



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

SUBMITTAL INSTRUCTIONS:

1. Compile the application package in the following manner:
 - a. one file in non-fillable PDF of the application form plus supplemental information, excluding any previous environmental reports and work plans, if applicable
 - b. if the application requires submittal of previous environmental reports to support the addition of new property, an affordable housing agreement to support the determination for tangible property credits in New York City, or other large files, please include each as a separate PDF.
2. Compress all files (PDFs) into one zipped/compressed folder
3. Submit the application to the Site Control Section either via email or ground mail, as described below.

Please select only ONE submittal method – do NOT submit both email and ground mail.

a. VIA EMAIL:

- Upload the compressed folder to the NYSDEC File Transfer Service (<http://fts.dec.state.ny.us/fts>) or another file-sharing service.
- Copy the download link into the body of an email with any other pertinent information or cover letter attached to the email.
- Subject line of the email: “*Amendment Application NEW - *Site Name* - *Site Code**”
- Email your submission to DESiteControl@dec.ny.gov – do NOT copy Site Control staff.

b. VIA GROUND MAIL:

- Save the application file(s) and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
- Mail the external storage device to the following address:
Chief, Site Control Section
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

SITE NAME:	318 Nevins Street
SITE CODE:	C224350



Department of
Environmental
Conservation

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

Please refer to the attached instructions for guidance on completing this application.

Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment seeks to add or subtract more than an insignificant acreage of property to the BCA, applicants are encouraged to consult with the DEC project team prior to submitting this application.

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

1. Check the appropriate box(es) below based on the nature of the amendment modification(s) requested:

☐	Amendment to modify the existing BCA (check one or more boxes below):
☐	Add applicant(s)
☐	Substitute applicant(s)
☐	Remove applicant(s)
☐	Change in name of applicant(s)
☒	Amendment to reflect a transfer of title to all or part of the brownfield site:
	a. A copy of the recorded deed must be provided. Is this attached? Yes ☒ No ☐ b. ☒ Change in ownership ☐ Additional owner (such as a beneficial owner) c. Pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been submitted prior to a transfer of ownership. If this has not yet been submitted, include the form with this application. Is this form attached? Yes ☒ No ☐ Submitted on: 10/27/2023
☐	Amendment to modify description of the property(ies) listed in the existing BCA
☐	Amendment to expand or reduce property boundaries of the property(ies) listed in the existing BCA
☐	Sites in Bronx, Kings, New York, Queens or Richmond Counties ONLY: amendment to request determination that the site is eligible for tangible property credit component of the brownfield redevelopment tax credit.
☐	Other (explain in detail below)

2. REQUIRED: Please provide a brief narrative describing the specific requests included in this amendment: The purpose of this BCA Amendment No. 2 application is to reflect a transfer of title to the BCP Site as of June 10, 2024. The former owner, "Gowanus 300 Nevins Street LLC" (a Volunteer), transferred fee title to current Lot 1 to "Gowanus Nevins North LLC" and to current Lot 10 to "Gowanus Nevins South LLC." Both new owners are existing Volunteers, per DEC-approved BCA Amendment No. 1, dated March 5, 2024. See Exhibit A for all supporting documents.

SECTION I: CURRENT AGREEMENT INFORMATION*This section must be completed in full. Attach additional pages as necessary.*

BCP SITE NAME: 318 Nevins Street	BCP SITE CODE: C224350
NAME OF CURRENT APPLICANT(S): Gowanus 300 Nevins Street LLC; Gowanus Nevins North LLC; Gowanus Nevins South LLC	
INDEX NUMBER OF AGREEMENT: C224350-03-22	DATE OF ORIGINAL AGREEMENT: 04/29/2022

SECTION II: NEW REQUESTOR INFORMATION*Complete this section only if adding new requestor(s) or the name of an existing requestor has changed.*

NAME:			
ADDRESS:			
CITY/TOWN:			ZIP CODE:
PHONE:	EMAIL:		
REQUESTOR CONTACT:			
ADDRESS:			
CITY/TOWN:			ZIP CODE:
PHONE:	EMAIL:		
REQUESTOR'S CONSULTANT:		CONTACT:	
ADDRESS:			
CITY/TOWN:			ZIP CODE:
PHONE:	EMAIL:		
REQUESTOR'S ATTORNEY:		CONTACT:	
ADDRESS:			
CITY/TOWN:			ZIP CODE:
PHONE:	EMAIL:		
			Y
			N
1. Is the requestor authorized to conduct business in New York State?			☐
2. If the requestor is a corporation, LLC, LLP, or other entity requiring authorization from the NYS Department of State (NYSDOS) to conduct business in NYS, the requestor's name must appear exactly as given above in the NYSDOS Corporation & Business Entity Database. A print-out of entity information from the NYSDOS database must be submitted with this application. Is this print-out attached?			☐
3. Requestor must submit proof that the party signing this application and amendment has the authority to bind the requestor. This would be documentation showing the authority to bind the requestor in the form of corporate organizational papers, a Corporate Resolution or an Operating Agreement or Resolution for an LLC. Is this proof attached?			☐
4. If the requestor is an LLC, the names of the members/owners must be provided. Is this information attached?			☐
			☐
5. Describe the new requestor's relationship to all existing applicants:			

SECTION III: CURRENT PROPERTY OWNER/OPERATOR INFORMATION*Complete this section only if a transfer of ownership has taken place. Attach additional pages if necessary.*

Owner listed below is: ☒ Existing Applicant		☐ New Applicant	☐ Non-Applicant
OWNER'S NAME: Gowanus Nevins North LLC [Lot 1]		CONTACT: Phil Caporaso	
ADDRESS: 19 West 24th Street, 12th Floor			
CITY/TOWN: New York, NY		ZIP CODE: 10010	
PHONE: (212) 518-4942	EMAIL: pcaporaso@tavroscapital.com		
OPERATOR:		CONTACT:	
ADDRESS:			
CITY/TOWN:		ZIP CODE:	
PHONE:	EMAIL:		

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION*Complete this section only if adding new requestor(s). Attach additional pages if necessary.*

If answering "yes" to any of the following questions, please provide additional information as an attachment. Please refer to ECL § 27-1407 for details.

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	☐	☐
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site?	☐	☐
3. Is the requestor subject to an outstanding claim by the Spill Fund for the site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	☐	☐
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the subject law; (ii) any order or determination; (iii) any regulation implementing ECL Article 27 Title 14; or (iv) any similar statute or regulation of the state or federal government? If so, provide additional information as an attachment.	☐	☐
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as site name, address, DEC site number, reason for denial, and any other relevant information.	☐	☐
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 or contaminants?	☐	☐
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?	☐	☐
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department?	☐	☐

SECTION III: CURRENT PROPERTY OWNER/OPERATOR INFORMATION*Complete this section only if a transfer of ownership has taken place. Attach additional pages if necessary.*

Owner listed below is: ☒ Existing Applicant		☐ New Applicant	☐ Non-Applicant
OWNER'S NAME: Gowanus Nevins South LLC [Lot 10]		CONTACT: Phil Caporaso	
ADDRESS: 19 West 24th Street, 12th Floor			
CITY/TOWN: New York, NY		ZIP CODE: 10010	
PHONE: (212) 518-4942	EMAIL: pcaporaso@tavroscapital.com		
OPERATOR:		CONTACT:	
ADDRESS:			
CITY/TOWN:		ZIP CODE:	
PHONE:	EMAIL:		

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION*Complete this section only if adding new requestor(s). Attach additional pages if necessary.*

If answering "yes" to any of the following questions, please provide additional information as an attachment. Please refer to ECL § 27-1407 for details.

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	☐	☐
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site?	☐	☐
3. Is the requestor subject to an outstanding claim by the Spill Fund for the site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	☐	☐
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the subject law; (ii) any order or determination; (iii) any regulation implementing ECL Article 27 Title 14; or (iv) any similar statute or regulation of the state or federal government? If so, provide additional information as an attachment.	☐	☐
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as site name, address, DEC site number, reason for denial, and any other relevant information.	☐	☐
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 or contaminants?	☐	☐
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?	☐	☐
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department?	☐	☐

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION (continued)		Y	N
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?	☐	☐	☐
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?	☐	☐	☐
11. Are there any unregistered bulk storage tanks on-site which require registration?	☐	☐	☐
12. THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:			
☐ PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of contamination or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of contamination.	☐ VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of a 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 they have 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's liability arises solely as a result of ownership, operation of or involvement with the site, they must submit a statement describing why they should be considered a volunteer – be specific as to the appropriate care taken.		
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?	N/A ☐	Y ☐	N ☐
14. Requestor's relationship to the property (check all that apply): ☐ Prior Owner ☐ Current Owner ☐ Potential/Future Purchaser ☐ Other: _____			
15. If the 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 being added to the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached?	N/A ☐	Y ☐	N ☐

SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES

Complete this section only if property is being added to or removed from the site, a lot merger or other change to site SBL(s) has occurred, or if modifying the site address for any reason.

1. Property information on current agreement (as modified by any previous amendments, if applicable):

ADDRESS:

CITY/TOWN

ZIP CODE:

CURRENT PROPERTY INFORMATION

TOTAL ACREAGE OF CURRENT SITE:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

2. Requested change (check appropriate boxes below):

☐

a. Addition of property (may require additional citizen participation depending on the nature of the expansion – see instructions)

PARCELS ADDED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

TOTAL ACREAGE TO BE ADDED: _____

☐

b. Reduction of property

PARCELS REMOVED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

TOTAL ACREAGE TO BE REMOVED: _____

☐

c. Change to SBL (e.g., lot merge, subdivision, address change)

NEW PROPERTY INFORMATION:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

3. TOTAL REVISED SITE ACREAGE: _____

4. For all changes requested in this section, documentation must be provided. Required attachments are listed in the application instructions. Is the required documentation attached?

Y

☐

N

☐

**APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT SUPPLEMENT
QUESTIONS FOR SITE SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY**

Complete this section only if the site is located within the five counties comprising New York City and the requestor is seeking a determination of eligibility for tangible property credits. Provide supporting documentation as required. Refer to the application instructions for additional information.

	Y	N
1. Is the site located in Bronx, Kings, New York, Queens or Richmond County?	☐	☐
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	☐	☐
3. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website for more information.	☐	☐
4. Is the property upside down as defined below?	☐	☐
From ECL 27-1405(31): "Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.		
5. Is the project and affordable housing project as defined below?	☐	☐
From 6 NYCRR 375-3.2(a) as of August 12, 2016: (a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty-seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units. (1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' household's annual gross income. (2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for homeowners at a defined maximum percentage of the area median income. (3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States Department of Housing and Urban Development, or its successor, for a family of four, as adjusted for family size.		

APPLICATION SUPPLEMENT FOR NYC SITES (continued)	Y	N
6. Is the project a planned renewable energy facility site as defined below? From ECL 27-1405(33) as of April 9, 2022: "Renewable energy facility site" shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system. From Public Service Law Article 4 Section 66-p as of April 23, 2021: (b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.	☐	☐
7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and meets the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law? From ECL 75-0111 as of April 9, 2022: (5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.	☐	☐

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT**EXISTING AGREEMENT INFORMATION**

BCP SITE NAME: 318 Nevins Street

BCP SITE CODE: C224350

NAME OF CURRENT APPLICANT(S): Gowanus 300 Nevins Street LLC; Gowanus Nevins North LLC; Gowanus Nevins South LLC

INDEX NUMBER OF AGREEMENT: C224350-03-22

DATE OF ORIGINAL AGREEMENT 04/29/2022

Declaration of Amendment:

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

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

STATEMENT OF CERTIFICATION AND SIGNATURES: NEW REQUESTOR

Complete the appropriate section (individual or entity) below only if this Amendment adds a new requestor. Attach additional pages as needed.

(Individual)

I hereby affirm that the information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am _____ (title) of _____ (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

_____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____

Print Name: _____

STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S)

An authorized representative of each applicant must complete and sign the appropriate section (individual or entity) below. Attach additional pages as needed.

(Individual)

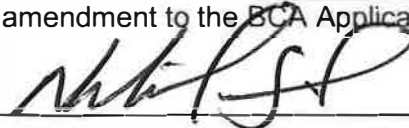
I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application,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

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am the Authorized Signatory (title) of Gowanus 300 Nevins Street LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. Nicholas Silvers' signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 7/2/24 Signature: Print Name: Nicholas Silvers / Gowanus 300 Nevins Street LLC**PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS****REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

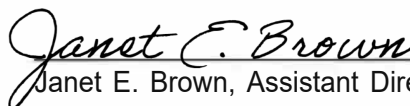
☐ PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of contamination or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of contamination.	☒ VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.
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Effective Date of the Original Agreement: 04/29/2022

Signature by the Department:

DATED: 8/20/24NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:



Janet E. Brown, Assistant Director
Division of Environmental Remediation

STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S)

An authorized representative of each applicant must complete and sign the appropriate section (individual or entity) below. Attach additional pages as needed.

(Individual)

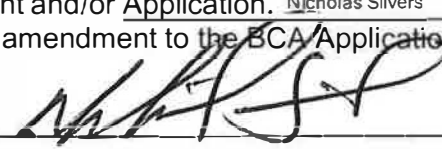
I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application,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

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am the Authorized Signatory (title) of Gowanus Nevins North LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. Nicholas Silvers' signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 7/2/24 Signature: Print Name: Nicholas Silvers / Gowanus Nevins North LLC**PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS****REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

**PARTICIPANT**

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

**VOLUNTEER**

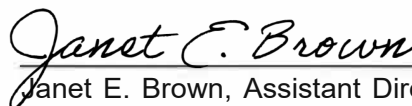
A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.

Effective Date of the Original Agreement: 04/29/2022

Signature by the Department:

DATED: 8/20/24NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:



Janet E. Brown, Assistant Director
Division of Environmental Remediation

STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S)

An authorized representative of each applicant must complete and sign the appropriate section (individual or entity) below. Attach additional pages as needed.

(Individual)

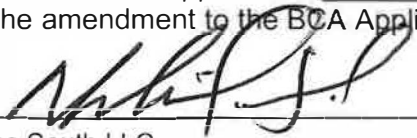
I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application,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

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am the Authorized Signatory (title) of Gowanus Nevins South LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. Nicholas Silvers' signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 7/24/24 Signature: Print Name: Nicholas Silvers / Gowanus Nevins South LLC

PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

☐ PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of contamination or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of contamination.	☒ VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.
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Effective Date of the Original Agreement: 04/29/2022

Signature by the Department:

DATED: 8/20/24NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

Janet E. Brown, Assistant Director
Division of Environmental Remediation

INSTRUCTIONS FOR COMPLETING AN APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

This form must be used to add or remove a party, reflect a change in property ownership to all or part of the site, modify a property description, or reduce/expand property boundaries for an existing BCP Agreement.

NOTE: DEC requires a standard full BCP application to request major changes to the description of the property set forth in the 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). The application must be submitted to DEC in the same manner as the original application to participate.

COVER PAGE

Please select all options that apply. Provide a brief narrative of the nature of the amendment requested.

SECTION I: CURRENT AGREEMENT INFORMATION

This section must be completed in its entirety. The information entered here will auto-populate throughout the application and amendment.

Provide the site name, site code and name(s) of current requestor(s) exactly as this information appears on the existing agreement. This should reflect any changes made by previous amendments to the site name or parties on the BCA. Provide the agreement index number and the date of the initial BCA.

SECTION II: NEW REQUESTOR INFORMATION

This section is to be completed only if a new requestor is being added to the BCA, or if the name of the existing requestor has changed with the NYSDOS.

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.) 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 above, in the NYS Department of State's Corporation & Business Entity Database.

Requestor, Consultant and Attorney Contact Information

Provide the contact name, mailing address, telephone number and e-mail address for each of the following contacts:

Requestor's 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 unless another contact name and address is provided with the application.

Requestor's Consultant: Include the name of the consulting firm and the contact person.

Requestor's Attorney: Include the name of the law firm and the contact person.

Required Attachments for Section II:

- 1. NYSDOS Information: A print-out of entity information from the NYSDOS database to document that the applicant is authorized to do business in NYS. The requestor's name must appear throughout the application exactly as it does in the database.*
- 2. LLC Organization: If the requestor is an LLC, provide a list of the names of the members/owners of the LLC.*
- 3. Authority to Bind: Proof must be included that shows that the party signing this application and amendment is authorized to do so on behalf of the requestor. This documentation may be in the form of corporate organizational papers, a Corporate Resolution or Operating Agreement or Resolution.*

SECTION III: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Complete this section only if a transfer of ownership has taken place for all or part of the site property. Attach additional pages for each new owner if applicable.

Provide the relationship of the owner to the site by selecting one of the check-box options.

Owner Name, Address, etc.

Provide information for the new owner of the property. List all new parties holding an interest in the property. Attach separate pages as needed.

Operator Name, Address, etc.

Provide information for the new operator, if applicable.

NOTE: Pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been submitted prior to a transfer of ownership. If this form was not previously submitted, it must be included with this application. See <http://www.dec.ny.gov/chemical/76250.html> for additional information.

Required Attachments for Section III:

- 1. Copy of deed as proof of ownership.*
- 2. Ownership/Nominee Agreement, if applicable.*
- 3. Change of Use form, if not previously submitted to the Department.*

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION

For additional information regarding requestor eligibility, please refer to ECL §27-1407.

Provide a response to each question listed. If any question is answered in the affirmative, provide an attachment with detailed relevant information. It is permissible to reference specific sections of existing property reports; however, such information must be summarized in an attachment. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

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.

If the 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. A purchase contract does not suffice as proof of access.

Required Attachments for Section IV:

- 1. Detailed information regarding any questions answered in the affirmation, if applicable.*
- 2. Statement describing why the requestor should be considered a volunteer, if applicable.*
- 3. Site access agreement, as described above, if applicable.*

SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES

NOTE: DEC requires a standard full BCP application to request major changes to the description of the property set forth in the 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). The application must be submitted to DEC in the same manner as the original application to participate.

Property Information on Existing Agreement

Provide the site address and tax parcel information exactly as it appears on the current agreement (including as it has been modified in previous amendments).

Addition of Property

Provide the tax parcel information and acreage for each parcel to be added. Provide the total acreage to be added below the far-right column.

Reduction of Property

Provide the tax parcel information and acreage for each parcel to be removed. Provide the total acreage to be removed below the far-right column.

Change to address, SBL or metes and bounds description

Provide the new address and tax parcel information.

Total Revised Site Acreage

Provide the new total site acreage after addition or removal of property. If no change to site boundary, this should match the acreage provided above, under Property Information on Existing Agreement.

All requested changes to this section should be accompanied by a revised survey or other acceptable map depicting the proposed new site boundary. Additionally, provide a county tax map with the site boundary outlined, as well as a USGS 7.5-minute quadrangle map with the site location clearly identified.

Required Attachments for Section V:

1. *For all additions and removal of property:*
 - a. *Site map clearly identifying the existing site boundary and proposed new site boundary*
 - b. *County tax map with the new site boundary clearly identified*
 - c. *USGS 7.5-minute quadrangle map with the site location clearly identified*
2. *For address changes, lot mergers, subdivisions and any other change to the property description:*
 - a. *County tax map with the site boundary and all SBL information clearly identified*
 - b. *USGS 7.5-minute quadrangle map with the site location clearly identified*
 - c. *Approved application for lot merger or apportionment, or the equivalent thereof, as proof from the municipality of the SBL change(s)*

SUPPLEMENT TO THE APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT – QUESTIONS FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY

Complete this section only if the site is located within the five counties comprising New York City and the requestor is seeking a determination of eligibility for tangible property credits.

Provide responses to each question. If any question is answered in the affirmative, provide required documentation as applicable.

Required Attachments for NYC Site Supplement:

- 1. For sites located all or partially in an En-zone: provide a map with the site boundary clearly identified and the En-zone overlay showing that all or a portion of the site is located within an En-zone. This map must also indicate the census tract number in which the site is located. See [DEC's website](#) for additional information.*
- 2. For affordable housing projects: provide the affordable housing regulatory agreement and any additional relevant information.*
- 3. For renewable energy site projects: for (a) planned renewable energy facilities generating/storing less than twenty-five (25) megawatts, provide a local land use approval; or, for (b) planned renewable energy facilities generating/storing twenty-five (25) megawatts or greater, provide the permit issued by the NYS Office of Renewable Energy Siting.*
- 4. For sites located within a disadvantaged community and a conforming Brownfield Opportunity Area: provide a map with the site boundary clearly identified and the disadvantaged community overlay showing that the site is located within a disadvantaged community.*

PART II: BROWNFIELD CLEANUP PROGRAM AMENDMENT

The information in the “EXISTING AGREEMENT INFORMATION” section should auto-populate with the information provided on page 2.

If a new requestor is applying to enter the program, provide the required information and signature at the bottom of page 8 and the required information and signature on page 9.

If no new requestor is applying to the program but any other change has been made, provide the required information and signature on page 9.

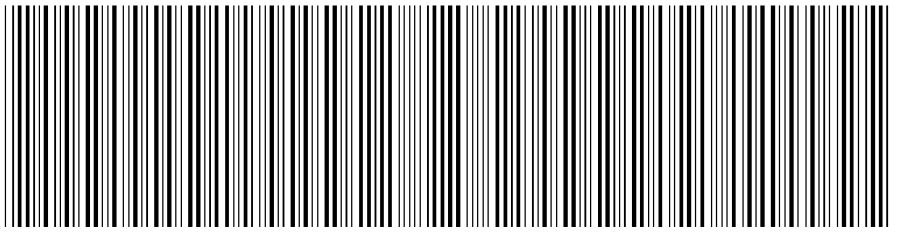
Exhibit A to BCA Amendment No. 2:

Recorded Lot 1 and Lot 10 Deeds

Previously Submitted COU

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



2024061400373010002ED687

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 5

Document ID: 2024061400373010

Document Date: 06-10-2024

Preparation Date: 06-14-2024

Document Type: DEED

Document Page Count: 4

PRESENTER:

STEWART TITLE INSURANCE COMPANY (PICK-UP)
140 EAST 45TH STREET - 33RD FLOOR
NY11707/NY11081
NEW YORK, NY 10017
646-559-7039
MARGUERITE.FRANCIS@STEWART.COM

RETURN TO:

STEWART TITLE INSURANCE COMPANY
140 EAST 45TH STREET - 33RD FLOOR
NEW YORK, NY 10017

Borough	Block	Lot	Unit	Address
BROOKLYN	439	1	Entire Lot	498 UNION STREET
Property Type: NON-RESIDENTIAL VACANT LAND				

CROSS REFERENCE DATA

CRFN _____ or DocumentID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

GRANTOR/SELLER:

GOWANUS 300 NEVINS STREET LLC
C/O: TAVROS HOLDINGS LLC, 19 WEST 24TH
STREET, 12TH FLOOR
NEW YORK, NY 10010

GRANTEE/BUYER:

GOWANUS NEVINS NORTH LLC
C/O: TAVROS HOLDINGS LLC, 19 WEST 24TH
STREET, 12TH FLOOR
NEW YORK, NY 10010

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: \$ 57.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 250.00

NYC Real Property Transfer Tax:

\$ 0.00

NYS Real Estate Transfer Tax:

\$ 0.00

RECORDED OR FILED IN THE OFFICE
OF THE CITY REGISTER OF THE

CITY OF NEW YORK

Recorded/Filed 06-24-2024 17:34

City Register File No.(CRFN):

2024000159730



Colette McChia-Jacques

City Register Official Signature

NY 11707
NY 11081

④

Bargain and Sale Deed, with Covenants against Grantor's Acts

my THIS INDENTURE, made ^{as of} the 10th day of June, 2024

BETWEEN

Gowanus 300 Nevins Street LLC, a Delaware limited liability company, with an address at c/o Tavros Holdings LLC, 19 West 24th Street, 12th Floor, New York, New York 10010, party of the first part, and

Gowanus Nevins North LLC, a Delaware limited liability company, with an address at c/o Tavros Holdings LLC, 19 West 24th Street, 12th Floor, New York, New York 10010, party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration 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,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being:

ALL that certain plot, piece or parcel of land situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northwesterly side of Nevins Street with the southwesterly side of Union Street;

RUNNING THENCE northwesterly along southwesterly side of Union Street forming interior angle of 89 degrees 47 minutes 45 seconds for a distance of 225 feet 0 inches to southeasterly side of Gowanus Canal;

RUNNING THENCE southwesterly along southeasterly side of Gowanus Canal forming an interior angle of 90 degrees 12 minutes 15 seconds with the last course for a distance of 225 feet 0 inches;

RUNNING THENCE southeasterly forming an interior angle of 89 degrees 47 minutes 45 seconds with the last course for a distance of 225 feet 0 inches to a point on northwesterly side of Nevins Street; and

RUNNING THENCE northeasterly along northwesterly side of Nevins Street forming an interior angle of 90 degrees 12 minutes 15 seconds with the last course for a distance of 225 feet 0 inches to the point or place of BEGINNING.

TOGETHER WITH all rights, title and interest that benefit the subject property as set forth in that certain (i) Zoning Lot Development and Easement Agreement by and between Gowanus Nevins North LLC, a Delaware limited liability company, and Gowanus Nevins South LLC, a Delaware limited liability company, to be recorded in the Office of the City Register of New York, (ii) Light and Air Easement Agreement by and between Gowanus Nevins North LLC, a Delaware limited liability company, and Gowanus Nevins South LLC, a Delaware limited liability company, to be recorded in the Office of the City Register of New York, and (iii) Off-Site Parking Restrictive Declaration by Gowanus Union Street LLC, a Delaware limited liability company, to be recorded in the Office of the City Register of New York.

TOGETHER WITH easements for access and temporary construction granted by virtue of that certain Property Owners Agreement made between Gowanus Nevins South LLC and Gowanus Nevins North LLC and evidenced by that certain Memorandum of Agreement made between Gowanus Nevins South LLC and Gowanus Nevins North LLC, to be recorded in the Office of the City Register of New York.

Premises (For Information Only):

Kings

2

439

Lot 1 (formerly p/o old lot 1)

498 Union Street (Nevins North)

Brooklyn, New York

TOGETHER with all right, title and interest, if any, of the party of the first part, in and to any streets and roads 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 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" whenever 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

Grantor:
Gowanus 300 Nevins Street LLC,
a Delaware limited liability company

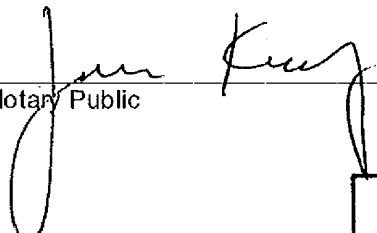


Name: Nicholas Silvers
Title: Authorized Signatory

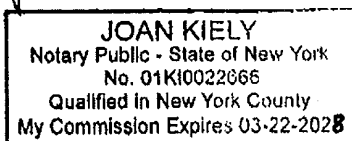
Acknowledgment Taken Within New York State (RPL 309(a))

State of New York :
: ss.:
County of New York :

On the 3 day of June in the year 2024 before me, the undersigned, personally appeared Nicholas Silvers, 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.



Notary Public



**BARGAIN AND SALE DEED WITH
COVENANTS**

Title # NY11707

Grantor:

Gowanus 300 Nevins Street LLC, a Delaware
limited liability company

TO

Grantee:

Gowanus Nevins North LLC, a Delaware limited
liability company

ADDRESS: 498 Union Street Brooklyn

SECTION: 2

BLOCK: 439

LOT: 1

COUNTY: Kings

Record and Return to:

ALEXANDRA E. HIRN

Vice President

Senior Underwriting Counsel

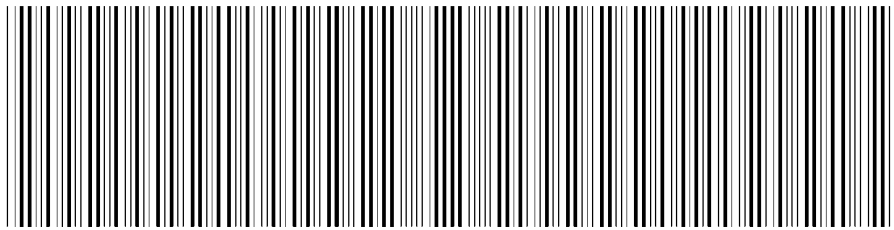
Commercial Services – Title Associates

Stewart Title Insurance Company

140 East 45th Street, Floor 33

New York, NY 10017

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2024061400373010002S1806

SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

Document ID: 2024061400373010
Document Type: DEED

Document Date: 06-10-2024

Preparation Date: 06-14-2024

ASSOCIATED TAX FORM ID: 2024051000291

SUPPORTING DOCUMENTS SUBMITTED:

Page Count
2

RP - 5217 REAL PROPERTY TRANSFER REPORT

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

C3. Book OR C4. Page

C5. CRFN



RP - 5217NYC

1. Property Location	498	UNION STREET	BROOKLYN	11215
	STREET NUMBER	STREET NAME	BOROUGH	ZIP CODE

2. Buyer Name	GOWANUS NEVINS NORTH LLC	
	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	GOWANUS 300 NEVINS STREET 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

10. Sale Contract Date 6 / 10 / 2024
Month Day Year

11. Date of Sale / Transfer 6 / 10 / 2024
Month Day Year

12. Full Sale Price \$

(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

15. Building Class V 1

16. Total Assessed Value (of all parcels in transfer) 1 7 5 9 5 0 0

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

BROOKLYN 439 1

CERTIFICATION

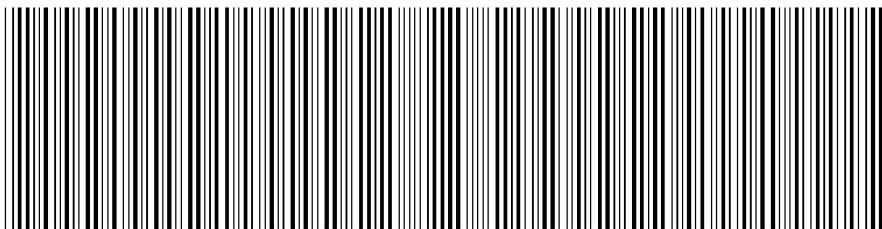
I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filling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

BUYER			BUYER'S ATTORNEY	
BUYER SIGNATURE <i>Nicholas Silvers</i>		DATE	LAST NAME	FIRST NAME
C/O: TAVROS HOLDINGS LLC 19 WEST 24TH STREET, 12TH FLOOR				
STREET NUMBER	STREET NAME (AFTER SAVE)		AREA CODE	TELEPHONE NUMBER
NEW YORK				
CITY OR TOWN	STATE	ZIP CODE	SELLER	
	NY	10010	SELLER SIGNATURE <i>Nicholas Silvers</i>	
			DATE	

Nicholas Silvers
Authorized Signatory

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



2024061400373011003E86BB

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 5

Document ID: 2024061400373011

Document Date: 06-10-2024

Preparation Date: 06-14-2024

Document Type: DEED

Document Page Count: 4

PRESENTER:

STEWART TITLE INSURANCE COMPANY (PICK-UP)
140 EAST 45TH STREET - 33RD FLOOR
NY11707/NY11081
NEW YORK, NY 10017
646-559-7039
MARGUERITE.FRANCIS@STEWART.COM

RETURN TO:

STEWART TITLE INSURANCE COMPANY
140 EAST 45TH STREET - 33RD FLOOR
NEW YORK, NY 10017

Borough	Block	Lot	Unit	Address
BROOKLYN	439	10	Entire Lot	N/A NEVINS STREET
Property Type: NON-RESIDENTIAL VACANT LAND				

CROSS REFERENCE DATA

CRFN _____ or DocumentID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

GRANTOR/SELLER:

GOWANUS 300 NEVINS STREET LLC
C/O: TAVROS HOLDINGS LLC, 19 WEST 24TH
STREET, 12TH FLOOR
NEW YORK, NY 10010

GRANTEE/BUYER:

GOWANUS NEVINS SOUTH LLC
C/O: TAVROS HOLDINGS LLC, 19 WEST 24TH
STREET, 12TH FLOOR
NEW YORK, NY 10010

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: \$ 57.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 250.00

NYC Real Property Transfer Tax:

\$ 0.00

NYS Real Estate Transfer Tax:

\$ 0.00

RECORDED OR FILED IN THE OFFICE
OF THE CITY REGISTER OF THE

CITY OF NEW YORK

Recorded/Filed 06-24-2024 17:34

City Register File No.(CRFN):

2024000159731



Colette McChia-Jacques

City Register Official Signature

NY11707
NY11081

(4)

Bargain and Sale Deed, with Covenants against Grantor's Acts

as of
THIS INDENTURE, made the 10th day of June, 2024

BETWEEN

Gowanus 300 Nevins Street LLC, a Delaware limited liability company, with an address at c/o Tavros Holdings LLC, 19 West 24th Street, 12th Floor, New York, New York 10010, party of the first part, and

Gowanus Nevins South LLC, a Delaware limited liability company, with an address at c/o Tavros Holdings LLC, 19 West 24th Street, 12th Floor, New York, New York 10010, party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration 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,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being:

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the westerly side of Nevins Street with the northerly side of Carroll Street;

RUNNING THENCE, westerly along the northerly side of Carroll Street to the easterly side of Gowanus Canal, 216 feet 4-3/4 inches;

THENCE, northerly along a line forming an interior angle 113 degrees 00 minutes 16 seconds with the northerly side of Carroll Street and along the easterly side of Gowanus Canal, 21 feet 10 inches;

THENCE, northerly along a line forming an interior angle 156 degrees 47 minutes 29 seconds with the last-mentioned course and along the easterly side of Gowanus Canal, 204 feet 10-3/4 inches;

THENCE, easterly along a line forming an interior angle 90 degrees 12 minutes 15 seconds with the easterly side of Gowanus Canal to the westerly side of Nevins Street, 225 feet;

THENCE, southerly along a line forming an interior angle 89 degrees 47 minutes 45 seconds with the last-mentioned course and along the westerly side of Nevins Street, 225 feet to the point or place of **BEGINNING**.

TOGETHER WITH all rights, title and interest that benefit the subject property as set forth in that certain (i) Zoning Lot Development and Easement Agreement by and between Gowanus Nevins North LLC, a Delaware limited liability company, and Gowanus Nevins South LLC, a Delaware limited liability company, to be recorded in the Office of the City Register of New York, (ii) Light and Air Easement Agreement by and between Gowanus Nevins North LLC, a Delaware limited liability company, and Gowanus Nevins South LLC, a Delaware limited liability company, to be recorded in the Office of the City Register of New York, (iii) Off-Site Parking Restrictive Declaration by Gowanus Union Street LLC, a Delaware limited liability company, to be recorded in the Office of the City Register of New York and (iv) Off-Site Parking Restrictive Declaration by Gowanus Douglass Street LLC, a Delaware limited liability company, to be recorded in the Office of the City Register of New York.

TOGETHER WITH easements for access and temporary construction granted by virtue of that certain Property Owners Agreement made between Gowanus Nevins South LLC and Gowanus Nevins North LLC and evidenced by that certain Memorandum of Agreement made between Gowanus Nevins South LLC and Gowanus Nevins North LLC, to be recorded in the Office of the City Register of New York.

Premises (For Information Only):

County: Kings
Section: 2
Block: 439
Lot: 10 (formerly p/o Old Lot 1)
Address: 417 Carroll Street (Nevins South)
Brooklyn, New York

TOGETHER with all right, title and interest, if any, of the party of the first part, in and to any streets and roads 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 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" whenever 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

Grantor:
Gowanus 300 Nevins Street LLC,
a Delaware limited liability company

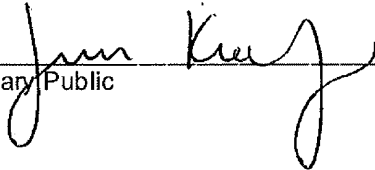


Name: Nicholas Silvers
Title: Authorized Signatory

Acknowledgment Taken Within New York State (RPL 309(a))

State of New York :
: ss.:
County of New York :

On the 3 day of June in the year 2024 before me, the undersigned, personally appeared Nicholas Silvers, 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.



Notary Public



**BARGAIN AND SALE DEED WITH
COVENANTS**

Title # NY11081

Grantor:

Gowanus 300 Nevins Street LLC, a Delaware
limited liability company

TO

Grantee:

Gowanus Nevins South LLC, a Delaware
limited liability company

ADDRESS: 417 Carroll Street, Brooklyn

SECTION: 2

BLOCK: 439

LOT: 10

COUNTY: Kings

Record and Return to:

ALEXANDRA E. HIRN

Vice President

Senior Underwriting Counsel

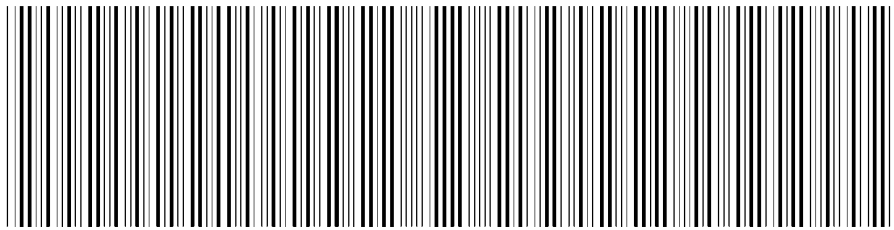
Commercial Services – Title Associates

Stewart Title Insurance Company

140 East 45th Street, Floor 33

New York, NY 10017

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



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SUPPORTING DOCUMENT COVER PAGE

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Document Type: DEED

ASSOCIATED TAX FORM ID: 2024051000272

SUPPORTING DOCUMENTS SUBMITTED:

Page Count
2

RP - 5217 REAL PROPERTY TRANSFER REPORT

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 N/A NEVINS STREET BROOKLYN 11215
 STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name GOWANUS NEVINS SOUTH LLC
 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 X OR ACRES
 FRONT FEET DEPTH

Check the boxes below as they apply:

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

8. Seller Name GOWANUS 300 NEVINS STREET 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 6 / 10 / 2024
 Month Day Year

11. Date of Sale / Transfer 6 / 10 / 2024
 Month Day Year

12. Full Sale Price \$ 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 V, 1 16. Total Assessed Value (of all parcels in transfer) 0

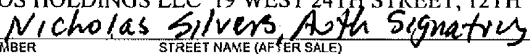
17. Borough, Block and Lot / Roll Identifier(s) (If more than three, attach sheet with additional identifier(s))

BROOKLYN 439 10

202405100027220106

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		
C/O: TAVROS HOLDINGS LLC 19 WEST 24TH STREET, 12TH FLOOR 						AREA CODE		TELEPHONE NUMBER		
STREET NUMBER			STREET NAME (AFTER SALE)			SELLER				
NEW YORK			NY		10010				DATE	
CITY OR TOWN			STATE		ZIP CODE		SELLER SIGNATURE			
						Nicholas Silvers Authorized Signatory				

SIVE | PAGET | RIESEL

KEVIN A. ROGERS
DIRECT DIAL: 646.378.7275
KROGERS@SPRLAW.COM

June 12, 2024

VIA EMAIL

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

**Re: Brownfield Cleanup Program
318 Nevins Street, Site No. C224350
Post-Transfer Notification**

Dear Ms. Lewandowski:

We are writing to confirm the transfer of title for the above-referenced BCP Site on June 10, 2024. The Certificate of Completion has not yet been obtained, so it was not transferred in this transaction. The contact information for the new fee owners of the Site are as follows:

Gowanus Nevins North LLC [*with respect to current Lot 1*]

Attn: Phil Caporaso
19 West 24th Street, 12th Floor
New York, NY 10011
Phone: 212-518-4941
Email: pcaporaso@tavroscapital.com

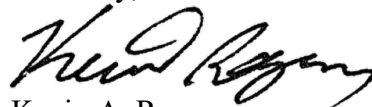
Gowanus Nevins South LLC [*with respect to current Lot 10*]

Attn: Phil Caporaso
19 West 24th Street, 12th Floor
New York, NY 10011
Phone: 212-518-4941
Email: pcaporaso@tavroscapital.com

A copy of the previously submitted Change of Use form is enclosed. A BCA Amendment application to reflect the change in site ownership will be forthcoming.

Please do not hesitate to contact me if there are any questions or concerns.

Sincerely,


Kevin A. Rogers

Chief, Site Control Section

June 12, 2024

Page 2 of 2

Enclosure: 60-Day Advance Notification of Site Change of Use, Transfer of Certificate of Completion, and/or Ownership for 318 Nevins Street, Site No. C224350

**60-Day Advance Notification of Site Change of Use, Transfer of
Certificate of Completion, and/or Ownership**

Required by 6NYCRR Part 375-1.11(d) and 375-1.9(f)

To be submitted at least 60 days prior to change of use to:

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

I. Site Name: 318 Nevins Street **DEC Site ID No.** C224350

II. Contact Information of Person Submitting Notification:

Name: Kevin Rogers - Sive, Paget & Riesel, P.C.
Address1: 560 Lexington Avenue, 15th Floor
Address2: New York, NY 10022
Phone: (646) 378-7275 E-mail: krogers@sprlaw.com

III. Type of Change and Date: Indicate the Type of Change(s) (check all that apply):

- ☒ Change in Ownership or Change in Remedial Party(ies)
☐ Transfer of Certificate of Completion (CoC)
☐ Other (e.g., any physical alteration or other change of use)

Proposed Date of Change (mm/dd/yyyy): 11/15/2023

IV. Description: Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

For an internal restructuring slated to close on or around 11/15/2023: (i) two new, to-be-formed entities will be added to the BCA as additional Remedial Parties/Volunteers while retaining the existing Volunteer ("Gowanus 300 Nevins Street LLC"); and (ii) the current Volunteer and site owner will transfer title to these two new entities following a lot split. The proposed new Volunteers/site owners will be affiliates of and within the same organizational family as the existing Volunteer. A BCA Amendment(s) will be forthcoming.

If "Other," the description must explain and advise the Department how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

- V. **Certification Statement:** Where the change of use results in a change in ownership or in responsibility for the proposed, ongoing, or completed remedial program for the site, the following certification must be completed (by owner or designated representative; see §375-1.11(d)(3)(i)):

I hereby certify that the prospective purchaser and/or remedial party has been provided a copy of any order, agreement, Site Management Plan, or State Assistance Contract regarding the Site's remedial program as well as a copy of all approved remedial work plans and reports.

Name: _____

(Signature)

10/27/23

(Date)

Nicholas Silvers

(Print Name)

Address1: 19 West 24th Street, 12th Floor

Address2: New York, NY 10010

Phone: 212-518-4942

E-mail: pcaporaso@tavroscapital.com

- VI. **Contact Information for New Owner, Remedial Party, or CoC Holder:** If the site will be sold or there will be a new remedial party, identify the prospective owner(s) or party(ies) along with contact information. If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/ECs), indicate who will be the certifying party (attach additional sheets if needed).

☒ Prospective Owner ☒ Prospective Remedial Party ☐ Prospective Owner Representative

Name: [TO-BE-FORMED ENTITY #1 PLACEHOLDER NAME]

Address1: 19 West 24th Street, 12th Floor

Address2: New York, NY 10010

Phone: 212-518-4942

E-mail: pcaporaso@tavroscapital.com

Certifying Party Name: Nicholas Silvers

Address1: 19 West 24th Street, 12th Floor

Address2: New York, NY 10010

Phone: 212-518-4942

E-mail: pcaporaso@tavroscapital.com

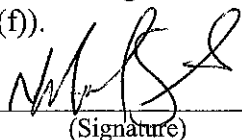
VII. Agreement to Notify DEC after Transfer: If Section VI applies, and all or part of the site will be sold, a letter to notify the DEC of the completion of the transfer must be provided. If the current owner is also the holder of the CoC for the site, the CoC should be transferred to the new owner using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>. This form has its own filing requirements (see 6NYCRR Part 375-1.9(f)).

Signing below indicates that these notices will be provided to the DEC within the specified time frames. If the sale of the site also includes the transfer of a CoC, the DEC agrees to accept the notice given in VII.3 below in satisfaction of the notice required by VII.1 below (which normally must be submitted within 15 days of the sale of the site).

Within 30 days of the sale of the site, I agree to submit to the DEC:

1. the name and contact information for the new owner(s) (see §375-1.11(d)(3)(ii));
2. the name and contact information for any owner representative; and
3. a notice of transfer using the DEC's form found at <http://www.dec.ny.gov/chemical/54736.html> (see §375-1.9(f)).

Name:


(Signature)

10/27/23

(Date)

Nicholas Silvers

(Print Name)

Address1: 19 West 24th Street, 12th Floor

Address2: New York, NY 10010

Phone: 212-518-4942

E-mail: pcaporaso@tavroscapital.com

Continuation Sheet

☒ Prospective Owner/Holder ☒ Prospective Remedial Party ☐ Prospective Owner Representative
Name: [TO-BE-FORMED ENTITY #2 PLACEHOLDER NAME]
Address1: 19 West 24th Street, 12th Floor
Address2: New York, NY 10010
Phone: 212-518-4942 E-mail: pcaporaso@tavroscapital.com

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative
Name: _____
Address1: _____
Address2: _____
Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative
Name: _____
Address1: _____
Address2: _____
Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative
Name: _____
Address1: _____
Address2: _____
Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative
Name: _____
Address1: _____
Address2: _____
Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative
Name: _____
Address1: _____
Address2: _____
Phone: _____ E-mail: _____



Instructions for Completing the 60-Day Advance Notification of Site Change of Use, Transfer of Certificate of Completion (CoC), and/or Ownership Form

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

Section I

Description

Site Name

Official DEC site name.
(see <http://www.dec.ny.gov/cfm/external/derexternal/index.cfm?pageid=3>)

DEC Site ID No.

DEC site identification number.

Section II

Contact Information of Person Submitting Notification

Name

Name of person submitting notification of site change of use, transfer of certificate of completion and/or ownership form.

Address1

Street address or P.O. box number of the person submitting notification.

Address2

City, state and zip code of the person submitting notification.

Phone

Phone number of the person submitting notification.

E-mail

E-mail address of the person submitting notification.

Section III

Type of Change and Date

Check Boxes

Check the appropriate box(s) for the type(s) of change about which you are notifying the Department. Check all that apply.

Proposed Date of Change

Date on which the change in ownership or remedial party, transfer of CoC, or other change is expected to occur.

Section IV

Description

Description

For each change checked in Section III, describe the proposed change.
Provide all applicable maps, drawings, and/or parcel information.
If "Other" is checked in Section III, explain how the change may affect the site's proposed, ongoing, or completed remedial program at the site.
Please attach additional sheets, if needed.

Section V Certification Statement

This section must be filled out if the change of use results in a change of ownership or responsibility for the proposed, ongoing, or completed remedial program for the site. When completed, it provides DEC with a certification that the prospective purchaser has been provided a copy of any order, agreement, or State assistance contract as well as a copy of all approved remedial work plans and reports.

Name	The owner of the site property or their designated representative must sign and date the certification statement. Print owner or designated representative's name on the line provided below the signature.
Address1	Owner or designated representative's street address or P.O. Box number.
Address2	Owner or designated representative's city, state and zip code.
Phone	Owner or designated representative's phone number.
E-Mail	Owner or designated representative's E-mail.

Section VI Contact Information for New Owner, Remedial Party, and CoC Holder (if a CoC was issued)

Fill out this section only if the site is to be sold or there will be a new remedial party. Check the appropriate box to indicate whether the information being provided is for a Prospective Owner, CoC Holder (if site was ever issued a COC), Prospective Remedial Party, or Prospective Owner Representative. Identify the prospective owner or party and include contact information. A Continuation Sheet is provided at the end of this form for additional owner/party information.

Name	Name of Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.
Address1	Street address or P.O. Box number for the Prospective Owner, Prospective Remedial Party, or Prospective Owner Representative.
Address2	City, state and zip code for the Prospective Owner, Prospective Remedial Party, or Prospective Owner Representative.
Phone	Phone number for the Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.
E-Mail	E-mail address of the Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.

If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/EC), indicate who will be the certifying party(ies). Attach additional sheets, if needed.

Certifying Party

Name Name of Certifying Party.

Address1 Certifying Party's street address or P.O. Box number.

Address2 Certifying Party's city, state and zip code.

Phone Certifying Party's Phone number.

E-Mail Certifying Party's E-mail address.

Section VII Agreement to Notify DEC After Property Transfer/Sale

This section must be filled out for all property transfers of all or part of the site. If the site also has a CoC, then the CoC shall be transferred using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>

Filling out and signing this section of the form indicates you will comply with the post transfer notifications within the required timeframes specified on the form. If a CoC has been issued for the site, the DEC will allow 30 days for the post transfer notification so that the "Notice of CoC Transfer Form" and proof of it's filing can be included. Normally the required post transfer notification must be submitted within 15 day (per 375-1.11(d)(3)(ii)) when no CoC is involved.

Name Current property owner must sign and date the form on the designated lines. Print owner's name on the line provided.

Address1 Current owner's street address.

Address2 Current owner's city, state and zip code.