



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

Yes No If yes, provide existing site number: _____

PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 10*

Section I. Requestor Information - See Instructions for Further Guidance		DEC USE ONLY BCP SITE #:
NAME 230 Plaza LLC		
ADDRESS Post Office Box 54		
CITY/TOWN Stony Point, New York		ZIP CODE 10980
PHONE 845-429-8231	FAX 845-942-2178	E-MAIL pjmagee3@hotmail.com
<p>Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database. A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. Please note: If the requestor is an LLC, the members/owners names need to be provided on a separate attachment. <p>Do all individuals that will be certifying documents meet the requirements detailed below? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Documents that are not properly certified will be not approved under the BCP. 		

Section II. Project Description	
1. What stage is the project starting at?	<input checked="" type="checkbox"/> Investigation <input type="checkbox"/> Remediation
<p>NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required.</p>	
2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2):	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Please attach a short description of the overall development project, including:	
<ul style="list-style-type: none"> the date that the remedial program is to start; and the date the Certificate of Completion is anticipated. 	

Section III. Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (**please submit the information requested in this section in electronic format only**):

- 1. Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). **Please submit a separate electronic copy of each report in Portable Document Format (PDF).**

2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum			
Chlorinated Solvents	PCE	Groundwater not encountered	PCE, TCE, cis-1,2-Dichloroethene, Vinyl Chloride
Other VOCs		to a maximum depth of 20-ft bgs	
SVOCs			
Metals			
Pesticides			
PCBs			
Other*			

*Please describe: _____

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

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

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

Yes No

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

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

Other: _____

Section IV. Property Information - See Instructions for Further Guidance

PROPOSED SITE NAME 230 Plaza LLC

ADDRESS/LOCATION 214-250 NYS Route 59

CITY/TOWN Nanuet

ZIP CODE 10954

MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Nanuet, Town of Clarkstown

COUNTY Rockland

SITE SIZE (ACRES) 14.3 total

LATITUDE (degrees/minutes/seconds)

41 ° 05 ' 43.5 "

LONGITUDE (degrees/minutes/seconds)

74 ° 00 ' 0.17 "

Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed, please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section No.	Block No.	Lot No.	Acreage
214-250 E ROUTE 59 NANUET	64.06	1	12	14.30

1. Do the proposed site boundaries correspond to tax map metes and bounds? Yes No
If no, please attach an accurate map of the proposed site.

2. Is the required property map attached to the application? Yes No
(application will not be processed without map)

3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)?
(See [DEC's website](#) for more information) Yes No

If yes, identify census tract : _____

Percentage of property in En-zone (check one): 0-49% 50-99% 100%

4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? Yes No

If yes, identify name of properties (and site numbers if available) in related BCP applications: _____

5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? Yes No

6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? Yes No

If yes, attach relevant supporting documentation.

7. Are there any lands under water? Yes No
If yes, these lands should be clearly delineated on the site map.

Section IV. Property Information (continued)

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

Easement/Right-of-way Holder

Description

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

Type

Issuing Agency

Description

10. Property Description and Environmental Assessment – please refer to application instructions for the proper format of each narrative requested.

Are the Property Description and Environmental Assessment narratives included in the prescribed format?

Yes No

Note: Questions 11 through 13 only pertain to sites located within the five counties comprising New York City

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits? Yes No

If yes, requestor must answer questions on the supplement at the end of this form.

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? Yes No

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application? Yes No

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

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

Initials of each Requestor: PJM _____

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

Section V. Additional Requestor Information See Instructions for Further Guidance	DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____
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NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Patrick J. Magee, Jr./230 Plaza LLC

ADDRESS Post Office Box 54

CITY/TOWN Stony Point, New York ZIP CODE 10980

PHONE 845-429-8231	FAX	E-MAIL pjmagee3@hotmail.com
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NAME OF REQUESTOR'S CONSULTANT DT Consulting Services, Inc./Deborah Thompson

ADDRESS 1291 Old Post Road

CITY/TOWN Ulster Park, New York ZIP CODE 12487

PHONE 845-658-3484	FAX	E-MAIL dtconsulting@hvc.rr.com
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NAME OF REQUESTOR'S ATTORNEY Adam Schultz, Esq. - Co-counsel Stephen P. Mandracchia, Esq.

ADDRESS Couch White, LLP, PO Box 22222, 540 Broadway

CITY/TOWN Albany, New York ZIP CODE 12201-2222

PHONE 518-426-4600	FAX 518-426-0376	E-MAIL aschultz@couchwhite.com/smandracchia@optonline.net
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Section VI. Current Property Owner/Operator Information – if not a Requestor

CURRENT OWNER'S NAME OWNERSHIP START DATE:

ADDRESS

CITY/TOWN ZIP CODE

PHONE	FAX	E-MAIL
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CURRENT OPERATOR'S NAME

ADDRESS

CITY/TOWN ZIP CODE

PHONE	FAX	E-MAIL
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PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".

IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.

Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site? Yes No
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? Yes No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. Yes No

Section VII. Requestor Eligibility Information (continued)

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

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

PARTICIPANT

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

VOLUNTEER

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

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

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

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

Previous Owner Current Owner Potential /Future Purchaser Other _____

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

Yes No

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

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

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

Section IX. Contact List Information

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

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

Section X. Land Use Factors

1. What is the current municipal zoning designation for the site? _____

What uses are allowed by the current zoning? (Check boxes, below)

Residential Commercial Industrial

If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use: Residential Commercial Industrial Vacant Recreational (check all that apply)

Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.

3. Reasonably anticipated use Post Remediation: Residential Commercial Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**

If residential, does it qualify as single family housing? Yes No

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

Yes No

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

Yes No

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

Yes No

XI. Statement of Certification and Signatures

(By requestor who is an individual)

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

Date: _____ Signature: _____
Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Principle (title) of 230 Plaza LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 9/24/20 Signature: Patrick J. Magee Jr.
Print Name: PATRICK J. MAGEE JR

SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), must be sent to:
 - Chief, Site Control Section
 - New York State Department of Environmental Conservation
 - Division of Environmental Remediation
 - 625 Broadway
 - Albany, NY 12233-7020

FOR DEC USE ONLY
BCP SITE T&A CODE: _____

LEAD OFFICE: _____

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

BCP App Rev 10

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see DEC's website for more information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input type="checkbox"/> No Underutilized? <input type="checkbox"/> Yes <input type="checkbox"/> No
From ECL 27-1405(31):	
<p>"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.</p>	
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:	
<p>(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</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(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</p> <p>(c) there are no structures.</p>	
<p>"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.</p>	

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)

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

- Project is an Affordable Housing Project - Regulatory Agreement Attached;
- Project is Planned as Affordable Housing, But Agreement is Not Yet Available* (*Checking this box will result in a “pending” status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);
- This is Not an Affordable Housing Project.

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

(a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ households annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.

(3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

BCP Application Summary (for DEC use only)

Site Name: 230 Plaza LLC
City: Nanuet

Site Address: 214-250 NYS Route 59
County: Rockland **Zip:** 10954

Tax Block & Lot
Section (if applicable): 64.06 **Block:** 1 **Lot:** 12

Requestor Name: 230 Plaza LLC
City: Stony Point, New York
Requestor Address: Post Office Box 54
Zip: 10980 **Email:** pjmagee3@hotmail.com

Requestor's Representative (for billing purposes)
Name: Patrick J. Magee, Jr./230 Plaza LLC **Address:** Post Office Box 54
City: Stony Point, New York **Zip:** 10980 **Email:** pjmagee3@hotmail.com

Requestor's Attorney
Name: Adam Schultz, Esq. - Co-counsel Stephen P. Mandracchia, Esq. **Address:** Couch White, LLP, PO Box 22222, 540 Broadway
City: Albany, New York **Zip:** 12201-2222 **Email:** aschultz@couchwhite.com/smandracchia@cwllp.com

Requestor's Consultant
Name: DT Consulting Services, Inc./Deborah Thompson **Address:** 1291 Old Post Road
City: Ulster Park, New York **Zip:** 12487 **Email:** dtconsulting@hvc.rr.com

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

DER Determination: Agree Disagree

Requestor's Requested Status: Volunteer Participant

DER/OGC Determination: Agree Disagree
Notes:

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

Does Requestor Claim Property is Upside Down: Yes No

DER/OGC Determination: Agree Disagree Undetermined

Notes:

Does Requestor Claim Property is Underutilized: Yes No

DER/OGC Determination: Agree Disagree Undetermined

Notes:

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

DER/OGC Determination: Agree Disagree Undetermined

Notes:

Brownfield Cleanup Application
230 Plaza LLC
BCP # C344083

Section I: Requestor Information

Members/Owners of Each Requestor

Business Entity	Member Name
230 Plaza LLC	Mr. Patrick J. Magee, Jr. Post Office Box 54 Stony Point, New York 10980 845-429-8231 pjmagee3@hotmail.com

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through June 8, 2020.

Selected Entity Name: 230 PLAZA LLC

Selected Entity Status Information

Current Entity Name: 230 PLAZA LLC

DOS ID #: 5627360

Initial DOS Filing Date: SEPTEMBER 25, 2019

County: ROCKLAND

Jurisdiction: DELAWARE

Entity Type: FOREIGN LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

230 PLAZA LLC

P.O. BOX 54

STONY POINT, NEW YORK, 10980

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate.](#)

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
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No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
SEP 25, 2019	Actual	230 PLAZA LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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Brownfield Cleanup Application
230 Plaza LLC
BCP # C344083

Section II: Project Description

Site Name/Location:

230 Plaza LLC
214-250 E Route 59, Nanuet, Town of Clarkstown, Rockland County, New York

Overall Development Project Description:

The subject property consists of a taxable parcel which encompass approximately 14.30 acres. The property has a slight slope toward the south, rectangular in shape. The parcel located at 214-250 East Route 59 is improved with three, single-story commercial structures. The three structures have a slab on grade construction, flat roofs, brick or stucco exterior walls. Current Site use consists of a series of retail establishments. The Site is planned to maintain its current footprint and use.

BCP Projected Start/Completion:

The applicant is prepared to commence the remedial program upon acceptance into the BCP. Completion of remedial action and obtaining the COC for the project is projected to require 12 months.

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Section III: Property's Environmental History
(provided as separate PDF attachments)

Previous Environmental Reports:

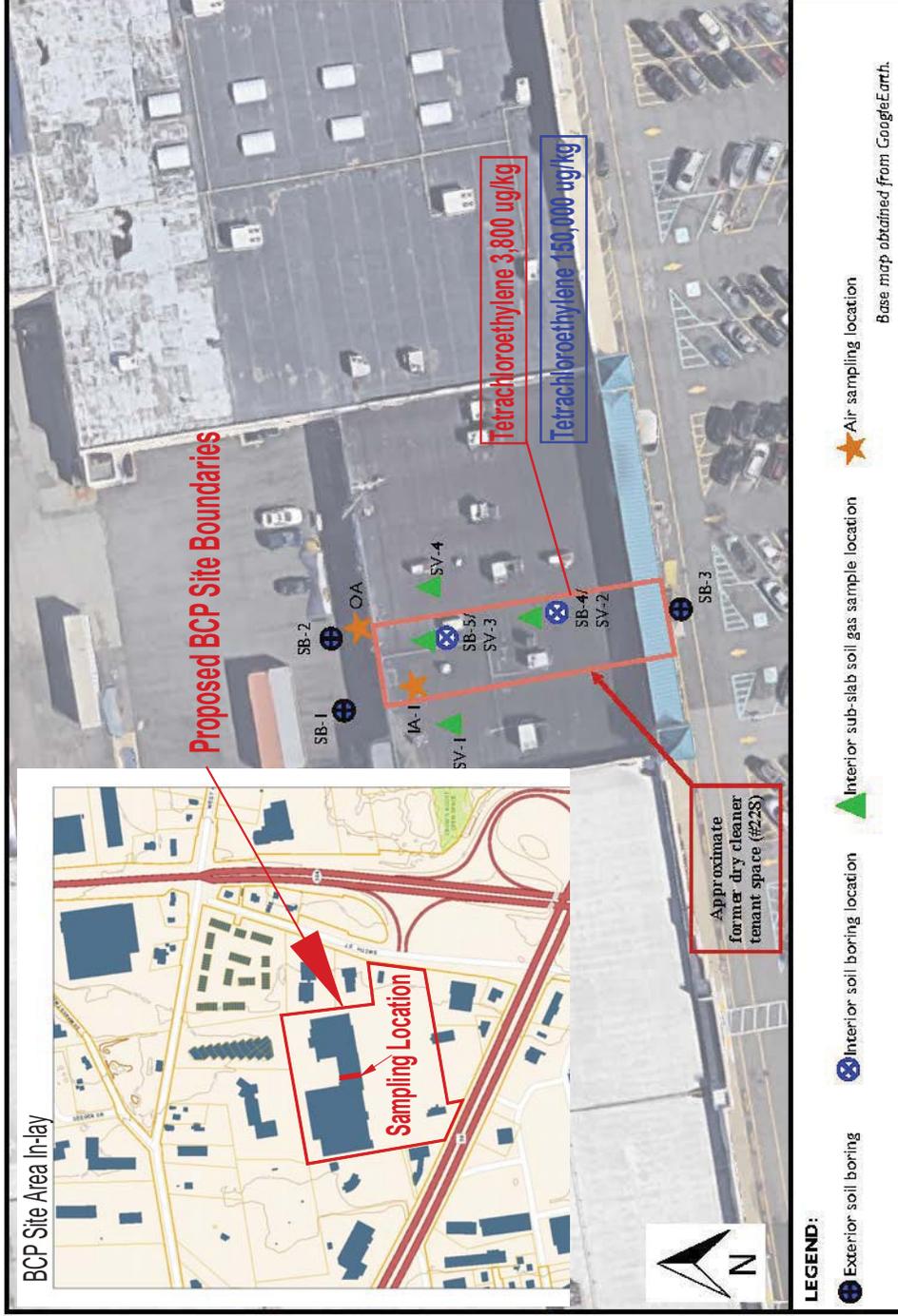
1. Phase I Environmental Site Assessment, N.B. Environmental Services, LLC, August 8, 2019.
2. Limited Phase II Environmental Site Assessment, EMG, October 3, 2019.
3. Limited Phase II Environmental Site Assessment, DT Consulting Services, Inc., March 2, 2020.

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Section III: Property's Environmental History

Maps

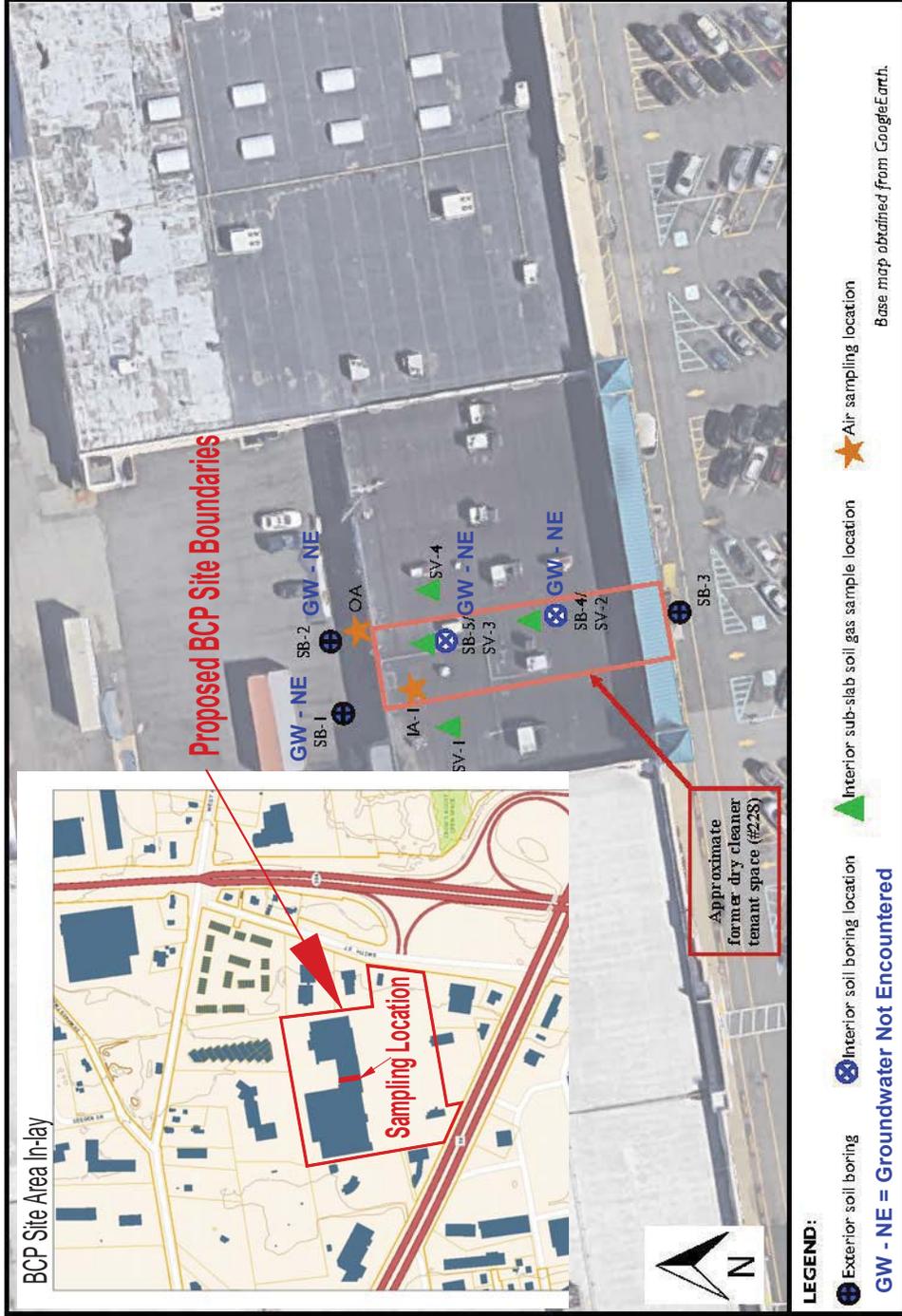
1. Soil Contaminant Map, DTCS, January 24, 2020.
2. Groundwater Map, DTCS, January 24, 2020.
3. Soil Vapor/Indoor Air Contaminant Map, DTCS, January 24, 2020.



Sampling event performed on January 24, 2020

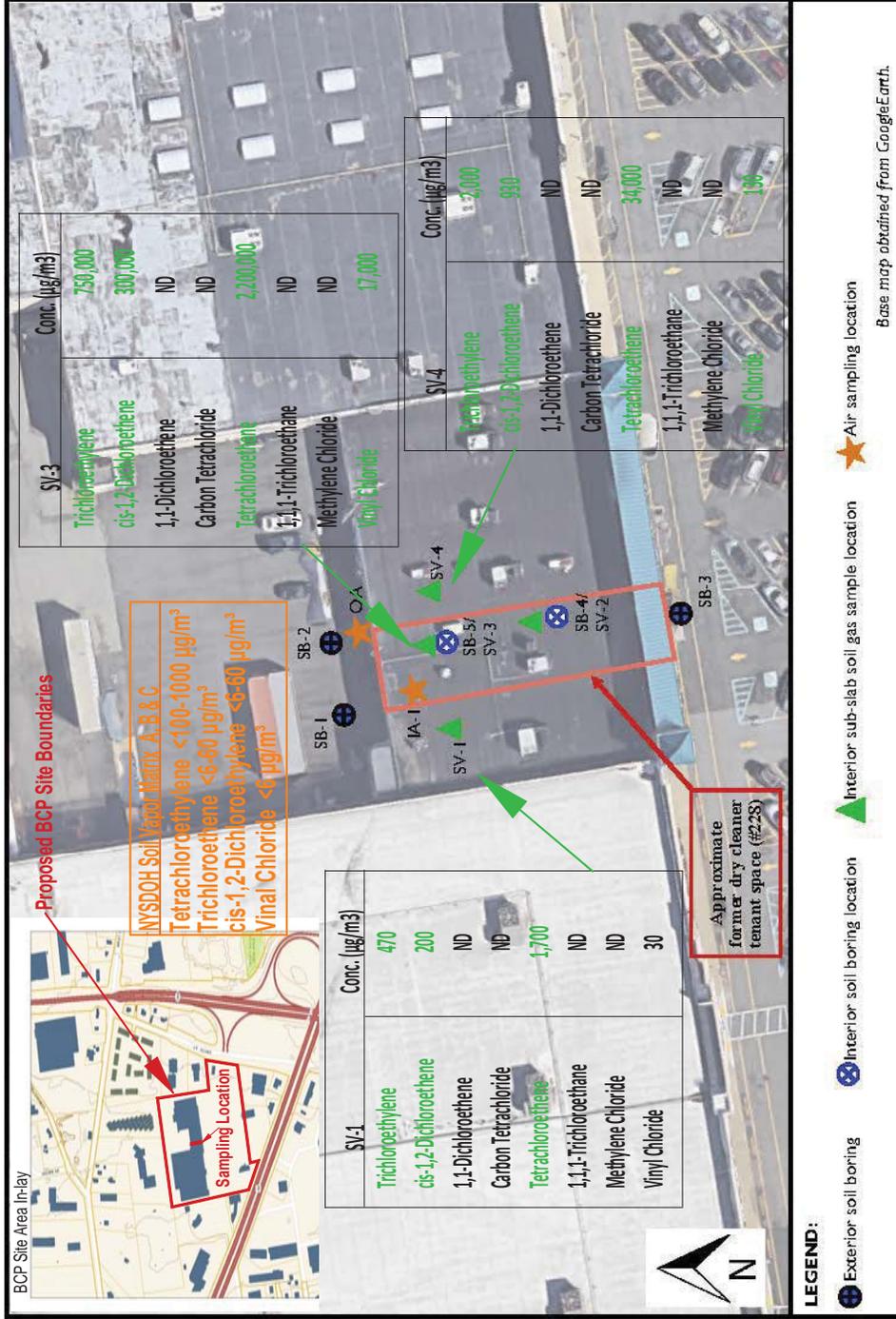
Exceeds 375-6.8(a) Unrestricted Use SCOs
Anticipated Use - Restricted Use 375-6.8(b) - Commercial SCOs

DT Consulting Services, Inc. 1291 Old Post Road Ulster Park, New York 12487 (845) 658-3484	Client:	230 Plaza LLC
	Location:	214 - 250 East Route 59, Nanuet, Rockland County, New York
	Title:	Section III - Part 3 - Soil Contaminant Concentration Map/Anticipated Use
	Scale:	Graphic
	Drawn By:	O.T.
		BCP No. 344083



Groundwater not encountered to a maximum depth of 20-ft. below grade surface during January 2020 Site Investigation

DT Consulting Services, Inc. 1291 Old Post Road Ulster Park, New York 12487 (845) 658-3484	Client:	230 Plaza LLC
	Location:	214 - 250 East Route 59, Nanuet, Rockland County, New York
	Title:	Section III - Part 3 - Groundwater Contaminant Concentration Map/Anticipated Use
	Scale:	Graphic
	Drawn By:	O.T.



Notes:
 Sampling event performed on January 24, 2020

XXX xxx µg/m³ - Exceeds NYSDOH Soil Vapor Matrix Guidance A, B & C, Mitigate
Projected Soil Vapor Quality - NYSDOH Soil Vapor Matrix - No Further Action, Matrix A, B & C

DT Consulting Services, Inc. 1291 Old Post Road Ulster Park, New York 12487 (845) 658-3484	Client: 230 Plaza LLC
	Location: 214 - 250 East Route 59, Nanuet, Rockland County, New York
	Title: Section III - Part 3 - Subslab Soil Vapor Contaminant Concentration Map/Anticipated Use
	Scale: Graphic
	Drawn By: O.T.
	BCP No. 344083

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Section IV: Project Description Narrative

Site Name/Location:

230 Plaza LLC

214-250 E NYS Route 59, Nanuet, Town of Clarkstown, Rockland County, New York.

The Site is located due north, northwest of the NYS Route 59/Smith Street intersection.

Site Features:

The subject property consists of a taxable parcel which encompasses approximately 14.30 acres. The property has a slight slope toward the south, rectangular in shape. The parcel located at 214-250 E NYS Route 59 is improved with three single story commercial structures. Total area of Site improvements are as follows:

Commercial Structure	Location/Use	Total Square Footage (ft²)
1	214-250 East Route 59 Retail (10 Store fronts)	152,450
2	214-250 East Route 59 Food establishment	3,760
3	214-250 East Route 59 Drive Thru Banking	450

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Section IV: Project Description Narrative (continued)

The three structures are of masonry construction (slab on grade), flat roofs and brick or stucco exterior walls. Current Site use consists of a series of retail establishments and a medical facility. The Subject Property is planned to maintain its current footprint and Site use.

Current Zoning and Land Use:

The Site is currently active, and is zoned for commercial use. The Site as a whole is utilized to house four building footprints; while an asphalt parking areas are located within the central and southern quadrants of the Site. The Site is bounded by commercial property in each cardinal direction. There are several utility right-of-ways within the boundaries of the Subject Property; none of which would impede on the remediation necessary to address detected subsurface contamination. The nearest residential area is approximately 200-ft to the northeast along West Nyack Road.

Past Use of Site:

Historic uses of the Site have been centered on commercial enterprises. Prior uses which have led to Site contamination include a dry cleaning operation (historically denoted as unit #228 East Route 59) which reportedly had been present on-Site from approximately 1985 – 2007 +/-.

Site Geology and Hydrogeology:

Based upon historical investigations of the Site, subsurface characteristics at the facility consist of asphalt/concrete and mixed urban fill from grade – five feet below grade surface (bgs), underlain by silt and poorly graded sand from five - twenty feet bgs.

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Section IV: Project Description Narrative (continued)

Environmental Assessment:

Based upon investigations conducted to date, the primary contaminants of concern for the Site consist of chlorinated volatile organic compounds (cVOCs) which include cis-1,2-Dichloroethene, tetrachloroethylene (PCE or PERC), trichloroethene (TCE) and Vinyl Chloride.

SOIL:

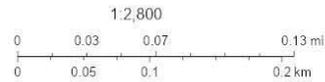
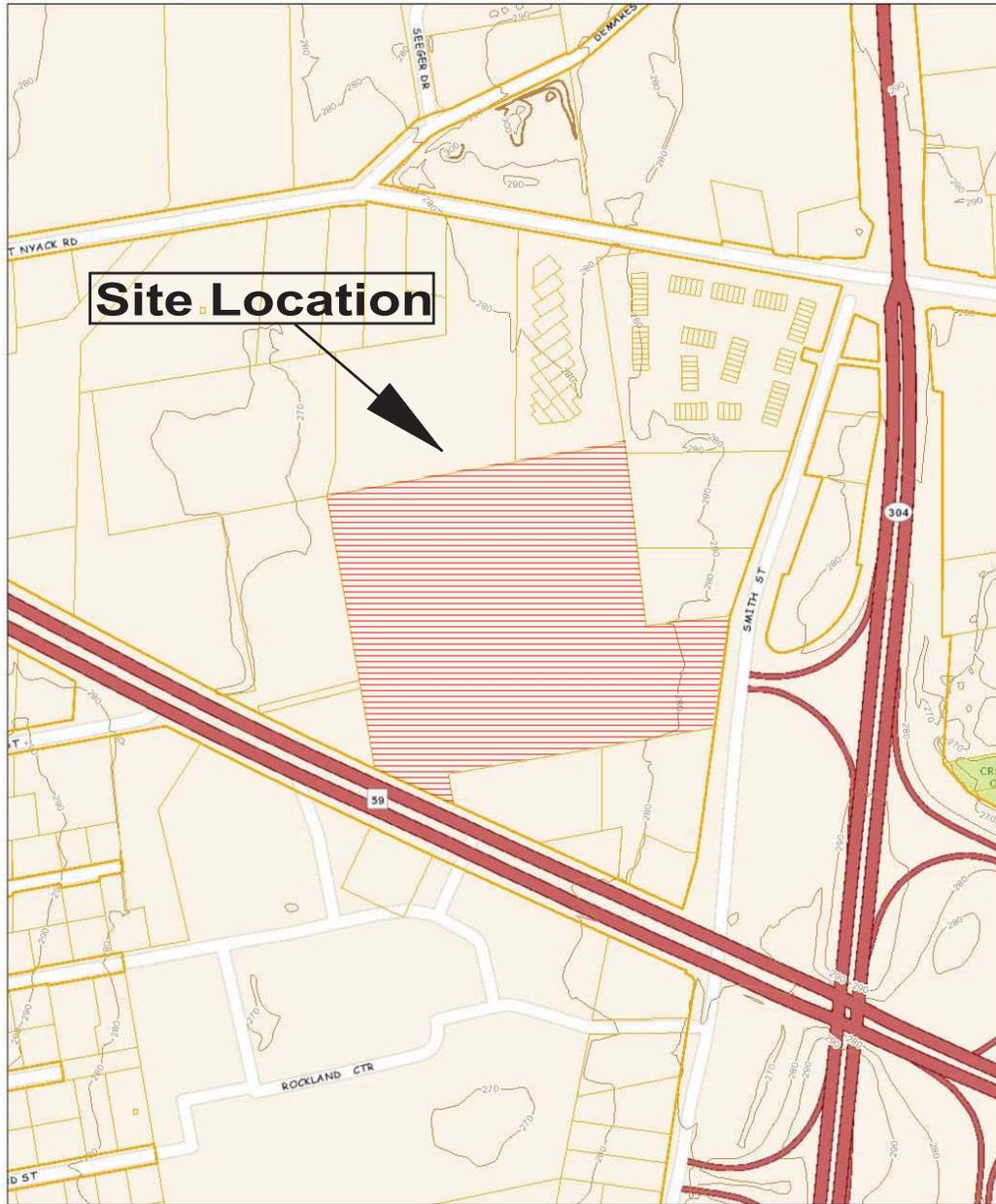
Technical data generated during Site investigations revealed the presence of cVOCs above Unrestricted and Restricted Use Soil Cleanup Objective (SCO) for Protection of Groundwater. The detections of cVOCs in the soil matrix were centered mainly within the tenant space of unit #228 Route 59 or the former dry cleaning facility.

GROUNDWATER:

Groundwater has not been encountered during Site investigation(s) to a maximum depth of 20-ft below grade surface.

SOIL VAPOR:

PCE, TCE and its degradation products have been detected in soil vapor at elevated concentrations and were also detected in indoor air at concentrations of <1 µg/m³.



Source: The Rockland County GIS Division

Web AppBuilder for ArcGIS

Client: 230 Plaza LLC			<h1>Topographic Map</h1>
Site: 214-250 East Route 59, Nanuet, NY			
BCP No.: 344083	Drawn by: DJT	Scale: Graphic	

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Section V: Contact List Information

Site Contact List (SCL)

Business Entity	Name
230 Plaza LLC	Patrick J. Magee, Jr. 230 Plaza LLC Post Office Box 54 Stony Point, New York 10980 845-429-8231 phone 845-942-2178 fax pjmagee3@hotmail.com

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Section VII: Requestor Eligibility Information

The BCP Applicants, namely 230 Plaza LLC purchased the Site in October of 2019. At the time of purchase, the BCP Applicant believed that the subsurface impacts which occurred prior to ownership, were limited in nature. The source of chlorinated volatile organic compounds (cVOCs) at the Subject Property was reportedly sourced from a dry cleaner which was located at the Project from approximately 1985 to 2007. However, upon subsequent investigative studies performed voluntarily by the applicant in 2019, environmental impacts appeared more extensive and would require engineering controls. Accordingly, in light of the fact that the BCP Applicant did not cause or contribute to the release of hazardous wastes/substances into the subsurface environment, the BCP Applicant qualifies as Volunteer under the BCP regulations.

The BCP Applicant is prepared to commence the remedial program upon acceptance into the BCP. Completion of remedial action and obtaining the COC for the project is projected to require 12 months.

SECTION IX. : CONTACT LIST INFORMATION

Nanuet, Town of Clarkstown

1. Chief executive officer and planning board chairperson

- **Supervisor** – George Hoehmann
- **Planning Board Chairperson** – Gilbert Heim

2. Owners/Occupants of the property & Adjacent Parcels

- Subject Property: 214-250 East Route 59, Nanuet, NY

Owner: 230 Plaza LLC

Occupants: The primary structure located at 220-250 East Route 59 is anchored by Kohl's and Bob's Discount Furniture stores. Smaller retail spaces are located in the central portion of the building with addresses ranging from 224 to 246 East Route 59.

The area surrounding the Subject Property is primarily characterized by retail/commercial development. The following table lists the abutting properties:

Location	Occupant
North	Freihofer Baking Company
South	East Route 59, beyond which are restaurants and a commercial retail plaza.
East	Commercial: stereo shop, restaurant, nail salon, tile store, doctor's office and office space
West	Commercial: Lites Plus and Safelite AutoGlass

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3. Local news media from which the community typically obtains information

- Rockland County Times
- Cable television

4. Public Water Supplier

- Suez Water of New York

5. Document Repository

- Nanuet Public Library, 149 Church Street, Nanuet, New York
- Confirmation obtained from the library is attached.

From: [Kim Naples - NAN](#)
To: dtconsulting@hvc.rr.com
Subject: Nanuet Library Repository for NYS DEC Brownfield Clean Up Site in Nanuet
Date: Wednesday, September 23, 2020 11:32:45 AM

Hi Deborah,

The Nanuet Library is able to be a repository for the NYS DEC Brownfield Clean Up Site in Nanuet.

Materials can be brought to the Reference Desk on the second floor of the library. Our new modified hours are:

Monday - Thursday 11am to 7pm

Friday - Saturday 11am to 3pm

We are closed Sundays

Please let me know if you have any questions or need anything else from me.

Kim Naples - NAN
Head of Adult Services
Nanuet Public Library
she/her
149 Church Street
Nanuet, NY 10954

845-623-4281 Ext. 134

<https://nanuetpubliclibrary.org/>

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Section X: Land Use Factors

The Subject Property contains a parcel which encompasses an area of approximately 14.30 acres. The Site is identified as Parcel ID: 64.06-1-12.1. The property is improved with three one-story slab-on-grade structures. Areas surrounding the buildings include asphalt paved parking surfaces, concrete walkways and landscape spaces. Specific details on land use are as follows:

214-259 East Route 59

The property is currently contains a commercial structure consisting of a strip mall, a restaurant building (#214 E. Route 59), and a small building containing an ATM (#39 Smith Street). There are a total of ten store fronts located in the building. Each store front is listed below:

#220 - Kohl's Department store

#224 - Vacant

#228 –The UPS Store

#230-GameStop

#234-Music

#236 –Kerry Nail Spa

#240 –Palisades Federal

#244 - Sally Beauty

#246 - Mattress Firm

#250 - Bob's Furniture

#214–Pizza Hut/Wing Street restaurant

#39 Smith Street - Chase Bank (drive up ATM)

Proposed use of the Site will remain consistent with current use or commercial – shopping center. Proposed use is consistent with applicable zoning laws which are denoted as commercial by the Nanuet, Town of Clarkstown. Proposed use is consistent with comprehensive master plans to provide locally owned businesses along the Route 59 corridor.