

# New York State Department of Environmental Conservation

## Division of Environmental Remediation

Office of the Director, 12th Floor

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Joe Martens  
Commissioner

October 23, 2012



Wythe and Kent Realty LLC  
Bernie Jacobowitz  
144 Spencer Street  
Brooklyn, NY 11205

Re: Brownfield Cleanup Agreement Amendment  
Former Domsey Fiber Corp Site  
Site ID No.: C224158  
Index No.: C224158-05-12  
Amendment No. 1

Dear Volunteer:

This letter is forwarded to your attention in response to the request submitted to the New York State Department of Environmental Conservation (Department) to amend the Brownfield Cleanup Agreement (“BCA” or “Agreement”) executed on May 22, 2012. The letter, submitted by Jon Schuyler Brooks, Esq., requested that the above referenced BCA be amended to reduce the size of the site by modifying the metes and bounds description, reducing the acreage of the parcel, and attaching a revised map of the site.

In reliance upon, and in furtherance of the application and previous discussions, if any, of this matter between the Department's staff and the BCP applicant's representatives to date, the request to amend the BCA is hereby granted and incorporated into and is enforceable pursuant to the subject Agreement, effective immediately upon the receipt of this counter-signed Amendment to the Department. Specifically, the acreage of the site described in Paragraph II of the BCA is hereby changed from 3.09 acres to 2.56 acres (111,464.59 sf) and the reference to Tax Map/Parcel No. 3-2135-1 is amended to read Portion of Tax Map/Parcel No. 3-2135-1 as depicted on the revised Site Map attached to the letter request and attached hereto as a new Exhibit A.

This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Please print this Amendment and have the authorized representative counter-sign this letter to acknowledge acceptance of this Amendment, and send an original signature back to the Department at:

New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway, 12th Floor  
Albany, New York 12233-7011

Please keep a copy of this letter as proof of the BCA Amendment.

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

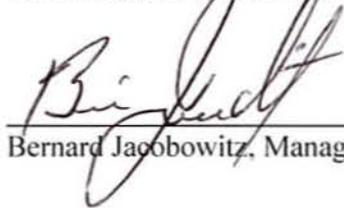
Please contact me if you have any questions in this regard. Thank you for your assistance in this matter.

Sincerely,



Robert W. Schick, P.E.  
Director  
Division of Environmental Remediation

The following Applicant, in signing this letter, does hereby acknowledge and accept the Amendment to the BCA as set forth above.

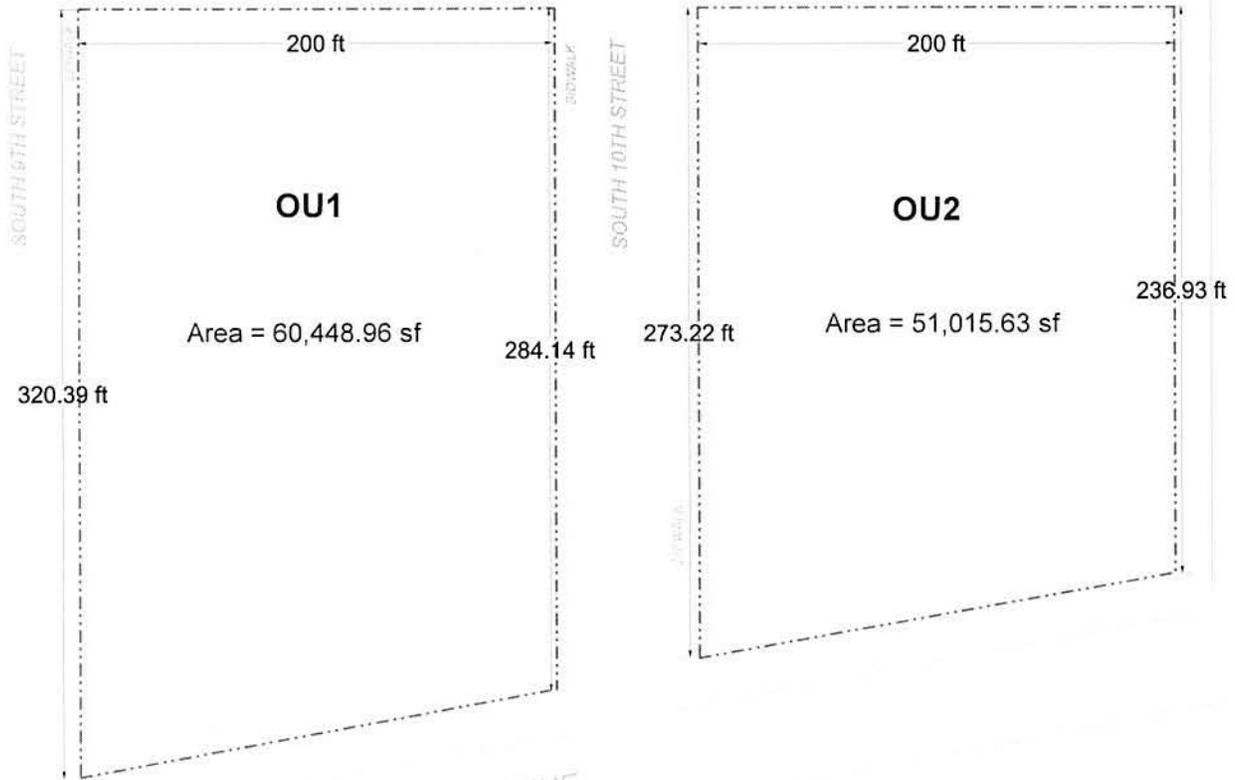


Bernard Jacobowitz, Manager – Wythe and Kent Realty LLC

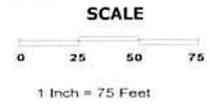
10/23/12

Date

cc: Michael Caruso  
Megan Joplin  
Robert Cozzy  
Jane O'Connell  
Shaun Bollers  
Laura Zeppetelli  
Kelly Lewandowski  
Jon Schuyler Brooks ([jbrooks@phillipsnizer.com](mailto:jbrooks@phillipsnizer.com))  
Bernie Jacobowitz ([expresbuilders@gmail.com](mailto:expresbuilders@gmail.com))  
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KENT AVENUE



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1808 MIDDLE COUNTRY ROAD, RIDGE, NY 11961 Fax 631.924.2780

**FORMER DOMSEY FIBER CORP. SITE**  
431 KENT AVENUE, BROOKLYN, NY

**FIGURE 1** SITE BOUNDARIES