



## 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: C224298

### PART A (note: application is separated into Parts A and B for DEC review purposes) **BCP App Rev 11**

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

DEC USE ONLY  
BCP SITE #:

NAME **274 4th and 538 Carroll LLC**

ADDRESS **51 East 12th St, 7th Floor**

CITY/TOWN **New York, NY**

ZIP CODE **10003**

PHONE **646.828.3588**

FAX

E-MAIL **jesse@averyhallinvestments.com**

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. **Please note:** If the requestor is an LLC, the members/owners names need to be provided on a separate attachment.

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

NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required.

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

3. 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.



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### PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 11*

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

DEC USE ONLY  
BCP SITE #:

NAME **272 4th Avenue LLC**

ADDRESS **51 East 12th St, 7th Floor**

CITY/TOWN **New York, NY**

ZIP CODE **10003**

PHONE **646.828.3588**

FAX

E-MAIL **jesse@averyhallinvestments.com**

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No

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

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

### Section III. Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that the site requires remediation and 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). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do not submit paper copies of supporting documents.**

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	X	X	X
Chlorinated Solvents			X
Other VOCs			
SVOCs	X	X	
Metals	X	X	
Pesticides		X	
PCBs		X	
Other*		X	

\*Please describe: PFAS

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):**

<input type="checkbox"/> Coal Gas Manufacturing	<input checked="" type="checkbox"/> Manufacturing	<input type="checkbox"/> Agricultural Co-op	<input type="checkbox"/> Dry Cleaner
<input type="checkbox"/> Salvage Yard	<input type="checkbox"/> Bulk Plant	<input type="checkbox"/> Pipeline	<input type="checkbox"/> Service Station
<input type="checkbox"/> Landfill	<input type="checkbox"/> Tannery	<input type="checkbox"/> Electroplating	<input type="checkbox"/> Unknown

Other: Automobile Repair Facility and Metals Works

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME <b>272 4th Avenue</b>				
ADDRESS/LOCATION <b>272 4th Avenue, 274 4th Avenue, and 538 Carroll Street</b>				
CITY/TOWN <b>Brooklyn</b>		ZIP CODE <b>11215</b>		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): <b>New York City</b>				
COUNTY <b>Kings</b>		SITE SIZE (ACRES) <b>0.33</b>		
LATITUDE (degrees/minutes/seconds) <b>40      °      40      '      34.392      "</b>		LONGITUDE (degrees/minutes/seconds) <b>73      °      59      '      4.596      "</b>		
<b>Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed , please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column.ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.</b>				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
<b>538 Carroll Street/274 4th Avenue</b>		<b>456</b>	<b>17/13</b>	<b>0.13</b>
<b>272 4th Avenue</b>		<b>456</b>	<b>23</b>	<b>0.20</b>
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach an accurate map of the proposed site.				
2. Is the required property map attached to the application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map)				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> for more information) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>  If yes, identify census tract : _____  Percentage of property in En-zone (check one): <input checked="" type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input type="checkbox"/> 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)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				

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

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

Easement/Right-of-way Holder

Description

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

Type

Issuing Agency

Description

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

**Note:** Questions 11 through 13 only pertain to sites located within the five counties comprising New York City

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits? ☒ Yes ☐ No

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

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

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

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

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

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



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

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE <b>Mr. Jesse Wark</b>			
ADDRESS <b>51 East 12th St, 7th Floor</b>			
CITY/TOWN <b>New York, NY</b>		ZIP CODE <b>10003</b>	
PHONE <b>646.828.3588</b>	FAX _____	E-MAIL <b>jesse@averyhallinvestments.com</b>	
NAME OF REQUESTOR'S CONSULTANT <b>Mr. Marc Godick, AKRF, Inc.</b>			
ADDRESS <b>440 Park Avenue South, 7th Floor</b>			
CITY/TOWN <b>New York, NY</b>		ZIP CODE <b>10016</b>	
PHONE <b>914.922.2356</b>	FAX _____	E-MAIL <b>mgodick@akrf.com</b>	
NAME OF REQUESTOR'S ATTORNEY <b>David Yudelson, Esq.</b>			
ADDRESS <b>560 Lexington Avenue, 15th Floor</b>			
CITY/TOWN <b>New York, NY</b>		ZIP CODE <b>10022</b>	
PHONE <b>212.421.2150</b>	FAX _____	E-MAIL <b>dyudelson@sprlaw.com</b>	
<b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b>			
CURRENT OWNER'S NAME <b>See supplemental materials</b>		OWNERSHIP START DATE: _____	
ADDRESS _____			
CITY/TOWN _____		ZIP CODE _____	
PHONE _____	FAX _____	E-MAIL _____	
CURRENT OPERATOR'S NAME _____			
ADDRESS _____			
CITY/TOWN _____		ZIP CODE _____	
PHONE _____	FAX _____	E-MAIL _____	
<b>PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".</b>			
<b>IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.</b>			
<b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b>			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

## Section VII. Requestor Eligibility Information (continued)

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

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

☐ PARTICIPANT

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

☒ VOLUNTEER

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

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

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

## Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

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

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

☒ Yes ☐ No

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

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

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

## Section IX. Contact List Information

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

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



## Section X. Land Use Factors

1. What is the current municipal zoning designation for the site? M1-2

What uses are allowed by the current zoning? (Check boxes, below)

☐ Residential ☒ Commercial ☒ Industrial

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

Area-wide rezoning by the City of New York is underway.

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 hererby 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 274 4th and 538 Carroll 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: 10.11.2021

Signature: 

Print Name: Jesse Wark

### SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy of the application form with original signatures and table of contents, and one complete electronic copy in final, non-fillable 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

**PLEASE DO NOT SUBMIT PAPER COPIES OF SUPPORTING DOCUMENTS.** Please provide a hard copy of ONLY the application form and a table of contents.

**FOR DEC USE ONLY**

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

## XI. Statement of Certification and Signatures

(By requestor who is an individual)

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

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

(By a requestor other than an individual)

I hereby affirm that I am Managing Member (title) of 272 4th Avenue 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: 10.11.2021 Signature: 

Print Name: Jesse Wark

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**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 11**

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Please answer questions below and provide documentation necessary to support answers.</b>	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see <a href="#">DEC's website</a> for more information. <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Underutilized? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>From ECL 27-1405(31):</b>  "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.	
<b>From 6 NYCRR 375-3.2(I) as of August 12, 2016:</b> (Please note: Eligibility determination for the underutilized category can only be made at the time of application)	
<b>375-3.2:</b> (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 (1) the proposed use is at least 75 percent for industrial uses; or (2) at which: (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses; (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and (iii) one or more of the following conditions exists, as certified by the applicant: (a) property tax payments have been in arrears for at least five years immediately prior to the application; (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 (c) there are no structures.	
"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.	

### 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:** 272 4th Avenue  
**City:** Brooklyn

**Site Address:** 272 4th Avenue, 274 4th Avenue, and 538 Carroll Street  
**County:** Kings **Zip:** 11215

**Tax Block & Lot**

**Section (if applicable):** **Block:** 456 **Lot:** 17/13

**Requestor Name:** 274 4th Avenue and 538 Carroll LLC **Requestor Address:** 51 East 12th St, 7th Floor  
**City:** New York, NY **Zip:** 10003 **Email:** jesse@averyhallinvestments.com

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

**Name:** Mr. Jesse Wark **Address:** 51 East 12th St, 7th Floor  
**City:** New York, NY **Zip:** 10003 **Email:** jesse@averyhallinvestments.com

**Requestor's Attorney**

**Name:** David Yudelson, Esq. **Address:** 560 Lexington Avenue, 15th Floor  
**City:** New York, NY **Zip:** 10022 **Email:** dyudelson@sprlaw.com

**Requestor's Consultant**

**Name:** Mr. Marc Godick, AKRF, Inc. **Address:** 440 Park Avenue South, 7th Floor  
**City:** New York, NY **Zip:** 10016 **Email:** mgodick@akrf.com

**Percentage claimed within an En-Zone:** ☒ 0% ☒ <50% ☐ 50-99% ☐ 100%

**DER Determination:** ☐ Agree ☐ Disagree

**Requestor's Requested Status:** ☒ Volunteer ☐ Participant

**DER/OGC Determination:** ☐ Agree ☐ Disagree  
Notes:

**For NYC Sites, is the Requestor Seeking Tangible Property Credits:** ☒ Yes ☐ No

**Does Requestor Claim Property is Upside Down:** ☐ Yes ☒ No

**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

**Does Requestor Claim Property is Underutilized:** ☐ Yes ☒ No

**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

**Does Requestor Claim Affordable Housing Status:** ☐ Yes ☐ No ☒ Planned, No Contract

**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

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

**Site Name:** 272 4th Avenue  
**City:** Brooklyn

**Site Address:** 272 4th Avenue, 274 4th Avenue, and 538 Carroll Street  
**County:** Kings **Zip:** 11215

**Tax Block & Lot**

**Section (if applicable):** **Block:** 456 **Lot:** 17/13

**Requestor Name:** 272 4th Avenue LLC  
**City:** New York, NY

**Requestor Address:** 51 East 12th St, 7th Floor  
**Zip:** 10003 **Email:** jesse@averyhallinvestments.com

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

**Name:** Mr. Jesse Wark  
**City:** New York, NY

**Address:** 51 East 12th St, 7th Floor  
**Zip:** 10003

**Email:** jesse@averyhallinvestments.com

**Requestor's Attorney**

**Name:** David Yudelson, Esq.  
**City:** New York, NY

**Address:** 560 Lexington Avenue, 15th Floor  
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**Email:** mgodick@akrf.com

**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:

## **Brownfield Cleanup Program Application Supporting Documentation**

### **PART A**

#### **Supplement to Section I – Requestor Information**

##### *1. Requestor Information*

Contact information and the names of members/owners of the Applicants are set forth below:

<b>Entity Name/Applicant</b>	<b>Members/Owners</b>	<b>Contact Information</b>
274 4 <sup>th</sup> and 538 Carroll LLC (a New York Limited Liability Company)	Mr. Jesse Wark (sole member of the requestor entity)	c/o Avery Hall Investments Mr. Jesse Wark 51 East 12 <sup>th</sup> Street 7 <sup>th</sup> Floor New York, NY 10003 Tel: 646.738.8993
272 4 <sup>th</sup> Avenue LLC (a New York Limited Liability Company)	Mr. Jesse Wark (sole member of the requestor entity)	

The NYS Department of State’s Corporation and Business Entity Database information for the requestor is included as *Attachment A*. The entity is herein referred to as (the “Applicant”).

#### **Supplement to Section II - Project Description**

The following figures are included in *Attachment B*:

- Figure 1 – Site Location
- Figure 2 – Site Plan
- Figure 3 – En-Zone Boundary Map
- Figure 4 – Tax Map
- Figure 5 – Surrounding Land Use
- Figure 6 – Zoning Map
- Figure 7 – Soil Sample Concentrations Above NYSDEC UUSCOs and RRSCOs
- Figure 8 – Groundwater Sample Concentrations Above NYSDEC AWQS
- Figure 9 – Soil Vapor Sample Detections

##### *3. Remedial Investigation Reports*

###### 274 4<sup>th</sup> Avenue and 538 Carroll Street

A Final Remedial Investigation Report (RIR) for property that is the subject of this Brownfield Cleanup Agreement (BCA) Amendment Application, 274 4<sup>th</sup> Avenue and 538 Carroll Street, Brooklyn, NY (the Site), is not included with this application; however, a Subsurface (Phase II) Investigation of the Site was conducted by AKRF, Inc. (AKRF), and documented in a Subsurface (Phase II) Investigation Report (Phase II Report) dated July 2021. The July 2021 Phase II Report being used to support this BCP Application is included in *Attachment C*.

During AKRF’s Phase II Investigation of the Site, elevated concentrations of semivolatile organic compounds (SVOCs) and metals were observed in soil and groundwater and elevated concentration of chlorinated solvents and petroleum-related VOCs were observed in soil vapor samples across the Site. Once 274 4<sup>th</sup> and 538 Carroll LLC (The Applicant) took ownership of the Site in April 2021, AKRF moved expeditiously on their behalf to prepare and submit this application to amend the BCA for the 272 4<sup>th</sup> Avenue Site (BCA Index No. C224298-10-19) to remediate the Site as part of the existing the New York State Brownfield Cleanup Program (BCP) Site.



## 272 4<sup>th</sup> Avenue

On November 6, 2019, 272 4<sup>th</sup> Avenue LLC entered into a Brownfield Cleanup Agreement (BCA) (Index No. C224298) as a Volunteer with NYSDEC to investigate and remediate 272 4<sup>th</sup> Avenue, Brooklyn, NY (a.k.a. Brooklyn Block 456, Lot 23) in the BCP. A Subsurface (Phase II) Investigation Report of 272 4<sup>th</sup> Avenue, dated April 2019, was used to support the BCP Application for the property. During AKRF's Phase II Investigation of 272 4<sup>th</sup> Avenue, chlorinated volatile organic compounds (CVOCs) were observed at elevated concentrations in soil vapor across the Site.

A final Remediation Investigation Work Plan (RIWP) was submitted to and approved by NYSDEC and the New York State Department of Health (NYSDOH) on August 7, 2021. AKRF completed the Remedial Investigation (RI) in August 2020 and submitted the most recent draft of the RI Report (RIR) on June 11, 2021. The report is awaiting final approval by NYSDEC and NYSDOH, after which a Remedial Action Work Plan (RAWP), which encompasses all three lots (Block 456, Lots 13, 17, and 23), will be prepared and submitted for review by NYSDEC and NYSDOH.

The RIR for 272 4<sup>th</sup> Avenue identified SVOCs and metals at elevated concentrations above applicable standards in soil samples; metals at elevated concentrations above applicable standards in sediment samples; VOCs, SVOCs, pesticides, PCBs, metals, and Per- and polyfluoroalkyl substances (PFAS) above applicable standards in groundwater, and CVOCs and petroleum-related compounds, including benzene, toluene, ethylbenzene and xylene (collectively referred to as BTEX) in soil vapor. Figures that present exceedances of soil and groundwater standards and detections in soil vapor from the RIR are included in *Attachment C*.

### *4. Project Description*

The Site proposed for inclusion in the existing BCA consists of two lots with a total area of approximately 5,751 square feet (sf) parcel located at 274 4<sup>th</sup> Avenue and 538 Carroll Street in the Gowanus neighborhood of Brooklyn, New York. The Site is currently identified by the City of New York as Borough of Brooklyn Block 456, Lots 13 and 17, and comprises a vacant two-story commercial building with a partial cellar (274 4<sup>th</sup> Avenue), which formerly operated as a restaurant with a second-floor office space, and a vacant single-story commercial building that operated as an automobile repair facility (538 Carroll Street). The automobile repair facility will vacate the Site by August 2021. The Site would be added to 272 4<sup>th</sup> Avenue, Brooklyn, NY (the existing BCP Site), which is also referred to as Block 456, Lot 23. Lot 23 is 0.2 acres, bringing the total BCP Site to 0.33 acres.

The surrounding area comprises predominantly mixed-use residential and commercial, with some industrial uses. A Site Location map and Site Plan are included in *Attachment B* as *Figures 1* and *2*, respectively.

The Site is part of the Kings County Census Tract 119. According to the 2019-2023 American Community Survey (ACS) Profile data, 14.3% of the population in Census Tract 119 is living below the poverty line. The unemployment rate for Tract 119 is 7.7%, (2019) compared to the New York City unemployment rate of 10.8% (as of April 2021) and the national unemployment rate of 5.8% (as of May 2021). The Site is not located in an En-Zone. The boundaries of the nearest En-Zone are presented on *Figure 3 (Attachment B)*.

The purpose of the project includes amending the existing BCA to include the additional tax lots to the existing BCP Site (C224298) to facilitate the remediation and redevelopment of the entire Site into a mixed use commercial and residential building. The owner of the existing BCP Site, 272 4<sup>th</sup> Avenue LLC, is currently in the BCP as a Volunteer. The proposed redevelopment plan is in design stage and will include merging the three tax lots (Lots 13, 17, and 23) into one lot, demolition of the existing buildings, and construction of a 100,000-gross-sf 13- to- 14-story building with one cellar level. The ground floor will include retail space and a residential lobby, the cellar level will likely be used for retail storage space, mechanical spaces, and/or residential storage uses, and floors 2 through 14 floors will comprise residential

units. The Volunteers (272 4<sup>th</sup> Avenue LLC and 274 4<sup>th</sup> Avenue and 538 Carroll LLC) do not wish to alter the current BCP site name (272 4<sup>th</sup> Avenue).

The likely approximate gross square footage (gsf) of designated spaces is as follows:

- Ground floor retail selling space: 7,500 gsf
- Ground floor residential lobby, elevator core, miscellaneous residential back-of-house: 1,400 gsf
- Second through tenth floor: 7,400 gsf per floor
- Eleventh through thirteenth/fourteenth floor: 5,400 gsf per floor
- Cellar Level retail and/or residential storage, and mechanical spaces: 8,900 gsf

Survey maps showing the existing BCP Lot (New York City Tax Block 456, Lot 23) and the two proposed lots (Block 456, Lots 13 and 17) are included in *Attachment D*. The Volunteer has filed a lot merger application with the New York City Department of Buildings (NYCDOB), after which the combined site would be identified as Block 456, Lot 13. The lot merger application is also included in *Attachment D*.

The Requestor plans on conducting all remedial investigation and remedial activities in accordance with Environmental Conservation Law (ECL) Article 27, Title 14, 6 New York Codes, Rules, and Regulations (NYCRR) 375-1.6(a), 375-3.6, and 375-6, and all applicable laws, rules, regulations, and guidance documents.

Estimated Project Schedule:

The remedial program for 274 4<sup>th</sup> Avenue and 538 Carroll Street is planned to begin in June 2022 and the Certificate of Completion (COC) is anticipated to be obtained in February 2024. The BCP project will likely include some or all of the activities listed below. This preliminary project schedule is subject to change.

Activity	Time To Complete
Submittal of BCP Application for 272 4 <sup>th</sup> Avenue	September 2019
30-day Completeness Review for 272 4 <sup>th</sup> Avenue BCP Application	September 2019
Brownfield Cleanup Agreement (BCA) Execution	November 2019
Submittal of Citizen Participation Plan	November 2019
Submittal of Draft RIWP for 272 4 <sup>th</sup> Avenue	December 2019
Submittal of Final RIWP and Fact Sheet for 272 4 <sup>th</sup> Avenue	January 2020
30-day Public Notice/Public Comment Period is Initiated	January 2020
Submittal of Revised RIWP for 272 4 <sup>th</sup> Avenue	June 2020
Submittal of Final RIWP for 272 4 <sup>th</sup> Avenue	August 2020
Remedial Investigation Field Activities for 272 4 <sup>th</sup> Avenue	August 2020
Submittal of Draft Remedial Investigation Report (RIR) for 272 4 <sup>th</sup> Avenue	June 2021
Submittal of Brownfield Cleanup Agreement (BCA) Amendment Application and Remedial Investigation Work Plan (RIWP) for 274 4 <sup>th</sup> Avenue and 538 Carroll Street	July 2021
30-day New York State Dept. of Environmental Conservation (NYSDEC) Completeness Review	August 2021
30-day Public Notice/Public Comment Period for Application and RIWP	October 2021
NYSDEC Acceptance and Amendment of Brownfield Cleanup Agreement	November 2021
Submittal of Final RIWP and Fact Sheet	November 2021
Remedial Investigation	November 2021
Submittal of Draft Remedial Investigation Report (RIR)	January 2022
Submittal of Draft Remedial Action Work Plan (RAWP)	January 2022
45-day Public Comment Period for RIR and RAWP is initiated	February 2022
Submittal of Final RAWP	April 2022
Issuance of Remedial/Construction Notice Fact Sheet	May 2022
Begin Remedial Construction with RAWP implementation	May 2022
Execution of Environmental Easement	July 2023
Submittal of Draft Site Management Plan (SMP)	August 2023
Submittal of Draft Final Engineering Report (FER) and Fact Sheet	September 2023
Certificate of Completion and Fact Sheet	December 2023
Completion of Building (first occupancy)	March 2024

## Supplement to Section III – Property’s Environmental History

The following figures are included in *Attachment B*:

- Figure 1 – Site Location
- Figure 2 – Site Plan
- Figure 3 – En-Zone Boundary Map
- Figure 4 – Tax Map
- Figure 5 – Surrounding Land Use
- Figure 6 – Zoning Map
- Figure 7 – Soil Sample Concentrations Above NYSDEC UUSCOs and RRSCOs
- Figure 8 – Groundwater Sample Concentrations Above NYSDEC AWQSGVs
- Figure 9 – Soil Vapor Sample Detections

### 1. Environmental Reports

Copies of the following previous environmental reports for the Site are included as *Attachment C* (Electronic Copies only):

1. Phase I Environmental Site Assessment (ESA), 538 Carroll Street and 274 4<sup>th</sup> Avenue, Brooklyn, New York 11215, AKRF, Inc., April 1, 2021.
2. Remedial Investigation Report, 272 4<sup>th</sup> Avenue, Brooklyn, New York, AKRF, Inc., June 2021.
3. Subsurface (Phase II) Investigation, 274 4<sup>th</sup> Avenue and 538 Carroll Street, Brooklyn, New York 11215, AKRF, Inc., July 2021.

Summaries of previous investigations are provided below. The Applicant believes that there is sufficient information to demonstrate significant contamination warranting remediation under the BCP. The Applicant, as a Volunteer under the BCP, seeks to amend the existing BCA to enroll the additional lots in the program to remediate the Site in a timely manner under the oversight of NYSDEC.

Phase I Environmental Site Assessment, 538 Carroll Street and 274 4<sup>th</sup> Avenue, Brooklyn, New York 11215, AKRF, Inc., April 1, 2021.

The Phase I ESA was performed by AKRF in conformance with ASTM Standard E1527-13 and assessed the potential for the presence of hazardous materials, based on reconnaissance of the Site and surrounding area, review of data on geology and hydrology of the surrounding area, examination of historical Sanborn Fire Insurance maps and aerial photographs, and review of pertinent federal and state regulatory databases. The Phase I ESA identified the following recognized environmental conditions (RECs):

- At the time of the reconnaissance, the 538 Carroll Street lot operated as an automobile repair facility. Chemical storage was observed throughout the Site, including small containers of lubricants, hydraulic and automotive oils, washer fluids, and paints; multiple 55-gallon drums containing waste motor oil, anti-freeze, and windshield wiper fluid; and one 275-gallon waste oil AST. A floor drain was present in the vehicle maintenance area adjacent to a chemical and petroleum storage area, and the floors within the maintenance area appeared to be pitched towards the drain. The concrete floor within a chemical storage room was heavily stained and was in poor condition with many cracks. Automobile repair operations, including the use and storage of maintenance chemicals and petroleum products, may have affected the subsurface and is considered a REC.
- Historical Sanborn maps, city directory search, and review of certificates of occupancy identified a historical automobile service shop, bottle manufacturer, an electric works, enameling, machine shop, metal finishing, manufacturing, an iron works, and a metal/wood finishing shop at the Site. These historical manufacturing and automotive uses, may have affected the subsurface at the Site and are considered RECs.

- A review of the historical city directory database and Sanborn maps identified numerous industrial, manufacturing, and automotive uses on adjacent and surrounding properties between 1898 and 2014. Uses on the Property Block and adjacent blocks included: a bottle manufacturer, a junkyard, a blacksmith, a stone yard, Fulton Smelting and Refining Works, a waste paper facility, a scrap metal facility, a linoleum factory, auto body and repair shops, auto laundry areas, filling stations with gasoline tanks, spraying booths, and an NYCT substation. Other nearby uses included: junkyards, carpentry facilities, paint shops, lumber yards, bottle facilities, blacksmiths, rag shops, garages with gasoline tanks, machine shops, a knitting mill, Paper Novelty Manufacturing Co., the Typhoon Air Conditioner equipment manufacturer, a motor freight station, an ice manufacturer, a railway express agency garage with a filling station, a metal production facility, a tool and dye works, a carriage painting shop, Empire State Dairy Company, a tinsmith, garages, laundromats, automobile repair facilities, machine shops, sheet metal works, the Con Edison Third Avenue Yard with two large garages and two filling stations with seven gasoline tanks, a candle factory, a plastic molding facility, a concrete manufacturer, a doll manufacturer, a metal products manufacturer, the Brooklyn Edison Co. Substation, a metal box company, and several dry cleaners. Many of these facilities and other nearby properties were listed in regulatory databases documenting hazardous waste generation, petroleum storage, petroleum spills and/or other subsurface contamination. Historical automotive, industrial, and/or manufacturing uses on adjacent and surrounding properties may have affected the Site subsurface and are considered RECs.
- The north and east-adjacent property, 272 4<sup>th</sup> Avenue, was identified as a NYSDEC BCP site (BCP Site No. C224298.) A subsurface investigation performed at the site in April 2019 identified petroleum-and-chlorinated solvent-related VOCs, PAHs, and metals contamination in soil, groundwater, and/or soil vapor. The contamination was noted to be likely attributable to historical industrial, commercial, and automotive uses. The site was accepted into the BCP in August 2019. A RIWP to further define the nature and extent of contamination was approved by NYSDEC in August 2020, and a RI was performed in September and October 2020. The site was also identified in the RCRIS database as a small quantity generator SQG after generating solid wastes that exhibited characteristics of ignitability in 1998, and in the EDR Historic Auto Station database for a historic automobile repair and filling station. The adjacent BCP site, with current and historic automobile repair and filling, could have affected the subsurface at the Site and is considered a REC

AKRF recommended that prior to acquiring the Site, a subsurface (Phase II) investigation, including the collection of soil, groundwater, and soil vapor samples, be performed on the Site

Remedial Investigation Report, 272 4<sup>th</sup> Avenue, Brooklyn, New York 11215, AKRF, Inc., June 2021.

AKRF conducted an investigation at the Site in August 2020. The scope of work for the investigation included: the performance of a geophysical survey and dye tracer test to investigate the presence of USTs, locate underground utilities, clear the proposed boring locations, and locate and map the sub-slab drainage system and oil-water separator, the advancement of three soil borings with continuous soil sampling and laboratory analysis of six soil samples; the installation of three permanent 2-inch-diameter groundwater monitoring wells, and the collection and laboratory analysis of three groundwater samples from these wells; the installation of six temporary soil vapor probes (two subsurface and four sub-slab soil vapor points) and the collection and laboratory analysis of six soil vapor samples, four co-located indoor air samples, and one ambient air sample; the collection and laboratory analysis of five sediment samples from within the five drainage system catch basins; and the performance of a groundwater monitoring well elevation and location survey, which included the newly installed wells.

The report included the following conclusions:

- According to the survey of the groundwater monitoring wells, the at-grade slab elevation of the Site is between 19.36 and 19.72 feet above the North American Vertical Datum of 1988 (NAVD88), which is

an approximation of mean sea level. The Site surface topography is relatively level, and the regional surface topography generally slopes west-southwest towards the Gowanus Canal and Gowanus Bay.

- The stratigraphy of the Site, from the surface down, generally consists of historic fill material comprising brown sand, silt, and gravel with trace amounts of brick, glass, porcelain fragments, and concrete from surface grade to depths ranging between approximately 12 and 15 feet below sidewalk grade, underlain by presumed native grey and brown sand and gravel with some silt up to 20 feet below grade surface (bgs) (the terminus of the deepest soil boring).
- Based on Site-specific groundwater measurements, groundwater beneath the Site ranges from elevation 5.6 feet to 6.3 feet NAVD88 (between approximately 12.75 and 13.40 feet below at-grade ground surface). Groundwater beneath the Site appears to flow in a southeasterly direction, which may be due to dewatering for the adjacent MTA subway tunnel.
- No VOCs were detected above the UUSCOs, RRSCOs, and/or PGWSCOs in the soil samples collected.
- Nine SVOCs—including benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo[k]fluoranthene, chrysene, dibenz(a,h)anthracene, dibenzofuran, indeno(1,2,3-cd)pyrene, and naphthalene—were detected above the UUSCOs, RRSCOs, and/or PGWSCOs in one or more of the soil samples analyzed.
- The pesticides 4,4'-DDD and 4,4'-DDT were detected above their UUSCOs (0.0033 mg/kg) in one soil sample (RI-SB-03\_1.5-3\_20200922). No PCBs were detected above the UUSCOs, RRSCOs, and/or PGWSCOs in the soil samples collected.
- Seven metals were detected at concentrations above their respective UUSCOs, RRSCOs, and/or PGWSCOs, including: arsenic in one sample, barium in two samples, copper in four samples and a blind duplicate, lead in seven samples and one blind duplicate, nickel in one sample, mercury from six samples and a blind duplicate, and zinc in four samples and a blind duplicate.
- PFAS were detected in five samples, but 1,4-Dx was not detected in any of the soil samples. Perfluorooctanesulfonic acid (PFOS) was detected at concentrations below the UUGV, RRGV, and PGW GV, in four samples and a duplicate sample. Perfluorooctanoic acid (PFOA) was detected at concentrations below the UUGV, RRGV, and PGWGV in two samples and a blind duplicate sample.
- Three VOCs (acetone, methylene chloride, and toluene) were detected above their respective UUSCOs, but below their respective RRSCOs and PGWSCOs, in up to three of the sediment samples analyzed.
- TCL SVOCs were not detected above their respective UUSCOs, RRSCOs, and/or PGWSCOs in any of the sediment samples.
- The pesticides 4,4'-DDD and 4,4'-DDE were detected above their respective UUSCOs, but below their respective RRSCOs and PGWSCOs, in one sample (RI-SS-11\_20200923).
- Total PCBs were detected above the UUSCO, but below the RRSCO and PGWSCO, in four of the sediment samples.
- Eight metals (arsenic, barium, cadmium, copper, lead, mercury, nickel, and zinc) were detected at concentrations above their respective UUSCOs, RRSCOs, and/or PGWSCOs (some from diluted analyses) in one or more of the sediment samples.
- Eleven TCL VOCs (1,2,4,5-tetramethylbenzene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, benzene, chlorobenzene, isopropylbenzene, m,p-xylenes, n-butylbenzene, n-propylbenzene, o-xylene, and sec-butylbenzene) were detected above their AWQSGVs in one of the groundwater samples (RI-MW-02\_20201001) analyzed from a diluted analysis. This sample was collected with a bailer due to low recharge in the well, so the elevated concentrations could be at least partially attributable to sediment entrained in the sample.

- Eight TCL SVOCs [benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, bis(2-ethylhexyl)phthalate, chrysene, naphthalene, and indeno(1,2,3-c,d)pyrene] were detected above their AWQSGVs in one or more of the groundwater samples analyzed. The sample collected from MW-03 was collected with a bailer due to low recharge in the well, and therefore, the SVOC detections could be partially attributable to sediment entrained in the sample.
- The pesticides dieldrin and gamma bhc were detected above their respective AWQSGVs in one groundwater sample. Total PCBs were detected at concentrations above the AWQSGV in four of the groundwater samples.
- PCBs were detected in all three groundwater samples and the duplicate sample at concentrations above the AWQSGVs.
- Four metals (iron, lead, manganese, and sodium) were detected in the total (unfiltered) groundwater samples at concentrations above their respective AWQSGVs. Three metals (iron, manganese, and sodium) were detected in the dissolved (filtered) groundwater samples above their respective AWQSGVs.
- PFAS were detected in all groundwater samples and the blind duplicate sample at concentrations ranging between an estimated 3.34 nanograms per liter (ng/L) and 252 ng/L. The concentrations of PFOS and PFOA exceeded the groundwater screening level of 10 ng/L in two samples (RI-MW-01\_20201001 and RI-MW-03\_20201001). 1,4-Dx was not detected in the samples.
- Chlorinated solvents were detected in soil vapor, indoor air, and ambient air at one or more locations across the Site. Tetrachloroethylene (PCE) was detected in all of the soil vapor and indoor air samples and in ambient air at concentrations ranging from 0.19 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) in ambient air to 1,270  $\mu\text{g}/\text{m}^3$  in soil vapor. Trichloroethylene (TCE) was detected in soil vapor at two locations, and in indoor air at one location, at concentrations ranging from 0.29  $\mu\text{g}/\text{m}^3$  to 109  $\mu\text{g}/\text{m}^3$ . Petroleum-related compounds, including BTEX, were detected in all of the soil vapor samples. The detections of BTEX compounds ranged between 113  $\mu\text{g}/\text{m}^3$  to 2,017  $\mu\text{g}/\text{m}^3$ . All of the indoor air results were below the NYSDOH Air Guidance Values for PCE and TCE of 30  $\mu\text{g}/\text{m}^3$  and 2  $\mu\text{g}/\text{m}^3$ , respectively. When the sub-slab soil vapor and co-located indoor air samples were compared to the appropriate New York State Department of Health (NYSDOH) Decision Matrices, the concentrations of PCE and TCE were at “mitigate” levels in one location each at SV-01/IA-01 and SV-03/IA-03, respectively. The concentrations of PCE in soil vapor and indoor air were at “monitor” levels at the SV-03/IA-03 location.

Subsurface (Phase II) Site Investigation, 274 4<sup>th</sup> Avenue and 538 Carroll Street, Brooklyn, New York 11215, AKRF, Inc., July 2021.

AKRF conducted an investigation at the Site between April 12 and June 24, 2021. The scope of work for the investigation included the advancement of 11 soil borings with the collection and laboratory analysis of 22 soil samples; the installation of three temporary wells with the collection and laboratory analysis of three groundwater samples; and the installation of six temporary soil vapor points with the collection of six soil vapor samples and one ambient air quality sample.

The report included the following conclusions:

- Historic fill (brown sand, silt, and gravel with trace amounts of brick, glass, concrete, ash, and coal) from surface grade to depths ranging between 11 and 15 feet bgs across the Site. The fill material was generally underlain by presumed native gray or brown silt to 20 feet below grade (the terminus of the deepest soil boring). PID readings were observed up to approximately 4.1 ppm. No odors, staining, or separate-phase product were observed in any of the soil cores.
- Sixteen VOCs were detected in the soil samples with concentrations ranging from an estimated concentration of 0.00024 milligrams per kilogram (mg/kg) to 28.9 mg/kg. No VOCs were detected

above the RRSCOs in the soil samples. Acetone was detected at concentrations above the UUSCOs in one sample.

- Twenty-eight SVOCs were detected in the soil samples with concentrations ranging from an estimated concentration of 0.025 mg/kg to 539 mg/kg. The polycyclic aromatic hydrocarbons (PAHs) benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, indeno(1,2,3-cd)pyrene, and naphthalene were detected at concentrations exceeding their respective UUSCOs and RRSCOs in one or more of 11 soil samples (plus one blind duplicate). The concentrations of PAHs detected in the soil samples are likely attributable to the presence of historic fill at the Site.
- Twenty-five metals were detected in one or more of the soil samples analyzed. Lead, mercury, arsenic, copper, and barium were detected above their respective UUSCOs and RRSCOs in one or more of 12 of the soil samples. Nickel, silver, and zinc were detected above the UUSCO, but below the RRSCO, in one or more of 15 soil samples. Generally, the detected concentrations of metals in the soil samples are attributable to historical fill, which often contains variable concentrations of metals. Mercury and lead were detected in some of the soil samples at relatively high concentrations and may be indicative of characteristic hazardous levels in the subsurface of the Site.
- PCBs were detected in two of the soil samples collected, but the concentrations were below the UUSCO and RRSCO for total PCBs.
- Two VOCs [acetone and methyl tert-butyl ether (MTBE)] were detected in the groundwater samples with total concentrations ranging from 1.6 µg/L to 2.97 µg/L. No VOCs were detected at concentrations exceeding the AWQSGVs in the groundwater samples collected.
- Twenty-two SVOCs were detected in the three groundwater samples analyzed (plus the duplicate sample with total concentrations ranging from 0.23 µg/L to 62 µg/L. The PAHs benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, and indeno(1,2,3-cd)pyrene were detected at concentrations above their respective AWQSGVs in one or more of the groundwater samples. The detected PAHs were also detected at variable concentrations in soil samples collected from the Site; therefore, the detected PAHs in the groundwater samples are likely attributable to sediment entrained in the groundwater samples.
- PCBs were not detected in the groundwater samples collected from the Site.
- Twenty total metals and 21 dissolved metals were detected at variable concentrations in one or more of the groundwater samples collected. The metals manganese and sodium were detected at concentrations above the AWQSGVs in all of the total and dissolved metals samples collected, and total and dissolved iron was detected at concentrations above the AWQSGVs in two of the sample locations. All of the metals detected at concentrations above AWQSGVs in the samples are naturally occurring in regional soil and groundwater.
- A total of 32 VOCs were detected in one more of the six soil vapor samples analyzed. The chlorinated solvent tetrachloroethylene (PCE) was detected in all of the samples at concentrations ranging from 7.26 to 678 micrograms per cubic meter (µg/m<sup>3</sup>). 1,1,1-Trichloroethane was detected at concentrations of 7.91 µg/m<sup>3</sup> and 5.84 µg/m<sup>3</sup>. Methylene chloride was detected at concentrations of 3.21 µg/m<sup>3</sup> and 2.87 µg/m<sup>3</sup>. Benzene, toluene, ethylbenzene, and xylenes (collectively referred to as BTEX) and several other petroleum-related VOCs were detected at variable concentrations in the soil vapor and ambient samples. The elevated levels of chlorinated solvents and BTEX in soil vapor at the Site are likely attributable to the current and historical use of the Site as an automobile repair facility and/or off-site sources. No indoor air samples were collected as part of this investigation, and therefore, a direct comparison of the soil vapor data to the matrix values is not applicable.



## 2. Sampling Data

Based on the findings of the Phase II at the Site that is subject to this BCA Amendment, AKRF concluded that contaminated soil and soil vapor, and to a lesser extent groundwater are present at the Site. The following subsurface contamination warrants remediation for the following areas of concern at the Site:

- SVOC-contaminated soil and groundwater;
- Metals-contaminated soil across the Site; and
- Chlorinated and non-chlorinated VOCs in soil vapor.

Figures indicating soil sample concentrations above UUSCOs and RRSCOs, groundwater sample concentrations above AWQS, and soil vapor detections are provided in *Attachment B* as *Figures 7, 8, and 9*, respectively.

## Supplement to Section IV- Property Information

### Site Tax Map Information

Parcel Address	Block No.	Lot No.	Acreage
274 4 <sup>th</sup> Avenue	456	13	0.04
538 Carroll Street	456	17	0.09
272 4 <sup>th</sup> Avenue	456	23	0.20
Total			0.33

## 2. Tax Map

A tax map of the Site and adjacent properties is provided as *Figure 4*. The Site is currently identified by the City of New York as Brooklyn Block 456, Lots 13 and 17. The Applicant has submitted an application to merge the two lots with Block 456, Lot 23 (272 4<sup>th</sup> Avenue). Once approved, the three combined lots would be referred to as Block 456, Lot 13. The Applicant wishes to maintain the current Site name “272 4<sup>th</sup> Avenue.”

## 9. Permits Issued by NYSDEC or USEPA

The Property address was identified in the RCRA Non-Generator/No Longer Regulated database; however, the listing was associated with Con Edison Manhole No. 22624, which is adjacent to the Site. The listing identified the manhole as an LQG in June 2014. No violations were identified.

## 10. Property Description and Environmental Assessment

Location – The Site is located at 274 4<sup>th</sup> Avenue and 538 Carroll Street in Brooklyn, NY, also known as New York City Tax Block 456, Lots 13 and 17, respectively. The Site is located in the Gowanus section of Brooklyn, New York. Lot 13 is bounded to the north by the BCP Site (274 4<sup>th</sup> Avenue, BCP Site No. C224298); to the east by 4<sup>th</sup> Avenue; to the south by a New York City Transit (NYCT) system substation; and to the west by a vacant commercial building (located at 9 Denton Place). Lot 17 is bounded to the east by the BCP Site; to the south by the vacant commercial building (9 Denton Place); to the west by a community garden; and to the north by Carroll Street. An NYCT subway tunnel runs adjacent to the Site along 4<sup>th</sup> Avenue.

Site Features – The Site consists of two tax lots with a total area of approximately 5,751 square feet. Lot 13 (274 4<sup>th</sup> Avenue) is 1,880-square feet (sf) and comprises a vacant two-story commercial building with a partial cellar, which formerly operated as a restaurant with a second-floor office space. Lot 17 (538 Carroll

Street) is 3,871-sf and comprises a single-story commercial building that operates as an automobile repair facility.

Current Zoning and Land Use – The current zoning designation of the Site is M1-2 (manufacturing district). The surrounding area is predominately mixed-use residential and commercial, with some industrial uses; however, an area-wide rezoning is currently underway. A Zoning Map is presented as *Figure 6*.

Past Use of the Site – Historic records reviewed as part of AKRF’s April 2021 Phase I ESA indicated that Site was vacant as late as 1888. The Site was developed as part of a bottle manufacturing facility prior to 1906, and contained a “bottle dealer” building, a shed, a washhouse, and bottle racks. By 1926, the Site contained a stone yard with a single-story shed (538 Carroll Street) and a single-story structure used by a wheelwright (274 4<sup>th</sup> Avenue). At that time, a two-story garage with two gasoline tanks was developed directly adjacent to the Site (272 4<sup>th</sup> Avenue). By 1951, the Site was depicted as a metal and wood finishing facility (538 Carroll Street) and an automobile garage (274 4<sup>th</sup> Avenue), around 1965 the Site was depicted as an automobile repair facility (538 Carroll Street) and part of a machine shop (274 4<sup>th</sup> Avenue), and around 1978 the Site was depicted as an unspecified manufacturing facility (538 Carroll Street) and an office (274 4<sup>th</sup> Avenue).

Site Geology and Hydrology – Based on the U.S. Geological Survey–Brooklyn, New York 2013 Quadrangle map, the Site is approximately 25 feet above the North American Datum of 1988 (an approximation of mean sea level). Groundwater was encountered at 11 feet below the at-grade building slab. Groundwater is expected to flow west-southwest across the Site towards the Gowanus Canal, which is approximately 0.25 miles west of the Site.

Soil borings, which were advanced to 20 feet below sidewalk grade across the Site during AKRF’s Phase II, encountered historic fill material underlain by presumed native gray or brown silt.

Environmental Assessment – Based on the investigations conducted to date, the primary contaminants of concern for the Site that is the subject of this BCA Amendment are petroleum-related VOCs, chlorinated VOCs, PAHs, and metals.

Soil – Soil sample analytical results obtained during the Phase II investigation were compared to NYSDEC Part 375 UUSCOs and RRSCOs.

- Sixteen VOCs were detected in the soil samples with concentrations ranging from an estimated concentration of 0.00024 milligrams per kilogram (mg/kg) to 28.9 mg/kg. No VOCs were detected above the RRSCOs in the soil samples. Acetone was detected at concentrations above the UUSCOs in one sample.
- Twenty-eight SVOCs were detected in the soil samples with concentrations ranging from an estimated concentration of 0.025 mg/kg to 539 mg/kg. The polycyclic aromatic hydrocarbons (PAHs) benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, indeno(1,2,3-cd)pyrene, and naphthalene were detected at concentrations exceeding their respective UUSCOs and RRSCOs in one or more of 11 soil samples (plus one blind duplicate). The concentrations of PAHs detected in the soil samples are likely attributable to the presence of historic fill at the Site.
- Twenty-five metals were detected in one or more of the soil samples analyzed. Lead, mercury, arsenic, copper, and barium were detected above their respective UUSCOs and RRSCOs in one or more of 12 of the soil samples. Nickel, silver, and zinc were detected above the UUSCO, but below the RRSCO, in one of more of 15 soil samples. Generally, the detected concentrations of metals in the soil samples are attributable to historical fill, which often contains variable concentrations of metals. Mercury and lead were detected in some of the soil samples at relatively high concentrations and may be indicative of characteristic hazardous levels in the subsurface of the Site.
- PCBs were detected in two of the soil samples collected, but the concentrations were below the UUSCO and RRSCO for total PCBs.

### Groundwater

- Two VOCs were detected in the groundwater samples with total concentrations ranging from 1.6 µg/L to 2.97 µg/L. No VOCs were detected at concentrations exceeding the AWQSGVs in the groundwater samples collected.
- Twenty-two SVOCs were detected in the three groundwater samples analyzed (plus the duplicate sample with total concentrations ranging from 0.23 µg/L to 62 µg/L. The PAHs benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, and indeno(1,2,3-cd)pyrene were detected at concentrations above their respective AWQSGVs in one or more of the groundwater samples. The detected PAHs were also detected at variable concentrations in soil samples collected from the Site; therefore, the detected PAHs in the groundwater samples are likely attributable to sediment entrained in the groundwater samples.
- PCBs were not detected in the groundwater samples collected from the Site.
- Twenty total metals and 21 dissolved metals were detected at variable concentrations in one or more of the groundwater samples collected. The metals manganese and sodium were detected at concentrations above the AWQSGVs in all of the total and dissolved metals samples collected, and total and dissolved iron was detected at concentrations above the AWQSGVs in two of the sample locations. All of the metals detected at concentrations above AWQSGVs in the samples are naturally occurring in regional soil and groundwater.

### Soil Vapor

A total of 32 VOCs were detected in one more of the six soil vapor samples analyzed. PCE was detected in all of the soil vapor samples at concentrations ranging from 7.26 µg/m<sup>3</sup> to 678 µg/m<sup>3</sup>. 1,1,1-Trichloroethane and methylene chloride were detected in one or more of the soil vapor samples at relatively low concentrations. In addition, BTEX and several other petroleum-related VOCs were detected at variable concentrations in the soil vapor and ambient samples. The detections of chlorinated solvents and BTEX in soil vapor at the Site are likely attributable to the current and historical use of the Site as an automobile repair facility

Soil, groundwater, and soil vapor sample results are summarized in *Figures 7, 8, and 9 (Attachment B)*. Contaminants of Concern were also identified at the existing BCP Site (272 4<sup>th</sup> Avenue, BCP Site No. C224298). The RI results for 272 4<sup>th</sup> Avenue are summarized in the June 2021 RIR for the Site, which is included in *Attachment C*.

## **PART B**

### **Supplement to Section V – Additional Requestor Information**

The additional requestor for the BCA Amendment Application to include 274 4<sup>th</sup> Avenue and 538 Carroll Street in the existing BCP Site located at 272 4<sup>th</sup> Avenue (BCP Site No. C224298) is as follows:

272 4<sup>th</sup> Avenue LLC  
Mr. Jesse Wark  
51 East 12<sup>th</sup> Street 7<sup>th</sup> Floor  
New York, NY 10003  
Tel: 646.738.8993

## **Supplement to Section VI. – Previous Property Owners/Operators**

### Current owner(s):

The current owner (as defined herein) of the properties that are the subject of this Application (274 4<sup>th</sup> Avenue and 538 Carroll Street, Brooklyn, NY) is 274 4<sup>th</sup> and 538 Carroll LLC (The Applicant). The current owner of the existing BCP Site (C224298), located at 272 4<sup>th</sup> Avenue, Brooklyn, NY, is 272 4<sup>th</sup> Avenue LLC. The entire Site will include Lots 13, 17, and 23 (the original BCP lot).

### Prior owner(s), known corporate members, and relationship to Requestor(s):

The Applicant anticipates voluntarily investigating and remediating the Site, as required under the Brownfield Cleanup Program, as part of its redevelopment of the larger development site into a residential building. Previous property owners and operators are not associated with the Applicant, and are listed below:

**Table 2A**  
**Previous Property Owners of Lot 13**

<b>Property Owners</b>	<b>Block/Lot</b>	<b>Years of Ownership</b>	<b>Status of Entity (Alive, Deceased, Active, Dissolved)</b>	<b>Current/Last Known Address/Phone Number (if available)</b>	<b>Relationship to Requestor(s)</b>
Ship Properties, LLC	Block 456 Lot 13	February 2011- June 2021	Active	c/o Ship Properties, LLC 621 Hungry Harbor Road, Valley Stream, New York, NY 11581	None
Ekaterini/Jhon Kipriadis	Block 456 Lot 13	January 1974 – February 2011	Active	c/o Jhon Kipriadis 621 Hungry Harbor Road, Valley Stream, New York, NY 11581	None
Nicholas D. Kazakos	Block 456 Lot 13	Prior to December 1974	Deceased	Nicholas D. Kazakos 505 East 79 <sup>th</sup> Street, New York City, NY 10075	None

**Table 2B**  
**Previous Property Owners of Lot 17**

<b>Property Owners</b>	<b>Block/Lot</b>	<b>Years of Ownership</b>	<b>Status of Entity (Alive, Deceased, Active, Dissolved)</b>	<b>Current/Last Known Address/Phone Number (if available)</b>	<b>Relationship to Requestor(s)</b>
Ship Properties, LLC.	Block 456 Lot 17	February 2011- June 2021	Active	c/o Ship Properties, LLC 621 Hungry Harbor Road, Valley Stream, New York, NY 11581	None
Jhon Kipriadis	Block 456 Lot 17	December 1987 – February 2011	Active	c/o Jhon Kipriadis 621 Hungry Harbor Road, Valley Stream, New York, NY 11581	None
J. N. & N. Realty Corp	Block 456 Lot 17	Prior to August 1966	Dissolved	J. N. & N. Realty Corp, 274 Fourth Avenue, Brooklyn NY 11215	None

**Table 2C**  
**Current/Previous Property Operators of Lot 13**

<b>Property Operators</b>	<b>Block/Lot</b>	<b>Years of Operation</b>	<b>Status of Entity (Alive, Deceased, Active, Dissolved)</b>	<b>Current/Last Known Address/Phone Number (if available)</b>	<b>Relationship to Requestor(s)</b>
Colony 274 Inc.	Block 456 Lot 13	2017 to 2019	Dissolved	Unknown	None

**Table 2D**  
**Current/Previous Property Operators of Lot 17**

<b>Property Operators</b>	<b>Block/Lot</b>	<b>Years of Operation</b>	<b>Status of Entity (Alive, Deceased, Active, Dissolved)</b>	<b>Current/Last Known Address/Phone Number (if available)</b>	<b>Relationship to Requestor(s)</b>
ABC Collision	Block 456 Lot 17	1999 to 2021	Active	270 4 <sup>th</sup> Avenue, Brooklyn, NY, 11215	None

**Supplement to Section VI. – Current Property Owner/Operator Information**

The current property owner information for 274 4<sup>th</sup> Avenue and 538 Carroll Street is as follows:

274 4<sup>th</sup> Avenue and 538 Carroll LLC  
51 East 12<sup>th</sup> Street 7<sup>th</sup> Floor  
New York, NY 10003  
Tel: 646.738.8993  
Email: [jesse@averyhallinvestments.com](mailto:jesse@averyhallinvestments.com)  
Ownership Start Date: 6/16/2021

The current property owner information for 272 4<sup>th</sup> Avenue is as follows:

272 4<sup>th</sup> Avenue LLC  
51 East 12<sup>th</sup> Street 7<sup>th</sup> Floor  
New York, NY 10003  
Tel: 646.738.8993  
Email: [jesse@averyhallinvestments.com](mailto:jesse@averyhallinvestments.com)  
Ownership Start Date: 6/3/2019

## Supplement to Section VII. – Requestor Eligibility Information

### Volunteer Status

The Applicants qualify as Volunteers with respect to the Site because performed all appropriate inquiry prior to acquiring the Site, i.e., they retained a qualified environmental consultant to conduct a Phase I ESA and Subsurface (Phase II) Investigation at the Site and are voluntarily applying to be accepted into the BCP to undertake all required investigation and remediation of the Site prior to and/or concurrent with its redevelopment. The Applicant took possession of the Site on June 2, 2021.

### Proof of Access

Two entities, 272 4<sup>th</sup> Avenue LLC and 274 4<sup>th</sup> Avenue and 538 Carroll LLC, are seeking to enroll the entire site, including Lots 13, 17, and 23, into the BCP as Volunteers. Access agreements between the two entities granting each access to Lots 13, 17, and 23, are included as *Attachment E*.

## Supplement to Section VIII. – Property Eligibility Information

### *Registry Listings*

#### *b. Resource Conservation and Recovery Act (RCRA) Notifiers Listings*

Property address was identified in the RCRA Non-Generator/No Longer Regulated database; however, the listing was associated with Con Edison Manhole No. 22624, which is adjacent to the Property. The listing identified the manhole as an LQG in June 2014. No violations were identified.

## Supplement to Section IX. – Contact List Information

### *1. Local, State, and Federal Officials*

Hon. Bill de Blasio Mayor of New York City City of New York 1 Centre Street New York, NY 10007	Hon. Scott M. Stringer New York City Comptroller Office of the Comptroller, City of NY 1 Centre Street New York, NY 10007
Jumaane Williams Public Advocate 1 Centre Street New York, NY 10007	Eric L. Adams Brooklyn Borough President 209 Joralemon Street Brooklyn, NY 11201
Jo Anne Simon State Assembly District 52 341 Smith Street Brooklyn, NY 11231	Brad Lander City Council District 39 456 5 <sup>th</sup> Avenue Brooklyn, NY 11215
Commissioner NYC Department of City Planning 120 Broadway, 31 <sup>st</sup> Floor New York, New York 10271	NYC Department of City Planning Brooklyn Borough Office 16 Court Street, 7 <sup>th</sup> Floor Brooklyn, NY 11231-0103
Hon. Charles Schumer U.S. Senate 780 Third Avenue, Suite 2301 New York, NY 10017	Hon. Kirsten Gillibrand U.S. Senate 780 Third Avenue, Suite 2601 New York, New York 10017

Hon. Nydia Velázquez U.S. House of Representatives 31-19 Newtown Avenue Astoria, NY 11102	Hon. Governor Andrew M. Cuomo NYS State Capitol Building Albany, New York 12224
Mark McIntyre, Director Mayor's Office of Environmental Remediation 100 Gold Street, 2 <sup>nd</sup> Floor New York, NY 10038	Mark Chambers, Director Mayor's Office of Environmental Sustainability 253 Broadway, 7 <sup>th</sup> Floor New York, New York 10007
John McLaughlin DEP – Bureau of Environmental Planning and Analysis 96-05 Horace Harding Expressway Flushing, New York 11373	Nancy T. Sunshine, County Clerk County of Kings Clerks' Office 360 Adams Street, Room 189 Brooklyn, NY 11201
Vincent Sapienza Acting Commissioner, NYC Dept. of Environmental Protection 59-17 Junction Boulevard Flushing, NY 11373	Zellnor Myrie New York State Senator, 20 <sup>th</sup> District Temporary District Office: 330 Empire Blvd Brooklyn, NY 11225
Craig Hammerman District Manager, Brooklyn Community Board 6 250 Baltic Street Brooklyn, NY 11201	Peter D. Fleming Chairperson, Brooklyn Community Board 6 250 Baltic Street Brooklyn, NY 11201-6401

## 2. Residents, Owners, and Occupants of the Site and Adjacent Properties

The Site, Block 456, Lot 23, is currently owned by 274 4<sup>th</sup> Avenue and 538 Carroll LLC, located at 51 East 12<sup>th</sup> Street, New York, NY 10003. A list of adjacent properties and owners is provided below:

<u>Adjacent to the north:</u>	<u>Adjacent to the east:</u>
<u>Block 456, Lot 23</u> Current Occupant 272 4 <sup>th</sup> Avenue Brooklyn, NY 11215  272 4 <sup>th</sup> Avenue LLC 51 East 12 <sup>th</sup> Street, 7 <sup>th</sup> Floor, New York, NY, 10003  <u>Block 448, Lot 43</u> Current Occupant 264 4 <sup>th</sup> Avenue Brooklyn, NY 11215  Amitrano, Joann (owner) 262 4 <sup>th</sup> Avenue Brooklyn, NY 11215  <u>Block 448, Lot 45</u> Current Occupant	<u>Block 456, Lot 23</u> ABC Collision 270 4 <sup>th</sup> Avenue Brooklyn, NY 11215  272 4 <sup>th</sup> Avenue LLC 51 East 12 <sup>th</sup> Street, 7 <sup>th</sup> Floor, New York, NY, 10003  <u>Block 958, Lot 2</u> Current Occupant 249 4 <sup>th</sup> Avenue Brooklyn, NY 11215  249-251 4 <sup>th</sup> Avenue Property LLC (owner) 249 4 <sup>th</sup> Avenue Brooklyn, NY 11215  <u>Block 958, Lot 1</u> Current Occupant



529 Carrol Street Brooklyn, NY 11215	253 4 <sup>th</sup> Avenue Brooklyn, NY 11215
529 Carrol Owners Corporation (owner) C.O Goldin Management 25 8 <sup>th</sup> Avenue Brooklyn, NY 11217	Gregan Management, Inc. (owner) 26 Delevan Street Brooklyn, NY 11213
<u>Block 448, Lot 46</u> Current Occupant 527 Carrol Street Brooklyn, NY 11215	<u>Block 961, Lot 7502</u> Current Occupant 560 Carroll Street Brooklyn, NY 11215
555 Gates LLC (owner) 14 Bond Street #404 Great Neck, NY 11021	<u>Block 961, Lot 2</u> Current Occupant 259 4 <sup>th</sup> Avenue Brooklyn, NY 11215 Jaman Realty LLC (owner) 106 South Elliot Place Brooklyn, NY 11217
<u>Block 448, Lot 47</u> Current Occupant 525 Carrol Street Brooklyn, NY 11215	<u>Block 961, Lot 1</u> Current Occupant 261 4 <sup>th</sup> Avenue Brooklyn, NY 11215
521-525 Carroll Associates, LLC 599 Golf Drive North Woodmere, NY 11581	261 4 <sup>th</sup> Avenue LLC (owner) 261 4 <sup>th</sup> Avenue Brooklyn, NY 11215
	<u>Block 964, Lot 8</u> Current Occupant 265 4 <sup>th</sup> Avenue Brooklyn, NY 11215
	Park Building Enterprises LLC (owner) 265 4 <sup>th</sup> Avenue, #1B Brooklyn, NY 11215

<u>Adjacent to the south:</u>	<u>Adjacent to the west:</u>
<u>Block 456, Lot 12</u> Current Occupant 11 Denton Place Brooklyn, NY 11215  NJK Delton LLC (owner) 11 Denton Place Brooklyn, NY 11215  <u>Block 456, Lot 11</u> Current Occupant 13 Denton Place Brooklyn, NY 11215  Canjura Rene R (owner) 13 Denton Place Brooklyn, NY 11215  <u>Block 456, Lot 32</u> New York City Transit Substation	<u>Block 456, Lot 14</u> Outdoor Space 534 Carrol Street Brooklyn, NY 11215  New York Garden Trust Inc. (owner) 254 West 31 <sup>st</sup> Street, 10 <sup>th</sup> Floor New York, NY 10001  <u>Block 455, Lot 1</u> Current Occupant 512 Carroll Street Brooklyn, NY 11215  Roman Catholic Church (owner) 512 Carroll Street Brooklyn, NY 11215

### 3. Local News Media

New York Post 1211 Avenue of the Americas New York, New York 10036	New York Daily News 4 New York Plaza New York, New York 10004
New York 1 News 75 Ninth Avenue New York, NY 10011 Email: ny1news@ny1.com	PIX 11 220 East 42 <sup>nd</sup> Street New York, NY 10017
Brooklyn Paper 1 Metrotech Center, Suite 1001 Brooklyn, NY 11201	Brooklyn Daily Eagle 16 Court Street Brooklyn, NY 11241

#### *4. Public Water Supply*

Public water is provided by The City of New York, Department of Environmental Protection:

Customer Service Center  
59-17 Junction Boulevard, 13<sup>th</sup> Floor  
Flushing, New York 11373

#### *5. Additional Contacts*

None.

#### *6. Nearby School and Day Care Centers*

##### Daycares:

Bumble Bee Daycare  
258 4<sup>th</sup> Avenue  
Brooklyn, NY 11215  
Director  
(347) 889-7223  
Distance: 175 feet north-northeast of the Site

Tiny Steps MB Daycare  
256 4<sup>th</sup> Avenue  
Brooklyn, NY 11215  
Director  
(917) 324-1536  
Distance: 195 feet north-northeast of the Site

Zusin Family Day Care  
309 2<sup>nd</sup> Street  
Brooklyn, NY 11215  
Director  
(347) 294-0324  
Distance: 715 feet south of the Site

Strong Place for Hope Day Care  
333 2<sup>nd</sup> Street  
Brooklyn, NY 11215  
Director  
(718) 499-0747  
Distance: 780 feet south-southeast of the Site

Happy Baby Day Care  
670 Union Street  
Brooklyn, NY 11215  
Director  
(347) 422-0657  
Distance: 800 feet east-northeast of the Site

Sunflower Child Care  
238 5<sup>th</sup> Avenue  
Brooklyn, NY 11215  
Director  
(646) 518-9580  
Distance: 850 feet east of the Site

Zusin Family Day Care  
323 3<sup>rd</sup> Street  
Brooklyn, NY 11215  
Director  
(347) 599-1740  
Distance: 875 feet south of the Site

Schools:

New York City Public School No. 372  
512 Carroll Street  
Brooklyn, NY 11215  
(718) 624-5271  
Ms. Rosa Amato, Principal  
Distance: 375 feet north-northwest of the Site

Little Brooklyn Pre-K Center  
305-307 3<sup>rd</sup> Avenue  
Brooklyn, NY 11215  
(718) 237-6720  
Carla Leonardi, Site Coordinator  
Distance: 630 feet west of the Site

Rivendell School  
277 3<sup>rd</sup> Avenue  
Brooklyn, NY 11215  
(718) 499-5667  
Katy Hill, Executive Director  
Distance: 700 feet northwest of the Site

*7. Document Repositories*

Brooklyn Public Library: Park Slope Branch  
431 6<sup>th</sup> Avenue  
Ms. Stephanie Brueckel, Manager  
(718) 832.1853

Brooklyn Community Board District 6  
Michael Racioppo, District Manager  
250 Baltic Street, Brooklyn, LL Suite 1025  
Brooklyn, NY 11201-6401  
(718) 643-3027

Letters signed by representatives of the designated document repositories are included in *Attachment F*.

## 8. Local Community Board

Brooklyn Community Board District 6  
Michael Racioppo, District Manager  
250 Baltic Street, Brooklyn, LL Suite 1025  
Brooklyn, NY 11201-6401  
(718) 643-3027

## Supplement to Section X. – Land Use Factors

### 1. Zoning

The Site is currently zoned as M1-2 (manufacturing district); however, the project assumes that the currently projected zoning designation of C4-4D will be approved through the City led Gowanus Rezoning. The proposed use of the Site is mixed-use commercial and residential, which is consistent with the proposed new zoning designation. A Zoning Map is presented as Figure 6.

### 2. Current Site Use

Currently, the Site subject to this BCA Amendment Application comprises a vacant two-story commercial building with a partial cellar (274 4<sup>th</sup> Avenue), which formerly operated as a restaurant with a second-floor office space, and a vacant single-story commercial building that operated as an automobile repair facility (538 Carroll Street). The existing BCP Site (272 4<sup>th</sup> Avenue) comprises vacant a two-story building with a partial cellar. The Property was most recently operated as an automobile collision repair facility, which occupied both floors of the building. The buildings on all three lots (Lots 13,17, and 23) were vacated in September 2021. An Existing Land Use map is included as *Figure 5* in *Attachment B*.

### 3. Proposed Site Use

The proposed redevelopment plan is in a preliminary design stage. The likely redevelopment will begin with the merging of the two lots with 272 4<sup>th</sup> Avenue (Block 456, Lot 23), which is currently in the BCP (Site No. C224298). The lot merger will be followed by the demolition of the existing structures and the construction of a 100,000 gross square foot (gsf) mixed-use commercial and residential building, standing between thirteen and fourteen stories tall. The cellar level would encompass the entirety of the lot to a depth of 12 to 16 feet below grade and include storage space, and back-of-house uses including building mechanicals, trash compactor room, bike room. The ground floor would include retail spaces, with the remainder of the floor space being used for residential lobby, stair/elevator core, and miscellaneous residential. Floors 2 through 14 would comprise residential units, of which 25% would be affordable housing.

### 6. Community Master Plans, Local Waterfront Revitalization Plans, and/or Adopted Land Use Plans

The neighborhood represented by Brooklyn Community Board No. 6, where the proposed redevelopment site is located, is currently part of the proposed Gowanus Rezoning. The projected zoning for the Site is C4-4D (R9A equivalent), which is consistent with the proposed redevelopment plan. The proposed redevelopment plan is consistent with land use patterns in the surrounding area, and there are no existing neighborhood plans or policies in affect that include the proposed redevelopment site.

**ATTACHMENT A**

**NYS Department of State's Corporation and Business Entity Database Information**

## Department of State Division of Corporations

### Entity Information

[Return to Results](#)

[Return to Search](#)

#### Entity Details

<b>ENTITY NAME:</b> 272 4TH AVENUE LLC	<b>DOS ID:</b> 5492954
<b>FOREIGN LEGAL NAME:</b>	<b>FICTITIOUS NAME:</b>
<b>ENTITY TYPE:</b> DOMESTIC LIMITED LIABILITY COMPANY	<b>DURATION DATE/LATEST DATE OF DISSOLUTION:</b>
<b>SECTION OF LAW:</b> 203 LLC - LIMITED LIABILITY COMPANY LAW	<b>ENTITY STATUS:</b> Active
<b>DATE OF INITIAL DOS FILING:</b> 02/12/2019	<b>REASON FOR STATUS:</b>
<b>EFFECTIVE DATE INITIAL FILING:</b> 02/12/2019	<b>INACTIVE DATE:</b>
<b>FOREIGN FORMATION DATE:</b>	<b>STATEMENT STATUS:</b> CURRENT
<b>COUNTY:</b> New York	<b>NEXT STATEMENT DUE DATE:</b> 02/28/2023
<b>JURISDICTION:</b> New York, United States	<b>NFP CATEGORY:</b>

[ENTITY DISPLAY](#)

[NAME HISTORY](#)

[FILING HISTORY](#)

[MERGER HISTORY](#)

[ASSUMED NAME HISTORY](#)

#### Service of Process Name and Address

**Name:** AVERY HALL INVESTMENTS ATTN: AVI FISHER

**Address:** 141 NEVINS STREET, #159, BROOKLYN, NY, United States, 11217

#### Chief Executive Officer's Name and Address

**Name:**

**Address:**

#### Principal Executive Office Name and Address

**Name:**

**Address:**

#### Registered Agent Name and Address

**Name:**

**Address:**

Entity Primary Location Name and Address

**Name:**

**Address:**

Farmcorpflag

**Is The Entity A Farm Corporation:** No

Stock Information

Share Value	Number Of Shares	Value Per Share



The COVID-19 vaccine is here. It is safe, effective and free.

Walk in to get vaccinated at sites across the state.

Continue to mask up and stay distant where directed.

[GET THE FACTS >](#)

## Department of State Division of Corporations

### Entity Information

**ENTITY NAME:**

274 4TH AND 538 CARROLL LLC

**FOREIGN LEGAL NAME:**

**ENTITY TYPE:**

FOREIGN LIMITED LIABILITY COMPANY

**SECTION OF LAW:**

802 LLC - LIMITED LIABILITY COMPANY LAW

**DATE OF INITIAL DOS FILING:**

04/23/2021

**EFFECTIVE DATE INITIAL FILING:**

04/23/2021

**FOREIGN FORMATION DATE:**

03/29/2021

**COUNTY:**

New York

**JURISDICTION:**

Delaware, United States

**DOS ID:**

5996613

**FICTITIOUS NAME:**

**DURATION DATE/LATEST DATE OF DISSOLUTION:**

**ENTITY STATUS:**

Active

**REASON FOR STATUS:**

**INACTIVE DATE:**

**STATEMENT STATUS:**

CURRENT

**NEXT STATEMENT DUE DATE:**

04/30/2023

**NFP CATEGORY:**

**Name:** THE LLC

**Address:** 141 NEVINS STREET, #159, BROOKLYN, NY, United States, 11217

**Name:**

**Address:**

**Name:**

**Address:**

**Name:**

**Address:**

**Name:**

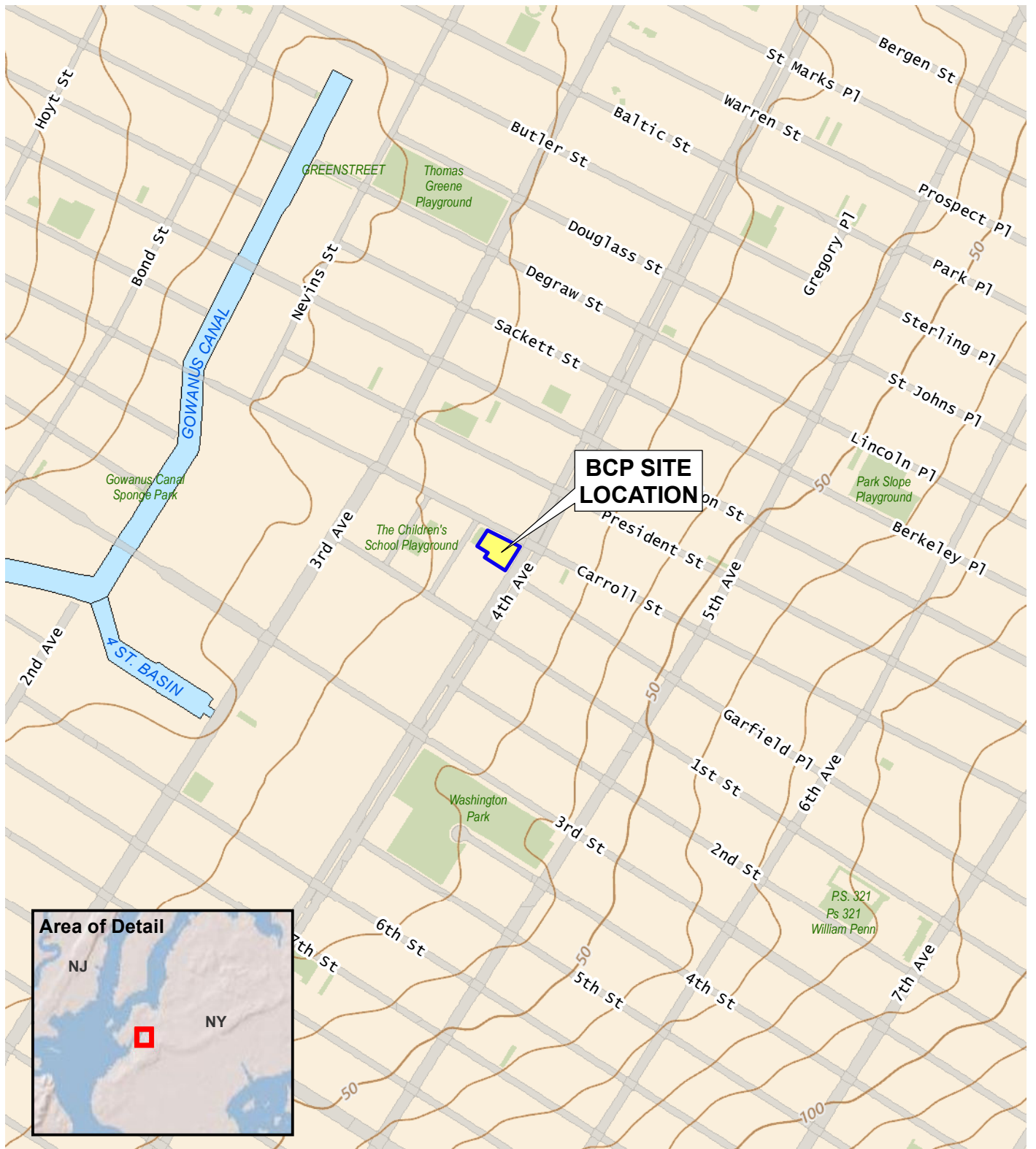
**Address:**

**Is The Entity A Farm Corporation:** No

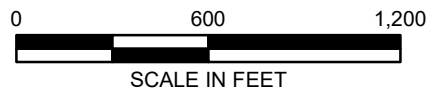
## **ATTACHMENT B**

### **Figures**

©2021 AKRF W:\Projects\190021 - 272 4TH AVENUE\Technical\GIS and Graphics\hazmat\BCA Amendment\Application\190021 Fig 1 BCP Site Location map.mxd 9/24/2021 11:07:50 AM jlsalus



Service Layer Credits: USGS The National Map: 3d Elevation Program, Data Refreshed July, 2020



440 Park Avenue South, New York, NY 10016

**272 4<sup>th</sup> Ave**  
Brooklyn, New York

**SITE LOCATION**

DATE <b>10/6/2021</b>
PROJECT NO. <b>190021</b>
FIGURE <b>1</b>

© 2021 AKRF W:\Projects\190021 - 272 4TH AVENUE\Technical\GIS and Graphics\hazmat\BCA Amendment Application\190021 Fig 2 Site Plan and Sample Locations.mxd 10/6/2021 1:17:56 PM jszalus



#### LEGEND



PROJECT SITE BOUNDARY



LOT BOUNDARY AND TAX LOT NUMBER

**456**

BLOCK NUMBER



BUILDING



SOIL BORING



SOIL BORING/SOIL VAPOR POINT



SOIL BORING/TEMPORARY MONITORING WELL/SOIL VAPOR POINT



TEMPORARY MONITORING WELL



AMBIENT AIR SAMPLE LOCATION



SCALE IN FEET

Map Source:  
NYCDP (NYC Dept. of City Planning) GIS database



440 Park Avenue South, New York, NY 10016

**272 4<sup>th</sup> Avenue**  
Brooklyn, New York

## SITE PLAN AND SAMPLE LOCATIONS

DATE

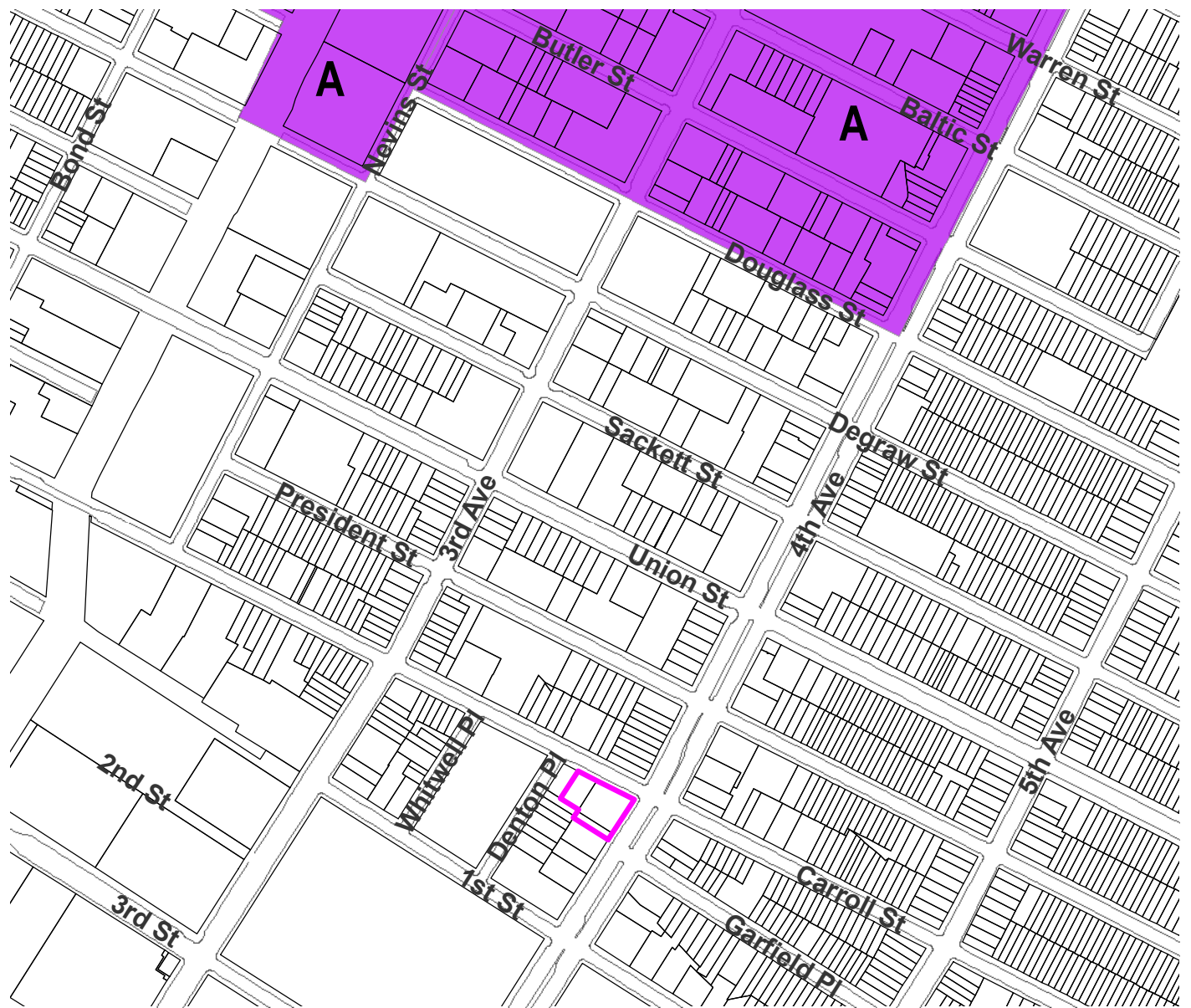
**10/6/2021**

PROJECT NO.

**190021**

FIGURE

**2**





Map Source:  
NYC DCP (NYC Dept. of City Planning) GIS database


## LEGEND

 PROJECT SITE BOUNDARY

 TAX LOT BOUNDARY

 CRITERIA A, Y - INDICATOR FOR CENSUS TRACT HAVING A "POVERTY RATE OF AT LEAST 20% AND UNEMPLOYMENT RATE OF AT LEAST 125% THE STATEWIDE UNEMPLOYMENT RATE." 'Y' INDICATES THAT THE CENSUS TRACT MEETS THIS CRITERIA

 CRITERIA B, Y - INDICATOR FOR CENSUS TRACT HAVING A "POVERTY RATE OF AT LEAST 2 TIMES THE POVERTY RATE FOR THE COUNTY." 'Y' INDICATES THAT THE CENSUS TRACT MEETS THIS CRITERIA.

 CRITERIA AB, Y - INDICATOR THAT THE CENSUS TRACT MEETS BOTH CRITERIA A AND B. 'Y' INDICATES THAT THE CENSUS TRACT MEETS THIS CRITERIA



440 Park Avenue South, New York, NY 10016

**272 4<sup>th</sup> Ave**  
Brooklyn, New York

## EN-ZONE BOUNDARY MAP

DATE  
**10/6/2021**

PROJECT NO.  
**190021**

FIGURE  
**3**



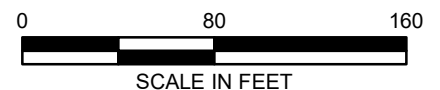
Map Source:  
NYCDP (NYC Dept. of City Planning) GIS database

Adjacent Property Owners		
Block	Lot	OwnerName
456	29	New York City Transit Authority
456	14	New Garden Trust Inc.
456	12	NJK denton Lic
961	1	261 4Th Avenue, Llc
964	8	First Building Enterp.
448	46	555 Gates, LLC
448	45	529 Carroll Owners Corp
448	43	First Building Enterp.
958	1	Gregan Management, Inc.
958	2	249-251 4Th Avenue Pr
961	2	Jaman Realty, Llc
961	3	560 Carroll Street
456	112	9 Denton Place

#### LEGEND

- PROJECT SITE BOUNDARY
- ADJACENT PROPERTIES
- LOT BOUNDARY AND TAX LOT NUMBER

**456** BLOCK NUMBER



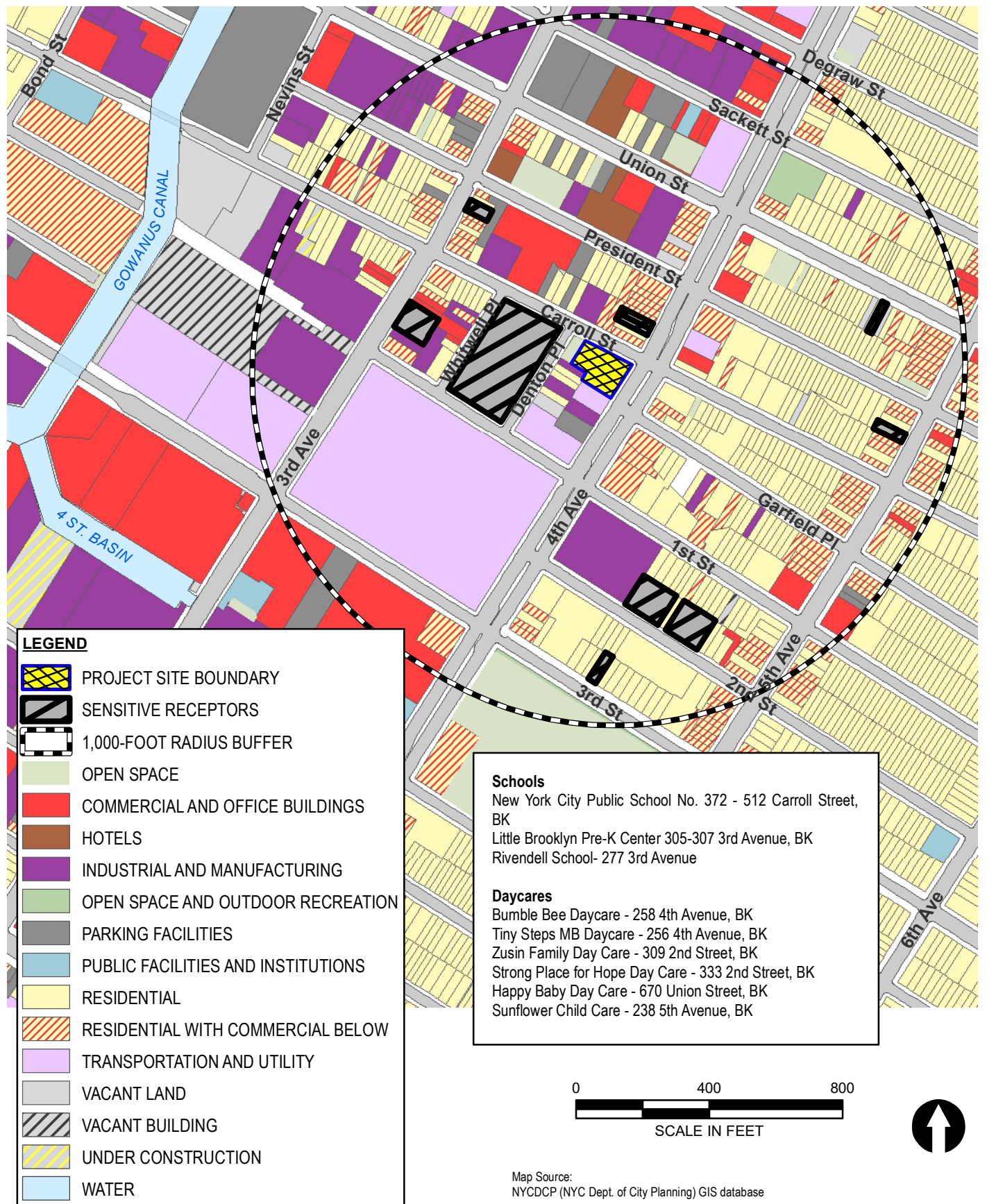
440 Park Avenue South, New York, NY 10016

**272 4<sup>th</sup> Ave**  
Brooklyn, New York

**TAX MAP**

DATE <b>10/6/2021</b>
PROJECT NO. <b>190021</b>
FIGURE <b>4</b>





440 Park Avenue South, New York, NY 10016

**272 4<sup>th</sup> Ave**  
 Brooklyn, New York

# **SURROUNDING LAND USE AND SENSITIVE RECEPTORS**

DATE  
**10/6/2021**

PROJECT NO.  
**190021**






FIGURE  
**5**





Source:  
NYC Department of City Planning, Technical Review Division

# **LEGEND**

-  PROJECT SITE BOUNDARY
-  1,000 RADIUS BUFFER
-  ZONING DISTRICTS
-  COMMERCIAL OVERLAY DISTRICTS
-  SPECIAL PURPOSE DISTRICT

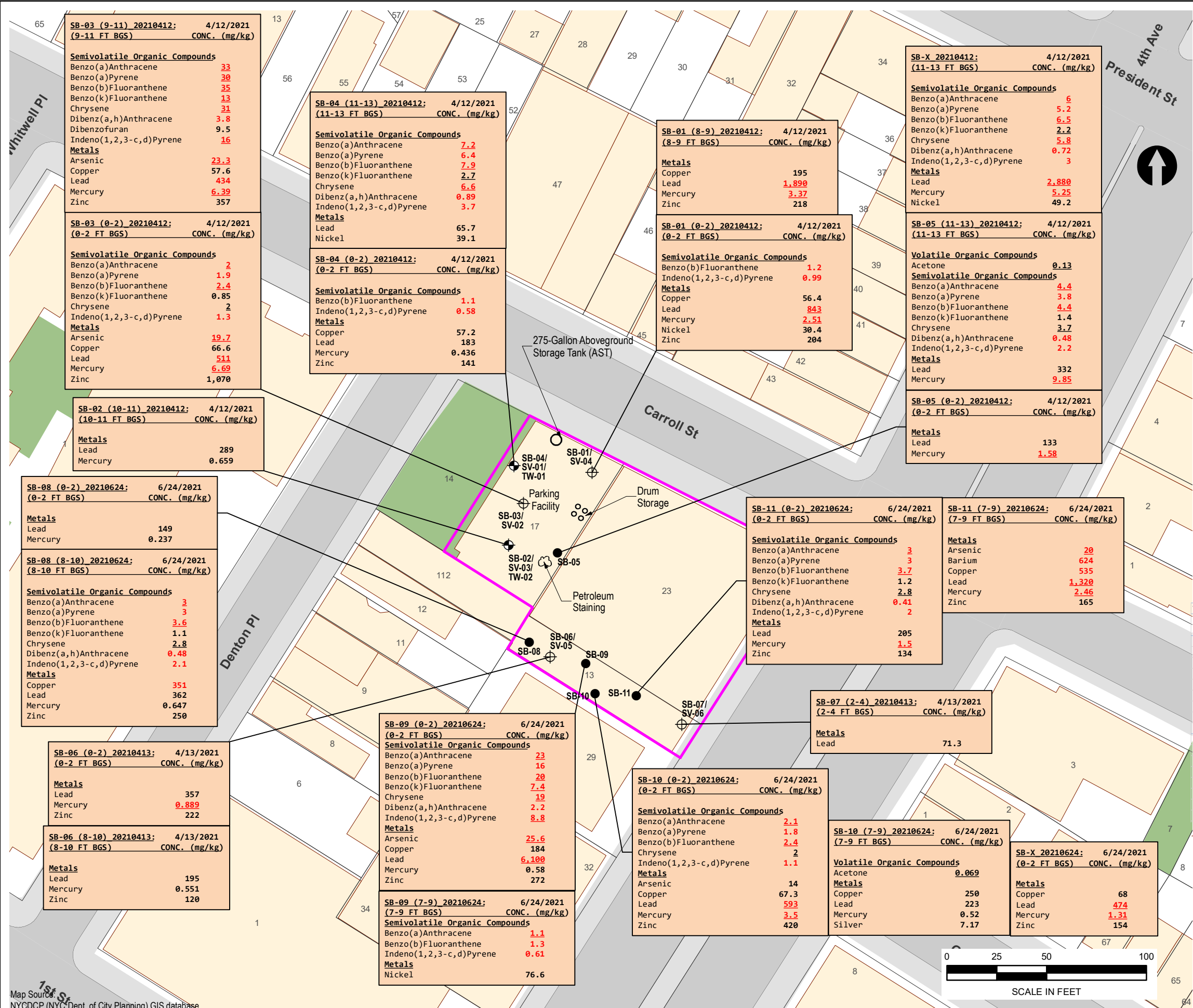


440 Park Avenue South, New York, NY 10016

**272 4<sup>th</sup> Ave**  
Brooklyn, New York

## **ZONING MAP**

DATE <b>10/6/2021</b>
PROJECT NO. <b>190021</b>
FIGURE <b>6</b>



LEGEND

- PROJECT SITE BOUNDARY
- LOT BOUNDARY AND TAX LOT NUMBER
- 456 BLOCK NUMBER
- BUILDING
- SOIL BORING
- SOIL BORING/SOIL VAPOR POINT
- SOIL BORING/TEMPORARY MONITORING WELL/SOIL VAPOR POINT

Part 375 Soil Cleanup Objectives (SCOs): SCOs listed in the New York State Department of Environmental Conservation (NYSDEC) "Part 375" Regulations (6 NYCRR Part 375).

Exceedances of NYSDEC Unrestricted Use Soil Cleanup Objectives (UUSCOs) are presented in bold font.

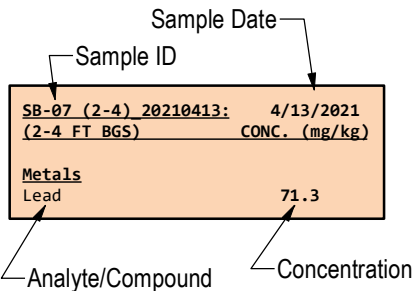
Exceedances of NYSDEC Restricted Residential Soil Cleanup Objectives (RRSCOs) are presented in red.

Exceedances of NYSDEC Protected Groundwater Soil Cleanup Objectives (PGWSCOs) are presented in underlined font.

mg/kg: milligrams per kilogram = parts per million (ppm)

SB-X\_20210412 is a blind duplicate of sample SB-05 (11-13)\_20210412  
SB-X\_20210624 is a blind duplicate of sample SB-10 (0-2)\_20210624

	Part 375 Protection of Groundwater mg/kg	PART 375 RESTRICTED RESIDENTIAL mg/kg	PART 375 UNRESTRICTED mg/kg
<b>Volatile Organic Compounds</b>			
Acetone	0.05	100	0.05
<b>Semivolatile Organic Compounds</b>			
Benzo(a)Anthracene	1	1	1
Benzo(a)Pyrene	22	1	1
Benzo(b)Fluoranthene	1.7	1	1
Benzo(k)Fluoranthene	1.7	3.9	0.8
Chrysene	1	3.9	1
Dibenz(a,h)Anthracene	1,000	0.33	0.33
Dibenzofuran	210	59	7
Indeno(1,2,3-c,d)Pyrene	8.2	0.5	0.5
<b>Metals</b>			
Arsenic	16	16	13
Barium	820	400	350
Copper	1720	270	50
Lead	450	400	63
Mercury	0.73	0.81	0.18
Nickel	130	310	30
Silver	8.3	180	2
Zinc	2,480	10,000	109

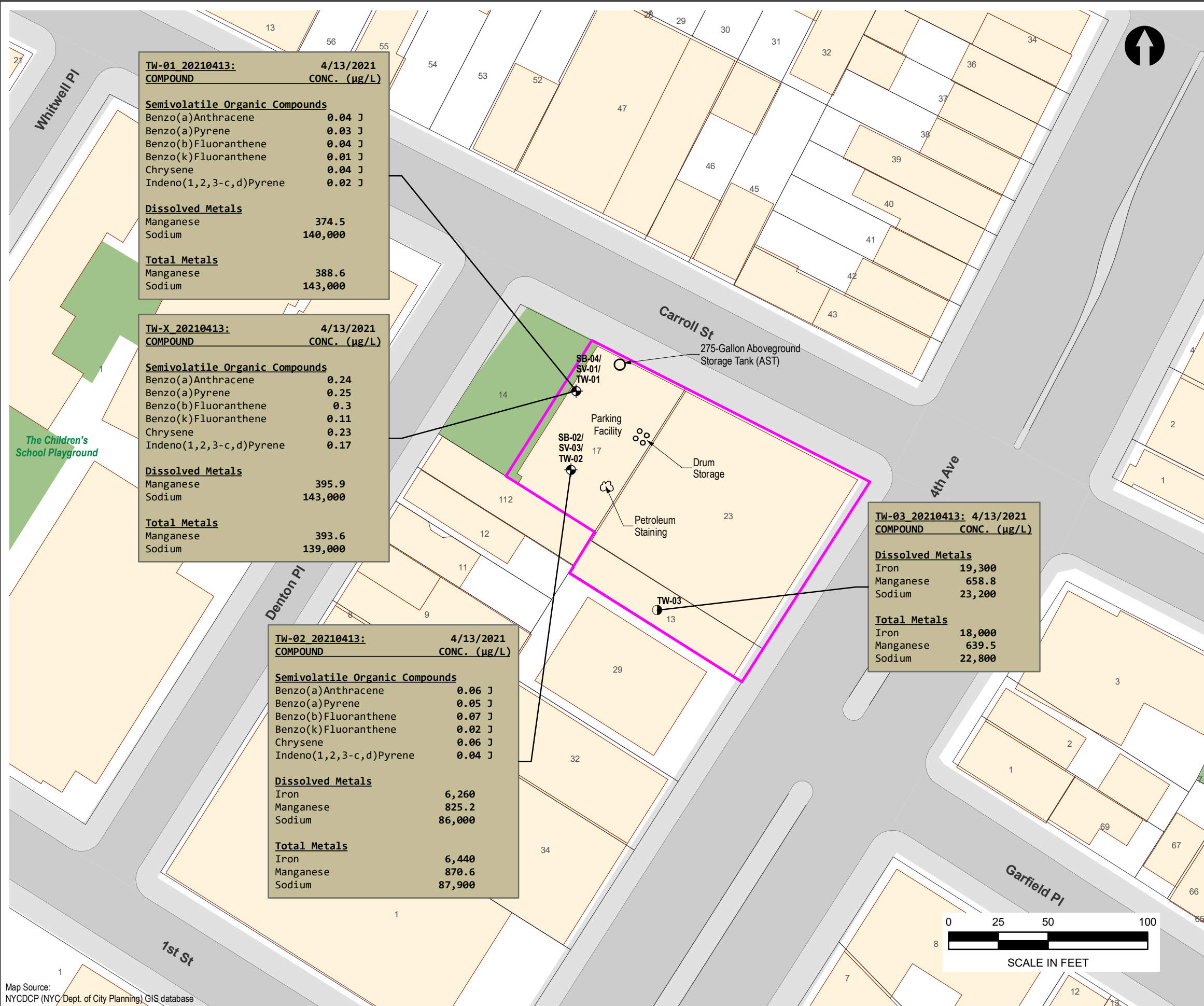


272 4<sup>th</sup> Avenue  
Brooklyn, New York



Soil Exceedances above UUSCO, RRSCO and/or PGWSCOs

© 2021 AKRF W:\Projects\190021 - 272 4TH AVENUE\Technical\GIS and Graphics\hazmat\BCA Amendment Application\190021\_Fig 8 Groundwater Concentrations Above NYSDEC AWQSGVs.mxd 01/06/2021 2:17:00 PM jzalus



#### LEGEND

- PROJECT SITE BOUNDARY
- LOT BOUNDARY AND TAX LOT NUMBER
- 456 BLOCK NUMBER
- BUILDING
- SOIL BORING/TEMPORARY MONITORING WELL/SOIL VAPOR POINT
- TEMPORARY MONITORING WELL

**NYSDEC TOGS Class GA Ambient Water Quality Standard(AWQSGVs):**  
New York State Department of Environmental Conservation  
(NYSDEC) Technical and Operational Guidance Series  
(TOGS) (1.1.1):

µg/L: micrograms per Liter = parts per billion (ppb)

Only Exceedances of NYSDEC AWQSGVs are shown in bold font.

J: The reported value is estimated

TW-X\_20210413 is a blind duplicate of sample TW-

NYSDEC AWQSGVs µg/l	
<b>Semivolatile Organic Compounds</b>	
Benzo(a)Anthracene	0.002
Benzo(a)Pyrene	0
Benzo(b)Fluoranthene	0.002
Benzo(k)Fluoranthene	0.002
Chrysene	0.002
Indeno(1,2,3-c,d)Pyrene	0.002
<b>Metals</b>	
Iron	300
Manganese	300
Sodium	20,000

Sample ID		Sample Date
TW-03 20210413: 4/13/2021		
COMPOUND	CONC. (µg/L)	
<u>Dissolved Metals</u>		
Iron	19,300	
Manganese	658.8	
Sodium	23,200	
<u>Total Metals</u>		
Iron	18,000	
Manganese	639.5	
Sodium	22,800	

Analyte/Compound

Concentration

272 4<sup>th</sup> Avenue  
Brooklyn, New York

#### GROUNDWATER CONCENTRATIONS ABOVE NYSDEC AWQSGVs

AKRF  
440 Park Avenue South, New York, NY 10016

DATE  
10/6/2021

PROJECT NO.  
190021

FIGURE  
3



© 2021 AKRF W:\Projects\190021 - 272 4TH AVENUE\Technical\GIS and Graphics\hazmat\BCA Amendment Application\190021 Fig 9 Soil Vapor Sample Concentrations.mxd 10/6/2021 2:08:01 PM isalus



LEGEND

PROJECT SITE BOUNDARY

LOT BOUNDARY AND TAX LOT NUMBER

BLOCK NUMBER

BUILDING

SOIL BORING/SOIL VAPOR POINT

SOIL BORING/TEMPORARY MONITORING WELL/SOIL VAPOR POINT

AMBIENT AIR SAMPLE LOCATION

SOIL VAPOR

µg/m³- micrograms per cubic meter

Sample Date

Sample ID

Analyte/Compound

Concentration



440 Park Avenue South, New York, NY 10016

272 4<sup>th</sup> Avenue  
Brooklyn, New York

SOIL VAPOR SAMPLE CONCENTRATIONS

DATE

10/6/2021

PROJECT NO.

190021

FIGURE

9

**ATTACHMENT C**

**Previous Environmental Reports (under separate cover)**

**ATTACHMENT D**  
**Site Survey Map**





TREE PIT	HYDRANT	WATER VALVE	CATCH BASIN	LIGHT POST	WATER MANHOLE	TELEPHONE MANHOLE	EL. ELEVATION	BC-EL. ON BOTTOM OF CURB	LG-LEGAL GRADE	C.D-CELLAR DOOR	ENT. ENTRANCE	CL. CLEAR	REL. ROOF EL.	PLAT. PLATFORM
ELECTRIC BOX	UTILITY POLE	TRAFFIC SIGN	GAS VALVE	PARKING METER	ELECTRIC MANHOLE	SEWER MANHOLE	TC-EL. ON TOP OF CURB	CL-EL. ON CENTER OF ROAD	LA. LOW AREA	F.E-FIRE ESCAPE	RT-RIGHT ON LINE	ENC. ENCROACHMENT	T.W. EL. OF TOP WALL	A.C. AIR CONDITION

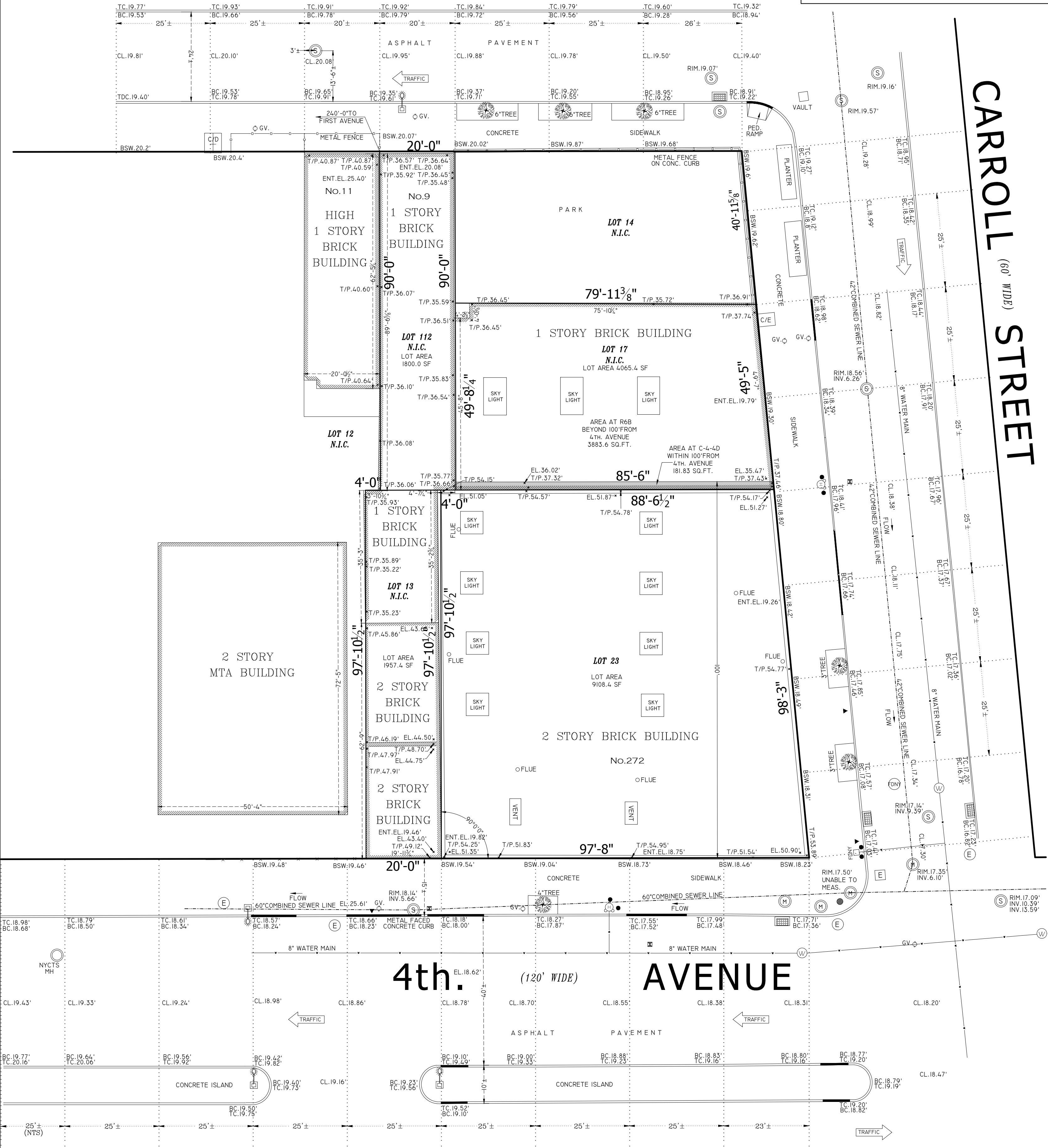
— LEGEND —



MAP OF PROPERTY LOCATED  
272 4th. AVENUE  
BROOKLYN, N.Y.

# DENTON (50' WIDE) PLACE

# CARROLL (60' WIDE) STREET



DATE	DESCRIPTION
FEBRUARY 19, 2020	ARCHITECTURAL SURVEY
JUNE 23, 2021	UPDATED SURVEY
BLOCK _____	456
LOT _____	23
SECTION _____	2
COUNTY _____	KINGS
DWG BY _____	A.G.
CHKD BY _____	J.A.

NOTE:  
Unauthorized alterations or additions to this survey is a violation of section 7209 of the New York State education law. Copies of this survey map not bearing the land surveyor's inked seal or embossed seal shall not be considered to be a valid true copy. Guarantees or certifications indicated hereon shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Guarantees or certification are not transferable to additional institutions or subsequent owners.

**N.I.C. - NOT INCLUDED**

SCALE: 1"= 16'

CAUTION:  
1) Before performing any digging or drilling on this site, it is required that subsurface services including the underground mains be marked and identified by the utility involved in compliance with industrial code 53 of New York State.  
  
2) All elevations refer to North America Vertical Datum of 1988 (NAVD 88 Datum).  
  
3) Survey is not for title purposes  
T/P.- ELEVATION AT TOP OF PARAPET WALL  
BSW.- BACK OF SIDEWALK ELEVATION



3280 SUNRISE HWY, SUITE 341  
WANTAGH, NY 11793

TEL. 516-787-3299



**APPLICATION FOR APPORTIONMENTS OR MERGERS**

**Instructions:** Please complete this application and submit in person to: **Department of Finance, Property Division - Tax Map Office, 66 John Street, 2nd floor, New York, NY 10038.** Please read the instructions for further details before completing this form. Print clearly.

**SECTION A: PROPERTY INFORMATION**Borough: Brooklyn Block: 456 Present Lot(s): 13, 17, 23

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

☒ Merger ☐ Apportionment  
☐ Air ☐ SubterraneanNumber of  
Lots Requested 1Lot Number: 13Lot(s) Usage:  
(check one)☐ Residential  
Building Gross  
Sq/Ft: \_\_\_\_\_☐ Commercial  
Building Gross  
Sq/Ft: \_\_\_\_\_☒ Mix (Residential & Commercial)  
Building Gross  
Sq/Ft: 132,497 GSF

1. Property Owner's Name (as per Deed): EZRA BRIAN  
LAST NAME FIRST NAME  
OR  
Company Name: \_\_\_\_\_

2. Property Address: 51 East 12th Street, 7th Floor, New York, NY 10003  
NUMBER AND STREET CITY STATE ZIP CODE

3. Filing Representative (if applicable): ALEXIS PESEAU, APESEAU@DESIGN2147.COM

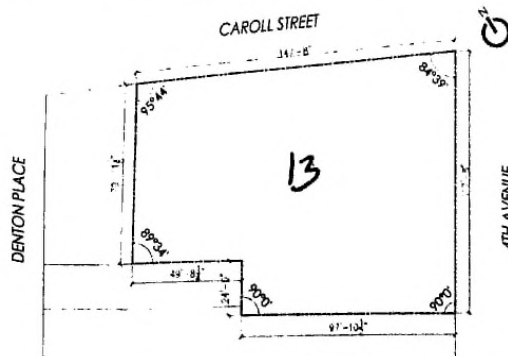
**SECTION B: CERTIFICATION**

1. Architect/Engineer/Applicant's Name: ZHU JIE  
LAST NAME FIRST NAME  
2. Address: 101 Ivy Lane Tenafly NJ 07670  
NUMBER AND STREET CITY STATE ZIP CODE  
3. Telephone Number: 212-658-0404 4. Email Address: JIE@DNJARCH.COM

The applicant hereby certifies that, in making this application for merger/apportionment, s/he is the owner, or acting under the direction of the owner.

Signature of Architect/ Engineer/Applicant: [Signature] Date: 06 / 30 / 2021

TAX MAP CHANGE WILL NOT BE MADE UNTIL PRESENTATION OF REQUIRED DOCUMENTS (see reverse for the required documents)  
DRAW SKETCH TO SCALE 1" = 50', IF POSSIBLE INDICATE NORTH ARROW

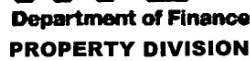


(Architect or Engineer's seal)

Tentative Lot(s) issued: 2, 13, 17, 23 Date: 7/14/21 New Lot(s): \_\_\_\_\_ Lot(s) Affected: 13 Lot(s) Dropped: 17, 23  
Customer Service Representative: [Signature]

Please note: Map changes will not be made until presentation of all required documents is reviewed and approved by the Specialist.  
Lots are tentative until final approval is received from the Tax Map Office.

Map Updated: \_\_\_\_\_  
Tax Map Specialist: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_



Date: 7-14-2021

Borough: 白土

Block: 456

Lot: 13

<u>SERVICE</u>	<u>COST</u>	<u>QUANTITY</u>	<u>AMOUNT</u>
Tax Map Certification	\$10.00	_____	_____
New Lot Request For Mergers Apportionments (RP-602), and Lot Request For Condominium Amendment Applications (RP-602CA)	\$73.00 (per lot)	<u>1</u>	<u><del>\$</del>73</u>

NYC Business Centers  
Department of Finance  
Manhattan Business Center  
66 John Street, 2nd Floor  
New York, NY 10038

Reference Number: 2021195040-15  
Date/Time: 07/14/2021 3:25:21 PM

Miscellaneous Fee

2021195040-15-1

CPRR Trans Code: 9507

Transaction ID: 995500000G000000MLC0E2  
UserId:NVC4014

**Total:**

\$73.00

1 ITEM TOTAL:

\$73.00

**TOTAL:**

\$73.00

ICL Personal Check

\$73.00

Check Nbr: 00064319

\$73.00

Total Received:

\$73.00



CE2021195040-15

Thank you! Have a nice day.

**ATTACHMENT E**  
**Access Agreements**

272 4<sup>th</sup> Avenue LLC  
51 East 12<sup>th</sup> Street, 7<sup>th</sup> Floor  
New York, NY 10003  
Phone: 646.828.3588

September 28, 2021

274 4<sup>th</sup> Avenue and 538 Carroll LLC  
51 East 12<sup>th</sup> Street, 7<sup>th</sup> Floor  
New York, NY 10003

RE: Property access to perform all obligations under the New York State Brownfield Cleanup Program

To Whom It May Concern,

272 4<sup>th</sup> Avenue LLC currently owns that certain real property located at 272 4<sup>th</sup> Avenue, Brooklyn, New York, also known as Block 456, Lot 23, on the Tax Map of the City of New York, Kings County (the "**Property**"). 272 4<sup>th</sup> Avenue LLC hereby authorizes 274 4<sup>th</sup> Avenue and 538 Carroll LLC to access the Property to perform any and all obligations under the New York State Brownfield Cleanup Program ("**BCP**"). 272 4<sup>th</sup> Avenue LLC understands that 274 4<sup>th</sup> Avenue and 538 Carroll LLC will also need to provide access to the New York State Department of Environmental Conservation, the New York State Department of Health, and AKRF, Inc. to perform requisite inspections, sampling, and all requirements under the BCP.

Sincerely,

**272 4<sup>TH</sup> AVENUE LLC**  
a New York limited liability company

By: Mr. Jesse Wark, its sole member

By: 

Name: Mr. Jesse Wark  
Title: Managing Partner

274 4<sup>th</sup> Avenue and 538 Carroll LLC  
51 East 12<sup>th</sup> Street, 7<sup>th</sup> Floor  
New York, NY 10003  
Phone: 646.828.3588

September 28, 2021

272 4<sup>th</sup> Avenue LLC  
51 East 12<sup>th</sup> Street, 7<sup>th</sup> Floor  
New York, NY 10003

RE: Property access to perform all obligations under the New York State Brownfield Cleanup Program

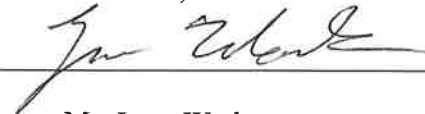
To Whom It May Concern,

274 4<sup>th</sup> Avenue and 538 Carroll LLC currently owns that certain real property located at 274 4<sup>th</sup> Avenue and 538 Carroll Street, Brooklyn, New York, also known as Block 456, Lots 13 and 17, on the Tax Map of the City of New York, Kings County (the "**Property**"). 274 4<sup>th</sup> Avenue and 538 Carroll LLC hereby authorizes 272 4<sup>th</sup> Avenue LLC to access the Property to perform any and all obligations under the New York State Brownfield Cleanup Program ("**BCP**"). 274 4<sup>th</sup> Avenue and 538 Carroll LLC understands that 272 4<sup>th</sup> Avenue LLC will also need to provide access to the New York State Department of Environmental Conservation, the New York State Department of Health, and AKRF, Inc. to perform requisite inspections, sampling, and all requirements under the BCP.

Sincerely,

**274 4<sup>TH</sup> AVENUE AND 538 CARROLL LLC**  
a New York limited liability company

By: Mr. Jesse Wark, its sole member

By: 

Name: Mr. Jesse Wark  
Title: Managing Partner

**ATTACHMENT F**  
**Document Repository Letters**



***Environmental, Planning, and Engineering Consultants***

440 Park Avenue South  
7th Floor  
New York, NY 10016  
tel: 212 696-0670  
fax: 212 213-3191  
[www.akrf.com](http://www.akrf.com)

July 18, 2019

Mr. Michael Racioppo  
District Manager  
Brooklyn Community Board District 6  
250 Baltic Street, Brooklyn, LL Suite 1025  
Brooklyn, NY 11201-6401

Re: Document Repository for 272 4<sup>th</sup> Avenue, Brooklyn, NY

Dear Mr. Racioppo:

AKRF, Inc. is submitting a New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Application on behalf of 272 4<sup>th</sup> Avenue, LLC for the project site located at 272 4<sup>th</sup> Avenue in Brooklyn, New York. As required by NYSDEC, Brooklyn Community Board District 6 will be the repository to which all pertinent electronic documents generated for this project will be sent. Please understand that these documents will have to be made available to the public when requested until the NYSDEC determines that these documents are no longer needed.

Please signify your understanding and agreement by signing below and returning a copy of the signed letter via email to [jdiggins@akrf.com](mailto:jdiggins@akrf.com). Please call me at (646) 388-9784 with any questions. Thank you.

Sincerely,  
AKRF, Inc.

A handwritten signature in black ink, appearing to read 'J. Patrick Diggins' with a stylized flourish at the end.

J. Patrick Diggins  
Technical Director

ACKNOWLEDGED AND ACCEPTED:

Mr. Michael Racioppo  
Name

District Manager  
Title

A handwritten signature in blue ink, appearing to read 'Michael Racioppo' with a stylized flourish at the end.  
Signature



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fax: 212 213-3191  
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July 18, 2019

Ms. Stephanie Brueckel  
Manager  
Brooklyn Public Library: Park Slope Branch  
431 6<sup>th</sup> Avenue  
Brooklyn, New York 11215

Re: Document Repository for 272 4<sup>th</sup> Avenue, Brooklyn, NY

Dear Ms. Brueckel:

AKRF, Inc. is submitting a New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Application on behalf of 272 4<sup>th</sup> Avenue, LLC for the project site located at 272 4<sup>th</sup> Avenue in Brooklyn, New York. As required by NYSDEC, Brooklyn Public Library: Park Slope Branch will be the repository to which all pertinent electronic documents generated for this project will be sent. Please understand that these documents will have to be made available to the public when requested until the NYSDEC determines that these documents are no longer needed.

Please signify your understanding and agreement by signing below and returning a copy of the signed letter via email to [jdiggins@akrf.com](mailto:jdiggins@akrf.com). Please call me at (646) 388-9784 with any questions. Thank you.

Sincerely,  
AKRF, Inc.

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J. Patrick Diggins  
Technical Director

ACKNOWLEDGED AND ACCEPTED:

Ms. Stephanie Brueckel  
Name

Manager  
Title

A handwritten signature in black ink, appearing to read 'Stephanie M. Brueckel' in a cursive style.  
Signature