



**Department of
Environmental
Conservation**

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

Please refer to the attached instructions for guidance on completing this application.

Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment seeks to add or subtract more than an insignificant acreage of property to the BCA, applicants are encouraged to consult with the DEC project team prior to submitting this application.

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

1. Check the appropriate box(es) below based on the nature of the amendment modification(s) requested:

☒	Amendment to modify the existing BCA (check one or more boxes below):
☒	Add applicant(s)
☐	Substitute applicant(s)
☐	Remove applicant(s)
☐	Change in name of applicant(s)
☒	Amendment to reflect a transfer of title to all or part of the brownfield site:
	a. A copy of the recorded deed must be provided. Is this attached? Yes ☒ No ☐ b. ☒ Change in ownership ☐ Additional owner (such as a beneficial owner) c. Pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been submitted prior to a transfer of ownership. If this has not yet been submitted, include the form with this application. Is this form attached? Yes ☒ No ☐ Submitted on: <u>[Concurrently]</u>
☐	Amendment to modify description of the property(ies) listed in the existing BCA
☒	Amendment to expand or reduce property boundaries of the property(ies) listed in the existing BCA
☐	Sites in Bronx, Kings, New York, Queens or Richmond Counties ONLY: amendment to request determination that the site is eligible for tangible property credit component of the brownfield redevelopment tax credit.
☐	Other (explain in detail below)

2. REQUIRED: Please provide a brief narrative describing the specific requests included in this amendment:

The purpose of this BCA Amendment No. 1 application is to:

- (1) reflect a transfer of title to Queens Block 10002, Lots 1/10/13 currently comprising this BCP from the former owners to the existing Volunteer ("Radix 95-25 149th St LLC") as of July 8, 2021;
- (2) add a new Remedial Party/Volunteer ("95-20 150th Street LLC") while retaining the existing Volunteer; and
- (3) expand the BCP Site boundaries by adding the adjacent Queens Block 10002, Lot 15 parcel owned by the new proposed Volunteer (representing a net expansion of +13% by area).

SECTION I: CURRENT AGREEMENT INFORMATION*This section must be completed in full. Attach additional pages as necessary.*

BCP SITE NAME: Jamaica Works	BCP SITE CODE: C241252
NAME OF CURRENT APPLICANT(S): Radix 95-25 149th St LLC	
INDEX NUMBER OF AGREEMENT: C241252-06-21	DATE OF ORIGINAL AGREEMENT: 07/07/2021

SECTION II: NEW REQUESTOR INFORMATION*Complete this section only if adding new requestor(s) or the name of an existing requestor has changed.*

NAME: 95-20 150th St LLC			
ADDRESS: 347 Fifth Avenue, 16th Floor			
CITY/TOWN: New York, NY			ZIP CODE: 10016
PHONE: 917-597-9811	EMAIL: eric@dl-development.com		
REQUESTOR CONTACT: Eric Deutsch			
ADDRESS: 347 Fifth Avenue, 16th Floor			
CITY/TOWN: New York, NY			ZIP CODE: 10016
PHONE: 917-597-9811	EMAIL: eric@dl-development.com		
REQUESTOR'S CONSULTANT: AKRF, Inc.		CONTACT: Stephen Malinowski	
ADDRESS: 440 Park Avenue South, 7th Floor			
CITY/TOWN: New York, NY			ZIP CODE: 10016
PHONE: 631-574-3724	EMAIL: smalinowski@akrf.com		
REQUESTOR'S ATTORNEY: Sive, Paget & Riesel, P.C.		CONTACT: Scott E. Furman, Esq.	
ADDRESS: 560 Lexington Avenue, 15th Floor			
CITY/TOWN: New York, NY			ZIP CODE: 10022
PHONE: 212-421-2150	EMAIL: sfurman@sprlaw.com		
			Y
			N
1. Is the requestor authorized to conduct business in New York State?			☒
2. If the requestor is a corporation, LLC, LLP, or other entity requiring authorization from the NYS Department of State (NYSDOS) to conduct business in NYS, the requestor's name must appear exactly as given above in the NYSDOS Corporation & Business Entity Database. A print-out of entity information from the NYSDOS database must be submitted with this application. Is this print-out attached?			☒
3. Requestor must submit proof that the party signing this application and amendment has the authority to bind the requestor. This would be documentation showing the authority to bind the requestor in the form of corporate organizational papers, a Corporate Resolution or an Operating Agreement or Resolution for an LLC. Is this proof attached?			☒
4. If the requestor is an LLC, the names of the members/owners must be provided. Is this information attached?			☒
5. Describe the new requestor's relationship to all existing applicants: The new Requestor, "95-20 150th St LLC", is an affiliate of the existing Volunteer and within the same organizational family.			☒

SECTION III: CURRENT PROPERTY OWNER/OPERATOR INFORMATION*Complete this section only if a transfer of ownership has taken place. Attach additional pages if necessary.*

Owner listed below is: ☒ Existing Applicant		☐ New Applicant		☐ Non-Applicant	
OWNER'S NAME: Radix 95-25 149th St LLC			CONTACT: Eric Deutsch		
ADDRESS: 347 Fifth Avenue, 16th Floor					
CITY/TOWN: New York, NY			ZIP CODE: 10016		
PHONE: (917) 597-9811		EMAIL: eric@dl-development.com			
OPERATOR:			CONTACT:		
ADDRESS:					
CITY/TOWN:			ZIP CODE:		
PHONE:		EMAIL:			

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION*Complete this section only if adding new requestor(s). Attach additional pages if necessary.*

If answering "yes" to any of the following questions, please provide additional information as an attachment. Please refer to ECL § 27-1407 for details.

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	☐	☒
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site?	☐	☒
3. Is the requestor subject to an outstanding claim by the Spill Fund for the site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	☐	☒
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the subject law; (ii) any order or determination; (iii) any regulation implementing ECL Article 27 Title 14; or (iv) any similar statute or regulation of the state or federal government? If so, provide additional information as an attachment.	☐	☒
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as site name, address, DEC site number, reason for denial, and any other relevant information.	☐	☒
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 or contaminants?	☐	☒
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?	☐	☒
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department?	☐	☒

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION (continued)		Y	N
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?		☐	☒
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?		☐	☒
11. Are there any unregistered bulk storage tanks on-site which require registration?		☐	☒
12. THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:			
☐ PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of contamination or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of contamination.	☒ VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of a 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 they have 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's liability arises solely as a result of ownership, operation of or involvement with the site, they must submit a statement describing why they should be considered a volunteer – be specific as to the appropriate care taken.		
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?		N/A ☐	Y ☒ N ☐
14. Requestor's relationship to the property (check all that apply):		Lots 1/10/13 ☐ Prior Owner ☒ Current Owner Lot 15 ☐ Potential/Future Purchaser ☒ Other: <u>Affiliate</u>	
15. If the 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 being added to the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached?		N/A ☐	Y ☒ N ☐

SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES

Complete this section only if property is being added to or removed from the site, a lot merger or other change to site SBL(s) has occurred, or if modifying the site address for any reason.

1. Property information on current agreement (as modified by any previous amendments, if applicable):

ADDRESS: 95-25 149th Street

CITY/TOWN Jamaica, NY

ZIP CODE: 11435

CURRENT PROPERTY INFORMATION

TOTAL ACREAGE OF CURRENT SITE: 1.170

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

95-25 149th Street

Queens (4)

10002

1

0.920

95-08 150th Street

Queens (4)

10002

10

0.090

95-12 150th Street

Queens (4)

10002

13

0.160

2. Requested change (check appropriate boxes below):



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

PARCELS ADDED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

95-20 150th Street

Queens (4)

10002

15

0.154

TOTAL ACREAGE TO BE ADDED: _____



b. Reduction of property

PARCELS REMOVED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

TOTAL ACREAGE TO BE REMOVED: _____



c. Change to SBL (e.g., lot merge, subdivision, address change)

NEW PROPERTY INFORMATION:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

3. TOTAL REVISED SITE ACREAGE: 1.324

4. For all changes requested in this section, documentation must be provided. Required attachments are listed in the application instructions. Is the required documentation attached?



Y

N

**APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT SUPPLEMENT
QUESTIONS FOR SITE SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY**

Complete this section only if the site is located within the five counties comprising New York City and the requestor is seeking a determination of eligibility for tangible property credits. Provide supporting documentation as required. Refer to the application instructions for additional information.

	Y	N
1. Is the site located in Bronx, Kings, New York, Queens or Richmond County?	☐	☐
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	☐	☐
3. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website for more information.	☐	☐
4. Is the property upside down as defined below?	☐	☐
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.		
5. Is the project and affordable housing project as defined below?	☐	☐
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' household's 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 homeowners 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.		

APPLICATION SUPPLEMENT FOR NYC SITES (continued)	Y	N
6. Is the project a planned renewable energy facility site as defined below? From ECL 27-1405(33) as of April 9, 2022: "Renewable energy facility site" shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system. From Public Service Law Article 4 Section 66-p as of April 23, 2021: (b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.	☐	☐
7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and meets the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law? From ECL 75-0111 as of April 9, 2022: (5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.	☐	☐

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT	
EXISTING AGREEMENT INFORMATION	
BCP SITE NAME: Jamaica Works	BCP SITE CODE: C241252
NAME OF CURRENT APPLICANT(S): Radix 95-25 149th St LLC	
INDEX NUMBER OF AGREEMENT: C241252-06-21	DATE OF ORIGINAL AGREEMENT 07/07/2021

Declaration of Amendment:

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

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

STATEMENT OF CERTIFICATION AND SIGNATURES: NEW REQUESTOR

Complete the appropriate section (individual or entity) below only if this Amendment adds a new requestor. Attach additional pages as needed.

(Individual)

I hereby affirm that the information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

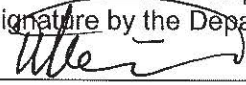
Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am the Authorized Signatory (title) of 95-20 150th St LLC (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Alexander Ohebshalom's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 3/12/2025 Signature: Print Name: Alexander Ohebshalom / 95-20 150th St LLC

STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S)

An authorized representative of each applicant must complete and sign the appropriate section (individual or entity) below. Attach additional pages as needed.

(Individual)

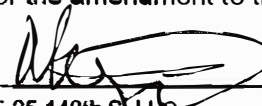
I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application,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

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am the Authorized Signatory (title) of Radix 95-25 149th St LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. Alexander Ohebshalom's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 3/12/2025 Signature: Print Name: Alexander Ohebshalom / Radix 95-25 149th St LLC**PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS****REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

☐ PARTICIPANT

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

☒ VOLUNTEER

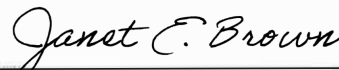
A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.

Effective Date of the Original Agreement: 07/07/2021

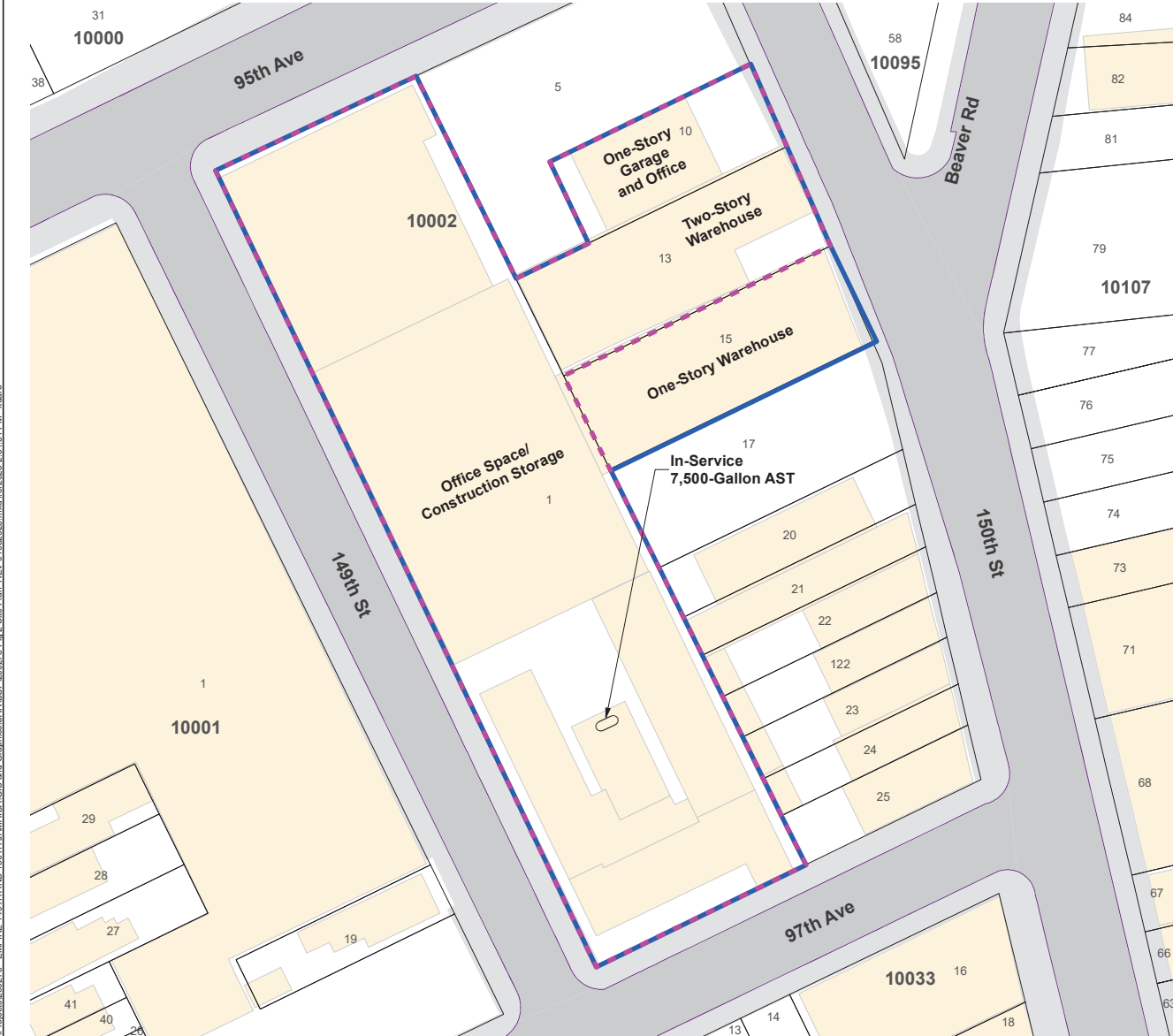
Signature by the Department:

DATED: 9/17/2025NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

Janet E. Brown, Assistant Director
Division of Environmental Remediation

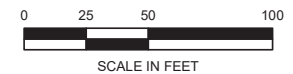
©2025 AKRF. V:\Projects\200278 - EMPIRE 149TH AND 150TH JAMAICA\GIS and Graphics\AR\ECIP\200278_Fig 2_Site Plan_REV 01082025.mxd 1/8/2025 2:51 PM k.dare



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

LEGEND

- PROJECT SITE BOUNDARY
- EXPANDED PROJECT SITE BOUNDARY
- LOT BOUNDARY AND TAX LOT NUMBER
- 10002 BLOCK NUMBER
- BUILDING
- ABOVEGROUND STORAGE TANK (AST)



440 Park Avenue South, New York, NY 10016

Jamaica Works
95-25 149th Street
Queens, New York

PROPOSED EXPANDED SITE PLAN

DATE
1/8/2025
PROJECT NO.
200278
FIGURE
2