

APPENDIX A
NYSDEC RAWP Approval, Decision Document and
Correspondence

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Remedial Bureau B

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VIA EMAIL

September 27, 2019

550 Clinton Partners LLC &
539 Vanderbilt Partners LLC
Jeffrey Gershon
c/o Hope Street Capital
475 Park Avenue South, Suite 1206
New York, NY 10016
(jgershon@hopestreet.com)

Re: 805-825 Atlantic Avenue
Site ID No. C224228
Brooklyn, NY
Remedial Work Plan & Decision Document

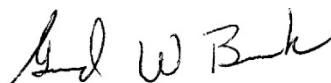
Dear Mr. Gershon:

The New York State Department of Environmental Conservation (Department) and the New York State Department of Health (NYSDOH) have reviewed the Remedial Work Plan (RWP) for the 805-825 Atlantic Avenue site dated September 12, 2019, prepared by Langan. The RWP is hereby approved. Please ensure that a copy of the approved RWP is placed in the document repositories. The draft plan should be removed.

Attached is a copy of the Department's Decision Document for the site. The remedy is to be implemented in accordance with this Decision Document. Please ensure that a copy of the Decision Document is placed in the document repositories.

Please contact the Department's Project Manager, Ruth Curley, at (518) 402-9480 or recurley@dec.ny.gov at your earliest convenience to discuss next steps. Please recall the Department requires seven days notice prior to the start of field work..

Sincerely,



Gerard Burke
Director
Remedial Bureau B
Division of Environmental Remediation



ec w/attachments:

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DECISION DOCUMENT

805-825 Atlantic Avenue
Brownfield Cleanup Program
Brooklyn, Kings County
Site No. C224228
September 2019



Prepared by
Division of Environmental Remediation
New York State Department of Environmental Conservation

DECLARATION STATEMENT - DECISION DOCUMENT

805-825 Atlantic Avenue
Brownfield Cleanup Program
Brooklyn, Kings County
Site No. C224228
September 2019

Statement of Purpose and Basis

This document presents the remedy for the 805-825 Atlantic Avenue site, a brownfield cleanup site. The remedial program was chosen in accordance with the New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 375.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (the Department) for the 805-825 Atlantic Avenue site and the public's input to the proposed remedy presented by the Department.

Description of Selected Remedy

The elements of the selected remedy are as follows:

1. Remedial Design

A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- Reducing direct and indirect greenhouse gases and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;
- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
- Maximizing habitat value and creating habitat when possible;

- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
- Additionally, to incorporate green remediation principles and techniques to the extent feasible in the future development at this site, any future on-site buildings will include, at a minimum, a 20-mil vapor barrier/waterproofing membrane on the foundation to improve energy efficiency as an element of construction.

2. Excavation

The existing on-site buildings will be demolished and materials which can't be beneficially reused on site will be taken off-site for proper disposal in order to implement the remedy.

Excavation and off-site disposal of contaminant source areas, including:

- soil hot-spots exceeding the hazardous waste criteria in 6 NYCRR Part 371 for lead;
- removal of any underground storage tanks (USTs), fuel dispensers, underground piping or other structures associated with a source of contamination;
- grossly contaminated soil, as defined in 6 NYCRR Part 375-1.2(u), if identified during excavation;
- soil with visual waste material or non-aqueous phase liquid; and
- soils that create a nuisance condition, as defined in Commissioner Policy CP-51 Section G.

All soils in the upper two feet which exceed the restricted residential SCOs will be excavated and transported off-site for disposal.

The entire site will be excavated to a development depth of approximately 17 feet bgs. For remedial purposes, the top two feet of soil (approximately 1,700 cubic yards (CY)) at the site will be removed due to exceedances of restricted residential soil cleanup objectives for metals and semi-volatile organic compounds. In addition, approximately 1000 CY of contaminated soil will be removed from the site, consisting of 830 CY of petroleum-impacted soil that create a nuisance condition and 160 CY of lead-impacted soil that exceeds hazardous waste limits. The remaining soil above 17 feet (approximately 11,900 CY) of non-hazardous material) will be removed for development purposes.

3. Backfill

Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to complete the backfilling of the excavation and establish the designed grades at the site.

4. Cover System

A site cover will be required to allow for restricted residential use of the site in areas where the upper two feet of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs). Where a soil cover is to be used it will be a minimum of two feet of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material for the use of the site as set forth in 6 NYCRR Part 375-6.7(d). Substitution of other materials and components may be allowed where such components already exist or are a component of the tangible property to be placed as part of site redevelopment. Such components may include, but are not necessarily limited to: pavement, concrete, paved surface parking areas, sidewalks, building foundations and building slabs.

5. Soil Vapor Extraction (SVE)

Soil vapor extraction (SVE) will be implemented to remove volatile organic compounds (VOCs) from the subsurface. VOCs will be physically removed from the soil by applying a vacuum to wells that have been installed into the vadose zone (the area below the ground but above the water table). The vacuum draws air through the soil matrix which carries the VOCs from the soil to the SVE well. The air extracted from the SVE wells is then treated as necessary prior to being discharged to the atmosphere.

Six SVE wells will be installed in the cellar of the new building into the vadose zone and screened from 25 feet below the cellar foundation slab to a depth of approximately 45 feet below the slab. The air containing VOCs extracted from the SVE wells will be treated by passing the air stream through activated carbon which removes the VOCs from the air prior to it being discharged to the atmosphere.

6. In-Situ Treatment using Activated Carbon

Activated carbon will be added to the subsurface to capture and prevent the migration of petroleum-related volatile organic compounds, such as 1,2,4- trimethylbenzene and xylenes. Sulfate salt solution will be added to enhance anaerobic biodegradation. In the area of the captured contamination, conditions will be maintained that will allow anaerobic degradation of the contaminants of concern to occur. Activated carbon and sulfate salt solution will be added to the subsurface in approximately a 4000 square foot area in the southeastern portion of the site. An injection well network of approximately 13 injection wells, screened from 65 to 80 feet below the existing grade, are expected to be used for the injections. The square footage and number of wells may be revised based on field conditions.

After the injections, monitoring will be required within the treatment zone. Monitoring will be conducted for the targeted contaminants (petroleum-related volatile organic compounds), and for indicators of anaerobic degradation, such as iron, manganese, sulfate, sulfide and nitrate.

7. Treatment Remedy Shutdown

The operation of the components of the remedy will continue until the remedial objectives have been achieved, or until the Department determines that continued operation is technically impracticable or not feasible.

8. Institutional Control

Imposition of an institutional control in the form of an environmental easement for the controlled property which will:

- require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- allow the use and development of the controlled property for restricted residential use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or NYCDOH; and
- require compliance with the Department approved Site Management Plan.

9. Site Management Plan

A Site Management Plan is required, which includes the following:

1. an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:

Institutional Controls: The Environmental Easement discussed in Paragraph 8 above.

Engineering Controls: The Soil Vapor Extraction (SVE) system discussed in paragraph 5 and the In-Situ Activated Carbon Treatment discussed in paragraph 6.

This plan includes, but may not be limited to:

- descriptions of the provisions of the environmental easement including any land use, and groundwater use restrictions;
- a provision for evaluation of the potential for soil vapor intrusion for any occupied buildings on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion;
- a provision that should the owners of properties, where sampling was previously declined, request to have their properties sampled in the future, the NYSDEC, in consultation with the NYSDOH, shall assess the need for soil vapor intrusion sampling and take appropriate action under a separate program;

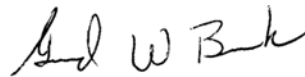
- provisions for the management and inspection of the identified engineering controls;
 - maintaining site access controls and Department notification; and
 - the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.
2. a Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
- monitoring of soil vapor and groundwater to assess the performance and effectiveness of the remedy;
 - a schedule of monitoring and frequency of submittals to the Department;
 - monitoring for vapor intrusion for any buildings on the site, as may be required by the Institutional and Engineering Control Plan discussed above.
3. an Operation and Maintenance (O&M) Plan to ensure continued operation, maintenance, optimization, monitoring, inspection, and reporting of any mechanical or physical components of the remedy. The plan includes, but is not limited to:
- procedures for operating and maintaining the remedy;
 - compliance monitoring of treatment systems to ensure proper O&M as well as providing the data for any necessary permit or permit equivalent reporting;
 - maintaining site access controls and Department notification; and
 - providing the Department access to the site and O&M records.

Declaration

The remedy conforms with promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration Department guidance, as appropriate. The remedy is protective of public health and the environment.

September 27, 2019

Date



Gerard Burke, Director
Remedial Bureau B

DECISION DOCUMENT

805-825 Atlantic Avenue
Brooklyn, Kings County
Site No. C224228
September 2019

SECTION 1: SUMMARY AND PURPOSE

The New York State Department of Environmental Conservation (the Department), in consultation with the New York State Department of Health (NYSDOH), has selected a remedy for the above referenced site. The disposal of contaminants at the site has resulted in threats to public health and the environment that would be addressed by the remedy. The disposal or release of contaminants at this site, as more fully described in this document, has contaminated various environmental media. Contaminants include hazardous waste and/or petroleum.

The New York State Brownfield Cleanup Program (BCP) is a voluntary program. The goal of the BCP is to enhance private-sector cleanups of brownfields and to reduce development pressure on "greenfields." A brownfield site is real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant.

The Department has issued this document in accordance with the requirements of New York State Environmental Conservation Law and 6 NYCRR Part 375. This document is a summary of the information that can be found in the site-related reports and documents.

SECTION 2: CITIZEN PARTICIPATION

The Department seeks input from the community on all remedies. A public comment period was held, during which the public was encouraged to submit comment on the proposed remedy. All comments on the remedy received during the comment period were considered by the Department in selecting a remedy for the site. Site-related reports and documents were made available for review by the public at the following document repositories:

Brooklyn Public Library - Clinton Hill Branch
380 Washington Avenue
Brooklyn, NY 11238
Phone: 718-398-8713

Brooklyn Community Board 2
350 Jay Street, 8th Floor
Brooklyn, NY 11201
Phone: 718-596-5410

Receive Site Citizen Participation Information By Email

Please note that the Department's Division of Environmental Remediation (DER) is "going paperless" relative to citizen participation information. The ultimate goal is to distribute citizen participation information about contaminated sites electronically by way of county email listservs. Information will be distributed for all sites that are being investigated and cleaned up in a particular county under the State Superfund Program, Environmental Restoration Program, Brownfield Cleanup Program and Resource Conservation and Recovery Act Program. We encourage the public to sign up for one or more county listservs at <http://www.dec.ny.gov/chemical/61092.html>

SECTION 3: SITE DESCRIPTION AND HISTORY

Location: The site is located in an urban area in the Clinton Hill neighborhood of Brooklyn and is bounded by Atlantic Avenue to the south, Clinton Avenue to the east, Vanderbilt Avenue to the west, and multiple-family residential buildings to the north.

Site Features: The site occupies two tax lots (Lot 1 and Lot 59) forming an L-shaped area of about 23,080 square feet that faces Atlantic Avenue. The site is currently vacant. It was formerly occupied by three automotive related businesses, two restaurants and a tile shop. A partial cellar under Lot 1 contains two empty, above-ground 275-gallon tanks. An exterior patio area is located on the southeastern portion of the property.

Current Zoning and Land Use: The site is located in an R7A residential district with a C2-4 commercial overlay, within an Inclusionary Housing Designated Area. It was used for commercial purposes and is now vacant.

Past Use of the Site: The western lot (Lot 1) was previously developed with residential and retail buildings. Past uses included a plumber/carpenter shop (1887-1950) and an automotive service facility (1938-1969). A car wash was present by 1977 and was in use until 2018.

The eastern lot (Lot 59), along Atlantic Avenue, housed commercial tenants beginning in the 1930s. These included a paint and oil company, auto repair facilities, and a gas station. By the 1940s, the lot was occupied by three auto repair facilities, and the gas station, which remained until 1979. A bar and restaurant occupied the eastern portion of the lot along Clinton Avenue from 2010 to 2018.

A set of six underground petroleum storage tanks were removed from the site in 2004 in the area of the former gas station. At that time, the soil was sampled and no exceedances were noted. The area was filled with clean material.

Site Geology and Hydrogeology: The site's subsurface consists of a layer of historic fill material beneath the surface cover that extends to depths between 5 and 24 feet below ground surface (bgs). The fill consists of fine to medium sand with variable amounts of gravel, silt, clay, brick, concrete, and glass fragments. Below the fill is a layer of sand, then a gravel layer to approximately 35 feet bgs. Native soil, consisting of fine to medium sand, is found below the gravel. The area bedrock is of the Hartland formation, and is comprised of interbedded granulite, schist and amphibolite.

Bedrock was not encountered during the investigation.

Depth to groundwater is approximately 65 feet bgs. During the RI, an area of perched groundwater was found in the western part of the site at 30 feet bgs. Groundwater beneath the site was expected to flow to the west toward the East River, about 1.5 miles away. However, based on the data collected, groundwater flow is to the southwest toward Atlantic Avenue.

A site location map is attached as Figure 1.

SECTION 4: LAND USE AND PHYSICAL SETTING

The Department may consider the current, intended, and reasonably anticipated future land use of the site and its surroundings when evaluating a remedy for soil remediation. For this site, an alternative that restricts the use of the site to restricted-residential use (which allows for commercial use and industrial use) as described in Part 375-1.8(g) was evaluated in addition to an alternative which would allow for unrestricted use of the site.

A comparison of the results of the Remedial Investigation (RI) to the appropriate standards, criteria and guidance values (SCGs) for the identified land use and the unrestricted use SCGs for the site contaminants is available in the RI Report.

SECTION 5: ENFORCEMENT STATUS

The Applicants under the Brownfield Cleanup Agreement are Volunteers. The Applicants do not have an obligation to address off-site contamination. However, the Department has determined that this site does not pose a significant threat to public health or the environment; accordingly, no enforcement actions are necessary. Off-site contamination will be addressed under the Department's Oil Spill Response and Remediation program if necessary.

SECTION 6: SITE CONTAMINATION

6.1: Summary of the Remedial Investigation

A remedial investigation (RI) serves as the mechanism for collecting data to:

- characterize site conditions;
- determine the nature of the contamination; and
- assess risk to human health and the environment.

The RI is intended to identify the nature (or type) of contamination which may be present at a site and the extent of that contamination in the environment on the site, or leaving the site. The RI reports on data gathered to determine if the soil, groundwater, soil vapor, indoor air, surface water or sediments may have been contaminated. Monitoring wells are installed to assess groundwater and soil borings or test pits are installed to sample soil and/or waste(s) identified. If other natural resources are present, such as surface water bodies or wetlands, the water and sediment may be

sampled as well. Based on the presence of contaminants in soil and groundwater, soil vapor will also be sampled for the presence of contamination. Data collected in the RI influence the development of remedial alternatives. The RI report is available for review in the site document repository and the results are summarized in section 6.3.

The analytical data collected on this site includes data for:

- groundwater
- soil
- soil vapor
- indoor air
- sub-slab vapor

6.1.1: Standards, Criteria, and Guidance (SCGs)

The remedy must conform to promulgated standards and criteria that are directly applicable or that are relevant and appropriate. The selection of a remedy must also take into consideration guidance, as appropriate. Standards, Criteria and Guidance are hereafter called SCGs.

To determine whether the contaminants identified in various media are present at levels of concern, the data from the RI were compared to media-specific SCGs. The Department has developed SCGs for groundwater, surface water, sediments, and soil. The NYSDOH has developed SCGs for drinking water and soil vapor intrusion. For a full listing of all SCGs see: <http://www.dec.ny.gov/regulations/61794.html>

6.1.2: RI Results

The data have identified contaminants of concern. A "contaminant of concern" is a contaminant that is sufficiently present in frequency and concentration in the environment to require evaluation for remedial action. Not all contaminants identified on the property are contaminants of concern. The nature and extent of contamination and environmental media requiring action are summarized below. Additionally, the RI Report contains a full discussion of the data. The contaminant(s) of concern identified at this site is/are:

lead	toluene
benzene	xylene
ethylbenzene	1,2,4-trimethylbenzene

The contaminant(s) of concern exceed the applicable SCGs for:

- soil
- groundwater

6.2: Interim Remedial Measures

An interim remedial measure (IRM) is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before issuance of the Decision Document.

There were no IRMs performed at this site during the RI.

6.3: Summary of Environmental Assessment

This section summarizes the assessment of existing and potential future environmental impacts presented by the site. Environmental impacts may include existing and potential future exposure pathways to fish and wildlife receptors, wetlands, groundwater resources, and surface water. The RI report presents a detailed discussion of any existing and potential impacts from the site to fish and wildlife receptors.

Nature and Extent of Contamination: Preliminary sampling was conducted in 2015 and 2016. The Remedial Investigation results from 2018 are described below:

Soil and groundwater were analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, polychlorinated biphenyls (PCBs), and pesticides. Groundwater was also analyzed for the emerging contaminants per- and polyfluoroalkyl substances (PFAS) and 1,4-dioxane. Soil vapor was analyzed for VOCs.

Soil- The primary contaminants in soil at this site are metals and petroleum-related volatile organic compounds. Lead, barium and mercury exceed the restricted residential soil cleanup objectives (RRSCOs). Mercury (maximum concentration of 1.21 parts per million (ppm) compared to 0.81 ppm) and barium (maximum 459 ppm compared to 400 ppm) slightly exceed the RRSCOs in spots and are located at depths between 2 and 8 feet. Lead in soil ranges up to 2,570 ppm and is located at depths between 2 and 12 feet. The RRSCO for lead is 400 ppm.

Volatile organic compounds were detected in soil between 30 and 38 feet in depth in the area of the former gas station. 1,2,4 trimethylbenzene (42-98 ppm) and xylene (41-110 ppm) exceeded the protection of groundwater SCOs (3.6 ppm and 1.6 ppm respectively) and the RRSCOs (42 and 100 ppm respectively). Data does not indicate any off-site soil impacts related to this site.

Groundwater- Groundwater was located at approximately 65 feet bgs. Groundwater on-site flows southwest toward Atlantic Avenue. Groundwater samples at the site contained trimethylbenzenes (up to 2,167 parts per billion (ppb)) and 1,768 ppb of BTEX (benzene, toluene, ethylbenzene and xylene) in one of the wells in the former gas station area. The groundwater standards for these compounds are 5 ppb, except for benzene, which is 1 ppb.

PFAS were sampled in four wells associated with the site. Perfluorooctanesulfonic acid (PFOS) was identified in two wells near the western portion of the site; the highest level was 150 parts per trillion (ppt) and was identified in the off-site side-gradient well. Perfluorooctanoic acid (PFOA) was detected in three wells; the highest level was 40 ppt in the off-site well. The highest total PFAS concentration in the three on-site wells was 214 ppt; the off-site well was 783 ppt.

Soil Vapor- Soil vapor samples indicated the presence of BTEX compounds in soil vapor near the northwest corner of the site (7,277 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$)) and in the southeast corner of the site (9,324 $\mu\text{g}/\text{m}^3$).

For chlorinated compounds, tetrachloroethylene (PCE) was detected at concentrations ranging from 0.72 $\mu\text{g}/\text{m}^3$ to 360 $\mu\text{g}/\text{m}^3$. Methylene chloride was detected at concentrations ranging from 1 $\mu\text{g}/\text{m}^3$ to 82 $\mu\text{g}/\text{m}^3$ and trichloroethene (TCE) was detected at concentrations ranging from 0.072 $\mu\text{g}/\text{m}^3$ to 99 $\mu\text{g}/\text{m}^3$.

Sub-slab vapor and Indoor Air – A soil vapor intrusion investigation was conducted at the on-site buildings. Four co-located sub-slab soil vapor and indoor air samples were collected from the vacant tenant spaces. PCE concentrations in the sub-slab vapor samples ranged from 0.58 $\mu\text{g}/\text{m}^3$ to 87 $\mu\text{g}/\text{m}^3$ and TCE concentrations in the sub-slab ranged from non-detect (ND) to 1 $\mu\text{g}/\text{m}^3$. Corresponding indoor air samples detected PCE at concentrations ranging from ND to 7 $\mu\text{g}/\text{m}^3$ and TCE at concentrations ranging from ND to 3.1 $\mu\text{g}/\text{m}^3$, which is above the NYSDOH air guidance value of 2.0 $\mu\text{g}/\text{m}^3$ for TCE.

To determine if off-site soil vapor impacts exist, the volunteer requested access for off-site soil vapor intrusion sampling at adjacent properties and was not able to obtain access.

6.4: Summary of Human Exposure Pathways

This human exposure assessment identifies ways in which people may be exposed to site-related contaminants. Chemicals can enter the body through three major pathways (breathing, touching or swallowing). This is referred to as *exposure*.

Direct contact with contaminants in the soil is unlikely because the majority of the site is covered with buildings and pavement. Persons who dig below the ground surface may come into contact with contaminants in subsurface soil. Contaminated groundwater at the site is not used for drinking or other purposes and the site is served by a public water supply that obtains water from a different source not affected by this contamination. Volatile organic compounds may move into the soil vapor (air spaces within the soil), which in turn may move into overlying buildings and affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. The inhalation of site-related contaminants due to soil vapor intrusion does not represent a current concern because the site is vacant. The potential exists for people to inhale site contaminants in indoor air due to soil vapor intrusion in the event the site is re-occupied. The potential for soil vapor intrusion exists for off-site structures and should be evaluated in the event that access is granted.

6.5: Summary of the Remediation Objectives

The objectives for the remedial program have been established through the remedy selection process stated in 6 NYCRR Part 375. The goal for the remedial program is to restore the site to pre-disposal conditions to the extent feasible. At a minimum, the remedy shall eliminate or

mitigate all significant threats to public health and the environment presented by the contamination identified at the site through the proper application of scientific and engineering principles.

Groundwater

RAOs for Public Health Protection

- Prevent ingestion of groundwater containing contaminant levels exceeding drinking water standards.
- Prevent contact with, or inhalation of, volatiles emanating from contaminated groundwater.

RAOs for Environmental Protection

- Restore ground water aquifer to pre-disposal/pre-release conditions, to the extent practicable.
- Remove the source of groundwater contamination

Soil

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.
- Prevent inhalation of or exposure from contaminants volatilizing from contaminants in soil.

RAOs for Environmental Protection

- Prevent migration of contaminants that would result in groundwater contamination.

Soil Vapor

- Mitigate impacts to public health resulting from existing, or the potential for, soil vapor intrusion into buildings at a Site

SECTION 7: ELEMENTS OF THE SELECTED REMEDY

The alternatives developed for the site and the evaluation of the remedial criteria are presented in the Alternative Analysis. The remedy is selected pursuant to the remedy selection criteria set forth in DER-10, Technical Guidance for Site Investigation and Remediation and 6 NYCRR Part 375.

The selected remedy is a Track 4: Restricted use with generic soil cleanup objectives remedy.

The selected remedy is referred to as the Excavation, In-Situ Activated Carbon Treatment and Soil Vapor Extraction (SVE) remedy.

If, within five years, the SVE system has successfully achieved the RAO for source area soil and the in-situ groundwater remedy is successful in meeting the RAOs for groundwater, as indicated by soil vapor sampling results from the SVE system and eight quarters of groundwater sampling data, respectively, the remedy will have achieved a Track 2 – restricted residential use cleanup.

The elements of the selected remedy, as shown in Figure 2, are as follows:

1. Remedial Design

A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- Reducing direct and indirect greenhouse gases and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;
- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
- Maximizing habitat value and creating habitat when possible;
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
- Additionally, to incorporate green remediation principles and techniques to the extent feasible in the future development at this site, any future on-site buildings will include, at a minimum, a 20-mil vapor barrier/waterproofing membrane on the foundation to improve energy efficiency as an element of construction.

2. Excavation

The existing on-site buildings will be demolished and materials which can't be beneficially reused on site will be taken off-site for proper disposal in order to implement the remedy.

Excavation and off-site disposal of contaminant source areas, including:

- soil hot-spots exceeding the hazardous waste criteria in 6 NYCRR Part 371 for lead;
- removal of any underground storage tanks (USTs), fuel dispensers, underground piping or other structures associated with a source of contamination;
- grossly contaminated soil, as defined in 6 NYCRR Part 375-1.2(u), if identified during excavation;
- soil with visual waste material or non-aqueous phase liquid; and

- soils that create a nuisance condition, as defined in Commissioner Policy CP-51 Section G.

All soils in the upper two feet which exceed the restricted residential SCOs will be excavated and transported off-site for disposal.

The entire site will be excavated to a development depth of approximately 17 feet bgs. The top two feet of soil (approximately 1700 cubic yards (CY)) at the site will be removed due to exceedances of restricted residential soil cleanup objectives for metals and semi-volatile organic compounds. In addition, approximately 1000 CY of contaminated soil will be removed from the site, consisting of 830 CY of petroleum-impacted soil that create a nuisance condition and 160 CY of lead-impacted soil that exceeds hazardous waste limits. The remaining soil above 17 feet (approximately 11,900 CY) of non-hazardous material) will be removed for development purposes.

3. Backfill

Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to complete the backfilling of the excavation and establish the designed grades at the site.

4. Cover System

A site cover will be required to allow for restricted residential use of the site in areas where the upper two feet of exposed surface soil will exceed the applicable soil cleanup objectives (SCOs). Where a soil cover is to be used it will be a minimum of two feet of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material for the use of the site as set forth in 6 NYCRR Part 375-6.7(d). Substitution of other materials and components may be allowed where such components already exist or are a component of the tangible property to be placed as part of site redevelopment. Such components may include, but are not necessarily limited to: pavement, concrete, paved surface parking areas, sidewalks, building foundations and building slabs.

5. Soil Vapor Extraction (SVE)

Soil vapor extraction (SVE) will be implemented to remove volatile organic compounds (VOCs) from the subsurface. VOCs will be physically removed from the soil by applying a vacuum to wells that have been installed into the vadose zone (the area below the ground but above the water table). The vacuum draws air through the soil matrix which carries the VOCs from the soil to the SVE well. The air extracted from the SVE wells is then treated as necessary prior to being discharged to the atmosphere.

Six SVE wells will be installed in the cellar of the new building into the vadose zone and screened from 25 feet below the cellar foundation slab to a depth of approximately 45 feet below the slab. The air containing VOCs extracted from the SVE wells will be treated by passing the air stream through activated carbon which removes the VOCs from the air prior to it being discharged to the atmosphere.

6. In-Situ Treatment using Activated Carbon

Activated carbon will be added to the subsurface to capture and prevent the migration of petroleum-related volatile organic compounds, such as 1,2,4- trimethylbenzene and xylenes. Sulfate salt solution will be added to enhance anaerobic biodegradation. In the area of the captured contamination, conditions will be maintained that will allow anaerobic degradation of the contaminants of concern to occur. Activated carbon and sulfate salt solution will be added to the subsurface in approximately a 4000 square foot area in the southeastern portion of the site. An injection well network of approximately 13 injection wells, screened from 65 to 80 feet below the existing grade, are expected to be used for the injections. The square footage and number of wells may be revised based on field conditions.

After the injections, monitoring will be required within the treatment zone. Monitoring will be conducted for the targeted contaminants (petroleum-related volatile organic compounds), and for indicators of anaerobic degradation, such as iron, manganese, sulfate, sulfide and nitrate.

7. Treatment Remedy Shutdown

The operation of the components of the remedy will continue until the remedial objectives have been achieved, or until the Department determines that continued operation is technically impracticable or not feasible.

8. Institutional Control

Imposition of an institutional control in the form of an environmental easement for the controlled property which will:

- require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- allow the use and development of the controlled property for restricted residential use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or NYCDOH; and
- require compliance with the Department approved Site Management Plan.

9. Site Management Plan

A Site Management Plan is required, which includes the following:

1. an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:

Institutional Controls: The Environmental Easement discussed in Paragraph 8 above.

Engineering Controls: The Soil Vapor Extraction (SVE) system discussed in paragraph 5 and the In-Situ Activated Carbon Treatment discussed in paragraph 6.

This plan includes, but may not be limited to:

- descriptions of the provisions of the environmental easement including any land use, and groundwater use restrictions;
 - a provision for evaluation of the potential for soil vapor intrusion for any occupied buildings on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion;
 - a provision that should the owners of properties, where sampling was previously declined, request to have their properties sampled in the future, the NYSDEC, in consultation with the NYSDOH, shall assess the need for soil vapor intrusion sampling and take appropriate action under a separate program;
 - provisions for the management and inspection of the identified engineering controls;
 - maintaining site access controls and Department notification; and
 - the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.
2. a Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
- monitoring of soil vapor and groundwater to assess the performance and effectiveness of the remedy;
 - a schedule of monitoring and frequency of submittals to the Department;
 - monitoring for vapor intrusion for any buildings on the site, as may be required by the Institutional and Engineering Control Plan discussed above.
3. an Operation and Maintenance (O&M) Plan to ensure continued operation, maintenance, optimization, monitoring, inspection, and reporting of any mechanical or physical components of the remedy. The plan includes, but is not limited to:
- procedures for operating and maintaining the remedy;
 - compliance monitoring of treatment systems to ensure proper O&M as well as providing the data for any necessary permit or permit equivalent reporting;

- maintaining site access controls and Department notification; and
- providing the Department access to the site and O&M records.



NOTE:

1. BASEMAP FROM USGS BROOKLYN, N.Y. 7.5 MINUTE SERIES TOPOGRAPHICAL QUADRANGLE MAP, DATED 2016.

LANGAN

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Langan CT, Inc.
Langan International LLC
Collectively known as Langan

Project

**805-825 ATLANTIC
AVENUE**

BLOCK No. 2010, LOT Nos. 1 & 59

BROOKLYN

NEW YORK

Figure Title

**SITE LOCATION
MAP**

Project No.
170384501

Date

04/24/2018

Scale

NTS

Drawn By

Checked By

TM

KDC

Submission Date

Figure No.

1

Sheet 1 of 14

Kimberly Semon

From: Curley, Ruth E (DEC) <ruth.curley@dec.ny.gov>
Sent: Thursday, April 16, 2020 11:58 AM
To: Kimberly Semon; Stuart R. Knoop; Colin Anderson
Cc: Komoroske, Michael (DEC); Bogardus, Sara (HEALTH)
Subject: C224228 - 805 Atlantic Avenue - MW-112

Kim

NYSDEC and NYSDOH have reviewed the groundwater data provided for MW-112 on April 6th. The well was resampled in March, after the February 2020 samples indicated a rebound in petroleum contaminants, as compared to the January 2020 sampling event.

The March results are more consistent with the January monitoring.

The remedy also calls for SVE and post-construction GW monitoring in three new wells that will be installed as part of the building floor.

The Departments approve of Langan's recommendation to decommission this well in accordance with NYS guidance CP-43.

Ruth Curley- Professional Engineer 1
Div of Environmental Remediation
NYSDEC, Bureau B, 625 Broadway, Albany NY 12233-7016
(518) 402-9767 (office) (518) 776-8340 (cell) while not in office
Ruth.Curley@dec.ny.gov

Curley, Ruth E (DEC)

From: Kimberly Semon <ksemon@langan.com>
Sent: Monday, April 6, 2020 11:13 AM
To: Curley, Ruth E (DEC)
Cc: Stuart R. Knoop; Komoroske, Michael (DEC); Bogardus, Sara (HEALTH); Michael D. Burke; Colin Anderson
Subject: RE: C224228 - Atlantic Avenue DFR - 3/31/20
Attachments: 805-825Atlan_GW_Baseline-PostInj_Table_040220.pdf

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Ruth,

The attached table includes the 3rd round of sampling data from MW-112, collected on March 23rd. There is a decrease in the VOC concentrations from the 2nd to 3rd round of post-injection sampling, as well as an overall decrease in VOC concentrations from our baseline data. Please let us know if this data is sufficient to approve decommissioning of MW-112.

Thank you,

Kim

Kimberly Semon (Del Col), PE
Project Engineer

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From: Curley, Ruth E (DEC) <ruth.curley@dec.ny.gov>
Sent: Monday, April 6, 2020 11:02 AM
To: Kimberly Semon <ksemon@langan.com>
Cc: Stuart R. Knoop <sknoop@Langan.com>; Komoroske, Michael (DEC) <michael.komoroske@dec.ny.gov>; Bogardus, Sara (HEALTH) <Sara.Bogardus@health.ny.gov>
Subject: Re: C224228 - Atlantic Avenue DFR - 3/31/20

Kim

By any chance, was that table of MW-112 VOCs from last week also in your outbox?

Ruth Curley- Professional Engineer 1
Div of Environmental Remediation
NYSDEC, Bureau B, 625 Broadway, Albany NY 12233-7016
(518) 402-9767 (office) (518) 776-8340 (cell) while not in office
Ruth.Curley@dec.ny.gov

From: Kimberly Semon <ksemon@langan.com>
Sent: Monday, April 6, 2020 10:45 AM
To: Curley, Ruth E (DEC) <ruth.curley@dec.ny.gov>
Cc: Bogardus, Sara (HEALTH) <Sara.Bogardus@health.ny.gov>; Stuart R. Knoop <sknoop@Langan.com>
Subject: C224228 - Atlantic Avenue DFR - 3/31/20

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good morning Ruth,

Hope you had a nice weekend. Apologies for the delay on this DFR from 3/31/20. I thought I sent it last week but just looked and it was stuck in my outbound folder.

Over the weekend, the site was able to obtain permission from DOB to continue work as essential construction. Work resumed this morning. The site was not working from 4/1 through 4/4.

Any questions, please let me know.

Thanks!

Kim

Kimberly Semon (Del Col), PE
Project Engineer

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Table 1
In-Situ Remedy Groundwater Summary
Baseline and Post-Injection Groundwater Sample Analytical Results

805-825 Atantic Avenue
Brooklyn, New York
BCP Site No.: C224228
Langan Project No.: 170384501

		IP-05	IP-03	MW-111		MW-112			
Location		IP-05	IP-03	SB/MW-111	MW-111	SB/MW/SVP-112	MW-112	MW-112	MW-112
Sample ID	NYSDEC	IP-05_010620	IP-03_021420	MW111_022518	MW111_121019	MW112_022518	MW-112_011720	MW-112_021320	MW112_032320
Laboraoetry ID	SGVs	L2000410-01	20B0541-02	18B0987-02	L1959030-01	18B0987-01	L2002569-01	20B0482-03	20C0978-01
Sample Date		1/6/2020	2/14/2020	2/25/2018	12/10/2019	2/25/2018	1/17/2020	2/13/2020	3/23/2020
Volatile Organic Compounds (µg/L)									
1,2,3-Trichlorobenzene	5	1.2	J	0.2	U	0.5	U	2.5	U
1,2,4,5-Tetramethylbenzene	5	2	U	NA	NA	NA	NA	5.5	U
1,2,4-Trimethylbenzene	5	2.5	U	0.54		0.3	2.5	U	1,530
1,3,5-Trimethylbenzene (Mesitylene)	5	2.5	U	0.22	J	0.5	2.5	U	627
1,4-Diethyl Benzene	~	2	U	NA	NA	2	U	13	NA
2-Hexanone	50	5	U	0.2	U	0.5	U	5	U
4-Ethyltoluene	~	2	U	NA	NA	2	U	37	NA
Acetone	50	2.8	J	1	U	2	U	1.6	J
Benzene	1	0.5	U	0.2	U	0.5	U	0.5	U
Bromodichloromethane	50	0.46	J	0.2	U	0.5	U	0.5	U
Bromomethane	5	8		0.2	U	0.5	U	7.2	U
Carbon Disulfide	60	5	U	0.2	U	0.5	U	5	U
Chloroform	7	3		0.41	J	0.98		2.5	U
Chloromethane	5	2	J	0.2	U	0.5	U	2.1	J
Cis-1,2-Dichloroethene	5	2.5	U	0.2	U	0.32	2.5	U	5
Cyclohexane	~	NA		0.2	U	0.5	U	NA	22.1
Ethylbenzene	5	2.5	U	0.2	U	0.5	U	7.2	U
Hexachlorobutadiene	0.5	0.78	J	0.2	U	0.5	U	2.5	U
Isopropylbenzene (Cumene)	5	2.5	U	0.2	U	0.5	U	1.5	J
M, P-Xylene	5	2.5	U	5.99	B	1	U	70	U
Methyl Ethyl Ketone (2-Butanone)	50	5	U	0.2	U	0.5	U	13.1	U
Methylcyclohexane	~	NA		0.2	U	0.5	U	NA	23.4
Naphthalene	10	1.1	J	NA	NA	2.5	U	5.9	NA
n-Butylbenzene	5	2.5	U	0.2	U	0.5	U	1.8	J
n-Propylbenzene	5	2.5	U	0.2	U	0.5	U	4.3	U
o-Xylene (1,2-Dimethylbenzene)	5	2.5	U	0.2	U	0.5	U	41	U
p-Cymene (p-Isopropyltoluene)	~	NA		0.2	U	0.5	U	NA	10.4
Sec-Butylbenzene	5	2.5	U	0.2	U	0.5	U	1.1	J
Styrene	5	2.5	U	0.2	U	0.5	U	2.5	U
Tetrachloroethene (PCE)	5	0.5	U	0.2	U	0.49	J	0.5	U
Toluene	5	2.5	U	0.2	U	0.5	U	0.78	J
Total Xylenes	5	2.5	U	5.99	B	1.5	U	110	U
Trichloroethene (TCE)	5	0.5	U	0.2	U	18.1	U	0.5	U
Semivolatile Organic Compounds (µg/L)									
2-Methylnaphthalene	~	NA		NA	3.85	U	NA	23.7	U
Acenaphthene	20	NA		NA	0.0385	U	NA	0.0462	U
Anthracene	50	NA		NA	0.0385	U	NA	0.0385	U
Benzo(a)Anthracene	0.002	NA		NA	0.0385	U	NA	0.0385	U
Bis(2-Ethylhexyl) Phthalate	5	NA		NA	0.385	U	NA	0.385	U
Fluoranthene	50	NA		NA	0.0385	U	NA	0.0385	U
Fluorene	50	NA		NA	0.0385	U	NA	0.0923	U
Naphthalene	10	NA		NA	0.0462	U	NA	133	U
Phenanthrene	50	NA		NA	0.0385	U	NA	0.146	U
Pyrene	50	NA		NA	0.0385	U	NA	0.0385	U
Inorganics (µg/L)									
Iron	300	721		278	U	2,850		238	J
Iron (Dissolved)	300	38.1	J	278	U	289	U	26.9	J
Manganese	300	70.44		423		1,170		409.2	
Manganese (Dissolved)	300	25.7		423		952		385.5	
General Chemistry (µg/L)									
Sulfate (As SO4)	250,000	150,000		145,000	DE	NA		230,000	
Sulfide	50	100	U	3,200		NA	U	1000	U

Table 1
In-Situ Remedy Groundwater Summary
Baseline and Post-Injection Groundwater Sample Analytical Results

805-825 Atantic Avenue
Brooklyn, New York
BCP Site No.: C224228
Langan Project No.: 170384501

		MW-117		MW-118				MW-202		IP-08
Location		SB/MW-117	IP-01	SB/MW/SVP-118	SB/MW/SVP-118	MW-118	MW-118	MW-202	MW-202	IP-08
Sample ID	NYSDEC	MW117_021518	IP-01_021320	MW118_021518	GWDUP01_021518	MW-118_122319	MW-118_021320	MW202_100719	MW-202_012020	IP-08_021420
Laboraotry ID	SGVs	18B0626-05	20B0482-01	18B0626-04	18B0626-06	L1961529-01	20B0482-02	L1947059-01	L2002687-01	20B0541-01
Sample Date		2/15/2018	2/13/2020	2/15/2018	2/15/2018	12/23/2019	2/13/2020	10/7/2019	1/20/2020	2/14/2020
Volatile Organic Compounds (µg/L)										
1,2,3-Trichlorobenzene	5	0.5 U	0.2 U	0.5 U	0.5 U	2.5 U	0.2 U	10 U	25 U	0.2 U
1,2,4,5-Tetramethylbenzene	5	NA	NA	NA	NA	1.2 J	NA	8 U	20 U	NA
1,2,4-Trimethylbenzene	5	15.2	0.2 U	8.27 J	16 J	2.2 J	0.77	21	25 U	0.2 U
1,3,5-Trimethylbenzene (Mesitylene)	5	7.56	0.2 U	7.13	8.04	3.1	2.37	8.9 J	25 U	0.2 U
1,4-Diethyl Benzene	~	NA	NA	NA	NA	4.1	NA	3.1 J	20 U	NA
2-Hexanone	50	0.42	0.2 U	0.5 U	0.46	5 U	0.2 U	20 U	50 U	0.2 U
4-Ethyltoluene	~	NA	NA	NA	NA	2 U	NA	9	20 U	NA
Acetone	50	2 U	7.1	2 U	2 U	5 U	1 U	80	990	1 U
Benzene	1	0.5 U	0.2 U	0.32	0.5 U	0.5 U	0.2 U	2 U	5 U	0.2 U
Bromodichloromethane	50	0.5 U	0.2 U	0.5 U	0.5 U	0.5 U	0.2 U	2 U	5 U	0.2 U
Bromomethane	5	0.5 U	0.2 U	0.5 U	0.5 U	2.5 U	0.2 U	10 U	25 U	0.2 U
Carbon Disulfide	60	0.23	0.2 U	0.5 U	0.23	5 U	0.2 U	20 U	50 U	0.2 U
Chloroform	7	2.33	0.2 U	4.03	2.4	0.94 J	1.01	10 U	25 U	0.46 J
Chloromethane	5	0.5 U	0.2 U	0.5 U	0.5 U	2.5 U	0.2 U	10 U	25 U	0.2 U
Cis-1,2-Dichloroethene	5	0.5 U	0.2 U	0.5 U	0.5 U	2.5 U	0.2 U	10 U	25 U	0.2 U
Cyclohexane	~	0.26	0.2 U	0.48	0.27	NA	0.2 U	NA	NA	0.2 U
Ethylbenzene	5	2.67	0.2 U	7.31 J	2.8 J	2.5 U	2.68	10 U	25 U	0.2 U
Hexachlorobutadiene	0.5	0.5 U	0.2 U	0.5 U	0.5 U	2.5 U	0.2 U	10 U	25 U	0.2 U
Isopropylbenzene (Cumene)	5	0.97	0.2 U	0.68	1.04	2.5 U	0.3 J	10 U	25 U	0.2 U
M,P-Xylene	5	7.2	0.5 U	24.5 J	7.5 J	2.5 U	5.98	4.5 J	25 U	0.5 U
Methyl Ethyl Ketone (2-Butanone)	50	0.49	0.2 U	0.28	0.34	5 U	0.2 U	720	20 J	0.2 U
Methylcyclohexane	~	0.33	0.2 U	0.63	0.39	NA	0.2 U	NA	NA	0.2 U
Naphthalene	10	NA	NA	NA	NA	2.5 U	NA	10 U	25 U	NA
n-Butylbenzene	5	0.8	0.2 U	0.89	0.9	2.5 U	0.2 U	10 U	25 U	0.2 U
n-Propylbenzene	5	3.86	0.2 U	1.98 J	4.12 J	1.4 J	0.78	3.6 J	25 U	0.2 U
o-Xylene (1,2-Dimethylbenzene)	5	0.44	0.2 U	16.5 J	0.45 J	2.5 U	0.2 U	10 U	25 U	0.2 U
p-Cymene (p-Isopropyltoluene)	~	0.5 U	0.2 U	0.5 U	0.5 U	NA	0.2 U	NA	NA	0.2 U
Sec-Butylbenzene	5	0.31	0.2 U	0.36	0.37	2.5 U	0.2 U	2.8 J	25 U	0.2 U
Styrene	5	0.5 U	0.2 U	0.5 U	0.5 U	2.5 U	0.2 U	10 U	25 U	0.2 U
Tetrachloroethene (PCE)	5	0.21	0.2 U	0.23	0.22	0.5 U	0.2 U	2 U	5 U	0.2 U
Toluene	5	0.5 U	0.2 U	14.3 J	0.5 UJ	2.5 U	0.2 U	10 U	25 U	0.2 U
Total Xylenes	5	7.64	0.6 U	41 J	7.95 J	2.5 U	5.98	4.5 J	25 U	0.6 U
Trichloroethene (TCE)	5	14.6	0.2 U	16	14.9	0.24 J	0.3 J	3.6	5 U	0.2 U
Semivolatile Organic Compounds (µg/L)										
2-Methylnaphthalene	~	3.85 U	NA	3.85 U	3.85 U	NA	NA	0.38	NA	NA
Acenaphthene	20	0.0385 U	NA	0.0385 U	0.0385 U	NA	NA	0.1 U	NA	NA
Anthracene	50	0.0385 U	NA	0.0385 U	0.0385 U	NA	NA	0.1 U	NA	NA
Benzo(a)Anthracene	0.002	0.0385 U	NA	0.0385 U	0.0385 U	NA	NA	0.03 J	NA	NA
Bis(2-Ethylhexyl) Phthalate	5	0.385 U	NA	0.385 UJ	1.77 J	NA	NA	1.8 J	NA	NA
Fluoranthene	50	0.0385 U	NA	0.0385 U	0.0385 U	NA	NA	0.02 J	NA	NA
Fluorene	50	0.0385 U	NA	0.0385 U	0.0385 U	NA	NA	0.1 U	NA	NA
Naphthalene	10	0.369	NA	0.0385 U	0.392 J	NA	NA	1.6	NA	NA
Phenanthrene	50	0.0385 U	NA	0.0385 U	0.0385 U	NA	NA	0.05 J	NA	NA
Pyrene	50	0.0385 U	NA	0.0385 U	0.0385 U	NA	NA	0.02 J	NA	NA
Inorganics (µg/L)										
Iron	300	3,490	278 U	1060 U	3,620 J	238	278 U	NA	377	988
Iron (Dissolved)	300	142	278 U	71.8	208	25.4 J	278 U	NA	35.7 J	278 U
Manganese	300	861	55.7	263	879	53.64	11.3	NA	269.2	363
Manganese (Dissolved)	300	601	51.9	143	614	65.53	9.63	NA	246	322
General Chemistry (µg/L)										
Sulfate (As SO4)	250,000	NA	81,800 D	NA	NA	96,000	77,500 D	NA	600,000	57,800 D
Sulfide	50	NA	1000 U	NA	NA	100 U	1,300	NA	100 U	2,800

Table 1
In-Situ Remedy Groundwater Summary
Baseline and Post-Injection Groundwater Sample Analytical Results

805-825 Atlantic Avenue
Brooklyn, New York
BCP Site No.: C224228
Langan Project No.: 170384501

Notes:

1. Groundwater sample analytical results are compared to the New York State Department of Environmental Conservation (NYSDEC) Title 6 of the Official Compilation of New York Codes, Rules and Regulations (NYCRR) Part 703.5 and the NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Guidance Values for Class GA Water (herein collectively referenced as "NYSDEC SGVs").
2. Only detected analytes are shown in the table.
3. Detected analytical results above NYSDEC SGVs are bolded and shaded.
4. Analytical results with reporting limits (RL) above NYSDEC SGVs are italicized.
5. Sample GWDUP01_021518 is a duplicate sample of MW118_021518.
6. ~ = Regulatory limit for this analyte does not exist
7. µg/L = micrograms per liter
8. NA = Not analyzed

Qualifiers:

- D = The concentration reported is a result of a diluted sample.
- E = The result is estimated and cannot be accurately reported due to levels encountered or interferences.
- J = The analyte was detected above the Method Detection Limit (MDL), but below the Reporting Limit (RL); therefore, the result is an estimated concentration.
- U = The analyte was analyzed for, but was not detected at a level greater than or equal to the RL; the value shown in the table is the RL.
- B = The analyte was found in the associated analysis batch blank.

Curley, Ruth E (DEC)

From: Andalaro, Jennifer A (DEC)
Sent: Thursday, April 21, 2022 4:51 PM
To: russos@gtlaw.com
Cc: Curley, Ruth E (DEC); Burke, Gerard (DEC)
Subject: RE: 805 Atlantic Avenue

Below is the Department's view of the path forward for this site to obtain a COC:

1. The site will only achieve a Track 4 remedy for this portion of the site. The potential for a Track 2 remedy discussed in the DD will not be considered.
2. While the Department understands that your client is a volunteer, based on the data provided, it is clear that the actions taken in connection with the implementation of the remedy have mobilized the contamination and the Department will require confirmation that the contamination has not gone off-site. NYSDEC will not pursue "participant" status, even though the actions at the site by the Applicant have had a negative impact groundwater, may have caused additional human, environmental or natural resource exposures and may have caused the contamination on-site to move off-site.
3. Applicant will develop work plan to
 - a. Investigate potential off-site migration of contaminated groundwater which must address downgradient of MW-205 and MW-204 due to increasing trend at MW204.
 - b. Provide remedy to treat off-site impacts, if any.
 - c. Incorporate off-site downgradient monitoring into the SMP (not just a one-time evaluation). These monitoring well(s) should be installed immediately.
4. Work plan, any additional remedial actions necessary (if any), monitoring to be added to the SMP as an Appendix, which will be referenced in the remaining contamination section & groundwater section.

The Department will need the Applicant to submit a revised FER, SMP with the Appendix for the Department's review and approval, as well as documentation that the EE has been recorded before a COC is issued. The Appendix for the SMP should set forth reasonable time frames for the additional investigation. The DER PM will reach out your technical team with more specifics on the schedule.

Please let me know if you have any questions.

Jen

From: russos@gtlaw.com <russos@gtlaw.com>
Sent: Thursday, April 21, 2022 8:04 AM
To: Andalaro, Jennifer A (DEC) <jennifer.andalaro@dec.ny.gov>
Subject: Re: 805 Atlantic Avenue

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Just checking in on this.

Sent from my iPhone

On Apr 19, 2022, at 5:16 PM, Andaloro, Jennifer A (DEC) <jennifer.andaloro@dec.ny.gov> wrote:

Just so you are aware, I forwarded the data to the PM and Gerard. They are reviewing it and hope to have an answer to you in the next day or so.

Hope you are enjoying your time away . . .

Many thanks,
Jen

From: russos@gtlaw.com <russos@gtlaw.com>
Sent: Tuesday, April 19, 2022 3:20 AM
To: Andaloro, Jennifer A (DEC) <jennifer.andaloro@dec.ny.gov>
Subject: Fwd: 805 Atlantic Avenue

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

FYI ... also note building has an SSDS. The TCO is paramount here and remember this is a Track 4.

Keep me posted.

Sent from my iPhone

Begin forwarded message:

From: "Michael D. Burke" <mburke@langan.com>
Date: April 19, 2022 at 1:20:45 AM GMT
To: "Curley, Ruth E (DEC)" <ruth.curley@dec.ny.gov>
Cc: "Stuart R. Knoop" <sknoop@langan.com>, Kimberly Semon <ksemon@langan.com>, "Russo, Steven C. (Shld-NY-Env)" <russos@gtlaw.com>, mcordivari@hopestreet.com, jgershon@hopestreet.com
Subject: 805 Atlantic Avenue

EXTERNAL TO GT

Hi Ruth,

We received the results for the April groundwater monitoring on Friday afternoon, shortly after receiving the Department's letter stating that the site would not be eligible for a CoC. While this data has not yet been validated, it shows a significant

improvement in groundwater quality relative to previous quarters. We are rushing to get this data validated, but wanted to bring this to your attention. The SVE continues to operate with efficiency and we expect to see continued downward concentration trends as it continues to remove source material. Let me know if you have some time to discuss after you review the data.

Michael Burke, PG, CHMM
Principal/Vice President

LANGAN

Direct: 212.479.5413
Mobile: 347.633.1923
[File Sharing Link](#)

Phone: 212.479.5400 Fax: 212.479.5444
21 Penn Plaza
360 West 31st Street, 8th Floor
New York, NY 10001-2727
www.langan.com

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ATHENS CALGARY DUBAI LONDON PANAMA

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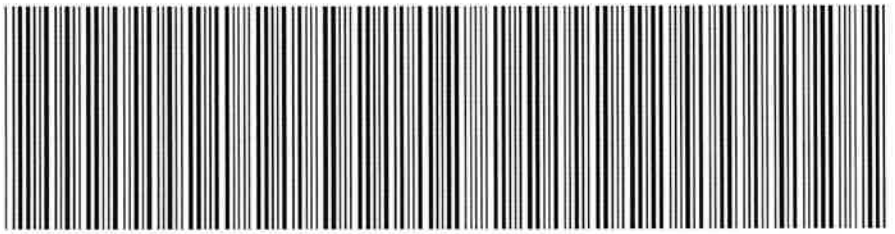
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If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

APPENDIX B
Environmental Easement and Survey

**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.



2022060900963002003ECA23

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 16

Document ID: 2022060900963002

Document Date: 06-02-2022

Preparation Date: 06-17-2022

Document Type: EASEMENT

Document Page Count: 14

PRESENTER:

FIRST AMERICAN TITLE INSURANCE COMPANY
666 THIRD AVENUE-5TH FLOOR
3020-1133910*ACCOMCQ
NEW YORK, NY 10017
212-850-0670
CQUARTARARO@FIRSTAM.COM

RETURN TO:

GREENBERG TRAURIG, LLP
ONE VANDERBILT AVENUE
NEW YORK, NY 10017
SHARELL LAWRENCE

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BROOKLYN	2010	1	Entire Lot	539 VANDERBILT AVENUE

Property Type: COMMERCIAL REAL ESTATE Easement

CROSS REFERENCE DATA

CRFN _____ or DocumentID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

GRANTOR/SELLER:

THE CLARENCE A. GREIFINGER TRUST
C/O: AUDREY PERLMAN, 24262 CHERRY HILL
PLACE
LAGUNA NIGUEL, CA 92677

GRANTEE/BUYER:

THE PEOPLE OF THE STATE OF NEW YORK
C/O: DEPARTMENT OF ENVIRONMENTAL
CONSERVATION, 625 BROADWAY
ALBANY, NY 12233

☒ Additional Parties Listed on Continuation Page

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: \$ 107.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 100.00

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 06-28-2022 12:54

City Register File No.(CRFN):

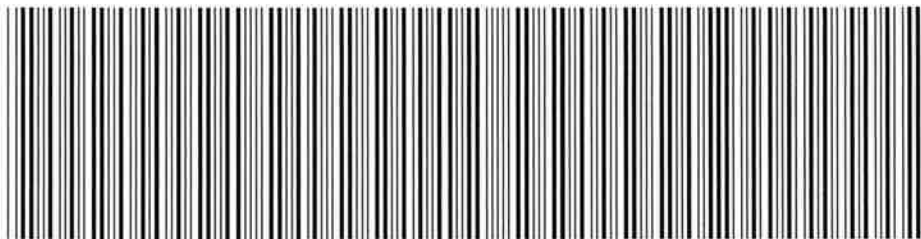
2022000254586



Annette McMill

City Register Official Signature

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



2022060900963002002C58A2

RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION)

PAGE 2 OF 16

Document ID: 2022060900963002

Document Date: 06-02-2022

Preparation Date: 06-09-2022

Document Type: EASEMENT

PARTIES

GRANTOR/SELLER:

LICHTER FAMILY LLC
C/O: LINDA SCHAIN, 30 VIRGINIA LANE
THORNWOOD, NY 10594

GRANTOR/SELLER:

539 VANDERBILT PARTNERS LLC
C/O: HOPE STREET CAPITAL LLC, 475 PARK AVENUE
SOUTH
NEW YORK, NY 10016

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

THIS INDENTURE made this ^{as of} June day of 2nd, 2022, between Owner(s), **Rhonda Greifinger and Audrey Sharp Perlman, as Trustees** of the Clarence A. Greifinger Declaration of Trust Agreement dated April 22, 1996, having an office at 24262 Cherry Hill Place, Laguna Niguel, CA 92677, and **Lichter Family LLC**, a Delaware limited liability company having an office at c/o Linda Schain, 30 Virginia Lane, Thornwood, NY 10594, as tenants-in-common (the "Grantor Fee Owner"), and Tenant, **539 Vanderbilt Partners LLC** (having a 99 year ground lease at the premises), having an office at c/o Hope Street Capital, 475 Park Avenue South, New York, New York 10016 (the "Grantor Tenant") (collectively 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 Fee Owners, are the owners of real property located at the address of 539 Vanderbilt 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 2010 Lot 1, being the same as that property conveyed to Grantor by deed dated March 11, 2020 and recorded in the City Register of the City of New York as CRFN # 2020000096764. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 0.2438 +/- acres, and is hereinafter more fully described in the Land Title Survey dated December 22, 2021 prepared by Patrick Benedict Jones, L.L.S. of New York City Land Surveyors, P.C., 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, Grantor Tenant, is the holder of a 99-year ground lease interest in the Controlled Property, as memorialized in a Memorandum of First Amendment to Ground Lease dated November 29, 2019 and recorded in the City Register of the City of New York as CRFN #2020000066791; 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: C224228-03-17, 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: C224228
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.

11. Consistency with the SMP. To the extent there is any conflict or inconsistency between the terms of this Environmental Easement and the SMP, regarding matters specifically addressed by the SMP, the terms of the SMP will control.

Remainder of Page Intentionally Left Blank

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

The Clarence A. Geifinger Trust:

By: See Signature on following page

Print Name: Audrey Sharp Perlman

Title: Trustee Date:

Grantor's Acknowledgment

STATE OF CALIFORNIA)
) ss:
COUNTY OF)

On the _____ day of _____, in the year 20 __, before me, the undersigned, personally appeared _____, 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 California


SUPERIOR ASSOCIATES, LLC

By: _____
Name:
Title:

LICHTER FAMILY LLC


By: _____
Name:
Title:

THE CLARENCE A. GREIFINGER TRUST

By:  _____
Name: Audrey Sharp Perlman
Title: Trustee

and

By: _____
Name: Rhonda Greifinger
Title: Trustee

*For notary please refer to
attached acknowledgment*


CALIFORNIA CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Orange)

On 05 May 2022 before me, Tushar J. Patel, Notary Public,
(here insert name and title of the officer)

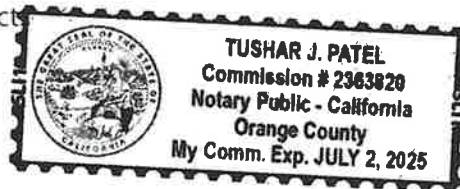
personally appeared Audrey Perlman

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)

Optional Information

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Gosemet Agreement.

containing 05 pages, and dated 05 May 2022.

The signer(s) capacity or authority is/are as:

- ☒ Individual(s)
☐ Attorney-in-Fact
☐ Corporate Officer(s) _____
☐ Guardian/Conservator
☐ Partner - Limited/General
☐ Trustee(s)
☐ Other: _____

representing:

Self
(Name(s) of Person(s) and Title (ies) Signer is Representing)

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:
☒ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # 41 Entry # 03

Notary contact: 714-925-1247

Other

☐ Additional Signer(s) ☐ Signer(s) Thumbprint(s)

☐

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

Greifinger
The Clarence A. Geifinger Trust:

By: Rhonda Greifinger

Print Name: Rhonda Greifinger

Title: Trustee Date: 3.31.22

Grantor's Acknowledgment

STATE OF Connecticut
COUNTY OF Fairfield) ss: Monroe

On the 31st day of March, in the year 2022 before me, the undersigned, personally appeared Rhonda Greifinger, 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.

Susan R DeGeorge
~~Notary Public - State of New York~~

SUSAN R. DeGEORGE
NOTARY PUBLIC
STATE OF CONNECTICUT
My Commission Expires
December 31, 2026

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

Lichter Family LLC:

By: Linda Schain

Print Name: Linda Schain

Title: Manager Date: 5/12/2022

Grantor's Acknowledgment

STATE OF New York)
) ss:
COUNTY OF Westchester

MARTIN PALAIS
NOTARY PUBLIC-STATE OF NEW YORK
No. 01PA6323566
Qualified in Westchester County
My Commission Expires 4/6/25

On the 12 day of May, in the year 2022, before me, the undersigned, personally appeared Linda Schain, 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.

[Signature]
Notary Public - State of New York

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

539 Vanderbilt Partners LLC:

By: _____

Print Name: _____

Title: _____

Jeffrey Gershon

Authorized Signatory Date: 5/5/22

Grantor's Acknowledgment

STATE OF

NY

)

) ss:

COUNTY OF

NY


)

On the 5th day of May, in the year 2022, before me, the undersigned, personally appeared Jeffrey Gershon, 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.

[Signature]
Notary Public - State of New York



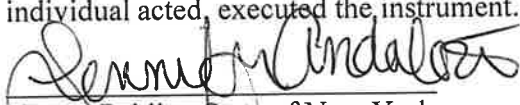
THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

By: 
Susan Edwards, Acting Director
Division of Environmental Remediation

Grantee's Acknowledgment

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

On the 2nd day of June, in the year 2022 before me, the undersigned, personally appeared Susan Edwards, 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

JENNIFER ANDALORO
Notary Public, State of New York
No. 02AN6098246
Qualified in Albany County
Commission Expires January 14, 2024

SCHEDULE "A" PROPERTY DESCRIPTION

All that certain plot, piece or parcel of land, lying and being in the borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of Atlantic Avenue and the easterly side of Vanderbilt Avenue;

RUNNING THENCE northerly along said easterly side of Vanderbilt Avenue, a distance of 131 feet 6 inches to a point;

THENCE easterly and at right angles to Vanderbilt Avenue, a distance of 80 feet to a point;

THENCE southerly and parallel with Vanderbilt Avenue, a distance of 77 feet 10 ½ inches to a point;

THENCE westerly and at right angles to Vanderbilt Avenue, a distance of 15 feet 5 inches to a point;

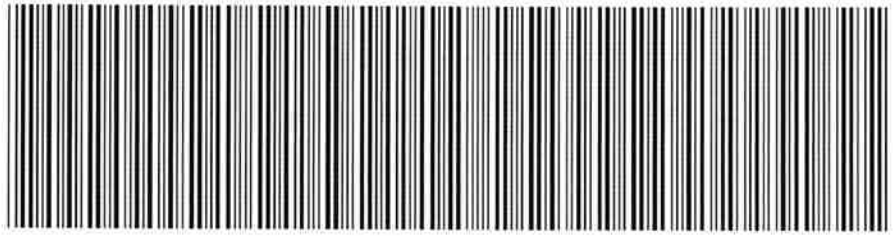
THENCE southerly and parallel with Vanderbilt Avenue, a distance of 82 feet 4 ½ inches to a point along the northerly side of Atlantic Avenue;

THENCE northwesterly and forming an interior angle of 66 degrees 0 minutes 22 seconds with said northerly side of Atlantic Avenue, a distance of 70 feet 8 ¼' to the POINT or PLACE of BEGINNING.

Area containing 10,621.27 Square Feet

**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.



2022060900963001003ECA67

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 12

Document ID: 2022060900963001

Document Date: 06-02-2022

Preparation Date: 06-17-2022

Document Type: EASEMENT

Document Page Count: 10

PRESENTER:

FIRST AMERICAN TITLE INSURANCE COMPANY
666 THIRD AVENUE-5TH FLOOR
3020-1133910*ACCOMCQ
NEW YORK, NY 10017
212-850-0670
CQUARTARARO@FIRSTAM.COM

RETURN TO:

GREENBERG TRAUIG, LLP
ONE VANDERBILT AVENUE
NEW YORK, NY 10017
SHARELL LAWRENCE

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BROOKLYN	2010	59	Entire Lot	550 CLINTON AVENUE

Property Type: COMMERCIAL REAL ESTATE Easement

CROSS REFERENCE DATA

CRFN _____ or DocumentID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

GRANTOR/SELLER:

SUPERIOR ASSOCIATES, LLC
C/O: CROSSTOWN MANAGEMENT CORP., 97-77
QUEENS BOULEVARD, SUITE 1120
REGO PARK, NY 11374

GRANTEE/BUYER:

THE PEOPLE OF THE STATE OF NEW YORK
625 BROADWAY
ALBANY, NY 12233

☒ Additional Parties Listed on Continuation Page

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: \$ 87.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 100.00

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 06-28-2022 12:54

City Register File No.(CRFN):

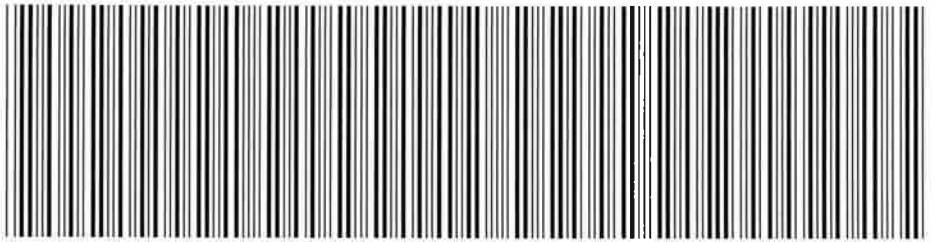
2022000254585



Annette M. Hill

City Register Official Signature

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



2022060900963001002C58E6

RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION)

PAGE 2 OF 12

Document ID: 2022060900963001

Document Date: 06-02-2022

Preparation Date: 06-09-2022

Document Type: EASEMENT

PARTIES

GRANTOR/SELLER:

550 CLINTON PARTNERS LLC

C/O: HOPE STREET CAPITAL LLC, 475 PARK AVENUE

SOUTH

NEW YORK, NY 10016

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

THIS INDENTURE made this ^{as of} 2nd day of June, 2022, between Owner(s), **Superior Associates, LLC**, having an office at c/o Crosstown Management Corp., 97-77 Queens Boulevard, Rego Park, New York 11374 (the "Grantor Fee Owner"), and Tenant, **550 Clinton Partners LLC** (having a 99 year ground lease at the premises), having an office at c/o Hope Street Capital, 475 Park Avenue South, New York, New York 10016 (the "Grantor Tenant") (collectively 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 Fee Owners, are the owners of real property located at the address of 550 Clinton 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 2010 Lot 59, being the same as that property conveyed to Grantor by deed dated March 11, 2020 and recorded in the City Register of the City of New York as CRFN # 2020000096762. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 0.2398 +/- acres, and is hereinafter more fully described in the Land Title Survey dated December 22, 2021 prepared by Patrick Benedict Jones, L.L.S. of New York City Land Surveyors, P.C., 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, Grantor Tenant, is the holder of a 99-year ground lease interest in the

Controlled Property, as memorialized in a Memorandum of Second Amendment to Ground Lease dated November 27, 2019 and recorded in the City Register of the City of New York as CRFN #2020000066792; 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: C224228-03-17, 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: C224228
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.

11. Consistency with the SMP. To the extent there is any conflict or inconsistency between the terms of this Environmental Easement and the SMP, regarding matters specifically addressed by the SMP, the terms of the SMP will control.

Remainder of Page Intentionally Left Blank

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

Superior Associates, LLC:

By: Anthony Musto

Print Name: Anthony Musto

Title: Authorized Representative Date: 3/28/22

Grantor's Acknowledgment

STATE OF New York)
) ss:
COUNTY OF Queens)

On the 28th day of March, in the year 2022, before me, the undersigned, personally appeared Anthony Musto, 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.

Gail Callan

Notary Public - State of New York



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

550 Clinton Partners LLC:

By: _____

Print Name: Jeffrey Gershon

Title: Authorized Signatory

Date: 5/5/22

Grantor's Acknowledgment

STATE OF NY

COUNTY OF NY

)
) ss:
)

On the 5th day of May, in the year 2022, before me, the undersigned, personally appeared Jeffrey Gershon 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.

[Signature]
Notary Public State of New York



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: Susan Edwards
Susan Edwards, Acting Director
Division of Environmental Remediation

Grantee's Acknowledgment

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

On the 2nd day of June, in the year 2022 before me, the undersigned, personally appeared Susan Edwards, 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.

Jennifer Andaloro
Notary Public - State of New York

JENNIFER ANDALORO
Notary Public, State of New York
No. 02AN6098246
Qualified in Albany County
Commission Expires January 14, 2024

SCHEDULE "A" PROPERTY DESCRIPTION

All that certain plot, piece or parcel of land, lying and being in the borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of Atlantic Avenue and the westerly side of Clinton Avenue;

RUNNING THENCE northwesterly along said northerly side of Atlantic Avenue, a distance of 148 feet 2 3/4 inches to a point;

THENCE northerly and parallel with Vanderbilt Avenue, a distance of 82 feet 4 1/2 inches to a point along the northerly side of Atlantic Avenue;

THENCE easterly and at right angles to Vanderbilt Avenue, a distance of 15 feet 5 inches to a point;

THENCE southerly and parallel with Vanderbilt Avenue, a distance of 1 foot 0 1/2 inches to a point;

THENCE easterly and at right angles to Vanderbilt Avenue, a distance of 14 feet 0 inches to a point;

THENCE southerly and parallel with Vanderbilt Avenue, a distance of 44 feet 0 inches to a point;

THENCE easterly and at right angles to Vanderbilt Avenue, a distance of 106 feet 0 inches to a point;

THENCE southerly along with said westerly side of Clinton Avenue, a distance of 97 feet 7 1/4' to the POINT or PLACE of BEGINNING.

Area containing 10,446.78 Square Feet



June 28, 2022

GREENBERG TRAURIG, LLP
ONE VANDERBILT AVENUE
NEW YORK, NY 10017

RE: Submitted Transaction Successfully Recorded

Dear GREENBERG TRAURIG, LLP:

Document Identification Numbers 2022060900963001 through 2022060900963002 which were submitted and intaken for Recording on 6/17/2022 11:14:31 AM, were successfully recorded on 6/28/2022 at 12:54 PM.

Below summarizes the status of the document(s).

Recording & Endorsement Cover Page(s) attached

2022060900963001

2022060900963002

If you have questions or require further information, please send an email to acrishelp@finance.nyc.gov and someone will get back to you.

Thank you.

City Register

METES AND BOUNDS DESCRIPTION FOR COMBINED LOTS (1 &59)
All that certain plot, piece or parcel of land, lying and being in the borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of Atlantic Avenue and the easterly side of Vanderbilt Avenue;

RUNNING THENCE northerly along said easterly side of Vanderbilt Avenue, a distance of 131 feet 6 inches to a point;

THENCE easterly and at right angles to Vanderbilt Avenue, a distance of 80 feet to a point;

THENCE southerly and parallel with Vanderbilt Avenue, a distance of 78 feet 11 inches to a point;

THENCE easterly and at right angles to Vanderbilt Avenue, a distance of 14 feet 0 inches to a point;

THENCE southerly and parallel with Vanderbilt Avenue, a distance of 44 feet 0 inches to a point;

THENCE easterly and at right angles to Vanderbilt Avenue, a distance of 106 feet 0 inches to a point;

THENCE southerly along the westerly side of Clinton Avenue, a distance of 97 feet 7 1/4 inches to a point formed by the intersection of the northerly side of Atlantic Avenue and the westerly side of Clinton Avenue;

THENCE northwesterly and forming an interior angle of 66 degrees 0 minutes 22 seconds with said northerly side of Atlantic Avenue, a distance of 218 feet 11 inches to the POINT or PLACE of BEGINNING.

COMBINED LOT AREA =21,068.01 SQ. FT.

METES AND BOUNDS DESCRIPTION FOR TAX LOT 1 (TRACK 2)
All that certain plot, piece or parcel of land, lying and being in the borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of Atlantic Avenue and the easterly side of Vanderbilt Avenue;

RUNNING THENCE northerly along said easterly side of Vanderbilt Avenue, a distance of 131 feet 6 inches to a point;

THENCE easterly and at right angles to Vanderbilt Avenue, a distance of 80 feet to a point;

THENCE southerly and parallel with Vanderbilt Avenue, a distance of 77 feet 10 1/2 inches to a point;

THENCE westerly and at right angles to Vanderbilt Avenue, a distance of 15 feet 5 inches to a point;

THENCE southerly and parallel with Vanderbilt Avenue, a distance of 82 feet 4 1/2 inches to a point along the northerly side of Atlantic Avenue;

THENCE northwesterly and forming an interior angle of 66 degrees 0 minutes 22 seconds with said northerly side of Atlantic Avenue, a distance of 70 feet 8 1/4 inches to the POINT or PLACE of BEGINNING.

TAX LOT 1 AREA=10,621.27 SQ. FT.

METES AND BOUNDS DESCRIPTION FOR TAX LOT 59 (TRACK 4)
All that certain plot, piece or parcel of land, lying and being in the borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of Atlantic Avenue and the westerly side of Clinton Avenue;

RUNNING THENCE northwesterly along said northerly side of Atlantic Avenue, a distance of 148 feet 2 3/4 inches to a point;

THENCE northerly and parallel with Vanderbilt Avenue, a distance of 82 feet 4 1/2 inches to a point along the northerly side of Atlantic Avenue;

THENCE easterly and at right angles to Vanderbilt Avenue, a distance of 15 feet 5 inches to a point;

THENCE southerly and parallel with Vanderbilt Avenue, a distance of 1 feet 0 1/2 inches to a point;

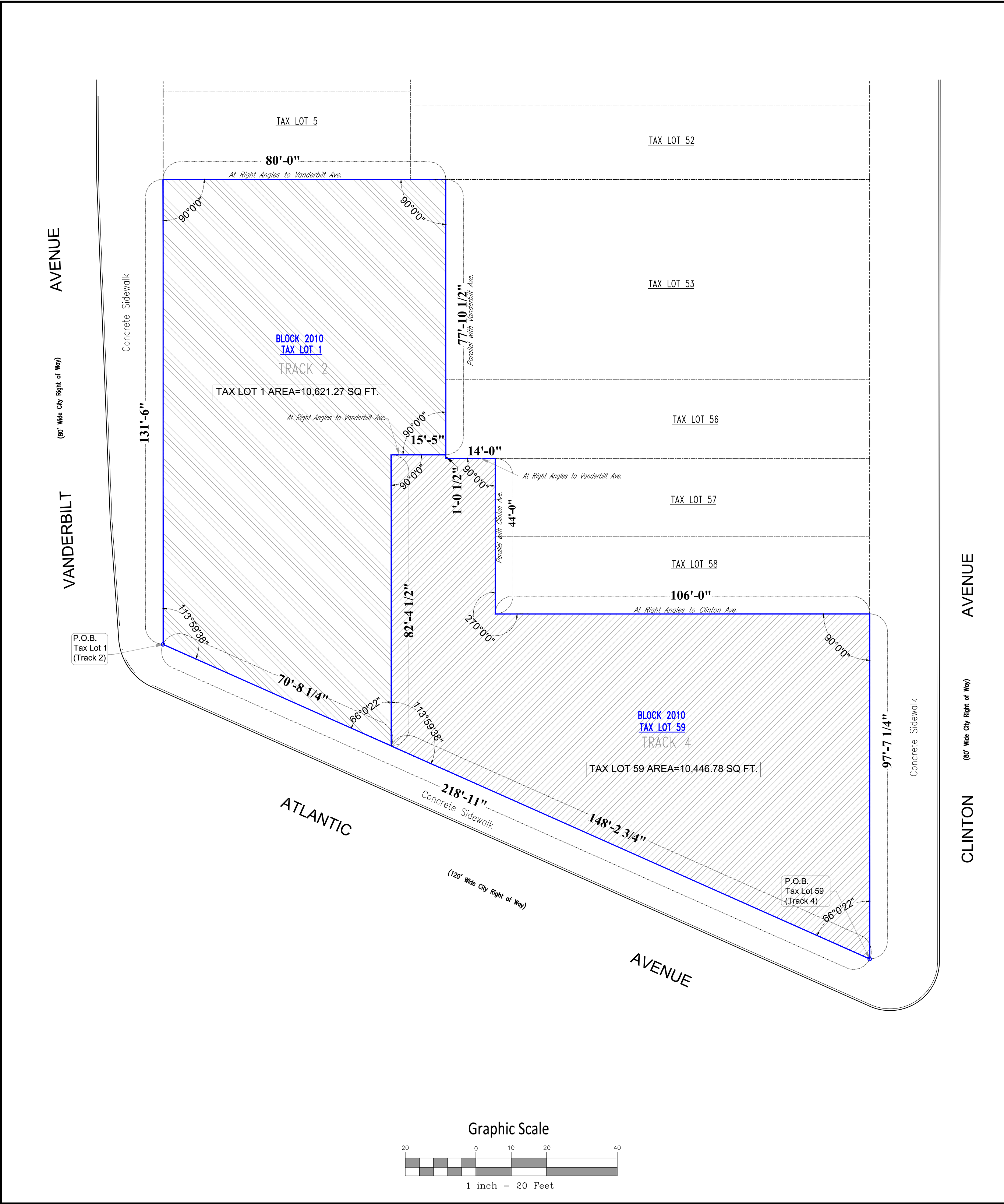
THENCE easterly and at right angles to Vanderbilt Avenue, a distance of 14 feet 0 inches to a point;

THENCE southerly and parallel with Vanderbilt Avenue, a distance of 44 feet 0 inches to a point;

THENCE easterly and at right angles to Vanderbilt Avenue, a distance of 106 feet 0 inches to a point;

THENCE southerly along with said westerly side of Clinton Avenue, a distance of 97 feet 7 1/4 inches to the POINT or PLACE of BEGINNING.

TAX LOT 59 AREA=10,446.78 SQ. FT.



Map Amendments				
NO.	DATE	DESCRIPTION	DRWN BY	APPROV. BY

- Miscellaneous Notes
1. 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.
 2. "COPIES FROM THE ORIGINAL OF THIS SURVEY MAP NOT MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR HIS EMBOSSED SEAL SHALL NOT BE CONSIDERED A VALID TRUE COPY."
 3. BEFORE PERFORMING ANY EXCAVATION OR DRILLING ON THIS SITE, IT IS REQUIRED THAT SUBSURFACE SERVICE, INCLUDING THE UNDERGROUND MAINS, DUCTS, AND CABLES BE MARKED AND IDENTIFIED BY THE UTILITY COMPANY OR AGENCY INVOLVED, THIS SHOULD BE DONE BY PROVIDING THE AFFECTED UTILITY WITH THE NOTICE REFERRED TO IN THE STATE OF NEW YORK INDUSTRIAL CODE 53.

NYS DEC Note

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 MORE DETAIL 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 DERWEB@DEC.NY.GOV.

nycls

New York City Land Surveyors, PC
63 Montgomery Avenue, S.I., NY 10301
Phone: 718-816-8182 Fax: 718-816-8124
www.nyclsurveyors.com

Client:	Map of Survey of Property in the County of Kings Borough of Brooklyn City of New York	
	Site Address: 550 Clinton Avenue & 805-809 Atlantic Avenue Brooklyn NY 11238	
	Block: 2010	Lots: 1 & 59
	Combined Lot Area: 21,068.01 sq.ft. (0.4836 Acres)	

Project Number:	2020-04-2010K
Survey Date:	12-22-2021
Survey Title:	NYS DEC EASEMENT SURVEY
Scale:	1"=20'
Drawn By:	J. DeAngelis / Approved By: P. Jones

CERTIFIED BY:
Patrick Benedict Jones
New York State Licensed Land Surveyor
License No. 050624