

NYSDEC BROWNFIELD CLEANUP PROGRAM APPLICATION

LEXINGTON/RALPH REDEVELOPMENT

842-850 LEXINGTON AVENUE

BLOCK 1628, LOTS 34, 38, & 42 (PENDING LOT MERGER TO LOT
38)

BROOKLYN, NEW YORK 11211

PREPARED FOR:

852 LEXINGTON AVENUE REALTY, LLC

4 RALPH AVENUE

BROOKLYN, NY 11221



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.

If yes, provide existing site number: _____

☐

Yes

☐

No

Is this a revised submission of an incomplete application?

If yes, provide existing site number: C224377

☒

Yes

☐

No

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SECTION I: Property Information

PROPOSED SITE NAME Lexington/Ralph Redevelopment

ADDRESS/LOCATION 842-850 Lexington Avenue

CITY/TOWN Brooklyn

ZIP CODE 11211

MUNICIPALITY (LIST ALL IF MORE THAN ONE) Brooklyn

COUNTY Kings

SITE SIZE (ACRES) 0.4477

LATITUDE

40 ° 41 ' 25.63 " LONGITUDE

73 ° 55 ' 29.58 "

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>842-850 Lexington Avenue</u>		<u>1628</u>	<u>Lots 34,38,42</u>	<u>0.4477</u>
			(Lot merger to a single lot, Lot 38, was accepted pending approval)	

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.

Y

N

☒☐

2. Is the required property map provided in electronic format with the application?
(Application will not be processed without a map)

☒☐

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: 387

Percentage of property in En-zone (check one): 0% ☐ 1-49% ☐ 50-99% ☐ 100% ☒

4. Is the project located within a disadvantaged community?
See application instructions for additional information.

☐☐

5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.

☐☐

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	N
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 type="radio"/>	<input checked="" 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. <div style="display: flex; justify-content: space-between;"> <div><u>Easement/Right-of-Way Holder</u></div> <div><u>Description</u></div> </div>	<input type="radio"/>	<input checked="" type="radio"/>
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <div style="display: flex; justify-content: space-between;"> <div><u>Type</u></div> <div><u>Issuing Agency</u></div> <div><u>Description</u></div> </div>	<input type="radio"/>	<input checked="" type="radio"/>
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	N
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: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> </div>		

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? C4-4L

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

<input type="radio"/>	<input checked="" type="radio"/>
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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"/>
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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 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 checked="" type="checkbox"/>
SVOCs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Metals	<input checked="" type="checkbox"/>	<input 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 checked="" 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 type="checkbox"/> Service Station
<input type="checkbox"/> Landfill	<input type="checkbox"/> Tannery	<input type="checkbox"/> Electroplating	<input type="checkbox"/> Unknown

Other: Carpet cleaning facility; auto repair/garage

SECTION V: Requestor Information**NAME**

852 Lexington Avenue Realty, LLC

ADDRESS

4 Ralph Avenue

CITY/TOWN

Brooklyn

ZIP CODE

11211

PHONE

718.452.2085

EMAIL

paul@solomonequities.com

	Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?	<input checked="" type="radio"/>	<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:		
PARTICIPANT <input type="checkbox"/> <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>	VOLUNTEER <input checked="" type="checkbox"/> <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>	
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached? Yes <input checked="" type="radio"/> No <input type="radio"/> N/A <input type="radio"/>		

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: _____

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**

Paul Matalon

ADDRESS

4 Ralph Ave

CITY

Brooklyn

ZIP CODE

11221

PHONE

718-452-2085

EMAIL

paul@solomonequities.com

REQUESTOR'S CONSULTANT (CONTACT NAME)

Mari Cate Conlon

COMPANY

Haley & Aldrich of New York

ADDRESS

237 West 35th Street, 16th Floor

CITY

New York

ZIP CODE

10123

PHONE

646-277-5688

EMAIL

mconlon@haleyaldrich.com

REQUESTOR'S ATTORNEY (CONTACT NAME)

George C. D. Duke

COMPANY

Connell Foley LLP

ADDRESS

875 Third Avenue, 21st Floor

CITY

New York

ZIP CODE

10022

PHONE

212.542.3772

EMAIL

gduke@connellfoley.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.	<input type="radio"/>	<input type="radio"/>
Is the appropriate documentation included with this application?		

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

852 Lexington Avenue Realty LLC

CONTACT NAME

Paul Matalon

ADDRESS

4 Ralph Avenue

CITY

Brooklyn

ZIP CODE

11221

PHONE

718-452-2085

EMAIL

paul@solomonequities.com

OWNERSHIP START DATE

1997 (842 Lexington Avenue); 2006 (850 Lexington Avenue & 4 Ralph Avenue)

CURRENT OPERATOR

Vanda Sales Corporation

CONTACT NAME

Paul Matalon

ADDRESS

4 Ralph Avenue

CITY

Brooklyn

ZIP CODE

11221

PHONE

718.452.2085

EMAIL

paul@solomonequities.com

OPERATION START DATE

1976

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
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: _____	<input type="radio"/>	<input checked="" type="radio"/>
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. <div style="text-align: right;">N/A <input type="radio"/></div>	<input type="radio"/>	<input type="radio"/>
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: _____	<input type="radio"/>	<input checked="" type="radio"/>
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information.	<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 Managing Member (title) of 852 Lexington Avenue 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: 9-6-2022 Signature: 

Print Name: Paul Matalon

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: _____

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.

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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"/>	<input checked="" type="radio"/>
Underutilized	<input type="radio"/>	<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 Lexington/Ralph Redevelopment	SITE ADDRESS 842-850 Lexington Avenue	
CITY Brooklyn	COUNTY Kings	ZIP 11211
REQUESTOR NAME 852 Lexington Avenue Realty, LLC	REQUESTOR ADDRESS 4 Ralph Avenue	
CITY Brooklyn	ZIP 11211	EMAIL paul@solomonequities.com

PROPERTY ADDRESS	SECTION	BLOCK	LOT
842-850 Lexington Avenue		1628	Lots 34,38,42
			(Lot merger to a single lot, Lot 38, was accepted pending approval)

REQUESTOR'S REPRESENTATIVE		
NAME Paul Matalon	ADDRESS 4 Ralph Ave	
CITY Brooklyn	ZIP 11221	EMAIL paul@solomonequities.com
REQUESTOR'S ATTORNEY		
NAME George C. D. Duke	ADDRESS 875 Third Avenue, 21st Floor	
CITY New York	ZIP 10022	EMAIL gduke@connellfoley.com
REQUESTOR'S CONSULTANT		
NAME Mari Cate Conlon	ADDRESS 237 West 35th Street, 16th Floor	
CITY New York	ZIP 10123	EMAIL mconlon@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

☒

NO

☐**UPSIDE DOWN**

YES

☐

NO

☐**DEC DETERMINATION**

AGREE

DISAGREE

UNDERUTILIZED

YES

☐

NO

☐**DEC DETERMINATION**

AGREE

DISAGREE

AFFORDABLE HOUSING STATUS

PLANNED

☐

YES

☐

NO

☐**DEC DETERMINATION**

AGREE

DISAGREE

DISADVANTAGED COMMUNITY AND CONFORMING BOA

YES

☐

NO

☒**DEC DETERMINATION**

AGREE

DISAGREE

RENEWABLE ENERGY FACILITY SITE

YES

☐

NO

☐**DEC DETERMINATION**

AGREE

DISAGREE

NOTES:

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BROWNFIELD CLEANUP PROGRAM (BCP) INSTRUCTIONS FOR COMPLETING A BCP APPLICATION

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional Office](#) to schedule a meeting. To add a party to an existing BCP Agreement, use the [BCP Agreement Amendment Application](#).

For further information regarding the determination of a complete application, please refer to the guidance following these instructions, as well as the [NYSDEC BCP website](#).

SUBMITTAL INSTRUCTIONS

Please submit **one unbound paper copy of ONLY the application form and a table of contents** to the address below:

Chief, Site Control Section
New York State Department of Environmental Conservation
625 Broadway, 11th Floor
Albany, NY 12233-7020

Additionally, please submit an electronic (Portable Document Format [PDF]) version of the application as follows:

- One file containing the application form, table of contents, and supporting documentation, excluding historical environmental reports and draft work plans
- One file for each historical environmental report (not merged with each other or with the application file)
- One file for each draft work plan, if applicable

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

SECTION I: Property Information

PLEASE NOTE	If any changes to SECTION I are required prior to application approval, a new page 2, initialed by each requestor, must be submitted with the revisions.
Proposed Site Name	Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e., ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.
Site Address	Provide a street address, city/town, zip code, and each municipality and county in which the site is located.
Site Size	Provide the approximate acreage of the site.
GIS Information	Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.

SECTION I: Property Information (continued)	
Tax Parcel Information	Provide the tax parcel address/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5-minute quad map on which the property appears and clearly indicate the proposed site's location.
Tax Map Boundaries	State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/ reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.
Site Map	Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: (i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and (ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.
En-zone	Is any part of the property in an En-zone? If so, what percentage? For information on En-zones, please see DEC's website .
Disadvantaged Communities	For additional information on disadvantaged communities, please refer to the Climate Leadership and Community Protection Act website .
Brownfield Opportunity Area (BOA)	For more information on designated BOAs, please refer to the NYS DOS website . Additional information on BOA conformance determinations can be found at the Office of Planning and Development website .
Multiple Applications	Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where (1) the development project spans more than 25 acres; (2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and (3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).
Previous BCP Applications	If all or part of the proposed site has been the subject of a previous BCP application (whether accepted, denied or withdrawn), please provide the assigned DEC site number from the previous application as well as any relevant information regarding why the property is not currently in the program.

SECTION I: Property Information (continued)	
Registry Listing and P-site Status	<p>If all or part of the proposed site is now or ever was listed on the Registry of Inactive Hazardous Waste Disposal Sites, or is currently the subject of investigation as a Potential Site, please provide the assigned DEC site number.</p>
Property Description Narrative	<p>Provide a property description in the format provided below. Each section should be no more than one paragraph long.</p> <p><u>Location:</u></p> <p>Example: "The XYZ Site is located in an {urban, suburban, rural} area." {Add reference points if address is unspecific; e.g., "The site is approximately 3.5 miles east of the intersection of County Route 55 and Industrial Road."}</p> <p><u>Site Features:</u></p> <p>Example: "The main site features include several large, abandoned buildings surrounded by former parking areas and roadways. About one quarter of the site area is wooded. Little Creek passes through the northwest corner."</p> <p><u>Current Zoning and Land Use:</u> (Ensure the current zoning is identified)</p> <p>Example: "The site is currently inactive and is zoned for commercial use. The surrounding parcels are currently used for a combination of commercial, light industrial, and utility rights-of-way. The nearest residential area is 0.3 miles east on Route 55."</p> <p><u>Past Use of the Site:</u> include source(s) of contamination and remedial measures (site characterizations, investigations, Interim Remedial Measures, etc.) completed outside of the current remedial program (e.g., work under a petroleum spill incident).</p> <p>Example: "Until 1992 the site was used for manufacturing wire and wire products (e.g., conduit, insulators) and warehousing. Prior uses that appear to have led to site contamination include metal plating, machining, disposal in a one-acre landfill north of Building 7, and releases of wastewater into a series of dry wells."</p> <p>When describing the investigations/actions performed outside of the remedial program, include the major chronological remedial events that lead to the site entering a remedial program. The history should include the first involvement by government to address hazardous waste/petroleum disposal. Do not cite reports. Only include remedial activities which were implemented PRIOR to the BCA. Do not describe sampling information.</p> <p><u>Site Geology and Hydrogeology:</u></p> <p>As appropriate, provide a very brief summary of the main hydrogeological features of the site including depth to water, groundwater flow direction, etc.</p>

SECTION I: Property Information (continued)

Environmental Assessment	<p>The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semi-volatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths.</p> <p>The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SGCs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site.</p> <p>A typical Environmental Assessment would look like the following:</p> <p>Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE).</p> <p><i>Soil</i> - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the site. Concentrations of cadmium found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).</p> <p><i>Groundwater</i> - TCE and its associated degradation products are also found in groundwater at the north end of the site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the site has migrated 300 feet down-gradient off-site. The primary contaminant of concern for the off-site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.</p> <p><i>Soil Vapor & Indoor Air</i> - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.</p>
Questions 15-17: New York City Sites	<p>These questions pertain ONLY to sites located within the five counties comprising New York City. If the requestor is seeking a determination that the site is eligible for tangible property tax credits, this section and the <i>Supplemental Questions for Sites Seeking Tangible Property Credits in New York City</i> must be completed.</p>

SECTION II: Project Description

As a separate attachment, provide complete and detailed information about the project, including the purpose of the project, the date the remedial program is to start, and the date the issuance of the Certificate of Completion is anticipated.

SECTION III: Land Use Factors

In addition to eligibility information, site history, and environmental data/reports, the application requires information regarding the current, intended and reasonably anticipated future land use.

This information consists of responses to the "land use" factors to be considered relative to the "Land Use" section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a "brownfield site" pursuant to ECL 27-1405(2).

This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

Zoning and Current Use	Provide the current municipal zoning designation and uses permitted by that designation. Provide a summary of the current use of the site, including identifying possible contaminant source areas. If the site is no longer in use, provide the date by which operations ceased.
Anticipated Use	Identify the anticipated post-remediation use of the site and provide a detailed description of the specific anticipated post-remediation use as an attachment.
Renewable Energy Facility Site	Indicate if the post-remediation use of the site is proposed to be a renewable energy facility. A "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. Section 66-p of the Public Service Law: "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. Provide any detailed plans or documentation to support this.
Compliance with Zoning Laws, Recent Development, and Community Master Plans	Provide additional explanation and/or documentation as necessary to support the responses to these items.

SECTION IV: Property's Environmental History

For all sites, an investigation report is required that is sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data include site drawings and data summary tables requested in Section III, #3 of the BCP application form. Specific instructions regarding the data summary tables are attached at the end of these instructions.

SECTION V: Requestor Information

Requestor Name	<p>Provide the name of the person(s)/entity requesting participation in the BCP (if more than one, attach additional sheets with requested information.) The requestor is the person or entity seeking DEC review and approval of the remedial program.</p> <p>If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database. A print-out of entity information from the database must be submitted to DEC with the application, to document that the requestor is authorized to do business in NYS.</p>
Address, etc.	Provide the requestor's mailing address, telephone number and e-mail.
LLC Information	If the requestor(s) is/are an LLC, the names of the members/owners need to be provided on a separate attachment.
Document Certification	<p>All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of DER-10. Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:</p> <ul style="list-style-type: none">• New York State licensed professional engineers (P.E.s), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a P.E. with current license and registration for work that was done by them or those under their direct supervision. The firm by which the P.E. is employed must also be authorized to practice engineering in New York State;• qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;• remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or• site owners, which are the owners of the property comprising the site at the time of the certification.

SECTION VI: Requestor Eligibility

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

Volunteer Statement	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.
Proof of Site Access	If a requestor is not the current owner of the entirety of the site, a site access agreement must be provided that demonstrates that the requestor will have access to the property before signing the BCA and throughout the BCP project. Additionally, the access agreement must include language allowing the requestor the ability to place an environmental easement on the site should the requestor not be the owner at the time remediation is complete and a Track 1 cleanup has not been achieved.

SECTION VII: Requestor Contact Information

Requestor's Representative	Provide information for the requestor's authorized representative. This is the person to whom all correspondence, notices, etc. will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative of Applications determined to be Participants unless another contact name and address is provided with the application.
Requestor's Consultant and Requestor's Attorney	Provide all requested information.

SECTION VIII: Program Fee

If the requestor is applying for a fee waiver, sufficient documentation must be provided to demonstrate financial hardship. To demonstrate financial hardship, the applicant must show that with the payment of the program fee, remediation of the brownfield site would not be economically viable. This documentation may be in the form of federal tax returns with applicable schedules, financial statements and balance sheets, proof that the applicant has waived its right to tax credits, or any other documentation deemed acceptable by the Department.

SECTION IX: Current Property Owner and Operator Information

Owner Information	Provide requested information of the current owner of the property. List <u>all</u> parties holding an interest in the property and, if the requestor is not the current owner, describe the requestor's relationship to the current owner. If the property consists of multiple parcels, be sure to include the ownership start date of each.
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SECTION IX: Current Property Owner and Operator Information (continued)

Operator Information	Provide requested information of the current operator(s). If multiple operators, attach the requested information for each operator, including the date each operator began utilizing the property.
Historical Owners and Operators	Provide a list of previous owners and a list of previous operators, including dates of ownership or operation and last-known addresses and phone numbers. Describe the requestor's relationship to each previous owner and operator; if no relationship, indicate "none". When describing the requestor's relationship to current and historical owners and operators, include any relationship between the requestor's corporate members and the previous owners and operators.

SECTION X: Property Eligibility Information

As a separate attachment, provide complete and detailed information in response to the following eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that that information be summarized.

CERCLA / NPL Listing	Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.
Registry Listing	Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) website for a database of sites with classifications.
RCRA Listing	Does the property have a Resource Conservation and Recovery Act (RCRA) TSD Permit in accordance with the ECL 27-0900 et seq? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.
Registry/RCRA Sites Owned by Volunteers	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? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

SECTION X: Property Eligibility Information (continued)

Existing Order	Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.
Pending Enforcement Actions	Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information as an attachment.

SECTION XI: Site Contact List

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project. For sites located in a city with a population of one million or more, the appropriate community board must be included as an additional document repository, and acknowledgement of their agreement to act as such must also be provided.

SECTION XII: Statement of Certification and Signatures

The requestor must sign the application or designate a representative who is authorized to sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each requestor must sign a signature page. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the entity's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database.

DATA SUMMARY TABLE INSTRUCTIONS

Data summary tables should include the following columns:

Soil Table:

Analytes > SCOs ^a	Detections > SCOs ^b	Max. Detection (ppm) ^c	SCO (ppm) ^d	Depth (ft bgs)
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Groundwater Table:

Analytes > AWQS ^e	Detections > AWQS ^f	Max. Detection (ppb) ^c	AWQS (ppb) ^g
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Soil Gas Table:

Analytes ^h	Total Detections	Max. Detection (ug/m3) ^c	Type ⁱ
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^a Include all contaminants over the applicable soil cleanup objectives (SCOs). Column header should specify which SCOs are being compared to. (i.e., "RRSCOs" for Restricted Residential SCOs)

^b Number of detections over applicable SCOs. Specify which SCOs are being compared to in column header.

^c Maximum detection in parts per million (ppm) for soil, parts per billion (ppb) for groundwater, or micrograms per cubic meter (ug/m3) for soil gas.

^d List the respective SCO. Specify which SCOs are being compared to in column header.

^e Include all contaminants over Class GA Ambient Water Quality Standards (AWQS).

^f Number of detections over AWQS.

^g List the respective AWQS.

^h Include all chlorinated volatile organic compound (VOCs) detections.

ⁱ Specify type: soil vapor, sub-slab or indoor air.

Example Data Summary Tables

Soil Table:

Analytes > RR SCOs	Detections > RR SCOs	Maximum Detection (ppm)	RR SCO (ppm)	Depth (ft bgs)
Benzo(a)anthracene	3	11	1	5 – 7
Benzo(a)pyrene	4	15	1	5 – 7
Benzo(b)fluoranthene	5	15	1	5 – 7
Benzo(k)fluoranthene	1	5.3	3.9	5 – 7
Indeno(1,2,3-cd)pyrene	7	8.4	0.5	5 – 7
barium	2	967	400	0.5 – 2.5
cadmium	2	94.1	4.3	6 – 8
lead	3	1,790	400	0.5 – 2.5

Groundwater Table:

Analytes > AWQS	Detections > AWQS	Max. Detection (ppb)	AWQS (ppb)
Benz(a)anthracene	2	0.2	0.002
Benzo(a)pyrene	2	0.221	ND
Benzo(b)fluoranthene	2	0.179	0.002
Benzo(k)fluoranthene	2	0.189	0.002
Indeno(1,2,3-cd)pyrene	2	0.158	0.002
Tetrachloroethene (PCE)	1	12	5

Soil Gas Table:

Analytes	Total Detections	Max. Detection (µg/m³)	Type
Carbon tetrachloride	1	0.84	Soil vapor
Methylene chloride	1	2.6 J	Soil vapor
Tetrachloroethene	2	47	Soil vapor
Trichloroethene	1	1.2	Soil vapor
Trichlorofluoromethane	1	21	Soil vapor

NEW YORK STATE

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DETERMINATION OF A COMPLETE APPLICATION

1. The first step in the application review and approval process is an evaluation to determine if the application is complete. To help ensure that the application is determined complete, requestors should review the list of common application deficiencies and carefully read these instructions.
2. DEC will send a notification to the requestor within 30 calendar days of receiving the application, indicating whether such application is complete or incomplete.
3. An application must include the following information relative to the site identified by the application, necessary for making an eligibility determination, or it will be deemed incomplete. (Please note: the application as a whole requires more than the information outlined below to be determined complete). The application must include:
 - a. for all sites, an investigation report sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data includes site drawings requested in Section III, #3 of the BCP application form.
 - b. for those sites described below, documentation relative to the volunteer status of all requestors, as well as information on previous owners or operators that may be considered responsible parties and their ability to fund remediation of the site. This documentation is required for:
 - i. real property listed in the registry of inactive hazardous waste disposal sites as a class 2 site, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP; or
 - ii. real property that was a hazardous waste treatment, storage or disposal facility having interim status pursuant to the Resource Conservation and Recovery Act (RCRA) program, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP.
 - c. for sites located within the five counties comprising New York City, in addition to (a) and if applicable (b) above, if the application is seeking a determination that the site is eligible for tangible property tax credits, sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a). If this determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion, using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.
 - d. for sites previously remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law, relevant documentation of this remediation.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

DETERMINATION OF A COMPLETE APPLICATION (CONTINUED)

4. If the application is found to be incomplete:
 - a. the requestor will be notified via email or phone call regarding minor deficiencies. The requestor must submit information correcting the deficiency to DEC within the 30-day review time frame; or
 - b. the requestor will receive a formal Letter of Incomplete Application (LOI) if an application is substantially deficient, if the information needed to make an eligibility determination identified in #4 above is missing or found to be incomplete, or if a response to a minor deficiency is not received within the 30-day period. The LOI will detail all of the missing information and request submission of the information. If the information is not submitted within 30 days from the date of the LOI, the application will be deemed withdrawn. In this case, the requestor may resubmit the application without prejudice.
5. If the application is determined to be complete, DEC will send a Letter of Complete Application (LOC) that includes the dates of the public comment period. The LOC will:
 - a. include an approved public notice to be sent to all parties on the Contact List included with the application;
 - b. provide instructions for publishing the public notice in the newspaper on the date specified in the letter, and instructions for mailing the notice to the Contact List;
 - c. identify the need for a certification of mailing form to be returned to DEC along with proof of publication documentation; and
 - d. specify the deadline for publication of the newspaper notice, which must coincide with, or occur before, the date of publication in the Environmental Notice Bulletin (ENB).
 - i. DEC will send a notice of the application to the ENB. As the ENB is only published on Wednesdays, DEC must submit the notice by the Wednesday before it is to appear in the ENB.
 - ii. The mailing to parties on the Contact List must be completed no later than the Tuesday prior to ENB publication. If the mailings, newspaper notice and ENB notice are not completed within the timeframes established by the LOC, the public comment period on the application will be extended to ensure that there will be the required comment period.
 - iii. Marketing literature or brochures are prohibited from being included in mailings to the Contact List.

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ATTACHMENT A

Section I: Property Information

SECTION I: PROPERTY DESCRIPTION NARRATIVE

Site Location

The Site's address is 842-850 Lexington Avenue, Brooklyn, NY 11211. The Site is 0.4477 acres in size. The Site is located in Kings County, New York and is currently identified as Brooklyn Block 1628 Lots 34, 38, and 42 (tentative lot merger application to consolidate all three lots into Lot 38 has been approved and is pending finalization). The lot merger application was submitted to the New York City Department of Finance (NYCDOF) in March 2022 and to the New York City Department of Buildings (NYCDOB) in May 2022 under DOB NOW B00704483-I1.

The Site is located in an urban area in the Bedford Stuyvesant neighborhood of Brooklyn, New York. The Site is bound to the north by Lexington Avenue followed by multiple residential and commercial mixed-use buildings, a six-floor multi-family elevator building to the west, multi-family walk-up buildings and the Synagogues Church followed by Quincy Street to the south, and Ralph Avenue followed by Broadway to the east.

A project locus is included in Figure 1. An aerial photograph of the Site is included in Figure 2. A tax map of the Site and surrounding properties is included as Figure 3. A surrounding land use map is included as Figure 4. The approved lot merger application packages are attached to this Section.

Site Features

Currently, the Site is developed with a one- to three-story commercial building operating as an active department store with a cellar level occupying the northeastern portion of the Site. A warehouse is present on the western portion of the Site with a partial cellar. The cellar level extends to approximately 8 feet below ground surface (ft bgs) and is used for storage and a mechanical space.

Current Zoning and Land Use

The Site is currently occupied by a one- to three-story active department store and is zoned C4-4L for commercial and residential use. The surrounding properties are currently used for commercial, residential, and public facilities/institutional purposes. The nearest residential buildings immediately adjoin the Site to the south. The proposed development of this property is consistent with the current zoning.

The property is subject to New York City Office of Environmental Remediation (NYCOER) E-Designation Hazardous Materials requirements resulting from a City Environmental Quality Review (CEQR) part of the Bedford Stuyvesant rezoning. A Notice of No Objection (NNO) was issued for the proposed building redevelopment by NYCOER with E-Designation requirements remaining in place. In May 2022, the Requestor installed a foundation footer in the basement of the structure on the eastern portion of the Site to satisfy requirements of the New York City 421a program for vesting purposes. The foundation footer excavation area was properly covered with a 20-mil vapor barrier per the NYCOER-approved Remedial Action Work Plan (RAWP) dated April 2022.

The property is currently developed with three interconnected one- to three-story commercial buildings with basements. The buildings occupy the entire footprints of their respective former parcels, with sidewalks north and east of the site, along Lexington and Ralph Avenues, and are each currently occupied by People's Department Store. The ground floor levels are comprised primarily of retail space, with some office and storage space. Basement levels and the upper floors of the western building are utilized for storage. Utility and mechanical spaces are also located in the two building basements in the northern portion of the Site and the first floor of the western building.

Past Land Use

The Site was partially developed in the late 1800s and separated into seven tax lots, including one lot fronting east along Ralph Avenue with a two-story residence and several small outbuildings. The lots along Lexington Avenue were developed with a carpenter's shop (east) and a two and a half-story residence, while the remaining three lots were undeveloped. By 1908, the eastern parcel was redeveloped with a three-story stable, and the carpenter's shop expanded and was occupied by an architectural iron works facility and a blacksmith. By the 1930s, the eastern parcel was redeveloped with a three-story retail store, which remained unchanged through the present. The former iron works facility became a carpet cleaning shop and storage facility. The remaining lots were developed with a garage extending offsite to the west. The Sanborn maps from 1933-1951 indicate that the western building (842 Lexington Avenue) was formerly utilized as a garage with a gasoline tank present in the north-central portion of the building. By 1950, the carpet cleaning facility was identified as a furniture storage facility and the garage became utilized as a retail store. The furniture storage facility was vacant by the mid-1960s and was again occupied by a furniture storage facility by the mid-1970s. The western retail building was identified as a beverage depot beginning in the late-1980s and began to be utilized for commercial purposes in 2001. The eastern building was also utilized for commercial purposes beginning in 2005.

Site Geology and Hydrogeology

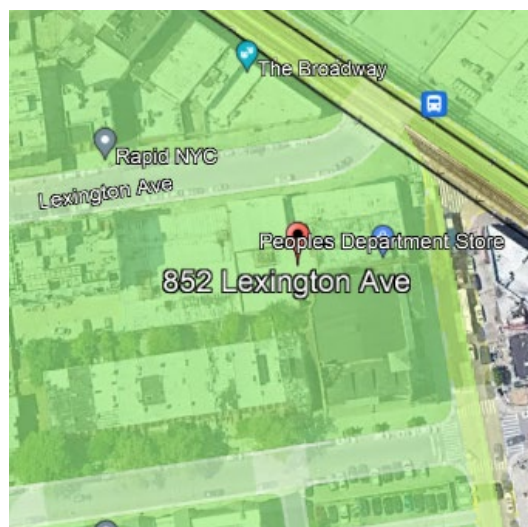
The stratigraphy of the site, from the surface down, consists of historic fill comprised of brown, dark brown, black, and gray silt/sand, and gravel with fragments of brick, ash, and concrete to approximately 5 ft below the slab-on-grade foundation (i.e., ft bgs). Fill material is underlain by brown, light brown, and gray sand and silty sand with gravel to depths as great as 15 ft below the slab-on-grade foundation. The stratigraphy of the site below the cellar slab consists of brown sand and silty sand with gravel to depths as great as 4 ft below cellar slab (i.e., 13 ft bgs). Groundwater was encountered at 39.4 ft bgs. Regional groundwater flow is expected to be towards the west-northwest.

Environmental Zone Designation

The Site is 100% located in EnZone Type A in Census Tract 387.

Census Tract 387

Census Tract 387	
EnZoneType A	
FIPS	36047038700
County_FIP	36047
Geography	Census Tract 387
County	Kings County
UnempRate	25
NYS_UR	11.5
Pov_Rate	36.3
CountyPR	23.2
CountyRate	46.4
Criteria_B	
Both_AB	
Criteria_A	Y
Type	YA



SECTION I.14: ENVIRONMENTAL ASSESSMENT

Based on the findings of the March 2022 Remedial Investigation Report (RIR) prepared by Brussee Environmental Consulting (BEC) and the June 2022 Limited Phase II Environmental Site Investigation (ESI) prepared by Haley & Aldrich of New York (Haley & Aldrich), the primary contaminants of concern for the Site are chlorinated volatile organic compounds (CVOCs), semi-volatile organic compounds (SVOCs) (specifically polycyclic aromatic hydrocarbons [PAHs]), and metals in soil, CVOCs and petroleum-based volatile organic compounds (VOCs) in soil vapor, and pesticides and metals in groundwater. Additional investigation is anticipated to fully characterize and delineate Site contamination. A summary of environmental findings based on the BEC March 2022 RIR and the Haley & Aldrich June 2022 Limited Phase II ESI is provided below:

Soil

Multiple SVOCs, specifically PAHs, were detected in the urban fill layer that extends to approximately 5-ft bgs site-wide, predominantly in the western portion of the Site. SVOCs were detected above UUSCOs and/or RRSCOs in 10 of the 28 soil samples at maximum concentrations in sample B-2 (0-2') located in the northwestern corner of the Site. Seven PAHs were detected at concentrations exceeding UUSCOs and/or RRSCOs in ten soil samples including benzo(a)anthracene (maximum concentration 42 mg/kg [UUSCO & RRSCO of 1 mg/kg]), benzo(a)pyrene (maximum concentration 33 mg/kg [UUSCO & RRSCO of 1 mg/kg]), benzo(b)fluoranthene (maximum concentration 38 mg/kg [UUSCO & RRSCO of 1 mg/kg]), benzo(k)fluoranthene (maximum concentration 13 mg/kg [UUSCO of 0.8 mg/kg & RRSCO of 3.9 mg/kg]), chrysene (maximum concentration 44 mg/kg [UUSCO of 1 mg/kg & RRSCO of 3.9 mg/kg]), dibenzo(a,h)anthracene (maximum concentration 4.4 mg/kg [UUSCO and RRSCO of 0.33 mg/kg]), and indeno(1,2,3-cd)pyrene (maximum concentration 21 mg/kg [UUSCO and RRSCO of 0.5 mg/kg]).

Multiple metals were found in the fill layer above UUSCOs and/or RRSCOs, predominantly in the western portion of the Site. Lead (maximum concentration of 454 mg/kg) and mercury (maximum 0.813 mg/kg) were detected at concentrations exceeding both UUSCOs and RRSCOs in B-3(2-4'). Lead and/or mercury were also detected at concentrations above UUSCOs but below RRSCOs in 13 of the 28 soil samples. Copper (maximum concentration of 127 mg/kg in SB1[0-2']), zinc (maximum concentration of 1,140 mg/kg in SB1[0-2']), and cadmium (maximum concentration of 3.34 mg/kg in SB4[0-2']) were detected at concentrations above UUSCOs but below RRSCOs.

Groundwater

One groundwater sample was collected from the northwestern corner of the Site.

The pesticide dieldrin (0.011 µg/L) was detected above the AWQS.

One dissolved metal, sodium (352 µg/L) was detected above the AWQS.

Fourteen total metals, including aluminum (137 mg/L), arsenic (0.0034 mg/L), barium (1.57 mg/L), beryllium (0.008 mg/L), cadmium (0.016 mg/L), chromium (0.295 mg/L), copper (0.568 mg/L), iron (356 mg/L), lead (0.188 mg/L), magnesium (82.6 mg/L), manganese (30.5 mg/L), nickel (0.389 mg/L), sodium (226 mg/L), and thallium (0.0022 mg/L) were detected above AWQS in the groundwater sample collected from MW1.

Perfluorooctanoic acid (PFOA) (maximum concentration of 44.6 ng/L) and perfluorooctanesulfonic acid (PFOS) (maximum concentration of 22.4 ng/L) were detected in MW1 above the 10 ng/L screening level

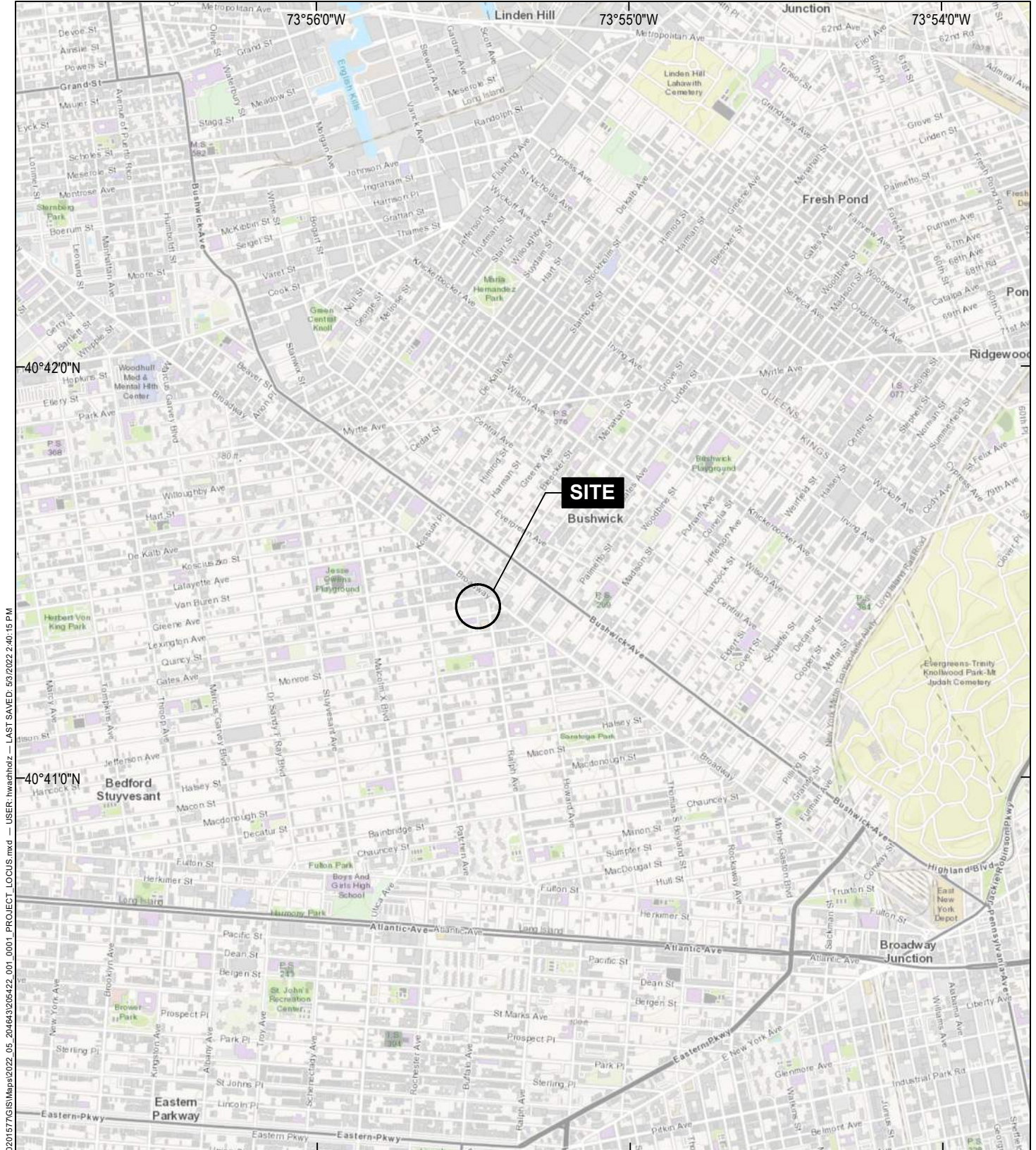
for PFOA/PFOS as defined in New York State Department of Environmental Conservation (NYSDEC) Sampling, Analysis, and Assessment of Per- and Polyfluoroalkyl Substances (PFAS), dated June 2022. The MW1 groundwater sample had a total PFAS (including PFOA and PFOS) concentration at 116.53 ng/L.

Tables summarizing analytical results from the June 2022 Limited Phase II ESI and March 2022 RIR are included in Section IV.2. Please also refer to the attached USB drive containing the Limited Phase II ESI Letter Report submitted to Solomon Equities in June 2022 and all other previous environmental reports completed for the Site for copies of the full laboratory reports for each referenced investigation.

Soil Vapor

Five CVOCs were detected above laboratory detection limits in soil vapor and sub-slab soil gas samples collected at the Site, predominantly in middle and eastern portions of the Site which historically operated as a carpet cleaning facility. TCE (maximum concentration of 183 $\mu\text{g}/\text{m}^3$) and PCE (maximum concentration of 36.3 $\mu\text{g}/\text{m}^3$) were detected in sub-slab soil vapor samples in Lots 38 and 42. The detections of CVOCs in both soil and soil vapor indicate a potential on-site source of CVOC impacts likely related to the historical carpet cleaning operations in Lot 38.

Total concentrations of petroleum-based VOCs, specifically benzene, toluene, ethylbenzene, and total xylenes (BTEX) were detected site-wide with concentrations ranging from 11.55 $\mu\text{g}/\text{m}^3$ to 172.49 $\mu\text{g}/\text{m}^3$.



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MAP SOURCE: ESRI
SITE COORDINATES: 40°41'25"N, 73°55'30"W

**HALEY
ALDRICH**

842-850 LEXINGTON AVENUE
BROOKLYN, NEW YORK

PROJECT LOCUS

APPROXIMATE SCALE: 1 IN = 2000 FT
MAY 2022

FIGURE 1

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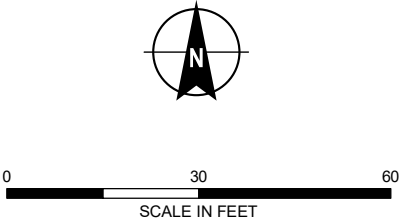


LEGEND

SITE BOUNDARY

PARCEL BOUNDARY

- NOTES**
1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
 2. ASSESSOR PARCEL DATA SOURCE: NYC DEPARTMENT OF CITY PLANNING
 3. AERIAL IMAGERY SOURCE: NEARMAP, 27 FEBRUARY 2022



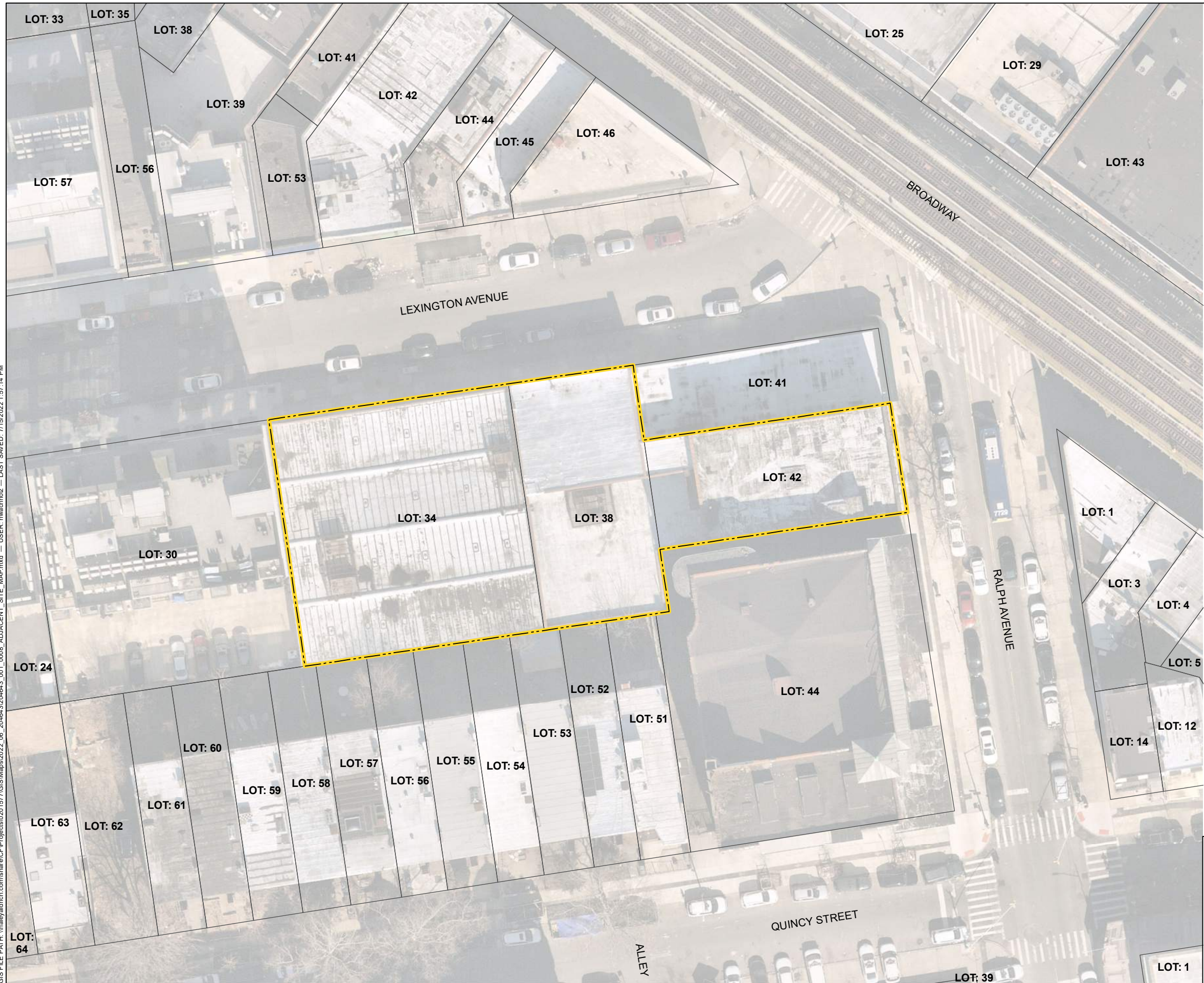
**HALEY
ALDRICH** 842-850 LEXINGTON AVENUE
BROOKLYN, NEW YORK

SITE PLAN

MAY 2022

FIGURE 2

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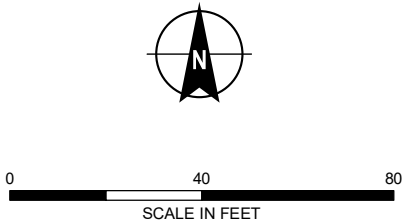


LEGEND

PARCEL BOUNDARY

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, 27 FEBRUARY 2022



**HALEY
ALDRICH**

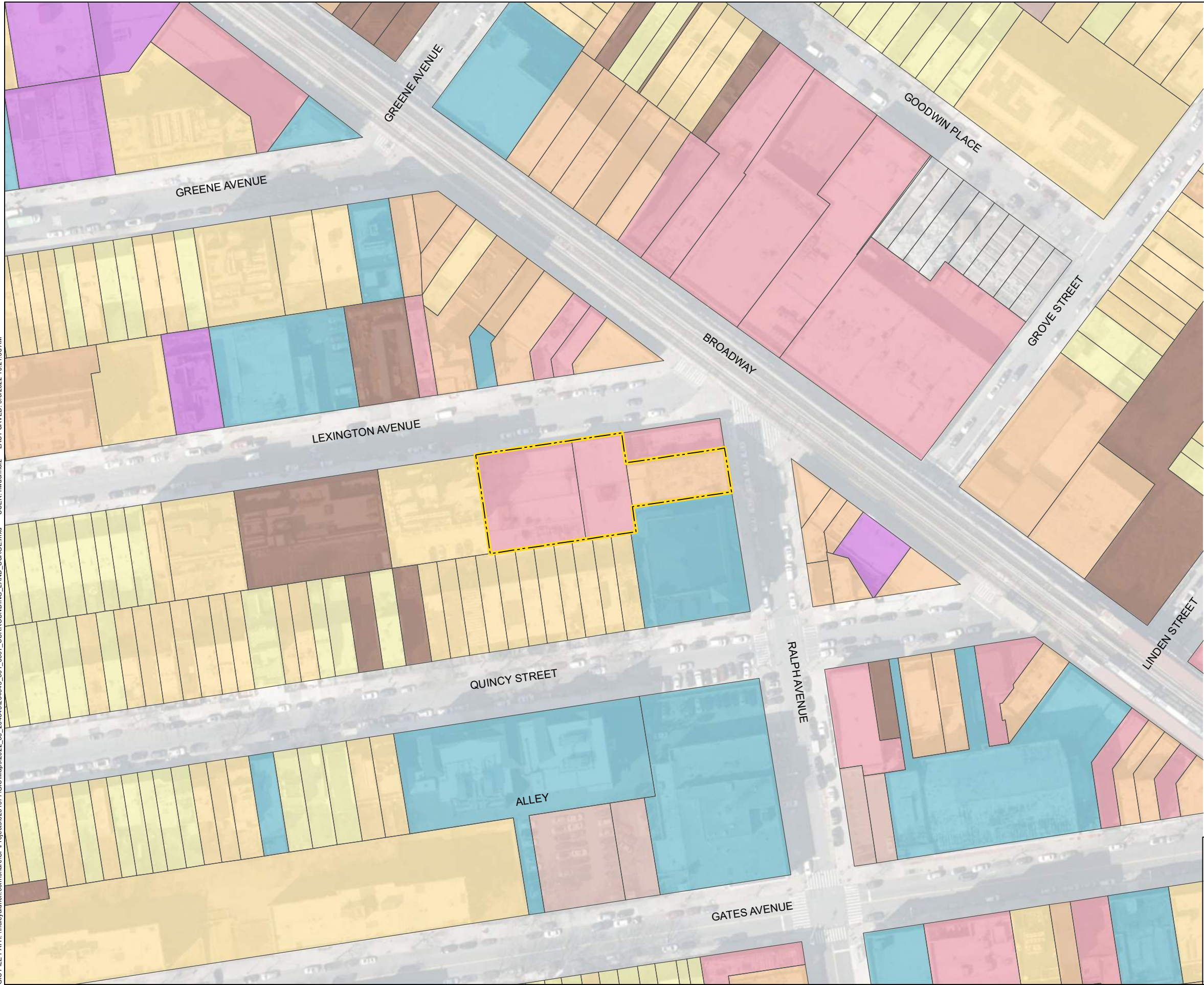
842-850 LEXINGTON AVENUE
BROOKLYN, NEW YORK

ADJACENT SITE MAP

JULY 2022

FIGURE 3

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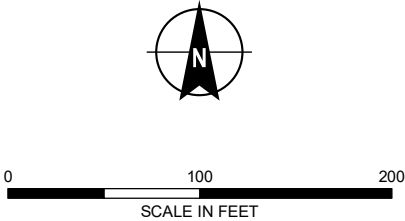


LEGEND

- LAND USE
- INSTITUTIONS
 - MULTI-FAMILY RESIDENTIAL
 - MIXED USE
 - COMMERCIAL
 - PARKING
 - TRANSPORTATION
 - SITE BOUNDARY
 - PARCEL BOUNDARY

NOTES

1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
2. LAND USE DATA SOURCE: NYC OPEN ACCESSIBLE SPACE INFORMATION SYSTEM (NYC OASIS), 29 APRIL 2022
3. ASSESSOR PARCEL DATA SOURCE: NYC DEPARTMENT OF CITY PLANNING
4. AERIAL IMAGERY SOURCE: ESRI



**HALEY
ALDRICH**

842-850 LEXINGTON AVENUE
BROOKLYN, NEW YORK

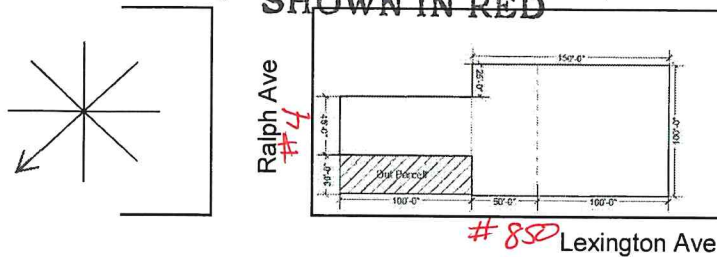
SURROUNDING LAND USE MAP

JULY 2022

FIGURE 4

(Filled out by Applicant)	APPLICATION for STREET NUMBER(S)** OFFICE OF THE PRESIDENT OF THE BOROUGH OF BROOKLYN TOPOGRAPHICAL BUREAU - STREET NUMBER DIVISION 209 JORALEMON STREET BROOKLYN, NY 11201 T: (718) 802-3919 E: Topoappts@brooklynbp.nyc.gov	Sanborn Atlas Information VOL. <u>5</u> PAGE <u>12</u>
BLOCK <u>1628</u> LOT <u>38</u>		

Topo Site/Plot Plan

**OFFICIAL HOUSE NUMBERS
SHOWN IN RED****REQUESTED ADDITIONAL
HOUSE NUMBER(S)****NEW BUILDING(S)
NUMBER(S)****PRESIDENT, BOROUGH OF BROOKLYN
TOPOGRAPHICAL BUREAU**THE HOUSE NUMBER(S) ASSIGNED MUST BE DISPLAYED
CHAP. 5 SECT. 3-505 ADMIN. CODE; CITY OF NY

APPLICANTS NAME: <u>RAMY ISSAC</u> COMPANY: <u>ISSAC & STERN ARCHITECTS, PC</u> ADDRESS: <u>264 WEST 40TH STREET, PH</u> <u>NEW YORK, N.Y. 10018</u> PHONE NO.: <u>212-268-5600</u>	FILLED OUT BY TOPO STAFF ASSIGNED BY: <u>KO</u> REVIEWED BY: <u>6/2/2022</u>	DATE <u>MAY 31 2022</u> (Dated by Topo Dept.)
Application submitted by: <input checked="" type="checkbox"/> DROP OFF <input type="checkbox"/> MAIL IN Taken by: <u>KO</u>		

**New Building - Existing Lot**

(Must be accompanied by Topo TF-2 & DOB: PD-1 applications signed by PE or RA)

**New Subdivision/Consolidation/Reconfiguration**(Must be accompanied by Topo TF-2 & DOB: PD-1 applications signed by PE or RA) –
PLUS a copy of a signed Tentative Lot/RP602 form from DOB)**Demolition**

(Must be accompanied by Topo TF-2 & DOB: PD-1 applications signed by PE or RA)

**Alteration of Existing Structure or Certificate of Occupancy**

(Must be accompanied by Topo TF-2 & DOB: PD-1 applications signed by PE or RA)

**Existing Structure - Application for ☐ new, ☐ additional or ☐ verification of address**

(If no DOB work, copy of the deed and Schedule A can replace PD1 requirement)

INSTRUCTIONS TO APPLICANT

1. Check **PURPOSE OF APPLICATION** above.
2. Attach appropriate documentation as required.
3. **NO RED INK/PENCIL ON TOPO OR DOB FORMS**
4. Complete ground/1st floor plan including the following:
 - north arrow
 - all street names
 - dimensions of tax lot
 - distance to nearest corner
 - footprint of building and location of entrance ▲

APPLICANT COMMENT/ REQUEST

Requesting 2 addresses

1 - 850 Lexington Ave (Res.)2 - 4 Ralph Ave (Com.)

NOTE: APPLICATIONS FOR SITES WITH A LOT SIZE GREATER THAN 5,000 SQUARE FEET MUST INCLUDE GROUND OR FIRST FLOOR PLANS (No bigger than 11x17). PLANS ARE ALSO REQUIRED FOR ANY LOT IN WHICH ADDITIONAL ADDRESSES ARE REQUESTED OR AN ENTRANCE DISCREPANCY. PLANS MUST HAVE ORIGINAL STAMP AND SIGNATURE OF A NEW YORK STATE PROFESSIONAL ENGINEER (P.E.) OR REGISTERED ARCHITECT (R.A.)

**** \$100 fee per house number/per application set**

(Bank Certified Checks/Money Orders payable to Brooklyn Borough President's Office, Credit/Debit Cards)

TOPOGRAPHICAL BUREAU - STREET NUMBER DIVISION

APPLICATION for STREET NUMBER(S)
OFFICE OF THE PRESIDENT OF THE BOROUGH OF BROOKLYN
TOPOGRAPHICAL BUREAU - ROOM 340
209 JORALEMON STREET BROOKLYN, NY 11201
T: (718) 802-3919 E: Topoappts@brooklynbp.nyc.gov

1 Contact Information for Pick Up – MUST BE FILLED OUT COMPLETELY

Name of Representative dropping off application(s) (please print):

SHIYA MEISELS

Business Name: XPDITE GROUP LLC

Business Address: 831 BEDFORD AVENUE

City: BROOKLYN State: NY Zip: 11205

Business Telephone: 718-412-8988 Cell Number: 347-578-5367

EMAIL (for Pick Up notification): SHIYA@XPDITEGROUP.COM

2 Location Information

House Number: 850 Street Name: LEXINGTON AVENUE

Borough: BROOKLYN Block: 1628 Lot: 38 CBNo.: 303

BIN: 3044431 DOB Job Number: B00704483

Apt/Condo No(s): Work on Floor(s):

3 Applicant Information: Required for all applications filing with DOB

Last Name: ISSAC First Name: RAMY

Choose one: ☐ P.E. ☒ R.A. License Number: 018258

Business Name: ISSAC & STERN ARCHITECTS, PC

Email Address: INFO@ISSACSTERN.COM

Business Telephone: 212-268-5600 Cell Number:

Business Address: 264 WEST 40TH STREET, PH

City: NEW YORK State: NY Zip: 10018

4 Filing Representative: Those filing with TOPO on behalf of applicant/owner

Last Name: MEISELS First Name: SHIYA
 Business Name: XPDITE GROUP LLC
 Registration Number: 006797
 Email Address: SHIYA@XPDITEGROUP.COM
 Business Telephone: 718-412-8988 Cell Number: 347-578-5367
 Business Address: 831 BEDFORD AVNUE #3
 City: BROOKLYN State: NY Zip: 11205

5 Job/Project Type: Required for all applications. Choose one.

Check off the type of work that is being completed below:

☒ New Building ☐ Alteration filing ☐ Subdivision/Merger (Tentative RP602 form required)
☐ Demolition ☐ Superseding Applicant ☐ Other (explain): _____

The following must be included in your application based on the kind of work being done:

- ☐ Topo application Form (TF-1)
☐ Topo job information form (TF-2)
☐ DOB PD-1 form
- ☐ Deed & Schedule A (as described in TF-1)
☐ Notarized letter from owner (Required for apps. w/o DOB filings)
Note: Only the Owner can apply for addresses, if owner cannot attend and there are no DOB filings involved, a notarized letter giving permission to apply on their behalf must be submitted.
- ☐ 1st floor plans (as described in #4 on TF-1)
☐ Pictures of each street side of location (for existing buildings w/o plans)
☐ Survey (if applicable or requested by Topo Staff)
- ☐ DOF - RP602 form (Required for lots in a merger/subdivision)
☐ A Street Number application for all new or affected lots listed on RP602.
Note: Every tax lot listed in the "new lot(s)" or "affected lot(s)" area at the bottom, must apply for address assignment or verification. We must have all applications to move forward with any application. If your team is not working on that lot, please coordinate with the owner to have those other applications submitted.
- ☐ \$100 per entrance/per application set

6 Job Description

Erect a 7 Story New Building with 71 Dwelling units.

7 Tax Lot Characteristics

Original Tax Lots being merged or reapportioned (if applicable)

34 38 42

Tentative Tax Lot Numbers (new tax lots only)

38

8 Comments**9 Property Owner Information**

Owner Type: ☐ Tenant/Shareholder ☐ Individual ☒ Partnership/ Corporation ☐ Condo/Co-Op

☐ NYCHA/HHC/SCA ☐ NYC Agency ☐ Other Government Agency

Name (please print): PAUL MATALON

Relationship to owner:

Business Name/Agency: SOLOMON EQUITIES

Street Address: 4 RALPH AVNUE

City: BROOKLYN

State: NY Zip: 11221

Telephone: 718-452-2085

Email: PAUL@SOLOMONEQUITIES.COM

10 Applicant's Statement and Signature

I hereby certify that I prepared or supervised the preparation of the documents submitted herewith and that the information indicated in this document is true and accurate to the best of my knowledge. I acknowledge that all street numbers are assigned based on the building's entrance location and that the Topographical Bureau will assign addresses to new buildings or buildings with new entrances as appropriately as possible. I understand that if I am found after to have falsified any information provided or forged/erased any assignment the Topographical Bureau has given, I will be barred from filing with the Bureau in the future.

Name (print): RAMY ISSAC

Sign/Date: Ramy Issac Digitally signed by Ramy Issac
Date: 2022.04.05 13:53:45
+04'00' 04.05.2022



[P.E./ R.A. applicants apply seal then sign & date]

11 INSTRUCTIONS TO APPLICANT**ADDITIONAL ADDRESSES:**

All residential, commercial, retail, community facility, office and ambulatory facility entrances must apply for their own address at time of submittal.

PLAN REQUIREMENTS:

Applications with a frontage on a street greater than 50 ft OR with a lot size greater than 5,000 sq. ft. must include a 1-page 1st floor plan with a site/plot plan overlay, no bigger than 11 x17

PLANS WILL ALSO BE REQUIRED FOR ANY LOT IN WHICH ADDITIONAL ADDRESSES ARE REQUESTED OR IF THERE IS A DESCREPENCY OF WHERE AN ENTRANCE IS LOCATED.

Plans must include the following:

- No red ink
- north arrow
- all street names
- depiction of full tax lot (not just building)
- dimensions of tax lot(s)
- distance to nearest corner
- distance to the main entrance
- footprint of building
- location of entrances/doors
- Seal of Registered Architect or Engineer

**APPLICATION FOR APPORTIONMENTS OR MERGERS**

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

SECTION A: PROPERTY INFORMATION

Borough: Brooklyn Block: 1628 Present Lot(s): 34,38,42

☒ Merger ☐ Apportionment Number of Lots Requested 1

☐ Air ☐ Subterranean

Lot(s) Usage: (check one) ☐ Residential Building Gross Sq/Ft: _____ ☐ Commercial Building Gross Sq/Ft: _____ ☒ Mix (Residential & Commercial) Building Gross Sq/Ft: 65,350.00

Property
1. Owner's Name (as per Deed): _____
LAST NAME FIRST NAME
OR
Company Name: 852 LEXINGTON AVE REALTY LLC | 852 LEXINGTON AVENUE REALTY LLC

Property
2. Address: 842 LEXINGTON AVENUE, BROOKLYN NY 11234
NUMBER AND STREET CITY STATE ZIP CODE

3. Filing Representative (if applicable): Shiya Meisels, 831 Bedford Ave #3, Brooklyn NY 11205

SECTION B: CERTIFICATION

1. Architect/Engineer/Applicant's Name: Rami Issac, R.A.
LAST NAME FIRST NAME

2. Address: 307 5th Ave, New York NY 10016
NUMBER AND STREET CITY STATE ZIP CODE

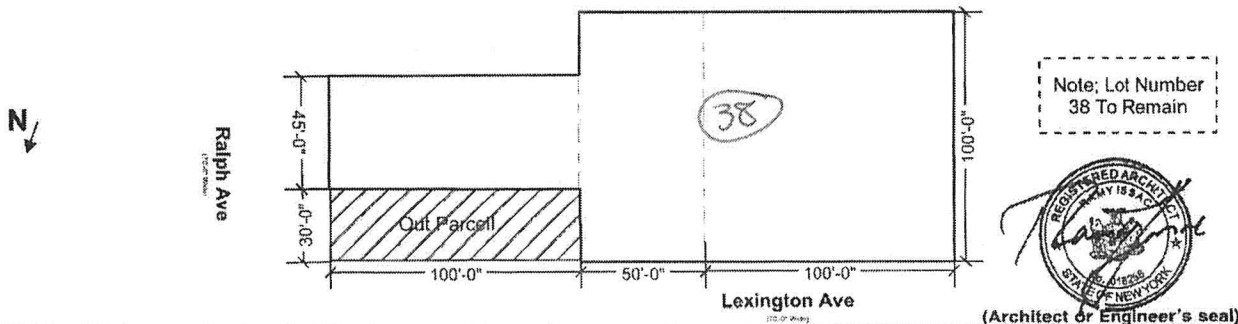
3. Telephone Number: 212-268-5600 4. Email Address: Info@Issacstern.com

The applicant hereby certifies that, in making this application for merger/apportionment, s/he is the owner, or acting under the direction of the owner.

Signature of Architect/ Engineer/Applicant: Rami Issac Date: 3 / 31 / 2022

TAX MAP CHANGE WILL NOT BE MADE UNTIL PRESENTATION OF REQUIRED DOCUMENTS (see reverse for the required documents)

DRAW SKETCH TO SCALE 1" = 50', IF POSSIBLE INDICATE NORTH ARROW



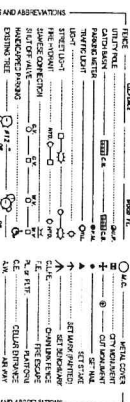
Tentative Lot(s) issued: _____ Date: 3/31/22 New Lot(s): _____ Lot(s) Affected: 38 Lot(s) Dropped: 34,42

Customer Service Representative: RA

Please note: Map changes will not be made until presentation of all required documents is reviewed and approved by the Specialist.
Lots are tentative until final approval is received from the Tax Map Office.

Map Updated: _____ Date: _____
Tax Map Specialist: _____



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SURVEYED ON: DECEMBER 14, 2021

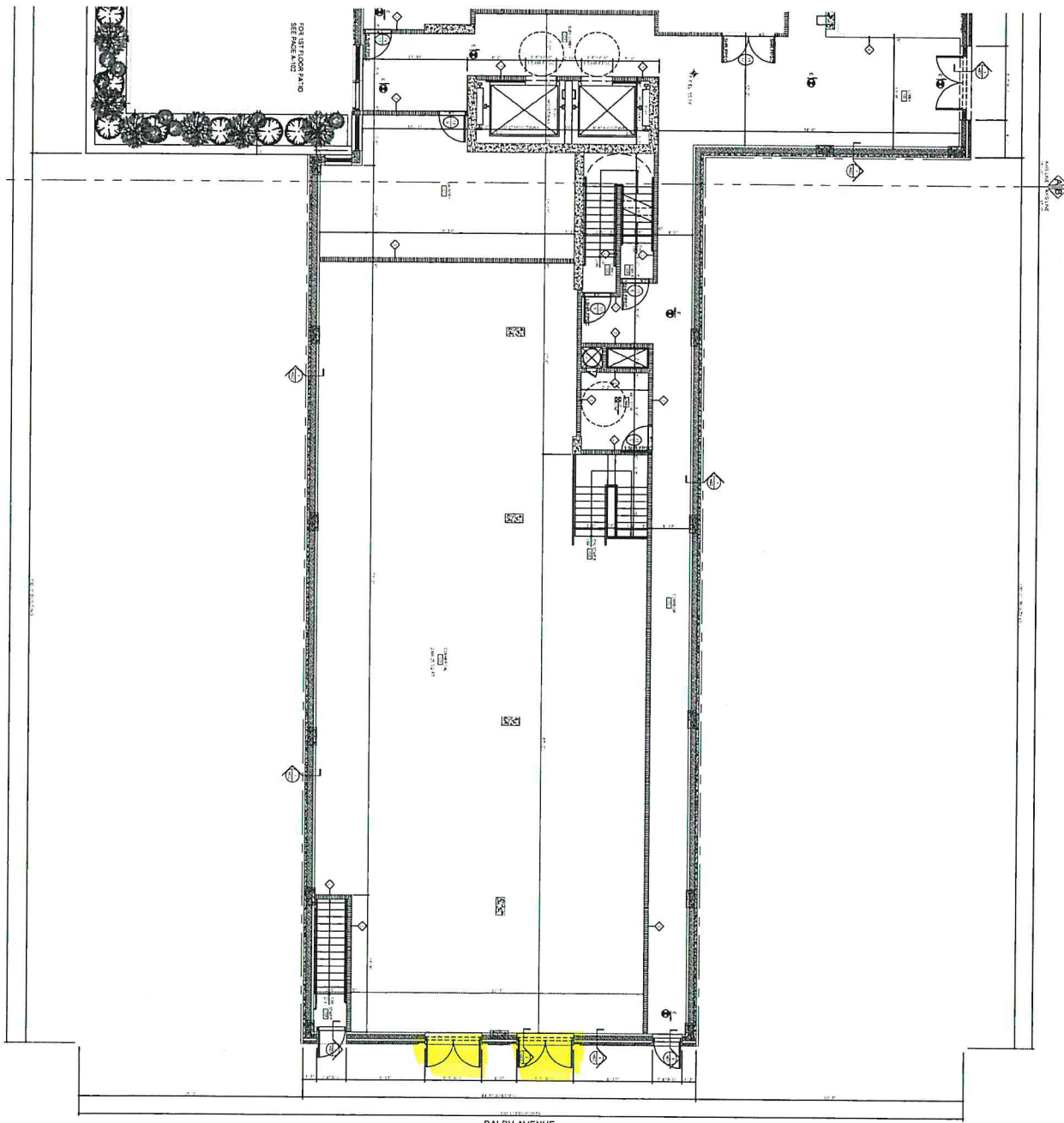


ARCHITECTURAL SURVEY

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PROFESSIONAL LAND SURVEYOR
 Brooklyn Bronx Manhattan Queens Nassau
 Suffolk Westchester NY 10014

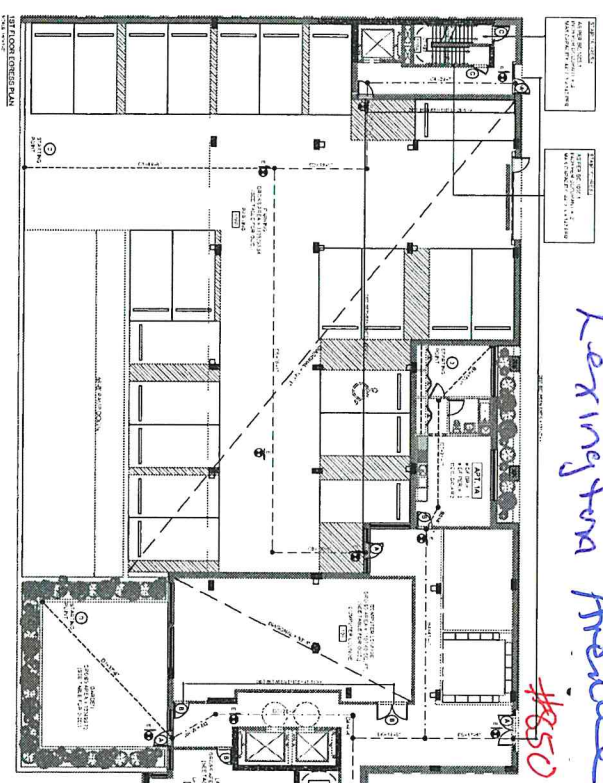
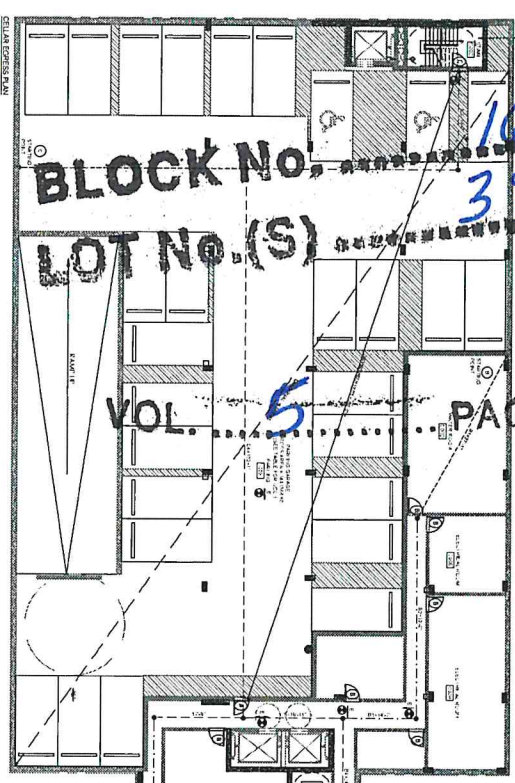
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**REQUESTED ADDITIONAL
(HOUSE NUMBER(S))**

**NEW BUILDING(S)
NUMBER(S)**

Ralph Avenue

#4

**OFFICIAL HOUSE NUMBERS
SHOWN IN RED**
**PRESIDENT, BOROUGH OF BROOKLYN
TOPOGRAPHICAL BUREAU**

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**APPLICATION FOR APPORTIONMENTS OR MERGERS**

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

SECTION A: PROPERTY INFORMATIONBorough: Brooklyn Block: 1628 Present Lot(s): 34,38,42

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

☒ Merger☐ ApportionmentNumber of
Lots Requested 1

Lot Number:

38☐ Air☐ SubterraneanLot(s) Usage:
(check one)☐ Residential
Building Gross
Sq/Ft: _____☐ Commercial
Building Gross
Sq/Ft: _____☒ Mix (Residential & Commercial)
Building Gross
Sq/Ft: 65,350.00

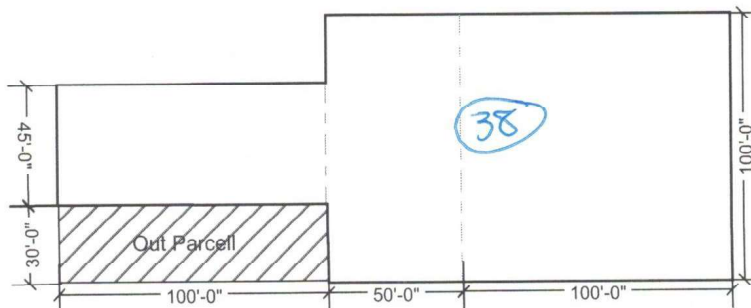
Property

1. Owner's Name (as per Deed): _____
LAST NAME FIRST NAME
OR
Company Name: 852 LEXINGTON AVE REALTY LLC | 852 LEXINGTON AVENUE REALTY LLC

Property

2. Address: 842 LEXINGTON AVENUE, BROOKLYN NY 11234
NUMBER AND STREET CITY STATE ZIP CODE3. Filing Representative (if applicable): Shiya Meisels, 831 Bedford Ave #3, Brooklyn NY 11205**SECTION B: CERTIFICATION**1. Architect/Engineer/Applicant's Name: Rami Issac, R.A.
LAST NAME FIRST NAME2. Address: 307 5th Ave, New York NY 10016
NUMBER AND STREET CITY STATE ZIP CODE3. Telephone Number: 212-268-5600 4. Email Address: Info@Issacstern.com

The applicant hereby certifies that, in making this application for merger/apportionment, s/he is the owner, or acting under the direction of the owner.

Signature of Architect/ Engineer/Applicant: Ramy Issac Date: 3 / 31 / 2022**TAX MAP CHANGE WILL NOT BE MADE UNTIL PRESENTATION OF REQUIRED DOCUMENTS (see reverse for the required documents)****DRAW SKETCH TO SCALE 1" = 50', IF POSSIBLE INDICATE NORTH ARROW**Ralph Ave
(32'-0" Wide)Lexington Ave
(70'-0" Wide)Note; Lot Number
38 To Remain

(Architect or Engineer's seal)

Tentative Lot(s) issued: _____ Date: 3/31/22 New Lot(s): — Lot(s) Affected: 38 Lot(s) Dropped: 34,42
Customer Service Representative: AS

Please note: Map changes will not be made until presentation of all required documents is reviewed and approved by the Specialist.
Lots are tentative until final approval is received from the Tax Map Office.

Map Updated:

Tax Map Specialist: _____ Date: ____/____/____

ATTACHMENT B

Section II: Project Description

SECTION II: PROJECT DESCRIPTION

The purpose of the project is to redevelop an underutilized and contaminated property in addition to implementing remedial measures to protect human health and the environment. The Site is currently an active commercial department store operated by Vanda Sales Corporation. The property is improved with a one- to three-story building with a cellar level occupying the northern and eastern portions of the Site, and a warehouse with a partial basement.

Proposed Development

While the development plans are conceptual at this time, the planned project will consist of constructing a new residential building with commercial space including an affordable housing component.

Following NYSDEC approval of this Brownfield Cleanup Program (BCP) Application and its associated Remedial Investigation Work Plan (RIWP). The proposed project will include:

1. Demolition of the existing structures
2. Removal of underground storage tanks, if encountered
3. A remedial investigation to characterize the nature and extent of contamination and identify remedial measures
4. Excavation and off-Site disposal of contaminated soil, and
5. 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. A Phase I Environmental Site Assessment (Phase I) was completed in January 2022 by BEC, a Remedial Investigation was completed in March 2022 by BEC, and a Limited Phase II Environmental Site Investigation (ESI) was completed in April 2022 by Haley & Aldrich of New York. The Phase I ESA, RIR, and Limited Phase II ESI letter report are included in this BCP Application in electronic format.

Upon review of the analytical results of the April 2022 RI and June 2022 Limited Phase II ESI and previous reports, the project is seeking entry into the NYSDEC BCP due to, among other things, detection of CVOCs, elevated levels of PAHs and heavy metals, specifically lead and mercury, identified in soil, and elevated levels of CVOCs detected in soil vapor. While the April 2022 RI and May 2022 Limited Phase II ESI provided preliminary Site characterization data, it did not fully determine the nature and extent of contamination. Requestor is, therefore, also submitting for NYSDEC approval a Draft RIWP along with this BCP Application.

Once NYSDEC approves Requestor's BCP Application as being ready for public comment and Requestor's Draft RIWP as being sufficient to determine the nature and extent of contamination at the Site, Requestor asks that public comment be solicited upon the Draft RIWP simultaneously with comment upon its BCP Application.

Project Schedule:

It is anticipated that, once Requestor is accepted into the BCP and the RIWP is approved by the Department, the Remedial Investigation will commence. Implementation of the remedy would start within 4 to 6 months following acceptance of the Remedial Investigation Report by NYSDEC. It is anticipated the remedy would be completed by mid-2023, with a Certificate of Completion anticipated by early-2024. A tentative projected schedule is below.

Task	Duration	Start	End					2023												2024			
				Sep	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	March	April
Application Execution, Permitting, Remedial Investigation, Remedy Design	240	9/15/2022	5/13/2023																				
Remedy Implementation	180	5/13/2023	11/9/2023																				
Preparation of FER and SMP	60	11/9/2023	1/8/2024																				
NYSDEC & NYSDOH Review of FER & SMP	45	1/8/2024	2/22/2024																				
NYSDEC Issues COC	30	2/22/2024	3/23/2024																				

Notes:

FER: Final Engineering Report

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 17a, the Site is located within a commercial C4-4L district, equivalent to residential zoning R7-2. C4-4L Zoning District is a contextual sub district of C4 Zoning and C4-4 Zoning in NYC a commercial zoning district with optional residential use. Contextual zoning districts are required to comply with the Quality Housing Program for residential use. C4 districts are mapped in regional centers where larger stores, theaters and office uses serve a wider region and generate more traffic than neighborhood shopping areas.

The Site is located in the Bedford Stuyvesant Rezoning area and listed with New York City Office of Environmental Remediation (NYCOER) E-Designation program (E-285) for air quality, noise, and hazardous materials resulting from a City Environmental Quality Review effective 11 October 2012 (CEQR Number: 12DP156Y). Satisfaction of the NYCOER E-designation program requirements is required prior to site redevelopment.

Current Use

The roughly 0.447-acre Site is occupied by an active department store, “People’s Department Store” operated by Vanda Sales Corporation.

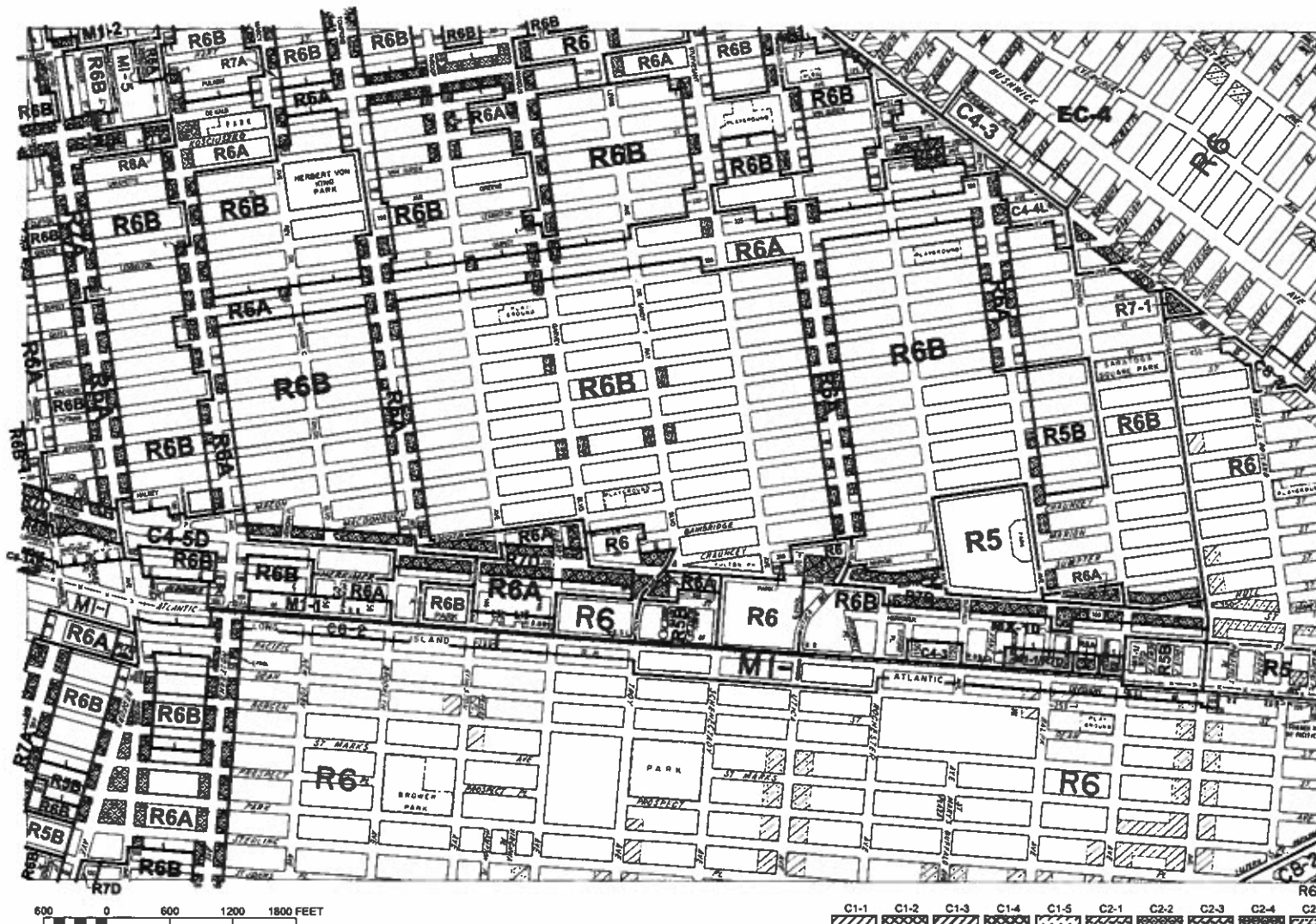
Intended Use Post-Remediation

The proposed redevelopment is still in the conceptual design phase. The intended redevelopment of the Site includes a 10-story mixed-use building with an outdoor garden space, including an affordable housing component. The new building will have a 19,067 square feet (sq-ft) cellar that will consist of a 30-car parking garage, a 2,187 sq-ft commercial space which will be connected to a retail space on the first floor along the 4 Ralph Avenue portion of the Site, an 834 sq-ft bike storage room, trash compactor room, and the buildings water meter room, fire pump room, and electrical meter room. The first floor will cover the entire footprint of the Site with the exception of a 5 by 8 ft cut out in the northwest corner of the building. The first floor will consist of indoor parking for 23 cars, the residential lobby with a mail room and package room, a 1,273 sq-ft computer lounge, and a 3,584 sq-ft commercial space that fronts Ralph Avenue. An 1,873 sq-ft outdoor garden space will be constructed above the cellar behind the computer lounge. The 2nd through 10th floors will consist of residential apartments. The top of the cellar slab will be constructed at a depth of approximately 10 ft 8 inches bgs.

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

According to the New York City Planning Commission Zoning Map 17a, the Site is located within a commercial C4-4L district, equivalent to residential zoning R7-2. The proposed development of this property is consistent with the current zoning and recent development in the neighborhood. The applicable zoning map is included as an attachment.

The proposed use is consistent with local and area plans. The Bedford Stuyvesant Housing Plan is a comprehensive neighborhood plan designed to promote affordable housing preservation and development. The Plan was developed through a robust community planning process through close collaboration with residents, stakeholders, and elected officials.



ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION


Major Zoning Classifications:

The number(s) and/or letter(s) that follows on 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

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.

MAP KEY

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

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ZONING
MAP 17a

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/dcp/zoning or contact the Zoning Information Clerk at (212) 720-3291.

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 5 (Location of District Boundaries) of the Zoning Resolution.

ATTACHMENT D

Section IV: Property's Environmental History

SECTION IV: PROPERTIES ENVIRONMENTAL HISTORY

Section IV.1: Reports

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

1. January 2022, Phase I Environmental Site Assessment Report, prepared by BEC
2. March 2022, Remedial Investigation Report, prepared by BEC
3. June 2022, Limited Phase II Environmental Site 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.

January 2022 Phase I Environmental Site Assessment Prepared by BEC

BEC prepared a Phase I Environmental Site Assessment (ESA) in January 2022 for the Site to identify Recognized Environmental Conditions (RECs) in connection with the Site. As identified in the Phase I ESA, the Site was partially developed in the late 1800s and divided into seven tax lots, one front lot was developed with a two-story residence and several small outbuildings, three lots were developed with a carpenter's shop and a two and half-story residence, and the remaining three lots were undeveloped. By the early 1900s, the eastern parcel was redeveloped with a three-story stable that occupied the majority of the site footprint, and the carpenter's shop expanded and was occupied by an architectural iron works facility and a blacksmith. By the 1930s, the eastern parcel was redeveloped with a three-story retail store and the former iron works facility became a carpet cleaning shop and storage facility. The remaining lots were developed with a garage building, which extended offsite to the west. The Sanborn map from 1933-1951 indicate that the western building (842 Lexington Avenue – Lot 34) was formerly utilized as a garage with a gasoline tank present at the north-central portion of the building. By 1950, the carpet cleaning facility was identified as a furniture storage facility and the garage was identified as a retail store. The furniture storage facility was vacant by the mid-1960s and was again occupied by the furniture storage facility by the mid-1970s. The western retail building was identified as a beverage depot beginning in the late-1980s and began to be utilized for commercial purposes beginning in 2001. The eastern building was also utilized for commercial purposes in 2005.

The property is currently developed with three interconnected one-to three-story commercial buildings, two of which have basements. The buildings occupy the entire footprints of their respective parcels, with sidewalks north and east of the site, along Lexington and Ralph Avenues, and are each currently occupied by People's Department Store. The ground floor levels are comprised primarily of retail space, with some office and storage space. Basement levels and the upper floors of former Lot 42 buildings are utilized for storage. Utility and mechanical space are also located in the two building basements, and the first floor of the building on former lot 34.

No historic recognized environmental conditions (HRECs) or controlled recognized environmental conditions (CRECs) were identified by BEC.

The Phase I ESA identified the following RECs associated with the Site:

1. The Sanborn maps from 1933-1951 indicate that the western building (842 Lexington Avenue – Lot 34) was formerly utilized as a garage with a UST present at the northwestern portion of the

lot. Potential for spills or releases from this UST and/or historic site operations might have impacted the subsurface beneath the subject property.

2. The western adjacent property located at 834 Lexington Avenue is listed with an open NYSDEC Spill. This property was recently redeveloped with remedial activities completed under the NYSDEC BCP with exception of the open petroleum spill and ongoing groundwater monitoring. The open NYSDEC Spill might have impacted the soil and groundwater at the subject site.

In addition, BEC identified several environmental concerns (ASTM Non-Scope issues/Business Environmental Risks [BERs]) for the subject property. The environmental concerns/BERs and BEC's recommendations are summarized as follows:

1. The subject property is identified as having an E-HazMat, Air and Noise restrictions (E-285), which were determined during the Bedford Stuyvesant Rezoning completed by the City in October 2012 (CEQR 12DCP156Y).
2. Fluorescent light ballasts were observed throughout the three buildings, which based on the ages of the buildings, may contain polychlorinated biphenyls (PCBs).
3. Suspect asbestos-containing acoustic ceiling tiles, vinyl floor tile, and sheetrock/wallboard were observed within the inspected portions of buildings.

March 2022 Remedial Investigation Report Prepared by BEC

BEC completed a remedial investigation at the Site to investigate the soil, soil vapor, and groundwater quality beneath the Site. The investigation was performed between 24 February 2022 and 3 March 2022 and included installation of 9 soil borings up to 13 ft bgs, installation of 5 temporary soil vapor probes, 3 sub-slab soil vapor probes, installation of one groundwater monitoring well at the northwest corner of the site, and collection of soil, soil vapor, and groundwater samples. A total of 18 soil samples and 9 soil vapor samples were collected. Field observations and laboratory analytical results are summarized below:

Soil

Urban fill generally consisting of brown, dark brown, black, and gray silt/sand mixtures with gravel, brick, ash, and concrete was observed from depths as great as 5 to 10 feet below the slab-on-grade foundation underlain by brown, light brown, and gray sand and silty sand with gravel to depths as great as 15 ft below the slab-on-grade foundation. The stratigraphy of the site below the cellar slab consists of brown sand and silty sand with gravel to depths as great as 4 ft below cellar slab or 13 ft below surface grade. In general, no apparent subsurface impacts were observed, including odors and staining, and PID readings of non-detect at 0.0 parts per million (ppm) were recorded.

Multiple SVOCs, specifically PAHs, two pesticides, and five metals were detected at concentrations above 6 NYCRR Part 375 Unrestricted Use Soil Cleanup Objectives (UUSCOs) in a majority of the shallow soil samples in the slab-on-grade area (former Lot 34 and southern portion of former Lot 38) which is consistent with the characteristics of the urban fill. CVOCs including TCE and PCE were detected above laboratory reporting limits in five soil borings located in former Lot 38 and former Lot 42.

Soil Vapor and Sub-Slab Soil Gas

Five CVOCs were detected above laboratory reporting limits in soil vapor and sub-slab soil gas samples collected at the Site. Total BTEX were detected in soil vapor and sub-slab soil gas samples collected across the site with concentrations ranging from 11.55 $\mu\text{g}/\text{m}^3$ to 172.49 $\mu\text{g}/\text{m}^3$. The soil vapor and sub-slab soil gas results were also compared to the Table 3.1 Air Guidance Values (AGVs) derived by New

York State Department of Health (NYSDOH) located in the NYSDOH Final Guidance for Evaluating Soil Vapor Intrusion, dated October 2006 and the revised NYSDOH Decision Matrices dated May 2017. TCE was detected at a maximum concentration of 183 µg/m³, above the “No Further Action” guidance value of 5 µg/m³ in SS2, SS3, and SS4. PCE was detected at a maximum concentration of 36.3 µg/m³, above the “No Further Action” guidance value of 30 µg/m³ in SS2 and SS4.

Groundwater

One pesticide and one dissolved metal were detected above the 6 NYCRR Part 703.5 Ambient Water Quality Standards (AWQS) as defined in the NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1.

Fourteen total metals were detected above AWQS in the groundwater sample collected from MW1.

PFOA and PFOS were detected above the screening level for PFOA/PFOS of 0.01 µg/L as defined in NYSDECs Sampling, Analysis, and Assessment of PFAS, dated June 2021, within MW1. The MW1 groundwater sample had a total PFAS (including PFOA and PFOS) concentration at 0.067 µg/L.

June 2022 Limited Phase II Environmental Site Investigation Report Prepared by Haley & Aldrich of New York

Haley & Aldrich of New York completed a Limited Phase II ESI at the Site to investigate the soil quality beneath the Site. The investigation was performed on 29 April 2022 and included installation of eight soil borings up to five ft bgs and a total of ten soil samples were collected. Field observations and laboratory analytical results are summarized below:

Soil

The site stratigraphy, from surface down, generally consists of floor tiles in the active store and 1-inch of concrete in the warehouse, underlain by a 1 to 5 foot layer of urban fill comprised of brown medium to fine sand with fragments of brick, concrete, asphalt, and glass. Light brown native appearing medium to fine sand and gravel underlies the fill layer. In general, no apparent subsurface impacts were observed, including odors and staining, and PID readings of non-detect at 0.0 parts per million (ppm) were recorded.

Soil samples were analyzed for VOCs, SVOCs, and total metals. VOCs were not detected above UUSCOs in all ten soil samples. Multiple SVOCs, specifically PAHs, were detected above both UUSCOs and RRSCOs in six of the ten soil samples. Seven PAHs, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene, were detected at concentrations above both UUSCOs and RRSCOs. Two metals, lead, and mercury were detected at concentrations exceeding both UUSCOs and RRSCOs. Mercury, copper, and zinc were detected at concentrations above UUSCOs but below RRSCOs. No other metals were detected above their respective UUSCOs or RRSCOs in any other soil sample.

Section IV.2: Sampling Data Analytical Results Summary Tables

Table 1: Soil Summary Table

Analytes > RRSCO	# Detections > RRSCOs	Max Concentration (ppm)	RRSCO (ppm)	Depth (ft bgs)
Benzo(a)anthracene	4	42	1	0-2
Benzo(a)pyrene	4	33	1	0-2
Benzo(b)fluoranthene	5	38	1	0-2
Benzo(k)fluoranthene	1	13	3.9	0-2
Chrysene	1	44	3.9	0-2
Dibenzo(a,h)anthracene	3	4.4	0.33	0-2
Indeno(1,2,3-cd)pyrene	7	21	0.5	0-2
Lead	1	454	400	0-2, 2-4, 11-13
Mercury	1	0.813	0.81	0-2, 2-4, 11-13

Table 2: Soil Vapor Summary Table

Analytes	Total Detections	Max. Detection ($\mu\text{g}/\text{m}^3$)	Type
Trichloroethene	3	183	Soil Vapor/ Sub Slab
Tetrachloroethene	2	36.3	Soil Vapor/ Sub Slab
Total BTEX	8	172.49	Soil Vapor/ Sub Slab
Total VOCs	8	347.75	Soil Vapor/ Sub Slab

Table 3: Groundwater Summary Table

Analytes > AWQS	# Detections > AWQS	Max. Detection (ppb)	AWQS (ppb)
Dieldrin	1	0.011	0.004
Sodium	1	352	20
Aluminum	1	137	0.1
Arsenic	1	0.034	0.025
Barium	1	1.57	1
Beryllium	1	0.008	0.003
Cadmium	1	0.016	0.005
Chromium	1	0.295	0.05
Copper	1	0.568	0.2
Iron	1	356	0.3
Lead	1	0.188	0.025
Magnesium	1	82.6	35
Manganese	1	30.5	0.3
Nickel	1	0.389	0.1
Thallium	1	0.0022	0.0005

Notes:

AWQS = Ambient Water Quality Standards

BTEX = Benzene, toluene, ethylbenzene, and total Xylenes

Ft bgs = Feet below grade surface
ppb = parts per billion
ppm= Parts per million

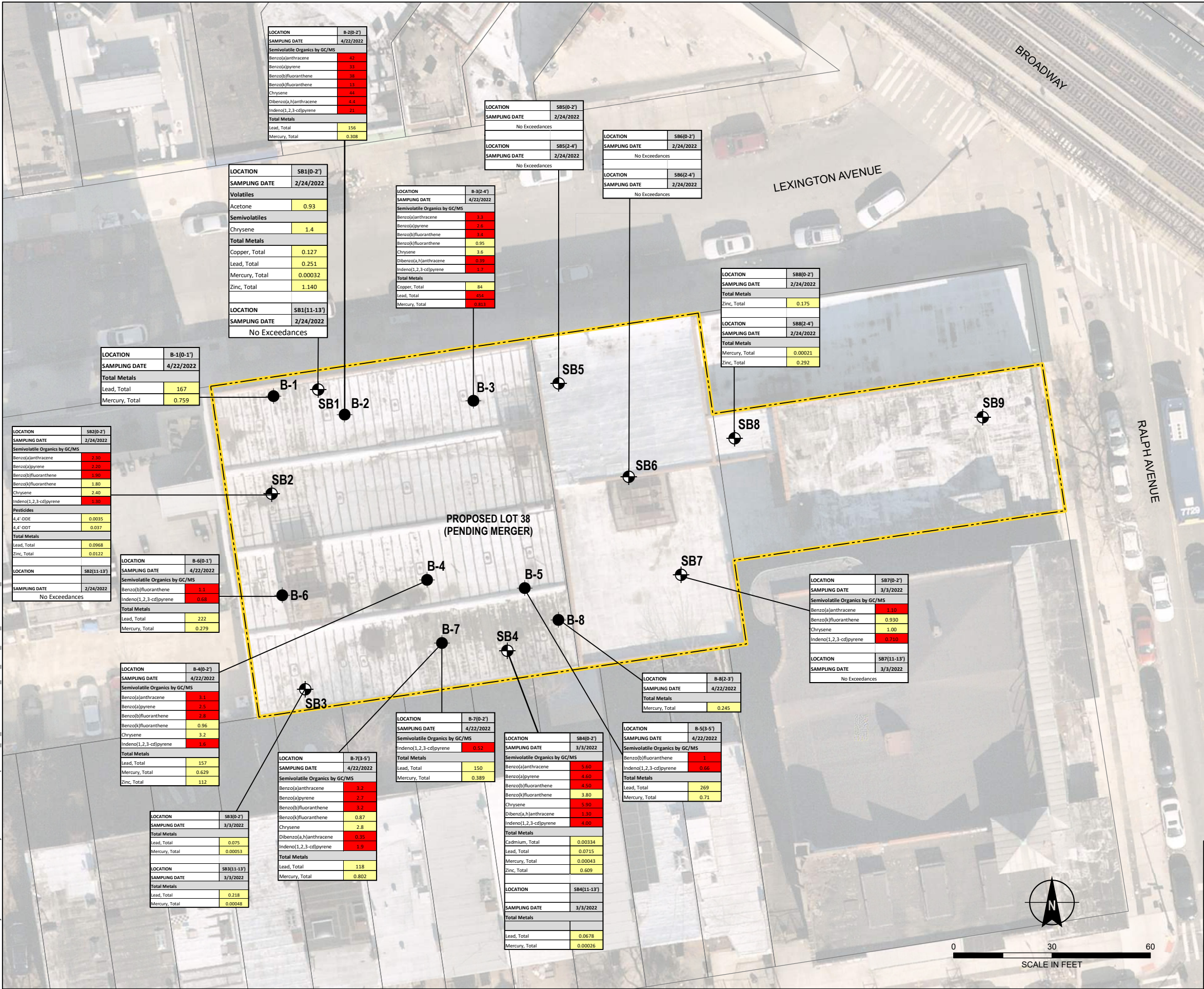
RRSCO = NYSDEC Restricted-Residential Use Soil Cleanup
Objective
 $\mu\text{g/L}$ = microgram per liter
 $\mu\text{g/m}^3$ = Microgram per cubic meter

Section IV.3: Sampling Data Summary Map

For each impacted medium, see attached Figures 5 to 7 below which depict the information requested in Section IV.3 of the Application form. Data presented on these figures is limited to exceedances of the applicable Standard Criteria and Guidance (SCGs).

Figures from previous subsurface investigations performed at the Site for impacted medium which includes all information requested in Application Section IV.3 (Figures 5-7)

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LEGEND

- SOIL BORING, REMEDIAL INVESTIGATION (BRUSEE ENVIRONMENTAL CONSULTANT, 2022)
- SOIL BORING, LIMITED PHASE II ESI (HALEY & ALDRICH, 2022)
- SITE BOUNDARY
- PARCEL BOUNDARY

	NY RRSCO	NY UUSCO
Volatiles		
Acetone	100.000	0.050
Semivolatile Organics by GC/MS		
Benzo(a)anthracene	0.001	0.001
Benzo(a)pyrene	0.001	0.001
Benzo(b)fluoranthene	0.001	0.001
Benzo(k)fluoranthene	0.0039	0.0008
Chrysene	0.0039	0.001
Dibenzo(a,h)anthracene	0.00033	0.00033
Indeno(1,2,3-cd)pyrene	0.0005	0.0005
Pesticides		
4,4'-DDE	8.900	0.0033
4,4'-DDT	7.900	0.0033
Total Metals		
Copper, Total	0.270	0.050
Lead, Total	0.400	0.063
Mercury, Total	0.00081	0.00018
Zinc, Total	10.000	0.109

NOTES

- ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
- NY-RRSCO = NEW YORK NYCRR PART 375 RESTRICTED-RESIDENTIAL CRITERIA, NEW YORK RESTRICTED USE CRITERIA PER 6 NYCRR PART 375 ENVIRONMENTAL REMEDIATION PROGRAMS, EFFECTIVE 14 DECEMBER 2006.
- NY-UUSCO = NEW YORK NYCRR PART 375 NEW YORK UUSCOTRICTED USE CRITERIA CRITERIA PER 6 NYCRR PART 375 ENVIRONMENTAL REMEDIATION PROGRAMS, EFFECTIVE 14 DECEMBER 2006.
- DEFINITIONS
U = NON-DETECTED
J = LABORATORY ESTIMATED
- CONCENTRATIONS HIGHLIGHTED IN YELLOW INDICATE EXCEEDANCE ABOVE NY UUSCO.
- CONCENTRATIONS HIGHLIGHTED IN RED INDICATE EXCEEDANCE ABOVE BOTH NY UUSCO & NY RRSCO.
- ASSESSOR PARCEL DATA SOURCE: NYC DEPARTMENT OF CITY PLANNING
- AERIAL IMAGERY SOURCE: NEARMAP, 27 FEBRUARY 2022
- THE UNIT IS mg/kg

HALEY
ALDRICH

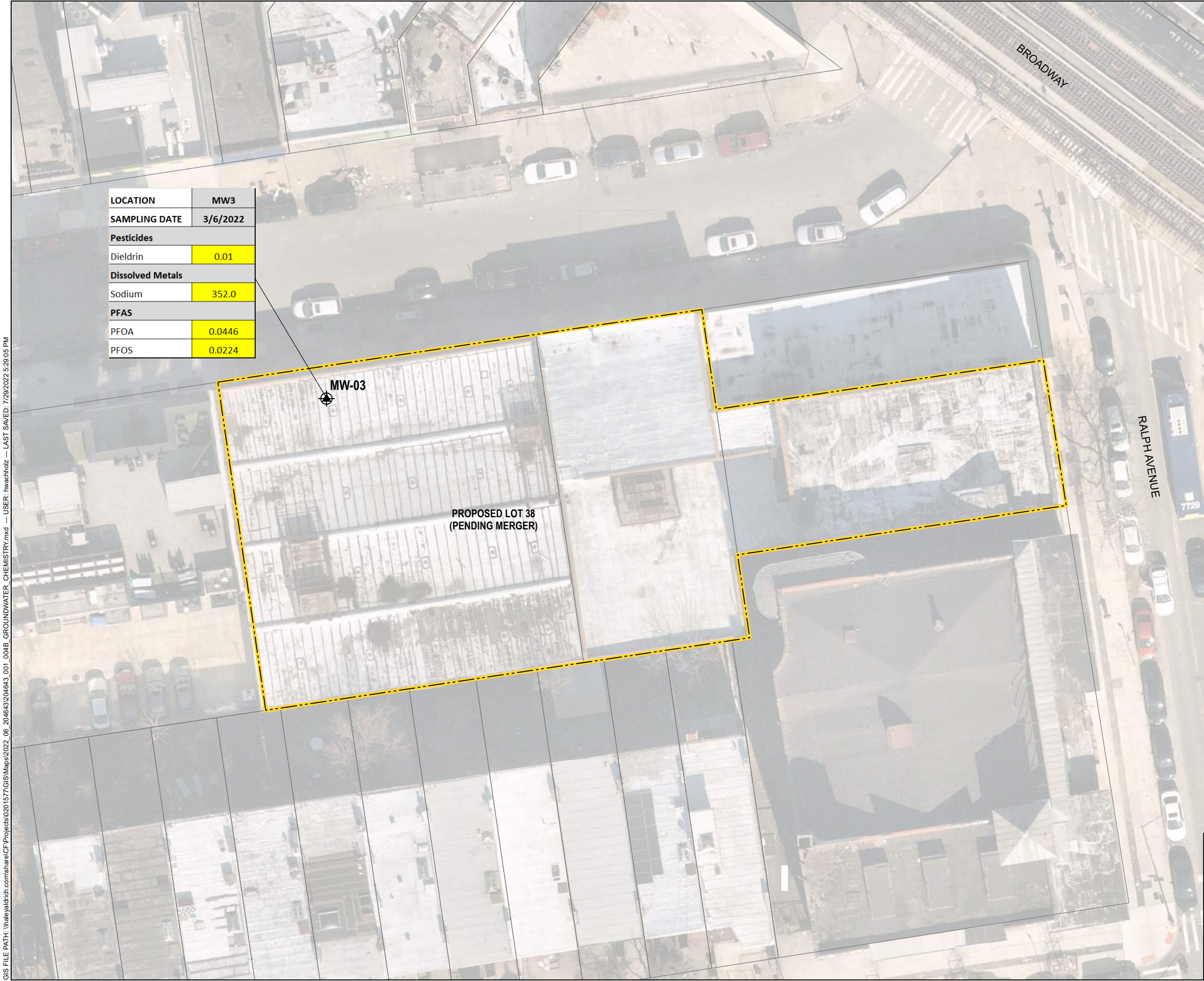
842-850 LEXINGTON AVENUE
BROOKLYN, NEW YORK

SOIL CHEMISTRY MAP

JULY 2022

FIGURE 5

GIS FILE PATH: \\haleyaldrich.com\share\CP\Projects\021577\GIS\Maps\2022_06_20\4643204643_001_004B_GROUNDWATER_CHEMISTRY.mxd — USER: hwachholz — LAST SAVED: 7/29/2022 5:29:05 PM



LEGEND

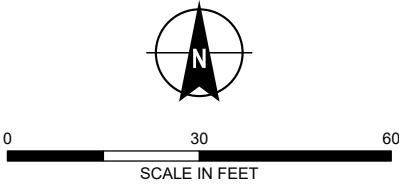
MONITORING WELL

SITE BOUNDARY

PARCEL

New York State 6NYCRR Part 703.5 Class GA Groundwater Quality Standards (AWQS)		
Analyte	Units	NY-AWQS
Pesticides		
Dieldrin	µg/L	0.004
Dissolved Metals		
Sodium	µg/L	20,000.0
Screening Levels Defined in NYSDECs Sampling, Analysis, and Assessment of PFAS, dated June 2021		
Analyte	Units	NY-GQS
PFAS		
PFOA	µg/L	0.010
PFOS	µg/L	0.010

- NOTES**
1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
 2. ALL UNITS PRESENTED ARE MICROGRAM PER LITERS.
 3. ASSESSOR PARCEL DATA SOURCE: NYC DEPARTMENT OF CITY PLANNING
 4. AERIAL IMAGERY SOURCE: NEARMAP, 27 FEBRUARY 2022
 5. YELLOW HIGHLIGHTED INDICATES EXCEEDANCE ABOVE NY-AWQS OR PFAS SCREENING LEVELS DEFINED IN NYSDEC SAMPLING, ANALYSIS, AND ASSESSMENT OF PFAS, DATED JUNE 2021.



**HALEY
ALDRICH**

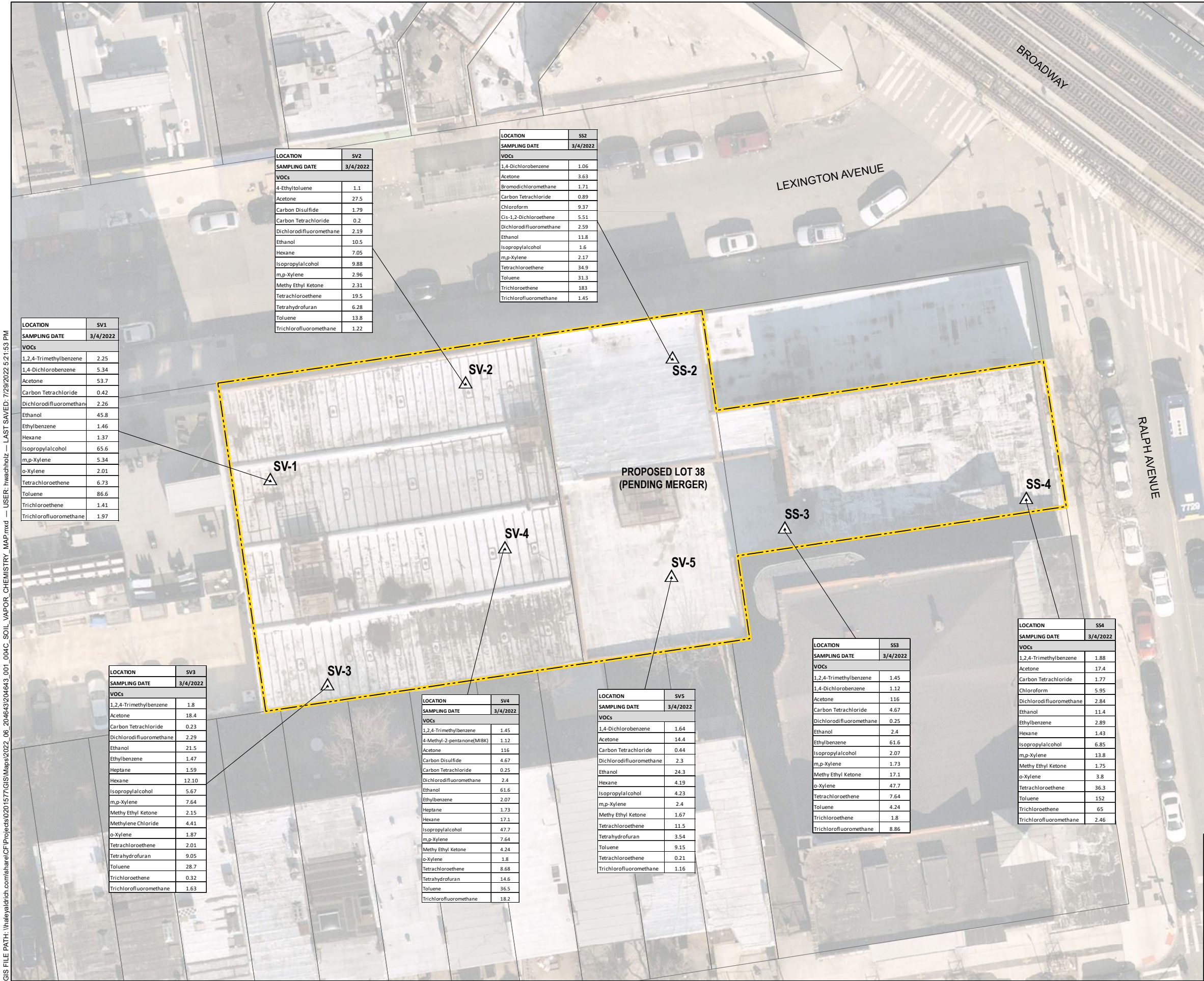
842-850 LEXINGTON AVENUE
BROOKLYN, NEW YORK

GROUNDWATER CHEMISTRY MAP

OCTOBER 2022

FIGURE 6

GIS FILE PATH: \\haleyaldrich.com\share\CP\Projects\0201577\GIS\Maps\2022_06_20\464304643_001_004C_SOIL_VAPOR_CHEMISTRY_MAP.mxd — USER: hwdcholz — LAST SAVED: 7/29/2022 5:21:53 PM

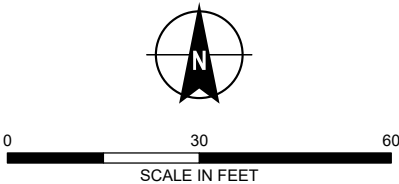


LEGEND

- SOIL VAPOR
- SITE BOUNDARY
- PARCEL BOUNDARY

NOTES

- ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
- ASSESSOR PARCEL DATA SOURCE: NYC DEPARTMENT OF CITY PLANNING
- AERIAL IMAGERY SOURCE: NEARMAP, 27 FEBRUARY 2022
- THE UNIT IS $\mu\text{g}/\text{m}^3$



HALEY
ALDRICH

842-850 LEXINGTON AVENUE
BROOKLYN, NEW YORK

SOIL VAPOR CHEMISTRY MAP

JULY 2022

FIGURE 7

ATTACHMENT E

Section V: Requestor Information

SECTION V: REQUESTOR INFORMATION

The Requestor is 852 Lexington Avenue Realty, LLC, a New York State limited liability company. Paul Matalon is a member of and an authorized representative for 852 Lexington Avenue Realty, LLC.

The contact information for the requestor is:

852 Lexington Avenue Realty, LLC
Paul Matalon, Member
4 Ralph Avenue
Brooklyn, New York 11221
Phone: 718.452.2085
Email: paul@solomonequities.com
Fax: Not Available

The proposed Brownfield Cleanup Program (BCP) Site is owned by 852 Lexington Avenue Realty, LLC since 2006. The current members of 852 Lexington Avenue Realty, LLC are as follows:

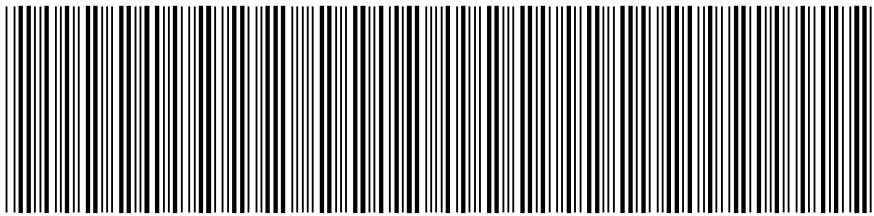
- Paul Matalon
- David Matalon and Natali Matalon
- Lauren Sani
- Robert Matalon

A printout of the entity information from the NYS Department of state's Corporation & Business Entity Database for 852 Lexington Avenue Realty, LLC is included in this attachment.

All documents will be certified by a Haley & Aldrich of New York Licensed Professional Engineer, Qualified Environmental Professionals (QEPs), and/or 852 Lexington Avenue Realty, LLC in accordance with 6 NYCRR 375-1.2 and DER-10 Section 1.3.

**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



2006111300939001001EA5A4

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 3

Document ID: 2006111300939001

Document Date: 10-04-2006

Preparation Date: 11-13-2006

Document Type: DEED

Document Page Count: 2

PRESENTER:

BRUCE PAYNE ASSOCIATES, INC. PICKUP
-KINGSLAND
121 WEST OAK STREET
BCREC06-5017K-LL
AMITYVILLE, NY 11701
631-598-2200

RETURN TO:

FINE & BASSIK, ESQS
316 GREAT NECK ROAD
GREAT NECK, NY 11021

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BROOKLYN	1628	42	Entire Lot	4 RALPH AVENUE
Property Type: COMMERCIAL REAL ESTATE				

CROSS REFERENCE DATA

CRFN _____ or Document ID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

GRANTOR/SELLER:

VANDA SALES CORP.
4 RALPH AVENUE
BROOKLYN, NY 11234

GRANTEE/BUYER:

852 LEXINGTON AVENUE REALTY, LLC
842 LEXINGTON AVENUE
BROOKLYN, NY 11234

FEES AND TAXES

Mortgage

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

TOTAL: \$ 0.00

Recording Fee: \$ 47.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 165.00

NYC Real Property Transfer Tax:

\$ 0.00

NYS Real Estate Transfer Tax:

\$ 0.00

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

Recorded/Filed 11-27-2006 12:35

City Register File No.(CRFN):

2006000654061



Annette McHill

City Register Official Signature

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

THIS INDENTURE, made the 4th day of October in the year 2006

BETWEEN

VANDA SALES CORP., a domestic corporation, having its principal place of business at 4 Ralph Avenue,
Borough of Brooklyn, City and State of New York

party of the first part, and

852 LEXINGTON AVENUE REALTY, LLC, a domestic corporation, having its principal place of business at
842 Lexington Avenue, Borough of Brooklyn, City and State of New York

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 remise, release and quitclaim unto the party of the 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 a point on the Westerly side of Ralph Avenue, distant 30 feet Southerly from the corner formed by the intersection of the Westerly side of Ralph Avenue and the Southerly side of Lexington Avenue; thence Westerly and parallel with Lexington Avenue 100 feet; thence Southerly and parallel with Ralph Avenue, 45 feet; thence Easterly and parallel with Lexington Avenue, 100 feet to the Westerly side of Ralph Avenue; and thence Northerly along the Westerly side of Ralph Avenue, 45 feet to the point or place of BEGINNING.

Said premises being also known as 4 Ralph Avenue, Brooklyn, New York 11234.

This conveyance has been made with the consent of the holders of at least two-thirds of the outstanding shares of the party of the first part entitled to vote thereon at a meeting duly called.

The party of the first part being the same as the party of the second part named in a deed dated June 3, 1974 and recorded in Reel 714, Page 1772.

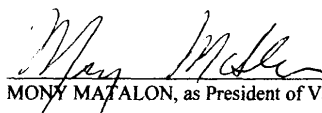
TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; 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, 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:


MONY MATALON, as President of Vanda Sales Corp.

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATEState of New York, County of Nassau, ss:On the 4th day of OCTOBER in the year 2006, before me, the undersigned, personally appeared

MONY MATALON, as President of Vanda Sales Corp.

, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

JENNIFER A. SANFILIPPO
 Notary Public, State of New York
 No. 01SA6107830
 Qualified in Nassau County
 Commission Expires April 12, 2011

**ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS
TAKEN IN NEW YORK STATE**

State of New York, County of _____, ss:

On the _____ day of _____ in the year _____,
 before me, the undersigned, a Notary Public in and for said State,
 personally appeared

_____, 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/she/they reside(s) in

(if the place of residence is in a city, include the street and street number if any, thereof);
 that he/she/they know(s)

to be the individual described in and who executed the foregoing
 instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed
 his/her/their name(s) as a witness thereto

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of _____, ss:

On the _____ day of _____ in the year _____,
 before me, the undersigned, personally appeared

_____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

**ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK
STATE**

*State of _____, County of _____, ss:

*(Or insert District of Columbia, Territory, Possession or Foreign
 County)

On the _____ day of _____ in the year _____,
 before me the undersigned personally appeared

Personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual make such appearance before the undersigned in the

(add the city or political subdivision and the state or country or other place the acknowledgement was taken).

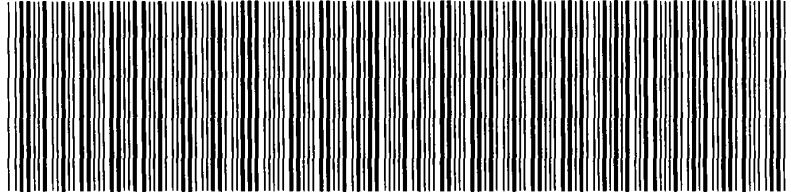
Quitclaim Deed

SECTION	6
BLOCK	1628
LOT	42
COUNTY OR TOWN	KINGS

VANDA SALES CORP.**TO****852 LEXINGTON AVENUE REALTY, LLC****RETURN BY MAIL TO:**

FINE & BASSIK, ESQS.
316 GREAT NECK ROAD
GREAT NECK, NEW YORK 11021
(516) 487-4800

**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**



2006111300939001001S6B25

SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

Document ID: 2006111300939001

Document Date: 10-04-2006

Preparation Date: 11-13-2006

Document Type: DEED

ASSOCIATED TAX FORM ID: 2006093000013

SUPPORTING DOCUMENTS SUBMITTED:

RP - 5217 REAL PROPERTY TRANSFER REPORT
SMOKE DETECTOR AFFIDAVIT

Page Count

1

1

C1. County Code C2. Date Deed Recorded Month Day Year

C3. Book OR C4. Page

C5. CRFN



REAL PROPERTY TRANSFER REPORT

STATE OF NEW YORK
STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217NYC

(Rev 11/2002)

PROPERTY INFORMATION

1. Property Location	4	RALPH AVENUE	BROOKLYN	11221
	STREET NUMBER	STREET NAME	BOROUGH	ZIP CODE
2. Buyer Name	852 LEXINGTON AVENUE REALTY, LLC			
	LAST NAME / COMPANY		FIRST NAME	
	LAST NAME / COMPANY		FIRST NAME	
3. Tax Billing Address	Indicate where future Tax Bills are to be sent if other than buyer address (at bottom of form)			
	LAST NAME / COMPANY		FIRST NAME	
	STREET NUMBER AND STREET NAME		CITY OR TOWN	STATE ZIP CODE
4. Indicate the number of Assessment Roll parcels transferred on the deed	1		<input checked="" type="checkbox"/> # of Parcels OR <input type="checkbox"/> Part of a Parcel	
5. Deed Property Size	FRONT FEET X DEPTH		OR <input type="checkbox"/> ACRES <input checked="" type="checkbox"/>	
8. Seller Name	VANDA SALES CORP.			
	LAST NAME / COMPANY		FIRST NAME	
	LAST NAME / COMPANY		FIRST NAME	
9. Check the box below which most accurately describes the use of the property at the time of sale:				
A <input type="checkbox"/> One Family Residential	C <input type="checkbox"/> Residential Vacant Land	E <input checked="" type="checkbox"/> Commercial	G <input type="checkbox"/> Entertainment / Amusement	I <input type="checkbox"/> Industrial
B <input type="checkbox"/> 2 or 3 Family Residential	D <input type="checkbox"/> Non-Residential Vacant Land	F <input type="checkbox"/> Apartment	H <input type="checkbox"/> Community Service	J <input type="checkbox"/> Public Service

4A. Planning Board Approval - N/A for NYC

4B. Agricultural District Notice - N/A for NYC

Check the boxes below as they apply:

6. Ownership Type is Condominium ☐

7. New Construction on Vacant Land ☐

SALE INFORMATION

10. **Sale Contract Date**

9 / 30 / 2006
Month Day Year

11. **Date of Sale / Transfer**

10 / 4 / 2006
Month Day Year

12. **Full Sale Price \$**

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

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

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

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

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

15. Building Class K, 9

16. Total Assessed Value (of all parcels in transfer) _____

17. Borough, Block and Lot / Roll Identifier(s) (If more than three, attach sheet with additional identifier(s))
BROOKLYN 1628 42 || ||

CERTIFICATION


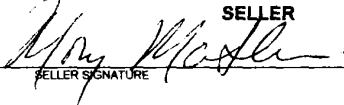
I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER		BUYER'S ATTORNEY	
<u>My Moller</u>	<u>11-4-2006</u>	<u>Bassik</u>	<u>Barry</u>
BUYER SIGNATURE	DATE	LAST NAME	FIRST NAME
<u>4</u>	<u>Ralph Avenue</u>	<u>516</u>	<u>487-4800</u>
STREET NUMBER	STREET NAME (AFTER SALE)	AREA CODE	TELEPHONE NUMBER
<u>Brooklyn</u>	<u>N.Y.</u>	<u>11234</u>	<u>11-04-2006</u>
CITY OR TOWN	STATE	ZIP CODE	DATE

2006093000013201

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

 BUYER SIGNATURE		110.04.06 DATE		Bassik LAST NAME		Barry FIRST NAME	
4 STREET NUMBER		Ralph Avenue STREET NAME (AFTER SALE)		516 AREA CODE		487-4800 TELEPHONE NUMBER	
Brooklyn CITY OR TOWN		NY STATE		11234 ZIP CODE		 SELLER SIGNATURE	
						10.4.06 DATE	

2006093000013201

**AFFIDAVIT OF COMPLIANCE
WITH SMOKE DETECTOR REQUIREMENT
FOR ONE- AND TWO-FAMILY DWELLINGS**

State of New York)
) SS.:
County of)

The undersigned, being duly sworn, depose and say under penalty of perjury that they are the grantor and grantee of the real property or of the cooperative shares in a cooperative corporation owning real property located at

4 RALPH AVENUE

Street Address		Unit/Apt.	
BROOKLYN	New York,	1628	42
Borough	Block	Lot	(the "Premises");

That the Premises is a one or two family dwelling, or a cooperative apartment or condominium unit in a one- or two-family dwelling, and that installed in the Premises is an approved and operational smoke detecting device in compliance with the provisions of Article 6 of Subchapter 17 of Chapter 1 of Title 27 of the Administrative Code of the City of New York concerning smoke detecting devices;

That they make affidavit in compliance with New York City Administrative Code Section 11-2105 (g). (The signatures of at least one grantor and one grantee are required, and must be notarized).

Mony Matalon
Name of Grantor (Type or Print)
Mony Matalon
Signature of Grantor

Mony Matalon
Name of Grantee (Type or Print)
Mony Matalon
Signature of Grantee

Sworn to before me
this 4th date of October 2006
Jennifer A. Sanfilippo
JENNIFER A. SANFILIPPO
Notary Public, State of New York
No. 01SA6107830
Qualified in Nassau County
Commission Expires April 12, 2008

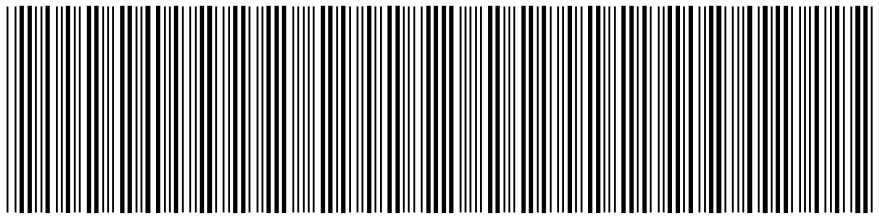
Sworn to before me
this 4th date of October 2006
Jennifer A. Sanfilippo
JENNIFER A. SANFILIPPO
Notary Public, State of New York
No. 01SA6107830
Qualified in Nassau County
Commission Expires April 12, 2008

These statements are made with the knowledge that a willfully false representation is punishable as a crime of perjury under Article 210 of the Penal Law.

NEW YORK CITY REAL PROPERTY TRANSFER TAX RETURNS FILED ON OR AFTER FEBRUARY 6th, 1990, WITH RESPECT TO THE CONVEYANCE OF A ONE- OR TWO-FAMILY DWELLING, OR A COOPERATIVE APARTMENT OR A CONDOMINIUM UNIT IN A ONE- OR TWO-FAMILY DWELLING, WILL NOT BE ACCEPTED FOR FILING UNLESS ACCOMPANIED BY THIS AFFIDAVIT.

**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



2006111301073001001EC9C2

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 3

Document ID: 2006111301073001

Document Date: 10-04-2006

Preparation Date: 11-13-2006

Document Type: DEED

Document Page Count: 2

PRESENTER:

BRUCE PAYNE ASSOCIATES, INC. PICKUP
-KINGSLAND
121 WEST OAK STREET
BCREC06-5018K-LL
AMITYVILLE, NY 11701
631-598-2200

RETURN TO:

FINE & BASSIK, ESQS
316 GREAT NECK ROAD
GREAT NECK, NY 11021

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BROOKLYN	1628	38	Entire Lot	850 LEXINGTON AVENUE
Property Type: COMMERCIAL REAL ESTATE				

CROSS REFERENCE DATA

CRFN _____ or Document ID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

GRANTOR/SELLER:

VANDA SALES CORP.
4 RALPH AVENUE
BROOKLYN, NY 11234

GRANTEE/BUYER:

852 LEXINGTON AVENUE REALTY, LLC
842 LEXINGTON AVENUE
BROOKLYN, NY 11234

FEES AND TAXES

Mortgage

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

TOTAL: \$ 0.00

Recording Fee: \$ 47.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 165.00

NYC Real Property Transfer Tax:

\$ 0.00

NYS Real Estate Transfer Tax:

\$ 0.00

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

Recorded/Filed 11-27-2006 12:34

City Register File No.(CRFN):

2006000654057



Annette McHill

City Register Official Signature

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

THIS INDENTURE, made the 4th day of October in the year 2006

BETWEEN

VANDA SALES CORP., a domestic corporation, having its principal place of business at 4 Ralph Avenue,
Borough of Brooklyn, City and State of New York

party of the first part, and

852 LEXINGTON AVENUE REALTY, LLC, a domestic corporation, having its principal place of business at
842 Lexington Avenue, Borough of Brooklyn, City and State of New York

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 remise, release and quitclaim unto the party of the 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 a point on the southerly side of Lexington Avenue distant 100 feet westerly from the southwest corner of Ralph Avenue and Lexington Avenue;

RUNNING THENCE southerly parallel with Ralph Avenue 100 feet;

THENCE westerly parallel with Lexington Avenue 50 feet;

THENCE northerly parallel with Ralph Avenue 100 feet to the southerly side of Lexington Avenue;

THENCE easterly along the southerly side of Lexington Avenue 50 feet to the point or place of BEGINNING.

Said premises being also known as Borough: Brooklyn, Section: 6, Block: 1628, and Lot 38.

This conveyance has been made with the consent of the holders of at least two-thirds of the outstanding shares of the party of the first part entitled to vote thereon at a meeting duly called.

The party of the first part being the same as the party of the second part named in a deed dated October 18, 1984 and recorded in Reel 1568, Page 15.

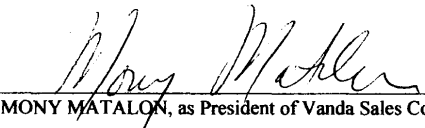
TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; 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, 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:


MONY MATALON, as President of Vanda Sales Corp.

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATEState of New York, County of NASSAU , ss:On the 4th day of OCTOBER in the year 2006 , before me, the undersigned, personally appeared

MONY MATALON, as President of Vanda Sales Corp.

, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

[Signature]
 Notary Public, State of New York
 No. 01SA6107830
 Qualified in Nassau County
 Commission Expires April 12, 2008

**ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS
TAKEN IN NEW YORK STATE**

State of New York, County of _____, ss:

On the _____ day of _____ in the year _____, before me, the undersigned, a Notary Public in and for said State, personally appeared

_____, 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/she/they reside(s) in

(if the place of residence is in a city, include the street and street number if any, thereof);
 that he/she/they know(s)

to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of _____, ss:

On the _____ day of _____ in the year _____, before me, the undersigned, personally appeared

_____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

SEAL**ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK STATE**

*State of _____, County of _____, ss:

*(Or insert District of Columbia, Territory, Possession or Foreign County)

On the _____ day of _____ in the year _____, before me the undersigned personally appeared

Personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual make such appearance before the undersigned in the

(add the city or political subdivision and the state or country or other place the acknowledgement was taken).

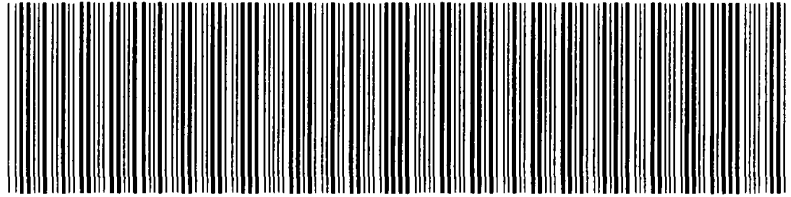
Quitclaim Deed

SECTION 6
 BLOCK 1628
 LOT 38
 COUNTY OR TOWN KINGS

VANDA SALES CORP.**TO****852 LEXINGTON AVENUE REALTY, LLC****RETURN BY MAIL TO:**

FINE & BASSIK, ESQS.
316 GREAT NECK ROAD
GREAT NECK, NEW YORK 11021
(516) 487-4800

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2006111301073001001S0743

SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

Document ID: 2006111301073001

Document Date: 10-04-2006

Preparation Date: 11-13-2006

Document Type: DEED

ASSOCIATED TAX FORM ID: 2006093000018

SUPPORTING DOCUMENTS SUBMITTED:

RP - 5217 REAL PROPERTY TRANSFER REPORT
SMOKE DETECTOR AFFIDAVIT

Page Count

1

1

C1. County Code _____ C2. Date Deed Recorded _____
Month Day Year
C3. Book OR _____ C4. Page _____
C5. CRFN _____



STATE OF NEW YORK
STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217NYC

(Rev 11/2002)

1. Property Location	850	LEXINGTON AVENUE	BROOKLYN	11221	
	STREET NUMBER	STREET NAME	BOROUGH	ZIP CODE	
2. Buyer Name	852 LEXINGTON AVENUE REALTY, LLC				
	LAST NAME / COMPANY		FIRST NAME		
	LAST NAME / COMPANY		FIRST NAME		
3. Tax Billing Address	Indicate where future Tax Bills are to be sent if other than buyer address (at bottom of form)				
	LAST NAME / COMPANY		FIRST NAME		
	STREET NUMBER AND STREET NAME		CITY OR TOWN	STATE ZIP CODE	
4. Indicate the number of Assessment Roll parcels transferred on the deed	<input type="text" value="1"/> # of Parcels OR <input type="checkbox"/> Part of a Parcel		4A. Planning Board Approval - N/A for NYC 4B. Agricultural District Notice - N/A for NYC Check the boxes below as they apply:		
5. Deed Property Size	<input type="text" value=""/> FRONT FEET X <input type="text" value=""/> DEPTH OR <input type="text" value=""/> ACRES		<input type="checkbox"/> 6. Ownership Type is Condominium <input type="checkbox"/> 7. New Construction on Vacant Land		
8. Seller Name	VANDA SALES CORP.				
	LAST NAME / COMPANY		FIRST NAME		
	LAST NAME / COMPANY		FIRST NAME		
9. Check the box below which most accurately describes the use of the property at the time of sale:					
A <input type="checkbox"/>	One Family Residential	C <input type="checkbox"/>	Residential Vacant Land	E <input checked="" type="checkbox"/>	Commercial Apartment
B <input type="checkbox"/>	2 or 3 Family Residential	D <input type="checkbox"/>	Non-Residential Vacant Land	F <input type="checkbox"/>	Entertainment / Amusement Community Service
				I <input type="checkbox"/>	Industrial Public Service

10. Sale Contract Date

9 / 30 / 2006
Month / Day / Year

11. Date of Sale / Transfer

10 / 4 / 2006
Month / Day / Year

12. Full Sale Price \$

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

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

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

15. Building Class K, 2 16. Total Assessed Value (of all parcels in transfer) _____

17. Borough, Block and Lot / Roll Identifier(s) (If more than three, attach sheet with additional identifier(s))

BROOKLYN 1628 38

CERTIFICATION I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER

Wing Mate 10-04-2006

BUYER SIGNATURE DATE

850 Lexington Avenue

STREET NUMBER STREET NAME (AFTER SALE)

Brooklyn N.Y. 11221

CITY OR TOWN STATE ZIP CODE

BUYER'S ATTORNEY

Bassik Barry

LAST NAME FIRST NAME

516 487-4800

AREA CODE TELEPHONE NUMBER

1/1/83 Maslin 10.04.00

SELLER DATE

2006093000018201

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER		BUYER'S ATTORNEY	
<i>Mary Moller</i>	10-04-2006	Bassik	Barry
<small>BUYER SIGNATURE</small>	<small>DATE</small>	<small>LAST NAME</small>	<small>FIRST NAME</small>
850	Lexington Avenue	516	487-4800
<small>STREET NUMBER</small>	<small>STREET NAME (AFTER SALE)</small>	<small>AREA CODE</small>	<small>TELEPHONE NUMBER</small>
Brooklyn	NY	11221	<i>Mary Moller</i>
<small>CITY OR TOWN</small>	<small>STATE</small>	<small>ZIP CODE</small>	SELLER
		<i>Mary Moller</i>	10-04-06
		<small>SELLER SIGNATURE</small>	<small>DATE</small>

2006093000018201

**AFFIDAVIT OF COMPLIANCE
WITH SMOKE DETECTOR REQUIREMENT
FOR ONE- AND TWO-FAMILY DWELLINGS**

State of New York)
) SS.:
County of)

The undersigned, being duly sworn, depose and say under penalty of perjury that they are the grantor and grantee of the real property or of the cooperative shares in a cooperative corporation owning real property located at

850 LEXINGTON AVENUE

Street Address		Unit/Apt.	
BROOKLYN	New York,	1628	38
Borough		Block	Lot
(the "Premises");			

That the Premises is a one or two family dwelling, or a cooperative apartment or condominium unit in a one- or two-family dwelling, and that installed in the Premises is an approved and operational smoke detecting device in compliance with the provisions of Article 6 of Subchapter 17 of Chapter 1 of Title 27 of the Administrative Code of the City of New York concerning smoke detecting devices;

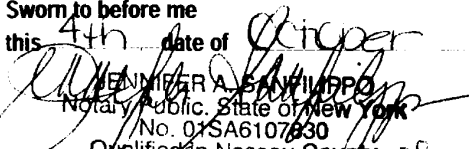
That they make affidavit in compliance with New York City Administrative Code Section 11-2105 (g). (The signatures of at least one grantor and one grantee are required, and must be notarized).

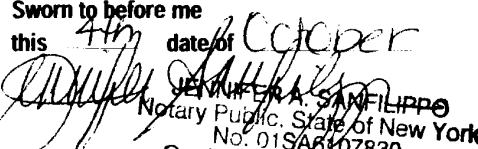
Mary Matalon
Name of Grantor (Type or Print)

Signature of Grantor

Mary Matalon
Name of Grantee (Type or Print)

Signature of Grantee

Sworn to before me
this 4th date of October 2006

JENNIFER A. SANFILIPPO
Notary Public, State of New York
No. 01SA6107830
Qualified in Nassau County
Commission Expires April 12, 2008

Sworn to before me
this 4th date of October 2006

JENNIFER A. SANFILIPPO
Notary Public, State of New York
No. 01SA6107830
Qualified in Nassau County
Commission Expires April 12, 2008

These statements are made with the knowledge that willfully false representation is unlawful and is punishable as a crime of perjury under Article 210 of the Penal Law.

NEW YORK CITY REAL PROPERTY TRANSFER TAX RETURNS FILED ON OR AFTER FEBRUARY 6th, 1990, WITH RESPECT TO THE CONVEYANCE OF A ONE- OR TWO-FAMILY DWELLING, OR A COOPERATIVE APARTMENT OR A CONDOMINIUM UNIT IN A ONE- OR TWO-FAMILY DWELLING, WILL NOT BE ACCEPTED FOR FILING UNLESS ACCOMPANIED BY THIS AFFIDAVIT.

Standard N.Y. S.T.U. Form 8001 — 8-15 — Begins and is a Deed with a coven. against Grantor's Acts — Individual or Corporation. (fill in above)
CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 19 day of DECEMBER, nineteen hundred and NINETY-SEVEN
BETWEEN GRANDEE BEER DISTRIBUTORS, INC., HAVING ITS PRINCIPAL PLACE
OF BUSINESS AT 842 LEXINGTON AVENUE, BROOKLYN, NEW YORK 11234

REEL 4131 PG 2095

party of the first part, and 862 LEXINGTON AVENUE, REALTY LLC., HAVING ITS
PRINCIPAL PLACE OF BUSINESS AT 842 LEXINGTON AVENUE, BROOKLYN,
NEW YORK 11234.

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 situated, situate, lying and being in the BOROUGH OF BROOKLYN, COUNTY OF KINGS, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF LEXINGTON AVENUE, DISTANT 150 FEET WESTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF LEXINGTON AVENUE WITH THE WESTERLY SIDE OF RALPH AVENUE; RUNNING THENCE SOUTHERLY PARALLEL WITH RALPH AVENUE 100 FEET; THENCE WESTERLY PARALLEL WITH LEXINGTON AVENUE 100 FEET; THENCE NORTHERLY PARALLEL WITH RALPH AVENUE THROUGH A PARTY WALL DIVIDING THE WITHIN DESCRIBED PREMISES AND OTHER PREMISES OF THE PARTY OF THE FIRST PART, 100 FEET TO THE SOUTHERLY SIDE OF LEXINGTON AVENUE; THENCE EASTRLY ALONG THE SOUTHERLY SIDE OF LEXINGTON AVENUE, 100 FEET, TO THE POINT OR PLACE OF BEGINNING.

SAID PREMISES ARE KNOWN AS AND BY STREET #842 LEXINGTON AVENUE, BROOKLYN, NEW YORK.

BEING THE SAME PREMISES DESCRIBED IN DEED TO THE PARTY OF THE FIRST PART HEREIN FROM DEED DATED 4/10/67 RECORDED 4/12/67 IN RECORD LIBER 400 PAGE 62.

TOGETHER with all right, title and interest, if any, of the party of the first part of, 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:

GRANDEE BEER DISTRIBUTORS
By: *X. [Signature]* President, Inc.

107

STATE OF NEW YORK, COUNTY OF **Queens** ss:

On the 19th day of December 1997, before me personally came Aaron Rosenberg

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 **Queens** ss:

On the 19th day of December 1997, before me personally came Aaron Rosenberg to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the President of Grande Beer Distributors, Inc. 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.

M. Estelle Flores
M. ESTELLE FLORES
Notary Public, State of New York
No. 01FL5088185
Qualified in Queens County
Commission Expires October 28, 1998

TITLE NO. SE C-k-3402

Grande Beer Distributors, Inc.

TO
852 Lexington Ave
Realty LLC.

Bargain and Sale Deed
WITHE COVENANT AGAINST GRANTOR'S ACTS

The land affected by the within instrument lies in Section 6 in Block 1628 on the Land Map of the County of Kings Lot 34
RECORDED AT REQUEST OF

Simon H. Rothwell, Esq.
488 Green Neck Road
Great Neck, NY 11021

STANDARD CONTRACT LTD.
1000 10th Avenue
New York, NY 10018
Licensed by NY 1111

STANDARD FORM OF
NEW YORK BOARD OF TITLE UNDERWRITERS
Distributed by
Guaranteed
TITLE COMPANY

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

REEL 4131 PG 2095

**CITY REGISTER RECORDING AND ENDORSEMENT PAGE
- KINGS COUNTY -**

(This page forms part of the instrument)

Block(s) 1628
 Lot(s) 34
842 LEXINGTON AVE

Record & Return to: Simon H. Rothking, ESQ
68 West 116th St New York, NY 10027
 Title/Agent Company name: A.R.S. ABSTRACT, LTD.
 Title Company number: SEC-K-3452

REEL 4131 PG 2097

OFFICE USE ONLY - DO NOT WRITE BELOW THIS LINE

THE FOREGOING INSTRUMENT WAS ENDORSED FOR THE RECORD AS FOLLOWS:

Examined by (a): _____

Mtge Tax Serial No. _____
 Mtge Amount \$ _____
 Taxable Amount \$ _____

Exemption (r) YES ☐ NO ☐

Type: (3000) [] (250) [] (OTHER) []

Dwelling Type: (1 to 2) [] (3) [] (4 to 6) [] (OVER 6) []

TAX RECEIVED ON ABOVE MORTGAGE ▼

County (basic) \$ _____
 City (Addn) \$ _____
 Spec Addn \$ _____
 TASF \$ _____
 MTA \$ _____
 NYCTA \$ _____
TOTAL TAX \$ _____

Apportionment Mortgage (r) YES ☐ NO ☐

02-24-98
 Joy A. Bobrow, City Register

City Register Serial Number **011939**

Indexed By (a): [Signature] Verified By (a): _____

Block(s) and Lot(s) verified by (r): N.G.
 Address ☐ Tax Map ☐
 Extra Block(s) _____ Lot(s) _____

Recording Fee A \$ 32
 Affidavit Fee (C) \$ _____
 TP-584/582 Fee (N) \$ _____
 RPTT Fee (R) \$ 25
 HPD-A ☐ HPD-C ☐

New York State Real Estate Transfer Tax ▼
 \$ _____

Serial Number 4411939
 Number Pre PAID IN ALBANY

New York City Real Property Transfer Tax
 Serial Number **03312**

New York State Gains Tax
 Serial Number _____

007324
 602619



**RECORDED IN KINGS COUNTY
OFFICE OF THE CITY REGISTER**
 1998 FEB 24 A 9 47

Witness My Hand and Official Seal
[Signature]
 City Register

201 001 001 001 001

Department of State

Division of Corporations

Entity Information

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

Entity Details



ENTITY NAME: 852 LEXINGTON AVENUE REALTY, LLC	DOS ID: 2208464
FOREIGN LEGAL NAME:	FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY	DURATION DATE/LATEST DATE OF DISSOLUTION: 12/31/2050
SECTION OF LAW: 203 LLC - LIMITED LIABILITY COMPANY LAW	ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 12/15/1997	REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 12/15/1997	INACTIVE DATE:
FOREIGN FORMATION DATE:	STATEMENT STATUS: PAST DUE DATE
COUNTY: NEW YORK	NEXT STATEMENT DUE DATE: 12/31/2015
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: THE LLC**Address:** 4 RALPH AVE, BROOKLYN, NY, UNITED STATES, 11221

Chief Executive Officer's Name and Address

Name:**Address:**

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name: SIMON H. ROTHKRUG, ESQ., ROTHKRUG & ROTHKRUG**Address:** 488 GREAT NECK RAOD, STE 325, GREAT NECK, NY, 11021

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

SECTION VI: REQUESTOR ELIGIBILITY

Volunteer Status

The Requestor qualifies as a “Volunteer” in the BCP because it did not cause, contribute, or permit the disposal of any contaminants of concern at the Site, and did not control the Site when such contamination occurred.

The Requestor or its affiliated entities do not have, nor have they ever had, a relationship with the past owners or operators of the site that caused the existing contamination. Other than as set forth in this application, 852 Lexington Avenue Realty, LLC is unaware of any continuing discharges or threatened releases from or at any of the Site parcels since acquiring the Site.

The Requestor has vacated the carpet/drycleaner at the Site and drycleaning operations ceased upon taking ownership. The remaining operations are solely retail general variety stores located on ground level floors. Since taking ownership and conducting the due diligence and sampling activities used to support this application, the Requestor has taken the necessary steps to prevent any threatened future release, and to prevent and limit human, environmental, or natural resource exposure to any previously released contamination at the Site.

For example, the Requestor has taken exercised due care by maintaining Site buildings and surrounding pavement. It has also limited exposure to the one area of the cover system in the cellar that was opened to install the required foundation element under the 421a affordable housing program. The cover system at the Site has otherwise remained intact with the exception of the installation of the 421a foundation element which was installed with oversight from the NYCOER E-Designation Program under an approved RAWP. Consistent with NYCOER’s RAWP, the area surrounding the newly-installed foundation element was covered with a barrier.

As such, the requestor qualifies as a Volunteer as designed in ECL 27-1405(1)(b).

ATTACHMENT G

Section IX: Current Property Owner and Operator Information

SECTION IX: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Current Owner and Operator

The current owner is 852 Lexington Avenue Realty, LLC. A copy of the Deed is provided as an attachment in Section V: Requestor Information. The Site is currently operating as a department store operated by Vanda Sales Corporation.

Previous Owners and Operators

A list of Previous Owners and Operators of 842-850 Lexington Avenue is provided in the below table.

Date	Document Type	First Party	Second Party	Relationship of First Party to Applicant
2/24/1998	Deed	Grandee Beer Distributors Inc.	852 Lexington Avenue Realty LLC	None
4/12/1967	Deed	LDB Realty Inc.	Grandee Beer Distributors Inc.	None

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

A list of current and previous operators of 842-850 Lexington Avenue is provided in the table below.

Name	Relationship to Property	Address and Phone Number	Relationship to Applicant
Vanda Sales	Operator (present)	Not Available	One owner member of the Applicant owns 100% of Vanda Sales since January 2013
Vanda Sales, 12 Kenilworth Corp., Best Bet Gaming Co. (4 Ralph)	Operator (2009)	Not Available	None
Vanda Sales and Best Bet Gaming Co. (4 Ralph)	Operator (2005)	Not Available	None
Vanda Sales	Operator (2004)	Not Available	None
Thrifty Beverage Centers (842)	Operator (1997)	Not Available	None
Vanda Sales	Operator (1994)	Not Available	None
Grandee Beer Distributors, Thrifty Beverage Centers (842), and Vanda Sales (4 Ralph)	Operator (1985)	182 Noll Street, Brooklyn, New York	None
Grandee Beer Distributors, Thrifty Beverage Centers	Operator (1980)	Not Available	None

(842), Vim Mattress Co. (850), and Vanda Sales (4 Ralph)			
Grandee Beer Distributors, Thrifty Beverage Centers (842), and Vanda Sales (4 Ralph)	Operator (1976)	Not Available	None
Thrifty Beverage Centers (842), John's Bargain Stores, and Key Note Music Club (4 Ralph)	Operator (1970)	Not Available	None
Lynn's (842), and John's Bargain Stores (4 Ralph)	Operator (1965)	Not Available	None
Lynn's (842), Tip Top Seed Co. Pet Supplies (850), John's Bargain Stores and Prudential Insurance Co. (4 Ralph)	Operator (1960)	Not Available	None
Atkinson Hardware (4 Ralph)	Operator (1949)	Not Available	None
Broadway Carpet Cleaning Works (850), and Atkinson Hardware (4 Ralph)	Operator (1934-1945)	Not Available	None
Atkinson Hardware (4 Ralph)	Operator (1928)	Not Available	None

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
NYC Mayor	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 Chairperson	Anita Laremont	212-720-3300	120 Broadway 31st Floor New York, NY 10271	https://www1.nyc.gov/site/planning/about/email-the-director.page
Brooklyn Borough President	Antonio Reynoso	718-802-3700	Brooklyn Borough Hall 209 Joralemon Street Brooklyn, NY 11201	info@reynosoforbrooklyn.com
Brooklyn Community Board 3 District Manager	Henry L. Butler	718-622-6601	1360 Fulton Street, 2 nd Floor, Brooklyn, NY 11216	bk03@cb.nyc.gov
NY Senate District 28 Senator	Liz Krueger	212-490-9535	211 E 43 rd Street, Suite 1201, New York, NY 10017	lkrueger@nysenate.gov
NY State Assembly District 56 Member	Stefani Zinerman	718-399-7630	1368 Fulton Street, 3 rd Fl., NW, Brooklyn, NY 11216	zinermans@nyassembly.gov

Owners, Residents, Occupants

The Site is currently operated as a department store.

Operator/Operator	Contact Name	Phone	Mailing Address	Email
Vanda Sales Corp. (People's Department Store)	Paul Matalon	718-452-2085	4 Ralph Avenue Brooklyn, New York 11221	paul@solomonequities.com

Adjoining 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
Lexington Flats LLC	Joel Schwartz	Multi-Family Residential Building	834 Lexington Avenue	832-834 Lexington Avenue, Brooklyn, NY 11221
Kathy Lee Murphy	Kathy Lee Murphy	Multi-Family Residential Building	823 Quincy Street	823 Quincy Street, Brooklyn, NY 11221
825 Quincy LLC	Not Available.	Multi-Family Residential Building	825 Quincy Street	46 Warren Street, New York, NY 10007
827 Quincy Street LLC	Not Available	Multi-Family Residential Building	827 Quincy Street	827 Quincy Street, Brooklyn, NY 11221
Demba Kane	Demba Kane	Multi-Family Residential Building	829 Quincy Street	829 Quincy Street, Brooklyn, NY 11221
Christine I. Haugerud Trust	Christine Haugerud	Multi-Family Residential Building	829A Quincy Street	532 73 rd Street, Brooklyn, NY 11209
831 Quincy Street LLC	John J. Leagh	Multi-Family Residential Building	831 Quincy Street	Leagh & Associates, PLLC, 136-20 38 th Avenue., Suite 11B, Flushing, NY 11354
Charles Souvenir	Charles Souvenir	Multi-Family Residential Building	833 Quincy Street	951 Carroll Street, Brooklyn, NY 11225

Marion A. Jonas	Marion A. Jonas	Multi-Family Residential Building	835 Quincy Street	1964 Nostrand Avenue, Brooklyn, NY 11210
Holy Trinity Baptist	Not Available	Public Facility/Institution	8 Ralph Avenue	8 Ralph Avenue, Brooklyn, NY 11221
Kae Ae Lee	Kae Ae Lee	Commercial/Office Building	2 Ralph Avenue	338 10 th Street, Apt 3F, Brooklyn, NY 11215

Local News and Media

Owner/Entity Name	Type	Address	Phone	Website
News12 Brooklyn	Television/Online	164 20 th Street, Brooklyn, NY 11232	718-861-6800	Brooklyn - Contact (news12.com)
ABC-7	Television	7 Lincoln Square, New York, NY 10023	877-847-6397	Cypress hills News - ABC7 New York (abc7ny.com)

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 842-850 Lexington Avenue Redevelopment Site located at 842-850 Lexington Avenue, Brooklyn, NY.

School or Day Care located on or proximal to the Site

There are no schools or daycares located on the Site. The 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
Uncommon Schools Excellence Girls Charger School Elementary Academy	1584' (south)	Bronte Johnson	718-638-1875	794 Monroe Street, Brooklyn, NY 11221
P.S. 26 The Jesse Owens School	2112' (north)	Cynthia Celestine	718-919-5707	1014 Lafayette Avenue, Brooklyn, NY 11221
P.S. 274 Kosciusko	2112' (northwest)	Maritza Olliviera Jone	718-642-5300	800 Bushwick Avenue, Brooklyn, NY 11221
K556 Bushwick Leaders High School for Academic Excellence	2112' (northeast)	Enrique Garcia	718-919-4212	979 Bushwick Avenue, Brooklyn, NY 11221
A Magical Place Dev	1584' (northeast)	Not Available	718-602-6604	795 Bushwick Avenue, #2, Brooklyn, NY 11221
Verny Daycare Inc.	1056' (west)	Ms. Violet Rouse	718-398-8057	992 Greene Avenue, Brooklyn, NY 11221

M & M Daycare	1056' (west)	Not Available	347-453-0210	752 Lexington Avenue, Brooklyn, NY 11221
Creative Cuties Daycare	1056' (west)	Not Available	917-494-9274	Greene Avenue, Brooklyn, NY 11221
Good Counsel Day Care Center	1056' (southwest)	Not Available	917-443-6463	992 Gates Avenue, Brooklyn, NY 11221
JBA Daycare	1584' (southwest)	Not Available	Not Available	825 Madison Street, Brooklyn, NY 11221
Weebee Kids Daycare	1584' (south)	Not Available	347-773-2855	746 Halsey Street, Brooklyn, NY 11233
Dreamland Daycare	1584' (east)	Not Available	718-919-2577	32 Palmetto Street, Brooklyn, NY 11221

Document Repository

Brooklyn Community Board 3 and Brooklyn Public Library – Washington Irving Branch were notified on 4 August 2022 via email regarding utilizing their space as document repositories. Acknowledgement from Brooklyn Community Board 3 and Brooklyn Public Library – Washington Irving Branch agreeing to serve as a document repository is attached below.

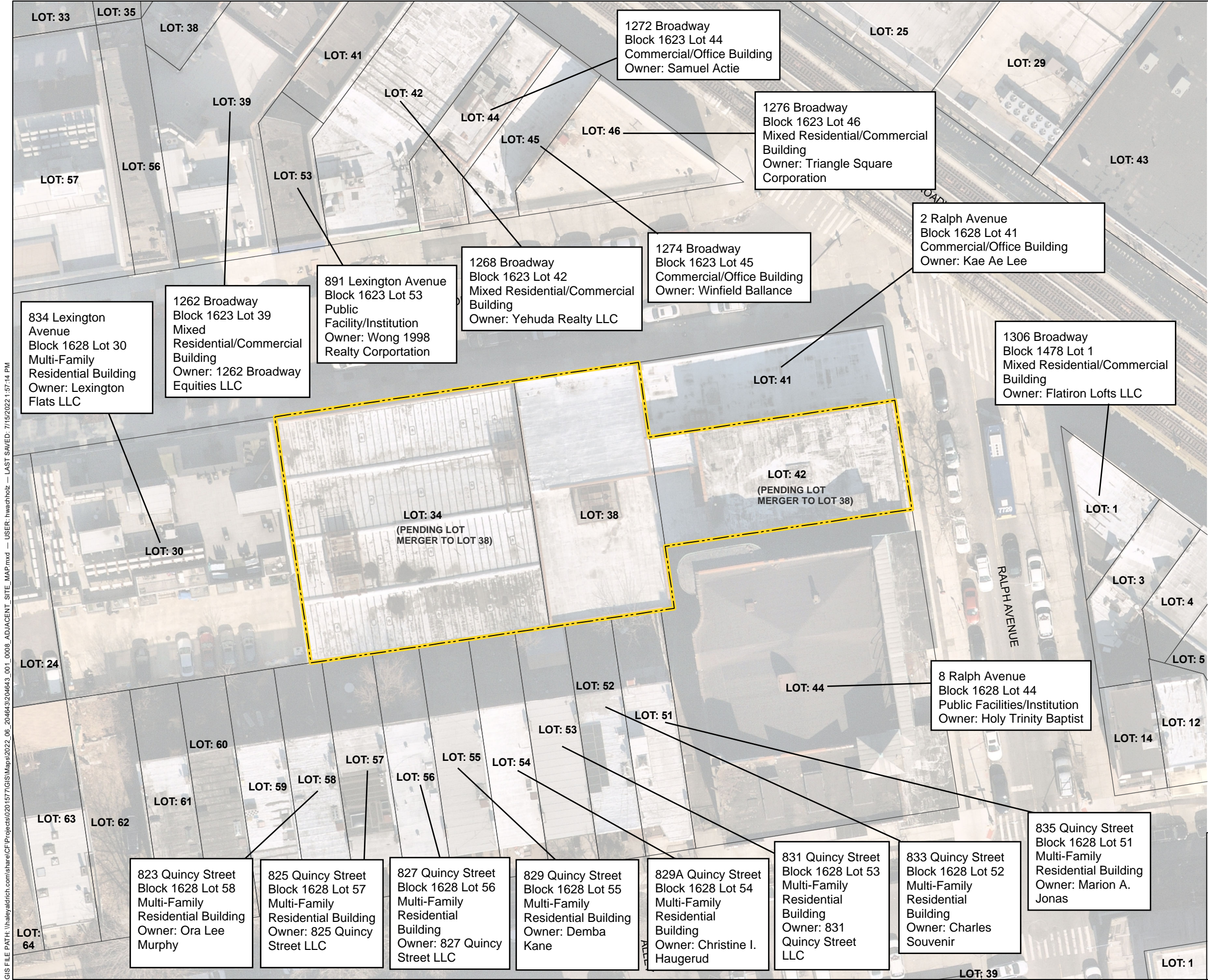
Public Library

Owner/Entity Name	Contact	Address	Phone	Email
Washington Irving Library	Boniface N. Wewe	360 Irving Avenue, at, Woodbine Street, Brooklyn, NY 11237	718-628-8378	bwewe@bklynlibrary.org


Community Board


Owner/Entity Name	Contact	Address	Phone	Email
Brooklyn Community Board 3	Henry L. Butler	718-622-6601	1360 Fulton Street, 2 nd Floor, Brooklyn, NY 11216	bk03@cb.nyc.gov

GIS FILE PATH: \\haleyaldrich.com\share\CF\Projects\0201577\GIS\Maps\2022_06_204643\204643_001_0008_ADJACENT_SITE_MAP.mxd — USER: hwacholz — LAST SAVED: 7/15/2022 1:57:14 PM




LEGEND

 PARCEL BOUNDARY

 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, 27 FEBRUARY 2022



0 40 80

SCALE IN FEET

**HALEY
ALDRICH**

842-850 LEXINGTON AVENUE
BROOKLYN, NEW YORK

ADJACENT SITE MAP

JULY 2022

FIGURE 8

Section XI: Acknowledgement from Brooklyn Public Library - Washington Irving Branch Agreeing to Act as Document Repository



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

11 July 2022
File No. 0204643-000

Brooklyn Public Library – Washington Irving
360 Irving Avenue, at Woodbine Street
Brooklyn, NY 11237
Via email: bwewe@brooklynpubliclibrary.org
Attn: Boniface N. Wewe

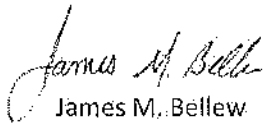
Subject: Brownfield Cleanup Program Application – Request for Repository Use
Lexington/Ralph Redevelopment
842-850 Lexington Avenue
Brooklyn, NY 11221

Dear Mr. Wewe:

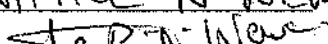
Haley & Aldrich of New York (Haley & Aldrich), on behalf of Solomon Equities, is requesting use of the Brooklyn Public Library – Washington Irving Branch as a document repository for the anticipated project located at 842-850 Lexington Avenue, Brooklyn, NY. The New York State Department of Environmental 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
Principal

The Brooklyn Public Library – Washington Irving Branch is willing to act as a public document repository holding and making available of all provided environmental documents related to the 842-850 Lexington Avenue Brownfield Cleanup Project.

BONIFACE N. WEWE
Name 

AUGUST 4th, 2022
Date

NEIGHBORHOOD LIBRARY SUPERVISOR
Title

Section XI: Acknowledgement from Brooklyn Community Board 3 Agreeing to Act as Document Repository



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

11 July 2022
File No. 0204643-000

Brooklyn Community Board 3
1360 Fulton Street, 2nd Floor
Brooklyn, NY 11216
Via email: bk03@cb.nyc.gov
Attn: Henry L. Butler

Subject: Brownfield Cleanup Program Application – Request for Repository Use
Lexington/Ralph Redevelopment
842-850 Lexington Avenue
Brooklyn, NY 11221

Dear Mr. Butler:

Haley & Aldrich of New York (Haley & Aldrich), on behalf of Solomon Equities, is requesting use of the Brooklyn Community Board 3 as a document repository for the anticipated project located at 842-850 Lexington 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
Principal

The Brooklyn Community Board 3 is willing to act as a public document repository holding and making available of all provided environmental documents related to the 842-850 Lexington Avenue Brownfield Cleanup Project.

Henry L. Butler
Name

District Manager
Title

9/2/22
Date