



**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**



**BROWNFIELD CLEANUP PROGRAM (BCP)**

ECL ARTICLE 27 / TITLE 14

DEPARTMENT USE ONLY  
BCP SITE #:

07/2010

<b>Section I. Requestor Information</b>		
NAME 135 Kent Avenue Management Corp.		
ADDRESS 135 Kent Avenue		
CITY/TOWN Brooklyn, NY		ZIP CODE 11249
PHONE (845) 304-6565	FAX (831) 302-3691	E-MAIL lester@cleanersales.com
Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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 <a href="#">NYS Department of State's Corporation &amp; Business Entity Database</a> . A print-out of entity information from the database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.		
NAME OF REQUESTOR'S REPRESENTATIVE Lester Cohen, President		
ADDRESS 167 Cowpens Drive		
CITY/TOWN Orangeburg, NY		ZIP CODE 10962
PHONE (845) 304-6565	FAX (831) 302-3691	E-MAIL lester@cleanersales.com
NAME OF REQUESTOR'S CONSULTANT Alana Carroll, Integral Engineering, P.C.		
ADDRESS 61 Broadway, Suite 1601		
CITY/TOWN New York, NY		ZIP CODE 10006
PHONE (212) 962-4301	FAX (212) 962-4302	E-MAIL acarroll@integral-corp.com
NAME OF REQUESTOR'S ATTORNEY James J. Periconi, Esq., Periconi, LLC		
ADDRESS 260 Madison Avenue, 15th Floor		
CITY/TOWN New York		ZIP CODE 10016
PHONE (212) 213-5500	FAX (212) 448-0066	E-MAIL JPericoni@periconi.com
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:		
<input checked="" type="checkbox"/> <b>PARTICIPANT</b> 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.	<input type="checkbox"/> <b>VOLUNTEER</b> 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, the requestor certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.	
Requestor Relationship to Property (check one):		
<input type="checkbox"/> Previous Owner <input checked="" type="checkbox"/> Current Owner <input type="checkbox"/> Potential /Future Purchaser <input type="checkbox"/> Other _____		
If requestor is not the site owner, requestor will have access to the property throughout the BCP project. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No -Proof of site access must be submitted for non-owners		

**RECEIVED**

AUG 01 2013

BUREAU OF  
TECHNICAL SUPPORT

**Section II. Property Information**  
**Check here if this application is to request significant changes to property set forth in an existing BCA:**   
 Existing BCP site number: \_\_\_\_\_

PROPERTY NAME **135 Kent Avenue**

ADDRESS/LOCATION **135 Kent Avenue** CITY/TOWN **Brooklyn, NY** ZIP CODE **11249**

MUNICIPALITY(IF MORE THAN ONE, LIST ALL): **Brooklyn**

COUNTY **Kings** SITE SIZE (ACRES) **.29**

LATITUDE (degrees/minutes/seconds) **40 ° 43 ' 09.97 "** LONGITUDE (degrees/minutes/seconds) **73 ° 57 ' 44.08 "**

HORIZONTAL COLLECTION METHOD:  SURVEY  GPS  MAP HORIZONTAL REFERENCE DATUM: **WGS84**

COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
<b>135 Kent Avenue</b>			<b>2333</b>	<b>5</b>	<b>0.29</b>

1. Do the property boundaries correspond to tax map metes and bounds?  Yes  No  
 If no, please attach a metes and bounds description of the property.

2. Is the required property map attached to the application? (application will not be processed without map)  Yes  No

3. Is the property part of a designated En-zone pursuant to Tax Law § 21(b)(6)?  Yes  No  
 For more information please see Empire State Development's [website](#).  
 If yes, identify area (name) \_\_\_\_\_

Percentage of property in En-zone (check one):  0-49%  50-99%  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)? If yes, identify name of properties in related BCP applications:  Yes  No

5. Property Description Narrative:  
The Site is located in a commercial and residential area of the Williamsburg section of the Borough of Brooklyn. The Site is comprised of an approximately 12,500 square foot rectangle parcel located on the corner of the block and is bounded to the north by N6th Street; to the west by Kent Avenue; to the south by N5th Street; and to the east by Wythe Avenue. Adjacent properties include mixed use commercial and residential buildings to the north, west, east and south. The Site is identified on New York City tax maps as Block 2333, Lot 5. The Site is currently developed with a two-story commercial/residential building (measuring approximately 125' x 100'). The first floor of the building is divided into individual tenant spaces operated by a coffee shop, a deli, a furniture store, a clothing store, and a storage area. A small utility room measuring approximately 20' x 10' exists beneath a portion of the first floor. One possible dry well and two cleanout accesses, all with dirt bottoms, exist in the floor of the utility room. A boiler historically operated in the utility room. The second floor consists of approximately eleven residential units. A USGS Topographic Map is included as Figure 1. A site plan showing the Site property boundaries is included as Figure 2 and a County Tax Map is included as Figure 3.

6. List of Existing Easements (type here or attach information)  
Easement Holder Description  
**New York Telephone Company (see attached for description)**

7. List of Permits issued by the NYSDEC or USEPA Relating to the Proposed Site (type here or attach information)  
Type Issuing Agency Description  
**USEPA ID No. NYR000113480 for hazardous waste generation (PCE)**  
**Chemical Bulk Storage Facility (CBS No. 2-000353 for a former 5,000 gallon AST containing PCE)**

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

Initials of each Requestor:   *to*   \_\_\_\_\_

<b>Section III. Current Property Owner/Operator Information</b>		
OWNER'S NAME 135 Kent Avenue Management Corp.		
ADDRESS 135 Kent Avenue		
CITY/TOWN Brooklyn, NY		ZIP CODE 11249
PHONE (845) 304-6565	FAX (831) 302-3691	E-MAIL lester@cleansales.com
OPERATOR'S NAME Citiwindows c/o Raul Sillau		
ADDRESS 56 N3rd Street		
CITY/TOWN Brooklyn, New York		ZIP CODE 11249
PHONE (718) 218-9616	FAX (718) 218-8922	E-MAIL lester@cleansales.com
<b>Section IV. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b>		
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 relating to 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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
4. Has the requestor been determined to have violated any provision of ECL Article 27?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5. Has the requestor previously been denied entry to the BCP?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Section V. Property Eligibility Information (Please refer to ECL § 27-1405)</b>		
1. Is the property, or was any portion of the property, listed on the National Priorities List? If yes, please provide relevant information as an attachment.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
2. Is the property, or was any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites? If yes, please provide: Site # _____ Class # _____	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
3. Is the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit type: _____ EPA ID Number: NYR000113480 Date permit issued: _____ Permit expiration date: No Permit	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
4. Is the property subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10? If yes, please provide: Order # _____	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide explanation as an attachment.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Section VI. Project Description</b>		
What stage is the project starting at? <input checked="" type="checkbox"/> Investigation <input type="checkbox"/> Remediation		
Please attach a description of the project which includes the following components:		
<ul style="list-style-type: none"> <li>• Purpose and scope of the project</li> <li>• Estimated project schedule</li> </ul>		

## Section VII. Property's Environmental History

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

### 1. Environmental Reports

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

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

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

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

\*Please describe: No sampling has taken place on the Site

### 3. SUSPECTED CONTAMINANTS: INDICATE SUSPECTED CONTAMINANTS AND THE MEDIA WHICH MAY HAVE BEEN AFFECTED. PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT.

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

\*Please describe: The site functioned as a PCE distribution facility for 44 years

### 4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS (CHECK ALL THAT APPLY). PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT.

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

Other: Potential sources of contamination include a former onsite AST, Multiple USTs, possible drywells, and reported surface spills

### 5. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

- Coal Gas Manufacturing  
  Manufacturing  
  Agricultural Co-op  
  Dry Cleaner  
  Salvage Yard  
  Bulk Plant  
 Pipeline  
  Service Station  
  Landfill  
  Tannery  
  Electroplating  
  Unknown

Other: PCE distribution facility

### 6. PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".

<b>Section VIII. Contact List Information</b>	
Please attach, at a minimum, the names and addresses of the following:	
<ol style="list-style-type: none"> <li>1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.</li> <li>2. Residents, owners, and occupants of the property and properties adjacent to the property.</li> <li>3. Local news media from which the community typically obtains information.</li> <li>4. The public water supplier which services the area in which the property is located.</li> <li>5. Any person who has requested to be placed on the contact list.</li> <li>6. The administrator of any school or day care facility located on or near the property.</li> <li>7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the property.</li> </ol>	
<b>Section IX. Land Use Factors (Please refer to ECL § 27-1415(3))</b>	
1. Current Use: <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Vacant <input type="checkbox"/> Recreational (check all that apply) Provide summary of business operations as an attachment.	
2. Intended Use Post Remediation: <input type="checkbox"/> Unrestricted <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial (check all that apply) Provide specifics as an attachment.	
3. Do current historical and/or recent development patterns support the proposed use? (See #14 below re: discussion of area land uses)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
4. Is the proposed use consistent with applicable zoning laws/maps?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
5. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
6. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7. Are there any federal or state land use designations relating to this site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
8. Do the population growth patterns and projections support the proposed use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
9. Is the property accessible to existing infrastructure?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
10. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
11. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
12. Are there floodplains within ½ mile?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
13. Are there any institutional controls currently applicable to the property?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
14. Describe the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas in an attachment.	
15. Describe the potential vulnerability of groundwater to contamination that might migrate from the property, including proximity to wellhead protection and groundwater recharge areas in an attachment.	
16. Describe the geography and geology of the site in an attachment.	

**Section X. Statement of Certification and Signatures**

(By requestor who is an individual)

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

Date: \_\_\_\_\_ Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

(By an requestor other than an individual)

I hereby affirm that I am PRESIDENT (title) of 135 KENT AVENUE MANAGEMENT CORP (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements* and to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. 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: 7/15/13 Signature: [Signature] Print Name: LESTER CONEN PRESIDENT

**SUBMITTAL INFORMATION:**

Three (3) complete copies are required.

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD, 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

- **One (1)** paper copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our [website](#) for the address of our regional offices.

**FOR DEPARTMENT USE ONLY**

BCP SITE T&A CODE: \_\_\_\_\_ LEAD OFFICE: \_\_\_\_\_

## FIGURES

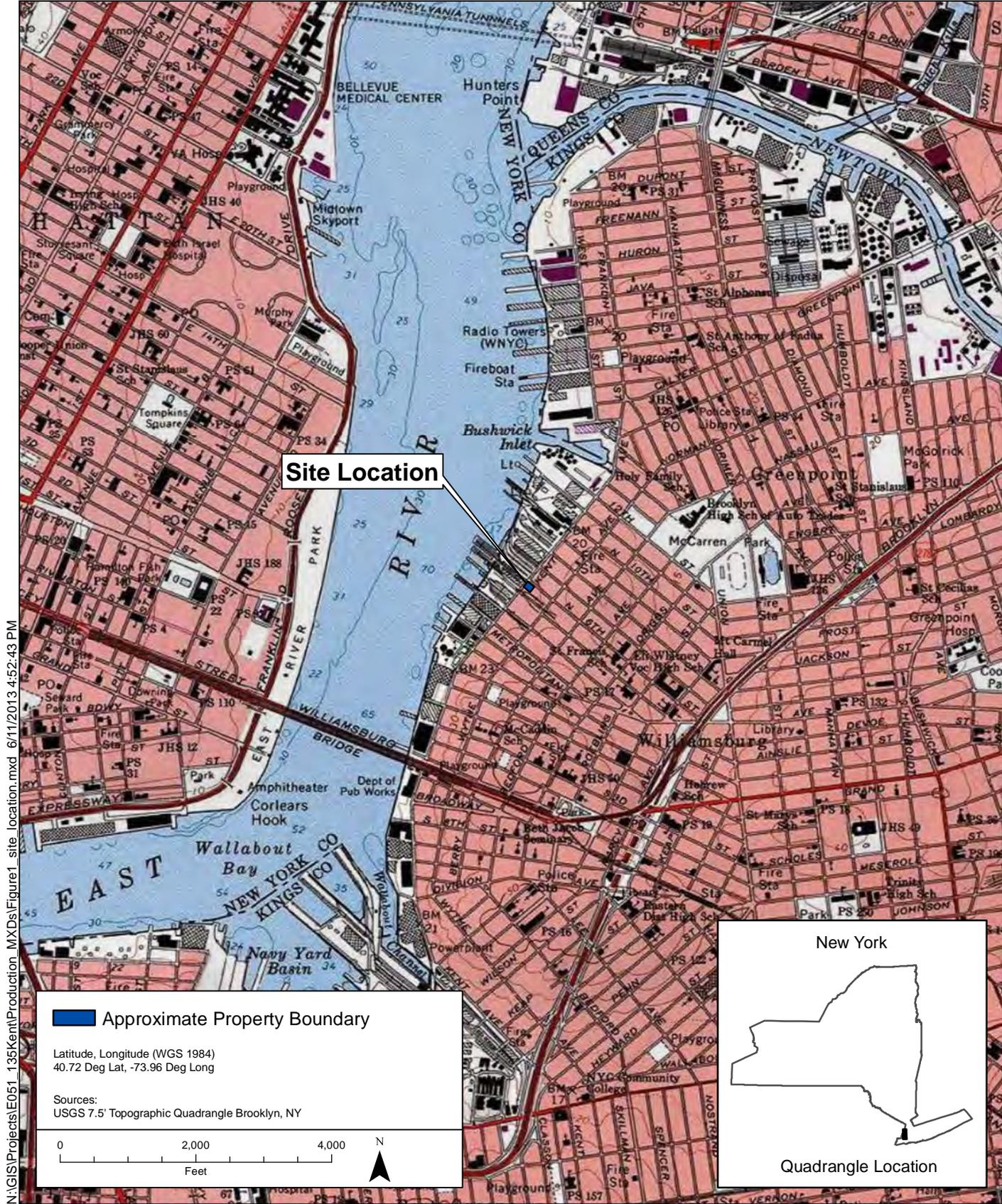
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FIGURE 1 – USGS TOPOGRAPHIC MAP

FIGURE 2 – SITE PLAN

FIGURE 3 – COUNTY TAX MAP

FIGURE 4 – FEMA FLOOD MAP



N:\GIS\Projects\E051\_135Kent\Production\_MXD\Figure1\_site\_location.mxd 6/11/2013 4:52:43 PM



61 Broadway, Suite 1601  
New York, New York 10006  
www.integral-corp.com

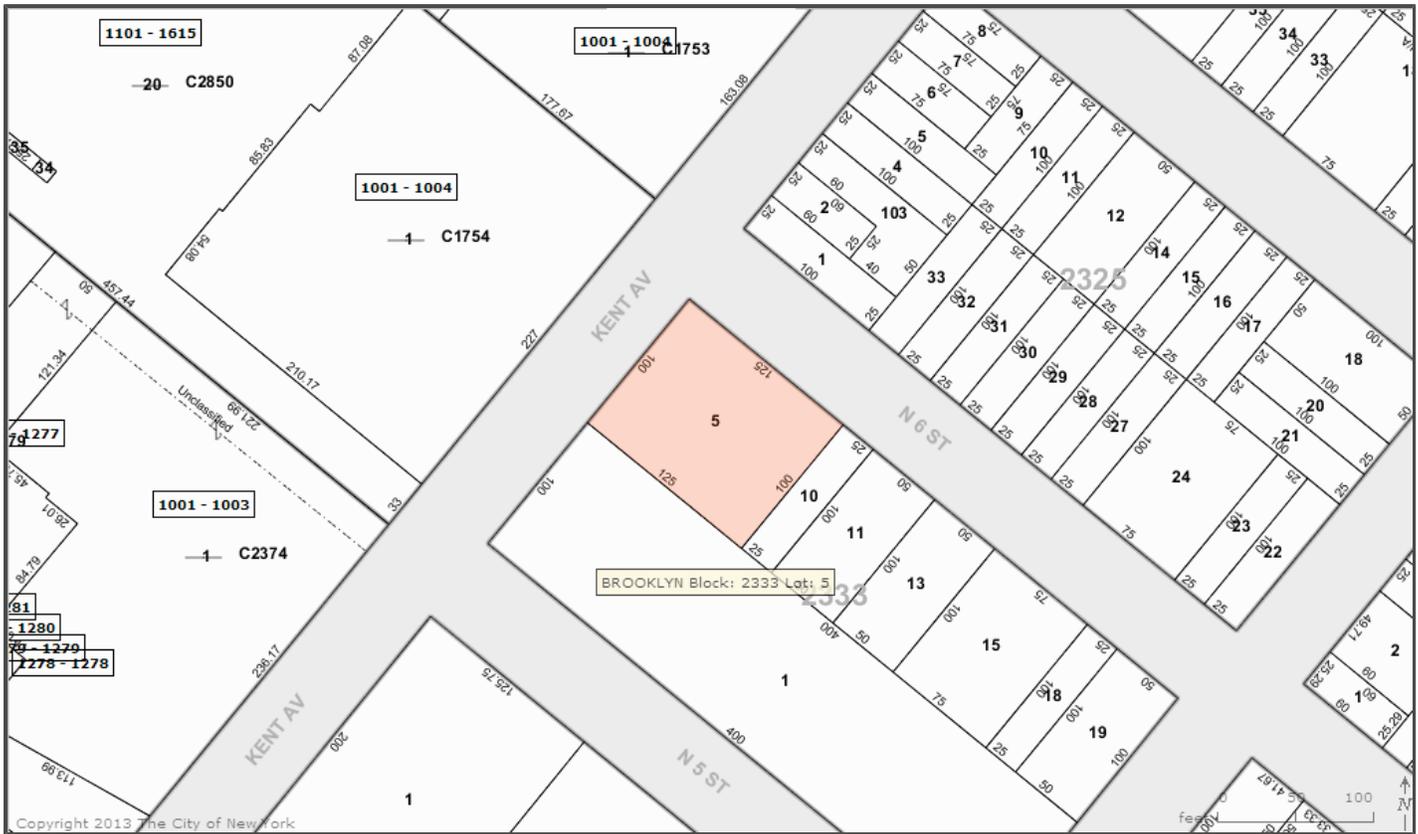
**Figure 1.**  
Site Location Map  
135 Kent Avenue  
Brooklyn, New York



**Figure 3**

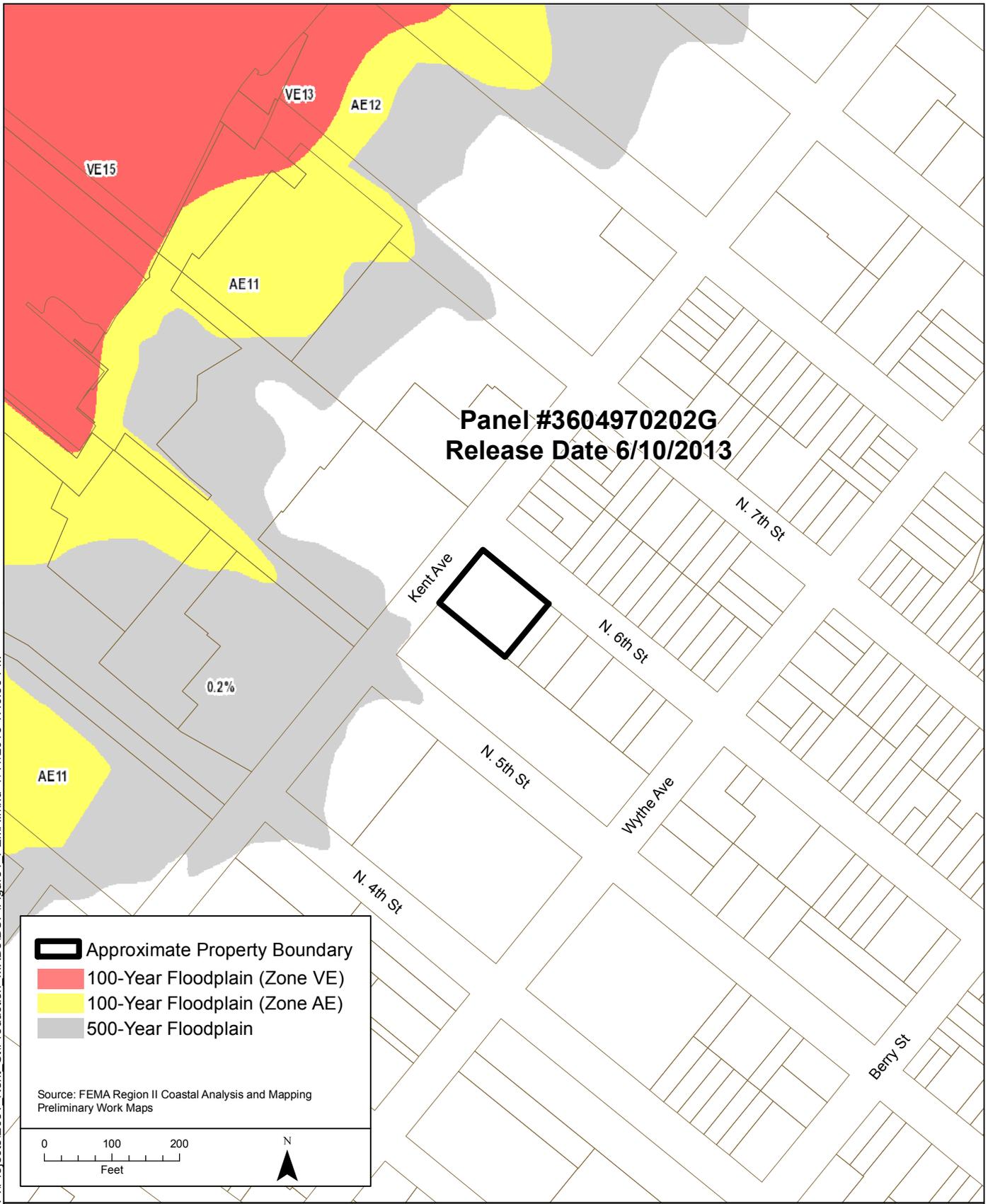
135 Kent Avenue - 6/15/2013

*Digital Tax Map - New York City Dept. of Finance*



	Borough Boundary	<b>C50</b>	Condo Flag/Condo Number
	Tax Block Boundary	<b>A50</b>	Air Right Flag/Lot Number
<b>50</b>	Tax Block Number	<b>S50</b>	Subterranean Right Flag/Lot Number
	Tax Lot Boundary	<b>R</b>	REUC Flag
<b>50</b>	Tax Lot Number	-----	Under Water Tax Lot Boundary
<del>50</del>	Condo FKA Tax Lot Number	-----	Other Boundary
50.5	Tax Lot Dimension		Possession Hook
+/-5.5	Approximate Tax Lot Dimension	Misc	Miscellaneous Text
<b>1500 - 1550</b>	Condo Units Range Label		Small Tax Lot Dimension
	Building Footprint		Surface Water

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**Figure 4.**  
FEMA Flood Zone Map  
135 Kent Avenue  
Brooklyn, New York

ATTACHMENT 1

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EXISTING EASEMENT

REF 4 1 9 2 9 6 0 6 4 3

Rev. 1-4-84 BLK 2333 BLK ENT NOMINAL  
RECEIVED FROM NEW YORK TELEPHONE COMPANY, ~~One Dollar (\$1.00)~~ in consideration of which the undersigned hereby grants unto said Telephone Company, its successors and assigns, the right, privilege and authority to construct, reconstruct, relocate, replace, operate, repair, maintain and at its pleasure remove the following facilities:  
CABLE IN CONDUIT UNDER SIDEWALK TO TURN UP ON  
OUTSIDE FRONT WALL. CABLE RUN THRU OUTSIDE FRONT WALL  
TO 2ND FL. STAIRWAY WITH TERMINAL BOX

upon the property which the undersigned owns or in which the undersigned has an interest, situated  
74 NORTH 6TH AKA 135 KENT AVE  
in the Borough of BKLYN, County of KINGS, State of New York  
It is understood that the work shall be performed in a workmanlike manner and that any damage to the premise caused thereby shall be corrected.

IN WITNESS WHEREOF, the undersigned has duly executed this instrument this 27 day of Sept nineteen hundred ninety seven  
Witness: Gatesky Manager as to SIGN: [Signature] JB (L.S.)  
Witness: \_\_\_\_\_ as to PRINT: Lester Cohen (L.S.)  
TEL. NO: 782 2400

STATE OF NEW YORK )  
COUNTY OF Kings ) ss.

OC. VER. BY ADDRESS [Signature]

ON THIS 2<sup>nd</sup> DAY OF Sept, IN THE YEAR OF 1997, BEFORE ME PERSONALLY CAME Lester Cohen  
TO ME KNOWN TO BE THE INDIVIDUAL DESCRIBED IN, AND WHO EXECUTED THE ANNEXED INSTRUMENT, AND ACKNOWLEDGED THAT he EXECUTED THE SAME FOR THE PURPOSES THEREIN MENTIONED.

RALPH C. MONACO  
Notary Public, State of New York  
No. 41-4891577  
Qualified in Queens County  
Commission Expires March 30, 1999

[Signature]  
NOTARY PUBLIC

# SECTION ATTACHMENTS

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SECTION VI – PROJECT DESCRIPTION

SECTION VII – PROPERTY’S ENVIRONMENTAL HISTORY

SECTION VIII – COMMUNITY CONTACT LIST

SECTION IX – LAND USE FACTORS

## **Attachment to Section VI - Project Description**

### *Purpose and Scope of the Project*

The Site is located in a commercial and residential area of the Williamsburg section of the Borough of Brooklyn. The Site is comprised of an approximately 12,500 square foot rectangle parcel located on the corner of the block and is bounded to the north by N6th Street; to the west by Kent Avenue; to the south by N5th Street; and to the east by Wythe Avenue. Adjacent properties include mixed use commercial and residential buildings to the north, west, east and south. The Site is identified on New York City tax maps as Block 2333, Lot 5. A USGS Topographic Map is included as Figure 1. A site plan showing the Site property boundaries is included as Figure 2 and a County Tax Map is included as Figure 3.

The Site is currently zoned M1-2/R6A (Manufacturing with a Residential Overlay) in the Special Mixed Use District (MX-8) of Greenpoint- Williamsburg. The Site has a NYC Restrictive Declaration (similar to an E-Designation) for Hazardous Materials (E-138) and Air Quality (E-227).

Remediation of the Site is not being performed in association with any redevelopment of the Site.

The overall project will include a comprehensive soil vapor analysis and investigation. There will be a significant effort undertaken to identify potential on-site soil vapor and indoor air concentrations that may adversely affect human health. Off-site migration of vapor will also be evaluated and potentially investigated.

Soil vapor mitigation and, as needed and feasible, source remediation will be addressed in a Remedial Action Work Plan, following additional onsite and off-site (if necessary) investigations. Since the current building foundation acts as an engineering cap, and groundwater beneath the site is not a potable source of water, the potential for contact or ingestion of onsite contamination is negligible. Potential engineering and institutional controls will be evaluated. These engineering and institutional controls would prevent inhalation of vapors associated with any remaining contaminated media using an active or passive venting system retrofitted for the building. Any "engineered" protection would be maintained into the future with deed restrictions and an environmental easement attached to the property that prevent the use of site groundwater as a potable source and require future notification to NYSDEC in the event that engineering surfaces are penetrated for any reason. Procedures will be formally adopted and approved in the event that future construction or maintenance is performed. These procedures will include annual professional engineer recertification that the controls remain in place and that any work performed was completed in accordance with the approved plans.

In addition, future development of or modifications to the property would also require a review and evaluation by NYSDEC to insure that the use is consistent with the approved remedy and that measures that inhibit exposure, inhalation and ingestion routes are being maintained.

Project Schedule

The following is the proposed schedule for the project and covers the major milestones of the Program rather than listing each step. It is anticipated that this schedule has opportunity for compression.

- Submit Vapor Intrusion Work Plan June 28, 2013
- Resubmit BCP Application Week of July 29, 2013
- Implement Vapor Intrusion Investigation Week of August 19, 2013
- Application deemed complete Week of August 5, 2013
- DEC Letter of Completeness Issued Week of August 5, 2013
- Public notice and comment period Thru week of September 9, 2013
- Notification of Project Acceptance / Draft BCA Week of September 9, 2013
- Executed BCA Week of September 16, 2013
- RIWP Submission Week of September 23, 2013
- Public notice and comment period Thru Week of October 21, 2013
- Revise and resubmit RIWP Week of November 4, 2013
- Implement RIWP Week of November 18, 2013
- Prepare and submit Remedial Investigation Report/  
Alternative Analysis By December 31, 2013
- Significant Threat Determination/RI Approval January 15, 2014
- Remedial Action Work Plan Submission (RAWP) By March 14, 2014
- NYSDEC review and approval of RAWP and AA April 15, 2014
- Public Comment Period Ends May 31, 2014
- NYSDEC Final Approval of RAWP June 6, 2014
- Develop Bid and Award RI Contracts By August 1, 2014
- Submit Remedial Design and Construction Notice September 1, 2014
- Begin implementation of RAWP October 1, 2014

## **Attachment to Section VII - Property's Environmental History**

### 1. Environmental Reports

No environmental investigations or sampling have occurred at the Site. A Phase I Environmental Hazard Audit was prepared by Fred C. Hart Associates, Inc. in 1989 and is appended to this Application. Pertinent information from this report is summarized below in order to present what is known and what is suspected with respect to the BCP development area.

- 1) Fred C. Hart Associates, Inc., Phase I Environmental Hazard Audit, April 1989.

### 2. Reports relating to potential contamination

The above referenced Phase I indicated the following "environmental findings":

- There were a variety of chemicals stored and handled onsite, the most prevalent being Perchloroethylene (aka: Tetrachloroethylene, PCE, and Perc) which was pumped into drum by a bulk distributor located in the off-loading areas. No evidence of spillage was observed, however the site inspector was informed that minor concrete surface spills have occurred in the past.
- There is at least one known underground storage tank (UST) located onsite; a 3,000 gallon fuel oil UST previously used to heat the building. It has not been determined whether the tank is in a vault or maintains any secondary containment. The exact age of the UST is unknown, but is reportedly over 40 years old. No tank tightness tests were available for the UST. It was reportedly empty for "significant period of time" and recently cleaned prior to the preparation of the Phase I.
- According to the Phase I, Mr. Cohen reported that at one time there were allegedly one or two additional storage tanks located under the ramp of the loading dock. These tanks, reported to have been used to store fuel for company vehicles by prior occupants, had not been in service for greater than 35 years (in 1989).

Subsequent to the performance of the Phase I, Site specific information has been clarified and additional documentation has been provided by Mr. Cohen. This information is described in the following bullet points:

- Circa 1958, Cleaner Sales & Equipment Corp., a dry cleaning fluid [i.e. tetrachloroethylene or "perc" (PCE)] distribution facility, as well as a laundry supply distributor, began operating onsite. For approximately the first eighteen years, drums of PCE were delivered to the Site and stored prior to local distribution. Drums came sealed and were never opened prior to transport. Subsequently, for approximately the following nineteen years, empty drums were filled with PCE via a tanker truck utilizing a dispenser nozzle with an automatic shut off. After which, for the final seven years of operation (from circa 1995), a tanker truck containing PCE filled a 5,000-gallon aboveground storage tank (AST) located next to the former loading bay area in the northwest portion of the first floor. The AST was fully contained in 10' x 20' welded steel containment with a 7' extension for containment of the fill pumps, valves and controls. Two 4" steel pipes connected the AST to the fill connections located on the outside wall of the loading

bay. One pipe transferred solvent into the tank and one pipe returned the vapors to the tanker truck. PCE was then transferred to fifteen-gallon containers via a sophisticated fill station purchased from Dow Chemical. This fill station was located in a contained area next to the AST to be distributed to local dry cleaners.

- The PCE distribution business ended in October 2002 and the AST was removed. Prior to removal of the tank, ultrasonic testing was performed on the AST walls and the AST passed.
- The 3,000 gallon fuel oil UST was in service until 2003, at which time the UST was decommissioned and closed-in-place. Prior to decommissioning, a tank tightness was performed by Dry as A Bone, Inc. on March 31, 2003. Subsequent to passing the tightness test, the UST was pumped of all remaining oil, cleaned, and filled with foam by Windmill Oil Tank Services in April 2003.
- The presence of a gasoline UST has never been substantiated.

3. *Suspected contaminants and the media that may have been affected*

Based on the known historic Site usage as a PCE distribution facility it is reasonable to assume that soil, groundwater, and/or soil vapor may be potentially impacted by chlorinated solvents. In addition, historic USTs (known and alleged) present potential for the above stated media to be impacted by petroleum constituents. An onsite investigation is necessary to determine if chlorinated solvent or petroleum impacts exist.

At the request of NYSDEC, a Soil Vapor and Indoor Air Investigation Work Plan is being prepared by Integral to assess subsurface soil vapor and indoor air quality at the Site. The Work Plan will be submitted to NYSDEC prior to the submission of the BCP Application.

4. *Known or suspected sources of contaminants*

According to Mr. Cohen, he operated a PCE distribution facility (Cleaner Sales & Equipment Corp.) at the Site from 1958 until 2002 (44 years). Cleaner Sales and Equipment Corp. has a USEPA ID No. NYR000113480 for hazardous waste generation of PCE. The Site is listed in the NYSDEC database as an “unregulated” Chemical Bulk Storage Facility (CBS No. 2-000353 for the former 5,000 gallon above ground PCE storage tank). Historic usage of the Site represents a potential source for onsite chlorinated solvent and/or petroleum impacts (if impacts are found).

6. *List of previous owners and operators with names, last known addresses and telephone numbers as an attachment. Description of relationship to requestor.*

From 1958 until 1990 Mr. Cohen leased the Site from ARJES Realty. In 1990 Mr. Cohen purchased the property, incorporated (135 Kent Avenue Management Corp.), and continued to operate Cleaner Sales & Equipment Corp. until October 2002. In 2003 the entire lot was leased to Raul Sillau, later incorporated as Citiwindows L.L.C.<sup>1</sup> Citiwindows converted the space into 5 commercial units and 11 residential rental units. Prior to 1958, General Electric (GE) operated at the Site.

---

<sup>1</sup> ACRIS incorrectly indicates that Citiwindows took over the lease on the building in 2008.

135 Kent Avenue, BCP Application  
Attachment to Section VII

The following is a list of previous owners and addresses available through the Automated City Register Information System (ACRIS). Aside from GE, previous operators before 1958 are not known.

Period	Owners	Address	Relationship to Requestor	Operators	Relationship to Requestor	Address
Unknown - 1958	Unknown	Unknown	None	General Electric	None	135 Kent Avenue Brooklyn, NY 11249
1958 - 1988	ARJES Realty Corp.	108-57 70 <sup>th</sup> Ave. Forest Hills, NY 11375	None	Cleaner Sales & Equipment Corp.	Requestor	135 Kent Avenue Brooklyn, NY 11249
1988 – 1990	Jesse W. Heller and Arthur S. Heller	108-57 70 <sup>th</sup> Ave. Forest Hills, NY 11375	None	Cleaner Sales & Equipment Corp.	Requestor	135 Kent Avenue Brooklyn, NY 11249
1990 – 2003	135 Kent Avenue Management Corp.	135 Kent Avenue Brooklyn, NY 11249	Requestor	Cleaner Sales & Equipment Corp.	Requestor	135 Kent Avenue Brooklyn, NY 11249
2003-2004	135 Kent Avenue Management Corp.	135 Kent Avenue Brooklyn, NY 11249	Requestor	Raul Sillau	None	56 N3rd Street Brooklyn, NY 11249
2004 – Present	135 Kent Avenue Management Corp.	135 Kent Avenue Brooklyn, NY 11249	Requestor	Citiwindows LLC	None	56 N3rd Street Brooklyn, NY 11249

**Attachment to Section VIII - Contact List Information**

Hon. Michael Bloomberg  
Mayor of New York City  
New York City Hall  
New York, NY 10007  
Tel: (212) 639-9675

Hon. Amanda M. Burden  
Chair, City Planning Commission  
22 Reade Street  
New York, NY 10007-1216  
Tel: (212) 720-3300  
Fax: (212) 720-3219  
<http://www.nyc.gov/html/mail/html/maildcp.html>

Hon. Marty Markowitz  
Brooklyn Borough President  
Brooklyn Borough Hall  
209 Joralemon Street  
Brooklyn, New York 11201  
Tel: (718) 802-3700  
[askmarty@brooklynbp.nyc.gov](mailto:askmarty@brooklynbp.nyc.gov)

Hon. Christine C. Quinn  
Speaker, City Council  
224 West 30<sup>th</sup> Street Suite 1206  
New York, NY 10001  
Tel: (212) 564-7757  
Fax: (212) 564-7347  
<http://council.nyc.gov/d3/html/members/contact.shtml>

Hon. Christopher H. Olechowski  
Chair, Brooklyn Community Board 1  
435 Graham Avenue  
Brooklyn, New York 11211  
Phone: (718)-389-0009  
Fax: (718)-389-0098  
[bk01@cb.nyc.gov](mailto:bk01@cb.nyc.gov)

Carter Strickland  
Commissioner, NYC Department of Environmental Protection  
Bureau of Water and Sewer Operations  
59-17 Junction Boulevard  
Flushing, NY 11373

135 Kent Avenue, BCP Application  
Attachment to Section VIII

Newspapers

New York Times  
229 West 43<sup>rd</sup> Street  
New York, NY 10036  
Tel: (212) 556-3622

New York Daily News  
450 W 33rd St New York, NY 10001  
Tel: (212) 210-2100  
Fax: (212) 643-7831

New York Post (Public Notice will be posted in the New York Post)  
1211 Avenue of the Americas  
New York, NY 10036-8790  
Tel: (212) 930-8700

Local Community Newspaper

The Brooklyn Paper  
One Metrotech Center, Suite 1001  
Brooklyn, NY 11201  
Tel: (718) 260-2500  
[BrooklynPaper@CNGLocal.com](mailto:BrooklynPaper@CNGLocal.com)

Library for use as Project Repository

Branch Contact Person: Robert Simic  
Brooklyn Public Library (See consent letter attached)  
Greenpoint Branch  
107 Norman Avenue  
Brooklyn, NY 11222  
(718) 349-8504  
[brooklynpubliclibrary.org](http://brooklynpubliclibrary.org)

School

There are no public schools within 1,500 feet of the Site.

Board of Education  
Hon. Dennis Walcott, Chancellor  
Tweed Courthouse  
52 Chambers Street  
New York, NY 10007

135 Kent Avenue, BCP Application  
Attachment to Section VIII

Board of Education  
The Division of School Facilities  
44-36 Vernon Boulevard  
Long Island City, NY 11101  
Tel: (718) 349-5799

Day Care Center

Chabad of North Brooklyn (located approximately 1056 ft southeast)  
Mrs. Devora Leah Lein, Director  
132 North 5th Street  
Brooklyn, NY 11211  
(718) 388-0748  
[chabad11211.com](http://chabad11211.com)

Residents, owners, and occupants of the property and properties adjacent to the property:

Source: Digital Tax Map- New York City Dept. of Finance 06/16/2013

**BLOCK: 2333**

Lot	Property Address	Operators Name & Mailing Address	Owners Name & Mailing Address
5	135 Kent Avenue Residential/Commercial (2 Floors/ 16 Units)	Sweet Leaf c/o Raul Sillau Citiwindows LLC 56 N3rd Street Brooklyn, NY 11249	135 Kent Management Corp. c/o Lester Cohen 167 Cowpens Drive Orangeburg, NY 10968
5	135 Kent Avenue Residential/Commercial (2 Floors/ 16 Units)	Modern Space Real Estate c/o Raul Sillau Citiwindows LLC 56 N3rd Street Brooklyn, NY 11249	135 Kent Management Corp. c/o Lester Cohen 167 Cowpens Drive Orangeburg, NY 10968
5	135 Kent Avenue Residential/Commercial (2 Floors/ 16 Units)	48 N6th Deli c/o Raul Sillau Citiwindows LLC 56 N3rd Street Brooklyn, NY 11249	135 Kent Management Corp. c/o Lester Cohen 167 Cowpens Drive Orangeburg, NY 10968
5	135 Kent Avenue Residential/Commercial (2 Floors/ 16 Units)	Cadet Clothing c/o Raul Sillau Citiwindows LLC 56 N3rd Street Brooklyn, NY 11249	135 Kent Management Corp. c/o Lester Cohen 167 Cowpens Drive Orangeburg, NY 10968
5	135 Kent Avenue Residential/Commercial (2 Floors/ 16 Units)	Mimi Frocks c/o Raul Sillau Citiwindows LLC 56 N3rd Street Brooklyn, NY 11249	135 Kent Management Corp. c/o Lester Cohen 167 Cowpens Drive Orangeburg, NY 10968

135 Kent Avenue, BCP Application  
Attachment to Section VIII

<b>Lot</b>	<b>Property Address</b>	<b>Operators Name &amp; Mailing Address</b>	<b>Owners Name &amp; Mailing Address</b>
5	135 Kent Avenue Residential/Commercial (2 Floors/ 16 Units)	Fresh Kills Furniture c/o Raul Sillau Citiwindows LLC 56 N3rd Street Brooklyn, NY 11249	135 Kent Management Corp. c/o Lester Cohen 167 Cowpens Drive Orangeburg, NY 10968
5	135 Kent Avenue Residential/Commercial (2 Floors/ 16 Units)	Gabriela Helfet 135 Kent Avenue, Apt C-1 Brooklyn, NY 11249	135 Kent Management Corp. c/o Lester Cohen 167 Cowpens Drive Orangeburg, NY 10968
5	135 Kent Avenue Residential/Commercial (2 Floors/ 16 Units)	Alexander Sussman & Justin Look 135 Kent Avenue, Apt C-2 Brooklyn, NY 11249	135 Kent Management Corp. c/o Lester Cohen 167 Cowpens Drive Orangeburg, NY 10968
5	135 Kent Avenue Residential/Commercial (2 Floors/ 16 Units)	Drew McDowall 135 Kent Avenue, Apt C-3 Brooklyn, NY 11249	135 Kent Management Corp. c/o Lester Cohen 167 Cowpens Drive Orangeburg, NY 10968
5	135 Kent Avenue Residential/Commercial (2 Floors/ 16 Units)	Jacob Kaplan 135 Kent Avenue, Apt C-4 Brooklyn, NY 11249	135 Kent Management Corp. c/o Lester Cohen 167 Cowpens Drive Orangeburg, NY 10968
5	135 Kent Avenue Residential/Commercial (2 Floors/ 16 Units)	Mik Stroyberg 135 Kent Avenue, Apt C-5 Brooklyn, NY 11249	135 Kent Management Corp. c/o Lester Cohen 167 Cowpens Drive Orangeburg, NY 10968
5	135 Kent Avenue Residential/Commercial (2 Floors/ 16 Units)	Brian Brenavidez & Melissa Locker 135 Kent Avenue, Apt C-6 Brooklyn, NY 11249	135 Kent Management Corp. c/o Lester Cohen 167 Cowpens Drive Orangeburg, NY 10968
5	135 Kent Avenue Residential/Commercial (2 Floors/ 16 Units)	George Weld & Jeniffer Weld 135 Kent Avenue, Apt C-7 Brooklyn, NY 11249	135 Kent Management Corp. c/o Lester Cohen 167 Cowpens Drive Orangeburg, NY 10968
5	135 Kent Avenue Residential/Commercial (2 Floors/ 16 Units)	Edmund B. Levine 135 Kent Avenue, Apt C-8 Brooklyn, NY 11249	135 Kent Management Corp. c/o Lester Cohen 167 Cowpens Drive Orangeburg, NY 10968
5	135 Kent Avenue Residential/Commercial (2 Floors/ 16 Units)	Christopher Miemczyk 135 Kent Avenue, Apt C-9 Brooklyn, NY 11249	135 Kent Management Corp. c/o Lester Cohen 167 Cowpens Drive Orangeburg, NY 10968

135 Kent Avenue, BCP Application  
Attachment to Section VIII

Lot	Property Address	Operators Name & Mailing Address	Owners Name & Mailing Address
5	135 Kent Avenue Residential/Commercial (2 Floors/ 16 Units)	Ryan A. Cuvelier 135 Kent Avenue, Apt C-10 Brooklyn, NY 11249	135 Kent Management Corp. c/o Lester Cohen 167 Cowpens Drive Orangeburg, NY 10968
5	135 Kent Avenue Residential/Commercial (2 Floors/ 16 Units)	Eugene Masat 135 Kent Avenue, Apt C-11 Brooklyn, NY 11249	135 Kent Management Corp. c/o Lester Cohen 167 Cowpens Drive Orangeburg, NY 10968
10	58 N6th Street Commercial/Office Space (3 Floors/3 Units)	Loove LLC+ 58 North 6 <sup>th</sup> Street Brooklyn, NY 11249	3 <sup>rd</sup> Drawer LLC 220 Miramonte Avenue Palo Alto, CA 94306
1	149 Kent Avenue Under Construction No Occupants	None	Kent &Wythe Owners LLC 1865 Palmer Avenue, Suite 203 Larchmont, NY 10538

**BLOCK: 2325**

Lot	Property Address	Operators Name & Mailing Address	Owners Name & Mailing Address
33	51 North 6 <sup>th</sup> Street Residential/Commercial (2 Buildings/3 Floors/ 4 Units)	Unknown	51 North Sixth Street Realty Corp. 51 North 6 <sup>th</sup> Street Brooklyn, NY 11249
1	133 Kent Avenue Residential/Commercial (2 Buildings/2 Floors/ 2 Units)	Unknown	Douglas and Del Teague 47 North 6 <sup>th</sup> Street Brooklyn, NY 11249



Greenpoint Branch  
Brooklyn Public Library  
107 Norman Ave.  
Brooklyn, NY 11222  
718.349.8504  
r.simic@brooklynpubliclibrary.org

June 27, 2013

RE: 135 Kent Avenue, Brooklyn Document Repository

Dear Ms. Carroll,

The Greenpoint Branch of the Brooklyn Public Library will be the document repository for the above-referenced project. The project is in the New York State Department of Environmental Conservation Brownfield Cleanup Program (NYSDEC BCP) and under the Program; final reports will be maintained at this location for public review.

Should you have any questions, please call me at (718) 349-8504.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Simic".

Robert Simic  
Neighborhood Library Supervisor  
Greenpoint Library

**Attachment to Section IX - Land Use Factors**

1. Summary of Business Operations

The following is an overall description of the business operations within the BCP Site:

The Site is currently developed with a two-story commercial/residential building (measuring approximately 125'x 100'). The first floor of the building is divided into individual tenant spaces operated by a coffee shop, a deli, a furniture store, a clothing store, a real estate company, and a storage area; 11 residential units occupy the second floor.

2. Intended Use Post Remediation

Remediation of the Site is not being performed in association with redevelopment. The current usage of the Site is not expected to change.

11. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile?

The East River is approximately 800 feet west-northwest of the Site. All stormwater and surface water drainage is controlled by NYCDEP sewers. There is no overland flow to the East River.

East River State Park is located approximately 1,000 feet northwest of the Site.

12. Are there floodplains within ½ mile?

The best available flood hazard data for Sandy affected counties in NJ and NY from FEMA, which includes interim maps updated after Hurricane Sandy, indicate that the site is located approximately 450 feet from the 100 year flood plain and 50 feet from the 500 year flood plain. A FEMA flood map is provided as Figure 4.

14. Describe the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas.

The Site incorporates approximately .29 acres of fairly level land situated in the City of New York, Kings County, New York. The Site is currently zoned M1-2/R6A in the Special Mixed Use District (MX-8) of Greenpoint-Williamsburg. The following is a description of its proximity to the land use categories listed above:

- **Residential:** The main Site building maintains 11 residential units on the second floor. No residents occupy the first floor. While it is not the intent of this application to review zoning and current uses with respect to zoning, it has been indicated that the area is zoned M1-2/R6A for manufacturing districts with a residential overlay in the Special Mixed Use District of Greenpoint-Williamsburg.

- **Urban:** The Soil Conservation Survey identifies nearly all land in the surrounding area as Urban Land (i.e., fully developed, with surface coverage of more than 50%).
- **Commercial:** The BCP Site is located within an area of interspersed commercial land use, mainly mixed use buildings with first floor commercial spaces and residential floors above.
- **Industrial:** There is no known industrial use on-Site and while there may be light industrial or manufacturing in the area the entire zone is heavily developed and will remain so.
- **Agricultural:** There are currently no stand-alone agricultural areas in the vicinity of the site. There may be undocumented community gardens within a mile of the Site, but they would be located on rooftops, vacant lots, or other assemblages typically found within an urban setting.
- **Recreational:** The Site is located within approximately 1,000 feet of the East River State Park which is owned by the State of New York and managed by the New York State Office of Parks, Recreation and Historic Preservation. East River State Park is a seven-acre waterfront park located along the East River and offers preservation of historic rail yard remnants; passive recreation; picnicking and barbecues.

15. Describe the potential vulnerability of groundwater to contamination that might migrate from the property to wellhead protection and groundwater recharge areas in an attachment.

Public water supply wells do not exist within the BCP Site or in the vicinity of the Site. It is unlikely that the site is a major source of recharge because the Site is completely or, nearly completely covered, with solid structures. Groundwater in New York City is not considered a potable source of water. The entire area is supplied by the NYC water system that is sourced from reservoirs.

16. Describe the geography and geology of the site in an attachment.

The Site incorporates approximately .29 acres of fairly level land situated in the City of New York, Kings County, New York. The Site is mapped on the *Brooklyn, NY* Quadrant 7.5 Minute Topographic Map, published by the United States Geological Survey (USGS). Review of the topographic map indicates that the Site is located approximately 15 feet above sea level (NGVD 1988).

The Site is located in the Williamsburg section of the Borough of Brooklyn. The entire area is fully developed and is estimated to have been developed for the last century. All surface topography, exclusive of areas set aside (e.g. City Parks) has been impacted by development and may no longer reflect the original pre-development layout. Components of the area that were not developed prior to that time were vacant scrub vegetation.

Soil borings installed on an adjacent property identified fill material consisting of medium grained sand with some gravel and brick fragments to a depth of approximately 8 feet below grade. Beneath the surface fill layer is sand and gravel to a depth of at least 28 feet below grade.

Bedrock geology in the vicinity of the Site is characterized as the Hartland Formation (Middle Ordovician to Lower Cambrian). The Hartland formation consists of interbedded units of thinly laminated muscovite-biotite-quartz schist with minor garnet, gnessic quartz-microcline, and quartz-biotite-hornblend amphibolite. Much of the schist is magnetic and is in thrust-fault contact with the underlying Manhattan Schist on the Cameron's Line thrust, which goes beneath the Triassic and Triassic Newark basin sediments. Depth to bedrock is expected to be approximately 100 feet below street grade (Baskerville, 1994).

Based on investigations performed on an adjacent property, groundwater is expected to be 8-10 feet below street grade. Regional groundwater flow is expected to be west towards the East River; local groundwater follow is assumed to be the same.

No wetlands or surface water bodies are present at the Site. The nearest surface water body is the East River, located approximately 800 feet to the northeast.

# METES AND BOUNDS

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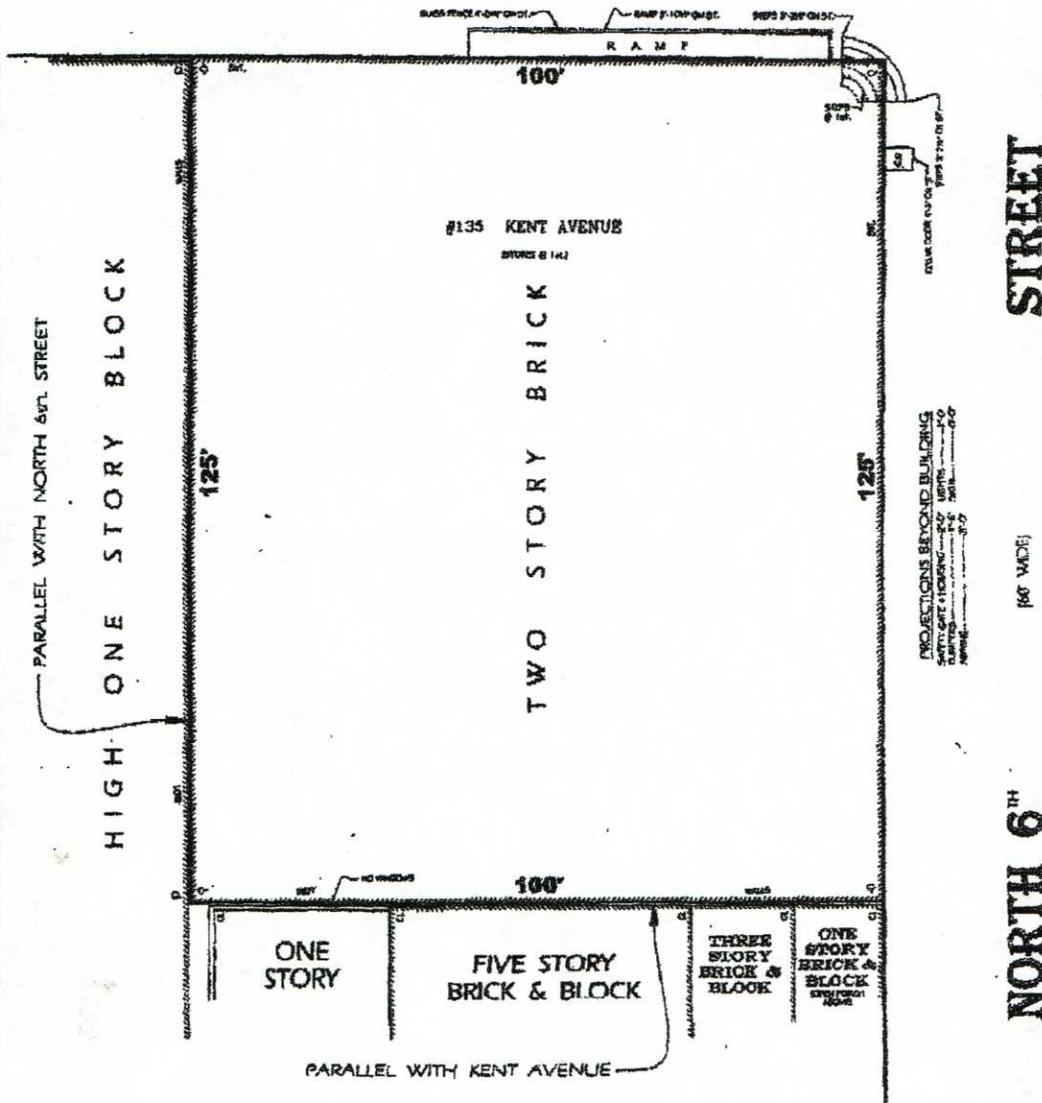
KENT

(60' WIDE)

AVENUE



PROJECTIONS BEYOND BUILDING  
SUPPORT & ROOFING - 1/4" = 10'-0"  
STRUCTURE - 1/8" = 5'-0"  
ROOF CAP - 1/8" = 1'-0"



UNLESS OTHERWISE SPECIFIED, ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED. THIS SURVEY IS A PORTION OF SECTION 2286 OF THE NEW YORK STATE COASTAL ZONING CODES. THE SURVEY MAP SET BEARING THE LAND SURVEYOR'S SEAL IS ON RECORD IN THE OFFICE OF THE CLERK OF THE COUNTY OF ALBANY. ALL RIGHTS OF CONVEYANCE, INCLUDING EASEMENTS, SHALL BE SUBJECT TO THE PROVISIONS OF THE SURVEY MAP SET, AND THIS MAP IS TO BE FILED WITH THE CLERK OF THE COUNTY OF ALBANY. THE TITLE COMPANY REPRESENTATIVE, AGENT AND LICENSED REPRESENTATIVE HEREBY AGREE TO BE BOUND BY THE TERMS AND CONDITIONS OF THIS SURVEY MAP SET AND TO HOLD THE SURVEYOR AND HIS FIRM HARMLESS FROM ALL AND ANY CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST OR INCURRED BY THE SURVEYOR OR HIS FIRM AS A RESULT OF THIS SURVEY MAP SET.

BLOCK: 2283  
LOT: 2  
SECTION: 2  
COUNTY: ALBANY  
DWG BY: JAB/SM  
CHK'D BY:

SURVEYED  
MAY 24, 2008

VINCENT J. DICCE, L.S.

CERTIFIED ONLY TO:  
OWNER, TITLE LENDER, TITLE INSURANCE COMPANY,  
NOT TO BE USED FOR THE DESIGN OF STRUCTURES.  
RIDGE ABSTRACT CORP.  
COMMONWEALTH LAND TITLE INSURANCE COMPANY  
COMMERCIAL BANK  
CITYROADS LLC

BORO LAND SURVEYING, P.C.  
355 COURT STREET  
BROOKLYN, N.Y. 11231  
TEL. (718) 621-8070 (2876)

**RIDGE ABSTRACT CORP.**

1815 Flatbush Avenue  
Brooklyn, NY 11210  
Tel (718) 338-0065  
Fax (718) 692-3767

1359 Broadway, Suite 1020  
New York, NY 10018  
Tel (212) 714-2439  
Fax (212) 714-2403

May 28, 2008

Re: Title Number: L56684KZ-A  
Premises: 135 Kent Avenue, Brooklyn  
Seller/Owner: Citiwindows LLC  
Lender: Commerce Bank  
County: Kings

Dear Sir/Madam:

In connection with the above captioned title, enclosed please find the following to be annexed to your Certificate of Title:

Survey

Survey Reading

AMENDED SCHEDULE "A"

Very truly yours,



Robert Martino

RM

## Survey Reading

Title Number L56684KZ-A

Page 1

Survey made by Boro Land Surveying PC dated May 24, 2008 shows:  
a two story brick with the following survey exceptions:

### SHOWS ON KENT AVENUE

- steps 3 feet 2 inches on street
- ramp 3 feet 10 1/2 inches on street
- fence 4 feet 0 1/2 inches on street
- safety gate and housing projects 1 foot 4 inches beyond building
- satellite dish projects 2 feet 2 1/2 inches beyond building
- roof cap projects 0 feet 1 inch beyond building
- lights project 0 feet 3 inches beyond building
- camera projects 1 foot 2 1/2 inches beyond building

### SHOWS ON NORTH 6th street

- steps 3 feet 2 1/2 inches on street
- cellar door 4 feet 3 inches on street
- safety gate and housing project 2 feet 0 inches beyond building
- bumpers project 1 foot 6 inches beyond building
- awning projects 3 feet 0 inches beyond building
- lights project 1 foot 0 inches beyond building
- sign projects 8 feet 0 inches beyond building

### SHOWS ON SOUTHEAST

- clear

### SHOWS ON SOUTHWEST

- clear

# CERTIFICATE OF AUTHORITY

---

135 KENT AVENUE MANAGEMENT CORP.

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through June 14, 2013.

---

Selected Entity Name: 135 KENT AVENUE MANAGEMENT CORP.

Selected Entity Status Information

**Current Entity Name:** 135 KENT AVENUE MANAGEMENT CORP.

**DOS ID #:** 1439596

**Initial DOS Filing Date:** APRIL 17, 1990

**County:** KINGS

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC BUSINESS CORPORATION

**Current Entity Status:** ACTIVE

Selected Entity Address Information

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

135 KENT AVENUE MANAGEMENT CORP.

135 KENT AVE

BROOKLYN, NEW YORK, 11211-3180

**Chief Executive Officer**

LESTER COHEN

135 KENT AVENUE

BROOKLYN, NEW YORK, 11211-3180

**Principal Executive Office**

135 KENT AVENUE MANAGEMENT CORP.

135 KENT AVE

BROOKLYN, NEW YORK, 11211-3180

**Registered Agent**

NONE

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the chief executive officer, if provided, which

would be listed above. Professional corporations must include the name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by viewing the certificate.

#### **\*Stock Information**

<b># of Shares</b>	<b>Type of Stock</b>	<b>\$ Value per Share</b>
400	No Par Value	

\*Stock information is applicable to domestic business corporations.

#### **Name History**

<b>Filing Date</b>	<b>Name Type</b>	<b>Entity Name</b>
APR 17, 1990	Actual	135 KENT AVENUE MANAGEMENT CORP.

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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# PREVIOUS ENVIRONMENTAL REPORTS

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Fred C. Hart Associates, Inc., Phase I Environmental  
Hazard Audit, April 1989.

PHASE I ENVIRONMENTAL HAZARD AUDIT  
CLEANERS SALES AND EQUIPMENT CORP  
135 KENT AVENUE  
BROOKLYN, NEW YORK

Prepared for:

Lester Cohen  
135 Kent Avenue  
Brooklyn, New York

Prepared by:

Fred C. Hart Associates, Inc  
530 Fifth Avenue  
New York, NY 10036

April 1989

Prepared By: *Farrukh Jahandari*

Reviewed By: *Robert Ehle*

## 1.0 INTRODUCTION

This report has been prepared for Mr. Lester Cohen, owner of Cleaners Sales and Equipment Corp. (CSEC). This audit report was conducted to determine if environmental conditions exist that could restrict the use of the property, or represent grounds for liability to an owner or lender.

### 1.1 Present Description and Historic Use

The subject facility is located at 135 Kent Avenue, Brooklyn, New York 11211-3180. The property is located approximately 1/4 mile from the East River in an area that is predominantly commercial/industrial in usage. There were some abandoned, trash riddled piers and empty lots intermixed with unoccupied and/or low activity structures. Long term industrial activity in the area, including bulk petroleum storage terminals and the Buckeye petroleum supply pipeline, have resulted in reportedly poor groundwater quality in the shallow aquifer. (Groundwater elevations in the vicinity of the subject property may be less than 20 feet below the surface.)

The subject facility building was reportedly built in approximately 1917. The previous occupant of the two story, brick building was General Electric Corp. (G.E.). G.E. reportedly utilized the building for administrative and storage purposes and vacated the premises approximately thirty five years ago (1953). CSEC has occupied the building since that time.

## 2.0 REGULATORY REVIEW

The Comprehensive Environmental Response Compensation Liability Information List System (CERCLIS) includes a list of properties which are suspected or confirmed to have adversely impacted the environment. The list is comprehensive in that it includes all properties for which an allegation has been made (Discovery), regardless of the source, regarding

environmental abuse. Listed sites are prioritized and scheduled for an initial inspection (Preliminary Assessment) by a USEPA representative. Subsequent to the Preliminary Assessment (PA), the property is either deleted from the list or schedule for a Site Investigation (SI).

No such sites are located in the proximity of the audited property.

### 3.0 ENVIRONMENTAL FINDINGS

- Asbestos - Heat is provided to the building via steam pipes that are fed by a new fuel-oil boiler unit. Steam pipe insulation in the building is not homogeneous. Pipe insulation in the basement of the building (above the boiler unit itself) is limited to approximately 20 feet of white, cement like material (assumed to be asbestos). Once the pipes enter the building through the walls and floor, the insulation material changes to a coarse fiber type of material (resembles horse-hair). Approximately 40% of the pipes, however, are completely uninsulated.

No fire-proofing was observed. Ceilings are concrete and at some places covered by sheet rock. No spray-on type of insulation was observed. No insulation between walls was observed. Ceiling insulation was limited to suspended ceilings themselves. At least six different types of suspended ceiling were observed. These included tin and paper. Floors were predominantly concrete and covered by floor tiles at some locations, such as bathrooms and offices etc.

- Hazardous Substances - There were a variety of chemicals stored and handled on-site, the most prevalent being Perchloroethylene which is pumped into drums by a bulk distributor in the off-loading area. No evidence of spillage was observed, although we were informed that minor spills have occurred in the past onto the concrete surfaces.

° Tanks - There is at least one known underground storage tank (UST) at the subject property, a 3,000 gallon UST used for storage of fuel-oil for the boiler. This UST is located under the building. Due to inaccessibility and lack of available documentation, it could not be determined whether the tank is in a vault or buried in the ground. The exact age of the tank is also unknown, although it is reportedly over 40 years old. This UST was recently cleaned by a tank contractor. It was reported to have been empty for a significant period of time prior to this. The fill and vent pipe to this tank are located on a wall at the northwestern edge of the loading area. No tank integrity test data was available regarding this UST.

Mr. Cohen reported that at one time there were allegedly one or two additional storage tanks located under the ramp of the loading dock. These tanks, reported to have been used to store fuel for company vehicles, have not been in service for greater than 35 years. No records were located through a review of municipal building or fire department files to confirm the presence of these tanks. No associated vent pipes were observed at the facility. There are two cement-filled pipes located in the pavement. If these tanks did actually exist, they may have potentially been removed or filled with an inert material when decommissioned. Given the potential presence of steel rebar in the loading ramp concrete, confirmation of the presence and status of any underlying tanks would involve breaking of concrete and exploratory excavation work. Such work could potentially represent a cost of approximately \$5,000.

If such investigation determined that the tanks are indeed present, a soil boring program would have to be conducted in order to determine if adverse environmental impact has occurred that is attributable to the tanks. Such a program could cost approximately \$10,000 and would likely produce questionable results due to probable petroleum contamination of groundwater in the area, and the expected shallow depth to groundwater. It is

possible that the presence of petroleum constituents could be detected, even if not attributable to the on-site tanks. Delineation of the source of any potentially identified contamination could represent additional cost.

Any known tanks that are not in service are required to be officially "closed" according to all applicable standards, or removed. Such an activity would typically be expected to cost on the order of 1-3 dollars for each gallon of tank volume.

- ° Polychlorinated Biphenyls (PCBs) - No electrical equipment suspected of containing PCB dielectric fluid was observed on the property.

#### 4.0 CONCLUSIONS AND RECOMMENDATIONS

Any additional information regarding the type and status of the tanks on the property would be beneficial. A tank integrity test should be conducted on the on-line fuel oil tank system periodically to determine that the system is tight. Information regarding the registration of the tank (if any) should additionally be obtained. If the tank has not yet been registered with the state of New York Department of Environmental Conservation, we suggest this action be taken.

Additionally, short of excavation, there are no viable alternatives to establish the existence of additional USTs that may potentially be present below the loading dock ramp. Such excavation could represent investigative costs on the order of \$10,000 just to locate and delineate any potential tanks. The tanks may have been removed, or properly closed in the past, if indeed they ever existed. If tanks are present and are determined to have resulted in significant impairment of environmental conditions (which are assumed to be poor in general), investigative and remedial costs can exceed \$100,000. Such remediation would only become necessary if a regulatory agency called for investigation of the tank area and determined that environmental conditions have been impaired by a source attributable to CSEC. The following are rough estimations of the costs that could be associated with the above mentioned activities.

<u>Activity</u>	<u>Price</u>
1 - Tank Registration with the NYSDEC	\$25 annually
2 - Tank Integrity Test for one 3000 gallon fuel-oil tank	\$2,000-2,500 according to method
3 - Tank excavation	\$1.00-\$3.00 per gallon of tank volume
4 - Soil boring, sampling and reporting necessary to close any  abandoned tank per EPA regulations - final	      \$10,000

The identified asbestos material is in a non friable state. We suggest that they be carefully labeled with appropriate labels and be inspected occasionally to assure they have not become friable or damaged, etc. An Operation and Maintenance Program (O&M) encapsulation, or removal may additionally be considered. Removal of the small quantity of asbestos will vary according to bids. The entire project can be budgeted at approximately \$3,000.