

**FORMER PFIZER SITE C
334 WALLABOUT STREET
BROOKLYN, NEW YORK
BLOCK 2265 LOT 14**

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



**Department of
Environmental
Conservation**

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

November 2018

Program Requestor:

Harrison Realty LLC
505 Flushing Avenue, Unit 1D
Brooklyn, NY 11205

Prepared By:



ENVIRONMENTAL BUSINESS CONSULTANTS

1808 Middle Country Road
Ridge, NY 11961

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Former Pfizer Site C
334 Wallabout Street, Brooklyn, NY

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BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

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

Yes

No

If yes, provide existing site number: _____

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

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #: _____

NAME

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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

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

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

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

Section II. Project Description

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

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

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

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

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

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through August 1, 2018.

Selected Entity Name: HARRISON REALTY LLC

Selected Entity Status Information

Current Entity Name: HARRISON REALTY LLC

DOS ID #: 4266898

Initial DOS Filing Date: JULY 05, 2012

County: KINGS

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

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

HARRISON REALTY LLC

505 FLUSHING AVENUE UNIT 1D

BROOKLYN, NEW YORK, 11211

Registered Agent

NONE

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

***Stock Information**

of Shares

Type of Stock

\$ Value per Share

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
JUL 05, 2012	Actual	HARRISON REALTY LLC

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

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

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Section III. Property's Environmental History

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

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

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

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

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

*Please describe: _____

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

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

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

Yes

No

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

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

Other: _____

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME				
ADDRESS/LOCATION				
CITY/TOWN		ZIP CODE		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL):				
COUNTY		SITE SIZE (ACRES)		
LATITUDE (degrees/minutes/seconds) ° ' "		LONGITUDE (degrees/minutes/seconds) ° ' "		
COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach a metes and bounds description of the property.			Yes	No
2. Is the required property map attached to the application? (application will not be processed without map)			Yes	No
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website 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

No permits were identified

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

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

☒ Yes ☐ No

11. For sites located within the five counties comprising New York City, is the requestor seeking a determination that the site is eligible for tangible property tax credits?

If yes, requestor must answer questions on the supplement at the end of this form.

☒ Yes ☐ No

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

☐ Yes ☒ No

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

☐ Yes ☐ No

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

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

Initials of each Requestor: TD _____

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

Section V. Additional Requestor Information See Instructions for Further Guidance		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	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
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	
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".			
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site? Yes No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? Yes No			
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. Yes No			

Section VII. Requestor Eligibility Information (continued)

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

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

PARTICIPANT

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

VOLUNTEER

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

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

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

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

Previous Owner Current Owner Potential /Future Purchaser Other_____

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

Yes No

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

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

1. Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment.

Yes No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305?
If yes, please provide: Site # _____ Class # _____

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

Yes No
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

Yes No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?
If yes, please provide: Order # _____

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

Yes No

Section IX. Contact List Information

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

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

Section X. Land Use Factors	
1. What is the current zoning for the site? What uses are allowed by the current zoning? <div style="display: flex; justify-content: space-around; margin-bottom: 5px;"> Residential Commercial Industrial </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) 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.	
3. Reasonably anticipated use Post Remediation: Residential Commercial Industrial (check all that apply) Attach a statement detailing the specific proposed use. If residential, does it qualify as single family housing? Yes No	
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)

I hereby affirm that I am managing member (title) of HarrisonRealty 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.

Date: 11-13-18 Signature: [Signature]

Print Name: Simon Dushinsky

SUBMITTAL INFORMATION:

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

FOR DEC USE ONLY
BCP SITE T&A CODE: _____

LEAD OFFICE: _____

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

BCP App Rev 9

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

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

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

Project is an Affordable Housing Project - Regulatory Agreement Attached;

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

This is Not an Affordable Housing Project.

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

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

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

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

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

BCP Application Summary (for DEC use only)**Site Name:****City:****Site Address:****County:****Zip:****Tax Block & Lot****Section (if applicable):****Block:****Lot:****Requestor Name:****City:****Requestor Address:****Zip:****Email:****Requestor's Representative (for billing purposes)****Name:****Address:****City:****Zip:****Email:****Requestor's Attorney****Name:****Address:****City:****Zip:****Email:****Requestor's Consultant****Name:****Address:****City:****Zip:****Email:****Percentage claimed within an En-Zone:****0%****<50%****50-99%****100%****DER Determination:**

Agree

Disagree

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

Agree

Disagree

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

Yes

No

Does Requestor Claim Property is Upside Down:

Yes

No

DER/OGC Determination:

Agree

Disagree

Undetermined

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

Yes

No

DER/OGC Determination:

Agree

Disagree

Undetermined

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

Yes

No

Planned, No Contract

DER/OGC Determination:

Agree

Disagree

Undetermined

Notes:

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

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

SECTION I REQUESTOR INFORMATION

Requestor Name

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

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

Address, etc.

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

Document Certification

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

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

SECTION II PROJECT DESCRIPTION

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION III

PROPERTY'S ENVIRONMENTAL HISTORY

Please follow instructions on application form.

SECTION IV

PROPERTY INFORMATION

Proposed Site Name

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

Site Address

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

Site Size

Provide the approximate acreage of the site.

GIS Information

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

Tax Parcel Information

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

1. Tax Map Boundaries

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

2. Map

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION IV (continued)

3. En-zone

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

4. Multiple applications

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

10. Property Description Narrative

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

Location

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

Site Features:

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

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

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

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

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

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION IV (continued)

Property Description Narrative (continued)

Site Geology and Hydrogeology:

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

Environmental Assessment

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

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

A typical Environmental Assessment would look like the following:

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

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

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

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

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

SECTION V

ADDITIONAL REQUESTOR INFORMATION

Representative Name, Address, etc.

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

Consultant and Attorney Name, Address, etc.

Provide requested information.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

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

Owner Name, Address, etc.

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

Operator Name, Address, etc.

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

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

SECTION VII REQUESTOR ELIGIBILITY INFORMATION

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

SECTION VIII PROPERTY ELIGIBILITY INFORMATION

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

1. CERCLA / NPL Listing

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

2. Registry Listing

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

3. RCRA Listing

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

4. Registry / RCRA sites owned by volunteers

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

**NEW YORK STATE
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SECTION VIII (continued)

5. Existing Order

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

6. Enforcement Action Pending

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

SECTION IX CONTACT LIST INFORMATION

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

SECTION X LAND USE FACTORS

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

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

SECTION XI SIGNATURE PAGE

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

DETERMINATION OF A COMPLETE APPLICATION

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

DETERMINATION OF A COMPLETE APPLICATION (continued)

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

I REQUESTOR INFORMATION

Name: Harrison Realty LLC
Name of all members / owners: Simon Duchinsky, Joel Glick
Contact: Charles Krieger
Address: 505 Flushing Avenue, Unit 1D, Brooklyn, New York 11205
Phone: 718.246.4762

Harrison Realty LLC is the applicant for the project and is applying to the program as a Volunteer. Harrison Realty LLC is the current owner of the property (**Appendix C**), and is not affiliated in any way with the past property owners or operators, or the release of contaminants at the site. As the owner of the property, Harrison Realty LLC has full access to the Site to implement the required remedial actions that will be required under the BCP.

II PROJECT DESCRIPTION

The Requestor seeks to remediate and redevelop a property located on Wallabout Street in the Broadway Triangle neighborhood of Brooklyn, NY (the "Site") (see **Figure 1**). The address of the Site is 334 Wallabout Street in Brooklyn, NY. It is comprised of a single tax lot identified as Block 2265, Lot 14 (**Figure 2 Tax Map and Figure 3 - Site Plan**). The Site is currently a vacant lot used for storage of trucks and construction equipment. Historically, the property was used by Pfizer Inc for chemical manufacturing. The historic use of the property as well as the presence of elevated levels of contaminants in soil and groundwater and suspected additional contaminants are complicating redevelopment of the Site for the zoned and planned residential use.

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

2.1 Project Overview

The Requestors intend to redevelop the property with a new 6-story mixed-use commercial retail and residential building.

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

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

"trade" premium due to the need to use HAZWOPER-trained-workers in and around the contaminated materials as well as ancillary monitoring and reporting costs. In addition, there will be scheduling impacts associated with soil sampling and excavation site constraints that will extend the timeframes customarily required for traditional site excavation. Moreover, the BCP will enable the applicant to qualify for hazardous waste program fee exemption.

The project will result in substantial public benefits such as construction jobs and full-time employees as well as facilitate the redevelopment of the area. An estimated 200 construction jobs will be created during this project along with 50 to 75 permanent jobs.

2.2 Project Schedule

BCP Milestones Based on an assumed date of early October 2018 for execution of the BCP agreement, the following schedule of BCP milestones is anticipated.

Submit Citizen Participation Plan and Scoping Sheet	December 2018
Submit Remedial Investigation Work Plan	January 2019
Complete Remedial Investigation	April 2019
Submit Remedial Investigation Report	May 2019
Submit Remedial Action Work Plan	June 2019
Begin Building Construction and Remedial Action	September 2019
Continue Remedial Action	Approximately 24 months
Submit Draft Final Engineering Report	September 2021
Anticipated Date Certificate of Completion Issued	December 2021

III ENVIRONMENTAL HISTORY

3.1 Summary of Previous Investigations

The environmental history of the Site was identified through the review of prior investigation reports, Federal and State Environmental databases and Environmental Sanborn Fire Insurance maps. According to Roux Associates, which has a long history of conducting environmental investigations on the property, Site C (Organics Block) was first developed for chemical manufacturing between 1854 and 1888, during which time Pfizer purchased 72 lots of land surrounding the original Pfizer building on Bartlett Street. By 1888, Pfizer occupied the central portion of the Site and Moller & Schumann Varnish Manufacturer owned the westernmost portion of the block. In the latter part of the nineteenth century and the early part of the twentieth century, Pfizer expanded its operations at the Organics Block to include a cream of tartar works and tannin and strychnine production.

Pfizer manufacturing operations at the Site increased and, in the late 1920s, Buildings 21 and 21A were built to produce citric acid using the SUCIAC – Sugar Under Conversion Into Acid Citric process. Pfizer occupied the entire city block by 1947, at which time the manufacture of vitamin C had also begun. The Organics Block remained fully occupied by buildings housing various facility operations until 1989, when operations ceased. All buildings at the Organics Block were demolished by March 1, 1995.

Environmental investigations performed at the Site include the following:

- Investigation of Possible Underground Tank Release (Roux 1989)
- Subsurface Investigation at 33 Gerry Street (Roux 7/17/93)
- Oversight of Underground Storage Tank Closure Activities at 33 Gerry Street (Roux 1993)
- Pre-UST Removal Soil Investigation (Roux 1995)
- Completion Report, Removal of Petroleum / Process USTs (Roux 1996)
- Block-Wide Soil Investigation Results and IRM Work Plan (Roux 1996)
- Final Engineering Report (Roux 1997)
- Supplemental and Remediation Activities (Roux 1999)
- Detailed Divestiture Environmental Site Assessment – Site C (Roux 10/22/07)

Copies of the above reports from 1995 on are included in digital form in **Appendix A**. A brief summary of each report as included in the Detailed Divestiture Environmental Site Assessment prepared by Roux, is provided below.

3.1.1 Investigation of Possible Underground Tank Release (Roux Associates, Inc. – 1989)

A soil boring and sampling investigation was conducted in 1989 by Roux Associates in the vicinity of Process USTs 301 through 309, located in former Building 22, which were decommissioned from 1979 through 1984. The results were reported in the 1989 report titled, “Investigation of Possible Underground Tank Release.” Roux Associates was retained to perform this work based on Pfizer’s previous work associated with permanent closure of the nine USTs, which indicated that pipes were corroded and soil was potentially impacted. Pfizer removed some of the impacted soil prior to the work performed by Roux Associates. Soil surrounding the nine USTs was found contaminated with benzene and toluene. All contaminated soil that was accessible within the tank vaults was removed. Excavation outside the tank vaults was not performed. The extent of the impacted soil outside the tank vaults could not be determined due to the presence of building structures.

3.1.2 Subsurface Investigation at 33 Gerry Street (Roux 7/17/93)

Roux Associates performed a soil quality investigation around the two former powerhouse petroleum USTs 202 and 207 in advance of removing these tanks. The results of this work were provided in a June 17, 1993 report titled, “Subsurface Investigation at 33 Gerry Street, Brooklyn, New York.” The results indicated that the surrounding soil had been impacted from the former USTs. Roux Associates provided oversight services during the removal of the former powerhouse USTs 202 and 207, from June 25 through July 1, 1993.

3.1.3 Oversight of UST Closure Activities at 33 Gerry Street (Roux 1993)

The former powerhouse USTs were removed in 1992 (UST 201) and 1993 (USTs 202 and 207). Pfizer removed UST 201 on June 19, 1992, at which time soil contaminated with No. 6 fuel oil was observed and the soil was excavated, stockpiled into dumpsters, sampled analyzed, and disposed offsite. According to NYSDEC spills database listings, Spill No. 9203348 was attributed to the incident and was closed by the NYSDEC case manager on June 22, 1992.

The oversight activities indicated that the release of petroleum due to these tanks was of limited lateral extent and originated from surface spills at the fill ports and vent lines. The closure of the

USTs was completed in compliance with NYSDEC guidance regarding permanent closure of petroleum storage tanks. NYSDEC Spill Number 93-03325 was attributed to the release from these petroleum USTs. The spill file was closed by NYSDEC on April 5, 2006.

The demolition activities at the Site were completed during March 1995. After the completion of the demolition, the reinforced concrete slab was the only aboveground remnant of the former buildings. All below grade structures, including the building foundations, USTs, piping, and utilities had remained in place. Five closed-in-place petroleum and 19 process USTs were present at that time beneath the slab. The USTs were closed in-place prior to 1991 in accordance with federal, state, and city guidelines under the direction of Pfizer.

3.1.4 Pre-UST Removal Soil Investigation (Roux 1995)

The objective of the Pre-UST Soil Investigation was to determine the presence, approximate extent, and magnitude of soil contamination outside the vaults for each UST or UST group prior to the UST removal efforts.

The investigation was undertaken from May 15 through May 31, 1995 in accordance with the April 14, 1995 UST Removal Work Plan and the April 18, 1995 letter from Pfizer to the NYSDEC regarding Work Plan Amendments.

3.1.5 Completion Report, Removal of Petroleum / Process USTs (Roux 1996)

The removal of five petroleum USTs (i.e., UST Nos. 203, 205, 206, 208, and 209) was performed from November 29, 1995 through December 27, 1995, while the removal of 19 process USTs (i.e., UST Nos. 301 through 309, 310, 311, 313, 314 through 318, 319, and 320) was performed from January 4, 1996 through February 16, 1996, in accordance with the April 14, 1995 UST Removal Work Plan and the October 12, 1995 letter from Roux Associates to the NYSDEC regarding Work Plan Amendments. It is noted that excavation efforts were limited to the inside of the UST vaults.

A summary of the findings is provided below.

- Five petroleum and 19 process USTs were removed, and soil within the vaults (where present) was excavated, the excavations backfilled and capped with concrete/sidewalk.
- A total of 3,170 tons of soil were excavated from USTs 203, 205, 206, 208, 310, 311, 313, 314 through 318, 319 and 320 and disposed as nonhazardous waste. A total of 4 tons of foam were removed from USTs 314 through 319 and disposed as nonhazardous waste.
- A total of 463 tons of soil, foam, sand and concrete were excavated from USTs 209 and 301 through 309 and disposed as a characteristic hazardous waste.
- All UST vaults (i.e., wood and concrete) were left in place. However, all concrete excavated as part of the UST removal was determined to be nonhazardous, with the exception of excavated concrete from USTs 301 through 309.
- By January 2006, separate-phase product (i.e., approximately 0.125 inches thick) had accumulated in the sumps of temporary Monitoring Wells MW-1 and MW-2 in the vicinity of the former powerhouse USTs.

3.1.6 Block-Wide Soil Investigation Results and IRM Work Plan (Roux 1996)

The Block-Wide Soil Investigation was performed from May 21, 1996 to June 7, 1996 to supplement data obtained during stage 1 (Pre-UST Removal Soil Investigation) and stage 2 (Removal of Petroleum and Process USTs) activities of the Block-wide investigation in order to evaluate soil (fill) and perched water quality conditions at the Organics Block. A summary of the key findings is provided below.

The former UST locations where additional delineation was performed consist of former petroleum USTs 205 and 208, and in the vicinity of the former powerhouse (i.e., free-product delineation), as well as at former process USTs 310, 313, 320 and 301 through 309.

Soil Quality Conditions Surrounding Former Petroleum USTs 205 and 208, and Free-Product Occurrence Surrounding the Former Powerhouse USTs

The 1996 Roux Associates report concluded that the VOCs and SVOCs found in soil in the vicinity of the former petroleum USTs during the Block-Wide Soil Investigation “do not present a significant current risk to public health or the environment.” This conclusion was based on the following findings:

- No VOCs or SVOCs were detected in any of the additional petroleum UST soil (fill) samples at concentrations that would automatically cause them to be considered hazardous (i.e., none of the concentrations detected exceed the Toxicity Characteristic Leaching Procedure [TCLP] criteria or the NYSDEC’s “contained in” rule criteria);
- Concentrations of benzene, toluene, and xylene, the only VOCs detected in the vicinity of former UST 208 at concentrations exceeding the NYSDEC STARS criteria;
- SVOCs detected in the vicinity of former USTs 205 and 208 at concentrations exceeding NYSDEC STARS criteria are attributed to the particular makeup of the fill present beneath the Organics Block and not to releases from the former USTs; and
- Impacted fill materials are separated from the underlying Upper Glacial aquifer by a thick continuous clay layer that prevents potential downward migration of contaminants to groundwater of the Upper Glacial aquifer.

A trace of free product was present on the perched-water table in a localized area near the former powerhouse USTs. The area of free product was limited to the area of temporary Monitoring Wells MW-1 and MW-2 (four additional monitoring wells, MW-3 through MW-6, were installed for the Block-Wide Soil Investigation; no free product was found in monitoring wells MW-3 through MW-5, and only a trace amount of free product was detected in monitoring well MW-6). Free product has been removed from these wells using a passive remedial system (i.e., absorbent socks).

Soil Quality Conditions Surrounding the Former Process USTs

The absence of VOC concentrations exceeding the NYSDEC RSCOs in the two additional delineation soil borings (i.e., SB-310D and SB-310E) drilled in the vicinity of former process USTs 310/311 suggests that the acetone and benzene concentrations detected in Soil Boring SB-310B

(located north of former USTs 310/311) during a previous investigation (see Pre-UST Removal Soil Investigation, above) are not attributable to a release from these USTs. Similarly, since former UST 313 contained propionic acid, and since no VOCs were detected at concentrations exceeding NYSDEC RSCOs in the two additional delineation soil borings drilled in the vicinity of former process UST 313 (i.e., SB-313E and SB-313F), it is unlikely that the chlorobenzene concentration detected in Soil Boring SB-313B (located north of former UST 313) during a previous investigation (see Pre-UST Removal Soil Investigation, above) is attributable to a release from former UST 313. Moreover, the additional delineation data indicate that the chlorobenzene detected in SB-313B during the previous investigation is limited to the immediate vicinity of that boring.

Although ammonia-related impacts were present in the vicinity of former UST 320 (see Pre-UST Removal Soil Investigation, above), no further work is warranted in this area. Many of the borings near former USTs 301 through 309 exhibited contamination only at depths above the perched zone (i.e., 0 to 4 ft bls), suggesting that this contamination could have been the result of surface spills or the result of operations prior to Pfizer ownership. (A varnish manufacturing facility formerly occupied this area and stored/used benzene in its operation.)

Soil Quality Results – Soil Quality Conditions Beneath the Former Buildings

The areas beneath the former buildings were investigated through the drilling of borings OB-1 through OB-22 (Plate 1). VOCs were detected at concentrations above NYSDEC RSCOs in only two (i.e., OB-20 and OB-22) of the 22 soil borings. SVOCs were detected at concentrations above the NYSDEC RSCOs in all but one (i.e., OB-10) soil boring drilled beneath the former buildings. The concentrations of VOCs and SVOCs at OB-20 and OB-22, as well as the concentrations of mercury at OB-12 and OB-17, appear to be the only soil quality concerns identified for the fill material beneath the former buildings (excluding the UST areas) during the Block-Wide Soil Investigation at the Organics Block. Concentrations of SVOCs at all the remaining soil borings and the concentrations of metals (other than mercury) detected in fill beneath the buildings (excluding the UST areas) reflect the typical makeup of fill in this area of Brooklyn. This conclusion is supported by extensive soil quality data collected at other Pfizer blocks, especially in areas where manufacturing operations did not occur (e.g., Site A and Site B). With the exception of the mercury concentrations noted above, polynuclear aromatic hydrocarbon (PAH) and metals concentrations detected at the Organics Block are similar to those concentrations detected on other Pfizer blocks.

Perched Water Results

Perched water samples were collected from 22 of the 41 soil borings drilled during the Block-Wide Soil Investigation due to insufficient volume or absence of perched water at the remaining 19 soil borings. The concentrations of VOCs (e.g., benzene) detected in perched water in the vicinity of former USTs 301 through 309 appear to be the only water quality concern identified for the perched water during the Block-Wide Soil Investigation at the Organics Block. SVOCs and metals concentrations detected in the perched water, on the other hand, are considered biased high due to the silt present in all the samples. In addition, SVOCs and metals detected in the perched water were also detected in the fill samples collected from the same borings. Therefore, the SVOCs and metals detected in the perched groundwater are attributed to the nature of the fill material.

With the exception of the elevated benzene concentration detected (during a previous investigation) in perched water at Soil Boring SB-309A, the 1996 Roux report concluded that “the concentrations of VOCs detected in perched water throughout the Organics Block do not present a significant current risk to public health or the environment.” This conclusion is based on the following findings:

- Perched water occurrence beneath the Organics Block is sporadic;
- The Organics Block is capped and the perched water resides on top of a thick, continuous silt and clay, thereby precluding the potential for migration of perched water through silt and clay to the underlying Upper Glacial aquifer; and
- The perched water in the vicinity of the Pfizer Williamsburg facility is not used as a water supply.

Although not specifically identified in the report 1,1,1-TCA and several other VOCs were reported in the perched groundwater during this investigation. See section 4.3.6, **Figure 10** and **Appendix A**.

3.1.7 *Final Engineering Report (Roux Associates, Inc. – 1997)*

Although the Organics Block was concluded not to pose a risk to public health or the environment while capped with asphalt/concrete (Roux Associates, 1996c), Pfizer planned to remove “hot spot” areas of soil contamination as an added safety feature. The soil “hot spots” were defined as those soils that might be considered a potential Resource Conservation and Recovery Act (RCRA) characteristically or listed hazardous waste. After review of the data developed during the foregoing work, four soil borings (OB-12, OB-17, OB-20, and OB-22) were determined to potentially contain a characteristic hazardous waste. In addition, one soil boring (SB-309A) was determined to contain a listed hazardous waste. Based on these results, Pfizer negotiated a Voluntary Cleanup Agreement (Index No. D2-0001-97-02) with the NYSDEC to remove any hazardous wastes from the Organics Block. The Voluntary Cleanup Agreement included the preparation of an IRM Work Plan (Roux Associates, 1996c), which was approved by the NYSDEC. Additionally, the IRM included the removal of subsurface piping associated with the former petroleum and process USTs.

The Organics Block IRM was conducted between June 1997 and September 1997. The IRM consisted of the refinement of “hot spot” areas through focused (i.e., associated with the installation of the catch basins and piping) soil sampling and analysis around the five above listed soil borings, TCLP pre-excavation analysis of soil for waste characterization purposes, excavation of soil in the “hot spot” areas, soil disposal, and backfilling and restoration of excavated areas.

3.1.8 *Supplemental and Remediation Activities (Roux Associates, Inc. – 1999)*

NYSDEC requested that Pfizer perform activities to address additional petroleum related issues at the Organics Block. To address these issues, Supplemental Investigation and Remediation (SIR) activities were performed at the Site. The SIR began on September 27, 1999 and was completed on December 6, 1999. The SIR activities consisted of soil and perched water sampling and the installation of five additional perched-zone monitoring wells surrounding the former petroleum USTs along Gerry Street. A total of six soil borings (OB-5A, OB-13A, OB-15A, OB-22A, OB-23, and OB-24) were advanced and sampled. The soil borings with ‘A’ designation were sampled adjacent to the previous soil boring in that area.⁸ A total of five new monitoring wells (MW-7 through MW-11) were

also installed at the Site. In addition, free-product gauging was performed in the five new and the six existing monitoring wells.

The results of the additional soil sampling indicated that only one soil sample (i.e., OB-22A, at the southwest corner of the Site; see Plate 1) failed the TCLP test. Further delineation was performed and the extent of soil that failed the TCLP test, and was subsequently excavated in that area.

The perched water quality results indicated that BNs were not detected in 13 of 14 samples (Soil Borings OB-5A, OB-13A and OB-24 and Monitoring Wells MW-1 through MW-11). Phenanthrene was detected in Monitoring Well MW-2 at a concentration of 24 micrograms per liter (µg/L).

3.1.9 Facility-Wide Subsurface Investigation (Roux Associates, Inc. – 2006)

In late 2006, Roux Associates completed a Facility-Wide Subsurface Investigation throughout all of the Pfizer-owned blocks that comprise the Williamsburg facility, including the Site. The primary objective of this investigation was to develop additional groundwater and soil data to supplement previous investigation results. No soil data were collected at the Site since extensive soil testing was done in the past. The groundwater samples collected at the Site revealed chloroform, benzene, phenol, and the metals sodium, manganese, lead, and mercury above standards.

3.1.10 Detailed Divestiture and Remediation Activities (Roux Associates, Inc. – 2007)

Roux Associates performed a Detailed Divestiture Environmental Site Assessment (DDESA) of Site C as environmental due diligence as part of the planned divestiture of the Site following the announcement in January 2007 of the termination of Pfizer's Brooklyn operations.

Based on the information gathered as the result of the DDESA process, Roux Associates identified the following pertinent environmental findings and conclusions:

Removal of Petroleum and Process USTs

1. Pfizer removed No. 6 fuel oil UST 201 (10,000 gallons) on June 19, 1992 and Roux Associates oversaw the removal of No. 6 fuel oil USTs 202 (10,000 gallons) and 207 (30,000 gallons) from June 25 through July 1, 1993. New York State Department of Environmental Conservation (NYSDEC) Spill No. 92-03348 was associated with the removal of UST 201. The NYSDEC case manager closed the spill file on June 22, 1992. NYSDEC Spill No. 93-03325 was associated with the removal of USTs 202 and 207. The NYSDEC case manager closed the spill file on April 5, 2006 after Pfizer explained to the NYSDEC that any investigation and remediation work that may have been required at that time was performed under the Voluntary Cleanup Agreement entered by Pfizer with the NYSDEC (see below), and deemed successfully completed by the NYSDEC on July 25, 2001.
2. Following the demolition of all onsite buildings by March 1995, five additional petroleum USTs and all 21 process USTs, varying between 550 and 30,000 gallons in capacity, were removed between December 1995 and February 1996. Any contaminated soil present within the UST vaults was excavated and disposed offsite.

Voluntary Cleanup Agreement

3. From May through June 1996, a block-wide soil investigation was undertaken in order to evaluate soil and perched water quality conditions at the Site. Although this investigation concluded that the Organics Block does not pose a risk to public health or the environment while capped with asphalt/concrete, Pfizer negotiated a Voluntary Cleanup Agreement (Index No. D2-0001-97-02; effective March 27, 1997) with the NYSDEC that included the removal of any soil from the Organics Block determined to be a characteristic or listed hazardous waste.

Pfizer performed all investigation and remediation activities required under the Voluntary Cleanup Agreement, which addressed soil (fill) and perched water quality, free-product in the vicinity of the former powerhouse and all underground structures and piping formerly associated with USTs. Pfizer satisfied the requirements of the Voluntary Cleanup Program and received a letter from the NYSDEC dated July 25, 2001 stating that no further action is required at the Organics Block. The NYSDEC also enabled the Site be used for industrial, commercial, and/or recreational (designed to preclude contact with contaminants by humans) purposes. According to NYSDEC records, Pfizer presented the deed restrictions for recording in the Kings County Registrar's Office on June 22, 2001, which reiterate the aforementioned site use limitations as Institutional Controls.

Facility-Wide Subsurface Investigation

4. In late 2006 and early 2007, Roux Associates completed a Facility-Wide Subsurface Investigation throughout all of the Pfizer-owned blocks in Williamsburg, including the Site. The primary objective of this investigation was to develop additional groundwater and soil data to supplement previous investigation results. No soil data were collected at the Site since extensive soil testing was done in the past. The groundwater samples collected at the Site revealed chloroform, benzene, phenol, and the metals sodium, manganese, lead, and mercury above the NYSDEC Ambient Water Quality Standards and Guidance Values (AWQSGVs).

Regulatory Compliance and Facility Permitting Findings and Conclusions

Based on the information gathered as the result of the DDESA process, Roux Associates identified the following regulatory compliance and facility permitting findings and conclusions:

Hazardous Waste Generator Activities

5. No hazardous or non-hazardous waste is currently generated onsite. Hazardous waste, predominantly as excavated hazardous soil, was shipped offsite under the Voluntary Cleanup Agreement. Although these activities have been completed, the Site remains classified as an RCRA hazardous waste small quantity generator with no violations and operates under United States Environmental Protection Agency (USEPA) Identification Number NY0000055384.
6. ConEdison operates as a small quantity generator of hazardous waste (ID No. NYP004046181) at 322 Wallabout Street, which corresponds to an onsite street address. Hazardous waste generator activities are associated with transformer vault TM2554.

Although listed as a small quantity generator, only one shipment of PCB-impacted water was reported on November 16, 1999 and allocated state hazardous waste B002 –petroleum oil with 50 ppm but less than 500 ppm PCBs. The source of the hazardous waste was not described in the database listing; however, no spills were reported associated with this structure. No further shipments of hazardous waste were reported in database listings. It, therefore, appears that the foregoing was a single occurrence. ConEdison maintains the responsibility for the generation, handling, and disposal of this hazardous waste.

7. There are no air emissions at the Site. However, according to commercially available environmental database records, the Site is still listed on the USEPA Facility Registry System for the maintenance of an unspecified air emissions permit. A review of both the NYSDEC Air Facility System online database of facilities with Title V or State Facility Permits, as well as the USEPA Facility Register System online database, yielded no listing for the Site.
8. Closure of One Solid Waste Management Unit One Solid Waste Management Unit (SWMU) was present onsite and consisted of a diked ethyl cellosolve waste aboveground storage tank (13,000 gallons) located within former Building 12B. The SWMU started operating in 1982 and was inactive in February 1987. The NYSDEC closed the SWMU the same year. The SWMU was not identified by the USEPA for RCRA corrective action.

IV PROPERTY INFORMATION

4.1 Tax Parcel Information

The address of the Site is 334 Wallabout Street in Brooklyn, NY. It is comprised of a single tax lot (**Figure 2**) identified as Block 2265, Lot 14. The boundaries of the Site correspond to the survey and metes and bounds description as provided in **Appendix B**.

4.2 Enzone

In October 2003, the New York State Brownfield Cleanup Program was signed into law under Title 14 of the ECL, Article 27. The Department of Labor has mapped boundaries of Environmental Zones (En-Zone) in which tax credits offered under the BCP are enhanced. The subject site is within Census Tract 507 which is a Type B designated En-Zone (**Figure 7**). Tract 507 has an unemployment rate of 5.2% and a poverty rate of 62.5. The Site is also located within a potential Environmental Justice Area (**Figure 8**).

4.3 Property Description Narrative

4.3.1 Location

The Site to be remediated and redeveloped is located in the Brooklyn Triangle section of Kings County and is comprised of four tax parcels (**Figure 3**) totaling 110,040 square feet (2.55 acres). The Site is located in the City of New York and Borough of Brooklyn. The irregular shaped Site occupies a full block with approximately 485 ft of frontage along Wallabout Street, 200 feet of frontage on Harrison Avenue, 225 feet of frontage on Union Avenue and 600 feet of frontage on Gerry Street.

4.3.2 Site Features

There are no structures presently on the Site.

4.3.3 Current Zoning and Land Use

The lot is currently used for the storage of scaffolding and related construction equipment. The property is surrounded by an 8 ft high chain-link fence with one gate on Wallabout Street. The western portion of the Site is zoned R8A while the central portion is zoned R7D and the eastern portion is zoned R7A. Surrounding land use (**Figure 5**) includes residential apartment buildings to the west, former Pfizer Site A to the north, commercial (warehouses), residential buildings and a private school (Bais Ruchel High School) to the east and the and a charter school (Beginning with Children) to the south.

The closest school (Bais Ruchel High School) is located 60 feet to the east. Beginning with Children Charter School is located 70 feet to the south and PS 318 is located 375 feet to the north (**Figure 6**).

4.3.4 Past Use of the Site

The historic use of the Site includes residential homes, Pfizer chemical works and varnish manufacturing in 1887-1918, a lumber yard and the Pfizer chemical works in 1935. By 1947 the Pfizer chemical works occupied the entire property and continued you to do so through the 1995 when the buildings were demolished.

4.3.5 Site Geology and Hydrogeology

Subsurface soils at the Site consist of historic fill materials to a depth of approximately 4 to 13 feet below the surface followed a thick silt and clay layer. According to the USGS topographic map for the area (Central Park Quadrangle), the elevation of the property is approximately 18 feet above the National Geodetic Vertical Datum (NGVD). The area topography is generally flat with little relief and no significant elevation changes. Groundwater occurs beneath the Site at a depth of approximately 8-13 feet below grade under perched water table conditions. Based on previous studies performed at the Site, groundwater flow is generally west to southwest. As shown on **Figure 9**, no portion of the Site is located within a designated flood zone area.

4.3.6 Environmental Assessment

Previous investigations at the Site (see section 3.1) have identified contaminants at the Site in soil (SVOCs, metals) and groundwater (VOCs). It was previously determined that the soil contamination could be managed in place by prohibiting soil disturbance and restricting use to commercial. No further action was required for low level VOC constituents present in groundwater.

Soil - SVOCs were reported above Commercial SCOs (benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene) and Restricted Residential Use SCOs (dibenzofuran, fluoranthene, phenanthrene, pyrene).

Mercury (maximum of 260,000 mg/kg) was reported in soil above commercial and in many case industrial use SCOs across most of the Site. Other metals reported above commercial SCOs include arsenic (maximum of 37.8 mg/kg), barium (maximum of 472 mg/kg) and lead (maximum of 691 mg/kg).

Groundwater - Several SVOCs were reported above groundwater standards including benz(a)anthracene (1-6 ug/L), benzo(a)pyrene (1-9 ug/L), benzo(b)fluoranthene (1-7 ug/L), benzo(k)fluoranthene (1-8 ug/L), chrysene (1 ug/L) and phenol (18-170 ug/L). VOCs including 2-butanone (70 ug/L), acetone (59-220 ug/L), benzene (1.2-460 ug/L), chlorobenzene (6-72 ug/L), trimethylbenzenes (36 ug/L), ethylbenzene (5.3 ug/L), naphthalene (11-224 ug/L), n-butylbenzene (55 ug/L), n-propylbenzene (20 ug/L), p-isopropyltoluene (46 ug/L), butylbenzenes (29.7 ug/L), methylene chloride (6-31 ug/L), chloroform (16-38 ug/L), (toluene (17 ug/L), TCA (6-62 ug/L) and xylenes (38 ug/L) were also historically reported above standards. Unfiltered samples for metals have been reported above standards as well. See section **Figure 10** and **Appendix A**.

V ADDITIONAL REQUESTOR INFORMATION

5.1 Requestors Authorized Representative

Charles Krieger
505 Flushing Avenue, No. 1D, Brooklyn, 11205
(718) 246-4762
chrabskygroup.com

5.2 Consultant

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

5.3 Attorney

Linda Shaw, Knauf Shaw LLP
1400 Crossroads Building, 2 State Street, Rochester, New York 14614
Tel.: (585) 546-8430
Cell: (585) 414-3122
lshaw@nyenvlaw.com

VI CURRENT PROPERTY OWNER / OPERATOR INFORMATION

Harrison Realty LLC is the applicant for the project and is applying to the program as a Volunteer. Harrison Realty LLC is the current owner of the property (**Appendix D**).

Owners: Harrison Realty LLC,
505 Flushing Avenue, No. 1D, Brooklyn, 11205

Operators: Pilku Scaffolding
334 Wallabout Street, Brooklyn NY 11206
(718) 875-2206



VII REQUESTOR ELIGIBILITY INFORMATION

The Requestor qualifies as a volunteer because (i) all disposals/releases of hazardous substances occurred prior to the time of ownership and (ii) the Requestor does not have affiliation with potentially responsible parties. Since acquiring title, the Requestor has exercised appropriate care by performing maintaining the cover system, complying with the easement by limiting use to a commercial tenant, by restricting public access with the maintenance of an 8 foot high chain link fence and by applying to the BCP to address the releases of hazardous substances that occurred prior to the Requestor acquiring title. In addition, there have not been any ongoing releases and there have not been any new or threatened releases during Requestor's ownership of the Property. A listing of previous owners and operators for the property is as follows:

Table 1 – Previous Owners

Dates	Name	Comments	Contact Info
From about 1947 to 9/10/2012	Pfizer Inc.	Deed Sanborn Maps	235 E. 42 nd Street, NY 10017
From 9/10/2012 to Present	Harrison Realty LLC	Deed	505 Flushing Avenue, No. 1D, Brooklyn, 11205

Note: Harrison Realty LLC is in no way affiliated with any of the prior owners of the property.

Table 2 – Previous Operators

Dates	Name	Comments	Contact Info
1887, 1904	Moller & Shuman Varnish Mfg. Pfizer Inc. Residential / Retail Bldgs.	Sanborn Maps	302-318 Wallabout St, Brooklyn, NY 235 E. 42 nd Street, NY 10017 Harrison and Wallabout
1918	Moller & Shuman Varnish Mfg. Pfizer Inc. Synagogue Residential / Retail Bldgs. Sheetmetal Works	Sanborn Maps	302-318 Wallabout St, Brooklyn, NY 235 E. 42 nd Street, NY 10017 182 Harrison Ave, Brooklyn, NY Harrison and Wallabout 190 Harrison Ave, Brooklyn, NY
1935	Lumber Yard (459 Marcy Ave) Pfizer Inc.	Sanborn Maps	459 Marcy Ave., Brooklyn, NY 235 E. 42 nd Street, NY 10017
From 1947 to 9/10/2012	Pfizer Inc.	Sanborn Maps Deed	235 E. 42 nd Street, NY 10017

Note: Harrison Realty LLC is in no way affiliated with any of the prior tenants or operators wners of the property.

VIII PROPERTY ELIGIBILITY INFORMATION

This site is eligible for the BCP because is was a RCRA interim status facility and even though the Site was partially remediated through the VCP for a commercial/industrial use, the VCP is not one of the statutory remedial programs listed in Environmental Conservation Law 27-1407(1.a)(b), and additional remediation is required for the zoned and planned residential use and to eliminate the restrictive covenant.

IX CONTACT LIST INFORMATION

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

9.1 Local Government Contacts

City of New York

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

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

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

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

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

Stephen Levin
33rd District
410 Atlantic Avenue
Brooklyn, NY 11217

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

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

Kings County Clerk's Office

Nancy Sunshine, County Clerk
360 Adams Street, Room 189
Brooklyn, NY 11201

Letitia James
Public Advocate
1 Centre Street, 15th Floor
New York, NY 10007

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

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

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

Mark McIntyre
NYC Department of Environmental Remediation
100 Gold Street, 2nd Floor
New York, NY 10038

New York State
Daniel Squadron
NYS Senator
209 Joralemon Street, Suite 300
Brooklyn, NY 11201
Joseph Lentol
NYS Assembly Member
619 Lorimer Street
Brooklyn, NY 11211

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

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

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

9.2 Adjacent Property Owner Contacts

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

West

1. OWNER/AGENT
446 MARCY AVE.
BROOKLYN NY 11206-5068
2. OWNER/AGENT
298 WALLABOUT ST.
BROOKLYN NY 11206-4984

North

3. OWNER/AGENT
437 MARCY AVE.
BROOKLYN NY 11206-5042
4. OWNER/AGENT
24 WALTON STREET
BROOKLYN NY 11206
5. OWNER
HARRISON REALTY LLC
505 FLUSHING AVENUE, NO. 1D
BROOKLYN, 11205

OCCUPANTS / TENANTS
INTERNATIONAL CONCRETE
393 BROADWAY 2ND FLOOR
BROOKLYN NY 11211

PILKU CONSTRUCTION

150 MILL STREET
BROOKLYN NY 11231

ABLE PAVEMENT MARKING
622 BROADWAY
BROOKLYN NY 11206

East

6. OCCUPANT / TENANT
165 HARRISON AVE.
BROOKLYN NY 11206-4960
7. BAIS RUCHEL HIGH SCHOOL
177 HARRISON AVENUE,
BROOKLYN 11206
8. 58 GERRY ST. LLC
992 BEDFORD AVE.
BROOKLYN NY 11205-4502

South

9. 11 BARTLETT OWNER, LLC
217 HAVEMEYER ST. STE 2
BROOKLYN NY 11211-6277

TENANT
BEGINNING WITH CHILDREN CHARTER SCHOOL-CHARTER SCHOOL
11 BARTLETT STREET
BROOKLYN, NY 11206
10. ACP BK I, LLC
630 FLUSHING AVE.
BROOKLYN NY 11206-5026
OCCUPANT / TENANT
475 MARCY AVENUE
BROOKLYN NY 11206
11. NYC HOUSING AUTHORITY
250 BROADWAY FL. 4
NEW YORK NY 10007-2544

BUILDING SUPERINTENDANT
21 NOSTRAND AVENUE

BROOKLYN NY 11206

9.3 Local News Media

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

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

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

NY 1 News
75 Ninth Avenue
New York, NY 10011

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

Brooklyn Daily Eagle
30 Henry Street
Brooklyn, NY 11201

9.4 Public Water Supplier

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

9.5 Requested Contacts

No requests have been made at this time.

9.6 Schools and Daycare Facilities

The following Schools were identified within 1,000 feet of the project Site (see **Figure 6**):

1. Bais Ruchel High School
177 Harrison Avenue
Brooklyn, NY 11206

- (718) 963-0144
Attn: Solomon Sander
2. Beginning With Children Charter School - Charter School
11 Bartlett Street
Brooklyn, NY 11206
(718) 388-8847
Attn: Les King / Dionne Jaggon, Principal
3. Public School 318 - Intermediate School
101 Walton St
Brooklyn, NY 11206
(718) 782-0589
Attn: Mr. Windley, Principal
4. Public School 380 - Elementary School
370 Marcy Ave
Brooklyn, NY 11206
(718) 388-0607
Attn: Victoria Prisinzano, Principal

9.7 Document Repository

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

Brooklyn Public Library – Bushwick Branch
340 Bushwick Avenue at Seigel Street.
Brooklyn, NY 11206
718-602-1348

Hours:

Mon 10:00 AM - 6:00 PM	Tue 10:00 AM - 6:00 PM
Wed 10:00 AM - 6:00 PM	Thu 1:00 PM - 8:00 PM
Fri 10:00 AM - 6:00 PM	Sat / Sun closed

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

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

X LAND USE FACTORS



10.1 Current Use

The property is currently used by a scaffolding leasing company for the storage of construction scaffolding. There are no buildings present and the the property is surrounded by an 8-ft high chain link fence.

10.2 Post- Remedial Use

The Requestor intends to redevelop the property with a new 6-story mixed-use commercial retail and residential building. One hundred percent of the lot would be excavated for the cellar level of the proposed building.

10.3 Proposed Project Use with Respect to Current Zoning

The western portion of the Site is zoned R8A while the central portion is zoned R7D and the eastern portion is zoned R7A.

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

10.4 Proposed Project Use with Respect to Community Master Plans

On October 19, 2009, the City Council approved the Broadway Triangle Rezoning (CEQR No. 04DCP003K) which was initiated by the New York City Department of Housing Preservation and Development (HPD)

According to the application:

In light of the Mayor's mandate to increase housing production in the City, HPD launched a concerted effort to make use of the considerable city-owned vacant land in the Broadway Triangle Area. Consequently HPD is requesting several actions to facilitate the development of 1,851 dwelling units including 844 units of affordable housing on vacant and underutilized sites previously zoned for manufacturing uses in the Broadway Triangle URA.

The objectives of this and the related applications are to maximize the production of housing, and to map an appropriate zoning designation for properties that are already predominantly built with residential and community facility uses. The southern four blocks (Blocks 2250, 2266, 2269, and 2272) which are proposed to be rezoned to an R7A district, contain most of the city and privately owned vacant land in the Broadway Triangle area. The cluster of vacant and underutilized properties on these blocks present a unique opportunity to build approximately one thousand units of housing which would form the nucleus of a revitalized neighborhood in the Broadway Triangle area. Almost all of the city-owned land on these blocks are within Urban Renewal Plan sites being redesignated for residential use and is the subject of the related UDAAP application (C 090416 HAK) for disposition as well.

The second goal of this application is to rezone the northern four blocks of the rezoning area, which are predominantly built with residential and community facility uses, to a residential district that best reflects the existing land uses and built character of these blocks. The R6A district proposed for these blocks between Lynch and Walton streets would bring existing residences into conformance with the zoning resolution and also allow limited residential growth consistent with the scale of the existing residential character.

The proposed project will be in compliance with the current land use plan as identified in the Broadway Triangle rezoning action (CEQRNo. 09HPD019K) adopted by the City on October 19, 2009.

FIGURES



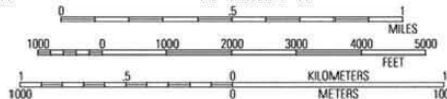
74°00.000' W

73°59.000' W

73°58.000' W

73°57.000' W

WGS84 73°56.000' W



USGS Brooklyn Quadrangle 1995, Contour Interval = 10 feet

IBC

ENVIRONMENTAL BUSINESS CONSULTANTS
1808 MIDDLE COUNTRY ROAD, RIDGE, NY 11961

Phone 631.504.6000
Fax 631.924.2780

FORMER PFIZER SITE C
334 WALLABOUT STREET, BROOKLYN, NY

FIGURE 1 SITE LOCATION MAP

MNJ
13°
10/30/11



ENVIRONMENTAL BUSINESS CONSULTANTS

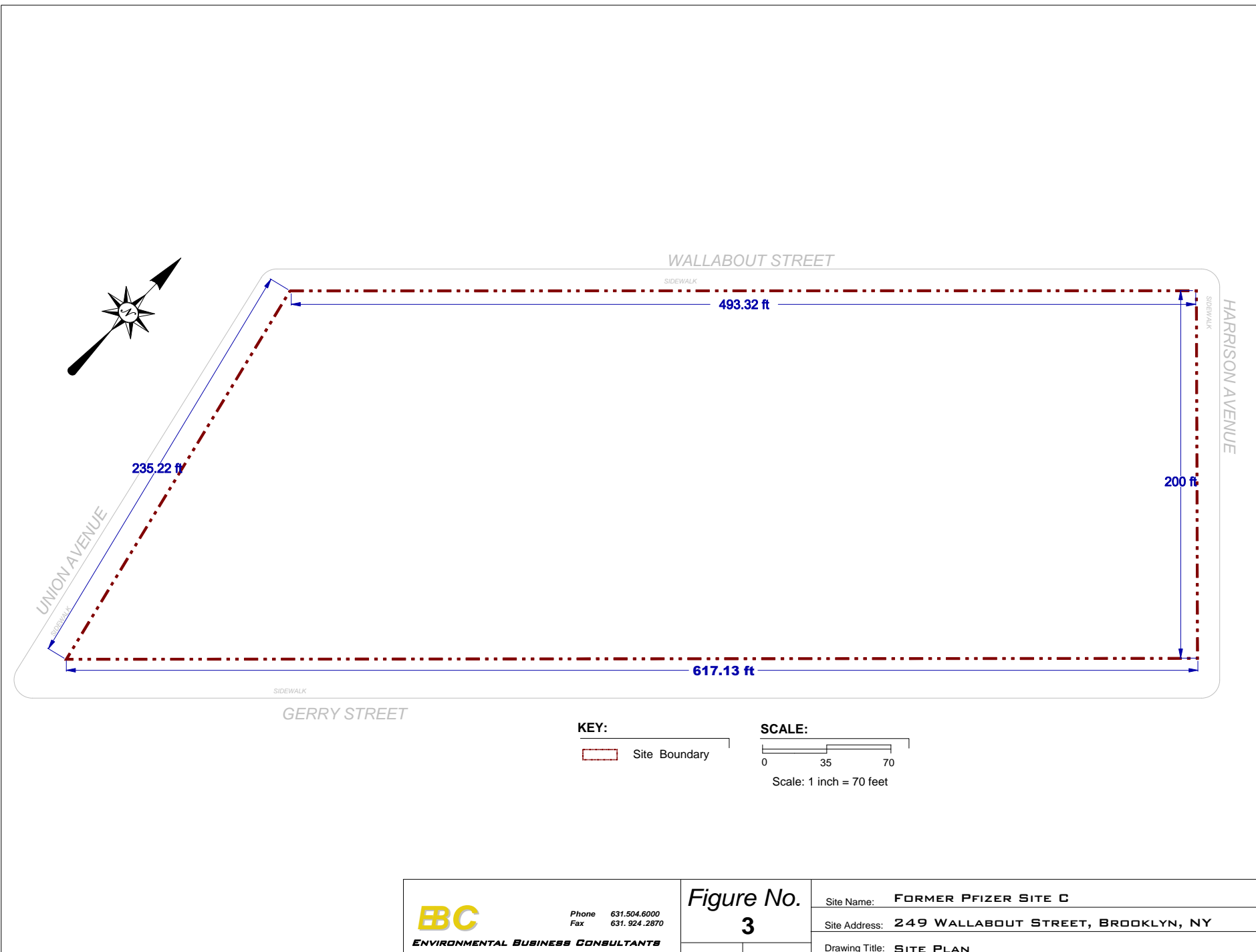
1808 MIDDLE COUNTRY ROAD, RIDGE, NY 11961

Phone 631.504.6000

Fax 631.924.2780

PFIZER SITE C
334 WALLABOUT STREET, BROOKLYN, NY

FIGURE 2 NYC TAX MAP





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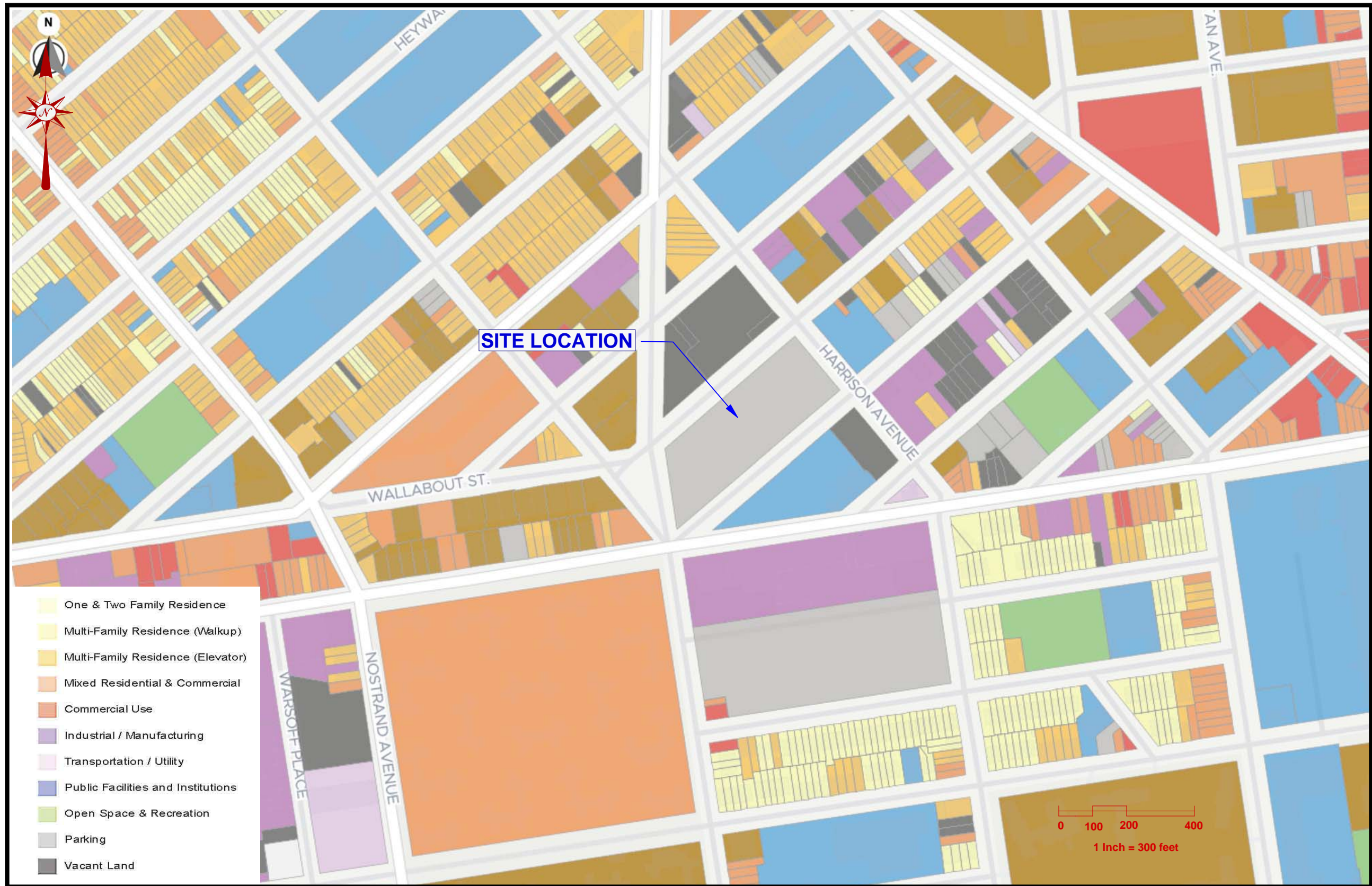
Phone 631.504.6000
Fax 631.924.2870

Figure No.
4

Site Name: **FORMER PFIZER SITE C**

Site Address: **334 WALLABOUT STREET, BROOKLYN, NY**

Drawing Title: **ADJACENT PROPERTIES**

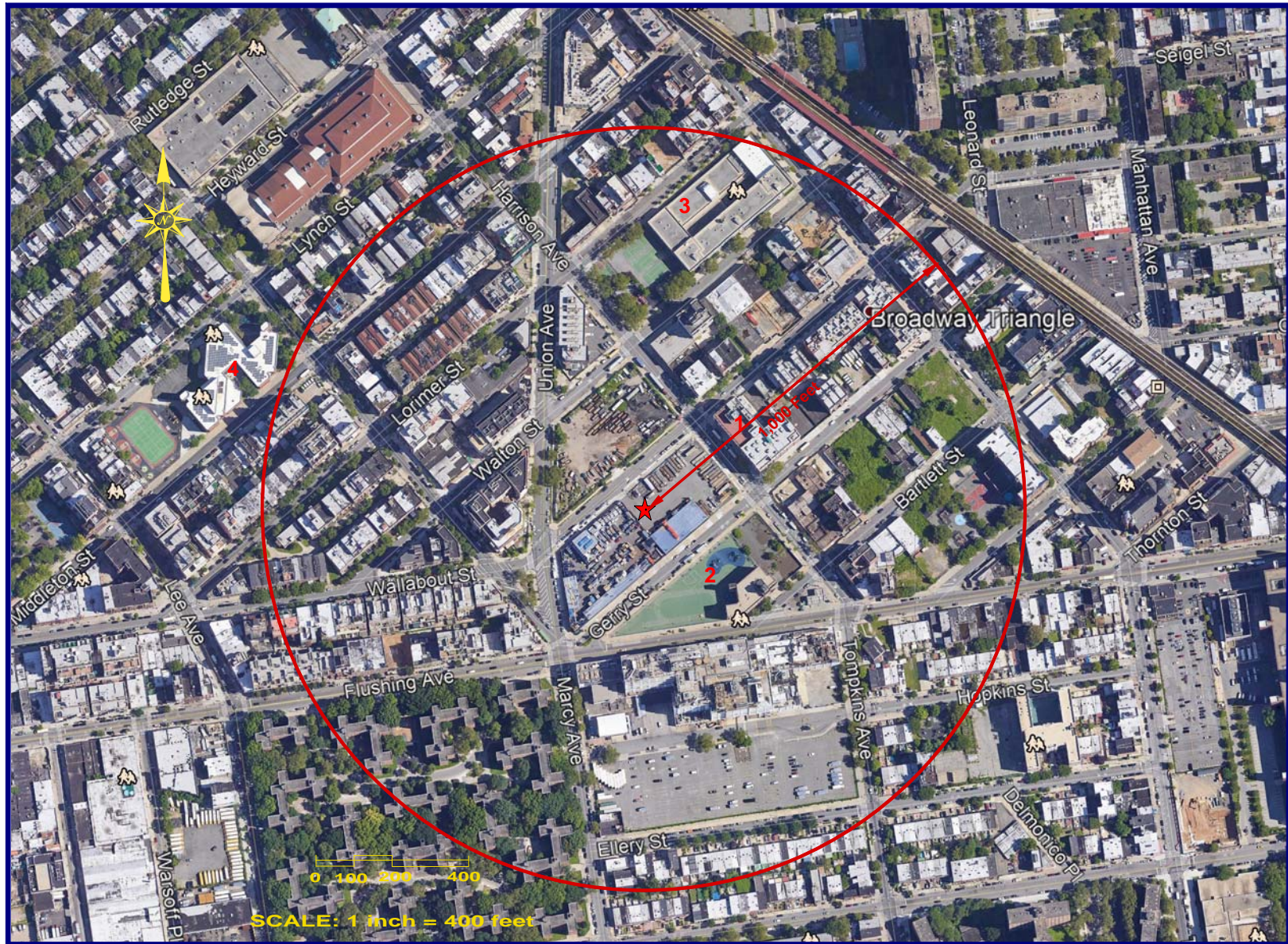


Phone 631.504.6000
Fax 631.924.2870

ENVIRONMENTAL BUSINESS CONSULTANTS

Figure No.
5

Site Name:	FORMER PFIZER SITE C
Site Address:	334 WALLABOUT STREET, BROOKLYN, NY
Drawing Title:	SURROUNDING LAND USE



ENVIRONMENTAL BUSINESS CONSULTANTS
1808 MIDDLE COUNTRY ROAD, RIDGE, NY 11961

Phone 631.504.6000
Fax 631.924.2780

FORMER PFIZER SITE C
334 WALLABOUT STREET, BROOKLYN, NY

FIGURE 6 **AREA SCHOOLS**



ENVIRONMENTAL BUSINESS CONSULTANTS

1808 MIDDLE COUNTRY ROAD, RIDGE, NY 11961

Phone: 631.504.6000

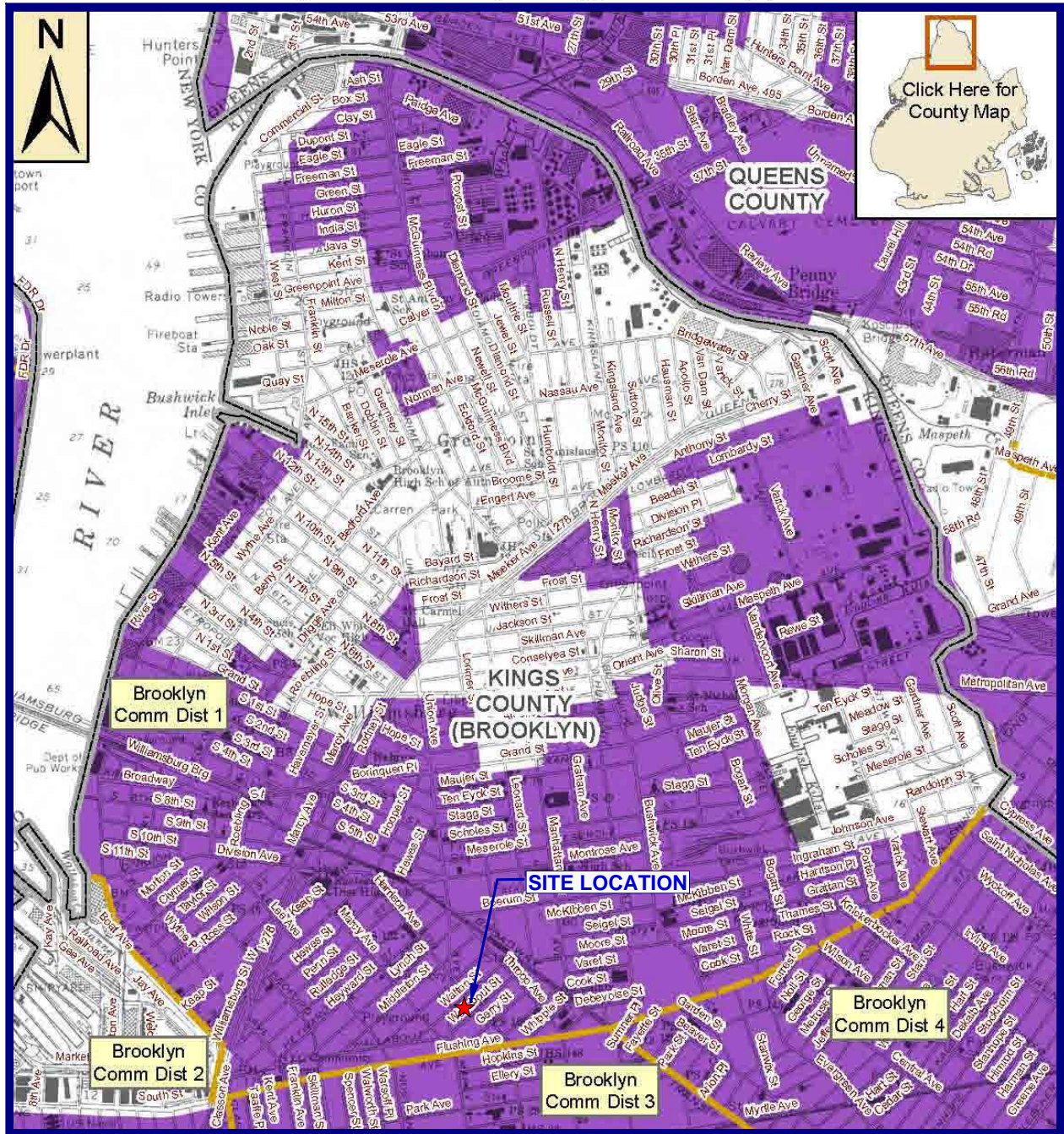
Fax: 631.924.2780

FORMER PFIZER SITE C
429 WALLABOUT STREET, BROOKLYN, NY

FIGURE 7

ENZONES

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



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

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

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

Legend

- Potential EJ Area
- County Boundary
- Community District

0 0.2 0.4 0.6 0.8 1 Miles

SCALE: 1:24,000

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



ENVIRONMENTAL BUSINESS CONSULTANTS

Phone 631.504.6000
Fax 631.924.2870

FORMER PFIZER SITE C

334 WALLABOUT STREET, BROOKLYN, NY

FIGURE 8

POTENTIAL ENVIRONMENTAL
JUSTICE AREAS



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



MAP SCALE 1" = 500'
0 500 1000 FEET

NFIP PANEL 0204F


FIRM
FLOOD INSURANCE RATE MAP

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

PANEL 204 OF 457
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:
COMMUNITY NUMBER PANEL SUFFIX
NEW YORK, CITY OF 360497 0204 F

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

 MAP NUMBER
3604970204F

MAP REVISED
SEPTEMBER 5, 2007
Federal Emergency Management Agency

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



ENVIRONMENTAL BUSINESS CONSULTANTS
1808 MIDDLE COUNTRY ROAD, RIDGE, NY 11961

Phone: 631.504.6000
Fax: 631.924.2780

FORMER PFIZER SITE C
334 WALLABOUT STREET, BROOKLYN, NY

FIGURE 9 FEMA FLOOD
ZONE MAP

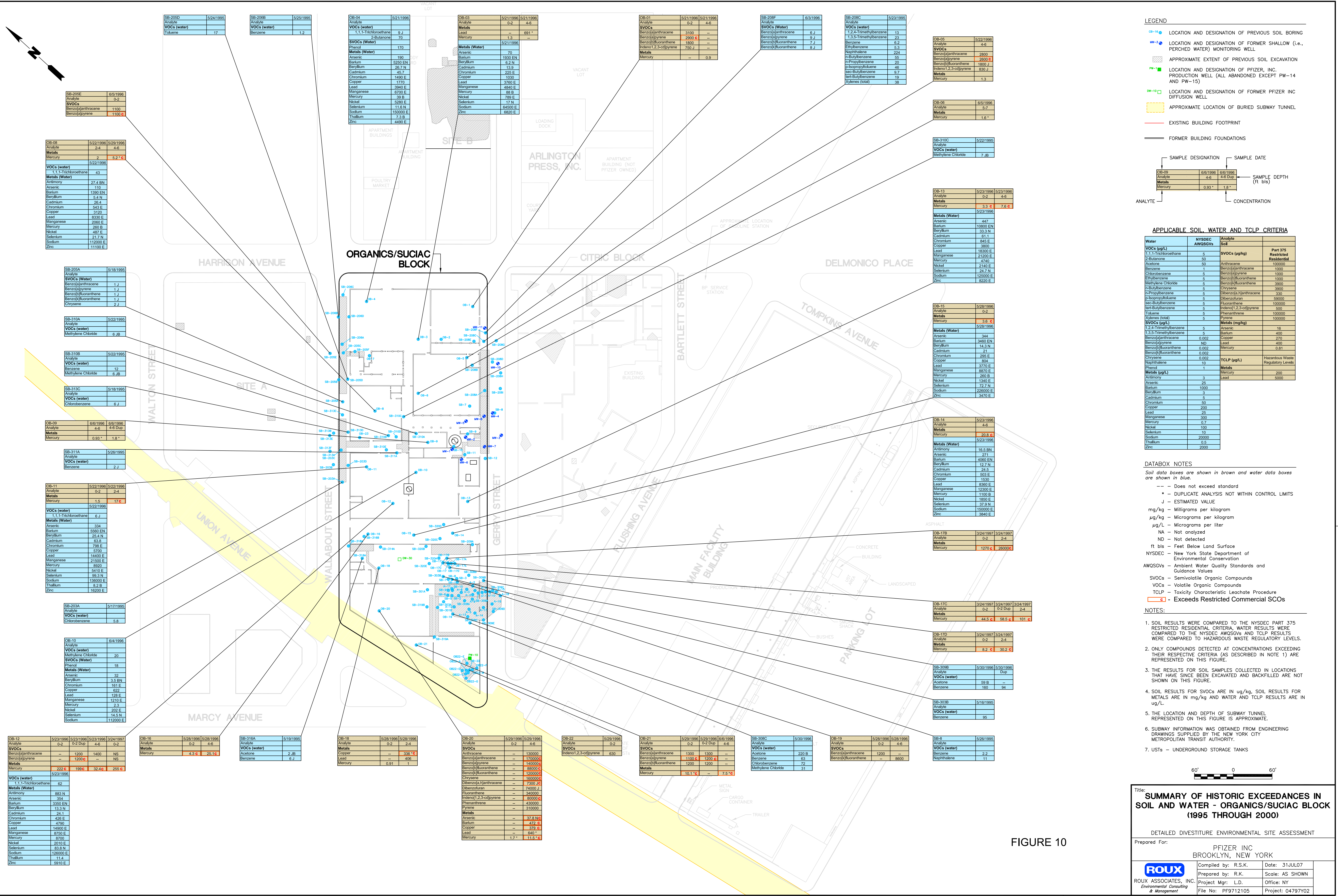


FIGURE 10

LEGEND

- LOCATION AND DESIGNATION OF PREVIOUS SOIL BORING
- LOCATION AND DESIGNATION OF FORMER SHALLOW (i.e., PERCHED WATER) MONITORING WELL
- APPROXIMATE EXTENT OF PREVIOUS SOIL EXCAVATION
- LOCATION AND DESIGNATION OF PFIZER, INC. PRODUCTION WELL (ALL ABANDONED EXCEPT PW-14 AND PW-15)
- LOCATION AND DESIGNATION OF FORMER PFIZER INC. DIFFUSION WELL
- APPROXIMATE LOCATION OF BURIED SUBWAY TUNNEL
- EXISTING BUILDING FOOTPRINT
- FORMER BUILDING FOUNDATIONS

SAMPLE DESIGNATION		SAMPLE DATE		SAMPLE DEPTH (ft bis)	CONCENTRATION
ANALYTE					
OB-09	6/6/1996	6/6/1996	4.6	4.6 Dup	
Metals					
Mercury	0.93 *	1.8 *			

APPLICABLE SOIL, WATER AND TCLP CRITERIA

Water	NYSDEC AWQSGVs	Analyte Soil	Part 375 Restricted Residential
VOCs (µg/L)		SVOCs (µg/kg)	
1,1,1-Trichloroethane	5	2-Butanone	10000
2-Butanone	50	Acetone	50
Acetone	50	Anthracene	1000
Benzene	1	Benzo(a)anthracene	1000
Chlorobenzene	5	Benzo(a)pyrene	1000
Ethylbenzene	5	Benzo(b)fluoranthene	1000
Methylene Chloride	5	Benzo(k)fluoranthene	3900
n-Butylbenzene	5	Chrysene	3900
p-Propylbenzene	5	Dibenz(a,h)anthracene	330
p-Isopropylbenzene	5	Dibenzofuran	59000
sec-Butylbenzene	5	Fluoranthene	100000
tert-Butylbenzene	5	Indeno(1,2,3-cd)pyrene	500
Toluene	5	Phenanthrene	100000
Xylenes (total)	5	Pyrene	100000
VOCs (µg/L)		Metals (mg/kg)	
1,2,4-Trimethylbenzene	5	Arsenic	16
1,3,5-Trimethylbenzene	5	Barium	400
Benzo(a)anthracene	0.002	Copper	270
Benzo(a)pyrene	ND	Lead	400
Benzo(b)fluoranthene	0.002	Mercury	0.81
Benzo(k)fluoranthene	0.002		
Chrysene	0.002	TCLP (µg/L)	Hazardous Waste Regulatory Levels
Naphthalene	10	Metals	
Phenol	1	Mercury	200
Antimony	3	Lead	5000
Arsenic	25		
Barium	1000		
Beryllium	3		
Cadmium	5		
Chromium	50		
Copper	200		
Lead	25		
Manganese	300		
Mercury	0.7		
Nickel	100		
Selenium	10		
Sodium	20000		
Thallium	0.5		
Zinc	2000		

DATABOX NOTES

- Soil data boxes are shown in brown and water data boxes are shown in blue.
- Does not exceed standard
 - DUPLICATE ANALYSIS NOT WITHIN CONTROL LIMITS
 - ESTIMATED VALUE
 - mg/kg - Milligrams per kilogram
 - µg/kg - Micrograms per kilogram
 - µg/L - Micrograms per liter
 - NA - Not analyzed
 - ND - Not detected
 - ft bis - Feet Below Land Surface
 - NYSDEC - New York State Department of Environmental Conservation
 - AWQSGVs - Ambient Water Quality Standards and Guidance Values
 - SVOCs - Semivolatile Organic Compounds
 - VOCs - Volatile Organic Compounds
 - TCLP - Toxicity Characteristic Leachate Procedure
 - Exceeds Restricted Commercial SCOs

- NOTES:
- SOIL RESULTS WERE COMPARED TO THE NYSDEC PART 375 RESTRICTED RESIDENTIAL CRITERIA, WATER RESULTS WERE COMPARED TO THE NYSDEC AWQSGVs AND TCLP RESULTS WERE COMPARED TO HAZARDOUS WASTE REGULATORY LEVELS.
 - ONLY COMPOUNDS DETECTED AT CONCENTRATIONS EXCEEDING THEIR RESPECTIVE CRITERIA (AS DESCRIBED IN NOTE 1) ARE REPRESENTED ON THIS FIGURE.
 - THE RESULTS FOR SOIL SAMPLES COLLECTED IN LOCATIONS THAT HAVE SINCE BEEN EXCAVATED AND BACKFILLED ARE NOT SHOWN ON THIS FIGURE.
 - SOIL RESULTS FOR SVOCs ARE IN µg/kg, SOIL RESULTS FOR METALS ARE IN mg/kg AND WATER AND TCLP RESULTS ARE IN µg/L.
 - THE LOCATION AND DEPTH OF SUBWAY TUNNEL REPRESENTED ON THIS FIGURE IS APPROXIMATE.
 - SUBWAY INFORMATION WAS OBTAINED FROM ENGINEERING DRAWINGS SUPPLIED BY THE NEW YORK CITY METROPOLITAN TRANSIT AUTHORITY.
 - USTs - UNDERGROUND STORAGE TANKS

60' 0 60'

Title:
**SUMMARY OF HISTORIC EXCEEDANCES IN
SOIL AND WATER - ORGANICS/SUCIAC BLOCK
(1995 THROUGH 2000)**

DETAILED DIVESTITURE ENVIRONMENTAL SITE ASSESSMENT

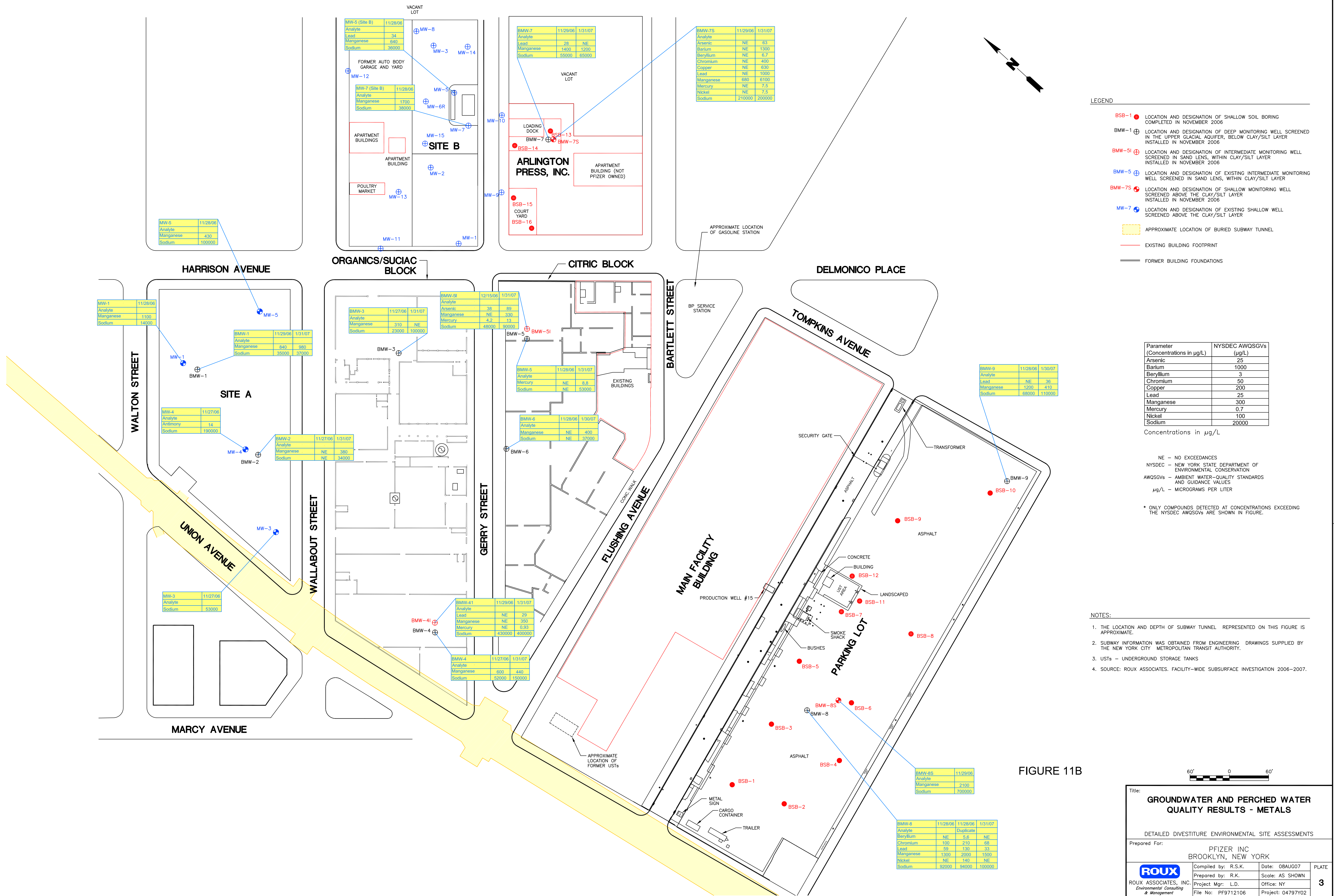
Prepared For:		PFIZER, INC. BROOKLYN, NEW YORK	
ROUX ROUX ASSOCIATES, INC. Environmental Consulting & Management	Compiled by:	R.S.K.	Date: 31JUL07
	Prepared by:	R.K.	Scale: AS SHOWN
	Project Mgr:	L.D.	Office: NY
	File No:	PF8712105	Project: 0479Y702

N:\PROJECTS\PFIZER\PF97121A\PF9712106.DWG



FIGURE 11A

Title: GROUNDWATER AND PERCHED WATER QUALITY RESULTS - VOCs			
DETAILED DIVESTITURE ENVIRONMENTAL SITE ASSESSMENT			
Prepared For: PFIZER INC BROOKLYN, NEW YORK		Compiled by: R.S.K. Date: 08AUG07	
Project Mgr: L.D. Office: NY		Scale: AS SHOWN	
File No: PF9712106		Project: 04797Y02	

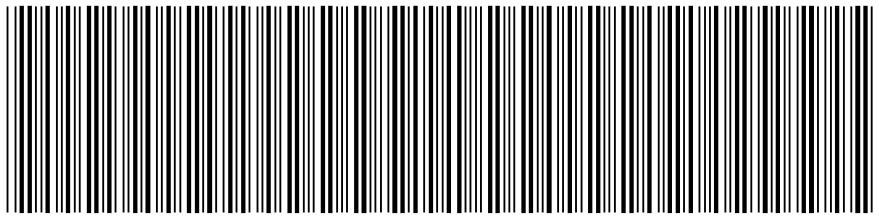


APPENDIX A
Environmental Reports (Digital Files on CD)

APPENDIX B
Property Deeds / Metes and Bounds Description

**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.



2012081000796002002E28A1

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 7

Document ID: 2012081000796002

Document Date: 07-31-2012

Preparation Date: 09-04-2012

Document Type: DEED

Document Page Count: 5

PRESENTER:

FIRST AMERICAN TITLE INSURANCE- PICK UP
GSULLIVAN
633 THIRD AVENUE
502734-T SH
NEW YORK, NY 10017
212-850-0670

RETURN TO:

SIVE, PAGET & RIESEL, P.C
460 PARK AVENUE
PICK-UP FIRST AMERICA
NEW YORK, NY 10022
Attn: Steven Barshov, Esq

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BROOKLYN	2249	122	Entire Lot	243 WALLABOUT STREET

Property Type: NON-RESIDENTIAL VACANT LAND

Borough	Block	Lot	Unit	Address
BROOKLYN	2249	23	Entire Lot	N/A WALTON STREET

Property Type: NON-RESIDENTIAL VACANT LAND

x Additional Properties on Continuation Page

CROSS REFERENCE DATA

CRFN _____ or Document ID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

GRANTOR/SELLER:

PFIZER INC.
235 EAST 42ND STREET
NEW YORK, NY 10017

GRANTEE/BUYER:

HARRISON REALTY LLC
505 FLUSHING AVENUE, UNIT 1D
BROOKLYN, NY 11211

FEES AND TAXES

Mortgage

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

TOTAL: \$ 0.00

Recording Fee: \$ 73.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 250.00

NYC Real Property Transfer Tax:

\$ 334,687.50

NYS Real Estate Transfer Tax:

\$ 51,000.00

RECORDED OR FILED IN THE OFFICE

OF THE CITY REGISTER OF THE

CITY OF NEW YORK

Recorded/Filed 09-10-2012 15:39

City Register File No.(CRFN):

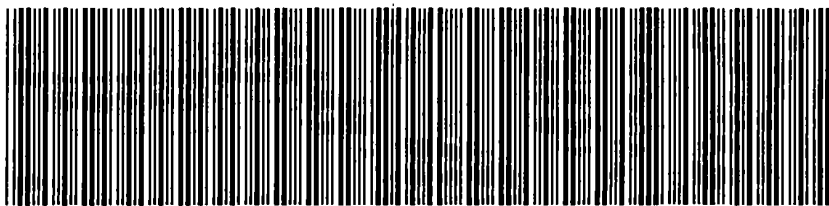
2012000356395



Annette McHill

City Register Official Signature

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2012081000796002002C2A21

RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION) PAGE 2 OF 7

Document ID: 2012081000796002

Document Date: 07-31-2012

Preparation Date: 09-04-2012

Document Type: DEED

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BROOKLYN	2249	37	Entire Lot	174 HARRISON AVENUE
Property Type: NON-RESIDENTIAL VACANT LAND				
Borough	Block	Lot	Unit	Address
BROOKLYN	2249	41	Entire Lot	249 WALLABOUT STREET
Property Type: NON-RESIDENTIAL VACANT LAND				
Borough	Block	Lot	Unit	Address
BROOKLYN	2265	14	Entire Lot	334 WALLABOUT STREET
Property Type: NON-RESIDENTIAL VACANT LAND				

502734-1

5

First American Title
633 Third Avenue
New York, NY 10017
Phone: (212)922-9700
Fax: (212)922-0881

BARGAIN AND SALE DEED

FROM

PFIZER INC.

TO

HARRISON REALTY LLC

Location of Property:

County: Kings

State: New York

Blocks and Lot: Block 2249, Lots 23, 37, 41 and
122; Block 2265, Lot 14

Street Address: Walton Street; 271 Wallabout
Street a.k.a. 174 Harrison Ave;
249 Wallabout Street a.k.a. 160
Harrison Ave; 30 Union Ave
a.k.a. 243 Wallabout Street; 334
Wallabout Street a.k.a. 1 Gerry
Street

Record and Return to:

Sive, Paget & Riesel, P.C.
460 Park Avenue
New York, New York 10022
Attn: Steven Barshov, Esq.

INDENTURE

THIS INDENTURE, made as of the 31 day of July, 2012 by **PFIZER INC.**, a Delaware corporation, having an address 235 East 42nd Street, New York, New York 10017 ("**Seller**"), in favor of **HARRISON REALTY LLC**, a New York limited liability company, having an address 505 Flushing Avenue, Unit 1D, Brooklyn, New York 11211 ("**Purchaser**"),

WITNESSETH, that Seller, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration paid by Purchaser, the receipt and sufficiency of which are hereby acknowledged, does hereby grant and release unto Purchaser and Purchaser's heirs or successors and assigns, forever; all that certain plot, piece or parcel of land lying and being in the Borough of Brooklyn, County of Kings, State of New York, as more particularly described on Exhibit A attached hereto and made a part hereof (the "**Land**") and all buildings, structures and other improvements located on the Land (collectively with the Land, the "**Property**"),

TOGETHER with all right, title and interest, if any, of Seller in and to any streets and roads abutting the Property to the center lines thereof;

SUBJECT to all covenants, restrictions, conditions and easements of record, including, without limitation, those set forth in that certain Declaration of Restrictive Covenant dated as of July 31, 2012 and intended to be recorded in the King's County Office of the City Registrar immediately prior to the recording of this indenture, the terms of which are hereby incorporated as if fully set forth herein; and

TOGETHER with the appurtenances and all the estate and rights of Seller in and to the Property.

TO HAVE AND TO HOLD the Property unto Purchaser and Purchaser's heirs or successors and assigns, forever.

Seller, in compliance with Section 13 of the Lien Law, covenants that Seller 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.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, Seller has duly executed this indenture as of the date first above written.

PFIZER INC.,
a Delaware Corporation

By: 

Name: Thomas Donatelli

Title: VP, Real Estate Portfolio Management

[signature page to Deed]

STATE OF NEW YORK)

)

ss.:

COUNTY OF NEW YORK)

On the 31 day of July in the year 2012 before me, the undersigned, personally appeared Thomas Donatelli, personally known 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 individuals) acted, executed the instrument.

Gafar fadairo
Notary Public

GAFAR ALADE FADAIRO
Notary Public, State of New York
No. 01FA6221848
Qualified in Orange County
Certificate Filed in New York County
Commission Expires May 10, 2014

SEAL

Exhibit A

DESCRIPTION OF LAND

PARCEL A (BLOCK 2249 LOTS 23,37,41, 122)

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, BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FORMED BY THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF UNION AVENUE (80' WIDE R.O.W.) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF WALTON STREET (70' WIDE R.O.W.), SAID POINT ALSO BEING THE NORTHWESTERLY CORNER OF SECTION 8, BLOCK 2249, LOT 41 AND RUNNING THENCE:

NORTH 49° 36' 36" EAST A DISTANCE OF 268.36 FEET TO A POINT; THENCE

SOUTH 40° 23' 24" EAST A DISTANCE OF 200.00 FEET TO A POINT; THENCE

SOUTH 49° 36' 36" WEST A DISTANCE OF 444.88 FEET TO A POINT; THENCE

NORTH 01° 02' 31" EAST A DISTANCE OF 266.76 FEET TO THE POINT OF BEGINNING.

PARCEL C (BLOCK 2265 LOT 14)

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, BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FORMED BY THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF UNION AVENUE (80' WIDE R.O.W.) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF WALLABOUT STREET FORMERLY RIVER STREET, (70' WIDE R.O.W.), SAID POINT ALSO BEING THE NORTHWESTERLY CORNER OF SECTION 8, BLOCK 2265, LOT 14 AND RUNNING THENCE:

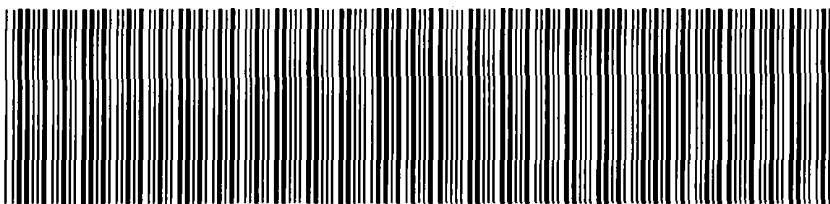
NORTH 49° 36' 36" EAST A DISTANCE OF 493.32 FEET TO A POINT; THENCE

SOUTH 40° 23' 24" EAST A DISTANCE OF 200.00 FEET TO A POINT; THENCE

SOUTH 49° 36' 36" WEST A DISTANCE OF 617.13 FEET TO A POINT; THENCE

NORTH 08° 37' 50" WEST A DISTANCE OF 235.22 FEET TO THE POINT OF BEGINNING.

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



2012081000796002001S1620

SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

Document ID: 2012081000796002

Document Date: 07-31-2012

Preparation Date: 08-10-2012

Document Type: DEED

ASSOCIATED TAX FORM ID: 2012070500335

SUPPORTING DOCUMENTS SUBMITTED:

Page Count

DEP CUSTOMER REGISTRATION FORM FOR WATER AND SEWER BILLING

2

RP - 5217 REAL PROPERTY TRANSFER REPORT

5

FOR CITY USE ONLY

C1. County Code

C2. Date Deed

Recorded

CITY REGISTER

Month Day Year

C3. Book

OR

C5. CRFN

C4. Page

SEP 04 2012



REAL PROPERTY TRANSFER REPORT

STATE OF NEW YORK
STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217NYC

PROPERTY INFORMATION

1. Property Location: 243 WALLABOUT STREET BROOKLYN 11206
STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name: HARRISON REALTY 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 5 # of Parcels OR ☐ Part of a Parcel

4A. Planning Board Approval - N/A for NYC

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

Check the boxes below as they apply:

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

5. Deed Property Size: FRONT FEET X DEPTH OR ACRES

8. Seller Name: PFIZER INC.
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 ResidentialC ☐ Residential Vacant LandE ☐ CommercialG ☐ Entertainment / AmusementI ☐ IndustrialB ☐ 2 or 3 Family ResidentialD ☒ Non-Residential Vacant LandF ☐ ApartmentH ☐ Community ServiceJ ☐ Public Service

SALE INFORMATION

10. Sale Contract Date: 4 / 12 / 2012
Month Day Year

11. Date of Sale / Transfer: 7 / 31 / 2012
Month Day Year

12. Full Sale Price \$ 1,275,000.00

(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, 1 16. Total Assessed Value (of all parcels in transfer) 3,474,900

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

BROOKLYN 2249 122

BROOKLYN 2249 23

BROOKLYN 2249 37

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

<small>BUYER SIGNATURE</small> 505 FLUSHING AVENUE, UNIT 1D		<small>DATE</small>
<small>STREET NUMBER</small> BROOKLYN	<small>STREET NAME (AFTER SALE)</small>	
<small>CITY OR TOWN</small>	<small>STATE</small> NY	<small>ZIP CODE</small> 11211

BUYER'S ATTORNEY

STEVEN BARSHOV, ESQ.,

<small>LAST NAME</small> 212	<small>FIRST NAME</small>
<small>AREA CODE</small> 212	<small>TELEPHONE NUMBER</small> 421-2150

SELLERSELLER SIGNATUREDATE

2012070500335201

RP - 5217 NYC

ATTACHMENT

Borough	Block	Lot
BROOKLYN	2249	41
BROOKLYN	2265	14

201207050033520103

FORM: RP-5217

GRANTOR: **PFIZER INC.**

GRANTEE: **HARRISON REALTY LLC**

PROPERTY: Walton Street; 271 Wallabout Street a.k.a. 174 Harrison Ave; 249
Wallabout Street a.k.a. 160 Harrison Ave; 30 Union Ave a.k.a. 243
Wallabout Street; 334 Wallabout Street a.k.a. 1 Gerry Street, Brooklyn,
New York

GRANTOR SIGNATURE PAGE

GRANTOR:

PFIZER INC.,
a Delaware corporation

By: 

Name: Thomas Donatelli

Title: VP, Real Estate Portfolio Management

FORM: RP-5217

GRANTOR: **PFIZER INC.**

GRANTEE: **HARRISON REALTY LLC**

PROPERTY: Walton Street; 271 Wallabout Street a.k.a. 174 Harrison Ave; 249
Wallabout Street a.k.a. 160 Harrison Ave; 30 Union Ave a.k.a. 243
Wallabout Street; 334 Wallabout Street a.k.a. 1 Gerry Street, Brooklyn,
New York

GRANTEE SIGNATURE PAGE

GRANTEE:

HARRISON REALTY LLC,
a New York limited liability company

By: 

Name: Steven Barshov

Title: Authorized Signatory



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: 2249 LOT: 122
- (2) Property Address: 243 WALLABOUT STREET, BROOKLYN, NY 11206
- (3) Owner's Name: HARRISON REALTY 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 to provide us with the other party's information.

Owner's Approval:

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

Print Name of Owner

Signature:

Date (mm/dd/yyyy)

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

SEE ATTACHED PAGE FOR ADDITIONAL APPLICABLE PROPERTIES



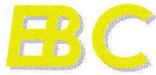
The City of New York
Department of Environmental Protection
Bureau of Customer Services
59-17 Junction Boulevard
Flushing, NY 11373-5108

Customer Registration Form for Water and Sewer Billing

Borough	Block	Lot	Street	City	State	Zip
BROOKLYN	2249	23	N/A WALTON STREET	NY	NY	00000
BROOKLYN	2249	37	174 HARRISON AVENUE	NY	NY	11206
BROOKLYN	2249	41	249 WALLABOUT STREET	NY	NY	11206
BROOKLYN	2265	14	334 WALLABOUT STREET	NY	NY	11206

201207050033510103

APPENDIX C
Repository Acknowledgement Letters



ENVIRONMENTAL BUSINESS CONSULTANTS

November 14, 2018

Brooklyn Public Library - Bushwick Branch
340 Bushwick Ave
Brooklyn, NY 11206

**Re: NYS Brownfield Cleanup Program Application
Former Pfizer Site C, 334 Wallabout Street, Brooklyn, NY**

In compliance with the requirements of the NYSDEC Brownfield Clean-up Program, the Brooklyn Public Library - Bushwick Branch, located at 340 Bushwick Avenue, Brooklyn, NY 11206 agrees to serve as a designated repository for the above referenced project to facilitate citizen access to project documents such as Work Plans, Technical Specifications and Investigative Reports.

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

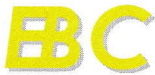
Accepted by: Marc Wall Date 11/14/18
for Brooklyn Public Library - Bushwick Branch



ENVIRONMENTAL BUSINESS CONSULTANTS

1800 MIDDLE COUNTRY ROAD
RIDGE, NY 11961

PHONE 631.504.6000
FAX 631.924.2870



ENVIRONMENTAL BUSINESS CONSULTANTS

November 14, 2018

Gerald A. Esposito
Brooklyn Community Board 1
435 Graham Avenue
Brooklyn, NY 11211

**Re: NYS Brownfield Cleanup Program Application
Former Pfizer Site C
334 Wallabout Street, Brooklyn, NY**

In compliance with the requirements of the NYSDEC Brownfield Clean-up Program, Brooklyn Community Board 1, located at 435 Graham Avenue, Brooklyn, NY 11211 agrees to serve as a designated repository for the above referenced project to facilitate citizen access to project documents such as Work Plans, Technical Specifications and Investigative Reports.

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

Accepted by: 



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

Date

11/14/18



ENVIRONMENTAL BUSINESS CONSULTANTS

1800 MIDDLE COUNTRY ROAD
RIDGE, NY 11961

PHONE 631.504.6000
FAX 631.924.2870

APPENDIX D

Authorization to Sign on Behalf of LLC


WRITTEN CONSENT

The undersigned, Harrison Realty LLC, a New York limited liability company located at 505 Flushing Avenue, Unit 1D, Brooklyn, New York 11211, does hereby certify as follows:

1. Harrison Realty LLC is the prospective volunteer ("Volunteer") for the Brownfield Cleanup Program ("BCP") Pfizer Site C, which is located at 334 Wallabout Street in Brooklyn, New York at Walton Street (Block 2265 Lot 14) (the "Brownfield Site").
2. The following person, Simon Duschinsky, a member of Harrison Realty LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer Harrison Realty LLC, including but not limited to the BCP Application, the Brownfield Cleanup Agreement ("BCA"), Applications to Amend the BCA, Change of Use Notifications, a Certificate of Completion, and if required, an Environmental Easement.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this ____ day of November ____, 2018.

Harrison Realty LLC



By: Joel Glick
Member