



Department of  
Environmental  
Conservation

## 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 ☒ No

1b. ☐ 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:

The Ground tenant Brooklyn Red Sauce LLC is being added to the Brownfield Cleanup Agreement as an additional Volunteer.

**\*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 more than an insignificant change in acreage, applicants are encouraged to consult with the DEC project team prior to submitting this application.\***

<b>Section I. Current Agreement Information</b>		
BCP SITE NAME: PRD Electronics Manufacturing Site		BCP SITE NUMBER: C224342
NAME OF CURRENT APPLICANT(S): YYY Brooklyn NY LLC		
INDEX NUMBER OF AGREEMENT: C224342-03-22		DATE OF ORIGINAL AGREEMENT: 3/25/22
<b>Section II. New Requestor Information</b> (complete only if adding new requestor or name has changed)		
NAME Brooklyn Red Sauce LLC		
ADDRESS 15 Verbena Avenue, Suite 200		
CITY/TOWN Floral Park, NY		ZIP CODE 11001
PHONE 518-821-2225	FAX NA	E-MAIL eli@joycon1st.com
1. Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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 Eli S. Weiss		
ADDRESS 15 Verbena Avenue, Suite 200		
CITY/TOWN Floral Park, NY		ZIP CODE 11001
PHONE (518) 821 - 2225	FAX NA	E-MAIL eli@joycon1st.com
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable) VHB c/o Katherine Applegate		
ADDRESS 1805 Atlantic Avenue		
CITY/TOWN Manasquan, New Jersey		ZIP CODE 08736
PHONE 732-223-2225	FAX NA	E-MAIL rbarr@vhb.com; capplegate@vhb.com
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable) Linda Shaw, Esq.		
ADDRESS Knauf Shaw LLP 1400 Crossroads Buildings, 2 State Street		
CITY/TOWN Rochester, NY		ZIP CODE 14614
PHONE 585-546-8430	FAX 585-546-4324	E-MAIL lshaw@nyenvlaw.com
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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
3. Describe Requestor's Relationship to Existing Applicant:  Brooklyn Red Sauce LLC will be the ground tenant for the project.		

**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 requestor) **YYY Brooklyn NY LLC**

ADDRESS **c/o MADDD Equities LLC, 15 Verben Avenue, 2nd Floor**

CITY/TOWN **Floral Park, New York**

ZIP CODE **11001**

PHONE **518-821-2065**

FAX **NA**

E-MAIL **katherine@maddequities.com**

OPERATOR'S NAME (if different from requestor or owner) **Vacan since August 2021**

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

**Section IV. Eligibility Information for New Requestor (Please refer to ECL § 27-1407 for more detail)**

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

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

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

☐ PARTICIPANT

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

☒ VOLUNTEER

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

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? ☒ Yes ☐ No

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

**Section V. Property description and description of changes/additions/reductions (if applicable)**

1. Property information on current agreement:

ADDRESS

CITY/TOWN

ZIP CODE

TAX BLOCK AND LOT (SBL)

TOTAL ACREAGE OF CURRENT SITE: \_\_\_\_\_

Parcel Address

Section No. Block No. Lot No. Acreage


2. Check appropriate boxes below:

☐

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

2a. PARCELS ADDED:

Acreage  
Added by  
Parcel

Parcel Address

Section No. Block No. Lot No.


Total acreage to be added: \_\_\_\_\_

☐

Reduction of property

2b. PARCELS REMOVED:

Acreage  
Removed  
by Parcel

Parcel Address

Section No. Block No. Lot No.


Total acreage to be removed: \_\_\_\_\_

☐

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

2c. NEW SBL INFORMATION:

Parcel Address

Section No. Block No. Lot No. Acreage


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

# 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.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Please answer questions below and provide documentation necessary to support answers.</b>	
1. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see <a href="#">DEC's website</a> for more information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<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>	
3. Is the project an affordable housing project as defined below?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>From 6 NYCRR 375- 3.2(a) as of August 12, 2016:</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' households 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 home owners 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>	

## PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME: PRD Electronics Manufacturing Site	BCP SITE NUMBER: C224342
NAME OF CURRENT APPLICANT(S): YYY Brooklyn NY LLC	
INDEX NUMBER OF AGREEMENT: C224342-03-22	
EFFECTIVE DATE OF ORIGINAL AGREEMENT: 3/25/22	

### 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 Authorized Signatory) of (entity Brooklyn Red Sauce LLC); 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.

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

Date: 9/10/2022 Signature: 

Print Name: Eli S Weiss



**Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)**

(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 Manager (title) of YYY Brooklyn NY 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. Eli Weiss' signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 9/10/2022 Signature: \_\_\_\_\_

Print Name: Eli Weiss

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

Please see the following page for submittal instructions.

**NOTE: Applications submitted in fillable format will be rejected.**

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:** 3/25/22

**Signature by the Department:**

DATED: 12/12/2022

NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

By: Andrew Guglielmi

Andrew O. Guglielmi, Director  
Division of Environmental Remediation



**SUBMITTAL REQUIREMENTS:**

- **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.**

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**FOR DEPARTMENT USE ONLY**

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

**PROJECT MANAGER:**\_\_\_\_\_

# **EXHIBIT A**

# Department of State

## Division of Corporations

### Entity Information

Return to Results

Return to Search

Entity Details



ENTITY NAME: BROOKLYN RED SAUCE LLC	DOS ID: 6036526
FOREIGN LEGAL NAME:	FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY	DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTIONOF LAW: 203 LLC - LIMITED LIABILITY COMPANY LAW	ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 06/15/2021	REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 06/15/2021	INACTIVE DATE:
FOREIGN FORMATION DATE:	STATEMENT STATUS: CURRENT
COUNTY: NEW YORK	NEXT STATEMENT DUE DATE: 06/30/2023
JURISDICTION: NEW YORK, UNITED STATES	NFP CATEGORY:

- ENTITY DISPLAY
- NAME HISTORY
- FILING HISTORY
- MERGER HISTORY
- ASSUMED NAME HISTORY

Service of Process Name and Address

Name: C/O C T CORPORATION SYSTEM

Address: 28 LIBERTY STREET, NEW YORK, NY, UNITED STATES, 10005

Chief Executive Officer's Name and Address

Name:

Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name: C T CORPORATION SYSTEM

Address: 28 LIBERTY STREET, NEW YORK, NY, 10005

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value	Number Of Shares	Value Per Share

# **EXHIBIT B**

**YYY Brooklyn NY LLC**  
**c/o MADDD Equities LLC**  
15 Verbena Avenue, Suite 200  
Floral Park, NY 11001

Brooklyn Red Sauce LLC  
c/o MADDD Equities LLC  
15 Verbena Avenue, Suite 200  
Floral Park, NY 11001

Re: **Site Access to Perform Brownfield Cleanup Program Work**  
BCP Site: PRD Electronics No.: C224342  
Location of Site: 202-208 Tillary Avenue & N/A Myrtle Avenue  
Kings County, Brooklyn, NY 11201

YYY Brooklyn NY LLC has submitted a Brownfield Cleanup Program ("BCP") Application and entered into a Brownfield Cleanup Agreement ("BCA") with the New York State Department of Environmental Conservation to voluntarily investigate and remediate the PRD Electronics BCP Site No.: C224342 located at 202-208 Tillary Avenue & N/A Myrtle Avenue Kings County, Brooklyn, NY 11201 (Tax Parcel Nos. 2050-98 and 2050-100) (the "BCP Site"). Since YYY Brooklyn NY LLC owns the BCP Site and requestor Brooklyn Red Sauce LLC is being added to the BCA as a ground tenant, YYY Brooklyn NY LLC herein provides BCP Site access to Brooklyn Red Sauce LLC for the purpose of performing any required environmental investigation and remediation work.

As a member of the BCP Site owner YYY Brooklyn NY LLC, I am authorized to grant this temporary license and agree to allow Brooklyn Red Sauce and its agents to enter the BCP Site to perform any BCP investigation and/or remediation work required.

Sincerely,



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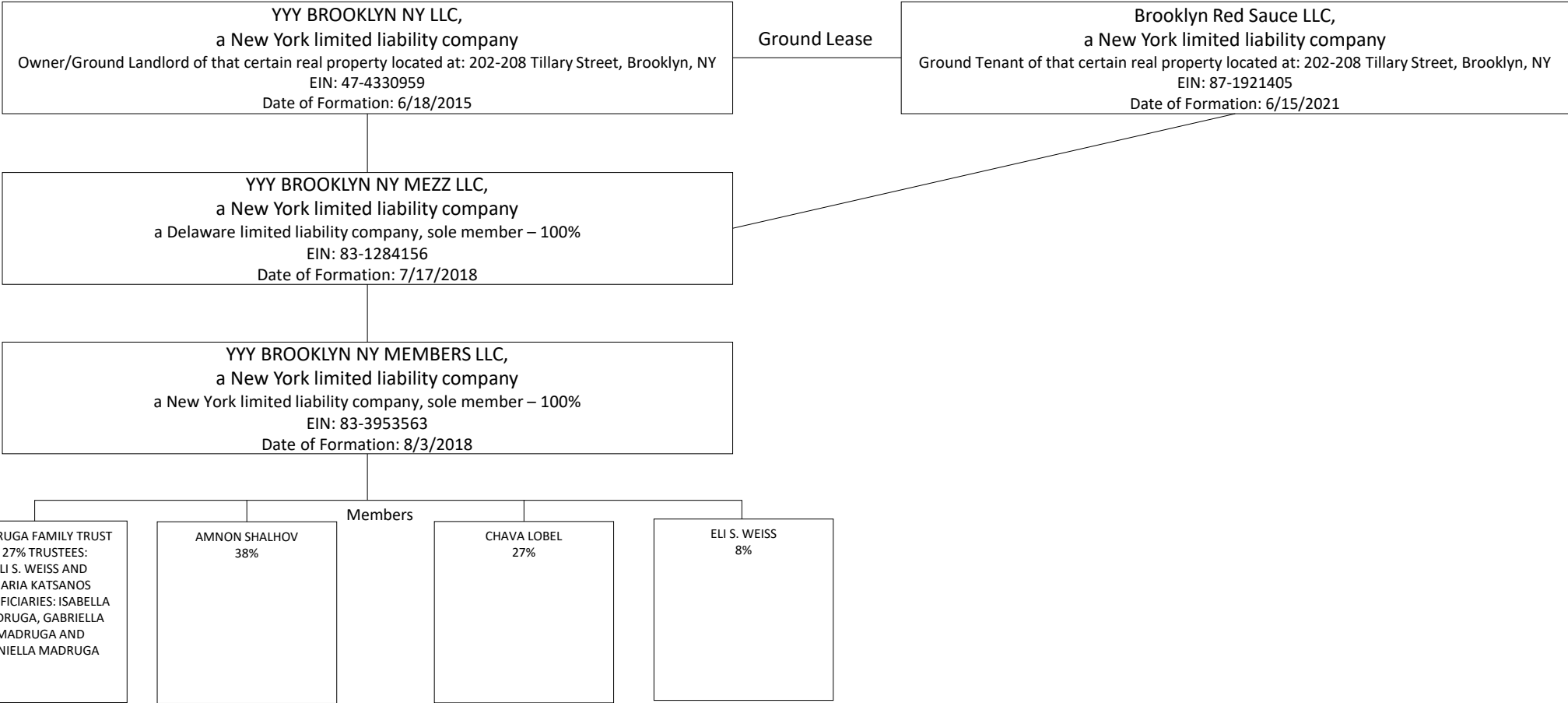
YYY Brooklyn NY LLC

By. Eli Weiss, Authorized Signatory

# **EXHIBIT C**



Organizational Chart:  
Property: 202 – 208 Tillary Street, Brooklyn, NY



# **EXHIBIT D**


## WRITTEN CONSENT

The undersigned, being a member of Brooklyn Red Sauce LLC, which will be a ground tenant on the PRD Electronics Brownfield Cleanup Program (BCP) Site No. C224342 located at 202-208 Tillary Street, Brooklyn, New York 11201 (a/k/a 67-73 Prince Street) (Tax Block no. 2050, Lot 100) and \_\_ Myrtle Avenue, Brooklyn, New York 11201 (Tax Block no. 2050, Lot 98) (collectively the “BCP Site”) does hereby certify as follows:

1. Brooklyn Red Sauce LLC is a prospective volunteer being added as a party to the Brownfield Cleanup Agreement (“BCA”) that was executed in relation to the BCP Site by original Volunteer YYY Brooklyn NY LLC.

2. The following person, Eli S. Weiss, a member of Brooklyn Red Sauce LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of new BCP Site Volunteer Brooklyn Red Sauce LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this <sup>9</sup>\_\_ day of September 2022.

By: \_\_\_\_\_  
Brooklyn Red Sauce LLC,  
a New York limited liability company  
Name: Amnon Shalhov  
Title: Member

## WRITTEN CONSENT

The undersigned, being a member of YYY Brooklyn NY Members LLC, which is a member of YYY Brooklyn NY Mezz LLC, which is a member of YYY Brooklyn NY LLC, does hereby certify as follows:

1. YYY Brooklyn NY LLC is the prospective volunteer for the prospective Brownfield Cleanup Program (BCP) Site located at 202-208 Tillary Street, Brooklyn, New York 11201 (a/k/a 67-73 Prince Street) (Tax Block no. 2050, Lot 100) and \_\_\_ Myrtle Avenue, Brooklyn, New York 11201 (Tax Block no. 2050, Lot 98) (collectively the "BCP Site").

2. YYY Brooklyn NY Mezz LLC is the sole member of YYY Brooklyn NY LLC. YYY Brooklyn NY Members LLC is the sole member of YYY Brooklyn NY Mezz LLC. The organizational chart, which includes the names of the members of YYY Brooklyn NY Members LLC, is attached to this document.

3. The following person, Eli S. Weiss, the managing manager of YYY Brooklyn NY Members LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer YYY Brooklyn NY LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 28th day of October 2021.

By: 

YYY Brooklyn NY LLC,


a New York limited liability company

Name: Amnon Shalhov

Title: Member

By: YYY Brooklyn NY Mezz LLC, its member

By: YYY Brooklyn NY Members LLC, its member

  
Name: Amnon Shalhov

Title: Member