



Brownfield Cleanup Program Application

164 4th Ave Redevelopment Project
Block 420, Lot 37
164 4th Avenue, Brooklyn, New York

August 12, 2022

Prepared for:

Heron Fourth Avenue LLC
81 Main Street, Suite 205
White Plains, New York 10601

Prepared by:

**Roux Environmental Engineering
and Geology, D.P.C.**
209 Shafter Street
Islandia, New York 11749

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BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

Is this an application to amend an existing BCA with a major modification? Please refer to the application instructions for further guidance related to BCA amendments. Yes No
 If yes, provide existing site number: _____

Is this a revised submission of an incomplete application? Yes No
 If yes, provide existing site number: _____

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SECTION I: Property Information APPENDIX A

PROPOSED SITE NAME 164 4th Ave

ADDRESS/LOCATION 164 4th Avenue

CITY/TOWN Brooklyn ZIP CODE 11217

MUNICIPALITY (LIST ALL IF MORE THAN ONE) New York City

COUNTY Kings SITE SIZE (ACRES) 0.31

LATITUDE 40 ° 40 ' 44.96 N " LONGITUDE 73 ° 58 ' 56.11 W "

Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, please indicate as such by inserting "p/o" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding acreage column.

ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS. FIGURE 2

Parcel Address	Section	Block	Lot	Acreage
164 4th Avenue	2	420	37	0.31

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

6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications: _____	<input type="radio"/>	<input checked="" type="radio"/>
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?	<input type="radio"/>	<input checked="" type="radio"/>
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation. APPENDIX A	<input checked="" type="radio"/>	<input type="radio"/>
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.	<input type="radio"/>	<input checked="" type="radio"/>
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____	<input type="radio"/>	<input checked="" type="radio"/>
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information. <u>Easement/Right-of-Way Holder</u> <u>Description</u>	<input type="radio"/>	<input checked="" type="radio"/>
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <u>Type</u> <u>Issuing Agency</u> <u>Description</u>	<input type="radio"/>	<input checked="" type="radio"/>
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format? APPENDIX A	<input checked="" type="radio"/>	<input type="radio"/>
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.		
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.	<input checked="" type="radio"/>	<input type="radio"/>
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?	<input type="radio"/>	<input checked="" type="radio"/>
17. If you have answered YES to Question 16 above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application? N/A	<input type="radio"/>	<input type="radio"/>
NOTE: If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.		
If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions.		
Initials of each Requestor: _____		

SECTION II: Project Description **APPENDIX B**

1. The project will be starting at: Investigation Remediation

NOTE: If the project is proposed to start at the remediation stage, at a minimum, a Remedial Investigation Report (RIR) must be included, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Action Work Plan (RAWP) are also included (see [DER-10, Technical Guidance for Site Investigation and Remediation](#) for further guidance), then a 45-day public comment period is required.

2. If a final RIR is included, does it meet the requirements in ECL Article 27-1415(2)? **APPENDIX D**
 Yes No N/A

3. Have any draft work plans been submitted with the application (select all that apply)?
 RIWP RAWP IRM No

4. Please provide a short description of the overall project development, including the date that the remedial program is to begin, and the date by which a Certificate of Completion is expected to be issued.
 Is this information attached? Yes No **APPENDIX B**

SECTION III: Land Use Factors **APPENDIX C**

1. What is the property's current municipal zoning designation? C4-4D

2. What uses are allowed by the property's current zoning (select all that apply)?
 Residential Commercial Industrial

3. Current use (select all that apply):
 Residential Commercial Industrial Recreational Vacant

	Y	N
4. Please provide a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date by which the site became vacant. Is this summary included with the application? APPENDIX C	<input checked="" type="radio"/>	<input type="radio"/>
5. Reasonably anticipated post-remediation use (check all that apply): Residential <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> If residential, does it qualify as single-family housing? <input type="radio"/> N/A	<input type="radio"/>	<input checked="" type="radio"/>
6. Please provide a statement detailing the specific proposed post-remediation use. Is this summary attached? APPENDIX C	<input checked="" type="radio"/>	<input type="radio"/>
7. Is the proposed post-remediation use a renewable energy facility? See application instructions for additional information.	<input type="radio"/>	<input checked="" type="radio"/>
8. Do current and/or recent development patterns support the proposed use?	<input checked="" type="radio"/>	<input type="radio"/>
9. Is the proposed use consistent with applicable zoning laws/maps? Please provide a brief explanation and additional documentation if necessary. APPENDIX C	<input checked="" type="radio"/>	<input type="radio"/>
10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Please provide a brief explanation and additional documentation if necessary. APPENDIX C	<input checked="" type="radio"/>	<input type="radio"/>

SECTION IV: Property's Environmental History **APPENDIX D**

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

- 1. Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard ([ASTM E1903](#)). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do NOT submit paper copies of ANY supporting documents.**
- 2. SAMPLING DATA: INDICATE (BY SELECTING THE OPTIONS BELOW) KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED AS AN ATTACHMENT, WITH LABORATORY REPORTS REFERENCED AND INCLUDED.**

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Chlorinated Solvents	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other VOCs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SVOCs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Metals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCBs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PFAS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1,4-dioxane	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other – indicated below	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Please describe other known contaminants and the media affected:

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

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

Are the required drawings included with this application? **FIGURES 6 - 8** YES NO

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

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

Other: Gasoline filling station, automobile repair/sales, and lumber storage yard.

SECTION V: Requestor Information APPENDIX E			
NAME HERON FOURTH AVENUE LLC			
ADDRESS 81 MAIN STREET			
CITY/TOWN WHITE PLAINS		ZIP CODE 10601	
PHONE (917) 974-6060		EMAIL roee@heronre.com	
1. Is the requestor authorized to conduct business in New York State (NYS)?		Y <input checked="" type="radio"/>	N <input type="radio"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database . A print-out of entity information from the database must be submitted with this application to document that that requestor is authorized to conduct business in NYS. Is this attached?		<input checked="" type="radio"/>	<input type="radio"/>
3. If the requestor is an LLC, the names of the members/owners need to be provided on a separate attachment. Is this attached? APPENDIX E		<input checked="" type="radio"/>	<input type="radio"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? Documents that are not properly certified will not be approved under the BCP.		<input checked="" type="radio"/>	<input type="radio"/>

SECTION VI: Requestor Eligibility APPENDIX F		
If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.		
	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input checked="" type="radio"/>
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	<input type="radio"/>	<input checked="" type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="radio"/>	<input checked="" type="radio"/>
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the ECL Article 27; (ii) any order or determination; (iii) any regulation implementing Title 14; or (iv) any similar statute or regulation of the State or Federal government?	<input type="radio"/>	<input checked="" type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.	<input type="radio"/>	<input checked="" type="radio"/>
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?	<input type="radio"/>	<input checked="" type="radio"/>

SECTION VI: Requestor Eligibility (CONTINUED)

	Y	N
7. Has the requestor been convicted of a criminal offence (i) involving the handling, storing, treating, disposing or transporting or contaminants; or (ii) that involved a violent felony, fraud, bribery, perjury, theft or offense against public administration (as that term is used in Article 195 of the Penal Law) under Federal law or the laws of any state?	<input type="radio"/>	<input checked="" type="radio"/>
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	<input type="radio"/>	<input checked="" type="radio"/>
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	<input type="radio"/>	<input checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input checked="" type="radio"/>
12. 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:		
<p>PARTICIPANT</p> <p>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.</p>	<input type="checkbox"/>	<p>VOLUNTEER</p> <p>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.</p> <p>NOTE: By selecting this option, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste.</p> <p>If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.</p> <p>APPENDIX F</p>
<p>13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached? APPENDIX F</p> <p>Yes <input checked="" type="radio"/> No <input type="radio"/> N/A <input type="radio"/></p>		

SECTION VI: Requestor Eligibility (CONTINUED)

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

Previous Owner Current Owner Potential/Future Purchaser Other: _____

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

Is this proof attached? **N/A** Yes No

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

SECTION VII: Requestor Contact Information**REQUESTOR'S REPRESENTATIVE**

Heron Fourth Avenue LLC/Roe Wiczyn

ADDRESS

81 Main Street

CITY

White Plains

ZIP CODE

10601

PHONE

(917) 974-6060

EMAIL

roee@heronre.com

REQUESTOR'S CONSULTANT (CONTACT NAME)

Nathan Epler

COMPANY

Roux Environmental Engineering and Geology, D.P.C.

ADDRESS

209 Shafter Street

CITY

Islandia

ZIP CODE

11749

PHONE

(631) 232-2600

EMAIL

nepler@rouxinc.com

REQUESTOR'S ATTORNEY (CONTACT NAME)

Christine Leas

COMPANY

Sive, Paget & Riesel, PC

ADDRESS

560 Lexington Ave, 15th Floor

CITY

New York

ZIP CODE

10022

PHONE

(646) 378-7267

EMAIL

cleas@sprlaw.com

SECTION VIII: Program Fee		
Upon submission of an executed Brownfield Cleanup Agreement to the Department, the requestor is required to pay a non-refundable program fee of \$50,000. Requestors may apply for a fee waiver based on demonstration of financial hardship.		
	Y	N
1. Is the requestor applying for a fee waiver based on demonstration of financial hardship?	<input type="radio"/>	<input checked="" type="radio"/>
2. If yes, appropriate documentation to demonstrate financial hardship must be provided with the application. See application instructions for additional information.	<input type="radio"/>	<input checked="" type="radio"/>
Is the appropriate documentation included with this application?		

SECTION IX: Current Property Owner and Operator Information APPENDIX G		
CURRENT OWNER Heron Fourth Avenue LLC		
CONTACT NAME Roe Wiczyn		
ADDRESS 81 Main Street		
CITY White Plains	ZIP CODE 10601	
PHONE (917) 974-6060	EMAIL roee@heronre.com	
OWNERSHIP START DATE October 12, 2011		
CURRENT OPERATOR BP Products North America Inc.		
CONTACT NAME Jim Perry		
ADDRESS 30 South Wacker Drive, 8N - 306		
CITY Chicago	ZIP CODE 60606	
PHONE (312) 809-4883	EMAIL james.perry1@bp.com	
OPERATION START DATE February 21, 1969		

SECTION X: Property Eligibility Information		
	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information.	<input type="radio"/>	<input checked="" type="radio"/>
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>

SECTION X: Property Eligibility Information (continued)

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

SECTION XI: Site Contact List **APPENDIX H**

To be considered complete, the application must include the Brownfield Site Contact List in accordance with *DER-23: Citizen Participation Handbook for Remedial Programs*. Please attach, at a minimum, the names and mailing addresses of the following: **APPENDIX H**

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and adjacent properties.
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

SECTION XII: Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the DER-32, Brownfield Cleanup Program Applications and Agreements; and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____

Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Manager (title) of Heron Fourth Avenue LLC (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the DER-32, Brownfield Cleanup Program Applications and Agreements; and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: 08/10/2022

Signature:  _____

Print Name: Roe Wiczak

SUBMITTAL INFORMATION

- Two (2) copies, one unbound paper copy of the application form with original signatures and table of contents, and one complete electronic copy in final, non-fillable Portable Document Format (PDF), must be sent to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

PLEASE DO NOT SUBMIT PAPER COPIES OF SUPPORTING DOCUMENTS. Please provide a hard copy of ONLY the application form and a table of contents.

FOR DEC USE ONLY

BCP SITE T&A CODE: _____

LEAD OFFICE: _____

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY

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

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

From ECL 27-1405(31):

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

From 6 NYCRR 375-3.2(I) as of August 12, 2016 (Please note: Eligibility determination for the underutilized category can only be made at the time of application):

375-3.2:

- (I) “Underutilized” means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and
 - (1) the proposed use is at least 75 percent for industrial uses; or
 - (2) at which:
 - (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;
 - (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and
 - (iii) one or more of the following conditions exists, as certified by the applicant:
 - (a) property tax payments have been in arrears for at least five years immediately prior to the application;
 - (b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or
 - (c) there are no structures.

“Substantial government assistance” shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

5. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review).

Check appropriate box below:

- Project is an Affordable Housing Project – regulatory agreement attached
- Project is planned as Affordable Housing, but agreement is not yet available*
*Selecting this option will result in a “pending” status. The regulatory agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.
- This is not an Affordable Housing Project

From 6 NYCRR 375-3.2(a) as of August 12, 2016:

- (a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty-seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.
- (1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ household’s annual gross income.
- (2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for homeowners at a defined maximum percentage of the area median income.
- (3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

6. Is the site a planned renewable energy facility site as defined below?

- Yes – planned renewable energy facility site
- No – not a planned renewable energy facility site

If yes, please provide any documentation available to demonstrate that the property is planned to be developed as a renewable energy facility site.

From ECL 27-1405(33) as of April 9, 2022:

"Renewable energy facility site" shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.

From Public Service Law Article 4 Section 66-p as of April 23, 2021:

(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and meets the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?

- Yes
- No

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

(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.

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BCP APPLICATION SUMMARY (FOR DEC USE ONLY)			
SITE NAME 164 4th Ave		SITE ADDRESS 164 4th Avenue	
CITY Brooklyn		COUNTY Kings	ZIP 11217
REQUESTOR NAME HERON FOURTH AVENUE LLC		REQUESTOR ADDRESS 81 MAIN STREET	
CITY WHITE PLAINS		ZIP 10601	EMAIL roee@heronre.com

PROPERTY ADDRESS	SECTION	BLOCK	LOT
164 4th Avenue	2	420	37

REQUESTOR'S REPRESENTATIVE			
NAME Heron Fourth Avenue LLC/Roe Wiczuk		ADDRESS 81 Main Street	
CITY White Plains		ZIP 10601	EMAIL roee@heronre.com
REQUESTOR'S ATTORNEY			
NAME Christine Leas		ADDRESS 560 Lexington Ave, 15th Floor	
CITY New York		ZIP 10022	EMAIL cleas@splaw.com
REQUESTOR'S CONSULTANT			
NAME Nathan Epler		ADDRESS 209 Shafter Street	
CITY Islandia		ZIP 11749	EMAIL nepler@rouxinc.com

REQUESTOR'S REQUESTED STATUS	PARTICIPANT <input type="checkbox"/>	VOLUNTEER <input checked="" type="checkbox"/>
DEC DETERMINATION	AGREE	DISAGREE

APPLIED FOR FEE WAIVER	YES <input type="radio"/>	NO <input checked="" type="radio"/>
ELIGIBLE FOR FEE WAIVER	YES	NO

PERCENTAGE WITHIN AN EN-ZONE	0% <input checked="" type="radio"/>	<50% <input type="radio"/>	50-99% <input type="radio"/>	100% <input type="radio"/>
DEC DETERMINATION	AGREE	DISAGREE		

BCP APPLICATION SUMMARY (FOR DEC USE ONLY) (CONTINUED)

FOR SITES IN NEW YORK CITY ONLY

IS THE REQUESTOR SEEKING TANGIBLE PROPERTY CREDITS?	YES	<input checked="" type="radio"/>	NO	<input type="radio"/>
--	-----	----------------------------------	----	-----------------------

UPSIDE DOWN	YES	<input type="radio"/>	NO	<input checked="" type="radio"/>
DEC DETERMINATION	AGREE		DISAGREE	

UNDERUTILIZED	YES	<input type="radio"/>	NO	<input checked="" type="radio"/>
DEC DETERMINATION	AGREE		DISAGREE	

AFFORDABLE HOUSING STATUS	PLANNED	<input checked="" type="radio"/>	YES	<input type="radio"/>	NO	<input type="radio"/>
DEC DETERMINATION			AGREE		DISAGREE	

DISADVANTAGED COMMUNITY AND CONFORMING BOA	YES	<input type="radio"/>	NO	<input checked="" type="radio"/>
DEC DETERMINATION	AGREE		DISAGREE	

RENEWABLE ENERGY FACILITY SITE	YES	<input type="radio"/>	NO	<input checked="" type="radio"/>
DEC DETERMINATION	AGREE		DISAGREE	

NOTES:

FIGURES

1. Site Location Map
2. Tax Map
3. Site Map
4. Adjacent Property Owners
5. Surrounding Land Use
6. Soil Sample Exceedances of UUSCOs, RRSCOs, CP-51 Supplemental SCOs, and PGSCOs
7. Groundwater Sample Data above AWQSGVs
8. Soil Vapor Sample Detections
9. Approximate Extent of Ash Layer and Depth of Fill
10. Approximate UST Locations



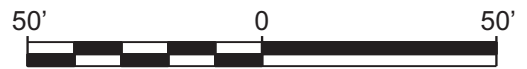
QUADRANGLE LOCATION



SOURCE:
USGS; 2019, Brooklyn, NY
7.5-Minute Topographic Quadrangle

Title:			SITE LOCATION MAP
164 4TH AVENUE BROOKLYN, NEW YORK 11217			
Prepared for:			HERON FOURTH AVENUE LLC
ROUX	Compiled by: N.P.	Date: 29APR22	FIGURE 1
	Prepared by: B.H.C.	Scale: AS SHOWN	
	Project Mgr: N.P.	Project: 3789.0001Y000	
	File: 3789.0001Y120.01.CDR		

13789Y.0001Y120.01.CDR



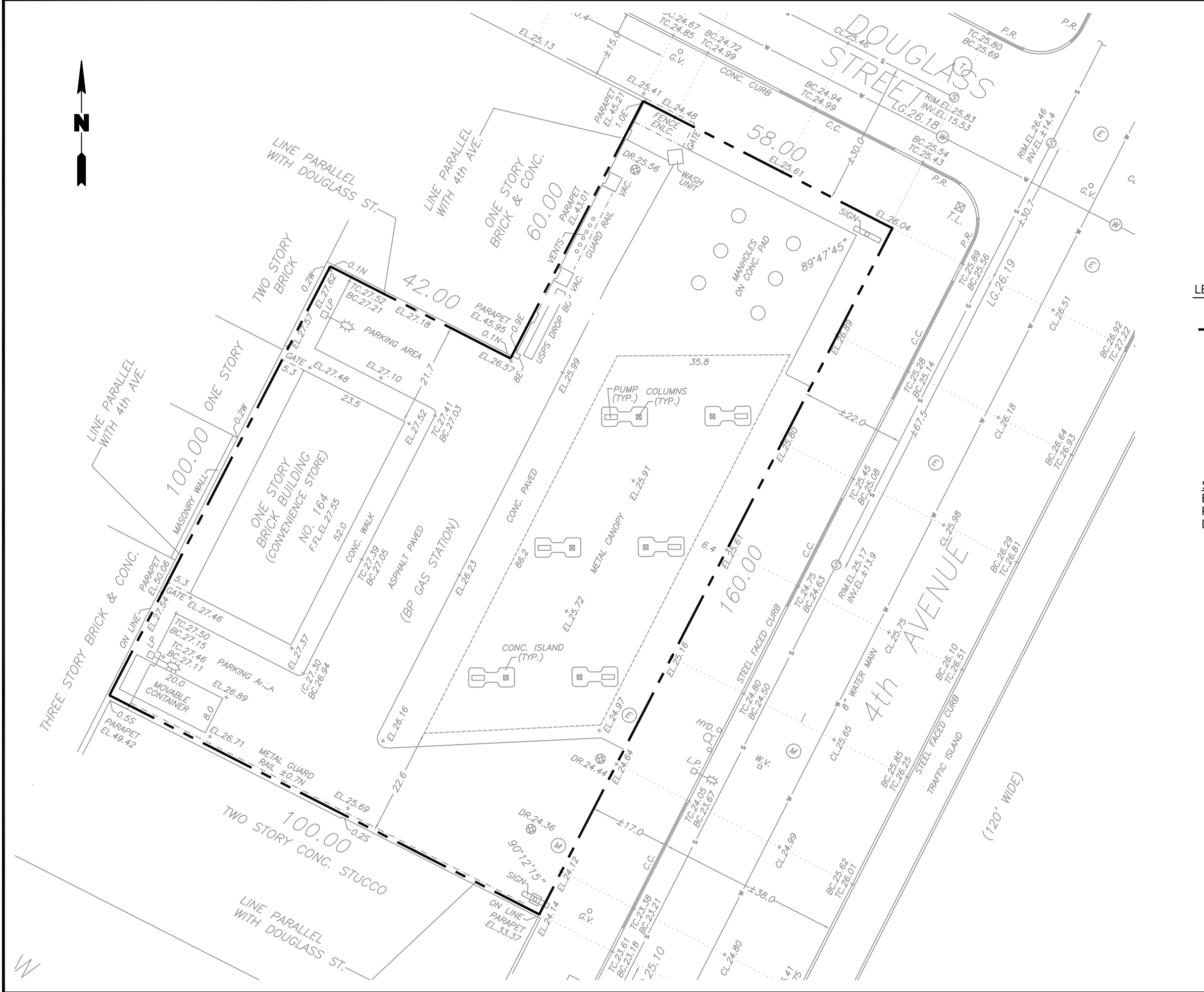
LEGEND

- Tax Lot Boundary
- 50** Tax Lot Number
- 50.5 Tax Lot Dimension

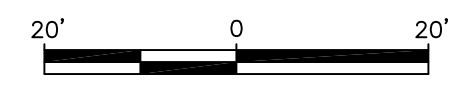


Title:			TAX MAP
164 4TH AVENUE BROOKLYN, NEW YORK 11217			
Prepared for:			HERON FOURTH AVENUE LLC
ROUX	Compiled by: N.P.	Date: 29APR22	FIGURE 2
	Prepared by: B.H.C.	Scale: AS SHOWN	
	Project Mgr: N.P.	Project: 3789.0001Y000	
	File: 3789.0001Y120.01.CDR		

V:\CAD\PROJECTS\3789\0001Y120\3789.0001Y120.02.DWG



SOURCE
 BASE MAP FROM ARCHITECTURAL SITE SURVEY,
 PREPARED BY EMPIRE STATE LAND SURVEYOR, P.C.,
 DATED SEPTEMBER 2021.



Title:			
SITE MAP			
164 4TH AVENUE BROOKLYN, NEW YORK			
Prepared for:			
HERON FOURTH AVENUE LLC			
ROUX	Compiled by: N.P.	Date: 29APR22	FIGURE 3
	Prepared by: B.H.C.	Scale: AS SHOWN	
	Project Mgr: N.P.	Project: 3789.0001Y000	
	File: 3789.0001Y120.02.DWG		



Letter	Adjacent Property Owner(s) Name(s)	Property Address	Section-Block-Lot
A	162 4TH AVE LLC	162 4th Avenue	Brooklyn-413-43
B	149 4TH AVE LLC	149 4th Avenue	Brooklyn-943-1
C	348 DOUGLASS STREET LLC	151 4th Avenue	Brooklyn-946-11
D	DEGRAW STREET REALTY CORP.	155 4th Avenue	Brooklyn-946-9
E	APOLINAR ALFREDO	157 4th Avenue	Brooklyn-946-8
F	167-174 4TH AVENUE LLC	171 4th Avenue	Brooklyn-946-1
G	FAC CENTER LOCAL DEVELOPMENT CORPORATION	182 4th Avenue	Brooklyn-420-42
H	FAC CENTER LOCAL DEVELOPMENT CORPORATION	621 Degraw St	Brooklyn-420-45
I	797-805 3RD AVENUE CORP	332 Douglass St	Brooklyn-420-31
J	CDP DOUGLASS LLC	334 Douglass St	Brooklyn-420-34



Title:

ADJACENT PROPERTY OWNERS

164 4TH AVENUE
BROOKLYN, NEW YORK 11217

Prepared for:

HERON FOURTH AVENUE LLC

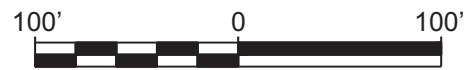
ROUX	Compiled by: N.P.	Date: 29APR22	FIGURE 4
	Prepared by: B.H.C.	Scale: AS SHOWN	
	Project Mgr: N.P.	Project: 3789.0001Y000	
	File: 3789.0001Y120.01.CDR		



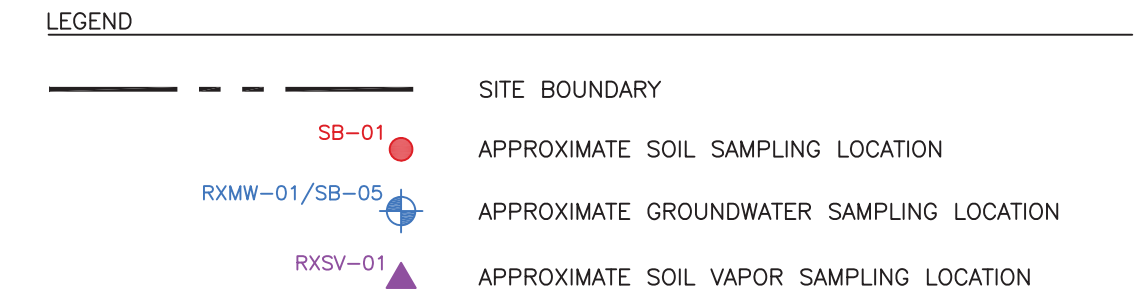
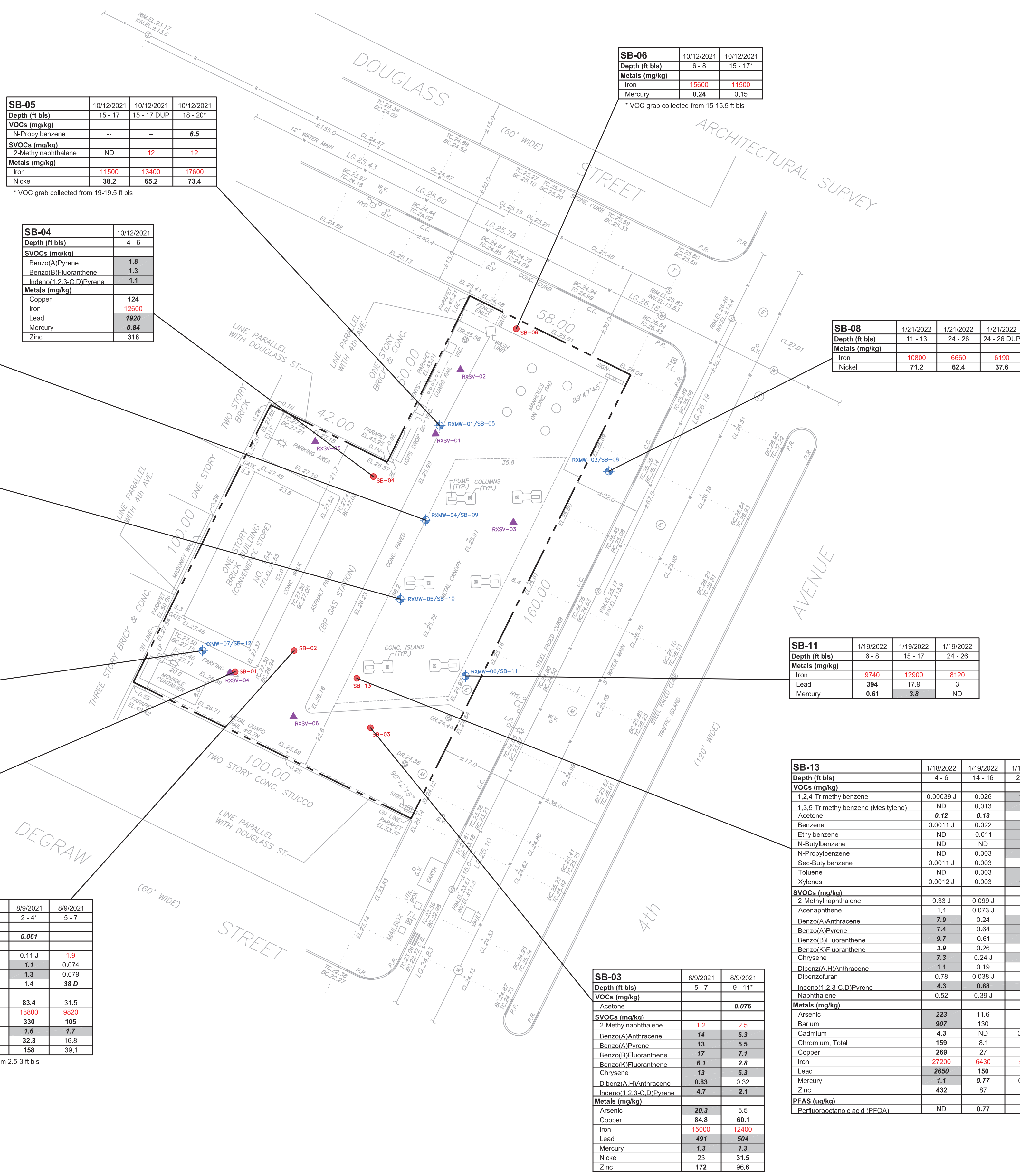
LEGEND

Tax Lots

- One & Two Family Buildings
- Multi-Family Walk-Up Buildings
- Multi-Family Elevator Buildings
- Mixed Residential & Commercial Buildings
- Commercial & Office Buildings
- Industrial & Manufacturing
- Transportation & Utility
- Public Facilities & Institutions
- Open Space & Outdoor Recreation
- Parking Facilities
- Vacant Land
- Other



<p>Title:</p> <h2 style="margin: 0;">SURROUNDING LAND USE</h2> <p style="margin: 0;">164 4TH AVENUE BROOKLYN, NEW YORK 11217</p>										
<p>Prepared for:</p> <p style="margin: 0;">HERON FOURTH AVENUE LLC</p>										
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: small;">Compiled by: N.P.</td> <td style="font-size: small;">Date: 29APR22</td> </tr> <tr> <td style="font-size: small;">Prepared by: B.H.C.</td> <td style="font-size: small;">Scale: AS SHOWN</td> </tr> <tr> <td style="font-size: small;">Project Mgr: N.P.</td> <td style="font-size: small;">Project: 3789.0001Y000</td> </tr> <tr> <td colspan="2" style="font-size: x-small;">File: 3789.0001Y120.01.CDR</td> </tr> </table>	Compiled by: N.P.	Date: 29APR22	Prepared by: B.H.C.	Scale: AS SHOWN	Project Mgr: N.P.	Project: 3789.0001Y000	File: 3789.0001Y120.01.CDR		<p>FIGURE</p> <h1 style="margin: 0;">5</h1>
Compiled by: N.P.	Date: 29APR22									
Prepared by: B.H.C.	Scale: AS SHOWN									
Project Mgr: N.P.	Project: 3789.0001Y000									
File: 3789.0001Y120.01.CDR										



TYPICAL DATA BOX INFORMATION

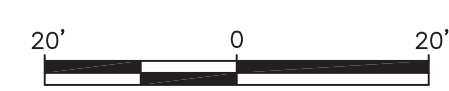
SAMPLE ID#	SB-05				SAMPLE DATE
	10/12/2021	10/12/2021	10/12/2021	10/12/2021	
Depth (ft bls)	15 - 17	15 - 17 DUP	18 - 20"	18 - 20"	SAMPLE DEPTH
VOCs (mg/kg)	--	--	6.5		CONCENTRATION
N-Propylbenzene					
SVOCs (mg/kg)	ND	12	12		
Metals (mg/kg)	11500	13400	17600		
Iron	38.2	65.2	73.4		
Nickel					

* VOC grab collected from 19-19.5 ft bls

Parameter	NYSDEC Part 375 Protection of Groundwater Soil Cleanup Objectives	NYSDEC Part 375 Unrestricted Use Soil Cleanup Objectives	NYSDEC Part 375 Restricted Residential Soil Cleanup Objectives	NYSDEC CP51 Supplemental Residential Cleanup Objectives
VOCs				
1,2,4-Trimethylbenzene	3.6	3.6	52	--
1,3,5-Trimethylbenzene (Mesitylene)	8.4	8.4	52	--
Acetone	0.05	0.05	100	--
Benzene	0.06	0.06	4.8	--
Ethylbenzene	1	1	41	--
Methylene Chloride	0.05	0.05	100	--
N-Butylbenzene	12	12	100	--
N-Propylbenzene	3.9	3.9	100	--
Sec-Butylbenzene	11	11	100	--
Toluene	0.7	0.7	100	--
Xylenes	1.6	0.26	100	--
SVOCs				
2-Methylnaphthalene	--	--	--	0.41
Acenaphthene	98	20	100	--
Benzo(A)Anthracene	1	1	1	--
Benzo(A)Pyrene	22	1	1	--
Benzo(B)Fluoranthene	1.7	1	1	--
Benzo(K)Fluoranthene	1.7	0.8	3.9	--
Chrysene	1	1	3.9	--
Dibenz(A,H)Anthracene	1000	0.33	0.33	--
Dibenzofuran	210	7	59	--
Indeno(1,2,3-C,D)Pyrene	8.2	0.5	0.5	--
Naphthalene	12	12	100	--
Metals				
Arsenic	16	13	16	--
Barium	820	350	450	--
Cadmium	7.5	2.5	4.3	--
Chromium, Total	--	30	180	--
Copper	1720	50	270	--
Iron	450	63	400	2000
Lead	0.73	0.18	0.81	--
Nickel	130	30	310	--
Selenium	4	3.9	180	--
Zinc	2480	109	10000	--
Pesticides				
P,P-DDT	136	0.0033	7.9	--
PFAS				
Perfluorooctanesulfonic acid (PFOS)	--	0.88	44	--
Perfluorooctanoic acid (PFOA)	--	0.66	33	--

-- No data available
 DUP - Duplicate Sample
 ft bls - Feet below land surface
 J - Estimated value
 mg/kg - Milligrams per kilogram
 ND - No detection
 NYSDC - New York State Department of Environmental Conservation
 PCBs - Polychlorinated Biphenyls
 PFAS - Per- and Polyfluoroalkyl Substances
 PGSCOs - Protection of Groundwater Soil Cleanup Objectives
 RRSCOs - Restricted Residential Use Soil Cleanup Objectives
 SCOs - Soil Cleanup Objectives
 SVOCs - Semivolatile Organic Compounds
 ug/kg - Micrograms per kilogram
 UUSCOs - Unrestricted Use Soil Cleanup Objectives
 VOCs - Volatile Organic Compounds

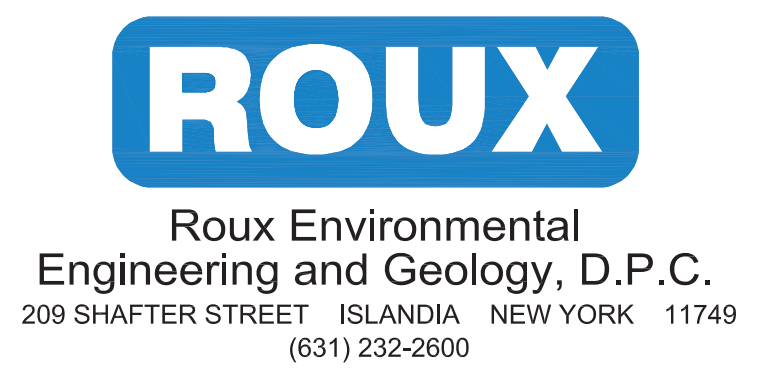
Italicized data indicates parameter was detected above the NYSDC PGSCOs
Bold data indicates that parameter was detected above the NYSDC UUSCOs
Shaded data indicates that parameter was detected above the NYSDC RRSCOs
Red data indicates that parameter was detected above the NYSDC CP51 Supplemental Residential Cleanup Objectives
 Parameters that exceed NYSDC Ambient Water Quality Standards and Guidance Values in groundwater and PGSCOs in soil include 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Benzene, Ethylbenzene, N-Butylbenzene, N-Propylbenzene, Sec-Butylbenzene, Xylenes, and Naphthalene.



NO.	DATE	REVISION DESCRIPTION	INT.

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PROJ. ENGINEER: DRAWN BY: B.H.C.
 DESIGNED BY: N.P. CHECKED BY:
 DRAWING SCALE: AS SHOWN PLOT SCALE: 1:1
 DRAWING DATE: 05JUL22 PRINT TYPE: B&W
 OFFICE: NY PAPER SIZE: ARCH D
 PROJECT NO.: 3789.0001Y000
 DRAWING FILE: 3789.0001Y120.02.DWG



PROJECT NAME:
164 4TH AVENUE, BROOKLYN, NEW YORK 11217
 PROJECT FOR:
HERON FOURTH AVENUE LLC

TITLE:
SOIL SAMPLE EXCEEDANCES OF UUSCOs, RRSCOs, CP-51 SUPPLEMENTAL SCOs, AND PGSCOs

FIGURE
6



RXMW-01		10/12/2021
VOCs (ug/L)		
1,2,4-Trimethylbenzene	620	D
1,3,5-Trimethylbenzene (Mesitylene)	98	
Benzene	49	
Ethylbenzene	350	
Isopropylbenzene (Cumene)	120	
m,p-Xylene	18	
n-Butylbenzene	28	
N-Propylbenzene	320	
Sec-Butylbenzene	22	
Xylenes	18	
SVOCs (ug/L)		
Naphthalene	80	
Metals, Total (ug/L)		
Iron	27000	
Magnesium	37900	
Manganese	1540	
Sodium	571000	
Metals, Filtered (ug/L)		
Manganese	1380	
Sodium	478000	

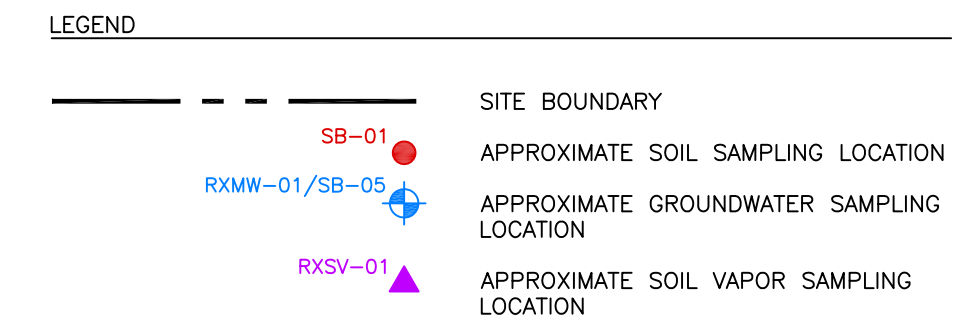
RXMW-04		01/20/2022
VOCs (ug/L)		
1,2,4-Trimethylbenzene	340	
1,3,5-Trimethylbenzene (Mesitylene)	81	
Benzene	160	
Ethylbenzene	140	
Isopropylbenzene (Cumene)	130	
m,p-Xylene	16	
n-Butylbenzene	29	
N-Propylbenzene	340	
Sec-Butylbenzene	21	
Tert-Butyl Methyl Ether	170	
Xylenes	17	
SVOCs (ug/L)		
1,4-Dioxane (P-Dioxane)	2	
Naphthalene	97	
Metals, Total (ug/L)		
Iron	26900	
Manganese	447	
Sodium	356000	
Metals, Filtered (ug/L)		
Iron	4070	
Manganese	407	
Sodium	359000	
PFAS (ng/L)		
Perfluorooctanesulfonic acid (PFOS)	40.5	
Perfluorooctanoic acid (PFOA)	318	

RXMW-07		01/21/2022	01/21/2022 DUP
VOCs (ug/L)			
Benzene	8.4	16	
Isopropylbenzene (Cumene)	20	22	
N-Propylbenzene	7.9	12	
Sec-Butylbenzene	11	9.1	
Tert-Butyl Methyl Ether	32	36	
SVOCs (ug/L)			
1,4-Dioxane (P-Dioxane)	0.47	ND	
Metals, Total (ug/L)			
Iron	41800	32900	
Lead	741	334	
Magnesium	66900	71100	
Manganese	2070	2170	
Mercury	2.8	3.1	
Sodium	481000	564000	
Metals, Filtered (ug/L)			
Magnesium	66500	65500	
Manganese	1930	1920	
Sodium	513000	498000	
PFAS (ng/L)			
Perfluorooctanoic acid (PFOA)	69.6	62.9	

RXMW-03		01/21/2022
VOCs (ug/L)		
1,2,4-Trimethylbenzene	200	
1,3,5-Trimethylbenzene (Mesitylene)	40	
Benzene	1.9	
Ethylbenzene	63	
Isopropylbenzene (Cumene)	96	
m,p-Xylene	61	
n-Butylbenzene	20	
N-Propylbenzene	270	
Sec-Butylbenzene	18	
Xylenes	62	
SVOCs (ug/L)		
Naphthalene	41	
Metals, Total (ug/L)		
Iron	24500	
Manganese	9620	
Sodium	881000	
Metals, Filtered (ug/L)		
Manganese	8320	
Sodium	843000	
PFAS (ng/L)		
Perfluorooctanesulfonic acid (PFOS)	28.4	B
Perfluorooctanoic acid (PFOA)	38.9	

RXMW-05		01/19/2022
VOCs (ug/L)		
1,2,4-Trimethylbenzene	18	
1,3,5-Trimethylbenzene (Mesitylene)	6.3	
Benzene	8.7	
Ethylbenzene	5.2	
Isopropylbenzene (Cumene)	97	
n-Butylbenzene	16	
N-Propylbenzene	170	
Sec-Butylbenzene	14	
Tert-Butyl Methyl Ether	28	
Xylenes	7.1	
SVOCs (ug/L)		
1,4-Dioxane (P-Dioxane)	0.84	
Metals, Total (ug/L)		
Iron	39600	
Manganese	839	
Sodium	287000	
Metals, Filtered (ug/L)		
Manganese	631	
Sodium	313000	
PCBs (ug/L)		
Polychlorinated Biphenyl (PCBs)	0.29	J
PFAS (ng/L)		
Perfluorooctanesulfonic acid (PFOS)	13.1	BJ
Perfluorooctanoic acid (PFOA)	150	

RXMW-06		01/19/2022
VOCs (ug/L)		
Isopropylbenzene (Cumene)	11	
N-Propylbenzene	5.2	
Metals, Total (ug/L)		
Arsenic	48.5	
Barium	1480	
Beryllium	8.6	
Chromium, Total	235	
Copper	231	
Iron	282000	
Lead	148	
Magnesium	51000	
Manganese	11900	
Nickel	803	
Sodium	297000	
Thallium	0.85	
Metals, Filtered (ug/L)		
Iron	641	
Manganese	1380	
Sodium	383000	
PFAS (ng/L)		
Perfluorooctanesulfonic acid (PFOS)	8.23	BJ
Perfluorooctanoic acid (PFOA)	86.8	

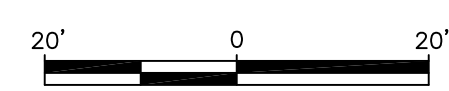
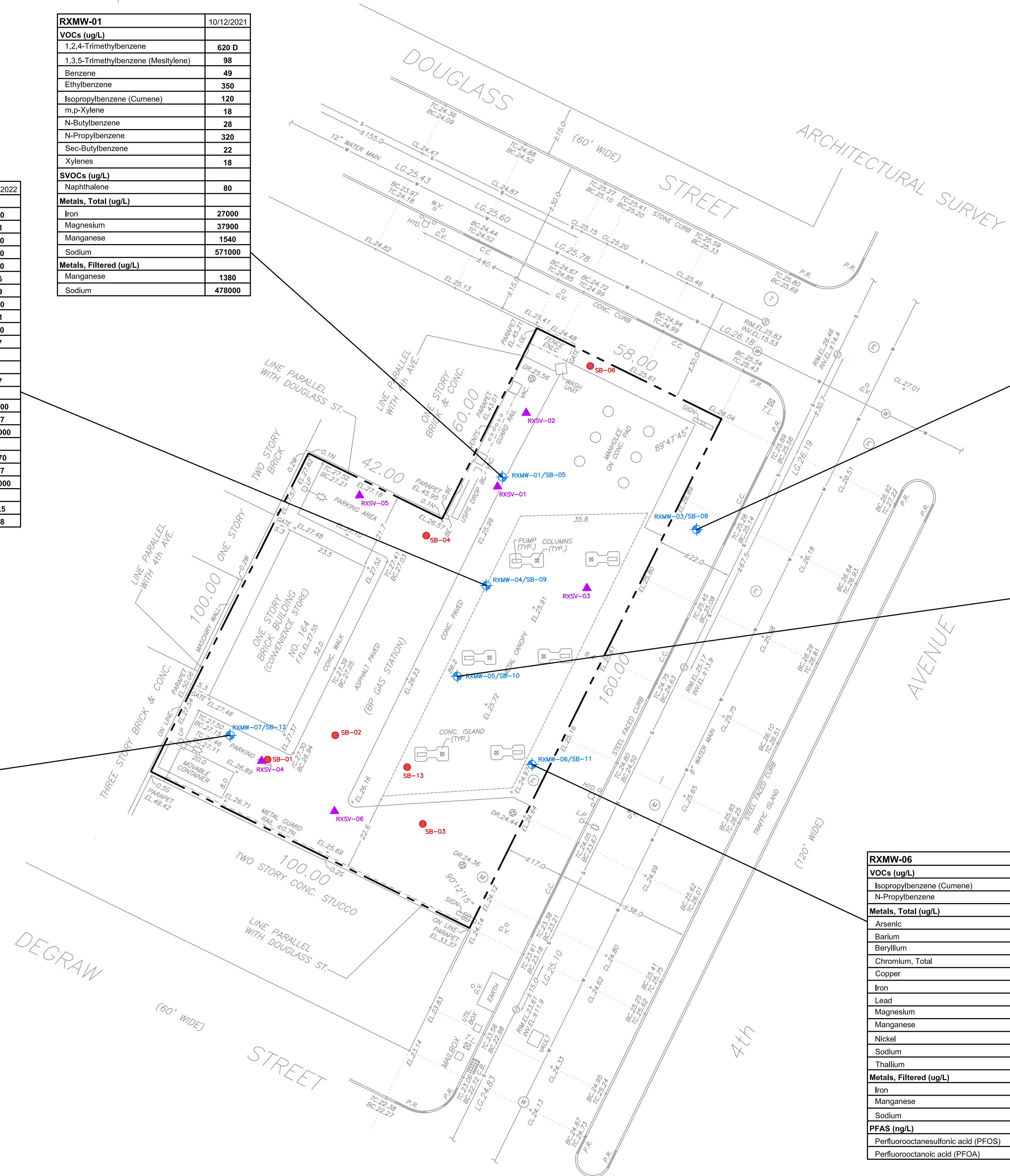


TYPICAL DATA BOX INFORMATION

SAMPLE ID#	RXMW-01	10/12/2021	SAMPLE DATE
VOCs (ug/L)			
	1,2,4-Trimethylbenzene	620	D
	1,3,5-Trimethylbenzene (Mesitylene)	98	
	Benzene	49	
	Ethylbenzene	350	
	Isopropylbenzene (Cumene)	120	
	m,p-Xylene	18	
	n-Butylbenzene	28	
	N-Propylbenzene	320	
	Sec-Butylbenzene	22	
	Xylenes	18	
SVOCs (ug/L)			
	Naphthalene	80	
Metals, Total (ug/L)			
	Iron	27000	
	Magnesium	37900	
	Manganese	1540	
	Sodium	571000	
Metals, Filtered (ug/L)			
	Manganese	1380	
	Sodium	478000	

Parameter	NYSDEC AWQSGV	Units
VOCs		
1,2,4-Trimethylbenzene	5	ug/L
1,3,5-Trimethylbenzene (Mesitylene)	5	ug/L
Benzene	1	ug/L
Ethylbenzene	5	ug/L
Isopropylbenzene (Cumene)	5	ug/L
m,p-Xylene	5	ug/L
n-Butylbenzene	5	ug/L
N-Propylbenzene	5	ug/L
Sec-Butylbenzene	5	ug/L
Tert-Butyl Methyl Ether	10	ug/L
Xylenes	5	ug/L
SVOCs		
1,4-Dioxane (P-Dioxane)	0.35	ug/L
Naphthalene	10	ug/L
Metals, Total		
Arsenic	25	ug/L
Barium	1000	ug/L
Beryllium	3	ug/L
Chromium, Total	50	ug/L
Copper	200	ug/L
Iron	300	ug/L
Lead	25	ug/L
Magnesium	35000	ug/L
Manganese	300	ug/L
Mercury	0.7	ug/L
Nickel	100	ug/L
Sodium	20000	ug/L
Thallium	0.5	ug/L
Metals, Filtered		
Arsenic	25	ug/L
Barium	1000	ug/L
Beryllium	3	ug/L
Chromium, Total	50	ug/L
Copper	200	ug/L
Iron	300	ug/L
Lead	25	ug/L
Magnesium	35000	ug/L
Manganese	300	ug/L
Mercury	0.7	ug/L
Nickel	100	ug/L
Sodium	20000	ug/L
Thallium	0.5	ug/L
PCBs		
Polychlorinated Biphenyl (PCBs)	0.09	ug/L
Pesticides		
	ND	ug/L
PFAS		
Perfluorooctanesulfonic acid (PFOS)	2.7	ng/L
Perfluorooctanoic acid (PFOA)	6.7	ng/L

AWQSGVs - Ambient Water-Quality Standards and Guidance Values
 B - Found in laboratory blank
 DUP - Duplicate Sample
 J - Estimated value
 ND - No detection
 ng/L - Nanograms per liter
 NYSDEC - New York State Department of Environmental Conservation
 PCBs - Polychlorinated Biphenyls
 PFAS - Per- and Polyfluoroalkyl Substances
 SVOCs - Semivolatile Organic Compounds
 ug/L - Micrograms per liter
 VOCs - Volatile Organic Compounds



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ROUX
 Roux Environmental
 Engineering and Geology, D.P.C.
 209 SHAFTER STREET ISLANDIA NEW YORK 11749
 (631) 232-2600

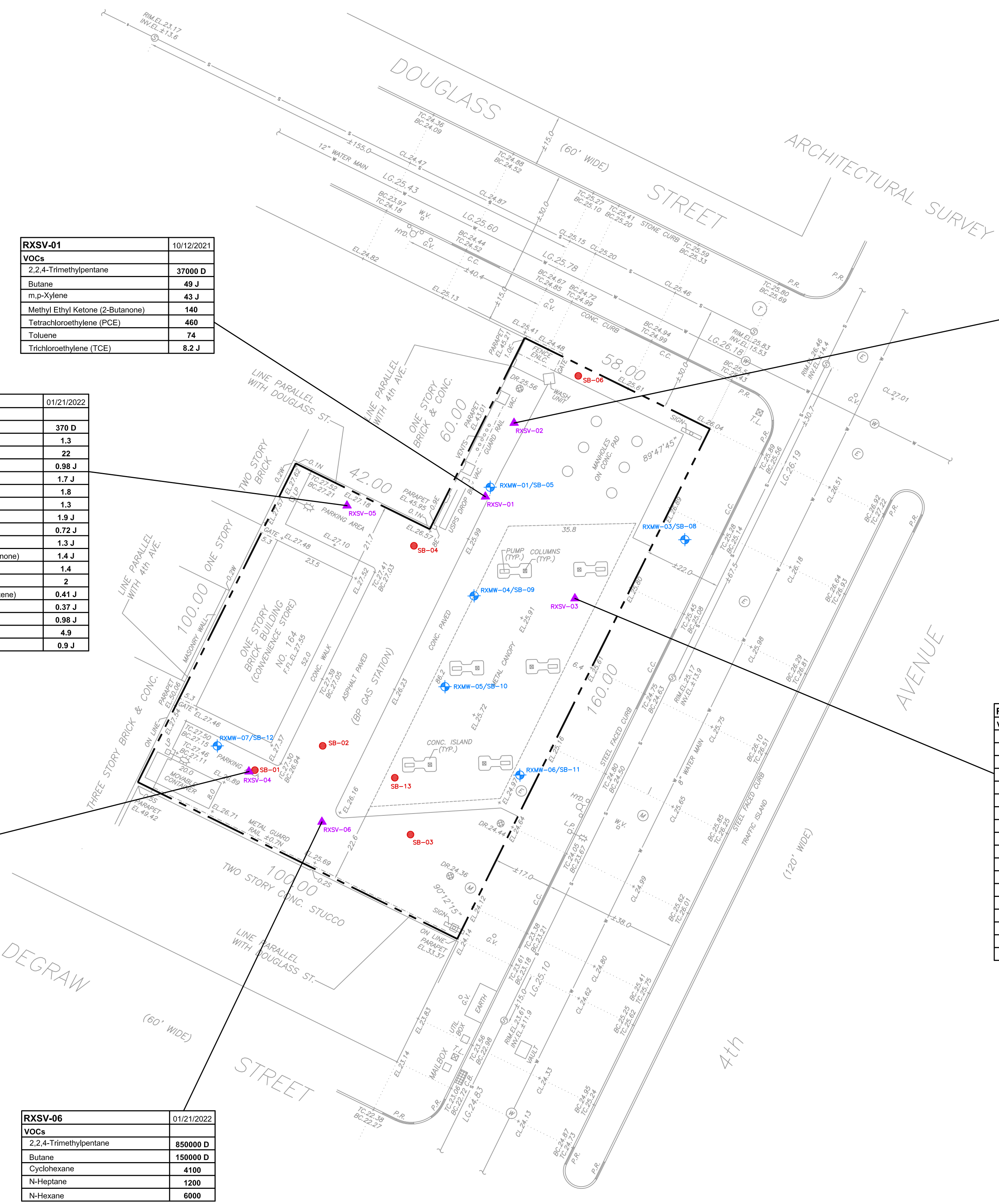
PROJECT NAME:
164 4TH AVENUE, BROOKLYN, NEW YORK 11217

PROJECT FOR:
HERON FOURTH AVENUE LLC

TITLE:
GROUNDWATER SAMPLE DATA ABOVE AWQSGVs

FIGURE
7

V:\CAD\PROJECTS\3789\0001Y\20_02.DWG



RXSV-01		10/12/2021
VOCs		
2,2,4-Trimethylpentane		37000 D
Butane		49 J
m,p-Xylene		43 J
Methyl Ethyl Ketone (2-Butanone)		140
Tetrachloroethylene (PCE)		460
Toluene		74
Trichloroethylene (TCE)		8.2 J

RXSV-05		01/21/2022
VOCs		
2,2,4-Trimethylpentane		370 D
Benzene		1.3
Butane		22
Carbon Disulfide		0.98 J
Chlorodifluoromethane		1.7 J
Chloroform		1.8
Cyclohexane		1.3
Dichlorodifluoromethane		1.9 J
Ethylbenzene		0.72 J
m,p-Xylene		1.3 J
Methyl Ethyl Ketone (2-Butanone)		1.4 J
N-Heptane		1.4
N-Hexane		2
O-Xylene (1,2-Dimethylbenzene)		0.41 J
Styrene		0.37 J
Tetrachloroethylene (PCE)		0.98 J
Toluene		4.9
Trichlorofluoromethane		0.9 J

RXSV-04		01/21/2022
VOCs		
1,2,4-Trimethylbenzene		0.96 J
1,3,5-Trimethylbenzene (Mesitylene)		0.42 J
2,2,4-Trimethylpentane		29
4-Ethyltoluene		0.37 J
Acetone		6.3 J
Benzene		0.45 J
Butane		2.3
Carbon Disulfide		0.4 J
Chloroform		3.9
Chloromethane		0.28 JT
Cyclohexane		0.15 J
Dichlorodifluoromethane		1.3 J
Ethylbenzene		1.3
Isopropylbenzene (Cumene)		0.26 J
m,p-Xylene		4.4
Methylene Chloride		1.3 J
N-Heptane		0.58 J
N-Propylbenzene		0.41 J
O-Xylene (1,2-Dimethylbenzene)		1.9
Tert-Butyl Methyl Ether		0.33 J
Tetrachloroethylene (PCE)		0.57 J
Toluene		3.3
Trichlorofluoromethane		0.5 J

RXSV-06		01/21/2022
VOCs		
2,2,4-Trimethylpentane		850000 D
Butane		150000 D
Cyclohexane		4100
N-Heptane		1200
N-Hexane		6000

RXSV-02		01/21/2022
VOCs		
1,1-Dichloroethene		0.2
1,2,4-Trimethylbenzene		1.5
1,3,5-Trimethylbenzene (Mesitylene)		0.86 J
2,2,4-Trimethylpentane		7.4
4-Ethyltoluene		1.1
Acetone		24
Benzene		1.4
Bromodichloromethane		1.3
Butane		19
Carbon Disulfide		3.2
Chlorodifluoromethane		1 J
Chloroform		26
Clas-1,2-Dichloroethylene		190 D
Cyclohexane		1.3
Dichlorodifluoromethane		2 J
Ethylbenzene		4.1
Isopropylbenzene (Cumene)		0.78 J
m,p-Xylene		14
N-Heptane		4.5
N-Hexane		2.5
N-Propylbenzene		1.2
O-Xylene (1,2-Dimethylbenzene)		5.6
Sec-Butylbenzene		0.27 J
Tetrachloroethylene (PCE)		320 D
Toluene		8.2
Trans-1,2-Dichloroethene		2.3
Trichloroethylene (TCE)		44
Trichlorofluoromethane		1 J
Vinyl Chloride		35

RXSV-03		01/21/2022
VOCs		
1,2,4-Trimethylbenzene		48
1,3,5-Trimethylbenzene (Mesitylene)		91
2,2,4-Trimethylpentane		59000 D
4-Ethyltoluene		39
Benzene		280
Butane		1000
Carbon Disulfide		95
Cyclohexane		320
Ethylbenzene		440
Isopropylbenzene (Cumene)		190
m,p-Xylene		320
N-Heptane		760
N-Hexane		720
N-Propylbenzene		110
O-Xylene (1,2-Dimethylbenzene)		140
Sec-Butylbenzene		52
Tert-Butyl Methyl Ether		52
Toluene		310

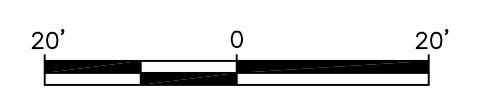
LEGEND

- SITE BOUNDARY
- SB-01 APPROXIMATE SOIL SAMPLING LOCATION
- RXSV-01/SB-05 APPROXIMATE GROUNDWATER SAMPLING LOCATION
- RXSV-01 APPROXIMATE SOIL VAPOR SAMPLING LOCATION

TYPICAL DATA BOX INFORMATION

SAMPLE ID#	RXSV-06	01/21/2022	SAMPLE DATE
VOCs			
	2,2,4-Trimethylpentane	850000 D	CONCENTRATION
	Butane	150000 D	
	Cyclohexane	4100	
	N-Heptane	1200	
	N-Hexane	6000	

All concentrations in µg/m³
 µg/m³ - Micrograms per cubic meter
 VOCs - Volatile Organic Compounds
 ND - Compound was analyzed for but not detected
 J - Estimated value
 D - Concentration of analyte was quantified from diluted analysis



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 DRAWING FILE: 3789.0001Y120.02.DWG

ROUX
 Roux Environmental
 Engineering and Geology, D.P.C.
 209 SHAFTER STREET ISLANDIA NEW YORK 11749
 (631) 232-2600

PROJECT NAME:
164 4TH AVENUE, BROOKLYN, NEW YORK 11217

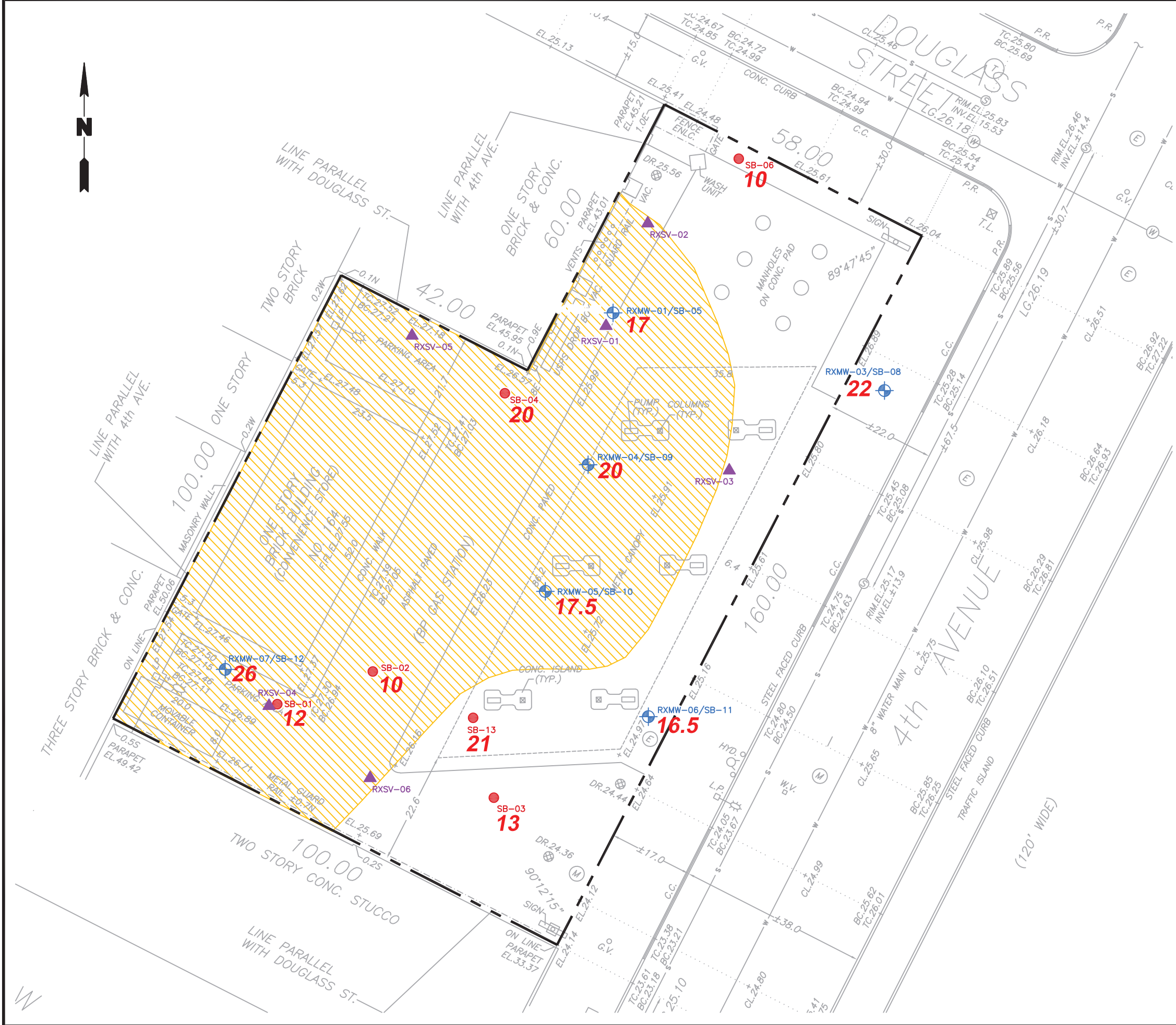
PROJECT FOR:
HERON FOURTH AVENUE LLC

TITLE:
**SOIL VAPOR SAMPLE
 DETECTIONS**

FIGURE
8

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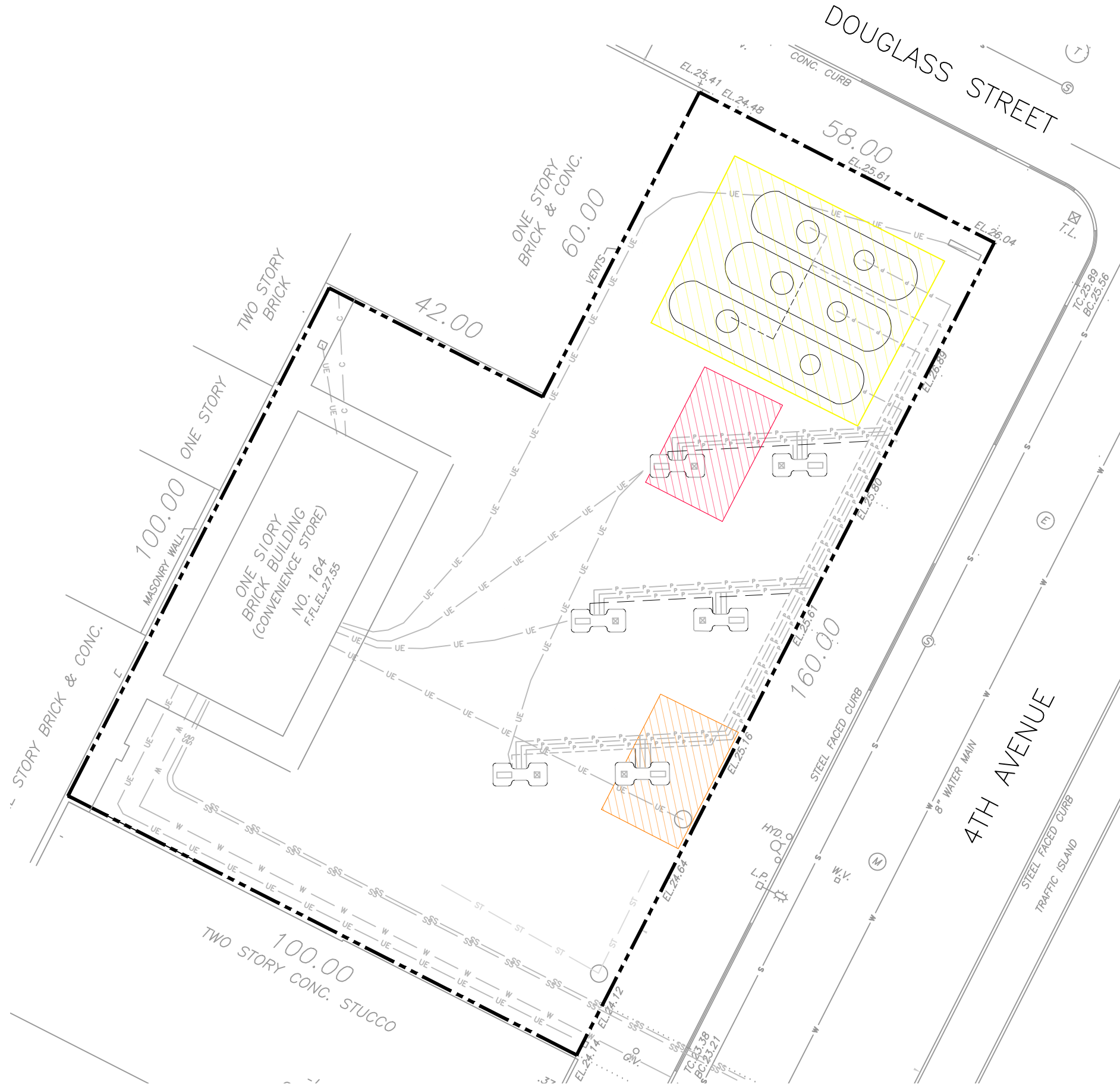
- LEGEND**
- SITE BOUNDARY
 - SB-01 APPROXIMATE SOIL SAMPLING LOCATION
 - RXMW-01/SB-05 APPROXIMATE GROUNDWATER SAMPLING LOCATION
 - RXSV-01 APPROXIMATE SOIL VAPOR SAMPLING LOCATION
 - APPROXIMATE EXTENT OF ASH LAYER IN SITE FILL
 - 12 APPROXIMATE DEPTH OF FILL AT BORING LOCATION, IN FEET BELOW LAND SURFACE

SOURCE
 BASE MAP FROM ARCHITECTURAL SITE SURVEY,
 PREPARED BY EMPIRE STATE LAND SURVEYOR, P.C.,
 DATED SEPTEMBER 2021.

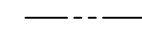


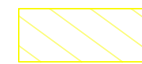


Title:			
APPROXIMATE EXTENT OF ASH LAYER AND DEPTH OF FILL			
164 4TH AVENUE BROOKLYN, NEW YORK			
Prepared for:			
HERON FOURTH AVENUE LLC			
	Compiled by: N.E.	Date: 11FEB22	FIGURE 9
	Prepared by: B.H.C.	Scale: AS SHOWN	
	Project Mgr: N.P.	Project: 3789.0001Y000	
	File: 3789.0001Y120.03.DWG		

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LEGEND

-  SITE BOUNDARY
-  APPROXIMATE LOCATION OF HISTORICAL USTs (1926 SANBORN MAP)
-  APPROXIMATE LOCATION OF HISTORICAL USTs (1965 SANBORN MAP)
-  APPROXIMATE LOCATION OF EXISTING GASOLINE AND DIESEL USTs

NOTES

1. APPROXIMATE LOCATION OF AREAS OF CONCERN FROM RT SECOND QUARTER 2017 (ANTEA GROUP, JULY 28, 2017).
2. BASE MAP IS FROM ARCHITECTURAL SITE SURVEY, PREPARED BY EMPIRE STATE LAND SURVEYOR, P.C. (9/1/2021).



APPROXIMATE UST LOCATIONS		
164 4TH AVE BROOKLYN, NEW YORK		
Prepared for: HERON FOURTH AVENUE LLC		
	Compiled by: NP	Date: 06JUL22
	Prepared by: NP	Scale: AS SHOWN
	Project Mgr: NP	Project: 3789.0001Y000
	File: 3789.0001Y120.DWG	
		FIGURE 10

Brownfield Cleanup Program Application
164 4th Avenue, Brooklyn, New York

APPENDICES

- A. Section I Property Information
- B. Section II Project Description
- C. Section III Land Use Factors
- D. Section IV Property's Environmental History
- E. Section V Requestor Information
- F. Section VII Requestor Eligibility Information
- G. Section IX Current Property Owner-Operator Information
- H. Section XI Contact List Information

Brownfield Cleanup Program Application
164 4th Avenue, Brooklyn, New York

APPENDIX A

Section I Property Information

Appendix A – Property Description Narrative

164 4th Avenue, Brooklyn, NY 11217

BCP Application - Section IV

Parcel Address	Block No.	Lot No.	Acreage
164 4 th Avenue	420	37	0.31

Location

The Site proposed for entry to the Brownfield Cleanup Program (BCP) is located at 164 4th Avenue, Brooklyn, New York (Site), as shown on Figure 1. The Site is identified as Tax Block 420, Lot 37 in Kings County as shown on Figure 2.

Site Features

The proposed BCP Site boundary and existing Site features are shown on Figure 3. The proposed BCP Site boundary is equivalent to the parcel’s tax map metes and bounds. The total surface area of the Site is 13,480-square feet. The Site is currently used as a BP-branded gasoline filling station with a convenience store. The building used as the convenience store is a one-story, masonry and steel building that does not contain a basement. The building was constructed in 1988 and is approximately 1,300 square feet in surface area. Figure 2 depicts the Site boundaries. The existing surface improvements at the Site consist of asphalt parking areas and concrete walkways. There are three active underground storage tanks (USTs) existing on-Site (one 12,000-gallon and two 10,000-gallon gasoline, double wall, fiberglass, installed in 1997), one inactive UST (550-gallon fuel oil, installed in 1997), and six gasoline fuel dispensers. The location of the existing USTs at the Site is depicted on Figure 10.

Current Zoning and Land Use

The current zoning designation of the Site is C4-4D. The current land use is commercial. Properties adjacent to the Site and respective land uses are summarized below and indicated on Figure 4.

Adjacent Property Direction	Property Use
North	Douglass Street and mixed residential/commercial buildings across the street.
South	Commercial warehouses
East	4 th Avenue and an underground MTA subway (N, R, and D lines). Across 4 th Avenue are multi-family residential lots, one mixed-use residential and commercial lot, and a vacant parcel.
West	Commercial office building and industrial/manufacturing warehouses.

Past Use of the Site

The Phase I Environmental Site Assessment Report (ESA) prepared by Impact Environmental in 2011 summarizes the past uses and ownership of the Site. According to the Phase I ESA, the Site was first developed in 1906 with two residential dwellings. As of 1926, the western portion of the Site maintained lumber storage, the eastern portion of the Site maintained a gasoline filling station with at least three gasoline USTs, and the northern portion of the Site was used for automobile repair and sales. From 1951 to 1980 the southern and western portion of the Site were used for truck sales, and the northeastern portion of the Site maintained a gasoline filling station with at least four USTs. By 1965, the USTs associated with the gas station were located further north than the previous USTs documented in 1926. In 1988, the Site continued to be used for truck sales and as a gasoline filling station, with the addition of a metal canopy in the central portion of the Site. The approximate location of the historical USTs at the Site is depicted on Figure 10.

Appendix A – Property Description Narrative

164 4th Avenue, Brooklyn, NY 11217

BCP Application - Section IV

Since 1926, the Site has maintained at least four generations of USTs. In 1998, 14 inactive USTs were removed from the Site including four (4) 4,000-gallon gasoline USTs; two (2) 550-gallon waste oil USTs; several abandoned 550-gallon gasoline USTs; and associated piping. No documentation was available regarding the proper decommission of structures and/or chemicals associated with former automotive repair activities (e.g., oil/water separators, lifts, solvents). Based on the Phase I ESA, a total of 1,498 tons of petroleum-impacted soil were removed from the Site between March 23 and April 8, 1998, by Baltec on behalf of BP (Impact, 2011). The material was transported by Indian Valley Bulk Carriers and disposed of by Soil Safe Incorporated located in Salem, New Jersey. Endpoint samples collected from the 1998 UST removal excavation detected the presence of volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs) above the guideline criteria (concentrations detected and criteria used for data comparison is unknown) and a spill incident was reported to the New York State Department of Environmental Conservation (NYSDEC). The spill was recorded by NYSDEC as spill #97-13442 for the release of unknown quantities of gasoline and methyl-tert-butyl ether (MTBE) from historical USTs. Environmental reports for Baltec/BP's 1998 remediation activities were not provided to Heron or Roux, nor were they produced as a part of the Phase I ESA's FOIL request. Therefore, excavation extent, excavation depth, tank locations, end-point sampling data, and additional information related to the 1998 remediation activities was not available to provide as a part of this application.

The spill was open at the Site from 1998 to 2017, during which several environmental investigations occurred including subsurface hydrocarbon assessments (2004-2005) and quarterly groundwater monitoring (2005-2010, 2012-2014, and 2017) performed by Delta Environmental Consultants, Inc (Delta), EnviroTrac Environmental Services (EnviroTrac), and Antea Group. The spill record downloaded from NYSDEC Spill Incidents Database is attached to this Appendix.

Several off-Site confirmed or potential contamination sources were identified during previous investigations, including a historical Manufactured Gas Plant (MGP) that was maintained approximately 350 feet northwest of the Site. A gasometer tower associated with the MGP was located on the western end of Block 420 (same block as the Site), along 3rd Avenue.

Upon rezoning of the Site and the Gowanus neighborhood at the end of 2021, E-Designations for hazardous materials and noise were assigned to the Site through New York City Office of Environmental Remediation (NYCOER). Since the end of 2021, Heron Fourth Avenue LLC and Roux have worked with NYCOER to investigate the Site through the "E" Designation Program. A Remedial Investigation (RI) was performed at the Site by Roux in 2021 for the characterization of environmental conditions (see Appendix C for additional information).

Site Geology and Hydrogeology

The existing grade of the Site varies from approximately elevation 24.1 to elevation 27.5 feet [North American Vertical Datum of 1988]. The Site slopes slightly to the east/southeast towards 4th Avenue with an approximate gradient of 2 to 4 percent.

The stratigraphy of the Site observed during the Remedial Investigation from the surface to depths ranging from 10 to 26 ft bls consists of urban fill containing fine to coarse sand and silt with some brick, concrete, asphalt, and traces of other inorganic fill materials. The average depth of the bottom of the urban fill layer is approximately 17 ft bls. Below the fill is native soil consisting of primarily of sand and gravel, with some silt lenses. An ash layer was identified within the urban fill later beneath the mid to western portions of the Site

Appendix A – Property Description Narrative

164 4th Avenue, Brooklyn, NY 11217

BCP Application - Section IV

at thicknesses ranging from 1 to 9 feet. The ash layer was considered a separate and distinct layer from the typical urban fill observed in the other areas and depths at the Site. A figure depicting the approximate extent of the ash layer and approximate depth of historic fill across the Site is provided as Figure 9.

Bedrock was not encountered in any of the RIR or geotechnical soil borings. The deepest geotechnical soil boring advanced at the Site was 102 ft. The average depth to groundwater at the Site is 18 ft bls and the range in depth is approximately 15 ft bls to 21 ft bls. Groundwater beneath the Site generally flows from the north to the south-southwest.

Environmental Assessment

The Site has a history of use as a gasoline filling station for almost 100 years, with portions of the Site historically utilized for automobile repair and lumber storage. Additionally, there was an open spill incident with the NYSDEC for almost 20 years related to petroleum products released at the Site. The Site's historical uses have had an adverse impact on soil, groundwater, and soil vapor quality. The primary contaminants of concern for the Site include volatile organic compounds (VOCs) related to petroleum (BTEX), semivolatile organic compounds (SVOCs), including polycyclic aromatic hydrocarbons (PAHs), metals in soil and groundwater, and petroleum-related VOCs and chlorinated volatile organic compounds (CVOCs) in soil vapor.

Soil - Based on the results of the RI, petroleum-impacted soil exists beneath the southern portion of the Site as indicated by high concentrations of VOCs located at depths close to the groundwater interface (i.e., 21 ft bls) and in the vicinity of the former USTs associated with the historical gasoline filling station operation. The urban fill material beneath the Site is widely impacted by SVOCs and metals, with impacts extending to depths ranging from 10 to 26 ft bls. The location of the ash layer closely correlates to the location of the historical lumber storage area, which existed as early as 1926 at the Site. Samples collected from the ash layer and from fill material were observed to have "wood debris" in them. Lead and mercury were detected in soil across the Site, with the deepest detections at 24 to 26 ft bls in the SW corner of the site.

Groundwater - Groundwater beneath the Site is impacted above AWQSGVs by petroleum-related VOCs (benzene, ethylbenzene, xylenes, and MTBE) and SVOCs (naphthalene) resulting from the former operation of the Site as a gasoline filling station and releases from the former USTs that existed at the Site. Groundwater quality at the Site has improved since regulatory closure of the former spill incident that was open at the Site from 1998 to 2017. The improvement in groundwater quality was based on a comparison of sampling results collected in 2017 prior to spill closure (see Section 2.2), and data from samples collected by Roux during the RI in January 2022.

Soil Vapor - Soil vapor beneath the Site is impacted with petroleum-related VOCs; likely due to the presence of petroleum-related soil and groundwater impacts beneath the Site and the historical uses of the Site as gasoline filling stations. Chlorinated VOCs (CVOCs) were detected in soil vapor only in the northwest portion of the Site, in the vicinity of the historical auto repair area. However, CVOCs were not detected in soil or groundwater samples collected from this area. This may indicate that CVOCs in soil vapor are originating from an off-Site source.



Department of
Environmental
Conservation

Spill Incidents Database Search Details

Spill Record

MTBE detected at this location, Click [here](#) for more information on MTBE.

Administrative Information

DEC Region: 2

Spill Number: 9713442

Spill Date/Time

Spill Date: 03/04/1998 **Spill Time:** 03:00:00 PM

Call Received Date: 03/04/1998 **Call Received Time:** 03:40:00 PM

Location

Spill Name: BP AMOCO STATION #3887

Address: 164 4TH AVE

City: BROOKLYN **County:** Kings

Spill Description

Material Spilled	Amount Spilled	Resource Affected
gasoline	UNKNOWN	Soil
MTBE (methyl-tert-butyl ether)	UNKNOWN	Unknown

Cause: Unknown

Source: Gasoline Station or other PBS Facility

Waterbody:

Record Close

Date Spill Closed: 08/04/2017

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

[Refine This Search](#)

Section II Project Description

Appendix B – Project Description
 164 4th Avenue, Brooklyn, NY 11217
 BCP Application – Section II, Question 4

The purpose of the proposed project is to perform a remedial action during Site redevelopment in a manner that will render the Site protective of public health and the environment, consistent with the contemplated end use of the property, and in compliance with applicable environmental standards, criteria and guidance and applicable laws and regulations. The project would be starting at the Remediation Phase, as a Remedial Investigation was already completed at the Site that meets the requirements of ECL Article 27-1415(2). The Remedial Investigation Report, dated March 10, 2022, was approved by NYCOER and is attached to this Application in Appendix D.

Proposed Development Plan

The proposed future use of the Site will consist of a new 17-story mixed use residential and commercial building that will cover the entire footprint of the property. The footprint of the building will encompass the entire Site. The redevelopment will include two cellar levels (cellar and subcellar) devoted to parking and mechanical spaces. The entire property will be excavated to a depth of approximately 24 feet below street grade. The first floor will accommodate a residential lobby, mailroom, service rooms, egress corridors, and retail spaces fronting on each street, with entrance and exit for the parking off Douglass Street. The second through seventeenth floors (above the first floor) will be devoted to residential units and the roof will be devoted to mechanical equipment. The total internal gross square footage of the proposed building is approximately 133,445 gross square feet, including 17 floors and both cellar levels. There are a total of 124 proposed residential units, including 31 proposed affordable market rate residential units. Construction of the will likely commence in early 2023.

Projected Schedule

Timeframe	Description
May 2022	Submit BCP Application
June 2022	30-day Public Comment Period
July 2022	Sign Brownfield Cleanup Agreement (BCA)
July 2022	Submit Citizen Participation Plan (CPP)
July 2022	Submit Remedial Action Work Plan (Remedial Action Work Plan)/45-Day Public Comment Period
September 2022	Approval of RAWP
January 2023 to April/May 2024	Implementation of RAWP
May 2024	Draft SMP
May 2024	Draft FER
July 2024	Anticipated issuance of Certificate of Completion

Section III Land Use Factors

Appendix C – Land Use Factors

164 4th Avenue, Brooklyn, NY 11217
BCP Application - Section III

Q4. Current Business Operations/Uses – The Site is currently utilized as a BP-branded gasoline filling station and convenience store. Operation of the Site as a gasoline station is ongoing and will continue until remediation and redevelopment construction commences. Potential source areas were identified as seven areas of concern (AOC) and are presented in the RIR.

Q6. Reasonably Anticipated Post-Remediation Use – The reasonably anticipated post-remediation future use of the Site is mixed retail/residential.

Q8. Do current historical and/or recent development patterns support the proposed use?

The contemplated future use is a 17-story mixed retail/residential building is consistent with the current and reasonably anticipated development patterns in the neighborhood.

Q9. Is the proposed use consistent with applicable zoning laws/maps?

Yes, the proposed use consistent with the current property zoning of C4-4D and applicable zoning laws. Zoning Resolution (ZR) 35-00 and ZR 139-10 stipulates those allowable uses of the Site are limited to the following Use Groups: 1, 2, 3, 4, 5, 6, 7, 8, 9, 14 (Residential, Community Facility, Retail, and Commercial). In non-residential spaces, the proposed use will be Use Group 6. No community uses are proposed.

Q10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans?

The proposed redevelopment will provide new mixed income housing, including market-rate and affordable housing, in addition to two levels of parking, which is consistent with the Gowanus Neighborhood Plan for the Fourth Avenue Corridor.

Section IV Property's Environmental History

Appendix D – Property’s Environmental History

164 4th Avenue, Brooklyn, NY

BCP Application - Section IV

The following previous environmental investigations have been conducted at the Site and are attached for review in Appendix D and on the enclosed CD:

- **Subsurface Hydrocarbon Assessment Report (SHAR) Addendum**, prepared by Delta Environmental Consultants, Inc. (Delta), dated March 31, 2004
- **SHAR**, Prepared by Delta, dated May 27, 2005
- **SHAR**, prepared by Delta, dated July 27, 2005
- **SHAR**, prepared by Delta, dated December 6, 2005
- **Groundwater Monitoring Reports**
 - **First Quarter 2012**, prepared by Antea Group, dated April 27, 2012
 - **Second Quarter 2012**, prepared by Antea Group, dated July 30, 2012
 - **Second Quarter 2013**, prepared by Antea Group, dated July 30, 2013
 - **Second Quarter 2014**, prepared by Antea Group, dated July 28, 2014
 - **Third Quarter 2014**, prepared by Antea Group, dated October 29, 2014
 - **Fourth Quarter 2014**, prepared by Antea Group, dated January 30, 2014
 - **Second Quarter 2017**, prepared by Antea Group, dated July 28, 2017
- **Bioremediation Work Plan Update**, prepared by Antea Group, dated September 17, 2013
- **Phase I Environmental Site Assessment Report (ESA)**, prepared by Impact Environmental (Impact), dated April 29, 2011
- **Remedial Investigation Report (RIR)**, prepared by Roux, dated February 2022

The proposed future use of the Site will consist of a new 17-story mixed use residential and commercial building that will cover the entire footprint of the property. Therefore, the soil data from the previous investigations was compared to the following New York State Department of Environmental Conservation (NYSDEC) Soil Cleanup Objectives (SCOs): Part 375-6.8(a) Unrestricted Used Soil Cleanup Objectives (UUSCOs), Part 375-6.8(b) Restricted Residential Soil Cleanup Objectives (RRSCOs), supplemental cleanup objectives in NYSDEC CP-51 Soil Cleanup Guidance, and Part 375-6.8(b) Protection of Groundwater Soil Cleanup Objectives (PGSCOs).

A Remedial Action will be performed following entry into the Brownfield Cleanup Program (BCP). A summary of the findings from the Site is provided below.

Subsurface Hydrocarbon Assessment Report (SHAR) Addendum, prepared by Delta Environmental Consultants, Inc. (Delta), dated March 31, 2004

Delta prepared a Subsurface Hydrocarbon Assessment Report (SHAR) Addendum on behalf of BP Products North America Inc. (BP) to document the installation of three permanent, off-Site monitoring wells on November 18-19, 2003. Soil borings were advanced via direct-push technology to a terminal depth of 24 ft below ground surface (ft bgs) for monitoring wells MW-8, MW-9, and MW-10. Soil grab samples were collected from these monitoring well soil borings from the two-foot interval at the groundwater interface. Samples were analyzed for NYSDEC Spill Technology and Remediation Series (STARS) Memo #1-listed VOCs in accordance with USEPA Method 8260.

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All soil borings were converted to monitoring wells by means of over drilling with 4.25-inch inside diameter augers to a terminal depth of 23-24 ft bgs. Monitoring wells were constructed of two-inch, Schedule 40, 0.20-inch slot, polyvinyl chloride (PVC) well screen and two-inch, Schedule 40 PVC riser pipe.

Soil analytical results did not identify any exceedances of NYSDEC Soil Cleanup Objectives (SCOs) for VOCs in soil.

SHAR, prepared by Delta, dated May 27, 2005

Delta prepared a SHAR to document the installation of two off-Site monitoring wells in an effort to complete the downgradient delineation of sub-surface impacts to soil and groundwater. On August 23, 2004 two soil borings, MW-11 and MW-12, were installed via direct-push technology to a terminal depth of 22 ft bgs. One soil grab sample was collected from each of the monitoring well soil borings from the two-foot interval at the groundwater interface. Both soil borings were then converted to one-inch diameter monitoring wells to a terminal depth of 22 ft bgs. Monitoring wells were constructed of one-inch diameter, Schedule 40, 0.10-inch slot, PVC well screen and one-inch diameter, Schedule 40, PVC Riser. Monitoring wells were developed after installation by the over-purging method using a submersible pump, and later sampled on August 24, 2004. Both soil grab samples and groundwater samples were analyzed for NYSDEC STARS Memo #1-listed VOCs in accordance with USEPA Method 8260.

Soil analytical results did not identify any exceedances of NYSDEC SCOs for VOCs in soil. Groundwater analytical results were compared to NYSDEC Ground Water Quality Standards (GWQS) and identified MTBE in exceedance of its GWQS in sample MW-11. No other target VOCs were detected in ground water samples.

SHAR, prepared by Delta, dated July 27, 2005

Delta prepared a SHAR to document the installation of two monitoring wells to assess soil and groundwater conditions off-Site and downgradient from the Site. On November 19, 2004 two monitoring wells, MW-13 and MW-14 were installed via direct-push unit with hollow-stem auger capability to a terminal depth of 20 ft bgs. One soil grab sample was collected from each of the monitoring well soil borings at the two foot interval at the groundwater interface.

On January 4, 2005, Delta completed the monitoring wells to approximately 16 ft bgs. MW-13 was constructed of one-inch diameter, Schedule 540, 0.010-inch slot, PVC well screen and one-inch diameter, Schedule 40, PVC Riser pipe. Monitoring wells were developed by the over-purging method using a peristaltic pump and later sampled on January 25, 2005. Both soil grab samples and groundwater samples were analyzed for NYSDEC STARS Memo #1-listed VOCs in accordance with USEPA Method 8260.

Soil analytical results did not identify VOC concentrations in excess of NYSDEC SCOs for VOCs in soil. Groundwater analytical results identifies Naphthalene in exceedance of the NYSDEC GWQS in groundwater sample MW-13.

SHAR, prepared by Delta, dated December 6, 2005

Delta prepared a SHAR to assess soil vapors at the Site by installing one cluster well for vapor monitoring. Vapor cluster well, VCW-1, was installed onsite using a Foremost CT150 truck-mounted drill rig with hollow stem auger capability to a terminal depth of 21 ft bgs. Soil grab samples were collected from 18-19 ft bgs

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and 20-21 ft bgs, the soil intervals exhibiting the highest PID readings. Soil samples were analyzed for VOCs in accordance with USEPA Method 8260.

The vapor cluster well consisted of vapor wells VCW-1A, VCW-1B, and VCW-1C installed to terminal depths of 18, 12, and 6 ft bgs, respectively. The vapor cluster wells were constructed of one-inch diameter, Schedule 40, 0.010-inch slot size, PVC well screen and one-inch diameter, Schedule 40, PVC riser pipe. Three vapor samples were collected from VCW-1 using 6 liter Summa canisters. The samples were analyzed for total BTEX, MTBE, and total petroleum hydrocarbons (TPH) in accordance with EPA Method TO-3.

Soil analytical results identified one MTBE concentrations in excess of NYSDEC SCOs in both soil grab samples collected.

Phase I Environmental Site Assessment Report (ESA), prepared by Impact Environmental, dated April 29, 2011

Impact Environmental performed a Phase I ESA at the Site located at 164 4th Avenue, Brooklyn, NY, Block 420 Lot 37. At the time of the Phase I ESA the Site contained a one-story masonry and steel building constructed in 1988, and a BP-branded gasoline filling station and convenience store. The surface area of the Site consists of asphalt parking areas and concrete sidewalks.

Impact noted the following Recognized Environmental Condition (REC) associated with the Site:

1. A review of building department records revealed that the Site was historically utilized for automobile repairs since at least 1924. No documentation was available regarding the proper decommission of structures and/or chemicals associated with these former of activities (e.g., oil/water separators, lifts, solvents). This lack of documentation represents a recognized environmental condition.

Based on the REC, Impact recommended the following additional Phase I ESA Activities on the Site:

1. Access to the interior of the building maintained on the Site was not provided. Therefore, a visual inspection could not be performed, and identification of *recognized environmental conditions* could not be achieved. Access should be provided for inspection.
2. Responses to the Freedom of Information requests submitted to various NYC agencies were not received.

The Phase I ESA included the following conclusions and recommendations for Phase II ESA activities at the Site:

1. A review of the available NYSDEC records revealed that one spill (#97-13442) is currently active for the Site. Based on a review of the NYSDEC notes, it appears that a total of 14 inactive USTs were removed by Baltec in 1998. The endpoint samples acquired during the removal of these USTs detected the presence of volatile organic compounds and semi-volatile organic compounds above the guideline criteria. Following these activities, at least 14 groundwater monitoring wells have been installed on the Site. In addition, LNAPL has historically been detected in the groundwater at the Site. Quarterly sampling appears to be ongoing by Delta Environmental for BP. Remedial activities associated with NYSDEC Spill #97-13442 should continue to be performed by BP under the auspices of the NYSDEC.
2. The most recent Quarterly Monitoring Report (QMR) available, prepared by Delta Environmental, dated August 19, 2010 was reviewed under the scope of this Phase I ESA. Groundwater samples were collected on May 19, 2010, from several wells on the Site and off-Site. LNAPL was not

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detected in any of the samples from the wells; however, detections of both BTEX and MTBE were present at levels above the applicable guideline criteria.

3. A review of historic building department records and NYSDEC PBS records revealed that the Site has maintained at least four generations of gasoline USTs. According to a Report by Delta Consultants, entitled Subsurface Hydrocarbon Assessment Report Addendum, dated August 20, 2009 several tanks were removed from the Site. Specifically, between March 23 and March 26, 1998, a subsurface investigation was conducted at the site. A total of four 4,000-gallon gasoline USTs, sixteen abandoned 550-gallon gasoline USTs, two 550-gallon waste oil USTs, and associated piping were removed from the Site. These activities resulted in four gasoline UST and two waste oil UST excavation cavities. The first gasoline UST excavation contained eight 550-gallon tanks, the second contained five 550-gallon tanks, the third (an extension of the second cavity) contained three 550-gallon tanks, and the fourth contained the four 4,000-gallon tanks. Accordingly, no further subsurface activities are recommended with regards to these previously removed USTs. However, documentation should be provided for review regarding the installation of all historic USTs to determine if all historic USTs have been removed from the Site (e.g., fuel oil, waste oil, underground hydraulic lifts, gasoline, etc.).
4. Several off-Site confirmed or potential contamination sources were identified to exist within the ASTM search radius. The need for the above-recommended on-Site investigative activities is further supported by the presence of these sources. Specifically, a review of the NYSDEC notes revealed that the groundwater flow direction appears to be convoluted. In addition, a historic MGP plant was maintained approximately 350' from the Site.

Groundwater Monitoring Report – First Quarter 2012, prepared by Antea Group, dated April 27, 2012

Antea Group prepared a Groundwater Monitoring Report documenting the sampling and analytical results for the first quarter of 2012. Sixteen onsite and offsite groundwater monitoring wells were sampled during this event. Groundwater analytical results identified concentrations of BTEX and MTBE in exceedance of Technical and Operational Guidance Series 1.1.1, Ambient Water Quality Standards and Guidance Values (TOGS AWQSGVs).

Groundwater Monitoring Report – Second Quarter 2012, prepared by Antea Group, dated July 30, 2012

Antea Group prepared a Groundwater Monitoring Report documenting the sampling and analytical results for the second quarter of 2012. Seventeen onsite and offsite groundwater monitoring wells were sampled during this event. Groundwater analytical results identified concentrations of BTEX and MTBE in exceedance of Technical and Operational Guidance Series 1.1.1, Ambient Water Quality Standards and Guidance Values (TOGS AWQSGVs).

Groundwater Monitoring Report – Second Quarter 2013, prepared by Antea Group, dated July 30, 2013

Antea Group prepared a Groundwater Monitoring Report documenting the sampling and analytical results for the second quarter of 2013. Sixteen onsite and offsite groundwater monitoring wells were sampled during this event. Groundwater analytical results identified concentrations of BTEX and MTBE in exceedance of Technical and Operational Guidance Series 1.1.1, Ambient Water Quality Standards and Guidance Values (TOGS AWQSGVs).

Bioremediation Application Work Plan Update – prepared by Antea Group, dated September 17, 2013

Antea Group prepared an updated Bioremediation Application Work Plan, documenting the intended remediation and proposed monitoring plan for an application event scheduled for October 15, 2013.

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The plan was to supplement terminal electron acceptors (TEAs) by applying a sulfate solution to two wells in order to increase the sulfate concentrations within the aquifer, thus enhancing bioremediation. No historical reports related to the implementation of the proposed bioremediation exist and based on a review of available records, there was no previous correspondence with NYSDEC indicating that bioremediation was ever conducted at the Site. Therefore, it is reasonable to assume that the bioremediation scope of work presented in this work plan was never implemented at the Site.

Groundwater Monitoring Report – Second Quarter 2014, prepared by Antea Group, dated July 28, 2014

Antea Group prepared a Groundwater Monitoring Report documenting the sampling and analytical results for the second quarter of 2014. Sixteen onsite and offsite groundwater monitoring wells were sampled during this event. Groundwater analytical results identified concentrations of BTEX and MTBE in exceedance of Technical and Operational Guidance Series 1.1.1, Ambient Water Quality Standards and Guidance Values (TOGS AWQSGVs).

Groundwater Monitoring Report – Third Quarter 2014, prepared by Antea Group, dated October 29, 2014

Antea Group prepared a Groundwater Monitoring Report documenting the sampling and analytical results for the third quarter of 2014. Sixteen onsite and offsite groundwater monitoring wells were sampled during this event. Groundwater analytical results identified concentrations of BTEX and MTBE in exceedance of Technical and Operational Guidance Series 1.1.1, Ambient Water Quality Standards and Guidance Values (TOGS AWQSGVs).

Groundwater Monitoring Report – Fourth Quarter 2014, prepared by Antea Group, dated January 30, 2015

Antea Group prepared a Groundwater Monitoring Report documenting the sampling and analytical results for the fourth quarter of 2014. Sixteen onsite and offsite groundwater monitoring wells were sampled during this event. Groundwater analytical results identified concentrations of BTEX and MTBE in exceedance of Technical and Operational Guidance Series 1.1.1, Ambient Water Quality Standards and Guidance Values (TOGS AWQSGVs).

Groundwater Monitoring Report – Second Quarter 2017, prepared by Antea Group, dated July 28, 2017

Antea Group prepared a Groundwater Monitoring Report documenting the sampling and analytical results for the second quarter of 2017. Sixteen onsite and offsite groundwater monitoring wells were sampled during this event. Groundwater analytical results identified concentrations of BTEX and MTBE in exceedance of Technical and Operational Guidance Series 1.1.1, Ambient Water Quality Standards and Guidance Values (TOGS AWQSGVs).

Remedial Investigation Report (RIR), prepared by Roux, dated February 2022

Roux performed a Remedial Investigation (RI) in association with the planned redevelopment and to address the New York City Office of Environmental Remediation (NYC OER) E-Designation requirements for Hazardous Materials (HazMat). The results of the RI are presented in the OER-approved Remedial Investigation Report (RIR), dated March 10, 2022.

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Based upon prior Site investigations conducted by others and a Site inspection, Roux identified the following Areas of Concern (AOCs) to assess as a part of the RI:

- AOC-1: Approximate location of historical USTs associated with the former gasoline filling station identified on the 1965 Sanborn Map.
- AOC-2: Approximate location of historical USTs associated with the former gasoline filling station identified on the 1926 Sanborn Map.
- AOC-3: Approximate location of historical auto repair activities identified on the 1926 Sanborn Map.
- AOC-4: Approximate location of the former lumber storage area identified on the 1926 Sanborn Map.
- AOC-5: Approximate location of the highest concentrations of benzene, toluene, ethylbenzene, and xylenes (BTEX) identified in groundwater during quarterly monitoring associated with the former New York State Department of Environmental Conservation (NYSDEC) spill incident (spill #97-13442). The location is based on the final groundwater sampling event that was conducted at the Site in 2017.
- AOC-6: Approximate location of active gasoline USTs (two 10,000-gallon and one 12,000-gallon) associated with the existing Site operations.
- AOC-7: Approximate location of underground product piping, ancillary equipment, and fuel dispensers associated with existing Site operations.

The location of the AOCs are depicted are Figure 5 of the RIR. The RI was performed at the Site by Roux between January 17 and 21, 2022 in accordance with the New York City Office of Environmental Remediation (NYC OER)-approved RIWP dated December 17, 2021. The following scope of work was implemented to investigate the seven AOCs.

1. Conducted a Site inspection to identify AOCs and physical obstructions (i.e., structures, buildings, etc.);
2. Conducted a Geophysical Survey to investigate for the presence of potential USTs, underground piping/ancillary equipment, or other subsurface structures;
3. Installed 12 soil borings across the Site, and collected 30 soil samples for chemical analysis from the soil borings to evaluate soil quality;
4. Installed six (6) groundwater monitoring wells across the Site to establish groundwater flow and collected six (6) groundwater samples for chemical analysis to evaluate groundwater quality; and
5. Installed six (6) soil vapor probes around the Site perimeter and collected six (6) samples for chemical analysis.

A summary of the findings are provided below.

1. Elevation of the property ranges from elevation 24.1 to elevation 27.5 feet [North American Vertical Datum of 1988].
2. Depth to groundwater ranges from approximately 15 to 21 feet below surface (ft bls) at the Site.
3. Groundwater flow is generally from the north to the south-southwest beneath the Site.
4. Depth to bedrock is greater than 102 feet at the Site.
5. The stratigraphy of the Site observed during the RI from the surface to depths ranging from 10 to 26 ft bls consists of urban fill containing fine to coarse sand and silt with some brick, concrete, asphalt, and traces of other inorganic fill materials. The average depth of the bottom of the urban

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fill layer is approximately 17 ft bls. An ash layer was identified within the urban fill later beneath the mid to western portions of the Site.

6. Soil/fill samples were collected during investigations and results were compared to NYSDEC UUSCOs, RRSCOs, and PGSCOs as presented in 6NYCRR Part 375-6.8. Figure 6 shows the locations and data for soil/fill that exceed the applicable regulatory criteria. A summary of soil/fill samples that exceeded RRSCOs is presented below:

Analyte > RRSCOs	Detections > RRSCOs	Maximum Detection (ppm)	RRSCO (ppm)	Depth (ft bgs)
1,2,4-Trimethylbenzene	2	1,500	52	21 - 23
1,3,5-Trimethylbenzene (Mesitylene)	1	450	52	21 - 23
Benzene	1	9.4	4.8	21 - 23
Ethylbenzene	1	250	41	21 - 23
N-Butylbenzene	1	110	100	21 - 23
N-propylbenzene	1	280	100	21 - 23
Toluene	1	270	100	21 - 23
Xylenes	1	1,100	100	21 - 23
Benzo(a)anthracene	5	14	1	5 - 7
Benzo(a)pyrene	5	13	1	5 - 7
Benzo(b)fluoranthene	6	17	1	5 - 7
Benzo(k)fluoranthene	1	6.1	3.9	5 - 7
Chrysene	4	13	3.9	5 - 7
Dibenz(a,h)anthracene	2	1.1	0.33	4 - 6
Indeno(1,2,3-c,d)pyrene	6	4.7	0.5	5 - 7
Arsenic	2	223	16	4 - 6
Barium	2	907	400	4 - 6
Lead	8	2,650	400	4 - 6
Mercury	14	4.7	0.81	4 - 6

- Soil/fill samples that only exceeded UUSCOs is summarized in the table below:

Analyte > UUSCOs	Detections > UUSCOs	Maximum Detection (ppm)	UUSCO (ppm)	Depth (ft bgs)
Acetone	9	0.13	0.05	14 - 16
Methylene Chloride	1	0.07 J	0.05	6 - 8
Acenaphthene	1	25	20	21 - 23

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Analyte > UUSCOs	Detections > UUSCOs	Maximum Detection (ppm)	UUSCO (ppm)	Depth (ft bgs)
Dibenzofuran	1	15	7	21 - 23
Naphthalene	3	72	12	21 - 23
Cadmium	1	4.3	2.5	4 – 6
Chromium (total)	1	159	30	4 – 6
Copper	8	269	50	4 – 6
Nickel	9	73.4	30	18 – 20
Selenium	2	4.1	3.9	24 – 26
Zinc	9	432	109	4 - 6

- Soil fill samples that exceeded PGSCOs is summarized in the table below:

Analyte > PGSCOs	Detections > PGSCOs	Maximum Detection (ppm)	PGSCO (ppm)	Depth (ft bgs)
1,2,4-Trimethylbenzene	3	1500	3.6	21 - 23
1,3,5-Trimethylbenzene (Mesitylene)	2	450	8.4	21 – 23
Acetone	9	0.13	0.05	14 – 16
Benzene	4	9.4	0.06	21 - 23
Ethylbenzene	3	250	1	21 – 23
Methylene Chloride	1	0.07	0.05	6 – 8
N-Butylbenzene	1	110	12	21 – 23
N-Propylbenzene	4	280	3.9	21 – 23
Sec-Butylbenzene	1	35	11	21 – 23
Toluene	3	270	0.7	21 – 23
Xylenes	3	1100	1.6	21 – 23
Benzo(a)anthracene	5	14	1	5 – 7
Benzo(b)fluoranthene	6	17	1.7	5 – 7
Benzo(k)fluoranthene	4	6.1	1.7	5 – 7
Chrysene	4	13	1	5 – 7
Naphthalene	3	72	12	21 – 23
Arsenic	3	223	16	4 – 6
Barium	2	907	820	4 – 6

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Analyte > PGSCOs	Detections > PGSCOs	Maximum Detection (ppm)	PGSCO (ppm)	Depth (ft bgs)
Lead	6	2650	450	4 – 6
Mercury	16	3.8	0.73	15 – 17
Selenium	1	4.1	4	24 – 26

- Emerging contaminants detected in soil/fill samples above the NYSDEC Unrestricted Use Guidance Values (UUGVs) are presented in the table below:

Analyte > UUGVs	Detections > UUGVs	Maximum Detection (ppb)	UUGV (ppb)	Depth (ft bgs)
Perfluorooctanesulfonic acid (PFOS)	1	1.11	0.88	4 – 6
Perfluorooctanoic acid (PFOA)	1	0.77	0.66	14 - 16

- Groundwater samples collected during investigations and results were compared to New York State 6NYCRR Part 703.5 Class GA Ambient Water Quality Standards (AWQS). Figure 7 attached shows the location and posts the values for groundwater contaminants detected at concentrations above the AWQS. Groundwater results indicated:

Analyte > AWQSs	Detections > AWQS	Maximum Detection (ppb)	AWQS (ppb)
1,2,4-Trimethylbenzene	4	620 D	5
1,3,5-Trimethylbenzene	4	98	5
Benzene	5	160	1
Ethylbenzene	4	350	5
Isopropylbenzene	6	130	5
m,p-Xylene	3	61	5
N-Butylbenzene	4	29	5
N-Propylbenzene	6	340	5
Sec-Butylbenzene	4	22	5
Tert -Butyl Methyl Ether	3	170	10
Xylenes	4	62	5
1,4-dioxane	3	2	0.35
Naphthalene	3	97	10
Iron	2	4,070	300
Magnesium	1	66,500	35,000

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Analyte > AWQs	Detections > AWQS	Maximum Detection (ppb)	AWQS (ppb)
Manganese	6	8,320	300
Sodium	6	843,000	20,000

- Only inorganic metals detected in filtered groundwater samples above AWQS are shown above. These metals naturally occur in shallow groundwater and are not believed to be associated with an onsite source of contamination.
- Analytes that exceed AWQS in groundwater and PGSCOs in soil include: 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Benzene, Ethylbenzene, N-Butylbenzene, N-Propylbenzene, Sec-Butylbenzene, Xylenes, and Naphthalene.
- PCB-1254 (Aroclor 1254) was the only PCB detected in one groundwater sample above AWQSGVs from RXMW-05 at an estimated concentration of 0.029J µg/L. Since PCBs are relatively insoluble, this estimated detection is most likely due to excess turbidity in the unfiltered sample and does not represent a potential onsite source.

Analyte > AWQGVs	Detections > AWQGVs	Maximum Detection (ppt)	UUGV (ppt)
Perfluorooctanesulfonic acid (PFOS)	4	40.5	2.7
Perfluorooctanoic acid (PFOA)	6	318	6.7

8. Soil vapor results collected during the RI were compared to the compounds listed in Table 3.1 Air Guidance Values derived by the New York State Department of Health (NYSDOH) located in the NYSDOH Final Guidance for Evaluating Soil Vapor Intrusion, dated October 2006 and the revised NYSDOH Decision Matrices dated May 2017. Figure 8 (attached) shows the location and posts the values for soil vapor samples with detected concentrations. Soil vapor results indicated:

Analyte	Total Detections	Maximum Detection (µg/m³)	Type
Tetrachloroethylene (PCE)	4	460	Soil Vapor
Trichloroethylene (TCE)	2	44	Soil Vapor
Vinyl Chloride	1	35	Soil Vapor
1,1-Dichloroethene	1	0.2	Soil Vapor
1,2,4-Trimethylbenzene	3	48	Soil Vapor
1,3,5-Trimethylbenzene (Mesitylene)	3	91	Soil Vapor
2,2,4-Trimethylpentane	6	850,000 D	Soil Vapor
4-Ethyltoluene	3	39	Soil Vapor
Acetone	2	24	Soil Vapor

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Analyte	Total Detections	Maximum Detection (µg/m ³)	Type
Benzene	4	280	Soil Vapor
Bromodichloromethane	1	1.3	Soil Vapor
Butane	6	150,000 D	Soil Vapor
Carbon Disulfide	4	95	Soil Vapor
Chlorodifluoromethane	2	1.7 J	Soil Vapor
Chloroform	3	26	Soil Vapor
Chloromethane	1	0.28 JT	Soil Vapor
Cis-1,2-Dichloroethylene	1	190 D	Soil Vapor
Cyclohexane	5	4,100	Soil Vapor
Dichlorodifluoromethane	3	2 J	Soil Vapor
Ethylbenzene	4	440	Soil Vapor
Isopropylbenzene (Cumene)	3	190	Soil Vapor
m,p-Xylene	5	320	Soil Vapor
Methyl Ethyl Ketone (2-Butanone)	2	140	Soil Vapor
Methylene Chloride	1	1.3 J	Soil Vapor
N-Heptane	5	1,200	Soil Vapor
N-Hexane	4	6,000	Soil Vapor
N-Propylbenzene	3	110	Soil Vapor
O-Xylene (1,2-Dimethylbenzene)	4	140	Soil Vapor
Sec-Butylbenzene	2	52	Soil Vapor
Styrene	1	0.37 J	Soil Vapor
Tert-Butyl Methyl Ether	2	52	Soil Vapor
Toluene	5	310	Soil Vapor
Trans-1,2-Dichloroethene	1	2.3	Soil Vapor
Trichlorofluoromethane	3	1 J	Soil Vapor

Section V Requestor Information

Appendix E – Requestor Information

164 4th Avenue, Brooklyn, NY 11217

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Q2. BCP applicant, Heron Fourth Avenue LLC, is duly authorized to do business in New York State. The Department of State entity information for Heron Fourth Avenue LLC, is attached.

Q3. The names and members/owners of Heron Fourth Avenue LLC are shown on the attached organizational chart.

Department of State

Division of Corporations

Entity Information

[Return to Results](#)[Return to Search](#)

Entity Details

ENTITY NAME: HERON FOURTH AVENUE LLC

FOREIGN LEGAL NAME:

ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY

SECTION OF LAW: 203 LLC - LIMITED LIABILITY COMPANY LAW

DATE OF INITIAL DOS FILING: 01/04/2011

EFFECTIVE DATE INITIAL FILING: 01/04/2011

FOREIGN FORMATION DATE:

COUNTY: NEW YORK

JURISDICTION: NEW YORK, UNITED STATES

DOS ID: 4037524

FICTITIOUS NAME:

DURATION DATE/LATEST DATE OF DISSOLUTION:

ENTITY STATUS: ACTIVE

REASON FOR STATUS:

INACTIVE DATE:

STATEMENT STATUS: CURRENT

NEXT STATEMENT DUE DATE: 01/31/2023

NFP CATEGORY:

[ENTITY DISPLAY](#)[NAME HISTORY](#)[FILING HISTORY](#)[MERGER HISTORY](#)[ASSUMED NAME HISTORY](#)

Service of Process Name and Address

Name: C/O ROBERT A. KORREN, PLLC

Address: 81 MAIN STREET, SUITE 205, WHITE PLAINS, NY, UNITED STATES, 10601

Chief Executive Officer's Name and Address

Name:

Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Department of State

Division of Corporations

Entity Name History

[Return to Results](#)[Return to Search](#)

Entity Details

ENTITY NAME: HERON FOURTH AVENUE LLC

DOS ID: 4037524

FOREIGN LEGAL NAME:

FICTITIOUS NAME:

ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY

DURATION DATE/LATEST DATE OF DISSOLUTION:

SECTION OF LAW: 203 LLC - LIMITED LIABILITY COMPANY LAW

ENTITY STATUS: ACTIVE

DATE OF INITIAL DOS FILING: 01/04/2011

REASON FOR STATUS:

EFFECTIVE DATE INITIAL FILING: 01/04/2011

INACTIVE DATE:

FOREIGN FORMATION DATE:

STATEMENT STATUS: CURRENT

COUNTY: NEW YORK

NEXT STATEMENT DUE DATE: 01/31/2023

JURISDICTION: NEW YORK, UNITED STATES

NFP CATEGORY:

[ENTITY DISPLAY](#)[NAME HISTORY](#)[FILING HISTORY](#)[MERGER HISTORY](#)[ASSUMED NAME HISTORY](#)

Search

File Date	Document Type	Entity Name	File Number
01/04/2011	ARTICLES OF ORGANIZATION	HERON FOURTH AVENUE, LLC	110104000170
07/07/2022	CERTIFICATE OF AMENDMENT	HERON FOURTH AVENUE LLC	220707002888

Rows per page:

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Department of State

Division of Corporations

Entity Filing History

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Entity Details

ENTITY NAME: HERON FOURTH AVENUE LLC

DOS ID: 4037524

FOREIGN LEGAL NAME:

FICTITIOUS NAME:

ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY

DURATION DATE/LATEST DATE OF DISSOLUTION:

SECTION OF LAW: 203 LLC - LIMITED LIABILITY COMPANY LAW

ENTITY STATUS: ACTIVE

DATE OF INITIAL DOS FILING: 01/04/2011

REASON FOR STATUS:

EFFECTIVE DATE INITIAL FILING: 01/04/2011

INACTIVE DATE:

FOREIGN FORMATION DATE:

STATEMENT STATUS: CURRENT

COUNTY: NEW YORK

NEXT STATEMENT DUE DATE: 01/31/2023

JURISDICTION: NEW YORK, UNITED STATES

NFP CATEGORY:

[ENTITY DISPLAY](#)[NAME HISTORY](#)[FILING HISTORY](#)[MERGER HISTORY](#)[ASSUMED NAME HISTORY](#)

Search

File Date	Cert Code	Document Type	Description/Amended Information	Page Count	File Number
07/07/2022	02	CERTIFICATE OF AMENDMENT	TRUE NAME	2	220707002888
02/04/2021	32	BIENNIAL STATEMENT		1	210204060590
01/16/2019	32	BIENNIAL STATEMENT		1	190116060720
02/27/2017	32	BIENNIAL STATEMENT		1	170227006334
08/10/2016	32	BIENNIAL STATEMENT	SERVICE OF PROCESS	1	160810006404

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Heron Fourth Avenue LLC

W Fourth Avenue LLC

Roe Wiczynk Trust

Rowie Wiczynk
2018 Irrevocable
Trust

Mordecai
Wiczynk Trust

Mordecai Wiczynk
2018 Irrevocable
Trust

Hana Wiczynk
Irrevocable
Trust

Omer Wiczynk Trust

Omer Wiczynk
2018
Irrevocable
Trust

Mordecai Wiczynk

Roe Wiczynk

Omer Wiczynk

Section VII Requestor Eligibility Information

Appendix F – Requestor Eligibility Information

164 4th Avenue, Brooklyn, NY 11217

BCP Application - Section VI

The Requestor qualifies as a Volunteer because:

- (i) The Requestor took ownership of the Site after the point in time when releases occurred that have affected Site conditions, and when the Site was being operated as a BP branded gas station, and Spill #9713442 was being addressed by BP. The spill was closed in 2017 by the NYSDEC.
- (ii) The Requestor obtained a Phase I Environmental Site Assessment (ESA) that satisfied the "all appropriate inquiries" requirements of 40 CFR 312 prior to taking title.
- (iii) The Requestor does not have any affiliation with any responsible party.

Requestor has exercised appropriate care by ensuring that BP carried out DEC-required remediation of Spill #9713442 and in anticipation of cessation of BP operations and redevelopment has been performing environmental investigation activities under the OER E-Designation Program. Requestor will continue to exercise appropriate care by implementing the requirements of the BCP. As such, the Requestors should be considered a Volunteer as defined in ECL 27-1405(1)(b).

Section IX Current Property Owner-Operator Information

Appendix G – Previous Property Owners and Operators

164 4th Avenue, Brooklyn, NY 11217

BCP Application - Section IX

Heron Fourth Avenue LLC has no relationship to previous owners and operators. The Site currently consists of Block 420, Lot 37.

**PREVIOUS OWNERS' INFORMATION
Block 420, Lot 37**

Period	Tax Parcel	Owner(s)	Last Known Address / Phone Number	Source	Relationship to Requestor
Unknown to 12/31/1975	Block 420, Lot 37	Marilyn Goodman James G. Scileppi James G. Scileppi, Jr.	10 Shore Drive, Kings Point, NY 11024 34 Cayuga Road, Fort Lauderdale, FL 33308 3060 West Desert Crest Place, Tucson, AZ 85713	Deed	None
12/31/1975 to 9/1/1981	Block 420, Lot 37	Marilyn Lobell, formerly Marilyn Goodman James G. Scileppi, Jr.	10 Shore Drive, Kings Point, NY 11024 3060 West Desert Crest Place, Tucson, AZ 85713	Deed	None
9/1/1981 to 1/10/1997	Block 420, Lot 37	Lawrence Goodman James G. Scileppi, Jr.	300 Mercer Street, New York, NY 10003 3060 West Desert Crest Place, Tucson, AZ 85713	Deed	None
1/10/1997 to 12/5/2000	Block 420, Lot 37	Lawrence Goodman The James G. Scileppi, Jr. Living Trust	300 Mercer Street, New York, NY 10003 3060 West Desert Crest Place, Tucson, AZ 85713	Deed	None
12/5/2000 to 10/12/2011	Block 420, Lot 37	The James G. Scileppi, Jr. Living Trust	3060 West Desert Crest Place, Tucson, AZ 85713	Deed	None
10/12/2011 to Present	Block 420, Lot 37	Heron Fourth Avenue LLC	81 Main St, White Plains, NY 10601 (917) 974-6060	Deed	None

Appendix G – Previous Property Owners and Operators

164 4th Avenue, Brooklyn, NY 11217

BCP Application - Section IX

PREVIOUS OPERATORS' INFORMATION

Period	Tax Parcel	Operator	Last Known Contact / Address / Phone Number	Source	Relationship to Requestor
1906	N/A	Two residential dwellings	N/A	Sanborn Map	None
1926	N/A	Lumber storage, gas station, and automobile repair and sales	N/A	Sanborn Map	None
1965	N/A	Truck sales and gas station	N/A	Sanborn Map	None
6/1/1969 to Present	Block 420, Lot 37	American Oil Corporation / BP Products North America Inc.	Jim Perry 30 South Wacker Drive, 8N – 306 Chicago, IL 60606 (312) 809-4883	Lease	None

Section XI Contact List Information

Appendix H - Site Contact List

164 4th Avenue, Brooklyn, New York 11217
BCP Application – Section XI

i. Local and State Officials

Mayor Eric Adams
City Hall
New York, NY 10007-1200

Brooklyn Borough President
Antonio Reynoso
209 Joralemon Street
Brooklyn, NY 11201
Phone: 718-802-3700

NYC Comptroller
Brad Lander
1 Centre Street
New York NY 10007
Phone: 212-669-3916

Public Advocate
Jumaane Williams
1 Centre Street, 15th floor
New York NY 10007
Phone: 212-669-7200

Council District #33
Lincoln Restler
410 Atlantic Avenue
Brooklyn, NY 11211
Phone: 718-875-5200

Acting Brooklyn District Attorney
Eric Gonzalez
350 Jay Street
Brooklyn, NY 11201
Phone: 718-250-2340

Brooklyn Community Board 6
250 Baltic Street
Brooklyn, NY 11201
Tel: (718) 643-3027
Email: info@BrooklynCB6.org
Chair: Peter D. Fleming

Governor Kathy Hochul
State Capitol
Albany, NY 12224
Phone: 518-474-8390

State Attorney General
Letitia James
The Capitol
Albany, NY 12224
Phone: 518-776-2000

State Comptroller
Thomas P. DiNapoli
110 State Street
Albany, NY 12236
Phone: 518-474-4044

State Senate District #25
Jabari Brisport
30 Third Avenue
Brooklyn, NY, 11217
Phone: 718-643-6140

State Assembly District #52
Jo Anne Simon
341 Smith Street
Brooklyn, NY 11231
Phone: 718-246-4889

Senior Senator Charles E. Schumer
United States Senate
780 Third Avenue, Suite 23
New York, NY 10017
Phone: 212-486-4430

Junior Senator Kirsten E Gillibrand
United States Senate
780 Third Avenue, Suite 2601
New York, NY 10017
Phone: 212-688-6262

US Congressional District #7
Nydia M. Velazquez
2302 Rayburn House Office Building
Washington, DC 20515
Phone: 202-225-2361

Commissioner Marisa Lago
NYC Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271
Phone: 212-720-3300

Commissioner Vincent Sapienza
NYC Department of Environmental Protection
59-17 Junction Blvd, 13th Floor
Flushing, NY 11373

Appendix H - Site Contact List

164 4th Avenue, Brooklyn, New York 11217
BCP Application – Section XI

Mark McIntyre, Esq.
Acting Director/General Counsel
NYC Office of Environmental Remediation
100 Gold Street - 2nd Floor
New York, NY 10038
Email: dwalsh@cityhall.nyc.gov

Office of Environmental Planning and
Assessment
96-05 Horace Harding Expressway
Flushing, NY 11373

Adanna Roberts
NYSDEC Public Participation Specialist
47-40 21st Street
Long Island City, NY 11101

Basil Seggos
NYSDEC Commissioner
625 Broadway
Albany, NY 1223
Phone: 518-402-8545
NYSDOH Public Health Specialist
Empire State Plaza
Corning Tower, Room 1787
Albany, NY 11237

ii. Current Site Owner

Heron Fourth Avenue LLC
81 Main Street
White Plains, NY 10601

iii. Current Owners and Occupants of the Subject Site and Adjacent Sites

Subject Site (Block 420, Lot 37)

Heron Fourth Avenue LLC
81 Main Street
White Plains, NY 10601
Phone: (917) 974-6060

Block 420, Lot 42

FAC Center Local Development Corporation
621 Degraw Street
Brooklyn, NY 11217

Block 420, Lot 31

797-805 3rd Avenue Corp
P.O. Box 040303
Brooklyn, NY 11204

Block 420, Lot 45

FAC Center Local Development Corporation
621 Degraw St
Brooklyn, NY 11217

Block 420, Lot 34

CDP Douglass LLC
68 Jay Street, Suite 201
Brooklyn, NY 11201

Block 413, Lot 43

162 4th Ave LLC
524 Southern Boulevard
Bronx, NY 10455

Block 943, Lot 1

149 4th Ave LLC
862 Broadway, 3rd Floor
Brooklyn, NY 10003

Block 946, Lot 11

348 Douglass Street LLC
151 4th Avenue
Brooklyn, NY 11217

Block 946, Lot 9

Degraw Street Realty Corp.
18 Holiday Pond Road
Jericho, NY 11753

Block 946, Lot 8

Fay Leung
82 Prospect Park SW
Brooklyn, NY 11218

Block 946, Lot 1

167-174 4th Avenue LLC
500 5th Avenue
New York, NY 10110

Appendix H - Site Contact List

164 4th Avenue, Brooklyn, New York 11217
BCP Application – Section XI

iv. Religious Authorities

St Agnes Roman Catholic Church
433 Sacket Street
Brooklyn, NY 11231

The Universal Church
47 4th Avenue
Brooklyn, NY 11217

St Lydia's Lutheran Church
304 Bond Street
Brooklyn, NY 11231

Apostles Church Brooklyn
610 Baltic Street
Brooklyn, NY 11217

v. Parks and Recreation

NYC Parks and Recreation
Thomas Green Playground
830 Fifth Avenue,
New York, NY 10065

vi. Day Cares and Schools

PS 133 William A Butler
375 Butler Street
Brooklyn, NY 11217

PS 372 The Children's School
512 Carroll Street
Brooklyn, NY 11215
Principal Rosa Amato

Rivendell School
277 3rd Ave
Brooklyn, NY 11215
Executive Director Katy Hill

Park Slope Christian Academy
985 5th Ave
Brooklyn, NY 11215

Public School 32 Samuel Mills Sprole
School
317 Hoyt Street
Brooklyn, NY 11231
Principal Denise Watson-Adin

vii. Local Water Supply

New York City Water Supply
1250 Broadway
New York, NY 10001

viii. Local News and Media

New York Post
1 City Hall
New York, New York 10007
Phone: 212-930-8000

New York 1 News
Chelsea Market
75 9th Avenue
New York, NY 10011
Phone: 212-691-6397

Appendix H - Site Contact List

164 4th Avenue, Brooklyn, New York 11217

BCP Application – Section XI

ix. Any Person, Community Based Organization, BOA Group, or Local Media Who Has Requested to be placed on the contact list

No persons have requested to be on the Site Contact List.

x. Document Repository

Brooklyn Library
Pacific Branch
25 Fourth Ave at Pacific St.
Brooklyn, NY 11217

Brooklyn Community Board 6
250 Baltic Street
Brooklyn, NY 11201
Tel: (718) 643-3027
Email: info@BrooklynCB6.org
Chair: Peter D. Fleming
District Manager: Michael Racioppo

Documentation containing acknowledgement from the Brooklyn Library and Brooklyn Community Board 6 for use as document repository is attached as Appendix H.1 and H.2.

From: [Vasquez, Candace](#)
To: [Nicholas Palumbo](#)
Subject: Re: Document Repository Request - 164 4th Ave Redevelopment Project
Date: Wednesday, May 18, 2022 11:35:11 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

This message originated outside your organization. Please use caution!

Good Morning Nicholas

Pacific Branch can be a document repository for the 164 4th Avenue project.

thank you,

**Candace Vasquez | Neighborhood Library Supervisor, Pacific
Brooklyn Public Library**

718.638.1531

Internal extension: 69116

bklynlibrary.org

From: Nicholas Palumbo <npalumbo@rouxinc.com>
Sent: Tuesday, May 17, 2022 4:33 PM
To: Vasquez, Candace <cvasquez@bklynlibrary.org>
Subject: Document Repository Request - 164 4th Ave Redevelopment Project

Hi Candace,

Thanks for speaking with me this afternoon. Following up on our conversation, I am reaching out to request confirmation that the Brooklyn Public Library Pacific Branch can be used a document repository for a potential redevelopment project located in the neighborhood. The address of the redevelopment project is 164 4th Avenue. The project is currently pursuing the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP), which requires that the nearest library and the community board are used as document repositories.

Please provide confirmation that the Brooklyn Public Library Pacific Branch can be utilized as a document repository for the project.

Please let me know if you have any questions, my contact information is provided below.

Thank you,
Nick

Nick Palumbo | Project Engineer

209 Shafter St, Islandia, NY 11749

Main: (631) 232-2600 | Direct: (631) 630-2433 | Mobile: (203) 536-9146

Email: npalumbo@rouxinc.com | Website: www.rouxinc.com



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From: [Nicholas Palumbo](#)
To: [Liza Santiago](#)
Subject: RE: Document Repository Request - 164 4th Ave Redevelopment Project
Date: Tuesday, August 9, 2022 10:55:00 AM

Great! Thank you Liza, understand the situation. The project is not in the BCP yet, NYSDEC just requires acknowledgement beforehand as a part of the application process. If the project is accepted, we'll plan to send documents in electronic form as requested. Will let you know at a later date. Thanks again.

Sincerely,
Nick

Nick Palumbo | Project Engineer

209 Shafter St, Islandia, NY 11749

Main: (631) 232-2600 | Direct: (631) 630-2433 | Mobile: (203) 536-9146

Email: npalumbo@rouxinc.com | Website: www.rouxinc.com

From: Liza Santiago <liza@bkcb6.org>
Sent: Tuesday, August 9, 2022 6:53 AM
To: Nicholas Palumbo <npalumbo@rouxinc.com>
Subject: Re: Document Repository Request - 164 4th Ave Redevelopment Project

This message originated outside your organization. Please use caution!

Good morning Nicholas,

You are correct the State does require our agency to be one of many repository locations for our district. The purpose of our email was just to notify you that if you did decide to send us your documents now that they may be limited accessibility to them because of our situation. By all means if you would like to send them now please do so. We do ask that all documents be in disk or flash drive form. We can not accommodate any paper copies.

Have a nice day.

On Mon, Aug 8, 2022, 2:24 PM Nicholas Palumbo <npalumbo@rouxinc.com> wrote:

Mike, Liza,

I am reaching out regarding the below request to use the community board as a document

repository for a potential redevelopment project located in the neighborhood. Understood that the community board is relocating and it does not make sense at this time to use as a repository. Once the relocation is complete, can the new location be used as a repository for the upcoming project? If so, I could follow up at a later date.

I believe the State requires that the appropriate Community Board serve as an additional document repository for Brownfield Cleanup Projects located within the five boroughs of New York City, so just want to confirm it is a possibility in the future.

Thanks,
Nick

Nick Palumbo | Project Engineer

209 Shafter St, Islandia, NY 11749

Main: (631) 232-2600 | Direct: (631) 630-2433 | Mobile: (203) 536-9146

Email: npalumbo@rouxinc.com | Website: www.rouxinc.com

From: Brooklyn Community Board Six <infobkcb6@gmail.com>

Sent: Wednesday, August 3, 2022 9:30 AM

To: Nicholas Palumbo <npalumbo@rouxinc.com>

Subject: Re: Document Repository Request - 164 4th Ave Redevelopment Project

This message originated outside your organization. Please use caution!

Good morning Nicholas,

Sorry for the delayed response. This email address receives an extraordinary amount of emails and they must be filtered which is a timely process. Moving forward please email MIKE@bkcb6.org or Liza@bkcb6.org. These are the direct email addresses for the district manager Mike and the office manager Liza. The CB6 office is currently in the process of attaining a new office location so if you have an alternate location that would be suitable for a repository that would be favorable in the current situation.

Please feel free to contact Mike or Liza with any further inquiries

Have a nice day.

On Tue, Aug 2, 2022 at 1:57 PM Nicholas Palumbo <npalumbo@rouxinc.com> wrote:

Following up on my email below regarding using the community board as a document repository. If this is acceptable, please provide approval/confirmation via email to include in the Brownfield Cleanup Program Application, as required by NYSDEC.

Nick Palumbo | Project Engineer

209 Shafter St, Islandia, NY 11749

Main: (631) 232-2600 | Direct: (631) 630-2433 | Mobile: (203) 536-9146
Email: npalumbo@rouxinc.com | Website: www.rouxinc.com

From: Nicholas Palumbo
Sent: Tuesday, May 24, 2022 1:20 PM
To: 'infobkcb6@gmail.com' <infobkcb6@gmail.com>
Subject: Document Repository Request - 164 4th Ave Redevelopment Project

Mr. Flemming,

I am reaching out to request the use of the Brooklyn Community Board 6 location at 250 Baltic St as a document repository for a potential redevelopment project under the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP). The potential redevelopment project is located at 164 4th Avenue, Brooklyn, NY 11217 and is currently in the process of applying to the NYSDEC BCP. Under the BCP, NYSDEC requires that the nearest library and the community board are used as repositories and confirmation in writing is needed for the application submittal. Please confirm that Brooklyn Community Board 6 can be utilized as a document repository for the project.

Please let me know if you have any questions, my contact information is provided below.

Thank you,

Nick Palumbo | Project Engineer

209 Shafter St, Islandia, NY 11749

Main: (631) 232-2600 | Direct: (631) 630-2433 | Mobile: (203) 536-9146

Email: npalumbo@rouxinc.com | Website: www.rouxinc.com



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