



Department of
Environmental
Conservation

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

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

1. Check the appropriate box(es) below based on the nature of the amendment modification requested:

Amendment to modify the existing BCA: [check one or more boxes below]

- Add applicant(s)
- Substitute applicant(s)
- Remove applicant(s)
- Change in Name of applicant(s)

Amendment to reflect a transfer of title to all or part of the brownfield site

1a. A copy of the recorded deed must be provided. Is this attached? Yes No

1b. Change in ownership Additional owner (such as a beneficial owner)

If yes, pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been previously submitted. If not, please submit this form with this Amendment. See <http://www.dec.ny.gov/chemical/76250.html>

Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Sections I and V below and Part II*]

Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Section I and V below and Part II*]

Sites in Bronx, Kings, New York, Queens, or Richmond counties ONLY: Amendment to request determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. Please answer questions on the supplement at the end of the form.

Other (explain in detail below)

2. Required: Please provide a brief narrative on the nature of the amendment:

The purpose of this BCA Amendment application is to modify the BCP Site's section/block/lot numbers following completion of lot merger and subsequent revision of the NYC Tax Map (see Attachment A). The boundaries of the BCP Site are unaffected by this lot merger and BCA Amendment application, only the underlying section/block/lot numbers.

Please see Attachment B for a response to DEC's NOIA dated 2/7/2022. While the actual size of the BCP Site has not changed as a result of the section/block/lot number and NYC Tax Map revisions, this BCA Amendment application has been revised to seek a correction in the BCP Site's total acreage as stated on the BCA.

Please refer to the attached instructions for guidance on filling out this application

Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment involves a non-insignificant change in acreage, applicants are encouraged to consult with the DEC project team prior to submitting this application.

Section I. Current Agreement Information			
BCP SITE NAME: 691 Lenox Avenue - Phase 1		BCP SITE NUMBER: C231145	
NAME OF CURRENT APPLICANT(S): One45 Lenox LLC			
INDEX NUMBER OF AGREEMENT: C231145-01-22		DATE OF ORIGINAL AGREEMENT: 2/1/2022	
Section II. New Requestor Information (complete only if adding new requestor or name has changed)			
NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<p>1. Is the requestor authorized to conduct business in New York State (NYS)? <input 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 (DOS) Corporation & Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS. 			
NAME OF NEW REQUESTOR'S REPRESENTATIVE			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<p>2. Requestor must submit proof that the party signing this Application and Amendment has the authority to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. Is this proof attached? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>3. Describe Requestor's Relationship to Existing Applicant:</p>			

Section III. Current Property Owner/Operator Information (only include if new owner/operator)
Owner below is: Existing Applicant New Applicant Non-Applicant

OWNER'S NAME (if different from requestor)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Section IV. Eligibility Information for New Requestor (Please refer to ECL § 27-1407 for more detail)

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 presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site? Yes No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Yes No
 Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the subject law; ii) any order or determination; iii) any regulation implementing ECL Article 27 Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. Yes No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, Department assigned site number, the reason for denial, and other relevant information. Yes No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? Yes No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? Yes No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department? 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 NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL §27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

PARTICIPANT

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

VOLUNTEER

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

12. Requestor's Relationship to Property (check one):

Prior Owner Current Owner Potential /Future Purchaser Other _____

13. 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 V. Property description and description of changes/additions/reductions (if applicable)

1. Property information on current agreement:

ADDRESS 691 Lenox Avenue

CITY/TOWN New York, New York County

ZIP CODE 10030

TAX BLOCK AND LOT (SBL) (See Attachment B)

TOTAL ACREAGE OF CURRENT SITE: 0.790

Parcel Address	Section No.	Block No.	Lot No.	Acreage
685 Lenox Avenue, New York	1	2013	29	0.34
691 Lenox Avenue, New York	1	2013	33	0.11
122 West 145th Street, New York	1	2013	p/o 38	0.35

2. Check appropriate boxes below:

Addition of property (may require additional citizen participation depending on the nature of the expansion – see attached instructions)

2a. PARCELS ADDED:

Parcel Address	Section No.	Block No.	Lot No.	Acreage Added by Parcel

Total acreage to be added: _____

Reduction of property

2b. PARCELS REMOVED:

Parcel Address	Section No.	Block No.	Lot No.	Acreage Removed by Parcel

Total acreage to be removed: _____

Change to SBL (e.g. merge, subdivision, address change)

2c. NEW SBL INFORMATION:

Parcel Address	Section No.	Block No.	Lot No.	Acreage
687 Lenox Avenue, New York	1	2013	p/o 29	0.80

If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, or acceptable site map to this application.

3. TOTAL REVISED SITE ACREAGE: 0.80 _____

(See Attachment B)

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

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input 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 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 Tax Law 21(6)? Please see DEC's website for more information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down as defined below?	<input type="checkbox"/> Yes <input 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>	
3. Is the project an affordable housing project as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>From 6 NYCRR 375- 3.2(a) as of August 12, 2016:</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME: 691 Lenox Avenue - Phase 1	BCP SITE NUMBER: C231145
NAME OF CURRENT APPLICANT(S): One45 Lenox LLC	
INDEX NUMBER OF AGREEMENT: C231145-01-22	
EFFECTIVE DATE OF ORIGINAL AGREEMENT: 2/1/2022	

Declaration of Amendment:

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

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

Statement of Certification and Signatures: New Requestor(s) (if applicable)
<p>(Individual)</p> <p>I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.</p> <p>Date: _____ Signature: _____</p> <p>Print Name: _____</p>
<p>(Entity)</p> <p>I hereby affirm that I am (title _____) of (entity _____); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and 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.</p> <p>_____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.</p> <p>Date: _____ Signature: _____</p> <p>Print Name: _____</p>

Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am an Authorized Signatory (title) of One45 Lenox LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. Bruce Teitelbaum's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 2/2/2022 Signature: Bruce Teitelbaum

Print Name: Bruce Teitelbaum / Authorized Signatory

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Please see the following page for submittal instructions.

NOTE: Applications submitted in fillable format will be rejected.

Status of Agreement:

PARTICIPANT

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

VOLUNTEER

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

Effective Date of the Original Agreement: 2/1/2022

Signature by the Department:

DATED: March 27, 2022

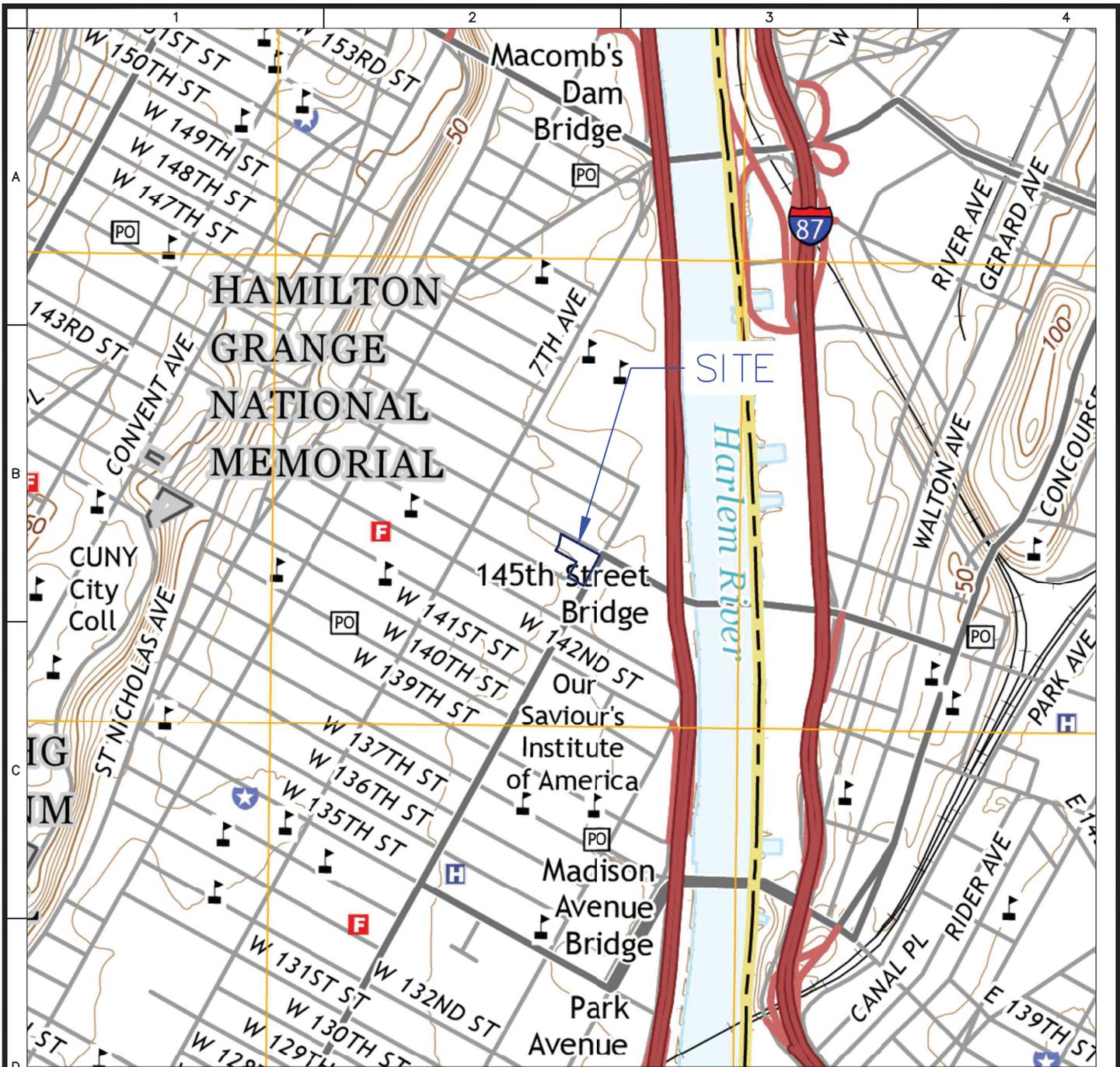
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By: Susan Edwards Susan Edwards, Acting Director

Michael J. Ryan, P.E., Director
Division of Environmental Remediation

Attachment A:

Supporting Documents for Section/Block/Lot
Modification



LEGEND

 APPROXIMATE SITE BOUNDARY

NOTES:

1. BASE MAP SOURCE: UNITED STATES GEOLOGICAL SURVEY TOPOGRAPHIC MAP, CENTRAL PARK QUADRANGLE, 2016
2. NOT TO SCALE.

WARNING: IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 145 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS ITEM IN ANY WAY.

LANGAN
 Langan Engineering, Environmental, Surveying,
 Landscape Architecture and Geology, D.P.C.
 21 Penn Plaza, 360 West 31st Street, 8th Floor
 New York, NY 10001

T: 212.479.5400 F: 212.479.5444 www.langan.com

Project
**691 LENOX AVENUE -
 PHASE 1**
 BLOCK No. 2013, p/o LOT No. 29
 (FORMER LOT Nos. 29, 33, AND p/o 38)
 MANHATTAN NEW YORK

Figure Title
**SITE
 LOCATION
 MAP**

Project No.
 170635401
 Date
 11/01/2021
 Drawn By
 EMS
 Checked By
 WK

Figure No.
D - 2

New York City Department of Finance • Property Division • Tax Map Office



APPLICATION FOR APPORTIONMENTS OR MERGERS

Instructions: Please complete this application and submit in person to: Department of Finance, Property Division - Tax Map Office, 66 John Street, 2nd floor, New York, NY 10038. Please read the instructions for further details before completing this form. Print clearly.

SECTION A: PROPERTY INFORMATION

Borough: Manhattan Block: 2013 Present Lot(s): 29, 33, 38, 44, 50

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Merger Apportionment Number of Lots Requested 1

Lot Number: 29

Air Subterranean
 Lot(s) Usage: (check one) Residential Building Gross Sq/Ft: _____ Commercial Building Gross Sq/Ft: 32,654 Mix (Residential & Commercial) Building Gross Sq/Ft: _____

Property
 1. Owner's Name (as per Deed): _____
 OR
 Company Name: One45 Lenox LLC
 Property
 2. Address: 691 Lenox Ave New York NY 10037
NUMBER AND STREET CITY STATE ZIP CODE
 3. Filing Representative (if applicable): Savita Vinas, Svinas@design2147.com

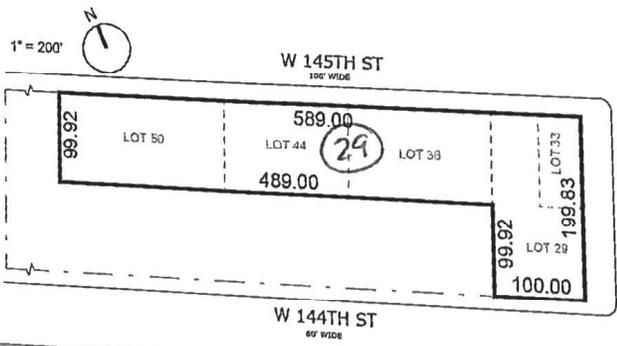
SECTION B: CERTIFICATION

1. Architect/Engineer/Applicant's Name: Pasquarelli Gregg
LAST NAME FIRST NAME
 2. Address: 233 Broadway #11 New York NY 10279
NUMBER AND STREET CITY STATE ZIP CODE
 3. Telephone Number: (212) 889-9005 4. Email Address: gap@shoparc.com

The applicant hereby certifies that, in making this application for merger/apportionment, s/he is the owner, or acting under the direction of the owner.

Signature of Architect/ Engineer/Applicant: [Signature] Date: 4 / 6 / 2021

TAX MAP CHANGE WILL NOT BE MADE UNTIL PRESENTATION OF REQUIRED DOCUMENTS (see reverse for the required documents)
 DRAW SKETCH TO SCALE 1" = 50', IF POSSIBLE INDICATE NORTH ARROW



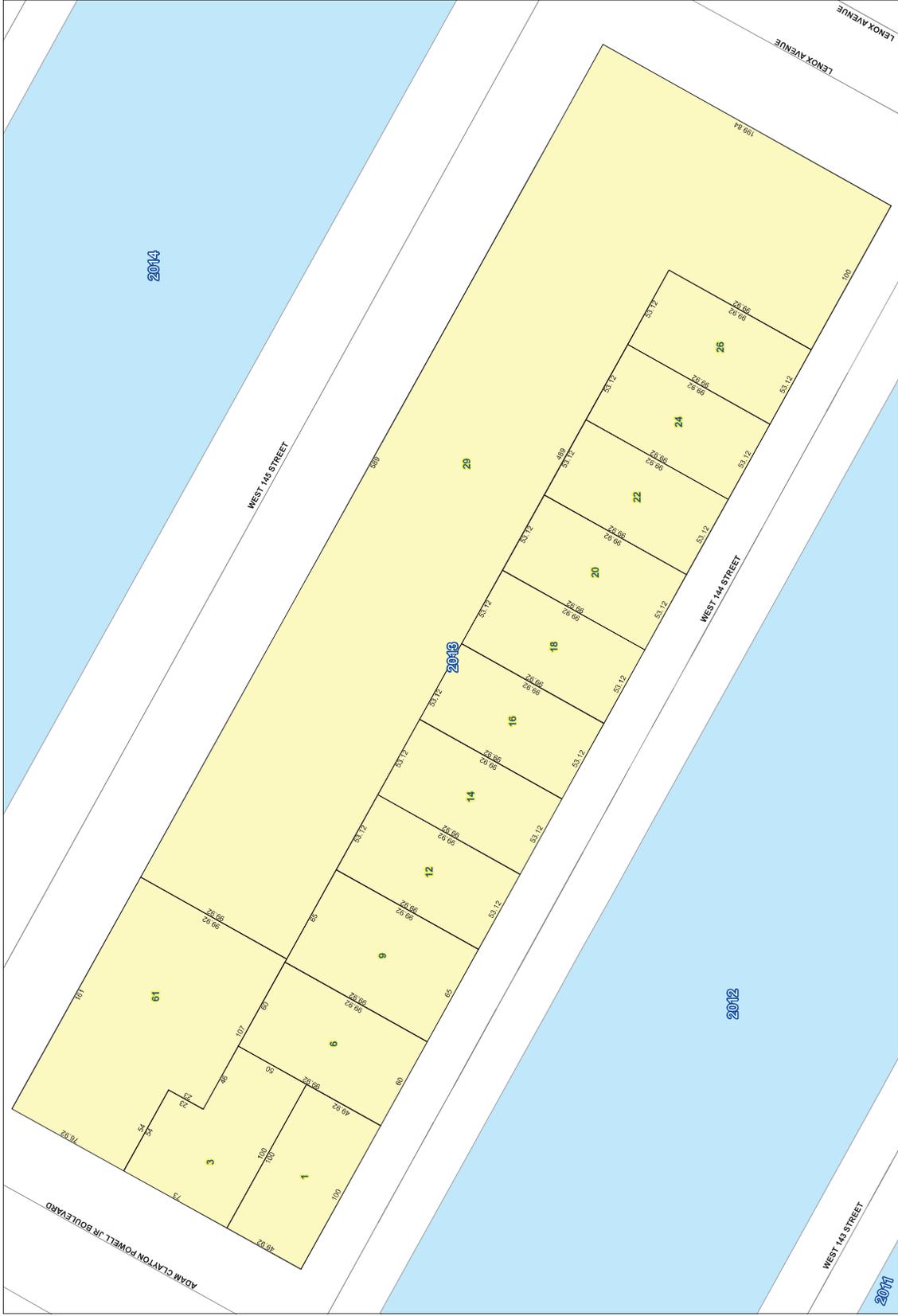
Tentative Lot(s) issued: _____
 Customer Service Representative: AL Date: 6/23/21 New Lot(s): _____ Lot(s) Affected: 29 Lot(s) Dropped: 33, 38, 44
 Please note: Map changes will not be made until presentation of all required documents is reviewed and approved by the Specialist. 50
 Lots are tentative until final approval is received from the Tax Map Office.
 Map Updated: _____
 Tax Map Specialist: _____ Date: ____/____/____

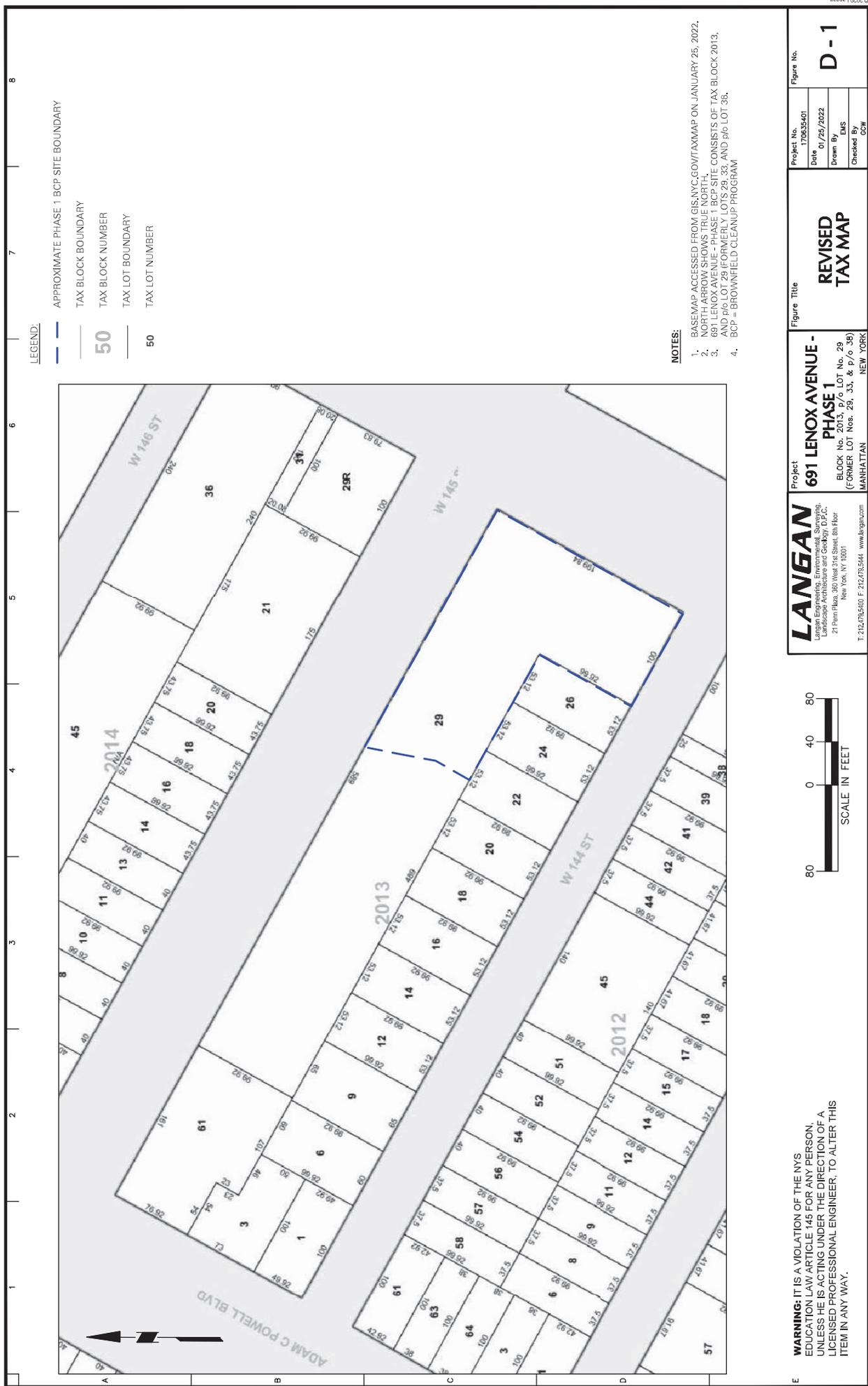


NYC Digital Tax Map

Effective Date : 01-18-2022 12:58:48
End Date : Current
Manhattan Block: 2013

- Legend**
- Streets
 - Miscellaneous Text
 - Possession Hooks
 - Boundary Lines
 - Lot Face Possession Hooks
 - Regular
 - Underwater
 - Tax Lot Polygon
 - Condo Number
 - Tax Block Polygon





LEGEND:

- APPROXIMATE PHASE 1 BCP SITE BOUNDARY
- TAX BLOCK BOUNDARY
- 50 TAX BLOCK NUMBER
- TAX LOT BOUNDARY
- 50 TAX LOT NUMBER

NOTES:

1. BASEMAP ACCESSED FROM GIS.NYC.GOV/TAXMAP ON JANUARY 25, 2022.
2. BCP SITE CONSISTS OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
3. 801 LENOX AVENUE - PHASE 1 BCP SITE CONSISTS OF TAX BLOCK 2013, AND p/6 LOT 29 (FORMERLY LOTS 29, 33, AND p/6 LOT 36).
4. BCP = BROWNFIELD CLEANUP PROGRAM

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LANGAN
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 T: 212-279-6600 F: 212-279-3444 www.langan.com

Project
691 LENOX AVENUE - PHASE 1
 BLOCK No. 2013, p/o LOT No. 29
 (FORMER LOT Nos. 29, 33, & p/o 36)
 MANHATTAN
 NEW YORK

Figure Title
REVISED TAX MAP

Figure No.
D - 1

Project No. 170635401
 Date 01/25/2022
 Drawn By EMS
 Checked By GCW

TRUE NORTH SURVEYORS, P.C. JOHN VIDA, P.L.S.

**111 Kosciuszko Road
Whitehouse Station, NJ 08889
Phone (908) 534-6248**

Metes & Bounds
691 Lenox Avenue – Phase
1, BCP Site No. C231145
Borough of Manhattan, New York

Being a portion of a certain plot, piece of parcel of land, with the building and improvements thereon erected, situate, lying and being in the Borough of Manhattan, City, County, and State of New York, being designated as a portion of Block 2013, Lot 29 more particularly bounded and described as follows;

Beginning at the corner formed by the intersection of the westerly side of Lenox Avenue with the southerly side of 145th Street;

Running thence southerly along the westerly side of Lenox Avenue, 199 feet 10 inches to the intersection of the westerly side of Lenox Avenue with the northerly side of 144th Street;

Thence westerly along the northerly side of 144th Street at right angles with the preceding course, 100 feet 0 inches;

Thence northerly at right angles with the preceding course, 99 feet 11 inches to the centerline of the block;

Thence westerly along the center line of the block at right angles with the preceding course, 131 feet 11 3/4 inches;

Thence northerly at right angles with the preceding course, 34 feet 11 inches to a point;

Thence northwesterly at an exterior angle of 160 degrees 0 minutes 0 seconds with the preceding course 69 feet 2 inches to a point;

Thence easterly along the southerly side of 145th Street having an interior angle of 70 degrees 0 minutes 0 seconds with the preceding course, 255 feet 7 5/8 inches to the point and place of Beginning.

Attachment B:

Response to February 7, 2022, Notice of Incomplete Application – Explanation of Inconsistent Former Parcel & BCP Site Acreages; Revised Amendment to Modify Total Site Acreage

Executive Summary

On February 7, 2022, NYSDEC transmitted a Notice of Incomplete Application (the “NOIA”) in response to a BCA Amendment application for 691 Lenox Avenue – Phase 1, Site ID No. C234115 (the “Site”), seeking to modify the Site’s section/block/lot numbers.

In the NOIA, NYSDEC requested (i) corrections of the BCA Index Number and (ii) clarification regarding an inconsistency in the total acreage of the former parcels comprising the Site versus the total acreage of Site itself, as found in Section V - #1 & #2c of this BCA Amendment application:

- (i) Corrections to the BCA Index Number have been made in this revised BCA Amendment application.
- (ii) The inconsistency in the total acreage of the Site appears to be the result of a clerical and/or mathematical error by NYSDEC, as explained below. **The correct total acreage of the Site should be 0.80 acres**, and this revised BCA Amendment application requests that modification (*see* revised Section V - #2c, 3).

BCP Timeline for Site

On April 26, 2021, the initial BCP Application package for 691 Lenox Avenue – Phase 1, Site ID No. C234115, was submitted to NYSDEC.

On September 1, 2021, the Applicant requested that NYSDEC suspend its review of the BCP Site to allow for a supplemental soil investigation of the site; NYSDEC confirmed that its review of the BCP Application was suspended on September 2, 2021.

On November 4, 2021, the Applicant re-submitted the BCP Application package for the Site and included the supplemental soil investigation data collected during fall 2021.

On January 24, 2022, NYSDEC transmitted a BCP Acceptance Package to the Applicant, which included a copy of the proposed BCA.

On January 28, 2022, the Applicant returned an executed BCA to NYSDEC; NYSDEC fully executed the BCA, Index No. C231145-01-22, on February 1, 2022.

On February 3, 2022, the Applicant submitted the initial BCA Amendment seeking to modify the Site’s section/block/lot numbers.

On February 7, 2022, NYSDEC returned the NOIA to which this revised BCA Amendment application responds.

Former Parcel Information in BCP Application, Attachment D

The BCP Application for the Site included an Attachment D, which provided NYSDEC with information required to complete “Section IV: Property Description” of the Application. More specifically, Attachment D included a table of the street addresses, section/block/lot numbers, and approximate lot acreages of the former parcels comprising the Site (*appended here*).

The approximate lot acreages of the former parcels in the Attachment D table were calculated by the Applicant's consultant, Langan Engineering, Environmental, Surveying, Landscape Architectures, and Geology, D.P.C. ("Langan"). The correct total acreage for the three former parcels that were merged equals 0.80 acres.

The Attachment D table providing former parcel information was not modified between the initial April 26, 2021 BCP Application submission, and the November 4, 2021 re-submission with the supplemental soil investigation data. As NYSDEC accepted Site into the BCP, this Attachment D table was necessarily approved by the Department.

The individual acreages of the former parcels, as stated in the BCP Application Attachment D table, are correct and were used to populate Section V - #1 of this BCA Amendment application. The total acreage of the former parcels equals 0.80 acres.

BCA Lot Acreage

The BCA for the Site, Index No. C231145-01-22, includes a "Section III. Real Property" as drafted by NYSDEC. The BCA states that "[t]he Site subject to this Brownfield Cleanup Agreement (the "BCA" or "Agreement") consists of approximately **0.790 acres ...**" (*also appended here*).

The total acreage for the Site, as stated in the BCA (0.79 acres), was used to populate Section V - #1 and #2c of the initial BCA Amendment application.

But, as described above, the former parcel acreages were calculated and provided by Langan in the BCP Application, Attachment D – the total acreage of the former parcels as calculated by Langan equals 0.80 acres. As such, any inconsistency between the correct, total acreage of the former parcels as calculated by Langan (0.80 acres) and the total acreage of the Site as stated in the BCA (0.79 acres) appears to be the result of a clerical and/or mathematical error by NYSDEC.

Conclusion

The correct total acreage for 691 Lenox Avenue – Phase 1, Site ID No. C234115, should be 0.80 acres.

Through this revised BCA Amendment application (*see* revised Section V - #2c, 3), the Applicant consents to the Department correcting this clerical error and amending the BCA to reflect the Site's correct total acreage of 0.80 acres.

ATTACHMENT D SECTION IV: PROPERTY INFORMATION

The Reference Point for the given latitude (40° 49' 13.2") and longitude (-73° 56' 13.0") is the approximate center of the site on p/o Lot 29. A metes and bounds description is provided in this attachment.

Item 1 – Tax Map Boundary

On June 23, 2021, the New York City Department of Finance (NYCDOF) approved a tax lot merger to combine Block 2013, Lots 29, 33, 38, 44 and 50. The table below contains acreage, block and lot information for tax parcels, prior to the tax lot merger, included within the site boundary.

Parcel Address	Block	Former Lot	Acreage
685 Lenox Avenue	2013	29	0.34
691 Lenox Avenue		33	0.11
112 West 145 Street		p/o 38	0.35 (of a total Lot acreage of 0.37)

Total acreage of former parcels = 0.80 acres

Item 2 – Property Map

Figure D-1 is a Digital Tax Map from the NYCDOF showing the proposed brownfield site boundary.

Figure D-2 is a Site Location Map showing the location of the proposed brownfield site.

Figure D-3 provides a site base map that shows i) a distance of at least 1,000 feet around the proposed brownfield site; and ii) map scale, north arrow orientation, date, and location of the site with respect to adjacent streets and roadways.

Figure D-4 provides a site base map that shows i) proposed brownfield site boundary lines, with adjacent site owners clearly identified; and ii) surrounding site land uses.

Item 10 - Property Description and Environmental Assessment

Location

The site is located at 691 Lenox Avenue (latitude 40°49'13.2", longitude -73°56'13.0") in the Harlem neighborhood of Manhattan, New York. The site encompasses Block 2013, part of Lot 29 [former Lot 29 (about 15,000 square feet); former Lot 33 (about 5,000 square feet); and part

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM
ECL §27-1401 *et seq.*

In the Matter of a Remedial Program for

**BROWNFIELD SITE
CLEANUP AGREEMENT
Index No. C231145-01-22**

691 Lenox Avenue - Phase 1

DEC Site No:C231145

Located at: 691 Lenox Avenue
New York County
New York, NY 10030

Hereinafter referred to as "Site"

by:

One45 Lenox LLC
55 Broadway, New York, NY 10002

Hereinafter referred to as "Applicant"

WHEREAS, the Department of Environmental Conservation ("Department") is authorized to administer the Brownfield Cleanup Program ("BCP") set forth in Article 27, Title 14 of the Environmental Conservation Law ("ECL"); and

WHEREAS, the Applicant submitted an application received by the Department on April 26, 2021; and

WHEREAS, the Department has determined that the Site and Applicant are eligible to participate in the BCP.

NOW, THEREFORE, IN CONSIDERATION OF AND IN EXCHANGE FOR THE MUTUAL COVENANTS AND PROMISES, THE PARTIES AGREE TO THE FOLLOWING:

I. Applicant Status

The Applicant, One45 Lenox LLC, is participating in the BCP as a Volunteer as defined in ECL 27-1405(1)(b).

II. Tangible Property Tax Credit Status

The Department has determined that the Site is eligible for tangible property tax credits pursuant to ECL § 27-1407(1-a) because the Site is located in a City having a population of one million or more and at least half of the site area is located in an environmental zone as defined in section twenty-one of the tax law. The Applicant acknowledges that the Department made this determination in reliance on information submitted to the Department by the Applicant.

III. Real Property

The Site subject to this Brownfield Cleanup Agreement (the "BCA" or "Agreement") consists of approximately 0.790 acres, a Map of which is attached as Exhibit "A", and is described as follows: **Total site acreage should be 0.80 acres, not 0.79 acres**

Tax Map/Parcel No.: 2013-29
Street Number: 685 Lenox Avenue, New York
Owner: One45 Lenox LLC

Tax Map/Parcel No.: 2013-33
Street Number: 691 Lenox Avenue, New York
Owner: One45 Lenox LLC

Tax Map/Parcel No.: p/o 2013-38
Street Number: 122 West 145th Street, New York
Owner: One45 Lenox LLC

IV. Communications

A. All written communications required by this Agreement shall be transmitted by United States Postal Service, by private courier service, by hand delivery, or by electronic mail.

1. Communication from Applicant shall be sent to:

Manfred Magloire
New York State Department of Environmental Conservation
Division of Environmental Remediation
One Hunters Point Plaza
47-40 21st Street
Long Island City, NY 11101
manfred.magloire@dec.ny.gov

Note: one hard copy (unbound) of work plans and reports is required, as well as one electronic copy.

Arunesh Ghosh (electronic copy only)
New York State Department of Health
Bureau of Environmental Exposure Investigation
Empire State Plaza
Corning Tower Room 1787
Albany, NY 12237
arunesh.ghosh@health.ny.gov

Grace Nam, Esq. (correspondence only)
New York State Department of Environmental Conservation
Office of General Counsel
4740 21st St
Long island City, NY 11101
grace.nam@dec.ny.gov