

**FORMER NY CLEANING AND DYEING SITE  
376-378 FLUSHING AVENUE, BROOKLYN, NY  
Block 1884 Lots 40 and 48**

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



**Department of  
Environmental  
Conservation**

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

October 2017

*Program Requestor:*

**Rose Castle Redevelopment II LLC  
266 Broadway, Suite 301  
Brooklyn, NY 11211**

*Prepared By:*



**ENVIRONMENTAL BUSINESS CONSULTANTS**

**1808 Middle Country Road  
Ridge, NY 11961**

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## BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

Yes

No

If yes, provide existing site number: \_\_\_\_\_

### PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 9*

#### Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY  
BCP SITE #: \_\_\_\_\_

NAME

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Is the requestor authorized to conduct business in New York State (NYS)? Yes No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application, to document that the requestor is authorized to do business in NYS.

Do all individuals that will be certifying documents meet the requirements detailed below? Yes No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. **Documents that are not properly certified will be not approved under the BCP.**

#### Section II. Project Description

1. What stage is the project starting at? Investigation Remediation

2. If the project is starting at the remediation stage, a Remedial Investigation Report (RIR), Alternatives Analysis, and Remedial Work Plan must be attached (see [DER-10 / Technical Guidance for Site Investigation and Remediation](#) for further guidance).

3. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): Yes No

4. Please attach a short description of the overall development project, including:

- the date that the remedial program is to start; and
- the date the Certificate of Completion is anticipated.

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through July 13, 2017.

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Selected Entity Name: ROSE CASTLE REDEVELOPMENT II LLC

Selected Entity Status Information

**Current Entity Name:** ROSE CASTLE REDEVELOPMENT II LLC

**DOS ID #:** 4839067

**Initial DOS Filing Date:** OCTOBER 23, 2015

**County:** KINGS

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC LIMITED LIABILITY COMPANY

**Current Entity Status:** ACTIVE

Selected Entity Address Information

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

C/O ZELIG WEISS

266 BROADWAY, #301

BROOKLYN, NEW YORK, 11211

**Registered Agent**

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

**\*Stock Information**

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

\*Stock information is applicable to domestic business corporations.

**Name History**

Filing Date	Name Type	Entity Name
OCT 23, 2015	Actual	ROSE CASTLE REDEVELOPMENT II LLC

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? If no, please attach a metes and bounds description of the property.			Yes	No
2. Is the required property map attached to the application? (application will not be processed without map)			Yes	No
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> for more information)			Yes	No
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? If yes, attach relevant supporting documentation.			Yes	No
7. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.			Yes	No

**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

Consolidated Edison Company

subsurface easement for power cable

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? n/a

☐ 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: ZW \_\_\_\_\_

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

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF REQUESTOR'S CONSULTANT			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF REQUESTOR'S ATTORNEY			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b>			
CURRENT OWNER'S NAME		OWNERSHIP START DATE:	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<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> <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>			
<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? Yes No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? Yes 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. Yes 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.

**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?  
If yes, please provide:      Site # \_\_\_\_\_      Class # \_\_\_\_\_

Yes    No
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?  
If yes, please provide:   Permit type: \_\_\_\_\_      EPA ID Number: \_\_\_\_\_  
                                        Date permit issued: \_\_\_\_\_      Permit expiration date: \_\_\_\_\_

Yes    No
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?  
If yes, please provide:      Order # \_\_\_\_\_

Yes    No
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?  
If yes, please provide explanation as an attachment.

Yes    No

## 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	
1. What is the current zoning for the site? What uses are allowed by the current zoning? <div style="display: flex; justify-content: space-around; margin-bottom: 5px;"> <span>Residential</span> <span>Commercial</span> <span>Industrial</span> </div> If zoning change is imminent, please provide documentation from the appropriate zoning authority.	
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>	
3. Reasonably anticipated use Post Remediation:    Residential    Commercial    Industrial    (check all that apply) <b>Attach a statement detailing the specific proposed use.</b>  If residential, does it qualify as single family housing? <span style="float: right;">Yes    No</span>	
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 hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *Proposed DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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. Zelig Weiss

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

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

(By a requestor other than an individual)

I hereby affirm that I am Managing Member (title) of Rose Castle Redevelopment II LLC (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: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *Proposed DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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: 10/3/17 Signature: 

Print Name: Zelig Weiss

### 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 9**

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
<p><b>From ECL 27-1405(31):</b></p> <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 will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended 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 claimed within an En-Zone:****0%****<50%****50-99%****100%****DER Determination:**

Agree

Disagree

**Requestor's Requested Status:****Volunteer****Participant****DER/OGC Determination:**

Agree

Disagree

**Notes:****For NYC Sites, is the Requestor Seeking Tangible Property Credits:**

Yes

No

**Does Requestor Claim Property is Upside Down:**

Yes

No

**DER/OGC Determination:**

Agree

Disagree

Undetermined

**Notes:****Does Requestor Claim Property is Underutilized:**

Yes

No

**DER/OGC Determination:**

Agree

Disagree

Undetermined

**Notes:****Does Requestor Claim Affordable Housing Status:**

Yes

No

Planned, No Contract

**DER/OGC Determination:**

Agree

Disagree

Undetermined

**Notes:**

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
BROWNFIELD CLEANUP PROGRAM (BCP)  
INSTRUCTIONS FOR COMPLETING A BCP APPLICATION**

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional office](#) to schedule a meeting. To add a party to an existing BCP Agreement and/or Application, use the [BCP Agreement Amendment Application](#). **See guidance at the end of these instructions regarding the determination of a complete application.**

**SECTION I REQUESTOR INFORMATION**

Requestor Name

Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information. If an LLC, the members/owners names need to be provided on a separate attachment). The requestor is the person or entity seeking DEC review and approval of the remedial program.

If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear exactly as given in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to DEC with the application, to document that the requestor is authorized to do business in NYS.

Address, etc.

Provide the requestor's mailing address, telephone number; fax number and e-mail address.

Document Certification

All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of [DER-10](#). Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:

- New York State licensed professional engineers (PEs), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a PE with current license and registration for work that was done by them or those under their direct supervision. The firm by which the PE is employed must also be authorized to practice engineering in New York State;
- qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;
- remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or
- site owners, which are the owners of the property comprising the site at the time of the certification.

**SECTION II PROJECT DESCRIPTION**

As a separate attachment, provide complete and detailed information about the project, including the purpose of the project, the date the remedial program is to start, and the date the Certificate of Completion is anticipated..

**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.

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**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.

## 1.0 INTRODUCTION

Rose Castle Redevelopment II LLC seeks to remediate and redevelop the Former NY Cleaning and Dyeing Site located on 376-378 Flushing Avenue in the Bedford Stuyvesant section of Brooklyn, NY (the "Site") (see **Figure 1**). The Site is known as the Former NY Cleaning and Dyeing Co., Dry Cleaning Plant and is comprised of two tax parcels identified as Block 1884, Lots 40 and 48 (**Figure 2**).

The properties historical use, as well as the presence of known and suspected underground storage tanks, historical fill materials and elevated levels of contaminants in soil and groundwater are complicating redevelopment of the Site.

Rose Castle Redevelopment II LLC plans a Track 1 cleanup and mixed-use residential/commercial redevelopment of the Site. The nature and extent of existing and suspect contamination, however, complicates the redevelopment plan. Accordingly, Rose Castle Redevelopment II LLC 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.

### 1.1 Requestor Information

Rose Castle Redevelopment II LLC is the applicant for the project and is applying to the program as a Volunteer. The members of the Rose Castle Redevelopment II LLC are listed below:

- Mr. Zelig Weiss
- Mr. Fedor Itskovich

Rose Castle Redevelopment II LLC is under contract to purchase the property from the current owner (**Attachment E**), and is not affiliated in any way with the past property owners or operators, or the release of contaminants at the site. By written agreement, Rose Castle Redevelopment II LLC has been given access to the Site by the current owner to implement the required remedial actions that will be required under the BCP (**Attachment C**).

The Requestor qualifies as a Volunteer because it's only connection to the Site is its contract to acquire the entity that, indirectly, owns the fee. The Requestor was neither an owner nor an operator of the Site at any time during which contamination of the Site occurred.

### 1.2 Property Description Narrative (Application Section IV)

#### 1.2.1 Site Location

The Former NY Cleaning and Dyeing Site is located in an urban area located in the Bedford Stuyvesant section of Brooklyn (Kings County), New York. The Site is comprised of two tax parcels (**Figure 2**) totaling 39,307 square feet (ft<sup>2</sup>) (0.902 acres). The Site has 268.58 feet of frontage on Flushing Avenue, 103 linear feet of street frontage along Franklin Avenue (to the east), and 150 linear feet of street frontage along Little Nassau Street (to the south).

### *1.2.2 Site Features*

The entire footprint of the Site is currently developed with four adjacent buildings. Lot 40 is developed with a one-story commercial building approximately 13,250 ft<sup>2</sup> in size, currently occupied by a door and molding company. Lot 48 is developed with three, two-story commercial buildings occupied by an approximate 11,932 ft<sup>2</sup> catering hall, an approximate 11,400 ft<sup>2</sup> warehouse for the door and molding company (on Lot 40), and an approximate 1,595 ft<sup>2</sup> office space. According to the NYC Department of Buildings, the current buildings were constructed in 1924 (Lot 48) and 1966 (Lot 40).

### *1.2.3 Current Zoning and Land Use*

The Site is currently zoned for manufacturing; the zoning designation for the Site is M1-2. The area immediately surrounding Site consists of Flushing Avenue to the north; Franklin Avenue and a three-story commercial building to the east; Little Nassau Street to the south; and residential apartment building to the west.

### *1.2.4 Past Use of the Site*

The buildings present on the Site are in use as a wood door and molding manufacturer and warehouse (Lot 40, p/o Lot 48) and a catering hall (p/o Lot 48). Lot 40 appears to have been redeveloped by 1928 with the existing one-story building identified as "Priemo Garage". By 1945 the building as used by Metropolitan Distributors for the storage of ice cream and delivery trucks. From 1928 to 1934, 380 Flushing Avenue (Lot 48) was used as an auto body fabricator while two 1-story buildings, identified as an auto body repair and a paper company, were located in the western portion of the Lot. A sheet metal works was identified on a portion of Lot 48 from 1928-1940.

By 1940, a commercial dry cleaning plant (NY Cleaners and Dyeing) occupied all of Lot 48. Based on the 1966 Certificate of occupancy, describing Lot 40 as being used for commercial vehicle storage and trucking terminal, the lack of city directory listings for this lot between 1949 and 1992 and the history of common ownership with Lot 48 by Uniform Rentals Inc., it is probable that both lots were part of the NY Cleaners-Uniform Rental operation with lot 40 being used to store and service the company's vehicle fleet from 1949 through 1986-1987. Although not reflected in the Sanborn Maps, the City Directory listings identify 376 Flushing Ave. (lot 40) as Alexander Supply (door and molding warehouse) in 1997 and 378 Flushing Ave (portion of lot 48) as Exclusive millwork in 1992. Exclusive Door and molding currently occupies both 376 and 378 Flushing Avenue. Therefore the laundry operations and fleet maintenance garage vacated prior to these dates, most likely in 1986-1987 when Uniform Rentals sold the lots.

### 1.2.5 Site Geology and Hydrology

The elevation of the Site is approximately 16 feet above the National Geodetic Vertical Datum (NGVD). The area topography gradually slopes to the west. The depth to groundwater beneath the Site, as determined from field measurements, is approximately 9 to 13 feet below grade. Based on regional and local groundwater contour maps, groundwater flow is expected to be north/northeast, toward the Wallabout Channel, approximately 0.5 miles from the Site.

### 1.2.6 Environmental Assessment

Based upon the investigations conducted at the Site to date, the primary contaminants of concern include petroleum-related VOCs, tetrachloroethene and trichloroethene.

*Soil* - Petroleum-related VOCs exceeded Restricted Residential Use Soil Cleanup Objectives (SCOs) are present in soil across the majority of the Site. BTEX compounds exceeded Restricted Residential Use SCOs were reported in the 12-15 ft and 20-22 ft intervals. Highest PID readings were recorded at 910 ppm for the 20-25 ft interval. Restricted Residential SCO exceedances for VOCs extend beyond the groundwater interface to approximately 22 ft in the mid to northwestern portion of the Site. Historic fill material with SVOCs and metals above Restricted Residential Use SCOs and pesticides concentrations above Unrestricted Use SCOs is present for the 0-5 ft layer across the Site.

*Groundwater* - Petroleum VOCs were detected above Groundwater Quality Standards (GQS) in all groundwater samples. BTEX concentrations ranged from 262 µg/L to 3,280 µg/L. Free-phase petroleum product was detected in one well locate in the northeastern portion of the Site.

*Soil Vapor* - Petroleum-related volatile organic compounds (BTEX) ranged in concentrations up to 16,939 µg/m<sup>3</sup>. Chlorinated VOCs (CVOCs) were reported in all 10 soil vapor samples, with Tetrachloroethene and Trichloroethene concentrations above the monitoring ranges established within the NYSDOH Final Guidance on Soil Vapor Intrusion; up to 485 µg/m<sup>3</sup> and 171 µg/m<sup>3</sup>, respectively.

## 1.3 Current Property Owners / Operators

Lot 40 is currently occupied by a molding and door supply while Lot 48 is used as a banquet hall. Both lots were part of the NY Cleaning and Dyeing dry cleaning plant with lot 48 used for dry cleaning, pressing and shipping and Lot 40 used for fleet vehicle storage and maintenance. See **Figure 3** - Site Plan.

Current owners (see **Attachment E - Deed**) and operators / tenants are as follows:

#### Lots 40 and 48

Owner:	Lotus Residences LLC
Address:	56 Franklin Avenue, Brooklyn, NY 11205
Phone:	718-484-0061

Lot 40

Operator / Tenant: Exclusive Doors and Moldings  
Address: 376 Flushing Avenue, Brooklyn, NY 11206  
Phone: 718-246-2200

Lot 48

Operator / Tenant: Rose Castle  
Address: 30 Franklin Avenue, Brooklyn, NY 11206  
Phone: 718-797-5500

## **2.0 PROJECT DESCRIPTION (Application Section V)**

### **2.1 Project Overview / Eligibility**

Redevelopment plans have not been finalized; however, the Requestor intends to construct a new 8 story mixed residential-commercial building with approximately 168 dwelling units. The project features retail space along Flushing Avenue on the first floor, and storage, mechanical rooms and trash compactor room for the cellar. Floors 2 through 8 will consist of residential apartments.

Although financing for the project has not yet been finalized, it is anticipated that financing will come through conventional lenders. In order to secure financing for the project, lenders will require a release from the State of New York or other regulatory authority for the contamination known to be present on the property and which may be impacting off-site properties.

A Remedial Investigation for the Site was completed in January 2017 to characterize the nature and extent of petroleum and chlorinated solvent contamination in on-site soil, groundwater and soil gas, to complete a qualitative exposure assessment for future occupants of the proposed building and the surrounding community and to evaluate alternatives to remediate the contamination.

### **2.2 Benefits to the Community**

The property is located in what historically has been a light manufacturing and commercial district with an M1-2 zoning designation. In 2001, the area was rezoned as a Residential district (R7A) under the Flushing - Bedford rezoning action completed by the City. According to the Final Environmental Impact Statement (FEIS) prepared by the City:

“The rezoning area has experienced a significant decline in industrial activity over the last four decades resulting in an increase in auto related uses, junk yards and vacant land. Study findings indicate that over the last two decades, there has been a substantial growth in the residential population in the surrounding areas, resulting in a housing shortfall and increasing demand for new dwelling units.”

“Overall, the proposed action would alter neighborhood character in beneficial ways, by permitting new moderate-density development on sites which are currently vacant, underutilized and rundown. This would improve the area's visual character and permit the creation of a vibrant residential and mixed-use community which would increase private investment in the area and support nearby retail areas.”

"By adding approximately 1,224 new dwelling units to the housing stock of the Flushing Bedford area, the proposed rezoning would provide new housing opportunities for area residents. By reactivating approximately 30,000 square feet of currently vacant retail space along the Myrtle Avenue and Bedford Avenue corridor, the proposal could provide new job opportunities for the local community. Additionally, by redeveloping many of the area's vacant and underutilized sites, the proposed rezoning could help strengthen socioeconomic conditions in the area, reaffirming the residential character of the proposed R7 district

north of Flushing Avenue, and stabilizing the mixed residential and industrial character of the proposed mixed-use district south of Flushing Avenue. Overall, these changes are expected to improve housing and job conditions in the area and result in beneficial impacts."

In response to the change in zoning, the area has seen significant redevelopment as old commercial buildings and warehouses have been replaced by multi-story residential buildings including two new buildings across the street from the Site. The Project's residential use blends perfectly with the surrounding properties and considers the special needs of the community by providing large apartment space / number of bedrooms to accommodate families.

### *Local Job Creation*

The project is expected to generate 200 temporary construction jobs in various trades for several years during the construction phase of the project. In addition 75 to 100 permanent jobs are anticipated from the FRESH-Program supermarket, building management and maintenance. The project also benefits the local economy through the purchase of materials, supplies and services related to the design and construction of the new building in the short term. In the long term the project will benefit the local economy through the purchase of goods and services by the residents of the 168 apartments, and through increased tax revenue. The property also provides the surrounding community with a new FRESH Program supermarket.

The proposed project delivers these benefits on a site that is underutilized and currently at risk of becoming a liability to the community due to its historic use as for auto repair / sales, gasoline retail and the presence of related contamination.

For this project to be realized, the developer will be required to commit significant time, effort and resources to remedy the contamination, develop the Site and begin construction. That commitment will not be made if a risk of a meaningful yet uncertain environmental issue exists. On the other side, the developer cannot secure financing without assurances to lenders that environmental issues will be fully mitigated with reasonable protection from liability.

## **2.3 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 Remedial Investigation Report	With Application
Submit Remedial Action Work Plan	With Application
Begin Building Demolition and UST Removal	September 2017
Begin Building Construction and Remedial Action	October 2017
Continue Remedial Action	October 2017- March 2019
Submit Draft Env. Easement (if Track 1 not Achieved)	June 2019
Submit Draft Site Management Plan (if Track 1 not Achieved)	August 2019
Submit Draft Final Engineering Report	September 2019
Obtain Certificate of Occupancy	December 2019

### 3.0 ENVIRONMENTAL HISTORY (Application Section VII)

The environmental history of the subject lots previously were investigated 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 the Phase I Environmental Site Assessment completed in August 2015.

In addition a Phase II subsurface investigation was performed at the Site in January 2017, as part of the Remedial Investigation required by NYC OER.

#### 3.1 Underground Storage Tanks

Two underground gasoline storage tanks were identified on historical Sanborn maps for Lot 40 for the years 1947 through 2007. One underground gasoline storage tank was identified on Sanborn maps for Lot 48 for the years 1965 through 1989. The site inspection identified the presence of a fill port along the sidewalk of Lot 48. No fill ports or vent pipes were observed for Lot 40. The historical presence of gasoline USTs at the Site were not identified as an REC in the Phase I Report.

#### 3.2 Summary of Environmental Investigations

Environmental investigations/reports performed at the Site include the following:

- Phase I Environmental Site Assessment, Equity Environmental Engineering, August 2015.
- Remedial Investigation Workplan, Environmental Business Consultants, January 2017.
- Remedial Investigation Report, Environmental Business Consultants, April 2017.

##### 3.2.1 Phase I Environmental Site Assessment (Equity Environmental Engineering, August 2015)

Equity Environmental Engineering was able to establish a history for the property dating back to 1887. According to a review of NYC records, City Directory Listings and historical Sanborn maps, as well as personal interviews, the Site was developed since at least 1887 with multiple storefronts and residential dwellings. The Site appears to have been redeveloped by 1935 with the existing one-story building on Lot 40 (identified as a parking garage), two, one-story buildings (identified as an auto repair and a paper company) on the western portion of Lot 48; no significant changes are identified for the eastern portion of Lot 48. By 1947, a dry cleaner was added to the westernmost building on Lot 48 and the eastern portion of Lot 48 was redeveloped with a large one-story commercial building (pressing and shipping use). By 1965, a second story was added to the middle building on Lot 48. The property remained in this configuration through the present day.

##### 3.2.2 Remedial Investigation Report (EBC, April 2017)

A Phase II work plan was approved by OER in January 2017 to comply with the Site's E designation for hazardous materials and is attached in **Attachment A**. The field work portion of the RI was conducted by EBC from January 12, 2017 through January 17, 2017. The goals of the Remedial Investigation were to define the nature and extent of contamination in soil, groundwater and any other impacted media; to identify the source(s) of the contamination; to assess the impact of the

contamination on public health and/or the environment; and to provide information to support the development of a Remedial Work Plan to address the contamination. Activities completed under the RI:

- Soil sampling and analysis for VOCs, SVOCs, pesticides, PCBs and metals;
- The installation of four groundwater monitoring wells
- The collection and analysis of four groundwater samples for VOCs, SVOCs, pesticides, PCBs and metals;
- The collection of analysis of soil gas and indoor air samples for VOCs from soil gas sampling locations.

Subsurface soils at the Site include silt and sand non-native fill with bricks, concrete, coal and other rubble to a depth of approximately 5 feet below grade. A native sand and clay is present below the fill to a depth of approximately 12 feet below grade. The fill material contains elevated levels some metals, pesticides and SVOCs at concentrations above unrestricted and / or restricted use SCOs. Groundwater at the Site is present at a depth of approximately 9-13 feet below surface grade and flows in north/northwesterly direction towards the Wallabout Channel.

The results of sampling performed during the RI identified petroleum-related VOCs exceeding Restricted Residential Use Soil Cleanup Objectives (SCOs) in soil across the majority of the Site. BTEX compounds exceeding Restricted Residential Use SCOs are present in the 12-15 ft and 20-22 ft below grade intervals. Restricted Residential SCO exceedances for VOCs extend beyond the groundwater interface to approximately 22 ft in the mid to northwestern portion of the Site. Historic fill material with SVOCs and metals above Restricted Residential Use SCOs and pesticides concentrations above Unrestricted Use SCOs is present in the 0-5 ft layer across the Site.

Groundwater is impacted with petroleum VOCs in all four monitoring wells (GW1 and GW3-GW5) installed at the Site. Petroleum VOCs were detected above Groundwater Quality Standards (GQS) in all groundwater samples. BTEX concentrations ranged from 262 µg/L to 3,280 µg/L. Free-phase petroleum product was detected in one well (GW5). The laboratory findings for the petroleum ID on the product sample from GW5 was inconclusive, with majority of mass listed as “unidentified”. The chromatogram in general, however was noted to contain a multi-component hydrocarbon distribution in the range of C9 (petrol range) to C14 (diesel range).

Soil vapor sampling identified high levels of petroleum related volatile organic compounds (BTEX), ranging from 4.26 µg/m<sup>3</sup> to 16,939 µg/m<sup>3</sup>. Chlorinated VOCs (CVOs) were reported in all 10 soil vapor samples, with Tetrachloroethene and Trichloroethene concentrations above the monitoring ranges established within the NYSDOH Final Guidance on Soil Vapor Intrusion; up to 485 µg/m<sup>3</sup> and 171 µg/m<sup>3</sup>, respectively. The highest soil vapor concentrations were reported in the southern portion of Lot 48.

Recommendations include removal of onsite USTs, excavation and disposal of petroleum a contaminated soil within the source areas and proper handling and disposal of all soils excavated for structural elements of the new building. This work would be performed under an approved Remedial Action Work Plan (RAWP) which includes a Soil Management Plan, a Construction Health and

Safety Plan and a Community Air Monitoring Plan.

A copy of the complete Remedial Investigation Report is provided in digital form in **Attachment A**.

### 3.3 Summary of Confirmed Contamination and Environmental Conditions

The results of the investigations performed at the site have identified the following contaminated media and environmental conditions that will complicate redevelopment of the property.

- Lots 40 and 48 were previously occupied by a dry cleaning plant for a period of approximately 46 years from 1940 through at least 1986 but sometime before 1992.
- Lot 40 was previously occupied by a private and fleet maintenance garage with gasoline tanks from approximately 1928 through at least 1986.
- A portion of Lot 48 was previously occupied by an auto body fabricator from approximately 1928 to sometime prior to 1934.
- A portion of Lot 48 was previously occupied by a sheet metal works from approximately 1928 through 1940.
- Confirmed petroleum-related VOC contaminants in soil, groundwater and soil gas. Petroleum contamination in deeper (12-14ft and 20-22ft below grade intervals) soils was detected across the Site, with highest concentrations near the vicinity of the suspect tank locations. This issue will require further investigation and remediation.
- Three gasoline UST(s) potentially remain on the property and will have to be removed during redevelopment.
- Elevated concentrations of BTEX and CVOCs in soil gas samples are evidence that off-gassing is occurring and that vapor mitigation may be required under a redevelopment scenario. The potential for on and off-site vapor intrusion must be evaluated as part of the Remedial Investigation of the Site.
- Elevated levels of SVOCs and metals were present across the Site to depths of approximately 5 ft to 12 ft below grade.

Laboratory results of the site investigation are summarized in Tables 2 through 10 and Figures 6 through 8 of the Remedial Investigation Report included in **Attachment A**.

### 3.4 Cost Analysis of Established Environmental Conditions

The projected remedial costs for this project were based on typical NYSDEC Class II Inactive Hazardous Waste Site/Brownfield Cleanup Program requirements. Petroleum-related VOCs, related

to the maintenance garage and dry-cleaning at the site, where reported in deeper soils (15-22ft below grade) across the majority of the site. It is assumed that the petroleum-impacted soil will be excavated to the fullest extent possible and disposed of at an approved disposal facility as non-hazardous.

Elevated levels of metals and SVOCs were reported to an average of approximately 12 feet throughout the Site. It is assumed that this soil would also be disposed of as non-hazardous material at a Class B facility. Also included are costs for three UST removals and for air monitoring, as required during all intrusive and soil disturbance work.

The costs for soil disposal under a non-hazardous classification were based on those recently established within the area and assume that contaminant levels are within acceptable limits (NJDEP non-direct contact criteria) at a standard range New Jersey non-hazardous disposal facility.

Remediation of groundwater is assumed to be completed through dewatering and treatment activities during site excavation. The costs for the remaining items, including a waterproofing membrane/vapor barrier beneath the cellar level of the planned building were based on average unit price costs on similar remediation projects.

If additional USTs are discovered, or if the soil contains elevated lead or other parameters above NJDEP non-direct contact criteria, additional costs will be incurred. As these are unknown conditions, no additional costs were included in this analysis; however, a 15 percent contingency was added to the overall cost to cover potential areas of uncertainty. It must be noted that lead-contaminated soil classified as hazardous will double the cost of the disposal of the fill materials.

Further investigation and remedial action of existing environmental conditions will include the following tasks:

- NYSDEC Brownfield Cleanup Program - Initial Submittals, Investigative Work Plans, etc.  
*Cost: \$ 16,350*
- Remedial Investigation and Reporting - *completed*
- Remedial Work Plans and Remedy Scoping - *completed*
- Remedial Program Implementation and Reporting  
*Cost: \$ 3,286,890*
- Final Reporting, Easements and Related for Certificate of Completion  
*Cost: \$ 18,200*

Subtotal	\$ 3,321,440
15% Contingency	\$ 498,216

<b>TOTAL PROJECT COST</b>	<b>\$ 3,819,656</b>
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A detailed summary of the projected remedial costs by task is provided in **Attachment B**.

### 3.5 Previous Owners and Operators

The Requestor qualifies as a Volunteer because it's only connection to the Site is it's contract to acquire the entity that, indirectly, owns the fee. The Requestor was neither an owner nor an operator of the Site at any time during which contamination of the Site occurred. Additionally, the Requestor qualifies as a Volunteer because it: (i) 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 implementing a *Remedial Investigation Report* under the supervision of the NYC Office of Environmental Remediation and has prepared a Remedial Action Work Plan to address the releases of hazardous substances that occurred prior to the Requesting 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.

Previous owners and operators of the property are shown in Tables 1 through 4 below. Information regarding ownership of the property was obtained from online property records maintained by the NYC Department of Finance Office of the City Register under its Automated City Register Information System (ACRIS). Information regarding past operators was obtained from historic Sanborn Fire Insurance maps, city phone directories, certificates of occupancy and from an internet search of the property address. The Requestor is in contract with the indirect owner to acquire property that includes the Site. Lotus Residences LLC is the current owner of the property and has owned Lots 40 and 48 since 2014. The current buildings on the Site are in use as a wood door and molding manufacturer and warehouse (Lot 40, p/o Lot 48) and a catering hall (p/o Lot 48). Lot 40 appears to have been redeveloped by 1928 with the existing one-story building identified as "Priemo Garage". By 1945 the building as used by Metropolitan Distributors for the storage of ice cream and delivery trucks. From 1928 to 1934 380 Flushing Avenue (Lot 48) is listed as an auto body fabricator while two 1-story buildings, identified as an auto body repair and a paper company, were located on the western portion of the Lot. A sheet metal works was identified on a portion of Lot 48 from 1928-1940.

By 1940, a commercial dry cleaning plant (NY Cleaners and Dyeing) occupied all of Lot 48. Based on the 1966 Certificate of occupancy, describing Lot 40 as being used for commercial vehicle storage and trucking terminal, the lack of city directory listings for this lot between 1949 and 1992 and the history of common ownership with Lot 48 by Uniform Rentals Inc., it is probable that both lots were part of the NY Cleaners-Uniform Rental operation with lot 40 being used to store and service the company's vehicle fleet from 1949 through 1986-1987. Although not reflected in the Sanborn Maps, the City Directory listings identify 376 Flushing Ave. (lot 40) as Alexander Supply (door and molding warehouse) in 1997 and 378 Flushing Ave (portion of lot 48) as Exclusive millwork in 1992. Exclusive Door and molding currently occupies both 376 and 378 Flushing Avenue. Therefore the laundry operations and fleet maintenance garage vacated prior to these dates, most likely in 1986-1987 when Uniform Rentals sold the lots.

**Table 1 Previous Owners – Lot 40**

Dates	Name	Comments	Contact Info
Prior to 11/14/1977	Methodist Hospital of Brooklyn	Deed	506 6 <sup>th</sup> Street, Brooklyn
11/14/1977 to 2/3/1982	Beatrice Foods Co.(louis Sherry Ice Cream)	Deed	2 North LaSalle St, Chicago, IL 60602
2/3/1982 to 4/27/1982	Paz-Franklin Co.	Deed	12 Heyward Street, Brooklyn
4/27/1982 to 5/19/1986	Uniform Rental Corp.	Deed	380 Flushing Avenue, Brooklyn
5/19/1986 to 12/19/1986	Irving Sirotkin	Deed	389 Flushing Avenue, Brooklyn
12/19/1986 to 6/1/2013	Franklin Realty Corp.	Deed	40 Penn Street, Brooklyn
6/1/2013 to 3/6/2014	Franklin Realty Owners LLC	Deed	470 Kent Avenue, Suite 2, Brooklyn
3/6/2014 - present	Lotus Residences	Deed	56 Franklin Avenue, Brooklyn

**Table 2 Previous Owners – Lot 48**

Dates	Name	Comments	Contact Info
9/28/1982	NYC Commissioner of Finance Property seized for taxes	Deed	Room 500, Municipal Building, Manhattan, New York
9/28/1982? to 2/13/1986	Uniform Rental Corp. - unclear when ownership began	Deed	380 Flushing Avenue, Brooklyn
2/13/1986 to 6/1/2013	Franklin Realty Corp.	Deed	470 Kent Avenue, Suite 2, Brooklyn
6/1/2013 to 3/6/2014	Franklin Realty Owners LLC	Deed	470 Kent Avenue, Suite 2, Brooklyn
3/6/2014 to present	Lotus Residences	Deed	56 Franklin Avenue, Brooklyn

**Table 3 Previous Operators – Lot 40**

Dates	Name	Comments	Contact Info
1918	Residences (372) and storefronts	Sanborn Maps	372-376 Flushing Ave, Brooklyn
1928 -1949	372 Flushing - Preimo Garage (1928), Metropolitan Distributors (1945, 1949)	City Directory	372 Flushing Ave, Brooklyn
1935-199?	Private Garage	Sanborn Maps	372-376 Flushing Ave, Brooklyn
1966	Commercial Vehicle Storage and Trucking Terminal	Certificate of Occupancy	376 Flushing Ave, Brooklyn
1997, 2000	Alexander Supply	City Directories	376 Flushing Ave, Brooklyn
2005, 2010, 2014	Exclusive Door Co.	City Directories	376 Flushing Ave, Brooklyn

**Table 4 Previous Operators – Lot 48**

<b>Dates</b>	<b>Name</b>	<b>Comments</b>	<b>Contact Info</b>
1928, 1934, 1940	Expert Sheet metal Works (30 Franklin)	City Directories	30 Franklin Ave, Brooklyn
1928, 1934, 1940	Cafeteria / Restaurant (392 Flushing)	City Directories	392 Flushing Ave, Brooklyn
1928, 1934	Scholl Auto Bodies	City Directories	376-392 Flushing Ave, Brooklyn
1928	Horn Button Works (28 Franklin) Meyer & Co. Boilers (30 Franklin)	Certificate of Occupancy	328-30 Franklin Ave, Brooklyn
1940 - 1985	NY Cleaning and Dyeing Co. (1940, 1945, 1949) NY Cleaners Industries (1960, 1965, 1970, 1976, 1985) Triple A Maintenance (1973, 1976, 1985) Uniform Rental Division (1976, 1985) S&M Trucking (1980)	City Directories (1940, 1945, 1949, 1960, 1965, 1970, 1973, 1976, 1980, 1985) Certificates of Occupancy (1940, 1942, 1943, 1946, 1956, 1958)	380 Flushing Ave, Brooklyn
1976, 1985, 1992	Christian & Sons Cleaners and Uniforms	City Directories	24 Franklin Ave, Brooklyn
1992-2014	Rose Castle (1992, 1997, 2000, 2005) Rose Party Functions Corp (2010, 2014)	City Directories Certificates of Occupancy (1992, 1993, 1994)	380 Flushing Ave, Brooklyn

The following resources were employed in obtaining historical information with respect to ownership:

- NYC ACRIS Database
- Sanborn Maps
- City Directories
- Interviews with Current Owners

The following resources were employed in obtaining historical information with respect to operators:

- Interviews with Current / Previous Operators / Owners
- Certificate of Occupancy Records as Maintained by the Department of Buildings
- Internet Address Search

## **4.0 CONTACT LIST INFORMATION (Application Section IX)**

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

### **4.1 Local Government Contacts**

#### City of New York

William de Blasio  
Mayor of New York City  
City Hall  
New York, NY 10007

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

Ms. Brenda Freyson  
Chair, Brooklyn Community Board 3  
1360 Fulton Street  
Brooklyn, NY, 11216

Ms. Charlene Phillips  
District Manager, Brooklyn Community Board 1  
1360 Fulton Street  
Brooklyn, NY, 11216

Stephen Levin NYC Council Member  
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

Dalila Hall  
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

Ms. Letitia James  
Public Advocate  
1 Centre Street, 15<sup>th</sup> Floor  
New York, NY 10007  
Email: [kjfoey@pubadvocate.nyc.gov](mailto:kjfoey@pubadvocate.nyc.gov)

Hon. Scott M. Stringer  
Office of the Comptroller  
1 Centre Street  
New York, NY 10007  
Email: [intergov@comptroller.nyc.gov](mailto:intergov@comptroller.nyc.gov)

Hon. Jose Peralta  
NYS Senator  
32-37 Junction Boulevard  
East Elmhurst, NY 11369

Hon. Joan L. Millman  
NYS Assembly Member  
341 Smith Street  
Brooklyn, NY 11231

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. Nydia M. Velazquez  
U.S. House of Representatives  
266 Broadway, Suite 201  
Brooklyn, NY 11211

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

Dr. Robert Kulikowski - Director  
NYC Office of Environmental Coordination  
253 Broadway – 14<sup>th</sup> Floor  
New York, NY 10007

Daniel Walsh  
NYC Department of Environmental Remediation  
100 Gold Street  
New York, NY 10038

#### **4.2 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:

##### West

1. New Building (Residential) not listed

##### East

2. KOCHAV REALTY CORP.  
C/O MEYER NEWFIELD  
60 EAST 42<sup>ND</sup> STREET  
NEW YORK, NY 10165
3. MALCHUS B"CHESD LLC  
52 CLYMER STREET  
BROOKLYN, NY 11211

##### North

4. YESHIVAS AHAVAS ISRAEL  
6 LEE AVENUE  
BROOKLYN, NY 11205
5. 74 WALLABOUT, LLC  
505 FLUSHING AVENUE, UNIT 1D

BROOKLYN, NY 11205

6. 74 WALLABOUT, LLC  
505 FLUSHING AVENUE, UNIT 1D  
BROOKLYN, NY 11205

South

7. ADOR A TRUST  
66 HEYWARD STREET  
BROOKLYN, NEW YORK 11206

#### **4.3 Local News Media**

**The Brooklyn Paper**

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

**New York Times**

620 Eighth Ave.  
New York, NY 10018

**New York Daily News**

450 W. 33 Street  
New York, NY 10001

**New York Post**

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

#### **4.4 Public Water Supplier**

New York City Department of Environmental Protection  
Bureau of Water Supply  
1250 Broadway - 8th Floor  
Manhattan, NY 10001

#### **4.5 Requested Contacts**

No requests have been made at this time.

#### 4.6 Schools and Daycare Facilities

The following Schools and Daycare facilities were identified within a one-half mile radius of the project site (see **Figure 5**):

1. Child Development Support Corporation  
802 Kent Ave # 804  
Brooklyn, NY 11205
2. Mosdos Krula  
799 Kent Ave  
Brooklyn, NY 11205
3. Hychel Hatorah of Williamsburg  
70 Franklin Ave  
Brooklyn, NY 11205
4. Yeled Vyalda Head Start and Yeshivas Ahavas Israel  
12 Franklin Ave  
Brooklyn, NY 11249
5. P.S. 157 Benjamin Franklin  
850 Kent Avenue  
Brooklyn, NY 11205  
Attn: Kourtney Boyd, Principal
6. Central Uta Inc  
76 Rutledge St  
Brooklyn, NY 11249
7. Beth Chana School  
712 Bedford Avenue  
Brooklyn, NY 11206-5406
8. Talmud Torah Tashbar  
128 Franklin Ave  
Brooklyn, NY 11205
9. Brooklyn Community Arts & Media High School  
300 Willoughby Ave  
Brooklyn, NY 11205
10. Ohel Elozer  
263 Classon Ave  
Brooklyn, NY 11205

11. Santander Bank  
North Hall  
200 Willoughby Ave  
Brooklyn, NY 11205
12. Talmud Torah Dnitra  
Brooklyn, NY 11249
13. Yeled V Yalda Headstart  
563 Bedford Ave  
Brooklyn, NY 11211
14. Yeshiva Beth Josef Zvi  
135 Ross St # A  
Brooklyn, NY 11211
15. United Talmudic Seminary  
191 Rodney St # B  
Brooklyn, NY 11211
16. United Talmudic Academy  
212 Williamsburg St E  
Brooklyn, NY 11211
17. Beth Chana School For Girls  
118 Wallabout St  
Brooklyn, NY 11249
18. Rabbinical College Of Ohr Shimon Yisroel  
215 Hewes St # 217  
Brooklyn, NY 11211
19. Mosdos Chasidei Square  
105 Heyward St  
Brooklyn, NY 11206
20. Keren Hatorah  
322 Rutledge St  
Brooklyn, NY 11211
21. P 141 K-PS 380 School  
370 Marcy Ave  
Brooklyn, NY 11206

- 22. Eis Laasois  
22 Middleton St  
Brooklyn, NY 11206
- 23. Cong Ahavas Shulem  
237 Lee Ave  
Brooklyn, NY 11206
- 24. Bnei Shimon Yisroel of Sopron  
18 Warsoff Pl  
Brooklyn, NY 11205
- 25. Our Children Leaders Tomorrow  
756 Myrtle Ave  
Brooklyn, NY 11206
- 26. Bnos Square of Williamsburg  
382 Willoughby Ave  
Brooklyn, NY 11205

#### **4.7 Document Repository**

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

##### **Brooklyn Public Library – Williamsburgh Library**

240 Division Avenue (at Marcy Avenue)  
Brooklyn, NY 11211  
718-302-3485

##### **Hours:**

Monday	10:00 AM - 6:00 PM
Tuesday	10:00 AM - 6:00 PM
Wednesday	10:00 AM - 6:00 PM
Thursday	10:00 AM - 6:00 PM
Friday	10:00 AM - 6:00 PM
Saturday	10:00 AM - 5:00 PM
Sun	closed

##### **Brooklyn 3 Community District Information**

1360 Fulton Street Rm. 202  
Brooklyn, NY, 11216  
718-622-6601

A copy of the signed repository letters are provided in **Attachment D**.

## **5.0 LAND USE FACTORS (Application Section X)**

### **5.1 Current Property Use (Question 1)**

Lot 40 is currently occupied by a molding and door supply company while Lot 48 is used as a banquet hall. Both lots were part of the NY Cleaning and Dyeing dry cleaning plant with Lot 48 used for dry cleaning, pressing and shipping and Lot 40 used for fleet vehicle storage and maintenance.

The deed for the Site is owned by Lotus Residences LLC. Neither Rose Castle Redevelopment II LLC nor any member of Rose Castle Redevelopment II LLC ever held or not holds an interest in Lotus Residences. Lotus Residences is 100% owned by Franklin Realty Owners LLC. Rose Castle Redevelopment II LLC is in contract to acquire 100% of Franklin Realty Owners LLC. Pursuant to, and in furtherance of that contract, Rose Castle Redevelopment II LLC has given an initial deposit to (styled as an “investment” in) Franklin Realty Owners LLC. Prior to making the deposit, neither Rose Castle Redevelopment II LLC nor any member of Rose Castle Redevelopment II LLC ever had any relationship with Franklin Realty Owners LLC.

Neither Rose Castle Redevelopment II LLC nor any member of Rose Castle Redevelopment II LLC has no relationship to each of the previous owners/operators of the Site.

### **5.2 Intended Post Remediation Property Use (Question 2)**

Redevelopment plans have not been finalized; however, the Requestor intends to construct a new 8 story mixed residential-commercial building with approximately 168 dwelling units. The project features retail space along Flushing Avenue on the first floor, and storage, mechanical rooms and trash compactor room for the cellar. Floors 2 through 8 will consist of residential apartments.

### **5.3 Surrounding Land Use (Question 14)**

The land use in the immediate vicinity of the Site (**Figure 6**) includes a multi-family residential building, vacant parcel and an institutional use (school) to the north (across Flushing Avenue); a commercial building to the east (across Franklin Avenue); and a commercial building, and industrial buildings (across Little Nassau Street) to the south.

The area surrounding the property is highly urbanized and predominantly consists of multi-family residential buildings with mixed-use (residential w/first floor retail) and industrial buildings. The area is marked by late 19th and early 20th century rowhouses with commercial and industrial properties interspersed throughout the residential sections. The Site is located on a street (Flushing Avenue) which generally marks a line between predominantly commercial / industrial properties to the south and predominantly residential properties to the north.

The proposed project is compatible with the surrounding land use and will be in compliance with the current zoning.

## 5.4 Environmental Zone

In October 2003, the New York State Brownfield Cleanup Program was signed into law under Title 14 of the ECL, Article 27. The law directed New York State's Department of Labor to designate Environmental Zones (En-Zone) in which tax credits offered under the BCP are enhanced. The subject site is within Census Tract 1237 which is a designated En-Zone (see **Figure 7**). Census Tract 1237 has a poverty rate of 56.7 percent and an unemployment rate of 4.7 percent, which Part B eligibility criteria for an Environmental Zone. Part A eligibility requires a poverty rate greater than 20 % and an unemployment rate greater than 8.868%. Part B eligibility requires a poverty rate that is greater than 2 times the poverty rate of the County.

## 5.5 Environmental Justice Area

As shown on **Figure 8**, the properties are located within a potential environmental justice area. The NYSDEC defines a potential environmental justice area as a "minority or low-income community that may bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies".

Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

## 5.6 Groundwater Vulnerability (Question 15)

Groundwater at the Site is present at depths ranging from 9.68 ft to 13.02 ft below grade. Based on a Site-specific groundwater survey, groundwater beneath the Site flows towards the east/southeast. Groundwater at the site has been affected by petroleum-related volatile organic compounds (BTEX).

Impact to drinking water is not a concern to the buildings downgradient of the Site as all water for the area is supplied by the NYC Municipal water supply system.

Vapor intrusion, from impacted soil and groundwater at the Site, to any new development on the Site and to adjacent residential and commercial buildings is a concern. Elevated concentrations of BTEX and chlorinated VOCs above the monitoring level ranges established within the NYSDOH Final Guidance on Soil Vapor Intrusion were reported across the Site.

## 5.7 Site Geography and Geology (Question 16)

According to geologic maps of the area created by the United States Geologic Survey (USGS), the bedrock in the area of Brooklyn is an igneous intrusive classified as the Ravenswood grano-diorite of

middle Ordovician to middle Cambrian age. Unconsolidated sediments overlie the bedrock and consist of Pleistocene aged sand, gravel and silty clays, deposited by glacial-fluvial activity. Non-native fill materials consisting of dredge spoils, rubble and / or other materials have historically been used to raise and improve the drainage of low lying areas.

Subsurface soils at the Site consist of a mixture of a silty non-native fill and sandy clay to a depth of approximately 25 feet below grade. Groundwater is present under water table conditions at a depth of approximately 12 feet below the surface and generally flows east/southeast.

According to the USGS topographic map for the area (Brooklyn Quadrangle), the elevation of the property 16 feet above the National Geodetic Vertical Datum (NGVD). The area topography gradually slopes to the northwest.

No portion of the Site is located within a designated flood zone area. As shown on **Figure 9**, the nearest moderate risk flood zone is located approximately 80 feet to the north.

## **SITE PHOTOGRAPHS**



Facing south, looking at one story building on subject property.



Facing southeast, looking at two story building on subject property.



Facing west, looking at two story building with restaurant/catering business on second floor.



Facing north, looking at the intersection of Kent Avenue and Flushing Avenue.



Facing east, looking at dead end street 'Little Nassau' that runs behind subject property.



Facing north east, looking at the back of the subject property.



Facing north, looking at propane storage for the forklifts used on the subject property.



Facing west, looking at the back of the subject property.



Facing north, looking at two disposal ports for the grease trap located in Lot 48 buildings warehouse.



Facing east, inside the 'Exclusive Doors and Moldings' warehouse



Facing south, looking at overhead natural gas heaters within 'Exclusive Doors and Moldings' warehouse.



Facing south east, looking at electrical panel within 'Exclusive Doors and Moldings' warehouse.



Facing east, looking at electrical panel and electrical lines within 'Exclusive Doors and Moldings' warehouse.



Facing west, looking at a line of multiple floor drains within 'Exclusive Doors and Moldings' warehouse.



Facing north, looking at a single floor drain within 'Exclusive Doors and Moldings' warehouse near delivery/pickup entrance.



Facing south, looking into Lot 48 warehouse for 'Exclusive Doors and Moldings'.



Facing south west, looking at all overhead utilities (i.e. electric and natural gas) within Lot 48 warehouse for 'Exclusive Doors and Moldings'.



Facing north west, looking at overhead natural gas heaters within Lot 48 warehouse for 'Exclusive Doors and Moldings'.



Facing south, looking at steel plates on floor within Lot 48 warehouse for 'Exclusive Doors and Moldings' to cover up broken up concrete floors for the forklifts.



Facing west, looking into Lot 48 warehouse for 'Exclusive Doors and Moldings'.



Facing south, looking at south west corner of warehouse for 'Exclusive Doors and Moldings'.



Facing south, looking at the unknown pit in the south west corner within Lot 48 warehouse for 'Exclusive Doors and Moldings'.



Facing south, looking at the unknown piping leading to unknown pit in the south west corner within Lot 48 warehouse for 'Exclusive Doors and Moldings'.



Facing south east, looking at the unknown pit in the south west corner within Lot 48 warehouse for 'Exclusive Doors and Moldings'.



Facing south, looking at the the grease trap for restaurant on second floor in the south west corner within Lot 48 warehouse for 'Exclusive Doors and Moldings'.



Facing south east, looking at the the grease trap for restaurant on second floor in the south west corner within Lot 48 warehouse for 'Exclusive Doors and Moldings'.



Facing west, looking at unknown drum under stairway within Lot 48 warehouse for 'Exclusive Doors and Moldings'.



Facing north, looking at Lot 48 warehouse for 'Exclusive Doors and Moldings'.

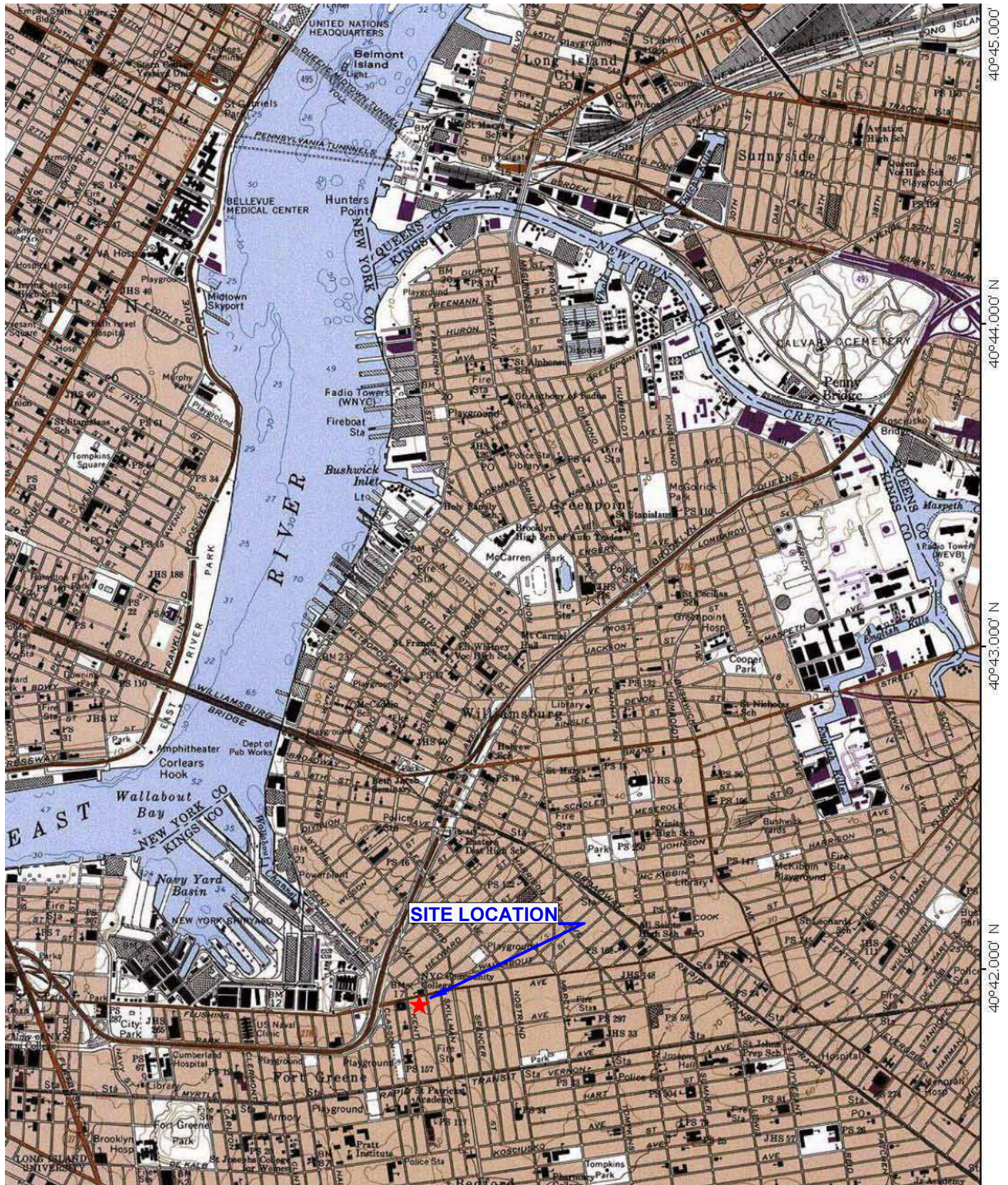


Facing south, looking at air conditioning unit for Exclusive Doors and Moldings'.



Facing south, looking at air conditioning unit for CSCGW Community Service Center'.

## **FIGURES**

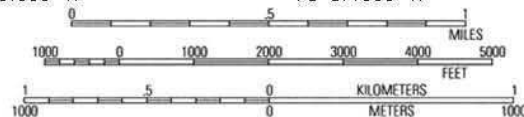


73°59.000' W

73°58.000' W

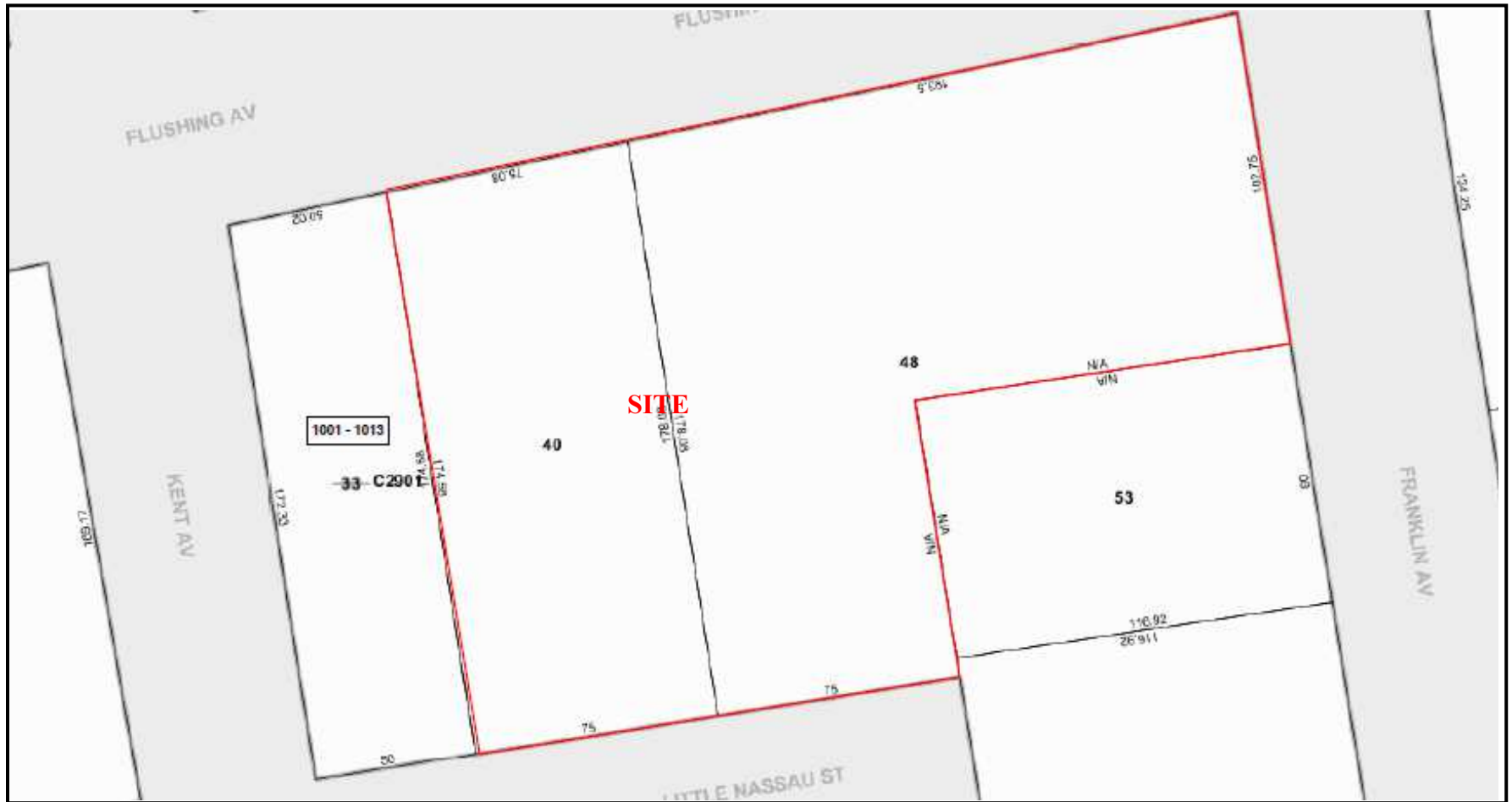
73°57.000' W

WGS84 73°56.000' W



MN ↑ TN  
13°

06/04/11



**FIGURE 2 – TAX MAP**  
 FORMER NY CLEANING AND DYEING SITE  
 376-378 FLUSHING AVENUE  
 BROOKLYN, NEW YORK 11205

BROWNFIELD CLEANUP PROGRAM APPLICATION (BLOCK 1884 LOTS 40 & 48)

**EBC**

**ENVIRONMENTAL BUSINESS CONSULTANTS**  
 1808 MIDDLE COUNTRY ROAD, RIDGE, NEW YORK 11961  
 PHONE: (631) 504-6000 FAX: (631) 924-2870

# FLUSHING AVENUE



ENVIRONMENTAL BUSINESS CONSULTANTS

Phone 631.504.6000  
Fax 631.924.2870

Figure No.  
**3**

Site Name:	FORMER NY CLEANING AND DYEING SITE
Site Address:	376-378 FLUSHING AVENUE, BROOKLYN, NY
Drawing Title:	SITE PLAN



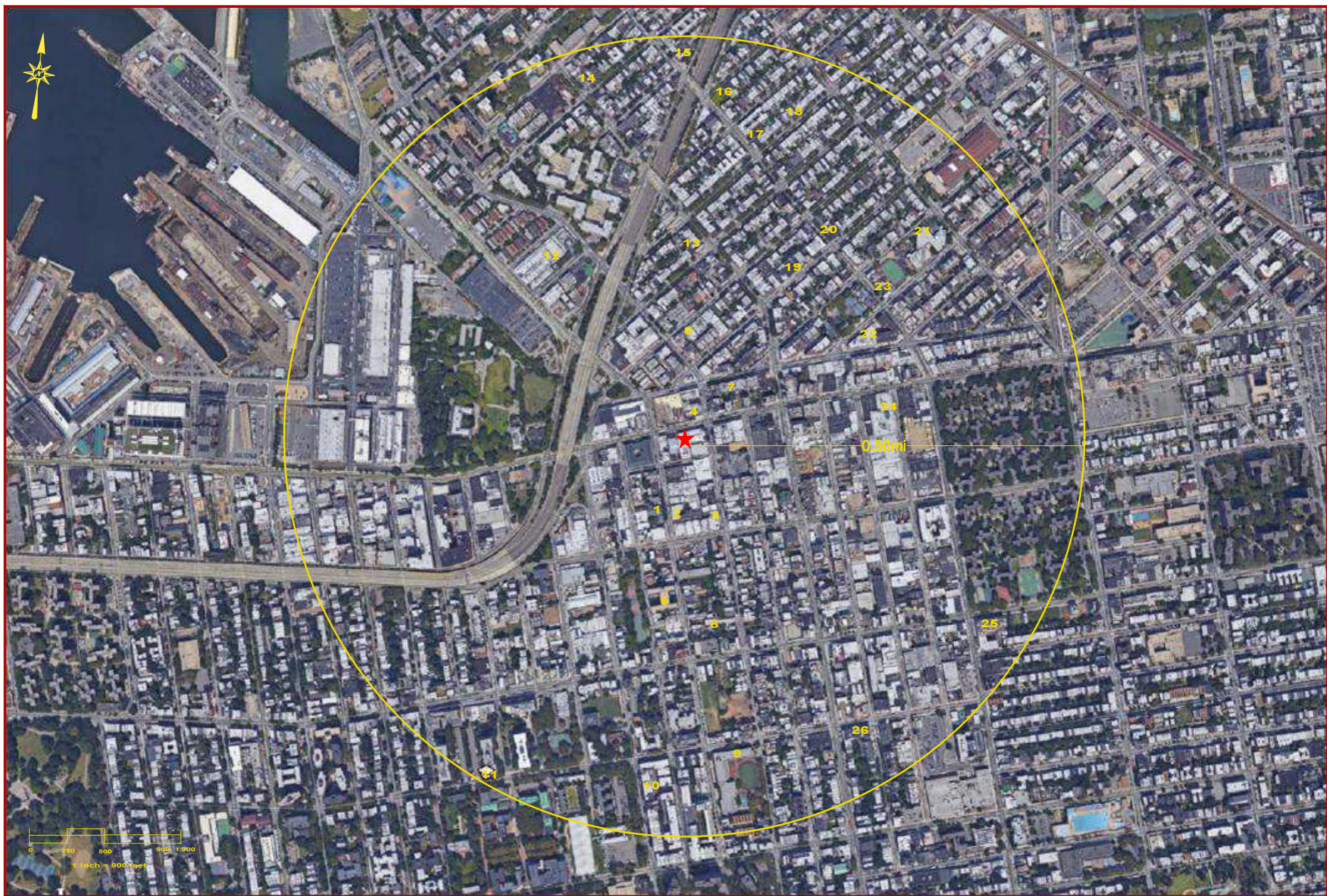
**BC**

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Fax 631.924.2870

Figure No.  
**4**

Site Name: NY Cleaning and Dyeing Site  
Site Address: 376-378 FLUSHING AVENUE, BROOKLYN, NY  
Drawing Title: ADJACENT PROPERTIES



**EB**

ENVIRONMENTAL BUSINESS CONSULTANTS

Phone 631.504.6000  
Fax 631.924.2870

Figure No.  
**5**

Site Name: **FORMER NY CLEANING AND DYEING SITE**  
Site Address: **376-378 FLUSHING AVENUE, BROOKLYN, NY**  
Drawing Title: **SCHOOL LOCATIONS**



**EBC**

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Figure No.  
**6**

Site Name: **FORMER NY CLEANING AND DYEING SITE**  
 Site Address: **376-378 FLUSHING AVENUE, BROOKLYN, NY**  
 Drawing Title: **SURROUNDING LAND USE**

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

## **Eligibility Criteria**

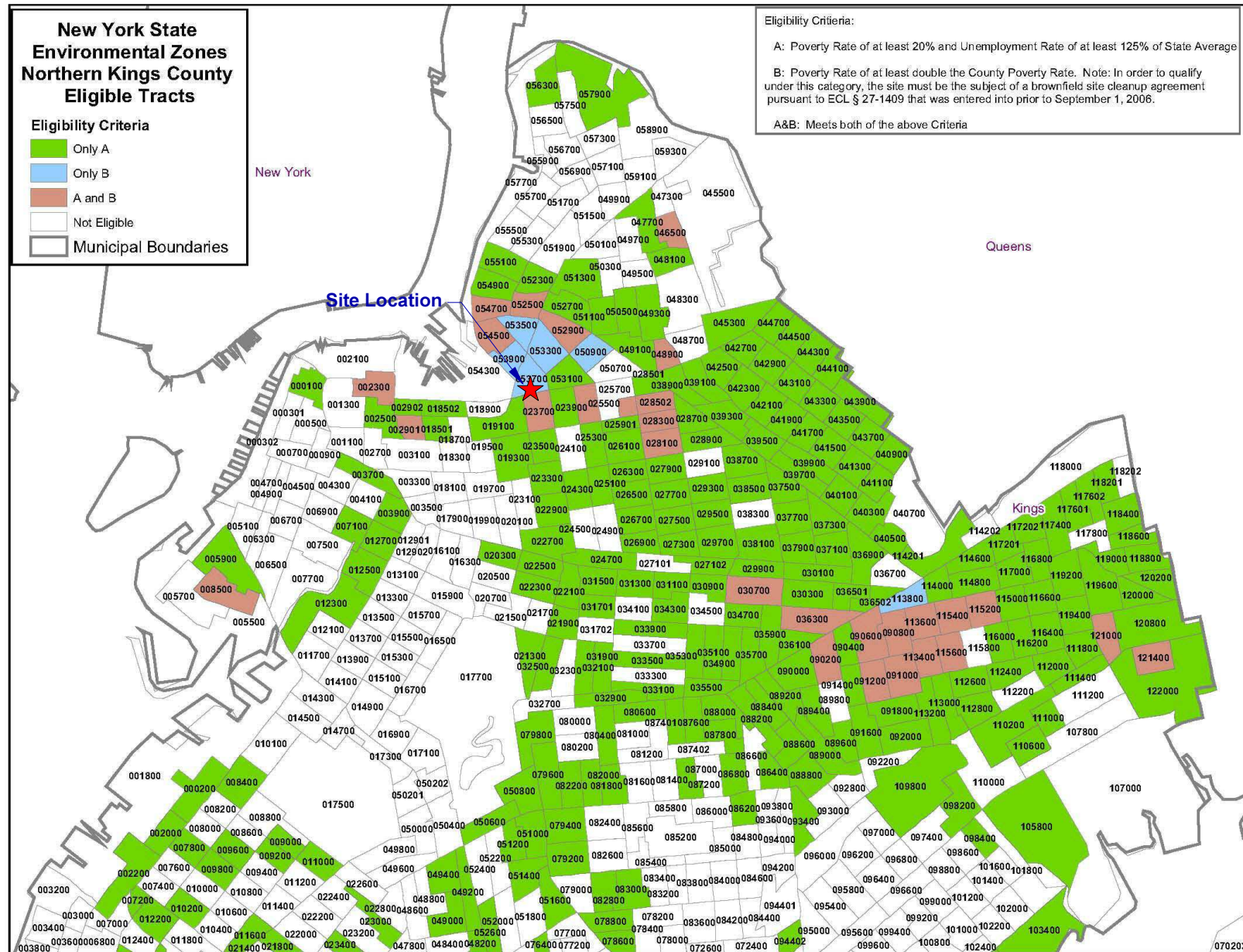
- Only A
- Only B
- A and B
- Not Eligible
- Municipal Boundaries

## **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



**EB****C**

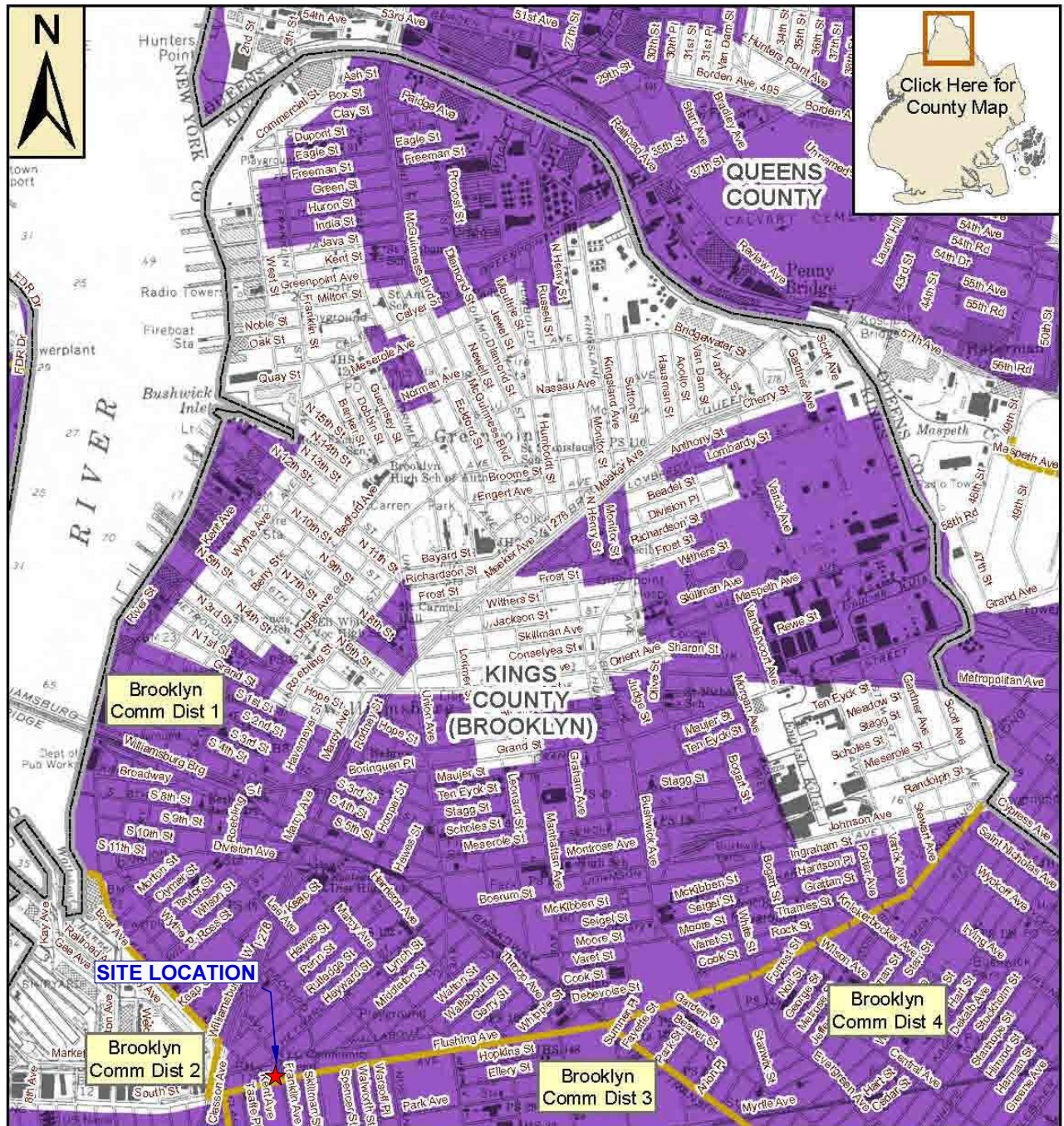
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**Figure No.**  
**7**

Site Name: **FORMER NY CLEANING AND DYEING SITE**  
Site Address: **376-378 FLUSHING AVENUE, BROOKLYN, NY**  
Drawing Title: **ENZONE MAP**

# 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

## Legend

- Potential EJ Area
- County Boundary
- Community District

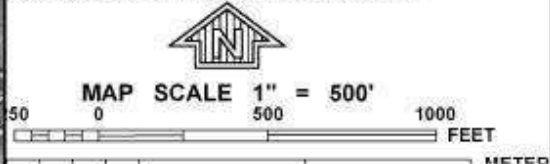
0 0.2 0.4 0.6 0.8 1 Miles  
SCALE: 1:24,000

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





Flood insurance is available in this community, contact your National Flood Insurance Program at 1-800-638-6620.



**NFIP**
PANEL 0204F

## FIRM

### FLOOD INSURANCE RATE MAP

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

**PANEL 204 OF 457**

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS

COMMUNITY	NUMBER	PANEL	SHEET
NEW YORK, CITY OF	360497	0204	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**  
3604970204F

**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 FIRM 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)

<div style="text-align: center;"> <p><b>ENVIRONMENTAL BUSINESS CONSULTANTS</b></p> </div> <div style="text-align: right; font-size: x-small;">             Phone 631.504.6000              Fax 631.924.2870           </div>	<b>Figure No.</b>  <b>9</b>	Site Name: <b>FORMER NY CLEANING AND DYEING SITE</b>
		Site Address: <b>376-378 FLUSHING AVENUE, BROOKLYN, NY</b>
		Drawing Title: <b>FLOOD MAP</b>

SB1 (5-10')	1/13/17
1,2,4-Trimethylbenzene	25,000
Acetone	11,000
n-Propylbenzene	19,000
Lead	132
Mercury	0.95
Zinc	112

SB1(20-22')	1/13/17
1,2,4-Trimethylbenzene	160,000
1,3,5-Trimethylbenzene	60,000
Benzene	62,000
Ethylbenzene	120,000
m&p-Xylenes	390,000
Naphthalene	25,000
n-Propylbenzene	36,000
o-Xylene	130,000
Toluene	130,000

SB2(0-2')	1/13/17
Benz(a)anthracene	86,000
Benzo(a)pyrene	65,000
Benzo(b)fluoranthene	53,000
Benzo(k)fluoranthene	54,000
Chrysene	99,000
Dibenz(a,h)anthracene	8,100
Dibenzofuran	17,000
Fluoranthene	190,000
Fluorene	38,000
Indeno(1,2,3-cd)pyrene	42,000
Naphthalene	23,000
Phenanthrene	260,000
Pyrene	210,000
Arsenic	13.9
Barium	386
Copper	148
Lead	1,120
Mercury	5.73
Zinc	485

SB2 (12-14')	1/13/17
Acetone	320
Benzo(a)pyrene	4,200
Benzo(b)fluoranthene	2,000
Benzo(k)fluoranthene	1,700
Dibenz(a,h)anthracene	640
Indeno(1,2,3-cd)pyrene	4,400
4,4'-DDD	6.2

SB2 (20-22')	1/13/17
Indeno(1,2,3-cd)pyrene	1,800

SB3 (0-5')	1/13/17
Benz(a)anthracene	3,800
Benzo(a)pyrene	2,900
Benzo(b)fluoranthene	2,600
Benzo(k)fluoranthene	2,400
Chrysene	4,200
Dibenz(a,h)anthracene	390
Indeno(1,2,3-cd)pyrene	2,500
Mercury	0.9

SB3 (13-15')	1/13/17
1,2,4-Trimethylbenzene	470,000
1,3,5-Trimethylbenzene	160,000
Benzene	710
Ethylbenzene	45,000
m&p-Xylenes	68,000
Naphthalene	48,000
n-Propylbenzene	93,000
n-Propylbenzene	72,000
o-Xylene	14,000
sec-Butylbenzene	71,000
tert-Butylbenzene	6,500
Toluene	820
Indeno(1,2,3-cd)pyrene	520
4,4'-DDD	6.8

SB3 (20-22')	1/13/17
NO EXCEEDANCES	

FLUSHING AVENUE

SIDEWALK

LOT 7501

LOT 40  
1-STORY BUILDING

2-STORY BUILDING

LOT 48

2-STORY BUILDING

LITTLE NASSAU STREET

FRANKLIN AVENUE

SB10 (0-2')	1/13/17
Benz(a)anthracene	14,000
Benzo(a)pyrene	12,000
Benzo(b)fluoranthene	12,000
Benzo(k)fluoranthene	11,000
Chrysene	14,000
Dibenz(a,h)anthracene	1,500
Indeno(1,2,3-cd)pyrene	9,400
Lead	130
Mercury	0.48

SB10 (20-22')	1/13/17
1,2,4-Trimethylbenzene	100,000
1,3,5-Trimethylbenzene	43,000
Benzene	5,000
Ethylbenzene	28,000
m&p-Xylenes	150,000
Naphthalene	13,000
n-Propylbenzene	15,000
o-Xylene	50,000
Toluene	2,300
Indeno(1,2,3-cd)pyrene	810

SB4 (0-2')	1/13/17
1,2,4-Trimethylbenzene	67,000
1,3,5-Trimethylbenzene	33,000
Ethylbenzene	7,000
m&p-Xylenes	23,000
n-Butylbenzene	16,000
n-Propylbenzene	11,000
o-Xylene	6,300

SB4 (14-15')	1/13/17
1,2,4-Trimethylbenzene	73,000
1,3,5-Trimethylbenzene	34,000
Ethylbenzene	7,600
m&p-Xylenes	24,000
n-Butylbenzene	14,000
n-Propylbenzene	11,000
o-Xylene	7,900

SB6 (0-2')	1/12/17
Indeno(1,2,3-cd)pyrene	1,000
4,4'-DDT	4.4
Dieldrin	5.9
Arsenic	13.4
Barium	372
Copper	61.5
Lead	1,380
Mercury	8.61
Zinc	181

SB6 (20-22')	1/12/17
4,4'-DDD	12

SB7 (0-2')	1/12/17
Arsenic	17.3
Copper	101
Lead	991
Mercury	14.5
Zinc	919

SB7 (11-13')	1/12/17
n-Propylbenzene	6,100

SB7 (20-22')	1/12/17
NO EXCEEDANCES	

SB8 (12-14')	1/12/17
1,2,4-Trimethylbenzene	130,000
1,3,5-Trimethylbenzene	64,000
Acetone	6,700
Ethylbenzene	14,000
m&p-Xylenes	35,000
Naphthalene	15,000
n-Butylbenzene	23,000
n-Propylbenzene	20,000
o-Xylene	5,700
sec-Butylbenzene	20,000
Dibenz(a,h)anthracene	7,100
Indeno(1,2,3-cd)pyrene	6,300
Naphthalene	13,000

SB8 (20-22')	1/12/17
NO EXCEEDANCES	

SB9 (0-2')	1/13/17
Benz(a)anthracene	6,200
Benzo(a)pyrene	6,000
Benzo(b)fluoranthene	5,800
Benzo(k)fluoranthene	4,500
Chrysene	6,500
Dibenz(a,h)anthracene	1,400
Indeno(1,2,3-cd)pyrene	4,800
Barium	1,040
Copper	89.5
Lead	2,190
Mercury	3.09
Zinc	940

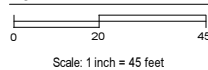
  

SB9 (20-22')	1/13/17
Acetone	7,200
n-Butylbenzene	59,000
n-Propylbenzene	31,000
sec-Butylbenzene	56,000

#### KEY:

- Property Boundary
- Soil Boring Location
- Groundwater Sampling Location
- Soil Vapor Sampling Location
- Potential UST Location
- Fill Port Location

#### SCALE:



VOCs, SVOCs, PCBs, and Pesticides	ug/Kg
Metals	mg/Kg

Yellow = Detections Above Unrestricted Use SCOs

Orange = Detections Above Restricted Residential Use SCOs

**BC**

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Figure No.  
**10**

Site Name: **FORMER NY CLEANING AND DYEING STIE**  
Site Address: **376-378 FLUSHING AVENUE, BROOKLYN, NY**  
Drawing Title: **SOIL EXCEEDANCES FIGURE**

# FLUSHING AVENUE

SIDEWALK

LOT 7501

268'

103'

FRANKLIN AVENUE

SIDEWALK

LITTLE NASSAU STREET

150'

175'

LOT 40  
1-STORY BUILDING

2-STORY BUILDING

LOT 48

LOT 53

LOT 57

GW1 - 1/17/2017

VOCs (ug/L)	
1,2,4-Trimethylbenzene	440
1,3,5-Trimethylbenzene	97
2-Isopropyltoluene	6.9
Benzene	3.7
Ethylbenzene	88
Isopropylbenzene	33
m&p-Xylenes	190
Naphthalene	62
n-Butylbenzene	38
n-Propylbenzene	86
o-Xylene	62
sec-Butylbenzene	22
Toluene	33
SVOCs (ug/L)	
Naphthalene	51
Benz(a)anthracene	0.12
Benzo(b)fluoranthene	0.07
Benzo(k)fluoranthene	0.06
Chrysene	0.11
Total Metals (mg/L)	
Arsenic	0.098
Chromium	0.185
Copper	0.226
Iron	118
Lead	0.519
Manganese	2.27
Nickel	0.114
Sodium	9.51
Dissolved Metals (mg/L)	
Sodium	7.08

GW4 - 1/17/2017

VOCs (ug/L)	
1,2,4-Trimethylbenzene	1,700
1,3,5-Trimethylbenzene	470
2-Isopropyltoluene	32
Benzene	53
Ethylbenzene	30
Isopropylbenzene	130
m&p-Xylenes	49
Naphthalene	150
n-Butylbenzene	70
n-Propylbenzene	240
o-Xylene	130
sec-Butylbenzene	79
tert-Butylbenzene	16
SVOCs (ug/L)	
Naphthalene	91
Total Metals (mg/L)	
Chromium	0.095
Iron	96.8
Lead	0.155
Manganese	0.773
Sodium	168
Dissolved Metals (mg/L)	
Sodium	159

GW5 - 1/17/2017

VOCs (ug/L)	
1,2,4-Trimethylbenzene	7,900
1,3,5-Trimethylbenzene	2,600
2-Isopropyltoluene	690
Bromomethane	120
Ethylbenzene	890
Isopropylbenzene	1,200
m&p-Xylenes	2,000
Naphthalene	1,100
n-Butylbenzene	3,400
n-Propylbenzene	2,600
o-Xylene	390
sec-Butylbenzene	2,600
tert-Butylbenzene	220
SVOCs (ug/L)	
Naphthalene	210
Total Metals (mg/L)	
Chromium	0.075
Copper	0.203
Iron	60.9
Lead	0.065
Magnesium	36.9
Manganese	0.887
Sodium	151
Dissolved Metals (mg/L)	
Sodium	144

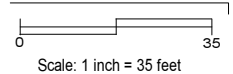
GW3 - 1/17/2017

VOCs (ug/L)	
1,2,4-Trimethylbenzene	1,100
1,3,5-Trimethylbenzene	280
2-Isopropyltoluene	32
Acetone	570
Benzene	56
Ethylbenzene	130
Isopropylbenzene	120
m&p-Xylenes	180
Methyl Ethyl Ketone	190
Naphthalene	290
n-Butylbenzene	86
n-Propylbenzene	200
o-Xylene	92
sec-Butylbenzene	87
tert-Butylbenzene	14
SVOCs (ug/L)	
Naphthalene	98
Total Metals (mg/L)	
Iron	4.23
Sodium	128
Dissolved Metals (mg/L)	
Sodium	128

## KEY:

- Property Boundary
- Groundwater Sampling Location
- Monitoring Well Attempted
- Soil Boring Location
- Soil Vapor Sampling Location
- Potential UST Location
- Fill Port Location

## SCALE:



Note: Monitoring well location at GW2 could not be installed due to repeated refusal at 15 ft

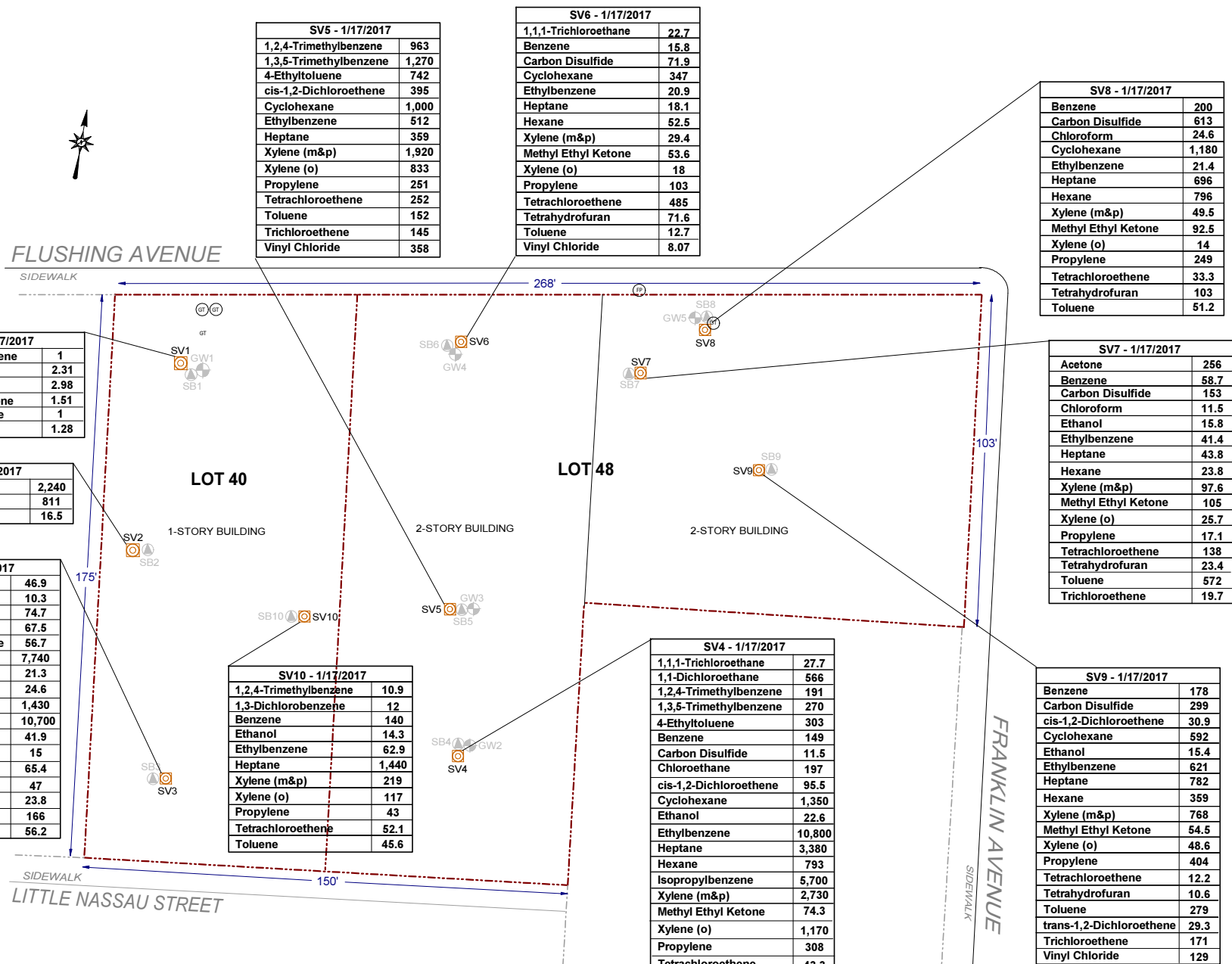
**BC**

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Figure No.  
**11**

Site Name:	NY CLEANING AND DYEING SITE
Site Address:	376-378 FLUSHING AVENUE, BROOKLYN, NY
Drawing Title:	GROUNDWATER EXCEEDANCES FIGURE



SV5 - 1/17/2017	
1,2,4-Trimethylbenzene	963
1,3,5-Trimethylbenzene	1,270
4-Ethyltoluene	742
cis-1,2-Dichloroethene	395
Cyclohexane	1,000
Ethylbenzene	512
Heptane	359
Xylene (m&p)	1,920
Xylene (o)	833
Propylene	251
Tetrachloroethene	252
Toluene	152
Trichloroethene	145
Vinyl Chloride	358

SV6 - 1/17/2017	
1,1,1-Trichloroethane	22.7
Benzene	15.8
Carbon Disulfide	71.9
Cyclohexane	347
Ethylbenzene	20.9
Heptane	18.1
Hexane	52.5
Xylene (m&p)	29.4
Methyl Ethyl Ketone	53.6
Xylene (o)	18
Propylene	103
Tetrachloroethene	485
Tetrahydrofuran	71.6
Toluene	12.7
Vinyl Chloride	8.07

SV8 - 1/17/2017	
Benzene	200
Carbon Disulfide	613
Chloroform	24.6
Cyclohexane	1,180
Ethylbenzene	21.4
Heptane	696
Hexane	796
Xylene (m&p)	49.5
Methyl Ethyl Ketone	92.5
Xylene (o)	14
Propylene	249
Tetrachloroethene	33.3
Tetrahydrofuran	103
Toluene	51.2

SV1 - 1/17/2017	
1,3-Dichlorobenzene	1
Acetone	2.31
Xylene (m&p)	2.98
Methyl Ethyl Ketone	1.51
Tetrachloroethene	1
Toluene	1.28

SV7 - 1/17/2017	
Acetone	256
Benzene	58.7
Carbon Disulfide	153
Chloroform	11.5
Ethanol	15.8
Ethylbenzene	41.4
Heptane	43.8
Hexane	23.8
Xylene (m&p)	97.6
Methyl Ethyl Ketone	105
Xylene (o)	25.7
Propylene	17.1
Tetrachloroethene	138
Tetrahydrofuran	23.4
Toluene	572
Trichloroethene	19.7

SV2 - 1/17/2017	
Cyclohexane	2,240
Heptane	811
Tetrachloroethene	16.5

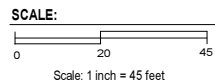
SV3 - 1/17/2017	
1,2-Dichloroethane	46.9
1,3-Dichlorobenzene	10.3
Benzene	74.7
Carbon Disulfide	67.5
cis-1,2-Dichloroethene	56.7
Cyclohexane	7,740
Ethanol	21.3
Ethylbenzene	24.6
Heptane	1,430
Hexane	10,700
Xylene (m&p)	41.9
Xylene (o)	15
Propylene	65.4
Tetrachloroethene	47
Tetrahydrofuran	23.8
Toluene	166
Vinyl Chloride	56.2

SV10 - 1/17/2017	
1,2,4-Trimethylbenzene	10.9
1,3-Dichlorobenzene	12
Benzene	140
Ethanol	14.3
Ethylbenzene	62.9
Heptane	1,440
Xylene (m&p)	219
Xylene (o)	117
Propylene	43
Tetrachloroethene	52.1
Toluene	45.6

SV4 - 1/17/2017	
1,1,1-Trichloroethane	27.7
1,1-Dichloroethane	566
1,2,4-Trimethylbenzene	191
1,3,5-Trimethylbenzene	270
4-Ethyltoluene	303
Benzene	149
Carbon Disulfide	11.5
Chloroethane	197
cis-1,2-Dichloroethene	95.5
Cyclohexane	1,350
Ethanol	22.6
Ethylbenzene	10,800
Heptane	3,380
Hexane	793
Isopropylbenzene	5,700
Xylene (m&p)	2,730
Methyl Ethyl Ketone	74.3
Xylene (o)	1,170
Propylene	308
Tetrachloroethene	43.3
Tetrahydrofuran	136
Toluene	2,090
trans-1,2-Dichloroethene	72.9
Trichloroethene	37.2
Vinyl Chloride	136

SV9 - 1/17/2017	
Benzene	178
Carbon Disulfide	299
cis-1,2-Dichloroethene	30.9
Cyclohexane	592
Ethanol	15.4
Ethylbenzene	621
Heptane	782
Hexane	359
Xylene (m&p)	768
Methyl Ethyl Ketone	54.5
Xylene (o)	48.6
Propylene	404
Tetrachloroethene	12.2
Tetrahydrofuran	10.6
Toluene	279
trans-1,2-Dichloroethene	29.3
Trichloroethene	171
Vinyl Chloride	129

- KEY:**
- Property Boundary
  - Soil Vapor Sampling Location
  - Groundwater Sampling Location
  - Soil Boring Location
  - Potential UST Location
  - Fill Port Location



ENVIRONMENTAL BUSINESS CONSULTANTS

Phone 631.504.6000  
Fax 631.924.2870

**Figure No.**  
**12**

Site Name: **FORMER NY CLEANING AND DYEING SITE**  
 Site Address: **376-378 FLUSHING AVENUE, BROOKLYN, NY**  
 Drawing Title: **POSTED SOIL VAPOR RESULTS**

**ATTACHMENT A**  
***ENVIRONMENTAL REPORTS***  
***(DIGITAL FILES ON CD)***

**ATTACHMENT B**  
***DETAILED COST ANALYSIS OF  
ESTABLISHED ENVIRONMENTAL  
CONDITIONS***

**FORMER NY CLEANING AND DYEING SITE  
Brooklyn, NY**

**Summary of Project Costs**

**NYS Brownfields Cleanup Program**

**Costs by Task**

**TASK - ENVIRONMENTAL REMEDIATION**

**Alternative 1 - Track 1**

**Alternative 2 - Track 2**

BCP Entry Documents	\$ 16,350.00	\$ 16,350.00
Remedial Investigation and RI Report	Completed	Completed
Remedial Work Plan, Remedy Scoping & Coordination	Completed	Completed
Remedial Program Implementation	\$ 3,286,890.00	\$ 3,286,890.00
Final Engineering Report, Site Management Plan & IC/ECs	\$ 18,200.00	\$ 40,450.00
Post Remedial Monitoring	\$ -	\$ -
<i>Subtotal</i>	\$ 3,321,440.00	\$ 3,343,690.00
<i>15% Contingency</i>	\$ 498,216.00	\$ 501,553.50
<b><i>Total</i></b>	<b>\$ 3,819,656.00</b>	<b>\$ 3,845,243.50</b>

**ATTACHMENT C**  
***PERMISSION FOR SITE ACCESS FROM  
CURRENT PROPERTY OWNER***

LOTUS RESIDENCES LLC  
C/O Franklin Realty Owners LLC  
56 Franklin Avenue  
Brooklyn, NY 11205

Mr. Zelig Weiss  
Rose Castle Redevelopment II LLC  
266 Broadway, Suite 301  
Brooklyn NY 11211

Re: Former Union Rental Inc Site.  
376-378 Flushing Avenue, Brooklyn, NY


Dear Mr. Weiss,

This letter confirms that Rose Castle Redevelopment II LLC, its manager, officers, employees agents, representatives, and consultants have access to the above-referenced site to implement any investigation or remedial work required and/or authorized by the New York State Department of Environmental Conservation (NYSDEC) pursuant to the Brownfield Cleanup Program (BCP), and to otherwise comply with all obligations under the Brownfield Cleanup Agreement (BCA) from the date hereof until such time as the BCA is terminated or NYSDEC issues a Certificate of Completion ("COC").

Sincerely,

LOTUS RESIDENCES LLC

By: FRANKLIN REALTY OWNERS LLC  
Its Sole Member

By:   
Aron Goldberger  
Authorized Representative

**ATTACHMENT D**  
***REPOSITORY ACKNOWLEDGEMENT  
LETTERS***



ENVIRONMENTAL BUSINESS CONSULTANTS

July 13, 2017

**New York Public Library - Williamsburgh Library**  
240 Division Street  
Brooklyn, NY 11211  
718-302-3485

**Re: NYS Brownfield Cleanup Program Application**  
**376-378 Flushing Avenue, Brooklyn, NY**

In compliance with the requirements of the NYSDEC Brownfield Clean-up Program, the Brooklyn Public Library, Williamsburgh Branch, located at 240 Division Street, Brooklyn, NY 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: Stephen Stickney Date 7/14/17  
for Brooklyn Public Library – Williamsburgh Branch



ENVIRONMENTAL BUSINESS CONSULTANTS

1800 Middle Country Road  
Ridge, NY 11961

Phone 631.504.6000  
Fax 631.924.2870



July 12, 2017

**Brooklyn 3 Community District**

1360 Fulton Street, Room 202

Brooklyn, NY, 11216

**Re: NYS Brownfield Cleanup Program Application  
376-378 Flushing Avenue, Brooklyn, NY**

In compliance with the requirements of the NYSDEC Brownfield Clean-up Program, Brooklyn 3 Community District, located at 1360 Fulton Street, Brooklyn, NY 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.

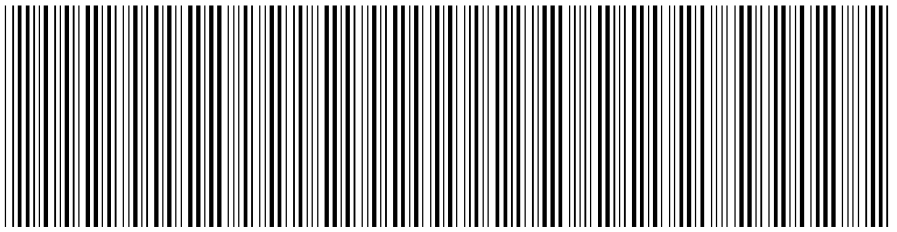
Please sign below and return the original copy to our office at the address shown below.

Accepted by: Beyle [Signature] Date 7/14/17  
for Brooklyn 3 Community District

**ATTACHMENT E**  
***PROPERTY DEED***

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

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



2014031801081013001E77D3

**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 8**

**Document ID: 2014031801081013**

Document Date: 03-06-2014

Preparation Date: 03-19-2014

Document Type: DEED

Document Page Count: 6

**PRESENTER:**

EXECUTIVE ABSTRACT GROUP, BY LEGAL AIDE  
PICK UP  
16 ISRAEL ZUPNICK DRIVE  
UNIT 117  
MONROE, NY 10950  
845-782-2400

**RETURN TO:**

EXECUTIVE ABSTRACT GROUP, BY LEGAL AIDE  
PICK UP  
16 ISRAEL ZUPNICK DRIVE  
UNIT 117  
MONROE, NY 10950  
845-782-2400

**PROPERTY DATA**

Borough	Block	Lot	Unit	Address
BROOKLYN	1884	40	Entire Lot	376 FLUSHING AVENUE

**Property Type:** COMMERCIAL REAL ESTATE

Borough	Block	Lot	Unit	Address
BROOKLYN	1884	48	Entire Lot	378 FLUSHING AVENUE

**Property Type:** COMMERCIAL REAL ESTATE

☒ Additional Properties on Continuation Page

**CROSS REFERENCE DATA**

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

**PARTIES**

**GRANTOR/SELLER:**

FRANKLIN REALTY OWNERS LLC  
470 KENT AVENUE  
BROOKLYN, NY 11249

**GRANTEE/BUYER:**

LOTUS RESIDENCES LLC  
266 BROADWAY, SUITE 301  
BROOKLYN, NY 11211

**FEES AND TAXES**

**Mortgage :**

Mortgage Amount:	\$	0.00
------------------	----	------

Taxable Mortgage Amount:	\$	0.00
--------------------------	----	------

Exemption:

TAXES: County (Basic):	\$	0.00
------------------------	----	------

City (Additional):	\$	0.00
--------------------	----	------

Spec (Additional):	\$	0.00
--------------------	----	------

TASF:	\$	0.00
-------	----	------

MTA:	\$	0.00
------	----	------

NYCTA:	\$	0.00
--------	----	------

Additional MRT:	\$	0.00
-----------------	----	------

TOTAL:	\$	0.00
--------	----	------

Recording Fee:	\$	72.00
----------------	----	-------

Affidavit Fee:	\$	0.00
----------------	----	------

**Filing Fee:**

\$	250.00
----	--------

**NYC Real Property Transfer Tax:**

\$	0.00
----	------

**NYS Real Estate Transfer Tax:**

\$	0.00
----	------

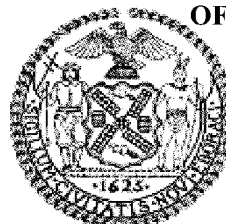
**RECORDED OR FILED IN THE OFFICE  
OF THE CITY REGISTER OF THE**

**CITY OF NEW YORK**

Recorded/Filed 03-21-2014 15:58

City Register File No.(CRFN):

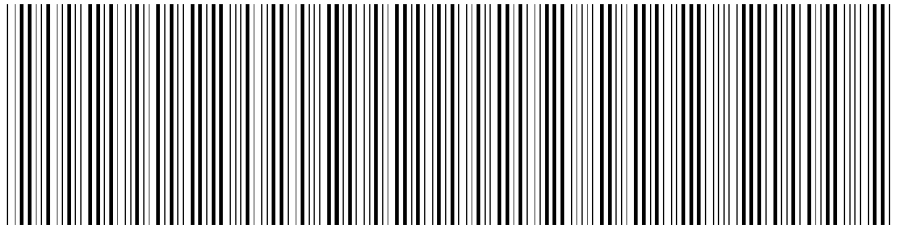
2014000099861



*Annette McMill*

**City Register Official Signature**

NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER



2014031801081013001C7553

**RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION)**

**PAGE 2 OF 8**

**Document ID: 2014031801081013**

Document Date: 03-06-2014

Preparation Date: 03-19-2014

Document Type: DEED

**PROPERTY DATA**

<b>Borough</b>	<b>Block Lot</b>	<b>Unit</b>	<b>Address</b>
BROOKLYN	1885 15 Entire Lot		N/A FRANKLIN AVENUE
<b>Property Type: NON-RESIDENTIAL VACANT LAND</b>			

THIS INDENTURE, made as of the 6 day of MARCH, 2014.

**BETWEEN FRANKLIN REALTY OWNERS LLC**, a New York limited liability company (having converted from **FRANKLIN REALTY OWNERS**, a New York general partnership, pursuant to a Certificate of Conversion filed on December 23, 2013 with the Secretary of State of the State of New York), with offices at 470 Kent Avenue, Brooklyn, NY 11249, party of the first part, and **LOTUS RESIDENCES LLC**, a Delaware limited liability company with offices at 266 Broadway, Suite 301, Brooklyn, NY 11211, 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 those three certain plots, pieces or parcels 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, and being more particularly described on Exhibit A attached hereto.

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, 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.

*Signature Appears on Next Page*

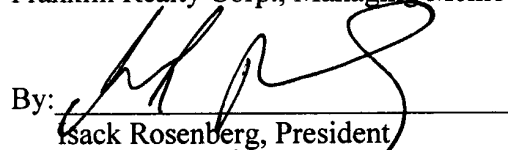
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

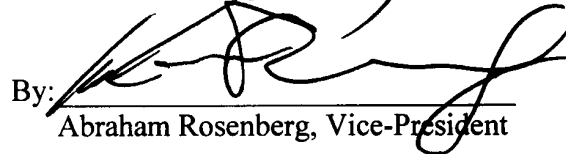
IN THE PRESENCE OF:



**FRANKLIN REALTY OWNERS LLC**, a New York limited liability company (having converted from Franklin Realty Owners, a New York general partnership)

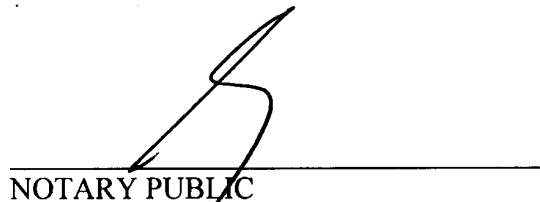
By: Franklin Realty Corp., Managing Member

By:   
Isaac Rosenberg, President

By:   
Abraham Rosenberg, Vice-President

STATE OF NEW YORK  
COUNTY OF NEW YORK

On the 6 day of MARCH, in the year 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared ISAAC ROSENBERG, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
NOTARY PUBLIC

STANLEY HOLCDORF  
Notary Public, State of New York  
No. 01HO6059267  
Qualified in Richmond County  
Commission Expires May 29, 2015

STATE OF New York  
COUNTY OF New York

On the 6 day of March, in the year 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared ABRAHAM WILKINS, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
\_\_\_\_\_  
NOTARY PUBLIC

STANLEY HOLCDORF  
Notary Public, State of New York  
No. 01HO6059267  
Qualified in Richmond County  
Commission Expires May 29, 2015

My Commission Expires: \_\_\_\_\_

Return by mail to:  
Susan M. Wilkins, Esq.  
Neuberger, Quinn, Gielen, Rubin & Gibber, P.A.  
One South Street, 27<sup>th</sup> Floor  
Baltimore, Maryland 21202

## **EXHIBIT A**

### **Parcel 1**

BEGINNING at a point on the southerly side of Flushing Avenue distant 50 feet 2 inches easterly from the corner formed by the intersection of the southerly side of Flushing Avenue with the easterly side of Kent Avenue;

RUNNING THENCE Southerly and parallel with Kent Avenue, 174 feet 6 inches to the northerly side of Little Nassau Street;

THENCE Easterly, along the northerly side of Little Nassau Street, 75 feet 3-1/4 inches (75 feet 1-7/8 inches actual) to a point which is 125 feet 3-1/4 inches easterly from the corner formed by the intersection of the northerly side of Little Nassau Street with the easterly side of Kent Avenue;

THENCE Northerly, in a straight line to a point on the southerly side of Flushing Avenue, which is 125 feet 2-1/8 inches easterly from the corner formed by the intersection of the southerly side of Flushing Avenue with the easterly side of Kent Avenue;

THENCE westerly, along the southerly side of Flushing Avenue, 75 feet and 1/8 of an inch more or less to the point or place of BEGINNING.

Said premises is known by the street address of 376 Flushing Avenue, Brooklyn, New York 11205

Being and intended to be the same premises conveyed to Franklin Realty Corp. by Indenture dated December 19, 1986 from Joseph Sirotkin, Irving Sirotkin, Paul Sirotkin and Martin Sirotkin, recorded on April 7, 1987 in Reel 2003, Page 510.

FOR INFORMATION ONLY: BROOKLYN/KINGS BLOCK 1884 LOT 40

### **Parcel 2**

BEGINNING at the corner formed by the intersection of the southerly side of Flushing Avenue and the westerly side of Franklin Avenue;

RUNNING THENCE along the southerly side of Flushing Avenue 193 feet 7-1/8 inches west to a point on the dividing line between lot numbers 3 and 4 as laid down on a certain map entitled "Map of Lands of General Jeremiah Johnson filed on 2/2/1839" which map was filed in the Kings County Clerk's Office as Map No. 246;

RUNNING THENCE along said dividing line south 178 feet 3 inches to the northerly side of Little Nassau Street;

RUNNING THENCE along said northerly side of Little Nassau Street east 75 feet 1/2 inch to a point on the dividing line between the easterly side of lands shown on the aforesaid map and the westerly side of lands shown on the map of lands of John Skillman dated 1/1/1835;

RUNNING THENCE north along the dividing line of the aforesaid lands north 86 feet 1 1/2 inches to a point;

RUNNING THENCE easterly 118 feet 3 inches to the westerly side of Franklin Avenue;

RUNNING THENCE at right angles to the last mentioned course north 102 feet 9 inches to the point or place of BEGINNING.

Said premises is known by the street address of 378-392 Flushing Avenue, Brooklyn, New York 11205

Being and intended to be the same premises conveyed to Franklin Realty Corp. by Indenture dated February 13, 1986 from Uniform Rental Inc., recorded on April 11, 1986 in Reel 1794, Page 648.

FOR INFORMATION ONLY: BROOKLYN/KINGS BLOCK 1884 LOT 48

Parcel 3

BEGINNING at a point on the easterly side of Franklin Avenue, distant 328 feet 10 inches northerly from the intersection of the easterly side of Franklin Avenue with the northerly side of Park Avenue;

RUNNING THENCE northerly along the easterly side of Franklin Avenue, 137 feet 7 inches;

THENCE easterly at right angles to Franklin Avenue, 35 feet 9 inches;

THENCE northerly at right angles to the previous course, 46 feet 4 inches;

THENCE easterly at right angles to Skillman Street, 164 feet 3 inches to the westerly side of Skillman Street;

THENCE southerly along the westerly side of Skillman Street, 183 feet 11 inches;

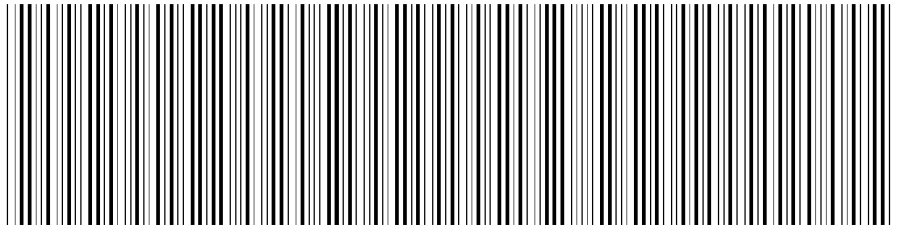
THENCE westerly at right angles to Skillman Street, 200 feet to the point or place of BEGINNING.

Said premises is known by the street address of Franklin Avenue, Brooklyn, New York 11205

Being and intended to be the same premises conveyed to Franklin Realty Corp. by Indenture dated April 15, 1986 from Paz Franklin Co., recorded on May 1, 1986 in Reel 1804, Page 1649.

FOR INFORMATION ONLY: BROOKLYN/KINGS BLOCK 1885 LOT 15

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



**2014031801081013001SB952**

**SUPPORTING DOCUMENT COVER PAGE**

**PAGE 1 OF 1**

**Document ID: 2014031801081013**  
Document Type: DEED

Document Date: 03-06-2014

Preparation Date: 03-19-2014

**ASSOCIATED TAX FORM ID:** 2014030600008

**SUPPORTING DOCUMENTS SUBMITTED:**

Page Count

DEP CUSTOMER REGISTRATION FORM FOR WATER AND SEWER BILLING  
RP - 5217 REAL PROPERTY TRANSFER REPORT

2  
2



The City of New York  
Department of Environmental Protection  
Bureau of Customer Services  
59-17 Junction Boulevard  
Flushing, NY 11373-5108

## Customer Registration Form for Water and Sewer Billing

### Property and Owner Information:

- (1) Property receiving service: BOROUGH: BROOKLYN BLOCK: 1884 LOT: 40
- (2) Property Address: 376 FLUSHING AVENUE, BROOKLYN, NY 11205
- (3) Owner's Name: LOTUS RESIDENCES LLC
- Additional Name: \_\_\_\_\_

### Affirmation:



Your water & sewer bills will be sent to the property address shown above.

### Customer Billing Information:

#### Please Note:

- A. Water and sewer charges are the legal responsibility of the owner of a property receiving water and/or sewer service. The owner's responsibility to pay such charges is not affected by any lease, license or other arrangement, or any assignment of responsibility for payment of such charges. Water and sewer charges constitute a lien on the property until paid. In addition to legal action against the owner, a failure to pay such charges when due may result in foreclosure of the lien by the City of New York, the property being placed in a lien sale by the City or Service Termination.
- B. Original bills for water and/or sewer service will be mailed to the owner, **at the property address or to an alternate mailing address**. DEP will provide a duplicate copy of bills to one other party (such as a managing agent), however, any failure or delay by DEP in providing duplicate copies of bills shall in no way relieve the owner from his/her liability to pay all outstanding water and sewer charges. Contact DEP at (718) 595-7000 during business hours or visit [www.nyc.gov/dep](http://www.nyc.gov/dep) to provide us with the other party's information.

### Owner's Approval:

The undersigned certifies that he/she/it is the owner of the property receiving service referenced above; that he/she/it has read and understands Paragraphs A & B under the section captioned "Customer Billing Information"; and that the information supplied by the undersigned on this form is true and complete to the best of his/her/its knowledge.

Print Name of Owner: \_\_\_\_\_

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

Date (mm/dd/yyyy) \_\_\_\_\_

3/6/14

Name and Title of Person Signing for Owner, if applicable: \_\_\_\_\_

**SEE ATTACHED PAGE FOR ADDITIONAL APPLICABLE PROPERTIES**



The City of New York  
Department of Environmental Protection  
Bureau of Customer Services  
59-17 Junction Boulevard  
Flushing, NY 11373-5108

## Customer Registration Form for Water and Sewer Billing

Borough	Block	Lot	Street	City	State	Zip
BROOKLYN	1884	48	378 FLUSHING AVENUE	NY	NY	11205
BROOKLYN	1885	15	N/A FRANKLIN AVENUE	NY	NY	00000

201403060000810101

FOR CITY USE ONLY

C1. County Code  C2. Date Deed Recorded  /  /   
 Month Day Year

C3. Book  OR C4. Page   
 C5. CRFN



## REAL PROPERTY TRANSFER REPORT

 STATE OF NEW YORK  
 STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217NYC

## PROPERTY INFORMATION

1. Property Location  376  FLUSHING AVENUE  BROOKLYN  11205  
 STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name  LOTUS RESIDENCES LLC   
 LAST NAME / COMPANY FIRST NAME

LAST NAME / COMPANY FIRST NAME

3. Tax Billing Address  Indicate where future Tax Bills are to be sent if other than buyer address (at bottom of form)  
 LAST NAME / COMPANY FIRST NAME

STREET NUMBER AND STREET NAME CITY OR TOWN STATE ZIP CODE

4. Indicate the number of Assessment Roll parcels transferred on the deed  3  # of Parcels OR ☐ Part of a Parcel

4A. Planning Board Approval - N/A for NYC  
 4B. Agricultural District Notice - N/A for NYC

5. Deed Property Size  FRONT FEET X  DEPTH OR  ACRES

Check the boxes below as they apply:

6. Ownership Type is Condominium ☐  
 7. New Construction on Vacant Land ☐

8. Seller Name  FRANKLIN REALTY OWNERS LLC   
 LAST NAME / COMPANY FIRST NAME

LAST NAME / COMPANY FIRST NAME

9. Check the box below which most accurately describes the use of the property at the time of sale:

A ☐ One Family Residential C ☐ Residential Vacant Land E ☒ Commercial G ☐ Entertainment / Amusement I ☐ Industrial  
 B ☐ 2 or 3 Family Residential D ☐ Non-Residential Vacant Land F ☐ Apartment H ☐ Community Service J ☐ Public Service

## SALE INFORMATION

10. Sale Contract Date  3 / 6 / 2014   
 Month Day Year

11. Date of Sale / Transfer  3 / 6 / 2014   
 Month Day Year

12. Full Sale Price \$  0

( Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations. ) Please round to the nearest whole dollar amount.

13. Indicate the value of personal property included in the sale

14. Check one or more of these conditions as applicable to transfer:

A ☐ Sale Between Relatives or Former Relatives  
 B ☐ Sale Between Related Companies or Partners in Business  
 C ☐ One of the Buyers is also a Seller  
 D ☐ Buyer or Seller is Government Agency or Lending Institution  
 E ☐ Deed Type not Warranty or Bargain and Sale ( Specify Below )  
 F ☐ Sale of Fractional or Less than Fee Interest ( Specify Below )  
 G ☐ Significant Change in Property Between Taxable Status and Sale Dates  
 H ☐ Sale of Business is Included in Sale Price  
 I ☐ Other Unusual Factors Affecting Sale Price ( Specify Below )  
 J ☒ None

## ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

15. Building Class  E, 3  16. Total Assessed Value (of all parcels in transfer)  3 0 6 5 4 3 4

17. Borough, Block and Lot / Roll Identifier(s) ( If more than three, attach sheet with additional identifier(s) )

BROOKLYN 1884 40

BROOKLYN 1884 48

BROOKLYN 1885 15

201403060000820101

**CERTIFICATION**

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER			BUYER'S ATTORNEY	
BUYER SIGNATURE <i>[Signature]</i>	DATE 2/6/14	LAST NAME		FIRST NAME
266 BROADWAY SUITE 301				
STREET NUMBER	STREET NAME (AFTER SALE)		AREA CODE	TELEPHONE NUMBER
BROOKLYN				
CITY OR TOWN	STATE NY	ZIP CODE 11211	SELLER <i>[Signature]</i> DATE 2/6/14	