



## BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

☐

Yes

☒

No

If yes, provide existing site number: \_\_\_\_\_

### PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 10*

#### Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY  
BCP SITE #:

NAME FH 2BRO Builder Corp.

ADDRESS 40-39 27th Street

CITY/TOWN Long Island City, NY

ZIP CODE 11101

PHONE (646) 533-2801

FAX

E-MAIL Reobuddy@gmail.com

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

☒

Yes

☐

No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. **Please note:** If the requestor is an LLC, the members/owners names need to be provided on a separate attachment. See Attachment 1

Do all individuals that will be certifying documents meet the requirements detailed below? ☒ Yes ☐ No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. **Documents that are not properly certified will be not approved under the BCP.**

#### Section II. Project Description

1. What stage is the project starting at?

☒

Investigation

☐

Remediation

NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (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, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): ☐ Yes ☐ No

3. Please attach a short description of the overall development project, including: See Attachment 2

- the date that the remedial program is to start; and
- the date the Certificate of Completion is anticipated.

### Section III. Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (***please submit the 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).**

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

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum	No exceedances **	No exceedances **	BTEX up to 53 ug/m3
Chlorinated Solvents	No exceedances **	Chloroform up to 13 ug/L, PCE up to 120 ug/L	PCE to 8,800 ug/m3, TCE to 1,700 ug/m3
Other VOCs	No exceedances **	No exceedances	Acetone to 2,500 ug/m3, 2-butanone to 220 ug/m3, chloroform to 480 ug/m
SVOCs	5 individual SVOCs up to 2.17 mg/kg	3 individual SVOCs up to 0.0615 ug/L	
Metals	No exceedances **	Dissolved Mg, Mn, Se, Na above Class GA standards	
Pesticides	None detected	No exceedances	
PCBs	None detected	No exceedances	
Other*			

**\*Please describe:** \*\* Relative to Restricted Residential Soil Cleanup Objectives \_\_\_\_\_

**3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:**

- **SAMPLE LOCATION** See attached Figures 1, 2, and 3 for sample results. Tax map and USGS Site location map are Figures 4 and 5, respectively.
- **DATE OF SAMPLING EVENT**
- **KEY CONTAMINANTS AND CONCENTRATION DETECTED**
- **FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE**
- **FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5**
- **FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX**

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

**ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?\***

(\*answering No will result in an incomplete application)

☒ 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 type="checkbox"/> Pipeline           | <input checked="" type="checkbox"/> Service Station |
| <input type="checkbox"/> Landfill               | <input type="checkbox"/> Tannery       | <input type="checkbox"/> Electroplating     | <input type="checkbox"/> Unknown                    |

Other: Warehouse, carpet cleaner, residential \_\_\_\_\_

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME 29-05 38th Avenue Site				
ADDRESS/LOCATION 29-05 38th Avenue				
CITY/TOWN Long Island City		ZIP CODE 11101		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): New York				
COUNTY Queens		SITE SIZE (ACRES) 0.24		
LATITUDE (degrees/minutes/seconds) 40 ° 45 ' 16.3 "		LONGITUDE (degrees/minutes/seconds) 73 ° 55 ' 58.8 "		
<b>Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed , 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 far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.</b>				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
29-05 38th Avenue		371	38	0.24
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach an accurate map of the proposed site.				
2. Is the required property map attached to the application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map) See attached Figure 4.				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> for more information) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <div style="text-align: right; margin-right: 50px;">If yes, identify census tract : 51</div> <div style="margin-top: 10px;">             Percentage of property in En-zone (check one):              <input type="checkbox"/> 0-49%              <input type="checkbox"/> 50-99%              <input checked="" type="checkbox"/> 100%           </div>				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				

#### Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas?  
If yes, identify here and attach appropriate information. ☐ Yes ☒ No

Easement/Right-of-way Holder

Description

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

Type

Issuing Agency

Description

none

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.**

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**?

☒ Yes ☐ No

**Note: Questions 11 through 13 only pertain to sites located within the five counties comprising New York City**

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits? ☒ Yes ☐ No

If yes, requestor must answer questions on the supplement at the end of this form.


12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? ☐ Yes ☒ No

13. If you have answered Yes to Question 12, 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? ☐ Yes ☒ No

**NOTE:** If a tangible property tax credit determination is not being requested in the application to participate in the BCP, 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 IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor:

 \_\_\_\_\_

**BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)**

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Jack Fang			
ADDRESS 40-39 27th Street			
CITY/TOWN Long Island City, NY		ZIP CODE 11101	
PHONE (646) 533-2801	FAX	E-MAIL Reobuddy@gmail.com	
NAME OF REQUESTOR'S CONSULTANT Spiro Dongaris, PE, Athenica Environmental Engineering PLLC			
ADDRESS 45-09 Greenpoint Avenue			
CITY/TOWN Long Island City, NY		ZIP CODE 11104	
PHONE (718) 784-7490	FAX (718) 784-4085	E-MAIL SDongaris@athenica.com	
NAME OF REQUESTOR'S ATTORNEY George C.D. Duke, Brown Duke & Fogel, P.C.			
ADDRESS 350 Fifth Avenue, Suite 4640			
CITY/TOWN New York, NY		ZIP CODE 10118	
PHONE (646) 915-0236	FAX (646) 219-2601	E-MAIL gduke@bdglegal.com	
<b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b>			
CURRENT OWNER'S NAME FH 2BRO Builder Corp.		OWNERSHIP START DATE: October 2020 <sup>+</sup>	
ADDRESS 40-39 27th Street		(See Attachment 3)	
CITY/TOWN Long Island City, NY		ZIP CODE 11101	
PHONE (646) 533-2801	FAX	E-MAIL Reobuddy@gmail.com	
CURRENT OPERATOR'S NAME None			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<b>PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".</b>			
<b>IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.</b> See Attachment 5			
<b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b>			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			



## Section VII. Requestor Eligibility Information (continued)

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, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ☒ No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. ☐ Yes ☒ No
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? ☐ Yes ☒ No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves 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? ☐ Yes ☒ No
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 or made a false statement in connection with any document or application submitted to DEC? ☐ 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
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? ☐ Yes ☒ No
11. Are there any unregistered bulk storage tanks on-site which require registration? ☐ Yes ☒ No

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

☐ PARTICIPANT

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

☒ VOLUNTEER

See Attachment 6

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

NOTE: By checking this box, 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; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

**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.**

## Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

☐ Previous Owner ☒ Current Owner ☐ Potential /Future Purchaser ☐ Other \_\_\_\_\_

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted**. 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 easement on the site Is this proof attached?

☐ Yes ☐ No

**Note: a purchase contract does not suffice as proof of access.**

## Section VIII. Property Eligibility Information - See Instructions for Further Guidance

1. Is / was the property, or any portion of the property, listed on the National Priorities List?  
If yes, please provide relevant information as an attachment. ☐ Yes ☒ No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? ☐ Yes ☒ No  
If yes, please provide: Site # \_\_\_\_\_ Class # \_\_\_\_\_
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? ☐ Yes ☒ No  
If yes, please provide: Permit type: \_\_\_\_\_ EPA ID Number: \_\_\_\_\_  
Date permit issued: \_\_\_\_\_ Permit expiration date: \_\_\_\_\_
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? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. ☐ Yes ☐ No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? ☐ Yes ☒ No  
If yes, please provide: Order # \_\_\_\_\_
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? ☐ Yes ☒ No  
If yes, please provide explanation as an attachment.

## Section IX. Contact List Information

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 addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. 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.

See Attachment 6

## Section X. Land Use Factors

1. What is the current municipal zoning designation for the site? M1-2/R6A

What uses are allowed by the current zoning? (Check boxes, below)

☒ Residential ☒ Commercial ☒ Industrial

If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use: ☒ Residential ☒ Commercial ☐ Industrial ☒ Vacant ☐ Recreational (check all that apply) See Attachment 7

**Attach 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.**

3. Reasonably anticipated use Post Remediation: ☒ Residential ☒ Commercial ☐ Industrial (check all that apply) **Attach a statement detailing the specific proposed use.** See Attachment 7

If residential, does it qualify as single family housing? ☐ Yes ☒ No

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

☒ Yes ☐ No

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.

☒ Yes ☐ No

The current zoning designation is M1-2/R6A, allowing for mixed residential, commercial, and light industrial uses.

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.

☒ Yes ☐ No

The proposed use is consistent with the rezoning of the general surrounding area for the Dutch Kills Rezoning and Related Actions (CEQR No. 08DCP021Q)



## XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hererby 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 the 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 President (title) of FH 2Bro Builder Corp. (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a 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 the 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: 12/14/2020

Signature: \_\_\_\_\_

Print Name: Jack Z. Fang

### SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in 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
  - Albany, NY 12233-7020

**FOR DEC USE ONLY**

**BCP SITE T&A CODE:** \_\_\_\_\_ **LEAD OFFICE:** \_\_\_\_\_

**Supplemental Questions 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.

**BCP App Rev 10**

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Please answer questions below and provide documentation necessary to support answers.</b>	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see <a href="#">DEC's website</a> for more information.	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Underutilized? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>From ECL 27-1405(31):</b>	
<p>"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.</p>	
<b>From 6 NYCRR 375-3.2(I) as of August 12, 2016:</b> (Please note: Eligibility determination for the underutilized category can only be made at the time of application)	
375-3.2:	
<p>(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</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(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</p> <p>(c) there are no structures.</p>	
<p>"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.</p>	

### Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)

3. 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\*  
(\*Checking this box 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’ households 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 home owners 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.

## BCP Application Summary (for DEC use only)

**Site Name:** 29-05 38th Avenue Site

**City:** Long Island City

**Site Address:** 29-05 38th Avenue

**County:** Queens

**Zip:** 11101

**Tax Block & Lot**

**Section (if applicable):**

**Block:** 371

**Lot:** 38

**Requestor Name:** FH 2BRO Builder Corp.

**City:** Long Island City, NY

**Requestor Address:** 40-39 27th Street

**Zip:** 11101

**Email:** Reobuddy@gmail.com

**Requestor's Representative (for billing purposes)**

**Name:** Jack Fang

**Address:** 40-39 27th Street

**City:** Long Island City, NY

**Zip:** 11101

**Email:** Reobuddy@gmail.com

**Requestor's Attorney**

**Name:** George C.D. Duke, Brown Duke & Fogel, P.C. **Address:** 350 Fifth Avenue, Suite 4640

**City:** New York, NY

**Zip:** 10118

**Email:** gduke@bdglegal.com

**Requestor's Consultant**

**Name:** Spiro Dongaris, PE, Athenica Environmental Engineering PLLC **Address:** 45-09 Greenpoint Avenue

**City:** Long Island City, NY

**Zip:** 11104

**Email:** SDongaris@athenica.com

**Percentage claimed within an En-Zone:** ☐ 0% ☐ <50% ☐ 50-99% ☒ 100%

**DER Determination:** ☐ Agree ☐ Disagree

**Requestor's Requested Status:** ☒ Volunteer ☐ Participant

**DER/OGC Determination:** ☐ Agree ☐ Disagree

Notes:

**For NYC Sites, is the Requestor Seeking Tangible Property Credits:** ☒ Yes ☐ No

**Does Requestor Claim Property is Upside Down:** ☐ Yes ☒ No

**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

**Does Requestor Claim Property is Underutilized:** ☐ Yes ☒ No

**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

**Does Requestor Claim Affordable Housing Status:** ☐ Yes ☐ No ☒ Planned, No Contract

**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

Notes:



**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
BROWNFIELD CLEANUP PROGRAM (BCP)  
INSTRUCTIONS FOR COMPLETING A BCP APPLICATION**

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional office](#) to schedule a meeting. To add a party to an existing BCP Agreement and/or Application, use the [BCP Agreement Amendment Application](#). **See guidance at the end of these instructions regarding the determination of a complete application.**

**SECTION I REQUESTOR INFORMATION**

Requestor Name

Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information. If an LLC, the members/owners names need to be provided on a separate attachment). The requestor is the person or entity seeking DEC review and approval of the remedial program.

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 in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to DEC with the application, to document that the requestor is authorized to do business in NYS.

Address, etc.

Provide the requestor's mailing address, telephone number; fax number and e-mail address.

Document Certification

All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of [DER-10](#). Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:

- New York State licensed professional engineers (PEs), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a PE with current license and registration for work that was done by them or those under their direct supervision. The firm by which the PE is employed must also be authorized to practice engineering in New York State;
- qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;
- remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or
- site owners, which are the owners of the property comprising the site at the time of the certification.

**SECTION II PROJECT DESCRIPTION**

As a separate attachment, provide complete and detailed information about the project, including the purpose of the project, the date the remedial program is to start, and the date the Certificate of Completion is anticipated..



**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION III**

**PROPERTY'S ENVIRONMENTAL HISTORY**

Please follow instructions on application form.

**SECTION IV**

**PROPERTY INFORMATION**

Proposed Site Name

Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e. ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.

Site Address

Provide a street address, city/town, zip code, and each municipality and county in which the site is located. .

Site Size

Provide the approximate acreage of the site.

GIS Information

Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.

Tax Parcel Information

Provide the tax parcel address/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5 minute quad map on which the property appears and clearly indicate the proposed site's location.

1. Tax Map Boundaries

State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.

2. Map

Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION IV (continued)**

3. En-zone

Is any part of the property in an En-zone? If so, what percentage? For information on En-zones, please see [DEC's website](#).

4. Multiple applications

Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where 1) the development project spans more than 25 acres; 2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and 3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).

10. Property Description Narrative

Provide a property description in the format provided below. Each section should be no more than one paragraph long.

Location

Example: "The XYZ Site is located in an {urban, suburban, rural} area." {Add reference points if address is unspecific; e.g., "The site is approximately 3.5 miles east of the intersection of County Route 55 and Industrial Road."}

Site Features:

Example: "The main site features include several large abandoned buildings surrounded by former parking areas and roadways. About one quarter of the site area is wooded. Little Creek passes through the northwest corner."

Current Zoning and Land Use: (Ensure the current zoning is identified.)

Example: "The site is currently inactive, and is zoned for commercial use. The surrounding parcels are currently used for a combination of commercial, light industrial, and utility right-of-ways. The nearest residential area is 0.3 miles east on Route 55."

Past Use of the Site: include source(s) of contamination and remedial measures (site characterizations, investigations, Interim Remedial Measures, etc.) completed outside of the current remedial program (e.g., work under a petroleum spill incident).

Example: "Until 1992 the site was used for manufacturing wire and wire products (e.g., conduit, insulators) and warehousing. Prior uses that appear to have led to site contamination include metal plating, machining, disposal in a one-acre landfill north of Building 7, and releases of wastewater into a series of dry wells."

When describing the investigations/actions performed outside of the remedial program, include the major chronological remedial events that lead to the site entering a remedial program. The history should include the first involvement by government to address hazardous waste/petroleum disposal. Do not cite reports. Only include remedial activities which were implemented PRIOR to the BCA. Do not describe sampling information.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION IV (continued)**

Property Description Narrative (continued)

Site Geology and Hydrogeology:

As appropriate, provide a very brief summary of the main hydrogeological features of the site including depth to water, groundwater flow direction, etc.

Environmental Assessment

The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semivolatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths.

The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SGCs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site.

**A typical Environmental Assessment would look like the following:**

Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE).

*Soil* - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the site. Concentrations of cadmium found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).

*Groundwater* - TCE and its associated degradation products are also found in groundwater at the north end of the site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the site has migrated 300 feet down-gradient off-site. The primary contaminant of concern for the off-site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.

*Soil Vapor & Indoor Air* - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.

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

**SECTION V**

**ADDITIONAL REQUESTOR INFORMATION**

Representative Name, Address, etc.

Provide information for the requestor's authorized representative. This is the person to whom all correspondence, notices, etc. will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative of Applications determined to be Participants unless another contact name and address is provided with the application.

Consultant and Attorney Name, Address, etc.

Provide requested information.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION VI                      CURRENT PROPERTY OWNER/OPERATOR INFORMATION  
(IF NOT A REQUESTOR)**

Owner Name, Address, etc.

Provide requested information of the current owner of the property. List all parties holding an interest in the Property and, if the Requestor is not the current owner, describe the Requestor's relationship to the current owner.

Operator Name, Address, etc.

Provide requested information of the current operator (if different from the requestor or owner).

Provide a list of previous property owners and operators with names, last known addresses, telephone numbers and the Requestor's relationship to each owner and operator as a separate attachment

**SECTION VII                      REQUESTOR ELIGIBILITY INFORMATION**

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

**SECTION VIII                      PROPERTY ELIGIBILITY INFORMATION**

As a separate attachment, provide complete and detailed information in response to the following eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that that information be summarized.

1. CERCLA / NPL Listing

Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.

2. Registry Listing

Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) [website](#) for a database of sites with classifications.

3. RCRA Listing

Does the property have a Resource Conservation and Recovery Act (RCRA) TSDF Permit in accordance with the ECL 27-0900 *et seq*? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.

4. Registry / RCRA sites owned by volunteers

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? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION VIII (continued)**

**5. Existing Order**

Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.

**6. Enforcement Action Pending**

Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information on an attachment.

**SECTION IX                      CONTACT LIST INFORMATION**

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project.

**SECTION X                      LAND USE FACTORS**

In addition to eligibility information, site history, and environmental data/reports, the application requires information regarding the current, intended and reasonably anticipated future land use.

1. This information consists of responses to the "land use" factors to be considered relative to the "Land Use" section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a "brownfield site" pursuant to ECL 27-1405(2).
2. This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

**SECTION XI                      SIGNATURE PAGE**

The Requestor must sign the application, or designate a representative who can sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each must sign a signature page. 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 entity's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database.



**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

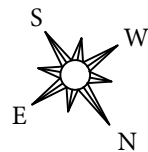
**DETERMINATION OF A COMPLETE APPLICATION**

1. The first step in the application review and approval process is an evaluation to determine if the application is complete. To help ensure that the application is determined complete, requestors should review the list of [common application deficiencies](#) and carefully read these instructions.
2. DEC will send a notification to the requestor within 30 calendar days of receiving the application, indicating whether such application is complete or incomplete.
3. An application must include the following information relative to the site identified by the application, necessary for making an eligibility determination, or it will be deemed incomplete. **(Please note: the application as a whole requires more than the information outlined below to be determined complete).** The application must include:
  - a. for all sites, an investigation report sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data includes site drawings requested in Section III, #3 of the BCP application form.
  - b. for those sites described below, documentation relative to the volunteer status of all requestors, as well as information on previous owners or operators that may be considered responsible parties **and** their ability to fund remediation of the site. This documentation is required for:
    - i. real property listed in the registry of inactive hazardous waste disposal sites as a class 2 site, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP; or
    - ii. real property that was a hazardous waste treatment, storage or disposal facility having interim status pursuant to the Resource Conservation and Recovery Act (RCRA) program, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP.
  - c. for sites located within the five counties comprising New York City, in addition to (a) and if applicable (b) above, if the application is seeking a determination that the site is eligible for tangible property tax credits, sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a). **If this determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion, using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.**
  - d. for sites previously remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law, relevant documentation of this remediation.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**DETERMINATION OF A COMPLETE APPLICATION (continued)**

4. If the application is found to be incomplete:
  - a. the requestor will be notified via email or phone call regarding minor deficiencies. The requestor must submit information correcting the deficiency to DEC within the 30-day review time frame; or
  - b. the requestor will receive a formal Letter of Incomplete Application (LOI) if an application is substantially deficient, if the information needed to make an eligibility determination identified in #4 above is missing or found to be incomplete, or if a response to a minor deficiency is not received within the 30-day period. The LOI will detail all of the missing information and request submission of the information. If the information is not submitted within 30 days from the date of the LOI, the application will be deemed withdrawn. In this case, the requestor may resubmit the application without prejudice.
5. If the application is determined to be complete, DEC will send a Letter of Complete Application (LOC) that includes the dates of the public comment period. The LOC will:
  - a. include an approved public notice to be sent to all parties on the Contact List included with the application;
  - b. provide instructions for publishing the public notice in the newspaper on the date specified in the letter, and instructions for mailing the notice to the Contact List;
  - c. identify the need for a certification of mailing form to be returned to DEC along with proof of publication documentation; and
  - d. specify the deadline for publication of the newspaper notice, which must coincide with, or occur before, the date of publication in the Environmental Notice Bulletin (ENB).
    - i. DEC will send a notice of the application to the ENB. As the ENB is only published on Wednesdays, DEC must submit the notice by the Wednesday before it is to appear in the ENB.
    - ii. The mailing to parties on the Contact List must be completed no later than the Tuesday prior to ENB publication. If the mailings, newspaper notice and ENB notice are not completed within the time-frames established by the LOC, the public comment period on the application will be extended to insure that there will be the required comment period.
    - iii. Marketing literature or brochures are prohibited from being included in mailings to the Contact List.



SB-2 6/29/2020		
Sample Depth	0' - 2'	12' - 14'
Sample Elevation	92.53' - 90.53'	80.53' - 78.53'
No Exceedances detected in either interval.		

SB-3 6/29/2020			
Sample Depth	0' - 2'	12' - 14'	RR-SCOS
Sample Elevation	93.83' - 91.83'	81.83' - 79.83'	
SVOCs	mg/Kg	mg/Kg	mg/Kg
Dilution Factor	5	2	
Benzo(a)anthracene	2.14	<0.0429	1
Benzo(a)pyrene	2.17	<0.0429	1
Benzo(b)fluoranthene	1.90	<0.0429	1
Dibenzo(a,h)anthracene	0.46	<0.0429	0.33
Indeno(1,2,3-cd)pyrene	1.21	<0.0429	0.5

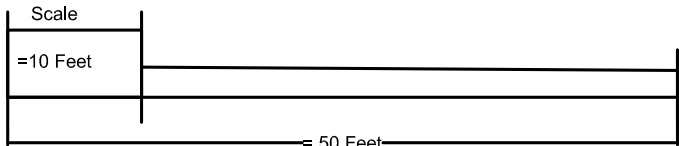
38th Avenue

SB-7 6/29/2020		
Sample Depth	0' - 2'	12' - 14'
Sample Elevation	95.03' - 93.03'	83.03' - 81.03'
No Exceedances detected in either interval.		

SB-1 6/30/2020			
Sample Depth	0' - 2'	12' - 14'	RR-SCOS
Sample Elevation	92.41' - 90.41'	80.41' - 78.41'	
SVOCs	mg/Kg	mg/Kg	mg/Kg
Dilution Factor	2	2	
Indeno(1,2,3-cd)pyrene	0.523	<0.0501	0.5

30th Street

SB-4 6/30/2020		
Sample Depth	0' - 2'	12' - 14'
Sample Elevation	94.33' - 92.33'	82.33' - 80.33'
No Exceedances detected in either interval.		



SB-5 6/30/2020		
Sample Depth	0' - 2'	12' - 14'
Sample Elevation	94.05' - 92.05'	82.05' - 80.05'
No Exceedances detected in either interval.		

SB-6 & SB-DUP 6/29/2020			
Sample Depth	0' - 2'	SB-DUP (0'-2')	12' - 14'
Sample Elevation	94.95' - 92.95'	94.95' - 92.95'	82.95' - 80.95'
No Exceedances detected in either interval.			

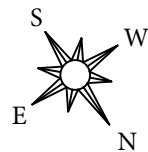
LEGEND:

- Site Boundary
- Soil Boring
- Geophysical Anomaly

**ATHENICA ENVIRONMENTAL ENGINEERING PLLC**  
Environmental Engineering Consultants  
45-09 GREENPOINT AVENUE  
LONG ISLAND CITY, NY 11104  
TEL: (718) 784 - 7490  
FAX: (718) 784 - 4085

Exceeds 6 NYCRR Part 365 Restricted Residential Soil Cleanup Objectives

Date:	NOVEMBER 6, 2020	Site:	29-05 38TH AVENUE LONG ISLAND CITY, NY 11101
Drawn by:	EVAN GREENBERG	Figure:	1
Checked by:	KENNETH P. WENZ JR., PG, LEP	Title:	EXCEEDANCES IN SOIL SAMPLES
Drawing Scale:	AS DRAWN		
Project No.:			

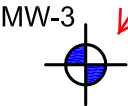


MW-2 6/29/2020		
Sample Elevation	67.56' - 57.56'	
Compound	Result	NYSDEC TOGS Standards and Guidance Values - GA
VOCs	ug/L	ug/L
Dilution Factor	1	
Chloroform	11	7
Tetrachloroethylene	25	5
Dissolved Metals	ug/L	ug/L
Dilution Factor	1	
Manganese	426	300
Selenium	57	10
Sodium	99,700	20000

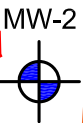
MW-3 6/29/2020		
Sample Elevation	70.09' - 60.09'	
Compound	Result	NYSDEC TOGS Standards and Guidance Values - GA
VOCs	ug/L	ug/L
Dilution Factor	1	
Tetrachloroethylene	120	5
Dissolved Metals	ug/L	ug/L
Dilution Factor	1	
Magnesium	41,000	35000
Manganese	654	300
Selenium	81	10
Sodium	87,300	20000

38th Avenue

Geophysical Anomaly



Geophysical Anomaly



30th Street

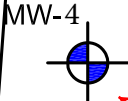
Former Gasoline Station (1947-1950)

Carpet Cleaning (1936-2006)



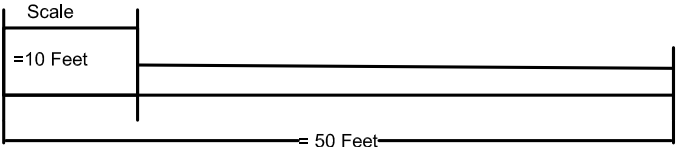
MW-1

MW-1 6/29/2020		
Sample Elevation	67.51' - 57.51'	
Compound	Result	NYSDEC TOGS Standards and Guidance Values - GA
VOCs	ug/L	ug/L
Dilution Factor	1	
Chloroform	13	7
Tetrachloroethylene	37	5
Dissolved Metals	ug/L	ug/L
Dilution Factor	1	
Manganese	376	300
Selenium	51	10
Sodium	89,600	20000




MW-4

MW-4 & MW-DUP 6/29/2020			
Sample Elevation	70.05' - 55.05'		
Compound	Result	Result	NYSDEC TOGS Standards and Guidance Values - GA
Sample	MW-4	MW-DUP	
VOCs	ug/L	ug/L	ug/L
Dilution Factor	1	1	
Chloroform	7	7.40	7
Tetrachloroethylene	11	9.10	5
SVOCs	ug/L	ug/L	ug/L
Dilution Factor	1	1	
Benzo(a)anthracene	<0.0513	0.0615	0.002
Benzo(a)pyrene	<0.0513	0.0615	0.002
Benzo(b)fluoranthene	<0.0513	0.0513	0.002
Dissolved Metals	ug/L	ug/L	ug/L
Dilution Factor	1	1	
Magnesium	38,000	36,800	35000
Manganese	262	314	300
Selenium	73	63	10
Sodium	101,000	100,000	20000



LEGEND:

- Site Boundary
- Geophysical Anomaly
- Groundwater Monitoring Well

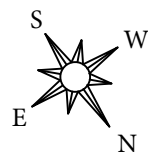
 **ATHENICA ENVIRONMENTAL  
ENGINEERING PLLC**  
**Environmental Engineering Consultants**

45-09 GREENPOINT AVENUE  
LONG ISLAND CITY, NY 11104  
TEL: (718) 784 - 7490  
FAX: (718) 784 - 4085

Exceeds TOGS Class GA Groundwater Quality Standards

Date:	NOVEMBER 6, 2020	Site:	29-05 38TH AVENUE LONG ISLAND CITY, NY 11101
Drawn by:	EVAN GREENBERG		
Checked by:	KENNETH P. WENZ JR., PG, LEP	Figure:	2
Drawing Scale:	AS DRAWN	Title:	EXCEEDANCES IN GROUNDWATER SAMPLES
Project No.:			





38th Avenue

SV-2 6/30/2020		
Sample Elevation	80.14'	
Compound	Result	Q
VOCs	ug/m3	
Dilution Factor	31.96	
1,2,4-Trimethylbenzene	14	D
2-Butanone	75	D
2-Hexanone	30	D
Acetone	1,300	D
Benzene	5.60	D
Chloroform	38	D
Ethyl Benzene	12	D
n-Heptane	20	D
n-Hexane	21	D
o-Xylene	15	D
p- & m- Xylenes	41	D
p-Ethyltoluene	16	D
Propylene	7.70	D
Tetrachloroethylene	6,000	D
Toluene	44	D
Trichloroethylene	350	D

SV-4 6/30/2020		
Sample Elevation	80.35'	
Compound	Result	Q
VOCs	ug/m3	
Dilution Factor	31.16	
1,2,4-Trimethylbenzene	16	D
2-Butanone	140	D
2-Hexanone	49	D
Acetone	2,500	D
Benzene	6	D
Chloroform	56	D
Ethyl Benzene	14	D
n-Heptane	19	D
n-Hexane	21	D
o-Xylene	17	D
p- & m- Xylenes	49	D
p-Ethyltoluene	15	D
Propylene	14	D
Tetrachloroethylene	7,200	D
Toluene	43	D
Trichloroethylene	160	D

SV-6 6/30/2020		
Sample Elevation	81.05'	
Compound	Result	Q
VOCs	ug/m3	
Dilution Factor	32.7	
1,2,4-Trimethylbenzene	12	D
2-Butanone	47	D
2-Hexanone	15	D
Acetone	830	D
Chloroform	37	D
Cyclohexane	37	D
Ethyl Benzene	9.20	D
n-Heptane	97	D
n-Hexane	390	D
o-Xylene	12	D
p- & m- Xylenes	33	D
p-Ethyltoluene	14	D
Propylene	6.80	D
Tetrachloroethylene	7,100	D
Toluene	26	D
Trichloroethylene	130	D

SV-1 6/30/2020		
Sample Elevation	78.59'	
Compound	Result	Q
VOCs	ug/m3	
Dilution Factor	66.16	
1,2,4-Trimethylbenzene	16	D
2-Butanone	220	D
2-Hexanone	86	D
Acetone	1,400	D
Benzene	8.50	D
Chloroform	19	D
cis-1,2-Dichloroethylene	16	D
Ethyl Benzene	15	D
Isopropanol	14	D
n-Heptane	35	D
n-Hexane	34	D
o-Xylene	17	D
p- & m- Xylenes	50	D
p-Ethyltoluene	20	D
Tetrachloroethylene	8,800	D
Toluene	47	D
Trichloroethylene	1,700	D

SV-3 6/30/2020		
Sample Elevation	80.01'	
Compound	Result	Q
VOCs	ug/m3	
Dilution Factor	15.66	
1,1,1-Trichloroethane	13	D
1,2,4-Trimethylbenzene	10	D
2-Butanone	50	D
2-Hexanone	17	D
Acetone	700	D
Benzene	5	D
Carbon disulfide	6.80	D
Chloroform	480	D
Cyclohexane	30	D
Ethyl Benzene	12	D
n-Heptane	76	D
n-Hexane	310	D
o-Xylene	16	D
p- & m- Xylenes	42	D
p-Ethyltoluene	12	D
Tetrachloroethylene	4,800	D
Toluene	34	D
Trichloroethylene	160	D

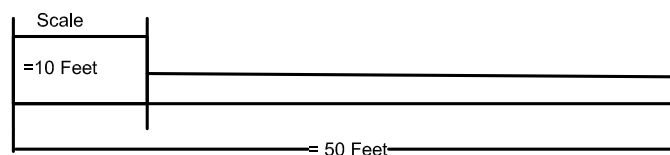
SV-5 6/30/2020		
Sample Elevation	80.99'	
Compound	Result	Q
VOCs	ug/m3	
Dilution Factor	16.48	
1,2,4-Trimethylbenzene	14	D
2-Butanone	36	D
2-Hexanone	18	D
Acetone	540	D
Benzene	5.30	D
Chloroform	56	D
cis-1,2-Dichloroethylene	4.60	D
Cyclohexane	18	D
Ethyl Benzene	12	D
n-Heptane	55	D
n-Hexane	180	D
o-Xylene	16	D
p- & m- Xylenes	45	D
p-Ethyltoluene	15	D
Tetrachloroethylene	5,100	D
Toluene	47	D
Trichloroethylene	120	D

30th Street

Carpet Cleaning  
(1936-2006)

Former Gasoline  
Station  
(1947-1950)

Geophysical  
Anomaly



LEGEND:

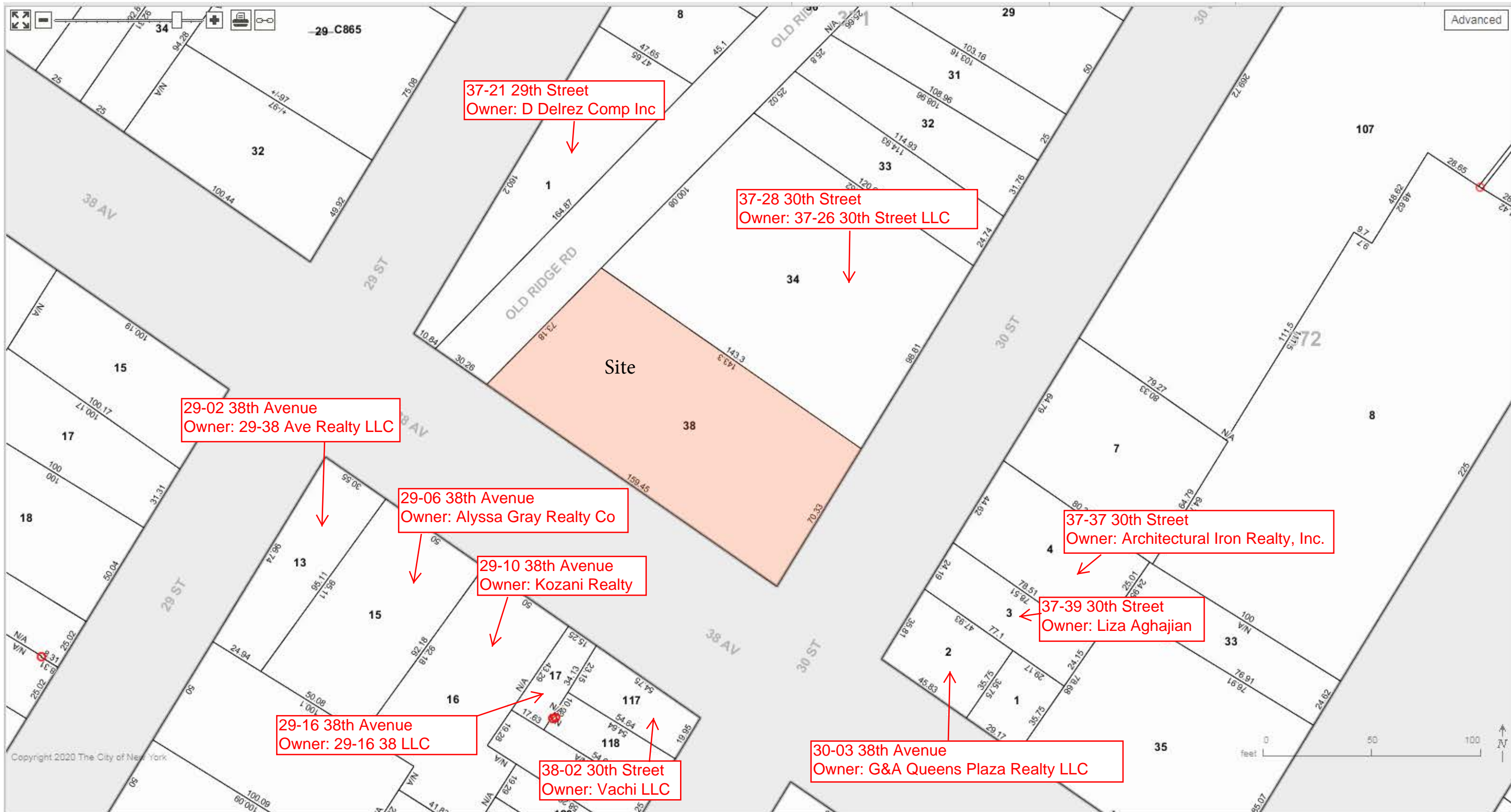
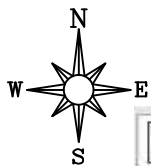
- Site Boundary
- Soil Vapor Probe
- Geophysical Anomaly

**ATHENICA ENVIRONMENTAL  
ENGINEERING PLLC**  
Environmental Engineering Consultants  
45-09 GREENPOINT AVENUE  
LONG ISLAND CITY, NY 11104  
TEL: (718) 784 - 7490  
FAX: (718) 784 - 4085

Note: Q indicates Qualifier Column.  
D indicates result is from an analysis that required a dilution

Date:	NOVEMBER 6, 2020	Site:	29-05 38TH AVENUE LONG ISLAND CITY, NY 11101
Drawn by:	EVAN GREENBERG	Figure:	3
Checked by:	KENNETH P. WENZ JR., PG, LEP	Title:	COMPOUNDS DETECTED IN SOIL VAPOR SAMPLES
Drawing Scale:	AS DRAWN		
Project No.:			

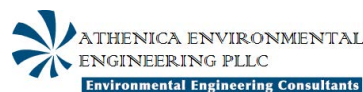




LEGEND:



SITE LOCATION



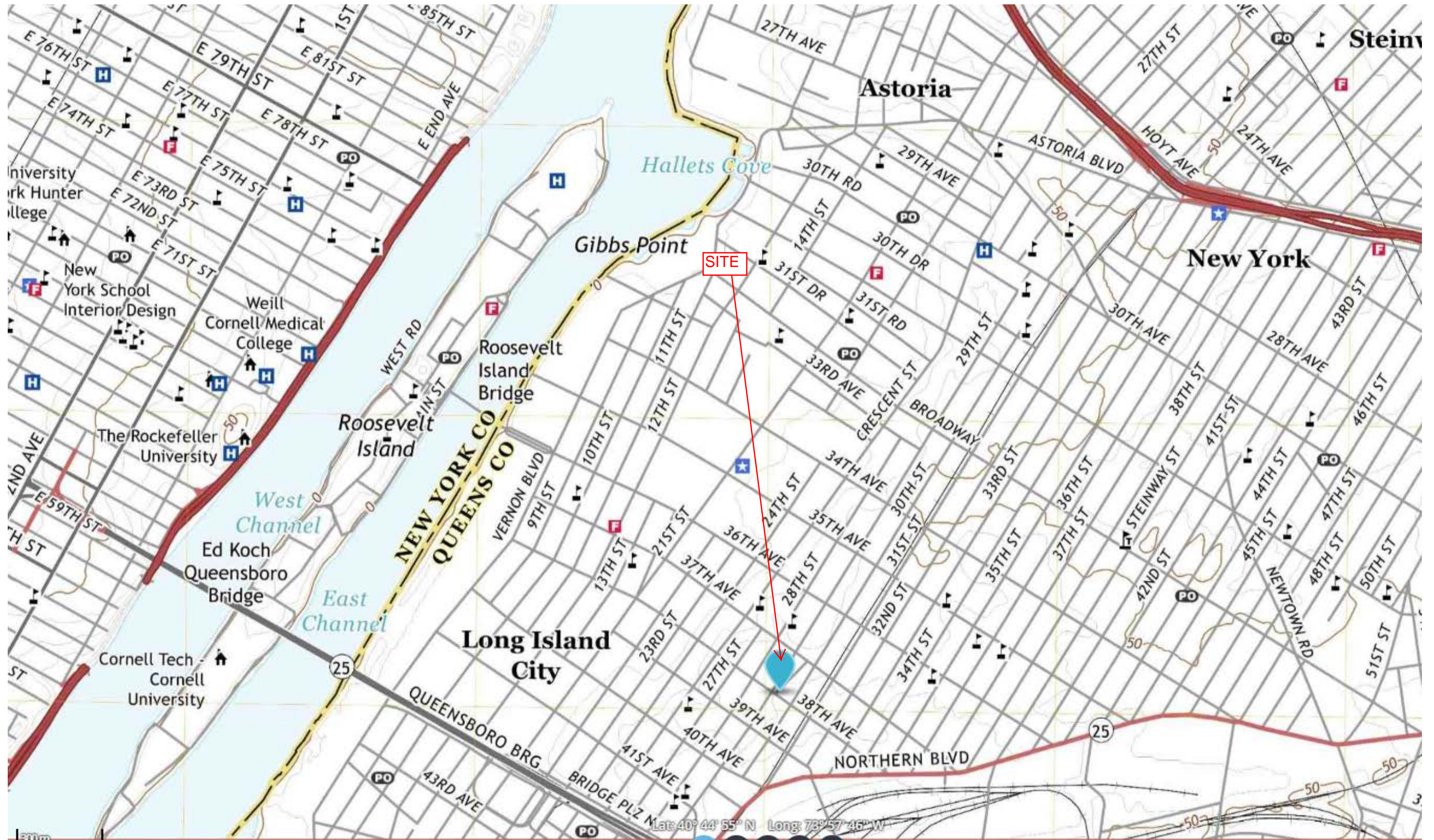
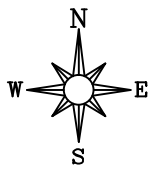
ATHENICA ENVIRONMENTAL  
ENGINEERING PLLC  
Environmental Engineering Consultants  
45-09 GREENPOINT AVENUE  
LONG ISLAND CITY, NY 11104  
TEL: (718) 784 - 7490  
FAX: (718) 784 - 4085

Site= Block 371, Lot 38

Date:	NOVEMBER 6, 2020
Drawn by:	EVAN GREENBERG
Checked by:	KENNETH P. WENZ JR., PG, LEP
Drawing Scale:	AS DRAWN
Project No.:	

Site: 29-05 38TH AVENUE  
LONG ISLAND CITY, NY 11101  
Figure: 4  
Title: TAX MAP

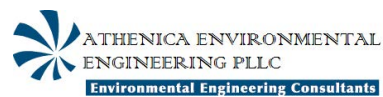




LEGEND:



SITE LOCATION



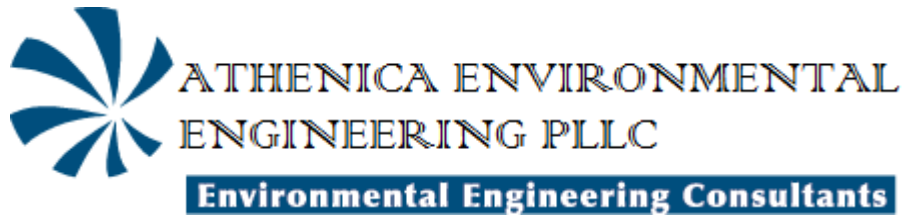
45-09 GREENPOINT AVENUE  
LONG ISLAND CITY, NY 11104  
TEL: (718) 784 - 7490  
FAX: (718) 784 - 4085

Adapted from USGS Topographic Quadrangle Map for Central Park, 2019

Date:	NOVEMBER 6, 2020
Drawn by:	EVAN GREENBERG
Checked by:	KENNETH P. WENZ JR., PG, LEP
Drawing Scale:	AS DRAWN
Project No.:	

Site:	29-05 38TH AVENUE LONG ISLAND CITY, NY 11101
Figure:	5
Title:	USGS SITE LOCATION MAP





## **ATTACHMENTS FOR BROWNFIELD CLEANUP PROGRAM APPLICATION 29-05 38th AVENUE SITE, LONG ISLAND CITY, NY 11101**

### **Attachment 1 (Section I)**

The requestor/applicant, FH 2BRO Builder Corporation (“FH 2BRO”) is authorized to conduct business in New York State. A copy of the business certification from the New York State Department of State is included at the end of this document.

### **Attachment 2 (Section II, Question 3)**

The proposed redevelopment of the Site will consist of demolition of the existing structures and construction of a 7-story mixed-use (commercial and residential) building, with a full basement that will maintain utility, laundry, and storage spaces, as well as 24 subsurface parking spaces. The redevelopment is planned to include an affordable housing component. The footprint of the new building, including the basement, will cover the entire Site area. The redevelopment plan includes demolition of all existing buildings at the Site and excavation to a depth of approximately 12 feet below ground surface (bgs). The current zoning designation is M1-2/R6A, allowing for mixed residential, commercial, and light industrial uses. The proposed use is consistent with existing zoning for the property. The Site redevelopment is expected to begin in 2021 and the Certificate of Completion is anticipated in December 2022.

### **Attachment 3 (Section IV, Question 10)**

Location: The 29-05 38th Avenue Site is located in an urban area of Queens County, and consists of a single parcel with addresses of 29-05 38th Avenue and 29-05A 38th Avenue.

Site Features: Currently, the Site maintains a 1.5-story warehouse building with a partial basement that was formerly occupied by a biofuel generator rental company, a single-story vacant commercial building, a 2-story residential building with a basement, a single-story residential building with a basement, and two, non-contiguous paved parking areas.

Current Zoning and Land Use: The current zoning designation for the Site is M1-2/R6A5D, allowing for mixed residential, facility, commercial, and light industrial uses. The Site is bounded by a vacant lot that formerly maintained an industrial building to the north, 30<sup>th</sup> Street to the east, 38<sup>th</sup> Avenue to the south, and Old Ridge Road to the west. One sensitive receptor (such as schools, hospitals, and day-care facilities) was identified within a 500-foot radius of the Site; Oliver Wendell Holmes Intermediate School 204 is located approximately 490 feet to the northwest of the Site at 36-41 28<sup>th</sup> Street, Astoria, NY 11106.

In addition, the adjacent property to the north (37-24 to 37-28 30<sup>th</sup> Street) has been investigated and is being remediated under the New York State Brownfield Cleanup Program (BCP), as BCP Site Number C241214. This parcel and the adjacent parcel to the north were historically used as commercial dry cleaning and laundry facilities, and previous investigations identified elevated levels of the dry cleaning solvent tetrachloroethene and its daughter product trichloroethene in soil vapor (maximum concentrations of 28,000 and 1,140 micrograms per cubic meter, respectively).

Past Use of the Site: According to a Phase I Environmental Site Assessment (ESA) report dated March 8, 2020 (a copy of this report is included with this application), the current structures at the Site (1.5-story warehouse, single-story vacant building, two-story residential building, and single-story residential building) were all constructed between 1898 and 1936. According to the Sanborn Fire Insurance maps, the 1.5-story warehouse is listed as a carpet cleaning facility from 1936 until 2006. Additionally, the vacant single-story building located on the eastern portion of the Site is shown to have been an automotive service facility and gasoline station from 1947 until at least 1950. The single-story and two-story residential buildings located on the western portion of the Site were constructed circa 1898 and 1936, respectively. They have reportedly maintained residential occupancy since construction.

Site Geology and Hydrogeology: The stratigraphy of the Site, from the surface down, consists of approximately 10 feet of coarse-to-fine grained sand with silt and clay underlain by 10 feet of poorly-graded sand and clay. Historic fill material, as determined predominantly by the presence of brick pieces, was identified at two sample locations to a depth of 2 feet below ground surface (bgs) and at a third sample locations to a depth of 7 feet bgs.

The average depth to groundwater at the Site ranged in depth from 23.83 feet bgs to 28.13 feet bgs. Groundwater flow beneath the Site is from east to west.

Environmental Assessment: The initial investigation at the Site was the 2020 Site investigation for the New York City Office of Environmental Remediation, to address the requirements associated with the E-Designation for hazardous materials assigned to the Site. A copy of the report documenting this investigation is included with this application. Based on the findings of the 2020 Site investigation, the primary contaminants of concern for the Site are tetrachloroethene (PCE) in groundwater, and PCE and trichloroethene (TCE) in soil vapor. Results are summarized in Figures 1, 2, and 3.

Soil – The 2020 Site investigation included laboratory analysis of 15 soil samples. No volatile organic compounds (VOCs), pesticides, PCBs or metals were detected at concentrations above the Restricted Residential Soil Cleanup Objectives (SCOs) in any of the soil samples. Concentrations of five semi-volatile organic compounds (SVOCs) exceeding Restricted Residential Use SCOs were detected in two shallow (0 to 2 feet bgs) soil samples. The detected concentrations were identified as representative of contaminated soil/historic fill, and none of the deeper (12 to 14 feet bgs) soil samples contained any SVOCs at concentrations exceeding SCOs. Since the redevelopment plan for the Site includes demolition of all existing buildings at the Site and excavation to a depth of approximately 12 feet bgs, all impacted soil identified above this depth will be removed for off-Site disposal during the redevelopment program.

*Groundwater* – Four groundwater samples were collected as part of the 2020 Site investigation. Two individual VOCs, PCE and chloroform, were detected at concentrations exceeding New York State Class GA groundwater standards and guidance values, at concentrations up to 13 micrograms per liter ( $\mu\text{g/L}$ ) and 120  $\mu\text{g/L}$ , respectively. One samples contained three SVOCs (benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene) at concentrations exceeding New York State Class GA groundwater standards and guidance values, at concentrations of 0.0615  $\mu\text{g/L}$ , 0.0615  $\mu\text{g/L}$ , and 0.0513  $\mu\text{g/L}$ , respectively. Dissolved magnesium, manganese, selenium, and sodium were detected in all samples at concentrations exceeding New York State Class GA groundwater standards and guidance values, at maximum concentrations of 41,000  $\mu\text{g/L}$ , 654  $\mu\text{g/L}$ , 81  $\mu\text{g/L}$ , and 101,000  $\mu\text{g/L}$ , respectively.

*Soil Vapor* – Five soil vapor samples were collected for laboratory analysis of VOCs during the 2020 Site investigation (as demolition of the Site buildings is planned, the sampling scope did not include collection of indoor air samples). All samples were collected from 12 feet bgs. Up to 18 individual VOCs were detected in the soil vapor samples, and PCE and TCE were detected in all of the samples, at maximum concentrations of 8,800 micrograms per cubic meter ( $\mu\text{g/m}^3$ ) and 1,700  $\mu\text{g/m}^3$ , respectively.

#### **Attachment 4 (Section VI)**

Based on information obtained through the New York City Automated City Register Information System (ACRIS), previous and current owners of the Site are summarized in the following table. The recorded deed documenting ownership of the Site by the Requestor/Applicant is included at the end of this document. None of the identified previous owners have any relationship to the current Site owner/applicant, FH 2BRO. Current addresses and telephone numbers for previous owners are unknown.

Property	Owner	Period	Relationship to Current Owner/Applicant
29-05 38 <sup>th</sup> Avenue	Peter Maniatis	Unknown – 1967	None
	Alexander Gavares	Unknown – 1967	None
	Alpert Holding Corporation	1967 - 2015	None
	Pemas, LLC	2015 - 2020	None
	FH 2BRO Builder Corporation	2020 - Present	Requestor/Applicant

Based on information in the 2020 Phase I ESA report (historic fire insurance maps and City directory listings), previous operators of the Site parcels are summarized in the following table. None of these identified previous operators have any relationship to the current Site owner/applicant, and all previous operations ceased at each parcel prior to acquisition of the parcel by the current owner/applicant. Current addresses and telephone numbers for previous operators are unknown.



Operator/Use	Timeframe	Relationship to Current Owner/Applicant	Source
Residential	1898 - 1915	None	Fire Insurance Maps
Carpet cleaning firms	1934	None	City Directories
Kashan Carpet Cleaning and residential (3 USTs shown)	1936	None	Fire Insurance Maps
Carpet cleaning firms	1939 - 1945	None	City Directories
Carpet cleaning, filling station (no USTs), and residential	1947 - 1950	None	Fire Insurance Maps
Carpet cleaning firms	1962	None	City Directories
Carpet cleaning firms and individual tenants/owners	1967	None	City Directories
Carpet cleaning firms	1970 - 1976	None	City Directories
Carpet cleaning and residential	1970 - 2006	None	Fire Insurance Maps
Carpet cleaning firms and individual tenants/owners	1983	None	City Directories
Individual tenants/owners	1991	None	City Directories
Individual tenants/owners and auto repair facility	2000	None	City Directories
Daytona Auto Body	2005	None	City Directories
Millennium Auto Care, Daytona Auto Body, taxi company	2010	None	City Directories
Daytona Auto Body, Millennium Auto Care, Greenow Productions	2014	None	City Directories

#### **Attachment 5 (Section VII, Volunteer Statement)**

The requestor/applicant FH 2BRO seeks to enter into the Brownfield Cleanup Program (BCP) as a Volunteer.

Under ECL § 27-1405(1)(b) and 6 NYCRR §375-3.2(c)(2), a Volunteer is defined as follows:

“Volunteer” shall mean an applicant other than a participant, including without limitation a person whose liability arises solely as a result of such person's ownership or operation of or involvement with the site subsequent to the disposal or discharge of contaminants, provided however, such person exercises appropriate care with respect to contamination found at the facility by taking reasonable steps to:

- (i) stop any continuing release;
- (ii) prevent any threatened future release; and
- (iii) prevent or limit human, environmental, or natural resource exposure to any previously released contamination.

FH 2BRO does not have any relationship to any previous owners or operators of the Site properties, and did not own the Site during operation by any of the previous operators, other than the landlord-tenant relationship with the current warehouse tenant (Greenow Production LLC) and existing residential

tenants. Prior to the acquisition of the Site on October 15, 2020, FH 2BRO commissioned a Phase I Environmental Site Assessment by Middleton Environmental Inc. The Phase I ESA was prepared by Middleton Environmental Inc. on March 8, 2020. A subsequent remedial investigation was performed and a Remedial Investigation Report was prepared by Athenica Environmental Services, Inc. and submitted to New York City Office of Environmental Remediation to resolve the “E” Designation on the Site. After confirmation of Site contamination and subsequent conversations with NYSDEC, applicant/current owner now seeks entry into the BCP to further investigate and remediate the Site.

#### **Attachment 6 (Section IX, Contact List)**

<b><i>1. Local Officials</i></b>	
<b>Name and Title</b>	<b>Mailing Address</b>
The Honorable Bill deBlasio Mayor, City of New York	City Hall New York, NY 10007
Marie Torniali Chair, Queens Community Board 1	45-02 Ditmars Boulevard, LL Suite 1025 Astoria, NY 11105
Jimmy Van Bramer Deputy Leader of the City Council	47-01 Queens Boulevard, Suite 205 Sunnyside, NY 11104
Marisa Lago Chair, New York City Planning Board	120 Broadway New York, NY 10271

<b><i>2. Site Occupants and Surrounding Property Owners</i></b>		
<b>Property Address</b>	<b>Occupant/Owner Name</b>	<b>Occupant/Owner Mailing Address</b>
29-05 38 <sup>th</sup> Avenue (Site, Block 371, Lot 38)	Roberto Lopez	29-05 38 <sup>th</sup> Avenue Long Island City, NY 11101
29-05 38 <sup>th</sup> Avenue (Site, Block 371, Lot 38)	Vanessa Hurtado	29-05A 38 <sup>th</sup> Avenue Long Island City, NY 11101
29-05 38 <sup>th</sup> Avenue (Site, Block 371, Lot 38)	Greenow Production LLC (contact: Mark Friedman)	29-15 38 <sup>th</sup> Avenue Long Island City, NY 11101
37-21 29 <sup>th</sup> Street (Block 371, Lot 1)	D Delrez Comp Inc	Daniel Goldreyer, Ltd. P.O. Box 247 West Hurley, NY 12491-0247
37-28 30 <sup>th</sup> Street (Block 371, Lot 34)	37-26 30 <sup>th</sup> Street LLC	1836 Gilford Avenue New Hyde Park, NY 11040-4031
37-37 30 <sup>th</sup> Street (Block 372, Lot 4)	Architectural Iron Realty, Inc.	37-37 30 <sup>th</sup> Street Long Island City, NY 11101
37-39 30 <sup>th</sup> Street (Block 372, Lot 3)	Liza Aghajian	37-39 30 <sup>th</sup> Street Long Island City, NY 11101
30-03 38 <sup>th</sup> Avenue (Block 384, Lot 2)	G&A Queens Plaza Realty LLC	7003 31 <sup>st</sup> Avenue East Elmhurst, NY 11370-1707
38-02 30 <sup>th</sup> Street (Block 384, Lot 117)	Vachi LLC	3920 Glenwood Street Little Neck, NY 11363-1437
29-16 38 <sup>th</sup> Avenue (Block 384, Lot 17)	29-16 38 LLC	29-16 38 <sup>th</sup> Avenue Long Island City, NY 11101-2608

**2. Site Occupants and Surrounding Property Owners (continued)**

Property Address	Occupant/Owner Name	Occupant/Owner Mailing Address
29-10 38 <sup>th</sup> Avenue (Block 384, Lot 16)	Kozani Realty	29-10 38 <sup>th</sup> Avenue Long Island City, NY 11101-2608
29-06 38 <sup>th</sup> Avenue (Block 384, Lot 15)	Alyssa Gray Realty Corp.	29-06 38 <sup>th</sup> Avenue Long Island City, NY 11101-2632
29-02 38 <sup>th</sup> Avenue (Block 384, Lot 13)	29-38 Ave Realty LLC	c/o Cindy Loo, 30 Monroe Street, Apt. AB11 New York, NY 1002-7760

**3. News Media**

Outlet	Mailing Address
Patch	134 West 29 <sup>th</sup> Street New York, NY 10001
Queens Gazette	42-16 34 <sup>th</sup> Avenue Long Island City, NY 11101
ABC7	7 Lincoln Square New York, NY 10023

**4. Public Water Supplier**

New York City Department of Environmental Protection	59-17 Junction Boulevard Flushing, NY 11373
--	--

**5. Persons Who Requested to be Placed on the Contact List**

Name	Mailing Address
No requests received	

**6. Nearby Schools and Day Care Facilities**

School/Day Care Facility	Administrator Name and Title	Mailing Address
Oliver Wendell Holmes Intermediate School 204	Faye Erstejn Kotzer, Principal	36-41 28 <sup>th</sup> Street Astoria, NY 11106

**7. Document Repository**

Location	Address
Queens Library at Long Island City	37-44 21 <sup>st</sup> Street Long Island City, NY 11101 Written confirmation of acceptance as document repository is attached
Queens Community Board 1	45-02 Ditmars Boulevard, LL Suite 1025 Astoria, NY 11105 Written confirmation of acceptance as document repository is attached

**Attachment 7 (Section X, Questions 2 and 3)**

The residential buildings at the Site are currently occupied. The warehouse building is also currently occupied, by Greenow Production LLC, and the commercial building on the east side of the property is vacant. The dates where activities of previous Site occupants ended are unknown. The applicant acquired the Site on October 15, 2020, and is planning to demolish all existing buildings at the Site as soon as possible, to facilitate BCP-required investigation/remediation and Site redevelopment. Construction of the new building at the Site is expected to begin in early 2022.

The proposed redevelopment of the Site will consist of demolition of the existing structures and construction of a 7-story mixed-use (commercial and residential) building, with a full basement that will maintain utility, laundry, and storage spaces, as well as 24 subsurface parking spaces. The redevelopment is planned to include an affordable housing component. The footprint of the new building, including the basement, will cover the entire Site area. The redevelopment plan includes demolition of all existing buildings at the Site and excavation to a depth of approximately 12 feet bgs. The current zoning designation is M1-2/R6A, allowing for mixed residential, commercial, and light industrial uses. The proposed use is consistent with existing zoning for the property.

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through November 13, 2020.

---

Selected Entity Name: FH 2BRO BUILDER CORP.  
Selected Entity Status Information  
**Current Entity Name:** FH 2BRO BUILDER CORP.  
**DOS ID #:** 5487661  
**Initial DOS Filing Date:** FEBRUARY 04, 2019  
**County:** QUEENS  
**Jurisdiction:** NEW YORK  
**Entity Type:** DOMESTIC BUSINESS CORPORATION  
**Current Entity Status:** ACTIVE

#### Selected Entity Address Information

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

FH 2BRO BUILDER CORP.  
40-39 27TH STREET  
LONG ISLAND CITY, NEW YORK, 11101

#### Registered Agent

NONE

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the chief executive officer, if provided, which would be listed above. Professional corporations must include the name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by [viewing the certificate](#).

#### \*Stock Information



**# of Shares    Type of Stock    \$ Value per Share**

200                      No Par Value

\*Stock information is applicable to domestic business corporations.

**Name History**

<b>Filing Date</b>	<b>Name Type</b>	<b>Entity Name</b>
FEB 04, 2019	Actual	FH 2BRO BUILDER CORP.

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

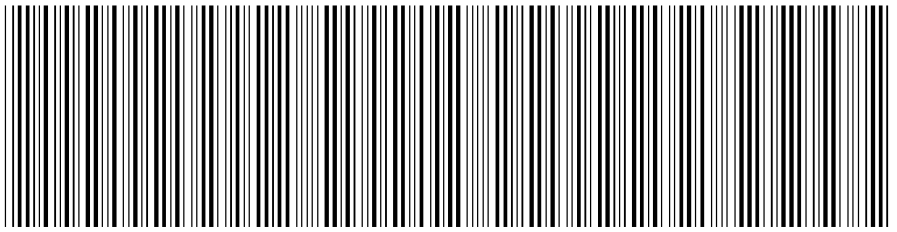
NOTE: New York State does not issue organizational identification numbers.

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OFFICE OF THE CITY REGISTER**

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**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 3**

**Document ID: 2020110301093001**

Document Date: 10-15-2020

Preparation Date: 11-03-2020

Document Type: DEED

Document Page Count: 2

**PRESENTER:**

EAST COAST ABSTRACT, INC  
6901 JERICHO TURNPIKE STE 245  
SYOSSET, NY 11791

**RETURN TO:**

EAST COAST ABSTRACT, INC  
6901 JERICHO TURNPIKE STE 245  
SYOSSET, NY 11791

**PROPERTY DATA**

Borough	Block	Lot	Unit	Address
QUEENS	371	38	Entire Lot	29-05A 38TH AVENUE
<b>Property Type:</b> COMMERCIAL REAL ESTATE				

**CROSS REFERENCE DATA**

CRFN \_\_\_\_\_ or DocumentID \_\_\_\_\_ or \_\_\_\_\_ Year \_\_\_\_\_ Reel \_\_\_\_\_ Page \_\_\_\_\_ or File Number \_\_\_\_\_

**PARTIES**

**GRANTOR/SELLER:**

PEMAS LLC  
13-20 JACKSON AVENUE  
LONG ISLAND CITY, NY 11101

**GRANTEE/BUYER:**

FH 2BRO BUILDER CORP.  
116 MOWBRAY DRIVE  
KEW GARDENS, NY 11415

**FEES AND TAXES**

**Mortgage :**

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

**TOTAL:** \$ 0.00

Recording Fee: \$ 47.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 250.00

NYC Real Property Transfer Tax:

\$ 240,187.50

NYS Real Estate Transfer Tax:

\$ 59,475.00

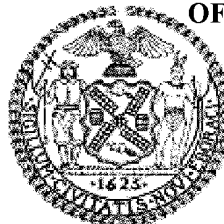
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OF THE CITY REGISTER OF THE**

**CITY OF NEW YORK**

Recorded/Filed 11-06-2020 16:27

City Register File No.(CRFN):

**2020000311067**



*Annette McMill*

**City Register Official Signature**

THIS INDENTURE, made the 15<sup>th</sup> day of October, 2020

**BETWEEN**

PEMAS, LLC, having its offices at 13-20 Jackson Avenue, Long Island City, NY 11101

party of the first part, and

FH 2Bro Builder Corp., having its offices at 116 Mowbray Drive, Kew Gardens, NY 11415

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of (\$10.00) Ten dollars paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

TAX MAP

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads ALL that certain plot, piece or parcel of land, together with the buildings and improvements thereon erected, situate, lying and being in the Borough and County of Queens, City and State of New York, bounded and described as follows:

Blk: 371

BEGINNING at the corner formed by the intersection of the southeasterly side of Old Ridge Road, with the northeasterly side of Freeman Avenue, now 38th Avenue;

Lot: 38

RUNNING THENCE northeasterly along the southerly side of Old Ridge Road, 71.24 feet;  
THENCE southeasterly parallel with Freeman Avenue, 143.30 feet to the northwesterly side of Lockwood Street, now 30th Street;  
THENCE southwesterly along the northwesterly side of Lockwood Street, 70.33 feet to the northeasterly side of Freeman Avenue;  
THENCE northwesterly along the northeasterly side of Freeman Avenue, 159.45 feet to the corner aforesaid the point or place of BEGINNING

Block: 371, Lot: 38

Said premises being known as 29-05 / 29-17 38th Avenue, Long Island City, New York 11101

abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

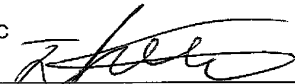
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" when ever the sense of this indenture so requires.

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

PEMAS, LLC

By:

  
THEODORE AVDOULOS

**TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE**

State of New York, County of New York

ss: State of New York, County of

ss:

On the 15th day of October in the year 2020  
before me, the undersigned, personally appeared

*THEODORE ANDOULOS*

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

On the       day of       in the year  
before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

*[Signature]*  
(signature and office of individual taking acknowledgment)

GEORGETTE HERRMANN  
Notary Public, State of New York  
Reg. No. 01HE6298411  
Qualified in Suffolk County  
Commission Expires 3/17/2022

(signature and office of individual taking acknowledgment)

**TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE**

State (or District of Columbia, Territory, or Foreign Country) of

ss:

On the       day of       in the year       before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the

\_\_\_\_\_ in \_\_\_\_\_  
(insert the City or other political subdivision) (and insert the State or Country or other place the acknowledgment was taken)

\_\_\_\_\_  
(signature and office of individual taking acknowledgment)

**BARGAIN AND SALE DEED  
WITH COVENANT AGAINST GRANTOR'S ACTS**

Title No. ECA48198

PEMAS, LLC

TO

FH 2Bro Builder Corp.

BLOCK 371  
LOT 38  
Queens County, City of New York  
Address 29-05/29/17 38<sup>th</sup> Avenue,  
Long Island City, NY 11101

Recorded at Request of  
Westcor Land Title Insurance Company

RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

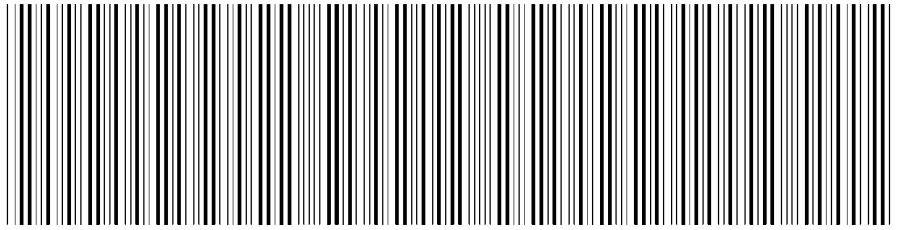
Distributed by

East Coast Abstract, Inc.

Kevin Kerveng Tung PC  
136-30 38<sup>th</sup> Avenue, Suite D  
Flushing, NY 11354

Attention: Kevin Kerveng Tung, Esq.

NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER



2020110301093001001SBF4D

**SUPPORTING DOCUMENT COVER PAGE**

**PAGE 1 OF 1**

**Document ID: 2020110301093001**  
Document Type: DEED

Document Date: 10-15-2020

Preparation Date: 11-03-2020

**ASSOCIATED TAX FORM ID:** 2020101200170

**SUPPORTING DOCUMENTS SUBMITTED:**

Page Count

DEP CUSTOMER REGISTRATION FORM FOR WATER AND SEWER BILLING  
RP - 5217 REAL PROPERTY TRANSFER REPORT  
SMOKE DETECTOR AFFIDAVIT

1  
2  
1





The City of New York  
Department of Environmental Protection  
Bureau of Customer Services  
59-17 Junction Boulevard  
Flushing, NY 11373-5108

## Customer Registration Form for Water and Sewer Billing

### Property and Owner Information:

- (1) Property receiving service: BOROUGH: QUEENS BLOCK: 371 LOT: 38
- (2) Property Address: 29-05A 38TH AVENUE, QUEENS, NY 11101
- (3) Owner's Name: FH 2BRO BUILDER CORP.
- Additional Name:

### Affirmation:



Your water & sewer bills will be sent to the property address shown above.

### Customer Billing Information:

#### Please Note:

- A. Water and sewer charges are the legal responsibility of the owner of a property receiving water and/or sewer service. The owner's responsibility to pay such charges is not affected by any lease, license or other arrangement, or any assignment of responsibility for payment of such charges. Water and sewer charges constitute a lien on the property until paid. In addition to legal action against the owner, a failure to pay such charges when due may result in foreclosure of the lien by the City of New York, the property being placed in a lien sale by the City or Service Termination.
- B. Original bills for water and/or sewer service will be mailed to the owner, **at the property address or to an alternate mailing address**. DEP will provide a duplicate copy of bills to one other party (such as a managing agent), however, any failure or delay by DEP in providing duplicate copies of bills shall in no way relieve the owner from his/her liability to pay all outstanding water and sewer charges. Contact DEP at (718) 595-7000 during business hours or visit [www.nyc.gov/dep](http://www.nyc.gov/dep) to provide us with the other party's information.

### Owner's Approval:

The undersigned certifies that he/she/it is the owner of the property receiving service referenced above; that he/she/it has read and understands Paragraphs A & B under the section captioned "Customer Billing Information"; and that the information supplied by the undersigned on this form is true and complete to the best of his/her/its knowledge.

Print Name of Owner:

Signature: \_\_\_\_\_ Date (mm/dd/yyyy)

Name and Title of Person Signing for Owner, if applicable:

FOR CITY USE ONLY

C1. County Code  C2. Date Deed Recorded  /  /   
 Month Day Year

C3. Book  OR C4. Page   
 C5. CRFN



## REAL PROPERTY TRANSFER REPORT

STATE OF NEW YORK  
 STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217NYC

## PROPERTY INFORMATION

1. Property Location  29-05A  38TH AVENUE  QUEENS  11101  
 STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name  FH 2BRO BUILDER CORP.   
 LAST NAME / COMPANY FIRST NAME

LAST NAME / COMPANY FIRST NAME

3. Tax Billing Address  Indicate where future Tax Bills are to be sent  
 If other than buyer address (at bottom of form) LAST NAME / COMPANY FIRST NAME

STREET NUMBER AND STREET NAME CITY OR TOWN STATE ZIP CODE

4. Indicate the number of Assessment Roll parcels transferred on the deed  1 # of Parcels OR ☐ Part of a Parcel

4A. Planning Board Approval - N/A for NYC  
 4B. Agricultural District Notice - N/A for NYC

5. Deed Property Size  FRONT FEET X  DEPTH OR  ACRES

Check the boxes below as they apply:

6. Ownership Type is Condominium ☐7. New Construction on Vacant Land ☐

8. Seller Name  PEMAS LLC   
 LAST NAME / COMPANY FIRST NAME

LAST NAME / COMPANY FIRST NAME

9. Check the box below which most accurately describes the use of the property at the time of sale:

A ☐ One Family Residential C ☐ Residential Vacant Land E ☒ Commercial G ☐ Entertainment / Amusement I ☐ Industrial  
 B ☐ 2 or 3 Family Residential D ☐ Non-Residential Vacant Land F ☐ Apartment H ☐ Community Service J ☐ Public Service

## SALE INFORMATION

10. Sale Contract Date  1 / 23 / 2020  
 Month Day Year

11. Date of Sale / Transfer  10 / 15 / 2020  
 Month Day Year

12. Full Sale Price \$  9 1 5 0 0 0 0

( Full Sale Price is the total amount paid for the property including personal property.  
 This payment may be in the form of cash, other property or goods, or the assumption of  
 mortgages or other obligations.) Please round to the nearest whole dollar amount.

13. Indicate the value of personal property included in the sale

14. Check one or more of these conditions as applicable to transfer:

A ☐ Sale Between Relatives or Former Relatives  
 B ☐ Sale Between Related Companies or Partners in Business  
 C ☐ One of the Buyers is also a Seller  
 D ☐ Buyer or Seller is Government Agency or Lending Institution  
 E ☐ Deed Type not Warranty or Bargain and Sale (Specify Below)  
 F ☐ Sale of Fractional or Less than Fee Interest (Specify Below)  
 G ☐ Significant Change in Property Between Taxable Status and Sale Dates  
 H ☐ Sale of Business is Included in Sale Price  
 I ☐ Other Unusual Factors Affecting Sale Price (Specify Below)  
 J ☒ None

## ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

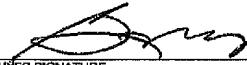
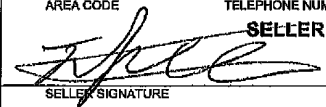
15. Building Class  G, 1 16. Total Assessed Value (of all parcels in transfer)  4 6 0 3 5 0

17. Borough, Block and Lot / Roll Identifier(s) ( If more than three, attach sheet with additional identifier(s) )

QUEENS 371 38

**CERTIFICATION**

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER			BUYER'S ATTORNEY	
BUYER SIGNATURE 		DATE	LAST NAME	FIRST NAME
116 MOWBRAY DRIVE				
STREET NUMBER	STREET NAME (AFTER SALE)		AREA CODE	TELEPHONE NUMBER
	KEW GARDENS			
CITY OR TOWN	STATE NY	ZIP CODE 11415	SELLER	
			SELLER SIGNATURE 	DATE

**AFFIDAVIT OF COMPLIANCE  
WITH SMOKE DETECTOR REQUIREMENT  
FOR ONE- AND TWO-FAMILY DWELLINGS**

State of New York }  
County of NY } SS.:

The undersigned, being duly sworn, depose and say under penalty of perjury that they are the grantor and grantee of the real property or of the cooperative shares in a cooperative corporation owning real property located at  
29-05A 38TH AVENUE

Street Address Unit/Apt.

QUEENS  
Borough

New York,

371  
Block

38  
Lot

(the "Premises");

That the Premises is a one or two family dwelling, or a cooperative apartment or condominium unit in a one- or two-family dwelling, and that installed in the Premises is an approved and operational smoke detecting device in compliance with the provisions of Article 6 of Subchapter 17 of Chapter 1 of Title 27 of the Administrative Code of the City of New York concerning smoke detecting devices;

That they make affidavit in compliance with New York City Administrative Code Section 11-2105 (g). (The signatures of at least one grantor and one grantee are required, and must be notarized).

PERMAS LLC

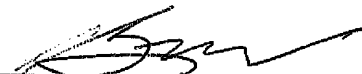
Name of Grantor (Type or Print)



Signature of Grantor

FH 2 BRO BUILDER CORP

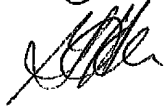
Name of Grantee (Type or Print)



Signature of Grantee

Sworn to before me

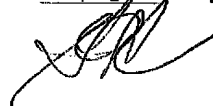
this 15 day of OCT 2020



GEORGETTE HERRMANN  
Notary Public, State of New York  
Reg. No. 01HE6298411  
Qualified in Suffolk County  
Commission Expires 3/17/2022

Sworn to before me

this 15 day of OCT 2020



GEORGETTE HERRMANN  
Notary Public, State of New York  
Reg. No. 01HE6298411  
Qualified in Suffolk County  
Commission Expires 3/17/2022

These statements are made with the knowledge that a willfully false representation is unlawful and is punishable as a crime of perjury under Article 210 of the Penal Law.

**NEW YORK CITY REAL PROPERTY TRANSFER TAX RETURNS FILED ON OR AFTER FEBRUARY 6th, 1990, WITH RESPECT TO THE CONVEYANCE OF A ONE- OR TWO-FAMILY DWELLING, OR A COOPERATIVE APARTMENT OR A CONDOMINIUM UNIT IN A ONE- OR TWO-FAMILY DWELLING, WILL NOT BE ACCEPTED FOR FILING UNLESS ACCOMPANIED BY THIS AFFIDAVIT.**

2020101200170101

**FH 2BRO BUILDER CORP. Resolution of Signing Authority**

WHEREAS, the Corporation is determined to grant signing and authority to certain person(s) described hereunder.

RESOLVED, that the Board of Directors is hereby authorized and approved to authorize and empower the following individual to make, execute, endorse and deliver in the name of and on behalf of the corporation, but shall not be limited to, any and all written instruments, agreements, documents, execution of deeds, powers of attorney, transfers, assignments, contracts, obligations, certificates and other instruments of whatever nature entered into by this Corporation.

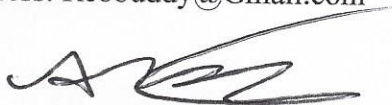
Name: Jack Z. Fang

Position/Title: President

Telephone Number: 646-533-2801

Email Address: Reobuddy@Gmail.com

Signature:



The undersigned certifies that he/she is the properly elected and qualified Secretary of the books, records and seal of FH 2Bro Builder Corp., a corporation duly conformed pursuant to the laws of the state of New York, and that said meeting was held in accordance with state law and with the Bylaws of the above-named corporation.

This resolution has been approved by the Board of Directors of FH 2Bro Builder Corp. on October 12, 2020.

I, as authorized by the Company, hereby certify and attest that all the information above is true and correct.

  
\_\_\_\_\_

Simon Hung, Secretary



November 9, 2020

Tienya Smith, Branch Manager  
Queens Library of Long Island City  
37-44 21<sup>st</sup> Street  
Long Island City, NY 11101

Re: Request to Accept Designation as a Document Repository for New York State Brownfield Cleanup Program Activities at 29-05 38<sup>th</sup> Avenue Site, Long Island City, New York

Dear Ms. Smith:

Athenica Environmental Engineering PLLC is preparing an application for acceptance of the referenced Site into the New York State Brownfield Cleanup Program (BCP), as administered by the New York State Department of Environmental Conservation (NYSDEC). As part of that application, the NYSDEC requires designation of a document repository, where local residents can review plans, reports, and other documents associated with the BCP activities at the Site. We request that the Queens Library of Long Island City accept the designation as document repository for this Site.

Thank you for your consideration of this request. If agreed, please sign below and return the signed acceptance to us via email or fax. Please contact us at (718) 784-7490 if you have any questions or require additional information.

Sincerely,  
**ATHENICA ENVIRONMENTAL SERVICES, INC.**

Kenneth P. Wenz, Jr., PG, LEP  
Senior Project Manager

**By signature below, the Queens Library of Long Island City accepts designation as a document repository for the 29-05 38<sup>th</sup> Avenue Site:**

**Accepted By:** \_\_\_\_\_  
(Signature)

**Printed Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_



**From:** [Smith, Tienya](#)  
**To:** [Kenneth Wenz](#)  
**Cc:** [Spiro Dongaris](#)  
**Subject:** RE: Document Repository Request Letter  
**Date:** Tuesday, November 10, 2020 9:34:32 PM  
**Attachments:** [image001.jpg](#)

---

Kenneth,

Yes, we will serve as a repository. I don't have a way to physically the document that you sent. Could you consider this response an electronic signature?

Tienya Smith  
Branch Manager | Queens Public Library



---

**From:** Kenneth Wenz [kwenz@athenica.com]  
**Sent:** Monday, November 09, 2020 11:59 AM  
**To:** Smith, Tienya  
**Cc:** Spiro Dongaris  
**Subject:** Document Repository Request Letter

Good afternoon,

Athenica is preparing an application for acceptance of the referenced Site into the New York State Brownfield Cleanup Program (BCP), as administered by the New York State Department of Environmental Conservation (NYSDEC). As part of that application, the NYSDEC requires designation of a document repository, where local residents can review plans, reports, and other documents associated with the BCP activities at the Site. We request that the Queens Library of Long Island City accept the designation as document repository for this Site.

Attached please find a letter of agreement for Queens Library of Long Island City to serve as a document repository for the 29-05 38th Avenue Brownfield site. Please sign at the bottom of the letter and return the signed letter to me.

Please contact me if you have any questions or require any additional information.

Thank you,  
Ken Wenz

Kenneth P. Wenz Jr., PG, LEP  
Senior Project Manager



A NYC WBE COMPANY

45-09 Greenpoint Avenue  
Long Island City, New York 11104  
Phone: (718) 784-7490  
Mobile: (631) 742-0638  
Fax: (718) 784-4085  
<http://athenica.com>

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**ATHENICA ENVIRONMENTAL  
ENGINEERING PLLC**

**Environmental Engineering Consultants**

November 9, 2020

Florence Koulouris, District Manager  
Queens Community Board 1  
45-02 Ditmars Boulevard, LL Suite 1025  
Astoria, NY 11105

Re: Request to Accept Designation as a Document Repository for New York State Brownfield Cleanup Program Activities at 29-05 38<sup>th</sup> Avenue Site, Long Island City, New York

Dear Ms. Koulouris:

As we discussed, Athenica Environmental Engineering PLLC is preparing an application for acceptance of the referenced Site into the New York State Brownfield Cleanup Program (BCP), as administered by the New York State Department of Environmental Conservation (NYSDEC). As part of that application, the NYSDEC requires designation of document repositories, where local residents can review plans, reports, and other documents associated with the BCP activities at the Site. We request that Queens Community Board 1 accept designation as document repository for this Site. As discussed, we will provide electronic (PDF) copies of documents to you. An additional repository has been established at the Queens Library of Long Island City, 37-44 21<sup>st</sup> Street, Long Island City, NY 11101.

Thank you for your consideration of this request. If agreed, please sign below and return the signed acceptance to us via email or fax. Please contact us at (718) 784-7490 if you have any questions or require additional information.

Sincerely,  
**ATHENICA ENVIRONMENTAL SERVICES, INC.**

Kenneth P. Wenz, Jr., PG, LEP  
Senior Project Manager

**By signature below, the Queens Community Board 1 accepts designation as a document repository for the 29-05 38<sup>th</sup> Avenue Site:**

**Accepted By:**

\_\_\_\_\_  
(Signature)

**Printed Name:**

\_\_\_\_\_

**Title:**

\_\_\_\_\_

**Date:**

\_\_\_\_\_

## Kenneth Wenz

---

**From:** QN01@cb.nyc.gov (CB) <qn01@cb.nyc.gov>  
**Sent:** Monday, December 14, 2020 4:34 PM  
**To:** Kenneth Wenz  
**Subject:** RE: Document Repository Request Letter for 29-05 38th Avenue, Long Island City

**Importance:** High

Hello,

RE: Athenica location located at 29-05 38<sup>th</sup> Avenue Brownfield Site

Our office is available to be your repository. The location located at 29-05 38<sup>th</sup> Avenue Brownfield site will be required to send our office a disk and drop box. Due to the pandemic if the information is requested by anyone to view we will share the drop box. We may also suggest to individuals if it may be easier for them to reach out to the library they may reach out to the Queens Library of Long Island City, 37-44 21<sup>st</sup> Street, Long Island City, NY 11101. We work with individuals to make the request an easy access. Please feel free to send your drop box to [Qn01@cb.nyc.gov](mailto:Qn01@cb.nyc.gov) and mail your disk to Community Board 1, Queens 45-02 Ditmars Blvd. Suite Lower Level 1025, Astoria NY 11105.

Be safe. Be well.

Sincerely,

Florence Koulouris, DM  
CB1, Queens  
718 626-1021

---

**From:** Kenneth Wenz <kwenz@athenica.com>  
**Sent:** Monday, December 14, 2020 10:46 AM  
**To:** QN01@cb.nyc.gov (CB) <qn01@cb.nyc.gov>  
**Subject:** Document Repository Request Letter for 29-05 38th Avenue, Long Island City

Good morning,

As discussed, Athenica is preparing an application for acceptance of the referenced Site into the New York State Brownfield Cleanup Program (BCP), as administered by the New York State Department of Environmental Conservation (NYSDEC). As part of that application, the NYSDEC requires designation of a document repository, where local residents can review plans, reports, and other documents associated with the BCP activities at the Site. We request that the Queens Community Board 1 accept the designation as document repository for this Site. We will provide all documents on compact disk and as a link with no expiration date, to allow downloading of the documents.

Attached please find a letter of agreement for Queens Community Board 1 to serve as a document repository for the 29-05 38<sup>th</sup> Avenue Brownfield site. Please sign at the bottom of the letter and return the signed letter to me.

An additional repository has been established at the Queens Library of Long Island City, 37-44 21<sup>st</sup> Street, Long Island City, NY 11101.

Please contact me if you have any questions or require any additional information.

Thank you,  
Ken Wenz

Kenneth P. Wenz Jr., PG, LEP  
Senior Project Manager



45-09 Greenpoint Avenue  
Long Island City, New York 11104  
Phone: (718) 784-7490  
Mobile: (631) 742-0638  
Fax: (718) 784-4085  
<http://athenica.com>

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