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SUBMITTAL INSTRUCTIONS:

- 1. Compile the application package in the following manner:
a. one file in non-fillable PDF of the application form plus supplemental information, excluding the previous environmental reports and work plans, if applicable;
b. one individual file (PDF) of each previous environmental report; and,
c. one file (PDF) of each work plan being submitted with the application, if applicable.
2. Compress all files (PDFs) into one zipped/compressed folder.
3. Submit the application to the Site Control Section either via email or ground mail, as described below.

Please select only ONE submittal method – do NOT submit both email and ground mail.

a. VIA EMAIL:

- Upload the compressed folder to the NYSDEC File Transfer Service. (http://fts.dec.state.ny.us/fts) or another file-sharing service.
• Copy the download link into the body of an email with any other pertinent information or cover letter attached to the email.
• Subject line of the email: "BCP Application NEW - \*Proposed Site Name\*"
• Email your submission to DERSiteControl@dec.ny.gov – do NOT copy Site Control staff.

b. VIA GROUND MAIL:

- Save the application file(s) and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
• Mail the external storage device to the following address:
Chief, Site Control Section
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

PROPOSED SITE NAME: 2335 12th Avenue

Is this an application to amend an existing BCA with a major modification? Please refer to the application instructions for further guidance related to BCA amendments.

If yes, provide existing site number: \_\_\_\_\_

Yes No

Is this a revised submission of an incomplete application?

If yes, provide existing site number: C231159

Yes No



BCP App Rev 15 – May 2023

**SECTION I: Property Information**

PROPOSED SITE NAME **2335 12th Avenue**

ADDRESS/LOCATION **2335 12th Avenue**

CITY/TOWN **New York** ZIP CODE **10027**

MUNICIPALITY (LIST ALL IF MORE THAN ONE) **New York City**

COUNTY **New York** SITE SIZE (ACRES) **0.175**

LATITUDE			LONGITUDE		
40	49	12.6	-73	57	30.6

Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, 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 acreage column.

**ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.**

Parcel Address	Section	Block	Lot	Acreage
2335 12th Avenue		2001	110	0.175

1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description.	<b>Y</b>	<b>N</b>
<i>Attachment A</i>	<input checked="" type="radio"/>	<input type="radio"/>
2. Is the required property map included with the application? (Application will not be processed without a map)		
<i>Attachment A</i>	<input checked="" type="radio"/>	<input type="radio"/>
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> for more information) If yes, identify census tract: _____ Percentage of property in En-zone (check one): 0% <input checked="" type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input type="radio"/>		<input checked="" type="radio"/>
4. Is the project located within a disadvantaged community? See application instructions for additional information.	<input checked="" type="radio"/>	<input type="radio"/>
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	<input type="radio"/>	<input checked="" type="radio"/>
6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications: _____	<input type="radio"/>	<input checked="" type="radio"/>

SECTION I: Property Information (CONTINUED)		Y	N			
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?		<input type="radio"/>	<input checked="" type="radio"/>			
8. 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? If yes, attach relevant supporting documentation.		<input type="radio"/>	<input checked="" type="radio"/>			
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.		<input type="radio"/>	<input checked="" type="radio"/>			
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____		<input type="radio"/>	<input checked="" type="radio"/>			
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____		<input type="radio"/>	<input checked="" type="radio"/>			
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information.		<input type="radio"/>	<input checked="" type="radio"/>			
<table border="0" style="width: 100%;"> <tr> <td style="width: 60%;"><u>Easement/Right-of-Way Holder</u></td> <td style="width: 40%;"><u>Description</u></td> </tr> </table>		<u>Easement/Right-of-Way Holder</u>	<u>Description</u>			
<u>Easement/Right-of-Way Holder</u>	<u>Description</u>					
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information):		<input type="radio"/>	<input checked="" type="radio"/>			
<table border="0" style="width: 100%;"> <tr> <td style="width: 30%;"><u>Type</u></td> <td style="width: 30%;"><u>Issuing Agency</u></td> <td style="width: 40%;"><u>Description</u></td> </tr> </table>		<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>		
<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>				
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format? <b>Attachment A</b>		<input checked="" type="radio"/>	<input type="radio"/>			
<b>Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.</b>						
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.		<input checked="" type="radio"/>	<input type="radio"/>			
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?		<input type="radio"/>	<input checked="" type="radio"/>			
17. If you have answered YES to Question 16 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?		<input type="radio"/>	<input type="radio"/>			
<b>NOTE:</b> If a tangible property tax credit determination is not being requested at the time of application, 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.						
<b>If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions.</b>						
<b>Initials of each Requestor:</b>						
_____						

**SECTION II: Project Description**

1. The project will be starting at:  Investigation  Remediation

NOTE: If the project is proposed to start at the remediation stage, at a minimum, a Remedial Investigation Report (RIR) must be included, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Action Work Plan (RAWP) are also included (see [DER-10, Technical Guidance for Site Investigation and Remediation](#) for further guidance), then a 45-day public comment period is required.

2. If a final RIR is included, does it meet the requirements in ECL Article 27-1415(2)?  
 Yes  No  N/A

3. Have any draft work plans been submitted with the application (select all that apply)?  
 RIWP  RAWP  IRM  No

4. Please provide a short description of the overall project development, including the date that the remedial program is to begin, and the date by which a Certificate of Completion is expected to be issued.  
 Is this information attached?  Yes  No Attachment B

**SECTION III: Land Use Factors**

Attachment C

1. What is the property's current municipal zoning designation? C6-2

2. What uses are allowed by the property's current zoning (select all that apply)?  
 Residential  Commercial  Industrial

3. Current use (select all that apply):  
 Residential  Commercial  Industrial  Recreational  Vacant

4. Please provide 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 by which the site became vacant. Is this summary included with the application? <span style="float: right;">Attachment C</span>	Y	N
	<input checked="" type="radio"/>	<input type="radio"/>

5. Reasonably anticipated post-remediation use (check all that apply): Residential <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> If residential, does it qualify as single-family housing? <span style="float: right;">N/A <input type="radio"/></span>		
	<input type="radio"/>	<input checked="" type="radio"/>

6. Please provide a statement detailing the specific proposed post-remediation use. Is this summary attached? <span style="float: right;">Attachment C</span>		
	<input checked="" type="radio"/>	<input type="radio"/>

7. Is the proposed post-remediation use a renewable energy facility? See application instructions for additional information.		
	<input type="radio"/>	<input checked="" type="radio"/>

8. Do current and/or recent development patterns support the proposed use? <span style="float: right;">Attachment C</span>		
	<input checked="" type="radio"/>	<input type="radio"/>

9. Is the proposed use consistent with applicable zoning laws/maps? Please provide a brief explanation. Include additional documentation if necessary. <span style="float: right;">Attachment C</span>		
	<input checked="" type="radio"/>	<input type="radio"/>

10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Please provide a brief explanation. Include additional documentation if necessary. <span style="float: right;">Attachment C</span>		
	<input checked="" type="radio"/>	<input type="radio"/>

**SECTION IV: Property's Environmental History**

Attachment D

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that contamination of environmental media exists on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the site property and that the site requires remediation. To the extent that existing information/studies/reports are available to the requestor, please attach the following:

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). Please do NOT submit paper copies of ANY supporting documents.**

2. **SAMPLING DATA: INDICATE (BY SELECTING THE OPTIONS BELOW) KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED AS AN ATTACHMENT, WITH LABORATORY REPORTS REFERENCED AND INCLUDED.**

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Chlorinated Solvents	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other VOCs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SVOCs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Metals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCBs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PFAS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1,4-dioxane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other – indicated below	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*Please describe other known contaminants and the media affected:  
See Attachment D

3. For each impacted medium above, include a site drawing indicating:

- Sample location
- Date of sampling event
- Key contaminants and concentration detected
- For soil, highlight exceedances of reasonably anticipated use
- For groundwater, highlight exceedances of 6 NYCRR part 703.5
- For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation

Attachment D

These drawings are to be representative of all data being relied upon to determine if the site requires remediation under the BCP. Drawings should be no larger than 11"x17" and should only be provided electronically. These drawings should be prepared in accordance with any guidance provided.

Are the required drawings included with this application?  YES  NO

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 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: A carpet, drapery, flame-proofing and upholstery cleaning facility

SECTION V: Requestor Information			
NAME 2335 12 Avenue, LLC			
ADDRESS 1850 Amsterdam Avenue			
CITY/TOWN New York		STATE NY	ZIP CODE 10031
PHONE (646) 391-8022		EMAIL javier@artifact.co	
			Y      N
1. Is the requestor authorized to conduct business in New York State (NYS)?			<input checked="" type="radio"/> <input type="radio"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the <a href="#">NYS Department of State's Corporation &amp; Business Entity Database</a> . A print-out of entity information from the database must be submitted with this application to document that the requestor is authorized to conduct business in NYS. Is this attached? <span style="color: red;">Attachment E</span>			<input checked="" type="radio"/> <input type="radio"/>
3. If the requestor is an LLC, a list of the names of the members/owners is required on a separate attachment. Is this attached? <span style="color: red;">Attachment E</span> N/A <input type="radio"/>			<input checked="" type="radio"/> <input type="radio"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of <a href="#">DER-10: Technical Guidance for Site Investigation and Remediation</a> and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? <b>Documents that are not properly certified will not be approved under the BCP.</b>			<input checked="" type="radio"/> <input type="radio"/>

SECTION VI: Requestor Eligibility		
If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.		
		Y      N
1. Are any enforcement actions pending against the requestor regarding this site?		<input type="radio"/> <input checked="" type="radio"/>
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?		<input type="radio"/> <input checked="" type="radio"/>
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.		<input type="radio"/> <input checked="" type="radio"/>
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 or regulation of the State or Federal government?		<input type="radio"/> <input checked="" type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.		<input type="radio"/> <input checked="" type="radio"/>
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?		<input type="radio"/> <input checked="" type="radio"/>

**SECTION VI: Requestor Eligibility (CONTINUED)**

	<b>Y</b>	<b>N</b>
7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing, treating, disposing or transporting or contaminants; or (ii) that involved 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?	<input type="radio"/>	<input checked="" type="radio"/>
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 a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>
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?	<input type="radio"/>	<input checked="" type="radio"/>
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?	<input type="radio"/>	<input checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input checked="" type="radio"/>

12. 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 selecting this option, 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; and, (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.**



13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?

Yes

No

N/A

Attachment F



**SECTION VI: Requestor Eligibility (CONTINUED)**

14. Requestor relationship to the property (check one; if multiple applicants, check all that apply):

 Previous Owner   
 Current Owner   
 Potential/Future Purchaser   
 Other: \_\_\_\_\_

If the requestor is not the current owner, **proof of site access sufficient to complete remediation must be provided.** 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 environmental easement on the site.

Is this proof attached?                       Yes                       No                       N/A

**Note:** A purchase contract or lease agreement does not suffice as proof of site access.

**SECTION VII: Requestor Contact Information**

REQUESTOR'S REPRESENTATIVE Javier Martinez

ADDRESS 1850 Amsterdam Avenue

CITY New York

STATE NY

ZIP CODE 10031

PHONE (646) 391-8022

EMAIL javier@artifact.co

REQUESTOR'S CONSULTANT (CONTACT NAME) Jason Hayes, Jennifer Armstrong

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

ADDRESS 21 Penn Plaza, 360 West 31st Street, 8th Floor

CITY New York

STATE NY

ZIP CODE 10001

PHONE (212) 479-5400

EMAIL jahayes@langan.com; jarmstrong@langan.com

REQUESTOR'S ATTORNEY (CONTACT NAME) George C. D. Duke

COMPANY Connell Foley LLP

ADDRESS 875 Third Avenue, 21st Floor

CITY New York

STATE NY

ZIP CODE 10022

PHONE (212) 307-3700

EMAIL gduke@connellfoley.com

**SECTION VIII: Program Fee**

Upon submission of an executed Brownfield Cleanup Agreement to the Department, the requestor is required to pay a non-refundable program fee of \$50,000. Requestors may apply for a fee waiver based on demonstration of financial hardship.

	Y	N
1. Is the requestor applying for a fee waiver based on demonstration of financial hardship?	<input type="radio"/>	<input checked="" type="radio"/>
2. If yes, appropriate documentation to demonstrate financial hardship must be provided with the application. See application instructions for additional information.		
Is the appropriate documentation included with this application? N/A	<input type="radio"/>	<input type="radio"/>

**SECTION IX: Current Property Owner and Operator Information****Attachment G**

CURRENT OWNER 2335 12 Avenue, LLC		
CONTACT NAME Javier Martinez		
ADDRESS 1850 Amsterdam Avenue		
CITY New York	STATE NY	ZIP CODE 10031
PHONE (646) 391-8022	EMAIL javier@artifact.co	
OWNERSHIP START DATE 3/3/2022		
CURRENT OPERATOR Vacant		
CONTACT NAME		
ADDRESS		
CITY	STATE	ZIP CODE
PHONE	EMAIL	
OPERATION START DATE		

**SECTION X: Property Eligibility Information**

	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information as an attachment.	<input type="radio"/>	<input checked="" type="radio"/>
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>

**SECTION X: Property Eligibility Information (continued)**

	Y	N
<p>3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?                      If yes, please provide:                      Permit Type: _____ EPA ID Number: _____                       Date Permit Issued: _____ Permit Expiration Date: _____</p>	<input type="radio"/>	<input checked="" type="radio"/>
<p>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?                      If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents.</p> <p style="text-align: right;">N/A <input checked="" type="radio"/></p>	<input type="radio"/>	<input type="radio"/>
<p>5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?                      If yes, please provide the order number: <u>NYSDEC Spill No. 2205004</u> <b>Attachment H</b></p>	<input checked="" type="radio"/>	<input type="radio"/>
<p>6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?                      If yes, please provide additional information as an attachment.</p>	<input type="radio"/>	<input checked="" type="radio"/>

**SECTION XI: Site Contact List**

**Attachment I**

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 mailing addresses of the following:

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and adjacent properties.
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- 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 XII: Statement of Certification and Signatures**

(By requestor who is an individual)

If this application is approved, I hereby 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 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 **Manager** (title) of **2335 12 Avenue, LLC** (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby 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 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: **10/03/2023** Signature: \_\_\_\_\_

Print Name: **Javier Martinez**

**PLEASE REFER TO THE APPLICATION COVER PAGE AND BCP APPLICATION INSTRUCTIONS FOR DETAILS OF PAPERLESS DIGITAL SUBMISSION REQUIREMENTS.**

**FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY**

Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27-1407(1-a) must be submitted if requestor is seeking this determination.

**BCP App Rev 15**

Please respond to the questions below and provide additional information and/or documentation as required. <i>Please refer to the application instructions.</i>	Y	N
1. Is the property located in Bronx, Kings, New York, Queens or Richmond County?	<input checked="" type="radio"/>	<input type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input checked="" type="radio"/>	<input type="radio"/>
3. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)?	<input type="radio"/>	<input checked="" type="radio"/>
4. Is the property upside down or underutilized as defined below?		
Upside down	<input type="radio"/>	<input checked="" type="radio"/>
Underutilized	<input type="radio"/>	<input checked="" type="radio"/>

**From ECL 27-1405(31):**

“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.

**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:

- (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
  - (1) the proposed use is at least 75 percent for industrial uses; or
  - (2) at which:
    - (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;
    - (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and
    - (iii) one or more of the following conditions exists, as certified by the applicant:
      - (a) property tax payments have been in arrears for at least five years immediately prior to the application;
      - (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
      - (c) there are no structures.

“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.

**FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)**

5. 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\*  
\*Selecting this option 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. **Affordable housing agreement will be provided when available.**
- 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’ household’s 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 homeowners 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.

**FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)**

6. Is the site a planned renewable energy facility site as defined below?

Yes – planned renewable energy facility site with documentation

Pending – planned renewable energy facility awaiting documentation

\*Selecting this option will result in a “pending” status. The appropriate documentation 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.

No – not a planned renewable energy facility site

If yes, please provide any documentation available to demonstrate that the property is planned to be developed as a renewable energy facility site.

**From ECL 27-1405(33) as of April 9, 2022:**

“Renewable energy facility site” shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.

**From Public Service Law Article 4 Section 66-p as of April 23, 2021:**

(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and plans to meet the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?

Yes - \*Selecting this option will result in a “pending” status, as a BOA conformance determination has not yet been made. Proof of conformance 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.

No

**From ECL 75-0111 as of April 9, 2022:**

(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.

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## **ATTACHMENT A**

### **SECTION I: PROPERTY INFORMATION**

#### Item 2 – Property Maps

Figure A-1 is a Digital Tax Map from the New York City Department of Finance (NYCDOF) showing the proposed brownfield site boundary.

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

Figure A-3 provides a site base map that shows i) a distance of at least 1,000 feet around the proposed brownfield site; ii) map scale, north arrow orientation, date, and location of the site with respect to adjacent streets and roadways; iii) proposed brownfield site boundary lines with adjacent site owners clearly identified; and iv) surrounding site land uses.

#### Item 14 - Property Description Narrative

##### Location

The approximately 7,603-square-foot (approximately 0.175 acres) site is located at 2335 12<sup>th</sup> Avenue in the Harlem neighborhood of Manhattan, New York. The site is situated on the southwestern part of the city block bounded by West 134<sup>th</sup> Street to the north, Broadway to the east, West 133<sup>rd</sup> Street to the south, and the elevated Riverside Drive and underlying 12<sup>th</sup> Avenue to the west. The site is identified as Borough of Manhattan Tax Block 2001, Lot 110.

Adjoining properties include a seven-story industrial/manufacturing building to the north; the Riverside Park Community development to the east; a three-story commercial/office building with a first floor restaurant to the south; and a two-story commercial/office building with a first floor restaurant to the west.

An above-grade Amtrak line is located about 160 feet west of the site along the Henry Hudson Parkway. The surrounding area is an urban setting characterized by multiple-story industrial, transportation, commercial, public school facilities, mixed-use (residential and commercial) and apartment buildings.

##### Site Features

The site is occupied by a vacant three-story building and was most recently occupied by Cleantex; a carpet, drapery, flame-proofing and upholstery cleaning facility that operated at the site from at least 1939 to about 2022. According to the United States Geological Survey (USGS) Central Park,



N.Y. Quadrangle 7.5-Minute Series Topographic Maps, the site is at an elevation (el) of approximately el 30.11 feet, referenced to the North American Vertical Datum of 1988 (NAVD88).

#### Current Zoning and Land Use

According to the New York City Planning Commission Zoning Map 5c, the site is located in a C6-2 zoning district, which primarily permits commercial and residential uses. The site is also located within the Special Manhattanville Mixed Use District, which allows for greater density and a wider variety of land uses to facilitate commercial and residential development. Land use within a half-mile radius includes commercial, residential, industrial, transportation, institutional, and public facility uses.

#### Past Use of the Site

The site was historically undeveloped prior to 1924, and was developed with a two-story industrial building operated by Cleantex by 1939 and with the existing three-story warehouse by 1969. A 2018 Phase I Environmental Site Assessment (ESA) conducted by Galli Engineering, P.C. documented the presence of a 1,500-gallon underground storage tank (UST) containing heating oil and two above ground storage tanks (ASTs) containing mineral spirits. Additionally, geophysical anomalies with UST-like appearances were identified in the loading dock in October 2018.

The site was subject to a historic spill of No. 2 fuel oil (New York State Department of Environmental Conservation [NYSDEC] Spill No. 9512453), which was reported and closed on January 5, 1996, when a release of two gallons of No. 2 fuel oil during tank filling was cleaned up by the delivery crew.

Cleantex vacated the property by March 3, 2022 and the site has since been vacant under the ownership of 2335 12 Avenue, LLC.

#### Site Geology and Hydrogeology

Based on a limited subsurface investigation summarized in Langan's January 2019 Due Diligence Technical Memorandum, a layer of non-native material extends from beneath the surface cover to depths between about 2 and 4 feet below grade surface (bgs). The non-native material generally consists of brown-to-black, medium-to-fine sand with varying amounts of brick, concrete, and gravel, and is underlain by red-to-brown fine and medium sand with various amount of gravel and silt. Groundwater is estimated to be about 17.8 to 18.5 feet bgs based on observations of saturated soil and on a 2018 Phase II ESA, conducted by Galli Engineering P.C. (Galli).

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*Environmental Assessment*

Previous subsurface investigations completed at the proposed BCP site included a 2018 Phase II ESA, conducted by Galli, and a 2018 limited subsurface investigation, conducted by Langan.

Galli's 2018 Phase II ESA included the following:

- Advancement of eight soil borings and collection of six grab soil samples for laboratory analysis; and
- Installation of two temporary groundwater monitoring wells in the first floor loading dock area and collection of two groundwater samples for laboratory analysis.

The 2018 limited subsurface investigation conducted by Langan was performed to support due diligence of an entity that was considering purchasing the site and consisted of the following:

- Advancement of five soil borings in the first floor loading dock area and collection of five grab soil samples for laboratory analysis; and
- Installation of three sub-slab soil vapor probes and collection of three sub-slab soil vapor samples for laboratory analysis.

Based on the findings of the investigations, the primary contaminants of concern include petroleum-related volatile organic compounds (VOCs) and polychlorinated biphenyls (PCBs) in soil, petroleum-related VOCs and semivolatile organic compounds (SVOCs) in groundwater, and petroleum-related VOCs and chlorinated VOCs in soil vapor. Petroleum-impacts in soil, groundwater, and soil vapor at the site are likely related to historical site use. Potential impacts to soil, groundwater, and soil vapor will be further evaluated during a remedial investigation.

Field Observations: Petroleum-like odors, staining, and/or photoionization detector (PID) readings ranging from 18.9 to 662.7 parts per million (ppm) were observed on soil at depths between about 10 and 20 feet bgs. Non-aqueous phase liquid (i.e., free product) was observed in groundwater well purge water in temporary groundwater monitoring wells in the western part of the site. Sample location maps are included in Attachment D of the BCP Application.

Soil: A total of six VOCs, including but not limited to 1,2,4-trimethylbenzene, n-propylbenzene, and total xylenes were detected at concentrations above Title 6 of the New York Codes, Rules and Regulations (NYCRR) Part 375 Unrestricted Use (UU) or Restricted Use Commercial (RUC) Soil Cleanup Objectives (SCO) between 0 and 19 feet bgs in the first floor loading dock area. The maximum concentration of 1,2,4-trimethylbenzene (260 ppm) exceeds the Part 375 RUC SCO (190 ppm). N-propylbenzene concentrations (9.5 to 12 ppm) exceed the UU SCO (3.9 ppm); and

total xylene concentrations (0.31 to 0.81 ppm) exceed the UU SCO (0.26 ppm). Soil sample depths were mostly limited to deeper soil to target potential petroleum impacts and were not collected from non-native material.

Total PCBs were detected in shallow soil (between 0 and 1 feet bgs) in soil boring SB-01 in the western part of the site. The total PCB concentration (0.178 ppm) exceeds the UU SCO (0.1 ppm).

Groundwater: A total of ten VOCs, among them 1,2,4,5-tetramethylbenzene, 1,2,4-trimethylbenzene, 4-isopropyltoluene, and n-butylbenzene, were detected in groundwater above the NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards (AWQS) and Guidance Values for Class GA water in the western part of the site. The concentrations of 1,2,4,5-tetramethylbenzene (240 parts per billion [ppb]), 1,2,4-trimethylbenzene (260 ppb), 4-isopropyltoluene (74 ppb) and n-butylbenzene (64 ppb) exceed the TOGS AWQS (5 ppb).

Concentrations of the SVOCs naphthalene (190 ppb) and bis(2-ethylhexyl)phthalate (120 ppb) exceed the TOGS AWQS (10 ppb and 5 ppb, respectively).

Soil vapor: No standard currently exists for soil vapor in New York State; however, soil vapor sample results were compared to the New York State Department of Health (NYSDOH) air guidance values (AGVs) for reference. Two chlorinated VOCs, including tetrachloroethene (PCE), and trichloroethene (TCE), were detected in soil vapor above the NYSDOH AGVs at soil vapor point SSV-02 in the central part of the site. The concentrations of PCE (37 micrograms per cubic meter [ $\mu\text{g}/\text{m}^3$ ]) and TCE (5.5  $\mu\text{g}/\text{m}^3$ ) exceed the NYSDOH AGVs (5.5  $\mu\text{g}/\text{m}^3$  and 2.0  $\mu\text{g}/\text{m}^3$ , respectively).



- Legend**
- Tax Parcels
  - Approximate Site Boundary
  - 2001 Block Number
  - 110 Lot Number

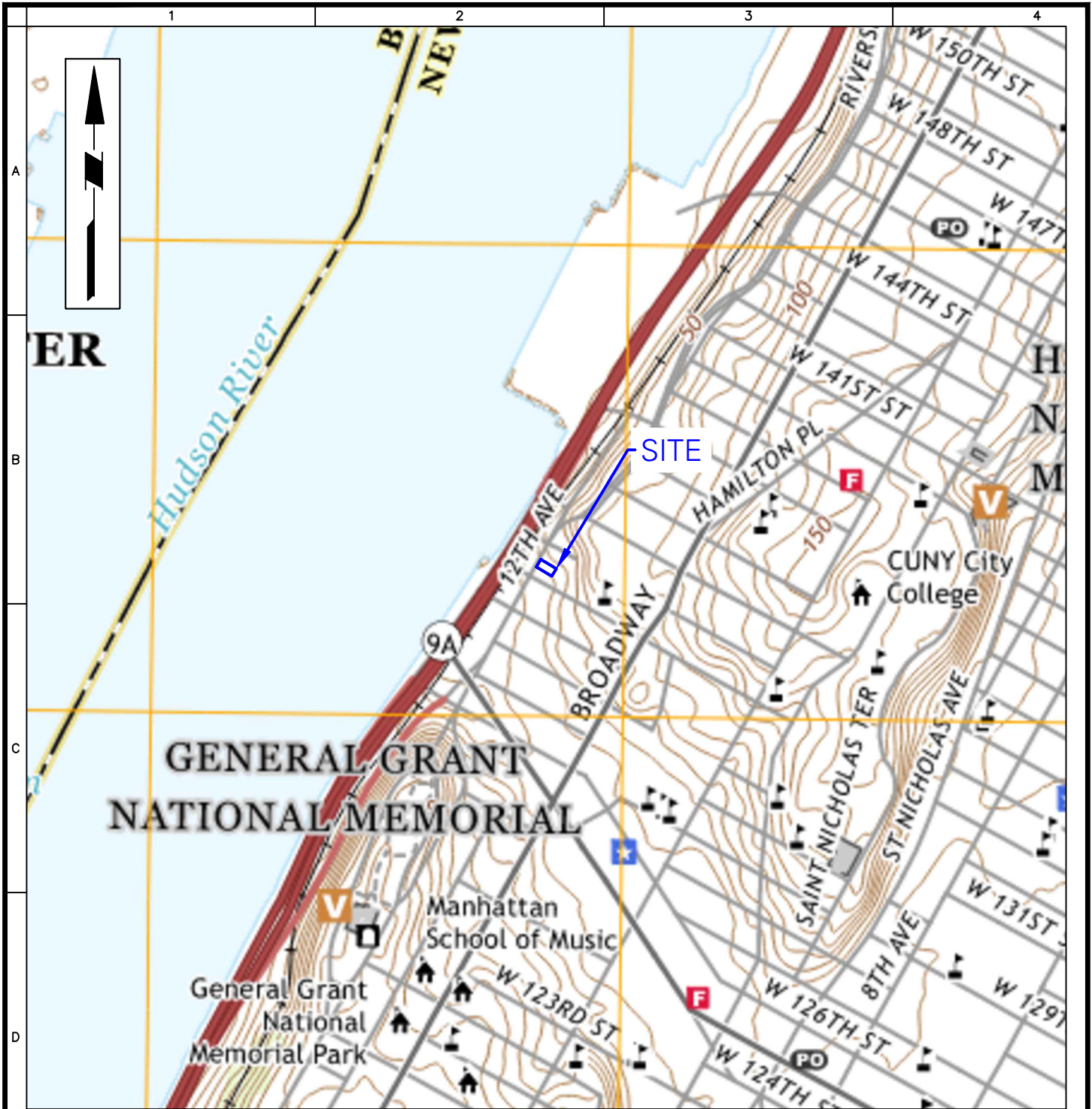
**NOTES:**  
 1. TAX PARCEL DATA PROVIDED BY THE NEW YORK CITY DEPARTMENT OF CITY PLANNING.  
 2. WORLD TOPOGRAPHIC MAP IS PROVIDED THROUGH LANGAN'S ESRI ARCGIS SOFTWARE LICENSING AND ARCGIS ONLINE.

E

**WARNING:** It is a violation of the NYS Education Law Article 145 for any person, unless acting under the direction of a licensed professional engineer, land surveyor or geologist, to alter this item in any way.



 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	Figure Title	Project No. 170560401	Figure No.
	<b>2335 12TH AVENUE</b> BLOCK No. 2001, LOT No. 110 NEW YORK COUNTY      NEW YORK	<b>TAX MAP</b>	Date 9/26/2022	<b>A-1</b>
		Scale 1"=100'	Drawn By PDT	

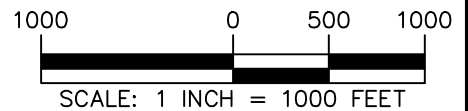



**LEGEND:**

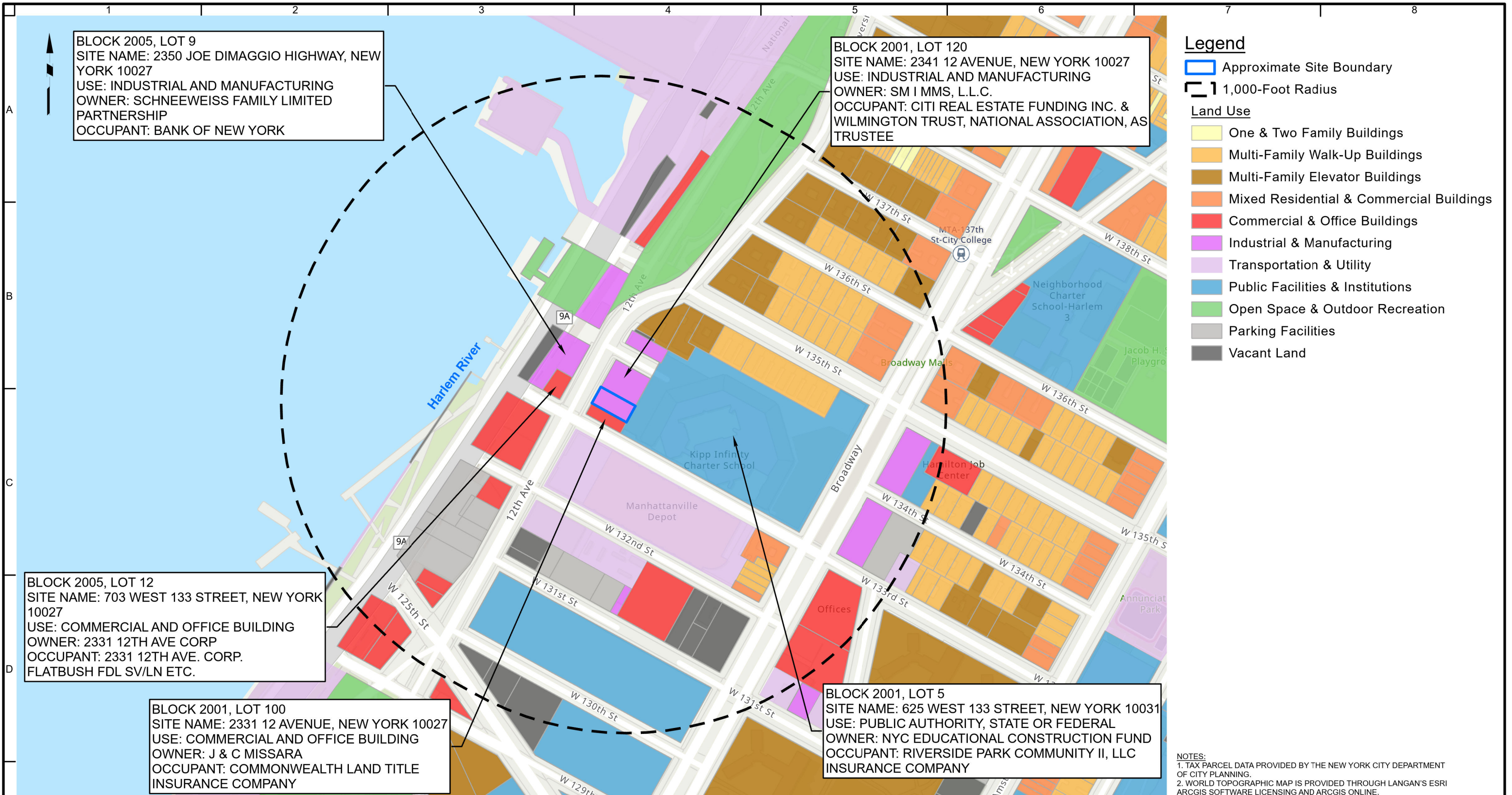
 APPROXIMATE SITE BOUNDARY

**NOTES:**

BASE MAP IS REFERENCED FROM THE UNITED STATES GEOLOGICAL SURVEY (USGS) 7.5-MINUTE SERIES CENTRAL PARK, N.Y. QUADRANGLE MAP, DATED 2019.



 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	Figure Title	Project No.	Figure
	<b>2335 12TH AVENUE</b>	<b>SITE LOCATION MAP</b>	170560401	
	BLOCK No. 2001, LOT No. 110		Date 09/23/2022	
	NEW YORK COUNTY NEW YORK		Drawn By MA	
			Checked By JA	<b>A-2</b>



**Legend**

- Approximate Site Boundary
- 1,000-Foot Radius

**Land Use**

- One & Two Family Buildings
- Multi-Family Walk-Up Buildings
- Multi-Family Elevator Buildings
- Mixed Residential & Commercial Buildings
- Commercial & Office Buildings
- Industrial & Manufacturing
- Transportation & Utility
- Public Facilities & Institutions
- Open Space & Outdoor Recreation
- Parking Facilities
- Vacant Land

**NOTES:**  
 1. TAX PARCEL DATA PROVIDED BY THE NEW YORK CITY DEPARTMENT OF CITY PLANNING.  
 2. WORLD TOPOGRAPHIC MAP IS PROVIDED THROUGH LANGAN'S ESRI ARCGIS SOFTWARE LICENSING AND ARCGIS ONLINE.

**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.

300      0      300  
 SCALE IN FEET

**LANGAN**

Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.  
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 New York, NY 10001  
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Project

**2335 12TH AVENUE**  
 BLOCK No. 2001, LOT No. 110

NEW YORK COUNTY      NEW YORK

Figure Title

**ADJOINING PROPERTY AND SURROUNDING LAND USE MAP WITH 1,000-FOOT RADIUS**

Project No.	170560401	Figure No.	<b>A-3</b>
Date	9/26/2022		
Scale	1"=300'		
Drawn By	PDT		

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## **ATTACHMENT B**

### **SECTION II: PROJECT DESCRIPTION**

The purpose of the project is to remediate and redevelop an about 7,603-square-foot (approximately 0.175 acres) contaminated site. The site is occupied by a vacant three-story building and was most recently occupied by Cleantex, a carpet, drapery, flame-proofing and upholstery cleaning facility that operated from at least 1939 to about 2022.

The proposed development includes demolition of the existing three-story building and construction of an 11-story mixed-use (commercial and residential) building with one-cellar level. The proposed project is consistent with the existing zoning. Remediation will be performed concurrently with the proposed development and in accordance with an approved Remedial Action Work Plan (RAWP) and Construction Health and Safety Plan (CHASP).

The estimated project schedule is included as a separate sheet in the attachment. A draft Remedial Investigation Work Plan (RIWP) is submitted concurrently with this application. It is estimated the remedial investigation will begin around February 2024. Implementation of the RAWP is expected to begin in late 2024 or early 2025, and the project is expected to obtain its Certificate of Completion by end of 2025.

**Environmental Approvals Schedule - Design Phase Pre-Construction**  
**2335 12th Avenue**  
**New York, New York**  
**Langan Project No. 170560401**  
**Last Updated: October 5, 2023**

<b>Estimated Project Schedule</b>		<b>2023</b>				<b>2024</b>												<b>2025</b>											
		SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
<b>Item</b>	<b>Action</b>																												
<b>1</b>	Prepare Brownfield Cleanup Program Application and RIWP	■	■																										
<b>2</b>	NYSDEC Review of Application & RIWP and 30-Day Public Comment		■	■	■	■																							
<b>3</b>	Implement (RIWP) and Prepare Remedial Investigation Report (RIR)					■	■	■	■																				
<b>4</b>	Prepare Remedial Action Work Plan (RAWP)						■	■	■	■																			
<b>5</b>	NYSDEC & NYSDOH Review of RIR and RAWP, Including 45-Day Public Comment									■	■	■	■	■	■	■													
<b>6</b>	NYSDEC & NYSDOH Final Review of RAWP and Issuance of Decision Document															■	■												
<b>7</b>	RAWP Implementation/Foundation Construction																■	■	■	■	■	■	■	■					
<b>8</b>	Final Engineering Report (FER) and Site Management Plan (SMP) Preparation																				■	■	■	■	■	■	■	■	■
<b>9</b>	NYSDEC & NYSDOH Review of FER and SMP																							■	■	■	■	■	■
<b>10</b>	BCP Certificate of Completion																												■

**Notes:**

- a) This is an estimated schedule; all items are subject to change.
- b) NYSDEC = New York State Department of Environmental Conservation
- c) NYSDOH = New York State Department of Health
- d) Assumes remedial design (e.g. sub-membrane depressurization system and in-situ groundwater treatment) is not required.



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## **ATTACHMENT C**

### **SECTION III: LAND USE FACTORS**

#### *Items 1 and 2 – Site Zoning Status*

According to the New York City Planning Commission Zoning Map 5c, the site is located in a C6-2 zoning district, which primarily permits commercial and residential uses. The site is also located within the Special Manhattanville Mixed Use District, which allows for greater density and a wider variety of land uses to facilitate commercial and residential development. Land use within a half-mile radius includes commercial, residential, industrial, transportation, institutional, and public facility uses. Zoning is consistent with the proposed mixed-use (residential and commercial) development.

#### *Item 4 – Current Use*

The site encompasses an area of about 7,603 square feet (approximately 0.175 acres) and consists of a vacant three-story building. The building was formerly occupied by Cleantex, a carpet, drapery, flame-proofing and upholstery cleaning facility, from at least 1939 to about 2022.

A 2018 Phase I Environmental Site Assessment (ESA) conducted by Galli Engineering, P.C. documented the presence of a 1,500-gallon underground storage tank (UST) containing heating oil and two above ground storage tanks (ASTs) containing mineral spirits. Additionally, geophysical anomalies with UST-like appearances were identified in the loading dock in October 2018. The source of documented petroleum-related impacts in soil, groundwater, and soil vapor is likely a release or multiple releases from petroleum and chemical storage associated with the current and historic use of the site.

#### *Item 6 – Post Remediation Use*

The proposed development includes demolition of the existing three-story building and construction of an 11-story mixed-use (commercial and residential) building with a one-level cellar. The proposed project is consistent with the existing zoning. Remediation will be performed concurrently with the proposed development and in accordance with an approved Remedial Action Work Plan (RAWP) and Construction Health and Safety Plan (CHASP).

#### *Item 9 – Consistency with Applicable Zoning Laws/Maps*

The site is located within a commercial district (C6-2) and the Special Manhattanville Mixed Use District. Multiple-story mixed-use (residential and commercial) buildings are permitted in these districts. The special district allows a maximum site building height of 120 feet.

*Item 10 – Comprehensive Plans*

The proposed post-remediation use is consistent with goals outlined in the Special Manhattanville Mixed Use District zoning resolution, which encourages active ground floor uses along 12<sup>th</sup> Avenue to promote the economic vitality of the neighborhood streets and to encourage the use of the community-oriented waterfront, with an emphasis toward the West Harlem Piers Park. Design regulations require publicly accessible open spaces, sidewalk amenities, sidewalk widening and landscaping to improve the physical appearance of the streetscape within a consistent urban design.

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## **ATTACHMENT D**

### **SECTION IV: PROPERTY'S ENVIRONMENTAL HISTORY**

#### Item 1 – Reports

The following environmental reports were prepared for 2335 12<sup>th</sup> Avenue (Manhattan Tax Block 2001, Lot 110):

- June 14, 2018 Phase I Environmental Site Assessment, prepared by Galli Engineering P.C.
- November 9, 2018 Phase II ESA, prepared by Galli Engineering P.C.
- January 22, 2019 Due Diligence Technical Memorandum for 2335 12<sup>th</sup> Avenue, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology D.P.C

#### **June 14, 2018 Phase I ESA, prepared by Galli Engineering, P.C.**

Galli Engineering P.C. (Galli) conducted a Phase I Environmental Site Assessment (ESA) on behalf of The Upper Group. The Phase I ESA documented the presence of a 1,500-gallon underground storage tank (UST) containing heating oil and two aboveground storage tanks (ASTs) containing mineral spirits. Galli identified the following recognized environmental conditions (RECs):

- Use of the site as an industrial and commercial upholstery cleaning facility as early as the 1930's and designation as a Historic Cleaner in the regulatory database search because of mineral solvents/spirits used for cleaning operations
- No secondary containment was observed around the 500-gallon mineral solvent AST that was observed as in-use in 2018 - The surrounding concrete surface was observed in poor condition and was cracked and discontinuous. Staining indicative of a potential release was observed on the concrete surface in the vicinity of the AST.
- Evaporation of liquids containing mineral solvents during carpet cleaning operations was in violation of state and federal rules and regulations - Treatment by evaporation must be performed under a valid permit with the New York State and the USEPA. Mineral solvent waste is considered hazardous due to its flammable characteristics.

#### **November 9, 2018 Phase II ESA, prepared by Galli**

Galli performed a Phase II ESA to investigate potential impacts from the RECs identified in the June 14, 2018 Phase I ESA. The Phase II ESA included a geophysical survey across the first floor loading dock of the site; advancement of eight soil borings; installation of two temporary

groundwater monitoring wells; and collection of soil and groundwater samples for laboratory analysis. The following observations were made during the Phase II ESA:

- Geophysical Investigation: The geophysical survey identified up to four potential USTs, including one presumed to be the 1,500 gallon No. 2 fuel oil UST used for heating.
- Soil: Evidence of a petroleum release, including odors and a maximum photoionization detector (PID) reading of 550 parts per million (ppm), was observed in five out of the eight soil borings. Volatile organic compounds (VOCs) including 1,2,4,-trimethylbenzene and total xylenes were detected at concentrations exceeding NYSDEC Part 375 Unrestricted Use (UU) Soil Cleanup Objectives (SCO) in soil samples collected from soil boring SB-1, which was located in an equipment room in the south-central part of the site.
- Groundwater: Two soil borings were converted into temporary monitoring wells (GW-1 and GW-2 in the eastern and southwestern parts of the loading dock, respectively). The wells were installed to a depth of about 20 feet below grade surface (bgs). During well development, free product was observed in the purged groundwater collected from each temporary monitoring well. VOCs including 1,2,4,5-tetramethylbenzene, isopropylbenzene, n-butylbenzene, n-propylbenzene, sec-butylbenzene, and tert-butylbenzene were detected at concentrations above NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards (AWQS) and Guidance Values for Glass GA water (collectively referred to as the NYSDEC SGVs) in both temporary monitoring wells. Four additional VOCs including 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 4-isopropyltoluene, and naphthalene and SVOCs including naphthalene and bis(2-ethylhexyl)phthalate were detected in groundwater samples collected from temporary monitoring well GW-2 above the NYSDEC SGVs. Temporary monitoring well GW-2 was installed in the southwest part (presumed downgradient side) of the loading dock.

#### **January 22, 2019 Due Diligence Technical Memorandum, prepared by Langan**

Langan performed a limited subsurface investigation to support due diligence of an entity that was considering purchasing the site, and to further investigate the nature and extent of potential environmental subsurface contamination at the site.

The limited subsurface investigation included a geophysical survey to locate potential USTs and other subsurface structures, advancement of five soil borings to depths ranging from 4 to 20 feet bgs, completion of a chemical inventory, installation of three sub-slab soil vapor probes, and collection of soil and soil vapor samples for laboratory analysis. The following observations were made during the limited subsurface investigation:

- Geophysical Survey: The geophysical survey identified subsurface anomalies indicative of utilities and potential USTs with associated fill lines in the first floor loading dock area, which is consistent with the results of the geophysical investigation completed by Galli.
- Subsurface Observations: Below the concrete surface, the subsurface strata consists of non-native material characterized by brown-to-black, medium-to-fine sand with varying amounts of brick, concrete, and gravel. The non-native material layer ranges from about 2 to 4 feet bgs and is underlain by red-to-brown fine and medium sand with varying amounts of gravel and silt. The sands extended to 20 feet bgs (the boring termination depth). The highest PID readings were observed at or above the water table, which was identified between 17.8 to 18.5 feet bgs, based on observations of saturated soil and on Galli's 2018 Phase II ESA.
- Soil Sample Analytical Results: Several VOCs were detected at concentrations exceeding the NYSDEC Part 375 UU, Restricted Use Restricted-Residential (RURR), and/or Restricted Use Commercial (RUC) SCOs in soil samples collected from the first floor loading dock area.
  - One VOC (1,2,4-trimethylbenzene) was detected at a concentration above the UU, RURR, and RUC SCOs in soil boring SB-05 in the northern part of the loading dock.
  - One or more VOCs, including n-butylbenzene, n-propylbenzene, sec-butylbenzene, tert-butylbenzene, and total xylenes, exceeded the UU SCOs in soil borings SB-01, SB-02, SB-04, and SB-05, throughout the loading dock.
  - Total polychlorinated biphenyls (PCBs) exceeded the UU SCOs in the shallow fill sample collected from boring SB-01 in the northeast part of the loading dock.
- Soil Vapor Sample Analytical Results: There is no standard for soil vapor samples in New York State; however, soil vapor sample results were compared to the New York State Department of Health (NYSDOH) Air Guidance Values (AGVs). Total VOC concentrations for each sample location were as follows:
  - SSV-01: 241.41 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ )
  - SSV-02: 556.8  $\mu\text{g}/\text{m}^3$
  - SSV-03: 195.24  $\mu\text{g}/\text{m}^3$

Two chlorinated VOCs (trichloroethene [TCE] and tetrachloroethene [PCE]) were detected at concentrations exceeding the NYSDOH AGVs in sub-slab soil vapor sample SSV-02 in the center of the site. Petroleum-related VOCs (e.g., benzene, toluene, ethylbenzene, and total xylenes [BTEX]) were detected in soil vapor samples at concentrations ranging from 17.81  $\mu\text{g}/\text{m}^3$  (SSV-03) to 42.6  $\mu\text{g}/\text{m}^3$  (SSV-01).

---

**October 2022 Draft Phase I ESA, Prepared by Langan**

This Phase included the proposed BCP site and 2331 12th Avenue (Lot 100). Access was not provided to Lot 100, which was considered a significant data gap. RECs related to the following were identified:

- Lot 110 operated as Cleantex Co. (a carpet cleaning facility) with aboveground storage tanks (AST) containing mineral spirits from 1939 until early 2022. Out-of-service cleaning machinery is located within the Lot 110 building with staining observed on concrete flooring next to some machinery. Lot 100 was historically operated by auto repair facilities from 1973 to 2000. Inadvertent releases of petroleum products, solvents, and/or other hazardous substances typically used by these facilities may have impacted soil, groundwater, and/or soil vapor at the Subject Property.
- The building on Lot 110 contains a 1,500-gallon No. 2 heating oil underground storage tank (UST) in the loading dock area. Three additional USTs may also be present in the loading dock area based on a prior geophysical survey.
- Subsurface investigations in October and November 2018 identified stained and odorous soil between about 10 and 20 feet bgs in the loading dock of Lot 110. Petroleum-related VOCs were reported in soil and groundwater at concentrations above relevant standards. Chlorinated VOCs were identified in soil vapor at concentrations above New York State Department of Health Air Guidance Values. Following acquisition of Lot 110 by the User, a spill was reported to the NYSDEC based on petroleum-related impacts observed during a prior subsurface investigation completed to support due diligence of an entity that was considering purchasing Lot 110. NYSDEC assigned Spill No. 2205004 to Lot 110.
- The historical uses of the northern-adjointing property at 2341 – 2347 12th Avenue as a garage with 4 USTs (1939 – 1950) and a rubber manufacturing facility (1969 – 2005), the eastern-adjointing property at 637 133rd Street as garages and a gasoline station with a UST (1939 – 1950), and southern adjointing property as an MTA depot associated with several spill cases and hazardous waste generation are considered a REC.

**Item 2 – Sampling Data**

Known contaminants were identified in the November 2018 Phase II ESA and in the January 2019 Due Diligence Technical Memorandum (limited subsurface investigation). The environmental and available laboratory analytical reports for the investigations are included in this attachment. Analytes detected above applicable regulatory standards for each media tested during the November 2018 Phase II ESA and January 2019 limited subsurface investigation, are summarized below:

### **Soil:**

Soil sample analytical results were compared to 6 NYCRR Part 375 UU, RURR, and RUC SCOs. As depicted in Table D-1 and on Figure D-1, the following contaminants were detected at concentrations above the UU, RURR, or CU SCOs. RURR and/or CU exceedances are shown in bold and maximum detections are shown in parentheses.

#### VOCs

- **1,2,4-trimethylbenzene** (260 milligrams per kilogram [mg/kg])
- n-Butylbenzene (18 ppm)
- n-Propylbenzene (12 ppm)
- sec-Butylbenzene (18 ppm)
- t-Butylbenzene (6.8 ppm)
- Total xylenes (0.83 ppm)

#### PCBs

- Total PCBs (0.178 ppm)

### **Groundwater:**

Groundwater sample analytical results were compared to the NYSDEC SGVs. Contaminants that were detected at concentrations above the NYSDEC SGVs are depicted in Table D-2 and on Figure D-2 and are summarized below. Maximum detected concentrations are shown in parentheses.

#### VOCs

- 1,2,4,5-Tetramethylbenzene (240 ppb)
- 1, 2, 4-Trimethylbenzene (260 ppb)
- 1,3,5-Trimethylbenzene (140 ppb)
- 4-isopropyltoluene (74 ppb)
- Isopropylbenzene (90 ppb)
- n-Butylbenzene (64 ppb)
- n-Propylbenzene (120 ppb)
- Naphthalene (54 ppb)
- sec-Butylbenzene (64 ppb)
- tert-Butylbenzene (58 ppb)

### SVOCs

- Bis(2-ethylhexyl)phthalate (120 ppb)
- Naphthalene (190 ppb)

### **Soil Vapor:**

Soil vapor sample analytical results were compared to the NYSDOH AGVs. Contaminants that were detected at concentrations above the NYSDOH AGVs are depicted in Table D-3 and on Figure D-3 and are summarized below. Maximum detected concentrations are shown in parentheses.

### VOCs

- PCE (37 microgram per cubic meter [ $\mu\text{g}/\text{m}^3$ ])
- TCE (5.5  $\mu\text{g}/\text{m}^3$ )

### **2022 Spill Reporting:**

Following acquisition of the property by the applicant (2335 12 Avenue, LLC), a spill was reported to the NYSDEC on September 8, 2022 based on petroleum-related impacts observed during a prior limited subsurface investigation performed by Langan, which was completed to support due diligence of an entity that was considering purchasing the site. The site was assigned NYSDEC Spill No. 2205004.

### *Item 3 – Site Drawings for each impacted medium*

The following figures and tables summarize the detectable concentration of each contaminant by media type using the analytical results collected for the November 2018 Phase II ESA and January 2019 Due Diligence Memo:

- Figure D-1 – Soil Sample Analytical Results Map
- Figure D-2 – Groundwater Sample Analytical Results Map
- Figure D-3 – Soil Vapor Sample Analytical Results Map
- Table D-1 – Soil Data Summary
- Table D-2 – Groundwater Data Summary
- Table D-3 – Soil Vapor Data Summary



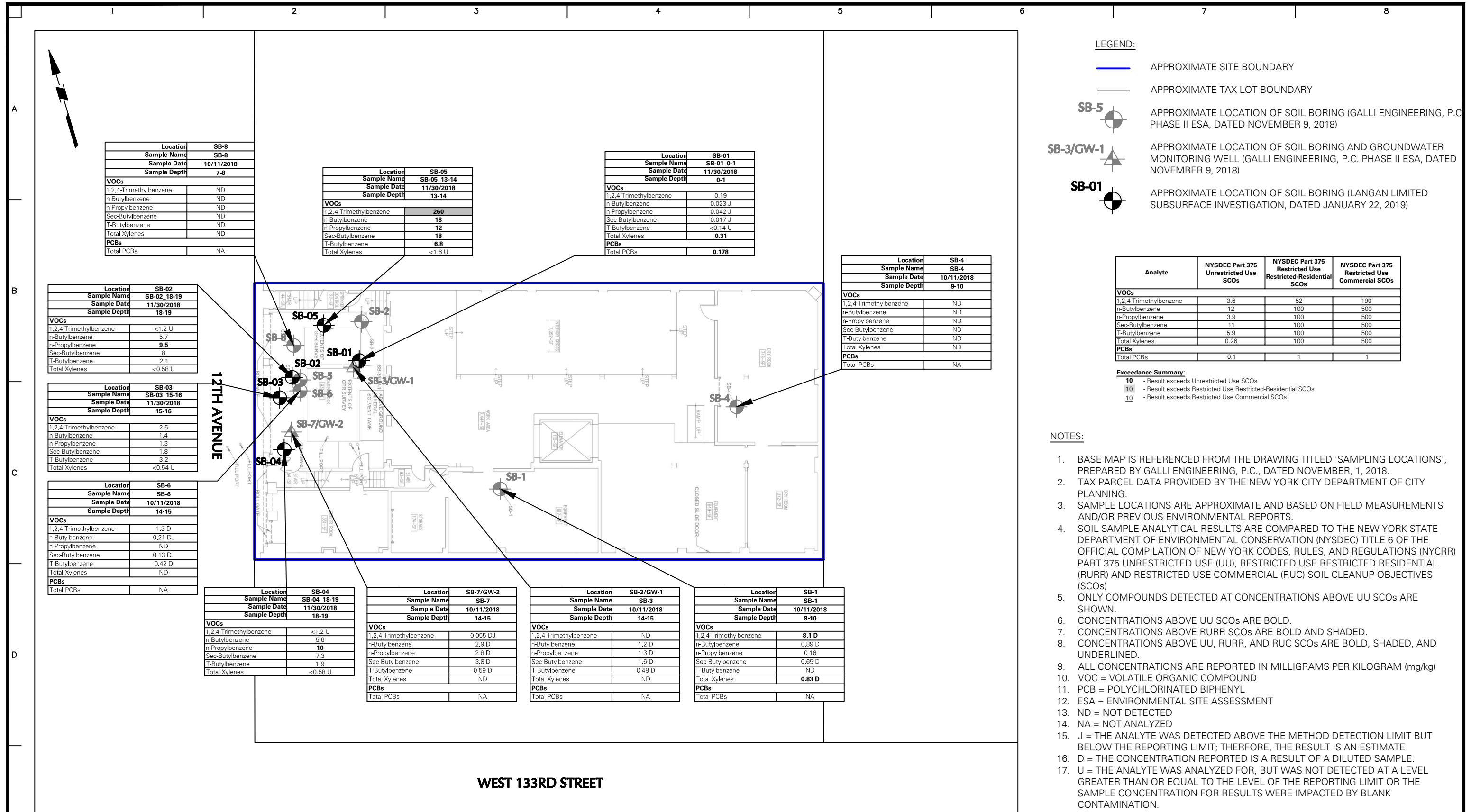
*Item 4 – Past Land Use*

The site was historically undeveloped prior to 1924, and was developed with a two-story industrial building operated by Cleantex by 1939 and with the existing three-story warehouse by 1969. The 2018 Phase I ESA conducted by Galli documented the presence of a 1,500-gallon UST containing heating oil and two ASTs containing mineral spirits. Additionally, geophysical anomalies with UST-like appearances were identified in the loading dock in October 2018.

The site was subject to a historic spill of No. 2 fuel oil (NYSDEC Spill No. 9512453), which was reported and closed on January 5, 1996, when a release of two gallons of No. 2 fuel oil during tank filling was cleaned up by the delivery crew.

Cleantex vacated the property by March 3, 2022 and the site has since been vacant under the ownership of 2335 12 Avenue, LLC.

## **FIGURES**



**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, LAND SURVEYOR OR GEOLOGIST, TO ALTER THIS ITEM IN ANY WAY.



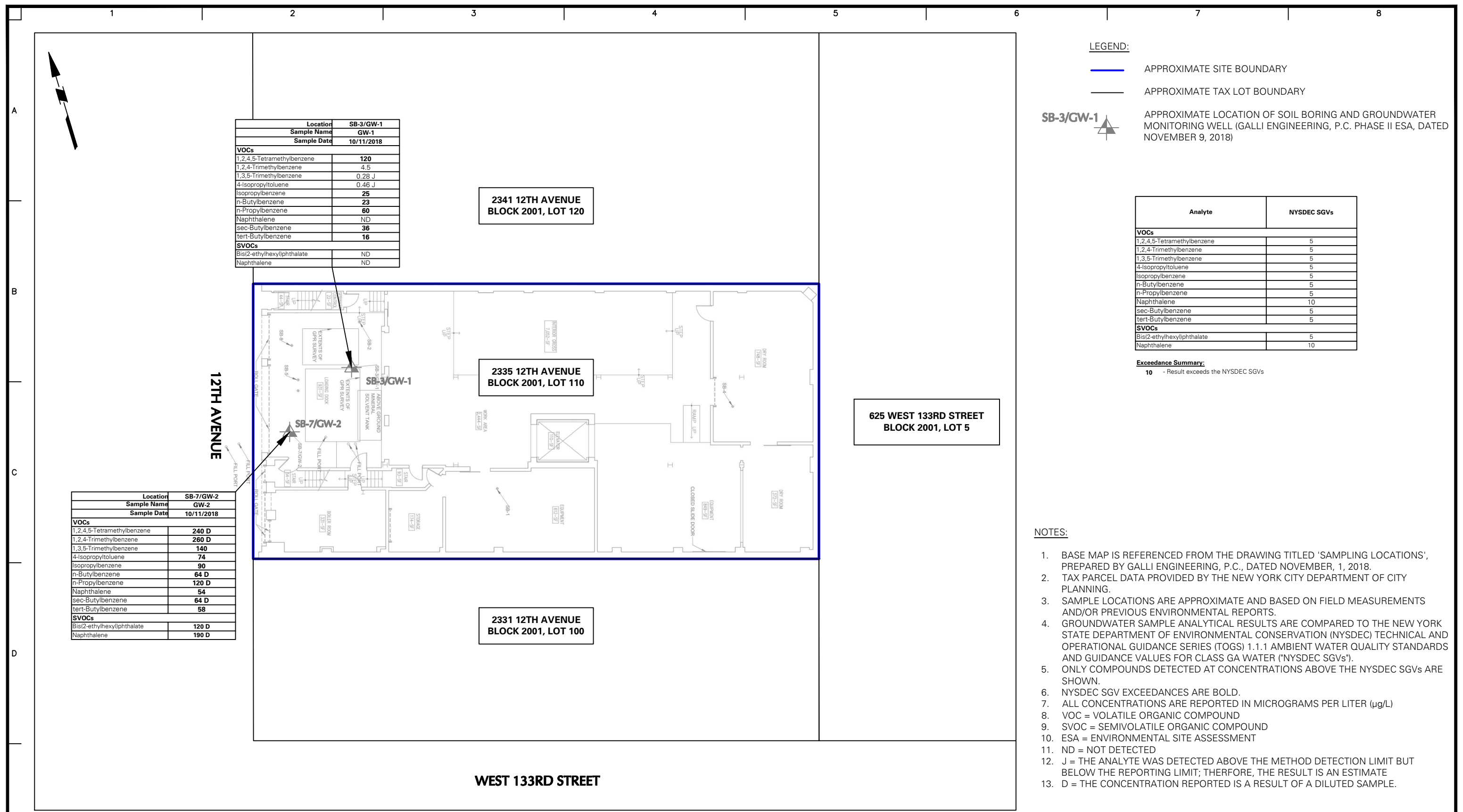
**LANGAN**  
 Langan Engineering, Environmental, Surveying,  
 Landscape Architecture and Geology, D.P.C.  
 21 Penn Plaza, 360 West 31st Street, 8th Floor  
 New York, NY 10001  
 T: 212.479.5400 F: 212.479.5444 www.langan.com

Project  
**2335 12TH AVENUE**  
**BLOCK No. 2001, LOT No. 110**  
**NEW YORK COUNTY NEW YORK**

Figure Title  
**SOIL SAMPLE ANALYTICAL RESULTS MAP**

Project No.  
 170560401  
 Date  
 09/16/2022  
 Drawn By  
 MA  
 Checked By  
 JA

Figure  
**D-1**  
 Sheet 1 of 3



Location	SB-3/GW-1
Sample Name	GW-1
Sample Date	10/11/2018
<b>VOCs</b>	
1,2,4,5-Tetramethylbenzene	120
1,2,4-Trimethylbenzene	4.5
1,3,5-Trimethylbenzene	0.28 J
4-Isopropyltoluene	0.46 J
Isopropylbenzene	25
n-Butylbenzene	23
n-Propylbenzene	60
Naphthalene	ND
sec-Butylbenzene	36
tert-Butylbenzene	16
<b>SVOCs</b>	
Bis(2-ethylhexyl)phthalate	ND
Naphthalene	ND

2341 12TH AVENUE  
BLOCK 2001, LOT 120

2335 12TH AVENUE  
BLOCK 2001, LOT 110

625 WEST 133RD STREET  
BLOCK 2001, LOT 5

2331 12TH AVENUE  
BLOCK 2001, LOT 100

Location	SB-7/GW-2
Sample Name	GW-2
Sample Date	10/11/2018
<b>VOCs</b>	
1,2,4,5-Tetramethylbenzene	240 D
1,2,4-Trimethylbenzene	260 D
1,3,5-Trimethylbenzene	140
4-Isopropyltoluene	74
Isopropylbenzene	90
n-Butylbenzene	64 D
n-Propylbenzene	120 D
Naphthalene	54
sec-Butylbenzene	64 D
tert-Butylbenzene	58
<b>SVOCs</b>	
Bis(2-ethylhexyl)phthalate	120 D
Naphthalene	190 D

**LEGEND:**

- APPROXIMATE SITE BOUNDARY
- APPROXIMATE TAX LOT BOUNDARY



APPROXIMATE LOCATION OF SOIL BORING AND GROUNDWATER MONITORING WELL (GALLI ENGINEERING, P.C. PHASE II ESA, DATED NOVEMBER 9, 2018)

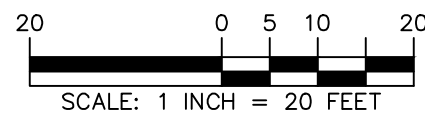
Analyte	NYSDEC SGVs
<b>VOCs</b>	
1,2,4,5-Tetramethylbenzene	5
1,2,4-Trimethylbenzene	5
1,3,5-Trimethylbenzene	5
4-Isopropyltoluene	5
Isopropylbenzene	5
n-Butylbenzene	5
n-Propylbenzene	5
Naphthalene	10
sec-Butylbenzene	5
tert-Butylbenzene	5
<b>SVOCs</b>	
Bis(2-ethylhexyl)phthalate	5
Naphthalene	10

**Exceedance Summary:**  
10 - Result exceeds the NYSDEC SGVs

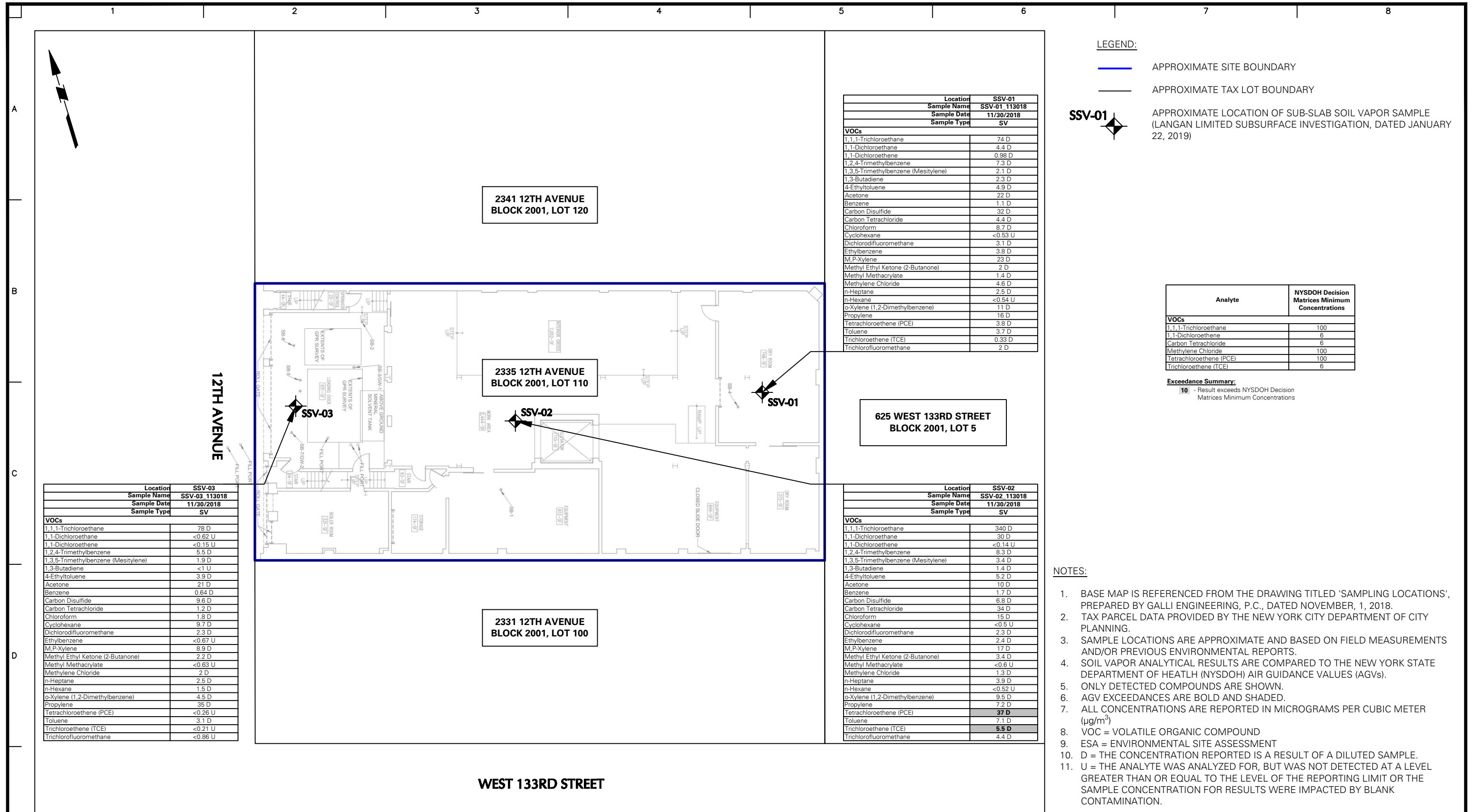
**NOTES:**

1. BASE MAP IS REFERENCED FROM THE DRAWING TITLED 'SAMPLING LOCATIONS', PREPARED BY GALLI ENGINEERING, P.C., DATED NOVEMBER, 1, 2018.
2. TAX PARCEL DATA PROVIDED BY THE NEW YORK CITY DEPARTMENT OF CITY PLANNING.
3. SAMPLE LOCATIONS ARE APPROXIMATE AND BASED ON FIELD MEASUREMENTS AND/OR PREVIOUS ENVIRONMENTAL REPORTS.
4. GROUNDWATER SAMPLE ANALYTICAL RESULTS ARE COMPARED TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) TECHNICAL AND OPERATIONAL GUIDANCE SERIES (TOGS) 1.1.1 AMBIENT WATER QUALITY STANDARDS AND GUIDANCE VALUES FOR CLASS GA WATER ('NYSDEC SGVs').
5. ONLY COMPOUNDS DETECTED AT CONCENTRATIONS ABOVE THE NYSDEC SGVs ARE SHOWN.
6. NYSDEC SGV EXCEEDANCES ARE BOLD.
7. ALL CONCENTRATIONS ARE REPORTED IN MICROGRAMS PER LITER (µg/L)
8. VOC = VOLATILE ORGANIC COMPOUND
9. SVOC = SEMIVOLATILE ORGANIC COMPOUND
10. ESA = ENVIRONMENTAL SITE ASSESSMENT
11. ND = NOT DETECTED
12. J = THE ANALYTE WAS DETECTED ABOVE THE METHOD DETECTION LIMIT BUT BELOW THE REPORTING LIMIT; THEREFORE, THE RESULT IS AN ESTIMATE
13. D = THE CONCENTRATION REPORTED IS A RESULT OF A DILUTED SAMPLE.

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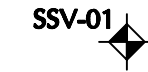


 Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C. 21 Penn Plaza, 360 West 31st Street, 8th Floor New York, NY 10001 T: 212.479.5400 F: 212.479.5444 www.langan.com	Project <b>2335 12TH AVENUE</b> BLOCK No. 2001, LOT No. 110 NEW YORK COUNTY NEW YORK	Figure Title <b>GROUNDWATER SAMPLE ANALYTICAL RESULTS MAP</b>	Project No. 170560401 Date 09/16/2022 Drawn By MA Checked By JA	Figure <b>D-2</b> Sheet 2 of 3
	© 2022 Langan			



**LEGEND:**

- APPROXIMATE SITE BOUNDARY
- APPROXIMATE TAX LOT BOUNDARY



APPROXIMATE LOCATION OF SUB-SLAB SOIL VAPOR SAMPLE (LANGAN LIMITED SUBSURFACE INVESTIGATION, DATED JANUARY 22, 2019)

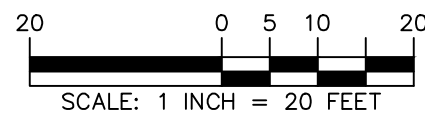
Analyte	NYSDOH Decision Matrices Minimum Concentrations
<b>VOCs</b>	
1,1,1-Trichloroethane	100
1,1-Dichloroethane	6
Carbon Tetrachloride	6
Methylene Chloride	100
Tetrachloroethene (PCE)	100
Trichloroethene (TCE)	6

**Exceedance Summary:**  
**10** - Result exceeds NYSDOH Decision Matrices Minimum Concentrations

**NOTES:**

- BASE MAP IS REFERENCED FROM THE DRAWING TITLED 'SAMPLING LOCATIONS', PREPARED BY GALLI ENGINEERING, P.C., DATED NOVEMBER, 1, 2018.
- TAX PARCEL DATA PROVIDED BY THE NEW YORK CITY DEPARTMENT OF CITY PLANNING.
- SAMPLE LOCATIONS ARE APPROXIMATE AND BASED ON FIELD MEASUREMENTS AND/OR PREVIOUS ENVIRONMENTAL REPORTS.
- SOIL VAPOR ANALYTICAL RESULTS ARE COMPARED TO THE NEW YORK STATE DEPARTMENT OF HEALTH (NYSDOH) AIR GUIDANCE VALUES (AGVs).
- ONLY DETECTED COMPOUNDS ARE SHOWN.
- AGV EXCEEDANCES ARE BOLD AND SHADED.
- ALL CONCENTRATIONS ARE REPORTED IN MICROGRAMS PER CUBIC METER ( $\mu\text{g}/\text{m}^3$ )
- VOC = VOLATILE ORGANIC COMPOUND
- ESA = ENVIRONMENTAL SITE ASSESSMENT
- D = THE CONCENTRATION REPORTED IS A RESULT OF A DILUTED SAMPLE.
- U = THE ANALYTE WAS ANALYZED FOR, BUT WAS NOT DETECTED AT A LEVEL GREATER THAN OR EQUAL TO THE LEVEL OF THE REPORTING LIMIT OR THE SAMPLE CONCENTRATION FOR RESULTS WERE IMPACTED BY BLANK CONTAMINATION.

**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, LAND SURVEYOR OR GEOLOGIST, TO ALTER THIS ITEM IN ANY WAY.



<p>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</p>	Project <b>2335 12TH AVENUE</b> <b>BLOCK No. 2001, LOT No. 110</b> <b>NEW YORK COUNTY NEW YORK</b>	Figure Title <b>SOIL VAPOR SAMPLE ANALYTICAL RESULTS MAP</b>	Project No. 170560401 Date 09/16/2022 Drawn By MA Checked By JA	Figure <b>D-3</b> Sheet 3 of 3
	© 2022 Langan			

## **TABLES**

Table D-1  
Soil Data Summary  
2335 12th Avenue  
New York, NY  
Langan Project No. 170560401

Analytes > UU SCOs	Detections > UU SCOs	Max Detection (ppm)	UU SCOs	Depth (feet bgs)
<b>Volatile Organic Compounds (ppm)</b>				
1,2,4-Trimethylbenzene	2	260	3.6	8-10; 13-14
n-Butylbenzene	1	18	12	13-14
n-Propylbenzene	3	12	3.9	13-14; 18-19
sec-Butylbenzene	1	18	11	13-14
t-Butylbenzene	1	6.8	5.9	13-14
Xylenes, Total	2	0.83 D	0.26	0-1; 8-10
<b>Polychlorinated Biphenyls (mg/kg)</b>				
PCBs, Total	1	0.178	0.1	0-1
Analytes > RURR SCOs	Detections > RURR SCOs	Max Detection (ppm)	RURR SCOs	Depth (feet bgs)
<b>Volatile Organic Compounds (ppm)</b>				
1,2,4-Trimethylbenzene	1	260	52	13-14
Analytes > RUC SCOs	Detections > RUC SCOs	Max Detection (ppm)	RUC SCOs	Depth (feet bgs)
<b>Volatile Organic Compounds (ppm)</b>				
1,2,4-Trimethylbenzene	1	260	190	13-14

**Notes and Qualifiers:**

1. UU SCOs = New York State Department of Environmental Conservation (NYSDEC) Title 6 of the Official Compilation of New York Codes, Rules, and Regulations (6 NYCRR) Part 375 Unrestricted Use Soil Cleanup Objectives.
2. RURR SCOs = NYSDEC 6 NYCRR Part 375 Restricted Use Restricted-Residential Soil Cleanup Objectives.
3. RUC SCOs = NYSDEC 6 NYCRR Part 375 Restricted Use Commercial Soil Cleanup Objectives.
4. Only compounds detected at concentrations above UU SCOs are shown.
5. ppm = parts per million
6. bgs = below grade surface
7. D = The concentration reported is the result of a diluted sample.

**Table D-2**  
**Groundwater Data Summary**  
**2335 12th Avenue**  
**New York, NY**  
**Langan Project No. 170560401**

Analytes > AWQS	Detections > AWQS	Max Detection (ppb)	AWQS (ppb)
<b>Volatile Organic Compounds (ppb)</b>			
1,2,4,5-Trimethylbenzene	2	240 D	5
1,2,4-Trimethylbenzene	1	260 D	5
1,3,5-Trimethylbenzene	1	140	5
4-Isopropyltoluene	1	74	5
Isopropylbenzene	2	90	5
n-butylbenzene	2	64 D	5
n-propylbenzene	2	120 D	5
Naphthalene	1	54	10
sec-Butylbenzene	2	64 D	5
tert-Butylbenzene	2	58	5
<b>Semivolatile Organic Compounds (ppb)</b>			
Bis(2-ethylhexyl)phthalate	1	120 D	5
Naphthalene	1	190 D	10

**Notes and Qualifiers:**

1. AWQS = New York State Department of Environmental Conservation (NYSDEC) Technical and Operational Guidance Series 1.1.1 Ambient Water Quality Standards and Guidance Values for Class GA Water
2. Only compounds with detections above the AWQS are shown in the table.
3. ppb = parts per billion
4. D = The concentration reported is the result of a diluted sample.



Table D-3  
Soil Vapor Data Summary  
2335 12th Avenue  
New York, NY  
Langan Project No. 170560401

Analytes	Total Detections	Max Detection ( $\mu\text{g}/\text{m}^3$ )	Type	NYSDOH AGVs ( $\mu\text{g}/\text{m}^3$ )
<b>Semivolatile Organic Compounds (ppm)</b>				
Tetrachloroethene (PCE)	2	37 D	Sub-Slab	30
Trichloroethene (TCE)	2	5.5 D	Sub-Slab	2

**Notes and Qualifiers:**

1. Only compounds exceeding the New York State Department of Health (NYSDOH) Air Guidance Values (AGVs) are shown.
2. D = The concentration reported is the result of a diluted sample.
3. NYSDOH = New York State Department of Health
4. AGVs = Air Guidance Values
5.  $\mu\text{g}/\text{m}^3$  = micrograms per cubic meter

## **ATTACHMENT E**

### **SECTION V: REQUESTOR INFORMATION**

A copy of the entity information for 2335 12 Avenue, LLC (Requestor) from the NYS Department of State Division of Corporations is included with this attachment.

Since the requestor is a Limited Liability Company, the member/owner names are provided below:

Managers:

- Artifact Opportunity Holdings, LLC
- Artifact Opportunity Fund LLC

Class A Members:

- Artifact Opportunity Holdings, LLC
- Artifact Opportunity Fund LLC
- Alternative Capital Investments LLC
- Variance Partners LLC
- Pearl Street, LLC
- Washington Heights Qualified Opportunity Zone Fund LLC

Class B Members:

- Ask Qualified Opportunity Zone Fund, LLC
- Breakaway Real Estate Fund LLC

Class C Member:

- The Upper Group Development LLC

# Department of State Division of Corporations

## Entity Information

[Return to Results](#)

[Return to Search](#)

### Entity Details ^

**ENTITY NAME:** 2335 12 AVENUE, LLC

**DOS ID:** 6396099

**FOREIGN LEGAL NAME:** 2335 12 AVENUE, LLC

**FICTITIOUS NAME:**

**ENTITY TYPE:** FOREIGN LIMITED LIABILITY COMPANY

**DURATION DATE/LATEST DATE OF DISSOLUTION:**

**SECTION OF LAW:** LIMITED LIABILITY COMPANY - 802 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW

**ENTITY STATUS:** ACTIVE

**DATE OF INITIAL DOS FILING:** 02/03/2022

**REASON FOR STATUS:**

**EFFECTIVE DATE INITIAL FILING:** 02/03/2022

**INACTIVE DATE:**

**FOREIGN FORMATION DATE:** 09/27/2018

**STATEMENT STATUS:** CURRENT

**COUNTY:** NEW YORK

**NEXT STATEMENT DUE DATE:** 02/29/2024

**JURISDICTION:** DELAWARE, UNITED STATES

**NFP CATEGORY:**

[ENTITY DISPLAY](#)

[NAME HISTORY](#)

[FILING HISTORY](#)

[MERGER HISTORY](#)

[ASSUMED NAME HISTORY](#)

#### Service of Process Name and Address

**Name:** THE LLC

**Address:** 1850 AMSTERDAM AVENUE, NEW YORK, NY, UNITED STATES, 10031

#### Chief Executive Officer's Name and Address

**Name:**

**Address:**

#### Principal Executive Office Address

**Address:**

#### Registered Agent Name and Address

**Name:**

**Address:**

#### Entity Primary Location Name and Address

**Name:**

**Address:**

#### Farmcorpflag

**Is The Entity A Farm Corporation:** NO

Stock Information

Share Value	Number Of Shares	Value Per Share
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## **ATTACHMENT F**

### **SECTION VI: REQUESTOR ELIGIBILITY INFORMATION**

#### Item 11 – Bulk Storage Tanks

A petroleum bulk storage (PBS) registration form was submitted to the New York State Department of Environmental Conservation (NYSDEC) on October 4, 2022 for the following tanks:

- Tank No. 1 (In-service) – 1,500-gallon underground storage tank (UST) containing No. 2 fuel oil;
- Tank No. 2 (Out-of-service) – 500-gallon aboveground storage tank (AST) formerly containing mineral spirits;
- Tank No. 3 (Out-of-service) – 300-gallon AST formerly containing mineral spirits

Subsurface anomalies indicative of additional USTs were identified during a previous geophysical survey at the site. The PBS registration will be updated, as required, during excavation for future redevelopment.

#### Requestor Eligibility Statement

Pursuant to ECL § 27-1405(1), 2335 12 Avenue, LLC is properly designated as a Volunteer because its liability arises solely from involvement with the site after the release/discharge and appropriate care has been taken to stop any continuing release, to prevent any threatened future release, and to prevent or limit human, environmental or natural resource exposures to any previously released hazardous waste after taking title to the property.

Following acquisition of the property by the applicant (2335 12 Avenue, LLC), a spill was reported to the NYSDEC based on petroleum-related impacts observed during a prior limited subsurface investigation performed by Langan, which was completed to support due diligence of an entity that was considering purchasing the site. The site was assigned NYSDEC Spill No. 2205004.

Under the planned cleanup, documented impacts at the site require remediation under Title 6 of the New York Codes, Rules and Regulations (6 NYCRR) Part 375, including soil, groundwater, and/or soil vapor impacted with volatile organic compounds, semivolatile organic compounds, and polychlorinated biphenyls (PCBs). Cost burdens will be associated with the removal and or/treatment, handling, and disposal of contaminated soil, groundwater, and soil vapor, and administrative and engineering fees associated with regulatory agency coordination.

## ATTACHMENT G

### SECTION IX: CURRENT OWNER/OPERATOR INFORMATION

Current Site Owner

The proposed BCP site (Manhattan Tax Block 2001, Lot 110) is owned by the Requestor.

Previous Site Owners

Available ownership records prior to 2335 12 Avenue, LLC were ascertained through the New York City Department of Finance Automated City Registry Information System (ACRIS) website (<https://a836-acris.nyc.gov/DS/DocumentSearch/Index>), and are summarized in the following table:

Block 2001, Lot 110					
Document Date	Document Type	First Party	Second Party	First Party Address and Phone Number	Relationship to Applicant
3/3/2022	Deed	12TH AVENUE, LLC	2335 12 AVENUE, LLC	166 Bayview Road, Manhasset, NY 11030 Phone number unknown	2 <sup>nd</sup> Party is current site owner
1/20/2010	Deed	2335 12TH AVENUE REALTY CORP.	12TH AVENUE, LLC	2335 12 <sup>th</sup> Avenue, New York, NY 10027 Phone number unknown	None
8/6/1998	Deed	J.T. MOLLA REALTY CORP.	2335 12TH AVENUE REALTY CORP.	2335 12 <sup>th</sup> Avenue, New York, NY 10027 Phone number unknown	None
8/6/1998	Deed	CEDAR CRES COMPANY,LTD.	J.T. MOLLA REALTY CORP.	2335 12 <sup>th</sup> Avenue, New York, NY 10027 Phone number unknown	None
6/14/1997	Deed	J.T. MOLLA REALTY CORP.	CEDAR CRES COMPANY LTD.	30 West 21 <sup>st</sup> Street, New York, NY 10010 Phone number unknown	None

*Previous Site Operators*

The site was historically undeveloped prior to 1924, and was developed with a two-story industrial building operated by Cleantex by 1939 and with the existing three-story warehouse by 1969. The site is currently vacant and has been under the ownership of 2335 12 Avenue, LLC since March 3, 2022. Contact information for the prior occupant is below.

Cleantex  
37-11 48<sup>th</sup> Avenue  
Long Island City, New York, 11101  
Phone: 212-283-1200  
info@cleantexny.com

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## **ATTACHMENT H**

### **SECTION X: PROPERTY ELIGIBILITY INFORMATION**

Item 5 – NYSDEC Spill No. 2205004

Petroleum-related impacts were observed during an October 2018 limited subsurface investigation, which was completed as part of due diligence work by the applicant (2335 12 Avenue, LLC), prior to purchasing the site. The petroleum-related impacts are presumed to be associated with a 1,500-gallon underground storage tank (UST) in the first floor loading dock, which was documented in a June 2018 Phase I Environmental Site Assessment (ESA) completed by Galli Engineering P.C. (Galli). The geophysical survey completed during Galli's Phase I ESA also identified geophysical anomalies consistent with up to three additional USTs in the loading dock. A spill was not able to be reported to the New York State Department of Environmental Conservation (NYSDEC) in 2018 because the applicant did not own the site and was not responsible for the contamination.

The applicant purchased the site on March 3, 2022 and a spill was reported to the NYSDEC on September 8, 2022 based on the petroleum-related impacts observed during the due diligence investigation. The site was assigned NYSDEC Spill No. 2205004. The extents of the petroleum-related contamination associated with this spill will be further evaluated during a remedial investigation

Additional Eligibility Information

Based on Galli's June 2018 Phase I ESA, the site was designated as a Historic Cleaner in the regulatory database due to the historic use of the site as a carpet, drapery, flame-proofing, and upholstery cleaning facility from about 1939 to 2022. Two ASTs, formerly containing mineral solvents, were associated with historic cleaning operations at the site and staining indicative of a potential release was observed on concrete surfaces in proximity to the tanks. Additionally, Langan's January 2019 due diligence investigation detected two chlorinated VOCs (tetrachloroethylene [PCE] and trichloroethylene [TCE]) in sub-slab soil vapor at concentrations exceeding the NYSDOH AGVs.



## **ATTACHMENT I**

### **SECTION XI: CONTACT LIST INFORMATION**

Item 1

**Chief Executive Officer:**

Mayor Eric L. Adams  
City Hall  
260 Broadway Avenue  
New York, NY 10007

**New York City Planning Commission:**

Dan Gorodnick, Chairperson  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

**Borough of Manhattan, Borough President:**

Mark Levine  
431 West 125<sup>th</sup> Street  
New York, NY 10027

**Mayor's Office of Environmental Coordination**

Hilary Semel, Director  
100 Gold Street - 2nd Floor  
New York, NY 10038

Item 2

**Residents, owners, and occupants of the site:**

**Current Property Owner:**

Industrial & Manufacturing Warehouse  
2335 12<sup>th</sup> Avenue  
New York, NY 10031

**Owner: 2335 12 Avenue, LLC**

**Javier Martinez**

**1850 Amsterdam Avenue**

**New York, NY 10031**

***Adjacent Property Owners:***

Commercial & Office Buildings  
2331 12<sup>th</sup> Avenue  
New York, NY 10027  
**Owner: J & C Missara**

Public Facilities & Institutions  
625 West 133<sup>th</sup> Street  
New York, NY 10031  
**Owner: New York City Educational Construction Fund**  
**30-30 Thomson Avenue, Room 4-021**  
**Long Island City, NY 11101**

Industrial & Manufacturing Warehouse  
2341 12<sup>th</sup> Avenue  
New York, NY 10027  
**Owner: SM I MMS, L.L.C.**  
**80 State Street**  
**Albany, NY 12207**

Commercial & Office Buildings  
703 West 133<sup>rd</sup> Street  
New York, NY 10027  
**Owner: 2331 12<sup>th</sup> Avenue Corp.**  
**2331 12<sup>th</sup> Avenue,**  
**New York, NY 12207**

Industrial & Manufacturing Warehouse  
2350 Joe DiMaggio Highway  
New York, NY 10027  
**Owner: Schneeweiss Family Limited Partnership**  
**163 Stonehurst Drive**  
**Tenafly, NJ 07670**

Item 3

***Local new media from which the community typically obtains information:***

Daily News  
4 New York Plaza, 6<sup>th</sup> Floor  
New York, NY 10004

The New York Post  
1211 Avenue of the Americas, 9<sup>th</sup> Floor  
New York, NY 10036

Item 4

***The public water supplier which services the area in which the property is located:***

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

NYCDEP  
Rohit T. Aggarwala, Commissioner  
59-17 Junction Boulevard  
Flushing, NY 11373

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

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

Item 5

***Any person who has requested to be placed on the contact list:***

We are not aware of any requests for inclusion on the contact list

Item 6

***The Administrator of any school or day care facility located on or near the site:***

There are no schools or day care facilities located on the site. The following are schools or day care facilities located within a 1/2-mile radius (approximately 2,640 feet) of the site:

Kipp Star Harlem College Prep Elementary School (approximately 300 feet east of the site)  
Principal: Brandi Vardiman  
625 West 133<sup>rd</sup> Street  
New York, NY 10027

(212) 991-2655

Success Academy Harlem 6 (approximately 2,130 feet southeast of the site)  
Principal: Emily Reilly (Rezin)  
461 West 131st Street  
New York, NY 10027  
(646) 569-5900

The Mott Hall School (approximately 2,130 feet southeast of the site)  
Principal: Judith De Los Santos  
71-111 Convent Avenue  
New York, NY 10027  
(212) 281-5028

P.S. 129 John H. Finley (approximately 2,450 feet southeast of the site)  
Principal: Odelphia Pierre  
425 West 130th Street  
New York, NY 10027  
(212) 690-5932

Flor Angel Daycare (approximately 710 feet northeast of the site)  
593 Riverside Drive  
New York, NY 10031  
(917) 495-2962

My Angel Family Daycare (approximately 600 feet northeast of the site)  
615 West 135<sup>th</sup> Street Apt# 49  
New York, NY 10031  
(212) 283-6010

Brighter Minds Daycare (approximately 2,100 feet northeast of the site)  
Director: Sandra Tavaréz  
601 West 141<sup>st</sup> Street, Suite 41  
New York, NY 10031  
(347) 847-3545

Ally's Group Family Day Care (approximately 2,310 feet northeast of the site)  
87 Hamilton Place  
New York, NY 10031  
(212) 491-9408

Jacky's Family Day Care (approximately 2,300 feet northeast of the site)  
87 Hamilton Place  
New York, NY 10031  
(212) 281-0713

Johanny's Playground Daycare (approximately 1,060 feet east of the site)  
Director: Johanny Diaz  
529 West 135<sup>th</sup> Street, Basement Apt.  
New York, NY 10031  
(718) 503-0804

Little Rays of Sunshine Group Family Daycare (approximately 1,320 feet east of the site)  
518 West 134<sup>th</sup> Street  
New York, NY 10031  
(646) 669-8015

Citizen's Care Day Care Center 3 (approximately 1,050 feet southeast of the site)  
3240 Broadway  
New York, NY 10027  
(212) 690-0742

The Red Balloon Early Childhood Learning Center (approximately 1,150 feet south of the site)  
Executive Director: Denise Fairman  
560 Riverside Drive  
New York, NY 10027  
(212) 663-9006

Children's Learning Center (approximately 2,450 feet south of the site)  
90 La Salle Street, # 4H  
New York, NY 10027  
(212) 663-9318

Item 7

***The location of the document repository for the project (e.g. local library):***

**New York Public Library (George Bruce Library)**

518 West 125<sup>th</sup> Street  
New York, NY 10027  
(212) 662-9727

A letter from the library acknowledging that it agrees to act as a document repository for the project is included in this attachment.

The local community board is Manhattan Community Board 9.

**Manhattan Community Board 9**

Barry Weinberg, Chair  
3291 Broadway  
New York, NY 10027  
(212) 864-6200

A letter from the Public Library acknowledging that it agrees to act as a document repository for the project is included in this attachment. Community Board 9 was not responsive to multiple attempts via email and phone to obtain a similar acknowledgement. Relevant correspondence with the community board is also included in this attachment. Regardless of the lack of acknowledgement from the Community Board, the applicant intends to bring required documents to the board for public access.

October 12, 2022

New York Public Library (George Bruce Library)  
518 West 125th Street  
New York, NY 10027  
(212) 662-9727

**Re: Brownfield Cleanup Program Application  
2335 12<sup>th</sup> Avenue, LLC  
2335 12<sup>th</sup> Avenue Site  
Manhattan, New York 10027**

To Whom it May Concern:

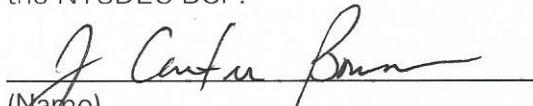
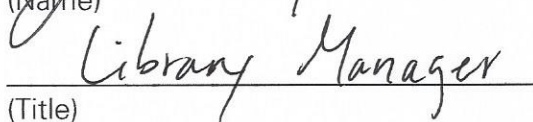
We represent 2335 12<sup>th</sup> Avenue, LLC in their anticipated New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) application for the above-referenced site at 2335 12<sup>th</sup> Avenue in Manhattan, New York. It is a NYSDEC requirement that we supply them a letter certifying that the local library is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. Please sign below if you are able to certify that your library would be willing and able to act as the public repository for this BCP project. Documents will be provided to the library via a digital download link.

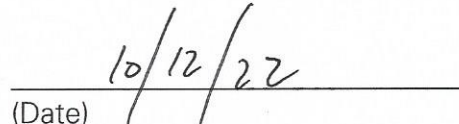
Sincerely,  
**Langan Engineering, Environmental, Surveying,  
Landscape Architecture and Geology, D.P.C.**



Eirene Pavlakis  
Senior Staff Engineer

Yes, New York Public Library is willing and able to act as a public repository until December 31, 2026, on behalf of 2335 12<sup>th</sup> Avenue, LLC in their cleanup of the site at 2335 12<sup>th</sup> Avenue under the NYSDEC BCP.

  
(Name)  
  
(Title)  
Library Manager

  
(Date)

**Archived:** Monday, November 13, 2023 5:41:21 PM

**From:** Philip Lynch

**Sent:** Fri, 3 Nov 2023 12:37:43

**To:** [info@cb9m.org](mailto:info@cb9m.org)

**Cc:** Jennifer Armstrong; Michael Au

**Subject:** BCP Repository letter for 2335 12th Avenue

**Sensitivity:** Normal

**Attachments:**

[Manhattan Community Board 9.pdf](#) 

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Good afternoon,

I am following up on an email I sent last week. Would you sign and return (email) the attached letter?

Thank you,

**Philip Lynch**  
**Administrative Assistant**

Direct: 212.479.5469

Mobile: 914.882.2582

[File Sharing Link](#)

Phone: 212.479.5400 Fax: 212.479.5444

360 West 31st Street

8th Floor

New York, NY 10001-2727

[www.langan.com](http://www.langan.com)

NEW YORK NEW JERSEY CONNECTICUT MASSACHUSETTS PENNSYLVANIA VIRGINIA WASHINGTON, DC  
OHIO ILLINOIS NORTH CAROLINA TENNESSEE FLORIDA TEXAS ARIZONA COLORADO UTAH WASHINGTON CALIFORNIA  
ATHENS CALGARY DUBAI LONDON PANAMA

[carbon neutral - diversity - safety](#)





**Archived:** Monday, November 13, 2023 5:41:53 PM

**From:** Philip Lynch

**Sent:** Fri, 27 Oct 2023 10:52:4

**To:** [info@cb9m.org](mailto:info@cb9m.org)

**Cc:** Michael Au; Jennifer Armstrong

**Subject:** BCP Repository Letter - Rutha Prince, Madison Ayala, Michael Ellison

**Sensitivity:** Normal

**Attachments:**

[Manhattan Community Board 9.pdf](#)

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Good morning all,

Attached please find a BCP Letter of Agreement for Manhattan Community Board 9 to act as repository to be signed and returned (via email). Langan Engineering is representing 2335 12<sup>th</sup> Avenue LLC.

Thank ,

**Philip Lynch**  
**Administrative Assistant**

Direct: 212.479.5469

Mobile: 914.882.2582

[File Sharing Link](#)

Phone: 212.479.5400 Fax: 212.479.5444

360 West 31st Street

8th Floor

New York, NY 10001-2727

[www.langan.com](http://www.langan.com)

NEW YORK NEW JERSEY CONNECTICUT MASSACHUSETTS PENNSYLVANIA VIRGINIA WASHINGTON, DC  
OHIO ILLINOIS NORTH CAROLINA TENNESSEE FLORIDA TEXAS ARIZONA COLORADO UTAH WASHINGTON CALIFORNIA  
ATHENS CALGARY DUBAI LONDON PANAMA

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October 27, 2023

Manhattan Community Board 9  
3291 Broadway  
New York, NY 10027

**Re: Brownfield Cleanup Program Application  
2335 12<sup>th</sup> Avenue, LLC  
2335 12<sup>th</sup> Avenue Site  
Manhattan, New York 10027**

To Whom it May Concern:

We represent 2335 12<sup>th</sup> Avenue, LLC in their anticipated New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) application for the above-referenced site at 2335 12<sup>th</sup> Avenue in Manhattan, New York. It is a NYSDEC requirement that we supply them a letter certifying that the local community board is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. Please sign below if you are able to certify that your community board would be willing and able to act as the public repository for this BCP project. Documents can be provided electronically, as hardcopies or saved on a CD, as preferred by the community Board.

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



Michael Au  
Project Engineer

Yes, Manhattan Community Board 9 is willing and able to act as a public repository on behalf of 2335 12<sup>th</sup> Avenue, LLC in their cleanup of the site at 2335 12<sup>th</sup> Avenue under the NYSDEC BCP.

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Title)