



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, 12th Floor
Albany, NY 12233-7020

SITE NAME: 130 Ontario

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: C401087

☒

Yes

☐

No



**BROWNFIELD CLEANUP PROGRAM (BCP)
APPLICATION FORM**

BCP App Rev 16.1 – March 2025

SECTION I: Property Information

PROPOSED SITE NAME **130 Ontario**

ADDRESS/LOCATION **130 Ontario Street, 134 West Street, & 154 West Street**

CITY/TOWN **City of Albany**

ZIP CODE **12206**

MUNICIPALITY (LIST ALL IF MORE THAN ONE) **City of Albany**

COUNTY **Albany County**

SITE SIZE (ACRES) **1.55**

LATITUDE

LONGITUDE

| | ° | ' | " | ° | ' | " |
|----|---|----|--------|----|----|-------|
| 42 | | 39 | 57.744 | 73 | 46 | 31.98 |

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 |
|---------------------------|--------------|----------|-----------|-------------|
| 130 Ontario Street | 65.54 | 1 | 67 | 0.91 |
| 134 West Street | 65.54 | 2 | 2 | 0.10 |
| 154 West Street | 65.54 | 2 | 1 | 0.54 |

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

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

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 [DER-10, Technical Guidance for Site Investigation and Remediation](#) for further guidance), then a 45-day public comment period is required.

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

☐ Yes ☐ No ☒ N/A

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

☐ RIWP ☐ RAWP ☐ IRM ☒ No

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

Is this information attached? ☒ Yes ☐ No

Beginning January 1, 2024, all work plans and reports submitted for the BCP shall address Green and Sustainable Remediation (GSR) and DER-31 (see [DER-31, Green Remediation](#)). 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? | <input checked="" type="radio"/> | <input type="radio"/> |
| 2. Is there a potential path for contamination to potentially impact fish, wildlife or ecological resources? | <input type="radio"/> | <input checked="" type="radio"/> |
| 3. Is/are there a/any Contaminant(s) of Ecological Concern? | <input type="radio"/> | <input checked="" type="radio"/> |
| 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? | <input type="radio"/> | <input checked="" type="radio"/> |

N/A ☐

SECTION IV: Land Use Factors

| | | |
|---|---------------------------------------|----------------------------------|
| 1. What is the property's current municipal zoning designation? <u>MU-FM (Mixed-Use, Form-Based Midtown)</u> | | |
| 2. What uses are allowed by the property's current zoning (select all that apply)? Residential <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> | | |
| 3. Current use (select all that apply): Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Recreational <input type="checkbox"/> Vacant <input checked="" type="checkbox"/> | | |
| 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 <input checked="" type="radio"/> | N <input type="radio"/> |
| 5. Reasonably anticipated post-remediation use (check all that apply): Residential <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> If residential, does it qualify as single-family housing? N/A <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| 6. Please provide a statement detailing the specific proposed post-remediation use. Is this summary attached? | <input checked="" type="radio"/> | <input type="radio"/> |
| 7. Is the proposed post-remediation use a renewable energy facility? See application instructions for additional information. | <input type="radio"/> | <input checked="" type="radio"/> |
| 8. Do current and/or recent development patterns support the proposed use? | <input checked="" type="radio"/> | <input type="radio"/> |
| 9. Is the proposed use consistent with applicable zoning laws/maps? Please provide a brief explanation. Include additional documentation if necessary. | <input checked="" type="radio"/> | <input type="radio"/> |
| 10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Please provide a brief explanation. Include additional documentation if necessary. | <input checked="" type="radio"/> | <input type="radio"/> |

SECTION V: Current and Historical Property Owner and Operator Information

| | | |
|---|---|----------------|
| CURRENT OWNER Albany County Land Bank Corp | | |
| CONTACT NAME Sean Maguire | | |
| ADDRESS 111 Washington Avenue, Suite 100 | | |
| CITY City of Albany | STATE NY | ZIP CODE 12210 |
| PHONE (518) 408-0309 | EMAIL smaguire@albanycountylandbank.org | |
| OWNERSHIP START DATE See Supplemental Information | | |
| CURRENT OPERATOR Same As Owner | | |
| 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 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Chlorinated Solvents | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Other VOCs | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| SVOCs | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Metals | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Pesticides | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| PCBs | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| PFAS | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 1,4-dioxane | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Other – indicated below | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

*Please describe other known contaminants and the media affected:

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

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

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

Are the required drawings included with this application?

☒ YES

☐ NO

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

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

Other: See Attached Supplemental Information.

| SECTION VII: Requestor Information | | | | | |
|--|--|------------------------------------|----------------|----------------------------------|-----------------------|
| NAME Ontario West LLC | | | | | |
| ADDRESS 1055 Saw Mill River Road, Suite 204 | | | | | |
| CITY/TOWN Ardsley | | STATE NY | ZIP CODE 10502 | | |
| PHONE (914) 693-6613 | | EMAIL jeremy@reganddevelopment.com | | | |
| | | | | Y | N |
| 1. Is the requestor authorized to conduct business in New York State (NYS)? | | | | <input checked="" type="radio"/> | <input type="radio"/> |
| 2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database . A print-out of entity information from the database must be submitted with this application to document that the requestor is authorized to conduct business in NYS. Is this attached? | | | | <input checked="" type="radio"/> | <input type="radio"/> |
| 3. If the requestor is an LLC, a list of the names of the members/owners is required on a separate attachment. Is this attached? N/A <input type="radio"/> | | | | <input checked="" type="radio"/> | <input type="radio"/> |
| 4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? Documents that are not properly certified will not be approved under the BCP. | | | | <input checked="" type="radio"/> | <input type="radio"/> |

| SECTION VIII: Requestor Contact Information | | | |
|---|--|------------------------------------|----------------|
| REQUESTOR'S REPRESENTATIVE Jeremy Regan | | | |
| ADDRESS 1055 Saw Mill River Road #204 | | | |
| CITY Ardsley | | STATE NY | ZIP CODE 10502 |
| PHONE (914) 693-6613 | | EMAIL jeremy@reganddevelopment.com | |
| REQUESTOR'S CONSULTANT (CONTACT NAME) Conor Tarbell | | | |
| COMPANY PVEDI Engineering, Architecture and Geology, D.P.C. | | | |
| ADDRESS 48 Springside Avenue | | | |
| CITY Poughkeepsie | | STATE NY | ZIP CODE 12603 |
| PHONE (845) 454-2544 | | EMAIL ctarbell@pve-llc.com | |
| REQUESTOR'S ATTORNEY (CONTACT NAME) Michael Tyszko | | | |
| COMPANY Bousquet Holstein PLLC | | | |
| ADDRESS 110 West Fayette Street, One Lincoln Center, Suite 1000 | | | |
| CITY Syracuse | | STATE NY | ZIP CODE 13202 |
| PHONE (315) 701-6366 | | EMAIL mtyszko@bhlawpllc.com | |

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

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

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. | <input type="radio"/> | <input checked="" type="radio"/> |
| 2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____ | <input type="radio"/> | <input checked="" type="radio"/> |
| 3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit Type: _____ EPA ID Number: _____ Date Permit Issued: _____ Permit Expiration Date: _____ | <input type="radio"/> | <input checked="" type="radio"/> |
| 4. If the answer to question 2 or 3 above is YES, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents. <div style="text-align: right;">N/A <input checked="" type="radio"/></div> | <input type="radio"/> | <input type="radio"/> |
| 5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: _____ | <input type="radio"/> | <input checked="" type="radio"/> |
| 6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information as an attachment. | <input type="radio"/> | <input checked="" type="radio"/> |

SECTION 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 Member (title) of Ontario West 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: 2/21/25 Signature: _____

Print Name: Lenny KEGAS

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

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY

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

BCP App Rev 16.1

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

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**

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

SECTION I: Property Information (continued)

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

SECTION I: Property Information (continued)

Property Description Narrative

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

Location:

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

Site Features:

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

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

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

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

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

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

Site Geology and Hydrogeology:

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

SECTION I: Property Information (continued)

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

| SECTION II: Project Description | | |
|--|---|--|
| Question 3: Inclusion of Work Plans | 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. | |
| Question 4: Post-Remediation Use and Project Schedule | 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. | |
| Questions 5-6: Green and Sustainable Remediation | As a separate attachment, provide complete and detailed information about the GSR principles to be evaluated and incorporated into each phase of the project. | |
| | Remedial Investigation/ Alternatives Analysis | 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. |
| | Remedial Design | 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. |
| | Remedial Action | 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. |
| | Site Management | 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. |
| | Redevelopment | 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. |
| | Climate Screening/ Climate Vulnerability Assessment | 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 DER-10 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.

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

SECTION V: Current and Historical Property Owner and Operator Information

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

SECTION 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

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

SECTION VII: Requestor Information (continued)

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

SECTION VIII: Requestor Contact Information

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

SECTION 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.

| | |
|-----------------------------|--|
| Volunteer Statement | 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.). |
| Proof of Site Access | If a requestor is not the current owner of the entirety of the site, a site access agreement must be provided that demonstrates that the requestor will have access to the property before signing the BCA and throughout the BCP project. Additionally, the access agreement must include language allowing the requestor the ability to place an environmental easement on the site should the requestor not be the owner at the time remediation is complete and a Track 1 cleanup has not been achieved. 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.

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

SECTION XI: Property Eligibility Information (continued)

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

SECTION 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 ^a | Detections > SCOs ^b | Max. Detection (ppm) ^c | SCO (ppm) ^d | Depth (ft bgs) |
|------------------------------|--------------------------------|-----------------------------------|------------------------|----------------|
|------------------------------|--------------------------------|-----------------------------------|------------------------|----------------|

Groundwater Table:

| Analytes > AWQS ^e | Detections > AWQS ^f | Max. Detection (ppb) ^c | AWQS (ppb) ^g |
|------------------------------|--------------------------------|-----------------------------------|-------------------------|
|------------------------------|--------------------------------|-----------------------------------|-------------------------|

Soil Gas Table:

| Analytes ^h | Total Detections | Max. Detection (ug/m3) ^c | Type ⁱ |
|-----------------------|------------------|-------------------------------------|-------------------|
|-----------------------|------------------|-------------------------------------|-------------------|

^a Include all contaminants over the applicable soil cleanup objectives (SCOs). Column header should specify which SCOs are being compared to. (i.e., "RRSCOs" for Restricted Residential SCOs)

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

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

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

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

^f Number of detections over AWQS.

^g List the respective AWQS.

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

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

Example Data Summary Tables

Soil Table:

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

Groundwater Table:

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

Soil Gas Table:

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

DETERMINATION OF A COMPLETE APPLICATION

1. The first step in the application review and approval process is an evaluation to determine if the application is complete. To help ensure that the application is determined complete, requestors should review the list of common application deficiencies and carefully read these instructions.
2. DEC will send a notification to the requestor within 30 calendar days of receiving the application, indicating whether such application is complete or incomplete.
3. An application must include the following information relative to the site identified by the application, necessary for making an eligibility determination, or it will be deemed incomplete. (Please note: the application as a whole requires more than the information outlined below to be determined complete). The application must include:
 - a. for all sites, an investigation report sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data includes site drawings requested in Section 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.

**NYSDEC BROWNFIELD CLEANUP PROGRAM
APPLICATION – SUPPLEMENTAL INFORMATION**

**130 ONTARIO STREET, 134 WEST STREET
& 154 WEST STREET
CITY OF ALBANY
ALBANY COUNTY, NEW YORK 12206**

PREPARED FOR:

Ontario West LLC
1055 Saw Mill River Road, Suite 204
Ardsley, New York 10502

PREPARED BY:



PVEDI Engineering, Architecture and Geology, D.P.C.
48 Springside Avenue
Poughkeepsie, New York 12603
Phone: 845-454-2544 – Fax: 845-454-2655

February 21, 2025
Revised May 5, 2025
PVEDI File #20230102

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SEPARATE ATTACHMENTS

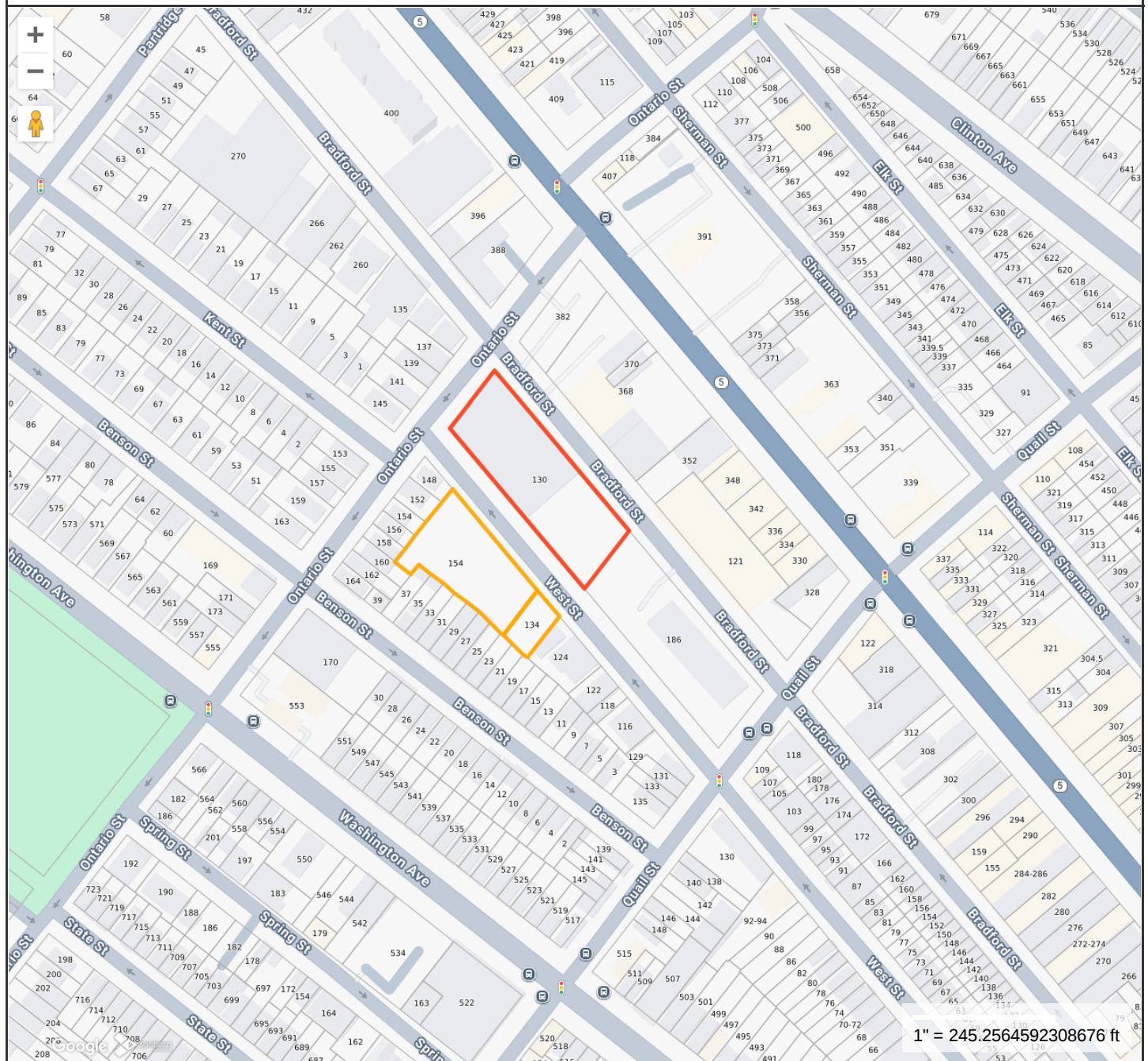
Attachment VI.1A Phase I Environmental Site Assessment, by PVE, dated May 3, 2023

Attachment VI.1B Phase II Environmental Site Assessment, by PVE, dated November 12, 2024

SECTION I – PROPERTY INFORMATION

I.1 – Tax Maps and Metes and Bounds Description

This BCP application applies to the full Tax IDs #65.54-1-67, 65.54-2-1, & 65.54-2-2, which is located along Ontario Street, West Street, and Bradford Street.

**Property Information Information**

Property ID 65.54-1-67
Location 130 ONTARIO ST
Owner ALBANY COUNTY LAND BANK CORP

**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

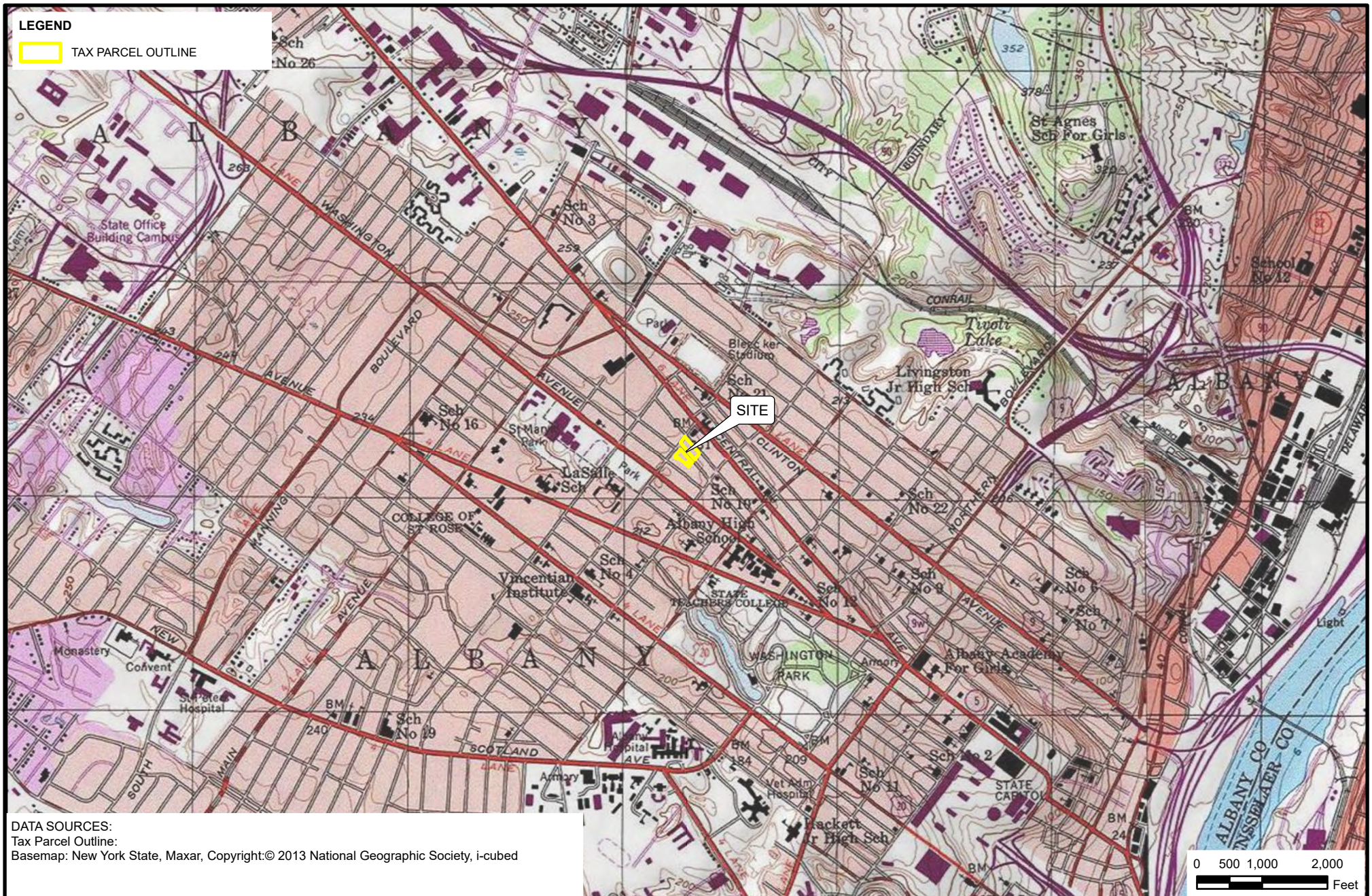
City of Albany, New York makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.

I.2 – Property Maps

LEGEND

 TAX PARCEL OUTLINE



DATA SOURCES:
Tax Parcel Outline:
Basemap: New York State, Maxar, Copyright:© 2013 National Geographic Society, i-cubed

0 500 1,000 2,000
Feet

PVEDi

48 Springside Avenue
Poughkeepsie, NY 12603
Office: 845.454.2544
Fax: 845.454.2655

PROPERTY MAP (USGA 7.5 QUADRANGLE)

130 ONTARIO STREET, 134 & 154 WEST STREET
CITY OF ALBANY, ALBANY COUNTY, NEW YORK

PROJECT NO.

20230102

N



ATTACHMENT I.2A

DATE: 09/09/2025

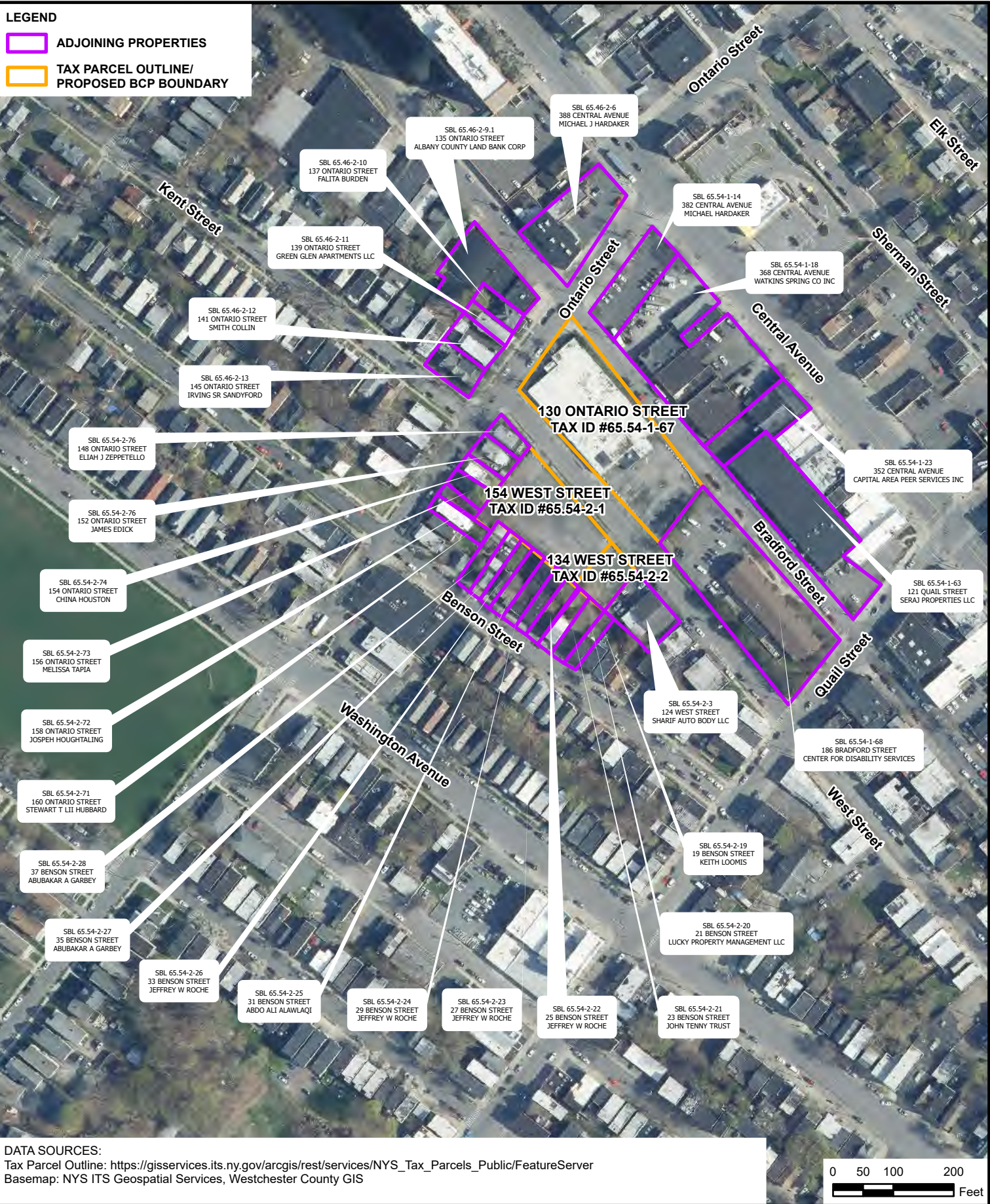
SCALE: AS INDICATED

PROJECTION: STATE PLANE NAD83 NY EAST

ALL LOCATIONS APPROXIMATE

LEGEND

ADJOINING PROPERTIES
TAX PARCEL OUTLINE/
PROPOSED BCP BOUNDARY



DATA SOURCES:

Tax Parcel Outline: https://gisservices.its.ny.gov/arcgis/rest/services/NYS_Tax_Parcels_Public/FeatureServer

Basemap: NYS ITS Geospatial Services, Westchester County GIS

| | | | |
|---|--|---------------------------------------|---------------------------------------|
| <div> <div>PVEDi</div> <div>48 Springside Avenue Poughkeepsie, NY 12603 Office: 845.454.2544 Fax: 845.454.2655</div> </div> | <div> <div>PROPERTY MAP (AERIAL) / PROPOSED BCP BOUNDARY</div> <div>130 ONTARIO STREET, 134 & 154 WEST STREET CITY OF ALBANY, ALBANY COUNTY, NEW YORK</div> </div> | PROJECT NO. | ATTACHMENT I.2B |
| | | 20230102 | DATE: 04/07/2025 |
| | | <div> <div>N</div> <div></div> </div> | SCALE: AS INDICATED |
| | | | PROJECTION: STATE PLANE NAD83 NY EAST |
| | | ALL LOCATIONS APPROXIMATE | |

I.3 – En-Zone



6

6

| | |
|--------------|----------------|
| STATEFP | 36 |
| COUNTYFP | 001 |
| TRACTCE | 000600 |
| GEOID | 36001000600 |
| NAME | 6 |
| NAMLSAD | Census Tract 6 |
| MTFCC | G5020 |
| FUNCSTAT | S |
| ALAND | 506881 |
| AWATER | 0 |
| INTPTLAT | +42.6645893 |
| INTPTLON | -073.7736469 |
| FIPS | 36001000600 |
| County_FIPS | 36001 |
| Geography | Census Tract 6 |
| County | Albany County |
| UnempRate | 19.9 |
| NYS_UR | 7.1 |
| Pov_Rate | 53.3 |
| County_PR | 12.1 |
| CountyRateX2 | 24.2 |
| Criteria_A | Y |
| Criteria_B | Y |
| Both_AB | Y |
| EnZoneType | AB |

Albany hotel grill

Central Veterinary Hospital

McDonald's

130 Ontario St

Stessa al-

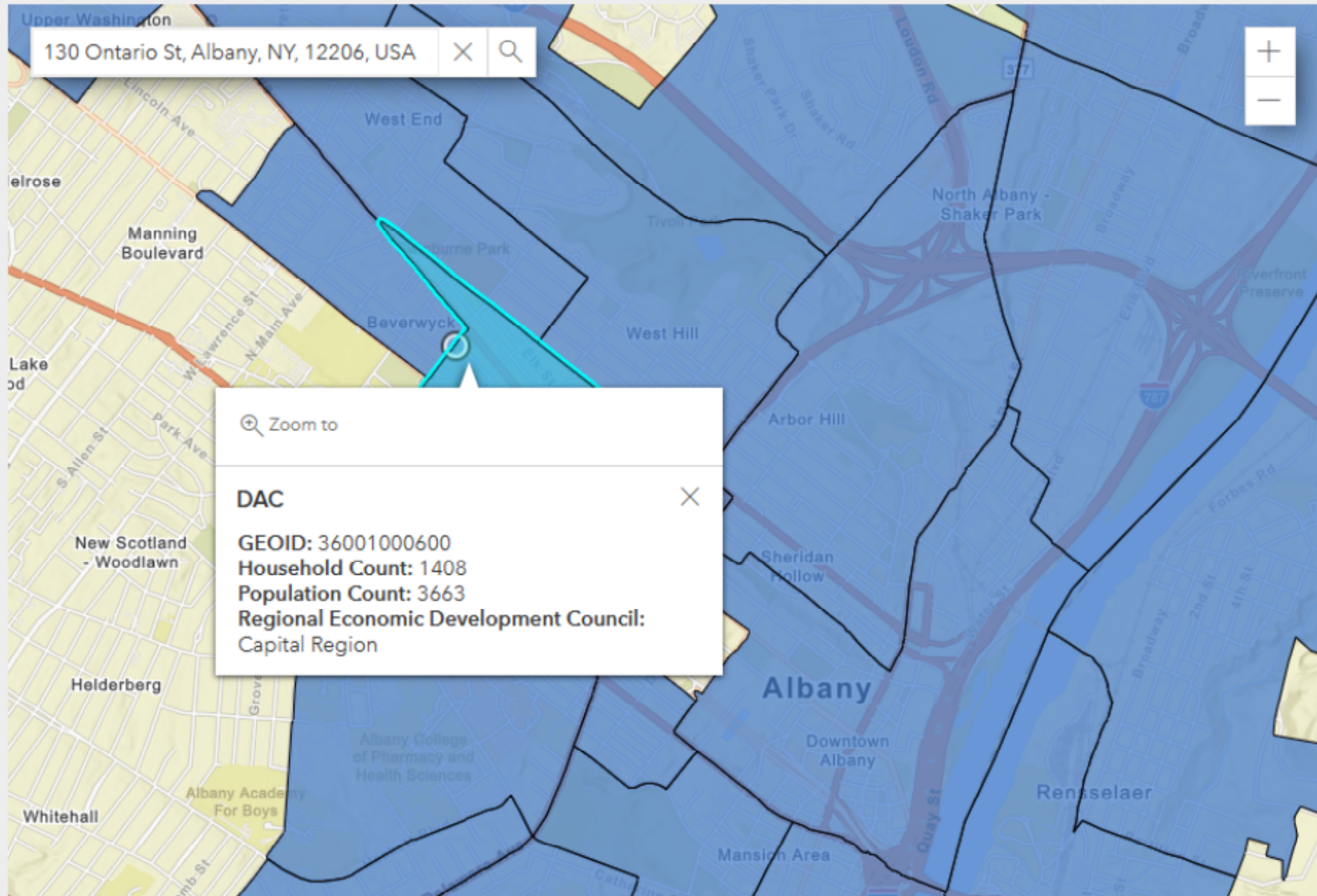
Paul J. Ne...st Florist

Exxon

I.4 – Disadvantaged Communities

130 Ontario St, Albany, New York, 12206

This address meets the criteria identified for a disadvantaged community.



I.14 – Property Description and Environmental Assessment

Location

The proposed BCP Site is comprised of three (3) tax parcels located in the City of Albany, Albany County, New York in a residential and commercial area:

The proposed BCP Site is bordered to the north by 368 Central Avenue (Auto Body), 352 Central Avenue (Commercial), 382 Central Avenue (Parking Lot), 388 Central Avenue (Veterinary), and 135 Ontario Street (Vacant Educational Facility), to the west by 137 Ontario Street (Residential), 139 Ontario Street (Residential), 141 Ontario Street (Residential), 145 Ontario Street (Residential), 148-160 Ontario Street (Residential), to the south by 31-37 Benson Street (Residential), 29 Benson Street (Storage), 25 Benson Street (Vacant Residential Land), 23 Benson Street and to the west by (Residential), 21 Benson Street (Vacant Residential Land), and 19 Benson Street (Residential), and to the east by 186 Bradford Street (Apartments) and 124 West Street (Auto Body).

Site Features

130 Ontario Street: One-story vacant commercial structure.
134 West Street: Partially paved/partially vegetated vacant lot.
154 West Street: Paved parking lot.

Current Zoning and Land Use

The Site is currently zoned by the City of Albany as “MU-FM (Mixed-Use, Form-Based Midtown)”. The proposed project area is adjacent to commercial and residential properties. Albany New York Zoning was accessed via

<https://albanyny.mapgeo.io/datasets/properties?abuttersDistance=250&latlng=42.665798%2C-73.77556&panel=search&previewId=65.54-2-1&zoom=19>.

The Site is currently vacant.

Past Uses of the Site

130 Ontario Street: Various outreach services and help centers from 1965-2017, residential from 1892-1908 and 1934-1951, a lumber yard from 1892-1908 and 1934-1951, and one-story commercial structure most recently used as an office building and currently vacant (present).

134 West Street: Lumber yard storage from 1934-1951 and 1989-1997, and a parking lot (present).

154 West Street: Lumber yard storage from 1934-1950 and parking lot (present).

Possible routes/sources of contamination are from chemicals used in the treatment of lumber. Additional routes/sources of contamination include the potential of unreported underground storage tanks for refueling of motor freight from lumberyard operations and/or heating of historic structures.

Site Geology and Hydrogeology

According to the New York State Museum (<https://www.nysm.nysed.gov/research-collections/geology/geologic-mapping>).

Surficial: ISC – lacustrine sand. Generally laminated silt and clay, deposited in proglacial lakes, generally calcareous, potential land instability, thickness variable (up to 100 meters).

Bedrock: ON – Normanskill Shale, consisting of minor mudstone and sandstone.

Additional details generated during a Phase II Environmental Assessment at the addresses are presented below.

Soil borings completed by PVE during a Phase II Environmental Site Assessment (ESA) (See Section IV.2) encountered groundwater at depths ranging from 7.5-feet to 20.0-feet.

The direction of groundwater flow in unconsolidated sediments is inferred to be to the east, based on local topography and proximity to the Hudson River.

Environmental Assessment

Based upon the investigations conducted to date, the primary contaminants of concern for the Site include volatile organic compounds, chlorinated volatile organic compounds (cVOCs), semi-volatile organic compounds (SVOCs) and metals. Below is a summary of analytical results from soil, groundwater, and soil vapor samples with contaminants at concentrations exceeding applicable rules, regulations and standards, criteria, and guidance (ARARs and SCGs). While the applicant has not ruled out a Track 1 cleanup, data below has been compared to the site's residential use criteria (Restricted Residential Soil Cleanup Objectives [RRSCOs] as defined in 6NYCRR Part 375).

Soil:

- Ten (10) SVOCs (benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenz(a,h)anthracene, fluoranthene, indeno(1,2,3-c,d)pyrene, phenanthrene, and pyrene) and three (3) metals (arsenic, lead and mercury) were detected in soil samples at concentrations exceeding RRSCOs (See Section IV).

Groundwater:

- Eight (8) VOCs, (1,2,4-Trimethylbenzene, 1,2-Dichloroethane, benzene, isopropylbenzene, n-butylbenzene, n-propylbenzene, o-xylene, sec-butylbenzene, and toluene) were detected in groundwater samples at concentrations exceeding Class GA GQS. Ten (10) SVOCs (acenaphthene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, indeno(1,2,3-c,d)pyrene, naphthalene, phenanthrene, and phenol) and three (3) metals (iron, manganese, and sodium) were detected in groundwater samples at concentrations exceeding Class GA GQS.

Soil Vapor:

- Ten (10) VOCs (2,2,4-trimethylpentane, carbon tetrachloride, cis-1,2-dichloroethylene, cyclohexane, ethylbenzene, m,p,-xylene, n-hexane, o-xylene, trichloroethylene [TCE], and vinyl chloride) were detected in the soil vapor samples at elevated concentrations. 2,2,4-trimethylpentane was detected at a maximum concentration of 3,400 $\mu\text{g}/\text{m}^3$, carbon tetrachloride was detected at a maximum concentration of 13 $\mu\text{g}/\text{m}^3$, cis-1,2-dichloroethylene was detected at concentrations ranging from 7.1 to 44 $\mu\text{g}/\text{m}^3$, cyclohexane was detected at concentrations ranging from 63 to 700 $\mu\text{g}/\text{m}^3$, ethylbenzene was detected at concentrations ranging from 61 to 210 $\mu\text{g}/\text{m}^3$, m,p,-xylene was detected at concentrations ranging from 290 to 560 $\mu\text{g}/\text{m}^3$, n-hexane was detected at a maximum concentration of 320 $\mu\text{g}/\text{m}^3$, o-xylene was detected at concentrations ranging from 110 to 170 $\mu\text{g}/\text{m}^3$, TCE was detected at concentrations ranging from 9.6 to 16 $\mu\text{g}/\text{m}^3$, and vinyl chloride was detected at a maximum concentration of 180 $\mu\text{g}/\text{m}^3$ (See Section IV).

SECTION II – PROJECT DESCRIPTION

II.4 – Short description of the overall project development.

The existing structure will be demolished and the proposed site will be redeveloped into a mixed-use residential and commercial property with parking. The redevelopment will consist of 76 units 100% affordable housing with community hub and commercial space with outdoor recreational area.

Anticipated Project Schedule

| <u>TASK</u> | <u>DATE COMPLETED</u> |
|---|------------------------------|
| APPLICATION and CITIZEN PARTICIPATION PLAN (CPP) | |
| BCP Application | March 2025 |
| Application Accepted – Released for Public Comment | April 2025 |
| 30-Day Public Comment Period Ends | April 2025 |
| Brownfield Cleanup Agreement (BCA) Fully Executed | May 2025 |
| CPP Submitted | May 2025 |
| REMEDIAL INVESTIGATION | |
| Draft Remedial Investigation Work Plan (RIWP) Submitted | May 2025 |
| RIWP – Released for Public Comment | May 2025 |
| RIWP – Approval | June 2025 |
| RI Field Activities | July – August 2025 |
| Draft RI Report Submittal | September 2025 |
| Final RI Report Submittal | October 2025 |
| REMEDIAL ACTION WORK PLAN (RAWP) | |
| Proposed RAWP with Alternative Analysis Submitted | October 2025 |
| 45-Day Comment Period Ends | December 2025 |
| Final RAWP Submitted | December 2025 |
| RAWP Implemented During Construction (If approved by NYSDEC) | Dec. 2025 – May 2027 |
| PROJECT COMPLETION | |
| Submit Environmental Easement Package | July 2027 |
| Submit Draft Site Management Plan | August 2027 |
| Construction Completed | September 2027 |
| Submit Final Engineering Report | November 2027 |
| Certificate of Completion | December 2027 |

II.5 – Green and Sustainable Remediation

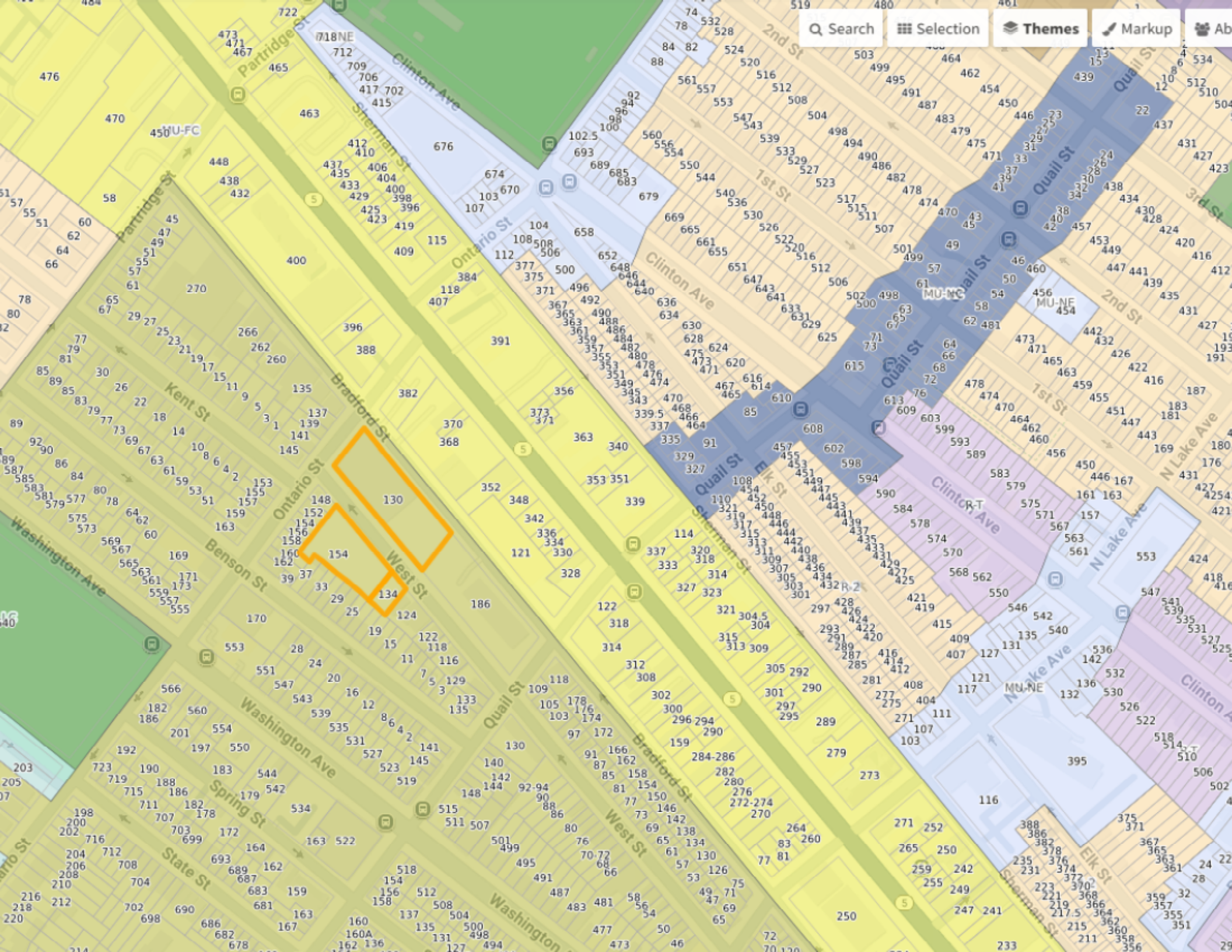
As part of the remedial design program, to evaluate the remedy with respect to green and sustainable remediation principles, an environmental footprint will be completed throughout remedial phases of the project. The environmental footprint analysis will be completed using SEFA (Spreadsheets for Environmental Footprint Analysis, USEPA), SiteWise™ (available in the Sustainable Remediation Forum [SURF] library) or similar Department accepted tool. Water consumption, greenhouse gas emissions, renewable and non-renewable energy use, waste reduction and material use will be estimated, and goals for the project related to these green and sustainable remediation metrics, as well as for minimizing community impacts, protecting habitats and natural and cultural resources, and promoting environmental justice, will be incorporated into the remedial design program, as appropriate. The project design specifications will include detailed requirements to achieve the green and sustainable remediation goals. Further, progress with respect to green and sustainable remediation metrics will be tracked during implementation of the remedial action and reported in the Final Engineering Report (FER), including a comparison to the goals established during the remedial design program.

During Remedial Investigation (RI), PVEDI will employ sustainable measures, as described in the approved Remedial Investigation Work Plan, such as carpooling and/or limiting excessive trips to the subject property by organizing sampling events to take place in as few days/events as possible. If multiple consecutive days of investigation are warranted, field members will seek local lodging in lieu of excessive travel back to office/homes. Reusable sampling equipment will be utilized when possible. Batteries will be used to power sampling pumps in lieu of combustion generators. Decontamination water and ice for samples will be locally sourced to reduce the weight of traveling vehicles to the subject property. The Remedial Investigation report will document the green and sustainable remediation measures that were implemented or achieved during the Remedial Investigation.

Additionally, the remedial design program will include a climate change vulnerability assessment, to evaluate the impact of climate change on the project site and the proposed remedy. Potential vulnerabilities associated with extreme weather events (e.g., hurricanes, lightning, heat stress and drought), flooding, and sea level rise will be identified, and the remedial design program will incorporate measures to minimize the impact of climate change on potential identified vulnerabilities.


SECTION IV – LAND USE FACTORS


IV.1A – City of Albany Zoning Map – City Extent




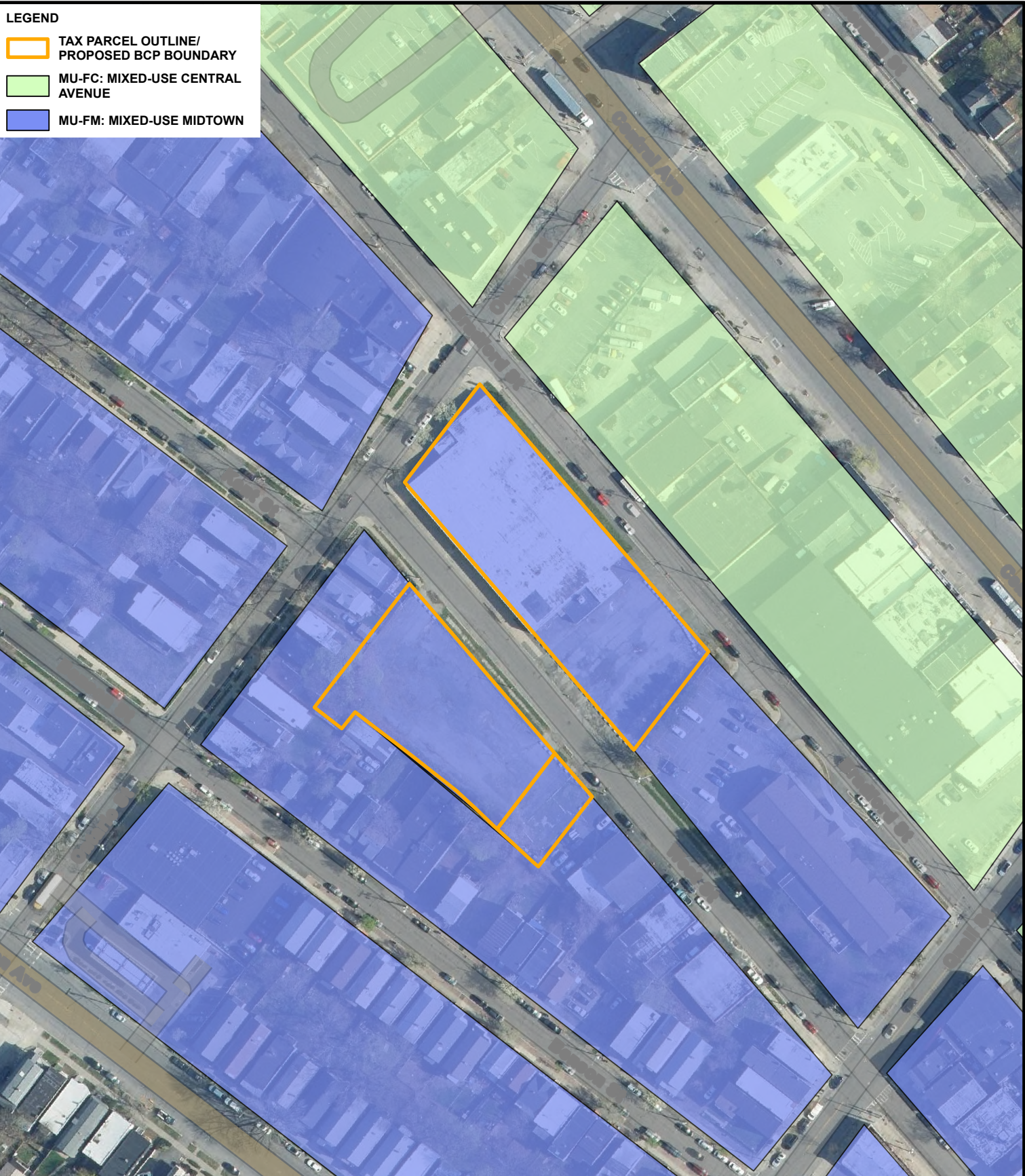
IV.1B – City of Albany Zoning Map – Project/Neighborhood Extent

LEGEND

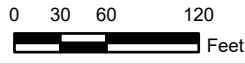
 TAX PARCEL OUTLINE/
PROPOSED BCP BOUNDARY

 MU-FC: MIXED-USE CENTRAL
AVENUE

 MU-FM: MIXED-USE MIDTOWN



DATA SOURCES:
Tax Parcel Outline: https://gisservices.its.ny.gov/arcgis/rest/services/NYS_Tax_Parcels_Public/FeatureServer
Basemap: NYS ITS Geospatial Services, Westchester County GIS , Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



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IV.4 – Summary of current business operations or uses, with an emphasis on identifying possible contamination source areas. If operations have ceased, provide the date by which the site became vacant.

Vacant commercial structure and parking lots. As the subject property is currently vacant, current operations are unlikely to present any possible contamination routes/source areas. Based on available Google Street View imagery, the subject property became vacant sometime between 2011 and 2016. The 2016 image included hazardous/condemned structure signage and boarded up windows.

IV.6 – Statement detailing the specific proposed post-remediation use.

Mixed-use residential and commercial with Parking: 76 units 100% affordable housing with commercial portion on ground floor.

IV.9 – Is the proposed use consistent with applicable zoning laws/maps?

Yes, the proposed use is consistent with the purpose and intent of the City of Albany General Commercial District zoning laws, as the Site is currently zoned “MU-FM (Mixed-Use, Form-Based Midtown)” which allows for mixed use form based Central Avenue. The purpose of the MU-FC District is to encourage redevelopment in the Central Avenue/Manning Square area into a vibrant mix of residential and nonresidential uses that support the investment in bus rapid transit services along Central Avenue while protecting the adjacent lower density residential neighborhoods. MU-FM allows for mixed-use form-based midtown to create a cohesive and mutually supportive mixed-use neighborhood around the University of Albany Downtown Campus, to improve the appearance of that area, to ensure a vibrant atmosphere for students and residents alike, and to protect residential uses surrounding the Downtown Campus from potential adverse impacts of a large and growing university campus.

The proposed redevelopment complies with the MU-FM zoning regulations, as it facilitates a mixed-use development near Central Avenue that includes both residential and commercial components, which is in observation with the zoning requirements and City’s goals further described below.

IV.10 – Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plan?

Yes, the proposed use is consistent with the City of Albany Comprehensive Plan 2030. This Plan is a policy document which outlines a vision for the future of the City of Albany. It focuses on the current and long-range protection of the city, safe livable neighborhoods, a model educational system, vibrant urban centers, multi-modal transportation hubs, a green city, and a prosperous economy. Specific strategies within the Plan include targeting blighted (vacant, substandard properties, and brownfields) to prevent reverse decline.

Proposed construction and renovation will be reviewed by the local planning and zoning authorities and are subject to the normal review process of the City of Albany. Therefore, any redevelopment activities will be consistent with the City of Albany Comprehensive Plan 2030.

ATTACHMENT IV.10 – Albany Comprehensive Plan Excerpts

ALBANY 2030

The City of Albany Comprehensive Plan



| | |
|---|------------|
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YOU MUST
Clean Up After
Your Dog
No Fee Dog
434-4509



Creating safe, livable, mixed-use, and mixed-income neighborhoods emerged from the Albany 2030 visioning process as the top community priority. The physical character of Albany's neighborhoods is largely defined by their housing stock, which are also critical to the well being of residents. The age of the housing stock contributes to the City's walkable, historic urban fabric but poses issues regarding building condition and adaptability to contemporary lifestyles and market demand. Moreover, the quality of Albany's neighborhoods varies from stable to needing reinvestment as measured by vacancy rate, poverty status, and homeownership rate.

Due to its history and development pattern, Albany has an eclectic mix of housing options from historic row houses and bungalows to modern split levels and colonials.

Sustainability Building Blocks: The Comprehensive Plan Systems

Community Form

Economy

Social

Transportation

Natural Resources

Housing and Neighborhoods

Utilities and Infrastructure

Institutions

Systems Interrelationships



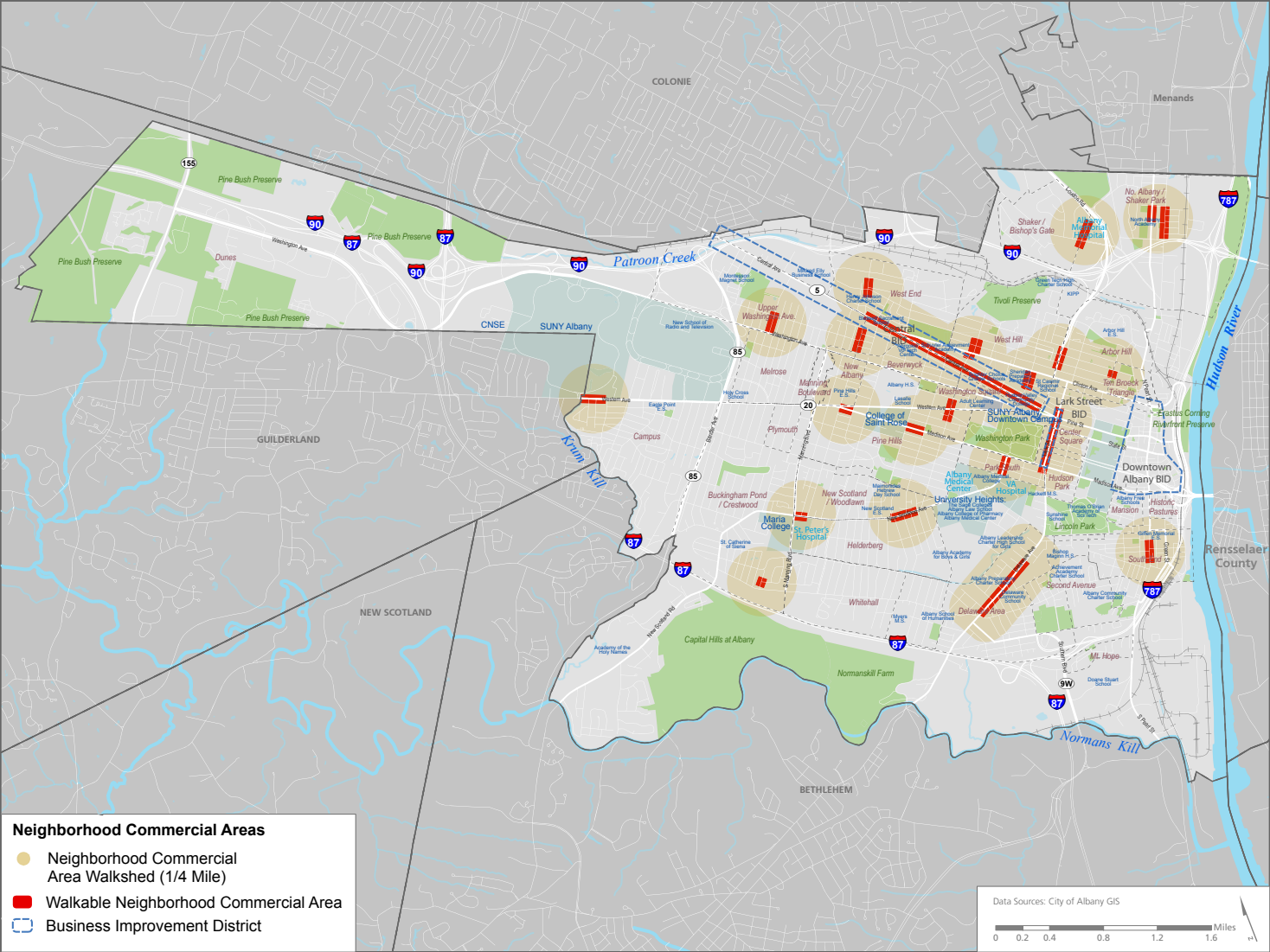
This \$17 million mixed-use project at 16 New Scotland Avenue epitomizes the success of partnering with institutions, community groups, non-profits and State agencies spur neighborhood transformation.

NI-1 Strategy: Target blighting influences (e.g., vacant/substandard properties, brown-fields) to prevent and reverse decline. (Interrelated Strategies: Community Form LU-3, ARCH-2; Economy INV-1, INV-2, INV-3; Social PS-1, AC-6)

Actions:

- a. Implement a strategic acquisition and land banking program to combat and reverse decline and vacancy in the City's neighborhoods in partnership with other agencies.
- b. Finalize and implement the Neighborhood Revitalization Strategic Plan, including the systematic assessment of vacant properties, the creation of an acquisition fund and land banking program, and the development of strategic disposition strategies.
- c. Adopt *Artistic Board Up*, outlined in the Neighborhood Revitalization Strategic Plan, as the standard for vacant and abandoned property board-up.
- d. Address foreclosure and its barriers to transfer properties into productive residential and commercial reuse.
- e. Continue the practice of escalating fines and fees, and explore escalating assessment for vacant and abandoned properties to deter speculation and encourage reuse.

Map 12 Neighborhood Commercial Opportunities



NS-6 Strategy: Address parking issues within neighborhoods. (Interrelated Strategies: Economy INV-1; Transportation VEH-2)

Actions:

- a. Conduct a study of parking issues in commercial districts (e.g., spill-over traffic/congestion from Lark Street) and determine strategies to reduce impacts on neighborhoods.
- b. Study impacts of new permit parking regulations in downtown Albany neighborhoods, as well as neighborhoods that may experience spillover from the permit system.
- c. Ensure that the design of parking lots and structures is sensitive to neighborhood character.

NS-7 Strategy: Increase access to healthy food options for all neighborhoods. (Interrelated Strategies: Social CHR-3; Natural Resources OS-2, OS-3)

Actions:

- a. Partner with organizations such as The Food Trust and Low Income Investment Fund to bring full service grocery stores to underserved neighborhoods.
- b. Identify and market suitable sites for grocery stores within walking distance of neighborhoods and require pedestrian and bicycle amenities during site design (e.g., sidewalks, bike racks, parking located in garages).
- c. Investigate and incentivize the development of urban, neighborhood-scale grocery stores that provide diverse food options and job opportunities.
- d. Improve transit access to grocery stores and farmers markets.
- e. Foster the development of community Supported Agriculture (CSA) pick-up locations, farmers markets, markets and co-ops in accessible locations throughout the City.
- f. Encourage local institutions, stores and restaurants to use and offer fresh and locally-sourced produce, milk and meat.
- g. Encourage the creation and expansion of community gardens accessible to all neighborhoods in the City.

SECTION V – CURRENT AND HISTORICAL PROPERTY OWNER AND OPERATOR INFORMATION

PREVIOUS OWNER(S)

130 Ontario Street:

| Section: 65.54 | | Block:1 | | Lot: 67 |
|-------------------------------------|--------------------------|--|--------------|-----------------------------------|
| Owner Name | Approximate Dates | Last Known Address | Phone Number | Requestor's Relationship to Owner |
| Albany County Land Bank Corporation | March 29, 2019 – Present | 111 Washington Avenue, Suite 100, Albany, NY | 518-407-0309 | Member of Applicant Entity |
| City of Albany | 1965 – March 29, 2019 | 24 Eagle Street, Albany, NY | 518-434-5090 | None |

134 West Street:

| Section: 65.54 | | Block:2 | | Lot: 2 |
|-------------------------------------|--------------------------|--|--------------|-----------------------------------|
| Owner Name | Approximate Dates | Last Known Address | Phone Number | Requestor's Relationship to Owner |
| Albany County Land Bank Corporation | March 29, 2019 – Present | 111 Washington Avenue, Suite 100, Albany, NY | 518-407-0309 | Member of Applicant Entity |
| City of Albany | 2017 – March 29, 2019 | 24 Eagle Street, Albany, NY | 518-434-5090 | None |

154 West Street:

| Section: 65.54 | | Block:2 | | Lot: 1 |
|-------------------------------------|--------------------------|--|--------------|-----------------------------------|
| Owner Name | Approximate Dates | Last Known Address | Phone Number | Requestor's Relationship to Owner |
| Albany County Land Bank Corporation | March 29, 2019 – Present | 111 Washington Avenue, Suite 100, Albany, NY | 518-407-0309 | Member of Applicant Entity |
| City of Albany | 2017 – March 29, 2019 | 24 Eagle Street, Albany, NY | 518-434-5090 | None |
| Dana Roy | 2014 - 2017 | N/A | N/A | None |
| Robery Boomhower | 2010 - 2014 | N/A | N/A | None |

PREVIOUS OPERATORS

130 Ontario Street:

| Section: 65.54 | | Block:1 | | Lot: 67 |
|---------------------------------------|-----------------------|---|--------------|-----------------------------------|
| Previous Operator Name | Approximate Dates | Last Known Address | Phone Number | Requestor's Relationship to Owner |
| City of Albany | 2017 – March 29, 2019 | 24 Eagle Street, Albany, NY | 518-434-5090 | None |
| La Salle Prevention Program | 2002-2017 | 391 Western Avenue, Albany, NY 12203 | 518-242-4731 | None |
| St Catherine's Center for Children | 2017 | 40 N Main Avenue, Albany, NY 12203 | 518-453-6700 | None |
| Hispanic Outreach Services | 2005-2014 | 801 Stanley Street, Schenectady, NY 12307 | 518-382-2004 | None |
| Community Maternity Services | 2005 | 27 N Main Avenue, Albany, NY 12203 | 518-482-8836 | None |
| New NYS State Child Care Coordinating | 2005 | 230 Washington Avenue, Albany, NY 12203 | 518-690-4217 | None |
| New York State Head Start Association | 2002 | 230 Washington Avenue, Albany, NY 12203 | 518-452-0897 | None |

134 West Street:

| Section: 65.54 | | Block:2 | | Lot: 2 |
|----------------------------|-------------------------|-----------------------------|--------------|-----------------------------------|
| Previous Operator Name | Approximate Dates | Last Known Address | Phone Number | Requestor's Relationship to Owner |
| City of Albany | Unknown– March 29, 2019 | 24 Eagle Street, Albany, NY | 518-434-5090 | None |
| John Kurts Jr. Lumber Yard | 1934 - 1950 | 134 West Street, Albany, NY | N/A | None |

154 West Street:

| Section: 65.54 | | Block:2 | | Lot: 1 |
|-------------------------------|-------------------------------|--------------------------------|--------------|-----------------------------------|
| Previous Operator Name | Approximate Dates | Last Known Address | Phone Number | Requestor's Relationship to Owner |
| City of Albany | Unknown– March 29, 2019 | 24 Eagle Street, Albany, NY | 518-434-5090 | None |
| John Kurts Jr. Lumber Yard | 1934 - 1950 | 134 West Street, Albany, NY | N/A | None |

SECTION VI – PROPERTY’S ENVIRONMENTAL HISTORY

VI.1 – Relevant Reports

Relevant reports are summarized below in chronological order. These reports are attached as electronic copies to the submittal, only.

Phase I ESA, by PVE, *May 3, 2024*

PVE completed a Phase I ESA, dated May 3, 2023, of the Site located at 130 & 135 Ontario Street, 134 and 154 West Street, City of Albany, Albany County, New York 12206 (see Attachment IV-1A) to assess existing and historical conditions of the property. 135 Ontario Street, a standalone parcel, was included in the Phase I ESA as it was also being contemplated for purchase at the time. However, 135 Ontario Street is no longer part of the subject property configuration nor part of the proposed BCP. PVE concluded the following recognized environmental conditions (RECs) in association with the property:

- As indicated in Section 3.11 (Other Conditions of Concern), Section 6.4 (Fire Insurance Maps), & Section 6.5 (City Directories) of the report, the operating history of the subject property is considered a REC. The subject property located at 135 Ontario Street has historically operated as an automotive repair shop, transit garage and filling station with gasoline storage tanks. Chemicals used, and wastes generated, at facilities such as these, if handled improperly have the potential to contaminate soil and/or groundwater and ultimately create a vapor encroachment condition (VEC).
- As indicated in section 5.0 (Site Reconnaissance) of the report, a tank fill port was observed along the exterior of the building located at 135 Ontario Street. No basement or tank was observed during the inspection. PVE cannot rule out the presence or any potential historic or ongoing releases from an underground tank on the property.
- As indicated in Section 2.3 (Current Uses of Adjoining Properties), Section 3.11 (Other Conditions of Concern), Section 6.4 (Fire Insurance Maps), & Section 6.5 (City Directories) of the report, adjoining & nearby properties historic and current uses consist of auto body shops, drycleaners, lumber yards, manufacturers, a railroad company, carpenter shop, coal storage, factories, garages, & filling stations. Chemicals used, and wastes generated, at facilities such as these, if handled improperly have the potential to contaminate soil and/or groundwater and ultimately soil vapor quality at the subject property.

Phase II ESA, by PVE, *November 12, 2024*

PVE completed a Phase II ESA, dated November 12, 2024, of the Site located at 130 Ontario Street, 134 and 154 West Street, City of Albany, Albany County, New York 12206 (see Attachment IV-1B) to assess RECs detailed in a Phase I ESA, by PVE, dated May 3, 2023. Findings from this assessment include the following:

Soil:

- Ten (10) SVOCs (benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenz(a,h)anthracene, fluoranthene, indeno(1,2,3-c,d)pyrene,

phenanthrene, and pyrene) and three (3) metals (arsenic, lead and mercury) were detected in soil samples at concentrations exceeding RRSCOs (See Section IV).

Groundwater:

- Eight (8) VOCs, (1,2,4-Trimethylbenzene, 1,2-Dichloroethane, benzene, isopropylbenzene, n-butylbenzene, n-propylbenzene, o-xylene, sec-butylbenzene, and toluene) were detected in groundwater samples at concentrations exceeding Class GA GQS. Ten (10) SVOCs (acenaphthene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, indeno(1,2,3-c,d)pyrene, naphthalene, phenanthrene, and phenol) and three (3) metals (iron, manganese, and sodium) were detected in groundwater samples at concentrations exceeding Class GA GQS.

Soil Vapor:

- Ten (10) VOCs (2,2,4-trimethylpentane, carbon tetrachloride, cis-1,2-dichloroethylene, cyclohexane, ethylbenzene, m,p,-xylene, n-hexane, o-xylene, trichloroethylene [TCE], and vinyl chloride) were detected in the soil vapor samples at elevated concentrations. 2,2,4-trimethylpentane was detected at a maximum concentration of 3,400 µg/m³, carbon tetrachloride was detected at a maximum concentration of 13 µg/m³, cis-1,2-dichloroethylene was detected at concentrations ranging from 7.1 to 44 µg/m³, cyclohexane was detected at concentrations ranging from 63 to 700 µg/m³, ethylbenzene was detected at concentrations ranging from 61 to 210 µg/m³, m,p,-xylene was detected at concentrations ranging from 290 to 560 µg/m³, n-hexane was detected at a maximum concentration of 320 µg/m³, o-xylene was detected at concentrations ranging from 110 to 170 µg/m³, TCE was detected at concentrations ranging from 9.6 to 16 µg/m³, and vinyl chloride was detected at a maximum concentration of 180 µg/m³ (See Section IV).

VI.2 – Impacted Site Media

| Phase II ESA, by PVE, dated November 12, 2024 | | | | |
|---|----------------------|----------------------|---------------|--|
| PGW Exceedances in Soil Samples | | | | |
| Analytes > PWGSCOs | Detections > PGWSCOs | Max. Detection (ppm) | PGWSCOs (ppm) | Depth (ft bgs) |
| Arsenic | 1 | 48.2 | 16 | 3-4 |
| Lead | 5 | 2,230 | 450 | 3-4, 10-12, 7-8, 4-8 |
| Selenium | 2 | 14.7 | 4 | 3-4, 10-12 |
| Mercury | 7 | 16.6 | 0.73 | 1.5-3, 3-4, 4.5-6, 7-8, 4-8, 6-8, 10-12, |
| Acetone | 1 | 0.062 | 0.05 | 6-8 |
| Benzene | 1 | 0.14 | 0.06 | 10-12 |
| Benzo(A)Anthracene | 2 | 57.9 | 1 | 4.5-6, 10-12 |
| Benzo(A)Pyrene | 1 | 41.2 | 22 | 10-12 |
| Benzo(B)Fluoranthene | 2 | 36.2 | 1.7 | 4.5-6, 10-12 |
| Benzo(K)Fluoranthene | 2 | 34.3 | 1.7 | 4.5-6, 10-12 |
| Chrysene | 2 | 63.6 | 1 | 4.5-6, 10-12 |
| Indeno(1,2,3-C,D)Pyrene | 1 | 21.2 | 8.2 | 10-12 |
| Naphthalene | 1 | 86.7 | 12 | 10-12 |
| Phenol | 1 | 2.05 | 0.33 | 10-12 |

Notes:

BOLD: Analyte exceeding both soil PGWSCOs and groundwater Class GA.

| Phase II ESA, by PVE, dated November 12, 2024 | | | | |
|---|---------------------|----------------------|--------------|---|
| RRSCO Exceedances in Soil Samples | | | | |
| Analytes > RRSCOs | Detections > RRSCOs | Max. Detection (ppm) | RRSCOs (ppm) | Depth (ft bgs) |
| Benzo(A)Anthracene | 2 | 57.9 | 1 | 4.5-6, 10-12 |
| Benzo(A)Pyrene | 2 | 41.2 | 1 | 4.5-6, 10-12 |
| Benzo(B)Fluoranthene | 2 | 36.2 | 1 | 4.5-6, 10-12 |
| Benzo(K)Fluoranthene | 2 | 34.3 | 3.9 | 4.5-6, 10-12 |
| Chrysene | 2 | 63.6 | 3.9 | 4.5-6, 10-12 |
| Dibenz(A,H)Anthracene | 2 | 5.64 | 0.33 | 4.5-6, 10-12 |
| Fluoranthene | 1 | 172 | 100 | 10-12 |
| Indeno(1,2,3-C,D)Pyrene | 2 | 21.2 | 0.5 | 4.5-6, 10-12 |
| Phenanthrene | 1 | 217 | 100 | 10-12 |
| Pyrene | 1 | 173 | 100 | 10-12 |
| Arsenic | 1 | 48.2 | 16 | 3-4 |
| Lead | 5 | 2,230 | 400 | 3-4, 4-8, 7-8, 10-12 |
| Mercury | 8 | 16.6 | 0.81 | 1.5-3, 3-4, 4.5-6, 4-8, 6-8, 7-8, 10-12 |

Phase II ESA, by PVE, dated November 12, 2024

Class GA Exceedances in Groundwater Samples

| Analytes > AWQS | Detections > AWQS | Max. Detection (ppb) | AWQS (ppb) |
|---------------------------|-----------------------------|-----------------------------|-------------------|
| 1,2,4-Trimethylbenzene | 1 | 7 | 5 |
| 1,2-Dichloroethane | 1 | 0.89 | 0.6 |
| Benzene | 2 | 39 | 1 |
| Isopropylbenzene | 1 | 67 | 5 |
| N-Butylbenzene | 2 | 29 | 5 |
| N-Propylbenzene | 1 | 83 | 5 |
| O-Xylene | 1 | 11 | 5 |
| Sec-Butylbenzene | 2 | 60 | 5 |
| Toluene | 1 | 26 | 5 |
| Acenaphthalene | 1 | 37.4 | 20 |
| Benzo(A)Anthracene | 1 | 0.770 | 0.002 |
| Benzo(A)Pyrene | 1 | 0.820 | 0 |
| Benzo(B)Fluoranthene | 1 | 0.860 | 0.002 |
| Benzo(K)Fluoranthene | 1 | 0.860 | 0.002 |
| Chrysene | 2 | 0.940 | 0.002 |
| Indeno(1,2,3-C,D)Pyrene | 1 | 0.440 | 0.002 |
| Naphthalene | 1 | 112 | 10 |
| Phenanthrene | 2 | 57.6 | 50 |
| Phenol | 1 | 32.3 | 1 |
| Iron | 4 | 16.7 | 0.3 |
| Manganese | 4 | 3.68 | 0.3 |
| Sodium | 3 | 382 | 20 |

Notes:






Samples were collected from temporary direct-push monitoring wells during the limited Phase II ESA.

Phase II ESA, by PVE, dated November 12, 2024

VOCs Detections in Soil Vapor Samples

| Analytes | Total Detections | Max. Detection (ug/m3) | Type |
|---|------------------|------------------------|------------|
| 1,1,1,2-Tetrachloroethane | 1 | 19 | Soil Vapor |
| 1,1,1-Trichloroethane (TCA) | 3 | 12 | Soil Vapor |
| 1,1,2,2-Tetrachloroethane | 2 | 21 | Soil Vapor |
| 1,1,2-Trichloro-1,2,2-Trifluoroethane | 2 | 13 | Soil Vapor |
| 1,1-Dichloroethane | 2 | 6.7 | Soil Vapor |
| 1,1-Dichloroethene | 4 | 5.5 | Soil Vapor |
| 1,2,4-Trichlorobenzene | 4 | 16 | Soil Vapor |
| 1,2,4-Trimethylbenzene | 4 | 36 | Soil Vapor |
| 1,2-Dibromoethane (Ethylene Dibromide) | 3 | 24 | Soil Vapor |
| 1,2-Dichlorobenzene | 1 | 14 | Soil Vapor |
| 1,2-Dichloropropane | 2 | 15 | Soil Vapor |
| 1,2-Dichlorotetrafluoroethane | 2 | 2.1 | Soil Vapor |
| 1,3,5-Trimethylbenzene (Mesitylene) | 4 | 20 | Soil Vapor |
| 1,3-Butadiene | 2 | 20 | Soil Vapor |
| 1,3-Dichlorobenzene | 2 | 17 | Soil Vapor |
| 1,3-Dichloropropane | 2 | 13 | Soil Vapor |
| 1,4-Dichlorobenzene | 2 | 17 | Soil Vapor |
| 2,2,4-Trimethylpentane | 4 | 3,400 | Soil Vapor |
| 4-Ethyltoluene | 4 | 40 | Soil Vapor |
| Acetone | 4 | 450 | Soil Vapor |
| Acrylonitrile | 2 | 20 | Soil Vapor |
| Benzene | 4 | 27 | Soil Vapor |
| Benzyl Chloride | 1 | 7.1 | Soil Vapor |
| Bromodichloromethane | 2 | 20 | Soil Vapor |
| Bromoform | 1 | 17 | Soil Vapor |
| Bromomethane | 2 | 5.4 | Soil Vapor |
| Carbon Disulfide | 4 | 160 | Soil Vapor |
| Carbon Tetrachloride | 4 | 13 | Soil Vapor |
| Chlorobenzene | 2 | 29 | Soil Vapor |
| Chloroethane | 1 | 0.40 | Soil Vapor |
| Chloroform | 4 | 19 | Soil Vapor |
| Chloromethane | 3 | 7.4 | Soil Vapor |
| Cis-1,2-Dichloroethylene | 4 | 44 | Soil Vapor |
| Cis-1,3-Dichloropropene | 2 | 12 | Soil Vapor |
| Cyclohexane | 4 | 700 | Soil Vapor |
| Dibromochloromethane | 1 | 20 | Soil Vapor |
| Dichlorodifluoromethane | 3 | 8.2 | Soil Vapor |
| Ethyl Acetate | 1 | 1.1 | Soil Vapor |
| Ethylbenzene | 4 | 210 | Soil Vapor |
| Hexachlorobutadiene | 4 | 34 | Soil Vapor |
| Isopropanol | 3 | 11 | Soil Vapor |
| m,p-Xylene | 4 | 560 | Soil Vapor |
| Methyl Ethyl Ketone (2-Butanone) | 4 | 28 | Soil Vapor |
| Methyl Isobutyl Ketone (4-Methyl-2-Pentanone) | 3 | 13 | Soil Vapor |
| Methyl Methacrylate | 1 | 39 | Soil Vapor |
| Methylene Chloride | 2 | 12 | Soil Vapor |
| Naphthalene | 3 | 4.2 | Soil Vapor |
| N-Heptane | 4 | 97 | Soil Vapor |
| N-Hexane | 4 | 320 | Soil Vapor |
| O-Xylene (1,2-Dimethylbenzene) | 4 | 170 | Soil Vapor |
| Propylene | 2 | 310 | Soil Vapor |
| Styrene | 4 | 17 | Soil Vapor |
| Tetrachloroethylene (PCE) | 3 | 25 | Soil Vapor |
| Tetrahydrofuran | 3 | 13 | Soil Vapor |
| Toluene | 4 | 81 | Soil Vapor |
| Trans-1,2-Dichloroethene | 3 | 11 | Soil Vapor |
| Trans-1,3-Dichloropropene | 2 | 11 | Soil Vapor |
| Trichloroethylene (TCE) | 3 | 16 | Soil Vapor |
| Trichlorofluoromethane | 2 | 8.7 | Soil Vapor |
| Vinyl Acetate | 3 | 5.8 | Soil Vapor |
| Vinyl Bromide | 1 | 0.61 | Soil Vapor |
| Vinyl Chloride | 4 | 180 | Soil Vapor |

LEGEND

-  INDOOR AIR
-  SOIL BORING
-  SOIL BORING / TEMPORARY MONITORING WELL
-  SOIL VAPOR
-  TAX PARCEL OUTLINE

SB-10 4.5'-6' 20241009

Benzo(A)Anthracene: 8.21 mg/kg
Benzo(B)Fluoranthene: 5.46 mg/kg
Benzo(K)Fluoranthene: 5.80 mg/kg
Chrysene: 7.70 mg/kg
Mercury: 1.36 mg/kg

SB-1 3'-4' 20241008

Lead: 679 mg/kg

SB-8 6'-8' 20241008

Acetone: 0.062 mg/kg
Mercury: 2.42 mg/kg

SB-3 3'-4' 20241008

Arsenic: 48.2 mg/kg
Lead: 638 mg/kg
Selenium: 14.7 mg/kg
Mercury: 16.6 mg/kg

SB-9 7'-8' 20241008

Mercury: 1.15 mg/kg

SB-4 10'-12' 20241008

Benzo(A)Anthracene: 57.9 mg/kg
Benzo(A)Pyrene: 41.2 mg/kg
Benzo(B)Fluoranthene: 36.2 mg/kg
Benzo(K)Fluoranthene: 34.3 mg/kg
Chrysene: 63.6 mg/kg
Indeno(1,2,3-C,D)Pyrene: 21.2 mg/kg
Phenol: 2.05 mg/kg
Lead: 1,410 mg/kg
Selenium: 4.56 mg/kg
Mercury: 6.92 mg/kg

SB-6 1.5'-3' 20241008

Mercury: 2.42 mg/kg

SB-7 4'-8' 20241008

Lead: 1,780 mg/kg
Mercury: 1.34 mg/kg

SB-5 7'-8' 20241008

Lead: 2,230 mg/kg
Mercury: 3.36 mg/kg

DATA SOURCES:

Tax Parcel Outline: Albany County Tax Parcel Access
Basemap: NYS ITS Geospatial Services, Westchester County GIS, Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, New York State, Earthstar Geographics

0 30 60 120
Feet

PVEDi

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Fax: 845.454.2655

SOIL SAMPLES EXCEEDING PGWSCOs

130 ONTARIO STREET, 134 & 154 WEST STREET
CITY OF ALBANY, ALBANY COUNTY, NEW YORK

PROJECT NO.

20230102

N



ATTACHMENT VI.3A

DATE: 04/07/2025

SCALE: AS INDICATED


PROJECTION: STATE PLANE NAD83 NY EAST


ALL LOCATIONS APPROXIMATE

LEGEND

 TAX PARCEL OUTLINE

 INDOOR AIR

 SOIL BORING

 SOIL BORING / TEMPORARY MONITORING WELL

 SOIL VAPOR

SB-10 4.5'-6' 20241009

=====

Benzo(A)Anthracene: 8.21 mg/kg
Benzo(A)Pyrene: 6.84 mg/kg
Benzo(B)Fluoranthene: 5.46 mg/kg
Benzo(K)Fluoranthene: 5.80 mg/kg
Chrysene: 7.70 mg/kg
Dibenz(A,H)Anthracene: 0.651 mg/kg
Indeno(1,2,3-C,D)Pyrene: 3.34 mg/kg
Mercury: 1.36 mg/kg

SB-1 3'-4' 20241008

=====

Lead: 679 mg/kg

SB-6 1.5'-3' 20241008

=====

Mercury: 2.42 mg/kg

SB-3 3'-4' 20241008

=====

Arsenic: 48.2 mg/kg
Lead: 638 mg/kg
Mercury: 16.6 mg/kg

SB-4 10'-12' 20241008

=====

Benzo(A)Anthracene: 57.9 mg/kg
Benzo(A)Pyrene: 41.2 mg/kg
Benzo(B)Fluoranthene: 36.2 mg/kg
Benzo(K)Fluoranthene: 34.3 mg/kg
Chrysene: 63.6 mg/kg
Dibenz(A,H)Anthracene: 5.64 mg/kg
Fluoranthene: 172 mg/kg
Indeno(1,2,3-C,D)Pyrene: 21.2 mg/kg
Penantrene: 217 mg/kg
Pyrene: 173 mg/kg
Lead: 1,410 mg/kg
Mercury: 6.92 mg/kg

SB-9 7'-8' 20241008

=====

Mercury: 1.15 mg/kg

SB-6 1.5'-3' 20241008

=====

Mercury: 2.42 mg/kg

SB-7 4'-8' 20241008

=====

Lead: 1,780 mg/kg
Mercury: 1.34 mg/kg

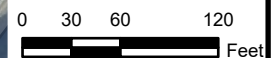
SB-5 7'-8' 20241008

=====

Lead: 2,230 mg/kg
Mercury: 3.36 mg/kg

DATA SOURCES:

Tax Parcel Outline: Albany County Tax Parcel Access
Basemap: New York State, Maxar, NYS ITS Geospatial Services, Westchester County GIS, Esri
Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph,
GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



PVEDi

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SOIL SAMPLES EXCEEDING RRSCOs

130 ONTARIO STREET, 134 & 154 WEST STREET
CITY OF ALBANY, ALBANY COUNTY, NEW YORK

PROJECT NO.

20230102

N



ATTACHMENT IV.3B

DATE: 12/05/2024

SCALE: AS INDICATED

PROJECTION: STATE PLANE NAD83 NY EAST

ALL LOCATIONS APPROXIMATE

LEGEND

- TAX PARCEL OUTLINE
- INDOOR AIR
- SOIL BORING
- SOIL BORING / TEMPORARY MONITORING WELL
- SOIL VAPOR

TMW-1 20241008

=====

1,2,4-Trimethylbenzene: 7 ug/l
 Benzene: 39 ug/l
 O-Xylene: 11 ug/l
 Toluene: 26 ug/l
 Benzo(A)Anthracene: 0.770 ug/l
 Benzo(A)Pyrene: 0.820 ug/l
 Benzo(B)Fluroanthene: 0.860 ug/l
 Benzo(K)Fluoranthene: 0.860 ug/l
 Chrysene: 0.940 ug/l
 Indeno(1,2,3-C,D)Pyrene: 0.440 ug/l
 Naphthalene: 112 ug/l
 Phenol: 32.3 ug/l
 Iron: 16.7 ug/l
 Manganese: 1.39 ug/l
 Sodium: 80.3 ug/l

TMW-2 20241008

=====

1,2-Dichloroethane: 0.89 ug/l
 Iron: 0.342 ug/l
 Manganese: 3.68 ug/l

TMW-4 20241008

=====

N-Butylbenzene: 6.5 ug/l
 Sec-Butylbenzene: 9.2 ug/l
 Acenaphthene: 37.4 ug/l
 Phenanthrene: 57.6 ug/l
 Iron: 7.33 ug/l
 Manganese: 2.28 ug/l
 Sodium: 329 ug/l

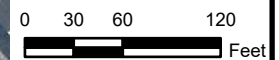
TMW-3 20241008

=====

Benzene: 3.6 ug/l
 Isopropylbenzene: 67 ug/l
 N-Butylbenzene: 29 ug/l
 N-Propylbenzene: 83 ug/l
 Sec-Butylbenzene: 60 ug/l
 Chrysene: 0.330 ug/l
 Phenanthrene: 52.1 ug/l
 Iron: 13.5 ug/l
 Manganese: 3.03 ug/l
 Sodium: 382 ug/l

DATA SOURCES:

Tax Parcel Outline: Albany County Tax Parcel Access
 Basemap: New York State, Maxar, NYS ITS Geospatial Services, Westchester County GIS , Esri
 Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph,
 GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



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GROUNDWATER SAMPLES EXCEEDING CLASS GA

130 ONTARIO STREET, 134 & 154 WEST STREET
 CITY OF ALBANY, ALBANY COUNTY, NEW YORK

PROJECT NO.

20230102

N



ATTACHMENT IV.3C






DATE: 12/05/2024

SCALE: AS INDICATED

PROJECTION: STATE PLANE NAD83 NY EAST

ALL LOCATIONS APPROXIMATE

LEGEND

-  INDOOR AIR
-  SOIL BORING
-  SOIL BORING / TEMPORARY MONITORING WELL
-  SOIL VAPOR
-  TAX PARCEL OUTLINE

SSV-1 20241008

=====
 1,1,1-Trichloroethane: 1.4 ug/m3
 1,1-Dichloroethene: 0.60 ug/m3
 1,2,4-Trimethylbenzene: 17 ug/m3
 1,3,5-Trimethylbenzene: 4.1 ug/m3
 2,2,4-Trimethylpentane: 9.8 ug/m3
 Benzene: 9.7 ug/m3
 Carbon Tetrachloride: 1.1 ug/m3
 Cis-1,2-Dichloroethylene: 1.1 ug/m3
 Cyclohexane: 4.4 ug/m3
 Ethylbenzene: 32 ug/m3
 m,p-Xylene: 39 ug/m3
 Naphthalene: 4.1 ug/m3
 N-Heptane: 5.7 ug/m3
 N-Hexane: 14 ug/m3
 O-Xylene: 14 ug/m3
 Tetrachloroethylene: 1.0 ug/m3
 Toluene: 32 ug/m3
 Trichloroethylene: 9.6 ug/m3
 Vinyl Chloride: 0.32 ug/m3

SV-2 20241008

=====
 1,1,1-Trichloroethane: 12 ug/m3
 1,1-Dichloroethene: 5.5 ug/m3
 1,2,4-Trimethylbenzene: 36 ug/m3
 1,3,5-Trimethylbenzene: 20 ug/m3
 2,2,4-Trimethylpentane: 15 ug/m3
 Benzene: 19 ug/m3
 Carbon Tetrachloride: 13 ug/m3
 Cis-1,2-Dichloroethylene: 7.1 ug/m3
 Cyclohexane: 63 ug/m3
 Ethylbenzene: 210 ug/m3
 m,p-Xylene: 560 ug/m3
 Methylene Chloride: 12 ug/m3
 N-Heptane: 26 ug/m3
 N-Hexane: 24 ug/m3
 O-Xylene: 170 ug/m3
 Tetrachloroethylene: 25 ug/m3
 Toluene: 70 ug/m3
 Trichloroethylene: 16 ug/m3
 Vinyl Chloride: 3.9 ug/m3

SV-4 20241008

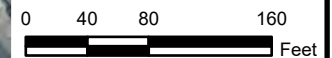
=====
 1,1-Dichloroethene: 3.5 ug/m3
 1,2,4-Trimethylbenzene: 34 ug/m3
 1,3,5-Trimethylbenzene: 13 ug/m3
 2,2,4-Trimethylpentane: 3,400 ug/m3
 Benzene: 27 ug/m3
 Carbon Tetrachloride: 5.5 ug/m3
 Cis-1,2-Dichloroethylene: 44 ug/m3
 Cyclohexane: 700 ug/m3
 Ethylbenzene: 110 ug/m3
 m,p-Xylene: 290 ug/m3
 N-Heptane: 97 ug/m3
 N-Hexane: 320 ug/m3
 O-Xylene: 110 ug/m3
 Toluene: 81 ug/m3
 Vinyl Chloride: 180 ug/m3

SV-3 20241008

=====
 1,1,1-Trichloroethane: 2.4 ug/m3
 1,1-Dichloroethene: 0.47 ug/m3
 1,2,4-Trimethylbenzene: 23 ug/m3
 1,3,5-Trimethylbenzene: 5.9 ug/m3
 2,2,4-Trimethylpentane: 2.8 ug/m3
 Benzene: 3.2 ug/m3
 Carbon Tetrachloride: 1.3 ug/m3
 Cis-1,2-Dichloroethylene: 0.83 ug/m3
 Cyclohexane: 1.6 ug/m3
 Ethylbenzene: 61 ug/m3
 m,p-Xylene: 96 ug/m3
 Methylene Chloride: 2.4 ug/m3
 Naphthalene: 4.2 ug/m3
 N-Heptane: 4.4 ug/m3
 N-Hexane: 4.3 ug/m3
 O-Xylene: 29 ug/m3
 Tetrachloroethylene: 6.1 ug/m3
 Toluene: 38 ug/m3
 Trichloroethylene: 1.1 ug/m3
 Vinyl Chloride: 0.53 ug/m3

DATA SOURCES:

Tax Parcel Outline: Albany County Tax Parcel Access
 Basemap: NYS ITS Geospatial Services, Westchester County GIS , Esri Community Maps Contributors,
 © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA,
 USGS, EPA, NPS, US Census Bureau, USDA, USFWS, New York State, Earthstar Geographics



PVEDi

48 Springside Avenue
 Poughkeepsie, NY 12603
 Office: 845.454.2544
 Fax: 845.454.2655

NYSDOH REGULATED COMPOUND DETECTIONS IN SOIL VAPOR SAMPLES

130 ONTARIO STREET, 134 & 154 WEST STREET
 CITY OF ALBANY, ALBANY COUNTY, NEW YORK

PROJECT NO.

20230102

N



ATTACHMENT VI.3D

DATE: 04/07/2025

SCALE: AS INDICATED

PROJECTION: STATE PLANE NAD83 NY EAST

ALL LOCATIONS APPROXIMATE

VI.4 – Past Land Uses

130 Ontario Street: Various outreach services and help centers from 1965-2017, residential from 1892-1908 and 1934-1951, a lumber yard from 1892-1908 and 1934-1951, and one-story commercial structure most recently used as an office building and currently vacant (present).

134 West Street: Lumber yard storage from 1934-1951 and 1989-1997, and a parking lot (present).

154 West Street: Lumber yard storage from 1934-1950 and parking lot (present).

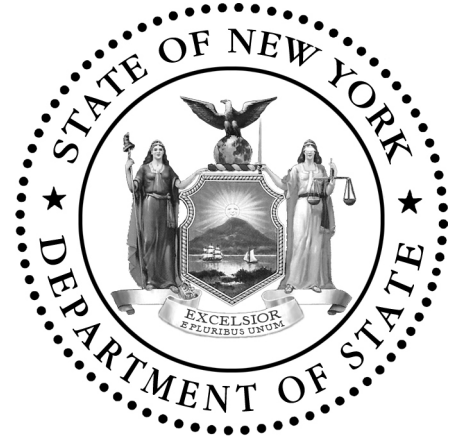
SECTION VII – REQUESTOR INFORMATION

VII.2 – NYS DOS Entity Information

NEW YORK STATE DEPARTMENT OF STATE
DIVISION OF CORPORATIONS, STATE RECORDS AND UNIFORM COMMERCIAL CODE
FILING RECEIPT

ENTITY NAME : ONTARIO WEST LLC
DOCUMENT TYPE : ARTICLES OF ORGANIZATION
ENTITY TYPE : DOMESTIC LIMITED LIABILITY COMPANY

DOS ID : 7528873
FILE DATE : 02/07/2025
FILE NUMBER : 250207001918
TRANSACTION NUMBER : 202502070001647-4158703
EXISTENCE DATE : 02/07/2025
DURATION/DISSOLUTION : PERPETUAL
COUNTY : WESTCHESTER



SERVICE OF PROCESS ADDRESS : ONTARIO WEST LLC
1055 SAW MILL RIVER ROAD, SUITE 204
ARDSLEY, NY, 10502, USA

ELECTRONIC SERVICE OF PROCESS
EMAIL ADDRESS : FERN@REGANDEVELOPMENT.COM

FILER : CHRISTOPHER J. BABCOCK, ESQ.
CANNON HEYMAN & WEISS, LLP, 54 STATE STREET, 5TH
FLOOR
ALBANY, NY, 12207, USA
SERVICE COMPANY : CANNON HEYMAN & WEISS, LLP
SERVICE COMPANY ACCOUNT : HN

You may verify this document online at : <http://ecorp.dos.ny.gov>
AUTHENTICATION NUMBER : 100007435442

| | | | |
|-------------------------------|-----------------|---------------------------------|-----------------|
| TOTAL FEES: | \$210.00 | TOTAL PAYMENTS RECEIVED: | \$210.00 |
| FILING FEE: | \$200.00 | CASH: | \$0.00 |
| CERTIFICATE OF STATUS: | \$0.00 | CHECK/MONEY ORDER: | \$0.00 |
| CERTIFIED COPY: | \$10.00 | CREDIT CARD: | \$0.00 |
| COPY REQUEST: | \$0.00 | DRAWDOWN ACCOUNT: | \$210.00 |
| EXPEDITED HANDLING: | \$0.00 | REFUND DUE: | \$0.00 |

**STATE OF NEW YORK
DEPARTMENT OF STATE**

I hereby certify that the annexed copy for ONTARIO WEST LLC, File Number 250207001918 has been compared with the original document in the custody of the Secretary of State and that the same is true copy of said original.

WITNESS my hand and official seal of the
Department of State, at the City of Albany,
on February 07, 2025.

WALTER T. MOSLEY
Secretary of State



BRENDAN C. HUGHES
Executive Deputy Secretary of State



**ARTICLES OF ORGANIZATION
OF
ONTARIO WEST 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: **ONTARIO WEST 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 the limited liability company may be served. The post office address to which the Secretary of State shall mail a copy of any process against the limited liability company served upon the Secretary of State by personal delivery is:
**ONTARIO WEST LLC
1055 SAW MILL RIVER ROAD
SUITE 204
ARDSLEY, NY 10502**
The email address to which the Secretary of State shall email a notice of the fact that process against the limited liability company has been served electronically upon the Secretary of State is:
FERN@REGANDEVELOPMENT.COM


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.

ALAN M. JEZIERSKI (Signature)

ALAN M. JEZIERSKI, ORGANIZER

Filed by:

**CHRISTOPHER J. BABCOCK, ESQ.
CANNON HEYMAN & WEISS, LLP
54 STATE STREET, 5TH FLOOR
ALBANY, NY 12207**

An official website of New York State.
[Here's how you know](#) 



Department of State

Division of Corporations

Entity Information

Return to Results

Return to Search

Entity Details



ENTITY NAME: ONTARIO WEST LLC
DOS ID: 7528873
FOREIGN LEGAL NAME:
FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY
DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTIONOF LAW: LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW
ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 02/07/2025
REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 02/07/2025
INACTIVE DATE:
FOREIGN FORMATION DATE:
STATEMENT STATUS: CURRENT
COUNTY: WESTCHESTER
NEXT STATEMENT DUE DATE: 02/28/2027
JURISDICTION: NEW YORK, UNITED STATES
NFP CATEGORY:

- ENTITY DISPLAY
- NAME HISTORY
- FILING HISTORY
- MERGER HISTORY
- ASSUMED NAME HISTORY

Service of Process on the Secretary of State as Agent

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

Name: ONTARIO WEST LLC
Address: 1055 SAW MILL RIVER ROAD, SUITE 204, ARDSLEY, NY, UNITED STATES, 10502

Electronic Service of Process on the Secretary of State as agent: Permitted

Chief Executive Officer's Name and Address

Name:
Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

| Share Value | Number Of Shares | Value Per Share |
|-------------|------------------|-----------------|
| | | |

V11.3 – LLC Members/Owners

Members of Ontario West LLC are as follows:

- Lawrence “Larry” Regan
- Kenneth Regan
- Gabriel Regan
- Jeremy Regan
- Albany County Land Bank Corporation

V11.4 – QEP/PE Qualifications

The requestor has contracted PVEDI Engineering, Architecture and Geology, D.P.C. (PVEDI) to prepare and certify the documents associated with the BCP. Professionals meeting the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation employed by PVEDI directly involved with this project include:

- **Conor Tarbell, QEP:** Mr. Tarbell obtained his Qualified Environmental Professional (QEP) certificate from the Board for Global EHS Credentialing. Subsequent pages include a copy of Mr. Tarbell's QEP certificate.
- **Erik Draijer, P.E.:** Mr. Draijer is a Professional Engineer (P.E.), registered with the New York State Board of Education as licensed individual #110938. Subsequent pages include proof of Mr. Draijer's P.E. licensure.



Qualified Environmental Professional (QEP)

ISSUED TO

Conor Tarbell



Issued on: 08 JUL 2022 | Expires on: 01 DEC 2027 | Issued by: Board for Global EHS Credentialing
Verify: <https://www.credly.com/go/UOBwla6z>

DRAIJER ERIK



LICENSEE INFO

| | |
|---------------------------|--|
| Address | NUTLEY NJ |
| Profession | Professional Engineering (016) |
| License Number | 110938 |
| Date of Licensure | December 19, 2024 |
| Status | Registered |
| Registered through Date | November 30, 2027 |
| Additional Qualifications | <ul style="list-style-type: none">None |



May 5, 2025 02:18 PM (ET)

[https://eservices.nysed.gov/professions/verification-search?
licenseNumber=110938&professionCode=016](https://eservices.nysed.gov/professions/verification-search?licenseNumber=110938&professionCode=016)

SECTION IX – PROGRAM FEE

As this project consists of the development of 100% affordable housing units and creates business opportunities with commercial space, the requestor is applying for a fee waiver. The fee waiver is attached on the subsequent pages.

Ontario West LLC
1055 Saw Mill River Road #204
Ardsley, NY 10502

February 6, 2025

Site Control Section
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-7020

**Re: Ontario West LLC
Site No. TBD
130 Ontario Street, 134 West Street & 154 West Street, Albany, NY
BCP Program Fee Waiver Request
BCP Site #C401087**

Dear Site Control:

This letter is respectfully submitted by Ontario West LLC (the "Applicant") in connection with its Brownfield Cleanup Program ("BCP") application for the above-referenced site ("Site") to request a waiver of the \$50,000 BCP program fee based on 100% of its residential units being developed as affordable housing. The applicant will be submitting a BCP application with status of volunteer.

Please consider the following facts in connection with the Applicant's request for fee waiver: The Applicant proposes to construct seventy-six (76) units of 100% affordable, work-force, rental housing on three (3) separate tax parcels in Albany. The proposed use of the sites is consistent with the City of Albany Comprehensive Plan 2030. This Plan focuses on the current and long-range protection of the city, safe livable neighborhoods, a model educational system, vibrant urban centers, multi-modal transportation hubs, a green city, and a prosperous economy. Specific strategies within the Plan include targeting blighted (vacant, substandard properties, and brownfields) to prevent reverse decline.

The proposed BCP property is within designated En-Zone Type-B within Census Tract 6; 100% of the property is located within the above described En-Zone. The applicant proposes to construct a mixed-use building. The 100% affordable mixed-use building will be a four (4) story building, totaling 76 multifamily apartment units, community hub space, and a commercial space with outdoor recreational area. The multi-family portion of the project is designed to include affordable "workforce" housing units, which are not market rate units, but designed to provide affordable housing in accordance with the Area Median Income (AMI) of the community.

This submission is made as an attachment to a BCP Application. The Applicant understands and agrees that this submission is becoming part of the BCP Application, and so the Applicant hereby affirms that the information provided in this submission is true and correct to the best of its knowledge and belief, and the Applicant is aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

We respectfully ask that you consider the waiver of the BCP program fee based on the foregoing facts.

Very truly yours,

Ontario West LLC



By: Larry Regan, Authorized Person

SECTION X – REQUESTOR ELIGIBILITY

X.12 – The requestor must certify that he/she is either a participant or volunteer.

Statement describing why the Requestor should be considered a Volunteer:

In accordance with the definitions outlined in ECL § 27-1405(1), the Requestor is considered a Volunteer, as its liability arises solely as a result of its pending ownership of the Site subsequent to the disposal/release of contaminants, and it exercises and will exercise appropriate care with respect to contamination found at the facility by taking reasonable steps to stop any continuing release; prevent any threatened future release; and prevent or limited human environmental, or natural resource exposure to any previously released contamination. The Requestor has performed Phase I and Phase II diligence before buying the Site and has promptly applied to the Brownfield Cleanup Program. Human, environmental and natural resource exposure to Site contamination that was released prior to taking title is prevented or limited by the following:

- Groundwater is not being used at the Site for potable purposes.
- The Site is mostly covered by buildings and/or pavement. None of the structures are occupied.

The requestor is not affiliated with the past Site operators or the release of contaminants impacting the Site. As such, the applicant is considered a Volunteer since their liability arises solely based on Site ownership ***subsequent*** to subsurface impacts and the applicant has and continues to take reasonable steps to investigate site conditions and limit human, environmental and natural resource exposure to previously release contamination.

X.14 – Requestor relationship to the property.

The requestor (Ontario West LLC) is working alongside the current ownership of the Site. An access agreement between property ownership and the applicant's entity is attached.



ALBANY COUNTY
LAND BANK CORPORATION

March 31, 2025

BOARD OF DIRECTORS

Charles Touhey, Chair
Touhey Associates

Samuel Wells, Vice Chair
City of Watervliet

Natisha M. Alexander, Treasurer
Resident

Joseph Seman-Graves, Secretary
Resident

Mark Bobb-Semple
Resident

Anthony Capece
*Executive Director, Central
Avenue BID*

Juanita Nabors
Resident

David C. Rowley
*Managing Partner, Cooper Erving
& Savage*

EXECUTIVE DIRECTOR

Sean M. Maguire, AICP CEcD

Ontario West LLC
ATTN: Larry Regan
1055 Saw Mill River Road, Suite 204
Ardsley, New York 10502

Re: **Site Access Agreement**; 130 Ontario Street, 134 West
Street & 154 West Street, City of Albany, Albany County, New York
12206

Tax IDs #65.54-1-67, 65.54-2-1 & 65.54-2-2
NYSDEC BCP Site #C401087

Dear Mr. Regan,

As the owner of the above-referenced property, I hereby authorize Ontario West, LLC, the prospective purchaser, to enter the site and conduct any and all investigations and remediation activities deemed necessary to complete the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP). Any and all site visits for investigation or remediation must first be requested and scheduled with the owner with at least 24 hours advance notice. Further, as the owner, we grant the NYSDEC the ability to place an environmental easement on the property should the requestor not be the owner at the time remediation is complete and a Track 1 cleanup has not been achieved.

Sincerely,

Albany County Land Bank Corporation

By: 

Name: Sean Maguire, AICP CEcD
Title: Executive Director

Contact info: **Albany County Land Bank Corporation**
111 Washington Avenue, Suite 601
Albany, New York 12210
Phone: (518) 407-0309
Email: smaguire@albanycountylandbank.org





Ontario West LLC ACLB Access Agreement

Final Audit Report

2025-04-08

| | |
|-----------------|--|
| Created: | 2025-04-01 |
| By: | Will Sikula (wsikula@albanycountylandbank.org) |
| Status: | Signed |
| Transaction ID: | CBJCHBCAABAAs5pzSwvNbfJikAQlyFSJ5fclqrExbFmE |

"Ontario West LLC ACLB Access Agreement" History

-  Document created by Will Sikula (wsikula@albanycountylandbank.org)
2025-04-01 - 6:41:06 PM GMT
-  Document emailed to Sean Maguire (smaguire@albanycountylandbank.org) for signature
2025-04-01 - 6:41:11 PM GMT
-  Document e-signed by Sean Maguire (smaguire@albanycountylandbank.org)
Signature Date: 2025-04-08 - 8:20:56 PM GMT - Time Source: server
-  Agreement completed.
2025-04-08 - 8:20:56 PM GMT

SECTION XII – SITE CONTACT LIST

XII.1 – The Chief Executive Officer and Planning Board Chairperson of each County, City, Town and Village in which the property is located.

City of Albany:

| City of Albany City Mayor | Planning Board Chairman |
|---|--|
| Kathy Sheehan 24 Eagle Street City Hall, Room 102 Albany, New York 12207 518-434-5100 | Avi Epstein 200 Henry Johnson Boulevard Albany, New York 12210 518-465-6066 |
| Eleventh Ward Council of Representative | |
| Hon. Alfredo Balarin 55 Patridge Street Albany, New York 12206 Abalarin@albanyny.gov | |

Albany County:

| Albany County Executive | Planning Board Chairman |
|--|---|
| Harold L. Joyce 112 State Street, Room 1200 Albany, New York 12207 518-447-7040 | Gerald Engstrom Jr. AICP 449 New Salem Road Voorheesville, New York 12186 518-655-7932 |

New York State Legislature:

| NYS Assembly | NYS Senate |
|---|---|
| 109 th District: Gabriella A. Romero Albany, New York 12248 romerog@nyassembly.gov 518-455-4178 | 46 th District: Patricia A. Fahy 188 State Street, Room 708 Albany, New York 12247 518-455-2225 |

XII.2 – Residents, Owners, and Occupants of the Property and adjacent properties

See table, below. Adjoining parcels were obtained from the Albany County Parcel Mapper
<https://albany.sdgny.com/search.aspx>.

| Direction | Property Address | Property Owner | Mailing Address | Property Use |
|-----------|---------------------|---------------------------------|--|-----------------------------|
| North | 135 Ontario Street | Albany County Land Bank | 11 Washington Avenue Albany, New York | Vacant Educational Building |
| North | 338 Central Avenue | Michael Hardaker | 155 Lape Road Nassau, New York | Veterinary |
| North | 382 Central Avenue | Michael Hardaker | 155 Lape Road Nassau, New York | Parking Lot |
| North | 368 Central Avenue | Watkins Spring Co Inc | 368 Central Avenue Albany, New York | Auto Body |
| North | 352 Central Avenue | Capital Area Peer Services, Inc | 352-354 Central Avenue Albany, New York | Commercial |
| East | 186 Bradford Street | Center for Disability Services | 22 Corporate Woods Boulevard, Floor 5 Albany, New York | Commercial |
| East | 124 West Street | Sharif Auto Body LLC | 124 West Street Albany, New York | Auto Body |
| South | 19 Benson Street | Keith Loomis | 19 Benson Street Albany, New York | Residential |
| South | 21 Benson Street | Lucky Property Management LLC | 2410 NE 196 th Street Miami, Florida 33180 | Vacant Residential Land |
| South | 23 Benson Street | John Tenny Trust | 309 East 8 th Street C New York, New York 1009 | Residential |
| South | 25 Benson Street | Jeffery Roche | P.O. Box 801 Rensselaer, New York | Residential |
| South | 27 Benson Street | Jeffery Roche | P.O. Box 801 Rensselaer, New York | Residential |
| South | 29 Benson Street | Jeffery Roche | P.O. Box 801 Rensselaer, New York | Residential |
| South | 31 Benson Street | Abdo Alawlaqi | 31 Benson Street Albany, New York | Residential |
| South | 33 Benson Street | Jeffery Roche | P.O. Box 801 Rensselaer, New York | Residential |
| South | 35 Benson Street | Abubaker Garbey | 35 Benson Street Albany, New York | Residential |
| South | 37 Benson Street | Abubaker Garbey | 35 Benson Street Albany, New York | Residential |
| West | 160 Ontario Street | Stewart Hubbard | 160 Ontario Street Albany, New York | Residential |
| West | 158 Ontario Street | Joseph Houghtaling | 158 Ontario Street Albany, New York | Residential |

| | | | | |
|------|--------------------|---------------------------|--|-------------|
| West | 156 Ontario Street | Melissa Tapia | 156 Ontario Street Albany, New York | Residential |
| West | 154 Ontario Street | China Houston | 154 Ontario Street Albany, New York | Residential |
| West | 152 Ontario Street | James Edick | 152 Ontario Street Albany, New York | Residential |
| West | 148 Ontario Street | Elijah Zeppetello | 148 Ontario Street Albany, New York | Residential |
| West | 145 Ontario Street | Irving Sandyford | 145 Ontario Street Albany, New York | Residential |
| West | 141 Ontario Street | Collin Smith | 141 Ontario Street Albany, New York | Residential |
| West | 139 Ontario Street | Green Glen Apartments LLC | 250 Country Acres Lane Bigfork, Montana 59911 | Residential |
| West | 137 Ontario Street | Falita Burden | 137 Ontario Street Albany, New York | Residential |

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

City of Albany

| Discover Albany |
|--|
| https://www.albany.org/about/e-newsletter/ 25 Quackenbush Square Albany, New York 12207 800-258-3582 |
| Additional News Contacts |
| News 10: news@news10.com WRGB: news@wrgb.com WNYT: newsstips@wynt.com Times Union: tucitydesk@timesunion.com Spectrum News: albanynews@charter.com WAMC: news@wamc.com Spotlight News: halliseym@spotlightnews.com & mgpconsults@gmail.com |

XII.4 – The public water supplier which services the area in which the property is located.

| Water/Sewer Supply |
|--|
| City of Albany 10 North Enterprise Drive Albany, New York 12204 https://www.albanyny.gov/402/Albany-Water water@albanyny.gov |

XII.5 – Any person who has been asked to be placed on the contact list and interested parties.

There are no additional interested parties known at this time.

XII.6 – The administrator of any school or day care facility located on or near the property.

| |
|--|
| LaSalle School (0.22-miles) |
| 391 Western Avenue Albany, New York 12203 518-242-4731 Administrator: David Wallace |
| Abrookin Career and Technical Center (0.29-miles) |
| 99 Kent Street Albany, New York 12206 Board President Sridar Chittur 518-475-6400 Administrator: Sridar Chittur |
| University at Albany (0.27-miles) |
| 135 Western Avenue Albany, New York 12222 518-442-3300 Administrator: Havidan Rodriguez |
| Bilingual Friends and Family Daycare (0.35-miles) |
| 548 3 rd Street Albany, New York 12206 518-376-1123 |

XII.7 – The location of a document repository

The document repository for this project is:

| |
|---|
| Albany Public Library |
| 517 Western Avenue Albany, New York 12203 https://www.albanypubliclibrary.org/ 518-427-4300 |

A document repository acknowledgment letter is provided on the subsequent page.



845.454.2544
PVE-LLC.com

January 6, 2025

Albany Public Library
517 Western Avenue
Albany, New York 12203

Re: Document Repository Letter: 130 Ontario Street, 134 & 154 West Street, City of Albany, New York 12206
Tax ID: 65.54-1-67, 65.54-2-1, & 65.54-2-2
PVE File: 20230102

To Whom It May Concern:

On behalf of our client, a perspective New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) applicant, we are requesting that the Albany Public Library serve as the document repository for the proposed 130 Ontario site. The BCP application process requires designation of a document repository for documents and reports that can be reviewed by the public. These documents (application, work plans and investigation reports) will be contained in standard sized 3-ring binders.

At your earliest convenience, please sign the acknowledgement below thus authorizing the applicant's use of your facility as the document repository for this BCP site. The signed copy of this letter can be submitted to us via email at ttreglia@pve-llc.com, fax 845-454-2655, or mail to 48 Springside Avenue, Poughkeepsie, NY 12603.

Feel free to contact us with any questions.

Sincerely,

PVE ENGINEERING

Conor B. Tarbell, QEP
Principal/Regional Director

Document Repository Acknowledgment

Name: James Davies

Title: BRANCH LIBRARIAN, PINE HILLS BRANCH

Signature: James Davies