

May 3, 2022

Michael MacCabe, PE
Senior Environmental Engineer
NYSDEC
Division of Environmental Remediation
625 Broadway
Albany, New York 12233-7016

**Re: Site Management Plan – Periodic Review Report
Reporting Period – April 2021 to April 2022
416 Kent Avenue
Brooklyn, New York
Brownfield Cleanup Program (BCP) Site No. C224200
Langan Project No. 170332902**

Dear Mr. MacCabe:

This Periodic Review Report (PRR) documents ongoing compliance with the November 2018 Site Management Plan (SMP) for the above-referenced site. The SMP was approved by the New York State Department of Environmental Conservation (NYSDEC) on November 28, 2018. The site is located at 416 Kent Avenue in the Williamsburg neighborhood of Brooklyn, New York (the site). The site is also identified on the Borough of Brooklyn Tax Map as Tax Block 2128, Lot 5. A site location map is provided as Figure 1. A site layout map is provided as Figure 2. The site was remediated in accordance with the June 2015 Decision Document, NYSDEC-approved March 2015 Remedial Action Work Plan (RAWP) and January 15, 2016 RAWP Addendum No. 1. The remedy met Track 4 Restricted Residential remediation standards and allowed restricted residential, commercial, and industrial uses. A Final Engineering Report (FER) was prepared on November 15, 2018 and a Certificate of Completion (CoC) was issued in December 2018. Institutional controls and engineering controls (IC/EC) are a component of the site remedy. The EC/ICs are required to be maintained and monitored in accordance with the SMP.

SITE BACKGROUND

The site spans approximately 1.056 acres and is bound by a two-story restaurant with a parking lot to the north, Kent Avenue to the east, a multi-story residential and commercial development (NYSDEC BCP No. C224201) to the south, and the East River to the west. The site is located in a neighborhood primarily characterized by multi-story industrial, commercial, and residential buildings. Available records indicate that the site was developed as early as 1887. Past uses of

the site include a ferry terminal (circa 1887-1904), vacant buildings (circa 1918), a steel and tube corporation (circa 1928), and parking (circa 1935-2014).

Remediation was completed between December 1, 2015 and November 6, 2018 and included:

- Removal of five 4,000-gallon diesel underground storage tanks (USTs)
- Removal of historic fill and soil exceeding the NYSDEC Title 6 of the Official Compilation of New York Codes, Rules and Regulations (NYCRR) Part 375 Restricted Residential Use (RRU) Soil Cleanup Objectives (SCOs)
- Backfilling of excavated areas to development grade
- Installation of a composite cover system, an EC
- Installation of a sub-membrane depressurization (SMD) system with a vapor barrier membrane beneath a part of the on-site building, an EC
- Implementation of long-term IC/ECs via an SMP and Environmental Easement (EE)

SMP COMPLIANCE

Institutional Controls

The ICs are documented in an EE (Appendix A) and include the following:

- A requirement for the remedial party or site owner to complete and submit to the Department a periodic certification of IC/ECs in accordance with Part 375-1.8(h)(3);
- Use and development of the controlled property for restricted residential, commercial and industrial uses as defined in Part 375-1.8(g) and in accordance with applicable local zoning;
- Prohibition of vegetable gardens and farming in residual site soil;
- Restriction of groundwater use as a source of potable or process water, without the necessary water quality treatment as determined by New York State Department of Health (NYSDOH); and
- Required compliance with the NYSDEC-approved SMP.

The site is currently in compliance with the ICs documented in the EE and SMP as evidenced by observations made during the PRR site visit on March 31, 2022.

Engineering Controls

ECs for the site consist of a composite cover system and an SMD system with a vapor barrier membrane within a portion of the site building. Both are discussed in greater detail below.

Composite Cover System

At the time of the CoC, the composite cover system consisted of the reinforced concrete building slab, a temporary asphalt roadway, concrete covered walkways, and at least two feet of clean

cover soil meeting the lower of RRU and Protection of Groundwater (PGW) SCOs in landscaped areas.

The composite cover system was breached three times following issuance of the CoC. Following completion of two incidents of intrusive activities, the composite cover system was restored. Additional details on these two breaches can be found in the March 6, 2020 PRR.

The composite cover system was disturbed a third time and repaired in June 2021, during the current reporting period. At the request of the New York City Department of City Planning and New York City Department of Parks and Recreation, a vegetated area in the esplanade in the southwestern part of the site was replaced with hard-packed crushed gravel surface because of damage to the vegetation by dog and foot traffic. A granite gravel stabilized pathway mix produced by Kafka Granite was used; product specifications are included as Appendix B. Prior to placement of the crushed gravel surface, the composite cover system in this area of the site was composed of about eight feet of clean fill overlying residual contaminated soil. The repair activities included the removal of about six inches of existing sod and placement of six inches of granite gravel to grade surface. Because only six inches of the eight-foot clean fill cap was disturbed, no residual contamination underlying the composite cover system was exposed. Langan notified the NYSDEC via email on June 28, 2021 of this activity.

Langan completed a site inspection of the overall composite cover system on March 31, 2022. Photographs of site conditions during the site inspection are provided as Appendix C. The reinforced concrete slab and concrete walls within the ventilated parking garage were in good condition with no water damage or other indicators of slab failure. The composite cover system was observed to be intact and in compliance with the SMP.

Sub-Membrane Depressurization System

As an element of the site remedy, an SMD system was installed beneath a 700-square-foot commercial space located in the southwest part of the site building. The vapor barrier membrane was installed beneath the building slab (including as a component of the SMD) and around the sidewalls of the foundation. The balance of the cellar level is an actively ventilated parking garage.

Although the SMD system may be operated as a passive system based on soil vapor conditions documented in April 2020, the site owner has elected to run the SMD system as an active system. At the time of the PRR inspection, the SMD system was active and the blower was documented to maintain a flow rate of 52.74 cubic feet per minute (CFM), consistent with the designed flow rate. The ventilation system in the parking garage was also active at the time of inspection.

Photographs of site conditions during the site inspection are provided as Appendix C. The completed IC/ECs Certificate Forms are provided as Appendix D. The completed site inspection forms are included as Appendix E.

RECOMMENDATIONS

The IC/ECs continue to function as designed and in compliance with the SMP. No changes to the remedy or to the SMP are recommended at this time.

CLOSING

The undersigned certifies that based on the annual PRR activities described herein the site is compliant with the SMP. Should you have any questions, please contact me at 212-479-5427.

Sincerely,

**Langan Engineering, Environmental, Surveying,
Landscape Architecture and Geology, D.P.C.**

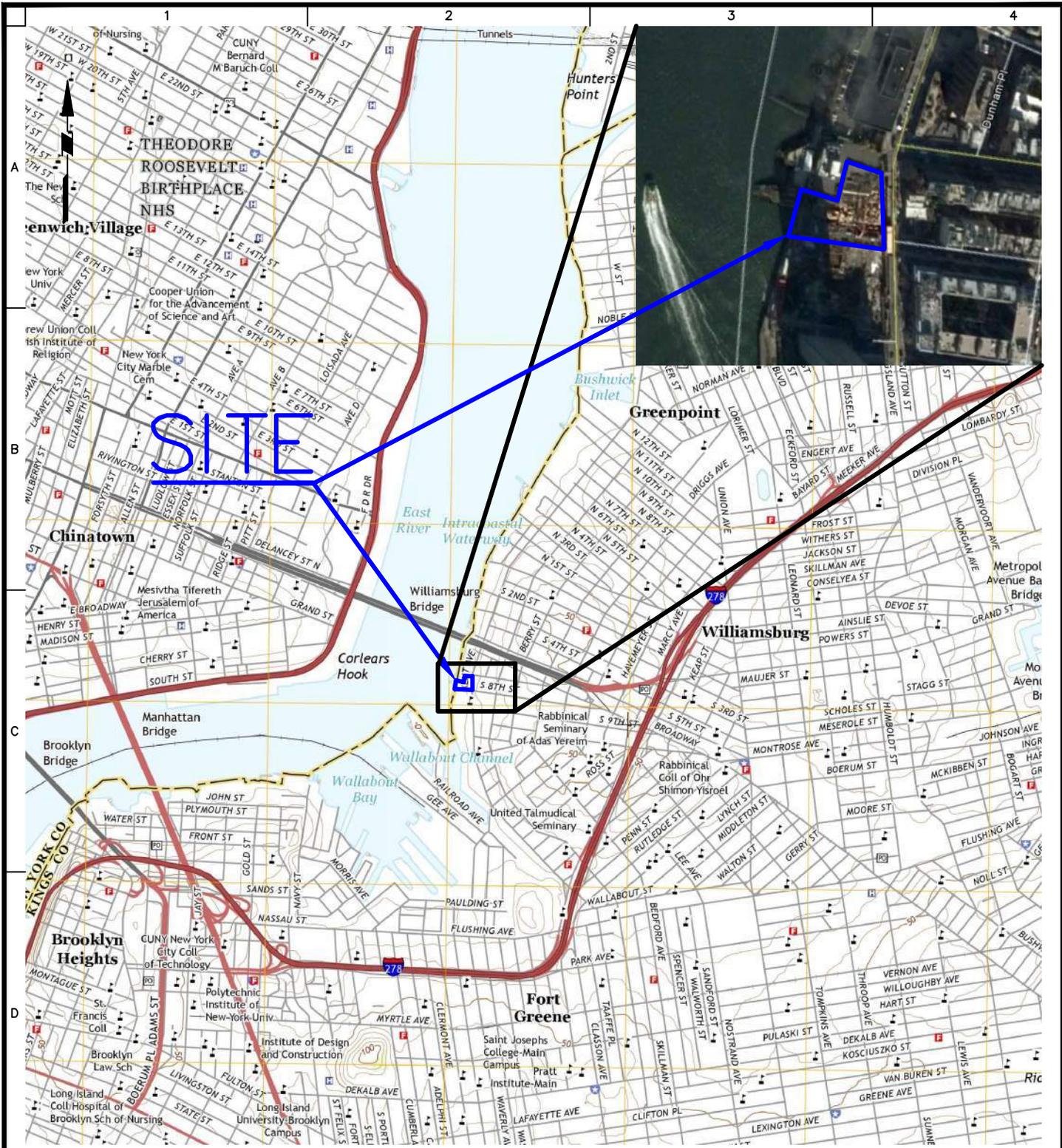


Jason J. Hayes, P.E.
Principal/Vice President

Enclosure(s): Figure 1 – Site Location Map
 Figure 2 – Site Layout Map
 Appendix A – Executed Environmental Easement
 Appendix B – Imported Material Specifications
 Appendix C – Photographic Documentation
 Appendix D – NYSDEC IC/EC Certification Form
 Appendix E – Site Inspection Forms

cc: C. Morisi – 420 Kent Ave, LLC c/o Spitzer Enterprises
 M. Raygorodetsky, E. Burgess, Langan

FIGURES



LEGEND:
 SITE BOUNDARY

NOTES:
 1. BASE MAP BASED ON USGS 7.5 MINUTE SERIES BROOKLYN QUADRANGLE MAP DATED 2016.
 2. INSET BASE MAP TAKEN FROM GOOGLE EARTH IMAGE DATED 12/8/2016, 1 INCH = 400 FEET.

LANGAN
 21 Penn Plaza, 360 West 31st Street, 8th Floor
 New York, NY 10001
 T: 212.479.5400 F: 212.479.5444 www.langan.com

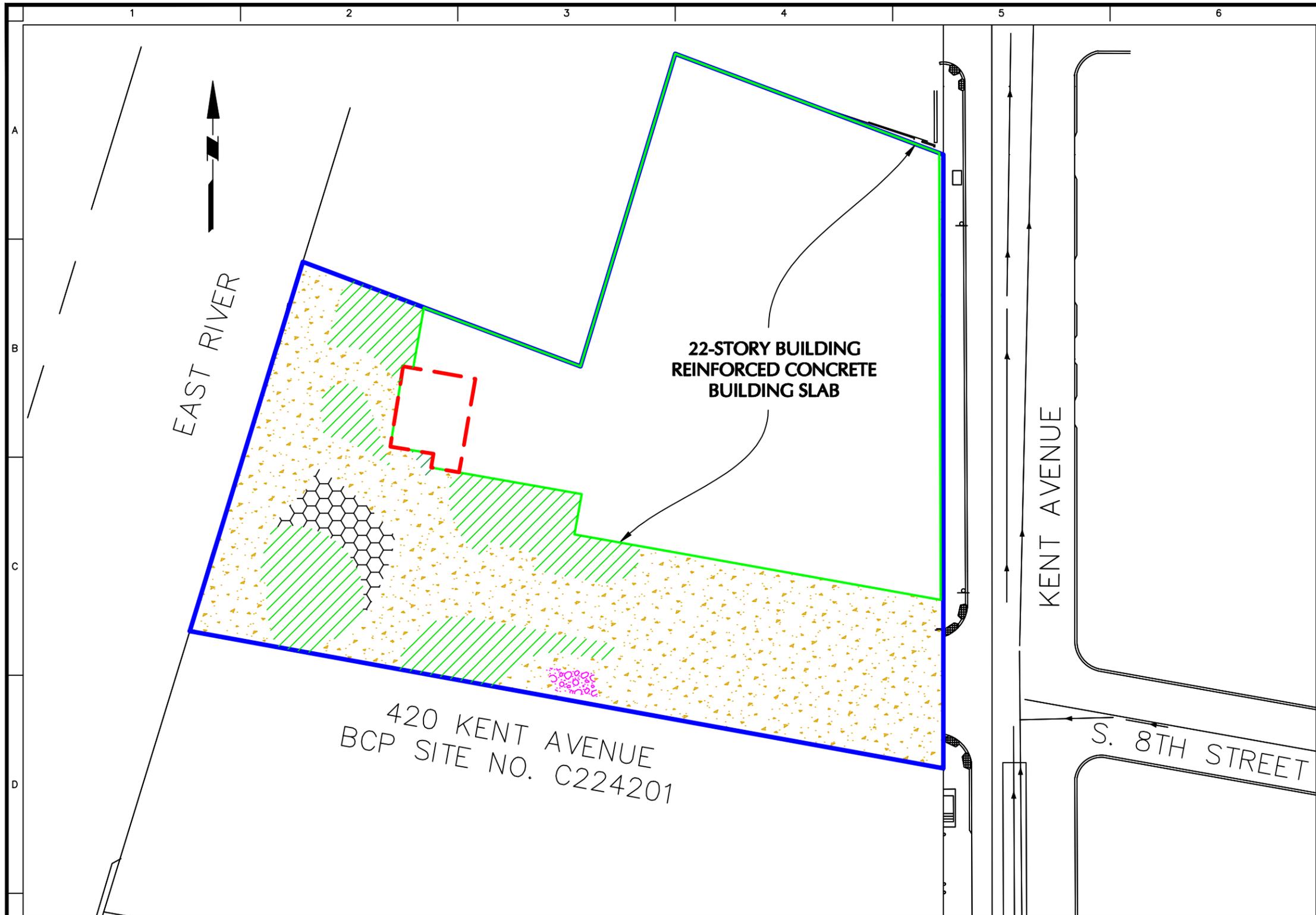
Langan Engineering, Environmental, Surveying,
 Landscape Architecture, and Geology, D.P.C.
 Langan Engineering and Environmental Services, Inc.
 Langan CT, Inc.
 Langan International LLC
 Collectively known as Langan

Project
416 KENT AVENUE
 BLOCK No. 2128, LOT No. 5
 BROOKLYN
 KINGS NEW YORK

Figure Title
SITE LOCATION MAP

Project No.
 170332902
 Date
 04/15/2020
 Scale
 NTS
 Drawn By
 DC
 Checked By
 JL
 Submission Date
 -

Figure No.
1



- NOTES:**
1. DRAWING BASED ON OCTOBER 23, 2014 SURVEY BY CND MAPPING, INC.
 2. LOCATIONS OF PAVED AND LANDSCAPED AREAS ARE BASED ON A DRAWING BY ODA ARCHITECTURE, TITLED "WATERFRONT ACCESS PLAN", DATED 12/09/2014.
 3. SMD = SUB-MEMBRANE DEPRESSURIZATION

- LEGEND:**
- SITE BOUNDARY
 - BUILDING BOUNDARY
 - - - SMD SYSTEM BOUNDARY
 - DRIVEWAYS/WALKWAYS CONCRETE PAVED
 - LANDSCAPED AREAS 2 FEET CLEAN FILL CAP
 - AREA PAVED WITH CONCRETE IN MARCH 2020
 - AREA PAVED WITH GRAVEL IN JUNE 2021



420 KENT AVENUE
BCP SITE NO. C224201

LANGAN
21 Penn Plaza, 360 West 31st Street, 8th Floor
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Langan CT, Inc.
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Collectively known as Langan

Project
416 KENT AVE
BLOCK No. 2128, LOT No. 5
BROOKLYN
KINGS NEW YORK

Figure Title
**SITE LAYOUT
MAP**

Project No. 170332902	Figure No. 2
Date 04/15/2022	
Scale 1" = 40'	
Drawn By DC	
Checked By JL	

APPENDIX A
Executed Environmental Easement

ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW

THIS INDENTURE made this 23rd day of SEPTEMBER 2015, between Owner(s) 420 Kent Avenue, LLC, having an office at c/o Spitzer Enterprises, 730 Fifth Avenue, Suite 2202, New York, New York 10019, County of New York, State of New York (the "Grantor"), and The People of the State of New York (the "Grantee."), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor, is the owner of real property located at the address of 416 Kent Avenue (a/k/a 418 Kent Avenue) in the City of New York, County of Kings and State of New York, known and designated on the tax map of the New York City Department of Finance as tax map parcel number: Block 2128 Lot 5, being the same as that property conveyed to Grantor by deed dated February 4, 2015 and recorded in the City Register of the City of New York as CRFN # 2015000067307. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 1.056 +/- acres, and is hereinafter more fully described in the Land Title Survey dated September 30, 2014 and last revised August 10, 2015 prepared by Arkadiusz Jusiega, PLS of CND Mapping, Inc., which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

WHEREAS, the Department accepts this Environmental Easement in order to ensure the protection of public health and the environment and to achieve the requirements for remediation

established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

NOW THEREFORE, in consideration of the mutual covenants contained herein and the terms and conditions of Brownfield Cleanup Agreement Index Number: C224200-02-15, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement")

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

**Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii),
Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial
as described in 6 NYCRR Part 375-1.8(g)(2)(iv)**

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP;

(4) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the New York City Department of Health and Mental Hygiene to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

(5) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(6) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(7) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(8) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;

(9) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;

(10) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, New York 12233
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

**This property is subject to an Environmental Easement held
by the New York State Department of Environmental Conservation**

pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall, at such time as NYSDEC may require, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:
(i) are in-place;
(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to: Site Number: C224200
Office of General Counsel
NYSDEC
625 Broadway
Albany New York 12233-5500

With a copy to: Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail

and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

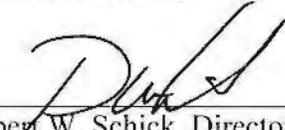
8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

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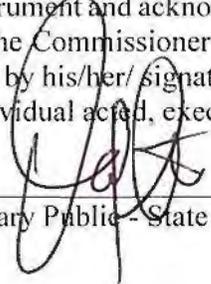
THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

By: 
Robert W. Schick, Director
Division of Environmental Remediation

Grantee's Acknowledgment

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

On the 23rd day of September, in the year 2015, before me, the undersigned, personally appeared Robert W. Schick, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public - State of New York

David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2016

SCHEDULE "A" PROPERTY DESCRIPTION

Block 2128 Lot 5

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 WESTERLY SIDE OF KENT AVENUE, DISTANT 1080.88 FEET NORHTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE WESTERLY SIDE OF KENT AVENUE WITH THE NORTHERLY SIDE OF DIVISION AVENUE,

RUNNING THENCE WESTERLY FORMING AN INTERIOR ANGLE OF 79 DEGREES 43 MINUTES 02 SECONDS 281.80 FEET (ACTUAL) 281.86 FEET (DEED) TO THE U.S. BULKHEAD LINE. APPROVED 2/25/1918;

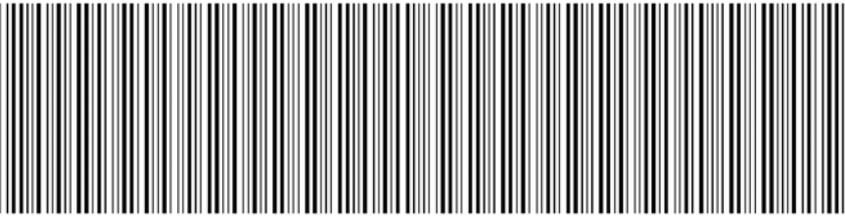
THENCE NORTHTERLY ALONG SAID BULKHEAD LINE, 162.20 FEET;

THENCE EASTERLY PARALLEL WITH THE LAND NOW/FORMERLY CITY OF NEW YORK 110.22 FEET;

THENCE NORTHERLY PARALLEL WITH SAID U.S. BULKHEAD LINE 119.87 FEET;

THENCE EASTERLY PARALLEL WITH LAND NOW/FORMERLY CITY OF NEW YORK, 103.87 FEET TO APOINT ON THE WESTERLY SIDE OF KENT AVENUE;

THENCE SOUTHERLY ON THE WESTERLY SIDE OF KENT AVENUE, 225.08 FEET TO THE POINT OR PLACE OF BEGINNING.

<p>NYC DEPARTMENT OF FINANCE OFFICE OF THE CITY REGISTER</p> <p>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.</p>	 <p>2015102000267001001E500D</p>																												
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<p>PRESENTER: LEX TERRAE, LTD. 331 MADISON AVENUE, 9TH FL NEW YORK, NY 10017 SUPPORT@SIMPLIFILE.COM</p>	<p>RETURN TO: LT SERVICE CORP. 521 FIFTH AVENUE, 23RD FLOOR NEW YORK, NY 10175 SUPPORT@SIMPLIFILE.COM</p>																												
<p>PROPERTY DATA</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Borough</th> <th style="text-align: left;">Block</th> <th style="text-align: left;">Lot</th> <th style="text-align: left;">Unit</th> <th style="text-align: left;">Address</th> </tr> </thead> <tbody> <tr> <td>BROOKLYN</td> <td>2128</td> <td>5</td> <td>Entire Lot</td> <td>418 KENT AVENUE</td> </tr> <tr> <td colspan="5" style="text-align: center;">Property Type: INDUSTRIAL BUILDING</td> </tr> </tbody> </table>		Borough	Block	Lot	Unit	Address	BROOKLYN	2128	5	Entire Lot	418 KENT AVENUE	Property Type: INDUSTRIAL BUILDING																	
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<p>PARTIES</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; vertical-align: top;"> <p>GRANTOR/SELLER: 420 KENT AVENUE LLC C/O SPITZER ENTERPRISES, 730 FIFTH AVENUE NEW YORK, NY 10019</p> </td> <td style="width:50%; vertical-align: top;"> <p>GRANTEE/BUYER: COMMISSIONER DEPT. OF ENVIRONMENTAL CONSERVATION 625 BROADWAY ALBANY, NY 12233</p> </td> </tr> </table>		<p>GRANTOR/SELLER: 420 KENT AVENUE LLC C/O SPITZER ENTERPRISES, 730 FIFTH AVENUE NEW YORK, NY 10019</p>	<p>GRANTEE/BUYER: COMMISSIONER DEPT. OF ENVIRONMENTAL CONSERVATION 625 BROADWAY ALBANY, NY 12233</p>																										
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<p>RECORDED OR FILED IN THE OFFICE OF THE CITY REGISTER OF THE CITY OF NEW YORK</p> <div style="display: flex; align-items: center;">  <div> <p>Recorded/Filed 10-22-2015 10:17 City Register File No.(CRFN): 2015000377618</p> <p><i>Annette Mc Hill</i> City Register Official Signature</p> </div> </div>																													

County: Kings Site No: C224200 Brownfield Cleanup Agreement Index : C224200-02-15

ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW

THIS INDENTURE made this 23rd day of SEPTEMBER 2015, between Owner(s) 420 Kent Avenue, LLC, having an office at c/o Spitzer Enterprises, 730 Fifth Avenue, Suite 2202, New York, New York 10019, County of New York, State of New York (the "Grantor"), and The People of the State of New York (the "Grantee."), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor, is the owner of real property located at the address of 416 Kent Avenue (a/k/a 418 Kent Avenue) in the City of New York, County of Kings and State of New York, known and designated on the tax map of the New York City Department of Finance as tax map parcel number: Block 2128 Lot 5, being the same as that property conveyed to Grantor by deed dated February 4, 2015 and recorded in the City Register of the City of New York as CRFN # 2015000067307. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 1.056 +/- acres, and is hereinafter more fully described in the Land Title Survey dated September 30, 2014 and last revised August 10, 2015 prepared by Arkadiusz Jusiega, PLS of CND Mapping, Inc., which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

WHEREAS, the Department accepts this Environmental Easement in order to ensure the protection of public health and the environment and to achieve the requirements for remediation

County: Kings Site No: C224200 Brownfield Cleanup Agreement Index : C224200-02-15

established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

NOW THEREFORE, in consideration of the mutual covenants contained herein and the terms and conditions of Brownfield Cleanup Agreement Index Number: C224200-02-15, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement")

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

**Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii),
Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial
as described in 6 NYCRR Part 375-1.8(g)(2)(iv)**

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP;

(4) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the New York City Department of Health and Mental Hygiene to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

(5) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(6) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

County: Kings Site No: C224200 Brownfield Cleanup Agreement Index : C224200-02-15

(7) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(8) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;

(9) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;

(10) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, New York 12233
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

**This property is subject to an Environmental Easement held
by the New York State Department of Environmental Conservation**

County: Kings Site No: C224200 Brownfield Cleanup Agreement Index : C224200-02-15

pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall, at such time as NYSDEC may require, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:
(i) are in-place;
(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

County: Kings Site No: C224200 Brownfield Cleanup Agreement Index : C224200-02-15

and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

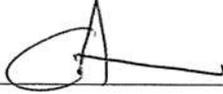
10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

Remainder of Page Intentionally Left Blank

County: Kings Site No: C224200 Brownfield Cleanup Agreement Index : C224200-02-15

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name.

420 Kent Avenue, LLC:

By: 

Print Name: ELIOT SPITZER

Title: MANAGER Date: 9/15/15

Grantor's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the 15 day of September, in the year 2015, before me, the undersigned, personally appeared Eliot Spitzer, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name 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.


Notary Public - State of New York

EKATERYNA KOSIW
Notary Public - State of New York
No. 01KO6271994
Qualified in Kings County
My Commission Expires Nov. 13, 2016

County: Kings Site No: C224200 Brownfield Cleanup Agreement Index : C224200-02-15

SCHEDULE "A" PROPERTY DESCRIPTION

Block 2128 Lot 5

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 WESTERLY SIDE OF KENT AVENUE, DISTANT 1080.88 FEET NORHTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE WESTERLY SIDE OF KENT AVENUE WITH THE NORTHERLY SIDE OF DIVISION AVENUE,

RUNNING THENCE WESTERLY FORMING AN INTERIOR ANGLE OF 79 DEGREES 43 MINUTES 02 SECONDS 281.80 FEET (ACTUAL) 281.86 FEET (DEED) TO THE U.S. BULKHEAD LINE. APPROVED 2/25/1918;

THENCE NORTHTERLY ALONG SAID BULKHEAD LINE, **162.20 FEET;**

THENCE EASTERLY PARALLEL WITH THE LAND NOW/FORMERLY CITY OF NEW YORK 110.22 FEET;

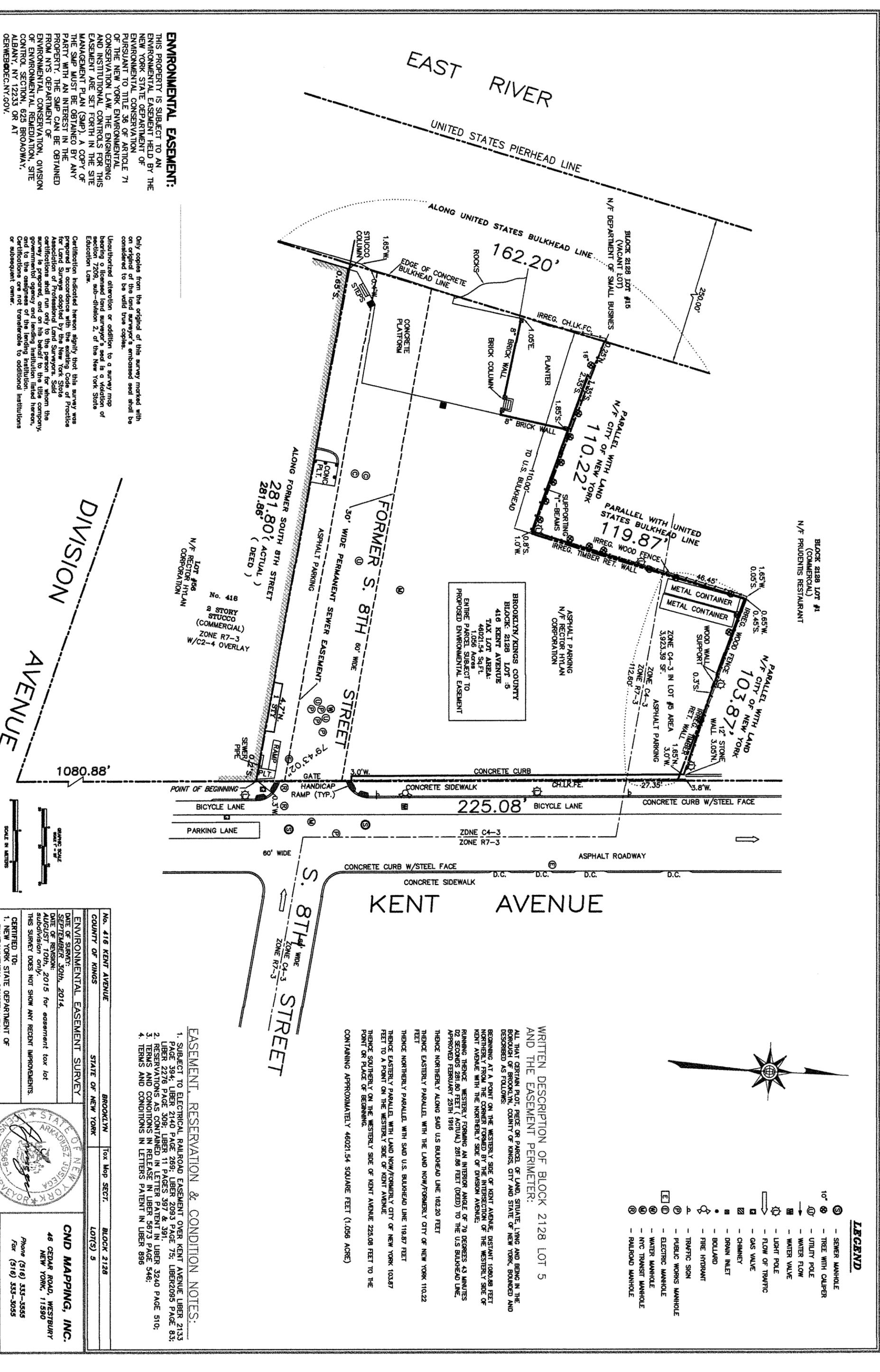
THENCE NORTHERLY PARALLEL WITH SAID U.S. BULKHEAD LINE 119.87 FEET;

THENCE EASTERLY PARALLEL WITH LAND NOW/FORMERLY CITY OF NEW YORK, 103.87 FEET TO APOINT ON THE WESTERLY SIDE OF KENT AVENUE;

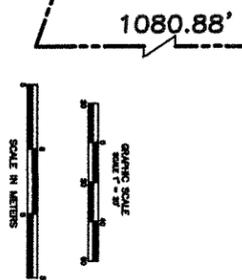
THENCE SOUTHERLY ON THE WESTERLY SIDE OF KENT AVENUE, 225.08 FEET TO THE POINT OR PLACE OF BEGINNING.

ENVIRONMENTAL EASEMENT:
 THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW. THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT ERWEB@DEC.NY.GOV.

Only copies from the original of this survey marked with on original of the land surveyor's embossed seal shall be considered to be valid true copies.
 Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law.
 Certification indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on the behalf of the title company, the surveyor, the land institution and the title company, and not to the agency of the land institution hereon. Certifications are not transferable to additional institutions or subsequent owners.



DIVISION AVENUE



No. 418 KENT AVENUE	BROOKLYN	Tax Map SECT.	BLOCK 2128
COUNTY OF KINGS	STATE OF NEW YORK	(LOT(S) 5	
ENVIRONMENTAL EASEMENT SURVEY			
DATE OF SURVEY:	SEPTEMBER 30th, 2014		
DATE OF REVISION:	AUGUST 10th, 2015 for assessment tax lot subdivision only.		
THIS SURVEY DOES NOT SHOW ANY RECENT IMPROVEMENTS.			
CERTIFIED TO: NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION			
STARTED: GREENSBRIER BRIDGE & TOWER P.C.			
SURVEYED BY: JAMES J. ANTONIO, P.L.S. NEW YORK STATE LICENSE # 050589		E-MAIL: JAMES.ANTONIO@CNDMAPPING.COM	
CND MAPPING, INC.			
46 CEDAR ROAD, WESTBURY NEW YORK, 11590			
Phone (516) 333-3535			
Fax (516) 333-3055			

EASEMENT, RESERVATION & CONDITION NOTES:

- SUBJECT TO ELECTRICAL RAILROAD EASEMENT OVER KENT AVENUE LIBER 2133 PAGE 394; LIBER 2140 PAGE 269; LIBER 2093 PAGE 75; LIBER 2095 PAGE 83; LIBER 2276 PAGE 309; LIBER 11 PAGES 397 & 391.
- RESERVATIONS AS CONTAINED IN LETTER PATENT IN LIBER 3240 PAGE 510.
- TERMS AND CONDITIONS IN RELEASE IN LIBER 5673 PAGE 546.
- TERMS AND CONDITIONS IN LETTERS PATENT IN LIBER 896

WRITTEN DESCRIPTION OF BLOCK 2128 LOT 5 AND THE EASEMENT PERIMETER:
 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 WESTERLY SIDE OF KENT AVENUE, DISTANT 1080.88 FEET NORTHERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE WESTERLY SIDE OF KENT AVENUE WITH THE NORTHERLY SIDE OF DIVISION AVENUE;
 RUNNING THENCE WESTERLY FORMING AN INTERIOR ANGLE OF 79 DEGREES 43 MINUTES 02 SECONDS 281.80 FEET (ACTUAL) 281.86 FEET (DEED) TO THE U.S. BULKHEAD LINE, APPROXIMATELY FEBRUARY 20th 1916
 THENCE NORTHERLY ALONG SAID U.S. BULKHEAD LINE 162.20 FEET
 THENCE EASTERLY PARALLEL WITH THE LAND NOW/FORMERLY CITY OF NEW YORK 110.22 FEET
 THENCE NORTHERLY PARALLEL WITH SAID U.S. BULKHEAD LINE 119.87 FEET
 THENCE EASTERLY PARALLEL WITH LAND NOW/FORMERLY CITY OF NEW YORK 103.87 FEET TO A POINT ON THE WESTERLY SIDE OF KENT AVENUE
 THENCE SOUTHERLY ON THE WESTERLY SIDE OF KENT AVENUE 225.08 FEET TO THE POINT OR PLACE OF BEGINNING.
 CONTAINING APPROXIMATELY 46021.54 SQUARE FEET (1.056 ACRE)

APPENDIX B
Imported Material Specifications

Organic Lock Pathway Sieve Analysis

Kafka Granite ~ Mosinee, WI ~ 800-852-7415

Material	Shamrock Green Granite					
Date	1/1/2020					
Project						
2000	Sieve	Grams	% Retained	% Passing	Organic Lock Spec % Passing	Sieve
	3/8 "			100	100	3/8"
	#4	282	14.1	85.8	80-100%	#4
	#8	369	18.4	67.4	55-90%	#8
	#16	400	20	47.4	40-60%	#16
	#30	320	16	31.4	25-55%	#30
	#50	170	8.5	22.9	15-35%	#50
	#100	114	5.7	17.2	10-20%	#100
	#200	140	7	10.2	5-15%	#200
	Pan	205	10.2			Pan
Notes:						

Pathway Materials



PRODUCERS OF ARCHITECTURAL
AND LANDSCAPE AGGREGATES





Kafka Granite Pathway Materials are used where a firm pathway is required for pedestrian or vehicular traffic, but a natural look, unlike hardscape surfaces, is preferred. We offer decomposed granite and crushed stone pathways in three variations: Standard Pathway Mix, Stabilized Pathway Mix, and Wax Polymer Pathway Mix. These products are an affordable and aesthetically pleasing alternative to concrete, asphalt, pavers and other hardscape surface materials.

STANDARD PATHWAY MIX

Beautiful Natural Pathways with Great Drainage

Kafka Granite's naturally occurring decomposed granite and crushed stone are screened to a 1/4" minus size, allowing for a firm surface that compacts well, while retaining permeability. Our 50+ colors of pathway materials make for beautiful and organic walkways, nature paths, bike trails, courtyards, patios, and more.



Platinum Granite Standard Pathway
Metropolitan Correctional Center | Chicago, IL

STABILIZED PATHWAY MIX

Durable Natural Surface for Higher Traffic Pathways

At Kafka Granite, we have the ability to pre-mix our Standard Pathway Mix with organic stabilizing binders to create an even more durable, yet natural, pathway. Compared to the traditional pathway mix, the stabilized mix better resists the erosive effects of weather and traffic, while retaining a natural look and feel.



Shamrock Green Granite Stabilized Pathway
Oakbrook Center | Oakbrook, IL

WAX POLYMER PATHWAY MIX

Waterless, Dustless Mix for Demanding Pathways

For an entirely waterless and dustless pathway solution, Kafka Granite combines their Standard Pathway Mix with an engineered wax polymer. For extremely high traffic areas or steep slopes, our Wax Polymer Pathway Mix trumps all other pathway solutions.



Beige Blend Marble Wax Polymer Pathway
Deer Grove Forest Preserve | Palatine, IL



American Heritage Granite



Antique Rose Marble



Autumn Blend Marble



Beige Blend Marble



Black Cherry Granite



Black Diamond Granite



Blue Mahogany Granite



Botticino Marble



Burnt Sienna Marble



Caramel Quartzite



Cherry Creek Granite



Chocolate Brown Granite



Desert Spar Gold Granite



Desert Spar Orange Granite



Desert Tan Marble



Dynamite Orange Granite



Evergreen Granite



Golden Cream Marble



Gun Metal Marble



Hazelnut Marble



Imperial Gray Granite



Linwood Granite



Mauve Granite



Midnight Blue Granite



Misty Gray Marble



Pewter Granite



Platinum Granite



Polar White Marble



Recycled Copper Slag



Recycled Fire Brick Blend



Recycled Kiln Slag



Recycled Porcelain



Red Cedar Granite



Rose Pink Quartz



Ruby Red Granite



Rustic Granite



Salt & Pepper Granite



Shamrock Green Granite



Sierra Black Granite



Snow White Granite



Starlight Black Granite



Sterling Quartz



Sugar & Spice Granite



Sunset Pink Granite



Turquoise Marble



Twilight Black Granite



Violetta Quartzite



White Quartz



Wineberry Granite



Wintergreen Granite



KAFKA GRANITE, LLC | is a family owned and operated company that was started in 1979 by Glenn Kafka. With over sixty colors of natural stone and recycled products, Kafka Granite has grown into one of the largest manufacturers and suppliers of specialty aggregates in the United States. Kafka Granite's architectural aggregates, manufactured sands, decomposed granite, and boulders are used for many applications including architectural precast concrete, terrazzo flooring, epoxy resin tile, epoxy overlays, pathway materials, ballyard materials, landscape stone, and more.

For more information on all of Kafka Granite's products, please visit kafkagranite.com.

Cover photo: Midnight Blue Granite Stabilized Pathway | Max McGraw Wildlife Foundation | Dundee, IL

Kafka Granite, LLC
550 East Hwy 153
Mosinee, WI 54455

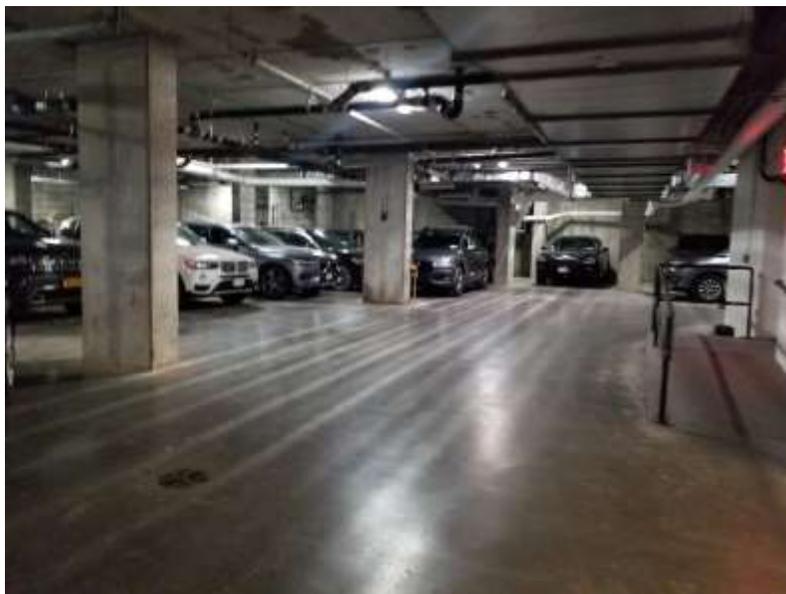
Ph. 800.852.7415
Fax. 715.687.2395
Email. kafka@kafkagranite.com
Web. kafkagranite.com



APPENDIX C
Photographic Documentation



Photograph 1: View of 416 Kent from the corner of Kent Avenue and South 8th Street (03/31/2022)



Photograph 2: General view of the reinforced concrete slab within the cellar level ventilated parking garage (03/31/2022)



Photograph 3: Example floor drain in the cellar level ventilated parking garage (03/31/2022)



Photograph 4: View of sewer lift system/sump pits and pump located in the cellar level ventilated parking garage (03/31/2022)



Photograph 5: View of example trench drain located within the cellar level ventilated parking garage (03/31/2022)



Photograph 6: View of chemical storage within the cellar level ventilated parking garage (03/31/2022)



Photograph 7: View of blower box on the building roof (03/31/2022)



Photograph 8: View of concrete pavers and courtyard south of 416 Kent Avenue building, facing east (03/31/2022)



Photograph 9: View of composite cover including concrete pavers and vegetation near the southwestern corner of the 416 Kent building, facing west (03/31/2022)



Photograph 10: View of composite cover including vegetation, concrete pavers, and gravel paved area installed within the esplanade in June 2021, facing northwest (03/31/2022)



Photograph 11: View of concrete pavers and courtyard within the esplanade south of the 416 Kent Avenue building, facing west (03/31/2022)



Photograph 12: Interior view of the commercial space located in the southwest part of the Site, facing west (03/31/2022)



Photograph 13: Interior view of the commercial space located in the southwest part of the Site, facing north (03/31/2022)



Photograph 14: View of the western Site boundary and sidewalk along Kent Avenue, facing south (03/31/2022)

APPENDIX D
NYSDEC IC/EC Certification Form



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



	Site Details	Box 1	
Site No.	C224200		
Site Name 416 Kent Avenue			
Site Address: 416 Kent Avenue Zip Code: 11249			
City/Town: Brooklyn			
County: Kings			
Site Acreage: 1.056			
Reporting Period: April 03, 2021 to April 03, 2022			
		YES	NO
1.	Is the information above correct?	<input type="checkbox"/>	<input type="checkbox"/>
	If NO, include handwritten above or on a separate sheet.		
2.	Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	<input type="checkbox"/>	<input type="checkbox"/>
3.	Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	<input type="checkbox"/>	<input type="checkbox"/>
4.	Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	<input type="checkbox"/>	<input type="checkbox"/>
	If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.		
5.	Is the site currently undergoing development?	<input type="checkbox"/>	<input type="checkbox"/>
		Box 2	
		YES	NO
6.	Is the current site use consistent with the use(s) listed below? Restricted-Residential, Commercial, and Industrial	<input type="checkbox"/>	<input type="checkbox"/>
7.	Are all ICs in place and functioning as designed?	<input type="checkbox"/>	<input type="checkbox"/>
IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.			
A Corrective Measures Work Plan must be submitted along with this form to address these issues.			
_____ Signature of Owner, Remedial Party or Designated Representative		_____ Date	

Box 2A

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid?
(The Qualitative Exposure Assessment must be certified every five years)

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C224200

Box 3**Description of Institutional Controls**ParcelOwnerInstitutional Control

2128-5

420 Kent Avenue LLC

Ground Water Use Restriction
Soil Management Plan
Landuse Restriction
Monitoring Plan
Site Management Plan
O&M Plan
IC/EC Plan

- Compliance with the Environmental Easement and SMP
- Operation and maintenance of Environmental Controls as specified in the SMP
- Inspection of all Engineering Controls at frequency specified in the SMP
- Reporting of data at frequency specified in SMP

Institutional Controls in the form of site restrictions:

- Long-term IC/EC must be employed to allow for restricted residential, commercial or industrial use
- Property may not be used for a higher level of use
- Future activities disturbing remaining contamination must be adhere to SMP
- Prohibited use of groundwater without treatment
- Prohibited farming and vegetable gardens
- Periodic review and certification at frequency specified in the SMP
- Monitoring to assess the performance and effectiveness of the remedy as defined in the SMP
- Access to the site must be provided to NYS with reasonable prior notice

Box 4**Description of Engineering Controls**ParcelEngineering Control

2128-5

Vapor Mitigation
Cover System

- Composite cover (asphalt, concrete, building slabs, landscaped areas)
- Submembrane depressurization (SMD) system

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

(a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

IC CERTIFICATIONS
SITE NO. C224200

Box 6

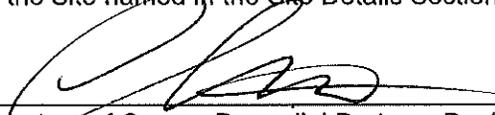
SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1, 2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I CHARLES MONSI at 555 MADISON AVE NY NY 10022,
print name print business address

am certifying as OWNER (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.


Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

5/3/22
Date

EC CERTIFICATIONS

Box 7

Professional Engineer Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Jason J. Hayes at 360 West 31st Street, New York, NY
print name print business address

am certifying as a Professional Engineer for the 420 Kent Avenue LLC
(Owner or Remedial Party)



[Signature]
Signature of Professional Engineer, for the Owner or Remedial Party, Rendering Certification

Stamp
(Required for PE)

5/3/2022
Date

Enclosure 3
Periodic Review Report (PRR) General Guidance

- I. Executive Summary: (1/2-page or less)
 - A. Provide a brief summary of site, nature and extent of contamination, and remedial history.
 - B. Effectiveness of the Remedial Program - Provide overall conclusions regarding:
 1. progress made during the reporting period toward meeting the remedial objectives for the site
 2. the ultimate ability of the remedial program to achieve the remedial objectives for the site.
 - C. Compliance
 1. Identify any areas of non-compliance regarding the major elements of the Site Management Plan (SMP, i.e., the Institutional/Engineering Control (IC/EC) Plan, the Monitoring Plan, and the Operation & Maintenance (O&M) Plan).
 2. Propose steps to be taken and a schedule to correct any areas of non-compliance.
 - D. Recommendations
 1. recommend whether any changes to the SMP are needed
 2. recommend any changes to the frequency for submittal of PRRs (increase, decrease)
 3. recommend whether the requirements for discontinuing site management have been met.

- II. Site Overview (one page or less)
 - A. Describe the site location, boundaries (figure), significant features, surrounding area, and the nature and extent of contamination prior to site remediation.
 - B. Describe the chronology of the main features of the remedial program for the site, the components of the selected remedy, cleanup goals, site closure criteria, and any significant changes to the selected remedy that have been made since remedy selection.

- III. Evaluate Remedy Performance, Effectiveness, and Protectiveness
Using tables, graphs, charts and bulleted text to the extent practicable, describe the effectiveness of the remedy in achieving the remedial goals for the site. Base findings, recommendations, and conclusions on objective data. Evaluations and should be presented simply and concisely.

- IV. IC/EC Plan Compliance Report (if applicable)
 - A. IC/EC Requirements and Compliance
 1. Describe each control, its objective, and how performance of the control is evaluated.
 2. Summarize the status of each goal (whether it is fully in place and its effectiveness).
 3. Corrective Measures: describe steps proposed to address any deficiencies in ICECs.
 4. Conclusions and recommendations for changes.
 - B. IC/EC Certification
 1. The certification must be complete (even if there are IC/EC deficiencies), and certified by the appropriate party as set forth in a Department-approved certification form(s).

- V. Monitoring Plan Compliance Report (if applicable)
 - A. Components of the Monitoring Plan (tabular presentations preferred) - Describe the requirements of the monitoring plan by media (i.e., soil, groundwater, sediment, etc.) and by any remedial technologies being used at the site.
 - B. Summary of Monitoring Completed During Reporting Period - Describe the monitoring tasks actually completed during this PRR reporting period. Tables and/or figures should be used to show all data.
 - C. Comparisons with Remedial Objectives - Compare the results of all monitoring with the remedial objectives for the site. Include trend analyses where possible.
 - D. Monitoring Deficiencies - Describe any ways in which monitoring did not fully comply with the monitoring plan.
 - E. Conclusions and Recommendations for Changes - Provide overall conclusions regarding the monitoring completed and the resulting evaluations regarding remedial effectiveness.

- VI. Operation & Maintenance (O&M) Plan Compliance Report (if applicable)
 - A. Components of O&M Plan - Describe the requirements of the O&M plan including required activities, frequencies, recordkeeping, etc.
 - B. Summary of O&M Completed During Reporting Period - Describe the O&M tasks actually completed during this PRR reporting period.
 - C. Evaluation of Remedial Systems - Based upon the results of the O&M activities completed, evaluated

the ability of each component of the remedy subject to O&M requirements to perform as designed/expected.

- D. O&M Deficiencies - Identify any deficiencies in complying with the O&M plan during this PRR reporting period.
- E. Conclusions and Recommendations for Improvements - Provide an overall conclusion regarding O&M for the site and identify any suggested improvements requiring changes in the O&M Plan.

VII. Overall PRR Conclusions and Recommendations

- A. Compliance with SMP - For each component of the SMP (i.e., IC/EC, monitoring, O&M), summarize;
 - 1. whether all requirements of each plan were met during the reporting period
 - 2. any requirements not met
 - 3. proposed plans and a schedule for coming into full compliance.
- B. Performance and Effectiveness of the Remedy - Based upon your evaluation of the components of the SMP, form conclusions about the performance of each component and the ability of the remedy to achieve the remedial objectives for the site.
- C. Future PRR Submittals
 - 1. Recommend, with supporting justification, whether the frequency of the submittal of PRRs should be changed (either increased or decreased).
 - 2. If the requirements for site closure have been achieved, contact the Departments Project Manager for the site to determine what, if any, additional documentation is needed to support a decision to discontinue site management.

VIII. Additional Guidance

Additional guidance regarding the preparation and submittal of an acceptable PRR can be obtained from the Departments Project Manager for the site.

APPENDIX E
Site Inspection Forms

SITE INSPECTION CHECKLIST

Site Name: 416 Kent Avenue Location: Brooklyn, NY Project Number: 170332902

Inspector Name: Deirdre Casey & Gabirelle DeGennaro Date: March 31, 2022 Weather Conditions: 50's, overcast

Reason for Inspection (i.e., routine, maintenance, severe condition, etc.): Annual PRR Inspection

Check one of the following: **Y:** Yes **N:** No **NA:** Not Applicable

		Y	N	NA	Normal Situation	Remarks
General						
1	What are the current site conditions?	--	--	--	--	Active residential building with a parking garage, commercial space and an active ground floor restaurant.
2	Are all applicable site records (e.g., documentation of construction activity, SMD system maintenance and repair, most current easement, etc.) complete and up to date?	Y			Y	
Environmental Easement						
3	Has site use (restricted residential) remained the same?	Y			Y	
4	Does it appear that all environmental easement restrictions have been followed?	Y			Y	
Impermeable Cap						
5	Are there any indications of a breach in the capping system at the time of this inspection?		N		N	
6	Are there any cracks in the building slabs?		N		N	
7	Are there any cracks in the building walls?		N		N	
8	Is there any construction activity, or indication of any construction activity within the past certification year (including any tenant improvements), that included the breaching of the capping system, on-site at the time of this inspection?	Y			N	Installation of gravel pathway within the esplanade in the southwestern part of the Site
9	If YES to number 8, is there documentation that the SMP, HASP, and CAMP for the site was/is being followed?		N		NA if N to 6/ Y if Y to 6	

*** If the answer to any of the above questions indicate non-compliance with any IC/ECs for the site, additional remarks must be provided and, where applicable, documentation attached to this checklist detailing additional inspection and repair activities.**

Additional remarks A vegetated area in within the esplanade in the southwestern part of the Site was replaced with gravel at the request of the New York City Department of City Planning and New York City Department of Parks and Recreation. Installation extended about six inches below existing Site grade, however it did not disturb residual contamination located about eight feet below Site grade.

Minimum Inspection Schedule: Site-wide inspections will be conducted annually, per certification year, at a minimum. Additional inspections will also be conducted at times of severe condition events. All inspection events will utilize this checklist.

COMPOSITE COVER SYSTEM INSPECTION CHECKLIST

Site Name: 416 Kent Avenue Location: Brooklyn, NY Project Number: 170332902

Inspector Name: Deirdre Casey & Gabriella DeGennaro Date: March 31, 2022 Weather Conditions: 50's, overcast

Reason for Inspection (i.e., routine, maintenance, severe condition, etc.): Annual PRR Inspection

Check one of the following: **Y:** Yes **N:** No **NA:** Not Applicable

		Y	N	NA	Normal Situation	Remarks
General						
1	What are the current site conditions?	--	--	--	--	Active residential building with a parking garage, commercial space and an active ground floor restaurant.
Impermeable Cap						
2	Are there any indications of a breach in the capping system at the time of this inspection?		N		N	
3	Is there any construction activity, or indication of any construction activity within the past certification year (including any tenant improvements), that included the breaching of the capping system, on-site at the time of this inspection?	Y			N	Installation of gravel pathway within the esplanade in the southwestern part of the Site
4	If YES to number 3, is there documentation that the Soil Management Plan, HASP, and CAMP for the site was/is being followed? Any breach of the cover system into residual contamination or the SMD system should be overseen by the remedial engineer and documented and reported in the periodic review report.		N		NA if N to 6/ Y if Y to 6	

*** If the answer to any of the above questions indicate non-compliance with ECs for the site, additional remarks must be provided and, where applicable, documentation attached to this checklist detailing additional inspection and repair activities.**

Additional remarks A vegetated area in within the esplanade in the southwestern part of the Site was replaced with gravel at the request of the New York City Department of City Planning and New York City Department of Parks and Recreation. Installation extended about six inches below existing Site grade, however it did not disturb residual contamination located about eight feet below Site grade.

Minimum Inspection Schedule: Site-wide inspections will be conducted annually, per certification year, at a minimum. Additional inspections will also be conducted at times of severe weather condition events. All inspection events will utilize this checklist.

SMD SYSTEM INSPECTION CHECKLIST

Site Name: 416 Kent Avenue Location: Brooklyn, NY Project Number: 170332902

Inspector Name: Deirdre Casey & Gabriella DeGennaro Date: March 31, 2022 Weather Conditions: 50s , overcast

Reason for Inspection (i.e., routine, maintenance, severe condition, etc.): Annual PRR Inspection

Check one of the following: **Y:** Yes **N:** No **NA:** Not Applicable

		Y	N	NA	Normal Situation	Remarks
Records						
1	Is the Operations & Maintenance Plan readily available on-site?	Y			Y	
2	Based on site records, when was the last inspection, maintenance, or repair event?					3/29/2021
3	Based on site records, was the system inoperational for any amount of time since the last inspection, maintenance, or repair event? For how long? Provide details.		N		N	
Alarm System						
4	Do the alarm lights indicate that the system is operational?			NA	Y	No alarm installed
General System						
5	Is there any construction activity, or indication of any construction activity within the past certification year (including any tenant improvements), that included the breaching of the floor slab, on-site at the time of this inspection?		N		N	
6	If YES to number 5, is there documentation that the Soil Management Plan, HASP, and CAMP for the site was/is being followed?			NA	NA if N to 5/ Y if Y to 5	
7	If YES to number 5, is there documentation that all breaches in the floor slab have been sealed?			NA	NA if N to 5/ Y if Y to 5	
8	Does all visible SMD piping appear intact and undamaged?			NA	Y	Riser pipe not visible within the building
9	Have any intake points been constructed at the roof near (less than 10 feet) the SMD blower discharge point?		N		N	

SMD SYSTEM INSPECTION CHECKLIST

Site Name: 416 Kent Avenue Location: Brooklyn, NY Project Number: 170332902

Inspector Name: Deirdre Casey & Gabriella DeGennaro Date: March 31, 2022 Weather Conditions: 50s , overcast

Reason for Inspection (i.e., routine, maintenance, severe condition, etc.): Annual PRR Inspection

Check one of the following: **Y**: Yes **N**: No **NA**: Not Applicable

		Y	N	NA	Normal Situation	Remarks
	SMD Blower Unit					
10	Is the SSD blower operational at the time of the inspection?	Y			Y	
11	What is the VelociCalc Meter reading?	Y			Y	52.74 cfm
12	Is the SSD blower expelling air at the discharge point?	Y			Y	
13	Have dust and debris been removed from surface of blower?	Y			Y	
14	Have dirty or clogged filter cartridges been replaced?			NA	Y	Filter in good condition

*** If the answer to any of the above questions indicate the SMD system is non-operational or malfunctioning, or that this EC is in non-compliance, additional remarks must be provided and, where applicable, documentation attached to this checklist detailing additional inspection and repair activities.**

Additional remarks PID reading of 0.0 ppm

Minimum Inspection Schedule: SMD inspections will be conducted quarterly for the first certification year at a minimum. Additional inspections will also be conducted at times of maintenance, repair, or severe condition events. The minimum schedule will be revised, as necessary, following the first certification year. All inspection events will utilize this checklist.