

**August 13, 2025**

# **NYS BROWNFIELD CLEAN-UP PROGRAM APPLICATION**

BROAD HOWARD LLC  
15 ALBEMARLE PLACE  
YONKERS, NY 10701  
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- 5.1 March 2022 Deed, August 2022 Deed

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**SUBMITTAL INSTRUCTIONS:**

1. Compile the application package in the following manner:
  - a. one file in non-fillable PDF which includes a Table of Contents, the application form, and 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. \*OPTIONAL: Compress all files (PDFs) into one zipped/compressed folder
3. Submit the application to the Site Control Section either via NYSDEC dropbox or ground mail, as described below.

**Please select only ONE submittal method – do NOT submit both via dropbox and ground mail.**

a. VIA SITE CONTROL DROPBOX:

- [Request an invitation](#) to upload files to the Site Control submittal dropbox.
- In the “Title” field, please include the following: “New BCP Application - *Proposed Site Name*”.
- After uploading files, an automated email will be sent to the submitter’s email address with a link to verify the status of the submission. Please do not send a separate email to confirm receipt.
- Application packages submitted through third-party file transfer services will not be accepted.

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, 12<sup>th</sup> Floor  
Albany, NY 12233-7020

**SITE NAME:**

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

If yes, provide existing site number: \_\_\_\_\_

**Yes**

**No**

**Is this a revised submission of an incomplete application?**

If yes, provide existing site number: \_\_\_\_\_

**Yes**

**No**



## BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

BCP App Rev 16.1 – March 2025

### SECTION I: Property Information

PROPOSED SITE NAME

ADDRESS/LOCATION

CITY/TOWN

ZIP CODE

MUNICIPALITY (LIST ALL IF MORE THAN ONE)

COUNTY

SITE SIZE (ACRES)

LATITUDE

LONGITUDE

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

#### ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section	Block	Lot	Acreage

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



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

## SECTION II: Project Description

1. The project will be starting at:	Investigation	Remediation		
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 <a href="#">DER-10, Technical Guidance for Site Investigation and Remediation</a> 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		
Beginning January 1, 2024, all work plans and reports submitted for the BCP shall address Green and Sustainable Remediation (GSR) and DER-31 (see <a href="#">DER-31, Green Remediation</a> ). Work plans, reports and design documents will need to be certified in accordance with DER-31.				
5. Please provide a description of how Green and Sustainable Remediation will be evaluated and incorporated throughout the remedial phases of the project including Remedial Investigation, Remedial Design/Remedial Action, and Site Management and reporting efforts. Is this information attached?	Yes	No		
6. If the project is proposed to start at the remediation stage (Section 2, Item 1, above), a climate change screening or vulnerability assessment must have been completed. Is this attached?	Yes	No		

## SECTION III: Ecological Concerns

	Y	N
1. Are there fish, wildlife, or ecological resources within a ½-mile radius of the site?		
2. Is there a potential path for contamination to potentially impact fish, wildlife or ecological resources?		
3. Is/are there a/any Contaminant(s) of Ecological Concern?		
If any of the conditions above exist, a Fish and Wildlife Resources Impact Analysis (FWRIA) Part I, as outlined in DER-10 Section 3.10.1, is required. The applicant may submit the FWRIA with the application or as part of the Remedial Investigation Report.		
4. Is a Fish and Wildlife Resources Impact Analysis Part I included with this application? N/A		

**SECTION IV: Land Use Factors**

1. What is the property's current municipal zoning designation? _____				
2. What uses are allowed by the property's current zoning (select all that apply)?				
Residential	Commercial	Industrial		
3. Current use (select all that apply):				
Residential	Commercial	Industrial	Recreational	Vacant
4. Please provide a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date by which the site became vacant. Is this summary included with the application?		Y	N	
5. Reasonably anticipated post-remediation use (check all that apply):				
Residential      Commercial      Industrial				
If residential, does it qualify as single-family housing? N/A				
6. Please provide a statement detailing the specific proposed post-remediation use. Is this summary attached?				
7. Is the proposed post-remediation use a renewable energy facility? See application instructions for additional information.				
8. Do current and/or recent development patterns support the proposed use?				
9. Is the proposed use consistent with applicable zoning laws/maps? Please provide a brief explanation. Include additional documentation if necessary.				
10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Please provide a brief explanation. Include additional documentation if necessary.				

**SECTION V: Current and Historical Property Owner and Operator Information**

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

## SECTION VI: Property's Environmental History

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

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard ([ASTM E1903](#)). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do NOT submit paper copies of ANY supporting documents.**
2. **SAMPLING DATA:** Indicate (by selecting the options below) known contaminants and the media which are known to have been affected. Data summary tables should be included as an attachment, with laboratory reports referenced and included.

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum			
Chlorinated Solvents			
Other VOCs			
SVOCs			
Metals			
Pesticides			
PCBs			
PFAS			
1,4-dioxane			
Other – indicated below			

\*Please describe other known contaminants and the media affected:

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

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

Are the required drawings included with this application? YES NO

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

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

Other:

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

SECTION VIII: Requestor Contact Information			
REQUESTOR'S REPRESENTATIVE			
ADDRESS			
CITY		STATE	ZIP CODE
PHONE		EMAIL	
REQUESTOR'S CONSULTANT (CONTACT NAME)			
COMPANY			
ADDRESS			
CITY		STATE	ZIP CODE
PHONE		EMAIL	
REQUESTOR'S ATTORNEY (CONTACT NAME)			
COMPANY			
ADDRESS			
CITY		STATE	ZIP CODE
PHONE		EMAIL	

**SECTION IX: 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 with supporting documentation.

	Y	N
1. Is the requestor applying for a fee waiver?		
2. If yes, appropriate documentation must be provided with the application. See application instructions for additional information.  Is the appropriate documentation included with this application? N/A		

**SECTION X: Requestor Eligibility**

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

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?		
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?		
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.		
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the ECL Article 27; (ii) any order or determination; (iii) any regulation implementing Title 14; or (iv) any similar statute or regulation of the State or Federal government?		
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.		
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?		
7. Has the requestor been convicted of a criminal offence (i) involving the handling, storing, treating, disposing or transporting of 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?		
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?		
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?		
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?		
11. Are there any unregistered bulk storage tanks on-site which require registration?		

**SECTION X: Requestor Eligibility (continued)**

12. The requestor must certify that he/she/they is/are either a participant or volunteer in accordance with ECL 27-1405(1) by checking one of the boxes below:

**PARTICIPANT**

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

**VOLUNTEER**

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

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

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

13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?

Yes

No

N/A

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

## SECTION XII: Site Contact List

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

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



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

Date: 6-20-25 Signature: Charles Lesnick

Print Name: Charles Lesnick

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

**From ECL 27-1405(31):**

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

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

375-3.2:

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

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

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

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

**Check appropriate box below:**

Project is an Affordable Housing Project – regulatory agreement attached

Project is planned as Affordable Housing, but agreement is not yet available

This is not an Affordable Housing Project

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

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

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

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

Yes – planned renewable energy facility site with documentation

Pending – planned renewable energy facility awaiting documentation

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

No – not a planned renewable energy facility site

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

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

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

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

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

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

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

No

**From ECL 75-0111 as of April 9, 2022:**

(5) “Disadvantaged communities” means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

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

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

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

**SUBMITTAL INSTRUCTIONS**

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

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

**VIA SITE CONTROL DROPBOX:**

- Click [here](#) to request an invitation to upload files to the Site Control submittal dropbox.
- In the "Title" field, please include the following: "New BCP Application - *Proposed Site Name*".
- After uploading files, an automated email will be sent to the submitter's email address with a link to verify the status of the submission. Please do not send a separate email to confirm receipt.
- Application packages submitted through third-party file transfer services will not be accepted.

**VIA GROUND MAIL:**

- Save the application file and cover letter to an external storage device (e.g., 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, 12th Floor  
Albany, NY 12233-7020

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

**SECTION I: Property Information (continued)**

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



## SECTION I: Property Information (continued)

### Property Description Narrative

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

#### Location:

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

#### Site Features:

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

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

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

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

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

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

#### Site Geology and Hydrogeology:

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



## SECTION I: Property Information (continued)

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

SECTION II: Project Description		
<b>Question 3: Inclusion of Work Plans</b>	If a work plan is to be released for public comment concurrently with the BCP application, <u>the work plan must be submitted at the time of application submittal</u> . Work plans submitted during the completeness review phase will require a separate public comment period and will not be released with the application.	
<b>Question 4: Post-Remediation Use and Project Schedule</b>	As a separate attachment, provide complete and detailed information about the project (remedial and post-remediation development), including the purpose of the project, the date the remedial program is to start, and the date the issuance of the Certificate of Completion is anticipated.	
<b>Questions 5-6: Green and Sustainable Remediation</b>	As a separate attachment, provide complete and detailed information about the GSR principles to be evaluated and incorporated into each phase of the project.	
	<b>Remedial Investigation/ Alternatives Analysis</b>	The description must provide information on how GSR will be incorporated into RI project planning, the proposed environmental footprint analysis tool, and how climate resiliency will be included. Potential end uses such as greenways and pollinator habitats should be considered as appropriate.
	<b>Remedial Design</b>	The description must provide information on how GSR will be incorporated into RD project planning and refine the environmental footprint analysis as the baseline to track metrics. RD documents should add or incorporate GSR techniques to ensure reduced impacts on core metrics. Climate resiliency design measures should also be incorporated.
	<b>Remedial Action</b>	The description must provide information on how GSR will be implemented into the construction and how metrics will be tracked. Methods of reporting should be included.
	<b>Site Management</b>	The description must provide information on how GSR will be incorporated into SM, including use of DEC's SM template, resource and energy consumption reduction, waste minimization, and climate resiliency evaluation within PRRs and RSOs.
	<b>Redevelopment</b>	The description must provide details of any planned renewable energy, energy efficient equipment, greenways, green roofs, community spaces and any re-use or recycling of on-site materials in redevelopment or remediation.
	<b>Climate Screening/ Climate Vulnerability Assessment</b>	The description must provide an initial Climate Screening checklist. If the screening suggests a Climate Vulnerability Assessment will be required, list additional references for the assessment.

SECTION III: Ecological Concerns
Please refer to <a href="#">DER-10</a> Section 3.10.1 for the requirements of a Fish and Wildlife Impact Assessment.

#### SECTION IV: Land Use Factors

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

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

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

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

## SECTION V: Current and Historical Property Owner and Operator Information

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

## SECTION VI: Property's Environmental History

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

## SECTION VII: Requestor Information

<b>Requestor Name</b>	<p>Provide the name of the person(s)/entity requesting participation in the BCP (if more than one, attach additional sheets with requested information.) The requestor is the person or entity seeking DEC review and approval of the remedial program.</p> <p>If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear exactly as given in the <a href="#">NYS Department of State's Corporation &amp; Business Entity Database</a>. A print-out of entity information from the database must be submitted to DEC with the application, to document that the requestor is authorized to do business in NYS.</p>
<b>Address, etc.</b>	Provide the requestor's mailing address, telephone number and e-mail.
<b>LLC Information</b>	If the requestor(s) is/are an LLC, the names of the members/owners need to be provided on a separate attachment.

**SECTION VII: Requestor Information (continued)**

<b>Document Certification</b>	<p>All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of <a href="#">DER-10</a>. Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:</p> <ul style="list-style-type: none"><li>• New York State licensed professional engineers (P.E.s), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a P.E. with current license and registration for work that was done by them or those under their direct supervision. The firm by which the P.E. is employed must also be authorized to practice engineering in New York State;</li><li>• qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;</li><li>• remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or</li><li>• site owners, which are the owners of the property comprising the site at the time of the certification.</li></ul>
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**SECTION VIII: Requestor Contact Information**

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

**SECTION IX: Program Fee**

If the requestor is applying for a fee waiver, sufficient documentation must be provided to demonstrate the basis for such request. Depending on the basis for the fee waiver, this may be provided in the form of financial statements, not-for-profit designation paperwork, a statement waiving the requestor's right to tax credits, a statement that the project will be a 100% affordable housing project, or any other documentation that the Department may require. Some bases for the fee waiver will be memorialized in the Brownfield Cleanup Agreement, and may result in termination of the Agreement if not complied with.

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

## SECTION X: Requestor Eligibility

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

<b>Volunteer Statement</b>	If the requestor's liability arises solely as a result of ownership, operation of, or involvement with the site, and requests consideration for volunteer status, the requestor must submit a statement describing why they should be considered a volunteer. Describe in detail how the requestor's potential liability arose subsequent to the discharge of contaminants at the potential site and how the requestor took reasonable steps to (i) stop any continuing release; (ii) prevent any threatened future release; and (iii) prevent or limit human, environmental or natural resource exposure to any previously released contamination. Be specific as to the appropriate action taken, and provide information to support this, such as date of purchase, date and source of knowledge of contamination, and steps taken to protect human health and the environment from such contaminants (e.g., notification of authorities of the contamination, restricting site access, monitoring and addressing lessee conduct, preventing deterioration of site conditions, etc.).
<b>Proof of Site Access</b>	If a requestor is not the current owner of the entirety of the site, a site access agreement <b>must be provided</b> that demonstrates that the requestor will have access to the property before signing the BCA and throughout the BCP project. Additionally, the access agreement must include language allowing the requestor the ability to place an environmental easement on the site should the requestor not be the owner at the time remediation is complete and a Track 1 cleanup has not been achieved. If the requestor is the current property owner, include a copy of the deed as proof of ownership and access.

## SECTION XI: Property Eligibility Information

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

<b>CERCLA / NPL Listing</b>	Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.
<b>Registry Listing</b>	Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) <a href="#">website</a> for a database of sites with classifications.
<b>RCRA Listing</b>	Does the property have a Resource Conservation and Recovery Act (RCRA) TSD Permit in accordance with the ECL 27-0900 et seq? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.

## SECTION XI: Property Eligibility Information (continued)

<b>Registry/RCRA Sites Owned by Volunteers</b>	If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27- 1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.
<b>Existing Order</b>	Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.
<b>Pending Enforcement Actions</b>	Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information as an attachment.

## SECTION XII: Site Contact List

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

For sites located in Region 2 (the five counties comprising New York City), the Site Contact List must also include the Director of the Mayor's Office of Environmental Remediation.

## SECTION XIII: Statement of Certification and Signatures

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

## DATA SUMMARY TABLE INSTRUCTIONS

Data summary tables should include the following columns:

Soil Table:

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

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

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

<sup>b</sup> Number of detections over applicable SCOs. Specify which SCOs are being compared to in column header.

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

<sup>d</sup> List the respective SCO. Specify which SCOs are being compared to in column header.

<sup>e</sup> Include all contaminants over Class GA Ambient Water Quality Standards (AWQS).

<sup>f</sup> Number of detections over AWQS.

<sup>g</sup> List the respective AWQS.

<sup>h</sup> Include all chlorinated volatile organic compound (VOCs) detections.

<sup>i</sup> Specify type: soil vapor, sub-slab or indoor air.



## Example Data Summary Tables

**Soil Table:**

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

**Groundwater Table:**

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

**Soil Gas Table:**

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

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**DETERMINATION OF A COMPLETE APPLICATION**

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

## DETERMINATION OF A COMPLETE APPLICATION (CONTINUED)

4. If the application is found to be incomplete:
  - a. the requestor will be notified via email or phone call regarding minor deficiencies. The requestor must submit information correcting the deficiency to DEC within the 30-day review time frame; or
  - b. the requestor will receive a formal Letter of Incomplete Application (LOI) if an application is substantially deficient, if the information needed to make an eligibility determination identified in #3 above is missing or found to be incomplete, or if a response to a minor deficiency is not received within the 30-day period. The LOI will detail all of the missing information and request submission of the information. If the information is not submitted within 30 days from the date of the LOI, the application will be deemed withdrawn. In this case, the requestor may resubmit the application without prejudice.
5. If the application is determined to be complete, DEC will send a Letter of Complete Application (LOC) that includes the dates of the public comment period. The LOC will:
  - a. include an approved public notice to be sent to all parties on the Contact List included with the application;
  - b. provide instructions for publishing the public notice in the newspaper on the date specified in the letter, and instructions for mailing the notice to the Contact List;
  - c. identify the need for a certification of mailing form to be returned to DEC along with proof of publication documentation; and
  - d. specify the deadline for publication of the newspaper notice, which must coincide with, or occur before, the date of publication in the Environmental Notice Bulletin (ENB).
    - i. DEC will send a notice of the application to the ENB. As the ENB is only published on Wednesdays, DEC must submit the notice by the Wednesday before it is to appear in the ENB.
    - ii. The mailing to parties on the Contact List must be completed no later than the Tuesday prior to ENB publication. If the mailings, newspaper notice and ENB notice are not completed within the timeframes established by the LOC, the public comment period on the application will be extended to ensure that there will be the required comment period.
    - iii. Marketing literature or brochures are prohibited from being included in mailings to the Contact List.

## 1. Section I

### **1.1 - Property Description Narrative and Environmental Assessment**

#### **Site Location:**

The Site is located in the City of Peekskill, Westchester County, identified by the Westchester County Tax Map as Section 33.22, Block 8, Lot 17 (See Figure 2A).

#### **Site Features:**

The property spans approximately 0.82 acres of land and is currently developed with mixed-use commercial and residential buildings.

#### **Current Zoning and Land Use:**

The site is zoned as C-2 (central commercial district). The Site is a Type AB En-Zone, meaning it meets Criteria A, a poverty rate of at least 20% and Unemployment Rate of at least 125% the Statewide Unemployment Rate; and Criteria B, the poverty rate of at least 2 times the Poverty Rate for the County. The Site is within a Federal Opportunity Zone which incentivizes investment in distressed areas of a community. The Opportunity Zone program charges state and local governments to give preference and flexibility to projects in lower-income communities and provides economic development and housing opportunities to spur economic growth and job creation while providing tax benefits to investors. Recent post-pandemic economic conditions (high cost of building supplies and interest rates) have put additional stress on meeting the demand for affordable housing and are requiring higher densities for financial feasibility.

#### **Past Uses of the site:**

Based upon available information, the Site appears to have been historically developed in or before 1887. Prior Site uses have included clothing factories, a pottery works, a warehouse, residences, and office space, including a dentist's office, podiatrist's office, and hair salon.

Former Lot 13 (116 North Broad Street) was previously developed as early as 1900 with a four-story factory called Peekskill Night Robe Company. Former Lot 13 was later developed with T.J Maxwell Co. Night Robe Manufacturer (1911-1942), Central Wash Suit Co Garment Factory (1950), Peekskill Sportswear Corp CLD Factory (1958) and Royalad Manufacturing Company (1972-1977). The Former Tax Lots are shown on Figure 2B.

#### **Site Geology and Hydrogeology:**

Based on a review of available information, including area topography, regional groundwater flow in the vicinity of the Site is expected to be to the west towards the Hudson River. Groundwater on-Site is generally shallow, based upon depth-to-water measurements from 2021 to 2024 ranging from approximately 2.5 to 7.5 feet below ground surface (ft bgs).

Site bedrock is mapped on the Geologic Map of New York to consist of metamorphic Middle Proterozoic-aged rock consisting of biotite, granite, and gneiss. Refusal was encountered between 5 to 11 ft bgs during the 2021 Limited Phase II ESA. Bedrock is expected to be shallow at this site.

A review of United States Department of Agriculture (USDA) Natural Resource Conservation Service soil survey for Westchester County, New York indicated that the Site surficial soils are mapped as 85%

Urban land, 5% Udorthents, 2% Riverhead, 25 Udorthents Wet Substratum, 2% Chatfield, and 2% Sutton.

The Site is relatively flat with a gradual downward slope to the southwest towards the Hudson River. A review of the United States Geologic Survey (USGS) Topographic Map indicates the Site elevation is approximately 160 feet above main sea level (AMSL). Topographic elevations are several feet greater on the northern side of a retaining wall located in the southern portion of the property.

#### Environmental Assessment:

*Soil* – Soil borings across the Site to a depth of approximately 7.5 ft bgs contain Volatile Organic Compounds (VOCs), Semi-volatile organic compounds (SVOCs), Metals and Pesticides, at concentrations in exceedance of respective Soil Cleanup Objectives (SCOs). This includes Unrestricted Use (UUSCOs), Restricted Residential (RRSCOs), Commercial Use (SCOs), Industrial Use (IUSCOs), and Protection of Groundwater (PGSCOs). One soil sample, SB-30 (2-4'), in the central portion of the Site contained the pesticide, 4,4'-DDE, at a concentration in exceedance of its UUSCO. Soil borings SB-20, SB-21, and SB-30, all located in the southern portion of the Site, contain the VOC Acetone at concentrations in exceedance of its UUSCO and PGSCO to a depth of approximately 4 ft bgs.

Based on the findings of the 2021 Phase I and the Phase II ESAs, the following AOCs were identified:

AOC-01: Historic fill containing construction debris, brick, concrete, wire, and ash was found across the Site to 10 ft bgs. Soil sampled contained SVOCs and Metals exceeding UUSCOs, RRSCOs, CUSCOs, and in some cases IUSCOs and PGSCOs.

AOC-02: Former elevator pits identified on historical Sanborn maps were investigated at SB-04, where hydrocarbon odors and staining were observed at 8-10 ft bgs. Soil samples from this depth contained SVOCs and metals above UUSCOs.

AOC-03: A suspected UST anomaly was investigated at TP-01, and metals were detected at 7 ft bgs above UUSCOs.

AOC-04: A 2021 geophysical survey identified a backfilled excavation on Site, corresponding to a former gasoline UST shown on the 1905 Sanborn map. Soil Boring SBB-07, located downgradient of this area, showed hydrocarbon odors, staining, and elevated PID readings, with VOCs and SVOCs – including naphthalene (46 mg/kg), which is in exceedance of UUSCOs. Groundwater from nearby MW-02 contained naphthalene (48,800 ug/L) and phenanthrene (61,400 ug/L) above AWQS, prompting a spill report to NYSDEC (Spill No. 2104650).

AOC-05: Groundwater at MW-01, upgradient of the former elevator pits and UST area, contained VOCs, SVOCs, and metals all in exceedance of AWQS.

APC-06: A 2022 geophysical survey was conducted at SB-18; no field evidence of a release was observed, and soil samples did not exceed SCOs.

Areas of Concern are presented in **Figure 6**.

*Groundwater*- There were no exceedances detected from the samples collected from the onsite wells (MW-06 and MW-07). Groundwater samples collected from the off-site, downgradient wells (MW-04 and MW-05) indicated exceeding concentrations of metals, but still lower concentrations than on-site groundwater sampling results from the previous 2021 Limited Phase II ESA.

*Soil Vapor* - VOCs and SVOCs were not detected in exceedance of AWQS in the off-site wells, indicating that the material onsite may not be moving through groundwater, even though it is relatively shallow. Based on comparison with NYSDOH Guidance, the soil vapor samples collected on-Site (SVP-02, IA-01, and SG-03) did not contain VOCs at concentrations exceeding any applicable NYSDOH Soil Vapor Intrusion guidance levels. There are several VOCs present in soil vapor on-Site at concentrations exceeding the USEPA BASE Database – 90th Percentile.

### **Section 1.2 - Site Map**

[Figures 1 and 2]

## **2. Section II**

### **2.1 - Project Description**

The proposed project includes the new construction of a 3.5-story residential building at 114 North Broad Street in the City of Peekskill, Westchester County, New York. The Site is located within a commercial and residential area. The 0.82-acre site will be redeveloped by Broad Howard LLC to feature a centrally located 3.5-story building with 57 residential units, comprising one- and two-bedroom apartments. Approximately 1,000 square feet of ground-floor space along North Broad Street will be used for commercial purposes. This mixed-use project is designed to minimize residents' reliance on vehicles, promoting a low-carbon footprint. However, it will still provide 72 parking spaces, including 57 covered spots beneath the building and 15 surface-level spaces.

The site is currently owned by Broad Howard LLC. Site plan approval was received in August 2024, and the applicant is currently pursuing financing, which is anticipated in Q1 2026 with the remedial program to commence immediately thereafter. A Remedial Investigation Work Plan (RIWP) is expected to be submitted to NYSDEC within 30 days after the Brownfield Cleanup Agreement (BCA) is executed, which is estimated to be in Q3 2026. Following the 30-day RIWP public notice and approval, the Remedial Investigation (RI) will be performed, and an RI Report is estimated to be completed by the end of Q4 2026. The Remedial Action Work Plan will be submitted in Q1 2027. Following the 45-day RAWP public notice and approval, a Decision Document is anticipated to be issued by NYSDEC in Q3 2027. Remedial and construction-related activities are anticipated to begin after the construction financing is obtained which is anticipated to take place in Q3 2027. Remediation is anticipated to take approximately 3 months and the Certificate of Completion is anticipated to be issued by NYSDEC by Q4 2028.

### **2.2 - Green and Sustainable Remediation**

Broad Howard LLC is committed to the proactive consideration and / or application of green and sustainable remediation (GSR) techniques to all phases of remedial investigation, remedial action, project design, and site management. Greenhouse gas (GHG) emissions and ancillary environmental impacts will be minimized. The major green remediation concepts below will be considered and used to the extent feasible:

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term when choosing a site remedy;
- Reducing direct and indirect GHG and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;

- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
- Maximizing habitat value and creating habitat when possible;
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals; and
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development.

The Site is located in both a New York State recognized disadvantaged community (DAC), Potential Environmental Justice Area (PEJA), and Federal Opportunity Zone. In accordance with the Climate Leadership and Community Protection Act (CLCPA), Broad Howard LLC will prioritize the reduction of greenhouse gas and co-pollutant emissions for the benefit of residents and neighbors.

### ***Remedial Investigation***

During the remedial investigation (RI) phase, best practices will be identified in planning stages to achieve maximum efficiency during field sampling events. Minimal mobilizations will be performed to conserve resources and minimize GHG use. Local contractors and staff will be employed to reduce GHG emissions from travel. To reduce water use and waste generation, non-invasive and passive sampling will be employed where effective and investigation derived waste will be minimized.

By reducing the resources needed for the RI phase, best management practices (BMPs) can be developed for the remedial action phase.

The NYSDEC's Climate Screening Checklist will be utilized and if the Site is deemed vulnerable to effects brought on by climate change, a climate risk assessment may be conducted.

### ***Remedial Action***

Based on findings from the RI, the Site will be remediated using sustainable cleanup strategies, as appropriate, to restore the Site to productive use. Broad-Howard LLC will be targeting a Track 1 Unrestricted Residential Use cleanup, which will:

1. Permanently and significantly reduce the toxicity, mobility, or volume of contamination;
2. Result in fewer long-term ancillary impacts to the environment by improving site ecology and natural resources, and increasing resiliency; and
3. Result in fewer long-term site management requirements throughout the development's lifetime.

To develop the Remedial Action Work Plan (RAWP), treatment areas, soil volume, and contaminant of concern (COC) concentrations for each environmental media (soil, air, and water) will be calculated and analyzed. Appropriate remedial measures will then be prescribed to achieve Track 1 soil cleanup objectives. The RAWP will be developed in compliance with NYSDEC DER-10 remediation standards. DER-31 GSR considerations and EPA BMPs will be included in the remedy selection, excavation management, and surface restoration.

The RAWP will include, as appropriate, qualitative assessments, BMP analysis, tracking metrics, and climate resiliency. GSR practices will be included where applicable based on Site complexity. Throughout the clean-up, GSR concepts will be employed to develop BMPs, such as minimizing energy consumption, maximizing the reuse of land and the recycling of materials, and conserving natural

resources such as soil, water, and habitat. Such practices will be less disruptive to the environment, generate less waste, increase reuse and recycling, and emit fewer pollutants.

Green remediation techniques, including but not limited to the following, will be implemented to the degree practicable.

- Use of renewable energy and/or the purchase of renewable energy credits (RECs) or a combination of the two techniques to offset 100% of the electricity demand at the site.
- Reduce vehicle idling. All vehicles, both on and off road (including construction equipment) will be shut off when not in use for more than 5 minutes, consistent with 6 NYCRR Part 217 Motor Vehicle Emissions, Subpart 217-3 Idling Prohibition For Heavy Duty Vehicles.
- Design cover systems, to the extent possible, to be usable for alternate uses such as habitat or passive recreation, require minimal maintenance (e.g. less mowing), allow for infiltration of storm water and/or be integrated with the next use of the site.
- Beneficially reuse materials that would otherwise be considered a waste (e.g. crushed clean concrete as base or fill).
- Use of Ultra Low Sulfur Diesel (ULSD)

Ultimately, the remedy for the Site will be selected in accordance with applicable regulations, standards, policies, and guidance documents and all selected remedies shall still, at a minimum:

- Protect public health and the environment;
- Address source removal and control;
- Address groundwater protection and restoration; and
- Strive to meet the cleanup goal of the respective program.

In order to compare the potential impacts of the remedial alternatives, a qualitative assessment of total impacts related to the remedial alternatives being considered will be discussed and relative impacts of the remedies compared.

Throughout the site investigation and cleanup process, reports submitted to DEC will describe the green remediation/sustainability efforts.

Remedial alternatives analysis and decision documents will describe the green remediation principles considered in the evaluation and/or selection of the remedy, present or reference relevant sustainability information generated in support of remedy selection, and discuss how the impacts may be minimized during implementation.

Green remediation principles will also be considered during each periodic review and remedial system optimization review conducted during the site management phase. The reports will discuss the green remediation principles employed during the past reporting cycle and associated reductions in impacts to the environment and will make recommendations that can be employed during the next reporting cycle.

### ***Design***

The design of the proposed redevelopment project will be a model of environmental sustainability. It incorporates energy-efficient technologies and Passive House building methods, a voluntary standard for energy efficiency that results in ultra-low energy intensive buildings that require little energy for



space heating or cooling. These practices will result in maximizing access to daylight and fresh air and improve indoor air quality.

With ecological improvement in mind, the Site will be enhanced with landscaped courtyards and outdoor amenities such as lawn areas, a rain garden, private patios, and communal seating areas. The partial green roof and a rain garden will mitigate stormwater runoff. Additional sustainable features include:

- Rooftop photovoltaic solar panels
- Mass timber floor construction
- All-electric building systems and appliances

The proposed project will provide 10,312 sf of landscaping (23% of the site), including 5,172 sf of plantings above the subsurface parking deck and 5,140 sf of landscaping located within the front and side yard setbacks. In addition, there will be a 3,500-sf contemplative sculpture garden on the elevated portion of the 109 North Broad Street parcel, which is located east of the Site.

Beyond incorporating sustainable materials in the building's design, the Broad Howard Apartments will serve as a model for sustainable and environmentally responsible development in Peekskill using innovations such as:

- Continuous exterior insulation
- An air-tight building envelope
- Ventilation systems for fresh air flow
- Well-placed triple pane windows

The project will be 100% electric, with no fossil-fuel fired furnaces, hot water heaters, or gas stoves. Energy efficiency measures will include high-performance appliances within the individual units (individually metered), green building materials, a building orientation that maximizes access to natural resources such as daylight and fresh air, and rooftop solar panels that supply electricity to common areas.

### **3. Section IV: Land Use Factors**

#### **3.1 - Summary of Business Operations**

The northern portion of the site consists of vacant residential and commercial buildings. There is a mixed-use building operating with a salon as well as maintained landscaped areas and parking lots. Based upon review of the Phase I and Phase II, past uses include manufacturing of pottery and clothing on the eastern portion of the Site from 1900 and 1977 with documented use of coal, heating oil, and two elevators. A GPR survey noted a possible backfilled excavation in the location of former elevators. The eastern portion of the Site (Former Lot 13) was previously developed as early as 1900 with a four-story factory called Peekskill Night Robe Company. Former Lot 13 was later developed with T.J Maxwell Co. Night Robe Manufacturer (1911-1942), Central Wash Suit Co Garment Factory (1950), Peekskill Sportswear Corp CLD Factory (1958) and Royalad Manufacturing Company (1972-1977).

The Phase II ESA analytical results indicated elevated concentrations of SVOCs and VOCs exceeding UUSCO in soils in the vicinity of the elevators, as well as VOCs and SVOCs in exceedance of the AWQS in the groundwater sample collected in the vicinity of the former manufacturing area. Spill No. 2104650 was reported to NYSDEC, which will be remediated as part of the BCP. Analysis of soil collected from test pits on the northeastern portion of the Site (Former Lots 17 and 18) reported SVOCs

and metals, including arsenic, mercury, and lead at concentrations that exceed applicable SCOs. The Subject Property is also mapped as Urban Land with potential for fill material of unknown composition.

Test pitting on the Site indicated the presence of contaminated historic fill material (CHFM) with soils reporting SVOC and metal impacts. A test pit advanced on the northwestern portion of the Site indicated the presence of ACM debris. Spill No. 01-11366 was reported for a UST failure on the eastern adjoining upgradient property, but no remediation details were provided, and the spill was closed administratively after 10 years. NYSDEC records show no environmental impact, but future action may be needed. Additionally, a groundwater sample near the eastern boundary of the Site contained SVOCs unrelated to gasoline, suggesting contamination from an upgradient source of groundwater.

### **3.2 - Post Remediation Use Statement**

The 0.82-acre site will be redeveloped by Broad Howard to feature a centrally located 3.5-story building with 57 residential units, comprising one- and two-bedroom apartments. Approximately 1,000 square feet of ground-floor space along North Broad Street will be used for commercial purposes. This mixed-use project is designed to minimize residents' reliance on vehicles, promoting a low-carbon footprint. However, it will still provide 72 parking spaces, including 57 covered spots beneath the building and 15 surface-level spaces.

### **3.3 - Use Consistent with Applicable Zoning Laws/Maps**

Broad Howard Apartments complies with the lot and building requirements for the C-2 special permit for mixed-use developments, except for building coverage. The special permit limits building coverage to 60%, meaning 40% of the site must be permeable. However, some of the permeable areas in the proposed design, like the landscaped courtyards on the ground level and above the parking structure, are not included in this calculation. As a result, even though the permeable areas meet the 40% requirement, these spaces don't count toward the total, so a variance for building coverage was needed. The project was granted this variance by the City's Zoning Board of Appeals.

### **3.4 - Use Consistent with Applicable Comprehensive Community Master Plans**

The proposed use aligns with applicable comprehensive community master plans and local land use plans including Peekskill, New York's Downtown Revitalization Initiative (DRI). Located within a Federal Opportunity Zone, the site encourages investment in economically distressed areas. Its central location will allow residents to safely and conveniently walk downtown, enjoying all that the community has to offer while helping to create employment opportunities across various skill and wage levels.

## **4. Section VI: Property's Environmental History**

### **4.1 - Phase I ESA**

[Separate Attachment]

### **4.2 - Phase II ESA**

[Separate Attachment]

### **4.3 - Sampling Data**

Soil:

Analytes > RRSCOs	Detection > RRSCOs	Maximum Detection (mg/kg)	RRSCO (mg/kg)	UUSCO (mg/kg)	Depth (ft bgs)
SVOCs					
Indeno(1,2,3-cd)pyrene	9	4.9	0.5	0.5	7.5
Benzo(a)anthracene	6	8	1	1	2-4
Benzo(a)pyrene	6	7.3	1	1	2-4
Benzo(b)fluoranthene	6	7.9	1	1	2-4
Benzo(k)fluoranthene	3	6.1	3.9	0.8	2-4
Chrysene	3	5.07	3.9	1	2-4
Dibenzo(a,h)anthracene	5	1.32	0.33	0.33	2-4
Metals					
Arsenic	7	83.8	16	13	2-4
Barium	1	489	400	350	2-4
Lead	3	948	400	63	0-4
Mercury	5	0.83	0.81	0.18	2-4

#### Groundwater:

Analytes > AWQS	Detection > AWQS	Maximum Detection (ug/L)	AWQS (ug/L)
VOCs			
1,2,4-Trimethylbenzene	1	16.7	5
1,3,5-Trimethylbenzene	1	13.2	5
Benzene	1	42.2	1
Ethylbenzene	1	33.1	5
Naphthalene	1	365	10
n-Butylbenzene	1	17.2	5
n-Propylbenzene	1	35.2	5
Xylenes, Total	1	10.5	5
SVOCs			
Benzo(a)anthracene	2	94	0.002
Benzo(a)pyrene	1	0.144	0
Benzo(b)fluoranthene	1	0.122	0.002
Benzo(k)fluoranthene	1	0.133	0.002
Chrysene	1	0.111	0.002
Naphthalene	1	48,400	10
Phenanthrene	1	61,400	50
Pyrene	1	1,880	50
Metals			

Analytes > AWQS	Detection > AWQS	Maximum Detection (ug/L)	AWQS (ug/L)
Arsenic	2	107	25
Chromium	2	146	50
Copper	1	207	200
Lead	2	61	25
Manganese	3	7,640	300
Metals Dissolved			
Manganese	3	5,920	300

#### Soil Gas:

Analytes	Total Detections	Maximum Detection (ug/m <sup>3</sup> )	Type
VOCs			
1,2,4-Trimethylbenzene	2	21.4	Soil Gas
1,3,5-Trimethylbenzene	1	4.96	Soil Gas
1,3-Butadiene	1	33.8	Soil Gas
4-Ethyltoluene	1	24	Soil Gas
4-Methyl-2-pentanone(MIBK)	1	1	Soil Gas
Acetone	3	38.2	Soil Gas
Benzene	2	18.88	Soil Gas
Carbon Disulfide	1	20.5	Soil Gas
Carbon Tetrachloride	3	0.49	Indoor Air
Chloroform	2	5.22	Sub-Slab
Chloromethane	1	1.07	Soil Gas
Cis-1,2-Dichloroethene	1	0.27	Indoor Air
Dichlorodifluoromethane	3	2.46	Sub-Slab
Ethanol	3	48.6	Indoor Air
Ethylbenzene	1	27	Soil Gas
Heptane	1	13.6	Soil Gas
Hexane	1	14.9	Soil Gas
Isopropylalcohol	2	7.57	Indoor Air
Isopropylbenzene	1	22.2	Soil Gas
m,p-Xylene	1	86.4	Soil Gas
Methyl Ethyl Ketone	3	5.19	Soil Gas
n-Butylbenzene	1	1.6	Soil Gas
o-Xylene	1	28.8	Soil Gas
Propylene	2	67.3	Soil Gas
Tetrachloroethene	3	21.8	Soil Gas
Tetrahydrofuran	1	1.35	Indoor Air

Analytes	Total Detections	Maximum Detection (ug/m <sup>3</sup> )	Type
Toluene	2	124	Soil Gas
Trichloroethene	1	0.22	Indoor Air
Trichlorofluoromethane	3	1.33	Indoor Air

#### **4.4 Sampling Site Maps**

[Figures 6 - 9]

#### **5. Section V: Current and Historical Property Owner and Operator Information**

[Attachment 2 - Previous Owners & Operators List]

#### **6. Section VII: Requestor Information**

##### **6.1 NYS DOS Corporation & Business Entity Authorization**

[Attachment 3 - NYS DOS Business Entity Information]

##### **6.2 List of Names of Members/Owners**

[Attachment 4 - Articles of Organization]

#### **7. Section X: Requestor Eligibility**

##### **7.1 Volunteer Statement**

A volunteer is defined as 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.

The requestor is a volunteer because despite ownership of this BCP Site since 2022, requestor has exercised appropriate care with respect to the discovery of contamination on the Site by conducting the appropriate due diligence before acquiring the property and exercising due care since ownership. There is no known ongoing discharge or known tanks on the Site from which any continuing discharge could be occurring and the requestor has prevented or limited human exposure by eliminating all residential tenants on the BCP Site and maintaining either the hard scape or landscaped cover present. The only remaining tenant is a commercial hair salon which will be vacating the Site as soon as the Site is ready for the demolition of this building.

[Attachment 5 - Program Fee Waiver Documentation]

#### **8. Section XII: Site Contact List**

##### **8.1 Site Contact List**

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.

Chief Executive Officer:

City Manager

Matthew C. Alexander  
840 Main Street  
City Hall, Room 32  
Peekskill, NY 10566

Community Board Chairperson:

Mayor  
Vivian C. McKenzie  
840 Main Street  
City Hall  
Peekskill, NY 10566

- Residents, owners, and occupants of the property and adjacent properties.

JOSE M. CHACHA  
110 N Broad Street  
Peekskill, NY 10566

JAIME LEON  
1138 Main Street  
Peekskill, NY 10566

ROBERT J. HALES  
1124 Main Street  
Peekskill, NY 10566

1122 MAIN STREET PARTNERS LLC  
1122 Main Street  
Peekskill, NY 10566

LOUISE GARDENS INC.  
1123 Howard Street  
Peekskill, NY 10566

1119 HOWARD STREET LLC  
1119 Howard Street  
Peekskill, NY 10566

LOUISE GARDENS INC.  
1115 Howard Street  
Peekskill, NY 10566

DIANA ESPINOZA  
1111 Howard Street  
Peekskill, NY 10566

WILLIE T. TATUM

1107 Howard Street  
Peekskill, NY 10566

ROBERT K. WOOLEY  
1101 Howard Street  
Peekskill, NY 10566

JHONATHAN DIAZ-ESPINOZA  
127 N James Street  
Peekskill, NY 10566

RUBIO FREDESVINDA  
125 N James Street  
Peekskill, NY 10566

ARTISANS AT MAIN CORP  
1112 Main Street  
Peekskill, NY 10566

CRESCENT REALTY PROPERTIES LLC  
1116 Main Street  
Peekskill, NY 10566

JOHNNY F. CARCHIPULLA MONGE  
1137 Howard Street  
Peekskill, NY 10566

MERJ MANAGEMENT CORPORATION  
122 N Broad Street  
Peekskill, NY 10566

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

**Newspapers**

Peekskill Herald, Daily Voice, Peekskill-Cortlandt Patch

**Television Coverage**

ABC7 New York – Peekskill News

- The public water supplier which services the area in which the property is located.

Peekskill Water Department

- Any person who has requested to be placed on the contact list.

N/A

- The administrator of any school or day care facility located on or near the property.

Hillcrest Elementary School  
Principal Crystal Hernandez  
4 Horton Drive  
Peekskill, NY 10566

Peekskill Middle School  
Principal Donald Peters  
212 Ringgold Street  
Peekskill, NY 10566

Peekskill High School  
Principal Jenna Ferris  
1072 Elm Street  
Peekskill, NY 10566

Aunt Bessie's Open Door Center  
137 Union Ave, Peekskill NY 10566

- 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.

The Field Library  
4 Nelson Ave  
Peekskill, NY 10566

[Attachment 6 – Document Repository Acknowledgement Letter]



## **FIGURES**



BCP APPLICATION

114 N Broad Street,  
Peekskill, NY 10566

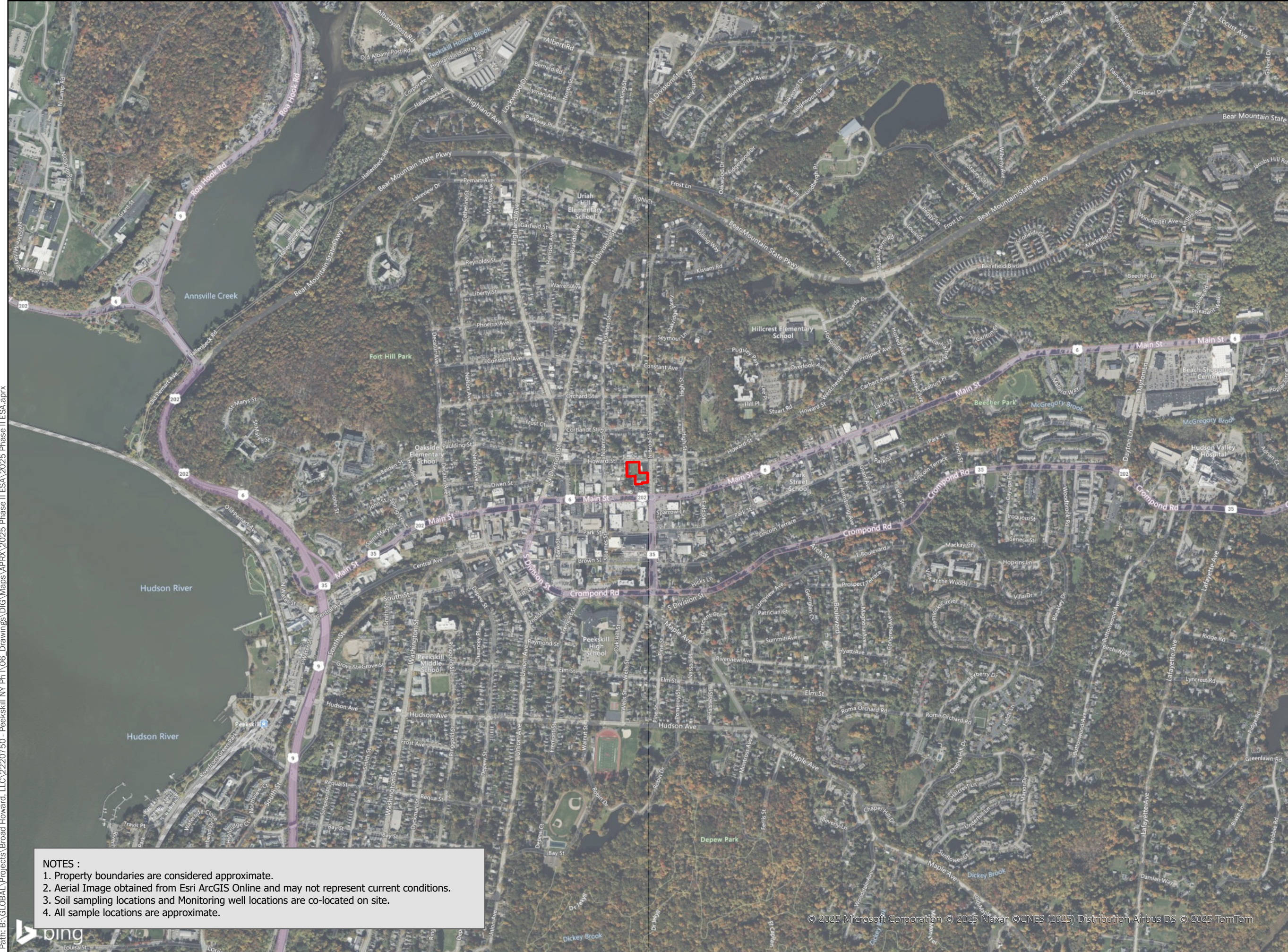


0 500 1,000  
1 inch = 1,000 ft

Legend  
Site Boundary


Site Location

FIGURE 1



NOTES :  
1. Property boundaries are considered approximate.  
2. Aerial Image obtained from Esri ArcGIS Online and may not represent current conditions.  
3. Soil sampling locations and Monitoring well locations are co-located on site.  
4. All sample locations are approximate.





### Legend

- ## Site Boundary

**FIGURE 2A**

LaBella Project No: 2220730  
Date: May 2025





Path: B:\GLOBAL\Projects\Broad Howard, LLC\2220750 - Peekskill NY Ph I\06\_Drawings\DIG Maps\APRX\2025 Phase II ESA.aprx



- NOTES :
- 1. Property boundaries are considered approximate.
  - 2. Aerial Image obtained from Esri ArcGIS Online and may not represent current conditions.
  - 3. Soil sampling locations and Monitoring well locations are co-located on site.
  - 4. All sample locations are approximate.



BCP APPLICATION

114 N Broad Street,  
Peekskill, NY 10566



0 25 50  
1 inch = 50 Feet

- Legend
- Site Boundary
  - Former Tax Parcels

Former Tax Lots

FIGURE 2B

LaBella Project No: 2220730  
Date: May 2025



BCP APPLICATION

114 N Broad Street,  
Peekskill, NY 10566



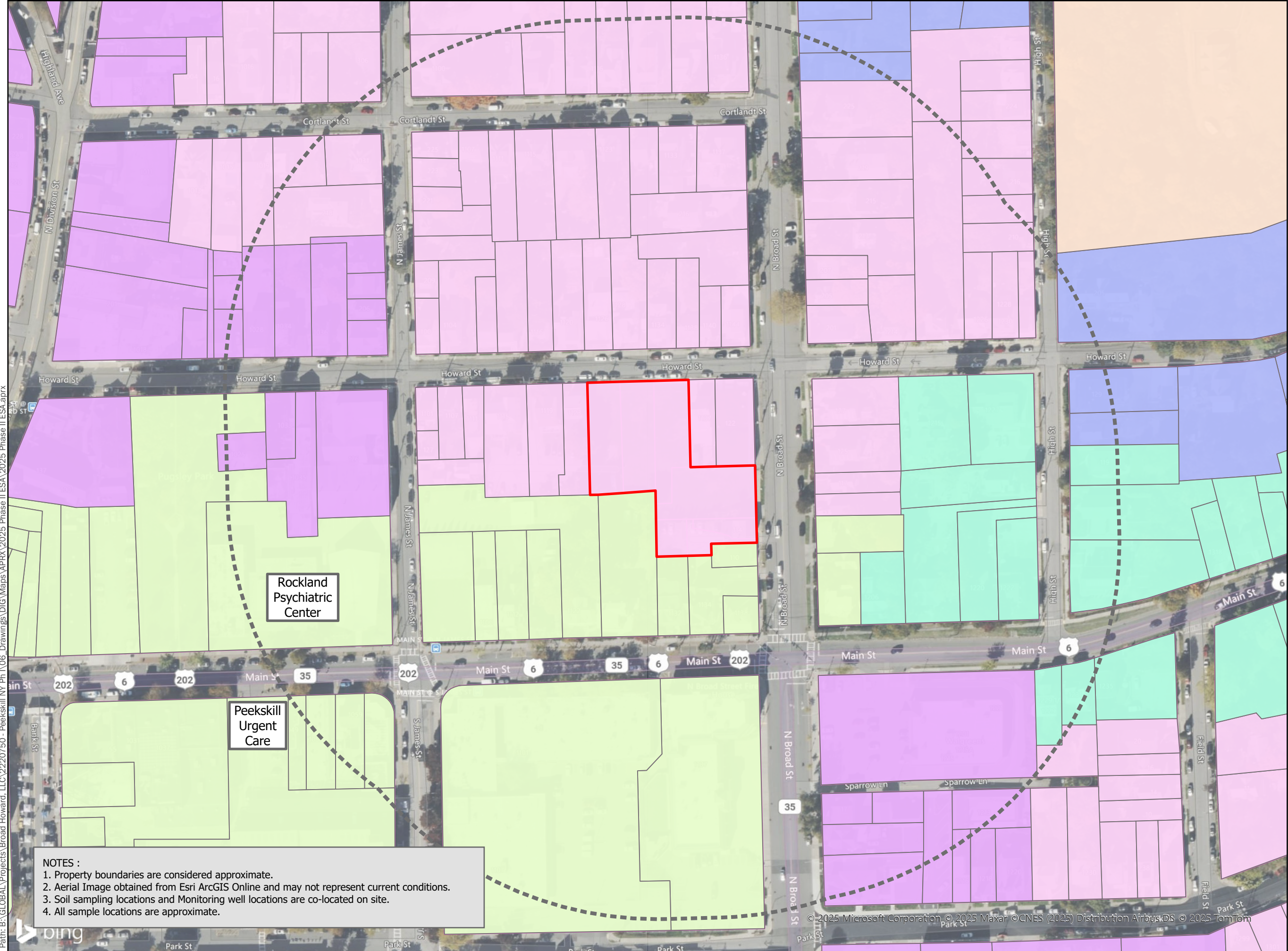
0 125  
1 inch = 125 feet

Legend

- Site Boundary
- Former Tax Parcels
- Sensitive Receptor Buffer
- Zoning
  - C-2
  - C-3
  - R-1B
  - R-1C
  - R-2
  - R-4

Land Use and  
Sensitive Receptors

FIGURE 3

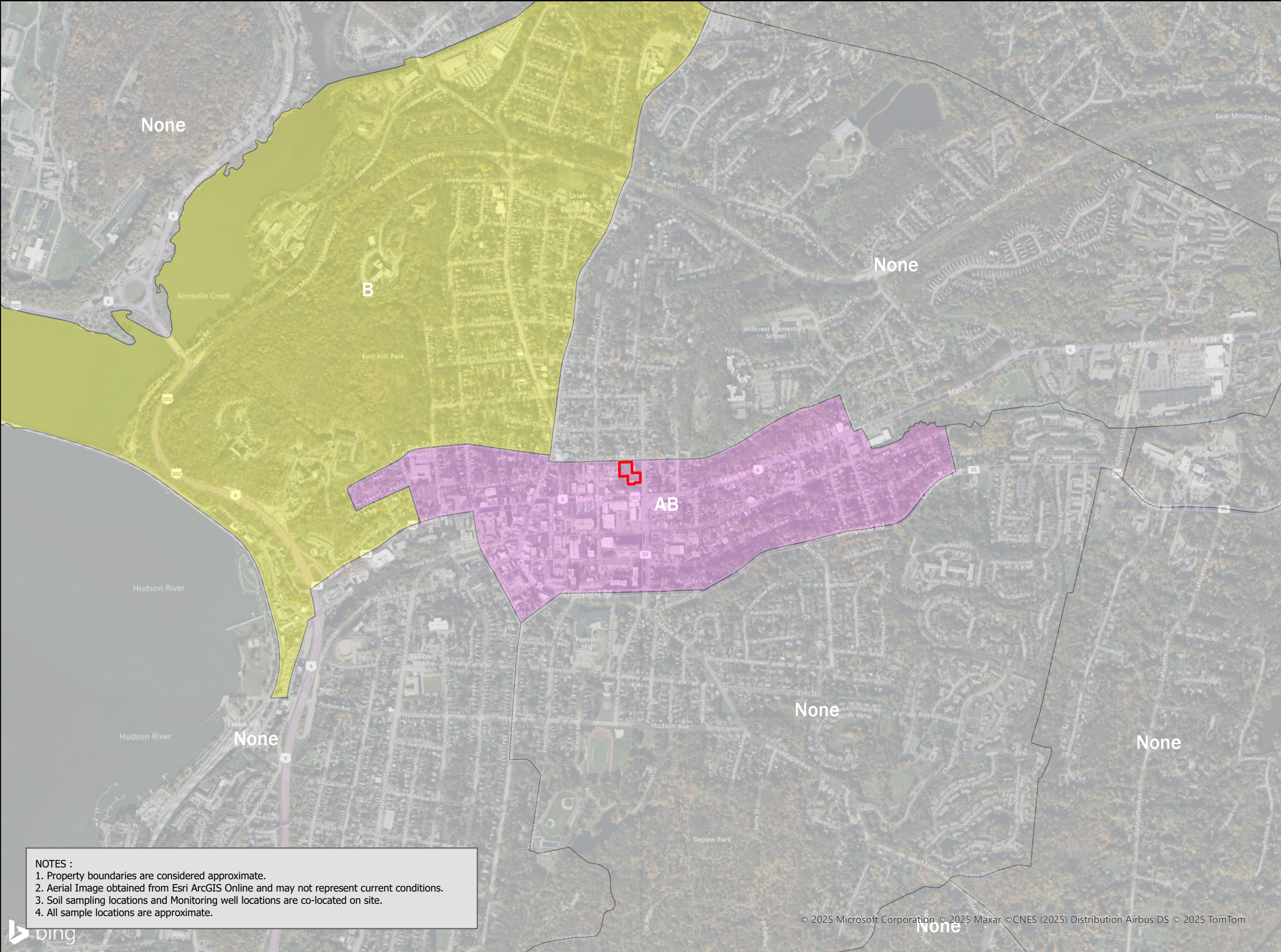


NOTES :

1. Property boundaries are considered approximate.
2. Aerial Image obtained from Esri ArcGIS Online and may not represent current conditions.
3. Soil sampling locations and Monitoring well locations are co-located on site.
4. All sample locations are approximate.



Path: B:\GLOBAL\Projects\Broad Howard, LLC\2220750 - Peekskill NY Ph I\06 Drawings\DIG\Maps\APRX\2025 Phase II ESA\aprx



- NOTES :
- 1. Property boundaries are considered approximate.
  - 2. Aerial Image obtained from Esri ArcGIS Online and may not represent current conditions.
  - 3. Soil sampling locations and Monitoring well locations are co-located on site.
  - 4. All sample locations are approximate.



BCP APPLICATION

114 N Broad Street  
Peekskill, NY 10566



0 500 1,000  
1 inch = 1,000 Feet

- Legend
- Site Boundary
- EnZoneType
- A
  - AB
  - B
  - None

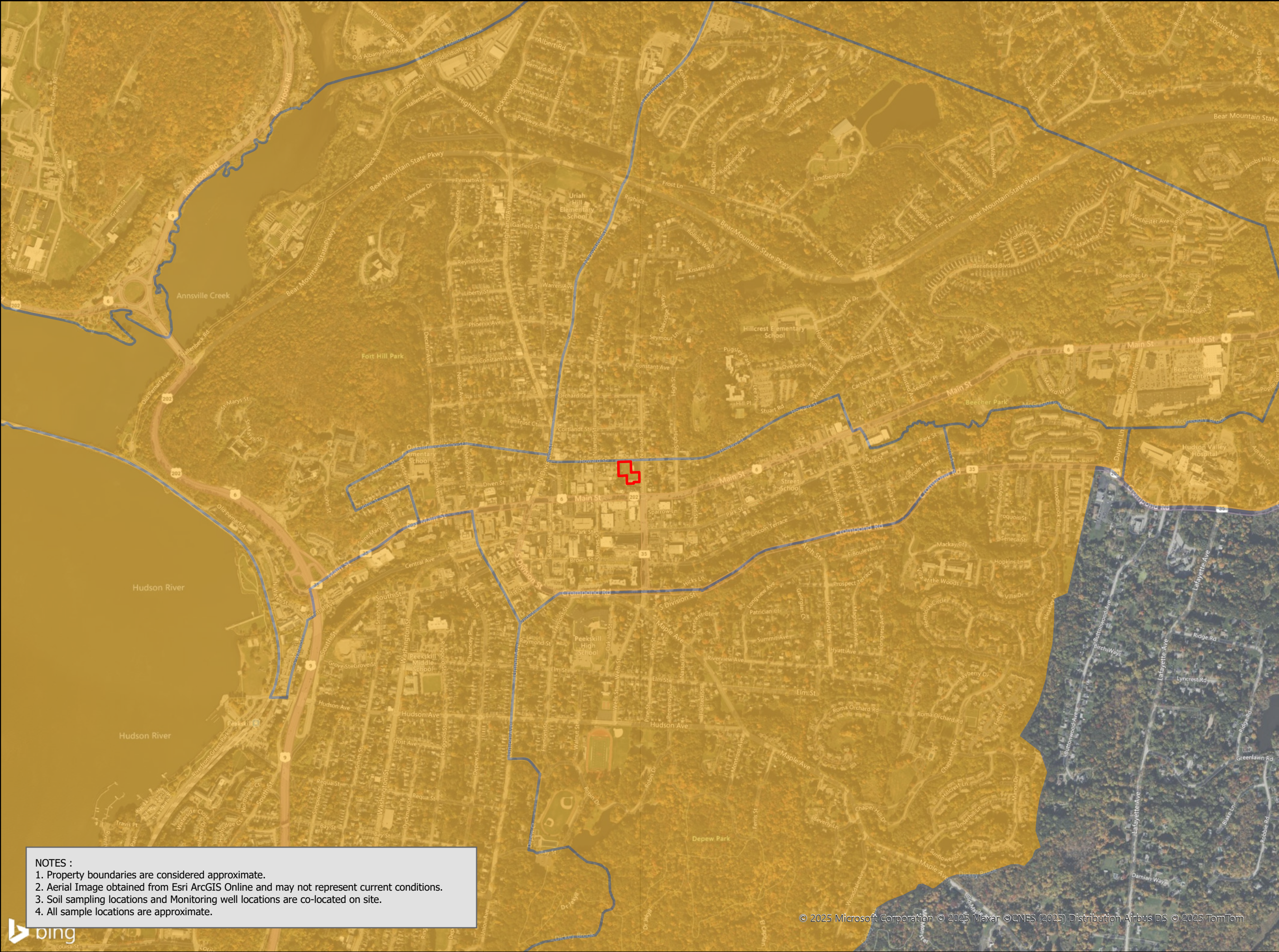
Site EnZone

FIGURE 4

LaBella Project No: 220730  
Date: May 2025



Path: B:\GLOBAL\Projects\Broad Howard, LLC\2220750 - Peekskill NY Ph I\06 Drawings\DIG\Maps\APRX\2025 Phase II\ESA.aprx



- NOTES :
- 1. Property boundaries are considered approximate.
  - 2. Aerial Image obtained from Esri ArcGIS Online and may not represent current conditions.
  - 3. Soil sampling locations and Monitoring well locations are co-located on site.
  - 4. All sample locations are approximate.



BCP APPLICATION

114 N Broad Street,  
Peekskill NY 10566



0 500 1,000  
1 inch = 1,000 Feet

- Legend
- Site Boundary
  - Designated Disadvantaged Communities (DAC)

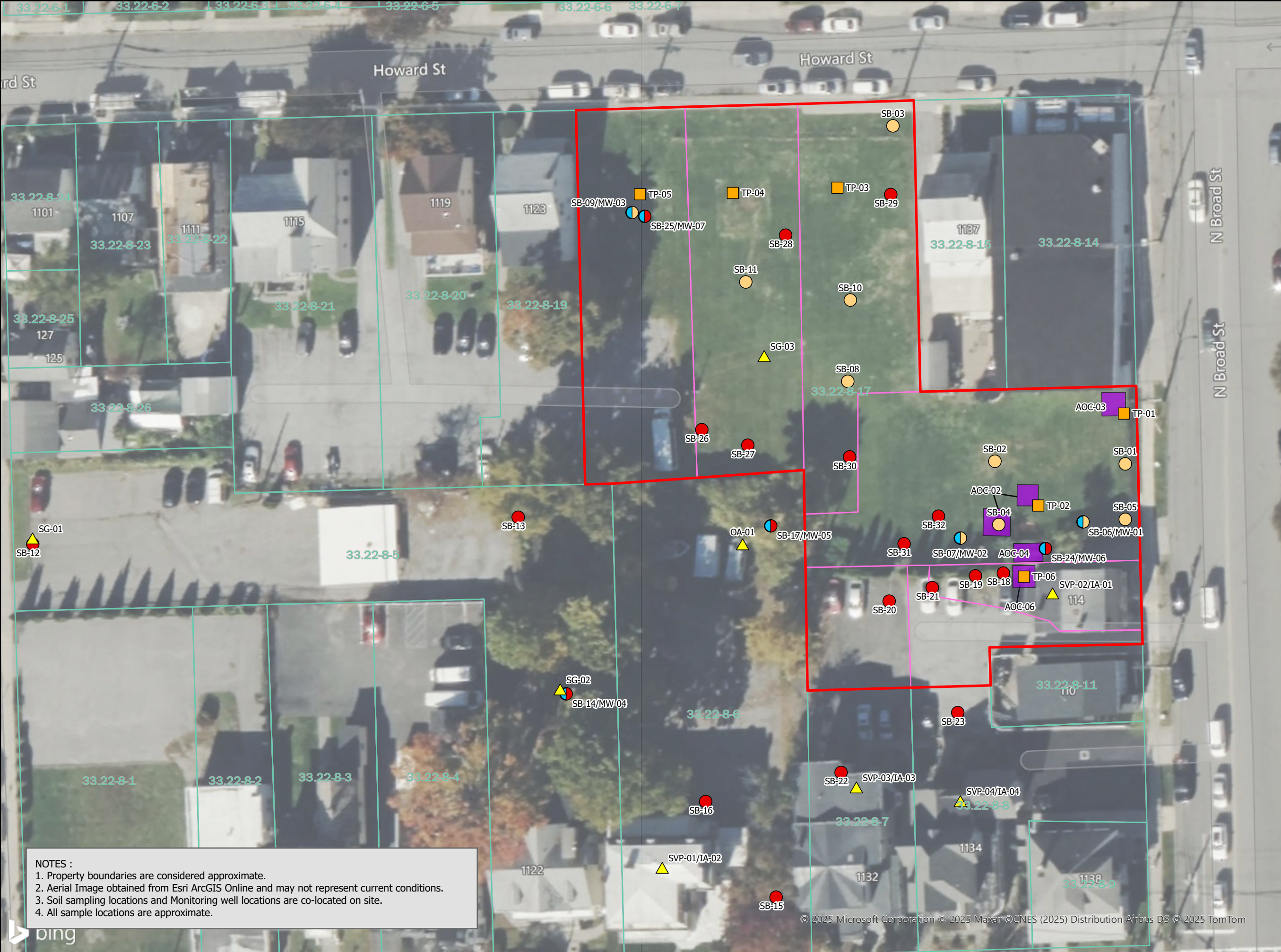
Designated  
Disadvantaged  
Communities

FIGURE 5

LaBella Project No: 220730  
Date: April 2025



Path: B:\GLOBAL\Projects\Broad Howard, LLC\2220750 - Peekskill NY Ph I\06\_Drawings\DIG Maps\APRX\2025 Phase II ESA\2025 Phase II ESA.aprx



NOTES :  
1. Property boundaries are considered approximate.  
2. Aerial Image obtained from Esri ArcGIS Online and may not represent current conditions.  
3. Soil sampling locations and Monitoring well locations are co-located on site.  
4. All sample locations are approximate.

**BCP APPLICATION**

**114 N Broad Street,  
Peekskill, NY 10566**



0 40  
1 inch = 40 feet

**Legend**

- Site Boundary
- Current Tax Parcels
- Former Tax Parcels
- 2022 Soil Borings/Monitoring Wells
- 2022 Soil Boring Locations
- 2021 Soil Borings/Monitoring Wells
- 2021 Soil Boring Locations
- 2022 Air Sample Locations
- Test Pit Locations
- Areas of Concern (AOC)

AOC-01: Contaminated Historic Fill Material - Site Wide  
AOC-02: Former Elevator Pits  
AOC-3: Anomaly Identified as Possible UST  
AOC-04: Backfilled Excavation / Former Gasoline UST  
AOC-05: Upgradient, Off-Site Groundwater  
AOC-06: Anomaly Identified as Possible UST

**Sampling Locations  
and Areas of  
Concern**

**FIGURE 6**



BCP APPLICATION

114 N Broad Street,  
Peekskill, NY 10566



0 50  
1 inch = 50 ft

Legend

- Site Boundary
- Current Tax Parcels
- Former Tax Parcels
- 2022 Soil Borings/Monitoring Wells
- 2022 Soil Boring Locations
- 2021 Soil Borings/Monitoring Wells
- 2021 Soil Boring Locations
- Test Pit Locations
- Areas of Concern (AOC)

AOC-01: Contaminated Historic Fill Material - Site Wide  
AOC-02: Former Elevator Pits  
AOC-03: Anomaly Identified as Possible UST  
AOC-04: Backfilled Excavation / Former Gasoline UST  
AOC-05: Upgradient, Off-Site Groundwater  
AOC-06: Anomaly Identified as Possible UST

Soil Sampling  
Results

FIGURE 7

LaBella Project No: 2220730  
Date: May 2025

VOCs	NY-UUSCO (mg/kg)	NY-RRSCO (mg/kg)	NY-CUSCO (mg/kg)	NY-IUSCO (mg/kg)	NY-PGSCO (mg/kg)
Benzene	0.06	4.8	44	89	0.06
1,2,4-Trimethylbenzene	3.6	52	190	380	3.6
Acetone	0.05	100	500	1000	0.05
Ethyl Benzene	1	41	390	780	1
Methylene chloride	0.05	100	500	1000	0.05
Naphthalene	12	100	500	1000	12
n-Propylbenzene	3.9	100	500	1000	3.9
SVOCs	(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)
Indeno(1,2,3-cd)pyrene	0.5	0.5	5.6	11	8.2
Benzo(a)anthracene	1	1	5.6	11	1
Benzo(a)pyrene	1	1	1	1.1	22
Benzo(b)fluoranthene	1	1	5.6	11	1.7
Benzo(k)fluoranthene	0.8	3.9	56	110	1.7
Chrysene	1	3.9	56	110	1
Dibenzo(a,h)anthracene	0.33	0.33	0.56	1.1	1000
Indeno(1,2,3-cd)pyrene	0.5	0.5	5.6	11	8.2
Naphthalene	12	100	500	1000	12
Metals	(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)
Arsenic	13	16	16	16	16
Barium	350	400	400	10000	820
Cadmium	2.5	4.3	9.3	60	7.5
Chromium	30	~	~	~	~
Copper	50	270	270	10000	1720
Lead	63	400	1000	3900	450
Manganese	1600	2000	10000	10000	2000
Mercury	0.18	0.81	2.8	5.7	0.73
Nickel	30	310	310	10000	130
Zinc	109	10000	10000	10000	2480
Pesticides	(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)
4,4'-DDE	0.0033	9	62	120	17

SB-26 (0'-2') 4/6/2022	(mg/kg)
SVOCs	(mg/kg)
Benzo(a)anthracene	4.4*
Benzo(a)pyrene	4.5
Benzo(b)fluoranthene	4.7*
Benzo(k)fluoranthene	3.7*
Chrysene	4.2*
Dibenzo(a,h)anthracene	0.61
Indeno(1,2,3-cd)pyrene	2.2
Metals	(mg/kg)
Lead	233
Zinc	246
Mercury	0.25

SB-30 (0'-2') 4/6/2022	(mg/kg)
Metals	(mg/kg)
Lead	157
Zinc	162
Mercury	0.68
SB-30 (2'-4') 4/6/2022	(mg/kg)
VOCs	(mg/kg)
Acetone	0.085*
SVOCs	(mg/kg)
Benzo(a)anthracene	8*
Benzo(a)pyrene	7.3
Benzo(b)fluoranthene	7.9*
Benzo(k)fluoranthene	6.1*
Chrysene	4.1*
Dibenzo(a,h)anthracene	1.1
Indeno(1,2,3-cd)pyrene	4.9
Metals	(mg/kg)
Cadmium	2.77
Copper	55.7
Lead	536*
Zinc	462
Mercury	0.83*
Pesticides	(mg/kg)
4,4'-DDE	0.007

SB-32 (0'-2') 4/6/2022	(mg/kg)
SVOCs	(mg/kg)
Indeno(1,2,3-cd)pyrene	0.82
Metals	(mg/kg)
Lead	249
Zinc	222
Mercury	0.34

SB-31 (0'-2') 4/6/2022	(mg/kg)
SVOCs	(mg/kg)
Indeno(1,2,3-cd)pyrene	0.63
Metals	(mg/kg)
Lead	362
Mercury	0.72

SB-20 (0'-4') 4/5/2022	(mg/kg)
VOCs	(mg/kg)
Acetone	0.13*
Metals	(mg/kg)
Arsenic	22.4*
Barium	420
Copper	79.8
Lead	948*
Mercury	0.5

SB-21 (0'-2') 4/6/2022	(mg/kg)
VOCs	(mg/kg)
Acetone	0.079*
Metals	(mg/kg)
Arsenic	29.7*
Lead	73.3
SB-21 (2'-4') 4/6/2022	(mg/kg)
Lead	283
Mercury	0.44
Zinc	124

SB-07 (6'-8') 8/16/2021	(mg/kg)
VOCs	(mg/kg)
1,2,4-Trimethylbenzene	3.9*
Ethyl Benzene	3.7*
Methylene chloride	1.3*
Naphthalene	46*
n-Propylbenzene	5.9*
SVOCs	(mg/kg)
Naphthalene	23*

SB-04 (8'-10') 8/16/2021	(mg/kg)
SVOCs	(mg/kg)
Benzo(a)anthracene	3.4*
Benzo(a)pyrene	1.14*
Benzo(b)fluoranthene	1.23
Benzo(k)fluoranthene	1.17
Benzo(k)fluoranthene	1
Chrysene	1.2*
Indeno(1,2,3-cd)pyrene	0.943
Metals	(mg/kg)
Lead	125
Mercury	0.412
Zinc	110

SB-24 (0'-2') 4/6/2022	(mg/kg)
SVOCs	(mg/kg)
Benzo(a)anthracene	3.4*
Benzo(a)pyrene	2.9
Benzo(b)fluoranthene	2.9*
Benzo(k)fluoranthene	2.3*
Dibenzo(a,h)anthracene	0.36
Indeno(1,2,3-cd)pyrene	2.1
Metals	(mg/kg)
Lead	226
Mercury	0.32
Zinc	201

SB-01 (2'-4') 8/16/2021	(mg/kg)
SVOCs	(mg/kg)
Benzo(a)anthracene	3.34*
Benzo(a)pyrene	3.2
Benzo(b)fluoranthene	2.94*
Benzo(k)fluoranthene	2.73*
Chrysene	3.31*
Dibenzo(a,h)anthracene	0.755
Indeno(1,2,3-cd)pyrene	2.74
Metals	(mg/kg)
Lead	407
Mercury	0.881*
Zinc	178

TP-01 (7') 7/30/2021	(mg/kg)
Metals	(mg/kg)
Lead	380
Zinc	182
Mercury	0.48

SB-02 (2'-4') 8/16/2021	(mg/kg)
SVOCs	(mg/kg)
Benzo(a)anthracene	4.88*
Benzo(a)pyrene	4.85
Benzo(b)fluoranthene	5.06*
Benzo(k)fluoranthene	4.15*
Chrysene	5.07*
Dibenzo(a,h)anthracene	1.32
Indeno(1,2,3-cd)pyrene	4.3
Metals	(mg/kg)
Lead	258
Mercury	1.17*
Zinc	200

SB-10 (2'-4') 8/16/2021	(mg/kg)
Metals	(mg/kg)
Lead	228
Mercury	0.927*
Zinc	235

SB-08 (1'-3') 8/16/2021	(mg/kg)
Metals	(mg/kg)
Arsenic	13.1
Lead	211
Mercury	6.59*
Zinc	177

SB-29 (0'-2') 4/6/2022	(mg/kg)
Metals	(mg/kg)
Arsenic	16.5*
Lead	209
Zinc	259
Mercury	0.31
SB-29 (2'-4') 4/6/2022	(mg/kg)
Metals	(mg/kg)
Arsenic	83.8*
Chromium	42.8
Lead	163
Manganese	1,800
Nickel	37.9

SB-03 (2'-4') 8/16/2021	(mg/kg)
Metals	(mg/kg)
Lead	96.5

SB-28 (0'-2') 4/6/2022	(mg/kg)
Metals	(mg/kg)
Lead	194
Zinc	163

TP-03 (3') 7/30/2021	(mg/kg)
Metals	(mg/kg)
Lead	112
Zinc	120

TP-04 (5') 7/30/2021	(mg/kg)
Metals	(mg/kg)
Arsenic	20.7*

TP-05 (5') 7/30/2021	(mg/kg)
Metals	(mg/kg)
Arsenic	16.9*
Lead	148
Zinc	133

SB-25 (0'-2') 4/6/2022	(mg/kg)
Metals	(mg/kg)
Arsenic	15.2
Lead	91.9

SB-27 (0'-2') 4/6/2022	(mg/kg)
Metals	(mg/kg)
Lead	210
Zinc	212
Mercury	0.48

SB-27 (2'-4') 4/6/2022	(mg/kg)
Metals	(mg/kg)
Arsenic	54*
Chromium	31.7
Manganese	1,840
Zinc	171

NOTES :

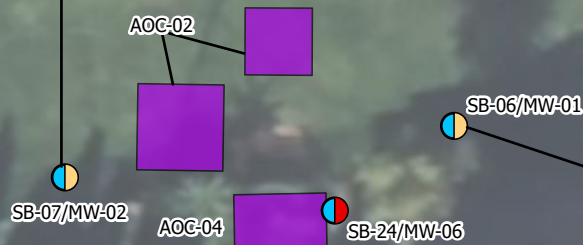
- Property boundaries are considered approximate.
- Aerial Image obtained from Esri ArcGIS Online and may not represent current conditions.
- Soil sampling locations and Monitoring well locations are co-located on site.
- All sample locations are approximate
- Cells marked with an asterisk contain concentrations that exceed the New York State Soil Cleanup Objectives for Restricted Use Protection of Groundwater.



	NYSDEC TOQS 1.1.1 AWQS
VOCs	(µg/L)
1,2,4-Trimethylbenzene	5
1,3,5-Trimethylbenzene	5
Benzene	1
Ethyl Benzene	5
Naphthalene	10
n-Butylbenzene	5
n-Propylbenzene	5
Xylenes, Total	5
SVOCs	
Benzo(a)anthracene	0.002
Benzo(a)pyrene	0.002
Benzo(b)fluoranthene	0.002
Benzo(k)fluoranthene	0.002
Chrysene	0.002
Naphthalene	10
Phenanthrene	50
Pyrene	50
Metals	
Arsenic	25
Chromium	50
Copper	200
Lead	25
Manganese	300
Metals Dissolved	
Manganese	0.7



MW-02	
8/16/2021	
VOC	µg/L
1,2,4-Trimethylbenzene	16.7
1,3,5-Trimethylbenzene	13.2
Benzene	42.2
Ethyl Benzene	33.1
Naphthalene	365
n-Butylbenzene	17.2
n-Propylbenzene	35.2
Xylenes, Total	10.5
SVOC	µg/L
Benzo(a)anthracene	94
Naphthalene	48,400
Phenanthrene	61,400
Pyrene	1,880
Metals	µg/L
Arsenic	107
Chromium	131
Lead	61.6
Manganese	7,640
Metals Dissolved	µg/L
Manganese	5,920



NOTES :

1. Property boundaries are considered approximate.
2. Aerial Image obtained from Esri ArcGIS Online and may not represent current conditions.
3. Soil sampling locations and Monitoring well locations are co-located on site.
4. All sample locations are approximate.
5. Cells highlighted in blue exceed the New York State Technical and Operational Guidance Series 1.1.1 Ambient Water Quality Standards and Guidance Values.

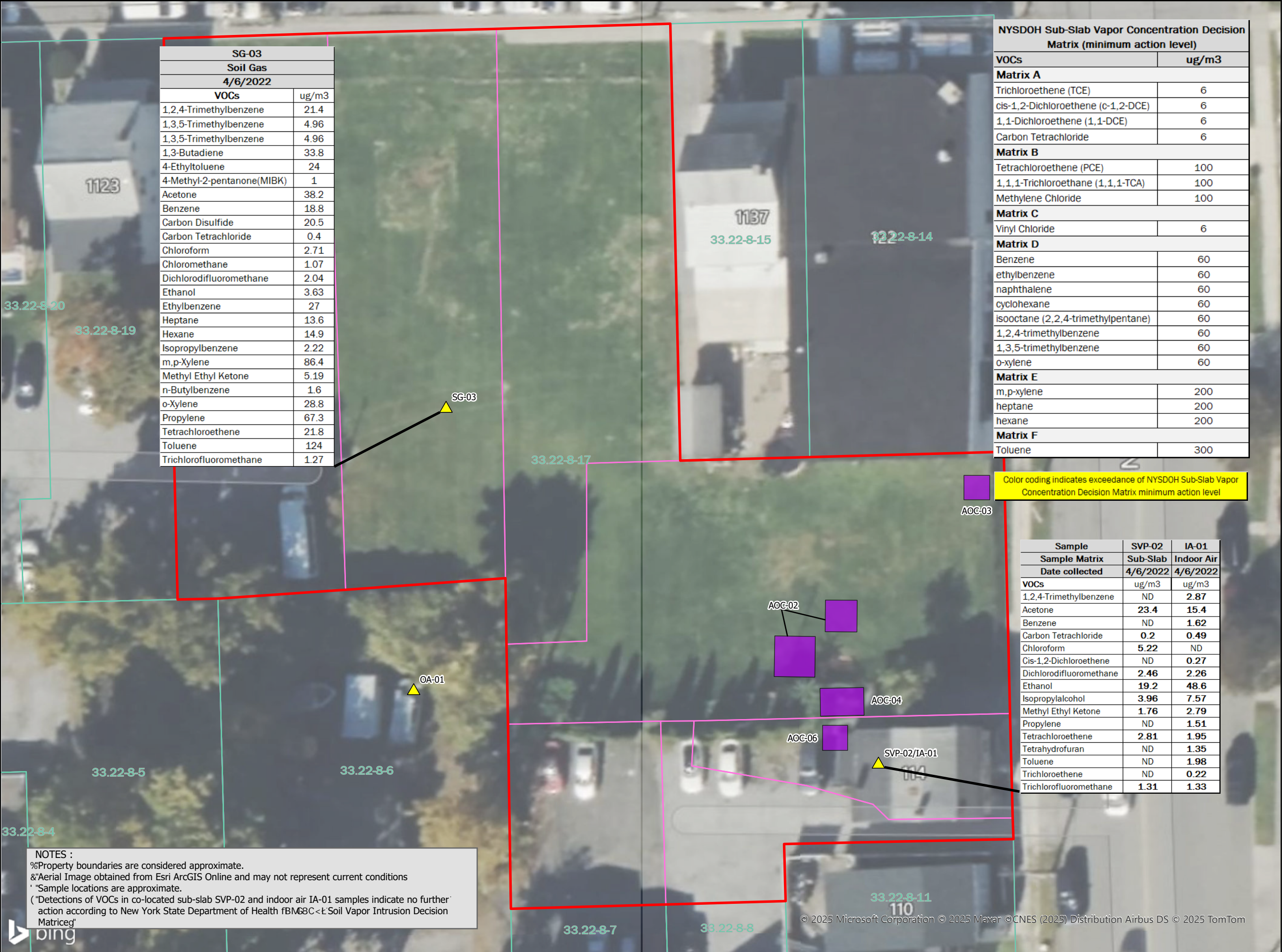
© 2025 Microsoft Corporation © 2025 Maxar © CNES (2025) Distribution Airbus DS © 2025 TomTom



# Groundwater Flow

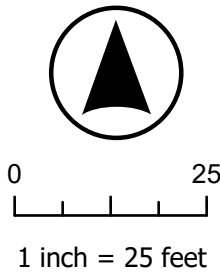


Path: B:\GLOBAL\Projects\Broad Howard, LLC\2220750 - Peekskill NY Ph I\06\_Drawings\DIG Maps\APRX\2025 Phase II ESA\2025 Phase II ESA.aprx



PHASE II

114 N Broad Street,  
Peekskill, NY 10566



Legend

- Site Boundary
- Current Tax Parcels
- Former Tax Parcels
- 2022 Air Sample Locations
- Areas of Concern (AOC)

AOC-01: Contaminated Historic Fill Material - Site Wide  
AOC-02: Elevator Pits  
AOC-03: Possible UST  
AOC-04: Former UST  
AOC-05: Upgradient, Off-Site Groundwater  
AOC-06: Possible UST

Soil Vapor Sampling  
Results

FIGURE 9

# **ATTACHMENT 1**

**MARCH 2022 DEED**

**AUGUST 2022 DEED**



CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the

day of

AUGUST

4

, 2022

**BETWEEN**

THE FLATZ PROPERTIES, LLC  
1008 MAIN STREET  
PEEKSKILL, NEW YORK 10566

party of the first part, and

BROAD HOWARD, LLC  
115 ALBERMARIE PLACE  
YONKERS, NEW YORK 10701

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of

ONE MILLION SIX HUNDRED AND 00/100 (\$1,6000,000.00) dollars  
paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs  
or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,  
lying and being in the

SEE SCHEDULE "A" ATTACHED HERE TO AND MADE PART OF.

PARCEL A: Source of Title: Deed made by FCI Development, LLC to The Flatz Properties, LLC, dated December 1,  
2014 recorded December 17, 2014 in Control Number 543353236.

ADDRESS: 1132 MAIN STREET, PEEKSKILL, NY 10566  
County: Westchester  
Section: 33.22  
Block: 8  
Lot: 7

PARCEL B: Source of Title: Deed made by FCI Development, LLC to The Flatz Properties, LLC, dated December 1, 2014  
recorded December 17, 2014 in Control Number 543353253.

ADDRESS: 1134 MAIN STREET, PEEKSKILL, NY 10566  
County: Westchester  
Section: 33.22  
Block: 8  
Lot: 8

PARCEL C: Source of Title: Deed made by FCI Development, LLC to The Flatz Properties, LLC, dated December 1, 2014  
recorded December 17, 2014 in Control Number 543353211.

ADDRESS: 114 NORTH BROAD STREET, PEEKSKILL, NY 10566  
County: Westchester  
Section: 33.22  
Block: 8  
Lot: 12

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads  
abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all  
the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the  
premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of  
the second part forever.

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the  
first part will receive the consideration for this conveyance and will hold the right to receive such consideration  
as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same  
first to the payment of the cost of the improvement before using any part of the total of the same for any other  
purpose. The word "party" shall be construed as if it read "parties" when ever the sense of this indenture so  
requires.

**ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE**

State of New York, County of **WESTCHESTER**, ss:

On the       day of **AUGUST**       in the year **2022** ,  
before me, the undersigned, personally appeared  
**John C. Sullivan** ,  
personally known to me or proved to me on the basis of satisfactory  
evidence to be the individual(s) whose name(s) is (are) subscribed to the  
within instrument and acknowledged to me that he/she/they executed the  
same in his/her/their capacity(ies), and that by his/her/their signature(s)  
on the instrument, the individual(s), or the person upon behalf of which  
the individual(s) acted, executed the instrument.

**ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS TAKEN  
IN NEW YORK STATE**

State of New York, County of       , ss:

On the       day of       in the year       ,  
before me, the undersigned, a Notary Public in and for said State,  
personally appeared       ,  
the subscribing witness to the foregoing instrument, with whom I am  
personally acquainted, who, being by me duly sworn, did depose and say  
that he/she/they reside(s) in

(if the place of residence is in a city, include the street and street number if any, thereof);  
that he/she/they know(s)

to be the individual described in and who executed the foregoing  
instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed  
his/her/their name(s) as a witness thereto

**ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE**

State of New York, County of **WESTCHESTER** , ss:

On the       day of       in the year \       ,  
before me, the undersigned, personally appeared       ,  
personally known to me or proved to me on the basis of satisfactory  
evidence to be the individual(s) whose name(s) is (are) subscribed to the  
within instrument and acknowledged to me that he/she/they executed the  
same in his/her/their capacity(ies), and that by his/her/their signature(s)  
on the instrument, the individual(s), or the person upon behalf of which  
the individual(s) acted, executed the instrument.

**ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK  
STATE**

\*State of       , County of       , ss:

\*(Or insert District of Columbia, Territory, Possession or Foreign County)

On the       day of **AUGUST**       in the year **2022** ,  
before me, the undersigned personally appeared

Personally known to me or proved to me on the basis of satisfactory  
evidence to be the individual(s) whose name(s) is (are) subscribed to the  
within instrument and acknowledged to me that he/she/they executed the  
same in his/her/their capacity(ies), that by his/her/their signature(s) on  
the instrument, the individual(s) or the person upon behalf of which the  
individual(s) acted, executed the instrument, and that such individual  
make such appearance before the undersigned in the

(add the city or political subdivision and the state or country or other  
place the acknowledgement was taken).

**Bargain and Sale Deed  
With Covenants**

Title No. **AS-700056-W**

**THE FLATZ PROPERTIES, LLC**  
TO

SECTION: **33.22**

BLOCK: **8**

LOT: **7, 8 & 12**

COUNTY OR TOWN: **WESTCHESTER**

THIS INDENTURE, made the 21st day of March, 2022

**BETWEEN**

Davel Realty Corp., a domestic New York corporation with offices at 1126 Howard street, Peekskill, NY 10566

party of the first part, and

Broad Howard Associates LLC with offices at 15 Albemarle Place, Yonkers, NY 10701

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of

\_\_\_\_\_ dollars paid  
by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or  
successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,  
lying and being in the

See Schedule "A" attached.

1125 Howard Street, Peekskill, NY 10566 Tax Map Designation: 33.22-8-18

1131 Howard Street, Peekskill, NY 10566 Tax Map Designation: 33.22-8-17

1135 Howard Street, Peekskill, NY 10566 Tax Map Designation: 33.22-8-16

116 North Broad Street, Peekskill, NY 10566 Tax Map Designation: 33.22-8-13

Being the same premises described in the deed into the grantor herein by deed recorded on 12/19/2000 in Control No.  
403430486 and recorded 12/19/2000 in Control No. 403460039.

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, 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




**ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE**

State of New York, County of Westchester, ss:

On the 21st day of March in the year 2022, before me, the undersigned, personally appeared Charles D. Moshier

, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


**ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE**

State of New York, County of, ss:

On the day of in the year, before me, the undersigned, personally appeared

, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

**ACKNOWLEDGEMENT TAKEN IN NEW YORK**  
 Lisa M. Pejril  
 Notary Public, State of New York  
 No. 01PE6118980  
 State of New York, County of Westchester  
 On the day Comm. Exp. 11/22/2024

me, the undersigned, a Notary Public in and for said State, personally appeared, the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in

(if the place of residence is in a city, include the street and street number if any, thereof); that he/she/they know(s)

to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto

**ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK**

, County of, ss:  
 District of Columbia, Territory, Possession or Foreign

County)

On the day of in the year, before me the undersigned personally appeared

Personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual make such appearance before the undersigned in the

(add the city or political subdivision and the state or country or other place the acknowledgement was taken).

## Bargain and Sale Deed without Covenants

Title No. BTA79882

Davel Realty Corp.

TO

Broad Howard Associates LLC

SECTION: 33.22

BLOCK: 8

LOT: 16, 17, 18 ; 13

COUNTY OR TOWN: Peekskill

**RETURN BY MAIL TO:**

Charles Lesnick, Esq.  
 Broad Howard Associates, LLC



*First American Title Insurance Company*

**SCHEDULE A  
DESCRIPTION OF PREMISES**

---

Title No.        BTA79882  
Policy No.      5011436-0268244e

**As to Tax Lots 13 and 16:**

**ALL** that certain plot, piece or parcel of land, situate, lying and being in the City of Peekskill, County of Westchester and State of New York, bounded and described as follows:

**BEGINNING** at a point on the westerly side of Broad Street, distant southerly along same 115 feet from the southerly side of Howard Street;

**RUNNING THENCE** southerly along the westerly side of Broad Street, South 8 degrees 24 minutes 40 seconds West 72.00 feet to a point on the northerly side of lands now or formerly of Russo;

**RUNNING THENCE** westerly along same and along the northerly side of lands now or formerly of Cunningham North 81 degrees 35 minutes 20 seconds West 140.00 feet to a point on the easterly side of lands now or formerly of Leprechaun Properties Inc.;

**RUNNING THENCE** northerly along same, North 8 degrees 24 minutes 40 seconds East 37.00 feet to the southerly side of land now or formerly of Leprechaun Properties Inc.;

**RUNNING THENCE** along the southerly and easterly lines of said last mentioned land, North 81 degrees 35 minutes 20 seconds East 3.00 feet and North 9 degrees 02 minutes 10 seconds East 150.01 feet to the southerly line of Howard Street;

**RUNNING THENCE** along the same, South 81 degrees 35 minutes 20 seconds East 50.17 feet to the westerly side of land now or formerly of Roake;

**RUNNING THENCE** along same South 8 degrees 24 minutes 40 seconds West 115.00 feet to a point;

**RUNNING THENCE** South 81 degrees 35 minutes 20 seconds East 85.20 feet to the point or place of **BEGINNING**.

**For Information Only:**

Premises known as 116 North Broad Street and 1135 Howard Street

*First American Title Insurance Company*

**As to Tax Lot 17:**

ALL that certain plot, piece or parcel of land, situate, lying and being in the City of Peekskill, County of Westchester and State of New York, being bounded and described as follows:

**BEGINNING** on the southerly side of Howard Street and at the northeast corner of land now or formerly of Moshier, said point being distant westerly along the southerly side of Howard Street 178 feet from the westerly side of North Broad Street;

**RUNNING THENCE** along the southerly side of Howard Street, South 81 degrees 35 minutes 20 seconds East 42.60 feet to the westerly side of land now or formerly of Mountain Missionaries Institute, Inc.;

**RUNNING THENCE** along same, South 9 degrees 02 minutes 10 seconds West 150.01 feet to a point;

**RUNNING THENCE** partly along said last mentioned land and partly along lands now or formerly of Leprechaun Properties, Inc., North 81 degrees 35 minutes 20 seconds West 41 feet to the easterly side of land now or formerly of Moshier;

**RUNNING THENCE** along same, North 8 degrees 24 minutes 40 seconds East 150 feet to the point or place of BEGINNING.

**For Information Only:**

Premises known as 1131 Howard Street

*First American Title Insurance Company*

**As to Tax Lot 18:**

ALL that certain plot, piece or parcel of land, situate, lying and being in the City of Peekskill, County of Westchester and State of New York, bounded and described as follows:

**BEGINNING** at a point on the southerly side of Howard Street distant 235 feet easterly along the same from the easterly side of North James Street, and at the northeast corner of land formerly of Joseph Lyons;

**THENCE RUNNING** South 81 degrees 35 minutes 20 seconds East along Howard Street 50 feet to land formerly of Robert Ames;

**THENCE** along the same, South 8 degrees 24 minutes 40 seconds West 150 feet to land now or formerly of William A. Hunt;

**RUNNING THENCE** along the same and lands now or formerly of William A. Hunt, North 81 degrees 35 minutes 20 seconds West 50 feet to the easterly side of lands now or formlery of Lyons;

**RUNNING THENCE** along the same, North 8 degrees 24 minutes 40 seconds East 150 feet to the point of BEGINNING.

**For Information Only:**

Premises known as 1125 Howard Street

# **ATTACHMENT 2**

## **Previous Owners & Operators List**

# PREVIOUS OWNERS & OPERATORS LIST

## Broad Howard BCP Site

114 North Broad Street

Peekskill, New York 10566

Year	Contact Information 114 North Broad Street (Former 33.22-8-12)	Status	Relation to Requestor
<b>Owners</b>			
Unknown – July 1965	Randolph Russo	Unknown	None
July 1965 – December 3, 2004	Randolph Russo	Unknown	None
December 3, 2004 – December 1, 2014	F.C.I. Development LLC Address: 52 Carolyn Road West Carmel, New York, 10512 Phone: Unknown	Active	None
December 1, 2014 – August 4, 2022	The Flatz Properties, LLC Address: 1008 Main Street Peekskill, New York, 10566 Phone: 845-459-2335	Active	None
August 4, 2022 – Present day	Broad Howard LLC Address: 15 Ablemarle Place Yonkers, New York 10701 Phone: (914) 954-3039	Active	Requestor
<b>Operators</b>			
At least 1887 through 1911	Residential dwelling	N/A	None
At least 1923 through 1950	Store	N/A	None
At least 1958 through 1964	Restaurant	N/A	None
1965	George's Luncheonette Address: Unknown Phone: Unknown	Unknown	None
1965	Rominuquie Herbert Address: Unknown Phone: Unknown	Unknown	None
1968	Gray, Orlando S. Address: Unknown Phone: Unknown	Unknown	None
1971	Plumbing & heating contractor	N/A	None
1968 – 1995	Central Heating and Plumbing Address: Unknown Phone: Unknown	Unknown	None
1972	W. Lawrence Address: Unknown Phone: Unknown	Unknown	None
1982	Horace Briggs Address: Unknown Phone: Unknown	Unknown	None
1987	Charles E. Wade Address: Unknown Phone: Unknown	Unknown	None
1992	Mair, Lloyd Address: Unknown Phone: Unknown	Unknown	None
2005	Mala, Roman Address: Unknown Phone: Unknown	Unknown	None
2014	Dannycom Address: Unknown Phone: Unknown	Active	None

# PREVIOUS OWNERS & OPERATORS LIST

## Broad Howard BCP Site

114 North Broad Street  
Peekskill, New York 10566

Year	Contact Information 114 North Broad Street (Former 33.22-8-12)	Status	Relation to Requestor
Operators			
2017	Alexa Beauty Parlor Address: Unknown Phone: Unknown	Unknown	None
2020	Daniel Calle Address: 1132 Main Street Phone: 914-739-4091	Active	None
2020	Dannycom Address: Unknown Phone: Unknown	Active	None
Present	Commercial and residential	N/A	None

## PREVIOUS OWNERS & OPERATORS LIST

### Broad Howard BCP Site

114 North Broad Street  
Peekskill, New York 10566

Year	Contact Information 116 North Broad Street (Former 33.22-8-13)	Status	Relation to Requestor
<b>Owners</b>			
In or before 1936 – April 30, 1963	Meltad (aka Melted) Realty Corp. Address: Unknown Phone: Unknown	Unknown	None
April 30, 1963 – May 1, 1963	Majestic Realty Address: Unknown Phone: Unknown	Unknown	None
May 1, 1963 – July 1, 1966	Madiera Realty Corp. Address: Unknown Phone: Unknown	Unknown	None
July 1, 1966 – June 1976	Royalad MFG. Co Address: Unknown Phone: Unknown	Unknown	None
June 1976 – January 30, 1981	Zimco Industries, Inc. Address: Unknown Phone: Unknown	Unknown	None
January 30, 1981 – June 1982	MT Missionary Address: Unknown Phone: Unknown	Unknown	None
June 1982 – March 15, 1984	Southern Missionary Society, Inc. Address: Unknown Phone: Unknown	Unknown	None
March 15, 1984 – November 1, 2000	Kathleen L. Moshier Last Known Address: Unknown Phone: Unknown	Deceased	None
November 1, 2000 – March 21, 2022	Davel Realty Corp. Address: 1126 Howard Street Peekskill, NY, 10566 Phone: Unknown	Inactive	None
March 21, 2022 – Present day	Broad Howard LLC Address: 15 Ablemarle Place Yonkers, New York 10701 Phone: (914) 954-3039	Active	Requestor
<b>Operators</b>			
At least 1887 through 1895	Peekskill Pottery Works Address: Unknown Phone: Unknown	Inactive	None
At least 1911 through 1923	T.J. Maxwell & Co. Address: 770 Cochituate Road Framingham, Massachusetts 01701 Phone: 508-390-1000	Active	None
1950	Central Wash Suit Co. Address: Unknown Phone: Unknown	Inactive	None
At least 1958 through 1972	Peekskill Sportswear Corp. Address: Unknown Phone: Unknown	Unknown	None
1968 - 1977	Royalad Manufacturing Company Address: Unknown Phone: Unknown	Unknown	None

# PREVIOUS OWNERS & OPERATORS LIST

## Broad Howard BCP Site

114 North Broad Street  
Peekskill, New York 10566

Year	Contact Information 116 North Broad Street (Former 33.22-8-13)	Status	Relation to Requestor
Operators			
Present	Vacant	N/A	N/A

Year	Contact Information 1135 Howard Street (Former 33.2208-16)	Status	Relation to Requestor
Owners			
In or before 1936 – December 30, 1957	Paul Azcenzo Last Known Address: Unknown Phone: Unknown	Unknown	None
December 30, 1957 – January 6, 1958	Palmina Ranallo Last Known Address: Unknown Phone: Unknown	Deceased	None
January 6, 1958 – April 3, 1959	Peekskill Sportswear, Inc. Address: Unknown Phone: Unknown	Unknown	None
April 3, 1959 - Unknown	Meltad (aka Melted) Realty Corp. Address: Unknown Phone: Unknown	Unknown	None
Unknown – April 30, 1963	Kita Realty Corp. Address: Unknown Phone: Unknown	Unknown	None
April 30, 1963 – May 1963	Majestic Specialties Address: Unknown Phone: Unknown	Unknown	None
May 1963 – July 1, 1966	Madiera Realty Corp. Address: Unknown Phone: Unknown	Unknown	None
July 1, 1966 – June 1976	Royalad MFG. Co Address: Unknown Phone: Unknown	Unknown	None
June 1976 – January 30, 1981	Zimco Industries, Inc. Address: Unknown Phone: Unknown	Unknown	None
January 30, 1981 – June 1982	MT Missionary Address: Unknown Phone: Unknown	Unknown	None
June 1982 – March 15, 1984	Southern Missionary Society, Inc. Address: Unknown Phone: Unknown	Unknown	None
March 15, 1984 – November 1, 2000	Kathleen L. Moshier Last Known Address: Unknown Phone: Unknown	Deceased	None



# PREVIOUS OWNERS & OPERATORS LIST

## Broad Howard BCP Site

114 North Broad Street  
Peekskill, New York 10566

Year	Contact Information 1135 Howard Street (Former 33.2208-16)	Status	Relation to Requestor
Owners			
November 1, 2000 – March 21, 2022	Davel Realty Corp. Address: 1126 Howard Street Peekskill, NY, 10566 Phone: Unknown	Inactive	None
March 21, 2022 – Present day	Broad Howard LLC Address: 15 Ablemarle Place Yonkers, New York 10701 Phone: (914) 954-3039	Active	Requestor
Operators			
At least 1887 through 1958	Residential dwelling	N/A	None
At least 1964 through 1972	Clothing Manufacturing and Storage	N/A	None
1965 - 1968	Kelita Inc. Sportswear Manufacturer Address: Unknown Phone: Unknown	Unknown	None
1977	Pace Factory Retail Address: Unknown Phone: Unknown	Unknown	None
Present	Vacant	N/A	N/A

## PREVIOUS OWNERS & OPERATORS LIST

**Broad Howard BCP Site**  
**114 North Broad Street**  
**Peekskill, New York 10566**

<b>Year</b>	<b>Contact Information</b> <b>1131 Howard Street (Former 33.22-8-17)</b>	<b>Status</b>	<b>Relation to Requestor</b>
<b>Owners</b>			
In or before 1936 – January 1982	Mary La Fountain, Est. Address: Unknown Phone: Unknown	Unknown	None
January 1982 – September 1982	City of Peekskill Address: 840 Main Street Peekskill, New York 10566 Phone: 914-737-3400	Active	None
September 1982 – March 4, 1986	David B. Moshier Last Known Address: Unknown Phone: Unknown	Deceased	None
March 4, 1986 – November 1, 2000	Kathleen L. Moshier Last Known Address: Unknown Phone: Unknown	Deceased	None
November 1, 2000 – March 21, 2022	Davel Realty Corp. Address: 1126 Howard Street Peekskill, NY, 10566 Phone: Unknown	Inactive	None
March 21, 2022 – Present day	Broad Howard LLC Address: 15 Ablemarle Place Yonkers, New York 10701 Phone: (914) 954-3039	Active	Requestor
<b>Operators</b>			
At least 1887 through 1972	Residential dwelling	N/A	None
At least 1965 through 1977	Goldie M. LaFontaine Address: Unknown Phone: Unknown	Unknown	None
Present	Vacant	N/A	N/A

# PREVIOUS OWNERS & OPERATORS LIST

## Broad Howard BCP Site

114 North Broad Street  
Peekskill, New York 10566

Year	Contact Information 1125 Howard Street (Former 33.22-8-18)	Status	Relation to Requestor
<b>Owners</b>			
Unknown – September 27, 1967	Maria Fratta Address: Unknown Phone: Unknown	Unknown	None
September 27, 1967 – November 1, 2000	Kathleen L. Moshier Last Known Address: Unknown Phone: Unknown	Deceased	None
November 1, 2000 – March 21, 2022	Davel Realty Corp. Address: 1126 Howard Street Peekskill, NY, 10566 Phone: Unknown	Inactive	None
March 2022 – Present day	Broad Howard LLC Address: 15 Ablemarle Place Yonkers, New York 10701 Phone: (914) 954-3039	Active	Requestor
<b>Operators</b>			
At least 1887 through 1972	Residential dwelling	N/A	None
1965	Mrs. Angelina A. Rinzivillo Address: Unknown Phone: Unknown	Unknown	None
1965	Jos J. Rinzivillo Address: Unknown Phone: Unknown	Unknown	None
1972	Mrs. S. Stilenovich Address: Unknown Phone: Unknown	Unknown	None
Present	Vacant	N/A	N/A

## PREVIOUS OWNERS & OPERATORS LIST

### Broad Howard BCP Site

114 North Broad Street  
Peekskill, New York 10566

Year	Contact Information 1134 Main Street Northern Portion (Former part of 33.22-8-8.1)	Status	Relation to Requestor
<b>Owners</b>			
Unknown – June 1984	Hermena Garson Address: Unknown Phone: Unknown	Unknown	None
June 1984 – May 11, 1989	Robert R. and Carole E. Herbin Address: Unknown Phone: Unknown	Inactive	None
May 11, 1989 – August 18, 1993	Bruce Shwartz Address: Unknown Phone: Unknown	Unknown	None
August 18, 1993 – February 12, 1998	Market Street Mortgage Corp. Address: Unknown Phone: Unknown	Unknown	None
February 12, 1998 – March 16, 1998	Bank of the Hudson Address: 21 Market Street Poughkeepsie, New York 12602 Phone: Unknown	Inactive	None
March 16, 1998 – November 1, 2003	Fourmen Construction Address: 1008 Main Street Peekskill, New York 10566 Phone: Unknown	Active	None
November 1, 2003 – December 1, 2014	F.C.I. Development LLC Address: 52 Carolyn Road West Carmel, New York, 10512 Phone: Unknown	Active	None
December 1, 2014 – August 4, 2022	The Flatz Properties, LLC Address: 1008 Main Street Peekskill, New York, 10566 Phone: 845-459-2335	Active	None
August 4, 2022 – Present day	Broad Howard LLC (Northern Portion) Address: 15 Ablemarle Place Yonkers, New York 10701 Phone: (914) 954-3039	Active	Requestor
<b>Operators</b>			
At least 1887 through 1958	Residential dwelling	N/A	None
At least 1964 through 1972	Offices	N/A	None
1965 - 1977	Dr. Harry Bassin Address: Unknown Phone: Unknown	Deceased	None
1965 - 1982	Dr. Percy Garson Address: Unknown Phone: Unknown	Unknown	None
1965	Kissling Alf Address: Unknown Phone: Unknown	Unknown	None
1965	Miller Melvin B Address: Unknown Phone: Unknown	Unknown	None
1972	Joseph Stone Address: Unknown Phone: Unknown	Unknown	None
1982	Helen Dohran Address: Unknown Phone: Unknown	Unknown	None

**PREVIOUS OWNERS & OPERATORS LIST****Broad Howard BCP Site**

114 North Broad Street  
Peekskill, New York 10566

<b>Year</b>	<b>Contact Information</b> <b>1134 Main Street Northern Portion (Former part of 33.22-8-8.1)</b>	<b>Status</b>	<b>Relation to Requestor</b>
<b>Operators</b>			
1987	Dr. A L Ramirez Jr. Address: Unknown Phone: Unknown	Unknown	None
1987	John Brannigan Address: Unknown Phone: Unknown	Unknown	None
1987	Debra Phillips Address: Unknown Phone: Unknown	Unknown	None
1992	Cevallos, Regis Address: Unknown Phone: Unknown	Unknown	None
1992	Sanchez, Patricio Address: Unknown Phone: Unknown	Unknown	None
2000	Fourmen Construction Address: 1008 Main Street Peekskill, New York 10566 Phone: Unknown	Active	None
2000	4M Cabling Address: Unknown Phone: Unknown	Unknown	None
2005	Mid-Hudson Millwork LLC Address: Unknown Phone: Unknown	Unknown	None
2017	PVS Construction Address: Unknown Phone: Unknown	Unknown	None
2017	Hayes, William W Address: Unknown Phone: Unknown	Unknown	None

## PREVIOUS OWNERS & OPERATORS LIST

### Broad Howard BCP Site

114 North Broad Street  
Peekskill, New York 10566

Year	Contact Information 1132 Main Street Northern Portion (Former part of 33.22-8-7)	Status	Relation to Requestor
<b>Owners</b>			
March 1954 – December 1973	Marcis Realty Co., Inc. Address: Unknown Phone: Unknown	Unknown	None
December 1973 – October 1978	Henry I. Meyer & Ors. Address: Unknown Phone: Unknown	Unknown	None
October 1978 – January 16, 1989	Robert R. Herbin, Inc. Address: Unknown Phone: Unknown	Inactive	None
January 16, 1989 - February 16, 1989	Bruce Shwartz Address: Unknown Phone: Unknown	Unknown	None
February 16, 1989 – December 16, 1993	Robert R. Herbin Address: Unknown Phone: Unknown	Inactive	None
December 16, 1993 – August 7, 2002	William H. Gorin Address: Unknown Phone: Unknown	Unknown	None
August 7, 2002 – November 13, 2003	Sound Federal Savings Bank Address: 1311 Mamaroneck Avenue, Suite 190 White Plains, New York 10605 Phone: Unknown	Inactive	None
November 13, 2003 – December 1, 2014	F.C.I. Development LLC Address: 52 Carolyn Road West Carmel, New York 10512 Phone: Unknown	Active	None
December 1, 2014 – August 4, 2022	The Flatz Properties, LLC Address: 1008 Main Street Peekskill, New York 10566 Phone: 845-459-2335	Active	None
August 4, 2022 – Present day	Broad Howard LLC (Northern Portion) Address: 15 Ablemarle Place Yonkers, New York 10701 Phone: (914) 954-3039	Active	Requestor
<b>Operators</b>			
At least 1887 through 1950	Residential dwelling	N/A	None
At least 1958 through 1972	Offices	N/A	None
1965 -1968	Thaler, Jermone S. Optometrist Address: Unknown Phone: Unknown	Deceased	None
1965 - 1982	Dr. Helbraun, Henry W. Dentist Address: Unknown Phone: Unknown	Deceased	None
1965	Murray Mary Address: Unknown Phone: Unknown	Unknown	None
1965 – 1982	Montesano Joseph Address: Unknown Phone: Unknown	Unknown	None
1965 - 1968	Zacks Dental Laboratory Inc. Address: Unknown Phone: Unknown	Unknown	None
1965 - 1977	Dr. Henry Meyer Address: Unknown Phone: Unknown	Unknown	None
1968	Bennett Hearing Address: Unknown Phone: Unknown	Unknown	None

# PREVIOUS OWNERS & OPERATORS LIST

## Broad Howard BCP Site

114 North Broad Street  
Peekskill, New York 10566

Year	Contact Information 1132 Main Street Northern Portion (Former part of 33.22-8-7)	Status	Relation to Requestor
Operators			
1968	Rosoff, Charles B. Address: Unknown Phone: Unknown	Unknown	None
1968	Werner, Sol R. Dentist Address: Unknown Phone: Unknown	Unknown	None
1968	Johnson WM J Address: Unknown Phone: Unknown	Unknown	None
1972 - 1982	A Fullenweider Address: Unknown Phone: Unknown	Unknown	None
1972	Dr. Morton Kaplan Address: Unknown Phone: Unknown	Unknown	None
1972 - 1987	Dr. J I Lasner Address: Unknown Phone: Unknown	Unknown	None
1977	Peekskill Counsel Center Address: Unknown Phone: Unknown	Inactive	None
1977	Sharyn Carbone Address: Unknown Phone: Unknown	Unknown	None
1982	Lancaster & Sons Address: Unknown Phone: Unknown	Inactive	None
1982	Joseph Wortham Address: Unknown Phone: Unknown	Unknown	None
1982 - 1987	Dr. Robert Herbin Address: Unknown Phone: Unknown	Inactive	None
1987	N. Mulligan, attorney Address: Unknown Phone: Unknown	Unknown	None
1987	Dr. Floyd E Miller Address: 2117 Crompound Road Cortlandt Manor, New York 10567 Phone: 914-737-0176	Active	None
1987	David Basch Address: Unknown Phone: Unknown	Unknown	None
1987	Nancy Donker Address: Unknown Phone: Unknown	Unknown	None
1987 - 2000	Dr. William Tomback, Podiatrist Address: 1 Primrose Drive Katonah, New York 10536 Phone: 914-232-1803	Active	None
1992	Brown, Richard Address: Unknown Phone: Unknown	Unknown	None
1992	Castellanos, Elsira Address: Unknown Phone: Unknown	Unknown	None
1992	Fleury, John J Address: Unknown Phone: Unknown	Unknown	None
1992	Hidalgo, Luz Address: Unknown Phone: Unknown	Deceased	None
1992	Lenis, Maria Address: Unknown Phone: Unknown	Unknown	None

## PREVIOUS OWNERS & OPERATORS LIST

### Broad Howard BCP Site

114 North Broad Street  
Peekskill, New York 10566

Year	Contact Information 1132 Main Street Northern Portion (Former part of 33.22-8-7)	Status	Relation to Requestor
Operators			
2000	T&T Cleaning and Janitorial Service Address: Unknown Phone: Unknown	Unknown	None
2000	Jones, Wendy P Address: Unknown Phone: Unknown	Unknown	None
2005 - 2017	Family Services of Westchester Address: 2975 Westchester Avenue, Suite 401 Purchase, New York 10577 Phone: Unknown Email: fsw@fsw.org	Active	None
2010	Dannycom Address: Unknown Phone: Unknown	Active	None
2010	Bischoff, Terri Address: Unknown Phone: Unknown	Deceased	None
2010 - 2017	Ghaem Agency Inc. Address: 1132 Main Street Peekskill, New York 10566 Phone: 914-739-4091	Active	None
2014 - 2017	Infinite Possibilities Address: 439 Nimham Road Carmel, New York 10512 Phone: 845-216-0388	Active	None
2017	Jefferson, Charles A Address: Unknown Phone: Unknown	Unknown	None



# **ATTACHMENT 3**

## **LLC FILING**

SINCE  
1924



"ALL THE  
NOTICES  
REQUIRED  
TO PRINT"

®

PO BOX 871  
ALBANY, NEW YORK 12201  
(518) 463-4179 - (800) 828-4428 - FAX (518) 463-1189  
www.servico.com

June 19, 2020

Attn: Cabot Marks  
Company: Marks DiPalermo PLLC  
via Fax: SEE NOTES  
RE: BROAD HOWARD LLC

Dear Cabot Marks:

Charges for the publication of required legal notices for the above-mentioned entity are as follows:

Publication Costs and Fees:	\$605.00
Fee to file affidavits:	39.00
Administrative Handling Fee	5.00
Disb. to DOS NY:	50.00
Total:	\$699.00

Please complete the charge information below and fax this quote back to us or return with your check. **Once payment is received, we will begin the publication** and the filing receipts will be forwarded to your office.

Should you have any questions, please feel free to call our publication department.

**\*\*\*\*\*STREET ADDRESS OF PRINCIPAL BUSINESS LOCATION, IF ANY, MUST BE INCLUDED IN THE NOTICE. PLEASE ENTER IT BELOW OR INDICATE NONE, IF THAT IS THE CASE.**

(Enter above: Street address of principal business location or NONE)

**PRICING IS SUBJECT TO CHANGE WITHOUT NOTICE**

Let This Letter Serve as My Authorization to Charge My Amex/MC/Visa (Initial Here)

Card # \_\_\_\_\_ Expires \_\_\_\_\_ CREDIT CARD

AUTHORIZATION CODE: \_\_\_\_\_ IN THE AMT OF \_\_\_\_\_

Print Name of Card Holder: \_\_\_\_\_

Print Complete Billing Address on Credit Card: \_\_\_\_\_

Signature of Card Holder: \_\_\_\_\_ Check Enclosed # \_\_\_\_\_

ONLINE FILING RECEIPT

ENTITY NAME: BROAD HOWARD LLC

DOCUMENT TYPE: ARTICLES OF ORGANIZATION (DOM. LLC)

COUNTY: WEST

FILED:06/22/2020 DURATION:\*\*\*\*\* CASH#:200622010117 FILE#:200622010117  
DOS ID:5771174

FILER:

EXIST DATE

SERVICO, INC.  
283 WASHINGTON AVE.  
ALBANY, NY 12206

06/22/2020

ADDRESS FOR PROCESS:

C/O CHUCK LESNICK  
15 ALBEMARLE PLACE  
YONKERS, NY 10701

REGISTERED AGENT:



The limited liability company is required to file a Biennial Statement with the Department of State every two years pursuant to Limited Liability Company Law Section 301. Notification that the Biennial Statement is due will only be made via email. Please go to [www.email.ebiennial.dos.ny.gov](http://www.email.ebiennial.dos.ny.gov) to provide an email address to receive an email notification when the Biennial Statement is due.

SERVICE COMPANY: SERVICO, INC.-35  
SERVICE CODE: 35

FEE:	200.00	PAYMENTS	200.00
FILING:	200.00	CHARGE	0.00
TAX:	0.00	DRAWDOWN	200.00
PLAIN COPY:	0.00		
CERT COPY:	0.00		
CERT OF EXIST:	0.00		

78551

DOS-1025 (04/2007)

Authentication Number: 2006220550 To verify the authenticity of this document you may access the Division of Corporation's Document Authentication Website at <http://ecorp.dos.ny.gov>

WAIVER OF NOTICE OF ORGANIZATION MEETING  
OF

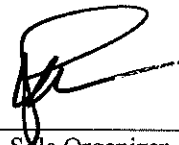
**BROAD HOWARD LLC**

I, The undersigned, being the Sole Organizer named in the Articles of Organization of the above limited liability company hereby agree and consent that the organization meeting thereof be held on the date and at the time and place stated below and hereby waive all notice of such meeting and of any adjournment thereof.

Place of Meeting

Date of Meeting

Time of Meeting



---

Sole Organizer  
Scott J. Schuster

**ACKNOWLEDGEMENT COPY**  
**ARTICLES OF ORGANIZATION**  
**OF**  
**BROAD HOWARD LLC**

Under Section 203 of the Limited Liability Company Law

THE UNDERSIGNED, being a natural person of at least eighteen (18) years of age, and acting as the organizer of the limited liability company hereby being formed under Section 203 of the Limited Liability Company Law of the State of New York certifies that:

**FIRST:** The name of the limited liability company is:

**BROAD HOWARD LLC**

**SECOND:** To engage in any lawful act or activity within the purposes for which limited liability companies may be organized pursuant to Limited Liability Company Law provided that the limited liability company is not formed to engage in any act or activity requiring the consent or approval of any state official, department, board, agency, or other body without such consent or approval first being obtained.

**THIRD:** The county, within this state, in which the office of the limited liability company is to be located is WESTCHESTER.

**FOURTH:** The Secretary of State is designated as agent of the limited liability company upon whom process against it may be served. The address within or without this state to which the Secretary of State shall mail a copy of any process against the limited liability company served upon him or her is:

C/O CHUCK LESNICK  
15 ALBEMARLE PLACE  
YONKERS, NY 10701

**FIFTH:** The limited liability company is to be managed by: ONE OR MORE MANAGERS.

**SIXTH:** The limited liability company shall defend, indemnify and hold harmless all members, managers, and former members and managers of the limited liability company against expenses (including attorney's fees, judgments, fines, and amounts paid in settlement) incurred in connection with any claims, causes of action, demands, damages, liabilities of the limited liability company, and any pending or threatened action, suit, or proceeding. Such indemnification shall be made to the fullest extent permitted by the laws of the State of New York, provided that such acts or omissions which gives rise to the cause of action or proceedings occurred while the Member or Manager was in performance of his or her duties for the limited liability company and was not as a result of his or her fraud, gross negligence, willful misconduct or a wrongful taking. The indemnification provided herein shall inure to the benefit of successors, assigns, heirs, executors, and the administrators of any such person.

I certify that I have read the above statements, I am authorized to sign these Articles of Organization, that the above statements are true and correct to the best of my knowledge and belief and that my signature typed below constitutes my signature.

SCOTT J. SCHUSTER (signature)

---

SCOTT J. SCHUSTER , ORGANIZER  
283 WASHINGTON AVE.  
ALBANY, NY 12206

**Filed by:**  
SERVICO, INC.  
283 WASHINGTON AVE.  
ALBANY, NY 12206

**SERVICO, INC. (35)**

**DRAWDOWN**

**CUSTOMER REF# 78551**

# **ATTACHMENT 4**

## **ARTICLES OF ORGANIZATION**

SINCE  
1924



"ALL THE  
NOTICES  
REQUIRED  
TO PRINT"

®

PO BOX 871  
ALBANY, NEW YORK 12201  
(518) 463-4179 - (800) 828-4428 - FAX (518) 463-1189  
www.servico.com

June 19, 2020

Attn: Cabot Marks  
Company: Marks DiPalermo PLLC  
via Fax: SEE NOTES  
RE: BROAD HOWARD LLC

Dear Cabot Marks:

Charges for the publication of required legal notices for the above-mentioned entity are as follows:

Publication Costs and Fees:	\$605.00
Fee to file affidavits:	39.00
Administrative Handling Fee	5.00
Disb. to DOS NY:	50.00
Total:	\$699.00

Please complete the charge information below and fax this quote back to us or return with your check. **Once payment is received, we will begin the publication** and the filing receipts will be forwarded to your office.

Should you have any questions, please feel free to call our publication department.

**\*\*\*\*\*STREET ADDRESS OF PRINCIPAL BUSINESS LOCATION, IF ANY, MUST BE INCLUDED IN THE NOTICE. PLEASE ENTER IT BELOW OR INDICATE NONE, IF THAT IS THE CASE.**

(Enter above: Street address of principal business location or NONE)

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ONLINE FILING RECEIPT

ENTITY NAME: BROAD HOWARD LLC

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COUNTY: WEST

FILED:06/22/2020 DURATION:\*\*\*\*\* CASH#:200622010117 FILE#:200622010117  
DOS ID:5771174

FILER:

EXIST DATE

SERVICO, INC.  
283 WASHINGTON AVE.  
ALBANY, NY 12206

06/22/2020

ADDRESS FOR PROCESS:

C/O CHUCK LESNICK  
15 ALBEMARLE PLACE  
YONKERS, NY 10701

REGISTERED AGENT:



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SERVICE COMPANY: SERVICO, INC.-35  
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DOS-1025 (04/2007)

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WAIVER OF NOTICE OF ORGANIZATION MEETING  
OF

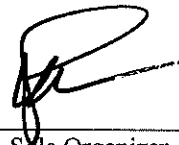
**BROAD HOWARD LLC**

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Place of Meeting

Date of Meeting

Time of Meeting



---

Sole Organizer  
Scott J. Schuster

**ACKNOWLEDGEMENT COPY**  
**ARTICLES OF ORGANIZATION**  
**OF**  
**BROAD HOWARD LLC**

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**FOURTH:** The Secretary of State is designated as agent of the limited liability company upon whom process against it may be served. The address within or without this state to which the Secretary of State shall mail a copy of any process against the limited liability company served upon him or her is:

C/O CHUCK LESNICK  
15 ALBEMARLE PLACE  
YONKERS, NY 10701

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**SIXTH:** The limited liability company shall defend, indemnify and hold harmless all members, managers, and former members and managers of the limited liability company against expenses (including attorney's fees, judgments, fines, and amounts paid in settlement) incurred in connection with any claims, causes of action, demands, damages, liabilities of the limited liability company, and any pending or threatened action, suit, or proceeding. Such indemnification shall be made to the fullest extent permitted by the laws of the State of New York, provided that such acts or omissions which gives rise to the cause of action or proceedings occurred while the Member or Manager was in performance of his or her duties for the limited liability company and was not as a result of his or her fraud, gross negligence, willful misconduct or a wrongful taking. The indemnification provided herein shall inure to the benefit of successors, assigns, heirs, executors, and the administrators of any such person.

I certify that I have read the above statements, I am authorized to sign these Articles of Organization, that the above statements are true and correct to the best of my knowledge and belief and that my signature typed below constitutes my signature.

SCOTT J. SCHUSTER (signature)

---

SCOTT J. SCHUSTER , ORGANIZER  
283 WASHINGTON AVE.  
ALBANY, NY 12206

**Filed by:**  
SERVICO, INC.  
283 WASHINGTON AVE.  
ALBANY, NY 12206

**SERVICO, INC. (35)**

**DRAWDOWN**

**CUSTOMER REF# 78551**

# **ATTACHMENT 5**

## **WAIVER DOCUMENTATION**

STATE OF NEW YORK )  
 ) s.s.:  
COUNTY OF WESTCHESTER )

## AFFIRMATION IN SUPPORT OF APPLICATION FEE WAIVER FOR BROWNFIELD CLEAN UP PROGRAM SITE

**Charles Lesnick**, affirms and declares that:

1. I am the Managing Member for Broad Howard, LLC. ("Volunteer"), which has offices located at 15 Albemarle Place, Yonkers, New York, 10701, and which is the current volunteer entity for the proposed Brownfield Cleanup Program ("BCP") Site located at 114 N Broad, Peekskill, New York.
2. I submit this affirmation to request a waiver of the \$50,000 application fee because this is a 100% affordable housing project within the definition of 6 NYCRR Section 375-3.2(a).
3. The Volunteer has limited financial resources to accomplish its mission to create an affordable housing project in this environmental justice community.

4. The Volunteer has existed since June 22, 2020 when it was formed in a Distressed Census Tract of Peekskill so designated as a Federal Opportunity Zone, as a Qualified Zone Opportunity Business.

5. From its inception to date, the Volunteer has accumulated capital of approximately \$2,617.919 from contribution from three Qualified Opportunity Zone Funds run by the three members of the LLC: Relocation Sheridan OZ Fund (owned by the Estate of Philip Schorr), the Lesnick OZ Fund (owned by Charles & Beth Schorr Lesnick) and Davina OZ Fund (Owned by Leonard & Laurie Schwartz) which was used to purchase the eight parcels of land (for approximately \$2 Million dollars) and for some predevelopment

expenses (\$166,253) and application fees to the City of Peekskill of \$21,750. The members have made personal loans of \$112,000. The Net Income for the three occupied properties was \$50,026 but that does not include expenses on the other five parcels including Taxes, Insurance, grass cutting, clean up and snow shoveling. The Members have not taken any money out of the LLC since its inception and have \$21,696 in current unpaid invoice. The Volunteer just signed an agreement committing an additional \$350,000 Design Services to prepare an application to NYS HCR's 9% LIHTC funding program.

6. All of the Federal Opportunity Zone Funds have been used up. Program application fees such as the Brownfield Cleanup Program application fee are not available and as such, cannot be paid from the above sources.

7. Volunteer owns and operates, either directly or through affiliated entities, several housing developments including 1133 Boston Post Road, LLC, owned by the Estate of Philip Schorr; 1132-46 Colgate Avenue, partially owned by the Estate of Philip Schorr and Mayannie owned by Davina (Leonard & Laurie Schwartz).

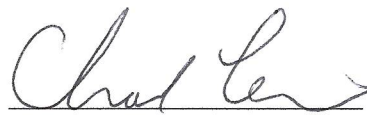
8. Rent payments after the pandemic have been difficult and there were higher than usual vacancy rates at the developments. While these rent and vacancy losses are not reflected on Volunteer's consolidated financial statements as a loss of Volunteer, as they are reflected as losses by the affiliated owner members, The members are ultimately responsible for operating losses at these projects and, as such, the rental and vacancy losses have placed great stress on Volunteer's working capital. For the years 2021 and 2022, such losses totaled \$ \$190,020 for 1133 Boston Post Road, \$33,107 for 1132-46 Colgate Avenue and \$174,877 for Mayannie.

9. The Applicant's source of funds to pay the cost of the proposed development of the BCP Site is contributions and/or advances from Volunteer.

10. The application fee is a financial hardship to pay for a project with increasing costs which are paid directly by Volunteer, a Qualified Zone Opportunity Business.

11. I affirm and declare under penalty of perjury that the foregoing is true and correct.

Executed: May 16, 2025

A handwritten signature in cursive script, appearing to read "Charles Lesnick", written over a horizontal line.

CHARLES SCHORR LESNICK, ESQ.



# **ATTACHMENT 6**

## **DOCUMENT REPOSITORY ACKNOWLEDGEMENT LETTER**

Broad Howard LLC  
15 Albemarle Place  
Yonkers, NY 10701

April 22, 2025

Library Director  
The Field Library - Peekskill  
4 Nelson Ave  
Peekskill, NY 10566

Re: Brownfield Cleanup Program (BCP)  
Broad Howard LLC  
Site Name: Broad Howard Apartments  
Site Address: 114 North Broad Street, Peekskill, NY 10566-2908

Dear Library Director:

In compliance with the requirements of the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program, the Field Library located at 4 Nelson Ave in Peekskill, New York, agrees to serve as a designated public document repository for the above-referenced project. The project redevelopment will include the construction of affordable housing units.

The purpose of the document repository is to facilitate citizen access to project-related documents, including Work Plans, Investigative Reports, and Technical Specifications. The NYSDEC will provide and maintain a hyperlink for citizen access to project documents. The hyperlink will be provided once the project development is accepted into the Brownfield Cleanup Program, and we would request that the library maintain the link on file for two years after the completion of construction, expected in September 2028.

Please sign below and return the original copy to the address shown above.

Accepted by:

Library Director

Name: Dana Hyzell

Title: Director

Signature: 