



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

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



Yes



No

If yes, provide existing site number: C224053

PART A (note: application is separated into Parts A and B for DEC review purposes) **BCP App Rev 11**

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #:

NAME **470 Kent Ave Associates LLC**

ADDRESS **c/o Michael Witek, 152 West 57th Street, 45th Floor**

CITY/TOWN **New York**

ZIP CODE **10019**

PHONE **(212) 759-9777**

FAX

E-MAIL **mwitek@naftaligroup.com**

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



Yes



No

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

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

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

Section II. Project Description

1. What stage is the project starting at?



Investigation



Remediation

NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required.

2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): ☐ Yes ☐ No

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

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

Section III. Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that the site requires remediation and contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property. To the extent that existing information/studies/reports are available to the requestor, please attach the following (***please submit the information requested in this section in electronic format only***):

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do not submit paper copies of supporting documents.**

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

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum	X	X	
Chlorinated Solvents		X	X
Other VOCs			
SVOCs	X	X	
Metals	X	X	
Pesticides			
PCBs			
Other*			

*Please describe: See attached.

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

- **SAMPLE LOCATION**
- **DATE OF SAMPLING EVENT**
- **KEY CONTAMINANTS AND CONCENTRATION DETECTED**
- **FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE**
- **FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5**
- **FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX**

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

☒ Yes ☐ No

4. **INDICATE PAST LAND USES (CHECK ALL THAT APPLY):**

- | | | | |
|--|---|---|--|
| <input checked="" 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 type="checkbox"/> Electroplating | <input type="checkbox"/> Unknown |

Other: _____

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME 470 Kent Avenue		This application seeks to add property to the existing BCP site known as 470 Kent Avenue. The site information included in this Section IV is for the parcel to be added only .		
ADDRESS/LOCATION 470 Kent Avenue				
CITY/TOWN Brooklyn		ZIP CODE 11211		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Brooklyn				
COUNTY Kings		SITE SIZE (ACRES) 1.74		
LATITUDE (degrees/minutes/seconds) 40 ° 41 ' 52.76 "		LONGITUDE (degrees/minutes/seconds) -73 ° 57 ' 35.60 "		
Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed , please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
462-490 Kent Avenue; 11-19 Division Avenue	3	2134	1	1.00
1-9 Division Avenue	3	2134	150	0.74
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, please attach an accurate map of the proposed site.				
2. Is the required property map attached to the application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map)				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, identify census tract : <u>547</u> Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 100%				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				

Section IV. Property Information (continued)

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

Easement/Right-of-way Holder

Description

1. Consolidated Edison

1. Conduits located beneath site extending from Kent Avenue at South 10th Street to Wallabout Channel.

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

Type

Issuing Agency

Description

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

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

☒ Yes ☐ No

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

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

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

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

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application? ☐ Yes ☐ No

NOTE: If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

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

Initials of each Requestor: _____

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

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Michael Witek			
ADDRESS 152 W 57th Street, 45th Floor			
CITY/TOWN New York		ZIP CODE 10019	
PHONE 212-759-9777	FAX	E-MAIL mwitek@naftaligroup.com	
NAME OF REQUESTOR'S CONSULTANT Matthew Carroll, P.E. / Tenen Environmental, LLC			
ADDRESS 121 W 27th Street			
CITY/TOWN New York		ZIP CODE 10001	
PHONE 646-606-2332 x103	FAX 646-606-2379	E-MAIL mcarroll@tenen-env.com	
NAME OF REQUESTOR'S ATTORNEY Michael Bogin / Sive, Paget & Riesel P.C.			
ADDRESS 560 Lexington Ave, 15th Floor			
CITY/TOWN New York		ZIP CODE 10022	
PHONE 212-421-2150	FAX 212-421-1891	E-MAIL mbogin@sprlaw.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME		OWNERSHIP START DATE:	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".			
IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.			
Section VII. 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?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Section VII. Requestor Eligibility Information (continued)

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ☒ No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. ☐ Yes ☒ No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? ☐ Yes ☒ No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? ☐ Yes ☒ No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? ☐ Yes ☒ No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9 (f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? ☐ Yes ☒ No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? ☐ Yes ☒ No
11. Are there any unregistered bulk storage tanks on-site which require registration? ☐ Yes ☒ No

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

☐ PARTICIPANT

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

☒ VOLUNTEER

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

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

☐ Previous Owner ☒ Current Owner ☐ Potential /Future Purchaser ☐ Other _____

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted**. Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached?

☐ Yes ☐ No

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

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

1. Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment. ☐ Yes ☒ No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? ☐ Yes ☒ No
If yes, please provide: Site # _____ Class # _____
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? ☐ Yes ☒ No
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. ☐ Yes ☐ No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? ☐ Yes ☒ No
If yes, please provide: Order # _____
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? ☐ Yes ☒ No
If yes, please provide explanation as an attachment.

Section IX. Contact List Information

To be considered complete, the application must include the Brownfield Site Contact List in accordance with [DER-23 / Citizen Participation Handbook for Remedial Programs](#). Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

Section X. Land Use Factors

1. What is the current municipal zoning designation for the site? R7-3, C2-4

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

☒ Residential ☒ Commercial ☐ Industrial

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

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

Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.

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

If residential, does it qualify as single family housing?

☐ Yes ☒ No

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

☒ Yes ☐ No

See attached.

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

☒ Yes ☐ No

The proposed use is residential and commercial, consistent with the Site's current zoning designation.

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

☒ Yes ☐ No

The proposed use is not inconsistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans. See attached for more information.

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hererby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____ Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Executive Vice President (title) of 470 Kent Ave Associates LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 7/9/21 Signature: _____

Print Name: Michael Witek

SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy of the application form with original signatures and table of contents, and one complete electronic copy in final, non-fillable Portable Document Format (PDF), must be sent to:
 - Chief, Site Control Section
 - New York State Department of Environmental Conservation
 - Division of Environmental Remediation
 - 625 Broadway
 - Albany, NY 12233-7020

PLEASE DO NOT SUBMIT PAPER COPIES OF SUPPORTING DOCUMENTS. Please provide a hard copy of ONLY the application form and a table of contents.

FOR DEC USE ONLY

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

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City ONLY. Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a) must be submitted if requestor is seeking this determination.

BCP App Rev 11

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see DEC's website for more information.	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Underutilized? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>From ECL 27-1405(31):</p> <p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p> <p>From 6 NYCRR 375-3.2(I) as of August 12, 2016: (Please note: Eligibility determination for the underutilized category can only be made at the time of application)</p> <p>375-3.2:</p> <p>(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or</p> <p>(c) there are no structures.</p> <p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.</p>	

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

3. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review). **Check appropriate box, below:**

- ☐ Project is an Affordable Housing Project - Regulatory Agreement Attached;
- ☒ Project is Planned as Affordable Housing, But Agreement is Not Yet Available*
(*Checking this box will result in a "pending" status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);
- ☐ This is Not an Affordable Housing Project.

From 6 NYCRR 375- 3.2(a) as of August 12, 2016:

(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' households annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.

(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

BCP Application Summary (for DEC use only)

Site Name: 470 Kent Avenue
City: Brooklyn

Site Address: 470 Kent Avenue
County: Kings **Zip:** 11211

Tax Block & Lot
Section (if applicable): 3 **Block:** 2134 **Lot:** 1

Requestor Name: 470 Kent Ave Associates LLC **Requestor Address:** c/o Michael Witek, 152 West 57th Street, 45th Floor
City: New York **Zip:** 10019 **Email:** mwitek@naftaligroup.com

Requestor's Representative (for billing purposes)
Name: Michael Witek **Address:** 152 W 57th Street, 45th Floor
City: New York **Zip:** 10019 **Email:** mwitek@naftaligroup.com

Requestor's Attorney
Name: Michael Bogin / Sive, Paget & Riesel P.C. **Address:** 560 Lexington Ave, 15th Floor
City: New York **Zip:** 10022 **Email:** mbogin@sprlaw.com

Requestor's Consultant
Name: Matthew Carroll, P.E. / Tenen Environmental, LLC **Address:** 121 W 27th Street
City: New York **Zip:** 10001 **Email:** mcarroll@tenen-env.com

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

DER Determination: ☐ Agree ☐ Disagree

Requestor's Requested Status: ☒ Volunteer ☐ Participant

DER/OGC Determination: ☐ Agree ☐ Disagree
Notes:

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

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

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

Does Requestor Claim Property is Underutilized: ☐ Yes ☒ No

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

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

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

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

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

SECTION I REQUESTOR INFORMATION

Requestor Name

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

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

Address, etc.

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

Document Certification

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

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

SECTION II PROJECT DESCRIPTION

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

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SECTION III PROPERTY'S ENVIRONMENTAL HISTORY

For all sites, an investigation report is required that is sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data includes site drawings requested in Section III, #3 of the BCP application form.

SECTION IV PROPERTY INFORMATION

Proposed Site Name

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

Site Address

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

Site Size

Provide the approximate acreage of the site.

GIS Information

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

Tax Parcel Information

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

1. Tax Map Boundaries

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

2. Map

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

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SECTION IV (continued)

3. En-zone

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

4. Multiple applications

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

10. Property Description Narrative

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

Location

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

Site Features:

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

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

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

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

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

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

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SECTION IV (continued)

Property Description Narrative (continued)

Site Geology and Hydrogeology:

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

Environmental Assessment

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

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

A typical Environmental Assessment would look like the following:

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

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

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

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

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

SECTION V

ADDITIONAL REQUESTOR INFORMATION

Representative Name, Address, etc.

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

Consultant and Attorney Name, Address, etc.

Provide requested information.

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

Owner Name, Address, etc.

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

Operator Name, Address, etc.

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

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

SECTION VII REQUESTOR ELIGIBILITY INFORMATION

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

SECTION VIII PROPERTY ELIGIBILITY INFORMATION

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

1. CERCLA / NPL Listing

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

2. Registry Listing

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

3. RCRA Listing

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

4. Registry / RCRA sites owned by volunteers

If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

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SECTION VIII (continued)

5. Existing Order

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

6. Enforcement Action Pending

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

SECTION IX CONTACT LIST INFORMATION

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

SECTION X LAND USE FACTORS

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

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

SECTION XI SIGNATURE PAGE

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

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DETERMINATION OF A COMPLETE APPLICATION

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

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DETERMINATION OF A COMPLETE APPLICATION (continued)

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

New York State Department of Environmental Conservation
BROWNFIELD CLEANUP PROGRAM

BROWNFIELD CLEANUP PROGRAM APPLICATION FOR
MAJOR CHANGE

SUPPLEMENTAL AND SUPPORTING INFORMATION

For

470 KENT AVENUE, BROOKLYN, NY
470 KENT AVE ASSOCIATES LLC

MARCH 2021

470 Kent Avenue – Brooklyn, NY
Addendum to BCP Application for Major Change Amendment

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Section I. Requestor Information

See attached New York State Department of State entity information for the requestor, as Exhibit I-A. The requestor is the Site owner as of May 27, 2020. The deeds have been provided to Site Control.

The members of 470 Kent Ave Associates LLC are:

- 470 Kent Ave JV LLC (See attached resolution in Exhibit I-B.)

Section II. Project Description

3. Description of Development Project

To clearly delineate the parcels relevant to this application, we use the following terminology throughout:

1. “Existing Site” – This is the 1.9-acre area constituting the property currently in the BCP.
2. “Additional Area” – This is the 1.74-acre area constituting the property to be added to the Existing Site.
3. “Proposed Site” – This is the 3.64-acre area proposed for inclusion in the BCP by this application, and it consists of the Existing Site and the Additional Area.

The Additional Area is a portion of a larger development at 470 Kent Avenue in Brooklyn, NY. As further described in Section IV, Item 10 below, the Existing Site is already in the Brownfield Cleanup Program (BCP), and this application seeks to add a northern portion (the Additional Area) to the BCP. As also further described in Section IV, Item 10, the Additional Area will include a mixed commercial/residential development. The demolition of the existing structures is anticipated to begin mid-July 2021 followed by the implementation of the remedy. A Certificate of Completion is anticipated in 2023.

Section III. Property’s Environmental History

The following reports are provided as separate electronic documents:

- *Phase I Environmental Site Assessment Report, 460 Kent Avenue, Brooklyn, New York. AKRF. January 2004*
- *470 Kent Avenue, Subsurface (Phase II) Investigation. AKRF. October 2005*
- *Phase I Environmental Site Assessment Report, 462 Kent Avenue, Brooklyn, New York. Environmental Business Consultants, September 6, 2011*
- *Phase II Subsurface Investigation Report (REVISED), NYCOER Environmental Review Program, CEQR No. 08DCP056K, 462 Kent Avenue, Brooklyn, New York. Environmental Business Consultants. December 28, 2011*

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- *470 Kent Avenue, Brooklyn, New York, Subsurface Investigation Letter Report. Tenen Environmental, March 17, 2014.*
- *Peoples Works Manufactured Gas Plant Site, Brooklyn, Kings County, New York, NYSDEC Site No. 224053, Index No. A2-0552-0606, Final Site Characterization Report. Tetra Tech EC, Inc. April 2018.*
- *470 Kent Avenue – Remedial Investigation Report, Tenen, March 2021 (Draft).*

Section IV. Property Information

2. The required property map and a metes and bounds description are attached in Exhibit II-A.
8. List of Existing Easements

Based on a review of the title documents, the following easements are in effect at the Site Addition (i.e., the area to be added to the existing BCP site as described in Section 10).

Easement Holder	Description
Consolidated Edison	Conduits located beneath the Site Addition extending from Kent Avenue at South 10 th Street to Wallabout Channel
United Talmudical Academy Torah Veyirah, Inc.	Pedestrian and vehicular ingress and egress

10. Property Description Narrative and Environmental Assessment

This application seeks to amend the Brownfield Cleanup Agreement for the site known as 470 Kent Avenue (C224053, the Existing Site) by adding the Additional Area to the BCP site. For purposes of this application, the “Additional Area” only refers to the property to be added to the existing BCP site.

Location

The Additional Area is located at the northwest corner of Kent Avenue and South 11th Street in the South Williamsburg area of Brooklyn. The Existing Site is located south of the Additional and is approximately 1.9 acres, consisting of a portion of Block 2134, Lots 1 and 150. The Additional Area is 1.74 acres and consists of the remaining portion of Lot 1 and the area landward of the proposed bulkhead on Lot 150. Together, the Proposed Site is 3.64 acres. Immediately west of the Proposed Site is the Wallabout Channel. The entire Proposed Site is located in Community Board 1.

A land use map, tax map, site location map and survey are attached as Exhibit II-A. Please note that the NYC Digital Tax Map (DTM) does not accurately reflect the extents of Lot 150. A title company has confirmed through New York State records that title was not taken to a water grant reflected on the DTM. Approximately 500 square feet (sf) of Lot 150 is underwater; the remaining is landward of the shared bulkhead and pierhead line.

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Addendum to BCP Application for Major Change Amendment

Site Features

The Additional Area consists of the northern portion of two buildings with a covered area between them. The buildings are two and four stories respectively. The Existing Site consists of the southern portions of the buildings and an asphalted paved area formerly used for parking and storage. As of May 2021, the Proposed Site is currently vacant.

Current Zoning and Land Use

The entire Proposed Site is zoned R7-3, denoting medium-density apartment housing districts, with a C2-4 commercial overlay, denoting commercial districts to serve the local retail needs of residential districts.

Past Uses of the Site

The Proposed Site has a history of industrial operations spanning over 100 years. Past uses included molasses storage; sugar refining; warehousing; brewery bottling and case storage; manufactured gas plant; and a lumberyard. Starting in the 1980's, the eastern building, along Kent Avenue, also housed various apparel-related operations. A truck loading area is shown in the historic maps dated 1950 and later.

Of note, the Additional Area was a part of the People's Gas Light Company, a manufactured gas plant (MGP). The MGP has been investigated under oversight by NYSDEC as the Peoples Works Former Manufactured Gas Plant Site (Site No. 224053, Index No. A2-0552-0606).

Site Geology and Hydrogeology

The Proposed Site is covered by four to 20 feet of soil classified as historic fill material consisting of asphalt, concrete, rock fragments and fine-to medium-grained, silty sand. The fill material is underlain by layers of sand and silt with increasing silty clay to clay toward Wallabout Channel. Bedrock is present at 83 to 108 feet below grade. Groundwater is tidally influenced and is present at approximately twelve feet below grade.

Environmental Assessment

Based on the investigations conducted to date, the primary contaminants of concern for the Additional Area include petroleum-related compounds, chlorinated solvents, polyaromatic hydrocarbons (PAHs) and mercury.

Soil

Petroleum-impacted soil was identified along the northern portion of the property and includes benzene, toluene, ethylbenzene and xylenes (BTEX) and naphthalene above the Restricted-Residential and Protection of Groundwater soil cleanup objectives (SCOs). The concentrations of benzene [max 203 milligrams per kilogram (mg/kg)] in three locations were present above the Restricted-Residential (4.8 mg/kg) and Protection of Groundwater (0.06 mg/kg) SCOs. The concentration of toluene (max 238 mg/kg) in one location was present above the Restricted-Residential (100 mg/kg) and Protection of Groundwater (0.7 mg/kg) SCOs. The concentrations of ethylbenzene (max 169 mg/kg) in three locations were present above the Restricted-Residential

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(41 mg/kg) and Protection of Groundwater (1 mg/kg) SCOs. The concentrations of xylenes (max 552 mg/kg) in three locations were present above the Restricted-Residential (100 mg/kg) and Protection of Groundwater (1.6 mg/kg) SCOs. The concentrations of naphthalene (max 1,350 mg/kg) in two locations were present above the Restricted-Residential (100 mg/kg) and Protection of Groundwater (12 mg/kg) SCOs.

PAHs above the Restricted-Residential and Protection of Groundwater SCOs are present across the Additional Area. Specifically, acenaphthylene (max 147 mg/kg), anthracene (max 468 mg/kg), benzo(a)anthracene (max 317 mg/kg), benzo(a)pyrene (max 323 mg/kg), benzo(b)fluoranthene (max 213 mg/kg), benzo(g,h,i)perylene (max 135 mg/kg), benzo(k)fluoranthene (max 199 mg/kg), chrysene (max 278 mg/kg), dibenzo(a,h)anthracene (max 43.4 mg/kg), dibenzofuran (max 212 mg/kg), fluoranthene (max 917 mg/kg), fluorene (max 278 mg/kg), indeno(1,2,3-cd)pyrene (max 141 mg/kg), phenanthrene (max 1,110 mg/kg), pyrene (max 803 mg/kg) and several fractionated PAHs were detected above the Restricted-Residential SCOs. In addition, 2-methylnaphthalene (max 225 mg/kg) and acenaphthene (max 188 mg/kg) were detected above the Protection of Groundwater SCOs.

One metal, mercury at a maximum concentration of 2.99 mg/kg, was detected in three soil samples in the northern portion of the Site Addition above the Restricted-Residential (0.81 mg/kg) and Protection of Groundwater (0.73 mg/kg) SCOs.

Groundwater

Dissolved concentrations of petroleum constituents are present in several centrally-located monitoring wells, with BTEX concentrations of up to 36,100 micrograms per liter (ug/L) in one well, as well as naphthalene and other petroleum constituents above the Technical and Operation Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards. (AWQS) for Class GA groundwater. One monitoring well beneath the western building contained two degraded chlorinated VOCs (cVOCs), cis-1,2-dichloroethene and vinyl chloride, above but on the same order of magnitude, as the AWQS. No evidence of sheen or non-aqueous phase liquid (NAPL) were detected in the groundwater monitoring wells.

Similar PAHs as were detected in the soil were also detected in the groundwater above the AWQS. The highest concentrations were detected in the central portion of the proposed area, with a maximum concentration of 658 ug/L. The following PAHs were detected in groundwater above the AWQS and in soil above the Protection of Groundwater SCOs: acenaphthene (max 33 ug/L), benzo(a)anthracene (max 40.9 ug/L), benzo(a)pyrene (max 39.1 ug/L), benzo(b)fluoranthene (max 33.3 ug/L), benzo(k)fluoranthene (max 29.5 ug/L), chrysene (max 36.9 ug/L), fluoranthene (max 92.5 ug/L), indeno(1,2,3-cd)pyrene (max 24 ug/L), and pyrene (max 78.3 ug/L).

Soil Vapor and Indoor Air

Data recently collected at the Additional Area indicated that tetrachloroethene (PCE) is present at a maximum concentration of 97.6 micrograms per cubic meter (ug/m³) in sub-slab soil vapor and 0.875 ug/m³ in indoor air. Trichloroethene (TCE) is present at a maximum concentration of 102 ug/m³ in sub-slab soil vapor and was not detected in indoor air. Based on the New York State Department of Health (NYSDOH) Matrices, the concentration of TCE should be mitigated; however, the Proposed Site is currently vacant.

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Section VI. Current Property Owner/Operator Information

The Requestor is the current owner and only operator of the Proposed Site.

Previous Owners

The previous owners are categorized by entities that owned Lot 1 only, Lot 150 only or both Lots 1 and 150.

Dates Owned	Owner Last Known Address	Requestor's Relationship to Owner
Block 2134, Lot 1 (462-490 Kent Avenue) Only		
1878 – 1898	Oscar King's Distillery 470 Kent Avenue, Brooklyn, NY 11211	None
1977	GFS Realty Company 470 Kent Avenue, Brooklyn, NY 11211	None
1977 – 1978	Bulkhead Realty Corp 10 East 40 th Street, New York, NY 10016	None
1981 – 2004	Waterfront Realty Co. 470 Kent Avenue, Brooklyn, NY 11211	None
2004 – 2020	Waterfront Realty II LLC 470 Kent Avenue, Brooklyn, NY 11211	None
Block 2134, Lot 150 (1-9 Division Avenue) Only		
1977 – 1978	Original Ave Enterprises Inc. 1 Division Avenue, Brooklyn, NY 11211	None
1981 – 1991	New York City Industrial Development Agency c/o New York City Economic Development Corporation (NYCEDC) 110 William Street, New York, NY 10038	None
1991 – 2010	Certified Lumber Corporation 470 Kent Avenue, Brooklyn, NY 11211	None
2010 – 2020	CL SPE LLC 1 Division Avenue, Brooklyn, NY 11211	None
Block 2134, Lots 1 and 150 (462-490 Kent Avenue and 1-9 Division Avenue)		
1880 – 1904	People's Gas Light Company c/o National Grid 1 Metrotech Center, Brooklyn, NY 11201	None
1880 – 1918	Mollenhauer & Sons Storage 470 Kent Avenue, Brooklyn, NY 11211	None
1898 – 1929	Mollenhauer Sugar Refining Co. c/o American Sugar Refining, Inc. One North Clematis Street, Suite 200 West Palm Beach, Florida 33401	None
1918 – 1935	National Sugar Refining Company of New Jersey c/o American Sugar Refining, Inc. One North Clematis Street, Suite 200 West Palm Beach, Florida 33401	None

470 Kent Avenue – Brooklyn, NY
Addendum to BCP Application for Major Change Amendment

Dates Owned	Owner Last Known Address	Requestor's Relationship to Owner
1929 – 1939	South 11 th Street Warehouse Corporation 470 Kent Avenue, Brooklyn, NY 11211	None
1939 – 1977	F. M. Schaefer Brewing Company c/o Pabst Brewing Company 10635 Santa Monica Blvd, Suite 350 Los Angeles, CA 90025	None
1977	Shula Limited Partnership 470 Kent Avenue, Brooklyn, NY 11211	None
1978 – 1981	United Talmudical Academy Torah Veyirah Inc. 173-177 Harrison Avenue, Brooklyn, New York 11206	None
May 27, 2020 – present	470 Kent Ave Associates LLC	Requestor

Note: ownership dates prior to 1980 are presented based on historical research and reflect known dates of ownership. The deeds for the requestor are included in Exhibit III-A.

Previous Operators

The previous operators are categorized by entities that operated on Lot 1 only or on both Lots 1 and 150. No operators are known to have only been present on Lot 150.

Dates Owned	Operator Last Known Address	Requestor's Relationship to Operator
Block 2134, Lot 1 (462-490 Kent Avenue) Only		
1878 – 1898	Oscar King's Distillery 470 Kent Avenue, Brooklyn, NY 11211	None
2004 – 2011	V.I.M. 2704 Mermaid Avenue, Coney Island, NY 11224	None
2004 – 2011	Street Beat 462 Kent Avenue, Brooklyn, NY 11211	None
2011	Ross Trading 470 Kent Avenue, Brooklyn, NY 11211	None
2011	Crown Woods Corp. 460 Kent Avenue, Brooklyn, NY 11211	None
2011	Gaudi Décor Lot 5930, Kawasan Perusahaan Kamunting, 34600 Kamunting, Perak, Malaysia	None
2011	LTL Designs, Inc. c/o Ressler & Ressler 2 Penn Plaza, Room 2640, New York, NY 10001	None
2011	Heads Up Inc. 470 Kent Avenue, Brooklyn, NY 11211	None

470 Kent Avenue – Brooklyn, NY
Addendum to BCP Application for Major Change Amendment

Dates Owned	Operator Last Known Address	Requestor's Relationship to Operator
2011	Goldstone Hosiery Co. 10 West 33 rd Street, #230, New York, NY 10001	None
2011	Jacob's Hosiery Co. 4825 Metropolitan Avenue, Flushing, NY 11385	None
2011	Pizza Restaurant 470 Kent Avenue, Brooklyn, NY 11211	None
2011	Imperial Parking c/o iPark 107 West 13 th Street, New York, NY 10011	None
2011 – 2014	Kentco NY LTD 466 Kent Avenue, Brooklyn, NY 11211	None
2011	Rachel's Outlet Store 462 Kent Avenue, Brooklyn, NY 11211	None
2011 – 2014	Finest Ceiling and Drywall Corp. 462 Kent Avenue, Brooklyn, NY 11211	None
2011	Good and Fast Cutting 462 Kent Avenue, Brooklyn, NY 11211	None
2011	Olga Sportswear 1412 Avenue M, #2302, Brooklyn, NY 11230	None
2011	Start Clothing 470 Kent Avenue, Brooklyn, NY 11211	None
2011	Famous Horse, Inc. c/o V.I.M. 2704 Mermaid Avenue, Coney Island, NY 11224	None
2011	ABC Storage 470 Kent Avenue, Brooklyn, NY 11211	None
2011	A&R Lumber Wholesale Corporation 470 Kent Avenue, Brooklyn, NY 11211	None
2011	Vasco Jeans 470 Kent Avenue, Brooklyn, NY 11211	None
2011	Exclusive Door Co. 376 Flushing Avenue, Brooklyn, NY 112105	None
2011	Merril Brothers 470 Kent Avenue, Brooklyn, NY 11211	None
Pre 2014	Godinger Silver Art Co. Ltd. 63-17 Traffic Avenue, Ridgewood, NY 11385	None
Pre 2014	FF & BH Inc. 199 Lee Avenue, Suite 773, Brooklyn, NY 11211	None
Pre 2014	LED Media LLC 535 8 th Avenue, #16, New York, NY 10018	None

470 Kent Avenue – Brooklyn, NY
Addendum to BCP Application for Major Change Amendment

Dates Owned	Operator Last Known Address	Requestor's Relationship to Operator
Pre 2014	NY MDSE Co. 470 Kent Avenue, Brooklyn, NY 11211	None
Block 2134, Lots 1 and 150 (462-490 Kent Avenue and 1-9 Division Avenue)		
1880 – 1904	People's Gas Light Company c/o National Grid 1 Metrotech Center, Brooklyn, NY 11201	None
1880 – 1918	Mollenhauer & Sons Storage 470 Kent Avenue, Brooklyn, NY 11211	None
1898 – 1929	Mollenhauer Sugar Refining Co. c/o American Sugar Refining, Inc. One North Clematis Street, Suite 200 West Palm Beach, Florida 33401	None
1918 – 1935	National Sugar Refining Company of New Jersey c/o American Sugar Refining, Inc. One North Clematis Street, Suite 200 West Palm Beach, Florida 33401	None
1929 – 1939	South 11 th Street Warehouse Corporation 470 Kent Avenue, Brooklyn, NY 11211	None
1939 – 1977	F. M. Schaefer Brewing Company c/o Pabst Brewing Company 10635 Santa Monica Blvd, Suite 350 Los Angeles, CA 90025	None
1978 – 1981	United Talmudical Academy Torah Veyirah Inc. 173-177 Harrison Avenue, Brooklyn, New York 11206	None
1981 – May 3, 2021	Certified Lumber 470 Kent Avenue, Brooklyn, NY 11211	None
1998 – May 3, 2021	Gaudi Décor USA Corp. 470 Kent Avenue, Brooklyn, NY 11211	None
2006 – May 3, 2021	Excellent Interior, Inc. 470 Kent Avenue, Brooklyn, NY 11211	None
2013 – May 3, 2021	Insulate Tri-State Inc. 470 Kent Avenue, Brooklyn, NY 11211	None
Unknown – May 3, 2021	Kinche Dpische of CYL 470 Kent Avenue, Brooklyn, NY 11211	None
May 3, 2021 – Present	470 Kent Ave Associates LLC	Requestor

Note: operation dates are based on historical research and, through 2004, reflect known dates of operation. Operation dates after 2004 are based on signage at the site and internet research.

Section VIII. Property Eligibility Information

Property Description Narrative

The prior investigations of the Addition Area have confirmed the presence of contamination sources that are complicating the development and re-use of the property. Specifically, investigations conducted between 2005 and 2020 have identified petroleum-related compounds, chlorinated solvents, polyaromatic hydrocarbons (PAHs) and metals at concentrations above regulatory levels in environmental media, as detailed in the environmental assessment. This is consistent with a documented industrial history spanning over 100 years. As indicated by the findings and conclusions of the investigation reports, these contaminants appear to be related to historic operations, including filling, at the Additional Area.

The Peoples Works MGP was operational prior to 1868 and ceased operations between 1893 and 1896. The plant originally utilized a coal gas process but switched to a carbureted water gas (CWG) process between 1887 and 1888. Historic information also indicates that coal tar products and MGP structures were removed from the property when the People's Works MGP was decommissioned in the late 1800's.

The Addition Area is encumbered with a Restrictive Declaration dated September 21, 2009 that requires the applicant developers to investigate and remediate hazardous materials at the Site Addition in accordance with an approved Sampling Protocol and Remedial Action Plan. The Restrictive Declaration provides that before the applicant can apply to the New York City Department of Buildings to obtain permits for construction, it must obtain a Notice to Proceed and that the applicant cannot apply for a Certificate of Occupancy until it obtains a Notice of Satisfaction. Such work must be performed in accordance with an approved Sampling Protocol and Remedial Action Plan. The City's Office of Environmental Remediation has agreed that investigation and remediation performed under the State BCP satisfies such requirements.

The area proposed to be added to the BCP site (the Additional Area) was covered by a multi-site voluntary order on consent (Index A2-0552-0606) between KeySpan, the predecessor to National Grid, and NYSDEC. However, pursuant to a February 28, 2020 agreement between the Applicant and National Grid, National Grid agreed to withdraw the Additional Area from the order on consent and the Applicant agreed to apply to add the Addition Area to the BCP. On September 2, 2020, National Grid withdrew the Addition Area from the order on consent. Prior investigations of the Proposed Site, including the upland Site Characterization performed on behalf of National Grid in 2012 and 2015 within the Additional Area, have not found source material at the Additional Area that is associated with historic MGP operations.

The Applicant purchased the property in May 27, 2020. At that time, notices were made to NYSDEC regarding the change in ownership, and the Brownfield Cleanup Agreement (BCA) for the Existing Site was updated to add the Applicant. As part of the purchase, the Applicant prepared a Phase I environmental site assessment (ESA) for the entire project, including the Additional. The Applicant certifies it is a Volunteer with respect to the Additional Area (and Proposed Site), as it only recently acquired the Site and after performing proper environmental due diligence. Further, the Applicant has no relationship with any of the past owners or operators of the Site.

Section IX. Contact List Information

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.

Mayor Bill de Blasio

City Hall

260 Broadway Avenue

New York, New York 1007

Marisa Lago, Chair

Department of City Planning

22 Reade Street

New York, New York 1007

Velmanette Montgomery

NYS Senator – District 25

55 Hanson Pl., Suite 702

Brooklyn, New York 11217

Stephen Levin

Council Member - District 33

410 Atlantic Avenue

Brooklyn, NY 11217

Joseph Lentol

NYS Assembly – District 50

619 Lorimer Street

Brooklyn, NY 11211

Department of City Planning

Brooklyn Borough Office

16 Court Street

Brooklyn, NY 11241

2. Owners and occupants of the property and properties adjacent to the property.

462-490 Kent Avenue (Block 2134, Lot 1)

Owner:

470 Kent Ave Associates LLC (Requestor)

Occupants:

470 Kent Ave Associates LLC (Requestor)

1-9 Division Avenue (Block 2134, Lot 150)

Owner:

470 Kent Ave Associates LLC (Requestor)

470 Kent Avenue – Brooklyn, NY
Addendum to BCP Application for Major Change Amendment

Occupants:

470 Kent Ave Associates LLC (Requestor)

460 Kent Avenue (Block 2134, Lot 36)

Owner:

Kent Waterfront Associates LLC
C/O PWB Management Corp.
3092 Hull Avenue, St. 4
Bronx, New York, 10467

Occupants:

City of New York Department of Housing Preservation and Development
100 Gold Street New York, NY 10038-1605

Schaefer Esplanade, NY Waterway's East River Ferry
4800 Avenue at Port Imperial
Weehawken, NJ 07086

492 Kent Avenue (Block 2023, Lot 10)

Owner:

500 Kent LLC
505 Flushing Avenue, Ste. 1D
Brooklyn, NY 11205

431 Kent Avenue (Block 2135, Lot 1)

Owner:

Wythe and Kent Realty LLC
144 Spencer Street
Brooklyn, NY 11205-3990

Occupant:

Lucky Supply Inc.
5 South 11th Street Brooklyn, NY 11211

475 Kent Avenue (Block 2159, Lot 1)

Owner:

475 Kent Owner LLC
40 Randall Avenue
Freepost, NY 11524

19 South 11th Street (Block 2135, Lot 103)

Owner:

Wythe & Kent Realty, LLC
144 Spencer Street
Brooklyn, NY 11205

470 Kent Avenue – Brooklyn, NY
Addendum to BCP Application for Major Change Amendment

26 South 10th Street (Block 2135, Lot 104)

Owner:

W&K Phase 2 LLC
144 Spencer Street
Brooklyn, NY 11205

31 Division Avenue (Block 2159, Lot 2)

Owner:

Beis Chinuch Lebonos Be'ikvei Hatzoin
31 Division Avenue Brooklyn, NY 11249

3. Local news media from which the community typically obtains information.

The New York Times
229 West 43rd Street
New York, NY 10036

Brooklyn Eagle
30 Henry Street
Brooklyn, NY 11201

1010 WINS-CBS Radio
888 7th Avenue, 10th Floor
New York NY 10106

News 12 Brooklyn
164 20th Street
Brooklyn, NY 11232

4. The public water supplier which services the area in which the property is located.

New York City Department of Environmental Protection
Consumer Service Center
59-17 Junction Boulevard, 10th Floor
Flushing, NY 11373

5. Any persons who have requested to be placed on the contact list.

At this time, no one has requested to be placed on the contact list.

6. The administrator of any school or day care facility on or near the property.

Williamsburg Montessori
430 Kent Avenue Brooklyn, NY 11211
Attn: Becky Simhai, Head of School

470 Kent Avenue – Brooklyn, NY
Addendum to BCP Application for Major Change Amendment

Ohel Sura School
31 Division Avenue
Brooklyn, NY 11211

PS 16 Leonard Dunkly School
157 Wilson Street
Brooklyn, NY 11211
Attn: Mary Renny, Principal

NYCHA Child Care Center
80 Clymer Street
Brooklyn, NY 11249
Attn: Rosa Scott, Program Directory

NYCHA Independence Child Care Center
114 Taylor Street
Brooklyn, NY 11249
Attn: Eda Robinson, Administrator

7. Location of the Document Repository.

Brooklyn Public Library
Greenpoint Library
107 Norman Avenue at Leonard Street
Brooklyn, NY 11222

The Williamsburgh Library was previously the repository for the BCP site; however, it was closed in December 2020. Please note that Community Board 1 previously declined to serve as a repository. See Exhibit IV-A.

Section X. Land Use Factors

1. Zoning: The Proposed Site is currently zoned for residential (R7-3) with a 100-foot commercial (C2-4) overlay.
2. Current Use: The Proposed Site is currently vacant.
3. Intended Use: The intended use of the Proposed Site is mixed commercial and residential.

All current structures will be demolished, and a new bulkhead will be installed. Impacted soil and groundwater will be remediated during redevelopment. The Proposed Site will be regraded and capped by buildings or other hard surfaces or at least two feet of clean fill in landscaped areas.

The remediation will be coordinated with the redevelopment, as detailed in the estimated project schedule included as Exhibit V-A. A Certificate of Completion (COC) is estimated in 2023.

470 Kent Avenue – Brooklyn, NY
Addendum to BCP Application for Major Change Amendment

4. Development Patterns: Based on U.S. Census data, the population of the Williamsburg neighborhood grew approximately 30.8 percent between 2010 and 2013. Information compiled by the New York City Department of City Planning (NYCDCP) indicate that the Site's census tract grew by approximately 56 percent between 2000 and 2010.

See: gis.nyc.gov/census/.

6. Consistency with Land Use Plans.

The subject property has Restrictive Declarations for hazardous materials, archaeology, traffic and the above-mentioned Special Permit. The development will be completed in accordance with the zoning and Restrictive Declarations.

The Site is located on Wallabout Channel and the development is consistent with New York State goals to increase access to waterfronts.

Exhibit I-A

NYS Department of State Entity Information

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through March 10, 2021.

Selected Entity Name: 470 KENT AVE ASSOCIATES LLC

Selected Entity Status Information

Current Entity Name: 470 KENT AVE ASSOCIATES LLC

DOS ID #: 5476413

Initial DOS Filing Date: JANUARY 16, 2019

County: NEW YORK

Jurisdiction: DELAWARE

Entity Type: FOREIGN LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

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

CORPORATION SERVICE COMPANY

80 STATE STREET

ALBANY, NEW YORK, 12207-2543

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

***Stock Information**

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

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
JAN 16, 2019	Actual	470 KENT AVE ASSOCIATES LLC

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

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

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Exhibit I-B

Corporate Resolution

**RESOLUTION ADOPTED BY
470 KENT AVE ASSOCIATES LLC**

The undersigned, being the sole member (the “Member”) of 470 Kent Ave Associates LLC, a Delaware limited liability company (the “Company”), does hereby consent to and adopt the following resolutions:

WHEREAS, the Company is the fee owner of certain real property located at 470 Kent Avenue, Brooklyn, New York (the “Property”);

WHEREAS, a portion of the Property is participating in the New York State Brownfield Cleanup Program (“BCP”) as Site No. C224053;

WHEREAS, the Company desires to include an additional portion of the Property in the BCP; and

WHEREAS, the Company desires to enter into a Brownfield Site Cleanup Agreement with the New York State Department of Environmental Conservation (the “Agreement”) to evidence the inclusion of the Property in the BCP.

NOW, THEREFORE, BE IT RESOLVED, that the Company is hereby authorized and directed to execute and deliver any and all documents in connection with the Brownfield Site Cleanup Agreement, including an environmental easement and any other documents deemed necessary in substantial accordance with this Resolution.

AND BE IT FURTHER RESOLVED, that the Member of the Company hereby authorizes and directs Michael Naftali or Yosi Manor, as authorized signatories (the “Authorized Signatories”), to acknowledge, execute and deliver for and on behalf of the Company, any and all agreements, resolutions, documents, certificates, easements, and authorizations which may be necessary, convenient or advisable to effect the inclusion of the Property in the BCP, including but not limited to, the Agreement and any required environmental easement for the Property, and to take such additional actions as deemed desirable and appropriate to carry out the intent and to accomplish the purposes of these resolutions;

AND BE IT FURTHER RESOLVED, that any and all lawful action taken in good faith by the Authorized Signatories prior to the date hereof on behalf of the Company and in furtherance of the transactions contemplated by the foregoing resolution are in all respects ratified, confirmed and approved by the Company as its own acts and deeds, and shall conclusively be deemed to be the acts and deeds of the Company for all purposes.

IN WITNESS WHEREOF, the undersigned has executed this Resolution in the capacity noted below as of this 9th day of March 2021.

[signature on separate sheet]

470 Kent Ave Associates LLC

By: 470 Kent Ave JV LLC

By: _____

Name: Yosi Manor

Title: Authorized Signatory

Exhibit II-A

Property Maps and Metes & Bounds Description

“Proposed Site” Metes & Bounds
470 Kent Avenue – Brooklyn, NY
BCP Site No. C224053

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 Kent Avenue and the northerly side of Division Avenue;

RUNNING THENCE northerly along the westerly side of Kent Avenue, 551.35 feet:

THENCE westerly at 90 degrees 188.58 feet;

THENCE northerly at 90 degrees 23.50 feet;

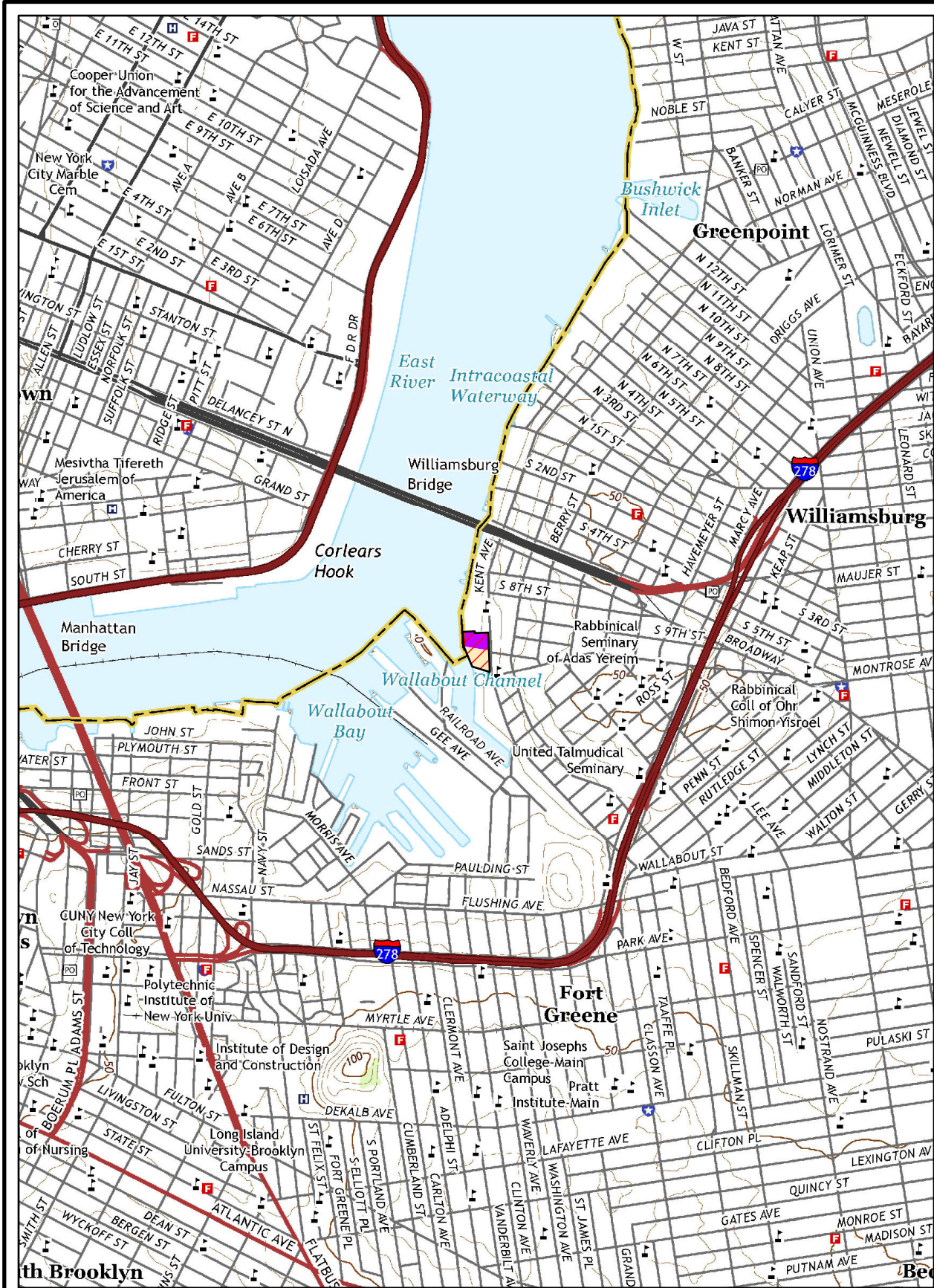
THENCE westerly at 90 degrees 145.14 feet;

THENCE southerly at 90 degrees 201.99 feet;

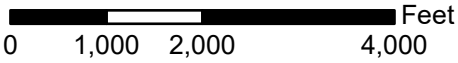
THENCE westerly at 90 degrees 190.3 feet;

THENCE southeasterly along the United States Pierhead and Bulkhead Line approved February 25, 1918 310.115 feet;

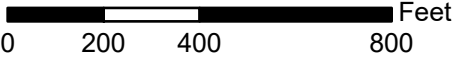
THENCE easterly along the northerly side of Division Avenue, 254.085 feet to the westerly side of Kent Avenue, at the point or place of BEGINNING.



Site Location

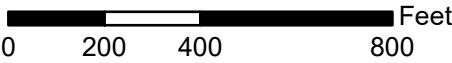


Department of Finance Digital Tax Map



Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community
NYC Department of City Planning, Information Technology Division

Department of City Planning MapPLUTO - 2020 v6



Site

TENEN ENVIRONMENTAL

Tenen Environmental, LLC
121 West 27th Street
Suite 702
New York, NY 10001
O: (646) 606-2332
F: (646) 606-2379

Drawn By LM

Checked By CZ

Date June 2021

Scale As Noted

Site Location Map

Figure 1

Drawing Title

Drawing No



<http://gis.nyc.gov/taxmap/map.htm>

Legend



Existing Site



Additional Area



Proposed Site

Tax Map

Figure 2

TENEN ENVIRONMENTAL

Tenen Environmental, LLC
121 West 27th Street
Suite 702
New York, NY 10001
O: (646) 606-2332
F: (646) 606-2379

Drawn By LM

Checked By CZ

Date June 2021

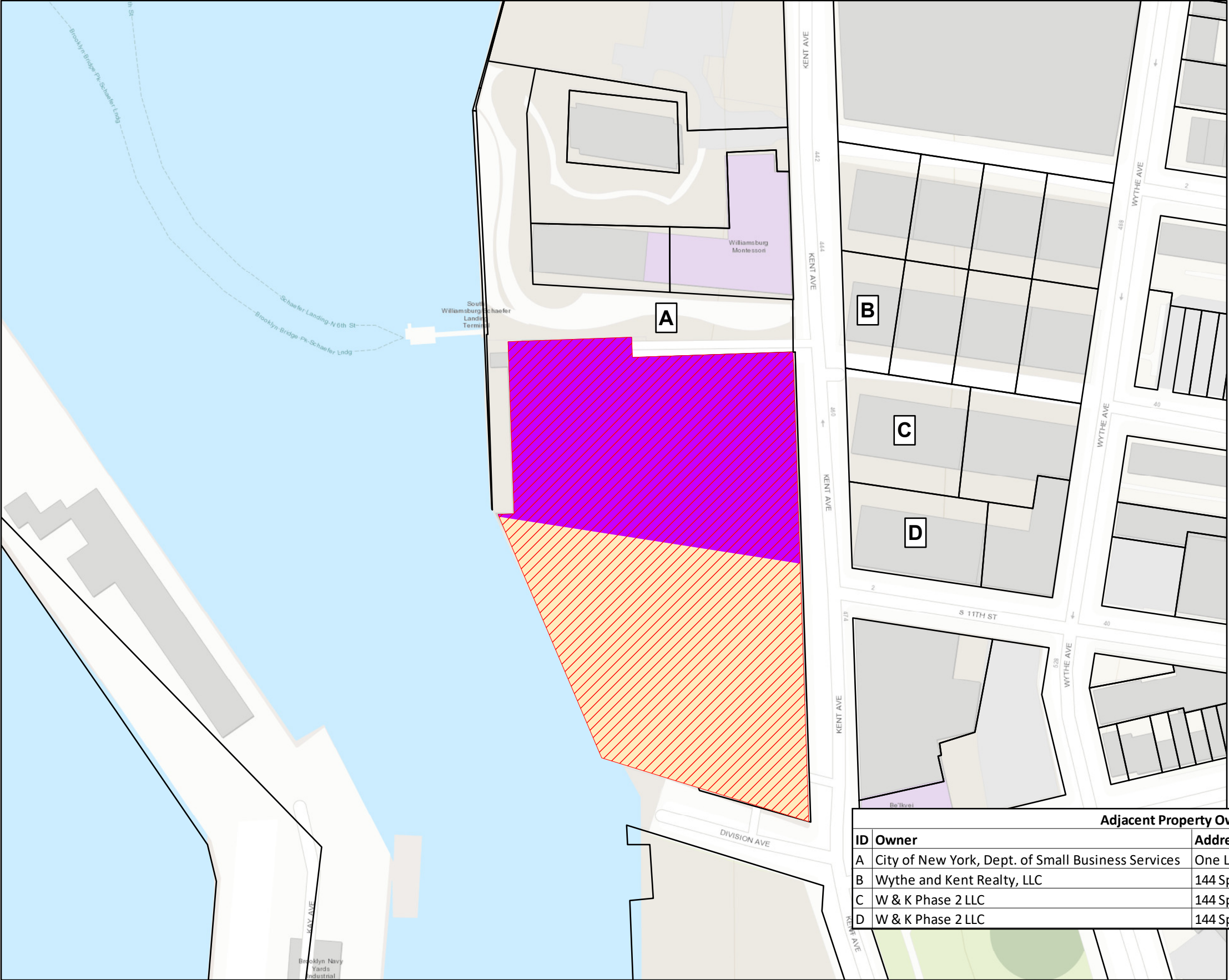
Scale As Noted

Drawing Title

Drawing No

470 Kent Avenue
Brooklyn, New York
Block 2134, Lots 1 & 150

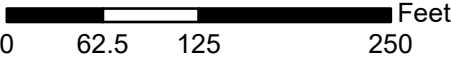
Site



Legend

- Existing Site
- Additional Area
- Proposed Site

Adjacent Property Owners		
ID	Owner	Address
A	City of New York, Dept. of Small Business Services	One Liberty Plaza, 11th Floor, New York, NY 10006
B	Wythe and Kent Realty, LLC	144 Spencer Street, Brooklym NY 11205
C	W & K Phase 2 LLC	144 Spencer Street, Brooklym NY 11205
D	W & K Phase 2 LLC	144 Spencer Street, Brooklym NY 11205



Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community
NYC Department of City Planning, Information Technology Division

Site

470 Kent Avenue
Brooklyn, New York
Block 2134, Lots 1 & 150

TENEN ENVIRONMENTAL

Tenen Environmental, LLC
121 West 27th Street
Suite 702
New York, NY 10001
O: (646) 606-2332
F: (646) 606-2379

LM

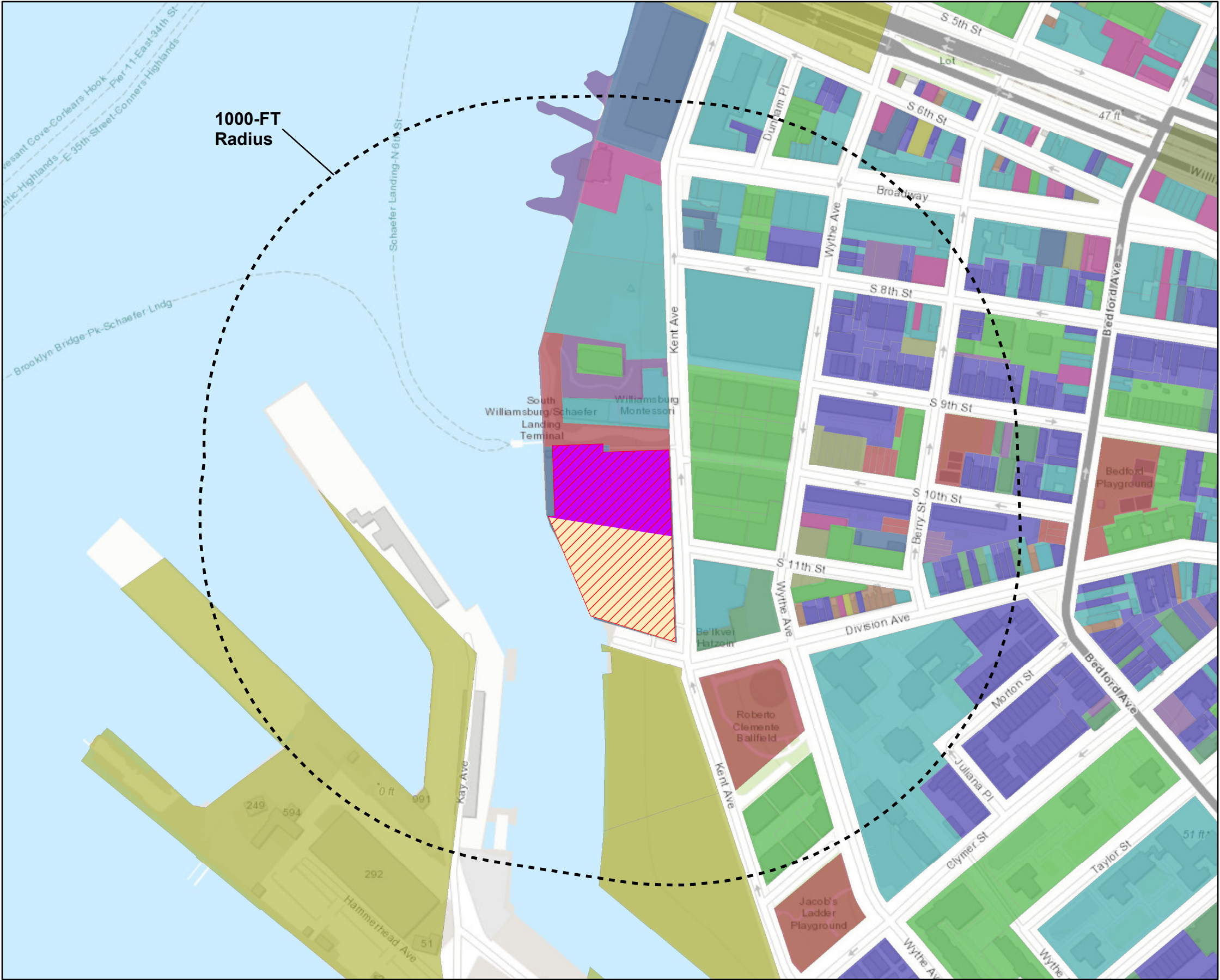
CZ

June 2021

As Noted

Adjacent Property Owners

Figure 3



Legend

Existing Site

Additional Area

Proposed Site

Land Use

One & Two Family Buildings

Multi-Family Walk-Up Buildings

Multi-Family Elevator Buildings

Mixed Residential & Commercial Buildings

Commercial & Office Buildings

Industrial & Manufacturing

Transportation & Utility

Public Facilities & Institutions

Open Space & Outdoor Recreation

Parking Facilities

Vacant Land

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community
NYC Department of City Planning, Information Technology Division

Site

470 Kent Avenue
Brooklyn, New York
Block 2134, Lots 1 & 150

TENEN ENVIRONMENTAL

Tenen Environmental, LLC
121 West 27th Street
Suite 702
New York, NY 10001
O: (646) 606-2332
F: (646) 606-2379

Drawn By

LM

Checked By

CZ

Date

June 2021

Scale

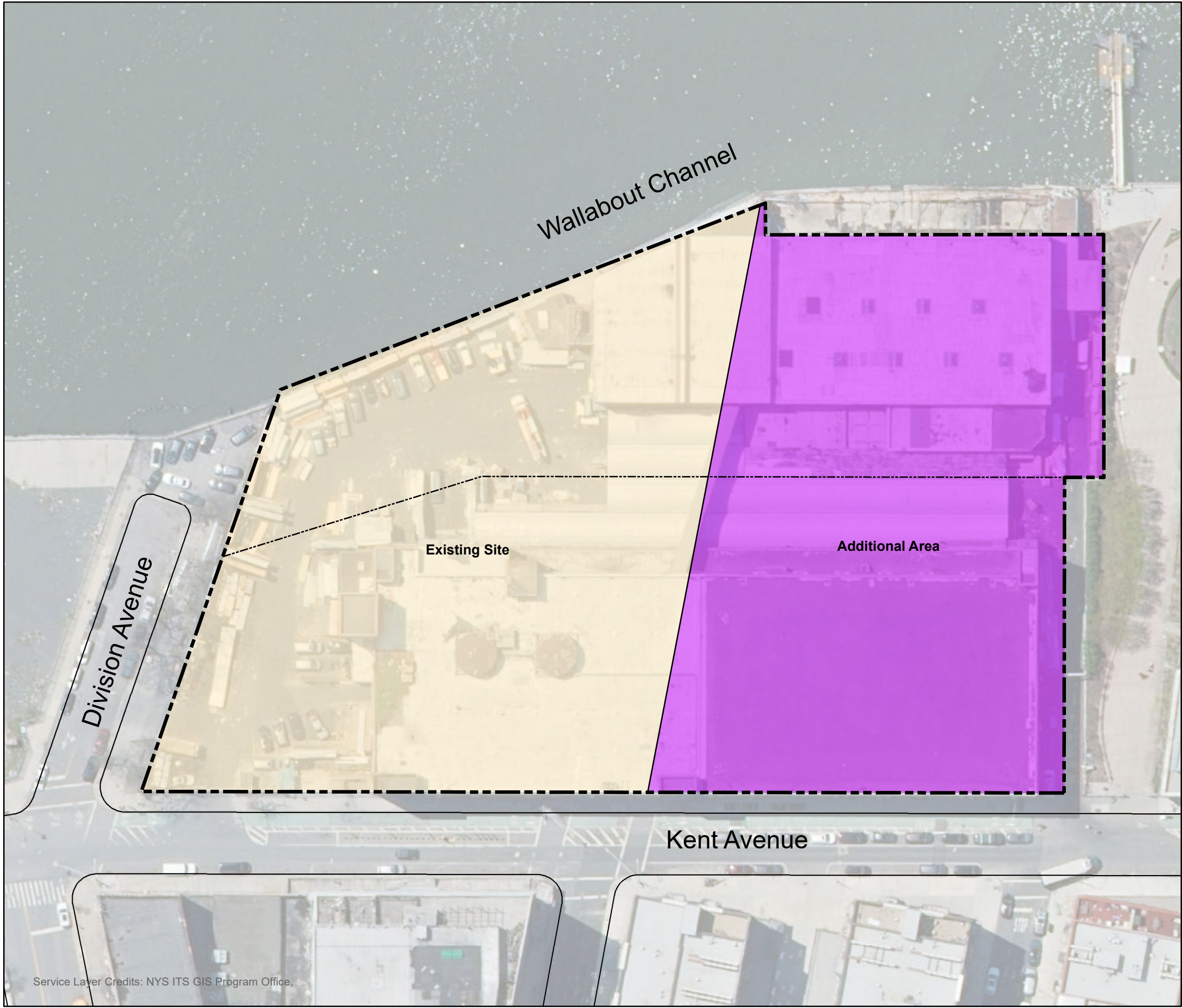
As Noted

Land Use Map

Drawing Title

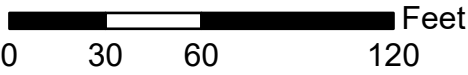
Drawing No

Figure 4



Legend

- Lot Line
- Site Boundary
- Existing Site (1.90 acres)
- Additional Area Site Extents (1.74 acres)



Service Layer Credits: NYS ITS GIS Program Office,

Site

**470 Kent Avenue
Brooklyn, New York
Block 2134, Lots 1 & 150**

TENEN ENVIRONMENTAL

Tenen Environmental, LLC
121 West 27th Street
Suite 702
New York, NY 10001
O: (646) 606-2332
F: (646) 606-2379

Drawn By

LM

Checked By

MC

Date

July 2021

Scale

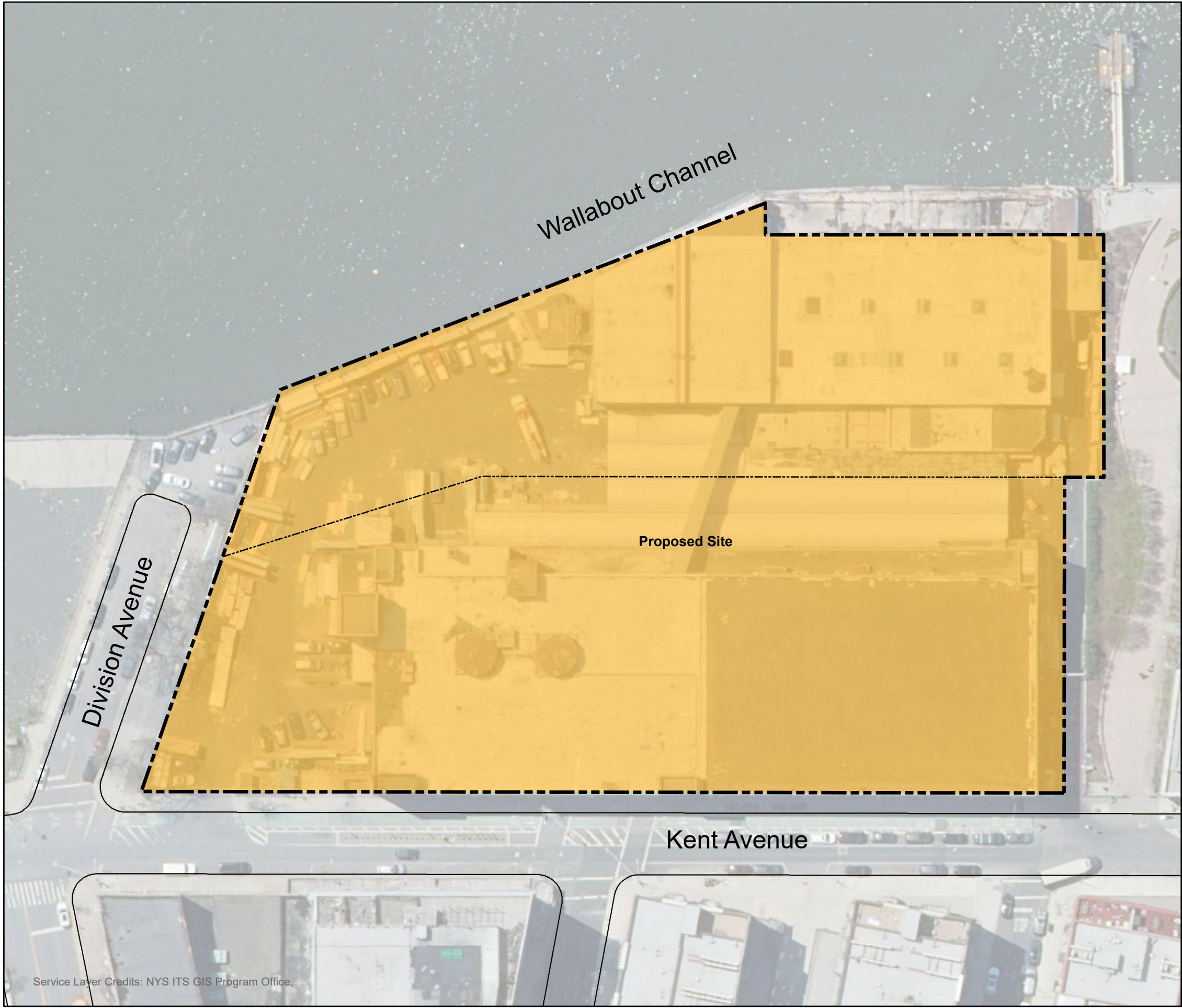
As Noted

Drawing Title

**Extent of Current BCP Site
and Proposed Additional Area**

Drawing No

Figure 5



Service Layer Credits: NYS ITS GIS Program Office,

03060120

Feet

03060120

Feet

03060120

Feet

03060120

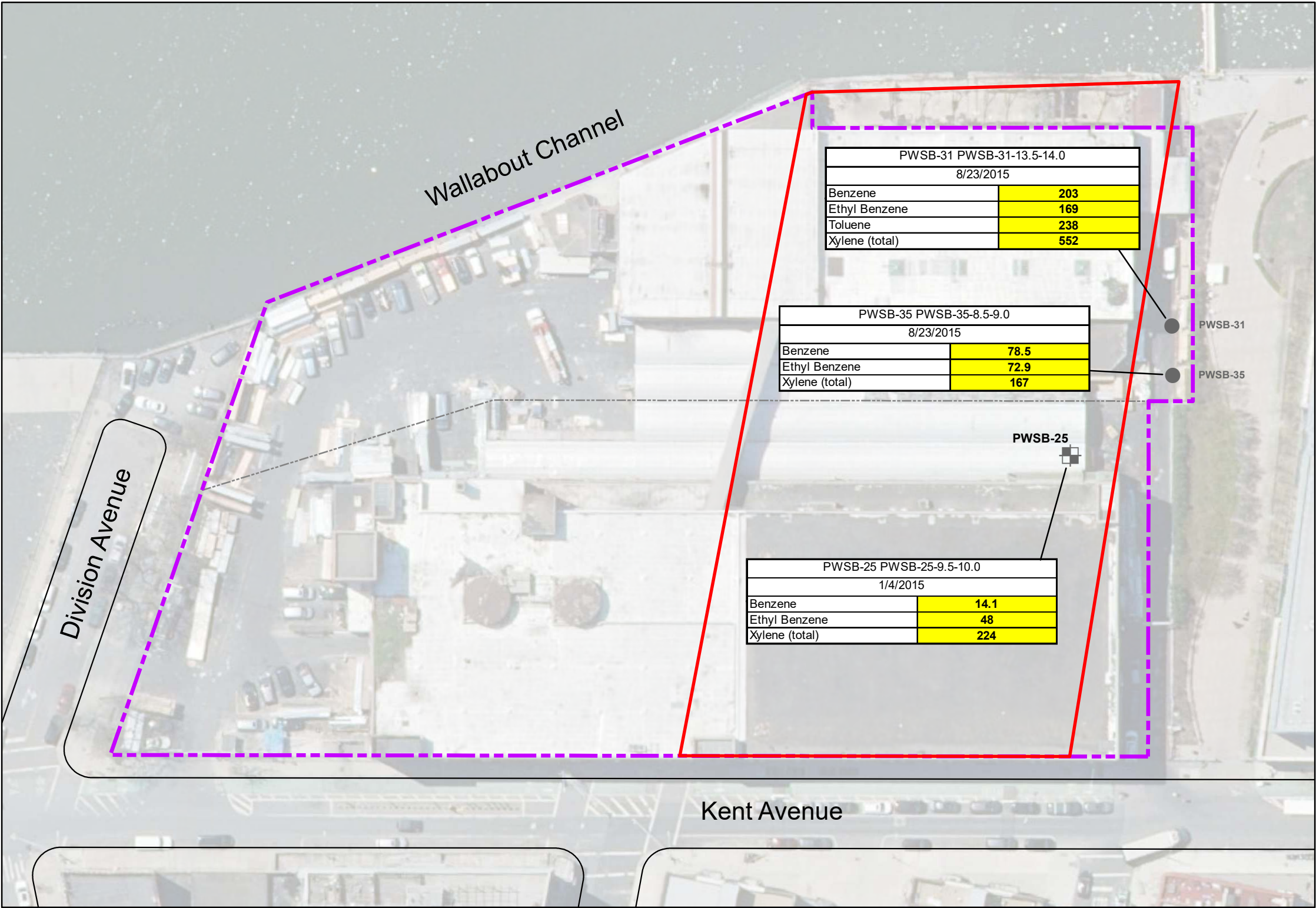
Feet

Legend

- Lot Line
- - - - - Site Boundary
- Proposed Site (3.64 acres)



Drawing Title		Drawing No	
Extent of New BCP Site		Figure 6	
Drawn By	LM	Date	July 2021
Checked By	MC	Scale	As Noted
TENEN ENVIRONMENTAL		Tenen Environmental, LLC 121 West 27th Street Suite 702 New York, NY 10001 O: (646) 606-2332 F: (646) 606-2379	
Site		470 Kent Avenue Brooklyn, New York Block 2134, Lots 1 & 150	



PWSB-31 PWSB-31-13.5-14.0	
8/23/2015	
Benzene	203
Ethyl Benzene	169
Toluene	238
Xylene (total)	552

PWSB-35 PWSB-35-8.5-9.0	
8/23/2015	
Benzene	78.5
Ethyl Benzene	72.9
Xylene (total)	167

PWSB-25 PWSB-25-9.5-10.0	
1/4/2015	
Benzene	14.1
Ethyl Benzene	48
Xylene (total)	224

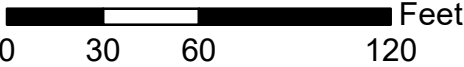
Analyte	NYSDEC Protection of Public Health - Restricted Residential
VOCs	mg/kg
Benzene	5
Ethyl Benzene	41
Toluene	100
Xylene (total)	100

Notes:
Concentrations in soil were compared to the NYSDEC Protection of Public Health - Restricted Residential soil cleanup objectives (SCOs)
Cells highlighted in yellow indicate concentrations above the NYSDEC Protection of Public Health - Restricted Residential
J = estimated value
D = diluted
-- = No standard
Results and MDL values are in milligrams per kilogram

MGP Samples

- Approximate Soil Boring and Groundwater Grab Location (TETRA Tech Inc.)
- Approximate Soil Boring Location (TETRA Tech Inc.)

- Lot Line
- Site Boundary
- Approximate Former MGP Boundary



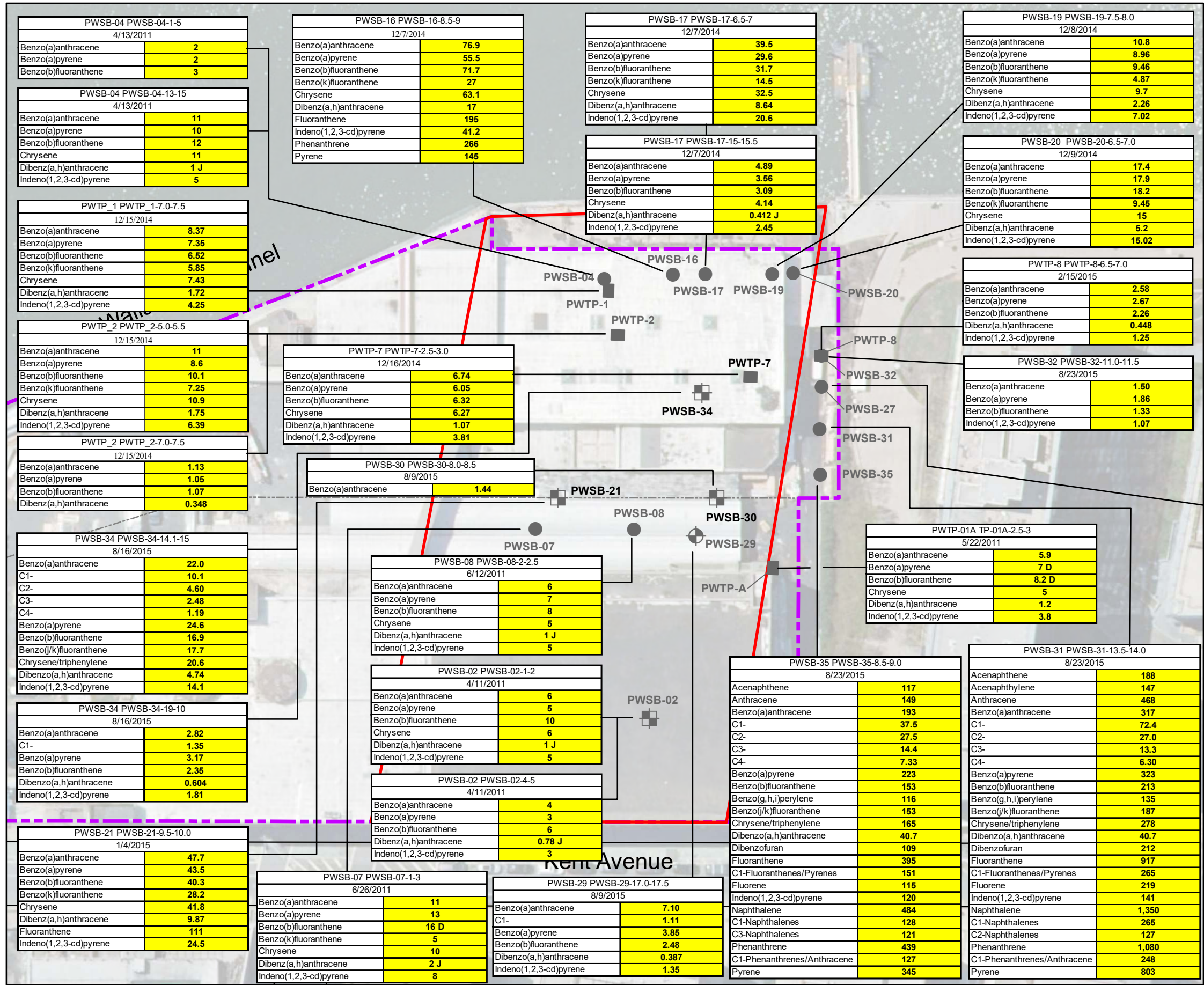
Site



Tenen Environmental, LLC
121 West 27th Street
Suite 702
New York, NY 10001
O: (646) 606-2332
F: (646) 606-2379

Drawn By	LM
Checked By	MC
Date	September 2020
Scale	As Noted

Drawing Title	Historic Analytical Results VOCs in Soil
Drawing No	Figure 7



Analyte	NYSDEC Protection of Public Health - Restricted Residential
SVOCs	mg/kg
Acenaphthene	100
Acenaphthylene	100
Anthracene	100
Benzo(a)anthracene	1
C1-Benzo(a)anthracenes/Chrysenes	1*
C2-Benzo(a)anthracenes/Chrysenes	1*
C3-Benzo(a)anthracenes/Chrysenes	1*
C4-Benzo(a)anthracenes/Chrysenes	1*
Benzo(a)pyrene	1
Benzo(b)fluoranthene	1
Benzo(g,h,i)perylene	100
Benzo(j,k)fluoranthene	4
Chrysene/triphenylene	4
Dibenz(a,h)anthracene	0.33
Dibenzofuran	59
Fluoranthene	100
C1-Fluoranthenes/Pyrenes	100*
Fluorene	100
Indeno(1,2,3-cd)pyrene	1
Naphthalene	100
C1-Naphthalenes	100*
C2-Naphthalenes	100*
Phenanthrene	100
C1-Phenanthrenes/Anthracene	100*
Pyrene	100

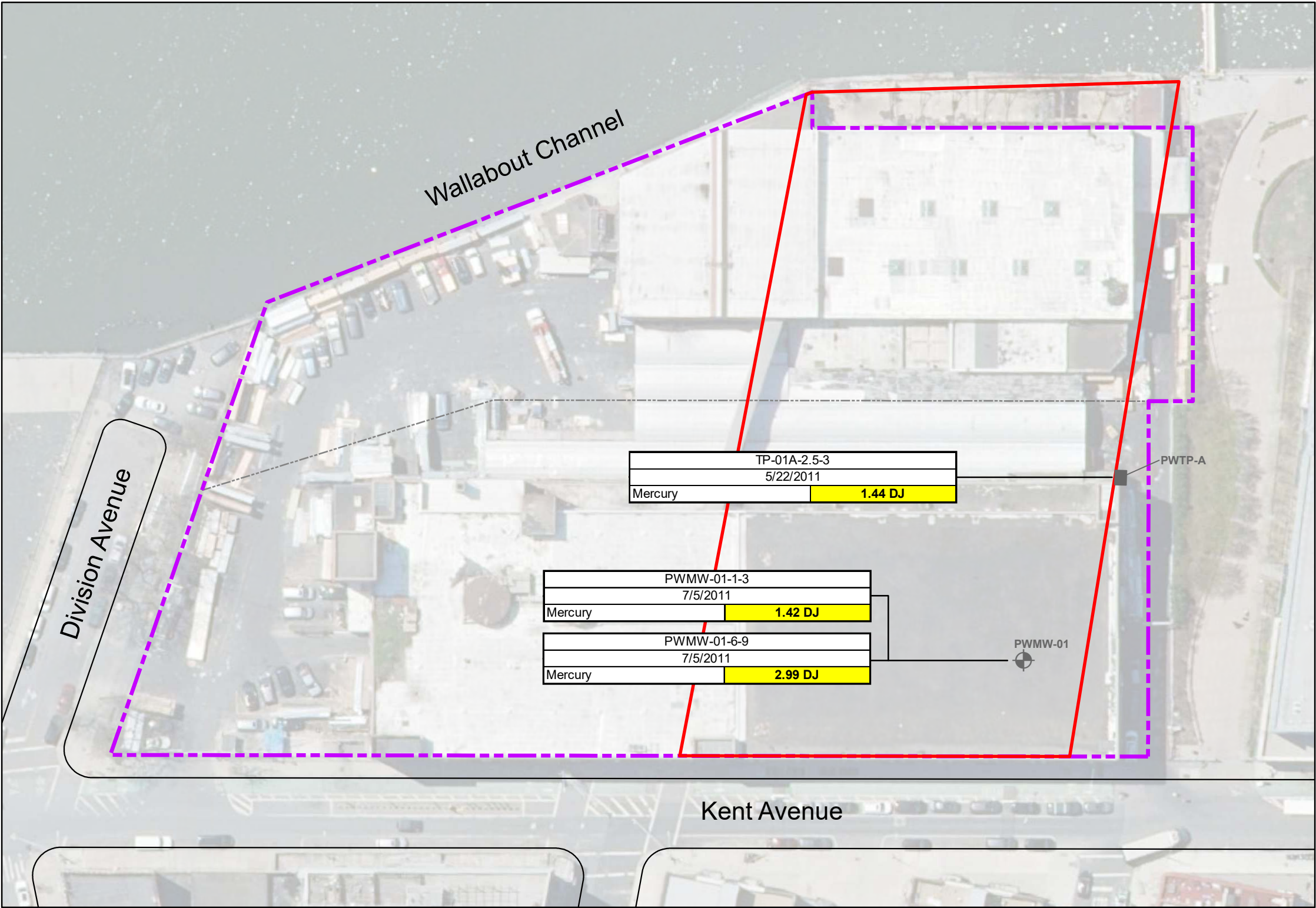
Notes:
Concentrations in soil were compared to the NYSDEC Protection of Public Health - Restricted Residential soil cleanup objectives (SCOs)
Cells highlighted in yellow indicate concentrations above the NYSDEC Protection of Public Health - Restricted Residential
J = estimated value
D = diluted
-- = No standard
Results and MDL values are in milligrams per kilogram

Analyte	1/11/2015
Acenaphthene	282
Anthracene	328
Benzo(a)anthracene	274
Benzo(a)pyrene	238
Benzo(b)fluoranthene	159
Benzo(k)fluoranthene	199
Chrysene	219
Dibenz(a,h)anthracene	43.4
Fluoranthene	728
Fluorene	278
Indeno(1,2,3-cd)pyrene	117
Naphthalene	138
Phenanthrene	1,110
Pyrene	593

MGP Samples

- Approximate Test Pit Location (TETRA Tech Inc.)
- Approximate Soil Boring and Groundwater Grab Location (TETRA Tech Inc.)
- Approximate Monitoring Well Location (TETRA Tech Inc.)
- Approximate Soil Boring Location (TETRA Tech Inc.)

- Lot Line
- Site Boundary
- Approximate Former MGP Boundary



Service Layer Credits: NYS ITS GIS Program Office,

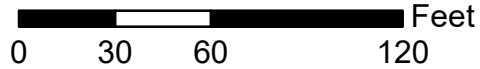
Analyte	NYSDEC Protection of Public Health - Restricted Residential
Metals	mg/kg
Mercury	0.81

Notes:
Concentrations in soil were compared to the NYSDEC Protection of Public Health - Restricted Residential soil cleanup objectives (SCOs)
Cells highlighted in yellow indicate concentrations above the NYSDEC Protection of Public Health - Restricted Residential
J = estimated value
D = diluted
-- = No standard
Results and MDL values are in milligrams per killogram

MGP Samples

- Approximate Test Pit Location (TETRA Tech Inc.)
- Approximate Monitoring Well Location (TETRA Tech Inc.)

- Lot Line
- Site Boundary
- Approximate Former MGP Boundary



Site



Tenen Environmental, LLC
121 West 27th Street
Suite 702
New York, NY 10001
O: (646) 606-2332
F: (646) 606-2379

Drawn By

LM

Checked By

MC

Date

September 2020

Scale

As Noted

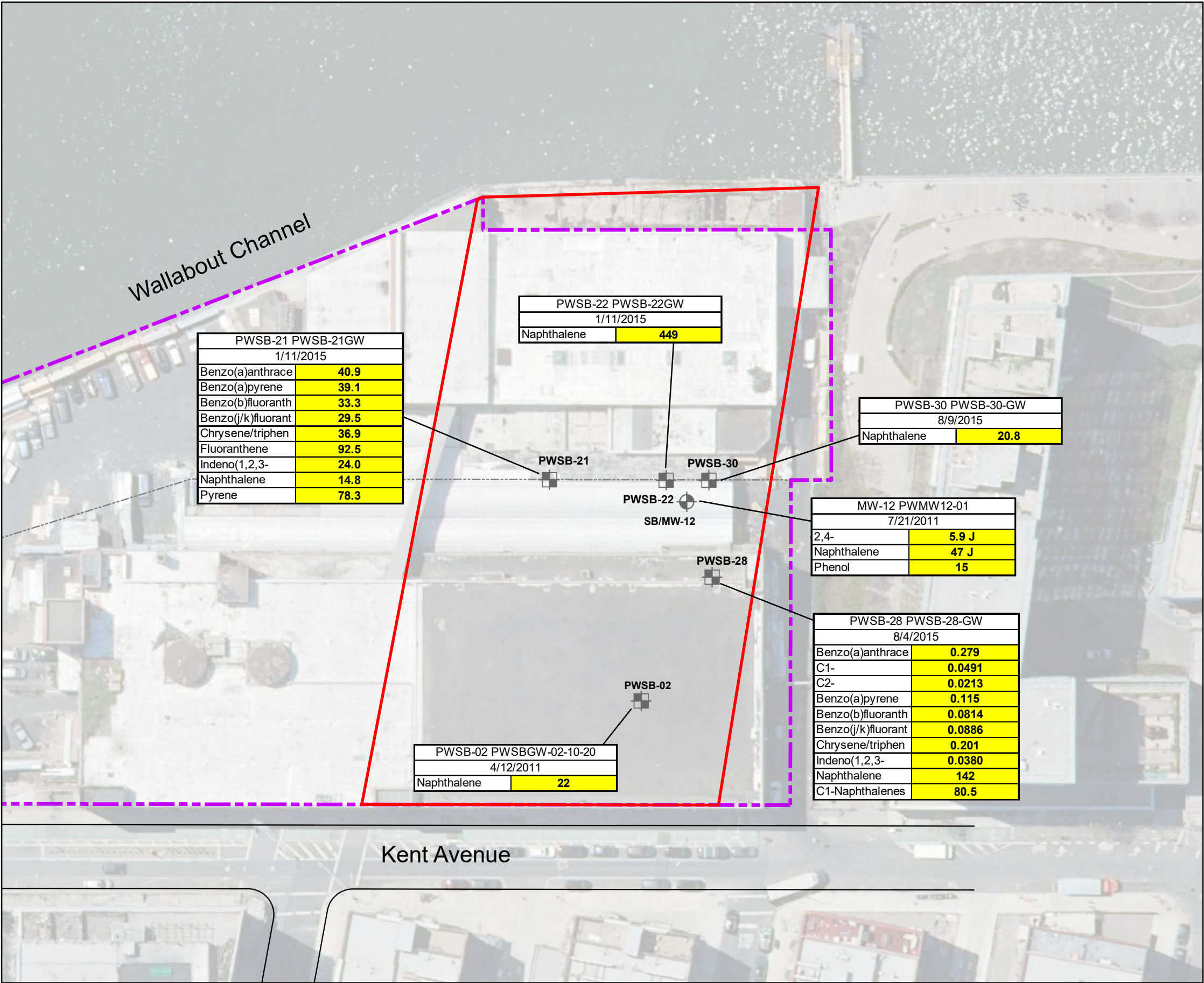
Historic Analytical Results Metals in Soil

Figure 9

Drawing Title

Drawing No

470 Kent Avenue
Brooklyn, New York
Block 2134, Lots 1 & 150



Service Layer Credits: NYS ITS GIS Program Office,

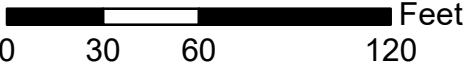
Analyte	NYSDEC Groundwater Quality Standards
SVOCs	ug/l
2,4-Dimethylphenol	1
Benzo(a)anthracene	0.002
C1-	0.002*
C2-	0.002*
Benzo(a)pyrene	0.001
Benzo(b)fluoranthene	0.002
Benzo(j/k)fluoranthene	0.002
Chrysene/triphenylene	0.002
Indeno(1,2,3-cd)pyrene	0.002
Naphthalene	10
C1-Naphthalenes	10*
Phenol	1
Pyrene	50

Notes:
Concentrations in soil were compared to the NYSDEC Groundwater Quality Standards
Cells highlighted in yellow indicate concentrations above the NYSDEC Groundwater Quality Standards
J = estimated value
D = diluted
-- = No standard
Results and MDL values are in

MGP Samples

- Approximate Soil Boring and Groundwater Grab Location (TETRA Tech Inc.)
- Approximate Monitoring Well Location (TETRA Tech Inc.)

- Lot Line
- Site Boundary
- Approximate Former MGP Boundary



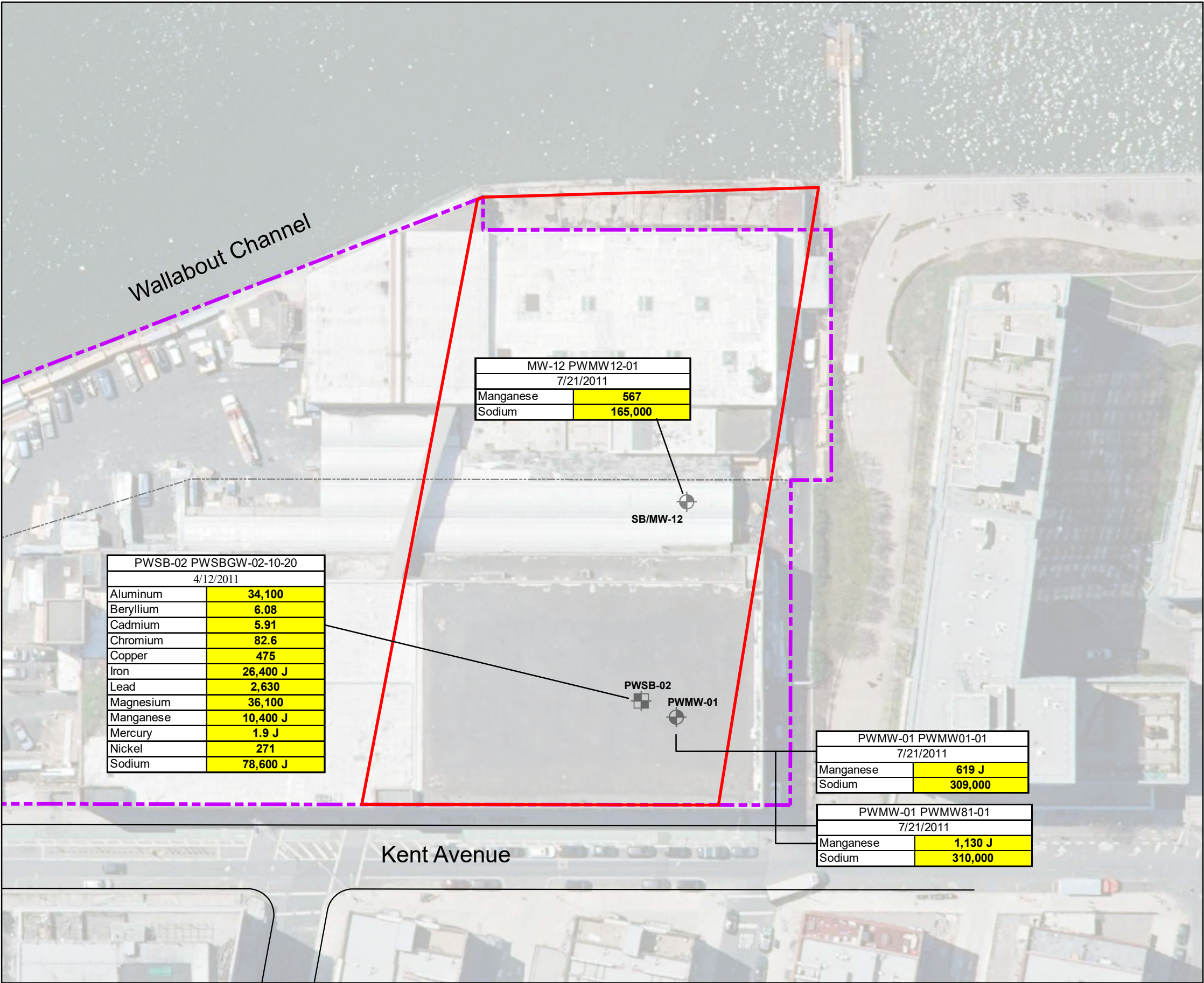
Site



Tenen Environmental, LLC
121 West 27th Street
Suite 702
New York, NY 10001
O: (646) 606-2332
F: (646) 606-2379

Drawn By	LM
Checked By	MC
Date	September 2020
Scale	As Noted

Drawing Title	Historic Analytical Results SVOCs in Groundwater
Drawing No	Figure 11



Service Layer Credits: NYS ITS GIS Program Office,

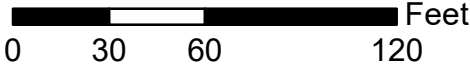
Analyte	NYSDEC Groundwater Quality Standards
Metals	ug/l
Aluminum	2,000
Beryllium	3
Cadmium	5
Chromium	50
Copper	200
Iron	300
Lead	25
Magnesium	35,000
Manganese	300
Mercury	0.7
Nickel	100
Sodium	20,000

Notes:
Concentrations in soil were compared to the NYSDEC Groundwater Quality Standards
Cells highlighted in yellow indicate concentrations above the NYSDEC Groundwater Quality Standards
J = estimated value
D = diluted
-- = No standard
Results and MDL values are in micrograms

MGP Samples

- Approximate Soil Boring and Groundwater Grab Location (TETRA Tech Inc.)
- Approximate Monitoring Well Location (TETRA Tech Inc.)

- Lot Line
- Site Boundary
- Approximate Former MGP Boundary



Site

TENEN ENVIRONMENTAL

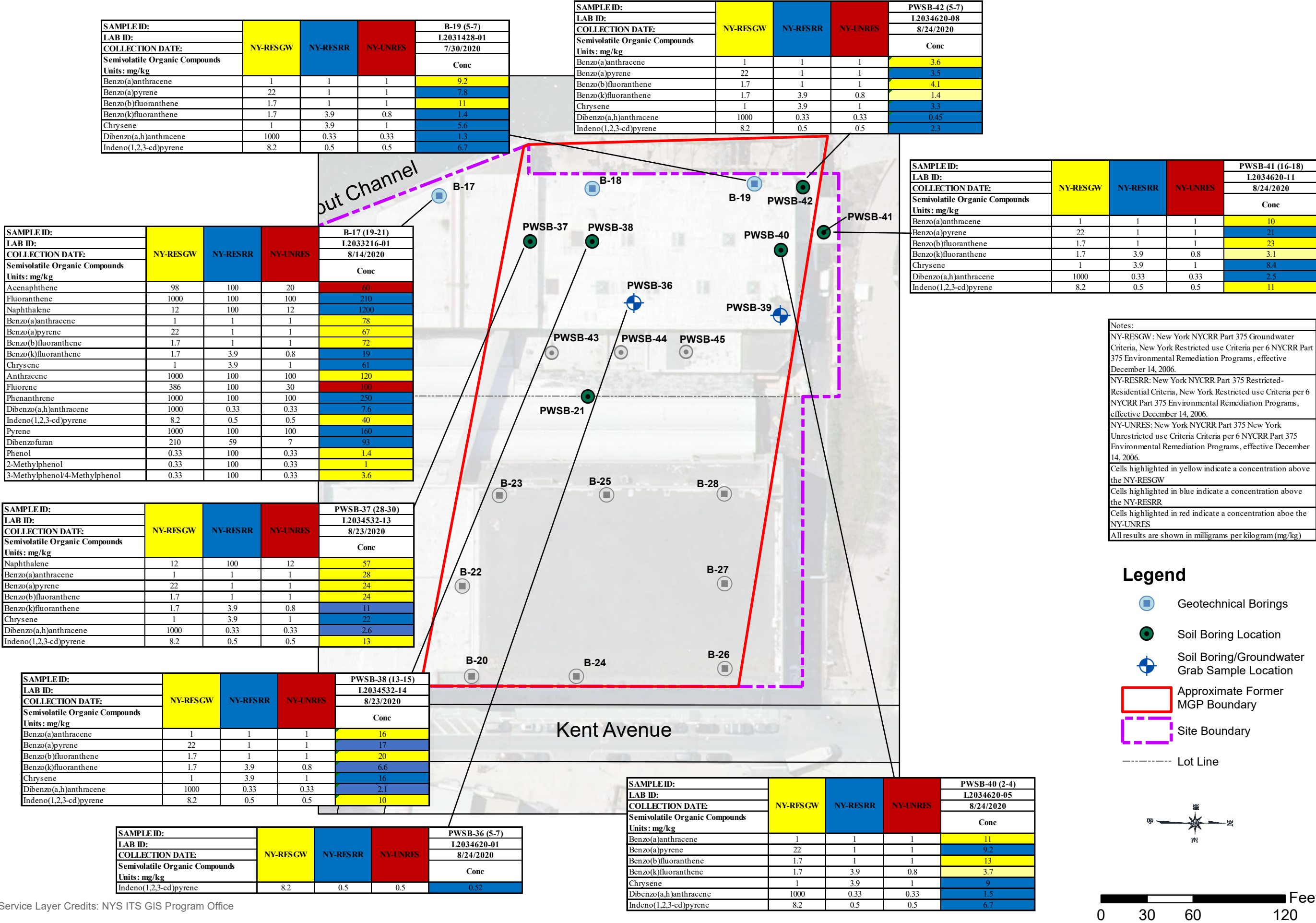
Tenen Environmental, LLC
121 West 27th Street
Suite 702
New York, NY 10001
O: (646) 606-2332
F: (646) 606-2379

Drawn By	LM
Checked By	MC
Date	September 2020
Scale	As Noted

Historic Analytical Results
Metals in Groundwater

Figure 12

470 Kent Avenue
Brooklyn, New York
Block 2134, Lots 1 & 150



Site

TENEN ENVIRONMENTAL

Tenen Environmental, LLC
121 West 27th Street
Suite 702
New York, NY 10001
O: (646) 606-2332
F: (646) 606-2379

Drawn By LM

Checked By CZ

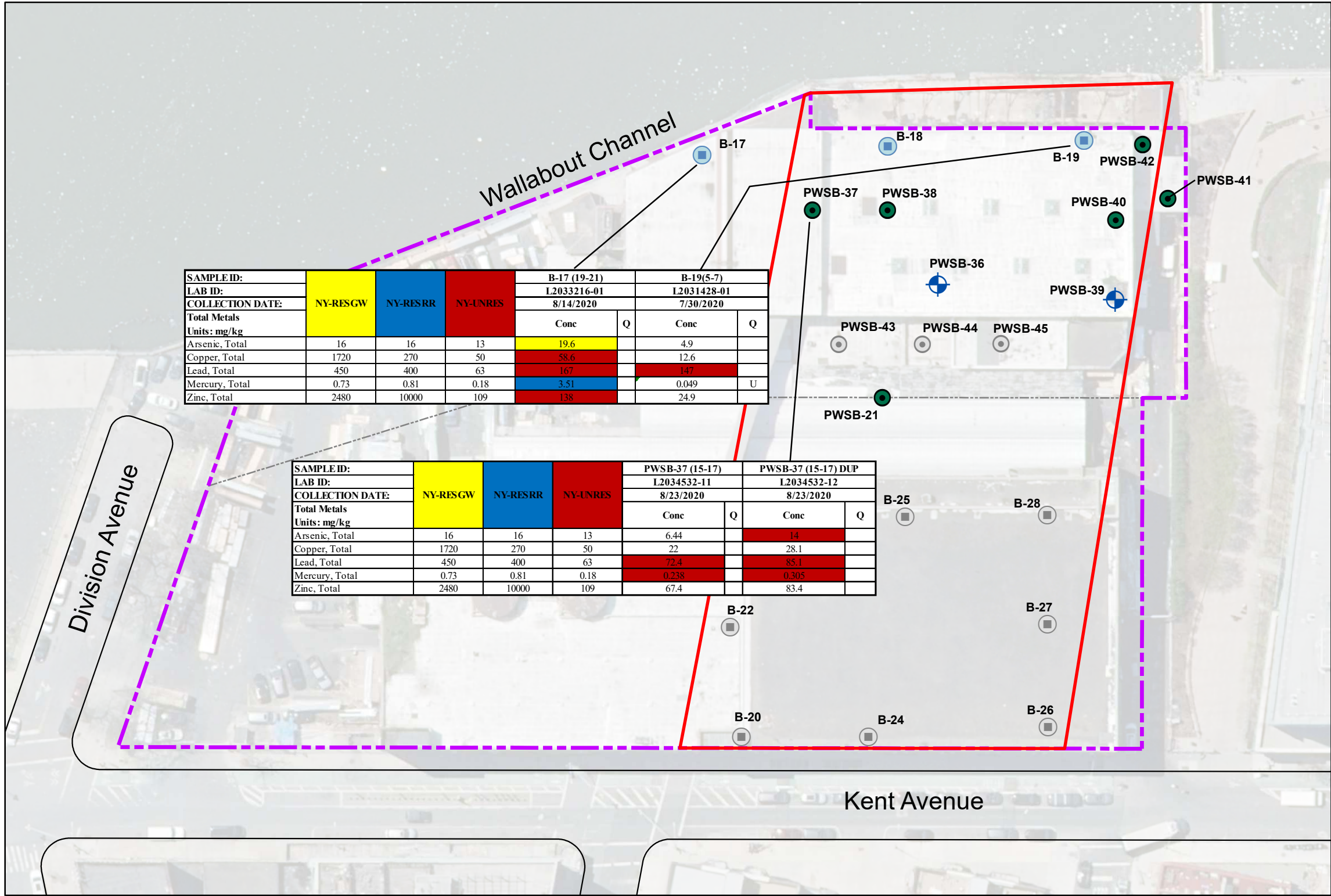
Date December 2020

Scale As Noted

Drawing Title
Semivolatile Organic Compound Exceedances in Soil - Draft RI Data

Drawing No

Figure 13



SAMPLE ID:	NY-RESGW	NY-RESRR	NY-UNRES	B-17 (19-21)		B-19(5-7)	
LAB ID:				L2033216-01		L2031428-01	
COLLECTION DATE:				8/14/2020		7/30/2020	
Total Metals				Conc		Conc	
Units: mg/kg				Q		Q	
Arsenic, Total	16	16	13	19.6		4.9	
Copper, Total	1720	270	50	58.6		12.6	
Lead, Total	450	400	63	167		147	
Mercury, Total	0.73	0.81	0.18	3.51		0.049	
Zinc, Total	2480	10000	109	138		24.9	

SAMPLE ID:	NY-RESGW	NY-RESRR	NY-UNRES	PWSB-37 (15-17)		PWSB-37 (15-17) DUP	
LAB ID:				L2034532-11		L2034532-12	
COLLECTION DATE:				8/23/2020		8/23/2020	
Total Metals				Conc		Conc	
Units: mg/kg				Q		Q	
Arsenic, Total	16	16	13	6.44		14	
Copper, Total	1720	270	50	22		28.1	
Lead, Total	450	400	63	72.4		85.1	
Mercury, Total	0.73	0.81	0.18	0.238		0.305	
Zinc, Total	2480	10000	109	67.4		83.4	

Notes:

NY-RESGW: New York NYCRR Part 375 Groundwater Criteria, New York Restricted use Criteria per 6 NYCRR Part 375 Environmental Remediation Programs, effective December 14, 2006.

NY-RESRR: New York NYCRR Part 375 Restricted-Residential Criteria, New York Restricted use Criteria per 6 NYCRR Part 375 Environmental Remediation Programs, effective December 14, 2006.

NY-UNRES: New York NYCRR Part 375 New York Unrestricted use Criteria Criteria per 6 NYCRR Part 375 Environmental Remediation Programs, effective December 14, 2006.

Cells highlighted in yellow indicate a concentration above the NY-RESGW

Cells highlighted in blue indicate a concentration above the NY-RESRR

Cells highlighted in red indicate a concentration above the NY-UNRES

Q = Laboratory Data Qualifier

MDL = Maximum Detection Limit

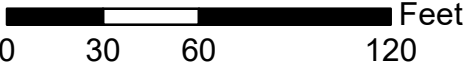
For U qualified entries, the MDL is shown

U = Not detected at or above the MDL

DUP = Designation for duplicate sample

All results and MDLs are shown in milligrams per kilogram (mg/kg)

- Legend**
- Geotechnical Borings
 - Soil Boring Location
 - Soil Boring/Groundwater Grab Sample Location
 - Approximate Former MGP Boundary
 - Site Boundary
 - Lot Line



Site



Tenen Environmental, LLC
121 West 27th Street
Suite 702
New York, NY 10001
O: (646) 606-2332
F: (646) 606-2379

Drawn By	LM
Checked By	CZ
Date	December 2020
Scale	As Noted

Drawing Title	Metals Exceedances in Soil - Draft RI Data
Drawing No	Figure 14

SAMPLE ID:	PWSV-06		AA-1		Matrix Decision
LAB ID:	L2037996-14		L2037996-12		
COLLECTION DATE:	9/11/2020		9/11/2020		
Volatile Organic Compounds in Air Units: ug/m3	Conc	Q	Conc	Q	
Vinyl chloride	0.511	U	0.051	U	No further action
1,1-Dichloroethene	0.793	U	0.079	U	No further action
Methylene chloride	1.74	U	1.74	U	No further action
cis-1,2-Dichloroethene	0.793	U	0.079	U	No further action
1,1,1-Trichloroethane	1.09	U	0.109	U	No further action
Carbon tetrachloride	1.26	U	0.503		No further action
Trichloroethene	1.07	U	0.107	U	No further action
Tetrachloroethene	4.31		0.943		No further action

SAMPLE ID:	PWSV-08		AA-1		Matrix Decision
LAB ID:	L2037996-13		L2037996-12		
COLLECTION DATE:	9/11/2020		9/11/2020		
Volatile Organic Compounds in Air Units: ug/m3	Conc	Q	Conc	Q	
Vinyl chloride	0.511	U	0.051	U	No further action
1,1-Dichloroethene	0.793	U	0.079	U	No further action
Methylene chloride	1.74	U	1.74	U	No further action
cis-1,2-Dichloroethene	0.793	U	0.079	U	No further action
1,1,1-Trichloroethane	1.09	U	0.109	U	No further action
Carbon tetrachloride	1.26	U	0.503		No further action
Trichloroethene	1.07	U	0.107	U	No further action
Tetrachloroethene	8.68		0.943		No further action

SAMPLE ID:	AA-1		PWSV-05		Matrix Decision
LAB ID:	L2037996-12		L2037996-16		
COLLECTION DATE:	9/11/2020		9/11/2020		
Volatile Organic Compounds in Air Units : ug/m3	Conc	Q	Conc	Q	
Vinyl chloride	0.051	U	0.511	U	No further action
1,1-Dichloroethene	0.079	U	0.793	U	No further action
Methylene chloride	1.74	U	1.74	U	No further action
cis-1,2-Dichloroethene	0.079	U	0.793	U	No further action
1,1,1-Trichloroethane	0.109	U	3.79		No further action
Carbon tetrachloride	0.503		1.26	U	No further action
Trichloroethene	0.107	U	1.07	U	No further action
Tetrachloroethene	0.943		12.6		No further action

SAMPLE ID:	PSV-03		PWSV-03-1A		Matrix Decision
LAB ID:	L2037996-07		L2037996-08		
COLLECTION DATE:	9/11/2020		9/11/2020		
Volatile Organic Compounds in Air Units : ug/m3	Conc	Q	Conc	Q	
Vinyl chloride	0.511	U	0.051	U	No further action
1,1-Dichloroethene	0.793	U	0.079	U	No further action
Methylene chloride	1.74	U	1.74	U	No further action
cis-1,2-Dichloroethene	0.793	U	0.079	U	No further action
1,1,1-Trichloroethane	2.2	U	0.109	U	No further action
Carbon tetrachloride	1.26	U	0.478		No further action
Trichloroethene	1.07	U	0.107	U	No further action
Tetrachloroethene	97.6		0.698		No further action

SAMPLE ID:	PWSV-01		PWSV-01-IA		Matrix Decision
LAB ID:	L2037996-03		L2037996-04		
COLLECTION DATE:	9/11/2020		9/11/2020		
Volatile Organic Compounds in Air Units : ug/m3	Conc	Q	Conc	Q	
Vinyl chloride	0.511	U	0.051	U	No further action
1,1-Dichloroethene	0.793	U	0.079	U	No further action
Methylene chloride	1.74	U	1.74	U	No further action
cis-1,2-Dichloroethene	0.793	U	0.079	U	No further action
1,1,1-Trichloroethane	1.09	U	0.109	U	No further action
Carbon tetrachloride	1.26	U	0.434		No further action
Trichloroethene	102		0.107	U	Mitigate
Tetrachloroethene	29		0.536		No further action

SAMPLE ID:	PWSV-02		PWSV-02-1A		Matrix Decision
LAB ID:	12037996-05		12037996-06		
COLLECTION DATE:	9/11/2020		9/11/2020		
Volatile Organic Compounds in Air Units: ug/m3	Conc	Q	Conc	Q	
Vinyl chloride	0.511	U	0.051	U	No further action
1,1-Dichloroethene	0.793	U	0.079	U	No further action
Methylene chloride	1.99		1.74	U	No further action
cis-1,2-Dichloroethene	0.793	U	0.079	U	No further action
1,1,1-Trichloroethane	1.93		0.109	U	No further action
Carbon tetrachloride	1.26	U	0.472		No further action
Trichloroethene	1.07	U	0.107	U	No further action
Tetrachloroethene	19.7		0.658		No further action






SAMPLE ID:	PWSV-04		PWSV-04-1A		Matrix Decision
LAB ID:	12037996-09		12037996-10		
COLLECTION DATE:	9/11/2020		9/11/2020		
Volatile Organic Compounds in Air Units: ug/m3	Conc	Q	Conc	Q	
Vinyl chloride	0.511	U	0.051	U	No further action
1,1-Dichloroethene	0.793	U	0.079	U	No further action
Methylene chloride	1.74	U	1.84		No further action
cis-1,2-Dichloroethene	0.793	U	0.079	U	No further action
1,1,1-Trichloroethane	1.09	U	0.109	U	No further action
Carbon tetrachloride	1.26	U	0.478		No further action
Trichloroethene	1.07	U	0.107	U	No further action
Tetrachloroethene	11.3		0.875		No further action

SAMPLE ID:	PWSV-07		AA-1		Matrix Decision
LAB ID:	L2037996-15		L2037996-12		
COLLECTION DATE:	9/11/2020		9/11/2020		
Volatile Organic Compounds in Air Units: ug/m3	Conc	Q	Conc	Q	
Vinyl chloride	0.511	U	0.051	U	No further action
1,1-Dichloroethene	0.793	U	0.079	U	No further action
Methylene chloride	1.74	U	1.74	U	No further action
cis-1,2-Dichloroethene	0.793	U	0.079	U	No further action
1,1,1-Trichloroethane	1.09	U	0.109	U	No further action
Carbon tetrachloride	1.26	U	0.503		No further action
Trichloroethene	1.07	U	0.107	U	No further action
Tetrachloroethene	78		0.943		No further action

Volatile Organic Compounds in Air	NYSDOH AGVs	Matrices
Units: ug/m3		
Vinyl chloride	--	C
1,1-Dichloroethene	--	A
Methylene chloride	60	B
cis-1,2-Dichloroethene	--	A
1,1,1-Trichloroethane	--	B
Carbon tetrachloride	--	A
Trichloroethene	2	A
Tetrachloroethene	30	B

Notes
NYSDOH AGVs = New York State Department of Health Air Guidance Values
Matrix actions are described in the report narrative and the NYSDOH Soil Vapor Guidance, May 2017
Cells highlighted in yellow indicate a concentration above the co-located indoor air concentration
Q = Laboratory Qualifier
U qualifier indicates the compound was not detected at or above the RL
RL = Reporting Limit
Results and RL values are shown in micrograms per cubic meter (ug/m3)

Legend

-  Soil Vapor Sample Location
 Soil Vapor with Co-Located Indoor Air Sample
 Approximate Former MGP Boundary
 Site Boundary
 Lot Line



A horizontal number line is shown with tick marks at 0, 30, 60, and 120. The word "Feet" is written at the right end of the line. A white rectangular segment is highlighted between the 30 and 60 marks, while the rest of the line is black.

Service Layer Credits:

Site

TEN EN VIRONMENTAL

Tenen Environmental, LLC
124 West 27th Street

121 West 27th Street
Suite 702

New York, NY 10001
O: (646) 606 2332

F: (646) 606-2379

**470 Kent Avenue
Brooklyn, New York
Block 2134, Lots 1 &**

Title Volatile Organic Compounds
n Soil Vapor, Indoor Air and
Ambient Air - Former MGP Portion

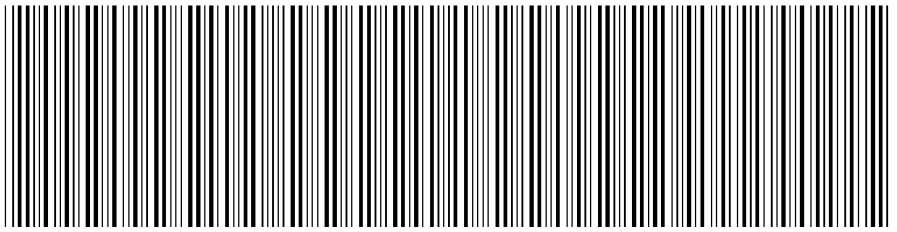
Drawing 100

Figure 15

Exhibit III-A
Property Deeds

**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.



2020053000056002003E81DB

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 5

Document ID: 2020053000056002

Document Date: 05-27-2020

Preparation Date: 06-05-2020

Document Type: DEED

Document Page Count: 4

PRESENTER:

ROYAL ABSTRACT OF NEW YORK LLC(911595)
125 PARK AVENUE, SUITE 1610
NEW YORK, NY 10017
212-376-0900
MBASALATAN@ROYALABSTRACT.COM

RETURN TO:

ROYAL ABSTRACT OF NEW YORK LLC(911595)
125 PARK AVENUE, SUITE 1610
NEW YORK, NY 10017
212-376-0900
MBASALATAN@ROYALABSTRACT.COM

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BROOKLYN	2134	1	Entire Lot	478 KENT AVENUE
Property Type: COMMERCIAL REAL ESTATE				

CROSS REFERENCE DATA

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

PARTIES

GRANTOR/SELLER:

WATERFRONT REALTY II LLC
470 KENT AVENUE
BROOKLYN, NY 11249

GRANTEE/BUYER:

470 KENT AVE ASSOCIATES LLC
C/O NAFTALI GROUP, 152 WEST 57TH STREET
NEW YORK, NY 10019

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:

\$ 1,343,751.33

NYS Real Estate Transfer Tax:

\$ 332,741.50

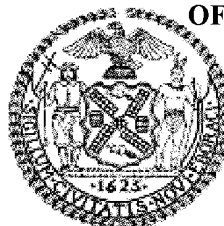
**RECORDED OR FILED IN THE OFFICE
OF THE CITY REGISTER OF THE**

CITY OF NEW YORK

Recorded/Filed 06-08-2020 09:17

City Register File No.(CRFN):

2020000165584



Annette McMill

City Register Official Signature

911595

DEED

**WATERFRONT REALTY II LLC,
GRANTOR
TO
470 KENT AVE ASSOCIATES LLC,
GRANTEE**

470 Kent Avenue
BLOCK: 2134
LOT: 1
CITY: NEW YORK
COUNTY: KINGS

RECORD AND RETURN TO:

Fried, Frank, Harris, Shriver & Jacobson LLP
One New York Plaza
New York, New York 10004
Attention: Michael J. Werner, Esq.

DEED-LOT 1

BARGAIN AND SALE DEED WITHOUT COVENANT AGAINST GRANTOR'S ACTS

THIS INDENTURE, made as of the 27th day of May, 2020.

BETWEEN WATERFRONT REALTY II LLC, a New York limited liability company, with offices at 470 Kent Avenue, Brooklyn, NY 11249, party of the first part, and **470 KENT AVE ASSOCIATES LLC**, a Delaware limited liability company with offices at c/o Naftali Group, 152 West 57th Street, New York, NY 10019, 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 those certain plots, pieces or parcels 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, and being more particularly described on **Exhibit A** attached hereto.

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 all easements, rights of way, air or development rights, strips, gores, reservations, privileges, appurtenances and all other estates 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, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

Signature Appears on Next Page

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

IN THE PRESENCE OF:

WATERFRONT REALTY II LLC,
a New York limited liability company

By: _____

Name: Michael Rosenberg
Title: Authorized Person

STATE OF NEW YORK
COUNTY OF KINGS

On the 19 day of MAY, in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH ROSENBERG, 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.

Josef Friedman
NOTARY PUBLIC

My Commission Expires: _____

JOSEF FRIEDMAN
Notary Public, State of New York
No. 01FR4510300
Qualified in Kings County
Commission Expires Oct. 31, 2021

EXHIBIT A

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 Westerly side of Kent Avenue and the Northerly side of Division Avenue;

RUNNING THENCE Northerly along the Westerly side of Kent Avenue, 551.35 feet;

THENCE Westerly at 90 degrees, 188.58 feet;

THENCE Southerly along a line drawn parallel with Kent Avenue, and distant 188.58 feet Westerly therefrom, 348.25 feet;

THENCE Southeasterly, 162.01 feet to the Northerly side of Division Avenue at a point distant 148.50 feet Westerly from the corner formed by the intersection of the Westerly side of Kent Avenue and the Northerly side of Division Avenue measured along the Northerly side of Division Avenue;

THENCE Southeasterly along the Northerly side of Division Avenue, 148.50 feet to the Westerly side of Kent Avenue, at the point or place of BEGINNING.

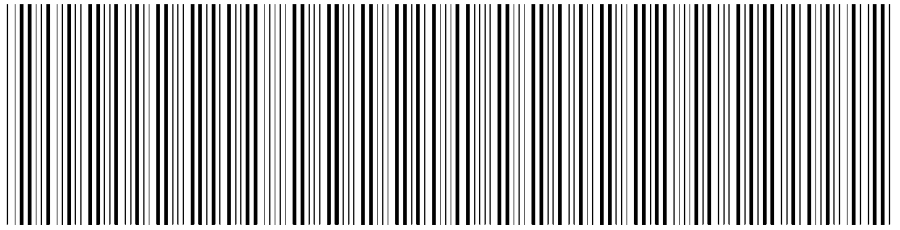
All lots lines recited herein running along Kent Avenue parallel or in the same direction are in Local Standard Measurements.

All lot lines running in the direction to or from Kent Avenue and along Division Avenue are in United States Standard of Measurements.

Being and intended to be the same premises conveyed to Waterfront Realty II LLC by Indenture dated September 27, 2004 from Waterfront Realty Co., recorded on October 13, 2004 in the Office of the City Register of the City of New York in CRFN 2004000633531

FOR INFORMATION ONLY: BLOCK 2134 LOT 1

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2020053000056002003S4F5A

SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

Document ID: 2020053000056002
Document Type: DEED

Document Date: 05-27-2020

Preparation Date: 06-05-2020

ASSOCIATED TAX FORM ID: 2020042000254

SUPPORTING DOCUMENTS SUBMITTED:

Page Count

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

1
2

FOR CITY USE ONLY

C1. County Code C2. Date Deed Recorded / /
 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 478 KENT AVENUE BROOKLYN 11249
STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name 470 KENT AVE ASSOCIATES LLC
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

5. Deed Property Size FRONT FEET ☒ X DEPTH OR ACRES

8. Seller Name WATERFRONT REALTY II LLC
LAST NAME / COMPANY FIRST NAME

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

Check the boxes below as they apply:

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

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

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

SALE INFORMATION

10. Sale Contract Date 1 / 28 / 2020
Month Day Year

11. Date of Sale / Transfer 5 / 27 / 2020
Month Day Year

12. Full Sale Price \$ 511,905.27
(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 F, 5 16. Total Assessed Value (of all parcels in transfer) 531,675.00
Month Day Year

17. Borough, Block and Lot / Roll Identifier(s) (If more than three, attach sheet with additional identifier(s))
 BROOKLYN 2134 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 filing of false instruments.

BUYER

BUYER SIGNATURE		DATE
C/O NAFTALI GROUP, 152 WEST 57TH STREET		
STREET NUMBER	STREET NAME (AFTER SALE)	
NEW YORK	NY	10019
CITY OR TOWN	STATE	ZIP CODE

BUYER'S ATTORNEY

LAST NAME	FIRST NAME
AREA CODE	TELEPHONE NUMBER

SELLER

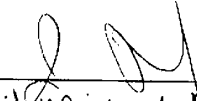
SELLER SIGNATURE	DATE
------------------	------

SIGNATURE RIDER TO NEW YORK STATE RP-5217

SELLER:

SELLER'S ATTORNEY:

WATERFRONT REALTY II LLC

By: 
Name: Michael Rosenberg
Title: Authorized Person

SIGNATURE RIDER TO NEW YORK STATE RP-5217

BUYER:

470 KENT AVE ASSOCIATES LLC

By: 

Name: ~~Miki Naftali~~ aka Michael Naftali
Title: Authorized Signatory

BUYER'S ATTORNEY:

Fried, Frank, Harris, Shriver & Jacobson LLP
Michael J. Werner, Esq.
Email: michael.werner@friedfrank.com
Telephone Number: (212) 859-8213



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

Customer Registration Form for Water and Sewer Billing

Property and Owner Information:

- (1) Property receiving service: BOROUGH: BROOKLYN BLOCK: 2134 LOT: 1
- (2) Property Address: 478 KENT AVENUE, BROOKLYN, NY 11249
- (3) Owner's Name: 470 KENT AVE ASSOCIATES LLC
- Additional Name:

Affirmation:



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

Customer Billing Information:

Please Note:

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

Owner's Approval:

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

Print Name of Owner:

Signature: _____ Date (mm/dd/yyyy)

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

SIGNATURE RIDER TO
WATER AND SEWER REGISTRATION FORM

470 KENT AVE ASSOCIATES LLC

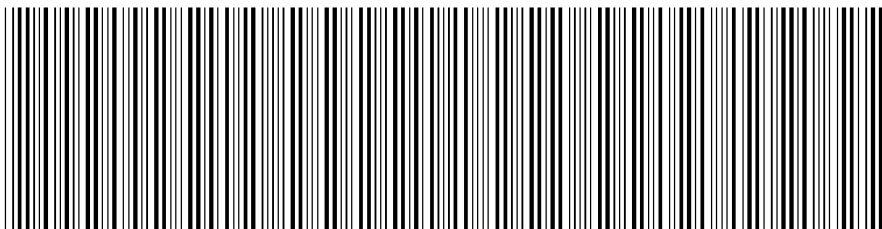
By: 

Name: Miki Naftali aka Michael Naftali

Title: 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.



2020053000056003002ED1E7

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 5

Document ID: 2020053000056003

Document Date: 05-27-2020

Preparation Date: 06-05-2020

Document Type: DEED

Document Page Count: 4

PRESENTER:

ROYAL ABSTRACT OF NEW YORK LLC(911595)
125 PARK AVENUE, SUITE 1610
NEW YORK, NY 10017
212-376-0900
MBASALATAN@ROYALABSTRACT.COM

RETURN TO:

ROYAL ABSTRACT OF NEW YORK LLC(911595)
125 PARK AVENUE, SUITE 1610
NEW YORK, NY 10017
212-376-0900
MBASALATAN@ROYALABSTRACT.COM

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BROOKLYN	2134	150	Entire Lot	1 DIVISION AVENUE

Property Type: COMMERCIAL REAL ESTATE

CROSS REFERENCE DATA

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

PARTIES

GRANTOR/SELLER:

CL SPE LLC
C/O CERTIFIED LUMBER CORPORATION,, 470 KENT
AVENUE
BROOKLYN, NY 11249

GRANTEE/BUYER:

470 KENT AVE ASSOCIATES LLC
C/O NAFTALI GROUP, 152 WEST 57TH STREET
NEW YORK, NY 10019

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:

\$ 1,343,751.33

NYS Real Estate Transfer Tax:

\$ 332,741.50

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

CITY OF NEW YORK

Recorded/Filed 06-08-2020 09:17

City Register File No.(CRFN):

2020000165585



Annette McMill

City Register Official Signature

DEED

**CL SPE LLC,
GRANTOR
TO
470 KENT AVE ASSOCIATES LLC,
GRANTEE**

470 Kent Avenue
BLOCK: 2134
LOT: 150
CITY: NEW YORK
COUNTY: KINGS

RECORD AND RETURN TO:

Fried, Frank, Harris, Shriver & Jacobson LLP
One New York Plaza
New York, New York 10004
Attention: Michael J. Werner, Esq

DEED-LOT 150

BARGAIN AND SALE DEED WITHOUT COVENANT AGAINST GRANTOR'S ACTS

THIS INDENTURE, made as of the 27th day of May, 2020.

BETWEEN CL SPE LLC, a New York limited liability company, with offices at 470 Kent Avenue, Brooklyn, NY 11249, party of the first part, and **470 KENT AVE ASSOCIATES LLC**, a Delaware limited liability company with offices at c/o Naftali Group, 152 West 57th Street, New York, NY 10019, 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 those certain plots, pieces or parcels 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, and being more particularly described on **Exhibit A** attached hereto.

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 all easements, rights of way, air or development rights, strips, gores, reservations, privileges, appurtenances and all other estates 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, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

Signature Appears on Next Page

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

IN THE PRESENCE OF:

CL SPE LLC, a New York limited liability company

By: _____

Name: ISRAEL ROSENBERG
Title: Authorized Person

STATE OF NEW YORK
COUNTY OF KINGS

On the 20 day of MAY, in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared ISRAEL ROSENBERG, 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.

Josef Friedman
NOTARY PUBLIC

My Commission Expires: _____

JOSEF FRIEDMAN
Notary Public, State of New York
No. 01FR451000
Qualified in Kings County 2021
Commission Expires Oct. 31, _____

EXHIBIT A

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 a point on the northerly side of Division Avenue distant 148.5 feet westerly from the corner formed by the intersection of the northerly side of Division Avenue with the westerly side of Kent Avenue;

RUNNING THENCE westerly along the northerly side of Division Avenue 105.585 feet to the United States Pierhead and Bulkhead Line approved February 25, 1918;

RUNNING THENCE northwesterly along the said U.S. Pierhead and Bulkhead Line 310.45 feet to its intersection with the United States Bulkhead Line approved February 25, 1918;

RUNNING THENCE northerly along said U.S. Bulkhead line 202.06 feet;

RUNNING THENCE easterly at right angles to Kent Avenue 24.19 feet;

RUNNING THENCE northerly parallel with Kent Avenue .50 feet;

RUNNING THENCE easterly at right angles to Kent Avenue 145.5 feet;

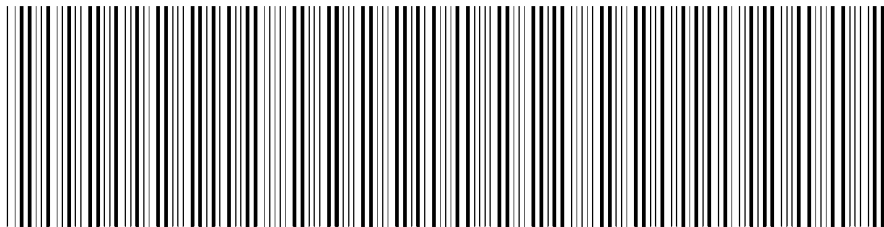
RUNNING THENCE southerly parallel with Kent Avenue 371.75 feet;

RUNNING THENCE southeasterly in a straight line 162.01 feet to the northerly side of Division Avenue, the POINT or PLACE of BEGINNING.

Being and intended to be the same premises conveyed to CL SPE LLC by Indenture dated as of September 29, 2010 from Certified Lumber Corporation, recorded on October 25, 2010 in the Office of the City Register of the City of New York in CRFN 2010000356411

FOR INFORMATION ONLY: BLOCK 2134 LOT 150

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2020053000056003002S1F66

SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

Document ID: 2020053000056003

Document Date: 05-27-2020

Preparation Date: 06-05-2020

Document Type: DEED

ASSOCIATED TAX FORM ID: 2020042000260

SUPPORTING DOCUMENTS SUBMITTED:

Page Count

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

1

1

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 478 KENT AVENUE BROOKLYN 11249
STREET NUMBER STREET NAME BOROUGH ZIP CODE
2. Buyer Name 470 KENT AVE ASSOCIATES 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
Check the boxes below as they apply:
5. Deed Property Size FRONT FEET X DEPTH OR ACRES ☐ 6. Ownership Type is Condominium ☐
7. New Construction on Vacant Land ☐
8. Seller Name WATERFRONT REALTY II LLC
LAST NAME / COMPANY FIRST NAME
LAST NAME / COMPANY FIRST NAME
9. Check the box below which most accurately describes the use of the property at the time of sale:
A ☐ One Family Residential C ☐ Residential Vacant Land E ☒ Commercial G ☐ Entertainment / Amusement I ☐ Industrial
B ☐ 2 or 3 Family Residential D ☐ Non-Residential Vacant Land F ☐ Apartment H ☐ Community Service J ☐ Public Service

SALE INFORMATION

10. Sale Contract Date 1 / 28 / 2020
Month Day Year
11. Date of Sale / Transfer 5 / 27 / 2020
Month Day Year
12. Full Sale Price \$ 5,119,052.7
(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 F, 5 16. Total Assessed Value (of all parcels in transfer) 5,316,750
17. Borough, Block and Lot / Roll Identifier(s) (If more than three, attach sheet with additional identifier(s))
 BROOKLYN 2134 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 filing of false instruments.

BUYER

BUYER SIGNATURE		DATE
C/O NAFTALI GROUP, 152 WEST 57TH STREET		
STREET NUMBER	STREET NAME (AFTER SALE)	
NEW YORK	NY	10019
CITY OR TOWN	STATE	ZIP CODE

BUYER'S ATTORNEY

LAST NAME	FIRST NAME
AREA CODE	TELEPHONE NUMBER

SELLER

SELLER SIGNATURE	DATE
------------------	------

SIGNATURE RIDER TO NEW YORK STATE RP-5217

SELLER:

SELLER'S ATTORNEY:

WATERFRONT REALTY II LLC

By: _____

Name: J. Michael Rosenberg

Title: Authorized Person

SIGNATURE RIDER TO NEW YORK STATE RP-5217

BUYER:

470 KENT AVE ASSOCIATES LLC

By: 

Name: ~~Miki Naftali~~ aka Michael Naftali
Title: Authorized Signatory

BUYER'S ATTORNEY:

Fried, Frank, Harris, Shriver & Jacobson LLP
Michael J. Werner, Esq.
Email: michael.werner@friedfrank.com
Telephone Number: (212) 859-8213



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

Customer Registration Form for Water and Sewer Billing

Property and Owner Information:

- (1) Property receiving service: BOROUGH: BROOKLYN BLOCK: 2134 LOT: 1
- (2) Property Address: 478 KENT AVENUE, BROOKLYN, NY 11249
- (3) Owner's Name: 470 KENT AVE ASSOCIATES LLC
- Additional Name:

Affirmation:



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

Customer Billing Information:

Please Note:

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

Owner's Approval:

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

Print Name of Owner:

Signature: _____ Date (mm/dd/yyyy)

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

SIGNATURE RIDER TO
WATER AND SEWER REGISTRATION FORM

470 KENT AVE ASSOCIATES LLC

By: 

Name: Miki Naftali aka Michael Naftali

Title: Authorized Signatory

Exhibit IV-A

Document Repository Confirmation

470 Kent Avenue, Brooklyn: document repository

Orr, Alexa <aorr@bklynlibrary.org>

Wed, Feb 10, 2021 at 2:15 PM

To: Matthew Carroll <mcarroll@tenen-env.com>

Hello Mr. Carroll,

Thank you for getting in touch. BPL is able to serve as document repository for this site. You can send a DVD (no paper) to my attention at [107 Norman Ave, Brooklyn, NY, 11222](#). We are not taking paper reports, but the DVD will be made available to the public at large on BPL's website. Please let me know if you have questions.

Best,

Alexa Orr | Neighborhood Library Supervisor, Greenpoint Library
Brooklyn Public Library

718-389-4394
bklynlibrary.org

From: Matthew Carroll <mcarroll@tenen-env.com>

Sent: Wednesday, February 10, 2021 2:08 PM

To: Orr, Alexa <aorr@bklynlibrary.org>

Subject: [470 Kent Avenue, Brooklyn](#): document repository

Good afternoon, Ms. Orr,

We are requesting permission to use the Brooklyn Public Library Greenpoint Branch as a document repository for a property in the NYS Brownfield Cleanup Program (BCP). The Williamsburgh Library was formerly the repository but we understand that that location is not being used for library services. The property is located at 470 Kent Avenue. The BCP application process requires the designation of a document repository for reports so they can be reviewed by the public.

We will require space for the reports for approximately 12-18 months. The total shelf space would likely be less than twelve inches. The documents will be reports on 8-1/2" high paper. An electronic copy will also be provided on CD.

Please respond in writing that the Greenpoint Branch will act as the document repository, as noted above, or contact me if you need any additional information.

Thank you,

Sincerely,
Matthew Carroll, PE
Tenen Environmental
Main: 646.606.2332 x103
Direct: 347.391.2585

Exhibit V-A
Project Schedule

Remedial Schedule
470 Kent Avenue - Brooklyn, NY, BCP Site #C224053
Northern Portion Only

Task	Task Description	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Mar-22	Jan-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24
1	Submit BCP Application for Major Modification															
2	Resubmit Draft IRM Work Plan															
3	Department Review of BCP Application / IRM Work Plan															
4	30-day Public Comment for IRM Work Plan															
5	Submit Draft RAWP															
6	Department Review of RAWP															
7	Implementation of IRM Work Plan															
8	Complete RAWP Edits															
9	RAWP Public Comment															
10	Issuance of DD															
11	Implement Remedial Action															
12	End-Point Sample Analysis															
13	Groundwater Treatment / Sampling															
14	Install Composite Cover System															
15	Post-Remedial Groundwater Sampling (1st Q)															
16	Submit Draft SMP/FER															
17	Department Review of Draft SMP/FER															
18	Post-Remedial Groundwater Sampling (2nd Q)															
19	Complete SMP/FER Edits															
20	Notice of Completed Remediation															
21	Department Review of Revised SMP/FER															
22	Issuance of COC															

Key Map	
	Fieldwork
	Lab Analysis/Validation/EDDs
	Report Writing
	Public Review
	Agencies Review
	DEC Report/Notice Writing
	Agency Acceptance