



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 MD45 Developers LLC

ADDRESS 48-02 25th Avenue, Suite 400

CITY/TOWN Astoria

ZIP CODE 11103

PHONE 718-932-6342

FAX 718-545-5983

E-MAIL ekokinakis@megagroup.nyc

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.

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:

- 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			X
Chlorinated Solvents			X
Other VOCs			
SVOCs	X		
Metals	X		
Pesticides			
PCBs		X	
Other*			

*Please describe: _____

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

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

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?* Yes No
 (*answering No will result in an incomplete application)

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 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: warehouse storage, knitting mill, electronics manufacturer

Section IV. Property Information - See Instructions for Further Guidance

PROPOSED SITE NAME **22-60 46th Street**

ADDRESS/LOCATION **22-60 46th Street**

CITY/TOWN **Queens, New York** ZIP CODE **11105**

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):

Borough of Queens, NYC

COUNTY **Queens County** SITE SIZE (ACRES) **0.689**

LATITUDE (degrees/minutes/seconds)	LONGITUDE (degrees/minutes/seconds)
N40 ° 46 ' 09.65 "	W73 ° 54 ' 16.01 "

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
22-60 46th Street, Queens, New York, NY 11105	400	769	25	0.689

1. Do the proposed site boundaries correspond to tax map metes and bounds? Yes No
If no, please attach an accurate map of the proposed site.

2. Is the required property map attached to the application? Yes No
(application will not be processed without map)

3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)?
(See [DEC's website](#) for more information) Yes No

If yes, identify census tract : _____

Percentage of property in En-zone (check one): 0-49% 50-99% 100%

4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? Yes No

If yes, identify name of properties (and site numbers if available) in related BCP applications: _____

5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? Yes No

6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? Yes No
If yes, attach relevant supporting documentation.

7. Are there any lands under water? Yes 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

<u>Easement/Right-of-way Holder</u>	<u>Description</u>
Not Applicable	

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

<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>
N/A		

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

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**? Yes No

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
N/A

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 #: _____
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NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE **Emanuel Kokinakis**

ADDRESS **48-02 25th Avenue, Suite 400**

CITY/TOWN **Astoria, NY** ZIP CODE **11103**

PHONE **718-932-6342** FAX **718-545-5983** E-MAIL **ekokinakis@megagroup.nyc**

NAME OF REQUESTOR'S CONSULTANT **Deborah Shapiro, QEP; AKRF, Inc.**

ADDRESS **440 Park Ave South, 7th Floor**

CITY/TOWN **New York, NY** ZIP CODE **10016**

PHONE **646-388-9544** FAX **212-726-0942** E-MAIL **dshapiro@akrf.com**

NAME OF REQUESTOR'S ATTORNEY **George Duke, Esq., P.G.; Brown Duke & Fogel, P.C.**

ADDRESS **350 5th Avenue, Suite 4640**

CITY/TOWN **New York, NY** ZIP CODE **10118**

PHONE **646-915-0236** FAX **646-219-2601** E-MAIL **gduke@bdflegal.com**

Section VI. Current Property Owner/Operator Information – if not a Requestor

CURRENT OWNER'S NAME **See attached.** OWNERSHIP START DATE: _____

ADDRESS _____

CITY/TOWN _____ ZIP CODE _____

PHONE _____ FAX _____ E-MAIL _____

CURRENT OPERATOR'S NAME **See attached.**

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.

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? Yes No
 2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? Yes 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. Yes 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

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 Not Applicable

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

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

- 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
- Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305?
If yes, please provide: Site # _____ Class # _____ Yes No
- Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____ Yes No
- 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 Not Applicable
- Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?
If yes, please provide: Order # _____ Yes No
- Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?
If yes, please provide explanation as an attachment. Yes No

Section IX. Contact List Information

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

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

Section X. Land Use Factors

1. What is the current municipal zoning designation for the site? R6A, C2-3

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)

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.**

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

See attached supporting documentation.

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.

Yes No

To support the proposed redevelopment, the Site was rezoned from M1-1 (manufacturing) to R6A (residential) and C2-3 (commercial) and was approved in February 2020. Mandatory Inclusionary Housing (MIH) units are also included as part of the rezoning.

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

See attached supporting documentation.

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 Member (title) of MD45 Developers 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: 5/6/20 Signature:  _____
Print Name: Hercules Argyriou

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 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 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):	
"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.	
From 6 NYCRR 375-3.2(I) as of August 12, 2016: (Please note: Eligibility determination for the underutilized category can only be made at the time of application)	
375-3.2:	
(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and	
(1) the proposed use is at least 75 percent for industrial uses; or	
(2) at which:	
(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;	
(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and	
(iii) one or more of the following conditions exists, as certified by the applicant:	
(a) property tax payments have been in arrears for at least five years immediately prior to the application;	
(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or	
(c) there are no structures.	
"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.	

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: 22-60 46th Street
City: Queens, New York

Site Address: 22-60 46th Street
County: Queens County **Zip:** 11105

Tax Block & Lot
Section (if applicable): 400 **Block:** 769 **Lot:** 25

Requestor Name: MD45 Developers LLC
City: Astoria

Requestor Address: 48-02 25th Avenue, Suite 400
Zip: 11103 **Email:** ekokinakis@megagroup.nyc

Requestor's Representative (for billing purposes)

Name: Emanuel Kokinakis **Address:** 48-02 25th Avenue, Suite 400
City: Astoria, NY **Zip:** 11103

Email: ekokinakis@megagroup.nyc

Requestor's Attorney

Name: George Duke, Esq., P.G.; Brown Duke & Fogel, P.C. **Address:** 350 5th Avenue, Suite 4640
City: New York, NY **Zip:** 10118

Email: gduke@bdflegal.com

Requestor's Consultant

Name: Deborah Shapiro, QEP; AKRF, Inc. **Address:** 440 Park Ave South, 7th Floor
City: New York, NY **Zip:** 10016

Email: dshapiro@akrf.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:

Brownfield Cleanup Program Application Supporting Documentation

PART A

Supplement to Section I. – Requestor Information

1. Requestor Information

Contact information and the names of members/owners of the Applicants are set forth below:

Entity Name/Applicant	Members/Owners	Contact Information
MD45 Developers LLC (a New York Limited Liability Company)	Hercules Hanjis Hercules Argyriou George Poulon Dimitrios Hanjis	Attn: Emanuel Kokinakis 48-02 25 th Avenue, Suite 400 Astoria, NY 11103 Phone: 718-932-6342 Fax: 718-545-5983 Email: ekokinakis@megagroup.nyc

The New York State Department of State’s Corporation and Business Entity Database information for the requestor is included as *Attachment A*. The entity is herein referred to as (the “Applicant”) for the property located at 22-60 46th Street, Queens, NY (hereafter referred to as the “Site”).

Section II - Project Description

3. Remedial Investigation Report

A Final Remedial Investigation Report (RIR) has not been prepared for the Site; however, a Phase II Environmental Site Assessment (ESA) was conducted by Environmental Studies Corporation, Inc. (ESC) in May 2019. In addition, a supplemental Subsurface (Phase II) Investigation was conducted by AKRF, Inc. (AKRF) in August 2019.

The May 2019 Phase II ESA conducted by ESC and the August 2019 Subsurface (Phase II) Investigation conducted by AKRF are being used to support this Brownfield Cleanup Program (BCP) Application, and are discussed in Section III. To supplement the investigation of the Site, a Remedial Investigation Work Plan (RIWP) is being submitted with the BCP Application.

4. Project Description

The Site consists of an approximately 0.689-acre parcel located at 22-60 46th Street in the Astoria section of Queens, New York, and is identified by the City of New York as Borough of Queens Block 769, Lot 25. Historically, the Site included Lots 25 and 42, but was redefined as one lot (Lot 25) in April 2020 after the Applicant submitted an Application for Mergers to the NYC Department of Finance. Former Lot 42 was associated with the address 22-61 45th Street. The approved Application for Mergers is provided in *Attachment B*. Currently, the Site contains two buildings. The eastern building (former Lot 25) is a slab-on-grade, one-story warehouse occupied by Williams Specialty Services, an electrical contractor, and Minosis Group, an insulation contractor. The warehouse contains office space, truck storage, and storage of electrical and insulation supplies and equipment. The western building (former Lot 42) contains a slab-on-grade, vacant, one-story warehouse, most recently occupied by a plumbing supply distributor (Three Way Plumbing Supply). The surrounding area comprises predominantly residential with some commercial and industrial uses. A Site Location map and Site Plan are included in *Attachment C* as *Figures 1* and *2*, respectively.

The Site is part of the Queens County Census Tract 137. According to the 2014-2018 American Community Survey (ACS) Profile data, it is estimated that 4% of the population in Census Tract 137 is living below the poverty line. The unemployment rate for Census Tract 137 is estimated at 3.3%, compared to the New York

City unemployment rate of 4.4% (as of March 2020) and the national unemployment rate of 4.4% (as of March 2020). The Site is not located in an En-Zone.

The Applicant plans to enter into the BCP as a Volunteer. Entry into the BCP would facilitate the remediation and redevelopment of the Site into a mixed-use commercial and residential building.

The proposed redevelopment plans will include demolition of the existing structures (including asbestos abatement as applicable), and construction of two 8-story, mixed-use buildings with a shared cellar level. The cellar will require excavation to approximately 14 feet below grade. The buildings will contain approximately 96 residential units, including 30 permanently affordable units. The cellar level will contain a parking garage and residential accessory space. The first floor will contain approximately 3,721-square feet of commercial space, approximately 11,740-square feet of community facility space, and residential amenities. Floors two through eight will contain residential units. Additionally, an exterior courtyard is proposed between the two buildings on the first and second floors. To support the proposed redevelopment, the Site was rezoned from M1-1 (manufacturing) to R6A (residential) and C2-3 (commercial) as part of Uniform Land Use Review Procedure (ULURP) and was approved in February 2020. Mandatory Inclusionary Housing (MIH) units are also included as part of the rezoning.

The Applicant plans on conducting all remedial investigation and remedial activities in accordance with Environmental Conservation Law (ECL) Article 27, Title 14, 6 New York Codes, Rules, and Regulations (NYCRR) 375-1.6(a), 375-3.6, and 375-6, and all applicable laws, rules, regulations, and guidance documents.

Estimated Project Schedule:

The remedial investigation is planned to begin immediately upon approval of the Remedial Investigation Work Plan (following acceptance into the BCP program), the remedy is planned to begin in March 2021, and the Certificate of Completion (COC) is anticipated to be obtained in December 2021. The BCP project will likely include some or all of the activities listed below. This preliminary project schedule is subject to change.

Activity	Time To Complete
Submittal of BCP Application and Draft Remedial Investigation Work Plan (RIWP)	May 2020
30-day Completeness Review	June 2020
30-day Public Notice/Public Comment Period is Initiated	July 2020
30-day Public Notice/Public Comment Period Ends	August 2020
BCA Execution	August/September 2020
Submittal and Approval of Citizen Participation Plan and Final RIWP	September 2020
Demolition of Existing Structures (start)	September 2020
Remedial Investigation	September/October 2020
Draft Remedial Investigation Report (RIR) and draft Remedial Action Work Plan (RAWP) Submitted to NYSDEC	November/December 2020
45-day Public Comment Period for RAWP is Initiated	January 2021
NYSDEC Approves RIR	January 2021
Public Comment Period for RAWP Ends	February 2021
Final RAWP Submitted/NYSDEC Approves RAWP and Issues Decision Document	February 2021
Issue Remedial/Construction Notice Fact Sheet	March 2021
Begin Redevelopment (Construction) with Implementation of RAWP	March 2021
Execution of Environmental Easement (if required)	July 2021
Draft Site Management Plan (SMP) Submitted to NYSDEC	August 2021

Activity	Time To Complete
Draft Final Engineering Report and Fact Sheet	September 2021
Certificate of Completion and Fact Sheet	December 2021
Completion of Building (first occupancy)	December 2023

Section III – Property’s Environmental History

The following figures are included in *Attachment C*:

- Figure 1 – Site Location
- Figure 2 – Site Plan
- Figure 3 – Tax Map
- Figure 4 – Surrounding Land Use
- Figure 5 – Zoning Map
- Figure 6 – Soil Sample Concentrations Above NYSDEC UUSCOs and RRSCOs
- Figure 7 – Groundwater Sample Concentrations Above NYSDEC AWQSGVs
- Figure 8 – Soil Vapor Sample Detections

1. Environmental Reports

Copies of the following previous environmental studies for the Site are included as *Attachment D* (electronic copies only):

1. Phase I Environmental Site Assessment (ESA), 22-60 46th Street, Queens, New York 11105, Environmental Studies Corporation, Inc., May 2018.¹
2. Phase I ESA, 22-61 45th Street, Queens, New York 11105, CA RICH Consultants, Inc., June 2018.²
3. Phase II ESA Data Tables, Environmental Studies Corporation, Inc., May 2019.
4. Supplemental Subsurface (Phase II) Investigation Data Tables, AKRF, Inc., August 2019

In addition to the previous studies noted above, a Supplemental Subsurface (Phase II) Investigation was conducted at the Site in August 2019 by AKRF, Inc. This investigation was performed to supplement the data available for this BCP application (a standalone report was not prepared). The investigation scope of work and results are discussed below. The results are also included in the overall environmental site assessment provided in Section IV. The Applicant believes that there is sufficient information to demonstrate significant contamination warranting remediation under the BCP. The Applicant, as a Volunteer under the BCP, seeks to enroll in the program to remediate the Site in a timely manner under the oversight of the New York State Department of Environmental Conservation (NYSDEC).

The following are summaries of the previous investigations:

Phase I ESA, 22-60 46th Street, Queens, New York 11105, Environmental Studies Corporation, Inc., May 2018

Environmental Studies Corporation, Inc. (ESC) prepared a Phase I Environmental Site Assessment (ESA) of former Lot 25 (only) in May 2018 in conformance with the scope and limitations of American Society for Testing & Materials (ASTM) Practice E1527-13. The assessment identified the following Recognized Environmental Conditions (RECs) and Vapor Encroachment Conditions (VECs) in connection with the Site:

- The potential for contamination from past electronics manufacturing and knitting mill operations in the subject building.

¹ The May 2018 Environmental Studies Corporation, Inc. Phase I ESA was performed for Block 769, former Lot 25 only.

² The June 2018 CA RICH Consultants, Inc. Phase I ESA was performed for Block 769, former Lot 42 only.

- The potential for a vapor encroachment condition from past on-site manufacturing operations, and from potential off-site sources of contamination in the immediate vicinity of the Site.
- The possible presence of asbestos-containing building materials and lead-based paints in the Site building (business environmental risk outside of ASTM E1527-13).

Phase I ESA, 22-61 45th Street, Queens, New York 11105, CA RICH Consultants, Inc., June 2018

CA RICH Consultants, Inc. (CA RICH) of Plainview, New York completed a Phase I ESA of former Lot 42 only in June 2018. The Phase I ESA was conducted in substantive conformance with the suggested informational requirements, scope and limitations of the ASTM Standard Practice E 1527-13 for environmental site assessments.

CA RICH did not identify any RECs; however, two business environmental risks were identified as summarized below:

- Based upon the age of the structure, constructed circa 1955, asbestos is likely present in some of the building materials. If the building is to be renovated or demolished, it is recommended that an Asbestos Containing Material (ACM) survey be performed and appropriate measures taken to protect the health and safety of building occupants or workers during activities that may disturb the ACM.
- Based upon the age of the structure, constructed circa 1955, lead-based paint (LBP) is likely present in some of the building materials especially in the lower layers of paint. If the building is to be renovated or demolished, it is recommended that a LBP survey be performed. At the time of the inspection, no peeling paint was observed.

Phase II ESA, Environmental Studies Corporation, Inc., May 2019

Based on the results of the Phase I ESAs, ESC conducted a Phase II ESA at the Site in May 2019 in accordance with ASTM E1903-97 Standard Guide for Environmental Site Assessments: Phase II ESA Process.

The scope of work included the following:

- Completion of a geophysical investigation which included an electromagnetic survey and ground penetrating radar (GPR) survey;
- Advancement of 8 soil borings with the collection and laboratory analysis of 16 soil samples;
- Installation of 2 temporary groundwater monitoring wells with the collection and laboratory analysis of 2 groundwater samples; and
- Installation of 6 temporary soil vapor probes with the collection and laboratory analysis of 6 soil vapor samples.

Two soil samples were collected from each soil boring location. One soil sample was collected from the upper 2 feet beneath the existing pavement and a deeper soil sample was collected from 15 to 17 feet below surface grade (the proposed excavation depth at the time). Two 1-inch diameter temporary monitoring wells were installed in the eastern and western portions of the Site. Soil and groundwater samples were analyzed for volatile organic compounds (VOCs) by US Environmental Protection Agency (EPA) Method 8260, semivolatile organic compounds (SVOCs) by EPA Method 8270, pesticides/polychlorinated biphenyls (PCBs) by EPA Methods 8081/8082, and target analyte list (TAL) Metals.

Six temporary soil vapor probes were installed between approximately 15 and 17 feet below grade. Soil vapor samples were collected via dedicated polyethylene tubing and SUMMA[®] canisters, and analyzed for VOCs using EPA TO-15 method parameters.

Soil Quality Conditions

Historic fill, comprising sand and gravel with varying amounts of brick, concrete, and stone fragments was found throughout the Site down to approximately 4 to 6 feet below grade. The fill material was underlain by native materials consisting of sand and silt, with fine gravel. No petroleum-like odors, staining, or elevated photoionization detector (PID) readings were detected.

The soil samples were compared to NYSDEC Soil Cleanup Objectives (SCOs) 6 NYCRR Subpart 375-6.8 (a): Unrestricted Use SCOs (UUSCOs) and Restricted-Residential Use SCOs (RRSCOs). Soil laboratory analytical results are summarized below:

- No VOCs were identified above laboratory detection limitations or the SCOs in the soil samples collected. Tetrachloroethylene (PCE) was detected at low levels in 7 of the 16 soil samples, below the SCOs.
- One SVOC, indeno[123-cd]pyrene, was detected above the UUSCO and RRSCO in one sample.
- No pesticides or PCBs were identified above laboratory detection limitations or the SCOs.
- Total metals exceeding the UUSCOs included copper [maximum concentration of 174 milligrams per kilogram (mg/kg)], lead (maximum concentration of 315 mg/kg), mercury (maximum concentration of 0.4 mg/kg), nickel (maximum concentration of 43 mg/kg) and zinc (maximum concentration of 772 mg/kg). Copper was additionally detected above the RRSCO in one sample.

Groundwater Quality Conditions

Groundwater was encountered at approximately 45 feet below grade in the two temporary groundwater monitoring wells installed as part of ESC's May 2019 Phase II ESA. No visual or olfactory evidence of contamination was detected in the purge water from either well.

No VOCs, SVOCs, pesticides, or metals were detected above the NYSDEC Ambient Water Quality Standards and Guidance Values (AWQSGVs). One PCB, Aroclor 1260, was detected at a concentration of 0.164 micrograms per liter ($\mu\text{g/L}$), above the AWQSGV of 0.09 $\mu\text{g/L}$.

Soil Vapor Quality Conditions

Various petroleum- and solvent-related VOCs were detected in the soil vapor samples at concentrations ranging from 1.1 micrograms per cubic meter ($\mu\text{g/m}^3$) to 4,900 $\mu\text{g/m}^3$. PCE was detected in all six samples at concentrations ranging from 37 to 4,900 $\mu\text{g/m}^3$. The greatest concentration (4,900 $\mu\text{g/m}^3$) was detected in the central portion of the Site. A breakdown product of PCE, trichloroethylene (TCE), was detected in one soil vapor sample collected from the southwestern corner of the Site.

Soil concentrations above the UUSCOs and/or RRSCOs, groundwater concentrations above the AWQSGVs, and soil vapor detections are shown on Figures 6, 7, and 8, respectively.

Supplemental Subsurface (Phase II) Investigation, AKRF, Inc., August 2019

AKRF conducted a Subsurface (Phase II) Investigation at the Site in August 2019 to supplement the soil and soil vapor data obtained during the May 2019 Phase II ESA. The scope of work for the investigation included the advancement of 12 soil borings with the collection and laboratory analysis of 18 soil samples. On August 5, 2019, four soil borings were advanced with the collection and laboratory analysis of four soil samples, collected from the interval of greatest contamination or the upper 2 feet beneath existing pavement, in the absence of contamination. On August 29, 2019, 8 soil borings were advanced with the collection and laboratory analysis of 14 soil samples. Soil samples were collected from the upper 2 feet beneath existing pavement and a second sample was collected from the interval of greatest contamination or within the historic fill layer. The soil samples were analyzed for VOCs by EPA Method 8260, polycyclic aromatic

hydrocarbons (PAHs) by EPA Method 8270, and Resource Conservation and Recovery Act (RCRA) 8 metals by EPA Methods 6020 and 7041, in accordance with Category B deliverables. For Quality Assurance/Quality Control (QA/QC) purposes, one field blank, one trip blank, one blind duplicate, and one matrix spike/matrix spike duplicate (MS/MSD) sample were collected and submitted with the soil samples.

The investigation also included the installation of one temporary sub-slab vapor point (SV-07) installed to a depth of approximately 18 inches below the existing building slab on former Lot 42. One soil vapor sample was collected over a 2-hour period and analyzed for VOCs by EPA method TO-15.

Soil Quality Conditions

The soil samples were compared to the NYSDEC Part 375 UUSCOs and RRSCOs. Soil laboratory analytical results are summarized below:

- No VOCs were identified above the SCOs in the soil samples collected. PCE was detected at low levels in 15 of the 18 soil samples, below the UUSCOs and RRSCOs.
- The SVOCs benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, and/or indeno[123-cd]pyrene, were detected at concentrations above the RRSCOs in up to seven samples. All concentrations ranged from 0.6 mg/kg to 3 mg/kg.
- Total metals exceeding the UUSCOs included barium (maximum concentration of 684 mg/kg), lead (maximum concentration of 583 mg/kg), and mercury (maximum concentration of 0.56 mg/kg). Barium and lead were additionally detected at concentrations above the RRSCOs in up to four samples.

Sub-Slab Soil Vapor Quality Conditions

Sub-slab soil vapor sample (SV-07) results reported detections of similar VOCs related to petroleum compounds and chlorinated VOCs identified in the previous May 2019 Phase II investigation. Chlorinated VOCs including, carbon tetrachloride, PCE, and TCE were detected in SV-07 at concentrations up to 4,400 µg/m³.

The concentrations of SVOCs and metals in soil above the RRSCOs, and elevated concentrations of chlorinated solvents in soil vapor are believed to be related to the Site's historic manufacturing usage.

Soil concentrations above the UUSCOs and/or RRSCOs, and soil vapor detections are shown on Figures 6 and 8, respectively.

Section IV- Property Information

2. Tax Map

A tax map of the Site and adjacent properties is provided as *Figure 3*. The Site is currently identified by the City of New York as Queens Block 769, Lot 25. Historically, the Site included Lots 25 and 42, but was redefined as one lot (Lot 25) in April 2020. The approved RP-602 Application for Mergers is provided in *Attachment B*.

10. Property Description and Environmental Assessment

Location – The Site is located at 22-60 46th Street, in the Astoria section of Queens, New York. The Site is abutted to the north by a parking garage, followed by a multi-story residential building; to the east by 46th Street, followed by private residences; to the south by private residences and commercial uses; and to the west by 45th Street, followed by a shopping center and warehouses.

Site Features – The Site consists of two buildings on an approximately 0.689-acre parcel. The eastern portion of the Site (former Lot 25) contains a one-story (slab-on-grade), masonry and steel frame

industrial/warehouse building that occupies the entire lot. The building is divided into two separate spaces, both of which consist of office space and warehouse/truck storage space. The western portion of the Site (former Lot 42) contains a one-story (slab-on-grade) vacant warehouse which occupies the entire lot.

Current Zoning and Land Use – The Site was rezoned in February 2020 from M1-1 (manufacturing) to R6A (residential) and C2-3 (commercial). The eastern portion of the Site (former Lot 25) contains a slab-on-grade, one-story warehouse occupied by Williams Specialty Services, an electrical contractor, and Minosis Group, an insulation contractor. The warehouse contains office space, truck storage, and storage of electrical and insulation supplies and equipment. The western portion of the Site (former Lot 42) contains a slab-on-grade, vacant, one-story warehouse, most recently occupied by a plumbing supply distributor (Three Way Plumbing Supply). The surrounding area is predominately residential with some commercial and industrial uses. A Surrounding Land Use Map and Zoning Map are provided as *Figure 4* and *Figure 5*, respectively.

Past Use of the Site – The eastern portion of the Site (former Lot 25) was undeveloped up until approximately 1967, when it was developed with a warehouse utilized by an electronics manufacturer through approximately 2006. Former Lot 25 was additionally identified as part of the west-adjacent knitting mill (former Lot 42) between approximately 1981 and 1993. The western portion of the Site (former Lot 42) was undeveloped up until approximately 1967, when it was developed with a knitting mill through approximately 1993, and unspecified manufacturing between 1994 and 2006.

Site Geology and Hydrology – The Site is mapped on the U.S. Geological Survey (USGS) 7.5 Minute Topographic Map Central Park, N.Y. Quadrangle (2013). The general elevation for the Site is between approximately 50 to 55 feet above mean sea level. The topography in the area of the Site generally slopes downward to the north and east. Bowery Bay and the East River, both tidal water bodies, are located approximately ¾-mile northeast of the Site. According to the USGS map titled *Water Table and Potentiometric-Surface Altitudes in the Upper Glacial, Magothy, and Lloyd Aquifers beneath Long Island, New York, March-April, 2006*, the general direction of groundwater flow below the Site is anticipated to be in a northeasterly direction, towards Bowery Bay and the East River. Groundwater was encountered at the Site between approximately 45 feet below surface grade during ESC's May 2019 Phase II ESA.

The stratigraphy beneath the Site consists of historic fill material down to approximately 7 feet below surface grade, underlain by fine sand and silt with fine gravel, down to the maximum boring terminus of 17 feet below grade. Bedrock was not encountered during any of the previous subsurface investigations.

Environmental Assessment – Based on the investigations conducted to date, the primary contaminants of concern for the Site are VOCs, SVOCs, and metals.

Soil Quality Conditions

Sixteen soil samples were collected during the ESC May 2019 Phase II ESA and an additional 18 soil samples were collected by AKRF in August 2019 as part of a Supplemental Subsurface (Phase II) Investigation. The May 2019 Phase II samples were analyzed for VOCs by EPA Method 8260, SVOCs by EPA Method 8270, pesticides by EPA Method 8081, PCBs by EPA Method 8082, and TAL Metals. The August 2019 Phase II soil samples were analyzed for VOCs by EPA Method 8260, PAHs by EPA Method 8270, and RCRA 8 metals by EPA Methods 6020 and 7041. Sample results were compared to the NYSDEC Part 375 UUSCOs and RRSCOs.

- No VOCs were identified above the SCOs in the soil samples collected. PCE was detected at low levels in 22 of the 34 soil samples collected, below the SCOs.
- The SVOCs benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, and/or indeno[123-cd]pyrene were detected at concentrations above the RRSCOs ranging from 0.6 mg/kg to 3 mg/kg.
- No pesticides or PCBs were identified above the RRSCOs.

- Barium was detected above the RRSCO of 400 mg/kg in one sample at a concentration of 684 mg/kg. Copper was detected above the RRSCO of 270 mg/kg in one sample at a concentration of 174 mg/kg. Lead was detected above the RRSCO of 400 mg/kg in three samples at concentrations ranging from 419 mg/kg to 583 mg/kg.

Groundwater Quality Conditions

Two groundwater samples (GW-1 and GW-2) were collected during ESC's May 2019 Phase II ESA investigation and were compared to the NYSDEC AWQSGVs. Groundwater was encountered at 45 feet below surface grade.

- No VOCs, SVOCs, pesticides, or metals were detected at concentrations above the NYSDEC AWQSGVs.
- One PCB compound, Aroclor 1260, was detected at a concentration of 0.164 µg/L in monitoring well GW-1, above the AWQSGV of 0.09 µg/L.

Soil Vapor Quality Conditions

Six soil vapor samples (SV-1 through SV-6) were collected from across the Site during ESC's May 2019 Phase II ESA and one sub-slab vapor sample (SV-07) was collected by AKRF in August 2019 as part of the Supplemental Subsurface (Phase II) Investigation. All soil vapor samples were analyzed for VOCs using EPA TO-15 method parameters.

Petroleum-related VOCs, including benzene, ethylbenzene, toluene, and xylenes (collectively referred to as BTEX), n-heptane, n-hexane, and 1,2,4-trimethylbenzene were detected at concentrations up to 2,000 µg/m³. Chlorinated solvent-related VOCs, including PCE, TCE, and carbon tetrachloride at concentrations ranging from 1.1 to 4,900 µg/m³. PCE was detected above 1,000 µg/m³ in six of the seven samples and in all seven samples at concentrations ranging from 37 to 4,900 µg/m³.

The source of the on-site soil vapor conditions is attributable to the Site's historic manufacturing use. The findings of the soil vapor sampling demonstrate that mitigation is the recommended approach for addressing potential human exposure to chlorinated VOCs.

Soil, groundwater, and soil vapor sample results are summarized in *Figures 6, 7, and 8 (Attachment C)*.

PART B

Section VI. – Current Property Owner/Operator Information

Current Owners:

Block 769, Lot 25 (Former Lot 25):

Current Owner's Name: MD45 Developers LLC
Ownership Start Date: April 15, 2020
Address: 48-02 25th Avenue, Suite 400, Astoria, NY 11103
Contact: Emanuel Kokinakis
Phone: (718) 932-6342
Fax: (718) 545-5983
E-mail: EKokinakis@megagroup.nyc

Block 769, Lot 25 (Former Lot 42):

Current Owner's Name: MD45 Developers LLC
Ownership Start Date: April 2, 2019
Address: 48-02 25th Avenue, Suite 400, Astoria, NY 11103
Contact: Emanuel Kokinakis
Phone: (718) 932-6342
Fax: (718) 545-5983
E-mail: EKokinakis@megagroup.nyc

Current Operators:

The western portion of the Site (former Lot 42) is currently unoccupied. The current operators of the eastern portion of the Site (former Lot 25) are as follows:

Current Operator's Name: Williams Specialty Services, LLC
Address: 22-60 46th Street, Astoria, NY 11105
Contact: Tom Scaccia
Phone: (718) 204-4885
Fax: Unavailable
E-mail: tscaccia@wisgrp.com

Current Operator's Name: Minosis, Inc.
Address: 22-50 46th Street, Astoria, NY 11105
Contact: Michael Theodorobeakos
Phone: (212) 461-1477
Fax: Unavailable
E-mail: minosisinc@aol.com

Prior owner(s), known corporate members, and relationship to Requestor(s):

**Table 1
Previous Property Owners**

Property Owners	Years of Ownership	Status of Entity (Alive, Deceased, Active, Dissolved)	Current/Last Known Address/Phone Number (if available)	Relationship to Requestor(s)
Former Lot 25				
MD45 Developers LLC	April 2020-Present	Active	48-02 25 th Avenue, Suite 400 Astoria, NY 11103 (718) 932-6342	BCP Applicant
Mega Realty Management Corp. (inactive – merged out) / Mega Realty Holding LLC	May 1992 – April 2020	Active	22-40 46 th Street Queens, NY 11105	Shared Manager (see Volunteer Statement)
Kelly, Thomas E.	1991- May 1992	Dissolved	% Thomas E. Kelly, Inc. 60 East 42 nd Street New York, NY 10165 Phone number: unavailable	None
Commissioner of Finance of the City of New York/the City of New York	October 1990 - 1991	Active	NYC Department of Finance Correspondence Unit One Centre Street, 22 nd Floor New York, NY 10007 (212) 639-9675	None
Bernstein, Edmund	June 1982- October 1990	Unknown	30 West 29 th Street New York, NY Phone number: unavailable	None
Kelly, Thomas E.	December 1980 – June 1982	Unknown	60 East 42 nd Street New York, NY 10165 Phone number: unavailable	None
Rosart Realty Corporation	Prior to December 1980	Dissolved	% Hofheimer Gartlir Gottlieb & Gross 469 5 th Avenue New York, NY 10017 Phone number: unavailable	None

**Table 1
Previous Property Owners**

Property Owners	Years of Ownership	Status of Entity (Alive, Deceased, Active, Dissolved)	Current/Last Known Address/Phone Number (if available)	Relationship to Requestor(s)
Former Lot 42				
MD45 Developers LLC	April 2019 – Present	Active	48-02 25 th Avenue, Suite 400 Astoria, NY 11103 (718) 932-6342	BCP Applicant
FTF Enterprises, LLC	June 2005 - April 2019	Active	Teddy Foukalas 125 Tara Drive East Hills, NY 11577 Phone number: unknown	None
22-61 45 th Street LLC	May 2001 – June 2005	Active	% Bernstein Display 151 West 25 th Street New York, NY 10001 Phone number: (212) 337-9578	None
Bernstein, Edmund	Prior to May 2001	Unknown	30 West 29 th Street New York, NY Phone number: unavailable	None

**Table 2
Previous Property Operators**

Property Operators	Years of Operation	Status of Entity (Alive, Deceased, Active, Dissolved)	Current/Last Known Address/Phone Number (if available)	Relationship to Requestor(s)
Former Lot 25				
Williams Specialty Services, Minosis Group	Unknown - Present	Active	Williams Specialty Services: 22-60 46 th Street, Astoria, NY 11105 (718) 204-4885 Minosis Group: 22-50 46 th Street, Astoria, NY 11105 (212) 461-1477	None

**Table 2
Previous Property Operators**

Property Operators	Years of Operation	Status of Entity (Alive, Deceased, Active, Dissolved)	Current/Last Known Address/Phone Number (if available)	Relationship to Requestor(s)
Mega Contractors Inc., Makro General Contractors, Line Development LLC, Mega Realty Management Corp., Status General Development, Inc.	2010-2014	Active	Mega Contractors Inc.: 48-02 25 th Avenue, Suite 400 Astoria, NY 11103 (718) 932-6342 Makro General Contractors, Inc.: 48-02 25 th Ave, Astoria, NY 11103 (718) 274-8880 Line Development LLC: 48-02 25 th Avenue, Suite 400 Astoria, NY 11103 Status General Development, Inc.: 2386 Brooklyn Queens Expy West Astoria, NY 11103 (718) 956-0914	Shared Manager (see Volunteer Statement)
Unknown	2006-2009	Unknown	Unknown	Unknown
Mega Contractors Inc., Makro General Contractors, Inc., Metro York Electrical Inc.	2000-2005	Active	Mega Contractors Inc.: 48-02 25 th Avenue, Suite 400 Astoria, NY 11103 (718) 932-6342 Makro General Contractors, Inc.: 48-02 25 th Avenue Astoria, NY 11103 (718) 274-8880 Metro York Electrical Inc.: 2386 Brooklyn Queen Expy W Astoria, NY 11103 (718) 932-0555	Shared Manager (see Volunteer Statement)
Unknown	1992-1999	Unknown	Unknown	Unknown
Avtech Electronics Inc., Kelly Trane Co., Team Electronics Inc.	1991	Unknown	Unknown	None
Unknown	1984-1990	Unknown	Unknown	Unknown
Kelly Trane Co.	1983	Unknown	Unknown	None
Unknown	1968-1982	Unknown	Unknown	Unknown
Frequency Electronics Inc.	1967	Active	55 Charles Lindbergh Boulevard Uniondale, NY 11553 (516) 794-4500	None

**Table 2
Previous Property Operators**

Property Operators	Years of Operation	Status of Entity (Alive, Deceased, Active, Dissolved)	Current/Last Known Address/Phone Number (if available)	Relationship to Requestor(s)
Unknown	Prior to 1967	Unknown	Unknown	Unknown
Former Lot 42				
Three Way Plumbing Supply	2010-2019	Active	6316 Woodhaven Blvd Rego Park, NY 11374 (718) 651-6908	None
Unknown	2001-2009	Unknown	Unknown	Unknown
LD Bernstein & Sons	1991-2000	Active	151 West 25 th Street New York, NY 10001 (212) 337-9578	None
Unknown	1977-1990	Unknown	Unknown	Unknown
Brook Textiles, Inc., Commission Knitting Mills, Empire State Mills Inc., LD Bernstein & Sons	1962-1976	Dissolved, except LD Bernstein & Sons (Active)	Brook Textiles, Inc.: Unknown Commission Knitting Mills: Unknown Empire State Mills, Inc.: Unknown Bernstein L D & Sons: 151 West 25 th Street New York, NY 10001 (212) 337-9578	None
Unknown	Prior to 1962	Unknown	Unknown	Unknown

Section VII. – Requestor Eligibility Information

MD45 Developers LLC (the “Requestor”), seeks to enter NYSDEC’s BCP as a Volunteer. As described elsewhere in this Application, the Site consists of two adjacent parcels, one located at 22-61 46th Street (former Lot 42), and one located at 22-60 46th Street (former Lot 25). The merger of these two parcels was approved by the NYC Department of Finance on April 30, 2020, wherein Lot 42 was dropped and incorporated into a new Tax Lot 25.

As to former Lot 42, the Requestor purchased this portion of the Site in April 2019. Prior to its purchase of this lot, the Requestor commissioned a Phase I ESA report consistent with ASTM "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" E 1527-13, which constitutes "all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice" as defined in CERCLA 42 USC 9601 (35) (B) (“AAI”). The Requestor commissioned limited Phase II sampling on this portion of the Site to evaluate potential issues related to its historic use prior to redevelopment and plans to fully investigate and remediate the Site, including the former Lot 25, as required under the BCP.

As to former Lot 25, the Requestor purchased this portion of the Site in April 2020 from Mega Realty Holdings LLC, a separate entity that shares a member. While Requestor’s liability arises solely from its ownership, Mega Realty Holdings LLC similarly exercised due care during its ownership since it purchased former Lot 25 in 1992. The results of the Phase I ESA conducted on this lot (former Lot 25) identified RECs with the potential for Site contamination related to the past use of the Site as electronics manufacturing and knitting mill operations – operations that pre-dated both the Requestor’s and Mega Realty Holdings LLC’s involvement with this lot. The steps taken to ensure that both the Requestor and

Mega Realty Holdings LLC exercised due care is summarized below. Requestor, in advance of the redevelopment of the Site, plans to fully investigate and remediate the Site, including this former Lot 25, as required under the BCP.

Appropriate Care Standard

Under ECL § 27-1405(1)(b) and 6 NYCRR §375-3.2(c)(2), a Volunteer is defined as an applicant other than a participant, including without limitation a person whose liability arises solely as a result of such person's ownership or operation of or involvement with the site subsequent to the disposal or discharge of contaminants, provided however, such person exercises appropriate care with respect to contamination found at the facility by taking reasonable steps to:

- i. stop any continuing release;
- ii. prevent any threatened future release; and
- iii. prevent or limit human, environmental, or natural resource exposure to any previously released contamination.

The EPA guidance and federal caselaw pertaining to the innocent landowner provisions of CERCLA provides further detail as to the standard of due care post-purchase. Attachment B of the Interim Guidance Regarding Criteria Landowners Must Meet in Order to Qualify for Bona Fide Prospective Purchaser, Contiguous Property Owner, or Innocent Landowner Limitations on CERCLA Liability (Mar. 6, 2003) (“EPA Guidance”), is particularly instructive. It identifies several steps extracted from existing caselaw that may be taken to preserve innocent landowner status as “reasonable steps.” The Requestor’s and Mega Realty Holdings LLC’s actions closely resemble the necessary reasonable steps, as set forth below.

Volunteer Status

With respect to the portion of the Site located at 22-61 46th Street (former Lot 42), the Requestor is a Volunteer. It conducted the necessary pre-purchase environmental due diligence to satisfy the applicable AAI standards and took all necessary steps to fully investigate the Site prior to redevelopment and has prepared the instant BCP application so it can further investigate the extent of and remediate onsite contamination. The Member Consent Authorization Agreement is provided in *Attachment E*.

As to 22-60 46th Street (former Lot 25) because the Requestor’s liability for contamination of the Site will arise solely from ownership and the Requestor has exercised appropriate care of the facility. The Requestor acquired this property by from Mega Realty Holdings LLC. While in the process of developing this project, the Requestor performed a Phase I ESA of this subject property, subsequently performed a subsurface investigation and is seeking entry into the BCP to remediate the Site.

The results of the subsurface investigation and subsequent soil vapor and groundwater sampling for this Site confirm that the contamination present on this property is likely associated with the previous industrial uses of the Site. The current use of the Site is primarily for office and warehouse purposes that have not resulted in any releases or threatened releases during the ownership of the property by Mega Realty Management. While the Phase I ESA for this property did find a Resource Conservation and Recovery Act (RCRA) violation associated with a tenant of the Site, such violation was not related to any release or threatened release on the property. The RCRA violation, was promptly addressed by the tenant and was related to improper disposal of fluorescent lights, and is therefore not relevant for purposes of whether the Requestor and its predecessors exercised appropriate care with respect to the contamination present on the Site (see attached Notice of Compliance dated November 5, 2008, provided in *Attachment F*). Accordingly, under the applicable regulatory definition the Request is a Volunteer.

Section VIII. – Property Eligibility Information

Registry Listings

a. Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG) Listings

- A former occupant of the eastern portion of the Site (former Lot 25), Makro General Contractors, Inc., was identified in the RCRA-Large Quantity Generator (LQG) database under Facility ID NYR000137117 as a LQG of hazardous waste from 2006 to 2008. Wastes generated included ignitable wastes, spent non-halogenated solvents, lead, chromium, and methyl ethyl ketone. These materials were transported to Republic Environmental Systems of Pennsylvania, Inc., in Hatfield, Pennsylvania for treatment or disposal. No further information was included in the database listing.
- On September 23, 2008, Makro General Contractors received a RCRA Notice of Violation. The Area of Violation was “Listing-General”. Violation compliance was achieved on November 5, 2008 and the case was closed on November 20, 2008. The violation was related to the disposal of spent fluorescent lamps. The Notice of Compliance is included in *Attachment F*.

Section IX. – Contact List Information

1. Local, State, and Federal Officials

Hon. Bill de Blasio Mayor of New York City City of New York 1 Centre Street New York, NY 10007	Hon. Scott M. Stringer New York City Comptroller Office of the Comptroller, City of NY 1 Centre Street New York, NY 10007
Jumaane Williams Public Advocate 1 Centre Street, 15 th Floor North New York, NY 10007	Melinda Katz Queens Borough President 120-55 Queens Boulevard Kew Gardens, NY 11424
Aravella Simotas State Assembly District 36 24-08 32 nd Street, Suite 1002A Astoria, NY 11102	Costa Constantinides City Council District 22 31-09 Newtown Avenue, Suite 209 Astoria, NY 11102
Commissioner NYC Department of City Planning 120 Broadway, 31 st Floor New York, New York 10271	NYC Department of City Planning Queens Borough Office 120-55 Queens Blvd., Room 201 Kew Gardens, NY 11424
Hon. Charles Schumer U.S. Senate 780 Third Avenue, Suite 2301 New York, NY 10017	Hon. Kirsten Gillibrand U.S. Senate 780 Third Avenue, Suite 2601 New York, New York 10017
Hon. Alexandria Ocasio-Cortez U.S. House of Representatives 74-09 37 th Avenue, Suite 305 Jackson Heights, NY 11372	Hon. Governor Andrew M. Cuomo NYS State Capitol Building Albany, New York 12224
Mark McIntyre, Director Mayor’s Office of Environmental Remediation 100 Gold Street, 2 nd Floor New York, NY 10038	Mark Chambers, Director Mayor’s Office of Environmental Sustainability 253 Broadway, 7 th Floor New York, New York 10007

Pinar Balci, Assistant Commissioner Bureau of Environmental Planning and Analysis 11 th Floor NYCDEP 59-17 Junction Boulevard Flushing, NY 11373	Audrey I. Pheffer Queens County Clerk 88-11 Sutphin Blvd., Room 106 Jamaica, NY 11435
Vincent Sapienza Commissioner, NYC Dept. of Environmental Protection 59-17 Junction Boulevard Flushing, NY 11373	Jessica Ramos New York State Senator, 13 th District 32-37 Junction Boulevard East Elmhurst, NY 11369
Florence Koulouris District Manager, Queens Community Board 1 45-02 Ditmars Blvd, Suite 1025 Astoria, NY 11105	Marie Torniali Chairperson, Queens Community Board 1 45-02 Ditmars Blvd, Suite 1025 Astoria, NY 11105

2. Residents, Owners, and Occupants of the Site and Adjacent Properties

The Site, Block 769, Lots 25 and 42, are currently owned by MD45 Developers LLC. A list of adjacent properties and owners is provided below:

<p style="text-align: center;"><u>Adjacent to the north:</u></p> <p><u>Block 769, Lot 7501</u> <i>Owner</i> – Tex Development Co, LLC* 3501 30th Avenue #300 Astoria, NY 11103</p> <p><i>Occupant</i> – Multiple Occupants (condominium complex) 45-02 Ditmars Boulevard Queens, NY 11105</p> <p style="text-align: center;"><u>Adjacent to the east (across 46th Street):</u></p> <p><u>Block 768, Lot 15</u> <i>Owner</i> – 19-02 157 St. Corp. 50 Camden Place New Hyde Park, NY 11040</p> <p><i>Occupant</i> – Schaller & Weber Inc. 22-35 46th Street Queens, NY 11105 (718) 721-5480</p> <p><u>Block 768, Lot 13</u> <i>Owner</i> – Theodore Kavvadias 24-41 33rd Street, 3F Long Island City, NY 11102</p> <p><i>Occupant</i> – A. Rodriguez 22-55 46th Street Queens, NY 11105</p>	<p style="text-align: center;"><u>Adjacent to the west (across 45th Street):</u></p> <p><u>Block 782, Lot 1</u> <i>Owner</i> - LaGuardia Center Realty LLC 40-25 Crescent Street Long Island City, NY 11101</p> <p><i>Occupant</i> – Multiple Occupants (shopping center) 43-02 Ditmars Boulevard Queens, NY 11105</p> <p><u>Block 782, Lot 27</u> <i>Owner</i> – Kaiser Wilhelm, LLC 77-15 19th Road Jackson Heights, NY 11370</p> <p><i>Occupant</i> – ICAS Corp. 22-62 45th Street Queens, NY 11105 (718) 278-1100</p> <p><u>Block 782, Lot 32</u> <i>Owner</i> – 4311 23 AVE LLC 251-45 Van Zandt Avenue Little Neck, NY 11362</p> <p><i>Occupant</i> – Alps Provision Co. 43-11 23rd Avenue Queens, NY 11105 (718) 721-4477</p>
---	--

<p>(718) 721-6093</p> <p><u>Block 768, Lot 12</u> <i>Owner</i> – Margaret Miller Waters 26-09 24th Avenue, Unit #5 Astoria, NY 11102</p> <p><i>Occupants</i> – P. Kanning, M. Miller 22-57 46th Street Queens, NY 11105 (718) 204-2818</p> <p><u>Block 768, Lot 11</u> <i>Owner</i> – Joseph Graci 22-59 46th Street Queens, NY 11105</p> <p><i>Occupants</i> – M. Graci 22-59 46th Street Queens, NY 11105 (718) 278-2197</p> <p><u>Block 768, Lot 110</u> <i>Owner</i> – Paul Newman 22-61 46th Street Queens, NY 11105</p> <p><i>Occupant</i> – P. Newman, P. Angelopoulos 22-61 46th Street Queens, NY 11105 (347) 808-0683</p> <p><u>Block 768, Lot 10</u> <i>Owner</i> – Efthimia Nicolaou 22-63 46th Street Queens, NY 11105</p> <p><i>Occupant</i> – E. Nicolaou 22-63 46th Street Queens, NY 11105 (718) 278-5101</p> <p><u>Block 768, Lot 9</u> <i>Owner</i> – Hazem Ali 22-65 46th Street Queens, NY 11105</p> <p><i>Occupant</i> – K. Bernard, E. Kearney, M. Yournett, L. Yournett, L. Hazem, S. Bellcastro 22-65 46th Street</p>	<p style="text-align: center;"><u>Adjacent to the south:</u></p> <p><u>Block 769, Lot 39</u> <i>Owner</i> – Michael Trachtenberg 9 Lincoln Way Hampton Bays, NY 11946</p> <p><i>Occupant</i> – Joe’s Garage Bar 45-01 23rd Avenue Queens, NY 11105 (718) 606-0061</p> <p><u>Block 769, Lot 38</u> <i>Owner</i> – Franco Berarducci 45-03 23rd Avenue Queens, NY 11105</p> <p><i>Occupant</i> – D. Rogers, J. Daly 45-03 23rd Avenue Queens, NY 11105 (516) 833-4531</p> <p><u>Block 769, Lot 36</u> <i>Owner</i> – Patricia A. O’Connor, Trustee 45-05 Astoria Boulevard Long Island City, NY 11105</p> <p><i>Occupant</i> – M. Rosenberg 45-09 23rd Avenue Queens, NY 11105 (718) 261-4540</p> <p><u>Block 769, Lot 35</u> <i>Owner</i> – Daniella Scavetta 43-20 23rd Avenue Queens, NY 11105</p> <p><i>Occupant</i> – D. Scavetta, G. Cleghorn 45-11 23rd Avenue Queens, NY 11105 (347) 396-5611</p> <p><u>Block 769, Lot 130</u> <i>Owner</i> – Marc & Eleni McKercher 22-68 46th Street Queens, NY 11105</p> <p><i>Occupant</i> – E. Anagnostakos 22-68 46th Street Queens, NY 11105 (718) 673-0830</p>
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Queens, NY 11105 (347) 561-6977 <u>Block 768, Lot 8</u> <i>Owner</i> – Jakop K. Kljyan 22-67 46 th Street Queens, NY 11105 <i>Occupant</i> – F. Limandri, J. Kljyan 22-67 46 th Street Queens, NY 11105 (718) 545-4632	<u>Block 769, Lot 30</u> <i>Owner</i> – Edward & Nina Masterson 22-66 46 th Street Queens, NY 11105 <i>Occupant</i> – N. Masterson, C. Masterson, T. Masterson 22-66 46 th Street Queens, NY 11105
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Note: *Block 759, Lot 7501 building classification is designated as Special Condominium Billing Lot (R0) by the City of New York. Owners of individual units could not be obtained from publicly available records. Tex Development Co, LLC is the managing entity for the lot.

3. Local News Media

New York Post 1211 Avenue of the Americas New York, New York 10036	New York Daily News 4 New York Plaza New York, New York 10004
Spectrum New York 1 News 75 Ninth Avenue New York, NY 10011	Queens Chronicle 71-19 80 th Street, Suite 8-201 Glendale, NY 11385
Queens Gazette 42-16 34 th Avenue Long Island City, NY 11101	Queens Daily Eagle 8900 Sutphin Boulevard, LL11 Jamaica, NY 11435
LIC/Astoria/Jackson Heights Journal 69-60 Grand Avenue Maspeth, NY 11378	El Diario La Prensa 1 MetroTech Center, 18 th Floor Brooklyn, NY 11201

4. Public Water Supply

Public water is provided by The City of New York, Department of Environmental Protection:

Customer Service Center
59-17 Junction Boulevard, 13th Floor
Flushing, New York 11373

5. Additional Contacts

None

6. Nearby Schools and Daycare Centers

Daycares:

Mushroom House Day Care
38-00 Ditmars Boulevard
Astoria, NY 11105
(718) 606-6161
Ms. Eugenia Rodamis, Executive Director
Distance: 1,430 feet northwest of the Site

Annie's Place for Kids
21-45 73rd Street
Flushing, NY 11370
(718) 726-2229
Ms. Ann McKloskey, Owner
Distance: 2,130 feet east of the Site

Schools:

P.S. 84 Steinway
22-45 41st St.
Astoria, NY 11105
(718) 278-1915
Mr. John Buffa, Principal
Distance: 610 feet northwest of the Site

St. Francis of Assisi Catholic Academy
21-18 46th Street
Astoria, NY 11105
(718) 726-9405
Ms. Anne Stefano, Principal
Distance: 1,140 feet northeast of the Site

7. Document Repositories

Queens Library at Broadway
Ms. Abigail Goldberg, Assistant Manager
40-20 Broadway
Astoria, NY 11103

Queens Community Board District 1
Ms. Marie Torniali, Chairperson
45-02 Ditmars Boulevard, Suite 1025
Astoria, NY 11105

Letters signed by representatives of the designated document repositories are included in *Attachment G*.

8. Local Community Board

Queens Community Board District 1
Ms. Marie Torniali, Chairperson
45-02 Ditmars Boulevard, Suite 1025
Astoria, NY 11105

Supplement to Section X. – Land Use Factors

1. Zoning

The current zoning designation of the Site is R6A (residential district). The Site was rezoned from M1-1 to R6A (residential) and C2-3 (commercial) and was approved in February 2020. The proposed use of the Site is mixed-use commercial and residential. A Zoning Map is presented as *Figure 5*.

2. Current Site Use

Currently, the Site contains two buildings. The eastern building (former Lot 25) is a slab-on-grade, one-story warehouse occupied by Williams Specialty Services, an electrical contractor, and Minosis Group, an insulation contractor. The warehouse contains office space, truck storage, and storage of electrical and insulation supplies and equipment. The western building (former Lot 42) contains a slab-on-grade, vacant, one-story warehouse, most recently occupied by a plumbing supply distributor (Three Way Plumbing

Supply). The western building became vacant on April 2, 2019, when the lot was purchased by the Requestor. The surrounding area comprises predominantly residential with some commercial and industrial uses. A Land Use Map is presented as *Figure 4*.

3. Proposed Site Use

The proposed redevelopment plans will include demolition of the existing structures (including asbestos abatement as applicable), and construction of two 8-story, mixed-use buildings with a shared cellar level. The cellar will require excavation to approximately 14 feet below grade. The buildings will contain approximately 96 residential units, including 30 permanently affordable units. The cellar level will contain a parking garage and residential accessory space. The first floor will contain approximately 3,721-square feet of commercial space, approximately 11,740-square feet of community facility space, and residential amenities. Floors two through eight will contain residential units. Additionally, an exterior courtyard is proposed between the two buildings on the first and second floors.

ATTACHMENT A

NYS Department of State's Corporation and Business Entity Database Information

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through May 6, 2020.

Selected Entity Name: MD45 DEVELOPERS LLC

Selected Entity Status Information

Current Entity Name: MD45 DEVELOPERS LLC

DOS ID #: 5512404

Initial DOS Filing Date: MARCH 13, 2019

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)

THE LIMITED LIABILITY COMPANY

48-02 25TH AVE., STE. 400

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
MAR 13, 2019	Actual	MD45 DEVELOPERS 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.

[Search Results](#) | [New Search](#)

[Services/Programs](#) | [Privacy Policy](#) | [Accessibility Policy](#) | [Disclaimer](#) | [Return to DOS](#)
[Homepage](#) | [Contact Us](#)

ATTACHMENT B

NYC Department of Finance Application for Mergers or Apportionments



APPLICATION FOR APPORTIONMENTS OR MERGERS

Instructions: Please complete this application and submit in person to: **Department of Finance, Property Division - Tax Map Office, 66 John Street, 2nd floor, New York, NY 10038.** Please read the instructions for further details before completing this form. Print clearly.

SECTION A: PROPERTY INFORMATION

Borough: Queens Block: 769 Present Lot(s): 25, 42

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Merger Apportionment Number of Lots Requested 1 Lot Number: 25

Air Subterranean

Lot(s) Usage: (check one) Residential Building Gross Sq/Ft: _____ Commercial Building Gross Sq/Ft: _____ Mix (Residential & Commercial) Building Gross Sq/Ft: _____

1. Property Owner's Name (as per Deed): _____
LAST NAME FIRST NAME
OR
 Company Name: MD45 DEVELOPERS LLC

2. Property Address: 22-60 46th Street Queens NY 11105
NUMBER AND STREET CITY STATE ZIP CODE

3. Filing Representative (if applicable): _____

SECTION B: CERTIFICATION

1. Architect/Engineer/Applicant's Name: Greenberg Beth
LAST NAME FIRST NAME

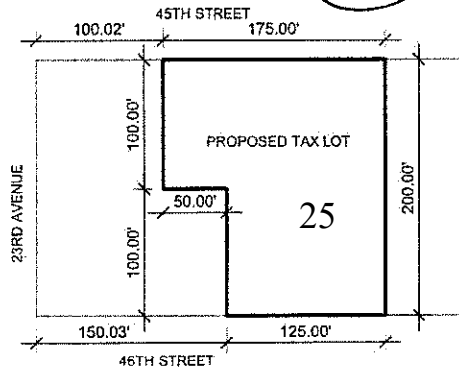
2. Address: 1385 Broadway New York NY 10018
NUMBER AND STREET CITY STATE ZIP CODE

3. Telephone Number: 212-247-2660 4. Email Address: Bgreenberg@dattner.com

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

Signature of Architect/ Engineer/Applicant: *Beth Greenberg* Date: 9 / 9 / 2019

TAX MAP CHANGE WILL NOT BE MADE UNTIL PRESENTATION OF REQUIRED DOCUMENTS (see reverse for the required documents)
DRAW SKETCH TO SCALE 1" = 50', IF POSSIBLE INDICATE NORTH ARROW



(Architect or Engineer's seal)

Tentative Lot(s) issued: _____
 Customer Service Representative: P. Bradley Date: 4 / 30 / 2020 New Lot(s): --- Lot(s) Affected: 25 Lot(s) Dropped: 42

Please note: Map changes will not be made until presentation of all required documents is reviewed and approved by the Specialist. Lots are tentative until final approval is received from the Tax Map Office.

Map Updated: _____
 Tax Map Specialist: _____ Date: / /



Department of Finance
PROPERTY DIVISION

TAX MAP UNIT FEE SHEET

Date: 4/28/20

Borough: QN

Block: 769

Lot: 25, 42

<u>SERVICE</u>	<u>COST</u>	<u>QUANTITY</u>	<u>AMOUNT</u>
Tax Map Certification	\$10.00		
New Lot Request For Mergers Apportionments	\$73.00	1	\$73

NYC Business Centers
Department of Finance
Manhattan Business Center
66 John Street, 2nd Floor
New York, NY 10038

Reference Number: 2020121012-6
Date/Time: 04/30/2020 11:34:54 AM

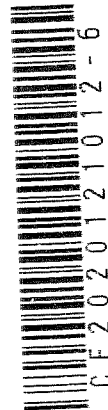
Miscellaneous Fee
2020121012-6-1
CPRR Trans Code: 9507
Transaction ID: 995500000000000000MCE02
User Id: NYC4015
Total: \$73.00

American Express Service Fee 1
2020121012-6-2
Total: \$1.46

2 ITEMS TOTAL: \$74.46
TOTAL: \$74.46

DUPLICATE RECEIPT 4/30/2020 11:36:04 AM
\$1.46

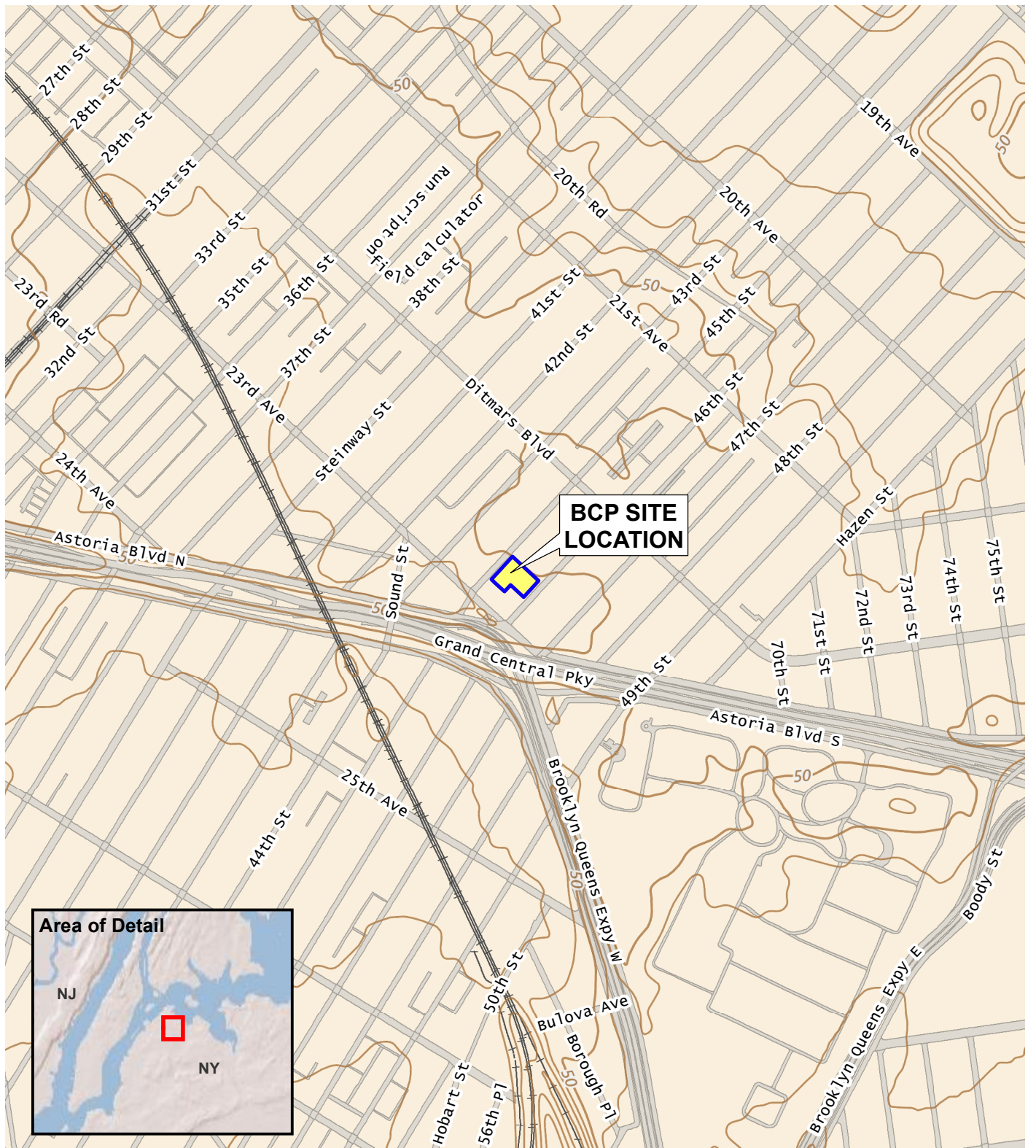
American Express Service Fee 1
Card Number: *****1292
Last Name: ANDREW
Payment Type: credit
American Express
Card Number: *****1292
Last Name: ANDREW
Payment Type: credit
Total Received: \$74.46



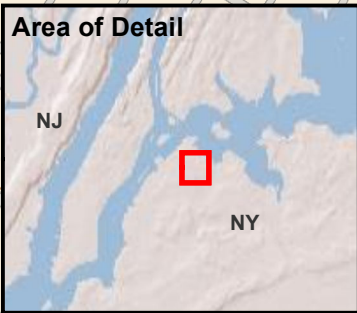
Thank you! Have a nice day.

ATTACHMENT C

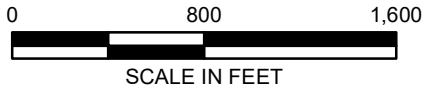
Figures



**BCP SITE
LOCATION**



Service Layer Credits: USGS The National Map: 3d Elevation Program 2019



440 Park Avenue South, New York, NY 10016

22-60 46th Street
Queens, New York

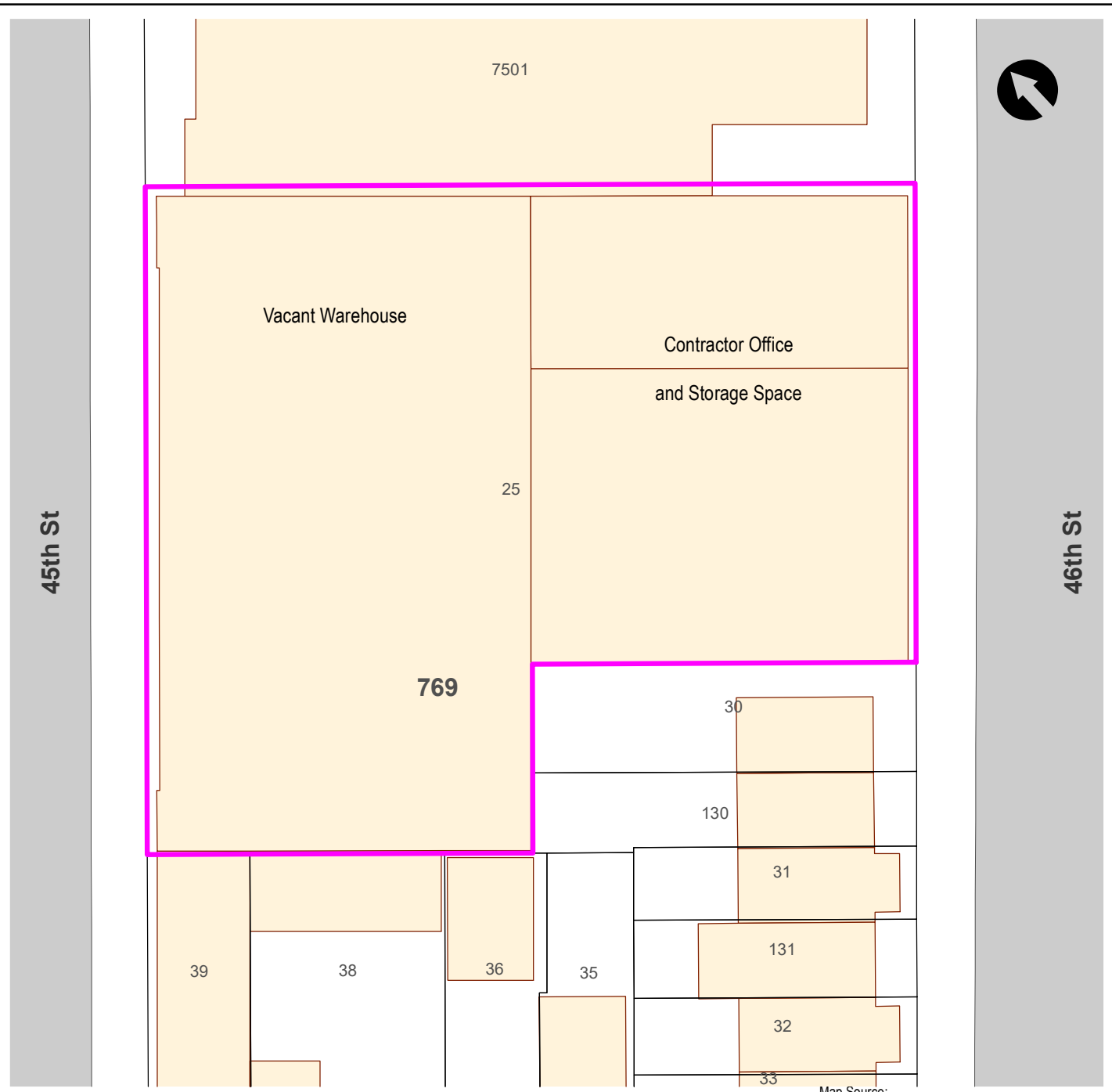
SITE LOCATION

DATE
5/7/2020

PROJECT NO.
190275




FIGURE
1

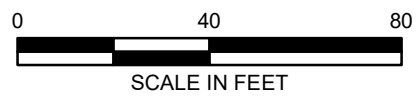
© 2020 AKRF. W:\Projects\190275 - 22-60 46TH STREET\Technical\GIS and Graphics\hazmat\190275 Fig 2 BCP Site Plan.mxd5/7/2020 3:04:47 PM mvelleux



Map Source: NYCDP (NYC Dept. of City Planning) GIS database

LEGEND

-  PROJECT SITE BOUNDARY
-  BUILDING
-  LOT BOUNDARY AND TAX LOT NUMBER
- 769** BLOCK NUMBER



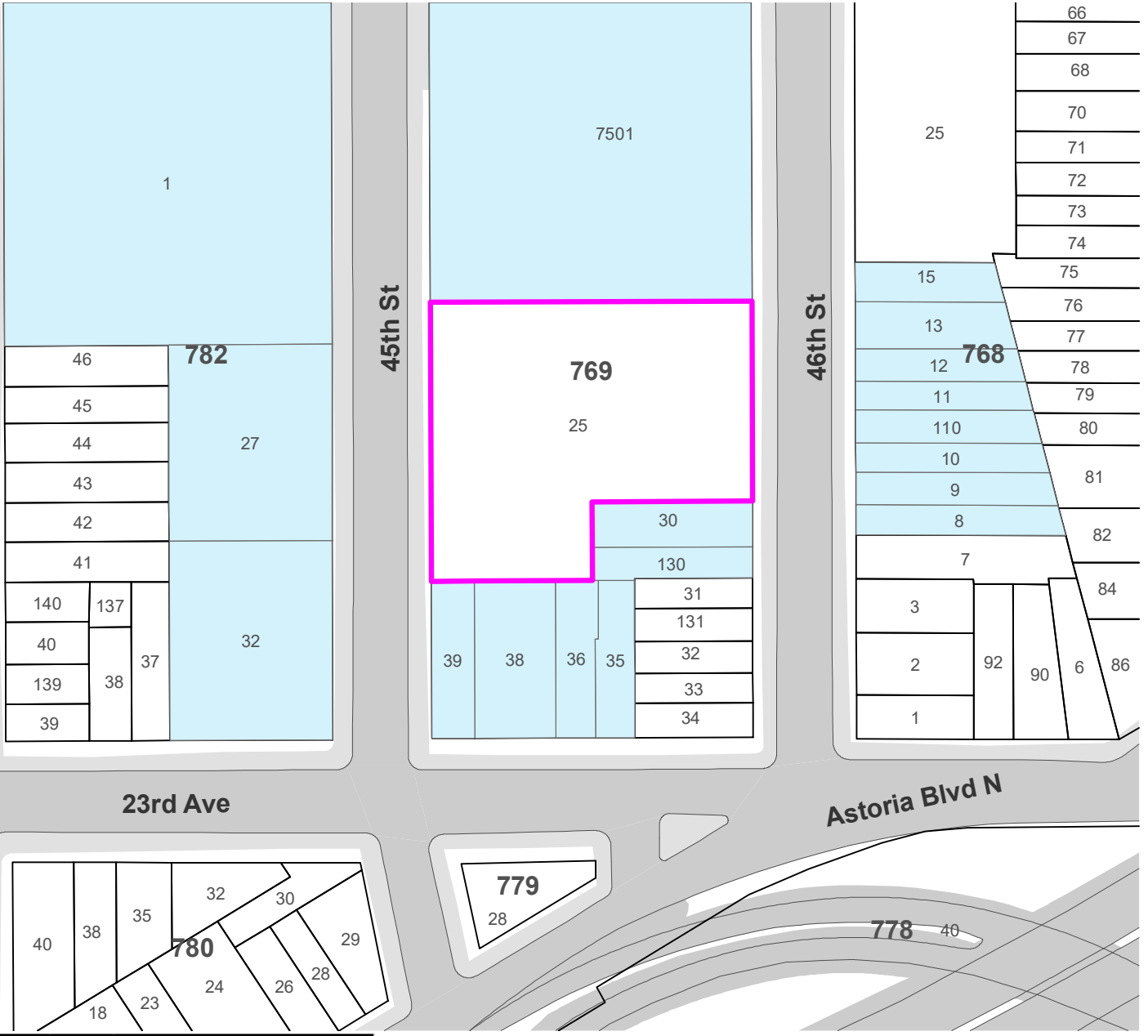
440 Park Avenue South, New York, NY 10016

22-60 46th Street
Queens, New York

SITE PLAN

DATE	5/7/2020
PROJECT NO.	190275
FIGURE	2

© 2020 AKRF. W:\Projects\190275 - 22-60 46TH STREET\Technical\GIS and Graphics\hazmat\190275 Fig 3 BCP Tax Map & Surrounding Properties.mxd/7/2020 3:08:35 PM mveilleux

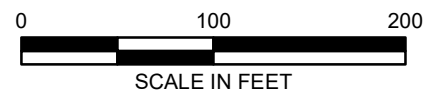


Map Source:
NYCDP (NYC Dept. of City Planning) GIS database

Adjacent Property Owners		
Block	Lot	Owner Name
769	7501	PISTILLI GRAND MANOR
782	1	LAGUARDIA CENTER REAL
782	27	KAISER WILHELM, A
782	32	4311 23 AVE LLC
769	39	45 01 REALTY LLC
769	38	BERADUCCI FRANCO
769	36	PATRICIA A. OCONNOR T
769	35	SCAVETTA, FRANCIS D
769	130	MARC MCKERCHER
769	30	EDWARD MASTERSON
768	8	KLJYAN, JAKOP K
768	9	ALI, HAZEM
768	10	KOUTSOSPYROS, DEMETRI
768	110	PHILLIPS, ANTHY
768	11	JOSEPH GRACI
768	12	WATERS, CONOR D
768	13	KAVVADIAS, THEODORE
768	15	2225 46TH ST, LLC

LEGEND

- PROJECT SITE LOCATION
- ADJACENT PROPERTIES
- LOT BOUNDARY AND TAX LOT NUMBER
- 769** BLOCK NUMBER



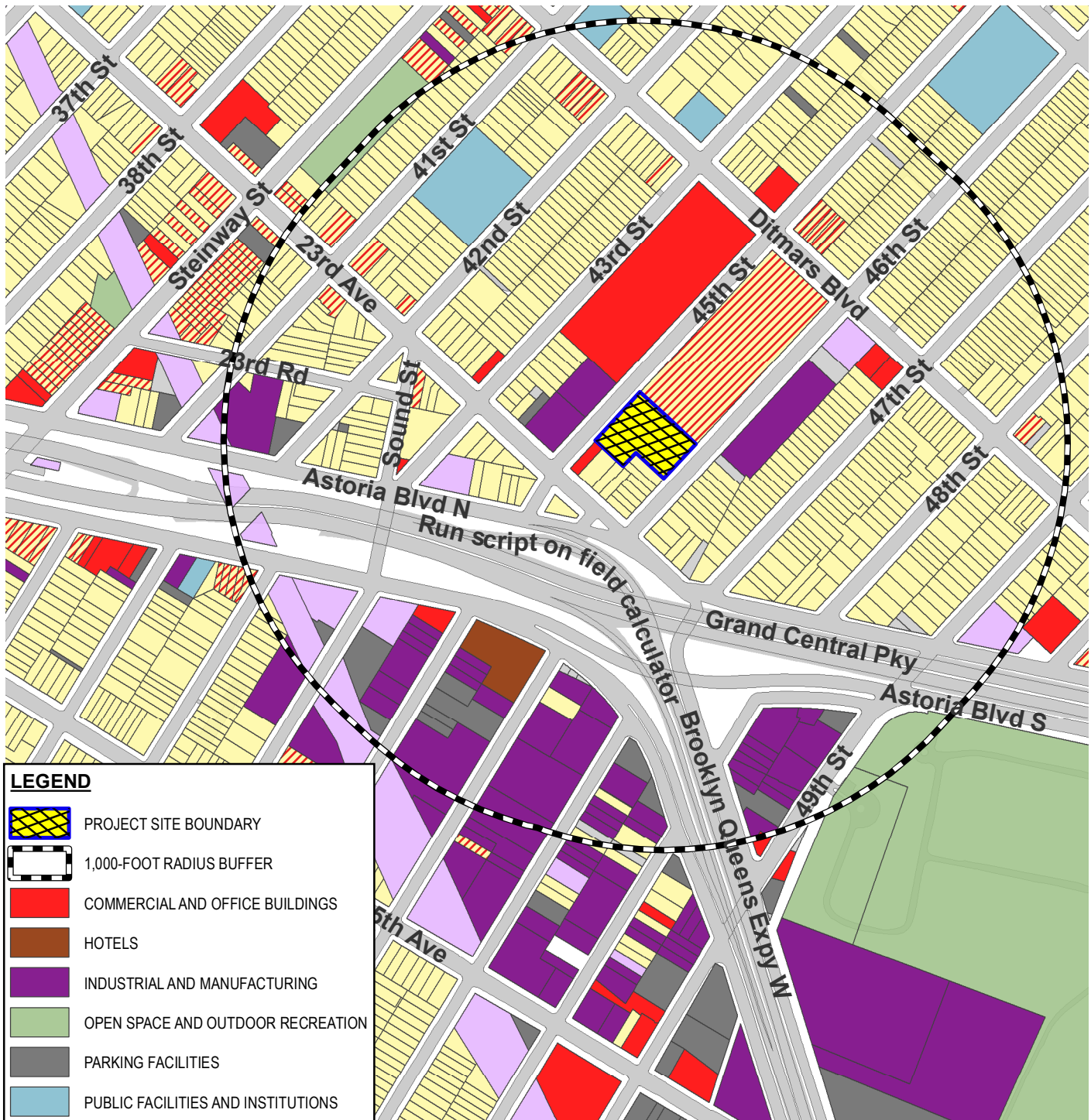
AKRF
440 Park Avenue South, New York, NY 10016

22-60 46th Street
Queens, New York

TAX MAP

DATE	5/7/2020
PROJECT NO.	190275
FIGURE	3

© 2020 AKRF. W:\Projects\190275 - 22-60 46TH STREET\Technical\GIS and Graphics\hazmat\190275 Fig 4 BCP Surrounding Land Use map.mxd 5/7/2020 3:10:00 PM mvelleux



LEGEND

-  PROJECT SITE BOUNDARY
-  1,000-FOOT RADIUS BUFFER
-  COMMERCIAL AND OFFICE BUILDINGS
-  HOTELS
-  INDUSTRIAL AND MANUFACTURING
-  OPEN SPACE AND OUTDOOR RECREATION
-  PARKING FACILITIES
-  PUBLIC FACILITIES AND INSTITUTIONS
-  RESIDENTIAL
-  RESIDENTIAL WITH COMMERCIAL BELOW
-  TRANSPORTATION AND UTILITY
-  VACANT LAND
-  VACANT BUILDING
-  UNDER CONSTRUCTION

Map Source:
NYCDPC (NYC Dept. of City Planning) GIS database



440 Park Avenue South, New York, NY 10016

22-60 46th Street
Queens, New York

SURROUNDING LAND USE

DATE

5/7/2020

PROJECT NO.

190275

FIGURE






4

© 2020 AKRF. W:\Projects\190275 - 22-60 46TH STREET\Technical\GIS and Graphics\hazmat\190275 Fig 5 BCP Zoning Map.mxd/5/7/2020 3:13:50 P.M. mveilleux



Source:
NYC Department of City Planning, Technical Review Division

LEGEND

-  PROJECT SITE BOUNDARY
-  1,000-FOOT RADIUS BUFFER
-  ZONING DISTRICTS
-  COMMERCIAL OVERLAY DISTRICTS
-  NYC OPEN SPACE



440 Park Avenue South, New York, NY 10016

22-60 46th Street
Queens, New York

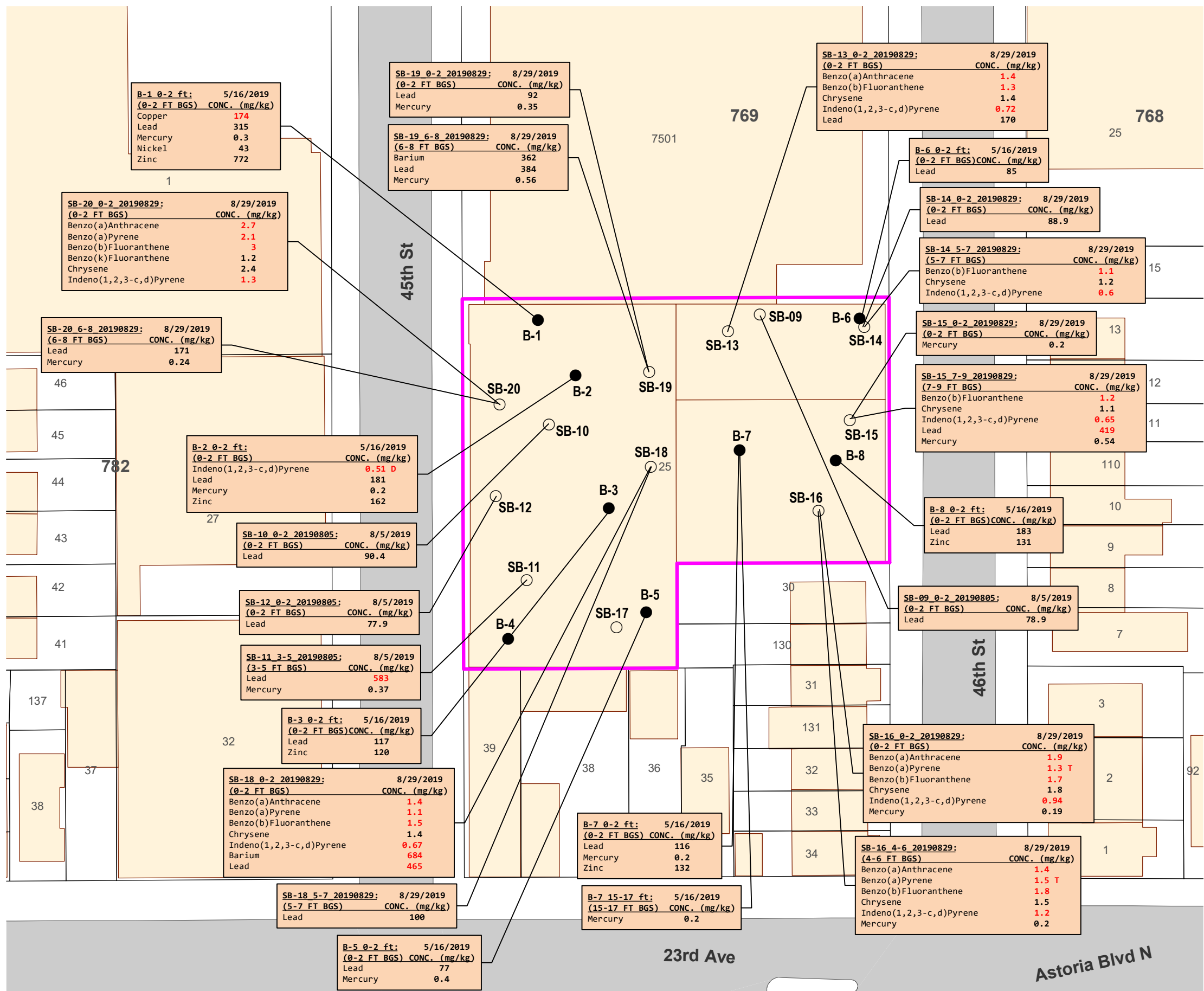
ZONING MAP

DATE
5/7/2020

PROJECT NO.
190275

FIGURE
5

©2020 AKRF. W:\Projects\190275 - 22-60 46TH STREET\Technical\GIS and Graphics\hazmat\190275 Fig 6 BCP Soil Exceedances.mxd 5/7/2020 3:16:27 PM mvelieux



LEGEND

- PROJECT SITE BOUNDARY
- BUILDING
- 25 LOT BOUNDARY AND TAX LOT NUMBER
- 769** BLOCK NUMBER
- PHASE II INVESTIGATION SOIL BORING LOCATION (MAY 2019)
- SUPPLEMENTAL PHASE II INVESTIGATION SOIL BORING LOCATION (AUGUST 2019)

	PART 375 RESTRICTED RESIDENTIAL mg/kg	PART 375 UNRESTRICTED mg/kg
Semivolatile Organic Compounds		
Benzo(a)Anthracene	1	1
Benzo(a)Pyrene	1	1
Benzo(b)Fluoranthene	1	1
Benzo(k)Fluoranthene	3.9	0.8
Chrysene	3.9	1
Indeno(1,2,3-c,d)Pyrene	0.5	0.5
Metals		
Barium	400	350
Copper	270	50
Lead	400	63
Mercury	0.81	0.18
Zinc	10,000	109

SOIL

Part 375 Soil Cleanup Objectives:
Soil Clean-up Objectives listed in NYSDEC (New York State Department of Environmental Conservation) "Part 375" Regulations (6 NYCRR Part 375).

Exceedances of Part 375 Unrestricted Use SCOs (UUSCOS) are highlighted in black.
Exceedances of Part 375 Restricted Residential SCOs (RRSCOS) are highlighted in red.

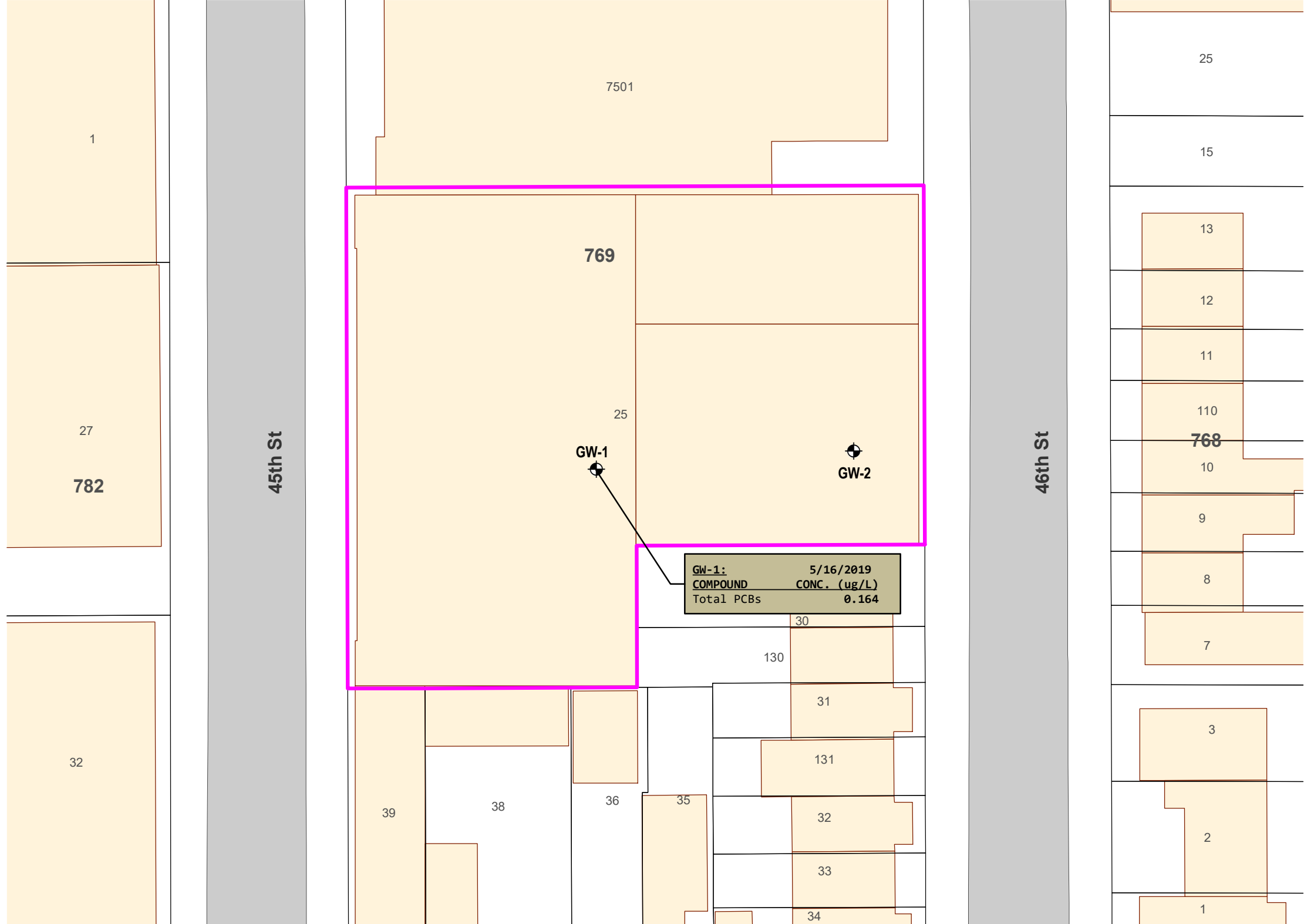
mg/kg: milligrams per kilogram = parts per million (ppm)

D: Analyte concentration obtained from dilution.



Map Source:
NYCDP (NYC Dept. of City Planning) GIS database

© 2020 AKRF. W:\Projects\190275 - 22-60 46TH STREET\Technical\GIS and Graphics\hazmat\190275 Fig 7 BCP GW Exceedances.mxd 5/7/2020 3:17:43 PM mvelieux



GW-1:	5/16/2019
COMPOUND	CONC. (ug/L)
Total PCBs	0.164

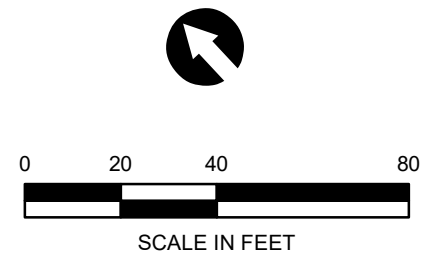
- LEGEND**
- PROJECT SITE BOUNDARY
 - BUILDING
 - LOT BOUNDARY AND TAX LOT NUMBER
 - 769** BLOCK NUMBER
 - +
 PHASE II INVESTIGATION GROUNDWATER SAMPLE LOCATION (MAY 2019)

GROUNDWATER
 NYSDEC TOGS Class GA Ambient Water Quality Standard and Guidance Values (AWQSGVs):
 New York State Department of Environmental Conservation (NYSDEC)
 Technical and Operational Guidance Series (TOGS) (1.1.1):

ug/L : micrograms per Liter = parts per billion (ppb)

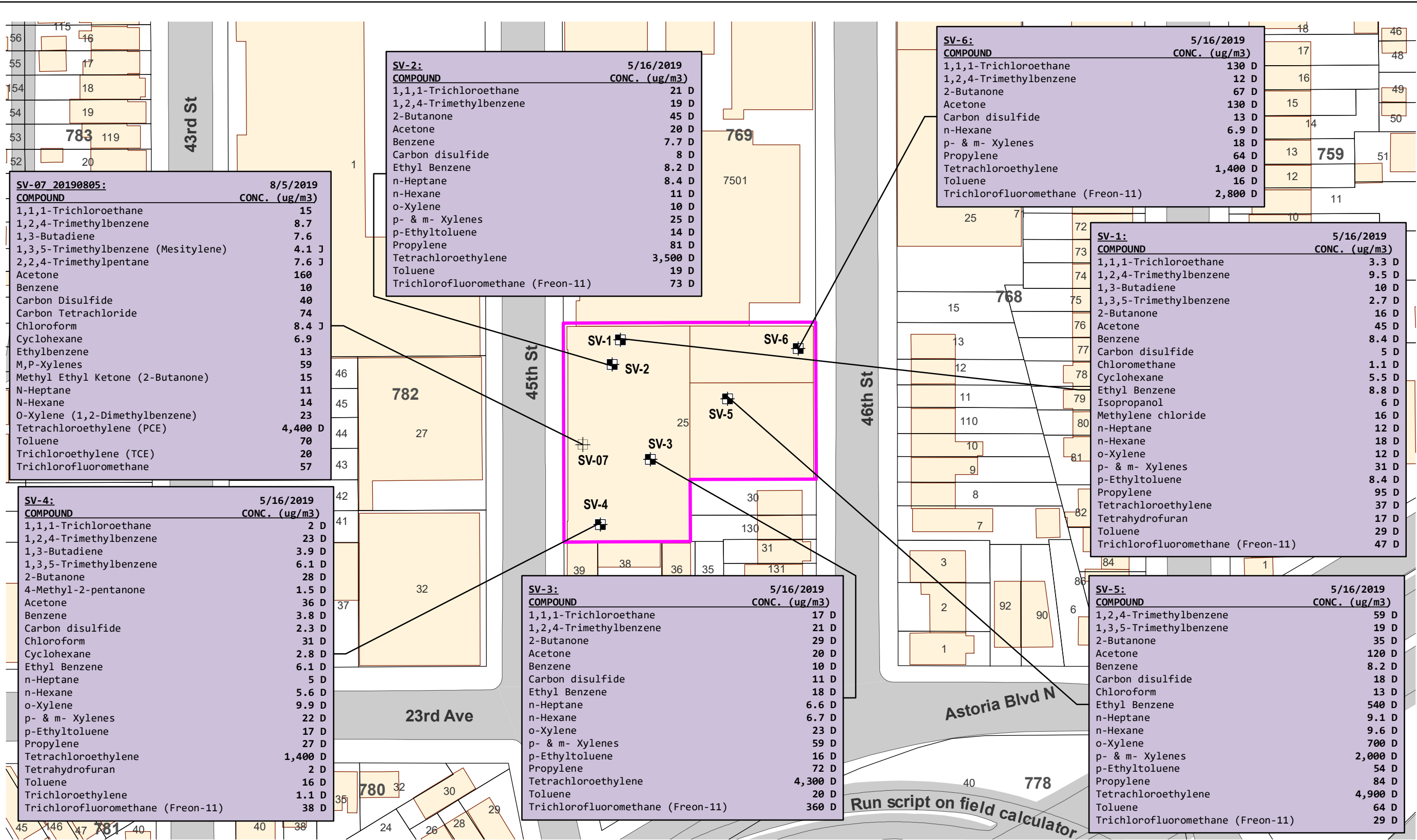
Exceedances of NYSDEC AWQSGVs are shown in bold font.

NYSDEC AWQSGVs µg/L	
PCBs	
Total PCBs	0.09



Map Source:
 NYCDCP (NYC Dept. of City Planning) GIS database

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SV-07 20190805: 8/5/2019

COMPOUND	CONC. (ug/m3)
1,1,1-Trichloroethane	15
1,2,4-Trimethylbenzene	8.7
1,3-Butadiene	7.6
1,3,5-Trimethylbenzene (Mesitylene)	4.1 J
2,2,4-Trimethylpentane	7.6 J
Acetone	160
Benzene	10
Carbon Disulfide	40
Carbon Tetrachloride	74
Chloroform	8.4 J
Cyclohexane	6.9
Ethylbenzene	13
M,P-Xylenes	59
Methyl Ethyl Ketone (2-Butanone)	15
N-Heptane	11
N-Hexane	14
O-Xylene (1,2-Dimethylbenzene)	23
Tetrachloroethylene (PCE)	4,400 D
Toluene	70
Trichloroethylene (TCE)	20
Trichlorofluoromethane	57

SV-2: 5/16/2019

COMPOUND	CONC. (ug/m3)
1,1,1-Trichloroethane	21 D
1,2,4-Trimethylbenzene	19 D
2-Butanone	45 D
Acetone	20 D
Benzene	7.7 D
Carbon disulfide	8 D
Ethyl Benzene	8.2 D
n-Heptane	8.4 D
n-Hexane	11 D
o-Xylene	10 D
p- & m- Xylenes	25 D
p-Ethyltoluene	14 D
Propylene	81 D
Tetrachloroethylene	3,500 D
Toluene	19 D
Trichlorofluoromethane (Freon-11)	73 D

SV-6: 5/16/2019

COMPOUND	CONC. (ug/m3)
1,1,1-Trichloroethane	130 D
1,2,4-Trimethylbenzene	12 D
2-Butanone	67 D
Acetone	130 D
Carbon disulfide	13 D
n-Hexane	6.9 D
p- & m- Xylenes	18 D
Propylene	64 D
Tetrachloroethylene	1,400 D
Toluene	16 D
Trichlorofluoromethane (Freon-11)	2,800 D

SV-1: 5/16/2019

COMPOUND	CONC. (ug/m3)
1,1,1-Trichloroethane	3.3 D
1,2,4-Trimethylbenzene	9.5 D
1,3-Butadiene	10 D
1,3,5-Trimethylbenzene	2.7 D
2-Butanone	16 D
Acetone	45 D
Benzene	8.4 D
Carbon disulfide	5 D
Chloromethane	1.1 D
Cyclohexane	5.5 D
Ethyl Benzene	8.8 D
Isopropanol	6 D
Methylene chloride	16 D
n-Heptane	12 D
n-Hexane	18 D
o-Xylene	12 D
p- & m- Xylenes	31 D
p-Ethyltoluene	8.4 D
Propylene	95 D
Tetrachloroethylene	37 D
Tetrahydrofuran	17 D
Toluene	29 D
Trichlorofluoromethane (Freon-11)	47 D

SV-4: 5/16/2019

COMPOUND	CONC. (ug/m3)
1,1,1-Trichloroethane	2 D
1,2,4-Trimethylbenzene	23 D
1,3-Butadiene	3.9 D
1,3,5-Trimethylbenzene	6.1 D
2-Butanone	28 D
4-Methyl-2-pentanone	1.5 D
Acetone	36 D
Benzene	3.8 D
Carbon disulfide	2.3 D
Chloroform	31 D
Cyclohexane	2.8 D
Ethyl Benzene	6.1 D
n-Heptane	5 D
n-Hexane	5.6 D
o-Xylene	9.9 D
p- & m- Xylenes	22 D
p-Ethyltoluene	17 D
Propylene	27 D
Tetrachloroethylene	1,400 D
Tetrahydrofuran	2 D
Toluene	16 D
Trichloroethylene	1.1 D
Trichlorofluoromethane (Freon-11)	38 D

SV-3: 5/16/2019

COMPOUND	CONC. (ug/m3)
1,1,1-Trichloroethane	17 D
1,2,4-Trimethylbenzene	21 D
2-Butanone	29 D
Acetone	20 D
Benzene	10 D
Carbon disulfide	11 D
Ethyl Benzene	18 D
n-Heptane	6.6 D
n-Hexane	6.7 D
o-Xylene	23 D
p- & m- Xylenes	59 D
p-Ethyltoluene	16 D
Propylene	72 D
Tetrachloroethylene	4,300 D
Toluene	20 D
Trichlorofluoromethane (Freon-11)	360 D

SV-5: 5/16/2019

COMPOUND	CONC. (ug/m3)
1,2,4-Trimethylbenzene	59 D
1,3,5-Trimethylbenzene	19 D
2-Butanone	35 D
Acetone	120 D
Benzene	8.2 D
Carbon disulfide	18 D
Chloroform	13 D
Ethyl Benzene	540 D
n-Heptane	9.1 D
n-Hexane	9.6 D
o-Xylene	700 D
p- & m- Xylenes	2,000 D
p-Ethyltoluene	54 D
Propylene	84 D
Tetrachloroethylene	4,900 D
Toluene	64 D
Trichlorofluoromethane (Freon-11)	29 D

LEGEND

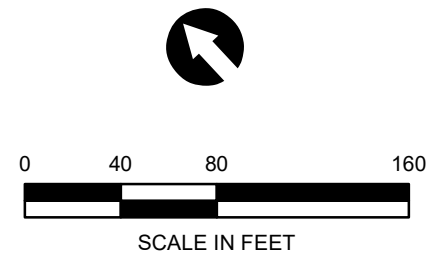
- PROJECT SITE BOUNDARY
- BUILDING
- LOT BOUNDARY AND TAX LOT NUMBER
- 769** BLOCK NUMBER
- ⊕ SUPPLEMENTAL PHASE II INVESTIGATION SOIL VAPOR SAMPLE LOCATION (AUGUST 2019)
- ⊞ PHASE II INVESTIGATION SOIL VAPOR SAMPLE LOCATION (MAY 2019)

NOTES

µg/m³ - micrograms per cubic meter

D: Analyte concentration obtained from dilution.
 J: Concentration is estimated.

Only detections are shown in this figure.



Map Source:
 NYCDOP (NYC Dept. of City Planning) GIS database

ATTACHMENT D

Previous Environmental Studies (provided as separate attachment)

ATTACHMENT E
Member Consent Authorization Agreement

**MD45 DEVELOPERS LLC AUTHORIZATION
TO COMPLETE REMEDIAL REQUIREMENTS AND GRANT
ENVIRONMENTAL EASEMENT**

The undersigned, being the managing member of MD45 Developers LLC, a New York limited liability company (the "Company") hereby certifies as of May___, 2020, as follows and adopts the following resolutions and authorize the Company to authorize and direct Hercules Argyriou (the "Authorized Signatory") to take the following actions on behalf of the Company:

WHEREAS, the Company desires to authorize the Authorized Signatory to undertake actions necessary to redevelop 22-60 46th Street, Queens, NY 11105, Block 769, Lot 25 (the "Property" or the "Site").


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

NOW THEREFORE, BE IT

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

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

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

<u>Authorized Signatory</u>	<u>Signature</u>
Hercules Argyriou	

IN WITNESS WHEREOF, the undersigned has signed and sealed this Member Consent on May ___, 2020.

MD 45 Developers LLC



By: Hercules Argyriou
Managing Member

ATTACHMENT F
RCRA Violation Notice of Compliance



TEL: (718) 274-8880 • FAX: (718) 274-1463
22-60 46th STREET • ASTORIA, NY 11105

Notice of Compliance

November 5, 2008

Asaadul Chowdhury
Inspector
New York State Department of Environmental Conservation
Division of Solid & Hazardous Materials
1 Hunter's Point Plaza
47-40 21st Street
Long Island City, New York 11101-5407

RE: Hazardous Waste Compliance Inspection Date 09/23/08
Location of Handler: 22-60 46th Street, Astoria, NY
EPA Identification Number: NYR000137117

Dear Mr. Chowdhury:

As a result of an inspection conducted on 9/23/08 by the New York State Department of Environmental Conservation, the Department determined that our facility is operating as a Conditionally Exempt Small Quantity Generator of hazardous waste. In a Notice of Violation dated 10/8/08, it is stated that the violation pertains to the disposal of our fluorescent lamps.

Since receiving this notice we have taken the necessary steps to correct our violation. We have purchased two fiber drum fluorescent lamp containers which are currently on-site. We have also arranged for the transportation and disposal of these containers with Northeast Lamp Recycling, Inc., which is an authorized manager of hazardous waste. Attached you will find an invoice confirming the purchase of these containers.

If any more steps are necessary to reach compliance please contact me at the telephone number above.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Williams".

Jonathan Williams

Enclosure

cc: Juzer Rasani

Reviewer

New York State Department of Environmental Conservation

Division of Solid & Hazardous Materials

Bureau of Hazardous Waste Regulation

Inspection & Compliance Section

9th Floor

625 Broadway

Albany, New York 12233-7251

New York State Department of Environmental Conservation
Division of Solid and Hazardous Materials, Region 2
47-40 21ST Street, Long Island City, NY 11101-5407
Phone: (718) 482-4996 • **FAX:** (718) 482-6391
Website: www.dec.ny.gov



Notice of Violation
October 8, 2008

Certified Mail, Return Receipt Requested

Jonathan Williams
Development Assistant
Makro General Contractors, Inc.
22-60 46th Street
Astoria, NY 11105

RE: Hazardous Waste Compliance Inspection Date: 09/23/08
Location of Handler: Same as above
EPA Identification Number: NYR000137117

Dear Mr. Williams:

In order to determine compliance with the New York State Industrial Hazardous Waste Management Law and the regulations promulgated pursuant thereto, the New York State Department of Environmental Conservation (the "Department") conducted an inspection of your facility on the above-referenced date.

As a result of that inspection, the Department has determined that your facility is operating as a Conditionally Exempt Small Quantity Generator of hazardous waste (CESQG).

As a result of that inspection, the Department has determined that your facility is operating as a conditionally exempt generator of hazardous waste (CESQG). However, 6 NYCRR §371.1(f)(7) only excludes a conditionally exempt generator who generates less than 100 kg of non-acute hazardous waste during a calendar month from full regulation, if the following requirements are met:

- i. The generator makes a determination of the hazardous nature of the waste as required by paragraph 372.2(a)(2) of this title;
- ii. The generator accumulates no more than 1000 kg of non-acute hazardous waste on-site.
- iii. The generator treats or disposes of its hazardous waste in an on-site facility, or ensures delivery to an off-site Treatment Storage or Disposal Facility (TSDF), either of which, if located in the U.S. is:
 - 'a' -- permitted under Part 373.
 - 'b' -- in interim status under Part 373.
 - 'c' -- authorized to manage hazardous waste by a state with a hazardous waste management program approved under RCRA, if located outside New York.

- 'd' -- authorized to manage hazardous waste under RCRA.
 - 'e' -- permitted, licensed or registered by a state to manage municipal or industrial solid waste.
 - 'f' -- a facility which beneficially uses or reuses, or legitimately recycles or reclaims its wastes; or treats its waste prior to performing any such use, reuse, recycling, or reclamation.
 - 'g' -- a facility authorized by the Department to receive such waste, pursuant to Subpart 373-4 of this title.
 - 'h' -- For universal waste managed under Subpart 374-3 of this Title, a universal waste handler or destination facility subject to the requirements of Subpart 374-3 of this Title.
- iv. Ensure delivery of this waste to an off-site TSDF, by:
- 'a' -- transporting the waste itself
 - 'b' -- using a transporter authorized under Part 364 to transport the particular waste(s) offered for shipment to the designated facility.

At the time of the inspection, you did not meet the above requirements except for bullet (ii), and therefore, were in violation of 6 NYCRR §371.1(f)(7)(i), (iii), and (iv).

This violation pertains to all of your spent fluorescent lamps which were disposed of in the regular trash as you stated during the inspection. Please note that many used fluorescent lamps similar to the lamps used at your facility (silver end-capped) are known to fail the Toxicity Characteristic Leaching Procedure (TCLP) for mercury and, therefore, are considered hazardous waste (EPA Waste Number D009).

Please also note that hazardous waste fluorescent lamps would qualify to be managed as universal waste under the requirements of 6NYCRR Part 374-3. If you choose to manage your spent fluorescent lamps as universal waste, a copy of the aforementioned universal waste regulations and a list of lamp recyclers are enclosed to assist you.

Additional violations may result from information received by the Department.

Violations of the New York State Hazardous Waste Regulations may result in civil and criminal sanctions under the Environmental Conservation Law. Possible sanctions include a civil penalty of up to \$37,500 per day for a first offense and \$75,000 per day for a second offense. Should the cited violations not be corrected promptly, an action seeking a civil penalty will be initiated. This letter in no way precludes enforcement actions for any violations discovered at any time, nor does it relieve you from any liability you may have for regulatory fees and hazardous waste special assessment fees.

Please confirm in writing, within 30 days of the date of this letter, that the above-referenced violations have been corrected and include supporting documentation. It is essential that you include your EPA Identification Number on all correspondence. This confirmation should be addressed to:

New York State Department of Environmental Conservation
Division of Solid & Hazardous Materials
1 Hunter's Point Plaza
47-40 21st Street
Long Island City, New York 11101-5407
(718) 482-6965
Attention: Asaadul Chowdhury, Inspector

with a copy to:

New York State Department of Environmental Conservation
Division of Solid & Hazardous Materials
Bureau of Hazardous Waste Regulation
Inspection & Compliance Section
9th Floor
625 Broadway
Albany, New York 12233-7251
(518) 402-8629
Attention: Juzer Rasani, Reviewer

If you have any questions about this notice or should you wish to discuss this matter further, please contact the Inspector or the Reviewer at the telephone number above.

Sincerely,



Hassan E. Hussein, P.E.
Environmental Engineer 3
Region 2

Enclosure

cc: P. John, Region 2
S. Arakhan, Region 2
J. Rasani, Central Office
A. Chowdhury, Region 2



NORTHEAST LAMP RECYCLING, INC.
Keeping Mercury Out Of Our Environment

250 MAIN STREET PO BOX 680 EAST WINDSOR, CT 06026-0680
 TEL: 860.537.3267 FAX: 860.392.1114 WWW.NEURLAMP.COM

SERVICE ORDER
 No: 79171
PACKAGING
CONTAINERS

PICK-UP DATE: Wednesday, November 05, **FACILITY HOURS:** Mon - Fri: 9:00 AM - 5:00 PM
SCHEDULED TIME: **PO NO:**

TRANSPORTER: Northeast Lamp Recycling

FACILITY PICK-UP LOCATION:

Makro General Contractors, Inc.
 22-60 46th Street
 Astoria, NY 11105
 (718) 932-6342
 EXT:

INVOICE TO:

3631
 Makro General Contractors, Inc.
 22-60 46th Street
 Astoria, NY 11105
 (718) 274-8880

CONTACT: Jonathan Williams

DIRECTIONS:

NOTES:

PURCHASE

	Delivery Qty				Delivery Qty		
	EXPECTED	ACTUAL	BO		EXPECTED	ACTUAL	BO
<u>FIBER DRUM (DF)</u>							
4' (170-COUNT)	0	_____	_____	<u>OEM CARTONS (CE)</u>			
4' (85-COUNT)	1		_____	4' CARTONS	0	_____	_____
ROCON	1		_____	8' CARTONS	0	_____	_____
8' (85-COUNT)	0	_____	_____	U-STYLE CARTONS	0	_____	_____
<u>METAL DRUM (DM)</u>							
55-GALLON STEEL	0	_____	_____	GAYLORD CARTONS	0	_____	_____
<u>PLASTIC DRUM (DP)</u>							
5-GALLON	0	_____	_____				
30-GALLON	0	_____	_____				
55-GALLON	0	_____	_____				
<u>PALLET / SKID (CW)</u>							
4' SKID	0	_____	_____				
8' SKID	0	_____	_____				
<u>WOOD CRATES (CW)</u>							
4' CRATE	0	_____	_____				
8' CRATE	0	_____	_____				

GENERATOR'S CERTIFICATION: I certify that the quantities identified above have been approved for Delivery.

Printed / Typed Name: EMANUEL L. KORNICK Signature: [Signature] Date: 11/05/00

Carrier Acknowledgment of Receipt of Materials

Time In: 10:15 AM / PM Time Out: 10:30 AM / PM

Printed / Typed Name: [Signature] Signature: [Signature] Date: 11/05/00

THANK YOU FOR THE OPPORTUNITY TO SERVE YOUR RECYCLING NEEDS.
WE APPRECIATE AND VALUE YOUR BUSINESS.

ATTACHMENT G
Document Repository Letters



Environmental, Planning, and Engineering Consultants

440 Park Avenue South
7th Floor
New York, NY 10016
tel: 212 696-0670
fax: 212 213-3191
www.akrf.com

August 23, 2019

Ms. Abigail Goldberg
Assistant Manager
Queens Library at Broadway
40-20 Broadway
Queens, New York 11105

Re: Document Repository for 22-60 46th Street, Queens, NY 11105

Dear Ms. Goldberg:

AKRF, Inc. is submitting a New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Application on behalf of Mega Development LLC for the project site located at 22-60 46th Street, Queens, NY 11105. As required by NYSDEC, Queens Library at Broadway will be the repository to which all pertinent electronic documents generated for this project will be sent. Please understand that these documents will have to be made available to the public when requested until the NYSDEC determines that these documents are no longer needed.

Please signify your understanding and agreement by signing below and returning a copy of the signed letter via email to scaporizzo@akrf.com. Please call me at (914) 922-2354 with any questions. Thank you.

Sincerely,
AKRF, Inc.

Scott P. Caporizzo
Senior Professional

ACKNOWLEDGED AND ACCEPTED:

Ms. Abigail Goldberg
Name

Assistant Manager
Title

Signature



Environmental, Planning, and Engineering Consultants

440 Park Avenue South
7th Floor
New York, NY 10016
tel: 212 696-0670
fax: 212 213-3191
www.akrf.com

August 23, 2019

Ms. Florence Koulouris
District Manager
Queens Community Board 1
4502 Ditmars Blvd # 1025
Astoria, NY 11105
Phone: (718) 626 1021
Email: qn01@cb.nyc.gov

Re: Document Repository for 22-60 46th Street, Queens, NY 11105

Dear Ms. Koulouris,

AKRF, Inc. is submitting a New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Application on behalf of Mega Development LLC for the project site located at 22-60 46th Street, Queens, NY 11105. As required by NYSDEC, Queens Community Board District 1 will be the repository to which all pertinent electronic documents generated for this project will be sent. Please understand that these documents will have to be made available to the public when requested until the NYSDEC determines that these documents are no longer needed.

Please signify your understanding and agreement by signing below and returning a copy of the signed letter via email to scaporizzo@akrf.com. Please call me at (914) 922-2354 with any questions. Thank you.

Sincerely,
AKRF, Inc.

Scott P. Caporizzo
Senior Professional

ACKNOWLEDGED AND ACCEPTED:

Ms. Florence Koulouris
Name

District Manager
Title

Signature

*Disks only no
Bound Books*