



NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION



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

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

Check the appropriate box below based on the nature of the amendment modification requested:

☐ Amendment to [check one or more boxes below]

- ☐ Add
- ☐ Substitute
- ☐ Remove
- ☐ Change in Name

an applicant(s) to the existing Brownfield Cleanup Agreement [*Complete Section I-IV below and Part II*]

Does this proposed amendment involve a transfer of title to all or part of the brownfield site? ☐ Yes ☐ No

If yes, pursuant to 6 NYCRR Part 375-1.11(d), please also submit a Change of Use form.

See <http://www.dec.ny.gov/chemical/76250.html>

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

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

☐ Other (explain in detail below)

Please provide a brief narrative on the nature of the amendment:

Addition to BCP Site C241162 of a contiguous 25 foot by 10 foot parcel (the "Addition"). The Addition was transferred to the Volunteer from Purves Street Development, BCP Site C241164, in accordance with a 60-Day Advance Notification of Site Change of Use, Transfer of Certificate of Completion, and/or Ownership previously submitted to the Department on or about July 3, 2014. See attachment "A" for a metes and bounds description and a property survey showing the Addition.

Subsequent to the execution of the BCA, Tax Block 268 Lots 24, 25, and 26 were merged into Block 268 Lot 1. This application amends the block and lot numbers to reflect the consolidation of lots consistent with the current tax map. A copy of the Application for Mergers of the lots is included as attachment "B."

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

04/2014

Section I. Existing Application Information		
BCP SITE NAME: 44-30 Purves Street		BCP SITE NUMBER: C241162
NAME OF CURRENT APPLICANT(S): Purves Street Owners, LLC		
INDEX NUMBER OF EXISTING AGREEMENT: C241162-06-14		DATE OF EXISTING AGREEMENT: July 1, 2014
Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)		
NAME		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
Is the requestor authorized to conduct business in New York State (NYS)? ☐ Yes ☐ No		
-If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's (DOS) Corporation & Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.		
NAME OF NEW REQUESTOR'S REPRESENTATIVE		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL §27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:		
☐ PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination. ☐ VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination. NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the contamination 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 contamination.		

Section II. New Requestor Information continued (if no change to Current Applicant, skip to Section V)

Requestor's Relationship to Property (check one):

☐ Prior Owner ☐ Current Owner ☐ Potential /Future Purchaser Other _____ ☐ Yes ☐ No
If requestor is not the site owner, requestor will have access to the property throughout the BCP project.
(Note: proof of site access must be submitted for non-owners)

Requester must submit proof that the party signing this Application and Amendment has the authority to bind the Requester. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC.

Describe Requestor's Relationship to Existing Applicant:

Section III. Current Property Owner/Operator Information (only include if new owner/operator or new existing owner/operator information is provided, and highlight new information)

OWNER'S NAME (if different from requestor)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

- | | | |
|--|------------------------------|-----------------------------|
| 1. Are any enforcement actions pending against the requestor regarding this site? | ☐ Yes | ☐ No |
| 2. Is the requestor subject to an existing order relating to contamination at the site? | ☐ Yes | ☐ No |
| 3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? | ☐ Yes | ☐ No |
| 4. Has the requestor been determined to have violated any provision of ECL Article 27? | ☐ Yes | ☐ No |
| 5. Has the requestor previously been denied entry to the BCP? | ☐ Yes | ☐ No |
| 6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants? | ☐ Yes | ☐ No |
| 7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? | ☐ Yes | ☐ No |
| 8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department? | ☐ Yes | ☐ No |
| 9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? | ☐ Yes | ☐ No |

Section V. Property description and description of changes/additions/reductions (if applicable)ADDRESS **44-30 Purves Street**CITY/TOWN **Long Island city**ZIP CODE **11101**

TAX BLOCK AND LOT (TBL) (in existing agreement)

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
44-30, 44-30A, 44-28, 44-26 Purves Street	268-1	2	268	1, 24, 25, 26	+/-0.616

Check appropriate boxes below:



Changes to metes and bounds description or TBL correction



Addition of property (may require a standard application depending on the size and nature of addition – see attached instructions)

Approximate acreage added: 0.0057

ADDITIONAL PARCELS:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
44-30 Purves Street	268-1 (former 4)	268	268	1 (formerly 4)	+/-0.0057



Reduction of property

Approximate acreage removed: _____

PARCELS REMOVED:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
44-30A, 44-28, 44-26 Purves Street consolidated into Block 268 Lot 1 (44-30 Purves St)			268	24,25,26	

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

PART II. BROWNFIELD CLEANUP AGREEMENT AMENDMENT

Existing Agreement Information	
BCP SITE NAME: 44-30 Purves Street	BCP SITE NUMBER: C241162
NAME OF CURRENT APPLICANT(S): Purves Street Owners, LLC	
INDEX NUMBER OF EXISTING AGREEMENT: C241162-06-14	
EFFECTIVE DATE OF EXISTING AGREEMENT: July 1, 2014	

Declaration of Amendment:

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

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

Statement of Certification and Signatures: New Requestor(s) (if applicable)
(Individual) I acknowledge and agree to the general terms and conditions set forth in DER-32 <i>Brownfield Cleanup Program Applications and Agreements</i>. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department. Date: _____ Signature: _____ Print Name: _____
(Entity) I hereby affirm that I am (title) of (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I acknowledge and agree to the general terms and conditions set forth in DER-32 <i>Brownfield Cleanup Program Applications and Agreements</i>. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. 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. _____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department. Date: _____ Signature: _____ Print Name: _____

Signature of Participant and Requestor (Existing Applicant) (an authorized representative of each applicant must sign)

(Individual)

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

Date: _____ Signature: _____ Print Name: _____

(Entity)

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

Date: 12/17/14 Signature: [Signature] Print Name: David Brause

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

☐ PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.	☒ VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.
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Effective Date of the Original Agreement: July 1, 2014

Effective Date of the Amendment: see below

Signature by the Department:

DATED: January 22, 2015

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By: [Signature]

Robert W. Schick, P.E., Director
Division of Environmental Remediation

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- **Two (2)** copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD, must be sent to:

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

- **One (1)** paper copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check [DEC's website](#) for information on our regional offices.

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____

LEAD OFFICE: _____

PROJECT MANAGER: _____

ATTACHMENT A

SCHEDULE A
DESCRIPTION OF PREMISES PAGE 1 OF 2

Policy Description

ALL THAT CERTAIN plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough and County of Queens, City and State of New York, bounded and described as follows:

BEGINNING at a point on the westerly side of Purvis Street (also known as Purves Street) distant 226 feet northerly from the corner formed by the intersection of the westerly side of Purvis Street with the northeasterly side of Thomson Avenue;

THENCE westerly along a line forming a right angle with the westerly side of Purvis Street a distance of 90 feet to a point, said point being the true point or place of beginning;

RUNNING THENCE westerly along a line forming a right angle with the westerly side of Purvis Street a distance of 10 feet to a point;

THENCE northerly along a line parallel with the westerly side of Purvis Street a distance of 25 feet to a point;

THENCE easterly along a line forming a right angle with the westerly side of Purvis Street a distance of 10 feet to a point;

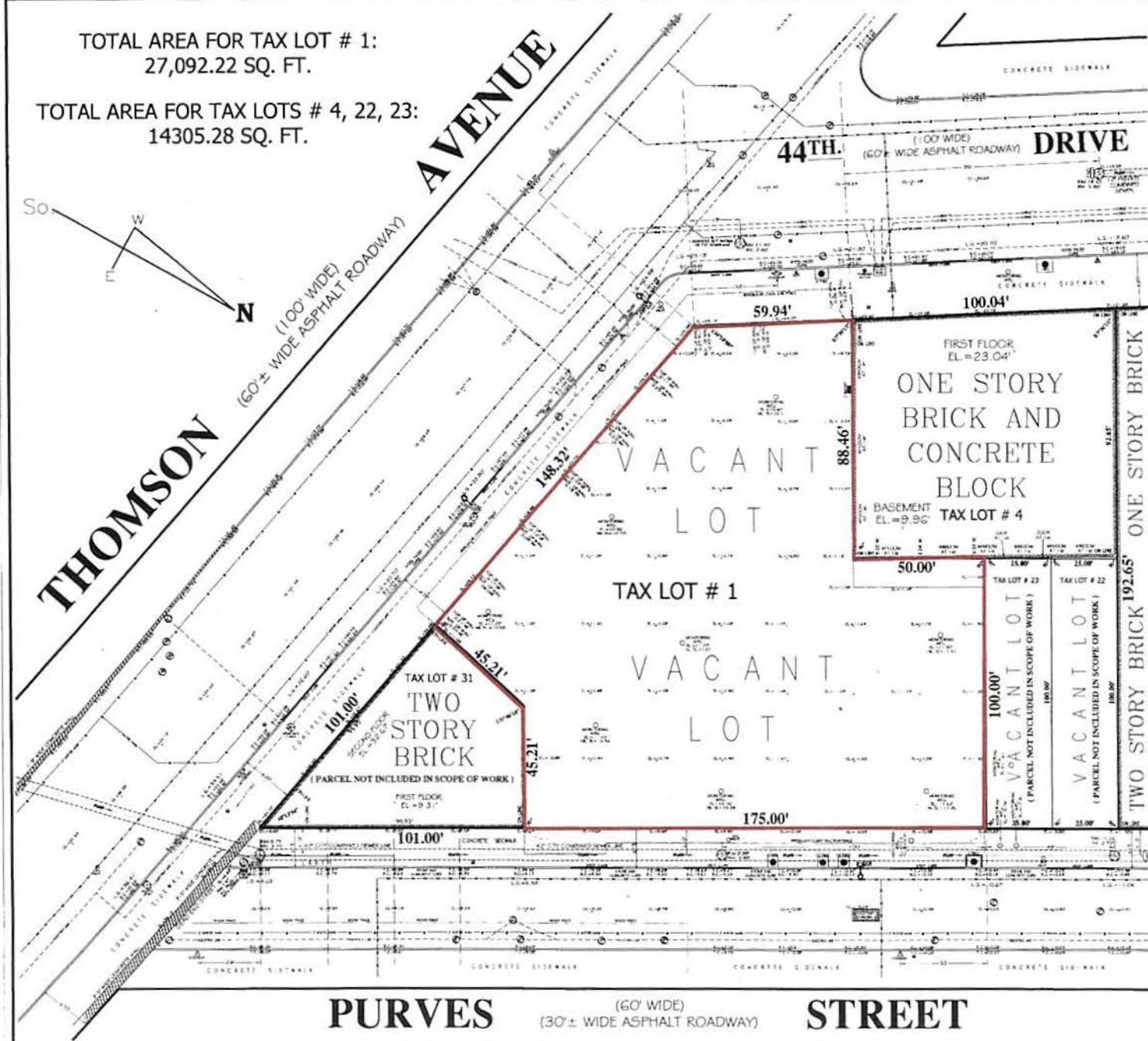
THENCE southerly and parallel with the westerly side of Purvis Street a distance of 25 feet to a point, the point or place of BEGINNING;

For conveyancing only, if intended to be conveyed: Together with all rights, title and interest of, in and to any streets and roads abutting the above described premises, to the center line thereof.



TOTAL AREA FOR TAX LOT # 1:
27,092.22 SQ. FT.

TOTAL AREA FOR TAX LOTS # 4, 22, 23:
14305.28 SQ. FT.



NOTE:

*** NOT FOR TITLE PURPOSES**

CAUTION: BEFORE PERFORMING ANY DIGGING OR DRILLING ON THIS SITE, IT IS REQUIRED THAT SUBSURFACE SERVICES, INCLUDING THE UNDERGROUND MAINS BE MARKED AND IDENTIFIED BY THE UTILITY INVOLVED IN COMPLIANCE WITH INDUSTRIAL CODE 53 OF NEW YORK STATE.

1) ALL ELEVATIONS REFER TO NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) WHICH IS 1.095 FEET ABOVE NATIONAL GEODETIC SURVEY DATUM AT SANDY HOOK NEW JERSEY.

2) UNDERGROUND UTILITY INFORMATION SHOWN WAS OBTAINED FROM VARIOUS COMPANIES AND CITY AGENCIES AND IS NOT GUARANTEED FOR ACCURACY OR COMPLETENESS.

3) THIS IS TO CERTIFY THAT THERE ARE NO APPARENT STREAMS NOR NATURAL WATER COURSES IN THE PROPERTY AS SHOWN ON THIS SURVEY.

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S INKED SEAL OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY. GUARANTEES OR CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. GUARANTEES OR CERTIFICATION ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

BLOCK 268
LOT AS SHOWN
SECTION 2
COUNTY QUEENS
DWG BY VOY.
SCALE 1"=24'

DATE	JOB No.	DESCRIPTION
04-11-2014	14169	TOPOGRAPHIC & BOUNDARY SURVEY

APPLE SURVEYING
2390 Mc DONALD AVE.
BROOKLYN, NY 11223
(REAR ENTRANCE)
TEL. 718 331 0800
FAX. 718 331 3380
E-MAIL: office@applesurveying.com

ATTACHMENT B



APPLICATION FOR MERGERS OR APPORTIONMENTS

Instructions: Please complete this application and submit in person to: Department of Finance, Division of Land Records - Tax Map Office, 66 John Street, 13th floor, New York, NY 10038. Please read the instructions for further details before completing this form. Print clearly.

SECTION A: PROPERTY INFORMATION

Borough: Queens Block: 268 Present Lot(s): 1, 24, 25, 26, 4

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

☒ Merger ☒ Apportionment Number of
Lots Requested 2

Now Lot Number: 1, 4

New Lot(s): ☒ Residential
Usage Building Gross
(check one) Sq/Ft: 9,305

☐ Commercial
Building Gross
Sq/Ft: _____

☒ Mix (Residential & Commercial)
Building Gross
Sq/Ft: 27,092

Property
1. Owner's Name: Brause, David - Thomson Avenue Funding LLC c/o Brause Realty Inc.

LAST NAME

FIRST NAME

Property
2. Address: 52 Vanderbilt Avenue NY NY 10017

NUMBER AND STREET

CITY

STATE

ZIP CODE

SECTION B: APPLICANT INFORMATION

1. Architect/Engineer/Applicant's Name: Kaplan Daniel

LAST NAME

FIRST NAME

2. Address: 22 West 19th Street NY NY 10011

NUMBER AND STREET

CITY

STATE

ZIP CODE

3. Telephone Number: 212-627-1700 4. Email Address: dkaplan@fxfowle.com

SECTION C: CERTIFICATION

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

Signature of Architect/ Engineer/Applicant: _____ Date: ____/____/____

TAX MAP CHANGE WILL NOT BE MADE UNTIL PRESENTATION OF REQUIRED DOCUMENTS (see reverse for the required documents)

DRAW SKETCH TO SCALE 1" = 50', IF POSSIBLE INDICATE NORTH ARROW



(Architect or Engineer's seal)

Lot(s) issued: _____
Customer Service Representative: Orbital Date: 6/19/14 New Lot(s): 1, 4 Lot(s) Affected: 1, 4, 25, 26, 24 Lot(s) Dropped: 25, 24, 26
Please note: Map changes will not be made until presentation of all required documents is reviewed and approved by the Cartographer.
Map Updated: _____
Tax Map Cartographer: _____ Date: ____/____/____