

18-46 Decatur Street Site Brownfield Cleanup Program Application and Supplemental Information

18-46 Decatur Street
Ridgewood, New York 11385
Section 4, Block 3579, Lot 45

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

Prepared for:
BMHQ Realty LLC
18-46 Decatur Street
Ridgewood, NY 11385

Prepared by:



121 West 27th Street, Suite 702
New York, NY 10001

October 2016 (revised)

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BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

Yes

No

If yes, provide existing site number: _____

PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 5*

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #: _____

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 Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application, to document that the requestor is authorized to do business in NYS.

Do all individuals that will be certifying documents meet the requirements detailed below? Yes No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. **Documents that are not properly certified will be not approved under the BCP.**

Section II. Project Description

1. What stage is the project starting at? Investigation Remediation

2. If the project is starting at the remediation stage, a Remedial Investigation Report (RIR), Alternatives Analysis, and Remedial Work Plan must be attached (see [DER-10 / Technical Guidance for Site Investigation and Remediation](#) for further guidance).

3. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): Yes No

4. Please attach a short description of the overall development project, including:

- the date that the remedial program is to start; and See attached addendum.
- the date the Certificate of Completion is anticipated.

Section III. Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (**please submit the information requested in this section in electronic format only**):

1. Reports: an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). See attached addendum.

2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum			
Chlorinated Solvents			
Other VOCs			
SVOCs			
Metals			
Pesticides			
PCBs			
Other*			

*Please describe: _____

3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:

- SAMPLE LOCATION
- DATE OF SAMPLING EVENT
- KEY CONTAMINANTS AND CONCENTRATION DETECTED
- FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE
- FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5
- FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

Yes No

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

Coal Gas Manufacturing	Manufacturing	Agricultural Co-op	Dry Cleaner
Salvage Yard	Bulk Plant	Pipeline	Service Station
Landfill	Tannery	Electroplating	Unknown

Other: _____

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME				
ADDRESS/LOCATION				
CITY/TOWN		ZIP CODE		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL):				
COUNTY		SITE SIZE (ACRES)		
LATITUDE (degrees/minutes/seconds) ° ' "		LONGITUDE (degrees/minutes/seconds) ° ' "		
COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach a metes and bounds description of the property.			Yes	No
2. Is the required property map attached to the application? (application will not be processed without map)			Yes	No
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information)			Yes	No
If yes, identify census tract : _____				
Percentage of property in En-zone (check one): 0-49% 50-99% 100%				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? Yes No				
If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?			Yes	No
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.			See attached addendum.	Yes No
7. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.			Yes	No

Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas?
If yes, identify here and attach appropriate information. Yes No

Easement/Right-of-way Holder

Description

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

Type

Issuing Agency

Description

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.**

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**?

Yes

No

11. For sites located within the five counties comprising New York City, is the requestor seeking a determination that the site is eligible for tangible property tax credits?

If yes, requestor must answer questions on the supplement at the end of this form.

Yes

No

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?

Yes

No

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?

Yes

No

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.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: _____

BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Anthony Montalbano			
ADDRESS c/o Phoenix Building Supply, Inc., 74-02 Forest Avenue			
CITY/TOWN Ridgewood		ZIP CODE 11385	
PHONE 718-381-5800	FAX 718-417-1179	E-MAIL anthony@forestbuilderssupply.com	
NAME OF REQUESTOR'S CONSULTANT Matthew Carroll, PE / Tenen Environmental, LLC			
ADDRESS 121 West 27th Street, Suite 702			
CITY/TOWN New York		ZIP CODE 10001	
PHONE 646-606-2332	FAX 646-606-2379	E-MAIL mcarroll@tenen-env.com	
NAME OF REQUESTOR'S ATTORNEY Michael Bogin / Sive, Paget & Riesel, P.C.			
ADDRESS 460 Park Avenue, 10th Floor			
CITY/TOWN New York		ZIP CODE 10022	
PHONE 212-421-2150	FAX 212-421-1891	E-MAIL mbogin@sprlaw.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME Bernd and Stephanie Messing		OWNERSHIP START DATE: 11-23-2015	
ADDRESS 400 East 84th Street, PH1			
CITY/TOWN New York		ZIP CODE 10028	
PHONE 718-381-5800	FAX 718-417-1179	E-MAIL ben@fbs78.com	
CURRENT OPERATOR'S NAME Phoenix Building Supply, Inc.			
ADDRESS 74-02 Forest Avenue			
CITY/TOWN Ridgewood		ZIP CODE 11385	
PHONE 718-381-5800	FAX 718-417-1179	E-MAIL anthony@forestbuilderssupply.com	
<p>IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.</p> <p>PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".</p>			
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

Section VII. Requestor Eligibility Information (continued)

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. Yes No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. Yes No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? Yes No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? Yes No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? Yes No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9 (f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? Yes No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? Yes No
11. Are there any unregistered bulk storage tanks on-site? Yes No

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

PARTICIPANT

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

VOLUNTEER

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

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

Previous Owner Current Owner Potential /Future Purchaser Other_____

Requestor LLC's sole member is Owner of Property

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached?

Yes No

Note: a purchase contract does not suffice as proof of access.

Section VIII. Property Eligibility Information - See Instructions for Further Guidance

1. Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment.

Yes No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305?
If yes, please provide: Site # _____ Class # _____

Yes No
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: _____

Yes No
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

Yes No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?
If yes, please provide: Order # _____

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

Yes No

Section IX. Contact List Information

To be considered complete, the application must include the Brownfield Site Contact List in accordance with [DER-23 / Citizen Participation Handbook for Remedial Programs](#). Please attach, at a minimum, the names and addresses of the following: See attached addendum.

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of an acknowledgement from the repository indicating that it agrees to act as the document repository for the property.
8. Any community board located in a city with a population of one million or more, if the proposed site is located within such community board's boundaries.

Section X. Land Use Factors	
1. What is the current zoning for the site? What uses are allowed by the current zoning? <div style="display: flex; justify-content: space-around;"> Residential Commercial Industrial </div> If zoning change is imminent, please provide documentation from the appropriate zoning authority.	
2. Current Use: Residential Commercial Industrial Vacant Recreational (check all that apply) <div style="text-align: right;">See attached addendum.</div> Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.	
3. Reasonably anticipated use Post Remediation: Residential Commercial Industrial (check all that apply) Attach a statement detailing the specific proposed use. See attached addendum. If residential, does it qualify as single family housing? Yes No	
4. Do current historical and/or recent development patterns support the proposed use?	Yes No
5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.	Yes No
6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.	Yes No

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I acknowledge and agree to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. 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 sole member (title) of BMHQ Realty LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree to execute a BCA within 60 days of the date of DEC's approval letter. 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: 9-30-16 Signature: [Signature]

Print Name: BRAND MESSING

SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), must be sent to:
 - Chief, Site Control Section
 - New York State Department of Environmental Conservation
 - Division of Environmental Remediation
 - 625 Broadway
 - Albany, NY 12233-7020

FOR DEC USE ONLY

BCP SITE T&A CODE: _____ **LEAD OFFICE:** _____

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City ONLY. Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a) must be submitted if requestor is seeking this determination.

BCP App Rev 5

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	Yes	No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	Yes	No
Please answer questions below and provide documentation necessary to support answers.		
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see DEC's website for more information.	Yes	No
2. Is the property upside down or underutilized as defined below?	Upside Down?	Yes No
	Underutilized?	Yes No
<p>From ECL 27-1405(31):</p> <p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p> <p>From 6 NYCRR 375-3.2(I) as of July 1, 2015: (Please note: Eligibility determination for the underutilized category can only be made at the time of application)</p> <p>(I) "Underutilized" means, as of the date of application, real property:</p> <p>(1) on which a building or buildings, can be certified by the municipality in which the site is located, to have for at least five years used no more than fifty percent of the permissible floor area under the applicable base zoning immediately prior to the application which has been in effect for at least five years;</p> <p>(2) at which the proposed development is solely for a use other than residential or restricted residential;</p> <p>(3) which could not be developed without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(4) which is subject to one or more of the following conditions, as certified by the municipal department responsible for such determinations of the municipality in which the site is located:</p> <p>(i) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(ii) contains a building that is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or</p> <p>(iii) the proposed use is in whole or in substantial part for industrial uses.</p> <p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, or land purchase cost exemption or waiver, from a governmental entity; or for properties to be developed in whole or in part for industrial uses, a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or a tax credit, from a governmental entity, or a low-cost loan from an industrial fund managed by the municipality and partner financial institutions.</p>		

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)

3. Is the project an affordable housing project as defined below? Yes No

From 6 NYCRR 375- 3.2(a) as of July 1, 2015:

(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, that defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' households annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, that sets affordable units aside for tenants at a defined maximum percentage of the area median income.

(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

BCP Application Summary (for DEC use only)**Site Name:****City:****Site Address:****County:****Zip:****Tax Block & Lot****Section (if applicable):****Block:****Lot:****Requestor Name:****City:****Requestor Address:****Zip:****Email:****Requestor's Representative (for billing purposes)****Name:****Address:****City:****Zip:****Email:****Requestor's Attorney****Name:****Address:****City:****Zip:****Email:****Requestor's Consultant****Name:****Address:****City:****Zip:****Email:****Percentage of site within an En-Zone:****0%****<50%****50-99%****100%****Requestor's Requested Status:****Volunteer****Participant**

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM (BCP)
INSTRUCTIONS FOR COMPLETING 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 and/or Application, use the [BCP Agreement Amendment Application](#). **See guidance at the end of these instructions regarding the determination of a complete application.**

SECTION I REQUESTOR INFORMATION

Requestor Name

Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information. If an LLC, the members/owners names need to be provided on a separate attachment). The requestor is the person or entity seeking DEC review and approval of the remedial program.

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.

Address, etc.

Provide the requestor's mailing address, telephone number; fax number and e-mail address.

Document Certification

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:

- New York State licensed professional engineers (PEs), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a PE with current license and registration for work that was done by them or those under their direct supervision. The firm by which the PE 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 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 Certificate of Completion is anticipated..

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION III

PROPERTY'S ENVIRONMENTAL HISTORY

Please follow instructions on application form.

SECTION IV

PROPERTY INFORMATION

Proposed Site Name

Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e. ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.

Site Address

Provide a street address, city/town, zip code, and each municipality and county in which the site is located. .

Site Size

Provide the approximate acreage of the site.

GIS Information

Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.

Tax Parcel Information

Provide the tax parcel address/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5 minute quad map on which the property appears and clearly indicate the proposed site's location.

1. Tax Map Boundaries

State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.

2. Map

Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION IV (continued)

3. En-zone

Is any part of the property in an En-zone? If so, what percentage? For information on En-zones, please see [DEC's website](#).

4. Multiple applications

Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where 1) the development project spans more than 25 acres; 2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and 3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).

10. Property Description Narrative

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

Location

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

Site Features:

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

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

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

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

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

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION IV (continued)

Property Description Narrative (continued)

Site Geology and Hydrogeology:

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

Environmental Assessment

The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semivolatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths.

The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SGCs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site.

A typical Environmental Assessment would look like the following:

Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE).

Soil - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the site. Concentrations of cadmium found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).

Groundwater - TCE and its associated degradation products are also found in groundwater at the north end of the site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the site has migrated 300 feet down-gradient off-site. The primary contaminant of concern for the off-site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.

Soil Vapor & Indoor Air - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

SECTION V

ADDITIONAL REQUESTOR INFORMATION

Representative Name, Address, etc.

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

Consultant and Attorney Name, Address, etc.

Provide requested information.

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**SECTION VI CURRENT PROPERTY OWNER/OPERATOR INFORMATION
(IF NOT A REQUESTOR)**

Owner Name, Address, etc.

Provide requested information of the current owner of the property. List all parties holding an interest in the Property and, if the Requestor is not the current owner, describe the Requestor's relationship to the current owner.

Operator Name, Address, etc.

Provide requested information of the current operator (if different from the requestor or owner).

Provide a list of previous property owners and operators with names, last known addresses, telephone numbers and the Requestor's relationship to each owner and operator as a separate attachment

SECTION VII REQUESTOR ELIGIBILITY INFORMATION

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

SECTION VIII PROPERTY ELIGIBILITY INFORMATION

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

1. CERCLA / NPL Listing

Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.

2. Registry Listing

Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) [website](#) for a database of sites with classifications.

3. RCRA Listing

Does the property have a Resource Conservation and Recovery Act (RCRA) TSDF Permit in accordance with the ECL 27-0900 *et seq*? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.

4. Registry / RCRA sites owned by volunteers

If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

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SECTION VIII (continued)

5. Existing Order

Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.

6. Enforcement Action Pending

Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information on an attachment.

SECTION IX CONTACT LIST INFORMATION

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project.

SECTION X LAND USE FACTORS

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

1. This information consists of responses to the "land use" factors to be considered relative to the "Land Use" section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a "brownfield site" pursuant to ECL 27-1405(2).
2. This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

SECTION XI SIGNATURE PAGE

The Requestor must sign the application, or designate a representative who can sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each must sign a signature page.

**NEW YORK STATE
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DETERMINATION OF A COMPLETE APPLICATION

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

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DETERMINATION OF A COMPLETE APPLICATION (continued)

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

Brownfield Cleanup Program Application Addendum

Section I. Requestor Information

The requestor is BMHQ Realty LLC, a domestic limited liability company.

Attached as Exhibit I is the New York State Department of State entity information for the requestor.

The Application is signed by the following representative of the requestor: Bernd Messing. A corporate authorization is included in Exhibit II.

Section II. Project Description

The prior investigations of the Site have confirmed the presence of on-Site contamination at levels exceeding the applicable New York State Department of Health Soil Vapor Matrix guidance based on the reasonably anticipated use of the property for commercial and/or industrial purposes. Site investigations conducted in 2016 have identified chlorinated solvents at elevated concentrations in soil vapor. Specific contaminants and maximum concentrations are further detailed in Section II. In particular, the soil vapor is impacted with tetrachloroethene (PCE), consistent with the historic use of the Site as a dry cleaner for a period of approximately 24 years. Based upon the location and distribution of elevated PCE concentrations, these impacts are attributable to the historic dry cleaning operations at this location before the current owner's purchase of the Site in 2015.

The Site is currently used as storage associated with the building supply company. Remediation of soil vapor impacts is necessary to restore the industrial unit to productive use and ensure continued occupancy of the rest of the Site.

4. Schedule. The remedial program (investigation) is estimated to begin in October 2016 and the remedial actions are estimated to begin in February 2017. The Certificate of Completion (COC) is estimated by the end of 2017. An estimated project schedule is included as Exhibit III.

Section III. Property's Environmental History

1. Reports. All referenced environmental reports are provided in Exhibit IV and include:

Phase I Environmental Site Assessment, 1846 Decatur Street, Queens, New York. EBI Consulting (EBI), May 10, 2016. Completed in accordance with ASTM E 1527-13.

Phase II Environmental Site Assessment, 18-46 Decatur Street, Queens, New York. EBI, June 3, 2016. Completed in accordance with ASTM E 1903-97.

2. Drawings. One drawing, showing selected soil vapor concentrations, is included in Exhibit V. The data depicted in this drawing is based upon the results of the June 3, 2016 Phase II Environmental Site Assessment referenced above.

Section IV. Property Information

A Site Location Map, Site Figure Map, and Tax Map are attached hereto as Exhibit V.

1. Tax Map Metes and Bounds

The boundaries of the Site correspond to the tax lot (Block 3579, Lot 45). Adjacent sidewalks are outside of the tax lot and are outside of the site boundaries.

10. Property Description Narrative

Location. The Site, with an address of 18-46 Decatur Street, is located in an urban area and is identified as Block 3579, Lot 45. The Site is located on the east side of Decatur Street, between Forest and Seneca Avenues, in the Ridgewood area of Queens.

Site Features. The Site is developed with a two-story industrial use building. There is no basement.

Current Zoning and Land Use. The Site is currently zoned M1-4D industrial and is currently used for storage of building supply materials. The adjacent properties are residential, industrial and transportation (railroad) facilities.

Past Use of the Site. The Site use has been industrial since at 1953, with a dry cleaning facility occupying the property for at least 24 years. Prior to the industrial use, the Site was developed with wagon and auto storage sheds. The prior use of the Site as a dry cleaner has led to documented impacts to soil vapor at the Site. These impacts were identified during sampling in May 2016. No remediation has been completed at the Site to date.

Site Geology and Hydrogeology. The surface topography slopes down to the west. Based on the U.S. Geological Survey (Brooklyn-NY 2013 Quadrangle) topographic map, the property lies at an elevation of approximately 80 feet above the National Geodetic Vertical Datum of 1929 (an approximation of mean sea level). The shallow soils include historic fill material to depths of up to two feet below the building slab, underlain by native sands to depths of at least 8.5 feet below the slab. The approximate depth to bedrock is 300 feet from grade surface.

Based on U.S. Geologic Survey (Long Island Depth to Water Viewer 2013) data, groundwater is estimated at a depth of approximately 68 feet below grade. The assumed groundwater flow direction is toward the northwest.

Environmental Assessment. Based upon investigations conducted to date, the primary contaminants of concern for the Site are tetrachloroethene (PCE) and trichloroethene (TCE).

PCE was detected in soil vapor at elevated concentrations [max: 401,000 micrograms per cubic meter (ug/m³)]. TCE, a degradation compound of PCE, was also detected in soil vapor at elevated concentrations (max: 597 ug/m³).

PCE was detected in soil, but below the Part 375 Unrestricted Use soil cleanup objectives

(SCOs). No other volatile organic compounds (VOCs) were detected in soil.

Groundwater was not sampled but the elevated soil vapor concentrations suggest groundwater may be a potential source of impacts to soil vapor.

Section VI. Current Property Owner/Operator Information

Prior owners and operators for the Site are listed below.

Previous Owners

Dates Owned	Owner Last Known Address	Requestor's Relationship to Owner
Prior to 7/3/1987	Reicher Knitting Mill, Inc. 1846 Decatur Street Ridgewood, NY 11385 Telephone: unknown	None
7/3/1987 to 8/28/2007	Alexander J. Cutrone 300 Edwards Street, Apt 4NW Roslyn Heights, NY 11577 Telephone: unknown and Dominick Arcuri 169 Chichester Road Huntington, NY 11743 Telephone: (631) 421-7315	None
8/28/2007 to 11/16/2011	Dominick Arcuri 169 Chichester Road Huntington, NY 11743 Telephone: (631) 421-7315	None
11/16/2011 to 11/23/2015	Thomtux Realty, LLC 1846 Decatur Street Ridgewood, NY 11385 Telephone: unknown	None
11/23/2015 to present	Bernd and Stephanie Messing 400 East 84 th Street, PH 1 New York, NY 10028 Telephone: (713) 381-5800	Bernd Messing is Sole Member of Requestor LLC

Previous Operators

Known Operating Dates	Operator	Requestor's Relationship to Operator
1962	Westra Wigod, Inc. Site is last known address Telephone: unknown	None
1967 to 1983	Reicher Knitting Mill Site is last known address Telephone: unknown	None
1991 to 2015	Full Dress Formals Site is last known address Telephone: (718) 386-0085 is last known number	None
2013	Tuxedo Wholesalers of NY Site is last known address Telephone: (718) 386-0085 is last known number	None
2015 – Current	Forest Builders Supply 74-02 Forest Avenue Ridgewood, NY 11385 Telephone: (718) 381-5800	Member of Requestor is Owner of Operator

Section VII. Volunteer Status of Requestor

Requestor BMHQ Realty LLC and site owner Bernd Messing (the sole member of Requestor LLC) meet the eligibility requirements of ECL 27-1407. In addition to the information provided in Section VII of the Brownfield Cleanup Agreement amendment application, BMHQ Realty LLC is a newly formed entity with no prior ownership interest in the site. The owner, Bernd Messing, acquired the site less than one year ago (November 2015) and has no affiliation with the previous owner(s) responsible for the contamination at the site. Since acquiring the property, Bernd Messing and/or BMHQ Realty LLC have been actively engaged in the process of seeking acceptance into the Brownfield Cleanup Program, in order to delineate and clean up suspected contamination at the site.

Section IX. Contact List Information

1. The Chief Executive Officer And Planning Board Chairperson Of Each County, City, Town And Village In Which The Property Is Located.

Mayor Bill de Blasio
City of New York
253 Broadway
New York, NY 10007-1200

Michael Gianaris
NYS Senate – District 12
31-19 Newtown Avenue, Suite 402
Astoria, NY 11102

Michael Miller
NYS Assembly – District 38
83-91 Woodhaven Boulevard
Woodhaven, NY 11421

Melinda R. Katz
Queens Borough President
Queens Borough Hall
120-55 Queens Boulevard
Kew Gardens, NY 11424

Antonio Reynoso
Council Member – District 34
244 Union Avenue
Brooklyn NY 11211

Carl Weisbrod, Director
Department of City Planning
22 Reade Street
New York, NY 10007-1216

Department of City Planning
Queens Borough Office
120-55 Queens Boulevard, Room 201
Kew Gardens, NY 11424

2. Residents, Owners, And Occupants Of The Property And Properties Adjacent To The Property.

18-46 Decatur Street (Block 3579, Lot 45)

Owner:

Bernd and Stephanie Messing
400 East 84th Street, PH 1
New York, NY 10028

Operator:
Phoenix Building Supply, Inc.
74-02 Forest Avenue
Ridgewood, NY 11385

LIRR (Block 3579, Lot 11)

Owner:
MTA Long Island Rail Road
Jamaica Station
Jamaica, NY 11435-4380
Patrick Nowakowski, President

18-48 Decatur Street (Block 3579, Lot 48)

Owner:
Richard Saenz
18-48 Decatur Street
Ridgewood, NY 11385

18-45 Decatur Street (Block 3578, Lot 35)

Owner:
Messing Queens Realty
74-02 Forest Avenue
Ridgewood, NY 11385

Operator:
Phoenix Building Supply, Inc.
74-02 Forest Avenue
Ridgewood, NY 11385

18-39 Decatur Street (Block 3578, Lot 38)

Owner:
Lobsand Choedon
18-39 Decatur Street
Ridgewood, NY 11385

18-37 Decatur Street (Block 3578, Lot 40)

Owner:
Messing Queens Realty
74-02 Forest Avenue
Ridgewood, NY 11385

Operator:
Phoenix Building Supply, Inc.
74-02 Forest Avenue
Ridgewood, NY 11385

18-40 Decatur Street (Block 3579, Lot 44)

Owner:
Carmen Roman
18-40 Decatur Street
Ridgewood, NY 11385

3. Local News Media From Which The Community Typically Obtains Information.

The New York Daily News
4 New York Plaza
New York, NY 10004

Queens Chronicle
6233 Woodhaven Boulevard
Rego Park, NY 11374

1010 WINS-CBS Radio
888 7th Avenue, 10th Floor
New York NY 10106

NY1 News
75 Ninth Avenue
New York, NY 10011

4. The Public Water Supplier Which Services The Area In Which The Property Is Located

Public water is provided from upstate New York reservoirs by the City of New York, Department of Environmental Protection (Consumer Service Center: 59-17 Junction Boulevard, 10th Floor, Flushing, NY 11373).

5. Any Person Who Has Requested To Be Placed On The Contact List.

We are unaware of any requests for inclusion on the contact list.

6. The Administrator Of Any School Or Day Care Facility Located On Or Near The Property.

Kopciuszek Daycare
6011 71st Avenue
Ridgewood, NY 11385
Eugenia Jozwik, Owner

My First Steps Day Care Center
5864 78th Avenue
Ridgewood, NY 11385
Rolffi Gonzalez, Owner

Little Future Einstein's Daycare
18-14 Centre Street
Queens, NY 11385
Daisy C. Amador, President

I.S. 77
976 Seneca Avenue
Queens, NY 11385
Joseph Miller, Principal

P.S. 68 Cambridge
59-09 Saint Felix Avenue
Queens, NY 11385
Anne Marie Snadecky, Principal

7. Locations of the Document Repository

Queens Library at Ridgewood
20-12 Madison Street
Ridgewood, NY 11385

Queens Community Board 5
61-23 Myrtle Avenue
Flushing, NY 11385

Letters from the repositories are included as Exhibit VI.

8. In Cities With A Population of One Million or More, The Local Community Board If The Proposed Site Is Located Within Such Community Board's Boundaries

Community Board #5 Queens
61-23 Myrtle Avenue
Glendale, NY 11385

Section IX. Land Use Factors

2. The property is currently used for storage of building supply materials.
3. The anticipated post-remedial use: the anticipated use of the property will be continued use as storage for building supply materials.

5. The proposed use is consistent with the applicable zoning (M1-4D).
6. There are no applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans or other adopted land use plans for the Site.

Exhibit I

NYSDOS Entity Information

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through September 13, 2016.

Selected Entity Name: BMHQ REALTY LLC

Selected Entity Status Information

Current Entity Name: BMHQ REALTY LLC

DOS ID #: 5007368

Initial DOS Filing Date: SEPTEMBER 13, 2016

County: QUEENS

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

BERND MESSING

1846 DECATUR ST.

RIDGEWOOD, NEW YORK, 11385

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

*Stock Information

# of Shares	Type of Stock	\$ Value per Share
-------------	---------------	--------------------

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
SEP 13, 2016	Actual	BMHQ REALTY LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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Exhibit II

Corporate Authorization

BMHQ REALTY LLC
ACTION BY WRITTEN
CONSENT OF SOLE MEMBER

Effective as of: September 19, 2016

The undersigned, being the Sole Member of BMHQ Realty LLC, a limited liability company organized and existing under the laws of the State of New York (the "*Company*"), hereby adopts the following actions and resolutions to be effective as of date written above.

WHEREAS, the Company is the operator of that certain real property located at 18-46 Decatur Street, Ridgewood, New York, Tax Block 3579, Lot 45 (the "*Property*");

WHEREAS, the Company desires to include the Property in the New York State Department of Environmental Conservation Brownfields Cleanup Program (the "*BCP*"); and

WHEREAS, the Company desires to enter into a Brownfield Site Cleanup Agreement with the New York State Department of Environmental Conservation (the "*Agreement*") to evidence the inclusion of the Property in the BCP.

NOW, THEREFORE, BE IT RESOLVED, that the undersigned deems it to be advisable and in the best interests of the Company to include the Property in the BCP and to enter into the Agreement;

RESOLVED FURTHER, that the inclusion of the Property in the BCP and the Agreement are hereby approved and authorized in all respects;

RESOLVED FURTHER, that Bernd Messing, as authorized signatory (the "*Authorized Signatory*"), be, and hereby is, authorized and directed, in the name and on behalf of the Company its corporate seal or otherwise, to execute and deliver any and all agreements, resolutions, documents, certificates and authorizations which may be necessary, convenient or advisable to effect the inclusion of the Property in the BCP, including but not limited to, the Agreement and any environmental easement required under the BCP, and to take such additional actions as he deems desirable and appropriate to carry out the intent and to accomplish the purposes of these resolutions;

RESOLVED FURTHER, that any and all lawful action taken in good faith by the Authorized Signatory prior to the date hereof on behalf of the Company and in furtherance of the transactions contemplated by the foregoing resolutions are in all respects ratified, confirmed and approved by the Company as its own acts and deeds, and shall be conclusively deemed to be the acts and deeds of the Company for all purposes; and

REVOLVED FURTHER, that the Authorized Signatory hereby is authorized to execute any and all documents or instruments and to do and perform any and all such other lawful acts and things that may be deemed necessary, appropriate or advisable to effect the purposes of each of the foregoing resolutions.

IN WITNESS WHEREOF, the undersigned has executed this Unanimous Action by Written Consent of the Sole Member to be effective as of the date first written above.

A handwritten signature in black ink, appearing to be 'B. Messing', is written above a horizontal line.

Bernd Messing

ACCESS AGREEMENT FOR BROWNFIELD CLEANUP PROGRAM

As the owner of the property located at 18-46 Decatur Street, Queens, NY, Block 3579, Lot 43 (the "Property"), I hereby grant BHMQ Realty LLC (the "LLC") access to the Property to perform any and all activities necessary to implement the Brownfield Cleanup Program in the event that the LLC enters into a Brownfield Cleanup Agreement with the New York State Department of Environmental Conservation.

This commitment shall become effective upon the LLC signing as indicated below.



Bernd Messing

AGREED AND ACCEPTED:
BMHQ Realty LLC



By: _____

Bernd Messing

Exhibit III

Estimated Project Schedule

18-46 Decatur Street – Queens, NY
Estimated Project Schedule

November 2016	BCP Application submittal to NYSDEC; ENB, contact list and local newspaper publication of Applicant's request to participate in BCP; Draft RIWP and CPP submittal to NYSDEC
December 2016	Close of 30 day public comment period on BCP Application and draft RIWP
January – February 2016	Implement RIWP
March 2016	Draft RIR submittal to NYSDEC; ENB, contact list notification of Draft RIR
April 2016	Close of 30 day public notice period on Draft RIR
May 2016	Draft RAWP submittal to NYSDEC
June 2016	ENB, contact list notification of Draft RAWP
August 2016	Close of 45 day public comment period on Draft RAWP
September 2016	Notice of start of remedial action
September 2016 – January 2017	Implement RAWP
February 2017	Environmental Easement package submittal to NYSDEC
March 2017	Draft SMP submittal to NYSDEC
April 2017	Draft FER submittal to NYSDEC
June 2017	COC Issuance

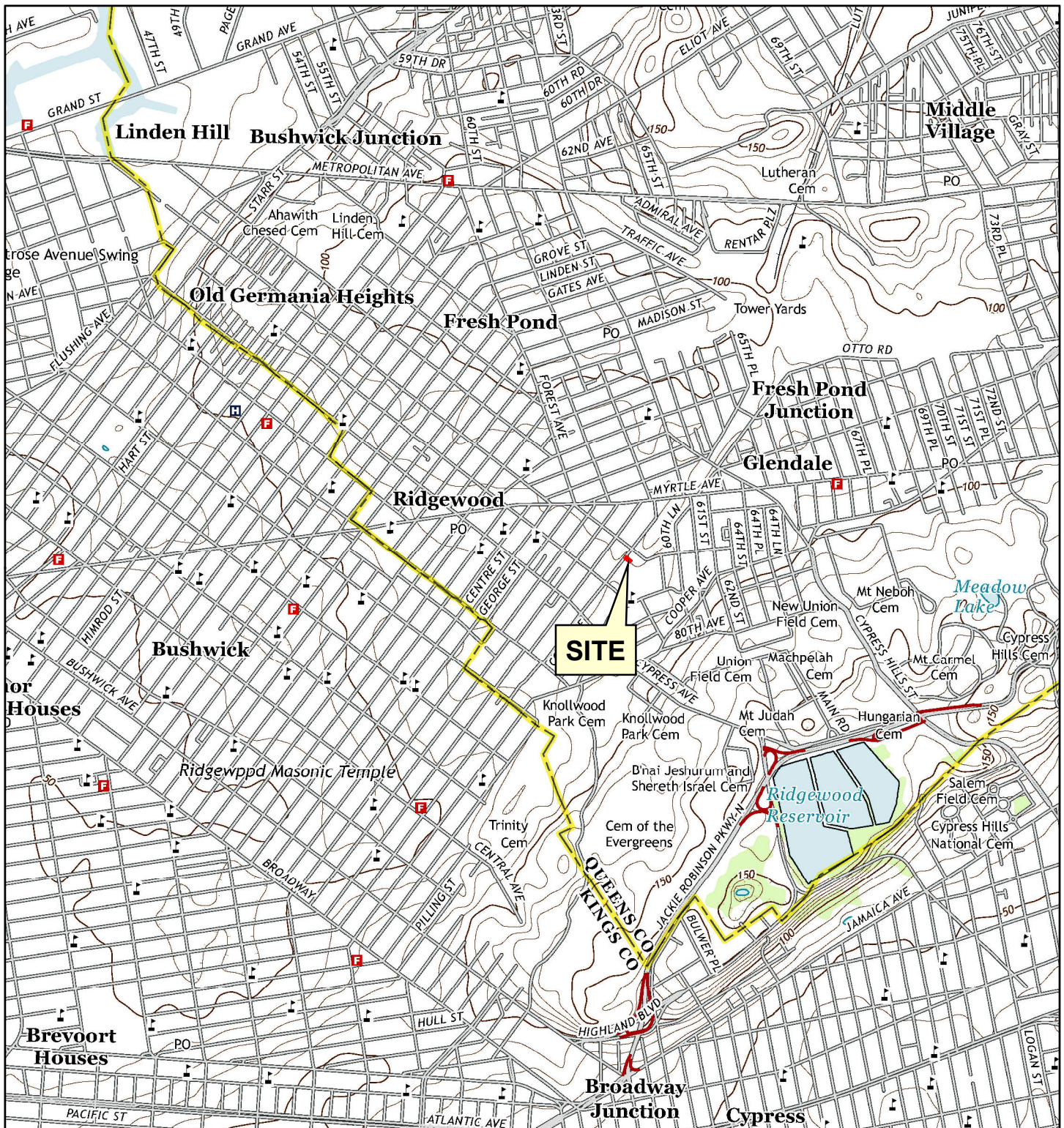
Note: based on RIR results, IRM Work Plans may be submitted.

Exhibit IV

Environmental Reports (on CD only)

Exhibit V

Figures



Basemap: Sources: USGS Brooklyn - NY Quadrangle, 2013
<http://www.usgs.gov>



0 1,000 2,000 4,000 Feet

Drawing No. Figure 1	Drawn By LM	TENEN ENVIRONMENTAL Tenen Environmental, LLC 121 West 27th Street, Suite 702 New York, NY 10001 O: (646) 606-2332 F: (646) 606-2379	18-46 Decatur Street Ridgewood, New York Block 3579, Lot 45
	Checked By MC		
Drawing Title Site Location Map	Date August 2016 Scale As Noted		



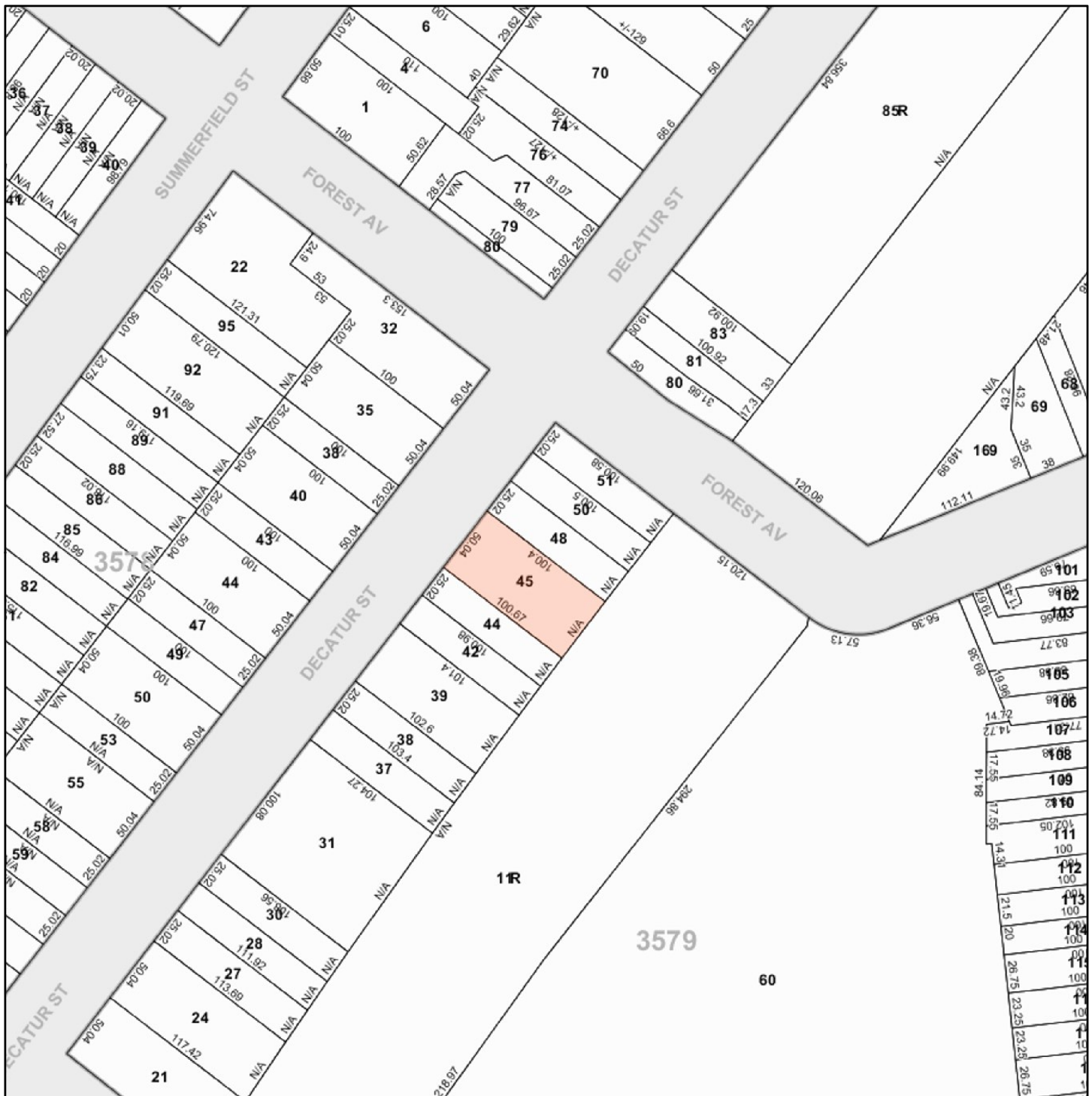
Legend

Site Boundary



0 15 30 60 Feet

Drawing No. Figure 2	Drawn By LM Checked By MC	<div style="background-color: #00AEEF; color: white; padding: 5px; text-align: center;">TENEN ENVIRONMENTAL</div> Tenen Environmental, LLC 121 West 27th Street, Suite 702 New York, NY 10001 O: (646) 606-2332 F: (646) 606-2379	18-46 Decatur Street Ridgewood, New York Block 3579, Lot 45
Drawing Title Site Layout	Date August 2016		
	Scale As Noted		

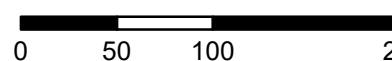


NYC Department of Finance Digital Tax Map
<http://gis.nyc.gov/taxmap/map.htm>

Legend

 Project Site



 Feet
0 50 100 200

<p>Drawing No.</p> <p>Figure 3</p>	<p>Drawn By</p> <p>LM</p> <p>Checked By</p> <p>MC</p>	<p>TENEN ENVIRONMENTAL</p> <p>Tenen Environmental, LLC 121 West 27th Street, Suite 702 New York, NY 10001 O: (646) 606-2332 F: (646) 606-2379</p>	<p>18-46 Decatur Street Ridgewood, New York Block 3579, Lot 45</p>
<p>Drawing Title</p> <p>Tax Map</p>	<p>Date</p> <p>August 2016</p> <p>Scale</p> <p>As Noted</p>		




NYC Department of Finance Digital Tax Map
<http://gis.nyc.gov/taxmap/map.htm>

ID	Block	Lot	Owner
A	3579	48	Richard Saenz
B	3579	11	Long Island Rail Road
C	3579	44	Carmen Roman
D	3578	40	Messing Queens Realty
E	3578	38	Lobsand Choedon
F	3578	35	Messing Queens Realty



0 30 60 120 Feet

Drawing No. Figure 4	Drawn By LM	 Tenen Environmental, LLC 121 West 27th Street, Suite 702 New York, NY 10001 O: (646) 606-2332 F: (646) 606-2379	18-46 Decatur Street Ridgewood, New York Block 3579, Lot 45
	Checked By MC		
Drawing Title Adjacent Property Owners	Date September 2016		
	Scale As Noted		



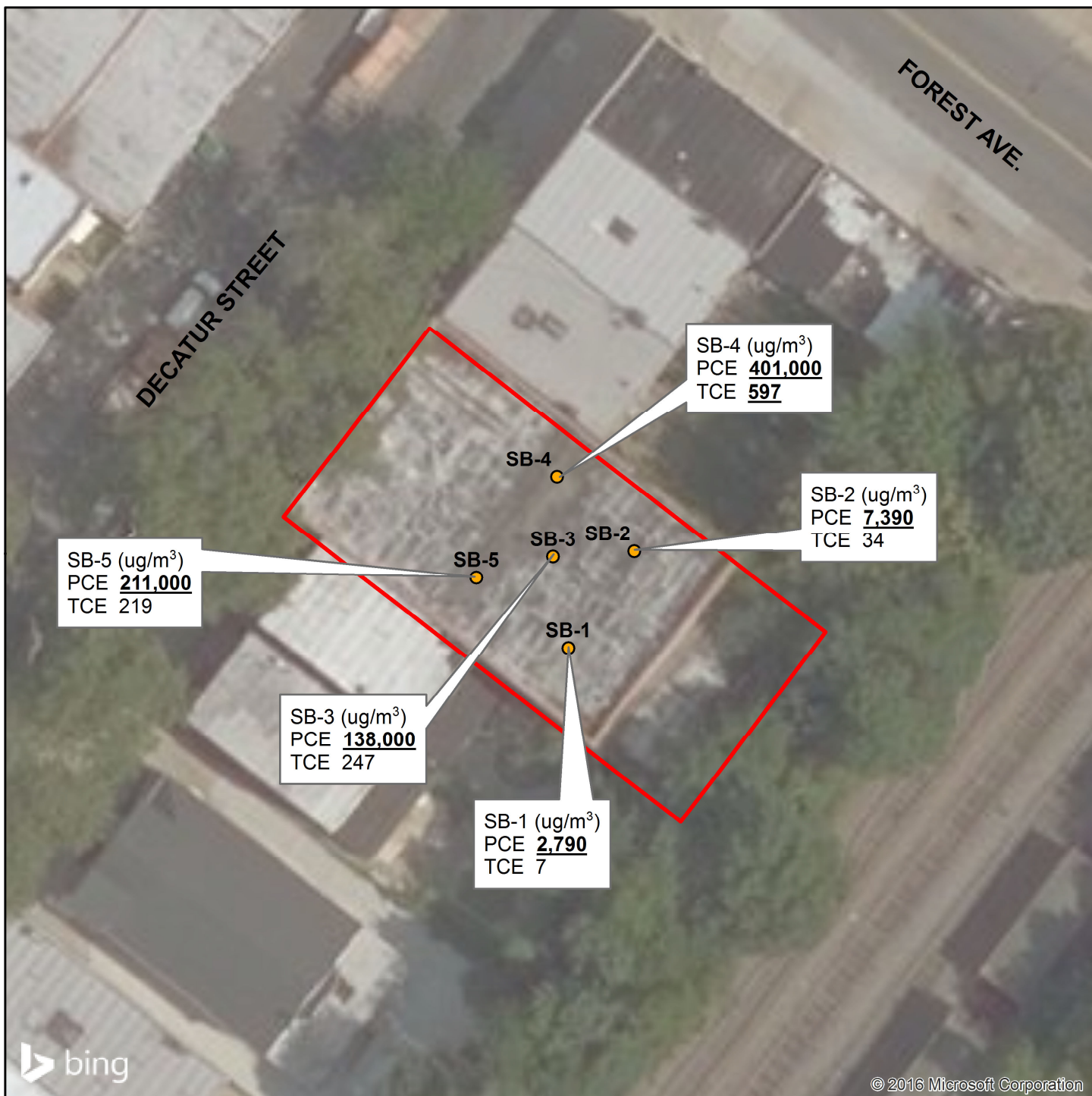
Legend

- Soil Vapor Sample Locations
- Site Boundary

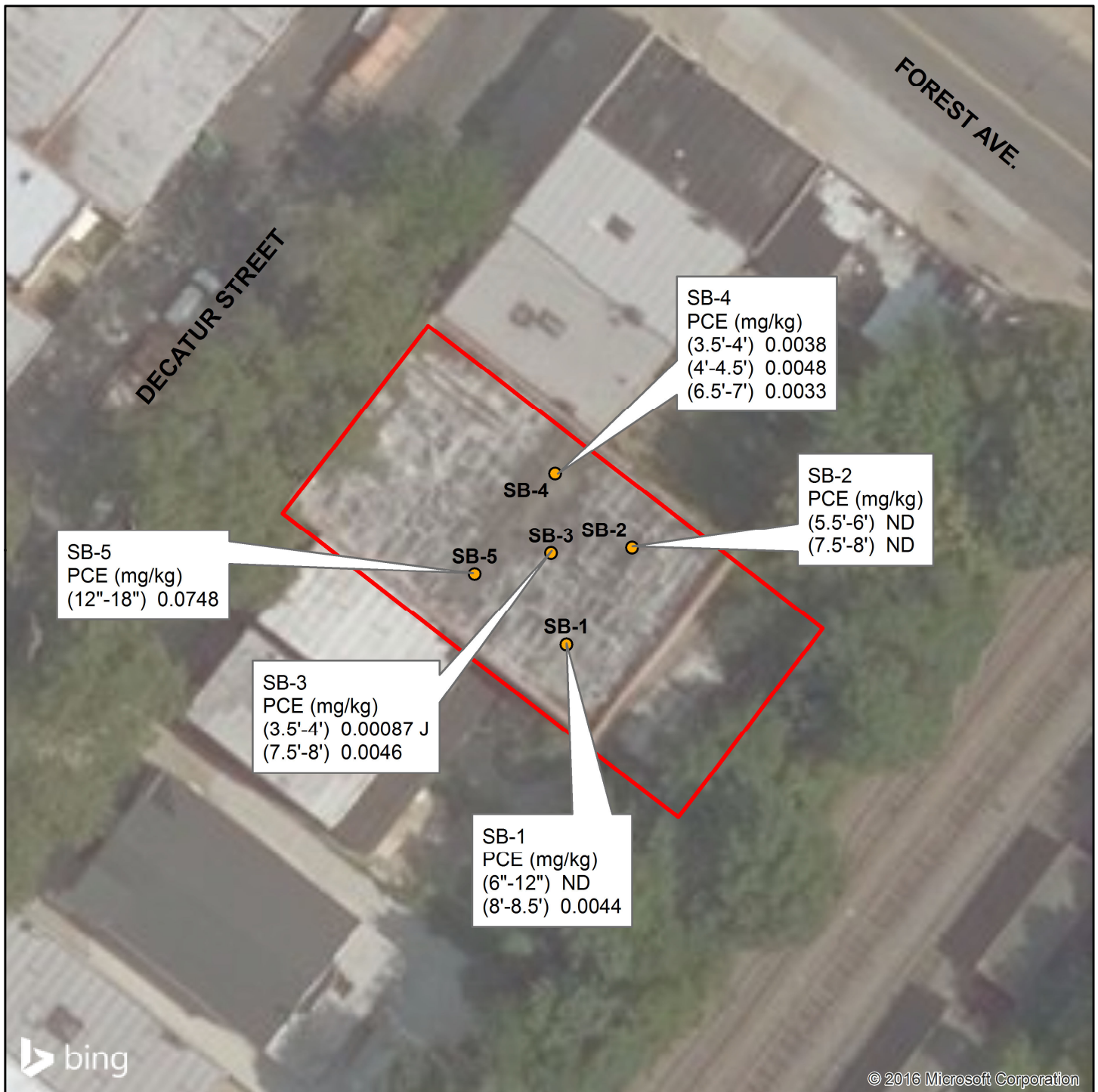


0 15 30 60 Feet

Drawing No. Figure 5	Drawn By LM	TENEN ENVIRONMENTAL Tenen Environmental, LLC 121 West 27th Street, Suite 702 New York, NY 10001 O: (646) 606-2332 F: (646) 606-2379	18-46 Decatur Street Ridgewood, New York Block 3579, Lot 45
	Checked By MC		
Drawing Title Soil Vapor Sample Locations	Date August 2016		
	Scale As Noted		



Drawing No.	Figure 6	Drawn By	LM	<div>TENEN ENVIRONMENTAL</div> Tenen Environmental, LLC 121 West 27th Street, Suite 702 New York, NY 10001 O: (646) 606-2332 F: (646) 606-2379	18-46 Decatur Street Ridgewood, New York Block 3579, Lot 45
		Checked By	MC		
Drawing Title	Soil Vapor Results	Date	September 2016		
		Scale	As Noted		



Legend

- Soil Sample Locations
(Sampled May 23, 2016)
- Site Boundary

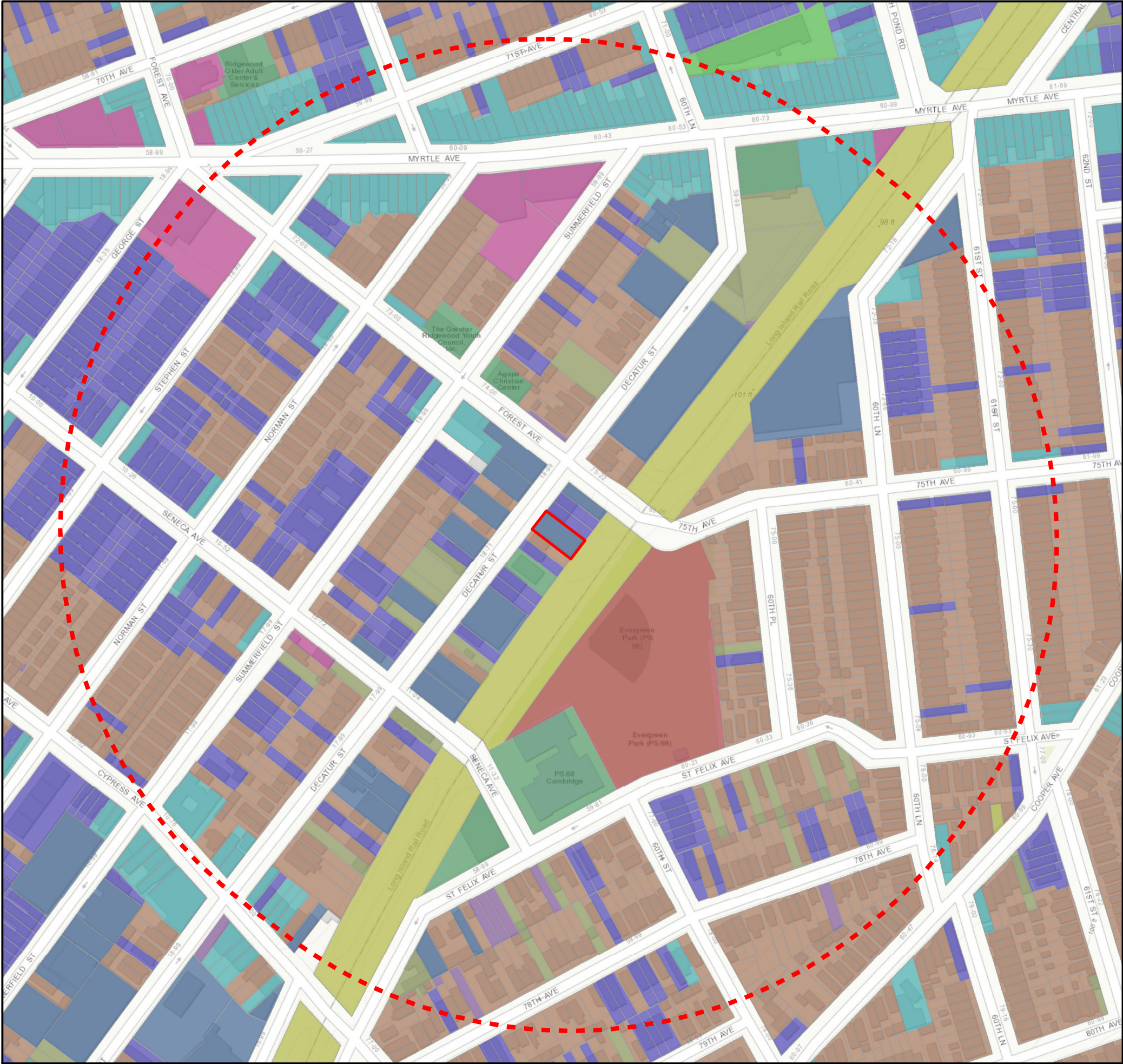


Note: Part 375 Unrestricted Use soil cleanup objective for tetrachloroethene (PCE) is 1.3 mg/kg.



mg/kg = milligram per kilogram

0 15 30 60 Feet



Drawing No. Figure 7	Drawn By LM	 Tenen Environmental, LLC 121 West 27th Street, Suite 702 New York, NY 10001 O: (646) 606-2332 F: (646) 606-2379	18-46 Decatur Street Ridgewood, New York Block 3579, Lot 45
	Checked By MC		
Drawing Title Soil Results	Date October 2016		
	Scale As Noted		



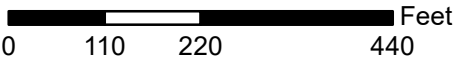
Legend

-  Project Site
-  1000 ft. Buffer Around Project Site

Land Use

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

Land Use Data
New York City
Department of City Planning
MapPLUTO 2016



Service Layer Credits: Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors,

Drawing No.

Figure 8

Drawing Title

Land Use Map

Drawn By

LM

Checked By

MC

Date

August 2016

Scale

As Noted

Client

TENEN ENVIRONMENTAL

Tenen Environmental, LLC
121 West 27th Street
Suite 702
New York, NY 10001
O: (646) 606-2332
F: (646) 606-2379

18-46 Decatur Street
Ridgewood, New York
Block 3579, Lot 45

Exhibit VI

Document Repository Letters

18-46 Decatur Street: BCP application repository

Simon, Vesna <Vesna.Simon@queenslibrary.org>

Thu, Sep 29, 2016 at 6:35 PM

To: Matthew Carroll <mcarroll@tenen-env.com>

Cc: Mohamed Ahmed <mahmed@tenen-env.com>, "Ramanathan, Vijay" <Vijay.Ramanathan@queenslibrary.org>

The answer is yes, we can accommodate you.

However, please stop by the library to talk since there is a procedure to follow.

Thanks

Vesna Simon
Community Library Manager

Queens Library at Ridgewood
20-12 Madison Street
Ridgewood, NY 11385
718-821-4770 or 718-821-4697

From: Matthew Carroll [mcarroll@tenen-env.com]

Sent: Thursday, September 29, 2016 4:29 PM

To: Simon, Vesna

Cc: Mohamed Ahmed

Subject: Re: 18-46 Decatur Street: BCP application repository

Ms. Simon,

Please let us know if you need any additional information in order to confirm that we can use the Ridgewood library as a document repository.

Please also cc my partner Mohamed on the response. Thank you.

Matthew Carroll, PE
Tenen Environmental
[646.606.2332](tel:646.606.2332) x103

On Sep 26, 2016, at 3:45 PM, Matthew Carroll <mcarroll@tenen-env.com> wrote:

Dear Ms. Simon,

It was a pleasure speaking with you earlier. We are requesting permission to use the Queens Library at Ridgewood as a document repository for a property applying for entry into the New York State Brownfield Cleanup Program (BCP). The BCP application process requires the designation of a repository so that documents can be reviewed by concerned citizens. The site is located at 18-46 Decatur Street in Queens, NY.

We will require shelf space for the reports for approximately 18 to 24 months. Approximately seven reports will be produced and total shelf space would likely be less than twelve inches. The

documents will be reports with 8-1/2" high paper.

If acceptable, we need written confirmation that the use of the Queens Library at Ridgewood as the document repository is permissible. An email response is preferred. Feel free to contact me if you need any additional information. Thank you.

Sincerely,
Matthew Carroll, PE
Tenen Environmental
646.606.2332 x103

Shop to Support Queens Library! Buy books, e-books, videos, music, gifts at great prices. A portion of the proceeds benefit Queens Library.

<http://www.queenslibrary.org/shop>



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18-46 Decatur Street: BCP application repository

Gary Giordano <garyg-cb5q@nyc.rr.com>

Thu, Oct 20, 2016 at 12:21 PM

To: mcarroll@tenen-env.com

Cc: "Arcuri, Vincent" <chair-cb5q@nyc.rr.com>, qnscb5@nyc.rr.com, lauram-cb5q@nyc.rr.com, "Renz, Ted" <Ridgewoodldc@aol.com>

Dear Matthew Carroll, PE:

We can be a repository in this instance. We have done so for other matters.

Is a Public Meeting planned? Will possibly affected residents and businesses receive info/details(i.e. Fact Sheet) regarding the findings and cleanup plans?

Sincerely,

Gary Giordano, District Manager

Community Board 5, Queens

From: CB5 [mailto:qnscb5@nyc.rr.com]

Sent: Wednesday, October 19, 2016 10:52 AM

To: 'Arcuri, Vincent'; Gary Giordano

Cc: Laura Mulvihill

Subject: FW: 18-46 Decatur Street: BCP application repository

From: Matthew Carroll [mailto:mcarroll@tenen-env.com]

Sent: Wednesday, October 19, 2016 10:22 AM

To: qnscb5@nyc.rr.com

Subject: 18-46 Decatur Street: BCP application repository

Dear CB5,

We are requesting permission to use the CB5 Queens office as a document repository for a property applying for entry into the New York State Brownfield Cleanup Program (BCP). The BCP application process requires the

designation of repositories so that documents can be reviewed by concerned citizens. The site is located at 18-46 Decatur Street in Queens, NY.

We will require shelf space for the reports for approximately 18 to 24 months. Approximately seven reports will be produced and total shelf space would likely be less than twelve inches. The documents will be reports with 8-1/2" high paper.

If acceptable, we need written confirmation that the use of the CB5 Queens office as the document repository is permissible. An email response is preferred. Feel free to contact me if you need any additional information. Thank you.

Sincerely,

Matthew Carroll, PE

Tenen Environmental

[646.606.2332](tel:646.606.2332) x103