

NYSDEC BROWNFIELD CLEANUP PROGRAM APPLICATION

556 BALTIC STREET SITE
BLOCK 407, LOT 1
BROOKLYN, NEW YORK

PREPARED FOR:
159 THIRD REALTY LLC
159 THIRD RESIDENCE LLC
BALTIC RESIDENCE LLC
199 LEE AVENUE
BROOKLYN, NY 11211



Haley & Aldrich of New York
237 W 35th Street
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New York, NY 10123
Tel: 646.277.5686

9 September 2022
File No. 0204090

Alexandra Servis
Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, New York 12233

Subject: Brownfield Cleanup Program Application
556 Baltic Street Site
BCP Site No. C224375
Brooklyn, New York 11217 (Site)

Ladies and Gentlemen,

Haley & Aldrich of New York, on behalf of 159 Third Realty LLC, 159 Third Residence LLC and Baltic Residence LLC has prepared this Brownfield Cleanup Program (BCP) Application for the above referenced Site in response to comments received by the New York State Department of Environmental Conservation (NYSDEC) in a letter dated 30 August 2022. Enclosed in this package is a USB drive which contains the full Brownfield Cleanup Program Application Package including a Phase I Environmental Site Assessment dated September 2021 by GEI Consultants, a Limited Phase II Environmental Site Investigation Report dated 17 December 2021 by Haley & Aldrich of New York, and a Remedial Investigation Report for the NYCOER dated January 2022 by Haley & Aldrich of New York. Also, for NYSDEC consideration and review, is a draft Remedial Investigation Work Plan (RIWP) that outlines the proposed scope of work for the remedial investigation of the Site.

The revised BCP Application addresses the NYSDEC comments as follows:

Section VI: Requestor Eligibility

- Access Agreement has been re-signed to indicate name of signatory.

Section XII: Statement of Certification and Signatures

- Signature pages for all three entities have been included.
- Authorization to bind Simon Kaufman to all three entities has been included in Attachment I.

Additional Comments

- The Supplemental Questions for Sites in NYC have been completed in entirety.
- Documentation showing the Site is located in an EnZone has been included in Section I.

Figures


- Figure 5 has been revised to show exceedances of only Restricted Residential Use Soil Cleanup Objectives and Protection of Groundwater Soil Cleanup Objectives.
- Red shading has been lightened on Figure 5.

Environmental Assessment

- Discussion of metals exceedances has been clarified.
- Perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) have been discussed separately in the soil results discussion.
- PFOA and PFOS have been discussed separately in the groundwater results section.
- Elevated petroleum compounds have been added to the soil vapor table.
- Soil vapor table data has been revised for PCE.
- Chlorinated volatile organic compounds have been removed from contaminants of concern.
- Results of metals in groundwater have been clarified as total or dissolved.
- Section IV on application has been revised as per comments. Figure 6B has been added to show emerging contaminant exceedances in groundwater
- Project schedule has been revised to show Certificate of Completion anticipated in 2024.

Should you have any questions, please do not hesitate to contact me at (646) 277-5686 or via email at jbellew@haleyaldrich.com.

Thank you.


James M. Bellew
Principal


Mari C. Conlon, PG
Senior Project Manager

Enclosed copies provided via email to:

Simon Kaufman (159 Third Realty LLC)
Cris-Sandra Maycock (NYSDEC)
Jane O'Connell (NYSDEC)
Christine Leas (Sive, Paget & Riesel, PC)

Email: ysrealtyny@aol.com
Email: cris-sandra.maycock@dec.ny.gov
Email: jane.oconnell@dec.ny.gov
Email: cleas@sprlaw.com

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BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

Is this an application to amend an existing BCA with a major modification? Please refer to the application instructions for further guidance related to BCA amendments. Yes No
 If yes, provide existing site number: _____

Is this a revised submission of an incomplete application? Yes No
 If yes, provide existing site number: C224375

BCP App Rev 13

SECTION I: Property Information

PROPOSED SITE NAME 556 Baltic Street Site

ADDRESS/LOCATION 151-169 Third Avenue

CITY/TOWN Brooklyn ZIP CODE 11217

MUNICIPALITY (LIST ALL IF MORE THAN ONE) Brooklyn

COUNTY Kings SITE SIZE (ACRES) 0.27

LATITUDE 40 ° 40 ' 52.09 " LONGITUDE -73 ° 59 ' 0.28 "

Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, please indicate as such by inserting "p/o" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding acreage column.

ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section	Block	Lot	Acreage
<u>151-169 Third Avenue</u>	<u>3</u>	<u>407</u>	<u>1</u>	<u>0.27</u>

	Y	N
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description.	<input checked="" type="radio"/>	<input type="radio"/>
2. Is the required property map provided in electronic format with the application? (Application will not be processed without a map)	<input checked="" type="radio"/>	<input type="radio"/>
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) If yes, identify census tract: <u>Census Tract 127</u> Percentage of property in En-zone (check one): 0% <input type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4. Is the project located within a disadvantaged community? See application instructions for additional information.	<input type="radio"/>	<input checked="" type="radio"/>
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	<input type="radio"/>	<input checked="" type="radio"/>

6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications: _____	Y <input type="radio"/>	N <input checked="" type="radio"/>						
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?	<input type="radio"/>	<input checked="" type="radio"/>						
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.	<input checked="" type="radio"/>	<input type="radio"/>						
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.	<input type="radio"/>	<input checked="" type="radio"/>						
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____	<input type="radio"/>	<input checked="" type="radio"/>						
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>						
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information. <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><u>Easement/Right-of-Way Holder</u></td> <td style="width: 40%;"><u>Description</u></td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	<u>Easement/Right-of-Way Holder</u>	<u>Description</u>			<input type="radio"/>	<input checked="" type="radio"/>		
<u>Easement/Right-of-Way Holder</u>	<u>Description</u>							
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><u>Type</u></td> <td style="width: 30%;"><u>Issuing Agency</u></td> <td style="width: 40%;"><u>Description</u></td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>				<input type="radio"/>	<input checked="" type="radio"/>
<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>						
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?	<input checked="" type="radio"/>	<input type="radio"/>						
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.								
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.	Y <input checked="" type="radio"/>	N <input type="radio"/>						
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?	<input type="radio"/>	<input checked="" type="radio"/>						
17. If you have answered YES to Question 16 above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?	<input type="radio"/>	<input type="radio"/>						
NOTE: If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.								
If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions.								
Initials of each Requestor: _____								

SECTION II: Project Description

1. The project will be starting at: Investigation Remediation

NOTE: If the project is proposed to start at the remediation stage, at a minimum, a Remedial Investigation Report (RIR) must be included, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Action Work Plan (RAWP) are also included (see [DER-10, Technical Guidance for Site Investigation and Remediation](#) for further guidance), then a 45-day public comment period is required.

2. If a final RIR is included, does it meet the requirements in ECL Article 27-1415(2)?

Yes No N/A

3. Have any draft work plans been submitted with the application (select all that apply)?

RIWP RAWP IRM No

4. Please provide a short description of the overall project development, including the date that the remedial program is to begin, and the date by which a Certificate of Completion is expected to be issued.

Is this information attached? Yes No

SECTION III: Land Use Factors

1. What is the property's current municipal zoning designation? M1-4/R7X

2. What uses are allowed by the property's current zoning (select all that apply)?

Residential Commercial Industrial

3. Current use (select all that apply):

Residential Commercial Industrial Recreational Vacant

4. Please provide a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date by which the site became vacant.
Is this summary included with the application?

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

5. Reasonably anticipated post-remediation use (check all that apply):

Residential Commercial Industrial

If residential, does it qualify as single-family housing? N/A

<input type="radio"/>	<input checked="" type="radio"/>
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6. Please provide a statement detailing the specific proposed post-remediation use.
Is this summary attached?

<input checked="" type="radio"/>	<input type="radio"/>
----------------------------------	-----------------------

7. Is the proposed post-remediation use a renewable energy facility?
See application instructions for additional information.

<input type="radio"/>	<input checked="" type="radio"/>
-----------------------	----------------------------------

8. Do current and/or recent development patterns support the proposed use?

<input checked="" type="radio"/>	<input type="radio"/>
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9. Is the proposed use consistent with applicable zoning laws/maps?
Please provide a brief explanation and additional documentation if necessary.

<input checked="" type="radio"/>	<input type="radio"/>
----------------------------------	-----------------------

10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans?
Please provide a brief explanation and additional documentation if necessary.

<input checked="" type="radio"/>	<input type="radio"/>
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SECTION IV: Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that contamination of environmental media exists on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the site property and that the site requires remediation. To the extent that existing information/studies/reports are available to the requestor, please attach the following (**please submit information requested in this section in electronic format ONLY**):

- 1. Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard ([ASTM E1903](#)). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do NOT submit paper copies of ANY supporting documents.**
- 2. SAMPLING DATA: INDICATE (BY SELECTING THE OPTIONS BELOW) KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED AS AN ATTACHMENT, WITH LABORATORY REPORTS REFERENCED AND INCLUDED.**

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Chlorinated Solvents	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other VOCs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SVOCs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Metals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCBs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PFAS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1,4-dioxane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other – indicated below	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Please describe other known contaminants and the media affected:

- For each impacted medium above, include a site drawing indicating:
 - Sample location
 - Date of sampling event
 - Key contaminants and concentration detected
 - For soil, highlight exceedances of reasonably anticipated use
 - For groundwater, highlight exceedances of 6 NYCRR part 703.5
 - For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation

These drawings are to be representative of all data being relied upon to determine if the site requires remediation under the BCP. Drawings should be no larger than 11"x17" and should only be provided electronically. These drawings should be prepared in accordance with any guidance provided.

Are the required drawings included with this application? YES NO

- Indicate Past Land Uses (check all that apply):

<input type="checkbox"/> Coal Gas Manufacturing	<input type="checkbox"/> Manufacturing	<input type="checkbox"/> Agricultural Co-Op	<input type="checkbox"/> Dry Cleaner
<input type="checkbox"/> Salvage Yard	<input type="checkbox"/> Bulk Plant	<input type="checkbox"/> Pipeline	<input checked="" type="checkbox"/> Service Station
<input type="checkbox"/> Landfill	<input type="checkbox"/> Tannery	<input type="checkbox"/> Electroplating	<input type="checkbox"/> Unknown

Other: Car wash

SECTION V: Requestor Information			
NAME 159 Third Realty LLC, 159 Third Residence LLC, Baltic Residence LLC			
ADDRESS 199 Lee Avenue, Suite 777			
CITY/TOWN Brooklyn		ZIP CODE 11211	
PHONE 718-408-8745		EMAIL ysrealtyny@aol.com	
1. Is the requestor authorized to conduct business in New York State (NYS)?		Y <input checked="" type="radio"/>	N <input type="radio"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database . A print-out of entity information from the database must be submitted with this application to document that that requestor is authorized to conduct business in NYS. Is this attached?		<input checked="" type="radio"/>	<input type="radio"/>
3. If the requestor is an LLC, the names of the members/owners need to be provided on a separate attachment. Is this attached?		<input checked="" type="radio"/>	<input type="radio"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? Documents that are not properly certified will not be approved under the BCP.		<input checked="" type="radio"/>	<input type="radio"/>

SECTION VI: Requestor Eligibility		
If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.		
	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input checked="" type="radio"/>
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	<input type="radio"/>	<input checked="" type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for this 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 checked="" 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 ECL Article 27; (ii) any order or determination; (iii) any regulation implementing Title 14; or (iv) any similar statute or regulation of the State or Federal government?	<input type="radio"/>	<input checked="" type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.	<input type="radio"/>	<input checked="" 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 of contaminants?	<input type="radio"/>	<input checked="" type="radio"/>

SECTION VI: Requestor Eligibility (CONTINUED)

	Y	N
7. Has the requestor been convicted of a criminal offence (i) involving the handling, storing, treating, disposing or transporting or contaminants; or (ii) that involved 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 checked="" type="radio"/>
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>
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 checked="" 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 checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input checked="" type="radio"/>

12. THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:

<p>PARTICIPANT</p> <p>A requestor who either (1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum, 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 hazardous waste or discharge of petroleum.</p>	<p><input type="checkbox"/> VOLUNTEER <input checked="" type="checkbox"/></p> <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 hazardous waste or discharge of petroleum.</p> <p>NOTE: By selecting this option, 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; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste.</p> <p>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.</p>
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13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?

Yes No N/A

SECTION VI: Requestor Eligibility (CONTINUED)

14. Requestor relationship to the property (check one; if multiple applicants, check all that apply):

 Previous Owner
 Current Owner
 Potential/Future Purchaser
 Other: Land Lease

If the requestor is not the current owner, **proof of site access sufficient to complete remediation must be provided.** 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 environmental easement on the site.

Is this proof attached?



Yes



No

Note: A purchase contract or lease agreement does not suffice as proof of site access.**SECTION VII: Requestor Contact Information****REQUESTOR'S REPRESENTATIVE**

Simon Kaufman

ADDRESS

199 Lee Avenue, Suite 777

CITY

Brooklyn

ZIP CODE

11211

PHONE

718-408-8745

EMAIL

ysrealty@aol.com

REQUESTOR'S CONSULTANT (CONTACT NAME)

James M. Bellew

COMPANY

Haley & Aldrich of New York

ADDRESS

237 W 35th Street, 16th Floor

CITY

New York

ZIP CODE

10123

PHONE

646-277-5686

EMAIL

jbellew@haleyaldrich.com

REQUESTOR'S ATTORNEY (CONTACT NAME)

Christine Leas

COMPANY

Sive, Paget & Riesel PC

ADDRESS

560 Lexington Avenue

CITY

New York

ZIP CODE

10022

PHONE

646-378-7267

EMAIL

cleas@sprlaw.com

SECTION VIII: Program Fee

Upon submission of an executed Brownfield Cleanup Agreement to the Department, the requestor is required to pay a non-refundable program fee of \$50,000. Requestors may apply for a fee waiver based on demonstration of financial hardship.

	Y	N
1. Is the requestor applying for a fee waiver based on demonstration of financial hardship?	<input type="radio"/>	<input checked="" type="radio"/>
2. If yes, appropriate documentation to demonstrate financial hardship must be provided with the application. See application instructions for additional information. Is the appropriate documentation included with this application?	<input type="radio"/>	<input type="radio"/>

SECTION IX: Current Property Owner and Operator Information**CURRENT OWNER**

ASTI Holding Corp.

CONTACT NAME

Joseph Macchia

ADDRESS

556 Central Avenue

CITY

Bethpage

ZIP CODE

11714

PHONE

718-395-2096

EMAIL

N/A

OWNERSHIP START DATE

17 December 1985

CURRENT OPERATOR

N/A

CONTACT NAME**ADDRESS****CITY****ZIP CODE****PHONE****EMAIL****OPERATION START DATE****SECTION X: Property Eligibility Information**

	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information.	<input type="radio"/>	<input checked="" type="radio"/>
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>

SECTION X: Property Eligibility Information (continued)

	Y	N
<p>3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit Type: _____ EPA ID Number: _____ Date Permit Issued: _____ Permit Expiration Date: _____</p>	<input type="radio"/>	<input checked="" type="radio"/>
<p>4. If the answer to question 2 or 3 above is YES, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents.</p> <p style="text-align: right;">N/A <input checked="" type="radio"/></p>	<input type="radio"/>	<input type="radio"/>
<p>5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: _____</p>	<input type="radio"/>	<input checked="" type="radio"/>
<p>6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information.</p>	<input type="radio"/>	<input checked="" type="radio"/>

SECTION XI: Site Contact List

To be considered complete, the application must include the Brownfield Site Contact List in accordance with *DER-23: Citizen Participation Handbook for Remedial Programs*. Please attach, at a minimum, the names and mailing addresses of the following:

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and adjacent properties.
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

SECTION XII: Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the DER-32, Brownfield Cleanup Program Applications and Agreements; and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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.

Date: _____ Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Member (title) of 159 Third Realty LLC (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the DER-32, Brownfield Cleanup Program Applications and Agreements; and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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.

Date: 9/8/22 Signature: _____

Print Name: Simon Kaufman

SUBMITTAL INFORMATION

- Two (2) copies, one unbound paper copy of the application form with original signatures and table of contents, and one complete 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, 11th Floor
Albany, NY 12233-7020

PLEASE DO NOT SUBMIT PAPER COPIES OF SUPPORTING DOCUMENTS. Please provide a hard copy of ONLY the application form and a table of contents.

FOR DEC USE ONLY

BCP SITE T&A CODE: _____ LEAD OFFICE: _____

SECTION XII: Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the DER-32, Brownfield Cleanup Program Applications and Agreements; and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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.

Date: _____ Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Member (title) of Baltic Residence LLC (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the DER-32, Brownfield Cleanup Program Applications and Agreements; and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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.

Date: 9/8/22 Signature: _____

Print Name: Simon Kaufman

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(By a requestor other than an individual)

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Date: 9/8/22 Signature: 

Print Name: Simon Kaufman

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FOR DEC USE ONLY
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FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY

Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27-1407(1-a) must be submitted if requestor is seeking this determination.

BCP App Rev 13

Please respond to the questions below and provide additional information and/or documentation as required.	Y	N
1. Is the property 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 NYS Tax Law 21(b)(6)?	<input checked="" type="radio"/>	<input type="radio"/>
4. Is the property upside down or underutilized as defined below?		
	Upside down	<input type="radio"/>
	Underutilized	<input checked="" type="radio"/>

From ECL 27-1405(31):

“Upside down” shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.

From 6 NYCRR 375-3.2(I) as of August 12, 2016 (Please note: Eligibility determination for the underutilized category can only be made at the time of application):

375-3.2:

- (I) “Underutilized” means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and
 - (1) the proposed use is at least 75 percent for industrial uses; or
 - (2) at which:
 - (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;
 - (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and
 - (iii) one or more of the following conditions exists, as certified by the applicant:
 - (a) property tax payments have been in arrears for at least five years immediately prior to the application;
 - (b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or
 - (c) there are no structures.

“Substantial government assistance” shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

5. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review).

Check appropriate box below:

- Project is an Affordable Housing Project – regulatory agreement attached
- Project is planned as Affordable Housing, but agreement is not yet available*
*Selecting this option will result in a “pending” status. The regulatory agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.
- This is not an Affordable Housing Project

From 6 NYCRR 375-3.2(a) as of August 12, 2016:

- (a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty-seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.
- (1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ household’s annual gross income.
- (2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for homeowners at a defined maximum percentage of the area median income.
- (3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

6. Is the site a planned renewable energy facility site as defined below?

- Yes – planned renewable energy facility site
- No – not a planned renewable energy facility site

If yes, please provide any documentation available to demonstrate that the property is planned to be developed as a renewable energy facility site.

From ECL 27-1405(33) as of April 9, 2022:

"Renewable energy facility site" shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.

From Public Service Law Article 4 Section 66-p as of April 23, 2021:

(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

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?

- Yes
- No

From ECL 75-0111 as of April 9, 2022:

(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.

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BCP APPLICATION SUMMARY (FOR DEC USE ONLY)			
SITE NAME 556 Baltic Street Site		SITE ADDRESS 151-169 Third Avenue	
CITY Brooklyn		COUNTY Kings	ZIP 11217
REQUESTOR NAME <small>159 Third Realty LLC, 159 Third Residence LLC, Baltic Residence LLC</small>		REQUESTOR ADDRESS 199 Lee Avenue, Suite 777	
CITY Brooklyn		ZIP 11211	EMAIL ysrealtyny@aol.com

PROPERTY ADDRESS	SECTION	BLOCK	LOT
151-169 Third Avenue	3	407	1

REQUESTOR'S REPRESENTATIVE			
NAME Simon Kaufman		ADDRESS 199 Lee Avenue, Suite 777	
CITY Brooklyn		ZIP 11211	EMAIL ysreality@aol.com
REQUESTOR'S ATTORNEY			
NAME Christine Leas		ADDRESS 560 Lexington Avenue	
CITY New York		ZIP 10022	EMAIL cleas@sprlaw.com
REQUESTOR'S CONSULTANT			
NAME James M. Bellew		ADDRESS 237 W 35th Street, 16th Floor	
CITY New York		ZIP 10123	EMAIL jbellw@haleyaldrich.com

REQUESTOR'S REQUESTED STATUS	PARTICIPANT <input type="checkbox"/>	VOLUNTEER <input checked="" type="checkbox"/>
DEC DETERMINATION	AGREE	DISAGREE

APPLIED FOR FEE WAIVER	YES <input type="radio"/>	NO <input checked="" type="radio"/>
ELIGIBLE FOR FEE WAIVER	YES	NO

PERCENTAGE WITHIN AN EN-ZONE	0% <input type="radio"/>	<50% <input type="radio"/>	50-99% <input type="radio"/>	100% <input checked="" type="radio"/>
DEC DETERMINATION	AGREE		DISAGREE	

BCP APPLICATION SUMMARY (FOR DEC USE ONLY) (CONTINUED)

FOR SITES IN NEW YORK CITY ONLY

IS THE REQUESTOR SEEKING TANGIBLE PROPERTY CREDITS?	YES	<input checked="" type="radio"/>	NO	<input type="radio"/>
--	-----	----------------------------------	----	-----------------------

UPSIDE DOWN	YES	<input type="radio"/>	NO	<input type="radio"/>
DEC DETERMINATION	AGREE		DISAGREE	

UNDERUTILIZED	YES	<input type="radio"/>	NO	<input type="radio"/>
DEC DETERMINATION	AGREE		DISAGREE	

AFFORDABLE HOUSING STATUS	PLANNED	<input type="radio"/>	YES	<input type="radio"/>	NO	<input type="radio"/>
DEC DETERMINATION	AGREE		DISAGREE			

DISADVANTAGED COMMUNITY AND CONFORMING BOA	YES	<input type="radio"/>	NO	<input checked="" type="radio"/>
DEC DETERMINATION	AGREE		DISAGREE	

RENEWABLE ENERGY FACILITY SITE	YES	<input type="radio"/>	NO	<input type="radio"/>
DEC DETERMINATION	AGREE		DISAGREE	

NOTES:

ATTACHMENT A

Section I: Property Information

SECTION I: PROPERTY DESCRIPTION NARRATIVE

Site Location

The 556 Baltic Street Site's address is 151-169 Third Avenue, Brooklyn, NY 11217. The Site is located in Kings County, New York and is identified as Brooklyn Block 407, Lot 1 and is approximately 0.27-acres in size (11,800 square feet). The Site is currently improved with a one-story building formerly used as a car wash, a one-story office building, and three pump islands associated with the former gas station.

The Site is bound to the north by Baltic Street followed by multi-story residential buildings, to the east by multi-story residential buildings and a self-storage warehouse, to the south by Butler Street followed by a hotel and an industrial building, and to the west by Third Avenue followed by a one-story warehouse. The Site is located within an urban area of Gowanus, Brooklyn characterized by multi-story mixed-use residential and commercial buildings and industrial-use buildings. The Gowanus Canal is located approximately 1,500 feet southwest of the Site.

A project locus is included in Figure 1. An aerial photograph of the Site is included in Figure 2. A tax map is included in Figure 3. A map showing surrounding land use is included as Figure 4.

Site Features

The Site is a 0.27-acre irregular-shaped lot, is paved with an impervious surface (concrete) and is secured with a 10-foot-high locked construction fence. The Site is currently vacant and developed with a one-story office building on the southern portion of the Site, a one-story building formerly used as a car wash on the northern portion of the Site, and three pump islands associated with the former gas station.

Current Zoning and Land Use

According to the New York City Planning Commission Zoning Map 16c, the Site is located within a residential and manufacturing zoning district (M1-4/R7X). As part of the Gowanus Rezoning, the Site also has a Mandatory Inclusionary Housing (MIH) requirement. The proposed development of the property is consistent with the current zoning.

As a result of the City Environmental Quality Review (CEQR) process, Block 407, Lot 1 was assigned an environmental E-Designation (E-601) for hazardous materials, noise, and air quality (HVAC limited to natural gas and exhaust stack location limitations) effective March 2019 (CEQR #19DCP157K). Requestor will be required to comply with the E-Designation requirements and to obtain a Notice to Proceed (NTP) and/or a Notice of No Objection (NNO) prior to obtaining building permits.

Past Site Use

Based on the findings of the Phase I ESA, dated September 2021 completed by GEI Consultants, the Site was initially developed with multiple four-story commercial stores in the 1920s. By 1978, a car wash was constructed on the northern portion of the Site. The Site most recently operated as a gasoline service station, auto rental, and car wash from the 1970s until the cessation of operations in 2022. There are two 4,000-gallon underground storage tanks (USTs) containing gasoline installed in 1972 present on the Site. Additionally, a 550-gallon UST, installed in 1974, was reportedly closed and removed in 1997. No other tanks have been registered at the Site. Currently the Site is vacant.

Site Geology and Hydrogeology

Based on findings from the December 2021 Limited Phase II ESI and January 2022 RI, the Site is underlain by fill predominantly consisting of brown to dark brown, coarse to medium sand with varying amounts of

gravel, concrete, brick, and silt. The fill layer was observed from surface grade to depths of approximately 8 to 10 feet below ground surface (ft bgs) in each soil boring. The fill layer was underlain by brown fine silty sand.

The topography of the Site and the surrounding area slopes gently downward from north to west-southwest towards the Gowanus Canal. The ground level elevation on the property is approximately 21 feet above mean sea level. During the January 2022 RI, groundwater was encountered at depths ranging from about 14.10 to 16.39 ft bgs.

SECTION I.8: PREVIOUSLY REMEDIATED

The Site was previously subject to groundwater remediation activities under DEC's oversight pursuant to Article 12 of the New York State Navigation Law. On August 29, 1995, DEC received a spill report at the Site, identifying gasoline saturated soil and a petroleum odor associated with the gasoline station. The spill was assigned NYSDEC Spill# 95-06588.

On behalf of the Owner of the Site, Impact Environmental (Impact) conducted a subsurface investigation in November 2006 to define what, if any, contaminants have impacted the environmental quality of the Site. The objectives of this investigation were: 1) to determine the extent of any gasoline-related soil or groundwater contamination associated with the NYSDEC Spill# 95-06588 and; 2) to determine the site-specific groundwater flow direction, determined to be to the east-northeast. Groundwater analytical results detected elevated concentrations of naphthalene, BTEX and methyl-tert-butyl-ether (MTBE) above applicable standards which was delineated in a subsequent subsurface investigation and determined to have not migrated offsite to the east.

Impact proposed corrective action via a Remedial Action Plan (RAP), which was submitted in April 2007 and approved in May 2007. Proposed remedial actions to address the identified groundwater contamination included: enhanced bioremediation combining Waterloo Emitter™, oxygen gas diffusive release technology, and BioCritter®, naturally occurring microbial blend, in order to enhance growth of microorganism required for in-situ bioremediation. The RAP concluded that since "the contiguous properties have not been significantly impacted by the contaminants originating from the site. . . it is proposed that an on-site enhanced bio-remediation program be implemented to address the groundwater contamination on the Site." The RAP further contemplated ongoing groundwater monitoring "until it can be demonstrated that the enhanced bio-remediation program has effectively mitigated the detected groundwater contamination."

According to the spill report, remedial systems were implemented in October of 2007 and quarterly monitoring began in 2008. Quarterly monitoring of the in-situ remedial system continued through spill closure in May 2019. Closure documentation is included herein and further detailed in Section IV.1.

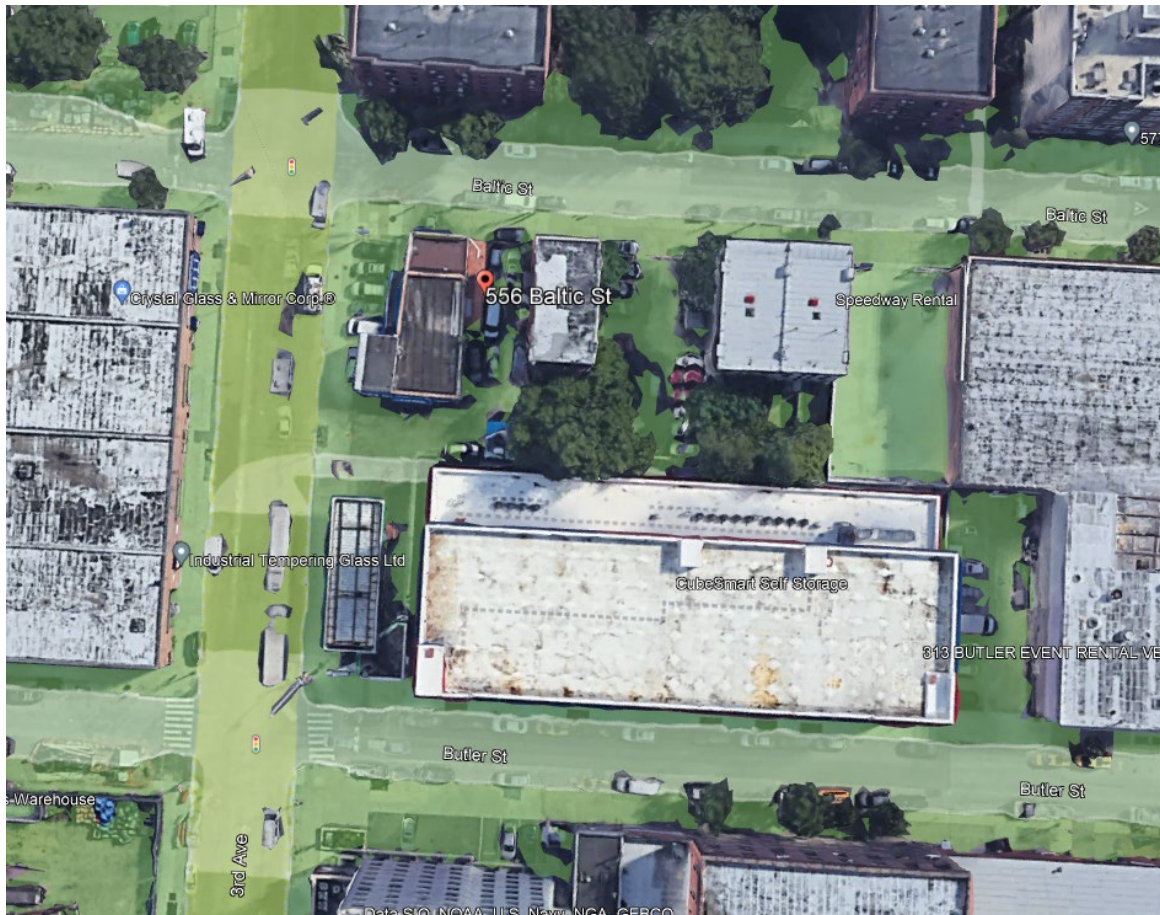
As described in the DEC spill report and RAP, remedial activities addressed only groundwater contamination; there is no indication that source material was removed from the Site in association with the corrective action.

Environmental Zone Designation

This site is 100% located in EnZone Type A Census Tract 127.

Census Tract 127

Census Tract 127	
EnZoneType A	
FIPS	36047012700
County_FIP	36047
Geography	Census Tract 127
County	Kings County
UnempRate	13.6
NYS_UR	11.5
Pov_Rate	23.4
CountyPR	23.2
CountyRate	46.4
Criteria_B	
Both_AB	
Criteria_A	Y
Type	YA



SECTION I.14: ENVIRONMENTAL ASSESSMENT

The Requestor seeks entry into the New York State Department of Environmental Conservation (NYSDEC) BCP at the investigation stage. A Phase I Environmental Site Assessment (ESA) was completed in September 2021 by GEI Consultants, a Limited Phase II Environmental Site Investigation (ESI) Report was completed on 17 December 2021 by Haley & Aldrich of New York, and a Remedial Investigation Report for the NYCOER was completed by completed by Haley & Aldrich of New York in January 2022.

Based on the findings of the Limited Phase II ESI and Remedial Investigation (RI), the primary contaminants of concern for the Site are volatile organic compounds (VOCs) in soil vapor, and semi-volatile organic compounds (SVOC), including polycyclic aromatic hydrocarbons (PAHs), and metals in soil and groundwater. Impacts were observed to be widespread throughout the Site in shallow soils and soil vapor with specific areas of deeper contamination observed as well.

Soil

Soil analytical results were compared to NYSDEC Title 6 NYCRR Part 375 Unrestricted Use Soil Cleanup Objectives (UUSCOs), Restricted-Residential Use Soil Cleanup Objectives (RRSCOs) and Protection of Groundwater Soil Cleanup Objectives (PGWSCOs). The combined findings for soil from both the 2021 Phase II ESI and 2022 RI performed by Haley & Aldrich are summarized as follows:

Multiple SVOCs, specifically PAHs, were identified throughout the Site in shallow soil samples extending to 4 ft bgs at concentrations exceeding the UUSCOs, RRSCOs, and PGWSCOs including benzo(a)anthracene (maximum concentration 8.9 mg/kg), benzo(b)fluoranthene (maximum concentration 12 mg/kg), benzo(k)fluoranthene (maximum concentration 4 mg/kg), and chrysene (maximum concentration 8.9 mg/kg). PAHs were also identified in shallow soil samples above UUSCOs and RRSCOs including indeno(1,2,3-cd)pyrene (maximum concentration 7.5 mg/kg), , benzo(a)pyrene (maximum concentration 9.2 mg/kg), and dibenzo(a,h)anthracene (maximum concentration 2 mg/kg in SB-1 (0-2')).

PAHs were also identified above RRSCOs from 12 to 14 ft bgs in one sample collected from the central portion of the Site including benzo(a)anthracene at 1.5 mg/kg, benzo(a)pyrene at 1.8 mg/kg, benzo(b)fluoranthene at 2 mg/kg and indeno(1,2,3-cd)pyrene at 1.2 mg/kg.

Four VOCs were detected above UUSCOs during the December 2021 Phase II in one soil sample, B-4 (13-15'), located on the southern portion of the Site, including benzene (0.56 mg/kg), ethylbenzene (1.4 mg/kg), xylenes (1.6 mg/kg), and n-propylbenzene (9.5 mg/kg). The reported concentrations of benzene, ethylbenzene, and n-propylbenzene also exceeded their respective PGWSCOs.

Total PCBs were detected exceeding UUSCOs at 0.103 mg/kg in SB-1 (0-2') located in the parking area to the northeast of the former car wash building.

Four pesticides, 4'4'-DDD (maximum concentration 0.0906 mg/kg), 4'4'-DDE (maximum concentration 0.0419 mg/kg), 4'4'-DDT (maximum concentration 0.0945 mg/kg), and dieldrin (maximum concentration 0.0204 mg/kg) were detected above the UUSCOs but not the RRSCOs in soil boring SB-7 collected west of the former car wash.

Five metals, including arsenic (maximum concentration of 18.5 mg/kg), barium (maximum concentration of 470 mg/kg), copper (maximum concentration of 490 mg/kg), lead (maximum concentration of 5,930

mg/kg), and mercury (maximum concentration of 10.1 mg/kg) were detected above RRSCOs in shallow soils throughout the Site. Arsenic, lead, and mercury, were also detected above their respective PGWSCO in shallow soils throughout the Site.

One soil sample from the RI, SB-2 (0-2'), located in the northern portion of the Site, was analyzed for the emerging contaminants. Total PFOA/PFAS was detected at an estimated concentration of 0.899 mg/kg. Individually, perfluorooctanoic acid (PFOA) was detected at a concentration of 0.754 ppb compared to its RRSCO of 33 ppb and perfluorooctanesulfonic acid (PFOS) was detected at a concentration of 0.154 ppb compared to its RRSCO of 44 ppb.

Groundwater

The groundwater sample MW-1, collected from a previously installed permanent monitoring well on the southwest portion of the Site during the December 2021 Phase II, was analyzed for VOCs and SVOCs. Groundwater samples collected during the January 2022 RI were collected from temporary monitoring wells and analyzed for VOCs, SVOCs, total metals (including hexavalent and trivalent chromium), PCBs, pesticides, and emerging contaminants: 1,4-dioxane and PFAS. Groundwater results were compared to NYSDEC 6NYCRR Part 703.5 Class GA Ambient Water Quality Standards (AWQS).

Several SVOCs were detected above the AWQS in multiple groundwater samples collected during the Phase II and RI including benzo(b)fluoranthene (maximum concentration 0.05 µg/L), benzo(a)anthracene (maximum concentration 0.04 µg/L), and indeno(1,2,3-cd)pyrene (maximum concentration 0.03 µg/L). Additionally, benzo(a)pyrene (0.03 µg/L), benzo(k)fluoranthene (0.02 µg/L), and chrysene (0.03 µg/L) were detected in MW-1 only, exceeding applicable NYSDEC AWQS.

1,4-dioxane was detected at concentrations ranging from 0.168 µg/L in MW-1 to a maximum concentration of 0.69 µg/L in TW-3. Total PFOA/PFOS concentrations ranged from 6.1 nanograms per liter (ng/L) in MW-1 to a maximum concentration of 16.3 ng/L in TW-2. Individually, perfluorooctanoic acid (PFOA) was detected at a maximum concentration of 14.4 ng/L in TW-2 compared to the MCL of 10 ng/L and perfluorooctanesulfonic acid (PFOS) was detected at a maximum estimated concentration of 12.3 ng/L in TW-1 compared to the MCL of 10 ng/L.

Six (6) metals were detected above the AWQS in groundwater samples collected throughout the Site during the January 2022 RI including total arsenic (27.1 µg/L), total and dissolved iron (maximum total 22,700 µg/L, maximum dissolved 567 µg/L), total lead (maximum total 1,325 µg/L), total and dissolved manganese (maximum total 1,002 µg/L, maximum dissolved 762 µg/L), total mercury (1 µg/L), and total and dissolved sodium (maximum total 279,000 µg/L, maximum dissolved 350,000 µg/L).

Soil Vapor

Total VOC concentrations in soil vapor samples ranged from 58.75 µg/m³ in SV-5 collected during the 2022 RI to a maximum concentration of 5,168,000 µg/m³ in SV-2 collected during the 2021 Phase II. Total benzene, toluene, ethylbenzene, and xylenes (BTEX) concentrations ranged from non-detect to a maximum concentration of 28,000 µg/m³ in SV-2 of the 2021 Phase II.

During the 2022 RI, CVOCs were detected throughout the Site. Tetrachloroethene (PCE) was detected in SV-1 (14.5 µg/m³), SV-4 (6.85 µg/m³) and SV-6 (4.15 µg/m³). TCE was detected in SV-4 at a concentration of 1.38 µg/m³. Additionally, 2,2,4-trimethylpentane was detected at a maximum concentration of

3,260,000 $\mu\text{g}/\text{m}^3$ in SV-2 . Additional compounds associated with solvent usage were detected above laboratory detection limits during the Phase II including n-hexane (maximum concentration 920,000 $\mu\text{g}/\text{m}^3$ in SV-2), cyclohexane (maximum concentration 325,000 $\mu\text{g}/\text{m}^3$ in SV-2) and heptane (maximum concentration 635,000 $\mu\text{g}/\text{m}^3$ in SV-2).

Tables summarizing analytical results are included in Section IV.2. Please also refer to the attached USB drive containing the full December 2021 Limited Phase II ESI Letter Report January 2022 RIR.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Region 2

47-40 21st Street, Long Island City, NY 11101

P: (718) 482-4995

www.dec.ny.gov

May 16, 2019

Mr. Joseph Macchia, Jr.
Maximum Properties, Inc.
556 Central Avenue
Bethpage, New York 11714

**Re: 169 3rd Avenue, Brooklyn, NY
NYSDEC Spill Case 9506588**

Dear Mr. Macchia:

Based on the documentation provided to date, the New York State Department of Environmental Conservation (the Department) has closed the above-referenced spill case. The Department requests that monitoring well MW-1 remain open for gauging and sampling related to spill case 9607280 at 156-170 3rd Avenue. All other wells associated with this spill case should be properly closed in accordance with the Department's document *CP-43: Groundwater Monitoring Well Decommissioning Policy*.

The Department hereby reserves all of its rights concerning, and such forbearance shall not extend to, any further investigation or remedial action the Department deems necessary due to:

1. The off-site migration of petroleum contaminants that was unknown at the time of this closure;
2. Environmental conditions related to this spill case which were unknown to the Department at the time of this closure;
3. Information received, in whole or in part, after the Department's spill case closure, which indicates that corrective actions were not sufficiently protective of human health for the reasonably anticipated use(s) of the site; or
4. Fraud committed in obtaining this spill closure determination.

If residual petroleum impacts are encountered during construction activities or utility maintenance work at the spill site, the impacted materials must be properly handled and disposed of. In addition, vapor mitigation measures may be needed to safeguard any future development at the site.

The Department advises you to maintain a permanent file of all documentation regarding this spill case, as our files may not be maintained indefinitely.

Sincerely,



Jonathan Kolleeny
Professional Geologist 1
NYSDEC Division of Environmental Remediation

cc: Vadim Brevdo – NYSDEC
Justin Halpin – Berninger Environmental, Inc.
File



GIS: \\haleyaldrich.com\share\CF\Project\20240901\GIS\Map\2022_03\20-4090_000_0001_PROJECT_LOCUS.mxd - hwehholz - 7/19/2022 4:05:35 PM



MAP SOURCE: USGS
 SITE COORDINATES: 40°40'52"N, 73°58'59"W

**HALEY
 ALDRICH**

151-169 THIRD AVENUE
 BROOKLYN, NEW YORK

PROJECT LOCUS

APPROXIMATE SCALE: 1 IN = 2000 FT
 JULY 2022

FIGURE 1



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LEGEND

 SITE BOUNDARY

NOTES

- 1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
- 2. AERIAL IMAGERY SOURCE: NEARMAP, 19 OCTOBER 2021



0 30 60
SCALE IN FEET

**HALEY
ALDRICH**

151-169 THIRD AVENUE
BROOKLYN, NEW YORK

SITE PLAN

JULY 2022

FIGURE 2

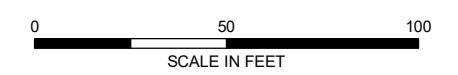


LEGEND

SITE BOUNDARY

NOTES

1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
2. ASSESSOR PARCEL DATA SOURCE: NYC DEPARTMENT OF CITY PLANNING
3. AERIAL IMAGERY SOURCE: NEARMAP, 19 OCTOBER 2021



HALEY ALDRICH 159 THIRD RESIDENCE LLC
159 3RD AVENUE
BROOKLYN, NEW YORK

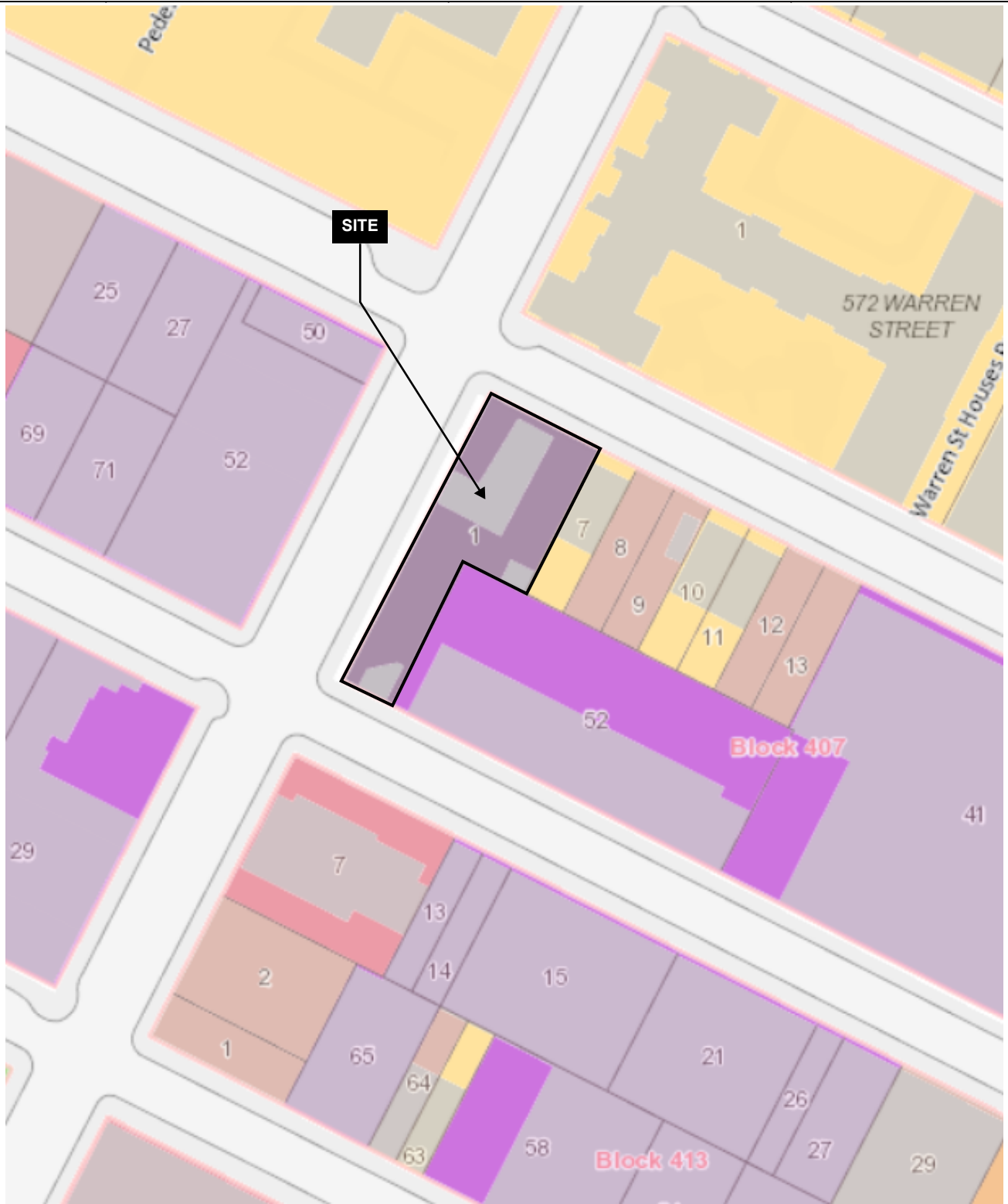
TAX MAP

JULY 2022

FIGURE 3

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GIS FILE PATH: C:\Users\hwachholz\Documents\working\superseded\135597\GIS\Maps\2020_10\135597_002_0001_SITE_LOCUS.mxd — USER: hwachholz — LAST SAVED: 2/3/2021 3:29:



LEGEND

- SITE BOUNDARY
- 1 & 2 Family Residential
- Multi-family Residential
- Mixed Use
- Open space & outdoor recreation
- Commercial
- Institutions
- Industrial
- Parking
- Transportation / Utilities
- Vacant Lots



NOTES:

1. IMAGERY PROVIDED BY NEW YORK CITY OPEN ACCESSIBLE SPACE INFORMATION SYSTEM

**HALEY
ALDRICH**

151-169 THIRD AVENUE
BROOKLYN, NEW YORK

SURROUNDING LAND USE MAP

JULY 2022

FIGURE 4

ATTACHMENT B

Section II: Project Description

SECTION II: PROJECT DESCRIPTION

The purpose of the project is to remediate the contaminated property by implementing remedial measures designed to protect human health and the environment, and then redevelop the Site to construct 96 units of residential rental units, of which 30 will be affordable, as part of a mixed-use (residential and commercial), mixed-income building. The Site is a rectangular-shaped lot totaling approximately 11,800-square-feet in size. The Requestor currently holds a 99-year lease of the Site since May 2022. Since at least the time the Requestor entered into the 99-year lease, and through the present day, the lot has been vacant.

Proposed Development

Although the future development plans are in preliminary design phases, the proposed development will consist of constructing a new mixed-use (residential and commercial), mixed-income building that will provide affordable housing pursuant to 421-a. The building will be accessible via Third Avenue and Butler Street. The new development is anticipated to include a one level cellar requiring excavation extending to approximately 15 feet below ground surface (ft bgs).

Following New York State Department of Environmental Conservation (NYSDEC) approval of this Brownfield Cleanup Program (BCP) Application and its associated Remedial Investigation Work Plan (RIWP), the proposed work will include:

1. Demolition of the existing buildings to facilitate the remedial investigation
2. A remedial investigation to characterize the nature and extent of contamination and identify remedial measures
3. Excavation and off-site disposal of contaminated soil, and
4. Implementation of remedial measures, as required, in tandem with site-wide redevelopment

Rationale for BCP Program

The Requestor seeks to enter the New York State Department of Environmental Conservation (NYSDEC) BCP at the investigation stage.

Upon review of the analytical results of prior reports, discussed in further detail in Section IV, the project is seeking entry into the NYSDEC BCP due to, among other things: soil impacted with heavy metals and SVOCs—specifically PAHs—and in some areas PCBs and pesticides; groundwater impacted with metals and PAHs; and soil vapor impacted with petroleum-related VOCs and CVOCs.

Project Schedule

It is anticipated that the Remedial Investigation will commence once Requestor is accepted into the BCP and the RIWP is approved by the Department. Implementation of the remedy would start within 6 to 8 months following acceptance of the Remedial Investigation Report by NYSDEC. Completion of the remedy is anticipated by mid-2023 with a Certificate of Completion expected by mid-2024. A tentative project schedule is below.

Task	Duration (days)	Start	End	2022				2023												2024					
				Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Application Execution, Permitting, Remedial Investigation, Remedy Design, 45-day Public Comment Period	210	9/1/2022	4/1/2023	█				█																	
Comment Period	45	4/1/2023	5/16/2023					█																	
Remedy Implementation	180	6/1/2023	12/1/2023					█																	
Preparation of FER and SMP	90	12/1/2023	3/1/2024					█																	
NYSDEC & NYSDOH Review of FER & SMP	60	3/1/2024	5/1/2024					█																	
NYSDEC Issues COC	60	5/1/2024	7/1/2024					█																	

Notes:

- FER = Final Engineering Report
- IRM WP = Interim Remedial Measure Work Plan
- SMP = Site Management Plan
- COC = Certificate of Completion

ATTACHMENT C

Section III: LAND USE FACTORS

SECTION III: LAND USE FACTORS

Zoning

According to the New York City Planning Commission Zoning Map 16c, the Site is located within a mixed-use manufacturing and residential district. (M1-4/R7X). M-1 zoning districts are identified as light industrial uses and are commonly utilized as buffers between M2 or M3 districts and adjacent residential or commercial districts. M-2 zoning districts occupy the middle ground between light and heavy industrial areas. R7X zoning districts are governed by contextual *Quality Housing* bulk regulations but the substantially higher floor area ratio (FAR) and maximum building height typically produce taller, bulkier buildings than in R7A and R7B districts.

The Site is currently vacant and most recently operated as a gasoline service station, auto rental, and car wash from the 1970s until December 2021. Two 4,000-gallon USTs are present on the Site and one 550-gallon UST was closed and removed in 1997. The source of contamination identified at the Site is likely due to former gasoline service station operations.

The Site is listed with an environmental E-Designation (E-601) for hazardous materials, noise and air quality (HVAC limited to natural gas and exhaust stack location limitations) resulting from a City Environmental Quality Review (CEQR) for the Gowanus Neighborhood Plan rezoning, effective November 2021 (CEQR #19DCP157K). Satisfaction of the E-Designation requirements is subject to review and approval by the New York City Mayor's Office of Environmental Remediation (NYCOER) to obtain an NTP and/or NNO) prior to obtaining building permits

Current Use

The roughly 11,800-square-foot (0.27 acres) Site is vacant and most recently operated as a gasoline service station, auto rental, and car wash. The Site has been vacant since December 2021.

Intended Use Post-Remediation

Although the future development plans are in preliminary design phases, the proposed development will consist of constructing a new eleven-story mixed-use (residential and commercial), mixed-income building that will provide approximately 30 units of affordable housing pursuant to 421-a. The new development is anticipated to include a one level cellar, requiring excavation extending up to approximately 14 feet below ground surface (ft bgs), and an elevator pit, requiring localized excavation extending to approximately 18 ft bgs.

Compliance with Applicable Zoning Laws, Recent Development and Community Master Plans

According to the New York City Planning Commission Zoning Map 16c, the Site is located within a mixed-use manufacturing and residential zoning district (M1-4 and R7X). The proposed development of this property is consistent with the current zoning. The applicable zoning map is included as an attachment.



ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

- R – RESIDENTIAL DISTRICT
- C – COMMERCIAL DISTRICT
- M – MANUFACTURING DISTRICT

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

AREA(S) REZONED

Effective Date(s) of Rezoning:

11-23-2021 C 210276 ZMK
11-23-2021 C 210177 ZMK

Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.

For a list of lots subject to "D" restrictive declarations, see APPENDIX D.

For Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas on this map, see APPENDIX F.

CITY MAP CHANGES:

- ◆ AS CORRECTED 2-16-2022

MAP KEY

12b	12d	13b
16a	16c	17a
16b	16d	17b

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ZONING MAP 16c

000 0 800 1200 1800 FEET

#NOTE: STREETS FOR STREET MAP CHANGES (C 030514 MMK - C 030516 MMK AND C 210175 MMK - C 210180 MMK) ARE SHOWN ON THIS MAP PRIOR TO BECOMING EFFECTIVE IN ORDER TO LOCATE ZONING DISTRICT BOUNDARIES.

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

#NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

#NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: www.nyc.gov/planning or contact the Zoning Information Desk at (212) 720-3291.

ATTACHMENT D

Section IV: Property's Environmental History

SECTION IV.1: REPORTS

The following reports were prepared for the Site prior to the Requestor's BCP Application:

1. November 2006 Investigation Summary Report Prepared by Impact Environmental
2. February 2007 Update to Subsurface Investigation Report Prepared by Impact Environmental
3. 2017-2019 Quarterly Groundwater Monitoring Reports Spill #95-06588 Prepared by Berninger Environmental Inc.
4. September 2021 Phase I Environmental Site Assessment, prepared by GEI Consultants
5. December 2021 Limited Phase II Environmental Site Assessment, prepared by Haley & Aldrich of New York
6. January 2022 Phase II/Remedial Investigation Report, prepared by Haley & Aldrich of New York

Environmental reports are summarized below and are included as separate standalone files on the attached USB.

November 2006 Investigation Summary Report Prepared by Impact Environmental

This investigation was conducted to define what, if any, contaminants have impacted the environmental quality of the Site. The objectives of this investigation were: 1) to determine the extent of any gasoline-related soil or groundwater contamination associated with the NYSDEC Spill# 95-06588 and; 2) to determine the site-specific groundwater flow direction, determined to be to the east-northeast. In November 2006, Impact Environmental (Impact) installed four soil borings and four groundwater monitoring wells. Soil analytical results did not detect elevated VOC concentrations in soil with the exception of one detection of benzene at 6.6 ppb. Elevated PAHs were detected in soil samples collected at 4 to 11 ft bgs throughout the Site. Groundwater analytical results detected elevated concentrations of naphthalene, BTEX and methyl-tert-butyl-ether (MTBE) above applicable standards. Impact concluded the extent of the dissolved phase gasoline groundwater contamination was not fully delineated under the scope of this investigation. Accordingly, it was recommended that monitoring wells be installed hydraulically down gradient.

February 2007 Update to Subsurface Investigation Report Prepared by Impact Environmental

This letter served as an update to the Subsurface Investigation Report prepared for the Site and included results from installation and sampling of monitoring wells installed downgradient from impacted wells observed in the 2006 investigation. Additional soil samples co-located with the monitoring wells were also collected. Soil and groundwater analytical results did not detect concentrations of VOCs. Impact concluded that contamination did not migrate beyond the Site, considered the contamination fully delineated and proposed corrective action via a Remedial Action Plan which was submitted in April 2007 and approved in May 2007. Proposed remedial actions included enhance bioremediation combining Waterloo Emitter™, oxygen gas diffusive release technology, and BioCritter®, naturally occurring microbial blend, in order to enhance growth of microorganism required for in-situ bioremediation. According to the spill report, remedial systems were implemented in October of 2007 and quarterly monitoring began in 2008.

2017-2019 Quarterly Groundwater Monitoring Reports Spill #95-06588 Prepared by Berninger Environmental Inc. (BEI)

Quarterly groundwater monitoring reports were received via Freedom of Information Law request dated March 2017 through March 2019. Reports found no free product in monitoring wells at the site and fluctuating levels of BTEX and petroleum related VOCs. Spill closure was requested when VOC

concentrations continued a downward trend with only three remaining wells exhibiting minor detections above groundwater standards. Remaining impacts were expected to naturally attenuate over time and the BEI concluded the Site did not pose a threat to human health or the environment. NYSDEC approved spill closure on 16 May 2019.

September 2021 Phase I Environmental Site Assessment Prepared by GEI Consultants

A Phase I Environmental Site Assessment (ESA) was performed by GEI Consultants, Inc. in September 2021 for the purpose of identifying Recognized Environmental Conditions (RECs) in connection with the Site. As identified in the Phase I ESA, the site was initially developed in the 1920s with multiple 4-story commercial stores. Between 1972 and 1980, a gasoline service station began operations and by 1978, the former car wash facility was developed.

The Phase I identified the following RECs at the Site:

- NYSDEC Spill Incident 9607280 – Open NYSDEC Spill incident located at the adjacent property across Third Avenue to the west of the subject Site. A monitoring well was required to be installed on the subject Site for gauging and sampling related to the open spill case.
- The Site has been operating as a gasoline service station since the 1970s.
- The Site was utilized for auto repair and detailing.

Additionally, three historic RECs were identified, each corresponding to a closed spill case reported at the Site. Details of each spill case are included below:

Spill #1402248:

Spill #1402248 was reported on 2 June 2014 due to a failed tank tightness test. The source of the leak was identified as a vent line at the vent stack. Repairs were made and the system passed retesting and the NYSDEC closed the spill case on 9 July 2014.

Spill #0902974

Spill #0902974 was reported on 12 June 2019 due to a failed tank tightness test. No contamination was observed and a manway gasket was replaced. The tank passed the tank tightness test following the repair, and NYSDEC closed the spill case on 18 August 2009.

Spill #9506588

This spill was reported on August 17, 1995. This spill was investigated and remediated under Spill Number 9607280. NYSDEC determined that the remediation was complete and closed the Spill Number on May 16, 2019.

December 2021 Limited Phase II Environmental Site Assessment Prepared by Haley & Aldrich of New York

Haley & Aldrich of New York (Haley & Aldrich) completed a limited sampling event at the Site to investigate soil, soil vapor, and groundwater quality beneath the Site. Fill material, generally consisting of brown to dark brown coarse to medium sand with varying amounts of gravel, concrete, brick, asphalt, and silt, was observed from surface grade to approximately 8 to 10 ft bgs. The fill layer was underlain by brown fine silty sand. Petroleum-like odors and elevated PID readings were encountered in borings B-4 and B-6 from 10 to 15 ft bgs, with a maximum detected VOC concentration of 141.1 part per million (ppm) in B-4.

Field observations and analytical results identified shallow soil impacted with heavy metals and SVOCs (specifically PAHs) at concentrations consistent with characteristics of urban fill found throughout the New York City area. SVOCs and total metals exceeding NYSDEC Title 6 NYCRR Part 375 Restricted Residential Soil Cleanup Objectives (RRSCOs) were observed widely distributed throughout the Site in urban fill, from the surface to a maximum depth of 4 ft bgs. Additionally, four petroleum related VOCs were detected in one soil sample above UUSCOs from 13 to 15 ft bgs. Groundwater analytical results indicated the presence of PAHs above the AWQS. Soil vapor analytical results indicated the presence of several VOCs, including 2,2,4-trimethylpentane, n-hexane, heptane, and cyclohexane, as well as petroleum-related VOCs at elevated concentrations in soil vapor samples collected on the western portion of the Site.

January 2022 Phase II/ Remedial Investigation Report (RIR) Prepared by Haley & Aldrich of New York

On behalf of the Requestor, Haley & Aldrich completed a Phase II/RI for NYCOER in January 2022 to investigate and delineate the nature and extent of contamination identified at the Site during the previous Limited Phase II ESI. The stratigraphy of the Site, from the surface down, consisted of approximately 8-10 feet of fill material, comprised of brown to dark brown coarse to fine sand with varying amounts of gravel, concrete, brick, asphalt, and silt, underlain by brown fine silty sand. Petroleum-like odors and staining were observed in SB-05 from 18 to 20 ft bgs. PID readings ranged from non-detect at 0.0 parts per million (ppm) to 36.3 ppm in SB-05 at approximately 20 ft bgs.

Field observations and analytical results identified shallow soil impacted with heavy metals and SVOCs, including PAHs, and in some areas PCBs and pesticides, at concentrations consistent with characteristics of urban fill found throughout the New York City area. SVOCs and metals were observed widely distributed throughout the Site in urban fill, from the surface to a maximum depth of 15 ft bgs. Several metals and SVOCs were detected above RRSCOs in deeper soil samples up to 15 ft bgs.

Groundwater analytical results indicated the presence of SVOCs and metals (total and dissolved) exceeding the AWQS in multiple groundwater samples. Lastly, soil vapor analytical results indicated the presence of petroleum-related VOCs and CVOCs, specifically tetrachloroethene, above laboratory detection limits in multiple soil vapor samples.

Section IV.2: Sampling Data
Analytical Results Summary Tables

Soil Summary Table

Analytes > RRSCO	# of Detections > RRSCOs	Max Concentration (ppm)	RRSCO (ppm)	Depth (ft bgs)
Benzo(a)anthracene	9	8.9	1	0-2
Benzo(a)pyrene	8	9.2	1	0-2
Benzo(b)fluoranthene	9	12	1	0-2
Benzo(k)fluoranthene	2	4	3.9	0-2
Chrysene	4	8.9	3.9	0-2
Dibenzo(a,h)anthracene	5	2	0.33	0-2
Indeno(1,2,3-cd)pyrene	10	7.5	0.5	0-2
Arsenic, Total	1	18.5	16	12-14
Barium, Total	1	470	400	1-3
Copper, Total	1	490	270	12-14
Lead, Total	4	5,930	400	2-4
Mercury, Total	8	10.1	0.81	12-14

Groundwater Summary Table

Analytes > AWQS	Detections > AWQS	Max. Detection (µg/L)	AWQS (µg/L)
Benzo(a)anthracene	2	0.04	0.002
Benzo(a)pyrene	1	0.03	0.002
Benzo(b)fluoranthene	2	0.05	0.002
Benzo(k)fluoranthene	1	0.02	0.002
Chrysene	1	0.03	0.002
Indeno(1,2,3-cd)pyrene	2	0.03	0.002
Arsenic, Total	1	27.1	25
Iron, Total	4	22,700	300
Lead, Total	3	1,325	25
Manganese, Total	3	1,002	25
Mercury, Total	1	1	0.7
Sodium, Total	4	279,000	20,000
Manganese, Dissolved	2	1590	5
Manganese, Dissolved	2	786.4	300
Sodium, Dissolved	4	350,000	20,000

Soil Vapor Summary Table

Analytes	Total Detections	Max. Detection (µg/m³)	Type
Trichloroethene	1	1.38	Soil Vapor
Tetrachloroethene	3	14.5	Soil Vapor
2,2,4-Trimethylpentane	8	402,000	Soil Vapor
Cyclohexane	6	325,000	Soil Vapor
Heptane	5	635,000	Soil Vapor
Benzene	5	28,000	Soil Vapor
n-Hexane	4	92,0000	Soil Vapor

Notes:

Ft Bgs = Feet below ground surface

Ppm = Parts per million

RRSCO = NYSDEC Restricted Residential Use Soil Cleanup Objectives

$\mu\text{g}/\text{m}^3$ = Microgram per cubic meter

$\mu\text{g}/\text{L}$ = Microgram per liter

mg/kg = milligram per kilogram

AWQS = Ambient Water Quality Standards

SECTION IV.3: SAMPLING DATA

For each impacted medium, see attached Figures 5-7 below summarizing soil, groundwater and soil vapor analytical results from the December 2021 Limited Phase II ESI and January 2022 RIR prepared by Haley & Aldrich.

Figures from December 2021 Phase II ESI Report/ January 2022 RIR for impacted medium which includes information requested in Application Section IV (Figures 5-7)

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	SB-1 (0-2')	SB-1 (13-14')
	1/18/2022	1/18/2022
Results (mg/kg)		
Semivolatile Organics by GC/MS		
Benzo(a)anthracene	8.9*	0.064
Benzo(a)pyrene	9.2	0.061
Benzo(b)fluoranthene	12*	0.072
Benzo(k)fluoranthene	4*	0.12
Chrysene	8.9*	0.062
Dibenzo(a,h)anthracene	2	0.12
Indeno(1,2,3-cd)pyrene	7.5	0.04

	SB-4 (0-2')	SB-4 (12-14')
	1/18/2022	1/18/2022
Results (mg/kg)		
Semivolatile Organics by GC/MS		
Benzo(a)anthracene	0.88	1.5*
Benzo(a)pyrene	0.89	1.8
Benzo(b)fluoranthene	1.2	2*
Indeno(1,2,3-cd)pyrene	0.66	1.2
Total Metals		
Mercury, Total	0.426	0.896*

	B-7 (2-4')
	12/1/2021
Results (mg/kg)	
Semivolatile Organics by GC/MS	
Benzo(a)anthracene	1.4*
Benzo(a)pyrene	1.6
Benzo(b)fluoranthene	2.1*
Indeno(1,2,3-cd)pyrene	1.2
Total Metals	
Lead, Total	5930*

	SB-2 (0-2')	SB-2 (18-20')
	1/18/2022	1/18/2022
Results (mg/kg)		
Semivolatile Organics by GC/MS		
Benzo(a)anthracene	5.3*	0.038
Benzo(a)pyrene	4.5	0.15
Benzo(b)fluoranthene	6.1*	0.041
Chrysene	5.5*	0.036
Dibenzo(a,h)anthracene	0.71	0.12
Indeno(1,2,3-cd)pyrene	3.1	0.15
Total Metals		
Lead, Total	725*	15.6
Mercury, Total	2.38*	0.081

	B-1 (1-3')
	12/1/2021
Results (mg/kg)	
Semivolatile Organics by GC/MS	
Chrysene	5.6*
Dibenzo(a,h)anthracene	0.79
Indeno(1,2,3-cd)pyrene	3.8
Total Metals	
Barium, Total	470
Lead, Total	561*
Mercury, Total	1.08*




	SB-7 (0-2')	SB-7 (12-14')
	1/18/2022	1/18/2022
Results (mg/kg)		
Semivolatile Organics by GC/MS		
Benzo(a)anthracene	6.9*	0.58
Benzo(a)pyrene	6.5	0.48
Benzo(b)fluoranthene	6.5*	0.62
Chrysene	6.4*	0.58
Dibenzo(a,h)anthracene	1.1	0.075
Indeno(1,2,3-cd)pyrene	5.3	0.3
Total Metals		
Arsenic, Total	7.22	18.5*
Copper, Total	58.8	490
Lead, Total	231	581*
Mercury, Total	1.01*	10.1*

	SB-3 (0-2')	SB-3 (13-15')
	1/18/2022	1/18/2022
Results (mg/kg)		
Semivolatile Organics by GC/MS		
Benzo(a)anthracene	0.74	1*
Indeno(1,2,3-cd)pyrene	0.55	0.44
Total Metals		
Mercury, Total	0.356	1.7*

	SB-5 (0-2')	SB-5 (13-15')
	1/18/2022	1/18/2022
Results (mg/kg)		
Semivolatile Organics by GC/MS		
Benzo(a)anthracene	1.4*	0.041
Benzo(a)pyrene	1.3	0.16
Benzo(b)fluoranthene	1.8*	0.044
Indeno(1,2,3-cd)pyrene	1	0.16

	B-4 (13-15')
	12/1/2021
Results (mg/kg)	
Total Metals	
Arsenic, Total	16.7*
Mercury, Total	8.38*
Volatile Organic Compounds	
Benzene	0.56*
Ethylbenzene	1.4*
Xylenes, total	1.6*
n-Propylbenzene	9.5*

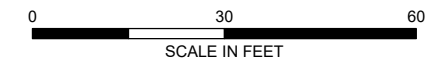
LEGEND

-  LIMITED PHASE II SOIL BORING, DECEMBER 2021
-  RI SOIL BORING, JANUARY 2022
-  SITE BOUNDARY

Analyte	Units	RRSCO	PGWSCO
Volatile Organics			
Benzene	mg/kg	4.8	0.06
Ethylbenzene	mg/kg	41	1
Xylenes, Total	mg/kg	100	1.6
n-Propylbenzene	mg/kg	100	3.9
Semivolatile Organics by GC/MS			
Benzo(a)anthracene	mg/kg	1	1
Benzo(a)pyrene	mg/kg	1	22
Benzo(b)fluoranthene	mg/kg	1	1.7
Benzo(k)fluoranthene	mg/kg	3.9	1.7
Chrysene	mg/kg	3.9	1
Dibenzo(a,h)anthracene	mg/kg	0.33	1000
Indeno(1,2,3-cd)pyrene	mg/kg	0.5	8.2
Total Metals			
Arsenic, Total	mg/kg	16	16
Barium, Total	mg/kg	400	820
Copper, Total	mg/kg	270	1720
Lead, Total	mg/kg	400	450
Mercury, Total	mg/kg	0.81	0.73

NOTES

1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE
2. mg/kg = MILLIGRAMS PER KILOGRAM
3. RRSCO = NYCRR Part 375 RESTRICTED-RESIDENTIAL SOIL CLEANUP OBJECTIVES
PGWSCO = NYCRR Part 375 PROTECTION OF GROUNDWATER SOIL CLEANUP OBJECTIVES
4. CONCENTRATIONS HIGHLIGHTED IN RED INDICATE EXCEEDANCE OF RRSCOS, CONCENTRATIONS WITH ASTERISK EXCEED PGWSCOS
5. AERIAL IMAGERY SOURCE: NEARMAP, 19 OCTOBER 2021



HALEY ALDRICH
159 THIRD RESIDENCE LLC
159 3RD AVENUE
BROOKLYN, NEW YORK

SOIL RESULTS EXCEEDANCE MAP

SEPTEMBER 2022

FIGURE 5

GIS: \\haleyaldrich.com\share\CP\Projects\024090\GIS\Maps\2022_09\204090_00_0006_GROUNDWATER_RESULTS_EXCEEDANCE_MAP.mxd - hwaaholz - 9/8/2022 2:33:22 PM

TW-1 - 1/19/2022	Results (µg/L)
Dissolved Metals	
Sodium, Dissolved	175000
Semivolatile Organics by GC/MS-SIM	
Benzo(a)anthracene	0.02
Benzo(b)fluoranthene	0.02
Indeno(1,2,3-cd)pyrene	0.01
Total Metals	
Iron, Total	18600
Lead, Total	1325
Manganese, Total	596.4
Mercury, Total	1
Sodium, Total	150000




TW-2 - 1/19/2022	Results (µg/L)
Dissolved Metals	
Manganese, Dissolved	786.4
Sodium, Dissolved	146000
Total Metals	
Iron, Total	22700
Lead, Total	211.7
Manganese, Total	1002
Sodium, Total	112000

TW-3 - 1/19/2022	Results (µg/L)
Dissolved Metals	
Manganese, Dissolved	353.8
Sodium, Dissolved	26000
Semivolatile Organics by GC/MS-SIM	
Benzo(b)fluoranthene	0.02
Total Metals	
Arsenic, Total	27.1
Iron, Total	2850
Lead, Total	77.92
Manganese, Total	374
Sodium, Total	20500

MW-01 - 1/19/2022	Results (µg/L)
Dissolved Metals	
Iron, Dissolved	567
Sodium, Dissolved	350000
Total Metals	
Iron, Total	3140
Sodium, Total	279000

MW-01 - 12/1/2021	Results (µg/L)
Semivolatile Organics by GC/MS-SIM	
Benzo(a)anthracene	0.04
Benzo(a)pyrene	0.03
Benzo(b)fluoranthene	0.05
Benzo(ghi)perylene	0.02
Benzo(k)fluoranthene	0.03
Indeno(1,2,3-cd)pyrene	0.03

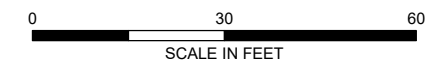
LEGEND

-  EXISTING PERMANENT GROUNDWATER MONITORING WELL
-  TEMPORARY MONITORING WELL
-  SITE BOUNDARY

	NY-AWQS	Units
Dissolved Metals		
Iron, Dissolved	300	ug/l
Manganese, Dissolved	300	ug/l
Sodium, Dissolved	20000	ug/l
Total Metals		
Arsenic, Total	25	ug/l
Iron, Total	300	ug/l
Lead, Total	25	ug/l
Manganese, Total	300	ug/l
Mercury, Total	0.7	ug/l
Sodium, Total	20000	ug/l
Semivolatile Organics		
Benzo(a)anthracene	0.002	ug/l
Benzo(a)pyrene	0	ug/l
Benzo(b)fluoranthene	0.002	ug/l
Benzo(ghi)perylene		ug/l
Benzo(k)fluoranthene	0.002	ug/l
Indeno(1,2,3-cd)pyrene	0.002	ug/l

NOTES

1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
2. µg/L = MICROGRAMS PER LITER
3. NY-RESRR = New York NYCRR Part 375 Restricted-Residential Criteria
4. CONCENTRATIONS HIGHLIGHTED IN RED INDICATE EXCEEDANCE AGAINST NY-RESRR.
5. AERIAL IMAGERY SOURCE: NEARMAP, 19 OCTOBER 2021



HALEY ALDRICH
 159 THIRD RESIDENCE LLC
 159 3RD AVENUE
 BROOKLYN, NEW YORK

GROUNDWATER RESULTS EXCEEDANCE MAP

SEPTEMBER 2022

FIGURE 6

GIS: \\haleyaldrich.com\share\CP\Projects\024090\GIS\Maps\2022_09\204090_000_0007 EMERGING CONTAMINANTS IN GROUNDWATER RESULTS EXCEEDANCES MAP.mxd - hwahtoliz - 9/8/2022 3:35:38 PM



TW-1 - 1/19/2022	Results (ng/L)
Perfluorinated Alkyl Acids by Isotope Dilution	
Perfluorooctanesulfonic Acid (PFOS)	12.3

TW-2 - 1/19/2022	Results (ng/L)
Perfluorinated Alkyl Acids by Isotope Dilution	
Perfluorooctanoic Acid (PFOA)	14.4

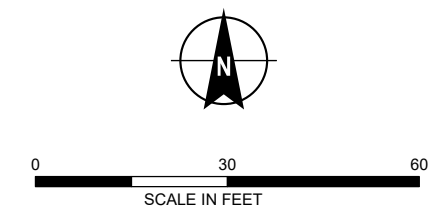
LEGEND

- EXISTING PERMANENT GROUNDWATER MONITORING WELL
- TEMPORARY MONITORING WELL
- SITE BOUNDARY

New York Maximum Contaminant Level for Drinking Water		
Analyte	Units	MCL
Perfluorinated Alkyl Acids by Isotope Dilution		
PFOA	ng/L	10
PFOS	ng/L	10

NOTES

1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
2. ng/L = NANOGRAMS PER LITER
3. MCL = Maximum Contaminant Level
4. CONCENTRATIONS HIGHLIGHTED IN YELLOW INDICATE EXCEEDANCE AGAINST MCL.
5. AERIAL IMAGERY SOURCE: NEARMAP, 19 OCTOBER 2021



HALEY ALDRICH
 159 THIRD RESIDENCE LLC
 159 3RD AVENUE
 BROOKLYN, NEW YORK

EMERGING CONTAMINANTS IN GROUNDWATER RESULTS EXCEEDANCES MAP

SEPTEMBER 2022

FIGURE 6B

GIS: \\haleyaldrich.com\share\CP\Projects\0204090\GIS\Maps\2021_12\204090_000_0092_SITE_PLAN.mxd - khansen - 12/22/2021 9:56:07 AM

LOCATION	SV-4
SAMPLING DATE	1/19/2022
1,3-Butadiene	0.608
2,2,4-Trimethylpentane	73.3
2-Butanone	99.1
2-Hexanone	3.48
4-Methyl-2-pentanone	16.1
Acetone	184
Benzene	1.63
Bromodichloromethane	3.54
Chloroform	51.3
Cyclohexane	0.792
Dibromochloromethane	1.71
Dichlorodifluoromethane	2.53
Ethanol	44.5
Ethyl Acetate	3.04
Heptane	1.14
Isopropanol	5.48
n-Hexane	1.48
Tertiary butyl Alcohol	12.3
Tetrachloroethene	6.85
Tetrahydrofuran	6.99
Toluene	3.61
Trichloroethene	1.38
Trichlorofluoromethane	1.15
Total BTEX	5.24
Total VOCs	526.01

SV-3 - 12/6/2021	
1,3-Butadiene	195
n-Hexane	72200
Benzene	265
Cyclohexane	14300
2,2,4-Trimethylpentane	30900
Heptane	3130
o-Xylene	300
Total BTEX	565
Total VOCs	121290

SV-2 - 12/6/2021	
n-Hexane	920000
Benzene	28000
Cyclohexane	325000
2,2,4-Trimethylpentane	3260000
Heptane	635000
Total BTEX	28000
Total VOCs	5168000

LOCATION	SV-6
SAMPLING DATE	1/19/2022
1,3-Butadiene	0.827
2,2,4-Trimethylpentane	233
2-Butanone	21.2
4-Methyl-2-pentanone	11.5
Acetone	57.2
Benzene	13.7
Carbon disulfide	32.1
Chloromethane	0.648
Cyclohexane	3.39
Dichlorodifluoromethane	2.56
Ethanol	21.3
Heptane	5.49
Isopropanol	1.96
n-Hexane	13.7
o-Xylene	1.12
p/m-Xylene	2.34
Tertiary butyl Alcohol	4.06
Tetrachloroethene	4.15
Toluene	6.29
Trichlorofluoromethane	1.23
Total BTEX	23.45
Total VOCs	437.77




SV-1 - 12/6/2021	
2,2,4-Trimethylpentane	402000
Total BTEX	-
Total VOCs	402000

LOCATION	SV-1
SAMPLING DATE	1/19/2022
Results	
1,3-Butadiene	2.79
2,2,4-Trimethylpentane	2.76
2-Butanone	3.39
Acetone	44.2
Benzene	1.93
Carbon disulfide	5.79
Chloroform	7.57
Cyclohexane	2.51
Dichlorodifluoromethane	2.48
Ethanol	13.4
Heptane	15
Isopropanol	2.05
n-Hexane	35.9
Tertiary butyl Alcohol	10.1
Tetrachloroethene	14.5
Toluene	4.07
Total BTEX	6
Total VOCs	168.44

LOCATION	SV-2
SAMPLING DATE	1/19/2022
2,2,4-Trimethylpentane	3160
Cyclohexane	9.91
Tertiary butyl Alcohol	19.6
Total VOCs	3189.51

LOCATION	SV-5
SAMPLING DATE	1/19/2022
2,2,4-Trimethylpentane	30.2
Acetone	17
Dichlorodifluoromethane	2.49
Isopropanol	1.48
Tertiary butyl Alcohol	3.7
Toluene	2.71
Trichlorofluoromethane	1.17
Total BTEX	2.71
Total VOCs	58.75

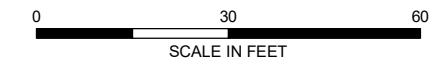
LEGEND

-  SITE BOUNDARY
-  DECEMBER 2021 LIMITED PHASE II SOIL VAPOR POINT
-  JANUARY 2022 PHASE II ESI/RI SOIL VAPOR POINT

NOTES

NOTES

1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
2. AERIAL IMAGERY SOURCE: NEARMAP, 19 OCTOBER 2021
3. UNIT ON TABLE: UG/M3 = MICROGRAMS PER CUBIC METER
4. SAMPLE WAS NOT COLLECTED AT 2022 REMEDIAL INVESTIGATION SAMPLE POINT SV-3 DUE TO CLOGGED FLOW CONTROLLER PROVIDED BY THE LABORATORY.
5. BASED ON DISCUSSION WITH ALPHA ANALYTICAL INC., HIGH LABORATORY REPORTING LIMITS OF VOCs IN THE DECEMBER 2021 LIMITED PHASE II SAMPLES WAS DUE TO NON-TARGET COMPOUND INTERFERENCE WITH LABORATORY AIR INSTRUMENTAL ANALYSIS.



151-169 THIRD AVENUE
BROOKLYN, NEW YORK

**SOIL VAPOR RESULTS
SUMMARY MAP**

JANUARY 2022

FIGURE 7

ATTACHMENT E

Section V: Requestor Information

SECTION V: REQUESTOR INFORMATION

The Requestor for this BCP Application includes the following: is 159 Third Realty LLC, 159 Third Residence LLC and Baltic Residence LLC, a New York Limited Liability Company (LLC). Simon Kaufman is a member and authorized representative of 159 Third Realty LLC.

The contact information for the Requestor is:

Simon Kaufman, Member
199 Lee Avenue, Suite 1088
Brooklyn, New York, 11211
Phone: 718-408-8745
Email: ysrealtyny@aol.com
Fax: N/A

The proposed Brownfield Cleanup Program (BCP) site is currently owned by ASTI Holding Corporation. The requestor currently holds a 99-year lease of the property located at 151-169 Third Avenue, Section 3, Block 407, Lot 1, Brooklyn, New York comprising the Site, and has full authorization to take all actions necessary to enter into and carry out the obligations of the BCP. A copy of the signed access agreement letter is included with this attachment.

159 Third Realty LLC is the managing entity on behalf of 159 Third Residence LLC and Baltic Residence LLC
The current members are as follows:

Simon Kaufman
Yoel Kaufman

A printout of the entity information from the NYS Department of State's Corporation & Business Entity Database for 159 Third Realty LLC, 159 Third Residence LLC and Baltic Residence LLC is included in this attachment.

All documents will be certified by a Haley & Aldrich of New York Licensed Professional Engineer and/or the Requestor in accordance with DER-10 Section 1.5.

**159 Third Realty LLC
199 Lee Avenue, Suite 777
Brooklyn, New York 11211**

2 September 2022

ASTI Holding Corp.
556 Central Avenue
Bethpage, NY 11714

RE: Site Access to Perform Brownfield Cleanup Program Work
556 Baltic Street Site
151-169 Third Avenue, Brooklyn, NY 11217
Kings County Block 407, Lot 1

Dear Sir or Madam:

As you are aware, 159 Third Realty LLC, 159 Third Residence LLC and Baltic Residence LLC will be submitting an application to the Brownfield Cleanup Program (BCP) for the property located at 151-169 Third Avenue, Brooklyn, NY 11217 (Tax Block 407, Lot 1), which is currently owned by your company. As the BCP applicant, we are required to seek access to the property from the current property owner for acceptance into the BCP. In order to file the application, we need written permission from you to access the property throughout the BCP Project, in order to perform the required site investigation and remedial work, and to place an environmental easement on the property, subject to owner's prior written review and consent of, should one be necessary. By execution of the site access agreement letter, you are hereby allowing site access for this purpose.


Sincerely,

159 Third Realty LLC

By: 
Simon Kaufman, Managing Member

As the site owner, I agree to allow 159 Third Realty LLC, 159 Third Residence LLC and Baltic Residence LLC, and its contractors, to enter 151-169 Third Avenue, Brooklyn, NY 11217 (Tax Block 407, Lot 1), which is currently owned by ASTI Holding Corp., to perform the required BCP investigation and remediation work. I further agree that 159 Third Realty LLC, 159 Third Residence LLC and Baltic Residence LLC may place an environmental easement on the property, subject to owner's prior written review and consent of, should one be necessary.

ASTI Holding Corp.

By: 
George J. Macchia
Owner / Secretary

Department of State Division of Corporations

Entity Information

[Return to Results](#)[Return to Search](#)

Entity Details ^

ENTITY NAME: BALTIC RESIDENCE LLC	DOS ID: 6409589
FOREIGN LEGAL NAME:	FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY	DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTION OF LAW: LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW	ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 02/21/2022	REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 02/21/2022	INACTIVE DATE:
FOREIGN FORMATION DATE:	STATEMENT STATUS: CURRENT
COUNTY: ALBANY	NEXT STATEMENT DUE DATE: 02/29/2024
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: BALTIC RESIDENCE LLC**Address:** PO BOX 10873, ALBANY, NY, UNITED STATES, 12201

Chief Executive Officer's Name and Address

Name:**Address:**

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:**Address:**

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

Department of State Division of Corporations

Entity Information

[Return to Results](#)[Return to Search](#)

Entity Details ^

ENTITY NAME: 159 THIRD RESIDENCE LLC	DOS ID: 6335476
FOREIGN LEGAL NAME:	FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY	DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTION OF LAW: LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW	ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 11/24/2021	REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 11/24/2021	INACTIVE DATE:
FOREIGN FORMATION DATE:	STATEMENT STATUS: CURRENT
COUNTY: ALBANY	NEXT STATEMENT DUE DATE: 11/30/2023
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: 159 THIRD RESIDENCE LLC

Address: PO BOX 10873, ALBANY, NY, UNITED STATES, 12201

Chief Executive Officer's Name and Address

Name:

Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:

Address:

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

Department of State Division of Corporations

Entity Information

[Return to Results](#)[Return to Search](#)

Entity Details



ENTITY NAME: 159 THIRD REALTY LLC	DOS ID: 5858395
FOREIGN LEGAL NAME:	FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY	DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTION OF LAW: 203 LLC - LIMITED LIABILITY COMPANY LAW	ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 10/15/2020	REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 10/15/2020	INACTIVE DATE:
FOREIGN FORMATION DATE:	STATEMENT STATUS: CURRENT
COUNTY: KINGS	NEXT STATEMENT DUE DATE: 10/31/2022
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: 159 THIRD REALTY LLC

Address: 199 LEE AVENUE, SUITE 1088, BROOKLYN, NY, UNITED STATES, 11211

Chief Executive Officer's Name and Address

Name:

Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:

Address:

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

ATTACHMENT F

Section VI: REQUESTOR ELIGIBILITY INFORMATION

SECTION VI: REQUESTOR ELIGIBILITY INFORMATION

Volunteer Status

The Requestor qualifies as a “Volunteer” in the BCP because it has no connection with any prior owner or operator, did not cause, contribute, or permit the disposal of any contaminants at the Site, and did not control the Site when such contamination occurred. Requestor did not observe and is not aware of any continuing release. Requestor is taking the necessary steps to prevent any threatened future release, and prevent and limit human, environmental or natural resource exposure to any previously released contamination at the Site. The Site is paved with an impervious surface (concrete) and is secured with a 10-foot-high locked construction fence. Further, in order to install a vesting foundation element pursuant to 421a the Requestor underwent the necessary requirements of the New York City Office of Environmental Remediation E-Designation program including implementing elements of an approved Remedial Action Work Plan such as air monitoring, dust and odor suppression, remedial oversight, etc. during installation. As such, the requestor qualifies as a Volunteer as designed in ECL 27-1405(1)(b).

ATTACHMENT G

Section IX: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

SECTION IX: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Current Owner and Operator

ASTI Holding Corp, a New York State limited liability company is the current owner of 151-169 Third Avenue. The current property owner provided authorization for the Requestor to take all necessary actions to enter into and carry out the obligations of the BCP. A copy of the access agreement letter is provided as an attachment.

The Requestor acquired beneficial ownership through a 99-year land lease of the property with the ability to redevelop the Site. The Site is currently vacant, and most recently operated as a gasoline service station, retail store, and carwash.

Previous Owners and Operators

A list of current and previous owners of 151-169 Third Avenue is provided in the below table.

Date	Document Type	First Party	First Party Address	Second Party	Relationship of First Party to Applicant
12/17/1985 - Present	Deed	Abraham Mizrahi Sarah Mizrahi	38 Almer Avenue, Deal, NJ	ASTI Holding Corp	None
3/24/1982	Deed	Koko Enterprises, Inc	57-02 2 nd Avenue, Brooklyn, NY	Abraham Mizrahi Sarah Mizrahi	None
3/10/1972	Deed	Herbert L. Goldstein Bernard Goldstein	16 Sutton Place, New York, NY	Koco Enterprises, Inc.	None
11/11/1971	Deed	South Brooklyn Development Corp.	160 Imlay Street, Brooklyn, NY	Herbert L. Goldstein Bernard Goldstein	None
11/5/1971	Deed	Butler Realty Corporation	169 Third Avenue, Brooklyn, NY	South Brooklyn Development Corp.	None
12/29/1969	Deed	Charlotte L. Knox	107 California Avenue, Freeport, NY	Butler Realty Corporation	None

Reference: New York City Department of Finance Automated City Register Information System (ACRIS) website: <https://a836-acris.nyc.gov/DS/DocumentSearch/BBLResult>. Current and former addresses and telephone numbers of the previous property owners are not available.

The Site is currently vacant and most recently operated as a gasoline service station until December 2021. A list of previous known operators of 151-169 Third Avenue is provided in the below table.

Name	Relationship to Property	Address and Phone Number	Relationship to Applicant
AMS Car Wash Inc, Zawrat One Corporation	Operators, 2014 - 2017	169 Third Avenue, Phone No. Unknown	None
Gleam Car Wash, Dicient Service Station, Rayanne Gas Station Corp, New York Car Wash, 3 rd Avenue Citco Inc	Operators, 2000 - 2014	169 Third Avenue, Phone No. Unknown	None
Baltic Car Wash, Ted Discount, 3 rd Ave Car Wash	Operators, Mid-1970s - 2000	169 Third Avenue, Phone No. Unknown	None
Boro Ladder Co, Brooklyn Ladder Co, Knox JS Ladr, Brown JK & Co Inc Ladder Poles	Operators, 1945 – mid-1970s	169 Third Avenue, Phone No. Unknown	None
Mary Solowonsky	1928 - 1934	151 Third Avenue, Phone No. Unknown	None
Unknown	Pre 1928	151-169 Third Avenue	None

Based on the findings of the Phase I ESA dated September 2021 completed by GEI Consultants, the Site was initially developed with multiple four-story commercial stores in the 1920s. By 1978, a car wash was constructed on the northern portion of the Site. The Site most recently operated as a gasoline service station, auto rental, and car wash since the 1970s. There are two 4,000-gallon underground storage tanks (USTs) containing gasoline, installed in 1972 present on the Site. Additionally, a 550-gallon UST was present on the Site which was installed in 1974 and was reportedly closed and removed in 1997. No other tanks have been registered at the Site. Currently the Site is vacant.

TT
900.00

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 17th day of December, nineteen hundred and eighty five
BETWEEN ABRAHAM MIZRAH and SARAH MIZRAH, his wife
both residing at 38 Almyr Ave Deal, New Jersey 07823

party of the first part, and Ashi Holdings Corp.
311 Norman Ave
Brooklyn NY

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

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

BEGINNING at the corner formed by the intersection of the southerly side of Baltic Street and the Easterly side of 3rd Avenue;

RUNNING THENCE Easterly along the said Southerly side of Baltic Street, 83 feet;

THENCE, Southerly and parallel with the Easterly side of 3rd Avenue, 100 feet;

THENCE Westerly and parallel with the Southerly side of Baltic Street 48 feet;

THENCE Southerly and parallel with the Easterly side of 3rd Avenue, 100 feet to the Northerly side of Butler Street;

THENCE Westerly along the said Northerly side of Butler Street 35 feet to its interseciton with the Easterly side of 3rd Avenue;

THENCE Northerly along the said Easterly side of 3rd Avenue, 200 feet to the corner first mentioned, at the point or place of BEGINNING.

SAID PREMISES being known as and by the street number 169 3rd Avenue Brooklyn, New York.

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

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

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

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

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

IN PRESENCE OF:

AH Abraham Mizrah
by Sarah Mizrah

STATE OF NEW YORK, COUNTY OF Monmouth
On the 17 day of December 1985, before me personally came ABRAHAM MIZRAHI and SARAH MIZRAHI

STATE OF NEW YORK, COUNTY OF _____
On the _____ day of _____ 19____, before me personally came _____

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that this is his/her true name.

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.



STATE OF NEW YORK, COUNTY OF _____
On the _____ day of _____ 19____, before me personally came _____ to me known, who, being by me duly sworn, did depose and say that he resides at No. _____

STATE OF NEW YORK, COUNTY OF _____
On the _____ day of _____ 19____, before me personally came _____ the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. _____

that he is the _____ of _____, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

that he knows _____ to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

000046 1981 PAID 01-29-86

012000 PAID 01-29-86

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO. 0485-00274

ABRAHAM MIZRAHI and SARAH MIZRAHI

SECTION 2
BLOCK 407
LOT 1
COUNTY OR TOWN KINGS

TO

004421

100. VEE...
RETURN BY MAIL TO

CARL LEVINE, Esq.
50 Charles Lindberg Blvd
Mitchell Field, N.Y. 11553
Zip No. _____



RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

1986 JAN 23 PM 2:15

OFFICE OF CITY REGISTER
Kings County
Witness my hand and official seal

B. Celline Register

11155
REAL ESTATE
JAN 28 1986
TRANSFER TAX
KINGS COUNTY

REC. FEE 9.00
EST. # 001581

ATTACHMENT H

**Section XI: CONTACT LIST INFORMATION AND ACKNOWLEDGEMENT FROM
REPOSITORY**

SECTION XI – CONTACT LIST INFORMATION

SITE CONTACT LISTS

Executive

Role	Name	Phone	Mailing Address	Email / Contact
NYC Mayor	Eric Adams	212-NEW-YORK	City Hall New York, NY 10007	https://www1.nyc.gov/office-of-the-mayor/mayor-contact.page
NYC Department of City Planning	Anita Laremont - Chair	212-720-3300	120 Broadway 31st Floor New York, NY 10271	https://www1.nyc.gov/site/planning/about/contact-us.page
Brooklyn Borough President	Hon. Antonio Reynoso	718-802-3700	Brooklyn Borough Hall 209 Joralemon Street Brooklyn, NY 11201	https://www.brooklyn-usa.org/ask-eric/
Brooklyn Community Board 6 District Manager	Michael Racioppo	718-643-3027	250 Baltic Street, Brooklyn, NY 11201	info@brooklyn6.org
New York City Council District 33	Lincoln Restler	718-875-5200	410 Atlantic Avenue, Brooklyn, NY 11217	LRestler@council.nyc.gov
NY Senate District 25 Senator	Jabari Brisport	718-643-6140	55 Hanson Place, Suite 702, Brooklyn, NY 11217	brisport@nysenate.gov
NY State Assembly District 052 Member	Jo Anne Simon	718-246-4889	341 Smith Street, Brooklyn, NY 11231	simonj@nyassembly.gov

Owners, Residents, Occupants

The Site is currently occupied by a gasoline services station and owned by ASTI Holding Corp. The tables below provide current contact information for the owner and occupant of the Site.

Owner	Contact Name	Phone	Mailing Address	Email
ASTI Holding Corp	Joseph Macchia	718-395-2096	311 Norman Avenue, Brooklyn, NY	N/A

Operator	Contact Name	Phone	Mailing Address	Email
Vacant	Not Available	Not Available	Not Available	Not Available

Adjacent Properties

Below is a list of the adjoining properties which are also detailed on Figure 8.

Owner/Entity Name	Contact Name	Site Use	Property Address	Owner Mailing Address
Baltic Street Realty Corp	Zalmen Rabinovich	Multi-Family Residential	560 Baltic Street Brooklyn, NY 11217	248 Blauvelt Road, 312 Monsey, NY 10952
COVIZON LLC	Not Available	Parking Lot	Baltic Street Brooklyn, NY 11217	35 Berkshire Road, Great Neck, NY
313 Butler Street, LLC	Josephine Ribellino	Commercial/Warehouse	313 Butler Street Brooklyn, NY 11217	386 Third Avenue, Brooklyn, NY 11215
Freud Third Avenue Properties LLC	Marc Freud	Commercial	181 Third Avenue Brooklyn, NY 11201	18 East 87 th Street Ground Floor New York, NY 10128
Fortune JD LLC	Jack Elo	Industrial/Manufacturing	172 Third Avenue Brooklyn, NY 11217	42 West 48 th Street, Floor 2, New York, NY 10036
Gowanus Realty LLC	George Rigas	Industrial/Manufacturing	158 Third Avenue Brooklyn, NY 11217	26 Develan Street Brooklyn, NY 11288
Gowanus Realty LLC	George Rigas	Industrial/Manufacturing	295 Butler Street Brooklyn, NY 11217	26 Develan Street Brooklyn, NY 11288
Gowanus Realty LLC	George Rigas	Industrial/Manufacturing	538 Baltic Street Brooklyn, NY 11217	26 Develan Street Brooklyn, NY 11288
Gowanus Realty LLC	George Rigas	Industrial/Manufacturing	156 Third Avenue Brooklyn, NY 11217	26 Develan Street Brooklyn, NY 11288
New York City Housing Authority	Brooklyn Borough Management Office	Multi-Family Elevator Building	120 Third Avenue Brooklyn, NY 11217	250 Broadway, New York, NY
New York City Housing Authority	Brooklyn Borough Management Office	Multi-Family Elevator Building	131 Third Avenue Brooklyn, NY 11217	250 Broadway, NY, New York

Local News and Media:

Owner/Entity Name	Type	Address	Phone	Website
The Brooklyn Eagle	Print Newspaper, Online Media	16 Court Street Brooklyn, NY 11241	718-422-7413	www.brooklyneagle.com
Spectrum 1 News	Television	75 Ninth Avenue, New York, NY 10011	212-691-6397	https://www.ny1.com/nyc/all-boroughs/about-us/contact-us

Public Water Supply:

Public water supply is a shared responsibility between the New York City Department of Environmental Protection (NYCDEP) and the Municipal Water Finance Authority.

Owner/Entity Name	Contact	Address	Phone	Email
NYCDEP	Vincent Sapienza - Commissioner	59-17 Junction Blvd. Flushing, NY 11373	718-595-6565	ltcp@dep.nyc.gov
NYC Municipal Water Finance Authority	Olga Chernat- Executive Director	255 Greenwich Street 6th Floor, New York, NY 10007	212-788-5889	Not Available

Additional Requests

We are unaware of any requests to be included on the contact list for the 556 Baltic Street Site located at 151-169 Third Avenue, Brooklyn, NY.

School or Day Care Located on or Proximal to the Site

Following schools or day care facilities are located within ½-mile radius to the Site:

School/Day Care Name	Approximate distance from Site in feet and (directional)	Administrator	Phone	Address
Alonzo A. Daughtry Memorial Day Care Center	211 ft (northeast)	n/a	718-596-1993	565 Baltic Street Brooklyn, NY 11217
P.S.133 William A. Butler	735 ft (east)	Heather Foster Mann	718-398-5320	610 Baltic Street, Brooklyn, NY 11217
The Math & Science Exploratory School, MS 447	1,270 ft (north)	Arin M. Rusch	718-330-9328	345 Dean Street, Brooklyn, NY 11217
P.S. 38 The Pacific School	1,311 ft (northwest)	Pascale Pradel	718-330-9305	450 Pacific Street, Brooklyn, NY 11217
Rivendell School	1,573 ft (south)	Katy Hill	718-499-5667	277 Third Avenue, Brooklyn, NY 11215
Helping Hands Program	1,742 ft (west-northwest)	n/a	718-399-1774	450 Warren Street Brooklyn, NY 11217
P.S. K077	1,975 ft (east)	Ebony Russell	718-789-1191	62 Park Place, Brooklyn, NY 11217
New Dawn Charter High School	2,026 ft (west)	Sara M. Asmussen	347-505-9101	242 Hoyt Street, Brooklyn, NY 11231
P.S. 372 The Children's School	2,050 ft (south)	Rose Amato	718-624-5271	512 Carroll Street, Brooklyn, NY 11215
Strong Place for Hope Day Care	2,376 ft (northwest)	n/a	718-522-1351	460 Atlantic Avenue 3 rd Floor Brooklyn, NY 11217
P.S. 282 Park Slope School	2,600 ft (southeast)	Amy Rodriguez	718-622-1626	180 6 th Avenue, Brooklyn, NY 11217

Document Repository

Brooklyn Community Board 6 was notified on 25 April 2022 via email regarding utilizing their space as a document repository. On 26 April 2022 Brooklyn Community Board 6 agreed to serve as document repository for the project. Documentation is attached below.

The Brooklyn Public Library – Pacific Branch was contacted on 25 April 2022 via email regarding utilizing their branch as a document repository. Documentation of the confirmation from the Brooklyn Public Library – Pacific Branch is attached below.

Public Library

Owner/Entity Name	Contact	Address	Phone	Email
Brooklyn Public Library – Pacific Branch	Candace Vazquez	25 Fourth Avenue at Pacific Street, Brooklyn, NY 11217	718-638-1531	cvazquez@bklynlibrary.org

Community Board

Owner/Entity Name	Contact	Address	Phone	Email
Brooklyn Community Board 6 District Manager	Mike Racioppo	250 Baltic Street, Brooklyn, NY 1120	718-643-3027	mike@bkcb6.org



156 3 Avenue
Block 406 Lots 50 and 52
Industrial & Manufacturing
Owner: Gowanus Realty LLC

120 3 Avenue
Block 394 Lot 1
Residential
Owner: NYC Housing Authority

131 3 Avenue
Block 401 Lot 1
Residential
Owner: NYC Housing Authority

560 Baltic Street
Block 407 Lot 7
Residential
Owner: Baltic St Rlty CP

Baltic Street
Block 407 Lots 8 and 9
Parking Facilities
Owner: Covizon LLC

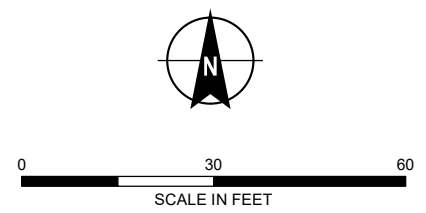
313 Butler Street
Block 407 Lot 52
Industrial & Manufacturing
Owner: 313 Butler Street, LLC

172 3 Avenue
Block 412 Lot 29
Commercial & Office Buildings
Owner: Fortune JD LLC

181 3 Avenue
Block 413 Lot 7
Commercial & Office Buildings
Owner: Freud Third Avenue
Properties LLC

LEGEND
[Dashed Line] SITE BOUNDARY

NOTES
1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
2. AERIAL IMAGERY SOURCE: NEARMAP, 19 OCTOBER 2021



HALEY ALDRICH
151-169 THIRD AVENUE
BROOKLYN, NEW YORK

ADJACENT SITE MAP

JULY 2022

FIGURE 8

000_0002_SITE_PLAN.mxd - hweatholz - 12/2/2021 9:56:34 AM
GIS: \\haleyaldrich.com\share\CP\Projects\0204\0900

Acknowledgement from Brooklyn Public Library – Pacific Branch to Act as Document Repository



HALEY & ALDRICH OF NEW YORK
237 W 35th Street
16th Floor
New York, NY 10123
Tel: 646.277.5686

20 July 2022
File No. 0204090-000

Brooklyn Public Library – Pacific Branch
25 Fourth Avenue at Pacific Street
Brooklyn, NY 11217
Via email: cvazquez@bklynlibrary.org
Attn: Candace Vazquez

Subject: Brownfield Cleanup Program Application – Request for Repository Use
151-169 Third Avenue
Brooklyn, NY 11217

Dear Ms. Vazquez:

Haley & Aldrich of New York (Haley & Aldrich), on behalf of 159 Third Residence LLC, is requesting use of the Brooklyn Public Library – Pacific Branch as a document repository for the anticipated project located at 169 Third Avenue, Brooklyn, NY. The New York State Department of Environmental Conservation (NYSDEC) requires a letter certifying that the proposed document repository is able to serve as a public repository for all documents pertaining to the environmental cleanup at the Site. Please sign below denoting that your facility would be amenable to serving as a temporary public repository.

Should you have any questions, please do not hesitate to give me a call at (646) 277-5686.

Thank you,
HALEY & ALDRICH OF NEW YORK

James M. Bellew
Senior Associate

The Brooklyn Public Library – Pacific Branch is willing to act as a public document repository holding and making available of all provided environmental documents related to the 169 Third Avenue Brownfield Cleanup Project.

Candace Vazquez
Name

NLS
Title

7/27/2022
Date

Acknowledgement from Brooklyn Community Board 6 to Act as Document Repository



HALEY & ALDRICH OF NEW YORK
237 W 35th Street
16th Floor
New York, NY 10123
Tel: 646.277.5686

April 25 2022
File No. 0204090-000

Brooklyn Community Board 6
250 Baltic Street
Brooklyn, NY 11201
Via email: Info@brooklyncb6.org
Attn: Mike Racioppo

Subject: Brownfield Cleanup Program Application – Request for Repository Use
169 Third Avenue
Brooklyn, NY 11217

Dear Mr. Racioppo:

Haley & Aldrich of New York (Haley & Aldrich), on behalf of 159 Third Residence LLC, is requesting use of the Brooklyn Community Board 6 as a document repository for the anticipated project located at 169 Third Avenue, Brooklyn, NY. The New York State Department of Environmental Conservation (NYSDEC) requires a letter certifying that the proposed document repository is able to serve as a public repository for all documents pertaining to the environmental cleanup at the Site. Please sign below denoting that your facility would be amenable to serving as a temporary public repository.

Should you have any questions, please do not hesitate to give me a call at (646) 277-5686.

Thank you,
HALEY & ALDRICH OF NEW YORK


James M. Bellew
Senior Associate

The Brooklyn Community Board 6 is willing to act as a public document repository holding and making available of all provided environmental documents related to the 169 Third Avenue Brownfield Cleanup Project.

April 26th, 2022


Name _____ Michael Racioppo

_____ Date

_____ District Manager - Brooklyn Communit Board 6
Title

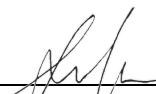
ATTACHMENT I

Section XII: STATEMENT OF CERTIFICATION AND SIGNATURES

**159 THIRD REALTY LLC
WRITTEN CONSENT OF THE MANAGER**

The undersigned, being the manager of 159 Third Realty LLC, a New York limited liability company (the "Company"), does hereby resolve that:

1. Simon Kaufman is the Managing Member of the Company and has the full power and authority on behalf of the Company, as an Authorized Signatory, to:
 - a. Execute documents in connection with the application of the Company for participation in the New York State Brownfield Cleanup Program (the "BCP");
 - b. Enter into agreements with the New York State Department of Environmental Conservation (the "DEC") in connection with the Company's participation in the BCP;
 - c. Execute any and all documents in connection with the Company's participation in the BCP, including but not limited to applications, agreements, easements and tax returns;
 - d. Take any action necessary to the furtherance of the Company's participation in the BCP, including but not limited to conducting negotiations on behalf of the Company.
2. The authority hereby conferred shall be deemed retroactive, and any and all acts authorized herein which were performed prior to the passage of this consent are hereby approved and ratified. The authority hereby conferred shall continue in full force and effect until the DEC shall have received notice, in writing, of the revocation hereof by a resolution duly adopted by the Manager of the Company. Any such revocation shall be effective only as to actions taken by the Company subsequent to DEC's receipt of such notice.
3. The undersigned hereby represents and warrants that (i) the undersigned is the Manager of the Company; and (ii) the consent of the Manager is sufficient to authorize the Company to take the aforementioned actions.



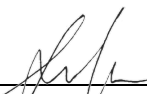
Simon Kaufman, Manager

Dated: 09/06/2022
New York, NY

**159 THIRD RESIDENCE LLC
WRITTEN CONSENT OF THE MANAGER**

The undersigned, being the manager of 159 Third Residence LLC, a New York limited liability company (the “Company”), does hereby resolve that:

1. Simon Kaufman is the Managing Member of the Company and has the full power and authority on behalf of the Company, as an Authorized Signatory, to:
 - a. Execute documents in connection with the application of the Company for participation in the New York State Brownfield Cleanup Program (the “BCP”);
 - b. Enter into agreements with the New York State Department of Environmental Conservation (the “DEC”) in connection with the Company's participation in the BCP;
 - c. Execute any and all documents in connection with the Company's participation in the BCP, including but not limited to applications, agreements, easements and tax returns;
 - d. Take any action necessary to the furtherance of the Company's participation in the BCP, including but not limited to conducting negotiations on behalf of the Company.
2. The authority hereby conferred shall be deemed retroactive, and any and all acts authorized herein which were performed prior to the passage of this consent are hereby approved and ratified. The authority hereby conferred shall continue in full force and effect until the DEC shall have received notice, in writing, of the revocation hereof by a resolution duly adopted by the Manager of the Company. Any such revocation shall be effective only as to actions taken by the Company subsequent to DEC's receipt of such notice.
3. The undersigned hereby represents and warrants that (i) the undersigned is the Manager of the Company; and (ii) the consent of the Manager is sufficient to authorize the Company to take the aforementioned actions.



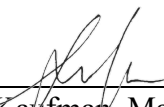
Simon Kaufman, Manager

Dated: 09/06/2022
New York, NY

BALTIC RESIDENCE LLC
WRITTEN CONSENT OF THE MANAGER

The undersigned, being the manager of Baltic Residence LLC, a New York limited liability company (the "Company"), does hereby resolve that:

1. Simon Kaufman is the Managing Member of the Company and has the full power and authority on behalf of the Company, as an Authorized Signatory, to:
 - a. Execute documents in connection with the application of the Company for participation in the New York State Brownfield Cleanup Program (the "BCP");
 - b. Enter into agreements with the New York State Department of Environmental Conservation (the "DEC") in connection with the Company's participation in the BCP;
 - c. Execute any and all documents in connection with the Company's participation in the BCP, including but not limited to applications, agreements, easements and tax returns;
 - d. Take any action necessary to the furtherance of the Company's participation in the BCP, including but not limited to conducting negotiations on behalf of the Company.
2. The authority hereby conferred shall be deemed retroactive, and any and all acts authorized herein which were performed prior to the passage of this consent are hereby approved and ratified. The authority hereby conferred shall continue in full force and effect until the DEC shall have received notice, in writing, of the revocation hereof by a resolution duly adopted by the Manager of the Company. Any such revocation shall be effective only as to actions taken by the Company subsequent to DEC's receipt of such notice.
3. The undersigned hereby represents and warrants that (i) the undersigned is the Manager of the Company; and (ii) the consent of the Manager is sufficient to authorize the Company to take the aforementioned actions.



Simon Kaufman, Manager

Dated: 09/06/2022
New York, NY