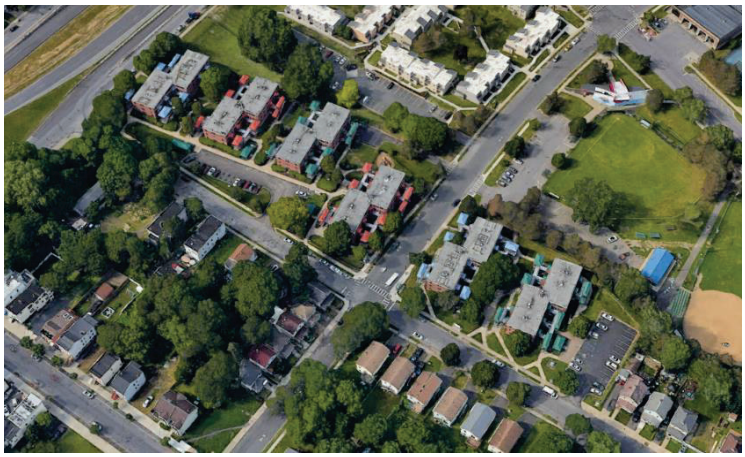
NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BROWNFIELD CLEANUP PROGRAM (BCP)
APPLICATION FORM , Revision 16.1

ROBERT WHALEN APARTMENTS
295 AND 349 COLONIE STREET
CITY OF ALABNY, ALBANY COUNTY, NEW YORK



Submitted For:

Robert Whalen AHA LLC
C/O Albany Housing Authority
200 South Pearl Street
Albany, NY 12202

Prepared by:

BRYDGES ENGINEERING
IN ENVIRONMENT AND ENERGY, DPC

960 Busti Avenue, Suite B-150
Buffalo, New York 14213

October 2025 Revised

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Department of Environmental Conservation

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

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: Robert Whalen Apartments	
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: C401089	● **Yes** ○ **No**

NEW YORK STATE | Department of Environmental Conservation

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

BCP App Rev 16.1 – March 2025

SECTION I: Property Information

PROPOSED SITE NAME Robert Whalen Apartments

ADDRESS/LOCATION 349 and 295 Colonie Street

CITY/TOWN Albany | ZIP CODE 12210

MUNICIPALITY (LIST ALL IF MORE THAN ONE) Albany

COUNTY Albany | SITE SIZE (ACRES) 4.09

LATITUDE			LONGITUDE		
°	'	"	°	'	"
42	39	47.28	73	45	17.43

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. See Attachment A

Parcel Address	Section	Block	Lot	Acreage
349 Colonie Street	65.15	1	3	2.76
295 Colonie Street	65.66	1	1	1.33

	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.	●	○
2. Is the required property map, provided in electronic format, included with the application? (Application will not be processed without a map)	●	○
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See *DEC's website* for more information) If yes, identify census tract: 2.02 Percentage of property in En-zone (check one): ○ 0% ○ 1-49% ○ 50-99% ● 100%	●	○
4. Is the project located within a disadvantaged community? See application instructions for additional information.	●	○
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	○	●
6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications:	○	●

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

SECTION II: Project Description	See Attachment B

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	See Attachment C	
	Y	**N**
1. Are there fish, wildlife, or ecological resources within a ½-mile radius of the site?	◉	○
2. Is there a potential path for contamination to potentially impact fish, wildlife or ecological resources?	○	◉
3. Is/are there a/any Contaminant(s) of Ecological Concern?	○	◉

If any of the conditions above exist, a Fish and Wildlife Resources Impact Analysis (FWRIA) Part I, as outlined in DER-10 Section 3.10.1, is required. The applicant may submit the FWRIA with the application or as part of the Remedial Investigation Report.

4. Is a Fish and Wildlife Resources Impact Analysis Part I included with this application? N/A ○	◉	○

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

SECTION V: Current and Historical Property Owner and Operator Information	See Attachment E	
CURRENT OWNER Albany Housing Authority		
CONTACT NAME Chiquita D'Arbeau		
ADDRESS 200 South Pearl Street		
CITY Albany	STATE NY	ZIP CODE 12202
PHONE 518-641-7500	EMAIL cdarbeau@albanyhousing.org	
OWNERSHIP START DATE 1955 (295 Colonie) 1960 (349 Colonie)		
CURRENT OPERATOR Same as above and Head Start Childcare & Day Care (Head Start)		
CONTACT NAME Ann Klose (Head Start)		
ADDRESS 295 Colonie Street (Head Start)		
CITY Albany	STATE NY	ZIP CODE 12210
PHONE 518-432-9622 (Head Start)	EMAIL info@albanycap.org (Head Start)	
OPERATION START DATE 1955 (295 Colonie) 1960 (349 Colonie) 1997 (Head Start)		

SECTION VI: Property's Environmental History

See Attachment F

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

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

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

*Please describe other known contaminants and the media affected:

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

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

Are the required drawings included with this application? ◉ YES ○ NO

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

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

Other: Albany Fire Department Drill Tower and storage

SECTION VII: Requestor Information	See Attachment G	
NAME Robert Whalen AHA LLC		
ADDRESS C/O Albany Housing Authority, 200 South Pearl Street		
CITY/TOWN Albany	STATE NY	ZIP CODE 12202
PHONE 518-641-7500	EMAIL cdarbeau@albanyhousing.org	

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

SECTION VIII: Requestor Contact Information		
REQUESTOR'S REPRESENTATIVE Chiquita D'Arbeau		
ADDRESS C/O Albany Housing Authority, 200 South Pearl Street		
CITY Albany	STATE NY	ZIP CODE 12202
PHONE 518-641-7500	EMAIL cdarbeau@albanyhousing.org	
REQUESTOR'S CONSULTANT (CONTACT NAME) Jason Brydges		
COMPANY Brydges Engineering in Environment & Energy, DPC (BE3)		
ADDRESS 960 Busti Avenue, Suite B-150		
CITY Buffalo	STATE NY	ZIP CODE 14213
PHONE (716) 249-6880	EMAIL jbrydges@be3corp.com	
REQUESTOR'S ATTORNEY (CONTACT NAME) Linda Shaw		
COMPANY Knauf Shaw LLP		
ADDRESS 2600 Innovation Square - 100 South Clinton Avenue		
CITY Rochester	STATE NY	ZIP CODE 14604
PHONE 585-546-8430	EMAIL lshaw@nyenvlaw.com	

SECTION IX: Program Fee	See Attachment H	
Upon submission of an executed Brownfield Cleanup Agreement to the Department, the requestor is required to pay a non-refundable program fee of $50,000. Requestors may apply for a fee waiver with supporting documentation.		
	Y	N
1. Is the requestor applying for a fee waiver?	◉	○
2. If yes, appropriate documentation must be provided with the application. See application instructions for additional information. Is the appropriate documentation included with this application? N/A ○	◉	○

SECTION X: Requestor Eligibility	See Attachment I	
If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.		
	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	○	◉
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	○	◉
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	○	◉
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the ECL Article 27; (ii) any order or determination; (iii) any regulation implementing Title 14; or (iv) any similar statute or regulation of the State or Federal government?	○	◉
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.	○	◉
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?	○	◉
7. Has the requestor been convicted of a criminal offence (i) involving the handling, storing, treating, disposing or transporting or contaminants; or (ii) that involved a violent felony, fraud, bribery, perjury, theft or offense against public administration (as that term is used in Article 195 of the Penal Law) under Federal law or the laws of any state?	○	◉
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	○	◉
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	○	◉
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	○	◉
11. Are there any unregistered bulk storage tanks on-site which require registration?	○	◉

SECTION X: Requestor Eligibility (continued)

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

PARTICIPANT ☐	VOLUNTEER ☑
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.	A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum. NOTE: By selecting this option, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste. **If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.**

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

◉ Yes ○ No ○ N/A

14. Requestor relationship to the property (check one; if multiple applicants, check all that apply):

☐ Previous Owner ☐ Current Owner ☑ Potential/Future Purchaser ☐ Other: _____

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

Is this proof attached? ◉ Yes ○ No ○ N/A

Note: A purchase contract or lease agreement does not suffice as proof of site access.

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

SECTION XII: Site Contact List **See Attachment J**

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 Executive Director (title) of Robert Whalen AHA 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: 8/28/2025 Signature: _____

Print Name: Chiquita D'Arbeau

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

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS <u>IN NEW YORK CITY ONLY</u>
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?	◯	◯
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	◯	◯
3. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)?	◯	◯
4. Is the property upside down or underutilized as defined below?		
Upside down	◯	◯
Underutilized	◯	◯

From ECL 27-1405(31):
"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.

From 6 NYCRR 375-3.2(l) 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:

(l) "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 <u>IN NEW YORK CITY ONLY</u> (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 <u>IN NEW YORK CITY ONLY</u> (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

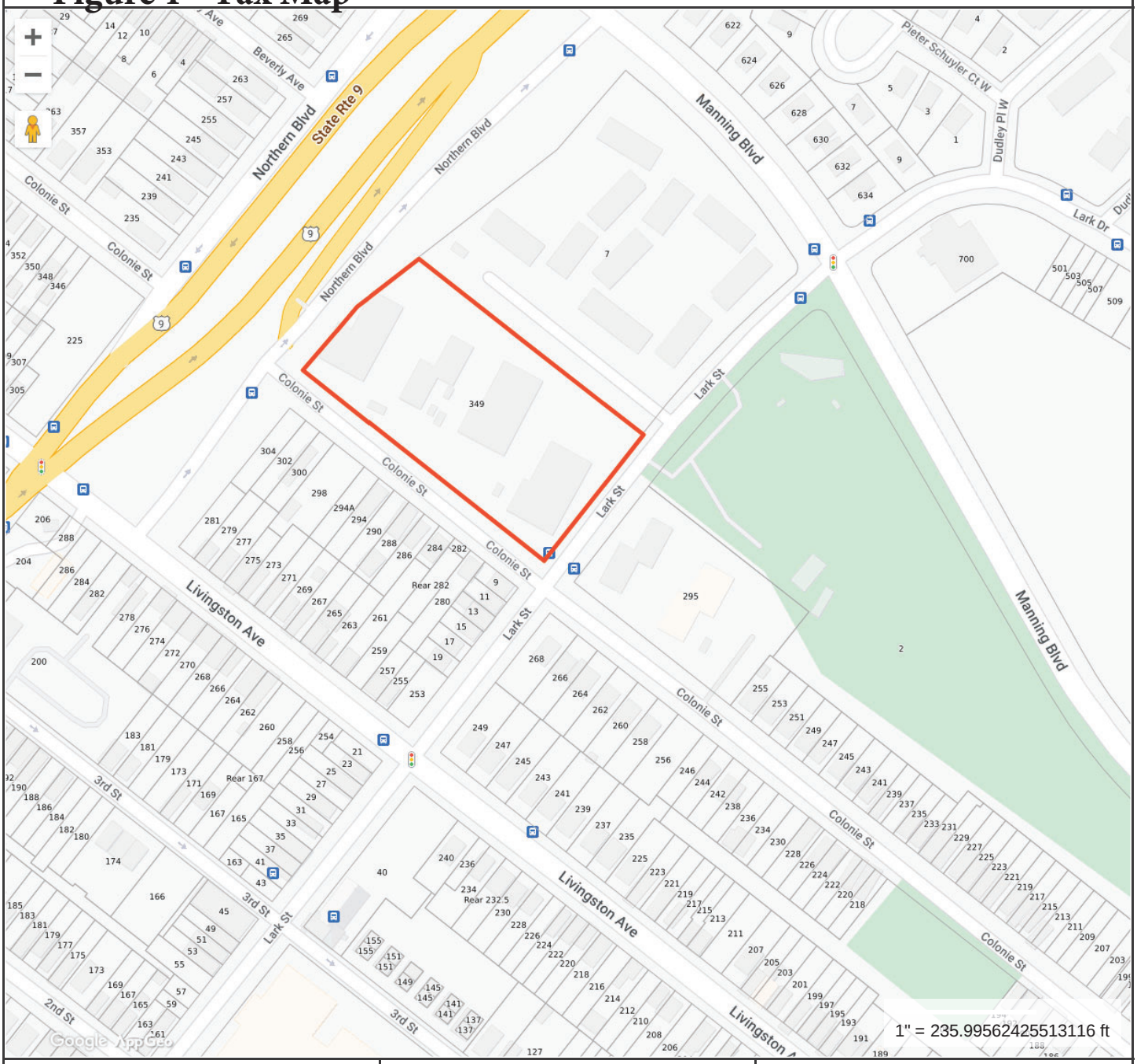
From ECL 75-0111 as of April 9, 2022:

(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.

FIGURES

Figure 1 - Tax Map

349 Colonie Street, Albany, NY



Property Information Information

Property ID 65.15-1-3
Location 349 COLONIE ST
Owner ALBANY HOUSING AUTHORITY

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.

Property Record Card

Parcel

Address	349 COLONIE ST
Owner	ALBANY HOUSING AUTHORITY
Tax ID	65.15-1-3
Account #	11111
Neighborhood	Arbor Hill
Billing Info	200 S PEARL ST ALBANY, NY 12202

Description

Acres	2.70
Use Code	411
Description	Apartments (Commercial)
Frontage	480.67 ft
Depth	250 ft

Zoning

Zoning	R-V
Description	Residential, Village
Overlays	CS-O
FEMA	N/A
Building Code	Inspection Zone 2

Valuation

Total Value	$4,341,300
Land Value	$131,600
Book / Page	1282 / 503

Community

Historic District	No
Waste Pickup	Monday
Police	Engagement Zone 5
Fire	District 2
Election	District 1
Zip Code	12210

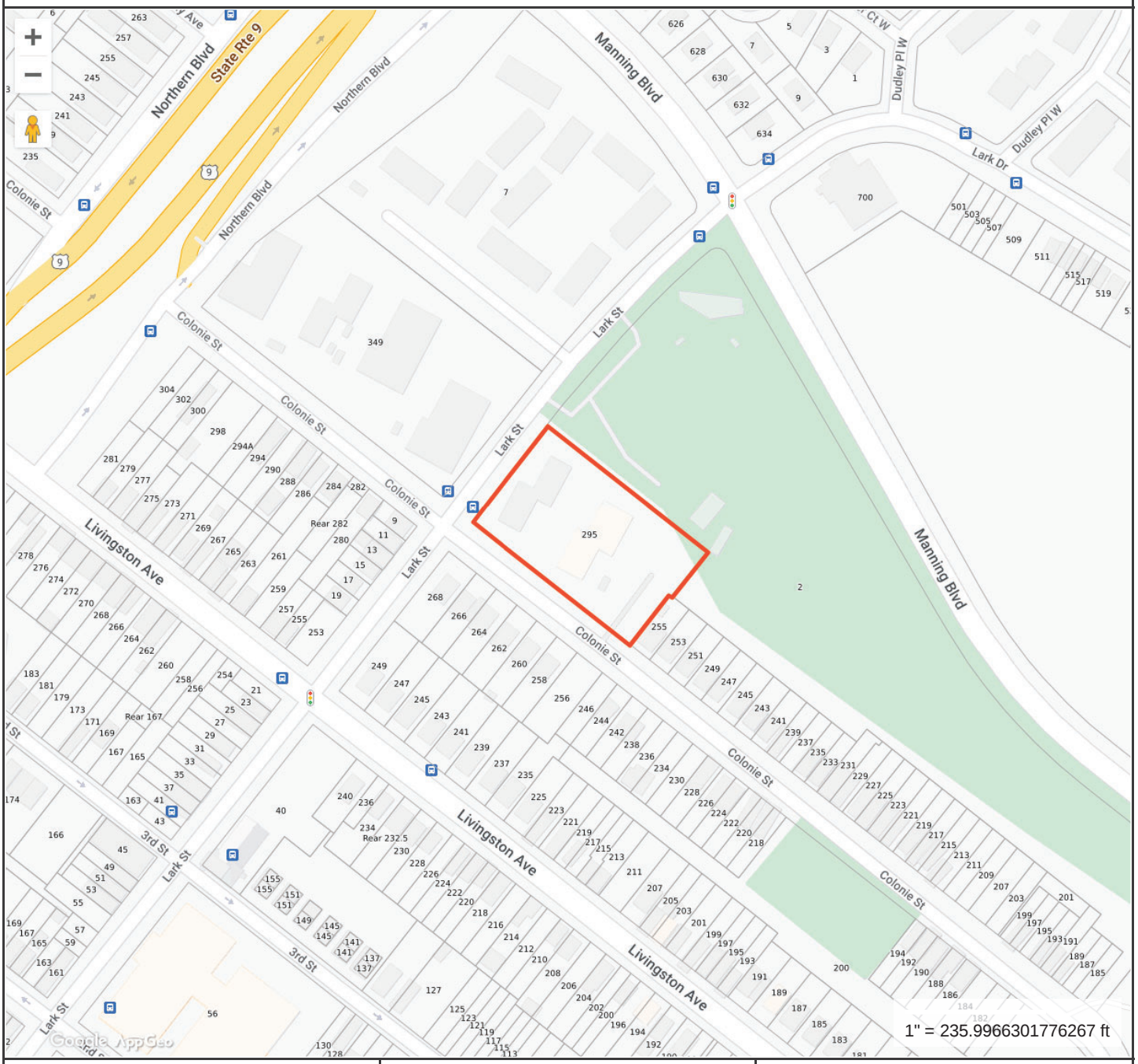
Real Property Metadata

Assessment Information	Last Revised 6/30/2020

Ward

District	4
Council Member	Hon. Kelly Kimbrough
Email	kellykimbrough4@gmail.com

Figure 1A - Tax Map 295 Colonie Street, Albany, NY



Property Information Information

Property ID 65.66-1-1
Location 295 COLONIE ST
Owner ALBANY HOUSING AUTHORITY

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.

Property Record Card

Parcel

Address	295 COLONIE ST
Owner	ALBANY HOUSING AUTHORITY
Tax ID	65.66-1-1
Account #	11110
Neighborhood	Arbor Hill
Billing Info	200 S PEARL ST ALBANY, NY 12202

Description

Acres	1.38
Use Code	411
Description	Apartments (Commercial)
Frontage	305 ft
Depth	190 ft

Zoning

Zoning	R-V
Description	Residential, Village
Overlays	CS-O
FEMA	N/A
Building Code	Inspection Zone 2

Valuation

Total Value	$2,372,900
Land Value	$48,000
Book / Page	1282 / 503

Community

Historic District	No
Waste Pickup	Monday
Police	Engagement Zone 5
Fire	District 2
Election	District 1
Zip Code	12210

Real Property Metadata

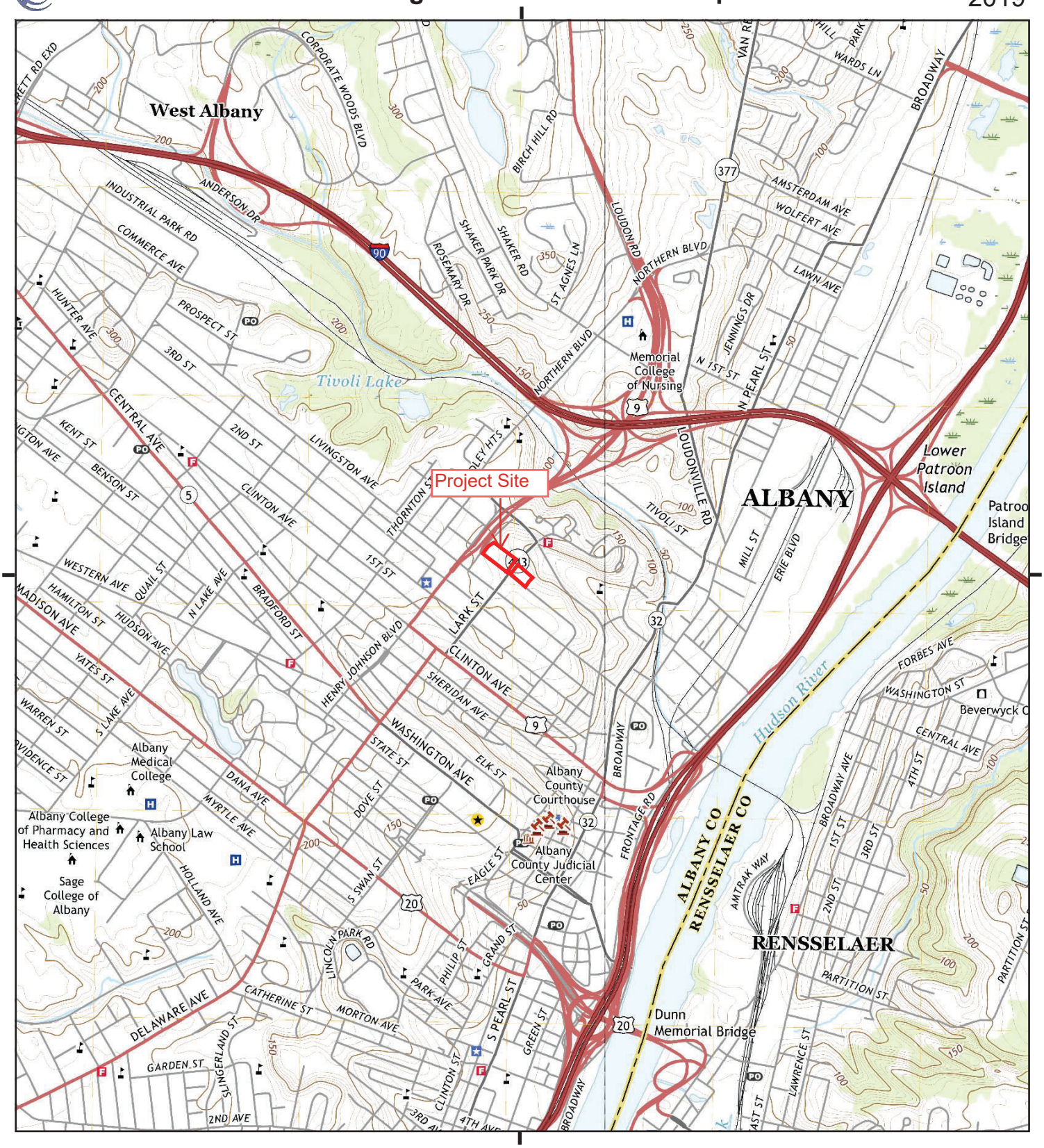
Assessment Information	Last Revised 6/30/2020

Ward

District	4
Council Member	Hon. Kelly Kimbrough
Email	kellykimbrough4@gmail.com

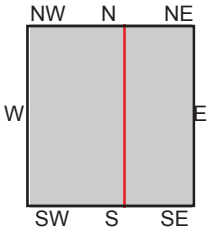
Figure 2 - Site Location Map

2019



This report includes information from the following map sheet(s).

0 Miles 0.25 0.5 1 1.5

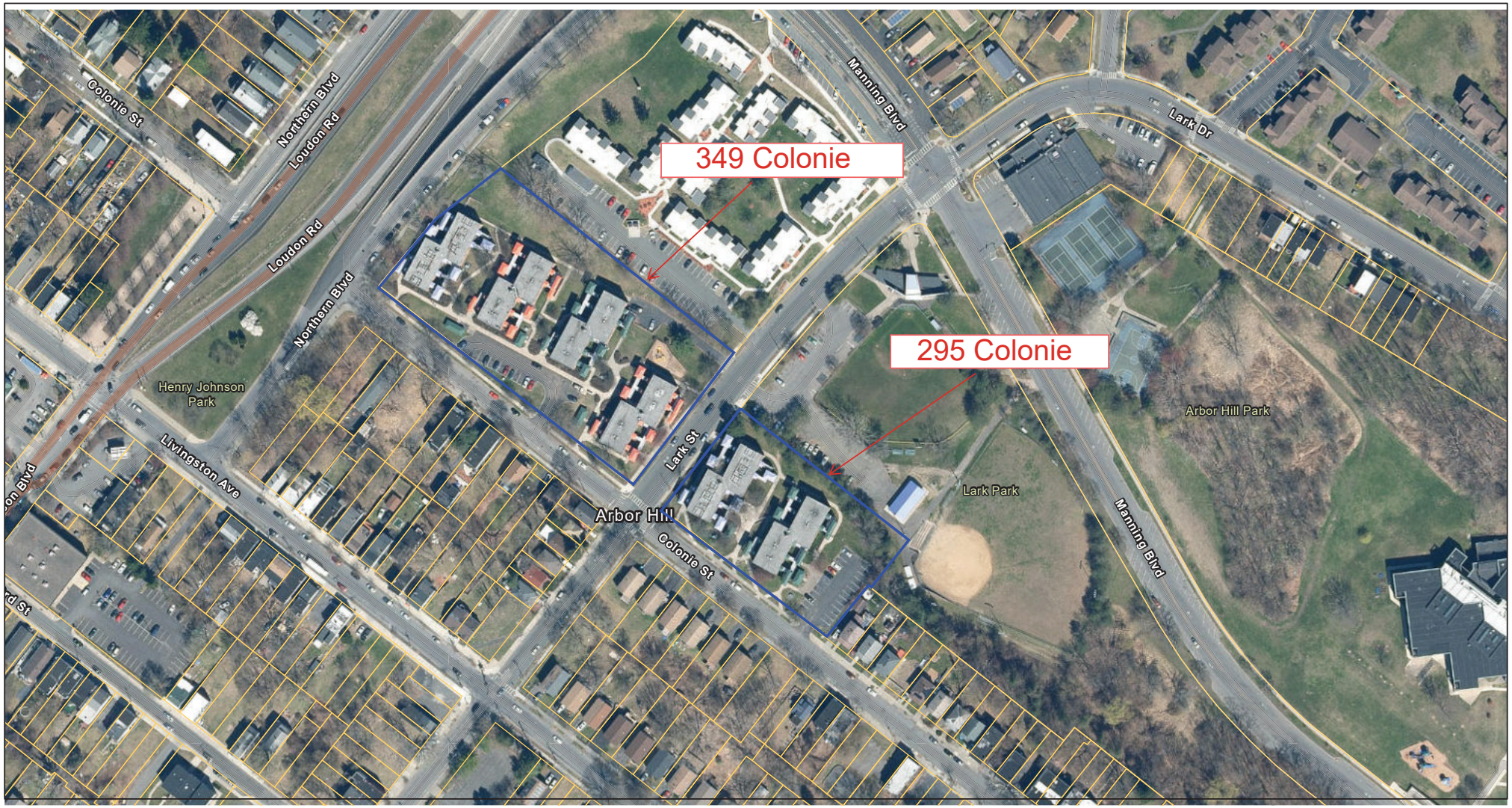


TP, Albany, 2019, 7.5-minute
NE, Troy South, 2019, 7.5-minute

SITE NAME: Robert Whalen Apartments
ADDRESS: 295 Colonie St
Albany, NY 12210
CLIENT: BE3

N

Figure 3 - Site Boundary with Parcel Boundaries and Current Aerial



7/22/2024, 11:22:26 AM

Tax Parcels - 2023

Site Boundary

1:2,329

0 0.02 0.04 0.08 mi

0 0.03 0.07 0.13 km

New York State, Maxar, Microsoft, Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Figure 4 - Site Boundary with Adjacent Parcel Owners

7/22/2024, 11:36:50 AM

Tax Parcels - 2023

Site Boundary

1:3,881

0 0.04 0.07 0.14 mi

0 0.05 0.1 0.2 km

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Figure 5 - En-Zone Map

The Site is located in an Enzone Type AB Census Tract 2.02

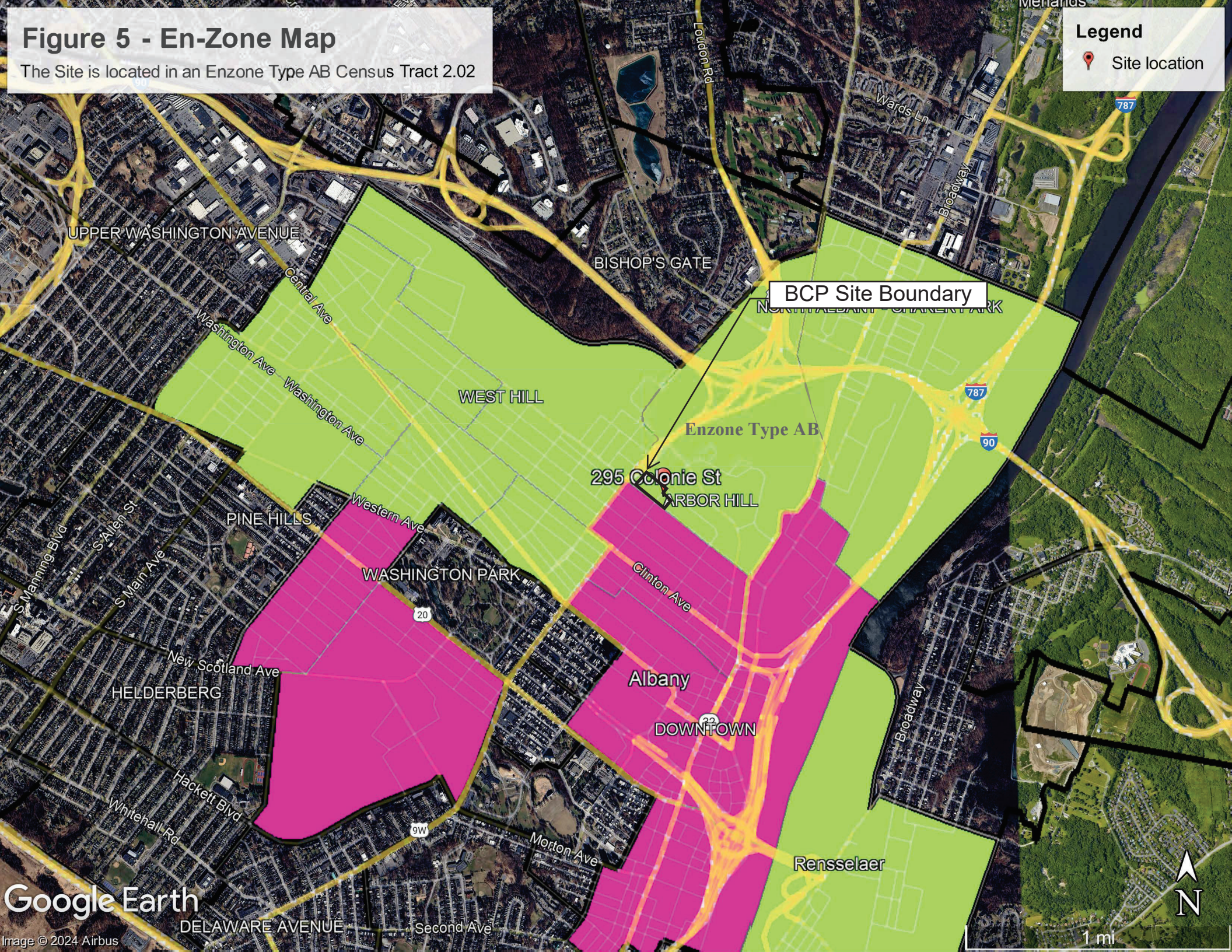

Figure 6 - Disadvantaged Communities Map

July 25, 2024

Potential Environmental Justice Areas

Disadvantaged Communities (DAC)

1:4,514

0 0.03 0.06 0.11 mi

0 0.04 0.09 0.18 km

New York State, Maxar, Esri, HERE, Garmin, iPC

Author: Jacob Cox - BE3

Not a legal document

Figure 7 - BOA Map

6/17/2024

1:13,572

0 0.07 0.15 0.3 mi

0 0.13 0.25 0.5 km

Esri, NASA, NGA, USGS, FEMA, Esri Community Maps Contributors, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS,

LEGEND

- Soil Boring
- Monitoring Well
- Project Boundary

Note:
1. All soil results listed are in units of parts per million (ppm)
2. All soil results listed are above restricted residential SCOs.
3. All groundwater results listed are in units of micrograms per liter (ug/L)
4. All groundwater results listed are above TOGS values

BRYDGES ENGINEERING IN ENVIRONMENT AND ENERGY, DPC
960 Busti Avenue
Buffalo, NY 14213
716.249.6880
jbrydges@be3corp.com

CLIENT - Albany Housing Authority

Figure 8 - BE3 Phase II Investigation Summary Results
275, 285, 295, 305, 315, and 325 Colonie Street
Albany, NY 12210

N

DATE ISSUED:
June 6, 2024

Scale: 1:1,800

TABLES

TABLE 1
SUMMARY OF SOIL ANALYTICAL RESULTS

Parameter Tested	BE3 Phase II Report February 2024 - Sample Identification, Sample Depth in feet below ground surface						NYSDEC Soil Cleanup Objectives (SCOs)	
	B-1 2.5-4.5	B-2 4-5	B-3 2-4	B-4 6-8	B-5 1-2	B-6 3-4	Restricted Residential	Commerical
	2/8/2024							
METALS/INORGANICS								
Arsenic	7.2	5.5	5.5	15.9	6.0	4.9	16	16
Barium	55.2	85.1	123.0	220.0	69.8	37.5	400	400
Beryllium	0.5	0.75	0.89	1.30	0.71	0.55	72	590
Cadmium	0.12 J	0.17 J	0.12 J	0.420	0.13 J	0.14 J	4.3	9.3
Chromium	13.3	15.8	17.5	24.3	19.0	13.0	180	1,500
Copper	17.4	21.2	19.6	124.0	27.3	24.6	270	270
Lead	286	85.5	76.1	1290.0	12.0	24.9	400	1,000
Manganese	274 B	453 B	381 B	117 B	543 B	55 B	2,000	10,000
Mercury	3.60	0.63	0.13	0.58	0.31	0.028	0.81	2.8
Nickel	17.3	22.2	23.5	28.3	27.0	21.0	310	310
Selenium	0.69 J	0.59 J	0.66 J	2.9 J	0.8 J	1.2 J	180	1,500
Silver	ND	ND	ND	1.1	0.22 J	ND	180	1,500
Zinc	52.2	79.7	73.7	264.0	72.8	46.2	10,000	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)								
Acenaphthene	ND	ND	ND	0.28	ND	ND	100	500
Acenaphthylene	ND	ND	ND	0.061 J	ND	ND	100	500
Anthracene	ND	ND	ND	0.82	ND	ND	100	500
Benzo(a)anthracene	0.068	0.036 J	ND	2.5	ND	ND	1	5.6
Benzo(a)pyrene	0.083	0.044 J	0.29 J	2.3	ND	ND	1	1
Benzo(b)fluoranthene	0.085	0.051 J	0.3 J	2.5	ND	ND	1	5.6
Benzo(g,h,i)perylene	0.069	0.026 J	0.2 J	1.4	ND	ND	100	500
Benzo(k)fluoranthene	0.078	ND	ND	1.1	ND	ND	3.9	56
Chrysene	0.078	ND	ND	2.5	ND	ND	3.9	56
Dibenz(a,h)anthracene	ND	ND	ND	0.45	ND	ND	0.33	0.56
Dibenzofuran	ND	ND	ND	0.25 J	ND	ND	Various	Various
Fluoranthene	0.14 J	0.072 J	0.55 J	5.9	0.38 J	0.029 J	100	500
Fluorene	ND	ND	ND	0.39	ND	ND	100	500
Indeno(1,2,3-cd)pyrene	0.063	0.032 J	ND	1.4	ND	ND	0.5	5.6
Naphthalene	ND	ND	ND	0.18 J	ND	ND	100	500
Phenanthrene	0.094 J	0.045 J	0.27 J	4.9	ND	ND	100	500
Pyrene	0.14 J	0.073	0.39 J	4.3	0.24 J	ND	100	500
VOLATILE ORGANIC COMPOUNDS (VOCs)								
1,2,4-Trimethylbenzene	ND	ND	0.0034 J	ND	ND	ND	52	190
1,3,5-Trimethylbenzene	ND	ND	0.0009 J	ND	ND	ND	52	190
Ethylbenzene	ND	ND	0.00099 J	ND	ND	ND	41	390
m-Xylene & p-Xylene	ND	ND	0.004 J	ND	ND	ND	Various	Various
o-Xylene	ND	ND	0.0031 J	ND	ND	ND	Various	Various
Xylenes, Total	ND	ND	0.0071 J	ND	ND	ND	100	500
TENTATIVELY IDENTIFIED COMPOUNDS (TICs)								
Unknown	ND	0.87 T J	ND	**7.77 T J**	ND	0.48 T J	Various	Various
Unknown	ND	0.65 T J	ND	0.6 T J	ND	ND	Various	Various
Unknown	ND	ND	ND	1.3 T J N	ND	ND	Various	Various
Unknown	ND	ND	ND	0.36 T J	ND	ND	Various	Various
Unknown	ND	ND	ND	0.3 T J	ND	ND	Various	Various
Unknown	ND	ND	ND	0.3 T J	ND	ND	Various	Various
Dibenzothiophene	ND	ND	ND	0.32T J N	ND	ND	Various	Various
Carbazole	ND	ND	ND	0.58 T J N	ND	ND	Various	Various
Cyclopropalphenanthrene	ND	ND	ND	0.63 T J N	ND	ND	Various	Various
2-methylphenanthrene	ND	ND	ND	0.77 T J N	ND	ND	Various	Various
9, 10-Anthrenedione	ND	ND	ND	0.98 T J N	ND	ND	Various	Various
3,6-dimethylphenanthrene	ND	ND	ND	0.4 T J N	ND	ND	Various	Various
Cyclopenta(def)phenanthrenon	ND	ND	ND	0.38 T J N	ND	ND	Various	Various
7H-Benzo(c)fluorene	ND	ND	ND	0.36 T J N	ND	ND	Various	Various
Perylene	ND	ND	ND	0.35 T J N	ND	ND	Various	Various
Benzo(e)pyrene	ND	ND	ND	1.2 T J N	ND	ND	Various	Various
Pentaphene	ND	ND	ND	0.51 T J N	ND	ND	Various	Various
Dibenzo(def, mno)chrysene	ND	ND	ND	0.46 T J N	ND	ND	Various	Various
Pregan-20-one, (5.alpha)	ND	ND	ND	0.35 T J N	ND	ND	Various	Various

ND Analyte not detected
- Not Applicable or sample not tested for this analyte
J Estimated Concentration
B Anaalyte detected in method blank
K Result is reported as Benzo(b)fluoranthene
E Results exceeded calibration range
T Result is Tentatively Identifies Compound and an estimated value

Analyte detected
Reported concentration greater than or equal to the NYSDEC Restricted Residential SCO
Reported concentration greater than or equal to the NYSDEC Commercial SCO
Reported concentration greater than or equal to the NYSDEC Industrial SCO

BRYDGES ENGINEERING IN ENVIRONMENT AND ENERGY, DPC

TABLE 1
SUMMARY OF SOIL ANALYTICAL RESULTS

Parameter Tested	BE3 Phase II Report February 2024 - Sample Identification, Sample Depth in feet					NYSDEC Soil Cleanup Objectives (SCOs)	
	B-7 1-2	B-8 1-2	B-9 1-3	B-10 1-2	B-11 2-3	Restricted Residential	Commerical
	2/8/2024						
METALS/INORGANICS							
Arsenic	3.0	7.6	6.8	6.8	31.1	16	16
Barium	22.9	119.0	86.1	131.0	72.4	400	400
Beryllium	0.3	0.79	1.30	0.91	0.94	72	590
Cadmium	0.087 J	0.34	0.17 J	0.15 J	0.39	4.3	9.3
Chromium	7.4	16.6	18.4	18.8	20.0	180	1,500
Copper	11.2	70.7	46.2	22.3 B	55.0	270	270
Lead	5	284	67.3	13.4	250.0	400	1,000
Manganese	312 B	424 B	547 B	6.4 B	363 B	2,000	10,000
Mercury	0.08	1	2.8	0.026 J	0.78	0.81	2.8
Nickel	10.0	26.6	25.0	26.9	28.4	310	310
Selenium	0.5 J	0.81 J	0.84 J	0.98 J	4.9 J	180	1,500
Silver	ND	0.27 J	ND	ND	0.36 J	180	1,500
Zinc	23.8	221	31.4	63.7	255.0	10,000	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)							
Acenaphthene	ND	ND	0.086 J	ND	ND	100	500
Acenaphthylene	ND	0.32 J	ND	ND	ND	100	500
Anthracene	ND	0.61 J	0.15 J	ND	ND	100	500
Benzo(a)anthracene	0.092 J	2	0.34	ND	0.056 J	1	5.6
Benzo(a)pyrene	0.11 J	2.1	0.29	ND	0.078 J	1	1
Benzo(b)fluoranthene	0.12 J	2.3	0.31	ND	0.072 J	1	5.6
Benzo(g,h,i)perylene	0.08 J	1.4	0.17 J	ND	0.073 J	100	500
Benzo(k)fluoranthene	0.067 J	1.3	0.17 J	ND	0.037 J	3.9	56
Chrysene	0.095 J	2.3	0.31	ND	0.037 J	3.9	56
Dibenz(a,h)anthracene	ND	0.43 J	0.049 J	ND	0.056 J	0.33	0.56
Dibenzofuran	ND	0.13 J	0.45 J	ND	ND	Various	Various
Fluoranthene	0.24	4.9	0.80	ND	0.13 J	100	500
Fluorene	ND	0.2 J	0.072	ND	ND	100	500
Indeno(1,2,3-cd)pyrene	0.077 J	1.3	0.17 J	ND	0.064 J	0.5	5.6
Naphthalene	ND	ND	ND	ND	ND	100	500
Phenanthrene	0.16 J	2.9	0.72	ND	0.096 J	100	500
Pyrene	0.16 J	3.6	0.58	ND	0.12 J	100	500
VOLATILE ORGANIC COMPOUNDS (VOCs)							
VOCs	ND	ND	ND	ND	ND	Various	Various
TENTATIVELY IDENTIFIED COMPOUNDS (TICs)							
Unknown	0.38 T J	ND	0.34 T J	ND	18 T J	Various	Various
Unknown	0.16 T J	ND	0.23 T J	ND	0.74 T J	Various	Various
Unknown	0.16 T J	ND	0.18 T J	ND	0.2 T J	Various	Various
Unknown	0.21 T J	1.1 T J	ND	ND	ND	Various	Various
9,10-Anthracenedione	ND	0.88 T J N	ND	ND	ND	Various	Various
Perylene	ND	1.5	ND	ND	ND	Various	Various
Benzo(e)pyrene	ND	ND	0.23 T J	ND	ND	Various	Various

ND Analyte not detected
- Not Applicable or sample not tested for this analyte
J Estimated Concentration
B Anaalyte detected in method blank
K Result is reported as Benzo(b)fluoranthene
E Results exceeded calibration range
T Result is Tentatively Identifies Compound and an estimated value

Analyte detected
Reported concentration greater than or equal to the NYSDEC Restricted Residential SCO
Reported concentration greater than or equal to the NYSDEC Commercial SCO
Reported concentration greater than or equal to the NYSDEC Industrial SCO

TABLE 1
SUMMARY OF SOIL ANALYTICAL RESULTS

Parameter Tested	BE3 Phase II Report May 2024 Additional Samples - Sample Identification, Sample Depth in feet below ground surface (bgs), and Sample Date						NYSDEC Soil Cleanup Objectives (SCOs)	
	AB-1 2.5-3.5'	AB-2 1-3'	AB-3 1-2'	AB-4 3-4'	AB-5 2-3'	AB-6 1-2'	Restricted Residential	Commerical
	5/7/2024							
METALS/INORGANICS								
Arsenic	-	7.1	3.9	18.3	56.4	6.9	16	16
Barium	-	76.3	68.2	108.0	46.6	100	400	400
Beryllium	-	0.29 J	0.40	0.38	0.3 J	0.58	72	590
Chromium	-	8.1	10.1	12.6	28.7	13.3	180	1,500
Copper	-	34.8	21.1	37.3	52.4	40.0	270	270
Lead	-	159	111.0	178.0	81.1	336.0	400	1,000
Manganese	-	73	253	418.0	2070	386.0	2,000	10,000
Mercury	-	1.8	0.92	0.24	0.54	0.58	0.81	2.8
Nickel	-	11.1	10.4	79.8	44.7	14.4	310	310
Zinc	-	58	57.2	71.8	31.4	98.5	10,000	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)								
Acenaphthene	-	ND	ND	ND	0.045 J	ND	100	500
Acenaphthylene	-	ND	ND	ND	0.057 J	ND	100	500
Anthracene	-	ND	ND	ND	0.27	ND	100	500
Benzo(a)anthracene	-	0.046 J	0.22	0.052 J	0.91	0.034 J	1	5.6
Benzo(a)pyrene	-	0.039 J	0.24	0.065 J	0.7	0.033 J	1	1
Benzo(b)fluoranthene	-	0.062 J	0.30	0.078 J	0.89	0.045 J	1	5.6
Benzo(g,h,i)perylene	-	0.027 J	0.17 J	0.065 J	0.37	0.028 J	100	500
Benzo(k)fluoranthene	-	0.032 J	0.14 J	0.034 J	0.34	ND	3.9	56
Chrysene	-	0.046 J	0.22	0.055 J	0.81	ND	3.9	56
Dibenz(a,h)anthracene	-	ND	0.045 J	ND	0.13 J	ND	0.33	0.56
Dibenzofuran	-	ND	ND	ND	0.04	ND	Various	Various
Fluoranthene	-	0.095 J	0.36	0.08 J	1.5 J	0.05 J	100	500
Fluorene	-	ND	ND	ND	0.056 J	ND	100	500
Indeno(1,2,3-cd)pyrene	-	ND	0.13 J	0.04 J	0.32	ND	0.5	5.6
Phenanthrene	-	0.071 J	0.20	ND	0.93	ND	100	500
Pyrene	-	0.097 J	0.41	0.093 J	1.6	0.06 J	100	500
VOLATILE ORGANIC COMPOUNDS (VOCs)								
Acetone	-	0.017 J	ND	ND	0.0063 J	ND	100	500
Benzene	-	ND	ND	ND	0.00065 J	ND	4.8	44
Per and Polyfluoroalkyl Substances (PFAS)								
Perfluorohexanoic Acid (PFHxA)	ND	0.000092 J	-	-	-	-	Various	Various
Perfluorooctanoic Acid (PFOA)	0.000082 J	0.00014 J	-	-	-	-	0.033	0.5
Perfluorooctanesulfonic Acid (PFOS)	0.00012 J	0.00015 J	-	-	-	-	0.044	0.44

ND Analyte not detected
- Not Applicable or sample not tested for this analyte
J Estimated Concentration
B Anaalyte detected in method blank
K Result is reported as Benzo(b)fluoranthene
E Results exceeded calibration range
T Result is Tentatively Identifies Compound and an estimated value

Analyte detected
Reported concentration greater than or equal to the NYSDEC Restricted Residential SCO
Reported concentration greater than or equal to the NYSDEC Commercial SCO
Reported concentration greater than or equal to the NYSDEC Industrial SCO

TABLE 1A
SOIL ANALYTICAL RESULTS EXCEEDING RESTRICTED RESIDENTIAL SCOs
349 COLONIE STREET TAX PARCEL

Parameter Tested	Sample Identification & Depth (bgs)					NYSDEC SCOs
	B-1 (1) 2.5-4.5	B-8 (1) 1-2	B-9 (1) 1-3	B-11 (1) 2-3	AB-2 (2) 1-3	Restricted Residential
METALS/INORGANICS						
Arsenic	NA	NA	NA	**31.1**	NA	16
Mercury	**3.60**	**1**	**2.8**	NA	**1.8**	0.81
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)						
Dibenz(a,h)anthracene	NA	**0.43 J**	NA	NA	NA	0.33
Indeno(1,2,3-cd)pyrene	NA	**1.3**	NA	NA	NA	0.5

NA Not Applicable

Compound Exceeds Restricted Residential SCO

SCO -Soil Cleanup Objective

`(1) Sample from 2-8-24

`(2) Sample from 5-7-24

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TABLE 1B
SOIL ANALYTICAL RESULTS EXCEEDING RESTRICTED RESIDENTIAL SCOs
295 COLONIE STREET TAX PARCEL

Parameter Tested	Sample Identification & Depth (bgs)				NYSDEC SCOs
	B-4 (1) 6-8	AB-3 (2) 1-2	AB-4 (2) 3-4	AB-5 (2) 2-3	Restricted Residential
METALS/INORGANICS					
Arsenic	NA	NA	**18.3**	**56.4**	16
lead	**1290.0**	NA	NA	NA	400
Manganese	NA	NA	NA	**2070.0**	2000
Mercury	NA	**1**	NA	NA	0.81
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)					
Benzo(a)anthracene	**2.5**	NA	NA	NA	1
Benzo(a)pyrene	**2.3**	NA	NA	NA	1
Benzo(b)fluoranthene	**2.5**	NA	NA	NA	1
Dibenz(a,h)anthracene	**0.5**	NA	NA	NA	0.33
Indeno(1,2,3-cd)pyrene	**1.4**	NA	NA	NA	0.5

NA Not Applicable

Compound Exceeds Restricted Residential SCO

SCO -Soil Cleanup Objective

`(1) Sample from 2-8-24

`(2) Sample from 5-7-24

TABLE 2
SUMMARY OF GROUNDWATER RESULTS

Parameter Tested	Sample Identification, Approximate Groundwater Depth Below Top of Casing, and Sample Date		NYSDEC TOGS 1.1.1 GA
	MW-1 24' 2/8/2024	MW-2 20' 2/8/2024	
METALS			
Arsenic	370	370	25
Barium	5,100	4,500	1,000
Beryllium	40	43	3
Cadmium	7.7 J	12	5
Chromium	900	1,200	50
Copper	2,300	1,600	200
Manganese	27,600 B	38,100	300
Mercury	98	9.1	0.7
Nickel	1,600	1,800	100
Lead	15,500	2,800	25
Selenium	61 J	61 J	10
Silver	42	39	50
Zinc	4900	4,000 B	2000
Semi-Volatile Organic Compounds (SVOCs)			
Phenol	0.5	0.63 J	1
Volatile Organic Compounds (VOCs)			
Acetone	6.2 J	10	50
Methyl-ethyl Ketone (MEK)	ND	1.3 J	50

Notes:
All units in microgams per liter (µg/L)
Groundwater Samples collected from direct-push temporary wells
Groundwater samples were unfiltered
NYSDEC New York State Department of Environmental Conservation
TOGS Technical and Operational Guidance Series
500 Analyte exceeds NYSDEC TOGS guidance value

Attachment A

Section I: Property Information

ATTACHMENT A

SECTION I – PROPERTY INFORMATION

Location

The 4.09-acre site encompasses two parcels located 295 and 349 Colonie Street, City of Albany, Albany County, New York (refer to **Figure 2** - Site Location Map). The two parcels include:

Address	Tax ID (SBL)	Acreage
295 Colonie Street	65.66-1-1	1.33
349 Colonie Street	65.15-1-3	2.76

The site boundary encompassing the above parcels is depicted on **Figure 1 and 1A** tax parcel maps and **Figure 3** site boundary map. The site is in a mixed-use residential area of the City of Albany, New York, about half a mile southeast of Tivoli Lake and less than a mile northwest of the Hudson River. The general middle of the site is located at latitude 42º 39' 47.28" N; Longitude 73º 45' 17.43" W. The immediate area around the site is mainly residential. See **Figure 4** for adjacent property owners and a listing at the end of this section. According to New York State Environmental Zone (En-Zones) mapping, the Site is located within an En-Zone Type AB designated for Census Tract 2.02 (see **Figure 5**) and a Disadvantaged Community (see **Figure 6**). The site is not located in a Brownfield Opportunity Area (BOA) (see **Figure 7**).

Site Features

The 295 Colonie (SBL #65.66-1-1) parcel is 1.33 acres in size and has two three-story apartment complexes listed as building address 275 and 285 Colonie Street. The 349 Colonie Street (SBL #65.15-1-3) parcel is 2.76 acres and contains four three-story apartment complexes consisting of building addresses 295, 305, 315 and 325 Colonie Street. In 1935, the southeast corner of the 349 Colonie Street parcel contained the Albany Fire Department fire house, and the 295 Colonie Street parcel was used as storage for the fire department. The properties were developed with the Robert Whalen Apartments in the 1950's and have since remained relatively unchanged. The buildings are surrounded by greenspace and associated asphalt parking. The two properties are separated by Lark Street which runs northeast.

The site is gently sloping southeast towards the Hudson River. Surface water and shallow groundwater flow most likely has been impacted over time by the various developments including soil fills, building foundations, street beds, and utility lines. Surface water is directed to adjacent streets and low spots on Site with storm drains. In general groundwater most likely flows southeast toward the Hudson River.

Current Zoning and Land Use

The site is currently occupied by the Robert Whalen Apartments. According to the City of Albany online property and zoning information system, the current zoning for the Site is defined as R-V Residential Village. The R-V District is meant to provide for multi-unit housing buildings that may not be located on separate lots and may be organized around open spaces or curvilinear streets rather than on separate lots within a street grid. Additional Site use includes a daycare facility. Any future redevelopment will be in accordance with the local zoning. The surrounding parcels are zoned as follows: northeast – R-V Residential Village; east – LC Land Conservation; southeast – R-T Residential Townhouse; south/southwest – R-2 Two-Family Residential and west/northwest – R-2 Two-Family Residential. See **Figure 1 and 1A** for Site zoning data.

Past Use of the Site

The Site was occupied by the Albany Fire Department Fire House and storage area from the 1930's to the 1960's. The Robert Whalen Apartments have occupied 295 Colonie since approximately 1955 and 349 Colonie since approximately 1960. Surrounding parcels are associated with past commercial and residential uses. Adjacent properties across Northern Boulevard to the northwest are identified as historic auto sites which have been remediated through the US Brownfields program. These past uses appear to have led to site contamination including impacted soil and groundwater detected during Phase 2 ESAs. No remedial activities were undertaken prior to the BCP application.

Previous Remediation

Storage tank and contaminated soil removal (1994) occurred under Article 12 Navigation Law in response to Spill #9408660.

Site Geology and Hydrogeology

No surface water bodies, or wetland areas are located within the site area. The nearest waterbody is Tivoli Lake about half a mile northwest of the Site. Topography also suggests runoff generally flows towards the southeast and to adjacent streets and low spots on the site. Bedrock was not encountered during the Phase II investigation activities. Groundwater was encountered at a depth of approximately 6-8 feet. Subsurface conditions generally consist of fill with some construction and demolition debris (brick with some cement), cinder, ash, and some coal. Fill depths range from 1 to 8 feet bgs in most locations across the site. Below the fill is brown silty clay or red-brown stiff silty-clay.

In addition, potential slag was visually noted in fill material beneath the asphalt parking area at 295 Colonie Street. No sample of this material was collected during the Phase 2 ESA; however, this material has potential to contain technologically enhanced naturally occurring radioactive materials (TENORM). Under the remedial investigation (RI) a radiological survey will be conducted in this area to determine the nature and extent of possible TENORM and proper removal/disposal as required to meet regulatory requirements.

Based on the results of Phase II ESAs, various metal compounds and SVOCs (primarily PAHs) were detected in soil samples from across the site with concentrations above NYSDEC Part 375 residential, restricted residential, commercial, and/or industrial SCOs.

Environmental Assessment

Environmental assessments have occurred on the property including the following:

- A Phase I ESA (December 2023) and Phase II ESA (February and June 2024) were performed by BE3 for the Site.

Additional sampling was performed in June 2024 following the completion of the February 2024 Phase II ESA Report. Complete details are provided in Attachment F – Property's Environmental History. The above assessment indicates the contaminants of concern at the Site include the following:

Soil – PAHs, metals (primarily arsenic, lead, mercury and manganese) and low concentrations of a few petroleum related VOCs. **Figure 8** and **Tables 1, 1A and 1B** provide the locations of the soil samples and the analytical results with the SCOs that were exceeded. Phase II ESA results indicate the presence of acetone and a few VOCs related to petroleum use (1,2,4 and 1,3,5-trimethylbenze, ethylbenzene, and xylenes) at low concentrations in one location and determined to be significantly below restricted residential SCOs. Several TICs were also identified at low concentrations.

In addition, potential slag was visually noted in fill material beneath the asphalt parking area at 295 Colonie Street. No sample of this material was collected during the Phase 2 ESA; however, this material has potential to contain technologically enhanced naturally occurring radioactive materials (TENORM). Under the remedial investigation (RI) a radiological survey will be conducted in this area to determine the nature and extent of possible TENORM and proper removal/disposal as required to meet regulatory requirements.

Other Potential Contamination Sources:

Groundwater – Two temporary groundwater wells were established during the Phase II investigation and groundwater grab samples collected for analysis of metals, SVOCs, and VOCs. A number of metal compounds were detected above their NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Guidance Values and no VOCs or SVOCs were detected above TOGS guidance values (see **Table 2**).

Soil Vapor & Indoor Air – No assessment of soil vapor or indoor air has been carried out to date. The need for soil vapor and indoor air sampling will be determined during the development of the Remedial Investigation Work Plan.

Adjacent Property Owners

A list of Adjacent property owners is provided below and on **Figure 4.**

2 Lark Street
City of Albany
24 Eagle Street
Albany, NY 12210
SBL 65.15-2-11

7 Lark Street
Skyline Housing Development
3 Stow Road Ste 100
Marlton, NJ 08053
SBL 65.15-1-2

255 Colonie Street
Resident – Jones, Jaqueline
255 Colonie Street
Albany, NY 12210
SBL 65.66-1-2

246 Colonie Street
Albany Community Development
200 Henry Johnson Boulevard
Albany, NY 12210
SBL 65.66-2-1

256 Colonie Street
Albany Community Development
200 Henry Johnson Boulevard
Albany, NY 12210
SBL 65.66-6-1.17

258 Colonie Street
Resident – Smalls, Patricia
258 Colonie Street
Albany, NY 12210
SBL 65.65-6-1.16

2060 Colonie Street
Colonie Keys, LLC
3011 Fairlawn Street
Temple Hills, MD 20748
SBL 65.65-6-1.15

262 Colonie Street
Resident – Solomon, Gabriel
Wellington Land Holdings
PO Box 667
Lawrence, NY 11559
SBL 65.65-6-1.14

264 Colonie Street
Hamilton, Byron
84 Delafield Drive
Albany, NY 12205
SBL 65.65-6-1.13

266 Colonie Street
Pat's Distribution, LLC
3432 East Tremont Place Ste 6
Bronx, NY 10465
SBL 65.65-6-1.12

268 Colonie Street
Hamilton Gary
1027 Bay 24th Street
Far Rockaway, NY 11692
SBL 65.65-6-1.11

9 Lark Street
Resident – Cancer Gaston
9 Lark Street
Albany, NY 12210
SBL 65.65-7-15

280 Colonie Street
Resident – Maliara, Neema E
280 Colonie Street
Albany, NY 12210
SBL 65.65-7-13

282 Colonie Street
McKenzie, James E
284 Colonie Street
Albany, NY 12210
SBL 65.65-7-11

284 Colonie Street
Resident – McKenzie, James E
284 Colonie Street
Albany, NY 12210
SBL 65.65-7-10

286 Colonie Street
Meliara, Samwell
280 Colonie Street
Albany, NY 12210
SBL 65.65-7-9

288 Colonie Street
Teshiera, Shamara
235 Park Avenue
Schenectady, NY 12304
SBL 65.65-7-8

290 Colonie Street
Teshiera, Shamara
235 Park Avenue
Schenectady, NY 12304
SBL 65.65-7-8

294 Colonie Street
Resident – Lindsay, Errol O
294 Colonie Street
Albany, NY 12210
SBL 65.65-7-6

294A Colonie Street
Albany County Land Bank Corp.
69 State Street Floor 8
Albany, NY 12207
SBL 65.65-7-5

298 Colonie Street
Albany County Land Bank Corp.
69 State Street Floor 8
Albany, NY 12207
SBL 65.65-7-5

300 Colonie Street
Perez, Alex
363 Central Avenue
Albany, NY 12210
SBL 65.65-7-3

302 Colonie Street
Johnson, Hattie J
279 Livingston Avenue

Albany, NY 12210
SBL 65.65-7-2

304 Colonie Street
Phinizy, Richard
1096 Keyes Avenue
Schenectady, NY 12309
SBL 65.65-7-1

263 Northern Boulevard
Catalano, Antonino
113 Yardboro Avenue
Albany, NY 12205
SBL 65.57-2-67

257 Northern Boulevard
Sanes, Esteban
257 Northern Boulevard Fl 2
Albany, NY 12210
SBL 65.57-2-66

255 Northern Boulevard
Vincent, Roy
6 Fiore Circle
Latham, NY 12210
SBL 65.57-2-65

245 Northern Boulevard
Resident – Watson, Katie Lee
245 Northern Boulevard
Albany, NY 12210
SBL 65.57-2-64

243 Northern Boulevard
You Lin, LLC
8 Gabriel Way
Albany, NY 12205
SBL 65.57-2-63

241 Northern Boulevard
Nace Arms, LLC
1820 Avenue M Boulevard Ste 620
Brooklyn, NY 11230
SBL 65.57-2-62

239 Northern Boulevard
Resident – McLean, Richard A Jr.
239 Northern Boulevard
Albany, NY 12210
SBL 65.57-2-61

235 Northern Boulevard
Klohck, Patricia Ann
124 Woodlawn Drive
Gloversville, NY 12078
SBL 65.57-2-60

Attachment B

Section II: Project Description

ATTACHMENT B

SECTION II: PROJECT DESCRIPTION

The re-development of the site composed of two parcels at 295 and 349 Colonie Street will be for the construction/rehabilitation of multi-family apartment units, associated parking area and recreational/greenspace.

Robert Whalen AHA LLC, acting as a Volunteer, will complete additional investigation and remediate the site under the NYS BCP, and is submitting this BCP Application for eligibility acceptance into the program.

Project Start Date & Anticipated Certificate of Completion

The project will **start work** with the preparation of a Remedial Investigation (RI) Work Plan and complete a RI upon acceptance into the BCP **during calendar year 2025** and will complete remediation for an **anticipated Certificate of Completion (COC)** in 2026.

Green and Sustainable Remediation

A Remedial Investigation Work Plan (RIWP) will be prepared to describe and detail the work to be undertaken to investigate the Site to meet BCP requirements. A Community Air Monitoring Plan (CAMP) will be prepared as part of the RIWP to monitor and manage air pollutants that may result from the field investigation program that may impact the workers as well as the surrounding community. Monitoring instruments will be put in place to measure levels of any air pollutants, including excessive dust, released to the ambient air surrounding the investigation area to make sure levels are within regulatory requirements. This will include monitoring emissions from investigation equipment such a drill rigs and site vehicles. When site equipment is not in use or on wait time the vehicles will be turned off to minimize air emissions. Other green remediation techniques as outlined in DER 31 Attachment 1 will be utilized as applicable and practical.

Upon completion of the remedial investigation (RI) remedial alternatives will be developed based on the RI results. Green remediation techniques will be utilized in the development of the alternatives and selection of the remedial action to be implemented through a Remedial Action Work Plan (RAWP). Details of the planned development of the sight are not yet complete, however, the remedial design will be integrated into the new development for reuse of the Site utilizing green remediation techniques where applicable and practical. What green remediation techniques will be utilized will depend on the selected remedial alternative and specifics of the proposed site development. It is anticipated that remediation and redevelopment will include where applicable/practical energy efficient equipment, green and community spaces and reuse or recycling of on-site materials.

Daily reports prepared by an environmental professional during remedial oversight will document all green remediation performed and will be summarized in the Final Engineering Report (FER).

The RAWP that will be prepared, after the selection of the remedy, will include a Stormwater Pollution Prevention Plan (SWPPP) prepared in general conformance with the guidelines set forth in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activities. The

SWPPP will detail the management of erosion and sediment control and stormwater runoff and include green remediation techniques as outlined in DER 31where applicable.

Attachment C

Section III: Ecological Concerns

ATTACHMENT **C**

SECTION III: ECOLOGICAL CONCERNS

A Fish and Wildlife Resource Impact Analysis (FWRIA), Part 1 was completed for the Site and is provided at the end of this attachment. Because of the highly developed nature of the site and surrounding environment, and in accordance with DER-10, Section 3.10.1 (b) 4, a detailed analysis of potential impacts to fish and wildlife resources is not warranted, as it is an urban site which is not proximate to a surface water body, wetland or other ecologically significant area.

Fish and Wildlife Resource Impact Analysis

295-349 Colonie Street, Albany, NY

This fish and wildlife resource impact analysis (FWRIA) was prepared in accordance with the New York State Division of Environmental Remediation (DER) Technical Guidance for Site Investigation and Remediation (DER-10), Section 3.10. The analysis was prepared in reference to the redevelopment of property at 295-349 Colonie Street in Albany, NY (hereinafter the site).

FWRIA

The project site presently is occupied by existing buildings and associated paved surfaces, with areas of lawn and trees. The site is located in a highly developed urban residential environment and is adjacent to community parkland. Surface runoff from the site is handled by an existing stormwater system, and the nearest surface water is Tivoli Lake about half a mile northwest of the Site. According to Ecological Communities of New York State Second Edition (Edinger et al, 2014, New York Natural Heritage Program) the site would be classified as community **33. Urban Exterior**. The immediate vicinity of the site is occupied by buildings and paved surfaces. Small areas of vegetation such as small parks or tree-lined streets are scattered sparsely throughout the general vicinity of the site, but these areas are highly manicured and not typical of undisturbed wildlife habitats. Wildlife species that could be expected to occur in the vicinity of the site include urban rodents such as mice, rats and squirrels; and urban birds such as pigeons, starlings, crows, and house sparrows. Native bird species such as robins, blue jays, mourning doves, orioles, or chipping sparrows may utilize the scattered trees in the general vicinity, although no vegetation exists on the site.

Because of the highly developed nature of the site and surrounding environment, and in accordance with DER-10, Section 3.10.1 (b) 4, a detailed analysis of potential impacts to fish and wildlife resources is not warranted, as it is "an urban site which is not proximate to a surface water body, wetland or other ecologically significant area." However, a review of both state and federal data sources on fish and wildlife resources identified potential conflicts with wildlife species of concern, as further discussed below.

A review of the NYSDEC Environmental Resource Mapper indicated that the site is located in the general vicinity of an area with rare plants or animals. A subsequent query using the NYSDEC Environmental Assessment Form (EAF) mapper indicated the following species of concern could be present in the general area: peregrine falcon, short-nosed sturgeon, Atlantic sturgeon, and giant yellow hyssop. To assess potential conflicts with these species, Ms. Rachel Bakerian at the Region 4 Office of the New York State Department of Environmental Conservation NYSDEC), who is responsible for stewardship of endangered species in Region 4, was contacted (personal communication, March 12, 2025). The activities that would be involved in the redevelopment of the property were described, and potential conflicts with listed species were discussed.

Both species of sturgeon are found in the Hudson River nearly a mile from the site, and Ms. Bakerian indicated that peregrines are nesting under bridges along the river, and the great yellow

hyssop is approximately 0.5 mile away. As a result, no conflicts with state-listed species are expected.

The U.S. Fish and Wildlife Service's Information for Planning and Consultation (IPaC) website was queried to identify any federal wildlife trust species that may occur in the general vicinity of the site. These include two endangered species, the northern long-eared bat and Karner blue butterfly, one proposed endangered species, the tri-colored bat, and one proposed threatened species, the monarch butterfly. The two species of bats are not typically found in urban environments and require forested habitats. The Karner blue butterfly requires wild lupine associated with pine barren or oak savannah habitats, neither of which are present in the immediate vicinity of the site. No impacts to monarch butterflies are anticipated since there is no suitable habitat on the project site.

In addition to endangered species, IPaC identified 22 species of migratory bird species of concern that had the potential to occur in the general vicinity, identified as a 10km grid around the project site. However, IPaC noted that additional analysis, specifically a review of a species habitat requirements, is necessary to assess potential conflicts. Table 1 lists the 22 species identified, as well as an assessment as to whether potential conflicts with the project are likely based on a species' habitat requirements. Only the chimney swift has the potential to occur in the general vicinity of the project. However, the chimney swift requires large hollow trees, abandoned smokestacks or other similar structures in which to nest and roost. The site does not contain any such structures, and although chimney swifts, if present generally, could forage over the site, development of the site would not affect the birds' ability to forage.

Table 1. Migratory bird species of concern identified by USFWS IPaC in the general vicinity of 295-349 Colonie Street redevelopment site

Species	Likelihood of potential conflict with project
Bald eagle	No suitable habitat on or near site
Belted kingfisher	No suitable habitat on or near site
Black-billed cuckoo	No suitable habitat on or near site
Blue-winged warbler	No suitable habitat on or near site
Bobolink	No suitable habitat on or near site
Canada warbler	No suitable habitat on or near site
Cerulean warbler	No suitable habitat on or near site
Chimney swift	May occur in urban areas. See discussion
Eastern meadow lark	No suitable habitat on or near site
Eastern whip-poor will	No suitable habitat on or near site
Evening grosbeak	No suitable habitat on or near site
Golden eagle	No suitable habitat on or near site
Golden-winged warbler	No suitable habitat on or near site
Lesser yellowlegs	No suitable habitat on or near site
Pectoral sandpiper	No suitable habitat on or near site
Prairie warbler	No suitable habitat on or near site
Red-headed woodpecker	No suitable habitat on or near site
Rose-breasted grosbeak	No suitable habitat on or near site
Ruddy turnstone	No suitable habitat on or near site
Semi-palmated sandpiper	No suitable habitat on or near site
Short-billed dowitcher	No suitable habitat on or near site
Wood thrush	No suitable habitat on or near site

Attachment D

Section IV: Land Use Factors

ATTACHMENT D

SECTION IV: LAND USE FACTORS

Summary of Current Business Operations or Uses – possible contaminant source areas and date site became vacant

The current zoning for the Site is R-V Residential Village and identified as apartments (commercial). Refer to **Figure 1 and 1A** Zoning Data**.** The immediate area around the site is residential, playground and mixed use.

A review of historical street directories, aerial photographs, Sanborn maps and information obtained from facility personnel indicate the Site was undeveloped prior to 1892. Sanborn maps show clay pits surrounding the Site until 1935 and the addition of the Albany Fire Department at that time. The earliest aerial photographs date back to 1942 and show the Site developed with several structures. The Robert Whalen Apartments appear in aerial photographs in 1952 and are currently still in operation. Also, the Head Start Childcare & Day Care center currently operates at the 295 Colonie street building address on the 349 Colonie Street tax parcel and has been in operation on Site since approximately 1997.

The fill material observed in the subsurface contains construction and demolition debris as well as cinder/ash. It is possible the fill may have been due to historic redevelopment or to the Albany Fire Department operations and storage on both of the parcels that compose the Site.

The contaminants in the soils (metals, PAHs and possible solvents/petroleum products) are most likely due to the above historical operations on site. Phase II ESA results indicate the presence of acetone and a few VOCs related to petroleum use (1,2,4 and 1,3,5-trimethylbenze, ethylbenzene, and xylenes) at low concentrations in one location and determined to be below restricted residential SCOs. Several TICs were also identified at low concentrations. In addition, potential slag was visually noted in fill material beneath the asphalt parking area at 295 Colonie Street. No sample of this material was collected during the Phase 2 ESA; however this material has potential to contain technologically enhanced naturally occurring radioactive materials (TENORM). Under the remedial investigation (RI) a radiological survey will be conducted in this area to determine the nature and extent of possible TENORM and proper removal/disposal as required to meet regulatory requirements.

Proposed Post-Remediation Use

The planned reuse of the Site will continue to be multi-family residential housing. It is uncertain at this time whether construction activities will include rehabilitation or demolition of the existing structures. There is the possibility of some commercial storefront businesses to be added under the new development.

Is the proposed use consistent with applicable zoning laws/maps?

The proposed reuse is consistent with the current zoning which is R-V Residential Village and identified as apartments (commercial). Refer to **Figure 1 and 1A** current zoning data.

Is the proposed use consistent with applicable comprehensive community master plans,

local waterfront revitalization plans, or other adopted land use plans?

The Site is in a Disadvantaged Community Tract (see **Figure 6**) but is not within a Brownfield Opportunity Area (BOA) boundary (see **Figure 7).** The Sheridan Hollow BOA is located approximately 0.25 miles southwest of the Site. The proposed project is consistent with adopted land use plans.

Attachment E

Section V: Current and Historical Property Owner and Operator Information

ATTACHMENT E

SECTION V: CURRENT PROPERTY OWNER and OPERATOR INFORMATION

Information regarding current ownership was adapted from Albany County Geographic Information System (GIS) and LightBox Environmental Data Resources (EDR), which identified the current owner/operator as Albany Housing Authority. Available public records of Albany County, New York were searched by EDR from January 1, 1980 through October 9, 2023 and no deeds vesting title in the subject parcel were located during the period searched. Property was acquired by Albany Housing Authority prior to January 1, 1980 and as noted below their ownership start date was approximately 1955 for 295 Colonie Street and approximately 1960 for 349 Colonie Street.

Historic street directories and Sanborn maps indicate the previous owner to the Albany Housing Authority was the City of Albany and the 1935 Sanborn map indicates a portion of the 349 Colonie property being used as the Albany Fire Department Drill Tower. Prior to 1955 the 295 Colonie property appears on Sanborn maps to be vacant land. Historic street directories indicate the earliest address for the Albany Housing Authority at 295 Colonie Steet is 1955. The Head Start Childcare & Day Care center currently operates at the 295 Colonie street address on the 349 Colonie Street tax parcel.

The Albany Housing Authority is a federal public housing authority with the purpose of providing rental housing for low-income households in the city of Albany. The Robert Whalen redevelopment project will utilize low-income housing tax credits with NYS Homes and Community Renewal/Housing Finance Agency as the primary financier. For tax credit purposes, the Albany Housing Authority will transfer the project site to a limited liability company, "Robert Whalen AHA LLC" (Requestor) which will be controlled by the Albany Housing Authority.

Current Property Ownership					
Property Address	Owner/Operator	Owner Address	Phone number	Email Address	Ownership Start Date
295 Colonie Street	Albany Housing Authority	200 S Pearl Street, Albany, NY 12210	(518) 641-7500	cdarbeau@albanyhousing.org	Approx. 1955
349 Colonie Street	Albany Housing Authority	200 S Pearl Street, Albany, NY 12210	(518) 641-7500	cdarbeau@albanyhousing.org	Approx. 1960

Additional On-Site Operator – 349 Colonie Street Tax Parcel

Head Start Childcare & Day Care – (On-site operator since approximately 1997)
Ann Klose - Administrator
295 Colonie Street
Albany, NY 12210
518-432-9622
info@albanycap.org

Historical Property Ownership			
Date	Owner	Operator	Requestor Relationship
1940 (349)	City of Albany	Albany Fire Department	None
1955 (295)	City of Albany	Vacant land	None

Attachment F

Section VI: Property's Environmental History

BRYDGES ENGINEERING
IN ENVIRONMENT AND ENERGY, DPC

ATTACHMENT F

SECTION VI: PROPERTY'S ENVIRONMENTAL HISTORY

Electronic copies **(Portable Document Format (PDF))** of Phase I ESA (Dec 2023) and Phase II ESA (February and June 2024) Reports completed by BE3 (per ECL 27-1407(1)) are included with this application. Upon completion of the Phase II ESA in February 2024, a BCP pre-application meeting determined the need to collect additional samples at the Site. The analytical results from the initial and added sampling events are reflected on **Figure 8** and in **Tables 1, 1A and 1B.** The Phase II ESA combined analytical results (figure/tables) for the February and June field programs are at the end of the ESA PDF package. The above referenced reports and subsequent results 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.

The Phase I ESA identified the following **REC:**

- 10,000-gallon UST was removed from one of the subject properties (Building 305 Colonie Street) in 1994. There is also record of a spill (#9408660) indicating release. The UST removal also included the removal/disposal of 60 cubic yards of soil and associated sampling. The records show that the spill was closed and met regulatory standards. This is considered a REC.

The Site was occupied by the Albany Fire Department Fire House and storage area from the 1930's to the 1950's. Since the mid 1950's the Site has been occupied by the Robert Whalen Apartments. The Site contained a 10,000-gallon UST which was removed along with impacted soil. Low concentrations of a few petroleum related VOCs were identified in the Phase II ESA. These past uses and redevelopment appear to have led to impacted fill materials and groundwater as detected during the Phase II ESA. No remedial activities, other than the UST/soil removal in 1994, were undertaken on the Site prior to the BCP application.

Adjacent properties across Northern Boulevard to the west-northwest are identified as Arbor Hill Gateway sites under the USEPA Brownfields program with specific addresses that include 215/219, 221, 223 and 334 Northern Boulevard; and 225 Henry Johnson Boulevard. Remediation has been completed at The Arbor Hill Gateway sites through the USEPA Brownfields program and Engineering and Institutional Controls (EC/IC) are in place.

The primary contaminants found during the BE3 Phase II ESA are associated with impacted fill or urban fill including: semi-volatile organic (SVOCs), mainly Polyaromatic Hydrocarbon compounds (PAHs); metal compounds including arsenic, lead, mercury and manganese and low concentrations of a few petroleum related VOCs. Groundwater also appears to be impacted with elevated metal compounds similar to the soil. Historic UST use at the Site and at adjacent properties indicate the potential for petroleum related impacts. **Data Summary tables** related to contaminants detected during the Phase II ESA are provided at the end of this attachment.

Further investigation of the above impacts would be undertaken as part of the BCP Remedial Investigation (RI).

Data Summary Tables

Phase II ESA – Robert Whalen Apartments – Soil/Groundwater

Soil Table:

Analytes > RR SCOs	Detections > RR SCOs	Site 349	Site 295	Maximum Detection (ppm)	RR SCO (ppm)	Depth (ft bgs)
Benzo(a)anthracene	1	0	1	2.5	1	6 – 8
Benzo(a)pyrene	1	0	1	2.3	1	6 – 8
Benzo(b)fluoranthene	1	0	1	2.5	1	6 – 8
Dibenz(a,h)anthracene	2	1	1	1.4	0.33	1 – 8
Indeno(1,2,3-cd)pyrene	2	1	1	8.4	0.5	1 – 8
Arsenic	3	1	2	56.4	16	2 – 4
Mercury	5	4	1	3.6	0.81	1 – 4.5
Lead	1	0	1	1,290	400	6 – 8
Manganese	1	0	1	2070	2000	2 - 3

Groundwater Table:

Analytes > AWQS	Detections > AWQS	Site 349	Site 295	Max. Detection (ppb)	AWQS (ppb)
Arsenic	2	1	1	370	25
Barium	2	1	1	4500	1000
Beryllium	2	1	1	43	3
Cadmium	2	1	1	12	5
Chromium	2	1	1	1200	50
Copper	2	1	1	2300	200
Manganese	2	1	1	38100	300
Mercury	2	1	1	98	0.7
Nickel	2	1	1	1800	100
Lead	2	1	1	15500	25
Selenium	2	1	1	61	10
Zinc	2	1	1	4900	2000

Attachment G

Section VII: Requestor Information

ATTACHMENT G

SECTION VII – Requester Information

The Requestor, Robert Whalen AHA LLC is an LLC authorized by the NYS Department of State to conduct business in NYS – refer to the attached entity printout.

Chiquita D ’Arbeau is the Executive Director. Joseph M. Brennan is the General Counsel.

Robert Whalen AHA LLC members include:

- Albany HA Development Corporation
- Albany Housing Authority

Investigation, assessment and remedial workplans, reports and other documents will be prepared for the Requestor by Brydges Engineering in Environment & Energy (BE3). BE3 is a New York State Licensed Professional Engineering firm meeting the requirements of Section 7210 of the Education Law to provide professional engineering services in the State of New York (Certification number 0019059) and is authorized to practice engineering in New York State. All documents will be certified by Jason M. Brydges, PE a New York State licensed professional engineer (#079402) . Mr. Brydges has a BS and MS in Environmental Engineering and has worked in the environmental engineering field for over 20 years performing a wide variety of environmental assessment, design, and remediation projects. He has been involved with or managed most of the firm’s Brownfield projects and is advanced on tax credit/remedial option analysis for site specific needs.

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: ROBERT WHALEN AHA LLC
DOS ID: 7459600
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: 11/07/2024
REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 11/07/2024
INACTIVE DATE:
FOREIGN FORMATION DATE:
STATEMENT STATUS: CURRENT
COUNTY: ALBANY
NEXT STATEMENT DUE DATE: 11/30/2026
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: ROBERT WHALEN AHA LLC

Address: C/O ALBANY HOUSING AUTHORITY, 200 SOUTH PEARL STREET, ALBANY, NY, UNITED STATES, 12202

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

Attachment H

Section IX: Program Fee

ATTACHMENT H

SECTION IX: PROGRAM FEE

Attached to this section is a request for fee waiver from the Albany Housing Authority (current owner) stating that they are a federal public housing authority with the purpose of providing rental housing for low-income households. The Albany Housing Authority will transfer the project site to the Requestor – Robert Whalen AHA LLC which will be controlled by the Albany Housing Authority.

ALBANY HOUSING
AUTHORITY

Chiquita D'Arbeau, Executive Director

February 5, 2025

NYS Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233

RE: Brownfield Cleanup Program – Request for Fee Waiver

To whom it may concern,

The Albany Housing Authority requests a fee waiver for the Robert Whalen Redevelopment's Brownfield Cleanup Program located at 275, 285, 295, 305, 315, and 325 Colonie Street, Albany, NY 12210 (Parcel ID: 65.66-1-1, 65.15-1-3). The Albany Housing Authority is the current owner of the property site which currently provides affordable housing.

The Albany Housing Authority is a federal public housing authority with the purpose of providing rental housing for low-income households in the city of Albany. The Robert Whalen redevelopment project will utilize low-income housing tax credits with NYS Homes and Community Renewal/Housing Finance Agency as the primary financier. For tax credit purposes, the Albany Housing Authority will transfer the project site to a limited liability company, "Robert Whalen AHA LLC" which will be controlled by the Albany Housing Authority. Upon construction completion, the property will continue to operate as affordable housing. For this reason, we are requesting a fee waiver for the Brownfield Cleanup Program application.

Sincerely,

Albany Housing Authority/Robert Whalen AHA LLC

Chiquita D'Arbeau
Executive Director

200 South Pearl Street, Albany, NY 12202 phone 518.641.7500 fax 518.641.7545

Attachment I

Section X: Requestor Eligibility

ATTACHMENT I

SECTION X: REQUESTOR ELIGIBILITY INFORMATION

The Requestor certifies it is a Volunteer, since it does not have nor has ever had a relationship with any of the past owners or operators of the Site that caused the contamination other than it plans to volunteer to remediate and redevelop the Site. Requestor did not have involvement with the Site at the time of disposal. The Requestor has performed all required environmental due diligence prior to volunteering for this remediation and has implemented due care with respect to the Site during any access.

Attached is a letter from the current site owner authorizing site access sufficient to complete remediation to the NYSDEC and the requestor and 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.

Proof of Site Access Certification

Date: February 5, 2025
Property Addresses: 275, 285, 295, 305, 315, and 325 Colonie Street, Albany, NY 12210
Property ID/SBL: 65.66-1-1, 65.15-1-3
Property Owner Name: Albany Housing Authority
Property Owner Address: 200 South Pearl Street, Albany, NY 12202
Applicant Name: Robert Whalen AHA LLC

The undersigned hereby certified as follows:

1.) I am duly authorized to furnish this Certification on behalf of the Albany Housing Authority (the "Owner").

2.) As of the date hereof, the Owner is the fee simple owner of the properties: 65.66-1-1 and 65.15-1-3 located in the City of Albany, New York.

3.) The Owner is aware that the Robert Whalen AHA LLC (the "Applicant") is filing a Brownfield Cleanup Program Application ("BCPA") relating to the properties.

4.) The Owner has no objection to the Applicant filing the BCPA with the New York State Department of Environmental Conservation.

5.) This will confirm that the Applicant has been granted legal access to the properties for the purposes of the BCPA and will be granted all necessary legal access, including an easement, if required, to complete remediation of the properties.

IN WITNESS WHEREOF, this Certification has been duly executed and delivered as of the date set forth above.

Signature: _____

Name: Chiquita D'Arbeau

Title: Authorized Signatory

Attachment J

Section XII: Site Contact List

ATTACHMENT J

SECTION XII – Site Contact List and Doc Repository Letter Site Contact List

The following is the contact list for the Site. Each contact will be sent fact sheets throughout the project's duration. Document repository permission letter is attached.

Contact	Address
Albany County	
Daniel P. McCoy Albany County Executive	112 State Street, Room 1200 Albany, NY 12207
Gopika Muddappa Albany County Planning and Land Use.	112 State Street, Room 1310 Albany, NY 12207
Joanne Cunningham, Chairwoman Albany County Legislator	112 State Street, Room 710 Albany, NY 12207
Bruce A. Hidley Albany County Clerk	16 Eagle Street, Room 128 Albany, NY 12207
P. David Soares Albany County District Attorney	6 Lodge Street Albany, NY 12207
Eugenia Condon Albany County Attorney	112 State Street, Room 600 Albany, NY 12207
Maribeth Miller Albany County DOH Interim Commissioner	175 Green Street Albany, NY 12202
City of Albany	
Kathy Sheehan City of Albany Mayor	24 Eagle Street, City Hall Room 102 Albany, NY 12207
Brad Glass Director of Planning	200 Henry Johnson Blvd. First Floor Ste 3 Albany, NY 12210
Kelly Kimbrough Ward 4 Representative, President Pro Tempore	24 Eagle Street Rm 206 Albany, NY 12207
Ann Marie Salmon Commissioner of Administrative Services	24 Eagle Street, City Hall Room 401 Albany, NY 12207
Supplier of Potable Water	
City of Albany Department of Water and Water Supply	10 Enterprise Drive Albany, NY 12204
Albany County Water Purification District	112 State Street Basement Albany, NY 12207
Local News Media & Community Organizations	
WNYT NewsChannel 13	715 N. Pearl St., Albany, NY 12204
WGRB CBS 6	1400 Balltown Road Schenectady, NY 12309
News10 ABC/FOX 23	341 Northern Blvd. Albany, NY 12204
WMHT	4 Global View Troy, NY 12180
WAMC	318 Central Ave. Albany, NY 12206
Spotlight News	341 Delaware Ave. Delmar, NY 12054

Albany Spectrum News 1 Nick Cowdrey-Director of News Spectrum News 1	104 Watervliet Ave. Ext. Albany, NY 12206
Arbor Hill Neighborhood Association	42 N. Swan Street Albany, NY 12210
Arbor Hill Development Corporation	241 Clinton Avenue Albany, NY 12210
Nearby Schools and Day Cares	
Director of KIPP Tech Valley Middle School	321 Northern Blvd. Albany, NY 12210
Director of Sweet Haven's Childcare.	Sherida Avenue Albany, NY 12201
Document Repository	
Bridgette Pryor, President	Albany Public Library 161 Washington Avenue Albany, NY 12210

Current Property Owner/Operator (295 & 349 Colonie Street)

Albany Housing Authority
200 S. Pearl Street
Albany, NY 12210

Additional Operator At 349 Colonie (Building 295)
Head Start Child Care & Day Care
Ann Klose – Administrator info@albanycap.org
295 Colonie Street
Albany, NY 12210
518-432-9622

Adjacent Property Owners

2 Lark Street
City of Albany 24
Eagle Street
Albany, NY 12210
SBL 65.15-2-11

7 Lark Street
Skyline Housing Development 3
Stow Road Ste 100
Marlton, NJ 08053
SBL 65.15-1-2

255 Colonie Street
Resident – Jones, Jaqueline 255
Colonie Street
Albany, NY 12210
SBL 65.66-1-2

246 Colonie Street
Albany Community Development 200
Henry Johnson Boulevard
Albany, NY 12210
SBL 65.66-2-1

256 Colonie Street
Albany Community Development 200
Henry Johnson Boulevard Albany, NY
12210
SBL 65.66-6-1.17

258 Colonie Street Resident
– Smalls, Patricia 258
Colonie Street
Albany, NY 12210
SBL 65.65-6-1.16

262 Colonie Street
Resident – Solomon, Gabriel
Wellington Land Holdings PO
Box 667
Lawrence, NY 11559
SBL 65.65-6-1.14

264 Colonie Street
Hamilton, Byron 84
Delafield Drive
Albany, NY 12205
SBL 65.65-6-1.13

266 Colonie Street Pat's
Distribution, LLC
3432 East Tremont Place Ste 6
Bronx, NY 10465
SBL 65.65-6-1.12

268 Colonie Street
Hamilton Gary
1027 Bay 24th Street
Far Rockaway, NY 11692 SBL
65.65-6-1.11

9 Lark Street
Resident – Cancer Gaston 9
Lark Street
Albany, NY 12210
SBL 65.65-7-15

280 Colonie Street
Resident – Maliara, Neema E 280
Colonie Street
Albany, NY 12210
SBL 65.65-7-13

282 Colonie Street
McKenzie, James E 284
Colonie Street
Albany, NY 12210
SBL 65.65-7-11

284 Colonie Street
Resident – McKenzie, James E
284 Colonie Street
Albany, NY 12210SBL 65.65-7-10

286 Colonie Street
Meliara, Samwell 280
Colonie Street
Albany, NY 12210
SBL 65.65-7-9

288 Colonie Street
Teshiera, Shamara
235 Park Avenue
Schenectady, NY 12304
SBL 65.65-7-8

290 Colonie Street
Teshiera, Shamara
235 Park Avenue
Schenectady, NY 12304
SBL 65.65-7-8

294 Colonie Street Resident
– Lindsay, Errol O 294
Colonie Street
Albany, NY 12210
SBL 65.65-7-6

294A Colonie Street
Albany County Land Bank Corp. 69
State Street Floor 8
Albany, NY 12207
SBL 65.65-7-5

298 Colonie Street
Albany County Land Bank Corp. 69
State Street Floor 8
Albany, NY 12207
SBL 65.65-7-5

300 Colonie Street
Perez, Alex
363 Central Avenue
Albany, NY 12210
SBL 65.65-7-3

302 Colonie Street
Johnson, Hattie J
279 Livingston Avenue
Albany, NY 12210 SBL 65.65-7-2

304 Colonie Street Phinizy, Richard 1096 Keyes Avenue
Schenectady, NY 12309
SBL 65.65-7-1

263 Northern Boulevard Catalano, Antonino
113 Yardboro Avenue
Albany, NY 12205
SBL 65.57-2-67

257 Northern Boulevard Sanes, Esteban
257 Northern Boulevard Fl 2
Albany, NY 12210
SBL 65.57-2-66

255 Northern Boulevard Vincent, Roy
6 Fiore Circle
Latham, NY 12210
SBL 65.57-2-65

245 Northern Boulevard Resident – Watson, Katie Lee
Albany, NY 12210
SBL 65.57-2-64

243 Northern Boulevard You Lin, LLC
8 Gabriel Way
Albany, NY 12205
SBL 65.57-2-63

241 Northern Boulevard Nace Arms, LLC
1820 Avenue M Boulevard Ste 620
Brooklyn, NY 11230
SBL 65.57-2-62

239 Northern Boulevard
Resident – McLean, Richard A Jr. 239 Northern Boulevard
Albany, NY 12210
SBL 65.57-2-61

235 Northern Boulevard Klohck, Patricia Ann 124 Woodlawn Drive
Gloversville, NY 12078
SBL 65.57-2-60

260 Colonie Street
Keys, LLC 3011 Fairlawn Street
Temple Hills, MD 20748
SBL 65.65-6-1.15

Albany Public Library
www.albanypubliclibrary.org

161 Washington Avenue
Albany, New York 12210

Phone: (518) 427-4300
Fax: (518) 449-3386

Hello,

This letter grants permission to BE3 to use the Washington Avenue Branch of Albany Public as a document repository site. Documents sent to us will be printed and put in a binder in the “Public Documents’ section. The section is on the first floor and accessible to the public.
The address is:
Washington Avenue Branch
Albany Public Library
161 Washington Ave
Albany NY 12210

Thank you,
Nina Koske
Reference Librarian
Washington Ave
Albany Public Library