



Department of
Environmental
Conservation

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

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), a Change of Use form should have been previously submitted. If not, please submit this form with this Amendment. See <http://www.dec.ny.gov/chemical/76250.html>

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

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

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

☐ Other (explain in detail below)

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

The 37-11 30th Street BCP site was formerly identified as Queens County Tax Block 372, Lot 21 and a portion of Lot 8 in the July 9, 2018 BCA (total of 0.610 acres). On October 23, 2018, Lot 21 was reapportioned to Lot 21 and Lot 121 on Queens County Tax Maps. Effective February 26, 2020, an additional tax parcel reapportionment was made to remove Lot 21, and divide former Lot 8 into a new Lot 107 (the BCP site) and Lot 8 (off-site).

The 37-11 30th Street BCP site is currently identified as Block 372, Lots 107 and 121 on Queens County Tax Maps. These two lots equal a total of 0.616 acres, which reflects a minor deviation of 0.006 acres from the previously calculated square footage of the Site. An updated BCP site survey dated September 22, 2020 with corresponding metes & bounds descriptions are provided as Attachment A.

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

Section I. Existing Agreement Information

BCP SITE NAME: 37-11 30th Street

BCP SITE NUMBER: C241211

NAME OF CURRENT APPLICANT(S): 37-11 30th Street Holdings LLC

INDEX NUMBER OF EXISTING AGREEMENT: C241211-05-18 DATE OF EXISTING AGREEMENT: July 9, 2018

Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)**N/A**

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

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

☐ Yes☐ No

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) 37-11 30th Street Holdings LLC

ADDRESS 38 East 29th Street, 9th Floor

CITY/TOWN New York, NY

ZIP CODE 10016

PHONE (646) 762-1429

FAX (646) 558-2287

E-MAIL david@slatepg.com

OPERATOR'S NAME (if different from requestor or owner) Same as 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. **N/A**

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

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

N/A

☐ PARTICIPANT

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

☐ VOLUNTEER

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

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

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

Requestor's Relationship to Property (check one):

☐ Prior Owner ☐ Current Owner ☐ Potential /Future Purchaser ☐ Other _____

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached? ☐ Yes ☐ No

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

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

ADDRESS 37-11 30th Street

CITY/TOWN Long Island City, Queens

ZIP CODE 11101

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

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
37-11 30th Street			372	8	1.04*
30-14 37th Avenue			372	21	0.05

* Note: The March 21, 2018 BCP Application for 37-11 30th Street identified the site as Queens County Tax Block 372, Lot 21 and a portion of Lot 8. Only a portion of Lot 8 was included in the BCP site. The July 9, 2018 BCA identifies the BCP site area as 0.610-acres.

Check appropriate boxes below:

☒ Changes to metes and bounds description or TBL correction

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

Approximate acreage added: 0.006

See Attachment A for updated site survey and corresponding metes & bounds description.

ADDITIONAL PARCELS:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
37-11 30th Street			372	107	0.607
30-14 37th Avenue			372	121	0.009

☐ Reduction of property

Approximate acreage removed: _____

PARCELS REMOVED:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
37-11 30th Street			372	8	1.04
30-14 37th Avenue			372	21	0.01

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.

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

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website for more information.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down as defined below?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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>	
3. Is the project an affordable housing project as defined below?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>From 6 NYCRR 375- 3.2(a) as of August 12, 2016:</p> <p>(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.</p> <p>(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' households annual gross income.</p> <p>(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.</p> <p>(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.</p>	

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME: 37-11 30th Street	BCP SITE NUMBER: C241211
NAME OF CURRENT APPLICANT(S): 37-11 30th Street Holdings LLC	
INDEX NUMBER OF EXISTING AGREEMENT: C241211-05-08	
EFFECTIVE DATE OF EXISTING AGREEMENT: July 9, 2018	

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

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

(Individual)

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

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am Authorized Signatory (title) of 37-11 30th Street Holdings 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. David Schwartz signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 10/29/20 Signature: 

Print Name: David Schwartz

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

<input type="checkbox"/> 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.	<input checked="" type="checkbox"/> VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.
---	--

Effective Date of the Original Agreement: July 9, 2018

Signature by the Department:

DATED: 11/4/20

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By: 

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

SUBMITTAL INFORMATION:

- **Two (2)** copies, one hard 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 DEPARTMENT USE ONLY

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

PROJECT MANAGER:_____

ATTACHMENT A:

BCP SITE SURVEY
WITH METES AND BOUNDS DESCRIPTION

30th STREET

60' WIDE

75' WIDE

34th AVENUE
134 03'

31st STREET

100' WIDE



© ALL RIGHTS RESERVED 202

REV	DATE	DESCRIPTION	ck
	05-08-20	SUBDIVISION DIAGRAM	
A	09-22-20	TENTATIVE TAX LOT ADDED	

MONTROSE SURVEYING CO., LLP.	CITY & LAND SURVEYORS
---	--

116-20 METROPOLITAN AVE • RICHMOND HILL, NY 11418-1090
PHONE (718) 849-0600 • FAX (718) 849-0401 • EMAIL INFO @MONTROSESURVEYING.COM

MSC Survey 41176-17
Tax Block 372
Tax Lot 107

ALL that certain plot piece or parcel of land situate lying and being in the Borough and County of Queens, City and State of New York bounded and described as follows:

BEGINNING at the corner formed by the intersection of the southerly side of 37th Avenue (75 feet wide) with the easterly side of 30th Street (60 feet wide);

RUNNING THENCE easterly along the southerly side of 37th Avenue 124.93 feet to a point;

RUNNING THENCE southerly along a line forming an exterior angle of 93 degrees 27 minutes 52 seconds on the southeast with the southerly side of 37th Avenue, 25.00 feet to a point;

RUNNING THENCE easterly along a line forming an exterior angle of 86 degrees 32 minutes 08 seconds on the northeast with the last mentioned course, 8.00 feet to a point;

RUNNING THENCE southerly along a line forming an interior angle of 86 degrees 32 minutes 08 seconds on the southwest with the last mentioned course, 80.04 feet to a point;

RUNNING THENCE westerly along a line forming an interior angle of 98 degrees 13 minutes 42 seconds on the northwest with the last mentioned course, 28.65 feet to a point;

RUNNING THENCE southerly at right angles to the last mentioned course, 48.62 feet to a point;

RUNNING THENCE westerly at right angles to the last mentioned course, 9.70 feet to a point;

RUNNING THENCE southerly at right angles to the last mentioned course, 111.50 feet to a point;

RUNNING THENCE westerly along a line forming an interior angle of 86 degrees 05 minutes 30 seconds on the northwest with the last mentioned course, 79.27 feet to the easterly side of 30th Street;

RUNNING THENCE northerly along the easterly side of 30th Street, 269.72 feet to the corner the point or place of BEGINNING.

MONTROSE SURVEYING CO., LLP. • ESTABLISHED 1876 • RECORDS OF:

B.G. MEINKHEIM C.S. • L.C.L SMITH C.S. • C.U. POWELL C.E., C.S. • NATHAN CAMPBELL C.E., C.S. • A.U. WHITSON C.E., C.S. • C. STIDOLPH R.A., L.S. • WHITSON & POWELL INC., P.E., L.S., C.S. • G. WEBER L.S., C.S. • WILLIAM L. SAVACOO C.E., L.S., C.S. • KELLER & POWELL P.E., L.S., C.S. • FRED J. POWELL P.E., L.S., C.S. • LOUIS MONTROSE C.E., L.S., C.S. • LOUIS DORNHOEFFER P.E., L.S., C.S. • COUNTY SURVEYING SERVICE L.S. • CHARLES E. RANHOFFER L.S. • NOYES PALMER L.S.

MONTROSE SURVEYING CO., LLP.

CITY & LAND SURVEYORS

116-20 METROPOLITAN AVE • RICHMOND HILL, NY 11418-1090
PHONE (718) 849-0600 • FAX (718) 849-0401 • EMAIL INFO @MONTROSESURVEYING.COM

METES AND BOUNDS DESCRIPTION MSC 41176-17 TAX BLOCK 372 TAX LOT 121

ALL that certain plot, piece or parcel of land 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 southerly side of 37st Avenue (75 feet wide), distant 45.90 feet westerly from the corner formed by the intersection the southerly side of 37st Avenue with the westerly side of 31st Street (100 feet wide);

RUNNING THENCE southwesterly along a line forming an angle of 93 degrees 27 minutes 52 seconds on the southeast with the last mentioned course, 104.87 feet to a point;

RUNNING THENCE northwesterly along a line forming an angle of 98 degrees 13 minutes 42 seconds on the northwest with the last mentioned course, 2.02 feet to a point;

RUNNING THENCE northeasterly along a line forming an angle of 81 degrees 46 minutes 18 seconds on the northeast with the last mentioned course, 80.04 feet to a point;

RUNNING THENCE northwesterly along a line forming an angle of 86 degrees 32 minutes 8 seconds on the west with the last mentioned course, 8 feet to a point;

RUNNING THENCE northeasterly along a line forming an angle of 86 degrees 32 minutes 8 seconds on the east with the last mentioned course, 25 feet to the southerly side of 37th Avenue;

RUNNING THENCE easterly along the southerly side of 37th Avenue, 10 feet to the point or place of BEGINNING.

MONTROSE SURVEYING CO., LLP. • ESTABLISHED 1876 • RECORDS OF:

B.G. MEINKHEIM C.S. • L.C.L. SMITH C.S. • C.U. POWELL C.E., C.S. • NATHAN CAMPBELL C.E., C.S. • A.U. WHITSON C.E., C.S. • C. STIDOLPH R.A., L.S. • WHITSON & POWELL INC., P.E., L.S., C.S. • G. WEBER L.S., C.S. • WILLIAM L. SAVACOOOL C.E., L.S., C.S. • KELLER & POWELL P.E., L.S., C.S. • FRED J. POWELL P.E., L.S., C.S. • LOUIS MONTROSE C.E., L.S., C.S. • LOUIS DORNHOEFFER P.E., L.S., C.S. • COUNTY SURVEYING SERVICE L.S. • CHARLES E. RANHOFFER L.S. • NOYES PALMER L.S.