



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 92-98 LLC		
ADDRESS 1270 Broadway, Suite 803		
CITY/TOWN New York, New York		ZIP CODE 10001
PHONE 212-967-0494	FAX	E-MAIL landlord.njb@gmail.com
<p>Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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. <p>Do all individuals that will be certifying documents meet the requirements detailed below? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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	
1. What stage is the project starting at?	<input checked="" type="checkbox"/> Investigation <input type="checkbox"/> Remediation
<p>NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required.</p>	
2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2):	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Please attach a short description of the overall development project, including:	
<ul style="list-style-type: none"> the date that the remedial program is to start; and the date the Certificate of Completion is anticipated. 	

Section III. Property's Environmental History

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	PCE, TCE, Cis-1,2-DCE	PCE, TCE, vinyl chloride, Cis-1,2-DCE	
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?*

Yes No

(*answering No will result in an incomplete application)

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

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

Other: _____

Section IV. Property Information - See Instructions for Further Guidance

PROPOSED SITE NAME 92-98 Nagle Avenue

ADDRESS/LOCATION 92-98 Nagle Avenue

CITY/TOWN New York

ZIP CODE 10040

MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Manhattan, Fort George

COUNTY

SITE SIZE (ACRES) .345

LATITUDE (degrees/minutes/seconds)

40 ° 54 ' 38 "

LONGITUDE (degrees/minutes/seconds)

-73 ° 55 ' 39 "

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.

Parcel Address	Section No.	Block No.	Lot No.	Acreage
92-98 Nagle Avenue	New York	2174	93	0.345

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

2. Is the required property map attached to the application? Yes No
(application will not be processed without map)

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 : 285

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

Easement/Right-of-way Holder

Description

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

Type

Issuing Agency

Description

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

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 Abraham Benelyahou		
ADDRESS 1270 Broadway, Suite 803		
CITY/TOWN New York, NY		ZIP CODE 10001
PHONE 212-967-0494	FAX	E-MAIL landlord.njb@gmail.com
NAME OF REQUESTOR'S CONSULTANT Castleton Environmental Geologic Services DPC		
ADDRESS 54 George Street		
CITY/TOWN Babylon		ZIP CODE 11702
PHONE 631-482-1818	FAX 631-321-4349	E-MAIL frankc@castletonenv.com
NAME OF REQUESTOR'S ATTORNEY Knauf Shaw		
ADDRESS 1400 Crossroads Building - 2 State Street		
CITY/TOWN Rochester, NY		ZIP CODE 14614
PHONE 585-546-8430	FAX	E-MAIL lshaw@nyenvlaw.com

Section VI. Current Property Owner/Operator Information – if not a Requestor

CURRENT OWNER'S NAME		OWNERSHIP START DATE:
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)

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

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 _____

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? Yes No
If yes, please provide: Order # _____
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? Yes No
If yes, please provide explanation as an attachment.

Section IX. Contact List Information

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

1. What is the current municipal zoning designation for the site? C1-4

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.

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.

3. Reasonably anticipated use Post Remediation: Residential Commercial Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**

If residential, does it qualify as single family housing? Yes No

4. Do current historical and/or recent development patterns support the proposed use?

Yes No

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.

Yes No

The proposed future use is the same as current use.

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.

Yes No

The proposed future use is the same as current use.

XI. Statement of Certification and Signatures

(By requestor who is an individual)

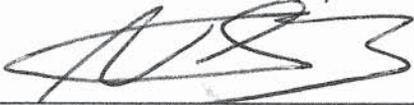
If this application is approved, I hererby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) 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 OWNER (title) of 92-98 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.

Date: 12/02/2019 Signature: 

Print Name: Abraham Benelyahou

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: _____

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.

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Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Underutilized? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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>	
From 6 NYCRR 375-3.2(I) as of August 12, 2016: (Please note: Eligibility determination for the underutilized category can only be made at the time of application)	
375-3.2:	
<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: 92-98 Nagle Avenue
City: New York

Site Address: 92-98 Nagle Avenue
County: **Zip:** 10040

Tax Block & Lot

Section (if applicable): New York **Block:** 2174 **Lot:** 93

Requestor Name: 92-98 LLC
City: New York, New York

Requestor Address: 1270 Broadway, Suite 803
Zip: 10001 **Email:** landlord.njb@gmail.com

Requestor's Representative (for billing purposes)

Name: Abraham Benelyahou **Address:** 1270 Broadway, Suite 803
City: New York, NY **Zip:** 10001

Email: landlord.njb@gmail.com

Requestor's Attorney

Name: Knauf Shaw **Address:** 1400 Crossroads Building - 2 State Street
City: Rochester, NY **Zip:** 14614

Email: lshaw@nyenvlaw.com

Requestor's Consultant

Name: Castleton Environmental Geologic Services DPC **Address:** 54 George Street
City: Babylon **Zip:** 11702

Email: frankc@castletonenv.com

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**

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.

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**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
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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.

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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.



CASTLETON

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Brownfields Cleanup Program Application 92-98 Nagle Avenue New York, NY



December 2019

Prepared for: 92-98 LLC
1270 Broadway, Suite 803
New York, NY 10001
landlord.njb@gmail.com



**BROWNFIELD CLEANUP PROGRAM APPLICATION
92 TO 98 NAGLE AVENUE, NEW YORK, NEW YORK
CASTLETON PROJECT NUMBER: NJBM-1801
DECEMBER 2019**

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**BROWNFIELD CLEANUP PROGRAM APPLICATION
92 TO 98 NAGLE AVENUE, NEW YORK, NEW YORK
CASTLETON PROJECT NUMBER: NJBM-1801
DECEMBER 2019**

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- Figure 1 – Site Location
- Figure 2 – Site Plan
- Figure 3 – Contamination Identified in Soil
- Figure 4 – Contamination Identified in Groundwater
- Figure 5 – Tax Parcel Information
- Figure 6 – USGS 7.5 Minute Quadrangle Map
- Figure 7 – Property and Adjacent Parcels Map
- Figure 8 – Site and Surrounding Area Zoning Map
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- Figure 10 – Soil Vapor Intrusion (SVI) Investigation results

Appendices

- Appendix A – Requestors NYSDOS Entity Print Out and Member/Ownership Information
- Appendix B – Supplemental Investigation Report –December 2018 (Provided Electronically)
 - Focused Subsurface Site Investigation (FSSI) by Merritt – June 2018 (Provided Electronically)
 - Soil Vapor Intrusion (SVI) Investigation Report – July 2019 (Provided Electronically)
- Appendix C – Previous Property Owners and operators
- Appendix D – Site Contact List
- Appendix E – Document Repository Agreement



1.0 INTRODUCTION

Castleton Environmental Geologic Services, DPC. (Castleton), has prepared the following Brownfield Cleanup Program (BCP) Application on behalf of the Requestor (92-98 LLC) for the property located at 92 to 98 Nagle Avenue, New York, New York (the site).

Castleton serves as the Requestor's environmental consultant and meets the definition of a Qualified Environmental Professional as defined at *6 NYCRR 375-1.2(ak)* and *DER-10 paragraph 1.3(b)49*.

The Requestor is a corporate entity authorized to conduct business in New York State (NYS). A printout of the entity and member/ownership information for 92-98 LLC from the NYS Department of State (DOS) database are provided as Appendix A. 92-98 LLC is owned by Mr. Abraham Benelyahou.

The information contained in the following sections supplements the completed BCP Application Form which accompanies this document.

2.0 PROJECT DESCRIPTION

The project site is located at 92 to 98 Nagle Avenue, New York, New York (Figure 1). Soil and groundwater contamination were identified in a December 2018 Phase II Environmental Site Assessment (ESA).

The purpose of the project is to:

- Remediate onsite contamination as a Participant under the NYSDEC BCP.

2.1 Anticipated Schedule

The project is entering the BCP at the investigation phase and the anticipated start date of the remedial program is February, 2020. The anticipated date of being granted a Certificate of Completion by the NYSDEC is August, 2021.

There are currently no redevelopment plans established for the site; however, it is anticipated that any future redevelopment will be consistent with the current zoning and land use requirements for the area and goals of the BCP.



3.0 PROPERTY'S ENVIRONMENTAL HISTORY

3.1 Phase II Environmental Site Assessment – June 2018

The impacts to soil and groundwater were identified during the completion of a Phase II ESA (Focused Subsurface Site Investigation (FSSI)) performed by Merritt Environmental Consulting Corp (MECC) dated June 2018. The Phase II was performed in response to a Phase I ESA that identified a Site history of Dry cleaners occupying the property.

Subsurface testing included the characterization of soil and groundwater in the basement of the building in the vicinity of the former dry cleaner identified the presence of chlorinated volatile organic compounds (CVOCs), notably tetrachloroethylene (PCE) and trichloroethylene (TCE). The reported concentrations in soil and groundwater exceeded the applicable NYSDEC Standards, Criteria, and Guidance (SCGs) based on the current and reasonably anticipated use of the site.

3.2 Supplemental Investigation Report – December 2018

Based on the Phase II ESA FSSI performed by MECC dated June 2018, Castleton conducted additional subsurface testing including the characterization of soil and groundwater in the basement of the building in the vicinity of the former dry cleaner. The presence of chlorinated volatile organic compounds (CVOCs) was identified, notably tetrachloroethylene (PCE) and trichloroethylene (TCE). The reported concentrations in soil and groundwater exceeded the applicable NYSDEC Standards, Criteria, and Guidance (SCGs) based on the current and reasonably anticipated use of the site.

In soil, PCE was found at concentrations up to 16,000-mg/Kg, which is above its respective NYSDEC Part 375.6 Soil Cleanup Objective (SCO) for the Protection of Groundwater of 1.3-mg/Kg and Industrial Use SCO of 300-mg/Kg. TCE was found at concentrations of up to 2.3-mg/Kg, which is also above its respective NYSDEC Part 375.6 SCO for the Protection of Groundwater of 0.47-mg/Kg. Subsurface soil samples where CVOCs were identified were collected from within the building at a depth of 1.5 to 5-feet below ground surface (bgs).

The concentrations of CVOCs and the subsurface soil sample locations are depicted on Figure 3.

In groundwater, PCE was identified at concentration of up to 130,000-ug/L, TCE was identified at concentrations of up to 660-ug/L, and cis-1,2-dichloroethene was identified at concentrations of up to 800-ug/L. These concentrations of CVOCs are well above their respective NYSDEC Part 703.5 Ambient Groundwater (Class GA) standard of 5-ug/L. Besides these chemicals, multiple CVOCs were identified in groundwater samples collected throughout the site.

The concentrations of CVOCs and the groundwater sample locations are depicted on Figure 4.



3.3 Soil Vapor Intrusion Investigation Report – July 2019

A soil vapor intrusion (SVI) investigation was conducted in April 2019. This work was performed pursuant to a NYSDEC Stipulation Agreement for DEC Site No. 231134 and the March 2019 SVI Investigation Work Plan dated March 2019.

The SVI investigation six sub-slab vapor, eight indoor ambient air quality samples, and one outdoor ambient air quality samples were collected. In addition, one indoor ambient air quality and one sub-slab vapor duplicate samples were collected for quality control.

Analytical results reported concentrations of TCE, PCE and Methylene chloride below the below AGVs in all the indoor air samples analyzed.

1,1,1-TCA, 1,1-dichloroethylene, carbon tetrachloride, and vinyl chloride were reported as non-detect in the seven sub-slab vapor samples. Cis-1,2-dichloroethylene was reported in one sub-slab vapor sample below its response threshold of 6 ug/m³. Cis-1,2-dichloroethylene was reported as non-detect in the remaining samples. Methylene chloride and PCE were non-detect or detected below the response threshold of 100 ug/m³ in all six sub-slab vapor samples. TCE vapor concentrations were reported as non-detect in five of the six sub-slab vapor samples. TCE was reported above the response threshold of 6 ug/m³ in sub-slab vapor sample SSV05 at a concentration of 6.3 ug/m³. A duplicate sample was collected at sub-slab vapor sample location SSV05 which reported a TCE concentration of 6.8 ug/m³. The results of the SVI are shown on Figure 10.

In accordance with the matrices contained in the NYSDOH guidance for SVI and based on the results of the SVI investigation, no further actions are recommended regarding SVI. A full SVI investigation was submitted to the NYSDEC in July 2019 (a copy of the report attached).

An electronic copy of the FSSI by MECC dated June 2018 and the Supplemental Investigation Report prepared by Castleton dated December 2018 and the SVI investigation prepared by Castleton dated July 2019 are provided as Appendix B.

4.0 PROPERTY INFORMATION

Information pertaining to the site and surrounding area is described in the following sections.

The site tax parcel information is depicted on Figure 5 and a USGS 7.5 Minute Quadrangle Map is provided as Figure 6.

4.1 Property Description

The Site is located at 92-98 Nagle Avenue, New York County, New York. The site is located in the Fort George section of Manhattan. The site is located at the northwest corner of the intersection of Nagle Avenue and Sickles Street. The property is bordered to the north by a residential building.



The property is bordered to the east and west by a mixed-use building. The property is bordered to the south by a Public School 152 Dyckman Valley Primary School.

The Site location is depicted on Figure 1 and surrounding properties are depicted on Figure 7.

4.2 Site Features

The Subject Property is improved with a 6-story mixed-use building with a basement. The building has an estimated gross floor area of 70,323 square feet. The buildings occupy the majority of the parcel area. A portion of the first floor is occupied by eight (8) commercial spaces (Associated Medical Group, Deli/Grocery with no name, Splash Star Laundromat, Vargas Fabrics & Upholstery, PieZano Pizza, NYC Salad & Grill, and vacant spaces), while the remaining areas are occupied by sixty-eight (68) residential apartment units.

Site features are depicted on Figure 2.

4.3 Current Zoning and Land Use

The site and surrounding area are zoned as C1-4, which permits Commercial use. C1-4 districts are designated for are commercial overlays mapped within residence districts. Mapped along streets that serve local retail needs, the surrounding properties to the north and south of the Site are zoned residential.

Current zoning and land use of the subject site and surrounding area is depicted on Figure 8.

4.4 Past Use of the Site

Historically, various dry-cleaning facilities operated at the Site (Ella Morris Cleaning & Dying, Nagle Cleaners & Dyers, Claret French Dry-Cleaning Inc., Care Cleaners and Top Hat Cleaners from at least the 1930’s through 2003. When the property was purchased by 92-98 LLC in 2004 there were no active dry cleaners operating on the property. From 2006 until 2014 Caribe Cleaners operated on the property, reportedly this was only a drop off and pick up facility that did not perform on-site dry cleaning. 92-98 LLC was not an owner or operator of any of the dry-cleaning businesses and 92-98 LLC had no relationship with the dry cleaning operation with the exception of Caribe Cleaners which was purely a lease holder in the building while 92-98 LLC owned the building.

Below is a table of past owners of the property

Date	Owners Name	Contact information	Relationship to 92-98 LLC
Prior 1968	2 Sickles Associates	NA	NONE
1968-1980	Nagle Management Corp	NA	NONE
2/1980- 7/1980	Eastern SVS Bank	NA	NONE
7/1980 – 12/1981	1980 Investors Corp	NA	NONE

1981-1983	Selgan Realty Associates	NA	NONE
1983	City of New York	NA	NONE
11/1983 – 4/1984	Future Assets Inc.	NA	NONE
4/1984 – 7/1985	Nicholas Chimienti	NA	NONE
7/1985 -8/1987	Frank Samala	NA	NONE
8/1987 – 4/1989	Two Sickles Street Partners	NA	NONE
4/1998 - 2/2001	2-12 Sickle Properties LLC	NA	NONE
2/2001 - 11/2004	Sickles Holdings LLC	NA	NONE
11/9/2004 - Present	92-98 LLC		

4.5 Site Geology and Hydrogeology

The near surface geology in the Fort George section of Manhattan is similar to other heavily developed areas found in this area. The site and surrounding area surficial geology is generally considered “urban land” and is characterized by a non-homogenous distribution of soil and fill types. Excavation and backfilling for building foundations, utility conduits, railway systems, and other construction has resulted in a varied subsurface profile. No bedrock outcroppings are present at the site. Based on available information, bedrock is estimated at 20 to 30-feet below ground surface (bgs).

Based upon soil boring data collected during the 2018 Supplemental Investigation Report performed by Castleton, groundwater at the site was found at depths ranging from just below the slab to 1.75 feet below the basement floor. Site geology consisted of poorly sorted sands, gravels, pebbles, and silt. The nearest surface water body is the Harlem River to the east of the Subject Property. Local groundwater gradient is expected to follow surface topography. Groundwater flow near the Subject Property is expected to flow east, toward the Harlem River.

5.0 REQUESTOR AND OWNER INFORMATION

The current property owner of the site and the requestor to this BCP application is 92-98 LLC. There are no known relationships between the Requestor and previous Dry-cleaning facilities operating on the property prior 2004 when 92-98 LLC purchased the property. From 2006 until 2014 Caribe Cleaners operated on the property and was a tenant of 92-98 LLC, reportedly this was only a drop off and pick up facility that did not perform on-site dry cleaning.

A list of the previous property owners, operators, and readily available information is included as Appendix C.

6.0 ELIGIBILITY INFORMATION

Information pertaining to the Requestor and property eligibility is provided in the following sections.



6.1 Requestor Eligibility Information

The Requestor, 92-98 LLC has no enforcement actions, orders for the investigation, removal, or remediation, or outstanding claims by the Spill Fund for the site. In addition, the Requestor has not been determined in an administrative, civil, or criminal proceeding in violation of Environmental Conservation Law Article 27 Title 14, been denied entry to the BCP, been found in civil proceedings or convicted criminally to have committed negligent acts involving the handling, storage, treating, disposing, or transportation of contaminants, or other similar acts which would preclude their participation in the BCP.

6.2 Requestors Requested Status

The Requestor, 92-98 LLC, requests to enter the BCP as a Participant. While the exact date of the release is unknown and dry-cleaning facilities have operated on the Site since the 1930's, the Requestor, 92-98 LLC has owned the Site since 2004.

7.0 CONTACT LIST INFORMATION

Citizen participation is required at the onset and during the remedial process as part of the BCP. Initially, a site contact list must be prepared, and include at a minimum, certain local officials, adjacent property owners and residents, the public water supplier, and administrators of nearby schools and day care facilities.

A site contact list in accordance with Department of Environmental Remediation (DER)-23 / Citizens Participation Handbook for Remedial Programs is included as Appendix D.

8.0 LAND USE FACTORS

8.1 Current Site Use

Subject Property is developed with a 6-story mixed-use building with a basement. A portion of the first floor is occupied by eight (8) commercial spaces (Associated Medical Group, Deli/Grocery with no name, Splash Star Laundromat, Vargas Fabrics & Upholstery, PieZano Pizza, NYC Salad & Grill, and vacant spaces), while the remaining areas are occupied by sixty-eight (68) residential apartment units.

8.2 Post Remediation Site Use

There are currently no redevelopment plans for the site; however, it is anticipated that any future redevelopment will be consistent with the current zoning and land use requirements for the area and goals of the BCP. Current historical and/or recent development patterns support the anticipated future use of the site.



9.0 SIGNATURES OF ENVIRONMENTAL PROFESSIONALS

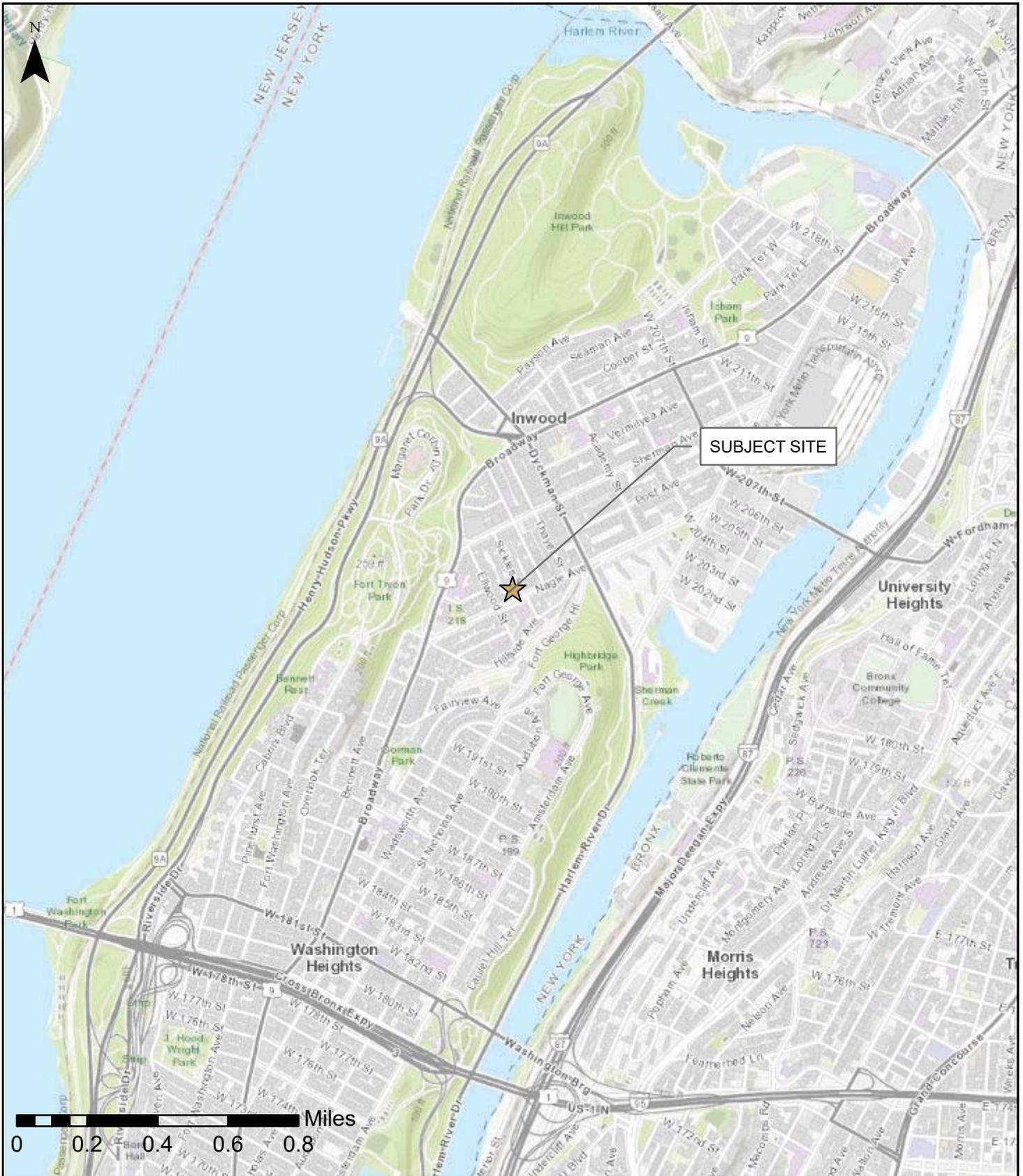
Castleton Environmental, to the best of its knowledge and belief, possesses the specific qualifications based on education, training, and experience to meet the definition of Qualified Environmental Professional as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49.

Frank P. Castellano, PG
Principal

Joseph Chiappetta
Sr. Project Manager



FIGURES




CASTLETON
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Site Location
 92-98 Nagle Ave
 New York, New York

PROJECT:	NJBM1801
DATE:	3/7/2019
DRAWN BY:	BB
APPROVED BY:	FPC
FIGURE:	1

PREPARED FOR:
92-98 LLC
1270 Broadway, Suite 803
New York, NY 10001

PROJECT: NJBM1801
DATE: 4/8/2019
SCALE: AS SHOWN
DRAWN BY: BB
APPROVED BY: FPC

Site Plan
92-98 Nagle Avenue
New York, NY

FIGURE: 2



-  Soil Boring
-  Soil Boring/Monitoring Well
-  Subject Site
-  Parcel Boundaries

MECC - June 2018
 Soil Boring
 Soil Boring/Temp. Well
 Castleton - October 2018
 Soil Boring
 Soil Boring/Monitoring Well
 Subject Site

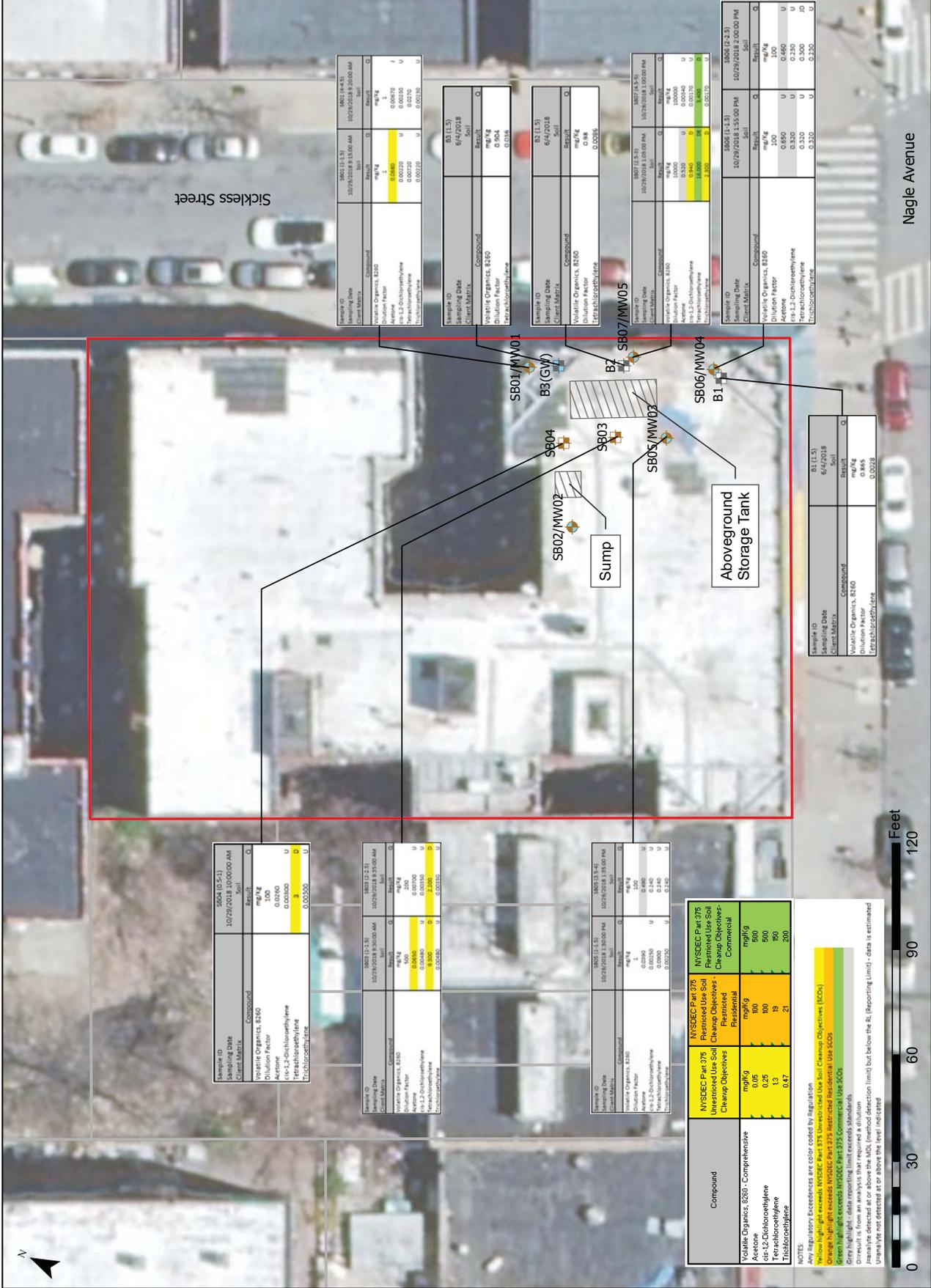
PREPARED FOR:
 92-98 LLC
 1270 Broadway, Suite 803
 New York, NY 10001

PROJECT: NJBM1801
 DATE: 11/22/2019
 SCALE: AS SHOWN
 DRAWN BY: BB
 APPROVED BY: FPC

Contamination Identified in Soil

92-98 Nagle Avenue
 New York, NY

FIGURE: 3



Compound	NYSDEC Part 375 Cleanup Objectives Residential	NYSDEC Part 375 Cleanup Objectives - Restricted Use Soil Commercial
Acetone	0.05 mg/kg	500 mg/kg
cis-1,2-Dichloroethylene	0.25 mg/kg	500 mg/kg
Tetrachloroethylene	1.3 mg/kg	150 mg/kg
Trichloroethylene	0.47 mg/kg	200 mg/kg

NOTES:
 Any Regulatory Exceedances are color coded by regulation:
 Yellow highlight exceeds NYSDEC Part 375 Unrestricted Use Soil Cleanup Objectives (COs).
 Green highlight exceeds NYSDEC Part 375 Restricted Use Soil Cleanup Objectives (COs).
 Blue highlight exceeds NYSDEC Part 375 Restricted Use Soil Cleanup Objectives (COs).
 Grey highlight - data reporting limit exceeds standards.
 Dots are from an analysis that required a dilution.
 Results are detected at or above the MDL (method detection limit) but below the RL (Reporting Limit) - data is estimated.
 Results are not detected at or above the RL (Reporting Limit) - data is estimated.

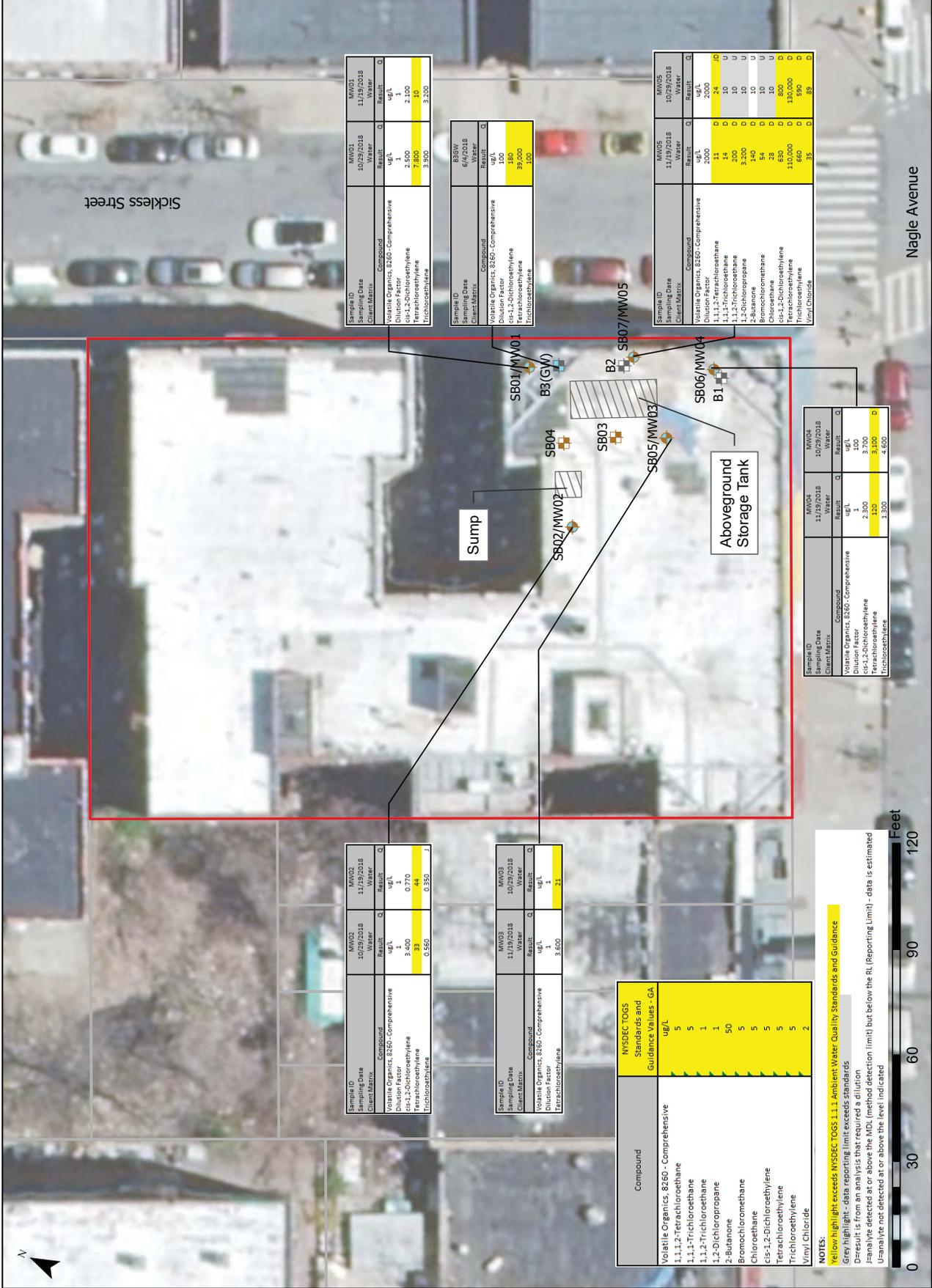
MECC - June 2018
 Soil Boring
 Soil Boring/Temp. Well
 Castleton - October 2018
 Soil Boring
 Soil Boring/Monitoring Well
 Subject Site

PREPARED FOR:
92-98 LLC
1270 Broadway, Suite 803
New York, NY 10001

PROJECT: NJBM1801
DATE: 11/22/2019
SCALE: AS SHOWN
DRAWN BY: BB
APPROVED BY: FPC

**Contamination
Identified
in Groundwater**
92-98 Nagle Avenue
New York, NY

FIGURE: 4



Sample ID	Sampling Date	Client Matrix	Compound	Result	Q	MMW05	Sampling Date	Client Matrix	Compound	Result	Q	MMW05
	10/29/2018	Water	Volatiles Organics, 8260 - Comprehensive	ug/L			11/19/2018	Water	Volatiles Organics, 8260 - Comprehensive	ug/L		
			1,1,1-Trichloroethane	3.400					1,1,1-Trichloroethane	2.100		
			1,1,2-Dichloroethane	33					1,1,2-Dichloroethane	7.650		
			Trichloroethylene	0.550					Trichloroethylene	3.300		

Sample ID	Sampling Date	Client Matrix	Compound	Result	Q
	6/4/2018	Water	Volatiles Organics, 8260 - Comprehensive	ug/L	
			1,1,1-Trichloroethane	130	
			1,1,2-Dichloroethane	39,000	
			Trichloroethylene	100	

Sample ID	Sampling Date	Client Matrix	Compound	Result	Q	MMW05	Sampling Date	Client Matrix	Compound	Result	Q	MMW05
	11/19/2018	Water	Volatiles Organics, 8260 - Comprehensive	ug/L			10/29/2018	Water	Volatiles Organics, 8260 - Comprehensive	ug/L		
			1,1,1,2-Tetrachloroethane	2000					1,1,1,2-Tetrachloroethane	24		
			1,1,1-Trichloroethane	200					1,1,1-Trichloroethane	10		
			1,1,2-Dichloroethane	2,200					1,1,2-Dichloroethane	10		
			2-Butanone	140					2-Butanone	10		
			Bromochloromethane	54					Bromochloromethane	10		
			Chloroethane	630					Chloroethane	800		
			cis-1,2-Dichloroethylene	110,000					cis-1,2-Dichloroethylene	150,000		
			Trichloroethylene	660					Trichloroethylene	590		
			Vinyl Chloride	35					Vinyl Chloride	85		

Sample ID	Sampling Date	Client Matrix	Compound	Result	Q	MMW04	Sampling Date	Client Matrix	Compound	Result	Q	MMW04
	11/19/2018	Water	Volatiles Organics, 8260 - Comprehensive	ug/L			10/29/2018	Water	Volatiles Organics, 8260 - Comprehensive	ug/L		
			1,1,1-Trichloroethane	1					1,1,1-Trichloroethane	100		
			1,1,2-Dichloroethane	120					1,1,2-Dichloroethane	3,100		
			Trichloroethylene	1,300					Trichloroethylene	4,600		

Sample ID	Sampling Date	Client Matrix	Compound	Result	Q	MMW03	Sampling Date	Client Matrix	Compound	Result	Q	MMW03
	10/29/2018	Water	Volatiles Organics, 8260 - Comprehensive	ug/L			11/19/2018	Water	Volatiles Organics, 8260 - Comprehensive	ug/L		
			1,1,1-Trichloroethane	0.770					1,1,1-Trichloroethane	44		
			1,1,2-Dichloroethane	33					1,1,2-Dichloroethane	0.350		
			Trichloroethylene	0.550					Trichloroethylene	21		

Sample ID	Sampling Date	Client Matrix	Compound	Result	Q	MMW03	Sampling Date	Client Matrix	Compound	Result	Q	MMW03
	11/19/2018	Water	Volatiles Organics, 8260 - Comprehensive	ug/L			10/29/2018	Water	Volatiles Organics, 8260 - Comprehensive	ug/L		
			1,1,1-Trichloroethane	3.600					1,1,1-Trichloroethane	21		

Compound	NYSDEC TOGS Standards and Guidance Values - GA	ug/L
Volatiles Organics, 8260 - Comprehensive		
1,1,1,2-Tetrachloroethane	5	
1,1,1-Trichloroethane	5	
1,1,2-Trichloroethane	1	
1,2-Dichloropropane	1	
2-Butanone	50	
Bromochloromethane	5	
Chloroethane	5	
cis-1,2-Dichloroethylene	5	
Trichloroethylene	5	
Vinyl Chloride	2	

NOTES:
 Yellow highlight exceeds NYSDEC TOGS 1.1.1 Ambient Water Quality Standards and Guidance
 Grey highlight - data reporting limit exceeds standards
 D result is from an analysis that required a dilution
 #analyte detected at or above the MDL (method detection limit) but below the RL (Reporting Limit) - data is estimated
 U=analyte not detected at or above the level indicated

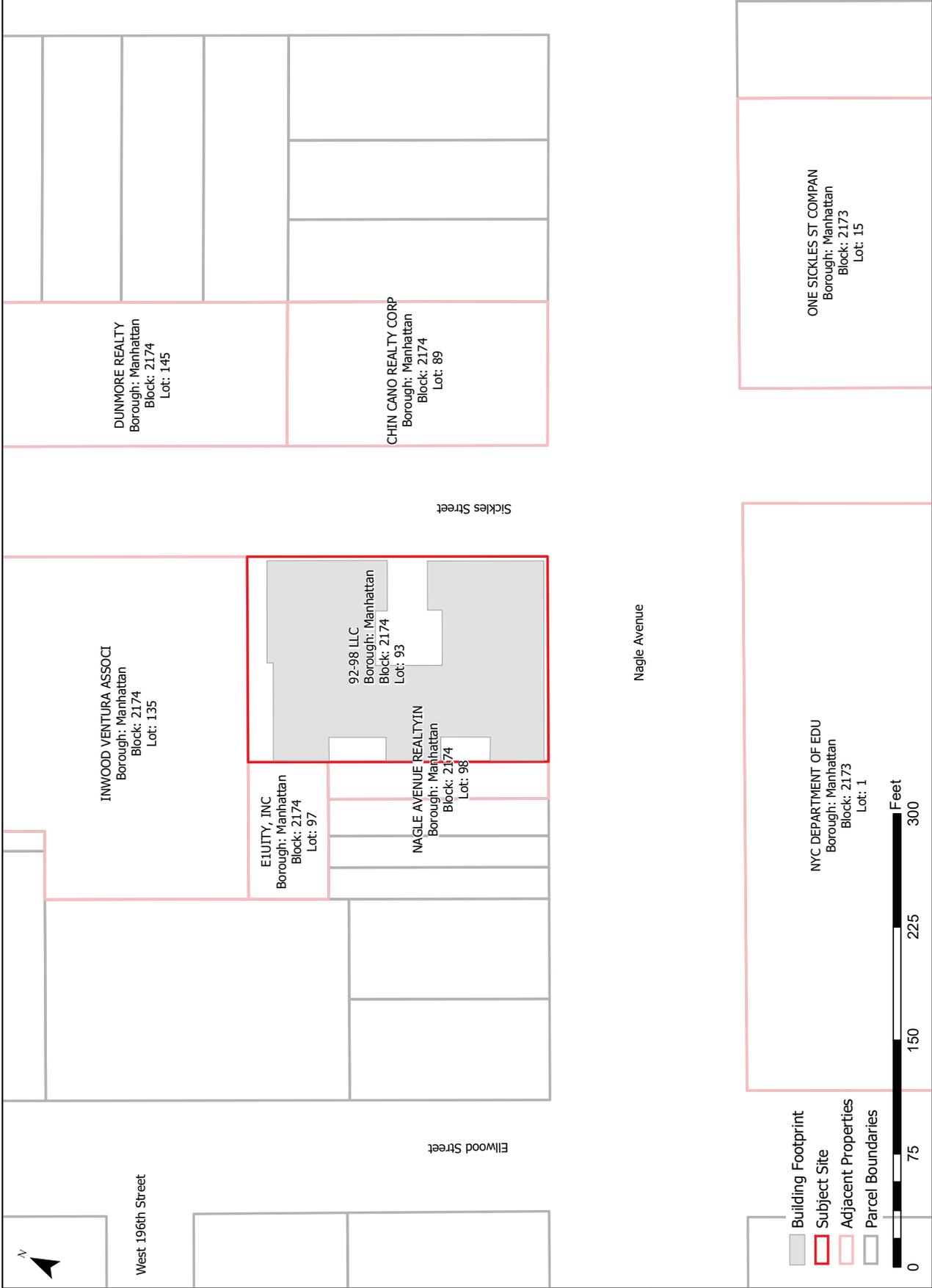


PREPARED FOR:
92-98 LLC
1270 Broadway, Suite 803
New York, NY 10001

PROJECT: NJBM1801
DATE: 4/8/2019
SCALE: AS SHOWN
DRAWN BY: BB
APPROVED BY: FPC

Tax Parcel Information
92-98 Nagle Avenue
New York, NY

FIGURE: 5






CASTLETON
 ENVIRONMENTAL
 P: 631-482-1818
 F: 631-321-4349
 E: info@castletonenv.com
 www.castletonenv.com

USGS Topo
 92-98 Nagle Ave
 New York, New York

PROJECT:	NJBM1801
DATE:	3/7/2019
DRAWN BY:	BB
APPROVED BY:	FPC
FIGURE:	6

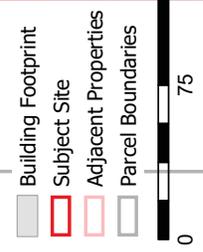
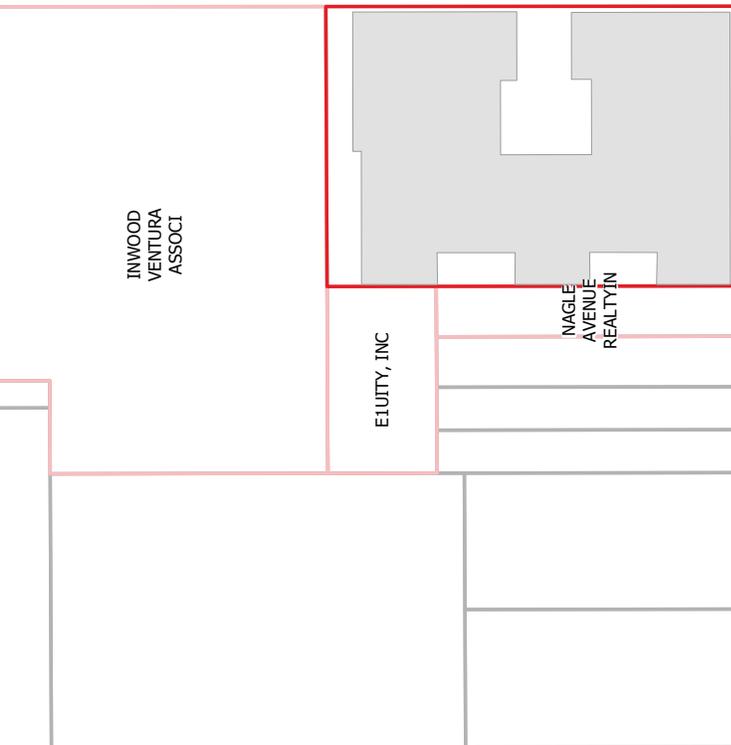
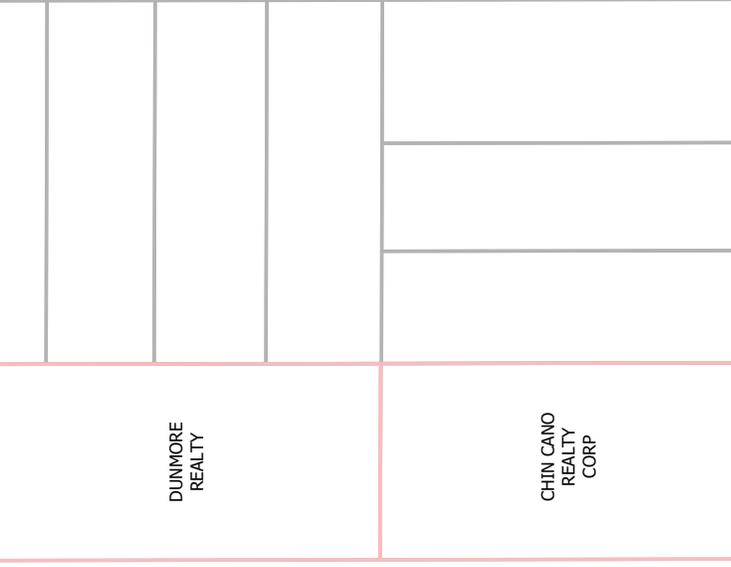


West 196th Street

Elwood Street

Sickles Street

Nagle Avenue



P: 631-482-1818
 F: 631-321-4349
 E: info@castletonenv.com
 www.castletonenv.com

PREPARED FOR:
 92-98 LLC
 1270 Broadway, Suite 803
 New York, NY 10001

PROJECT: NJBM1801
 DATE: 4/8/2019
 SCALE: AS SHOWN
 DRAWN BY: BB
 APPROVED BY: FPC

**Property and
 Adjacent Parcels**
 92-98 Nagle Avenue
 New York, NY

FIGURE: 7

PREPARED FOR:
92-98 LLC
1270 Broadway, Suite 803
New York, NY 10001

PROJECT: NJBM1801
DATE: 4/8/2019
SCALE: AS SHOWN
DRAWN BY: BB
APPROVED BY: FPC

Zoning
92-98 Nagle Avenue
New York, NY

FIGURE: 8





- Outdoor Air
- Sub Slab Vapor
- Indoor Air
- Site Feature - Poly
- Site Boundary

PREPARED FOR:
92-98 LLC
1270 Broadway, Suite 803
New York, NY 10001

PROJECT: NJBM1901
DATE: 11/25/2019
SCALE: AS SHOWN
DRAWN BY: BB
APPROVED BY: FPC

Contamination Identified in Soil Vapor
92-98 Nagle Ave
New York, NY

FIGURE: 10

Sample ID	Sampling Date	Client Matrix	Compound	SSV06	IAQ06
Sample ID	Sampling Date	Client Matrix	Compound	SSV01	IAQ01
IAQ03	4/12/2019	Indoor Air	Volatiles Organics, EPA TO15 Full List	ug/m3	ug/m3
			Carbon tetrachloride	2.300	0.400
			1,1-Dichloroethene	1.500	0.0780
			cis-1,2-Dichloroethene	1.500	0.0780
			Trichloroethene	2	0.110
			Methylene chloride	10	1.700
			1,1,1-Trichloroethane	8	0.430
			Tetrachloroethene	37	0.800
			Vinyl Chloride	0.940	0.0500

Sample ID	Sampling Date	Client Matrix	Compound	SSV06	IAQ06
IAQ06	4/12/2019	Indoor Air	Volatiles Organics, EPA TO15 Full List	ug/m3	ug/m3
			Carbon tetrachloride	0.550	0.470
			1,1-Dichloroethene	0.350	0.0920
			cis-1,2-Dichloroethene	0.350	0.0920
			Trichloroethene	0.470	0.130
			Methylene chloride	5	1.3
			1,1,1-Trichloroethane	1.900	0.430
			Tetrachloroethene	4	1.500
			Vinyl Chloride	0.220	0.0500

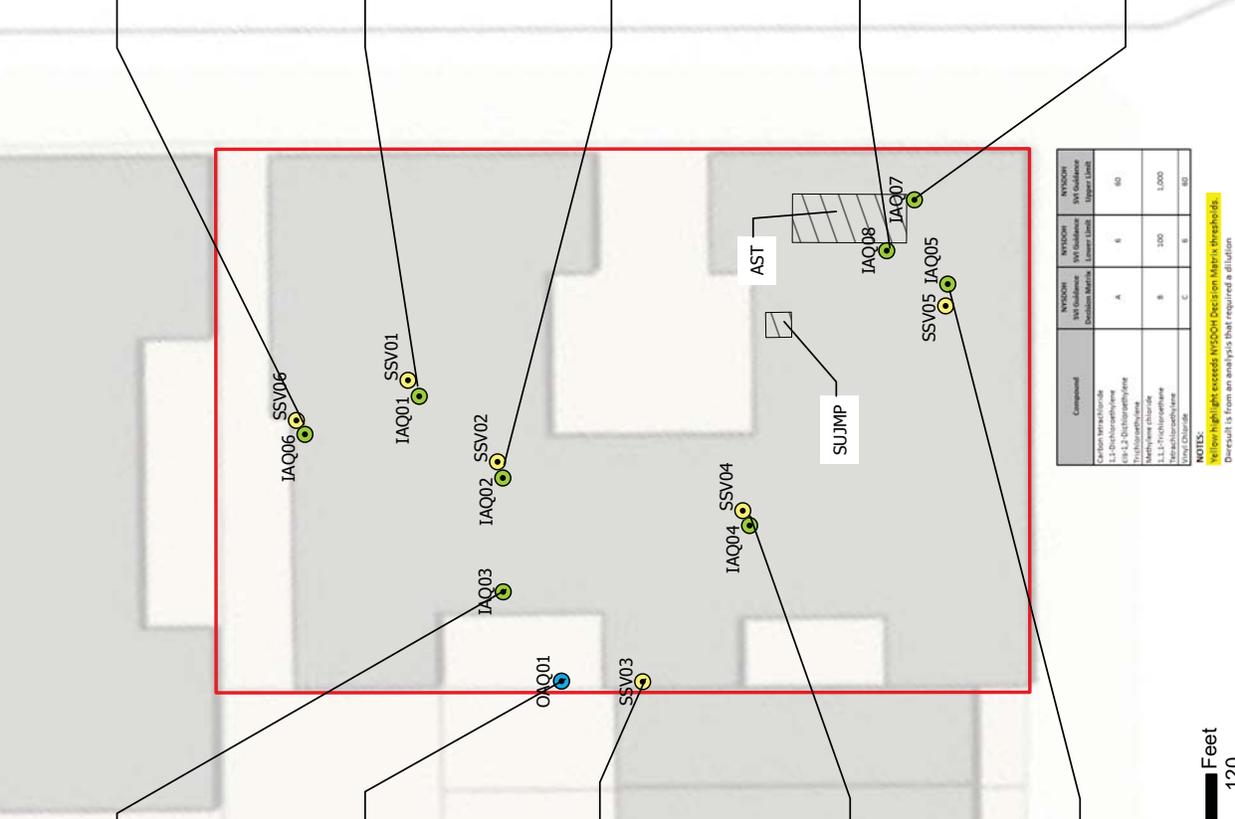
Sample ID	Sampling Date	Client Matrix	Compound	SSV02	IAQ02
IAQ02	4/12/2019	Indoor Air	Volatiles Organics, EPA TO15 Full List	ug/m3	ug/m3
			Carbon tetrachloride	0.860	0.470
			1,1-Dichloroethene	0.540	0.0920
			cis-1,2-Dichloroethene	0.540	0.0920
			Trichloroethene	0.730	0.120
			Methylene chloride	8	9.400
			1,1,1-Trichloroethane	3	0.500
			Tetrachloroethene	0.950	0.560
			Vinyl Chloride	0.350	0.0590

Sample ID	Sampling Date	Client Matrix	Compound	SSV04	IAQ04
IAQ04	4/12/2019	Indoor Air	Volatiles Organics, EPA TO15 Full List	ug/m3	ug/m3
			Carbon tetrachloride	0.640	0.0810
			1,1-Dichloroethene	0.860	0.110
			cis-1,2-Dichloroethene	11	4.300
			Trichloroethene	3.500	0.450
			Methylene chloride	1.700	0.560
			1,1,1-Trichloroethane	0.410	0.0220
			Tetrachloroethene	0.410	0.0220
			Vinyl Chloride	0.510	0.0510

Sample ID	Sampling Date	Client Matrix	Compound	SSV03	IAQ03
IAQ03	4/12/2019	Indoor Air	Volatiles Organics, EPA TO15 Full List	ug/m3	ug/m3
			Carbon tetrachloride	1.200	0.460
			1,1-Dichloroethene	0.790	0.0810
			cis-1,2-Dichloroethene	1.100	0.110
			Trichloroethene	1.100	0.110
			Methylene chloride	5.500	4.300
			1,1,1-Trichloroethane	4.300	1.300
			Tetrachloroethene	1.300	0.510
			Vinyl Chloride	0.510	0.0510

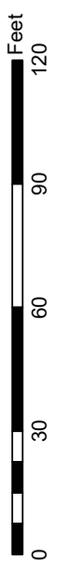
Sample ID	Sampling Date	Client Matrix	Compound	SSV05	IAQ05
IAQ05	4/12/2019	Indoor Air	Volatiles Organics, EPA TO15 Full List	ug/m3	ug/m3
			Carbon tetrachloride	2.600	0.400
			1,1-Dichloroethene	1.700	0.0900
			cis-1,2-Dichloroethene	6.300	0.120
			Trichloroethene	12	3.900
			Methylene chloride	9.100	0.500
			1,1,1-Trichloroethane	7.5	1.100
			Tetrachloroethene	1.100	0.0580
			Vinyl Chloride	1.100	0.0580

Sample ID	Sampling Date	Client Matrix	Compound	SSV07	IAQ07
IAQ07	4/12/2019	Indoor Air	Volatiles Organics, EPA TO15 Full List	ug/m3	ug/m3
			Carbon tetrachloride	0.410	0.410
			1,1-Dichloroethene	0.0800	0.0800
			cis-1,2-Dichloroethene	0.0800	0.110
			Trichloroethene	0.110	0.110
			Methylene chloride	5.600	0.440
			1,1,1-Trichloroethane	0.440	0.350
			Tetrachloroethene	0.350	0.0520
			Vinyl Chloride	0.350	0.0520



Compound	NYSDOH SVI Guidance	NYSDOH SVI Guidance Decision Matrix	NYSDOH SVI Guidance Lower Level	NYSDOH SVI Guidance Upper Level
Carbon tetrachloride	A	B	60	60
1,1-Dichloroethene	A	B	100	1,000
cis-1,2-Dichloroethene	A	B	100	1,000
Trichloroethene	A	B	100	1,000
Methylene chloride	A	B	100	1,000
1,1,1-Trichloroethane	A	B	100	1,000
Tetrachloroethene	A	B	100	1,000
Vinyl Chloride	A	B	100	1,000

NYSDOH SVI Guidance
 SVI values that exceed NYSDOH Decision Matrix thresholds.
 Results in from an analysis that required a dilution.
 Unanalyzed not detected at or above the level indicated.





APPENDIX A

Requestors NYSDOS Entity Print Out and Member/Ownership Information

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through October 11, 2019.

Selected Entity Name: 92-98 LLC

Selected Entity Status Information

Current Entity Name: 92-98 LLC
DOS ID #: 3117088
Initial DOS Filing Date: OCTOBER 22, 2004
County: NASSAU
Jurisdiction: NEW YORK
Entity Type: DOMESTIC 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)

92-98 LLC
 26 AVE C
 NEW YORK, NEW YORK, 10009-8106

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 22, 2004	Actual	92-98 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.

[Search Results](#) [New Search](#)

[Services/Programs](#) | [Privacy Policy](#) | [Accessibility Policy](#) | [Disclaimer](#) | [Return to DOS Homepage](#) | [Contact Us](#)



APPENDIX B

**Supplemental Investigation Report –
performed by Castleton December 2018**

**Phase II ESA (FSSI) performed by Merritt
Environmental Consulting Corp (MECC) June
2018,**

**Soil Vapor Intrusion Investigation
Performed by Castleton July 2019**

(PROVIDED ELECTRONICALLY)



APPENDIX C

List of Previous Property Owners and Operators

CURRENT OWNERS/OCCUPANTS

Purchased property 11/9/2004

92-98 LLC (Owner)

1270 Broadway, Suite 803

New York, New York

Associated Medical Group (Occupant)

2 Sickles Street

New York, NY 10040

(212) 942-0808

Deli/Grocery (Occupant)

92 Nagle Ave

New York, NY

Splash Star Laundromat (Occupant)

96A Nagle Ave

New York, NY

Corporate Owner: 90 Ellwood St 3a, New York, New York, 10040

Email splashstarlaundry@gmail.com

Vargas Fabrics & Upholstery (Occupant)

96 Nagle Ave

New York, NY

(212) 569-0064

PieZano Pizza (Occupant)

94 Nagle Ave

New York, NY

(212) 567-1500

Lux Bar & Grill (Occupant)

92A Nagle Ave

New York, NY

(646) 499-3423

Koko Seafood Salad & Grill (Occupant)

92 Nagle Ave

New York, NY

(917) 265-8878

HISTORICAL OCCUPANTS DRY-CLEANERS

1934 - Ella Morris Cleaning & Dying, Nagle Cleaners & Dyers

1968 - Claret French Dry-Cleaning Inc.

1973 - Claret French Dry-Cleaning Inc

1978 - Care Cleaners

1988 - Top Hat Cleaners

1993 - Top Hat Cleaners

1998 - Top Hat Cleaners

2000 - Top Hat Cleaners

2014 - Top Hat Cleaners

Previous Property Owners

Date	Owners Name	Contact information	Relationship to 92-98 LLC
Prior 1968	2 Sickles Associates	NA	NONE
1968-1980	Nagle Management Corp	NA	NONE
2/1980- 7/1980	Eastern SVS Bank	NA	NONE
7/1980 – 12/1981	1980 Investors Corp	NA	NONE
1981-1983	Selgan Realty Associates	NA	NONE
1983	City of New York	NA	NONE
11/1983 – 4/1984	Future Assets Inc.	NA	NONE
4/1984 – 7/1985	Nicholas Chimienti	NA	NONE
7/1985 -8/1987	Frank Samala	NA	NONE
8/1987 – 4/1989	Two Sickles Street Partners	NA	NONE
4/1998 - 2/2001	2-12 Sickle Properties LLC	NA	NONE
2/2001 - 11/2004	Sickles Holdings LLC	NA	NONE
11/9/2004 - Present	92-98 LLC		



APPENDIX D

Site Contact List

BROWNFIELD CLEANUP PROGRAM APPLICATION

Site Contact List

MUNICIPAL AND COMMUNITY BOARD LEADERS

New York City Mayor

Bill De Blasio
City Hall New York, NY 10007
Phone: 311 or 212-NEW-YORK

Manhattan Borough President

Gale A. Brewer
Office of the Manhattan Borough President
1 Centre Street, 19th Floor
New York, NY 10007
Phone: General Office: 212-669-8300
Email: info@manhattanbp.nyc.gov.

Urban Planner for Community Boards 9, 10, and 12

Orlando Rodriguez, Esq.
Phone: : 212-669-8300 ext 2206
Email: orodriguez@manhattanbp.nyc.gov

Community Board #12 Chairperson

Richard R. Lewis
530 West 166th Street
6th Floor
New York, NY 10032
Phone: 212-568-8500
email: rlewis@cb.nyc.gov

Community Board #12 District Manager

Ebenezer Smith
530 West 166th Street
6th Floor
New York, NY 10032
Phone: 212-568-8500
email: ebsmith@cb.nyc.gov

ADJACENT PROPERTY OWNERS/OCCUPANTS

Associated Medical Group (Occupant)

2 Sickles Street
New York, NY 10040
(212) 942-0808

Deli/Grocery (Occupant)

92 Nagle Ave
New York, NY

Splash Star Laundromat (Occupant)

96A Nagle Ave
New York, NY
Corporate Owner: 90 Ellwood St 3a, New York, New York, 10040
Email splashstarlaundry@gmail.com

Vargas Fabrics & Upholstery (Occupant)

96 Nagle Ave
New York, NY
(212) 569-0064

PieZano Pizza (Occupant)

94 Nagle Ave
New York, NY
(212) 567-1500

Lux Bar & Grill (Occupant)

92A Nagle Ave
New York, NY
(646) 499-3423

Koko Seafood Salad & Grill (Occupant)

92 Nagle Ave
New York, NY
(917) 265-8878

DUNMORE REALTY (Adjacent Properties)

25 Sickles St
New York, NY 10040
Corporate Owner: Dunmore Realty LLC, 621 West 188Th Street, New York, NY 10040
Managing Agent: Devika Ramroop

Chin Cano Realty Corporation (Adjacent Properties)

9 Sickles Street # 9
New York, NY 10040
Phone: (212) 304-0253
Name: Kon Chin Chang

1 Sickles St Co L.P, (Adjacent Properties)

1 Sickles ST
New York, NY 10040
Corporate Owner: 1 Sickles St Co L.P 1841 Broadway #1000, Ny, NY 10023
Site Manager: Adriana Tejada,

Nagle Avenue Realty Inc (Adjacent Properties)

90 Nagle Ave
New York, NY 10040
Corporate Owner: Nagle Avenue Realty Inc, 571 W 183Rd Street, New York, NY 10033
Site Manager: Ron Nahum,

Inwood Ventura Associates LLC (Adjacent Properties)

24 Sickles St
New York, NY 10040
Corporate Owner: Inwood Ventura Associates LLC, 149-45 Northern Blvd #6V, Flushing, NY 11354
Site Manager: Luis Nunez,

NEWS MEDIA

New York Daily News

4 New York Plaza, New York, NY 10004
Main Phone Number: 212-210-2100
Newsstand Phone Number: 800-327-6397

New York Post

1211 Avenue of the Americas
New York, NY 10036-8790
Phone: (212) 930 8500
Fax: (212) 930-8540

Manhattan Times

5030 Broadway, Suite 807, New York, NY 10034

PHONE: 212-569-5800

FAX: 212-544-9545

E-MAIL: editor@manhattantimesnews.com

Publisher- Roberto Ramirez, Sr.

Publisher - Luis A. Miranda, Jr

Editor - Debralee Santos

PUBLIC WATER SUPPLIER**Municipal Water Supply (New York City)**

59-17 Junction Boulevard

Flushing, NY, 11373

Phone: (212) 639 9675 if not in NY.

If in any borough of New York City dial 311

SCHOOLS and DAY CARE CENTERS**Public School 152 Dyckman Valley**

93 Nagle Ave, New York, NY 10040

Phone: (212) 567-5456

Principal: Julia Pietri

Email: 06m152@schools.nyc.gov

City College Academy of the Arts

4600 Broadway, New York, NY 10040

(212) 567-3164

Principal - Burnedette Drysdale

Our Lady Queen of Martyrs School

71 Arden St, New York, NY 10040

Phone: (212) 567-3190

Email: olqm1@aol.com

Principal - Mr Andrew Woods

Children's Aid @ PS 152 (Pre-K Services)

93 Nagle Ave, New York, NY 10040

Phone: (212) 304-8209

childrensaidnyc.org

The Learning Clubhouse Daycare

10 Hillside Ave 4E, New York, NY 10040

Phone: (646) 431-2027

<https://the-learning-clubhouse-daycare.business.site/>

New York City Housing Authority's Dyckman Day Care Center

3732 10th Ave, New York, NY 10034

Phone: 718-707-7771

DOCUMENT REPOSITORIES

Inwood Library (Repository)

4790 Broadway

New York, NY 10034

Phone: (212) 942-2445

Manager: Danita Nichols

Community Board #12

530 West 166th Street

6th Floor

New York, NY 10032

Phone: 212-568-8500

email: ebsmith@cb.nyc.gov



APPENDIX E

Document Repository Agreement



Danita Nichols

March 07, 2019 — 11:46 am EST

We are a routine document repository so this is something we can provide. What is the format of the document?

Library Manager

Joseph P Chiappetta

March 06, 2019 — 3:09 pm EST

I am preparing to perform an environmental remediation for the New York State Department of Environmental Conservation (NYSDEC) and would like to use your library as the document repository. The NYSDEC requires that I provide an acknowledgement from the Library that it agrees to act as document repository. Is that something you can provide? I can be reached by e-mail or at 631.482.1818. Thanks.

This message was sent to jchiappetta@castletonenv.com in reference to Ask NYPL question #118151.

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[Ask NYPL](#) | [The New York Public Library](#)

Stephen A. Schwarzman Building | Fifth Avenue and 42nd Street | New York, NY 10018

[[831f05182696a481b13d332912517bb0655e9de8-1373339646]]

From: [Richard Lewis](#)
To: [Joseph Chiappetta](#)
Cc: [Smith, Ebenezer](#); [Garcia, Paola](#); [Silvestre, Ely](#)
Subject: Response to a Document Repository Request
Date: Monday, March 11, 2019 5:17:18 PM
Attachments: [image001.png](#)

I am in receipt of your email request to use our office as one of the sites for an NYSDEC document repository request. We have been such a repository site in the past -- so our response is yes. Please send at least two copies of the document as our Health and Environment Committee needs to review it as well.

For future reference our correct office contacts email addresses are:
"Richard Lewis" <rlewis.boardchair.cb12m@gmail.com
"Ebenezer Smith" <ebsmith@cb.nyc.gov>

Mr. Smith is our District Manager.

Should you have any questions, please do not hesitate to contact us.

Richard Lewis | Board Chair
Community Board 12, Manhattan
(212) 568-8500
Date: March 11th, 2019

From: Joseph Chiappetta [JChiappetta@castletonenv.com]
Sent: Monday, March 11, 2019 12:41 PM
To: rlewis@cb.nyc.gov -----**NOTE: Correct email address:**
rlewis.boardchair.cb12m@gmail.com
Cc: Smith, Ebenezer (CB)
Subject: New York State Department of Environmental Conservation (NYSDEC) document repository

I am preparing to perform an environmental remediation for the New York State Department of Environmental Conservation (NYSDEC) within your Community Board Area and the NYSDEC normally requested that a local library and the local Community board act as the document repository. The NYSDEC requires that I provide an acknowledgement from the Community Board that it agrees to act as document repository.

Is that something you can provide?

The Contact information listed is:

Community Board #12 Chairperson

Richard R. Lewis

530 West 166th Street

6th Floor

New York, NY 10032

Phone: 212-568-8500

email: rlewis@cb.nyc.gov=====**NOTE: Correct email address:**
rlewis.boardchair.cb12m@gmail.com

If this should be addressed differently please let me know

I can be reached by e-mail or at 631.482.1818.

Thank you

Joseph Chiappetta, LSRP

cid:image001.png@01D291E4.02BB8360



206 West 23rd Street, 4th Floor

New York, New York 10011

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