

# Department of<br/>Environmental<br/>ConservationBROWNFIELD CLEANUP PROGRAM (BCP)<br/>APPLICATION TO AMEND BROWNFIELD<br/>CLEANUP AGREEMENT AND AMENDMENT

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

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

| PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Check the appropriate box(es) below based on the nature of the amendment modification(s) requested:                                                                                                                                                                                                                                                                                                                                                                                                    |
| Amendment to modify the existing BCA (check one or more boxes below):                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Add applicant(s)  Substitute applicant(s)  Remove applicant(s)  Change in name of applicant(s)                                                                                                                                                                                                                                                                                                                                                                                                            |
| Amendment to reflect a transfer of title to all or part of the brownfield site:                                                                                                                                                                                                                                                                                                                                                                                                                           |
| a. A copy of the recorded deed must be provided. Is this attached? Yes No                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| b. Change in ownership Additional owner (such as a beneficial owner)                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| c. Pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been submitted prior to a transfer of ownership. If this has not yet been submitted, include the form with this application. Is this form attached? Yes No Submitted on:                                                                                                                                                                                                                                                        |
| Amendment to modify description of the property(ies) listed in the existing BCA                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Amendment to expand or reduce property boundaries of the property(ies) listed in the existing BCA                                                                                                                                                                                                                                                                                                                                                                                                         |
| Sites in Bronx, Kings, New York, Queens or Richmond Counties ONLY: amendment to request determination that the site is eligible for tangible property credit component of the brownfield redevelopment tax credit.                                                                                                                                                                                                                                                                                        |
| Other (explain in detail below)                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 2. REQUIRED: Please provide a brief narrative describing the specific requests included in this amendment:<br>The purpose of this BCA Amendment application is to state that this BCP Site located in Queens County<br>is eligible for TPC based on its location in a CLCPA disadvantaged community and a determination of<br>Brownfield Opportunity Area (BOA) conformance issued by the NYSDOS. Appended hereto as Exhibit A is a figure illustrating this BCP Site's location within the disadvantaged |
| community (Tract GEOID: 36081020800) and the Jamaica BOA, and the NYSDOS BOA Certificate of Conformance which was executed by the Secretary of State on 12/6/2024.                                                                                                                                                                                                                                                                                                                                        |

Site Code: C241278

| SECTION I: CURRENT AGREEMENT INFORMATION                                      |        |                                  |  |
|-------------------------------------------------------------------------------|--------|----------------------------------|--|
| This section must be completed in full. Attach additional pages as necessary. |        |                                  |  |
| BCP SITE NAME: 94-15 Sutphin Boulevard - Site B                               |        | BCP SITE CODE: C241278           |  |
| NAME OF CURRENT APPLICANT(S): 95th Avenue Equities LLC; Sutphin QOZB LLC      |        |                                  |  |
| INDEX NUMBER OF AGREEMENT: C241278-01-24                                      | DATE O | F ORIGINAL AGREEMENT: 02/12/2024 |  |

| <b>SECTION II: NEW REQUESTOR INFORMATION</b><br>Complete this section only if adding new requestor(s) or the name of an existing requestor has changed.                                                                                                                                                                                                                                                     |                  |                            |                |        |        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------------------|----------------|--------|--------|
| NAME:                                                                                                                                                                                                                                                                                                                                                                                                       |                  |                            | ·              |        |        |
| ADDRESS:                                                                                                                                                                                                                                                                                                                                                                                                    |                  |                            |                |        |        |
| CITY/TOWN:                                                                                                                                                                                                                                                                                                                                                                                                  |                  |                            | ZIP CODE:      |        |        |
| PHONE:                                                                                                                                                                                                                                                                                                                                                                                                      | EMAIL:           |                            |                |        |        |
| REQUESTOR CONTACT:                                                                                                                                                                                                                                                                                                                                                                                          |                  |                            |                |        |        |
| ADDRESS:                                                                                                                                                                                                                                                                                                                                                                                                    |                  |                            |                |        |        |
| CITY/TOWN:                                                                                                                                                                                                                                                                                                                                                                                                  |                  |                            | ZIP CODE:      |        |        |
| PHONE:                                                                                                                                                                                                                                                                                                                                                                                                      | EMAIL:           |                            |                |        |        |
| REQUESTOR'S CONSULTANT:                                                                                                                                                                                                                                                                                                                                                                                     |                  | CONTACT:                   |                |        |        |
| ADDRESS:                                                                                                                                                                                                                                                                                                                                                                                                    |                  |                            |                |        |        |
| CITY/TOWN:                                                                                                                                                                                                                                                                                                                                                                                                  |                  |                            | ZIP CODE:      |        |        |
| PHONE:                                                                                                                                                                                                                                                                                                                                                                                                      | EMAIL:           | -                          |                |        |        |
| REQUESTOR'S ATTORNEY:                                                                                                                                                                                                                                                                                                                                                                                       |                  | CONTACT:                   |                |        |        |
| ADDRESS:                                                                                                                                                                                                                                                                                                                                                                                                    |                  |                            |                |        |        |
| CITY/TOWN:                                                                                                                                                                                                                                                                                                                                                                                                  |                  |                            | ZIP CODE:      |        |        |
| PHONE:                                                                                                                                                                                                                                                                                                                                                                                                      | EMAIL:           |                            |                |        | -      |
|                                                                                                                                                                                                                                                                                                                                                                                                             |                  |                            |                | Y      | N      |
| 1. Is the requestor authorized to                                                                                                                                                                                                                                                                                                                                                                           |                  |                            |                | $\cup$ | $\cup$ |
| 2. If the requestor is a corporation, LLC, LLP, or other entity requiring authorization from the NYS Department of State (NYSDOS) to conduct business in NYS, the requestor's name must appear exactly as given above in the NYSDOS Corporation & Business Entity Database. A print-out of entity information from the NYSDOS database must be submitted with this application. Is this print-out attached? |                  |                            | 0              |        |        |
| 3. Requestor must submit proof that the party signing this application and amendment has the authority to bind the requestor. This would be documentation showing the authority to bind the requestor in the form of corporate organizational papers, a Corporate Resolution or an Operating Agreement or Resolution for an LLC. Is this proof attached?                                                    |                  |                            | 0              |        |        |
| 4. If the requestor is an LLC, th this information attached?                                                                                                                                                                                                                                                                                                                                                | e names of the m | nembers/owners must be pro | ovided. Is N/A | 0      | 0      |
| 5. Describe the new requestor's relationship to all existing applicants:                                                                                                                                                                                                                                                                                                                                    |                  |                            |                |        |        |

Site Code: C241278

| SECTION III: CURRENT<br>Complete this section onl                                                                                                        |               |             |  |  |          | dditional pages if necessary. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------------|--|--|----------|-------------------------------|
| Owner listed below is:                                                                                                                                   |               | g Applicant |  |  | pplicant | Non-Applicant                 |
| OWNER'S NAME:                                                                                                                                            |               |             |  |  | CONTACT  | :                             |
| ADDRESS:                                                                                                                                                 |               |             |  |  |          |                               |
| CITY/TOWN:                                                                                                                                               |               |             |  |  | ZIP CODE |                               |
| PHONE:                                                                                                                                                   |               | EMAIL:      |  |  |          |                               |
| OPERATOR:                                                                                                                                                |               |             |  |  | CONTACT  | :                             |
| ADDRESS:                                                                                                                                                 |               |             |  |  |          |                               |
| CITY/TOWN:                                                                                                                                               |               |             |  |  | ZIP CODE |                               |
| PHONE:                                                                                                                                                   | PHONE: EMAIL: |             |  |  |          |                               |
|                                                                                                                                                          |               |             |  |  |          |                               |
| <b>SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION</b><br>Complete this section only if adding new requestor(s). Attach additional pages if necessary. |               |             |  |  |          |                               |
| If answering "yes" to any of the following questions, please provide additional information as an attachment. Please refer to ECL § 27-1407 for details. |               |             |  |  |          |                               |
| Y N                                                                                                                                                      |               |             |  |  |          |                               |
| 1. Are any enforcement actions pending against the requestor regarding this site?                                                                        |               |             |  |  |          |                               |
| 2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site?          |               |             |  |  |          |                               |

| 3. | Is the requestor subject to an outstanding claim by the Spill Fund for the site?             |
|----|----------------------------------------------------------------------------------------------|
|    | Any questions regarding whether a party is subject to a spill claim should be discussed with |
|    | the Spill Fund Administrator.                                                                |

| 4. | Has the requestor been determined in an administrative, civil or criminal proceeding to be in |
|----|-----------------------------------------------------------------------------------------------|
|    | violation of (i) any provision of the subject law; (ii) any order or determination; (iii) any |
|    | regulation implementing ECL Article 27 Title 14; or (iv) any similar statute or regulation of |
|    | the state or federal government? If so, provide additional information as an attachment.      |

- 5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as site name, address, DEC site number, reason for denial, and any other relevant information.
- 6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting or contaminants?
- 7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing, treating, disposing or transporting of contaminants; or (ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state?
- 8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department?

Site Code: C241278

| SECT                                                                                               | ON IV: NEW REQUESTOR ELIGIBILITY INF                                                                                                                                                                                                        | ORMATION (continued)                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | YN                                                       |  |
|----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|--|
|                                                                                                    | Is the requestor an individual or entity of the to<br>committed an act or failed to act, and such ac<br>of a BCP application?                                                                                                               | ype set forth in ECL 27-1407.9(f) that                                                                                                                                                                                                                                                                                                                                                                                                                                               | 00                                                       |  |
| 10                                                                                                 | 10. Was the requestor's participation in any remedial program under DEC's oversight<br>terminated by DEC or by a court for failure to substantially comply with an agreement or<br>order?                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                          |  |
| 11                                                                                                 | . Are there any unregistered bulk storage tanks                                                                                                                                                                                             | on-site which require registration?                                                                                                                                                                                                                                                                                                                                                                                                                                                  | OO                                                       |  |
| 12                                                                                                 |                                                                                                                                                                                                                                             | HAT IT IS EITHER A PARTICIPANT OR VOLUN<br>BY CHECKING ONE OF THE BOXES BELOW:                                                                                                                                                                                                                                                                                                                                                                                                       | ITEER                                                    |  |
|                                                                                                    | PARTICIPANT                                                                                                                                                                                                                                 | VOLUNTEER                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                          |  |
| or (2) i<br>contan<br>result                                                                       | A requestor who either (1) was the owner of<br>e at the time of the disposal of contamination<br>s otherwise a person responsible for the<br>nination, unless the liability arises solely as a<br>of ownership, operation of or involvement | A requestor other than a participant, in<br>a requestor whose liability arises solely as a re<br>ownership, operation of or involvement with th<br>subsequent to the disposal of a hazardous wa<br>discharge of petroleum.                                                                                                                                                                                                                                                           | esult of<br>e site                                       |  |
| 1                                                                                                  | e site subsequent to the disposal of<br>nination.                                                                                                                                                                                           | NOTE: By checking this box, a requestor whos<br>liability arises solely as a result of ownership,<br>operation of or involvement with the site certific<br>they have exercised appropriate care with resp<br>the hazardous waste found at the facility by tal<br>reasonable steps to: (i) stop any continuing dis<br>(ii) prevent any threatened future release; (iii) p<br>or limit human, environmental or natural resou<br>exposure to any previously released hazardou<br>waste. | es that<br>bect to<br>king<br>scharge;<br>prevent<br>rce |  |
|                                                                                                    |                                                                                                                                                                                                                                             | If a requestor's liability arises solely as a re<br>ownership, operation of or involvement wit<br>site, they must submit a statement describi-<br>they should be considered a volunteer – be<br>specific as to the appropriate care taken.                                                                                                                                                                                                                                           | h the<br>ing why                                         |  |
| 13. If the requestor is a volunteer, is a statement describing why the requestor should be ONA Y O |                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                          |  |
| 14                                                                                                 | . Requestor's relationship to the property (chec                                                                                                                                                                                            | k all that apply):                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                          |  |
|                                                                                                    | Prior Owner Current Owner F                                                                                                                                                                                                                 | Potential/Future Purchaser Other:                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                          |  |
| 15                                                                                                 | . If the requestor is not the current site owner, p<br>complete the remediation must be submitted.<br>have access to the property before being add<br>project, including the ability to place an easen                                      | Proof must show that the requestor will ed to the BCA and throughout the BCP                                                                                                                                                                                                                                                                                                                                                                                                         | Y N                                                      |  |

| <b>SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES</b><br>Complete this section only if property is being added to or removed from the site, a lot merger or other change to site SBL(s) has occurred, or if modifying the site address for any reason. |                                |              |               |             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|--------------|---------------|-------------|
| 1. Property information on current agreement (as modified by any previous amendments, if applicable):                                                                                                                                                         |                                |              |               |             |
| ADDRESS:                                                                                                                                                                                                                                                      |                                |              |               |             |
| CITY/TOWN                                                                                                                                                                                                                                                     |                                |              | ZIP CODE:     |             |
| CURRENT PROPERTY INFORMATION                                                                                                                                                                                                                                  | TOTAL ACR                      | EAGE OF CL   | JRRENT SIT    | Ξ:          |
| PARCEL ADDRESS                                                                                                                                                                                                                                                | SECTION                        | BLOCK        | LOT           | ACREAGE     |
|                                                                                                                                                                                                                                                               |                                |              |               |             |
|                                                                                                                                                                                                                                                               |                                |              |               |             |
|                                                                                                                                                                                                                                                               |                                |              |               |             |
| 2. Requested change (check appropriate boxe                                                                                                                                                                                                                   | s below):                      |              |               |             |
| a. Addition of property (may require addition expansion – see instructions)                                                                                                                                                                                   | al citizen particip            | ation depend | ing on the na | ture of the |
| PARCELS ADDED:                                                                                                                                                                                                                                                |                                |              |               |             |
| PARCEL ADDRESS                                                                                                                                                                                                                                                | SECTION                        | BLOCK        | LOT           | ACREAGE     |
|                                                                                                                                                                                                                                                               |                                |              |               |             |
|                                                                                                                                                                                                                                                               |                                |              |               |             |
|                                                                                                                                                                                                                                                               |                                |              |               |             |
|                                                                                                                                                                                                                                                               | TOTAL                          | ACREAGE T    | O BE ADDED    | ):          |
| b. Reduction of property                                                                                                                                                                                                                                      |                                |              |               |             |
| PARCELS REMOVED:                                                                                                                                                                                                                                              |                                |              |               |             |
| PARCEL ADDRESS                                                                                                                                                                                                                                                | SECTION                        | BLOCK        | LOT           | ACREAGE     |
|                                                                                                                                                                                                                                                               |                                |              |               |             |
|                                                                                                                                                                                                                                                               |                                |              |               |             |
|                                                                                                                                                                                                                                                               |                                |              |               |             |
|                                                                                                                                                                                                                                                               | TOTAL ACF                      | REAGE TO B   | E REMOVED     | D:          |
| c. Change to SBL (e.g., lot merge, subdivisi                                                                                                                                                                                                                  | on, address chan               | ge)          |               |             |
| NEW PROPERTY INFORMATION:                                                                                                                                                                                                                                     |                                |              |               |             |
| PARCEL ADDRESS                                                                                                                                                                                                                                                | SECTION                        | BLOCK        | LOT           | ACREAGE     |
|                                                                                                                                                                                                                                                               |                                |              |               |             |
|                                                                                                                                                                                                                                                               |                                |              |               |             |
|                                                                                                                                                                                                                                                               |                                |              |               |             |
| 3. TOTAL REVISED SITE ACREAGE:                                                                                                                                                                                                                                | 3. TOTAL REVISED SITE ACREAGE: |              |               |             |
| 4. For all changes requested in this section, documentation must be provided. Required attachments are listed in the application instructions. Is the required documentation attached?                                                                        |                                |              |               |             |

| APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT SUPP<br>QUESTIONS FOR SITE SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                  | NT               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|
| Complete this section only if the site is located within the five counties comprising New York City as requestor is seeking a determination of eligibility for tangible property credits. Provide supporting documentation as required. Refer to the application instructions for additional information.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | nd the           |                  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Y                | Ν                |
| 1. Is the site located in Bronx, Kings, New York, Queens or Richmond County?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | $oldsymbol{igo}$ | $\bigcirc$       |
| <ol> <li>Is the requestor seeking a determination that the site is eligible for the tangible property<br/>credit component of the brownfield redevelopment tax credit?</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | $oldsymbol{igo}$ | 0                |
| <ol> <li>Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website for more information.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Ο                | $oldsymbol{O}$   |
| 4. Is the property upside down as defined below?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Ο                | $oldsymbol{igo}$ |
| From ECL 27-1405(31):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                  |                  |
| "Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                  |                  |
| 5. Is the project and affordable housing project as defined below?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Ο                | $oldsymbol{igo}$ |
| From 6 NYCRR 375-3.2(a) as of August 12, 2016:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                  |                  |
| <ul> <li>(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.</li> <li>(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' household's annual gross income.</li> <li>(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 housing agency's affordable housing program, or a local government housing agency's affordable housing program, or a local government housing agency's affordable housing program, or a local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for homeowners at a defined maximum percentage of the area median income.</li> <li>(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.</li> </ul> |                  |                  |

| APPLI | CATION SUPPLEMENT FOR NYC SITES (continued)                                                                                                                                                                                                                                                                                                                                                                                | Υ       | Ν                |
|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|------------------|
| 6.    | Is the project a planned renewable energy facility site as defined below?                                                                                                                                                                                                                                                                                                                                                  | Ο       | $oldsymbol{igo}$ |
| From  | ECL 27-1405(33) as of April 9, 2022:                                                                                                                                                                                                                                                                                                                                                                                       |         |                  |
|       | "Renewable energy facility site" shall mean real property (a) this is used for a renewable<br>energy system, as defined in section sixty-six-p of the public service law; or (b) any co-<br>located system storing energy generated from such a renewable energy system prior to<br>delivering it to the bulk transmission, sub-transmission, or distribution system.                                                      |         |                  |
| From  | Public Service Law Article 4 Section 66-p as of April 23, 2021:                                                                                                                                                                                                                                                                                                                                                            |         |                  |
|       | (b) "renewable energy systems" means systems that generate electricity or thermal<br>energy through use of the following technologies: solar thermal, photovoltaics, on land<br>and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat,<br>tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel<br>resource in the process of generating electricity. |         |                  |
| 7.    | Is the site located within a disadvantaged community, within a designated Brownfield<br>Opportunity Area, and meets the conformance determinations pursuant to subdivision ten<br>of section nine-hundred-seventy-r of the general municipal law?                                                                                                                                                                          | $\odot$ | 0                |
| From  | ECL 75-0111 as of April 9, 2022:                                                                                                                                                                                                                                                                                                                                                                                           |         |                  |
|       | (5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.                                                                              |         |                  |

| PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT                                  |                          |  |  |  |
|--------------------------------------------------------------------------------|--------------------------|--|--|--|
| EXISTING AGREEMENT INFORMATION                                                 |                          |  |  |  |
| BCP SITE NAME: 94-15 Sutphin Boulevard - Site                                  | B BCP SITE CODE: C241278 |  |  |  |
| NAME OF CURRENT APPLICANT(S): 95th Avenue Equities LLC; Sutphin QOZB LLC       |                          |  |  |  |
| INDEX NUMBER OF AGREEMENT: C241278-01-24 DATE OF ORIGINAL AGREEMENT 02/12/2024 |                          |  |  |  |
|                                                                                |                          |  |  |  |

## **Declaration of Amendment:**

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

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

# STATEMENT OF CERTIFICATION AND SIGNATURES: NEW REQUESTOR

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

### (Individual)

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

Date:

Signature: \_\_\_\_\_

Print Name:

(Entity)

| I hereby affirm that I am                | (title) of                             | (entity); that I am              |
|------------------------------------------|----------------------------------------|----------------------------------|
| authorized by that entity to make this a | application; that this application was | prepared by me or under my       |
| supervision and direction; and that info | prmation provided on this form and it  | s attachments is true and        |
| complete to the best of my knowledge     | and belief. I am aware that any false  | e statement made herein is       |
| punishable as a Class A misdemeanor      | r pursuant to Section 210.45 of the F  | Penal Law.                       |
| signature b                              | elow constitutes the requisite approv  | val for the amendment to the BCA |

|                            | _ signature below constitutes t | the requisite approval for | the amendment to the BCA |
|----------------------------|---------------------------------|----------------------------|--------------------------|
| Application, which will be | effective upon signature by the | e Department.              |                          |
|                            |                                 |                            |                          |

| Date:       | Signature: |
|-------------|------------|
| Print Name: |            |

| <b>STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S)</b><br>An authorized representative of each applicant must complete and sign the appropriate section (individual or entity) below. Attach additional pages as needed.                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (Individual)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.                                                                                                                                                                                                                                                                |
| Date: Signature:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Print Name:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| (Entity)<br>I hereby affirm that I am <u>the Authorized Signatory</u> (title) of <u>95th Avenue Equities LLC</u> (entity) which is a party to the<br>Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this<br>Application for an Amendment to that Agreement and/or Application. <u>Raizel Feder's</u> signature<br>below constitutes the requisite approval for the amendment to the BCA Application, which will be effective<br>upon signature by the Department.<br>Date: <u>12/9/2024</u> Signature: <u>Fairer Feder</u><br>Print Name: <u>Raizel Feder / 95th Avenue Equities LLC</u> |

# PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

| PARTICIPANT                                                                                                                                                                                                                                                                 | VOLUNTEER                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A requestor who either (1) was the owner of the site<br>at the time of the disposal of contamination or (2) is<br>otherwise a person responsible for the<br>contamination, unless the liability arises solely as a<br>result of ownership, operation of or involvement with | A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination. |
| the site subsequent to the disposal of contamination.                                                                                                                                                                                                                       |                                                                                                                                                                                                |

Effective Date of the Original Agreement: 02/12/2024

Signature by the Department:

DATED: 12/12/24

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By:

Janst C. Brown Janet E. Brown, Assistant Director

Janet E. Brown, Assistant Director Division of Environmental Remediation

# Rider to BCA Amendment #3 to Document a Tangible Property Tax Credit Determination Site Name: 94-15 Sutphin Boulevard – Site B

# Site Number: C241278

1- The Department has determined that the Site is eligible for tangible property tax credits pursuant to ECL § 27-1407(1-a) because the Site is located in a City having a population of one million or more and:

At least half of the site area is located in an environmental zone as defined in section twenty-one of the tax law

The property is upside down, as defined by ECL 27-1405 (31)

The property is underutilized, as defined by 375-3.2(I).

The project is an affordable housing project, as defined by 375-3.2(a)

**X** The project is within a disadvantaged community, within a designated brownfield opportunity area, and meets the conformance determinations pursuant to subdivision ten of section nine hundred seventy-r of the general municipal law; as required by ECL 27-1407.

2- The Site is located in a City having a population of one million or more and the Applicant:

Has not requested a determination that the Site is eligible for tangible property tax credits. It is therefore presumed that the Site is not eligible for tangible property tax credits. In accordance with ECL § 27-1407(1-a), the Applicant may request an eligibility determination for tangible property tax credits at any time from application until the site receives a certificate of completion except for sites seeking eligibility under the underutilized category.

Requested a determination that the Site is eligible for tangible property tax credits and pursuant to ECL § 27-1407(1-a), the Department has determined that the Site is not eligible for tangible property tax credits because the Applicant has not submitted documentation sufficient to demonstrate that at least one of the following conditions exists: at least half of the site area is located in an environmental zone as defined in section twenty-one of the tax law, the property is upside down, the property is underutilized, or the project is an affordable housing project. In accordance with ECL § 27-1407(1-a), the Applicant may request an eligibility determination for tangible property tax credits at any time from application until the site receives a certificate of completion except for sites seeking eligibility under the underutilized category.

3- For sites statewide, where applicable:

In accordance with ECL § 27-1407(1-a), based on data submitted with the application the Department has determined the Site is not eligible for tangible property tax credits because the contamination in ground water and/or soil vapor is solely emanating from property other than the Site.

The remedial investigation or other data generated during the remedial program the Department has identified an on-site source of contamination, which now makes this site eligible for tangible property tax credits.

The Department has determined that the Site or a portion of the Site has previously been remediated pursuant to Article 27, Title 9, 13 or 14] of the ECL, Article 12 of the Navigation Law or Article 56, Title 5 of the ECL. Therefore, in accordance with ECL § 27-1407(1-a), the Site is not eligible for tangible property tax credits.

THIS RIDER TO AN AMENDMENT TO THE BCA ESTABLISHING ELIGIBILTY FOR TANGIBLE PROPERTY TAX CREDITS IS HEREBY APPROVED, Acting by and Through the Department of Environmental Conservation as Designee of the Commissioner,

anst [. Brown 12/12/24 By:

| Janet E. Brown, Assistant Director    |
|---------------------------------------|
| Division of Environmental Remediation |

Date

# New York State Department of State BROWNFIELD OPPORTUNITY AREA (BOA) CERTIFICATE OF CONFORMANCE

# CERTIFICATE HOLDER(S): 95th Avenue Equities LLC BOA NAME: Jamaica Brownfield Opportunity Area

### PROJECT AND QUALIFIED SITE INFORMATION

| Brownfield Cleanup Program (BCP) Project Site Number(s): | C241278                                            |
|----------------------------------------------------------|----------------------------------------------------|
| BOA Conformance File Number:                             | 2403                                               |
| Project Name:                                            | 94-15 Sutphin Blvd                                 |
| Project Site Street Address:                             | 94-15 Sutphin Blvd., Jamaica, NY 11435             |
| Project Site Owner:                                      | 95th Avenue Equities LLC                           |
| Project Site Tax Map Identification Number(s):           | 9999-1                                             |
| Legal/Another Authorized Representative(s):              | Joel Zupnick                                       |
| Representative's Mailing Address:                        | 670 Myrtle Ave., Suite 6373, Brooklyn, NY<br>11205 |
| Local Government (city, town, village)                   | City of New York                                   |
| County:                                                  | Queens County                                      |

## CERTIFICATION

By letter dated June 7, 2024, 95th Avenue Equities LLC, through Joel Zupnick, submitted a complete application and supporting documents requesting that the New York State Secretary of State render a determination that the 94-15 Sutphin Blvd project (hereinafter "Project"), conforms to the Nomination for the Jamaica BOA. The BOA received brownfield opportunity area designation by the Secretary of State pursuant to New York State General Municipal Law, Article 18–C, Section 970-r (hereinafter "Section 970-r"), on April 9, 2015. The BOA is located in the City of New York, Queens County.

The Project, as described in BOA Conformance File #2403, has been reviewed by the Secretary. Comments have been solicited from the City of New York and the general public, as necessary to aid in review of the application for the Project.

In accordance with Section 970-r, a Determination of Conformance is rendered for the Project. The Project is deemed conforming with the applicable goals and priorities in the Nomination for the BOA, which is a requirement for eligible taxpayers to apply to New York State Department of Taxation and Finance for an increase in the allowable tangible property tax credit component of the brownfield redevelopment tax credit pursuant to New York State Tax Law, Article 1, Section 21.

Now therefore, this Certificate of Conformance is hereby issued:

By: Walter T. Mosley New York State Secretary of State Date:

