



NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION



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

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

Check the appropriate box below based on the nature of the amendment modification requested:

☐ Amendment to [check one or more boxes below]

- ☐ Add
- ☐ Substitute
- ☐ Remove
- ☐ Change in Name

an applicant(s) to the existing Brownfield Cleanup Agreement [Complete Section I-IV below and Part II]

Does this proposed amendment involve a transfer of title to all or part of the brownfield site? ☒ Yes ☐ No
If yes, pursuant to 6 NYCRR Part 375-1.11(d), please also submit a Change of Use form.

See <http://www.dec.ny.gov/chemical/76250.html>

☒ Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [Complete Sections I and V below and Part II]

☐ Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [Complete Section I and V below and Part II]

☒ Other (explain in detail below)

Please provide a brief narrative on the nature of the amendment:

Volunteer G & M Realty L.P. owned Block 86 Lots 1 and 22, and Block 72, Lot 80 at the time of the application as reflected in the BCA, and affiliated companies owned the other lots at that time. On March 5, 2014, G & M Realty L.P. acquired Block 86, Lots 6 and 7 from affiliated company 22-50 Jackson Avenue Owners L.P. and acquired Block 86-8 from ACD Citiview Buildings LLC. In addition, on April 13, 2015, the Site was consolidated into one tax block and lot - Block 86, Lot 1 - and a final site address of 22-34 Jackson Avenue was assigned by the post office.

Please refer to the attached instructions for guidance on filling out this application

04/2014

Section I. Existing Application Information

BCP SITE NAME: Former Neptune Meter Site

BCP SITE NUMBER: C241138

NAME OF CURRENT APPLICANT(S) G & M Realty L.P.

INDEX NUMBER OF EXISTING AGREEMENT: C241138-04-12

DATE OF EXISTING AGREEMENT: April 20, 2012

Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)

NAME

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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

☐

Yes

☐

No

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

NAME OF NEW REQUESTOR'S REPRESENTATIVE

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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

☐

PARTICIPANT

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

☐

VOLUNTEER

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

NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the contamination 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 contamination.

Section II. New Requestor Information continued (if no change to Current Applicant, skip to Section V)

Requestor's Relationship to Property (check one):

☐ Prior Owner ☐ Current Owner ☐ Potential /Future Purchaser Other _____

If requestor is not the site owner, requestor will have access to the property throughout the BCP project.
(Note: proof of site access must be submitted for non-owners)

☐ Yes ☐ No

Requester must submit proof that the party signing this Application and Amendment has the authority to bind the Requester. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC.

Describe Requestor's Relationship to Existing Applicant:

Section III. Current Property Owner/Operator Information (only include if new owner/operator or new existing owner/operator information is provided, and highlight new information)

OWNER'S NAME (if different from requestor) **G & M Realty L.P.**

ADDRESS 1 Executive Drive

CITY/TOWN Edgewood, New York 11717

ZIP CODE 11717

PHONE 631-242-6300

FAX 631-242-2820

E-MAIL dwolkoff@hrtld.com

OPERATOR'S NAME (if different from requestor or owner) **same**

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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

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

1. Are any enforcement actions pending against the requestor regarding this site? ☐ Yes ☒ No
2. Is the requestor subject to an existing order relating to contamination at the site? ☐ Yes ☒ No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? ☐ Yes ☒ No
4. Has the requestor been determined to have violated any provision of ECL Article 27? ☐ Yes ☒ No
5. Has the requestor previously been denied entry to the BCP? ☐ Yes ☒ No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants? ☐ Yes ☒ No
7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? ☐ Yes ☒ No
8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department? ☐ Yes ☒ No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407 9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? ☐ Yes ☒ No

Section V. Property description and description of changes/additions/reductions (if applicable)

ADDRESS: 22-42, 22-48, 22-50 Jackson Ave, 45-02, 45-50 Davis Street; 46-55 Crane Street

CITY/TOWN Long Island City, New York

ZIP CODE 11101

TAX BLOCK AND LOT (TBL) (in existing agreement)

Parcel Address

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

22-42 Jackson Ave			86	1	1.664
22-48 Jackson Ave			86	6	0.057
22-50 Jackson Ave			86	7	0.057
45-02 Davis Street			86	8	0.057
45-50 Davis Street			86	22	0.574
46-55 Crane Street			72	80	0.509

Check appropriate boxes below:

- ☐ Changes to metes and bounds description or TBL correction
- ☐ Addition of property (may require a standard application depending on the size and nature of addition – see attached instructions)

Approximate acreage added: 0

ADDITIONAL PARCELS New Owner, Address, and Tax Block and Lot Number:

Parcel Address

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

22-34 Jackson Ave			86	1	2.92

Reduction of property

Approximate acreage removed: 0

PARCELS REMOVED:

Parcel Address

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

If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, or acceptable site map to this application.

Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____ Print Name: _____

(Entity)

I hereby affirm that I am General Partner (title) of G & M Realty L.P. (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. _____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 6/4/15 Signature: [Signature] Print Name: David Wolkoff

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

<input type="checkbox"/> PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination	<input checked="" type="checkbox"/> VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination
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Effective Date of the Original Agreement: MAY 3, 2012

Effective Date of the Amendment:

Signature by the Department:

DATED:

SEP 04 2015

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

[Signature]
Robert W. Schick, P.E., Director
Division of Environmental Remediation

PART II. BROWNFIELD CLEANUP AGREEMENT AMENDMENT

Existing Agreement Information	
BCP SITE NAME: Former Neptune Meter Site	BCP SITE NUMBER: C241138
NAME OF CURRENT APPLICANT(S): G & M Realty L.P.	
INDEX NUMBER OF EXISTING AGREEMENT: C241138-04-12	
EFFECTIVE DATE OF EXISTING AGREEMENT: April 20, 2012	

Declaration of Amendment:

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

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

Statement of Certification and Signatures: New Requestor(s) (if applicable)

(Individual)

I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements*. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____ Print Name: _____

(Entity)

I hereby affirm that I am (title) of (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements*. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law. _____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____ Print Name: _____

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

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

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

- **One (1)** paper copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check DEC's website for information on our regional offices.

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____

LEAD OFFICE: _____

PROJECT MANAGER: _____

Post-Tax Lot Consolidation Map



NYC Digital Tax Map

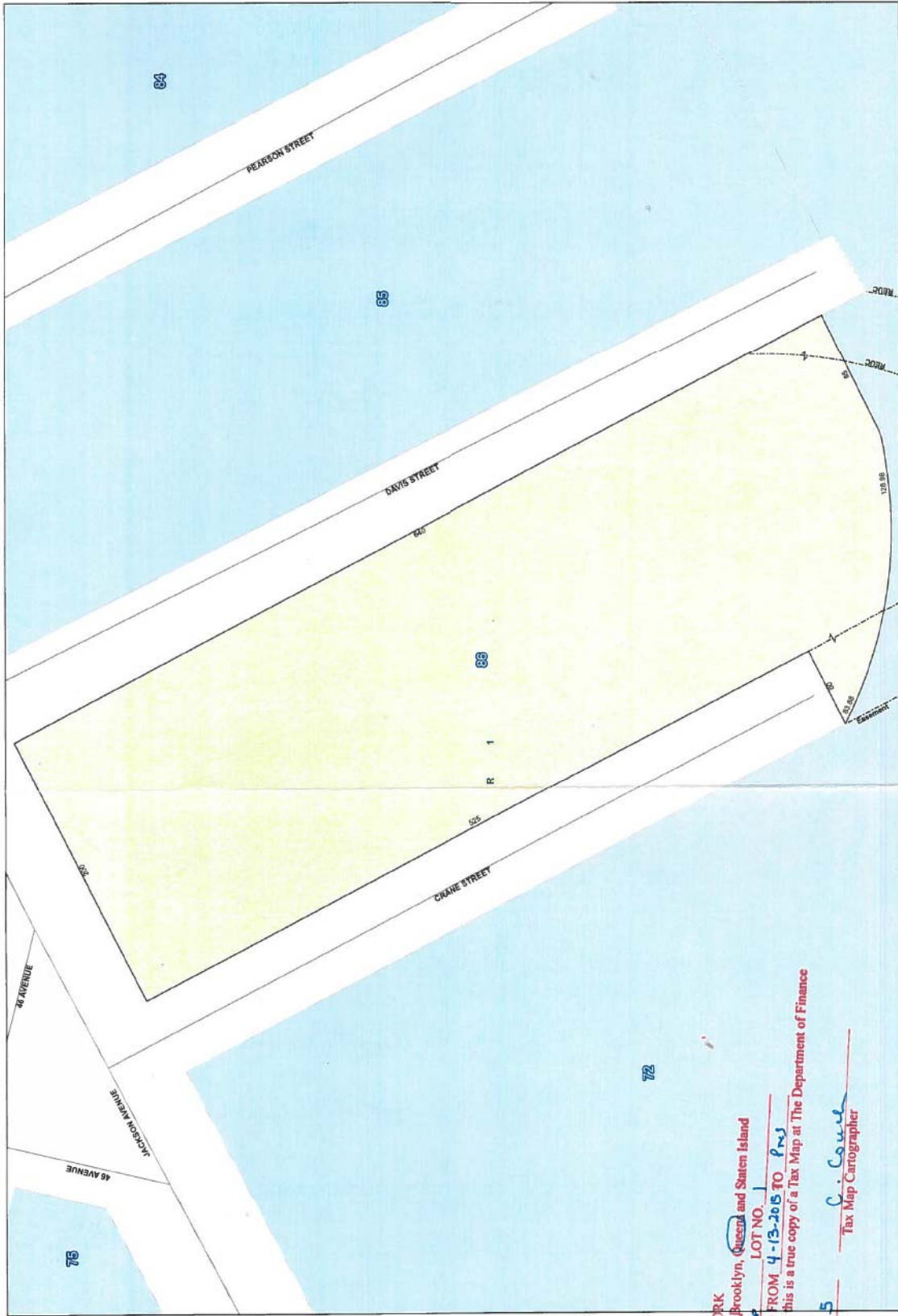
Effective Date : 04-13-2015 15:09:26

End Date : Current

Queens Block: 86

Legend

- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regime
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon



CITY OF NEW YORK
Manhattan, Bronx, Brooklyn, Queens and Staten Island
BLOCK NO. 86 LOT NO. 1
AS IT APPEARED FROM 4-13-2015 TO PRESENT
I hereby certify that this is a true copy of a Tax Map at The Department of Finance
5-12-2015 Date C. Gould
Tax Map Cartographer

Pre-Tax Lot Consolidation Map

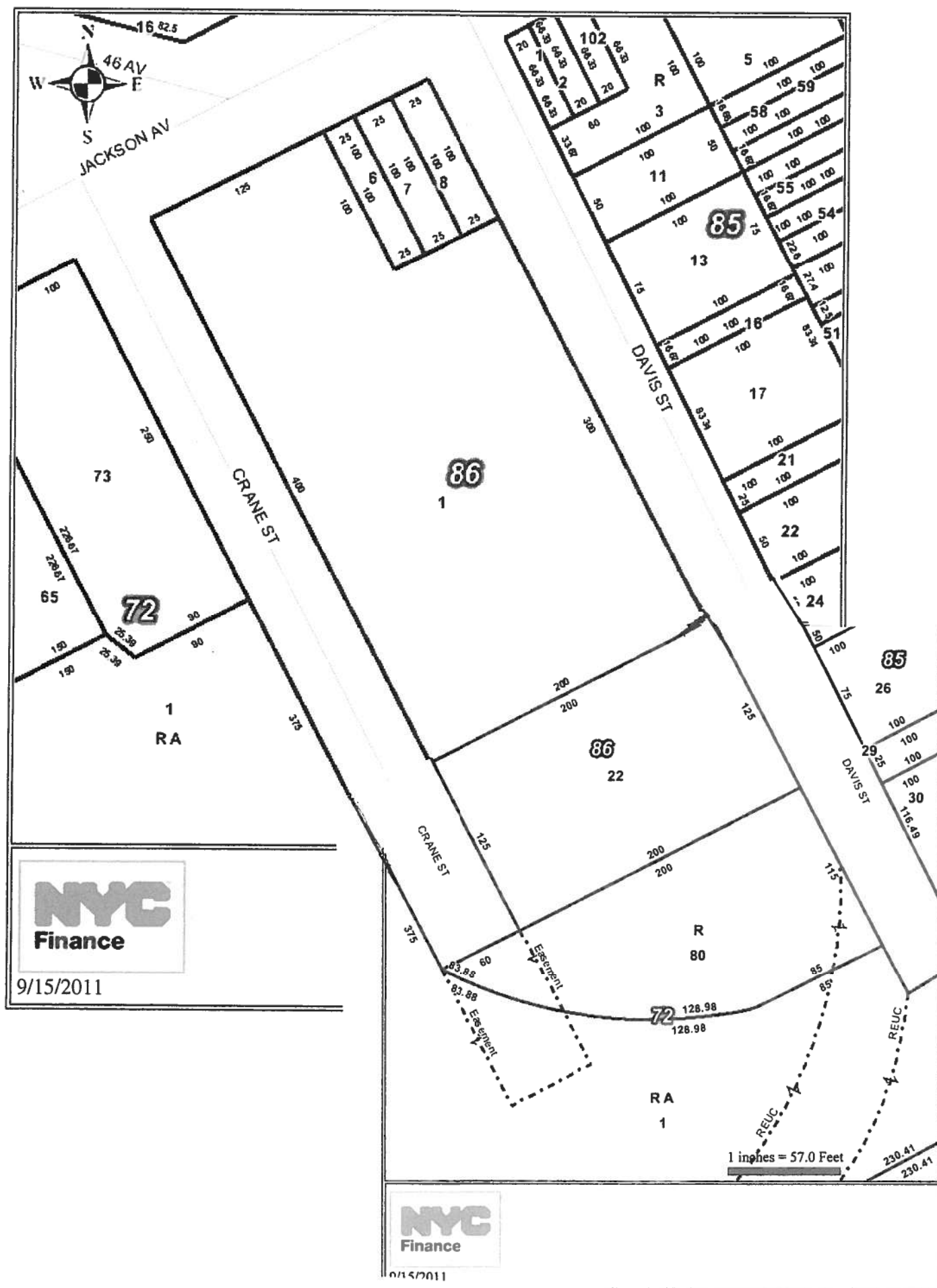


EXHIBIT E

Pre-Tax Lot Consolidation Survey

Post-Tax Lot Consolidation Survey



DAVIS STREET

VICINITY MAP

RESEARCH PAPER

[illegible]

BCA Site # Former Neptune Meter Site C241138
Tax ID # Block 85, Lot 1
Address 22-34 Jackson Ave, Long Island City, New York 11101

(VACANT)
BLOCK 08
LOT 1
AREA = 327 150 S.F. DB 2 919 AC 1

NEW CONSOLIDATED BLOCK 86 LOT 1 ADDRESS - 22-34 JACKSON AVE,
LONG ISLAND CITY, NEW YORK, 11101; FORMER ADDRESSES

BLOCK	LOT	ADDRESS
86	1	22-42 JACKSON AVENUE
86	6	22-48 JACKSON AVENUE
86	7	22-50 JACKSON AVENUE
86	8	45-02/06 DAVIS STREET
86	22	45-50/52 DAVIS STREET
72	80	46-55 CRANE STREET

THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW. THE EASEMENT, WHICH WAS FILED WITH THE COUNTY CLERK OF ALBANY COUNTY, NEW YORK, ON 01/22/2003, PROVIDES THAT THE PROPERTY IS TO BE USED FOR RECREATION, TRAIL, AND/OR BIODIVERSITY PURPOSES. THE EASEMENT ALSO PROVIDES THAT THE PROPERTY IS TO BE MAINTAINED IN A NATURAL STATE AND THAT THE PROPERTY IS TO BE USED IN A MANNER THAT DOES NOT CAUSE EROSION, SEDIMENTATION, OR OTHER DAMAGE TO THE PROPERTY. A COPY OF THE SMP MUST BE MORE DETAILED IN THE SITE MANAGEMENT PLAN ("SMP"). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP MAY BE OBTAINED BY CONTACTING THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF BIODIVERSITY AND RECREATION, 625 NICHOLS AVENUE, ALBANY, NY 12243 OR BY TELEPHONE AT 518/487-2222.

[illegible][illegible]

NOTES

1. PROPERTY KNOWN AS LOT 1, BLOCK 96, AND LOT 86, BLOCK 72, BOTTOM 1, VOLUME 248 SHOWN ON THE TAX MAP OF THE BOROUGH OF QUINCY, QUEEN'S COUNTY, NEW YORK.

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

:100

1	REVISED TO ADD (OFF)	W.L.S.	Q.B.S.
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BOUNDARY AND TOPOGRAPHIC SURVEY

BOUNDARY AND TOPOGRAPHIC SURVEY
G & M REALTY, L.P.

SECTION 1, BLOCK 1,
JACKSON AVENUE, CRANE AVENUE AND DAVIS STREET
LOT 1, BLOCK 16

LOT 1, BLOCK 88
FORMER TAX LOT 80, BLOCK 72
FORMER TAX LOTS 1, 6, 7, 8, & 22, BLOCK 88

154
153
152
FORMER TAX LOTS 1, 6, 7, 8, & 22, BLOCK 88
BOROUGH AND COUNTY OF QUEENS, CITY AND STATE OF NEW YORK

CONTROL POINT
ASSOCIATES, INC.

NEW BRIDGE COMPANY
1800 AVONDA DRIVE, SUITE
100
WARRINGTON, NJ 07099

A.P.W.
WARRLEN, NJ 07027
908-668-2000 • 908-668-9999 FAX
1800-866-0000 (TOLL FREE)
CIRCLE 100, PG. 100-14
315-712-0000 • 315-712-1121

APPROVED:	DATE:	SCALE:	FILE NO.	DWG NO.
J.C.W.	6-24-2000	1"=20'	C00127.01	1 OF 1

Year	1999	2000	2001	2002
1999	1.00	1.00	1.00	1.00
2000	1.00	1.00	1.00	1.00
2001	1.00	1.00	1.00	1.00
2002	1.00	1.00	1.00	1.00