

May 2, 2025

Daniel R. Nierenberg, P.G.  
NYSDEC  
Division of Environmental Remediation  
625 Broadway  
Albany, New York 12233-7016

**Re: Site Management Plan – Periodic Review Report  
Reporting Period – April 2024 to April 2025  
420 Kent Avenue  
Brooklyn, New York  
Brownfield Cleanup Program (BCP) Site No. C224201  
Langan Project No. 170332901**

Dear Mr. Nierenberg:

This Periodic Review Report (PRR) documents ongoing compliance with the December 2022 Site Management Plan (SMP) for the above-referenced site. The SMP was approved by the New York State Department of Environmental Conservation (NYSDEC) on January 9, 2023. The site is located at 420 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 2134, Lot 56. 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 2, 2015 Decision Document, the NYSDEC-approved April 2, 2016 Remedial Action Work Plan (RAWP) and the May 16, 2016 RAWP Addendum No. 1. The remedy met the Track 4 Restricted Residential remediation standards and allows 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 IC/ECs are required to be maintained and monitored in accordance with the SMP.

## Site Background

The site spans approximately 1.835 acres in area and is developed with two 22-story mixed use residential and retail buildings with shared cellar and ground floor levels. The development includes cellar and partial first floor parking, residential units on floors 1 through 22, retail and residential amenity space along Kent Avenue, and a waterfront esplanade along the East River.

The site is bound by a multi-story residential and commercial development (416 Kent Avenue - BCP Site No. C224200) to the north, Kent Avenue to the east, a high-rise residential building (Schaefer Landing) 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 has been developed since as early as 1887. Past uses of the site include a portion of the Brooklyn Ferry Company with a coal shed (circa 1887 to 1904); a meter company and iron foundry (circa 1887); a dye chemicals factory (circa 1904); manufacturing facilities (circa 1918); a steel and tube manufacturer (circa 1918 to 1928); an iron and steel corporation (circa 1918 to 1922); a two-story warehouse with petroleum bulk storage (circa 1935); the Schaefer Brewing Company (circa 1935 to 1965); the Center for Education (circa 1979 to 1986); a wine distributor (circa 1980 to 2008); a school for disabled children and a real estate company (circa 1985 to 2005); trucking companies, distributors, and a sewer service company (circa 1992 to 2005); and film studios (circa 2013 to 2015).

Remediation was completed between April 15, 2016 and November 8, 2018 and included:

- Removal of two 2,000-gallon fuel oil underground storage tanks (USTs)
- Removal of non-native fill and soil exceeding the Track 4 Restricted Residential remediation standards
- Dewatering and treatment of petroleum-impacted groundwater
- 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 portion of the on-site building, an EC
- Management of long-term IC/ECs via a SMP and Environmental Easement (EE)

## **SMP Compliance**

### *Institutional Controls*

The ICs are documented in an EE (included as 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 on 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)
- Required compliance with the SMP

The site is currently in compliance with the ICs documented in the EE and SMP based on observations made during a recent site inspection and knowledge of the source of potable water in New York City.

### Engineering Controls

A site visit to inspect ECs was performed on March 28, 2025. Photographs of site conditions during the site inspection are provided as Appendix B. ECs for the site consist of a composite cover system and an SMD system with a vapor barrier membrane beneath a portion of the site building. The ECs are discussed in greater detail below.

#### *Composite Cover System*

The composite cover system consists of a reinforced concrete building slab with a waterproofing/vapor barrier, concrete paved roadways, concrete paver-lined walkways, and at least two feet of clean cover soil in landscaped areas meeting the lower of NYSDEC Title 6 of the Official Compilation of New York Codes, Rules and Regulations (NYCRR) Part 375 Restricted Residential Use (RRU) and Protection of Groundwater (PGW) Soil Cleanup Objectives (SCOs).

Langan completed a site inspection of the composite cover system on March 28, 2025. Visibly observable portions of the reinforced concrete slab and concrete walls within the ventilated parking garage and cellar office space were in good condition with no water damage, cracks or other indication of waterproofing/vapor barrier failure. Paved driveways, walkways, and landscaped areas appeared intact. No breaches in the composite cover system were observed. According to building management, no intrusive activities were conducted during the reporting period. The composite cover system was observed to be intact and was reported to be in compliance with the SMP for the reporting period.

#### *Sub-Membrane Depressurization System*

As an element of the site remedy, vapor mitigation is provided through operation of an SMD system installed beneath the 1,200-square-foot commercial space located in the northwestern portion of the building and a vapor barrier membrane was installed beneath the building slab and around the sidewalls of the foundation (including as a component of the SMD). An actively

ventilated parking garage with ventilation operating consistent with New York City Building Code exists across the balance of the building footprint. The above grade components of the SMD system were constructed prior to CoC. SMD system as-built drawings are provided as Appendix C.

At the time of the PRR inspection, the SMD system was active and the blower maintained a flow rate of 70.45 cubic feet per minute (CFM), consistent with the designed flow rate. The ventilation system in the parking garage was active at the time of the inspection and photoionization detector (PID) readings were consistently 0.0 ppm during the walkthrough. The SMD system was observed to be in compliance with the SMP.

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

## **Recommendations**

The IC/ECs continue to function as designed and in compliance with the SMP. Because indoor air concentrations were documented below the NYSDOH Air Guidance Values in February 2020 and because the sole source of known chlorinated solvent (CVOC) impacts in soil vapor (CVOCs in groundwater) has been remediated, the site owner requested cessation of the active SMD system and conversion of the system to a passive system in the May 2024 PRR, which was subsequently approved by NYSDEC in the June 18, 2024 PRR Acceptance Letter. The site owner has elected to defer the system conversion until the next reporting period. The passive system will include removal and decommissioning of the system blower, and replacement with a wind-driven turbine ventilator. The conversion to a passive system will reduce electricity usage and greenhouse gas emissions of the building, consistent with the goals of NYSDEC Division of Environmental Remediation (DER) DER-31 ("Green Remediation").



## 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.**

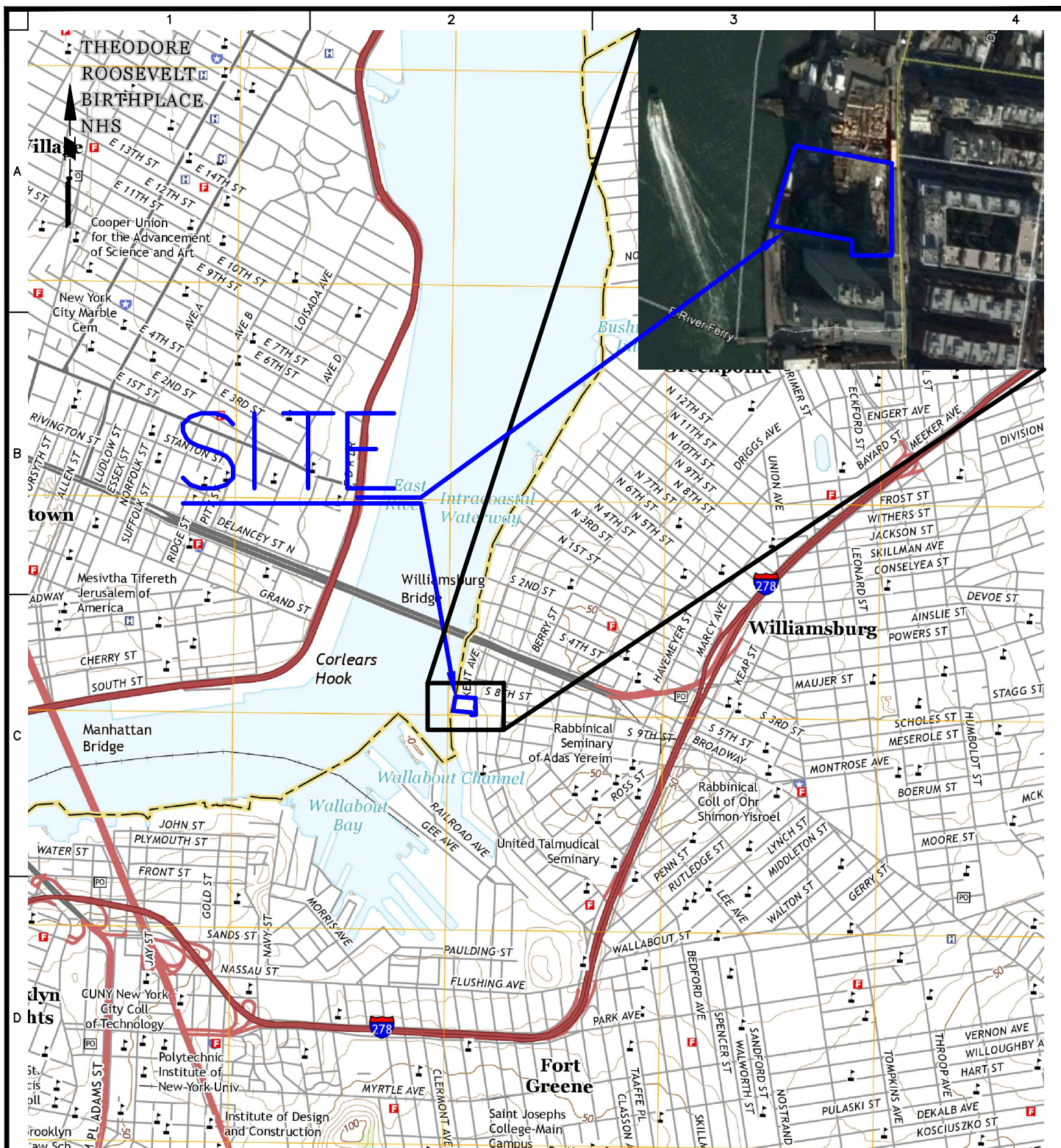


Jason J. Hayes, P.E.  
Principal/Vice President

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

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

## 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

**420 KENT AVENUE**

BLOCK No. 2134, LOT No. 56  
BROOKLYN

KINGS

NEW YORK

Figure Title

**SITE LOCATION  
MAP**

Project No.

170332901

Date

04/21/2020

Scale

NTS

Drawn By

Checked By

DC

JL

Figure No.

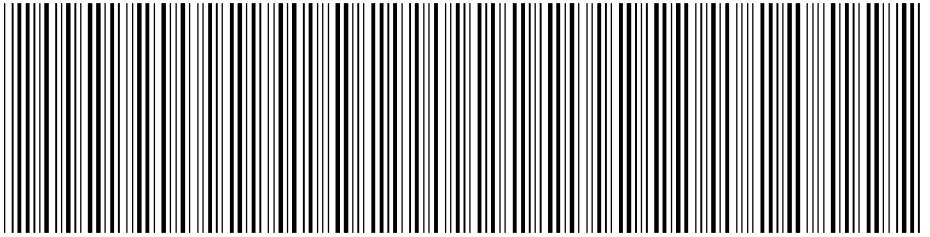
**1**



**APPENDIX A**  
**Executed Environmental Easement**

**NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



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**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 10**

**Document ID: 2015101900824001**

Document Date: 09-23-2015

Preparation Date: 10-19-2015

Document Type: EASEMENT

Document Page Count: 9

**PRESENTER:**

LT SERVICE CORP. - P/U E.W. (LT12220)  
521 FIFTH AVENUE, 23RD FLOOR  
NEW YORK, NY 10175  
212-599-1300  
NYCID@LEXTERRAE.COM

**RETURN TO:**

SIVE PAGET AND RIESEL PC  
460 PARK AVENUE, 10TH FLOOR  
NEW YORK, NY 10022  
ATTN: NATOYA DUNCAN

**PROPERTY DATA**

Borough	Block	Lot	Unit	Address
BROOKLYN	2134	56	Entire Lot	420 KENT AVENUE
<b>Property Type:</b> COMMERCIAL REAL ESTATE				

**CROSS REFERENCE DATA**

CRFN \_\_\_\_\_ or DocumentID \_\_\_\_\_ or \_\_\_\_\_ Year \_\_\_\_\_ Reel \_\_\_\_\_ Page \_\_\_\_\_ or File Number \_\_\_\_\_

**PARTIES**

**GRANTOR/SELLER:**

420 KENT AVENUE LLC  
C/O SPITZER ENTERPRISES 730 FIFTH AVENUE  
NEW YORK, NY 10019

**GRANTEE/BUYER:**

COMMISSIONER /DEPT. OF ENVIRONMENTAL  
CONSERVATION  
625 BROADWAY  
ALBANY, NY 12233

**FEES AND TAXES**

**Mortgage :**

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

**TOTAL:** \$ 0.00

Recording Fee: \$ EXEMPT

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 0.00

NYC Real Property Transfer Tax:

\$ 0.00

NYS Real Estate Transfer Tax:

\$ 0.00

**RECORDED OR FILED IN THE OFFICE**

**OF THE CITY REGISTER OF THE**

**CITY OF NEW YORK**

Recorded/Filed 10-23-2015 15:47

City Register File No.(CRFN):

**2015000381232**



*Annette McMill*

**City Register Official Signature**



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

**THIS INDENTURE** made this 23<sup>RD</sup> 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 420 Kent Avenue (a/k/a 422 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 2134 Lot 56, 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 1.831 +/- 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: C224201-02-15, 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: C224201  
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.

**Remainder of Page Intentionally Left Blank**

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

**420 Kent Avenue, LLC:**

By: \_\_\_\_\_

Print Name: ELIOT SPITZON

Title: monsoon Date: 9/15/15

## Grantor's Acknowledgment

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

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**

# SEAL

**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 23<sup>rd</sup> 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

**SEAL**

**SCHEDULE "A" PROPERTY DESCRIPTION**

Block 2134 Lot 56

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 814.88 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 AT RIGHT ANGLES TO KENT AVENUE, 114.50 FEET;

THENCE NORTHERLY PARALLEL WITH KENT AVENUE, 43.87 FEET;

THENCE WESTERLY ALONG A LINE DRAWN PARALLEL WITH THE SOUTHERLY SIDE OF THE FORMER SOUTH 8<sup>TH</sup> STREET AND DISTANT 239 FEET SOUTHERLY THEREFROM 237.29 FEET TO THE UNITED STATES BULKHEAD LINE, APPROVED 2/25/1918;

THENCE NORHTERLY ALONG SAID UNITED STATES BULKHEAD LINE 240.70 FEET;

THENCE EASTERLY FORMING AN INTERIOR ANGLE OF 96 DEGREES 47 MINUTES 57 SECONDS 281.80 FEET (ACTUAL) 281.86 FEET (DEED) TO A POINT ON THE WESTERLY SIDE OF KENT AVENUE

THENCE SOUTHERLY ALONG THE WESTERLY SIDE OF KENT AVENUE, 266.00 FEET TO THE POINT OF PLACE OF BEGINNING.

# Fidelity National Title Insurance Company

TITLE NO.: 14-7406-32596-K

May 1, 2014

## SCHEDULE B (Exceptions)

### DISPOSITION

*The policy to be issued under this Commitment will not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of the following exceptions unless they are disposed of to our satisfaction:*

1. Taxes, tax liens, tax sales, water rents, sewer rents and assessments set forth on separate schedule herein.
2. Rights of tenants and persons in possession.
3. Mortgages returned herein (0). Detailed statement within.
4. Any state of facts an accurate survey would show.  
  
The exact courses, distance, dimensions and location of the premises described in Schedule A cannot be insured in the absence of a satisfactory survey guaranteed to this company.
5. Letters Patent in Liber 5639 cp 257, Liber 5687 cp 453, Liber 8403 cp 191, Liber 6921 cp 276 and Liber 6012 cp 4. **(EXHIBIT A)**
6. Final Certificate for Eligibility by The New York City Department of Finance to Royal Wine Corporation dated September 27, 1999 and recorded December 13, 1999 in Reel 4685 page 2223. **(EXHIBIT B)**
7. Agreement between The F. & M. Schaefer Brewing Co. and The City of New York dated march 10, 1955 and recorded April 27, 1955 in Liber 8336 cp 257. **(EXHIBIT C)**
8. Agreement between The F. & M. Schaefer Brewing Co. and The City of new York dated February 25, 1955 and recorded March 17, 1955 in Liber 8342 cp 120. **(EXHIBIT D)**
9. Letters Patent granted to The City of New York by The People of the State of New York dated July 20, 1955 and recorded December 22, 1955 in Liber 8403 cp 191. **(EXHIBIT E)**
- 10. Sewer Easement reserved by the City of New York in Agreement dated December 14, 1956 and recorded May 13, 1958 in Liber 8629 cp 561. **(EXHIBIT F)**
11. Easement made by The F. & M. Schaefer Brewing Co. to Consolidated Edison Company of New York, Inc. dated May 19, 1958 and recorded November 7, 1958 in Liber 8676 cp 243. **(EXHIBIT G)**
12. Declaration made by Rector Hylan Corporation dated as of January 6, 2005 and recorded April 22, 2005 as CRFN 2005000236522. **(EXHIBIT H)**
13. Declaration made by Rector Hylan Corporation dated as of July 19, 2005 and recorded September 20, 2005 as CRFN 2005000525495. **(EXHIBIT I)**
14. Reciprocal Easement and Operation Agreement between Rector Hylan Corporation and 460 Kent Avenue Housing Development Fund Company Inc., Kent South Associates LLC, Kent Waterfront Homeowners Association, Inc. Kent North Associates LLC and Kent Waterfront Associates LLC dated as of February 28, 2006 and recorded March 16, 2006 as CRFN 2006000149563. **(EXHIBIT J)**

QUESTIONS CONCERNING THIS  
TITLE SHOULD BE REFERRED TO:

Erika K. DelDuca, Esq.  
Vice President and Senior Counsel

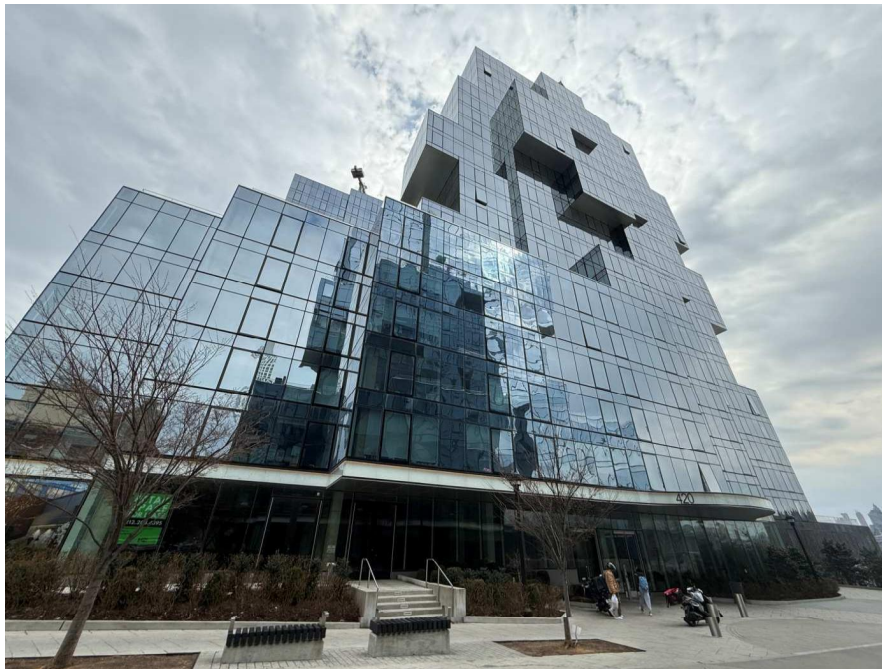
TELEPHONE: 212 471-3803  
FACSIMILE: 212-481-5996



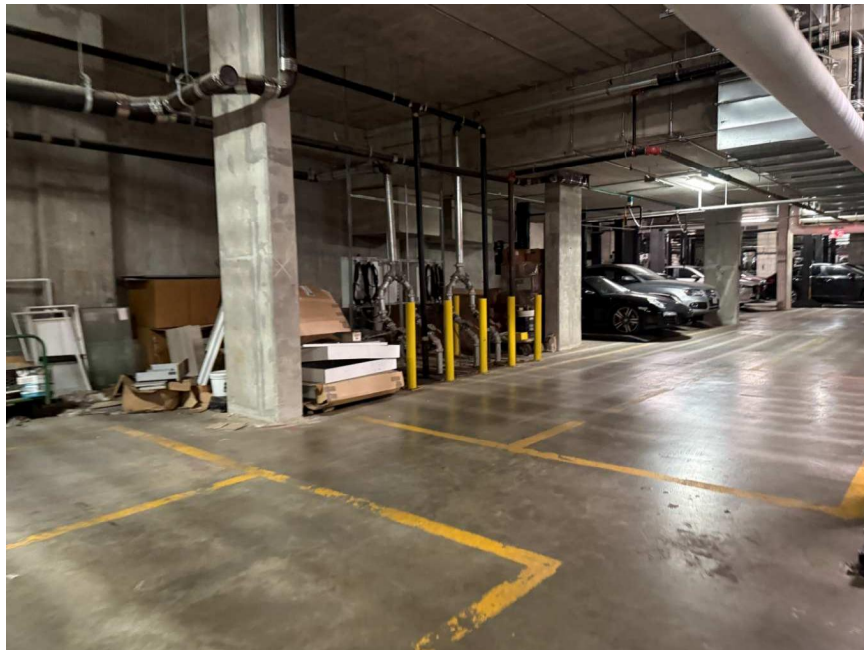


## **APPENDIX B**

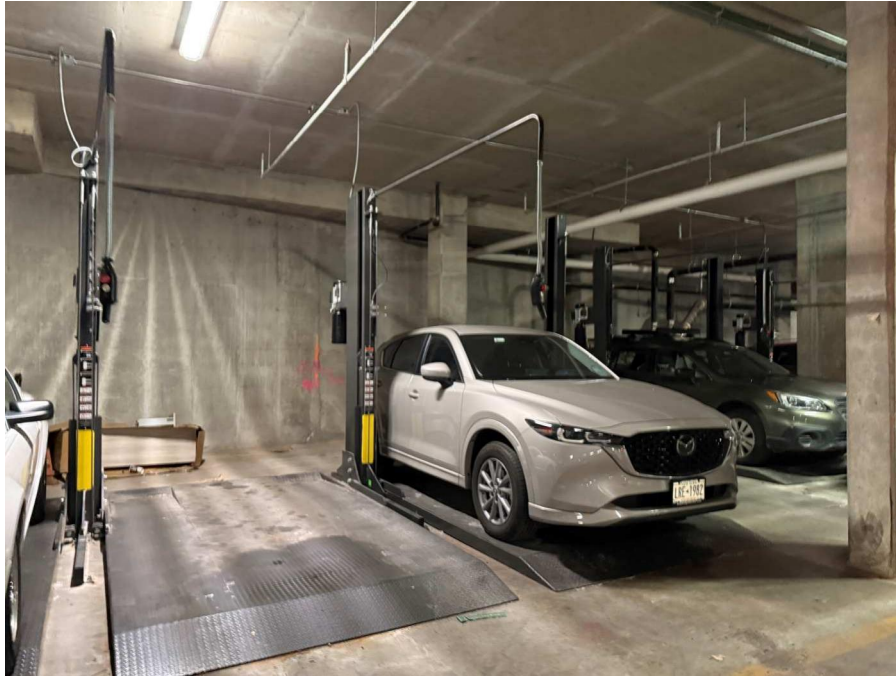
### **Photographic Documentation**



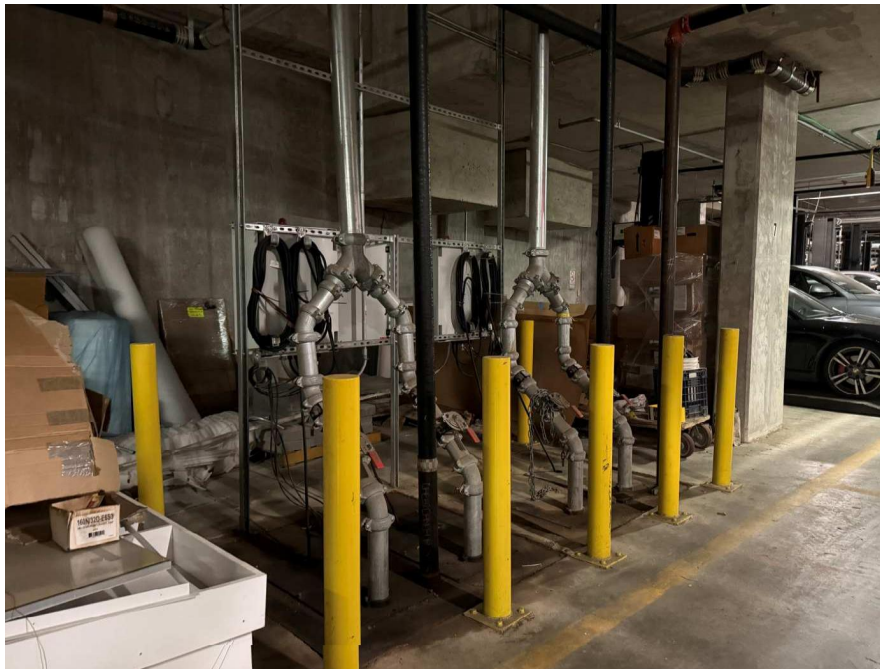
**Photograph 1:** View of 420 Kent from the paved asphalt area, facing southwest (03/28/2025)



**Photograph 2:** General view of the reinforced concrete slab within the cellar level ventilated parking garage (03/28/2025)



**Photograph 3:** Example view of car stackers in the cellar level ventilated parking garage (03/28/2025)



**Photograph 4:** View of sewer lift system/sump pits and pump located in the cellar level ventilated parking garage (03/28/2025)





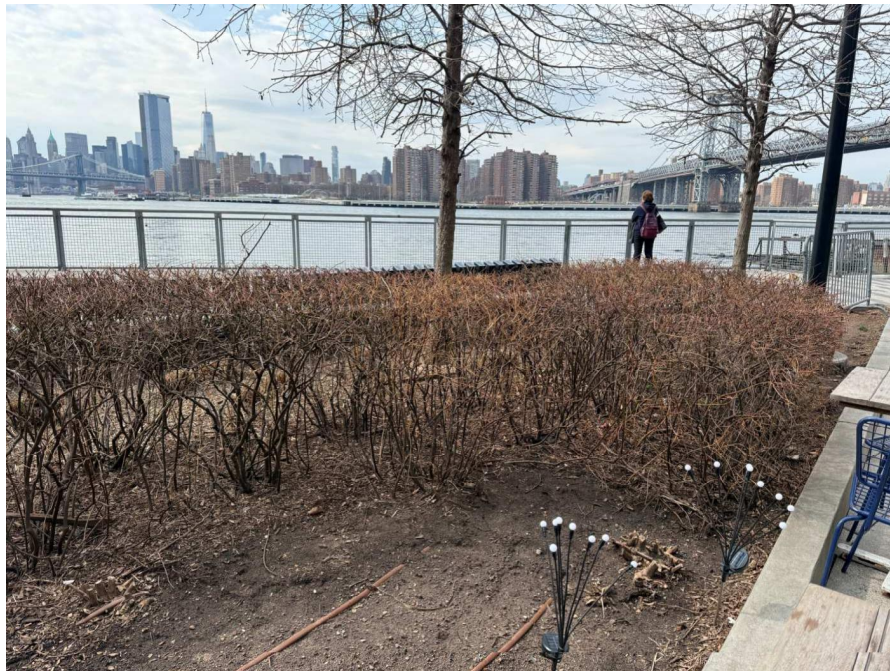
**Photograph 5:** Example floor drain in the cellar level ventilated parking garage (03/28/2025)



**Photograph 6:** View of blower box on the roof of the building, facing west (03/28/2025)



**Photograph 7:** View of SMD outflow, facing north (03/28/2025)



**Photograph 8:** View of the composite cover in a landscaped area in the northwest part of the site, facing north (03/28/2025)





**Photograph 9:** View of composite cover and river walk esplanade along the western property boundary, facing south (03/28/2025)



**Photograph 10:** View of the first-floor restaurant and composite cover, facing southeast (03/28/2025)



**Photograph 11:** View of the subsurface parking garage entrance and storm drain located in the southeastern site corner, facing east (03/28/2025)

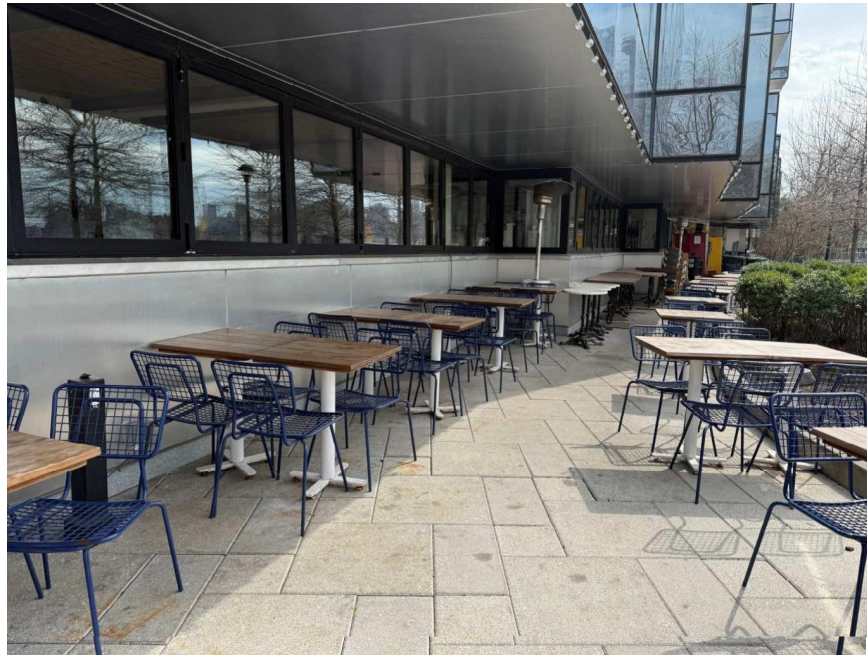


**Photograph 12:** View of the eastern site boundary and sidewalk along Kent Avenue, facing south (03/28/2025)





**Photograph 13:** Interior view of the restaurant space located in the northwest part of the site  
(03/28/2025)



**Photograph 14:** View of the composite cover located in the western part of the site  
(03/28/2025)

## **APPENDIX C**

### **SMD System As-Built**

September 21, 2018

Sarah Quandt  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-7013

**Re: Sub-Membrane Depressurization System  
420 Kent Avenue  
Brooklyn, NY  
BCP Site No. C224201  
Langan Project No.: 170332901**

Dear Ms. Quandt:

The under-slab components of the sub-membrane depressurization (SMD) system were installed during the foundation construction in general accordance with our SMD design drawings and details included in the NYSDEC-approved Remedial Action Work Plan (RAWP) dated April 2015 (Attachment 1). The SMD system is comprised of a series of horizontal, interconnected 4-inch diameter perforated high-density polyethylene (HDPE) piping placed in an 8-inch layer of ¾-inch stone; the horizontal system is located beneath a 47-mil-thick vapor barrier membrane (Grace Preprufe® 300R and 160R and Florprufe® 120), which extends underneath the building floor slab above the stone layer. The horizontal piping is connected to one vertical, subgrade vapor collection pipe located in the western portion of the Site. The vertical collection pipe attaches to a 4-inch diameter riser that extends through the floor slab. The risers continue upward through the building interior, where they connect to roof-mounted regenerative blower units. Each riser has a sample port above the floor slab. Under-slab component installation was observed and documented by Langan during foundation construction activities; field observations and installation photographs are included in the daily reports from March 2017. The as-built SMD drawings, prepared by ZDG Construction Management of New York, New York (ZDG) are provided as Attachment 2.

Sincerely,

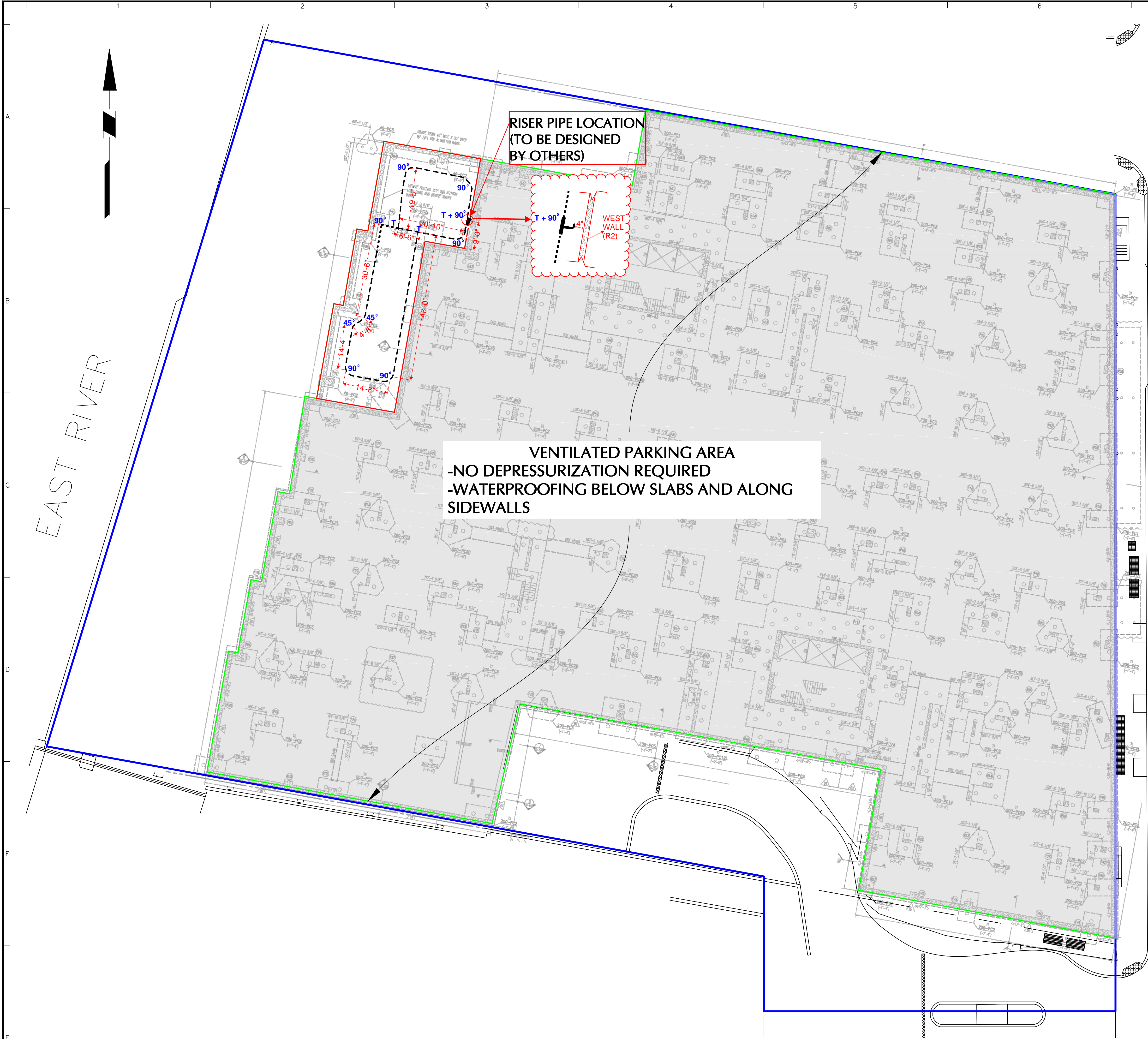
**Langan Engineering, Environmental, Surveying,  
Landscape Architecture and Geology, D.P.C.**



Enclosure: Attachment 1 – Design SMD Detail Drawings (Prepared by Langan)  
Attachment 2 – As-Built Drawings for Under-Slab SMD Components (Prepared by ZDG)

cc: Nicole Rice (Langan)





NOTES:

1. DRAWING BASED ON OCTOBER 23, 2014 SURVEY BY CND MAPPING, INC.
2. BUILDING BACKGROUND FROM ODA ARCHITECTURE DRAWING NO. F0-100.02, TITLED "FOUNDATION PLAN", DATED 10/30/2015.
3. VAPOR COLLECTION PIPE RUNS ARE APPROXIMATE. PIPE LOCATIONS ARE SUBJECT TO CHANGE PER FIELD CONDITIONS.
4. RISER PIPE STUB LOCATION IS APPROXIMATE. RISER PIPE RUNS AND ROOF-TOP BLOWER AND EXHAUST POINT LOCATIONS TO BE DESIGNED BY OTHERS. THE DESIGN ASSUMES BLOWER WILL BE LOCATED ON THE ROOF-TOP PORTION OF THE 2ND FLOOR.
5. THE SUBMEMBRANE DEPRESSURIZATION (SMD) SYSTEM IS NOT REQUIRED UNDERNEATH AREAS COVERED BY THE VENTILATED PARKING GARAGE. THE PARKING GARAGE WILL BE VENTILATED IN ACCORDANCE WITH CHAPTER 4 OF THE NYC MECHANICAL CODE.
6. THE WATERPROOFING BENEATH THE VENTILATED PARKING GARAGE FLOOR SLAB, AND ANY OTHER WATERPROOFED FOUNDATION ELEMENT, WILL BE MARRIED TO THE VAPOR BARRIER MEMBRANE IN ACCORDANCE WITH MANUFACTURER SPECIFICATIONS.

LEGEND:

- SITE BOUNDARY
- BUILDING BOUNDARY
- - - DEPRESSURIZED AREA AND VAPOR BARRIER EXTENTS
- - - PERFORATED SMD PIPING
- SMD RISER LOCATION

Date	Description	No.
REVISIONS		
SIGNATURE DATE SIGNED		
PROFESSIONAL JOEL B. LANDES STATE LIC. No. 076348		
<div>LANGAN</div> <div>21 Penn Plaza, 360 West 31st Street, 8th Floor, New York, NY 10001 T: 212.479.5400 F: 212.479.5444 www.langan.com</div> <div>NEW JERSEY NEW YORK VIRGINIA CALIFORNIA PENNSYLVANIA CONNECTICUT FLORIDA</div> <div>ABU DHABI ATHENS DOHA DUBAI ISTANBUL</div> <div>Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C. Langan Engineering and Environmental Services, Inc. Langan International LLC Collectively known as Langan</div>		
Project		
420 KENT AVENUE		
BLOCK No. 2134, LOT No. 56 BROOKLYN		
KINGS NEW YORK		
Drawing Title		
SUBMEMBRANE DEPRESSURIZATION SYSTEM PLAN		
Project No. 170332901		Drawing No.  N-101
Date 3/17/2016		
Scale NTS		
Drawn By PM	Checked By	
Submission Date		
Sheet 1 of 4		

WARNING: IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 145 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS ITEM IN ANY WAY.







1



(DI AM VIEW)

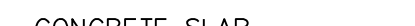


(PLAN VIEW)



(DI AM I A F W)

NOTE: DETAIL E ONLY APPLIES WHERE 4 INCH UDFE VAPOR



NOT TO SCALE



( — — — — — )

## D

1. DESIGN DETAILS AND DRAWINGS ARE ADAPTED FROM EPA DOCUMENT EPA/625/R-92/016.
2. INSTALLATION OF THE SUBMEMBRANE COMPONENTS AND RISER PIPE WERE COORDINATED WITH THE INSTALLATION OF OTHER UTILITIES AND STRUCTURAL COMPONENTS.
3. PERFORATED VAPOR COLLECTION PIPE WAS 4-INCH Ø FLEXIBLE, CORRUGATED, SMOOTH INTERIOR, PERFORATED, HIGH DENSITY POLYETHYLENE (HDPE) PIPE WITH A MINIMUM PIPE STIFFNESS OF 35 POUNDS PER SQUARE INCH (PSI) AT 5% DEFLECTION. PERFORATIONS WERE SLOT-TYPE. THERE WERE, AT A MINIMUM, THREE EQUALLY SPACED PERFORATIONS PER GROOVE (I.E. DEPRESSED SECTION OF THE PIPE) OF THE CORRUGATED PIPE. PERFORATIONS ON ALTERNATING GROOVES WERE OFF-SET.
4. TOP OF PERFORATED VAPOR COLLECTION PIPE WAS 2 INCHES FROM THE BOTTOM OF SLAB. WHEN NECESSARY, PERFORATED VAPOR COLLECTION PIPE WAS ROUTED UNDERNEATH OTHER UTILITIES AND PIPING IN THE SUBSURFACE; TOP OF PERFORATED VAPOR COLLECTION PIPE DID NOT EXCEED 12 INCHES FROM THE BOTTOM OF THE SLAB.
5. ALL FITTINGS AND CONNECTIONS FOR THE VAPOR COLLECTION PIPE WERE 4-INCH Ø HDPE FITTINGS, MADE BY THE SAME MANUFACTURER AS THE 4-INCH Ø PIPE, AND OF THE TYPE RECOMMENDED BY THE MANUFACTURER FOR USE WITH THE 4-INCH Ø PIPE. SECURED ALL FITTINGS AND CONNECTIONS WITH 2-INCH WIDE TILE TAPE.
6. POLYESTER FILTER SLEEVES HAD A MINIMUM AIR PERMEABILITY OF 70 CUBIC FEET/SQUARE FEET/MINUTE.
7. RISER PIPE (DESIGNED BY OTHERS) WAS 4-INCH Ø METAL PIPE OR OTHER MATERIAL THAT COMPLIES WITH APPLICABLE BUILDING CODE.
8. RISER PIPE (DESIGNED BY OTHERS) WAS EXTENDED TO THE ROOF WITH MINIMAL CHANGES IN DIRECTION AS SHOWN ON THE MECHANICAL AND PLUMBING DRAWINGS.
9. ALL PIPE AND CONDUIT PENETRATIONS THROUGH THE SLAB (INCLUDING MECHANICAL, ELECTRICAL, PLUMBING, OR OTHER) WERE SEALED WITH A HIGH ADHESIVE SEALANT, UNLESS OTHERWISE SPECIFIED. PENETRATIONS WERE AIR-TIGHT.
10. RISER PIPE WAS CLEARLY LABELED "CAUTION: DO NOT ALTER SUBSLAB VAPOR VENT PIPE" IN EACH ACCESSIBLE AREA (A MINIMUM OF EVERY 10 LINEAR FEET OF RISER PIPE RUN).
11. SYSTEM INSTALLATION ADHERED TO: FINAL GUIDANCE FOR EVALUATING SOIL VAPOR INTRUSION IN THE STATE OF NEW YORK PREPARED BY NEW YORK STATE DEPARTMENT OF HEALTH (NYSDOH), DATED OCTOBER 2006 AND 2008 NEW YORK CITY MECHANICAL CODE, CHAPTER 5, SECTION MC 512-SUBSLAB EXHAUST SYSTEMS. POINT OF EXHAUST (DESIGNED BY OTHERS) WERE
  - ABOVE THE EAVE OF THE ROOF (PREFERABLY, ABOVE THE HIGHEST EAVE OF THE BUILDING AND AT LEAST 12-INCHES ABOVE THE
  - SURFACE OF THE ROOF):
  - AT LEAST 10 FEET ABOVE GROUND LEVEL,
  - AT LEAST 10 FEET AWAY FROM ANY OPENING THAT IS LESS THAN 2 FEET BELOW THE EXHAUST POINT, AND
  - 10 FEET FROM ANY ADJOINING OR ADJACENT BUILDINGS, OR HVAC INTAKES OR SUPPLY REGISTERS.

15. 3/4-INCH CLEAN STONE = IN-PLACE STONE WAS CLEAN, COARSE, NATURAL, ANGULAR, WASHED 3/4-INCH AGGREGATE WITH THE FOLLOWING GRADATION:

<u>SIEVE SIZE</u>	<u>% PASSING BY WEIGHT</u>
1 1/2-INCH	100
1-INCH	90-100
1/2-INCH	0-5
#200	<1

17. CONTRACTOR PROVIDED AS-BUILT DRAWINGS OF COMPLETE SMD SYSTEM TO ENGINEERING FOLLOWING INSTALLATION.

WATERPROOFING/VAPOR BARRIER NOTES:

1. WATERPROOFING/VAPOR BARRIER WERE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE MANUFACTURER GUIDELINES AND DETAILS.
2. WATERPROOFING/VAPOR BARRIER WERE INSTALLED BY A MANUFACTURER-CERTIFIED INSTALLER.
3. WATERPROOFING/VAPOR BARRIER WERE INSPECTED IMMEDIATELY BEFORE CONCRETE IS PLACED. ALL PENETRATIONS, HOLES, OR TEARS WERE SEALED BEFORE CONCRETE WAS PLACED.

Date	Description	No.
------	-------------	-----

## REVISIONS

SIGNATURE \_\_\_\_\_ DATE SIGNED \_\_\_\_\_  
PROFESSIONAL JOEL B. LANDES  
STATE LIC. No. 076348

# 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](http://www.langan.com)

NEW JERSEY NEW YORK VIRGINIA CALIFORNIA  
PENNSYLVANIA CONNECTICUT FLORIDA

ABU DHABI ATHENS DOHA  
DUBAI ISTANBUL

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

Project

420 KENT AVENUE

BLOCK No. 2134, LOT No. 56  
BROOKLYN

**KINGS**

KINGS NEW YORK

Drawing Title

# AS-BUILT SUBMEMBRANE DEPRESSURIZATION SYSTEM DETAILS

Project No. <b>170332901</b>		Figure No.  <b>N-102</b>
Date <b>9/21/2018</b>		
Scale <b>NTS</b>		
Drawn By <b>PM</b>	Checked By	
Submission Date		
		Sheet 2 of 11



**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.**            **C224201**

**Site Name** 420 Kent Avenue

Site Address: 420 Kent Avenue      Zip Code: 11249

City/Town: Brooklyn

County: Kings

Site Acreage: 1.835

Reporting Period: April 03, 2024 to April 03, 2025

YES    NO

1. Is the information above correct?

☐      ☐

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?

☐      ☐

3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?

☐      ☐

4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?

☐      ☐

**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?

☐      ☐

**Box 2**

YES    NO

6. Is the current site use consistent with the use(s) listed below?

☐      ☐

Restricted-Residential, Commercial, and Industrial

7. Are all ICs in place and functioning as designed?

☐      ☐

**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. C224201****Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**2134-56**

420 Kent Avenue LLC

Ground Water Use Restriction  
Landuse Restriction  
Site Management Plan  
IC/EC Plan

Monitoring Plan  
O&M Plan  
Soil Management 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**2134-56**

Vapor Mitigation  
Cover System

- Composite cover (concrete, building slabs, landscaped areas)
- Submembrane depressurization (SMD) system (DEC/DOH approved conversion from active to passive, even though 2020 data indicated passive operation was acceptable).

monitoring wells were decommissioned May 9, 2022, and a revised SMP was approved on January 9, 2023

**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. C224201

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 Morisi at 555 Madison Ave, NY, NY 10022,  
print name print business address

am certifying as Manager (Owner or Remedial Party)

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

Charles Morisi 4/30/25  
Signature of Owner, Remedial Party, or Designated Representative Date  
Rendering Certification

## 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 Hayes at 368 Ninth Avenue, 8th Floor, New York, NY 10001  
print name print business address

am certifying as a Professional Engineer for the Owner  
(Owner or Remedial Party)



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

Stamp  
(Required for PE)

4-29-2025  
Date

## **APPENDIX E**

### **Site Inspection Forms**

# COMPOSITE COVER SYSTEM INSPECTION CHECKLIST

Site Name: 420 Kent Avenue Location: Brooklyn, NY Project Number: 170332902

Inspector Name: Gabriella DeGennaro Date: March 28, 2025 Weather Conditions: 60's, sunny

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
	<b>General</b>					
1	What are the current site conditions?	--	--	--	--	Active residential building with a parking garage, occupied commercial space and ground floor restaurant.
	<b>Impermeable Cap</b>					
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?		N		N	
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.			NA	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:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**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.

# SITE INSPECTION CHECKLIST

Site Name: 420 Kent Avenue Location: Brooklyn, NY Project Number: 170332902

Inspector Name: Gabriella DeGennaro Date: March 28, 2025 Weather Conditions: 60's, sunny

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
	<b>General</b>					
1	What are the current site conditions?	--	--	--	--	Active residential building with a parking garage, occupied commercial space and 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	
	<b>Environmental Easement</b>					
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	
	<b>Impermeable Cap</b>					
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?	N			N	
9	If YES to number 8, is there documentation that the SMP, HASP, and CAMP for the site was/is being followed?			NA	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 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**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.

# SMD SYSTEM INSPECTION CHECKLIST

Site Name: 420 Kent Avenue Location: Brooklyn, NY Project Number: 170332902

Inspector Name: Gabriella DeGennaro Date: March 28, 2025 Weather Conditions: 60's, sunny

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
	<b>Records</b>					
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?					3/27/2024
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	
	<b>Alarm System</b>					
4	Do the alarm lights indicate that the system is operational?			NA	Y	No alarm installed
	<b>General System</b>					
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 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: 420 Kent Avenue Location: Brooklyn, NY Project Number: 170332902

Inspector Name: Gabriella DeGennaro Date: March 28, 2025 Weather Conditions: 60's, sunny

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
	<b>SMD Blower Unit</b>					
10	Is the SSD blower operational at the time of the inspection?	Y			Y	
11	What is the VelociCalc Meter reading?					70.45 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, magnehelic pressure gauge reading 0

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**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.**