

Environmental Conservation BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

Please refer to the attached instructions for guidance on completing this application.

Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment seeks to add or subtract more than an insignificant acreage of property to the BCA, applicants are encouraged to consult with the DEC project team prior to submitting this application.

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION
1. Check the appropriate box(es) below based on the nature of the amendment modification(s) requested:
Amendment to modify the existing BCA (check one or more boxes below):
Add applicant(s)
Substitute applicant(s)
Remove applicant(s)
Change in name of applicant(s)
Amendment to reflect a transfer of title to all or part of the brownfield site:
a. A copy of the recorded deed must be provided. Is this attached? Yes No
b. Change in ownership Additional owner (such as a beneficial owner)
c. Pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been submitted prior to a transfer of ownership. If this has not yet been submitted, include the form with this application. Is this form attached? Yes No Submitted on:
Amendment to modify description of the property(ies) listed in the existing BCA
Amendment to expand or reduce property boundaries of the property(ies) listed in the existing BCA
Sites in Bronx, Kings, New York, Queens or Richmond Counties ONLY: amendment to request determination that the site is eligible for tangible property credit component of the brownfield redevelopment tax credit.
Other (explain in detail below)
2. REQUIRED: Please provide a brief narrative describing the specific requests included in this amendment: The boundaries of the property are being reduced to exclude an area at the southern end of the property that is covered by a perpetual easement of the United States of America (Book QQ, Page 239). The revised boundaries will be utilized for the NYSDEC environmental easement, as requested by NYSDEC Counsel's Office. (Copy of easement survey attached).

SECTION I: CURRENT AGREEMENT INFORMATION This section must be completed in full. Attach additional pa	iges as necessary.
BCP SITE NAME: The Lofts at 1117	BCP SITE NUMBER: C734160
NAME OF CURRENT APPLICANT(S): 1117 NEWCO,	CORP.
INDEX NUMBER OF AGREEMENT: C734160-04-23	DATE OF ORIGINAL AGREEMENT: 06/01/23
APPLICANT'S SIGNATORY: Ryan Benz	

SECTION II: NEW REQUESTOR INFORMATION Complete this section only if adding new requestor(s) or the name of an existing requestor has changed.						
NAME:						
ADDRESS:			Andrew Company of the		***************************************	
CITY/TOWN:		AL AT A	ZIP COD	E:		
PHONE:	EMAIL:		-			
REQUESTOR CONTACT:						
ADDRESS:						
CITY/TOWN:			ZIP COD	E:		
PHONE:	EMAIL:					
REQUESTOR'S CONSULTANT:		CONTACT:				
ADDRESS:						
CITY/TOWN:			ZIP COD	E:		
PHONE:	EMAIL:					
REQUESTOR'S ATTORNEY:		CONTACT:				
ADDRESS:			•			
CITY/TOWN: ZIP CODE:						
PHONE: EMAIL:						
4 le the manuscript and the size of the		i- N V-1 Ot-1-0			Y	N
Is the requestor authorized to	a contract and a second second				\cup	\cup
2. If the requestor is a corporation, LLC, LLP, or other entity requiring authorization from the NYS Department of State (NYSDOS) to conduct business in NYS, the requestor's name must appear exactly as given above in the NYSDOS Corporation & Business Entity Database. A print-out of entity information from the NYSDOS database must be submitted with this application. Is this print-out attached?					0	
3. Requestor must submit proof that the party signing this application and amendment has the authority to bind the requestor. This would be documentation showing the authority to bind the requestor in the form of corporate organizational papers, a Corporate Resolution or an Operating Agreement or Resolution for an LLC. Is this proof attached?				0	0	
If the requestor is an LLC, the names of the members/owners must be provided. Is this information attached? N/A				0	0	
5. Describe the new requestor's relationship to all existing applicants:						

The second of th	De para texte grave con a mineral a constant de la	Y OWNER/OPERATOR INFO	DRMATION ce. Attach additional pages if nece	ssan	٧.
Owner listed be			pplicant Non-Applicant		81697198a6.0000
OWNER'S NAME:			CONTACT:		
ADDRESS:					
CITY/TOWN:			ZIP CODE:		
PHONE:		EMAIL:			
OPERATOR:			CONTACT:		
ADDRESS:					
CITY/TOWN:			ZIP CODE:		
PHONE:		EMAIL:			
Complete this s	ection only if adding i		tional pages if necessary. additional information as an attac	hme	nt.
				Υ	N
1. Are any	enforcement actions	pending against the requestor	r regarding this site?	0	0
Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site?			0	0	
3. Is the requestor subject to an outstanding claim by the Spill Fund for the site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.					0
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the subject law; (ii) any order or determination; (iii) any regulation implementing ECL Article 27 Title 14; or (iv) any similar statute or regulation of the state or federal government? If so, provide additional information as an attachment.					0
relative			? If so, include information C site number, reason for denial,	0	0
intention	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 or contaminants?				
treating fraud, b	7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing, treating, disposing or transporting of contaminants; or (ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state?				
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department?					0

SECT	ON IV: NEW REQUESTOR ELIGIBILITY INFO	ORMATION (continued)	Υ	N	
9.	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?			0	
10	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?			0	
11	Are there any unregistered bulk storage tanks	on-site which require registration?	\bigcirc	\bigcirc	
12		HAT IT IS EITHER A PARTICIPANT OR VOLUNBY CHECKING ONE OF THE BOXES BELOW:	ITEE	R	
\bigcirc	PARTICIPANT	VOLUNTEER			
or (2) i contain result	A requestor who either (1) was the owner of the site at the time of the disposal of contamination or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of or involvement are subsequent to the disposal of a hazardous was result of ownership, operation of or involvement			of !	
with the site subsequent to the disposal of contamination. NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that they have exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge (ii) prevent any threatened future release; (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste.			o ge;		
	If a requestor's liability arises solely as a result of ownership, operation of or involvement with the site, they must submit a statement describing why they 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?					
14. Requestor's relationship to the property (check all that apply):					
Prior Owner Current Owner Potential/Future Purchaser Other:					
15. If the requestor is not the current site owner, proof of site access sufficient to complete the remediation must be submitted. Proof must show that the requestor will have access to the property before being added to the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached?					

SECTION V: PROPERTY DESCRIPTION AND REQU Complete this section only if property is being added to change to site SBL(s) has occurred, or if modifying the	o or removed fi	rom the site,		or other	
1. Property information on current agreement (as modified by any previous amendments, if applicable):					
ADDRESS: 1117 West Fayette Street	***				
CITY/TOWN: Syracuse			ZIP CODE:	13204	
CURRENT PROPERTY INFORMATION TOTAL ACREAGE OF CURRENT SITE:					
PARCEL ADDRESS SECTION BLOCK LOT ACREAG					
1117 West Fayette Street	099	03	03.0	0.46	
2. Requested change (check appropriate boxes to	pelow):				
 a. Addition of property (may require additional expansion – see instructions) 	citizen participa	ation depend	ing on the nat	ure of the	
PARCELS ADDED:				_	
PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE	
TOTAL ACREAGE TO BE ADDED:					
b. Reduction of property					
PARCELS REMOVED:		_		γ	
PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE	
1117 West Fayette Street (portion of)	099	03	03.0	0.09	
			1		
			E REMOVED	:	
c. Change to SBL (e.g., lot merge, subdivision	, address chan	ge)			
NEW PROPERTY INFORMATION:			1		
PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE	
3. TOTAL REVISED SITE ACREAGE: 0.37		(V)			
4. For all changes requested in this section, doct attachments are listed in the application instruattached?				Y N	

SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES (continued) Complete this section for any addition of property. Use additional copies of this section as necessary.					
5. Property information for parcels being added to the BCA					
PARCEL ADDRESS	SECTION	BLOCK	LC	T	ACREAGE
CURRENT OWNER:	CONTACT	NAME:			
ADDRESS:					
CITY:	TY: STATE: ZIP:				
PHONE:	EMAIL:				
OWNERSHIP START DATE:					
CURRENT OPERATOR:	CONTACT	NAME:			
PHONE:	EMAIL:				
REQUESTOR RELATIONSHIP TO NEW PROPERTY	(select from l	below)	,		
PREVIOUS OWNER CURRENT OWNER		IAL/FUTURE PURCHASER			OTHER:
If the applicant is not the current owner of the property, documentation demonstrating site access (which includes the ability to place an environmental easement on the site) must be provided. If the applicant currently owns the property being added to the site, a copy of the deed must be included. IS PROOF OF ACCESS / OWNERSHIP ATTACHED? YES NO N/A					
PARCEL ADDRESS	SECTION	BLOCK	LC	T	ACREAGE
CURRENT OWNER:	CONTACT	NAME:			
ADDRESS:					
CITY:		STATE:		ZIP:	
PHONE:	EMAIL:				
OWNERSHIP START DATE:					×
CURRENT OPERATOR:	CONTACT	NAME:			
PHONE:	EMAIL:	Manager 10 10 10 10 10 10 10 10 10 10 10 10 10			
REQUESTOR RELATIONSHIP TO NEW PROPERTY	I 				
PREVIOUS OWNER CURRENT OWNER	11	IAL/FUTURE PURCHASER			OTHER:
If the applicant is not the current owner of the property, documentation demonstrating site access (which includes the ability to place an environmental easement on the site) must be provided. If the applicant currently owns the property being added to the site, a copy of the deed must be included. IS PROOF OF ACCESS / OWNERSHIP ATTACHED? YES NO N/A					
6. Data supporting the addition of property to the site must be included. Please refer to the instructions for a list of required tables and figures. ARE THE REQUIRED FIGURES AND TABLES ATTACHED? YES NO N/A (land being added has been merged with an existing BCP lot and the applicant is not seeking to add more than an insignificant acreage of property to the BCA)					

APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT SUPPLEMENT QUESTIONS FOR SITE SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY Complete this section only if the site is located within the five counties comprising New York City and the requestor is seeking a determination of eligibility for tangible property credits. Provide supporting documentation as required. Refer to the application instructions for additional information. 1. Is the site 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 Tax Law 21(6)? Please see DEC's website for more information. 4. Is the property upside down as defined below? 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. 5. For new tax parcels being added to the BCA through this amendment ONLY: Are the parcels being added underutilized as defined below? From 6 NYCRR 375-3.2(I) as of August 12, 2016 (Please note: Eligibility determination for the underutilized category for the new tax parcels can only be made at the time of amendment application): 375-3.2: "Underutilized" means, as of the date of application, real property on which no more **(I)** 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; (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; the proposed development could not take place without substantial (ii) 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.

			,
	6. Is the project and affordable housing project as defined below?	0	0
Froi	m 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. 		
	7. Is the project a planned renewable energy facility site as defined below?	0	0
Fro	m 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 colocated system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.		
Fro	m 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.		
	8. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and meets the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?	0	0
Fro	m 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.		

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT				
EXISTING AGREEMENT INFORMATION				
BCP SITE NAME: The Lofts at 1117	BCP SITE NUMBER: C734160			
NAME OF CURRENT APPLICANT(S): 1117 NEWCO, C	ORP.			
INDEX NUMBER OF AGREEMENT: C734160-04-23	DATE OF ORIGINAL AGREEMENT: 06/01/23			

Declaration of Amendment:

By the requestor(s) and/or applicant(s) signature(s) below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from obligations held under the Agreement or those same laws.

STATEMENT OF CERTIFICATION AND SIGNATURES: NEW REQUESTOR
Complete the appropriate section (individual or entity) below only if this Amendment adds a new requestor. Attach additional pages as needed.
(Individual)
I hereby affirm that the 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. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.
Date: Signature:
Print Name:
(Entity)
I hereby affirm that I am(title) of(entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and 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.
signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.
Date: Signature:
Print Name:

STATEMENT OF CERTIFICATION AND SIGNATURE An authorized representative of each applicant must contity) below. Attach additional pages as needed.	ES: EXISTING APPLICANT(S) omplete and sign the appropriate section (individual or
(Individual)	
I hereby affirm that I am a party to the Brownfield Clea Section I above and that I am aware of this Application Application. My signature below constitutes the requisi Application, which will be effective upon signature by the	n for an Amendment to that Agreement and/or ite approval for the amendment to the BCA
Date: Signature:	
Print Name:	
(Entity)	
I hereby affirm that I am Director (title) of 1 Brownfield Cleanup Agreement and/or Application refe Application for an Amendment to that Agreement and/ below constitutes the requisite approval for the amend upon signature by the Department. Date: 09/02/2025 Signature: Print Name: Ryan Benz	
PLEASE SEE THE FOLLOWING PAGE	GE FOR SUBMITTAL INSTRUCTIONS
REMAINDER OF THIS AMENDMENT WILL BE	COMPLETED SOLELY BY THE DEPARTMENT
Status of Agreement:	
PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of contamination 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 contamination.	VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.
Effective Date of the Original Agreement: 06/01/23	
Signature by the Department:	
DATED: <u>10/31/2025</u>	NEW YORK STATE DEPARTMENT OF
	ENVIRONMENTAL CONSERVATION
3	Ву:
	David Harrington
	David Harrington, Assistant Director Division of Environmental Remediation

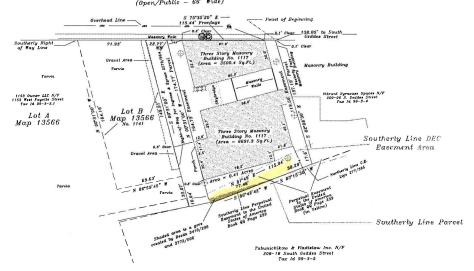


Deeded Description (2024/41531)

All that tract or parcel of land situate in the City of Syracuses, and adapted County, New York, and bring part of Farm. Let 287 of the late mondage County, New York, and bring part of Farm. Let 287 of the late more particularly described as follows: Beginning at a point in the country live of Far Engartes Street, and point being \$1.72-32-207. 207. 20.00 for the country live of Far Engartes Street, and point being \$1.72-32-207. 207. 20.00 for the country live of Far Engartes Street, and country live of the world of a New story brick there, and the late of the world of the late of the world of the country of the control of the world of the late of the world of the late of the world of the late of the late

Environmental Easement Description

West Fayette Street



Note/References:

*This property is subject to an anvironmental cusement held by the New York State Department of Environmental Construction by the New York State Department of Environmental Construction Law, mureuent to Title 36 of Article 71 of the New York Environmental Construction Law, The engineering and institutional controls for this Enservent are set farth in the Site Management Plan (SNP). A copy of the SMP must be obtained by any party with an interest in the property. The SMP can be obtained from NYS Department of Environmental Conservation, Division of Environmental Remediation. Site Control Section, 625 Broadway, Albany, NY 12233 or at "derviewdeeningov."

Map Reference - ALTA/ACSM Survey by Michael I McCully Land Surveying PLLC, dated 11-18-2024.

*Revised 09-01-25 to show change to Easement Area only.

*Parcel Area = 0.41 Acres, Easement Area = 0.37 Acres.

LEGEND

These standard symbols may be found in the drawing and are not drawn to scale.

Hydrant/Standpipe
Monitoring Well
D Power Pole
Catch Basin



