



**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:

☐	Amendment to modify the existing BCA (check one or more boxes below):
☐	Add applicant(s)
☐	Substitute applicant(s)
☐	Remove applicant(s)
☐	Change in name of applicant(s)
☒	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 ☐ No b. ☒ Change in ownership ☐ 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 ☐ No Submitted on: <u>12/22/2022</u>
☐	Amendment to modify description of the property(ies) listed in the existing BCA
☐	Amendment to expand or reduce property boundaries of the property(ies) listed in the existing BCA
☐	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.
☐	Other (explain in detail below)

2. REQUIRED: Please provide a brief narrative describing the specific requests included in this amendment: Documenting change of ownership to existing applicant Gowanus President Owner LLC. Removing applicant 473 President LLC as owner. 473 President LLC to remain as applicant. Attached deed documents transfer of ownership from 473 President LLC to Gowanus President Owner LLC in 2023.

SECTION I: CURRENT AGREEMENT INFORMATION*This section must be completed in full. Attach additional pages as necessary.*

BCP SITE NAME: President Street Portfolio	BCP SITE NUMBER: C224309
NAME OF CURRENT APPLICANT(S): Gowanus President Owner LLC, 473 President LLC	
INDEX NUMBER OF AGREEMENT: C224309-07-20	DATE OF ORIGINAL AGREEMENT: 07/21/20
APPLICANT'S SIGNATORY: J. Dean Amro, Avi Fisher	

SECTION II: NEW REQUESTOR INFORMATION*Complete this section only if adding new requestor(s) or the name of an existing requestor has changed.*

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:		
			Y
			N
1. Is the requestor authorized to conduct business in New York State?			☐
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?			☐
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?			☐
4. If the requestor is an LLC, the names of the members/owners must be provided. Is this information attached?			☐
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: ☒ Existing Applicant ☐ New Applicant ☐ Non-Applicant		
OWNER'S NAME: Gowanus President Owner LLC		CONTACT: Steven Hirschberg
ADDRESS: 400 West 59th Street		
CITY/TOWN: New York, New York		ZIP CODE: 10019
PHONE: (212) 315-5555	EMAIL: shirschberg@brodsky.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?	☐	☐
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site?	☐	☐
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.	☐	☐
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.	☐	☐
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.	☐	☐
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?	☐	☐
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?	☐	☐
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?	☐	☐

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?		☐	☐
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?		☐	☐
11. Are there any unregistered bulk storage tanks on-site which require registration?		☐	☐
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:			
☐ PARTICIPANT 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.		☐ 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 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. 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.	
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?		N/A ☐	Y ☐ N ☐
14. Requestor's relationship to the property (check all that apply): ☐ Prior Owner ☐ Current Owner ☐ Potential/Future Purchaser ☐ 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 ☐	Y ☐ N ☐

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



SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES (continued)

Complete this section for any addition of property. Use additional copies of this section as necessary.

5. Property information for parcels being added to the BCA

PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
CURRENT OWNER:		CONTACT NAME:		
ADDRESS:				
CITY:		STATE:	ZIP:	
PHONE:		EMAIL:		
OWNERSHIP START DATE:				
CURRENT OPERATOR:		CONTACT NAME:		
PHONE:		EMAIL:		
REQUESTOR RELATIONSHIP TO NEW PROPERTY (select from below)				
☐ PREVIOUS OWNER	☐ CURRENT OWNER	☐ POTENTIAL/FUTURE PURCHASER	☐	OTHER: _____

If the applicant is not the current owner of the property, documentation demonstrating site access (which includes the ability to place an environmental easement on the site) must be provided. If the applicant currently owns the property being added to the site, a copy of the deed must be included.

IS PROOF OF ACCESS / OWNERSHIP ATTACHED? ☐ YES ☐ NO ☐ N/A

PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
CURRENT OWNER:		CONTACT NAME:		
ADDRESS:				
CITY:		STATE:	ZIP:	
PHONE:		EMAIL:		
OWNERSHIP START DATE:				
CURRENT OPERATOR:		CONTACT NAME:		
PHONE:		EMAIL:		
REQUESTOR RELATIONSHIP TO NEW PROPERTY (select from below)				
☐ PREVIOUS OWNER	☐ CURRENT OWNER	☐ POTENTIAL/FUTURE PURCHASER	☐	OTHER: _____

If the applicant is not the current owner of the property, documentation demonstrating site access (which includes the ability to place an environmental easement on the site) must be provided. If the applicant currently owns the property being added to the site, a copy of the deed must be included.

IS PROOF OF ACCESS / OWNERSHIP ATTACHED? ☐ YES ☐ NO ☐ N/A

6. Data supporting the addition of property to the site must be included. Please refer to the instructions for a list of required tables and figures.

ARE THE REQUIRED FIGURES AND TABLES ATTACHED?

☐ YES ☐ NO ☐ N/A (land being added has been merged with an existing BCP lot and the applicant is not seeking to add more than an insignificant acreage of property to the BCA)

**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?	☐	☐
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	☐	☐
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.	☐	☐
4. Is the property upside down as defined below? From ECL 27-1405(31): "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.	☐	☐
5. <u>For new tax parcels being added to the BCA through this amendment ONLY:</u> Are the parcels being added underutilized as defined below? From 6 NYCRR 375-3.2(I) as of August 12, 2016 (Please note: Eligibility determination for the underutilized category for the new tax parcels can only be made at the time of amendment application): 375-3.2: (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.	☐	☐

6. Is the project and affordable housing project as defined below? 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' 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.	☐	☐
7. Is the project a planned renewable energy facility site as defined below? From ECL 27-1405(33) as of April 9, 2022: "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. From Public Service Law Article 4 Section 66-p as of April 23, 2021: (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.	☐	☐
8. 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? From ECL 75-0111 as of April 9, 2022: (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.	☐	☐

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 Authorized Signatory (title) of 473 President 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. Avi Fisher's 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: Avi Fisher**PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS****REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

☐**PARTICIPANT**

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.

☒**VOLUNTEER**

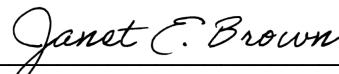
A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.

Effective Date of the Original Agreement: 07/21/20

Signature by the Department:

DATED: 10/17/2025NEW 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 Authorized Signatory (title) of Gowanus President Owner 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. J. Dean Amro's 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: J. Dean Amro

PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

**PARTICIPANT**

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.

**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 contamination.

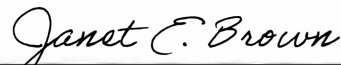
Effective Date of the Original Agreement: 07/21/20

Signature by the Department:

DATED: 10/17/2025

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:



Janet E. Brown, Assistant Director
Division of Environmental Remediation

**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.



2023051000969010001E5DD5

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 6

Document ID: 2023051000969010

Document Date: 04-28-2023

Preparation Date: 05-12-2023

Document Type: DEED

Document Page Count: 5

PRESENTER:

CHICAGO TITLE INSURANCE COMPANY
711 THIRD AVE, 8TH FLOOR
CT22-00647-K (CES)
NEW YORK, NY 10017
212-880-1453
CTINYRECORDING@CTT.COM

RETURN TO:

ROSENBERG & ESTIS, P.C.
RICHARD L. SUSSMAN, ESQ.
733 THIRD AVENUE
NEW YORK, NY 10017

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BROOKLYN	440	1	Entire Lot	469-499 PRESIDENT STREET

Property Type: COMMERCIAL REAL ESTATE

Borough	Block	Lot	Unit	Address
BROOKLYN	440	12	Entire Lot	514 UNION STREET

Property Type: COMMERCIAL REAL ESTATE

CROSS REFERENCE DATA

CRFN _____ or DocumentID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

GRANTOR/SELLER:

473 PRESIDENT LLC
497 CARROLL STREET, 6TH FLOOR
BROOKLYN, NY 11215

GRANTEE/BUYER:

GOWANUS PRESIDENT OWNER LLC
400 WEST 59TH STREET
NEW YORK, NY 10019

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: \$ 65.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 250.00

NYC Real Property Transfer Tax:

\$ 1,994,188.17

NYS Real Estate Transfer Tax:

\$ 493,801.75

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

CITY OF NEW YORK

Recorded/Filed 05-18-2023 16:33

City Register File No.(CRFN):

2023000123964



Annette McMill

City Register Official Signature

⑤
CT22-00647K

**BARGAIN AND SALE DEED WITHOUT COVENANT
AGAINST GRANTOR'S ACTS**

**473 President LLC,
as Grantor
to
Gowanus President Owner LLC,
as Grantee**

Block:	440
Lot(s):	1 & 12
County:	Kings
City:	New York
State:	New York
Premises:	469 President Street and 514 Union Street, Brooklyn, New York

Dated: As of April 28, 2023

**Record and return by mail to:
Rosenberg & Estis, P.C.
733 Third Avenue
New York, New York 10017
Attn: Richard L. Sussman, Esq.**

ny-2517103.2

DEED

THIS INDENTURE, dated as of April 28, 2023, between 473 President LLC, a New York limited liability company ("**Grantor**"), having an address c/o Avery Hall Investments LLC, 51 East 12th Street, New York, New York 10003 and Gowanus President Owner LLC, a Delaware limited liability company ("**Grantee**"), having an address c/o The Brodsky Organization, 400 West 59th Street, New York, New York 10019.

WITNESSETH, Grantor in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration paid by Grantee, the receipt and sufficiency of which are hereby acknowledged by such Grantor, does hereby grant and release and assign forever unto Grantee, and the heirs or successors and assignees of Grantee, all those certain plots, pieces or parcels of land commonly known as 469 President Street ("**Parcel I**") and 514 Union Street ("**Parcel II**"), located in the Borough of Brooklyn, County of Kings, City of New York and State of New York, as more particularly bounded and described in **Exhibit A** attached hereto and made a part hereof (collectively, the "**Land**"). Being the same premises conveyed to Grantor by deed dated August 2, 2022 and recorded in the Office of the Register of the City of New York on August 29, 2022 in CRFN 2022000337600 as to Parcel I and by deed dated August 2, 2022 and recorded in the Office of the Register of the City of New York on August 29, 2022 in CRFN 2022000337599 as to Parcel II;

TOGETHER with the buildings now located or hereafter erected on the Land (the "**Buildings**") and any and all other fixtures and improvements now located or hereafter erected on the Land (the Buildings and such other fixtures and improvements being hereinafter collectively referred to as the "**Improvements**");

TOGETHER with all right, title and interest, if any, of Grantor in and to the land lying in the bed of any street, highway, road or avenue, opened or proposed, public or private, in front of or adjoining the Land, to the center line thereof, any rights of way, appendages, appurtenances, easements, sidewalks, alleys, gores or strips of land adjoining or appurtenant to the Land and used in conjunction therewith, any development rights appurtenant to the Land and any award or payment made or to be made in lieu of any of the foregoing or any portion thereof and any unpaid award for damage to the Land or any of the Improvements by reason of change of grade or closing of any street, road or avenue (the foregoing rights, together with the Land and the Improvements being hereinafter referred to collectively as the "**Premises**");

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

AND Grantor, in compliance with Section 13 of the Lien Law, covenants that Grantor 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 improvements before using any part of the total of same for any other purpose.

Signature Page Follows

ny-2517103.2

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

GRANTOR:

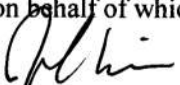
473 PRESIDENT LLC, a New York
limited liability company

By: 

Name: Brian Ezra
Title: Authorized Signatory

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

On April 25, 2023, before me, the undersigned, a notary public in and for said State, personally appeared, Brian Ezra, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their authorized capacity(ies) and that, by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

 , Notary Public
My Commission Expires:

JACOB LEBOVICS
Notary Public, State of New York
Reg. No. 02LE6403911
Qualified in Kings County
Commission Expires 2/10/2024

ny-2517103

EXHIBIT A
Legal Description of the Land

AS TO PARCEL I - BLOCK 440 LOT 1:

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

BEGINNING at the corner formed by the intersection of the easterly side of Nevins Street with the northerly side of President Street;

RUNNING THENCE northerly along said easterly side of Nevins Street, 160 feet;

THENCE easterly parallel with the southerly side of Union Street, 80 feet;

THENCE southerly and parallel with the easterly side of Nevins Street, 65 feet;

THENCE easterly and parallel with the northerly side of President Street, 179 feet 6 inches;

THENCE northerly and parallel with the easterly side of Nevins Street, 95 feet to the southerly side of Union Street;

THENCE easterly and along said southerly side of Union Street, 120 feet 6 inches;

THENCE southerly and parallel with the easterly side of Nevins Street, 90 feet;

THENCE westerly parallel with the northerly side of President Street, 20 feet;

THENCE southerly and parallel with the easterly side of Nevins Street, 100 feet to the northerly side of President Street;

THENCE westerly along said northerly side of President Street, 360 feet to the corner at the point or place of BEGINNING.

Together with the benefits of: (i) Zoning Lot Development Agreement dated November 18 2022, recorded 11/29/2022 in CRFN 2022000436710 in the Office of the City Register of the City of New York, Kings County, as amended by Amended and Restated Zoning Lot Development and Easement Agreement by and between Union and Nevins LLC, as Lot 9 owner and 473 President LLC, as developer, dated April 26, 2023, to be recorded in the Office of the City Register of the City of New York, Kings County and (ii) Zoning Lot Development and Easement Agreement by and between 473 President LLC, as Lot 12 owner and 473 President LLC, as developer, dated April 26, 2023, to be recorded in the Office of the City Register of the City of New York, Kings County; and

ny-2517103.2

Together with the benefits of: (i) Light and Air Easement Agreement dated November 18, 2022, recorded 11/29/2022 in CRFN 2022000436711, as amended by Amended and Restated Light and Air Easement Agreement by and between Union and Nevins LLC, as Lot 9 owner and 473 President LLC, as developer, dated April 26, 2023, to be recorded in the Office of the City Register of the City of New York, Kings County and (ii) Light and Air Easement Agreement by and between 473 President LLC, as Lot 12 owner and 473 President LLC, as developer, dated April 26, 2023, to be recorded in the Office of the City Register of the City of New York, Kings County.

FOR INFORMATION ONLY: 469 President Street, Brooklyn, New York, Kings County
Block: 440, Lot: 1

AS TO PARCEL II - BLOCK 440 LOT 12:

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

BEGINNING at a point on the southerly side of Union Street distant 80 feet easterly from the corner formed by the intersection of the easterly side of Nevins Street with the said southerly side of Union Street;

RUNNING THENCE easterly along said southerly side of Union Street, 179 feet 6 inches;

THENCE southerly parallel with the easterly side of Nevins Street, 95 feet;

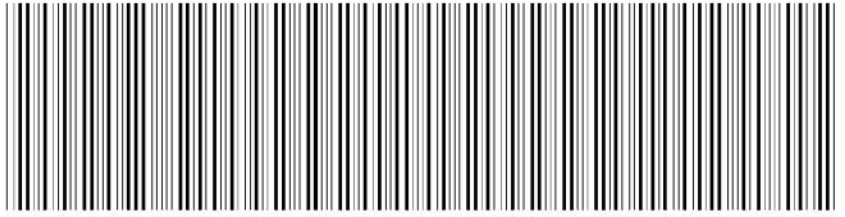
THENCE westerly parallel with the northerly side of President Street, 179 feet 6 inches;

THENCE northerly parallel with the easterly side of Nevins Street, 95 feet to the southerly side of Union Street; and at the point or place of BEGINNING.

FOR INFORMATION ONLY: 514 Union Street, Brooklyn, New York, Kings County
Block: 440, Lot: 12

ny-2517103.2

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



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SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

Document ID: 2023051000969010

Document Date: 04-28-2023

Preparation Date: 05-12-2023

Document Type: DEED

ASSOCIATED TAX FORM ID: 2023030100253

SUPPORTING DOCUMENTS SUBMITTED:

Page Count

DEP CUSTOMER REGISTRATION FORM FOR WATER AND SEWER BILLING

4

RP - 5217 REAL PROPERTY TRANSFER REPORT

3

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 469-499 PRESIDENT STREET BROOKLYN 11215
 STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name GOWANUS PRESIDENT OWNER 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 2 # of Parcels OR ☐ Part of a Parcel

5. Deed Property Size X OR ACRES
 FRONT FEET DEPTH

8. Seller Name 473 PRESIDENT 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 11 / 23 / 2022
 Month Day Year

11. Date of Sale / Transfer 4 / 28 / 2023
 Month Day Year

12. Full Sale Price \$ 7,596,907.2
 (Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.

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

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

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

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

15. Building Class F 5 16. Total Assessed Value (of all parcels in transfer) 1 2 1 8 1 5 0
 17. Borough, Block and Lot / Roll Identifier(s) (If more than three, attach sheet with additional identifier(s))
 BROOKLYN 440 1 BROOKLYN 440 12

202303010025320108

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 SIGNATURE: <i>[Signature]</i> DATE: 4-28-2023			BUYER'S ATTORNEY LAST NAME: _____ FIRST NAME: _____	
400 WEST 59TH STREET STREET NUMBER: _____ STREET NAME (AFTER SALE): _____			AREA CODE: _____ TELEPHONE NUMBER: _____	
NEW YORK CITY OR TOWN: _____ STATE: NY ZIP CODE: 10019			SELLER SELLER SIGNATURE: _____ DATE: _____	

2023030100253201

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 400 WEST 59TH STREET		DATE	LAST NAME		FIRST NAME
STREET NUMBER	STREET NAME (AFTER SALE)		AREA CODE	TELEPHONE NUMBER	
NEW YORK				SELLER	
CITY OR TOWN	STATE NY	ZIP CODE 10019	SELLER SIGNATURE <i>Brian F Zeta</i> <i>Authorized Signatory</i>		DATE 4-28-2023

2023030700153201



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

Customer Registration Form for Water and Sewer Billing

Property and Owner Information:

- (1) Property receiving service: BOROUGH: BROOKLYN BLOCK: 440 LOT: 1
- (2) Property Address: 469-499 PRESIDENT STREET, BROOKLYN, NY 11215
- (3) Owner's Name: GOWANUS PRESIDENT OWNER LLC
- Additional Name:

Affirmation:



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

Customer Billing Information:

Please Note:

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

Owner's Approval:

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

Print Name of Owner:

Signature: _____ Date (mm/dd/yyyy)

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

SEE ATTACHED PAGE FOR ADDITIONAL APPLICABLE PROPERTIES

BCS-7CRF-ACRIS REV. 8/08

2023030100253101



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

Customer Registration Form for Water and Sewer Billing

Borough	Block	Lot	Street	City	State	Zip
BROOKLYN	440	12	514 UNION STREET	NY	NY	11215

202303010025310108



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

Customer Registration Form for Water and Sewer Billing

Property and Owner Information:

- (1) Property receiving service: BOROUGH: BROOKLYN BLOCK: 440 LOT: 12
- (2) Property Address: 475 PRESIDENT STREET, BROOKLYN, NY 11215
- (3) Owner's Name: GOWANUS PRESIDENT OWNER LLC
- Additional Name:

Affirmation:



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

Customer Billing Information:

Please Note:

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

Owner's Approval:

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

Print Name of Owner:

Signature:

Date (mm/dd/yyyy)

Name and Title of Person Signing for Owner, if applicable: *David Ratsky Manager*

SEE ATTACHED PAGE FOR ADDITIONAL APPLICABLE PROPERTIES

BCS-7CRF-ACRIS REV. 8/08

2023030100253101



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

Customer Registration Form for Water and Sewer Billing

Borough	Block	Lot	Street	City	State	Zip
BROOKLYN	440	1	499 PRESIDENT STREET	NY	NY	11215

202303010025310106

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



**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: President Street Portfolio **DEC Site ID No.** C224309

II. Contact Information of Person Submitting Notification:

Name: Avi Fisher
Address1: 473 President LLC
Address2: 51 East 12th Street, 7th Floor, New York, NY 10003
Phone: (646) 374-3184 E-mail: avi@averyhallinvestments.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): 04/30/2023

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

Gowanus President Owner LLC entered into a Purchase Agreement for 469
President Street/532 Union Street (Bl. 440, p/o Lot 1) by which it will have an
ownership interest in the site and wishes to be added to the BCA as a Volunteer.

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: _____

(Signature)

12/19/22

(Date)

Avi Fisher

(Print Name)

Address1: 473 President LLC

Address2: 51 East 12th Street, 7th Floor, New York, NY 10003

Phone: (646) 374-3184

E-mail: avi@averyhallinvestments.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: Gowanus President LLC

Address1: c/o The Brodsky Organization

Address2: 400 West 59th Street, New York, New York 10019

Phone: (212) 315-5555

E-mail: jdamro@brodsky.com

Certifying Party Name: Avi Fisher

Address1: c/o Avery Hall Investment

Address2: 51 East 12th Street, 7th Floor, New York, NY 10003

Phone: (646) 374-3184

E-mail: avi@averyhallinvestments.com

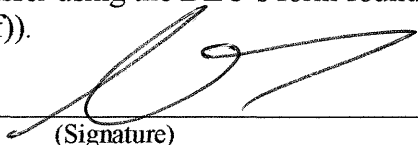
VII. Agreement to Notify DEC after Transfer: If Section VI applies, and all or part of the site will be sold, a letter to notify the DEC of the completion of the transfer must be provided. If the current owner is also the holder of the CoC for the site, the CoC should be transferred to the new owner 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)

12/19/22

(Date)

Avi Fisher

(Print Name)

Address1: 473 President LLC

Address2: 51 East 12th Street, 7th Floor, New York, NY 10003

Phone: (646) 374-3184

E-mail: avi@averyhallinvestments.com