



Department of  
Environmental  
Conservation

**BROWNFIELD CLEANUP PROGRAM (BCP)  
APPLICATION TO AMEND BROWNFIELD  
CLEANUP AGREEMENT AND AMENDMENT**

**Please refer to the attached instructions for guidance on completing this application.**

Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment seeks to add or subtract more than an insignificant acreage of property to the BCA, applicants are encouraged to consult with the DEC project team prior to submitting this application.

**PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION**

1. Check the appropriate box(es) below based on the nature of the amendment modification(s) requested:

<input type="checkbox"/>	Amendment to modify the existing BCA (check one or more boxes below):
<input type="checkbox"/>	Add applicant(s)
<input type="checkbox"/>	Substitute applicant(s)
<input type="checkbox"/>	Remove applicant(s)
<input type="checkbox"/>	Change in name of applicant(s)
<input checked="" type="checkbox"/>	Amendment to reflect a transfer of title to all or part of the brownfield site:
	a. A copy of the recorded deed must be provided. Is this attached?      Yes <input checked="" type="radio"/> No <input type="radio"/>
	b. <input checked="" type="checkbox"/> Change in ownership <input type="checkbox"/> Additional owner (such as a beneficial owner)
	c. Pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been submitted prior to a transfer of ownership. If this has not yet been submitted, include the form with this application. Is this form attached?      Yes <input checked="" type="radio"/> No <input type="radio"/> Submitted on: <u>7/26/2022</u>
<input type="checkbox"/>	Amendment to modify description of the property(ies) listed in the existing BCA
<input type="checkbox"/>	Amendment to expand or reduce property boundaries of the property(ies) listed in the existing BCA
<input type="checkbox"/>	Sites in Bronx, Kings, New York, Queens or Richmond Counties ONLY: amendment to request determination that the site is eligible for tangible property credit component of the brownfield redevelopment tax credit.
<input type="checkbox"/>	Other (explain in detail below)

2. REQUIRED: Please provide a brief narrative describing the specific requests included in this amendment:  
The purpose of this BCA Amendment application is to reflect that the existing Volunteer, "1065 Atlantic Avenue LLC", is the new fee owner of the Site. See Attachment A for a copy of the recorded deed. See Attachment B for a copy of the previously submitted Change of Use form.

<b>SECTION I: CURRENT AGREEMENT INFORMATION</b>	
<i>This section must be completed in full. Attach additional pages as necessary.</i>	
BCP SITE NAME: Atlantic Brooklyn Project	BCP SITE CODE: C224305
NAME OF CURRENT APPLICANT(S): Atlantic Brooklyn, LLC; 1065 Atlantic Avenue LLC	
INDEX NUMBER OF AGREEMENT: C224305-06-20	DATE OF ORIGINAL AGREEMENT: 07/08/2020

<b>SECTION II: NEW REQUESTOR INFORMATION</b>				
<i>Complete this section only if adding new requestor(s) or the name of an existing requestor has changed.</i>				
NAME:				
ADDRESS:				
CITY/TOWN:			ZIP CODE:	
PHONE:	EMAIL:			
REQUESTOR CONTACT:				
ADDRESS:				
CITY/TOWN:			ZIP CODE:	
PHONE:	EMAIL:			
REQUESTOR'S CONSULTANT:	CONTACT:			
ADDRESS:				
CITY/TOWN:			ZIP CODE:	
PHONE:	EMAIL:			
REQUESTOR'S ATTORNEY:	CONTACT:			
ADDRESS:				
CITY/TOWN:			ZIP CODE:	
PHONE:	EMAIL:			
			<b>Y</b>	<b>N</b>
1. Is the requestor authorized to conduct business in New York State?			<input type="radio"/>	<input type="radio"/>
2. If the requestor is a corporation, LLC, LLP, or other entity requiring authorization from the NYS Department of State (NYSDOS) to conduct business in NYS, the requestor's name must appear exactly as given above in the NYSDOS Corporation & Business Entity Database. A print-out of entity information from the NYSDOS database must be submitted with this application. Is this print-out attached?			<input type="radio"/>	<input type="radio"/>
3. Requestor must submit proof that the party signing this application and amendment has the authority to bind the requestor. This would be documentation showing the authority to bind the requestor in the form of corporate organizational papers, a Corporate Resolution or an Operating Agreement or Resolution for an LLC. Is this proof attached?			<input type="radio"/>	<input type="radio"/>
4. If the requestor is an LLC, the names of the members/owners must be provided. Is this information attached?			N/A <input type="radio"/>	<input type="radio"/>
5. Describe the new requestor's relationship to all existing applicants:				

**SECTION III: CURRENT PROPERTY OWNER/OPERATOR INFORMATION**

Complete this section only if a transfer of ownership has taken place. Attach additional pages if necessary.

Owner listed below is:	<input checked="" type="checkbox"/> Existing Applicant	<input type="checkbox"/> New Applicant	<input type="checkbox"/> Non-Applicant
OWNER'S NAME: 1065 Atlantic Avenue LLC	CONTACT: Graham Christensen		
ADDRESS: C/O Douglaston Development LLC, 7 Penn Plaza, Suite 600			
CITY/TOWN: New York, NY		ZIP CODE: 10001	
PHONE: (212) 400-9297	EMAIL: gchristensen@ddny.com		
OPERATOR:		CONTACT:	
ADDRESS:			
CITY/TOWN:		ZIP CODE:	
PHONE:	EMAIL:		

**SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION**

Complete this section only if adding new requestor(s). Attach additional pages if necessary.

If answering "yes" to any of the following questions, please provide additional information as an attachment. Please refer to ECL § 27-1407 for details.

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input type="radio"/>
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site?	<input type="radio"/>	<input type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for the site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="radio"/>	<input type="radio"/>
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the subject law; (ii) any order or determination; (iii) any regulation implementing ECL Article 27 Title 14; or (iv) any similar statute or regulation of the state or federal government? If so, provide additional information as an attachment.	<input type="radio"/>	<input type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as site name, address, DEC site number, reason for denial, and any other relevant information.	<input type="radio"/>	<input type="radio"/>
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 or contaminants?	<input type="radio"/>	<input type="radio"/>
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?	<input type="radio"/>	<input type="radio"/>
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department?	<input type="radio"/>	<input type="radio"/>

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION (continued)		Y	N	
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?		<input type="radio"/>	<input type="radio"/>	
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?		<input type="radio"/>	<input type="radio"/>	
11. Are there any unregistered bulk storage tanks on-site which require registration?		<input type="radio"/>	<input type="radio"/>	
12. THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:				
<input type="checkbox"/> <b>PARTICIPANT</b> A requestor who either (1) was the owner of the site at the time of the disposal of contamination 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 contamination.	<input type="checkbox"/> <b>VOLUNTEER</b> 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 a 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 they have 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.  <b>If a requestor's liability arises solely as a result of ownership, operation of or involvement with the site, they must submit a statement describing why they should be considered a volunteer – be specific as to the appropriate care taken.</b>			
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?		N/A <input type="radio"/>	Y <input type="radio"/>	N <input type="radio"/>
14. Requestor's relationship to the property (check all that apply): <input type="checkbox"/> Prior Owner <input type="checkbox"/> Current Owner <input type="checkbox"/> Potential/Future Purchaser <input type="checkbox"/> Other: _____				
15. If the 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 being added to the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached?		N/A <input type="radio"/>	Y <input type="radio"/>	N <input type="radio"/>

**SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES**

Complete this section only if property is being added to or removed from the site, a lot merger or other change to site SBL(s) has occurred, or if modifying the site address for any reason.

1. Property information on current agreement (as modified by any previous amendments, if applicable):

ADDRESS:

CITY/TOWN

ZIP CODE:

CURRENT PROPERTY INFORMATION

TOTAL ACREAGE OF CURRENT SITE:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

2. Requested change (check appropriate boxes below):

a. Addition of property (may require additional citizen participation depending on the nature of the expansion – see instructions)

PARCELS ADDED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

TOTAL ACREAGE TO BE ADDED: \_\_\_\_\_

b. Reduction of property

PARCELS REMOVED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

TOTAL ACREAGE TO BE REMOVED: \_\_\_\_\_

c. Change to SBL (e.g., lot merge, subdivision, address change)

NEW PROPERTY INFORMATION:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

3. TOTAL REVISED SITE ACREAGE: \_\_\_\_\_

4. For all changes requested in this section, documentation must be provided. Required attachments are listed in the application instructions. Is the required documentation attached?

Y	N
<input type="radio"/>	<input type="radio"/>

**APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT SUPPLEMENT  
QUESTIONS FOR SITE SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY**

*Complete this section only if the site is located within the five counties comprising New York City and the requestor is seeking a determination of eligibility for tangible property credits. Provide supporting documentation as required. Refer to the application instructions for additional information.*

	Y	N
1. Is the site located in Bronx, Kings, New York, Queens or Richmond County?	<input type="radio"/>	<input type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input type="radio"/>	<input type="radio"/>
3. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website for more information.	<input type="radio"/>	<input type="radio"/>
4. Is the property upside down as defined below?  <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.	<input type="radio"/>	<input type="radio"/>
5. Is the project and affordable housing project as defined below?  <b>From 6 NYCRR 375-3.2(a) as of August 12, 2016:</b>  (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' household's 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 homeowners 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.	<input type="radio"/>	<input type="radio"/>

APPLICATION SUPPLEMENT FOR NYC SITES (continued)	Y	N
<p>6. Is the project a planned renewable energy facility site as defined below?</p> <p><b>From ECL 27-1405(33) as of April 9, 2022:</b></p> <p>“Renewable energy facility site” shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.</p> <p><b>From Public Service Law Article 4 Section 66-p as of April 23, 2021:</b></p> <p>(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.</p>	<input type="radio"/>	<input type="radio"/>
<p>7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and meets the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?</p> <p><b>From ECL 75-0111 as of April 9, 2022:</b></p> <p>(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.</p>	<input type="radio"/>	<input type="radio"/>

**PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT****EXISTING AGREEMENT INFORMATION**

BCP SITE NAME: Atlantic Brooklyn Project

BCP SITE CODE: C224305

NAME OF CURRENT APPLICANT(S): Atlantic Brooklyn, LLC; 1065 Atlantic Avenue LLC

INDEX NUMBER OF AGREEMENT: C224305-06-20

DATE OF ORIGINAL AGREEMENT 07/08/2020

**Declaration of Amendment:**

By the requestor(s) and/or applicant(s) signature(s) below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from obligations held under the Agreement or those same laws.

**STATEMENT OF CERTIFICATION AND SIGNATURES: NEW REQUESTOR**

*Complete the appropriate section (individual or entity) below only if this Amendment adds a new requestor. Attach additional pages as needed.*

(Individual)

I hereby affirm that the 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. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

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

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

(Entity)

I hereby affirm that I am \_\_\_\_\_ (title) of \_\_\_\_\_ (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and 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.

\_\_\_\_\_ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

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

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



**STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S)**

*An authorized representative of each applicant must complete and sign the appropriate section (individual or entity) below. Attach additional pages as needed.*

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

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

Print Name: I

(Entity)

I hereby affirm that I am the Manager (title) of Atlantic Brooklyn, LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. Lee J. Brodsky's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 6-7-23 Signature: 

Print Name: Lee J. Brodsky / Atlantic Brooklyn, LLC

PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

<input type="checkbox"/> <b>PARTICIPANT</b> A requestor who either (1) was the owner of the site at the time of the disposal of contamination 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 contamination.	<input checked="" type="checkbox"/> <b>VOLUNTEER</b> 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 contamination.
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Effective Date of the Original Agreement: 07/08/2020

Signature by the Department:

DATED: 07/27/2023

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By:

  
 Janet E. Brown, Assistant Director  
 Division of Environmental Remediation

**STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S)**

*An authorized representative of each applicant must complete and sign the appropriate section (individual or entity) below. Attach additional pages as needed.*

**(Individual)**

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

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

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

**(Entity)**

I hereby affirm that I am the Authorized Representative (title) of 1065 Atlantic Avenue LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. Jed Resnick's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 6/6/2023 Signature: 

Print Name: Jed Resnick / 1065 Atlantic Avenue LLC

**PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS**

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

<input type="checkbox"/> <b>PARTICIPANT</b> A requestor who either (1) was the owner of the site at the time of the disposal of contamination 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 contamination.	<input checked="" type="checkbox"/> <b>VOLUNTEER</b> 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 contamination.
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Effective Date of the Original Agreement: 07/08/2020

Signature by the Department:

DATED: 07/27/2023

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By:



Janet E. Brown, Assistant Director  
 Division of Environmental Remediation

**INSTRUCTIONS FOR COMPLETING AN APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT**

This form must be used to add or remove a party, reflect a change in property ownership to all or part of the site, modify a property description, or reduce/expand property boundaries for an existing BCP Agreement.

*NOTE: DEC requires a standard full BCP application to request major changes to the description of the property set forth in the 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). The application must be submitted to DEC in the same manner as the original application to participate.*

**COVER PAGE**

Please select all options that apply. Provide a brief narrative of the nature of the amendment requested.

**SECTION I: CURRENT AGREEMENT INFORMATION**

*This section must be completed in its entirety. The information entered here will auto-populate throughout the application and amendment.*

Provide the site name, site code and name(s) of current requestor(s) exactly as this information appears on the existing agreement. This should reflect any changes made by previous amendments to the site name or parties on the BCA. Provide the agreement index number and the date of the initial BCA.

**SECTION II: NEW REQUESTOR INFORMATION**

*This section is to be completed only if a new requestor is being added to the BCA, or if the name of the existing requestor has changed with the NYSDOS.*

Requestor Name

Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information.) The requestor is the person or entity seeking DEC review and approval of the remedial program.

If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database.

Requestor, Consultant and Attorney Contact Information

Provide the contact name, mailing address, telephone number and e-mail address for each of the following contacts:

*Requestor's Representative:* This is the person to whom all correspondence, notices, etc., will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative unless another contact name and address is provided with the application.

*Requestor's Consultant:* Include the name of the consulting firm and the contact person.

*Requestor's Attorney:* Include the name of the law firm and the contact person.

*Required Attachments for Section II:*

- 1. NYSDOS Information: A print-out of entity information from the NYSDOS database to document that the applicant is authorized to do business in NYS. The requestor's name must appear throughout the application exactly as it does in the database.*
- 2. LLC Organization: If the requestor is an LLC, provide a list of the names of the members/owners of the LLC.*
- 3. Authority to Bind: Proof must be included that shows that the party signing this application and amendment is authorized to do so on behalf of the requestor. This documentation may be in the form of corporate organizational papers, a Corporate Resolution or Operating Agreement or Resolution.*

### **SECTION III: CURRENT PROPERTY OWNER/OPERATOR INFORMATION**

*Complete this section only if a transfer of ownership has taken place for all or part of the site property. Attach additional pages for each new owner if applicable.*

Provide the relationship of the owner to the site by selecting one of the check-box options.

#### Owner Name, Address, etc.

Provide information for the new owner of the property. List all new parties holding an interest in the property. Attach separate pages as needed.

#### Operator Name, Address, etc.

Provide information for the new operator, if applicable.

*NOTE: Pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been submitted prior to a transfer of ownership. If this form was not previously submitted, it must be included with this application. See <http://www.dec.ny.gov/chemical/76250.html> for additional information.*

#### *Required Attachments for Section III:*

- 1. Copy of deed as proof of ownership.*
- 2. Ownership/Nominee Agreement, if applicable.*
- 3. Change of Use form, if not previously submitted to the Department.*

### **SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION**

*For additional information regarding requestor eligibility, please refer to ECL §27-1407.*

Provide a response to each question listed. If any question is answered in the affirmative, provide an attachment with detailed relevant information. It is permissible to reference specific sections of existing property reports; however, such information must be summarized in an attachment. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

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.

If the 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. A purchase contract does not suffice as proof of access.

#### *Required Attachments for Section IV:*

- 1. Detailed information regarding any questions answered in the affirmation, if applicable.*
- 2. Statement describing why the requestor should be considered a volunteer, if applicable.*
- 3. Site access agreement, as described above, if applicable.*

## SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES

*NOTE: DEC requires a standard full BCP application to request major changes to the description of the property set forth in the 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). The application must be submitted to DEC in the same manner as the original application to participate.*

### Property Information on Existing Agreement

Provide the site address and tax parcel information exactly as it appears on the current agreement (including as it has been modified in previous amendments).

### Addition of Property

Provide the tax parcel information and acreage for each parcel to be added. Provide the total acreage to be added below the far-right column.

### Reduction of Property

Provide the tax parcel information and acreage for each parcel to be removed. Provide the total acreage to be removed below the far-right column.

### Change to address, SBL or metes and bounds description

Provide the new address and tax parcel information.

### Total Revised Site Acreage

Provide the new total site acreage after addition or removal of property. If no change to site boundary, this should match the acreage provided above, under Property Information on Existing Agreement.

All requested changes to this section should be accompanied by a revised survey or other acceptable map depicting the proposed new site boundary. Additionally, provide a county tax map with the site boundary outlined, as well as a USGS 7.5-minute quadrangle map with the site location clearly identified.

### *Required Attachments for Section V:*

1. *For all additions and removal of property:*
  - a. *Site map clearly identifying the existing site boundary and proposed new site boundary*
  - b. *County tax map with the new site boundary clearly identified*
  - c. *USGS 7.5-minute quadrangle map with the site location clearly identified*
2. *For address changes, lot mergers, subdivisions and any other change to the property description:*
  - a. *County tax map with the site boundary and all SBL information clearly identified*
  - b. *USGS 7.5-minute quadrangle map with the site location clearly identified*
  - c. *Approved application for lot merger or apportionment, or the equivalent thereof, as proof from the municipality of the SBL change(s)*

**SUPPLEMENT TO THE APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT – QUESTIONS FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY**

*Complete this section only if the site is located within the five counties comprising New York City and the requestor is seeking a determination of eligibility for tangible property credits.*

Provide responses to each question. If any question is answered in the affirmative, provide required documentation as applicable.

*Required Attachments for NYC Site Supplement:*

- 1. For sites located all or partially in an En-zone: provide a map with the site boundary clearly identified and the En-zone overlay showing that all or a portion of the site is located within an En-zone. This map must also indicate the census tract number in which the site is located. See [DEC's website](#) for additional information.*
- 2. For affordable housing projects: provide the affordable housing regulatory agreement and any additional relevant information.*
- 3. For renewable energy site projects: for (a) planned renewable energy facilities generating/storing less than twenty-five (25) megawatts, provide a local land use approval; or, for (b) planned renewable energy facilities generating/storing twenty-five (25) megawatts or greater, provide the permit issued by the NYS Office of Renewable Energy Siting.*
- 4. For sites located within a disadvantaged community and a conforming Brownfield Opportunity Area: provide a map with the site boundary clearly identified and the disadvantaged community overlay showing that the site is located within a disadvantaged community.*

**PART II: BROWNFIELD CLEANUP PROGRAM AMENDMENT**

The information in the “EXISTING AGREEMENT INFORMATION” section should auto-populate with the information provided on page 2.

If a new requestor is applying to enter the program, provide the required information and signature at the bottom of page 8 and the required information and signature on page 9.

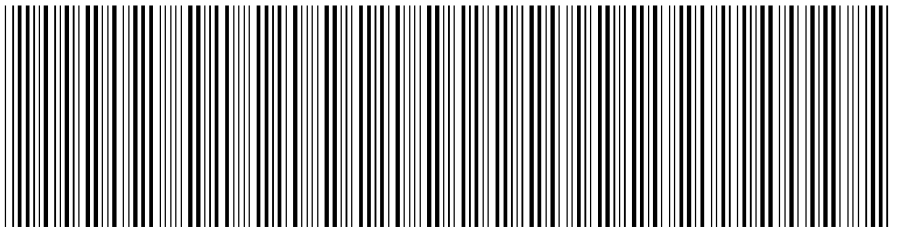
If no new requestor is applying to the program but any other change has been made, provide the required information and signature on page 9.

**Attachment A:**

Recorded Deed of 1065 Atlantic Avenue LLC

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

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



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**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 11**

**Document ID: 2023060500504001**

Document Date: 05-26-2023

Preparation Date: 06-05-2023

Document Type: DEED

Document Page Count: 9

**PRESENTER:**

ROYAL ABSTRACT OF NEW YORK LLC  
(TITLE#915466 )  
125 PARK AVENUE, SUITE 1610  
NEW YORK, NY 10017  
212-376-0900  
SDEJESUS@ROYALABSTRACT.COM

**RETURN TO:**

ROYAL ABSTRACT OF NEW YORK LLC  
(TITLE#915466 )  
125 PARK AVENUE, SUITE 1610  
NEW YORK, NY 10017  
212-376-0900  
SDEJESUS@ROYALABSTRACT.COM

**PROPERTY DATA**

Borough	Block	Lot	Unit	Address
BROOKLYN	2020	68	Entire Lot	1045 ATLANTIC AVENUE
<b>Property Type: COMMERCIAL REAL ESTATE</b>				

**CROSS REFERENCE DATA**

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

**PARTIES**

**GRANTOR/SELLER:**

ATLANTIC BROOKLYN, LLC  
26 HARBOR PARK DRIVE  
PORT WASHINGTON, NY 11050

**GRANTEE/BUYER:**

1065 ATLANTIC AVENUE LLC  
C/O DOUGLSTON DEVELOPMENT LLC, 7 PENN  
PLAZA, SUITE 600  
NEW YORK, NY 10001

Additional Parties Listed on Continuation Page

**FEES AND TAXES**

**Mortgage :**

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

**TOTAL: \$ 0.00**

Recording Fee: \$ 82.00

Affidavit Fee: \$ 0.00

**Filing Fee:**

\$ 250.00

**NYC Real Property Transfer Tax:**

\$ 1,625,037.62

**NYS Real Estate Transfer Tax:**

\$ 402,392.25

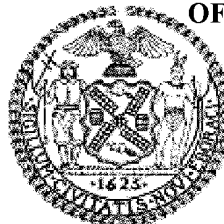
**RECORDED OR FILED IN THE OFFICE  
OF THE CITY REGISTER OF THE**

**CITY OF NEW YORK**

Recorded/Filed 06-06-2023 11:47

City Register File No.(CRFN):

**2023000139221**

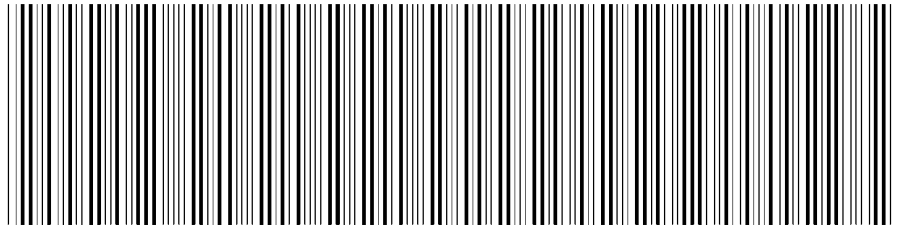


*Annette McMill*

**City Register Official Signature**



NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER



2023060500504001001C8D0C

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

**PAGE 2 OF 11**

**Document ID: 2023060500504001**  
Document Type: DEED

Document Date: 05-26-2023

Preparation Date: 06-05-2023

**PARTIES**

**GRANTOR/SELLER:**

AI ONE HOLDCO LLC  
C/O OFER COHEN 634 DEAN STREET  
BROOKLYN, NY 11238

**GRANTOR/SELLER:**

AI TWO HOLDCO LLC  
C/O TUCKER REED 634 DEAN STREET  
BROOKLYN, NY 11238

**GRANTOR/SELLER:**

AI THREE HOLDCO LLC  
C/O BEB CAPITAL LLC 634 DEAN STREET  
BROOKLYN, NY 11238

BLOCK: 2020  
LOT: 68  
ADDRESS: 1041-1051, 1053, 1059, 1061 & 1065 Atlantic Avenue  
CITY: Brooklyn  
COUNTY: Kings County

BARGAIN AND SALE DEED WITHOUT  
COVENANT AGAINST GRANTOR'S ACTS

from

ATLANTIC BROOKLYN, LLC, AI ONE HOLDCO LLC, AI TWO HOLDCO LLC, AND AI  
THREE HOLDCO LLC

to

1065 ATLANTIC AVENUE LLC

Dated as of May 26, 2023

RECORD AND RETURN TO:

Paul, Weiss, Rifkind, Wharton & Garrison LLP  
1285 Avenue of the Americas  
New York, New York 10019-6064  
Attn: Harris B. Freidus, Esq.

**Deed**

THIS INDENTURE made as of the 26<sup>th</sup> day of May, 2023, between AI ONE HOLDCO LLC, a New York limited liability company, having an address at 634 Dean Street, Brooklyn, NY 11238, as to an undivided 6.3919% interest as a tenant in common, AI TWO HOLDCO LLC, a New York limited liability company, having an address at 634 Dean Street, Brooklyn, NY 11238, as to an undivided 6.3934% interest as a tenant in common, AI THREE HOLDCO LLC, a New York limited liability company, having an address at 26 Harbor Park Drive, Port Washington, NY 11050, as to an undivided 10.3628% interest as a tenant in common, and ATLANTIC BROOKLYN, LLC, a New York limited liability company, having an address at 26 Harbor Park Drive, Port Washington, NY 11050, as to an undivided 76.8519% interest as a tenant in common, party of the first part, and 1065 ATLANTIC AVENUE LLC, a New York limited liability company, having an address at c/o Douglaston Development LLC, 7 Penn Plaza, Suite 600, New York, New York 10001, party of the second part.

W I T N E S S E T H:

That the party of the first part, in consideration of Ten Dollars (\$10.00), lawful money of the United States, and other valuable consideration, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, and State of New York, bounded and described more particularly on Exhibit A attached hereto.


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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

**ATLANTIC BROOKLYN, LLC,**  
a New York limited liability company

By:   
Name: Lee J. Brodsky  
Title: Authorized Signatory

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

On this 4th day of May, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared, Lee Brodsky personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, executed the instrument.

GIVEN under my hand and seal this 4th day of May, 2023.

LISA SINGER  
NOTARY PUBLIC STATE OF NEW YORK  
NASSAU COUNTY  
LIC. # 01SI6114463  
COMM. EXP. 8-16-2024

  
Notary Public

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

AI ONE HOLDCO LLC,  
a New York limited liability company

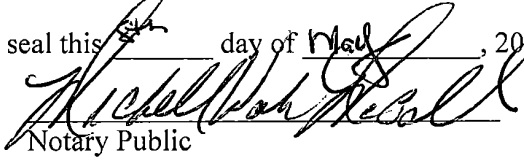
By: \_\_\_\_\_  
Name: Ofer Cohen  
Title: Authorized Signatory



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

On this 8<sup>th</sup> day of May, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared, Ofer Cohen, personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, executed the instrument.

GIVEN under my hand and seal this 8<sup>th</sup> day of May, 2023.

  
Notary Public

**MICHELLE WALKER McCALL**  
Notary Public, State of New York  
No. 01WA8105400  
Qualified in Dutchess County  
Commission Expires 02/09/2024

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

AI TWO HOLDCO LLC,  
a New York limited liability company

By: [Signature]  
Name: Tucker Reed  
Title: Authorized Signatory

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

On this 8th day of May, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared, Tucker Reed, personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, executed the instrument.

GIVEN under my hand and seal this 8th day of May, 2023.

MICHELLE WALKER McCALL  
Notary Public, State of New York  
No. 01WA6105400  
Qualified in Dutchess County  
Commission Expires 02/09/2024

[Signature]  
Notary Public

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

**AI THREE HOLDCO LLC,**  
a New York limited liability company

By: BSI, LLC, its Manager

By: [Signature]  
Name: Lee J. Brodsky  
Title: Manager

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

On this 4 day of May, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared, Lee Brodsky, personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, executed the instrument.

GIVEN under my hand and seal this 4th day of May, 2023.

[Signature]  
Notary Public

LISA SINGER  
NOTARY PUBLIC STATE OF NEW YORK  
NASSAU COUNTY  
LIC. # 01SI6114463  
COMM. EXP. 8-16-2024

**EXHIBIT A**

**Description of Land**

**ALL THAT CERTAIN** plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

***Parcel A:***

BEGINNING at a point on the northerly side of Atlantic Avenue which point is distant 373.16 feet westerly from the corner formed by the intersection of the westerly side of Franklin Avenue with the northerly side of Atlantic Avenue;

RUNNING THENCE northerly at right angles with the north side of Atlantic Avenue, 80 feet;

RUNNING THENCE easterly at right angles with the last mentioned line, 40 feet 6 inches;

RUNNING THENCE southeasterly and forming an exterior angle of 109 degrees 48 minutes 00 seconds with the last mentioned line, 5 feet 6 inches;

RUNNING THENCE northeasterly at right angles with the last mentioned line, 127 feet 5-1/2 inches;

RUNNING THENCE westerly on a line forming an interior angle of 19 degrees 48 minutes 00 seconds with the last mentioned line, 170 feet 4 inches;

RUNNING THENCE northerly at right angles with the north line of Atlantic Avenue, 20 feet;

RUNNING THENCE westerly parallel with the north side of Atlantic Avenue, 180 feet;

RUNNING THENCE southerly at right angles with the last mentioned line, 20 feet;

RUNNING THENCE easterly at right angles with the last mentioned line, 7 feet 8 inches;

RUNNING THENCE southerly at right angles with the last mentioned line, 118 feet to the northerly line of Atlantic Avenue;

RUNNING THENCE along the northerly side of Atlantic Avenue, 180 feet 4-1/2 inches to the point or place of BEGINNING.

For Information Only: Said premises was formerly known as Tax Lot 77.



***Parcel B:***

BEGINNING at a point on the northerly side of Atlantic Avenue, distant 222 feet 10 inches west of the corner formed by the intersection of the northerly side of Atlantic Avenue and the westerly side of Franklin Avenue;

RUNNING THENCE northerly at right angles to Atlantic Avenue, 77 feet 8 inches;

THENCE again northerly and parallel with Franklin Avenue, 34 feet 0-1/2 inches to the northerly side of the old Brooklyn and Jamaica Turnpike;

THENCE westerly, 82 feet 10 inches;

THENCE southerly along the line forming an interior angle with the preceding course, 85 degrees 42 minutes 00 seconds, 39 feet 10-3/4 inches to an angle point;

THENCE again southerly along a line forming an interior angle with the preceding course, 180 degrees 22 minutes, 20 feet 10 inches to an angle point;

THENCE southerly along a line forming an interior angle with the preceding course of 194 degrees 39 minutes 43 seconds, 25 feet 3-3/8 inches to the northerly side of Atlantic Avenue;

THENCE easterly along the northerly side of Atlantic Avenue, 63 feet 8-1/2 inches to the point or place of BEGINNING.

For Information Only: Said premises was formerly known as Tax Lot 70.

***Parcel C:***

BEGINNING at a point on the northerly side of Atlantic Avenue, distant 309 feet 2 inches westerly from the corner formed by the intersection of the northerly side of Atlantic Avenue with the westerly side of Franklin Avenue;

RUNNING THENCE northerly at an interior angle, 77 degrees 57 minutes 02 seconds, 36 feet 11-7/8 inches;

THENCE northerly at right angles to Old Atlantic Avenue or Clove Road (now closed), 46 feet 7 inches 46.58 (Tax Map);

THENCE westerly parallel with Atlantic Avenue as now laid out, 40 feet 6 inches;

THENCE southerly at right angles to Atlantic Avenue as now laid out, 80 feet to the northerly side of Atlantic Avenue;

THENCE easterly along the northerly side of Atlantic Avenue as now laid out, 64 feet to the point or place of BEGINNING.

For Information Only: Said premises was formerly known as Tax Lot 74.

***Parcel D:***

BEGINNING at a point on the northerly side of Atlantic Avenue, distant 286.54 feet westerly from the corner formed by the intersection of the northerly side of Atlantic Avenue with the westerly side of Franklin Avenue;

RUNNING THENCE northerly forming an exterior angle with the northerly side of Atlantic Avenue, 80 degrees 55 minutes 43 seconds, and along the westerly face of the westerly wall of the 2 story brick building on the premises adjoining on the east, a distance of 25 feet 3-3/8 inches;

THENCE still northerly forming an exterior angle with the last preceding course of 194 degrees 39 minutes and along the westerly face of the westerly wall of the one and two story buildings on the premises adjoining to the east, a distance of 20 feet 10 inches;

THENCE still northerly along the westerly face of the westerly wall of said one story building on the premises adjoining on the east, 39 feet 10-3/4 inches;

THENCE westerly, 16 feet 7 inches;

THENCE southerly and parallel with Franklin Avenue, 41 feet 1 inch;

THENCE still southerly, 36 feet 11-7/8 inches to the northerly side of Atlantic Avenue;

THENCE easterly along the northerly side of Atlantic Avenue, 22 feet 7-1/2 inches to the point or place of BEGINNING.

For Information Only: Said premises was formerly known as Tax Lot 73.

***Parcel E:***

BEGINNING at a point on the northerly side of Atlantic Avenue, distant 182 feet 10 inches westerly from the corner formed by the intersection of the northerly side of Atlantic Avenue with the westerly side of Franklin Avenue;

RUNNING THENCE westerly along the northerly side of Atlantic Avenue, 40 feet;

THENCE northerly at right angles to Atlantic Avenue, 77 feet 8 inches;

THENCE still northerly parallel with Franklin Avenue, 34 feet 0-1/2 inches;

THENCE easterly, 39 feet 2-1/2 inches;

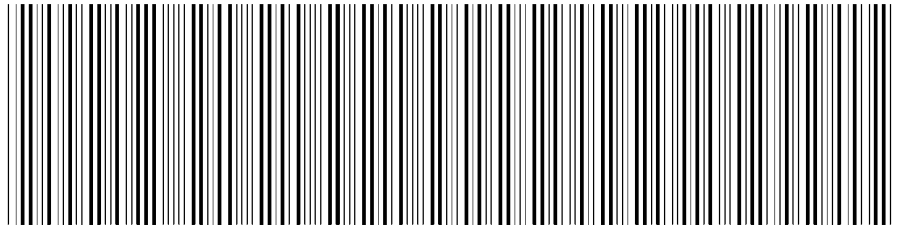
THENCE southerly parallel with Franklin Avenue, 41 feet 4-1/2 inches; and

THENCE southerly at right angles to Atlantic Avenue, 84 feet 3-3/4 inches to the northerly side of Atlantic Avenue, at the point or place of BEGINNING.

For Information Only: Said premises was formerly known as Tax Lot 68.

For Information Only: Said premises are known as 1041-1067 Atlantic Avenue, Brooklyn, NY and designated as Block 2020 Lot 68 as shown on the Tax Map of the City of New York, County of Kings.

NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER



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**SUPPORTING DOCUMENT COVER PAGE**

**PAGE 1 OF 1**

**Document ID: 2023060500504001**  
Document Type: DEED

Document Date: 05-26-2023

Preparation Date: 06-05-2023

**ASSOCIATED TAX FORM ID:** 2023042400453

**SUPPORTING DOCUMENTS SUBMITTED:**

Page Count

RP - 5217 REAL PROPERTY TRANSFER REPORT

1

FOR CITY USE ONLY

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

C3. Book  OR C4. Page   
 C5. CRFN



**REAL PROPERTY TRANSFER REPORT**  
 STATE OF NEW YORK  
 STATE BOARD OF REAL PROPERTY SERVICES  
**RP - 5217NYC**

**PROPERTY INFORMATION**

1. Property Location  1045 ATLANTIC AVENUE BROOKLYN 11238  
STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name  1065 ATLANTIC AVENUE LLC  
LAST NAME / COMPANY FIRST NAME

3. Tax Billing Address   
Indicate where future Tax Bills are to be sent if other than buyer address (at bottom of form)  
LAST NAME / COMPANY FIRST NAME  
STREET NUMBER AND STREET NAME CITY OR TOWN STATE ZIP CODE

4. Indicate the number of Assessment Roll parcels transferred on the deed  1 # of Parcels OR  Part of a Parcel

5. Deed Property Size  FRONT FEET X  DEPTH OR  ACRES

8. Seller Name  ATLANTIC BROOKLYN, LLC  
LAST NAME / COMPANY FIRST NAME  
 AI ONE HOLDCO LLC  
LAST NAME / COMPANY FIRST NAME

9. Check the box below which most accurately describes the use of the property at the time of sale:  
 A  One Family Residential C  Residential Vacant Land E  Commercial G  Entertainment / Amusement I  Industrial  
 B  2 or 3 Family Residential D  Non-Residential Vacant Land F  Apartment H  Community Service J  Public Service

4A. Planning Board Approval - N/A for NYC  
 4B. Agricultural District Notice - N/A for NYC  
 Check the boxes below as they apply:  
 6. Ownership Type is Condominium   
 7. New Construction on Vacant Land

**SALE INFORMATION**

10. Sale Contract Date  6 / 15 / 2022  
Month Day Year

11. Date of Sale / Transfer  5 / 26 / 2023  
Month Day Year

12. Full Sale Price \$  6,500,000  
( Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.

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

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

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

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

15. Building Class  G, 9 16. Total Assessed Value (of all parcels in transfer)  2,294,100  
Month Day Year

17. Borough, Block and Lot / Roll Identifier(s) ( If more than three, attach sheet with additional identifier(s) )  
 BROOKLYN 2020 68

**CERTIFICATION**

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

**BUYER**

**BUYER'S ATTORNEY**

BUYER SIGNATURE  
C/O DOUGLASTON DEVELOPMENT LLC 7 PENN PLAZA, SUITE 600

DATE

LAST NAME

FIRST NAME

STREET NUMBER

STREET NAME (AFTER SALE)

AREA CODE

TELEPHONE NUMBER

NEW YORK

NY

10001

**SELLER**

CITY OR TOWN


STATE

ZIP CODE

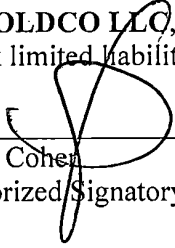
SELLER SIGNATURE

DATE

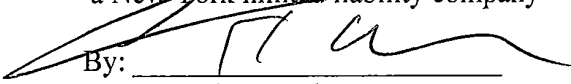
**ATLANTIC BROOKLYN, LLC,**  
a New York limited liability company

By:   
Name: Lee J. Brodsky  
Title: Authorized Signatory

**AI ONE HOLDCO LLC,**  
a New York limited liability company

By:   
Name: Ofer Cohen  
Title: Authorized Signatory

**AI TWO HOLDCO LLC,**  
a New York limited liability company

By: 


Name: Tucker Reed

Title: Authorized Signatory




**AI THREE HOLDCO LLC,**  
a New York limited liability company

By: BSI, LLC, its Manager

By:   
Name: Lee J. Brodsky  
Title: Manager

**1065 ATLANTIC AVENUE LLC,**  
a New York limited liability company

By:   
Name: Jed Resnick  
Title: Authorized Signatory

**Attachment B:**

Previously Submitted Change of Use and Post-Transfer  
Notice Letter

# SIVE | PAGET | RIESEL

**KEVIN A. ROGERS**  
DIRECT DIAL: 646.378.7275  
KROGERS@SPRLAW.COM

May 30, 2023

**VIA EMAIL**

Kelly Lewandowski  
Chief, Site Control Section  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-7020

**Re: Atlantic Brooklyn Project, DEC Site No. C224305**  
**Post-Transfer Notification**

---

Dear Ms. Lewandowski:

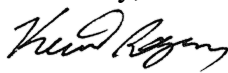
On behalf of Atlantic Brooklyn, LLC and 1065 Atlantic Avenue LLC, I am writing to confirm the closing for the above-referenced BCP Site on May 26, 2023. A copy of the previously submitted Change of Use form is enclosed. The Certificate of Completion has not yet been obtained, so it was not transferred in this transaction.

The contact information for the new owner of this BCP Site is as follows:

1065 Atlantic Avenue LLC  
Attn: Graham Christensen  
C/O Douglaston Development LLC, 7 Penn Plaza, Suite 600  
New York, NY 10001  
Phone: 212-400-9297  
Email: gchristensen@ddny.com

A Brownfield Cleanup Agreement amendment application to reflect the ownership of 1065 Atlantic Avenue LLC will be forthcoming.

Please do not hesitate to contact me if there are any questions or concerns.

Sincerely,  
  
Kevin A. Rogers

Enclosures



**60-Day Advance Notification of Site Change of Use, Transfer of  
Certificate of Completion, and/or Ownership**  
Required by 6NYCRR Part 375-1.11(d) and 375-1.9(f)

To be submitted at least 60 days prior to change of use to:

Chief, Site Control Section  
New York State Department of Environmental Conservation  
Division of Environmental Remediation, 625 Broadway  
Albany NY 12233-7020

**I. Site Name:** Atlantic Brooklyn Project **DEC Site ID No.** C224305

**II. Contact Information of Person Submitting Notification:**

Name: Adam Stolorow  
Address1: 560 Lexington Ave, 15th Floor  
Address2: New York, NY 10022  
Phone: (646) 378-7256 E-mail: astolorow@sprlaw.com

**III. Type of Change and Date:** Indicate the Type of Change(s) (check all that apply):

- Change in Ownership or Change in Remedial Party(ies)  
 Transfer of Certificate of Completion (CoC)  
 Other (e.g., any physical alteration or other change of use)

Proposed Date of Change (mm/dd/yyyy): Aug 31, 2022

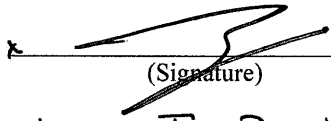
**IV. Description:** Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

Proposed sale of BCP property from requestor Atlantic Brooklyn, LLC to 1065 Atlantic Avenue LLC.

If "Other," the description must explain and advise the Department how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

V. **Certification Statement:** Where the change of use results in a change in ownership or in responsibility for the proposed, ongoing, or completed remedial program for the site, the following certification must be completed (by owner or designated representative; see §375-1.11(d)(3)(i)):

I hereby certify that the prospective purchaser and/or remedial party has been provided a copy of any order, agreement, Site Management Plan, or State Assistance Contract regarding the Site's remedial program as well as a copy of all approved remedial work plans and reports.

Name: x  \_\_\_\_\_ (Signature) 7/26/22 \_\_\_\_\_ (Date)

Lee J. Brodsky \_\_\_\_\_ (Print Name)

Address1: 26 Harbor Park Drive \_\_\_\_\_  
Address2: Port Washington, NY 11050 \_\_\_\_\_  
Phone: (516) 207-7400 \_\_\_\_\_ E-mail: lbrodsky@bebcapital.com \_\_\_\_\_

VI. **Contact Information for New Owner, Remedial Party, or CoC Holder:** If the site will be sold or there will be a new remedial party, identify the prospective owner(s) or party(ies) along with contact information. If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/ECs), indicate who will be the certifying party (attach additional sheets if needed).

Prospective Owner  Prospective Remedial Party  Prospective Owner Representative

Name: 1065 Atlantic Avenue LLC \_\_\_\_\_  
Address1: c/o Douglaston Development LLC, 7 Penn Plaza, Suite 600 \_\_\_\_\_  
Address2: New York, NY 10001 \_\_\_\_\_  
Phone: (212) 400-9297 \_\_\_\_\_ E-mail: gchristensen@ddny.com \_\_\_\_\_

Certifying Party Name: \_\_\_\_\_  
Address1: \_\_\_\_\_  
Address2: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

**VII. Agreement to Notify DEC after Transfer:** If Section VI applies, and all or part of the site will be sold, a letter to notify the DEC of the completion of the transfer must be provided. If the current owner is also the holder of the CoC for the site, the CoC should be transferred to the new owner using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>. This form has its own filing requirements (see 6NYCRR Part 375-1.9(f)).

Signing below indicates that these notices will be provided to the DEC within the specified time frames. If the sale of the site also includes the transfer of a CoC, the DEC agrees to accept the notice given in VII.3 below in satisfaction of the notice required by VII.1 below (which normally must be submitted within 15 days of the sale of the site).

Within 30 days of the sale of the site, I agree to submit to the DEC:

1. the name and contact information for the new owner(s) (see §375-1.11(d)(3)(ii));
2. the name and contact information for any owner representative; and
3. a notice of transfer using the DEC's form found at <http://www.dec.ny.gov/chemical/54736.html> (see §375-1.9(f)).

Name:

  
\_\_\_\_\_  
(Signature)

7	26	22
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\_\_\_\_\_  
(Date)

Lee J. Brodsky  
\_\_\_\_\_  
(Print Name)

Address1: 26 Harbor Park Drive

Address2: Port Washington, NY 11050

Phone: (516) 207-7400

E-mail: lbrodsky@bebcapital.com

**Continuation Sheet**

Prospective Owner/Holder  Prospective Remedial Party  Prospective Owner Representative  
Name: \_\_\_\_\_  
Address1: \_\_\_\_\_  
Address2: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Prospective Owner/Holder  Prospective Remedial Party  Prospective Owner Representative  
Name: \_\_\_\_\_  
Address1: \_\_\_\_\_  
Address2: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Prospective Owner/Holder  Prospective Remedial Party  Prospective Owner Representative  
Name: \_\_\_\_\_  
Address1: \_\_\_\_\_  
Address2: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Prospective Owner/Holder  Prospective Remedial Party  Prospective Owner Representative  
Name: \_\_\_\_\_  
Address1: \_\_\_\_\_  
Address2: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Prospective Owner/Holder  Prospective Remedial Party  Prospective Owner Representative  
Name: \_\_\_\_\_  
Address1: \_\_\_\_\_  
Address2: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Prospective Owner/Holder  Prospective Remedial Party  Prospective Owner Representative  
Name: \_\_\_\_\_  
Address1: \_\_\_\_\_  
Address2: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_