

Salem, Cheryl A (DEC)

Red Hook Smith St.

From: Joyce Kung <jkung@sprlaw.com>
Sent: Monday, August 8, 2022 11:18 AM
To: Salem, Cheryl A (DEC); Post, Charles H (DEC); Andaloro, Jennifer A (DEC)
Cc: Pereira, Antonia F (DEC); Michael Bogin
Subject: C224163 - Environmental Easement, Attorney Affidavit of Mailing
Attachments: Attorney Affidavit of Mailing.pdf; C224163 Environmental Easement - 2022072101207001&page.pdf

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Cheryl (cc'ing Charlie and Jen)-

Please find enclosed an attorney affidavit of mailing of the Notice to Municipality for Site C224163. I've also attached a standalone copy of the recorded Environmental Easement.

Please let me know if you need the original affidavit and attachments.

Thanks,
Joyce

Joyce E. Kung
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ATTORNEY AFFIDAVIT OF MAILING

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

Joyce E. Kung, an attorney at law duly admitted to practice before the Courts of New York State, hereby swear upon penalty of perjury:

1. I am an associate with the law firm of Sive, Paget & Riesel, P.C., attorneys for Red Hook Developers Holdings, LLC and Red Hook Indu Oz Owner, LLC, in relation to the Brownfield Cleanup Program DEC Site No. C224163.
2. Attached to this affidavit are true and correct copies of the following:
 - a. Certified Mail Receipt for the mailing of the Notice to Municipality;
 - b. Notice to Municipality, enclosing the Recorded Environmental Easement, as recorded in the Office of the City Register of the City of New York on July 29, 2022, with City Register File No. 2022000302036.
3. On the 1st day of August 2022, I caused to be mailed via Certified Mail, Return Receipt Requested, the aforementioned Notice to Municipality, enclosing the Recorded Environmental Easement, enclosed and properly sealed in an envelope, which was deposited in an official depository under the exclusive care and custody of the United States Postal Services within the State of New York addressed to:

Mayor Eric Adams
City of New York
City Hall
New York, NY 10007



Joyce E. Kung

CNDL
Sworn to me this
4th day of August 2022



Notary Public

STEVEN J. CORVI SR
NOTARY PUBLIC, STATE OF NEW YORK
No. 01C04866352
Qualified in Nassau and NYC
Commission Expires July 28, 2026

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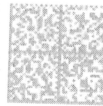
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SIVE PAGET RIESEL

MICHAEL S. BOGIN
DIRECT DIAL: 646.378.7210
MBOGIN@SPRLAW.COM

Notice to Municipality

August 1, 2022

VIA CERTIFIED MAIL (RETURN RECEIPT REQUESTED)

Mayor Eric Adams
City of New York
City Hall
New York, NY 10007

Re: Environmental Easement

Dear Mayor Adams:

Attached please find a copy of an environmental easement granted to the New York State Department of Environmental Conservation ("Department"):

on July 15, 2022,
by RED HOOK INDU OZ OWNER, LLC,
for property at 627 Smith St. and 659 Smith St., Brooklyn, New York,
Tax Map No. Block 493, Lot 1 and Block 495, Lot 1.
DEC Site No: C224163.

This Environmental Easement restricts future use of the above-referenced property to restricted commercial uses. Any on-site activity must be done in accordance with the Environmental Easement and the Site Management Plan which is incorporated into the Environmental Easement. Department approval is also required prior to any groundwater use)

Article 71, Section 71-3607 of the New York State Environmental Conservation Law requires that:

1. Whenever the department is granted an environmental easement, it shall provide each affected local government with a copy of such easement and shall also provide a copy of any documents modifying or terminating such environmental easement.
2. Whenever an affected local government receives an application for a building permit or any other application affecting land use or development of land that is subject to an environmental easement and that may relate to or impact such easement, the affected local government shall notify the department and refer such application to the department. The department shall evaluate whether the application is consistent with the environmental easement and shall notify the affected local government of its determination in a timely fashion, considering the

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time frame for the local government's review of the application. The affected local government shall not approve the application until it receives approval from the department.

An electronic version of every environmental easement that has been accepted by the Department is available to the public at: <http://www.dec.ny.gov/chemical/36045.html>. Please forward this notice to your building and/or planning departments, as applicable, to ensure your compliance with these provisions of New York State Environmental Conservation Law. If you have any questions or comments regarding this matter, please do not hesitate to contact me.

Very truly yours,

/s/ Michael Bogin

Michael Bogin