



**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**



BROWNFIELD CLEANUP PROGRAM (BCP)

ECL ARTICLE 27 / TITLE 14

DEPARTMENT USE ONLY
BCP SITE #: C224036

07/07

Section I. Requestor Information		
NAME Smith Equities, LLC		
175 Hewes Street, Apt.2A		
CITY/TOWN Brooklyn, New York	ZIP CODE 11211-8039	
PHONE 718-260-8035	FAX 718-260-8675	E-MAIL (weiproperties@yahoo.com)
NAME OF REQUESTOR'S REPRESENTATIVE Paul Pollak		
ADDRESS 175 Hewes Street		
CITY/TOWN Brooklyn, NY	ZIP CODE 11211-8039	
PHONE 718-260-8035	FAX 718-260-8675	E-MAIL weiproperties@yahoo.com
NAME OF REQUESTOR'S CONSULTANT Michael J. McEachern, CPG -MC Environmental, LLC		
ADDRESS 420 West Main Street, Suite 2		
CITY/TOWN Babylon, New York	ZIP CODE 11702-3008	
PHONE 631-321-4500	FAX 631-321-0190	E-MAIL mike@mc-environmental.net
NAME OF REQUESTOR'S ATTORNEY Joel H. Sachs, Esq. - Keane & Beane, P.C.		
ADDRESS 445 Hamilton Avenue		
CITY/TOWN White Plains, New York	ZIP CODE 10601	
PHONE 914-946-4777	FAX 914-946-6868	E-MAIL jsachs@kblaw.com
<p>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:</p> <p><input type="checkbox"/> 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.</p> <p><input checked="" type="checkbox"/> VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p> <p>NOTE: By checking this box, the requestor 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; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.</p>		
Requestor Relationship to Property (check one):		
<input type="checkbox"/> Previous Owner	<input checked="" type="checkbox"/> Current Owner	<input type="checkbox"/> Potential /Future Purchaser <input type="checkbox"/> Other _____
If requestor is not the site owner, requestor will have access to the property throughout the BCP project.		<input type="checkbox"/> Yes <input type="checkbox"/> No
(Note: proof of site access must be submitted for non-owners)		

RECEIVED

JUL 22 2010

**BUREAU OF
TECHNICAL SUPPORT**

PROPERTY NAME: 2 Ingraham Street						
ADDRESS/LOCATION 2 Ingraham Street		CITY/TOWN E. Williamsburg, Brooklyn, NY		ZIP CODE 11206		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): East Williamsburg, Brooklyn						
COUNTY Kings			SITE SIZE (ACRES) 80,000 sq ft (1.8 Acres)			
LATITUDE (degrees/minutes/seconds) 40 - 42 - 23.75 "			LONGITUDE (degrees/minutes/seconds) 73 - 55 - 58.13 "			
HORIZONTAL COLLECTION METHOD: <input type="checkbox"/> SURVEY <input type="checkbox"/> GPS <input checked="" type="checkbox"/> MAP			HORIZONTAL REFERENCE DATUM: USGS Quadrangle			
FOR EACH PARCEL, FILL OUT THE FOLLOWING TAX MAP INFORMATION (if more than three parcels, attach additional information)						
Parcel Address Parcel No. Section No. Block No. Lot No. Acreage						
Parcel 1 (2 Ingraham Street, Brooklyn, NY 11206)		1		3084	1	1.8
1. Do the property boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach a metes and bounds description of the property.						
2. Is the required property map attached to the application? (application will not be processed without map) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No						
3. Is the property part of a designated En-zone pursuant to Tax Law § 21(b)(6)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
For more information go to: http://www.nylovesbiz.com/BrownField_Redevelopment/default.asp .						
If yes, identify area (name) _____						
<input type="checkbox"/> 50% <input type="checkbox"/> 100% of the site is in the En-zone (check one)						
PROPERTY DESCRIPTION NARRATIVE: The property is a one-story brick structure currently used as a warehouse. There is a partial basement where the heating system is located and former aboveground heating oil tanks which have been closed. The building is about 80,000 sq. ft. and it occupies the entire property. The building was constructed in 1946 and it was occupied by an umbrella manufacturer, Macon Umbrella Corp. Jayer Plating, a chrome and nickel plating firm, reportedly occupied a 17,000 sq. ft. section of the building from 1946 until 1990, after which, it has been used for warehousing. (See Attachment Pages 6 & 7 for more information)						
List of Existing Easements (type here or attach information)						
<u>Easement Holder</u>		<u>Description</u>				
City of New York		A subsurface easement for the NY City Water Tunnel No. 3 runs beneath the north-west portion of the site (See the attached copy of Tax Map and Title)				
List of Permits issued by the NYSDEC or USEPA Relating to the Proposed Site (type here or attach information)						
<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>				
RCRA	USEPA Region 2	Permit ID#NYD986974392 Milhan Products Co.				
(See attached copy of USEPA RCRA database)						

Initials of each Requestor: P.P.

Section III. Current Site Owner/Operator Information

OWNER'S NAME (if different from requestor)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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

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

- 1. Are any enforcement actions pending against the requestor regarding this site? Yes No
- 2. Is the requestor subject to an existing order relating to contamination at the site?
. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Yes No
- 4. Has the requestor been determined to have violated any provision of ECL Article 27? Yes No
- 5. Has the requestor previously been denied entry to the BCP? Yes No
- 6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants? Yes No
- 7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? Yes No
- 8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department? Yes No
- 9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.8(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? Yes No

Section V. Property Eligibility Information (Please refer to ECL § 27-1405)

- 1. Is the property listed on the National Priorities List? Yes No
- 2. Is the property listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites?
If yes, please provide: Site # _____ Class # _____ Yes No
- 3. Is the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?
If yes, please provide: Permit type: RCRA EPA ID Number: NYD986974392
Date permit issued: No listing EPA database Permit expiration date: No listing EPA database Yes No
- 4. Is the property subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10?
If yes, please provide: Order # _____ Yes No
- 5. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?
If yes, please provide explanation as an attachment. Yes No

Section VI. Project Description

What stage is the project starting at? investigation remediation

Please attach a description of the project which includes the following components:

- Purpose and scope of the project **See Attachment**
- Estimated project schedule

Section VII. Property's Environmental History

To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. Environmental Reports

A phase I environmental site assessment report prepared in accordance with ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), and all environmental reports related to contaminants on or emanating from the site.

If a final investigation report is included, indicate whether it meets the requirements of ECL Article 27-1415(2): Yes No

2. Sampling Data: Indicate known contaminants and the media which are known to have been affected:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					
Chlorinated Solvents					
Other VOCs					
SVOCs					
Metals	Chromium, Nickel, Mercury	Chromium, Nickel			
Pesticides					
PCBs					
Other*					

*Please describe: _____

3. Suspected Contaminants: Indicate suspected contaminants and the media which may have been affected:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					
Chlorinated Solvents					
Other VOCs					
SVOCs					
Metals	Chromium, Nickel	Chromium, Nickel			
Pesticides					
PCBs					
Other*					

*Please describe: _____

4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS:

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> Above Ground Pipeline or Tank | <input type="checkbox"/> Lagoons or Ponds | <input type="checkbox"/> Underground Pipeline or Tank | <input type="checkbox"/> Surface Spill or Discharge |
| <input type="checkbox"/> Routine Industrial Operations | <input type="checkbox"/> Dumping or Burial of Wastes | <input type="checkbox"/> Septic tank/lateral field | <input type="checkbox"/> Drums or Storage Containers |
| <input type="checkbox"/> Adjacent Property | <input type="checkbox"/> Seepage Pit or Dry Well | <input type="checkbox"/> Foundry Sand | <input checked="" type="checkbox"/> Electroplating |
| <input type="checkbox"/> Coal Gas Manufacture | <input type="checkbox"/> Industrial Accident | <input type="checkbox"/> Unknown | |

Other: _____

5. INDICATE PAST LAND USES:

- | | | | | | |
|---|---|---|--------------------------------------|--|-------------------------------------|
| <input type="checkbox"/> Coal Gas Manufacturing | <input checked="" 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 type="checkbox"/> Service Station | <input type="checkbox"/> Landfill | <input type="checkbox"/> Tannery | <input checked="" type="checkbox"/> Electroplating | <input type="checkbox"/> Unknown |

Other: _____

6. Owners

A list of previous owners with names, last known addresses and telephone numbers (describe requestor's relationship, if any, to each previous owner listed. If no relationship, put "none"). See Attachment Page 7

7. Operators

A list of previous operators with names, last known addresses and telephone number (describe requestor's relationship, if any, to each previous operator listed. If no relationship, put "none"). See Attachment Page 7

Section VIII. Contact List Information

Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board/dept. chair 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). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the property.

Section IX. Land Use Factors (Please refer to ECL § 27-1415(3))

Current Use: Residential Commercial Industrial Vacant Recreational (check all that apply)

Intended Use: Unrestricted Residential Commercial Industrial (check all that apply)

Please check the appropriate box and provide an explanation as an attachment if appropriate. Provide a copy of the local zoning classifications, comprehensive zoning plan designations, and/or current land use approvals.

	Yes	No
1. Do current historical and/or recent development patterns support the proposed use? (See #12 below re: discussion of area land uses)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Is the proposed use consistent with applicable zoning laws/maps?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Are there any federal or state land use designations relating to this site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Do the population growth patterns and projections support the proposed use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Is the property accessible to existing infrastructure?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Are there floodplains within ½ mile?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Are there any institutional controls currently applicable to the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas. See attachment Page 6 Local Land Use description		
13. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the property, including proximity to wellhead protection and groundwater recharge areas. See attachment Page 7 Groundwater Conditions		
14. Describe on attachment the geography and geology of the site. See attachment Page 8 Local Geology		

(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 as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____ Signature: _____ Print Name: _____

(By an requestor other than an individual)

I hereby affirm that I am Principal (title) of Smith Equities, LLC (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.

Date: 7/19/10 Signature: [Handwritten Signature] Print Name: PAUL POLLAK

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- **Two (2) copies**, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD or diskette, must be sent to:
 Chief, Site Control Section
 New York State Department of Environmental Conservation
 Division of Environmental Remediation
 625 Broadway
 Albany, NY 12233-7070
- **One (1) paper copy** must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our website for the address of our regional offices: <http://www.dec.ny.gov/about/776.html>

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____ LEAD OFFICE: _____

Attachment to Brownfields Cleanup Program Application

2 Ingraham Street, East Williamsburg, Brooklyn, New York Brownfields Cleanup Program (BCP) Application

Section VI Project Description

The property is currently used for warehousing and future redevelopment of this area of East Williamsburg would likely be consistent with the present commercial zoning. A search of the New York City planning database did not reveal plans to include this area in the proposed Greenpoint-Williamsburg Contextual Rezoning (Map dated January 2009). The owner has not developed a specific project plan or an architectural design in view of possible inclusion of the property in future re-zoning subject to community land use recommendations. The current market for commercial space in East Williamsburg would support retail, office, warehouse, and a mixture of the above.

Project Schedule

Following approval of the owner's BCP application, the owner would commence an environmental investigation to determine the extent of residual plating waste impact to groundwater and soil and to evaluate remedial options. A proposed schedule is outlined below.

BCP approval by NYSDEC – late 2010

BCP Remedial Investigation Workplan – Submitted by March 30, 2011
- Approval by NYSDEC April 30, 2011

Remedial Investigation – June 1, 2011 through September 1, 2011

Remedial Investigation Report – Submitted to NYSDEC November 1, 2011

Selection of Remedy and NYSDEC approval – December 30, 2011

Implementation of Remedy – To be determined based on the selected remedy

Site Redevelopment – To be determined based on future zoning

Section VII Property's Environmental History

1. Environmental Reports

Copies of available environmental reports listed below are included in pdf format on a compact disk enclosed with this application.

November 1996 ERD Environmental, Inc. Phase 1 Environmental Site Assessment Report, 2 Ingraham Street, Brooklyn, New York, Prepared for Citicorp Real Estate, Inc.

May 1997 Excel Environmental Resources, Inc. Focused Phase II Soil Investigation Report: Trench Area, 1&2 Ingraham Street, Brooklyn, New York, Prepared for Rainbow Polybag Corporation, Inc.

December 1997 AKRF, Inc. Site Investigation Report, Prepared for Milhan Realty Corp.

June 1, 1998 NYSDEC Voluntary Cleanup Program Application by Milhan Realty Corporation, 2 Ingraham Street, Brooklyn, New York

November 11, 1998 AKRF, Inc. Letter to R. Gardineer, NYSDEC Region 2 Workplan for Remediation, Milhan Realty Corporation, 2 Ingraham Street, Brooklyn, New York

December 21, 1998 AKRF, Inc. Letter to R. Gardineer, NYSDEC Region 2 Revised Workplan for Remediation, Milhan Realty Corporation, 2 Ingraham Street, Brooklyn, New York

During a meeting with Department staff in Albany on February 22, 2010, the Department indicated that the owner would be required to conduct further environmental investigations to determine soil and groundwater conditions. The results of these investigations would be necessary to devise a remedy consistent with BCP requirements. A site investigation workplan would be prepared and submitted to the Department following approval of the BCP application.

Section VIII Contact Information

This attachment lists individuals and organizations as requested in Section VIII of the BCP Application.

1. Local Government Contacts

Brooklyn Community Board 1
435 Graham Avenue
Brooklyn, NY 11211-2429
Phone: 718-389-0099 Fax 718-389-0098
e-mail: bk01@cb.nyc.gov
Chair: Christopher Olenchowski

Brooklyn Borough President: Marty Markowitz
Main Office: 209 Joralemon Street
Brooklyn, New York 11201
718-802-3700
e-mail AskMarty@brooklynbp.nyc.gov

2. Adjacent Property Owners and Occupants

23 Ingraham Street Realty, LLC
23 Ingraham Street
Brooklyn, NY 11237

Century Overhead Doors, Inc.
98 Morgan Avenue
Brooklyn, NY 11237

Valentine Woodworking Corp.
54 Knickerbocker Avenue
Brooklyn, NY 11237

Lubrow Factory, LLC
56 Harrison Place
Brooklyn, NY 11237

3. Local News Media

Brooklyn Daily Eagle
30 Henry Street
Brooklyn, NY
Phone: 718-422-7400

Brooklyn Downtown Star (Weekly)
69-60 Grand Ave,
Maspeth, NY 11378
Phone: 718-639-7000

4. Public Water Supplier

New York City Department of Environmental Protection (NYCDEP)
250 Livingston Street
Brooklyn, NY
718- 595 - 7000

5. No persons have asked to be placed on the contact list at this time.

6. The schools closest to the facility are listed below with contact information.

PS145 (0.4 miles south)
100 Noll Street, Brooklyn, NY 11206
Principal – Marilyn Torres 718-821-4823

PS196 / MS582 (0.4 miles west)
207 Bushwick Ave., Brooklyn, NY 11206
Principal (PS196) - Janine Colon 718-497-0139
Principal (MS582) - Brian Walsh 718-456-8218

Brooklyn Latin School (0.3 miles southwest)
325 Bushwick Ave., Brooklyn, NY 11206
Principal – Jason Griffiths 718-366-0154

7. Document Repositories:

Brooklyn Public Library (letter and e-mail acknowledgement on enclosed CD)
Attn: Loren Williams
Central Branch
100 Grand Army Plaza
Brooklyn, NY 11238
Phone: 718-230-2100

New York State Department of Environmental Conservation
Region 2
47-20 21st Street
Long Island City, NY 11101
Phone: 718-482-4900
Public and Media Affairs (718) 482-4958 Fax (718) 482-4026

Section IX Land Use Factors Attachment

1.0 Introduction

The property known as 2 Ingraham Street is currently owned by Smith Equities, LLC and is operated as a commercial building providing rental space to tenants mainly engaged in the importation and distribution of clothing, dry goods, and foods. A single tenant assembles picture frames. The owner acquired the property from a former owner, Milhan Realty, which had entered the New York State Voluntary Cleanup Program (VCP) due to the presence of contaminated soil and groundwater from prior electroplating operations but dropped out of the VCP when the property was sold.

Smith Equities, LLC is applying to the BCP to provide for the future cleanup and redevelopment of this property. There have been a number of environmental investigations of the property on behalf of Milhan Realty, and these have detected metals in soil and groundwater which are attributable to past electroplating operations. The plating operation was limited to the north-west corner of the site, and a former concrete trough which was used to collect plating process liquids was excavated and the area was capped with new concrete. Subsequent soil borings and monitoring wells drilled near the former plating operation revealed heavy metals, chiefly nickel and chromium in soil and groundwater. To avoid listing the site on the Inactive hazardous Waste Site Registry, The New York State Department of Environmental Conservation (NYSDEC) has requested the owner to undertake further investigation and remediation as may be required to comply with applicable soil and groundwater standards pursuant to the BCP.

The current status of soil and groundwater beneath the property is not known as the most recent sampling events took place in 1997, but there is little potential for human exposure to electroplating residues due to the presence of the concrete capping in the former process area. Metals migration through groundwater flow is also unlikely due to the tendency for metals to adsorb to soil and the reported low hydraulic conductivity of the geological materials beneath the area. Groundwater is not used in the vicinity and public water supply is provided by New York City. Previous studies have not documented any sensitive environmental receptors in the area which could be affected by metals in groundwater.

Smith Equities, LLC proposes to take the following actions to address the BCP requirements and intent with the objective of enabling future site redevelopment to its highest and best use.

- Renew groundwater monitoring efforts to establish current conditions and the need for mitigation to prevent migration of heavy metals via groundwater.
- Refine the boundaries of the area affected by prior electroplating operations by sampling the soil for the metals discovered in previous investigations.

- Develop a strategy for remediating the metals in soil through chemical immobilization or through excavation and removal.
- Implement engineering and institutional controls to prevent exposure to residual soil and groundwater contamination during the interval between BCP approval and future redevelopment.

2.0 Previous Investigations and Reports

The BCP guidance suggests running a Phase 1 Environmental Site Assessment (ESA) which is consistent with ASTM E 1527 to establish baseline environmental site conditions. Smith Equities has not included a new Phase 1 ESA because there were prior Phase 1 and 2 ESA's prepared and the site has not been altered so as to affect the findings and recommendation of these studies. A list of reports is given below and copies are attached to the BCP application.

November 1996 ERD Environmental, Inc. Phase 1 Environmental Site Assessment Report, 2 Ingraham Street, Brooklyn, New York, Prepared for Citicorp Real Estate, Inc.

May 1997 Excel Environmental Resources, Inc. Focused Phase II Soil Investigation Report: Trench Area, 1&2 Ingraham Street, Brooklyn, New York, Prepared for Rainbow Polybag Corporation, Inc.

December 1997 AKRF, Inc. Site Investigation Report, Prepared for Milhan Realty Corp.

3.0 Local Land Use

The property takes up an entire city block which is bounded by Ingraham Street, Morgan Avenue, Harrison Place, and Bogart Street. The site is surrounded by commercial and light industrial properties, except for a public park (McKibbin Park) located south-west of the site across Bogart Street. A New York City subway line runs beneath Harrison Place, along the south border of the property. The nearest residential land use appears to be approximately 800 to 1000 feet east and west of the site respectively.

4.0 Site History

The site history is described in the Phase 1 ESA prepared for Citicorp Real Estate, Inc. and will only be summarized here. The present building was constructed in 1946 and was used by Macon Umbrella Corporation, an umbrella manufacturer. Before 1946, the site reportedly was an orphanage. Jayar Plating was also a tenant of the building although Jayar's history of operations is not well documented. The report has appended Sanborn Fire Insurance maps, Tax Assessor and Building Department records, and an environmental database search of known environmental conditions pertaining to the site and surrounding area.

The Phase 1 ESA describes the site as fully taken up by an 80,000 square foot, 1-story building with a partial basement. The basement contained the oil heating system and four 3000-gallon fuel oil tanks, some of which were encased in concrete. The report said that the tanks were out-of-service but had not been formally abandoned.

The available references did not provide a detailed comprehensive account of site ownership and operations before the current owner acquired the property in 1999. The ownership and tenant/operator information is summarized below with available contact information.

Past Ownership, Operators and Contact Information

Pre-1946	Orphanage – No available information
1948 - ?	Macon Umbrella Corporation Alfred G. Cohen, President / CEO 2 Ingraham Street, Brooklyn, NY No telephone contact listed Note: This is still listed as an active corporation by New York State
1967 - 1999	Milhan Realty Corporation (AKA Milhan Products, Inc.) 40 Ingraham Street, Brooklyn, NY Alfred Cohen 718-969-1535 – Contact listed on USEPA RCRA database (ID#NYD986974392) Note: It is not known whether Alfred Cohen and Alfred G. Cohen of Macon Umbrella Corp. is the same individual.
1946 – 1990 (?)	Tenant / Operator - Jayer Plating Corp. No contact information available and no listing as an active corporation. The company most likely no longer exists.

The chronology of owners / operators is based on the Phase I ESA report (ERD 1996) and the 1999 Certificate of Title (Fidelity National Title Insurance Company) and could not be verified with certainty.

5.0 Groundwater Conditions

AKRF reported that groundwater was approximately 14 feet below the concrete floor of the 2 Ingraham Street building in October 1997, based on water levels on four monitoring wells, MW-1 through MW-4. These wells were drilled inside the building with MW-1 in the former Jayer Plating process area, MW-2 slightly north of MW-1 and wells MW-3 and MW-4 drilled near the center and south-west corner of the building respectively. Groundwater flow is generally north across the site. One of the

monitoring wells, believed to be MW-2 was visible during an October 2009 site visit, but the other wells were either hidden by stockpiled merchandise or destroyed.

Groundwater analyses for metals indicated that nickel was elevated in well MW-1, presumably due to the former plating operation there, whereas chromium and mercury were at similar concentrations in all of the wells. Chromium concentrations were highest in wells MW-3 and MW-4 which are hydraulically upgradient of the former Jayer Plating area, and this may represent local background chromium concentrations. AKRF also had groundwater samples analyzed for volatile organic compounds (VOCs) but these were all either undetected or below New York State groundwater standards.

Groundwater is not used for drinking water in the Williamsburg area and public water supply is provided by New York City. The nearest point of groundwater discharge is the English Kills, a tidal water body approximately 1000 feet northeast of the site. It is highly unlikely that metals in groundwater from the former Jayer Plating operation could migrate to the English Kills. Additionally, the water table occurs in sediments which are predominantly silt, silty sand and clay, which would not be capable of yielding usable volumes of groundwater for any purpose.

The site is located above New York City Water Tunnel No. 3 and an easement exists across the site as shown on the Tax Map for Lot 3084 (2 Ingraham Street). The tunnel construction details will have to be carefully considered and the New York City DEP may require special permits and/or impose restrictions on future site activities, including remediation. Further information on the water tunnel easement is included in the attached certificate of title.

6.0 Local Geology

Information on the local geology is available from soil boring logs by Excel Environmental and AKRF. These logs show that fill and sand is found near the surface, becoming siltier with depth and is largely silt and clay below the water table. Surficial geology has been virtually obscured by urban development which began before 1900. The near-surface geology has been substantially modified by construction and the installation of utilities and rapid transit. The configuration of the nearest surface water bodies also show extensive modification by development.

NYC Tax Map 2 Ingraham Street, E.
 Williamsburg
 6/25/2010



- Boroughs
- Tax Blocks
- Tax Lots
- Boundary Lines
- Streets
- Edge of Pavement
- Building Footprints
- Hydrography
- Open Spaces





CERTIFICATE OF TITLE

Fidelity National Title Insurance Company

OF NEW YORK

Title No. FNT(BAC 5683 K)

Certifies to GROSS & GROSS, P.C.

that an examination of title to the premises described in Schedule A has been made in accordance with its usual procedure and agrees to issue its standard form of insurance policy in the amount of \$ 1,800,000.00 insuring Fee simple and the marketability thereof, after the closing of the transaction in conformance with procedures approved by the Company excepting (a) all loss or damage by reason of the estates, interests, defects, objections, liens, encumbrances and other matters set forth herein that are not disposed of to the satisfaction of the Company prior to such closing or issuance of the policy (b) any question or objection coming to the attention of the Company before the date of closing, or if there be no closing, before the issuance of said policy.

This Certificate shall be null and void (1) if the fees therefor are not paid (2) if the prospective insured, his attorney or agent makes any untrue statement with respect to any material fact or suppresses or fails to disclose any material fact or if any untrue answers are given to material inquiries by or on behalf of the Company (3) upon delivery of the policy. Any claim arising by reason of the issuance hereof shall be restricted to the terms and conditions of the standard form of insurance policy. If the title, interest or lien to be insured was acquired by the prospective insured prior to delivery hereof, the Company assumes no liability except under its policy when issued.

THIS CERTIFICATE IS INTENDED FOR LAWYERS ONLY. SUCH EXCEPTIONS AS MAY BE SET FORTH HEREIN MAY AFFECT MARKETABILITY OF TITLE. YOUR LAWYER SHOULD BE CONSULTED BEFORE TAKING ANY ACTION BASED UPON THE CONTENTS HEREOF. THE COMPANY'S REPRESENTATIVE AT THE CLOSING HEREUNDER MAY NOT ACT AS LEGAL ADVISOR TO ANY OF THE PARTIES OR DRAW LEGAL INSTRUMENTS FOR THEM. SUCH REPRESENTATIVE IS PERMITTED TO BE OF ASSISTANCE ONLY TO AN ATTORNEY. IT IS ADVISABLE TO HAVE YOUR ATTORNEY PRESENT AT THE CLOSING.

IF ANY OF THE CLOSING INSTRUMENTS WILL BE OTHER THAN COMMONLY USED FORMS OR CONTAIN UNUSUAL PROVISIONS, THE CLOSING CAN BE SIMPLIFIED AND EXPEDITED BY FURNISHING THE COMPANY WITH COPIES OF THE PROPOSED DOCUMENTS IN ADVANCE OF CLOSING.

Premises: 74-92 Bogart Street a/k/a 1-39 Harrison Place a/k/a 2-40 Ingraham Street a/k/a 75-91 Morgan Avenue, Brooklyn, New York Dated 9 A.M. 7/15/99 Premises in Section Block 3084 Lot 1

Redated 9 A.M. 9/1/99 On the land/tax map of the County of Kings

BARRISTERS ABSTRACT CORPORATION 266 Larkfield Road East Northport, New York 11731 Tel.: 516 754-8208

Fidelity National Title Insurance Company of New York

Will be pleased to confer on any questions concerning this certificate

James J. Mercedo Authorized Signature

Proposed Insured:

Title No. FNT(BAC 5683 K)

Purchaser

Effective Date: 7/15/99

Redated: 9/2/99

Mortgagee

Closer: Thomas R. White

Amount of Insurance

Fee \$1,800,000.00

Mortgage \$

\$

THIS COMPANY CERTIFIES that good and marketable title to the premises described in Schedule A, subject to the liens, encumbrances and other matters, if any, set forth in this certificate, may be conveyed and/or mortgaged by:

MILHAN PRODUCTS, INC., a New York Corporation
N/K/A Milhan Realty Corp.

Title Acquired by Deed Dated 12/28/67 Recorded 1/4/68
in Rec. 619 Page 358

RECORDIFY in Ashpol Realty Corp. By O.O. 9/2/99

Premises described herein are known as:

Address: 74-92 Bogart Street a/k/a 1-39 Harrison Place a/k/a
2-40 Ingraham Street a/k/a 75-91 Morgan Avenue,
Brooklyn, New York

County: Kings

City: New York

District:

Town:

Section:

Block: 3084

Lot: 1

SCHEDULE "A" - LEGAL DESCRIPTION

Policy No.

Title No. FNT(BAC 5683 K)

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 EASTERLY side of Bogart Street with the NORTHERLY side of Harrison Place;

Running thence NORTHERLY along the EASTERLY side of Bogart Street, 200 feet to the corner formed by the intersection of the EASTERLY side of Bogart Street with the SOUTHERLY side of Ingraham Street;

Thence EASTERLY along the SOUTHERLY side of Ingraham Street, 400 feet to the corner formed by the intersection of the SOUTHERLY side of Ingraham Street and the WESTERLY side of Morgan Avenue;

Thence SOUTHERLY along the WESTERLY side of Morgan Avenue, 200 feet to the corner formed by the intersection of the WESTERLY side of Morgan Avenue with the NORTHERLY side of Harrison Place;

Thence WESTERLY along the NORTHERLY side of Harrison Place, 400 feet to the point or place of BEGINNING.

INSURE

For Conveyancing Only

Together with all right, title and interest of, in and to any streets and roads abutting the above described premises.

Our policies of title insurance include such buildings and improvements thereon which by law constitute real property, unless specifically excepted therein. Now is the time to determine whether we have examined all of the property and easements which you desire to be insured; if there are appurtenant easements to be insured, please request such insurance. In some cases, our rate manual provides for an additional charge for such insurance.

SCHEDULE B

Title No.: FNT(BAC 5683 K)

Hereinafter set forth are the additional matters which will appear in the policy as exceptions from coverage, unless disposed of to the Company's satisfaction prior to or at the closing or delivery of the policy.

DISPOSITION

SEE HEREIN

1. Taxes, tax liens, tax sales, water rates, sewer rents and assessments set forth in schedule(s) herein.

omit

2. Mortgage(s) returned herein (none). Detailed statement within.

EXCEPT

3. A) Survey exceptions set forth herein; OR
B) In the absence of survey, Company will not certify as to the location or dimensions of within described premises on all sides, and will except any state of facts an accurate survey may show.

4. Rights of tenants and/or persons in possession, if any.

SEE 15-17

5. Covenants, restrictions, conditions, easements, leases, agreements of record: see exceptions nos. 15, 16 & 17.

omit

6. Photo Identification of all parties must be provided at or prior to closing.

EXCEPT

7. In the event tax search discloses water meter(s) which have been read to the dates indicated thereon, policy will except water meter readings subsequent to the date of last reading.

Info only

8. Notice to Closers & Clients: Under no circumstance will this company accept any post-dated check, or any check to hold for any period of time. All checks must be negotiable at the time of closing and will be cashed immediately.

(CONTINUED)

NOTE: Insurance Law Sec. 64 Subdivision 6409(c) requires that title companies offer, at or prior to closing, an optional policy to cover the homeowner for the FUTURE market value of his house. You may, therefore, elect to obtain protection in excess of your purchase price. If you do not wish this additional statutory coverage, you MUST WAIVE by signing in the space below this exception:

SCHEDULE B

Title No.: FNT(BAC 5683 K)

Hereinafter set forth are the additional matters which will appear in the policy as exceptions from coverage, unless disposed of to the Company's satisfaction prior to or at the closing or delivery of the policy.

DISPOSITION

SEE HEREIN

1. Taxes, tax liens, tax sales, water rates, sewer rents and assessments set forth in schedule(s) herein.

omit

2. Mortgage(s) returned herein (none). Detailed statement within.

except

3. A) Survey exceptions set forth herein; OR
B) In the absence of survey, Company will not certify as to the location or dimensions of within described premises on all sides, and will except any state of facts an accurate survey may show.

4. Rights of tenants and/or persons in possession, if any.

SEE 15, 17

5. Covenants, restrictions, conditions, easements, leases, agreements of record: see exceptions nos. 15, 16 & 17.

omit

6. Photo Identification of all parties must be provided at or prior to closing.

except

7. In the event tax search discloses water meter(s) which have been read to the dates indicated thereon, policy will except water meter readings subsequent to the date of last reading.

Info only

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(CONTINUED)

NOTE: Insurance Law Sec. 64 Subdivision 6409(c) requires that title companies offer, at or prior to closing, an optional policy to cover the homeowner for the FUTURE market value of his house. You may, therefore, elect to obtain protection in excess of your purchase price. If you do not wish this additional statutory coverage, you MUST WAIVE by signing in the space below this exception:

SCHEDULE B (Continued)

Title No.: FNT(BAC 5683 K)

DISPOSITION

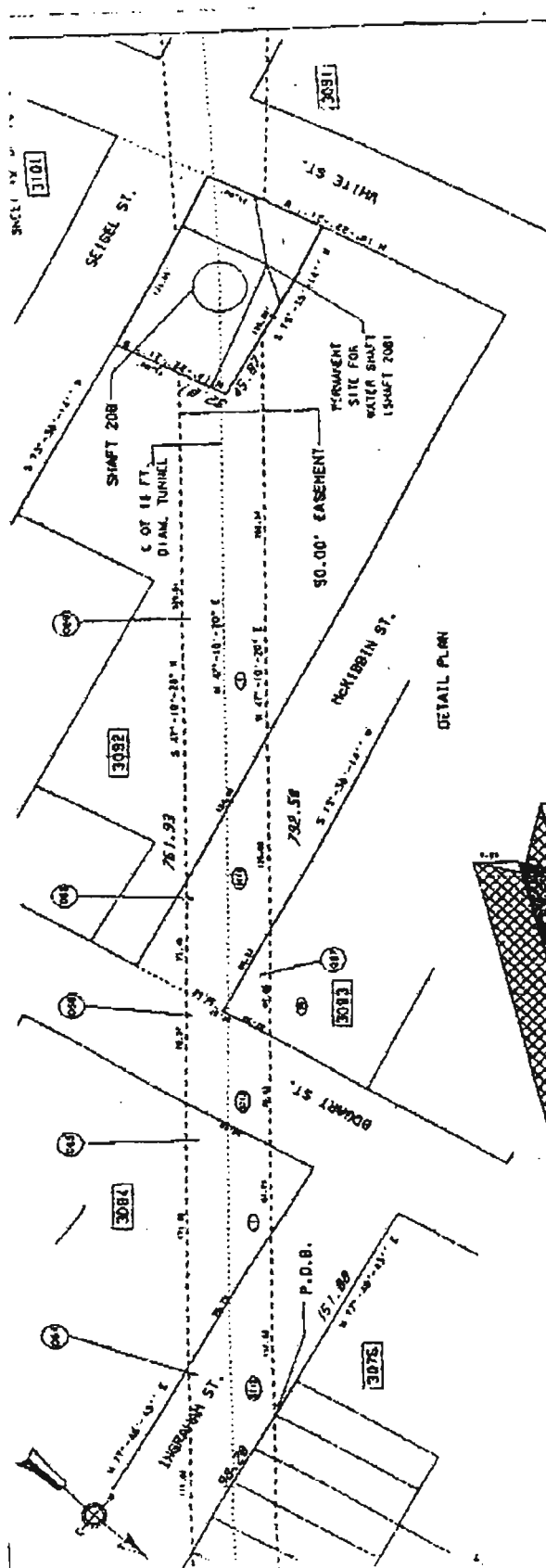
9. Closing instruments to contain recital "Being and intended to be the same premises described in Deed to the Grantor(s) herein, recorded in Rec. 619 Page 358".
10. Proof required that the certified owners have not been named in any Bankruptcy Petitions, have no judgments, liens or federal tax liens against them, and have not been known by any other name(s) within the last ten years.
11. Prior approval is required in the event a Power of Attorney and/or any executed instrument(s) are to be delivered at the closing.
12. In the event the assessed valuation of the premises herein is shown to be partially exempt from full taxation at the present time, same may be subject to the discontinuance of such exemption and the reimposition of full taxation.
13. Satisfactions of private mortgages will not be accepted unless the original note(s) and mortgage(s) are produced at or prior to closing.
14. The following statement is set forth for information only: Company will accept only certified checks for any charge or disbursement greater than \$500.00. Company shall have no liability under this Title Report, Title Commitment or under the Title Policy until all applicable charges have been paid in full and all checks have cleared or have been fully funded.
15. R.R. Consents in Liber 2, Page 70 Sec. 10, Liber 18 Page 372 Sec. 10, Liber 18 Page 373 Sec. 10, Liber 18 Page 374 Sec. 10, Liber 18 Page 382 Sec. 10, Liber 2253 Page 374 & Liber 2253 Page 394.
16. Acquisition Map City Tunnel #3, Filed 2/19/93.
17. Map of Real Estate Construction of City Tunnel #3, Filed 4/2/93.
18. New York State Franchise Tax and New York City Corporate Business Tax against MILHAN PRODUCTS, INC. (A status report is required)
19. Appropriate Corporate consent to conveyance or mortgage by the certified owner herein is required.
20. Searches have also been run for judgments, liens, and bankruptcies against: MILHAN PRODUCTS, INC. - Nothing found.

omit

Info only

except

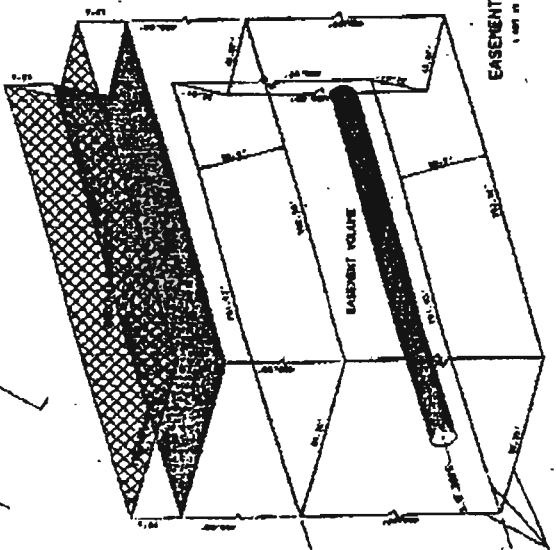
omit



DETAIL PLAN

NOTE
 FOR SPECIAL ORDER AND LEGEND SEE TABLE SHEET.
 SHEET SCALE PERMANENT 1/8" = 1'-0" UNLESS OTHERWISE NOTED.
 CHART AND GEOMETRIC SURVEY DATA BEAR ON LEVEL AT SHOOT POINT.
 AN EASEMENT IS A POLYLINE OF BLENDED PARABOLAS
 20 FEET WIDE BETWEEN 100 FEET AND 500 FEET
 BELOW SHOOT POINT FROM LEVEL.
 FOR PLAN AND PROFILE SEE SHEET 5.
 FOR EASEMENT DATA SEE SHEET 5.

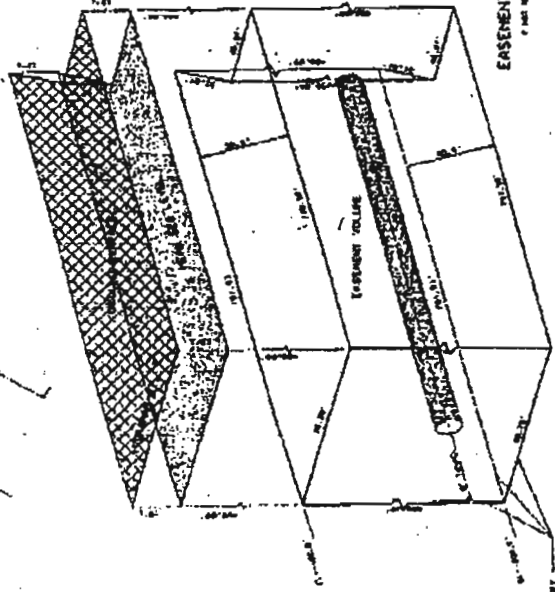
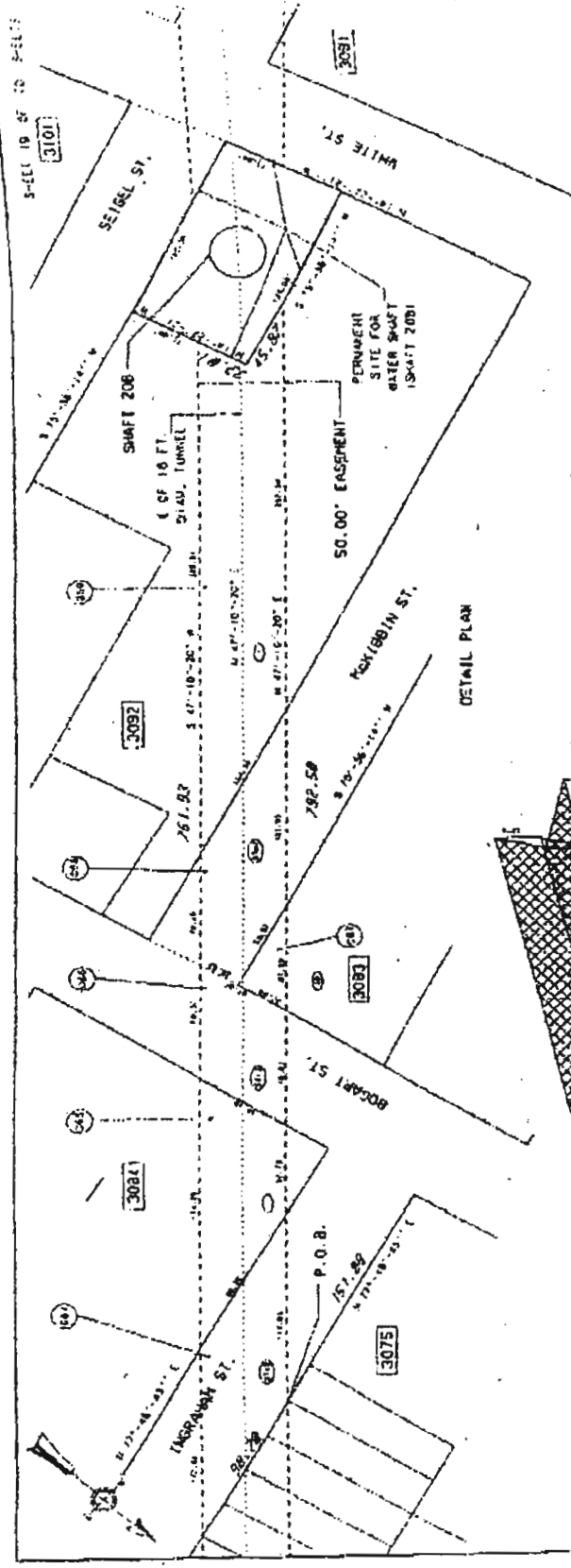
DEPARTMENT OF ENVIRONMENTAL PROTECTION	
BUREAU OF ENVIRONMENTAL ENGINEERING	
CITY TUNNEL NO. 3 STAGE 2	
TUNNEL ALIGNMENT	
DIVISION OF WATERWORKS DESIGN	
DATE: 11/18/93	SCALE: AS SHOWN



F. 2/19/93

Handwritten signatures and initials:
 J. C. [Signature]
 [Signature]
 [Signature]

COLLEMAN/1111-K 340-K



NOTE
 FOR GENERAL NOTES AND LEGENDS SEE TITLE SHEET.
 STREET LEVEL HEREIN IS 18'-0" FEET ABOVE THE UNITED STATES
 COAST AND GEODETIC SURVEY BATHYMETRIC SEA LEVEL AT LOWEST HIGH
 AN EASEMENT IN A VOLUME OF REAL PROPERTY
 IS SET BACK METERS AND FEET AND THE
 BELOW SHOWN FROM BATHYMETRIC SEA LEVEL.
 FOR PLAN AND PROFILE SEE SHEET 5.
 FOR EASEMENT DATA SEE SHEET 21.

CITY OF NEW YORK
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 BUREAU OF ENVIRONMENTAL ENGINEERING
CITY TUNNEL NO. 3 STAGE
 TUNNEL ALIGNMENT
 DIVISION OF WATERWORKS DESIGN
 PROJECT NO. 100-100-100-100
 SHEET NO. 100-100-100-100-100

F-4/2/93

Handwritten signature

Handwritten signature

DATE: 4/2/93

MC ENVIRONMENTAL, LLC

Environmental Services & Consulting

420 West Main Street, Suite 2, Babylon, New York 11702-3008
631 321 4500 Fax 631 321 0190

July 13, 2010

Loren Williams, Reference Librarian
Brooklyn Public Library
Central Branch
10 Grand Army Plaza
Brooklyn, New York 11238

VIA US Mail and E-Mail

Re: Public Depository of New York State Brownfields Documents regarding 2 Ingraham Street, East Williamsburg, Brooklyn, NY

Dear Ms. Williams:

Thank you for agreeing to hold New York State Brownfields Cleanup Program (BCP) documents for public review. The BCP requires that relevant documents be posted at a location within the community as part of the New York State Department of Environmental Conservation (DEC) public information policy.

From time to time we will send you copies of documents, including reports which will be identified with the site name and BCP number. As we discussed, the documents will be provided as a paper copy and on CD.

Please call me or e-mail (mike@mc-environmental.net) if you have questions. Please provide a written or e-mail acknowledgement of this letter so that we can forward confirmation to the DEC.

Sincerely,

Michael J. McEachern, CPG
President

Confirmation of Acceptance as a Document Depository by Brooklyn Public Library

From: Williams, Loren [L.Williams@BrooklynPublicLibrary.org]
Sent: Wed 7/14/2010 11:57 AM
To: mike@mc-environmental.net
Cc: Luce, Daniel
Subject: NY State Brownfields Documents

Hi Mike,
Glad we could be of help. Just wanted to let you know that these documents will NOT be catalogued but they will be available to anyone who inquires about them. Please let me know when we no longer need to keep the information since there are other agencies that use us as a depository and items can accumulate quickly. Also, in the future, please cc Danny Luce. He is our Government Documents librarian and I want to make sure he is informed of the latest.
Thanks Mike,
Loren

From: Mike McEachern [mailto:mike@mc-environmental.net]
Sent: Wed 7/14/2010 9:05 AM
To: Williams, Loren
Subject: NY State Brownfields Documents

Loren,
Thank you so much for your help today. I attached a letter explaining our need to place documents for public access. A paper copy for your files is in the mail.
REgards,
Mike McEachern