

NYSDEC BROWNFIELD CLEANUP PROGRAM APPLICATION

180 EAST 125TH STREET DEVELOPMENT SITE

180 EAST 125TH AVENUE
SECTION 1, BLOCK 1773, LOT 27
NEW YORK, NEW YORK

PREPARED FOR:
180 E125TH REALTY LLC



H & A of New York Engineering and
Geology, LLP
213 West 35th Street, 7th Floor
New York, NY 10001
Tel: 646.518.7735

26 September 2024
File No. 0210815

Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, New York 12233

Subject: Brownfield Cleanup Program Application
180 East 125th Street Development Site
180 East 125th Street
BCP Site No. C231160
New York, New York 10035 (Site)

Ladies and Gentlemen,

H & A of New York Engineering and Geology, LLP (Haley & Aldrich of New York), on behalf of 180 E125th Realty LLC, has prepared this Brownfield Cleanup Program Application for the above referenced Site reflecting guidance received from the New York State Department of Environmental Conservation (NYSDEC) comments received on 25 September 2024 on the initial BCP Application submission. Enclosed in the folder shared via the New York State Department of Environmental Conservation's File Transfer System is the full Brownfield Cleanup Program Application and a Draft Remedial Investigation Work Plan, which is being submitted concurrently with this Application. Previous reports that are relevant to the Site are referenced throughout this Application and copies of the full reports are provided as attachments.

Comments from the NYSDEC have been addressed as follows:

Section I: Property Information

- On Form – change county to New York County

Response: The county on the BCP application form has been changed to New York County.

- Item 3 – select the percentage of property in En-Zone.

Response: The percentage of the property in the En-Zone has been selected on the BCP Application form as 100%.

- Narrative – Past Use of Site – this section should also include which past uses could be possible sources of contamination.

Response: The Past Use of the Site narrative now includes what past uses of the Site could be possible sources of contamination.

- Map – Site Plan – include/identify adjacent property owners (refer to comment in Section XI)

Response: The Adjoining Site Map in Section XI is now included in Section 1.

Section III: Land Use Factors

- Item 4 – in summary, include the date the site became vacant.

Response: The date the site became vacant (2020) is indicated in Section III: Land Use Factors in the summary of the current use of the property.

- Item 10 – include whether the project is consistent with community master plans.

Response: The project is consistent with community master plans and is discussed in Section III: Land Use Factors.

Section IV: Property's Environmental History

- Please see attached comments provided by the Project Manager.
- Project Manager comment – Please submit the Remedial Investigation Report prepared by Langan for 160 East 125th Owner LLC, 18 December 2020 to ensure we have sufficient data.

Response: The Remedial Investigation Report is included in the zip-file submitted via the NYSDEC File Transfer Service under Previous Reports. The laboratory data for the Remedial Investigation Report is included as separate PDFs in this folder.

Section V: Requestor Information

- Access Agreement found in this section should be moved to Section VI.

Response: The Access Agreement has been moved to Section VI.

Section IV: Requestor Eligibility

- Provide an Access Agreement (refer to comment in Section V).

Response: The Access Agreement is included in Section IV.

Section XI: Site Contact List

- Provide acknowledgement from Harlem Public Library confirming to act as a repository.

Response: Confirmation from the Harlem Public Library is now included in this section.

- Adjoining Site Map in this section should be moved to Section 1.

Response: The Adjoining Site Map has been moved to Section 1.

Section XII: Statement of Certification and Signatures

- The top section of the signature page (By requestor who is an individual) should be left blank and the bottom section (By a requestor other than an individual) should be filled out and signed.

Response: The signature page has been revised.

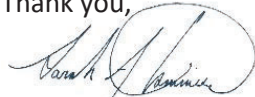
Tangible Property Credits

- Provide responses for all questions in this section.

Response: The Tangible Property Credits section has been completely filled out.

Should you have any questions, please do not hesitate to contact me at (646) 277-5688 or via email at JBellew@haleyaldrich.com.

Thank you,



Sarah A. Commisso, G.I.T.
Assistant Project Manager



Mari C. Conlon, P.G.
Senior Associate



James M. Bellew
Principal

Enclosed copies provided via email to:

Jacob Schwimmer (180 E125th Realty LLC)
Jamal Krolowitz (180 E125th Realty LLC)
George C. D. Duke (Connell Foley LLP)
Cristina Diaz Salcedo (Connell Foley LLP)

Email: jschwimmer@jcsrealtyny.com
Email: jamal@jcsrealtyny.com
Email: GDuke@connellfoley.com
Email: CSalcedo@connellfoley.com



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 DESiteControl@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: 180 East 125th Street Development Site

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: C231160

☒

Yes

☐

No



BCP App Rev 15 – May 2023

SECTION I: Property Information

PROPOSED SITE NAME **180 East 125th Street Development Site**

ADDRESS/LOCATION **180 East 125th Street**

CITY/TOWN **New York**

ZIP CODE **10035**

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

COUNTY **New York County**

SITE SIZE (ACRES) **0.98**

LATITUDE

LONGITUDE

40 ° 48 ' 12 " 73 ° 56 ' 11 "

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
180 E 125th St.	1	1773	27	0.98

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.	<input checked="" type="radio"/> Y	<input type="radio"/> N
2. Is the required property map included with the application? (Application will not be processed without a map)	<input checked="" type="radio"/> Y	<input type="radio"/> N
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) If yes, identify census tract: ¹⁹⁶ _____ Percentage of property in En-zone (check one): 0% <input type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input checked="" type="radio"/>	<input checked="" type="radio"/> Y	<input type="radio"/> N
4. Is the project located within a disadvantaged community? See application instructions for additional information.	<input checked="" type="radio"/> Y	<input type="radio"/> N
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"/> Y	<input checked="" type="radio"/> N
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"/> Y	<input checked="" type="radio"/> N

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. <div style="display: flex; justify-content: space-between;"> <div><u>Easement/Right-of-Way Holder</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <div style="display: flex; justify-content: space-between;"> <div><u>Type</u></div> <div><u>Issuing Agency</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
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?		<input checked="" type="radio"/>	<input type="radio"/>
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.			
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"/>
NOTE: 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.			
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.			
Initials of each Requestor: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> </div>			

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

SECTION III: Land Use Factors

1. What is the property's current municipal zoning designation? C4-4D

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?

Y ☒ N ☐

5. Reasonably anticipated post-remediation use (check all that apply):

Residential ☒ Commercial ☒ Industrial ☐

If residential, does it qualify as single-family housing?

N/A ☐

☐ ☒

6. Please provide a statement detailing the specific proposed post-remediation use.
Is this summary attached?

☒ ☐

7. Is the proposed post-remediation use a renewable energy facility?
See application instructions for additional information.

☐ ☒

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

☒ ☐

9. Is the proposed use consistent with applicable zoning laws/maps?
Please provide a brief explanation. Include additional documentation if necessary.

☒ ☐

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.

☒ ☐

SECTION IV: Property's Environmental History

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 type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Metals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pesticides	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PCBs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PFAS	<input type="checkbox"/>	<input checked="" 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:

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

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: Postal Service facility, commercial operations including furniture, clothing, and grocery stores, and printing operations

SECTION V: Requestor Information

NAME 180 E125th Realty LLC

ADDRESS 99 Lee Ave, Suite 1088

CITY/TOWN Brooklyn

STATE NY

ZIP CODE 11211

PHONE (412) 708-5363

EMAIL jschwimmer@jcsrealty.com

	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 NYS Department of State's Corporation & Business Entity Database . 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?	<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? 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 DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? Documents that are not properly certified will not be approved under the BCP.	<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)

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"/> Y	<input checked="" type="radio"/> N
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.	<input type="checkbox"/>	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 <input checked="" type="radio"/> No <input type="radio"/> N/A <input type="radio"/>		

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 Jacob Schwimmer

ADDRESS 199 Lee Ave #1088

CITY Brooklyn

STATE NY

ZIP CODE 11211

PHONE (412) 708-5363

EMAIL jschwimmer@jcsrealtyny.com

REQUESTOR'S CONSULTANT (CONTACT NAME) James M. Bellew

COMPANY H & A of New York Engineering and Geology, LLP

ADDRESS 213 West 35th Street, 7th Floor

CITY New York

STATE NY

ZIP CODE 10001

PHONE (646) 277-5686

EMAIL jbellew@haleyaldrich.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) 542-3772

EMAIL GDuke@connellfoley.com

SECTION V: Requestor Information

NAME 180 E125 PROPCO LLC

ADDRESS 199 Lee Ave #1088

CITY/TOWN Brooklyn

STATE NY

ZIP CODE 11211

PHONE (718) 701-5680

EMAIL jschwimmer@jcsrealtyny.com

	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 NYS Department of State's Corporation & Business Entity Database . 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?	<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? 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 DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? Documents that are not properly certified will not be approved under the BCP.	<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)

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"/> Y	<input checked="" type="radio"/> N
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 <input type="checkbox"/> <p>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.</p>	VOLUNTEER <input checked="" type="checkbox"/> <p>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.</p> <p>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.</p> <p>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.</p>	
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?		
Yes <input checked="" type="radio"/> No <input type="radio"/> N/A <input type="radio"/>		

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 **Jacob Schwimmer**ADDRESS **199 Lee Ave #1088**CITY **Brooklyn**STATE **NY**ZIP CODE **11211**PHONE **(718) 701-5680**EMAIL **jschwimmer@jcsrealtyny.com**REQUESTOR'S CONSULTANT (CONTACT NAME) **James M. Bellew**COMPANY **H & A of New York Engineering and Geology, LLP**ADDRESS **213 West 35th Street, 7th Floor**CITY **New York**STATE **NY**ZIP CODE **10001**PHONE **(646) 277-5686**EMAIL **jbellew@haleyaldrich.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) 542-3772**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 checked="" type="radio"/>	<input type="radio"/>

SECTION IX: Current Property Owner and Operator Information

CURRENT OWNER 160 East 125th Owner LLC		
CONTACT NAME Maxwell Miller		
ADDRESS 805 Third Avenue		
CITY New York	STATE NY	ZIP CODE 10022
PHONE (646) 519-6050	EMAIL MMiller@extell.com	
OWNERSHIP START DATE 11/16/2016		
CURRENT OPERATOR N/A 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)

<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>	<p>Y</p> <input type="radio"/>	<p>N</p> <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. <div style="text-align: right;">N/A</div></p>	<input checked="" 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: _____</p>	<input type="radio"/>	<input checked="" 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

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 authorized signatory (title) of 180 E125th Realty 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: 9/26/2024

Signature: _____

Print Name: Jacob Schwimmer



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

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 authorized signatory (title) of 180 E125 PROPCO 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: 11/18/2024

Signature: _____

Print Name: Jacob Schwimmer

**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 checked="" type="radio"/>	<input 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.
- ☐ 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.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BROWNFIELD CLEANUP PROGRAM (BCP) INSTRUCTIONS FOR COMPLETING AND SUBMITTING A BCP APPLICATION

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional Office](#) to schedule a meeting. To add a party to an existing BCP Agreement, use the [BCP Agreement Amendment Application](#).

For further information regarding the determination of a complete application, please refer to the guidance following these instructions, as well as the [NYSDEC BCP website](#).

SUBMITTAL INSTRUCTIONS

- Compile the application package in the following manner:
 - one file in non-fillable portable document format (PDF) of the application form plus supplemental information, excluding the previous environmental reports and work plans, if applicable;
 - one individual file (PDF) of each previous environmental report; and,
 - one file (PDF) of each work plan being submitted with the application, if applicable.
- Compress all files (PDFs) into one zipped/compressed folder
- 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 via email and via ground mail.

VIA EMAIL:

- Upload the compressed folder to the NYSDEC File Transfer Service (<https://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 DESiteControl@dec.ny.gov - do NOT copy Site Control staff.

VIA GROUND MAIL:

- Save the application file 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

SECTION I: Property Information	
PLEASE NOTE	If any changes to SECTION I are required prior to application approval, a new page 2, initialed by each requestor, must be submitted with the revisions.
Proposed Site Name	Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e., ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.
Site Address	Provide a street address, city/town, zip code, and each municipality and county in which the site is located.
Site Size	Provide the approximate acreage of the site.
GIS Information	Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.
Tax Parcel Information	Provide the tax parcel address/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5-minute quad map on which the property appears and clearly indicate the proposed site's location.
Tax Map Boundaries	State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/ reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.
Site Map	Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: (i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and (ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.
En-zone	If any part of the site is located within an En-zone, please provide a map showing the location of the site with the En-zone overlay. For information on En-zones, please see DEC's website . Note that new En-zone boundaries are effective January 1, 2023.
Disadvantaged Communities	If the site is located within a Disadvantaged Community, please provide a map showing the location of the site with the Disadvantaged Community overlay. For additional information on disadvantaged communities, please refer to the Climate Leadership and Community Protection Act website .

SECTION I: Property Information (continued)

Brownfield Opportunity Area (BOA)	If the site is located within a NYS Department of State designated Brownfield Opportunity Area, please provide a map showing the location of the site with the BOA overlay. For more information on designated BOAs, please refer to the NYS DOS website . Additional information on BOA conformance determinations can be found at the Office of Planning and Development website . A BOA conformance determination cannot be made until a Decision Document has been issued for the site.
Multiple Applications	Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where (1) the development project spans more than 25 acres; (2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and (3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).
Previous BCP Applications	If all or part of the proposed site has been the subject of a previous BCP application (whether accepted, denied or withdrawn), please provide the assigned DEC site number from the previous application as well as any relevant information regarding why the property is not currently in the program.
Registry Listing and P-site Status	If all or part of the proposed site is now or ever was listed on the Registry of Inactive Hazardous Waste Disposal Sites or is currently the subject of investigation as a Potential Site, please provide the assigned DEC site number.

SECTION I: Property Information (continued)

Property Description Narrative

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

Location:

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

Site Features:

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

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

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

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

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

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

Site Geology and Hydrogeology:

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

SECTION I: Property Information (continued)

<p>Environmental Assessment</p>	<p>The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semi-volatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths. The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SCGs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site.</p> <p>A typical Environmental Assessment would look like the following:</p> <p>Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE).</p> <p><i>Soil</i> - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the site. Concentrations of cadmium found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).</p> <p><i>Groundwater</i> - TCE and its associated degradation products are also found in groundwater at the north end of the site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the site has migrated 300 feet down-gradient off-site. The primary contaminant of concern for the off-site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.</p> <p><i>Soil Vapor & Indoor Air</i> - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.</p>
<p>Questions 15-17: New York City Sites</p>	<p>These questions pertain ONLY to sites located within the five counties comprising New York City. If the requestor is seeking a determination that the site is eligible for tangible property tax credits, this section and the <i>Supplemental Questions for Sites Seeking Tangible Property Credits in New York City</i> must be completed.</p>

SECTION II: Project Description

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

SECTION III: Land Use Factors

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

This information consists of responses to the “land use” factors to be considered relative to the “Land Use” section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a “brownfield site” pursuant to ECL 27-1405(2).

This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

Zoning and Current Use	Provide the current municipal zoning designation and uses permitted by that designation. Provide a summary of the current use of the site, including identifying possible contaminant source areas. If the site is no longer in use, provide the date by which operations ceased.
Anticipated Use	Identify the anticipated post-remediation use of the site and provide a detailed description of the specific anticipated post-remediation use as an attachment.
Renewable Energy Facility Site	Indicate if the post-remediation use of the site is proposed to be a renewable energy facility. A “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. Section 66-p of the Public Service Law: "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. Provide any detailed plans or documentation to support this. Appropriate documentation must be provided as follows: for planned renewable energy facilities generating/storing less than twenty-five (25) megawatts, a local land use approval must be provided. For planned renewable energy facilities generating/storing twenty-five (25) megawatts or greater, a permit issued by the Office of Renewable Energy Siting must be provided.
Compliance with Zoning Laws, Recent Development, and Community Master Plans	Provide an explanation to support the responses to each of these items. Attach additional documentation if applicable.

SECTION IV: Property's Environmental History

For all sites, an investigation report is required that is sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data include site drawings and data summary tables requested in Section IV, #3 of the BCP application form. Specific instructions regarding the data summary tables are attached at the end of these instructions.

SECTION V: Requestor Information

Requestor Name	<p>Provide the name of the person(s)/entity requesting participation in the BCP (if more than one, attach additional sheets with requested information). The requestor is the person or entity seeking DEC review and approval of the remedial program.</p> <p>If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database. A print-out of entity information from the database must be submitted to DEC with the application, to document that the requestor is authorized to do business in NYS.</p>
Address, etc.	Provide the requestor's mailing address, telephone number and e-mail.
LLC Information	If the requestor(s) is/are an LLC, the names of the members/owners must be provided on a separate attachment.
Document Certification	<p>All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of DER-10. Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:</p> <ul style="list-style-type: none">• New York State licensed professional engineers (P.E.s), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a P.E. with current license and registration for work that was done by them or those under their direct supervision. The firm by which the P.E. is employed must also be authorized to practice engineering in New York State;• qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;• remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or• site owners, which are the owners of the property comprising the site at the time of the certification.

SECTION VI: Requestor Eligibility

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

Volunteer Statement	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.
Proof of Site Access	If a requestor is not the current owner of the entirety of the site, a site access agreement must be provided that demonstrates that the requestor will have access to the property before signing the BCA and throughout the BCP project. Additionally, the access agreement must include language allowing the requestor the ability to place an environmental easement on the site should the requestor not be the owner at the time remediation is complete and a Track 1 cleanup has not been achieved.

SECTION VII: Requestor Contact Information

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

SECTION VIII: Program Fee

If the requestor is applying for a fee waiver, sufficient documentation must be provided to demonstrate financial hardship. To demonstrate financial hardship, the applicant must show that with the payment of the program fee, remediation of the brownfield site would not be economically viable. This documentation may be in the form of federal tax returns with applicable schedules, financial statements and balance sheets, proof that the applicant has waived its right to tax credits, or any other documentation deemed acceptable by the Department.

If the requestor is applying for a fee waiver based on the requestor's status as a not-for-profit entity, please provide documentation of non-profit designation.

SECTION IX: Current Property Owner and Operator Information

Owner Information	Provide requested information of the current owner of the property. List <u>all</u> parties holding an interest in the property and, if the requestor is not the current owner, describe the requestor's relationship to the current owner. If the property consists of multiple parcels, be sure to include the ownership start date of each.
Operator Information	Provide requested information of the current operator(s). If multiple operators, attach the requested information for each operator, including the date each operator began utilizing the property.
Historical Owners and Operators	Provide a list of previous owners and a list of previous operators, including dates of ownership or operation and last-known addresses and phone numbers. Describe the requestor's relationship to each previous owner and operator; if no relationship, indicate "none". When describing the requestor's relationship to current and historical owners and operators, include any relationship between the requestor's corporate members and the previous owners and operators.

SECTION X: Property Eligibility Information

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

CERCLA / NPL Listing	Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.
Registry Listing	Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) website for a database of sites with classifications.
RCRA Listing	Does the property have a Resource Conservation and Recovery Act (RCRA) TSD/ Permit in accordance with the ECL 27-0900 et seq? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.
Registry/RCRA Sites Owned by Volunteers	If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27- 1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

SECTION X: Property Eligibility Information (CONTINUED)

Existing Order	Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.
Pending Enforcement Actions	Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information as an attachment.

SECTION XI: Site Contact List

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project. For sites located in a city with a population of one million or more, the appropriate community board must be included as an additional document repository, and acknowledgement of their agreement to act as such must also be provided.

SECTION XII: Statement of Certification and Signatures

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

DATA SUMMARY TABLE INSTRUCTIONS

Data summary tables should include the following columns:

Soil Table:

Analytes > SCOs ^a	Detections > SCOs ^b	Max. Detection (ppm) ^c	SCO (ppm) ^d	Depth (ft bgs)
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Groundwater Table:

Analytes > AWQS ^e	Detections > AWQS ^f	Max. Detection (ppb) ^c	AWQS (ppb) ^g
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Soil Gas Table:

Analytes ^h	Total Detections	Max. Detection (ug/m3) ^c	Type ⁱ
-----------------------	------------------	-------------------------------------	-------------------

^a Include all contaminants over the applicable soil cleanup objectives (SCOs). Column header should specify which SCOs are being compared to. (i.e., "RRSCOs" for Restricted Residential SCOs)

^b Number of detections over applicable SCOs. Specify which SCOs are being compared to in column header.

^c Maximum detection in parts per million (ppm) for soil, parts per billion (ppb) for groundwater, or micrograms per cubic meter (ug/m3) for soil gas.

^d List the respective SCO. Specify which SCOs are being compared to in column header.

^e Include all contaminants over Class GA Ambient Water Quality Standards (AWQS).

^f Number of detections over AWQS.

^g List the respective AWQS.

^h Include all chlorinated volatile organic compound (VOCs) detections.

ⁱ Specify type: soil vapor, sub-slab or indoor air.

Example Data Summary Tables

Soil Table:

Analytes > RR SCOs	Detections > RR SCOs	Maximum Detection (ppm)	RR SCO (ppm)	Depth (ft bgs)
Benzo(a)anthracene	3	11	1	5 – 7
Benzo(a)pyrene	4	15	1	5 – 7
Benzo(b)fluoranthene	5	15	1	5 – 7
Benzo(k)fluoranthene	1	5.3	3.9	5 – 7
Indeno(1,2,3-cd)pyrene	7	8.4	0.5	5 – 7
barium	2	967	400	0.5 – 2.5
cadmium	2	94.1	4.3	6 – 8
lead	3	1,790	400	0.5 – 2.5

Groundwater Table:

Analytes > AWQS	Detections > AWQS	Max. Detection (ppb)	AWQS (ppb)
Benz(a)anthracene	2	0.2	0.002
Benzo(a)pyrene	2	0.221	ND
Benzo(b)fluoranthene	2	0.179	0.002
Benzo(k)fluoranthene	2	0.189	0.002
Indeno(1,2,3-cd)pyrene	2	0.158	0.002
Tetrachloroethene (PCE)	1	12	5

Soil Gas Table:

Analytes	Total Detections	Max. Detection (µg/m³)	Type
Carbon tetrachloride	1	0.84	Soil vapor
Methylene chloride	1	2.6 J	Soil vapor
Tetrachloroethene	2	47	Soil vapor
Trichloroethene	1	1.2	Soil vapor
Trichlorofluoromethane	1	21	Soil vapor

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DETERMINATION OF A COMPLETE APPLICATION

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

DETERMINATION OF A COMPLETE APPLICATION (CONTINUED)

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

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ATTACHMENT A

Section I: Property Information

SECTION I: PROPERTY DESCRIPTION NARRATIVE

Site Location

The Site is located at 180 East 125th Street and is identified as Block 1773 Lot 27 on the New York City Tax Map. The Site is approximately 0.98 acres (42,540 square foot) in size and is located in the Harlem neighborhood of New York, New York.

The Site is bound by East 125th Street followed by mixed-use commercial, office, and residential buildings to the north, East 124th Street followed by mixed-use commercial and office buildings, warehouses, and a self-storage building to the south, the Fire Department of New York (FDNY) Engine 35 fire house on the corner of 3rd Avenue and 124th Street and 3rd Avenue followed by mixed-use commercial and residential buildings to the east, and vacant undeveloped property to the west. The Site is located within the Harlem neighborhood of New York characterized by multi-story commercial and residential buildings.

A project locus is included on Figure 1. An aerial photograph of the Site is included on Figure 2. A tax map is included on Figure 3. A map showing surrounding land use is included as Figure 4. A map showing adjacent property owners and uses is included as Figure 5.

Site Features

The subject property is currently vacant, and no structures are present.

Current Zoning and Land Use

According to the New York City Planning Commission Zoning Map 6b, the Site is located in a C4-4D zoning district for residential and commercial uses. The proposed development of this property is consistent with the current zoning.

Past Site Use

Based on the findings of the August 2024 Phase I Environmental Site Assessment (ESA) prepared by Haley & Aldrich of New York, the subject property was first developed as early as 1896 with multiple two to four story dwellings on the eastern portion of the subject property, a school on the southern portion of the subject property, and the northwestern portion of the subject property was undeveloped. The 1911 Sanborn Map shows buildings constructed on the northern portion of the subject property which were indicated as vacant, and the school was converted to a lodging house. A railroad station was present in the street adjacent to the subject property on the corner of East 125th Street and 3rd Avenue. The subject property remained relatively unchanged until the early 1950s when the former lodging house and several buildings on the eastern portion of the subject property were labeled as “furniture” on Sanborn Maps and printing operations were indicated on the northern portion of the subject property. According to City Directors, various clothing and furniture stores were operated on the subject property from the 1920s to the late 1960s. By 1968, a building was constructed on the southwest portion of the subject property and was occupied by the United States Postal Service. Additionally, the railroad station was no longer present. According to aerial photographs, between 1984 and 1991, the structures on the northern and eastern portions of the subject property were demolished and the subject property was converted into a parking lot. By 2013, the subject property was occupied by a Pathmark supermarket and a Rainbow clothing store with a rooftop parking area. According to the NYC Department of Finance Office of the City Register, the United States Postal Service sold the property in 2014. Since this time, all structures have been demolished and the subject property is currently vacant.

Past uses of the Site including former printing operations are potential sources of contamination on the Site.

Site Geology and Hydrogeology

According to the Remedial Investigation performed at the Site by Langan Engineering, Environmental, Surveying Landscape Architecture and Geology, D.P.C. (Langan) in December 2020, the stratigraphy of the Site, from the surface down, consists of a 9- to 25-foot-thick fill layer followed by a 6- to 67-foot-thick sand and gravel layer. The sand and gravel layer is underlain by an approximately 0.5 to 4 foot thick stratum of weathered/decomposed bedrock followed by competent bedrock. Depth to groundwater ranged from approximately el. +2.97 feet to el. +1.75 feet NAVD88 (approximately 15 to 16 feet below ground surface (ft bgs)). Groundwater flow was generally from west to east beneath the Site.

Environmental Zone Designation

The Site is located completely in Census Tract 196 which is identified as Enzone type AB. Enzone type AB is indicated in green.



196

	196
STATEFP	36
COUNTYFP	061
TRACTCE	019600
GEOID	36061019600
NAME	196
NAMELSAD	Census Tract 196
MTFCC	G5020
FUNCSTAT	S
ALAND	177186
AWATER	0
INTPTLAT	+40.8028054
INTPTLON	-073.9385762
FIPS	36061019600
County_FIPS	36061
Geography	Census Tract 196
County	New York County
UnempRate	24.9
NYS_UR	7.1
Pov_Rate	38
County_PR	15.6
CountyRateX2	31.2
Criteria_A	Y
Criteria_B	Y
Both_AB	Y
EnZoneType	AB

SECTION I.14: ENVIRONMENTAL ASSESSMENT

The Requestor seeks entry into the New York State Department of Environmental Conservation (NYSDEC) BCP at the investigation stage. The following reports were previously completed for the Site:

- *Phase I Environmental Site Assessment Report*, prepared by EBI Consulting, prepared for JP Morgan Chase Bank, 21 June 2018
- *Remedial Investigation Report*, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C. (Langan), prepared for 160 East 125th Owner LLC, 18 December 2020
- *Remedial Action Work Plan*, prepared by Langan, prepared for 125th Street Lessee LLC, October 2021
- *Tank Affidavit*, prepared by MVC Heating Corporation, prepared for Fire Department City of New York, 22 February 2022
- *Waste Characterization Sampling Report*, prepared by EcoTerra Consulting (EcoTerra), LLC, 20 September 2022
- *Phase I Environmental Site Assessment Report*, prepared by Haley & Aldrich of New York, prepared for 180 E125th Realty LLC, 15 August 2024

These reports are summarized below in Section I.14 and are appended to this application package. Based on previous investigations, the primary contaminants of concern of the subject property include volatile organic compounds (VOCs) in soil vapor, semi volatile organic compounds (SVOCs) and metals in soil, and SVOCs, metals, pesticides, polychlorinated biphenyls (PCBs), and per- and polyfluoroalkyl substances (PFAS) in groundwater.

Soil

Based on the data collected in December 2020, multiple metals and SVOCs were detected Site wide exceeding the NYSDEC Title 6 of the New York Codes, Rules, and Regulations (NYCRR) Part 375 Restricted Residential Soil Cleanup Objectives (RRSCOs) to depths up to 12 ft bgs. SVOCs detected above RRSCOs included benzo(a)anthracene (maximum concentration 7.18 mg/kg), benzo(a)pyrene (maximum concentration 4.5 mg/kg), benzo(b)fluoranthene (maximum concentration 6 mg/kg), benzo(k)fluoranthene (maximum concentration 5.64 mg/kg), chrysene (maximum concentration 8.63 mg/kg), dibenzo(a,h)anthracene (maximum concentration 1.03 mg/kg), and indeno(1,2,3-cd)pyrene (maximum concentration 3.1 mg/kg). Metals detected above RRSCOs included lead (maximum concentration 3,430 mg/kg), mercury (maximum concentration 2.75 mg/kg), and barium (maximum concentration 1,440 mg/kg).

Groundwater

Based on the data collected in December 2020, multiple SVOCs, total and dissolved metals, pesticides, as well as Total PCBs were detected above the NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards (AWQS). Additionally, PFAS compounds perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) were detected above the NYSDEC February 2023 Guidance Values (GVs) for PFOA and PFOS. SVOCs detected in groundwater samples above the AWQS included benzo(a)anthracene (maximum concentration 0.08 µg/L), benzo(a)pyrene (maximum concentration 0.09 µg/L), benzo(b)fluoranthene (maximum concentration

0.1 µg/L), chrysene (maximum concentration 0.08 µg/L), and indeno(1,2,3-cd)pyrene (maximum concentration 0.07 µg/L). Total PCBs were detected above the AWQS at a maximum concentration of 0.282 µg/L. The pesticide dieldrin was detected above the AWQS at a maximum concentration of 0.015 µg/L. Total and dissolved metals detected above the AWQS include total chromium (maximum concentration 57.83 µg/L), total iron (maximum concentration 21,500 µg/L), total lead (193.8 µg/L), magnesium (total 70,800 µg/L and dissolved 74,400 µg/L), manganese (total 872.5 µg/L and dissolved 952.1 µg/L), and sodium (total 243,000 µg/L and dissolved 168,000 µg/L). Lastly, PFOS and PFOA were analyzed in one groundwater sample collected at the Site in December 2021 and PFOS was detected above the NYSDEC GV at a concentration of 88.1 nanograms per liter (ng/L) and PFOA was detected above the NYSDEC GV at a concentration of 1,740 ng/L.

Soil Vapor

Total benzene, toluene, ethylbenzene, and xylenes (BTEX) concentrations ranged from 17.3 micrograms per cubic meter (µg/m³) to 969 µg/m³. Chlorinated VOCs (CVOs) including cis-1,2-dichloroethene was detected in soil vapor samples LSV-9 and LSV-10 at concentrations of 2.13 µg/m³ and 1.58 µg/m³, respectively and trichloroethene (TCE) was detected in multiple soil vapor samples at concentrations ranging from 1.28 µg/m³ to 28.5 µg/m³. Tetrachloroethene (PCE) was detected in all soil vapor samples with the exception of LSV-8 at concentrations ranging from 3.38 µg/m³ to 254 µg/m³.



GIS: \\haleyaldrich.com\share\CF\Projects\0209815\GIS\0209815_000_180_E_125TH_STREET.aprx - Kensen - 6/26/2024 11:33 AM



MAP SOURCE: ESRI
SITE COORDINATES: 40°48'13"N, 73°56'12"W

**HALEY
ALDRICH**

180 EAST 125TH STREET
NEW YORK, NEW YORK

PROJECT LOCUS

APPROXIMATE SCALE: 1 IN = 2000 FT
SEPTEMBER 2024

FIGURE 1



PARCEL BO

NOTES

1. ALL LOCATIONS AND
2. ASSESSOR PARCEL D
3. AERIAL IMAGERY SO

0



TAX LOT BO

NOTES

1. ALL LOCATIONS AND
2. ASSESSOR PARCEL L
3. AERIAL IMAGERY SO





159 East 125th Street
Commercial and office
buildings
Owner: Unavailable owner

2306 3rd Avenue
Mixed residential and
commercial buildings
Owner: Salvation Army

East 125th Street
Vacant land
Owner: Metropolitan
Transportation Authority

201 East 125th Street
Mixed residential and
commercial buildings
Owner: East Harlem MEC
Parcel B-West HDPC

Street
Realty LLC

2282 3rd Avenue
Public facilities and institutions
Owner: City of New York

2293 3rd Avenue
Mixed residential and commercial
buildings
Owner: Unavailable owner

2289-2291 3rd Avenue
Mixed residential and commercial
buildings
Owner: 2289 JV LLC

2283 3rd Avenue
Mixed residential and commercial
buildings
Owner: Rockfeld 2283 LLC

6 East 124th Street
Working facilities
Owner: William Somerville
Maintenance Corp.

NOTES

1. ALL LOCATIONS AND
2. ASSESSOR PARCEL L
3. AERIAL IMAGERY SO

ATTACHMENT B

Section II: Project Description

SECTION II: PROJECT DESCRIPTION

The purpose of the project is to redevelop a contaminated property in addition to implementing remedial measures to protect human health and the environment.

Proposed Development

The project is in the pre-development phase. The proposed redevelopment consists of a mixed-use commercial and residential multi-story building requiring excavation to approximately 15 ft bgs.

Rationale for BCP Program

The Requestor seeks to enter the NYSDEC BCP at the investigation stage.

Upon review of analytical results from previous environmental investigations conducted at the Site (discussed in further detail in Section IV), the Requestors seek to enter the NYSDEC BCP due to the contaminants of concern identified at the Site, primarily SVOCs and metals in soil, and SVOCs, metals, pesticides, PCBs, and PFAS in groundwater, and VOCs including CVOCs and petroleum-VOCs in soil vapor.

While the previous investigations provided preliminary Site characterization data, they did not fully determine the nature and extent of contamination. Requestor is, therefore, also submitting for NYSDEC approval a Draft RIWP along with this BCP Application.

Project Schedule

It is anticipated that the Remedial Investigation will commence once Requestor is accepted into the BCP and the RIWP is approved by the Department. Implementation of the remedy would start within 6 to 8 weeks following acceptance of the Remedial Investigation Report by NYSDEC. Completion of the remedy is anticipated by February 2026 with a Certificate of Completion expected in 2026. A tentative project schedule is below.

Task	Start	End	2024							2025												2026						
			Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	
Preparation and Submission of BCP Application, RIWP and CPP	7/15/2024	9/15/2024																										
NYSDEC BCP Application and RIWP Review	9/15/2024	11/1/2024																										
30-Day Public Comment Period for BCP Application	11/1/2024	12/1/2024																										
Execute Brownfield Cleanup Agreement	12/1/2024	1/1/2025																										
NYSDEC & NYSDOH Approval of RIWP	1/1/2025	2/1/2025																										
Implementation of Remedial Investigation	2/1/2025	3/15/2025																										
Preparation and Submission of RIR and RAWP	3/15/2025	5/15/2025																										
NYSDEC & NYSDOH Review of RIR & RAWP	5/15/2025	7/1/2025																										
45-Day Public Comment Period for RAWP	7/1/2025	8/15/2025																										
Issuance of Decision Document	8/15/2025	10/1/2025																										
Implementation of RAWP with Engineering Oversight	10/1/2025	2/1/2026																										
Preparation of FER, SVI Evaluation and SMP (if required)	2/1/2026	4/1/2026																										
NYSDEC & NYSDOH Review of FER (and SMP, if required)	4/1/2026	6/1/2026																										
NYSDEC Issues COC	6/1/2026	8/1/2026																										

Notes:

1. Schedule is estimated and subject to change.
2. Implementation of RAWP does not include completion of building construction
3. NYSDEC - New York State Department of Environmental Conservation
4. NYSDOH - New York State Department of Health
5. BCP - Brownfield Cleanup Program
6. BCA = Brownfield Cleanup Agreement
7. RIWP = Remedial Investigation Work Plan
8. CPP = Citizen Participation Plan
9. RIR = Remedial Investigation Report
10. RAWP - Remedial Action Work Plan
11. FER - Final Engineering Report
12. SVI - Soil Vapor Intrusion
13. SMP - Site Management Plan
14. COC - Certificate of Completion
15. COC issuance estimated for August 2026 and prior to December 31, 2026

ATTACHMENT C

Section III: Land Use Factors

SECTION III: LAND USE FACTORS

Zoning

According to the New York City Planning Commission Zoning Map 6b, the Site is located within a residential and commercial zoning district (C4-4D) with the intended post-development use as a mixed-use (residential and commercial), mixed-income building. The proposed development of this property is consistent with the current zoning.

Current Use

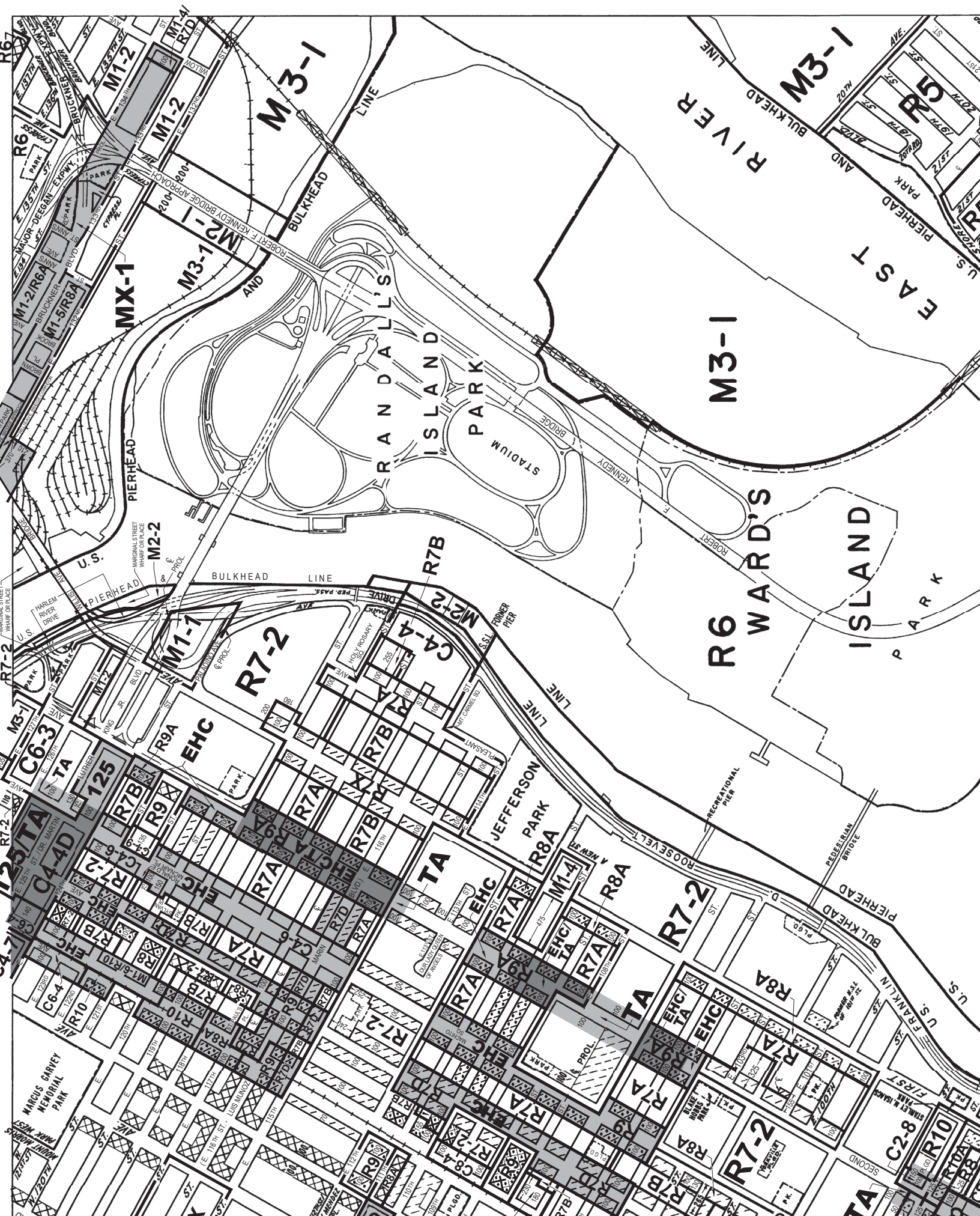
The subject property is currently vacant and has been vacant since 2020. The Site is current inactive with no structures present.

Intended Use Post-Remediation

The project is in the pre-development phase. The proposed redevelopment consists of a mixed-use commercial and residential multi-story building.

Compliance with Applicable Zoning Laws, Recent Development and Community Master Plans

The proposed development of this property is consistent with the current zoning and community master plans. The Site is located in the Special 125th Street District which supports the development of regional businesses and affordable housing in East and West Harlem.



ATTACHMENT D

Section IV: Property's Environmental History

SECTION IV.1: REPORTS

The following reports were prepared for the Site prior to the Requestors' application:

- *Phase I Environmental Site Assessment Report*, prepared by EBI Consulting, prepared for JP Morgan Chase Bank, 21 June 2018
- *Remedial Investigation Report*, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C. (Langan), prepared for 160 East 125th Owner LLC, 18 December 2020
- *Remedial Action Work Plan*, prepared by Langan, prepared for 125th Street Lessee LLC, October 2021
- *Tank Affidavit*, prepared by MVC Heating Corporation, prepared for Fire Department City of New York, 22 February 2022
- *Waste Characterization Sampling Report*, prepared by EcoTerra Consulting (EcoTerra), LLC, 20 September 2022
- *Phase I Environmental Site Assessment Report*, prepared by Haley & Aldrich of New York, prepared for 180 E125th Realty LLC, 15 August 2024.

Phase I Environmental Site Assessment Report, prepared by EBI Consulting, prepared for JP Morgan Chase Bank, 21 June 2018

A Phase I Environmental Site Assessment was conducted for the Site (Lot 27) and the west-adjacent property, 160 East 125th Street (Lot 20) by EBI Consulting (EBI) in June 2018. The assessment revealed no evidence of RECs in connection with the property; however, EBI noted the following:

- EBI identified Spill No. 0005315 associated with the subject property in the NY Spills database search. In May 2000, a 2,000-gallon fuel oil UST was closed in place at the former United State Post Office building due to structural concerns. Impacted soils were reportedly identified at the time of the tank abandonment. The exact location of the UST could not be identified by EBI during the Site reconnaissance. Based on the documented closure of the UST, the post-excavation soil samples exhibiting "low" concentrations, and regulatory closure of the case, EBI considered the former UST a historical recognized environmental condition (HREC). However, because the former UST and impacted soils may be encountered during demolition, EBI considered this a de minimis condition.
- EBI observed three groundwater monitoring wells around the boundaries of the property. EBI requested additional documentation regarding the purpose of the wells and results of sampling data but have not received additional information. EBI considered the monitoring wells a de minimis condition.

Remedial Investigation Report, prepared by Langan, prepared for 160 East 125th Owner LLC, 18 December 2020

Langan performed a Remedial Investigation (RI) at the subject property in December 2020 for the NYCOER. The investigation included completion of a geophysical survey, installation of eleven soil borings and collection of 25 soil samples, installation of four groundwater monitoring wells and

collection of five groundwater samples, and installation of eleven soil vapor probes and collection of eleven soil vapor samples. Soil samples were analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, pesticides, herbicides, polychlorinated biphenyls (PCBs), hexavalent chromium, and 1,4-dioxane. One soil sample was analyzed for per- and poly-fluoroalkyl substances (PFAS). Groundwater samples were analyzed for VOCs, SVOCs, total and dissolved metals, pesticides, herbicides, PCBs, and 1,4-dioxane. One groundwater sample was analyzed for PFAS. Soil vapor samples were analyzed for VOCs.

Field observations and laboratory analytical results are summarized below:

- Langan observed the stratigraphy of the subject property, from the surface down, consisted of 9 to 25 ft of fill followed by a 6 to 67 feet of sand and gravel intervals. The sand and gravel layer was underlain by approximately 0.5 to 4 ft of weathered/decomposed bedrock followed by competent bedrock. Depth to groundwater ranged from approximately el +2.97 feet to el +1.75 feet NAVD88. Groundwater flow was generally from west to east beneath the Site.
- Soil results are summarized as follows:
 - One VOC, methyl ethyl ketone (0.16 mg/kg), was detected in the deep soil sample collected from LSB-9 exceeding New York City Department of Environmental Conservation (NYCDEC) Part 375 Unrestricted Use Soil Cleanup Objectives (UUSCOs).
 - Several SVOCs including benzo(a)anthracene (max. 7.18 mg/kg), benzo(a)pyrene (max 4.5 mg/kg), benzo(b)fluoranthene (max. 5.87 mg/kg), benzo(k)fluoranthene (max. 5.64 mg/kg), chrysene (max. 8.63 mg/kg), dibenzo(a,h)anthracene (1.03 mg/kg), and indeno(1,2,3-c,d)pyrene (max. 3.1 mg/kg) were detected exceeding UUSCOs in shallow fill and native interface soil samples across the Site. Benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, and dibenzo(a,h)anthracene were also detected exceeding the Restricted Use Commercial SCOs (RUSCOs).
 - Several pesticides including 4,4'-DDD (max. 0.0696 mg/kg), 4,4'-DDE (max. 0.112 mg/kg), 4,4'-DDT (max. 0.324 mg/kg), and dieldrin (0.0636 mg/kg) were detected in exceedance of UUSCOs.
 - Total PCBs were detected at concentrations exceeding UUSCOs in 2 of the 25 soil samples collected (max. 0.174 mg/kg).
 - Several metals including barium (max. 1,440 mg/kg), cadmium (max. 2.81 mg/kg), trivalent chromium (37.3 mg/kg), copper (max. 75.1 mg/kg), lead (max. 3,430 mg/kg), mercury (max. 2.75 mg/kg), nickel (102 mg/kg), selenium (12.6 mg/kg), silver (2.31 mg/kg) and zinc (1,070 mg/kg) were detected in exceedance of UUSCOs. Barium and lead were also detected in shallow fill and native interface samples at concentrations exceeding the RUSCOs.
 - No exceedances of the NYSDEC Part 375 Remedial Programs October 2020 Sampling, Analysis and Assessment of Per- and Polyfluoroalkyl Substances (PFAS) soil guidance values for Unrestricted Use or Protection of Groundwater, in effect at the time were detected.
 - 1,4-dioxane was not detected above UUSCOs or RUSCOs.
- Groundwater results are summarized below:

- No VOCs were detected exceeding the NYCRR Part 703.5 and NYSDEC Technical & Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Guidance Values (AWQS).
- Several SVOCs including benzo(a)anthracene (max. 0.06 µg/L), benzo(a)pyrene (0.04 µg/L), benzo(b)fluoranthene (0.04 µg/L), and chrysene (0.06 µg/L) were detected above the AWQS in groundwater samples collected from LMW-4 and LMW-5. Indeno(1,2,3-c,d)pyrene (max. 0.04 µg/L) was detected above the AWQS in groundwater samples collected from LMW-3 and LMW-4.
- The pesticide dieldrin (max. 0.015 µg/L) was detected above the AWQS in LMW-4 and LMW-5.
- Metals including iron (max. 21,100 µg/L), magnesium (max. 70,800 µg/L), manganese (max. 872.5 µg/L), and sodium (243,000 µg/L) were detected above the AWQS. Dissolved metals including magnesium (74,400 µg/L), manganese (952.1 µg/L), and sodium (168,000 µg/L) were detected above the AWQS.
- Several PFAS compounds including perfluorobutanoic acid (PFBA) (1,280 ng/L), perfluoroheptanoic acid (PFHpA) (1,760 ng/L), perfluorohexanoic acid (PFHxA) (8,620 ng/L), perfluoropentanoic acid (PFPeA) (5,700 ng/L), and sodium 1H,1H,2H,2H-perfluorooctane sulfonate (6:2) (6:2FTS) (181 ng/L) were detected above the NYSDEC's Sampling, Analysis, and Assessment of PFAS Guidelines (October 2020) screening value of 100 ng/L, in effect at the time. Total PFAS concentration (19,453 ng/L) was detected above the screening value of 500 ng/L in effect at the time.
- 1,4-dioxane was not detected above the AWQS in any groundwater samples.
- Soil vapor results are summarized below:
 - Total benzene, toluene, ethylbenzene, and xylenes (BTEX) concentrations ranged from 17.3 micrograms per cubic meter (µg/m³) to 969 µg/m³. Chlorinated VOCs (CVOCs) including cis-1,2-dichloroethene was detected in soil vapor samples LSV-9 and LSV-10 at concentrations of 2.13 µg/m³ and 1.58 µg/m³, respectively and trichloroethene (TCE) was detected in multiple soil vapor samples at concentrations ranging from 1.28 µg/m³ to 28.5 µg/m³. Tetrachloroethene (PCE) was detected in all soil vapor samples with the exception of LSV-8 at concentrations ranging from 3.38 µg/m³ to 254 µg/m³.

Remedial Action Work Plan, prepared by Langan, prepared for 125th Street Lessee LLC, October 2021

A Remedial Action Work Plan (RAWP) for 180 East 125th Street was prepared by Langan for the OER Voluntary Cleanup Program (VCP). The remedial action was proposed for a planned mixed-use commercial and residential development. For development purposes, soil beneath the Site was planned to be excavated to approximately 19 to 21 feet bgs for the construction of the cellar slab and up to 27.5 ft bgs for construction of footers, the elevator pit/car lift construction, and for construction of a swimming pool. To facilitate development, Langan proposed excavation and removal of soil/fill exceeding Restricted Residential Use SCOs (RRSCOs). Proposed engineering controls included installation of a composite cover system consisting of a three-foot-thick concrete mat slab and a 10-inch-thick concrete pressure slab in portions of the basement area of the building. Additionally, installation of a vapor barrier system was proposed to mitigate the potential for soil vapor migration into the building. The RAWP included provisions to establish institutional controls and preparation of a Site Management Plan (SMP). The SMP would provide for long-term management of residual contamination and include

plans for the operation, maintenance, monitoring, and inspection certification requirements of the engineering and institutional controls.

Tank Affidavit, prepared by MVC Heating Corporation, prepared for Fire Department City of New York, 22 February 2022

MVC Heating Corporation provided an affidavit dated 22 February 2022 stating that on 21 February 2022, one 2,000-gallon aboveground storage tank (AST) containing no. 2 fuel oil at the subject property was removed by pumping out and properly disposing of no. 2 oil, sludge, tank bottoms, and water from the tank, gas freeing the tank, and discontinuing piping in accordance with the guidelines described in FC3404.2.13.

Waste Characterization Sampling Report, prepared by EcoTerra, LLC, 20 September 2022

EcoTerra prepared a Waste Characterization Sampling Report to summarize the soil characterization sampling conducted at the subject property in August 2022. The scope of work included advancement of soil borings for collection of grabs, composite, and “hot spot” delineation samples proposed for characterization of subsurface Site soils within the area of proposed excavation. EcoTerra collected 50 samples from 11 grids distributed at approximately 800 cubic yards (CY) per sample. Waste characterization soil samples were analyzed for VOCs, SVOCs, pesticides, herbicides, PCBs, TAL metals, extractable petroleum hydrocarbons (EPH), toxicity characteristic leachate procedure (TCLP) Resource Conservation and Recovery Act (RCRA) metals, RCRA characteristics, and hexavalent chromium. Also, thirty-four (34) discrete samples from two previously identified ‘Hot Spot’ locations at LSB-3 and LSB-5 were procured for analysis of Total Lead and TCLP Lead for delineation.

Field observations and laboratory analytical results are summarized below:

- Soil results for the waste characterization were compared to NYCDEC Part 375 UUSCOs, RUSCOs, and RRSCOs. Soil analytical results are summarized as follows:
 - Methylene chloride was detected at 0.0720 mg/kg in soil sample S-15(g) exceeding UUSCOs and acetone was detected at 0.0810 mg/kg in soil sample S-29(g) exceeding UUSCOs. No other VOC exceedances were detected in any of the soil samples.
 - Polycyclic aromatic hydrocarbons (PAHs) were detected in nine soil samples. PAH concentrations ranged from 1.01 mg/kg to 16.2 mg/kg for benzo(a)anthracene; from 1.04 mg/kg to 12.6 mg/kg for benzo(b)fluoranthene; from 0.846 mg/kg to 12.6 mg/kg for benzo(k)fluoranthene; from 1.1 mg/kg to 15.2 mg/kg for chrysene; from 1.05 mg/kg to 13.3 mg/kg for benzo(a)pyrene; 0.421 mg/kg to 3.14 mg/kg for dibenzo(a,h)anthracene; and from 0.568 mg/kg to 11.2 mg/kg for indeno(1,2,3-cd)pyrene.
 - Multiple pesticides were detected above UUSCOs.
 - Total PCBs were detected in soil samples S-7 and S-25 above UUSCOs at concentrations of 0.249 mg/kg and 0.163 mg/kg, respectively.
 - Metals were detected at variable concentrations typical of fill in all of the soil samples. TCLP lead was not detected in any soil samples above the standard. Hazardous levels of lead were not detected in any sample locations.

Phase I ESA, prepared by Haley & Aldrich of New York, prepared for 180 E125th Realty LLC, August 2024

A Phase I Environmental Site Assessment (ESA) was conducted for the Site by Haley & Aldrich of New York in August 2024. The findings of Haley & Aldrich of New York's Phase I ESA are summarized as follows:

REC #1 – Documented Subsurface Contamination at Subject Property

A RI was conducted at the subject property for the NYCOER E-Designation program By Langan in December 2020. The presence of fill material was reportedly observed in 9- to 25-foot-thick layer across the subject property. Soil analytical results indicated that soil is impacted with SVOCs, specifically PAHs, and metals above the RRSCOs. Groundwater analytical results indicated that groundwater is impacted with PAHs, metals, pesticides, and PCBs above the AWQS and emerging contaminants, PFAS, exceeding the NYSDEC February 2023 PFAS Guidance Values. Soil vapor analytical results indicated the presence of CVOCs and petroleum-related VOCs in soil vapor above laboratory detection limits throughout the subject property. Documented subsurface contamination at the subject property including impacts to soil, groundwater, and soil vapor, is indicated as a REC.

HREC #1: NY Spills Case 0005315

The subject property is identified in the NY Spills database under Spill Case Number 0005315. A spill reportedly occurred at the former United States Postal Service (USPS) facility on subject property on 10 May 2000 due to a release of no. 2 fuel oil from a 2,000-gallon aboveground storage tank (AST) when soil samples collected in the base and sides of the AST showed contamination. However, when comparing to TAGM 4046 Restricted Commercial standards, reportedly only several exceedances of PAHs were detected above standards. As a result, NYSDEC closed the spill case on 28 May 2009 and the AST was closed in place. According to a Tank Affidavit by MVC Heating Corp., the AST was removed from the subject property on 21 February 2022. Since the spill case was closed by NYSDEC and the AST was removed from the subject property in 2022, the closed spill case is considered an HREC.

Other Finding #1: New York City E-Designation

The subject property was identified in the Environmental Database Report (EDR) as an E-Designation Site by the NYCOER. The subject property has been assigned an environmental E-designation (E-703) for hazardous materials, noise (window wall attenuation and alternative means of ventilation), and air quality (HVAC fuel limited to natural gas and exhaust stack location limitations) resulting from a City Environmental Quality Review (CEQR) effective April 2023 (CEQR #23DCP058M). Satisfaction of the E-designation requirements with OER must be completed before the development can proceed.

SECTION IV.2: SAMPLING DATA

Soil Summary Table

Analytes > RRSCOs	Detections > RRSCOs	Max Concentration (ppm)	RRSCO (ppm)	Depth (ft bgs)
Benzo(a)anthracene	11	7.18	1	4-6
Benzo(a)pyrene	10	4.5	1	0-2
Benzo(b)fluoranthene	8	6	1	0-2
Benzo(k)fluoranthene	1	5.64	3.9	4-6
Chrysene	3	8.63	3.9	4-6
Dibenzo(a,h)anthracene	6	1.03	0.33	4-6
Indeno (1,2,3-c,d)pyrene	8	3.1	0.5	10-12
Lead	7	3,430	400	9-11
Mercury	4	2.75	0.81	4-6
Barium	4	1,440	400	4-6

Groundwater Summary Table*

Analytes > AWQS	Detections > AWQS	Max Concentration (µg/L)	AWQS (µg/L)
Benzo(a)anthracene	3	0.08	0.002
Benzo(b)fluoranthene	3	0.1	0.002
Benzo(k)fluoranthene	3	0.04	0.002
chrysene	3	0.08	0.002
Indeno(1,2,3-c,d)pyrene	3	0.07	0.002
Total PCBs	2	0.282	0.09
Dieldrin	2	0.015	0.004
Chromium, Total	2	57.83	50
Iron	4	21,500	300
Lead	1	193.8	25
Magnesium	2	70,800	35,000
Magnesium (Dissolved)	1	74,400	35,000
Manganese	3	872.5	300
Manganese (Dissolved)	1	952.1	300
Sodium	6	243,000	20,000
Sodium (Dissolved)	6	168,000	20,000
Perfluorooctanesulfonic acid (PFOS)	1	88.1 ng/L	2.7 ng/L
Perfluorooctanoic Acid (PFOA)	1	1,740 ng/L	6.7 ng/L

**Soil Vapor Summary
Table**

CVOCs and BTEX Analytes Detected	Total Detections	Max. Detection (µg/m³)	Type
Tetrachloroethene	11	254	Soil vapor
Trichloroethene	6	28.5	Soil vapor
Cis-1,2-dichloroethene	2	2.13	Soil vapor
Benzene	12	62.9	Soil vapor
Ethylbenzene	12	96.9	Soil vapor
M,p-xylenes	12	378	Soil vapor
Toluene	12	376	Soil vapor
Total Xylenes	12	465	Soil vapor

Notes:

RRSCO = NYSDEC Restricted Residential Use Soil Cleanup Objectives

Detections exceeding RRSCOs also exceed the UUSCOs

ft bgs = feet below grade surface

ppm = parts per million

AWQS = Ambient Water Quality Standards

µg/L = Microgram per liter

SECTION IV.3: SAMPLING DATA

For each impacted medium above, refer to Figures 6 through 8 below, which include detailed information requested in Application Section IV.3.



Sample Depth	0-2'	10-12'
SVOCs (mg/kg)		
Benzo(a)Anthracene	2.1	2.2
Benzo(a)Pyrene	2	2
Benzo(b)Fluoranthene	2.6	2.9
Indeno(1,2,3-c,d)Pyrene	1.2	1.3

2.73	2.21
1.32	-
1.3	1.12
-	-
-	-
0.341	0.345
0.747	0.588

EAST 124TH STREET

EAST 125TH STREET

Location	LSB-11	LSB-11 DUP	LSB-11
Sample Date	9/9/2020	9/9/2020	9/9/2020
Sample Depth (feet bgs)	0-2'	0-2'	10-12'
SVOCs (mg/kg)			
Benzo(a)Anthracene	4.6	4.6	-
Benzo(a)Pyrene	4.5	4.3	-
Benzo(b)Fluoranthene	6	5.4	-
Chrysene	4.5	4.2	-
Dibenz(a,h)Anthracene	0.69	0.67	-
Indeno(1,2,3-c,d)Pyrene	2.9	2.8	-
Metals (mg/kg)			
Lead	550	467	553
Mercury	0.845	1.35	0.878

LSB-5	
8/31/2020	
9-11'	
2.78	
2.9	
2.69	
0.752	
1.97	
708	
3040	

BLOCK: 11773
LOT: 27

LSB-11

LSB-8

LSB-7

LSB-5

LSB-9

LSB-6

LSB-2

LSB-4

LSB-10

LSB-1

Location	LSB-1
Sample Date	3/4/2016
Sample Depth	4-6'
Metals (mg/kg)	
Lead	401
Mercury	2.75

Location	LSB-10
Sample Date	9/8/2020
Sample Depth	0-2'
SVOCs (mg/kg)	
Benzo(a)Anthracene	1.6
Benzo(a)Pyrene	1.5
Benzo(b)Fluoranthene	1.9
Indeno(1,2,3-c,d)Pyrene	0.91

Location	LSB-6
Sample Date	9/9/2020
Sample Depth	0-2'
SVOCs (mg/kg)	
Benzo(a)Anthracene	1.3
Benzo(a)Pyrene	1.3
Benzo(b)Fluoranthene	1.6
Chrysene	5.3

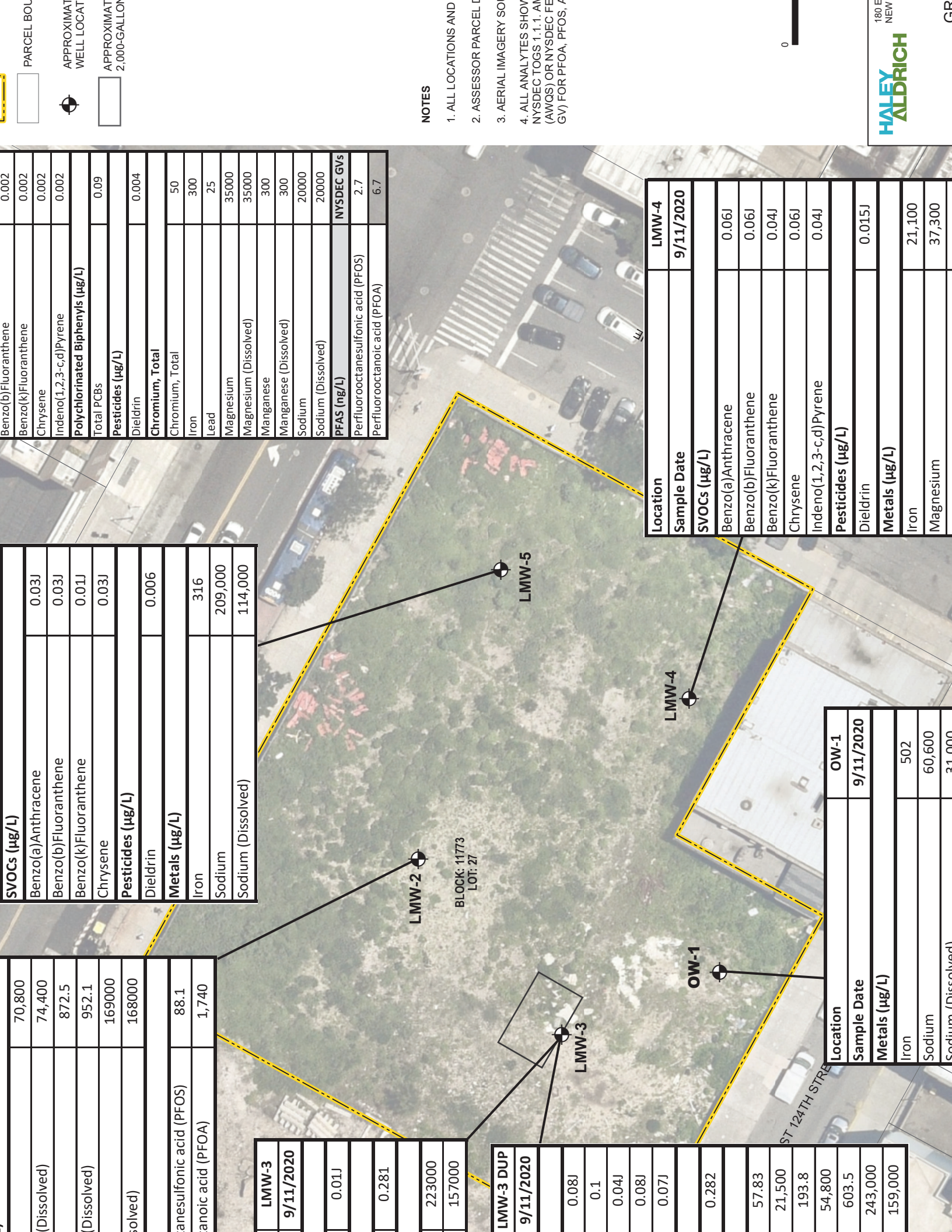
LSB-2	
1/4/2016	
6-7'	
687	
464	
1.25	

PARCEL BO
APPROXIMA
APPROXIMA
2,000-GALLO

ANALYTE
SVOCs (mg/kg)
Benzo(a)anthracene
Benzo(a)pyrene
Benzo(b)fluoranthene
Benzo(k)fluoranthene
Chrysene
Dibenzo(a,h)anthracene
Indeno(1,2,3-cd)pyrene
Metals (mg/kg)
Barium
Lead
Mercury

NOTES

1. ALL LOCATIONS AND
2. ASSESSOR PARCEL L
3. AERIAL IMAGERY SO
4. ALL ANALYTES SHOW
5. - INDICATES AN EXG



Benzo(b)Fluoranthene	0.002
Benzo(k)Fluoranthene	0.002
Chrysene	0.002
Indeno(1,2,3-c,d)Pyrene	0.002
Polychlorinated Biphenyls (µg/L)	
Total PCBs	0.09
Pesticides (µg/L)	
Dieldrin	0.004
Chromium, Total	
Chromium, Total	50
Iron	300
Lead	25
Magnesium	35000
Magnesium (Dissolved)	35000
Manganese	300
Manganese (Dissolved)	300
Sodium	20000
Sodium (Dissolved)	20000
PFAS (ng/L)	NYSDEC GVs
Perfluorooctanesulfonic acid (PFOS)	2.7
Perfluorooctanoic acid (PFOA)	6.7

SVOCs (µg/L)	
Benzo(a)Anthracene	0.03J
Benzo(b)Fluoranthene	0.03J
Benzo(k)Fluoranthene	0.01J
Chrysene	0.03J
Pesticides (µg/L)	
Dieldrin	0.006
Metals (µg/L)	
Iron	316
Sodium	209,000
Sodium (Dissolved)	114,000

7	70,800
(Dissolved)	74,400
	872.5
(Dissolved)	952.1
	169000
(Dissolved)	168000
	88.1
anesulfonic acid (PFOS)	1,740
anoic acid (PFOA)	

LMW-3	
9/11/2020	
0.01J	
0.281	
223000	
157000	

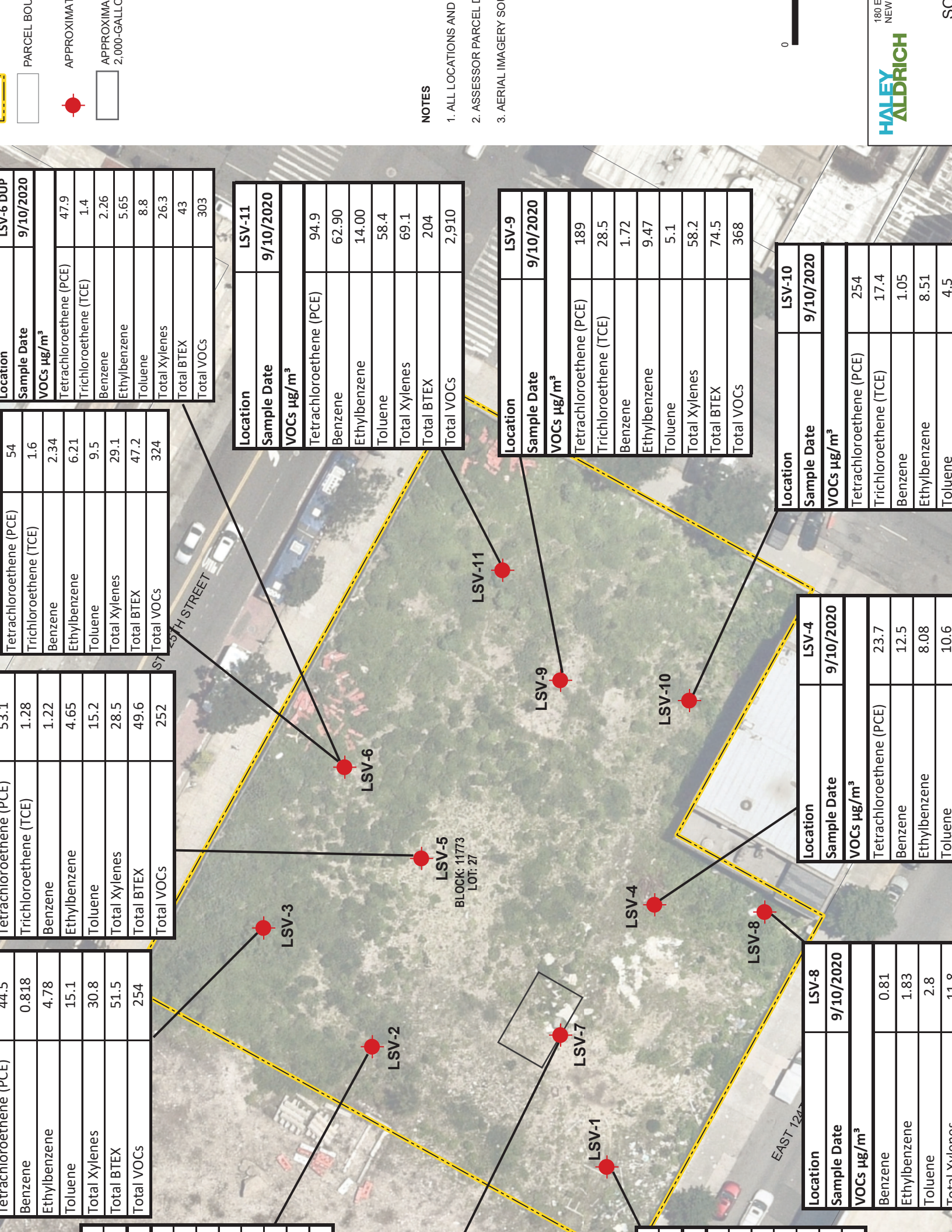
LMW-3 DUP	
9/11/2020	
0.08J	
0.1	
0.04J	
0.08J	
0.07J	
0.282	
57.83	
21,500	
193.8	
54,800	
603.5	
243,000	
159,000	

NOTES

1. ALL LOCATIONS AND
 2. ASSESSOR PARCEL L
 3. AERIAL IMAGERY SO
 4. ALL ANALYTES SHOW
- NYSDEC TOGS 1.1.1. AN
(AWQS) OR NYSDEC FE
GV) FOR PFOA, PFOS, A

Location	LMW-4
Sample Date	9/11/2020
SVOCs (µg/L)	
Benzo(a)Anthracene	0.06J
Benzo(b)Fluoranthene	0.06J
Benzo(k)Fluoranthene	0.04J
Chrysene	0.06J
Indeno(1,2,3-c,d)Pyrene	0.04J
Pesticides (µg/L)	
Dieldrin	0.015J
Metals (µg/L)	
Iron	21,100
Magnesium	37,300

Location	OW-1
Sample Date	9/11/2020
Metals (µg/L)	
Iron	502
Sodium	60,600
Sodium (Dissolved)	31,000



ATTACHMENT E

Section V: Requestor Information

SECTION V: REQUESTORS' INFORMATION

The entity requesting participation in the BCP (the Requestor) is 180 E125th Realty LLC. The manager and authorized representative of 180 E125th Realty LLC is Jacob Schwimmer.

Accordingly, the contact information for the Requestor is:

Jacob Schwimmer
180 E125th Realty LLC
199 Lee Avenue, Suite 1088
Brooklyn, New York 11211
Email: Jschwimmer@jcsrealtyny.com

The Requestor is seeking to purchase the Site and is authorized and has full access to take all actions necessary to enter and carry out the obligations of the Brownfield Cleanup Program (BCP). An access agreement is included as an attachment.

Printouts of the entity information from the New York State Department of State's Corporation & Business Entity Database for 180 E125th Realty LLC is included in this attachment.

The current members of 180 E125th Realty LLC include:

- Jacob Schwimmer

All BCP submittal documents will be certified by a Haley & Aldrich of New York Licensed Professional Engineer and/or the Requestor in accordance with DER-10 Section 1.5.

The Requestor certifies it is a Volunteer. The Requestor or its affiliated entities do not have, nor have they ever had a relationship with the current owners, or with the prior owners or operators of the Site that caused the existing contamination.

[Return to Results](#)

[Return to Search](#)

ails

ME: 180 E125TH REALTY LLC

8792

LEGAL NAME:

NAME:

E: DOMESTIC LIMITED LIABILITY COMPANY

DATE/LATEST DATE OF DISSOLUTION:

F LAW: LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COM

TUS: ACTIVE

INITIAL DOS FILING: 06/24/2024

OR STATUS:

DATE INITIAL FILING: 06/24/2024

ATE:

FORMATION DATE:

T STATUS: CURRENT

NGS

EMENT DUE DATE: 06/30/2026

ON: NEW YORK, UNITED STATES

ORY:

[ENTITY DISPLAY](#)

[NAME HISTORY](#)

[FILING HISTORY](#)

[MERGER HISTORY](#)

[ASSUMED NAME HISTORY](#)

Process on the Secretary of State as Agent

Office address to which the Secretary of State shall mail a copy of any process against the corporation served
of State by personal delivery:

180 E125TH REALTY LLC

199 LEE AVE SUITE 1088, BROOKLYN, NY, UNITED STATES, 11211

Service of Process on the Secretary of State as agent: Not Permitted

Executive Officer's Name and Address

**180 E125TH REALTY LLC AUTHORIZATION
TO COMPLETE REMEDIAL REQUIREMENTS AND GRANT
ENVIRONMENTAL EASEMENTS**

The undersigned, being the sole member of 180 E125th Realty LLC, a New York limited liability company (the "Company") hereby certify as of August 7, 2024, as follows and adopt the following resolutions and authorize the Company to authorize and direct Jacob Schwimmer (the "Authorized Signatory") to take the following actions on behalf of the Company:

WHEREAS, the Company desires to authorize the Authorized Signatory, set forth below, to undertake actions necessary to redevelop 180 E 125th Street, New York, NY 10035; Block 1773, Lot 27 (the "Property" or the "Site").

WHEREAS, in connection with the redevelopment of the Property, the Company has or will prepare and submit an application to participate in the New York State Brownfield Cleanup Program ("BCP") and, if accepted into the BCP, enter into a Brownfield Cleanup Agreement ("BCA"); file related documents with the New York State Department of Environmental Conservation ("DEC") to participate in the BCP; and undertake certain environmental remediation work related thereto consistent with applicable laws, regulations and guidance under the BCP (collectively referred to as the "Remedial Program Requirements");

NOW THEREFORE, BE IT

RESOLVED, the Authorized Signatory be, and hereby is, authorized and directed, in the name of and on behalf of the Company, to execute and to deliver all applications, documents and instruments required to effectuate the BCA (including execution of the BCA), grant an environmental easement, and make any filings required to comply with the BCA consistent with the Remedial Program Requirements; and be it further;

RESOLVED, that this Authorization may be signed in any number of counterparts, including but not limited to electronic, and shall become effective as of the date herein below written when each person named below shall have signed a copy hereof; and

RESOLVED, The Authorized Signatory is authorized to bind the Company as an Authorized Signatory for the purposes set forth in this Authorization, the signature set forth opposite his name below is his actual signature:

<u>Authorized Signatory</u>	<u>Signature</u>
Jacob Schwimmer	

IN WITNESS WHEREOF, the undersigned have signed and sealed this Member Consent on August 7, 2024.

MEMBERS:

A handwritten signature in black ink, appearing to be 'JS' or similar, written above a horizontal line.

By: Jacob Schwimmer

SECTION V: REQUESTORS' INFORMATION

The entity requesting participation in the BCP (the Requestor) is 180 E125 PROPCO LLC. The authorized representative of 180 E125 PROPCO LLC is Jacob Schwimmer.

Accordingly, the contact information for the Requestor is:

Attn: Jacob Schwimmer
199 Lee Ave #1088 Brooklyn NY 11211
jschwimmer@jcsrealtyny.com

The Requestor is seeking to purchase the Site and is authorized and has full access to take all actions necessary to enter and carry out the obligations of the Brownfield Cleanup Program (BCP). An access agreement is included as an attachment.

Printouts of the entity information from the New York State Department of State's Corporation & Business Entity Database for 180 E125 PROPCO LLC is included in this attachment.

The current sole member of 180 E125 PROPCO LLC is:

- Jacob Schwimmer

All BCP submittal documents will be certified by a Haley & Aldrich of New York Licensed Professional Engineer and/or the Requestor in accordance with DER-10 Section 1.5.

The Requestor certifies it is a Volunteer. The Requestor or its affiliated entities do not have, nor have they ever had a relationship with the current owners, or with the prior owners or operators of the Site that caused the existing contamination.



Department of State

Division of Corporations

Entity Information

[Return to Results](#)[Return to Search](#)

Entity Details



ENTITY NAME: 180 E125 PROPCO LLC

DOS ID: 7456080

FOREIGN LEGAL NAME: 180 E125 PROPCO 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: 11/01/2024

REASON FOR STATUS:

EFFECTIVE DATE INITIAL FILING: 11/01/2024

INACTIVE DATE:

FOREIGN FORMATION DATE: 10/31/2024

STATEMENT STATUS: CURRENT

COUNTY: KINGS

NEXT STATEMENT DUE DATE: 11/30/2026

JURISDICTION: DELAWARE, UNITED STATES

NFP CATEGORY:

[ENTITY DISPLAY](#)[NAME HISTORY](#)[FILING HISTORY](#)[MERGER HISTORY](#)[ASSUMED NAME HISTORY](#)

Service of Process on the Secretary of State as Agent

The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:

Name: THE LLC

Address: 199 LEE AVE SUITE 1088, BROOKLYN, NY, UNITED STATES, 11211

Electronic Service of Process on the Secretary of State as agent: Not Permitted

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

**180 E125 PROPCO LLC AUTHORIZATION
TO COMPLETE REMEDIAL REQUIREMENTS AND GRANT
ENVIRONMENTAL EASEMENTS**

The undersigned, being the sole member of 180 E125 PROPCO LLC, a New York limited liability company (the "Company") hereby certify as of November 18, 2024, as follows and adopt the following resolutions and authorize the Company to authorize and direct Jacob Schwimmer (the "Authorized Signatory") to take the following actions on behalf of the Company:

WHEREAS, the Company desires to authorize the Authorized Signatory, set forth below, to undertake actions necessary to redevelop 180 E 125th Street, New York, NY 10035; Block 1773, Lot 27 (the "Property" or the "Site").

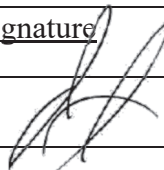
WHEREAS, in connection with the redevelopment of the Property, the Company has or will prepare and submit an application to participate in the New York State Brownfield Cleanup Program ("BCP") and, if accepted into the BCP, enter into a Brownfield Cleanup Agreement ("BCA"); file related documents with the New York State Department of Environmental Conservation ("DEC") to participate in the BCP; and undertake certain environmental remediation work related thereto consistent with applicable laws, regulations and guidance under the BCP (collectively referred to as the "Remedial Program Requirements");

NOW THEREFORE, BE IT

RESOLVED, the Authorized Signatory be, and hereby is, authorized and directed, in the name of and on behalf of the Company, to execute and to deliver all applications, documents and instruments required to effectuate the BCA (including execution of the BCA), grant an environmental easement, and make any filings required to comply with the BCA consistent with the Remedial Program Requirements; and be it further;

RESOLVED, that this Authorization may be signed in any number of counterparts, including but not limited to electronic, and shall become effective as of the date herein below written when each person named below shall have signed a copy hereof; and

RESOLVED, The Authorized Signatory is authorized to bind the Company as an Authorized Signatory for the purposes set forth in this Authorization, the signature set forth opposite his name below is his actual signature:

<u>Authorized Signatory</u>	<u>Signature</u>
Jacob Schwimmer	

IN WITNESS WHEREOF, the undersigned have signed and sealed this Member Consent on November 18, 2024.

MEMBERS:


By Jacob Schwimmer

ATTACHMENT F

Section VI: Requestor Eligibility Information

SECTION VI: REQUESTORS' ELIGIBILITY INFORMATION

Volunteer Status

The Requestor, 180 E125th Realty LLC, qualifies as a "Volunteer" in the BCP because (i) the Requestor is an unrelated third-party LLC and neither it or its member has any direct connection with the current owners of the Site, or with any prior owner or operator, and (ii) the Requestor did not cause, contribute, or permit the disposal of any contaminants at the Site, nor did the Requestor control the Site when such contamination occurred. Requestor did not observe and is not aware of any continuing release.

Requestor is taking the necessary steps to prevent any threatened future release, and prevent and limit human, environmental or natural resource exposure to any previously released contamination at the Site, such as enrolling in the Brownfield Cleanup Program to remediate the Site. As such, the requestor qualifies as a Volunteer as designed in ECL 27-1405(1)(b).

SECTION VI: REQUESTORS' ELIGIBILITY INFORMATION

Volunteer Status

The Requestor, 180 E125 PROPCP LLC, qualifies as a "Volunteer" in the BCP because (i) the Requestor is an unrelated third-party LLC and neither it or its member has any direct connection with the current owners of the Site, or with any prior owner or operator, and (ii) the Requestor did not cause, contribute, or permit the disposal of any contaminants at the Site, nor did the Requestor control the Site when such contamination occurred. Requestor did not observe and is not aware of any continuing release. Requestor is taking the necessary steps to prevent any threatened future release, and prevent and limit human, environmental or natural resource exposure to any previously released contamination at the Site, such as enrolling in the Brownfield Cleanup Program to remediate the Site. As such, the requestor qualifies as a Volunteer as designed in ECL 27-1405(1)(b).

160 East 125th Owner LLC

September 12, 2024

180 E 125th REALTY LLC
199 Lee Avenue, Suite 1088
Brooklyn, NY, United States, 11211

Re: Property Access and Authorization to perform all obligations under the New York State
Brownfield Cleanup Program

Dear Sir or Madam:

I, 160 EAST 125th OWNER LLC, (hereinafter referred to as the "Owner") own the property located at 180 East 125th Street, New York, NY 10035, Block 1773 Lot 27 (the "Property" or the "Site"). The Owner hereby authorizes the entities listed on Exhibit A, attached hereto (collectively referred to as the "Authorized Applicant(s)/Requestor(s)"), to access the Property and to apply to participate in and perform any obligations required under the New York State Department of Environmental Conservation's ("NYSDEC") Brownfield Cleanup Program ("BCP").

Owner understands that the Authorized Applicants/Requestors will also need to provide access to the NYSDEC and environmental professionals that the Authorized Applicants has/have hired to perform any investigation and remedial activities under the BCP. Owner further understands that an easement may be needed in connection with BCP efforts, and authorizes the placement of an easement on or through the Property subject to the prior review and consent of the Owner, in accordance with any subsequent or separate writing between the parties.

Sincerely,

By 

Gary Barnett

EXHIBIT A

AUTHORIZED APPLICANT(S)/REQUESTOR(S)

- 180 E125TH REALTY LLC
- 180 E125 PROPCO LLC

ATTACHMENT G

Section IX: Current Property Owner/Operator Information

SECTION IX: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Current Owner and Operator

The current owner is 160 East 125th Owner LLC. A letter confirming access permission between the Requestor and 160 East 125th Owner LLC, granting full access to take all actions necessary to enter into and carry out the obligations of the BCP, has been executed. The Site is currently an unused vacant lot.

Previous Owners and Operators

A list of current and previous Site owners are provided in the below table.

Date	Document Type	First Party	First Party Address	Second Party	Relationship of First Party to Applicant
12/8/2016	Deed	167 East 124 th Owner LLC	805 3 rd Ave, 7 th Floor	160 E125th Owner LLC	None
10/6/2014	Deed	United States Postal Service	475 Lenfant Plaza, SW Room 6670 Washington DC 20260-1862	167 th East 124 th Owner LLC	None
6/3/1974	Deed	Clemford Properties Inc	140 North County Road, Palm Beach, Florida 33480	United States Postal Service	None

Reference: ACRIS - https://a836-acris.nyc.gov/DS/DocumentSearch/BBLResult?max_rows=99.

Previous owner information prior to 2014 is not available.

Current and previous Site operators are provided in the table below.

Name	Relationship to Property	Address and Phone Number	Relationship to Applicant
USPS Triborough Station	Operator (1968 - 2014)	475 Lenfant Plaza, SW Room 6670 Washington DC 20260-1862	None
Pathmark	Operator (1999-2013)	160 East 125 th Street	None
Love Tabernacle Church	Operator 1973	180 East 125 th Street	None
Abbot Credit Clothiers	Operator 1968	180 East 125 th Street	None
ACE Chemical Co Restaurant Supplies	Operator (1947, 1950, 1956, 1963)	180 East 125 th Street	None
Alpha Printing Co	Operator (1942 – 1968)	176 East 125 th Street	None
Fayette Quality Furniture	Operator (1947-1958)	178 East 125 th Street	None
Strand Clothing Co Inc.	Operator (1927 – 1963)	182 East 125 th Street	None

Reference: The EDR City Directory Abstract (inquiry number 7690132.5).

ATTACHMENT H

Section XI: Contact List Information and Acknowledgement from Repository

SECTION XI – CONTACT LIST INFORMATION

SITE CONTACT LISTS

Executive

Role	Name	Phone	Mailing Address	Email / Contact
NYC Mayor	Mayor Eric Adams	212-NEW-YORK	City Hall New York, NY 10007	https://www1.nyc.gov/office-of-the-mayor/mayor-contact.page
NYC Department of City Planning Chairperson	Marisa Lago	212-720-3300	120 Broadway 31st Floor New York, NY 10271	https://www1.nyc.gov/site/planning/about/email-the-director.page
Manhattan Borough President	Mark Levine	212-669-8300	1 Centre Street, 19 th Floor New York, NY 10007	scheduling@manhattanbp.nyc.gov
Manhattan Community Board 11 District Manager	Xavier A. Santiago	212-831-8929	1664 Park Avenue, Ground Floor, New York, NY 10035	Mn11@cb.nyc.gov
New York City Council District 8	Diana Ayala	212-828-9800	105 East 116 th Street New York, NY 10029	District8@council.nyc.gov
NY Senate District 17 Senator	Cordell Cleare	212-222-7315	163 West 125 th Street, Suite 912 New York, NY 10027	cleare@nysenate.gov
NY State Assembly District 68 Member	Edward Gibbs	212-828-3953	55 East 115 th Street, Ground Level New York, NY 10029	gibbse@nyassembly.gov
NYC Department of Health and Mental Hygiene (DOHMH)	Ashwin Vasan, M.D., PhD Commissioner	212-639-9675	42-09 28 th Street, Queens, NY 11101	opmc@health.ny.gov

Owners, Residents, Occupants

The Site is currently completely vacant, therefore there are no current operators. The tables below provide current contact information for the current owner of the Site.

Owner	Contact Name	Phone	Mailing Address	Email
160 East 125 th Owner LLC	Maxwell Miller	646-519-6050	805 Third Avenue, 7 th Floor New York, NY 10022	mmiller@extell.com

Adjacent Properties

Below is a list of the adjoining properties which are also detailed in Figure 5 included in Section I.

Owner/Entity Name	Contact Name	Site Use	Property Address	Owner Mailing Address
Metropolitan Transportation Authority	Not available	Vacant	160 E125th Street, New York, NY 10035	2 Broadway New York, NY 10004
Salvation Army	Not available	Office Buildings	2306 3 rd Avenue, New York, NY 10035	120 West 14 th Street New York, NY 10011
Unavailable Owner	Not available	Commercial and office buildings	159 East 125 th Street New York, NY 10035	Unknown
East Harlem MEC Parcel B- West HDFC	Not available	Mixed use residential and commercial buildings	201 East 125 th Street, New York, NY 10035	Unknown
Unavailable Owner	Not available	Mixed residential and commercial buildings	2293 3 rd Avenue. New York, NY 10035	Unknown
2289 JV LLC	Not available	Commercial and office buildings	2291 3 rd Avenue, New York, NY 10035	1000 Central Ave Woodmere, NY 11598
2289 JV LLC	Not available	Commercial and office buildings	2289 3 rd Avenue, New York, NY 10035	1000 Central Ave Woodmere, NY 11598
Rockfeld 2283 LLC	Not available	Mixed Residential and Commercial buildings	2283 3 rd Avenue New York, NY 10035	280 Madison Avenue, Suite 600, New York, NY 10016
Fire Department of New York	Not available	Public Facilities and Institutions	2282 3 rd Avenue New York, NY 10035	9 Metrotech Center Brooklyn NY, 11201
Unavailable Owner	Not available	Mixed Residential and commercial buildings	2279 3 rd Avenue New York, NY 10035	Unknown
2276-80 3 rd Avenue LLC	Not available	Commercial and office buildings	2276 3 rd Avenue New York, NY 10035	63 Birch Lane Greenwich, CT 06830
178 East 124 th Street LLC	Not available	Commercial & office buildings	182 East 124 th Street New York, NY 10035	40 Quaker Ridge Road Manhasset, NY 11030
178 East 124 th Street LLC	Not available	Commercial and office buildings	178 East 124 th Street, New York, NY 10035	40 Quaker Ridge Road Manhasset, NY 11030
William Somerville Maintenance Corp.	Not available	Parking facilities	176 East 124 th Street New York, NY 10035	166-176 East 124 th Street, New York, NY 10035
Randlee Property Owner LLC	Not available	Industrial and manufacturing	166 East 124 th Street New York, NY 10035	137 Riverside Drive, Apt 6B New York, NY 10024
Mahoney Realty LLC	Not available	Non Residential	164 East 124 th Street New York, NY 10035	1080 Madison Ave, New York, NY 10028

Local News and Media

Owner/Entity Name	Type	Address	Phone	Website
Amsterdam News	Online	2340 Frederick Douglass Blvd. New York, NY 10027	212-932-7400	https://amsterdamnews.com/
ABC 7 WABC-TV	Online, TV	7 Lincoln Square, New York, NY	(917) 260-7700	https://abc7ny.com/wabc-tv-7online-abc7ny-channel-7/6407864/

Public Water Supply

Public water supply is a shared responsibility between the New York City Department of Environmental Protection (NYCDEP) and the Municipal Water Finance Authority.

Owner/Entity Name	Contact	Address	Phone	Email
NYCDEP	Vincent Sapienza - Chief Operating Officer	59-17 Junction Blvd. Flushing, NY 11373	718-595-6565	ltcp@dep.nyc.gov
NYC Municipal Water Finance Authority	Philip Wasserman - Executive Director	75 Park Pl, New York, NY 10007	212-788-5889	Not Available

Additional Requests

We are unaware of any requests to be included on the contact list for the Site.

School or Day Care Located on or Proximal to the Site

The following schools or day care facilities are located within a ½-mile radius of the Site:

School/Day Care Name	Approximate distance from Site in feet and (directional)	Administrator	Phone	Address
Success Academy Charter School – Harlem 2 Elementary	~787 ft (northeast)	Amella Cohen, Principal	646-442-6600	144 E 128th St #3, New York, NY 10035
P.S. 30 Hernandez Hughes	~782 ft (northeast)	Leonna Austin, Principal	212-876-1825	144-176 E 128th St, New York, NY 10035
PS/MS 007 Samuel Stern School	~1,022 (northwest)	Michelle Martinez, Principal	212-860-5827	160 E 120th St, New York, NY 10035
Public School 96 Joseph Lanzetta	~1,127 (south)	James Konstantinacos, Principal	212-860-5851	216 E 120th St, New York, NY 10035
Sunshine Learning Center	~975 (southeast)	Not Available	646-757-3168	2205 3rd Ave, New York, NY 10035
Tiny Hands & Tiny Toes Group Family Daycare	~990 (southeast)	Not Available	917-204-3986	234 E 119th St, New York, NY 10035
Pequenos Souls Day Care Center	~415 (southwest)	Not Available	212-427-7644	114 E 122nd St # 1, New York, NY 10035
Banyan Tree Day Care	~1,232 (northwest)	Not Available	Not Available	123 E 129th St, New York, NY 10035
Paradise Child Care	~2,111 (northwest)	Not Available	973-957-1863	2 W 129th St, New York, NY 10027
Angel Keepers Child Care	~2,200 (southwest)	Not Available	347-669-2558	1652 Park Ave, New York, NY 10035
Clarita's Daycare	~2,450 (southwest)	Not Available	914-342-7234	70 E 116th St Apt 3D, New York, NY 10029
Joyce Walker Daycare	2500 (south)	Not Available	212-369-7315	210 E 115th St, New York, NY 10029

Document Repository

Documentation of the confirmation from the Harlem Public Library and the Manhattan Community Board 11 to act as document repositories is attached.

Owner/Entity Name	Contact	Address	Phone	Email
Harlem Library	Not Available	9 W 124th St, New York, NY 10027	(212)-348-5620	harlem@nypl.org
Manhattan Community Board 11	Xavier A. Santiago	1664 Park Ave, Ground floor New York, NY 10035	212-831-8929	mn11@cb.nyc.gov

Acknowledgement from Harlem Public Library



HALEY & ALDRICH OF NEW YORK
213 W 35th Street
7th Floor
New York, NY 10001
Tel: 646.277.5686

1 August 2024
File No.

Harlem Library
9 W 124th St
New York, NY 10027
Via email harlem@nypl.org
Attn: Managing Librarian

Subject: Brownfield Cleanup Program Application – Request for Repository Use
180 E125th Street

Dear Managing Librarian:

Haley & Aldrich of New York (Haley & Aldrich), on behalf of 180 E125th Street LLC, is requesting use of the Harlem Library as a document repository for the anticipated project located at 180 East 125th Street. The New York State Department of Environmental Conservation (NYSDEC) requires a letter certifying that the proposed document repository is able to serve as a public repository for all documents pertaining to the environmental cleanup at the Site. Please sign below denoting that your facility would be amenable to serving as a temporary public repository.

Should you have any questions, please do not hesitate to give me a call at (646) 277-5693.

Thank you,
HALEY & ALDRICH OF NEW YORK

A handwritten signature in blue ink, appearing to read 'Sarah A. Commisso'.

Sarah A. Commisso
Assistant Project Manager

The Harlem Library is willing to act as a public document repository holding and making available of all provided environmental documents related to the 180 East 125th Street Redevelopment Brownfield Cleanup Project.

Laurel Clambright
Name

Manager
Title

9-17-2024
Date

Acknowledgement from Manhattan Community Board 11



HALEY & ALDRICH OF NEW YORK
213 W 35th Street
7th Floor
New York, NY 10001
Tel: 646.277.5686

1 August 2024
File No. 0209815

Manhattan Community Board 11
1664 Park Ave, Ground floor
New York, NY 10035
Via email: mn11@cb.nyc.gov

Attn: Xavier A. Santiago, Chair

Subject: Brownfield Cleanup Program Application – Request for Repository Use
180 East 125th Street,

Dear Mr. Santiago:

Haley & Aldrich of New York (Haley & Aldrich), on behalf of 180 East 125th Owner LLC, is requesting use of the Manhattan Community Board 11 as a document repository for the anticipated project located at 180 E125th Street, NY. The New York State Department of Environmental Conservation (NYSDEC) requires a letter certifying that the proposed document repository is able to serve as a public repository for all documents pertaining to the environmental cleanup at the Site. Please sign below denoting that your facility would be amenable to serving as a temporary public repository.

Should you have any questions, please do not hesitate to give me a call at (646) 277-5693.

Thank you,
HALEY & ALDRICH OF NEW YORK

Sarah A. Commisso
Assistant Project Manager

The Manhattan Community Board 11 is willing to act as a public document repository holding and making available of all provided environmental documents related to the 180 E125th Street Redevelopment Brownfield Cleanup Project.

Khalid Nixon
Name

August 12, 2024
Date

Assistant District Manager
Title