

**FORMER DUTCH MASTERS PAINT AND  
VARNISH CO. SITE**

**29-41 WYTHE AVENUE and 180 N. 14th STREET, BROOKLYN, NY  
Block 2279 Lots 1 and 9**

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**NEW YORK STATE  
BROWNFIELD CLEANUP PROGRAM  
APPLICATION AND SUPPLEMENTAL  
INFORMATION**



**New York State Department of Environmental Conservation  
Brownfields and Voluntary Cleanup Section  
625 Broadway, 11th floor  
Albany, NY 12233-7015**

JULY 2017

*Program Requestors:*

False Alarm LTD and M.A.J. Associates, Inc.  
530 7th Avenue, Suite 1902,  
New York, NY 10018

*Prepared By:*

**EBC**

**ENVIRONMENTAL BUSINESS CONSULTANTS**

1808 Middle Country Road  
Ridge, NY 11961

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**TABLE OF CONTENTS**  
**BCP APPLICATION - SUPPLEMENTAL INFORMATION**  
**Former Dutch Masters Paint and Varnish Co.**  
**29-41 Wythe Avenue and 180 N. 14<sup>th</sup> Street, Brooklyn, NY**

---

BCP Application Form

<b>I</b>	<b>REQUESTOR INFORMATION</b> .....	1
<b>II</b>	<b>PROJECT DESCRIPTION</b> .....	1
2.1	Project Overview .....	1
2.2	Project Schedule .....	2
<b>III</b>	<b>ENVIRONMENTAL HISTORY</b> .....	2
3.1	Summary of Previous Investigations .....	2
3.1.1	<i>Subsurface Investigation Data Summary (EBC – April 2017)</i> .....	2
<b>IV</b>	<b>PROPERTY INFORMATION</b> .....	3
4.1	Tax Parcel Information .....	3
4.2	Enzone .....	3
4.3	Property Description Narrative .....	3
4.3.1	<i>Location</i> .....	3
4.3.2	<i>Site Features</i> .....	3
4.3.3	<i>Current Zoning and Land Use</i> .....	3
4.3.4	<i>Past Use of the Site</i> .....	4
4.3.5	<i>Site Geology and Hydrogeology</i> .....	4
4.3.6	<i>Environmental Assessment</i> .....	4
<b>V</b>	<b>ADDITIONAL REQUESTOR INFORMATION</b> .....	6
5.1	Representative.....	6
5.2	Consultant .....	6
5.3	Attorney .....	6
<b>VI</b>	<b>CURRENT PROPERTY OWNER / OPERATOR ELIGIBILITY INFORMATION</b> .....	6
<b>VII</b>	<b>REQUESTOR ELIGIBILITY INFORMATION</b> .....	7
<b>VIII</b>	<b>PROPERTY ELIGIBILITY INFORMATION</b> .....	9
<b>IX</b>	<b>CONTACT LIST INFORMATION</b> .....	9
9.1	Local Government Contacts .....	9
9.2	Adjacent Property Owner Contacts .....	11
9.3	Local News Media .....	13
9.4	Public Water Supplier .....	14
9.5	Requested Contacts.....	14
9.6	Schools and Childcare Facilities .....	14
9.7	Document Repository .....	14
<b>X</b>	<b>LAND USE FACTORS</b> .....	15
10.1	Current Use .....	15
10.2	Post Remedial Use .....	15
10.3	Proposed Project Use with Respect to Current Zoning.....	15
10.4	Proposed Project Use with Respect to Community Master Plans.....	15

---

**TABLE OF CONTENTS**  
**BCP APPLICATION - SUPPLEMENTAL INFORMATION**  
**Former Dutch Masters Paint and Varnish Co.**  
**29-41 Wythe Avenue and 180 N. 14<sup>th</sup> Street, Brooklyn, NY**

---

***FIGURES***

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Figure 1	USGS 7.5 Minute Quadrangle
Figure 2	NYC Tax Map - Current
Figure 3	Site Plan
Figure 4	Project Site and Adjacent Properties
Figure 5	Surrounding Land Use
Figure 6	Area Schools and Daycare Centers
Figure 7	En-Zone Map
Figure 8	Environmental Justice Area
Figure 9	Flood Zone Map

***APPENDICES***

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Appendix A	Environmental Reports (Digital Files on CD): Subsurface Investigation Data Summary - EBC April 2017
Appendix B	Property Survey / Metes and Bounds Description
Appendix C	Cost Analysis for Established Environmental Conditions
Appendix D	Deeds
Appendix E	Repository Acknowledgement Letter



# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through May 12, 2017.

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Selected Entity Name: FALSE ALARM LTD.

Selected Entity Status Information

**Current Entity Name:** FALSE ALARM LTD.

**DOS ID #:** 1854207

**Initial DOS Filing Date:** SEPTEMBER 22, 1994

**County:** KINGS

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC BUSINESS CORPORATION

**Current Entity Status:** ACTIVE

Selected Entity Address Information

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

FALSE ALARM LTD.

816 AVE I  
BROOKLYN, NEW YORK, 11230

**Chief Executive Officer**

JAY WEITZMAN  
816 AVE I  
BROOKLYN, NEW YORK, 11230

**Principal Executive Office**

FALSE ALARM LTD.  
816 AVE I  
BROOKLYN, NEW YORK, 11230

**Registered Agent**

NONE

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the chief executive officer, if provided, which would be listed above. Professional corporations must include the name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by [viewing the certificate.](#)

**\*Stock Information**

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

\*Stock information is applicable to domestic business corporations.

## **Name History**

<b>Filing Date</b>	<b>Name Type</b>	<b>Entity Name</b>
SEP 22, 1994	Actual	FALSE ALARM LTD.

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through May 12, 2017.

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Selected Entity Name: M.A.J. ASSOCIATES, INC.

Selected Entity Status Information

**Current Entity Name:** M.A.J. ASSOCIATES, INC.

**DOS ID #:** 1976216

**Initial DOS Filing Date:** NOVEMBER 24, 1995

**County:** KINGS

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC BUSINESS CORPORATION

**Current Entity Status:** ACTIVE

Selected Entity Address Information

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

M.A.J. ASSOCIATES, INC.

816 AVE I  
BROOKLYN, NEW YORK, 11230

**Chief Executive Officer**

JAY WEITZMAN  
816 AVE I  
BROOKLYN, NEW YORK, 11230

**Principal Executive Office**

M.A.J. ASSOCIATES, INC.  
816 AVE I  
BROOKLYN, NEW YORK, 11230

**Registered Agent**

NONE

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the chief executive officer, if provided, which would be listed above. Professional corporations must include the name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by [viewing the certificate.](#)

**\*Stock Information**

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

\*Stock information is applicable to domestic business corporations.

## **Name History**

<b>Filing Date</b>	<b>Name Type</b>	<b>Entity Name</b>
NOV 24, 1995	Actual	M.A.J. ASSOCIATES, INC.

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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**Section III. Property's Environmental History**

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (**please submit the information requested in this section in electronic format only**):

**1. Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903).

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

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

\*Please describe: \_\_\_\_\_

**3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:**

- **SAMPLE LOCATION**
- **DATE OF SAMPLING EVENT**
- **KEY CONTAMINANTS AND CONCENTRATION DETECTED**
- **FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE**
- **FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5**
- **FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX**

**THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.**

**ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?\***

(\*answering No will result in an incomplete application)

Yes      No

**4. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):**

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

Other: \_\_\_\_\_

**Section IV. Property Information - See Instructions for Further Guidance**

PROPOSED SITE NAME

ADDRESS/LOCATION

CITY/TOWN

ZIP CODE

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):

COUNTY

SITE SIZE (ACRES)

LATITUDE (degrees/minutes/seconds)

LONGITUDE (degrees/minutes/seconds)

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

Parcel Address	Section No.	Block No.	Lot No.	Acreage

1. Do the proposed site boundaries correspond to tax map metes and bounds? Yes    No  
If no, please attach a metes and bounds description of the property.
2. Is the required property map attached to the application? Yes    No  
(application will not be processed without map)
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? Yes    No  
(See [DEC's website](#) for more information)  
If yes, identify census tract : \_\_\_\_\_  
Percentage of property in En-zone (check one):      0-49%      50-99%      100%
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? Yes    No  
If yes, identify name of properties (and site numbers if available) in related BCP applications: \_\_\_\_\_
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? Yes    No
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? Yes    No  
If yes, attach relevant supporting documentation.
7. Are there any lands under water? Yes    No  
If yes, these lands should be clearly delineated on the site map.

**Section IV. Property Information (continued)**

8. Are there any easements or existing rights of way that would preclude remediation in these areas?  
 If yes, identify here and attach appropriate information.  Yes  No

Easement/Right-of-way Holder

Description

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

Type

Issuing Agency

Description

No permits were identified

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.**

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**?  Yes  No

11. For sites located within the five counties comprising New York City, is the requestor seeking a determination that the site is eligible for tangible property tax credits?  
 If yes, requestor must answer questions on the supplement at the end of this form.  Yes  No

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?  Yes  No

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the *hypothetical condition that the property is not contaminated*, included with the application?  Yes  No

**NOTE:** If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

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

Initials of each Requestor: JW \_\_\_\_\_

**BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)**

<b>Section V. Additional Requestor Information</b> See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Jay Weitzman			
ADDRESS 530 7th Avenue, Suite 1902			
CITY/TOWN New York		ZIP CODE 10018	
PHONE 212-398-9123	FAX	E-MAIL jay@silverwear-usa.com	
NAME OF REQUESTOR'S CONSULTANT Environmental Business Consultants			
ADDRESS 1808 Middle Country Road			
CITY/TOWN Ridge		ZIP CODE 11961	
PHONE 631-504-6000	FAX 631-924-2870	E-MAIL csosik@ebcincny.com	
NAME OF REQUESTOR'S ATTORNEY John-Patrick Curran, SIVE, PAGET & RIESEL P.C.			
ADDRESS 560 Lexington Avenue, 15th Floor			
CITY/TOWN New York		ZIP CODE 10022	
PHONE 212-421-2150	FAX	E-MAIL jpcurran@sprlaw.com	
<b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b>			
CURRENT OWNER'S NAME Same as Requestor		OWNERSHIP START DATE: <i>6/1-4/27/95</i> <i>6/19-12/21/95</i>	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME Same as Requestor			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<p><b>IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.</b></p> <p><b>PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".</b></p>			
<b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b>			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

**Section VII. Requestor Eligibility Information (continued)**

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. Yes No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. Yes No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? Yes No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? Yes No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? Yes No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9 (f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? Yes No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? Yes No
11. Are there any unregistered bulk storage tanks on-site which require registration? Yes No

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

**PARTICIPANT**

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

**VOLUNTEER**

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste. See Attached

**If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.**

**Section VII. Requestor Eligibility Information (continued)**

Requestor Relationship to Property (check one):

Previous Owner    Current Owner    Potential /Future Purchaser    Other\_\_\_\_\_

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached?

Yes                  No

**Note: a purchase contract does not suffice as proof of access.**

**Section VIII. Property Eligibility Information - See Instructions for Further Guidance**

1. Is / was the property, or any portion of the property, listed on the National Priorities List?  
If yes, please provide relevant information as an attachment. Yes    No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? Yes    No  
If yes, please provide:    Site #\_\_\_\_\_                  Class # \_\_\_\_\_
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? Yes    No  
If yes, please provide:    Permit type:\_\_\_\_\_                  EPA ID Number:\_\_\_\_\_                  Date permit issued:\_\_\_\_\_                  Permit expiration date:\_\_\_\_\_
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. Yes    No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? Yes    No  
If yes, please provide:    Order #\_\_\_\_\_
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? Yes    No  
If yes, please provide explanation as an attachment.

**Section IX. Contact List Information**

To be considered complete, the application must include the Brownfield Site Contact List in accordance with [DER-23 / Citizen Participation Handbook for Remedial Programs](#). Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of an acknowledgement from the repository indicating that it agrees to act as the document repository for the property.
8. Any community board located in a city with a population of one million or more, if the proposed site is located within such community board's boundaries.

Section X. Land Use Factors	
<p>1. What is the current zoning for the site? What uses are allowed by the current zoning?  Residential      Commercial      Industrial  If zoning change is imminent, please provide documentation from the appropriate zoning authority.</p>	
<p>2. Current Use:    Residential    Commercial    Industrial    Vacant    Recreational    (check all that apply)  <b>Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.</b></p>	
<p>3. Reasonably anticipated use Post Remediation:    Residential    Commercial    Industrial (check all that apply) <b>Attach a statement detailing the specific proposed use.</b></p> <p>If residential, does it qualify as single family housing? <span style="float: right;">Yes    No</span></p>	
4. Do current historical and/or recent development patterns support the proposed use?	Yes    No
5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.	Yes    No
6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.	Yes    No

**XI. Statement of Certification and Signatures**

(By requestor who is an individual)

If this application is approved, I acknowledge and agree to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

(By a requestor other than an individual)

I hereby affirm that I am President (title) of M.A.J. Associates, Inc. (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree to execute a BCA within 60 days of the date of DEC's approval letter. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 7/5/17 Signature: Jay Weitzman

Print Name: Jay Weitzman

**SUBMITTAL INFORMATION:**

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), must be sent to:
  - Chief, Site Control Section
  - New York State Department of Environmental Conservation
  - Division of Environmental Remediation
  - 625 Broadway
  - Albany, NY 12233-7020

**FOR DEC USE ONLY**

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

**XI. Statement of Certification and Signatures**

(By requestor who is an individual)

If this application is approved, I acknowledge and agree to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

(By a requestor other than an individual)

I hereby affirm that I am President (title) of False Alarm Ltd (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree to execute a BCA within 60 days of the date of DEC's approval letter. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 6/6/17 Signature: Jay Weitzman

Print Name: Jay Weitzman

**SUBMITTAL INFORMATION:**

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), must be sent to:
  - Chief, Site Control Section
  - New York State Department of Environmental Conservation
  - Division of Environmental Remediation
  - 625 Broadway
  - Albany, NY 12233-7020

**FOR DEC USE ONLY**

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

**Supplemental Questions for Sites Seeking Tangible Property Credits in New York City ONLY.** Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a) must be submitted if requestor is seeking this determination.

**BCP App Rev 7**

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	Yes	No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	Yes	No
<b>Please answer questions below and provide documentation necessary to support answers.</b>		
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see <a href="#">DEC's website</a> for more information.	Yes	No
2. Is the property upside down or underutilized as defined below?	Upside Down?	Yes No
	Underutilized?	Yes No
<b>From ECL 27-1405(31):</b>		
<p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>		
<p><b>From 6 NYCRR 375-3.2(I) as of August 12, 2016:</b> (Please note: Eligibility determination for the underutilized category can only be made at the time of application)</p>		
<p>375-3.2:</p> <p>(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or</p> <p>(c) there are no structures.</p> <p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.</p>		

**Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)**

3. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review). **Check appropriate box, below:**

Project is an Affordable Housing Project - Regulatory Agreement Attached;

Project is Planned as Affordable Housing, But Agreement is Not Yet Available\*  
(\*Checking this box will result in a “pending” status. The Regulatory Agreement would need to be provided to the Department prior to issuance of the CoC in order for a positive determination to be made.);

This is Not an Affordable Housing Project.

**From 6 NYCRR 375- 3.2(a) as of August 12, 2016:**

(a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ households annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.

(3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

**BCP Application Summary (for DEC use only)**

**Site Name:**

**City:**

**Site Address:**

**County:**

**Zip:**

**Tax Block & Lot**

**Section (if applicable):**

**Block:**

**Lot:**

**Requestor Name:**

**City:**

**Requestor Address:**

**Zip:**

**Email:**

**Requestor's Representative (for billing purposes)**

**Name:**

**Address:**

**City:**

**Zip:**

**Email:**

**Requestor's Attorney**

**Name:**

**Address:**

**City:**

**Zip:**

**Email:**

**Requestor's Consultant**

**Name:**

**Address:**

**City:**

**Zip:**

**Email:**

**Percentage of site within an En-Zone:**

**0%**

**<50%**

**50-99%**

**100%**

**Requestor's Requested Status:**

**Volunteer**

**Participant**



**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION III**

**PROPERTY'S ENVIRONMENTAL HISTORY**

Please follow instructions on application form.

**SECTION IV**

**PROPERTY INFORMATION**

Proposed Site Name

Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e. ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.

Site Address

Provide a street address, city/town, zip code, and each municipality and county in which the site is located. .

Site Size

Provide the approximate acreage of the site.

GIS Information

Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.

Tax Parcel Information

Provide the tax parcel address/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5 minute quad map on which the property appears and clearly indicate the proposed site's location.

1. Tax Map Boundaries

State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.

2. Map

Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION IV (continued)**

3. En-zone

Is any part of the property in an En-zone? If so, what percentage? For information on En-zones, please see [DEC's website](#).

4. Multiple applications

Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where 1) the development project spans more than 25 acres; 2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and 3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).

10. Property Description Narrative

Provide a property description in the format provided below. Each section should be no more than one paragraph long.

Location

Example: "The XYZ Site is located in an {urban, suburban, rural} area." {Add reference points if address is unspecific; e.g., "The site is approximately 3.5 miles east of the intersection of County Route 55 and Industrial Road."}

Site Features:

Example: "The main site features include several large abandoned buildings surrounded by former parking areas and roadways. About one quarter of the site area is wooded. Little Creek passes through the northwest corner."

Current Zoning and Land Use: (Ensure the current zoning is identified.)

Example: "The site is currently inactive, and is zoned for commercial use. The surrounding parcels are currently used for a combination of commercial, light industrial, and utility right-of-ways. The nearest residential area is 0.3 miles east on Route 55."

Past Use of the Site: include source(s) of contamination and remedial measures (site characterizations, investigations, Interim Remedial Measures, etc.) completed outside of the current remedial program (e.g., work under a petroleum spill incident).

Example: "Until 1992 the site was used for manufacturing wire and wire products (e.g., conduit, insulators) and warehousing. Prior uses that appear to have led to site contamination include metal plating, machining, disposal in a one-acre landfill north of Building 7, and releases of wastewater into a series of dry wells."

When describing the investigations/actions performed outside of the remedial program, include the major chronological remedial events that lead to the site entering a remedial program. The history should include the first involvement by government to address hazardous waste/petroleum disposal. Do not cite reports. Only include remedial activities which were implemented PRIOR to the BCA. Do not describe sampling information.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION IV (continued)**

Property Description Narrative (continued)

Site Geology and Hydrogeology:

As appropriate, provide a very brief summary of the main hydrogeological features of the site including depth to water, groundwater flow direction, etc.

Environmental Assessment

The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semivolatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths.

The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SGCs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site.

**A typical Environmental Assessment would look like the following:**

Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE).

*Soil* - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the site. Concentrations of cadmium found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).

*Groundwater* - TCE and its associated degradation products are also found in groundwater at the north end of the site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the site has migrated 300 feet down-gradient off-site. The primary contaminant of concern for the off-site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.

*Soil Vapor & Indoor Air* - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.

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

**SECTION V**

**ADDITIONAL REQUESTOR INFORMATION**

Representative Name, Address, etc.

Provide information for the requestor's authorized representative. This is the person to whom all correspondence, notices, etc. will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative of Applications determined to be Participants unless another contact name and address is provided with the application.

Consultant and Attorney Name, Address, etc.

Provide requested information.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION VI                      CURRENT PROPERTY OWNER/OPERATOR INFORMATION  
(IF NOT A REQUESTOR)**

Owner Name, Address, etc.

Provide requested information of the current owner of the property. List all parties holding an interest in the Property and, if the Requestor is not the current owner, describe the Requestor's relationship to the current owner.

Operator Name, Address, etc.

Provide requested information of the current operator (if different from the requestor or owner).

Provide a list of previous property owners and operators with names, last known addresses, telephone numbers and the Requestor's relationship to each owner and operator as a separate attachment

**SECTION VII                      REQUESTOR ELIGIBILITY INFORMATION**

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

**SECTION VIII                      PROPERTY ELIGIBILITY INFORMATION**

As a separate attachment, provide complete and detailed information in response to the following eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that that information be summarized.

1. CERCLA / NPL Listing

Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.

2. Registry Listing

Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) [website](#) for a database of sites with classifications.

3. RCRA Listing

Does the property have a Resource Conservation and Recovery Act (RCRA) TSDF Permit in accordance with the ECL 27-0900 *et seq*? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.

4. Registry / RCRA sites owned by volunteers

If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION VIII (continued)**

5. Existing Order

Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.

6. Enforcement Action Pending

Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information on an attachment.

**SECTION IX                      CONTACT LIST INFORMATION**

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project.

**SECTION X                      LAND USE FACTORS**

In addition to eligibility information, site history, and environmental data/reports, the application requires information regarding the current, intended and reasonably anticipated future land use.

1. This information consists of responses to the "land use" factors to be considered relative to the "Land Use" section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a "brownfield site" pursuant to ECL 27-1405(2).
2. This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

**SECTION XI                      SIGNATURE PAGE**

The Requestor must sign the application, or designate a representative who can sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each must sign a signature page.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**DETERMINATION OF A COMPLETE APPLICATION**

1. The first step in the application review and approval process is an evaluation to determine if the application is complete. To help ensure that the application is determined complete, requestors should review the list of [common application deficiencies](#) and carefully read these instructions.
2. DEC will send a notification to the requestor within 30 calendar days of receiving the application, indicating whether such application is complete or incomplete.
3. An application must include the following information relative to the site identified by the application, necessary for making an eligibility determination, or it will be deemed incomplete. (**Please note:** the application as a *whole* requires more than the information outlined below to be determined complete). The application must include:
  - a. for all sites, an investigation report sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data includes site drawings requested in Section III, #3 of the BCP application form.
  - b. for those sites described below, documentation relative to the volunteer status of all requestors, as well as information on previous owners or operators that may be considered responsible parties **and** their ability to fund remediation of the site. This documentation is required for:
    - i. real property listed in the registry of inactive hazardous waste disposal sites as a class 2 site, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP; or
    - ii. real property that was a hazardous waste treatment, storage or disposal facility having interim status pursuant to the Resource Conservation and Recovery Act (RCRA) program, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP.
  - c. for sites located within the five counties comprising New York City, in addition to (a) and if applicable (b) above, if the application is seeking a determination that the site is eligible for tangible property tax credits, sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a). **If this determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion, using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.**
  - d. for sites previously remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law, relevant documentation of this remediation.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**DETERMINATION OF A COMPLETE APPLICATION (continued)**

4. If the application is found to be incomplete:
  - a. the requestor will be notified via email or phone call regarding minor deficiencies. The requestor must submit information correcting the deficiency to DEC within the 30-day review time frame; or
  - b. the requestor will receive a formal Letter of Incomplete Application (LOI) if an application is substantially deficient, if the information needed to make an eligibility determination identified in #4 above is missing or found to be incomplete, or if a response to a minor deficiency is not received within the 30-day period. The LOI will detail all of the missing information and request submission of the information. If the information is not submitted within 30 days from the date of the LOI, the application will be deemed withdrawn. In this case, the requestor may resubmit the application without prejudice.
  
5. If the application is determined to be complete, DEC will send a Letter of Complete Application (LOC) that includes the dates of the public comment period. The LOC will:
  - a. include an approved public notice to be sent to all parties on the Contact List included with the application;
  - b. provide instructions for publishing the public notice in the newspaper on the date specified in the letter, and instructions for mailing the notice to the Contact List;
  - c. identify the need for a certification of mailing form to be returned to DEC along with proof of publication documentation; and
  - d. specify the deadline for publication of the newspaper notice, which must coincide with, or occur before, the date of publication in the Environmental Notice Bulletin (ENB).
    - i. DEC will send a notice of the application to the ENB. As the ENB is only published on Wednesdays, DEC must submit the notice by the Wednesday before it is to appear in the ENB.
    - ii. The mailing to parties on the Contact List must be completed no later than the Tuesday prior to ENB publication. If the mailings, newspaper notice and ENB notice are not completed within the time-frames established by the LOC, the public comment period on the application will be extended to insure that there will be the required comment period.
    - iii. Marketing literature or brochures are prohibited from being included in mailings to the Contact List.

## I REQUESTOR INFORMATION

Name: False Alarm LTD and M.A.J. Associates, Inc.  
Name of all members / owners: Jay Weitzman, Michael Weitzman  
Contact: Jay Weitzman  
Address: 530 7th Avenue Suite 1902, New York, NY 10018  
Phone: 212-398-9123  
Email: jay@silverwear-usa.com

## II PROJECT DESCRIPTION

The Requestors seek to remediate and redevelop a property located at 29-41 Wythe Avenue and 180 N. 14<sup>th</sup> Street in Brooklyn, NY (the "Site") (see **Figure 1**). The Site is known as the Former Dutch Masters Paint and Varnish Co. property and is comprised of two tax lots identified as Block 2279 Lots 1 and 9 (**Figure 2 Tax Map and Figure 3 - Site Plan**). The Lot 1 property is currently vacant but was most recently used by a motorcycle repair shop and a design studio. Lot 9 is currently used for music practice rooms. Lot 1 was historically occupied by a paint and varnish manufacturer from 1918 through 1969 and then as a warehouse. Lot 9 was historically used by a foundry and a bedspring manufacturer till 1978 when it was used as a warehouse.

The historic use of the properties as well as the presence of elevated levels of contaminants in soil and groundwater, and suspected additional contaminants, are complicating redevelopment of the Site.

False Alarm LTD plans a Track 1 cleanup and commercial redevelopment of the Site. The nature and extent of existing and suspect contamination, however, complicates the redevelopment plan. Accordingly, False Alarm LTD is submitting its application for entry into the BCP to the New York State Department of Environmental Conservation (NYSDEC). This document contains the supplemental information as required in the application package.

### 2.1 Project Overview

The Requestors intend to redevelop the property with a new 5-story mixed-use commercial retail and office building. One hundred percent of the lot would be excavated to a depth of approximately 11 feet for the cellar level of the proposed building.

As discussed in more detail in this application, contamination at the Site requires remediation since because contaminants exceed the restricted commercial soil cleanup objectives. The BCP will allow applicant to satisfy this requirement as well as to limit its liability to on-site contamination by virtue of its status as a "volunteer" under the BCP.

As a result, the lender/investors for this project will require any cleanup be conducted with oversight of the NYSDEC so that the NYSDEC can issue a certificate of completion and liability release from the State of New York. The remediation of the existing contamination will increase project costs because of expenses or "premiums" associated with disposal of contaminated soil, increased labor or "trade" premium due to the need to use HAZWOPER-trained-workers in and around the

contaminated materials as well as ancillary monitoring and reporting costs. In addition, there will be scheduling impacts associated with soil sampling and excavation site constraints that will extend the timeframes customarily required for traditional site excavation. Moreover, the BCP will enable the applicant to qualify for hazardous waste program fee exemption.

The tax credits available under the Brownfield Cleanup Program will make the project more economically feasible and result in substantial public benefits such as construction jobs and full-time employees as well as facilitate the redevelopment of the area. An estimated 200 construction jobs will be created during this project along with 30 to 50 permanent retail jobs.

## 2.2 Project Schedule

*BCP Milestones* Based on an assumed date of early August 2017 for execution of the BCP agreement, the following schedule of BCP milestones is anticipated.

Submit Citizen Participation Plan and Scoping Sheet	August 2017
Submit Remedial Investigation Report (RIR)	September 2017
Submit Remedial Action Work Plan (RAWP)	October 2017
Begin Building Construction and Remedial Action	December 2017
Continue Remedial Action	Approximately 24 months
Submit Draft Final Engineering Report	September 2020
Anticipated Date Certificate of Completion Issued	December 2020

## III ENVIRONMENTAL HISTORY

The environmental history of the subject lot was investigated previously through the review of Federal and State Environmental databases, Environmental Sanborn Fire Insurance maps, NYC Department of Building records and the NYC Department of Finance databases as part of a Phase I Screening Assessment completed in 2017 by EBC.

### 3.1 Summary of Environmental Investigations / Reports / Remedial Work Plans

Environmental investigations performed at the Site include the following:

- Subsurface Investigation Data Summary - Environmental Business Consultants April, 2017

#### 3.1.1 April 2017 – Subsurface Investigation Data Summary (EBC)

A supplemental subsurface investigation consisting of 12 borings with analysis of soil and groundwater samples was completed in February 2017.

Laboratory analysis included 10 soil samples from 5 soil borings for VOCs / SVOCs and 12 soil samples from each of the 12 borings for metals. In addition three groundwater samples were collected and analyzed for VOCs. The results of the investigation identified petroleum contamination (VOCs) in four of the samples collected with elevated SVOC's reported in five samples. Trichloroethene was also reported in one of the samples. High concentrations of metals including one or more of the following: arsenic, barium, cadmium, copper, lead and zinc were reported in all twelve soil samples. Groundwater at the Site is present at a depth of approximately 10 feet below surface grade. Petroleum

VOCs were reported above groundwater standards in two of the samples. Summary tables and Figures showing soil parameters above soil cleanup objectives and groundwater results above standards are included in the Phase II Data Summary in **Appendix A**.

## **IV PROPERTY INFORMATION**

### **4.1 Tax Parcel Information**

False Alarm LTD seeks to remediate and redevelop the Site. The address of the Site is 29-41 Wythe Avenue and 180 N. 14<sup>th</sup> Street, Brooklyn, NY 11249. It is comprised of two tax parcels (Block 2279 Lots 1 and 9) which will be merged into a single lot as a prerequisite to site development (**Figure 2**). The boundaries of the Site correspond to the survey and metes and bounds description as provided in **Appendix B**.

### **4.2 Enzone**

In October 2003, the New York State Brownfield Cleanup Program was signed into law under Title 14 of the ECL, Article 27. The Department of Labor has mapped boundaries of Environmental Zones (En-Zone) in which tax credits offered under the BCP are enhanced. The subject site is within Census Tract 557 which is not within a designated En-Zone (see **Figure 7**).

### **4.3 Property Description Narrative**

#### *4.3.1 Location*

The Site to be remediated and redeveloped is located in the Williamsburg neighborhood of Brooklyn and is comprised of a two tax parcels covering 28,528 sf (0.65 acres). The subject property is located in the City of New York and Borough of Brooklyn, Kings County.

The property has approximately 100 feet of street frontage on N. 13<sup>th</sup> Street, 200 feet of frontage on Wythe Avenue and approximately 185 feet of frontage on N. 14<sup>th</sup> Street. The east side of the site is bordered by a new construction Site on N. 13<sup>th</sup> Street and by an office building on N. 14<sup>th</sup> Street.

#### *4.3.2 Site Features*

The Site is currently owned by False Alarm LTD. Lot 1 is improved with a 21,000 sf, 1-2 story industrial building constructed in 1925 (estimate). Lot 9 is improved with an 8,528 sf 1-story industrial building constructed in 1950 (estimate). Lot 1 is largely vacant though there is an artist studio occupying space along N'13<sup>th</sup> Street and a motorcycle repair shop is present on the northern half of the building. The Lot 9 building is being used as music rehearsal studios.

#### *4.3.3 Current Zoning and Land Use*

Lot 1 is largely vacant though there is an artist studio occupying space along N'13<sup>th</sup> Street and a motorcycle repair shop is present on the northern half of the building. The Lot 9 building is being used as music rehearsal studios.

Both lots are currently zoned M1-1 commercial. M1 districts are often buffers between M2 or M3 districts and adjacent residential or commercial districts. M1 districts typically include light industrial uses, such as woodworking shops, repair shops, and wholesale service and storage facilities. Nearly all industrial uses are allowed in M1 districts if they meet the stringent M1 performance standards. Offices, hotels and most retail uses are also permitted. The land use in the immediate vicinity of the Site (**Figures 4 and 5**) includes an industrial manufacturing building (W. side of Wythe Avenue) and new development project (SW Corner of Wythe and N. 13<sup>th</sup> Street) to the west, a new hotel and retail shops to the south, new construction and an existing office building to the east and an industrial/manufacturing property to the north.

There is one school located within a 1,000 feet of the project Site; Automotive High School at 50 Bedford Avenue approximately 650 feet to the east (see **Figure 6**). There were no daycare centers, nursing homes or hospitals identified within 1,000 feet of the Site. The proposed project, which includes a mixed use building of office, retail and light industrial, is in compliance with existing zoning.

#### 4.3.4 Past Use of the Site

A review of Sanborn maps indicated that a portion of Lot 1 (33-35) Wythe Avenue was occupied by a varnish factory beginning sometime prior to 1887. The varnish works expanded to cover the entire lot by 1942. By 1951 the site was relabeled as the Dutch Masters Paint and Varnish company and remains shown as such through 2007. However, according to property transactions the lot was purchased in 1978 by Victor Barouh, a manufacturer of type writer ribbons. According to the Requestor, the building was used as a warehouse by Barouh Eaton Allen Corp when the requestor purchased the building in 1995 and used it as a clothing warehouse. It remained in this use through 2009 when portions of the building were rented out to a motorcycle repair shop and art studio.

A portion of Lot 9 was used as a foundry for the manufacture of window weights from 1902 through at least 1916. By 1942 (next available map) the property is shown as a bed spring manufacturer. It remained in the use through 1979 when it is simply shown as manufacturing. According to property transaction listings, Dutch Masters Paint and Varnish took a mortgage on the property in 1969. In 1979 the property was purchased by Barouh Eaton Allen Corp and according to the current owner was used as a warehouse for typewriter ribbons. The property remained in this use through 1995 when it was purchased by the Requestor and used as a clothing warehouse through 2009 when it was rented out as music studios.

#### 4.3.5 Site Geography and Geology

Subsurface soils at the Site consist of historic fill materials to a depth of approximately 8 to 10 feet below the surface followed by native silty-sand and clay layers. According to the USGS topographic map for the area (Central Park Quadrangle), the elevation of the property is approximately 12-13 feet above the National Geodetic Vertical Datum (NGVD). The area topography gradually slopes to the north toward the East River. Groundwater occurs beneath the Site at a depth of approximately 10-12 feet below grade under water table conditions. Based on regional flow maps, the proximity to surface and measurements made at adjacent properties, groundwater flow is expected to be north toward the East River. As shown on **Figure 9**, the entire Site is located within a designated moderate risk flood zone area with a portion of Lot 1 in a high risk flood area.

#### 4.3.6 Environmental Assessment

The results of the limited Phase II investigation identified petroleum contamination (VOCs) in four of the samples collected though parameters were reported above USCOs in only one sample located in the southeast corner of Lot 1. SVOCs were reported above SCOs in five samples from three borings located in the eastern half of Lot 1. Sampling depth was generally limited to the water table interface at approximately 10-12 ft with some additional samples collected in the 4-8 ft interval and the 15 to 17 ft interval. Acetone which appears to be Site-related was reported above USCOs in three borings located in the central and northeastern portion of Lot 1 from 10 to 17 ft below grade. Trichloroethene was also reported in one of the samples located in the northeastern portion of Lot 1 above its USCO. High concentrations of metals including one or more of the following were reported in soils across both lots: arsenic, barium, cadmium, copper, lead and zinc were reported in all fourteen soil samples taken at depth intervals of 0 to 3 ft.

A summary of parameters reported in soil samples above SCOs is presented below. Summary tables and figures are provided in **Appendix A**.

The following compounds were reported above unrestricted use and / or groundwater protection SCOs:

Acetone to	4,600 ug/kg
p/m Xylene to	2,300 ug/kg
Trichloroethene to	760 ug/kg
o-xylene to	640 ug/kg
Benzo(k)fluorethene to	1,000 ug/kg
Nickel to	98.8 mg/kg
Silver to	2.78 mg/kg

The following compounds were reported above Restricted Residential use SCOs:

Benzo(b)fluorethene to	2,000 µg/kg
Chrysene to	8,900 µg/kg
Dibenz(a,h)anthracene to	560 µg/kg
Indeno(1,2,3-cd)pyrene to	1,600 µg/kg
Cadmium to	6.61 mg/kg
Chromium to	584 mg/kg
Zinc to	3,900 mg/kg

The following compounds were reported above Commercial use SCOs:

Benzo(a)anthracene to	8,100 µg/kg
Benzo(a)pyrene to	3,300 µg/kg
Arsenic to	42 mg/kg
Barium to	2,870 mg/kg
Copper to	523 mg/kg
Lead to	11,700 mg/kg
Mercury to	69.6 mg/kg

Groundwater at the Site is present at a depth of approximately 10-12 feet below surface grade. Petroleum VOCs were reported above groundwater standards in two of the samples. The following petroleum-related VOCs exceeded groundwater standards:

2-Isopropyltoluene - 7.1 ug/L  
Benzene - 2 ug/L  
Isopropylbenzene - 18 ug/L  
N-butylbenzene - 27 ug/L  
N-propylbenzene - 7.3 ug/L  
sec-butylbenzene - 20 ug/L

## V ADDITIONAL REQUESTOR INFORMATION

### 5.1 Requestors Authorized Representative

Jay Weitzman  
530 7th Avenue Suite 1902, New York, NY 10018  
(212) 398-9123  
[jay@silverwear-usa.com](mailto:jay@silverwear-usa.com)

### 5.2 Consultant

Environmental Business Consultants (EBC)  
1808 Middle Country Road, Ridge, New York 11961  
(631)504-6000  
[csosik@ebcincny.com](mailto:csosik@ebcincny.com); [creilly@ebcincny.com](mailto:creilly@ebcincny.com)

### 5.3 Attorney

John-Patrick Curran  
SIVE, PAGET & RIESEL P.C.  
560 Lexington Avenue, 15th Floor, New York, NY 10018  
(212) 421-2150  
[jpcurran@sprlaw.com](mailto:jpcurran@sprlaw.com)

## VI CURRENT PROPERTY OWNER / OPERATOR INFORMATION

False Alarm LTD is the applicant for the project and is applying to the program as a Volunteer. False Alarm LTD is also the current owner of Lot 1. M.A.J Associates is the current owner of Lot 9 and shares the same principles and member as False Alarm LTD (see property deed **Attachment D**).

Owner: Lot 1 - False Alarm LTD, Lot 9 - M.A.J Associates, Inc.  
Address: 530 7th Avenue Suite 1902, New York, NY 10018

### Operators: Lot 9

The current owner is temporarily renting individual room spaces on a short term basis on Lot 9:

Operator: M.A.J. Associates, Inc.  
Address: 530 7th Avenue Suite 1902, New York, NY 10018



**Operators: Lot 1**

A portion of Lot 1 is currently occupied by two tenants as follows:

Operator: Works Engineering  
Address: 168 North 14th Street, Brooklyn, NY 11249  
Telephone: (615)669-6757

Operator: Big Sky Works  
Address: 29 Wythe Avenue, Brooklyn, NY 11249

**VII REQUESTOR ELIGIBILITY INFORMATION**

The Requestor qualifies as a volunteer because (i) it performed a *Phase I Environmental Site Assessment* that complies with the EPA All-Appropriate Inquiries Rule (40 CFR 312), (ii) all disposals/releases of hazardous substances occurred prior to the time of ownership and (iii) the Requestor does not have affiliation with potentially responsible parties. Since acquiring title, the Requestor has exercised appropriate care by removing an underground storage tank, implementing a *Phase II Investigation* and applied to the BCP to address the releases of hazardous substances that occurred prior to the Requestor acquiring title. In addition, there have not been any ongoing releases and there have not been any new or threatened releases during Requestor’s ownership of the Property. A listing of previous owners and operators for the property is as follows:

**Table 1 – Previous Owners**

**Block 2279 Lot 1**

Dates	Name	Comments	Contact Info
Prior to 4/24/1969	Dutch Masters Paint and Chemical Co.	Deed	74 Lakeshore Drive, Eastchester, NY 10707
From 12/1/1977 to 6/6/1978	4920 VanDam Street Realty	Deed	20 West 48 <sup>th</sup> Street New York, NY 10036
From 6/6/1978 to 3/4/1982	Victor Barouh	Deed	67 Kent Avenue, Brooklyn, NY 11249
From 3/4/1982 to 4/27/1995	Barouh Eaton Allen Corp.	Deed	67 Kent Avenue, Brooklyn, NY 11249
From 4/27/1995 to Present	False Alarm LTD.	Deed	530 7th Avenue Suite 1902, New York, NY 10018 (212) 398-9123

Note: False Alarm LTD is in no way affiliated with Dutch Masters Paint and Chemical Co. or any of the prior owners of the property.

**Block 2279 Lot 9**

Dates	Name	Comments	Contact Info
Prior to 4/24/1969	Dutch Masters Paint and Chemical Co.	Mortgage	74 Lakeshore Drive, Eastchester, NY 10707
From 4/24/1969 to 8/12/1971	Pashman Leib & Pashman	Deed	35 Wythe Avenue, Brooklyn, NY 11249
From 8/12/1971 to 6/11/1979	184 N. 14 Corp.	Deed	25 Wythe Avenue, Brooklyn, NY 11249
From 6/11/1979 to 12/21/1995	Eaton Allen Corp.	Deed	67 Kent Avenue, Brooklyn, NY 11249
From 12/21/1995 to Present	M.A.J Associates	Deed	530 7th Avenue Suite 1902, New York, NY 10018 (212) 398-9123

Note: False Alarm LTD is in no way affiliated with Dutch Masters Paint and Chemical Co. or any of the prior owners of the property.

**Table 2 - Previous Operators**  
**2279 Lot 1**

<b>Dates</b>	<b>Name</b>	<b>Comments</b>	<b>Contact Info</b>
Prior to 1887	33-35 Wythe: C. L. Wood Varnish Factory	Sanborn Maps	Unknown: 33-35 Wythe Avenue, Brooklyn, NY 11249
Sometime between 1887 and 1942	33-35 Wythe: Wood & Shepard Varnish Co. 29-31 Wythe: Kings County Iron Foundry	Sanborn Maps	Unknown: 29-35 Wythe Avenue, Brooklyn, NY 11249
Sometime between 1916 and 1978	Dutch Masters Paint and Chemical Co.	Sanborn Maps, Deed, Owner Knowledge	74 Lakeshore Drive, Eastchester, NY 10707
Sometime between 1979 and 4/27/1995	Barough Eaton Allen Corp. Warehouse for typewriter ribbon	Deed, Owner Knowledge	67 Kent Avenue, Brooklyn, NY 11249
From 4/27/1995 to 2009	False Alarm LTD., Clothing warehouse	Deed, Owner Knowledge	530 7th Avenue Suite 1902, New York, NY 10018 (212) 398-9123
From 2009 to present	29-35 Wythe: Works Engineering 41-43 Wythe: Big Sky Works	Owner Knowledge	168 North 14th Street, Brooklyn, NY 11249 101 N. 13 <sup>th</sup> St., Brooklyn, NY 11249

Note: False Alarm LTD is not affiliated with Dutch Masters Paint and Chemical Co. or any of the prior operators of the property.

**2279 Lot 9**

<b>Dates</b>	<b>Name</b>	<b>Comments</b>	<b>Contact Info</b>
Sometime between 1887 and 1905 to sometime between 1916 and 1942	Kings County Iron Foundry	Sanborn Maps	Unknown: N 14 <sup>th</sup> Street, Brooklyn, NY 11249
Sometime between 1916 and 1942 to 1979	Bedspring Manufacturer	Sanborn Maps	Unknown: 184 N. 14 <sup>th</sup> Street, Brooklyn, NY 11249
Sometime between 1916 and 1979	Dutch Masters Paint and Chemical Co.	Sanborn Maps, Deed, Owner Knowledge	74 Lakeshore Drive, Eastchester, NY 10707
From 1979 to 12/21/1995	Barough Eaton Allen Corp. Warehouse for typewriter ribbon	Deed, Owner Knowledge	67 Kent Avenue, Brooklyn, NY 11249
From 12/21/1995 to 2009	False Alarm LTD., Clothing warehouse	Deed, Owner Knowledge	530 7th Avenue Suite 1902, New York, NY 10018 (212) 398-9123
From 2009 to present	Short term musician practice room rental space	Owner Knowledge	530 7th Avenue Suite 1902, New York, NY 10018 (212) 398-9123

Note: False Alarm LTD is not affiliated with Dutch Masters Paint and Chemical Co. or any of the prior operators of the property.

## VIII PROPERTY ELIGIBILITY INFORMATION

None of the questions were answered in the affirmative.

## IX CONTACT LIST INFORMATION

The following sub-sections provide the minimum contact list information as required in the BCP application form.

### 9.1 Local Government Contacts

#### City of New York

Hon. Bill de Blasio  
Mayor of New York City  
City Hall  
New York, NY 10007

Hon. Eric Adams  
Brooklyn Borough President  
209 Joralemon Street  
New York, NY 11201

Ms. Dealice Fuller  
Chair, Brooklyn Community Board 1  
435 Graham Avenue  
Brooklyn, NY, 11211

Mr. Gerald Esposito  
District Manager, Brooklyn Community Board 1  
435 Graham Avenue  
Brooklyn, NY, 11211

Ryan Kuonen, Chairman  
Environmental Committee  
Brooklyn Community Board 1  
435 Graham Avenue  
Brooklyn, NY, 11211

Hon. Stephen Levin  
33<sup>rd</sup> District  
410 Atlantic Avenue  
Brooklyn, NY 11217

Carl Weisbrod  
Chair of City Planning (Zoning)  
22 Reade St.-Third Floor  
New York, NY 10007

Keith Bray  
New York City Department of Transportation  
Brooklyn Borough Commissioner  
55 Water Street, 9th Floor  
New York, NY 10041

Kings County Clerk's Office  
Nancy Sunshine, County Clerk  
360 Adams Street, Room 189  
Brooklyn, NY 11201

Hon. Letitia James  
Public Advocate  
1 Centre Street, 15<sup>th</sup> Floor  
New York, NY 10007

Hon. Scott M. Stringer  
Office of the Comptroller  
1 Centre Street  
New York, NY 10007

Julie Stein  
Office of Environmental Planning & Assessment  
NYC Dept. of Environmental Protection  
96-05 Horace Harding Expressway  
Flushing, NY 11373

Nilda Mesa , Director  
NYC Office of Environmental Coordination  
100 Gold Street- 2nd Floor  
New York, NY 10038

Daniel Walsh  
NYC Department of Environmental Remediation  
100 Gold Street, 2<sup>nd</sup> Floor  
New York, NY 10038

New York State

Hon. Daniel Squadron  
NYS Senator  
209 Joralemon Street, Suite 300  
Brooklyn, NY 11201

Hon. Joseph Lentol  
NYS Assembly Member  
619 Lorimer Street

Federal

Hon. Charles Schumer  
U.S. Senator  
757 Third Avenue, Suite 17-02  
New York, NY 10017

Hon. Kirsten Gillibrand  
U.S. Senator  
780 Third Avenue, Suite 2601  
New York, NY 10017

Hon. Carolyn Maloney  
U.S. House of Representatives  
619 Lorimer Street  
Brooklyn, NY 11211

## 9.2 Adjacent Property Owner Contacts

Properties adjacent to the project site are shown in **Figure 4**. Contact information for the identified owners, as listed in the New York City ACRIS Database, are as follows:

EAST

1. NORTH 13<sup>th</sup> HOLDINGS LLC  
505 FLUSHING AVE. STE 1D  
BROOKLYN, NY 11205-1689
  2. PATTI 3, LLC  
8 BERRY STREET  
BROOKLYN, NY 11249-1013
- OCCUPANT  
16 BERRY STREET  
BROOKLYN, NY 11222-1013

3. 190 NORTH 14<sup>TH</sup> STREET, LLC  
481 GREENWICH STREET, UNIT 1B  
NEW YORK, NY 10013-1383

OCCUPANT  
190 NORTH 14<sup>th</sup> STREET  
BROOKLYN, NY 11249-1052

4. NORTH 14<sup>th</sup> STREET REALTY ASSOCIATES LLC  
200 NORTH 14<sup>TH</sup> STREET  
BROOKLYN, NY 11249-1012

OCCUPANT  
200 NORTH 14<sup>TH</sup> STREET  
BROOKLYN, NY 11249-1012

5. NORTH 14TH STREET REALTY ASSOCIATES  
4 BERRY ST.  
BROOKLYN, NY 11249-1013

OCCUPANT  
4 BERRY STREET  
BROOKLYN, NY 11249-1012

North

6. NASH METALWARE CO. INC.  
72 N. 15TH ST.  
BROOKLYN, NY 11222-2802

West

7. ALBEST METAL STAMPING CORP.  
9 KENT AVENUE  
BROOKLYN, NY 11249

South

8. 19 KENT ACQUISITION LLC  
C/O RUBENSTEIN PARTNERS  
2929 ARCH STREET 28TH FLOOR  
PHILADELPHIA, PA 19104
9. WYTHE BERRY LLC  
266 BROADWAY STE 301  
BROOKLYN, NY 11211-6306

### 9.3 Local News Media

The Brooklyn Paper  
One Metrotech Center, Suite 1001  
Brooklyn, NY 11201  
(718) 260-4504

New York Daily News  
4 New York Plaza  
New York, NY 10004

New York Post  
1211 Avenue of the Americas  
New York, NY 10036-8790

NY 1 News  
75 Ninth Avenue  
New York, NY 10011

Courier-Life Publications  
1 Metro-Tech Center North - 10th Floor  
Brooklyn, NY 11201

Brooklyn Daily Eagle  
30 Henry Street  
Brooklyn, NY 11201

Greenpoint Star  
69-60 Grand Avenue  
Maspeth, NY 11378

Greenpoint Gazette  
597 Manhattan Avenue  
Brooklyn, NY 11222

Nowy Dziennik (Polish Daily News)  
70 Outwater Lane  
Garfield, NJ 07026

Hoy Nueva York  
1 MetroTech Center, 18th Floor  
Brooklyn, NY 11201

El Diario La Prensa  
1 MetroTech Center, 18th Floor  
Brooklyn, NY 11201

Impacto New York  
225 West 35th Street, Suite 305  
New York, NY 10001

La Voz Hispana NY  
159 East 116th Street  
New York, NY 10029

#### 9.4 Public Water Supplier

Emily Lloyd, Commissioner  
New York City Department of Environmental Protection  
59-17 Junction Boulevard  
Flushing, NY 11373

#### 9.5 Requested Contacts

No requests have been made at this time.

#### 9.6 Schools and Daycare Facilities

The following Schools and Daycare facilities were identified within a 1/4 mile radius of the project site (see **Figure 6**):

1. Automotive High School  
50 Bedford Avenue, Brooklyn, New York 11222  
(718) 218-9301  
Attn: Caterina Lafergola

#### 9.7 Document Repository

The following location will serve as a repository for public access to documents generated under the BCP program:

##### **Brooklyn Public Library – Greenpoint Branch**

107 Norman Avenue, Brooklyn, NY 11222 - (718) 349-8504

##### **Hours**

Mon	10:00 AM - 6:00 PM	Thu	10:00 AM - 8:00 PM	Sun - Closed
Tue	10:00 AM - 8:00 PM	Fri	10:00 AM - 6:00 PM	
Wed	10:00 AM - 8:00 PM	Sat	10:00 AM - 5:00 PM	

Brooklyn Community Board 1  
435 Graham Avenue  
Brooklyn, NY, 11211  
Phone: 718-389-0009  
Email: bk01@cb.nyc.gov

Repository acknowledgement letters are included in **Appendix E**.

## **X LAND USE FACTORS**

### **10.1 Current Use**

Lot 1 is largely vacant though there is an artist studio occupying space along N'13<sup>th</sup> Street and a motorcycle repair shop is present on the northern half of the building. The Lot 9 building is being used as music rehearsal studios.

### **10.2 Post- Remedial Use**

The Requestor intends to redevelop the property with a new five story mixed-use commercial retail and office building. One hundred percent of the lot would be excavated to a depth of approximately 11 feet for the cellar level of the proposed building. It is estimated that a total of 11,622 cubic yards (17,433 tons) of soil will require excavation and off-Site disposal under a hazardous and non-hazardous classification.

### **10.3 Proposed Project Use with Respect to Current Zoning**

The Lot is currently zoned M1-1 commercial. M1 districts are often buffers between M2 or M3 districts and adjacent residential or commercial districts. M1 districts typically include light industrial uses, such as woodworking shops, repair shops, and wholesale service and storage facilities. Nearly all industrial uses are allowed in M1 districts if they meet the stringent M1 performance standards. Offices, hotels and most retail uses are also permitted.

The proposed project, which includes mixed-use office and retail space, is compatible with the surrounding land use and will be in compliance with the current zoning.

### **10.4 Proposed Project Use with Respect to Community Master Plans**

On May 11, 2005, the City Council approved the Greenpoint - Williamsburg Land Use and Waterfront Plan (CEQR No. 04DCP003K ) covering nearly 200 blocks in the Greenpoint and Williamsburg neighborhoods of Brooklyn.

According to the NYC Department of City Planning Website:

"In its Greenpoint-Williamsburg Rezoning, the Department of City Planning proposed zoning changes to allow for housing and open spaces, in tandem with light industry and commercial uses, along two miles of Brooklyn's East River waterfront and upland neighborhoods.

Greenpoint and Williamsburg developed more than 100 years ago during Brooklyn's great industrial age, when both sides of the East River were dominated by large factories, oil refineries, and shipyards. The neighborhoods adjoining the waterfront housed the workers and, within these areas, homes and factories intermingled, setting a pattern of mixed use that still shapes the neighborhoods today.

Over the years, these neighborhoods have grown and adapted to changing economic conditions. The refineries and shipbuilders have gone, and new generations of businesses, entrepreneurs and residents have emerged. The waterfront, however, remains largely derelict, dominated by empty lots and crumbling structures, and almost entirely inaccessible to the public.

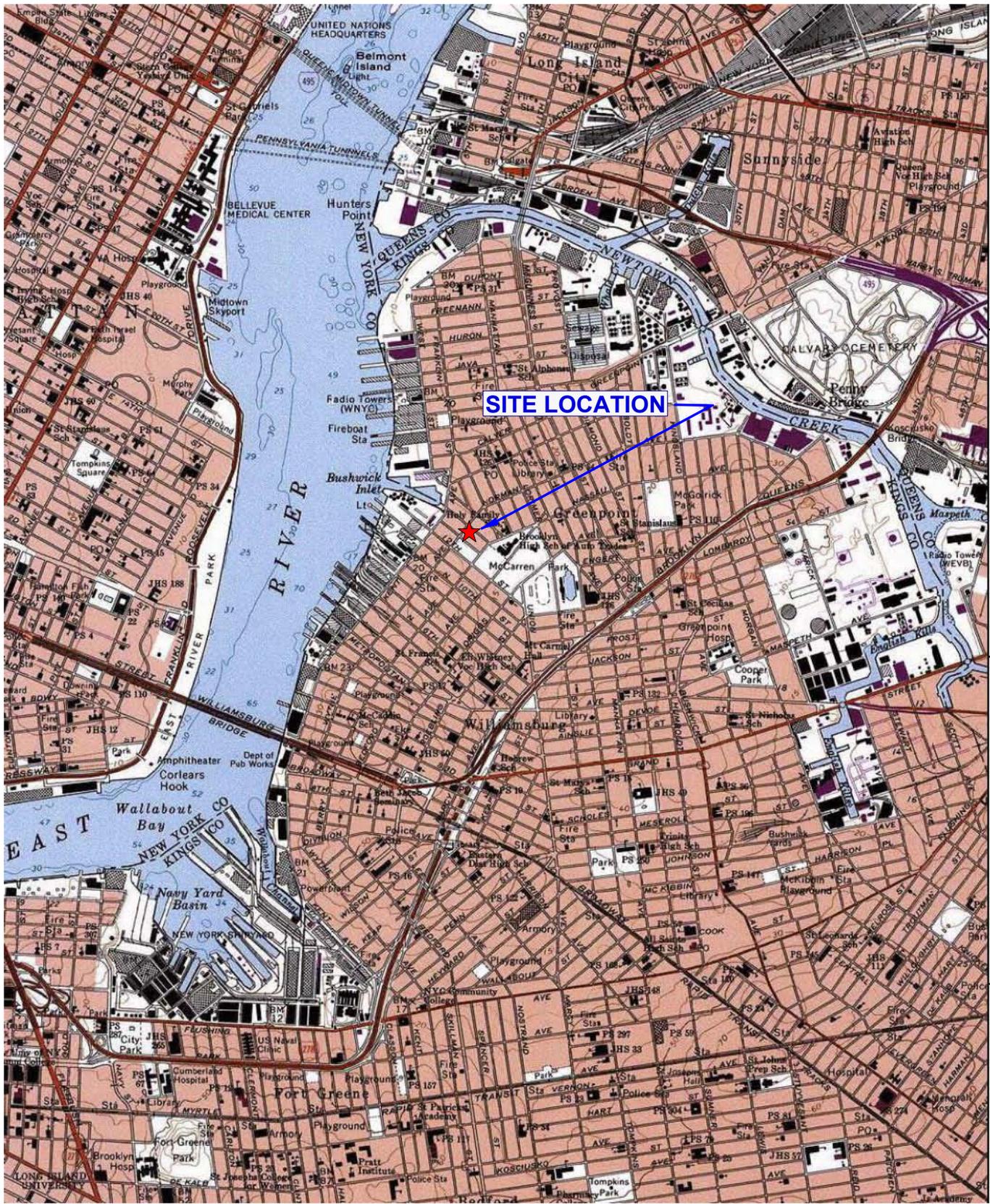
The proposal was designed to create opportunities for thousands of new housing units, including affordable housing in areas that have been mostly vacant and derelict for years. In recognition of the mixed-use character of these neighborhoods, the proposal would permit light industrial and residential uses to coexist in specified areas, and it would retain manufacturing zoning for critical concentrations of industry. The proposal also included a plan for a continuous publicly accessible esplanade and new public open spaces along the waterfront."

The objectives of the rezoning were to:

- Reflect changing conditions. Enact comprehensive zoning changes to address the dramatic changes that have taken place in recent decades, and to prepare the communities for the twenty-first century.
- Promote housing opportunities. Capitalize on vacant and underused land for new housing development, addressing both local and citywide needs.
- Fulfill the city's commitment to affordable housing.
- Address neighborhood context. New development should fit in with its surroundings, building on the strong character of the existing neighborhoods.
- Protect important concentrations of industrial activity. While industry in the area has been declining sharply for decades, manufacturing zones should be retained where important concentrations of industrial activity and employment exist.
- Create a continuous waterfront walkway and maximize public access to the waterfront. Establish a blueprint for a revitalized, publicly accessible East River waterfront.
- Facilitate development that will reconnect the neighborhood to the waterfront. Taking into account the difficulties of waterfront redevelopment, shape new development so that it connects the inland neighborhoods to the waterfront.

The proposed project will be in compliance with the current land use plans as identified in the Greenpoint - Williamsburg Land Use and Waterfront Plan (CEQR No. 04DCP003K ) adopted by the City on May 11, 2005.

## **FIGURES**

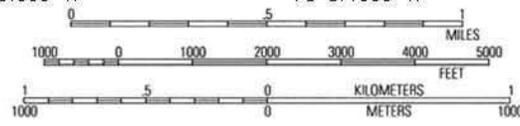


73°59.000' W

73°58.000' W

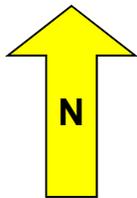
73°57.000' W

WGS84 73°56.000' W





**FIGURE 2 – TAX MAP**



**SITE NAME:** Former Dutch Masters Paint and Varnish Co. Site  
**STREET ADDRESS:** 29-41 Wythe Avenue & 180 North 14<sup>th</sup> Street  
**MUNICIPALITY, STATE, ZIP:** Brooklyn, New York,

**Source:** New York City Department of Finance



*ENVIRONMENTAL BUSINESS CONSULTANTS*

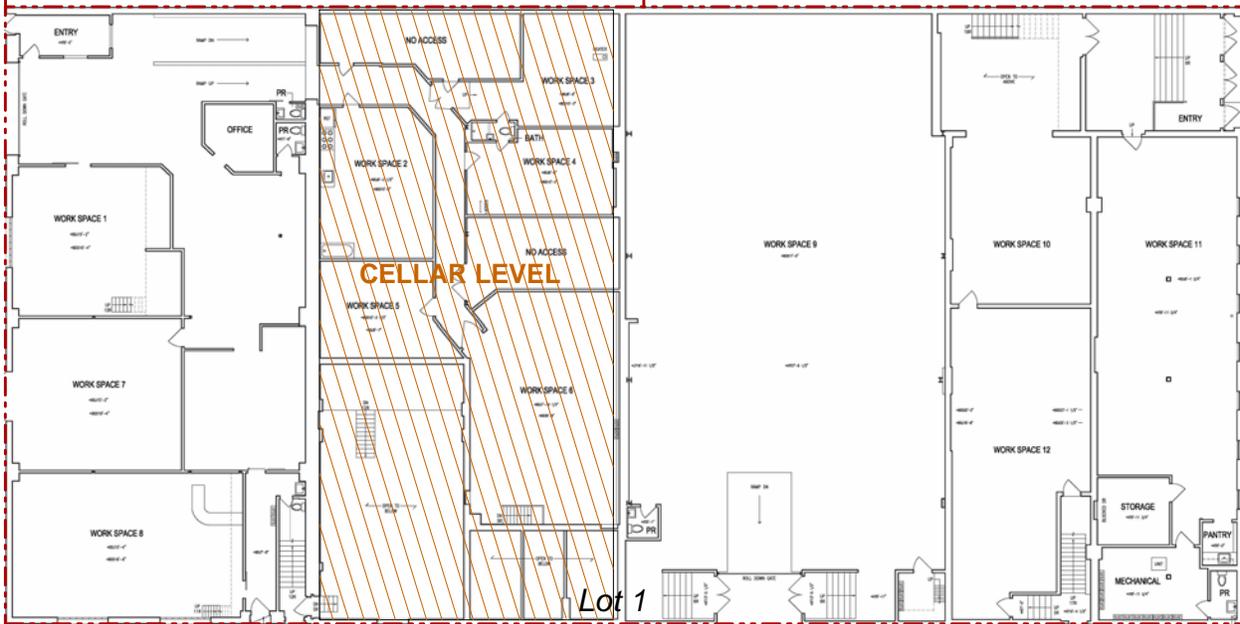
**Phone** 631.504.6000  
**Fax** 631.924.2870

N. 14th STREET

Lot 13

Lot 9

Lot 34



N. 13th STREET

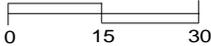
SIDEWALK

WYTHE AVENUE

Key:

 Site Boundary

Scale:



1 inch = 30 feet



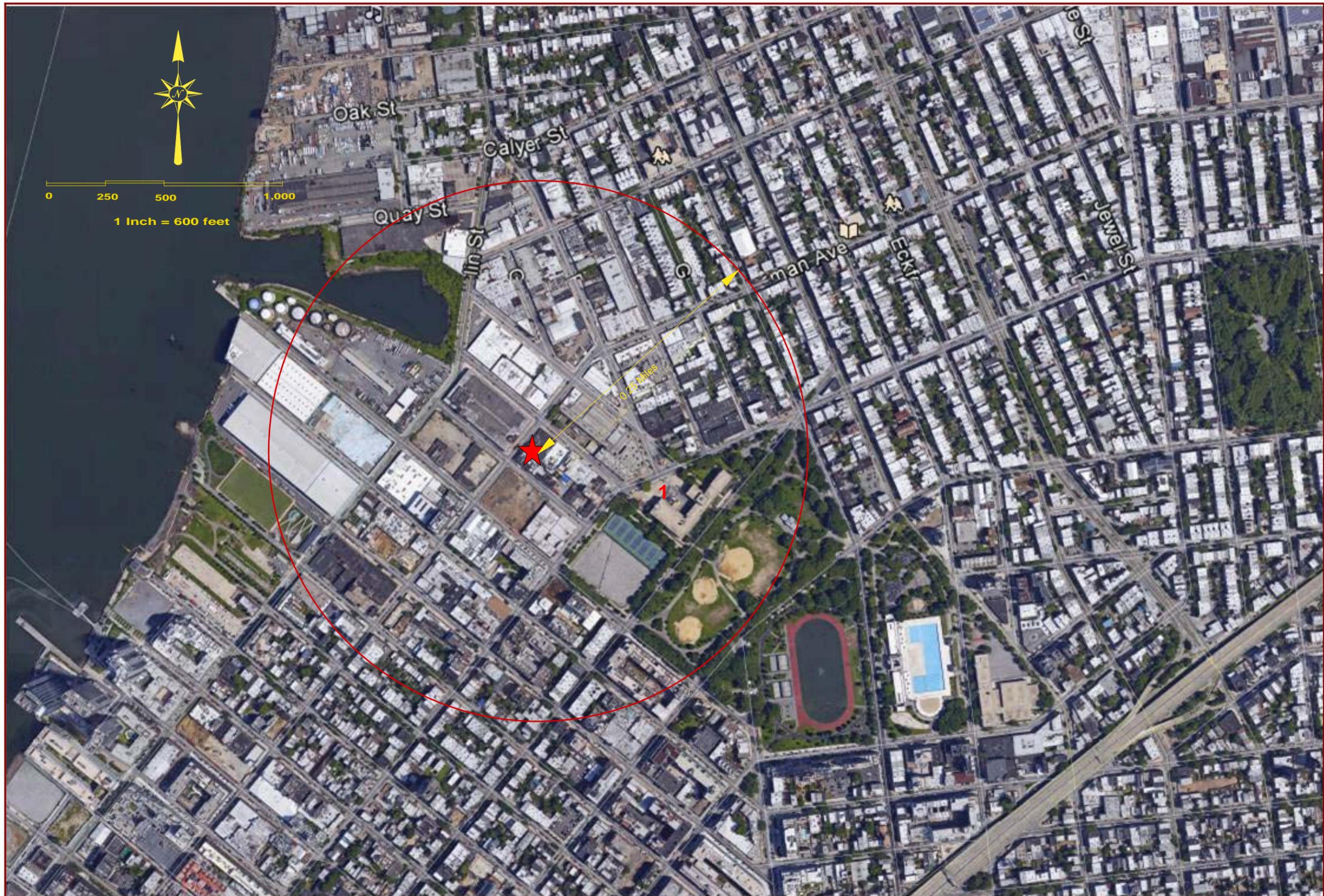
**EBC**

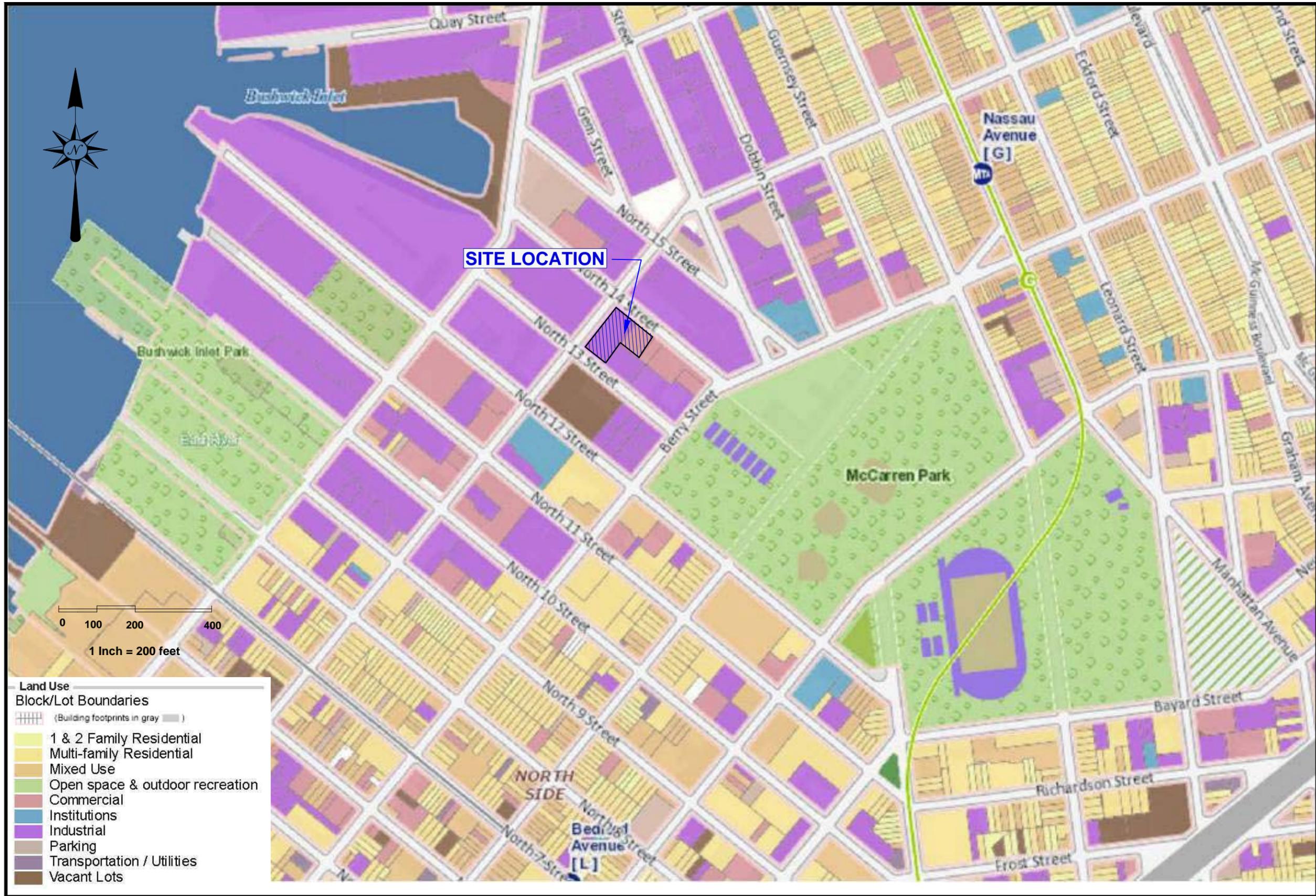
ENVIRONMENTAL BUSINESS CONSULTANTS

Phone 631.504.6000  
Fax 631.924.2870

Figure No.  
**4**

Site Name:	FORMER DUTCH MASTERS PAINT AND VARNISH CO. SITE
Site Address:	29-41 WYTHE AVENUE & 180 NORTH 14TH STREET BROOKLYN, NEW YORK
Drawing Title:	ADJACENT PROPERTIES



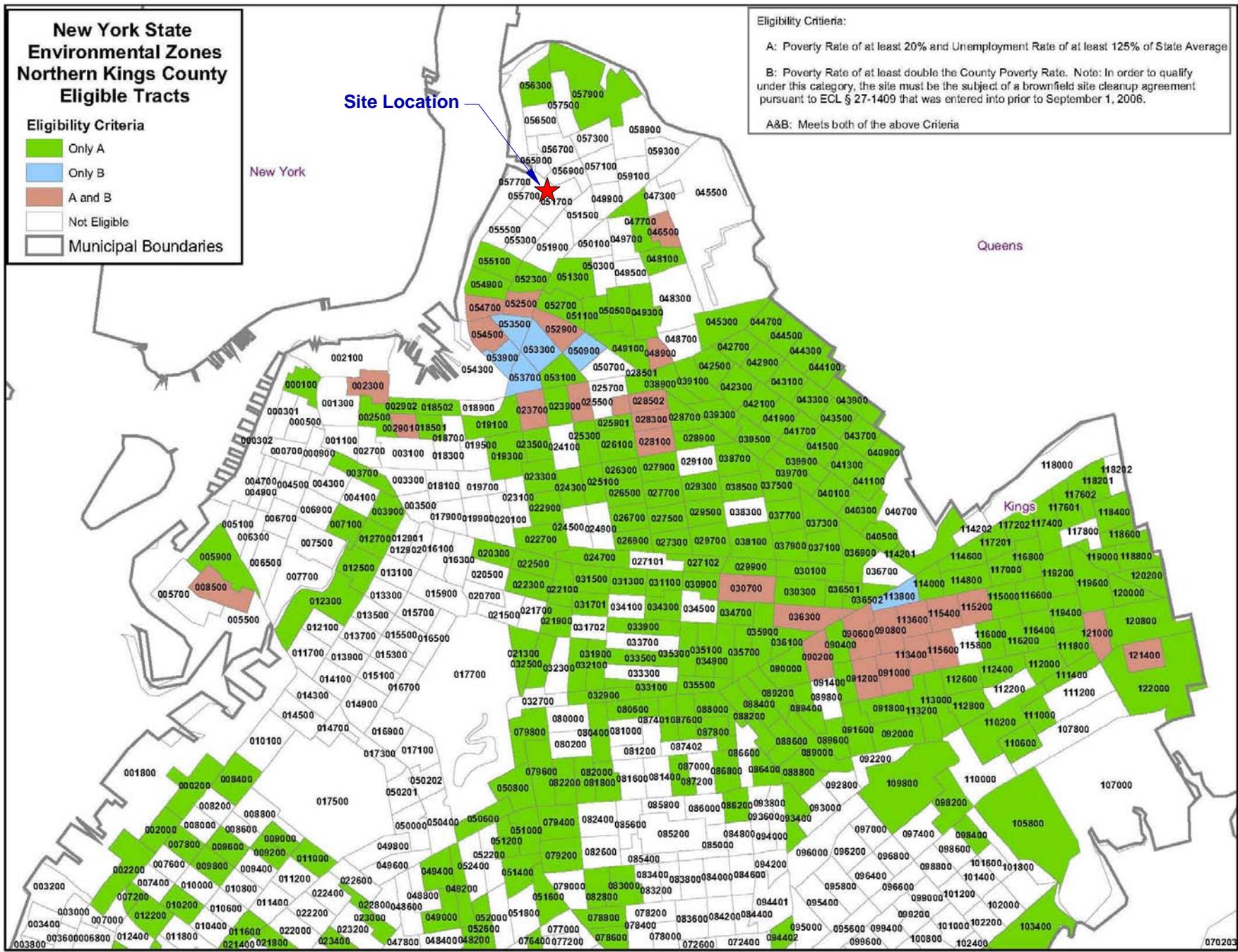


**New York State  
Environmental Zones  
Northern Kings County  
Eligible Tracts**

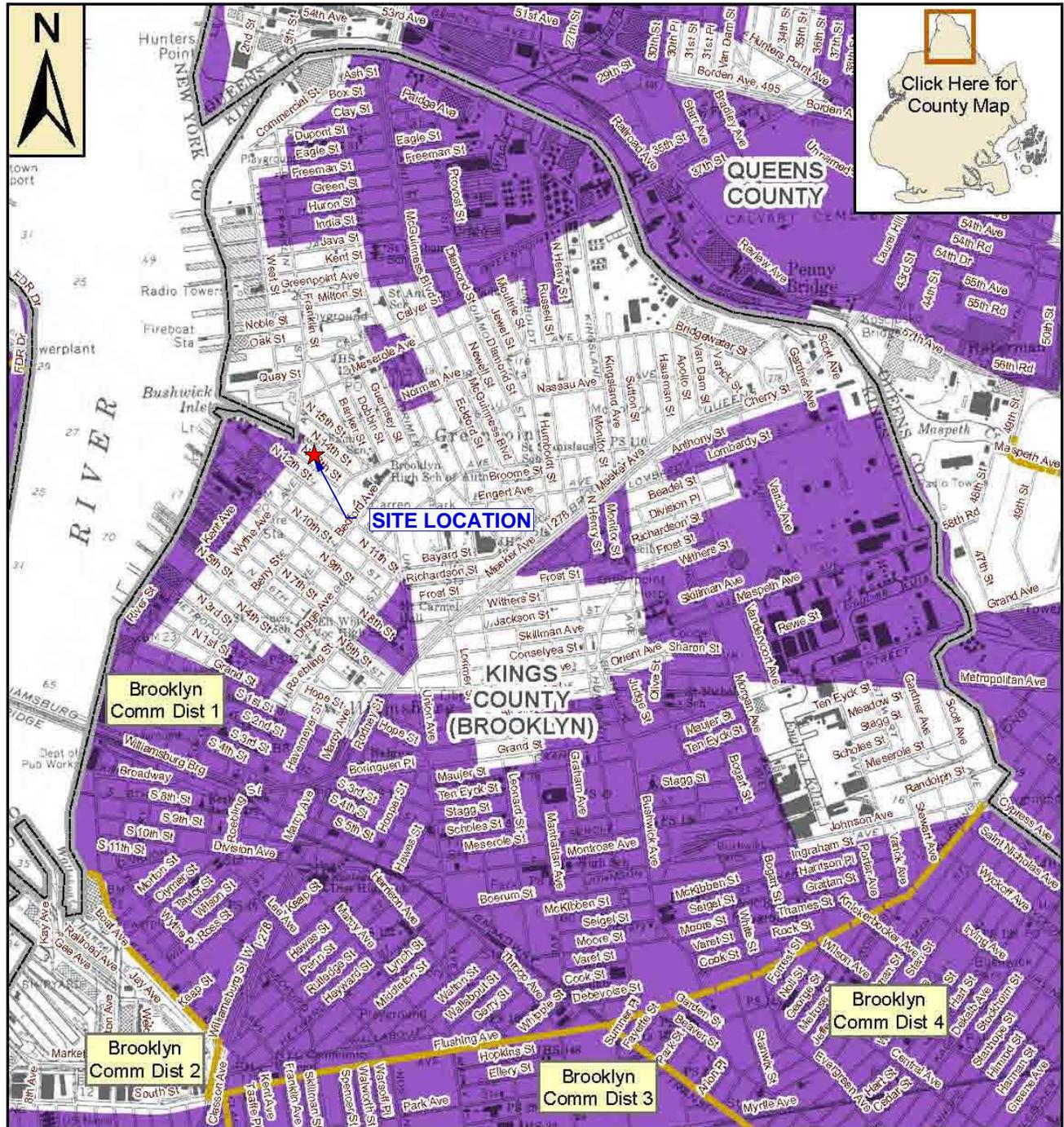
- Eligibility Criteria**
- Only A
  - Only B
  - A and B
  - Not Eligible
  - Municipal Boundaries

**Eligibility Criteria:**

- A: Poverty Rate of at least 20% and Unemployment Rate of at least 125% of State Average
- B: Poverty Rate of at least double the County Poverty Rate. Note: In order to qualify under this category, the site must be the subject of a brownfield site cleanup agreement pursuant to ECL § 27-1409 that was entered into prior to September 1, 2006.
- A&B: Meets both of the above Criteria



# Potential Environmental Justice Areas in Brooklyn Community District 1, Kings County, New York



This computer representation has been compiled from supplied data or information that has not been verified by EPA or NYSDEC. The data is offered here as a general representation only and is not to be used for commercial purposes without verification by an independent professional qualified to verify such data or information.

Neither EPA nor NYSDEC guarantee the accuracy, completeness, or timeliness of the information shown and shall not be liable for any loss or injury resulting from reliance.

Data Source for Potential Environmental Justice Areas: U.S. Census Bureau, 2000 U.S. Census

0 0.2 0.4 0.6 0.8 1 Miles

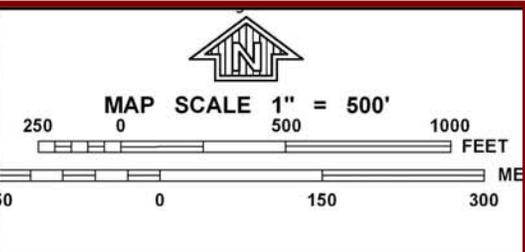
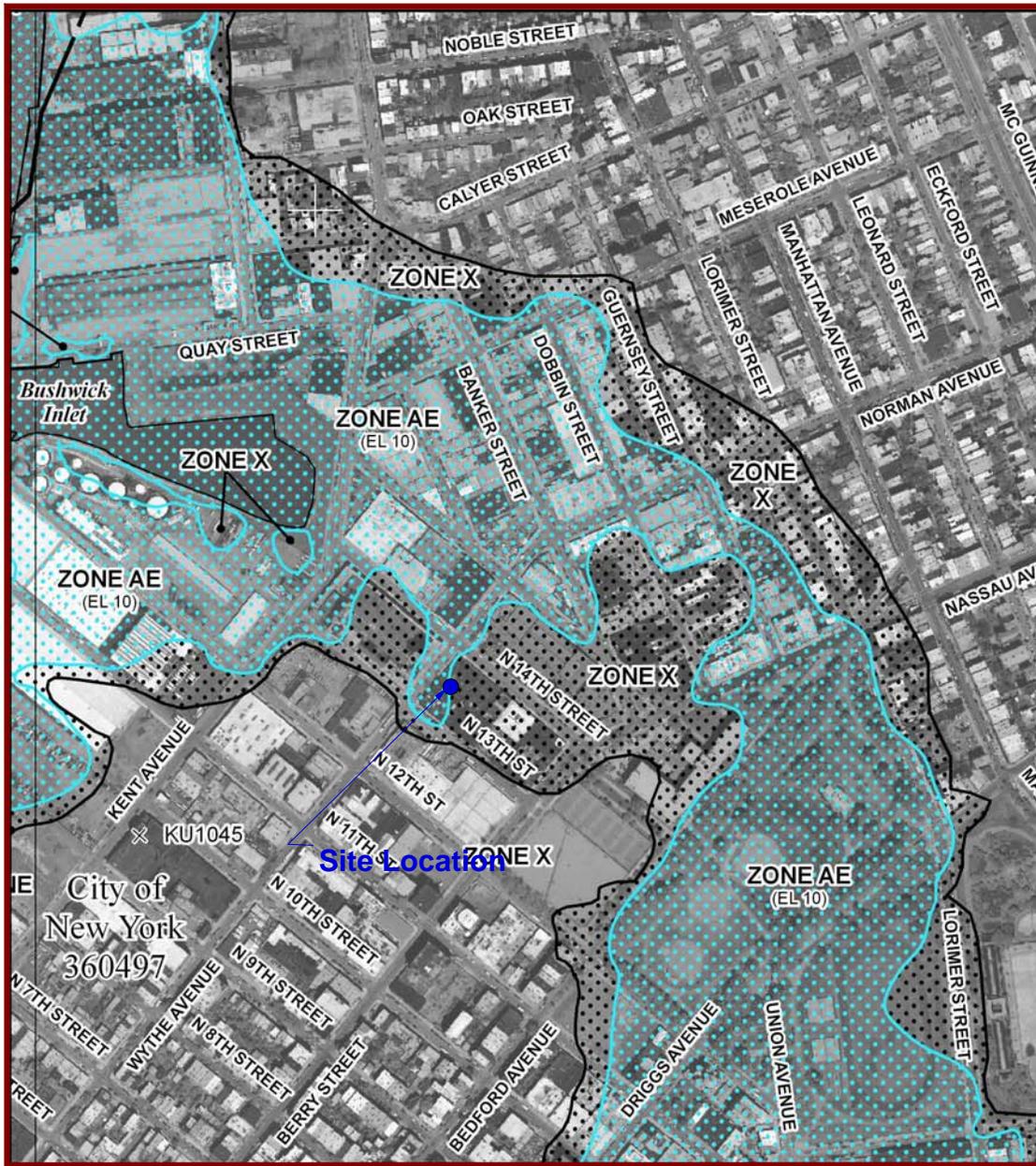
SCALE: 1:24,000

## Legend

- Potential EJ Area
- County Boundary
- Community District

For questions about this map contact:  
New York State Department of  
Environmental Conservation  
Office of Environmental Justice  
625 Broadway, 14th Floor  
Albany, New York 12233-1500  
(518) 402-8556  
ej@gw.dec.state.ny.us





PANEL 0202F

**NFIP**

**NATIONAL FLOOD INSURANCE PROGRAM**

**FIRM**  
FLOOD INSURANCE RATE MAP

CITY OF  
**NEW YORK,**  
**NEW YORK**  
BRONX, RICHMOND, NEW YORK,  
QUEENS, AND KINGS COUNTIES

**PANEL 202 OF 457**

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
NEW YORK, CITY OF	360497	0202	F

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

**MAP NUMBER**  
3604970202F

**MAP REVISED**  
SEPTEMBER 5, 2007

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)

	Phone 631.504.6000 Fax 631.924.2870	<b>Figure No.</b> <b>9</b>	Site Name: <b>FORMER DUTCH MASTERS PAINT &amp; VARNISH CO.</b>
		Site Address: <b>29-41 WYTCH AVENUE AND 180 N. 14TH STREET, BROOKLYN, NY</b>	
		Drawing Title: <b>FEMA FLOOD MAP</b>	

**APPENDIX A**  
***Environmental Reports (Digital Files on CD)***

**APPENDIX B**  
***Metes and Bounds Description***

LOT 1

BEGINNING At the corner formed by the intersection of the Southeasterly side of Wythe Avenue with the Northeasterly side of North 13th Street:

RUNNING THENCE Northeasterly along the Southeasterly side of Wythe Avenue, 200 feet to the corner formed by the intersection Southeasterly side of Wythe Avenue with the Southeasterly side of North 14<sup>th</sup> Street;

THENCE Southeasterly along the Southeasterly side of North 14<sup>th</sup> Street 100 feet;

THENCE Southwesterly parallel with the Southeasterly side of Wythe Avenue, 200 feet to the Northeasterly side of North 13th Street;

THENCE Northwesterly along Northeasterly side of North 13<sup>th</sup> Street, 100 feet to the corner the point or place of BEGINNING.

LOT 9

BEGINNING at a point on the southwesterly side of North 14th Street, distant 100.00 feet southeasterly from the corner formed by the intersection of the southwesterly side of North 14th street with the southeasterly side of Wythe Avenue;

RUNNING THENCE southwesterly parallel with Wythe Avenue 100 feet 4 inches;

THENCE southeasterly parallel with North 14th Street and part of the distance through a party wall 85.00 feet;

THENCE northeasterly parallel with Wythe Avenue 100 feet 4 inches to the Southwesterly side of North 14th Street;

THENCE northwesterly along the southwesterly side of North 14th Street 85.00 feet to the point or place of BEGINNING.

**APPENDIX C**  
***Detailed Cost Analysis of Established  
Environmental Conditions***

**FORMER DUTCH MASTERS PAINT VARNISH CO. SITE**  
**29-41 Wythe Avenue**  
**Brooklyn, NY**

**Summary of Project Costs**

**NYS Brownfields Cleanup Program**  
**Costs by Task**

**TASK**

BCP Entry Documents	\$	23,350.00
RI Investigation, Work Plans and Reports	\$	115,800.00
Remedial Work Plan, Remedy Scoping & Coordination	\$	18,750.00
Soil Transportation and Disposal	\$	670,645.00
Confirmatory Sampling and Analysis	\$	43,400.00
Field Monitoring, Oversight and Project Management	\$	116,100.00
Final Engineering Report DEC Fees, etc.	\$	18,000.00
Subtotal	\$	1,006,045.00
15% Contingency	\$	150,906.75
<b>Total</b>	<b>\$</b>	<b>1,156,951.75</b>

## **APPENDIX D**

### ***Deeds***

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 3<sup>rd</sup> day of March, nineteen hundred and Ninety-Five  
BETWEEN BAROUH EATON ALLEN CORP., a New York Corporation with offices at  
67 Kent Avenue, Brooklyn, New York.

party of the first part, and

FATSE ALARM, LTD. a New York Corporation with offices at  
29-43 Wythe Avenue, Brooklyn, New York.

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the Southeasterly side of Wythe Avenue with the Northeasterly side of North 13th Street; RUNNING THENCE Northeasterly along the Southeasterly side of Wythe Avenue, 200 feet to the corner formed by the intersection of the Southeasterly side of Wythe Avenue with the Southwesterly side of North 14th Street; THENCE Southeasterly along the Southwesterly side of North 14th Street, 100 feet; THENCE Southwesterly parallel with the Southeasterly side of Wythe Avenue, 200 feet to the Northeasterly side of North 13th Street; THENCE Northwesterly along the Northeasterly side of North 13th Street, 100 feet to the corner, the point or place of BEGINNING.

SAID PREMISES being known as and by the street address 29-43 Wythe Avenue, Brooklyn, N.Y.

Being the same premises described in deed (Reel 1300 page 1504) from Victor Barouh a/k/a Victor Berouh to Barouh Eaton Allen Corp. dated February 1, 1982 and recorded March 4, 1982 on Reel 1300, Page 1504.

The sale of the above premises is made in the usual course of business of BAROUH EATON ALLEN CORP. and does not constitute a sale, lease, exchange or other disposition of all or substantially all the assets of said corporation.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Richard J. Cirino  
Witness

By: Andrea Barouh  
ANDREA BAROUH  
Chief Executive Officer

101 2005  
105 PG 1326

STATE OF NEW YORK, COUNTY OF

On the 19 day of March 1995, before me personally came Andrea Barouh of 67 Kent Avenue, Brooklyn, New York

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

On the 19 day of March 1995, before me personally came

to me known to be the individual described in and who executed the foregoing instrument and acknowledged that executed the same.

04-27-95 BROU DEED 759102  
PAID DEED \$19.00

04-27-95 BROU GANFF 759103  
PAID GANFF \$1.00

STATE OF NEW YORK, COUNTY OF KINGS

On the 21<sup>st</sup> day of March 1995, before me personally came Andrea Barouh to me known, who, being by me duly sworn, did depose and say that she resides at No. 67 Kent Avenue, Brooklyn, NY 11211; that she is the Chief Executive Officer of Barouh Eaton Allen Corp.

the corporation described in and which executed the foregoing instrument; that she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that she signed her name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the 19 day of March 1995, before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. \_\_\_\_\_; that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

*Robert F. McEnna*  
ROBERT F. McENNA  
Notary Public, State of New York  
No. 43421147  
Qualified in Richmond County  
Comm. Expires 2-15-96

**Bargain and Sale Deed**  
WITH COVENANT AGAINST GRANTOR'S ACTS  
TITLE No. 94 M - 66

BAROUH EATON ALLEN CORP.

TO

FALSE ALARM, LTD.

SECTION 8  
BLOCK 2279  
LOT 1  
COUNTY OR TOWN KINGS

100 C. V.P.  
BY ADDRESS *DS*

RETURN BY MAIL TO:

Simon Klein, Esq.  
Law Offices of Suslovich & Klein  
Chase Manhattan Building  
1507 Avenue M  
Brooklyn, NY 11230  
3214 Ep No.

RECEIVED  
COMMERCIAL  
APR 27 1995  
KINGS COUNTY

014978

Reserve this space for use of Recording Office.



KINGS COUNTY

NEW YORK CITY REGISTER

95 APR 27 AM 10:31

IN MY HAND  
AND OFFICIAL SEAL  
*R. F. McEnna*

REC. FEE A-19-  
SST \$ 2560-  
EPT # 06478  
y-1

17625 PG 2187

FF-29 (11-65) - Bargain and Sale Deed, with Covenant against Grantor's Acts - Individual or Corporation (Single Sheet)  
CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

This Indenture, made the 6th day of December nineteen hundred and ninety five

Between BAROUH EATON ALLEN CORP., previously known as EATON ALLEN CORP., having its principal place of business at 67 Kent Avenue Brooklyn, N.Y.

party of the first part, and

M.A.J. ASSOCIATES, INC., having its principal place of business at 29 Wythe Avenue, Brooklyn, N.Y.

party of the second part.

Witnesseth, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York bounded and described as follows:

BEGINNING at a point on the southwesterly side of North 14th Street, distant 100.00 feet southeasterly from the corner formed by the intersection of the southwesterly side of North 14th Street with the southeasterly side of Wythe Avenue;

RUNNING THENCE southwesterly parallel with Wythe Avenue 100 feet 4 inches;

THENCE southeasterly parallel with North 14th Street and part of the distance through a party wall 85.00 feet;

THENCE northeasterly parallel with Wythe Avenue 100 feet 4 inches to the southwesterly side of North 14th Street;

THENCE northwesterly along the southwesterly side of North 14th Street 85.00 feet to the point or place of BEGINNING.

SAID PREMISES being known as 180-88 North 14th Street, Brooklyn, N.Y.

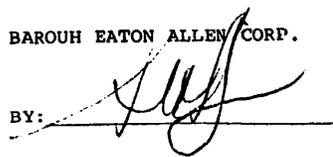
THIS conveyance is being made with the unanimous consent of the shareholders of the grantor herein.

Together with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises; To Have And To Hold the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.  
And the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.  
And the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.  
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.  
In Witness Whereof, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

BAROUH EATON ALLEN CORP.

BY:



STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF KINGS ss:

On the 6th day of December 19 95, before me personally came SETH DINSKY to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the President of BAROUH EATON ALLEN CORP.

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

ROBERT F. MCKENNA  
Notary Public, State of New York  
No. 43-4721147  
Qualified in Richmond County  
Comm. Expires 1-24-96

**Bargain and Sale Deed**  
With Covenant Against Grantor's Acts

Title No. \_\_\_\_\_

BAROUH EATON ALLEN CORP.

TO  
M.A.J. ASSOCIATES, INC.

Distributed by  
Nations Title Insurance of New York Inc.

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19 , before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

; that he knows to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw

execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

SECTION 8  
BLOCK 2279  
LOT 9  
CITY OR TOWN Brooklyn  
COUNTY Kings

RETURN BY MAIL TO:

SUSLOVICH & KLEIN  
1507 Avenue M  
Brooklyn, N.Y. Zip No. 11230

RESERVE THIS SPACE FOR  
USE OF RECORDING OFFICE

STATE OF NEW YORK, COUNTY OF

ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, before me personally came

to me known to be the individual \_\_\_\_\_ described in and who executed the foregoing instrument, and acknowledged that \_\_\_\_\_ executed the same.

STATE OF NEW YORK, COUNTY OF KINGS ss:

On the 6th day of December 19 95, before me personally came SETH DINSKY to me known, who, being by me duly sworn, did depose and say that he resides at No. \_\_\_\_\_

that he is the President of BAROUH EATON ALLEN CORP., the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

*[Signature]*  
ROBERT F. MCKENNA  
Notary Public, State of New York  
No. 43-4721147  
Qualified in Richmond County  
Comm. Expires 1-24-96

**Bargain and Sale Deed**

With Covenant Against Grantor's Acts

Title No. \_\_\_\_\_

BAROUH EATON ALLEN CORP.

TO  
M.A.J. ASSOCIATES, INC.

Distributed by  
Nations Title Insurance of New York Inc.

R-2620  
STATE OF NEW YORK, COUNTY OF WELLS 2567188 ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, before me personally came

to me known to be the individual \_\_\_\_\_ described in and who executed the foregoing instrument, and acknowledged that \_\_\_\_\_ executed the same.

STATE OF NEW YORK, COUNTY OF \_\_\_\_\_ ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, before me personally came \_\_\_\_\_ the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. \_\_\_\_\_

; that he knows to be the individual \_\_\_\_\_ described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw \_\_\_\_\_ execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

SECTION 8  
BLOCK 2279  
LOT 9  
CITY OR TOWN Brooklyn  
COUNTY Kings

RETURN BY MAIL TO:

SUSLOVICH & KLEIN  
1507 Avenue M  
Brooklyn, N.Y. Zip No. 11 230

RESERVE THIS SPACE FOR  
USE OF RECORDING OFFICE

**CITY REGISTER RECORDING AND ENDORSEMENT PAGE  
- KINGS COUNTY -**

*(This page forms part of the instrument)*

DEC 25 1995 2 18 9

Block(s) <u>2279</u> Lot(s) <u>9</u> <u>180-88 N14th St</u>	Record & Return to: _____ Title/Agent Company name: _____ Title Company number: _____
---	---

**OFFICE USE ONLY - DO NOT WRITE BELOW THIS LINE**

**THE FOREGOING INSTRUMENT WAS ENDORSED FOR THE RECORD AS FOLLOWS:**

Examined by (s): J

Mtg Tax Serial No.	_____
Mtg Amount	\$ _____
Taxable Amount	\$ _____
Exemption (s) _____	YES <input type="checkbox"/> NO <input type="checkbox"/>
Type:	<input checked="" type="checkbox"/> [330EE] <input type="checkbox"/> [255] <input type="checkbox"/> [OTHER _____]
Dwelling Type:	<input type="checkbox"/> [1 to 2] <input type="checkbox"/> [3] <input type="checkbox"/> [4 to 6] <input type="checkbox"/> [OVER 6]
<b>TAX RECEIVED ON ABOVE MORTGAGE ▼</b>	
County (basic)	\$ _____
City (Addtl)	\$ _____
Spec Addtl	\$ _____
TASF	\$ _____
MTA	\$ _____
NYCTA	\$ _____
<b>TOTAL TAX</b>	\$ _____
Apportionment Mortgage (s) _____	YES <input type="checkbox"/> NO <input type="checkbox"/>

Joy A. Bobrow, City Register

City Register Serial Number → 066155

Indexed By (s): _____	Verified By (s): _____
Block(s) and Lot(s) verified by (s): <u>JK</u>	
Address <input checked="" type="checkbox"/>	Tax Map <input type="checkbox"/>
Extra Block(s) _____	Lot(s) _____
Recording Fee <u>A-</u>	\$ <u>32-</u>
Affidavit Fee (C)	\$ _____
TP-584/582 Fee (Y)	\$ <u>1-</u>
RPTT Fee (R)	\$ <u>55-</u>
HPD-A <input type="checkbox"/>	HPD-C <input type="checkbox"/>
New York State Real Estate Transfer Tax ▼	
\$ <u>19.00-</u>	
Serial Number →	<u>007297</u>
New York City Real Property Transfer Tax	
Serial Number →	<u>18983</u>
New York State Gains Tax	
Serial Number →	_____

12-21-95 BK01 PAID 649395  
 12-21-95 BK01 PAID 649395  
 12-21-95 BK01 PAID 649395

12-21-95 BK01 PAID 649395  
 12-21-95 BK01 PAID 649395  
 12-21-95 BK01 PAID 649395



**RECORDED IN KINGS COUNTY  
OFFICE OF THE CITY REGISTER**  
 1995 DEC 21 A 11:06

Witness My Hand and Official Seal

*Joy A. Bobrow*  
 City Register

CRGFMSK BPG 1/83

**APPENDIX E**  
***Repository Acknowledgement Letter***



May 15, 2017

Brooklyn Public Library  
Greenpoint Branch  
107 Norman Street  
Brooklyn, NY 11222

**Re: NYS Brownfield Cleanup Program Application  
Former Duth Masters Paint & Varnish Co. Site  
29-41 Wythe Avenue, Brooklyn, NY**

In compliance with the requirements of the NYSDEC Brownfield Clean-up Program, the Brooklyn Public Library, Greenpoint Branch, located at 107 Norman Avenue, Brooklyn, NY 11222 agrees to serve as a designated repository for the above referenced project to facilitate citizen access to project documents such as Work Plans, Technical Specifications and Investigative Reports.

Please sign below and return the original copy to our office at the address shown below.

Accepted by:  Date \_\_\_\_\_  
June 5, 2017 for Brooklyn Public Library -  
Greenpoint Branch

