



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 10*

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #:

NAME 40th Ave Dutch Kills Realty LLC

ADDRESS 36-08 30th Avenue, 2nd Floor

CITY/TOWN Astoria, NY

ZIP CODE 11103

PHONE (917) 538-2656

FAX

E-MAIL Gus@firstelitenyc.com

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. **Please note:** If the requestor is an LLC, the members/owners names need to be provided on a separate attachment. See Attachment 1

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

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

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

3. Please attach a short description of the overall development project, including: See Attachment 2

- the date that the remedial program is to start; and
- 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). **Please submit a separate electronic copy of each report in Portable Document Format (PDF).**

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	No exceedances **	BTEX up to 28.8 ug/L	BTEX up to 53 ug/m3
Chlorinated Solvents	No exceedances **	Chloroform up to 880 ug/L, PCE up to 64 ug/L	PCE up to 1,600,000 ug/m3, TCE up to 4,800 ug/m3
Other VOCs	No exceedances **	Acetone up to 96 ug/L	Acetone up to 720 ug/m3
SVOCs	Individual SVOCs up to 2.48 mg/kg	No exceedances	
Metals	Lead detected above SCOs **	Dissolved Mg, Mn, Se, Na above Class GA standards	
Pesticides	No exceedances **	No exceedances	
PCBs	None detected	No exceedances	
Other*			

*Please describe: ** Relative to Restricted Residential Soil Cleanup Objectives _____

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

- **SAMPLE LOCATION** See attached Figures 1, 2, and 3 for sample results. Tax map and USGS Site location map are Figures 4 and 5, respectively.
- **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):

- | | | | |
|---|---|---|---|
| <input type="checkbox"/> Coal Gas Manufacturing | <input checked="" type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input checked="" type="checkbox"/> Dry Cleaner |
| <input type="checkbox"/> Salvage Yard | <input type="checkbox"/> Bulk Plant | <input type="checkbox"/> Pipeline | <input type="checkbox"/> Service Station |
| <input type="checkbox"/> Landfill | <input type="checkbox"/> Tannery | <input type="checkbox"/> Electroplating | <input type="checkbox"/> Unknown |

Other: Automobile service, auto body shop, machine shop, woodworking shop _____

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME 27-09 40th Avenue Site				
ADDRESS/LOCATION 27-03 and 27-09/27-11 40th Avenue, and 39-44 28th Street				
CITY/TOWN Long Island City		ZIP CODE 11101		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): New York				
COUNTY Queens		SITE SIZE (ACRES) 0.40		
LATITUDE (degrees/minutes/seconds) 40 ° 45 ' 11.1 "		LONGITUDE (degrees/minutes/seconds) 73 ° 56 ' 11.8 "		
Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed , please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column.ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
See Attachment 3		397	33,35,39	
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach an accurate map of the proposed site.				
2. Is the required property map attached to the application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map) See attached Figure 4.				
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 <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, identify census tract : _____ Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input type="checkbox"/> 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)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				

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

None

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

See Attachment 4

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

☒ Yes ☐ No

Note: Questions 11 through 13 only pertain to sites located within the five counties comprising New York City

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits? ☐ Yes ☒ No

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

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

NOTE: If a tangible property tax credit 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 by 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 Gus Vorillas			
ADDRESS 36-08 30th Avenue, 2nd Floor			
CITY/TOWN Astoria, NY		ZIP CODE 11103	
PHONE (917) 538-2656	FAX	E-MAIL Gus@firstelitenyc.com	
NAME OF REQUESTOR'S CONSULTANT Spiro Dongaris, PE, Athenica Environmental Engineering PLLC			
ADDRESS 45-09 Greenpoint Avenue			
CITY/TOWN Long Island City, NY		ZIP CODE 11104	
PHONE (718) 784-7490	FAX (718) 784-4085	E-MAIL SDongaris@athenica.com	
NAME OF REQUESTOR'S ATTORNEY Theodore Firetog, Esq., Law Offices of Theodore W. Firetog			
ADDRESS 111 Thomas Powell Boulevard			
CITY/TOWN Farmingdale, NY		ZIP CODE 11735-2251	
PHONE (516) 845-8087	FAX (516) 845-8031	E-MAIL TFiretog@eniinternet.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME 40th Ave Dutch Kills Realty LLC		OWNERSHIP START DATE: 2018/2019	
ADDRESS 36-08 30th Avenue, 2nd Floor		(See Attachment 3)	
CITY/TOWN Astoria, NY		ZIP CODE 11103	
PHONE 917) 538-2656	FAX	E-MAIL Gus@firstelitenyc.com	
CURRENT OPERATOR'S NAME None			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
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".			
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. See Attachment 5			
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 which require registration? ☐ 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

See Attachment 6

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 _____

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? ☐ Yes ☒ No
If yes, please provide: Site # _____ Class # _____
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? ☐ Yes ☒ No
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____
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? ☐ Yes ☒ No
If yes, please provide: Order # _____
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? ☐ Yes ☒ No
If yes, please provide explanation as an attachment.

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:

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). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

See Attachment 7

Section X. Land Use Factors

1. What is the current municipal zoning designation for the site? M1-2/R5D

What uses are allowed by the current zoning? (Check boxes, below)

☒ Residential ☒ Commercial ☒ Industrial

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) See Attachment 8

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 Attachment 8

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

The current zoning designation is M1-2/R5D, allowing for mixed residential, community facility, commercial, and light industrial uses.

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

The proposed use is consistent with the rezoning of the general surrounding area for the Dutch Kills Rezoning and Related Actions (CEQR No. 08DCP021Q)

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____

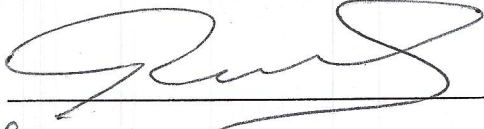
Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am a member (title) of 40th Ave Dutch Kills 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: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 1-10-2020

Signature: 

Print Name: Abdelaziz Raouf

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.

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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 type="checkbox"/> Yes <input checked="" 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 NYS Tax Law 21(b)(6)? Please see DEC's website for more information.	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Underutilized? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
From ECL 27-1405(31):	
<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>	
From 6 NYCRR 375-3.2(I) as of August 12, 2016: (Please note: Eligibility determination for the underutilized category can only be made at the time of application)	
375-3.2:	
<p>(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or</p> <p>(c) there are no structures.</p>	
<p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.</p>	

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

3. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review). **Check appropriate box, below:**

- ☐ Project is an Affordable Housing Project - Regulatory Agreement Attached;
- ☐ Project is Planned as Affordable Housing, But Agreement is Not Yet Available*
(*Checking this box will result in a “pending” status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);
- ☒ This is Not an Affordable Housing Project.

From 6 NYCRR 375- 3.2(a) as of August 12, 2016:

(a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ 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, which sets affordable units aside for home owners 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: 27-09 40th Avenue Site

City: Long Island City

Site Address: 27-03 and 27-09/27-11 40th Avenue, and 39-44 28th Street

County: Queens

Zip: 11101

Tax Block & Lot

Section (if applicable):

Block: 397

Lot: 33,35,39

Requestor Name: 40th Ave Dutch Kills Realty LLC

City: Astoria, NY

Requestor Address: 36-08 30th Avenue, 2nd Floor

Zip: 11103

Email: Gus@firstelitenyc.com

Requestor's Representative (for billing purposes)

Name: Gus Vorillas

Address: 36-08 30th Avenue, 2nd Floor

City: Astoria, NY

Zip: 11103

Email: Gus@firstelitenyc.com

Requestor's Attorney

Name: Theodore Firetog, Esq., Law Offices of Theodore W. Firetog

Address: 111 Thomas Powell Boulevard

City: Farmingdale, NY

Zip: 11735-2251

Email: TFiretog@eniinternet.com

Requestor's Consultant

Name: Spiro Dongaris, PE, Athenica Environmental Engineering PLLC

Address: 45-09 Greenpoint Avenue

City: Long Island City, NY

Zip: 11104

Email: SDongaris@athenica.com

Percentage claimed within an En-Zone: ☒ 0% ☐ <50% ☐ 50-99% ☐ 100%

DER Determination: ☐ Agree ☐ Disagree

Requestor's Requested Status: ☒ Volunteer ☐ Participant

DER/OGC Determination: ☐ Agree ☐ Disagree

Notes:

For NYC Sites, is the Requestor Seeking Tangible Property Credits: ☐ Yes ☒ No

Does Requestor Claim Property is Upside Down: ☐ Yes ☒ No

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

Does Requestor Claim Property is Underutilized: ☐ Yes ☒ No

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

Does Requestor Claim Affordable Housing Status: ☐ Yes ☒ No ☐ Planned, No Contract

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

**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.

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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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DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**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. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the entity's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database.

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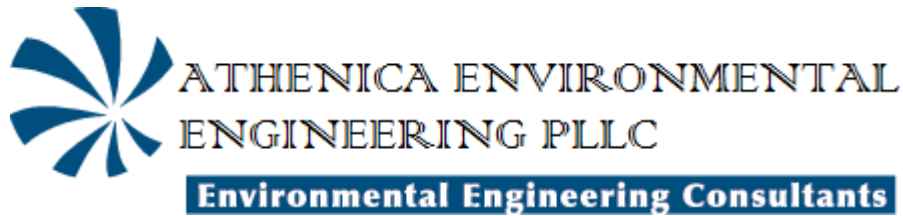
DETERMINATION OF A COMPLETE APPLICATION

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.



**ATTACHMENTS FOR BROWNFIELD CLEANUP PROGRAM APPLICATION
27-09 40TH AVENUE SITE, LONG ISLAND CITY, NY 11101**

Attachment 1 (Section I)

The applicant, 40th Ave Dutch Kills Realty LLC, is authorized to conduct business in New York State. A copy of the business certification from the New York State Department of State is included at the end of this document. The members of the applicant LLC are:

Konstandinos Vorillas	Abdelaziz Raouf
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Attachment 2 (Section II, Question 3)

The proposed future use of the Site will consist of a single, new 5-story mixed-use building, which will include commercial uses on the ground floor, market-rate apartments on the second through fifth floors, and two sub-grade ventilated parking levels. The footprint of the new building, including the basement, will cover the entire Site area. The redevelopment plan includes demolition of all existing buildings at the Site and excavation to a depth of approximately 25 feet below ground surface (bgs). The current zoning designation is M1-2/R5D, allowing for mixed residential, community facility, commercial, and light industrial uses. The proposed use is consistent with existing zoning for the property. The Site redevelopment is expected to begin in early 2020 and the Certificate of Completion is anticipated in July 2020.

Attachment 3 (Section IV and Section VI)

Parcel Address	Acquisition Date	Section	Block No.	Lot No.	Acreage
27-03 40 th Avenue	4/19/2019	--	397	39	0.06
27-09/27-11 40 th Avenue	8/29/2018	--	397	35	0.23
39-44 28 th Street	4/19/2019	--	397	33	0.11

Attachment 4 (Section IV, Question 10)

Location: The 27-09 40th Avenue Site is located in an urban area of Queens County, and consists of three separate, continuous parcels with addresses of 27-03 40th Avenue, 27-09 and 27-11 40th Avenue, and 39-44 28th Street.

Site Features: The Site is currently occupied by three, vacant 1-story commercial buildings (one building on each parcel). The building at 39-44 28th Street has a partial basement in the northeastern portion of the property; the other buildings are slab-on-grade. There is an alley on the northwest side of Lot 35, between the buildings at 27-03 40th Avenue and 27-09/27-11 40th Avenue.

Current Zoning and Land Use: The current zoning designation for the Site is M1-2/R5D, allowing for mixed residential, community facility, commercial, and light industrial uses. The Site is bounded by 40th Avenue to the southwest; a 3-story public facility associated with a house of worship/28th Street to the east; a 3-story residential building with garage and a 2-story residential building/39th Avenue to the north; and a 3-story residential building/27th Street to the west.

Past Use of the Site: According to a Phase I Environmental Site Assessment (ESA) report dated January 28, 2019 (a copy of this report is included with this application), the Site was developed with the current structures by 1970 (27-03 40th Avenue), 1950 (27-09/27-11 40th Avenue), and 1947 (39-44 28th Street). According to the Phase I ESA, the Site appeared to have been used for industrial and commercial purposes since its development. Historic uses at the Site that suggest the possibility for potential environmental impacts include an auto body shop (1977--2006) at 27-03 40th Avenue; a dry cleaning facility (~2005--2017), auto sales (1991-2005), a woodworking shop (2005--2017), and a scientific glass factory (1950-1991) at 27-09/27-11 40th Avenue; and a photo-engraving shop (1947-2006), a machine shop (2014-2019), and an auto repair facility (2000-2005) at 29-44 28th Street. Historic fire insurance maps show that the Site maintained residential buildings prior to 1936.

The initial investigation with regulatory involvement was the 2019 Site investigation for the New York City Office of Environmental Remediation, to address the requirements associated with the E-Designation for hazardous materials assigned to the eastern two parcels (27-09/27-11 40th Avenue and 29-44 28th Street). Note that this investigation included collection of samples at all three parcels, as consolidation of the three Site parcels into a single tax lot was being considered. A copy of the report documenting this investigation is included with this application.

Site Geology and Hydrogeology: The report documenting a recent geotechnical investigation described the subsurface geology as 1.5 to four (4) feet of fill underlain by sand with varying amounts of silt and gravel to approximately 60 feet bgs. Clay layers were identified between 35 and 60 feet bgs, and bedrock was reportedly encountered in one boring at a depth of 50 feet bgs. The regional groundwater flow direction is toward the west, and the depth to groundwater measured in the temporary wells installed as part of a 2019 Site investigation was approximately 35 feet bgs.

Environmental Assessment: Based on the findings of the 2019 Site investigation, the primary contaminants of concern for the Site are semi-volatile organic compounds (SVOCs) and metals in soil; and tetrachloroethene (PCE) and trichloroethene (TCE) in soil vapor.

Soil – The 2019 Site investigation included laboratory analysis of 20 soil samples. No VOCs were detected at concentrations above the Restricted Residential Soil Cleanup Objectives (SCOs) in any of the soil samples. Concentrations of SVOCs and/or metals exceeding Restricted Residential Use SCOs were detected in four shallow (0 to 2 feet bgs) soil samples. The detected concentrations were identified as representative of historic fill, and none of the deeper (25 to 27 feet bgs) soil samples contained any SVOCs or metals at concentrations exceeding SCOs. Since the redevelopment plan for the Site includes demolition of all existing buildings at the Site and excavation to a depth of approximately 25 feet bgs, all impacted soil identified above 25 feet bgs will be removed for off-Site disposal during the redevelopment program.

Groundwater – Two groundwater samples were collected as part of the 2019 Site investigation. Ten individual VOCs were detected at concentrations exceeding New York State Class GA groundwater standards and guidance values. Detected VOCs included petroleum-related compounds (e.g., ethylbenzene, toluene, xylenes) and chlorinated VOCs (e.g., chloroethane, chloroform, chloromethane, PCE); the maximum concentration detected in each sample was chloroform, at 880 micrograms per liter ($\mu\text{g/L}$) and 670 $\mu\text{g/L}$ (no other VOCs were detected at a concentration above 100 $\mu\text{g/L}$). Of particular note, PCE (the solvent historically used at the Site for dry cleaning) was only detected in one of the groundwater samples, at a concentration of 64 $\mu\text{g/L}$, which is similar to PCE concentrations detected in groundwater at other sites in the Long Island City area. In addition, the sample containing this PCE concentration was located cross-gradient to the former dry cleaning area (PCE was not detected in the groundwater sample collected at the Site boundary downgradient of the dry cleaning area).

Soil Vapor – Eight soil vapor samples were collected for laboratory analysis of VOCs during the 2019 Site investigation (as demolition of the Site buildings is planned, the sampling scope did not include collection of indoor air samples). All samples were collected from 25 feet bgs. PCE was detected in seven of these samples, at concentrations ranging from 140 micrograms per cubic meter ($\mu\text{g/m}^3$) to 1,600,000 $\mu\text{g/m}^3$. In addition, TCE was detected in all eight samples, at concentrations ranging from 0.27 $\mu\text{g/m}^3$ to 4,800 $\mu\text{g/m}^3$.

Attachment 5 (Section VI)

Based on information in the 2019 Phase I ESA report, previous and current owners of the Site parcels are summarized in the following table. None of the identified previous owners have any relationship to the current Site owner/applicant. Current addresses and telephone numbers for previous owners are unknown.

Property	Owner	Period	Relationship to Current Owner/Applicant
39-44 28 th Street/Lot 33 (purchased by Applicant 4/19/19)	MPY Realty Corp.	Unspecified – 1983	None
	Gary Mouradian, George Mouradian, Adrienne Salmaggi	1983 – 1994	None
	Andreas Venetis	1994 – 2001	None
	A&A Venetis Corp.	2001 – 2003	None
	Andreas Venetis	2001 – 2019	None
	40 th Ave Dutch Kills Realty LLC	2019 - Present	Applicant
Property	Owner	Period	Relationship to Current Owner/Applicant
27-09/27-11 40 th Avenue/Lot 35 (purchased by Applicant 8/29/18)	Hugo A. Kumer	Unspecified – 1977	None
	Estate of Hugo A. Kumer	1977	None
	Franz Zoellner and Gerda Zoellner	1977 – 1986	None
	Melgan Equity Corp.	1986 – 2008	None
	Enifos Group LLC	2008 – 2018	None
	40 th Ave Dutch Kills Realty LLC	2018 - Present	Applicant
Property	Owner	Period	Relationship to Current Owner/Applicant
27-03 40 th Avenue/Block 39 (purchased by Applicant 4/19/19)	Dawnmark Realty Inc.	Unspecified – 2019	None
	40 th Ave Dutch Kills Realty LLC	2019 – Present	Applicant

Based on information in the 2019 Phase I ESA report (historic fire insurance maps and City directory listings), previous operators of the Site parcels are summarized in the following table. None of these identified previous operators have any relationship to the current Site owner/applicant, and all previous operations ceased at each parcel prior to acquisition of the parcel by the current owner/applicant. Current addresses and telephone numbers for previous operators are unknown.

Property	Operator/Use	Period	Relationship to Current Owner/Applicant
39-44 28 th Street (Lot 33)	Photo Engraving and Electric Motor Repair	1947 - 1950	None
	Refrigeration Motors, Inc.	1950	None
	Rembrandt Photo Engraving Corp.	1962	None
	Photo Engraving and Office	1970 - 2006	None
	Colby Engraving & Rubber Plate, Inc.	1976 - 1983	None
	Starr Graphics	1983 – 1991	None
	Bradco Graphics	1983 – 1991	None

Property	Operator/Use	Period	Relationship to Current Owner/Applicant
39-44 28 th Street (Lot 33), cont.	Brif Auto Repair, Inc.	2000	None
	Beautiful Automotive Repair	2005	None
	Absolute Best Towing	2005	None
	A Always Fast Towing	2005	None
	King Electrical Service	2010	None
	Venetis Contracting Corp	2010	None
	All New Electrical Contracting	2010	None
	Expert Machine Service, Inc.	2014 - 2019	None
Property	Operator/Use	Period	Relationship to Current Owner/Applicant
27-09/27-11 40 th Avenue (Lot 35)	Eck & Krebs, Inc. Glass Blowing	1950 – 1967	None
	Eck & Krebs, Inc. Scientific Lab Glass Apparatus, Inc.	1970 - 1983	None
	Scientific Glass Works	1950 - 1991	None
	Rheinland Motors	1991 - 2005	None
	Auto Sales and Service	1992 - 2006	None
	Fancy Tailor Shop	2000 - 2005	None
	Alpians Garment Center	2005	None
	World Class Garment Care Corp.	2005 - 2017	None
Property	Operator/Use	Period	Relationship to Current Owner/Applicant
27-03 40 th Avenue (Block 39)	Bechik Products, Inc.	1962	None
	Mattress Warehouse	1970	None
	Auto Body Repair	1977 - 2006	None
	Intermares Distribution Corp	1976	None
	Tropical Bird Imports	1983	None
	Augies Auto Leasing and Repair, Inc.	1991	None
	RHR Sales, Inc.	2005	None

Attachment 6 (Section VII, Volunteer Statement)

All Site buildings are currently vacant and are secured to prevent unauthorized access. The alley on the west side of 27-09 and 29-11 40th Avenue is also secured to prevent unauthorized access. The dry cleaning equipment historically located at 27-09 and-11 40th Avenue has been properly decommissioned, including removal of all dry cleaning solvents.

Neither the applicant/current owner nor any of its members have any relationship to any previous owners or operators of the Site properties, and did not own the Site during operation by any of the previous operators, including dry cleaning, presumably the source of the chlorinated solvents detected at the Site.

Attachment 7 (Section IX, Contact List)

1. Local Officials	
Name and Title	Mailing Address
The Honorable Bill deBlasio Mayor, City of New York	City Hall New York, NY 10007
Marie Torniali Chair, Queens Community Board 1	45-02 Ditmars Boulevard, LL Suite 1025 Astoria, NY 11105
Jimmy Van Bramer Deputy Leader of the City Council	47-01 Queens Boulevard, Suite 205 Sunnyside, NY 11104
Marisa Lago Chair, New York City Planning Board	120 Broadway New York, NY 10271

2. Surrounding Property Owners		
Property Address	Owner Name	Owner Mailing Address
27-01 40 th Avenue	Silvia Crainiciuc	27-01 40 th Avenue Queens, NY 11101
39-39 27 th Street	Yolanda Schettino	39-39 27 th Street Queens, NY 11101
39-35 27 th Street	Dutch Kill Partners LLC	148 Madison Avenue, 11 th Floor New York, NY 10016
39-36 28 th Street	7CC, LLC	200-07 36 th Avenue Bayside, NY 11361
39-34 28 th Street	John Patrikis	39-34 28 th Street Queens, NY 11101
39-32 28 th Street	David A. Baharestani	148 Madison Avenue, 11 th Floor New York, NY 10016
40-03 27 th Street	40-03 27 th Street LLC	53-55 63 rd Street Maspeth, NY 11378
27-08 40 th Avenue	32-32 48 th Avenue Realty	114 Old Country Road, Suite 250 Mineola, NY 11501
27-20 40 th Avenue	Payntar Street Associates LLC	31-75 29 th Street Astoria, NY 11106

3. News Media	
Outlet	Mailing Address
Patch	134 West 29 th Street New York, NY 10001
New York Post	1211 Sixth Avenue New York, NY 10036
ABC7	7 Lincoln Square New York, NY 10023

4. Public Water Supplier

New York City Department of Environmental Protection	59-17 Junction Boulevard Flushing, NY 11373
---	--

5. Persons Who Requested to be Placed on the Contact List

Name	Mailing Address

6. Nearby Schools and Day Care Facilities

School/Day Care Facility	Administrator Name and Title	Mailing Address
Growing Up Green Charter School	Aris Colgan, Principal	39-27 28 th Street Long Island City, NY 11101
Public School 166	Jane Hsu, Principal	39-37 28 th Street Long Island City, NY 11101
Newcomers High School	Lilliam Katcher, Principal	28-01 41 st Avenue Long Island City, NY 11101

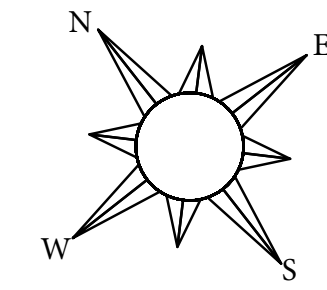
7. Document Repository

Location	Address
Queens Library at Long Island City	37-44 21 st Street Long Island City, NY 11101 Written confirmation of acceptance as document repository is attached
Queens Community Board 1	45-02 Ditmars Boulevard, LL Suite 1025 Astoria, NY 11105 Written confirmation of acceptance as document repository is attached

Attachment 8 (Section X, Questions 2 and 3)

The Site is currently vacant. It is unknown when activities at the 27-03 40th Avenue parcel ended, as the property was vacant in April 2019, when the parcel was acquired by the applicant. Activities at the 27-09/27-11 40th Avenue parcel ceased sometime in 2017 (woodworking) and in late 2017 (dry cleaning), and activities at the 39-44 28th Street parcel (machine shop) ceased in April 2019 prior to acquisition by the current owner/applicant.

The proposed future use of the Site will consist of a single, new 5-story mixed-use building, which will include commercial uses on the ground floor, market-rate apartments on the second through fifth floors, and two sub-grade ventilated parking levels. The footprint of the new building, including the basement areas, will cover the entire Site area. The redevelopment plan includes demolition of all existing buildings at the Site and excavation of the entire Site footprint to a depth of approximately 25 feet bgs. The current zoning designation is M1-2/R5D, allowing for mixed residential, community facility, commercial, and light industrial uses. The proposed use is consistent with existing zoning for the property.



Legend

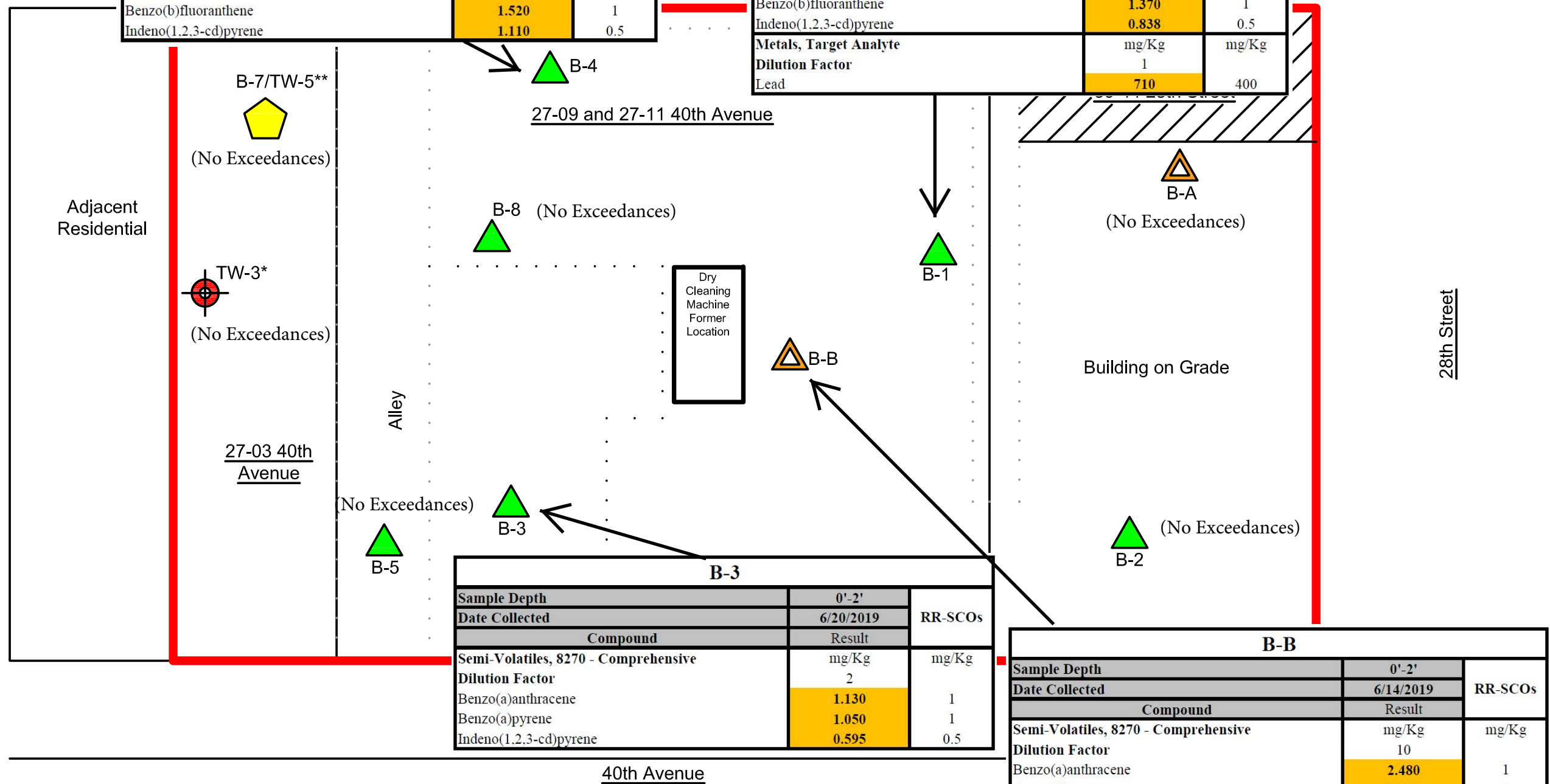
- Temporary Groundwater Well
- 2 Soil Borings to 25 feet bgs
- 6 Soil Borings concurrent with Geotechnical Borings
- 1 Temporary Groundwater Well concurrent with Geotechnical Boring

- * Two soil samples were collected for laboratory analysis during installation of TW-3
- ** Two soil samples were collected for laboratory analysis during installation of B-7/TW-5

Assumed Groundwater Flow Direction: Regional Groundwater Flow as Determined at Nearby Sites

B-4		
Sample Depth	0'-2'	RR-SCOs
Date Collected	6/14/2019	
Compound	Result	
Semi-Volatiles, 8270 - Comprehensive	mg/Kg	mg/Kg
Dilution Factor	10	
Benzo(a)anthracene	2.020	1
Benzo(a)pyrene	1.660	1
Benzo(b)fluoranthene	1.520	1
Indeno(1,2,3-cd)pyrene	1.110	0.5

B-1		
Sample Depth	0'-2'	RR-SCOs
Date Collected	6/14/2019	
Compound	Result	
Semi-Volatiles, 8270 - Comprehensive	mg/Kg	mg/Kg
Dilution Factor	10	
Benzo(a)anthracene	1.700	1
Benzo(a)pyrene	1.400	1
Benzo(b)fluoranthene	1.370	1
Indeno(1,2,3-cd)pyrene	0.838	0.5
Metals, Target Analyte	mg/Kg	mg/Kg
Dilution Factor	1	
Lead	710	400



B-3		
Sample Depth	0'-2'	RR-SCOs
Date Collected	6/20/2019	
Compound	Result	
Semi-Volatiles, 8270 - Comprehensive	mg/Kg	mg/Kg
Dilution Factor	2	
Benzo(a)anthracene	1.130	1
Benzo(a)pyrene	1.050	1
Indeno(1,2,3-cd)pyrene	0.595	0.5

B-B		
Sample Depth	0'-2'	RR-SCOs
Date Collected	6/14/2019	
Compound	Result	
Semi-Volatiles, 8270 - Comprehensive	mg/Kg	mg/Kg
Dilution Factor	10	
Benzo(a)anthracene	2.480	1
Benzo(a)pyrene	2.220	1
Benzo(b)fluoranthene	1.780	1
Indeno(1,2,3-cd)pyrene	1.780	0.5
Metals, Target Analyte	mg/Kg	mg/Kg
Dilution Factor	1	
Lead	787	400

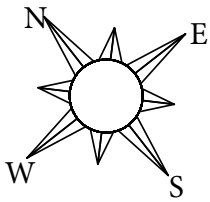
LEGEND:	
	Building Boundary
	Lot Boundary
	Site Boundary

**ATHENICA ENVIRONMENTAL
ENGINEERING PLLC**
Environmental Engineering Consultants

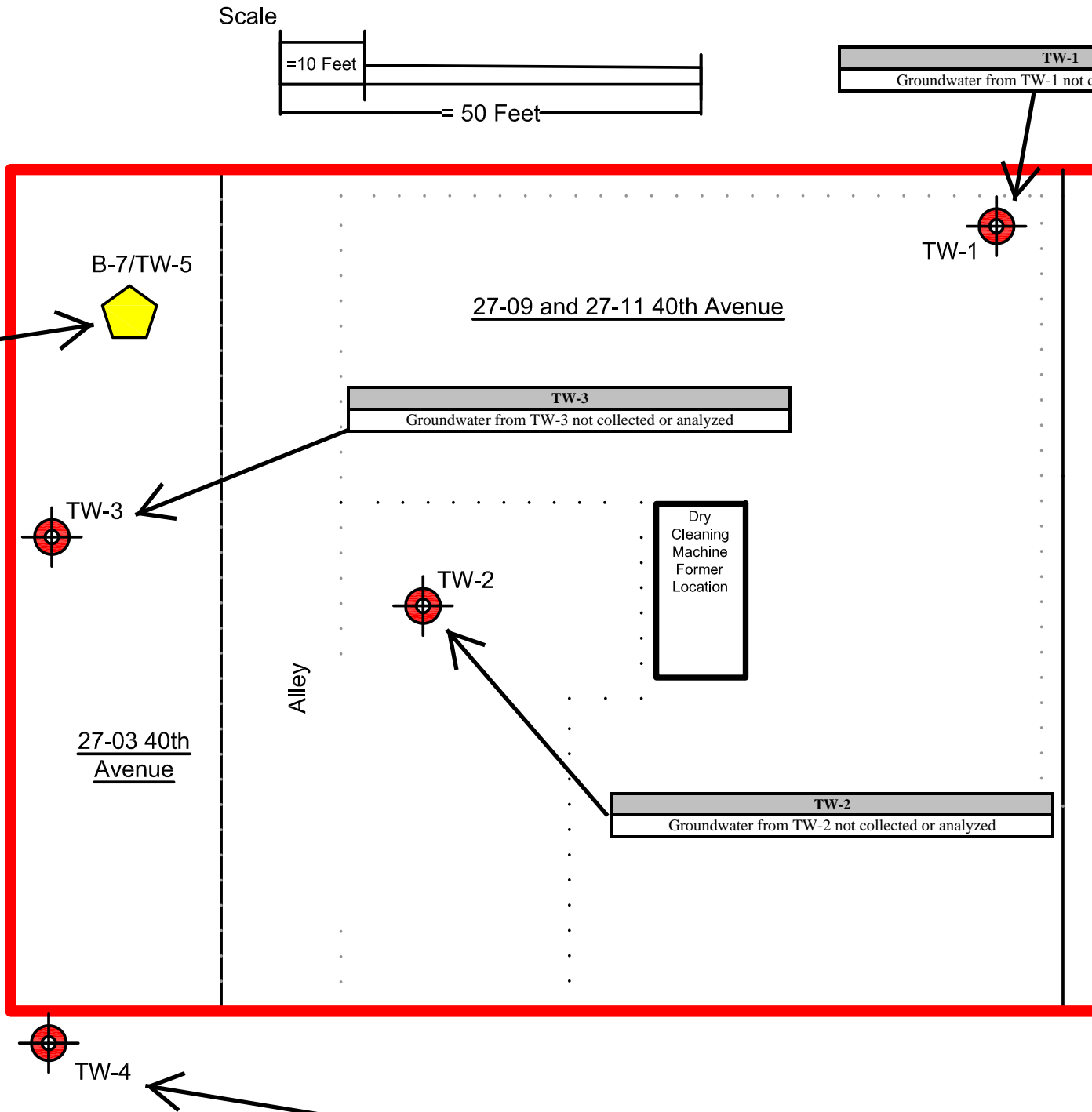
45-09 GREENPOINT AVENUE
LONG ISLAND CITY, NY 11104
TEL: (718) 784 - 7490
FAX: (718) 784 - 4085

Notes:
No exceedances detected in samples not shown or compounds not shown
RR-SCOs : 6 NYCRR Part 375 Restricted Residential Use Soil Cleanup Objectives
Exceeds RR-SCOs

Date:	DECEMBER 30, 2019	Site: 27-09 40th AVENUE SITE, LIC, NY 11101
Drawn by:	EVAN GREENBERG	
Checked by:	KEN WENZ	Figure: 1
Drawing Scale:	AS DRAWN	Title: EXCEEDANCES IN SOIL SAMPLES
Project No.:	19-132-1723	



TW-5 : 7/1/2019		
Compound	Result	NYSDEC TOGS Standards and Guidance Values - GA
Volatile Organic Compounds		
Dilution Factor	ug/L	ug/L
Acetone	55	50
Chloroethane	5	5
Chloroform	670	7
Chloromethane	24	5
Ethyl Benzene	9	5
o-Xylene	8	5
Tetrachloroethylene	64	5
Toluene	5	5
Xylenes, Total	15	5
Semi-Volatile Organic Compounds		
No Exceedances detected		
Metals, Total		
Dilution Factor	ug/L	ug/L
Magnesium	37,700	35,000
Manganese	344	300
Selenium	12.9	10
Sodium	621,000	20,000
Metals, Dissolved		
Dilution Factor	ug/L	ug/L
Magnesium, Dissolved	39,100	35,000
Selenium, Dissolved	12.900	10
Sodium, Dissolved	676,000	20,000
Pesticides/PCBs		
No Exceedances detected		
TW-5		
PFOAs/PFOS, and 1,4-Dioxane		
Compound	ug/L	
Dilution Factor	1	
1,4-Dioxane	3.120	
Perfluoroheptanoic acid (PFHpA)	0.00225	
Perfluorohexanoic acid (PFHxA)	0.00855	
Perfluoro-n-butanoic acid (PFBA)	0.00621	
Perfluorooctanoic acid (PFOA)	0.00328	
Perfluoropentanoic acid (PFPeA)	0.0161	



TW-4 : 7/2/2019		
Compound	Result	NYSDEC TOGS Standards and Guidance Values - GA
Volatile Organic Compounds		
Dilution Factor	ug/L	ug/L
2-Butanone	67	50
Acetone	96	50
Chloroform	880	7
Chloromethane	6	5
Metals, Total		
Dilution Factor	ug/L	ug/L
Arsenic	35	25
Barium	2,530	1,000
Chromium	578	50
Copper	715	200
Lead	238	25
Magnesium	333,000	35,000
Manganese	15,700	300
Nickel	680	100
Selenium	164	10
Sodium	129,000	20,000
Metals, Dissolved		
Dilution Factor	ug/L	ug/L
Magnesium, Dissolved	39,800	35,000
Manganese, Dissolved	737	300
Sodium, Dissolved	128,000	20,000
Semi-Volatile Organic Compounds		
Sample Not Analyzed for SVOCs		
Pesticides/PCBs		
Sample Not Analyzed for Pesticides or PCBs		
PFOAs/PFOS, and 1,4-Dioxane		
Sample Not Analyzed for PFOAs/PFOS or 1,4-dioxane		

LEGEND:

- Building Boundary
- Lot Boundary
- Site Boundary

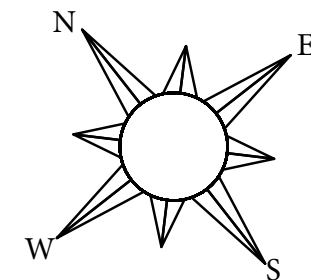
**ATHENICA ENVIRONMENTAL
ENGINEERING PLLC**
Environmental Engineering Consultants
45-09 GREENPOINT AVENUE
LONG ISLAND CITY, NY 11104
TEL: (718) 784 - 7490
FAX: (718) 784 - 4085

Legend

- 4 Temporary Groundwater Wells
- 1 Temporary Groundwater Well concurrent with Geotechnical Boring

Date: DECEMBER 30, 2019
Drawn by: EVAN GREENBERG
Checked by: KEN WENZ
Drawing Scale: AS DRAWN
Project No.: 19-132-1723

Site: 27-09 40th AVENUE SITE, LIC, NY 11101
Figure: 2
Title: EXCEEDANCES IN GROUNDWATER SAMPLES



Legend

7 Soil Vapor Probes

SV-7	
Date: 7/1/2019	
Dilution Factor	1.572
Compound	Concentration (ug/m3)
1,1-Dichloroethylene	0.500
1,2,4-Trimethylbenzene	2.900
1,3,5-Trimethylbenzene	0.930
1,4-Dichlorobenzene	2.300
2-Butanone	18
2-Hexanone	3.500
Acetone	96
Benzene	0.800
Carbon disulfide	0.640
Carbon tetrachloride	1.700
Chloroethane	0.580
Chloroform	290
Chloromethane	2.900
Cyclohexane	1.600
Dichlorodifluoromethane	1.900
Ethyl acetate	5.500
Ethyl Benzene	1.300
Isopropanol	3.600
Methyl Methacrylate	0.770
Methylene chloride	4.900
n-Heptane	1.600
n-Hexane	1.300
o-Xylene	2
p- & m- Xylenes	4.600
p-Ethyltoluene	2
Tetrachloroethylene	140
Toluene	8.800
Trichloroethylene	2.900
Trichlorofluoromethane (Freon 11)	2.800

SV-3	
Date: 7/1/2019	
Dilution Factor	7.3
Compound	Concentration (ug/m3)
2-Butanone	93
2-Hexanone	12
Acetone	580
Ethyl acetate	13
Isopropanol	13
Methylene chloride	5.800
Propylene	27
Tetrachloroethylene	2.200
Toluene	8.500
Trichloroethylene	15
Trichlorofluoromethane (Freon 11)	5.700

SV-4	
Date: 7/1/2019	
Dilution Factor	10339
Compound	Concentration (ug/m3)
1,1-Dichloroethylene	3.600
2-Butanone	220
2-Hexanone	35
Acetone	720
Chloroform	36
cis-1,2-Dichloroethylene	23
Propylene	25
Tetrachloroethylene	1,600,000
Toluene	53
trans-1,2-Dichloroethylene	7.100
Trichloroethylene	4,800
Trichlorofluoromethane (Freon 11)	32

SV-1	
Date: 7/1/2019	
Dilution Factor	146.64
Compound	Concentration (ug/m3)
2-Butanone	130
2-Hexanone	26
Acetone	350
Chloroform	52
cis-1,2-Dichloroethylene	12
Methylene chloride	18
o-Xylene	9.600
p- & m- Xylenes	18
Propylene	15
Tetrachloroethylene	39,000
Toluene	16
Trichloroethylene	130
Trichlorofluoromethane (Freon 11)	19

SV-7

SV-3

SV-1

SV-4

SV-5

SV-2

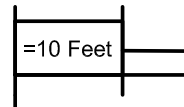
SV-6

SV-6	
Date: 7/1/2019	
Dilution Factor	8.45
Compound	Concentration (ug/m3)
1,2,4-Trimethylbenzene	4.200
2-Butanone	17
Acetone	170
Carbon tetrachloride	2.100
Chloroform	31
cis-1,2-Dichloroethylene	1.700
Cyclohexane	2.900
Dichlorodifluoromethane	4.200
Ethyl acetate	12
o-Xylene	3.700
Tetrachloroethylene	1,600
Toluene	9.200
Trichloroethylene	19
Trichlorofluoromethane (Freon 11)	8.100

SV-5	
Date: 7/1/2019	
Dilution Factor	89.25
Compound	Concentration (ug/m3)
2-Butanone	54
Acetone	270
Chloroform	44
cis-1,2-Dichloroethylene	14
Tetrachloroethylene	15,000
Toluene	17
Trichloroethylene	130
Trichlorofluoromethane (Freon 11)	18

SV-2	
Date: 7/1/2019	
Dilution Factor	1.664
Compound	Concentration (ug/m3)
1,2,4-Trimethylbenzene	1.600
1,4-Dichlorobenzene	2.600
2-Butanone	90
2-Hexanone	16
Acetone	120
Carbon tetrachloride	0.420
Chloromethane	1.100
Dichlorodifluoromethane	1.700
Isopropanol	1.700
Methylene chloride	1.200
n-Heptane	1.500
n-Hexane	1.100
o-Xylene	0.790
p- & m- Xylenes	1.700
p-Ethyltoluene	1.100
Propylene	2.600
Toluene	4.800
Trichloroethylene	0.270
Trichlorofluoromethane (Freon 11)	1.100

Scale



Assumed Groundwater Flow
Direction: Regional
Groundwater Flow as
Determined at Nearby Sites

LEGEND:

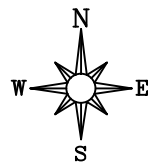
- Building Boundary
- Lot Boundary
- Site Boundary

**ATHENICA ENVIRONMENTAL
ENGINEERING PLLC**
Environmental Engineering Consultants
45-09 GREENPOINT AVENUE
LONG ISLAND CITY, NY 11104
TEL: (718) 784 - 7490
FAX: (718) 784 - 4085

Notes:

Concentration that warrants mitigation regardless of equivalent indoor concentration

Date:	DECEMBER 30, 2019	Site:	27-09 40th AVENUE SITE, LIC, NY 11101
Drawn by:	EVAN GREENBERG	Figure:	3
Checked by:	KEN WENZ	Title:	DETECTED CONCENTRATIONS IN SOIL VAPOR SAMPLES
Drawing Scale:	AS DRAWN		
Project No.:	19-132-1723		

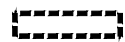


Northwest-adjacent property:
27-01 40th Avenue
Owner: Crainicuc, Silvia

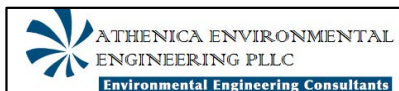
North-adjacent property:
39-39 27th Street
Owner: Schettino, Yolanda

North-adjacent property:
39-36 28th Street
Owner: 7CC, LLC

LEGEND:



- BROWNFIELD SITE
BOUNDARY

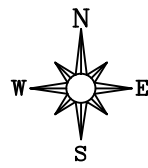


45-09 GREENPOINT AVENUE
LONG ISLAND CITY, NY 11104
TEL: (718) 784 - 7490
FAX: (718) 784 - 4085

Date:	DECEMBER 20, 2019
Drawn by:	ADIB RAHMAN
Checked by:	KENNETH P. WENZ, JR., PG, LE
Drawing Scale:	AS SHOWN
Project No.:	19-132-1723

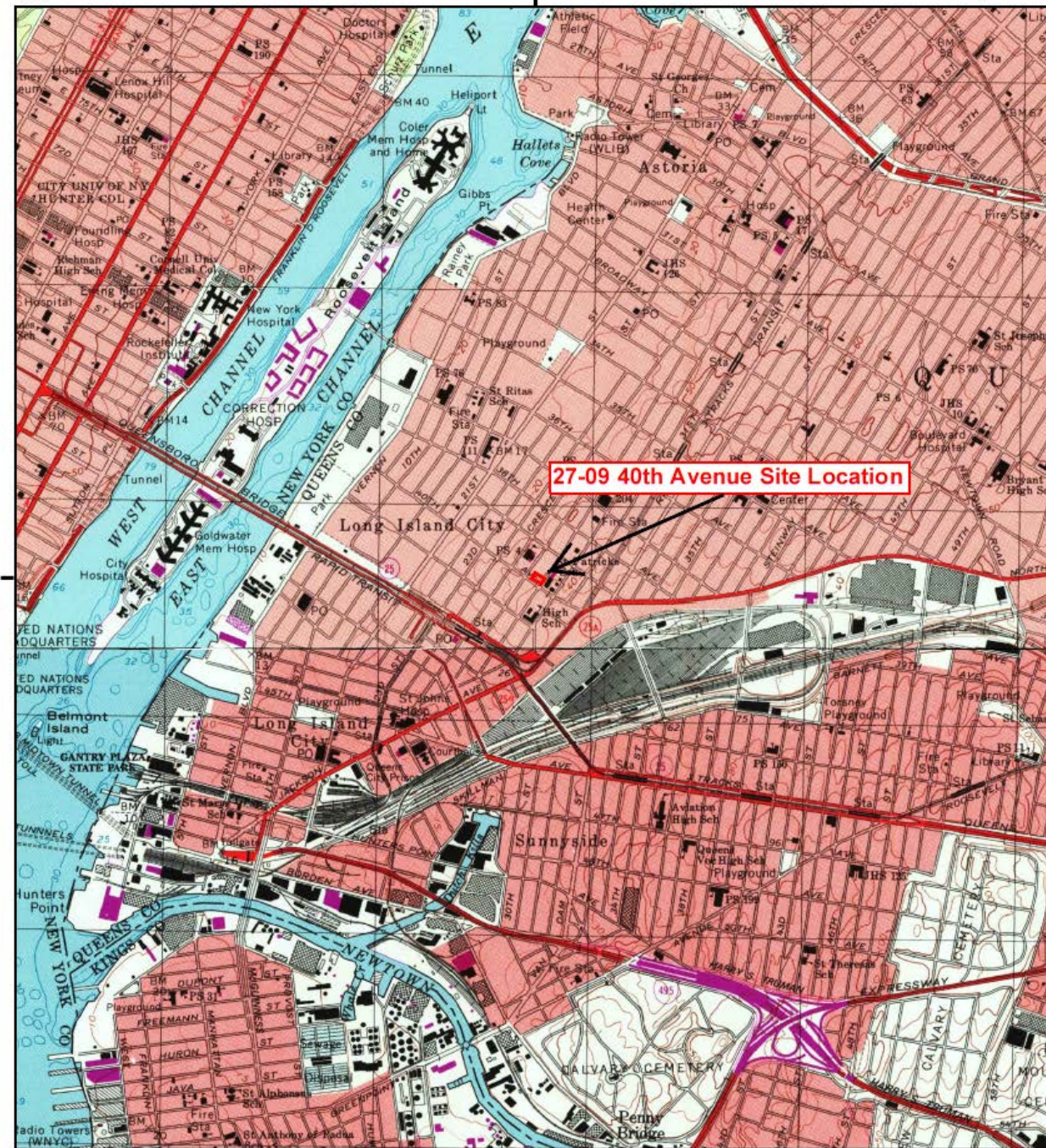
Site: 27-09 40th AVENUE SITE, LIC, NY
11101

Figure: 4
Title: TAX MAP

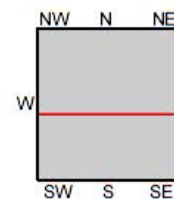
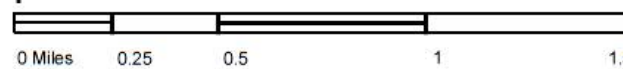


Historical Topo Map

1995, 1997



This report includes information from the following map sheet(s).



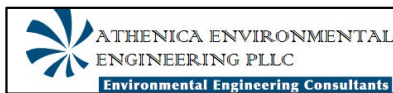
TP, Central Park, 1997, 7.5-minute
S, Brooklyn, 1995, 7.5-minute

SITE NAME: 27-03, 27-09, 27-11 40th Ave. and 39-44
ADDRESS: 27-03, 27-09, 27-11 40th Ave. and 39-44
Long Island City, NY 11101
CLIENT: Athenica Env. Services Inc.



5527132 - 4 page 7

LEGEND:



45-09 GREENPOINT AVENUE
LONG ISLAND CITY, NY 11104
TEL: (718) 784 - 7490
FAX: (718) 784 - 4085

Date:	DECEMBER 30, 2019	Site: 27-09 40th AVENUE SITE, LIC, NY 11101
Drawn by:	EVAN GREENBERG	
Checked by:	KENNETH P. WENZ, JR., PG, LE	Figure: 5
Drawing Scale:	AS SHOWN	Title: USGS MAP and SITE LOCATION
Project No.:	19-132-1723	

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through November 5, 2019.

Selected Entity Name: 40TH AVE DUTCH KILLS REALTY LLC

Selected Entity Status Information

Current Entity Name: 40TH AVE DUTCH KILLS REALTY LLC

DOS ID #: 5385624

Initial DOS Filing Date: AUGUST 01, 2018

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)

40TH AVE DUTCH KILLS REALTY LLC

36-08 30TH AVENUE

2ND FLOOR

ASTORIA, NEW YORK, 11103

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

AUG 01, 2018 Actual 40TH AVE DUTCH KILLS 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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**ATHENICA ENVIRONMENTAL
ENGINEERING PLLC**

Environmental Engineering Consultants

November 5, 2019

Tienya Smith, Branch Manager
Queens Library of Long Island City
37-44 21st Street
Long Island City, NY 11101

Re: Request to Accept Designation as a Document Repository for New York State Brownfield Cleanup Program Activities at 27-09 40th Street Site, Long Island City, New York

Dear Ms. Smith:

As you discussed with Justin Gugger of our office, Athenica Environmental Engineering PLLC is preparing an application for acceptance of the referenced Site into the New York State Brownfield Cleanup Program (BCP), as administered by the New York State Department of Environmental Conservation (NYSDEC). As part of that application, the NYSDEC requires designation of a document repository, where local residents can review plans, reports, and other documents associated with the BCP activities at the Site. We request that the Queens Library of Long Island City accept the designation as document repository for this Site.

Thank you for your consideration of this request. If agreed, please sign below and return the signed acceptance to us via email or fax. Please contact us at (718) 784-7490 if you have any questions or require additional information.

Sincerely,
ATHENICA ENVIRONMENTAL SERVICES, INC.

Kenneth P. Wenz, Jr., PG, LEP
Senior Project Manager

By signature below, the Queens Library of Long Island City accepts designation as a document repository for the 27-09 40th Avenue Site:

Accepted By:

(Signature)

Printed Name:

Tienya Smith

Title:

Community Library Mgr

Date:

11-5-19



**ATHENICA ENVIRONMENTAL
ENGINEERING PLLC**

Environmental Engineering Consultants

December 20, 2019

Florence Koulouris, District Manager
Queens Community Board 1
45-02 Ditmars Boulevard, LL Suite 1025
Astoria, NY 11105

Re: Request to Accept Designation as a Document Repository for New York State Brownfield Cleanup Program Activities at 27-09 40th Street Site, Long Island City, New York

Dear Ms. Koulouris:

As we discussed, Athenica Environmental Engineering PLLC is preparing an application for acceptance of the referenced Site into the New York State Brownfield Cleanup Program (BCP), as administered by the New York State Department of Environmental Conservation (NYSDEC). As part of that application, the NYSDEC requires designation of document repositories, where local residents can review plans, reports, and other documents associated with the BCP activities at the Site. We request that Queens Community Board 1 accept designation as document repository for this Site. As discussed, we will provide electronic (PDF) copies of documents to you. An additional repository has been established at the Queens Library of Long Island City, 37-44 21st Street, Long Island City, NY 11101.

Thank you for your consideration of this request. If agreed, please sign below and return the signed acceptance to us via email or fax. Please contact us at (718) 784-7490 if you have any questions or require additional information.

Sincerely,
ATHENICA ENVIRONMENTAL SERVICES, INC.

Kenneth P. Wenz, Jr., PG, LEP
Senior Project Manager

By signature below, the Queens Community Board 1 accepts designation as a document repository for the 27-09 40th Avenue Site:

Accepted By:

(Signature)

Printed Name:

Title:

Date: