
New York State Department of Environmental Conservation
Brownfield Cleanup Program (BCP) 207th Street/9th Avenue
BCP Site Number C231102
Monthly Site Status Report
January 2023

GEI Consultants, Inc., P. C., has prepared this Monthly Site Status Report (Monthly Report) on behalf of J.207 ST LLC and MFC Realty Corp. On February 23, 2017, a Brownfields Cleanup Agreement (BCA) was signed by the New York State Department of Environmental Conservation (NYSDEC) for the applicant J.207 ST LLC and MFC Realty Corp. to participate in the NYS Brownfields Cleanup Program (BCP) as a volunteer. BCA Index No. 231101-11-16 and NYSDEC Site Number C231102 were assigned to the Site. This Monthly Report summarizes Site progress within the BCP pursuant to the reporting requirements set forth in Section XI of the BCA.

1.0 Actions Completed at the Site during the Reporting Period (December 2022)

- Ongoing: GEI notified and coordinated with NYSDEC during the reporting period.
- No intrusive field work took place during December 2022. No stockpiles were present onsite.
- The project Site was deemed non-essential and secured and shutdown on March 30, 2020 pursuant to NYS Executive Order 202.6 (the “Order”). Construction has not restarted since the Order due to complications related to Covid-19 as well as the need to resolve local zoning and permitting issues.
- The project team continued to make progress on the Builder’s Pavement Plan (BPP) approvals and permitting, and other items pertaining to the real estate closing (See Section 6.0 for details).

2.0 Anticipated Site Activities for the Next Reporting Period (January 2023)

- Construction has not restarted since the Order due to complications related to Covid-19 as well as the need to resolve local zoning issues. The local zoning issues are resolved which allows construction to restart once the required permitting and other coordinated approvals are received.

3.0 Sample Data Generated During the Reporting Period

No sample data was generated during the reporting period.

4.0 Percentage of Work Complete

Work is approximately 70% complete. The remedial action began on July 31, 2019 with the removal of asphalt in preparation for remedial excavation activities. The localized remedial excavations

www.geiconsultants.com

1000 New York Avenue, Suite B
Huntington Station, NY 11746
631.760.9300

outlined in the NYSDEC-approved RAWP took place from August 1 to August 13, 2019. Additional soil excavation to complete the Remedial Action is required. Pile installation was completed on January 24, 2020. Pile cap work was begun on February 6, 2020 in the stormwater detention tank area and this work remains to be completed. The Environmental Easement (EE) was prepared and submitted in November 2021. The final EE was recorded on December 2, 2021. Based on current circumstances and in discussion with NYSDEC, the project intends to obtain the Certification of Completion (COC) by December 31, 2023.

Updated waterfront design plans were submitted to the New York City Public Design Commission (PDC) in January 2022. The PDC approval was received on February 14, 2022. GEI notes a significant portion of this work is to take place on the adjacent parcel (not part of the BCP but will be remediated under NYC OER E-Designation program); however, the planting beds and permeable paver walkways proposed in the NYSDEC-approved RAWP have not been changed. Natural stone tree rings have been added to the design along the top of bank area to address soil remediation requirements (i.e., minimum 2' clean soil cover) in conjunction with the desire to preserve the existing trees to the extent possible. GEI notes that the NYSDEC Wetlands group and the DER were involved in the discussion of these elements, and no objections were raised. A permit modification request for the NYSDEC Wetlands permit was submitted to the NYSDEC Wetlands group on February 17, 2022. The NYSDEC Wetlands permit modification was granted on February 24, 2022.

5.0 Changes to Work Scope or Schedule

The anticipated schedule is provided below:

<i>SCHEDULE</i>	
Conduct RI	April 30 – May 23, 2018
Submit RIR	July 2, 2018
NYSDEC and New NYSDOH Review of RIR; Preparation of Fact Sheet	July-September 2018
Submission of Draft RAWP	October 2018
NYSDEC and NYSDOH Review of RAWP	October – February 2019
Conduct SRI	November 2018
Submission of revised Draft RAWP	December 2018
Submission of SRI Report	January 2019
Submission of revised Draft RAWP	February 2019
Submission of revised SRI Report	February 8, 2019

<i>SCHEDULE</i>	
NYSDEC acceptance of Draft RAWP and begin 45-day Public Comment Period	February 20, 2019- April 6, 2019
NYSDEC approval of the RAWP and issuance of the Decision Document	May 15, 2019
Demolition/Site Preparation	May-July 2019
Implement RAWP	Started July 2019
Prepare and submit Environmental Easement	November 2021
Final Easement Recorded	December 2, 2021
Construction Restart	To Be Determined
Submit Final Engineering Report (FER)	To Be Determined
Certificate of Completion	December 2023

6.0 Project Delays and Resolution Efforts

Construction has not restarted since the Order due to complications related to Covid-19 as well as the need to resolve local zoning issues. Final resolution of local zoning issues was decided in late November 2020.

The project team has been working through various tasks in support of finalizing various land use approvals and agreements needed to close on project financing and obtain a New York City Department of Buildings (NYCDOB) New Building (NB) Permit in order to re-start construction. The following is a list of the ongoing tasks, which are nearly all complete:

I. Exterior Street Demapping & Tax Lot Issuance – COMPLETE (Adjacent parcel, not in BCP, rather in New York City Office of Environmental Remediation [NYC OER] E-Designation Program)

- a. Mapping agreement executed
- b. Map filed by City and effective
- d. DOF issued updated tax map with new tax lot #20 on 10/17/22

II. BPP & DOT Easement – COMPLETE

- a. BPP approved by DOT
- b. Easement finalized and fully executed

III. Department of City Planning (DCP) Certification – COMPLETE

- a. DCP issued certification letter to DOB on 11/3 (conditioned on recordation of waterfront restrictive declaration and DOT easement, both of which have been finalized, fully executed and will be recorded at closing)

IV. DEC Wetlands Permit - COMPLETE

- a. Modification reflecting revised design approved February 24th, 2022

V. Public Design Commission (PDC) Final approval - COMPLETE

- a. Final approval issued February 14th, 2022

VI. Housing Preservation and Development (HPD) Financing – Target January 27, 2023

- a. CEQR Negative Declaration issued
- b. Revised NEPA pending review by HUD
- c. Various closing documents including, but not limited to, access agreements, maintenance and operations agreements, ZLDA and related documents, and SBS license have been finalized and executed and are being held in escrow pending January closing.

Construction restart schedule is anticipated by February 2023, with re-mobilization to the Site anticipated in early 2023.

7.0 Citizen Participation Activities Conducted During the Reporting Period (Dec 2022)

None.

8.0 Citizen Participation Activities Planned for the Upcoming Reporting Period (January 2023)

No Citizen Participation Activities relative to the BCP are anticipated for the upcoming reporting period.