



**Department of
Environmental
Conservation**

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

Please refer to the attached instructions for guidance on completing this application.

Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment seeks to add or subtract more than an insignificant acreage of property to the BCA, applicants are encouraged to consult with the DEC project team prior to submitting this application.

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

1. Check the appropriate box(es) below based on the nature of the amendment modification(s) requested:

<input type="checkbox"/>	Amendment to modify the existing BCA (check one or more boxes below):
<input type="checkbox"/>	Add applicant(s)
<input type="checkbox"/>	Substitute applicant(s)
<input type="checkbox"/>	Remove applicant(s)
<input type="checkbox"/>	Change in name of applicant(s)
<input checked="" type="checkbox"/>	Amendment to reflect a transfer of title to all or part of the brownfield site:
	<p>a. A copy of the recorded deed must be provided. Is this attached? <input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>b. <input checked="" type="checkbox"/> Change in ownership <input type="checkbox"/> Additional owner (such as a beneficial owner)</p> <p>c. Pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been submitted prior to a transfer of ownership. If this has not yet been submitted, include the form with this application. Is this form attached? <input checked="" type="radio"/> Yes <input type="radio"/> No Submitted on: _____</p>
<input checked="" type="checkbox"/>	Amendment to modify description of the property(ies) listed in the existing BCA
<input type="checkbox"/>	Amendment to expand or reduce property boundaries of the property(ies) listed in the existing BCA
<input type="checkbox"/>	Sites in Bronx, Kings, New York, Queens or Richmond Counties ONLY: amendment to request determination that the site is eligible for tangible property credit component of the brownfield redevelopment tax credit.
<input type="checkbox"/>	Other (explain in detail below)

2. REQUIRED: Please provide a brief narrative describing the specific requests included in this amendment:

The current Volunteer Bergen St Equity LLC became the title owner the entire BCP Site (Block 388, Lots 19, 42, 51), from BMW3 RE-GEN, LLC on 4/1/2024. See Exhibit A - Deed. This change in ownership will not effect the remediation efforts at the BCP Site since the current Volunteer under the BCA is now the title owner of the BCP Site.

Additionally, the tax lots that make up the BCP Site have been reapportioned. The former tax lots known as 268 Bergen Street (Block 388, Lot 19), 287 Wyckoff Street (Block 388, Lot 42), and N/A Wyckoff Street (Block 388, Lot 51) have been reapportioned into 270 Bergen Street (Block 388, Lot 19), 280 Bergen Street (Block 388, Lot 20), 290-298 Bergen Street (Block 388, Lot 21) and 265 Wyckoff Street (Block 388, Lot 57). Please see Exhibit B - Former Tax Map, Exhibit C - Current Tax Map, Exhibit D - Survey, Exhibit E - Approved NYC Application for Apportionments or Merger and Exhibit F - Written Consent.

SECTION I: CURRENT AGREEMENT INFORMATION

This section must be completed in full. Attach additional pages as necessary.

BCP SITE NAME: Diagravure Film Manufacturing Site	BCP SITE NUMBER: C224403
NAME OF CURRENT APPLICANT(S): Bergen St Equity LLC	
INDEX NUMBER OF AGREEMENT: C224403-02-24	DATE OF ORIGINAL AGREEMENT: 3/19/2024
REQUESTOR'S SIGNATORY: Yitzchok Katz (a/k/a Jacob Katz)	

SECTION II: NEW REQUESTOR INFORMATION

Complete this section only if adding new requestor(s) or the name of an existing requestor has changed.

NAME:				
ADDRESS:				
CITY/TOWN:	ZIP CODE:			
PHONE:	EMAIL:			
REQUESTOR CONTACT:				
ADDRESS:				
CITY/TOWN:	ZIP CODE:			
PHONE:	EMAIL:			
REQUESTOR'S CONSULTANT:	CONTACT:			
ADDRESS:				
CITY/TOWN:	ZIP CODE:			
PHONE:	EMAIL:			
REQUESTOR'S ATTORNEY:	CONTACT:			
ADDRESS:				
CITY/TOWN:	ZIP CODE:			
PHONE:	EMAIL:			
			Y	N
1. Is the requestor authorized to conduct business in New York State?			<input type="radio"/>	<input type="radio"/>
2. If the requestor is a corporation, LLC, LLP, or other entity requiring authorization from the NYS Department of State (NYSDOS) to conduct business in NYS, the requestor's name must appear exactly as given above in the NYSDOS Corporation & Business Entity Database. A print-out of entity information from the NYSDOS database must be submitted with this application. Is this print-out attached?			<input type="radio"/>	<input type="radio"/>
3. Requestor must submit proof that the party signing this application and amendment has the authority to bind the requestor. This would be documentation showing the authority to bind the requestor in the form of corporate organizational papers, a Corporate Resolution or an Operating Agreement or Resolution for an LLC. Is this proof attached?			<input type="radio"/>	<input type="radio"/>
4. If the requestor is an LLC, the names of the members/owners must be provided. Is this information attached?			N/A <input type="radio"/>	<input type="radio"/>
5. Describe the new requestor's relationship to all existing applicants:				

SECTION III: CURRENT PROPERTY OWNER/OPERATOR INFORMATION*Complete this section only if a transfer of ownership has taken place. Attach additional pages if necessary.*

Owner listed below is: <input checked="" type="checkbox"/> Existing Applicant <input type="checkbox"/> New Applicant <input type="checkbox"/> Non-Applicant	
OWNER'S NAME: Bergen St Equity LLC	CONTACT: Jacob Katz and Mordy Fulop
ADDRESS: c/o Developing NYS, LLC, 505 Flushing Avenue, #1H	
CITY/TOWN: Brooklyn	ZIP CODE: 11205
PHONE: (718) 989-6866	EMAIL: jacob@developingnys.com and mordy@developingnys.com
OPERATOR: Same as Owner	CONTACT:
ADDRESS:	
CITY/TOWN:	ZIP CODE:
PHONE:	EMAIL:

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION*Complete this section only if adding new requestor(s). Attach additional pages if necessary.*

If answering "yes" to any of the following questions, please provide additional information as an attachment. Please refer to ECL § 27-1407 for details.

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input type="radio"/>
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site?	<input type="radio"/>	<input type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for the site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="radio"/>	<input type="radio"/>
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the subject law; (ii) any order or determination; (iii) any regulation implementing ECL Article 27 Title 14; or (iv) any similar statute or regulation of the state or federal government? If so, provide additional information as an attachment.	<input type="radio"/>	<input type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as site name, address, DEC site number, reason for denial, and any other relevant information.	<input type="radio"/>	<input type="radio"/>
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting or contaminants?	<input type="radio"/>	<input type="radio"/>
7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing, treating, disposing or transporting of contaminants; or (ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state?	<input type="radio"/>	<input type="radio"/>
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department?	<input type="radio"/>	<input type="radio"/>

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION (continued)		Y	N
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12. THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:			
<input type="radio"/> PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of contamination or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of contamination.	<input type="radio"/> 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 a hazardous waste or discharge of petroleum. NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that they have exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste. If a requestor's liability arises solely as a result of ownership, operation of or involvement with the site, they must submit a statement describing why they should be considered a volunteer – be specific as to the appropriate care taken.		
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?	N/A <input type="radio"/>	Y <input type="radio"/>	N <input type="radio"/>
14. Requestor's relationship to the property (check all that apply): <input type="checkbox"/> Prior Owner <input type="checkbox"/> Current Owner <input type="checkbox"/> Potential/Future Purchaser <input type="checkbox"/> Other: _____			
15. If the requestor is not the current site owner, proof of site access sufficient to complete the remediation must be submitted. Proof must show that the requestor will have access to the property before being added to the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached?	N/A <input type="radio"/>	Y <input type="radio"/>	N <input type="radio"/>

SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES

Complete this section only if property is being added to or removed from the site, a lot merger or other change to site SBL(s) has occurred, or if modifying the site address for any reason.

1. Property information on current agreement (as modified by any previous amendments, if applicable):

ADDRESS: 268 Bergen Street, 287 Wyckoff Street and N/A Wyckoff Street

CITY/TOWN: Brooklyn

ZIP CODE: 11217

CURRENT PROPERTY INFORMATION

TOTAL ACREAGE OF CURRENT SITE: 1.163

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

268 Bergen Street

Brooklyn

388

19

1.071

N/A Wyckoff Street

Brooklyn

388

51

0.046

287 Wyckoff Street

Brooklyn

388

42

0.046

2. Requested change (check appropriate boxes below):

☐

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

PARCELS ADDED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

TOTAL ACREAGE TO BE ADDED: _____

☐

b. Reduction of property

PARCELS REMOVED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

TOTAL ACREAGE TO BE REMOVED: _____

☒

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

NEW PROPERTY INFORMATION:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

Please see next page

3. TOTAL REVISED SITE ACREAGE: 1.1639

4. For all changes requested in this section, documentation must be provided. Required attachments are listed in the application instructions. Is the required documentation attached?

Y

N

☒
☐

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

NEW PROPERTY INFORMATION:

PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
270 Bergen Street	Brooklyn	388	19	0.3388
280 Bergen Street	Brooklyn	388	20	0.3333
290-298 Bergen Street	Brooklyn	388	21	0.3384
265 Wyckoff Street	Brooklyn	388	57	0.1534

SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES (continued)

Complete this section for any addition of property. Use additional copies of this section as necessary.

5. Property information for parcels being added to the BCA

PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
CURRENT OWNER:		CONTACT NAME:		
ADDRESS:				
CITY:		STATE:	ZIP:	
PHONE:		EMAIL:		
OWNERSHIP START DATE:				
CURRENT OPERATOR:		CONTACT NAME:		
PHONE:		EMAIL:		
REQUESTOR RELATIONSHIP TO NEW PROPERTY (select from below)				
<input type="radio"/> PREVIOUS OWNER	<input type="radio"/> CURRENT OWNER	<input type="radio"/> POTENTIAL/FUTURE PURCHASER	<input type="radio"/> OTHER: _____	

If the applicant is not the current owner of the property, documentation demonstrating site access (which includes the ability to place an environmental easement on the site) must be provided. If the applicant currently owns the property being added to the site, a copy of the deed must be included.

IS PROOF OF ACCESS / OWNERSHIP ATTACHED? ☐ YES ☐ NO ☐ N/A

PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
CURRENT OWNER:		CONTACT NAME:		
ADDRESS:				
CITY:		STATE:	ZIP:	
PHONE:		EMAIL:		
OWNERSHIP START DATE:				
CURRENT OPERATOR:		CONTACT NAME:		
PHONE:		EMAIL:		
REQUESTOR RELATIONSHIP TO NEW PROPERTY (select from below)				
<input type="radio"/> PREVIOUS OWNER	<input type="radio"/> CURRENT OWNER	<input type="radio"/> POTENTIAL/FUTURE PURCHASER	<input type="radio"/> OTHER: _____	

If the applicant is not the current owner of the property, documentation demonstrating site access (which includes the ability to place an environmental easement on the site) must be provided. If the applicant currently owns the property being added to the site, a copy of the deed must be included.

IS PROOF OF ACCESS / OWNERSHIP ATTACHED? ☐ YES ☐ NO ☐ N/A

6. Data supporting the addition of property to the site must be included. Please refer to the instructions for a list of required tables and figures.

ARE THE REQUIRED FIGURES AND TABLES ATTACHED? ☐ YES ☐ NO

**APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT SUPPLEMENT
QUESTIONS FOR SITE SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY**

Complete this section only if the site is located within the five counties comprising New York City and the requestor is seeking a determination of eligibility for tangible property credits. Provide supporting documentation as required. Refer to the application instructions for additional information.

	Y	N
1. Is the site located in Bronx, Kings, New York, Queens or Richmond County?	<input 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 type="radio"/>	<input type="radio"/>
3. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website for more information.	<input type="radio"/>	<input type="radio"/>
4. Is the property upside down as defined below? 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.	<input type="radio"/>	<input type="radio"/>
5. <u>For new tax parcels being added to the BCA through this amendment ONLY:</u> Are the parcels being added underutilized as defined below? From 6 NYCRR 375-3.2(I) as of August 12, 2016 (Please note: Eligibility determination for the underutilized category for the new tax parcels can only be made at the time of amendment 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.	<input type="radio"/>	<input type="radio"/>

	Y	N
<p>6. Is the project and affordable housing project as defined below?</p> <p>From 6 NYCRR 375-3.2(a) as of August 12, 2016:</p> <p>(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty-seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.</p> <p>(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' household's annual gross income.</p> <p>(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for homeowners at a defined maximum percentage of the area median income.</p> <p>(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States Department of Housing and Urban Development, or its successor, for a family of four, as adjusted for family size.</p>	<input type="radio"/>	<input type="radio"/>
<p>7. Is the project a planned renewable energy facility site as defined below?</p> <p>From ECL 27-1405(33) as of April 9, 2022:</p> <p>"Renewable energy facility site" shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.</p> <p>From Public Service Law Article 4 Section 66-p as of April 23, 2021:</p> <p>(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.</p>	<input type="radio"/>	<input type="radio"/>
<p>8. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and meets the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?</p> <p>From ECL 75-0111 as of April 9, 2022:</p> <p>(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.</p>	<input type="radio"/>	<input type="radio"/>

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

BCP SITE NAME: Diagravure Film Manufacturing Site

BCP SITE NUMBER: C224403

NAME OF CURRENT APPLICANT(S): Bergen St Equity LLC

INDEX NUMBER OF AGREEMENT: C224403-02-24

DATE OF ORIGINAL AGREEMENT: 3/19/2024

Declaration of Amendment:

By the requestor(s) and/or applicant(s) signature(s) below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from obligations held under the Agreement or those same laws.

STATEMENT OF CERTIFICATION AND SIGNATURES: NEW REQUESTOR

Complete the appropriate section (individual or entity) below only if this Amendment adds a new requestor. Attach additional pages as needed.

(Individual)

I hereby affirm that the information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am _____ (title) of _____ (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

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

Date: _____ Signature: _____

Print Name: _____

STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S)

An authorized representative of each applicant must complete and sign the appropriate section (individual or entity) below. Attach additional pages as needed.

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am a Member (title) of Bergen St Equity LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. Yitzchok Katz's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 7/10/25 Signature: _____Print Name: Yitzchok Katz (a/k/a Jacob Katz)

PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

PARTICIPANT

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

X**VOLUNTEER**

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

Effective Date of the Original Agreement: 3/19/2024

Signature by the Department:

DATED: 8/15/25NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

Janet E. BrownJanet E. Brown, Assistant Director
Division of Environmental Remediation

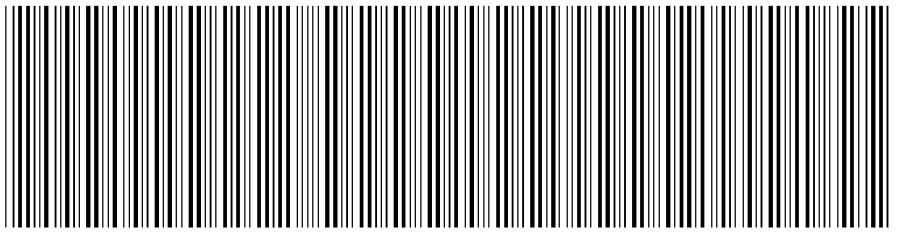
SUBMITTAL REQUIREMENTS:

- The Department accepts both hard copy and electronic submittal of the *Application to Amend Brownfield Cleanup Agreement and Amendment* form.
- Hard copy submissions must also include an electronic version of the complete application form and attachments, in final, non-fillable Portable Document Format (PDF), on an external storage device (such as a thumb drive or CD). Applications must be sent to:
 - Chief, Site Control Section
 - New York State Department of Environmental Conservation
 - Division of Environmental Remediation
 - 625 Broadway, 12th Floor
 - Albany, NY 12233-7020
- NOTE: Electronic applications submitted in fillable format will be rejected.

EXHIBIT A

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.



2024040300009001004EA067

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 7

Document ID: 2024040300009001

Document Date: 04-01-2024

Preparation Date: 04-09-2024

Document Type: DEED

Document Page Count: 5

PRESENTER:

TS AGENCY, LLC/ AIS PICK-UP
25 ROBERT PITT DRIVE, SUITE 105
14879
MONSEY, NY 10952
845-352-8512
TITLESEARCH@TITLESEARCHAGENCY.COM

RETURN TO:

TS AGENCY, LLC/ AIS PICK-UP
25 ROBERT PITT DRIVE, SUITE 105
14879
MONSEY, NY 10952
845-352-8512
TITLESEARCH@TITLESEARCHAGENCY.COM

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BROOKLYN	388	19	Entire Lot	268 BERGEN STREET

Property Type: INDUSTRIAL BUILDING

Borough	Block	Lot	Unit	Address
BROOKLYN	388	42	Entire Lot	287 WYCKOFF STREET

Property Type: OFFICE BUILDING

☒ Additional Properties on Continuation Page

CROSS REFERENCE DATA

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

PARTIES

GRANTOR/SELLER:

BNW3 RE-GEN, LLC
1929 MARVIN CIRCLE DRIVE
SEABROOK, TX 77586

GRANTEE/BUYER:

BERGEN ST EQUITY LLC
505 FLUSHING AVE, STE 1F
BROOKLYN, NY 11205

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: \$ 68.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 250.00

NYC Real Property Transfer Tax:

\$ 1,042,518.75

NYS Real Estate Transfer Tax:

\$ 258,148.75

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

CITY OF NEW YORK

Recorded/Filed 04-10-2024 09:14

City Register File No.(CRFN):

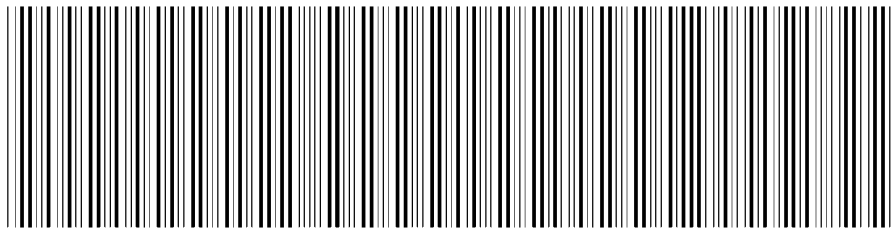
2024000089875



Colette N. Chiu-Jacques

City Register Official Signature

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2024040300009001004CA2E7

RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION) PAGE 2 OF 7

Document ID: 2024040300009001 Document Date: 04-01-2024 Preparation Date: 04-09-2024
Document Type: DEED

PROPERTY DATA

Borough	Block Lot	Unit	Address
BROOKLYN	388 51 Entire Lot		273 WYCKOFF STREET

Property Type: COMMERCIAL REAL ESTATE

BARGAIN AND SALE DEED WITHOUT COVENANT AGAINST GRANTOR'S ACTS

THIS INDENTURE, made as of the 1st day of April, 2024, by **BNW3 RE-GEN, LLC**, a Delaware limited liability company (hereinafter referred to as "Grantor"), having an address at 1929 Marvin Circle Drive, Seabrook, Texas 77586, to **BERGEN ST EQUITY LLC**, a Delaware limited liability company (hereinafter referred to as "Grantee"), having an address at 505 Flushing Avenue, #1F, Brooklyn, New York 11205.

WITNESSETH, that Grantor, in consideration of Ten (\$10.00) Dollars, lawful money of the United States, paid by Grantee, does hereby grant and release unto Grantee, the heirs or successors and assigns of Grantee forever:

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the County of Brooklyn and State of New York, and more particularly described on Exhibit A attached hereto and made a part hereof (the "Premises"); the Premises are also known by the street address 268 Bergen Street, 287 Wyckoff Street and 273 Wyckoff Street, Brooklyn, New York (Tax Map Designation: Block 388, Lots 19, 42 and 51).

TOGETHER WITH all right, title and interest, if any, of Grantor in and to any streets and roads abutting the Premises to the center lines thereof;

TOGETHER WITH the appurtenances and all the estate and rights of Grantor in and to the Premises.

TO HAVE AND TO HOLD the Premises unto Grantee, the heirs or successors and assigns of Grantee forever.

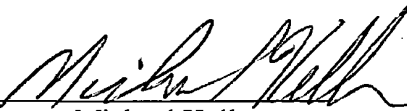
AND Grantor, in compliance with Section 13 of the Lien Law, covenants that Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvements at the Premises before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

[Signature page follows]

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

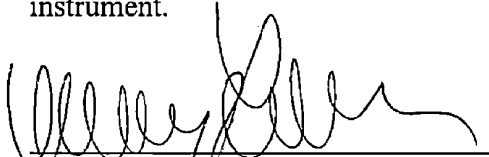
GRANTOR:

BNW3 RE-GEN, LLC

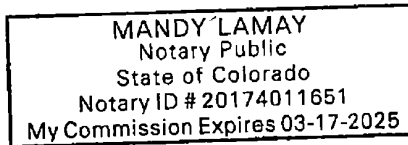
By: 
Name: Michael Keller
Title: Secretary

STATE OF COLORADO)
) ss.:
COUNTY OF Denver)

On the 26 day of March in the year 2024 before me, the undersigned, personally appeared Michael Keller, 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 or entity upon behalf of which the individual acted, executed the instrument.



Signature and Office of individual
taking acknowledgment



Bargain and Sale Deed
Without Covenant Against Grantor's Acts

BLOCK: 388
LOTS: 19, 42 and 51
COUNTY: Brooklyn
STREET 268 Bergen Street, 287 Wyckoff
 Street and 273 Wyckoff Street
ADDRESS: Brooklyn, New York

BNW3 RE-GEN, LLC

TO

RETURN BY MAIL TO:

BERGEN ST EQUITY LLC

Reiss Sheppe LLP
425 Madison Avenue, 19th Floor
New York, New York 10017
Attn: Stephen Friedman, Esq.

Exhibit A

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 Bergen Street distant 100 feet easterly from the corner formed by the intersection of the easterly side of Nevins Street with the southerly side of Bergen Street;

RUNNING THENCE southerly at an angle of 90 degrees 12 minutes 15 seconds to the southerly side of Bergen Street 100 feet to a point;

THENCE easterly at an angle of 89 degrees 47 minutes 45 seconds to East to last mentioned course 25 feet to a point;

THENCE southerly at an angle of 89 degrees 47 minutes 45 seconds to last mentioned course 100 feet to a point on the northerly side of Wyckoff Street;

THENCE easterly at an angle of 89 degrees 47 minutes 45 seconds to last mentioned course and along the northerly side of Wyckoff Street 67.00 feet to a point;

THENCE northerly at right angles to the northerly side of Wyckoff Street 100.00 feet to a point;

THENCE easterly at right angles to last mentioned course 60 feet to a point;

THENCE southerly at right angles to last mentioned course 100 feet to the northerly side of Wyckoff Street;

THENCE easterly at right angles to last mentioned course and along the northerly side of Wyckoff Street 20 feet to a point;

THENCE northerly at an exterior angle of 89 degrees 47 minutes 45 seconds to last mentioned course 100 feet to a point;

THENCE easterly at an angle of 90 degrees 12 minutes 15 seconds to last mentioned course 160 feet to a point;

THENCE southerly at an angle of 89 degrees 47 minutes 45 seconds to last mentioned course 100 feet to a point on the northerly side of Wyckoff Street;

THENCE easterly at an exterior angle of 90 degrees 12 minutes 15 seconds to last mentioned course and along the northerly side of Wyckoff Street 20 feet to a point;

THENCE northerly at right angles to the northerly side of Wyckoff Street 100 feet to a

point; THENCE easterly at right angles to last mentioned course 48 feet to a point;

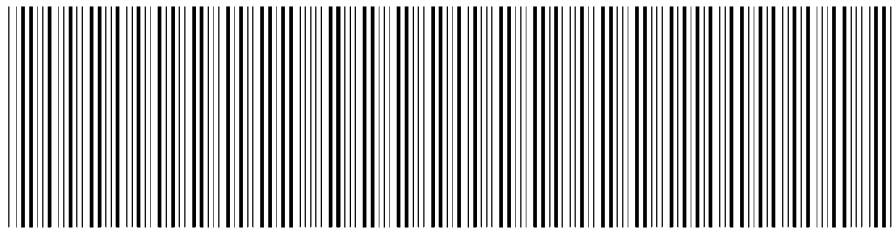
THENCE northerly at right angles to last mentioned course 100 feet to a point on the southerly side of Bergen Street;

THENCE westerly at right angles to last mentioned course and along the southerly side of Bergen Street 400 feet to the point or place of BEGINNING.

FOR INFORMATIONAL PURPOSES ONLY:

Said premises is known as 268 Bergen Street, Brooklyn, NY, Block 388 Lot 19, 287 Wyckoff Street, Brooklyn, NY, Block 388 Lot 42, 273 Wyckoff Street, Brooklyn, NY, Block 388 Lot 51, Kings County.

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2024040300009001004S6EE6

SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

Document ID: 2024040300009001
Document Type: DEED

Document Date: 04-01-2024

Preparation Date: 04-09-2024

ASSOCIATED TAX FORM ID: 2024031400098

SUPPORTING DOCUMENTS SUBMITTED:

Page Count
3

RP - 5217 REAL PROPERTY TRANSFER REPORT



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: 388 LOT: 19
- (2) Property Address: 268 BERGEN STREET, BROOKLYN, NY 11217
- (3) Owner's Name: BERGEN ST EQUITY 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: BERGEN ST EQUITY LLC

Signature: _____ Date (mm/dd/yyyy) 3/27/14

Name and Title of Person Signing for Owner, if applicable: By: Yitzchok Katz, Manager

SEE ATTACHED PAGE FOR ADDITIONAL APPLICABLE PROPERTIES



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	388	42	287 WYCKOFF STREET	NY	NY	11217
BROOKLYN	388	51	273 WYCKOFF STREET	NY	NY	11217

202403140009810103

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



STATE OF NEW YORK
STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217NYC

1. Property Location	268	BERGEN STREET	BROOKLYN	11217
	STREET NUMBER	STREET NAME	BOROUGH	ZIP CODE

2. Buyer Name	BERGEN ST EQUITY 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

3 # of Parcels OR ☐ Part of a Parcel

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

Check the boxes below as they apply:

6. Ownership Type is Condominium ☐

7. New Construction on Vacant Land ☐

5. Deed Property Size	FRONT FEET	X	DEPTH	OR	ACRES
-----------------------	------------	---	-------	----	-------

8. Seller Name	BNW3 RE-GEN, 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 <input type="checkbox"/> One Family Residential B <input type="checkbox"/> 2 or 3 Family Residential	C <input type="checkbox"/> Residential Vacant Land D <input type="checkbox"/> Non-Residential Vacant Land	E <input checked="" type="checkbox"/> Commercial Apartment F <input type="checkbox"/> Industrial
		G <input type="checkbox"/> Entertainment / Amusement H <input type="checkbox"/> Community Service I <input type="checkbox"/> Industrial J <input type="checkbox"/> Public Service

10. Sale Contract Date

7 / 18 / 2023
Month Day Year

11. Date of Sale / Transfer

4 / 1 / 2024
Month Day Year

12. Full Sale Price \$

3 9 7 1 5 0 0 0
\$3,971,500.00

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

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

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

15. Building Class F, 2 16. Total Assessed Value (of all parcels in transfer) 3 5 8 2 0 0 0

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

BROOKLYN 388 19 BROOKLYN 388 42 BROOKLYN 388 51

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

LAST NAME

FIRST NAME

505 FLUSHING AVE, STE 1F

STREET NUMBER

STREET NAME (AFTER SALE)

AREA CODE

TELEPHONE NUMBER

BROOKLYN

NY

11205

CITY OR TOWN

STATE

ZIP CODE

SELLER

see

SELLER SIGNATURE

3/25/24

DATE

2024031400098201

**SIGNATURE PAGE TO RP-5217NYC
FOR GRANTOR**

BNW3 RE-GEN, LLC

By:



Name: Michael Keller

Title: Authorized Signatory

Date:

3/25/24

EXHIBIT B



NYC Digital Tax Map

Effective Date : 12-09-2008 19:04:08
End Date : Current

Brooklyn Block: 388



Legend

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

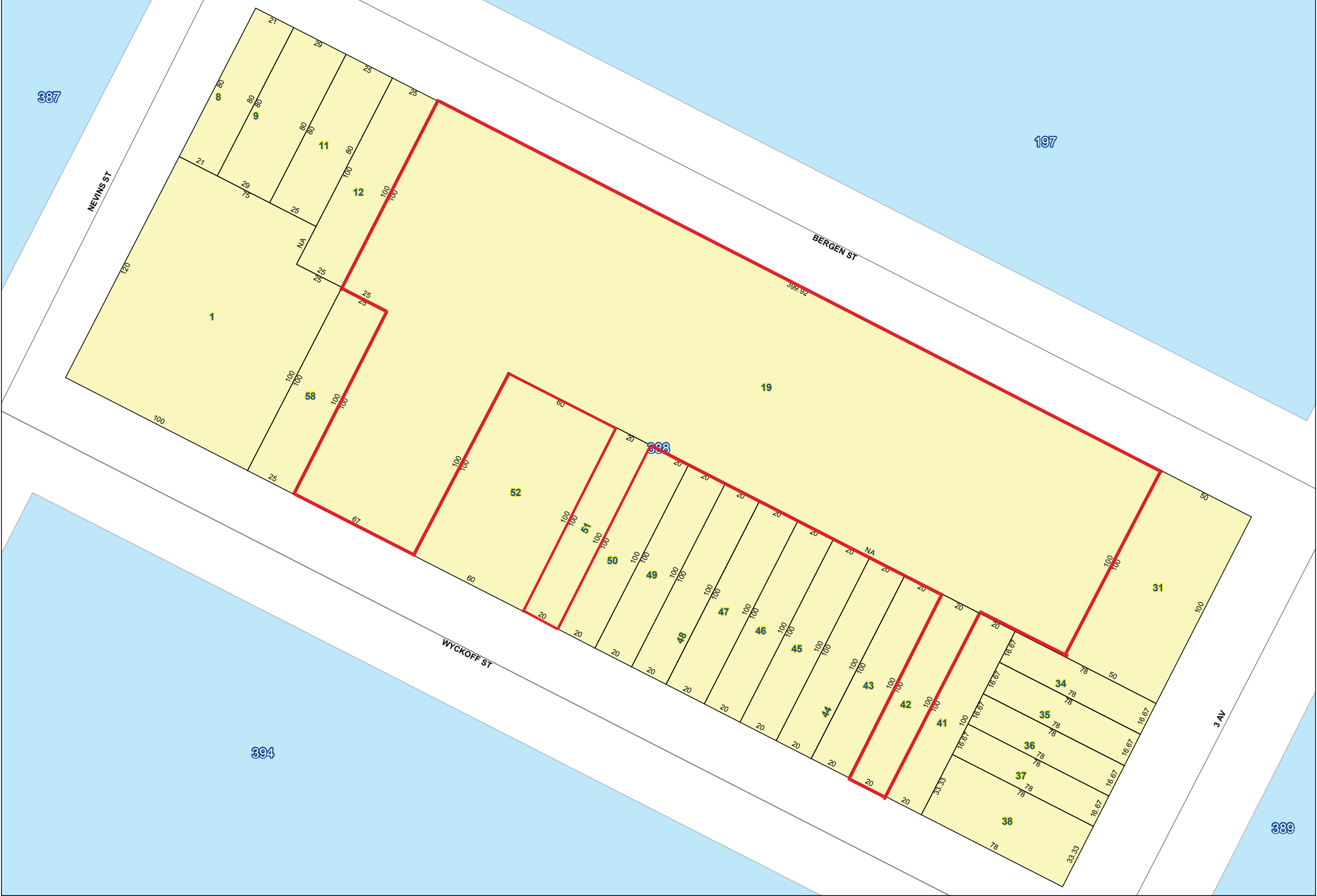


EXHIBIT C

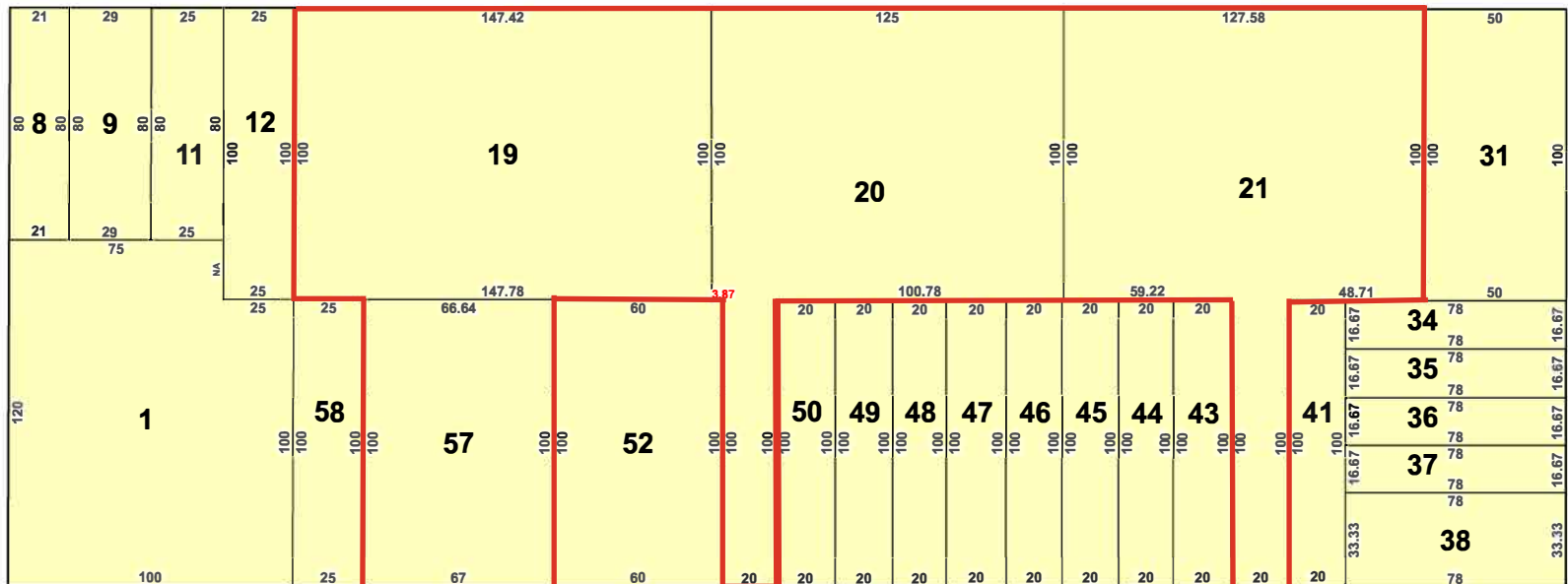
196

197

198

BERGEN STREET

NEVINS STREET



389

3 AVENUE

WYCKOFF STREET

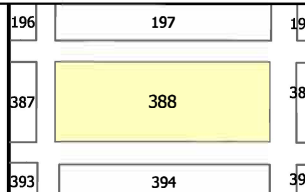
ST MARKS PLACE

393

394

395

LEGEND		TAX_LOT_POLYGON	50 Tax Lot Number	TAX_LOT_FACE
		TAX_BLOCK_POLYGON	50 Tax Block Number	Regular
		BOUNDARY	60 Condo FKA Tax Lot Number	Underwater
		POSSESSION_HOOK	C50 Condo Flag/Number	Unknown
			A9000 Air Lot Flag/Number	50 Tax Lot Dimension
			S8000 Sub Lot Flag/Number	+/- 50 Approximate Tax Lot Dimension
			R REUC Flag	



Effective Date: 05/07/2025
End Date: Current

NYC Digital Tax Map
Borough of Brooklyn
Block: 388



NYC
Department of Finance

LiRa GIS, Inc.
A LiRa-Hill Company

The official tax maps for the City of New York are maintained by the Department of Finance Tax Map Office. Tax maps show the lot lines, the block and lot numbers, the street names, lot dimensions, and easements. The maps and information presented are for information purposes only. The City of New York Department of Finance is not responsible for errors, omissions, or geographic accuracy on these digital maps. The Geographic Information System (GIS) information presented should not be used for boundary lines or location and should not be used as a substitute for engineer drawings or surveys. Any use of this map for conveyances of property or any other legal proceeding is at the sole risk of the parties.

EXHIBIT D

EXHIBIT E

**APPLICATION FOR APPORTIONMENTS OR MERGERS**

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

SECTION A: PROPERTY INFORMATIONBorough: Brooklyn Block: 388 Present Lot(s): 19, 51, 42

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

☐ Merger☒ ApportionmentNumber of
Lots Requested 4

Lot Number: _____

☐ Air☐ SubterraneanLot(s) Usage:
(check one)☐ Residential
Building Gross
Sq/Ft: _____☐ Commercial
Building Gross
Sq/Ft: _____☒ Mix (Residential & Commercial)
Building Gross
Sq/Ft: 46682

Property

1. Owner's Name (as per Deed): _____

LAST NAME

FIRST NAME

OR

Company Name: Bergen Street Equity

Property

2. Address: 268 Bergen Street Brooklyn NY 11217

NUMBER AND STREET

CITY

STATE

ZIP CODE

3. Filing Representative (if applicable): _____

SECTION B: CERTIFICATION1. Architect/Engineer/Applicant's Name: Whitefield Hamish

LAST NAME

FIRST NAME

2. Address: 1218 Central Avenue Albany NY 12205

NUMBER AND STREET

CITY

STATE

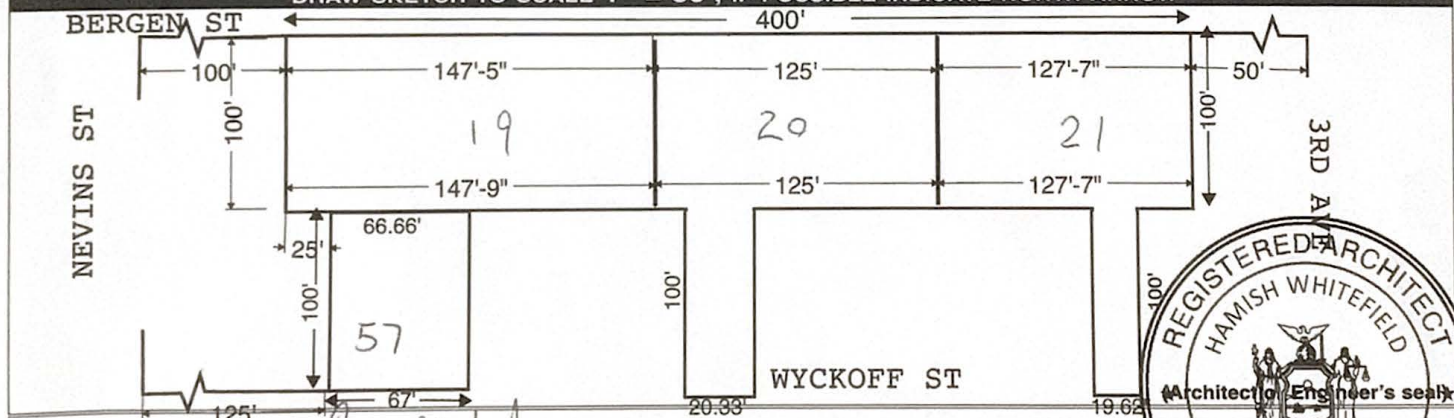
ZIP CODE

3. Telephone Number: 5149928720 4. Email Address: Hamish@frwarchitects.com

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

Signature of Architect/ Engineer/Applicant: Hamish WhitefieldDate: 1/29/25**TAX MAP CHANGE WILL NOT BE MADE UNTIL PRESENTATION OF REQUIRED DOCUMENTS (see reverse for the required documents)**

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



Tentative Lot(s) issued:

Customer Service Representative: Smel White Date: 1/29/25 New Lot(s): 20, 21 Lot(s) Affected: _____ Lot(s) Dropped: _____

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

Map Updated:

Tax Map Specialist: _____ Date: 1/29/25

EXHIBIT F

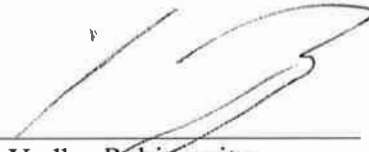
WRITTEN CORPORATE CONSENT

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

1. Bergen St Equity LLC is the prospective volunteer for the prospective Brownfield Cleanup Program ("BCP") Site located at 268 Bergen Street (f/k/a 264-298 Bergen Street) (Tax Parcel No. 388-19); 287 Wyckoff Street (Tax Parcel No. 388-42); and N/A Wyckoff Street (Tax Parcel No. 388-51) (the "BCP Site").

2. The following person, Yitzchok Katz (a/k/a Jacob Katz), a member of Bergen St Equity LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer Bergen St Equity LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 10 day of October 2023.



NAME: Yadler Rabinowitz
Member of Bergen St Equity LLC