

147-35 95TH AVENUE

JAMAICA, NEW YORK

Brownfield Cleanup Program Application

Submitted to:

New York State Department of Environmental Conservation

Division of Environmental Remediation

Site Control Section

625 Broadway, 11th Floor

Albany, NY 12233-7020

Prepared for:

Sutphin Boulevard Equities LLC

670 Myrtle Avenue, Suite 6292

Brooklyn, NY 11205

Prepared by:



121 West 27th Street, Suite 702

New York, NY 10001

mcarroll@tenen-env.com

(646) 606-2332

March 2022



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 12*

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #:

NAME **Sutphin Boulevard Equities LLC**

ADDRESS **670 Myrtle Avenue, Suite 6292**

CITY/TOWN **Brooklyn**

ZIP CODE **11205**

PHONE **718-619-0014**

FAX **N/A**

E-MAIL **jj@keydevelopersny.com**

Is the requestor authorized to conduct business in New York State (NYS)?

☒ Yes ☐ No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. **Please note:** If the requestor is an LLC, the members/owners names need to be provided on a separate attachment.

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 that the site requires remediation and 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). Please do not submit paper copies of supporting documents.**

2. **SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED, WITH LABORATORY REPORTS REFERENCED AND ALSO INCLUDED.**

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

***Please describe:** Historic fill-related SVOCs (PAHs), metals, & PCBs; cVOCs likely associated with solvents used in historic manufacturing processes; PFAS in groundwater

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

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

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

☒ Yes ☐ No

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

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

Other: Meat packing facility, metals manufacturing

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME 147-35 95th Avenue - Site A				
ADDRESS/LOCATION 147-35 95th Avenue				
CITY/TOWN Jamaica		ZIP CODE 11435		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Queens				
COUNTY Queens		SITE SIZE (ACRES) 0.69		
LATITUDE (degrees/minutes/seconds) 40 ° 41 ' 55.902 "		LONGITUDE (degrees/minutes/seconds) -73 ° 48 ' 21.052 "		
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
147-35 95th Avenue		9999	40	0.69
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach an accurate map of the proposed site.				
2. Is the required property map attached to the application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map)				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, identify census tract : _____ Percentage of property in En-zone (check one): <input checked="" type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input type="checkbox"/> 100%				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, identify name of properties (and site numbers if available) in related BCP applications:_____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				

Section IV. Property Information (continued)

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

Easement/Right-of-way Holder

Description

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

Type

Issuing Agency

Description

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

NOTE: If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

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

Initials of each Requestor: _____

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

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE J.J. Weiss			
ADDRESS 670 Myrtle Avenue, Suite 6292			
CITY/TOWN Brooklyn		ZIP CODE 11205	
PHONE 718-619-0014	FAX N/A	E-MAIL jj@keydevelopersny.com	
NAME OF REQUESTOR'S CONSULTANT Mohamed Ahmed, Ph.D., PG, CPG / Tenen Environmental, LLC			
ADDRESS 121 West 27th Street, Suite 702			
CITY/TOWN New York		ZIP CODE 10001	
PHONE 646-606-2332	FAX N/A	E-MAIL mahmed@tenen-env.com	
NAME OF REQUESTOR'S ATTORNEY Michael Bogin / Sive, Paget, & Riesel, PC			
ADDRESS 560 Lexington Avenue, 15th Floor			
CITY/TOWN New York		ZIP CODE 10022	
PHONE 646-378-7210	FAX N/A	E-MAIL mbogin@sprlaw.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME		OWNERSHIP START DATE:	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME			
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?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Section VII. Requestor Eligibility Information (continued)

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

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

☐ PARTICIPANT

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

☒ VOLUNTEER

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

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

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

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

☐ Previous Owner ☒ Current Owner ☐ Potential /Future Purchaser ☐ Other _____

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

☐ Yes ☐ No

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

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

1. Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment. ☐ Yes ☒ No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? ☐ Yes ☒ No
If yes, please provide: Site # _____ Class # _____
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? ☐ Yes ☒ No
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. ☐ Yes ☐ No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? ☐ Yes ☒ No
If yes, please provide: Order # _____
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? ☐ Yes ☒ No
If yes, please provide explanation as an attachment.

Section IX. Contact List Information

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

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

Section X. Land Use Factors

1. What is the current municipal zoning designation for the site? C6-4

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

The proposed development is consistent with the existing zoning and the recent devel

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

☒ Yes ☐ No

The property will be redeveloped with a new 23-story mixed-use commercial and residential building with a full cellar, consistent with applicable zoning laws and maps.

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.

☒ Yes ☐ No

The proposed use is not inconsistent with any applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans or other adopted land use plans.

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 Sutphin Boulevard Equities 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: Feb-23-22 Signature: _____

Print Name: Joel Zupia

SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy of the application form with original signatures and table of contents, and one complete electronic copy in final, non-fillable 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

PLEASE DO NOT SUBMIT PAPER COPIES OF SUPPORTING DOCUMENTS. Please provide a hard copy of **ONLY** the application form and a table of contents.

FOR DEC USE ONLY

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

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

BCP App Rev 12

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? <div style="display: flex; justify-content: flex-end; align-items: flex-start; margin-top: 5px;"> <div style="text-align: right; margin-right: 10px;">Upside Down?</div> <div><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div> </div> <div style="display: flex; justify-content: flex-end; align-items: flex-start; margin-top: 5px;"> <div style="text-align: right; margin-right: 10px;">Underutilized?</div> <div><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div> </div>	
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: 147-35 95th Avenue - Site A
City: Jamaica

Site Address: 147-35 95th Avenue
County: Queens **Zip:** 11435

Tax Block & Lot

Section (if applicable): **Block:** 9999 **Lot:** 40

Requestor Name: Sutphin Boulevard Equities LLC
City: Brooklyn

Requestor Address: 670 Myrtle Avenue, Suite 6292
Zip: 11205 **Email:** jj@keydevelopersny.com

Requestor's Representative (for billing purposes)

Name: J.J. Weiss
City: Brooklyn

Address: 670 Myrtle Avenue, Suite 6292
Zip: 11205

Email: jj@keydevelopersny.com

Requestor's Attorney

Name: Michael Bogin / Sive, Paget, & Riesel, PC **Address:** 560 Lexington Avenue, 15th Floor
City: New York

Zip: 10022 **Email:** mbogin@sprlaw.com

Requestor's Consultant

Name: Mohamed Ahmed, Ph.D., PG, CPG / Tenen Environmental, LLC **Address:** 121 West 27th Street, Suite 702
City: New York

Zip: 10001 **Email:** mahmed@tenen-env.com

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

DER Determination: ☐ Agree ☐ Disagree

Requestor's Requested Status: ☒ Volunteer ☐ Participant

DER/OGC Determination: ☐ Agree ☐ Disagree
Notes:

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

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

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

Does Requestor Claim Property is Underutilized: ☐ Yes ☒ No

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

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

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM (BCP)
INSTRUCTIONS FOR COMPLETING A BCP APPLICATION**

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional office](#) to schedule a meeting. To add a party to an existing BCP Agreement and/or Application, use the [BCP Agreement Amendment Application](#). **See guidance at the end of these instructions regarding the determination of a complete application.**

SECTION I REQUESTOR INFORMATION

Requestor Name

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

If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear exactly as given in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to DEC with the application, to document that the requestor is authorized to do business in NYS.

Address, etc.

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

Document Certification

All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of [DER-10](#). Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:

- New York State licensed professional engineers (PEs), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a PE with current license and registration for work that was done by them or those under their direct supervision. The firm by which the PE is employed must also be authorized to practice engineering in New York State;
- qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;
- remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or
- site owners, which are the owners of the property comprising the site at the time of the certification.

SECTION II PROJECT DESCRIPTION

As a separate attachment, provide complete and detailed information about the project, including the purpose of the project, the date the remedial program is to start, and the date the Certificate of Completion is anticipated..

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION III

PROPERTY'S ENVIRONMENTAL HISTORY

For all sites, an investigation report is required that is sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data includes site drawings and **data summary tables** requested in Section III, #3 of the BCP application form. **Data summary table instructions are attached.**

SECTION IV

PROPERTY INFORMATION

Proposed Site Name

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

Site Address

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

Site Size

Provide the approximate acreage of the site.

GIS Information

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

Tax Parcel Information

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

1. Tax Map Boundaries

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

2. Map

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION IV (continued)

3. En-zone

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

4. Multiple applications

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

10. Property Description Narrative

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

Location

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

Site Features:

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

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

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

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

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

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION IV (continued)

Property Description Narrative (continued)

Site Geology and Hydrogeology:

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

Environmental Assessment

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

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

A typical Environmental Assessment would look like the following:

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

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

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

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

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

SECTION V

ADDITIONAL REQUESTOR INFORMATION

Representative Name, Address, etc.

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

Consultant and Attorney Name, Address, etc.

Provide requested information.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

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

Owner Name, Address, etc.

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

Operator Name, Address, etc.

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

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

SECTION VII REQUESTOR ELIGIBILITY INFORMATION

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

SECTION VIII PROPERTY ELIGIBILITY INFORMATION

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

1. CERCLA / NPL Listing

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

2. Registry Listing

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

3. RCRA Listing

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

4. Registry / RCRA sites owned by volunteers

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION VIII (continued)

5. Existing Order

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

6. Enforcement Action Pending

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

SECTION IX CONTACT LIST INFORMATION

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

SECTION X LAND USE FACTORS

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

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

SECTION XI SIGNATURE PAGE

The Requestor must sign the application, or designate a representative who can sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each must sign a signature page. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the entity's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

DETERMINATION OF A COMPLETE APPLICATION

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

DETERMINATION OF A COMPLETE APPLICATION (continued)

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

DATA SUMMARY TABLES

Data summary tables should include the following columns. Example tables are provided on the following page.

Soil Table:

Analytes > SCOs ^a	Detections > SCOs ^b	Max. Detection (ppm) ^c	SCO (ppm) ^d	Depth (ft bgs)
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Groundwater Table:

Analytes > AWQS ^e	Detections > AWQS ^f	Max. Detection (ppb) ^c	AWQS (ppb) ^g
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Soil Gas Table:

Analytes ^h	Total Detections	Max. Detection (ug/m ³) ^c	Type ⁱ
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^a Include all contaminants over the applicable soil cleanup objectives (SCOs). Column header should specify which SCOs are being compared to. (i.e. "RRSCOs" for Restricted Residential SCOs)

^b Number of detections over applicable SCOs. Specify which SCOs are being compared to in column header.

^c Maximum detection in parts per million (ppm) for soil, parts per billion (ppb) for groundwater, or micrograms per cubic meter (ug/m³) for soil gas.

^d List the respective SCO. Specify which SCOs are being compared to in column header.

^e Include all contaminants over Class GA Ambient Water Quality Standards (AWQS).

^f Number of detections over AWQS.

^g List the respective AWQS.

^h Include all chlorinated volatile organic compound (VOCs) detections.

ⁱ Specify type: soil vapor, sub-slab or indoor air.

Example Data Summary Tables

Soil Table:

Analytes > RR SCOs	Detections > RR SCOs	Maximum Detection (ppm)	RR SCO (ppm)	Depth (ft bgs)
Benzo(a)anthracene	3	11	1	5 – 7
Benzo(a)pyrene	4	15	1	5 – 7
Benzo(b)fluoranthene	5	15	1	5 – 7
Benzo(k)fluoranthene	1	5.3	3.9	5 – 7
Indeno(1,2,3-cd)pyrene	7	8.4	0.5	5 – 7
barium	2	967	400	0.5 – 2.5
cadmium	2	94.1	4.3	6 – 8
lead	3	1,790	400	0.5 – 2.5

Groundwater Table:

Analytes > AWQS	Detections > AWQS	Max. Detection (ppb)	AWQS (ppb)
Benz(a)anthracene	2	0.2	0.002
Benzo(a)pyrene	2	0.221	ND
Benzo(b)fluoranthene	2	0.179	0.002
Benzo(k)fluoranthene	2	0.189	0.002
Indeno(1,2,3-cd)pyrene	2	0.158	0.002
Tetrachloroethene (PCE)	1	12	5

Soil Gas Table:

Analytes	Total Detections	Max. Detection ($\mu\text{g}/\text{m}^3$)	Type
Carbon tetrachloride	1	0.84	Soil vapor
Methylene chloride	1	2.6 J	Soil vapor
Tetrachloroethene	2	47	Soil vapor
Trichloroethene	1	1.2	Soil vapor
Trichlorofluoromethane	1	21	Soil vapor

New York State Department of Environmental Conservation
BROWNFIELD CLEANUP PROGRAM

BROWNFIELD CLEANUP PROGRAM APPLICATION
SUPPLEMENTAL AND SUPPORTING INFORMATION

For

147-35 95th AVENUE – SITE A
JAMAICA, NY

SUTPHIN BOULEVARD EQUITIES LLC

April 2022

Section I – Requestor Information

Sutphin Boulevard Equities LLC is a NYS business entity. The New York State Department of State's Corporation & Business Entity Database printout is included in Exhibit A.

The members of Sutphin Boulevard Equities LLC are as follows:

- Sutphin Holdco LLC, Member

The members of Sutphin Holdco LLC are as follows:

- Solomon Feder, Sole Member/Managing Member

The Operating Agreement for Sutphin Boulevard Equities LLC is included in Exhibit A.

Section II - Project Description

II.4 – Narrative Description

Proposed Redevelopment

The subject property will be redeveloped as an affordable housing project with a new 23-story mixed-use commercial and residential building with a full cellar that will encompass the entirety of the Site. Approximately 30% of the residential units will be affordable: 20% at 80% area median income (AMI) and 10% at 130% AMI. The proposed building will have a total gross square footage of approximately 346,636 square feet (SF). Currently, the Site is vacant, therefore demolition will not be required as part of redevelopment. The development of the project will require excavation to approximately 17 feet below sidewalk grade (ft-bsg) across the Site, with localized deeper excavation to approximately 22 ft-bsg to accommodate the installation of the elevator pits. The water table was encountered at approximately 20 to 22 ft-bsg and is expected to be encountered during excavation of the elevator pits only. The proposed development is consistent with the existing zoning and the recent development in this area of Queens.

Schedule

As part of the project, the property will be remediated and redeveloped with a new 23-story mixed-use commercial and affordable housing residential building. A Remedial Investigation was completed for the Site, therefore, the Site will begin at the remediation stage upon entry into the BCP. A Remedial Investigation Report (RIR) and Remedial Action Work Plan (RAWP) has been submitted concurrent with this BCP Application. A Final Engineering Report (FER) and Site Management Plan (SMP) will be completed following completion of the RA. The Certificate of Completion is anticipated by the end of 2023. Below is a detailed estimated project schedule:

Estimated Project Schedule
(Reasonable BCP dates)

Task / Month	April 2022	May 2022 - July 2022	August 2022 - January 2023	February 2023 - March 2023	End of 2023
BCP Application, RIR, and RAWP Review and Completeness					

Task / Month	April 2022	May 2022 - July 2022	August 2022 - January 2023	February 2023 - March 2023	End of 2023
BCP App and RAWP, Public Comment and Approval					
Implement Remedial Action					
Prepare FER/SMP, NYSDEC Approval					
Certificate of Completion					

Section III – Property’s Environmental History

III.1 – Environmental Reports

The environmental reports and/or data deliverables prepared for the Site include the following, which are included in Exhibit B.

1. Phase I Environmental Site Assessment Report for 94-01 Sutphin Boulevard, Jamaica, NY, prepared by Middleton Environmental Inc., dated February 11, 2021.
2. Limited Due Diligence Environmental Site Investigation of 94-01 Sutphin Boulevard, Jamaica, NY; prepared by Tenen Environmental, LLC, dated November 3, 2021.
3. Draft Remedial Investigation Report for 147-35 95th Avenue – Site A, Jamaica, NY; prepared by Tenen Environmental, LLC, dated March 2022.
4. Draft Remedial Action Work Plan for 147-35 95th Avenue – Site A, Jamaica, NY; prepared by Tenen Environmental, LLC, dated March 2022.

III.2 – Sampling Data

The laboratory reports containing sampling data are contained in the investigation reports referenced above. Summary tables of all sampling data are included as Exhibit C.

III.3 – Site Drawings

The site drawings for soil, groundwater, and soil vapor are attached as Exhibit D. The data for these drawings is in the reports and laboratory deliverables that are referenced above.

Section IV – Property Information

The following maps have been attached as Exhibit E.

- USGS 7.5 minute Quad Map, indicating the site’s location
- Tax Map
- Surrounding Property Owner Map
- Land Use Map

IV.1 - Do the proposed site boundaries correspond to tax map metes and bounds?

Site A was formerly part of Lot 1, which was recently subdivided into two equal 0.69-acre lots in December 2021. This lot is referenced as ‘Site A’ and became Lot 40 when the lot was subdivided.

IV.10 – Property Description Narrative

Location: The Site, located at 147-35 95th Avenue, Jamaica, New York (Tax Block 9999, Lot 40), is a rectangular-shaped parcel located at the northwestern corner of 95th Avenue and 148th Street. The Site is approximately 30,067 SF and has approximately 325 feet of frontage along 95th Avenue and 100 feet of frontage along 148th Street.

Site Features: The Site is currently vacant, unimproved and overgrown with vegetation. A small part of the eastern portion of the Site is paved with concrete.

Current Zoning and Land Use: The Site lot is zoned C6-4, denoting a high-bulk commercial district requiring a central location. High-rise, mixed-use commercial and residential buildings are permitted under this zoning designation.

Past Uses of the Site: Former Lot 1 was initially developed sometime prior to 1901 with dwellings and a carpenter's shop. By 1911, the carpenter's shop was no longer present and a saw clamp manufacturer and contractor's stable occupied the Site. By 1925, the Site buildings were demolished and a 1 ½-story meat packing facility, dwellings and a one-story garage with a gasoline underground storage tank (UST) are depicted on the Sanborn Map. By 1942, the dwellings and one-story garage had been demolished and the meat packing facility was expanded to the east. The 1 ½-story meat packing facility was demolished in 2007 and the Site has been vacant since that time. City directory listings confirm the historic use of the Site for meat packaging.

Site Geology and Hydrogeology: The subject property is located at an average elevation of approximately 39 feet above mean sea level (ft-msl) and is relatively flat. The Site is underlain by a continuous layer of historic fill consisting of brown silt with sand, gravel, concrete fragments, brick fragments, and coal fragments ranging in thickness from five to 20 feet. The fill layer is underlain by a native layer of medium-to coarse-grained sand to at least 30 ft-bsg. Groundwater at the Site was measured at approximately 20 to 22 ft-bsg. A well survey was performed as part of the Remedial Investigation and groundwater was determined to flow to the southwest.

Prior Investigations: Based on investigations conducted to date at the Site, the primary contaminants of concern for the Site are chlorinated volatile organic compounds (cVOCs), polyaromatic hydrocarbons (PAHs), metals (arsenic and mercury) and polychlorinated biphenyls (PCBs). Two subsurface investigations have been completed at the Site and are described below.

A Limited Due Diligence Environmental Site Investigation (LDDESI) was completed for the entirety of former Lot 1 (Sites A and B) by Tenen Environmental in October 2021 (report dated November 3, 2021) and consisted of the installation of 13 test pits, the collection of twelve soil samples, the installation of three groundwater monitoring wells, the collection of three groundwater samples, the installation of six soil vapor points, the collection of six soil vapor samples and the collection of one ambient air sample. All soil samples collected during the LDDESI were analyzed for volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs), target analyte list (TAL) metals, pesticides and PCBs; all groundwater samples collected during the LDDESI were analyzed for VOCs and SVOCs; and, all soil vapor samples collected during the LDDESI were analyzed for TO-15 VOCs.

A Remedial Investigation (RI) was completed for Site A by Tenen in December 2021 and January 2022 (draft report dated March 2022) and consisted of the installation of three test pits, the advancement of seven soil borings, the collection of 32 soil samples [including quality assurance/quality control (QA/QC) samples], the installation of five groundwater monitoring wells, the collection of six groundwater samples (including QA/QC samples), the installation of six soil vapor points, the collection of six soil vapor samples and the collection of one ambient air sample. All soil and groundwater samples collected during the RI

were analyzed for VOCs, SVOCs, TAL metals (total and dissolved for groundwater), pesticides, herbicides, PCBs, total cyanide, trivalent/hexavalent chromium, 1,4-dioxane, and per- and polyfluoroalkyl substances (PFAS). All soil vapor and ambient air samples collected during the RI were analyzed for TO-15 VOCs. Summary tables of sampling data for all media are included in Exhibit C. Sampling location plans and data diagrams are included in Exhibit D.

Environmental Assessment

Soil:

Several SVOCs, notably PAHs, were detected in shallow and deep soil samples at concentrations exceeding the Restricted-Residential Use SCOs (RRSCOs), including benzo(a)anthracene [max. 35 part per million (ppm) at 0-2 ft, RRSCO is 1 ppm], benzo(a)pyrene [max. 28 ppm at 0-2 ft, RRSCO is 1 ppm], benzo(b)fluoranthene [max. 37 ppm at 0-2 ft, RRSCO is 1ppm], benzo(k)fluoranthene [max. 13 ppm at 0-2 ft, RRSCO is 3.9 ppm], chrysene [max. 33 ppm at 0-2 ft, RRSCO is 3.9 ppm], dibenzo(a,h)anthracene [max. 4.8 ppm at 0-2 ft, RRSCO is 0.33 ppm], and indeno(1,2,3-cd)pyrene [max. 19 ppm at 0-2 ft, RRSCO is 0.5 ppm]. The highest concentrations of all SVOCs were detected in SB-4 (0-2).

The PCBs aroclor 1248 was detected at a max. concentration of 1.19 ppm at 10-12 ft, above the RRSCO of 1 ppm. Total PCBs were detected at a max. concentration of 1.44 ppm at 10-12 ft, above the RRSCO of 1 ppm.

One metal, arsenic, was detected at a max. concentration of 142 ppm at 10-12 ft, above the RRSCO of 16 ppm. The highest concentrations of arsenic were detected in soil boring SB-10.

Environmental Assessment

Groundwater:

One cVOC, chloroform, was detected in exceedance of the Class GA Ambient Water Quality Standard (AWQS) at a maximum concentration of 9.1 parts per billion (ppb) [AWQS is 7ppb].

Several SVOCs, including PAHs, were detected in groundwater samples at concentrations exceeding the AWQSs, including benzo(a)anthracene [max. 0.06 ppb], benzo(a)pyrene [max. 0.02 ppb], benzo(b)fluoranthene [max. 0.04 ppb], benzo(k)fluoranthene [max. 0.02 ppb], chrysene [max. 0.04 ppb] and indeno(1,2,3-cd)pyrene [max. 0.03 ppb]. All of the aforementioned analytes have an AWQS of 0.002 ppb, with the exception of benzo(a)pyrene, which has an AWQS of 0 ppb.

Two dissolved metals, manganese [max. 1,554 ppb] and sodium [max. 112,000 ppb], were detected in exceedance of AWQSs of 300 ppb and 20,000 ppb, respectively.

Two PFAS, PFOA and PFOS, were detected in exceedance of the NYSDEC PFAS Guidelines at maximum concentration of 27.1 nanograms per liter (ng/l) and 36.7 ng/l, respectively [NYSDEC PFAS Guideline for both is 10 ng/l].

Environmental Assessment

Soil Vapor:

A variety of cVOCs were detected in throughout the Site, including tetrachloroethene (PCE) [max. 371 micrograms per cubic meter (ug/m3)], trichloroethene (TCE) [max. 58.6 ug/m3], 1,1,1-trichloroethane (1,1,1-TCA) [max. 39.7 ug/m3], 1,1-dichloroethane (1,1-DCA) [max. 0.931 ug/m3] and chloroform [max. 101 ug/m3].

A variety of petroleum-related VOCs were detected throughout the Site, including benzene [max. 3.35 ug/m3], toluene [max. 28.5 ug/m3], ethylbenzene [max. 29.3 ug/m3], p/m-xylene [max. 59.5 ug/m3], o-xylene [max. 15 ug/m3], 1,2,4-trimethylbenzene [max. 9.93 ug/m3], 1,3,5-trimethylbenzene [max. 3.23 ug/m3], heptane [max. 9.1 ug/m3], 4-ethyltoluene [max. 1.82 ug/m3], styrene [max. 1.38 ug/m3], cyclohexane [max. 3.92 ug/m3] and 2,2,4-trimethylpentane [max. 6.59 ug/m3].

A variety of other VOCs were detected in one or more soil vapor samples, including: 2-hexanone [max. 2.09 ug/m3], n-hexane [max. 5.22], 1,3-butadiene [max. 1.1 ug/m3], 2-butanone [max. 19.6 ug/m3], carbon disulfide [max. 28 ug/m3], tertiary butyl alcohol [max. 13.8 ug/m3], isopropanol [max. 3.98 ug/m3], 1,4-dichlorobenzene [max. 2.22 ug/m3], trichlorofluoromethane [max. 129 ug/m3], dichlorodifluoromethane [max. 9.4 ug/m3] and acetone [max. 84.1 ug/m3]. Of these, acetone is a common laboratory artifact.

Section VI – Previous Owners and Operators

The current owner of the subject property is Sutphin Boulevard Equities LLC with offices at 670 Myrtle Avenue, Suite 6292, Brooklyn, NY, 11205. Sutphin Boulevard Equities LLC took ownership of the Site on January 13th, 2022.

The information below includes the known owners and operators of former Lot 1.

Previous Owners – Former Lot 1			
Name	Last Known Contact Information	Relationship to Applicant	Ownership
Fred Stark	193-55 85 th Road Hollis, NY 11423	None	Unknown - 1967
Fred Stark Realty Corp	198-10 Jamaica Avenue Hollis, NY 11423	None	1967
Fred Stark	193-55 85 th Road Hollis, NY 11423	None	1967 - 1988
Rita Stark, as Executrix for Fred Stark	193-55 85 th Road Hollis, NY 11423	None	1988 - 2006
Rita Stark	193-55 85 th Road Hollis, NY 11423	None	2006
Merkel Properties LLC	c/o Stark Realty 198-10 Jamaica Avenue Hollis, NY 11423	None	2006 - 2022
Sutphin Boulevard Equities LLC	670 Myrtle Avenue, Suite 6292 Brooklyn, NY 11205	Applicant	2022 - Current

Previous Operators – Former Lot 1			
Name	Last Known Contact Information	Relationship to Applicant	Operation (known years)
Merkel Inc.	94-01 Sutphin Boulevard Jamaica, NY 11435	None	1925 – 2006
Handypac Meat Corp.	94-01 Sutphin Boulevard Jamaica, NY 11435	None	1970 – 1976
County Fair Wholesale Meat Co.	94-01 Sutphin Boulevard Jamaica, NY 11435	None	1976 – 1983

Section VII – Requestor Eligibility Information

The requestor's liability arises solely as a result of ownership, operation of or involvement with the Site. The requestor is not responsible for the release of any hazardous substances on or from the Site and only acquired the Site in January 2022. The requestor has already completed the RI at the Site and promptly applied to the Brownfield Cleanup Program. Thus, the requestor has exercised appropriate care with respect to the hazardous substances it has discovered at the Site. Based on these reasons, the applicant qualifies as a volunteer.

Section IX – Contact List Information

See contact list in Exhibit F.

Section X – Land Use Factors

X.2 – Summary of Current Business Operations or Uses: The Site is currently vacant and vegetated. Based on the review of available documentation, Site operations ceased and the buildings were demolished sometime between 2006 and 2008

X.3 – Reasonably Anticipated Use Post-Remediation: The anticipated post-remedial use is a mixed-use commercial and residential building with an affordable housing component.

Exhibit A
NYS Department of State Registration and
Entity Operating Agreement

COVID-19 Vaccines

Children ages 5+ are eligible for the COVID-19 vaccine and children ages 12+ are eligible for a booster. Parents and guardians: make sure your child gets vaccinated and stays up to date with all recommended doses.

VAX FOR KIDS

Department of State
Division of Corporations

Entity Information

Return to Results

Return to Search

Entity Details

ENTITY NAME: SUTPHIN BOULEVARD EQUITIES LLC
FOREIGN LEGAL NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY
SECTION OF LAW: LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW
DATE OF INITIAL DOS FILING: 11/05/2021
EFFECTIVE DATE INITIAL FILING: 11/05/2021
FOREIGN FORMATION DATE:
COUNTY: KINGS
JURISDICTION: NEW YORK, UNITED STATES

DOS ID: 6321148
FICTITIOUS NAME:
DURATION DATE/LATEST DATE OF DISSOLUTION:
ENTITY STATUS: ACTIVE

REASON FOR STATUS:
INACTIVE DATE:
STATEMENT STATUS: CURRENT
NEXT STATEMENT DUE DATE: 11/30/2023
NFP CATEGORY:

ENTITY DISPLAY NAME HISTORY FILING HISTORY MERGER HISTORY ASSUMED NAME HISTORY

Service of Process Name and Address

Name: SUTPHIN BOULEVARD EQUITIES LLC
Address: 670 MYRTLE AVE STE 6292, BROOKLYN, NY, UNITED STATES, 11205

Chief Executive Officer's Name and Address

Name:
Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:
Address:

Entity Primary Location Name and Address

Name:
Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value	Number Of Shares	Value Per Share

OPERATING AGREEMENT
OF
SUTPHIN BOULEVARD EQUITIES LLC

This Operating Agreement (this “Agreement”) of SUTPHIN BOULEVARD EQUITIES LLC, a New York limited liability company (the “Company”) is entered into as of December 30th, 2021 by SUTPHIN HOLDCO LLC, a New York limited liability company (the “Member”), as the sole member of the Company.

Pursuant to and in accordance with the Limited Liability Company Law of the State of New York, as amended from time to time (the “Act”), the Member hereby states as follows:

1. Name. The name of the limited liability company shall be SUTPHIN BOULEVARD EQUITIES LLC
2. Office. The principal office of the Company is 670 Myrtle Avenue, Suite 6292, Brooklyn NY or such other place or places as the Member shall determine.
3. Term. The term of the Company shall commence as of the date of filing of the Articles of Organization of the Company with the Department of State of the State of New York and the Company shall be dissolved and it’s affairs wound up as provided in said Articles, in this Agreement or as otherwise provided in said Articles, in this Agreement or as otherwise provided in the Act.
4. Purpose. The Company is formed for the purpose of engaging in any lawful act or activities for which limited liability companies may be formed under the Act and engaging in any and all activities necessary or incidental to the foregoing.
5. Members. The name and the mailing address of the Member is as follows:

<u>Name</u>	<u>Address</u>	<u>Interest</u>
SUTPHIN HOLDCO LLC	670 Myrtle Avenue, Suite 6292, Brooklyn NY	100%

The Member is authorized to admit additional Members and/or create different classes of Members.

6. Management Powers. The business and affairs of the Company shall be managed by the Member. The Member is authorized to execute any and all documents on behalf of the Company necessary or appropriate in connection with the acquisition, financing, operation, management or development of the business and any property of the Company.
7. Capital Contributions. The initial capitalization of the Company shall consist of \$100 contributed by the Member.
8. Additional Contributions. The Member is are not required to make any additional capital contribution to the Company, provided however, that additional capital contribution may be made at such time and in such amounts as the Member shall determine.

9. Allocation of Profits and Losses. The Company's profits and losses shall be allocated 100% to the Member in accordance with his membership interest.
10. Distributions. Distributions shall be made to the Member at the times and in the aggregate amounts determined by the Managing Member and in accordance with the same percentages as profits and losses are allocated.
11. Assignments. The Member may assign or transfer in whole or in part his interest in the Company.
12. Withdrawal of a Members; Termination of the Company. So long as they are the only members, the Members may withdraw from the Company, provided that such withdrawal from the Company shall result in the constructive termination of the Company. If there is more than one member, then no members shall be permitted to withdraw from the Company or demand a return or payment of his capital contribution.
13. Admission of Additional Members. The Member may cause the Company to admit one or more additional members to the Company.
14. Liability of Members. The Member shall not have any liability for the obligation or liabilities of the Company except to the extent provided in the Act.
15. Governing Law. This Agreement shall be governed by, and constructed under, the laws of the State of New York, all rights and remedies being governed by said laws.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the undersigned, intending to be legally bonded hereby has duly executed this Agreement.

SUTPHIN BOULEVARD EQUITIES LLC,
a New York limited liability company

By: Sutphin Manager LLC, its Managing Member
a New York limited liability company

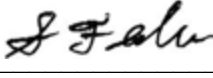
By: 
Name: Solomon Feder
Title: Sole Member

Exhibit B
Environmental Reports (on CD)

Exhibit C

Data Summary Tables

Soil Analytical Summary Table
147-35 95th Avenue - Site A
Brownfield Cleanup Program Application

Analytes in Exceedance of RRSCOs	Number of Detections in Exceedance of RRSCOs	Maximum Detection (ppm)	RRSCO (ppm)	Depth (ft-bg)*
Benzo(a)anthracene	7	35	1	0-2; 4-6; 10-12; 17-19
Benzo(a)pyrene	6	28	1	0-2; 10-12; 17-19
Benzo(b)fluoranthene	9	37	1	0-2; 10-12; 17-19
Benzo(k)fluoranthene	2	13	3.9	0-2; 10-12
Chrysene	3	33	3.9	0-2; 10-12
Dibenzo(a,h)anthracene	5	4.8	0.33	0-2; 10-12; 17-19
Indeno(1,2,3-cd)pyrene	8	19	0.5	0-2; 10-12; 17-19
Arsenic	2	142	16	10-12; 17-19
PCBs, Total	1	1.44	1	10-12

Notes:

RRSCOs = 6 NYCRR Part 375 Restricted-Residential Use Soil Cleanup Objectives

* = All depths with exceedances of RRSCOs for the specified analyte are listed

Groundwater Analytical Summary Table
147-35 95th Avenue- Site A
Brownfield Cleanup Program Application

Analytes in Exceedance of AWQS or NY-PFAS	Number of Detections in Exceedance of AWQS or NY-PFAS	Maximum Detection (ppb for all non-PFAS analytes, ppt for PFAS)	AWQS (ppb)	NY-PFAS (ppt)
Chloroform	1	9.1	7	NS
Benzo(a)anthracene	4	0.06	0.002	NS
Benzo(a)pyrene	3	0.02	0	NS
Benzo(b)fluoranthene	4	0.04	0.002	NS
Benzo(k)fluoranthene	2	0.02	0.002	NS
Chrysene	3	0.04	0.002	NS
Indeno(1,2,3-cd)pyrene	2	0.03	0.002	NS
Iron, Total	2	1,580	300	NS
Manganese, Total	6	1,522	300	NS
Sodium, Total	6	108,000	20,000	NS
Manganese, Dissolved	6	1,554	300	NS
Sodium, Dissolved	6	112,000	20,000	NS
Perfluorooctanesulfonic acid (PFOS)	3	36.7	NS	10
Perfluorooctanoic acid (PFOA)	6	27.1	NS	10

Notes:

AWQS = NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Class GA Ambient Water Quality Standards

NY-PFAS = Guidelines for Sampling, Analysis, and Assessment of PFAS Under NYSDEC's Part 375 Remedial Programs, January 2021

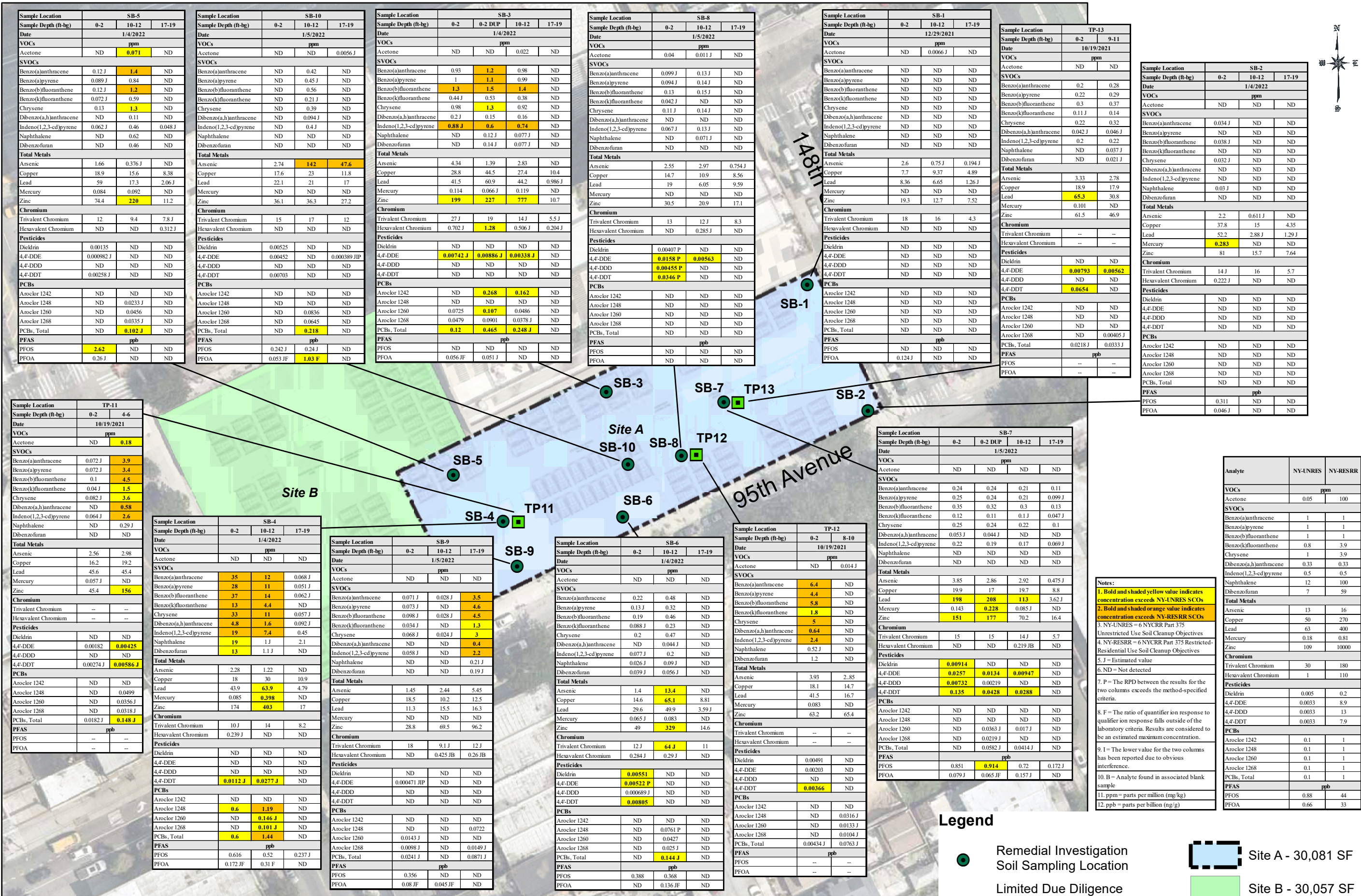
NS = No standard

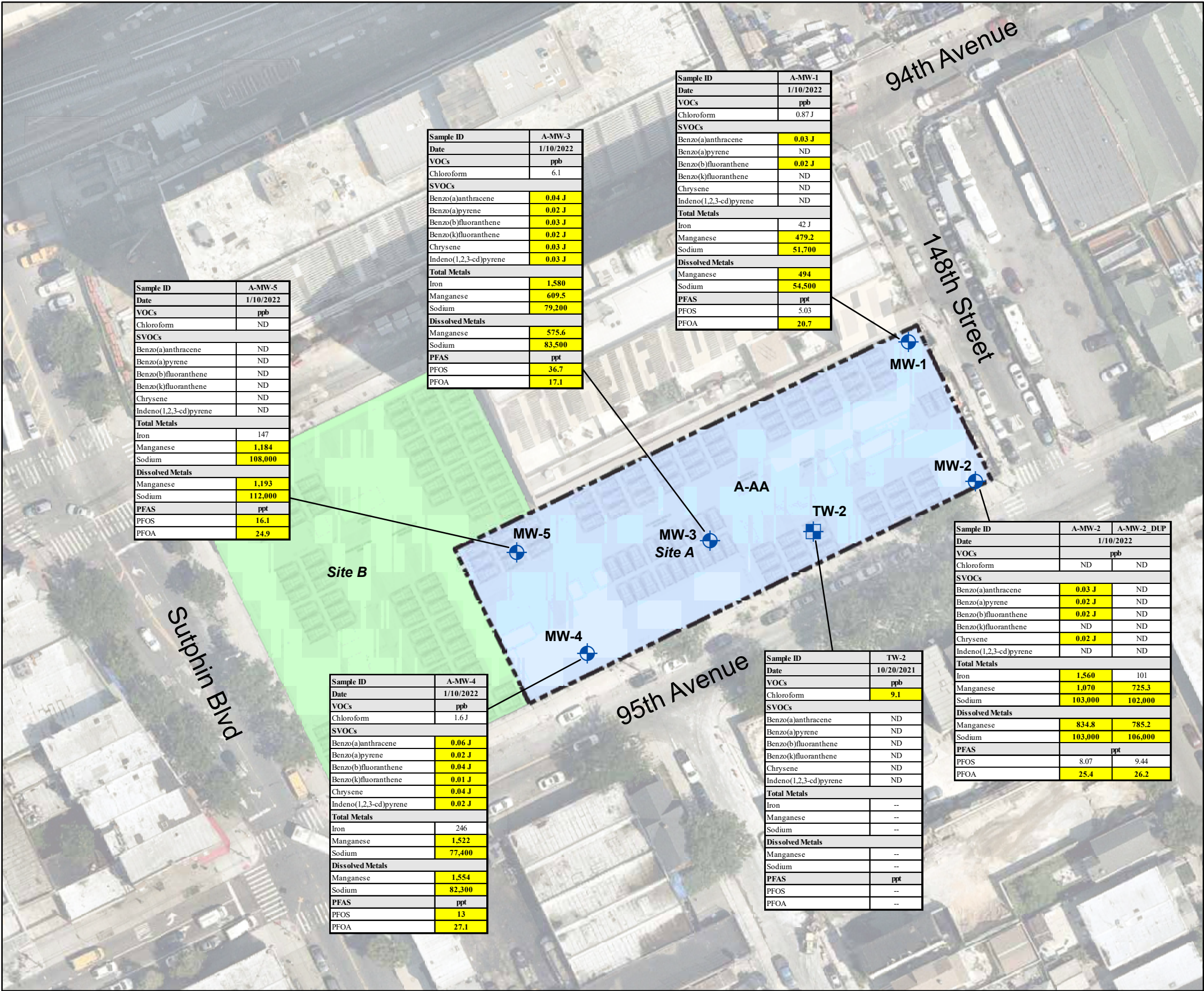
Soil Vapor Analytical Summary Table
147-35 95th Avenue - Site A
Brownfield Cleanup Program Application

Analytes	Number of Detections	Maximum Detection (ug/m ³)	Sample Type
Tetrachloroethene	8	371	Soil Vapor
Trichloroethene	8	58.6	Soil Vapor
1,1,1-Trichloroethane	6	39.7	Soil Vapor
1,1-Dichloroethane	1	0.931	Soil Vapor
Chloroform	8	101	Soil Vapor

Exhibit D

Data Drawings (Sample Summaries)





Basemap: Nearmap Aerial 8/12/2021
NYC Department of City Planning, Information Technology Division
94-01 Sutphin Boulevard, J Frank C Mallea Associates, Cellar & First Floor Plan, A1 (Rec'd 11/23/21)

Analyte	NY-AWQS	NY-PFAS
VOCs	ppb	ppt
Chloroform	7	NS
SVOCs		
Benzo(a)anthracene	0.002	NS
Benzo(a)pyrene	0	NS
Benzo(b)fluoranthene	0.002	NS
Benzo(k)fluoranthene	0.002	NS
Chrysene	0.002	NS
Indeno(1,2,3-cd)pyrene	0.002	NS
Total Metals		
Iron	300	NS
Manganese	300	NS
Sodium	20,000	NS
Dissolved Metals		
Manganese	300	NS
Sodium	20,000	NS
PFAS		
PFOS	NS	10
PFOA	NS	10

Notes:
1. Bold and shaded yellow value indicates concentration exceeds NY-AWQS or NY-PFAS
2. NY-AWQS = NYSDEC Division of Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards (AWQS)
3. NY-PFAS = Guidelines for Sampling and Analysis of PFAS Under NYSDEC's Part 375 Remedial Programs, June 2021
4. J = Estimated value
5. ND = Not detected
6. -- = Not analyzed
7. ppb = parts per billion (ug/l)
8. ppt = parts per trillion (ng/l)

Legend

Remedial Investigation Groundwater Sampling Location

Limited Due Diligence Environmental Site Investigation Groundwater Sampling Location

Site A - 30,081 SF

Site B - 30,057 SF

03060120Feet

147-35 95th Avenue (Site A)
Queens, New York
Block 9999, Lot 40
Brownfield Cleanup
Program Application

Site

TENEN ENVIRONMENTAL

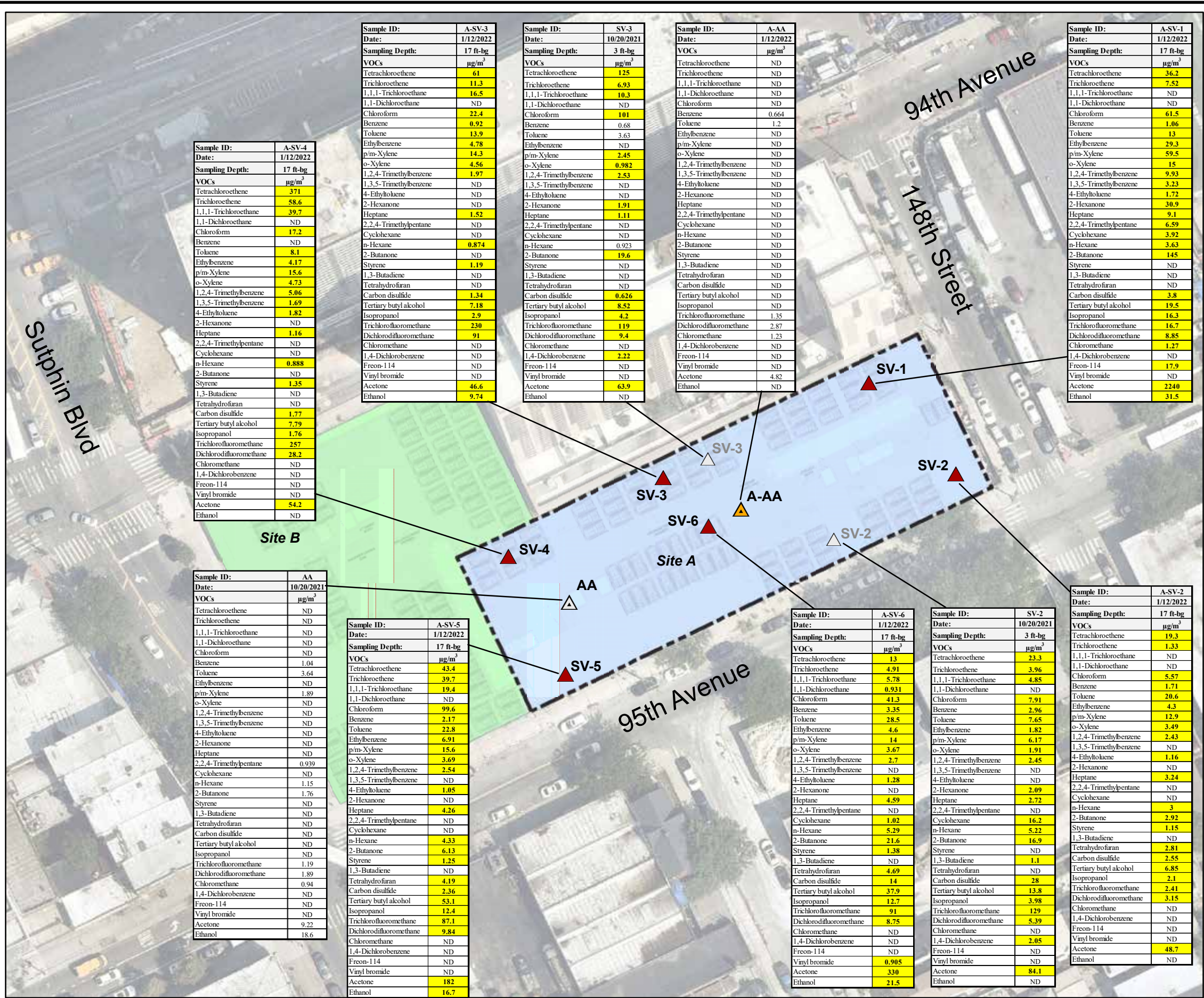
Tenen Environmental, LLC
121 West 27th Street
Suite 702
New York, NY 10001
O: (646) 606-2332
F: (646) 606-2379

Drawn By	LM
Checked By	AP
Date	February 2022
Scale	As Noted

Limited Due Diligence and Remedial Investigation Groundwater Results

Figure 6

Drawing No



Notes:

1. Concentrations detected in soil vapor samples A-SV-1 through A-SV-6 are compared to ambient air (A-AA) concentrations.

2. Concentrations detected in soil vapor samples SV-2 and SV-3 are compared to ambient air (AA) concentrations.

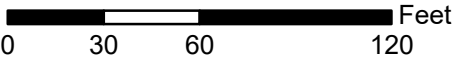
3. Bold and shaded yellow value indicates concentration exceeds ambient air concentration.

4. ND = Not Detected

5. $\mu\text{g}/\text{m}^3$ = micrograms per cubic meter

Legend

- Remedial Investigation Soil Vapor Sampling Location
- Remedial Investigation Ambient Air Sampling Location
- Limited Due Diligence Environmental Site Investigation Soil Vapor Sampling Location
- Limited Due Diligence Environmental Site Investigation Ambient Air Sampling Location
- Site A - 30,067 SF
- Site B - 30,047 SF



147-35 95th Avenue (Site A)
Queens, New York
Block 9999, Lot 40
Brownfield Cleanup
Program Application

Site

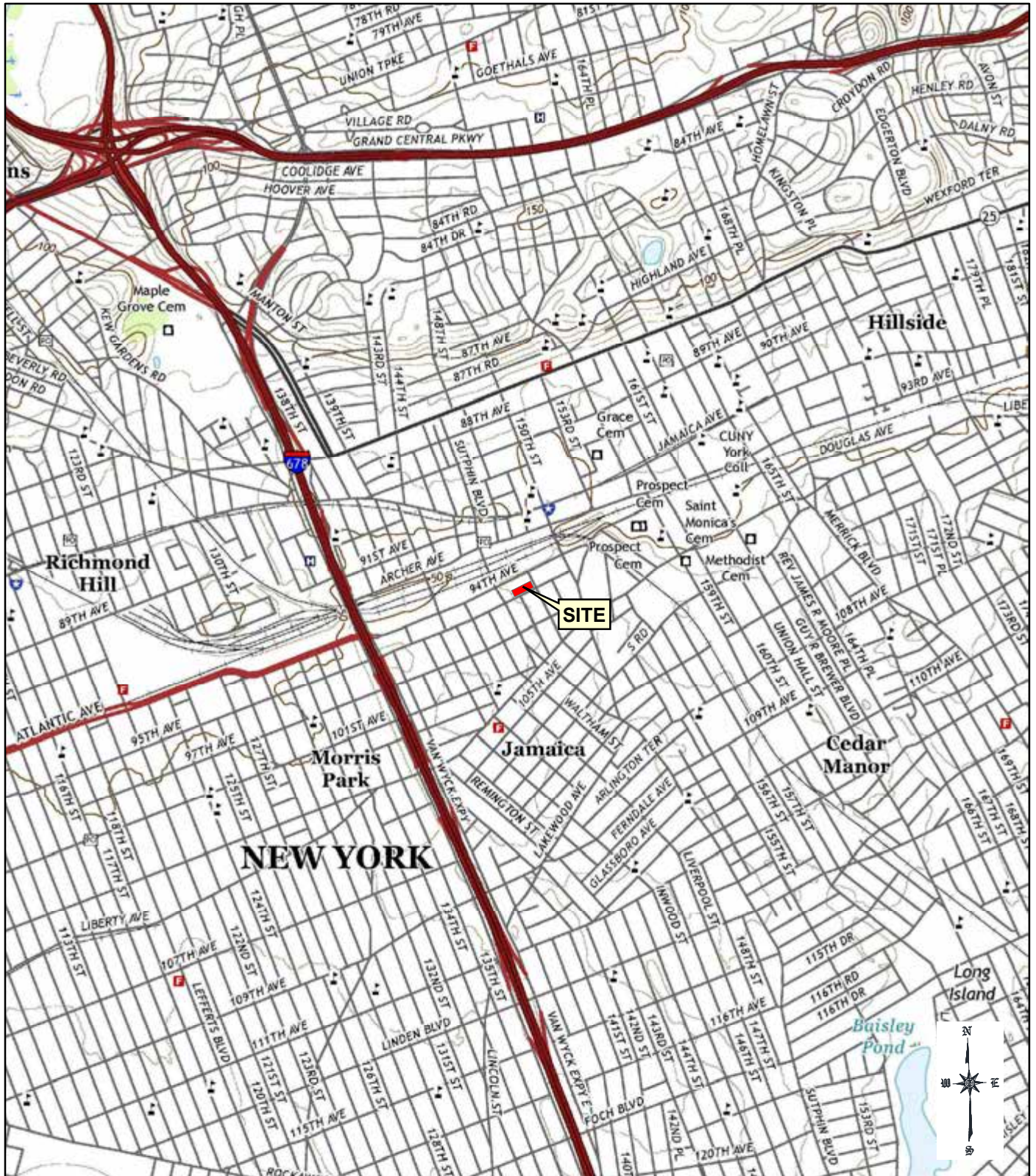
TENEN ENVIRONMENTAL

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

Drawn By LM
Checked By AP
Date January 2022
Scale As Noted

Drawing Title Limited Due Diligence and Remedial Investigation Soil Vapor Results
Drawing No Figure 7

Exhibit E
Site Drawings (Property Information)



Basemap: USGS Topographic Map, 7.5 Minute Quadrangle, Jamaica, NY

0 1,000 2,000 4,000 Feet


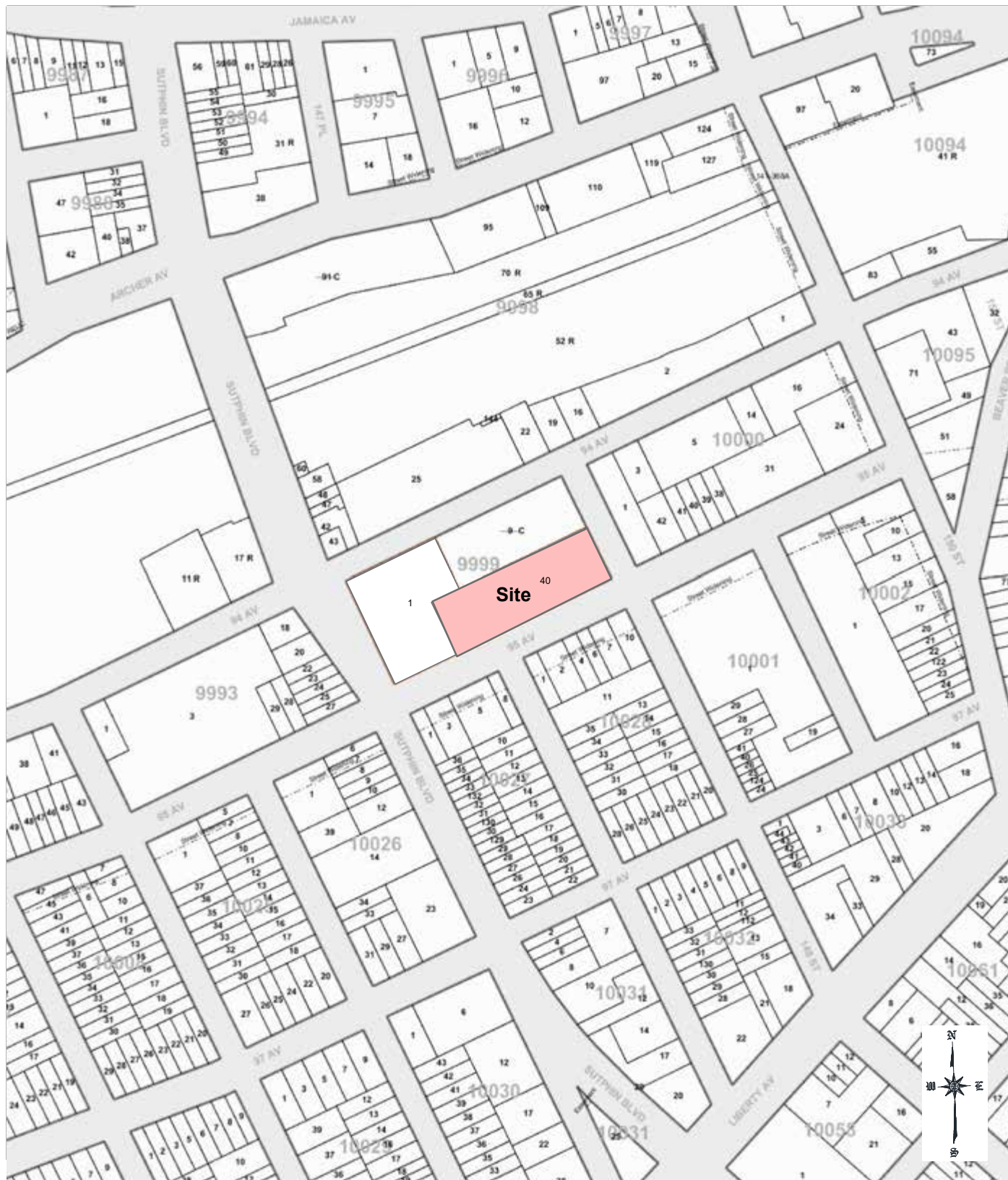

Drawing No.	Drawn By	LM	 Tenen Environmental, LLC 121 West 27th Street, Suite 702 New York, NY 10001 O: (646) 606-2332 F: (646) 606-2379	147-35 95th Avenue Site A Queens, New York Block 9999, Lot 40 Brownfield Cleanup Program Application
	Checked By	AP		
Drawing Title	Date	January 2022		
	Scale	As Noted		

Figure 1

Site Location Map



<http://gis.nyc.gov/taxmap/map.htm>

Drawing No. Figure 2	Drawn By LM	 Tenen Environmental, LLC 121 West 27th Street, Suite 702 New York, NY 10001 O: (646) 606-2332 F: (646) 606-2379	147-35 95th Avenue Site A Queens, New York Block 9999, Lot 40 Brownfield Cleanup Program Application
	Checked By AP		
Drawing Title Tax Map	Date January 2022		
	Scale As Noted		



Adjacent Property Owners - Site A


ID	OWNER	ADDRESS
A	Merkel Properties LLC	94-15 Sutphin Boulevard
B	Multiple Owners - Condos	147-36 94th Avenue
C	Merkel Properties LLC	147-16 94th Avenue
D	149th St Operating Corp	95-04 149th Street
E	Mossammat S. Begum	147-44 95th Avenue
F	Manuel Fernandes	147-40 95th Avenue
G	Polsinelli Management Corp.	147-38 95th Avenue
H	Polsinelli Management Corp.	147-36 95th Avenue
I	Polsinelli Management Corp.	147-30 95th Avenue
J	Polsinelli Management Corp.	94-14 Sutphin Boulevard
K	Polsinelli Management Corp.	147-18 95th Avenue
L	C.G. Enterprises I, Corp	147-12 95th Avenue
M	C.G. Enterprises I, Corp	147-12 95th Avenue

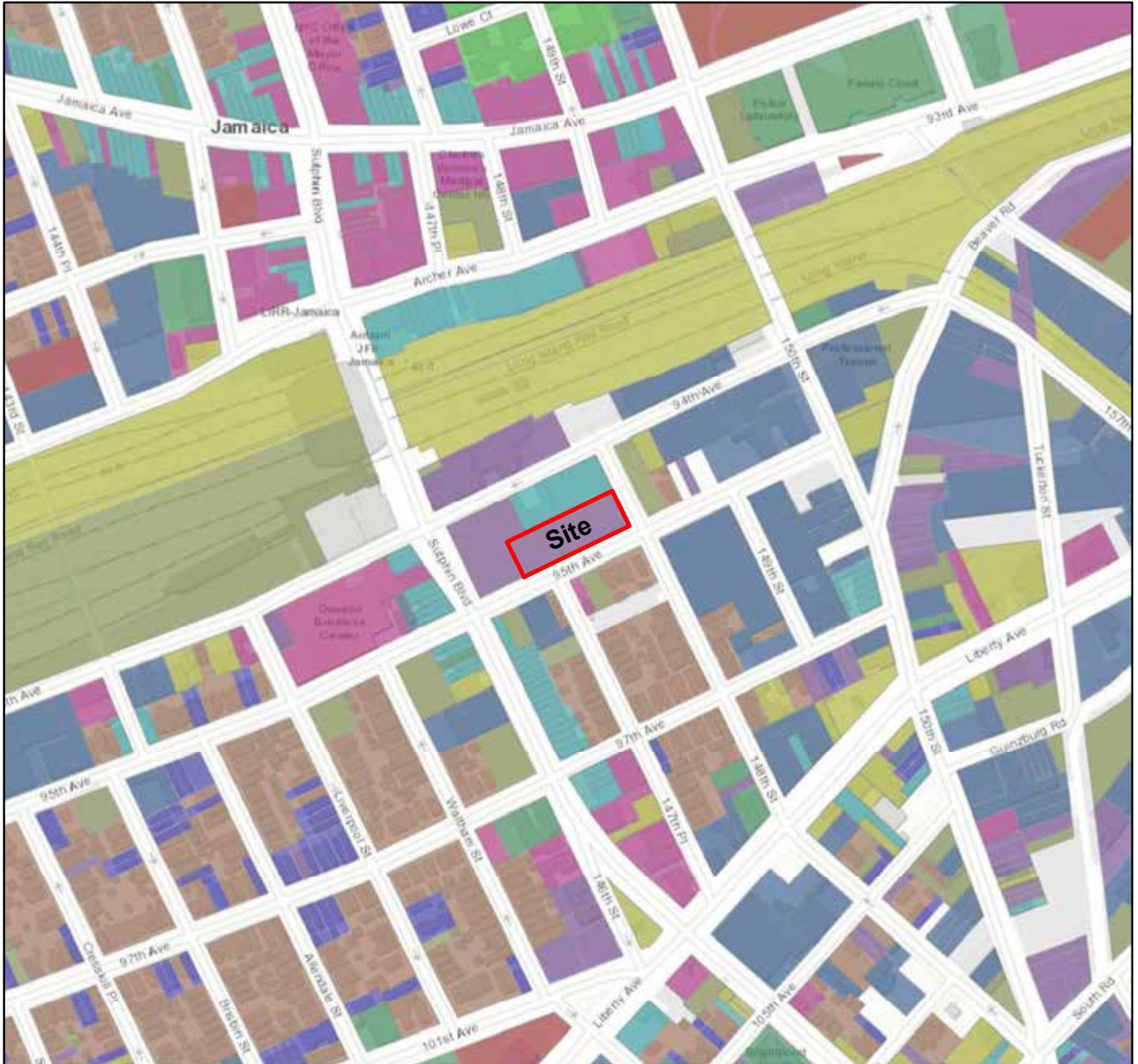


Legend

- Site Boundary
- Adjacent Property Owners

0 75 150 300 Feet

Drawing No.	Drawn By	LM	 Tenen Environmental, LLC 121 West 27th Street, Suite 702 New York, NY 10001 O: (646) 606-2332 F: (646) 606-2379	147-35 95th Avenue Queens, New York Block 9999, Lot 40 Site A
	Checked By	AP		
Drawing Title	Date	February 2022		
	Scale	As Noted		



Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Land Use

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



0 200 400 800 Feet


Drawing No. Figure 4	Drawn By LM	 Tenen Environmental, LLC 121 West 27th Street, Suite 702 New York, NY 10001 O: (646) 606-2332 F: (646) 606-2379	147-35 95th Avenue Site A Queens, New York Block 9999, Lot 40 Brownfield Cleanup Program Application
	Checked By AP		
Drawing Title Land Use Map	Date January 2022		
	Scale As Noted		

Exhibit F
Contact List and Repository Documentation

Contact List Information

B1. The Chief Executive Officer And Planning Board Chairperson Of Each County, City, Town And Village In Which The Property Is Located.

Mayor Eric Adams
City Hall
260 Broadway Avenue
New York, New York 10007

Marisa Lago, Commissioner
Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

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

Mark McIntyre, Esq., Acting Director
Mayor's Office of Environmental Remediation
100 Gold Street, 2nd Floor
New York, NY 10038

Julie Stein
Office of Environmental Assessment & Planning
New York City Department of Environmental Protection
96-05 Horace Harding Expressway
Flushing, NY 11373

Donovan Richards Jr.
Queens Borough President
Queens Borough Hall
120-55 Queens Boulevard
Kew Gardens, NY 11424

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

Nantasha Williams
Council Member, District 27
172-12 Linden Boulevard
St. Albans, NY 11434

Vivian E. Cook
Assembly Member, District 32
142-15 Rockaway Boulevard
Jamaica, NY 11436

James Sanders Jr.
State Senator, District 10
142-01 Rockaway Boulevard
South Ozone Park, NY 11436

B2. Residents, Owners And Occupants Of The Property And Properties Adjacent To The Property.

Site Owner
Sutphin Boulevard Equities LLC
Attn: J.J. Weiss
670 Myrtle Avenue, Suite 6292
Brooklyn, NY 11205

94-15 Sutphin Boulevard
Vacant land owned by: Sutphin Boulevard Equities LLC
Owner Address: 670 Myrtle Avenue, Suite 6292, Brooklyn, NY 11205

147-07 94th Avenue
Residential buildings owned by: Land & Sea Development Corp.
Owner Address: 153 Skunks Misery Road, Locust Valley, NY 11560

147-05 94th Avenue
Vacant land owned by: Station Plaza Hotel, LLC
Owner Address: 88 Sunnyside Boulevard, Suite 308, Plainview, NY 11803

93-43 Sutphin Boulevard
Vacant land owned by: Station Plaza Hotel, LLC
Owner Address: 88 Sunnyside Boulevard, Suite 308, Plainview, NY 11803

93-50 Sutphin Boulevard
Commercial building owned by: The Port Authority of New York and New Jersey
Owner Address: 4 World Trade Center, 150 Greenwich Street, 24th Floor, New York, NY 10007
Occupied by: MTA Police Jamaica
Occupant Address: 93-43 Sutphin Boulevard, Queens, NY 11435

94-02 Sutphin Boulevard
Mixed residential and commercial building owned by: Henrique Goncalves
Owner Address: 243 Washington Avenue, Mineola, NY 11501
Occupied by: Europa Bar
Occupant Address: 94-02 Sutphin Boulevard, Queens, NY 11435
Occupied by: M&S Violations Consulting
Occupant Address: 94-04 Sutphin Boulevard, Queens, NY 11435

94-06 Sutphin Boulevard
Commercial building owned by: Rodrigues Realty Corp
Owner Address: 95-28 Cresskill Place, Queens, NY 11435
Occupied by: Vacant
Occupant Address: N/A

94-12 Sutphin Boulevard

Mixed residential and commercial building owned by: The Charles L. Giordano Revocable Trust
Owner Address: 2034 Southwest Bradford Place, Palm City, FL 34990
Occupied by: Vacant
Occupant Address: N/A

94-14 Sutphin Boulevard

Mixed residential and commercial building owned by: Clinton Graham
Owner Address: 397 Jefferson Avenue, Rockville Centre, NY 11570
Occupied by: Vacant
Occupant Address: N/A

94-16 Sutphin Boulevard

Mixed residential and commercial building owned by: Clinton Graham
Owner Address: 397 Jefferson Avenue, Rockville Centre, NY 11570
Occupied by: Vacant
Occupant Address: N/A

94-18 Sutphin Boulevard

Mixed residential and commercial building owned by: Arnaldo Coutinho
Owner Address: 230-13 Horace Harding Expressway, Bayside, NY 11366
Occupied by: Delicias Calenas
Occupant Address: 94-18 Sutphin Boulevard, Queens, NY 11435

94-20 Sutphin Boulevard

Mixed residential and commercial building owned by: Clinton Graham
Owner Address: 397 Jefferson Avenue, Rockville Centre, NY 11570
Occupied by: Tony's Jamaica Market
Occupant Address: 94-20 Sutphin Boulevard, Jamaica, NY 11435

95-02 Sutphin Boulevard

Mixed residential and commercial building owned by: Clinton Graham
Owner Address: 397 Jefferson Avenue, Rockville Centre, NY 11570
Occupied by: One Stop Home Services, Inc.
Occupant Address: 95-02 Sutphin Boulevard, Jamaica, NY 11435

95-01 Sutphin Boulevard

Mixed residential and commercial building owned by: Armando Morico
Owner Address: 2912 Shore Drive, Merrick, NY 11566
Occupied by: Marline Rite Price Deli Grocery Inc.
Occupant Address: 95-01 Sutphin Boulevard, Jamaica, NY 11435

147-12 95th Avenue

Industrial and manufacturing building and parking lot owned by: C.G. Enterprises I, Corp.
Owner Address: 95-02 Sutphin Boulevard, Jamaica, NY 11435
Occupied by: Pro-Line Concrete Pumping Corp
Occupant Address: 147-12 95th Avenue, Jamaica, NY 11435

147-18 95th Avenue

Residential building owned by: Polsinelli Management Corp.
Owner Address: 95-11 1417th Place, Jamaica, NY 11435

95-11 147th Place

Industrial and manufacturing building owned by: Polsinelli Management Corp.

Owner Address: 95-11 1417th Place, Jamaica, NY 11435

Occupied by: Atlas Transit Mix Corporation

Occupant Address: 95-11 147th Place, Jamaica, NY 11435

147-30 95th Avenue

Parking lot owned by: Polsinelli Management Corp.

Owner Address: 95-11 1417th Place, Jamaica, NY 11435

Occupied by: Atlas Transit Mix Corporation

Occupant Address: 95-11 147th Place, Jamaica, NY 11435

147-36 95th Avenue

Residential building owned by: Polsinelli Management Corp.

Owner Address: 95-11 1417th Place, Jamaica, NY 11435

147-38 95th Avenue

Residential building owned by: Polsinelli Management Corp.

Owner Address: 95-11 1417th Place, Jamaica, NY 11435

147-40 95th Avenue

Residential building owned by: 1474095 Ave LLC

Owner Address: 147-40 95th Avenue, Jamaica, NY 11435

147-44 95th Avenue

Residential building owned by: Mossammat S. Begum

Owner Address: 147-44 95th Avenue, Jamaica, NY 11435

95-04 149th Street

Industrial and manufacturing building owned by: 149th Street Operating Corp.

Owner Address: 95-25 149th Street, Jamaica, NY 11435

Occupied by: Dale Pro Audio

Occupant Address: 148-04 95th Avenue, Jamaica, NY 11435

147-16 94th Avenue

Parking lot owned by: Merkel Properties LLC

Owner Address: c/o Stark Realty, 198-10 Jamaica Avenue, Hollis, NY 11423

B3. Local News Media From Which The Community Typically Obtains Information.

Queens Chronicle

Shops at Atlas Park

71-19 80th Street, Suite 8-201

Glendale, NY 11385

QNS

38-15 Bell Boulevard

Bayside, NY 11361

New York Daily News

4 New York Plaza
New York, NY 10004

New York Post
1211 Avenue of the Americas
New York, NY 10036

B4. The Public Water Supplier Which Services The Area In Which The Property Is Located

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

B5. Any Person Who Has Requested To Be Placed On The Contact List.

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

B6. The Administrator Of Any School Or Day Care Facility Located On Or Near The Property.

No schools are within 1,000 feet of the site. One day care facilities are within 1,000 feet of the site:

Sunshine School, LLC
91-10 146th Street
Jamaica, NY 11435
(718) 468-9000

B7. Locations of the Document Repositories

Queens Community Board #12
Attn: Yvonne Reddick, District Manager
90-28 161st Street
Jamaica, NY 11432

Queens Public Library – Central
Attn: Judith Todman, Library Manager
89-11 Merrick Boulevard
Jamaica, NY 11432

B8. In Cities With A Population of One Million or More, The Local Community Board If The Proposed Site Is Located Within Such Community Board's Boundaries

Queens Community Board #12
90-28 161st Street
Jamaica, NY 11432



Ashley Platt <aplatt@tenen-env.com>

94-01 Sutphin Boulevard - Sites A and B - Document Repository Request

QN12 (CB) <QN12@cb.nyc.gov>
To: Ashley Platt <aplatt@tenen-env.com>

Tue, Jan 25, 2022 at 10:07 AM

Good Morning

Queens Community Board 12 is able to act as a repository for [94-01 Sutphin Boulevard](#) (Sites A and B), please feel free to contact us if you have any further ques

Thanks,

CB12
718-658-3308

From: Ashley Platt <aplatt@tenen-env.com>
Sent: Monday, January 24, 2022 3:48 PM
To: QN12 (CB) <QN12@cb.nyc.gov>
Subject: [EXTERNAL] Re: [94-01 Sutphin Boulevard](#) - Sites A and B - Document Repository Request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Forward suspect email to phish@cyber.nyc.gov as an attachment (Click the More button, then forward as attachment)

Good Afternoon,

I'm following up on the request in my email below - please advise if Queens Community Board 12 is able to act as a repository for [94-01 Sutphin Boulevard](#) (Sites A and B), as detailed below, or let me know if you need any additional information.

Thank you,
Ashley

Ashley Platt
Tenen Environmental LLC
121 West 27th Street, Suite 702
New York, NY 10001
aplatt@tenen-env.com
O: 646.606.2332 x110
C: 908.892.1354

On Thu, Jan 13, 2022 at 1:48 PM Ashley Platt <aplatt@tenen-env.com> wrote:
Good Afternoon,

I am reaching out to request permission to use Queens Community Board #12 as a document repository for two Sites entering the NYS Brownfield Cleanup Program (BCP). The property is located at [94-01 Sutphin Boulevard](#) in the Jamaica neighborhood of Queens. The property is being subdivided into two lots (hereinafter referenced as 'Site A' and 'Site B') and each

lot will be entering the BCP separately. The BCP application requires the designation of a document repository for reports so they can be reviewed by the public.

We will require space for the reports for each Site for approximately 12-18 months. The total shelf space would likely be less than twelve inches per Site. The documents will be reports on 8-1/2" high paper. An electronic copy will also be provided on CD.

Please respond in writing that Queens Community Board #12 will act as the document repository for both Site A and and Site B, as noted above, or contact me if you need any additional information.

Thank you, and stay safe!

Sincerely,
Ashley Platt

Ashley Platt
Tenen Environmental LLC
121 West 27th Street, Suite 702
New York, NY 10001
aplatt@tenen-env.com
O: 646.606.2332 x110
C: 908.892.1354



Ashley Platt <aplatt@tenen-env.com>

Receipt Confirmation - Customer Inquiry - INC000000324895

1 message

customer.service@queenslibrary.org
<customer.service@queenslibrary.org>
Reply-To: customer.service@queenslibrary.org
To: aplatt@tenen-env.com

Thu, Jan 13, 2022 at 2:01 PM

Dear Ashley Platt,

Thank you for contacting the Queens Public Library's Customer Service Center. Your request is very important to us.

We have received the following inquiry from you: I want you to know..

Details:

Let us know: Good Afternoon,

I am reaching out to request permission to use Queens Public Library at South Jamaica as a document repository for two Sites entering the NYS Brownfield Cleanup Program (BCP). The property is located at 94-01 Sutphin Boulevard in the Jamaica neighborhood of Queens. The property is being subdivided into two lots (hereinafter referenced as 'Site A' and 'Site B') and each lot will be entering the BCP separately. The BCP application requires the designation of a document repository for reports so they can be reviewed by the public.

We will require space for the reports for each Site for approximately 12-18 months. The total shelf space would likely be less than twelve inches per Site. The documents will be reports on 8-1/2" high paper. An electronic copy will also be provided on CD.

Please respond in writing that Queens Public Library at South Jamaica will act as the document repository for both Site A and Site B, as noted above, or contact me if you need any additional information.

Thank you, and stay safe!

Sincerely,
Ashley Platt

We have assigned inquiry number INC000000324895 to your request. Please include this number in your contact with the Queens Public Library Customer Service Center.

We will get back to you shortly. Most inquiries are handled within three business days.

Sincerely Yours,

Queens Public Library Customer Service Center
Queens Public Library <http://www.queenslibrary.org/>
89-11 Merrick Blvd, Jamaica, NY, 11432

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received this communication in error, please notify us immediately by replying to the message and deleting it from your computer.



Ashley Platt <aplatt@tenen-env.com>

Environmental Reports

1 message

Todman, Judith <Judith.Todman@queenslibrary.org> Thu, Feb 3, 2022 at 11:42 AM
To: "aplatt@tenen-env.com" <aplatt@tenen-env.com>
Cc: "Todman, Judith" <Judith.Todman@queenslibrary.org>, "Lu, Yusheng (Nelson)" <Yusheng.Lu@queenslibrary.org>

Hi Ashley,

Yes, please send reports to me at the Central Library.

Thank you ,

Judith

Judith Todma

Manager

CEL Unique Services

Central Library

[89-11 Merrick Blvd.](#)

[Jamaica, N.Y. 11432](#)

718-990-8633

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