

94-15 SUTPHIN BOULEVARD – SITE B

JAMAICA, NEW YORK

Brownfield Cleanup Program Application

Submitted to:

New York State Department of Environmental Conservation

Division of Environmental Remediation

Site Control Section

625 Broadway, 11th Floor

Albany, NY 12233-7020

Prepared for:

95th Avenue Equities LLC

670 Myrtle Avenue, Suite 6292

Brooklyn, NY 11205

Prepared by:



121 West 27th Street, Suite 702

New York, NY 10001

mcarroll@tenen-env.com

(646) 606-2332

October 2023



SUBMITTAL INSTRUCTIONS:

1. Compile the application package in the following manner:
 - a. one file in non-fillable PDF of the application form plus supplemental information, excluding the previous environmental reports and work plans, if applicable;
 - b. one individual file (PDF) of each previous environmental report; and,
 - c. one file (PDF) of each work plan being submitted with the application, if applicable.
2. Compress all files (PDFs) into one zipped/compressed folder.
3. Submit the application to the Site Control Section either via email or ground mail, as described below.

Please select only ONE submittal method – do NOT submit both email and ground mail.

a. VIA EMAIL:

- Upload the compressed folder to the NYSDEC File Transfer Service.
(<http://fts.dec.state.ny.us/fts>) or another file-sharing service.
- Copy the download link into the body of an email with any other pertinent information or cover letter attached to the email.
- Subject line of the email: “*BCP Application NEW - *Proposed Site Name**”
- Email your submission to DERSiteControl@dec.ny.gov – do NOT copy Site Control staff.

b. VIA GROUND MAIL:

- Save the application file(s) and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
- Mail the external storage device to the following address:
Chief, Site Control Section
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

PROPOSED SITE NAME: 94-15 Sutphin Boulevard - Site B

Is this an application to amend an existing BCA with a major modification? Please refer to the application instructions for further guidance related to BCA amendments.

If yes, provide existing site number: _____

☐

Yes

☒

No

Is this a revised submission of an incomplete application?

If yes, provide existing site number: C241278

☒

Yes

☐

No



BCP App Rev 15 – May 2023

SECTION I: Property Information

PROPOSED SITE NAME **94-15 Sutphin Boulevard - Site B**

ADDRESS/LOCATION **94-15 Sutphin Boulevard**

CITY/TOWN **Jamaica**

ZIP CODE **11435**

MUNICIPALITY (LIST ALL IF MORE THAN ONE) **Queens**

COUNTY **Queens**

SITE SIZE (ACRES) **0.69**

LATITUDE

LONGITUDE

40°	41'	56.022"	-73°	48'	23.0292"
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Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, please indicate as such by inserting "p/o" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding acreage column.

ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section	Block	Lot	Acreage
94-15 Sutphin Boulevard	4	9999	1	0.69

	Y	N
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description.	<input checked="" type="radio"/>	<input type="radio"/>
2. Is the required property map included with the application? (Application will not be processed without a map)	<input checked="" type="radio"/>	<input type="radio"/>
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) If yes, identify census tract: _____ Percentage of property in En-zone (check one): 0% <input checked="" type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
4. Is the project located within a disadvantaged community? See application instructions for additional information.	<input type="radio"/>	<input checked="" type="radio"/>
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	<input checked="" type="radio"/>	<input type="radio"/>
6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications: _____	<input type="radio"/>	<input checked="" type="radio"/>

SECTION I: Property Information (CONTINUED)		Y	N
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?		<input type="radio"/>	<input checked="" type="radio"/>
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.		<input type="radio"/>	<input checked="" type="radio"/>
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.		<input type="radio"/>	<input checked="" type="radio"/>
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____		<input type="radio"/>	<input checked="" type="radio"/>
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____		<input type="radio"/>	<input checked="" type="radio"/>
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information. <div style="display: flex; justify-content: space-between;"> <div><u>Easement/Right-of-Way Holder</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <div style="display: flex; justify-content: space-between;"> <div><u>Type</u></div> <div><u>Issuing Agency</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?		<input checked="" type="radio"/>	<input type="radio"/>
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.			
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.		<input checked="" type="radio"/>	<input type="radio"/>
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?		<input type="radio"/>	<input checked="" type="radio"/>
17. If you have answered YES to Question 16 above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?		<input type="radio"/>	<input type="radio"/>
NOTE: If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.			
If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions. Initials of each Requestor: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> </div>			

SECTION II: Project Description

1. The project will be starting at: ☐ Investigation ☒ Remediation

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

2. If a final RIR is included, does it meet the requirements in ECL Article 27-1415(2)?

☒ Yes ☐ No ☐ N/A

3. Have any draft work plans been submitted with the application (select all that apply)?

☐ RIWP ☒ RAWP ☐ IRM ☐ No

4. Please provide a short description of the overall project development, including the date that the remedial program is to begin, and the date by which a Certificate of Completion is expected to be issued.

Is this information attached? ☒ Yes ☐ No

SECTION III: Land Use Factors

1. What is the property's current municipal zoning designation? C6-4

2. What uses are allowed by the property's current zoning (select all that apply)?

Residential ☒ Commercial ☒ Industrial ☐

3. Current use (select all that apply):

Residential ☐ Commercial ☐ Industrial ☐ Recreational ☐ Vacant ☒

4. Please provide a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date by which the site became vacant.
Is this summary included with the application?

Y ☒ N ☐

5. Reasonably anticipated post-remediation use (check all that apply):

Residential ☒ Commercial ☒ Industrial ☐

If residential, does it qualify as single-family housing?

N/A ☐ ☒

6. Please provide a statement detailing the specific proposed post-remediation use.
Is this summary attached?

☒ ☐

7. Is the proposed post-remediation use a renewable energy facility?
See application instructions for additional information.

☐ ☒

8. Do current and/or recent development patterns support the proposed use?

☒ ☐

9. Is the proposed use consistent with applicable zoning laws/maps?
Please provide a brief explanation. Include additional documentation if necessary.

☒ ☐

10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans?
Please provide a brief explanation. Include additional documentation if necessary.

☒ ☐

SECTION IV: Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that contamination of environmental media exists on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the site property and that the site requires remediation. To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard ([ASTM E1903](#)). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do NOT submit paper copies of ANY supporting documents.**
2. **SAMPLING DATA: INDICATE (BY SELECTING THE OPTIONS BELOW) KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED AS AN ATTACHMENT, WITH LABORATORY REPORTS REFERENCED AND INCLUDED.**

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Chlorinated Solvents	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other VOCs	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SVOCs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Metals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCBs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PFAS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1,4-dioxane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other – indicated below	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Please describe other known contaminants and the media affected:

3. For each impacted medium above, include a site drawing indicating:
 - Sample location
 - Date of sampling event
 - Key contaminants and concentration detected
 - For soil, highlight exceedances of reasonably anticipated use
 - For groundwater, highlight exceedances of 6 NYCRR part 703.5
 - For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation

These drawings are to be representative of all data being relied upon to determine if the site requires remediation under the BCP. Drawings should be no larger than 11"x17" and should only be provided electronically. These drawings should be prepared in accordance with any guidance provided.

Are the required drawings included with this application? ☒ YES ☐ NO

4. Indicate Past Land Uses (check all that apply):

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

Other: Meat packing facility and auto garage with gasoline underground storage tank

SECTION V: Requestor Information

NAME 95th Avenue Equities LLC

ADDRESS 670 Myrtle Avenue, Suite 6373

CITY/TOWN Brooklyn

STATE NY

ZIP CODE 11205

PHONE (718) 619-0014

EMAIL jj@keydevelopersny.com

	Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?	<input checked="" type="radio"/>	<input type="radio"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database . A print-out of entity information from the database must be submitted with this application to document that the requestor is authorized to conduct business in NYS. Is this attached?	<input checked="" type="radio"/>	<input type="radio"/>
3. If the requestor is an LLC, a list of the names of the members/owners is required on a separate attachment. Is this attached? N/A <input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? Documents that are not properly certified will not be approved under the BCP.	<input checked="" type="radio"/>	<input type="radio"/>

SECTION VI: Requestor Eligibility

If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input checked="" type="radio"/>
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	<input type="radio"/>	<input checked="" type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="radio"/>	<input checked="" type="radio"/>
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the ECL Article 27; (ii) any order or determination; (iii) any regulation implementing Title 14; or (iv) any similar statute or regulation of the State or Federal government?	<input type="radio"/>	<input checked="" type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.	<input type="radio"/>	<input checked="" type="radio"/>
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?	<input type="radio"/>	<input checked="" type="radio"/>

SECTION VI: Requestor Eligibility (CONTINUED)

7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing, treating, disposing or transporting or contaminants; or (ii) that involved 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?	<input type="radio"/> Y	<input checked="" type="radio"/> N
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	<input type="radio"/>	<input checked="" type="radio"/>
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	<input type="radio"/>	<input checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input checked="" type="radio"/>
12. THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:		
PARTICIPANT <input type="checkbox"/> <p>A requestor who either (1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum, or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p>	VOLUNTEER <input checked="" type="checkbox"/> <p>A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p> <p>NOTE: By selecting this option, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste.</p> <p>If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.</p>	
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?		
Yes <input checked="" type="radio"/> No <input type="radio"/> N/A <input type="radio"/>		

SECTION VI: Requestor Eligibility (CONTINUED)

14. Requestor relationship to the property (check one; if multiple applicants, check all that apply):

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

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

Is this proof attached?



Yes



No



N/A

Note: A purchase contract or lease agreement does not suffice as proof of site access.**SECTION VII: Requestor Contact Information**

REQUESTOR'S REPRESENTATIVE J.J. Weiss

ADDRESS 670 Myrtle Avenue, Suite 6373

CITY Brooklyn

STATE NY

ZIP CODE 11205

PHONE (718) 619-0014

EMAIL jj@keydevelopersny.com

REQUESTOR'S CONSULTANT (CONTACT NAME) Mohamed Ahmed, Ph.D., PG, CPG

COMPANY Tenen Environmental, LLC

ADDRESS 121 West 27th Street, Suite 702

CITY New York

STATE NY

ZIP CODE 10001

PHONE (646) 606-2332

EMAIL mahmed@tenen-env.com

REQUESTOR'S ATTORNEY (CONTACT NAME) Michael Bogin

COMPANY Sive, Paget, & Riesel, PC

ADDRESS 560 Lexington Avenue, 15th Floor

CITY New York

STATE NY

ZIP CODE 10022

PHONE (646) 378-7210

EMAIL mbogin@sprlaw.com

SECTION VIII: Program Fee

Upon submission of an executed Brownfield Cleanup Agreement to the Department, the requestor is required to pay a non-refundable program fee of \$50,000. Requestors may apply for a fee waiver based on demonstration of financial hardship.

	Y	N
1. Is the requestor applying for a fee waiver based on demonstration of financial hardship?	<input type="radio"/>	<input checked="" type="radio"/>
2. If yes, appropriate documentation to demonstrate financial hardship must be provided with the application. See application instructions for additional information.		
Is the appropriate documentation included with this application? N/A	<input checked="" type="radio"/>	<input type="radio"/>

SECTION IX: Current Property Owner and Operator Information

CURRENT OWNER Sutphin Boulevard Equities LLC

CONTACT NAME J.J. Weiss

ADDRESS 670 Myrtle Avenue, Suite 6292

CITY Brooklyn

STATE NY

ZIP CODE 11205

PHONE (718) 619-0014

EMAIL jj@keydevelopersny.com

OWNERSHIP START DATE January 2022

CURRENT OPERATOR Sutphin Boulevard Equities LLC

CONTACT NAME J.J. Weiss

ADDRESS 670 Myrtle Avenue, Suite 6292

CITY Brooklyn

STATE NY

ZIP CODE 11205

PHONE (718) 619-0014

EMAIL jj@keydevelopersny.com

OPERATION START DATE January 2022

SECTION X: Property Eligibility Information

	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information as an attachment.	<input type="radio"/>	<input checked="" type="radio"/>
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>

SECTION X: Property Eligibility Information (continued)

<p>3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit Type: _____ EPA ID Number: _____ Date Permit Issued: _____ Permit Expiration Date: _____</p>	<p>Y</p> <input type="radio"/>	<p>N</p> <input checked="" type="radio"/>
<p>4. If the answer to question 2 or 3 above is YES, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents. <div style="text-align: right;">N/A</div></p>	<input checked="" type="radio"/>	<input type="radio"/>
<p>5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: _____</p>	<input type="radio"/>	<input checked="" type="radio"/>
<p>6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information as an attachment.</p>	<input type="radio"/>	<input checked="" type="radio"/>

SECTION XI: Site Contact List

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

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

SECTION XII: Statement of Certification and Signatures

(By requestor who is an individual)

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

Date: _____

Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am **representative** (title) of **95th Avenue Equities LLC** (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: **08/24/2023**

Signature: **JJ Weiss** 
Digitally signed by JJ Weiss
DN: cn=JJ Weiss, c=US, o=Heartfelt Townhouse
builders, email=JJ@heartfeltbuilders.com
Date: 2023.08.24 12:58:40 -04'00'

Print Name: **J.J. Weiss**

**PLEASE REFER TO THE APPLICATION COVER PAGE AND BCP APPLICATION INSTRUCTIONS FOR
DETAILS OF PAPERLESS DIGITAL SUBMISSION REQUIREMENTS.**

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY

Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27-1407(1-a) must be submitted if requestor is seeking this determination.

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Please respond to the questions below and provide additional information and/or documentation as required. <i>Please refer to the application instructions.</i>	Y	N
1. Is the property located in Bronx, Kings, New York, Queens or Richmond County?	<input checked="" type="radio"/>	<input type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input checked="" type="radio"/>	<input type="radio"/>
3. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)?	<input type="radio"/>	<input checked="" type="radio"/>
4. Is the property upside down or underutilized as defined below?		
Upside down	<input type="radio"/>	<input checked="" type="radio"/>
Underutilized	<input type="radio"/>	<input checked="" type="radio"/>

From ECL 27-1405(31):

“Upside down” shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.

From 6 NYCRR 375-3.2(I) as of August 12, 2016 (Please note: Eligibility determination for the underutilized category can only be made at the time of application):

375-3.2:

- (I) “Underutilized” means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and
 - (1) the proposed use is at least 75 percent for industrial uses; or
 - (2) at which:
 - (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;
 - (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and
 - (iii) one or more of the following conditions exists, as certified by the applicant:
 - (a) property tax payments have been in arrears for at least five years immediately prior to the application;
 - (b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or
 - (c) there are no structures.

“Substantial government assistance” shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

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

Check appropriate box below:

- ☐ Project is an Affordable Housing Project – regulatory agreement attached
- ☐ Project is planned as Affordable Housing, but agreement is not yet available*
- *Selecting this option will result in a “pending” status. The regulatory agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.
- ☒ This is not an Affordable Housing Project

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

- (a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty-seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.
- (1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ household’s annual gross income.
- (2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for homeowners at a defined maximum percentage of the area median income.
- (3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

6. Is the site a planned renewable energy facility site as defined below?

☐ Yes – planned renewable energy facility site with documentation

☐ Pending – planned renewable energy facility awaiting documentation

*Selecting this option will result in a “pending” status. The appropriate documentation will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

☒ No – not a planned renewable energy facility site

If yes, please provide any documentation available to demonstrate that the property is planned to be developed as a renewable energy facility site.

From ECL 27-1405(33) as of April 9, 2022:

“Renewable energy facility site” shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.

From Public Service Law Article 4 Section 66-p as of April 23, 2021:

(b) “renewable energy systems” means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and plans to meet the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?

☒ Yes - *Selecting this option will result in a “pending” status, as a BOA conformance determination has not yet been made. Proof of conformance will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

☐ No

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.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BROWNFIELD CLEANUP PROGRAM (BCP) INSTRUCTIONS FOR COMPLETING AND SUBMITTING A BCP APPLICATION

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional Office](#) to schedule a meeting. To add a party to an existing BCP Agreement, use the [BCP Agreement Amendment Application](#).

For further information regarding the determination of a complete application, please refer to the guidance following these instructions, as well as the [NYSDEC BCP website](#).

SUBMITTAL INSTRUCTIONS

- Compile the application package in the following manner:
 - one file in non-fillable portable document format (PDF) of the application form plus supplemental information, excluding the previous environmental reports and work plans, if applicable;
 - one individual file (PDF) of each previous environmental report; and,
 - one file (PDF) of each work plan being submitted with the application, if applicable.
- Compress all files (PDFs) into one zipped/compressed folder
- Submit the application to the Site Control Section either via email or ground mail, as described below.

Please select only ONE submittal method - do NOT submit both via email and via ground mail.

VIA EMAIL:

- Upload the compressed folder to the NYSDEC File Transfer Service (<https://fts.dec.state.ny.us/fts/>) or another file-sharing service.
- Copy the download link into the body of an email with any other pertinent information or cover letter attached to the email.
- Subject line of the email: *"BCP Application NEW - *Proposed Site Name*"*
- Email your submission to DESiteControl@dec.ny.gov - do NOT copy Site Control staff.

VIA GROUND MAIL:

- Save the application file and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
- Mail the external storage device to the following address:

Chief, Site Control Section
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

SECTION I: Property Information	
PLEASE NOTE	If any changes to SECTION I are required prior to application approval, a new page 2, initialed by each requestor, must be submitted with the revisions.
Proposed Site Name	Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e., ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.
Site Address	Provide a street address, city/town, zip code, and each municipality and county in which the site is located.
Site Size	Provide the approximate acreage of the site.
GIS Information	Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.
Tax Parcel Information	Provide the tax parcel address/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5-minute quad map on which the property appears and clearly indicate the proposed site's location.
Tax Map Boundaries	State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/ reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.
Site Map	Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: (i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and (ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.
En-zone	If any part of the site is located within an En-zone, please provide a map showing the location of the site with the En-zone overlay. For information on En-zones, please see DEC's website . Note that new En-zone boundaries are effective January 1, 2023.
Disadvantaged Communities	If the site is located within a Disadvantaged Community, please provide a map showing the location of the site with the Disadvantaged Community overlay. For additional information on disadvantaged communities, please refer to the Climate Leadership and Community Protection Act website .

SECTION I: Property Information (continued)

Brownfield Opportunity Area (BOA)	If the site is located within a NYS Department of State designated Brownfield Opportunity Area, please provide a map showing the location of the site with the BOA overlay. For more information on designated BOAs, please refer to the NYS DOS website . Additional information on BOA conformance determinations can be found at the Office of Planning and Development website . A BOA conformance determination cannot be made until a Decision Document has been issued for the site.
Multiple Applications	Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where (1) the development project spans more than 25 acres; (2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and (3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).
Previous BCP Applications	If all or part of the proposed site has been the subject of a previous BCP application (whether accepted, denied or withdrawn), please provide the assigned DEC site number from the previous application as well as any relevant information regarding why the property is not currently in the program.
Registry Listing and P-site Status	If all or part of the proposed site is now or ever was listed on the Registry of Inactive Hazardous Waste Disposal Sites or is currently the subject of investigation as a Potential Site, please provide the assigned DEC site number.

SECTION I: Property Information (continued)

Property Description Narrative

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

Location:

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

Site Features:

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

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

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

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

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

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

Site Geology and Hydrogeology:

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

SECTION I: Property Information (continued)

<p>Environmental Assessment</p>	<p>The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semi-volatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths. The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SCGs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site.</p> <p>A typical Environmental Assessment would look like the following:</p> <p>Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE).</p> <p><i>Soil</i> - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the site. Concentrations of cadmium found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).</p> <p><i>Groundwater</i> - TCE and its associated degradation products are also found in groundwater at the north end of the site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the site has migrated 300 feet down-gradient off-site. The primary contaminant of concern for the off-site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.</p> <p><i>Soil Vapor & Indoor Air</i> - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.</p>
<p>Questions 15-17: New York City Sites</p>	<p>These questions pertain ONLY to sites located within the five counties comprising New York City. If the requestor is seeking a determination that the site is eligible for tangible property tax credits, this section and the <i>Supplemental Questions for Sites Seeking Tangible Property Credits in New York City</i> must be completed.</p>

SECTION II: Project Description

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

SECTION III: Land Use Factors

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

This information consists of responses to the “land use” factors to be considered relative to the “Land Use” section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a “brownfield site” pursuant to ECL 27-1405(2).

This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

Zoning and Current Use	Provide the current municipal zoning designation and uses permitted by that designation. Provide a summary of the current use of the site, including identifying possible contaminant source areas. If the site is no longer in use, provide the date by which operations ceased.
Anticipated Use	Identify the anticipated post-remediation use of the site and provide a detailed description of the specific anticipated post-remediation use as an attachment.
Renewable Energy Facility Site	Indicate if the post-remediation use of the site is proposed to be a renewable energy facility. A “renewable energy facility site” shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system. Section 66-p of the Public Service Law: "Renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity. Provide any detailed plans or documentation to support this. Appropriate documentation must be provided as follows: for planned renewable energy facilities generating/storing less than twenty-five (25) megawatts, a local land use approval must be provided. For planned renewable energy facilities generating/storing twenty-five (25) megawatts or greater, a permit issued by the Office of Renewable Energy Siting must be provided.
Compliance with Zoning Laws, Recent Development, and Community Master Plans	Provide an explanation to support the responses to each of these items. Attach additional documentation if applicable.

SECTION IV: Property's Environmental History

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

SECTION V: Requestor Information

Requestor Name	<p>Provide the name of the person(s)/entity requesting participation in the BCP (if more than one, attach additional sheets with requested information). The requestor is the person or entity seeking DEC review and approval of the remedial program.</p> <p>If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database. A print-out of entity information from the database must be submitted to DEC with the application, to document that the requestor is authorized to do business in NYS.</p>
Address, etc.	Provide the requestor's mailing address, telephone number and e-mail.
LLC Information	If the requestor(s) is/are an LLC, the names of the members/owners must be provided on a separate attachment.
Document Certification	<p>All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of DER-10. Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:</p> <ul style="list-style-type: none">• New York State licensed professional engineers (P.E.s), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a P.E. with current license and registration for work that was done by them or those under their direct supervision. The firm by which the P.E. is employed must also be authorized to practice engineering in New York State;• qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;• remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or• site owners, which are the owners of the property comprising the site at the time of the certification.

SECTION VI: Requestor Eligibility

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

Volunteer Statement	If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer. Be specific as to the appropriate care taken.
Proof of Site Access	If a requestor is not the current owner of the entirety of the site, a site access agreement must be provided that demonstrates that the requestor will have access to the property before signing the BCA and throughout the BCP project. Additionally, the access agreement must include language allowing the requestor the ability to place an environmental easement on the site should the requestor not be the owner at the time remediation is complete and a Track 1 cleanup has not been achieved.

SECTION VII: Requestor Contact Information

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

SECTION VIII: Program Fee

If the requestor is applying for a fee waiver, sufficient documentation must be provided to demonstrate financial hardship. To demonstrate financial hardship, the applicant must show that with the payment of the program fee, remediation of the brownfield site would not be economically viable. This documentation may be in the form of federal tax returns with applicable schedules, financial statements and balance sheets, proof that the applicant has waived its right to tax credits, or any other documentation deemed acceptable by the Department.

If the requestor is applying for a fee waiver based on the requestor's status as a not-for-profit entity, please provide documentation of non-profit designation.

SECTION IX: Current Property Owner and Operator Information

Owner Information	Provide requested information of the current owner of the property. List <u>all</u> parties holding an interest in the property and, if the requestor is not the current owner, describe the requestor's relationship to the current owner. If the property consists of multiple parcels, be sure to include the ownership start date of each.
Operator Information	Provide requested information of the current operator(s). If multiple operators, attach the requested information for each operator, including the date each operator began utilizing the property.
Historical Owners and Operators	Provide a list of previous owners and a list of previous operators, including dates of ownership or operation and last-known addresses and phone numbers. Describe the requestor's relationship to each previous owner and operator; if no relationship, indicate "none". When describing the requestor's relationship to current and historical owners and operators, include any relationship between the requestor's corporate members and the previous owners and operators.

SECTION X: Property Eligibility Information

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

CERCLA / NPL Listing	Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.
Registry Listing	Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) website for a database of sites with classifications.
RCRA Listing	Does the property have a Resource Conservation and Recovery Act (RCRA) TSD Permit in accordance with the ECL 27-0900 et seq? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.
Registry/RCRA Sites Owned by Volunteers	If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27- 1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

SECTION X: Property Eligibility Information (CONTINUED)

Existing Order	Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.
Pending Enforcement Actions	Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information as an attachment.

SECTION XI: Site Contact List

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project. For sites located in a city with a population of one million or more, the appropriate community board must be included as an additional document repository, and acknowledgement of their agreement to act as such must also be provided.

SECTION XII: Statement of Certification and Signatures

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

DATA SUMMARY TABLE INSTRUCTIONS

Data summary tables should include the following columns:

Soil Table:

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

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

Analytes ^h	Total Detections	Max. Detection (ug/m3) ^c	Type ⁱ
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^a Include all contaminants over the applicable soil cleanup objectives (SCOs). Column header should specify which SCOs are being compared to. (i.e., "RRSCOs" for Restricted Residential SCOs)

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

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

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

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

^f Number of detections over AWQS.

^g List the respective AWQS.

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

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

Example Data Summary Tables

Soil Table:

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

Groundwater Table:

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

Soil Gas Table:

Analytes	Total Detections	Max. Detection (µg/m³)	Type
Carbon tetrachloride	1	0.84	Soil vapor
Methylene chloride	1	2.6 J	Soil vapor
Tetrachloroethene	2	47	Soil vapor
Trichloroethene	1	1.2	Soil vapor
Trichlorofluoromethane	1	21	Soil vapor

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DETERMINATION OF A COMPLETE APPLICATION

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

DETERMINATION OF A COMPLETE APPLICATION (CONTINUED)

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

New York State Department of Environmental Conservation
BROWNFIELD CLEANUP PROGRAM

BROWNFIELD CLEANUP PROGRAM APPLICATION
SUPPLEMENTAL AND SUPPORTING INFORMATION

For

94-15 SUTPHIN BOULEVARD – SITE B
BROOKLYN, NY

95th AVENUE EQUITIES LLC

October 2023

Section I – Property Information

The following maps have been attached as Exhibit A.

- USGS 7.5-minute quadrangle map, indicating the site's location
- Tax Map
- Surrounding Property Owner Map
- Land Use Map

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

Site B was previously a part of former Lot 1, which was subdivided into two equal 0.69-acre lots in December 2021. This lot is referenced as 'Site B' and became current Lot 1 when the former Lot was subdivided (the other portion becoming current Lot 40).

I.5 - Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)?

Site B is located within the Jamaica BOA, located in Queens County, New York, which was designated by the NYS DOS in April 2015.

I.14 – Property Description and Environmental Assessment Narrative

Location: The Site, located at 94-15 Sutphin Boulevard, Jamaica, New York (Tax Block 9999, Lot 1), is an irregularly shaped parcel located at the eastern side of Sutphin Boulevard and extending from 94th Avenue to 95th Avenue. The Site is approximately 30,047 SF and has approximately 200 feet of frontage along Sutphin Boulevard, 175 feet of frontage along 94th Avenue, and 100 feet of frontage along 95th Avenue.

Site Features: The Site is currently unimproved with any structures and vacant.

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

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

Site Geology and Hydrogeology: The subject property is located at an average elevation of approximately 39 feet above mean sea level (ft-amsl) and is relatively flat. The Site is underlain by a continuous layer of historic fill consisting of brown, silty sand with gravel, concrete fragments, brick fragments, and coal fragments ranging in thickness from eight to 18 feet. The fill layer is underlain by a native layer of brown, medium- to coarse-grained sand to at least 30 feet below sidewalk grade (ft-bsg). Groundwater at the Site was measured at approximately 21 to 23 ft-bsg. A well survey was performed as part of the Remedial Investigation and groundwater was determined to flow to the southwest.

Prior Investigations: Based on investigations conducted to date at the Site, the primary contaminants of

concern for the Site are chlorinated volatile organic compounds (cVOCs), polyaromatic hydrocarbons (PAHs) and metals (mercury). Two subsurface investigations have been completed at the Site and are described below.

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

A Remedial Investigation (RI) was completed for Site B by Tenen in December 2021 and January 2022 (draft report dated August 2023) and consisted of the installation of five test pits, the advancement of five soil borings, the collection of 26 soil samples (including quality assurance/quality control [QA/QC] samples), the installation of four groundwater monitoring wells, the collection of seven groundwater samples (including QA/QC samples), the installation of six soil vapor points, the collection of six soil vapor samples, and the collection of one ambient air sample. All soil and groundwater samples collected during the RI were analyzed for VOCs, SVOCs, TAL metals (total and dissolved for groundwater), pesticides, herbicides, PCBs, total cyanide, trivalent/hexavalent chromium, 1,4-dioxane, and per- and polyfluoroalkyl substances (PFAS). All soil vapor and ambient air samples collected during the RI were analyzed for TO-15 VOCs. Summary tables of sampling data for all media are included in Exhibit B. Sampling location plans and data diagrams are included in Exhibit C.

Environmental Assessment

Soil:

Several SVOCs, most notably PAHs, were detected in shallow and deep soil samples at concentrations exceeding the Restricted-Residential Use SCOs (RRSCOs), including benzo(a)anthracene [max. 48 parts-per-million (ppm) at 8-10 ft with a RRSCO of 1 ppm], benzo(a)pyrene [max. 42 ppm at 8-10 ft with a RRSCO of 1 ppm], benzo(b)fluoranthene [max. 57 ppm at 8-10 ft with a RRSCO of 1 ppm], benzo(k)fluoranthene [max. 14 ppm at 8-10 ft with a RRSCO of 3.9 ppm], chrysene [max. 40 ppm at 8-10 ft with a RRSCO of 3.9 ppm], dibenzo(a,h)anthracene [max. 6.3 ppm at 10-12 ft with a RRSCO of 0.33 ppm], and indeno(1,2,3-cd)pyrene [max. 31 ppm at 10-12 ft with a RRSCO of 0.5 ppm]. In general, the highest concentrations of SVOCs were detected in samples collected from the southeastern and western portions of the Site. No other SVOCs were detected in exceedance of RRSCOs in any soil samples.

One metal, mercury, was detected at a concentration of 0.823 ppm in TP-2 (0-2), exceeding the RRSCO of 0.81 ppm. No other metals were detected in exceedance of RRSCOs in any soil samples.

VOCs, pesticides, herbicides, PCBs, total cyanide, hexavalent chromium, trivalent chromium, and PFAS were not detected in exceedance of RRSCOs in any soil samples. 1,4-Dioxane was not detected in any soil samples.

Groundwater:

One cVOC, tetrachloroethene (PCE), was detected in exceedance of its Class GA Ambient Water Quality Standards (AWQS) in two groundwater samples collected from the same monitoring well approximately three months apart. PCE was detected at a max. concentration of 24 parts-per-billion (ppb) with an AWQS

of 5 ppb. The monitoring well which contained exceedances of PCE is located in the northeastern portion of the Site. No other VOCs were detected in exceedance of the AWQS in any groundwater samples.

A variety of SVOCs, specifically PAHs, were detected slightly in exceedance of their respective Class GA Standards in groundwater across the Site, including benzo(a)anthracene [max. 0.06 ppb], benzo(a)pyrene [max. 0.02 ppb], benzo(b)fluoranthene [max. 0.02 ppb], benzo(k)fluoranthene [max. 0.02 ppb], chrysene [max. 0.04 ppb], indeno(1,2,3-cd)pyrene [max. 0.02 ppb], and hexachlorobenzene [max. 0.14 ppb]. All of the aforementioned analytes have an AWQS of 0.002 ppb, with the exception of benzo(a)pyrene and hexachlorobenzene, which have AWQS of 0 ppb and 0.04 ppb, respectively. No other SVOCs were detected in exceedance of the AWQS in any groundwater samples.

One metal, antimony, was detected in one dissolved groundwater sample collected from the center of the Site in exceedance of the AWQS. Dissolved antimony was detected at a concentration of 4.2 ppb with an AWQS of 3 ppb. Several naturally occurring earth metals were detected in groundwater across the Site exceeding the AWQS, including total iron [max. 1,200 ppb with an AWQS of 300 ppb], total manganese [max. 725.7 ppb with an AWQS of 300 ppb], total sodium [max. 107,000 ppb with an AWQS of 20,000 ppb], dissolved manganese [max. 726.5 ppb with an AWQS of 300 ppb], and dissolved sodium [max. 102,000 ppb with an AWQS of 20,000 ppb]. No other metals were detected in exceedance of the AWQS in any total or dissolved groundwater samples.

Pesticides, herbicides, PCBs, total cyanide, trivalent chromium, and hexavalent chromium were not detected above the AWQS in any groundwater samples. 1,4-Dioxane was not detected in any groundwater samples.

Two PFAS, PFOA and PFOS, were detected in exceedance of the AWQS at a max. concentration of 31.1 parts-per-trillion (ppt) and 33.4 ppt, respectively [AWQS is 6.7 ppt for PFOA and 2.7 ppt for PFOS].

Soil Vapor:

A variety of cVOCs were detected in soil vapor across the Site, including PCE [max. 458 micrograms per cubic meter (ug/m³), trichloroethene (TCE) [max. 57.5 ug/m³], cis-1,2-dichloroethene (cis-1,2-DCE) [max. 23.9 ug/m³], 1,1,1-trichloroethane (1,1,1-TCA) [max. 70.4 ug/m³], trans-1,2-dichloroethene (trans-1,2-DCE) [max. 0.956 ug/m³], methylene chloride [max. 4.38 ug/m³], and chloroform [max. 27.9 ug/m³]. In general, the highest concentrations of cVOCs were detected in soil vapor samples collected from the northern portion of the Site.

A variety of petroleum-related VOCs were detected in soil vapor across the Site, including benzene [max. 8.15 ug/m³], toluene [max. 266 ug/m³], ethylbenzene [max. 29.3 ug/m³], p/m-xylene [max. 59.5 ug/m³], o-xylene [max. 15 ug/m³], 1,2,4-trimethylbenzene [max. 9.93 ug/m³], 1,3,5-trimethylbenzene [max. 3.23 ug/m³], 2,2,4-trimethylpentane [max. 6.59 ug/m³], 4-ethyltoluene [max. 1.82 ug/m³], heptane [max. 9.1 ug/m³], styrene [max. 1.38 ug/m³], and cyclohexane [max. 16.2 ug/m³].

A variety of other VOCs were detected in one or more soil vapor samples, including 2-hexanone [max. 2.8 ug/m³], n-hexane [max. 9.09 ug/m³], 1,3-butadiene [max. 3.96 ug/m³], 2-butanone [max. 21.4 ug/m³], carbon disulfide [max. 28 ug/m³], tertiary butyl alcohol [max. 31.5 ug/m³], isopropanol [max. 11.9 ug/m³], 1,4-dichlorobenzene [max. 2.78 ug/m³], trichlorofluoromethane [max. 129 ug/m³], dichlorodifluoromethane [max. 66.8 ug/m³], acetone [max. 254 ug/m³], and ethanol [39.2 ug/m³]. Of these, acetone and ethanol are common laboratory artifacts.

Section II - Project Description

II.4 - Narrative Description

Proposed Redevelopment

The subject property will be redeveloped with a new 24-story mixed-use commercial and residential building with a full cellar that will encompass the entirety of the Site. The proposed building will have a total gross square footage of approximately 716,750 square feet (SF). Currently, the Site is unimproved with any structures; therefore, demolition will not be required as part of redevelopment. The development project will require excavation to approximately 17 ft-bsg across the Site, with localized deeper excavation to approximately 22 ft-bsg to accommodate the installation of the elevator pits. The water table was encountered at approximately 21 to 23 ft-bsg and is expected to be encountered during excavation of only the elevator pits. The proposed development is consistent with the existing zoning and the recent development in this area of Queens.

Schedule

As part of the project, the property will be remediated and redeveloped with a new 24-story mixed-use commercial and residential building. A Remedial Investigation was completed for the Site; therefore, the Site will begin at the remediation stage upon entry into the BCP. A Remedial Investigation Report (RIR) and Remedial Action Work Plan (RAWP) will be submitted concurrent with this BCP Application. A Final Engineering Report (FER) and Site Management Plan (SMP), if required, will be prepared following completion of the RA. The Certificate of Completion is anticipated by the end of 2024. Below is a detailed estimated project schedule:

Estimated Project Schedule
(Reasonable BCP dates)

Task / Month	August 2023	September 2023 - November 2023	December 2023 - May 2024	June 2024 - July 2024	End of 2024
BCP Application, RIR, and RAWP Review and Completeness					
BCP App and RAWP, Public Comment and Approval					
Implement Remedial Action					
Prepare FER/SMP, NYSDEC Approval					
Certificate of Completion					

Section III – Land Use Factors

III.4 – Summary of Current Business Operations or Uses: The Site is currently unimproved with any structures and vacant. Based on the review of available documentation, historic Site operations ceased and the former onsite buildings were demolished sometime between 2006 and 2008.

III.6 – Reasonably Anticipated Use Post-Remediation: The anticipated post-remedial use is a mixed-use commercial and residential building.

Section IV – Property’s Environmental History

IV.1 – Environmental Reports

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

1. Phase I Environmental Site Assessment Report for 94-01 Sutphin Boulevard, Jamaica, NY, prepared by Middleton Environmental Inc., dated February 11, 2021.
2. Limited Due Diligence Environmental Site Investigation of 94-01 Sutphin Boulevard, Jamaica, NY; prepared by Tenen Environmental, LLC, dated November 3, 2021.
3. Draft Remedial Investigation Report for 94-15 Sutphin Boulevard – Site B, Jamaica, NY; prepared by Tenen Environmental, LLC, dated August 2023.
4. Draft Remedial Action Work Plan for 94-15 Sutphin Boulevard – Site B, Jamaica, NY; prepared by Tenen Environmental, LLC, dated August 2023.

IV.2 – Sampling Data

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

IV.3 – Site Drawings

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

Section V – Requestor Information

95th Avenue Equities LLC is a NYS business entity. The New York State Department of State's Corporation & Business Entity Database printout is included in Exhibit E.

The members of 95th Avenue Equities LLC are as follows:

- 95th Avenue Holdco LLC, Member

The members of 95th Avenue Holdco LLC are as follows:

- 95th Avenue Member LLC, Member

The members/managers of 95th Avenue Member LLC are as follows:

- Merkle Properties LLC, Member
- SF Sutphin LLC, Member
- Sutphin Manager LLC, Manager

The members of Merkle Properties LLC are as follows:

- The Estate of Rita Park, Member

The members of Sutphin Manager LLC are as follows:

- 45-57 Davis Holdings Trust, Member

The members of SF Sutphin LLC are as follows:

- Sutphin Family Holdings LLC, Member
- BerkZup Sutphin LLC, Member

The Operating Agreement for 95th Avenue Equities LLC is included in Exhibit E.

Section VI – Requestor Eligibility Information

VI.13 – Volunteer Statement

The requestor's liability arises solely as a result of ownership, operation of or involvement with the Site following the release of any hazardous substances. The requestor completed a Phase I ESA which satisfied EPA's "All Appropriate Inquiries Rule" prior to taking title to the Site. The requestor is not responsible for the release of any hazardous substances on or from the Site, has no relationship to any prior owners or operators (other than the current owner and affiliate of the requestor, which itself completed All Appropriate Inquiries prior to taking title), and will acquire title to the Site from that affiliate entity in late 2023. Prior to acquiring title to the Site, the requestor did not contribute to or exacerbate the Site contamination, has already completed the RI at the Site, and promptly applied to the Brownfield Cleanup Program. Thus, the requestor has exercised appropriate care with respect to the hazardous substances it has discovered at the Site. The requestor is prepared to perform all necessary remediation of the Site under the BCP. Based on these reasons, the requestor qualifies as a Volunteer pursuant to ECL § 27-1405(1).

VI.14 – Proof of Site Access

See access agreement in Exhibit F.

Section IX – Previous Owners and Operators

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

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

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

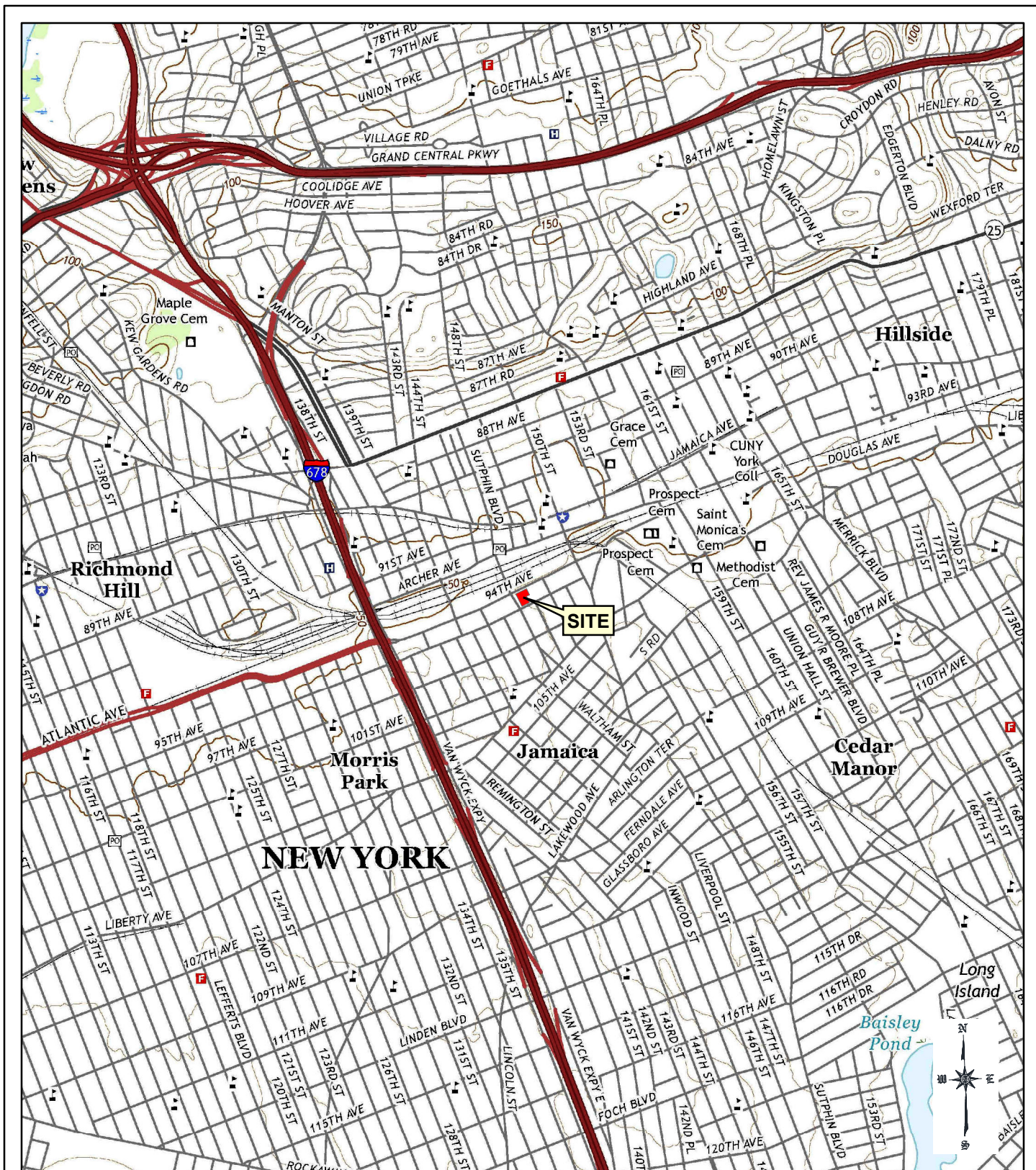
Previous Operators – Former Lot 1			
Name	Last Known Contact Information	Relationship to Applicant	Operation (known years)
Merkel Inc.	94-01 Sutphin Boulevard Jamaica, NY 11435	None	1925 – 2006

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

Section XI – Contact List Information

See contact list in Exhibit G.

Exhibit A
Site Drawings (Property Information)



0 1,000 2,000 4,000 Feet

Drawing No.	Drawn By	LM	TENEN ENVIRONMENTAL Tenen Environmental, LLC 121 West 27th Street, Suite 702 New York, NY 10001 O: (646) 606-2332 F: (646) 606-2379	94-15 Sutphin Blvd. - Site B Queens, New York Block 9999, Lot 1 Brownfield Cleanup Program Application
	Checked By	AP		
Drawing Title	Date	January 2022		
	Scale	As Noted		



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

<p>Drawing No.</p> <p>Figure 2</p>	<p>Drawn By</p> <p>LM</p> <p>Checked By</p> <p>AP</p>	<p>TENEN ENVIRONMENTAL</p> <p>Tenen Environmental, LLC 121 West 27th Street, Suite 702 New York, NY 10001 O: (646) 606-2332 F: (646) 606-2379</p>	<p>94-15 Sutphin Blvd - Site B</p> <p>Queens, New York</p> <p>Block 9999, Lot 1</p> <p>Brownfield Cleanup Program Application</p>
<p>Drawing Title</p> <p>Tax Map</p>	<p>Date</p> <p>January 2022</p> <p>Scale</p> <p>As Noted</p>		



Service Layer Credits: NYS ITS GIS Program

Adjacent Property Owners - Site B

ID	OWNER	ADDRESS
A	Sutphin Boulevard Equities LLC	147-35 95th Avenue
B	Multiple Owners - Condos	147-36 94th Avenue
C	Land & Sea Development Corp	147-07 94th Avenue
D	Station Plaza Hotel, LLC	147-05 94th Avenue
E	Station Plaza Hotel, LLC	93-43 Sutphin Boulevard
F	The Port Authority of New York and New Jersey	93-50 Sutphin Boulevard
G	Henrique Goncalves	94-02 Sutphin Boulevard
H	Rodrigues Realty Corp	94-06 Sutphin Boulevard
I	C Giordano Trustee	94-12 Sutphin Boulevard
J	Clinton Graham	94-14 Sutphin Boulevard
K	Clinton Graham	94-16 Sutphin Boulevard
L	Arnaldo Coutinho	94-18 Sutphin Boulevard
M	Clinton Graham	94-20 Sutphin Boulevard
N	Clinton Graham	95-02 Sutphin Boulevard
O	Armando Morico	95-01 Sutphin Boulevard
P	C.G. Enterprises I, Corp	147-12 95th Avenue
Q	C.G. Enterprises I, Corp	147-12 95th Avenue
R	Polinelli Management Corp.	147-18 95th Avenue



Legend

- Site Boundary
- Adjacent Property Owners

0 75 150 300 Feet

Drawing No.

Figure 3

Drawn By

LM

Checked By

AP

Drawing Title

Adjacent Property Owners

Date

February 2022

Scale

As Noted

TENEN ENVIRONMENTAL

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

**94-15 Sutphin Blvd. -
Site B
Queens, New York
Block 9999, Lot 1
Brownfield Cleanup
Program Application**



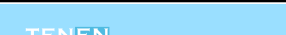
Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

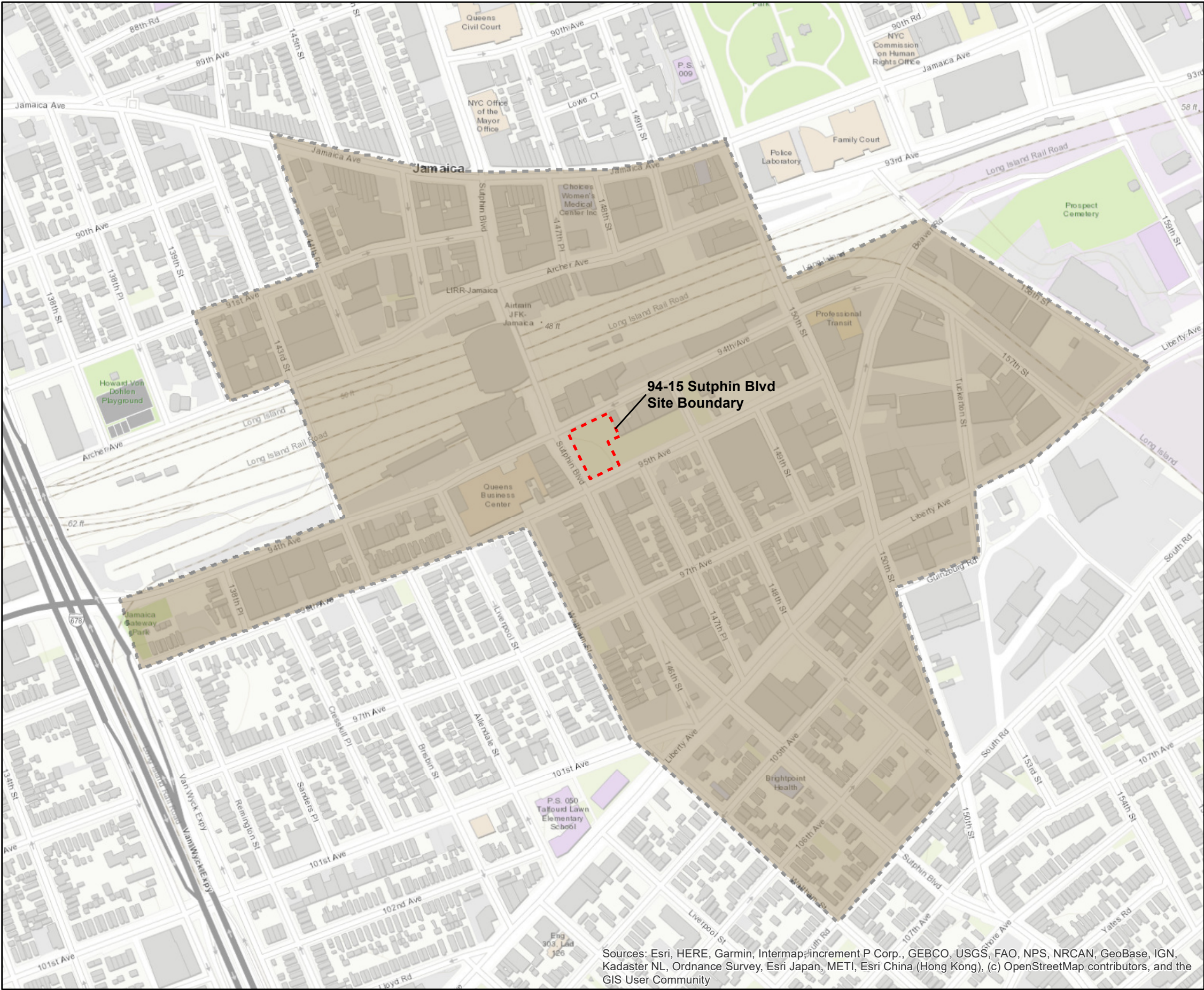
Land Use

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



0 200 400 800 Feet

Drawing No. Figure 4	Drawn By LM	 Tenen Environmental, LLC 121 West 27th Street, Suite 702 New York, NY 10001 O: (646) 606-2332 F: (646) 606-2379	94-15 Sutphin Blvd. - Site B Queens, New York Block 9999, Lot 1 Brownfield Cleanup Program Application
	Checked By AP		
Drawing Title Land Use Map	Date January 2022		
	Scale As Noted		



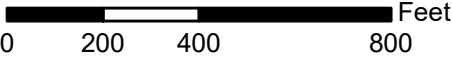
Basemap: Nearmap Aerial 8/12/2021
NYC Department of City Planning, Information Technology Division
Designated Brownfield Opportunity Area Boundaries - New York State Department of State - data.gis.ny.gov

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



Legend

- 94-15 Sutphin Blvd Site Boundary
- Jamaica Brownfield Opportunity Area



94-15 Sutphin Blvd. - Site B
Queens, New York
Block 9999, Lot 1
Brownfield Cleanup
Program Application

Site

TENEN ENVIRONMENTAL

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

Drawn By LM

Checked By AP

Date August 2023

Scale As Noted

Brownfield Opportunity Area

Figure 5

Drawing Title

Drawing No

Exhibit B

Data Summary Tables

Soil Analytical Summary Table
94-01 Sutphin Boulevard - Site B
Brownfield Cleanup Program Application

Analytes in Exceedance of RRSCOs	Number of Detections in Exceedance of RRSCOs	Maximum Detection (ppm)	RRSCO (ppm)	Depth (ft-bg)*
Benzo(a)anthracene	11	48	1	0-2; 6-8; 8-10; 10-12; 17-19
Benzo(a)pyrene	11	42	1	0-2; 6-8; 8-10; 10-12; 17-19
Benzo(b)fluoranthene	11	57	1	0-2; 6-8; 8-10; 10-12; 17-19
Benzo(k)fluoranthene	6	14	3.9	0-2; 8-10; 10-12
Chrysene	7	40	3.9	0-2; 6-8; 8-10; 10-12
Dibenzo(a,h)anthracene	9	6.3	0.33	0-2; 6-8; 8-10; 10-12
Indeno(1,2,3-cd)pyrene	11	31	0.5	0-2; 6-8; 8-10; 10-12; 17-19
Mercury	1	0.823	0.81	0-2

Notes:

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

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

ppm = parts per million

ft-bg = feet below grade

Groundwater Analytical Summary Table
94-01 Sutphin Boulevard - Site B
Brownfield Cleanup Program Application

Analytes in Exceedance of AWQS	Number of Detections in Exceedance of AWQS	Maximum Detection (ppb for all non-PFAS analytes, ppt for PFAS)	AWQS (ppb for all non-PFAS analytes, ppt for PFAS)
Tetrachloroethene	2	24	5
Benzo(a)anthracene	7	0.06	0.002
Benzo(a)pyrene	4	0.02	0
Benzo(b)fluoranthene	4	0.02	0.002
Benzo(k)fluoranthene	4	0.02	0.002
Chrysene	5	0.04	0.002
Indeno(1,2,3-cd)pyrene	4	0.02	0.002
Hexachlorobenzene	2	0.14	0.04
Iron, Total	3	1,200	300
Manganese, Total	5	725.7	300
Sodium, Total	7	107,000	20,000
Antimony, Dissolved	1	4.2	3
Manganese, Dissolved	5	726.5	300
Sodium, Dissolved	7	102,000	20,000
Perfluorooctanesulfonic acid (PFOS)	7	33.4	2.7
Perfluorooctanoic acid (PFOA)	7	31.1	6.7

Notes:

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

ppb = parts per billion

ppt = parts per trillion

Soil Vapor Analytical Summary Table
94-01 Sutphin Boulevard - Site B
Brownfield Cleanup Program Application

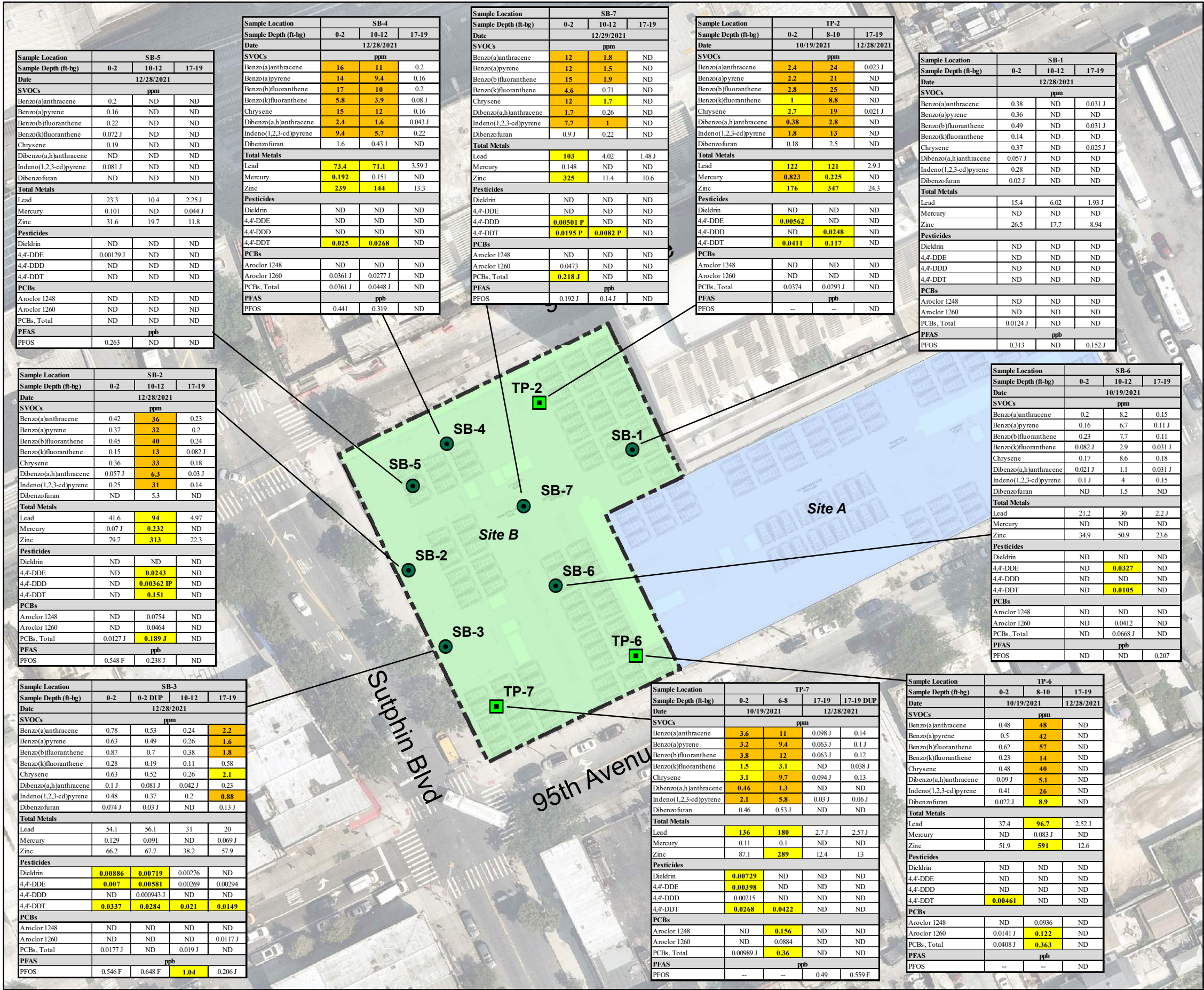
Analytes	Number of Detections	Maximum Detection (ug/m ³)	Sample Type
Tetrachloroethene	10	458	Soil Vapor
Trichloroethene	9	57.5	Soil Vapor
cis-1,2-Dichloroethene	3	23.9	Soil Vapor
1,1,1-Trichloroethane	10	70.4	Soil Vapor
trans-1,2-Dichloroethene	1	0.956	Soil Vapor
Methylene chloride	2	4.38	Soil Vapor
Chloroform	9	27.9	Soil Vapor

Notes:

ug/m³ = micrograms per cubic meter

Exhibit C

Data Drawings (Sample Summaries)



Analyte	NV-UNRES	NY-RESRR
SVOCs		
Benzo(a)anthracene	1	1
Benzo(a)pyrene	1	1
Benzo(b)fluoranthene	1	1
Benzo(k)fluoranthene	0.8	3.9
Chrysene	1	3.9
Dibenzo(a,h)anthracene	0.33	0.33
Indeno(1,2,3-cd)pyrene	0.5	0.5
Dibenzo furan	7	59
Total Metals		
Lead	63	400
Mercury	0.18	0.81
Zinc	109	10000
Pesticides		
Dieldrin	0.005	0.2
4,4'-DDE	0.0033	8.9
4,4'-DDD	0.0033	13
4,4'-DDT	0.0033	7.9
PCBs		
Aroclor 1248	0.1	1
Aroclor 1260	0.1	1
PCBs, Total	0.1	1
PFAS		
PFAS	0.88	44

Notes:		
1. Bold and shaded yellow value indicates concentration exceeds NY-UNRES SCOs		
2. Bold and shaded orange value indicates concentration exceeds NY-RESRR SCOs		
3. NY-UNRES = 6 NYCRR Part 375 Unrestricted Use Soil Cleanup Objectives		
4. NY-RESRR = 6 NYCRR Part 375 Restricted-Residential Use Soil Cleanup Objectives		
5. J = Estimated value		
6. ND = Not detected		
7. P = The RPD between the results for the two columns exceeds the method-specified criteria.		
8. F = The ratio of quantifier ion response to qualifier ion response falls outside of the laboratory criteria. Results are considered to be an estimated maximum concentration.		
9. -- = Not analyzed		
10. ppm = parts per million		
11. ppb = parts per billion		

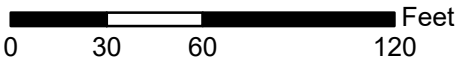
Legend

- Limited Due Diligence Environmental Site Investigation and Remedial Investigation Soil Sampling Location
- Remedial Investigation Soil Sampling Location

SiteLayout

Descr

- Site A Site A - 30,081 SF
- Site B Site B - 30,057 SF



94-15 Sutphin Blvd. - Site B Queens, New York Block 9999, Lot 1 Brownfield Cleanup Program Application

Site

TENEN ENVIRONMENTAL

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

Drawn By LM

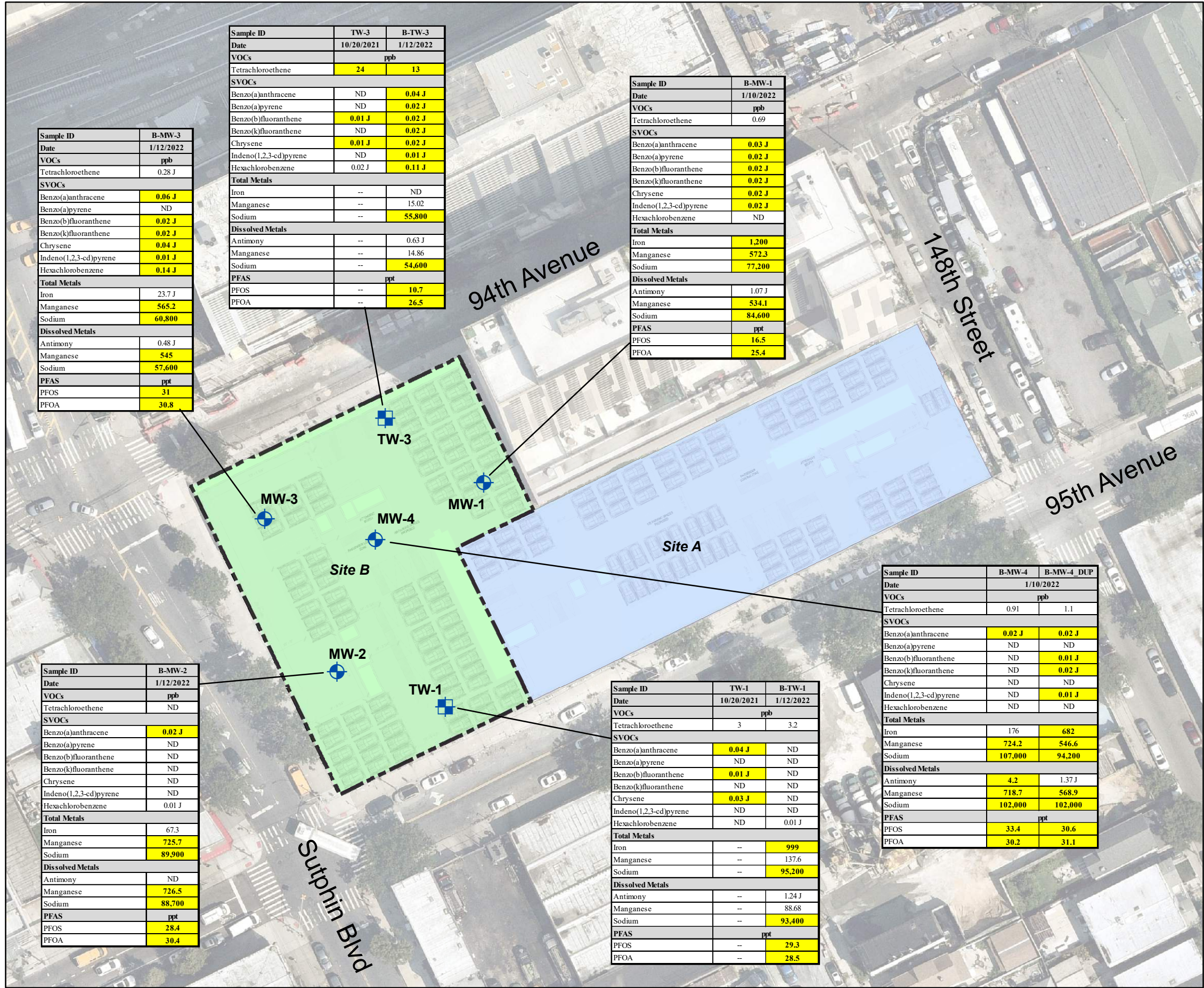
Checked By AP

Date August 2023

Scale As Noted

Drawing Title
**Limited Due Diligence and
Remedial Investigation Soil Results**

Drawing No
Figure 6



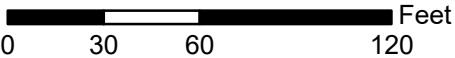
Basemap: Nearmap Aerial 8/12/2021
NYC Department of City Planning, Information Technology Division
94-01 Sutphin Boulevard, J Frank C Mallea Associates, Cellar & First Floor Plan, A1 (Rec'd 11/23/21)



Analyte	NY-AWQS
VOCs	ppb
Tetrachloroethene	5
SVOCs	
Benzo(a)anthracene	0.002
Benzo(a)pyrene	0
Benzo(b)fluoranthene	0.002
Benzo(k)fluoranthene	0.002
Chrysene	0.002
Indeno(1,2,3-cd)pyrene	0.002
Hexachlorobenzene	0.04
Total Metals	
Iron	300
Manganese	300
Sodium	20,000
Dissolved Metals	
Antimony	3
Manganese	300
Sodium	20,000
PFAS	ppt
PFOS	2.7
PFOA	6.7

Notes:
1. Bold and shaded yellow value indicates concentration exceeds NY-AWQS
2. NY-AWQS = NYSDEC Division of Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards (AWQS)
3. J = Estimated value
4. ND = Not detected
5. -- = Not analyzed
6. ppb = parts per billion
7. ppt = parts per trillion

- Legend
- Remedial Investigation Groundwater Sampling Location
 - Limited Due Diligence Environmental Site Investigation Groundwater Sampling Location
 - Site A - 30,081 SF
 - Site B - 30,057 SF



Site
94-15 Sutphin Blvd. - Site B
Queens, New York
Block 9999, Lot 1
Brownfield Cleanup
Program Application

Site

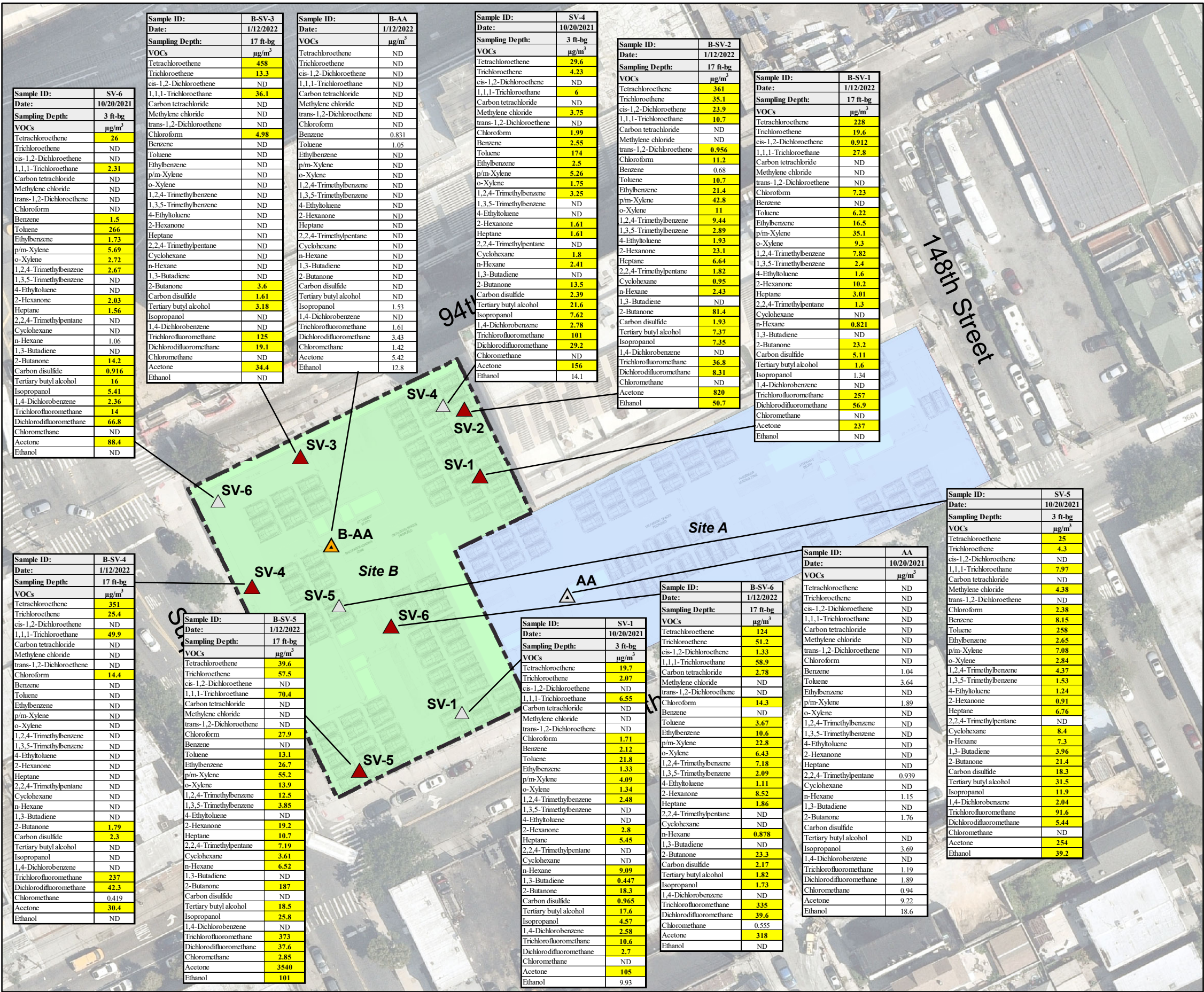
TENEN ENVIRONMENTAL

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

Drawn By	LM
Checked By	AP
Date	August 2023
Scale	As Noted

Limited Due Diligence and Remedial Investigation Groundwater Results

Figure 7



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

Notes:
1. Concentrations detected in soil vapor samples B-SV-1 through B-SV-6 are compared to ambient air (B-AA) concentrations.
2. Concentrations detected in soil vapor samples SV-1 and SV-4 through SV-6 are compared to ambient air (AA) concentrations.
2. Bold and shaded yellow value indicates concentration exceeds ambient air concentration.
3. ND = Not Detected
4. µg/m³ = micrograms per cubic meter

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

0 30 60 120 Feet

Site
94-15 Sutphin Blvd. - Site B
Queens, New York
Block 9999, Lot 1
Brownfield Cleanup
Program Application

TENEN ENVIRONMENTAL

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

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

Drawing Title Limited Due Diligence and Remedial Investigation Soil Vapor Results

Drawing No
Figure 8

Exhibit D
Environmental Reports
(Included as separate PDFs
with previous submission)

Exhibit E
NYS Department of State Registration and
Entity Operating Agreement

Department of State

Division of Corporations

Entity Information

[Return to Results](#)[Return to Search](#)

Entity Details



ENTITY NAME: 95TH AVENUE EQUITIES LLC	DOS ID: 6325749
FOREIGN LEGAL NAME:	FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY	DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTION OF LAW: LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW	ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 11/11/2021	REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 11/11/2021	INACTIVE DATE:
FOREIGN FORMATION DATE:	STATEMENT STATUS: CURRENT
COUNTY: KINGS	NEXT STATEMENT DUE DATE: 11/30/2023
JURISDICTION: NEW YORK, UNITED STATES	NFP CATEGORY:

[ENTITY DISPLAY](#) [NAME HISTORY](#) [FILING HISTORY](#) [MERGER HISTORY](#) [ASSUMED NAME HISTORY](#)

Service of Process on the Secretary of State as Agent

The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:

Name: 95TH AVENUE EQUITIES LLC

Address: 670 MYRTLE AVE STE 6373, BROOKLYN, NY, UNITED STATES, 11205

Electronic Service of Process on the Secretary of State as agent: Not Permitted

Chief Executive Officer's Name and Address

Name:

Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value	Number Of Shares	Value Per Share

OPERATING AGREEMENT

OF

95th AVENUE EQUITIES LLC

This Operating Agreement (this “Agreement”) of 95TH AVENUE EQUITIES LLC, a New York limited liability company (the “Company”) is entered into as of July 20, 2023 by 95TH AVE HOLDCO LLC, a New York limited liability company (the “Member”), as the sole member of the Company.

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

1. Name. The name of the limited liability company shall be 95TH AVENUE EQUITIES LLC
2. Office. The principal office of the Company is 670 Myrtle Avenue, Suite 6292, Brooklyn NY or such other place or places as the Member shall determine.
3. Term. The term of the Company shall commence as of the date of filing of the Articles of Organization of the Company with the Department of State of the State of New York and the Company shall be dissolved and it’s affairs wound up as provided in said Articles, in this Agreement or as otherwise provided in said Articles, in this Agreement or as otherwise provided in the Act.
4. Purpose. The Company is formed for the purpose of engaging in any lawful act or activities for which limited liability companies may be formed under the Act and engaging in any and all activities necessary or incidental to the foregoing.
5. Members. The name and the mailing address of the Member is as follows:

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

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

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

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

[SIGNATURE PAGE FOLLOWS]

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

95TH AVE HOLDCO LLC,

a New York limited liability company

By: 95TH AVE Member LLC, its Sole Member

a New York limited liability company

By: Sutphin Manager LLC, its Managing Member

a New York limited liability company

By:  _____

Name: Joel Zupnick

Title: Manager

Exhibit F
Access Agreement and
Supplemental Access Agreement

ACCESS AGREEMENT

ACCESS AGREEMENT made as of this 2nd day of August 2023, by and between Sutphin Boulevard Equities LLC (“**Grantor**”), and 95th Avenue Equities LLC (“**Grantee**”).

WHEREAS, Grantor owns the real property located at 94-15 Sutphin Boulevard New York, together with the building and improvements thereon (“**Grantor’s Property**”); and

WHEREAS, Grantor and Grantee have entered into a contract for the sale of Grantor’s Property to Grantee; and

WHEREAS, Grantee has applied to have Grantor’s Property accepted into the New York State Brownfield Cleanup Program (“**BCP**”); and

WHEREAS, following admission of Grantor’s Property to the BCP and prior to the closing of the sale of Grantor’s Property to Grantee, Grantee may require access to Grantor’s Property to carry out investigatory, remedial and other related tasks required by the BCP (collectively, the “**Work**”); and

WHEREAS, Grantor desires to grant Grantee such access.

NOW, THEREFORE, in consideration of the foregoing and for good and valuable consideration, the receipt of which is hereby acknowledged, Grantor and Grantee agree as follows:

1. Grantor hereby grants reasonable access and a license upon, into, under or through Grantor’s Property for the purpose of the entry thereon by Grantee, its agents, employees, architects, engineers, contractors and consultants (collectively, the “**Grantee Related Parties**” and each a “**Grantee Related Party**”), vehicles, equipment and materials required by Grantee to satisfy tasks and obligations required by any Brownfield Cleanup Agreement entered into between Grantee and the New York State Department of Environmental Conservation.

2. Grantee Related Parties shall perform the Work in a workmanlike manner and in accordance with industry standards and in accordance with applicable laws, rules and regulations. The rights granted pursuant to paragraph 1 of this Agreement are nonexclusive, it being understood and agreed that Grantor, its agents, employees, workers, contractors and tenants will have full authority to come upon and have unfettered access to Grantor’s Property during the performance of the Work. The performance of the Work will not interfere unreasonably with the quiet enjoyment of Grantor’s Building by the tenants thereof. Grantor agrees that it will use commercially reasonable efforts to avoid unreasonable interference with Grantee’s exercise of its rights hereunder.

3. All of the foregoing activities shall be performed at Grantee’s sole cost and expense.

4. Grantee shall provide reasonable notice to Grantor, but in no event less than 48 hours, prior to Grantee’s need for access to Grantor’s Property to perform the Work, provided, however, that shorter notice may be required in the event of an emergency.

5. Grantee shall be responsible for obtaining all federal, state or local governmental approvals and providing all notices in relation to the Work.


6. If upon completion of the activities requiring access to Grantor's Property title to Grantors' Property has not yet passed to Grantee, Grantee and/or Grantee Related Parties shall promptly remove all materials and restore Grantor's Property substantially to the condition it was in prior to such activities, subject to any required institutional controls.


7. This Agreement shall be governed by and construed in accordance with the laws of the State of New York. Any proceedings initiated by either party to enforce the terms of or otherwise related to this Agreement shall be brought in the Supreme Court, State of New York.

IN WITNESS WHEREOF, this Agreement has been executed by Grantor and Grantee and is effective as of the date set forth above.

GRANTOR:

GRANTEE:

By: 
Name: Joel Zupnick
Title: Member

By: 
Name: Raizel Feder
Title: Member

**95th Avenue Equities LLC
670 Myrtle Avenue, Suite 6292
Brooklyn, NY 11205**

October 17, 2023

Sutphin Boulevard Equities LLC
ATTN: Joel Zupnick
670 Myrtle Avenue, Suite 6292
Brooklyn, NY 11205

Re: Supplemental Site Access Letter Agreement for Brownfield Cleanup Program Work
94-15 Sutphin Boulevard
Jamaica, New York 11435
Block 9999, Lot 1

Joel Zupnick:

As you are aware, 95th Avenue Equities LLC (the “Applicant”) is applying for admission into the New York State Department of Environmental Conservation (“NYSDEC”) Brownfield Cleanup Program (“BCP”) for the property located at 94-15 Sutphin Boulevard (Block 9999, Lot 1) in Jamaica, New York (the “Site”). The Site is currently owned by Sutphin Boulevard Equities LLC (the “Owner”).

Reference is made to that certain Access Agreement by and between Applicant and Owner, dated as of August 2, 2023.

In response to a NYSDEC Notice of Incomplete Application (“NOIA”), dated October 10, 2023, we are writing to confirm that Applicant has Owner’s permission to place an environmental easement on the Site, should one be deemed necessary for the site remedy. By execution of this Supplemental Site Access Letter Agreement, you hereby acknowledge that Site access for BCP-related investigation and/or remediation activities has been granted to Applicant and further agree to the placement of an environmental easement on the Site by Applicant, if deemed necessary.

Sincerely,

By: Raizel Feder

Raizel Feder, Member
95th Avenue Equities LLC

As Owner of the Site, I hereby agree to allow 95th Avenue Equities LLC, and its contractors, to enter 94-15 Sutphin Boulevard, Jamaica, New York 11435 (Block 9999, Lot 1), which is currently owned by Sutphin Boulevard Equities LLC, to perform the required BCP investigation and remediation work and to place an environmental easement on the Site should one be deemed necessary.


By: 
Joel Zapnick, Member
Sutphin Boulevard Equities LLC

Exhibit G
Site Contact List and Repository Confirmation

Contact List Information

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

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

Daniel Garodnick, Commissioner
Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

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

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

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

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

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

Vicky Garvey
Acting Director of Planning and Development
120-55 Queens Boulevard
One Claire Shulman Way
Kew Gardens, NY 11424

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

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

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

Gregory Meeks
U.S. House of Representatives
Jamaica District Office
153-01 Jamaica Avenue, 2nd floor
Jamaica, NY 11432

Charles Schumer
U.S. Senator
780 Third Avenue, Suite 2301
New York, NY 10017

Kirsten Gillibrand
U.S. Senator
780 Third Avenue, Suite 2601
New York, NY 10017

Audrey Pheffer
Queens County Clerk's Office
88-11 Sutphin Boulevard #106
Jamaica, NY 11435

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

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

147-35 95th Avenue
Vacant land currently under construction owned by: Sutphin Boulevard Equities LLC
Owner Address: 670 Myrtle Avenue, Suite 6292, Brooklyn, NY 11205

147-07 94th Avenue

Residential buildings owned by: Land & Sea Development Corp.

Owner Address: 153 Skunks Misery Road, Locust Valley, NY 11560

147-05 94th Avenue

Vacant land owned by: Station Plaza Hotel, LLC

Owner Address: 88 Sunnyside Boulevard, Suite 308, Plainview, NY 11803

93-43 Sutphin Boulevard

Vacant land owned by: Station Plaza Hotel, LLC

Owner Address: 88 Sunnyside Boulevard, Suite 308, Plainview, NY 11803

93-50 Sutphin Boulevard

Commercial building owned by: The Port Authority of New York and New Jersey

Owner Address: 4 World Trade Center, 150 Greenwich Street, 24th Floor, New York, NY 10007

Occupied by: MTA Police Jamaica

Occupant Address: 93-50 Sutphin Boulevard, Queens, NY 11435

94-02 Sutphin Boulevard

Mixed residential and commercial building owned by: Henrique Goncalves

Owner Address: 243 Washington Avenue, Mineola, NY 11501

Occupied by: Europa Bar

Occupant Address: 94-02 Sutphin Boulevard, Queens, NY 11435

Occupied by: M&S Violations Consulting

Occupant Address: 94-04 Sutphin Boulevard, Queens, NY 11435

94-06 Sutphin Boulevard

Commercial building owned by: Rodrigues Realty Corp

Owner Address: 95-28 Cresskill Place, Queens, NY 11435

Occupied by: Vacant

Occupant Address: N/A

94-12 Sutphin Boulevard

Mixed residential and commercial building owned by: The Charles L. Giordano Revocable Trust

Owner Address: 2034 Southwest Bradford Place, Palm City, FL 34990

Occupied by: Vacant

Occupant Address: N/A

94-14 Sutphin Boulevard

Mixed residential and commercial building owned by: Clinton Graham

Owner Address: 397 Jefferson Avenue, Rockville Centre, NY 11570

Occupied by: Vacant

Occupant Address: N/A

94-16 Sutphin Boulevard

Mixed residential and commercial building owned by: Clinton Graham

Owner Address: 397 Jefferson Avenue, Rockville Centre, NY 11570

Occupied by: Vacant

Occupant Address: N/A

94-18 Sutphin Boulevard

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

94-20 Sutphin Boulevard

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

95-02 Sutphin Boulevard

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

95-01 Sutphin Boulevard

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

147-12 95th Avenue

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

147-18 95th Avenue

Residential building owned by: Polsinelli Management Corp.
Owner Address: 95-11 147th Place, Jamaica, NY 11435

95-11 147th Place

Industrial and manufacturing building owned by: Polsinelli Management Corp.
Owner Address: 95-11 147th Place, Jamaica, NY 11435
Occupied by: Atlas Transit Mix Corporation
Occupant Address: 95-11 147th Place, Jamaica, NY 11435

147-30 95th Avenue

Parking lot owned by: Polsinelli Management Corp.
Owner Address: 95-11 147th Place, Jamaica, NY 11435
Occupied by: Atlas Transit Mix Corporation
Occupant Address: 95-11 147th Place, Jamaica, NY 11435

147-36 95th Avenue

Residential building owned by: Polsinelli Management Corp.
Owner Address: 95-11 147th Place, Jamaica, NY 11435

147-38 95th Avenue

Residential building owned by: Polsinelli Management Corp.

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

147-40 95th Avenue

Residential building owned by: 1474095 Ave LLC

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

147-44 95th Avenue

Residential building owned by: Mossammat S. Begum

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

95-04 149th Street

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

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

Occupied by: Dale Pro Audio

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

147-16 94th Avenue

Parking lot owned by: Merkel Properties LLC

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

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

Queens Chronicle

Shops at Atlas Park

71-19 80th Street, Suite 8-201

Glendale, NY 11385

QNS

38-15 Bell Boulevard

Bayside, NY 11361

New York Daily News

270C Duffy Avenue

Hicksville, NY 11801

New York Post

1211 Avenue of the Americas

New York, NY 10036

Press of Southeast Queens

150-50 14th Road

Whitestone, NY 11357

Hoy Nueva York

15 Metrotech Center 7th Floor

Brooklyn, NY 11201

El Diario NY
15 Metrotech Center 7th Floor
Brooklyn, NY 11201

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

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

Rohit Aggarwala
Commissioner, NYC Dept. of Environmental Protection
59-17 Junction Boulevard
Flushing, NY 11373

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

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

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

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

Sunshine Developmental School
91-10 146th Street
Jamaica, NY 11435
(718) 468-9000
Administrators: Pauline Sfakianos, Co-Director and Dr. Amalia Athanasopoulos, Co-Director

7. Locations of the Document Repositories

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

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

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

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

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

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

Tue, Jan 25, 2022 at 10:07 AM

Good Morning,

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

Thanks,

CB12
718-658-3308

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

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

Good Afternoon,

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

Thank you,
Ashley

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

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

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

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

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

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

Thank you, and stay safe!

Sincerely,
Ashley Platt

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

Receipt Confirmation - Customer Inquiry - INC000000324895

1 message

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

Thu, Jan 13, 2022 at 2:01
PM

Dear Ashley Platt,

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

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

Details:

Let us know: Good Afternoon,

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

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

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

Thank you, and stay safe!

Sincerely,
Ashley Platt

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

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

Sincerely Yours,

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

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

Environmental Reports

1 message

Todman, Judith <Judith.Todman@queenslibrary.org>

Thu, Feb 3, 2022 at 11:42 AM

To: "aplatt@tenen-env.com" <aplatt@tenen-env.com>

Cc: "Todman, Judith" <Judith.Todman@queenslibrary.org>, "Lu, Yusheng (Nelson)" <Yusheng.Lu@queenslibrary.org>

Hi Ashley,

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

Thank you ,

Judith

Judith Todman

Manager

CEL Unique Services

Central Library

[89-11 Merrick Blvd.](#)

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

718-990-8633

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