



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: 615 Broadway

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: C356066

☒

Yes

☐

No



BCP App Rev 15 – May 2023

SECTION I: Property Information

PROPOSED SITE NAME **615 Broadway**

ADDRESS/LOCATION **615 Broadway**

CITY/TOWN **Kingston**

ZIP CODE **12401**

MUNICIPALITY (LIST ALL IF MORE THAN ONE) **City of Kingston, Ulster County**

COUNTY **Ulster**

SITE SIZE (ACRES) **0.77**

LATITUDE

LONGITUDE

	°	'	"	°	'	"
41		55	45.2604	-74	0	19.8684

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.

Refer to Attachment A

Parcel Address	Section	Block	Lot	Acreage
615 Broadway	56.109	3	16	0.77

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

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

SECTION II: Project Description

Refer to Attachment B

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

Refer to Attachment C

1. What is the property's current municipal zoning designation? T5MS: Main Street Mixed Use

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
<input checked="" type="radio"/>	<input type="radio"/>

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

Residential ☒ Commercial ☒ Industrial ☐

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

N/A ☐

<input type="radio"/>	<input checked="" type="radio"/>
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6. Please provide a statement detailing the specific proposed post-remediation use.
Is this summary attached?

<input checked="" type="radio"/>	<input type="radio"/>
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7. Is the proposed post-remediation use a renewable energy facility?
See application instructions for additional information.

<input type="radio"/>	<input checked="" type="radio"/>
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8. Do current and/or recent development patterns support the proposed use?

<input checked="" type="radio"/>	<input type="radio"/>
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9. Is the proposed use consistent with applicable zoning laws/maps?
Please provide a brief explanation. Include additional documentation if necessary.

<input checked="" type="radio"/>	<input type="radio"/>
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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.

<input checked="" type="radio"/>	<input type="radio"/>
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SECTION IV: Property's Environmental History**Refer to Attachment D**

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

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard ([ASTM E1903](#)). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do NOT submit paper copies of ANY supporting documents.**

2. **SAMPLING DATA: INDICATE (BY SELECTING THE OPTIONS BELOW) KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED AS AN ATTACHMENT, WITH LABORATORY REPORTS REFERENCED AND INCLUDED.**

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

*Please describe other known contaminants and the media affected:

3. For each impacted medium above, include a site drawing indicating:

- Sample location
- Date of sampling event
- Key contaminants and concentration detected
- For soil, highlight exceedances of reasonably anticipated use
- For groundwater, highlight exceedances of 6 NYCRR part 703.5
- For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation

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

Are the required drawings included with this application?

☒ YES

☐ NO

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

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

Other: Several residential buildings and unspecified store (1887-1899); undocumented use (1899-1950); produce warehouse with ancillary buildings for storage, heating supplies, cooling, shipping and receiving (1950-1957); unknown commercial use ("Osgold International [USA]") (1995); a motel (1972-2006)

SECTION V: Requestor Information

Refer to Attachment E

NAME 615 Broadway LLC

ADDRESS 11 Garden Street, Suite 101

CITY/TOWN Poughkeepsie

STATE NY

ZIP CODE 12601

PHONE (845) 471-1047

EMAIL eric@baxterbuilt.com and llrutkowski@baxterbuilt.com

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

SECTION VI: Requestor Eligibility

Refer to Attachment F

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

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

SECTION VI: Requestor Eligibility (CONTINUED)

Refer to Attachment F

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
	<input type="radio"/>	<input checked="" type="radio"/>
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	<input type="radio"/>	<input checked="" type="radio"/>
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	<input type="radio"/>	<input checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input checked="" type="radio"/>
12. THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:		
PARTICIPANT 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.	<input type="checkbox"/>	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 <input checked="" type="radio"/> No <input type="radio"/> N/A <input type="radio"/>		

SECTION VI: Requestor Eligibility (CONTINUED)[Refer to Attachment F](#)

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 Lauren Lopez Rutkowski

ADDRESS 11 Garden Street, Suite 101

CITY Poughkeepsie

STATE NY

ZIP CODE 12601

PHONE (845) 471-1047

EMAIL llrutkowski@baxterbuilt.com

REQUESTOR'S CONSULTANT (CONTACT NAME) Brian Gochenaur

COMPANY Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.

ADDRESS 360 West 31st Street, 8th Floor

CITY New York

STATE NY

ZIP CODE 10001

PHONE (212) 479-5444

EMAIL bgochenaur@langan.com

REQUESTOR'S ATTORNEY (CONTACT NAME) Daniel Hubbell

COMPANY Whiteman Osterman & Hanna LLP

ADDRESS One Commerce Plaza

CITY Albany

STATE NY

ZIP CODE 12260

PHONE (518) 487-7692

EMAIL dhubbell@woh.com

SECTION VIII: Program Fee

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

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

SECTION IX: Current Property Owner and Operator Information[Refer to Attachment G](#)

CURRENT OWNER City of Kingston		
CONTACT NAME Bartek Starodaj, Director of Housing Initiatives		
ADDRESS 420 Broadway		
CITY Kingston	STATE NY	ZIP CODE 12401
PHONE (845) 334-3928	EMAIL bstarodaj@kingston-ny.gov	
OWNERSHIP START DATE June 25, 2010		
CURRENT OPERATOR Vacant		
CONTACT NAME Same as owner		
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.	<input type="radio"/>	<input checked="" type="radio"/>
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>

SECTION X: Property Eligibility Information (continued)

	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: _____	<input type="radio"/>	<input checked="" type="radio"/>
4. If the answer to question 2 or 3 above is YES, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents. <div style="text-align: right;">N/A <input checked="" type="radio"/></div>	<input type="radio"/>	<input type="radio"/>
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: _____	<input type="radio"/>	<input checked="" type="radio"/>
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.	<input type="radio"/>	<input checked="" type="radio"/>

SECTION XI: Site Contact List

Refer to Attachment H

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 _____ Authorized Signatory _____ 615 Broadway LLC (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: 3/11/24 _____

Lauren Lopez Rutkowski

Signature: _____

DocuSigned by:
Lauren Lopez Rutkowski
0181A7FE0FA34FE...

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.

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

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.

ATTACHMENT A

SECTION I: PROPERTY INFORMATION

Item 1 – Metes and Bounds Description

The about 33,700 square-foot (0.77 acre) proposed New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Site (BCP) site is located at 615 Broadway in the city of Kingston, New York, and is identified on the Ulster County Tax Map as Section 56.109, Tax Block 3, Lot 16.

Site Coordinates (degrees/minutes/seconds):

- Latitude: 41°55'45.2604"
- Longitude: -74°0'19.8684"

Item 2 – Property and Tax Maps

Figure A-1: Site Location Map is the required United States Geological Survey (USGS) 7.5-minute quadrangle map showing the proposed brownfield property.

Figure A-2: Site Plan provides a property base map that shows map scale, north arrow orientation, and proposed extent of the BCP site with respect to adjacent streets and roadways.

Figure A-3: Surrounding Land Use Map depicts the proposed brownfield site extent with surrounding land uses and adjacent property owners clearly identified.

Figure A-4: Tax Map provides a property base map that shows tax lot boundaries, the proposed brownfield site extent, and surrounding area.

Figure A-5: Disadvantaged Communities Map provides a property base map that shows location of the site with the Disadvantaged Community overlay developed by the Climate Justice Working Group.

Items 3, 4, and 5 – Environmental Zone, Disadvantaged Communities, and Brownfield Opportunity Area

According to the NYSDEC boundaries for the New York State Environmental Zone (En-Zone), the site is not located within a designated En-Zone. The site is within a census tract that has a poverty rate of 19.5% and an unemployment rate of 5.8. Figure A-5 shows the proposed BCP site boundary within the disadvantaged community census tract.

The site is located within a prospective Brownfield Opportunity Area (BOA). The City of Kingston, in partnership with the Hudson Valley Pattern for Progress, has won a BOA grant from the New York State Department of State (NYSDOS) per the NYSDOS list of BOA Grant Awards for 2022-

2023. According to the City of Kingston webpage, the grant will “focus on vacant and abandoned properties within a 270-acre area that runs along the Broadway corridor.”

Item 14 – Property Description Narrative

Location

The site is located at 615 Broadway within an urban area of Kingston, New York, and is identified on the Ulster County Tax Map as Section 56.109, Tax Block 3, Lot 16. Block 3 is bordered by Henry Street to the north, Broadway to the east, Cedar Street to the south, and Sterling Street to the west.

Site Features

The vacant site is improved with an asphalt-paved parking lot, and a landscaped area in the eastern part of the site fronting Broadway. The site is irregularly shaped and includes an about 10-foot-wide by 200-foot-long accessway formerly known as Martin’s Lane that extends to the southeast towards Cedar Street. According to the United States Geological Survey (USGS) Kingston West and East Quadrangle 7.5-minute Series Topographic Map, the site elevation is about 180 feet above mean sea level (amsl). The site is generally flat with the surrounding area gently sloping towards the north.

Current Zoning and Land Use

According to the City of Kingston’s Form Based Zoning Code adopted on August 2, 2023, the site is located within a T5MS: Main Street Mixed Use zoning area. The T5MS: Main Street Mixed Use zoning district is generally characterized as a pedestrian-friendly, urban area of medium to high-density buildings with mixed commercial and residential uses. In addition to T5MS: Main Street Mixed Use, properties adjacent to the site are zoned for T4N: Neighborhood Limited Use, T4N-O: Neighborhood-Open Mixed Use, and T5N: Neighborhood Mixed Use. A copy of the zoning code is included in Attachment C.

Land use within a half-mile radius includes residential, commercial, institutional uses, and parks. The nearest ecological receptor is the Esopus Creek, located about 0.8 miles northwest of the site.

The proposed use is consistent with applicable zoning laws and maps.

Past Use of the Site

A review of historical records indicate that the site has been located in a densely-developed urban area characterized by commercial, residential, and industrial uses since the 1890s. The site has documented historical residential and commercial uses; however, the area was historically largely

used for industrial purposes and there are large gaps in the records detailing specific uses of the site. Available records indicate the site was improved as early as 1887 with a two-story dwelling fronting Broadway and a two-story dwelling in the central part of the site at the end of Martin's Lane. By 1899, the site was also developed with a one-story store along Broadway. No records exist between the years of 1899 and 1950. Between 1950 and 1957, the eastern part of the site operated as a produce warehouse (A.H. Guildersleeve & Son) with ancillary buildings for miscellaneous storage, heating supplies, cooling, shipping and receiving. The western part of the site was developed with multi-story apartments. By 1972, the previous buildings were demolished and the site was developed with two buildings operated as a motel (Imperial Motel). According to aerial photographs, the motel remained unchanged through 2006. City directory records also noted an occupant called "Osgold International (USA)" in 1995; the specific operations of this company are unknown. By 2009, the motel buildings were no longer present. The site contained one building of unknown use in the eastern part of the site alongside a landscaped area between 2013 and 2017, and the remainder of the site consisted of an asphalt-paved parking lot. At the time of the March 2019 Phase I Environmental Site Assessment (ESA) and July 2020 Phase II ESA reports prepared by Weston & Sampson PE, LS, LA, PC (Weston & Sampson), the site was improved with an asphalt-paved parking lot, with a landscaped area in the eastern part of the site.

Clinkers, which are typically associated with industrial processes such as metal works, were identified in fill during the July 2020 Phase II ESA. Selenium, a byproduct of metal sulfide ore refinement, was also detected in groundwater above the NYSDEC Division of Water Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards (AWQS) and Guidance Values for Drinking Water (Class GA) (collectively referred to as "SGVs"). The presence of clinkers and lead in soil and selenium in groundwater suggest that industrial processes may have occurred at the site, possibly during the first half of the 20th century when specific use of the site was undocumented. Undocumented dumping may have also occurred at some point after 2009 when the motel buildings were no longer present.

Site Geology and Hydrogeology

According to the July 2020 Phase II ESA, the site is underlain by fill consisting of dark brown fine- to medium-grained sand with varying amounts of gravel, concrete, clinkers, brick and slag to between about 1 to 5 feet below grade surface (bgs) followed by tan fine- to coarse and fine- to medium-grained sands with varying amounts of gravel to about 20 feet bgs. Tan clay lenses were observed between 22 and 25 feet bgs in the northern part of the site and between 16 and 19 feet bgs in the southern part of the site. Bedrock was not encountered during the July 2020 Phase II ESA. Based on review of the "Preliminary Geologic Map and Cross Section of the Ellenville and Kerhonkson Quadrangles (In Part) and the Napanoch Quadrangle, Ulster and Orange

Counties, New York (Epstein, Jack B., Lyttle, Peter T., dated 1990)", the site is underlain by bedrock of the Onondaga limestone formation, consisting of medium-gray, cherty fossiliferous limestone.

Groundwater was encountered at about 20 feet bgs in monitoring wells installed across the site as part of the July 2020 Phase II ESA. Based on the investigation findings, groundwater was observed to flow to the south-southwest.

Environmental Assessment

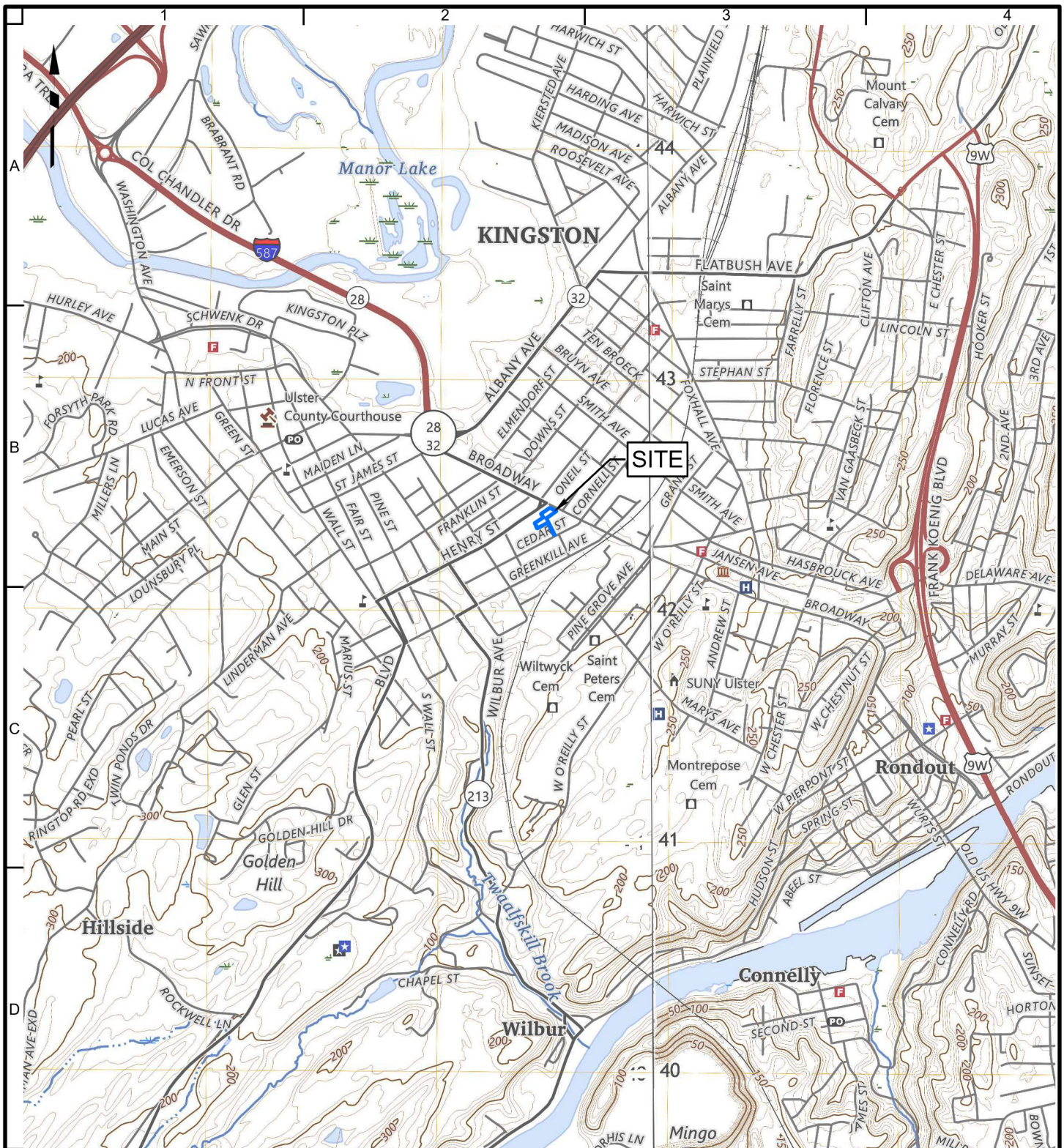
Based on the findings of the July 2020 Phase II ESA performed by Weston & Sampson, the known primary contaminants of concern include semivolatile organic compounds (SVOC) and metals in soil, and chlorinated volatile organic compounds (CVOCs) and metals in groundwater. Further detail regarding documented soil and groundwater contamination is provided below.

Soil: SVOCs, particularly polycyclic aromatic hydrocarbons (PAHs), and metals (lead) were detected in the fill layer at concentrations exceeding the applicable Title 6 New York Codes, Rules and Regulations (NYCRR) Part 375 Protection of Groundwater (PGW) and/or Restricted Use Restricted-Residential (RURR) soil cleanup objectives (SCOs). Odors and staining were not observed in soil during the July 2020 Phase II ESA. A maximum photoionization detector (PID) reading of 19.5 parts per million (ppm) was observed in one boring (SB-2) between 0 and 1 feet bgs in the northern part of site.

Groundwater: CVOCs and metals (total selenium) were detected in groundwater at concentrations above the SGVs. Tetrachloroethene (PCE) and trichloroethene (TCE) were detected up to one order of magnitude greater than their SGVs in the eastern, western, and southern parts of the site. Odors and sheen were not observed on purged groundwater during sampling.

Soil Vapor: Soil vapor samples were not collected as part of the July 2020 Phase II ESA; however, due to known CVOC contamination in groundwater identified during sampling, vapor intrusion is likely a concern at the site.

Based on the CVOC concentrations identified in groundwater samples collected during the July 2020 Phase II ESA, a spill was reported to the NYSDEC on July 15, 2019, and NY Spill # 1903819 was assigned to the site. The spill was administratively closed by the NYSDEC on September 23, 2020; however, the site has not been remediated and therefore CVOCs are still considered a known contaminant in groundwater at the site.



Legend

Approximate Site Boundary



Notes:

1. Basemap adapted from United States Geological Survey (USGS) 7.5-Minute Series Topographical Maps, Kingston East and Kingston West, New York, Quadrangle, 2023.

LANGAN

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Langan Engineering & Environmental Services, Inc.
Langan Engineering, Environmental, Surveying,
Landscape Architecture and Geology, D.P.C.
Langan International LLC

Collectively known as Langan

Project

615 BROADWAY

BLOCK No. 3, LOT No. 16
KINGSTON

ULSTER COUNTY

NEW YORK

Figure Title

SITE LOCATION MAP

Project No.

170803001

Date

12/22/2023

Scale

1"=2,000'

Drawn By

GS

Submission Date

Figure No.

A-1



Legend

- Approximate Site Boundary
- Tax Parcel

Notes:
1. Aerial imagery provided through Langan's subscription to NearMap.com, flown 9/22/2023.
2. Parcel data provided by Ulster County GIS.

E

WARNING: It is a violation of the NYS Education Law Article 145 for any person, unless acting under the direction of a licensed professional engineer, land surveyor or geologist, to alter this item in any way.



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Project

615 BROADWAY

BLOCK No. 3, LOT No. 16
KINGSTON

ULSTER COUNTY

NEW YORK

Figure Title

SITE PLAN

Project No.

170803001

Date

12/22/2023

Scale

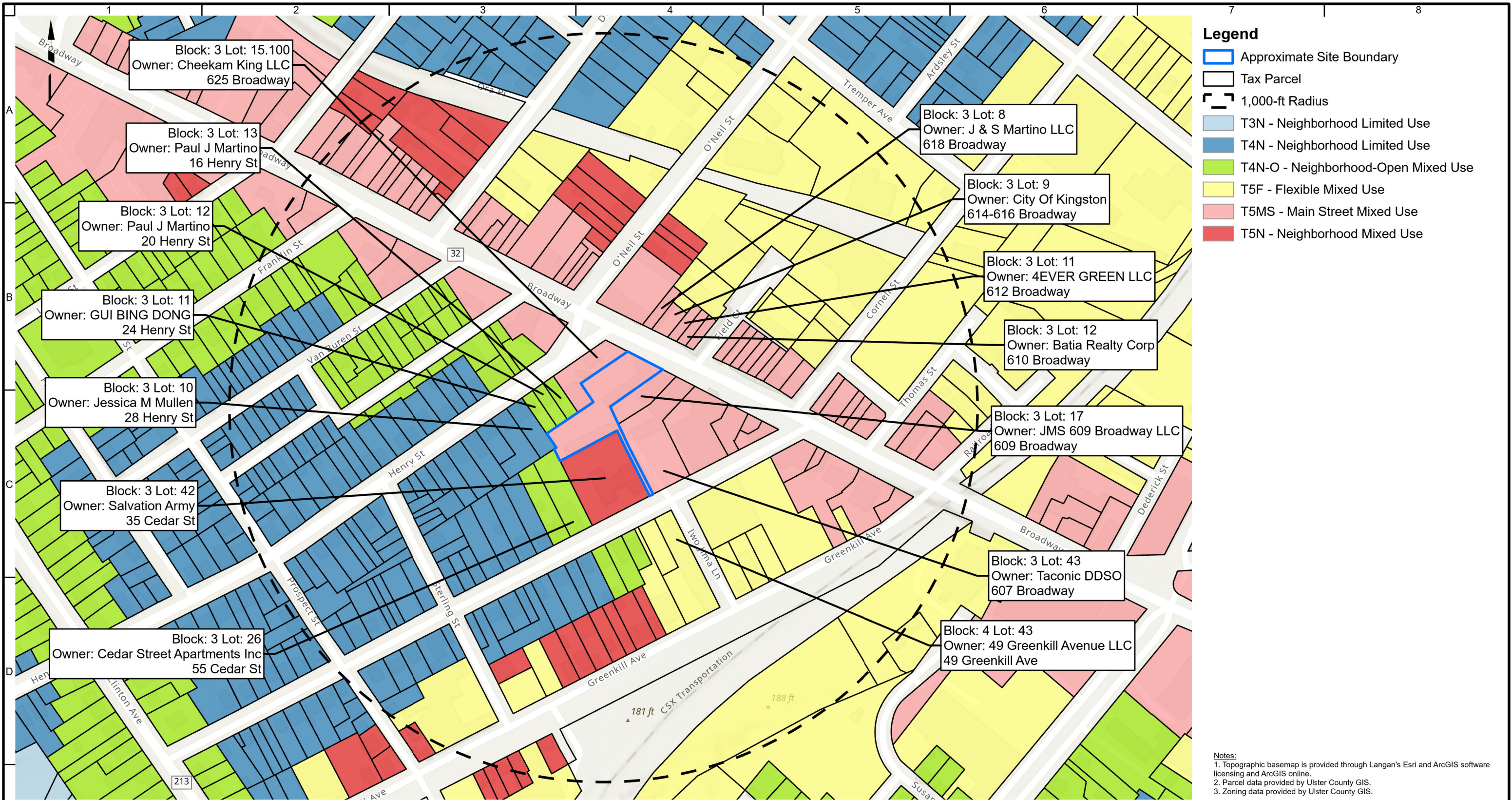
1"=60'

Drawn By

GS

Figure No.

A-2



- Legend**
- Approximate Site Boundary
 - Tax Parcel
 - 1,000-ft Radius
 - T3N - Neighborhood Limited Use
 - T4N - Neighborhood Limited Use
 - T4N-O - Neighborhood-Open Mixed Use
 - T5F - Flexible Mixed Use
 - T5MS - Main Street Mixed Use
 - T5N - Neighborhood Mixed Use

Notes:
1. Topographic basemap is provided through Langan's Esri and ArcGIS software licensing and ArcGIS online.
2. Parcel data provided by Ulster County GIS.
3. Zoning data provided by Ulster County GIS.

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250 0 250

SCALE IN FEET

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Project

615 BROADWAY

BLOCK No. 3, LOT No. 16

KINGSTON

ULSTER COUNTY NEW YORK

Figure Title

**SURROUNDING
LAND USE
MAP**

Project No.	170803001	Figure No.	A-3
Date	12/22/2023		
Scale	1"=250'		
Drawn By	GS		



Legend

- Approximate Site Boundary
- Tax Parcel
- 3** Tax Block

Notes:
1. Parcel data provided by Ulster County GIS.

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60

0

60

SCALE IN FEET

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Project

615 BROADWAY

BLOCK No. 3, LOT No. 16

KINGSTON

ULSTER COUNTY

NEW YORK

Figure Title

TAX MAP

Project No.
170803001

Date
12/22/2023

Scale
1"=60'

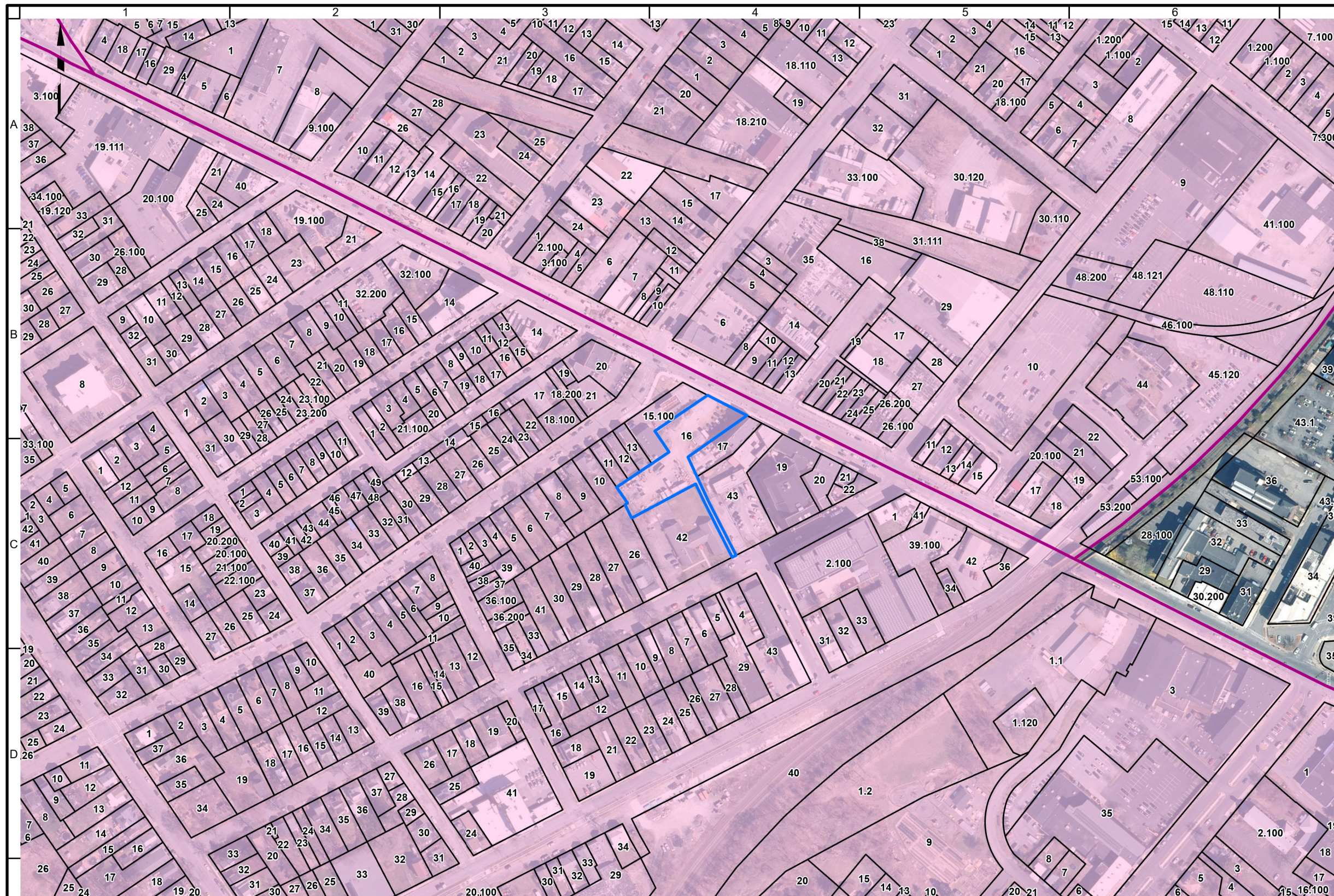
Drawn By
GS

Figure No.




A-4

Path: \\langan.com\data\NYC\data0\170803001\Project Data\ArcGIS\APRX\170803001\170803001.aprx Date: 12/22/2023 User: pditillio Time: 4:09 PM

© 2023 Langan



Legend

-  Approximate Site Boundary
 Tax Parcel
 New York State Disadvantaged Communities

Notes:

1. World aerial imagery basemap is provided through Langan's Esri and ArcGIS software licensing and ArcGIS online.
2. Parcel data provided by Ulster County GIS.
3. Disadvantaged community boundaries based on census tracts identified under the Climate Justice Working Group (CJWG) criteria.

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	Project
--	---------

615 BROADWAY

BLOCK No. 3, LOT No. 16

KINGSTON

ULSTER COUNTY

NEW YORK

Figure Title

DISADVANTAGED COMMUNITIES MAP

Project No.

170803001

Date

12/22/2023

Scale

$$1'' = 250'$$

Drawn By

GS

Figure No.

A-5

WARNING: It is a violation of the NYS Education Law Article 145 for any person, unless acting under the direction of a licensed professional engineer, land surveyor or geologist, to alter this item in any way.



ATTACHMENT B

SECTION II: PROJECT DESCRIPTION

Purpose and Scope of the Project

The purpose of the project is to remediate and redevelop the about 33,700 square-foot (0.77 acre) contaminated site into a new mixed-use building with residential units and commercial and community space. At least 20% of the residential units will be designated as affordable housing. The proposed remedial measures needed to accommodate the project will include:

- Demolition of the existing parking lot
- Excavation and off-site disposal of contaminated soil
- Dewatering and/or groundwater treatment as necessary
- Implementation of other remedial elements, if required, simultaneously with development

The remedial program would begin with the submission of a Remedial Investigation Work Plan (RIWP) for the New York State Department of Environmental Conservation's (NYSDEC) review. Findings of the investigation outlined in the RIWP will be documented in a Remedial Investigation Report (RIR). Future remediation plans to address the identified impacts will be detailed in the Remedial Action Work Plan (RAWP), which will be implemented concurrently with the contemplated development. The RIR and RAWP will be prepared in accordance with NYSDEC guidelines. An estimated timeline of anticipated Brownfield Cleanup Program (BCP) milestones is provided in the following schedule:

Estimated Project Schedule

Estimated Project Schedule		2024												2025											
		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Item	Action																								
1	Preparation and Submission of BCP Application																								
2	NYSDEC Review of BCP Application for Completeness																								
3	Address NYSDEC Comments to BCP Application																								
4	NYSDEC Secondary Review of BCP Application																								
5	30-Day Public Comment Period for BCP Application																								
6	NYSDEC Issues BCA																								
7	Preparation and Submission of CPP and RIWP																								
8	NYSDEC/NYSDOH Review of RIWP																								
9	Address NYSDEC/NYSDOH Comments to RIWP and Secondary Review																								
10	30-day Public Comment Period of RIWP																								
11	Field Implementation of RIWP																								
12	Preparation and Submission of RIR and RAWP																								
13	NYSDEC/NYSDOH Review of RIR and RAWP																								
14	45-day Public Comment Period of RIR and RAWP																								
15	Address Comments to RIR and RAWP																								
16	NYSDEC Approval of RAWP and Issuance of Decision Document																								
17	Implementation of RAWP with Engineering Oversight																								
18	Preparation of an Environmental Easement, FER, and SMP (if required)																								
19	NYSDEC/NYSDOH Review of FER (and SMP, if required)																								
20	NYSDEC Issues COC																								

Notes:

- a) This is an estimated schedule; all items are subject to change
- b) BCP = Brownfield Cleanup Program
- c) NYSDEC = New York State Department of Environmental Conservation
- d) BCA = Brownfield Cleanup Agreement
- e) NYSDOH = New York State Department of Health
- f) CPP = Citizen Participation Plan
- g) RIWP = Remedial Investigation Work Plan
- h) RIR = Remedial Investigation Report
- i) RAWP = Remedial Action Work Plan
- j) FER = Final Engineering Report
- k) SMP = Site Management Plan
- l) COC = Certificate of Completion

ATTACHMENT C

SECTION III: LAND USE FACTORS

Item 1 and 2 - Current Zoning

According to the City of Kingston's Form Based Zoning Code adopted on August 2, 2023, the site is located within a T5MS: Main Street Mixed Use zoning area. The T5MS: Main Street Mixed Use zoning district is generally characterized as a pedestrian-friendly, urban area of medium to high-density buildings with mixed commercial and residential uses. The proposed use of the site is consistent with the current zoning. A copy of the zoning code is attached.

Item 4 - Current Use

The about 33,700 square-foot (0.77 acre) proposed New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Site (BCP) site is located at 615 Broadway in the city of Kingston, New York, and is identified on the Ulster County Tax Map as Section 56.109, Tax Block 3, Lot 16. The site has been vacant since about 2017, and is improved with an asphalt-paved parking lot, and a landscaped area in the eastern part of the site fronting Broadway. The site is irregularly shaped and includes an about 10-foot-wide by 200-foot-long accessway formerly known as Martin's Lane that extends to the southeast towards Cedar Street. Block 3 is bordered by Henry Street to the north, Broadway to the east, Cedar Street to the south, and Sterling Street to the west.

Item 6 - Intended Use Post Remediation

Current plans call for the development of a new mixed-use building with residential units and commercial and community space. At least 20% of the residential units will be designated as affordable housing.

Item 9 – Consistency with Applicable Zoning Laws/Maps

This project responds to the goals of the City of Kingston's Form-Based Zoning Code adopted on August 2, 2023. The Form-Based Zoning code facilitates development while contributing to the urban environment, and incentivizes affordable housing. The site is located within a T5MS: Main Street Mixed Use zoning district, which is characterized as a pedestrian-friendly, urban area of medium to high-density buildings with mixed commercial and residential uses.

Item 10 - Comprehensive Plans

The City of Kingston Comprehensive Plan 2025 was adopted on March 15, 2016. The comprehensive plan seeks to create a diversity in land use and population through revitalization and redevelopment of the urban centers while preserving cultural and historic city resources.

The comprehensive plan emphasizes the development of lands within preexisting developed areas and of underutilized properties with former heavy commercial and industrial uses, rather than undeveloped or “virgin” land.

This project responds to the goals of the City of Kingston Comprehensive Plan 2025.

ATTACHMENT D

SECTION IV: PROPERTY'S ENVIRONMENTAL HISTORY

The about 33,700 square-foot (0.77 acre) site is located at 615 Broadway in the city of Kingston, New York and is identified on the Ulster County Tax Map as Section 56.109, Block 3, Lot 16. Based on the historic uses of the site and presence of corresponding contaminants at concentrations exceeding the applicable criteria for the reasonably anticipated use of the site (restricted-residential), the site is eligible for the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP).

Item 1 - Environmental Reports

The following environmental reports were prepared for the site prior to the Requestor's application (copies are provided as an attachment):

- *Phase I Environmental Site Assessment (ESA) Report, dated March 2019, prepared by Weston & Sampson PE, LS, LA, PC (Weston & Sampson)*
- *Phase II ESA Report, dated July 2020, prepared by Weston & Sampson*

Phase I ESA Report, dated March 2019, prepared by Weston & Sampson

Weston & Sampson prepared a Phase I ESA in accordance with the ASTM E-1527-13 standards for the current site owner (City of Kingston). The Phase I ESA identified historical and current surrounding property use as a recognized environmental condition (REC).

The Phase I ESA also noted that, due to nearby fuel oil releases and known chlorinated solvent contamination in groundwater at adjoining and surrounding properties, a vapor encroachment condition (VEC) likely exists at the site.

Phase II ESA Report, dated July 2020, prepared by Weston & Sampson

A Phase II ESA was completed by Weston & Sampson in June 2019 to investigate potential on-site contamination. Supplemental groundwater sampling was conducted in November 2019 at the site. Findings from the Phase II ESA are summarized below:

Subsurface Observations

The site is underlain by fill consisting of dark brown fine- to medium-grained sand with varying amounts of gravel, concrete, clinkers, brick and slag to between about 1 to 5 feet below grade surface (bgs) followed by tan fine- to coarse and fine- to medium-grained sands with varying amounts of gravel to about 20 feet bgs. Tan clay lenses were observed between 22 and 25 feet bgs in the northern part of the site and between 16 and 19 feet bgs in the southern part of the

site. Odors and staining were not observed in soil during the Phase II ESA. A maximum photoionization detector (PID) reading of 19.5 parts per million (ppm) was observed in one boring (SB-2) between 0 and 1 feet bgs in the northern part of site. Bedrock was not encountered.

Groundwater was encountered at about 20 feet bgs in monitoring wells installed across the site. Based on the investigation findings, groundwater flow was observed to flow to the south-southwest.

Analytical Results

- Soil: Semivolatile organic compounds (SVOCs), particularly polycyclic aromatic hydrocarbons (PAHs), and metals (lead) were detected in the fill layer at concentrations exceeding the Title 6 New York Codes, Rules, and Regulations (NYCRR) Part 375 Unrestricted Use (UU), Protection of Groundwater (PGW), and/or Restricted Use Restricted-Residential (RURR) soil cleanup objectives (SCOs).
- Groundwater: chlorinated volatile organic compounds (CVOCs) and metals (total) were detected in groundwater at concentrations above the NYSDEC Division of Water Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards (AWQS) and Guidance Values for Drinking Water (class GA) (collectively referred to as "SGVs").
- Soil Vapor: Soil vapor samples were not collected as part of the Phase II ESA.
- Based on the analytical results of CVOCs in groundwater, a spill was reported to the NYSDEC on July 15, 2019, and NY Spill No. 1903819 was assigned to the site.

In an interview on November 30, 2023, Weston and Sampson confirmed that no remediation has occurred at the site, and NY Spill No. 1903819 was only administratively closed in 2020 because CVOc impacts in groundwater in the vicinity of the site were previously discovered.

Item 2 - Sampling Data

Contaminant concentrations detected above applicable regulatory standards for soil tested as part of the July 2020 Phase II ESA are summarized below. Laboratory analytical reports are appended to the July 2020 Phase II ESA Report, included as an attachment.

Soil

Soil samples contained concentrations of SVOCs and metals exceeding the Title 6 NYCRR Part 375 Protection of Groundwater (PGW) and/or Restricted Use Restricted-Residential (RURR)

SCOs. The following table summarizes maximum concentrations of target compounds detected on site above regulatory comparison criteria:

Table 1: Maximum Concentrations of Target Compounds Detected in Soil above SCOs

Parameter	Maximum Detected Concentration above SCO	PGW and RURR
SVOCs		
Benzo(a)anthracene	1.7 mg/kg in SB-7 (0-2)	PGW: 1 mg/kg RURR: 1 mg/kg
Benzo(a)pyrene	1.6 mg/kg in SB-7 (0-2)	RURR: 1 mg/kg
Benzo(b)fluoranthene	1.8 mg/kg in SB-7 (0-2)	PGW: 1.7 mg/kg RURR: 1 mg/kg
Chrysene	1.5 mg/kg in SB-7 (0-2)	PGW: 1 mg/kg
Indeno(1,2,3-cd)pyrene	1.3 mg/kg in SB07 (0-2)	RURR: 0.5 mg/kg
Metals		
Lead	3,000 mg/kg in SB-3 (0-2)	PGW: 450 mg/kg RURR: 400 mg/kg

Notes:

1. Results compared to 6 NYCRR Part 375 PGW and RURR SCOs

2. mg/kg – milligram per kilogram

Groundwater

Groundwater samples contained concentrations of VOCs and total metals exceeding the SGVs. The following table summarizes maximum concentrations for target compounds detected above their regulatory comparison criteria:

Table 2: Maximum Concentrations of Target Compounds Detected in Groundwater above SGVs

Compounds	Maximum Groundwater Concentration above SGVs	SGV
VOCs		
Tetrachloroethene (PCE)	14 µg/L in MW-6 (6/18/2019)	5 µg/L
Trichloroethene (TCE)	21 µg/L in MW-2 (6/20/2019)	5 µg/L
Metals - Total		
Selenium	20 µg/L in MW-1 (6/19/2019)	10 µg/L

Notes:

1. Results compared to the SGVs

2. µg/L – microgram per liter

Soil Vapor

Soil vapor samples were not collected as part of the July 2020 Phase II ESA; however, based on the concentrations of CVOCs identified in groundwater it is likely that elevated CVOCs are present in soil vapor and that vapor mitigation is likely warranted.

Item 2 - Known or Suspected Sources of Contaminants

The site is located in an area that was historically used for heavy industrial purposes. Although the site has documented historical residential and commercial uses there are large gaps in the records detailing specific uses of the site. Clinkers, which are typically associated with industrial processes such as metal works, were identified in fill during the July 2020 Phase II ESA. The presence of clinkers suggest that industrial processes occurred at the site. Lead was also identified at hazardous concentrations in soil. Additionally, selenium, a byproduct of metal sulfide ore refinement, was also detected in groundwater above the applicable SGVs, as were CVOCs, which are common degreasers used for maintenance of industrial machinery. The presence of clinkers and lead in soil and selenium and CVOCs in groundwater suggest that industrial processes may have occurred at the site, possibly during the first half of the 20th century when specific use of the site was undocumented. Other potential sources of contamination include historical commercial uses, such as a warehouse in the 1950s with ancillary buildings for miscellaneous storage, heating supplies, cooling, shipping, and receiving.

Undocumented dumping or backfilling during demolition and redevelopment of the site may also be the source of PAHs and metals that were detected above the PGW SCOs and/or RURR SCOs in soil.

Item 3 – Site Figures

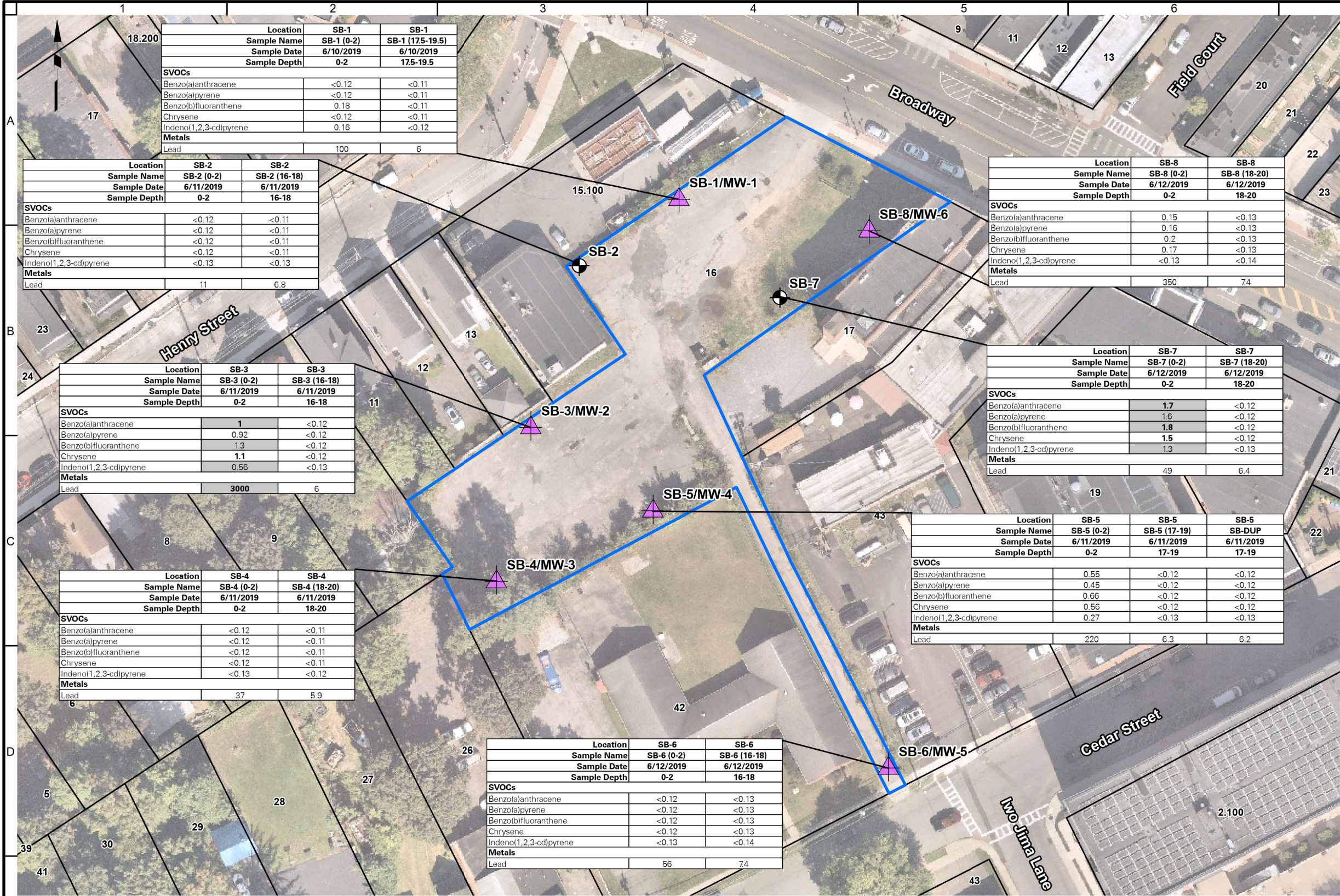
The following figures summarize the concentration of each contaminant by media type using the analytical results collected from the July 2020 Phase II ESA report. Analytical data is only shown for soil and groundwater samples that had exceedances of the applicable standards. Soil vapor samples were not collected as part of the Phase II ESA.

- Figure D-1: Soil Sample Analytical Results
- Figure D-2: Groundwater Sample Analytical Results

Item 4 – Past Uses of the Site

A review of historical records indicate that the site has been located in a densely-developed urban area characterized by commercial, residential, and industrial uses since the 1890s. The site has documented historical residential and commercial uses; however, the area was historically largely used for industrial purposes and there are large gaps in the records detailing specific uses of the site. Available records indicate the site was improved as early as 1887 with a two-story dwelling fronting Broadway and a two-story dwelling in the central part of the site at the end of Martin's

Lane. By 1899, the site was also developed with a one-story store along Broadway. No records exist between the years of 1899 and 1950. Between 1950 and 1957, the eastern part of the site operated as a produce warehouse (A.H. Guildersleeve & Son) with ancillary buildings for miscellaneous storage, heating supplies, cooling, shipping and receiving. The western part of the site was developed with multi-story apartments. By 1972, the previous buildings were demolished and the site was developed with two buildings operated as a motel (Imperial Motel). According to aerial photographs, the motel remained unchanged through 2006. City directory records also noted an occupant called "Osgold International (USA)" in 1995; the specific operations of this company are unknown. By 2009, the motel buildings were no longer present. The site contained one building of unknown use in the eastern part of the site alongside a landscaped area between 2013 and 2017, and the remainder of the site consisted of an asphalt-paved parking lot. At the time of the March 2019 Phase I ESA and July 2020 Phase II ESA reports, the site was improved with an asphalt-paved parking lot, with a landscaped area in the eastern part of the site.



Legend

- Approximate Site Boundary
- Tax Parcel
- Approximate Soil Boring Location
- Approximate Soil Boring/Monitoring Well Location

Analyte	NYSDEC Part 375 Restricted Use Restricted- Residential SCOs	NYSDEC Part 375 Protection of Groundwater SCOs
SVOCs		
Benzo(a)anthracene	1	1
Benzo(a)pyrene	1	22
Benzo(b)fluoranthene	1	1.7
Chrysene	3.9	1
Indeno(1,2,3-cd)pyrene	0.5	8.2
Metals		
Lead	400	450

Exceedance Summary:

- 10 - Result exceeds Protection of Groundwater SCOs
- 10 - Result exceeds Restricted Use Restricted-Residential SCOs

- Notes:
- Aerial imagery provided through Langan's subscription to NearMap.com, flown 9/22/2023.
 - Parcel data provided by Ulster County GIS.
 - Soil sample results were taken from the Phase II Environmental Site Assessment Report prepared by Weston & Sampson, dated July 2020.
 - Soil sample analytical results are compared to the New York State Department of Environmental Conservation (NYSDEC) Title 6 of the Official Compilation of New York Codes, Rules, and Regulation (NYCRR) Part 375 Protection of Groundwater (PGW) and Restricted Use Restricted-Residential (RURR) Soil Cleanup Objectives (SCOs).
 - Only compounds detected above the PGW and RURR SCOs are shown.
 - Results are shown in mg/kg (milligrams per kilogram).
 - SVOC - Semivolatile Organic Compound

WARNING: It is a violation of the NYS Education Law Article 145 for any person, unless acting under the direction of a licensed professional engineer, land surveyor or geologist, to alter this item in any way.



LANGAN

Langan Engineering, Environmental, Surveying,
Landscape Architecture and Geology, D.P.C.

360 West 31st Street, 8th Floor
New York, NY 10001

T: 212.479.5400 F: 212.479.5444 www.langan.com

Project

615 BROADWAY

BLOCK No. 3, LOT No. 16

KINGSTON

ULSTER COUNTY

NEW YORK

Figure Title

**SOIL SAMPLE
ANALYTICAL RESULTS**

Project No.

170803001

Date

12/22/2023

Scale

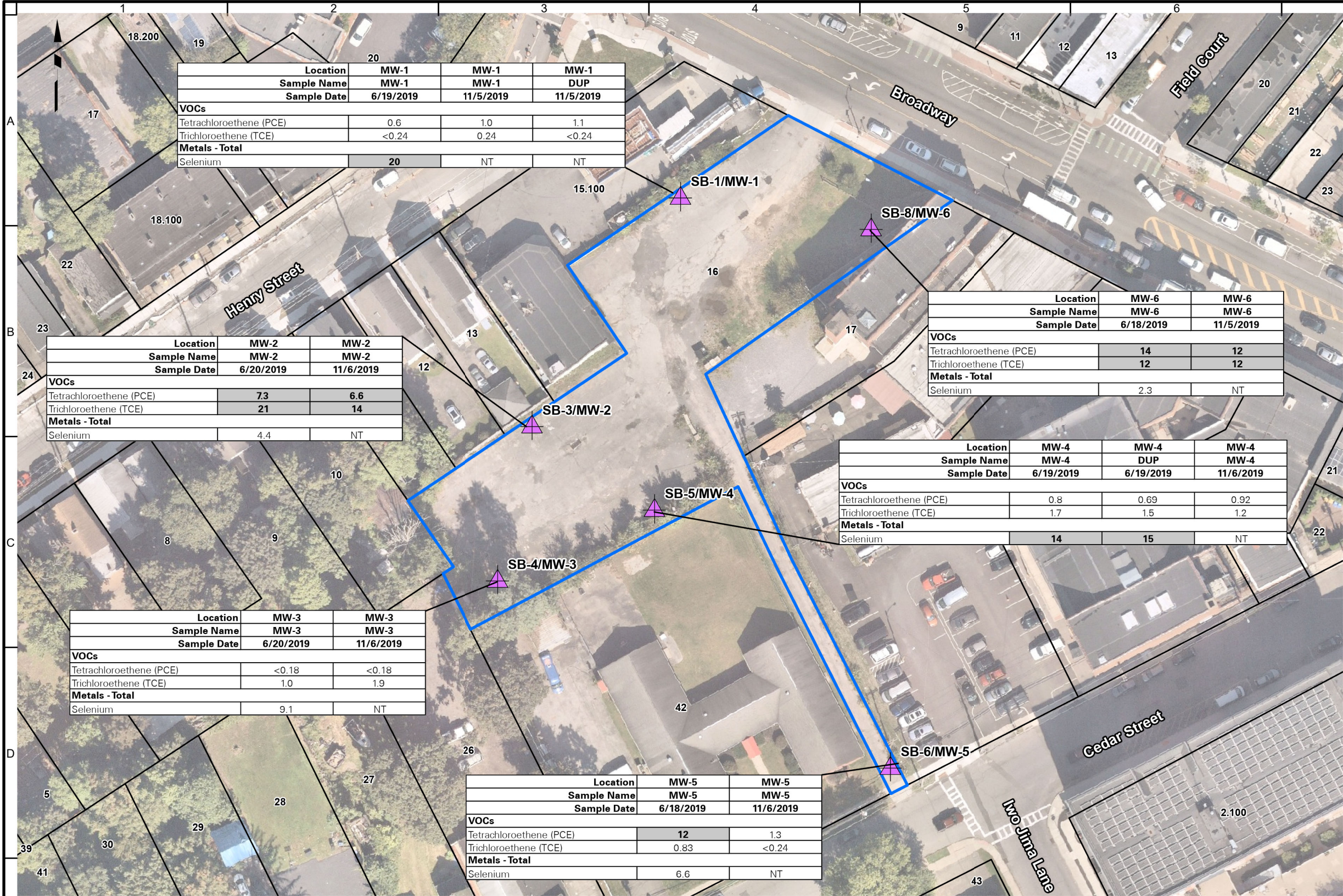
1"=60'

Drawn By

GS

Figure No.

D-1



Legend

Approximate Site Boundary

Tax Parcel

Approximate Soil Boring/Monitoring Well Location

Analyte	NYSDEC SGVs
VOCs	
Tetrachloroethene (PCE)	5
Trichloroethene (TCE)	5
Metals - Dissolved	
Selenium	10

Exceedance Summary:
10 - Result exceeds NYSDEC SGVs

Notes:
1. Aerial imagery provided through Langan's subscription to NearMap.com, flown 9/22/2023.
2. Parcel data provided by Ulster County GIS.
3. Groundwater sample results were taken from the Phase II Environmental Site Assessment Report prepared by Weston & Sampson, dated July 2020.
4. Groundwater sample analytical results are compared to the New York State Department of Environmental Conservation (NYSDEC) Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Guidance Values for Class GA Water (collectively referred to as "NYSDEC SGVs").
5. Only compounds detected above the NYSDEC SGVs are shown.
6. Results are shown in µg/L (micrograms per liter).
7. VOC - Volatile Organic Compound
8. NT - Not Tested

WARNING: It is a violation of the NYS Education Law Article 145 for any person, unless acting under the direction of a licensed professional engineer, land surveyor or geologist, to alter this item in any way.

600060

SCALE IN FEET

LANGAN

Langan Engineering, Environmental, Surveying,
Landscape Architecture and Geology, D.P.C.

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New York, NY 10001

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Project

615 BROADWAY

BLOCK No. 3, LOT No. 16
KINGSTON

ULSTER COUNTYNEW YORK

Figure Title

**GROUNDWATER
SAMPLE
ANALYTICAL RESULTS**

Project No.
170803001

Date
12/27/2023

Scale
1"=60'

Drawn By
GS

Figure No.

D-2

© 2023 Langan

Path: \\langan.com\data\NYC\data\0170803001\Project Data\ArcGIS\APRX\170803001\170803001.aprx Date: 12/27/2023 User: pditilio Time: 2:46 PM

ATTACHMENT E

SECTION V: REQUESTOR INFORMATION

The Requestor, 615 Broadway LLC, is a New York limited liability corporation and the developer of the proposed Brownfield Cleanup Program (BCP) site at 615 Broadway in Kingston, New York, identified on the Ulster County Tax Map as Section 56.109, Block 3, Lot 16. A copy of the New York State Department of State Division of Corporations entity information for 615 Broadway LLC (herein referred to as the "Requestor") is included with this attachment. Additionally, a copy of the deed for the site is included in Attachment G.

The Requestor is not the current owner of the site; however, the Requestor will be purchasing the site from the City of Kingston prior to site development. There is no other relationship between the Requestor's corporate members and the current owner.

The Requestor certifies it is a Volunteer per ECL 27-1405(1). A letter from the City of Kingston indicating that they have granted site access to the Requestor throughout the course of the BCP is attached.

The members of 615 Broadway LLC include:

- Amanda Baxter
- Eric Baxter
- AE Baxter LLC

Department of State

Division of Corporations

Entity Information

Return to Results

Return to Search

Entity Details



ENTITY NAME: 615 BROADWAY LLC
DOS ID: 7197756
FOREIGN LEGAL NAME:
FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY
DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTIONOF LAW: LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW
ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 12/05/2023
REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 12/05/2023
INACTIVE DATE:
FOREIGN FORMATION DATE:
STATEMENT STATUS: CURRENT
COUNTY: ULSTER
NEXT STATEMENT DUE DATE: 12/31/2025
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: 615 BROADWAY LLC
Address: 11 GARDEN STREET, POUGHKEEPSIE, NY, UNITED STATES, 12601

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

**615 Broadway LLC
11 Garden Street
Poughkeepsie, New York, 12601**

December 18, 2023

Bartek Starodaj
City of Kingston
420 Broadway
Kingston, New York 12401

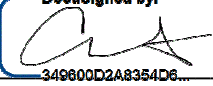
Re: Site Access for Brownfield Cleanup Program Work
City of Kingston
615 Broadway, Kingston, New York 12401

Dear Mr. Starodaj:

As you are aware, 615 Broadway LLC is submitting an application to the Brownfield Cleanup Program (BCP) for the property located at 615 Broadway in Kingston, New York ("the site"). The site is currently owned by the City of Kingston.

As the BCP applicant, we are required to obtain full access to the site from the current property owner to be considered for acceptance into the BCP. In order to file the application, we need written permission from you to access the site throughout the BCP Project. This includes investigation and remediation of the property and permission to place an environmental easement on the site should one be necessary. By execution of this site access agreement letter, you are hereby allowing site access for this purpose, and agreeing to placement of an environmental easement if deemed necessary.

Sincerely,

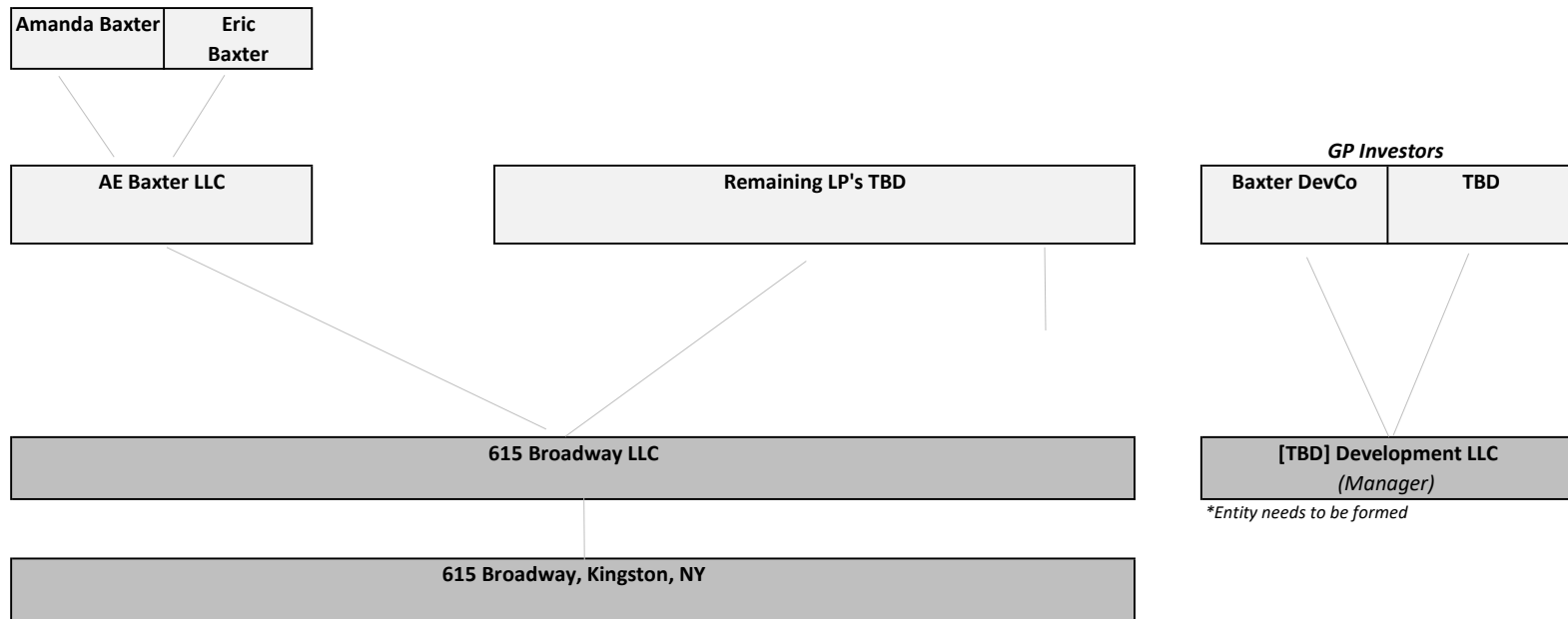
DocuSigned by:

By: _____
Eric Baxter, Authorized Signatory
615 Broadway LLC

As owner of the site, I agree to allow 615 Broadway LLC, and its contractors, to enter 615 Broadway, Kingston, New York, 12401, which is currently owned by the City of Kingston, to perform the required BCP investigation and remediation work and to place an environmental easement on the site should one be necessary.

DocuSigned by:

By: _____
Bartek Starodaj, Director of Housing Initiatives
City of Kingston

615 Broadway LLC | Org Chart



ATTACHMENT F

SECTION VI: REQUESTOR ELIGIBILITY

Items 13 and 14 - Requestor Eligibility Statement and Requestor Relationship to Property

615 Broadway LLC (the Requestor) is properly designated as a Volunteer because its liability arises solely from the recent involvement as a potential developer and future purchaser of the property. There is no indication of any contribution to or exacerbation of site conditions during the time of the Requestor's involvement with the site.

The Requestor has taken appropriate care with respect to current site conditions, to prevent any threatened future release, and to prevent or limit human, environmental or natural resource exposures to any previously released contamination. As such, the Requestor qualifies as a Volunteer in the Brownfield Cleanup Program. The Applicant is prepared to undertake all remediation required to address identified site contamination if deemed necessary by the NYSDEC.

The Requestor is not the current owner of the site; however, the Requestor will be purchasing the site from the City of Kingston prior to site development. There is no other relationship between the Requestor's corporate members and the current owner. A letter from the City of Kingston indicating that they have granted site access to the Requestor is included in Attachment E.

ATTACHMENT G

SECTION IX: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

The Requestor (615 Broadway LLC) is not affiliated with any past property owners, operators, or the release of contaminants associated with prior uses. The Requestor is not the current owner of the site; however, the Requestor will be purchasing the site from the City of Kingston prior to site development. Contact information for the City of Kingston is provided below. A letter from the City of Kingston indicating that they have granted site access to the Requestor throughout the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) is provided in Attachment E.

Property Owner and Contact Information

Current Owner: City of Kingston
Owner Since: June 25, 2010
Address: 420 Broadway
Kingston, New York 12401
Attn: Bartek Starodaj, Director of Housing Initiatives
845-334-3928
bstarodaj@kingston-ny.gov

Current Operator

The property is currently vacant.

Previous Site Owners

Title records were reviewed at the Kingston City Assessor and County Clerk offices as part of a Phase I Environmental Site Assessment (ESA) prepared by Weston & Sampson PE, LS, LA, PC (Weston & Sampson), dated March 2019:

Date	Document Type	Listed Owner	Address and Phone Number	Relationship of First Party to Applicant
Section 56.109, Block 3, Lot 16				
06/25/2010	Deed	City of Kingston	420 Broadway Kingston, New York, 12401 845-334-3928	None
04/29/2005	Deed	SN Management of New York Inc.	159 Spook Rock Road Monitcello, New York 12701 Unknown Phone Number	None
07/27/2000	Deed	Huang Xiao & Zhang Hong	82 Fredericks Drive Lake Katrine, New York 12449-5035 Unknown Phone Number	None
03/17/1989	Deed	Unknown	Unknown Address Unknown Phone Number	None

Date	Document Type	Listed Owner	Address and Phone Number	Relationship of First Party to Applicant
07/15/1980	Deed	C. Liu, Inc.	64 Columbus Drive Tenaflly, New Jersey 07670 Unknown Phone Number	None
01/23/1980	Deed	Chu-Shinang Chao Liu		None
03/25/1964	Deed	Henry Roundout Properties Inc.	111 Green Street Kingston, New York 12401 Uknknown Phone Number	None
11/18/1964	Deed	John L Larkin	42 Main Street Kingston, New York 12401 Unknown Phone Number	None
11/13/1964	Deed	John L Larkin		None
01/09/1925	Deed	Ferdinand Gildersleeve	416 NE 25 th Avenue Pompano Beach, Florida 33062 Unknown Phone Number	None
07/17/1914	Deed	Lousia Bailey	Unknown Address Unknown Phone Number	None
06/27/1896	Deed	Patrick Fitzgerald	Unknown Address Unknown Phone Number	None

Reference: *Phase I ESA prepared by Weston & Sampson, dated March 2019*

Previous Site Operators

The following table summarizes previous site operators, based on review of historical records included in the Phase I ESA by Weston & Sampson, dated March 2019:

Operator Name	Relationship to Property	Address and Phone Number	Relationship to Applicant
Section 56.109, Block 3, Lot 16			
Residential Structures and Unspecified Store	Occupant (1887 - 1899)	615 Broadway Kingston, New York, 12401 Unknown Phone Number	None
Undocumented Use	1899 - 1950	615 Broadway Kingston, New York, 12401 Unknown Phone Number	None
A.H. Gildersleeve & Son Produce Warehouse and Ancillary Buildings, Multi-Story Apartments	Occupant (1950-1957)	615 Broadway Kingston, New York, 12401 Unknown Phone Number	None
Osgold International	Occupant (1995)	615 Broadway Kingston, New York, 12401 Unknown Phone Number	None
Imperial Motel	Occupant (1972-2006)	615 Broadway Kingston, New York, 12401 Unknown Phone Number	None
Building of Unknown Use	Occupant (2013-2017)	615 Broadway Kingston, New York, 12401 Unknown Phone Number	None
Intermittent Vacancy	2009-2013, 2017- Present	615 Broadway Kingston, New York, 12401 No Phone Number	None

Reference: *Phase I ESA prepared by Weston & Sampson, dated March 2019*

Ulster County
Nina Postupack
County Clerk
Kingston, NY 12401



60 2010 00008832

Volm-4950 Pg-253

Instrument Number: 2010- 00008832

As

D01 - Deed

Recorded On: June 29, 2010

Parties: KINGSTON CITY
To
KINGSTON CITY

Billable Pages: 3

Recorded By: CITY OF KINGSTON

Num Of Pages: 3

Comment:

**** Examined and Charged as Follows: ****

D01 - Deed	55.00	RP5217-250	250.00	Tax Affidavit TP 584	5.00
Recording Charge:	310.00				
	Amount	Consideration Amount	RS#/CS#		
Tax-Transfer	0.00	0.00	4231	Basic	0.00
KINGSTON CITY				Special Additional	0.00
				Additional	0.00
				0.00 Transfer	0.00
Tax Charge:	0.00				

**** THIS PAGE IS PART OF THE INSTRUMENT ****

I hereby certify that the within and foregoing was recorded in the Clerk's Office For: Ulster County,

File Information:

Document Number: 2010- 00008832
Receipt Number: 932965
Recorded Date/Time: June 29, 2010 02:15:35P
Book-Vol/Pg: Bk-D VI-4950 Pg-253
Cashier / Station: r rsec / Cashier Workstation 2

Record and Return To:

CITY OF KINGSTON
CORPORATION COUNSEL
420 BROADWAY
KINGSTON NY 12401



Nina Postupack

Nina Postupack Ulster County Clerk

THIS INDENTURE, made the 25th day of June, 2010

BETWEEN **John Tuey, as Comptroller** of the City of Kingston, 420 Broadway, Kingston,
New York 12401

party of the first part, and

City of Kingston, a municipal corporation with its principal place of business at
420 Broadway, Kingston, New York 12401

party of the second part,

WITNESSETH, that the party of the first part, in consideration of One and no/100 (\$1.00) - - - -
- - - - - dollars, lawful money of the United States, 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 City of Kingston, County of Ulster, State of New York,
known as:

Property Address: 615 Broadway

Kingston, New York, Tax Map Identifier #56.109-3-16 formerly titled to SN Management of
New York, Inc. as described on the tax rolls for the City of Kingston for the year 2008.

** Conveyance pursuant to order and judgment of Hon. Donald A. Williams, Ulster County
Judge, Index #07-434, signed on the 18th day of May, 2010 and filed with the Ulster County
Clerk on June 4, 2010.

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,

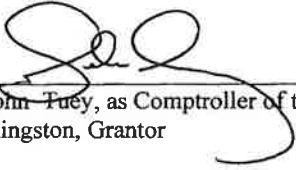
TOGETHER with the appurtenances and all the estate and rights of the party of the first part in
and to said premises,

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, in compliance with Section 13 of the Lien Law, hereby 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:


John Tuey, as Comptroller of the City of
Kingston, Grantor

CHECKED 

ENTERED 

MARK/OFF _____

State of New York)
) ss.
County of Ulster)

On the 25th day of June in the year 2010 before me, the undersigned, a Notary Public in and for said State, personally appeared **John Tuey**, 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.



JANET K. HIGGINS
Notary Public, State of New York
No. 01H4780-45
Qualified in Ulster County
Commission Expires Sept. 30, 20 13

✓ **Record and Return:**
City of Kingston
Corporation Counsel
420 Broadway
Kingston, New York 12401

ATTACHMENT H

SECTION XI: CONTACT LIST INFORMATION

Item 1 – Chief Executive Officer and Zoning Board

Ulster County Executive

Jen Metzger, County Executive
244 Fair Street, 6th Floor
Kingston, NY 12401
(845) 340-3800

Ulster County Planning Board

Dennis Doyle, Director
Robert A. Leibowitz, AICP, Principal Planner & Referral Officer
Burt Samuelson, AICP, Senior Planner
Marianne Ananew, Secretary to the Director
244 Fair Street
P.O. Box 1800
Kingston, NY 12401
(845) 340-3340

Chief Executive Officer

Steve Noble, Mayor
City Hall
420 Broadway
Kingston, NY 12401
(845) 334-3902

Kingston Zoning Board of Appeals

Eric Kitchen, Zoning Officer
City Hall
420 Broadway
Kingston, NY 12401
(845) 331-0080

Kingston Planning Department

Wayne Platte Jr., Chairman
Suzanne Cahill, Planning Director
Kyla DeDea, Assistant Planner
City Hall
420 Broadway
Kingston, NY 12401
(845) 334-3955

Item 2 - Residents, Owners, and Occupants, of the Property and Adjacent Properties

The site is owned and operated by the City of Kingston.

The following is a list of adjacent property owners:

Cheekam King LLC
5 Olev Lane
New Paltz, NY 12561

Cedar Street Apartments Inc.
1280 Edcris Road
Yorktown, NY 10598

Paul J Martino
P.O. Box 615
Hurley, NY 12443

J & S Martino LLC
145 Hidden Valley Road
Kingston, NY 12401

Gui Bing Dong
9 Popla Court
Kingston, NY 12401

City of Kingston
420 Broadway
Kingston, NY 12401

Jessica M Mullen
95 Lynnclyff Road
Hampton Bays, NY 11946

4Ever Green LLC
612 Broadway
Kingston, NY 12401

Salvation Army
120-130 W 14th Street
New York, NY 10011

Batia Realty Corp
P.O. Box 1563
New York, NY 10026

49 Greenkill Avenue LLC
77 Cornell Street
Kingston, NY 12401

JMS 609 Broadway LLC
560 Main Street
Poughkeepsie, NY 12601

Taconic DDSO
26 Center Circle
Wassaic, NY 12592

Item 3 - Local News Media

Local news media from which the community typically obtains information.

Daily Freeman – Newspaper
115 Green Street,
Suite 1, P.O. Box 4470
Kingston, NY 12401
(845) 331-5000

News10 ABC
341 Northern Blvd
Albany, NY 12204
(518) 436-4822

Item 4 - Public Water Supply

City of Kingston Water Department
Water Department/Business Office
Matthew Dysard, Superintendent
111 Jansen Avenue
Kingston, NY 12401
(845) 331-0175

Item 5 – Request for Contact

We are not aware of any requests for inclusion on the contact list.

Item 6 – Schools and Day Care Facilities

There are no schools or day care facilities located on the site. The following are schools or day care facilities located within ½ mile of the site:

Kingston High School

(about 0.5 miles southeast of the site)
Dr. Rachael Scorca (Principal)
403 Broadway
Kingston, NY 12401
(845) 943-3970

YWCA Ulster County - Day Care Center

(about 0.5 miles northwest of the site)
Alisea Mallory (Director of Early Childhood)
Ashley Vernon (Director of Magic Circle
School Operations)
209 Clinton Avenue
Kingston, NY 12401
(845) 338-6844

George Washington Elementary School

(about 0.5 miles southwest of the site)
Wanda LoBianco (Principal)
67 Wall Street
Kingston, NY 12401
(845) 943-3918

Lil Sluggers Daycare

(about 0.22 miles north of the site)
Eugenia R. Pierre-Louis (On-Site Provider)
20 Belvedere Street
Kingston, NY 12401
(845) 334-9299

Mi Casita Daycare

(about 0.46 miles southeast of the site)
Esther DeLemus (Program Director)
78 W O'Reilly Street
Kingston, NY 12401
(845) 331-2840

One Love Learning Daycare

(about 0.22 miles northeast of the site)
12 Ardsley Street
Kingston, NY 12401
Unknown Contact
(845) 443-5992

Item 7 – Document Repository

A letter was sent to and received from the following source, acknowledging that they agree to act as a document repository for documents generated under the New York State Department of Conservation (NYSDEC) Brownfield Cleanup Program (BCP):

The Kingston Library

Margaret Menard – Executive Director
61 Crown Street
Kingston, NY 12401
(845) 331-0507
director@kingstonlibrary.org

Hours

Monday:	10:00 AM – 6:00 PM
Tuesday – Thursday:	10:00 AM – 8:00 PM
Friday:	10:00 AM – 6:00 PM
Saturday:	9:00 AM – 5:00 PM
Sunday:	Closed

December 15, 2023

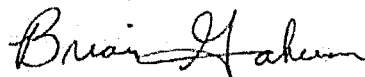
Margaret Menard – Executive Director
Kingston Public Library
61 Crown Street
Kingston, NY 12401
845-331-0507

**Re: Brownfield Cleanup Program Application
615 Broadway
615 Broadway (Section 56.109, Block 3, Lot 16)
Kingston, New York 12401**

Dear Ms. Menard:


We represent 615 Broadway LLC in their anticipated New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) application for the above-referenced development in Kingston, New York. It is a NYSDEC requirement that we supply them a letter certifying that the local library is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. Please sign below if you are able to certify that your library would be willing and able to act as a public repository for this BCP project.

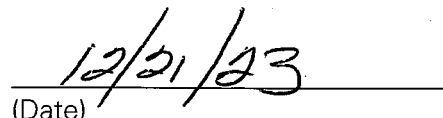
Sincerely,
**Langan Engineering, Environmental, Surveying,
Landscape Architecture and Geology, D.P.C.**

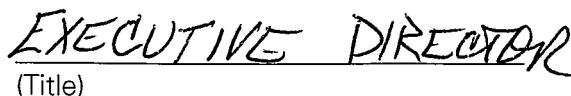


Brian Gochenaur
Associate

Yes, the Kingston Public Library is willing and able to act as a public repository on behalf of 615 Broadway LLC in their cleanup of the 615 Broadway project under the NYSDEC BCP.


(Name)


(Date)


(Title)