

960 Franklin LLC Brownfield Cleanup Program Application Consumer Park Brewery Site

**130 Montgomery St, 124 Montgomery St. and 122A Montgomery St.
Brooklyn, New York 11225**



**Legal & Consulting Team:
Knauf Shaw LLP & vEKTor Consultants.
December 2022**

Table of Contents

Section

- 1. Cover Letter**
- 2. BCP Application**
- 3. BCP Support Document**
- 4. Exhibit A – Site Location Map, Street Map and Base Map**
- 5. Exhibit B – Survey and Tax Map**
- 6. Exhibit C – Brownfield Opportunity Area Map, Disadvantaged Communities Map, Environmental Justice Map and En-Zone Map**
- 7. Exhibit D – Flood Map**
- 8. Exhibit E – Zoning Map**
- 9. Exhibit F – Previous Owners and Operators Map**
- 10. Exhibit G – Site Drawing Spider Maps**
- 11. Exhibit H – NYS DOS Entity Information**
- 12. Exhibit I – Corporate Consent**
- 13. Exhibit J – Deeds**
- 14. Exhibit K – Site Contact List**
- 15. Exhibit L – Repository Letter**
- 16. Flash Drive with Environmental Reports**



1400 Crossroads Building
2 State Street
Rochester, New York 14614
nyenvlaw.com

LINDA R. SHAW
ATTORNEY AT LAW

T 585.546.8430
C 585.414.3122
lshaw@nyenvlaw.com

December 2, 2022

VIA ELECTRONIC MAIL

Site Control Section
Attn: Jenn Hathaway
New York State Department of Environmental Conservation
Bureau of Technical Support
625 Broadway, 11th Floor
Albany, NY 12233-7020

**RE: Brownfield Cleanup Program Application
Consumer Park Brewery Site
Site No.: C224381**

Dear Ms. Hathaway:

Enclosed please find a revised Brownfield Cleanup Program ("BCP") Application in response to a Letter of Incomplete Application received via email from the Department on December 1, 2022.

Please let me know if you have any questions.

Sincerely,

KNAUF SHAW LLP

A handwritten signature in black ink that reads 'Linda R. Shaw'.

LINDA R. SHAW

Encl.

Ec: G. Burke, Director, Remedial Bureau B
S. Roberts, Project Manager, Remedial Bureau B
S. Quandt, Section Chief, Remedial Bureau B - Section C
C. Maycock, RHWRE, Region 2
J. Simpson, Assistant Counsel, Region 2
J. Andaloro, Project Attorney
K. Lewandowski, Chief, Site Control Section
Ezgi Karayel, Requestor's Consultant, (ezgi@vektorconsultants.com)
Isaac Hager, Franklin LLC (isaac@cornellrealty.com)



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

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

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

BCP App Rev 13

SECTION I: Property Information

PROPOSED SITE NAME Consumers Park Brewery Site

ADDRESS/LOCATION 130 Montgomery Street, 124 Montgomery Street, 122A Montgomery Street a/ka 960 Franklin Avenue

CITY/TOWN Brooklyn ZIP CODE 11225

MUNICIPALITY (LIST ALL IF MORE THAN ONE)

COUNTY Kings County SITE SIZE (ACRES) approx. 1.56

LATITUDE 40 ° 39 ' 58.17 " LONGITUDE 73 ° 57 ' 37.41 "

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
130 Montgomery Street		1192	41	Approximately 0.286 acres
124 Montgomery Street		1192	46	Approximately 1.243 acres
122A Montgomery Street		1192	40	Approximately 0.0294 acres

1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description.	<input checked="" type="radio"/> Y	<input type="radio"/> N
2. Is the required property map provided in electronic format with the application? (Application will not be processed without a map)	<input checked="" type="radio"/> Y	<input type="radio"/> N
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: _____ Percentage of property in En-zone (check one): 0% <input type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input checked="" type="radio"/>	<input checked="" type="radio"/> Y	<input type="radio"/> N
4. Is the project located within a disadvantaged community? See application instructions for additional information.	<input type="radio"/> Y	<input checked="" type="radio"/> N
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	<input type="radio"/> Y	<input checked="" type="radio"/> N

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? RA6

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 type="radio"/>
-----------------------	-----------------------

6. Please provide a statement detailing the specific proposed post-remediation use. Is this summary attached?

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

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

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

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

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

9. Is the proposed use consistent with applicable zoning laws/maps? Please provide a brief explanation and additional documentation if necessary.

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

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

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

SECTION IV: Property's Environmental History

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

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

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Chlorinated Solvents	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other VOCs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SVOCs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Metals	<input 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 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:

PCBs in window chaulk

3. 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

4. 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: Prior Painting Operations; Sludge Pit, Highly contaminated historic fill, brewery

SECTION V: Requestor Information

NAME

960 Franklin LLC c/ Cornell Realty

ADDRESS

75 Huntington Street

CITY/TOWN

Brooklyn, NY

ZIP CODE

11231

PHONE

718-942-9191

EMAIL

isaac@cornellrealty.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**

Isaac Hager

ADDRESS

960 Franklin LLC, c/o Cornell Realty, 75 Huntington Street

CITY

Brooklyn, NY

ZIP CODE

11231

PHONE

718-942-9191

EMAIL

isaac@cornellrealty.com

REQUESTOR'S CONSULTANT (CONTACT NAME)

Ezgi Karayel, Principal

COMPANY

vEktor Consultants

ADDRESS

37 West 37th Street, 6th Floor

CITY

New York, New York

ZIP CODE

10018

PHONE

m:716-868-8873; o:347-871-0750

EMAIL

ezgi@vektorconsultants.com

REQUESTOR'S ATTORNEY (CONTACT NAME)

Linda R. Shaw, Esq.

COMPANY

Knauf Shaw LLP

ADDRESS

2 State Street, Suite 1400

CITY

Rochester

ZIP CODE

14614

PHONE

585.546.8430

EMAIL

lshaw@nyenvlaw.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 checked="" type="radio"/>
Is the appropriate documentation included with this application?		

SECTION IX: Current Property Owner and Operator Information

CURRENT OWNER

See Support Document

CONTACT NAME

ADDRESS

CITY

ZIP CODE

PHONE

EMAIL

OWNERSHIP START DATE

CURRENT OPERATOR

CONTACT NAME

ADDRESS

CITY

ZIP CODE

PHONE

EMAIL

OPERATION START DATE

SECTION X: Property Eligibility Information

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

SECTION X: Property Eligibility Information (continued)

	Y	N
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 checked="" 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 Xjl: 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 an authorized signatory (title) of 960 Franklin 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: 11/3/22 Signature: Y. Hager

Print Name: Isaac Hager

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.

BCP App Rev 13

Please respond to the questions below and provide additional information and/or documentation as required.	Y	N
1. Is the property located in Bronx, Kings, New York, Queens or Richmond County?	<input checked="" type="radio"/>	<input type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input checked="" type="radio"/>	<input type="radio"/>
3. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)?	<input checked="" type="radio"/>	<input type="radio"/>
4. Is the property upside down or underutilized as defined below?		
Upside down	<input type="radio"/>	<input type="radio"/>
Underutilized	<input type="radio"/>	<input 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.

THIS PAGE INTENTIONALLY LEFT BLANK

BCP APPLICATION SUMMARY (FOR DEC USE ONLY)		
SITE NAME Consumers Park Brewery Site	SITE ADDRESS 130 Montgomery Street, 124 Montgomery Street, 122A Montgomery Street a/ka 960 Franklin Avenue	
CITY Brooklyn	COUNTY Kings County	ZIP 11225
REQUESTOR NAME 960 Franklin LLC c/ Cornell Realty	REQUESTOR ADDRESS 75 Huntington Street	
CITY Brooklyn, NY	ZIP 11231	EMAIL isaac@cornellrealty.com

PROPERTY ADDRESS	SECTION	BLOCK	LOT
130 Montgomery Street		1192	41
124 Montgomery Street		1192	46
122A Montgomery Street		1192	40

REQUESTOR'S REPRESENTATIVE		
NAME Isaac Hager	ADDRESS 960 Franklin LLC, c/o Cornell Realty, 75 Huntington Street	
CITY Brooklyn, NY	ZIP 11231	EMAIL isaac@cornellrealty.com
REQUESTOR'S ATTORNEY		
NAME Linda R. Shaw, Esq.	ADDRESS 2 State Street, Suite 1400	
CITY Rochester	ZIP 14614	EMAIL lshaw@nyenvlaw.com
REQUESTOR'S CONSULTANT		
NAME Ezgi Karayel, Principal	ADDRESS 37 West 37th Street, 6th Floor	
CITY New York, New York	ZIP 10018	EMAIL ezgi@vektorconsultants.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:

BCP APPLICATION SUPPORT DOCUMENT

BCP APPLICATION SUPPORT DOCUMENT

Exhibit List

Exhibit A	Site Location, Street and Base Property Maps
Exhibit B	Survey and Tax Map
Exhibit C	BOA, Disadvantaged Communities, Environmental Justice and En-Zone Maps
Exhibit D	Flood Map
Exhibit E	Zoning Map
Exhibit F	Previous Owners and Operators
Exhibit G	Site Drawing Spider Maps
Exhibit H	DOS Entity Information
Exhibit I	Corporate Consent
Exhibit J	Deeds
Exhibit K	Site Contact List
Exhibit L	Repository Letters

ENVIRONMENTAL REPORTS SEPARATELY ATTACHED ON CD:

1. March 2017 Phase I ESA and Phase II Site Investigation Report for 130 Montgomery Street, Brooklyn, Kings County, New York 11225 prepared by The ELM Group, Inc. for Brooklyn 122A Montgomery, LLC Passaic, New Jersey
2. August 2017 Phase I Environmental Site Assessment for 130 Montgomery Street, Brooklyn, New York 11225 prepared by ALC Environmental, Inc. for Brooklyn 112A Montgomery, LLC, c/o The Continuum Company LLC
3. August 2022 Supplemental Phase II Environmental Site Assessment 960 Franklin Avenue, Brooklyn NY 11225 prepared by Brussee Environmental Corporation for Cornell Realty Management LLC
4. September 2022 Phase I Environmental Site Assessment prepared by kb Environmental Assessment for the Requestor and parent company Cornell Realty Management LLC

SECTION I – PROPERTY INFORMATION

1. Site Boundary and Tax Parcel Information

The Site boundary does correspond to the tax boundaries. The Tax Boundary Map and a Survey map is provided in Exhibit B.

2. Property Map

The Site Location Map, Street Map and Base Property Map are in Exhibit A. A Survey map is in Exhibit B.

3-5. BOA, Disadvantage Communities, EJ and En-Zone Designations

The Site's BOA, Disadvantaged Communities, Environmental Justice, and En-Zone Maps are in Exhibit C. The Site is located in an EnZone Type A, Census Tract 213. The Site is not located in a BOA or disadvantaged community but is located in a Potential Environmental Justice Area. The NYS ArcGIS Map indicates that approximately 82.83% of the population surrounding the Site is a minority population. However, according to the EPA EJ Screen only 4% of the surrounding population has limited English speaking ability, therefore, the BCP documents will not need to be translated.

6-11. Please refer to response on the BCP Application Form.

12. Easements and Existing Rights of Way

There are no Easements or Existing Right-of-Ways located on the Site. See Deeds in Exhibit J.

13. Please refer to responses on the BCP Application Form.

14. Property Description Narrative

A. Site Location

The Site is comprised of the following addresses and the main building is also commonly known as 960 Franklin Avenue:

Parcel Address	Tax Parcel Identification No.
122A Montgomery Street, Brooklyn, NY	Block 1192 Lot 40
130 Montgomery Street, Brooklyn, NY	Block 1192 Lot 41
124 Montgomery Street, Brooklyn, NY	Block 1192 Lot 46

The Site is located in Brooklyn, Kings County, New York 11225. The surrounding area is occupied by a large single-story auto repair shop and two attached dwellings (to the North), a

playground (Northeast), a public-school property (to the East), a vacant lot and then residential apartments (to the South), and a single-story retail building currently occupied by a day care center and followed by railroad tracks associated with the New York subway system (to the West).

B. Site Features

The Site consists of three (3) contiguous, irregular and rectangular-shaped, lots located south of Montgomery Street, to the southwest corner of Montgomery Street and Franklin Avenue, and to the west of Franklin Avenue in the Crown Heights section of the Borough of Brooklyn, New York City, Kings County, New York. The lots have a combined area of approximately 67,895 square feet (SF) (1.558 acres). *See* Survey in Exhibit B.

130 (Lot 41) and 124 (Lot 46) Montgomery Street:

This portion of the Site is currently developed with six connected buildings including former spice warehouse, office building, and former boiler building. A cobblestone driveway leads to the loading/unloading area in the central portion of the lot. Also located in this central portion is an out of service smokestack. A bunkered heating oil Above Ground Storage Tank (AST) is located adjacent to the boiler room in the former boiler room building. There is a limited grassed area on the southern portion of the lot and a strip of wooded area directly west and southwest of the lot.

122A Montgomery Street (Lot 40):

This lot is a very thin sliver of undeveloped land adjacent to Lot 41.

The closest water body, Prospect Park Lake, is located approximately 2,800 feet southwest of the Site. The Site is located outside the 100-year and 500-year flood zones. This indicates that there is a minimal risk of flooding at the subject property. *See* Exhibit D, Flood Map.

C. Current Zoning and Land Use

The Site is currently located in the R6A General Residence District. The character of R6 districts can range from neighborhoods with a diverse mix of building types and heights to large-scale developments. R6A is a contextual district where the Quality Housing bulk regulations are mandatory. These regulations produce high lot coverage, 6-8 story apartment buildings near the street. The neighborhood properties consist mainly of residential and commercial buildings. There are railroad tracks to the west and a school to the east. *See* Exhibit E, Zoning Map. The six connected buildings on the Site are all currently unused and vacant.

Specifically, 130 Montgomery Street (Block 1192 | Lot 41) is listed as Industrial and Manufacturing. The building class is factory and industrial – Light Manufacturing (F5). There is currently one building with three floors on this lot. 124 Montgomery Street, 11225 (Block 1192 | Lot 46) is listed as Industrial and Manufacturing. There are four “factory and industrial buildings” with five floors on this lot. 122A Montgomery Street, 11225 (Block 1192 | 40) is listed as vacant land. It is zoned residential. This lot currently consists of a small strip of grassy land.

The surrounding properties have a variety of uses. The adjoining northern property has been recently demolished and is currently vacant. To the northeast is the intersection of Montgomery Street and Franklin Avenue followed by Medgar Evers College (CUNY). Directly to the east of the subject property is Franklin Avenue followed by the Public School 375 Jackie-Robinson School. The children's tennis courts and playground is directly east of the property. The adjoining southern property is a vacant lot and then beyond that is developed as two 6-story multi-family residential buildings, known as 1015 Washington Avenue and 1035 Washington Avenue. Directly west of the Site are railroad tracks associated with the New York subway system (less than 50 feet). Further west of the railroad tracks the property is developed as residential apartments, and across the street to the west is the Brooklyn Botanical Garden.

D. Past Use of the Site

See Section IV.4 for full description of past land uses. According to the historic Sanborn maps, the Site was developed for residential use prior to 1908, when the Site was redeveloped for a commercial/industrial use. The Site was originally used as a storage and bottling plant, owned by the Consumers Park Brewery. There was coal storage on the Site at this time. The configuration of the Site has remained largely unchanged for over 100 years. Around 1932, the Burton Dixie Corporation bought the brewery and repurposed it as a mattress and cotton felt manufacturing facility. M.J. Golombeck, purchased the property in approximately 1963 and repurposed it as a spice importer and distributor, with bottling and storage on Site.

The historical owners and uses associated with the Site are further described below and in Exhibit F, Previous Owners, and Operators List.

E. Site Geology and Hydrogeology

According to the USGS Ground Water Atlas of the United States, New York region (1995) and the USGS Hydrogeologic Framework of Long Island, New York, the site is situated within the Coastal Plain physiographic province. The Coastal Plain physiographic province is characterized by layers of Cretaceous age sediments (primarily clay, sand, and gravel) overlying igneous and metamorphic rocks that crop out in Connecticut. The surface of these rocks slopes to the southeast, and the overlying Coastal Plain sediments slope and thicken in the same direction. Quaternary glacial deposits (primarily outwash sand and gravel) cover the Coastal Plain sediments on Long Island to depths of as much as 600 feet. In the area of the Site, bedrock is present at a depth of approximately 250 feet below grade and is overlain by the Jameco Aquifer, Gardiners Clay, and the Upper Glacial Aquifer, with the Lloyd Aquifer and Magothy Aquifer absent from the geologic sequence. In addition, the Site is located near the northern limits of the Raritan Confining Unit. As such, this unit may also be present beneath the Site, between the bedrock and the Jameco Aquifer.

The topography of the Site and surrounding area was reviewed from the United States Geological Survey (USGS) 7.5-minute series topographic map for the Brooklyn, NY Quadrangle and the elevation of the Site is approximately 95 feet above mean sea level (amsl). The Site is relatively flat with the general topographic gradient sloping downward to the south. There are no surface water bodies on or adjacent to the subject property. The nearest surface water body is a small, unnamed pond located within the Brooklyn Botanical Gardens, approximately 0.2 mile to the

northwest.

According to the State Soil Geographic (STATSGO) Database, which are compiled by generalizing more detailed Soil Survey Geographic (SSURGO) database maps, the soil component in the vicinity of the Site is identified as Urban Land and is described as having a variable surface texture. The STATSGO database states that additional subordinate soil types may be present in the general vicinity of the subject property described as mainly loamy sand and silt loam. Deeper soil types consist of very gravelly, loamy sand, unweathered bedrock and stratified sandy loam.

Based upon a surface elevation of 95 feet amsl, the depth to groundwater in the vicinity of the Site is approximately 86 feet below grade surface (bgs). Groundwater is expected to flow to the southsouthwest, consistent with the regional trend. A review of USGS well data indicates that the nearest USGS monitoring well (K 1338.1) with available water level data is located approximately one-eighth mile south of the Site. The well has an unspecified grade elevation and is completed in the Upper Glacial aquifer at a depth of 129 feet bgs. A total of 97 groundwater measurements were collected from this well between August 1944 and November 1951. These data indicate the depth to groundwater fluctuated between -36.36 and 4.75 feet amsl.

15-17. Regarding Questions 15-17 on the BCP Application:

Requestor will eventually be seeking a determination that the project will be eligible for affordable housing credits because 30% of the project will be developed for affordable housing. Requestor is not seeking a determination that the Site is Upside down or Underutilized.

SECTION II – PROJECT DESCRIPTION

1-3. Please refer to BCP Application Form.

4. Short Project Description

The planned redevelopment of the Site entails the development of a residential apartment building which will include 30% affordable housing apartments.

Schedule – Commencement through COC

A Remedial Investigation (“RI”) Work Plan (“RIWP”) is expected to be completed for the Site before the public comment period so that it is subject to the 30 day application public comment period. The Remedial Investigation is expected to commence in February 2023 be completed on the Site by April 2023. Site preparation activities are expected to commence by April 2023 including demolition of the on-Site building. The Remedial Action Work Plan (“RAWP”) will be completed in summer of 2023 and any required remediation may commence in the fall of 2023. The Certificate of Completion is anticipated to be issued before the end of 2023 or in early 2024.

SECTION III – LAND USE FACTORS

1. Current Zoning

The Site is currently located in the R6A General Residence District. *See Exhibit E Zoning Map.*

2. Allowed Uses

The R6A General Residence zoning district allows for high lot coverage, six- to eight-story apartment buildings set at or near the street line, to be compatible in medium-density neighborhoods.

3-4. Current Use

There are six connected buildings on the Site, which are all currently vacant with no operational use.

5. Intended Use Post Remediation

After the remediation, the Site will be used for a residential apartment building with 30% affordable housing apartments.

6. Post Remediation Use

Post remediation use of the Site entails a residential apartment building with 30% affordable housing apartments.

7. Renewable Energy Facility

The proposed post-remediation use is not a renewable energy facility.

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

Yes, current, historical and/or recent development patterns support the proposed use.

9. Is the proposed use consistent with applicable zoning laws/maps?

Yes, the project is consistent with the City's need for more affordable housing and is compatible with the current residential zoning.

10. Consistent with the Master Plan?

Yes, the project is consistent with the City's need for more affordable housing.

SECTION IV – PROPERTY’S ENVIRONMENTAL HISTORY

1. List of Environmental Reports

The following is the list of environmental reports for the Site separately attached:

1. March 2017 Phase I ESA and Phase II Site Investigation Report for 130 Montgomery Street, Brooklyn, Kings County, New York 11225 prepared by The ELM Group, Inc. for Brooklyn 122A Montgomery, LLC Passaic, New Jersey
2. August 2017 Phase I Environmental Site Assessment for 130 Montgomery Street, Brooklyn, New York 11225 prepared by ALC Environmental, Inc. for Brooklyn 112A Montgomery, LLC, c/o The Continuum Company LLC
3. August 2022 Supplemental Phase II Environmental Site Assessment 960 Franklin Avenue, Brooklyn NY 11225 prepared by Brussee Environmental Corporation for Cornell Realty Management LLC
4. September 2022 Phase I Environmental Site Assessment prepared by kb Environmental Assessment for the Requestor and parent company Cornell Realty Management LLC

2. Sampling Data

See Exhibit G Spider Maps which include sampling data summaries, and Section IV.3.

3. Environmental Assessment

Based on the investigations conducted to date, the primary contaminants of concern are benz(a)anthracene (51 mg/kg), benzo(a)pyrene (52 mg/kg), benzo(b)fluoranthene (46 mg/kg), benzo(k)fluoranthene (32 mg/kg), chrysene (57 mg/kg), dibenz(a,h)anthracene (11 mg/kg), indeno(1,2,3-cd)pyrene (36 mg/kg), and naphthalene, cadmium, and lead in soil. No groundwater was encountered on-Site and is estimated to be approximately 96 feet bgs. Cis-1,2-Dichloroethene, Tetrachloroethene and Trichloroethene were elevated above DOH mitigation recommended levels, in the soil vapor samples. See Exhibit G Site Drawing Spider Maps.

Soil:

Analytes > RRSCOs	Detections> RRSCOs	Maximum Detection (mg/kg)	RRSCO (mg/kg)	Depth (ft-bgs)	Date Sampled
SVOCs					
Benzo(a)anthracene	18	51	1	3-5	8/3/22
Benzo(a)pyrene	16	52	1	3-5	8/3/22
Benzo(b)fluoroanthene	16	46	1	3-5	8/3/22
Benzo(k)fluoroanthene	9	32	3.9	3-5	8/3/22
Chrysene	8	57	3.9	3-5	8/3/22
Dibenzo(a,h)anthracene	14	11	0.33	3-5	8/3/22
Indeno[1,2,3-cd] pyrene	18	36	0.5	3-5	8/3/22

Pyrene	1	120	100	3-5	8/3/22
METALS					
Barium	3	1300	400	1.5 - 2	3/21/17
Cadmium	5	13.1	4.3	0 - 2	8/3/22
Lead	8	1300	400	1.5 - 2	3/21/17
Mercury	6	3.4	0.81	6 - 6.5	3/22/17
Zinc	1	12000	10,000	1.5 - 2	3/21/17

Soil Vapor:

Analytes	Detections	Maximum Detection (mg/kg)	Type	Date
VOCs				
1,1,1 – Trichloroethane	1	47.3	Soil vapor	8/3/22
1,1 Dichloroethane	2	39.4	Soil vapor	8/3/22
1,2,4 – Trimethylbenzene	3	6.39	Soil vapor	8/3/22
1,3,5- Trimethylbenzene	1	1.36	Soil vapor	8/3/22
1,3 Butadiene	1	6.61	Soil vapor	8/3/22
1,4- Dichlorobenzene	1	3.85	Soil vapor	8/3/22
2 Hexanone(MBK)	1	8.02	Soil vapor	8/3/22
4- Ethyltoluene	1	2.85	Soil vapor	8/3/22
5- Isopropyltoluene	3	14.7	Soil vapor	8/3/22
Acetone	6	93.5	Soil vapor	8/3/22
Benzene	1	11.8	Soil vapor	8/3/22
Carbon Disulfide	2	8.4	Soil vapor	8/3/22
Carbon Tetrachloride	5	0.41	Soil vapor	8/3/22
Chloromethane	2	2.31	Soil vapor	8/3/22
Cis-1,2-Dichloroethene	1	211	Soil vapor	8/3/22
Dichlorodifluoromethane	6	52.9	Soil vapor	8/3/22
Ethanol	6	45.4	Soil vapor	8/3/22
Heptane	1	1.07	Soil vapor	8/3/22
Hexane	5	5.99	Soil vapor	8/3/22
Isopropylalcohol	5	1.99	Soil vapor	8/3/22
M,p-Xylene	3	2.86	Soil vapor	8/3/22
Methyl Ethyl Ketone	5	13.1	Soil vapor	8/3/22
Methylene Chloride	1	2.78	Soil vapor	8/3/22
O-Xylene	2	1.05	Soil vapor	8/3/22
Propylene	2	123	Soil vapor	8/3/22
Tetrachloroethene	6	27,400	Soil vapor	8/3/22
Toluene	5	1.59	Soil vapor	8/3/22
Trichloroethene	1	902	Soil vapor	8/3/22
Trichlorofluoromethane	2	1.36	Soil vapor	8/3/22
Vinyl Chloride	1	0.47	Soil vapor	8/3/22

4. Past Land Use

A. Past Use of the Site

The Site has had various past industrial manufacturing uses. The building on the northern portion of the Site, Lot 41, was constructed between 1888-1908 and was originally a stable/warehouse. From 1908-1932, a portion of the Site on Lot 46 was used as a cold storage and bottling facility by Consumers Park Brewery. This operation occupied the three existing 2-story buildings and the two existing 4 and 5-story buildings, in addition to a coal shed present and a two-story dwelling located along Franklin Avenue on the northern portion of the Site. Lot 40 was undeveloped between 1888 and 1908.

From 1932-1955, the existing 3-story building was converted to a mattress and cotton felt factory by the Burton Dixie Corporation on lots 41 and 46. Burton converted the coal shed into a single-story building for wire cutting and this structure was razed prior to 1963. The nearby two-story building was converted into a showroom, which was also razed sometime prior to 1951. The western half of the four-story building was used for spring manufacturing and painting.

From the late 1950's to 2019, Lot 41 and 46 were most recently used as a spice factory, distribution center and office space by M.S. Golombeck Inc. until operations ceased in October 2019 and the vacant Site was put up for sale. From 1960 to 1985, Lot 41 was also used by various Edward Keifer (EJK) corporations to cut glass. The most recent name of this company was EJK Corp Aircraft & Machine Division. Lot 40 was utilized as a glassware store and/or storage facility from 1963 to 2007. Lot 40 is currently made up of vacant land.

B. Past Investigations Related to Uses and Environmental Conditions that Led to the Submission of this Application.

Due to the variety of historical industrial uses on the Site, the first Phase I investigation in 2017 performed for a prior prospective purchaser revealed twenty-five potential areas of concern (AOCs), and concluded that roughly eleven were considered Recognized Environmental Conditions (RECs) including: (1) three 100-gallon Kerosene above ground storage tanks (ASTs); (2) Bunkered Oil AST Associated with the Boiler (size unknown since it is encased in concrete); (3) Historic Transformer House; (4) Floor Drains in Basement; (5) Dry Well in Basement; (6) Historic Boiler Room Associated with the Former Brewery Operations; (7) Historic Boiler Room Associated with Former Ice Manufacturing Operations; (8) Historic Coal Shed and Storage Area; (9) Former Engine Room/Machine Shop; (10) Brick Smoke Stack; and (11) Historic Fill. The first ten RECs were related to the historic uses of the Site.

A subsequent Phase II investigation detected contaminants indicative of coal usage on the Site at concentrations exceeding the Restricted Residential Soil Cleanup Objectives (RRSCOs) and Industrial SCOs (ISCOs). The exceedances included the Polycyclic Aromatic Hydrocarbons (PAHs) benz(a)anthracene, benzo(a)pyrene, benzo(b) fluoranthene, chrysene, dibenzo(a,h)anthracene, and indeno(1,2,3-CD)pyrene, and metals (lead, mercury, cadmium, nickel, barium, copper, and zinc).

Asbestos sampling in the building occurred in July 2017 and PCB sampling in July-August 2017. Several building components, such as roofing materials, pipe insulation, and vinyl floor tiles testing positive for the presence of asbestos. The window calking material was tested for the PCBs, but none of the samples detected results higher than the standard of 50 ppm for PCBs in window calking. The prospective purchaser which performed these investigations acquired adjacent Lots 63 and 66, which were included in these investigation report but did not proceed to acquire the Site (Lots 40, 41 and 46).

Brussee Environmental Corp. (BEC) conducted a Supplemental Phase II Environmental Site Assessment (ESA) on behalf of the Requestor, BEC performed a ground penetrating radar (GPR) survey across the accessible areas of the Site to identify possible anomalies indicative of an underground storage tank, which did not identify any anomalies. In addition, BEC performed a subsurface investigation consisting of 15 soil borings to collect 15 soil samples for laboratory analysis, attempted installation of monitoring wells but no groundwater was encountered, and installed 3 soil vapor implants at a depth of approximately 8 ft bgs. Contaminated fill material, including gravel, brick, and glass debris, was encountered from depths varying between 2.5 to 7 feet. Groundwater samples were not collected during BEC's subsurface investigation because groundwater is suspected to only be present at depths of approximately 40 ft bgs. Elevated concentrations of trichloroethene (TCE) and tetrachloroethene (PCE) were detected in the soil vapor sample from SV-1 which extended to a terminal depth of 8 feet below grade over the NYSDOH Matrices recommendation for mitigation. Other contaminants of concern found are summarized in the table above and included very high (possible hazardous waste) levels of SVOCs and metals in soil and VOCs in soil vapor.

SECTION V – REQUESTOR INFORMATION

The Requestor is 960 Franklin LLC c/o Cornell Realty, a New York limited liability company, located at 75 Huntington Street, Brooklyn, NY 11231. 960 Franklin LLC c/o Cornell Realty is authorized to do business in the State of New York. *See Exhibit H, NYSDOS Entity Information.* The members are:

1. Isaac Hager
2. Daryl Hagler

The Written Consent provides Isaac Hager with authority to sign all Brownfield Cleanup Program (“BCP”) documents on behalf of the Requestor 960 Franklin LLC c/o Cornell Realty. *See Exhibit I, Corporate Consent.*

As further described below in Section IV, the Site is located at 130 Montgomery Street (Tax Parcel Block 1192 Lot 41 – approximately 0.286 acres) 124 Montgomery Street (Tax Parcel Block 1192 Lot 46 – approximately 1.243 acres) and 122A Montgomery Street (Tax Parcel Block 1192 Lot 40- a small grassy area lot – approximately 0.0294 acres) Brooklyn, NY (“Site” or “BCP Site”).

Requestor just became the Site owner therefore no Site Access Agreement is required.

The Requestor has no prior relationship with any current or past owners or operators of the Site. See Exhibit F, Previous Owners and Operators List. The Requestor did not cause any of the contamination of the Site, which predates the Requestor's involvement at the Site. Requestor performed all required due diligence before acquiring the Site and is immediately volunteering for the BCP to remediate the Site.

SECTION VI – REQUESTOR ELIGIBILITY INFORMATION

1-10. Please refer to BCP Application Form.

11. Unregistered bulk storage tanks

There are no known underground unregistered bulk storage tanks. There are several aboveground Storage Tanks (ASTs) as described below:

On site: There are three 100-gallon kerosene aboveground storage tanks (ASTs) in the boiler room. One soil boring (SB-23) was advanced adjacent to the ASTs, to a depth of 8 feet below grade (bgs). No compounds were detected above the RRSCOs.

Underground Storage Tanks: The ALC Phase 1 environmental report identified two closed-in-place 5,000-gallon No. 2 USTs, reportedly installed in October 1986 and closed in March 2009; and a 10,000-gallon No. 2 fuel oil which was converted to non-regulated use. These tanks were properly registered with the NYSDEC. There are reported spills associated with the site. However, all reported spills were associated with dry leaks from tank test failures.

REQUESTOR CERTIFICATION

The Requestor certifies it is a volunteer, since it does not have nor has ever had a relationship with any of the past owners or operators of the Site that caused the contamination other than it purchased a portion of the Site from previous owners and intends to purchase additional portions of the Site. Requestor did not have involvement with the Site at the time of disposal. The Requestor has performed all required environmental due diligence prior to acquiring the Site and has implemented due care of the Site.

SECTION VII- REQUESTOR CONTACT INFORMATION

Please refer to the BCP Application Form.

SECTION VIII – PROGRAM FEE

Please refer to responses on the BCP Application Form.

SECTION IX- CURRENT PROPERTY OWNER/OPERATOR INFORMATION

The Requestor is the owner of the Site as of November 1, 2022. *See* Exhibit J Deeds.

The Previous Owner and Operator list is attached in Exhibit F. This Exhibit includes both current and previous property owners and operators by name, last known address, telephone number, and the Requestor's relationship to each owner and operator (all of which are "None"). Exhibit F also includes the prior operators' use of the Site.

SECTION X - PROPERTY ELIGIBILITY INFORMATION

Please refer to the responses to the Questions 1-6 on the BCP Application Form, which confirms the Site is not ineligible for the BCP.

In addition to the responses on the application form, which clarify the Site is an eligible brownfield site pursuant to ECL § 27-1405, the following information further demonstrates this Site's eligibility for the BCP.

The Site meets the definition of an eligible "brownfield site" in Environmental Conservation Law § 27-1405(2) as "any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by the department that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations." Environmental investigation results show evidence of impact from the Site's previous commercial and industrial uses, which can be linked to and caused Site contamination above the applicable cleanup standards. See Environmental Reports separately attached and the Spider Maps in Exhibit G, providing the data demonstrating exceedances of the cleanup standards for this Site. As a result, the Site meets the definition of a brownfield site pursuant to Environmental Conservation Law §27-1405(2).

SECTION XI - CONTACT LIST INFORMATION

See Exhibit K for the Site Contact List. *See* Exhibit L, for the Repository Letter.

EXHIBIT A

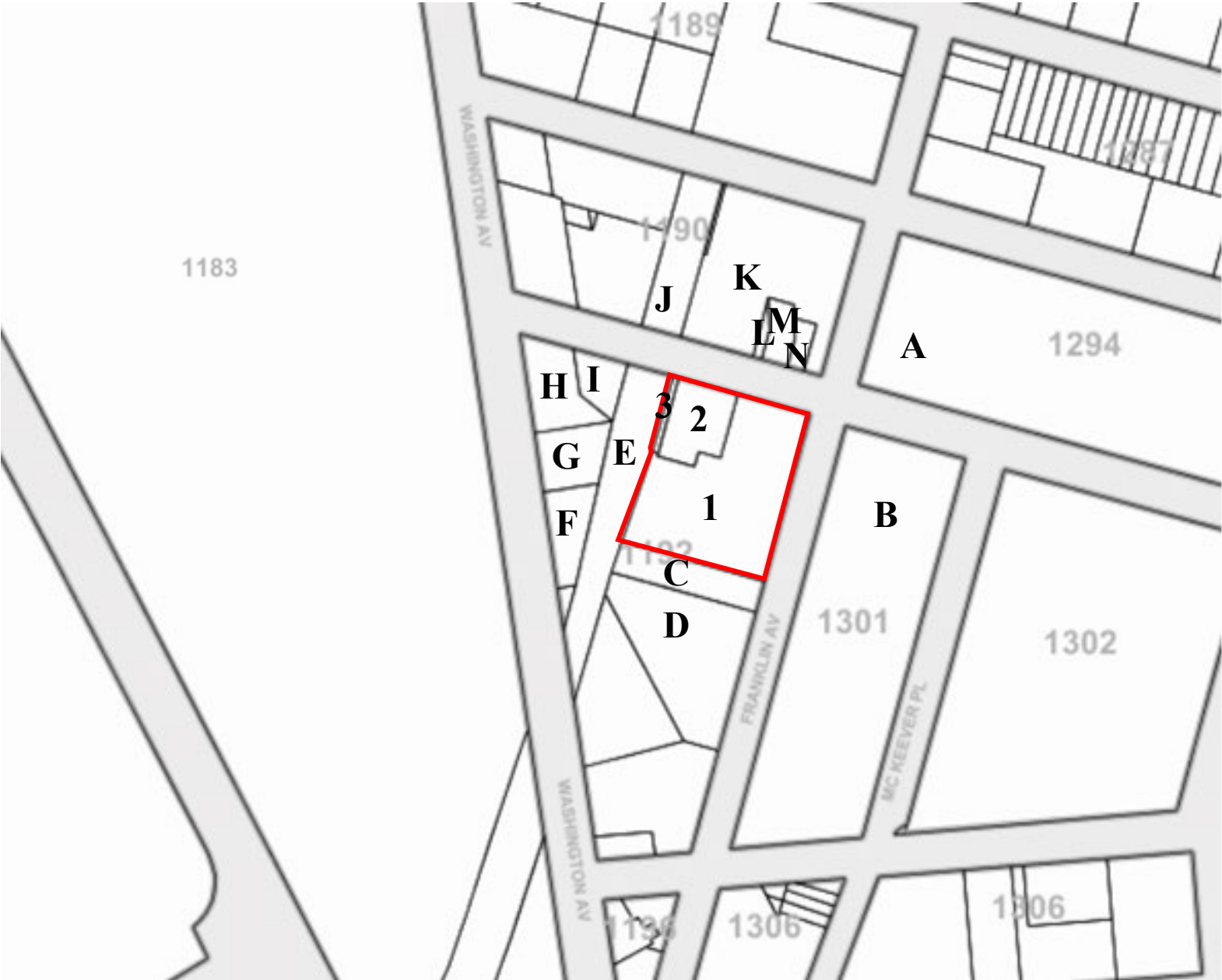
BASE MAP

Consumers Park Brewery Site
122A Montgomery Street, 124 Montgomery
Street and 130 Montgomery Street
Brooklyn, NY 11225

Legend:
 Site Property Boundary

Corresponding page
lists adjacent property owners by
letter A – N

November 2022
Source: NYC GIS
Scale: 1” = 100’ approximately



All feature locations are approximate. This map is intended as a schematic to be used in conjunction with associated Application and Support Information, and should not be relied upon as a survey for planning and other activities.

Number	Property Owner(s) Name(s)	Property Address	Section-Block-Lot
1	960 Franklin LLC	124 Montgomery Street	Brooklyn-1192-46
2	960 Franklin LLC	130 Montgomery Street	Brooklyn-1192-41
3	960 Franklin LLC	122A Montgomery Street	Brooklyn-1192-40

Letter	Adjacent Property Owner(s) Name(s)	Property Address	Section-Block-Lot
A	The City University of New York	80 Crown Street	Brooklyn-1294-1
B	NYS Department of Education	945 Franklin Avenue	Brooklyn-1301-1
C	Franklin Avenue Property Owner LLC	962 Franklin Avenue	Brooklyn-1192-63
D	Franklin Avenue Property Owner LLC	972 Franklin Avenue	Brooklyn-1192-66
E	NYC Transit	Washington Avenue	Brooklyn-1192-1
F	975 Washington Property LLC	975 Washington Avenue	Brooklyn-1192-6
G	961 Washington LLC	961 Washington Avenue	Brooklyn-1192-14
H	941 Washington Avenue LLC	941 Washington Avenue	Brooklyn-1192-18
I	Lucy R. McNair and Kohn Daniel	104 Montgomery Street	Brooklyn-1192-30
J	NYC Transit	Crown Street	Brooklyn-1190-26
K	CP VI Crown Heights, LLC	Crown Street	Brooklyn-1190-29
L	CP VI Crown Heights, LLC	Montgomery Street	Brooklyn-1190-50
M	Montgomery Housing Development Fund Company, Inc.	141 Montgomery Street	Brooklyn-1190-48
N	Montgomery Housing Development Fund Company, Inc.	145 Montgomery Street	Brooklyn-1190-46



BCP Site Location

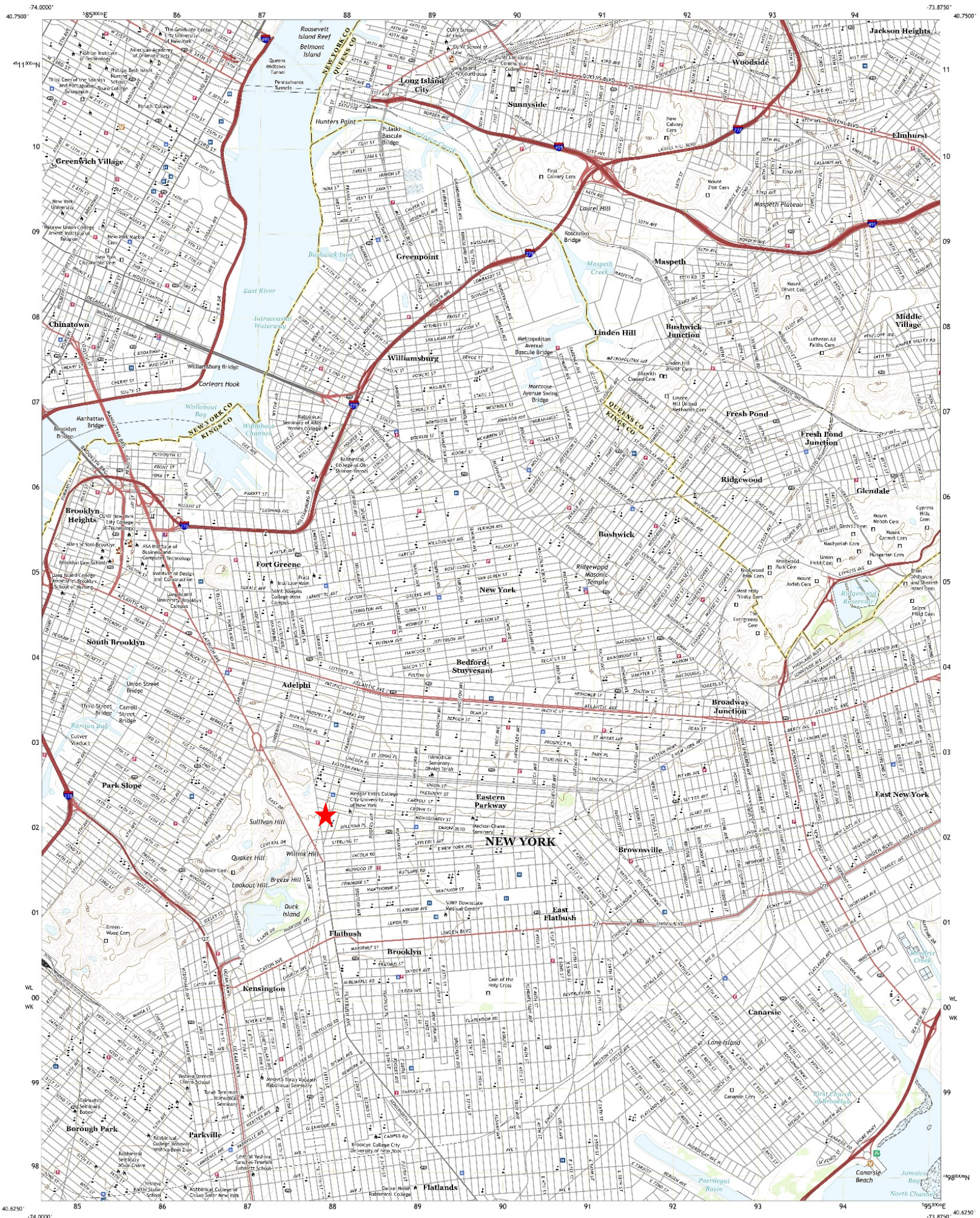
SITE LOCATION MAP



U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



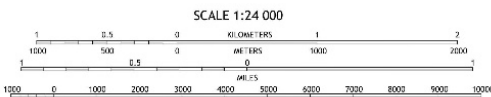
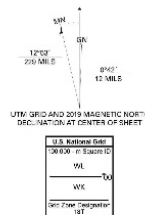
BROOKLYN QUADRANGLE
NEW YORK
7.5-MINUTE SERIES



Produced by the United States Geological Survey

North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84) Projection and
1 000 meter grid/Universal Transverse Mercator, Zone 18T
This map is not a legal document. Boundaries may be
generalized for this map scale. Private lands within government
reservations may not be shown. Obtain permission before
entering private lands.

Legend	.....NAIP, July 2015	December 2017
Legend	.....U.S. Census	Bureau, 2016
Legend	.....National	Geographic Survey, 1980 - 2019
Legend	.....National	Hydrography, 1899 - 2016
Legend	.....National	Elevation Dataset, 2013 - 2015
Legend	.....Multiple	sources; see metadata file 2017 - 2019
Legend	.....FWS	National Wetlands Inventory, 2004



CONTOUR INTERVAL 10 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988
This map was produced to conform with the
National Geospatial Program US Topo Product Standard, 2011.
A metadata file associated with this product is draft version 0.6.15



1	2	3
4	5	6
7	8	9

ADJACENT QUADRANGLES

- 1 Westchester
- 2 Central Park
- 3 Flushing
- 4 Jersey City
- 5 Jamaica
- 6 The Narrows
- 7 Coney Island
- 8 Far Rockaway

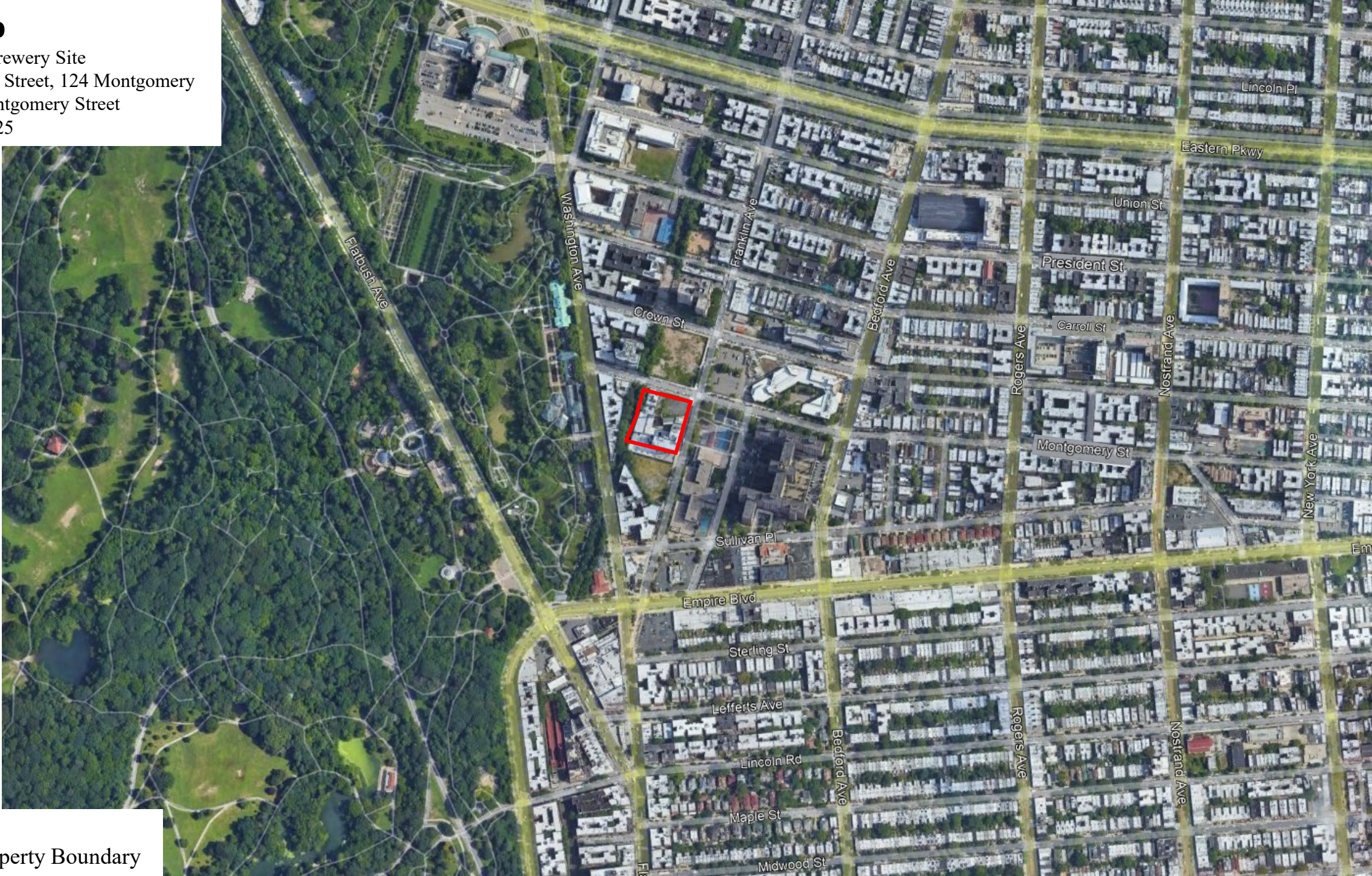
ROAD CLASSIFICATION	
Expressway	Local Connector
Secondary Hwy	Local Road
Ramp	4WD
Interstate Route	US Route
	State Route

BROOKLYN, NY
2019



Street Map

Consumers Park Brewery Site
122A Montgomery Street, 124 Montgomery
Street and 130 Montgomery Street
Brooklyn, NY 11225

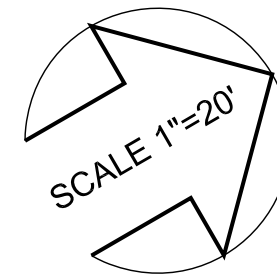
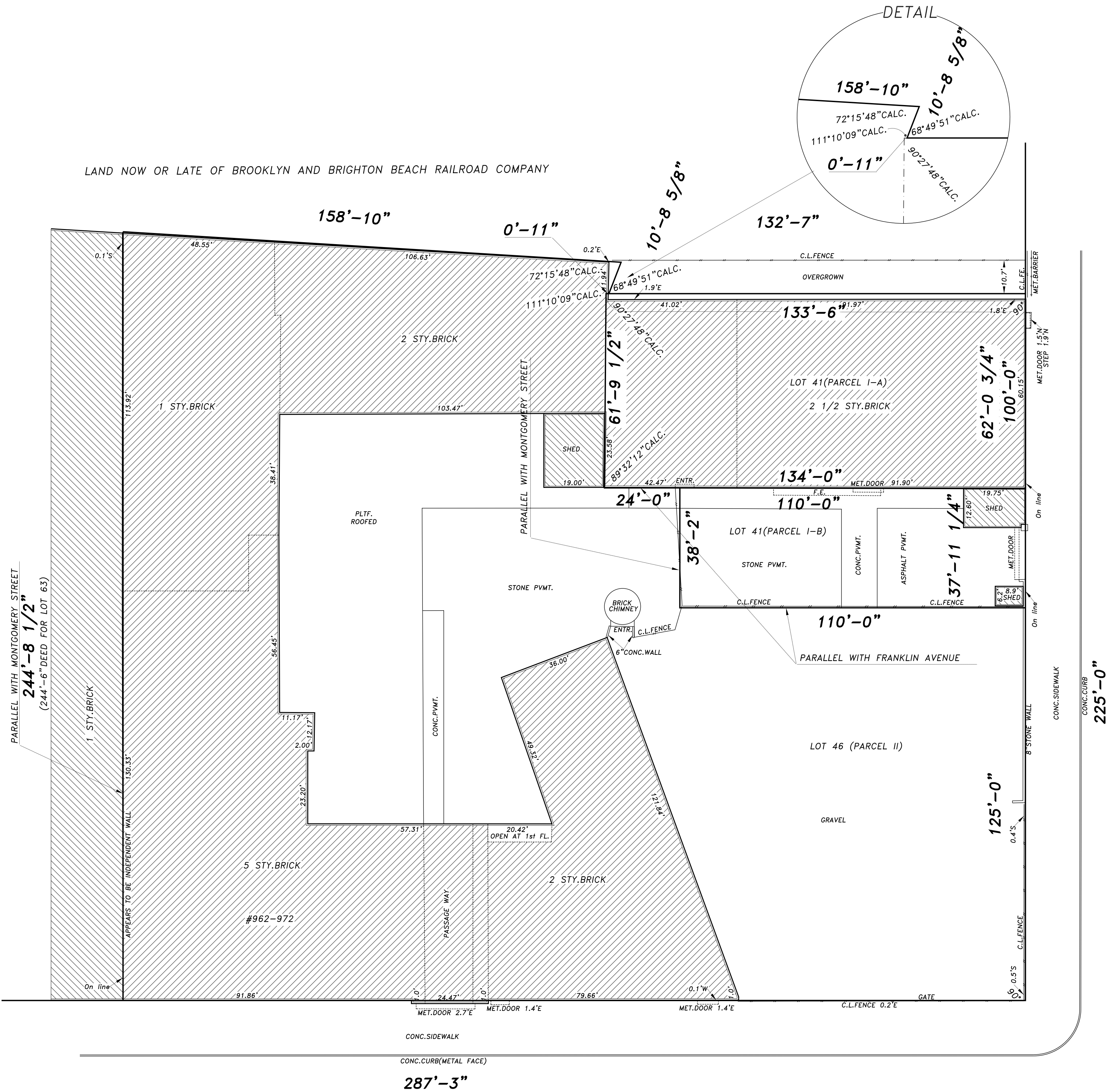


Legend:
 Site Property Boundary

EXHIBIT B

JOB NUMBER: B1192-41-46
PROPERTY ADDRESS: 962-972 FRANKLIN AVENUE
TITLE NUMBER: RANY-48791
TITLE PURPOSES ONLY

SYMBOLS AND ABBREVIATIONS	
FENCE	C.L.FENCE
UTILITY POLE	Q.U.P.
CATCH BASIN	C.B.
PARKING METER	P.M.
TRAFFIC LIGHT	T.L.
LIGHT	L
STREET LIGHT	S.L.
FIRE HYDRANT	H.Y.D.
SIAMSE CONNECTION	S.C.
SHUT OFF VALVE	S.O.V.
HANDICAPPED PARKING	H.P.
DRAIN	D
PEDESTRIAN RAMP	P.R.
EXISTING ELEVATIONS	X TC 7.03 TOP OF CURB X BC 6.72 BOTTOM OF CURB
CITY ESTABLISHED GRADES	L.G. 7.52
CURB AND CURB CUT	CURB CUT
OVERHEAD SERVICE	O.S.
CABLE TV MANHOLE	C.T.V. M.H.
MANHOLES	M.H.
CHAIN LINK FENCE	C.L.F.
FIRE ESCAPE	F.E.
PLATFORM	PL. or PLTF.
CELLAR ENTRANCE	C.E.
AIR WAY	A.W.
CONCRETE	CONC.
PAVEMENT	P.V.M.T.
AIR CONDITION	A.C.
METAL	MET.
NORTH OF PROPERTY LINE	N
SOUTH OF PROPERTY LINE	S
EAST OF PROPERTY LINE	E
WEST OF PROPERTY LINE	W



STREET

MONTGOMERY

TITLE SURVEY

PREPARED BY
kaBA
surveying
phone: 718-354-7279 718-470-2358
fax: 718-247-5854 718-470-2264
338 JERICHO TURNPIKE, FLORAL PARK, NY 11001

PROFESSIONAL LAND SURVEYOR
brooklyn bronx manhattan queens nassau
WWW.KABAPLS.COM
SURVEYS@KABAPLS.COM



Robert W. Kaban

SURVEYED ON: AUGUST 10, 2022

NOTES:
SURVEYED AS IN POSSESSION. OFFSETS AND/OR DIMENSIONS SHOWN BETWEEN THE STRUCTURES AND PROPERTY LINES ARE FOR RECORD PURPOSES AND USE AND THEREFORE ARE NOT INTENDED TO GUIDE ERECTION OF FENCES, RETAINING WALLS, POOLS, PLANTING AREAS, ADDITIONS TO STRUCTURES, SHEDS, GARAGES AND ANY OTHER CONSTRUCTION AND DESIGN. PLUMBNESS OF WALLS NOT VERIFIED.
UNDERGROUND AND SURFACE WALLS NOT LOCATED AS PART OF THIS SURVEY.
PROPERTY CORNER MONUMENTS WERE NOT PLACED AS PART OF THIS SURVEY.
THIS SURVEY HAS BEEN PREPARED WITHOUT A FULL ABSTRACT OF TITLE. OTHER AGREEMENTS, COVENANTS AND/OR RESTRICTIONS AFFECTING AND/OR BENEFITING PARCEL SURVEYED, IF ANY, NOT INDICATED HEREON.
EASEMENTS IF ANY IF NOT SHOWN ON THIS SURVEY ARE NOT GUARANTEED.
SOME DIMENSIONS, FEATURES AND/OR LOCATIONS MAY NOT BE DRAWN TO SCALE TO PROVIDE CLARITY.
DO NOT USE THIS SURVEY UNLESS YOU AGREE AND CONSENT TO ALL OF THE ABOVE.

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S INKED SEAL OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID COPY. GUARANTEES OR CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. GUARANTEES OR CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SURVEYED FOR: 960 Franklin LLC; Riverside Abstract, LLC; Stewart Title Insurance Company;	
GUARANTEED TO: ABOVE,	
BOROUGH: KINGS	TOWN: BROOKLYN
SECTION: BLOCK: 1192	LOTS: 41, 46
FILED MAP INFO:	



NYC Digital Tax Map

Effective Date : 12-30-2021 11:42:21
End Date : Current
Brooklyn Block: 1192



Legend

- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon

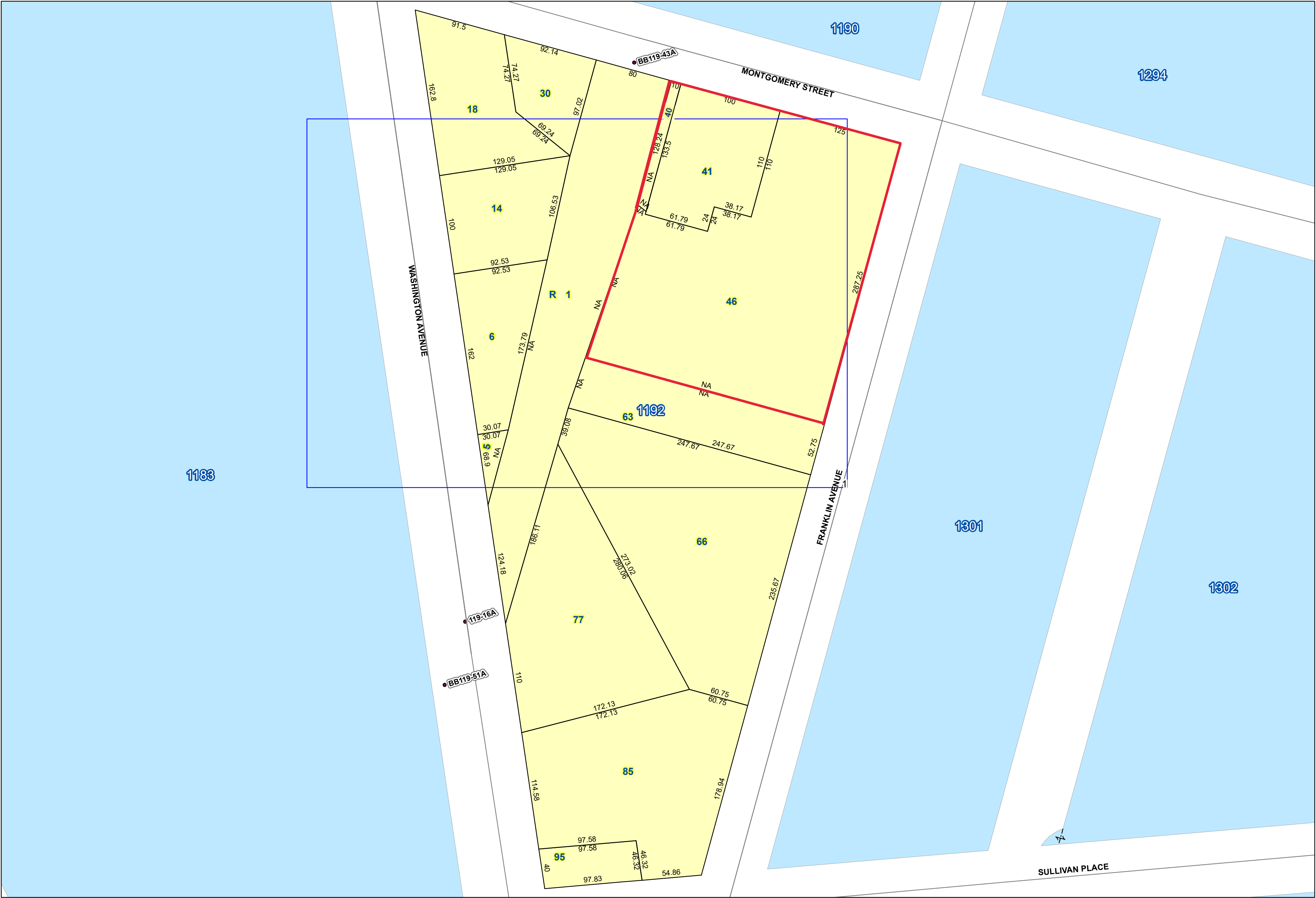



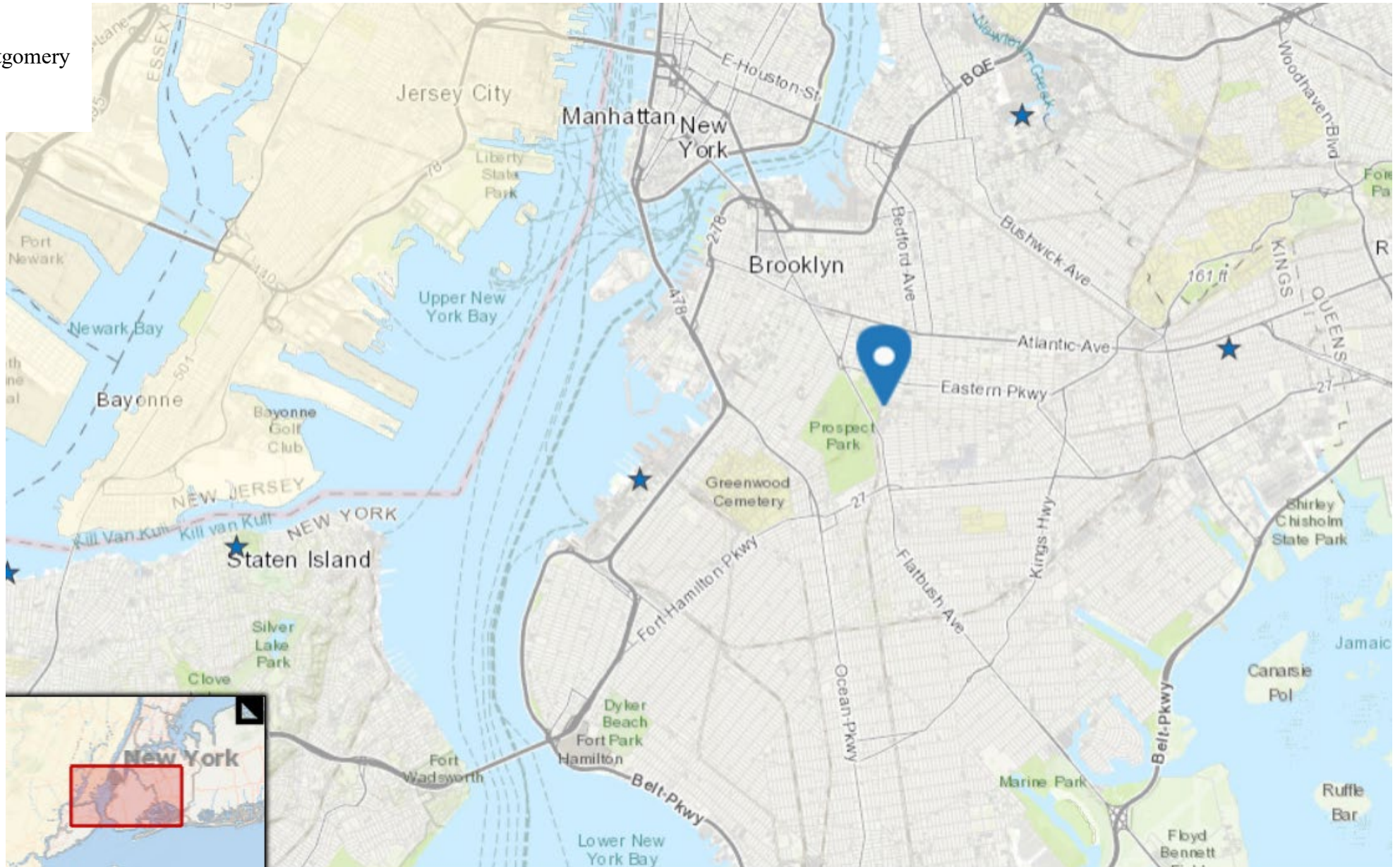
EXHIBIT C

BOA Map

Consumers Park Brewery Site
122A Montgomery Street, 124 Montgomery
Street and 130 Montgomery Street
Brooklyn, NY 11225

Legend:

-  Site Location
-  BOA Designations



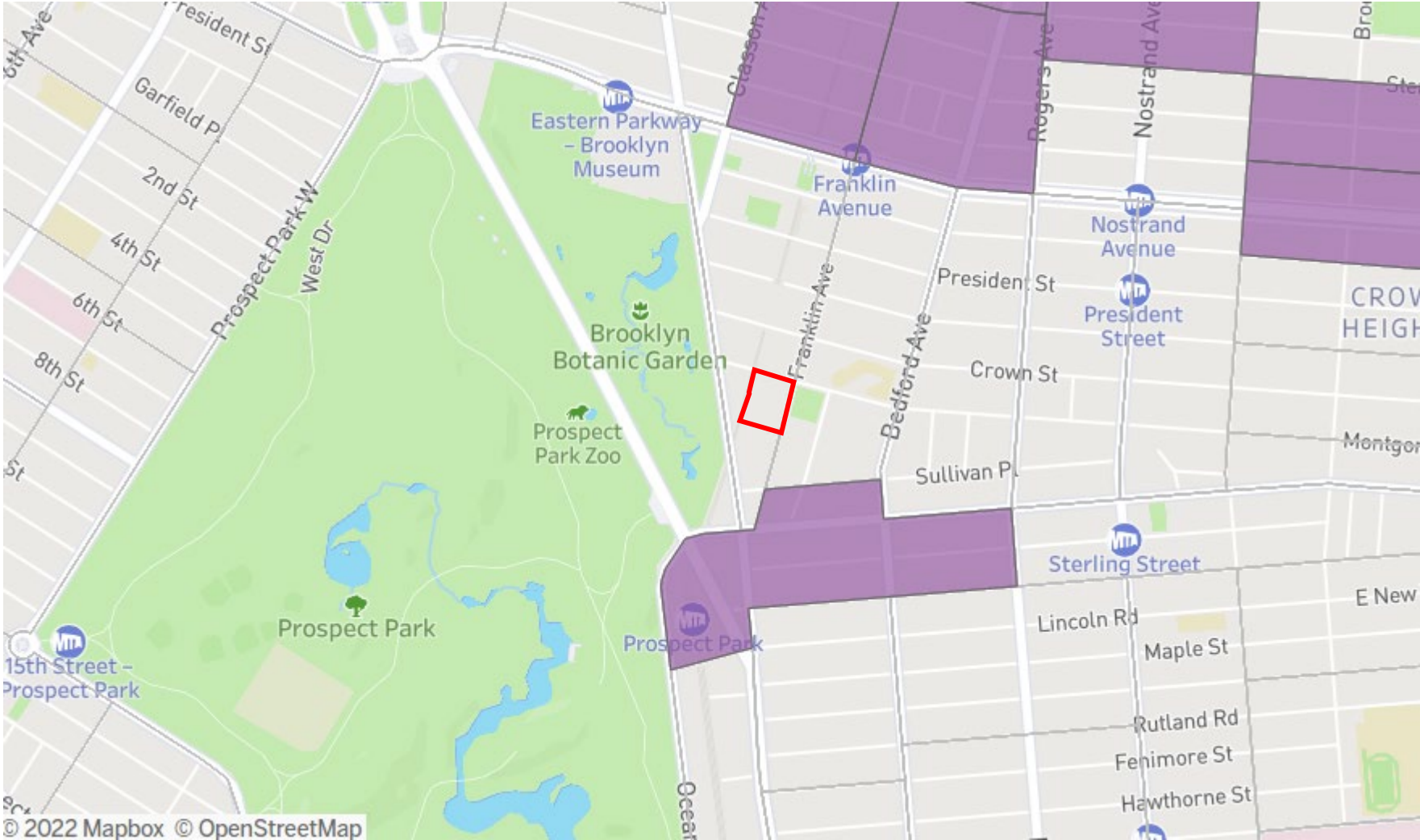
November 2022

Source: NYS Geographic Information
Gateway

Scale: 1" = 100' approximately

Disadvantaged Communities Map



Consumers Park Brewery Site
122A Montgomery Street, 124
Montgomery Street and 130
Montgomery Street
Brooklyn, NY 11225

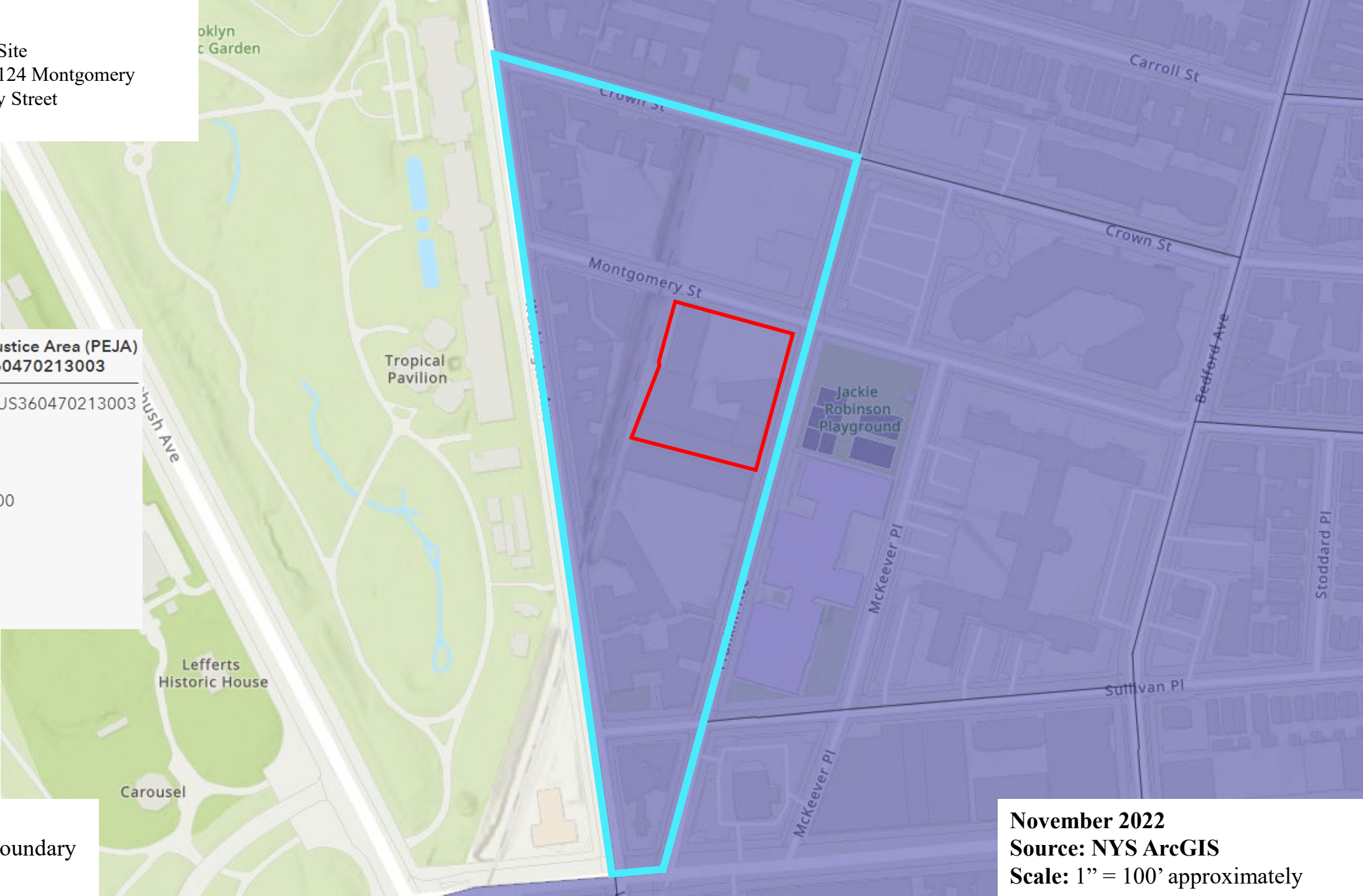


- Legend:**
- Site Property Boundary
 - Disadvantaged Community

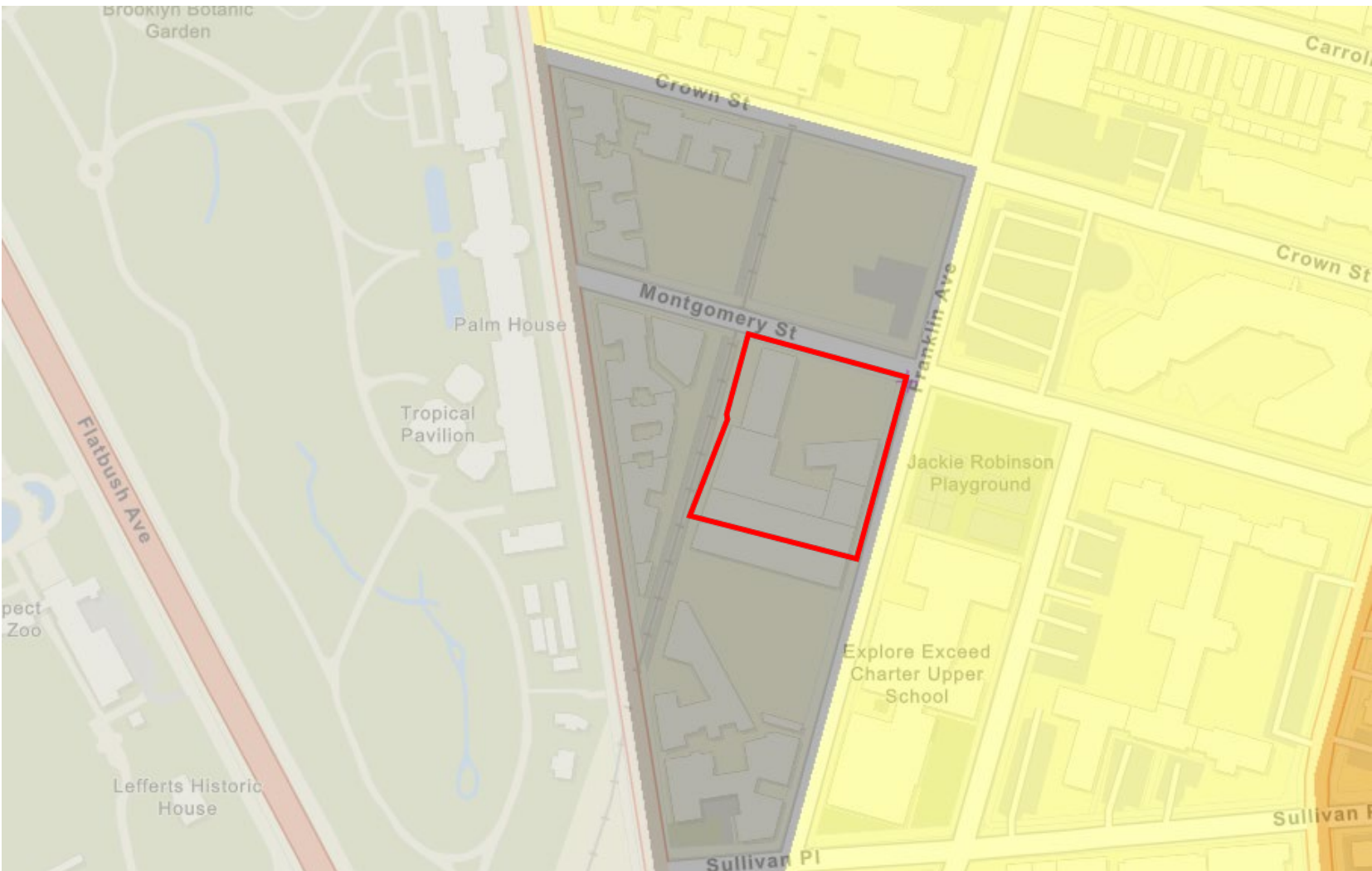
EJ MAP
Consumers Park Brewery Site
122A Montgomery Street, 124 Montgomery
Street and 130 Montgomery Street
Brooklyn, NY 11225

Potential Environmental Justice Area (PEJA) Communities: 15000US360470213003	
Census Block Group	15000US360470213003
Percentage Below Poverty Level	21.96
Total Population	1,158.00
Percentage Minority Population	82.83
PEJA	Yes

Legend:
 Site Property Boundary
 Census Block



November 2022
Source: NYS ArcGIS
Scale: 1" = 100' approximately



Kings County, NY

US Percentile

Population: 998

Demographic Index:	77 %ile
Supplemental Demographic Index:	62 %ile
People of Color:	82 %ile
Low Income:	50 %ile
Unemployment Rate:	89 %ile
Limited English Speaking:	81 %ile
Less Than High School:	49 %ile
Under Age 5:	27 %ile
Over Age 64:	57 %ile

Location: User-specified point center at 40.666211, -73.959650

Ring (buffer): 1-miles radius

	2016 - 2020 ACS Estimates	Percent
Population Age 5+ Years by Ability to Speak English		
Total	152,147	100%
Speak only English	116,506	77%
Non-English at Home ¹⁺²⁺³⁺⁴	35,641	23%
¹ Speak English "very well"	25,432	17%
² Speak English "well"	6,108	4%
³ Speak English "not well"	3,095	2%
⁴ Speak English "not at all"	1,006	1%
³⁺⁴ Speak English "less than well"	4,101	3%
²⁺³⁺⁴ Speak English "less than very well"	10,209	7%

Translation Not Required

4% of population limited English Speaking


November 2022

Source: EPA EJ Screen

Scale: 1" = 100' approximately

En-Zone Map

Consumers Park Brewery Site
122A Montgomery Street, 124 Montgomery
Street and 130 Montgomery Street
Brooklyn, NY 11225

Legend:
 Site Property
Boundary

Census Tract 213

Census Tract 213	
EnZoneType A	
FIPS	36047021300
County_FIP	36047
Geography	Census Tract 213
County	Kings County
UnempRate	19.4
NYS_UR	11.5
Pov_Rate	27.1
CountyPR	23.2
CountyRate	46.4
Criteria_B	
Both_AB	
Criteria_A	Y
Type	YA

November 2022
Source: Google Earth
Scale: 1" = 100' approximately

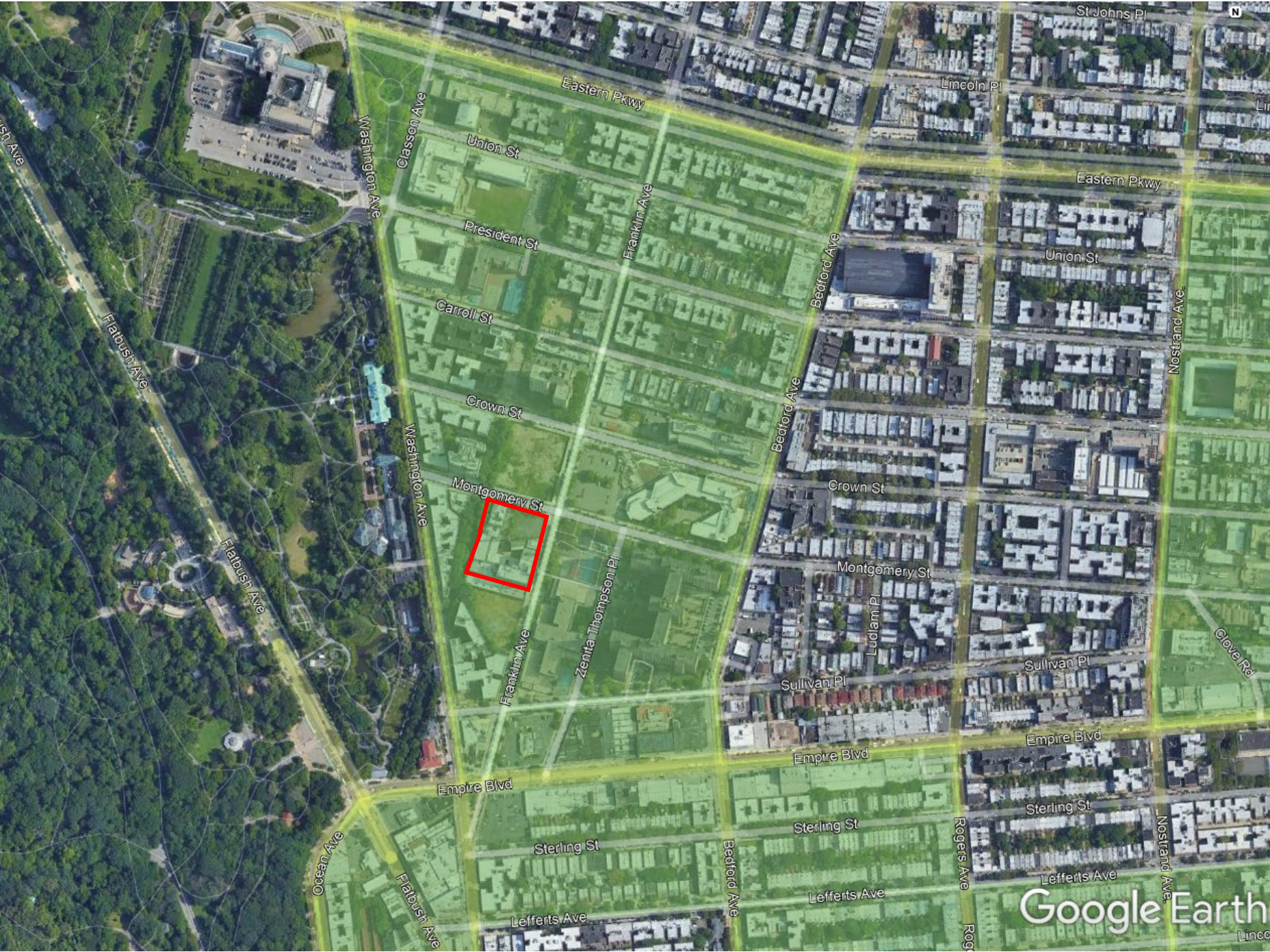


EXHIBIT D

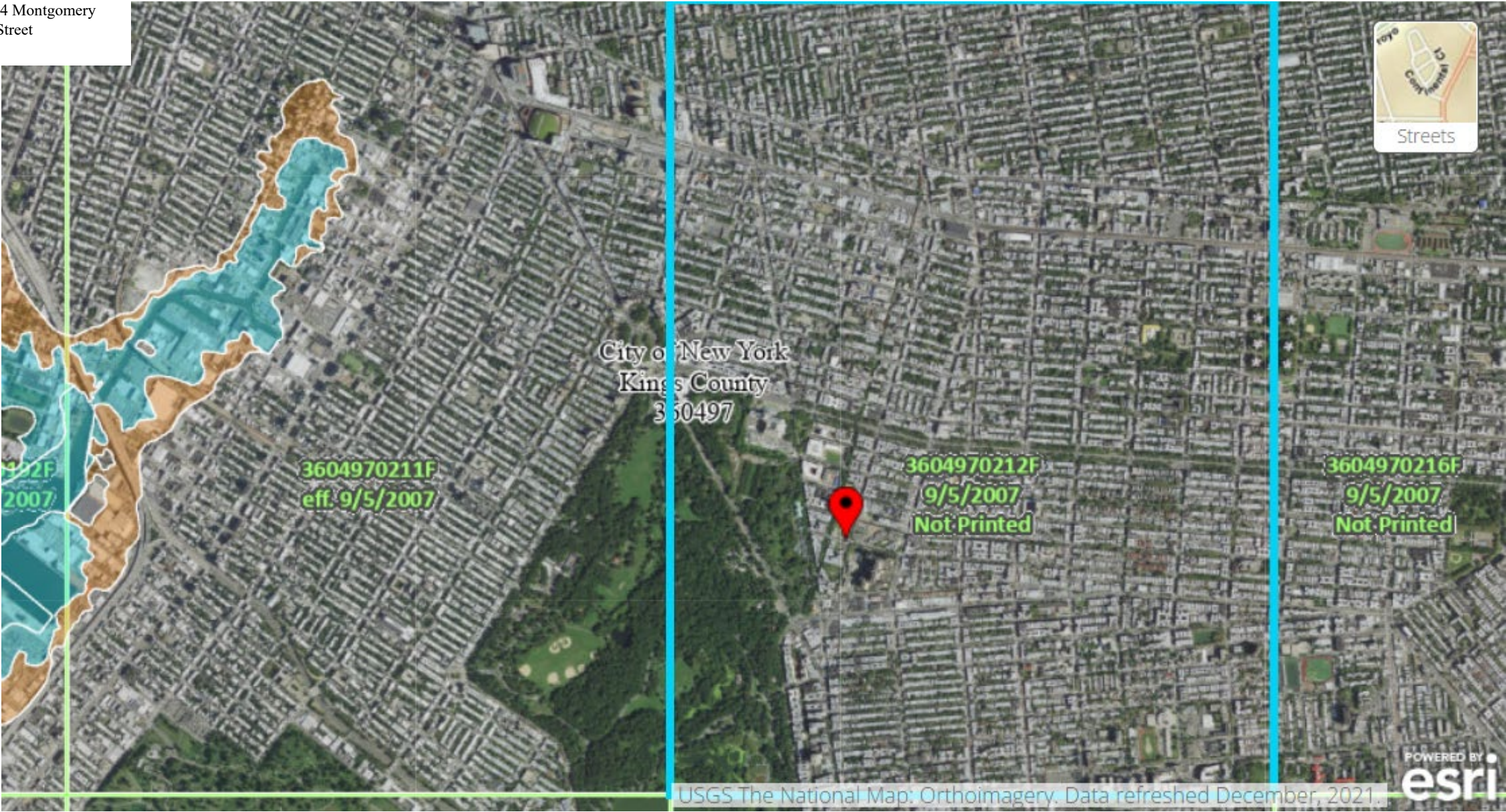
FLOOD MAP

Consumers Park Brewery Site
122A Montgomery Street, 124 Montgomery
Street and 130 Montgomery Street
Brooklyn, NY 11225

Legend:

 Site Location

All feature locations are approximate. This map is intended as a schematic to be used in conjunction with the associated report, and it should not be relied upon as a survey for planning or other activities.



November 2022

Source: FEMA Flood Map


Scale: 1" = 100" approximately

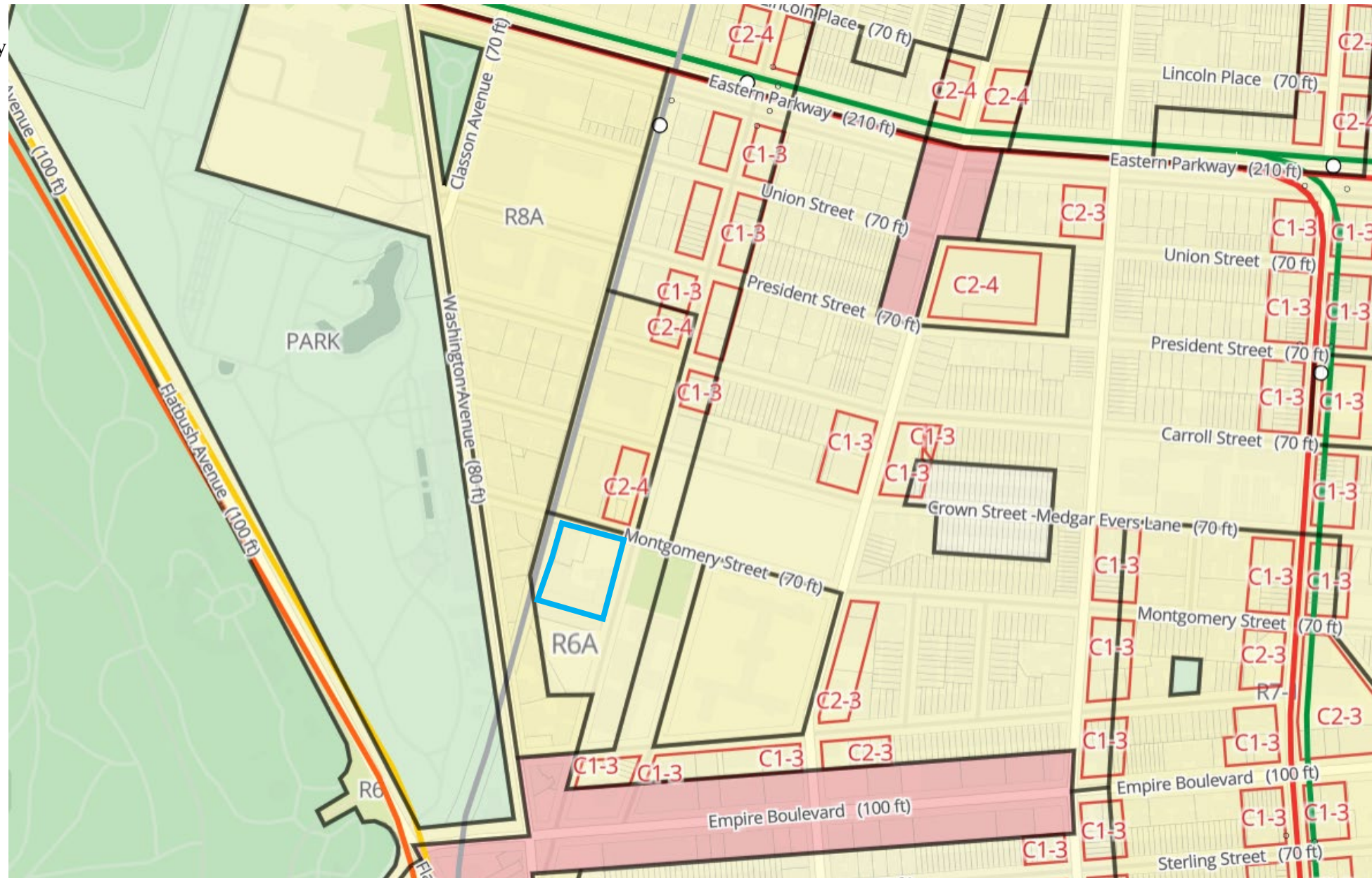
EXHIBIT E

ZONING MAP

Consumers Park Brewery Site
122A Montgomery Street, 124 Montgomery
Street and 130 Montgomery Street
Brooklyn, NY 11225

Legend:

 Site property boundary
Zoning Districts: R6A



November 2022

Source: NYC Zola

ArcGIS

Scale: 1" = 100' approximately

Zoning District: R6A – Residence District

R6A is a contextual district where the Quality Housing bulk regulations are mandatory. These regulations produce high lot coverage, six- to eight-story apartment buildings set at or near the street line. Designed to be compatible with older buildings found in medium-density neighborhoods, R6A districts are mapped in the Bronx, Brooklyn and Queens. Parts of Kingsbridge in the Bronx and Williamsburg in Brooklyn are typical R6A areas.

The floor area ratio (FAR) in R6A districts is 3.0. Above a minimum base height of 40 feet, the building must set back by at least 10 feet on a wide street and 15 feet on a narrow street before rising to its maximum height of 70 feet, or 75 feet if providing a qualifying ground floor. To preserve the traditional streetscape, the street wall of a new building can be no closer to the street line than any adjacent street wall but need not be farther than 10 feet. The area between a building's street wall and the street line must be planted. R6A buildings must have interior amenities for the residents pursuant to the Quality Housing Program.

Higher maximum FAR and heights are available for buildings participating in the Inclusionary Housing Program or that provide certain senior facilities.

Off-street parking is generally required for 50 percent of a building's dwelling units, but requirements are lower for income-restricted housing units (IRHU) and are further modified in certain areas, such as within the Transit Zone and the Manhattan Core, or for lots less than 10,000 square feet. Parking can be waived if five or fewer spaces are required. Off-street parking is not allowed in front of a building.

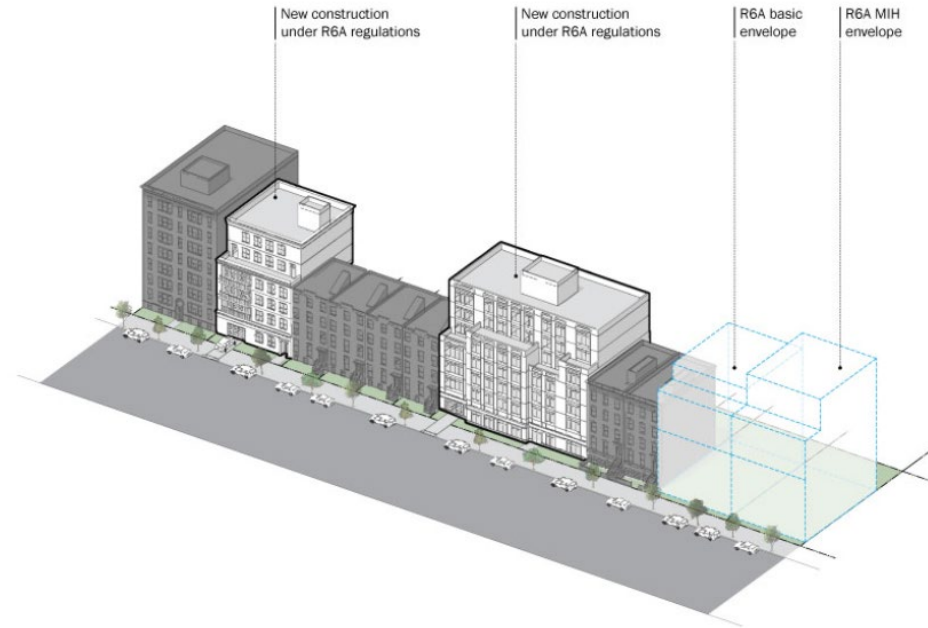


EXHIBIT F

PREVIOUS OWNERS & OPERATORS LIST

Consumers Park Brewery Site

122A Montgomery Street, 124 Montgomery Street and 130 Montgomery Street
Brooklyn, New York 11225

Year	Contact Information 122A Montgomery Street Brooklyn-1192-40 Owners	Status	Relation to Requestor
Unknown - 1967	Bedford Tank Service Corp. Last Known Address: 1005 Carroll Street Phone: Unknown Brooklyn, New York 11225	Unknown	None
1967 - 1971	Bessie Moldau Address: Unknown Phone: Unknown	Deceased	None
1971 - 1976	W. & W. Associates, Inc. Address: 790 Franklin Avenue Phone: Unknown Brooklyn, New York 11225	Inactive	None
1976 - 1982	Samuel Heyman (Lost Property in Foreclosure) Address: Unknown Phone: Unknown	Deceased	None
1982 - 1987	City of New York Address: City Hall Park Phone: (212) 639-9675 New York, New York 10007	Active	None
1987 - 2016	1655 Realty Corp. Address: C/O Seltzer Sussman & Habermann LLP 100 Jericho Quardangle, Suite 226 Phone: (516) 933-3030 Jericho, New York 11753	Active	None
2016 - 2022	Brooklyn 122A Montgomery LLC Address: C/O Seaview Capital Partners LLC Phone: (973)685-5229 128 Main Avenue Passaic, New Jersey 07055	Active	None
2022 – Present	960 Franklin LLC Address: c/o Cornell Realty Phone: (718) 942-9191 75 Huntington Street Brooklyn, New York 11231	Active	Requestor
Operators			
1888 - 1908	Undeveloped Lot	N/A	None
1908 - 2007	Store	N/A	None
1928	W. Cary Real Estate & Insurance Address: Unknown Phone: Unknown	Unknown	None
1963 - 2007	Glassware Store/Storage	N/A	None
Present	Vacant Land	N/A	None

PREVIOUS OWNERS & OPERATORS LIST
Consumers Park Brewery Site
122A Montgomery Street, 124 Montgomery Street and 130 Montgomery Street
Brooklyn, New York 11225

Year	Contact Information 130 Montgomery Street Brooklyn-1192-41 Owners	Status	Relation to Requestor
1960 – 1988	E.J.K. Corporation Last Known Address: 104 Montgomery Street Phone: Unknown Brooklyn, New York 11225	Unknown	None
1988 - 2022	H.P.G. Associates, Inc. Address: Abraham Zev Golombeck Phone: (718) 284-3748 12 Sealy Drive Lawrence, New York 11559	Active	None
2022 – Present	960 Franklin LLC Address: c/o Cornell Realty Phone: (718) 942-9191 75 Huntington Street Brooklyn, New York 11231	Active	Requestor
Operators			
1908	Stable/Warehouse	N/A	None
1932 -1955	Factory Building - Burton Dixie Corporation Address: c/o Corporation System, Inc. Phone: Unknown 136 Madison Avenue New York, New York 10016	Active	None
1959 - 2019	Storage, Offices and Truck Loading - M.S. Golombeck Inc Address: c/o Schiff Foods Products Co., Inc. Phone: (973) 237-1990 994 Riverview Drive Totowa, New Jersey 07512	Active via Schiff	None
1960 - 1985	E. Kiefer Cut Glass Last Known Address: 104 Montgomery Street Phone: Unknown Brooklyn, New York 11225	Unknown	None
1965 - 1985	EJK Corp. Aircraft & Machine Division Last Known Address: 104 Montgomery Street Phone: Unknown Brooklyn, New York 11225	Unknown	None
2019 - Present	Vacant	N/A	None

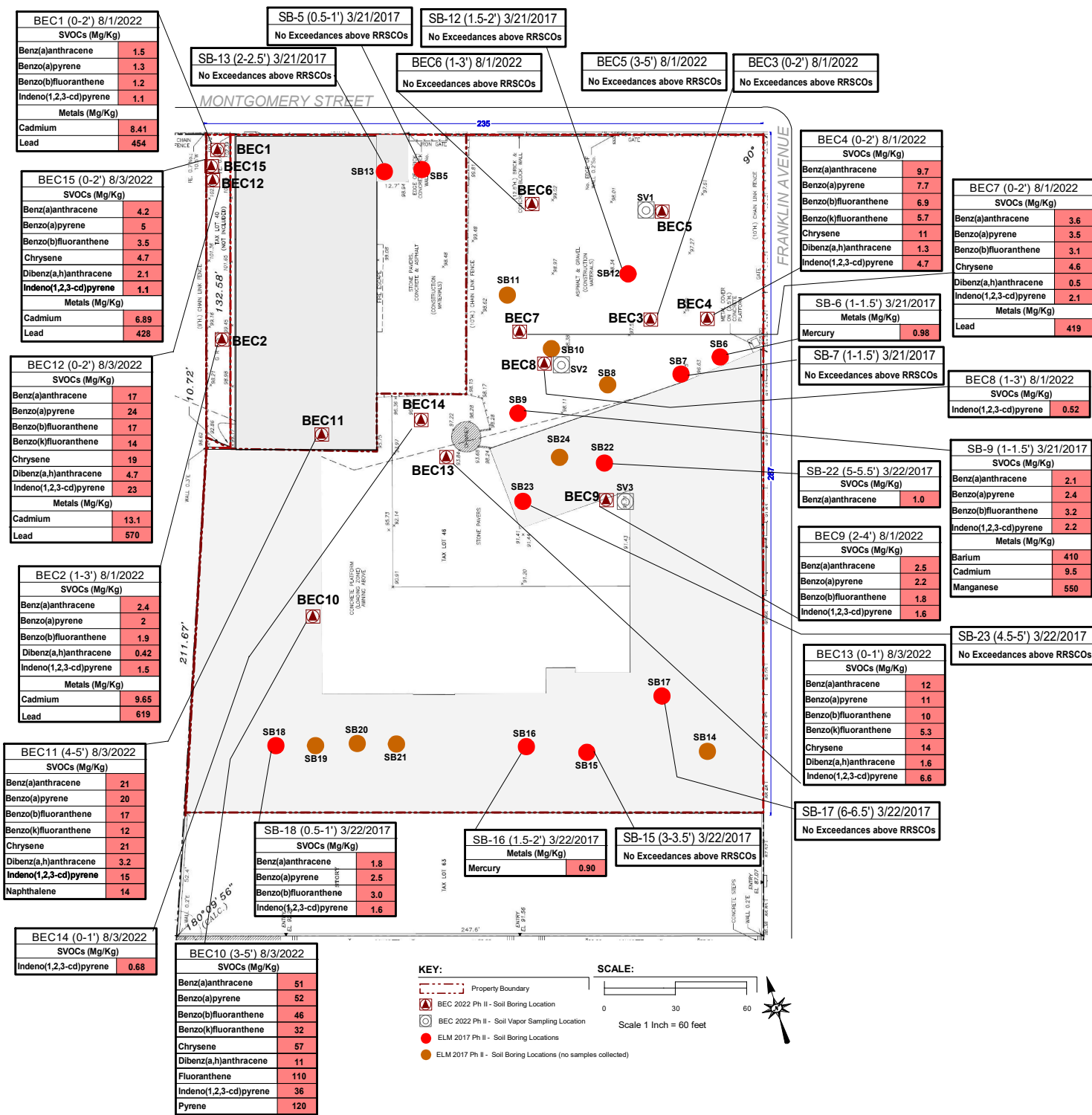
PREVIOUS OWNERS & OPERATORS LIST
Consumers Park Brewery Site
122A Montgomery Street, 124 Montgomery Street and 130 Montgomery Street
Brooklyn, New York 11225

Year	Contact Information 124 Montgomery Street Brooklyn-1192-46 Owners	Status	Relation to Requestor
Unknown – 1983	M.J.G. Realty Corp Address: 918 Utica Avenue Phone: Unknown Brooklyn, New York 11203	Inactive	None
1983 – 2022	H.P.G. Associates, Inc. Address: Abraham Zev Golombeck Phone: (718) 284-3748 12 Sealy Drive Lawrence, New York 11559	Active	None
2022 – Present	960 Franklin LLC Address: c/o Cornell Realty Phone: (718) 942-9191 75 Huntington Street Brooklyn, New York 1123	Active	Requestor
Operators			
1888	Developed with six small residences, situated around the site perimeters, and several small outbuildings (stables/sheds)	N/A	None
1908	2-Story Residence	N/A	None
1908 - 1920	Consumers Park Brewery – Merged into Interboro Brewing Company (several interconnected 1 to 5-story buildings, including wash house, cold storage, racking room, stable and coal shed & storage) Address: Unknown Phone: Unknown	Inactive	None
1928	Gaubert & Irwin, Inc. Address: Unknown Phone: Unknown	Unknown	None
1928	Robinson-Rodgers Co. – Bedding Manufacturer Address: Unknown Phone: Unknown	Unknown	None
1928 - 1934	Oliver Burton Corp. – Cotton and Felt Manufacturer Address: c/o G.S. Knott Phone: Unknown 146 39 th Street Brooklyn, New York 11232	Active	None
1928 - 1951	Burton Dixie Corporation Manufacturers of Mattresses and Cotton Felts (Including a show room, wire cutting shop, factory, and storage) Address: c/o Corporation System, Inc. Phone: Unknown 136 Madison Avenue New York, New York 10016	Active	None
1940 - 1949	Sisal Pad & Spring Unit Co. Address: Unknown Phone: Unknown	Unknown	None
1951	Showroom Demolished - Parking	N/A	None
1955 - 2019	M.S. Golombeck Inc. Spice Importers/Morris J. Golombeck Spice Company Morris J. Golombeck, Inc. - Merged with Schiff Food Products Co., Inc. Address: c/o Schiff Foods Products Co., Inc. Phone: (973) 237-1990 994 Riverview Drive Totowa, New Jersey 07512	Active via Schiff	Nona

PREVIOUS OWNERS & OPERATORS LIST
Consumers Park Brewery Site
122A Montgomery Street, 124 Montgomery Street and 130 Montgomery Street
Brooklyn, New York 11225

1960	Leake Manufacturing Corp. Address: Unknown Phone: Unknown	Unknown	None
1963	Wire Cutting Shop Demolished – Parking Lot Expanded	N/A	None
1970 - 2000	Renee Import & Export Corp. Address: Unknown Phone: Unknown	Unknown	None
2004 – 2009	HPG Associates, Inc. Address: Abraham Zev Golombeck 12 Sealy Drive Lawrence, New York 11559 Phone: (718) 284-3748	Active	None
2019 - Present	Vacant	N/A	None

EXHIBIT G



MONTGOMERY STREET

FRANKLIN AVENUE

SV1 - 8/3/2022

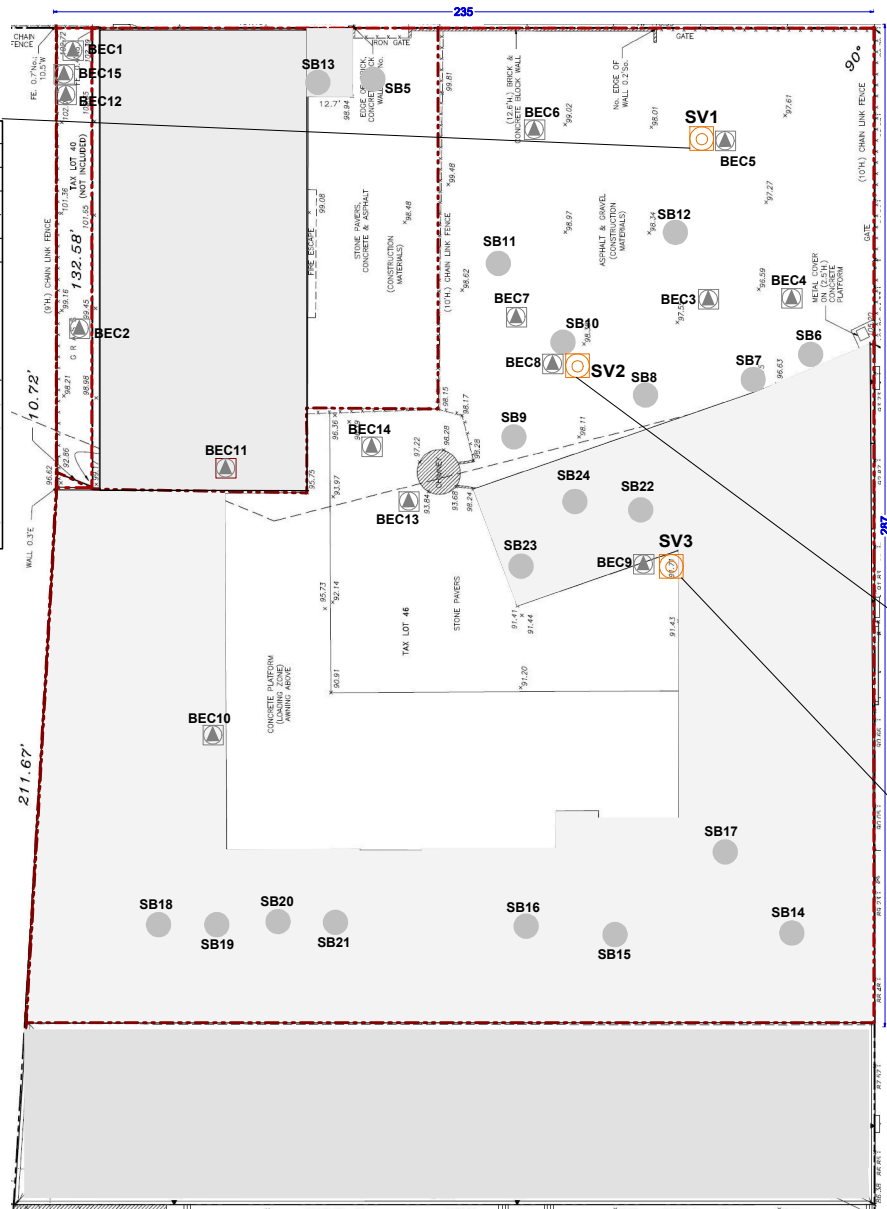
1,1,1-Trichloroethane	47.3
1,1-Dichloroethane	39.4
1,1-Dichloroethene	7.21
1,3-Butadiene	6.61
2-Hexanone(MBK)	8.02
Acetone	93.5
Benzene	11.8
Carbon Disulfide	8.4
Cis-1,2-Dichloroethene	211
Dichlorodifluoromethane	52.9
Ethanol	45.4
Hexane	5.99
Methyl Ethyl Ketone	13.1
Methylene Chloride	2.78
Propylene	123
Tetrachloroethene	27,400
Trichloroethene	902
Vinyl Chloride	0.47

SV2 - 8/3/2022

1,2,4-Trimethylbenzene	1.4
Acetone	80.2
Carbon Disulfide	1.83
Carbon Tetrachloride	0.39
Dichlorodifluoromethane	1.97
Ethanol	22.8
Hexane	1.4
Isopropylalcohol	1.58
m,p-Xylene	1.46
Methyl Ethyl Ketone	3.68
o-Xylene	1.05
Propylene	1.64
Tetrachloroethene	20.6
Toluene	1.59
Trichlorofluoromethane	1.36

SV3 - 8/3/2022

Acetone	10
Carbon Tetrachloride	0.41
Dichlorodifluoromethane	2.05
Ethanol	37.8
Hexane	1.1
Isopropylalcohol	1.99
Tetrachloroethene	1.9
Toluene	1.48
Trichlorofluoromethane	1.18



KEY:

- Property Boundary
- BEC 2022 Ph II - Soil Boring Location
- BEC 2022 Ph II - Soil Vapor Sampling Location
- ELM 2017 Ph II - Soil Boring Locations

SCALE:

0 25 55

Scale 1 Inch = 55 feet



EXHIBIT H

Department of State

Division of Corporations

Entity Information

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

Entity Details

ENTITY NAME: 960 FRANKLIN LLC	DOS ID: 6533535
FOREIGN LEGAL NAME:	FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY	DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTION OF LAW: LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW	ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 07/11/2022	REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 07/11/2022	INACTIVE DATE:
FOREIGN FORMATION DATE:	STATEMENT STATUS: CURRENT
COUNTY: ALBANY	NEXT STATEMENT DUE DATE: 07/31/2024
JURISDICTION: NEW YORK, UNITED STATES	NFP CATEGORY:

[ENTITY DISPLAY](#)[NAME HISTORY](#)[FILING HISTORY](#)[MERGER HISTORY](#)[ASSUMED NAME HISTORY](#)

Service of Process Name and Address

Name: 960 FRANKLIN LLC

Address: 75 HUNTINGTON STREET, BROOKLYN, NY, UNITED STATES, 11231

Chief Executive Officer's Name and Address

Name:

Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value	Number Of Shares	Value Per Share
-------------	------------------	-----------------

Exhibit I

WRITTEN CONSENT

The undersigned, being a Member of 960 Franklin LLC, does hereby certify as follows:

1. 960 Franklin LLC is the prospective volunteer for the prospective Brownfield Cleanup Program (BCP) Site located at parcel address (collectively the "BCP Site"):

Parcel Address	Tax Parcel Identification No.
122A Montgomery Street, Brooklyn, NY	Block 1192 Lot 40
130 Montgomery Street, Brooklyn, NY	Block 1192 Lot 41
124 Montgomery Street, Brooklyn, NY	Block 1192 Lot 46

2. The following person, Isaac Hager, a member of 960 Franklin LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer 960 Franklin LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 3rd day of November 2022.

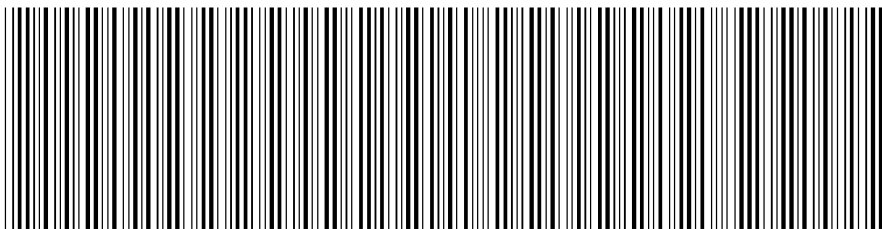


Daryl Hagler
Member of 960 Franklin LLC

Exhibit J

**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.



2022111100155001002E71EA

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 4

Document ID: 2022111100155001

Document Date: 11-02-2022

Preparation Date: 11-11-2022

Document Type: DEED

Document Page Count: 3

PRESENTER:

RAM ABSTRACT LTD
2635 PETTIT AVENUE
SUITE 201 (RF22998)
BELLMORE, NY 11710
718-846-7800
SANDRA@RAMTITLE.COM

RETURN TO:

RAM ABSTRACT LTD
2635 PETTIT AVENUE
SUITE 201 (RF22998)
BELLMORE, NY 11710
718-846-7800
SANDRA@RAMTITLE.COM

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BROOKLYN	1192	40	Entire Lot	122A MONTGOMERY STREET
Property Type: COMMERCIAL REAL ESTATE				

CROSS REFERENCE DATA

CRFN _____ or DocumentID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

GRANTOR/SELLER:

BROOKLYN 122A MONTGOMERY LLC
C/O: ZEV GOLOMBECK, 1 LORD AVENUE
LAWRENCE, NY 11559

GRANTEE/BUYER:

960 FRANKLIN LLC
C/O: CENTERS HEALTHCARE, 4770 WHITE PLAINS
ROAD
BRONX, NY 10470

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: \$ 52.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 250.00

NYC Real Property Transfer Tax:

\$ 5,700.00

NYS Real Estate Transfer Tax:

\$ 1,600.00

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

CITY OF NEW YORK

Recorded/Filed 11-15-2022 10:04

City Register File No.(CRFN):

2022000422367



Annette McMill

City Register Official Signature

RF 22998

B - 1192

L - 40

Bargain and Sale Deed, with Covenants against Grantor's Acts – Individual or Corporation

8 THIS INDENTURE, made the 1st day of November, 2022 45 66 ul 2/22

BETWEEN Brooklyn 122A Montgomery LLC, a New Jersey limited liability company, with an address c/o Zev Golombeck, 1 Lord Avenue, Lawrence, New York 11559, party of the first part, and 960 Franklin LLC, a New York limited liability company having an address c/o Centers Healthcare, 4770 White Plains Roads, Bronx, New York 10470, party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten and No/100 Dollars (\$10.00) and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the parcel of real estate designated as Block 1192, Lot 40; situated in the Borough of Brooklyn, County of Kings, as more particularly described in Exhibit "A" attached hereto,

Being and intended to be the same premises conveyed to the Seller by deed dated September 23, 2020 and recorded April 13, 2021 in the Office of the City Register of the City of New York in CRFN: 2021000133486,

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

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party 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:

GRANTOR:

BROOKLYN 122A MONTGOMERY LLC,
a New Jersey limited liability company

By: 

Name: Abraham "Zev" Golombeck

Title: Manager

State of New Jersey :

: ss.:

County of Essex :

On the day of November 1, in the year 2022, before me the undersigned, personally appeared Abraham "Zev" Golombeck personally known to me or proved to me on the basis of satisfactory evidence, to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the City of Newark, State of New Jersey.


Notary Public

JASON L. SOBEL
Attorney At Law
of New Jersey

RdR
Anthony Corone Esq
c/o Abrams Fensterman
1 Metrotech Center
Ste 1201
Brooklyn NY 11201

Fidelity National Title Insurance Company

Title Number: **RF22998**

Page **1**

SCHEDULE A DESCRIPTION

All that certain plot, piece or parcel of land 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 Montgomery Street, distant 225 feet westerly from the corner formed by the intersection of the southerly side of Montgomery Street and the westerly side of Franklin Avenue;

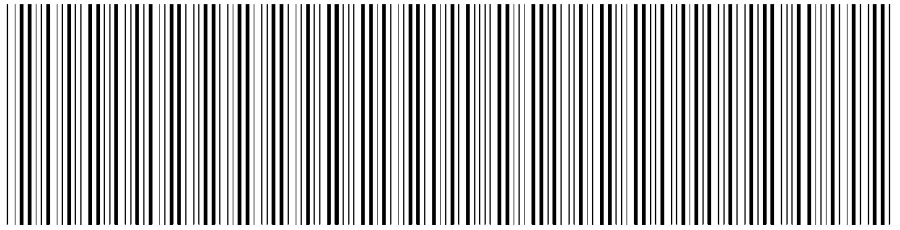
RUNNING THENCE southerly at a right angle to Montgomery Street, 133.5 feet;

THENCE northwesterly along a course forming an interior angle of 62 degrees 15 minutes 20 seconds with the last mentioned course, 11.3 feet;

THENCE northerly at a right angle to Montgomery Street, 128.24 feet to the southerly side of Montgomery Street;

THENCE easterly along the southerly side of Montgomery Street, 10.0 feet to the point or place of BEGINNING.

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2022111100155001002SBF6B

SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

Document ID: 2022111100155001
Document Type: DEED

Document Date: 11-02-2022

Preparation Date: 11-11-2022

ASSOCIATED TAX FORM ID: 2022102500207

SUPPORTING DOCUMENTS SUBMITTED:

Page Count

DEP CUSTOMER REGISTRATION FORM FOR WATER AND SEWER BILLING
RP - 5217 REAL PROPERTY TRANSFER REPORT

1
1



The City of New York
Department of Environmental Protection
Bureau of Customer Services
59-17 Junction Boulevard
Flushing, NY 11373-5108

Customer Registration Form for Water and Sewer Billing

Property and Owner Information:

- (1) Property receiving service: BOROUGH: BROOKLYN BLOCK: 1192 LOT: 40
- (2) Property Address: 122A MONTGOMERY STREET, BROOKLYN, NY 11225
- (3) Owner's Name: 960 FRANKLIN LLC
- Additional Name:

Affirmation:



Your water & sewer bills will be sent to the property address shown above.

Customer Billing Information:

Please Note:

- A. Water and sewer charges are the legal responsibility of the owner of a property receiving water and/or sewer service. The owner's responsibility to pay such charges is not affected by any lease, license or other arrangement, or any assignment of responsibility for payment of such charges. Water and sewer charges constitute a lien on the property until paid. In addition to legal action against the owner, a failure to pay such charges when due may result in foreclosure of the lien by the City of New York, the property being placed in a lien sale by the City or Service Termination.
- B. Original bills for water and/or sewer service will be mailed to the owner, **at the property address or to an alternate mailing address**. DEP will provide a duplicate copy of bills to one other party (such as a managing agent), however, any failure or delay by DEP in providing duplicate copies of bills shall in no way relieve the owner from his/her liability to pay all outstanding water and sewer charges. Contact DEP at (718) 595-7000 during business hours or visit www.nyc.gov/dep to provide us with the other party's information.

Owner's Approval:

The undersigned certifies that he/she/it is the owner of the property receiving service referenced above; that he/she/it has read and understands Paragraphs A & B under the section captioned "Customer Billing Information"; and that the information supplied by the undersigned on this form is true and complete to the best of his/her/its knowledge.

Print Name of Owner:

Signature: *[Signature]*

11/2/22
Date (mm/dd/yyyy)

Name and Title of Person Signing for Owner, if applicable:

Dariff Hagler, Managing Member

FOR CITY USE ONLY

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

PROPERTY INFORMATION

1. Property Location 122A MONTGOMERY STREET BROOKLYN 11225
 STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name 960 FRANKLIN 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 # of Parcels OR ☐ Part of a Parcel

5. Deed Property Size FRONT FEET X DEPTH OR ACRES

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 ☐

8. Seller Name BROOKLYN 122A MONTGOMERY LLC
 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 ☐ One Family Residential C ☐ Residential Vacant Land E ☒ Commercial G ☐ Entertainment / Amusement I ☐ Industrial
 B ☐ 2 or 3 Family Residential D ☐ Non-Residential Vacant Land F ☐ Apartment H ☐ Community Service J ☐ Public Service

SALE INFORMATION

10. Sale Contract Date 7 / 19 / 2022
 Month Day Year

11. Date of Sale / Transfer 11 / 2 / 2022
 Month Day Year

12. Full Sale Price \$ 4 0 0 0 0 0

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

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

15. Building Class V, 0 16. Total Assessed Value (of all parcels in transfer) 6 9 6


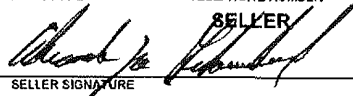
17. Borough, Block and Lot / Roll Identifier(s) (If more than three, attach sheet with additional Identifier(s))

BROOKLYN 1192 40

202210250020720105

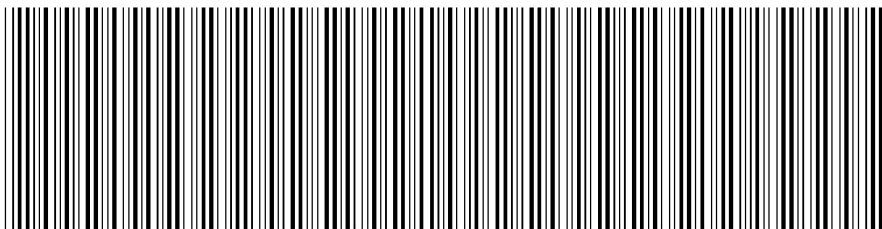
CERTIFICATION

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		
BUYER SIGNATURE 		DATE 11/2/22	LAST NAME Abrams Fensterman, LLP		FIRST NAME
C/O: CENTERS HEALTHCARE 4770 WHITE PLAINS ROAD			718	215-5300	
STREET NUMBER	STREET NAME (AFTER SALE)		AREA CODE	TELEPHONE NUMBER	
	BRONX			SELLER	
	NY	10470			11/1/22
CITY OR TOWN	STATE	ZIP CODE	SELLER SIGNATURE		DATE
Daryl Hagler, Managing Member			Abraham Zev Golombek Manager		

**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.



2022111001061001001E3AA8

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 5

Document ID: 2022111001061001

Document Date: 11-02-2022

Preparation Date: 11-10-2022

Document Type: DEED

Document Page Count: 3

PRESENTER:

RAM ABSTRACT LTD
2635 PETTIT AVENUE
SUITE 201 (RF2997)
BELLMORE, NY 11710
718-846-7800
SANDRA@RAMTITLE.COM

RETURN TO:

RAM ABSTRACT LTD
2635 PETTIT AVENUE
SUITE 201 (RF2997)
BELLMORE, NY 11710
718-846-7800
SANDRA@RAMTITLE.COM

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BROOKLYN	1192	41	Entire Lot	130 MONTGOMERY STREET

Property Type: COMMERCIAL REAL ESTATE

Borough	Block	Lot	Unit	Address
BROOKLYN	1192	46	Entire Lot	124 MONTGOMERY STREET

Property Type: COMMERCIAL REAL ESTATE

CROSS REFERENCE DATA

CRFN _____ or DocumentID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

GRANTOR/SELLER:

H.P.G. ASSOCIATES, INC.
C/O: ZEV GOLOMBECK, 1 LORD AVENUE
LAWRENCE, NY 11559

GRANTEE/BUYER:

960 FRANKLIN LLC
C/O: CENTERS HEALTHCARE, 4770 WHITE PLAINS
ROAD
BRONX, NY 10470

☒ Additional Parties Listed on Continuation Page

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: \$ 55.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 250.00

NYC Real Property Transfer Tax:

\$ 1,111,687.50

NYS Real Estate Transfer Tax:

\$ 275,275.00

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

CITY OF NEW YORK

Recorded/Filed 11-14-2022 13:54

City Register File No.(CRFN):

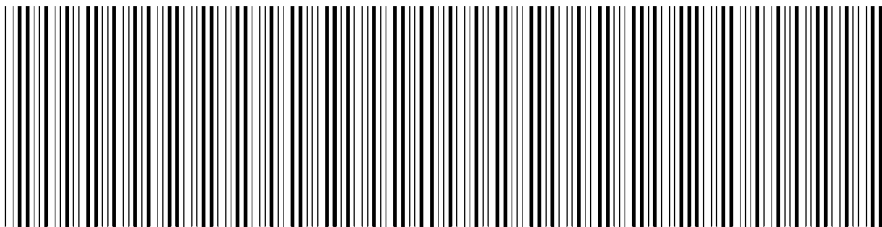
2022000421614



Annette McMill

City Register Official Signature

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



2022111001061001001C3828

RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION)

PAGE 2 OF 5

Document ID: 2022111001061001

Document Date: 11-02-2022

Preparation Date: 11-10-2022

Document Type: DEED

PARTIES

GRANTOR/SELLER:

HPG ASSOCIATES, INC.

C/O: ZEV GOLOMBECK, 1 LORD AVENUE

LAWRENCE, NY 11559

RF 22997
B-1192
L-141 & 146

Bargain and Sale Deed, with Covenants against Grantor's Acts – Individual or Corporation

THIS INDENTURE, made the 1st day of November, 2022 as of 11/2/22

BETWEEN H.P.G. Associates, Inc. a/k/a HPG Associates, Inc., a New York corporation, with an address c/o Zev Golombeck, 1 Lord Avenue, Lawrence, New York 11559, party of the first part, and 960 Franklin LLC, a New York limited liability company having an address c/o Centers Healthcare, 4770 White Plains Roads, Bronx, New York 10470, party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten and No/100 Dollars (\$10.00) 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 those certain plots, pieces or parcels of land, with the buildings and improvements thereon erected, situate, lying and being in the parcel of real estate designated as Block 1192, Lots 41 and 46, situated in the Borough of Brooklyn, County of Kings, as more particularly described in "Exhibit "A"" attached hereto,

Block 1192, Lot 41 being and intended to be the same premises conveyed to the Seller by deed dated March 17, 1988 and recorded March 29, 1988 in the Office of the City Register of the City of New York at Reel 2194 Page 1425,

Block 1192, Lot 46 being and intended to be the same premises conveyed to the Seller by deed dated June 2, 1983 and recorded June 10, 1983 in the Office of the City Register of the City of New York at Reel 1402 Page 1573,

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

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party 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.

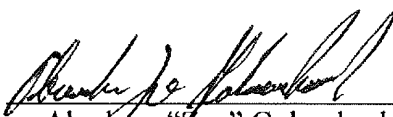
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:

GRANTOR:

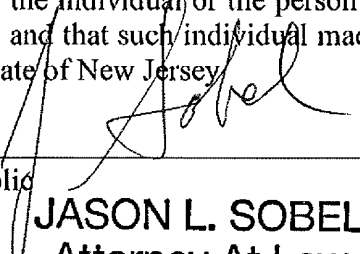
H.P.G. ASSOCIATES, INC. a/k/a HPG ASSOCIATES, INC., a New York corporation

By: 
Name: Abraham "Zev" Golombeck
Title: Authorized Signatory

State of New Jersey :
County of Essex : ss.:

On the day of November 1, in the year 2022, before me the undersigned, personally appeared Abraham "Zev" Golombeck personally known to me or proved to me on the basis of satisfactory evidence, to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the City of Newark, State of New Jersey.

Notary Public


JASON L. SOBEL
Attorney At Law
of New Jersey

R+R
Abram's Feirsterman LLP
c/o Anthony Cerone Esq
1 Metrotech Center
Suite 17d
Brooklyn NY 11201

Fidelity National Title Insurance Company

Title Number: **RF22997**

Page **1**

SCHEDULE A DESCRIPTION

AMENDED

All that certain plot, piece or parcel of land, situate lying and being in the Borough of Brooklyn, County of Kings, City and State of New York bonded and described as follows:

BEGINNING at the corner formed by the southerly side of Montgomery Street and the westerly side of Franklin Avenue;

RUNNING THENCE southerly along the westerly side of Franklin Avenue, 287 feet 3 inches;

THENCE westerly parallel with Montgomery Street, 244 feet 8 ½ inches (actual) 244 feet 6 inches (per deed for Lot 63);

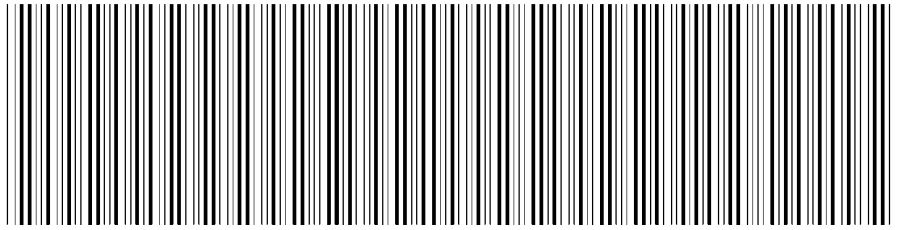
THENCE northerly along easterly side of land now or late of Brooklyn and Brighton Beach Railroad Company, 158 feet 10 inches;

THENCE southeasterly forming an interior angle of 72 degrees 15 minutes 48 seconds from the last-mentioned course, 10 feet 8 5/8 inches;

THENCE northerly forming an exterior angle of 68 degrees 49 minutes 51 seconds from the last-mentioned course, 132 feet 7 inches to the southerly side of Montgomery Street;

THENCE easterly along the southerly side of Montgomery Street, 225.00 feet to the point or place of BEGINNING.

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2022111001061001001SF429

SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

Document ID: 2022111001061001
Document Type: DEED

Document Date: 11-02-2022

Preparation Date: 11-10-2022

ASSOCIATED TAX FORM ID: 2022102500105

SUPPORTING DOCUMENTS SUBMITTED:

Page Count

DEP CUSTOMER REGISTRATION FORM FOR WATER AND SEWER BILLING
RP - 5217 REAL PROPERTY TRANSFER REPORT

1
1



The City of New York
Department of Environmental Protection
Bureau of Customer Services
59-17 Junction Boulevard
Flushing, NY 11373-5108

Customer Registration Form for Water and Sewer Billing

Property and Owner Information:

- (1) Property receiving service: BOROUGH: BROOKLYN BLOCK: 1192 LOT: 41
- (2) Property Address: 130 MONTGOMERY STREET, BROOKLYN, NY 11225
- (3) Owner's Name: 960 FRANKLIN LLC
- Additional Name:

Affirmation:



Your water & sewer bills will be sent to the property address shown above.

Customer Billing Information:

Please Note:

- A. Water and sewer charges are the legal responsibility of the owner of a property receiving water and/or sewer service. The owner's responsibility to pay such charges is not affected by any lease, license or other arrangement, or any assignment of responsibility for payment of such charges. Water and sewer charges constitute a lien on the property until paid. In addition to legal action against the owner, a failure to pay such charges when due may result in foreclosure of the lien by the City of New York, the property being placed in a lien sale by the City or Service Termination.
- B. Original bills for water and/or sewer service will be mailed to the owner, **at the property address or to an alternate mailing address**. DEP will provide a duplicate copy of bills to one other party (such as a managing agent), however, any failure or delay by DEP in providing duplicate copies of bills shall in no way relieve the owner from his/her liability to pay all outstanding water and sewer charges. Contact DEP at (718) 595-7000 during business hours or visit www.nyc.gov/dep to provide us with the other party's information.

Owner's Approval:

The undersigned certifies that he/she/it is the owner of the property receiving service referenced above; that he/she/it has read and understands Paragraphs A & B under the section captioned "Customer Billing Information"; and that the information supplied by the undersigned on this form is true and complete to the best of his/her/its knowledge.

Print Name of Owner:

960 Franklin LLC

Signature:

Y. Hager

11/2/22
Date (mm/dd/yyyy)

Name and Title of Person Signing for Owner, if applicable:

SEE ATTACHED PAGE FOR ADDITIONAL APPLICABLE PROPERTIES

David Hager, Managing Member



The City of New York
Department of Environmental Protection
Bureau of Customer Services
59-17 Junction Boulevard
Flushing, NY 11373-5108

Customer Registration Form for Water and Sewer Billing

Borough	Block	Lot	Street	City	State	Zip
BROOKLYN	1192	46	124 MONTGOMERY STREET	NY	NY	11225

202210250010510106

FOR CITY USE ONLY

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

PROPERTY INFORMATION

1. Property Location 130 MONTGOMERY STREET BROOKLYN 11225
 STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name 960 FRANKLIN 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 2 # of Parcels OR ☐ Part of a Parcel

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

5. Deed Property Size X OR ACRES
 FRONT FEET DEPTH

Check the boxes below as they apply:

6. Ownership Type is Condominium ☐
 7. New Construction on Vacant Land ☐

8. Seller Name H.P.G. ASSOCIATES, INC.
 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 ☐ One Family Residential C ☐ Residential Vacant Land E ☒ Commercial G ☐ Entertainment / Amusement I ☐ Industrial
 B ☐ 2 or 3 Family Residential D ☐ Non-Residential Vacant Land F ☐ Apartment H ☐ Community Service J ☐ Public Service

SALE INFORMATION

10. Sale Contract Date 7 / 19 / 2022
 Month Day Year

11. Date of Sale / Transfer 11 / 2 / 2022
 Month Day Year

12. Full Sale Price \$ 4 2 3 5 0 0 0 0

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

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

15. Building Class F, 5 16. Total Assessed Value (of all parcels in transfer) 3 4 0 9 2 0 0

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

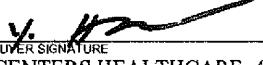

BROOKLYN 1192 41

BROOKLYN 1192 46

202210250010520106

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	
BUYER SIGNATURE 		DATE 11/2/22	Abrams Fensterman, LLP	
C/O: CENTERS HEALTHCARE 4770 WHITE PLAINS ROAD			LAST NAME 718	FIRST NAME 215-5300
STREET NUMBER BRONX		STREET NAME (AFTER SALE)	AREA CODE	TELEPHONE NUMBER
CITY OR TOWN	STATE NY	ZIP CODE 10470	SELLER	
			SELLER SIGNATURE 	DATE 11/1/22

Daryl Hargler, Managing Member

Abraham Zev Colombeck
Authorized Signatory

Exhibit K

Site Contact List

Consumers Park Brewery Site

122A Montgomery Street, 124 Montgomery Street, and 130 Montgomery Street, Brooklyn, New York 11225

Name	Title	Address	City	State	Zip
Charles Schumer	U.S. Senator	780 Third Avenue, Suite 2301	New York	NY	10017
Kirsten Gillibrand	U.S. Senator	780 Third Avenue, Suite 2601	New York	NY	10017
Yvette D. Clarke	U.S. House of Representatives, 9th District	222 Lenox Road, Suites 1 & 2	Brooklyn	NY	11226
Zellnor Myrie	New York State Senator, 20th Senate District	1077 Nostrand Avenue, Ground Floor	Brooklyn	NY	11225
Phara Souffrant Forrest	NYS Assembly Member, 57th District	55 Hanson Place	Brooklyn	NY	11217
Thomas P. DiNapoli	NYS Comptroller	110 State Street	Albany	NY	12224
Letitia James	NYS Attorney General	The Capitol	Albany	NY	12224
Eric Adams	Mayor of NYC	City Hall	New York	NY	10007
Dan Garodnick	NYC Planning Commission, Chair	120 Broadway, 31st Floor	New York	NY	10271
Brad Lander	NYC Comptroller	1 Centre Street	New York	NY	10007
Jumaane Williams	Public Advocate	1 Centre Street, 15th Floor	New York	NY	10007
Antonio Reynoso	Brooklyn Borough President	209 Joralemon Street	Brooklyn	NY	11201
Nancy T. Sunshine	Kings County Clerk	360 Adams Street, Room 189	Brooklyn	NY	11201
John Douglas	Brooklyn Director of Land Use & Topography	209 Joralemon Street	Brooklyn	NY	11201
Crystal Hudson	NYC Council, 35th District	55 Hanson Place, Suite 778	Brooklyn	NY	11217
Brooklyn Paper	Media Outlet	121 Dekalb Avenue	Brooklyn	NY	11201
Alfonso L. Carney, Jr.	NYC Water Board, Chair	59-17 Junction Boulevard, 8th Floor	Brooklyn	NY	11373
Christine Schonhart	Brooklyn Public Library - Central Branch, Director	10 Grand Army Plaza	Brooklyn	NY	11238
Dante Arnwine	Brooklyn Community Board #9, District Manager	890 Nostrand Avenue	Brooklyn	NY	11225
Mecca Geters	PS 375 Jackie Robinson School	46 McKeever Place	Brooklyn	NY	11225
Andrew Ravin	Workshop Middle School	1100 Washington Avenue	Brooklyn	NY	11225
Wendy Cole	Maple Street School	21 Lincoln Road	Brooklyn	NY	11225
Ms. T Foy	PS 241 Emma L. Johnston	976 President Street	Brooklyn	NY	11225
Nedda De Castro	International Highschool at Prospect Heights	883 Classon Avenue	Brooklyn	NY	11225
Rev. Robert L. Gahagen	Epiphany Lutheran School	721 Linclon Place	Brooklyn	NY	11216
Rev. Kino G.I. Vitet	St Mark's Day School	1346 President Street	Brooklyn	NY	11213
Michael Johnson	PS 161 - The Crown School	339 Crown Street	Brooklyn	NY	11225
Tessa Alleyne	PS 091 The Albany Avenue School	532 Albany Avenue	Brooklyn	NY	11203
Dewana Dadds	MS 61 Dr. Gladstone	400 Empire Blvd	Brooklyn	NY	11225
Dr. Michael Wiltshire	Medgar Evers College Preparatory School	1186 Carrol Street	Brooklyn	NY	11225
Marie Casseus Monteau	P.S. 397 Foster-Laurie	490 Fenimore Street	Brooklyn	NY	11203
Arlene Burnett	K002 - Parkside Preparatory Academy	655 Parkside Avenue	Brooklyn	NY	11226
Yolanda Vega	Little Angel Day Care Center	12 Crown Street	Brooklyn	NY	11225
To Whom it May Concern	New Beginnings Family Daycare	941 Washington Avenue	Brooklyn	NY	11225
Sonia Noel	Children's Paradise Day Care	206 Rogers Avenue	Brooklyn	NY	11225
Allison Reid Manley	Bambi Day Care Center Inc.	300 Rogers Avenue	Brooklyn	NY	11225
To Whom it May Concern	All My Children Daycare & Nursery School	317 Rogers Avenue	Brooklyn	NY	11225
Beverly Forbes	Day Right Start Care	25 Lefferts Avenue	Brooklyn	NY	11225
Giovanni Freeman	Eva Creche Daycare	237 Lefferts Avenue	Brooklyn	NY	11225

Gale Warner	3 J's Daycare	377 Lincoln Road	Brooklyn	NY	11225
Janeen Quashie	Share My World DayCare	477 New York Avenue	Brooklyn	NY	11225
Patricia Charles	Patty's Group Family Daycare	299 Midwood Street	Brooklyn	NY	11225
To Whom it May Concern	Brooklyn Happy Feet Daycare	582 New York Avenue	Brooklyn	NY	11225
To Whom it May Concern	Angels of God WeeCare	319 New York Avenue	Brooklyn	NY	11213
Gregory Garrick	Elite Early Childhood Learning Center Inc.	527 Eastern Parkway	Brooklyn	NY	11216
The City University of New York	Adjacent Property Owner of 80 Crown Street	1650 Bedford Avenue	Brooklyn	NY	11211
NYS Department of Education	Adjacent Property Owner of 945 Franklin Avenue	119 W. 23rd Street, Suite 903	New York	NY	10011
Franklin Avenue Property Owner LLC	Adjacent Property Owner of 962 and 972 Franklin Avenue	49 W. 23rd Street, 4th Floor	New York	NY	10010
NYC Transit	Adjacent Property Owner of Washington and Crown Street	2 Broadway, Frnt 4	New York	NY	10004
975 Washington Property LLC	Adjacent Property Owner of 975 Washington Avenue	85 Delancey Street	New York	NY	10002
961 Washington LLC	Adjacent Property Owner of 961 Washington Avenue	1860 Flatbush Avenue	Brooklyn	NY	11210
941 Washington Avenue LLC	Adjacent Property Owner of 941 Washington Avenue	125 Park Avenue, 7th Floor	New York	NY	10017
Lucy R. McNair and Kohn Daniel	Adjacent Property Owner of 104 Montgomery Street	230 South 2nd Street	Brooklyn	NY	11225
CP VI Crown Heights, LLC	Adjacent Property Owner of Crown Street and Montgomery Street	1000 Sansome Street, Floor 1	San Francisco	NY	94111
Montgomery Housing Development Fund Company, Inc	Adjacent Property Owner of 141 and 145 Montgomery Street	141 Norfolk Street, Ground Floor	New York	NY	10002
Lei Xu	Adjacent Property Operator of 961 Washington Avenue	40 Montgomery Street	Brooklyn	NY	11225
ES Wholesome Foods	Adjacent Property Operator of 941 Washington Avenue	98 Montgomery Street	Brooklyn	NY	11225
See Solve LLC	Adjacent Property Operator of 104 Montgomery Street	104 Montgomery Street	Brooklyn	NY	11225

Exhibit L



1400 Crossroads Building
2 State Street
Rochester, New York 14614
nyenvlaw.com

November 2, 2022

LINDA R. SHAW
ATTORNEY AT LAW

T 585.546.8430
C 585.414.3122
lshaw@nyenvlaw.com

VIA ELECTRONIC MAIL

bk09-1@cb.nyc.gov

Dante B. Arnwine, District Manager
Brooklyn Community Board #9
890 Nostrand Avenue
Brooklyn, New York 11225

RE: Brownfield Cleanup Program Application
Applicant: 960 Franklin LLC
Site Name: Consumers Park Brewery Site
Site Address: 122A, 124 and 130 Montgomery Street, Brooklyn, NY 11225

Dear Mr. Arnwine:

We represent 960 Franklin LLC in its anticipated Brownfield Cleanup Program application for the above-referenced site at 122A Montgomery St., 124 Montgomery St., and 130 Montgomery St., Brooklyn, New York. Your Community Board is currently the repository for this project. It is a requirement of the NYS Department of Environmental Conservation that we supply them with a letter certifying that the local Community Board is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. To avoid significant use of your shelf space, all documents will be sent in CD format.

Please sign below and return in an email to my paralegal, Rebecca Owten, at rowten@nyenvlaw.com if you are able to certify that your Community Board would be willing and able to act as the temporary public repository for this Brownfield Cleanup Program project.

Thank you

Sincerely,

KNAUF SHAW LLP

LINDA R. SHAW

Yes, the Brooklyn Community Board #9 is willing and able to act as a public repository for documents related to the cleanup of 122A, 124 and 130 Montgomery St, Brooklyn, NY under the NYS Brownfield Cleanup Program.

Dante B. Arnwine, District Manager

11/2/22

Date



1400 Crossroads Building
2 State Street
Rochester, New York 14614
nyenvlaw.com

LINDA R. SHAW
ATTORNEY AT LAW

T 585.546.8430
C 585.414.31222
lshaw@nyenvlaw.com

November 2, 2022

VIA ELECTRONIC MAIL
cschonhart@bklynlibrary.org

Christine Schonhart, Director
Brooklyn Public Library-Central Branch
10 Grand Army Plaza
Brooklyn, New York 11238

RE: Brownfield Cleanup Program Application
Applicant: 960 Franklin LLC
Site Name: Consumers Park Brewery Site
Site Address: 122A, 124 and 130 Montgomery Street, Brooklyn, NY 11225

Dear Ms. Schonhart:

We represent 960 Franklin LLC in its anticipated Brownfield Cleanup Program application for the above-referenced site at 122A Montgomery St., 124 Montgomery St., and 130 Montgomery St., Brooklyn, New York. Your branch is currently the repository for this project. It is a requirement of the NYS Department of Environmental Conservation that we supply them with a letter certifying that the local library is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. To avoid significant use of your shelf space, all documents will be sent in CD format.

Please sign below and return in an email to my paralegal, Rebecca Owten, at rowten@nyenvlaw.com if you are able to certify that your library would be willing and able to act as the temporary public repository for this Brownfield Cleanup Program project.

Thank you

Sincerely,

KNAUF SHAW LLP

A handwritten signature in black ink, appearing to read 'Linda R. Shaw'.

LINDA R. SHAW

Yes, the Brooklyn Public Library – Central Branch is willing and able to act as a public repository for documents related to the cleanup of 122A, 124 and 130 Montgomery St, Brooklyn, NY under the NYS Brownfield Cleanup Program.

A handwritten signature in black ink, appearing to read 'Christine Schonhart'.

Christine Schonhart, Director

11/2/22
Date



Connell Foley LLP
875 Third Avenue
21st Floor
New York, NY 10022
P 212.307.3700 F 212.542.3790

George C. D. Duke
Partner
Direct Dial 212.542.3772
GDuke@connellfoley.com

April 3, 2023

2023 APR 04 REC'D

VIA FEDEX AND ELECTRONIC MAIL

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

Leia Schmidt (via electronic mail)
New York State Department of Environmental Conservation
Office of General Counsel
625 Broadway
Albany, NY 12233

RE: Brownfield Cleanup Program Application Revision
Consumers Park Brewery Site
130 Montgomery Street, 124 Montgomery Street, 122A Montgomery Street
a/k/a 960 Franklin Avenue
Kings County
Brooklyn, NY 11225
BCP # C224381 ("Site")

Dear Chief, Site Control Section and Ms. Schmidt,

We represent Franklin Plaza II LLC ("Franklin Plaza") regarding the above-referenced Site. A Brownfield Cleanup Agreement ("BCA") was issued by the Department under letter dated February 3, 2023, naming 960 Franklin LLC ("960 Franklin"), the current owner of the Site, as the Applicant. As per our recent conversations, Franklin Plaza, as the developer and new tenant, desires to be added to the BCA as an Applicant prior to its final execution. As further discussed last week, you agreed that the Department will extend the deadline to sign the BCA until such time as this BCA revision is processed.

Roseland

Jersey City

Newark

New York

Cherry Hill

Philadelphia

www.connellfoley.com

March 5, 2023

Page 2

As per the BCP Application acceptance letter, enclosed please find an originally-signed and notarized Consent by Applicant for 960 Franklin LLC, along with a copy of the Member Consent and Authorization. I have also enclosed a copy of the transmittal letter and \$50,000 program fee, which was submitted today under separate cover directly to the Division of Management & Budget.

To facilitate the BCA revision to add Franklin Plaza as a new Requestor/Applicant and Volunteer to the application. The following documents are enclosed:

1. BCP Application pages 5-7 - new Requester Franklin Plaza
2. BCP Application Signature Page - new Requester Franklin Plaza
3. DOS Entity Information - Franklin Plaza
4. Volunteer Statement/Certification - Franklin Plaza
5. Property Access and Authorization
6. Member Consent – Franklin Plaza

We greatly appreciate your cooperation and look forward to working with the Department on this project. Please feel free to contact me if you need any additional information or have any questions regarding the foregoing.

Very truly yours,

CONNELL FOLEY LLP

By: 
George Duke, Esq.

Enclosures

ec: Andrew Guglielmi (Andrew.Guglielmi@dec.ny.gov)
Janet Brown (Janet.Brown@dec.ny.gov)
Cassandra VanDyke (Cassandra.VanDyke@dec.ny.gov)
Isaac Hager (isaac@cornellrealty.com)
Linda R. Shaw, Esq. (lshaw@nyenvlaw.com)
Ezgi Karayel (ezgi@vektorconsultants.com)
Isaac Schwartz (isaacschwartz282@gmail.com)
Ben Stanger (ben@jzlegal.com)
Jeffrey Zwick (jeffrey@jzlegal.com)

CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement, and agrees to be bound by this Agreement.

960 Franklin LLC

By: *[Signature]*

Title: Managing member

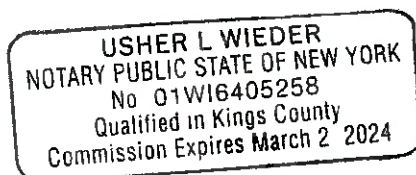
Date: 3/27/23

STATE OF NEW YORK)
) ss:
COUNTY OF Kings)

On the 27 day of March in the year 2023, before me, the undersigned, personally appeared Yitzchok Hager, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name 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]

Signature and Office of individual
taking acknowledgment



WRITTEN CONSENT

The undersigned, being a Member of 960 Franklin LLC, does hereby certify as follows:

1. 960 Franklin LLC is the prospective volunteer for the prospective Brownfield Cleanup Program (BCP) Site located at parcel address (collectively the "BCP Site"):

Parcel Address	Tax Parcel Identification No.
122A Montgomery Street, Brooklyn, NY	Block 1192 Lot 40
130 Montgomery Street, Brooklyn, NY	Block 1192 Lot 41
124 Montgomery Street, Brooklyn, NY	Block 1192 Lot 46

2. The following person, Isaac Hager, a member of 960 Franklin LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer 960 Franklin LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 2nd day of November 2022.



Daryl Hagler
Member of 960 Franklin LLC



Connell Foley LLP
875 Third Avenue
21st Floor
New York, NY 10022
P 212.307.3700 F 212.542.3790

George C. D. Duke
Partner
Direct Dial 212.542.3772
GDuke@connellfoley.com

April 3, 2023

VIA FEDERAL EXPRESS

NYS Department of Environmental Conservation
Division of Management & Budget, 10th Floor
625 Broadway
Albany New York 12233-4900

RE: Brownfield Application Program Fee
Consumers Park Brewery Site
130 Montgomery Street, 124 Montgomery Street, 122A Montgomery Street
a/k/a 960 Franklin Avenue
Kings County
Brooklyn, NY 11225
BCP # C224381 ("Site")

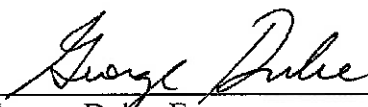
Dear Division of Management and Budget:

Enclosed please find check #1002 in the amount of \$50,000.00 payable to the NYS Department of Environmental Conservation representing the Brownfield Application program fee for the above-referenced Site.

Please contact the undersigned if you have any question regarding the foregoing.

Very truly yours,

CONNELL FOLEY LLP

By: 
George Duke, Esq.

Enclosure (Check #1002)

Roseland

Jersey City

Newark

New York

Cherry Hill

Philadelphia

www.connellfoley.com

FRANKLIN PLAZA II LLC
309 RUTLEDGE STREET
SUITE 4A
BROOKLYN, NY 11211

SIGNATURE BANK
26 COURT STREET
BROOKLYN, NY 11242

1-1357
260

100

PAY NYS Dept of Environmental Conservation

DATE 3/31/2023

Reference:

\$ **50,000.00

FIFTY-THOUSAND AND 00/100***** DOLLARS

TO THE ORDER OF

NYS Dept of Environmental Conservation

VALIDATED DNA SECURE CHECK
Verify at gValidate.com

Memo BCP Application Fee Site No. C224381

[Signature]

SECURITY FEATURES INCLUDED. DETAILS ON BACK

⑈001002⑈ ⑈026013576⑈ 1505057153⑈

FRANKLIN PLAZA II LLC

NYS Dept of Environmental Conservation

3/31/2023

100

50,000.00

Franklin Plaza Signatu BCP Application Fee Site No. C224381

50,000.00



SECTION V: Requestor Information

NAME: Franklin Plaza II LLC

ADDRESS: 309 Rutledge Street, Unit 4A

CITY/TOWN: Brooklyn, New York

ZIP CODE 11211

PHONE: (917) 282-6071

EMAIL: isaacschwartz282@gmail.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 <i>NYS Department of State's Corporation & Business Entity Database</i> . 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? N/A <input type="radio"/>	<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 <i>DER-10: Technical Guidance for Site Investigation and Remediation</i> 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"/>
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"/>

SECTION VI: Requestor Eligibility (CONTINUED)			
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?	Y	N	
	<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:			
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 90%;"> PARTICIPANT 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. </div> <div style="width: 10%; text-align: center;"> <input type="checkbox"/> </div> </div>	<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 90%;"> VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum. NOTE: By 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. 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. </div> <div style="width: 10%; text-align: center;"> <input checked="" type="checkbox"/> </div> </div>		
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"/>			
14. Requestor relationship to the property (check one; if multiple applicants, check all that apply): <input type="checkbox"/> Previous Owner <input type="checkbox"/> Current Owner <input type="checkbox"/> Potential/Future Purchaser <input checked="" type="checkbox"/> Other: <u>Tenant</u>			
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? <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A			
Note: A purchase contract or lease agreement does not suffice as proof of site access.			

SECTION VII: Requestor Contact Information

REQUESTOR'S REPRESENTATIVE: Isaac Schwartz

ADDRESS: 309 Rutledge Street, Unit 4A

CITY: Brooklyn, New York

ZIP CODE: 11211

PHONE: (917) 282-6071

EMAIL: isaacschwartz282@gmail.com

REQUESTOR'S CONSULTANT (CONTACT NAME): Ezgi Karayel, Principal

COMPANY: vEKtor Consultants

ADDRESS: 37 West 37th Street, 6th Floor

CITY: New York, New York

ZIP CODE: 10018

PHONE: (716) 868-8873

EMAIL: ezgi@vektorconsultants.com

REQUESTOR'S ATTORNEY (CONTACT NAME): George Duke, Esq.

COMPANY: Connell Foley LLP

ADDRESS: 875 Third Avenue

CITY: NY, New York

ZIP CODE: 10022

PHONE: (212) 307-3700

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.		
Is the appropriate documentation included with this application?	N/A <input type="radio"/>	<input type="radio"/>

SECTION IX: Current Property Owner and Operator Information

CURRENT OWNER:

CONTACT NAME:

ADDRESS:

CITY:

ZIP CODE:

PHONE:

EMAIL:

OWNERSHIP START DATE:

CURRENT OPERATOR:

CONTACT NAME:

ADDRESS:

CITY:

ZIP CODE:

PHONE:

EMAIL:

OPERATION START DATE:

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 a member (title) of Franklin Plaza II 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: 3/30/23 Signature: [Signature]

Print Name: Isaac Schwartz

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) on an external storage device (such as thumb drive or CD), 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 SUPPORTING DOCUMENTS WITH THE HARD COPY APPLICATION FORM.
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: _____

Department of State

Division of Corporations

Entity Information

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

Entity Details

ENTITY NAME: FRANKLIN PLAZA II LLC	DOS ID: 6743245
FOREIGN LEGAL NAME:	FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY	DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTION OF LAW: LIMITED LIABILITY COMPANY LAW - 203	ENTITY STATUS: ACTIVE
LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW	
DATE OF INITIAL DOS FILING: 02/27/2023	REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 02/27/2023	INACTIVE DATE:
FOREIGN FORMATION DATE:	STATEMENT STATUS: CURRENT
COUNTY: KINGS	NEXT STATEMENT DUE DATE: 02/28/2025
JURISDICTION: NEW YORK, UNITED STATES	NFP CATEGORY:

ENTITY DISPLAY

NAME HISTORY

FILING HISTORY

MERGER HISTORY

ASSUMED NAME HISTORY

Service of Process on the Secretary of State as Agent

The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:

Name: FRANKLIN PLAZA II LLC

Address: 309 RUTLEDGE STREET # 4A, BROOKLYN, NY, UNITED STATES, 11211

Electronic Service of Process on the Secretary of State as agent: Not Permitted

Chief Executive Officer's Name and Address

Name:

Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value

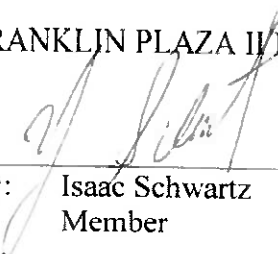
Number Of Shares

Value Per Share

REQUESTOR CERTIFICATION

The Requestor, Franklin Plaza II LLC certifies it is a Volunteer pursuant to ECL 27-1405(1)(b), since it does not have nor has ever had a relationship with any of the past owners or operators of the Site that caused the contamination other than it is planning to lease the Site from a past owner. Requestor also certifies that it did not have involvement with the Site at the time of disposal. The Requestor has performed all required environmental due diligence prior to acquiring the Site and has implemented due care of the Site.

FRANKLIN PLAZA II LLC

By: 
Isaac Schwartz
Member

**960 Franklin LLC
75 Huntington Street
Brooklyn, NY 11231**

March 30, 2023

Franklin Plaza II LLC
Attn. Isaac Schwartz
309 Rutledge Street, Suite 4A
Brooklyn, NY, United States, 11211

Re: Property Access and Authorization under the New York State Brownfield Cleanup Program
Consumer Park Brewery Site, Brooklyn, NY
Site ID No. C224381

Dear Sir or Madam:

960 Franklin LLC (the "Owner") is the owner of the property located at 130, 124, and 122A Montgomery Street, Brooklyn, New York Block 1192, Lots 40, 41 and 46 (the "Property" or the "Site"). The Owner hereby authorizes the entities listed on Exhibit A, attached hereto (collectively referred to as the "Authorized Applicant(s)/Requestor(s)"), to access the Property and to apply to participate in and perform any obligations required under the New York State Department of Environmental Conservation's ("NYSDEC") Brownfield Cleanup Program ("BCP").

Owner further understands that the Authorized Applicants/Requestors will also need to provide access to the NYSDEC and environmental professionals that the Authorized Applicant(s) has/have hired to perform any investigation and remedial activities under the BCP.

Sincerely,

960 Franklin LLC

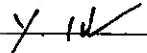
By 

EXHIBIT A

AUTHORIZED APPLICANT(S)/REQUESTOR(S)

- Franklin Plaza II LLC

FRANKLIN PLAZA II LLC AUTHORIZATION TO COMPLETE REMEDIAL REQUIREMENTS

The undersigned, being the sole member of Franklin Plaza II LLC, a New York limited liability company (the "Company") hereby certify as of March 27, 2023, as follows and adopt the following resolutions and authorize the Company to authorize and direct Isaac Schwartz (the "Authorized Signatory") to take the following actions on behalf of the Company:

WHEREAS, the Company desires to authorize the Authorized Signatory, set forth below, to undertake actions necessary to redevelop 130, 124, and 122A Montgomery Street, Brooklyn, New York Block 1192, Lots 40, 41 and 46 (the "Property" or the "Site").

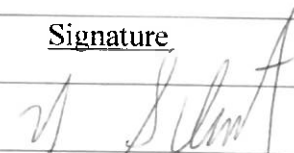
WHEREAS, in connection with the redevelopment of the Property, the Company has or will prepare and submit an application to participate in the New York State Brownfield Cleanup Program ("BCP") and, if accepted into the BCP, file related documents with the New York State Department of Environmental Conservation ("DEC") pursuant to the BCP, including, but not limited to an environmental easement and notice of certificate of completion; and undertake environmental remediation work related thereto consistent with applicable laws, regulations and guidance under the BCP (collectively referred to as the "Remedial Program Requirements");

NOW THEREFORE, BE IT

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

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

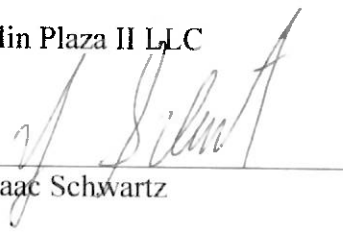
RESOLVED, The Authorized Signatory is authorized to bind the Company as an Authorized Signatory for the purposes set forth in this Authorization, the signature set forth opposite his name below is his actual signature:

<u>Authorized Signatory</u>	<u>Signature</u>
Isaac Schwartz	

IN WITNESS WHEREOF, the undersigned have signed and sealed this Member Consent on March, 27, 2023.

MEMBERS:

Franklin Plaza II LLC


By: Isaac Schwartz

P