

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Bureau of Technical Support
625 Broadway, 11th Floor, Albany, NY 12233-7020
P: (518) 402-9543 | F: (518) 402-9547
www.dec.ny.gov

FEB 5 2019

Innovative Urban Living, LLC
Attn: Stephen Strateman
c/o Gotham Organization, LLC
432 Park Ave. South, Second Floor
New York, New York 10016

RE: Brownfield Cleanup Application
12120 Flatlands Avenue
Site No. C224290

Dear Mr. Strateman:

The New York State Department of Environmental Conservation (DEC) has received your application for participation in the Brownfield Cleanup Program (BCP) pursuant to Environmental Conservation Law (ECL) § 27-1401 et seq. We are pleased to advise you that your application has been determined to be complete based upon DEC's initial non-substantive review of your application package. While the application is complete, DEC may require additional information regarding site contamination in order to demonstrate that the site requires remediation pursuant to ECL § 27-1407(1). Additionally, if your application also seeks a determination that the site is eligible for tangible property credits under ECL § 27-1407(1-a), DEC may require additional information in order to make such a determination. If you propose additional material to supplement this application, DEC may consider it at its sole discretion. If additional material or information supplied significantly changes the scope of the site subject to the application, the Department may require you to publish another public notice of availability of the complete application. DEC would then adjust the time frame specified under ECL § 27-1407(6) for notifying you that your request for participation in the BCP is either accepted or rejected.

Pursuant to ECL § 27-1407(5), a 30-day public comment period is to begin after DEC's determination that an application is complete. DEC will publish a notice of the receipt of your application seeking public comment in the "Environmental Notice Bulletin." In accordance with the ECL and DEC regulations (see 6 NYCRR § 375-3.4(b)), you must notify, in writing, the Director of the Mayor's Office of Environmental Coordination, and all parties on the site contact list¹ of the availability of the complete application for public review and comment.

¹ The site contact list includes (see section 375-1.2(as)) all interested "persons, government agencies, groups or organizations, including, but not limited to, the chief executive officer and zoning board of each county, city, town and village in which such site is located, the public water supplier which serves the area in which such site is located, any site residents, adjacent property owners, any person who has requested to be placed on the site contact list, and the administrator of any school or day care facility located on the site for the purposes of posting and/or dissemination at the facility. Provided, however, that where the site or adjacent real property contains multiple dwelling units, the remedial party may propose an alternative method, consistent with the citizen participation goals set forth in section 375-1.10, for providing such notice in lieu of mailing to each individual."



Department of
Environmental
Conservation

In order to facilitate the notifications, DEC has prepared the enclosed documents for your use as Public Notices along with instructions. You are responsible for placing a copy of the application (including any attachments) and copies of all other related documents such as any site assessments, investigation reports, and/or remedial work plans in the document repository before the start of the public comment period. The language in the enclosed Public Notice must be used without alteration in the newspaper notice that you have published in accordance with sections 375-3.2(f) and 375-3.10.

The shorter enclosed public notice must be provided to a local newspaper servicing the area including the site for publication no later than February 13, 2019. By February 12, 2019, the other notifications specified above must be distributed and documents placed in the repository. To the extent that the mailings and publications are not completed in accordance with these time frames, DEC will extend the comment period for a period sufficient to comply with the required public notice requirements running from the latest of these mailings and publications.

Within five days of the mailings, you must submit a "certificate of mailing" using the enclosed form. Additionally, you must submit a proof of publication provided by the newspaper within three days of your receipt of such document. Please submit these documents to DEC's Project Manager:

Steven Wu
NYS Dept. of Environmental Conservation – Region 2
47-40 21st Street
Long Island City, NY 11101-5401
Steven.wu@dec.ny.gov

DEC will use all best efforts to notify you if the application is accepted or rejected within five days after the close of the public comment period. We look forward to working cooperatively to address the environmental conditions at the brownfield site and return this property to productive use.

Sincerely,



Kelly A. Lewandowski, P.E.
Chief, Site Control Section

Enclosures

ec w/enc.: S. Wu, Project Manager
G. Burke, Director, Remedial Bureau B
J. O'Connell, RHWRE, Region 2
J. Andaloro, NYSDEC – OGC, Remediation Bureau
J. Simpson, Project Attorney
P. Foster, Regional Attorney, Region 2
C. Vooris, NYSDOH
J. Deming, NYSDOH Regional Chief
L. Zinoman, Site Control Section
K. Lewandowski
S. Strateman, Requestor's Representative (sstrateman@gothamorg.com)
S. Ciambuschini, Langan, Requestor's Consultant (sciambuschini@langan.com)
L. Shaw, Esq., Knauf Shaw LLP, Requestor's Attorney (lshaw@nyenvlaw.com)

**Brownfield Cleanup Program
Public Notice Instructions to Requestor²**

1) Newspaper Notice

- a) The Requestor must publish the language in the enclosed public notice with the heading "Notice to be published in newspaper" without modification, in a local newspaper of general circulation that services the area that includes the site not later than the date specified in the Division of Environmental Remediation's (DER) cover letter. The notice must be a paid newspaper advertisement, prominently located in the community bulletin section or comparable local section of the newspaper (not as a legal notice). The Requestor must publish the notice in English and in any other language spoken by a significant number of people within the site community.
- b) The Requestor must submit a proof of publication of the newspaper notice to the DER Project Manager by the date specified in the DER cover letter.

2) Requestor's Instructions to Newspapers Regarding Printing the Public Notice

- a) The enclosed public notice with the heading "Notice to be published in newspaper" announces the receipt of a complete Brownfield Cleanup Program application package by the New York State Department of Environmental Conservation. Pursuant to ECL Section 27-1405(22), the public notice must be a paid newspaper advertisement, prominently located in the community bulletin section or similar local section of the newspaper (not as a legal notice). The public notice must be published by the date specified. Please provide a proof of publication to the DER Project Manager as soon as possible.

3) Site Contact List

- a) The Requestor must mail the enclosed public notice with the heading "Notice to be distributed to those on contact list included in the BCP Application", without modification, to the parties on the site contact list included with the application. The mailing must be performed by the date specified in the DER cover letter. No other materials can be mailed with this notice with the exception of the instructions provided in #4a below.
- b) The Requestor must complete the certificate of mailing and submit it to the DER Project Manager by the date specified in the DER cover letter (see enclosed certificate of mailing form).

4) Requestor's Instructions to Parties on the Site Contact List Receiving the Public Notice

- a) The enclosed public notice announces the receipt of a complete Brownfield Cleanup Program application package by the New York State Department of Environmental Conservation. Pursuant to ECL Section 27-1407(5), a public notice announcing the receipt of an application must be sent to parties on the site contact list. Please read the enclosed public notice and review the application package in the site document repository for further information regarding the application and how to submit comments.

5) Document Repository

- a) The Requestor must put the application package (application and all attachments) in the site document repository specified in the application prior to the start of the public comment period.

² A requestor (§ 375-3.2(i)) is a person who has submitted an application to participate in the BCP whose eligibility has not yet been determined by DEC.

Notice to be published in newspaper:

Public Notice

The New York State Department of Environmental Conservation (DEC) has received a Brownfield Cleanup Program (BCP) application from Innovative Urban Living, LLC for a site known as 12120 Flatlands Avenue, site ID #C224290. This site is located in the Borough of Brooklyn within the County of Kings, and is located at 12120 Flatlands Avenue. Comments regarding this application must be submitted no later than March 15, 2019. A copy of the application and other relevant documents are available at the document repositories located at Brooklyn Public Library – Spring Creek Branch, 12143 Flatlands Ave, Brooklyn, NY 11207 and Brooklyn Community Board 5, 404 Pine Street, 3rd FL, Brooklyn, NY 11208. Information regarding the site and how to submit comments can be found at <http://www.dec.ny.gov/chemical/60058.html> or send comments to Steven Wu, Project Manager, NYS DEC-Region 2, 47-40 21st Street, Long Island City, NY 11101-5401; steven.wu@dec.ny.gov; or call 718-459-7801.

To have information such as this notice sent right to your email, sign up with county email listservs available at www.dec.ny.gov/chemical/61092.html.

Notice to be mailed to those on contact list included in the BCP Application:

Public Notice

The New York State Department of Environmental Conservation (DEC) has received a Brownfield Cleanup Program (BCP) application from Innovative Urban Living, LLC for a site known as 12120 Flatlands Avenue, site ID #C224290. This site is located in the Borough of Brooklyn within the County of Kings, and is located at 12120 Flatlands Avenue.

A copy of the application and other relevant documents are available at the document repositories located at Brooklyn Public Library – Spring Creek Branch, 12143 Flatlands Ave, Brooklyn, NY 11207 and Brooklyn Community Board 5, 404 Pine Street, 3rd FL, Brooklyn, NY 11208.

There are several ways to comment on BCP applications. Comments can be submitted to the site Project Manager Steven Wu at NYS DEC-Region 2, 47-40 21st Street, Long Island City, NY 11101-5401; via email at steven.wu@dec.ny.gov or by calling 718-459-7801. All comments must be submitted by **March 15, 2019**.

Site information can be viewed by entering the site ID noted above at:
<http://www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm?pageid=3>

We would also encourage those interested in receiving information on future activities at this site or any other site to sign up to DEC's Contaminated Sites Email List at:
<http://www.dec.ny.gov/chemical/61092.html>

What is the Brownfield Cleanup Program?

New York's Brownfield Cleanup Program (BCP) is designed to encourage private-sector cleanups of brownfields and to promote their redevelopment as a means to revitalize economically blighted communities. The BCP is an alternative to "greenfield" (land not previously developed or contaminated) development and is intended to remove some of the barriers to, and provide tax incentives for, the redevelopment of brownfields. Since its inception (2003), the BCP has catalyzed the cleanup of more than 300 contaminated sites statewide and incentivized redevelopment. There are more than 350 active sites in the BCP.

Additional information on the State's Brownfield program is available at DEC's website:
<http://www.dec.ny.gov/chemical/8450.html>

CERTIFICATION OF MAILING

Site Name: 12120 Flatlands Avenue

Site No.: C224290

I certify that I mailed on _____ a copy of the attached public notice by first class mail upon the person(s) on the attached mailing list, by depositing a true copy thereof, securely enclosed in a postpaid wrapper, in the Post Office box at _____ in the City of _____, New York, which box is under the exclusive care and custody of the United States Post Office.

Signature

Date