



Office of Planning and Development

New York State
Department of State
Office of Planning and Development
One Commerce Plaza
99 Washington Avenue
Albany, NY 12201-2001
(518) 474-6000
www.dos.ny.gov

The Brownfield Opportunity Area Program Determination of Conformance Application Form

Applicability/Purpose: This application should be used to request a Determination of Conformance from the Secretary of State for a project located on a real property site that is (1) enrolled in and subject to the remediation requirements of the Brownfield Cleanup Program (BCP) as determined by the Department of Environmental Conservation (DEC), and located within a designated Brownfield Opportunity Area (BOA) that has been designated by the Secretary. Eligible taxpayers of a real property site, or the agent(s) of an “eligible taxpayer”, must complete this application before applying to the New York State Department of Taxation and Finance to claim up to 5% increase of the tangible property tax credit for expenditures related to a qualified site pursuant to §21 of the New York State Tax Law.

This application may be submitted at any time after DEC has issued a BCP Final Decision Document approving a Remedial Work Plan as described in section 375-3.8(g) of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR §375-3.8(g)) for the real property site proposed for development.

Please do not complete this application if you wish to claim tax credits for expenditures related to these other components of the brownfield redevelopment tax credit: (1) site preparation and cleanup tax credit component, and (2) on-site groundwater remediation tax credit component. New York State Department of Taxation and Finance can provide more information on how to apply for these two tax credit components of the brownfield redevelopment tax credit.

Section 1: Applicant/Requestor Information

Is the Requestor the Property Owner? YES or NO

Name of Requestor: _____

Address: _____

Phone: _____

Email: _____

Name and Contact Information of Authorized Representative (if different):

Name and Contact Information of Property Owner (if different):

Section 2: Brownfield Cleanup Program (BCP) Application Information

A. BCP Project Site Number: _____.

B. Date that the DEC executed the Brownfield Cleanup Agreement (BCA) for the project: _____.

The Brownfield Opportunity Area Program Determination of Conformance Application Form

C. Provide date of the Final Decision Document: _____
 (Attach Final Decision Document for the DEC BCP site per application instructions DOS-2015-INST.)

D. Has DEC issued a Certificate of Completion (COC) for the BCP site?
 YES (If yes, date of COC: _____) or NO

Section 3: Property Information

A. Proposed Project Name: _____

B. Address/Location: _____

City/Town/Village and Zip: _____

Municipality(ies): _____

County(ies): _____

C. Size of Site to be Developed (acres): _____

D. Tax map information for all tax parcels included within the project boundaries. Attach required maps per the application instructions.

Section 4: Brownfield Opportunity Area (BOA) Information

A. Name of Designated BOA: _____

B. Municipality or municipalities, including any county, in which the BOA is located. If more than one, list all.

C. Is the proposed development located on a Strategic Site as described in the BOA Nomination document?
 YES or NO If yes, list the page(s) in the BOA Nomination where this information is referenced:

	Strategic Site Information	BOA Nomination Page(s)
1		
2		
3		
4		

The Brownfield Opportunity Area Program Determination of Conformance Application Form

Section 5: Project Information

A. Project Narrative. Describe the proposed development, including location, uses and density, site layout and relationship of development to surrounding uses. (Attach additional sheets if necessary.)

B. List of maps and documents attached to the application: (Refer to instructions DOS-2045-INST.)

Property base map

Site plan

Renderings

Other (Describe: _____)

The Brownfield Opportunity Area Program Determination of Conformance Application Form

Section 6. Project Conformance to Criteria

A. How are the uses proposed for the site consistent with the vision statement, goals and objectives for revitalization as described in the BOA plan? (Attached additional sheets if necessary.)

B. How are the density and configuration of the proposed development and associated buildings and structures consistent with the objectives, desired redevelopment, and priorities for investment as stated in the BOA plan? (Attach additional sheets if necessary.)

The Brownfield Opportunity Area Program Determination of Conformance Application Form

C. Please explain whether zoning and other land use regulations are applicable to your proposed development and if such applicable zoning or other land use regulations are set forth or proposed in the related BOA Nomination(s). How does the proposed development comply with the zoning and other land use regulations that were provided for or proposed in the BOA Nomination (if applicable)? (Attach additional sheets if necessary.)

Section 7: Municipal Notification

For each municipality receiving notification, provide contact information and date the application was sent. (Attach proof of delivery as per instructions DOS-2045-INST.)

Municipality	Mailing Address	Date Application Sent

The Brownfield Opportunity Area Program Determination of Conformance Application Form

Statement of Certification and Signatures

(By requestor who is an individual)

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 under law, which may include punishment as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Signature: _____

Print Name: _____

Date: _____

(By a requestor other than an individual)

I hereby affirm that I am _____ (title)
of _____ (entity);

that this application was prepared by me or under my supervision and direction. 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 under law, which may include punishment as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Signature: _____

Print Name: _____

Date: _____

SUBMISSION INSTRUCTIONS

Submit one (1) hard copy of this completed application form with original signatures and all required attachments. In addition, transmit one (1) complete electronic copy of the completed application with all required attachments in Portable Document Format (PDF). The hard copy documents, together with a thumb drive, compact disk (CD), or DVD containing the electronic PDF copy of the completed application, should be sent to:

Honorable Robert J. Rodriguez
Secretary of State
New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
Attn: BOA Program