



## 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.

### 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) 40 ° ' "		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

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

Type

Issuing Agency

Description

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

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**?

Yes

No

11. For sites located within the five counties comprising New York City, is the requestor seeking a determination that the site is eligible for tangible property tax credits?  
If yes, requestor must answer questions on the supplement at the end of this form.

Yes

No

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?

Yes

No

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?

Yes

No

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

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

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



**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. 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;"> <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 *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: \_\_\_\_\_

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

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

(By a requestor other than an individual)

RedSky Capital, LLC,  
the Manager of

I hereby affirm that I am a Member (title) of Stiles Properties, 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 *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. See Exhibit D, Written Consent.

Date: 2-22-2018

Signature: 

Print Name: Benjamin Bernstein

### 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.

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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:



# **BCP APPLICATION SUPPORT DOCUMENT**

## **BCP APPLICATION SUPPORT DOCUMENT**

### **Exhibit List**

- Exhibit A - NYSDOS Entity Information**
- Exhibit B - Deeds**
- Exhibit C - Previous Owners and Operators**
- Exhibit D - Corporate Consent**
- Exhibit E - Spider Maps containing Sampling Data Summaries**
- Exhibit F - Survey**
- Exhibit G1 - Tax Map**
- Exhibit G2 - Metes & Bounds Description**
- Exhibit H - Base Map and Site Location Map**
- Exhibit I - Zoning Map**
- Exhibit J - Flood Map**
- Exhibit K - Site Contact List**
- Exhibit L 1 - Library Letter**
- Exhibit L 2 - Community Board Repository Letter**

### **ENVIRONMENTAL REPORTS SEPARATELY ATTACHED ON CD:**

1. November 2005 Phase I and II Investigation prepared by EWMA
2. July 2012 Phase I Environmental Assessment, prepared by AKRF Inc. (See August 2017 Roux Phase I.pdf page 1705)
3. March 2015 Phase I Report by IVI
4. August 2017 Phase I Environmental Site Assessment by Roux Associates, Inc.
5. January 2018 Phase II Environmental Site Assessment by Roux Associates, Inc.

## SECTION I - REQUESTOR INFORMATION

The Requestor is the current property owner, Stiles Properties, LLC (“Stiles”), a Delaware limited liability corporation, located at c/o RedSky Capital, LLC, 3 Hope Street, Brooklyn, New York 11211. Stiles Properties, LLC is authorized to do business in the State of New York. *See* Exhibit A, NYSDOS Entity Information. The members/owners of Stiles Properties, LLC are as follows:

1. Stiles Development, LLC; and
2. RS JZ Greenpoint Investor, LLC.

The Written Consent provides Benjamin Bernstein authority to sign all Brownfield Cleanup Program (“BCP”) documents on behalf of the Requestor. *See* Exhibit D, Written Consent.

As further described below, the BCP Site (“Site” or “BCP Site”) is identified on the upland portions of local tax maps as 18 India Street, Greenpoint, Brooklyn, New York, Block 2538, Lot 1 and Block 2543 Lot 51. *See* Exhibit F Survey. When the Site is fully developed, the main building will retain this address and the affordable housing building will have an address of 45 Java Street. Alternate addresses currently include 14-28 India Street, 1-45 Java Street, and 127-141 West Street.

The full lot size of Block 2538 Lot 1 including underwater land is 4.735 acres. The full lot size of Block 2543 Lot 51 is 0.424 acres, and mostly consists of underwater land. Only the upland portion of the Site, which is defined by the planned bulkhead that will form the western edge of the BCP Site, is included within the BCP Site boundary. The upland BCP Site is 2.441 acres, which consists of 2.423 acres from Block 2538 Lot 1 and 0.018 acres from Block 2543 Lot 51. Since the underwater land has been excluded, neither of the two tax lot boundaries reflect the BCP Site boundary. *See* Exhibit F Survey, and the attached metes and bounds.

Requestor Stiles is the owner of the Site. *See* Exhibit B, Deeds. Stiles has a property address of c/o RedSky Capital, LLC, 3 Hope Street, Brooklyn, NY. The Requestor’s Authorized Representative, Ben Stokes, has an address of Stiles Properties, LLC c/o RedSky Capital, 3 Hope Street, Brooklyn, NY 11211.

The Requestor has no prior relationship with any current or past owners or operators of the Site, with the exception of the current tenants beginning at the time they acquired the Site. *See* Sections V and VI below, and Exhibit C, Previous Owners and Operators List. The Requestor did not cause any of the contamination of the Site, which predates the Requestor’s involvement at the Site. The historic Phase I reports prepared well before this application date, all document that the Requestor has met the Volunteer definition by exercising the due care required to maintain the bona fide purchaser defense and by purchasing the Site after the document contamination was present.

The information provided in the application confirms that the Requestor is an eligible Volunteer requestor in compliance with Environmental Conservation Law (“ECL”) § 27-1407.

## **SECTION II - PROJECT DESCRIPTION**

**[Please refer to Questions 1-3 on the BCP Application Form]**

### **4. Short Project Description**

The upland subject BCP Site is approximately 106,315 square feet or 2.441 acres. The proposed project is a mixed-use development consisting of 222,504 gross square feet (GSF) affordable housing building with 42,752 GSF of commercial space, and a 620,843 GSF market rate housing building with 6,904 GSF of commercial space. In addition, there may be a series of underwater land improvements including a pier on underwater land, which is not part of the BCP Site. NYCDEP and NYSDEC have determined a bulkhead is required to serve two purposes: (1) as the Support of Excavation in order to perform the remediation required and (2) park waterfront improvements required to be made as part of the project.

### **Schedule- Commencement through COC**

The Remedial Investigation Work Plan (“RIWP”), which will outline the RI work to be performed on the Site, is estimated to be completed between September 2018 and October 2018. The Remedial Investigation Report (“RIR”), which will summarize all RI work performed on Site, is estimated to be completed in the fall of 2018. The Remedial Action Work Plan (“RAWP”) will be completed in the winter of 2018. Any required remediation may commence in the winter of 2018, or spring of 2019. The Certificate of Completion is anticipated to be issued in 2019. With respect to the local land use approvals for the project, the project is proceeding through the City CEQR process now, which is expected to be complete well before the end of 2019.

## **SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY**

### **1. List of Environmental Reports**

The following is the list of environmental reports for the Site separately attached:

- A. November 2005 Phase I and II Investigation conducted by EWMA
- B. July 2012 AKRF Phase I for 127-141 West Street prepared for Bank of NY Mellon
- C. March 2015 Phase I Report by IVI
- D. August 2017 Phase I Environmental Site Assessment by Roux Associates, Inc.
- E. January 2018 Phase II Environmental Site Assessment by Roux Associates, Inc.

### **A. November 2005 Phase I and II Investigation conducted by EWMA**

This Phase I and II was performed for Stiles Properties, LLC as a prospective purchaser for the Site. The address used for the Site in this Phase I was 127 West Street. The Phase I determined that there was a historic recognized environmental condition (HREC) associated with past historic uses, but there were no current RECs identified at the time of the Phase I.

Portions of the property were used as a lumber yard, cargo storage yard, and a plastic injection molding operation, which may have used PCB containing chemicals. Since the much of the floor of the building was covered with computer equipment being stored in the current warehouse building, EWMA elected to perform a Phase II investigation. Five subsurface borings were installed at the Site two feet under the floor and samples were taken for VOCs, PCBs, BNs (base neutrals) and Metals. Metal and BNs were discovered above then applicable TAGM 4046 levels, and the contaminants were attributed to historic fill. The consultant strangely recommended reporting these findings to the DEC even though they also indicated that because the entire site is likely filled with similar material, no action is likely to be required by the Department.

The site is described as a 5.06 acre lot located between West Street to the east, India Street to the north, the East River to the west and Java Street to the south. The EDR Report identified 41 adjacent properties with environmental conditions but only two of these sites were considered to have a potential impact on this Site—Spill 0011609, which related to a 1/2 pint spill of oil in a vault pit, and Spill 0011610, which related to an ounce of oil in the same vault. Both spills were reported in 2001, remediated and the files were closed.

EWMA also performed a relatively minor Phase II investigation pushing 2 shallow 2 foot borings through the floor using an electric jackhammer. No VOCs were detected and no staining was observed. In addition, 5 soil borings (4 two feet bgs and one 5 feet bgs) were collected.

The data was compared to the applicable TAGM 4046 guidance document. The data from this report has here been compared to the applicable Part 375 Track 1 Unrestricted Soil Cleanup Objectives (URSCOs) and Track 2 Restricted Residential SCOs (RRSCOs). The following chart illustrates the exceedances of both the Track 1 and Track 2 SCOs:

<b>Chemical</b>	<b>Track 1 URSCO</b>	<b>Track 1 Exceedances</b>	<b>Track 2 RRSCO</b>	<b>Track 2 RR Exceedances</b>
Benzo[a]anthracene	1 mg/kg	1.21-3.98 mg/kg	1 mg/kg	1.21-3.98 mg/kg
Chrysene	1 mg/kg	1.61-4.59 mg/kg	3.9 mg/kg	4.59 mg/kg
Benzo[b]fluoranthene	1 mg/kg	1.23-3.47 mg/kg	1 mg/kg	1.23-3.47 mg/kg
Benzo[k]fluoranthene	.8 mg/kg	1.38-2.75 mg/kg	3.9 mg/kg	No exceedance
Benzo[a]pyrene	1 mg/kg	1.44-3.57 mg/kg	1 mg/kg	1.44-3.57 mg/kg

Dibenz[a,h]anthracene	.33 mg/kg	.489-1.17 mg/kg	.33 mg/kg	.489-1.17 mg/kg
Cadmium	2.5 mg/kg	No exceedance	4.3 mg/kg	No exceedance
Copper	50 mg/kg	50.9-97.9 mg/kg	270 mg/kg	No exceedance
Mercury	.18 mg/kg	.288-.592 mg/kg	.81 mg/kg	No exceedance
Zinc	109 mg/kg	186-312 mg/kg	10,000 mg/kg	No exceedance

In sum, this 2005 Phase II investigation revealed that that Site is contaminated with carcinogenic PAHs above the Track 2 RRSCOs and metals above the Track 1 URSCOs.

#### **B. July 2012 AKRF Phase I for 127-141 West Street prepared for Bank of NY Mellon**

This investigation revealed on-site and off-site Recognized Environmental Conditions (RECs). In addition, the Property was assigned an E-designation (E-138) for Underground Gasoline Storage Tanks Testing Protocol, Window Wall Attenuation, and Alternate Ventilation as part of the Greenpoint-Williamsburg rezoning in 2005. AKRF concluded that historic industrial/manufacturing uses, including a plastic manufacturer, a bottling facility, and a truck repair shop (with truck storage, gasoline pumps and storage) may have affected the Property subsurface. There were no petroleum storage tank registrations listed in the searched databases, however, during the site reconnaissance, a suspected vent pipe for a petroleum bulk storage tank was noted on the southeastern exterior portion of the building and cut and cemented metal pipes were observed in the concrete floor of the warehouse on the western portion of the Property (18 India Street) that may be associated with historic underground storage tanks (USTs). New York City Buildings Department files cite a gasoline tank installation for the Property address in 1976 and gasoline pumps and storage for fueling operations. There were no indications that these tanks were removed (or properly abandoned-in-place), therefore, these tanks and piping may be located beneath the Property.

AKRF references the 2005 EWMA Phase II Subsurface Investigation and notes that EWMA had apparently recommended in their report that certain soil analytical results be reported to the New York State Department of Environmental Conservation (NYSDEC). However, upon AKRF's review of the data, they concluded there was no requirement to report the levels of metals and semi-volatile organic compounds (SVOCs) reported by EWMA in their limited soil testing study to NYSDEC or any regulatory agency. However, prior to any redevelopment of the site, AKRF recommended that a more comprehensive subsurface investigation be performed, including soil, groundwater and soil vapor sampling and analysis, which will be required by the New York City Office of Environmental Remediation (OER).

Based on this Phase I ESA, and review of the previous 2005 study, AKRF concluded it is likely that there would be some level of remediation necessary, including possible tank removal(s), potentially associated contaminated soil removal, and characterization of the on-site urban fill materials. In addition, AKRF concludes that any new building would be required to have a vapor barrier beneath the lowest floor slab, and depending on additional Phase II testing and the building

design, a sub-slab depressurization system (SSDS) may be required by OER to remove the E-designation.

**Site Description** - AKRF described the Site as comprising two warehouse buildings on an approximately 5.06-acre tax lot (Tax Block 2538, Lot 1). The eastern portion of the Property (127-141 West Street) contained a two-story warehouse used for prop and stage set storage for an HBO television miniseries; the western portion of the Property (18 India Street) contained a one-story warehouse with a mezzanine occupied by Aramsco™, an environmental remediation/emergency response products vendor, used for product storage and distribution. Cut and cemented metal pipes of an unknown purpose were noted in the concrete floor on the northern and central portions of this warehouse. Utility rooms/mechanical spaces were located on the northern portion of the building including gas and electrical meters, water pipes and a sewage ejector pit room. The surrounding area was a mixed-use commercial, industrial and residential area, with warehouses north and south of the Property. Small (less than 5 gallon) containers of cleaning products and petroleum were observed in a storage room.

North	India Street & Huxley Envelope BCP Site – Vacant Warehouse still present
West	East River and a concrete-paved walkway with pier access to the East River
East	West Street & Residential and Commercial Storefronts
South	Java Street & commercial warehouse occupied by a masonry company and a general contractor.

Asphalt-paved parking spaces were located immediately north of the building along India Street. An approximately four-foot by five-foot rectangular metal plate of an unknown purpose was located on the asphalt-paved ground surface north of the building. A circular Consolidated Edison utility manway and a groundwater monitoring well were located in the east-adjacent sidewalk along West Street, immediately outside of northeastern portion of the building. The Site owner interviewed was not aware of the purpose of the metal plate or monitoring well. A suspected vent pipe for a petroleum bulk storage tank was also noted on the southeastern exterior portion of the building that may have been associated with a historic fuel oil or gasoline tank, but the owner was not aware of any current or former tanks. The report noted that the building was heated by natural gas. An apparent transformer vault was noted immediately south of the building within the Java Street Sidewalk. Two monitoring wells (with two adjacent 55-gallon drums labeled as non-hazardous waste - apparent purge water staged near each well) and patched cores were noted north of the Property within the India Street roadway, immediately south of the vacant warehouse facility on the north adjacent block, which were attributed to the then ongoing subsurface investigations at the adjacent Huxley Envelope BCP Site.

**Topography** - Based on reports compiled by the U.S. Geological Survey (Brooklyn, NY Quadrangle dated 1967), the Property lies at an elevation of approximately 15 feet above the National Geodetic Vertical Datum of 1929 (an approximation of sea level). Groundwater in the vicinity of the Property is expected to be at approximately 10 feet below ground surface, and is tidally influenced. Groundwater likely flows towards the East River, located west-adjacent to the Property. Groundwater in Brooklyn is not used as a source of potable water.

**Underground Storage Tanks (USTs)** - A review of the State regulatory records did not cite any USTs for the Property. Computerized New York City Fire Department records did not list any past or present motor vehicle fuel or heating oil tanks for the Property. During the reconnaissance, a suspected vent pipe for a petroleum bulk storage tank was noted on the southeastern exterior portion of the building. Cut and cemented metal pipes were observed in the concrete floor of the western portion of the Property (18 India Street) that may be associated with historic USTs. A review of New York City Buildings Department Block and Lot files cited a gasoline tank installation for the Property address dated 1976 and gasoline pumps and storage for fueling operations. Potential buried USTs from former on-site fueling operations may be located beneath the Property.

**Polychlorinated Biphenyls (PCBs)** – Based on the age of the buildings, electrical equipment and lighting fixtures on-site may include PCB-containing elements. No obvious leaks or odors were observed in connection with this equipment or the lighting fixtures. An apparent transformer vault was noted immediately south of the building within the Java Street sidewalk that may include PCB-containing components.

**Lead-Based Paint** - Based on the age of the buildings, lead-based paint may be present. Painted surfaces observed in the building were in fair condition. At the time of the site visit, the building did not include a child care center or other facility where the extended presence of young children would be typical. Any renovation or demolition activities with the potential to disturb lead-based paint must be performed in accordance with the applicable Occupational Safety and Health Administration regulation (OSHA 29 CFR 1926.62—Lead Exposure in Construction).

**Asbestos-Containing Material** - Suspect ACMs were observed during the site visit and included linoleum and ceramic floor and wall tile and associated mastic, pipe insulation, electrical panel partitions, dropped ceiling tile, wallboard, plaster, joint compound and roofing materials. These suspect ACMs were noted to be in fair to damaged condition. ACM may be present in other locations within the building not readily accessible during the site reconnaissance.

#### **Historic Records Search – 1887-1888**

The Property contained a box factory and planing mill on the central portion; and lumber sheds and stables on the eastern portion, labeled as the John C. Orr & Company. The western portion of the property was vacant. The southeast-adjacent block contained a syrup factory, a foundry, and a machine shop along West Street, followed by residences and some industrial uses including a coal shed, a pipe shop and a truck and wagon builder further southeast. The south-adjacent block across Java Street contained the Eagle Steam Saw Mill, with associated sheds.

#### **1905**

The John C. Orr & Co, Lumber Yard shown on the 1887-1888 maps expanded, with additional structures including a sash and door factory with associated kilns and an independent electrical plant on the southern portion of the Property. The western and northern portions of the Property contained lumber storage sheds and stables. The southeast-adjacent block contained a brass foundry, an unspecified factory, and a “compound” along West Street.



**1916**

The Site appeared the same as on the 1905 map. The southeast-adjacent block now contained the E. Faber Pencil Company, which included a lead department along West Street. The lumber yard that occupied the northern portion of the south-adjacent block on the 1905 map had been replaced by the S.W. Eiss Glass & Co., Brass Beds manufacturing facility, including lacquering operations with lacquer and alcohol drums noted within the building.

**1942**

The eastern portion of the Property was still depicted as a lumber storage yard with no buildings. The western portion of the Property comprised a warehouse (in its current configuration) used for cargo storage for the Steamship Terminal Operating Corporation. Map coverage was not available for the blocks north of India Street, although the map noted that the area north of India Street was used for lumber storage. The E. Faber Pencil Company on the southeast-adjacent block expanded to include the majority of the block. The facility included a lead department along West Street with acid storage. An iron works with a forge occupied the center of the southeast adjacent block and dwelling units and commercial storefronts occupied the northeastern corner. The former Brass Bed manufacturer shown on the south-adjacent block on the 1916 map was depicted as in use by the Steamship Terminal Operating Corporation warehouse. No further significant changes were noted on the surrounding properties from the 1916 map.

**1951**

The warehouse on the western portion of the Property was occupied by the Sealand Dock and Terminal Corporation. No further significant changes were noted on the Property from the 1942 map. Lumber sheds along India Street abutted the Property to the north. The south-adjacent block contained cargo warehouses for the steamship terminal. No further significant changes were noted on the surrounding properties from the 1942 map.

**1965**

The lumber storage yard depicted on the eastern portion of the Property in 1951 was replaced by a cargo storage warehouse (the current structure), noted as constructed in 1953. The remainder of the Property was unchanged from the 1951 map. The Pencil Company on the southeast-adjacent block on the 1942 map had been divided among several unspecified loft buildings. No further significant changes were noted on the surrounding properties from the 1951 map.

**1979**

The Property buildings were occupied by the Coca-Cola Bottling Corporation noted for manufacturing use. The eastern portion of the Property was also noted for lumber storage. The structures on the south-adjacent block were occupied by the Vanguard Business Furniture Corporation. No further significant changes were noted on the surrounding properties from the 1965 map.

**1989**

The Property was unchanged from the 1979 map. The east-adjacent block across West Street contained Consolidated Laundries, which replaced the freight warehouse shown on the 1979 map; the two gasoline tanks were shown.

## **2007**

The Property structures were noted for unspecified warehouse use, with some office space noted on the eastern portion. The former Vanguard furniture facility on the south-adjacent block contained unspecified lofts and offices. No further significant changes were noted on the surrounding properties from the 1989 map.

Based on this historic use summary, AKRF concluded that former manufacturing, lumber storage and bottling works, may have affected the Property subsurface and that surrounding uses including a garage with two gasoline tanks (later developed with a freight warehouse and Consolidated Laundries) in the northwestern portion of the east-adjacent block (as noted on the 1942 and 1989 maps); a brass foundry (1887-1888 and 1905 Sanborn maps), a pencil factory with a lead department and acid storage (1916 and 1942 Sanborn maps) on the southeast-adjacent block; and a brass bed manufacturer with alcohol and lacquer drum storage on the south-adjacent block (as depicted on the 1916 Sanborn map) may have affected the Property subsurface. Vanguard Corp., located at 10 Java Street, approximately 290 feet south-southeast of the Property (south-adjacent block), was listed on the TRIS database and USEPA's Civil Enforcement Docket for the release of approximately 300 pounds of toluene (fugitive air remissions) and 8,992 pounds of toluene (solvents/organics recovery) in 1987; and approximately 7,620 pounds of toluene (stack or point air emissions) in 1990. Documented/undocumented releases from this facility may have affected the Property subsurface.

### **C. March 2015 Phase I Report by IVI**

Since this is the third Phase I report being summarized, repetitive information will not be summarized again. Only new information, or different information appears in this summary.

This report was prepared for the more recent address of the 18 India Site, however, it is effectively the same 5.05 acre parcel. This Phase I provided some additional detail on the construction of the on-Site buildings. The western building was constructed circa 1935 (approximately 80-years-old, which was consistent with prior Phase Is) while the eastern building was constructed in 1953 (62-years-old). By 1905, the Subject also contained a door and blind factory, which was demolished by 1916. By 1951, the Phase I suggests there were no structures on the Site until 1935 when the Site was improved with a cargo storage warehouse on the western side of the Site and a lumber yard on the eastern side of the Subject. A cargo/lumber storage building was constructed on the eastern side of the Subject property in 1953. By 1979, the Coca-Cola bottling plant took over the warehouse, a one-story addition was constructed on the western side of the property, and an office was located in the eastern building. A truck repair shop was also identified on-site in 1976. By 1988 the one-story addition was demolished.

With respect to the Historic UST REC, IVI reviewed the New York City Buildings Department Block and Lot files, which cited truck repair operations and a gasoline tank installation for the Site address dated 1976 and gasoline pumps and storage for fueling operations. According to a 1976 Certificate of Occupancy (CO) issued by the New York City Department of Buildings (NYCDOB), a truck repair shop, with truck storage, gasoline pumps and storage, and a bottling plant warehouse formerly occupied the Subject. The CO identified Fire Department approval for the installation of a gasoline tank on June 26, 1976. The Phase I notes that automotive repair

activities commonly used solvents for parts cleaning and generate automotive wastes, such as waste oils and antifreeze. The 2012 Phase I report identified a suspected vent pipe for a petroleum bulk storage tank on the southeastern exterior portion of the building and cut, and cemented metal pipes were observed in the concrete floor of the warehouse on the western portion of the Subject that may be associated with historic USTs.

IVI recommended a subsurface investigation be conducted to determine the disposition of the USTs and if the USTs and former truck repair activities and industrial/manufacturing activities have impacted the subsurface. IVI also agreed with AKRF that while there is no requirement to report the levels of metals and semivolatile organic compounds (SVOCs) reported by EWMA in their limited soil testing study to NYSDEC, prior to any redevelopment of the site, a more comprehensive subsurface investigation, including soil, groundwater and soil vapor sampling and analysis will be required by the New York City Office of Environmental Remediation (OER) and NYCDEP due to the Site's "E" Designation. An "E" designation was assigned to the Site on May 11, 2005 for Hazardous Materials and Noise during the Greenpoint-Williamsburg Rezoning project.

**Asbestos-Containing Material (ACM)** Based on the age of the site improvements, IVI also discussed concern that ACMs may exist in the on-Site buildings, but provided a bit more detail than AKRF. Approximately 120 square feet of friable acoustical ceiling tiles suspected to contain asbestos were identified in the mezzanine and ground floor offices spaces of the western building. This material was observed to be in good condition with spot damage. In addition, the non-friable resilient floor finish assemblies, wallboard assemblies, plaster, caulking, mastics and roofing materials may contain asbestos. These materials were observed to be in generally good condition. IVI also noted that other suspect ACM may exist in inaccessible locations such as behind walls, above ceilings and beneath visible flooring.

**Current Property Use** At this time in 2015, the Site was developed with two connected warehouse buildings and divided into three tenant spaces. The western space was occupied by Eye Productions and the middle and eastern spaces are occupied by Shadow Infirmary. These tenants were television studios, which utilized the space for set storage and some set construction and onsite filming. Based on the operations currently conducted at the Site at the time, IVI concluded that significant quantities of hazardous waste were not generated and that the then current on-site activities were not suspected to have degraded the environmental quality of the Site.

**Adjacent Uses** Since the Adjacent uses changed from the prior 2005 Phase I, the adjacent use chart from the report is reproduced below:

Direction	Adjacent Properties	Surrounding Properties
North	Across India Street is a lot undergoing construction (155 West Street).	Light industrial and warehouse development
South	Across Java Street are movie studios and set construction/storage buildings (209 West Street).	Light industrial and warehouse development
East	Across West Street is a vacant lot (32 India Street) and a residential apartment building with ground level retail (132 West St & 47 Java Street).	Residential development
West	Abutting the Subject is a dock to the East River Ferry landing and the East River.	East River

**RCRIS Listing** The Site was identified as a Non-Generator under EPA ID NYP003664315 as of 2009 for the generation of 750 pounds of ignitable wastes in 2009. The database indicated that the generation source was an emergency response by NYC DEP, as such the listing appears to be associated with cleanup activities for a 2009 spill incident of paint to the street.

**FINDS Database** The Site was identified twice on the FINDS database. One listing was for Aramsco Corp. under Registry ID: 110059198274 and pertained to the Site's former OSHA-OIS database listing for use as surgical appliance and supplies manufacturing. The second listing is for NYC DEP under Registry ID: 110041644557 for its RCRIS listing. According to the RCRIS listing above, NYC DEP performed the emergency response work.

**New York Leaking Underground Storage Tanks (LUST) and Spill Lists** The Site was identified on the NY Spills database for Spill No.0814175 issued on March 31, 2009. A Third Party Call stated that 10 five-gallon buckets were spilled to the street (not on the Subject property). The NYC DEP responded and noted paint at the location; however, no petroleum was spilled. The database indicates that the hazardous material spilled was acetone. The Site was granted a Case Closed status on April 1, 2009. IVI did not observe any evidence of the spill in the street adjacent to the Site. As such, and given the Case Closed status, IVI did not suspect that this spill incident has had a significant negative environmental impact on the Site.

However, the report does conclude a REC is present as a result of the potential presence of a UST installed at the site in 1976 by Coca-Cola for its bottling facility. This report notes that a previous 2012 report identified a suspected vent pipe for a petroleum bulk storage tank on the southeastern exterior portion of the building, and cut and cemented metal pipes were observed in the concrete floor of the warehouse on the western portion of the Subject that may be associated with historic USTs. A review of New York City Buildings Department Block and Lot files cited a gasoline tank installation for the Subject address dated 1976 and gasoline pumps and storage for fueling operations. According to a 1976 Certificate of Occupancy (C of O) issued by the NYCDOB, a truck repair shop, with truck storage, gasoline pumps and storage, and a bottling plant warehouse formerly occupied the Subject. The CO identified Fire Department approval for the installation of a gasoline tank on June 26, 1976.

**Polychlorinated Biphenyls (PCBs)** There are utility-owned, electrical transformers on-site. The transformers, which are maintained by Con Edison within an inaccessible vault below the sidewalk along Java Street, were not observed by IVI. Based on the age, these transformers may contain

between 50-499 parts per million of PCBs, which classifies them as PCB contaminated. In accordance with Title 40—Protection of Environment, Chapter 1— Environmental Protection Agency, Subchapter R—Toxic Substance Control Act (TSCA), Part 761—Polychlorinated Biphenyls (PCBs), Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions, the owner of the transformers, Consolidated Edison (Con Ed), is responsible for the transformers' maintenance and remediation in the event of a leak.

**Lead-Based Paint (LBP)** Since the Subject was constructed prior to the Consumer Product Safety Commission's 1978 ban on the sale of LBP to consumers and the use of LBP in residences, there is a potential that LBP may have been applied at the Subject. Painted surfaces were generally in good condition; however, IVI observed scattered painted surfaces in poor condition which exhibited evidence of pervasive peeling and flaking. Inasmuch as the buildings are scheduled for demolition activities, the potential for disturbance of the suspect LBP is high.

**Vapor Encroachment Screening** IVI conducted a "Tier I" (non-intrusive) Vapor Encroachment Screening (VES) on the Site in accordance with the methodology set forth in ASTM E 2600-10 "Standard Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions". During the VES, the Area of Concern (AOC) was minimized using the methodology taught in the ASTM Screening for Vapor Encroachment onto Property Involved in Real Estate Transactions Training Course. The purpose of the Tier I VES is to conduct an initial screen to identify, to the extent feasible, the potential for a vapor encroachment condition (VEC) in connection with the Subject with respect to chemicals of concern that may migrate as vapors into the subsurface of the Subject as a result of contaminated soil and groundwater on or near the property.

Since there is a potential UST still under the Site, and the Site has also historically been utilized for various industrial/manufacturing uses including a plastic manufacturer (as noted in a previous investigation) and a bottling facility (as noted on the 1979 through 1989 Sanborn maps and the 1976 CO), IVI concluded there is the potential for historic industrial/manufacturing operations, including the use of oils and solvents, to have impacted the Site. Given the above, IVI concluded a VEC associated with historic on-site use and USTs cannot be ruled out. In addition, IVI concluded that because the historic fill was contaminated, a VEC is present from the presence of the contaminated fill. Finally, given the close proximity of two adjacent brownfield sites (Huxley was not yet remediated at the time of this report), there is the potential for this Site to have been impacted and a VEC exists from these adjacent sites. Therefore, IVI concluded a VEC cannot be ruled out.

#### **D. August 2017 Phase I Environmental Site Assessment by Roux Associates, Inc.**

Roux Associates, Inc. ("Roux") performed a Phase I Environmental Site Assessment (Phase I ESA) of the property located at 127-141 West Street (aka 14-28 India Street and 1-45 Java Street), occupying Tax Lot 1 of Tax Block 2538 and Tax Lot 51 Block 2543 in Kings County, City and State of New York (Site) (Figure 1). At the time of this most recent Phase I, the two warehouse-style buildings were being utilized for storage by movie prop storage companies; and an active NYC East River ferry terminal on the western portion of the Site. Stored material consisted of, but was not limited to, furniture, paintings, kitchen-ware, wagons, clothing, and lighting fixtures. The

tenant of the western Site building was in the process of vacating the property, and a large majority of this tenant space was vacant. The eastern Site building was still occupied for storage of movie prop materials.

The only new historic use and REC information in this Phase I report compared to the earlier two Phase I reports is that Roux locate dry kiln and an Independent Energy Plant (IEP) on the Site based on a 1905 Sanborn Map in relation to the Sash Window and Blind Co. Roux concludes that IEPs generally utilized coal and/or oil to generate power. Ash (rich in heavy metals and semi-volatile organic compounds [SVOCs]) was a typical by-product of IEPs, which required storage, handling and disposal. Therefore, Roux concluded that the former Site use as lumber storage/planing mill and as an IEP is considered a REC in relation to the Site. Roux also confirmed there were no new active RECs on the Site.

#### **E. January 2018 Phase II Environmental Site Assessment by Roux Associates, Inc.**

Roux began this Phase II letter report by once again summarizing historic uses. Roux noted that the independent energy plant (IEP) was on the site in the 1900's, which likely generally utilized coal and/or oil to generate power and ash (rich in heavy metals and semi volatile organic compounds [SVOCs]) was the likely source of the ash found on the Site.

##### *Soil Sampling*

From September 15, 2017 through September 29, 2017, seventeen (17) soil borings (SB-1 through SB-12; MW-1 through MW-5) were installed, 53 discrete soil samples and one duplicate soil sample were collected for laboratory analysis from the soil borings. All soil borings were advanced to target depth using the direct push drilling method. Soil samples were collected continuously in five-foot increments from the land surface to a maximum depth of 20 ft bls.

##### *Groundwater Monitoring Well Installation and Sampling*

Five of the 17 soil borings were converted to permanent monitoring wells for collection of water level elevation measurements and groundwater sampling. Monitoring wells MW-1, MW-2, and MW-4 were installed to a depth of approximately 13 ft bls, and monitoring wells MW-3 and MW-5 were installed to a depth of approximately 15 ft bls.

##### *Soil Vapor Sampling*

Ten soil vapor points (SV-1 through SV-10) were installed. The soil vapor point installation and sampling procedures were completed in accordance with the NYSDOH October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York.

#### **Results**

Soil sampling results were compared to the NYSDEC Part 375 Unrestricted Use SCOs, NYSDEC Part 375 RRSCOs, and NYSDEC Part 375 PGWSCOs. Groundwater sampling results were compared to the NYSDEC Ambient Water Quality Standards and Guidance Values (AWQSGVs). Soil vapor detections are also reported. A summary of the results is presented in the Report on Tables 1 through 12 and the laboratory analytical results packages are included in Attachment 5. A graphical depiction of the soil, groundwater, and soil vapor quality data are also provided on Plates 1 through 3, respectively.

### *Soil Results*

Two VOCs were detected above the PGWSCOs and one VOC was detected above the RRSCOs. Seven SVOCs were detected above the PGWSCOs and seven SVOCs were detected above the RRSCOs. Five metals were detected above the PGWSCOs and the RRSCOs.

### *Groundwater Results*

Several SVOCs, including benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene and indeno(1,2,3-C,D)pyrene, exceeded their respective AWQSGVs in the groundwater samples from MW-1, MW-3, and MW-5. The metals iron, magnesium, manganese, and sodium were detected at concentrations exceeding the AWQSGVs in both the total and dissolved (filtered) samples. The metal antimony was only detected at a concentration exceeding the AWQSGVs in one total sample.

### *Soil Vapor*

All soil vapor sample contained detections of VOCs. All soil vapor exceedances are contained in the attached spider map in Exhibit E. Of the more significant findings:

- TCE was detected in five soil vapor samples (SV-1, SV-2, SV-8, SV-9 and SV-10 DUP) at concentrations ranging from 1.35 µg/m<sup>3</sup> to 14.1 µg/m<sup>3</sup>, with a maximum detection in SV-10 DUP.
- PCE was detected in all eleven soil vapor samples (SV-1 through SV-10 and SV-10 DUP) ranging in concentration from 2.79 µg/m<sup>3</sup> to 304 µg/m<sup>3</sup>, with a maximum detection in soil vapor sample SV-10 DUP.
- 1,1,1-Trichloroethane was detected in three soil vapor samples (SV-8, SV-9, and SV-10 DUP) ranging in concentration from 1.36 µg/m<sup>3</sup> to 47.6 µg/m<sup>3</sup>, with a maximum detection in soil vapor sample SV-10 DUP.

### **Conclusions**

Based on the results of the Roux Phase II Investigation activities and the Phase II soil investigation previously completed by EWMA in 2005, Roux concluded each of the Site's media (soil, groundwater, and soil vapor) are impacted with contaminants, including VOCs, SVOCs, and metals, in excess of the applicable regulatory standards. Roux recommended that the Site enter the NYSDEC Brownfield Cleanup Program to complete investigation and remediation, and to ensure the redevelopment is protective of the public health and the environment.

## **2. Sampling Data**

See Sampling Data Summary in Section III.2 of the application, Exhibit E Spider Maps, and Section IV.10.F herein.

## **3. Site Drawing**

See Exhibit E, Spider Maps.

#### **4. Past Land Uses**

*See* Section IV.10.D for full description of past land uses.

## **SECTION IV – PROPERTY INFORMATION**

### **1. Site Boundary and Tax Parcel Information**

The BCP Site is identified as the upland portions of local tax maps as 18 India Street, Greenpoint, Brooklyn, New York, Block 2538, Lot 1, and Block 2543 Lot 51. Therefore, the BCP Site Boundary does not match the tax lot boundaries. The full lot size of Block 2538 Lot 1 including underwater land is 4.735 acres. The full lot size of Block 2543 Lot 51 is 0.424 acres, and mostly consists of underwater land. Only the upland portion of the Site, which is defined by the planned bulkhead that will form the western edge of the BCP Site, is included within the BCP Site boundary. The upland BCP Site is 2.441 acres, which consists of 2.423 acres from Block 2538 Lot 1 and 0.018 acres from Block 2543 Lot 51. Since the underwater land has been excluded, neither of the two tax lot boundaries reflect the BCP Site boundary. *See* Exhibit F Survey, and the attached metes and bounds.

When the Site is fully developed, the main building will retain this address and the affordable housing building will have an address of 45 Java Street. Alternate addresses currently include 14-28 India Street, 1-45 Java Street, and 127-141 West Street. Only the upland portion of the Site defined by the planned bulkhead that will form the western edge of the BCP Site is included within the BCP Site boundary. The upland BCP Site is 2.441 acres. *See* Exhibit F Survey BCP Site Boundary Map, Exhibit G1 Tax Map and G2 Metes and Bounds.

### **2. Property Map**

The Site Location and Base Property Map are in Exhibit H. A Survey map is in Exhibit F.

**[Please refer to Questions 3-9 on the BCP Application Form]**

### **10. Property Description Narrative**

#### **A. Site Location**

*See* Response to Section IV.1 and IV.2 above. The Site comprises approximately 2.441-acres consisting of the entire block east of West Street, between India and Java Streets in the Greenpoint Section of Brooklyn, New York. The Site is currently defined as Tax Lot 1 of Tax Block 2538 and Block 2543 Lot 51.

#### **B. Site Features**

The Site was developed sometime prior to 1887. The western Site building was constructed in May 1935, and the eastern building was constructed in 1953 (eastern Site building). As



of 1951, piers/docs are noted at the end of each street along the shoreline of the East River from Green Street (to the north) to Milton Street (to the south), including India Street. All the piers/docks, except for the pier/dock at the end of Green Street, were no longer depicted by 2006. By 2011, a new pier/dock at the end of India Street was noted (current pier used as NYC Ferry terminal). It also appears that there was partial bulkhead collapse, and the shoreline adjacent to the Site has eroded over time beginning in the late 1980s. The East River is located immediately adjacent to the west of the Site.

#### C. Current Zoning and Land Use

The Site is currently zoned for R8 and R6, both residential districts, with a commercial overlay of C2-4. *See Exhibit I.*

As of April 2017, the Site was improved with two warehouse-style buildings most recently utilized for storage by movie prop storage companies; and an active NYC East River ferry terminal on the western portion of the Site. Stored material consisted of, but was not limited to, furniture, paintings, kitchen-ware, wagons, clothing, lighting fixtures and the like. The buildings are now vacant.

The surrounding parcels are currently used for a mix of urban residential, commercial and still some industrial uses. The nearest residential area is the new residential building being constructed on the Huxley Envelope BCP Site.

#### D. Past Use of the Site

Historical Site use includes lumber storage (including presence of a drying kiln) and planning mill (western portion of the Site) between 1887 until the 1940s; an Independent Energy Plant (IEP). IEPs generally utilized coal and/or oil to generate power. In addition, ash (rich in heavy metals and semi-volatile organic compounds (SVOCs) was a typical by-product which required storage, handling and disposal. Additionally, the Site was used as a sash, door and blind factory; sheet metal works (fabrication); truck repair; gasoline tank and pumps for fueling; bottling plant warehouse; plastics manufacturer; cargo storage; and parking. Typical operations associated with these uses include petroleum products and solvents that if released into the environment would impact the soil, groundwater and soil vapor beneath the site. Automotive repair activities commonly use solvents for parts cleaning and generate waste such as waste oils and antifreeze. Improper disposal of solvents and automotive wastes commonly result in subsurface impacts. The subject property has also historically been utilized for various industrial/manufacturing uses including a plastic manufacturer (as noted in previous investigation) and a bottling facility (as noted on the 1979 through 1989 Sanborn maps and the 1976 C/O). There is potential for historic industrial/manufacturing operations, including the use of oils and solvents, to have impacted the Subject. *See Exhibit C, Previous Owners and Operators.*

#### E. Site Geology and Hydrogeology

The grade at the Site is relatively flat. The elevation of the Site is approximately 3 feet

above mean sea level.

The direction of groundwater flow in the area of the Site is assumed to flow west, based on the proximity of the nearest surface water body, the East River, located immediately west of the Site and based on Site topography. The Site is located adjacent to a tidal wetlands, the East River.

The Site is located in a 100-year flood zone. *See* Exhibit J.

There are no predominant geological surface features such as rock outcroppings on the Site. According to a report titled “Potentiometric Surface of the Water Table, Magothy and Lloyd Aquifer on Long Island, New York, dated 1984, and the Water Resources Investigation Report published by the USGS, dated 1987, the subsurface geology in the vicinity of the Site consists of the Upper Glacial Deposits, Gardiners Clay, Jameco Gravel, the Raritan formation, and bedrock.

The unconsolidated Upper Glacial layer, deposited during the Pleistocene, extends to a depth of 175’ below grade surface (bgs) and consists of glacial outwash deposits composed of sands and gravel. The permeability of this unit is moderate to high. The Upper Glacial deposits are underlain by Gardiners Clay consisting of clay, silt, and a few layers of sand. Also deposited during Pleistocene, the Gardiners Clay extends to a depth of 200’ below sea level (bsl). The permeability of this unit is very low, so it constitutes a confining unit for the underlying aquifer.

The Gardiners Clay is underlain by the Jameco Gravel unit consisting primarily of sand and gravel with a few layers of clay and silt. This unit extends to a depth of 250’ bsl and is moderately to highly permeable.

The Jameco Gravel is underlain by the Raritan formation consisting of the Raritan Confining Unit and the Lloyd Sand Member, deposited during the Cretaceous Period. The Raritan Confining Unit extends to a depth of 300’ bsl and is composed of clay (solid and silty), with a few lenses and layers of sand, lignite, and pyrite. The permeability of this unit is very poor. The Lloyd Sand Member extends to a depth of 400’ bsl and is composed of sand and gravel within a clayey matrix. The permeability of this layer is poor to moderate. Underlying the Raritan formation is bedrock. Paleozoic and Precambrian in age, the bedrock consists of metamorphic and metaigneous rocks (muscovite and biotite schist, gneiss and metagranites). The bedrock is poorly permeable to virtually impermeable, and constitutes the lower boundary of groundwater reservoir.

#### F. Environmental Assessment

Based on the results of the Roux Phase II Investigation activities and the Phase II soil investigation previously completed by EWMA in 2005, the primary contaminants of concern are VOCs, SVOCs, and metals, in excess of the applicable regulatory standards present in each of the Site’s media (soil, groundwater, and soil vapor). *See* Spider Maps in Exhibit E and Section III above.

**[Please refer to Questions 11-13 on the BCP Application Form]**

## **SECTION V- ADDITIONAL REQUESTOR INFORMATION**

*See Section I, Requestor Information and responses in the Application form.*

## **SECTION VI- CURRENT PROPERTY OWNER/OPERATOR INFORMATION**

The Requester, Stiles Properties, LLC, is the current owner of the Property, and is a Delaware limited liability corporation doing business in New York, located at c/o RedSky Capital, LLC, 3 Hope Street Brooklyn, New York. ("Owner"). The Requestor has owned Block 2538 Lot 1 since December 31, 2008 and Block 2543 Lot 51 since August 11, 2016. *See* Exhibit B, Deeds. The three Phase I investigation demonstrate that the Requestor has no relationship with the past owners and operators that caused the contamination prior to acquisition. The Requestor performed due diligence site investigations prior to ownership, and therefore was a bona fide purchaser. The last two Phase I investigation demonstrate that the Requestor has maintained the Site during its years of ownership. No new or current RECs were found on the Site during the Requestor's period of ownership, so the Requestor remains a bone fide purchaser.

A past owner and operator list is attached as Exhibit C. This Exhibit previous property owners and operators by name, last known address, telephone number, and the Requestor's relationship to each owner and operator (all of which are "None"). Exhibit C also includes the prior operators' use of the Site, which uses can be linked to the Site's ash, solvent and metals contamination.

## **SECTION VII- REQUESTOR ELIGIBILITY INFORMATION**

**[Please Refer to Questions 1-10 on the BCP Application Form]**

### **11. Unregistered bulk storage tanks**

Each Phase I report identified a suspected vent pipe for a petroleum bulk storage tank potentially installed on the Site in 1976. The site contacts did not have any knowledge of these tanks including if the tank had been removed. The disposition of these tanks is unknown and there is the potential for these tanks to have impacted the subsurface. If a tank is found, it will be registered and then removed.

### **REQUESTOR CERTIFICATION**

The Requestor certifies it is a Volunteer, even though it owns the Site because it does not have nor has it ever had a relationship with any of the past owners or operators of the Site, nor did it have involvement with the Site at the time of disposal.

## **SECTION VIII- PROPERTY ELIGIBILITY INFORMATION**

**[Please refer to responses to Section VIII Questions 1-6 on the BCP Application Form]**

In addition to the responses on the application form, which clarify the Site is an eligible brownfield site pursuant to the brownfield site exceptions in ECL § 27-1405, the following information further demonstrates this Site's eligibility for the BCP.

The Site meets the definition of an eligible "brownfield site" in Environmental Conservation Law § 27-1405(2) above as "any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by the department that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations." Environmental investigation results show evidence of impact from the Site's previous commercial, manufacturing, and industrial uses, which can be linked to and caused Site contamination above the applicable cleanup standards. *See* Environmental Reports and Exhibit E, providing the data demonstrating exceedances of the cleanup standards for this Site. As a result, the Site meets the definition of a brownfield site pursuant to Environmental Conservation Law §27-1405(2) above.

## **SECTION IX - CONTACT LIST INFORMATION**

*See* Exhibit K for the Site Contact List and Exhibit L1 and L2 for the two Repository Letters.

## **SECTION X- LAND USE FACTORS**

### **1. Current Zoning**

The Site is currently zoned for R8 and R6, both residential districts, with a commercial overlay of C2-4. *See* Exhibit I, Zoning Map.

The Site is listed as a property with an E-Designation, E-138, for Hazardous Materials and Noise effective as of May 11, 2005. In order to address the E-Designation, site investigation and remediation guidelines provided by the NYC OER, the governing agency overseeing New York City's E-Designation program, will need to be addressed during potential Site redevelopment.

**2. Current Use**

This Site is currently vacant. The most recent tenants to occupy the main portion of the Site (Lot 1) were television studio tenants, which were present from 2015 to 2017. Eye Productions vacated Lot 1 on 10/31/17, and Shadow Infirmary vacated Lot 1 on 7/31/17. With respect to Lot 51, NYC Economic Development Corporation (EDC) has an easement to operate a ferry on this Lot or offer the rights to the easement to a private ferry operator. The current operator is Hornblower, which also operates other NYC ferry services including the ferry to the Statue of Liberty and former Circle Line Tour arounds Manhattan.

**3. Intended Use Post Remediation**

Post remediation use of the Site will be a mixed use residential/commercial development project with a waterfront esplanade and pier. *See* Section II, Project Scope for a more detailed description.

**4. Do current historical and/or recent development patterns support the proposed use?**

Yes. The historical use of the Site and the surrounding area has been largely industrial and commercial. The trend in the area is for new waterfront mixed use residential commercial developments. Therefore, the proposed use does support recent development patterns.

**5. Is the proposed use consistent with applicable zoning laws/maps?**

Yes. See response to Question 1 above in this Section.

**6. Consistent with the Master Plan?**

Yes. The project is consistent with the Greenpoint- Williamsburg Rezoning Plan.

# **EXHIBIT A**

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through November 24, 2017.

---

Selected Entity Name: STILES PROPERTIES, LLC

Selected Entity Status Information

**Current Entity Name:** STILES PROPERTIES, LLC

**DOS ID #:** 4007375

**Initial DOS Filing Date:** OCTOBER 15, 2010

**County:** NEW YORK

**Jurisdiction:** DELAWARE

**Entity Type:** FOREIGN 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 CT CORPORATION SYSTEM

111 EIGHTH AVENUE

NEW YORK, NEW YORK, 10011

**Registered Agent**

CT CORPORATION SYSTEM

111 EIGHTH AVENUE

NEW YORK, NEW YORK, 10011

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 15, 2010	Actual	STILES PROPERTIES, 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.

[Search Results](#) [New Search](#)

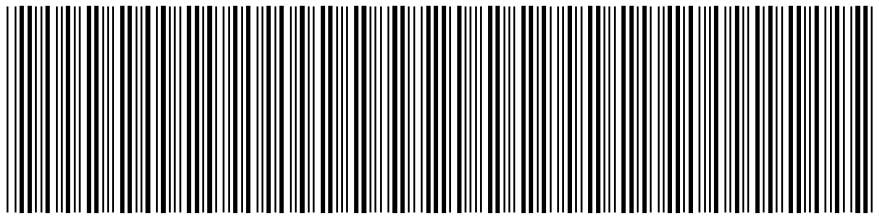
[Services/Programs](#) | [Privacy Policy](#) | [Accessibility Policy](#) | [Disclaimer](#) | [Return to DOS](#)  
[Homepage](#) | [Contact Us](#)



# **EXHIBIT B**

**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.



2009012200775001001E2402

**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 4**

**Document ID: 2009012200775001**

Document Date: 12-31-2008

Preparation Date: 01-22-2009

Document Type: DEED

Document Page Count: 3

**PRESENTER:**

FIRST AMERICAN TITLE INSURANCE- PICK UP FOR  
GAIL  
633 THIRD AVENUE  
3008-98409 SH  
NEW YORK, NY 10017  
212-850-0670

**RETURN TO:**

SALAMON GRUBER BLAYMORE & STRENGER, P.C.  
ATTN: SANFORD ROAD  
97 POWERHOUSE ROAD, SUITE 102  
ROSLYN HEIGHTS, NY 11577

**PROPERTY DATA**

<b>Borough</b>	<b>Block</b>	<b>Lot</b>	<b>Unit</b>	<b>Address</b>
BROOKLYN	2538	1	Entire Lot	127 WEST STREET
<b>Property Type:</b> INDUSTRIAL BUILDING				

**CROSS REFERENCE DATA**

CRFN \_\_\_\_\_ or Document ID \_\_\_\_\_ or \_\_\_\_\_ Year \_\_\_\_\_ Reel \_\_\_\_\_ Page \_\_\_\_\_ or File Number \_\_\_\_\_

**PARTIES**

**GRANTOR/SELLER:**

WEST STREET PARTNERS, LLC  
25 SOUTH SERVICE ROAD  
JERICHO, NY 11753

**GRANTEE/BUYER:**

STILES PROPERTIES, LLC  
C/O JONATHAN A. BERNSTEIN, 993 PARK AVENUE  
NEW YORK, NY 10028

**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: \$ 52.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 165.00

NYC Real Property Transfer Tax:

\$ 2,191,875.00

NYS Real Estate Transfer Tax:

Ref.No. 3434218 PREPAID \$ 334,000.00

**RECORDED OR FILED IN THE OFFICE**

**OF THE CITY REGISTER OF THE**

**CITY OF NEW YORK**

Recorded/Filed 01-26-2009 16:08

City Register File No.(CRFN):

**2009000022805**



*Annette McHill*

*City Register Official Signature*

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

THIS INDENTURE, made as of the 31<sup>st</sup> day of December, in the year 2008

**BETWEEN WEST STREET PARTNERS, LLC, a New York limited liability company, successor by conversion to WEST STREET REALTY COMPANY, a New York partnership, all having an address, 25 South Service Road, Jericho, New York 11753**

party of the first part, and **STILES PROPERTIES, LLC**, having an address at c/o Jonathan A. Bernstein, 993 Park Avenue, New York, New York 10028

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Ten (\$10.00) \_\_\_\_\_

\_\_\_\_\_ dollars  
paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the County of Kings, State of New York and having an address of 127-141 West Street, Brooklyn, New York 11222 and as further described on

SCHEDULE "A" ATTACHED HERETO AND MADE A PART HEREOF

TOGETHER WITH ALL THE RIGHT, TITLE AND INTEREST OF THE PARTY OF THE FIRST PART IN AND TO LAND UNDER WATER OF THE EAST RIVER ADJOINING THE ABOVE DESCRIBED PREMISES AND EXTENDING OUT TO THE PIERHEAD LINE ESTABLISHED BY THE SECRETARY OF WAR ON NOVEMBER 7, 1917.

TOGETHER WITH ALL RIGHT, TITLE AND INTEREST, IF ANY, IN AND TO ANY STREETS AND ROADS ADJOINING THE ABOVE DESCRIBED PREMISES INCLUDING, WITHOUT LIMITATION, THE EXTENSIONS OF SAID STREETS INTO THE WATERS OF THE EAST RIVER.

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

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

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

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

IN PRESENCE OF:

WEST STREET PARTNERS, LLC

  
\_\_\_\_\_  
Fred J. Canillo, Manager

**TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE**

State of New York, County of Nassau

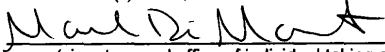
ss:

State of New York, County of

ss:

On the 7th day of January in the year 2009  
before me, the undersigned, personally appeared  
Fred J. Carillo

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.



(signature and office of individual taking acknowledgment)

MARLENE DIMARTINO  
Notary Public, State of New York

No. 4807154

Qualified in Suffolk County

Commission Expires January 31, 2011

**TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE**

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_  
before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of  
satisfactory evidence to be the individual(s) whose name(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.

(signature and office of individual taking acknowledgment)

State (or District of Columbia, Territory, or Foreign Country) of

ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(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, and that such individual made such appearance before the undersigned in the

\_\_\_\_\_ in \_\_\_\_\_  
(insert the City or other political subdivision) (and insert the State or Country or other place the acknowledgment was taken)

\_\_\_\_\_  
(signature and office of individual taking acknowledgment)

G:\LOUIS\Carillo\LLC to Stiles\West Street-Bargain & Sale Deed w-Covenant.doc

**BARGAIN AND SALE DEED  
WITH COVENANT AGAINST GRANTOR'S ACTS**

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

WEST STREET PARTNERS, LLC

TO

STILES PROPERTIES, LLC

DISTRICT  
SECTION  
BLOCK 2538  
LOT 1  
COUNTY OR TOWN: Kings  
STREET ADDRESS: 127-141 West Street

Recorded at Request of  
FIRST AMERICAN TITLE INSURANCE COMPANY

RETURN BY MAIL TO:



Salamon, Gruber, Blaymore & Strenger, P.C.  
Attn: Sanford Strenger, Esq.  
97 Powerhouse Road  
Suite 102  
Roslyn Heights, New York 11577  
516-625-1700

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE



***First American Title Insurance Company of New York***

**Title No. 3008-98409**

**SCHEDULE "A"**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH OF BROOKLYN, COUNTY OF KINGS, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF THE WESTERLY SIDE OF WEST STREET WITH THE NORTHERLY SIDE OF JAVA STREET;

RUNNING THENCE NORTHERLY ALONG THE WESTERLY SIDE OF WEST STREET 200 FEET TO THE SOUTHERLY SIDE OF INDIA STREET;

THENCE WESTERLY ALONG THE SOUTHERLY SIDE OF INDIA STREET AND A LINE IN CONTINUATION THEREOF 584.50 FEET TO THE EXTERIOR LINE OF THE ESTABLISHED BULKHEAD ALONG THE EAST RIVER APPROVED BY THE SECRETARY OF WAR IN 1917;

THENCE SOUTHERLY ALONG SAID EXTERIOR LINE OF SAID BULKHEAD 183.63 FEET TO A POINT IN A LINE DRAWN PARALLEL WITH THE NORTHERLY SIDE OF JAVA STREET AND ITS PROLONGATION WESTERLY AND DISTANT 20 FEET NORTHERLY THEREFROM;

THENCE EASTERLY ON A LINE FORMING AN INTERIOR ANGLE OF 117 DEGREES 54 MINUTES 27 SECONDS WITH THE LAST MENTIONED COURSE, 70.47 FEET TO A POINT ON THE NORTHERLY SIDE OF JAVA STREET DISTANT 480.58 FEET WESTERLY FROM THE NORTHWEST CORNER OF SAID JAVA STREET AND WEST STREET;

THENCE EASTERLY ALONG SAID NORTHERLY SIDE OF JAVA STREET, 480.58 FEET TO THE POINT OR PLACE OF BEGINNING.

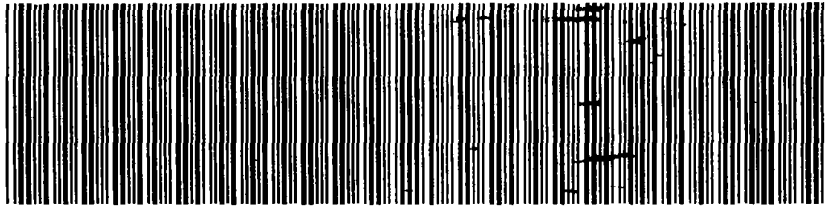
TOGETHER WITH ALL RIGHT, TITLE AND INTEREST OF THE GRANTORS TO LAND LYING UNDER WATER OF THE EAST RIVER ADJOINING THE ABOVE DESCRIBED PREMISES AND EXTENDING OUT TO THE PIERHEAD LINE ESTABLISHED BY THE SECRETARY OF WAR ON NOVEMBER 7, 1917.

TOGETHER WITH ALL RIGHT, TITLE AND INTEREST, IF ANY, IN AND TO ANY STREETS AND ROADS ADJOINING THE ABOVE DESCRIBED PREMISES INCLUDING, WITHOUT LIMITATION, THE EXTENSIONS OF SAID STREETS INTO THE WATERS OF THE EAST RIVER.

**THE** policy to be issued under this report will insure the title to such buildings and improvements erected on the premises, which by law constitute real property.

**FOR CONVEYANCING ONLY: TOGETHER** with all the right, title and interest of the party of the first part, of in and to the land lying in the street in front of and adjoining said premises.

NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER



2009012200775001001SEA83

**SUPPORTING DOCUMENT COVER PAGE**

**PAGE 1 OF 1**

**Document ID: 2009012200775001**

**Document Date: 12-31-2008**

**Preparation Date: 01-22-2009**

**Document Type: DEED**

**ASSOCIATED TAX FORM ID: 2008122900158**

**SUPPORTING DOCUMENTS SUBMITTED:**

**Page Count**

RP - 5217 REAL PROPERTY TRANSFER REPORT  
SMOKE DETECTOR AFFIDAVIT

1  
1



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: 2538 LOT: 1

(2) Property Address: 127 WEST STREET, NEW YORK, NY 11222

(3) Owner's Name: STILES PROPERTIES, 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:

4/2/09 Date (mm/dd/yyyy)

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

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

(Rev 11/2002)

## PROPERTY INFORMATION

1. Property Location 127 WEST STREET BROOKLYN 11222  
 STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name STILES PROPERTIES, LLC  
 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 1 # of Parcels OR ☐ Part of a Parcel

5. Deed Property Size          X          OR          ACRES  
 FRONT FEET DEPTH

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

8. Seller Name WEST STREET PARTNERS, LLC  
 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 8 / 17 / 2005  
 Month Day Year

11. Date of Sale / Transfer 12 / 31 / 2008  
 Month Day Year

12. Full Sale Price \$ 8 3 5 0 0 0 0 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 F, 1 16. Total Assessed Value (of all parcels in transfer)         

17. Borough, Block and Lot / Roll Identifier(s) (If more than three, attach sheet with additional Identifier(s))  
BROOKLYN 2538 1

## 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 I 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 SIGNATURE

DATE

STREET NUMBER

STREET NAME (AFTER SALE)

CITY OR TOWN

STATE

ZIP CODE

BUYER'S ATTORNEY

LAST NAME

FIRST NAME

AREA CODE

TELEPHONE NUMBER

SELLER

SELLER SIGNATURE

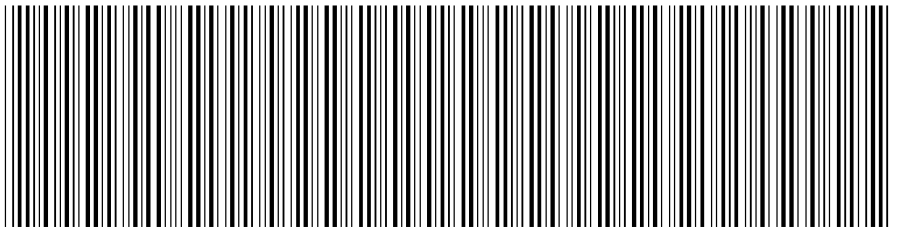
DATE

2008122900158201



**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.



2016081700440001001EEB84

**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 12**

**Document ID: 2016081700440001**

Document Date: 08-11-2016

Preparation Date: 08-17-2016

Document Type: DEED

Document Page Count: 11

**PRESENTER:**

FIRST AMERICAN TITLE INSURANCE  
666 THIRD AVENUE  
FA 723718  
NEW YORK, NY 10017  
212-551-9416  
AAJAMI@FIRSTAM.COM

**RETURN TO:**

JONATHAN BERNSTEIN CONSULTING GROUP  
5090 PGA BOULEVARD - SUITE 308  
PALM BEACH GARDENS, FL 33418

Borough	Block	Lot	Unit	Address
BROOKLYN	2543	51	Entire Lot	N/A JAVA STREET
<b>Property Type: OTHER</b>				

**CROSS REFERENCE DATA**

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

**PARTIES**

**GRANTOR/SELLER:**

NEW YORK CITY INDUSTRIAL DEVELOPMENT  
AGENCY  
110 WILLIAM STREET  
NEW YORK, NY 10038

**GRANTEE/BUYER:**

STILES PROPERTIES, LLC  
C/O JONATHAN BERNSTEIN, 108 ISLE DRIVE  
PALM BEACH GARDEN, FL 33418

**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: \$ 92.00

Affidavit Fee: \$ 0.00

**Filing Fee:**

\$ 250.00

NYC Real Property Transfer Tax:

\$ 855.00

NYS Real Estate Transfer Tax:

\$ 240.00

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

**CITY OF NEW YORK**

Recorded/Filed 08-22-2016 12:39

City Register File No.(CRFN):

**2016000288927**



*Annette McMill*

**City Register Official Signature**

NEW YORK CITY  
INDUSTRIAL DEVELOPMENT AGENCY

to

STILES PROPERTIES, LLC

---

DEED

---

The land affected by the  
Within instrument lies in

Block 2543, Lot 51

on the Tax Map for the  
Borough of Brooklyn

Record and return to:

Jonathan Bernstein Consulting Group  
5090 PGA Boulevard, Suite 308  
Palm Beach Gardens, FL 33418

**First American Title  
Insurance Company**  
466 Third Avenue 3th fl  
New York, N.Y. 10017  
Phone: (212) 922-9700  
Fax: (212) 922-0881

NYS 11  
240.00

THIS INDENTURE, dated as of August 11, 2016, between the NEW YORK CITY INDUSTRIAL DEVELOPMENT AGENCY ("Grantor"), a public benefit corporation incorporated under Article 18-A of the New York General Municipal Law, as amended, having an office at 110 William Street, New York, New York 10038; and STILES PROPERTIES, LLC ("Grantee"), a Delaware limited liability company, having its principal place of business c/o Jonathan A. Bernstein, 108 Isle Drive, Palm Beach Garden, Florida 33418.

#### RECITALS

WHEREAS, on December 4, 1984, Grantor acquired fee title to land consisting of an upland parcel improved with industrial buildings ("Upland Parcel") and a waterfront portion, consisting of bulkhead, two piers, each with a building, certain upland area and certain lands under water between the piers ("Waterfront Parcel"), located at Block 2543, Lot 1 on the Tax Map for Kings County, Borough of Brooklyn, in connection with the Grantor's issuance of \$4,250,000 in industrial development revenue bonds for the benefit of Vanguard Corporation ("Vanguard"), for purposes of Vanguard's acquisition and renovation of a manufacturing facility;

WHEREAS, Vanguard subsequently defaulted on mortgage payments associated with the 1984 bond transaction, owed to Bank Leumi Trust Company of New York ("Bank Leumi") and in 1991 Vanguard filed a Chapter 11 bankruptcy petition in the Bankruptcy Court for the Eastern District of New York, and the Upland Parcel and Waterfront Parcel were released from the bankruptcy proceeding in 1994;

WHEREAS, in 1994, Bank Leumi commenced a mortgage foreclosure proceeding in Supreme Court, Kings County (Index No. 39269/94), which resulted in the sale of the Upland Parcel by referee's deed in foreclosure to Java Street Realty, Inc., dated September 25, 1996 and denominated as Block 2543, part of Lot 1 on the Tax Map for Kings County, Borough of Brooklyn, and recorded in the Office of the City Register on October 11, 1996 at Reel 3811, Pages 0896-0900, but Grantor retained fee title to the Waterfront Parcel, denominated as Block 2543, Lot 50 on the Tax Map for Kings County, Borough of Brooklyn;

WHEREAS, in June 2010, Bank Leumi delivered to the Grantor satisfactions of mortgage from the 1984 Vanguard Corporation project described above, and in July 2010, Bank Leumi delivered to Grantor the cancelled bonds from the 1984 Vanguard Corporation Project;

WHEREAS, in 2010, Grantor subsequently subdivided the Waterfront Parcel into two tax lots, Block 2543, Lot 50 and Lot 75 on the Tax Map for Kings County, Borough of Brooklyn and by quitclaim deed dated as of July 13, 2010 and recorded on July 16, 2010 in the Office of the City Register at CRFN 2010000238236, Grantor conveyed Tax Lot 2543, Lot 75 on the Tax Map for Kings County, Borough of Brooklyn to the City of New York;

WHEREAS, Grantor has agreed to convey and sell to Grantee its fee interest in a portion of the remaining Waterfront Parcel, together with the air rights, if any, appurtenant thereto, currently located at Block 2543, Lot 50 on the Tax Map for Kings County, Borough of Brooklyn

and in connection therewith, Grantor is retaining fee title to Tax Block 2543, Lot 50 and has subdivided the portion of the Waterfront Parcel to be conveyed and sold by Grantor to Grantee to be known as Tax Block 2543, Lot 51 on the Tax Map for Kings County, Borough of Brooklyn;

WHEREAS, on December 10, 2010, Grantor's Board of Directors authorized the sale of the Property hereinafter described;

NOW, THEREFORE, Grantor, in consideration of the sum of SIXTY THOUSAND DOLLARS (\$60,000.00), paid by Grantee and such other valuable consideration, does hereby grant and release unto Grantee, its successors and assigns forever:

ALL that certain plot, piece or parcel of land situate, lying & being in the County of Kings, City and State of New York, & being otherwise known as Tax Block 2543, Lot 51, together with all buildings & improvements erected thereon, bounded & described as follows (the "Property"):

BEGINNING at a point on the northerly margin of Java Street, said point being S82° 56' 11"W a distance of 480.58 feet from the northerly margin of Java Street & the westerly margin of West Street, thence from above described point of beginning the following six courses & distances;

S82° 56' 11"W 9.80 feet along the northerly margin of Java Street to a point,

THENCE S07° 03' 49"E 30.00 feet to a point on the centerline of Java Street,

THENCE S82° 56' 11"W 380.32 feet along the centerline of Java Street extended to the permanent water line established by Act, Chapter 302 of the Laws of 1849,

THENCE N03° 03' 34"W 50.13 feet along the permanent water line above described to the westerly corner of lands N/F of Stiles Properties LLC, known as Tax Block 2538, Lot 1 & recorded in the Office of the City Register on January 26, 2009 as CRFN 2009000022805,

THENCE N82° 56' 11"E 319.05 feet along the above described lands of Stiles Properties LLC to a point on the U.S. Bulkhead Line as approved by the Secretary of War, November 18, 1917,

THENCE S80° 34' 23"E 70.47 feet along above described bulkhead line to the point or place of beginning.

TO HAVE AND TO HOLD such Property herein granted unto Grantee, the successors and assigns of Grantee forever.

#### Section I

Grantee, on behalf of itself, its successors and assigns, hereby covenants and agrees as follows:

A. Grantee, on behalf of itself, its successors and assigns, covenants, within six (6) months from the date of delivery of this Deed, to commence construction on the Property of the Pier, as defined below, to serve as a landing site for small vessels to moor and a location for educational craft (the "Construction"), and to complete such Construction within eighteen (18)

months thereof, subject to Force Majeure, as defined below. Construction shall be deemed complete upon the issuance of a certificate of completion by The New York City Department of Small Business Services ("Certificate of Completion").

B. The Pier shall consist of maximum 7,500 square foot concrete pier and fender piles with lights, sufficient for small vessels to moor and serve as a location for educational craft, with an access point from the upland area to be constructed from approximately 500 square feet of concrete pavers, and shall include a 42-inch high access gate, standard wood benches and standard perimeter waterfront railing, as set forth in Exhibit D to the Contract of Sale between New York City Industrial Development Agency and Stiles Properties LLC, dated December 18, 2012, as amended, all as more specifically described in design plans to be submitted by Grantee to the United States Army Corps of Engineers and New York State Department of Environmental Conservation for a construction permit.

(i) For purposes of this Section, "Force Majeure" shall mean any of the following acts and events if such acts and events occur without the negligence or fault, and beyond the reasonable control of, Grantee and any of its successors, heirs, assigns and/or representatives: (a) the revocation of any Permit(s) issued by the New York State Department of Environmental Conservation and/or the United States Army Corps of Engineers (or other regulatory agency with jurisdiction); (b) damage or destruction by fire or casualty; (c) labor disputes (including strikes, lockouts not caused by Grantee's Tenant (if any), slowdowns and similar labor problems); (d) civil disorder; (e) war; (f) acts of God; (g) abnormal adverse weather conditions not reasonably anticipatable; (h) government restrictions (provided that such are other than ordinary restrictions); or (i) other causes beyond the reasonable control of Grantee and without Grantee's fault or negligence (such as the unavailability of goods and materials necessary for the Construction work), that prohibit Grantee from performing its obligations hereunder.

(ii) The time(s) for Grantee's performance of its obligations hereunder shall be extended in the event of any delay caused by Force Majeure only if Grantee: (a) notifies Grantor of the extent and nature of the problem within five (5) business days after Grantee knows or has reason to know of any such condition or event, (b) limits delay or suspension of performance to that required by the event, and (c) takes all reasonable steps to minimize delays or suspension of performance. Notwithstanding anything to the contrary herein, in no event shall Grantee's financial condition or inability to obtain financing for the construction of the Pier constitute Force Majeure.

C. Grantee, on behalf of itself, its successors and assigns, and every successor in interest to the Property, or any part thereof, covenants and agrees to be bound by the following covenants, which shall be binding for the benefit of Grantor and enforceable by Grantor against Grantee and its successors and assigns to the fullest extent permitted by law and equity. The covenants set forth in this Section I(C) shall run with the land.

(i) Grantee, its successors and assigns, and any lessees of the Property or

any improvements erected or to be erected thereon, or any part thereof, shall comply with all applicable federal, state, and local laws in effect from time to time prohibiting discrimination or segregation by reason of age, race, creed, religion, sex, color, national origin, ancestry, sexual orientation or affectional preference, disability, or marital status (collectively, "Prohibited Distinctions") in the sale, lease, or occupancy of the Property or any improvements erected or to be erected thereon, or any part thereof.

(ii) Grantee, its successors and assigns, and any lessees of the Property or any improvements erected or to be erected thereon, or any part thereof, shall not effect or execute any agreement, lease, conveyance, or other instrument whereby the sale, lease, or occupancy of the Property or any improvements erected or to be erected thereon, or any part thereof, is restricted upon the basis of any Prohibited Distinction.

(iii) Grantee, its successors and assigns, and any lessees of the Property or any improvements erected or to be erected thereon, or any part thereof, shall include the covenants of subsection C(i) and C(ii) of Section I above, in any agreement, lease, conveyance, or other instrument with respect to the sale, lease, or occupancy of the Property or any improvements erected or to be erected thereon, or any part thereof.

D. In the event of acquisition by the City by condemnation or otherwise of any part or portion of the Property lying within the bed of any street, avenue, parkway, expressway, park, public place or catchbasin as shown on the present City Map, Grantee and its heirs or successors and assigns shall only be entitled, as compensation for such acquisition by the City, to the amount of One (\$1.00) Dollar, and shall not be entitled to compensation for any buildings or structures erected on the Property which may lie within the bed or lines of any street, avenue, parkway, expressway, park, public place or catchbasin so laid out and acquired. This covenant shall run with the land and shall continue until the City's Department of Finance Tax Map is amended or changed to eliminate from within the bed or lines of any street, avenue, parkway, expressway, park, public place or catchbasin, any part or portion of the Property and no longer.

E. Grantee, on behalf of itself, its heirs, successors and assigns, covenants that, for a period of five (5) years from the date of delivery of this Deed, it shall not convey the Property (or any improvements thereon) except as part of a bona fide sale of the Property, together with the parcel of land to which Grantee has fee title, located at 127-141 West Street, also known as Block 2538, Lot 1 on the Tax Map of Kings County, New York (the "Development Parcel"), to a single purchaser, subject to the following restrictions: (i) the construction of the Pier on the Property pursuant to this Deed shall have been completed and Grantee shall have obtained a Certificate of Completion; (ii) the intended purchaser of the Property and the Development Parcel shall have completed the background investigation forms required by Grantor or the City of New York and passed such background investigation; (iii) such intended purchaser of the Property and the Development Site shall have agreed to assume all obligations of Grantee remaining under this Deed; and (iv) Grantor shall have consented to such conveyance of the Property in writing, which consent shall not be unreasonably withheld, denied or delayed. The above restrictions and covenants in this paragraph shall run with the land. The above

restrictions and covenants in this paragraph shall not prohibit, or apply to, a foreclosure sale or a transfer in lieu of foreclosure under a mortgage held by an Institutional Lender securing financing with regard to the purchase of the Property by Grantee or construction financing with regard to construction on the Property or a permanent "take-out" loan with regard to such construction financing, nor to any sale or other transfer subsequent to such a foreclosure sale or transfer in lieu of foreclosure. For purposes of this Deed, "Institutional Lender" shall mean any of the following: (a) a savings bank, savings and loan association, commercial bank or trust company (whether acting individually or in a fiduciary capacity) or an entity controlling or under common control with any of the foregoing, (b) an insurance company organized and existing under the laws of the United States or any state thereof, (c) a religious, educational or eleemosynary institution, a federal, state or municipal employee's welfare, benefit, pension or retirement fund, (d) any governmental agency or entities insured by a governmental agency, a credit union, trust or endowment fund, (e) any brokerage or investment banking organization regularly engaged in the business of providing debt financing, (f) any combination of the foregoing entities approved by Grantor, such approval not to be unreasonably withheld, delayed or conditioned; provided, however, that each of the above entities shall qualify as an Institutional Lender only if it shall (i) be subject to service of process within the State of New York and (ii) have assets, directly or indirectly, of not less than TWO HUNDRED SEVENTY FIVE MILLION DOLLARS (\$275,000,000) and (iii) is regularly engaged in the business of providing commercial real estate debt or equity financing as determined by Grantor in its sole discretion.

In addition to the foregoing, until the completion of Construction of the Pier required on the Property under this Deed, as evidenced by a Certificate of Completion, any change in the interest of any member of Grantee within Grantee, must be approved in writing by Grantor. Grantee agrees to provide Grantor with such information as Grantor needs in deciding whether to give any approval required hereby. Any request for approval by Grantor of any of the above matters, and any notice to Grantor, and any notice of approval or disapproval by Grantor, shall be in writing and given by mailing the same by certified or registered mail or overnight delivery by Federal Express or other authorized overnight delivery service, addressed as follows: if to Grantor, New York City Economic Development Corporation, 110 William Street, New York, New York 10038, Attn: General Counsel, with a copy to Executive Vice President, Real Estate Transaction Services; if to Grantee, Stiles Properties, LLC, c/o Jonathan A. Bernstein, 108 Isle Drive, Palm Beach Garden, Florida 33418; or to such other address as either party designates to the other in writing.

F. If any of Section I(A), I(B), I(C) or I(E) of this Deed is not complied with, then Grantor, at its option, and after giving Grantee or any subsequent owner of the Property notice and 30 days opportunity to cure such default, shall, without paying Grantee or any subsequent owner of the Property or any improvements thereon any consideration, have the right to re-enter and reacquire the Property, together with any improvements thereon, except, however, that Grantor's reacquisition of the Property, together with any improvements thereon, shall be

subject to the lien of mortgages held by Institutional Lenders securing financing with regard to the purchase of the Property by Grantee or construction financing with regard to construction on the Property or a permanent "take-out" loan with regard to such construction financing. Upon Grantor's exercise of such option to re-enter and reacquire, Grantee, or any subsequent owner of the Property and any improvements thereon, upon demand by Grantor, shall deliver to Grantor a deed(s), in form and substance satisfactory to Grantor, conveying the Property, together with any improvements thereon, to Grantor. Any attorney costs or fees incurred by Grantor in exercising the above right to re-enter and reacquire the Property, together with any improvements thereon, shall be paid by Grantee. Notwithstanding anything to the contrary, in the event of a violation by Grantee of Section I(A) above raising from Grantee's failure to commence the Construction, Grantor agrees that so long as Grantee honors Grantor's exercise of its right of re-entry pursuant to this Section I(F), surrenders possession of the Property to Grantor and executes the deed required above, Grantor shall not bring any action or claim seeking monetary damages from Grantee; provided however, that nothing herein shall waive or be deemed to waive any rights of Grantor to seek recovery against Grantee with respect to (i) any third party claims brought in connection with the Property, (ii) any out-of-pocket costs incurred by Grantor to remove any lien encumbering the Property or otherwise cure any default of Grantee with respect to the Property, or (iii) any environmental liability claims against Grantee arising with respect to the Property.

G. The covenants in this Section I shall survive closing and the transfer of title.

## Section II

A. For purposes herein, the term "Hazardous Substances" shall mean collectively, (i) "hazardous waste" as defined under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, et seq., or (ii) "hazardous substance" as defined under the Comprehensive Environmental Response Compensation, and Liability Act, 42 U.S.C. Section 9601, et seq. ("CERCLA"), or (iii) "hazardous materials" as defined under the Hazardous Materials Transportation Authorization Act, 49 U.S.C. Section 5101, et seq., or (iv) "hazardous waste" as defined under New York Environmental Conservation Law, Section 27-0901, et seq., or (v) "hazardous substance" as defined under the Clean Water Act, 33 U.S.C. Section 1321, et seq., or (vi) petroleum or petroleum products, crude oil or any by-products thereof, natural gas or synthetic gas used for fuel; any asbestos, asbestos-containing material or polychlorinated biphenyl; and any additional substances or materials which from time to time are classified or considered to be hazardous or toxic or a pollutant or contaminant under the laws of the State of New York, the United States of America, or regulated under any other Federal, State or local law, statute, regulation, rule, ordinance or order.

B. For purposes of this Deed, the term "Environmental Laws" shall mean, collectively, CERCLA, the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, et seq., the Hazardous Materials Transportation Authorization Act, 49 U.S.C. Section 5101, et seq., the New York Environmental Conservation Law, Section 27-0901, et seq., the Clean Water Act, 33 U.S.C. Section 1321, et seq., and any Federal, State, or local statute, law, ordinance,



code, rule, regulation, order or decree regulating, relating to, or imposing liability or standards of conduct concerning, any hazardous, toxic, radioactive, biohazardous or dangerous waste, substance or materials, including, without limitation, any regulations adopted and publications promulgated with respect thereto.

C. Grantee, for itself and its successors and assigns, hereby absolutely waives, and agrees that neither it nor its successors and assigns, if any, shall make any claim for damages, contribution, indemnification or otherwise against Grantor which Grantee or its successors or assigns may now or hereafter have or discover in connection with Hazardous Substances on, in, at, under, beneath, emanating from or affecting the Property, or in connection with any voluntary or required removal or remediation thereof (including, without limitation, claims relating to the release, threatened release, disturbance, emission or discharge of Hazardous Substances). Grantor shall have no liability to Grantee, or its successors or assigns, with regard to Hazardous Substances, on, at, in, under, beneath, emanating from or affecting the Property. Such waiver of liability shall cover, without limitation, any and all liability to Grantee, both known and unknown, present and future, for any and all environmental liabilities, including without limitation any and all strict and other liability, costs, claims, fines, penalties, damages under any and all Environmental Laws with respect to investigating, remediating, mitigating, removing, treating, encapsulating, containing, monitoring, abating, or disposing of any Hazardous Substance, and any costs incurred to come into compliance with Environmental Laws. Grantee shall include in any and all future deeds for the Property a provision providing that this release is a covenant running with the land.

D. Grantee, its officers, members, directors, employees, agents, predecessors, successors and assigns, and each of them agrees to indemnify, defend, reimburse, and hold harmless the City and Grantor, and each of their respective officers, directors, employees, agents, successors, and assigns, from and against any and all environmental liabilities under any Environmental Laws.

E. The obligations of Grantee, its successors and assigns under this Section II shall include, without limitation, the burden and expenses of defending against any environmental liabilities under any Environmental Law, with counsel reasonably approved by Grantor. The provisions of this Section II shall survive closing and the transfer of title.

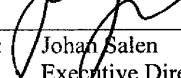
### Section III

A. The covenants of Grantee set forth herein in Sections I(C), I(D), I(E) and II(C) shall run with the land and shall be binding upon Grantee's successors and assigns. Whenever the term Grantor or Grantee is referred to herein, it shall mean Grantor and its successors and assigns or Grantee and its successors and assigns, respectively.

B. The conveyance pursuant to this Deed is subject to the trust fund provisions of Section 13 of the New York State Lien Law.

IN WITNESS WHEREOF, Grantor has caused its corporate seal to be hereunto affixed and has executed this deed by having it signed by its duly authorized officer, and Grantee has duly executed this deed as of the date first written above.

NEW YORK CITY INDUSTRIAL  
DEVELOPMENT AGENCY

By:   
Name: Johan Salen  
Title: Executive Director

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

On the 10 day of August, in the year 2016, before me, the undersigned, personally appeared Johan Salen, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

**FRANCES TUFANO**  
Notary Public, State of New York  
No. 01TU5080131  
Qualified in Queens County  
Commission Expires June 16, 2019


  
Notary Public

[Signature(s) continue on following page(s).]

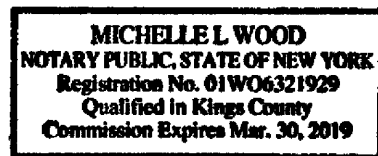
By: Benjamin Bernstein  
Name: Benjamin Bernstein  
Title: Member

STATE OF NEW YORK )  
 )ss.:  
COUNTY OF KINGS )

On the 10 day of August, in the year 2016, before me, the undersigned, personally appeared Benjamin Bernstein, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

  
Notary Public

[Signature(s) continue on following page(s).]



By: Branford Partners, LLC,  
a Delaware limited liability company,  
its managing member

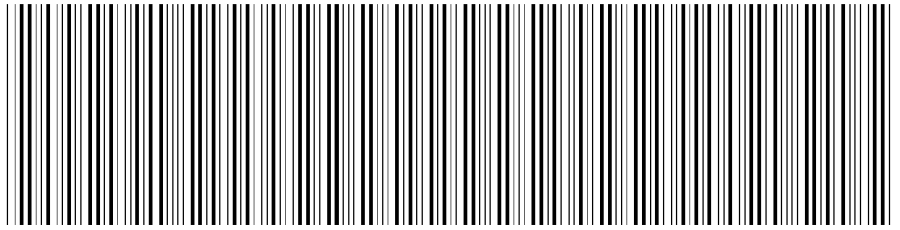
By: \_\_\_\_\_  
Name: Jonathan Bernstein  
Title: Member

STATE OF New York )  
COUNTY OF Suffolk ) SS.:

Notary Public

**LOUIS MYRICK JR.**  
Notary Public, State of New York  
Qualified in Suffolk County  
No. 01MY6262199  
My Commission Expires 08-20-20 16

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



2016081700440001001S2505

**SUPPORTING DOCUMENT COVER PAGE**

**PAGE 1 OF 1**

**Document ID: 2016081700440001**  
Document Type: DEED

Document Date: 08-11-2016

Preparation Date: 08-17-2016

**ASSOCIATED TAX FORM ID:** 2016062000547

**SUPPORTING DOCUMENTS SUBMITTED:**

Page Count

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

1  
3



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: 2543 LOT: 51
- (2) Property Address: N/A JAVA STREET, BROOKLYN, NY 11222
- (3) Owner's Name: STILES PROPERTIES, 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: Benjamin Bernstein

Signature: 

08/11/2016  
Date (mm/dd/yyyy)

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

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  N/A  JAVA STREET  BROOKLYN  11222  
 STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name  STILES PROPERTIES, 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  1  # 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  0.42

Check the boxes below as they apply:

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

8. Seller Name  NEW YORK CITY INDUSTRIAL DEVELOPMENT AGENCY   
 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  12 / 18 / 2012   
 Month Day Year

11. Date of Sale / Transfer  8 / 11 / 2016   
 Month Day Year

12. Full Sale Price \$  600,000   
 ( 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  V 0  16. Total Assessed Value (of all parcels in transfer)  0

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

BROOKLYN 2543 51

**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 108 ISLE DRIVE		DATE	LAST NAME		FIRST NAME
STREET NUMBER	STREET NAME (AFTER SALE)		AREA CODE	TELEPHONE NUMBER	
PALM BEACH GARDEN	FL	33418	SELLER		8/11/16
CITY OR TOWN	STATE	ZIP CODE	SELLER SIGNATURE Jill Brancman - A.H. Sig.		DATE



**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>B. Bernstein</i>	DATE 8-11-16		LAST NAME	FIRST NAME
108 ISLE DRIVE Benjamin Bernstein				
STREET NUMBER	STREET NAME (AFTER SALE)		AREA CODE	TELEPHONE NUMBER
PALM BEACH GARDEN				SELLER
	FL	33418		
CITY OR TOWN	STATE	ZIP CODE	SELLER SIGNATURE	DATE

2016062000547201

# **EXHIBIT C**

**PREVIOUS OWNERS & OPERATORS LIST**  
**Greenpoint Ferry Site**  
**127-141 West Street**  
**(aka 14-28 India Street and 1-45 Java Street)**  
**Greenpoint, Brooklyn, New York**  
**(Portions of Tax Blocks 2538/ Lot 1; 2543 Lot 51)**

PREVIOUS OWNERS LIST		
Year	Owner/Operator	Relation to Requestor
1887-1950's	John C. Orr & Company Lumber Yard owned and operated a lumber storage/ dry dock and shipyard through 1905; lumber only on 1916 map). This lumber yard extended north onto the Huxley Envelope site. The Sash Door & Blind Company was a tenant and had a building on the site from 1905-1916. John C. Orr & Company Lumber Yard & Sash Door & Blind Company Addresses not found; presumed defunct due to age	None
1951-65	Sealand Dock & Terminal Corporation is the owner and operator with a warehouse on the site for "Cargo storage" Sealand Dock & Terminal Corporation Address Not Found	None
1965-1969	DayPac Industries, Inc. Ideal Consumer Products, Polytec Plastics Corp, and Polywood Products were all listed as tenants in this time period. If the ownership was the same as the Huxley site, the ownership at this time was National Industrial Properties Corp., which sold to DayPac Industries, Inc. Addresses Not found for National Industrial Properties Corp. or DayPac Industries, Inc. Ideal Consumer Products, Address:  Polytec Plastics Corp. Address: 3730 Stern Ave., St. Charles, IL  Polywood Products Address: N/A	None

**PREVIOUS OWNERS & OPERATORS LIST**  
**Greenpoint Ferry Site**  
**127-141 West Street**  
**(aka 14-28 India Street and 1-45 Java Street)**  
**Greenpoint, Brooklyn, New York**  
**(Portions of Tax Blocks 2538/ Lot 1; 2543 Lot 51)**

	<b>PREVIOUS OWNER /OPERATOR LIST</b> <b>Tax Block 2538 Lot 1</b>	
<b>Year</b>	<b>Owner / Operator</b>	<b>Relation to Requestor</b>
1/3/1970 -1/19/1971	West Street Realty Company Address: 25 South Service Road, Jericho, New York 11753; Phone: N/A	None
1/19/1971 – 3/13/1974	Alfred Goldberg and Blanche Goldberg Address: N/A ; Phone: N/A Tenant: Coca-Cola Bottling Company (IVI 2015 Phase I at 23)	None
1/19/1971- 12/18/1995	Anthony Carrano Address: 1013 N Broome Ave, Lindenhurst, New York 11757-2106; Phone: (631) 225-9025 Tenant: Coca-Cola Bottling Company (IVI 2015 Phase I at 23); Plastic Molding Companies (shown below) tenancy may have commenced in 1993	None
12/18/1995 - 12/18/1995	Bago Realty Corp. Address: 25 South Service Road, Jericho, New York 11753; Phone: N/A Tenants: Plastic Injection Molding Companies - DayPac Industries Inc., Ideal Consumer Products, Polytec Plastics Corp, and Polywood Products (IVI Phase I at 22-23)	None
1/3/1994 - 1/1/2003	Sandra Fentin Address: N/A; Phone: N/A Tenants: 1993 – 1999 Tobin Home Fashions Inc.	
1/1/2003 - 12/26/2008	<b><u>Owner:</u></b> Fred Carillo (2005 Phase I at pdf pp. 8-9), Mary C. Carilla as Ancillary Executrix of the Estate of Frank A. Carrano and Sandra Fentin and Richard Myles Fentin as Trustees, and Charles A. Ditsch, successor Trustee of the Alfred Goldberg and Blanche Goldberg Revocable Trust Address::25 South Service Road, Jericho, New York 11753; <b><u>Phone:</u></b> <b><u>Tenants:</u></b> . 2003 to 2007 American Mini Computer Inc. (warehousing) 2005 CORT Furniture Rental 2005 Aramsco™ (western portion of the Property during AKRF 2005 Phase I; also discussed in IVI Phase I at 20) storage and distribution of various cleaning and environmental remediation products including powdered and liquid detergents, paint and mastic removal products, groundwater remediation compounds	None

**PREVIOUS OWNERS & OPERATORS LIST**  
**Greenpoint Ferry Site**  
**127-141 West Street**  
**(aka 14-28 India Street and 1-45 Java Street)**  
**Greenpoint, Brooklyn, New York**  
**(Portions of Tax Blocks 2538/ Lot 1; 2543 Lot 51)**

	Address: New York ; Phone:	
12/26/2008 - 12/31/2008 - 2014	<b><u>Owner:</u></b> West Street Realty Company Address: 25 South Service Road, Jericho, New York 11753; Phone: N/A <b><u>Operator:</u></b> Site was vacant from 2008 - 2014	None
12/31/2008-Present	<b><u>Owner:</u></b> Stiles Properties, LLC (Requestor) <b><u>Address:</u></b> c/o RedSky Capital, LLC 3 Hope Street, Brooklyn, New York, New York 11211; <b><u>Phone:</u></b> 718) 366-1800 <b><u>Tenants:</u></b> Vacant 2008-2014; 2015-2017 (IVI Phase I at 15) Eye Productions occupied the western space from 2015 until 10/31/17; Shadow Infirmary occupied the middle and eastern space from 2015 until 7/31/17; Both of these tenants were television studios, which utilize the space for set storage and some set construction and onsite filming.	Tenants of Requestor until they vacated the Site

**PREVIOUS OWNERS & OPERATORS LIST**  
**Greenpoint Ferry Site**  
**127-141 West Street**  
**(aka 14-28 India Street and 1-45 Java Street)**  
**Greenpoint, Brooklyn, New York**  
**(Portions of Tax Blocks 2538/ Lot 1; 2543 Lot 51)**

<b>PREVIOUS OWNER /OPERATOR LIST</b> <b>Tax Block 2543 Lot 51</b>		
Year	Owner / Operator	Relation to Requestor
_____ to 8-11-2016	New York City Industrial Development Agency NYC has operated this lot as a ferry pier for many years. The exact date the lot started to be used as a pier for ferry boats is not clear.	None
8-11-2016 to Present	<b><u>Owner:</u></b> Stiles Properties, LLC (Requestor) <b><u>Address:</u></b> c/o RedSky Capital, LLC 3 Hope Street, Brooklyn, New York, New York 11211; Phone: 718) 366-1800 <b><u>Operator:</u></b> NYC EDC has an easement to operate the ferry or offer the rights to the easement to a private ferry operator. Current operator is Hornblower. <b><u>Address:</u></b> Hornblower, Pier 3, The Embarcadero San Francisco, CA 94111	None

# **EXHIBIT D**

## WRITTEN CONSENT

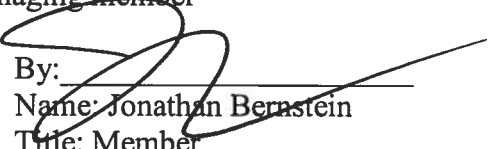
The undersigned, as the Managing Member of Branford Partners, LLC, which is the Managing Member of Stiles Development, LLC, which is the Majority Member of Stiles Properties, LLC, does hereby certify as follows:

1. Stiles Properties, LLC, located at 3 Hope Street, Brooklyn, New York, 11211, is the owner and prospective volunteer ("Volunteer") for the East River Ferry Brownfield Cleanup Program ("BCP") site located at 127-141 West Street (aka 14-28 India Street and 1-45 Java Street) (mailing address 18 India Street) (the "BCP Site").
2. Benjamin Bernstein is a member of RedSky Capital, LLC, which is the Manager of Volunteer and member of RS JZ Greenpoint, LLC, which is the Sole Member of RZ Greenpoint Investor, LLC, a member of the Volunteer. As such, Benjamin Bernstein hereby has authority to execute any documents required by the New York State Department of Environmental Conservation on behalf of Volunteer including, but not limited to, the BCP Application, the Brownfield Cleanup Agreement, Certificate of Completion, and if required, an environmental easement.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 20<sup>th</sup> day of the month of February, two thousand and eighteen.

By: Stiles Development, LLC  
a Delaware limited liability company,

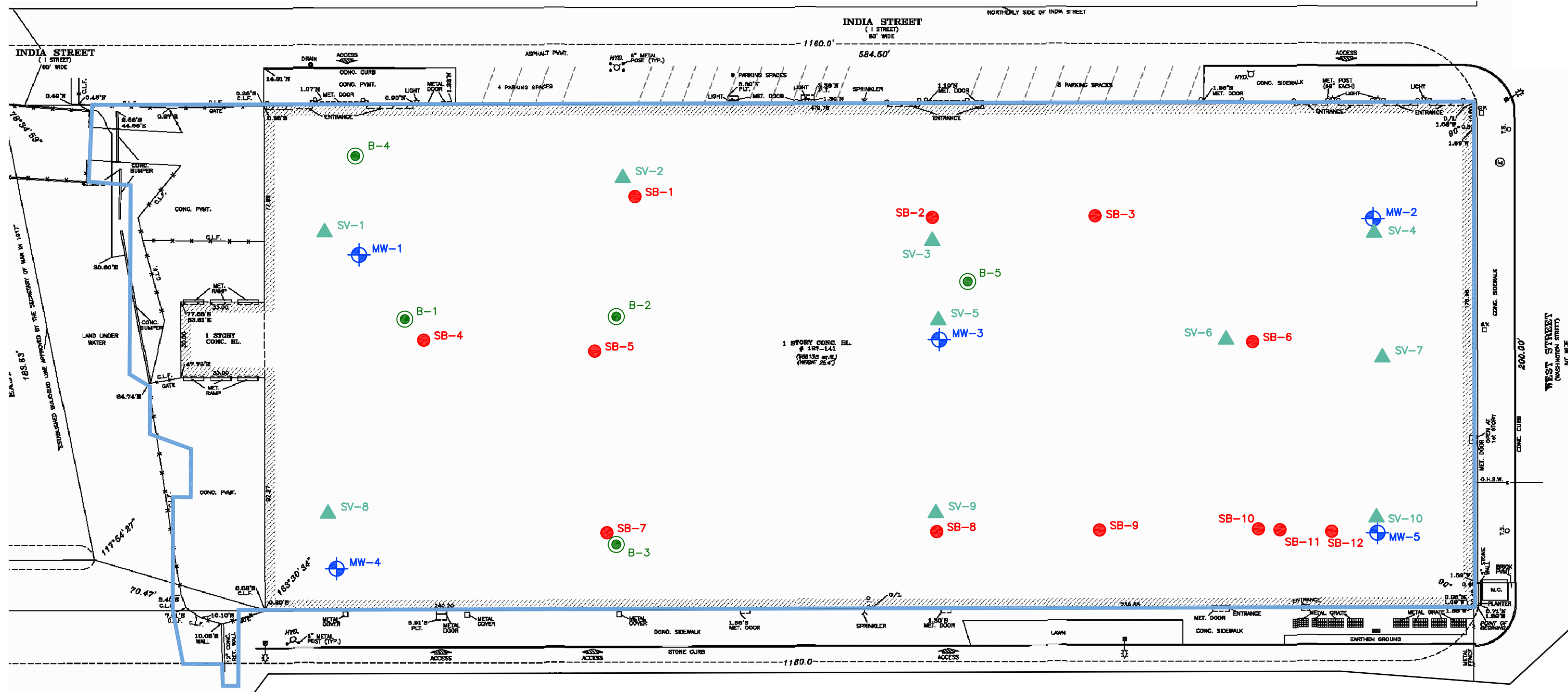
By: Branford Partners, LLC,  
a Delaware limited liability company,  
its managing member

By:   
Name: Jonathan Bernstein  
Title: Member



# **EXHIBIT E**

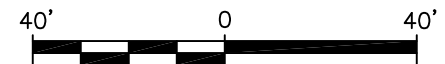
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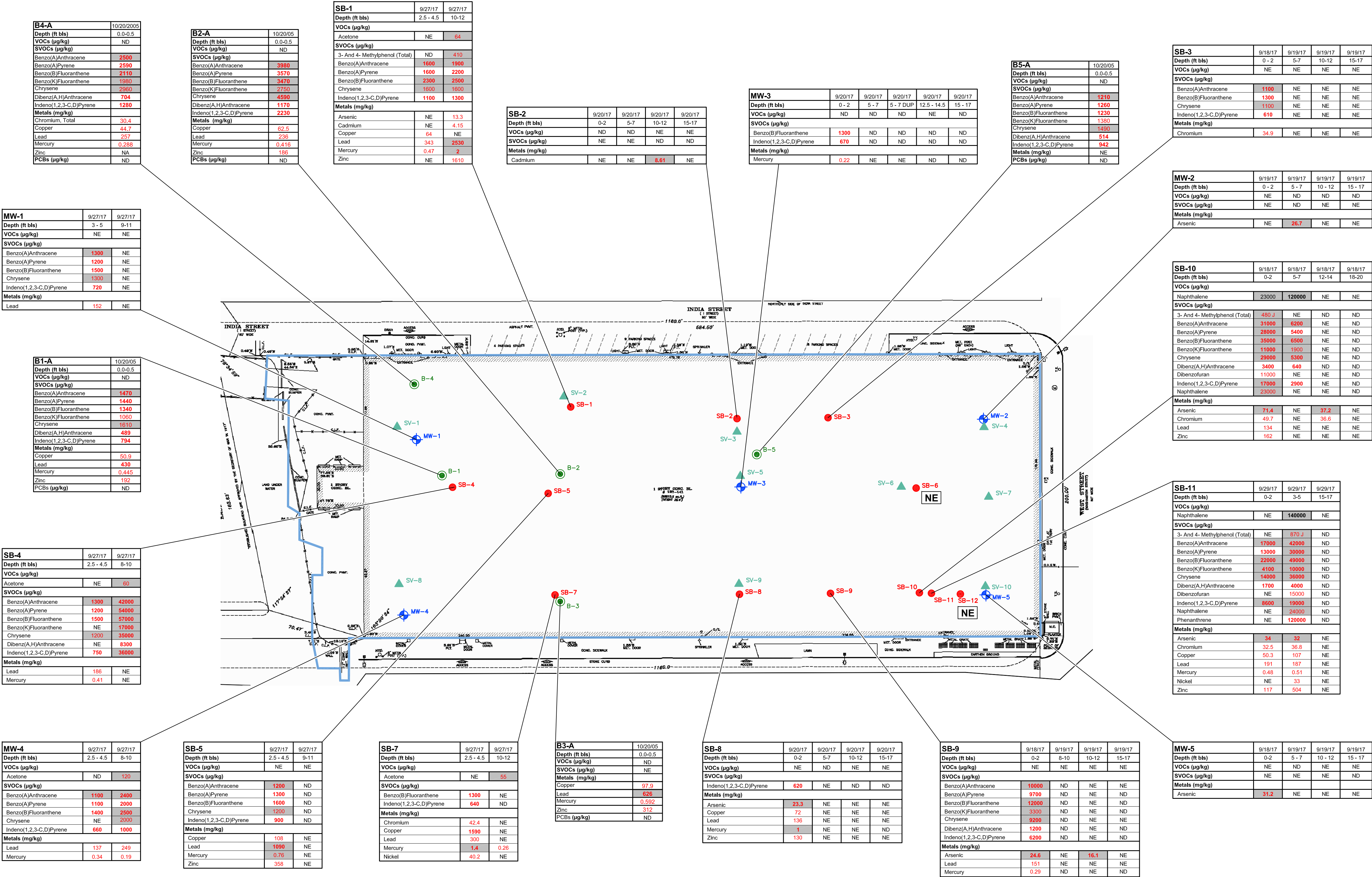
#### LEGEND

- SB-1** LOCATION AND DESIGNATION OF SOIL BORING
- MW-1** LOCATION AND DESIGNATION OF MONITORING WELL
- SV-1** LOCATION AND DESIGNATION OF SOIL VAPOR MONITORING POINT
- B-1** LOCATION AND DESIGNATION OF HISTORIC SOIL BORING COMPLETED BY ENVIRONMENTAL WASTE MANAGEMENT ASSOCIATES (EWMA)
- PROPOSED BCP SITE BOUNDARY**

BCP - BROWNFIELD CLEANUP PROGRAM



Title: <b>SAMPLE LOCATION MAP</b>			
THE STILES DEVELOPMENT SITE BROOKLYN, NEW YORK			
Prepared For: STILES PROPERTIES, LLC			
<b>ROUX</b> ROUX ASSOCIATES, INC. Environmental Consulting & Management	Compiled by: V.S.	Date: 14FEB18	FIGURE <b>2</b>
	Prepared by: B.H.C.	Scale: AS SHOWN	
	Project Mgr: D.B.	Project: 2910.0001Y000	
File: 2910.0001Y111R.01.DWG			





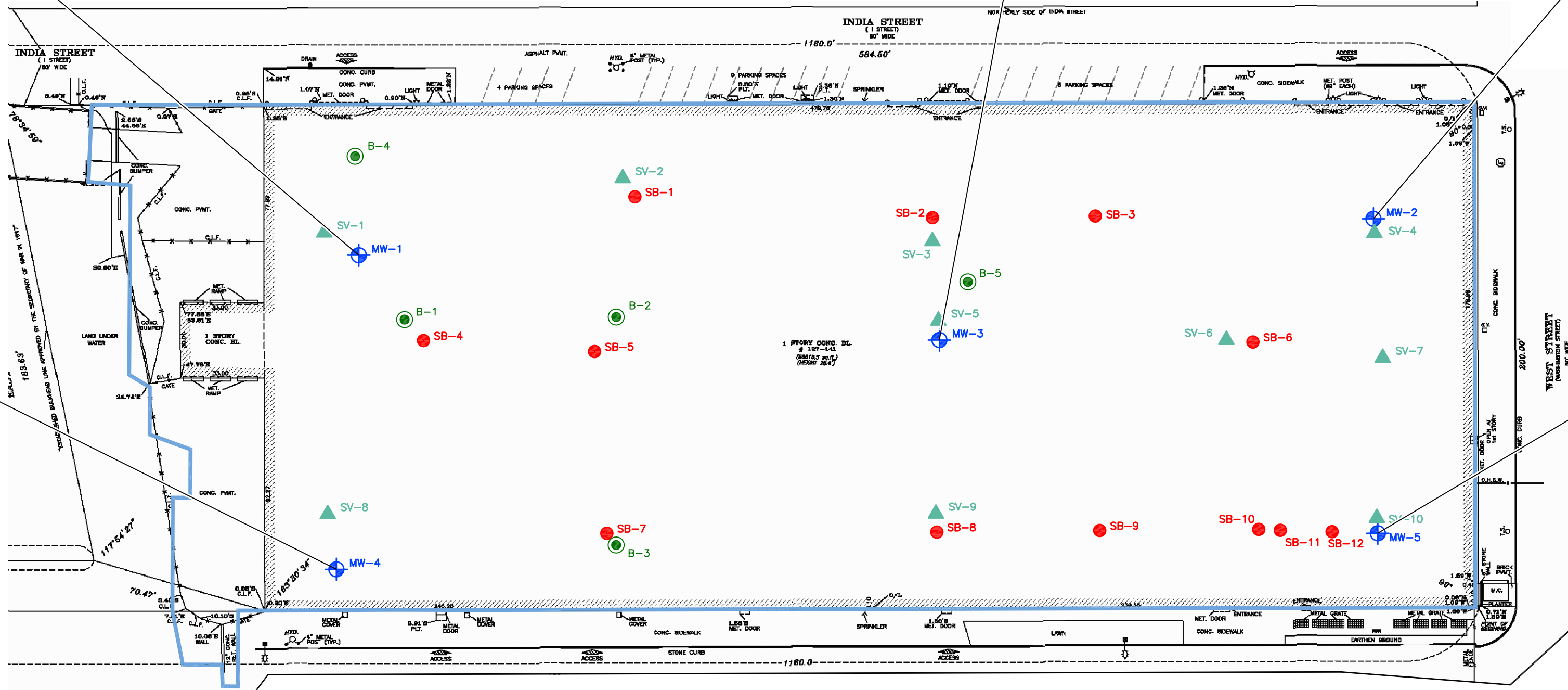
MW-1	10/5/17
Analyte	
VOCs	NE
SVOCs	
Benzo(A)Anthracene	0.02 J
Benzo(B)Fluoranthene	0.02 J
Metals (Total)	
Iron	34800
Magnesium	104000
Manganese	1992
Sodium	978000
Metals (Dissolved)	
Iron	35400
Magnesium	103000
Manganese	2153
Sodium	986000

MW-3	10/5/17	DUP100517
Analyte		
VOCs	NE	NE
SVOCs	NE	NE
Metals (Total)		
Iron	421	435
Magnesium	NE	35700
Manganese	4220	4270
Sodium	72800	74900
Metals (Dissolved)		
Iron	332	365
Magnesium	36800	36100
Manganese	4574	4555
Sodium	79300	76900

MW-2	10/5/17
Analyte	
VOCs	NE
SVOCs	NE
Metals (Total)	
Iron	1850
Manganese	2848
Sodium	50000
Metals (Dissolved)	
Iron	3039
Sodium	47300

MW-4	10/5/17
Analyte	
VOCs	NE
SVOCs	
Benzo(A)Anthracene	0.04 J
Benzo(A)Pyrene	0.06 J
Benzo(B)Fluoranthene	0.03 J
Indeno(1,2,3-C,D)Pyrene	0.06 J
Metals (Total)	
Iron	14700
Magnesium	83300
Manganese	1077
Sodium	604000
Metals (Dissolved)	
Iron	12600
Magnesium	86800
Manganese	1158
Sodium	642000

MW-5	10/5/17
Analyte	
VOCs	NE
SVOCs	
Benzo(A)Anthracene	0.02 J
Metals (Total)	
Antimony	4.11
Iron	690
Manganese	1383
Sodium	146000
Metals (Dissolved)	
Manganese	1297
Sodium	140000



- LEGEND
- SB-1 LOCATION AND DESIGNATION OF SOIL BORING
  - MW-1 LOCATION AND DESIGNATION OF MONITORING WELL
  - SV-1 LOCATION AND DESIGNATION OF SOIL VAPOR MONITORING POINT
  - B-1 LOCATION AND DESIGNATION OF HISTORIC SOIL BORING COMPLETED BY ENVIRONMENTAL WASTE MANAGEMENT ASSOCIATES (EWMA)
  - PROPOSED BCP SITE BOUNDARY
  - BCP - BROWNFIELD CLEANUP PROGRAM

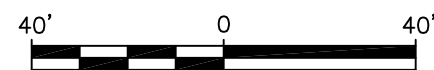
DATA BOX KEY

SAMPLE DESIGNATION	SAMPLE DATE
MW-5	10/5/17
Analyte	
VOCs	NE
SVOCs	
Benzo(A)Anthracene	0.02 J
ANALYTE	CONCENTRATION IN (µg/L)

Parameter (Concentrations in µg/L)	NYSDEC Ambient Water-Quality Standards	NYSDEC Ambient Water-Quality Guidance Values (µg/L)
VOCs		
SVOCs		
Benzo(A)Anthracene	--	0.002
Benzo(A)Pyrene	0	--
Benzo(B)Fluoranthene	--	0.002
Indeno(1,2,3-C,D)Pyrene	--	0.002
Metals		
Antimony	3	--
Iron	300	--
Magnesium	--	35000
Manganese	300	--
Sodium	20000	--

CONCENTRATIONS IN µg/L

- µg/L - MICROGRAMS PER LITER
- NYSDEC - NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
- AWQSGVs - AMBIENT WATER-QUALITY STANDARDS AND GUIDANCE VALUES
- VOCs - VOLATILE ORGANIC COMPOUNDS
- SVOCs - SEMIVOLATILE ORGANIC COMPOUNDS
- DUP - DUPLICATE SAMPLE
- NO AVAILABLE STANDARD
- NE - NO EXCEEDANCE
- ND - NO DETECTION



Title:

## GROUNDWATER QUALITY EXCEEDANCES

THE STILES DEVELOPMENT SITE  
BROOKLYN, NEW YORK

Prepared For:

STILES PROPERTIES, LLC

<b>ROUX</b> ROUX ASSOCIATES, INC. Environmental Consulting & Management	Compiled by: V.S. Prepared by: B.H.C. Project Mgr: D.B. File: 2910.0001Y111R.01.DWG	Date: 14FEB18 Scale: AS SHOWN Project: 2910.0001Y000	PLATE <b>2</b>
----------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------	------------------------------------------------------------	-------------------

SV-1	9/28/17
VOCs	
1,2,4-Trimethylbenzene	1.1
1,4-Dichlorobenzene	2.54
Acetone	17.9
Chloroform	40
Isopropanol	20.3
Methyl Ethyl Ketone (2-Butanone)	2.26
N-Hexane	0.952
Tert-Butyl Alcohol	13.2
Tetrachloroethylene (PCE)	2.79
Toluene	2.53
Trichloroethylene (TCE)	13.6
Trichlorofluoromethane	52.7

SV-2	9/28/17
VOCs	
1,2,4-Trimethylbenzene	1.12
1,4-Dichlorobenzene	2.53
Acetone	22
Benzene	0.952
Bromodichloromethane	15.3
Carbon Disulfide	4.33
Chloroform	237
Chloromethane	1.2
Dichlorodifluoromethane	1.08
Ethanol	10.6
Isopropanol	14
Methyl Ethyl Ketone (2-Butanone)	3.24
Methylene Chloride	2.2
O-Xylene (1,2-Dimethylbenzene)	1.02
Tert-Butyl Alcohol	19.1
Tetrachloroethylene (PCE)	195
Toluene	2.2
Trichloroethylene (TCE)	9.83
Trichlorofluoromethane	30.6

SV-5	9/28/17
VOCs	
1,1-Dichloroethane	4.53
2-Hexanone	3.37
Carbon Disulfide	1.11
Chloroform	8.79
Chloromethane	0.956
Methyl Ethyl Ketone (2-Butanone)	4.63
Tetrachloroethylene (PCE)	22.8
Toluene	0.984
Trichlorofluoromethane	23.8

SV-3	9/28/17
VOCs	
1,1-Dichloroethane	2.24
2-Hexanone	5.61
Acetone	5.96
Carbon Disulfide	1.49
Chloroform	27.9
Chloromethane	2.13
Dichlorodifluoromethane	1.13
Methyl Ethyl Ketone (2-Butanone)	7.08
O-Xylene (1,2-Dimethylbenzene)	0.916
Tetrachloroethylene (PCE)	26.5
Toluene	1.79
Trichlorofluoromethane	26.9

SV-6	9/28/17
VOCs	
1,2,4-Trichlorobenzene	2
2-Hexanone	1.84
Acetone	3.71
Chloroform	1.41
Dichlorodifluoromethane	2.56
m,p-Xylene	2.82
Methyl Ethyl Ketone (2-Butanone)	3.92
O-Xylene (1,2-Dimethylbenzene)	1.46
Tetrachloroethylene (PCE)	52.4
Toluene	2.58
Trichlorofluoromethane	16.6

SV-4	9/28/17
VOCs	
2-Hexanone	3.03
Acetone	4.85
Carbon Disulfide	0.657
Chloroform	5.13
Dichlorodifluoromethane	1.35
m,p-Xylene	1.82
Methyl Ethyl Ketone (2-Butanone)	3.27
O-Xylene (1,2-Dimethylbenzene)	1.01
Tetrachloroethylene (PCE)	69.2
Toluene	3.35
Trichlorofluoromethane	17.8

SV-8	9/28/17
VOCs	
1,1,1-Trichloroethane	1.36
1,2,4-Trimethylbenzene	1.25
1,4-Dichlorobenzene	1.7
Benzene	1.76
Carbon Disulfide	6.63
Chloroform	16
Chloromethane	0.475
Cyclohexane	0.826
Dichlorodifluoromethane	1.63
Isopropanol	7.87
m,p-Xylene	2.2
Methyl Ethyl Ketone (2-Butanone)	2.16
N-Hexane	2.05
O-Xylene (1,2-Dimethylbenzene)	1.18
Tert-Butyl Alcohol	5.82
Tetrachloroethylene (PCE)	11.3
Toluene	2.53
Trichloroethylene (TCE)	1.35
Trichlorofluoromethane	41.8

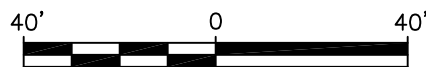
SV-7	9/28/17
VOCs	
2-Hexanone	1.95
Acetone	3.37
Carbon Disulfide	1.15
Dichlorodifluoromethane	1.77
Ethylbenzene	2.34
m,p-Xylene	10
Methyl Ethyl Ketone (2-Butanone)	3.04
O-Xylene (1,2-Dimethylbenzene)	4.25
Tetrachloroethylene (PCE)	99
Toluene	1.12
Trichlorofluoromethane	20.3

SV-10	9/28/17	DUP092817
VOCs		
1,1,1-Trichloroethane	ND	47.6
1,1-Dichloroethane	ND	13.4
1,1-Dichloroethene	ND	2.87
1,4-Dioxane (P-Dioxane)	ND	1.12
2-Hexanone	10.7	6.02
Acetone	4.8	5.49
Carbon Disulfide	1.68	1.27
Chloroethane	ND	1.24
Chloroform	1.38	ND
Cis-1,2-Dichloroethylene	ND	116
Dichlorodifluoromethane	1.74	3.52
Ethylbenzene	ND	0.947
Isopropanol	ND	2.51
m,p-Xylene	2.13	3.76
Methyl Ethyl Ketone (2-Butanone)	19.5	11.7
O-Xylene (1,2-Dimethylbenzene)	1.12	1.74
Tetrachloroethylene (PCE)	2.9	304
Toluene	2.89	2.58
Trichloroethylene (TCE)	ND	14.1
Trichlorofluoromethane	19.4	18.2
Vinyl Chloride	ND	1.55

SV-9	9/28/17
VOCs	
1,1,1-Trichloroethane	12.7
2-Hexanone	14.4
Acetone	5.06
Chloroform	10
Dichlorodifluoromethane	1.48
m,p-Xylene	1.8
Methyl Ethyl Ketone (2-Butanone)	24.9
O-Xylene (1,2-Dimethylbenzene)	0.964
Tetrachloroethylene (PCE)	90.2
Toluene	1.78
Trichloroethylene (TCE)	3.96
Trichlorofluoromethane	14.2

- LEGEND**
- SB-1 LOCATION AND DESIGNATION OF SOIL BORING
- MW-1 LOCATION AND DESIGNATION OF MONITORING WELL
- SV-1 LOCATION AND DESIGNATION OF SOIL VAPOR MONITORING POINT
- B-1 LOCATION AND DESIGNATION OF HISTORIC SOIL BORING COMPLETED BY ENVIRONMENTAL WASTE MANAGEMENT ASSOCIATES (EWMA)
- PROPOSED BCP SITE BOUNDARY
- BCP - BROWNFIELD CLEANUP PROGRAM
- µg/m³ - MICROGRAMS PER CUBIC METER
- DUP - DUPLICATE SAMPLE
- BOLD** - INDICATES THAT PARAMETER WAS DETECTED

DATA BOX KEY	
SAMPLE DESIGNATION	SAMPLE DATE
SV-5	9/28/17
VOCs	
1,1-Dichloroethane	4.53
2-Hexanone	3.37
Carbon Disulfide	1.11
ANALYTE	CONCENTRATION IN (µg/m³)



Title:

DETECTIONS OF VOCs  
IN SOIL VAPOR SAMPLES

THE STILES DEVELOPMENT SITE  
BROOKLYN, NEW YORK

Prepared For:

STILES PROPERTIES, LLC

ROUX

ROUX ASSOCIATES, INC.

Environmental Consulting  
& Management

Compiled by: V.S.

Prepared by: B.H.C.

Project Mgr: D.B.

Date: 14FEB18

Scale: AS SHOWN

Project: 2910.0001Y000

PLATE

3

File: 2910.0001Y11R.01.DWG

# **EXHIBIT F**



## NOTES:

- PROPERTY KNOWN AS LOT 1, BLOCK 2538 & LOT 51, BLOCK 2543 AS SHOWN ON THE NEW YORK CITY DIGITAL TAX MAP OF THE BOROUGH OF BROOKLYN, CITY, COUNTY AND STATE OF NEW YORK.
- AREAS NOTED ON SURVEY ARE TAX MAP LOT AREAS AND DO NOT REPRESENT AREA OF OWNERSHIP OR GRANTS.
- LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE. LOCATIONS AND SIZES ARE BASED ON UTILITY MARK-OUTS, ABOVE GROUND STRUCTURES THAT WERE VISIBLE & ACCESSIBLE IN THE FIELD, AND THE MAPS AS LISTED IN THE REFERENCES AVAILABLE AT THE TIME OF THE SURVEY. AVAILABLE AS-BUILT PLANS AND UTILITY MARKOUT DOES NOT ENSURE MAPPING OF ALL UNDERGROUND UTILITIES AND STRUCTURES. BEFORE ANY EXCAVATION IS TO BEGIN, ALL UNDERGROUND UTILITIES SHOULD BE VERIFIED AS TO THEIR LOCATION, SIZE AND TYPE BY THE PROPER UTILITY COMPANIES. CONTROL POINT ASSOCIATES, INC. DOES NOT GUARANTEE THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA EITHER IN SERVICE OR ABANDONED.
- THIS PLAN IS BASED ON INFORMATION PROVIDED, BY A SURVEY PREPARED IN THE FIELD BY CONTROL POINT ASSOCIATES, INC. AND OTHER REFERENCE MATERIAL AS LISTED HEREIN.
- THIS SURVEY IS PREPARED WITH REFERENCE TO A TITLE REPORT PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. 3020-660546, WITH AN EFFECTIVE DATE OF 2/16/2015, WHERE THE FOLLOWING SURVEY RELATED EXCEPTIONS APPEAR IN SCHEDULE B, SECTION II: (LOT 1, BLOCK 2538 ONLY).
  - COVENANTS AND RESTRICTIONS AND RESERVATIONS RECORDED 6/30/1989 IN REEL 344 PAGE 418, POLICY WILL INSURE THAT THE COVENANTS AND RESTRICTIONS HEREIN DO NOT CONTAIN A RIGHT OF RE-ENTRY NOR ANY PROVISION FOR FORFEITURE OR REVERSION OF TITLE.
  - AGREEMENT RECORDED 10/21/1919 IN LIBER 3917 CP 37, POLICY WILL INSURE THAT THE COVENANTS AND RESTRICTIONS HEREIN DO NOT CONTAIN A RIGHT OF RE-ENTRY NOR ANY PROVISION FOR FORFEITURE OR REVERSION OF TITLE.
  - AGREEMENT RECORDED 12/22/1919 IN LIBER 3918 CP 205, POLICY WILL INSURE THAT THE COVENANTS AND RESTRICTIONS HEREIN DO NOT CONTAIN A RIGHT OF RE-ENTRY NOR ANY PROVISION FOR FORFEITURE OR REVERSION OF TITLE.

- EASEMENT RECORDED 5/30/2012 AS CRFN 201200211580, (FOR MORTGAGE POLICY ONLY: POLICY INSURES THAT SAID EASEMENT / RIGHT OF WAY / AGREEMENT(S) WILL NOT PROHIBIT THE EXISTING USE OF THE IMPROVEMENTS ON THE PREMISES.)
  - NO TITLE IS INSURED TO ANY LAND LYING BELOW THE WATERS OF THE EAST RIVER AS SHOWN ON THE SURVEY HEREIN.
  - POLICY EXCEPTS THE RIGHT OF THE UNITED STATES OF AMERICA TO ENTER UPON AND TAKE POSSESSION, WITHOUT COMPENSATION, OF LANDS LYING BELOW THE HIGH WATER LINE OF EAST RIVER AS THE SAME NOW EXISTS OR FORMERLY EXISTED.
  - RIPARIAN RIGHTS AND EASEMENTS OF OTHERS OVER EAST RIVER; BUT THE POLICY DOES NOT INSURE ANY RIGHTS OR EASEMENTS IN FAVOR OF THE OWNER OF THE PREMISES DESCRIBED IN SCHEDULE A HEREIN, OR EASEMENTS IN FAVOR OF THE OWNER OF THE PREMISES DESCRIBED IN SCHEDULE A HEREIN.
- THE EXISTENCE OF UNDERGROUND STORAGE TANKS, IF ANY, WAS NOT KNOWN AT THE TIME OF THE FIELD SURVEY.
  - ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1989 (NAVD88, BASED ON GPS OBSERVATIONS UTILIZING THE KEYSTONE VRS NETWORK (KEYNETGPS)).
  - THE OFFSETS SHOWN ARE NOT TO BE USED FOR THE CONSTRUCTION OF ANY STRUCTURE, FENCE, PERMANENT ADDITION, ETC.

## REFERENCES:

- THE NEW YORK CITY DIGITAL TAX MAP OF THE BOROUGH OF BROOKLYN, CITY, COUNTY AND STATE OF NEW YORK.
- FINAL SECTION MAP #1 DATED 10/10/89 PROVIDED BY THE CITY OF NEW YORK.
- MAP ENTITLED "PIERHEAD AND BULKHEAD LINES, EAST RIVER, NEW YORK" PREPARED BY THE WAR DEPARTMENT CORPS OF ENGINEERS OFFICE OF THE DISTRICT ENGINEER NEW YORK 5, NEW YORK, DATED JUNE 11, 1947.
- SEWER MAPPING PROVIDED BY NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION.
- WATER MAPPING PROVIDED BY NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION.

## EAST RIVER

## EAST RIVER

## EAST RIVER

BLOCK 2543  
LOT 50

## LEGEND

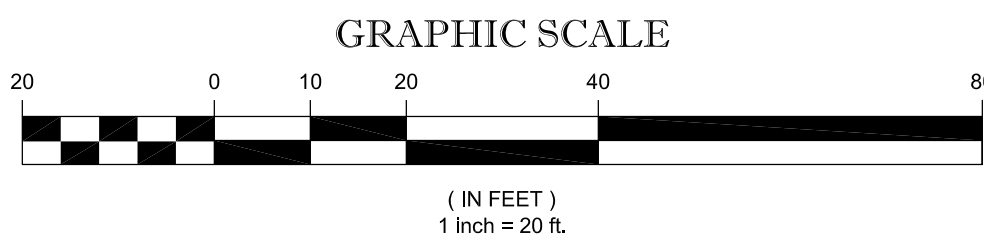
124	EXISTING CONTOUR	EM	ELECTRIC METER	●	BOLLARD
123.45	EXISTING SPOT ELEVATION	SMH	SANITARY SEWER MANHOLE	○	METAL GUIDE RAIL
1C 123.45	EXIST. TOP OF CURB ELEVATION	WMH	WATER MANHOLE	□	AREA LIGHT
G 122.95	EXIST. GUTTER ELEVATION	U	UNKNOWN MANHOLE	*	LAMP
1W 123.45	EXIST. TOP OF WALL ELEVATION	CMH	GAS MANHOLE	■	CATCH BASIN OR INLET
BM 122.95	EXIST. BOTTOM OF WALL ELEVATION	C/O	CLEAN OUT	△	PARKING SPACE COUNT
X FF 123.45	EXIST. FINISHED FLOOR ELEVATION	P	POST	UG	UNDER GROUND
DS 123.45	EXIST. DOOR SILL ELEVATION	CLF	VENT & NUMBER OF VENTS	CLF	CHAIN LINK FENCE
—	OVERHEAD WIRES	DC	UTILITY POLE	DC	DEPRESSED CURB
—	APPROX. LOC. UNDERGROUND GAS LINE	UPL	UTILITY POLE/LIGHT POLE	EDC	EDGE OF CONC.
—	APPROX. LOC. UNDERGROUND ELEC. LINE	EW	GUY WIRE	EDC	EDGE OF PAVEMENT
—	DEPRESSED CURB	LSA	STREET LIGHT	LSA	LANDSCAPED AREA
—	HYDRANT	MC	DOUBLE YELLOW LINE	MC	METAL COVER
—	WATER VALVE	HT	HEIGHT	HT	TYPICAL
—	GAS VALVE	BLDG	BUILDING	BLDG	DETECTABLE WARNING PAD
—	B.C.P. SITE BOUNDARY	—	SIGN	—	SIGN
—	TAX PARCEL BOUNDARY, BLOCK 2543, LOT 51	—	PAINTED ARROWS	—	PAINTED ARROWS
—	TAX PARCEL BOUNDARY, BLOCK 2538, LOT 1	—	LANDS WEST OF PROPOSED BULKHEAD	—	LANDS WEST OF PROPOSED BULKHEAD

## UTILITIES:

THE FOLLOWING COMPANIES WERE NOTIFIED BY NEW YORK CITY ONE-CALL SYSTEM AND REQUESTED TO MARK OUT UNDERGROUND FACILITIES AFFECTING AND SERVICING THIS SITE. THE UNDERGROUND UTILITY INFORMATION SHOWN HEREON IS BASED UPON THE UTILITY COMPANIES RESPONSE TO THIS REQUEST.

SERIAL NUMBER(S):

UTILITY COMPANY	PHONE NUMBER
VERIZON COMMUNICATIONS	(855)981-6333
NATIONAL GRID	(718)270-5735
CONSOLIDATED EDISON CO. OF NY,	(800)778-9140
TIME WARNER CABLE - MANHATTAN	(800)562-8600



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NOT A VALID ORIGINAL DOCUMENT UNLESS EMBOSSED  
WITH RAISED IMPRESSION OR BLUE INK SEAL

JAMES C. WEED  
NEW YORK PROFESSIONAL LAND SURVEYOR #5765

2/7/2018  
DATE

2	REVISY TO ADD TOTAL TAX LOT AREA	-	W.S.H.	G.J.S.	2-7-2018
1	REVISY TO ADD BROWNFIELD CLEAN UP PROGRAM SITE BOUNDARY	-	W.S.H.	G.J.S.	1-30-2018
No.	DESCRIPTION OF REVISION	FIELD CREW	DRAWN	APPROVED	DATE
10-22-16	BROWNFIELD CLEANUP PROGRAM SITE BOUNDARY				
16-46	18 INDIA STREET				
16-44	LOT 1/BLOCK 2538 & LOT 51/BLOCK 2543				
95	BOROUGH OF BROOKLYN				
140	STATE OF NEW YORK				
MS/SWR	FIELD CREW				
T.J.M.	DRAWN				
G.J.S.	REVIEWED				
J.D.S.	DATE				
1-19-2018	SCALE				
1"=20'	FILE NO.				
01-160559	DWG. NO.				
1	OF				
2					

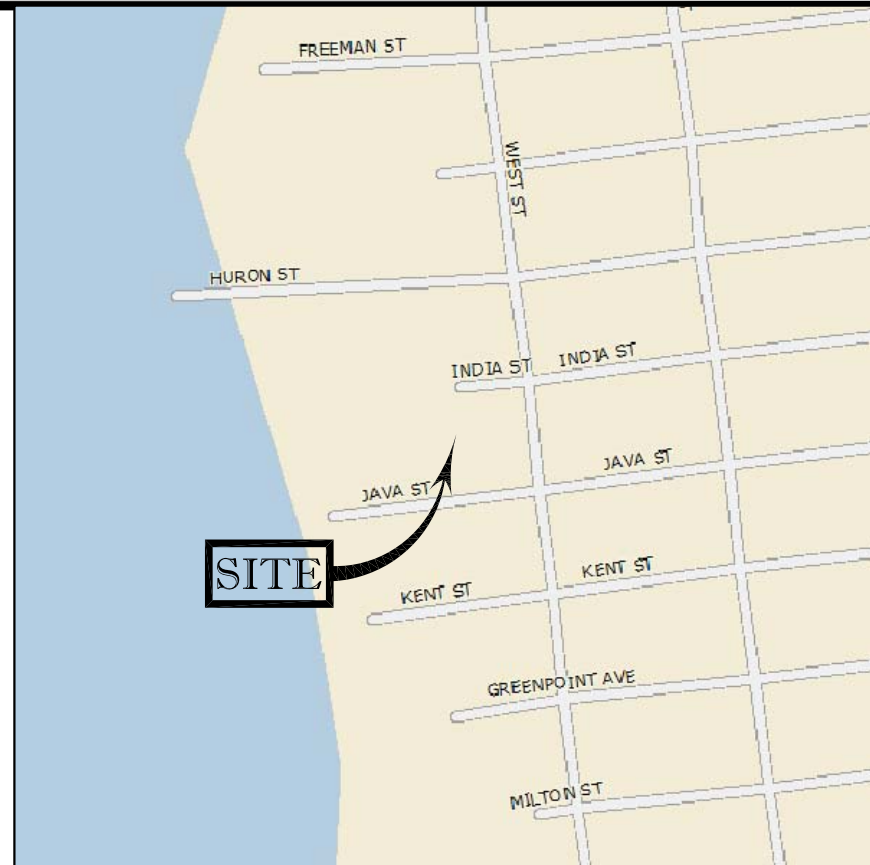
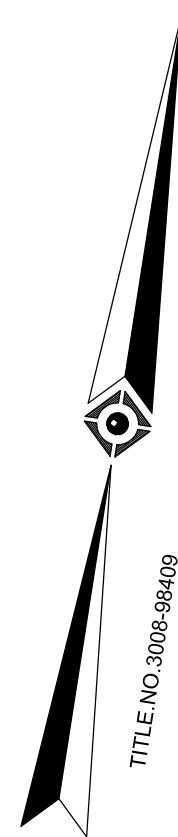


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- WATER MAPPING PROVIDED BY NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION.

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  - COVENANTS AND RESTRICTIONS AND RESERVATIONS RECORDED 6/30/1969 IN REEL 344 PAGE 416. POLICY WILL INSURE THAT THE COVENANTS AND RESTRICTIONS HEREIN DO NOT CONTAIN A RIGHT OF RE-ENTRY NOR ANY PROVISION FOR FORFEITURE OR REVERSION OF TITLE.
  - AGREEMENT RECORDED 10/21/1919 IN LIBER 3917 CP 37. POLICY WILL INSURE THAT THE COVENANTS AND RESTRICTIONS HEREIN DO NOT CONTAIN A RIGHT OF RE-ENTRY NOR ANY PROVISION FOR FORFEITURE OR REVERSION OF TITLE.
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  - EASEMENT RECORDED 5/30/2012 AS CRPN 2012000211580, (FOR MORTGAGE POLICY ONLY: POLICY INSURES THAT SAID EASEMENT / RIGHT OF WAY / AGREEMENT(S) WILL NOT PROHIBIT THE EXISTING USE OF THE IMPROVEMENTS ON THE PREMISES).
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## INDIA STREET

(ASPHALT ROADWAY)  
TWO WAY TRAFFIC

## BLOCK 2538 LOT 1

N/P LOTS OF  
SLES PROPERTIES, LLC  
C/O JONATHAN A. BENSTON  
CPN 200600022005  
2 STORY BLOCK AND BRICK BUILDING  
OVERLOOKING INDIA STREET  
BUILDING FOOT AREA = 84,876 S.F.

- TOTAL BROWNFIELD CLEANUP PROGRAM (B.C.P.) AREA = 106,315 S.F. OR 2.441 ACRES
- TOTAL AREA TAX LOT 1, BLOCK 2538 = 206,252 S.F. OR 4.735 ACRES
- TOTAL AREA TAX LOT 51, BLOCK 2543 = 18,452 S.F. OR 0.424 ACRES
- TOTAL AREA OF BLOCK 2538, TAX LOT 1 IN B.C.P. SITE = 105,553 S.F. OR 2.423 ACRES
- TOTAL AREA OF BLOCK 2543, TAX LOT 51 IN B.C.P. SITE = 762 S.F. OR 0.018 ACRES

## JAVA STREET

(ASPHALT ROADWAY)  
TWO WAY TRAFFIC

## WEST STREET

(ASPHALT ROADWAY)  
TWO WAY TRAFFIC

#### LEGEND

124	EXISTING CONTOUR	EM	ELECTRIC METER	●	BOLLARD
123.45	EXISTING SPOT ELEVATION	SMH	SANITARY/SEWER MANHOLE	—	METAL GUIDE RAIL
123.45	EXIST. TOP OF CURB ELEVATION	EMH	ELECTRIC MANHOLE	□	AREA LIGHT
123.45	EXIST. TOP OF WALL ELEVATION	UMH	UNKNOWN MANHOLE	□	LAMP
123.45	EXIST. TOP OF GUTTER ELEVATION	WMH	WATER MANHOLE	□	CATCH BASIN OR INLET
123.45	EXIST. TOP OF SILL ELEVATION	GMH	GAS MANHOLE	□	PARKING SPACE COUNT
123.45	EXIST. FINISHED FLOOR ELEVATION	CO	CLEAN OUT	△	UNDER GROUND
123.45	EXIST. DOOR SILL ELEVATION	UV	VENT & NUMBER OF VENTS	△	CHAIN LINK FENCE
123.45	APPROX. LOC. UNDERGROUND GAS LINE	UP	UTILITY POLE	△	DEPRESSED CURB
123.45	APPROX. LOC. UNDERGROUND ELEC. LINE	ULP	UTILITY POLE/LIGHT POLE	△	EDGE OF CONC.
123.45	DEPRESSED CURB	GW	GUY WIRE	△	EDGE OF PAVEMENT
123.45	HYDRANT	SLA	STREET LIGHT	△	LANDSCAPED AREA
123.45	WATER VALVE	MC	METAL COVER	△	TYPICAL
123.45	GAS VALVE	HT	HEIGHT	△	DETECTABLE WARNING PAD
123.45		BLDG	BUILDING	△	SIGN
123.45		PA	PAINTED ARROWS	△	SOLID WHITE LINE
123.45		SWL		△	LANDS WEST OF PROPOSED BULKHEAD

#### UTILITIES:

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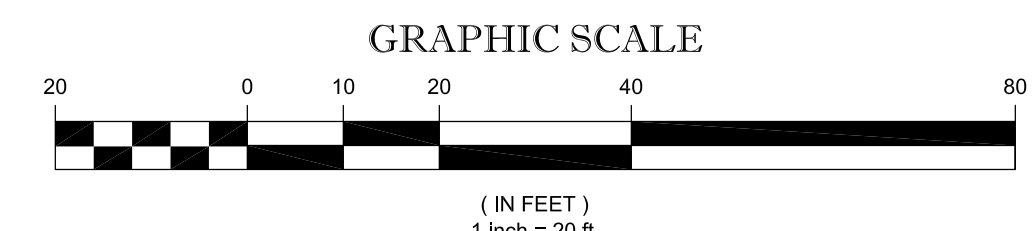
UTILITY COMPANY  
VERIZON COMMUNICATIONS  
NATIONAL GRID  
CONSOLIDATED EDISON CO. OF N.Y.  
TIME WARNER CABLE - MANHATTAN

PHONE NUMBER  
(855)661-6323  
(718)270-5735  
(800)775-9140  
(800)282-8600



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2	REVISION TO ADD TOTAL TAX LOT AREA	-	W.S.H.	G.J.S.	2-7-2018
1	REVISION TO ADD BROWNFIELD CLEAN UP PROGRAM SITE BOUNDARY	-	W.S.H.	G.J.S.	1-30-2018
No.	DESCRIPTION OF REVISION	FIELD CREW	DRAWN	APPROVED	DATE
10-22-16	BROWNFIELD CLEANUP PROGRAM SITE BOUNDARY	MSWR	J.T.M.	J.D.S.	1-19-2018
16-46	18 INDIA STREET	J.D.S.	J.D.S.	J.D.S.	1-30-2018
16-44	LOT 1/BLOCK 2538 & LOT 51/BLOCK 2543	J.D.S.	J.D.S.	J.D.S.	1-30-2018
95	BOROUGH OF BROOKLYN	J.D.S.	J.D.S.	J.D.S.	1-30-2018
140	STATE OF NEW YORK	J.D.S.	J.D.S.	J.D.S.	1-30-2018
FIELD CREW	MSWR	J.D.S.	J.D.S.	J.D.S.	1-30-2018
DATE	2/7/2018	J.D.S.	J.D.S.	J.D.S.	1-30-2018
SCALE	1"=20'	J.D.S.	J.D.S.	J.D.S.	1-30-2018
FILE NO.	01-160559	J.D.S.	J.D.S.	J.D.S.	1-30-2018
DWG. NO.	2	J.D.S.	J.D.S.	J.D.S.	1-30-2018



# **EXHIBIT G**

# Exhibit G 1

# COUNTY TAX MAP

## Greenpoint Ferry Site

127-141 West Street  
(aka 14-28 India Street  
and  
1-45 Java Street)  
Greenpoint, Brooklyn,  
New York  
(portions of Tax Block  
2538 Lots,  
and Block 2543 Lot 51)

### Legend:

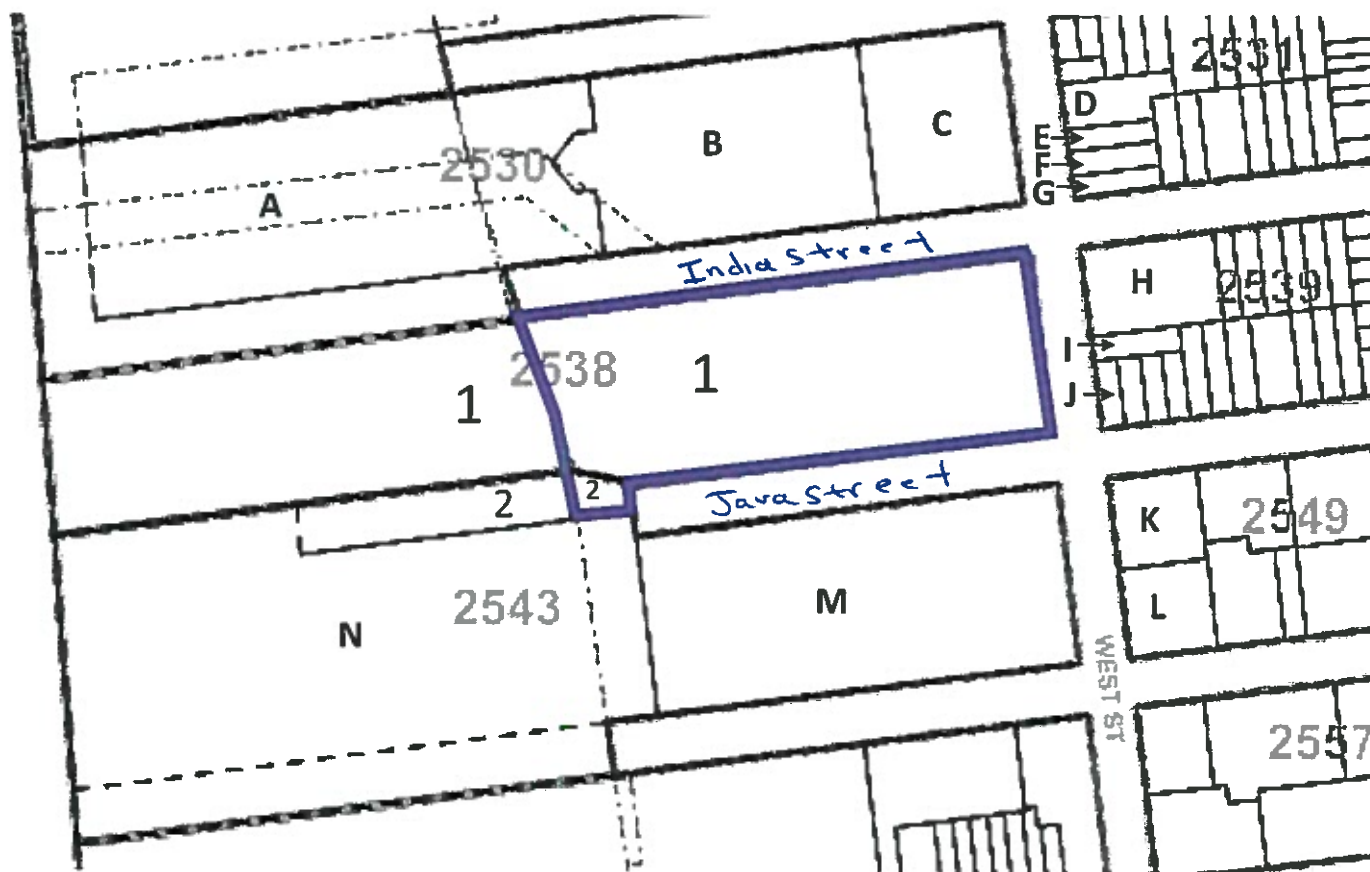
 Site Property  
Boundary

Corresponding page  
lists Tax Lots by letter A – N

November 7, 2017

Source: [nyc.gov](http://nyc.gov)

Scale: 1" = 100' approximately



All feature locations are approximate. This map is intended as a schematic to be used in conjunction with associated Application and Support Information, and should not be relied upon as a survey for planning and other activities.

Letter	Address (Brooklyn, New York)	Borough – Block – Lot
<h1>Site Tax Parcels</h1>		
1	127-141 West Street (aka 14-28 India Street and 1-45 Java Street)	Portion of Brooklyn-2538-1
2	Java Street (No number assigned)	Portion of Brooklyn-2543-51

Letter	Address (Brooklyn, New York)	Borough – Block – Lot
A	143 India Street	Brooklyn-2530-8
B	West Street	Brooklyn-2530-7
C	155 West Street	Brooklyn-2530-1
D	150 West Street	Brooklyn-2531-4
E	148 West Street	Brooklyn-2531-3
F	146 West Street	Brooklyn-2531-2
G	144 West Street	Brooklyn-2531-1
H	32 India Street	Brooklyn-2539-1
I	132 West Street	Brooklyn-2539-37
J	47 Java Street	Brooklyn-2539-35
K	N/A West Street	Brooklyn-2549-5
L	108 West Street	Brooklyn-2549-1
M	209 West Street	Brooklyn-2543-1
N	2 Java Street	Brooklyn-2543-50

# Exhibit G 2



# CONTROL POINT ASSOCIATES, INC.

traditional methods | modern approaches

35 Technology Drive  
Warren, NJ 07059  
Tel: 908.668.0099  
[www.cpasurvey.com](http://www.cpasurvey.com)

MARCH 15, 2018  
01-160599

**METES AND BOUNDS DESCRIPTION**  
**A PORTION OF BLOCK 2538, LOT 1 AND BLOCK 2543, LOT 51**  
**BROWNFIELD CLEANUP PROGRAM AREA**  
**BOROUGH OF BROOKLYN, KINGS COUNTY**  
**CITY AND STATE OF NEW YORK**

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF JAVA STREET (60 FEET WIDE) AND THE WESTERLY LINE OF WEST STREET (60 FEET WIDE), AND FROM SAID POINT AND PLACE OF BEGINNING RUNNING THENCE;

1. ALONG THE NORTHERLY LINE OF JAVA STREET, SOUTH 82 DEGREES 52 MINUTES 23 SECONDS WEST, A DISTANCE OF 480.58 FEET TO A POINT, THENCE;
2. SOUTH 82 DEGREES 52 MINUTES 10 SECONDS WEST, A DISTANCE OF 9.80 FEET TO A POINT, THENCE;
3. SOUTH 07 DEGREES 07 MINUTES 50 SECONDS EAST, A DISTANCE OF 30.00 FEET TO A POINT, THENCE;
4. SOUTH 82 DEGREES 52 MINUTES 10 SECONDS WEST, A DISTANCE OF 6.13 FEET TO A POINT, THENCE;
5. NORTH 09 DEGREES 56 MINUTES 59 SECONDS WEST, A DISTANCE OF 8.55 FEET TO A POINT, THENCE;
6. SOUTH 82 DEGREES 52 MINUTES 29 SECONDS WEST, A DISTANCE OF 15.49 FEET TO A POINT, THENCE;
7. NORTH 17 DEGREES 52 MINUTES 44 SECONDS WEST, A DISTANCE OF 21.65 FEET TO A POINT, THENCE;
8. NORTH 07 DEGREES 10 MINUTES 29 SECONDS WEST, A DISTANCE OF 10.81 FEET TO A POINT, THENCE;
9. NORTH 07 DEGREES 10 MINUTES 29 SECONDS WEST, A DISTANCE OF 33.93 FEET TO A POINT, THENCE;
10. NORTH 82 DEGREES 49 MINUTES 16 SECONDS EAST, A DISTANCE OF 6.80 FEET TO A POINT, THENCE;
11. NORTH 07 DEGREES 10 MINUTES 23 SECONDS WEST, A DISTANCE OF 19.26 FEET TO A POINT, THENCE;
12. NORTH 77 DEGREES 43 MINUTES 29 SECONDS WEST, A DISTANCE OF 17.07 FEET TO A POINT, THENCE;

Corporate Headquarters  
35 Technology Drive, Warren, NJ 07059  
Tel: 908.668.0099 Fax: 908.668.9595

**Professional Land Surveying, Geospatial and Consulting Services**



13. NORTH 07 DEGREES 10 MINUTES 29 SECONDS WEST, A DISTANCE OF 18.89 FEET TO A POINT, THENCE;
14. NORTH 65 DEGREES 43 MINUTES 34 SECONDS WEST, A DISTANCE OF 9.35 FEET TO A POINT, THENCE;
15. NORTH 07 DEGREES 10 MINUTES 29 SECONDS WEST, A DISTANCE OF 75.16 FEET TO A POINT, THENCE;
16. SOUTH 86 DEGREES 32 MINUTES 46 SECONDS WEST, A DISTANCE OF 16.39 FEET TO A POINT, THENCE;
17. NORTH 02 DEGREES 56 MINUTES 21 SECONDS WEST, A DISTANCE OF 30.61 FEET TO A POINT, THENCE;
18. ALONG THE SOUTHERLY LINE OF INDIA STREET (60 FEET WIDE) NORTH 82 DEGREES 52 MINUTES 23 SECONDS EAST, A DISTANCE OF 548.00 FEET TO A POINT, THENCE;
19. ALONG THE WESTERLY SIDE OF AFOREMENTIONED WEST STREET SOUTH 07 DEGREES 07 MINUTES 37 SECONDS EAST, A DISTANCE OF 200.00 FEET TO THE POINT AND PLACE OF BEGINNING.

**CONTAINING 106,315 SQUARE FEET OR 2.441 ACRES**

THIS DESCRIPTION WAS PREPARED WITH REFERENCE TO A MAP PREPARED BY CONTROL POINT ASSOCIATES, INC. ENTITLED "REDSKY CAPITAL, LLC., 18 INDIA STREET, LOT 1/BLOCK 2538 & LOT 51/BLOCK 2543, BOROUGH OF BROOKLYN, KINGS COUNTY, CITY AND STATE OF NEW YORK," DATED JANUARY 19, 2018, LAST REVISED FEBRUARY 07, 2018 AS REVISION #2.

**CONTROL POINT ASSOCIATES, INC.**

GJS / BSD P:\surveys\2016\01-160559-18 India Street-Brooklyn-NY\M&B\M&B BROWNFIELD CLEANUP PROGRAM AREA.docx

PREPARED BY: \_\_\_\_\_  
REVIEWED BY: \_\_\_\_\_




# **EXHIBIT H**

# BASE MAP

## Greenpoint Ferry Site

127-141 West Street  
(aka 14-28 India Street  
and  
1-45 Java Street)  
Greenpoint, Brooklyn,  
New York  
(portions of Tax Block  
2538 Lot 1, and Block  
2543 Lot 51)

**Legend:**  
 Site Property  
Boundary

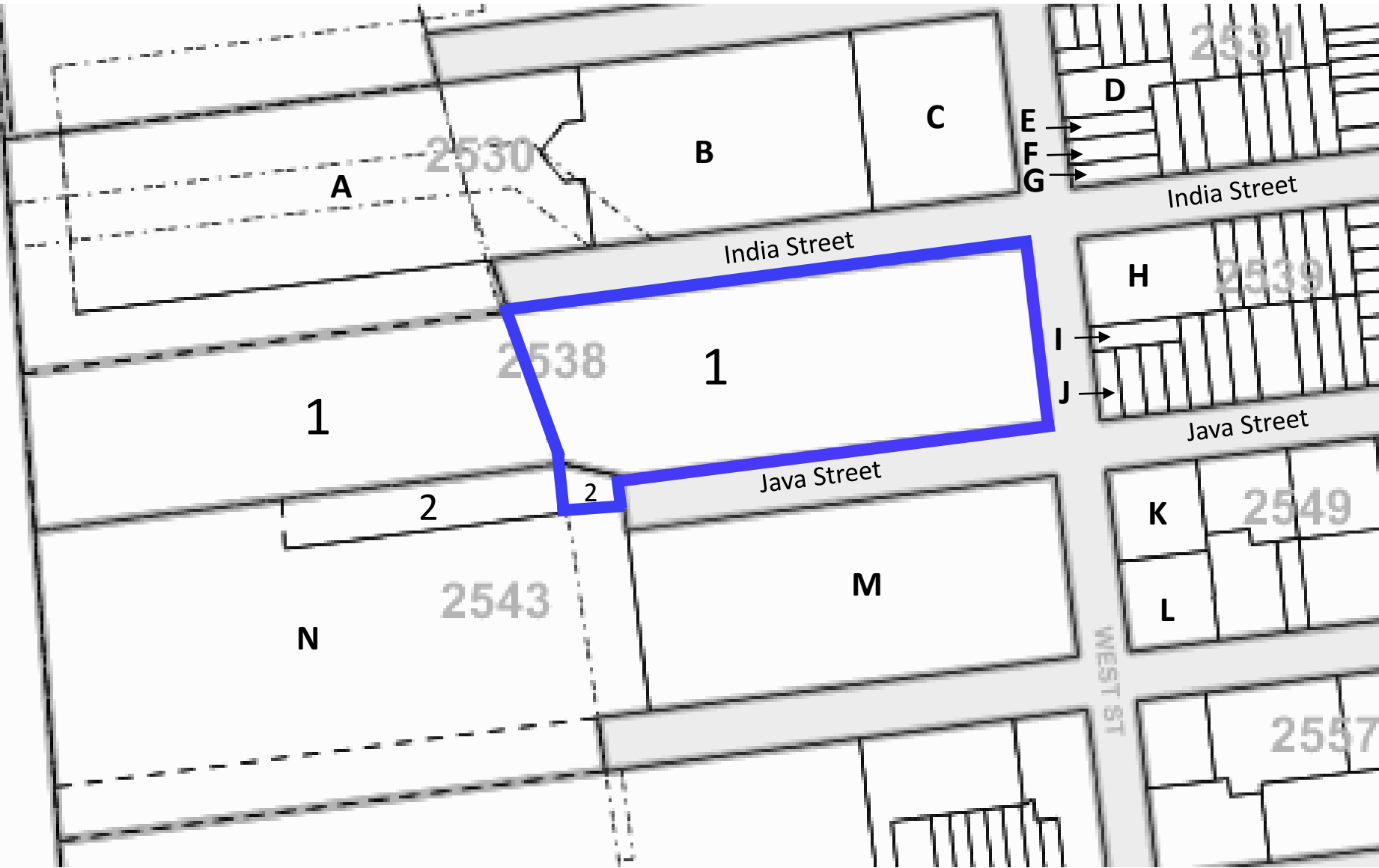
Corresponding page  
lists adjacent property owner  
letter A – N

**November 7, 2017**

**Source: nyc.gov**

Property Information

**Scale:** 1" = 100' approximately



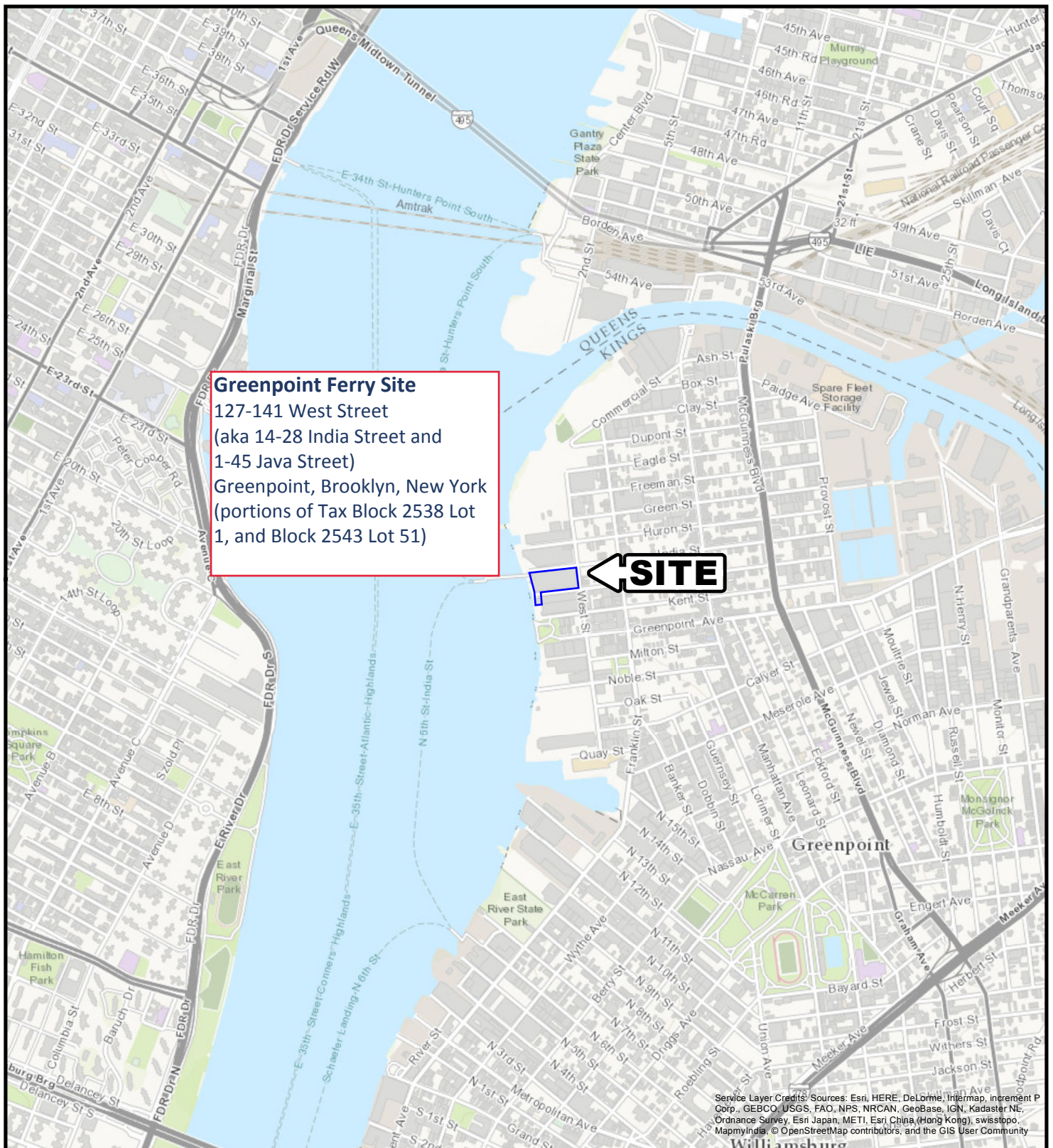
All feature locations  
are approximate.  
This map is intended  
as a schematic to be  
used in conjunction  
with associated  
Application and  
Support  
Information, and  
should not be relied  
upon as a survey for  
planning and other  
activities.

Letter	Site Owner's Name	Address (Brooklyn, New York)	Borough – Block – Lot
--------	-------------------	------------------------------	-----------------------

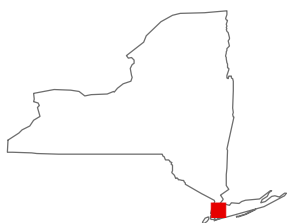
# Site Tax Parcels

1	Stiles Properties, LLC	127-141 West Street (aka 14-28 India Street and 1-45 Java Street)	Portions of Brooklyn- 2538-1
2	Stiles Properties, LLC	Java Street (No number assigned)	Portions of Brooklyn- 2543-51

Letter	Adjacent Property Owner(s) Name(s)	Property Address (Brooklyn, New York)	Borough-Block-Lot
A	19 India Fee Owner LL	143 India Street	Brooklyn-2530-8
B	10 Huron FS Condo LLC	West Street	Brooklyn-2530-7
C	19 India Fee Owner LL	155 West Street	Brooklyn-2530-1
D	Vanderbilt Tower, LL	150 West Street	Brooklyn-2531-4
E	148 West Villa LLC	148 West Street	Brooklyn-2531-3
F	Point Equities Realty	146 West Street	Brooklyn-2531-2
G	Point Equities Realty	144 West Street	Brooklyn-2531-1
H	32 Tower LLC	32 India Street	Brooklyn-2539-1
I	Irene Rodriguez	132 West Street	Brooklyn-2539-37
J	47 Java Street LLC	47 Java Street	Brooklyn-2539-35
K	KMW Group, LLC	N/A West Street	Brooklyn-2549-5
L	Bank Leumi USA	108 West Street	Brooklyn-2549-1
M	Java Street Realty IN	209 West Street	Brooklyn-2543-1
N	Java Street Realty IN	2 Java Street	Brooklyn-2543-50



## QUADRANGLE LOCATION



750 0 750 1,500 Feet

Title:

## SITE LOCATION MAP

127-141 WEST STREET, BROOKLYN NY

Prepared For:

STILES PROPERTIES, LLC

**ROUX**  
 ROUX ASSOCIATES, INC.  
 Environmental Consulting  
 & Management

Compiled by: J.P.G.	Date: 09MAY17
Prepared by: M.R.	Scale: AS SHOWN
Project Mgr: J.P.G.	Project: 2910.0001Y000
File: 2910.0001Y100.1.mxd	

FIGURE

1

# **Exhibit I**



# Greenpoint Ferry Site

127-141 West Street

(aka 14-28 India Street and

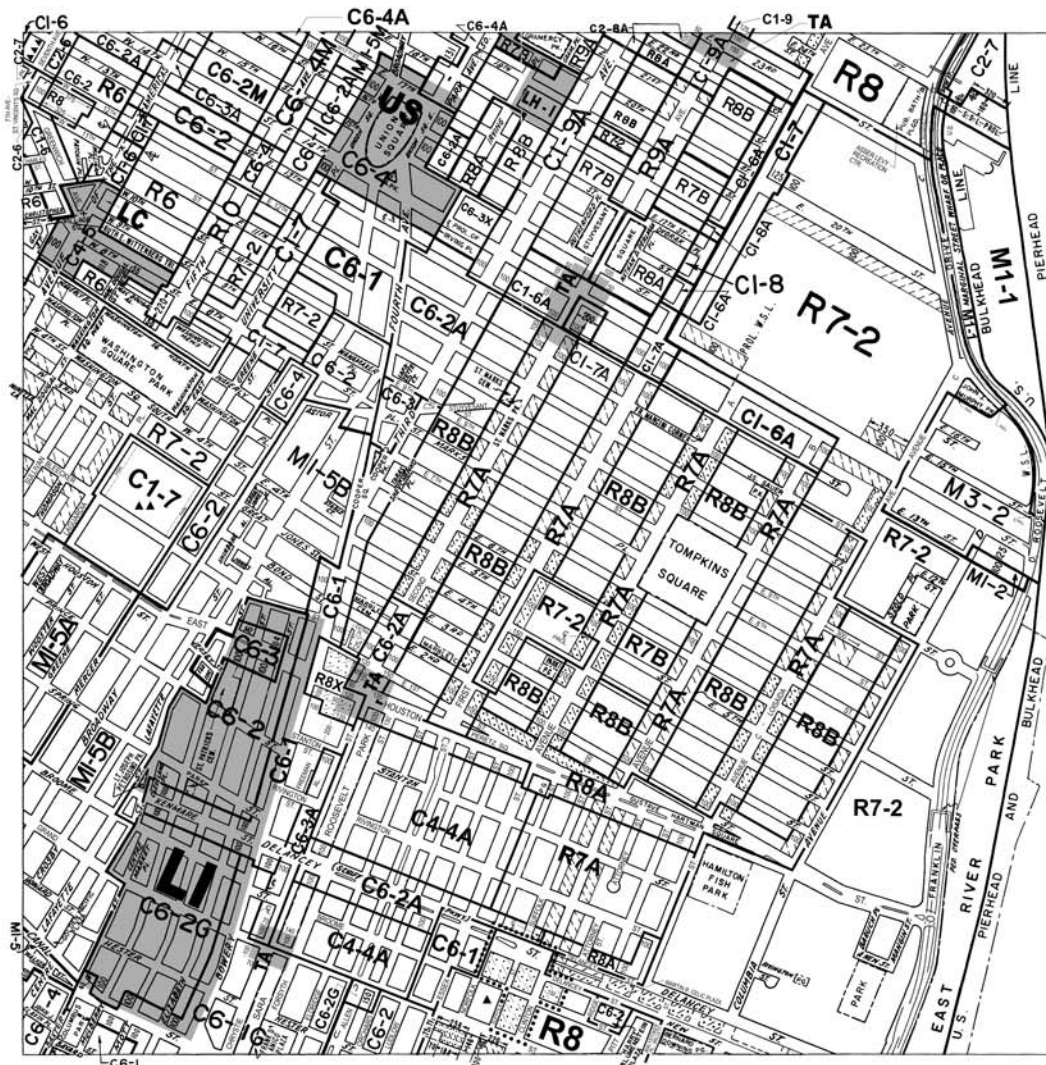
1-45 Java Street)

Greenpoint, Brooklyn, New York

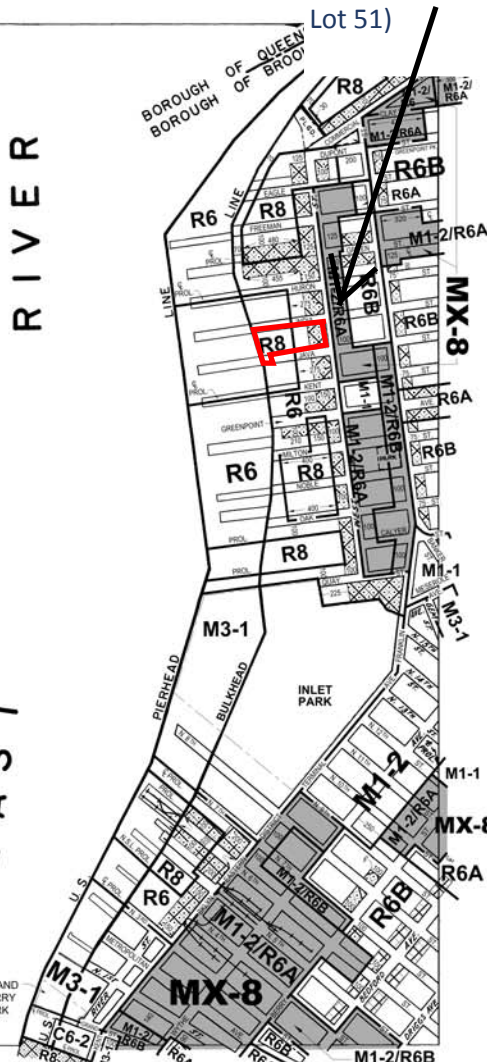
(portions of

Tax Block 2538 Lot 1 and Block 2543

Lot 51)



EAST RIVER



## ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

- R — RESIDENTIAL DISTRICT
- C — COMMERCIAL DISTRICT
- M — MANUFACTURING DISTRICT
- SPECIAL PURPOSE DISTRICT
- AREA(S) REZONED

Effective Date(s) of Rezoning:

10-11-2012 C 120226 ZMM

Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.

For a list of lots subject to "d" restrictive declarations, see APPENDIX D.

For Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas on this map, see APPENDIX F.

CITY MAP CHANGE(S):

▲▲ 8-28-2015 C 150203 MMM

▲▲ 7-25-2015 C 120077 MMM

▲ 6-01-2013 C 120156 MMM

MAP KEY

8b	8d	9b
12a	12c	13a
12b	12d	13b

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NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: [www.nyc.gov/planning](http://www.nyc.gov/planning) or contact the Zoning Information Desk at (212) 720-3291.



NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

# **Exhibit J**

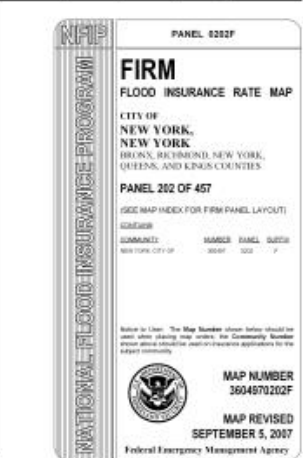
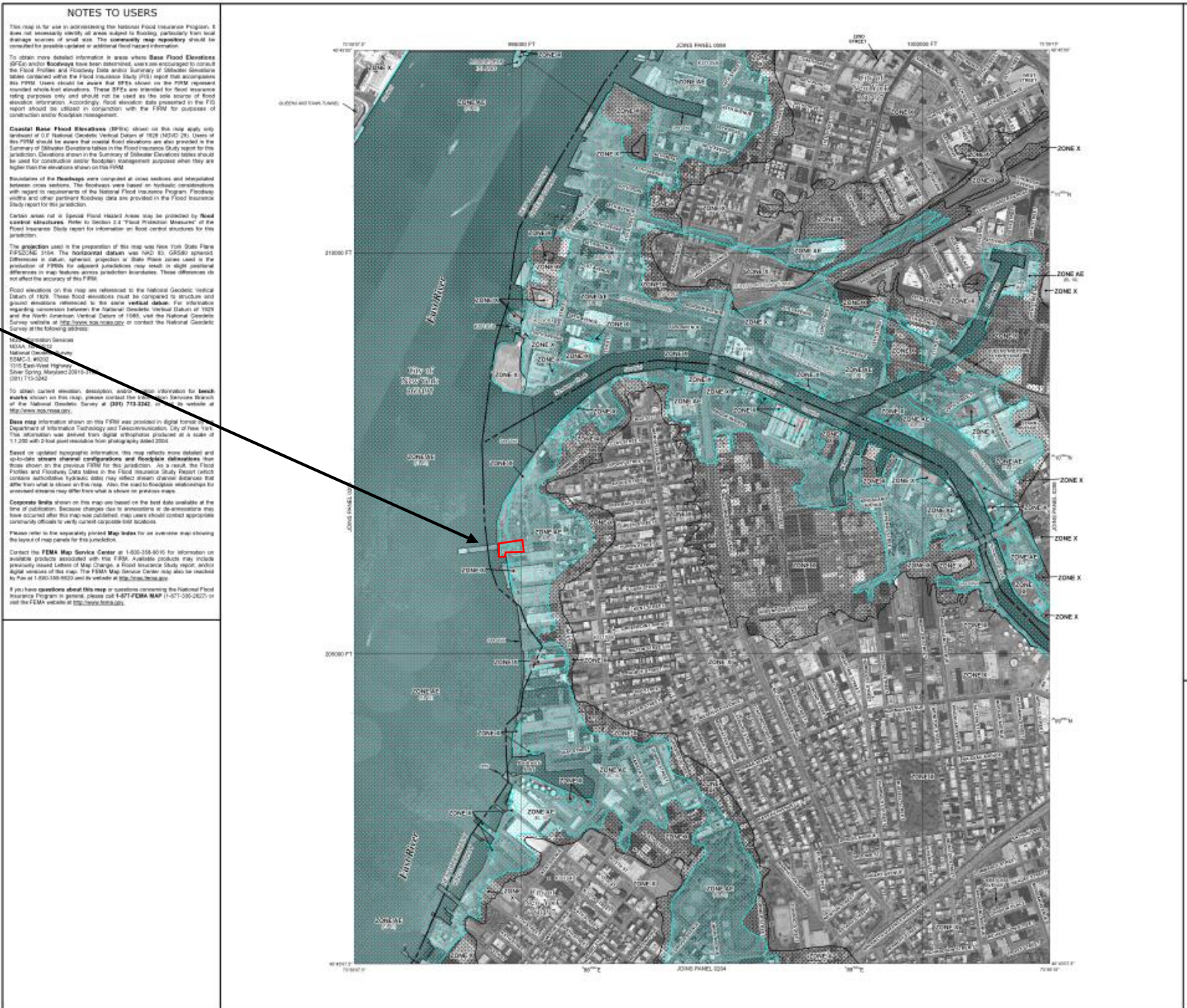


# FLOOD MAP

Greenpoint Ferry Site  
127-141 West Street  
(aka 14-28 India  
Street and  
1-45 Java Street)  
Greenpoint,  
Brooklyn, New York  
(portions of Tax  
Block 2538 Lot 1,  
Block 2543 Lot 51)

Legend:  
Site Property  
Boundary

November 8, 2017  
Source: FEMA  
Scale: 1" = 100" approximately



All feature locations are approximate. This map is intended as a schematic to be used in conjunction with the associated report, and it should not be relied upon as a survey for planning or other activities.

# **Exhibit K**

Site Contact List					
Greenpoint Ferry Site					
127-141 West Street (aka 14-28 India Street and 1-45 Java Street) Greenpoint, Brooklyn, New York (portions of Tax Block 2538 Lots 1, and Block 2543 Lot 51)					
Name	Title	Address	City	State	Zip
Hon. Charles Schumer	U.S. Senator	780 Third Ave., Suite 2301	New York	NY	10017
Hon. Kirsten Gillibrand	U.S. Senator	780 Third Ave., Suite 2601	New York	NY	10017
Hakeem Jeffries	U.S. House of Representatives	55 Hanson Place, Suite 603	Brooklyn	NY	11217
Velmanette Montgomery	New York State Senate - 25th District	30 Third Ave. Suite 207	Brooklyn	NY	11217
Nancy T. Sunshine	Kings County Clerk	360 Adams Street, Room 189	Brooklyn	NY	11201
Eric Adams	Kings County Executive (Borough President)	Borough Hall 209 Joralemon Street	Brooklyn	NY	11201
Marisa Lago	Chairperson, NYC Planning Commission	16 Court Street, 7th Floor	Brooklyn	NY	11241-0103
Emily Lloyd	New York City Public Water Supply System Department	59-17 Junction Blvd.	Flushing	NY	11373
Alfonso Carnev	Chair of New York City Water Board	59-17 Junction Blvd., 8th Floor	Flushing	NY	11373
Bill de Blasio	Mavor of New York City	City Hall	New York	NY	10007
Andrea Hagelgans	Strategic Planning Advisor, New York City	City Hall	New York	NY	10007
Eric L. Adams	Brooklyn Borough President	Brooklyn Borough Hall, 209 Jorakemon Street	Brooklyn	NY	11201
David Kirschner	Brooklyn Media Outlet - News 12	1 Media Crossways	Woodbury	NY	11791
Dozier Hastv	The Brooklyn Daily Eagle	16 Court Street	Brooklyn	NY	11241
Linda E. Johnson	Director of Brooklyn Library - Document Repository	10 Grand Armv Plaza	Brooklyn	NY	11238
Dealice Fuller	Executive Committee Chairperson, Community Board No. 1	435 Graham Avenue	Brooklyn	NY	11211
19 India Free Owner LL	Adjacent Property Owner of 143 India Street	60 Columbus Circle, 20th Floor	New York	NY	10023
10 Huron FS Condo LLC	Adjacent Property Owner of West Street (no address number	60 Columbus Circle, 20th Floor	New York	NY	10023
19 India Free Owner LL	Adjacent Property Owner of 155 West Street	60 Columbus Circle, 20th Floor	New York	NY	10023
Vanderbilt Tower, LL	Adjacent Property Owner of 150 West Street	816 56th Street	Brooklyn	NY	11220
148 West Villa LLC	Adjacent Property Owner of 148 West Street	124-04 Metropolitan Ave.	Kew Gardens	NY	11415
Point Equities Realty	Adjacent Property Owner of 144 West Street	500 Kingsland Ave.	Brooklyn	NY	11222
32 Tower LLC	Adjacent Property Owner of 32 India Street	825 Third Ave., 37th Floor	New York	NY	10022
Irene Rodriguez	Adjacent Property Owner of 132 West Street	132 West Street	Brooklyn	NY	11201
47 Java Street LLC	Adjacent Property Owner of 47 Java Street	189 15th Street	Brooklyn	NY	11215
KMW Group, LLC	Adjacent Property Owner of N/A West Street	592 Pacific St.	Brooklyn	NY	11217
Bank Leumi USA	Adjacent Property Owner of 108 West Street	579 Fifth Avenue	New York	NY	10017
Java Street Realty IN, C/O Navistone, LLC	Adjacent Property Owner of 209 West Street	11 Kent Street	Brooklyn	NY	11222
Java Street Realty IN	Adjacent Property Owner of 2 Java Street	11 Kent Street	Brooklyn	NY	11222

# **Exhibit L**

# Exhibit L 1



February 1, 2018

VIA FEDERAL EXPRESS

Linda E. Johnson, Director  
Brooklyn Public Library  
10 Grand Army Plaza  
Brooklyn, New York 11238

**RE: Brownfield Cleanup Program Application**  
**Applicant: Stiles Properties, LLC**  
**Site Name: East River Ferry Site**  
**127-141 West Street (aka 14-28 India Street and 1-45 Java Street,**  
**Greenpoint, Brooklyn, New York**  
**(portions of Tax Block 2583 Lot 1, and Block 2543 Lot 51)**

Dear Ms. Johnson:

We represent Stiles Properties, LLC in its anticipated Brownfield Cleanup Program application for the above-referenced site at 127-141 West Street (aka 14-28 India Street and 1-45 Java Street) in the City of Greenpoint, Brooklyn, New York (portions of Tax Block 2583 Lot 1, and Block 2543 Lot 1). It is a requirement of the NYS Department of Environmental Conservation that we supply them with a letter certifying that the local library is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. To avoid significant use of your shelf space, all documents will be sent in CD format.

Please sign below and return the original in the enclosed stamped self-addressed envelope if you are able to certify that your library would be willing and able to act as the temporary public repository for this Brownfield Cleanup Program project.

Thank you.

Sincerely,

KNAUF SHAW LLP

LINDA R. SHAW

Yes, the Brooklyn Public Library is willing and able to act as a public repository for documents related to the cleanup of 127-141 West Street (aka 14-28 India Street and 1-45 Java Street), Greenpoint, Brooklyn, New York (portions of Tax Block 2583 Lot 1, and Block 2543 Lot 1) under the NYS Brownfield Cleanup Program.

Linda E. Johnson, Director

Date

# Exhibit L 2





**Knauf Shaw**

**ATTORNEYS AT LAW**

March 14, 2018

**VIA FEDERAL EXPRESS**

Ms. Dealice Fuller  
Executive Committee Chairperson  
Community Board No. 1  
435 Graham Avenue  
Brooklyn, New York 11211

**RE: Brownfield Cleanup Program Application Repository Request**

**Applicant:** Stiles Properties, LLC

**Site Name:** Greenpoint Ferry Site

**Address:** 127-141 West Street (aka 14-28 India Street and 1-45 Java Street,  
Greenpoint, Brooklyn, New York (portions of Tax Block 2583 Lot 1,  
and Block 2543 Lot 51)

Dear Ms. Fuller:

We represent Stiles Properties, LLC in its Brownfield Cleanup Program application for the above-referenced site at 127-141 West Street (aka 14-28 India Street and 1-45 Java Street) in Greenpoint, Brooklyn, New York (portions of Tax Block 2583 Lot 1, and Block 2543 Lot 1). It is a requirement of the New York State Department of Environmental Conservation that we supply them with a letter certifying that the community board is willing and able to serve as a public repository for all documents pertaining to the cleanup of this Site. To avoid significant use of your shelf space, all documents will be sent in CD format.

Please sign below and return the original in the enclosed overnight pre-paid FedEx package as soon as possible if you are able to certify that the Brooklyn Community Board No. 1 would be willing and able to act as a temporary public repository for this Brownfield Cleanup Program project.

Thank you.

Sincerely,

**KNAUF SHAW LLP**

LINDA R. SHAW

Yes, the Brooklyn Community Board No. 1 is willing and able to act as a public repository for documents related to the cleanup of 127-141 West Street (aka 14-28 India Street and 1-45 Java Street), Greenpoint, Brooklyn, New York (portions of Tax Block 2583 Lot 1, and Block 2543 Lot 1) under the NYS Brownfield Cleanup Program.

Dealice Fuller, Chairperson

Date



BROOKLYN COMMUNITY BOARD NO. 1  
OFFICE OF THE DISTRICT MANAGER  
GERALD A. MOSITO  
435 GRAHAM AVENUE  
BROOKLYN, NEW YORK 11211