

TOMAT SERVICE STATION

1815-1825 OCEAN AVENUE

BROOKLYN, NEW YORK

Block 7656 Lot 55 & 58

NEW YORK STATE BROWNFIELD CLEANUP PROGRAM APPLICATION AND SUPPLEMENTAL INFORMATION



**Department of
Environmental
Conservation**

**New York State Department of Environmental Conservation
Brownfields and Voluntary Cleanup Section
625 Broadway, 11th floor
Albany, NY 12233-7015**

April 2015

Program Requestor:
Ranco Capital
1247 49th Street Suite 443
Brooklyn, NY 11219

Prepared By:

EBC

ENVIRONMENTAL BUSINESS CONSULTANTS

1808 Middle Country Road
Ridge, NY 11961

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NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM (BCP)

ECL ARTICLE 27 / TITLE 14

DEPARTMENT USE ONLY
BCP SITE #:

08/2013

Section I. Requestor Information

NAME OCEAN UNITS LLC

ADDRESS 1274 49th Street Suite 443

CITY/TOWN Brooklyn

ZIP CODE 11219

PHONE (718) 972-9830

FAX

E-MAIL jb@rancocap.com

Is the requestor authorized to conduct business in New York State (NYS)?

☒ Yes ☐ No

-If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.

-Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and New York State Education Law. Documents that are not properly certified will not be approved under the BCP.

☒ Yes ☐ No

NAME OF REQUESTOR'S REPRESENTATIVE Joseph Banda

ADDRESS Same as above

CITY/TOWN

ZIP CODE

PHONE 718-972-9830 Ext 3

FAX

E-MAIL jb@rancocap.com

NAME OF REQUESTOR'S CONSULTANT Environmental Business Consultants

ADDRESS 1808 Middle Country Road

CITY/TOWN Ridge

ZIP CODE 11961

PHONE 631-504-6000

FAX 631-9242870

E-MAIL creilly@ebcincny.com

NAME OF REQUESTOR'S ATTORNEY Lawrence Schnapf - Schnapf LLC

ADDRESS 55 East 87th Street #8B

CITY/TOWN New York

ZIP CODE 10128

PHONE 212-876-3189

FAX

E-MAIL Larry@SchnapfLaw.com

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

☐ PARTICIPANT

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

☒ VOLUNTEER

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

NOTE: By checking this box, the requestor 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.

Requestor Relationship to Property (check one):

☐ Previous Owner

☐ Current Owner

☒ Potential /Future Purchaser

☐ Other

If requestor is not the site owner, requestor will have access to the property throughout the BCP project. ☒ Yes

☐ No

-Proof of site access must be submitted for non-owners

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through April 30, 2015.

Selected Entity Name: OCEAN UNITS LLC

Selected Entity Status Information

Current Entity Name: OCEAN UNITS LLC

DOS ID #: 4691330

Initial DOS Filing Date: JANUARY 08, 2015

County: KINGS

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

THE LIMITED LIABILITY COMPANY

1274 49TH STREET, SUITE 443

BROOKLYN, NEW YORK, 11219

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

*Stock Information

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
JAN 08, 2015	Actual	OCEAN UNITS LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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Section II. Property Information**Check here if this application is to request significant changes to property set forth in an existing BCA:** ☐

Existing BCP site number: _____

PROPERTY NAME **Tomat Service Station**ADDRESS/LOCATION **1815-1825 Ocean Avenue** CITY/TOWN **Brooklyn** ZIP CODE **11230**

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):

City of New YorkCOUNTY **Kings**SITE SIZE (ACRES) **0.38**LATITUDE (degrees/minutes/seconds) **40 ° 37 ' 3.31 "**LONGITUDE (degrees/minutes/seconds) **73 ° 57 ' 16.21 "**HORIZONTAL COLLECTION METHOD: ☐ SURVEY ☐ GPS ☒ MAPHORIZONTAL REFERENCE DATUM: **WGS84**

COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address Parcel No. Section No. Block No. Lot No. Acreage

1815 Ocean Avenue Brooklyn NY**7656****55****0.252****1825 Ocean Avenue Brooklyn NY****7656****58****0.127**

1. Do the property boundaries correspond to tax map metes and bounds?

☒ Yes ☐ No

If no, please attach a metes and bounds description of the property.

2. Is the required property map attached to the application? (application will not be processed without map)

☒ Yes ☐ No

3. Is the property part of a designated En-zone pursuant to Tax Law § 21(b)(6)?

☐ Yes ☒ NoFor more information please see Empire State Development's [website](#).

If yes, identify area (name) _____

Percentage of property in En-zone (check one): ☐ 0-49% ☐ 50-99% ☐ 100%

4. Is this application one of multiple applications for a large development project, where the development

☐ Yes ☒ No

project spans more than 25 acres (see additional criteria in BCP application instructions)? If yes, identify name of properties in related BCP applications: _____

5. Property Description Narrative:

The Site to be remediated and redeveloped is located in the Midwood section of Brooklyn (Kings County) and is comprised two tax parcels covering 16,555 square feet (0.380 acres). The subject property is located in the City of New York and Borough of Brooklyn (Kings County). The lots are located on the east side of Ocean Avenue between Avenue M and Avenue N. Lot 55 has 100 feet of street frontage on Ocean Avenue and is approximately 110 feet deep. The lot is currently developed with a one-story commercial building and gasoline station. Lot 58 has 50 feet of street frontage on Ocean Avenue and is approximately 110 feet deep. The lot is currently used as a parking lot. According to the NYC Department of Buildings, the current building was constructed in 1931.

6. List of Existing Easements (type here or attach information)Easement HolderDescription**No easements were identified****7. List of Permits issued by the NYSDEC or USEPA Relating to the Proposed Site (type here or attach information)**TypeIssuing AgencyDescription**No permits were identified**

If any changes to Section II are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: JB _____

Section III. Current Property Owner/Operator Information

OWNER'S NAME Matthew J. Rozzi

ADDRESS 1815 Ocean Avenue East 48th Street

CITY/TOWN Brooklyn

ZIP CODE 11234

PHONE (732) 740-1439

FAX

E-MAIL tomat@verizon.net

OPERATOR'S NAME Tomat Service Station

ADDRESS 1815 Ocean Avenue

CITY/TOWN Brooklyn

ZIP CODE 11230

PHONE (732) 740-1439

FAX

E-MAIL tomat@verizon.net

Section IV. Requestor Eligibility Information (Please refer to ECL § 27-1407)

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

- | | | |
|--|------------------------------|--|
| 1. Are any enforcement actions pending against the requestor regarding this site? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. Is the requestor subject to an existing order relating to contamination at the site? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 4. Has the requestor been determined to have violated any provision of ECL Article 27? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5. Has the requestor previously been denied entry to the BCP? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Section V. Property Eligibility Information (Please refer to ECL § 27-1405)

- | | | |
|--|------------------------------|--|
| 1. Is the property, or was any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment. | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. Is the property, or was any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites?
If yes, please provide: Site # _____ Class # _____ | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Is the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____ | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 4. Is the property subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10?
If yes, please provide: Order # _____ | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?
If yes, please provide explanation as an attachment. | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Section VI. Project Description

What stage is the project starting at?

☒ Investigation☐ Remediation

Please attach a description of the project which includes the following components:

- Purpose and scope of the project
- Estimated project schedule

Section VII. Property's Environmental History

To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. Environmental Reports

A Phase I environmental site assessment report prepared in accordance with ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), and all environmental reports related to contaminants on or emanating from the site.

If a final investigation report is included, indicate whether it meets the requirements of ECL Article 27-1415(2): ☐ Yes ☒ No

2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum	x	X			
Chlorinated Solvents					
Other VOCs					
SVOCs					
Metals	x				
Pesticides					
PCBs					
Other*					

*Please describe: _____

3. SUSPECTED CONTAMINANTS: INDICATE SUSPECTED CONTAMINANTS AND THE MEDIA WHICH MAY HAVE BEEN AFFECTED. PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT.

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					
Chlorinated Solvents	X				X
Other VOCs					
SVOCs	X				
Metals					
Pesticides					
PCBs	X				
Other*					

*Please describe: _____

4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS (CHECK ALL THAT APPLY). PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT.

- ☒ Above Ground Pipeline or Tank ☐ Lagoons or Ponds ☒ Underground Pipeline or Tank ☒ Surface Spill or Discharge
☐ Routine Industrial Operations ☐ Dumping or Burial of Wastes ☐ Septic tank/lateral field ☐ Adjacent Property
☒ Drums or Storage Containers ☐ Seepage Pit or Dry Well ☐ Foundry Sand ☐ Electroplating
☐ Coal Gas Manufacture ☐ Industrial Accident ☐ Unknown

Other: _____

5. 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: Auto repair / and service station

6. PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".

Section VIII. Contact List Information

Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. In cities with a population of one million or more, the local community board if the proposed site is located within such community board's boundaries (*note: per the 2010 census, New York City is the only city in NY with a population over one million).
8. The location of a document repository for the project (e.g., local library). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the property.

Section IX. Land Use Factors (Please refer to ECL § 27-1415(3))

1. Current Use: ☐ Residential ☒ Commercial ☐ Industrial ☐ Vacant ☐ Recreational (check all that apply)
Provide summary of business operations as an attachment.

2. Intended Use Post Remediation: ☐ Unrestricted ☒ Residential ☐ Commercial ☐ Industrial (check all that apply)
Provide specifics as an attachment.

3. Do current historical and/or recent development patterns support the proposed use? (See #14 below re: discussion of area land uses)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
4. Is the proposed use consistent with applicable zoning laws/maps?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
5. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
6. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7. Are there any federal or state land use designations relating to this site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
8. Do the population growth patterns and projections support the proposed use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
9. Is the property accessible to existing infrastructure?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
10. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
11. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
12. Are there floodplains within ½ mile?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
13. Are there any institutional controls currently applicable to the property?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
14. Describe the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas in an attachment.	
15. Describe the potential vulnerability of groundwater to contamination that might migrate from the property, including proximity to wellhead protection and groundwater recharge areas in an attachment.	
16. Describe the geography and geology of the site in an attachment.	

Section X. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements* and to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. 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 an requestor other than an individual)

I hereby affirm that I am member (title) of Ocean Units LLC (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. If this application is approved, I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements* and to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. 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: 5/1/15 Signature: _____ Print Name: Joseph Banda

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD, must be sent to:

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

- **One (1)** paper copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our [website](#) for the address of our regional offices.

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____ LEAD OFFICE: _____

1.0 INTRODUCTION

OCEAN UNITS LLC seeks to remediate and redevelop a site located at 1815-1825 Ocean Avenue in the Midwood section of Brooklyn, NY (the "Site") (see **Figure 1**). The street address of the property is 1815-1825 Ocean Avenue, and is comprised of two tax parcel identified as Block 7656, Lots 55 and 58 (**Figure 2**). The lots are in the process of being merged as required for development. The property is currently used as a gasoline station and parking lot.

The property has confirmed contamination in soil and groundwater which is related to its historic use for gas station and auto repair facility and underground storage tanks which remain at the Site. In addition, elevated lead concentrations were noted on Lot 58.

OCEAN UNITS LLC plans a residential redevelopment of the Site. The nature and extent of existing and suspect contamination, and the potential for off-site contamination related to this property, however, complicates the redevelopment plan. Accordingly, OCEAN UNITS LLC is submitting its application for entry into the BCP to the New York State Department of Environmental Conservation (NYSDEC). This document contains the supplemental information as required in the application package.

1.1 Requestor

OCEAN UNITS LLC is the applicant for the project and is applying to the program as a Volunteer. OCEAN UNITS LLC is in the process of purchasing of the property (**Attachment A**), and is not affiliated in any way with the past property owners or operators, or the release of contaminants at the site.

1.2 Property Description Narrative

The Site to be remediated and redeveloped is located in the Midwood section of Brooklyn (Kings County) and is comprised of two tax parcels covering 16,555 square feet (0.380 acres). The subject property is located in the City of New York and Borough of Brooklyn (Kings County). The lots are located on the east side of Ocean Avenue between Avenue M and Avenue N. Lot 55 has 100 feet of street frontage on Ocean Avenue and is approximately 110 feet deep. The lot is currently developed with a one-story commercial building and gasoline station. Lot 58 has 50 feet of street frontage on Ocean Avenue and is approximately 110 feet deep. The lot is currently used as a parking lot. According to the NYC Department of Buildings, the current building was constructed in 1931.

The property has an elevation of approximately 25 feet above the National Geodetic Vertical Datum (NGVD). Based upon regional groundwater contour maps, and measurements made at the Site, the depth to groundwater beneath the site is approximately 20-23 feet below existing grade and flows northwest toward the East River.

The legal description of the property is as follows:

Lot 55:

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at a point on the Easterly side of Ocean Avenue distant 280 front southerly from the corner formed by the intersection of the easterly side of Ocean Avenue and southerly side of Avenue M.

RUNNING THENCE easterly parallel with Avenue M, 110 feet

THENCE southerly parallel with Ocean Avenue 150 feet to the easterly side of Ocean Avenue

THENCE northerly along the easterly side of Ocean Avenue 150 feet 6 inches to the point or place of *BEGINNING*

Lot 58:

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at a point on the Easterly side of Ocean Avenue distant 280 feet southerly from the corner formed by the intersection of the easterly side of Ocean Avenue and the southerly side of Avenue M.

RUNNING THENCE easterly parallel with Avenue M, 110 feet

THENCE southerly parallel with Avenue M 150 feet 6 inches

THENCE westerly parallel with Avenue M 110 feet to the easterly side of Ocean Avenue

THENCE northerly along the easterly side of Ocean Avenue 150 feet 6 inches to the point or place of *BEGINNING*

1.3 Current Property Owners / Operators

The property is currently developed with a 1-story building constructed in 1931 and a parking lot. See **Figure 3** - Site Plan. The property is currently used as a gasoline station and parking lot. Current owners and operators of the Site (both lots) are as follows:

Name: Matthew J. Rozzi
Address: 1815 Ocean Avenue Brooklyn NY 11230
Phone: (718) 253-9616

2.0 PROJECT DESCRIPTION (Application Section VI)

2.1 Project Overview / Eligibility

The Requestor intends to redevelop the property with a new 8-story residential building which will cover 65 percent of the Site. The building will include a cellar level which will be used for accessory parking. The building will feature a maximum of ninety-three residential units with a mix of one, two and three bedrooms each. Additional accessory space will include, recreational space, laundry facilities and other resident amenities.

The lender/investors for this project will require any cleanup be conducted with oversight of the NYSDEC so that the NYSDEC can issue a certificate of completion and liability release from the State of NY. The BCP will allow the applicant to satisfy this requirement as well as to limit its liability to on-site contamination by virtue of its status as a "Volunteer" under the BCP.

The Site is encumbered with an "e" designation for hazardous materials that requires the applicant developers to investigate and remediate hazardous materials at the site in accordance with an approved Sampling Protocol and Remedial Action Plan acceptable to the New York City Office of Environmental Remediation (OER). Moreover, the applicant may not commence any work that would disturb the soil at the site until it receives a Notice to Proceed from OER and that applicant shall not apply for a certificate of occupancy until it obtains a Notice of Satisfaction from OER. The BCP will allow applicant to satisfy this requirement as well as to limit its liability to on-site contamination by virtue of its status as a "volunteer" under the BCP.

The remediation of the existing contamination will increase project costs because of expenses or "premiums" associated with disposal of contaminated soil, increased labor or "trade" premium due to the need to use HAZWOPER-trained-workers in and around the contaminated materials as well as ancillary monitoring and reporting costs. In addition, there will be scheduling impacts associated with soil sampling and excavation site constraints that will extend the timeframes customarily required for traditional site excavation. Moreover, the BCP will enable the applicant to qualify for the exemption for the hazardous waste program fee exemption.

The tax credits available under the Brownfield Cleanup Program will make the project more economically feasible and result in substantial public benefits such as thousands of construction jobs and full-time employees as well as facilitate the redevelopment of the area that was the purpose behind the Midwood rezoning.

2.2 Scope of the Brownfield Project

A Remedial Investigation (RI) is proposed to collect data of sufficient quality and quantity to characterize the nature and extent of petroleum in on-site soil and groundwater and high lead concentrations. The RI will include a qualitative exposure assessment for future occupants of the proposed building and the surrounding community and to evaluate alternatives to remediate the contamination. A Draft Remedial Investigation Work Plan (RIWP) is being submitted with this application. Proposed on-site testing under the Draft RIWP includes the installation of soil borings,

monitoring wells, soil vapor implants and the collection and analysis of soil, groundwater and soil vapor.

Based on the results of previous investigations performed at the Site, the scope of the remedial activity under the BCP will include the removal and proper close out of two 4,000-gallon gasoline underground storage tanks (west side of the site) and one 550-gallon heating oil UST (located on the central portion of the site; north of the commercial building) and the excavation and proper disposal of residually contaminated and historic fill soils. Groundwater remediation will likely be required. Assessment of soil vapor will be completed during the RI. Remediation of the Site will be addressed, under the Remedial Action Work Plan to be prepared for the project under the BCP. Further details on the projected scope of the brownfield project including estimated costs are provided in Section 3.6.

2.3 Benefits to the Community

The property is located in what has historically been an economically stable area of Central Brooklyn. Midwood is predominantly residential, characterized by 1-2 family homes, small and medium-sized apartment buildings. Avenue M, which borders the north side of the block, is an important commercial and transit corridor, with retail stores and housing along the street. Recent years have seen an increase in commercial and residential development in Midwood, spurred on by the development – transformation taking place in the surrounding areas.

The Project's use as a residential apartment building adjacent to the main commercial corridor along Avenue M, blends perfectly with the intent of the rezoning action which seeks to reinforce commercial development along existing retail corridors while preventing commercial intrusion into residential areas.

Local Job Creation

The project is expected to generate 100 temporary construction jobs with 4 to 5 permanent jobs associated with building management and maintenance. The project also benefits the local economy through the purchase of materials, supplies and services related to the design and construction of the new building in the short term. In the long term the project will benefit the local economy through the purchase of goods and services by the residents of 80-93 new apartments and through increased tax revenue.

The proposed project delivers these benefits on a site that is underutilized and currently at risk of becoming a liability to the community due to its historic use as a gasoline station and auto repair facility, and the presence of related contamination.

For this project to be realized the developer will be required to commit significant time, effort and resources to remedy the contamination, develop the Site and begin leasing residential units. That commitment will not be made if there exists a risk of a meaningful yet uncertain environmental issue. On the other side, the developer cannot secure financing without assurances to lenders that environmental issues will be fully mitigated with reasonable protection from liability.

2.4 Project Schedule

BCP Milestones

Based on an assumed date of October 6, 2015 for execution of the BCP agreement the following schedule of BCP milestones is anticipated.

Submit Remedial Investigation Work Plan (RIWP)	with application
Implement Remedial Investigation Work Plan (RIWP)	October 2015
Submit Remedial Investigation Report (RIR)	November 2015
Submit Remedial Action Work Plan (RAWP)	November 2015
Begin Building Demolition	October 2015
Begin Building Construction and Remedial Action	January 2016
Continue Remedial Action	January 2016 - March 2016
Submit Draft Env. Easement (if Track 1 not Achieved)	March 2016
Submit Draft Site Management Plan (if Track 1 not Achieved)	August 2016
Submit Draft Final Engineering Report	September 2016
Certificate of Completion Date	December 2016

3.0 ENVIRONMENTAL HISTORY (Application Section VII)

The environmental history of the subject lots was previously investigated through the review of Federal and State Environmental databases, Environmental Sanborn Fire Insurance maps, NYC Department of Building records and the NYC Department of Finance databases as part of a Phase I Environmental Screening completed in April 2015 by EBC.

Prior to the construction of the existing improvements (circa 1950), the Site was occupied by a gas station (lot 55) and 2-story dwelling (lot 58) in the 1930's. From 1895 to 1906, the site was vacant land (lot 55) and a 2-story dwelling (lot 58).

In the 1930 Sanborn map four gasoline tanks are depicted on the west side of the Site. In the 1950-2007 Sanborn maps, five gasoline tanks are depicted on the west side of the Site.

The Site address (1817 Ocean Avenue) is listed in the city directories for the years 1928 through 1973 (intermittent). The Site address is listed with various gasoline service stations including Mileage Gas Corp (1928), Gas Stations Inc Main Office (1934), Mid Ocean Service Station (1945 & 1949), Dentes Service Station, Mid Brook Service Station (1960 & 1965), Harry's Service Center (1970) and Ronnies Service (1973). In addition, the Site address (1823 Ocean Avenue) is also listed in the city directories for the years 1928 through 1960 (intermittent) with various residential tenants.

3.1 Underground Storage Tanks

The property is a registered active petroleum bulk storage facility (No. 2-339474) under the name Tomat Service center inc. According to the listing 12 underground storage tanks and 3 aboveground tanks are registered to the facility including nine 550 gallon gasoline tanks listed as "closed prior to 3/1991", two 4,000 gallon gasoline tanks listed as "in service", one 550 gallon underground fuel oil tank listed as "in-sevice", two 275 gallon aboveground motor oil tanks listed as "in-service" and one 240 gallon waste oil aboveground tank listed as "in-service".

Sanborn maps from 1930 to 2007 depict the presence of underground gasoline tanks and a filling station on 1815 Ocean Avenue; Lot 55.

3.2 NYSDEC Spill Files

The Site is listed on the NYSPILLS database. The database indicates that a spill (No. 1408472) was reported to the DEC on October 22, 2014 for petroleum contamination identified in soil and groundwater during a due diligence subsurface investigation. This spill file remains open.

3.3 New York City E-Designation

The New York City E-designation program assigns an E-number to properties during rezoning actions initiated and completed by the NYC Department of City Planning. E-designations come in three types with each requiring investigation, further evaluation, mitigation or remediation before building permits will be issued. Documentation and demonstration that the required action has been satisfactorily completed is a condition of releasing the Certificate of Occupancy. The three types are:

Noise (usually requiring attenuation measures to reduce indoor noise levels to a set standard), Air (usually requiring a specific fuel source) and Hazmat (usually requiring an investigation, remedial action and mitigation for impacted media).

The property was assigned an E-designation (E-159) for Air Quality / Exhaust Stack Limitations (Air-E) and Hazardous Materials Phase I / Phase II Testing Protocol (Hazmat-E) as part of Midwood rezoning action completed by the City of New York in April of 2006 (CEQR No. 06DCP030K). The E-designation prevents the NYC Department of Buildings from issuing building permits unless a release in the form of a Notice to Proceed is issued by OER.

The Air E requires that any new residential or commercial building constructed on the property use natural gas as the fuel source for hot water and HVAC systems.

The Hazmat E requires an environmental review by the New York City Office of Environmental Remediation (NYCOER), which must be satisfied before the New York City Department of Buildings (NYCDOB) will issue building permits for the property. Therefore, redevelopment of the site will be subject to the administration of this program by NYCOER. NYCOER review requires the submission of the following reports; Phase I Environmental Site Assessment Report, Phase II Site Investigation Work Plan and Health and Safety Plan, Phase II Site Investigation Report, and if necessary, Construction Health and Safety Plan (CHASP), Remedial Action Plan (RAP), and Site Closure Report.

It should also be noted that NYCOER requires air monitoring for dust and VOCs during all soil disturbing activities. The P.E. Certified Site Closure Report must include copies of the air monitoring data sheets as well as all waste characterization data, waste manifests, disposal facility approval letters, disposal facility (NYSDEC, NJDEP, etc.) registration(s)/license(s), and a figure(s) indicating where all soil excavated from the site was disposed; daily air monitoring sheets; OER's written approval for clean fill import as well as manifests, truck/tickets, photo documentation and a figure(s) indicating where the soil was used as backfill; photo documentation and P.E. stamped letter of proper vapor barrier and SSDS installation; and certification of compliance with the CHASP during redevelopment.

The assigned E-designation and the level and presence of contamination detected in various media are complicating redevelopment of the property.

3.4 Summary of Environmental Investigations

Environmental investigations performed at the Site include the following:

- Subsurface Assessment Report – 1815 Ocean Avenue, Brooklyn, NY. Hydrotech Environmental, Corp. December 30, 2014
- Phase II Investigation Report- 1815 Ocean Avenue, Brooklyn NY. Environmental Business Consultants (EBC) dated February 25, 2015
- Phase II Data Summary for 1825 Ocean Avenue, Brooklyn, NY. Environmental Business Consultants (EBC) dated April 29, 2015

- Phase I Screening for 1815-1825 Ocean Avenue, Brooklyn, NY. Environmental Business Consultants (EBC) dated April 30, 2015

3.4.1 December 30, 2014 – Subsurface Assessment Report (Hydrotech)

Hydro Tech Environmental, Corp. has performed a Subsurface Assessment at the property located at 1815 Ocean Avenue, Brooklyn, New York. This assessment was conducted on behalf of Tomat Service Center Inc. based upon their request to investigate the overall soil and groundwater quality.

The assessment consisted of the performance of the installation and sampling of a series of soil probes, groundwater probes, and monitoring wells. A Hydro Tech geologist screened all soil samples in the field for organic vapors utilizing a Photoionization Detector. Select soil, groundwater, and monitoring well samples were analyzed at a State-certified laboratory for volatile organic compounds (VOCs) and semivolatile organic compounds (SVOCs). A select soil and groundwater sample was additionally analyzed for diesel range organic compounds and gasoline range organic compounds,

The results of the assessment are contained in this report. VOCs are present in soil samples at the groundwater interface and in the groundwater in the vicinity of a fuel oil UST located to the north of the building at concentrations exceeding their respective regulatory standards. The petroleum compounds identified in the soil and groundwater samples has been classified as #2 fuel oil, as per the fingerprint analysis obtained from the 23-25 foot soil sample from SP-9 and the groundwater sample from MW-1.

Dissolved VOCs are also present in groundwater beneath the southern portion of the Site, to the south of gasoline tanks and pump islands, at concentrations exceeding their regulatory standards. Spill #1408472 is associated with the Site.

A digital copy of the Subsurface Assessment Report is included in **Attachment B**.

3.4.2 February 2015 - Phase II Investigation Report, (EBC)

The field work portion of the investigation was performed on February 7, 2015. The work consisted of the installation of four soil borings, two permanent monitoring wells, two temporary monitoring wells, and the collection and analysis of related samples. Four soil boring locations (B1 through B4) were selected. All of the borings were advanced with Geoprobe™ direct push equipment to a depth of 25 ft. Soil was characterized as a brown silt and sand with some historic fill material mixed in from surface grade to generally 1 foot below grade with the deepest locations at approximately 6-8 feet below grade followed by a brown silt and brown coarse fine sand to the termination depth. Groundwater was encountered and is expected at approximately 17 to 22 ft below grade.

PID readings of 130 ppm and petroleum odors were noted in B1 within the 21-25 foot interval. Petroleum odors were noted in the 21-25 foot interval of B2. PID readings of 250 ppm and petroleum odors were noted in B3 within the 21-25 foot interval. PID readings of 200 ppm were noted in B4 within the 21-25 foot interval. Soil samples were collected from the following intervals; 0-2 feet (B2 and B3) and 22-24 feet (B1-B4).

EBC collected four groundwater samples from each of the characterization borings (B1, B2, B3, B4). Permanent monitoring wells were installed for locations GW2 and GW4 by advancing the borehole to the water table (approx. 17 to 22 ft bgs) and installing a one-inch diameter PVC well 5-feet below the water table interface. Groundwater samples were collected in pre-cleaned, laboratory supplied glassware, stored in a cooler with ice and submitted to Phoenix Laboratories for analysis of VOCs by EPA Method 8260.

Deep soil and groundwater samples were analyzed for volatile organic compounds (VOCs) by USEPA method 8260. Shallow soil samples were analyzed for total lead.

Soil sample results were compared to the Unrestricted Use and Restricted Residential Use Soil Cleanup Objectives (SCOs) as presented in NYSDEC CP51 Soil Cleanup Guidance (10/21/10). The following VOCs; 1,2,4-trimethylbenzene (maximum of 31,000 µg/Kg), 1,3,5-trimethylbenzene (maximum of 9,900 µg/Kg), m&p-Xylenes (maximum of 2,300 µg/Kg), methylene chloride (maximum of 280 µg/Kg), naphthalene (at 14,000 µg/Kg) and o-xylene (maximum of 570 µg/Kg) were detected above Unrestricted Use SCOs in samples B1 and B2. VOCs including 2-isopropyltoluene (230 µg/Kg), acetone (maximum 34 µg/Kg), ethylbenzene (maximum 480 µg/Kg), n-butylbenzene (maximum 2,700 µg/Kg), n-propylbenzene (maximum 2,100 µg/Kg), p-isopropyltoluene (maximum 600 µg/Kg), sec-butylbenzene (maximum 860 µg/Kg) were detected at trace amounts in all soil samples. Lead was detected above Unrestricted Use SCOs in B2 and B3 shallow soil samples; at a maximum of 366 mg/kg.

Groundwater results were compared to the New York State Ambient Water Quality Standards and Guidance Values (6 NYCRR Part 703) as presented in the Technical & Operational Guidance Series (TOGS) 1.1.1 (1998). Several VOCs including 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, ethylbenzene, isopropylbenzene, m&p-Xylenes, naphthalene, n-butylbenzene, n-propylbenzene, o-xylene, p-isopropyltoluene and sec-butylbenzene were reported in all of the four monitoring wells above groundwater standards. 2-isopropyltoluene was reported in one groundwater well (GW4) above groundwater standards. Acetone was reported in two groundwater well (GW2 and GW3) above groundwater standards. Benzene was reported in one groundwater well (GW1) above groundwater standards. Toluene was reported in two groundwater well (GW1 and GW4) above groundwater standards.

Soil and groundwater samples collected in the vicinity of the USTs indicate gasoline contamination. Several gasoline related VOCs were detected above Unrestricted Use SCOs in soil samples B1 and B2. Lead was detected above Unrestricted Use SCOs in B2 and B3 shallow soil samples. Gasoline related VOCs were noted above groundwater standards in all groundwater samples. These results indicate that further remedial action will be required.

A map of sample locations, and summary tables of the analytical data and the laboratory reports are provided in digital form in **Attachment B**.

3.4.3 Phase II Data Summary for 1825 Ocean Avenue, Brooklyn, NY. (EBC)

The field work portion of the investigation was performed on April 22, 2015. The work consisted of the installation of five soil borings, three permanent monitoring wells, and the collection and analysis of related samples. Five soil boring locations (B1 through B5) were selected. Borings B1 and B2

were advanced with Geoprobe™ direct push equipment to a depth of 25 ft. Borings B3, B4 and B5 were advanced with Geoprobe™ direct push equipment to a depth of 15 ft. Soil was characterized as a brown medium fine sand with some historic fill material mixed in from surface grade to approximately 6-8 feet below grade followed by a brown sand to the termination depth. Groundwater was encountered and is expected at approximately 23 ft below grade.

Petroleum odors were noted in B1 and B2 within the 20-25 foot interval. Soil samples were collected from the following intervals; 0-2 feet (B1, B2 and B3) and 23-25 feet (B1 and B2).

EBC collected three groundwater samples from each of the characterization borings (B1, B2 and B5). Permanent monitoring wells were installed for locations B1, B2 and B5 by advancing the borehole to the water table (approx. 20 to 23 ft bgs) and installing a one-inch diameter PVC well 5-feet below the water table interface. Groundwater samples were collected in pre-cleaned, laboratory supplied glassware, stored in a cooler with ice and submitted to Phoenix Laboratories for analysis of VOCs by EPA Method 8260.

Deep soil and groundwater samples were analyzed for volatile organic compounds (VOCs) by USEPA method 8260. Shallow soil samples were analyzed for SVOCs (CP51), PCBs and TAL Metals. Deep soil samples were analyzed for (VOCs) by USEPA method 8260 and SVOCs (CP51).

Soil sample results were compared to the Unrestricted Use and Restricted Residential Use Soil Cleanup Objectives (SCOs) as presented in NYSDEC CP51 Soil Cleanup Guidance (10/21/10). The following VOCs; ethylbenzene (maximum of 22,000 µg/Kg), m&p-Xylenes (maximum of 45,000 µg/Kg), naphthalene (at 27,000 µg/Kg), n-Butylbenzene (at 17,000 µg/Kg) and n-Propylbenzene (at 35,000 µg/Kg) were detected above Unrestricted Use SCOs in samples B1 and B2. The following VOCs; 1,3,5-trimethylbenzene (maximum of 70,900 µg/Kg) and 1,2,4-trimethylbenzene (maximum of 230,000 µg/Kg) were above RRSCOs in sample B2. No SVOCs and PCBs were detected above UUSCOs. The following metals; copper (at 56.1 mg/Kg), mercury (at 0.32 mg/Kg) and zinc (at 193 mg/Kg) were detected above UUSCOs in sample B3. Lead (at 1,860 mg/Kg) was detected above RRSCOs in sample B3.

Groundwater results were compared to the New York State Ambient Water Quality Standards and Guidance Values (6 NYCRR Part 703) as presented in the Technical & Operational Guidance Series (TOGS) 1.1.1 (1998). Several VOCs including 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 2-Isopropyltoluene, benzene, ethylbenzene, isopropylbenzene, m&p-Xylenes, naphthalene, n-butylbenzene, n-propylbenzene, o-xylene, p-isopropyltoluene, sec-butylbenzene and toluene were reported in all of the three monitoring wells above groundwater standards.

Soil and groundwater samples collected indicate gasoline contamination. Several gasoline related VOCs were detected above Unrestricted Use and Residential Restricted SCOs in soil samples B1 and B2. Lead was detected above Residential Restricted SCOs in the B3 shallow soil sample. Gasoline related VOCs were noted above groundwater standards in all groundwater samples. These results indicate that further remedial action will be required. A spill was called in for this site and assigned a SPILL # 1501018.

A map of sample locations, and summary tables of the analytical data and the laboratory reports are provided in digital form in **Attachment B**.

3.4.4 Phase I Screening for 1815-1825 Ocean Avenue, Brooklyn, NY. (EBC)

Prior to the construction of the existing improvements (circa 1950), the Site was occupied by a gas station (lot 55) and 2-story dwelling (lot 58) in the 1930's. From 1895 to 1906, the site was vacant land (lot 55) and a 2-story dwelling (lot 58).

In the 1930 Sanborn map four gasoline tanks are depicted on the west side of the Site. In the 1950-2007 Sanborn maps, five gasoline tanks are depicted on the west side of the Site.

The Site address (1817 Ocean Avenue) is listed in the city directories for the years 1928 through 1973 (intermittent). The Site address is listed with various gasoline service stations including Mileage Gas Corp (1928), Gas Stations Inc Main Office (1934), Mid Ocean Service Station (1945 & 1949), Dentes Service Station, Mid Brook Service Station (1960 & 1965), Harry's Service Center (1970) and Ronnies Service (1973). In addition, the Site address (1823 Ocean Avenue) is also listed in the city directories for the years 1928 through 1960 (intermittent) with various residential tenants.

The former Occupancy of the site as an auto repair and service station with USTs represents a Recognized Environmental Condition (REC); which will require further investigation.

The Site (Lot 55 Block 7656 at 1819 Ocean Avenue and Lot 58 Block 7656 at 1825 Ocean Avenue) was identified as an E Designation site in the regulatory database and is assigned the E number of E-159, with the description of "air quality-HVAC fuel limited to natural gas" and "underground gasoline storage tanks testing protocol".

The property was assigned the E-designation (E-159) for Air Quality / Exhaust Stack Limitations (Air-E) and Hazardous Materials Phase I / Phase II Testing Protocol (Hazmat-E) as part of Midwood rezoning action completed by the City of New York in April of 2006 (CEQR No. 06DCP030K). The E-designation prevents the NYC Department of Buildings from issuing building permits unless a release in the form of a Notice to Proceed is issued by OER.

The Air E requires that any new residential or commercial building constructed on the property use natural gas as the fuel source for hot water and HVAC systems.

The Hazmat E requires an environmental review by the New York City Office of Environmental Remediation (NYCOER), which must be satisfied before the New York City Department of Buildings (NYCDOB) will issue building permits for the property. Therefore, redevelopment of the site will be subject to the administration of this program by NYCOER. NYCOER review requires the submission of the following reports; Phase I Environmental Site Assessment Report, Phase II Site Investigation Work Plan and Health and Safety Plan, Phase II Site Investigation Report, and if necessary, Construction Health and Safety Plan (CHASP), Remedial Action Plan (RAP), and Site Closure Report.

Based upon the reviewed subsurface investigations conducted at the Site and detailed above, soil and groundwater contamination exists beneath the Site which represents a Recognized Environmental Condition (REC).

3.5 Summary of Confirmed Contamination and Environmental Conditions

The results of the investigations performed at the site have identified the following contaminated media and environmental conditions that will complicate redevelopment of the property.

- The property has been assigned an E-designation for Hazmat. The E-designation requires further investigation and a plan for remedial action approved by the NYSDEC for the open spill file.
- There Site is equipped with two 4,000-gallon gasoline USTs and one 550-gallon heating oil UST present on the property - The tanks will need to be removed and properly closed with the NYSDEC PBS program. Note that the extent of the source area has not been fully defined. Contaminated soil, if present beneath the tanks, will require investigation and removal/remediation.
- Historic hydraulic lifts were noted in the east corner of the property. These lifts will need to be investigated properly removed. Hydraulic lifts are a potential for PCB contamination. This is a widely recognized environmental condition and has not been investigated. Contaminated soil, if present in the vicinity of the lifts, will require investigation and removal/remediation.
- Confirmed petroleum volatile organic compound (VOC) contaminants in soil above Unrestricted Use soil cleanup objectives. Soils excavated under the proposed redevelopment scenario will require proper management and disposal at a permitted disposal facility.
- Confirmed petroleum volatile organic compound (VOC) contaminants in groundwater above water quality standards.
- The historic use of the property as a gasoline station and auto repair facility suggests that chlorinated solvents were likely used on the property (PCE is a common component in brake cleaners and parts washing solutions). Further investigation will be required to determine if PCE or chlorinated solvent contamination is present at the subject Site.

3.6 Cost Analysis of Established Environmental Conditions

The projected remedial costs for this project were based on typical NYSDEC Class II Inactive Hazardous Waste Site/Brownfield Cleanup Program requirements. VOCS, related to the use of the Site as a gasoline station and auto repair facility were reported in soil and groundwater. The extent of horizontal and vertical impact has not yet been determined but covers the existing UST and dispenser areas wets and south and extends vertically to the water table. It is assumed that soil excavated in this area of the site for the basement level foundation of a new building will be disposed of as a low-lead (<600 ppm) non-hazardous material at a Class B facility.

Elevated levels of metals and SVOCs are commonly reported in fill materials throughout the area. Fill was observed at this site to a depth of approximately 5 feet below the surface. It is assumed that this material will be excavated as part of the new building construction and as such only disposal costs have been included. It is assumed that this material will be disposed of as a low-lead (<600 ppm) non-hazardous material at a Class B facility.

The costs for soil disposal under a non-hazardous classification were based on those recently established within the area and assume that contaminant levels are within acceptable limits (NJDEP non-direct contact criteria) at a standard range New Jersey non-hazardous disposal facility.

Remediation of groundwater was also included since groundwater is known to have been affected by the release at the Site. Costs were not included for a vapor barrier and subslab venting system beneath the new building since the potential for vapor intrusion would be expected to be substantially reduced following removal of impacted soil and since the basement level will be used as a parking garage with mechanical ventilation. Costs for mitigation items were based on average unit prices on similar remediation projects. Further investigation and remedial action of existing environmental conditions will include the following tasks:

- NYSDEC Brownfield Cleanup Program - Initial Submittals, Investigative Work Plans, etc.
Cost: \$ 25,100
- Remedial Investigation and Reporting
Cost: \$ 67,922
- Remedial Work Plans and Remedy Scoping
Cost: \$ 15,750
- Remedial Program Implementation and Reporting
Cost: \$ 372,657
- Final Reporting, Easements (if needed) and Related for Certificate of Completion
Cost: \$ 47,950
- Long Term Groundwater Monitoring and Reporting (if needed)
Cost: \$ 82,500

Subtotal	\$ 6113879
15% Contingency	\$ 91,781
TOTAL PROJECT COST	\$ 702,661

A detailed summary of the projected remedial costs by task is provided in **Attachment C**.

3.7 Previous Owners and Operators

Previous owners and operators of the property are shown in Tables 1 and 2 below. Information regarding ownership of the property was obtained from online property records maintained by the

NYC Department of Finance Office of the City Register under its Automated City Register Information System (ACRIS). Information regarding past operators was obtained from lease agreements, Sanborn Fire Insurance Maps, and from an internet search of the property address. The property is in the process of being purchased by the requestor.

Matthew J Rozzi is the current owner having purchased the property from the former owner Eleanor Bartley who owned the property from approximately 1980 to 1997. The building on lot 55 was originally constructed in 1931 and occupied by a gasoline station and auto repair since then.

Table 1 – Previous Owners (Lot 55)

Dates	Name	Comments	Contact Info
1968-1969	Hasselmann May T	Deed	1253 East 28 th Street Brooklyn NY
1969-1980	Green Glen Holding Corp	Deed	189 Montagu Street Brooklyn NY
1980-1997	Bartley Eleanor	Deed	3857 Kings Highway Brooklyn NY
1997- present	Rozzi, Ann Marie	Deed	1233 East 48 th Street Brooklyn NY

Note: OCEAN UNITS LLC is in no way affiliated with any of the prior owners the property.

Table 1 – Previous Owners (Lot 58)

Dates	Name	Comments	Contact Info
1968-1969	Hasselmann May T	Deed	1253 East 28 th Street Brooklyn NY
1969-1980	Green Glen Holding Corp	Deed	189 Montagu Street Brooklyn NY
1980-1997	Bartley Eleanor	Deed	3857 Kings Highway Brooklyn NY
1997- present	Rozzi, Ann Marie	Deed	1233 East 48 th Street Brooklyn NY

Note: OCEAN UNITS LLC is in no way affiliated with any of the prior owners the property.

Table 2 – Previous Operators (Lot 55)

Dates	Name	Comments	Contact Info
1928	Mileage Gas Corp	City Directories	1815 Ocean Avenue Brooklyn NY
1934	Gas Stations Inc Main Office	City Directories	1815 Ocean Avenue Brooklyn NY
1945-1949	Mid Ocean Service Station	City Directories	1815 Ocean Avenue Brooklyn NY
1960-1965	Dentes Service Station	City Directories	1815 Ocean Avenue Brooklyn NY
1960-1965	Mid Brook Service Station	City Directories	1815 Ocean Avenue Brooklyn NY
1970	Harry's Service Center	City Directories	1815 Ocean Avenue Brooklyn NY
1973	Ronnies Service	City Directories	1815 Ocean Avenue Brooklyn NY

Note: OCEAN UNITS LLC in no way affiliated with any of the prior operators at the property.

Table 2 – Previous Operators (Lot 58)

Dates	Name	Comments	Contact Info
1895 to 1930	2-story residential building	City Directories	1825 Ocean Avenue Brooklyn NY
1930-Present	Vacant lot	Sanborn Maps	1825 Ocean Avenue Brooklyn NY

Note: OCEAN UNITS LLC in no way affiliated with any of the prior operators at the property.

The following resources were employed in obtaining historical information with respect to ownership:

- NYC ACRIS Database
- Interviews with Current Owners

The following resources were employed in obtaining historical information with respect to operators:

- Interviews with Current / Previous Operators / Owners
- Certificate of Occupancy Records as Maintained by the Department of Buildings
- Internet Address Search

4.0 CONTACT LIST INFORMATION (Application Section VIII)

The following sub-sections provide the minimum contact list information as required in the BCP application form.

4.1 Local Government Contacts

City of New York

William de Blasio
Mayor of New York City
City Hall
New York, NY 10007

Eric Adams
Brooklyn Borough President
209 Joralemon Street
New York, NY 11201

Alvin M Berk
Chair, Brooklyn Community Board 14
810 East 16th Street
Brooklyn, New York 11230

Shawn Alyse Campbell
District Manager, Brooklyn Community Board 14
810 East 16th Street
Brooklyn, New York 11230

Chaim M Deutsch
NYC Council Member
48st District
2401 Avenue U
Brooklyn, NY 11229

Carl Weisbrod
Chair of City Planning (Zoning)
22 Reade St.
Third Floor
New York, NY 10007

Dalila Hall
New York City Department of Transportation
Brooklyn Borough Commissioner
55 Water Street, 9th Floor
New York, NY 10041
Kings County Clerk's Office

Nancy T. Sunshine, County Clerk
360 Adams Street, Room 189
Brooklyn, NY 11201

Ms. Letitia James
Public Advocate
1 Centre Street, 15th Floor
New York, NY 10007
Email: kjfoey@pubadvocate.nyc.gov

Hon. Scott M. Stringer
Office of the Comptroller
1 Centre Street
New York, NY 10007
Email: intergov@comptroller.nyc.gov

Hon. Jose Peralta
NYS Senator
32-37 Junction Boulevard
East Elmhurst, NY 11369

Hon. Joan L. Millman
NYS Assembly Member
341 Smith Street
Brooklyn, NY 11231

Hon. Charles Schumer
U.S. Senator
757 Third Avenue, Suite 17-02
New York, NY 10017

Hon. Kirsten Gillibrand
U.S. Senator
780 Third Avenue, Suite 2601
New York, NY 10017

Hon. Nydia M. Velazquez
U.S. House of Representatives
266 Broadway, Suite 201
Brooklyn, NY 11211

John Wuthenow
Office of Environmental Planning & Assessment
NYC Dept. of Environmental Protection
96-05 Horace Harding Expressway
Flushing, NY 11373
Director

NYC Office of Environmental Coordination
253 Broadway – 14th Floor
New York, NY 10007

Daniel Walsh
NYC Department of Environmental Remediation
100 Gold Street
New York, NY 10038

4.2 Adjacent Property Owner Contacts

Properties adjacent to the project site are shown in **Figure 4**. Contact information for the identified owners, as listed in the New York City ACRIS Database, are as follows:

West

1. ELMRAY APTS CO LLC
155 East Rockaway Road
Hewlett, NY 11557

OPERATOR / TENANT
1818 Ocean Avenue
Brooklyn NY 11230

- 2 Nathan and Ceila Rosenblatt
1361 East 19th Street
Brooklyn, NY 11230

- 3 1806 Ocean Realty LLC
272 Madison Avenue
New York, NY 10016

OPERATOR / TENANT
1806 Ocean Avenue
Brooklyn NY 11230

North

4. LAW MARC FUNDING CORP
16 Court Street
BROOKLYN, NY 11241

OPERATOR / TENANT
1801 Ocean Avenue
Brooklyn NY 11230

East

5. Robin Brickman
1452 East 21st St
BROOKLYN, NY 11210

Sheldon Brickman
1452 East 21st St
BROOKLYN, NY 11210

6. Edward Liberman
690 Ocean Parkway
BROOKLYN, NY 11230

7. Bruce and Judy Listhaus
3111 Avenue K
BROOKLYN, NY 11210

RESIDENT / OCCUPANT
1460 East 21st
BROOKLYN, NY 11210

8. Joseph Lithenstein
1462 East 21st
BROOKLYN, NY 11210

9. Adele Pinotnica
902 Ocean Parkway Apt 6D
Brooklyn NY 11230

RESIDENT / OCCUPANT
1466 East 21st
BROOKLYN, NY 11210

10. Neal Crystal
1345 East 4th Street
Brooklyn NY 11230

RESIDENT / OCCUPANT
1468 East 21st
BROOKLYN, NY 11210

South

11. Ace Realty Apartments
5614 15th Avenue
Brooklyn, NY 11219

RESIDENT / OCCUPANT
1833 Ocean Avenue
BROOKLYN, NY 11230

4.3 Local News Media

The Brooklyn Paper
One Metrotech Center, Suite 1001
Brooklyn, NY 11201
(718) 260-4504

New York Times
620 Eighth Ave.
New York, NY 10018

New York Daily News
450 W. 33 Street
New York, NY 10001

New York Post
1211 Avenue of the Americas
New York, NY 10036-8790

4.4 Public Water Supplier

New York City Department of Environmental Protection
Bureau of Water Supply
1250 Broadway - 8th Floor
Manhattan, NY 10001

4.5 Requested Contacts

No requests have been made at this time.

4.6 Schools and Daycare Facilities

The following Schools and Daycare facilities were identified within a one-half mile radius of the project site (see **Figure 5**):

- 1 Hebrew Language Academy
1340 East 29th Street
Brooklyn, NY 11210
(718) 377-7200
Attn: Laura J Silver

- 2 Public School 193
2515 Avenue L
Brooklyn, NY 11210
718-338-9011
Attn: Tami Flynn
- 3 Rabbi Harry Halpern Day School
1256 East 21st Street
Brooklyn, NY 11210
718-253-1555
Attn: Henry Somers
- 4 Beacon Healthcare School Inc
1815 Avenue M
Brooklyn, NY 11230
718-758-2800
Attn: Deborah Anglin
- 5 Netcare Inc
1662 Ocean Avenue
Brooklyn, NY 11230
718-677-4140
Attn: Principal (School was contact and would not release name)
- 6 Yeshiva Tehila L Dovid
1257 East 18th Street
Brooklyn NY 11230
718-645-0028
Attn: Principal (School was contact and would not release name)
- 7 Edward R Murrow High School
1600 Avenue L
Brooklyn, NY 11230
718-258-9283
Attn: Allen Barge
- 8 Shulamith School for Girls
1277 East 14th Street
Brooklyn, NY 11230
718-338-4000
Attn: Penina Karp, Gitty Fleisher, Shulamis Goldberg
- 9 Red Hat Day Care Center
1317 East 15th Street
Brooklyn, NY 11230
718-336-1480
Attn: Principal (School was contact and would not release name)

- 10 Public School 199
1100 Elm Avenue
Brooklyn, NY 11230
718-339-1422
Attn: Louise Xerri
- 11 Yeshiva Shaare Torah Boys School
1680 Coney Island Avenue
Brooklyn, NY 11230
718-645-1196
Attn: H. Haber
- 12 Meorot Beit Yaakov
1123 Avenue N
Brooklyn, NY 11230
718-627-8758
Attn: Principal (School was contact and would not release name)
- 13 Imagine Academy
1458 East 14th Street
Brooklyn, NY 11230
718-376-8882
Attn: Elisa Chrem
- 14 YAI NY League Early Learn
1520 East 13th Street
Brooklyn, NY 11230
718-383-1060
Attn: Dr. Paul H. Levitz, PhD
- 15 Public School 197
1599 East 22nd Street
Brooklyn, NY 11210
718-377-7890
Attn: Rosemarie Nicoletti

4.7 Document Repository

The following location will serve as a repository for public access to documents generated under the BCP program:

Brooklyn Public Library – Kings Highway
2115 Ocean Avenue
Brooklyn, NY 11229
718-375-3037

Hours:

Mon 10:00 AM - 6:00 PM

Tue 10:00 AM - 8:00 PM

Wed 10:00 AM - 8:00 PM

Thu 10:00 AM - 8:00 PM

Fri 10:00 AM - 6:00 PM

Sat 10:00 AM - 5:00 PM

Sun 1:00 PM - 5:00 PM



Phone 631.504.6000
Fax 631.924.2870

5.0 LAND USE FACTORS (Application Section IX)

5.1 Current Property Use (Question 1)

The property is currently occupied by a gasoline station and auto repair facility and a parking lot. Further information on the historic use of the property is provided in *Section 3.0 - Environmental History*.

5.2 Intended Post Remediation Property Use (Question 2)

The Requestor intends to redevelop the property with a new 8-story residential building which will cover 65 percent of the Site. The building will include a cellar level which will be used for accessory parking. The building will feature a maximum of ninety-three residential units with a mix of one, two and three bedrooms each. Additional accessory space will include, recreational space, laundry facilities and other resident amenities. Further details of the proposed project are provided in *Section 2.0 - Project Description*.

5.3 Surrounding Land Use (Question 14)

The land use in the immediate vicinity of the Site includes 1-2 family residential homes and large apartment buildings.

The area surrounding the property (**Figure 6**) is highly urbanized and predominantly consists of multi-family residential buildings with mixed-use buildings (residential w/ first floor retail) along main artery corridors such as Avenue M located just 300 feet to the north. Commercial / industrial properties, are interspersed with the residential properties as are institutions such as parks, schools, churches and playgrounds within a quarter mile of the Site in all directions.

Compliance with Current Zoning

The Lot is currently zoned R7A residential. The contextual Quality Housing regulations, which are mandatory in R7A districts, typically produce high lot coverage, seven- and eight-story apartment buildings, blending with existing buildings in many established neighborhoods.

The floor area ratio (FAR) in R7A districts is 4.0. Above a base height of 40 to 65 feet, the building must set back to a depth of 10 feet on a wide street and 15 feet on a narrow street before rising to a maximum height of 80 feet. In order to preserve the traditional streetscape, the street wall of a new building can be no closer to the street line, than any building within 150 feet on the same block, but need not be farther than 15 feet. Buildings must have interior amenities for the residents pursuant to the Quality Housing Program. Off-street parking is not allowed in front of a building. Parking is required for 50% of all dwelling units.

Contextual districts are designed to maintain the scale and form of the city's traditional moderate- and higher-density neighborhoods. These districts, which have an A, B, D or X letter suffix are mapped where buildings of similar size and shape form a strong neighborhood context, or where redevelopment would create a uniform context. The bulk regulations for these districts are known as Quality Housing regulations.

Created in the 1980's to promote high-quality housing harmonious with its neighbors, the Quality Housing Program was a response to concerns that height factor buildings were often out-of-scale with the surrounding neighborhood. The program assigns a single floor area ratio to each district, and includes bulk regulations that typically produce buildings that are shorter and have higher lot coverage than height factor buildings.

The proposed project, which includes a residential building, is compatible with the surrounding land use and will be in compliance with the current zoning.

Compliance with Land Use Plans

On April 5, 2006, the City Council approved the Midwood rezoning action (CEQR No. 06DCP030K) covering approximately 70 block area.

According to the Negative Declaration issued on April 5, 2006 by the NYC Planning Commission:

" The proposed action would include the following zoning map changes for a seventy block area located in the Midwood Area of Community District 14, Brooklyn. The rezoning area is generally bounded by Avenue H on the north, Nostrand Avenue on the east, Avenue P and Kings Highway on the south and Coney Island Avenue on the west."

The objectives of the rezoning were to:

- A change from an R6 district to an R2 district, a change from an R6 district to an R2 district, change from an R6 district to an R5 district, a change from a R6 district to an R5B district, a change from a R6!C8-2 district to an R 7 A district, a change from a C4-3 district to an C4-4A district, a reduction of a C2-3 commercial overlay and an addition of a C2-3 commercial overlay
- The proposed rezoning would reinforce established built contexts and prevent out-of-character development. It would limit the height of new developments in the predominantly low-rise blocks within the study area to thirty-three feet to maintain the low-rise character.
- Along Ocean Avenue and Kings Highway, where there is an existing multi-story apartment building character, the proposed rezoning would maintain the option for apartment building construction but limit the height of new development to eighty-feet after a setback at a maximum of sixty-five feet, which is consistent with the existing character.
- Along five block-faces of Coney Island Avenue, north of Avenue P and south of Locust Avenue, the proposed rezoning would allow apartment building construction where new residential construction is not currently permitted and limit the height of new development to eighty-feet, after a setback at sixty-five feet. The FAR permitted for community facility and mixed residential / community / commercial facility buildings would be reduced from 4.8 to 4.0 and 2.0.
- The proposed rezoning would protect the relatively low-rise character of the neighborhood from out-of-scale development.

The proposed project will be in full compliance with the current land use plans as identified in the Midwood Rezoning Action (CEQR No. 06DCP030K) adopted by the City on April 5, 2006 (**Attachment D**).

5.4 Environmental Zone

In October 2003, the New York State Brownfield Cleanup Program was signed into law under Title 14 of the ECL, Article 27. The law directed New York State's economic development agency, Empire State Development (ESD) to designate Environmental Zones (En-Zone) in which tax credits offered under the BCP are enhanced. The subject site is within Census Tract 758 which is not a designated En-Zone (see **Figure 7**). Census Tract 758 has a poverty rate of 7.19 percent and an unemployment rate of 4.76 percent which does not meet the Part A eligibility criteria for an Environmental Zone.

5.5 Environmental Justice Area

As shown on **Figure 8**, the property is not located within a potential environmental justice area. The NYSDEC defines a potential environmental justice area as a "minority or low-income community that may bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies".

Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

5.6 Groundwater Vulnerability (Question 15)

Groundwater at the Site is present under water table conditions at a depth of approximately 20-23 feet below grade. Based on regional and local water table elevation maps, groundwater flow is expected to flow northwest toward the East River. Groundwater at the Site is confirmed to be affected by the VOC contamination present in soil. This will require further assessment and evaluation under the Remedial Investigation.

Impact to drinking water is not a concern to the buildings downgradient of the Site as all water for the area is supplied by the NYC Municipal water supply system.

Vapor intrusion, from impacted soil and /or groundwater at the Site, to any new development on the Site and to adjacent residential and commercial buildings is a potential concern that will be investigated further under the Remedial Investigation.

5.7 Site Geography and Geology (Question 16)

The geologic setting of Long Island is well documented and consists of crystalline bedrock overlain by layers of unconsolidated deposits. According to geologic maps of the area created by the United States Geologic Survey (USGS), the bedrock in this area of Brooklyn is an igneous intrusive classified as the Ravenswood grano-diorite of middle Ordovician to middle Cambrian age. Unconsolidated sediments overlie the bedrock and consist of Pleistocene aged sand, gravel and silty clays, deposited by glacial-fluvial activity. Non-native fill materials consisting of dredge spoils, rubble and / or other materials have historically been used to reinforce and extend shoreline areas and to raise and improve the drainage of low lying areas.

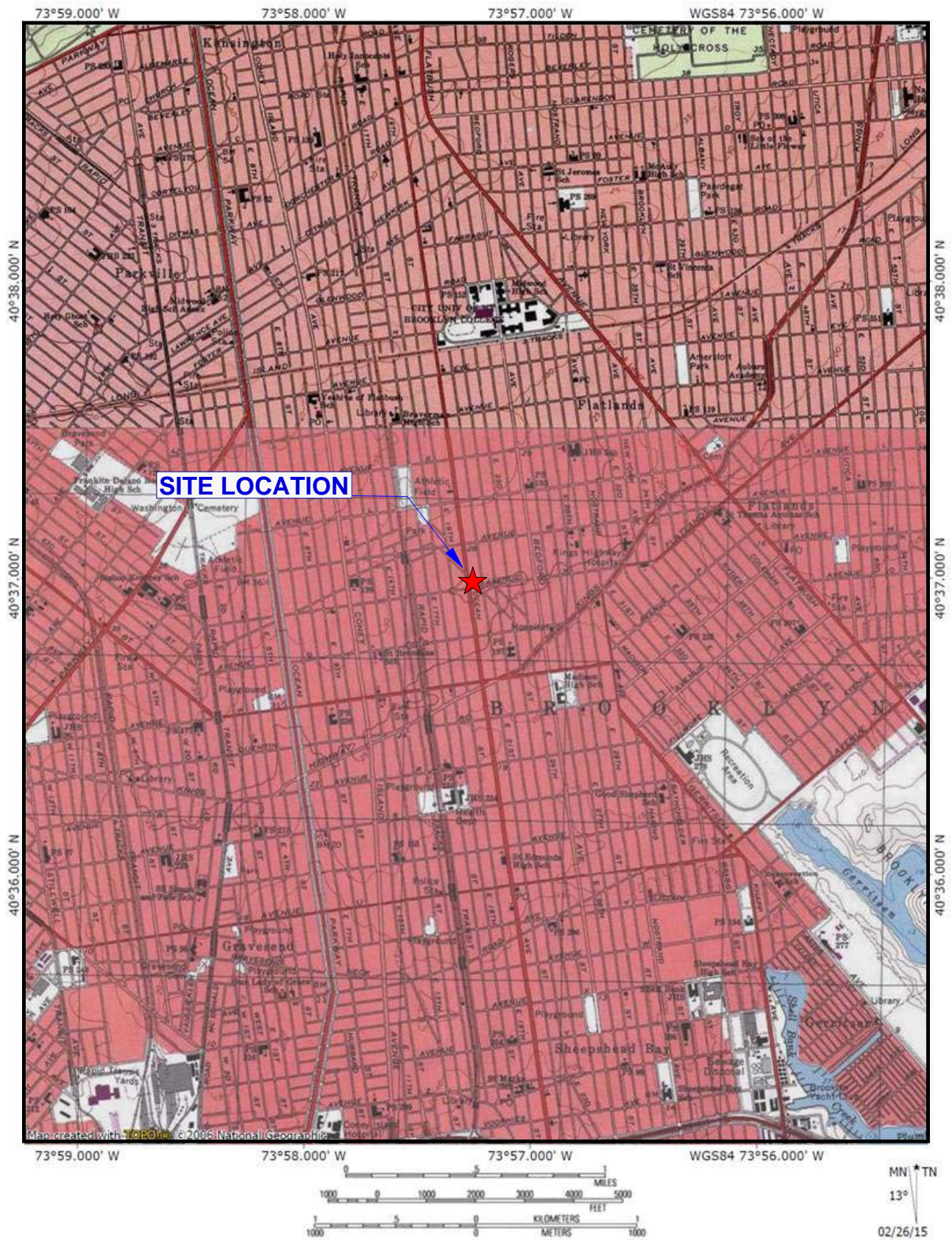
Subsurface soils at the Site consist of historic fill materials to a generally 1 foot to maximum depth of approximately 6 feet below grade. Silty sand matrix is present immediately below this layer to a depth of 25 feet. According to the USGS topographic map for the area (Brooklyn Quadrangle), the elevation of the property is approximately 25 feet above mean sea level.

Groundwater occurs beneath the Site at a depth of approximately 20-23 feet below grade under water table conditions. Based on regional groundwater elevation maps, groundwater flows to the northwest toward the East River.

According to the USGS topographic map for the area (Brooklyn Quadrangle), the elevation of the property is 25 feet above the National Geodetic Vertical Datum (NGVD). The area topography gradually slopes to the southwest.

No portion of the Site is located within a designated flood zone area. The nearest moderate risk and high risk flood zones are located approximately 8,000 ft to the southeast along Mill Basin.

FIGURES



USGS Central Park, NY Quadrangle 1995, Contour Interval = 10 feet



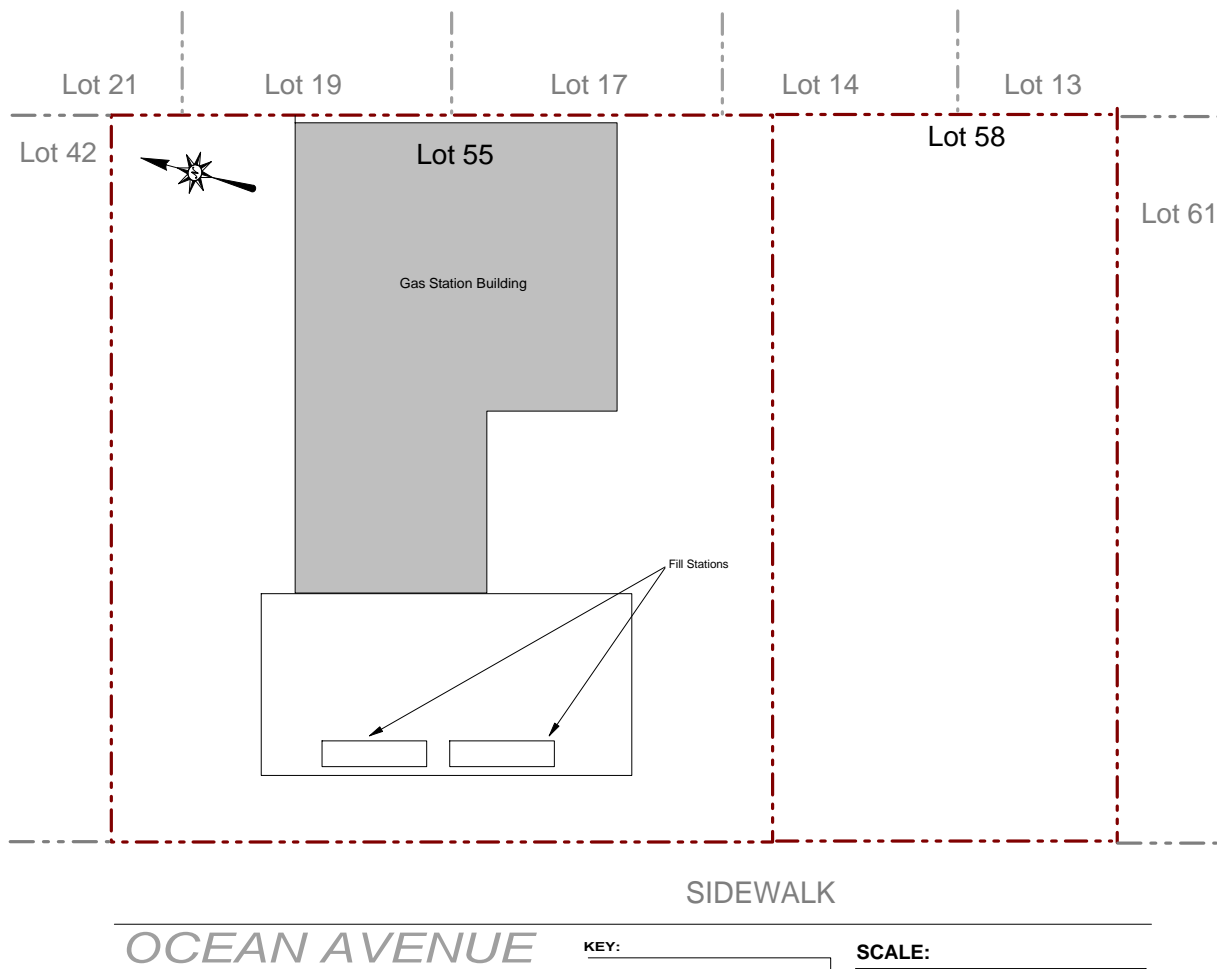
ENVIRONMENTAL BUSINESS CONSULTANTS

Phone 631.504.6000
Fax 631.924.2870

1815-1825 OCEAN AVENUE, BROOKLYN, NY

FIGURE 1

SITE LOCATION MAP

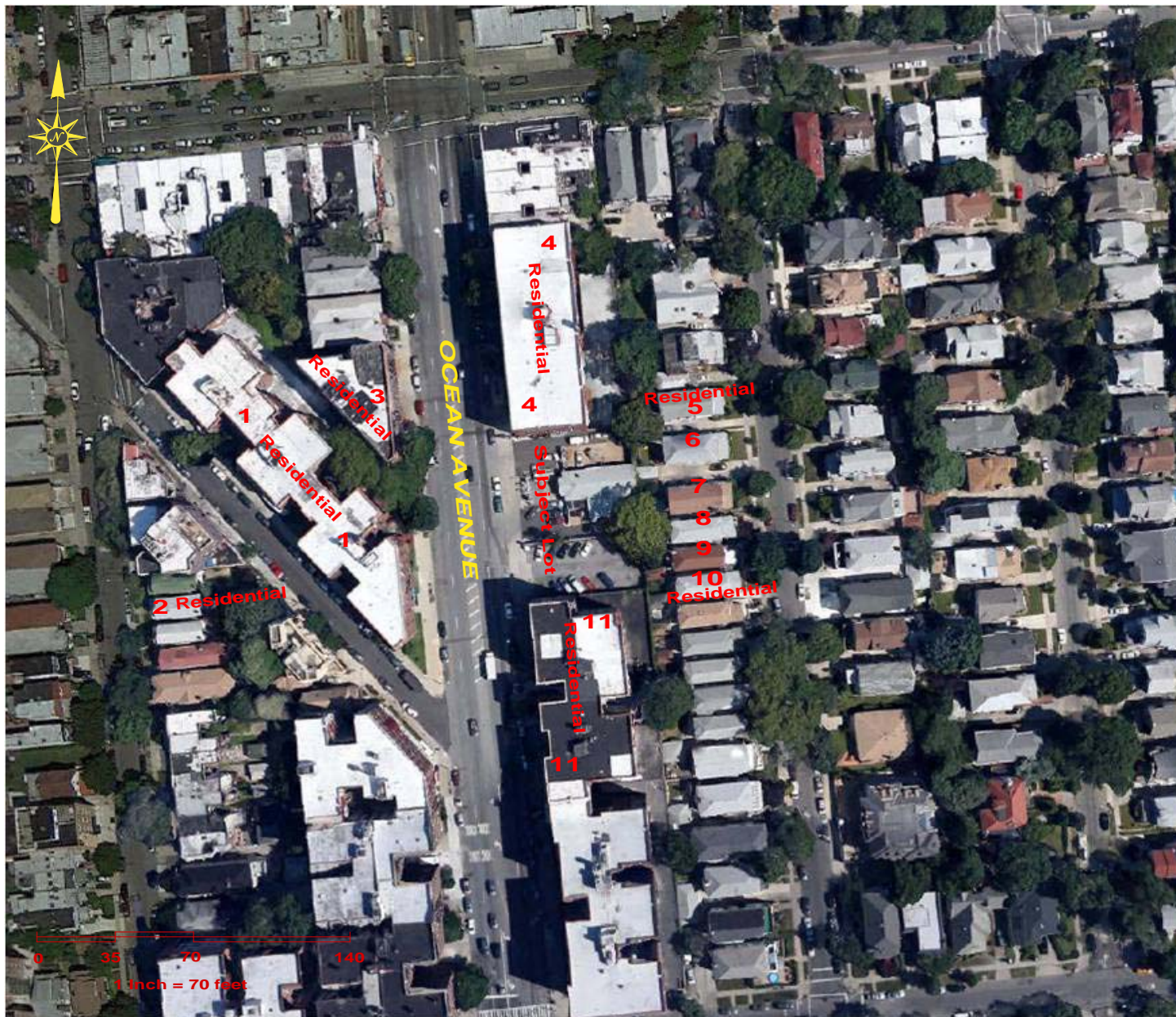


ENVIRONMENTAL BUSINESS CONSULTANTS

Phone 631.504.6000
Fax 631.924.2870

Figure No.
2

Site Name: **SUNOCO GAS STATION AND PARKING LOT**
Site Address: **1815-1825 OCEAN AVENUE, BROOKLYN, NY**
Drawing Title: **SITE PLAN**



EB

Environmental Business Consultants

1808 Middle Country Road, Ridge, NY 11961

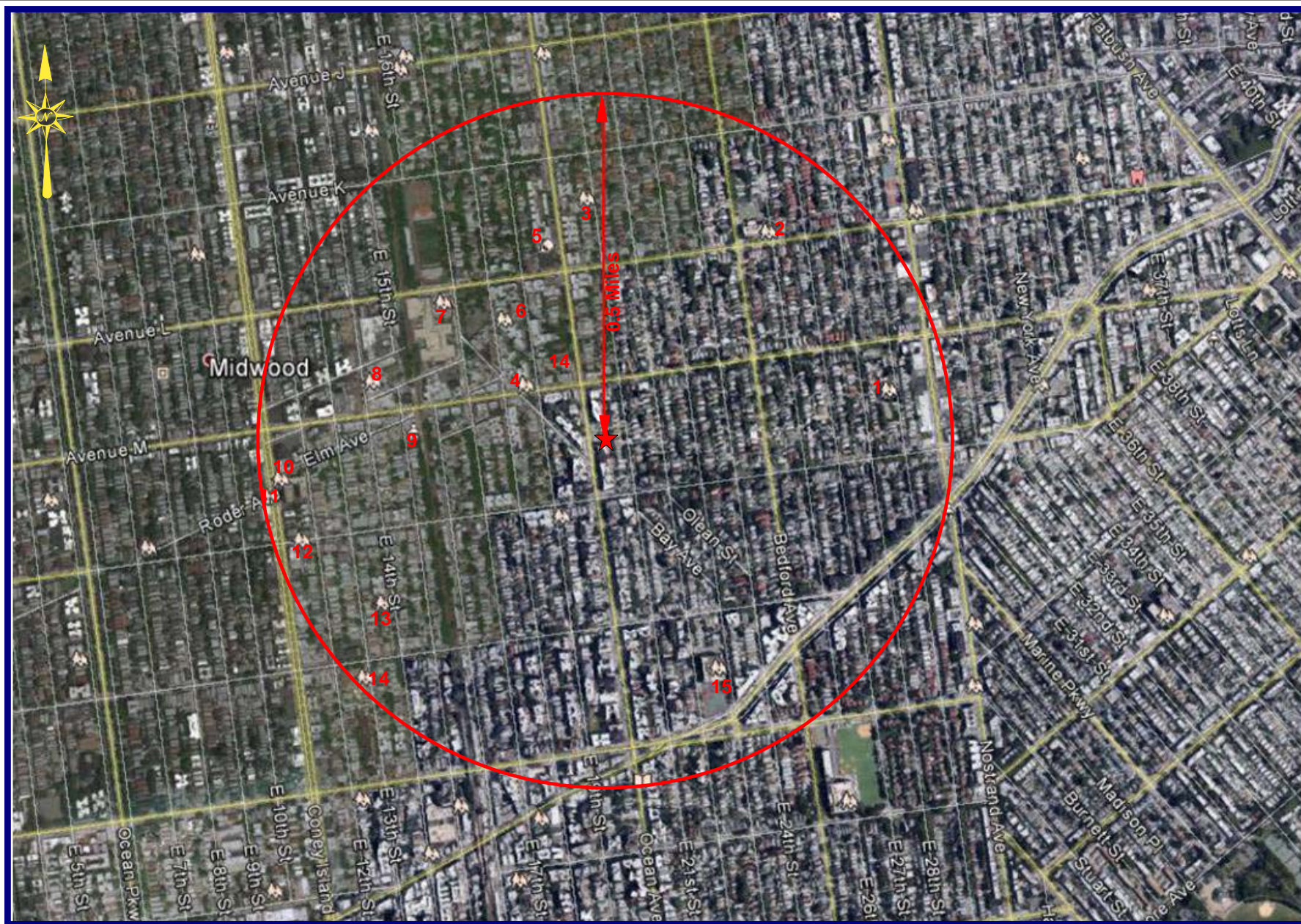
Phone: 631.504.6000

Fax: 631.924.2780

SUNOCO GAS STATION and PARKING LOT
1815-1825 Ocean Avenue, Brooklyn, NY 11230

FIGURE 4

Project Site and
Adjacent Properties

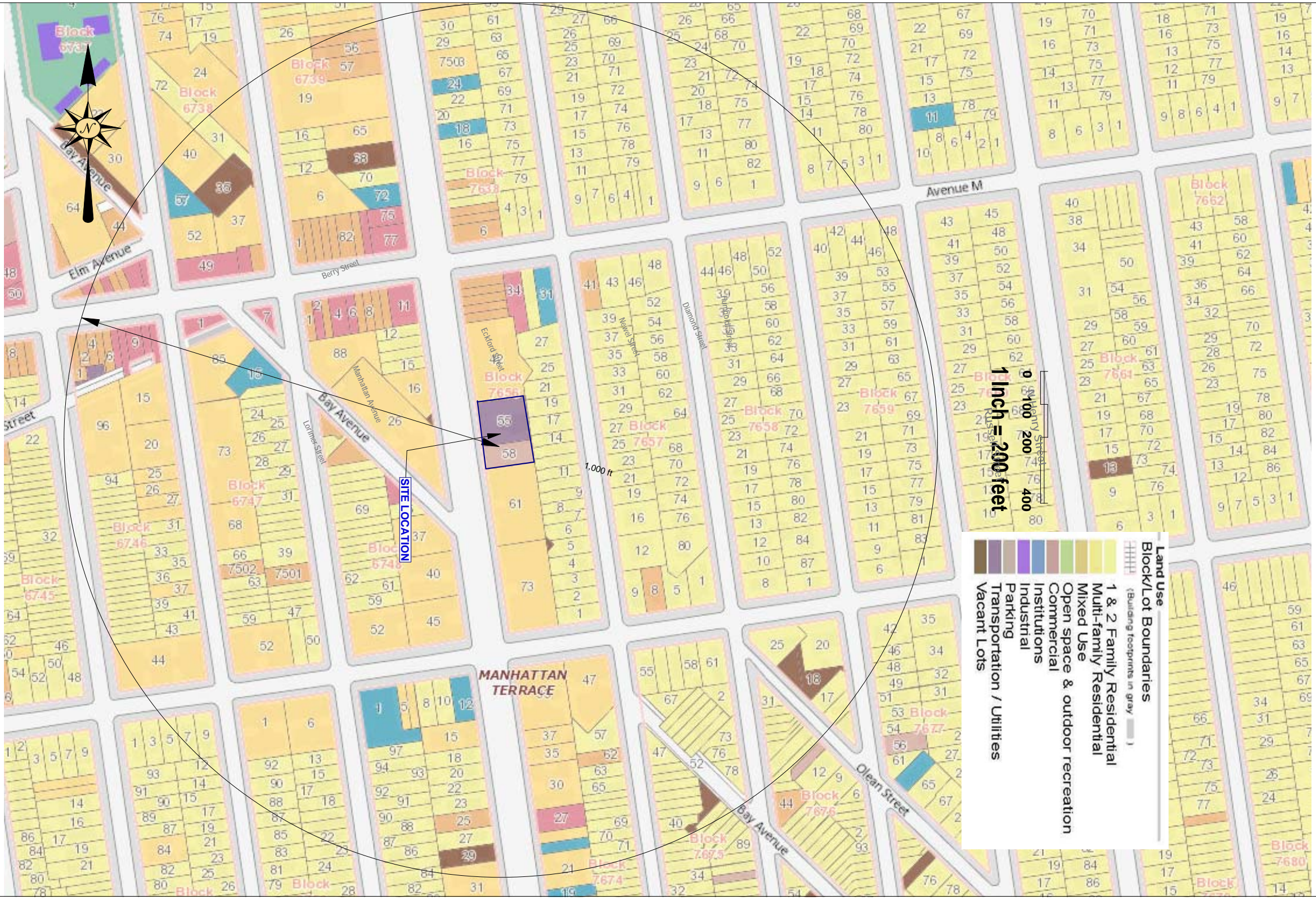


ENVIRONMENTAL BUSINESS CONSULTANTS
1808 MIDDLE COUNTRY ROAD, RIDGE, NY 11961

Phone 631.504.6000
Fax 631.924.2780

SUNOCO GAS STATION AND PARKING LOT
1815-1825 OCEAN AVENUE, BROOKLYN, NY 11230

FIGURE 5 AREA SCHOOLS & DAY CARE CENTERS



Land Use

- 1 & 2 Family Residential
- Multi-family Residential
- Mixed Use
- Open space & outdoor recreation
- Commercial
- Institutions
- Industrial
- Parking
- Transportation / Utilities
- Vacant Lots

Block/Lot Boundaries

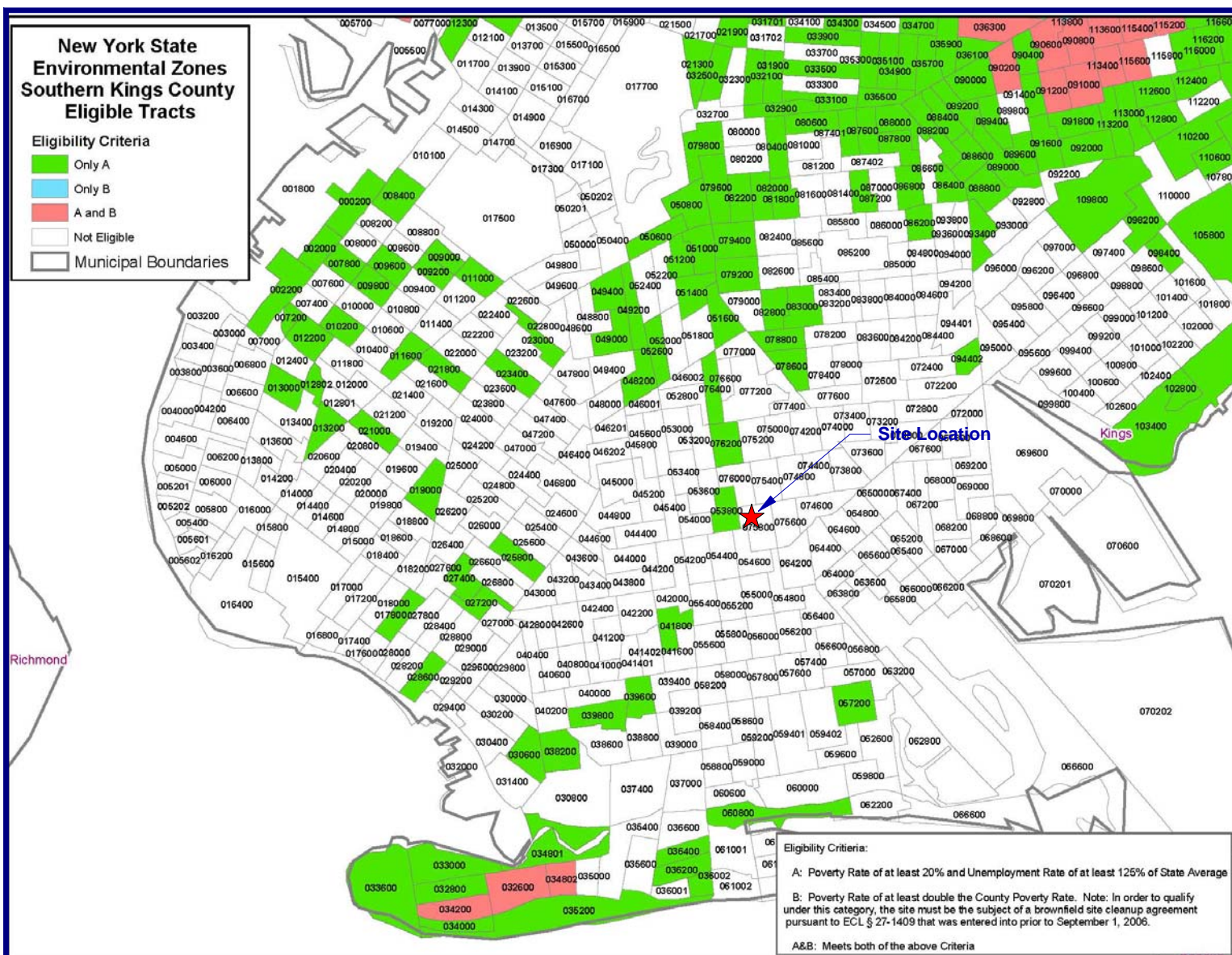
(Building footprints in gray)

Figure No.
6

Site Name: Sunoco Gas Station & Parking Lot

Site Address: 1815-1825 Ocean Avenue, Brooklyn, NY

Drawing Title: Project Site and Adjacent Properties



EB

ENVIRONMENTAL BUSINESS CONSULTANTS

1808 MIDDLE COUNTRY ROAD, RIDGE, NY 11961

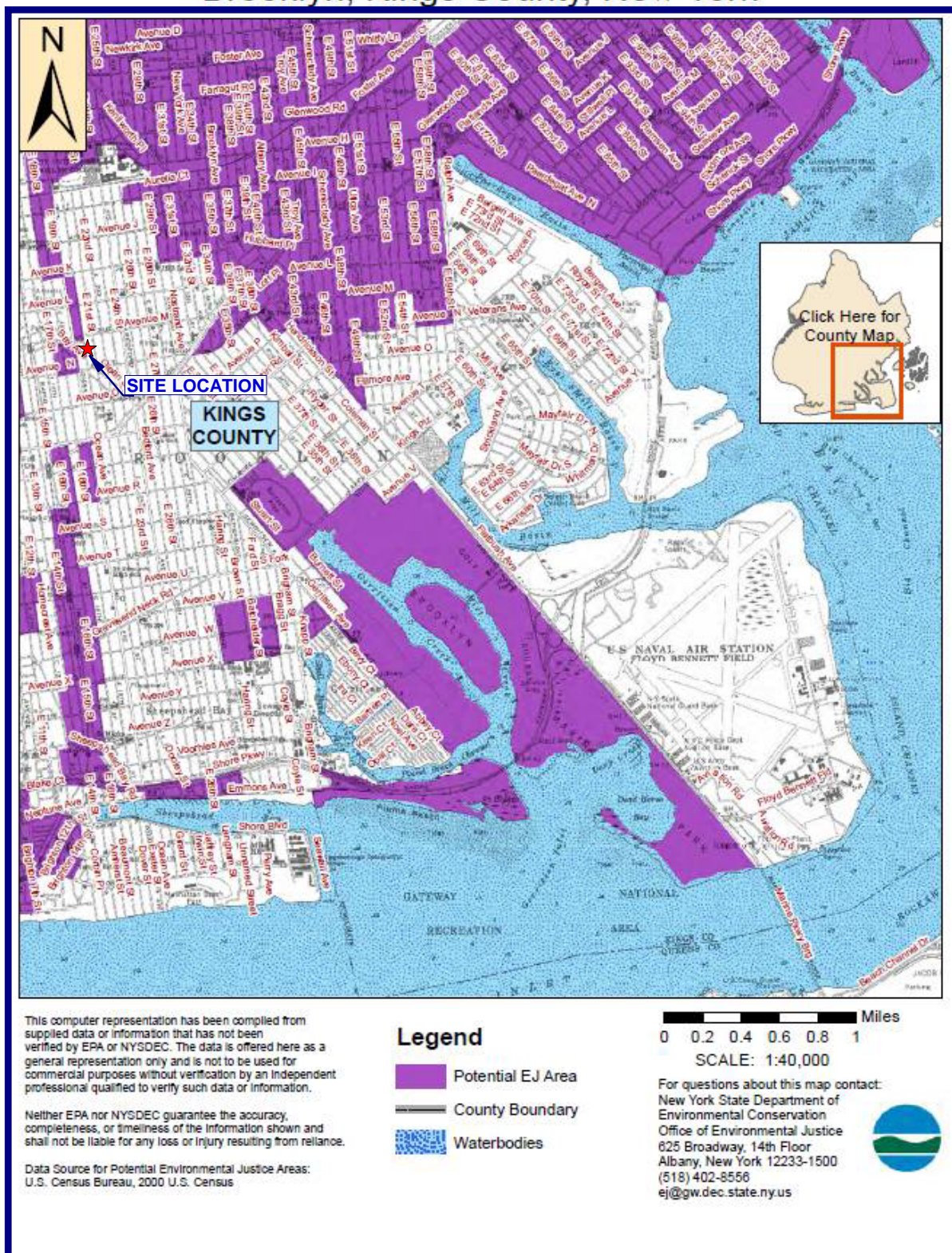
Phone: 631.504.6000

Fax: 631.924.2780

**SUNOCO GAS STATION & PARKING LOT
1815-1825 AVENUE, BROOKLYN, NY 11230**

FIGURE 7 NYS ENVIRONMENTAL ZONES

Potential Environmental Justice Areas in Southeast Brooklyn, Kings County, New York



Environmental Business Consultants

Phone 631.504.6000
Fax 631.924.2870

SUNOCO GAS STATION & PARKING LOT
1815-1825 Ocean Avenue, Brooklyn, NY 11230

FIGURE 8 Potential Environmental Justice Areas

ATTACHMENT A

Access Agreement

Matthew J Rozzi
1815 Ocean Avenue
Brooklyn, NY 11230

Re: 1815-1825 Ocean Avenue
Brooklyn, NY 11230

Dear Joseph:

This letter confirms that Ocean Units LLC has access to the above-referenced site to implement any investigation or remedial work required by the New York State Department of Environmental Conservation (NYSDEC) pursuant to the Brownfield Cleanup Program (BCP), and otherwise comply with all obligations under the Brownfield Cleanup Agreement (BCA) from the date herof until such time as the BCA is terminated or NYSDEC issues a Certificate of Completion ("COC").

Very truly Yours,

By: Matthew J Rozzi
Matthew J Rozzi, owner

ATTACHMENT B
Environmental Reports (Digital Files on CD)

ATTACHMENT C
***Detailed Cost Analysis of Established
Environmental Conditions***

TABLE 1

Summary of Project Costs**NYS Brownfields Cleanup Program
Costs by Task****TASK**

BCP Entry Documents	\$	25,100.00
Supplemental Investigation And RI Report	\$	67,922.00
Remedial Work Plan, Remedy Scoping & Coordination	\$	15,750.00
Remedial Program Implementation	\$	372,657.50
Final Engineering Report, Site Management Plan & IC/ECs	\$	47,950.00
Site Management - Operation and Maintenance Program	\$	82,500.00
Subtotal	\$	611,879.50
15% Contingency	\$	91,781.93
Total	\$	703,661.43

ATTACHMENT D
Bedford Stuyvesant North Rezoning



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Amanda M. Burden, AICP, *Director*
Department of City Planning

October 17, 2005

Regina Myer
Director, Brooklyn Office, Department of City Planning
16 Court Street, 7th Floor, Room 705
Brooklyn, New York 11241-0103

re: **CEQR No. 06DCP030K**
ULURP No. 060130 ZMK
Midwood Rezoning
SEQRA Classification: Type I

Dear Ms. Myer,

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may or will not have a significant effect on the environment. In accordance with this regulation, the City Planning Commission has determined that the proposed action will not have a significant effect on the environment.

Enclosed is the Negative Declaration for CEQR No. 06DCP030K, Midwood Rezoning, including supporting statements for the finding that the project will not have a significant effect. The proposed action would include the following zoning map changes for a seventy block area located in the Midwood Area of Community District 14, Brooklyn. The rezoning area is generally bounded by Avenue H on the north, Nostrand Avenue on the east, Avenue P and Kings Highway on the south and Coney Island Avenue on the west.

The amendments to the Zoning Map are as follows:

- a change from an R6 district to an R2 district;

Robert Dobruskin, *Director*
James Merani, *Deputy Director*
22 Reade Street, New York, N.Y. 10007-1216 Room 4E (212) 720-3420
FAX (212) 720-3495
rdobrus@planning.nyc.gov

Midwood Rezoning

CEQR No. 06DCP030K

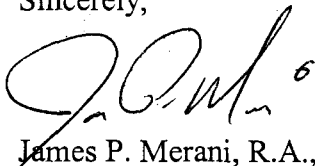
Page 2

- a change from an R6 district to an R4-1 district;
- a change from an R6 district to an R5 district;
- a change from a R6 district to an R5B district;
- a change from a R6/C8-2 district to an R7A district;
- a change from a C4-3 district to an C4-4A district;
- a reduction of a C2-3 commercial overlay; and
- an addition of a C2-3 commercial overlay.

The proposed rezoning would reinforce established built contexts and prevent out-of-character development. It would limit the height of new developments in the predominantly low-rise blocks within the study area to thirty-three feet to maintain the low-rise character. Along Ocean Avenue and Kings Highway, where there is an existing multi-story apartment building character, the proposed rezoning would maintain the option for apartment building construction but limit the height of new development to eighty-feet after a setback at a maximum of sixty-five feet, which is consistent with the existing character. Along five block-faces of Coney Island Avenue, north of Avenue P and south of Locust Avenue, the proposed rezoning would allow apartment building construction where new residential construction is not currently permitted and limit the height of new development to eighty-feet, after a setback at sixty-five feet. The FAR permitted for community facility and mixed residential / community / commercial facility buildings would be reduced from 4.8 to 4.0 and 2.0. The proposed rezoning would protect the relatively low-rise character of the neighborhood from out-of-scale development.

To avoid the potential for impacts related to hazardous materials, the proposed rezoning includes (E) designations. The text of the (E) designations and a complete list of the blocks and lot numbers of the properties on which the (E) designations would be mapped are included in the attached Negative Declaration.

Sincerely,



James P. Merani, R.A., Deputy Director
Environmental Assessment and Review Division

Midwood Rezoning

CEQR No. 06DCP030K

Page 3

c:	Amanda M. Burden	Angela Licata
	City Planning Commissioners	Laurence Parnes
	Hon. Marty Markowitz, Brooklyn Borough President	Sam Voyages
	Robert Kulikowski	Gail Benjamin
	David Karnovsky	James Merani
	Gwen Sheinfeld	Adeniyi Omowale
	Robert Dobruskin	



CITY PLANNING COMMISSION
CITY OF NEW YORK
OFFICE OF THE CHAIR

October 17, 2005

NEGATIVE DECLARATION

Project Identification

CEQR No. 06DCP030K

ULURP No. 060130 ZMK

SEQRA Classification: Type I

Lead Agency

City Planning Commission

22 Reade Street

New York, NY 10007

Contact: Robert Dobruskin

(212) 720-3423

Name, Description and Location of Proposal:

Midwood Rezoning

The New York City Department of City Planning (DCP) proposes zoning map changes for all or portions of an approximately 80 block area within the Midwood neighborhood of Brooklyn's Community District 14. The area proposed for rezoning is a predominantly residential area bounded by Avenue H on the north, Nostrand Avenue on the east, Avenue P and Kings Highway on the south and Coney Island Avenue on the west.

The amendments to the Zoning Map are as follows:

- a change from an R6 district to an R2 district;
- a change from an R6 district to an R4-1 district;
- a change from an R6 district to an R5 district;
- a change from a R6 district to an R5B district;
- a change from a R6/C8-2 district to an R7A district;
- a change from a C4-3 district to an C4-4A district;
- a reduction of a C2-3 commercial overlay; and

- an addition of a C2-3 commercial overlay.

The proposed rezoning would reinforce established built contexts and prevent out-of-character development; limit the height of new developments in the predominantly low-rise blocks within the study area to thirty-three feet to maintain the low-rise character; along Ocean Avenue and Kings Highway, where there is an existing multi-story apartment building character, maintain the option for apartment building construction but limit the height of new development to eighty-feet after a setback at a maximum of sixty-five feet, consistent with the existing character; along five block-faces of Coney Island Avenue, north of Avenue P and south of Locust Avenue, allow apartment building construction where new residential construction is not currently permitted and limit the height of new development to eighty-feet, after a setback at sixty-five feet; and reduce the FAR allowed for community facility and mixed residential / community / commercial facility buildings from 4.8 to 4.0 and 2.0. The proposed rezoning would protect the relatively low-rise character of the neighborhood from out-of-scale development.

Without the proposed action, there could be 181 dwelling units built on the seven projected development sites. With the proposed rezoning, there could be 247 dwelling units in the seven projected development sites, for a total decrease in 981 square feet of floor area as a result of a decrease of 65, 880 square feet of community facility floor area, an increase of 64, 898 of residential space, and no change in commercial floor area which would remain at 13, 176 square feet. The proposed action is projected to result in approximately 66 additional dwelling units on the seven projected development sites.

To avoid the potential for hazardous materials impacts, the proposed zoning map amendment includes (E) designations for hazardous materials on the following properties:

Block 6703,	Lot 55
Block 6749,	Lots 54, 56, 73, 76, 78, 86, 91
Block 6758,	Lot 51
Block 6766,	Lots 7, 12, 20, 21
Block 7656,	Lots 55, 58
Block 7674,	Lot 1

The (E) designation would require that the fee owner of such a site conduct a testing and sampling protocol, and remediation where appropriate, to the satisfaction of the Department of Environmental Protection (DEP) before the issuance of a building permit by the Department of Buildings (DOB) (pursuant to Section 11-15 of the Zoning Resolution - Environmental Requirement). The (E) designation also includes a mandatory construction-related health and safety plan which must also be approved by the DEP.

To avoid the potential for air quality impacts associated with boiler emissions, the proposed

zoning map amendment includes (E) designations on the following properties:

Block 6712, Lots 81, 82, 83 and 84
Block 6730, Lots 7, 9 and 10
Block 6738, Lots 15, 17, 74, 75, 76, 77, 78 and 79
Block 6739, Lots 15, 16, 26 and 28
Block 6740, Lots 55, 56, 57 and 58
Block 6749, Lots 73, 76, 78, 86 and 91
Block 6765, Lots 20, 21, 25 and 27
Block 7656, Lots 55 and 58

Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems.

To avoid the potential for air quality impacts that would have the potential to result in significant adverse industrial source air quality impacts, the proposed Midwood Rezoning includes (E) designations on the following property:

Block 6758, Lot 51

Any new residential and/or commercial development must have inoperable windows and may not include air inlets in the north facade of the building.

To avoid the potential for significant adverse impacts related to noise, the proposed action includes (E) designations on the following properties:

Block 6731, Lot 56
Block 6749, Lots 54, 56, 73, 76, 78, 86 and 91
Block 6758, Lot 1

In order to ensure an acceptable interior noise environment, future residential uses on the above referenced properties must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation on all facades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation would also have to be provided. Alternate means of ventilation would include, but would not be limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

With the implementation of the above (E) designations, no significant adverse impacts related to hazardous materials, air quality or noise would occur.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement dated October 14, 2005, prepared in connection with the ULURP Application (060130 ZMK). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

The above determination is based on an environmental assessment which finds that no significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this Negative Declaration, you may contact Gwen Sheinfeld of the Department of City Planning at (212) 720-3419.



James P. Merani, R.A., Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: 10/14/05



Amanda M. Burden, AICP, Chair
City Planning Commission

Date: 10/17/05

ATTACHMENT E
Resolution to Sign on Behalf of LLC

RESOLUTION OF LIMITED LIABILITY COMPANY

The undersigned, being a member and manager of Ocean Units LLC, a New York limited liability company (the "Company"), does hereby resolve that:

1. Joseph Banda is an officer of the Company and has the full power and authority on behalf of the Company to:

(a) Execute documents in connection with the application of the Company for participation in the New York State Brownfield Cleanup Program (the "BCP");

(b) Enter into agreements with the New York State Department of Environmental Protection (the "DEC") in connection with the Company's participation in the BCP;

(c) Execute any and all documents in connection with the Company's participation in the BCP, including but not limited to applications, agreements, and tax returns;

(d) Take any action necessary to the furtherance of the Company's participation in the BCP, including but not limited to conducting negotiations on behalf of the Company.

2. The authority hereby conferred shall be deemed retroactive, and any and all acts authorized herein which were performed prior to the passage of this unanimous consent are hereby approved and ratified. The authority hereby conferred is in addition to that conferred by any other consent heretofore or hereafter delivered to the DEC and shall continue in full force and effect until the DEC shall have received notice in writing, certified by the sole member of this company, of the revocation hereof by a resolution duly adopted by the sole member of this company. Any such revocation shall be effective only as to actions taken by this company subsequent to DEC's receipt of such notice.

3. The undersigned hereby represents and warrants that (i) the undersigned is a member and manager of the Company; and (ii) the consent of any member and manager is sufficient to authorize the Company to take the aforementioned actions.

A handwritten signature in black ink, appearing to be 'JB', is written above a horizontal line.

Dated: April 21, 2015
Brooklyn, NY