of organization where a copy of its articles of organization is filed is:

Delaware Secretary of State
John G. Townsend Building
401 Federal Street, Suite 4
Dover DE 19901

X /s/ Joseph Meland

(Signature)

Joseph Meland

(Type or print name)

Authorized Person

(Title or capacity of signer)

Please Note: A certificate of existence or, if no such certificate is issued by the jurisdiction of formation, a certified copy of the articles of organization of the limited liability company and all subsequent amendments therefore, or if no articles of organization have been filed, a certified copy of the certificate filed as its organizational base and all amendments thereto, **must be attached** to the application for authority when submitted for filing. If such certificate or certified copy is in a foreign language, a translation in English thereto under oath of the translator shall be attached.

Delaware

Page 1

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "NEW REMAINDERMAN 92 AOA LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TWENTY-NINTH DAY OF OCTOBER, A.D. 2018.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN ASSESSED TO DATE.



7124412 8300

SR# 20187368168

You may verify this certificate online at corp.delaware.gov/authver.shtml

A handwritten signature in black ink, appearing to read "JBULLOCK", written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed in a small font.

Authentication: 203701389

Date: 10-29-18

580

CT-07

APPLICATION FOR AUTHORITY
OF

New Remainderman 92 AOA LLC

(Insert name of Foreign Limited Liability Company)

Under Section 802 of the Limited Liability Company Law

Filed by: Fried, Frank, Harris, Shriver & Jacobson LLP

(Name)

One New York Plaza, 22nd Floor

(Mailing address)

New York, New York, 10004

(City, State and Zip code)

Cust Ref 11230888 CS

NOTE: This form was prepared by the New York State Department of State for filing an application for authority for a foreign limited liability company to conduct business in New York State. It does not contain all optional provisions under the law. You are not required to use this form. You may draft your own form or use forms available at legal supply stores. The Department of State recommends that legal documents be prepared under the guidance of an attorney. The certificate must be submitted with a \$250 filing fee made payable to the Department of State.

(For office use only.)

DRAWDOWN

FILED

RECEIVED

2018 OCT 30 PM 12:12 2018 OCT 30 PM 2:29

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED OCT 30 2018

TAX \$

BY: LSJ

606

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through January 10, 2019.

Selected Entity Name: NEW REMAINDERMAN 92 AOA LLC

Selected Entity Status Information

Current Entity Name: NEW REMAINDERMAN 92 AOA LLC

DOS ID #: 5434836

Initial DOS Filing Date: OCTOBER 30, 2018

County: NEW YORK

Jurisdiction: DELAWARE

Entity Type: FOREIGN LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

C T CORPORATION SYSTEM

111 EIGHTH AVENUE

NEW YORK, NEW YORK, 10011

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
-------------	---------------	--------------------

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
OCT 30, 2018	Actual	NEW REMAINDERMAN 92 AOA LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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ATTACHMENT B SECTION II: PROJECT DESCRIPTION

Item 4 – Project Description

Purpose and Scope of Project

The site is a 4,328-square-foot, gravel-covered lot surrounded by a chain-link fence, and is used for private parking. There are no buildings on the site. The purpose of the project is to remediate and redevelop this contaminated brownfield, while implementing remedial measures that are protective of human health and the environment.

The proposed development project is in the early planning stages, but currently is anticipated to include a 7-story commercial office building spanning the site footprint (4,328 square feet), with one full cellar level at a depth of about 15 feet below grade surface (bgs).

Estimated Project Schedule

The estimated project schedule is shown below. Remedial implementation is scheduled to begin in the 4th Quarter of 2019, and the Certificate of Completion is anticipated in 2020.

Item #	Action	2019												2020											
		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
92 Avenue of the Americas																									
1	Design and Permitting																								
2	Remedial Implementation																								
3	Balance of Construction																								
4	FER and SMP (if required)																								
5	Certificate of Completion																								
6	TCO Process																								
7	Final CO																								

Notes:

1. The estimated scheduling of items 2 thru 6 will be contingent on the timing of acceptance of the New York State Department of Environmental Conservation Brownfield Cleanup Program Remedial Action Work Plan.
2. FER = Final Engineering Report
3. SMP = Site Management Plan
4. TCO = Temporary Certificate of Occupancy
5. CO = Certificate of Occupancy

ATTACHMENT C

SECTION III: PROPERTY'S ENVIRONMENTAL HISTORY

Item 1 - Environmental Reports

Environmental reports prepared for the site are included in this attachment and are summarized below.

- November 12, 2018 Phase I Environmental Site Assessment (ESA), prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C. (Langan).
- November 21, 2018 Phase II Environmental Site Investigation (ESI) Report, prepared by Langan

November 12, 2018 Phase I ESA prepared by Langan

The Phase I ESA identified the following recognized environmental conditions (RECs):

- Historical uses of the site included a chemical manufacturing facility (1922), a confectionary and malt products company (1927), a textile company (1973), automobile service station (1938-2005), and filling station with at least four underground storage tanks (USTs) (1950-2005). Historical chemical manufacturing, automobile service, and gasoline filling station operations likely used a variety of hazardous substances, petroleum products, and/or solvents that had the potential to have impacted the site's soil, groundwater and soil vapor.
- Current and historical industrial and manufacturing operations at adjoining and surrounding properties likely used a variety of hazardous substances, petroleum products, or solvents that may have impacted groundwater and/or soil vapor at the site.

November 21, 2018 Phase II ESI Report, prepared by Langan

Langan implemented the Phase II ESI between October 2 and 12, 2018. The Phase II ESI consisted of:

1. A geophysical survey to identify anomalies indicative of USTs and associated piping and clear boring locations from physical and/or subsurface utilities and structures
2. Advancement of 3 soil borings (EB-01 through EB-03) and collection of 9 soil samples
3. Installation of three permanent groundwater monitoring wells (MW01 through MW03) and collection of three groundwater samples

4. Installation of two soil vapor probes (SV01 and SV02) and collection of two soil vapor samples and one ambient air sample

Field observations are summarized below. Laboratory analytical results are summarized in subsequent sections of this attachment.

1. Current site elevations range from about el 5.63 in the southeastern corner to 9.461 feet in the northeastern corner of the site; elevations are presented in the North American Vertical Datum of 1988 (NAVD88).
2. The geophysical survey identified two anomalies: one in the northwestern portion of the site, and another along the southern boundary of the site. The northwestern anomaly measured about 4 feet wide and 10 feet long and was indicative of a potential UST. The southern anomaly was within the former building footprint and was not consistent with a UST or similar feature.
3. The subsurface consisted of historic fill underlying the surficial gravel cover to depths of about 7 to 12 feet below grade surface (bgs). A native sand layer consisting of reddish-brown, fine- to medium-grained sand with trace gravel was encountered beneath the fill. Petroleum-like odors, black staining, sheen, and elevated PID readings were observed in borings EB-01 from 11 to 16 feet bgs (maximum 15,000 parts per million [ppm]), EB-02 from 15 to 16 feet bgs (maximum 392.4 ppm), and EB-03 from 15 to 19 feet bgs (maximum 638.6 ppm).
4. During synoptic gauging on October 12, 2018, groundwater depth ranged from about 11.37 to 12.53 feet bgs, corresponding to about el -4. A monitoring well survey is pending. Light non-aqueous phase liquid (LNAPL) was not observed during well gauging and groundwater sampling; however, petroleum-like odors and a sheen were apparent from purged groundwater at each of the three monitoring wells. The maximum headspace PID reading (15,000 ppm) was recorded at each of the three wells during well sampling and gauging.
5. In response to the observed subsurface conditions and laboratory analytical data, the NYSDEC was contacted on November 6, 2018, and Spill Number 1808357 was assigned.

Item 2 – Sampling Data

Tables and figures summarizing the detected concentrations of each contaminant by media type are included in this attachment. Sample analytical results from the Phase II ESI were compared to the following criteria and summarized below by matrix.

¹ Elevations herein are in feet and referenced to the North American Vertical Datum of 1988 (NAVD88)

- Soil sample results were compared to the NYSDEC Title 6 of the Official Compilation of New York Codes, Rules, and Regulations (NYCRR) Part 375 Unrestricted Use (UU) and Commercial Use (CU) Soil Cleanup Objectives (SCO). **Analytes above the CU SCO are shown in bold.**
- Groundwater sample results were compared to the NYSDEC Title 6 NYCRR Part 703.5 and the Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Guidance Values (SGV) for Class GA water
- Soil vapor sample results were evaluated using the New York State Department of Health (NYSDOH) Guidance for Evaluating Soil Vapor Intrusion in New York State Soil Vapor/Indoor Air Decision Matrices dated October 2006 and updated May 2017.

Three soil borings (EB-01 through EB-03) were advanced to a depth of about 20 feet below grade surface (bgs) and were converted to permanent groundwater monitoring wells (MW-01 through MW-03). Two soil vapor points (SV-01 and SV-02) were installed to a depth of about 9 feet bgs.

Soil

- VOCs – 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, n-butylbenzene, n-propylbenzene, and total xylenes
- SVOCs – benzo(a)anthracene, **benzo(a)pyrene**, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenz(a,h)anthracene and indeno(1,2,3-cd)pyrene
- Metals – **barium**, lead, mercury, and zinc
- Polychlorinated biphenyls (PCB) and pesticides were not detected at concentrations above the UU SCOs in soil samples.

Groundwater

- VOCs – 1,2,4,5-tetramethylbenzene, 1,2,4-trimethylbenzene, 1,2-dichlorobenzene, 1,3,5-trimethylbenzene, benzene, chlorobenzene, ethylbenzene, isopropylbenzene, n-butylbenzene, n-propylbenzene, o-xylene, p-isopropyltoluene, p/m-xylene, sec-butylbenzene, and toluene
- SVOCs – 1,2-dichlorobenzene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, indeno(1,2,3-cd)pyrene, and naphthalene
- Dissolved Metals – iron, magnesium, manganese, and sodium
- PCBs were not detected in groundwater samples

Soil Vapor

- Total VOC concentrations in soil vapor samples ranged from 13,025 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) to 36,394 $\mu\text{g}/\text{m}^3$, and were up to three orders of

magnitude higher than total VOC concentrations in the ambient air sample (15.847 µg/m³).

- Total benzene, toluene, ethylbenzene, and xylene (BTEX) concentrations in soil vapor samples ranged from 115 µg/m³ to 2,766.8 µg/m³, and were up to three orders of magnitude higher than BTEX concentrations in the outdoor ambient air sample (1.02 µg/m³).
- No compounds were detected at concentrations above minimum concentrations for sub-slab vapor at which mitigation is recommended when applied to NYSDOH Decision Matrices

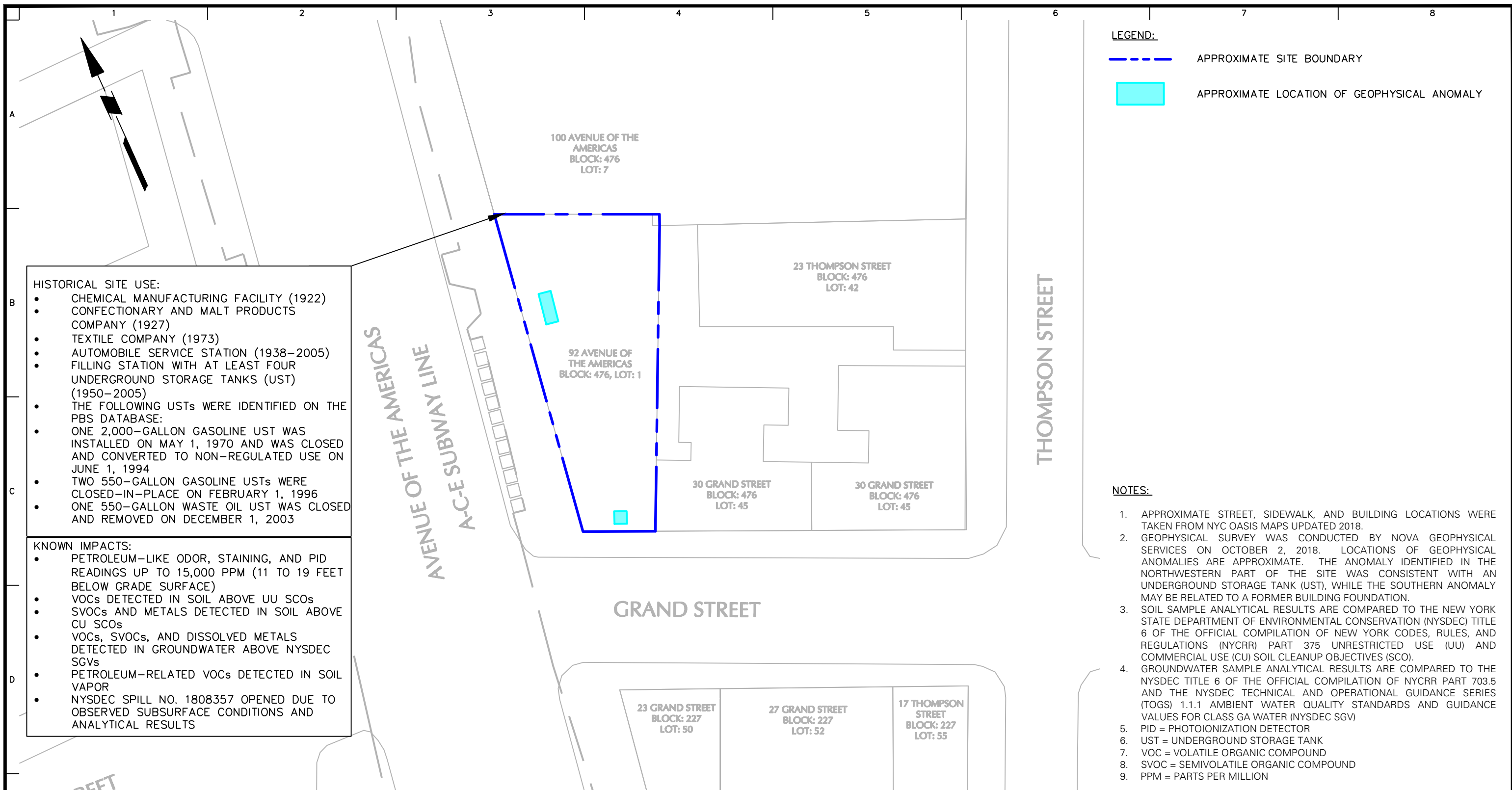
Item 3 – Site Drawings

- Figure C-1: Environmental Conditions Map
- Figure C-2: Soil Sample Analytical Results Map
- Figure C-3: Groundwater Sample Analytical Results Map
- Figure C-4: Soil Vapor Sample Analytical Results Map

Item 4 – Past Land Use

- Chemical manufacturing facility (1922)
- Confectionary and malt products company (1927)
- Textile company (1973)
- Automobile service station (1938-2005)
- Filling station with at least four underground storage tanks (UST) (1950-2005).
- The following USTs were identified on the PBS database:
 - One 2,000-gallon gasoline UST was installed on May 1, 1970 and was closed and converted to non-regulated use on June 1, 1994
 - Two 550-gallon gasoline USTs were closed-in-place on February 1, 1996
 - One 550-gallon waste oil UST was closed and removed on December 1, 2003.

FIGURES



HISTORICAL SITE USE:

- CHEMICAL MANUFACTURING FACILITY (1922)
- CONFECTIONARY AND MALT PRODUCTS COMPANY (1927)
- TEXTILE COMPANY (1973)
- AUTOMOBILE SERVICE STATION (1938-2005)
- FILLING STATION WITH AT LEAST FOUR UNDERGROUND STORAGE TANKS (UST) (1950-2005)
- THE FOLLOWING USTs WERE IDENTIFIED ON THE PBS DATABASE:
- ONE 2,000-GALLON GASOLINE UST WAS INSTALLED ON MAY 1, 1970 AND WAS CLOSED AND CONVERTED TO NON-REGULATED USE ON JUNE 1, 1994
- TWO 550-GALLON GASOLINE USTs WERE CLOSED-IN-PLACE ON FEBRUARY 1, 1996
- ONE 550-GALLON WASTE OIL UST WAS CLOSED AND REMOVED ON DECEMBER 1, 2003

KNOWN IMPACTS:

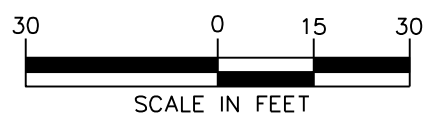
- PETROLEUM-LIKE ODOR, STAINING, AND PID READINGS UP TO 15,000 PPM (11 TO 19 FEET BELOW GRADE SURFACE)
- VOCs DETECTED IN SOIL ABOVE UU SCOs
- SVOCs AND METALS DETECTED IN SOIL ABOVE CU SCOs
- VOCs, SVOCs, AND DISSOLVED METALS DETECTED IN GROUNDWATER ABOVE NYSDEC SGVs
- PETROLEUM-RELATED VOCs DETECTED IN SOIL VAPOR
- NYSDEC SPILL NO. 1808357 OPENED DUE TO OBSERVED SUBSURFACE CONDITIONS AND ANALYTICAL RESULTS

LEGEND:

- APPROXIMATE SITE BOUNDARY
- APPROXIMATE LOCATION OF GEOPHYSICAL ANOMALY

NOTES:

1. APPROXIMATE STREET, SIDEWALK, AND BUILDING LOCATIONS WERE TAKEN FROM NYC OASIS MAPS UPDATED 2018.
2. GEOPHYSICAL SURVEY WAS CONDUCTED BY NOVA GEOPHYSICAL SERVICES ON OCTOBER 2, 2018. LOCATIONS OF GEOPHYSICAL ANOMALIES ARE APPROXIMATE. THE ANOMALY IDENTIFIED IN THE NORTHWESTERN PART OF THE SITE WAS CONSISTENT WITH AN UNDERGROUND STORAGE TANK (UST), WHILE THE SOUTHERN ANOMALY MAY BE RELATED TO A FORMER BUILDING FOUNDATION.
3. SOIL SAMPLE ANALYTICAL RESULTS ARE COMPARED TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) TITLE 6 OF THE OFFICIAL COMPILATION OF NEW YORK CODES, RULES, AND REGULATIONS (NYCRR) PART 375 UNRESTRICTED USE (UU) AND COMMERCIAL USE (CU) SOIL CLEANUP OBJECTIVES (SCO).
4. GROUNDWATER SAMPLE ANALYTICAL RESULTS ARE COMPARED TO THE NYSDEC TITLE 6 OF THE OFFICIAL COMPILATION OF NYCRR PART 703.5 AND THE NYSDEC TECHNICAL AND OPERATIONAL GUIDANCE SERIES (TOGS) 1.1.1 AMBIENT WATER QUALITY STANDARDS AND GUIDANCE VALUES FOR CLASS GA WATER (NYSDEC SGV)
5. PID = PHOTOIONIZATION DETECTOR
6. UST = UNDERGROUND STORAGE TANK
7. VOC = VOLATILE ORGANIC COMPOUND
8. SVOC = SEMIVOLATILE ORGANIC COMPOUND
9. PPM = PARTS PER MILLION



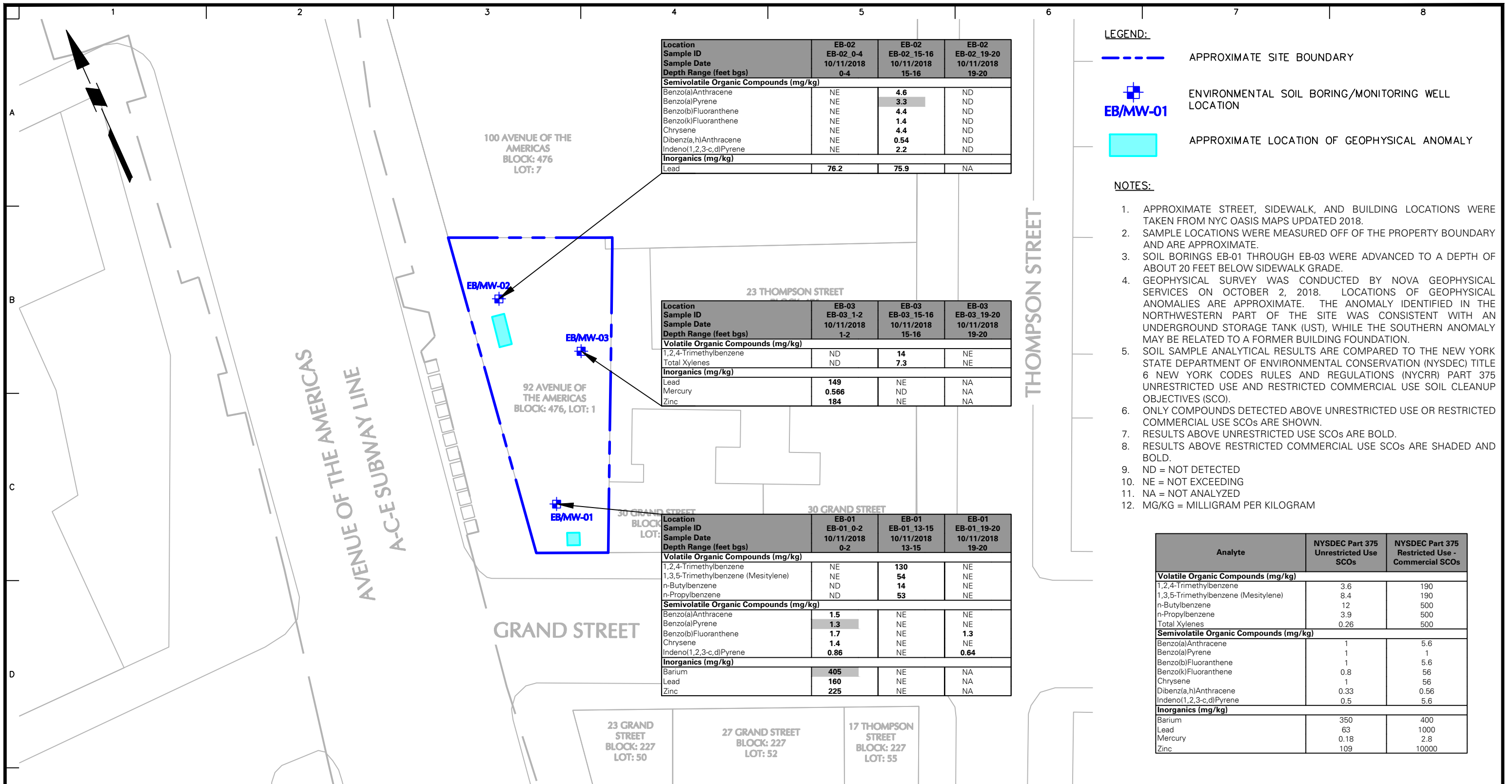
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 Langan Engineering and Environmental Services, Inc.
 Langan CT, Inc.
 Langan International LLC
 Collectively known as Langan

Project
92 AVENUE OF THE AMERICAS
 BLOCK No. 476, LOT No. 1
 NEW YORK NEW YORK

Figure Title
ENVIRONMENTAL CONDITIONS MAP

Project No. 190044801	Figure No.
Date 12/04/2018	C-1
Scale 1" = 30'	
Drawn By ERA	Checked By PM
Submission Date DECEMBER 2018	Sheet 1 of 4



Location	EB-02	EB-02	EB-02
Sample ID	EB-02_0-4	EB-02_15-16	EB-02_19-20
Sample Date	10/11/2018	10/11/2018	10/11/2018
Depth Range (feet bgs)	0-4	15-16	19-20
Semivolatile Organic Compounds (mg/kg)			
Benzo(a)Anthracene	NE	4.6	ND
Benzo(a)Pyrene	NE	3.3	ND
Benzo(b)Fluoranthene	NE	4.4	ND
Benzo(k)Fluoranthene	NE	1.4	ND
Chrysene	NE	4.4	ND
Dibenz(a,h)Anthracene	NE	0.54	ND
Indeno(1,2,3-c,d)Pyrene	NE	2.2	ND
Inorganics (mg/kg)			
Lead	76.2	75.9	NA

Location	EB-03	EB-03	EB-03
Sample ID	EB-03_1-2	EB-03_15-16	EB-03_19-20
Sample Date	10/11/2018	10/11/2018	10/11/2018
Depth Range (feet bgs)	1-2	15-16	19-20
Volatile Organic Compounds (mg/kg)			
1,2,4-Trimethylbenzene	ND	14	NE
Total Xylenes	ND	7.3	NE
Inorganics (mg/kg)			
Lead	149	NE	NA
Mercury	0.566	ND	NA
Zinc	184	NE	NA

Location	EB-01	EB-01	EB-01
Sample ID	EB-01_0-2	EB-01_13-15	EB-01_19-20
Sample Date	10/11/2018	10/11/2018	10/11/2018
Depth Range (feet bgs)	0-2	13-15	19-20
Volatile Organic Compounds (mg/kg)			
1,2,4-Trimethylbenzene	NE	130	NE
1,3,5-Trimethylbenzene (Mesitylene)	NE	54	NE
n-Butylbenzene	ND	14	NE
n-Propylbenzene	ND	53	NE
Semivolatile Organic Compounds (mg/kg)			
Benzo(a)Anthracene	1.5	NE	NE
Benzo(a)Pyrene	1.3	NE	NE
Benzo(b)Fluoranthene	1.7	NE	1.3
Chrysene	1.4	NE	NE
Indeno(1,2,3-c,d)Pyrene	0.86	NE	0.64
Inorganics (mg/kg)			
Barium	405	NE	NA
Lead	160	NE	NA
Zinc	225	NE	NA

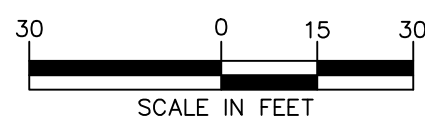
LEGEND:

- APPROXIMATE SITE BOUNDARY
- ENVIRONMENTAL SOIL BORING/MONITORING WELL LOCATION
- APPROXIMATE LOCATION OF GEOPHYSICAL ANOMALY

NOTES:

1. APPROXIMATE STREET, SIDEWALK, AND BUILDING LOCATIONS WERE TAKEN FROM NYC OASIS MAPS UPDATED 2018.
2. SAMPLE LOCATIONS WERE MEASURED OFF OF THE PROPERTY BOUNDARY AND ARE APPROXIMATE.
3. SOIL BORINGS EB-01 THROUGH EB-03 WERE ADVANCED TO A DEPTH OF ABOUT 20 FEET BELOW SIDEWALK GRADE.
4. GEOPHYSICAL SURVEY WAS CONDUCTED BY NOVA GEOPHYSICAL SERVICES ON OCTOBER 2, 2018. LOCATIONS OF GEOPHYSICAL ANOMALIES ARE APPROXIMATE. THE ANOMALY IDENTIFIED IN THE NORTHWESTERN PART OF THE SITE WAS CONSISTENT WITH AN UNDERGROUND STORAGE TANK (UST), WHILE THE SOUTHERN ANOMALY MAY BE RELATED TO A FORMER BUILDING FOUNDATION.
5. SOIL SAMPLE ANALYTICAL RESULTS ARE COMPARED TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) TITLE 6 NEW YORK CODES RULES AND REGULATIONS (NYCRR) PART 375 UNRESTRICTED USE AND RESTRICTED COMMERCIAL USE SOIL CLEANUP OBJECTIVES (SCO).
6. ONLY COMPOUNDS DETECTED ABOVE UNRESTRICTED USE OR RESTRICTED COMMERCIAL USE SCOs ARE SHOWN.
7. RESULTS ABOVE UNRESTRICTED USE SCOs ARE BOLD.
8. RESULTS ABOVE RESTRICTED COMMERCIAL USE SCOs ARE SHADED AND BOLD.
9. ND = NOT DETECTED
10. NE = NOT EXCEEDING
11. NA = NOT ANALYZED
12. MG/KG = MILLIGRAM PER KILOGRAM

Analyte	NYSDEC Part 375 Unrestricted Use SCOs	NYSDEC Part 375 Restricted Use - Commercial SCOs
Volatile Organic Compounds (mg/kg)		
1,2,4-Trimethylbenzene	3.6	190
1,3,5-Trimethylbenzene (Mesitylene)	8.4	190
n-Butylbenzene	12	500
n-Propylbenzene	3.9	500
Total Xylenes	0.26	500
Semivolatile Organic Compounds (mg/kg)		
Benzo(a)Anthracene	1	5.6
Benzo(a)Pyrene	1	1
Benzo(b)Fluoranthene	1	5.6
Benzo(k)Fluoranthene	0.8	56
Chrysene	1	56
Dibenz(a,h)Anthracene	0.33	0.56
Indeno(1,2,3-c,d)Pyrene	0.5	5.6
Inorganics (mg/kg)		
Barium	350	400
Lead	63	1000
Mercury	0.18	2.8
Zinc	109	10000



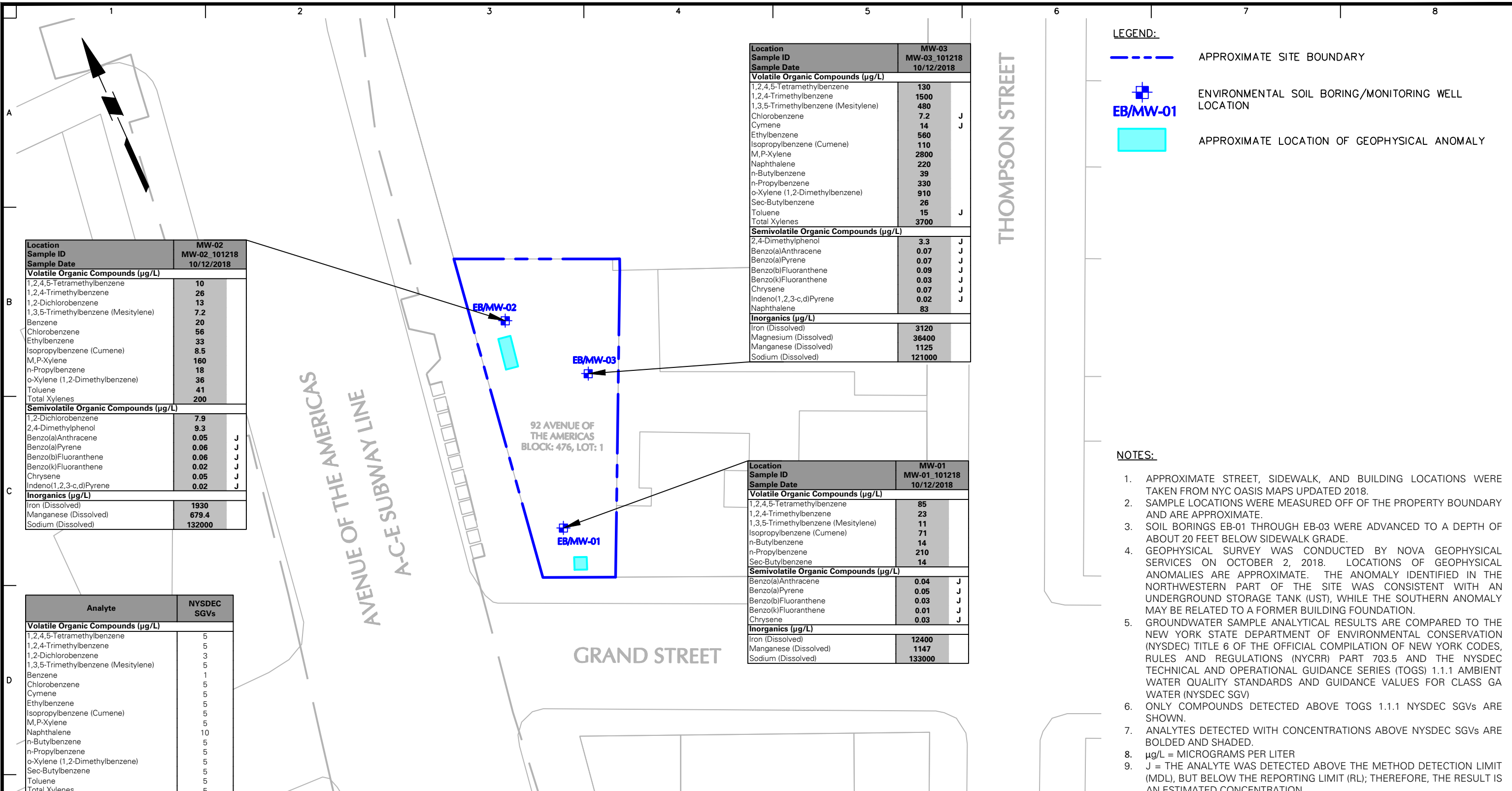
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Project
92 AVENUE OF THE AMERICAS
 BLOCK No. 476, LOT No. 1
 NEW YORK NEW YORK

Figure Title
SOIL SAMPLE ANALYTICAL RESULTS MAP

Project No. 190044801	Figure No. C-2
Date 12/04/2018	Sheet 2 of 4
Scale 1" = 30'	
Drawn By ERA	Checked By PM
Submission Date DECEMBER 2018	



Location	MW-03	
Sample ID	MW-03_101218	
Sample Date	10/12/2018	
Volatile Organic Compounds (µg/L)		
1,2,4,5-Tetramethylbenzene	130	
1,2,4-Trimethylbenzene	1500	
1,3,5-Trimethylbenzene (Mesitylene)	480	
Chlorobenzene	7.2	J
Cymene	14	J
Ethylbenzene	560	
Isopropylbenzene (Cumene)	110	
M,P-Xylene	2800	
Naphthalene	220	
n-Butylbenzene	39	
n-Propylbenzene	330	
o-Xylene (1,2-Dimethylbenzene)	910	
Sec-Butylbenzene	26	
Toluene	15	J
Total Xylenes	3700	
Semivolatile Organic Compounds (µg/L)		
2,4-Dimethylphenol	3.3	J
Benzo(a)Anthracene	0.07	J
Benzo(a)Pyrene	0.07	J
Benzo(b)Fluoranthene	0.09	J
Benzo(k)Fluoranthene	0.03	J
Chrysene	0.07	J
Indeno(1,2,3-c,d)Pyrene	0.02	J
Naphthalene	83	
Inorganics (µg/L)		
Iron (Dissolved)	3120	
Magnesium (Dissolved)	36400	
Manganese (Dissolved)	1125	
Sodium (Dissolved)	121000	

Location	MW-01	
Sample ID	MW-01_101218	
Sample Date	10/12/2018	
Volatile Organic Compounds (µg/L)		
1,2,4,5-Tetramethylbenzene	85	
1,2,4-Trimethylbenzene	23	
1,3,5-Trimethylbenzene (Mesitylene)	11	
Isopropylbenzene (Cumene)	71	
n-Butylbenzene	14	
n-Propylbenzene	210	
Sec-Butylbenzene	14	
Semivolatile Organic Compounds (µg/L)		
Benzo(a)Anthracene	0.04	J
Benzo(a)Pyrene	0.05	J
Benzo(b)Fluoranthene	0.03	J
Benzo(k)Fluoranthene	0.01	J
Chrysene	0.03	J
Inorganics (µg/L)		
Iron (Dissolved)	12400	
Magnesium (Dissolved)	1147	
Sodium (Dissolved)	133000	

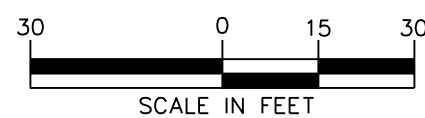
Location	MW-02	
Sample ID	MW-02_101218	
Sample Date	10/12/2018	
Volatile Organic Compounds (µg/L)		
1,2,4,5-Tetramethylbenzene	10	
1,2,4-Trimethylbenzene	26	
1,2-Dichlorobenzene	13	
1,3,5-Trimethylbenzene (Mesitylene)	7.2	
Benzene	20	
Chlorobenzene	56	
Ethylbenzene	33	
Isopropylbenzene (Cumene)	8.5	
M,P-Xylene	160	
n-Propylbenzene	18	
o-Xylene (1,2-Dimethylbenzene)	36	
Toluene	41	
Total Xylenes	200	
Semivolatile Organic Compounds (µg/L)		
1,2-Dichlorobenzene	7.9	
2,4-Dimethylphenol	9.3	
Benzo(a)Anthracene	0.05	J
Benzo(a)Pyrene	0.06	J
Benzo(b)Fluoranthene	0.06	J
Benzo(k)Fluoranthene	0.02	J
Chrysene	0.05	J
Indeno(1,2,3-c,d)Pyrene	0.02	J
Inorganics (µg/L)		
Iron (Dissolved)	1930	
Manganese (Dissolved)	679.4	
Sodium (Dissolved)	132000	

Analyte	NYSDEC SGVs
Volatile Organic Compounds (µg/L)	
1,2,4,5-Tetramethylbenzene	5
1,2,4-Trimethylbenzene	5
1,2-Dichlorobenzene	3
1,3,5-Trimethylbenzene (Mesitylene)	5
Benzene	1
Chlorobenzene	5
Cymene	5
Ethylbenzene	5
Isopropylbenzene (Cumene)	5
M,P-Xylene	5
Naphthalene	10
n-Butylbenzene	5
n-Propylbenzene	5
o-Xylene (1,2-Dimethylbenzene)	5
Sec-Butylbenzene	5
Toluene	5
Total Xylenes	5
Semivolatile Organic Compounds (µg/L)	
1,2-Dichlorobenzene	3
2,4-Dimethylphenol	1
Benzo(a)Anthracene	0.002
Benzo(a)Pyrene	0
Benzo(b)Fluoranthene	0.002
Benzo(k)Fluoranthene	0.002
Chrysene	0.002
Indeno(1,2,3-c,d)Pyrene	0.002
Naphthalene	10
Inorganics (µg/L)	
Iron (Dissolved)	300
Magnesium (Dissolved)	35000
Manganese (Dissolved)	300
Sodium (Dissolved)	20000

- LEGEND:**
- APPROXIMATE SITE BOUNDARY
 - EB/MW-01 ENVIRONMENTAL SOIL BORING/MONITORING WELL LOCATION
 - APPROXIMATE LOCATION OF GEOPHYSICAL ANOMALY

- NOTES:**
- APPROXIMATE STREET, SIDEWALK, AND BUILDING LOCATIONS WERE TAKEN FROM NYC OASIS MAPS UPDATED 2018.
 - SAMPLE LOCATIONS WERE MEASURED OFF OF THE PROPERTY BOUNDARY AND ARE APPROXIMATE.
 - SOIL BORINGS EB-01 THROUGH EB-03 WERE ADVANCED TO A DEPTH OF ABOUT 20 FEET BELOW SIDEWALK GRADE.
 - GEOPHYSICAL SURVEY WAS CONDUCTED BY NOVA GEOPHYSICAL SERVICES ON OCTOBER 2, 2018. LOCATIONS OF GEOPHYSICAL ANOMALIES ARE APPROXIMATE. THE ANOMALY IDENTIFIED IN THE NORTHWESTERN PART OF THE SITE WAS CONSISTENT WITH AN UNDERGROUND STORAGE TANK (UST), WHILE THE SOUTHERN ANOMALY MAY BE RELATED TO A FORMER BUILDING FOUNDATION.
 - GROUNDWATER SAMPLE ANALYTICAL RESULTS ARE COMPARED TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) TITLE 6 OF THE OFFICIAL COMPILATION OF NEW YORK CODES, RULES AND REGULATIONS (NYCRR) PART 703.5 AND THE NYSDEC TECHNICAL AND OPERATIONAL GUIDANCE SERIES (TOGS) 1.1.1 AMBIENT WATER QUALITY STANDARDS AND GUIDANCE VALUES FOR CLASS GA WATER (NYSDEC SGV)
 - ONLY COMPOUNDS DETECTED ABOVE TOGS 1.1.1 NYSDEC SGVs ARE SHOWN.
 - ANALYTES DETECTED WITH CONCENTRATIONS ABOVE NYSDEC SGVs ARE BOLDED AND SHADED.
 - µg/L = MICROGRAMS PER LITER
 - J = THE ANALYTE WAS DETECTED ABOVE THE METHOD DETECTION LIMIT (MDL), BUT BELOW THE REPORTING LIMIT (RL); THEREFORE, THE RESULT IS AN ESTIMATED CONCENTRATION.

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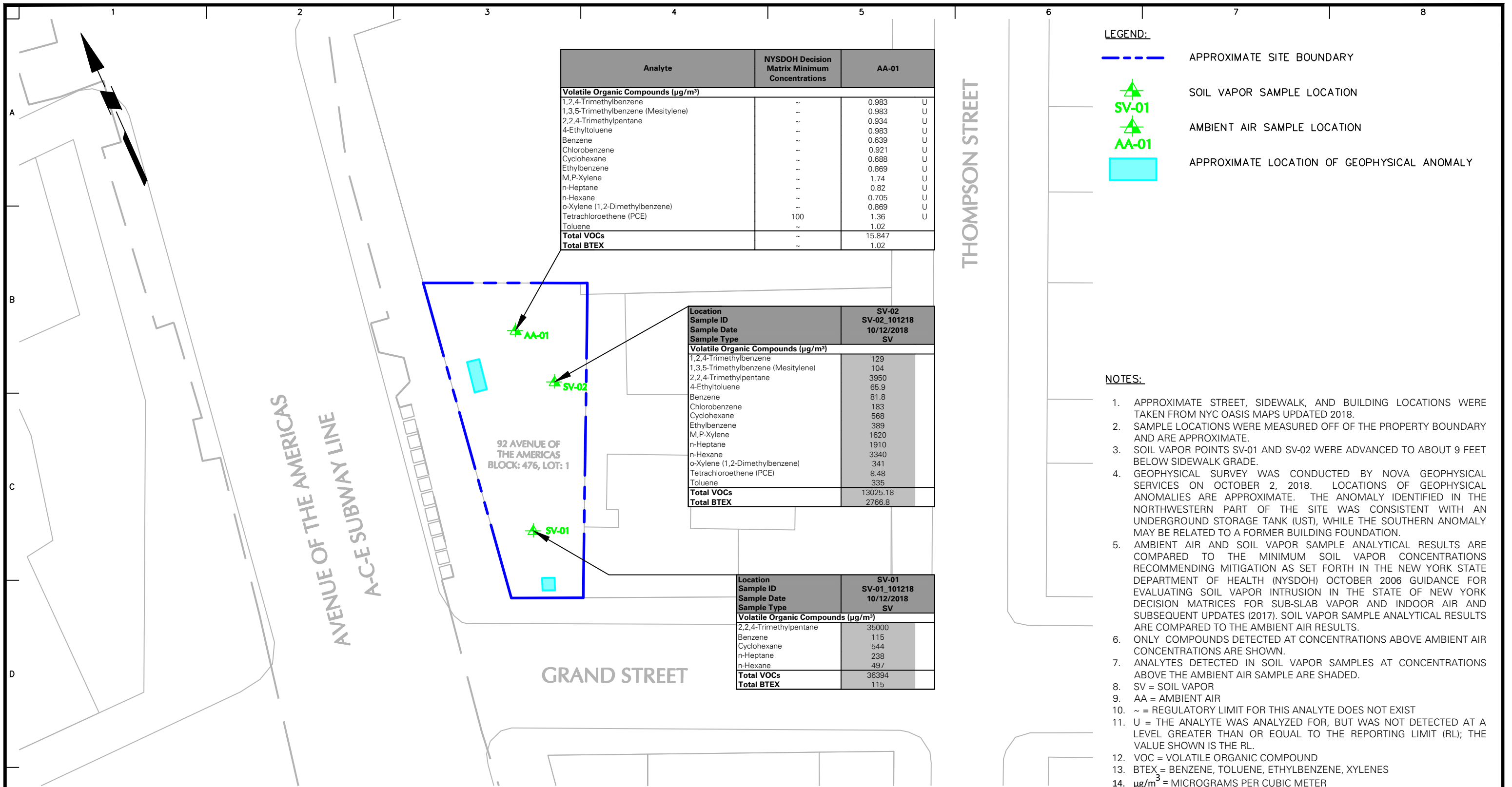


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Project
92 AVENUE OF THE AMERICAS
 BLOCK No. 476, LOT No. 1
 NEW YORK NEW YORK

Figure Title
GROUNDWATER SAMPLE ANALYTICAL RESULTS MAP

Project No. 190044801	Figure No. C-3
Date 12/04/2018	
Scale 1" = 30'	
Drawn By ERA	Checked By PM
Submission Date DECEMBER 2018	Sheet 3 of 4



LEGEND:

- APPROXIMATE SITE BOUNDARY
- SOIL VAPOR SAMPLE LOCATION
- AMBIENT AIR SAMPLE LOCATION
- APPROXIMATE LOCATION OF GEOPHYSICAL ANOMALY

NOTES:

1. APPROXIMATE STREET, SIDEWALK, AND BUILDING LOCATIONS WERE TAKEN FROM NYC OASIS MAPS UPDATED 2018.
2. SAMPLE LOCATIONS WERE MEASURED OFF OF THE PROPERTY BOUNDARY AND ARE APPROXIMATE.
3. SOIL VAPOR POINTS SV-01 AND SV-02 WERE ADVANCED TO ABOUT 9 FEET BELOW SIDEWALK GRADE.
4. GEOPHYSICAL SURVEY WAS CONDUCTED BY NOVA GEOPHYSICAL SERVICES ON OCTOBER 2, 2018. LOCATIONS OF GEOPHYSICAL ANOMALIES ARE APPROXIMATE. THE ANOMALY IDENTIFIED IN THE NORTHWESTERN PART OF THE SITE WAS CONSISTENT WITH AN UNDERGROUND STORAGE TANK (UST), WHILE THE SOUTHERN ANOMALY MAY BE RELATED TO A FORMER BUILDING FOUNDATION.
5. AMBIENT AIR AND SOIL VAPOR SAMPLE ANALYTICAL RESULTS ARE COMPARED TO THE MINIMUM SOIL VAPOR CONCENTRATIONS RECOMMENDING MITIGATION AS SET FORTH IN THE NEW YORK STATE DEPARTMENT OF HEALTH (NYSDOH) OCTOBER 2006 GUIDANCE FOR EVALUATING SOIL VAPOR INTRUSION IN THE STATE OF NEW YORK DECISION MATRICES FOR SUB-SLAB VAPOR AND INDOOR AIR AND SUBSEQUENT UPDATES (2017). SOIL VAPOR SAMPLE ANALYTICAL RESULTS ARE COMPARED TO THE AMBIENT AIR RESULTS.
6. ONLY COMPOUNDS DETECTED AT CONCENTRATIONS ABOVE AMBIENT AIR CONCENTRATIONS ARE SHOWN.
7. ANALYTES DETECTED IN SOIL VAPOR SAMPLES AT CONCENTRATIONS ABOVE THE AMBIENT AIR SAMPLE ARE SHADED.
8. SV = SOIL VAPOR
9. AA = AMBIENT AIR
10. ~ = REGULATORY LIMIT FOR THIS ANALYTE DOES NOT EXIST
11. U = THE ANALYTE WAS ANALYZED FOR, BUT WAS NOT DETECTED AT A LEVEL GREATER THAN OR EQUAL TO THE REPORTING LIMIT (RL); THE VALUE SHOWN IS THE RL.
12. VOC = VOLATILE ORGANIC COMPOUND
13. BTEX = BENZENE, TOLUENE, ETHYLBENZENE, XYLENES
14. µg/m³ = MICROGRAMS PER CUBIC METER

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Project

92 AVENUE OF THE AMERICAS

BLOCK No. 476, LOT No. 1

NEW YORK

Figure Title

SOIL VAPOR SAMPLE ANALYTICAL RESULTS MAP

Project No.
190044801

Date
12/04/2018

Scale
1" = 30'

Drawn By ERA

Checked By PM

Submission Date
DECEMBER 2018

Figure No.

C-4

Sheet 4 of 4

PREVIOUS REPORTS

(DIGITAL COPIES PROVIDED ON SEPARATE CD)

ATTACHMENT D

SECTION IV: PROPERTY INFORMATION

Item 2 – Property Map

Figure D-1 is the required United States Geological Survey (USGS) 7.5-minute quadrangle map showing the location of the site.

Figure D-2 provides a site base map that shows map scale, north arrow orientation, date, and location of the site with respect to adjacent streets and roadways.

Figure D-3 provides a site base map that shows i) proposed brownfield site boundary lines, with adjacent property owners clearly identified; and ii) surrounding land uses.

Figure D-4 provides the Manhattan Borough Tax Map.

Item 10 - Property Description and Environmental Assessment Narrative

Location

The 4,328-square-foot (0.10-acre) site is located in an urban area in the SoHo neighborhood of Manhattan, New York, and is identified as Block 476, Lot 1 on the New York City Manhattan Borough Tax Map, bearing addresses 92-98 Avenue of the Americas. The site occupies the southwestern corner of the city block bound by Watts Street to the north, Thompson Street to the east, Grand Street to the south, and Avenue of the Americas (Sixth Avenue) to the west. A 16-story commercial office building (100 Avenue of the Americas) adjoins the site to the north, and two 6-story mixed-used commercial and residential buildings adjoin the site to the east.

Site Features

There are no structures on the site, as it is covered with gravel and surrounded by chain-link fencing. According to the October 30, 2018 American Land Title Association (ALTA) and National Society of Professional Surveyors (NSPS) Land Title Survey prepared by Langan, grade elevation (el) ranges from about 5.63 in the southeastern corner to 9.46 feet in the northeastern corner of the site; elevations are presented in the North American Vertical Datum of 1988 (NAVD88). The New York City Transit (NYCT) A-C-E subway lines run west of the site below Avenue of the Americas.

Current Zoning and Land Use

The current zoning designation is M1-5B, which permits commercial uses. The proposed use is consistent with existing zoning for the property. The surrounding area includes commercial, residential, and industrial land uses, and municipal park space.

Past Use of the Site

The site has been developed since as early as 1894. Commercial and industrial historical site uses are described below:

- Chemical manufacturing facility (1922)
- Confectionary and malt products company (1927)
- Textile company (1973)
- Automobile service station (1938-2005)
- Filling station with at least four underground storage tanks (UST) (1950-2005).
 - One 2,000-gallon gasoline UST was installed on May 1, 1970 and was closed and converted to non-regulated use on June 01, 1994
 - Two 550-gallon gasoline USTs were closed-in-place on February 1, 1996
 - One 550-gallon waste oil UST was closed and removed on December 1, 2003.

Site Geology and Hydrogeology

A review of the historical “Sanitary & Topographical Map of the City and Island of New York” (Viele, 1865) shows that the site was originally occupied by marsh within the original shoreline of Manhattan. The United States Geological Survey (USGS) “Bedrock and Engineering Geologic Maps of New York County and Parts of Kings and Queens Counties, New York, and parts of Bergen and Hudson counties, New Jersey” (Baskerville 1994) indicates the Manhattan Schist Formation as the bedrock underlying the site. This formation is described as gray sillimanite-muscovite-tourmaline schist.

During Langan’s preliminary geotechnical engineering investigation in October 2018, bedrock was encountered at about 101 feet below grade surface (bgs). Bedrock consisted of gray schist with coarse to fine particles of muscovite, quartz, and feldspar with steep to shallow dipping fractures.

The generalized stratigraphy underlying the site is composed of a surficial layer of gravel overlying historic fill material followed by natural sand deposits and bedrock. Historic fill material was observed immediately below the existing surface to depths ranging from about 7 to 12 feet bgs and consists primarily of brown to red-brown, fine-grained sand with varying amounts of medium sand, coarse sand, gravel, concrete, brick, glass, coal, coal ash, and metal fragments. A native sand layer consisting of reddish-brown, fine- to medium-grained sand with trace gravel was encountered beneath the fill. Petroleum-like odors, black staining, sheen, and elevated PID readings were observed in borings EB-01 from 11 to 16 feet bgs (maximum 15,000 parts per million [ppm]), EB-02 from 15 to 16 feet bgs (maximum 392.4 ppm), and EB-03 from 15 to 19 feet bgs (maximum 638.6 ppm).

During synoptic gauging on October 12, 2018, groundwater depth ranged from about 11.37 to 12.53 feet bgs, corresponding to about el -4. A monitoring well survey is pending. Regional groundwater is inferred to flow west toward the Hudson River, following the influence of local topography.

Environmental Assessment

The primary contaminants of concern include petroleum-related volatile organic compounds (VOC) and semivolatile organic compounds (SVOC) and metals in soil, petroleum-related VOCs and SVOCs in groundwater, and petroleum-related VOCs in soil vapor. Soil sample results were compared to the Title 6 of the Official Compilation of New York Codes, Rules, and Regulations (6 NYCRR) New York State Department of Environmental Conservation (NYSDEC) Part 375 Unrestricted Use (UU) and Commercial Use (CU) Soil Cleanup Objectives (SCO). Groundwater sample results were compared to the NYSDEC Title 6 NYCRR Part 703.5 and the Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Guidance Values (SGV) for Class GA water, and analytes detected above the regulatory criteria are also summarized below. Soil vapor sample results were evaluated using the New York State Department of Health (NYSDOH) Guidance for Evaluating Soil Vapor Intrusion in New York State Soil Vapor/Indoor Air Decision Matrices dated October 2006 and updated May 2017.

Soil

- Soil exhibiting petroleum-like odor, staining and photoionization detector (PID) readings of up to 15,000 parts per million (ppm) was observed at or below the groundwater interface.
- Six VOCs, including 1,2,4-trimethylbenzene (maximum [max.] concentration of 130 parts per million [ppm]), 1,3,5-trimethylbenzene (max. 54 ppm), isopropylbenzene (max. 14 ppm), n-butylbenzene (max. 14 ppm), n-propylbenzene (max. 53 ppm), and total xylenes (max. 7.3 ppm), were detected at concentrations above the UU SCOs in samples collected at the groundwater interface.
- Seven SVOCs, including benzo(a)anthracene (max. 4.6 ppm), benzo(a)pyrene (max. 3.3 ppm), benzo(b)fluoranthene (max 4.4 ppm), benzo(k)fluoranthene (max. 1.4 ppm), chrysene (max. 4.4 ppm), dibenzo(a,h)anthracene (max. 0.54 ppm), and indeno(1,2,3-cd)pyrene (max. 2.2 ppm), were detected at concentrations above the UU SCOs in one or more samples. In addition, benzo(a)pyrene was detected at a concentration above the CU SCOs in one or more samples.

- Four metals, including barium, lead, mercury, and zinc exceeded the UU SCOs. Barium (max. 405 ppm) was also detected at a concentration above the CU SCOs.

Groundwater

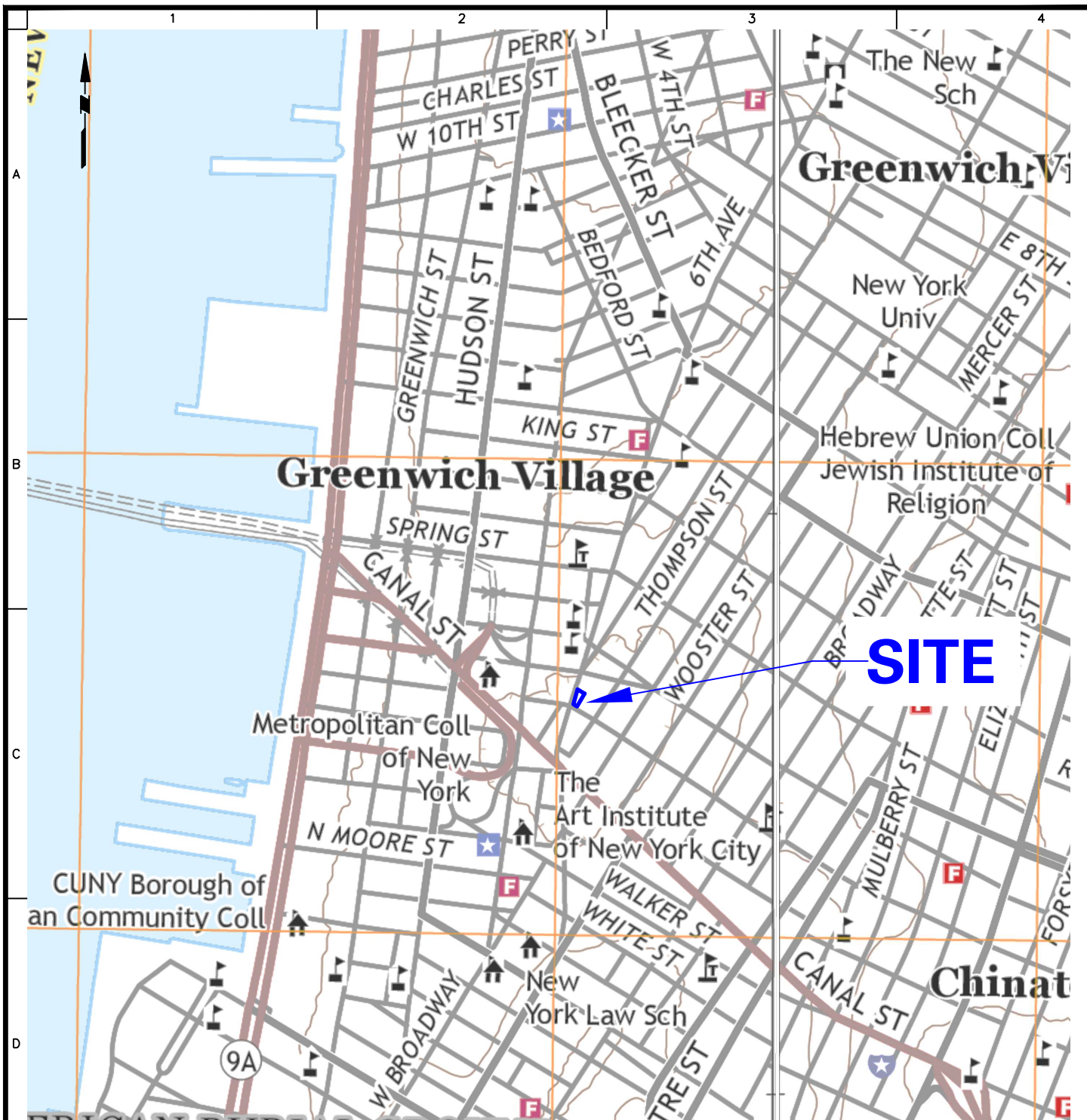
- Fifteen VOCs, including 1,2,4,5-tetramethylbenzene (max. 130 parts per billion [ppb]), 1,2,4-trimethylbenzene (max. 1,500 ppb), 1,2-dichlorobenzene (max. 13 ppb), 1,3,5-trimethylbenzene (max. 480 ppb), benzene (max. 20 ppb), chlorobenzene (max. 56 ppb), ethylbenzene (max. 560 ppb), isopropylbenzene (max. 110 ppb), n-butylbenzene (max. 39 ppb), n-propylbenzene (max. 330 ppb), o-xylene (max. 910 ppb), p-isopropyltoluene (max. 14 ppb), p/m-xylene (max. 2,800 ppb), sec-butylbenzene (max. 26 ppb), and toluene (max. 41 ppb) were detected at concentrations above the Class GA SGVs.
- Eight SVOCs, including 1,2-dichlorobenzene (max. 7.9 ppb), benzo(a)anthracene (max. 0.07 ppb), benzo(a)pyrene (max. 0.07 ppb), benzo(b)fluoranthene (max. 0.09 ppb), benzo(k)fluoranthene (max. 0.03 ppb), chrysene (max. 0.07 ppb), indeno(1,2,3-cd)pyrene (max. 0.02 ppb), and naphthalene (max. 83 ppb) were detected at concentrations above the Class GA SGVs.
- Four metals, including iron (max. 12,400 ppb), magnesium (max. 36,400 ppb), manganese (max. 1,147 ppb), and sodium (max. 133,000 ppb), were detected in groundwater samples at dissolved concentrations above the Class GA SGVs. These metals are representative of regional groundwater quality.

Soil Vapor

- Total VOC concentrations in soil vapor samples ranged from 13,025 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) to 36,394 $\mu\text{g}/\text{m}^3$, and were up to three orders of magnitude higher than total VOC concentrations in the outdoor ambient air sample (15.847 $\mu\text{g}/\text{m}^3$).
- Total benzene, toluene, ethylbenzene, and xylene (BTEX) concentrations in soil vapor samples ranged from 115 $\mu\text{g}/\text{m}^3$ to 2,766.8 $\mu\text{g}/\text{m}^3$, and were up to three orders of magnitude higher than BTEX concentrations in the ambient air sample (1.02 $\mu\text{g}/\text{m}^3$).
- No compounds were detected at concentrations above minimum concentrations for sub-slab vapor at which mitigation is recommended when applied to NYSDOH Decision Matrices

In response to the observed subsurface conditions and analytical data, the NYSDEC was contacted on November 6, 2018 and Spill Number 1808357 was assigned.

FIGURES



NOTES:

1. BASE MAP IS REFERENCED FROM UNITED STATES GEOLOGICAL SURVEY (USGS) 7.5-MINUTE SERIES TOPOGRAPHICAL MAPS, JERSEY CITY AND BROOKLYN QUADRANGLES, DATED 2016.



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Project

92 AVENUE OF THE AMERICAS

BLOCK No. 476, LOT No. 1

NEW YORK

NEW YORK

Figure Title

SITE LOCATION MAP

Project No.

190044801

Date

12/04/2018

Scale

1" = 1000'

Drawn By

KA

Checked By

PM

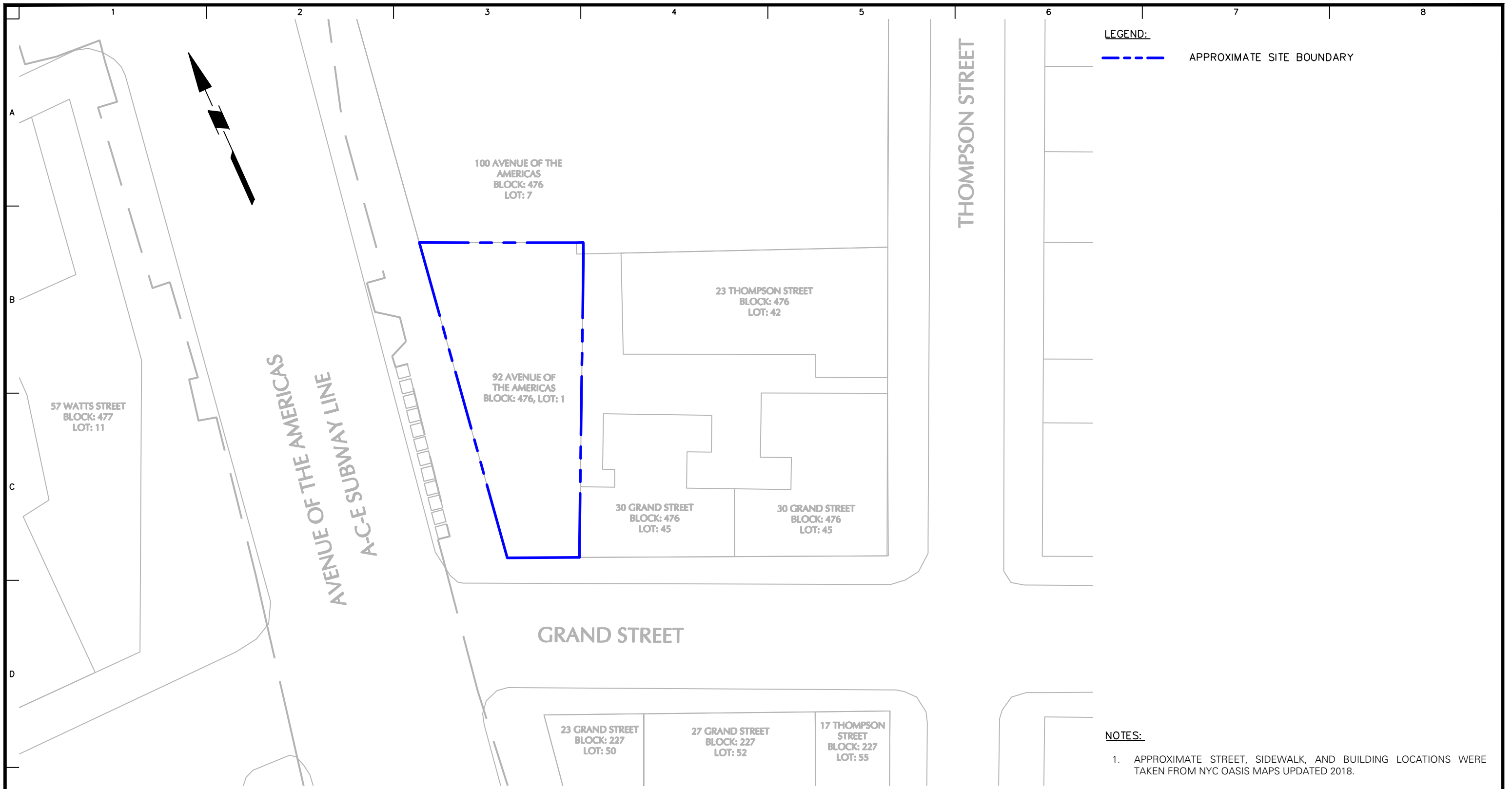
Submission Date

DECEMBER 2018

Figure No.

D-1

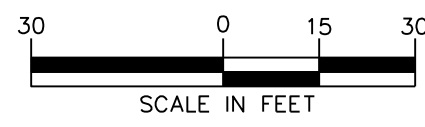
Sheet 1 of 4



LEGEND:
 - - - - - APPROXIMATE SITE BOUNDARY

NOTES:
 1. APPROXIMATE STREET, SIDEWALK, AND BUILDING LOCATIONS WERE TAKEN FROM NYC OASIS MAPS UPDATED 2018.

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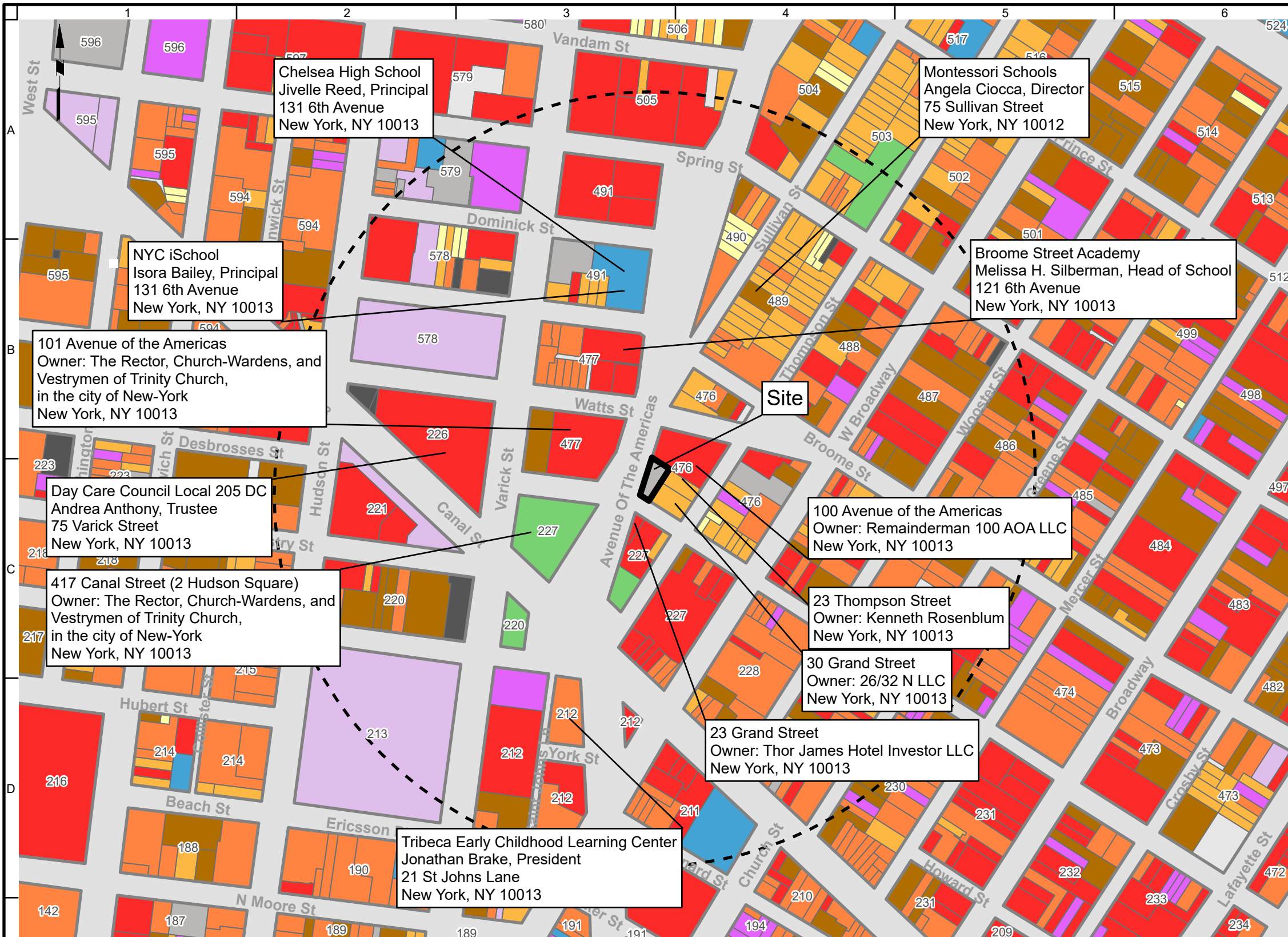


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Project
92 AVENUE OF THE AMERICAS
BLOCK No. 476, LOT No. 1
NEW YORK NEW YORK

Figure Title
SITE PLAN

Project No. 190044801	Figure No.
Date 12/04/2018	D-2
Scale 1" = 30'	
Drawn By ERA	Checked By PM
Submission Date DECEMBER 2018	Sheet 2 of 4



- LEGEND:**
- APPROXIMATE SITE BOUNDARY
 - 1000 FT. BOUNDARY
 - ONE & TWO FAMILY BUILDINGS
 - MULTI-FAMILY WALK-UP BUILDINGS
 - MULTI-FAMILY ELEVATOR BUILDINGS
 - MIXED RESIDENTIAL & COMMERCIAL BUILDINGS
 - COMMERCIAL & OFFICE BUILDINGS
 - INDUSTRIAL & MANUFACTURING
 - TRANSPORTATION & UTILITY
 - PUBLIC FACILITIES & INSTITUTIONS
 - OPEN SPACE & OUTDOOR RECREATION
 - PARKING FACILITIES
 - VACANT LAND
 - OTHER/NO DATA

101 Avenue of the Americas
 Owner: The Rector, Church-Wardens, and Vestrymen of Trinity Church, in the city of New-York
 New York, NY 10013

Day Care Council Local 205 DC
 Andrea Anthony, Trustee
 75 Varick Street
 New York, NY 10013

417 Canal Street (2 Hudson Square)
 Owner: The Rector, Church-Wardens, and Vestrymen of Trinity Church, in the city of New-York
 New York, NY 10013

Tribeca Early Childhood Learning Center
 Jonathan Brake, President
 21 St Johns Lane
 New York, NY 10013

100 Avenue of the Americas
 Owner: Remainderman 100 AOA LLC
 New York, NY 10013

23 Thompson Street
 Owner: Kenneth Rosenblum
 New York, NY 10013

30 Grand Street
 Owner: 26/32 N LLC
 New York, NY 10013

23 Grand Street
 Owner: Thor James Hotel Investor LLC
 New York, NY 10013

Montessori Schools
 Angela Ciocca, Director
 75 Sullivan Street
 New York, NY 10012

Broome Street Academy
 Melissa H. Silberman, Head of School
 121 6th Avenue
 New York, NY 10013

Chelsea High School
 Jivelle Reed, Principal
 131 6th Avenue
 New York, NY 10013

NYC iSchool
 Isora Bailey, Principal
 131 6th Avenue
 New York, NY 10013



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Project
92 AVENUE OF THE AMERICAS
 BLOCK No. 476, LOT No. 1
 NEW YORK NEW YORK

Drawing Title
ADJACENT PROPERTY AND SURROUNDING LAND USE MAP

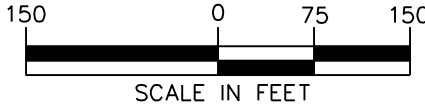
Project No. 190044801	Figure No. D-3
Date 1/23/2019	
Scale 1"=300'	
Drawn By AB	Sheet 3 of 4

NOTES:
 BASEMAP ADAPTED FROM PARCEL INFORMATION PROVIDED BY THE DEPARTMENT OF CITY PLANNING, MAPPLUTO VERSION 18V1.1, 2018.



LEGEND:
 APPROXIMATE SITE BOUNDARY

NOTES:
 1. BASEMAP ACCESSED FROM GIS.NYC.GOV/TAXMAP ON OCTOBER 10, 2018.



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Project
92 AVENUE OF THE AMERICAS
 BLOCK No. 476, LOT No. 1
 NEW YORK NEW YORK

Figure Title
TAX LOT LOCATION MAP

Project No. 190044801	Figure No.
Date 12/04/2018	D-4
Scale 1" = 150'	
Drawn By ERA	Checked By PM
Submission Date DECEMBER 2018	Sheet 4 of 4

ATTACHMENT E

SECTION VI: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Property Owners

The Rector, Church-Wardens, and Vestrymen of Trinity Church, in the city of New-York (“Trinity”) acquired title to the property through its subsidiary Mid-Canal Realty Co., Inc., as nominee for Trinity. Mid-Canal Realty Co., Inc., as nominee for Trinity, acquired title to the property from William Newman and Abe Newman in January 7, 1957 (Deed recorded January 8, 1957).

As of the date of the application, no records of previous site ownership were available on the Automated City Register Information System (ACRIS). The following is a summary of known current/previous owners:

Name	Approximate Dates of Ownership	Address and Phone Number	Relationship to Requestor
The Parish of Trinity Church in New York City c/o Trinity Wall Street	January 7, 1957 – December 2018	120 Broadway, 38 th Floor New York, NY 10271	Requestor - See Attachment A
Mid-Canal Realty Co., Inc. as nominee for Trinity	January 7, 1957 – December 2018	120 Broadway, 38 th Floor New York, NY 10271	Nominee for Requestor
William and Abe Newman	Prior to January 7, 1957	92 Avenue of the Americas New York, NY 10013	None

Previous Property Operators

The site is currently vacant. The following information is based on a review of New York City Department of Finance - Office of the City Register databases and the November 2018 Phase I Environmental Site Assessment.

Name	Relationship to Property and Approximate Dates of Operation	Address and Phone Number	Relationship to Requestor
Filling Station	Tenant (~1950-2005)	92 Avenue of the Americas New York, NY 10013	Tenant
Lavergne Auto School Inc.	Tenant (~1983)	92 Avenue of the Americas New York, NY 10013	Tenant
Leopold EDWB Textiles	Tenant (~1973)	92 Avenue of the Americas New York, NY 10013	Tenant

Name	Relationship to Property and Approximate Dates of Operation	Address and Phone Number	Relationship to Requestor
Newman Abe Auto Repairs	Tenant (~1942-1988)	92 Avenue of the Americas New York, NY 10013	Tenant/Seller
A & A Repairs, Inc.	Tenant (~1942-1988)	92 Avenue of the Americas New York, NY 10013	Tenant
Bricks Service Station	Tenant (~1938-1963)	92 Avenue of the Americas New York, NY 10013	Tenant
BB Confectionary Company and Eagle Malt Products Company	Tenant (~1927)	92 Avenue of the Americas New York, NY 10013	Unknown
Denver Chemical Manufacturing	Tenant (~1922)	92 Avenue of the Americas New York, NY 10013	Unknown

ATTACHMENT F

SECTION VII: REQUESTOR ELIGIBILITY INFORMATION

Participant Status

Pursuant to ECL § 27-1405(1), the Rector, Church-Wardens, and Vestrymen of Trinity Church, in the city of New-York (“Trinity”) is properly designated as a Participant because its liability arises from being the owner of the site at the time of discharge of petroleum. 92 HH LLC and New Remainderman 92 AOA LLC are properly designated as Participants because their liabilities arise from being the entities that will a) hold an estate for years in the property, and b) will hold the remainder interest in the property, respectively. Trinity holds a majority interest in 92 HH LLC, and, following a restructuring, will hold a 100% interest in New Remainderman 92 AOA LLC. As part of an environmental investigation to inform future redevelopment of the site, Trinity became aware of on-site contamination of soil, groundwater, and soil vapor. Based on field observations and analytical data, a spill was reported to the NYSDEC and Spill No. 18008357 was assigned. The Requestors have dispatched and continue to dispatch their obligations of due care with respect to the site. For the foregoing reasons, the Requestors qualify as Participants.

Requestor Relationship to Property

Each of the three Requestor’s relationship to the property is summarized as follows:

1. The Rector, Church-Wardens, and Vestrymen of Trinity Church, in the city of New-York (“Trinity”)
 - As of the date of this application, owner of the property and, after the restructuring, will hold (i) an indirect majority interest in 92 HH LLC (which will qualify as a REIT) which entity will hold the 102 year estate for years in the property and (ii) a 100% interest in New Remainderman 92 AOA LLC, the entity that will hold the remainder interest in the property
 - As the property owner, Trinity has access to the site
2. 92 HH LLC
 - A Delaware limited liability company (that intends to qualify as a REIT) that currently is a wholly owned direct subsidiary of Trinity (the property owner) and, after the restructuring, will hold a 102 year estate for years in the property and Trinity will indirectly own a majority interest in 92 HH LLC.
 - As a subsidiary of Trinity, 92 HH LLC has access to the site.

3. New Remainderman 92 AOA LLC

- A wholly-owned subsidiary of 92 HH LLC that, after the restructuring, will hold the remainder interest in the property and will be a wholly-owned subsidiary of Trinity.
- As a subsidiary of Trinity, New Remainderman 92 AOA LLC has access to the site.

ATTACHMENT G

SECTION IX: CONTACT LIST INFORMATION

Item 1

Chief Executive Officer

Mayor Bill de Blasio
City Hall
260 Broadway Avenue
New York, NY 10007

New York City Planning Commission

Marisa Lago, Chair
Department of City Planning
22 Reade Street
New York, NY 10007-1216

Borough of Manhattan, Borough President

Gale A. Brewer
431 West 125th Street
New York, NY 10027
(212) 531-1609

Item 2

Residents, owners, and occupants of the site and properties adjacent to the site

Site properties:

The Rector, Church-Wardens, and Vestrymen of Trinity Church, in the city of New-York
(owner)
c/o Trinity Real Estate
120 Broadway, 38th Floor
New York, NY 10271

Vacant Lot (no tenant)
92 Avenue of Americas
New York, NY 10013

Adjacent properties:

26/32 N LLC
Mixed Commercial/Residential Building
26 Grand Street
New York, NY 10013

Trinity Hudson Holdings, LLC
Commercial Office Building
100 Avenue of the Americas
New York, NY 10013

Bernice Rosenblum
Mixed Commercial/Residential Building
23-25 Thompson Street
New York, NY 10013

Thor James Hotel Propco LLC
Mixed Commercial/Residential Building
23 Grant Street
New York, NY 10013

Item 3

Local news media from which the community typically obtains information

Downtown Express
1 Metrotech Center
Brooklyn, NY 11201
(212) 229-1890

Item 4

Public Water Supply

The responsibility for supplying water in New York City is shared between the NYC Department of Environmental Protection, the Municipal Water Finance Authority, and the New York City Water Board:

NYCDEP
Vincent Sapienza, Commissioner
59-17 Junction Boulevard
Flushing, NY 11373

New York City Municipal Water Finance Authority
255 Greenwich Street, 6th Floor
New York, NY 10007

New York City Water Board
Department of Environmental Protection
59-17 Junction Boulevard, 8th Floor
Flushing, NY 11373

Item 5

Request for Contact

We are unaware of any requests for inclusion on the contact list at this time.

Item 6

Schools and Day Care Facilities

Broome Street Academy
(about 0.065 miles N from the site)
Melissa H. Silberman, Head of School
121 6th Avenue
New York, NY 10013

NYC iSchool
(about 0.08 miles N from the site)
Isora Bailey, Principal
131 6th Avenue
New York, NY 10013

Chelsea High School
(about 0.085 miles NE from the site)
Jivelle Reed, Principal
131 6th Avenue
New York, NY 10013

Montessori Schools
(about 0.10 miles NE from the site)
Angela Ciocca, Director
75 Sullivan Street
New York, NY 10012

Tribeca Early Childhood Learning Center
(about 0.10 miles S from the site)
Jonathan Brake, President
21 St Johns Lane
New York, NY 10013

Portfolio School
(about 0.22 miles SW from the site)
Doug Schachtel, Chief Operating Officer
27 N Moore Street
New York, NY 10012

TriBeCa Community School
(about 0.22 miles W from the site)
Kristen Pallonetti, Director
22 Ericsson Place
New York, NY 10013

LREI-High School
(about 0.25 miles N from the site)
Phillip Kassen, Director
40 Charlton Street
New York, NY 10014

Bright Horizons Childrens Center, Inc.
(about 0.27 miles SE from the site)
Sarah Kawaling, Center Director
129 Hudson Street
New York, NY 10013

Church St School for Music and Art
(about 0.31 miles SE from the site)
Lisa Ecklund-Flores, Executive Director
41 White Street
New York, NY 10013

Cookie Academy
(about 0.33 miles NE from the site)
Aliza Kushner, Director
60 Mcdougal Street
New York, NY 10012

Ross Global Academy Charter
(about 0.36 miles NE from the site)
Steven J. Ross, Founder
560 Broadway #301
New York, NY 10012

Buckle my Shoe Learning Center
(about 0.42 miles SW from the site)
Linda Ensko, Owner
40 Worth Street
New York, NY 10013

Baxter St. After Day Care
(about 0.44 miles E from the site)
Renny Fong, Principal
143 Baxter Street
New York, NY 10013

Public School 130
(about 0.44 miles E from the site)
Renny Fong, Principal
143 Baxter Street
New York, NY 10013

City-As-School
(about 0.41 miles N from the site)
Alan Cheng, Principal
16 Clarkson Street
New York, NY 10014

Baxter St After School Daycare
(about 0.44 miles SE from the site)
Darryl Alhadeff, Superintendent
143 Baxter Street

LREI – Lower and Middle School
(about 0.45 miles N from the site)
Phillip Kassen, Director
272 6th Avenue
New York, NY 10012

Public School 150
(about 0.46 miles SW from the site)
Jenny Bonnet, Principal
334 Greenwich Street
New York, NY 10013

Chung Pak Day Care Center
(about 0.46 miles N from the site)
Wayne Ho, President
125 Walker Street #3
New York, NY 10013

Sompit Child Care Center
(about 0.47 miles NNE from the site)
Sompit Oerlemans, On-Site Provider
3 Washington Square Village
New York, NY 10013

Creative Steps Early Care & Education
(about 0.49 miles NNE from the site)
Darryl Alhadeff, Superintendent
4 Washington Square Village
New York, NY 10013

Item 7

Document Repository (e.g. local library):

New York Public Library
Hudson Park Branch
66 Leroy Street
New York, NY 10014
(212) 243-6876

Manhattan Community Board 2
3 Washington Square Village #1A
New York, NY 10012
(212) 979-2272

Letters sent to the repositories acknowledging that both agree to act as document repositories for the project are included in this attachment.

Item 8

Local Community Board

Manhattan Community Board 2
Terri Cude, Chair
3 Washington Square Village #1A
New York, NY 10012
(212) 979-2272

REPOSITORY LETTERS

December 6, 2018

Miranda Murray
Library Manager
New York Public Library
Hudson Park Branch
66 Leroy Street
New York, NY 10014

**Re: Brownfield Cleanup Program Application
92 Avenue of the Americas (the "site")
Block 476, Lot 1
New York, New York 10013**

Dear Ms. Murray,

We represent the Rector, Church-Wardens, and Vestryman of Trinity Church, in the city of New-York, 92 HH LLC, and New Remainderman 92 AOA LLC in their anticipated New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) application for the above-referenced 4,328 square-foot site that is comprised of Manhattan Borough New York City Tax Block 476, Lot 1, and located in the SoHo neighborhood of Manhattan (the site). It is a NYSDEC requirement that we supply them a letter certifying that the local library is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. Following NYSDEC review of each document, Langan will provide The New York Public Library (Hudson Park Branch) with a link to the files, which it will make available to the public for the duration of the site's involvement with the BCP. Please sign below if you are able to certify that the Hudson Park Branch Library would be willing and able to act as the temporary public repository for this BCP project.

Sincerely,

**Langan Engineering, Environmental, Surveying, Landscape
Architecture and Geology, D.P.C.**



Paul McMahon, PE
Project Engineer

Yes, the New York Public Library (Hudson Park Branch) is willing and able to act as a public repository on behalf of the Rector, Church-Wardens, and Vestryman of Trinity Church, in the city of New-York, 92 HH LLC, and New Remainderman 92 AOA LLC in their cleanup of the site under the NYSDEC BCP.

Miranda Murray
(Name)

Library Manager
(Title)

12-6-18
(Date)

December 6, 2018

Terri Cude
Manhattan Community Board 2
3 Washington Square Village #1A
New York, NY 10012

**Re: Brownfield Cleanup Program Application
92 Avenue of the Americas (the "site")
Block 476, Lot 1
New York, New York 10013**

Dear Ms. Cude:

We represent the Rector, Church-Wardens, and Vestryman of Trinity Church, in the city of New-York, 92 HH LLC, and New Remainderman 92 AOA LLC in their anticipated New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) application for the above-referenced 4,328 square-foot site that is comprised of Manhattan Borough New York City Tax Block 476, Lot 1, and located in the SoHo neighborhood of Manhattan (the site). It is a NYSDEC requirement that we supply them a letter certifying that the local community board is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. Following NYSDEC review of each document, Langan will provide the local community board with a link to the files, which it will make available to the public for the duration of the site's involvement with the BCP. Please sign below if you are able to certify that your community board would be willing and able to act as the temporary public repository for this BCP project.

Sincerely,
**Langan Engineering, Environmental, Surveying,
Landscape Architecture and Geology, D.P.C.**



Paul McMahon, PE
Project Engineer

Yes, the Manhattan Community Board 2 is willing and able to act as a public repository on behalf of the Rector, Church-Wardens, and Vestryman of Trinity Church, in the city of New-York, 92 HH LLC, and New Remainderman 92 AOA LLC in their cleanup of the site under the NYSDEC BCP.



(Name)

12/6/18

(Date)

DISTRICT MANAGER

(Title)

ATTACHMENT H

SECTION X: LAND USE FACTORS

Item 1 - Current Zoning

The current zoning designation is M1-5B, which permits commercial and light industrial uses. The proposed use is consistent with existing zoning for the property. The approximately 4,328-square-foot site is bound by a 16-story commercial office building (100 Avenue of the Americas) to the north, two 6-story mixed-used commercial and residential buildings to the east, Grand Street to the south, and Avenue of the Americas (Sixth Avenue) to the west. The site is identified as Block 476, Lot 1 on the New York City Manhattan Borough Tax Map.

Item 2 - Current Use

The site is a 4,328-square-foot, gravel-covered lot surrounded by a chain-link fence, and is used for private parking. There are no buildings on the site. Possible contaminant source areas on the site include historical site use as the following:

- Chemical manufacturing facility (1922)
- Confectionary and malt products company (1927)
- Textile company (1973)
- Automobile service station (1938-2005)
- Filling station with at least four underground storage tanks (UST) (1950-2005).
- The following USTs were identified on the PBS database:
 - One 2,000-gallon gasoline UST was installed on May 1, 1970 and was closed and converted to non-regulated use on June 1, 1994
 - Two 550-gallon gasoline USTs were closed-in-place on February 1, 1996
 - One 550-gallon waste oil UST was closed and removed on December 1, 2003.

Item 3 – Intended Use Post Remediation

The proposed development project is in the early planning stages, but currently is anticipated to include a 7-story commercial office building spanning the site footprint (4,328 square feet), with one full cellar level at a depth of about 15 feet below grade surface (bgs).

Item 5 - Consistency with Applicable Zoning Laws/Maps

The site is located in the M1-5B manufacturing district. M1 districts typically include light industrial and commercial uses, as well as office and retail spaces. The applicable zoning map (12a) is included in this attachment. No change to the underlying zoning was requested.

Item 6 - Consistency with Land Use Plans

The proposed use is consistent with existing zoning for the property and recent development patterns in the surrounding area, including the SoHo and Hudson Square neighborhoods. The site is adjacent to, but outside of, the Special Hudson Square District, which supports the expansion and new development of residential, commercial and community facilities while promoting the retention of commercial uses and light manufacturing in the Hudson Square neighborhood of Manhattan.

ZONING MAP



ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

- R - RESIDENTIAL DISTRICT
- C - COMMERCIAL DISTRICT
- M - MANUFACTURING DISTRICT

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

AREA(S) REZONED

Effective Date(s) of Rezoning:

06-28-2018 C 180170 ZMM

Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.

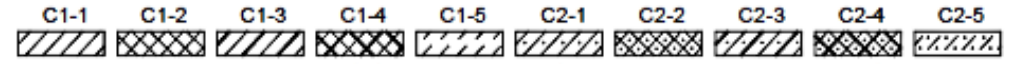
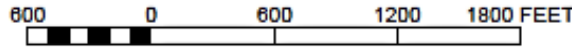
For a list of lots subject to "D" restrictive declarations, see APPENDIX D.

For Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas on this map, see APPENDIX F.

MAP KEY

	8b	8d
	12a	12c
	12b	12d

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NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

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

ZONING MAP 12a