



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: \_\_\_\_\_

☒

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:

The purpose of this BCA Amendment application is: (1) to state that this 421-a affordable housing project located in Kings County is eligible for the tangible property credit component (TPC) of the brownfield redevelopment tax credit based on the Applicant's Affidavit and supporting documents appended hereto as Exhibit A; and (2) to reflect a merger of the tax lots comprising the BCP site.

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

BCP SITE NAME: 340 Myrtle Avenue

BCP SITE CODE: C224340

NAME OF CURRENT APPLICANT(S): 340 Myrtle Development LLC

INDEX NUMBER OF AGREEMENT: C224340-02-22

DATE OF ORIGINAL AGREEMENT: 02/25/2022

**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 &amp; 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?

N/A  
☐☐☐

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:

CONTACT:

ADDRESS:

CITY/TOWN:

ZIP CODE:

PHONE:

EMAIL:

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> <p>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.</p>		<input type="checkbox"/> <b>VOLUNTEER</b> <p>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.</p> <p>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.</p> <p><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></p>	
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: 340 Myrtle Avenue and 155 Carlton Avenue

CITY/TOWN Brooklyn

ZIP CODE: 11205

CURRENT PROPERTY INFORMATION

TOTAL ACREAGE OF CURRENT SITE: 0.202

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

340 Myrtle Avenue

2073

21

0.189

155 Carlton Avenue

2073

22

0.013

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: Lot 22 merged into Lot 21. See Exhibit B.

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

340 Myrtle Avenue

2073

21

0.202

3. TOTAL REVISED SITE ACREAGE: n/a

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



**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 checked="" 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 checked="" 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?	<input type="radio"/>	<input type="radio"/>
<p><b>From ECL 27-1405(31):</b></p> <p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>		
5. Is the project and affordable housing project as defined below?	<input checked="" type="radio"/>	<input type="radio"/>
<p><b>From 6 NYCRR 375-3.2(a) as of August 12, 2016:</b></p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>		

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>	○	○
<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>	○	○

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

BCP SITE NAME: 340 Myrtle Avenue

BCP SITE CODE: C224340

NAME OF CURRENT APPLICANT(S): 340 Myrtle Development LLC

INDEX NUMBER OF AGREEMENT: C224340-02-22

DATE OF ORIGINAL AGREEMENT 02/25/2022

**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: \_\_\_\_\_

**(Entity)**

I hereby affirm that I am Authorized Signatory (title) of 340 Myrtle Development 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. David Halberstam's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 12/19/2024 Signature: 

Print Name: David Halberstam

**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.

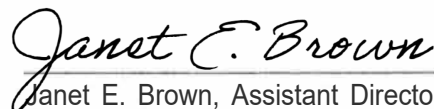
Effective Date of the Original Agreement: 02/25/2022

Signature by the Department:

DATED: 12/23/24

NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

By:



Janet E. Brown, Assistant Director  
Division of Environmental Remediation

# **Exhibit A**



## APPLICANT'S AFFIDAVIT

STATE OF NEW YORK

COUNTY OF Kings

}

SS:

David Halberstam, being duly sworn, deposes and says:

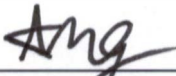
1. I am the Owner of 340 Myrtle Development LLC (the "Company"), a New York limited liability company, with authority to bind the Company as an Authorized Signatory of the Company.
2. The Company is the fee owner of certain real property located at 340 Myrtle Avenue a Brooklyn, New York, Block 2073, Lot 21 on the New York City Department of Finance Tax Map of the Borough of Kings (the "Site").
3. The Company acquired fee title to the Site by those certain deeds dated August 1, 2023 and August 18, 2023 and recorded with the City Register of the City of New York as City Register File Nos. 2023000201019 and 2023000219046, respectively.
4. The Site is subject to a Brownfield Site Cleanup Agreement with the New York State Department of Environmental Conservation ("NYSDEC") effective February 25, 2022, and amended May 12, 2023 and October 19, 2023 (as amended, the "BCA"), to which the Company is now the sole applicant as a Participant party as described in the BCA.
5. The Site is being developed and will be operated as an affordable housing project under the Affordable Housing New York program described in subdivision 16 of section 421-a of the New York Real Property Tax Law (the "421-a Program").
6. The Site's development as affordable housing will include (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 ("AMI") based on the occupants' household annual gross income, as is required by the ECL 27-1405(29) statutory definition of "affordable housing project."
7. Appended hereto as Attachment 1 is an Affidavit by the affordable housing project's architect of record, S. Wieder Architect P.C., which affirms that the affordable housing project under construction at the Site has a "Commencement Date" of 5/11/2022 pursuant to the 421-a Program by installing an initial foundation element that was completed on 5/25/22
8. Appended hereto as Attachment 2 is an Opinion from the Law Offices of Farhid Sedaghat-Pour, Esq., PLLC, which concludes that the project "is eligible for 421-a tax benefits. The Project must satisfy all requirements of the 421-a law and 421-a HPD rules in order to be eligible for 421-a." "This opinion is based on the 421-a law, 421-a HPD rules, the information represented to us by the Applicant, and publicly available information".

9. Accordingly, the Site is eligible for the tangible property credit component ("TPC") of the brownfield redevelopment tax credit ("BRTC") as an affordable housing project.
10. I have reviewed this statement, and it is true and correct to the best of my knowledge.



David Halberstam  
Owner and Authorized Signatory  
340 Myrtle Development LLC

Sworn to before me this  
18<sup>th</sup> day of December 2024



Notary Public

**MICHAEL D. GANCHRSKI**  
**NOTARY PUBLIC, STATE OF NEW YORK**  
**REGISTRATION NO. 01GW0010254**  
**QUALIFIED IN KINGS COUNTY**  
**COMMISSION EXPIRES 08/26/2027**

6615292.1

# **Attachment 1**



December 17, 2024

**S. WIEDER ARCHITECT P.C.**  
31 Spencer St  
Suite #1404  
Brooklyn NY, 11205  
T: (718) 484-3201

**ARCHITECT'S AFFIDAVIT**

STATE OF NEW YORK

COUNTY OF Kings

}

SS:

*Shmuel Wieder*, being duly sworn, deposes and says:

1. I am a Registered Architect licensed to practice by and in good standing with New York State. As such, I certify to the truth of the matters set forth below in connection with the application for 421-a Partial Tax Exemption for the below premises (the "Project"):   
**Address: 340 Myrtle avenue**  
**Block, Lot(s): Block: 2073, Lot: 21**
2. I am a licensed architect at S. Wieder Architect P.C., the architect of record, and as such I am fully familiar with the facts and circumstances herein.
3. I am over 18 years of age, and I maintain an office at: 31 Spencer Street, Brooklyn NY 11205
4. On 5/14/2022 Permit Number B00577160-S7-FO (**Exhibit 1**) was issued by the New York City Department of Buildings ("DOB") pursuant to plans approved by DOB on 04/27/2022, which allowed the installation of the Project's initial footing.
5. The installation of the initial footing began on 5/11/2022 and the installation was completed on May 25, 2022.
6. The above-referenced footing, as shown on the survey of the Site by Vincent Teutinico, dated 06/13/2022, (**Exhibit 2**), is the first load-bearing foundation element for the Project, will become a part of the new multiple dwelling, and is identified on the attached copy of drawing number B00577160 (**Exhibit 3**).
7. The Permit under which the footing was installed has the same DOB job number as the New Building permit pursuant to which the Project will be built. As such, this project complies with



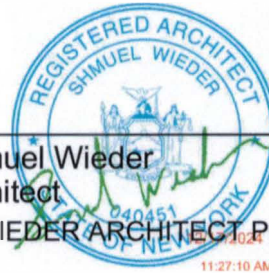
December 17, 2024

**S. WIEDER ARCHITECT P.C.**  
31 Spencer St  
Suite #1404  
Brooklyn NY, 11205  
T: (718) 484-3201

Method #1 of the 421-a commencement date guidance document issued on or around April 28, 2022 by New York City Department of Housing Preservation & Development ("HPD") (**Exhibit 4**) (the "HPD Guidance").

8. Pursuant to RPTL § 421-a(16)'s definition of "Commencement Date" ("Commencement Date" shall mean, with respect to any eligible multiple dwelling, the date upon which excavation and construction of initial footings and foundations lawfully begins in good faith or, for an eligible conversion, the date upon which the actual construction of the conversion, alteration or improvement of the pre-existing building or structure lawfully begins in good faith") and consistent with Method 1 of the HPD Guidance, the Project's Commencement date was 5/11/2022.
9. I have reviewed this statement, and it is true and correct to the best of my knowledge.

[Name] Shmuel Wieder  
[Title] Architect  
[Firm] S. WIEDER ARCHITECT PC



Sworn to before me this  
18<sup>th</sup> day of December, 2024

Notary Public

**MICHAEL D. GANCHRSKI**  
**NOTARY PUBLIC, STATE OF NEW YORK**  
**REGISTRATION NO. 01GW0010254**  
**QUALIFIED IN KINGS COUNTY**  
**COMMISSION EXPIRES 06/26/2027**



# Buildings



## Work Permit Department Of Buildings

Permit Number: B00577160-S8-SE

Permit Classification: TEMPORARY CONSTRUCTION EQUIPMENT

Address: BROOKLYN 340 MYRTLE AVENUE

Work on Floor(s): OPEN SPACE

Total number of dwelling units at location: 0

Number of dwelling units occupied during construction: 0

Description: EARLY SOE WORK IN CONJUNCTION WITH NB.



Issued: 05/09/2022

Expires: 06/11/2022

Issued To: SAIF SUMAIDA

Business: FOUNDATIONS  
INTERIOR DESI

License No: GC-004575

CS: KENNETH EYBS

For detailed information regarding this permit, please log on to DOB NOW at [www.nyc.gov/buildings](http://www.nyc.gov/buildings).  
Call 311 with any questions or complaints.

Borough  
Commissioner:

Commissioner of  
Buildings:

Tampering with or knowingly making a false entry in or falsely altering this permit is a crime that is punishable by a fine, imprisonment or both.





# Buildings



## Work Permit Department Of Buildings

Permit Number: B00577160-S7-FO

Permit Classification: FOUNDATION

Address: BROOKLYN 340 MYRTLE AVENUE

Work on Floor(s): OPEN SPACE

Total number of dwelling units at location: 0

Number of dwelling units occupied during construction: 0

Description: EARLY FOUNDATION WORK IN CONJUNCTION WITH NB.



Issued: 05/14/2022

Expires: 06/11/2022

Issued To: SAIF SUMAIDA

Business: FOUNDATIONS INTERIOR  
DESI

License No: GC-004575

CS: KENNETH EYBS

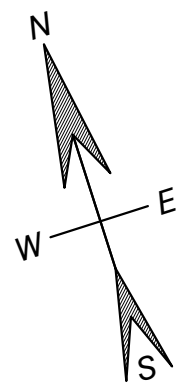
For detailed information regarding this permit, please log on to DOB NOW at [www.nyc.gov/buildings](http://www.nyc.gov/buildings).  
Call 311 with any questions or complaints.

Borough Commissioner:

Commissioner of Buildings:

Tampering with or knowingly making a false entry in or falsely altering this permit is a crime that is punishable by a fine, imprisonment or both.

JOB # CM 4204 ADDRESS: 340 MYRTLE AVENUE



MYRTLE ( 75' WIDE ) AVENUE




  
 CARLTON  
 (80' WIDE)  
 AVENUE

[illegible]

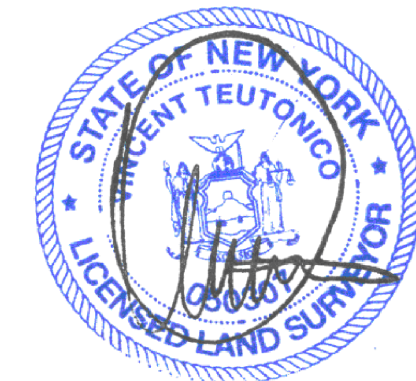
GENERAL NOTES:

1. This survey was prepared only for the party (parties) and purpose indicated hereon.
2. Property corner monuments or markers were (not) placed as part of this survey.
3. Certifications on this survey map signify that the map was prepared in accordance with the current existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. Said certifications are limited to the party (parties) for whom the survey is prepared and are not transferable.
4. The location and nature of underground structures, internal walls and improvements or encroachments not visible to the surveyor are not covered under this certification.
5. Easements of record are only guaranteed if an Abstract of Title is furnished to the surveyor.
6. This is to certify that there are no streams nor natural water courses on the property except as shown on this survey.

CAPTION	FOOTING LOCATION SURVEY				
DATE	REVISIONS				
06-13-2022	FOOTING LOCATION SURVEY				
	DATE	BY		DATE	BY
SURVEYED	06-13-2022	V.B,V.J,P.J	DRAWN	06-13-2022	V.B

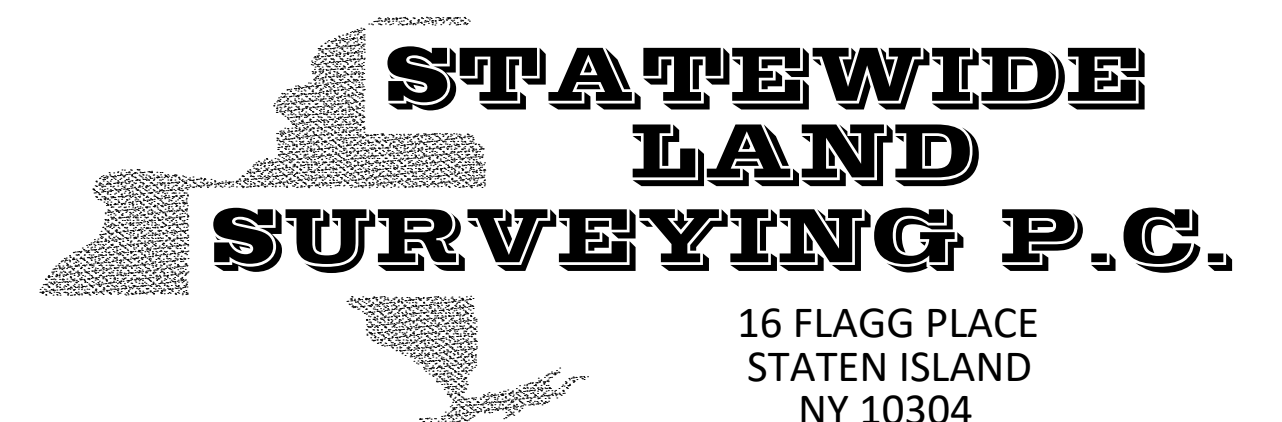
LEGEND

CONC: CONCRETE  
—//— CONSTRUCTION FENCE

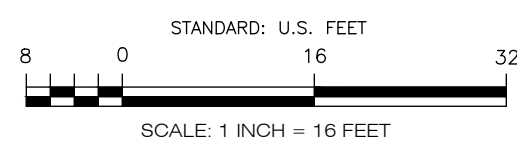


VINCENT TEUTONICO, L.S.  
NEW YORK LICENSE 050307

**MAP OF SURVEY OF PROPERTY  
IN THE BOROUGH AND COUNTY OF BROOKLYN  
CITY AND STATE OF NEW YORK  
TAX MAP: BLOCK 2073, LOT 21,22**



16 FLAGG PLACE  
STATEN ISLAND  
NY 10304  
TEL: 718-751-6871  
email: citymapping@yahoo.com





GENERAL NOTES

- WORK NOT INDICATED ON A PART OF THE DRAWINGS BUT REASONABLY IMPLIED TO BE SIMILAR TO THAT SHOWN AT CORRESPONDING PLACES SHALL BE REPEATED.
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE THE STRUCTURAL DRAWING WITH THE ARCHITECTURAL, MECHANICAL, AND ELECTRICAL DRAWINGS. IN CASE OF CONFLICT BETWEEN THE STRUCTURAL DRAWINGS AND DRAWINGS RELATED TO OTHER TRADES, THE CONTRACTOR SHALL MAKE ALLOWANCE IN HIS BID FOR THE MORE STRINGENT REQUIREMENTS. CONFLICTS BETWEEN THE STRUCTURAL DRAWINGS AND THE DRAWINGS OF OTHER TRADES SHALL NOT BE REASON FOR ANY EXTRA COST OR DELAY IN THE EXECUTION OF THE WORK.
- IN ANY CASE OF CONFLICT BETWEEN THE NOTES, DETAILS AND SPECIFICATIONS, THE MOST RIGID REQUIREMENTS SHALL GOVERN.
- CONTRACTOR SHALL MAKE NO DEVIATION FROM DESIGN DRAWINGS WITHOUT WRITTEN APPROVAL OF THE ARCHITECT AND/OR STRUCTURAL ENGINEER.
- ALL DIMENSIONS INDICATED ON THE DRAWINGS ARE BASED UPON THE AVAILABLE INFORMATION AND SHALL NOT BE USED FOR ORDERING AND/OR FABRICATING MATERIALS. THE CONTRACTOR SHALL FIELD VERIFY ALL EXISTING DIMENSIONS PRIOR TO ORDERING AND/OR FABRICATING MATERIALS.
- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ELEVATIONS BY MEASUREMENTS AT THE JOB SITE AND SHALL TAKE ANY AND ALL OTHER MEASUREMENTS NECESSARY TO VERIFY THE DRAWINGS AND TO PERFORM HIS WORK PROPERLY.
- THE CONTRACTOR SHALL EXPOSE THE EXISTING CONSTRUCTION, VERIFY AND CHECK FIELD DIMENSIONS OF ALL EXISTING MEMBERS PRIOR TO THE PREPARATION OF SHOP DRAWINGS. IN THE EVENT THAT EXISTING CONDITIONS OR DETAILS OF CONSTRUCTION VARY FROM THOSE SHOWN ON THE STRUCTURAL DRAWINGS AND DETAILS, THE CONTRACTOR MUST MAKE NECESSARY SKETCHES SHOWING THE EXISTING CONDITIONS AND, SUBMIT THE SAME TO THE ARCHITECT AND ENGINEER FOR REVIEW AND RESOLUTION.
- CONTRACTOR SHALL ALLOW FOR THE COST OF OPENING AND EXPOSING EXISTING STRUCTURAL FRAMING TO VERIFY AND MEASURE THE EXISTING CONDITIONS AND MEMBERS.
- MATERIALS AND EQUIPMENT SHALL BE STORED AND TRANSPORTED IN A MANNER COMPATIBLE WITH THE ALLOWABLE FLOOR LOADINGS.
- FOR WATERPROOFING DETAILS AND LOCATIONS, SEE ARCHITECTURAL DRAWINGS.
- FOR LOCATION OF FLOOR DRAINS, CURBS, CONCRETE PADS AND FLOOR DEPRESSIONS, ETC. SEE ARCHITECTURAL AND MECHANICAL DRAWINGS.
- ALL CONSTRUCTION SHALL BE PERFORMED IN CONFORMANCE WITH THE REQUIREMENTS OF THE BUILDING CODE OF THE CITY OF NEW YORK, LATEST EDITION AND REVISIONS.
- CONTRACTOR ALONE SHALL BE RESPONSIBLE FOR THE SAFETY OF THE EXISTING STRUCTURES DURING THE ENTIRE CONSTRUCTION OF ADDITIONS TO AND/OR ALTERATIONS OF THE EXISTING STRUCTURE AND SHALL TAKE ADEQUATE PRECAUTION TO PREVENT DAMAGE TO THE EXISTING STRUCTURAL AND ARCHITECTURAL ELEMENTS. IF ANY DAMAGE TO SAME ELEMENTS OCCURS, IT SHALL BE RECTIFIED TO THE ENTIRE SATISFACTION OF OWNER AT NO EXTRA COST TO THE OWNER.
- THE CONTRACTOR SHALL PERFORM ALL WORK (INCLUDING DEMOLITION & ERECTION) WITH DUE REGARD TO LIFE AND PROPERTY IN THE VICINITY OF THE WORK AREA. CONTRACTOR ALONE SHALL BE RESPONSIBLE FOR PROTECTION OF SAME FROM ANY HARM OR DAMAGE DURING THE ENTIRE CONSTRUCTION AND/OR ALTERATION. ANY HARM OR DAMAGE SHALL BE RECTIFIED TO THE ENTIRE SATISFACTION OF OWNER AT NO ADDITIONAL COST TO OWNER.
- CONTRACTOR IS RESPONSIBLE FOR THE REMOVAL AND DISPOSAL OF ALL CONSTRUCTION DEBRIS RELATED TO THE WORK.
- CONTRACTOR MUST PROVIDE ADEQUATE SHORING AND/OR TEMPORARY SUPPORT WHEREVER REQUIRED TO THE EXISTING AND NEW STRUCTURES DURING THE ENTIRE CONSTRUCTION PERIOD.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTION OF THE INTERIOR OF THE BUILDING AND ALL CONTENTS FROM WEATHER OR ANY OTHER ELEMENTS THAT COULD CAUSE DAMAGE.
- THE CONTRACTOR SHALL BE COMPLETELY RESPONSIBLE FOR THE SAFETY OF ADJACENT STRUCTURES.
- ALL WORK SHALL HAVE CONTROLLED INSPECTIONS CONFORMING TO THE REQUIREMENTS OF THE BUILDING CODE OF THE CITY OF NEW YORK, LATEST EDITION. CONTROLLED INSPECTION SHALL BE BY AN INDEPENDENT TESTING AGENCY HIRED BY THE OWNER.
- THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS SHOWING THE COMPLETE LAYOUT AND DETAILS OF ALL STRUCTURAL WORK TO BE PERFORMED. THE CONTRACTOR MAY NOT PERFORM WORK UNTIL THE SHOP DRAWINGS HAVE BEEN APPROVED.
- ALL WORK SHALL BE PERFORMED IN STRICT ACCORDANCE WITH THE LANDLORDS RULES AND REGULATIONS.
- EXISTING ACCESS/EGRESS TO SITE SHALL BE KEPT FULLY AVAILABLE DURING ALL PHASES OF CONSTRUCTION.
- ALL CONTRACTORS ARE REQUIRED TO EXAMINE THE DRAWINGS AND SPECIFICATIONS CAREFULLY, VISIT THE JOB SITE AND FULLY INFORM THEMSELVES OF ALL EXISTING CONDITIONS AND LIMITATIONS PRIOR TO SUBMITTING THEIR PROPOSAL. FAILURE TO VISIT THE SITE AND NOT BEING FAMILIAR WITH THE EXISTING CONDITIONS AND LIMITATIONS WILL IN NO WAY RELIEVE THE SUCCESSFUL BIDDER FROM FURNISHING ANY MATERIALS OR PERFORMING ANY WORK THAT MAY BE REQUIRED TO COMPLETE WORK IN ACCORDANCE WITH THE DRAWINGS AND SPECIFICATIONS WITHOUT ADDITIONAL COST TO THE OWNER.

FOUNDATION

- FOUNDATION DESIGN IS BASED ON THE RECOMMENDATIONS CONTAINED IN THE GEOTECHNICAL INVESTIGATION BY HARTLAND ENGINEERING.
- A LICENSED NY SOILS ENGINEER, PAID BY THE OWNER MUST VERIFY ALL FOOTING BOTTOMS PRIOR TO POURING ANY CONCRETE FOOTINGS.
- CONTRACTOR SHALL FAMILIARIZE HIMSELF WITH THE SUBSURFACE AND EXISTING CONDITIONS BEFORE COMMENCING THE WORK.
- NO CONCRETE FOOTING, FOUNDATION PIER, MAT FOUNDATION OR FOUNDATION WALL SHALL BE POURED UNTIL SUBGRADE FOR SAME HAS BEEN APPROVED BY THE OWNER'S SPECIAL INSPECTOR.
- DEWATERING OF THE SITE IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. CONTRACTOR SHALL TAKE PRECAUTIONS TO AVOID UNDERMINING EXISTING FOUNDATIONS. METHOD OF DEWATERING AND RELATED CALCULATIONS IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND MUST COMPLY WITH THE SOILS AND GROUNDWATER MANAGEMENT SPECIFICATIONS FOR THIS PROJECT.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ADEQUATE PROTECTION OF ALL EXCAVATION SLOPES, WHERE NECESSARY, SHEETING, SHORING AND UNDERPINNING OF EXCAVATION SHALL BE PROVIDED WITH ALL REQUIRED TIE BACKS AND BRACING.
- METHODS EMPLOYED IN ALL SHEETING, SHORING AND UNDERPINNING SHALL BE DESIGNED BY A PROFESSIONAL ENGINEER RETAINED BY THE CONTRACTOR AND LICENSED IN THE STATE OF NEW YORK.
- NO BACKFILL SHALL BE PLACED AGAINST FOUNDATION WALLS UNLESS SUPPORTING SLABS ARE IN PLACE AND SET OR THE WALLS ARE ADEQUATELY BRACED.
- ALL CONCRETE SHALL BE 4000 PSI NORMAL WEIGHT CONTROLLED CONCRETE, U.O.N., AND SHALL COMPLY WITH THE A.C.I. BUILDING CODE AND THE CURRENT LOCAL BUILDING CODE.
- ALL CONTROLLED CONCRETE SHALL COMPLY WITH THE A.C.I. 318 BUILDING CODE. APPLICATION FOR CONTROLLED CONCRETE, WITH CONCRETE TESTS AND CURVES OF TESTS FOR THE PRELIMINARY DESIGN MIX PREPARED BY AN APPROVED LABORATORY MUST BE SUBMITTED TO THE ENGINEER FOR REVIEW AND ACCEPTANCE. NO CONCRETE SHALL BE PLACED WITHOUT THE DESIGN MIX BEING APPROVED BY THE ENGINEER.
- PROVIDE DOWELS IN FOUNDATIONS FOR ALL WALLS, COLUMNS AND SHEAR WALLS OF SAME NUMBER AND SIZE AS THE VERTICAL REINFORCEMENT ABOVE.
- VERTICAL CONSTRUCTION JOINTS IN ALL WALLS SHALL BE USED ONLY WITH PRIOR APPROVAL BY THE ENGINEER, AND SHALL BE LOCATED AT LEAST 4'-0" FROM ANY SUPPORTING COLUMN OR WALL OPENING. DISTANCE BETWEEN JOINTS IN WALL SHALL BE MAINTAINED AS PER SPECIFICATIONS.
- PROVIDE WATERSTOPS AT ALL VERTICAL CONSTRUCTION JOINTS IN WALLS BELOW GRADE.
- TEMPORARY BRACING SHALL BE PROVIDED FOR ALL BUTTRESSES. WHERE BUTTRESSES DO NOT EXIST OR SPACING BETWEEN BUTTRESSES EXCEEDS 25 FEET, AND WHERE THE DIFFERENCE IN LEVEL BETWEEN INSIDE AND OUTSIDE GRADE IS MORE THAN 4'-0", INTERMEDIATE BRACING SHALL BE PROVIDED. WHERE RAMPS OCCUR, THE GRADE ELEVATION OUTSIDE OF RAMP WALLS SHALL BE USED IN FIGURING THE DIFFERENCE IN LEVEL. CORNER BUTTRESSES NEED NOT BE BRACED. NO BACKFILLING IS TO BE DONE BEFORE ALL SLABS WHICH PROVIDE BRACING FOR WALLS ARE IN PLACE, UNLESS APPROVED BY THE ENGINEER. PROVIDE TEMPORARY BRACING FOR ALL PIERS AND SLUMP PITS.
- ALL FOUNDATION ELEMENTS ARE TO BE CENTERED ON COLUMNS ABOVE, U.O.N.
- CONTRACTOR SHALL USE A RIGID TEMPLATE TO INSTALL ALL ANCHOR BOLTS.
- THE CONTRACTOR MUST SUBMIT REINFORCING SHOP DRAWINGS TO THE ENGINEER FOR REVIEW. NO CONSTRUCTION IS TO BE STARTED UNTIL THE SHOP DRAWINGS HAVE BEEN REVIEWED BY THE ENGINEER.
- THE SPECIAL INSPECTOR RETAINED BY THE OWNER MUST CHECK AND APPROVE ALL STEEL REINFORCING PRIOR TO CONCRETE PLACEMENT.
- CONTRACTOR TO INSTALL ALL PIPE SLEEVES, BOXED OPENINGS, ANCHOR BOLTS, INSERTS ETC. AS REQUIRED FOR THE VARIOUS TRADES. WALL POCKETS AND EMBED PLATES, TO RECEIVE BEAMS AND SLABS, SHALL BE PROVIDED AS REQUIRED FOR THE SUPERSTRUCTURE. SHOP DRAWINGS SHOWING THE POSITION OF THE OPENINGS SHALL BE SUBMITTED TO THE ENGINEER PRIOR TO PLACEMENT OF CONCRETE.
- SLAB ON GROUND SHALL BE PLACED ON SELECT FILL COMPACTED TO 95 PERCENT MODIFIED PROCTOR MAXIMUM DRY DENSITY (ASTM D1557). PROVIDE VAPOR BARRIER AND MIN. 6-INCH THICK GRAVEL BED UNDER THE SLAB.
- FOUNDATION ELEVATIONS SHOWN ON THE DRAWINGS HAVE BEEN ESTIMATED USING THE GEOTECHNICAL REPORT. ACTUAL ELEVATIONS OF FOUNDATION ELEMENT BOTTOMS WILL BE DETERMINED BY FIELD CONDITIONS.
- FILL MATERIALS BELOW SLAB ON GRADE AND BEHIND GRADE WALLS SHALL CONSIST OF CONTROLLED COMPACTED FILL, FREE OF ORGANIC, FROZEN, AND OTHER DELETERIOUS MATERIALS. FILL MATERIAL SHOULD BE PLACED IN UNIFORM LOOSE LIFTS NOT EXCEEDING 10" AND SHALL BE COMPACTED TO AT LEAST 95% OF MATERIAL'S MAX. DRY DENSITY.
- ALL WORK MUST COMPLY WITH THE LATEST LOCAL CODES.
- ALL WORK SHALL HAVE CONTROLLED INSPECTION CONFORMING TO THE LOCAL CODE REQUIREMENTS. CONTROLLED INSPECTION SHALL BE BY AN INDEPENDENT TESTING AGENCY HIRED BY THE OWNER.

REINFORCED CONCRETE

- PROVIDE THE FOLLOWING MINIMUM 28 DAY CONCRETE COMPRESSIVE STRENGTHS, U.O.N. ON DRAWINGS:
    - FOOTING 6,000 PSI
    - BUTTRESS 6,000 PSI
  - ALL EXPOSED CONCRETE SHALL HAVE AN AIR ENTRAINING AGENT.
  - ALL REINFORCING STEEL SHALL CONFORM TO:
    - DEFORMED BARS ASTM A615, GRADE 60
    - WELDED WIRE FABRIC ASTM A185
    - WELDED DEFORMED WIRE FABRIC ASTM A497, GRADE 60
  - REINFORCING STEEL SHALL HAVE A MIN. CLEAR COVER AS FOLLOWS:
    - CONCRETE POURED AGAINST EARTH 3"
    - CONCRETE EXPOSED TO EARTH OR WEATHER:  
#5 OR SMALLER 1½"  
#6 OR LARGER 2"
    - CONCRETE NOT EXPOSED TO WEATHER OR IN CONTACT WITH EARTH: COLUMNS, BEAMS 1½"  
SLABS, WALLS AND JOISTS: #14 OR #18 BARS 1½"  
#11 OR SMALLER ¾"INDICATE ALL CONCRETE COVER ON THE SHOP DRAWINGS SUBMITTED FOR REVIEW.
  - STRUCTURAL CONCRETE AND CONCRETING PRACTICES SHALL CONFORM WITH ACI-318, "AMERICAN CONCRETE INSTITUTE, BUILDING CODE FOR REINFORCED CONCRETE." DETAILS SHALL BE IN ACCORDANCE WITH ACI-135, "MANUAL OF STANDARD PRACTICE FOR DETAILING REINFORCED CONCRETE STRUCTURES" UNLESS OTHERWISE NOTED ON THE DRAWINGS. CONCRETE TESTS FOR THE PRELIMINARY DESIGN MIX PREPARED BY AN APPROVED LABORATORY MUST BE SUBMITTED TO THE ENGINEER. NO CONCRETE TO BE PLACED BEFORE THIS IS APPROVED BY THE ENGINEER.
  - ALL REINFORCEMENT SHALL BE SECURELY HELD IN PLACE WHILE PLACING CONCRETE. IF REQUIRED, ADDITIONAL BARS OR STIRRUPS SHALL BE PROVIDED BY THE CONTRACTOR TO FURNISH SUPPORT FOR ALL BARS. THE ENGINEER OR HIS FIELD QUALIFIED REPRESENTATIVE MUST CHECK AND APPROVE ALL STEEL REINFORCEMENT PRIOR TO CONCRETE PLACEMENT.
  - NO CONCRETE TEST WILL BE ACCEPTED IF CONCRETE IS TAMPERED WITH IN ANY WAY AFTER SAID TEST IS PERFORMED. REPEAT TEST IF WATER IS ADDED AFTER INITIAL SAMPLING.
  - THE CONTRACTOR SHALL PROVIDE REINFORCING STEEL ERECTOR WITH A SET OF STRUCTURAL PLANS FOR FIELD USE.
  - ALL ADJOINING SURFACES NOT CAST MONOLITHICALLY SHALL BE ROUGHENED TO 1/4 INCH AMPLITUDE FOR THE ENTIRE INTERSECTING SURFACE ACCORDING TO ACI RECOMMENDATIONS.
  - PROVIDE CHAIRS FOR REINFORCEMENT TO INSURE PROPER POSITION DURING CONCRETE PLACEMENT.
  - PROVIDE LAP SPLICES FOR REINFORCING BARS AS SHOWN ON THE DRAWINGS. WHERE NOT SPECIFICALLY INDICATED, USE TENSION LAP SPLICE LENGTHS WITH APPLICABLE MODIFICATION FACTORS. LOCATE SPLICES AS PER RECOMMENDATIONS OF ACI 135 AND INDICATE ON SHOP DRAWINGS SUBMITTED FOR REVIEW.
  - PROVIDE CONSTRUCTION JOINTS IN ACCORDANCE WITH ACI 318. INDICATE JOINT LOCATIONS AND POUR SEQUENCE ON THE SHOP DRAWINGS.
  - NO HORIZONTAL JOINT WILL BE PERMITTED IN THE BEAMS, WALLS AND SLABS U.O.N. ON THE DRAWINGS AT THE SPECIFIC LOCATION. VERTICAL CONSTRUCTION JOINTS WILL BE LOCATED AT LEAST FOUR FEET AWAY FROM ANY COLUMN LINE OR WALL OPENING IN FOUNDATION WALLS.
  - INSTALL ALL SLEEVES, INSERTS, FLOOR DRAINS, ETC. PROVIDED BY THE SUBCONTRACTOR BEFORE PLACING CONCRETE.
  - MEANS AND METHODS FOR SHORING CONCRETE ELEMENTS ARE TO BE DESIGNED BY THE CONTRACTORS ENGINEER LICENSED IN THE STATE OF NEW YORK.
  - CANTILEVERED CORNERS ARE TO REMAIN SHORED BY MEANS OF "STAY-IN-PLACE" PRE-SHORE CUTOUTS OR A SIMILAR METHOD. CONTRACTOR SHALL SUBMIT SHORING PLANS, SIGNED AND SEALED BY THEIR LICENSED PROFESSIONAL ENGINEER FOR REVIEW.
  - ADDITIONAL SHORING MAY BE REQUIRED AT HOIST PLATFORMS, BRIDGING, ETC. CONTRACTOR TO SUBMIT PLANS, DETAILS AND CALCULATIONS FOR SUCH LOCATIONS, SIGNED & SEALED BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF NEW YORK.
  - PIPES OR CONDUITS PLACED WITHIN THE SLAB SHALL NOT HAVE A DIAMETER GREATER THAN ½" SLAB THICKNESS OR 2 INCHES. THEIR SPACING SHALL NOT BE CLOSER THAN 3X DIAMETER OF CONDUIT AND NO CONDUIT SHALL BE PLACED WITHIN 12 INCHES OF A COLUMN FACE. ALUMINUM CONDUITS ARE NOT ALLOWED.
  - SIZE OF JUNCTION BOXES PLACED WITHIN THE CONCRETE SHALL BE LIMITED TO 4½"X 4½" X ¾" DEEP AND SEPARATED BY NOT LESS THAN 8 INCHES.
- LANDMARK NOTES:
- TO THE BEST OF OUR OFFICE'S KNOWLEDGE, THERE IS NO DESIGNATED LANDMARK STRUCTURE THAT IS WITHIN 90 FEET OF THE EXTENTS OF THE PROJECT SITE LIMITS.
- COORDINATION NOTE:
- ALL WORK TO BE PERFORMED SHALL BE COORDINATED BETWEEN THE CONTRACTOR, APPLICABLE UTILITY COMPANIES AND/OR CITY DEPARTMENTS AS REQUIRED
- DOB NOTES:
- SCOPE OF WORK – FOUNDATION WORK IN CONJUNCTION WITH NB # # 800755160
  - SOE FILED SEPARATELY UNDER DOB NOW # 800577160-S5
  - CONSTRUCTION FENCE TO BE FILED SEPARATELY
  - DAMP-PROOFING AND WATER-PROOFING TO BE PROVIDED AS PART OF NEW BUILDING SCOPE PER BC 1807
  - ADJACENT PROPERTIES TO BE MONITORED DURING EXCAVATION PER BC 3309.4.4 AND 3309.16
  - DESIGN GROUNDWATER LEVEL IS EL. 14.00' (NAVD88) PER GEOTECH. REPORT BY HARTLAND ENGINEERING. NEW CONSTRUCTION LOWEST BOTTOM OF FOOTING IS EL. 40.50'(NAVD88). DEWATERING FOR GROUNDWATER IS NOT REQUIRED ON SITE DURING EXCAVATION
  - SITE TO BE RODENTPROOFED AS PART OF THE NEW BUILDING SCOPE PER BC F102.1

CODES

- BUILDING CODE OF THE CITY OF NEW YORK, 2014, INCLUDING LATEST AMENDMENTS ("N.Y.C. CODE")
  - AMERICAN INSTITUTE OF STEEL CONSTRUCTION " SPECIFICATION FOR STRUCTURAL STEEL BUILDINGS – 360-05 ("AISC SPECIFICATION"). AS MODIFIED BY SUBCHAPTER 10 ARTICLE 6 OF THE NYC BUILDING CODE.
  - AMERICAN CONCRETE INSTITUTE " BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE" ACI 318-11 ( "ACI" ) AS MODIFIED BY SUBCHAPTER 10 ARTICLE 5 OF THE N.Y.C. BUILDING CODE.
  - AMERICAN CONCRETE INSTITUTE " BUILDING CODE REQUIREMENTS FOR MASONRY STRUCTURES" ACI 530-08 ( "ACI 530" ) AS MODIFIED BY REFERENCE STANDARD SUBCHAPTER 10 ARTICLE 4 OF THE N.Y.C. BUILDING CODE.
- NON-STRUCTURAL ITEMS
- COORDINATE THE EXTENT AND LOCATION OF CURBS, MECHANICAL PADS AND MASONRY DOWELS WITH THE ARCHITECTURAL AND MECHANICAL DRAWINGS. TYPICAL DETAILS ARE SHOWN ON THE STRUCTURAL DRAWINGS. REINFORCE NON-STRUCTURAL FILL WITH 6x6 – W1.4xW1.4 WWF LOCATED 1" FROM TOP.

PROTECTION OF ADJOINING BUILDINGS

- CONTRACTOR TO ENGAGE THE SERVICES OF QUALIFIED AGENCY TO ESTABLISH A COMPREHENSIVE MONITORING PROGRAM AND PHOTOGRAPHIC PRE-CONDITION SURVEY OF THE NEIGHBORING BUILDINGS.
- ALL SUCH WORK SHALL BE PERFORMED IN ACCORDANCE WITH NYC TECHNICAL POLICY AND PROCEDURE NOTICE #10/88.
- WORK SHALL INCLUDE BUT NOT LIMITED TO
  - PRE-CONDITION PHOTOGRAPHIC SURVEY OF ADJOINING BUILDINGS.
  - INSTALLATION OF SEISMOGRAPHIC TO MONITOR VIBRATIONS DURING CONSTRUCTION. MAXIMUM PERMISSIBLE PEAK PARTICLE VELOCITY SHALL NOT EXCEED 0.5 IN/SEC WITH NO DISTANCE CRITERION. THIS LIMIT SHALL BE REDUCED IF MOVEMENTS OR CRACKS ARE OBSERVED.
  - SURVEY, AT LEAST TWICE A WEEK, OF ADJOINING BUILDINGS TO MONITOR MOVEMENTS AND TILTING DURING CONSTRUCTION.
  - THE MAX. PERMISSIBLE HORIZONTAL AND VERTICAL MOVEMENT SHALL BE ¼ INCH.
  - INSTALL "TELLTALES" ACROSS EXISTING CRACKS AND IN OTHER SENSITIVE AREAS AND MONITOR CRACK WIDTH CHANGES AT LEAST WEEKLY.
  - MAINTAIN AND OBSERVE GROUND WATER LEVEL. IF ACTIVE DEWATERING IS IN PROGRESS, OBSERVATION WELLS SHALL BE MONITORED AT LEAST TWICE A DAY.
  - SUBMIT RECORDS AND REPORTS OF MONITORING PROGRAM TO THE OWNER.

SPECIAL INSPECTIONS

- OWNER SHALL ENGAGE AN INDEPENDENT TESTING AGENCY TO PERFORM SPECIAL INSPECTIONS FOR, BUT NOT LIMITED TO, THE STRUCTURAL ITEMS LISTED BELOW AND AS REQUIRED BY THE NEW YORK CITY BUILDING CODE:
    - CONCRETE – CAST-IN-PLACE BC 1704.4
    - CONCRETE DESIGN MIX TR3 BC 1905.3, BC 1913.5
    - CONCRETE SAMPLING AND TESTING TR2 BC 1905.6, BC 1913.10
    - SUBGRADE INSPECTION BC 1704.7.1
  - PROGRESS INSPECTION
  - FOOTING AND FOUNDATION BC 110.3.1
  - FINAL BC 110.5
- DIRECTIVE 14 OF 1975 AND 1 RCNY § 101-10



AREA OF WORK

REFERENCE NORTH:

PLOT DIAGRAM

SCOPE OF WORK:

–EARLY FOUNDATION WORK IN CONJUNCTION WITH NB #800577160

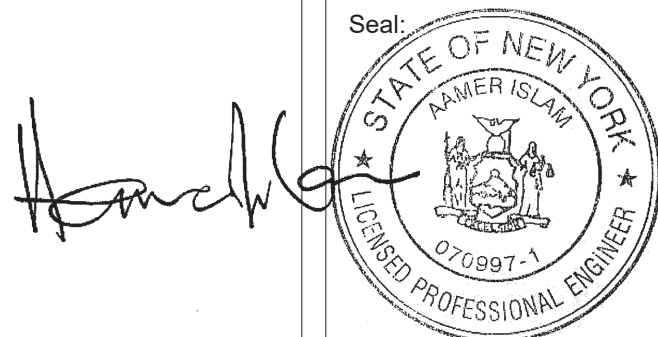
BLOCK #: 2073  
TAX LOT #: 21  
BUILDING HEIGHT: 85'-0" (ROOF)  
EXISTING STRUCTURE: ONE STORY RETAIL  
PROPOSED STRUCTURE: EIGHT-STORY MIXED USED AT 340 MYRTLE AVENUE, BROOKLYN, NY.  
DOB NOW JOB #: B00577160-S1  
ROADS: MYRTLE AVENUE AND CARLTON AVENUE

RELATED DOB NOW JOB#:  
NEW BUILDING (ARCHITECTURAL) – B00577160-S1  
FOUNDATION – B00577160-S1  
SUPERSTRUCTURE STRUCTURAL – B00577160-S2  
SOE – B00577160-S5

DRAWING LIST (FOUNDATION)	
DOB NOW JOB#: B00577160-S1	
FO-001	NOTES I
FO-002	NOTES II
FO-100A	PART CELLAR FRAMING PLAN(NORTH)
FO-100B	PART CELLAR FRAMING PLAN(SOUTH)
FO-400	PILE CAP DETAILS
FO-401	FOUNDATION SECTIONS I
FO-402	FOUNDATION SECTIONS II
FO-403	FOUNDATION SECTIONS III
FO-404	FOUNDATION SECTIONS IV
S-101A	PART 1ST FLOOR FRAMING PLAN(NORTH)
S-101B	PART 1ST FLOOR FRAMING PLAN(SOUTH)

DRAWING LIST (SUPERSTRUCTURE)	
(FILED SEPARATELY UNDER DOB NOW JOB# B00577160-S2)	
DWG. #	TITLE
S-001	NOTES I
S-002	NOTES II
S-102A	PART 2ND FL. FRAMING PLAN (NORTH)
S-102B	PART 2ND FL. FRAMING PLAN (SOUTH)
S-103	3RD, 4TH, 5TH & 6TH FLOOR FRAMING PLAN
S-104	6TH & 7TH FLOOR FRAMING PLAN
S-105	OMITED
S-106	8TH FLOOR FRAMING PLAN
S-107	ROOF FRAMING PLAN
S-108	EMR & EMR BULKHEAD FRAMING PLAN
S-200	COLUMN SCHEDULE
S-201	SHEAR WALL PLANS
S-300	TYPICAL DETAILS I
S-301	TYPICAL DETAILS II
S-302	TYPICAL DETAILS III
S-303	TYPICAL DETAILS IV
S-304	TYPICAL DETAILS V
S-305	TYPICAL DETAILS VI
S-500	SECTIONS AND DETAILS I

DRAWING LIST (EARLY FOUNDATION)	
DOB NOW JOB#:B00577160-S7	
DWG. #	TITLE
FO-003	NOTES I
FO-004	NOTES II
FO-100C	PART CELLAR FRAMING PLAN(SOUTH)



**Rawlings architects pc**  
*Architect*  
111 Hanover Square, 17th Flr  
New York, NY 10005  
212.627.0110

**ADG**  
*Structural Engineer*  
744 Broad St, 19th Flr  
Newark, NJ 07102  
973.242.2626

**Loring Consulting Engineers**  
*MEPP Engineer*  
360 West 31st St, 14th Flr  
New York, NY 10001  
212.563.7400

**Hartland Engineering**  
*Geotechnical Engineer*  
152 Edgar St, 2nd Flr  
Weehawken, NJ  
347.899.4710

**Tenen Environmental LLC**  
*Environmental Engineer*  
121 West 27th St, Suite 702  
New York, NY  
646.606.2332

**Ancora Engineering PLLC**  
*Demolition Engineer*  
494 Eighth Ave, PH Flr  
New York, NY 10001  
212.461.1987

Approvals:  
**NYC Buildings**  
**ACCEPTED**  
Date: 04/27/2022

Date: Issue:  
1-25-22 ISSUED  
2-3-22 REVISED

DRAWING TITLE:

NOTES I

DOB NOW JOB#:B00577160-S7  
SCALE AS NOTED

DRAWING NUMBER:

FO-003.00

SHEET #: 1 OF 3

PROJECT # 21067



LATERAL LOAD DESIGN SCHEDULE		
2014 NYC BC		
WIND LOAD		ASCE 7-05
ITEM	SYMBOL	VALUE
BASIC WIND SPEED (3 SEC. GUST)	V	98
WIND LOAD IMPORTANCE FACTOR	I <sub>w</sub>	1.0
WIND LOAD EXPOSURE CATEGORY	—	C
INTERNAL PRESSURE COEFFICIENT	GC <sub>pi</sub>	±0.18
COMPONENTS AND CLADDING (SIMPLIFIED PROCEDURE II) P <sub>corner</sub> = CORNER PRESSURES FOR WIDTH EQUIVALENT TO 10% OF THE BUILDING'S WIDTH. 1-2 = 100 FEET TO 200 FEET ABOVE GROUND.	P	±35 PSF
	P <sub>corner</sub> 1-2	+40 PSF, -45 PSF
SEISMIC LOAD		
		ASCE 7-10
ITEM	SYMBOL	VALUE
IMPORTANCE FACTOR	I <sub>E</sub>	1.0
STRUCTURAL OCCUPANCY/RISK CATEGORY	S <sub>ORC</sub>	II
SHORT PERIOD SPECTRAL ACCELERATION	S <sub>S</sub>	0.281g
1 SECOND PERIOD SPECTRAL ACCELERATION	S <sub>1</sub>	0.073g
MAPPED LONG-PERIOD TRANSITION PERIOD	T <sub>L</sub>	6 SECONDS
SITE CLASSIFICATION	S	D
SITE COEFFICIENT (SHORT PERIOD)	F <sub>a</sub>	1.57
SITE COEFFICIENT (1 SEC PERIOD)	F <sub>v</sub>	2.40
SPECTRAL RESP COEFFICIENT (SHORT PERIOD)	S <sub>ss</sub>	0.294g
SPECTRAL RESP COEFFICIENT (1 SEC PERIOD)	S <sub>s1</sub>	0.117g
SEISMIC DESIGN CATEGORY	—	B
BASIC SEISMIC-RESISTING SYSTEM	ORDINARY REINFORCED CONCRETE SHEAR WALLS	
RESPONSE MODIFICATION FACTOR	R	4
DEFLECTION AMPLIFICATION FACTOR	C <sub>d</sub>	4
SEISMIC BASE SHEAR	V <sub>x</sub>	250k
	V <sub>y</sub>	250k
ANALYSIS PROCEDURE	EQUIVALENT LATERAL FORCE PROCEDURE	

\* DESIGN LOADS COMPLY WITH THE PROVISIONS OF THIS CODE PER BC 107.7, BC 1604, AND CHAPTER 18

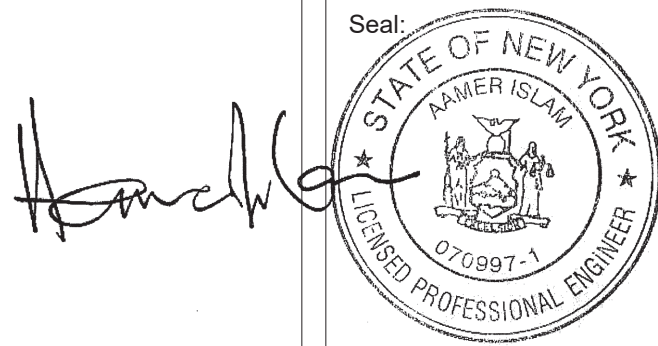
DESIGN LOAD SCHEDULE					
(ALL LOADS SHOWN ARE IN POUNDS PER SQ. FT.)					
FLOOR <sup>3</sup>	PARTITION	CEILING & MECH.	FLOOR FINISH	LIVE <sup>3</sup>	TOTAL IMPOSED
Apartments & Corridors Serving Them	12	—	5	40	57
Private Terrace /Balcony	—	—	30	60	90
Stairs & Egress	—	—	—	100	100
Roof Unoccupied <sup>2</sup>	—	—	5	100	105
Public Terrace <sup>2</sup>	—	—	30	100	130
Commercial/Retail	—	—	25	100	125
Cellar Storage	—	—	5	125	130

<sup>1</sup> LOAD APPLIED TO THE FLOOR SLAB ABOVE THIS LEVEL

<sup>2</sup> HEAVIER LOADS FOR LANDSCAPED, MECHANICAL EQUIPMENT ETC. WHERE APPLICABLE

<sup>3</sup> LIVE LOAD REDUCTION IS BASED ON NYCBC 2014

SNOW DESIGN LOAD SCHEDULE		
2014 NYC BC AND ASCE 7-05		
ITEM	SYMBOL	VALUE
GROUND SNOW LOAD	P <sub>g</sub>	25
SNOW EXPOSURE FACTOR	C <sub>e</sub>	1.0
SNOW LOAD IMPORTANCE FACTOR	I <sub>s</sub>	1.0
THERMAL FACTOR	C <sub>t</sub>	1.0
RAIN ON SNOW SURCHARGE		—
FLAT-ROOF SNOW LOAD	P <sub>f</sub>	20 PSF (MIN.)



**Rawlings architects pc**  
*Architect*  
111 Hanover Square, 17th Flr  
New York, NY 10005  
212.627.0110

**ADG**  
*Structural Engineer*  
744 Broad St, 19th Flr  
Newark, NJ 07102  
973.242.2626


**Loring Consulting Engineers**  
*MEPF Engineer*  
360 West 31st St, 14th Flr  
New York, NY 10001  
212.563.7400

**Hartland Engineering**  
*Geotechnical Engineer*  
152 Edgar St, 2nd Flr  
Weehawken, NJ  
347.899.4710

**Tenen Environmental LLC**  
*Environmental Engineer*  
121 West 27th St, Suite 702  
New York, NY  
646.606.2332

**Ancora Engineering PLLC**  
*Demolition Engineer*  
494 Eighth Ave, PH Flr  
New York, NY 10001  
212.461.1987

Approvals:



ACCEPTED

Date: 04/27/2022

Date:	Issue:
1-25-22	ISSUED
2-3-22	REVISED

DRAWING TITLE:

NOTES II

DOB NOW JOB#:B00577160-S7  
SCALE AS NOTED

DRAWING NUMBER:

FO-004.00

SHEET #: 2 OF 3

PROJECT # 21067



**Rawlings architects pc**  
Architect  
11 Hanover Square, 17th F  
New York, NY 10005  
212.627.0110

**ADG**  
*Structural Engineer*  
744 Broad St, 19th Flr  
Newark, NJ 07102  
973.242.2626

**Engineering Consulting  
Engineers**  
*MEPF Engineer*  
360 West 31st St, 14th Flr  
New York, NY 10001  
212.563.7400

**Hartland Engineering**  
*Geotechnical Engineer*  
152 Edgar St, 2nd Flr  
Weehawken, NJ  
847.899.4710

**Tenen Environmental LLC**  
*Environmental Engineer*  
121 West 27th St, Suite 70  
New York, NY  
646.606.2332

**Ancora Engineering PLL**  
*Demolition Engineer*  
494 Eighth Ave, PH Flr  
New York, NY 10001  
212.461.1987

Approvals:

**NYC**

**Buildings**

**ACCEPTED**

Date: 04/27/2022

Date:	Issue:
1-25-22	ISSUED
2-3-22	REVISED

RAWING TITLE:  
PART  
FOUNDATION  
PLAN (SOUTH)

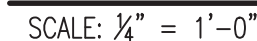
OB NOW JOB#: B00577160-S  
SCALE AS NOTED

DRAWING NUMBER:

FO-102.00

SHEET #: 3 OF 3

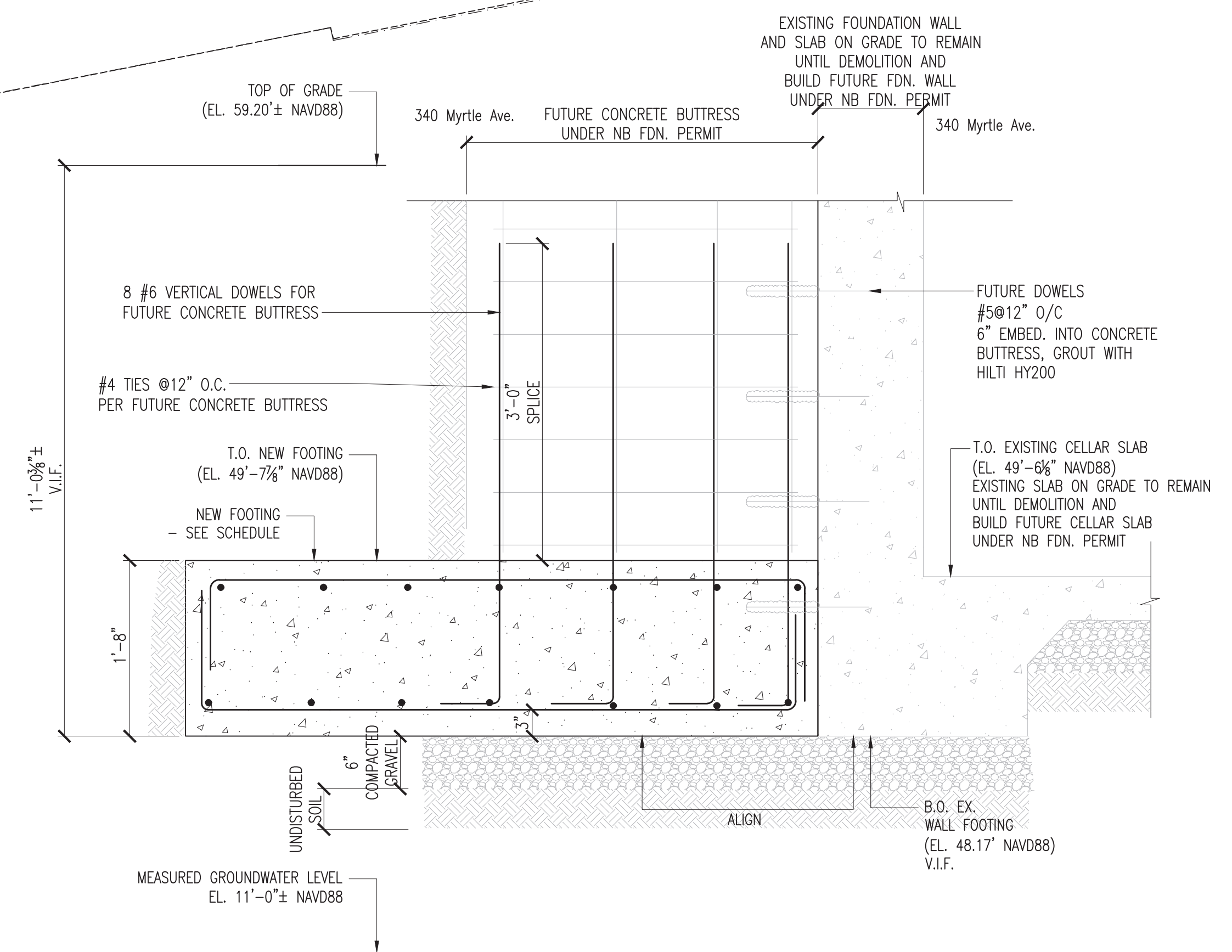
PROJECT #: 21067



LEGEND:

- |    |                                                                                     |                                                |
|----|-------------------------------------------------------------------------------------|------------------------------------------------|
| 1. | F-XX                                                                                | INDICATES FOUNDATION FOOTING                   |
| 2. |  | INDICATES CONCRETE COLUMN, SEE COLUMN SCHEDULE |

FOOTING SCHEDULE							
MARK	ALLOWABLE MIN. BEARING CAPACITY = 1 TSF						REMARKS
	DIMENSION		REINFORCEMENT				
			BOTTOM		TOP		
	SIZE	THICKNESS	LONG WAY	SHORT WAY	LONG WAY	SHORT WAY	
F3060	3'-0"x6'-0"	1'-8"	4 # 6	7 # 6	4 # 6	7 # 6	HOOK BAR @ EACH END



## SECTION F15

SCALE: 1" = 1'-0"

# **Attachment 2**



**LAW OFFICES OF FARHID SEDAGHAT-POUR, ESQ., PLLC.**  
**COUNSELOR & ATTORNEY AT LAW**  
73 SUSQUEHANNA AVENUE  
GREAT NECK, NY 11021  
212.461.0743 / 516.647.1355  
[FHS.ESQ@GMAIL.COM](mailto:FHS.ESQ@GMAIL.COM)

◆ THIS OFFICE DOES NOT ACCEPT SERVICE OF ANY LEGAL PAPERS & DOCUMENTS BY FACSIMILE ◆

---

*\*Admitted to NY and NJ State Bars*

December 17, 2024

340 Myrtle Development LLC  
1213 Rogers Avenue, 1st Fl.  
Brooklyn, NY 11266  
P: 718-705-8825  
E: Davidhalb18@gmail.com

Re: 421-a Tax Exemption Eligibility Opinion  
Applicant: 340 Myrtle Development LLC (“**Applicant**”)  
Premises: 340 Myrtle Avenue Brooklyn, NY 11205 (Block 2073 Lot 21)  
                  (“**Project**” or “**Site**”)

Dear Lender:

This opinion is being presented to discuss and determine the eligibility of the Project for 421-a tax benefits. This opinion is based upon the 421-a law, 421-a HPD rules, the information represented to us by the Applicant, and publicly available information available such as that found on websites maintained by the New York City Department of Buildings (“**DOB**”) and New York City Department of Finance (“**DOF**”).

### **Introduction**

The Site will have a new construction Project containing 63 residential units located in a single building at 340 Myrtle Avenue, Brooklyn, of which 19 units will be affordable to households earning up to 130% of Area Median Income (“**AMI**”) (“**Affordable Units**”).

### **Analysis**

#### **I. Site Eligibility and Timing Requirements**

A rental project constructed on an Eligible Site that complies with all the 421-a requirements shall receive a partial property tax exemption for up to 3 years during construction and for 35 years after construction completion.

A “**Rental Project**” is a project where all dwelling units are operated as rentals. The Applicant has represented to us that the Project will be a Rental Project.

Rental projects must be located on an “**Eligible Site**” which is either (A) a tax lot containing an eligible multiple dwelling; or (B) a zoning lot containing 2 or more eligible multiple dwellings that are part of a single application. An “**Eligible Multiple Dwelling**” is a multiple dwelling containing 6 or more newly created dwelling units that commenced construction on or before June 15, 2022, and are completed on or before June 15, 2026. The “**Commencement Date**” is the date that excavation and construction of initial footings and foundations lawfully commenced in good faith. The “**Completion Date**” is the date of DOB’s issuance of the first temporary or permanent certificate of occupancy covering all residential areas.

The Applicant has represented to us that the Project will contain 63 dwelling units and that construction commenced on or before June 15, 2022. The Applicant also has represented to us that it will complete construction prior to June 15, 2026. Thus, the Project will satisfy the definition of an Eligible Multiple Dwelling. The Eligible Multiple Dwelling here will be located on block 2073 tax lot 21 of the Borough of Brooklyn. Thus, the Project will satisfy the eligible site requirement. Based upon the representations made by the Applicant to us in writing, the commencement date was on May 11, 2022, by way of inserting footings and/or pilings into the ground pursuant to a foundation permit filed subsequent to a New Building permit application, and the expected completion date will be prior to June 15, 2026, the timing requirements will be satisfied.

## II. Affordability Requirement

The Applicant has six (6) “**Affordability Options**” to choose from relating to the amount and level of affordability the Project will have to be eligible for 421-a benefits. The available Affordability Option also depends on the location (borough) and the total number of rental units in the building. A building containing 300 or more units located in Community Boards 1 or 2 and located within a defined geographic area in Brooklyn or Queens is in an “**Enhanced Affordability Area**” and is eligible to receive “enhanced” benefits but is subject to construction minimum wage.

The Applicant intends to choose “**Affordability Option C.**” Under Affordability Option C, at least 30% of the units must be affordable to the max 130%AMI or lower. Additionally, the Project cannot receive substantial assistance of grants, loans, or subsidies provided by a federal, state, or local governmental agency or instrumentality pursuant to a program for the development of affordable housing (“**Substantial Government Assistance**”).

The Applicant has represented to us that there will be 63 affordable units with 19 units at a maximum of 130 AMI%, which comprises 30% of the total unit count. This unit mix is based on the 421a(16) requirements, if this property will utilize any other program it might be subject to meeting other unit mix requirements. The Applicant has also represented to us that the Project will not be receiving any Substantial Government Assistance. Therefore, the Project will comply with the requirements of Affordability Option A.

### III. Bedroom Mix, Distribution, and Common Area Requirements

421-a requires that either (a) the affordable units have a unit mix proportional to the market rate units, or (b) at least 50% of the affordable units have two or more bedrooms and no more than 25% of the affordable units shall have less than one bedroom.

For distribution, if a story contains 1 or more affordable units, then at least 30% of the units on that story must be market rate units. This requirement may be waived if more than 50% of the building is affordable units.

421-a also requires that all rental dwelling units share the same common entrances and common areas, including the affordable units.

A draft workbook is not yet available since the plans are not final. The Applicant has represented that the Project will meet these requirements.

### IV. Replacement Ratio

If the land on which an Eligible Site is located contained any dwelling units 3 years before commencement of construction, then the project must contain at least 1 affordable unit for each dwelling unit that existed on such date that was subsequently demolished, removed, or reconfigured. According to DOF's records for the Site as of the date hereof, the Site did not contain any dwelling units 3 years prior to the Project's commencement of construction. Therefore, based on such DOF records, the replacement ratio does not apply to the Project.

### V. Hotel Prohibition

The Project cannot be a hotel to be eligible for 421-a. A hotel is defined in the 421-a Rules as:

any Class B multiple dwelling, as such term is defined in the Multiple Dwelling Law, (ii) any structure or part thereof containing living or sleeping accommodations which is used or intended to be used for transient occupancy, (iii) any apartment hotel or transient hotel as defined in the Zoning Resolution, or (iv) any structure or part thereof which is used to provide short term rentals or owned or leased by an entity engaged in the business of providing short term rentals. For purposes of this definition, a lease, sublease, license or any other form of rental agreement for a period of less than one year shall be deemed to be a short-term rental.

The Applicant has represented to us that the Project will not be a hotel.

### VI. Benefit Amount and Benefit Period

The 421-a benefit term is 35 years plus a Construction Period. The "**Construction Period**" is the period beginning on the later of the Commencement Date or 3 years before the Completion Date and ending on the day before the Completion Date. Any increase in assessed value during the Construction Period shall be 100% exempt. Any increase in assessed value due to construction shall be exempt 100% for the first 25 years after the expiration of the Construction

Period. The 421-a benefit for the last 10 years is calculated to be 25% exemption, which is equal to the same percentage as the percentage of affordable housing at the Project.

The schedule for the post-construction 421-a Law tax benefit for the Project is as follows:

<u>Benefit Years</u>	<u>Exemption Amount</u>
1-25	100%
26-35	30.16%

VII. Ineligible Non-Residential Space

Up to 12% of the Project's floor area that is commercial, community facility and accessory use space is eligible for 421-a benefits. If the ineligible space is more than 12% of the total floor area, then the 421-a benefits will be reduced by a percentage equal to the percentage over 12%. The Applicant has represented to us that the total AFA as per the current preliminary plans which excludes the cellar with parking designated for residential and mechanical rooms is 57,985 SF. Additionally, per our review the total Ineligible and Non-Residential AFA equals to a total of 6,922 SF which is less than 12% of the AFA, and therefore there will be no decrease in 421-a benefit amount.

VIII. Restriction Period & Restrictions on Affordable Units

All residential units must be rent stabilized during the lifetime of exemption. All market rate units which are not deregulated upon initial occupancy will remain rent regulated for the restriction period.

Affordable units cannot be rented to a corporation, partnership or other entity. Affordable units cannot be held off the market for a period longer than reasonably necessary to perform needed repairs and must be offered for one- or two-year leases only. Affordable units also cannot be converted to cooperative or condominium forms of ownership.

The Applicant has represented to us that it will comply with these restriction requirements.

IX. Prevailing Wage Requirement

If a project contains thirty or more dwelling units, all building service employees must be paid a prevailing wage. This requirement is waived if all of the project's dwelling units are affordable units and at least 50% of the dwelling units are 125% of AMI or lower. The Applicant has represented to us that the Project contains 63 units and they will abide by the prevailing wage requirement.

X. Notice of Intent to Market Requirement

The Project must file its Notice of Intent to Market with HPD before the 421-a application is filed. The Notice of Intent is filed by a "marketing monitor" retained by the Applicant. The marketing monitor ensures that each affordable unit is leased to a household whose income and rent does not exceed the required AMI level. Our affiliate company Affordable for NY was

retained by the Applicant to be the marketing monitor. They will lease the affordable units through the HPD housing lottery system and project will be advertised on housing connect 2.0. The Applicant has represented to us that they will comply with the marketing requirements.

#### XI. 421-a Application Requirements

421-a benefits are “as of right” but are not automatic. An application must be submitted to HPD within 1 year of the Completion Date and cannot be submitted until after the Completion Date with a non-refundable filing fee equal to three thousand dollars (\$3,000) per dwelling unit. The Project contains 63 Units so \$189,000 (\$3,000 x 63) will be due to HPD and made payable to NYC DEPT OF FINANCE at the time of filing the application.

Additionally, the Applicant must prepare a restrictive declaration which (A) has been executed by the fee owner and any ground lessee of the Project, if applicable; (B) has been recorded against the real property containing the Project; (C) with respect to a rental project, (i) identifies each Affordable Unit in the Project, the number of bedrooms in such Affordable Unit, the applicable AMI level of each Affordable Unit, and provides that the rents to be charged to the tenants of each such Affordable Unit shall be established pursuant to the 421-a Rules, and (ii) provides that the Affordable Units in the Project shall for the restriction period, be (a) rented to eligible tenants at or below the applicable AMI level, (b) subject to rent stabilization, and (c) allow tenants holding a lease and in occupancy at the expiration of the restriction period to continue to be protected by rent stabilization for the duration of their occupancy; and (D) provides that such Projects must comply with all of the requirements for 421-a Law benefits during the restriction period.

The Applicant has represented to us that it will comply with the application requirements.

#### XII. Concurrent Real Estate Tax Exemptions or Abatements Prohibited

421-a benefits are not available if the residential units receive any other real estate tax exemption or abatement. The Applicant has represented to us that it will not apply for or receive any other real estate tax exemption during the 421-a benefit period.

#### XIII. Property Taxes During Benefit Period

The 421-a tax exemption is not a 100% exemption and is a partial tax exemption. During the benefit period, an owner is still liable for property taxes. The property taxes are determined based on the assessment of the property for the tax year prior to the commencement date, without regard to any exemption or abatement during such tax year, and calculated using the tax rate in effect at the time the taxes are due. The Project’s annual property taxes will be based on the 2020/21 assessment of \$408,510 multiplied by that year’s tax rate. This value is from both tax lots that are merged lots 21,22. This is based on the May 2022 commencement date, which falls in the 2021/22 tax year, and therefore the tax year before that is 2020/21. In the event the base year is greater than the construction year, there will be an imposition tax. The construction benefit period begins 3 years prior to the date of the CO. The 35-year benefit period begins after the CO is issued.

## **OPINION**

It is our opinion that the Project as described above is eligible for 421-a tax benefits. The Project must satisfy all requirements of the 421-a law and 421-a HPD rules in order to be eligible for 421-a. We cannot render a final opinion regarding eligibility since the plans are still preliminary, once the plans will be final, we will stand by our opinion.

## **QUALIFICATIONS AND EXCEPTIONS**

This is an opinion, and not a guaranty, that the Project is eligible for 421-a benefits. This opinion applies only to the subject Project and is based solely on information and representations provided to us by the Applicant and we have made no independent verification of such information. This opinion does not opine on the Project's eligibility for Mandatory Inclusionary Housing ("MIH") and does not take into account any MIH requirements which may overlap with 421-a eligibility requirements. This opinion is solely applicable to 421-a eligibility.

This letter has been prepared and delivered only as of the date above. We will not be liable if there are inaccuracies in the facts on which we have relied, or if there are changes after the date above of statutes, rules and regulations, decisional laws or administrative agency rulings, interpretations and policies that are in any way applicable here. In addition, we disclaim any obligation to advise the Applicant's lender of any changes in applicable facts or law.

This letter is being delivered to the Applicant's lender solely for its benefit. It may not be disclosed to or relied upon by any other person or parties, nor may it be quoted by any person or parties without our prior written consent.

This letter is being delivered to the Applicant's lender with the express understanding that our firm assumes no liability for our opinion expressed herein.

## **DISCLAIMER**

*Although the aforesaid estimate of the actual assessed valuation (which is calculated by multiplying market value by the assessment percentage) is a good-faith estimate, it is not possible to estimate same with any degree of certainty. Assessed valuations, when made, may be lesser or greater based on the interpretation of the administrative code and the applicable rules and regulations of the City of New York.*

*Though we believe our opinions of the Actual Assessed Valuation are well-founded, they are not intended, and should not be construed as warranties or guaranties or representations as to future assessed valuations of the property under discussion and we accept no responsibility or liability in the event that the figures or projections of the Actual Assessed Valuation are incorrect or inaccurate. In no event will this firm, the Borrower, the Borrower's counsel or any other person be liable if the assessed valuation, when actually made, is lesser or greater than that estimated above, or if the administrative code and the applicable rules and regulations of the City of New York are changed in the future, or if the facts as represented prove to be untrue.*

We understand that you will rely upon this opinion in connection with the Loan. In addition, your successors and assigns, any participant of interests in the subject loan, any

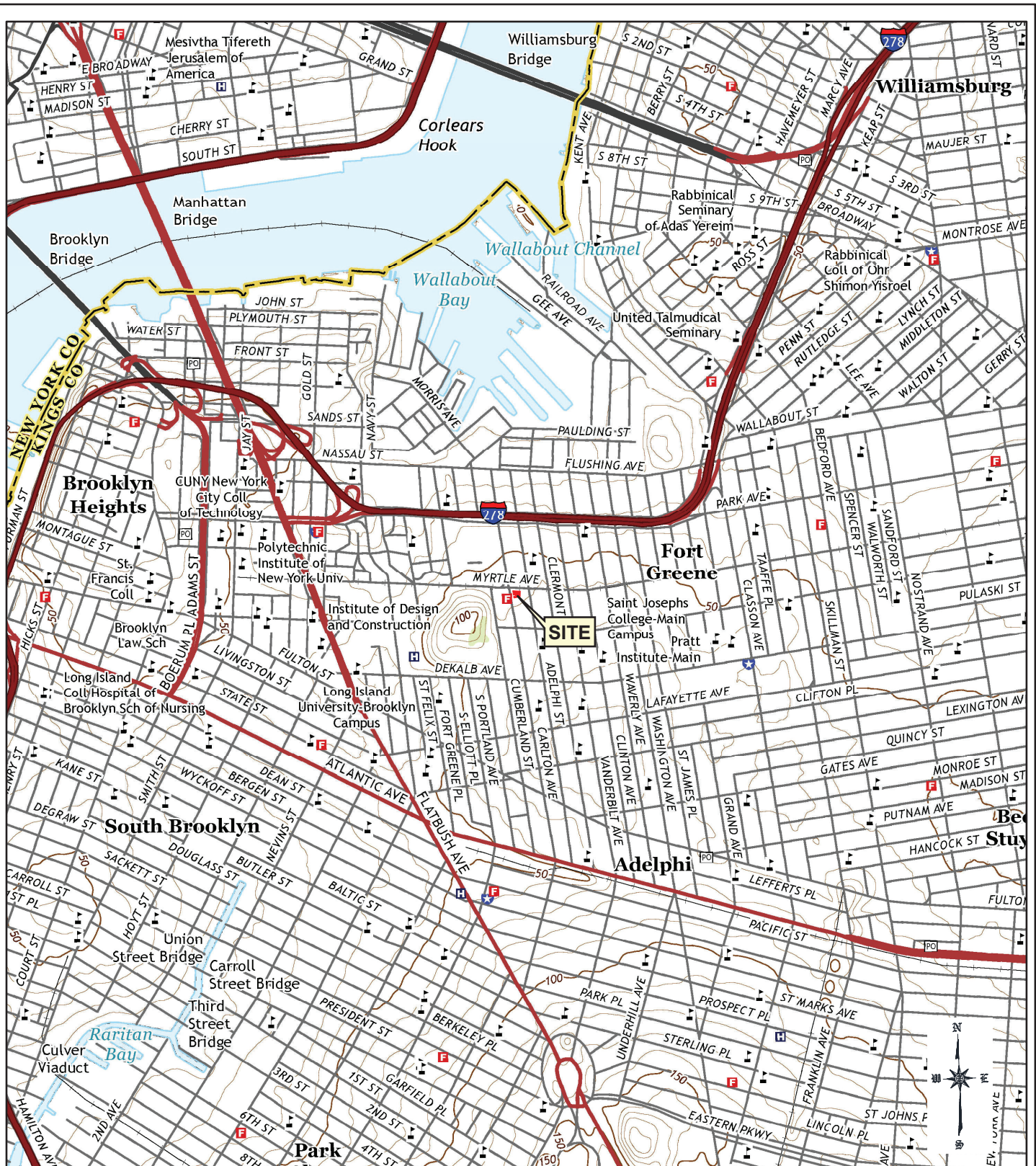


purchaser of the subject loan or any portion thereof in a securitization, any issuer of securities in a securitization of the subject loan (including, without limitation, any trustee in connection with such a securitization and any servicer acting on behalf of such trustee) and any rating agency, may rely upon this opinion in connection with the matters set forth herein, and we hereby consent to such reliance, subject to the understanding that the opinions rendered herein are given on the date hereof and such opinions are rendered only with respect to facts existing on the date hereof and laws, rules and regulations currently in effect. Except as stated above, without our prior written consent, this opinion may not be used or relied upon by any other person or entity for any purpose.

Sincerely Yours,

Farhid Sedaghat-pour, Esq.

# **Exhibit B**



Basemap: USGS Topographic Map, 7.5 Minute Quadrangle: Brooklyn, NY

0 1,000 2,000 4,000 Feet


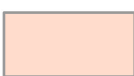
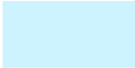
<p>Drawing No.</p> <p><b>Figure 1</b></p>	<p>Drawn By</p> <p>LM</p> <p>Checked By</p> <p>AP</p>	<p><b>TENEN ENVIRONMENTAL</b></p> <p>Tenen Environmental, LLC 121 West 27th Street, Suite 702 New York, NY 10001 O: (646) 606-2332 F: (646) 606-2379</p>	<p><b>340 Myrtle Avenue Brooklyn, New York Block 2073, Lot 21</b></p>
<p>Drawing Title</p> <p><b>Site Location Map</b></p>	<p>Date</p> <p>September 2021</p> <p>Scale</p> <p>As Noted</p>		

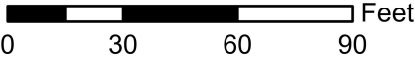


OLD TAX MAP



Legend

-  Proposed BCP Site Boundary (Lots 21 & 22)
-  155 Carlton Avenue (Lot 22) - Proposed for Inclusion with BCP Site
-  Existing BCP Site (Lot 21)



Reference:  
NYC Department of City Planning, Information Technology Division  
DOF - Digital Tax Map

Drawing Title		Tax Map		Drawing No.		Figure 2	
Drawn By	LM	Checked By	AP	Date	August 2023	Scale	As Noted
TENEN ENVIRONMENTAL		Tenen Environmental, LLC 121 West 27th Street Suite 702 New York, NY 10001 O: (646) 606-2332 F: (646) 606-2379					
BCA Amendment Application		340 Myrtle Avenue Brooklyn, New York Block 2073, Lot 21 BCP Site No. C224340					

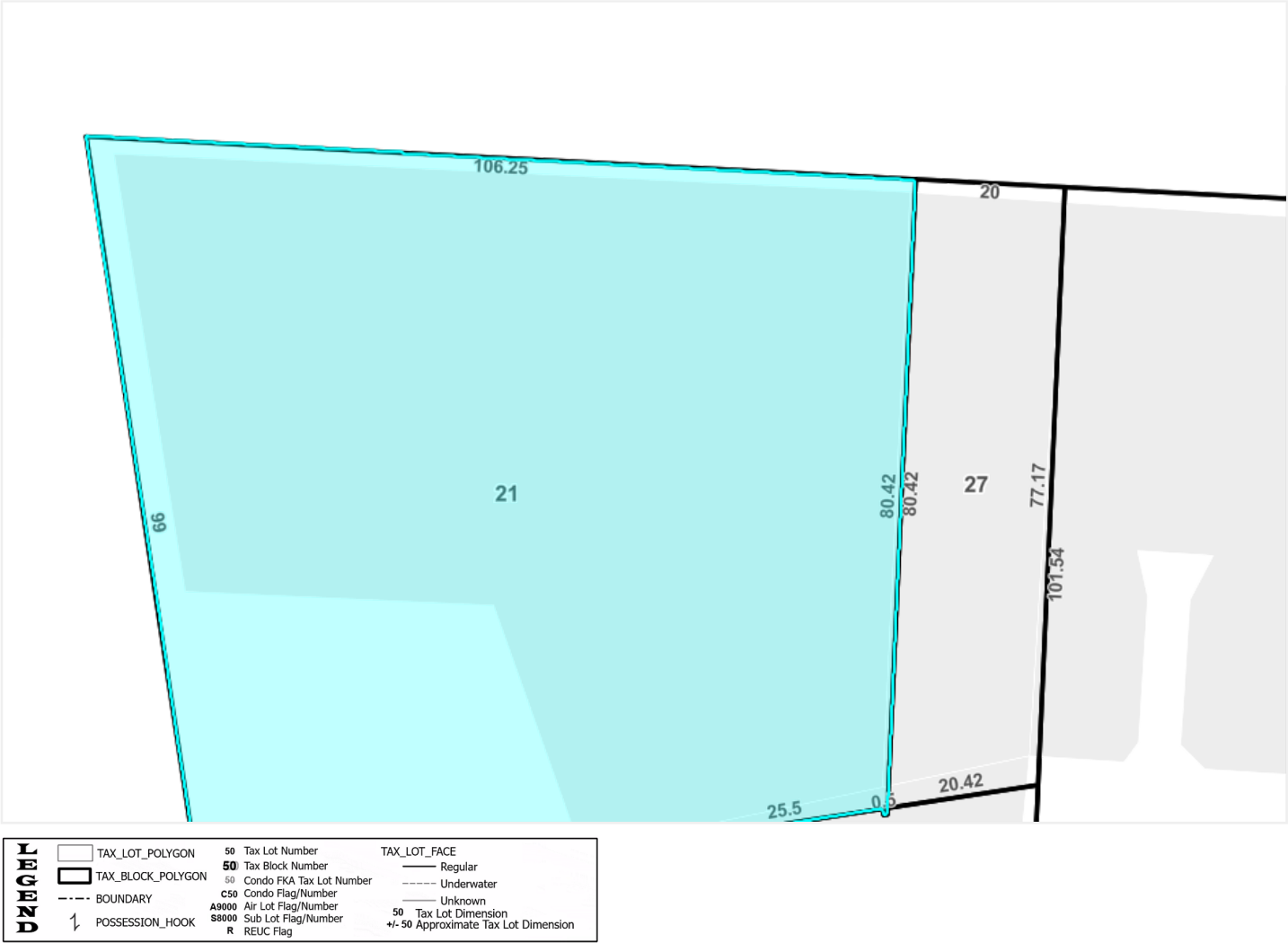


Property Information Portal

340 MYRTLE AVENUE - BROOKLYN 11205

Borough: Brooklyn  
Block: 2073  
Lot: 21

NEW TAX MAP



# NEW TAX MAP VIEW #2

