

NYSDEC BROWNFIELD CLEANUP PROGRAM APPLICATION

60 WILLIAM STREET DEVELOPMENT
58-60 WILLIAM STREET
SECTION 38, BLOCK 3, LOTS 31 AND 32
NEWBURGH, NEW YORK

PREPARED FOR:
60 WILLIAM ST. LLC
175 HOOPER STREET
BROOKLYN, NY 11211



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 DESiteControl@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:

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: _____

Yes

No



BCP App Rev 15 – May 2023

SECTION I: Property Information

PROPOSED SITE NAME

ADDRESS/LOCATION

CITY/TOWN

ZIP CODE

MUNICIPALITY (LIST ALL IF MORE THAN ONE)

COUNTY

SITE SIZE (ACRES)

LATITUDE

LONGITUDE

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		
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.					Y	N
2. Is the required property map included with the application? (Application will not be processed without a map)						
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) If yes, identify census tract: _____ Percentage of property in En-zone (check one): 0% 1-49% 50-99% 100%						
4. Is the project located within a disadvantaged community? See application instructions for additional information.						
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.						
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: _____						

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?			
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.			
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.			
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____			
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: _____			
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>			
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>			
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?			
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.		Y	N
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?			
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?			
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? _____		
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			
Chlorinated Solvents			
Other VOCs			
SVOCs			
Metals			
Pesticides			
PCBs			
PFAS			
1,4-dioxane			
Other – indicated below			

*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):

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

Other:

SECTION V: Requestor Information

NAME

ADDRESS

CITY/TOWN

STATE

ZIP CODE

PHONE

EMAIL

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

Y

N

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?

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

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.

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?

2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?

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.

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?

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.

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?

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?	Y	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?		
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?		
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?		
11. Are there any unregistered bulk storage tanks on-site which require registration?		
12. THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:		
PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum, or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.	VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum. NOTE: By 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. 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.	
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?		
Yes	No	N/A

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

ADDRESS

CITY STATE ZIP CODE

PHONE EMAIL

REQUESTOR'S CONSULTANT (CONTACT NAME)

COMPANY

ADDRESS

CITY STATE ZIP CODE

PHONE EMAIL

REQUESTOR'S ATTORNEY (CONTACT NAME)

COMPANY

ADDRESS

CITY STATE ZIP CODE

PHONE EMAIL

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?		
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

SECTION IX: Current Property Owner and Operator Information

CURRENT OWNER		
CONTACT NAME		
ADDRESS		
CITY	STATE	ZIP CODE
PHONE	EMAIL	
OWNERSHIP START DATE		
CURRENT OPERATOR		
CONTACT NAME		
ADDRESS		
CITY	STATE	ZIP CODE
PHONE	EMAIL	
OPERATION START DATE		

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.		
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: _____		

SECTION X: Property Eligibility Information (continued)

	Y	N
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: _____		
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. N/A		
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: _____		
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.		

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 _____ (title) of _____ (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: _____

Signature:  _____

Print Name: _____

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.

BCP App Rev 15

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?		
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?		
3. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)?		
4. Is the property upside down or underutilized as defined below?		
Upside down		
Underutilized		

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](#).

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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)

Environmental Assessment	<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>
Questions 15-17: New York City Sites	<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.

Table of Contents

ATTACHMENT A Section I: Property Information	1
Section I: PROPERTY DESCRIPTION NARRATIVE	2
Section I.8: PREVIOUSLY REMEDIATED	4
Section I.14: ENVIRONMENTAL ASSESSMENT	4
ATTACHMENT B Section II: Project Description	6
SECTION II: PROJECT DESCRIPTION	7
ATTACHMENT C Section III: LAND USE FACTORS	9
Section III: LAND USE FACTORS	10
ATTACHMENT D Section IV: Property’s Environmental History	11
SECTION IV.1: Reports	12
Section IV.2: Sampling Data Analytical Results Summary Tables	15
SECTION IV.3: Sampling Data	16
Figures from April 2023 Limited Phase II Environmental Site Investigation for impacted medium which includes all information requested in Application Section III.3 (Figures 5-6)	17
ATTACHMENT E Section V: Requestor Information	18
SECTION V: REQUESTOR INFORMATION	19
ATTACHMENT F Section VI: REQUESTOR ELIGIBILITY INFORMATION	20
Section VI: REQUESTOR ELIGIBILITY INFORMATION	21
ATTACHMENT G Section IX: CURRENT PROPERTY OWNER/OPERATOR INFORMATION	22
Section IX: CURRENT PROPERTY OWNER/OPERATOR INFORMATION	23
ATTACHMENT H	25
Section XI: CONTACT LIST INFORMATION AND ACKNOWLEDGEMENT FROM REPOSITORY	25
Section XI – CONTACT LIST INFORMATION	26
Acknowledgement from Newburgh Free Library to Act as Document Repository	28
ATTACHMENT I May 2022 Site Remediation Proposal Prepared by Smit Environmental Services	29
ATTACHMENT J July 2022 Phase I Environmental Site Assessment Prepared by Smit Environmental Services	30
ATTACHMENT K December 2022 ASTM Phase I Environmental Site Assessment Prepared by Haley & Aldrich of New York	31
ATTACHMENT L March 2023 Preliminary Geotechnical Evaluation Prepared by Haley & Aldrich of New York	32
ATTACHMENT M April 2023 Limited Phase II Environmental Site Investigation Report Prepared by Haley & Aldrich of New York	33

ATTACHMENT A

Section I: Property Information

SECTION I: PROPERTY DESCRIPTION NARRATIVE

Site Location

The Proposed Brownfield Cleanup Program (BCP) site is located at 58-60 William Street, Newburgh, NY 12550 (Site). The approximately 7,755-square-foot (sf) Site is located in Orange County, New York and identified as Section 38, Block 3, Lots 31 and 32 (pending lot merger).

The Site is bound by multi-story residential buildings to the north, mixed-use commercial and residential buildings to the south, William Street followed by mixed-use commercial and residential buildings to the east, and a recreational playground to the west. The Site is located within an urban area characterized by single to multi-story mixed-use commercial and residential buildings.

A project locus is included in Figure 1. An aerial photograph of the Site is included in Figure 2. A tax map is included in Figure 3. A map showing surrounding land use is included as Figure 4.

Site Features

The Site is composed of one rectangular-shaped lot improved with one vacant two-story residential building that covers a portion of the Site footprint (Lot 31) and one irregular-shaped lot that is currently vacant and undeveloped (Lot 32). Lot 32 was previously developed with two buildings that operated as an auto repair shop and service station and has two underground storage tanks (USTs) located on the southern portion and northeast corner of the lot, as identified during the May 2022 ground-penetrating radar (GPR) survey. The Site has remained relatively unchanged since the late-1980s when the buildings on Lot 32 were demolished. The concrete building slab of the former building on Lot 32 remains in place. Lot 32 and the structure on Lot 31 have been vacant since the applicant acquired the property in July 2022 (Lot 32) and January 2023 (Lot 31).

Current Zoning and Land Use

According to the City of Newburgh Zoning Map dated 1 September 2015, the Site is located in a commercial zoning district (CD) within the East End Historic District. The proposed development of this property is consistent with the current zoning.

Past Site Use

Based on a Phase I Environmental Site Assessment (ESA) prepared by Haley & Aldrich of New York (Haley & Aldrich) for the Site on 30 December 2022, the Site was developed with a shed and a two-story dwelling on Lot 32, and a dwelling was developed on Lot 31 by 1884. By 1890, the dwelling on Lot 32 appears to have been divided into two separate three-story dwellings. By 1913, the dwellings on Lot 32 were labeled as “flats,” and an operating blacksmith was depicted on the northeast corner of Lot 32, while a shed appears to have been added on to the western end of the dwelling on Lot 31 and another shed built on the southwestern portion of Lot 31. In the 1957 Sanborn map, gasoline tanks are depicted on the southern portion of Lot 32 and in the northeast corner of Lot 32 bordering Lot 31. The gasoline tanks are present on Sanborn maps from 1957 to 1971. By the late 1960s, the flats previously depicted on Lot 32 were shown as an auto repair shop and service station, operating as “Sam & Irv’s Service Station,” while the rest of the Site remained relatively unchanged. It is unknown how long the service station remained in operation; however, the buildings on Lot 32 were depicted as demolished by 1987. Lot 32 and the Site building located on Lot 31 are currently vacant, and the structure remains unchanged since at least 1913.

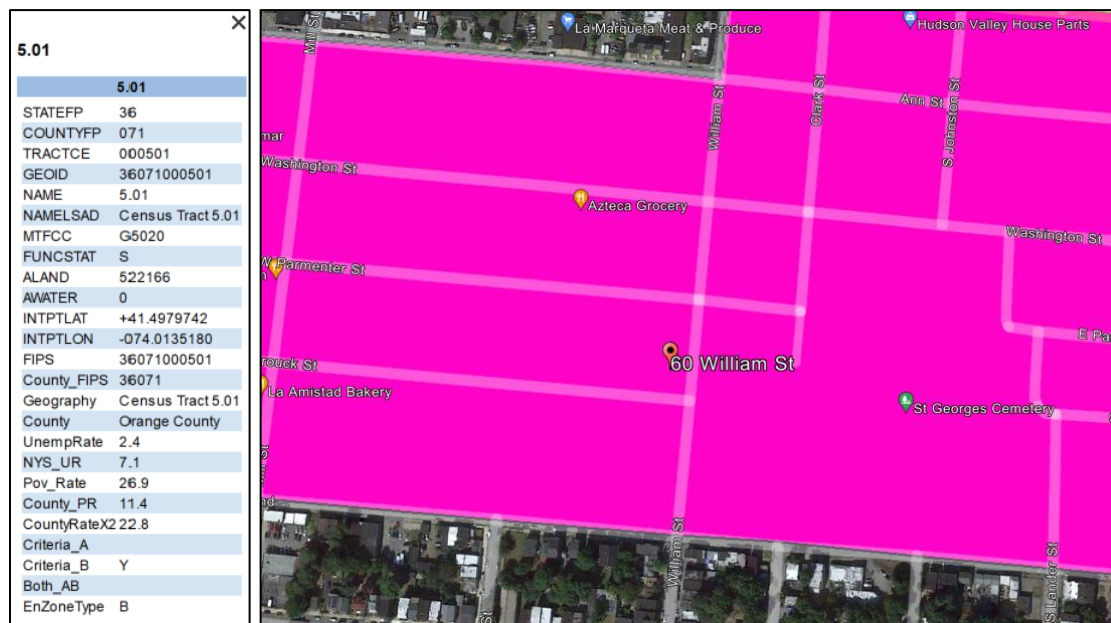
Site Geology and Hydrogeology

Based on findings from the April 2023 Limited Phase II Environmental Site Investigation (ESI), material generally underlying the Site consists of light to dark brown, coarse to medium silty sand and varying amounts of brick, gravel, and concrete was observed from surface grade to approximately 4 to 6 feet below grade surface (ft bgs) in each soil boring. Surficial soils were underlain by a potential native layer consisting of light brown to orange-brown coarse to medium sand with varying amounts of silt, clay, gravel, and ceramic pieces.

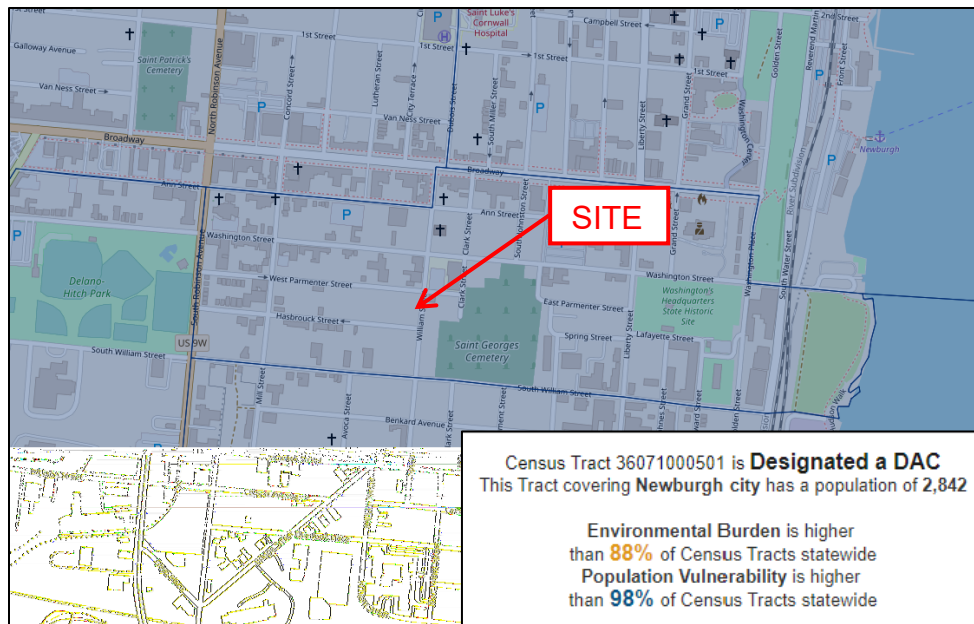
The topography of the Site is generally flat. The ground level elevation on the site is approximately 145 ft above mean sea level (amsl). Groundwater was encountered at approximately 10.5 ft bgs during the April 2023 Limited Phase II ESI. The inferred regional groundwater flow direction for the area surrounding the site is to the east based on proximity to the Hudson River.

Environmental Zone Designation

The entire Site is located within an EnZone (Type B in Census Tract 5.01).



The entire Site is located within a Disadvantaged Community (DAC) (Census Tract 36071000501).



SECTION I.8: PREVIOUSLY REMEDIATED

It is our understanding that the Site has not been subject to any remedial action.

SECTION I.14: ENVIRONMENTAL ASSESSMENT

The Requestor seeks entry into the New York State Department of Environmental Conservation (NYSDEC) BCP at the investigation stage. Previously, a Site Remediation Proposal/limited subsurface investigation report dated 31 May 2022 was completed for the Site by Smit Environmental Services, LLC (SES), a Phase I ESA dated 12 July 2022 was completed for the Site by SES, a Phase I ESA dated 30 December 2022 was completed for the Site by Haley & Aldrich, a Preliminary Geotechnical Evaluation dated 22 March 2023 was completed for the Site by Haley & Aldrich, and a Limited Phase II ESI Report dated 10 April 2023 was completed for the Site by Haley & Aldrich.

Based on the findings of the April 2023 Limited Phase II ESI, as indicated in the summary letter, primary contaminants of concern at the Site include semi-volatile organic compounds (SVOCs), specifically polycyclic aromatic hydrocarbons (PAHs), and metals in surficial soils; and, chlorinated volatile organic compounds (CVOCs), including tetrachloroethene (PCE), and petroleum-related volatile organic compounds (VOCs), including benzene, toluene, ethylbenzene, and xylene (BTEX) in sub-slab soil vapor. Additional investigation is necessary to determine if an on-site source of contamination exists. A summary of findings from the April 2023 Phase II ESI is provided below:

Soil

Soil analytical results were compared to NYSDEC Title 6 of the Official Compilation of New York Codes, Rules, and Regulations (NYCRR) Part 375 Unrestricted Use Soil Cleanup Objectives (UUSCOs), Restricted-Residential Use Soil Cleanup Objectives (RRSCOs), and Protection of Groundwater Soil Cleanup Objectives (PGWSCOs).

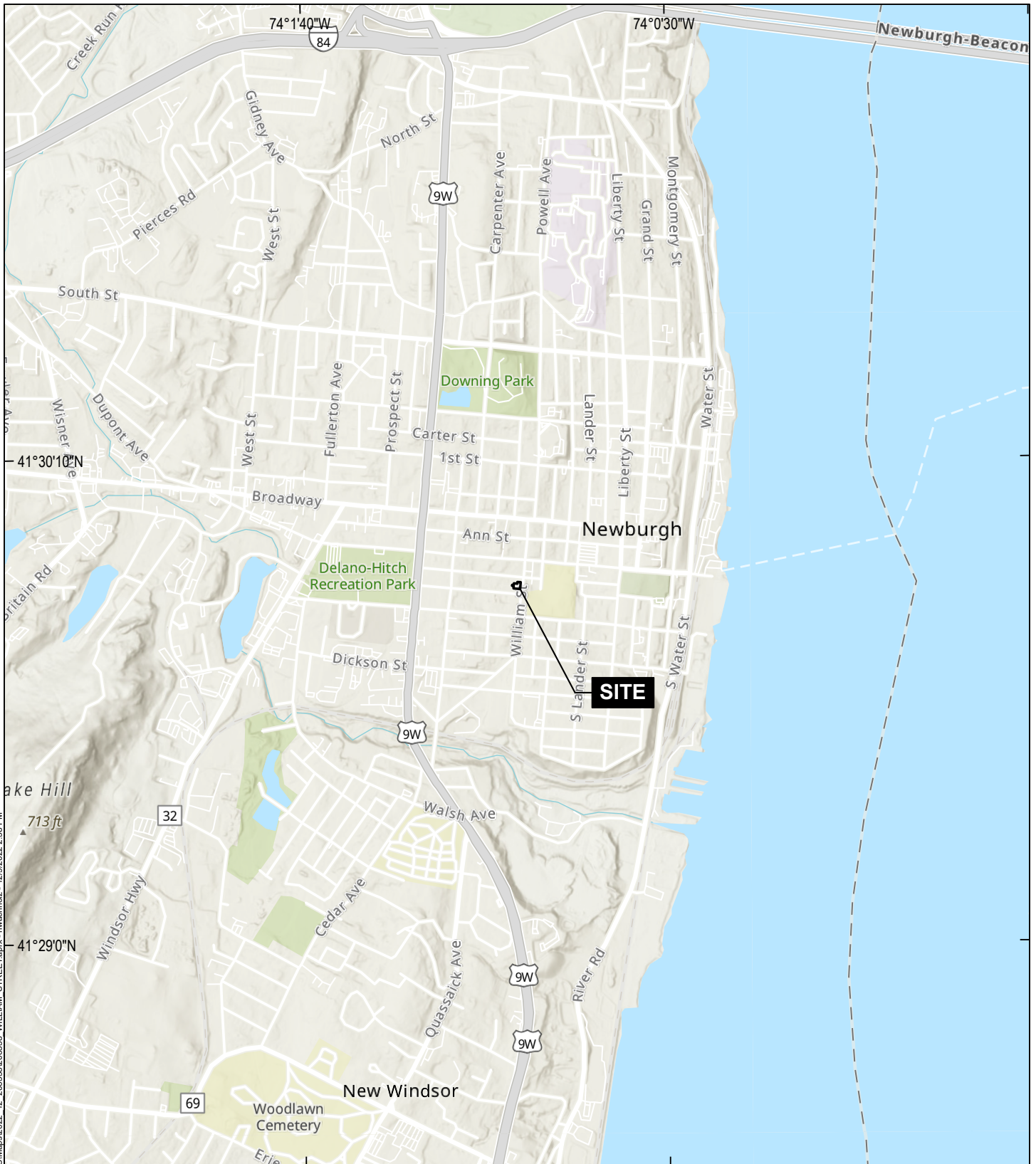
SVOCs were identified in soil sample B-04 (0-1) at concentrations exceeding UUSCOs, RRSCOs, and/or PGWSCOs. Two SVOCs were detected in B-04 (0-1) at concentrations exceeding UUSCOs, RRSCOs and PGWSCOs, including benzo(a)anthracene (concentration 1.9 milligrams per kilogram [mg/kg]), and benzo(a)pyrene (concentration 2.1 mg/kg). Chrysene (maximum concentration 2.2 mg/kg) was detected

in B-04 (0-1) at a concentration exceeding the UUSCO and PGWSCO but below the RRSCO. Two SVOCs were detected in B-04 (0-1) at concentrations exceeding UUSCOs and RRSCOs, but were below PGWSCOs, including benzo(b)fluoranthene (maximum concentration 2.6 mg/kg), and indeno(1,2,3-cd)pyrene (concentration 1.4 mg/kg). Benzo(k)fluoranthene (concentration 0.82 mg/kg) was detected in B-04 (0-1) exceeding UUSCOs but below RRSCOs.

Metals were identified in soil sample B-04 (0-1) at concentrations exceeding UUSCOs, RRSCOs and/or PGWSCOs. Concentrations of three metals exceeded RRSCOs and PGWSCOs, including arsenic (maximum concentration of 35.4 mg/kg), lead (maximum concentration 2,770 mg/kg), and mercury (maximum concentration 1.33 mg/kg). Barium (maximum concentration of 535 mg/kg) was identified in soil sample B-04 (0-1) at concentrations above the RRSCO, but below the PGWSCO. Two metals were identified in soil sample B-04 (0-1) at concentrations above UUSCOs, but below RRSCOs and PGWSCOs, including zinc (maximum concentration of 818 mg/kg), and copper (maximum concentration of 93.9 mg/kg). Metals were also identified in soil samples B-01 (1-3) and B-03 (4-6) at concentrations above UUSCOs, but below RRSCOs and PGWSCOs, including lead (maximum concentration of 70.1 mg/kg in B-01 (1-3)), and mercury (maximum concentration of 0.547 mg/kg in B-01 (1-3) and 0.244 mg/kg in B-03 (4-6)).

Sub-Slab Soil Vapor

No standard currently exists for soil vapor samples in New York State. Total VOC concentrations in sub-slab soil vapor samples ranged from 933 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) in SG-02 to 4,330 $\mu\text{g}/\text{m}^3$ in SG-01. Total BTEX concentrations ranged from 134 $\mu\text{g}/\text{m}^3$ in SG-02 to 4,143 $\mu\text{g}/\text{m}^3$ in SG-01. Total concentrations of CVOCs in sub-slab soil vapor samples ranged from non-detect in SG-02 to 35.3 $\mu\text{g}/\text{m}^3$ in SG-01. The CVOC PCE was detected at a concentration of 35.3 $\mu\text{g}/\text{m}^3$ in SG-01.



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MAP SOURCE: ESRI
SITE COORDINATES: 41°29'52"N, 74°0'59"W

**HALEY
ALDRICH**

58-60 WILLIAM STREET
NEWBURGH, NEW YORK

PROJECT LOCUS




APPROXIMATE SCALE: 1 IN = 2000 FT
DECEMBER 2022

FIGURE 1

GIS FILE PATH: \\haleyaldrich.com\share\CF\Projects\020638\GIS\Maps\2023_09\020638_000_0002_SITE_PLAN.mxd — USER: mmjones — LAST SAVED: 9/20/2023 2:14:59 PM

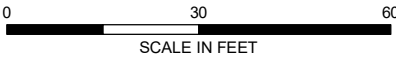


LEGEND

-  SITE BOUNDARY
-  PARCEL BOUNDARY
-  APPROXIMATE LOCATION OF SUSPECTED USTs

NOTES

1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
2. ASSESSOR PARCEL DATA SOURCE: ORANGE COUNTY GIS
3. AERIAL IMAGERY SOURCE: NEARMAP, 27 SEPTEMBER 2022



**HALEY
ALDRICH**

58-60 WILLIAM STREET
NEWBURGH, NEW YORK

SITE PLAN

SEPTEMBER 2023

FIGURE 2

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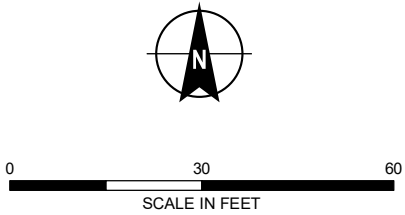


LEGEND

SITE BOUNDARY

PARCEL BOUNDARY

- NOTES**
1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
 2. ASSESSOR PARCEL DATA SOURCE: ORANGE COUNTY GIS
 3. AERIAL IMAGERY SOURCE: NEARMAP, 27 SEPTEMBER 2022

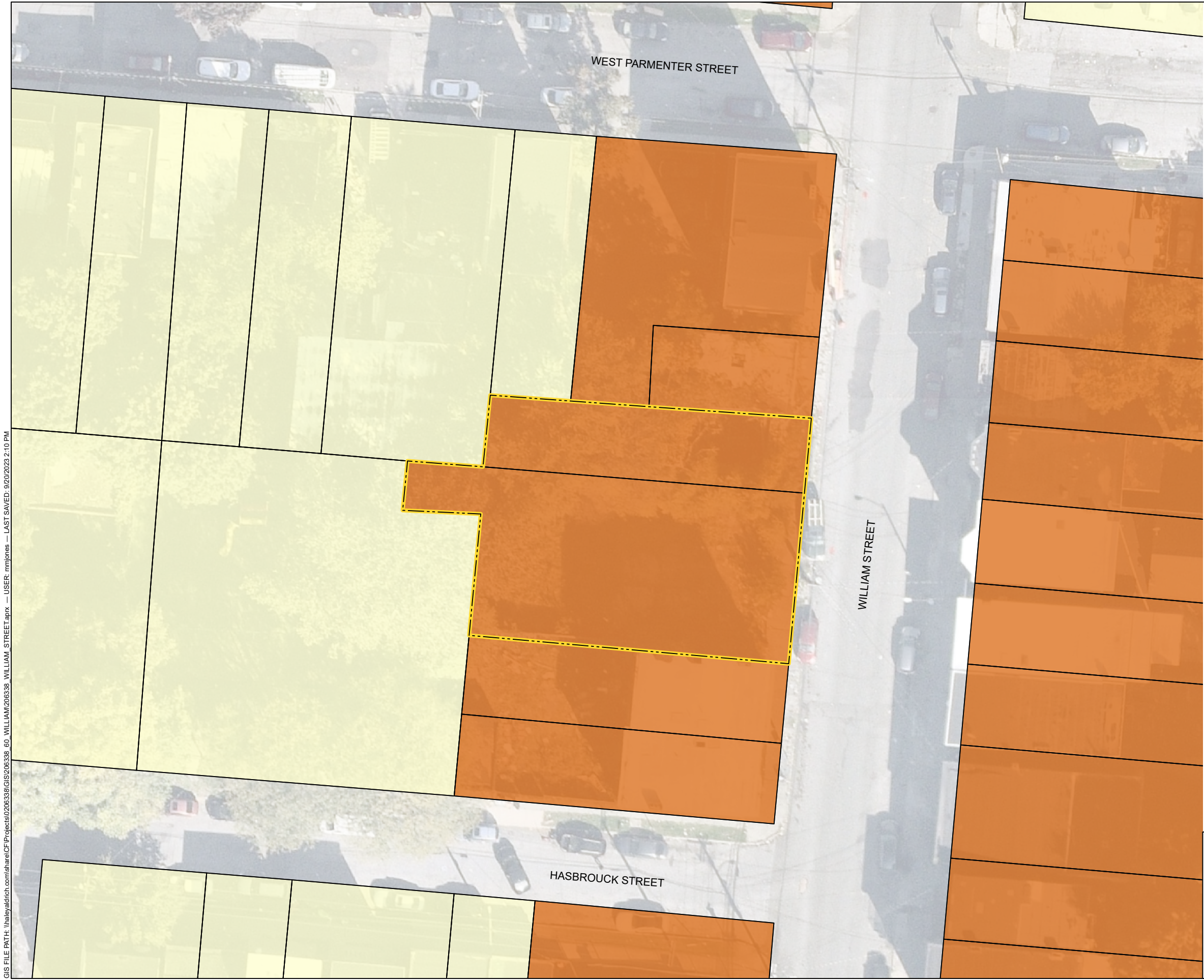


**HALEY
ALDRICH** 58-60 WILLIAM STREET
NEWBURGH, NEW YORK

TAX MAP





SEPTEMBER 2023

FIGURE 3



LEGEND

LAND USE TYPE

-  COMMERCIAL DISTRICT
-  LOW-DENSITY RESIDENTIAL
-  SITE BOUNDARY
-  PARCEL BOUNDARY

NOTES

1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
2. LAND USE SOURCE: ORANGE COUNTY, NEW YORK 2015
3. AERIAL IMAGERY SOURCE: NEARMAP, 11 OCTOBER 2022



0 30 60
SCALE IN FEET

**HALEY
ALDRICH**

58-60 WILLIAM STREET
NEWBURGH, NEW YORK

SURROUNDING LAND USE

SEPTEMBER 2023

FIGURE 4

ATTACHMENT B

Section II: Project Description

SECTION II: PROJECT DESCRIPTION

The purpose of the project is to redevelop an underutilized and contaminated property in addition to implementing remedial measures to protect human health and the environment.

The Site is composed of one rectangular-shaped lot improved with one vacant two-story residential building (Lot 31) and one irregular-shaped lot that is currently vacant and undeveloped (Lot 32). Lot 32 was previously developed with two buildings operated as an auto repair shop and service station and has two USTs located on the southern portion and northeast corner of the lot. Lot 32 and the structure on Lot 31 have been vacant since the applicant acquired the property in July 2022 (Lot 32) and January 2023 (Lot 31).

Proposed Development

While the development plans are conceptual at this time, the planned project will consist of constructing a new five-story mixed use structure with one full cellar level. The new development is anticipated to extend approximately 10 to 12 ft bgs and encompass the majority of the Site footprint.

Following NYSDEC approval of this BCP Application and its associated Remedial Investigation Work Plan (RIWP), the proposed work will include:

1. Demolition of the existing buildings, installation of the full cellar, and removal of the USTs.
2. Performance of a remedial investigation (RI) to characterize the nature and extent of contamination and identify remedial measures.
3. Excavation and off-site disposal of contaminated soil.
4. Implementation of remedial measures, as required, in tandem with site-wide redevelopment.

Rationale for BCP Program

The Requestor seeks to enter the NYSDEC BCP at the investigation stage.

Upon review of analytical results from previous environmental investigations conducted at the Site (discussed in further detail in Section IV), the Requestor seeks to enter the NYSDEC BCP due to the contaminants of concern identified at the Site, primarily including heavy metals and SVOCs in surficial soils and CVOCs and BTEX in sub-slab soil vapor.

While the Limited Phase II ESI provided preliminary site characterization data, it did not fully determine the nature and extent of contamination. Requestor is, therefore, also submitting for NYSDEC approval a Draft RIWP along with this BCP Application.

Project Schedule

It is anticipated that the Remedial Investigation will commence once Requestor is accepted into the BCP and the RIWP is approved by the Department. Implementation of the remedy would start within 6 to 8 months following acceptance of the Remedial Investigation Report by NYSDEC. Completion of the remedy is anticipated by March 2025 with a Certificate of Completion expected by mid-2025. A tentative project schedule is below.

Item	Task	Duration (days)	Start	End	2023			2024												2025				
					OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY
1	Preparation and Submission of BCP Application, RIWP and CPP	120	9/1/2023	1/1/2024																				
2	30-Day Public Comment Period for BCP Application and RIWP	30	1/1/2024	2/1/2024																				
3	Execute BCA and NYSDEC & NYSDOH Approval of the RIWP	30	2/1/2024	3/1/2024																				
4	Implementation of Remedial Investigation	30	3/1/2024	4/1/2024																				
5	Preparation and Submission of RIR and RAWP	60	4/1/2024	6/1/2024																				
6	NYSDEC & NYSDOH Review of RIR and RAWP	60	6/1/2024	8/1/2024																				
7	45-Day Public Comment Period for RAWP and Issuance of Decision Document	45	8/1/2024	9/1/2024																				
8	Implementation of RAWP with Engineering Oversight	150	9/1/2024	1/1/2025																				
9	Preparation of FER and SMP (if required)	90	1/1/2025	3/1/2025																				
10	NYSDEC & NYSDOH Review of FER (and SMP, if required)	60	3/1/2025	5/1/2025																				
11	NYSDEC Issues COC	30	5/1/2025	6/1/2025																				

Notes:

This is an estimated schedule; all items are subject to change

Completion of item 8 refers to the completion of remediation and not the end of overall construction

BCP = Brownfield Cleanup Program

NYSDEC = New York State Department of Environmental Conservation

BCA = Brownfield Cleanup Agreement

RIWP = Remedial Investigation Work Plan

CPP = Citizen Participation Plan

NYSDOH = New York State Department of Health

RIR = Remedial Investigation Report

RAWP = Remedial Action Work Plan

FER = Final Engineering Report

SMP = Site Management Plan

COC = Certificate of Completion

ATTACHMENT C

Section III: LAND USE FACTORS

SECTION III: LAND USE FACTORS

Zoning

According to the City of Newburgh Zoning Map dated 1 September 2015, the Site is located in a commercial zoning district (CD) within the East End Historic District. Commercial zoning districts are characterized primarily by retail and service-related businesses, and, under closely controlled conditions, light industrial uses that are frequented by the general public.

Current Use

The approximately 7,755 sf (0.178 acre) Site is composed of one rectangular-shaped lot improved with one vacant two-story residential building (Lot 31) and one irregular-shaped lot that is currently vacant and undeveloped (Lot 32). Lot 32 was previously developed with two buildings that operated as an auto repair shop and service station and has two USTs located on the southern portion and northeast corner of the lot. Lot 32 became vacant in 1987 and Lot 31 became vacant in 1979 when the City of Newburgh took ownership of the lots.

Intended Use Post-Remediation

While the development plans are conceptual at this time, the planned project will consist of constructing a new five-story mixed-use structure with one full cellar level. The new development is anticipated to extend approximately 10 to 12 ft bgs and encompass the majority of the Site footprint.

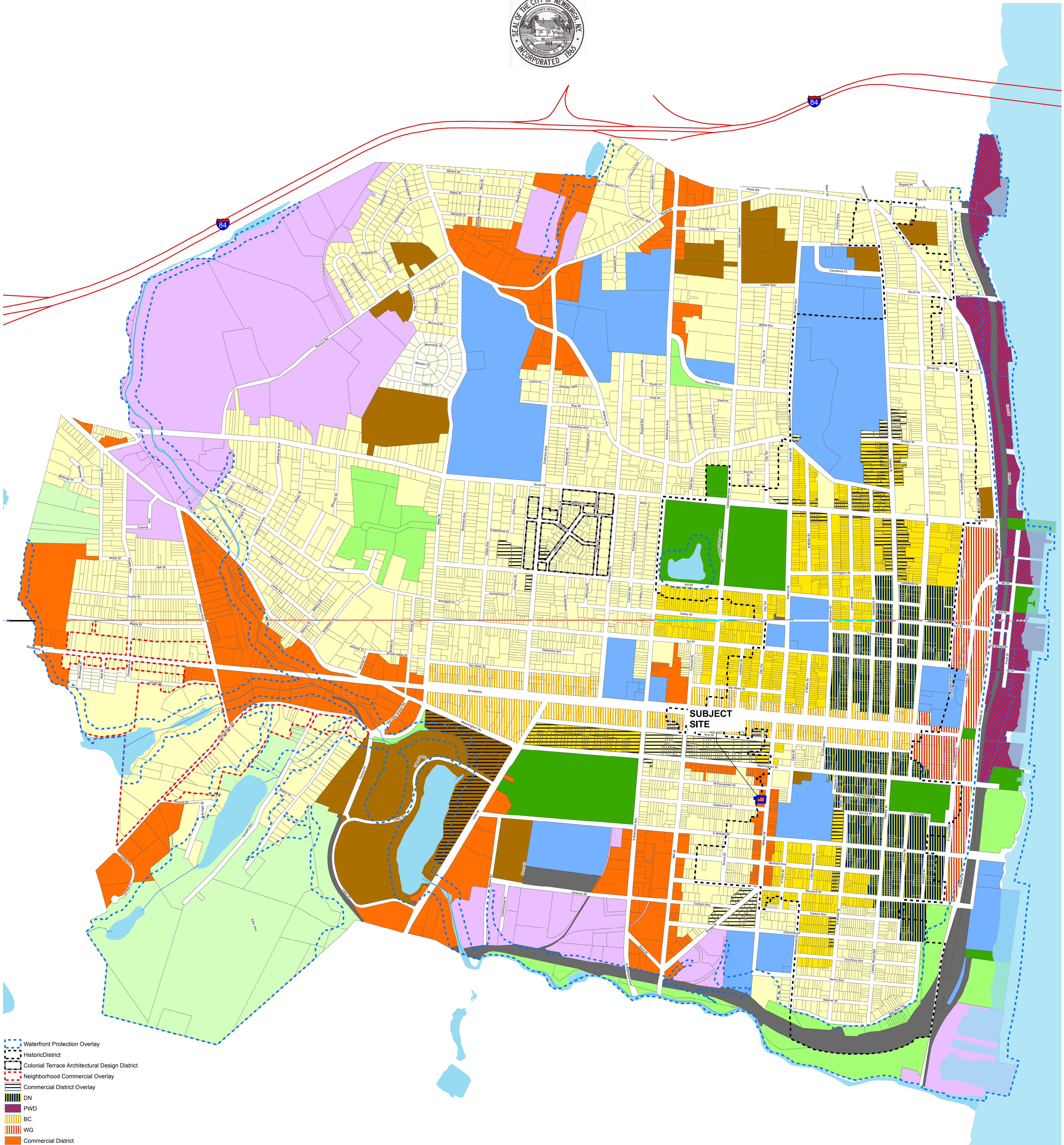
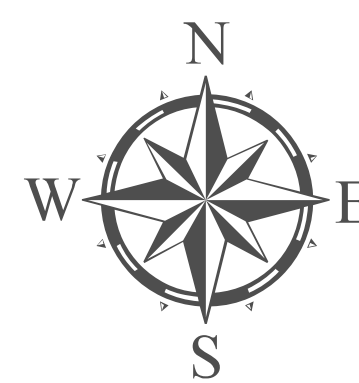
The architectural set is still in the design phase and will be released when available.

Compliance with Applicable Zoning Laws, Recent Development and Community Master Plans

According to the City of Newburgh Zoning Map dated 1 September 2015, the Site is located in a commercial zoning district (CD) within the East End Historic District. The proposed development of this property is consistent with the current zoning. The applicable zoning map is included as an attachment.

The proposed development is consistent comprehensive community master plans including the Newburgh Vision Plan and Future Land Use Plan which includes the redevelopment and revitalization of vacant and underutilized properties in the city of Newburgh.

City of Newburgh Zoning



- Waterfront Protection Overlay
- Historic District
- Colonial Terrace Architectural Design District
- Neighborhood Commercial Overlay
- Commercial District Overlay
- DN
- PWD
- BC
- WG
- Commercial District
- Conservation Development District
- Industrial District
- Institution
- Open Space
- Park
- R1
- RL
- RM
- RH
- Utility



Effective September 1, 2015

Map produced and maintained by City of Newburgh.

FOR VISUAL REFERENCE ONLY

DISCLAIMER: Maps and data are provided without warranty concerning the accuracy, completeness, or suitability for any particular purpose. City of Newburgh makes no representations and assumes no liability from any damage arising out of reliance upon the information contained herein.

ATTACHMENT D

Section IV: Property's Environmental History

SECTION IV.1: REPORTS

The following reports were prepared for the Site prior to the Requestor's application:

1. May 2022 Phase I ESA, prepared by Smit Environmental Services, LLC
2. July 2022 Phase I ESA, prepared by Smit Environmental Services, LLC
3. December 2022 Phase I ESA, prepared by Haley & Aldrich
4. March 2023 Preliminary Geotechnical Investigation, prepared by Haley & Aldrich
5. April 2023 Limited Phase II Report, prepared by Haley & Aldrich

The reports above are provided as separate standalone files within the folder shared via NYSDEC's File Transfer System (FTS). A summary of the environmental findings from these investigations is provided below.

May 2022 Site Remediation Proposal, Prepared by Smit Environmental Services, LLC

SES conducted a limited subsurface investigation in the vicinity of the anomalies detected during a ground-penetrating radar (GPR) survey. Two metal anomalies, suspected to be USTs, were identified on Lot 32 during the GPR survey. One anomaly was located on the southern portion of the property and the other on the northeastern portion bordering Lot 31. Two gasoline tanks were also identified on historic Sanborn maps, one located on the southeast portion and the other on the northeast portion of Lot 32. A limited subsurface investigation was conducted in the vicinity of the anomalies identified during the survey and included the installation of two soil borings (B1 and B2) to 10 ft bgs. Elevated photoionization detector (PID) readings were detected from 4 to 10 ft bgs at boring B1, ranging from 35.7 to 156.8 parts per million (ppm). One soil sample was collected from boring B1 and analytical results indicated the presence of two VOCs above UUSCOs and one SVOC above laboratory detection limits.

July 2022 Phase I Environmental Site Assessment, Prepared by Smit Environmental Services, LLC

SES conducted a Phase I ESA for 60 William Street (Lot 32) in July 2022. SES identified two Recognized Environmental Concerns (RECs) associated with the property, including two USTs detected during the GPR survey and the presence of impacted soil surrounding the tanks during a limited subsurface investigation. SES also identified one environmental issue in connection to the Site, including the Site's historic use as an auto repair facility.

December 2022 Phase I Environmental Site Assessment, Prepared by Haley and Aldrich

Haley and Aldrich conducted a Phase I ESA at 56-60 William Street (lots 30, 31, and 32). Haley and Aldrich identified the Site was developed with a shed and a two-story dwelling on Lot 32, and a dwelling and shed were developed on Lots 30 and 31 by 1884. By 1890, the dwelling on Lot 32 appears to have been divided into two separate three-story dwellings. By 1890, a building operating as a "print shop" was depicted on Lot 30. By 1913, the dwellings on Lot 32 were labeled as "flats," and an operating blacksmith was depicted on the northeast corner of Lot 32, while a shed appears to have been added on to the western end of the dwelling on Lot 31 and another shed built on the southwestern portion of Lot 31, and a store was present on Lot 30. In the 1957 Sanborn map, gasoline tanks are depicted on the southeast corner of Lot 32 and in the northeast corner of Lot 32 bordering Lot 31. The gasoline tanks are present on Sanborn maps from 1957 to 1971. By the late 1960s, the flats previously depicted on Lot 32 were shown as an auto repair shop and service station, operating as "Sam & Irv's Service Station." The buildings on Lot 32 were depicted as demolished by 1987 and the Site is currently vacant.

The following environmental concerns were identified in connection with the Site:

- One REC is associated with the Site, the historic use of the Site as an auto repair facility and service station as well as two gasoline tanks with no accompanying documentation of registration, closure, or removal available.
- One Historic Recognized Environmental Concern (HREC) is associated with the Site, including a spill that was reported due to a leak in the fuel pump of a boiler. Approximately two gallons of #2 fuel oil was spilled on the concrete floor. The spill was reportedly cleaned up and the NYSDEC closed the case in February 1992.
- Site reconnaissance conducted as part of the Phase I ESA identified evidence of fire damage on the vacant buildings on Lots 30 and 31, and a dry cleaner was observed southeast and cross-gradient to the Site across William Street.

The Phase I ESA did not identify any Controlled Recognized Environmental Conditions (CRECs) associated with the Site.

It should be noted that the Requestor is not including 56 Williams Street (Lot 30) as part of this application.

March 2023 Preliminary Geotechnical Investigation, Prepared by Haley & Aldrich

Haley & Aldrich completed a preliminary geotechnical investigation at the Site between 21 and 23 February 2023. This investigation included the advancement of two test borings and identified a fill layer ranging in depth from 5 to 11 ft bgs, followed by glacial deposits and decomposed bedrock. Groundwater was encountered during this investigation between 10.2 and 10.7 ft bgs.

April 2023 Limited Phase II Report, Prepared by Haley & Aldrich

Haley & Aldrich completed a Limited Phase II ESI at the Site to investigate soil, groundwater, and soil vapor quality beneath the Site. The investigation was performed between 22 and 24 February and on 2 March 2023, and included installation of seven soil borings to depths between 1 and 10 ft bgs, installation of one permanent monitoring well to 20 ft bgs, and installation of two temporary sub-slab soil vapor points to a depth of approximately 1 ft bgs. In total, seven soil samples, one groundwater sample, and two sub-slab soil vapor samples were collected. Field observations and laboratory analytical results are summarized below:

Soil

Urban fill generally consisting of light to dark brown, coarse to medium silty sand and varying amounts of brick, gravel, concrete was observed from surface grade to approximately 4 to 6 ft bgs in each soil boring. The urban fill layer was underlain by a potential native layer consisting of light brown to orange-brown coarse to medium sand with varying amounts of silt, clay, gravel, and ceramic pieces.

- Soil analytical results were compared to NYSDEC 6NYCRR Part 375 UUSCOs, RRSCOs, and PGWSCOs. Soil samples collected during the investigation revealed the following:
 - No VOCs were detected at concentrations exceeding UUSCOs or RRSCOs in any of the seven soil samples collected.
 - SVOCs were identified in soil sample B-04 (0-1) at concentrations exceeding UUSCOs, RRSCOs, and/or PGWSCOs. Two SVOCs were detected in B-04 (0-1) at concentrations exceeding UUSCOs, RRSCOs and PGWSCOs, including benzo(a)anthracene (concentration 1.9 mg/kg), and benzo(a)pyrene (concentration 2.1 mg/kg). Chrysene (maximum concentration 2.2 mg/kg) was detected in B-04 (0-1) at concentrations exceeding the UUSCO and PGWSCO but below RRSCO. Two SVOCs were detected in B-04 (0-1) at

concentrations exceeding UUSCOs and RRSCOs, but were below PGWSCOs, including benzo(b)fluoranthene (maximum concentration 2.6 mg/kg), and indeno(1,2,3-cd)pyrene (concentration 1.4 mg/kg). Benzo(k)fluoranthene (concentration 0.82 mg/kg) was detected in B-04 (0-1) exceeding the UUSCO but below the RRSCO.

- Metals were identified in soil sample B-04 (0-1) at concentrations exceeding UUSCOs, RRSCOs and/or PGWSCOs. Concentrations of three metals exceeded RRSCOs and PGWSCOs, including arsenic (maximum concentration of 35.4 mg/kg), lead (maximum concentration 2770 mg/kg), and mercury (maximum concentration 1.33 mg/kg). Barium (maximum concentration of 535 mg/kg) was identified in soil sample B-04 (0-1) at concentrations above RRSCOs, but below PGWSCOs. Two metals were identified in soil sample B-04 (0-1) at concentrations above UUSCOs, but below RRSCOs and PGWSCOs, including zinc (maximum concentration of 818 mg/kg), and copper (maximum concentration of 93.9 mg/kg). Metals were also identified in soil samples B-01 (1-3) and B-03 (4-6) at concentrations above UUSCOs, but below RRSCOs and PGWSCOs, including lead (maximum concentration of 70.1 mg/kg in B-01 (1-3)), and mercury (maximum concentration of 0.547 mg/kg in B-01 (1-3) and 0.244 mg/kg in B-03 (4-6)).

Groundwater

Groundwater sample OW-1-20230223 was analyzed for VOCs and analytical results were compared to 6NYCRR Part 703.5 NYSDEC Technical and Operational Guidance Series 1.1.1 Ambient Water Quality Standards (AWQS).

- No VOCs were detected above the AWQS in the groundwater sample collected from OW-1.

Sub-Slab Soil Vapor

No standard currently exists for soil vapor samples in New York State. Total VOC concentrations in sub-slab soil vapor samples ranged from 933 $\mu\text{g}/\text{m}^3$ in SG-02 to 4,330 $\mu\text{g}/\text{m}^3$ in SG-01. Total BTEX concentrations ranged from 134 $\mu\text{g}/\text{m}^3$ in SG-02 to 4,143 $\mu\text{g}/\text{m}^3$ in SG-01. Total concentrations of CVOCs in sub-slab soil vapor samples ranged from non-detect in SG-02 to 35.3 $\mu\text{g}/\text{m}^3$ in SG-01. The CVOC PCE was detected at a concentration of 35.3 $\mu\text{g}/\text{m}^3$ in SG-01.

Section IV.2: Sampling Data Analytical Results Summary Tables

Soil Summary Table

Analytes > RRSCO	Detections > RRSCOs	Max Concentration (ppm)	RRSCO (ppm)	Depth
Benzo(a)anthracene	1	1.9	1	0-1'
Benzo(a)pyrene	1	2.1	1	0-1'
Benzo(b)fluoranthene	1	2.6	1	0-1'
Indeno(1,2,3-cd)pyrene	1	1.4	0.5	0-1'
Arsenic	1	35.4	16	0-1'
Barium	1	535	400	0-1'
Lead	1	2,770	400	0-1'
Mercury	1	1.33	0.81	0-1'

Soil Vapor Summary Table

Analytes	Total Detections	Max Detection ($\mu\text{g}/\text{m}^3$)	Type
Benzene	2	20.3	Sub-Slab
Ethylbenzene	1	10.2	Sub-Slab
m,p-Xylenes	2	26.9	Sub-Slab
o-Xylene	1	10.1	Sub-Slab
Toluene	2	4,110	Sub-Slab
Tetrachloroethene	1	35.3	Sub-Slab
Total VOCs	2	4,330	Sub-Slab
Total BTEX	2	4,134	Sub-Slab

Notes:

RRSCO = NYSDEC Restricted Residential Use Soil Cleanup Objective

ppm = parts per million

$\mu\text{g}/\text{m}^3$ = microgram per cubic meter

SECTION IV.3: SAMPLING DATA

For each impacted medium above, refer to Figures 5 and 6 attached below from the April 2023 Limited Phase II ESI Summary prepared by Haley & Aldrich which include detailed information requested in Application Section IV.3.

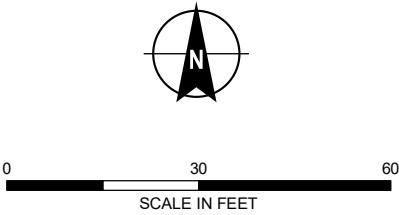
Figures from April 2023 Limited Phase II Environmental Site Investigation for impacted medium which includes all information requested in Application Section III.3 (Figures 5-6)

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NYCRR Part 375 SCOs				
Analyte	Units	UUSCOs	RRSCOs	PGWSCOs
Volatile Organic Compounds (VOCs)				
1,2,4-Trimethylbenzene	mg/kg	3.6	52	15
Semi-Volatile Organic Compounds (SVOCs)				
Benzo(a)anthracene	mg/kg	1	1	1
Benzo(a)pyrene	mg/kg	1	1	22
Benzo(b)fluoranthene	mg/kg	1	1	1.7
Benzo(k)fluoranthene	mg/kg	0.8	3.9	1.7
Chrysene	mg/kg	1	3.9	1
Indeno(1,2,3-cd)pyrene	mg/kg	0.5	0.5	8.2
Inorganic Compounds (Metals)				
Arsenic	mg/kg	13	16	16
Barium	mg/kg	350	400	820
Copper	mg/kg	50	270	1720
Lead	mg/kg	63	400	450
Mercury	mg/kg	0.18	0.81	0.73
Zinc	mg/kg	109	10000	2480

- NOTES
1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
 2. ASSESSOR PARCEL DATA SOURCE: ORANGE COUNTY GIS
 3. AERIAL IMAGERY SOURCE: NEARMAP, 27 SEPTEMBER 2022
 4. EXCEEDANCES OF UUSCOs SHADED GRAY
 5. EXCEEDANCES OF UUSCOs AND RRSCOs ARE SHADED YELLOW
 6. EXCEEDANCES OF PGWSCOs ARE BOLDDED AND ITALICISED
 7. PGWSCO = NYSDEC PART 375 PROTECTION OF GROUNDWATER SCO
 8. RRSCO = NYSDEC PART 375 RESTRICTED-USE RESIDENTIAL SCO
 9. UUSCO = NYSDEC PART 375 UNRESTRICTED USE SCO



HALEY ALDRICH

58-60 WILLIAM STREET
NEWBURGH, NEW YORK

SOIL ANALYTICAL
RESULTS

SEPTEMBER 2023

FIGURE 5

GIS FILE PATH: \\haleyaldrich.com\share\CF\Projects\020638\GIS\Maps\2023_09\020638_000_0002_SITE_PLAN.mxd — USER: rmljones — LAST SAVED: 9/20/2023 2:14:59 PM



Sample Name	SG-02-20230223
Sample Date	02/23/2023
Lab Sample ID	L2309842-01
Volatile Organic Compounds (ug/m3)	
1,2,4-Trimethylbenzene	2.3
1,3,5-Trimethylbenzene	0.983
2,2,4-Trimethylpentane	84.1
2-Butanone (Methyl Ethyl Ketone)	5.04
Acetone	131
Benzene	20.3
Carbon disulfide	0.975
Chloroform (Trichloromethane)	1.37
Chloromethane (Methyl Chloride)	0.828
Cyclohexane	42.3
Dichlorodifluoromethane (CFC-12)	2.31
Ethanol	366
Ethylbenzene	10.2
Hexane	101
Isopropyl Alcohol (2-Propanol)	4.25
m,p-Xylenes	26.9
N-Heptane	55.3
o-Xylene	10.1
Toluene	66.3
Trichlorofluoromethane (CFC-11)	1.39
SUM of VOCs	933
SUM of CVOCs	ND
SUM of BTEX	134

Sample Name	SG-01-20230224
Sample Date	02/24/2023
Lab Sample ID	L2310154-01
Volatile Organic Compounds (ug/m3)	
2,2,4-Trimethylpentane	28.4
Benzene	9.52
Cyclohexane	12.6
Hexane	87.8
m,p-Xylenes	23.7
N-Heptane	22.7
Tetrachloroethene	35.3
Toluene	4110
SUM of VOCs	4330
SUM of CVOCs	35.3
SUM of BTEX	4143

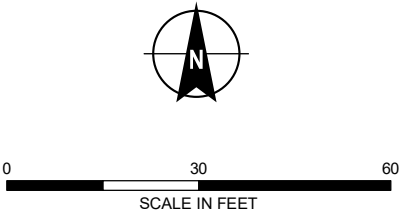
LEGEND

SITE BOUNDARY

PARCEL BOUNDARY

SUB SLAB SOIL VAPOR SAMPLE LOCATION

- NOTES**
1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
 2. ASSESSOR PARCEL DATA SOURCE: ORANGE COUNTY GIS
 3. AERIAL IMAGERY SOURCE: NEARMAP, 27 SEPTEMBER 2022



HALEY ALDRICH 58-60 WILLIAM STREET
NEWBURGH, NEW YORK

SOIL VAPOR ANALYTICAL
RESULTS

ATTACHMENT E

Section V: Requestor Information

SECTION V: REQUESTOR INFORMATION

The entity requesting participation in the BCP (The Requestor) is 60 William St. LLC, a New York State Domestic Business Corporation.

The proposed BCP Site is currently owned by the Requestor, 60 William St. LLC., which is a New York State Limited Liability Company. The deeds dated 19 January 2023 and 14 July 2022 for Lots 31 and 32, respectively, were provided by the owner and are included as an attachment.

Hershy Weinstock is a member and an authorized representative of 60 William St. LLC.

The contact information for Hershy Weinstock is:

Hershy Weinstock
175 Hooper Street
Brooklyn, NY 11211
Phone: (845) 662-4735
Email: hershy@grcgny.com

A printout of the entity information from the New York State Department of State's Corporation & Business Entity Database for 60 William St. LLC is included in this attachment.

All documents will be certified by a Haley & Aldrich Licensed Professional Engineer and/or 60 William St. LLC in accordance with DER-10 Section 1.5.

Department of State

Division of Corporations

Entity Information

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

Entity Details

ENTITY NAME: 60 WILLIAM ST. LLC	DOS ID: 6457581
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: 04/13/2022	REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 04/13/2022	INACTIVE DATE:
FOREIGN FORMATION DATE:	STATEMENT STATUS: CURRENT
COUNTY: KINGS	NEXT STATEMENT DUE DATE: 04/30/2024
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: 60 WILLIAM ST. LLC
Address: 175 HOOPER ST, BROOKLYN, NY, UNITED STATES, 11211

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

THIS INDENTURE, made the 19 day of January, in the year two thousand twenty three

BETWEEN:

THE CITY OF NEWBURGH, a municipal corporation organized under the laws of the State of New York and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, party of the first part, and

60 WILLIAM STREET LLC, having an address of 175 Hopper Street, Brooklyn, New York 11211, party of the second part.

WITNESSETH, that the party of the first part, in consideration of \$11,500.00 paid by the party of the second part, does hereby remise, release and quitclaim unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the State of New York, County of Orange and City of Newburgh, known as 58 William Street, in the City of Newburgh and being more accurately described as Section 38, Block 3, Lot 31 on the Official Tax Map of The City of Newburgh.

SUBJECT TO all easements, covenants and restrictions of record, except as hereinafter stated.

SUBJECT TO all easements, covenants and restrictions of record and not of record existing in favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh.

BEING the same premises indicated as In Rem No.: 606 in a deed from Cheryl A. Gross to the City of Newburgh, dated October 19, 2012, and recorded in the Orange County Clerk's Office on October 24, 2012, in Liber 13432 of Deeds at page 1152.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to such premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part forever.

The party of the second part expressly covenants and agrees that:

(1) within eighteen (18) months after the date of this deed, the party of the second part shall bring the property conveyed herein into complete compliance with all State, County and City building, housing, plumbing, electrical, fire prevention, life safety and health statutes, codes, rules and regulations and shall obtain, within such time period, a Certificate of Occupancy for all buildings and structures located on the property. If a Certificate of Occupancy has been issued for any building or structure on such property, prior to the date of this deed, the party of the second part shall, within eighteen months after the date of this deed, either make such building or structure fit for the use set forth in such Certificate of Occupancy or shall obtain a new Certificate of Occupancy for another use or shall demolish such building or structure.

In the alternative to rehabilitation, the purchaser shall have the option to demolish the building on the property and merge it with the property known as 60 William Street into one (1) tax lot within twelve (12) months of the conveyance.

(2) at or prior to the end of eighteen (18) months after the date of delivery of this deed, the party of the second part shall schedule with the Building Inspector of the City of Newburgh an inspection of the property described in this deed to determine compliance with the covenant set forth in paragraph (1) above. If the property is found to be in compliance with such covenant, a Certificate of Occupancy or Compliance shall be issued by the Building Inspector;

(3) prior to the issuance of a Certificate of Occupancy or Compliance, as provided in the covenant set forth in paragraph (2) above, the party of the second part shall not sell, convey, assign or lease the property described in this deed or any part thereof, except to the party of the first part as provided in paragraph (4) below;

(4) at the end of eighteen (18) months after the delivery of this deed, if it is determined that the covenants contained in paragraphs (1) and (2) above have not been complied with, the party of the second part shall, within ten (10) business days from the service of a notice pursuant to Section 612 of the Real Property Actions and Proceedings Law of the State of New York, reconvey good and marketable title to the property described in this deed to the party of the first part;

(5) if, at any time after delivery of this deed, it is determined that the covenant contained in paragraph (3) above has not been complied with, the party of the second part and his grantee, assign, or successor in interest shall, within ten (10) business days from the service of a notice pursuant to Section 612 of the Real Property Actions and Proceedings Law of the State of New York, reconvey good and marketable title to the property described in this deed to the party of the first part.

The covenants set forth in the preceding paragraphs shall constitute covenants running with the land and shall without regard to technical classification or designation, legal or otherwise, be to the fullest extent binding for the benefit of, in favor of and enforceable by the party of the first part, its successors and assigns against the party of the second part, his successors and assigns and every successor in interest to the property described in this deed or any part thereof or any interest therein, and any party in possession or occupancy of the property described in this deed or any part thereof.

In the event that subsequent to the conveyance of the property described in this deed the party of the second part shall default in or violate any of its obligations contained in the covenants set forth in this deed, the party of the first part shall have the right to re-enter and take possession of the property described in this deed and to terminate the estate conveyed by this deed to the party of the second part, it being the intent of this provision that the conveyance to the party of the second part shall be made upon a condition subsequent to the effect that in the event of any default, failure, violation or other action or inaction by the party of the second part contrary to the obligations specified in the covenants contained in this deed, the party of the first part, may at its

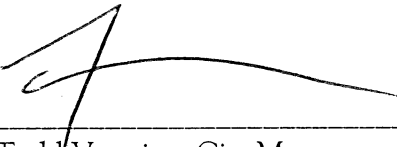
option, declare a termination in favor of the party of the first part, of the title and of all rights and interests in and to the property conveyed by this deed to the party of the second part and any assigns or successors in interest to or in the property, shall revert to the party of the first part. Provided, that such conditions subsequent and any reverting of title as a result thereof in the party of the first part shall always be subject to and limited by and shall not defeat, render invalid or limit in any way, the lien of any mortgage obtained by the party of the second part for the purpose of financing the work necessary to bring the property into compliance with all statutes, codes, rules and regulations as is required by the covenants contained in this deed. The words, "the party of the second part", as used in this paragraph, shall be construed to mean the party of the second part or his successors or assigns.

IN WITNESS WHEREOF, the parties have duly executed this deed the day and year first above written.

IN PRESENCE OF:

THE CITY OF NEWBURGH

BY: _____



Todd Venning, City Manager
Pursuant to Resolution No.: 259-2022

STATE OF NEW YORK)

) ss:


COUNTY OF ORANGE)

On the 12th day of January in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared TODD VENNING, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

Jeremy Kaufman
Notary Public, State of New York
Registration No. 02KA6202389
Qualified in Dutchess County
Commission Expires: March 16, 2025

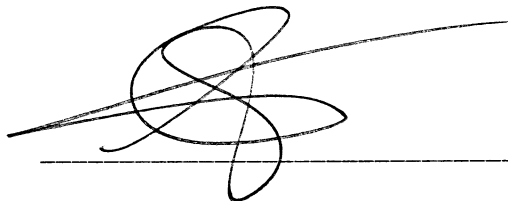


60 WILLIAM STREET LLC

BY: 
Hershy Weinstock, Purchaser
Title: Sole Member

STATE OF NEW YORK)
) ss:
COUNTY OF ORANGE)

On the 19th day of January in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared HERSHY WEINSTOCK, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.



TARA SAUNDERS
Notary Public, State of New York
No. 01SA6124974
Qualified in Ulster County
Commission Expires April 4, 2025

RECORD & RETURN TO:

Blustein Shapiro Frank & Barone, LLP
Diana Caccioppoli - Puglisi, Esq.
10 Matthews Street
Goshen, NY 10924

**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S
ACTS (INDIVIDUAL OR CORPORATION)
FORM 8002 (short version), FORM 8007 (long version)**

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND
PURCHASER BEFORE SIGNING.

THIS INDENTURE, made this _____ day of July, 2022
BETWEEN,

NEWBURGH SHG 41 LLC
having an address at 8 Bond Street, Suite 100, Great Neck, New York 11021
party of the first part; and

60 WILLIAM ST LLC
having an office at 175 Hooper Street, Brooklyn, New York 11211
party of the second part;

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and No Cents (\$10.00), lawful money of the United States, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever;

ALL, that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the County of Orange and State of New York, bounded and described as follows:

SEE SCHEDULE "A" ATTACHED HERETO

Section: 38 Block: 3 Lot: 32

Being and intended to be the same premises conveyed to the grantor by Deed dated 03/12/2021 and recorded 05/03/2021 in the Office of the Clerk/Register of the County of Orange in Liber 14954 Page 160.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part, covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

NEWBURGH SHG 41 LLC

By: 

ADAM SHAYANFEKR

ATTACHMENT F

Section VI: REQUESTOR ELIGIBILITY INFORMATION

SECTION VI: REQUESTOR ELIGIBILITY INFORMATION

Volunteer Status

The Requestor, 60 William St. LLC, qualifies as a “Volunteer” in accordance with ECL 27-1405(1) because it has no connection with any prior owner or operator, and did not cause, contribute, or permit the disposal of any contaminants at the Site, nor did the Requestor control the Site when such contamination occurred. Further, the Requestor has taken reasonable steps to stop continuing releases, prevent future threatened releases, and prevent or limit exposure to the contamination since acquisition of the Site.

60 William St. LLC took ownership of the Proposed BCP Site on 14 July 2022 and 19 January 2023. Prior to purchasing Lot 31 and after purchasing Lot 32, a Phase I ESA was completed in July 2022 and then again in December 2022. Additionally, a limited subsurface investigation was completed in May 2022 to investigate the USTs and soil quality within the vicinity of the suspected USTs. Later, a Limited Phase II ESI was completed at the Site in February and March 2023 to investigate soil, groundwater and sub-slab soil vapor quality beneath the 58-60 William Street lots. Additionally, the Site has been vacant since at least July 2022 (Lot 32) and January 2023 (Lot 31) when the applicant acquired the property, the Site structure does not appear to have undergone significant changes since at least 1913, and the applicant has maintained the existing lot cover since the property was purchased.

The Phase I ESAs and Limited Phase II ESI findings identified contamination on the Site, which the Requestor proposes to investigate and remediate, if necessary, pursuant to the New York State BCP, as a Volunteer.

There are currently unregistered bulk storage tanks on-site which require registration. Anomalies were detected in a GPR survey on the southeast corner of Lot 32 and in the northeast corner of Lot 32 bordering Lot 31. Once the tanks have been excavated to determine tank size and content, they will be cleaned and removed by a licensed contractor and registered with the NYSDEC Petroleum Bulk Storage (PBS) database. Approximate tank locations are indicated on Figure 2.

ATTACHMENT G

Section IX: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

SECTION IX: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Current Owner and Operator

60 William St. LLC is the current owner of 58-60 William Street. Deeds dated 19 January 2023 and 14 July 2022 for Lots 31 and 32, respectively, were provided by the owner. Copies of the deeds are included as an attachment in Section V. The Site is currently vacant.

Previous Owners and Operators

A list of current and previous owners of 58-60 William Street is provided in the below table.

Current and previous owners of 58 William Street:

Date	Document Type	First Party	First Party Address	Second Party	Relationship of First Party to Applicant
1/19/2023	Deed (Lot 31)	The City of Newburgh	83 Broadway, Newburgh, NY 12550	60 William Street LLC	None
10/19/2012	Deed (Lot 31)	The City of Newburgh	83 Broadway, Newburgh, NY 12550	Cheryl A. Gross, Director of Finance and Enforcing Officer of the City of Newburgh	None
5/30/1980	Deed (Lot 31)	Nathaniel Hendricks	325 State Street, Brooklyn, NY 11217	The City of Newburgh	None
4/27/1979	Deed (Lot 31)	The City of Newburgh	83 Broadway, Newburgh, NY 12550	Hargovind S. Patel, Comptroller and enforcing officer of the City of Newburgh	None
9/15/1972	Deed (Lot 31)	Christine Stevenson	Montgomery Street, Newburgh, NY 12550	Norma Deveau	None

Reference: Orange County Image Mate Online website: <https://propertydata.orangecountygov.com/search.aspx>. Current and former addresses and telephone numbers of the previous property owners were not available. Previous owner information prior to 2012 is not available.

Current and previous owners of 60 William Street:

Date	Document Type	First Party	First Party Address	Second Party	Relationship of First Party to Applicant
7/14/2022	Deed (Lot 32)	Newburgh SHG 41 LLC	8 Bond Street, Suite 100, Great Neck, New York 11021	60 William St LLC	None
3/12/2021	Deed (Lot 32)	Manny Pereira	PO Box 533, Wallkill, New York 12589	Newburgh SHG 41 LLC	None
4/22/1993	Deed (Lot 32)	City of Newburgh Industrial Development Agency	83 Broadway, Newburgh, NY 12550	Manny Pereira	None
11/12/1987	Correction Deed (Lot 32)	The City of Newburgh	83 Broadway, Newburgh, NY 12550	City of Newburgh Industrial	None

				Development Agency	
10/6/1987	Deed (Lot 32)	The City of Newburgh	83 Broadway, Newburgh, NY 12550	City of Newburgh Industrial Development Agency	None
4/27/1981	Deed (Lot 32)	Thomas J. Amodeo and Gloria E. Amodeo	14 Stern Drive, Newburgh, NY 12550	Garner Williams	None

Reference: Orange County Image Mate Online website: <https://propertydata.orangecountygov.com/search.aspx>. Current and former addresses and telephone numbers of the previous property owners were not available. Previous owner information prior to 2012 is not available.

The Site is composed of one rectangular-shaped lot improved with one vacant two-story residential building (Lot 31) and one irregular-shaped lot that is currently vacant and undeveloped (Lot 32). Lot 32 was previously developed with two buildings operated as an auto repair shop and service station and has two USTs located on the southern portion and northeast corner of the lot. The Site remained relatively unchanged since the late-1980s when the buildings on Lot 32 were demolished. Lot 32 and the structure on Lot 31 have been vacant since the applicant acquired the property. A list of previous known operators of 58-60 William Street is provided in the below table.

Name	Relationship to Property	Address and Phone Number	Relationship to Applicant
60 William St. LLC (2023 – Present)	Owner	175 Hooper Street Brooklyn, NY 11211 Phone No. (845) 662-4735	Applicant
Sam & Irv's Service Station (1961)	Operator	60 William Street	None

Reference: The EDR City Directory Abstract (inquiry number 7188586.5) included in the Phase I ESA completed by Haley & Aldrich dated 30 December 2022. Previous operator information prior to 1961 is not available.

Based on a Phase I Environmental Site Assessment (ESA) prepared by Haley & Aldrich of New York (Haley & Aldrich) for the Site on 30 December 2022, the Site was developed with a shed and a two-story dwelling on Lot 32, and a dwelling was developed on Lot 31 by 1884. By 1890, the dwelling on Lot 32 appears to have been divided into two separate three-story dwellings. By 1913, the dwellings on Lot 32 were labeled as “flats,” and an operating blacksmith was depicted on the northeast corner of Lot 32, while a shed appears to have been added on to the western end of the dwelling on Lot 31 and another shed built on the southwestern portion of Lot 31. In the 1957 Sanborn map, gasoline tanks are depicted on the southeast corner of Lot 32 and in the northeast corner of Lot 32 bordering Lot 31. The gasoline tanks are present on Sanborn maps from 1957 to 1971. By the late 1960s, the flats previously depicted on Lot 32 were shown as an auto repair shop and service station, operating as “Sam & Irv's Service Station,” while the rest of the Site remained relatively unchanged. It is unknown how long the service station remained in operation; however, the buildings on Lot 32 were depicted as demolished by 1987. Lot 32 and the Site building located on Lot 31 are currently vacant and the structure remains unchanged since at least 1913.

ATTACHMENT H

Section XI: CONTACT LIST INFORMATION AND ACKNOWLEDGEMENT FROM REPOSITORY

SECTION XI – CONTACT LIST INFORMATION

SITE CONTACT LISTS

Executive

Role	Name	Phone	Mailing Address	Email / Contact
City of Newburgh Mayor	Mayor Torrance Harvey	845-569-7305	83 Broadway Newburgh, NY 12550	https://www.cityofnewburgh-ny.gov/formcenter/Contact-Us-4/City-Council-Contact-Form-59
Newburgh Planning Board Chairperson	Lisa Daily	845-569-7383	83 Broadway, Newburgh, NY 12550	https://www.cityofnewburgh-ny.gov/formcenter/Contact-Us-4/Planning-Development-Contact-Form-57
NY Senate District 39 Senator	Rob Rolison	845-229-0106	3 Neptune Road, Suite N22, Poughkeepsie, NY 12601	rolison@nysenate.gov
NY State Assembly District 104 Member	Jonathan G. Jacobson	845-562-0888	436 Robinson Avenue, Suite B, Newburgh, NY 12550	jacobsonj@nyassembly.gov

Owners, Residents, Occupants

The Site is currently developed with one vacant two-story residential building (on Lot 31). The tables below provide current contact information for the owner and occupant of the Site.

Owner	Contact Name	Phone	Mailing Address	Email
60 William St. LLC	Hershy Weinstock	(845) 662-4735	175 Hooper Street Brooklyn, NY 11211	hershy@grcnny.com

Operator	Contact Name	Phone	Mailing Address	Email
N/A – Vacant	N/A	N/A	N/A	N/A

Adjacent Properties

Below is a list of the adjoining properties which are also detailed on Figure 7.

Owner/Entity Name	Property Address	Contact Name	Owner Mailing Address	Site Use
Nava Properties LLC	56 William Street	Not Available	55 Heinsman Lane, Wallkill, NY 12589	Vacant Building
Nava Properties LLC	105 West Parmenter Street	Not Available	55 Heinsman Lane, Wallkill, NY 12589	Multi-Family Residential
Juan Antonio, Juan G Mendoza	111 West Parmenter Street	Juan Antonio, Juan G Mendoza	375 The Fenway, River Edge, NJ 07661	Multi-Family Residential
Newburgh Ventures Corp.	113 West Parmenter Street	Not Available	P.O. Box 533, Wallkill, NY 12589	Storage
City of Newburgh	10 Hasbrouck Street	Not Available	83 Broadway, Newburgh, NY 12550	Municipal Park
Edward Brown	57 William Street	Edward Brown	81 Hilltop Road, Millington, NJ 07946	Commercial & Residential Building
Newburgh Ventures Corp.	59 William Street	Not Available	P.O. Box 533, Wallkill, NY 12589	Commercial & Residential Building
Newburgh Ventures Corp.	61 William Street	Not Available	P.O. Box 533, Wallkill, NY 12589	Commercial & Residential Building
Newburgh SHG 38 LLC	64 William Street	Not Available	1274 49 th Street, Suite 433, Brooklyn, NY 11219	Commercial & Residential Building

Local News and Media:

Owner/Entity Name	Type	Address	Phone	Website
The Newburgh News	Online Media	436 Blooming Grove Turnpike, Suite 4749 New Windsor, NY 12553	N/A	https://newburghnews.press/
Mid-Hudson Times	Print Newspaper, Online Media	500 Stony Brook Court, Suite 2, Newburgh, NY 12550	845-561-0170	https://www.timeshudsonvalley.com/mid-hudson-times/

Public Water Supply:

Public water supply is the responsibility of the City of Newburgh Water Division.

Owner/Entity Name	Contact	Address	Phone	Email
City of Newburgh Water Division	Wayne Vradenburgh – Superintendent	493 Little Britain Road Newburgh, NY 12550	845-565-3356	N/A

Additional Requests

We are unaware of any requests to be included on the contact list for the 60 William Street Development Site located at 58-60 William Street, Newburgh, NY.

School or Day Care Located on or Proximal to the Site

The following schools are located within ½-mile radius of the Site:

School/Day Care Name	Approximate distance from Site in feet and (directional)	Administrator	Phone	Address
South Middle School	1,675' (South)	Roderick Phoenix, Principal	845-563-7000	33-63 Monument Street, Newburgh, NY 12550
San Miguel Academy of Newburgh	1,259' (Southwest)	Father Mark Connell, Executive Director	845-561-2822	245 Renwick Street, Newburgh, NY 12550
St Patrick's School	1,880' (Northeast)	Not Available	845-561-6470	55 Grand Street, Newburgh, NY 12550
Orange County Community College Newburgh Campus (SUNY Orange)	2,275' (Northeast)	Dr. Kristine Young, President	845-344-6222	One Washington Center, Newburgh, NY 12550
Nora Cronin Presentation Academy	2,585' (Southeast)	Dr. Tammy Barnett, Principal	845-567-0708	69 Bay View Terrace, Newburgh, NY 12550

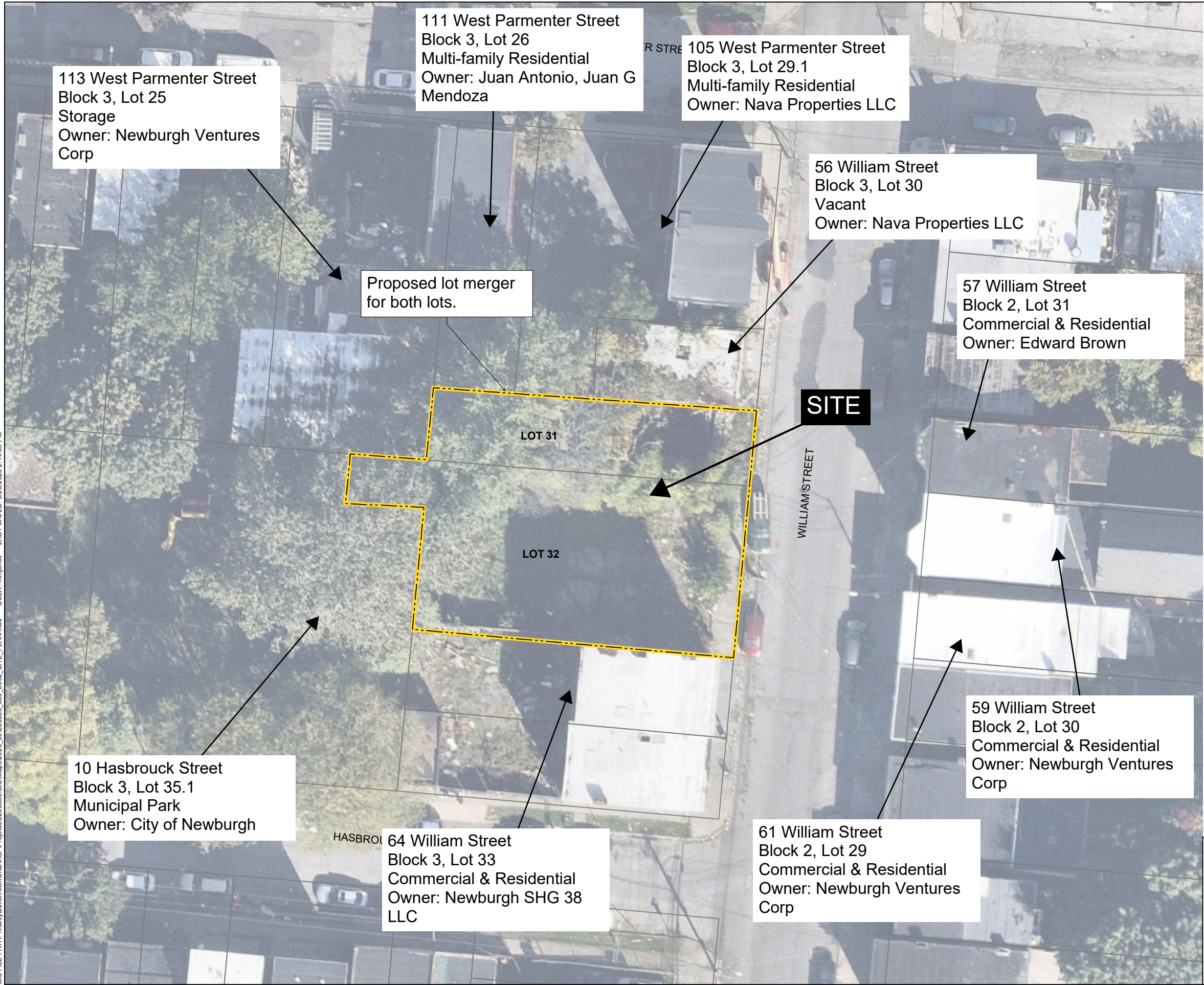
There are no day care facilities located within a ½-mile radius of the Site.

Document Repository

The Newburgh Free Library was notified via email on 15 September 2023 in regard to utilizing their space as a document repository. On 20 September 2023, the Newburgh Free Library responded indicating that they were amenable. Documentation is attached and repository information is detailed below:

Owner/Entity Name	Contact	Address	Phone	Email
Newburgh Free Library	Patty Sussman	124 Grand Street, Newburgh, NY 12550	845-563-3600	psussman@rcls.org

GIS FILE PATH: \\haleyaldrich.com\share\GIS\Projects\020638\GIS\Maps\2023_09\20638_000_0002_SITE_PLAN.mxd — USER: mmjones — LAST SAVED: 9/20/2023 2:14:59 PM



LEGEND

- SITE BOUNDARY
- PARCEL BOUNDARY

NOTES

1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
2. ASSESSOR PARCEL DATA SOURCE: ORANGE COUNTY GIS
3. AERIAL IMAGERY SOURCE: NEARMAP, 27 SEPTEMBER 2022



0 30 60
SCALE IN FEET

**HALEY
ALDRICH**

58-60 WILLIAM STREET
NEWBURGH, NEW YORK

ADJOINING SITE MAP

SEPTEMBER 2023

FIGURE 7

Acknowledgement from Newburgh Free Library to Act as Document Repository



213 W 35th Street

HALEY & ALDRICH OF NEW YORK

th
7 Floor

New York, NY 10001

Tel: 646.277.5686

20 September 2023

File No. 0206338

Newburgh Free Library
124 Grand Street
Newburgh, NY 12550
Via email: psussmann@rcls.org
Attn: Patty Sussmann

Subject: Brownfield Cleanup Program Application – Request for Repository Use
58-60 William Street
Newburgh, NY 12550

Dear Patty Sussman:

Haley & Aldrich of New York (Haley & Aldrich), on behalf of 60 William St LLC, is requesting use of the Newburgh Free Library as a document repository for the anticipated project located at 58-60 William Street, Newburgh, NY. The New York State Department of Environmental Conservation (NYSDEC) requires a letter certifying that the proposed document repository is able to serve as a public repository for all documents pertaining to the environmental cleanup at the Site. Please sign below denoting that your facility would be amenable to serving as a temporary public repository.

Should you have any questions, please do not hesitate to give me a call at (646) 893-4733.

Thank you,
HALEY & ALDRICH OF NEW YORK

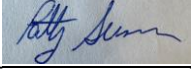
A handwritten signature in blue ink, appearing to read 'Matthew Levy'.

Matthew Levy
Project Manager

The Newburgh Free Library is willing to act as a public document repository holding and making available of all provided environmental documents related to the 58-60 William Street Brownfield Cleanup Project.

Patty Sussmann
Name

9/20/2023
Date


Head of Adult Services
Title