

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

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

1. Check the appropriate box(es) below based on the nature of the amendment modification 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
1a. A copy of the recorded deed must be provided. Is this attached? ☐ Yes ☐ No1b. ☐ Change in ownership ☐ Additional owner (such as a beneficial owner)
If yes, pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been previously submitted. If not, please submit this form with this Amendment. See http://www.dec.ny.gov/chemical/76250.html
Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [Complete Sections I and V below and Part II]
Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [Complete Section I and V below and Part II]
Sites in Bronx, Kings, New York, Queens, or Richmond counties ONLY: Amendment to request determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. Please answer questions on the supplement at the end of the form.
Other (explain in detail below)
2. Required: Please provide a brief narrative on the nature of the amendment:
This Brownfield Cleanup Agreement ("BCA") Amendment Application is being submitted to modify the BCA to reflect a lot merger of the Site parcels (Block 2513 Lots 5, 6 and 8) into Lot 6 and a change of address for the Site to 170 Freeman Street, Brooklyn, NY 11222.

March 2021 1

^{*}Please refer to the attached instructions for guidance on filling out this application*

^{*}Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment involves a non-insignificant change in acreage, applicants are encouraged to consult with the DEC project team prior to submitting this application.*

Section I. Current Agreement In	formation				
BCP SITE NAME: 1036 Manhat	tan Ave BCP Site	BCP SITE NUMBER: C224315			
NAME OF CURRENT APPLICANT(S): BK Corners LLC					
INDEX NUMBER OF AGREEMEN	_{IT:} C224315-03	-21 DATE OF ORIGINAL AGREEMENT: 4/9/2021			
Section II. New Requestor Inform	mation (complete on	ly if adding new requestor or name has changed)			
NAME					
ADDRESS					
CITY/TOWN		ZIP CODE			
PHONE	FAX	E-MAIL			
 Is the requestor authorized to conduct business in New York State (NYS)? Yes No If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's (DOS) Corporation & Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS. 					
NAME OF NEW REQUESTOR'S	REPRESENTATIVE				
ADDRESS					
CITY/TOWN		ZIP CODE			
PHONE	FAX	E-MAIL			
NAME OF NEW REQUESTOR'S	CONSULTANT (if ap	pplicable)			
ADDRESS					
CITY/TOWN		ZIP CODE			
PHONE	FAX	E-MAIL			
NAME OF NEW REQUESTOR'S	ATTORNEY (if appli	cable)			
ADDRESS					
CITY/TOWN		ZIP CODE			
PHONE	FAX	E-MAIL			
2. Requestor must submit proof that the party signing this Application and Amendment has the authority to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. Is this proof attached?					
3. Describe Requestor's Relations	•				

Section III. Current Property Owner/Operator Information (only include if new owner/operator) Owner below is: Existing Applicant New Applicant Non-Applicant				
OWNER'S NAME (if different from	n requestor)			
ADDRESS				
CITY/TOWN		ZIP CO	DE	
PHONE	FAX	E-MAIL		
OPERATOR'S NAME (if differen	t from requestor or owner)			
ADDRESS				
CITY/TOWN		ZIP CC	DDE	
PHONE	FAX	E-MAIL		
Section IV. Eligibility Information	on for New Requestor (Please refer to	ECL § 27-1407 fo	r more detail)	
If answering "yes" to any of the fo	ollowing questions, please provide an ex	planation as an atta	achment.	
1. Are any enforcement actions	pending against the requestor regarding	g this site?	☐Yes ☐No	
2. Is the requestor presently sub- relating to contamination at the	e site?	ation, removal or re	mediation Yes No	
	outstanding claim by the Spill Fund for ther a party is subject to a spill claim sho		☐Yes ☐No vith the Spill	
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, regulation of the state or federal government? If so, provide an explanation on a separate attachment.				
	peen denied entry to the BCP? If so, inc dress, Department assigned site number			
• • • • • • • • • • • • • • • • • • •	in a civil proceeding to have committed ring, treating, disposing or transporting of	0 0	ntionally tortious Yes No	
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state?				
jurisdiction of the Department,	alsified statements or concealed material or submitted a false statement or made ant or application submitted to the Depart	use of or made a f		
or failed to act, and such act o	or entity of the type set forth in ECL 27- or failure to act could be the basis for de tion in any remedial program under DEC	nial of a BCP applic	ation?	
	antially comply with an agreement or ord	•	Yes No	
11. Are there any unregistered bu	ılk storage tanks on-site which require re	egistration?	☐Yes ☐No	

THE NEW REQUESTOR MUST CERTIFY THAT IT IS ACCORDANCE WITH ECL §27-1405 (1) BY CHECKIN			
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 hazardous waste or discharge of petroleum.		
	NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.		
	If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.		
12. Requestor's Relationship to Property (check one):			
☐ Prior Owner ☐ Current Owner ☐ Potential /Future Purchaser ☐ Other			
13. If requestor is not the current site owner, proof of site access sufficient to complete the remediation must be submitted . Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached? No Note: a purchase contract does not suffice as proof of access.			

Section V. Property description and description of changes/additions/reductions (if applicable)				
Property information on current agreement:				
ADDRESS 1032 and 1036-1038 Manhattan Avenue				
CITY/TOWN Brooklyn		ZIP (CODE 112	22
TAX BLOCK AND LOT (SBL)	TOTAL ACRE	AGE OF CL	JRRENT SIT	E: 0.229
Parcel Address	Section No	Block No.	Lot No.	Acreage
1032 Manhattan Avenue	3	2513	5	0.057
1036 Manhattan Avenue	3	2513	6	0.057
1038 Manhattan Avenue	3	2513	8	0.115
2. Check appropriate boxes below:				
Addition of property (may require additional citizen participathe expansion – see attached instructions)	oation depend	ling on the	nature of	
2a. PARCELS ADDED:				Acreage
Parcel Address	Section No.	Block No.	Lot No.	Added by Parcel
	To	tal acreage	to be added	l:
Reduction of property				Aoroogo
2b. PARCELS REMOVED:				Acreage Removed
Parcel Address	Section No.	Block No.	Lot No.	by Parcel
Change to SBL (e.g. merge, subdivision, address change	Total ad	creage to be	e removed: _	
2c. NEW SBL INFORMATION:				
Parcel Address	Section No	b. Block No	. Lot No.	Acreage
170 Freeman Street	3	2513	6	0.229
If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, or acceptable site map to this application.				
3. TOTAL REVISED SITE ACREAGE: 0				

Supplement to the Application To Amend Brownfield Cleanup Agreement And Amendment - Questions for Sites Seeking Tangible Property Credits in New York City ONLY.

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	Yes No
Requestor seeks a determination that the site is eligible for the tangible property credit cobrownfield redevelopment tax credit.	omponent of the Yes No
Please answer questions below and provide documentation necessary to support an	swers.
 Is at least 50% of the site area located within an environmental zone pursuant to Tax Please see <u>DEC's website</u> for more information. 	x Law 21(6)?
2. Is the property upside down as defined below?	Yes No
From ECL 27-1405(31):	
"Upside down" shall mean a property where the projected and incurred cost of the inverteemediation which is protective for the anticipated use of the property equals or exceeds so of its independent appraised value, as of the date of submission of the application for particle brownfield cleanup program, developed under the hypothetical condition that the property contaminated.	eventy-five percent cipation in the
3. Is the project an affordable housing project as defined below?	Yes No
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 seven of the environmental conservation law and section twenty-one of the tax law of that is developed for residential use or mixed residential use that must include afford residential rental units and/or affordable home ownership units.	only, a project
(1) Affordable residential rental projects under this subdivision must be subject to a state, or local government housing agency's affordable housing program, or a local gregulatory agreement or legally binding restriction, which defines (i) a percentage of rental units in the affordable housing project to be dedicated to (ii) tenants at a define percentage of the area median income based on the occupants' households annual	government's the residential ed maximum
(2) Affordable home ownership projects under this subdivision must be subject to state, or local government housing agency's affordable housing program, or a local gregulatory agreement or legally binding restriction, which sets affordable units aside owners at a defined maximum percentage of the area median income.	government's
(3) "Area median income" means, for purposes of this subdivision, the area media for the primary metropolitan statistical area, or for the county if located outside a met statistical area, as determined by the United States department of housing and urbar development, or its successor, for a family of four, as adjusted for family size.	tropolitan

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME: 1036 Manhattan Ave BCP Site	BCP SITE NUMBER: C224315
NAME OF CURRENT APPLICANT(S): BK Corners LLC	
INDEX NUMBER OF AGREEMENT: C224315-03-21	
EFFECTIVE DATE OF ORIGINAL AGREEMENT: 4/9/2021	

Declaration of Amendment:

By the Requestor(s) and/or Applicant(s) signatures 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 any obligations held under the Agreement or those same laws.

Statement of Certification and Signatures: New Requestor(s) (if applicable)
(Individual)
I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. 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
Date:Signature:
Print Name:

Statement of Certification and Signature applicant must sign)	es: Existing Applicant(s) (an authorized representative of each		
(Individual)			
Section I above and that I am aware of this	wnfield Cleanup Agreement and/or Application referenced in a Application for an Amendment to that Agreement and/or es the requisite approval for the amendment to the BCA gnature by the Department.		
Date:Signature:			
Print Name:			
(Entity)			
Application for an Amendment to that Agre below constitutes the requisite approval for upon signature by the Department.	(title) of BK Corners LLC (entity) which is a party to the olication referenced in Section I above and that I am aware of this seement and/or Application. Jonathan Minkoff's signature r the amendment to the BCA Application, which will be effective		
Date: 10/14/2021 Signature:			
Print Name: Jonathan Minkoff	J		
Please see the following page for submittal NOTE: Applications submitted in fillable Status of Agreement:	instructions. format will be rejected.		
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: 4/9/2021			
Signature by the Department:	NEW YORK OTATE BEEN STREET OF		
DATED: 11/17/2021	NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION		
	Ву:		

Michael J. Ryan, P.E., Director Division of Environmental Remediation

SUBMITTAL INFORMATION:

• **Two (2)** copies, one hard copy with original signatures and one electronic copy in final, non-fillable Portable Document Format (PDF) must be sent to:

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

NOTE: Applications submitted in fillable format will be rejected.

FOR DEPARTMENT USE ONLY	
BCP SITE T&A CODE:	LEAD OFFICE:
PROJECT MANAGER:	

BK CORNERS LLC AUTHORIZATION TO COMPLETE REMEDIAL REQUIREMENTS

The undersigned, being all of the members of BK Corners LLC, a New York limited liability company (the "Company") hereby certify as of February 3, 2021, as follows and adopt the following resolutions and authorize the Company to authorize and direct Jonathan Minkoff (the "Authorized Signatory") to take the following actions on behalf of the Company:

WHEREAS, the Company desires to authorize the Authorized Signatory to undertake actions necessary to redevelop 1032, 1036, and 1038 Manhattan Avenue, Brooklyn, New York 11222; Block 2513, Lots 5, 6, and 8 (the "Property" or the "Site").

WHEREAS, in connection with the redevelopment of the Property, the Company has or will prepare and submit an application to participate in the New York State Brownfield Cleanup Program ("BCP") and, if accepted into the BCP, enter into a Brownfield Cleanup Agreement ("BCA"); file related documents with the New York State Department of Environmental Conservation ("DEC") to participate in the BCP; and undertake certain environmental remediation work related thereto consistent with applicable laws, regulations and guidance under the BCP (collectively referred to as the "Remedial Program Requirements");

NOW THEREFORE, BE IT

RESOLVED, the Authorized Signatory be, and hereby is, authorized and directed, in the name of and on behalf of the Company, to execute and to deliver all applications, documents and instruments required to effectuate the BCA (including execution of the BCA), and make any filings required to comply with the BCA consistent with the Remedial Program Requirements; and be it further;

RESOLVED, that this Authorization may be signed in any number of counterparts, including but not limited to electronic, and shall become effective as of the date herein below written when each person named below shall have signed a copy hereof; and

RESOLVED, The Authorized Signatory is authorized to bind the Company as an Authorized Signatory for the purposes set forth in this Authorization, the signature set forth opposite his name below is his actual signature:

Authorized Signatory	Signature
Jonathan Minkoff	
A 344 344	

IN WITNESS WHEREOF, the undersigned have signed and sealed this Member Consent on February 3, 2021.

MEMBERS:

777 Partners LLC

By: Marshall Kesten

Marshall Kesten LLC

By: Marshall Kesten









New York City Department of Finance ● Property Division ● Tax Map Office

APPLICATION FOR APPORTIONMENTS OR MERGERS

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

SECTION A: PROPER	TY INFORMATION			
Borough: BROOKLY	N Block:	2513		
	Numbo	of	DO NOT WRITE IN THIS	SPACE - FOR OFFICE USE ONLY
	Numbe rtionment Lots R	equested $\frac{1}{}$	Lat November	
		equesteu	Lot Number:	6
	ubterranean			
	lential ng Gross :	Commercial Building Gross Sq/Ft:	Building	sidential & Commercial) Gross
Property 1. Owner's Name (as per OR Company Name:	r Deed):			ST NAME
Property 2. Address: 10		/ENUE BRO	OKLYN NY	11222 ZIP CODE
3. Filing Representative				
SECTION B: CERTIFIC	CATION			
Architect/Engineer/App	olicant's Name:	CHADHA last name		MANISH FIRST NAME
0 411 // 9	о мисси элин сир	rr m	VODV MV	10019
2. Address: 48	NUMBER AND STREET	<u> </u>	YORK NY DITY STATE	ZIP CODE
3. Telephone Number:	212.290.1444	4. Email Addres	s: <u>MCHADHA@I</u>	LARCH.COM
The applicant hereby certifies that	, in making this application for	merger/apportionment, s/he	is the owner, or acting under	the direction of the owner.
Signature of Architect/ E	•			
TAX MAP CHANGE WILL NOT	W SKETCH TO SCALE 1		•	
Tentative Lot(s) issued:	FREEMAN STREET (60-0"WIDE -NARROW STREET) 100"-0"	100'-0" 6 100'-0" MANHATTAN AVENUE (80-0" WIDE - WIDE STREET)	-DE-DOOL	(Architect or Engineer's seal)
Customer Service Representative:		/ 26 /21 New Lot(s):	Lot(s) Affected:	Loi(s) Dropped
Please note: Map changes will Lots are tentative	not be made until presenta until final approval is recei			roved by the Specialist.
Map Updated: Tax Map Specialist:	Date:/	<u>/</u>		

(Filled out by Applicant)	APPLICATION for STI		Sanbor	n Atlas Information				
7 = 12	OFFICE OF THE PRESIDENT OF T		VOL.	4				
BLOCK 25/3	TOPOGRAPHICAL BUREAU - S 209 JORALEMON STREET, ROOF		VOL.	1/2				
LOT <u>6</u>	TEL: (718) 802-3816	"	PAGE	47				
Topo Site/Plot Plan			OTTOE	HIMBEKS				
	Freeman Street	OF FICIAL H	OUSE	DED				
Ņ ——	170		VN IN	KBD				
Manhattan Avenue	100.00 NE	W BUILDING(S) NUMBER(S)	McGuinness Blvd	*				
	PHESIDENT, BOROUGH OF BROUNLYN TOPOGRAPHICAL BUREAU							
	THE HOUSE NUMBER(S) ASSIC	GNED MUST BE DISPLAYED		- DOTTE AG				
	1							
APPLICANTS NAME: Manish Ch	FILLED OUT BY TOPO STAFF		<u>DATE</u>					
COMPANY: Ismael Legard ADDRESS: 48 West 3	ASSIGNED BY:	3	JUN 15 2021					
	, NY 10018	REVIEWED BY 6 16 20	121					
PHONE NO.: 212.290,14	44 / sbhatia@vitacco.com		(Dated by Topo Dept.)				
	PURPOSE OF APPLICATION New construction - existing lot (Must be accompanied by PW-1 & New construction - new subdivis	PD-1 application signed by PE or						
	(Must be accompanied by PW-1 & PLUS a copy of a signed Tentative	PD-1 application signed by PE or	RA					
	Demolition (Must be accompanied by PW-1 &	PD-1 application signed by PE or	RA)					
	Renovation of existing structure (Must be accompanied by PW-1 & PD -1 application signed by PE or RA)							
	Existing structure - application for (For application w/out PW-1 Form, onlif applicant is not owner then notarize	ly the owner of the property with a co	opy of the de	eed & Schedule A can make request.				
INSTRUCTIONS TO APP	PLICANT	APPLICANT COMMENT	REQUE	ST				
1. Check PURPOSE OF APPLICATION above.								
Attach appropriate documentation as required.		Requesting house number assignment for Residential						
3. NO RED INK/PENCIL ON TOPO OR DOB FORMS		main entrance along Freeman St. If possible, please						
 Complete ground/1st floor plan including the following: north arrow 		R						
- all street names	assign 170 Freeman St.							
- dimensions of si								
 distance to near location of entra 								

NOTE: THIS FORM MAY BE USED FOR SITES WITH A LOT SIZE OF 5,000 SQUARE FEET IN AREA OR LESS.

APPLICATIONS FOR SITES WITH A LOT SIZE GREATER THAN 5,000 SQUARE FEET MUST INCLUDE GROUND OR

FIRST FLOOR PLANS (No bigger than 11x17). PLANS ARE ALSO REQUIRED FOR ANY LOT IN WHICH ADDITIONAL

ADDRESSES ARE REQUESTED OR AN ENTRANCE DISCREPANCY. PLANS MUST HAVE ORIGINAL STAMP AND

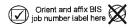
SIGNATURE OF A NEW YORK STATE PROFESSIONAL ENGINEER (P.E.) OR REGISTERED ARCHITECT (R.A.)

** \$100 fee per house number. (Bank Certified Checks/Money Orders payable to Brooklyn Borough President's Office, Credit/Debit Cards)



PD-1: Plot Diagram

Must be typewritten.



1 Location Information

House No(s)

Street Name Freeman Street

Borough Brooklyn

Block 2513

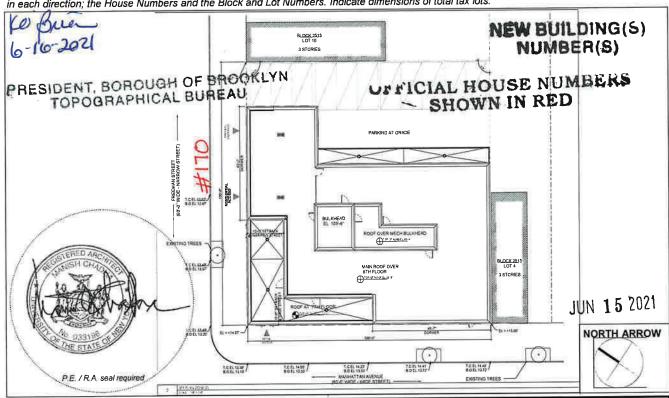
Lot 6

BIN

C.B. No. 301

2 Plot Diagram of Zoning Lot

Plot Diagram must show the correct street lines from the City Plan; the plot to be built upon in relation to the street lines and the portion of the lot to be occupied by the building; the legal grades and the existing grades, properly identified, of streets at nearest point from the proposed buildings in each direction; the House Numbers and the Block and Lot Numbers. Indicate dimensions of total tax lots.



3 Description of Land and Premises The zoning lot on which the premises is located is bounded as follows:

BEGINNING at the	e point on the South		side of Freeman S	treet			distant		0 feet
of the corner formed by the intersection of Freeman Street					and	and Manhattan Avenue			
running thence	E 100.00 feet;	thence	S 100.00 feet;	thence	W 100.00	feet;	thence	N 100.0	0 feet;
thence	feet;	thence	feet;	thence		feet;	thence		feet;
thence	feet;	thence	feet;	thence		feet;	thence		feet;
thence	feet;	thence	feet;	thence		feet;	thence		feet;
thence	feet;	thence	feet;	thence		feet;		to the point of be	ginning.

4 Applicant's Statement and Signature

Falsification of any statement is a misdemeanor under § 28-203.1, Item 1, and 28-11.1 of the NYC Administrative Code and is punishable by a fine or imprisonment, or both. It is unlawful to give to a city employee, or for a city employee to accept, any benefit, monetary or otherwise, either as a gratuity for properly performing the job or in exchange for special consideration. Violation is punishable by imprisonment or fine or both.

Applicant Name Manish Chadha

Signature

Date 09/02/2020