

Bergen St Equity LLC
Brownfield Cleanup Program Application
Diagravure Film Manufacturing Site
268 Bergen Street, 287 Wyckoff Street and N/A Wyckoff Street
Brooklyn, New York 11217



Legal & Consulting Team:
Knauf Shaw LLP & Roux Engineering.
December 2023

Table of Contents

Section

- 1. Cover Letter**
- 2. BCP Application**
- 3. BCP Support Document**
- 4. Exhibit A – Base Map, Street Map and Site Location Map**
- 5. Exhibit B – Survey and Tax Map**
- 6. Exhibit C – BOA Map, Disadvantage Communities Map, EJ 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 – Written Consent**
- 13. Exhibit J – Deed**
- 14. Exhibit K – Site Access Agreement**
- 15. Exhibit L – Site Contact List**
- 16. Exhibit M – Repository Letter**
- 17. Exhibit N – Underground Storage Tank Information**
- 18. Environmental Reports**



SUBMITTAL INSTRUCTIONS:

- 1. Compile the application package in the following manner:
a. one file in non-fillable PDF of the application form plus supplemental information, excluding the previous environmental reports and work plans, if applicable;
b. one individual file (PDF) of each previous environmental report; and,
c. one file (PDF) of each work plan being submitted with the application, if applicable.
2. Compress all files (PDFs) into one zipped/compressed folder.
3. Submit the application to the Site Control Section either via email or ground mail, as described below.

Please select only ONE submittal method – do NOT submit both email and ground mail.

a. VIA EMAIL:

- Upload the compressed folder to the NYSDEC File Transfer Service. (http://fts.dec.state.ny.us/fts) or another file-sharing service.
• Copy the download link into the body of an email with any other pertinent information or cover letter attached to the email.
• Subject line of the email: "BCP Application NEW - *Proposed Site Name*"
• Email your submission to DERSiteControl@dec.ny.gov – do NOT copy Site Control staff.

b. VIA GROUND MAIL:

- Save the application file(s) and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
• Mail the external storage device to the following address:
Chief, Site Control Section
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

PROPOSED SITE NAME: Diagravure Film Manufacturing Site
Is this an application to amend an existing BCA with a major modification? Please refer to the application instructions for further guidance related to BCA amendments.
If yes, provide existing site number: _____ [Radio buttons: Yes, No]
Is this a revised submission of an incomplete application?
If yes, provide existing site number: C224403 [Radio buttons: Yes, No]



BCP App Rev 15 – May 2023

SECTION I: Property Information

PROPOSED SITE NAME **Diagravure Film Manufacturing Site**

ADDRESS/LOCATION **268 Bergen Street, 287 Wyckoff Street and N/A Wyckoff Street**

CITY/TOWN **Brooklyn** ZIP CODE **11217**

MUNICIPALITY (LIST ALL IF MORE THAN ONE) **New York City**

COUNTY **Kings** SITE SIZE (ACRES) **1.163**

LATITUDE			LONGITUDE		
40	41	0.86	73	58	59.25

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
268 Bergen Street (f/k/a 264-298 Bergen St)	Brooklyn	388	19	1.071
N/A Wyckoff Street (f/k/a 273 Wyckoff St)	Brooklyn	388	51	0.046
287 Wyckoff Street	Brooklyn	388	42	0.046

	Y	N
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description.	<input checked="" type="radio"/>	<input type="radio"/>
2. Is the required property map included with the application? (Application will not be processed without a map)	<input checked="" type="radio"/>	<input type="radio"/>
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) If yes, identify census tract: <u>36047012700</u> Percentage of property in En-zone (check one): 0% <input type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4. Is the project located within a disadvantaged community? See application instructions for additional information.	<input checked="" type="radio"/>	<input type="radio"/>
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	<input type="radio"/>	<input checked="" type="radio"/>
6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications:	<input type="radio"/>	<input checked="" type="radio"/>

SECTION I: Property Information (CONTINUED)	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. <table border="0" style="width: 100%;"> <tr> <td style="width: 60%;"><u>Easement/Right-of-Way Holder</u></td> <td style="width: 40%;"><u>Description</u></td> </tr> </table>	<u>Easement/Right-of-Way Holder</u>	<u>Description</u>	<input type="radio"/>	<input checked="" type="radio"/>	
<u>Easement/Right-of-Way Holder</u>	<u>Description</u>				
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <table border="0" style="width: 100%;"> <tr> <td style="width: 30%;"><u>Type</u></td> <td style="width: 30%;"><u>Issuing Agency</u></td> <td style="width: 40%;"><u>Description</u></td> </tr> </table>	<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>	<input type="radio"/>	<input checked="" type="radio"/>
<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>			
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?	<input checked="" type="radio"/>	<input type="radio"/>			
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.					
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.	<input checked="" type="radio"/>	<input type="radio"/>			
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?	<input type="radio"/>	<input checked="" type="radio"/>			
17. If you have answered YES to Question 16 above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?	<input type="radio"/>	<input type="radio"/>			
NOTE: If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.					
If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions.					
Initials of each Requestor: _____					

SECTION II: Project Description

1. The project will be starting at: Investigation Remediation

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

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

Yes No N/A

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

RIWP RAWP IRM No

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

Is this information attached? Yes No

SECTION III: Land Use Factors

1. What is the property's current municipal zoning designation? R7-A, R7-D, C2-4

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

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. Include 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. Include 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:

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard ([ASTM E1903](#)). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do NOT submit paper copies of ANY supporting documents.**

2. **SAMPLING DATA: INDICATE (BY SELECTING THE OPTIONS BELOW) KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED AS AN ATTACHMENT, WITH LABORATORY REPORTS REFERENCED AND INCLUDED.**

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

*Please describe other known contaminants and the media affected:

Note: PCBs were detected above the USCOs to date but a source can be present not yet discovered.

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

Other: Other past uses include film manufacturing, a lumber yard, brewery, skin dyeing and finishing, and milk company.

SECTION V: Requestor Information				
NAME Bergen St Equity LLC				
ADDRESS 505 Flushing Avenue, #1H				
CITY/TOWN Brooklyn		STATE NY	ZIP CODE 11205	
PHONE (718) 989-6866	EMAIL jacob@developingnys.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 the 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, a list of the names of the members/owners is required on a separate attachment. Is this attached?			<input 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 offense (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

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.

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.



13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?

Yes

No

N/A

SECTION VI: Requestor Eligibility (CONTINUED)

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

 Previous Owner
 Current Owner
 Potential/Future Purchaser
 Other: _____

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 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 Jacob Katz and Mordy Fulop

ADDRESS Bergen St Equity LLC c/o Developing NYS, LLC 505 Flushing Avenue, #1H

CITY Brooklyn

STATE NY

ZIP CODE 11205

PHONE (718) 989-6866

EMAIL Mordy@developingnys.com

REQUESTOR'S CONSULTANT (CONTACT NAME) Robert Kovacs

COMPANY Roux Engineering

ADDRESS 209 Shafter Street

CITY Islandia

STATE NY

ZIP CODE 11749

PHONE (516) 250-0359

EMAIL rkovacs@rouxinc.com

REQUESTOR'S ATTORNEY (CONTACT NAME) Linda Shaw, Esq.

COMPANY Knauf Shaw LLP

ADDRESS 2600 Innovation Square, 100 S. Clinton Avenue

CITY Rochester

STATE NY

ZIP CODE 14604

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

SECTION IX: Current Property Owner and Operator Information

CURRENT OWNER BMW3 RE-GEN, LLC

CONTACT NAME Michael Keller, Esq.

ADDRESS 1630 Cypress Lane

CITY Kingwood

STATE TX

ZIP CODE 77339

PHONE (281) 623-9630

EMAIL mekattorneyatlaw@gmail.com

OWNERSHIP START DATE July 26, 2018

CURRENT OPERATOR BMW3 RE-GEN, LLC but site is vacant

CONTACT NAME Michael Keller, Esq.

ADDRESS 1630 Cypress Lane

CITY Kingwood

STATE TX

ZIP CODE 77339

PHONE (281) 623-9630

EMAIL mekattorneyatlaw@gmail.com

OPERATION START DATE NA

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

SECTION X: Property Eligibility Information (continued)

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

SECTION XI: Site Contact List

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

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

SECTION XII: Statement of Certification and Signatures

(By requestor who is an individual)


If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____ Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Member (title) of Bergen St Equity 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: 11/09/2023 Signature:  _____

Print Name: Yitzchok Katz _____

PLEASE REFER TO THE APPLICATION COVER PAGE AND BCP APPLICATION INSTRUCTIONS FOR DETAILS OF PAPERLESS DIGITAL SUBMISSION REQUIREMENTS.

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 15

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

From ECL 27-1405(31):

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

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

375-3.2:

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

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

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

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

Check appropriate box below:

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

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

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

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

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

Yes – planned renewable energy facility site with documentation

Pending – planned renewable energy facility awaiting documentation

*Selecting this option will result in a “pending” status. The appropriate documentation 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.

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 plans to meet the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?

Yes - *Selecting this option will result in a “pending” status, as a BOA conformance determination has not yet been made. Proof of conformance 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.

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.

**BCP
APPLICATION
SUPPORT
DOCUMENT**

BCP APPLICATION SUPPORT DOCUMENT
Exhibit List

Exhibit A	Site Location and Base Property Map
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 Access Agreement
Exhibit L	Site Contact List
Exhibit M	Repository Letters
Exhibit N	Underground Storage Tank Information

ENVIRONMENTAL REPORTS SEPARATELY ATTACHED ON CD:

A. August 2018, Phase I Environmental Site Assessment Prepared by Matrix New World Engineering, Land Surveying and Landscape Architecture, P.C. for Eisenbeiss Realty, LLC

B. March 2023, Limited Phase II Environmental Site (280 Bergen Street) Investigation Prepared by VHB for Eisenbeiss Realty, LLC

C. March 2023, Sub-Slab Soil Vapor Investigation (287 Wyckoff Street) Investigation Prepared by VHB for Eisenbeiss Realty, LLC

D. November 2023, Phase I Environmental Site Assessment Prepared by Roux Environmental Engineering and Geology, D.P.C. for Bergen St Equity LLC

E. November 2023, Draft Remediation Investigation Work Plan Prepared by Roux Environmental Engineering and Geology, D.P.C. for Bergen St Equity LLC

SECTION I – PROPERTY INFORMATION

The Site is located at the following addresses:

Parcel Address	Tax Parcel Identification No.	Acreage
268 Bergen Street (f/k/a 264-298 Bergen St)	Brooklyn-388-19	1.071
N/A Wyckoff Street (f/k/a 273 Wyckoff St)	Brooklyn-388-51	0.046
287 Wyckoff Street	Brooklyn-388-42	0.046

The Site is located in Brooklyn, New York 11217 (“Site” or “BCP Site”). The Site Location and Base Property Map are in Exhibit A. The total acreage of the Site is 1.163 acres.

1. Site Boundary and Tax Parcel Information

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

2. Property Map

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

3-4. Please refer to the BCP Application Form.

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

The Site BOA, Disadvantaged Communities, Environmental Justice, and En-Zone Maps are in Exhibit C. The Site is located in an En-Zone Type B, Census Tract 36047012700. The Site is not located in a BOA. The Site is not located in a Potential Environmental Justice Area. The Site is located in a disadvantaged community area. According to the New York State Disadvantaged Communities Map, the Site is located on Census Tract 36047012700, which has an environmental burden higher than 91% of Census Tracts statewide and a population vulnerability higher than 81% percent of Census Tracts statewide.

6-11. Please refer to BCP Application Form.

12. Easements and Existing Rights of Way

There are no Easements or Existing Right-of-Ways located on the Site.

13. Please refer to BCP Application Form.

14. Property Description Narrative

A. Site Location

The Site is located at the follow addresses:

Parcel Address	Tax Parcel Identification No.
268 Bergen Street (f/k/a 264-298 Bergen St)	Brooklyn-388-19
N/A Wyckoff Street (f/k/a 273 Wyckoff St)	Brooklyn-388-51
287 Wyckoff Street	Brooklyn-388-42

The Site is located in Brooklyn, New York 11217. The surrounding area is occupied by a mix of residential, commercial, and industrial buildings.

B. Site Features

The Site was formerly occupied by a film screen-printing company as recently as March 2023, but is now a vacant Site. The buildings on the Site include an office building located at 287 Wyckoff Street and a factory manufacturing building where the former screen-printing facility building was located at 268 (f/k/a 280) Bergen Street, which can be accessed via the office building and the loading dock area located on Bergen Street. An empty lot is located at N/A (f/k/a 273) Wyckoff Street and is accessed via a gate on Wyckoff Street on the southern part of the site. The parking lot for 268 Bergen Street is also accessed via a gate on Wyckoff Street.

The lot at N/A (f/k/a 273) Wyckoff Street has been vacant since at least 1969. The one-story office building at 287 Wyckoff Street has been vacant since April 2023. The manufacturing building located at 268 (f/k/a 280) Bergen Street has been vacant since April 2023.

The closest water body, the Gowanus Canal, is located approximately 1,100 feet from the Site. The Site is not in a flood zone. See Exhibit D Flood Map.

C. Current Zoning and Land Use

The Site is currently located in the R7-A District, R7-D District and the C4-2 Overlay District. See Exhibit E, Zoning Map. The Site has been used as a manufacturing facility, office, and parking lot until March 2023, when the former manufacturing facility vacated the Site. The surrounding properties include a gas station to the east, apartment buildings to the south and east, a mixed-use building to the south, a parking lot to the southwest, apartments to the west, and office buildings and a church to the north, as well some apartment buildings. The nearest residential areas are located adjacent to the Site to the north, east, south, and west. The nearest rail line is .3 miles away to northeast of the Site.

D. Past Use of the Site

See Section IV.4 for full description of past land uses. The Site at different times has been home to a lumberyard, a brewery, a milk company, a sign manufacturer, a film manufacturer, and a screen printer and manufacturer. 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 U.S. Geological Services topographic map the Site sits 24 feet above mean sea level. Its on-Site topographic gradient is generally flat, but the regional topography slopes slightly downward to the southeast towards the Gowanus Canal. According to the U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey for Kings County, the soils on-Site are classified as urban land, till substratum with zero to three slopes with very low available water capacity. The soil observed beneath the foundation slab and paved surfaces on-Site contained fill material, medium-brown sand, silt, coarse gravel, and clay lenses at different locations.

From visual observation by the consultants, surface water percolates into the ground through the dry well located in the vacant lot at N/A Wyckoff Site at Lot 388-51, or it enters any of the stormwater basins that surround the Site. Based on the topographic gradient and the relative direction of the Gowanus Canal, groundwater likely flows to the southeast. However, based on a previous report done for an adjacent gas station, groundwater flowed to the north, northwest under a low hydraulic gradient. Based on results from the Limited Phase II ESA, depth to groundwater ranged from 18.1 to 20.4 feet.

No wetlands or surface water exist on the Site. The closest water body is the Gowanus Canal, which is located about 1,100 feet to the southeast.

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

The Site is in an En-Zone so it is eligible for the tangible property tax credits. Twenty-five percent (25%) of the residential units will be slated for affordable housing credits, but a regulatory agreement is not yet available and will be provided in the future. 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 a residential project with some ground level commercial components and 25% of the residential units will be affordable.

Schedule – Commencement through COC

A Remedial Investigation (“RI”) Work Plan (“RIWP”) has been submitted with the application, therefore, the Remedial Investigation is expected to be commenced on the Site within one month after the Brownfield Cleanup Agreement (“BCA”) is executed, which is expected to be early spring 2024. Site preparation activities are expected to commence by late spring or early summer 2024. The Remedial Action Work Plan (“RAWP”) will be completed in the summer of 2024 and any required remediation may commence in the fall of 2024. The Certificate of Completion is anticipated to be issued by December 2024 or in early 2025.

SECTION III – LAND USE FACTORS

1. Current Zoning

The Site is within the R7-A District, R7-D District, and the C2-4 Overlay District. *See* Exhibit E, Zoning Map.

2. Allowed Uses

The R7-A zoning district allows for medium-density apartment house uses. The contextual Quality Housing regulations, which are mandatory in R7-A Districts, typically produce high lot coverage, seven- to nine-story apartment buildings, blending with existing buildings in many established neighborhoods.

The R7-D District also allows for medium-density apartment house uses. The Quality Housing Regulations are also mandatory in the R7-D District, but the floor area ratio of R7-D Districts allow for greater residential density than R7-A Districts.

The C2-4 Overlay District is usually mapped within residence districts. Mapped along streets that serve local retail needs, these districts are found extensively throughout the City’s lower- and medium-density areas and occasionally in higher-density districts. Typical retail uses include neighborhood grocery stores, restaurants and beauty parlors. C2 districts permit a slightly wider range of uses, such as funeral homes and repair services. In mixed buildings, commercial uses are limited to one or two floors and must always be located below the residential use.

As a result, the proposed project is consistent with existing zoning. Moreover, the block that the Site sits within was rezoned in December 2022 to promote this type of development.

3-4. Current Use

The currently existing one-story office building, manufacturing building and asphalt parking lot, are all vacant at this time.

5. Intended Use Post Remediation

After the remediation, the Site will be used for a residential project with some ground level commercial components and 25% of the residential units will be affordable.

6. Post Remediation Use

Post remediation use of the Site entails a residential project with some ground level commercial components and 25% of the residential units will be affordable.

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 zoning laws and map.

10. Consistent with the Master Plan?

Yes, the project is consistent with the City's zoning.

SECTION IV – PROPERTY'S ENVIRONMENTAL HISTORY

1. List of Environmental Reports

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

A. August 2018, Phase I Environmental Site Assessment Prepared by Matrix New World Engineering, Land Surveying and Landscape Architecture, P.C. for Eisenbeiss Realty, LLC

B. March 2023, Limited Phase II Environmental Site (280 Bergen Street) Investigation Prepared by VHB for Eisenbeiss Realty, LLC

C. March 2023, Sub-Slab Soil Vapor Investigation (287 Wyckoff Street) Investigation Prepared by VHB for Eisenbeiss Realty, LLC

D. November 2023, Phase I Environmental Site Assessment Prepared by Roux Environmental Engineering and Geology, D.P.C. for Bergen St Equity LLC

E. November 2023, Draft Remediation Investigation Work Plan Prepared by Roux Environmental Engineering and Geology, D.P.C. for Bergen St Equity 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 metal and SVOCs in soil; VOCs, SVOCs, metals, and PFAS in groundwater; and VOCs in soil vapor. See Exhibit G Site Drawing Spider Maps.

Soil:

Analytes > RRSCOs	Detections > RRSCOs	Maximum Detection (mg/kg)	RRSCO (mg/kg)	Depth (ft-bgs)	Sample ID	Max Detection Date
Metals						
Arsenic	4	40	16	6-8	SB-7	02/07/23
Barium	1	651	400	0-2	SB-4	02/07/23
Lead	6	2,200	400	0-2	SB-4	02/07/23
Mercury	5	4.37	.81	6-8	SB-7	02/07/23
SVOCs						
Benzo[a]anthracene	8	8.8	1	15-17	SB-1	02/06/23
Benzo[a]pyrene	7	8.5	1	15-17	SB-1	02/06/23
Benzo[b]fluoranthene	8	9.8	1	0-2	SB-1	02/06/23
Chrysene	3	8.9	3.9	15-17	SB-1	02/06/23
Dibenzo[a,h]anthracene	3	1	.33	15-17	SB-1	02/06/23
Indeno[1,2,3-cd]pyrene	8	5.7	.5	15-17	SB-1	02/06/23

Groundwater:

Analyte > AWQS	Detections > AWQS	Max Detection (µg/L)	AWQS (µg/L)	Sample ID	Max Detection Date
VOCs					
1,2,4,5-Tetramethylbenzene	2	78	5	MW-1	02/07/23
1,2,4-Trimethylbenzene	1	54	5	MW-2	02/07/23
1,3,5-Trimethylbenzene	1	12	5	MW-2	02/07/23
Isopropylbenzene	1	30	5	MW-1	02/07/23
m+p-Xylene	1	7.1	5	MW-2	02/07/23

Naphthalene	1	38	10	MW-2	02/07/23
n-Butylbenzene	1	27	5	MW-1	02/07/23
n-Propylbenzene	1	64	5	MW-1	02/07/23
sec-Butylbenzene	2	23	5	MW-1	02/07/23
Xylenes (total)	1	12	5	MW-2	02/07/23
SVOCs					
1,1'-Biphenyl	1	11	5	MW-2	02/07/23
Benzo[a]anthracene	4	8.7	0.002	MW-1	02/07/23
Benzo[a]pyrene	4	7.1	0	MW-1	02/07/23
Benzo[b]fluoranthene	4	8.3	0.002	MW-1	02/07/23
Benzo[k]fluoranthene	4	2.5	0.002	MW-1	02/07/23
Bis(2-ethylhexyl) phthalate	1	7.8	5	MW-1	02/07/23
Chrysene	4	8.5	0.002	MW-1	02/07/23
Fluorene	1	57	50	MW-1	02/07/23
Indeno[1,2,3-cd]pyrene	4	4.5	0.002	MW-1	02/07/23
Naphthalene	1	13	10	MW-2	02/07/23
Phenanthrene	1	290	50	MW-1	02/07/23
Metals, Total					
Arsenic	3	83.32	25	MW-1	02/07/23
Barium	2	2912	1000	MW-1	02/07/23
Beryllium	2	23.58	3	MW-1	02/07/23
Chromium	2	577.1	50	MW-1	02/07/23
Copper	1	235.8	200	MW-1	02/07/23
Iron	4	332000	300	MW-1	02/07/23
Lead	4	1702	25	MW-2	02/07/23
Manganese	3	12500	300	MW-4	02/07/23
Mercury	1	0.87	0.7	MW-2	02/07/23
Nickel	3	677.3	100	MW-1	02/07/23
Selenium	4	305	10	MW-1	02/07/23
Sodium	3	198000	20000	MW-3	02/07/23
Thallium	2	0.57	0.5	MW-2	02/07/23
Metals, Dissolved					
Manganese	4	5033	300	MW-4	02/07/03
Sodium	3	37500	20000	MW-4	02/07/03
PFAS (Concentrations in ng/L)					
Perfluorooctanesulfonic acid (PFOS)	1	5.06	2.7	MW-2	02/07/23
Perfluorooctanoic acid (PFOA)	1	13	6.7	MW-2	02/07/23

Soil Vapor:

Analytes	Total Detections	Max Detection ($\mu\text{g}/\text{m}^3$)	Max Boring/ Sample ID	Max Detection Date	Type
VOCs					
1,1,1-Trichloroethane	4	64.4	SV-7	02/06/23	SV – indoor air
1,2,4-Trimethylbenzene	8	17.2	SS-8, SS-7	02/06/23	SV – indoor air
1,3,5-Trimethylbenzene	5	3.39	SS-8	02/06/23	SV – indoor air
1,3-Butadiene	3	10.9	SV-7	02/06/23	SV – indoor air
2-Butanone (MEK)	8	47.8	SV-7	02/06/23	SV – indoor air
2-Hexanone	1	.84	SS-7	02/06/23	SV – indoor air
4-Ethyltoluene	5	2.61	SS-8	02/06/23	SV – indoor air
4-Methyl-2-pentanone (MIBK)	1	11	SS-2	02/06/23	SV – indoor air
Acetone	8	359	SS-3	02/06/23	SV – indoor air
Benzene	8	53.7	SS-3	02/06/23	SV – indoor air
Carbon disulfide	6	27.6	SV-1	02/06/23	SV – indoor air
Chloroform	5	225	SV-7	02/06/23	SV – indoor air
Chloromethane	1	0.966	SS-3	02/06/23	SV – indoor air
Cyclohexane	2	46.5	SS-3	02/06/23	SV – indoor air
Dichlorodifluoromethane	5	2.59	SS-7	02/06/23	SV – indoor air
Ethanol	3	166	SS-3	02/06/23	SV – indoor air
Ethyl Acetate	1	2.34	SS-3	02/06/23	SV – indoor air
Ethylbenzene	6	36.4	SS-1	02/06/23	SV – indoor air
Heptane	7	59	SV-1	02/06/23	SV – indoor air

Isooctane	4	19.9	SV-1	02/06/23	SV – indoor air
Isopropanol	7	40.8	SV-1	02/06/23	SV – indoor air
m+p-Xylene	7	121	SS-1	02/06/23	SV – indoor air
Methylene chloride	1	4	SS-1	02/06/23	SV – indoor air
n-Hexane	8	49.7	SV-1	02/06/23	SV – indoor air
o-Xylene	7	12.1	SS-1	02/06/23	SV – indoor air
t-Butyl Alcohol	7	20.1	SS-7	02/06/23	SV – indoor air
Tetrachloroethane	8	888	SS-8	02/06/23	SV – indoor air
Tetrahydrofuran	1	3.24	SS-3	02/06/23	SV – indoor air
Toluene	8	85.5	SS-3	02/06/23	SV – indoor air
Trichloroethene	6	138	SV-7	02/06/23	SV – indoor air
Trichlorofluoromethane	5	4.98	SS-3	02/06/23	SV – indoor air

4. Past Land Use

1. Past Use of the Site

Please refer to Appendix D and E of the November 2023 Phase I Environmental Site Assessment prepared by Roux Environmental Engineering and Geology, D.P.C. for Bergen St Equity LLC for the historical Sanborn and aerial maps. In the early 1900s, the Site was home to a brewery and a skin-dyeing and finishing operation.¹ By 1915, the brewery had been replaced by R.F. Stevens Milk Company, and the skin-dyeing operation was no longer present. By 1938, Bordens Farm Products Co. had taken over the R.F. Stevens Milk Co. facility. By 1950, Bordens Farms expanded to 276-298 Bergen Street. Some of the smaller residential dwellings and stores were demolished between 1951 and 1969. By 1969, Bordens Farm Products became Diagravure Film Corp. (a screen printing facility) and the remainder of the lots were either vacant (265 and 273 Wyckoff Street) or a mix of uses (dwellings, commercial space or parking). The Site building composition changed more markedly in 1969 when the film company began to occupy a majority of the Site, and an above ground gas tank could be seen on historic maps. Many of the former residential buildings had become vacant lots, and a parking lot had also been built. By 2010, the Diagravure Film Corp. had been replaced by another screen-printing facility operated by

¹ This operation may have been located on one of the lots between the lots comprising the Site.

Ulano. It is unclear if Diagravure Film Corp. and Ulano were affiliated. Ulano maintained a number of storage drums and totes containing chemicals used in the screen-printing process, and a number of chemical stains were observed on the interior floors of the manufacturing building at 280 Bergen Street during Phase I investigations of the Site.

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

A Phase I Environmental Site Assessment (ESA) was prepared by Matrix New World Engineering, Land Surveying and Landscape Architecture, P.C. in August 2018 for Eisenbeiss Realty, LLC. This report identified six different recognized environmental conditions (RECs). First, the Ulano screen-facility housed multiple drums and totes for chemical storage, and chemical staining was visible on the interior floor. Second, the Site is adjacent to a gas station. Third, the Site has seen multiple structures demolished during its history, and some of the construction and demolition debris may have been disposed of on-Site. This raises the possibility of contamination associated with building materials and typical fill materials. Fourth, the Site is down gradient from a former dry cleaner. Fifth, a 10,000-gallon gasoline tank was on the Site from 1969 to 2007. Sixth, Matrix could not rule out a Vapor Encroachment Condition due to the Site's proximity to a gas station and former industrial facilities.

In March 2023, VHB performed two separate Limited Phase II Environmental Site Assessments for the 280 Bergen Street lot and the 287 Wyckoff Street lot.

On the 287 Wyckoff Street lot, VHB installed two sub-slab vapor points. This investigation generated soil vapor sample results including VOCs commonly associated with petroleum products in addition to chlorinated VOCs. Chlorinated solvents such as methylene chloride, 1,1,1-trichloroethane, and trichloroethane were detected, but they were at levels below the mitigation level set by NYSDOH Soil Vapor/Indoor Air decision matrices. However, Tetrachloroethane (PCE) was detected in both soil vapor samples at concentrations within the mitigation level of NYSDOH Soil Vapor/Indoor Air Matrix B.

On the 280 Bergen Street lot, VHB performed a geophysical investigation and took samples from borings and monitoring wells. The geophysical investigation revealed subsurface anomalies corresponding to presence of utilities, reinforcing bars, and/or historical fill beneath the Site. It also revealed the boundary of one 10,000-gallon tank that was closed in place in the late 1990s. VHB also drilled eight soil borings: six within the facility on Lot 19, one in Lot 19's parking lot, and one in the vacant Lot 51. VHB took soil and groundwater samples from these borings, and they also took soil vapor samples from three sub-slab soil vapor sample points and three soil vapor probes.

The soil samples revealed VOCs commonly associated with petroleum products and chlorinated VOCs. SVOCs were detected above Restricted Residential Use Soil Cleanup Objectives (RRSCOs) included benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h) anthracene, and

indeno(1,2,3-cd)pyrene. Metals, including arsenic, barium, lead, and mercury, were detected above their respective RRSCOs.

Groundwater samples revealed VOCs commonly associated with petroleum products and chlorinated VOCs. VOCs found in concentrations above their respective standards or guidance values included p/mxylene, n-butylbenzene, sec-butylbenzene, isopropylbenzene, naphthalene, n-propylbenzene, 1,3,5-trimethylbenzene, 1,2,4-trimethylbenzene, and 1,2,4,5-tetramethylbenzene. SVOCs detected above applicable standards included bis(2-ethylhexyl)phthalate, naphthalene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, fluorene, phenanthrene, and indeno(1,2,3-cd)pyrene. Metals, including arsenic, barium, beryllium, chromium, copper, iron, lead, manganese, mercury, nickel, selenium, sodium, and thallium, were all found above their respective standards. Dissolved metals found above their respective standards include manganese and sodium.

The soil vapor samples detected VOCs commonly associated with petroleum products and chlorinated VOCs. Methylene chloride, 1,1,1-trichloroethane, and tetrachloroethene were detected at levels below the mitigation level established in NYSDOH Soil Vapor/Indoor Air decision matrices. However, trichloroethene was detected in four out of the six sample locations, and at three of these locations this VOC was found within the mitigation level of NYSDOH Soil Vapor/Indoor Air Matrix A.

In October 2023, Roux Environmental Engineering and Geology, D.P.C. prepared a Phase I ESA for Bergen St Equity LLC. The ESA identified four RECs associated with the Site. First, it noted the Site's current and historical chemical storage. Second, it identified the adjacent gas station. Third, the ESA recognized a former adjacent dry cleaner. Fourth, it noted the presence of the 10,000-gallon underground gas tank that is closed in place. The ESA also identified NYSDEC Spill Case # 9713764, closed on May 18, 1999, as a Historical REC (HREC). Finally, this ESA noted two Business Environmental Risks (BERs): (1) the suspected present of fill material from former structures demolished on-site, and (2) a drywell observed on site that may need to be properly closed. Soil boring samples taken in September 2023 for this Phase I ESA confirmed that RRSCO exceedances exist on all tax lots that comprise the Site.

A November 2023 Draft Remediation Investigation Work Plan has been prepared by Roux for prospective volunteer Bergen St Equity LLC in order to fill data gaps and to expedite the remedial program upon anticipated acceptance into the program. Eleven soil borings are being proposed to further delineate the soil contamination. Seven permanent groundwater monitoring wells are being proposed to be installed at co-located soil boring locations. Finally, four permanent soil vapor points are being proposed to be installed to evaluate soil vapor conditions within and outside of the proposed building foundation footprint.

SECTION V – REQUESTOR INFORMATION

The Requestor is Bergen St Equity LLC, a New York limited liability company, located at 505 Flushing Avenue, Suite 1F, Brooklyn, NY 11205. Bergen St Equity LLC is authorized to do business in the State of New York. *See Exhibit H, NYSDOS Entity Information.* The members include:

1. Yitzchok Katz (a/k/a Jacob Katz)
2. Yadler Rabinowitz

The Written Consent provides Yitzchok Katz, more commonly referred to as Jacob Katz, with authority to sign all Brownfield Cleanup Program (“BCP”) documents on behalf of the Requestor Bergen St Equity LLC. *See Exhibit I, Corporate Consent.*

Requestor is not the owner of the site. As more fully described below in Section VI, BNW3 RE-GEN, LLC is the current owner of the Site. *See Exhibits J Deed.* The Requestor has received a temporary license from the Owner to access the Site to perform investigation and remediation work required by the BCP. *See Exhibit K Site Access Agreement.*

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.

SECTION VI – REQUESTOR ELIGIBILITY INFORMATION

1-10. Please refer to BCP Application Form.

11. Unregistered bulk storage tanks

The answer on the application is “No” because all of the prior 10 tanks that were present on the Site were registered petroleum bulk storage (PBS) tanks under PBS Site No. 2-295345. Eight (8) of the tanks were removed and two (2) were closed in place on February 9, 2018, and appear to still be present at the Site. *See Exhibit N and tank closure information below.*

Tank No.	Tank Location	Status	Capacity (Gal.)
001	Underground including vaulted with no access for inspection	Closed - Removed	550
002	Underground including vaulted	Closed - Removed	550

	with no access for inspection		
003	Underground including vaulted with no access for inspection	Closed - Removed	550
004	Underground including vaulted with no access for inspection	Closed - Removed	550
005	Underground including vaulted with no access for inspection	Closed - Removed	550
006	Underground including vaulted with no access for inspection	Closed - Removed	550
007	Underground including vaulted with no access for inspection	Closed - Removed	550
008	Underground including vaulted with no access for inspection	Closed - Removed	550
01	Underground including vaulted with no access for inspection	Closed - In Place	10,000
02	Underground including vaulted with no access for inspection	Closed - In Place	2,000

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 plans to purchase the Site from the current Site owner. 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 to the extent it has accessed the Site. The members of the Requestor, Bergen St Equity LLC are Yitzchok Katz (a/k/a Jacob Katz) and Yadler Rabinowitz.

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 owner of each Site parcel is listed in the table below:

Parcel Address	Owner
268 Bergen Street (Lot 19) (f/k/a 264-298 Bergen St)	BNW3 RE-GEN, LLC
N/A Wyckoff Street (Lot 51) (f/k/a 273 Wyckoff St)	BNW3 RE-GEN, LLC
287 Wyckoff Street (Lot 42)	BNW3 RE-GEN, LLC

See Exhibit J Deed.

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

EXHIBIT A

BASE MAP

Diagravure Film Manufacturing Site
268 Bergen Street, 287 Wyckoff Street
and N/A Wyckoff Street
Brooklyn, New York 11217

Legend:

 Site Property Boundary

Corresponding page
lists adjacent property owners by
letter A – V



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.

September 2023
Source: NYC GIS
Scale: 1" = 100' approximately



ht 2023 The City of New York

Number	Property Owner(s) Name(s)	Property Address	Section-Block-Lot
1	BNW3 RE-GEN, LLC	268 Bergen Street (f/k/a 264-298 Bergen St)	Brooklyn-388-19
2	BNW3 RE-GEN, LLC	287 Wyckoff Street	Brooklyn-388-42
3	BNW3 RE-GEN, LLC	N/A Wyckoff Street	Brooklyn-388-51

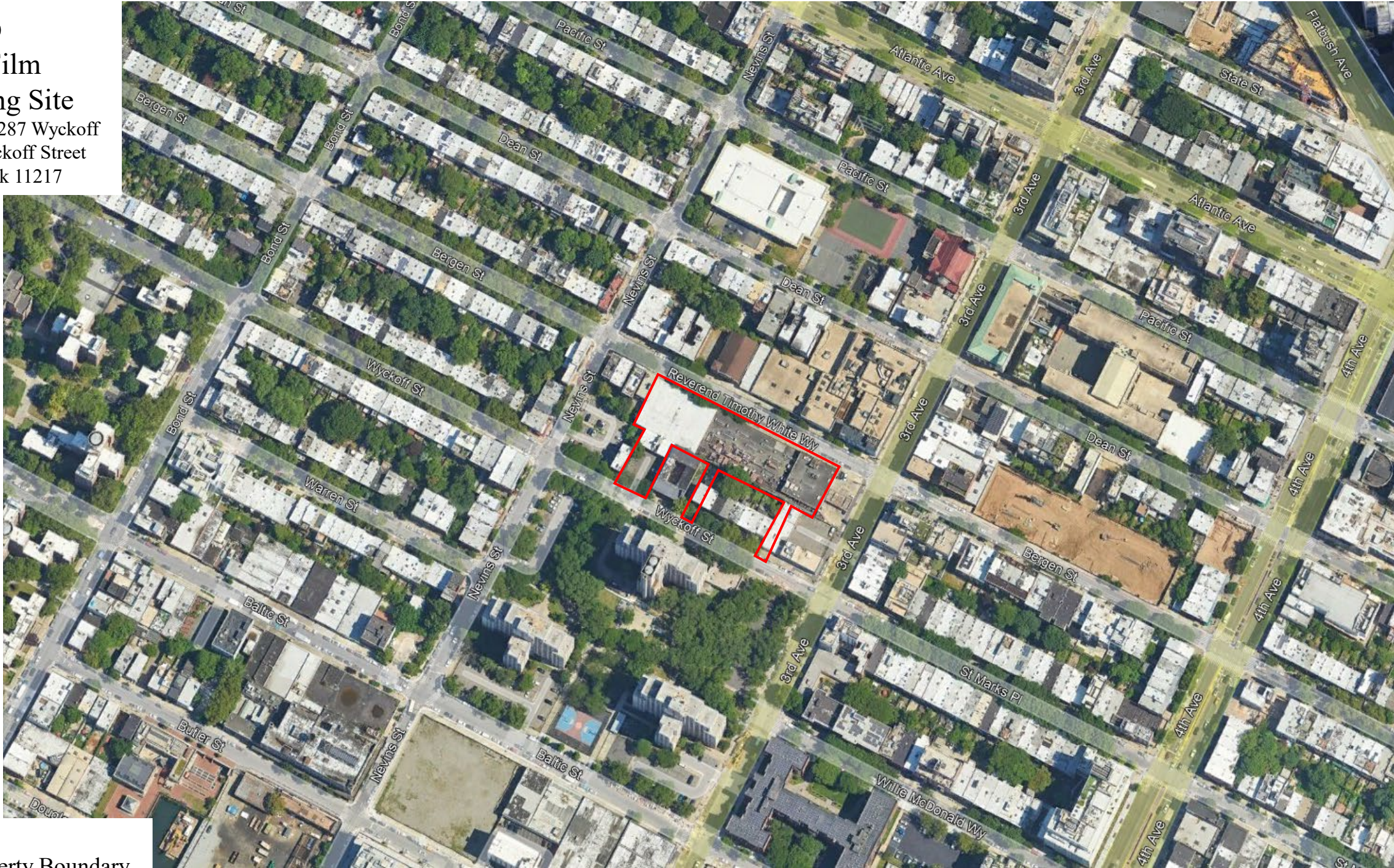
Letter	Adjacent Property Owner(s) Name(s)	Property Address	Section-Block-Lot
A	98 Third Avenue Realty LLC	300 Bergen Street	Brooklyn-388-31
B	NYC Housing Preservation and Development	3rd Avenue	Brooklyn-388-34
C	NYC Housing Preservation and Development	110 3 rd Avenue	Brooklyn-388-35
D	NYC Housing Preservation and Development	289 Wyckoff Street	Brooklyn-388-41
E	Pat Scipio-Brin	285 Wyckoff Street	Brooklyn-388-43
F	Thomas Horace	283 ½ Wyckoff Street	Brooklyn-388-44
G	Cynthia Amos	283 Wyckoff Street	Brooklyn-388-45
H	Ari and Jennifer Paul	281 Wyckoff Street	Brooklyn-388-46
I	Marvin Renaud	279 Wyckoff Street	Brooklyn-388-47
J	The Angel Ramos Irrevocable Trust	277 Wyckoff Street	Brooklyn-388-48
K	Lynn C. Hoogenboom	275A Wyckoff Street	Brooklyn-388-49
L	Wanda Rivera	275 Wyckoff Street	Brooklyn-388-50
M	Wyckoff Industrial Development Corp.	267 Wyckoff Street	Brooklyn-388-52
N	259 Wyckoff Associates LLC	259 Wyckoff Street	Brooklyn-388-58
O	NYC Housing Preservation and Development	153 Nevins Street	Brooklyn-388-1
P	NYC Housing Authority	120 3rd Avenue	Brooklyn-394-1
Q	262 Bergen Housing Corp.	262 Bergen Street	Brooklyn-388-12
R	Reico Intl Realty Co LTD	255 Bergen Street	Brooklyn-197-55
S	Bethel Baptist Church	265 Bergen Street	Brooklyn-197-51
T	Bethel Baptist Church	269 Bergen Street	Brooklyn-197-50
U	88 Third Avenue Realty LLC	88 3 rd Avenue	Brooklyn-197-28
V	96 Third Ave. Realty, LLC	96 3 rd Avenue	Brooklyn-197-40

Street Map

Diagravure Film

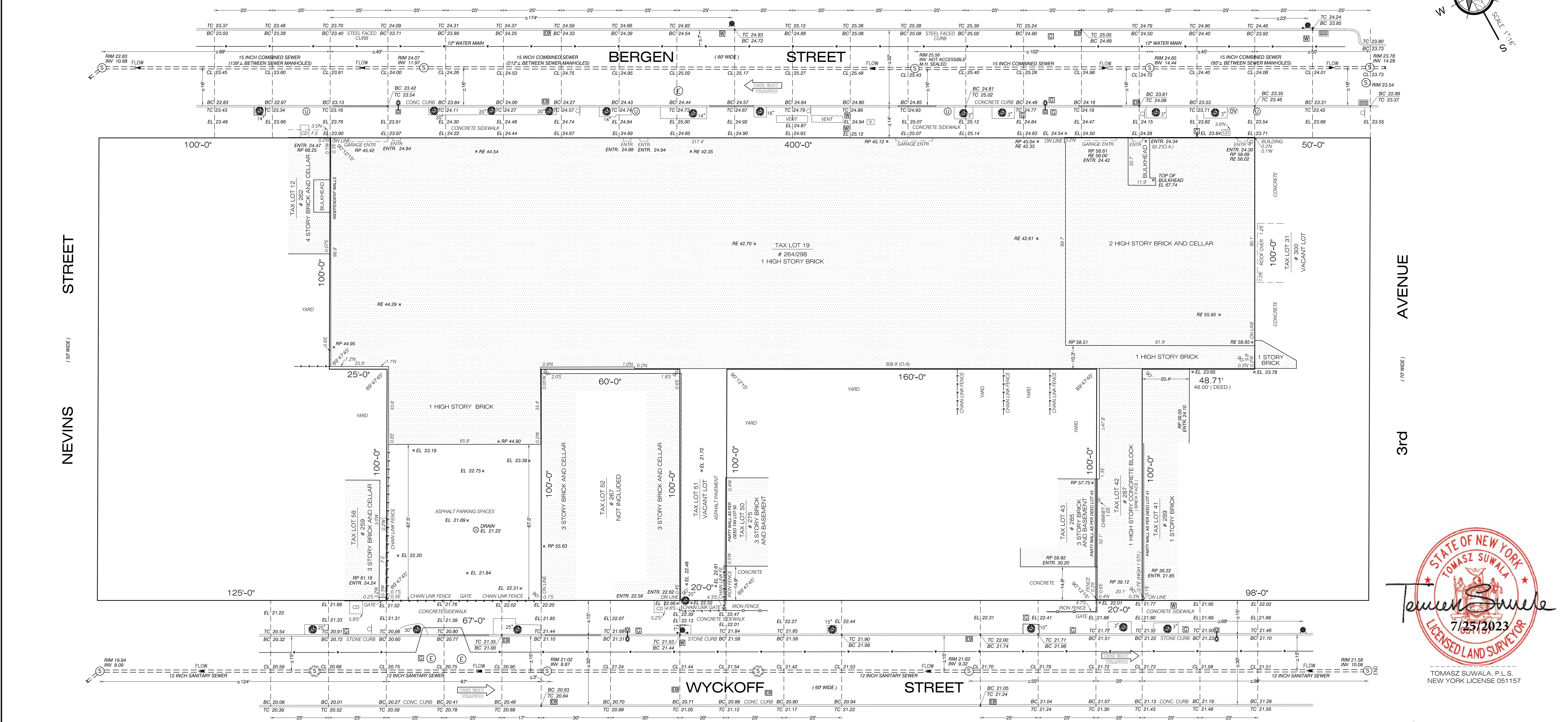
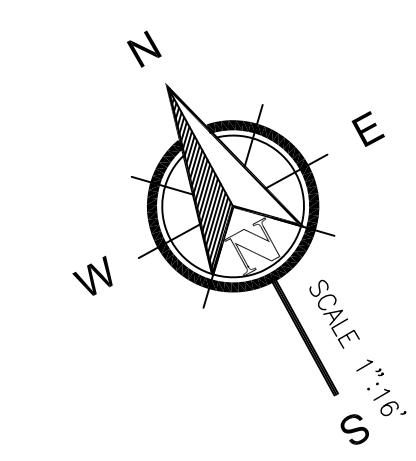
Manufacturing Site

268 Bergen Street, 287 Wyckoff Street
Street and N/A Wyckoff Street
Brooklyn, New York 11217



Legend:
— Site Property Boundary

EXHIBIT B



LOT AREA CALCULATION

TOTAL LOTS AREA = 50,699.7 SQ. FT.

PROPERTY ADDRESS	
264/298 BERGEN STREET aka 265 WYCKOFF STREET, BROOKLYN	
CAPTION	ARCHITECTURAL SURVEY
DATE	REVISIONS
07-18-2023	ARCHITECTURAL SURVEY

DATE	BY	DATE	BY
07-18-2023	TV 4 AS	07-20-2023	BM

NOTE:

THE DASHED MANHOLES SHOWN ON THE SURVEY WAS NOT FOUND DURING THE SURVEY FIELD INSPECTION. THE SEWER LINE SHOWN ON THE SURVEY WAS OBTAINED FROM THE DEPARTMENT OF ENVIRONMENTAL PROTECTION SEWER RECORDS ONLY AND IS DEPICTED HERE MERELY FOR CONVENIENCE. FOR FURTHER INFORMATION CONTACT THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND REQUEST THAT THEY CONDUCT A FIELD INVESTIGATION. PLEASE FORWARD OUR OFFICE A COPY OF THE RESULTS OF SAME SO THAT WE MAY UPDATE OUR RECORDS ACCORDINGLY.



TOMASZ SUWALA, P.L.S.
NEW YORK LICENSE 051157



QUIVER LEAGUE

290 UNION AVENUE, BROOKLYN
NEW YORK, 11211
OFFICE TEL: (212) 897-9946
EMAIL: INFO@QUIVERLEAGUE.COM
WWW.QUIVERLEAGUE.COM

MAP OF PROPERTY
IN THE BOROUGH OF BROOKLYN
COUNTY OF KINGS
CITY AND STATE OF NEW YORK
TAX MAP: BLOCK 308, LOTS 19, 42, 51



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
- Yellow Tax Lot Polygon
- Condo Number
- Blue Tax Block Polygon
- Red BCP Site

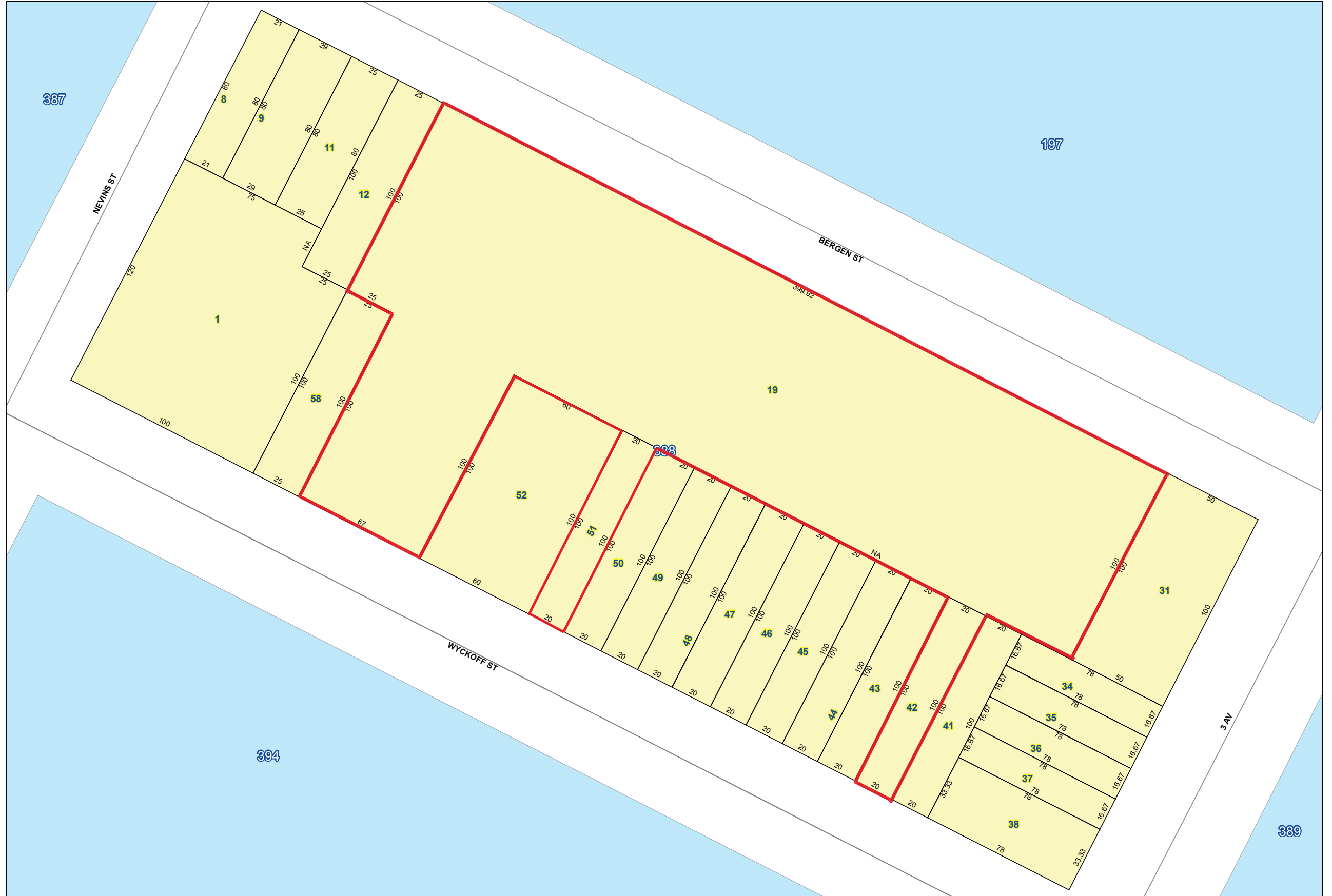


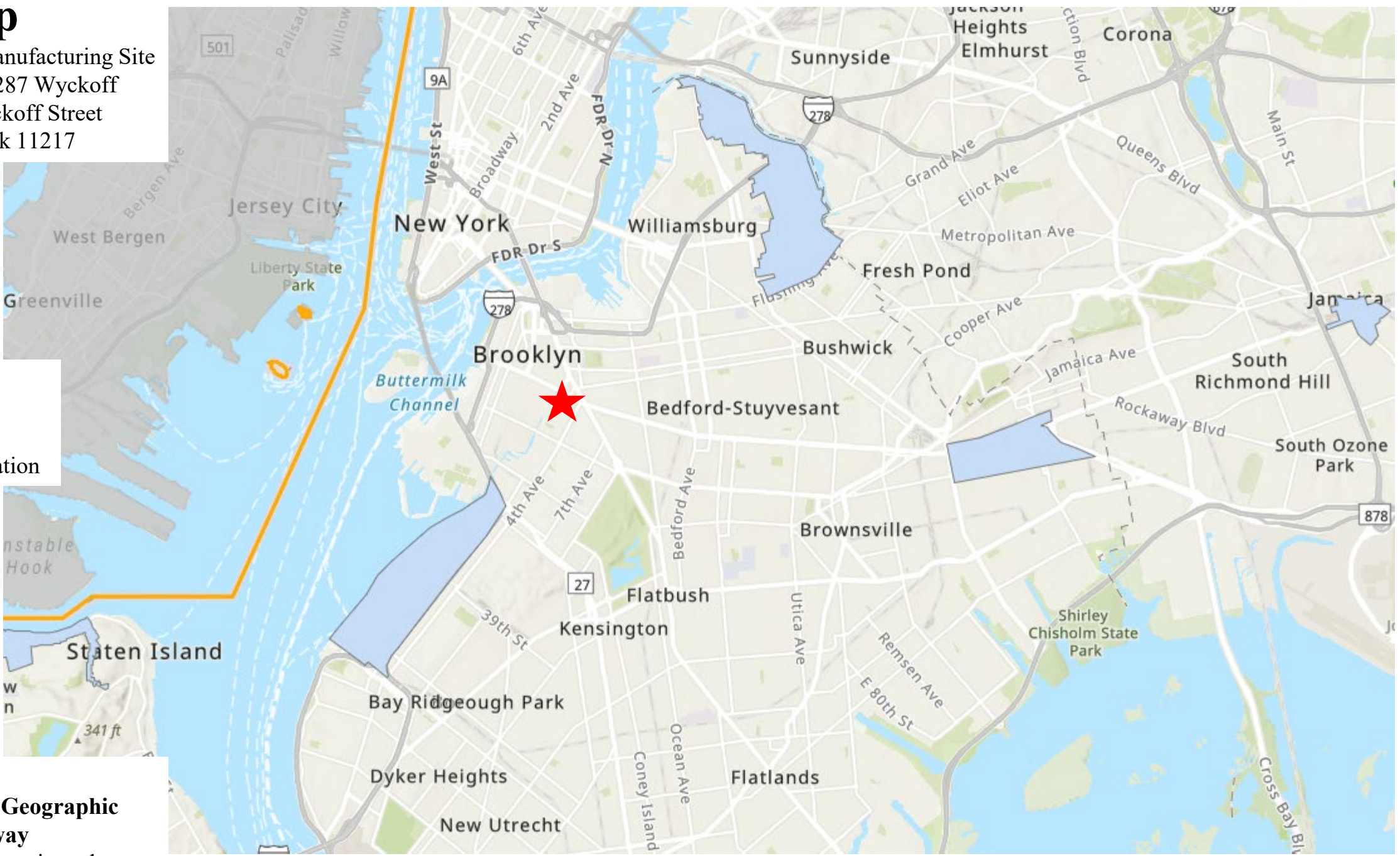
EXHIBIT C

BOA Map

Diagravure Film Manufacturing Site
268 Bergen Street, 287 Wyckoff
Street and N/A Wyckoff Street
Brooklyn, New York 11217

Legend:

- ★ Site Location
- BOA Designation

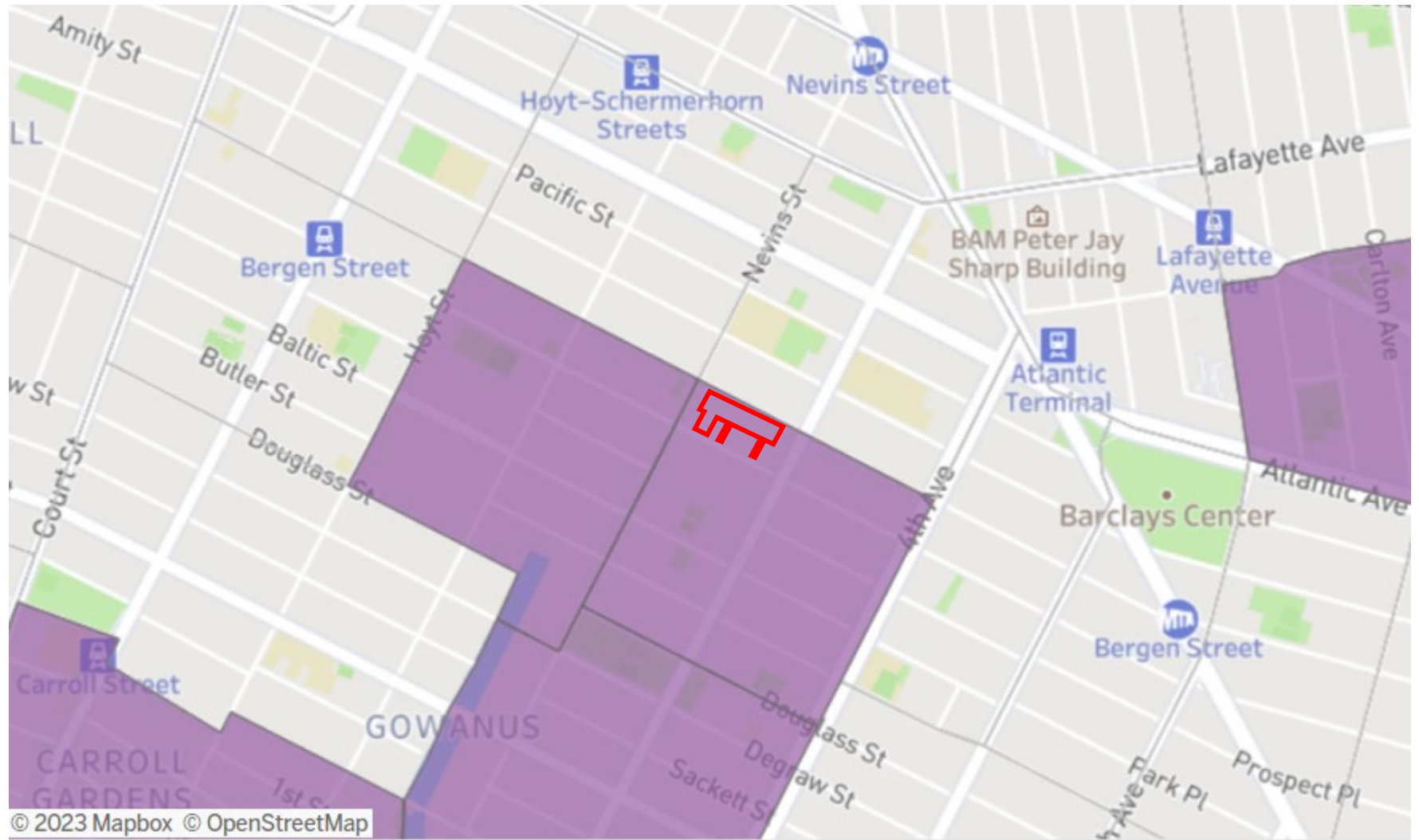


September 2023
Source: NYS DOS Geographic
Information Gateway
Scale: 1" = 100' approximately

Disadvantage Communities

Map

Diagravure Film Manufacturing Site
268 Bergen Street, 287 Wyckoff Street and
N/A Wyckoff Street
Brooklyn, New York 11217



Census Tract 36047012700 is **Designated a DAC**
This Tract covering **New York city** has a population of **4,318**

Legend:

 Site Property Boundary

 Disadvantaged Community

Environmental Burden is higher
than **91%** of Census Tracts statewide
Population Vulnerability is higher
than **81%** of Census Tracts statewide

Population Characteristics & Vulnerability ...

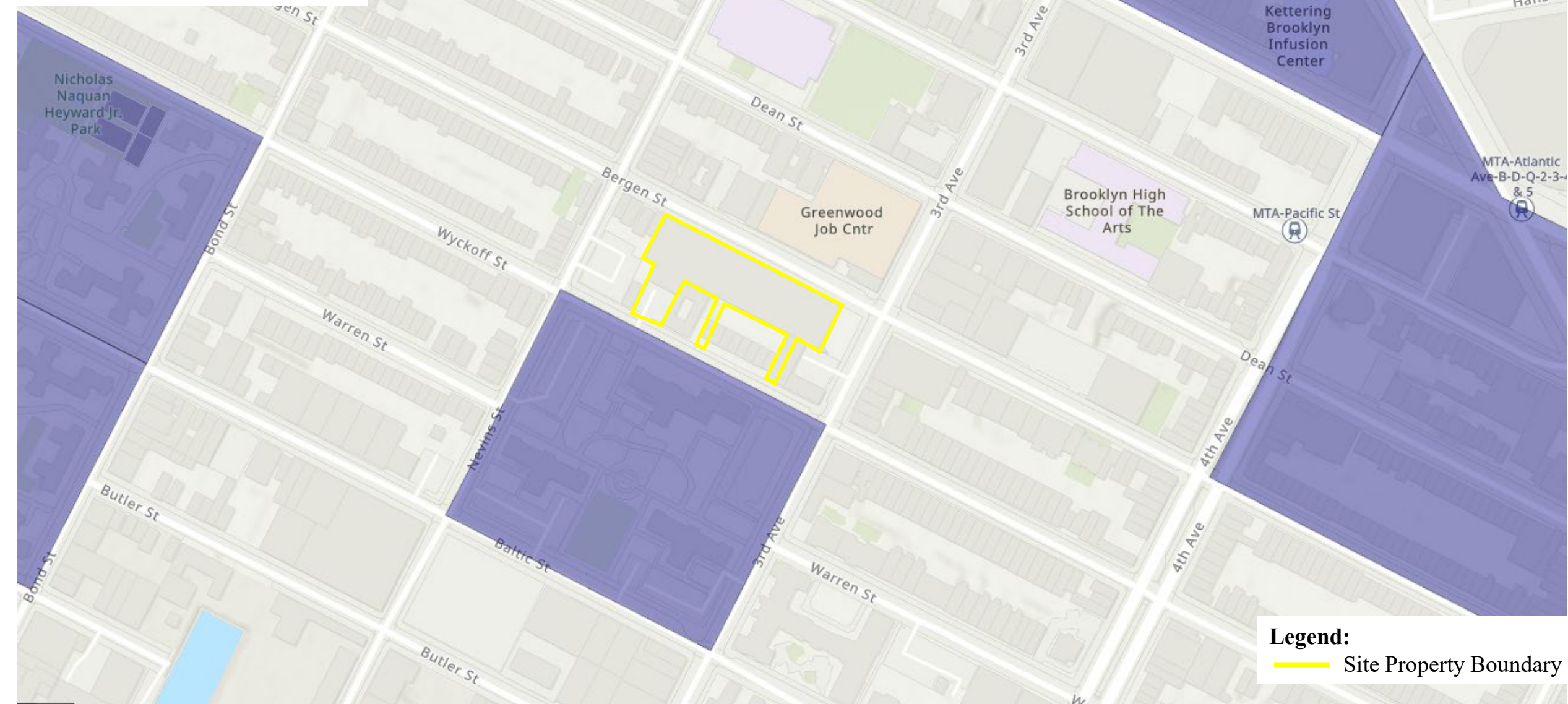
Health Impacts & Burdens	Asthma ED visits	91%
	COPD ED visits	64%
	Heart attack (MI) Hospitalization	87%
	Low Birthweight	55%
	Pct Adults Age 65+	14%
	Pct w/ Disabilities	76%
	Pct w/o Health Insurance	49%
	Premature Deaths	87%
Housing, Mobility, Communications	Energy Poverty / Cost Burden	6%
	Homes Built Before 1960	18%
	Housing Cost Burden (Rental C..	17%
	Manufactured Homes	0%
	Pct Renter-Occupied Homes	89%
Pct w/o Internet (home or cellul..	87%	
Income	Pct <100% of Federal Poverty ..	92%
	Pct <80% Area Median Income	90%
	Pct Single-Parent Households	64%
	Pct w/o Bachelor/Es Degree	31%
	Unemployment Rate	90%
Race/Ethnicity	Historical Redlining Score	100%
	Limited English Proficiency	73%
	Pct Asian	54%
	Pct Black or African American	84%
	Pct Latino/a or Hispanic	69%
	Pct Native American or Indigen..	46%

Environmental Burden & Climate Change Risk ...

Land Use & Historic Discrimination	Active Landfills	0%
	Housing Vacancy Rate	59%
	Industrial/Manufacturing/Mining La..	92%
	Major Oil Storage Facilities	0%
	Municipal Waste Combustors	0%
	Power Generation Facilities	0%
	Regulated Management Plan (Ch..	69%
	Remediation Sites	0%
	Scrap Metal Processing	0%
Potential Climate Change Risk	Agricultural Land Use	0%
	Coastal Flooding and Storm Risk ..	10%
	Driving Time to Urgent/Critical Care	7%
	Extreme Heat Projections (>90? d..	100%
	Inland Flooding Risk Areas	0%
	Low Vegetative Land Cover	79%
Potential Pollution Exposure	Benzene Concentration (Modeled)	84%
	Particulate Matter (PM2.5)	97%
	Traffic: Diesel Trucks	69%
	Traffic: Number of Vehicles	79%
	Wastewater Discharge	90%

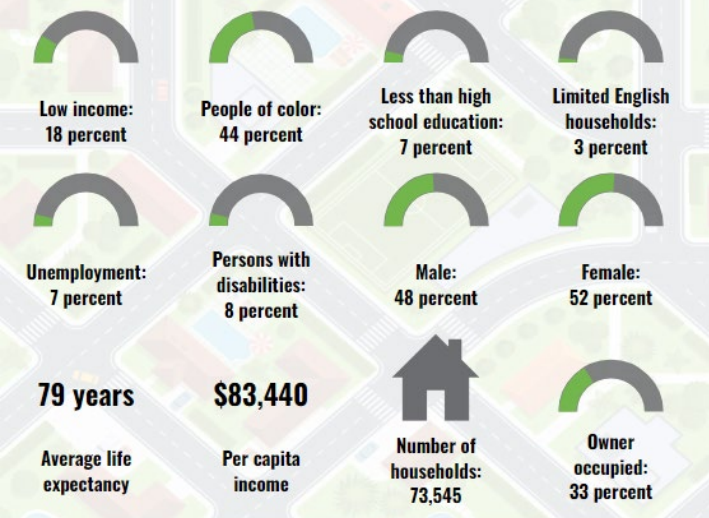
EJ MAP

Diagravure Film Manufacturing Site
268 Bergen Street, 287 Wyckoff Street
Street and N/A Wyckoff Street
Brooklyn, New York 11217

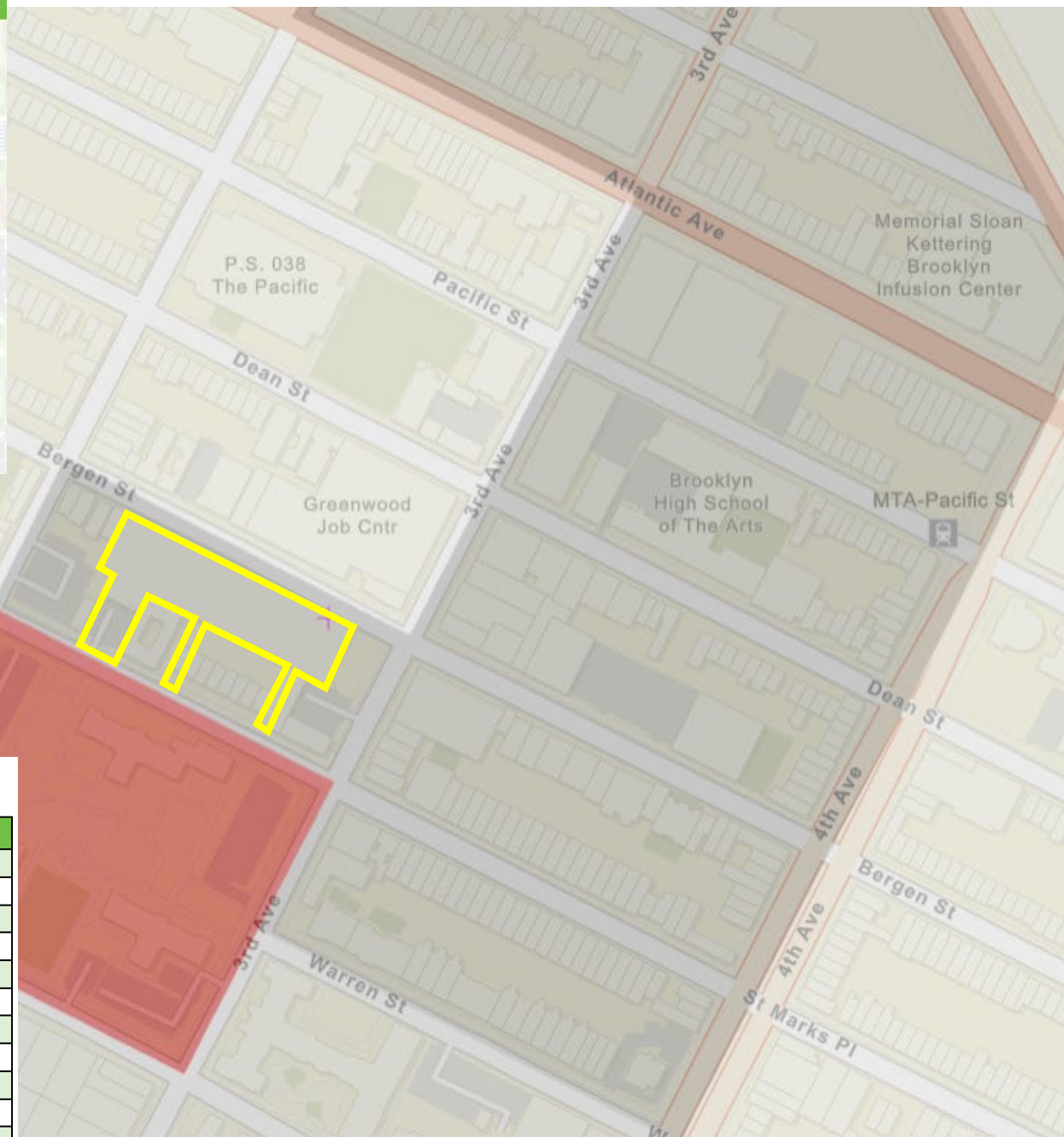
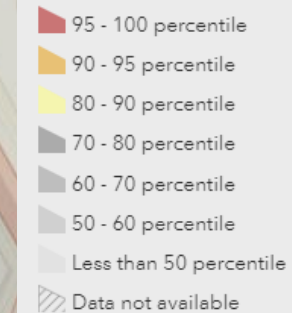


Legend:
— Site Property Boundary

COMMUNITY INFORMATION



Demographic Index (National Percentiles)



LANGUAGES SPOKEN AT HOME

LANGUAGE	PERCENT
English	77%
Spanish	9%
French, Haitian, or Cajun	3%
German or other West Germanic	1%
Russian, Polish, or Other Slavic	1%
Other Indo-European	3%
Korean	1%
Chinese (including Mandarin, Cantonese)	3%
Other Asian and Pacific Island	1%
Arabic	1%
Other and Unspecified	1%
Total Non-English	23%

Legend:
 Site Property Boundary

En-Zone Map

Diagravure Film Manufacturing Site
268 Bergen Street, 287 Wyckoff Street
and N/A Wyckoff Street
Brooklyn, New York 11217

Legend:

 Site Property
Boundary



127

	127
STATEFP	36
COUNTYFP	047
TRACTCE	012700
GEOID	36047012700
NAME	127
NAMELSAD	Census Tract 127
MTFCC	G5020
FUNCSTAT	S
ALAND	163391
AWATER	0
INTPTLAT	+40.6817476
INTPTLON	-073.9828507
FIPS	36047012700
County_FIPS	36047
Geography	Census Tract 127
County	Kings County
UnempRate	9.9
NYS_UR	7.1
Pov_Rate	30.2
County_PR	19.2
CountyRateX2	38.4
Criteria_A	Y
Criteria_B	
Both_AB	
EnZoneType	A

September 2023

Source: Google Earth

Scale: 1" = 100' approximately

EXHIBIT D

EXHIBIT E

ZONING MAP

Diagravure Film Manufacturing Site
268 Bergen Street, 287 Wyckoff
Street and N/A Wyckoff Street
Brooklyn, New York 11217

Legend:

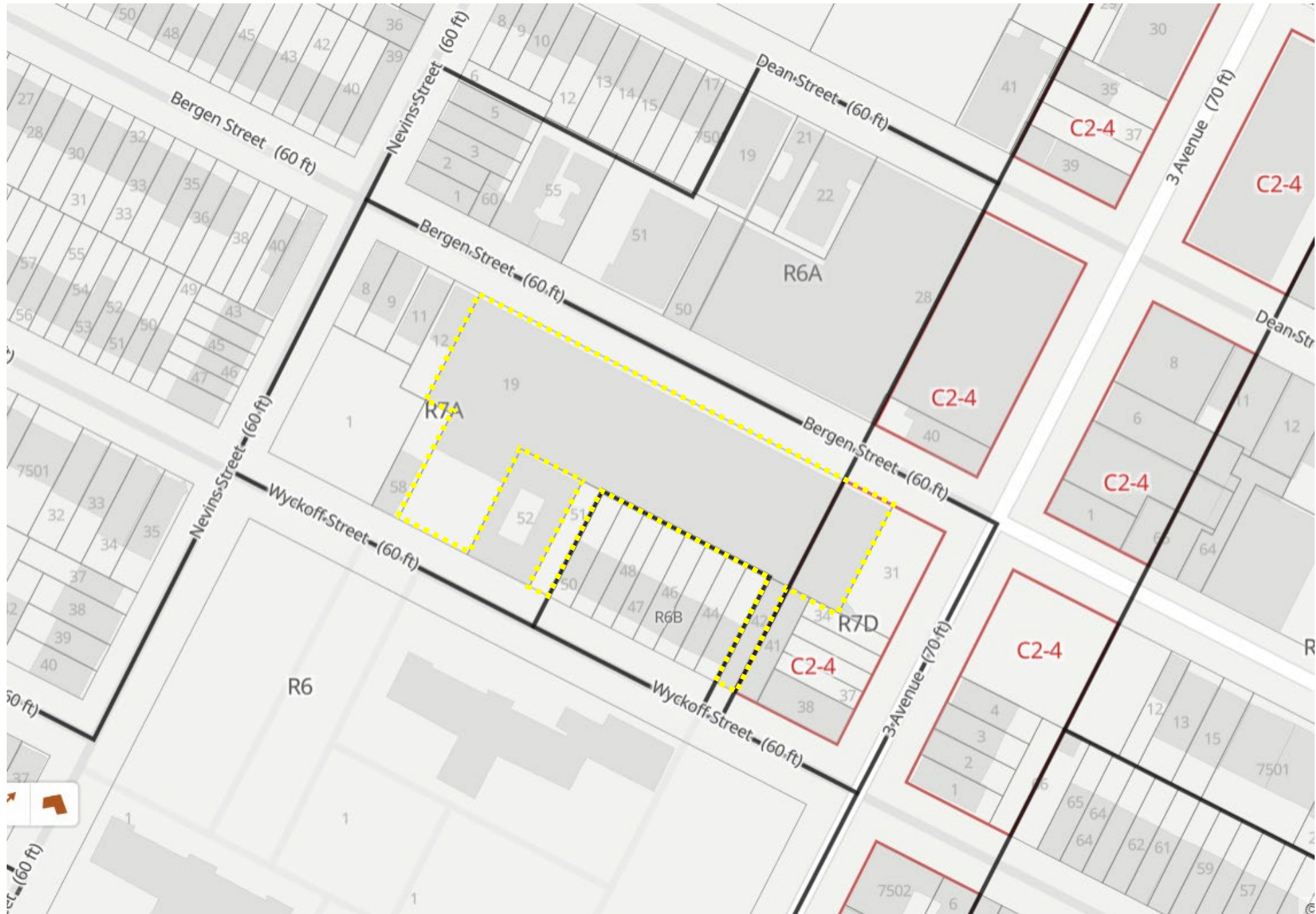
- Site property boundary
- Zoning Districts: R7A and R7D
(C2-4 Overlay)

September 2023

Source: NYC ZoLa

ArcGIS

Scale: 1" = 100' approximately



Zoning District: Residence Districts R7 (R7A and R7D)

R7 districts are medium-density apartment house districts mapped in much of the Bronx as well as the Upper West Side in Manhattan and Brighton Beach in Brooklyn. The height factor regulations for R7 districts encourage lower apartment buildings on smaller zoning lots and, on larger lots, taller buildings with less lot coverage. As an alternative, developers may choose the optional Quality Housing regulations to build lower buildings with greater lot coverage.

Regulations for residential development in R7-1 and R7-2 districts are essentially the same except that R7-2 districts, which are mapped primarily in upper Manhattan, have lower parking requirements.

Height Factor Regulations

Height factor buildings are often set back from the street and surrounded by open space and on-site parking. The floor area ratio (FAR) in R7 districts ranges from 0.87 to a high of 3.44; the open space ratio (OSR) (OSR) ranges from 15.5 to 25.5. As in other non-contextual districts, a taller building may be obtained by providing more open space. For example, 76% of the zoning lot with a 14-story building must be open space (3.44 FAR × 22.0 OSR). The maximum FAR is achievable only where the zoning lot is large enough to accommodate a practical building footprint as well as the required amount of open space. The building must be set within a sky exposure plane which, in R7 districts, begins at a height of 60 feet above the street line and then slopes inward over the zoning lot.

Off-street parking is generally required for 60 percent of a building's dwelling units in an R7-1 district and 50 percent in an R7-2 district, 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 15,000 square feet in R7-1 districts. Off-street parking requirements can be waived if 5 or fewer parking spaces are required in R7-1 districts, or if 15 or fewer parking spaces are required or if the zoning lot is 10,000 square feet or less in R7-2 districts.

Quality Housing Regulations

The optional Quality Housing regulations in R7 districts utilize height limits to produce lower, high lot coverage buildings set at or near the street line. With floor area ratios that are equal to or greater than can be achieved in height factor buildings, the optional Quality Housing regulations produce new buildings in keeping with the scale of many traditional neighborhoods in the East Village and upper Manhattan, the west Bronx, and sections of Queens and Brooklyn.

The optional Quality Housing regulations for buildings on wide streets outside the Manhattan Core are the same as in R7A districts. The maximum FAR is 4.0 and the base height before setback is 40 to 75 feet with a maximum building height of 80 feet, or 85 feet if providing a qualifying ground floor. The maximum FAR on narrow streets and within the Manhattan Core is 3.44, and the base height before setback is 40 to 65 feet with a maximum building height of 75 feet. The area between a building's street wall and the street line must be planted, and the building must have interior amenities for residents pursuant to the Quality Housing Program.

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 15,000 square feet in R7-1 districts. Off-street parking requirements can be waived if 5 or fewer parking spaces are required in R7-1 districts, or if 15 or fewer parking spaces are required or if the zoning lot is 10,000 square feet or less in R7-2 districts.

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

R7A

The contextual Quality Housing regulations, which are mandatory in R7A districts, typically produce high lot coverage, seven- to nine- -story apartment buildings, blending with existing buildings in many established neighborhoods. R7A districts are mapped along Prospect Park South and Ocean Parkway in Brooklyn, Jackson Heights in Queens, and in Harlem and along the avenues in the East Village in Manhattan.

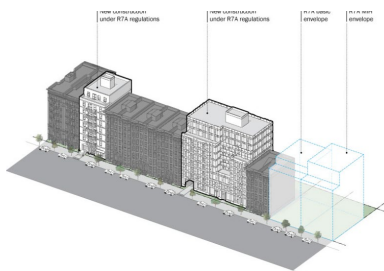
The floor area ratio (FAR) in R7A districts is 4.0. Above a base height of 40 to 65 feet, or 75 feet if providing a qualifying ground floor, the building must set back to a depth of 10 feet on a wide street and 15 feet on a narrow street before rising to a maximum height of 80 feet, or 85 feet if providing a qualifying ground floor. In order 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. Buildings must have interior amenities for the residents pursuant to the Quality Housing Program. Off-street parking is not allowed in front of a building.

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 10,000 square feet or less. Off-street parking requirements can be waived if 15 or fewer parking spaces are required.

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

Medium-Density Contextual Residence District

R7A	Lot Area	Lot Width	Rear Yard	Lot Coverage		FAR	Base Height	Building Height	# of Stories	DU Factor	Required Parking	
	min.	min.	min.	Corner	Other Lot	max.	min. – max. (w/QGF)	max. (w/QGF)	max. (w/QGF)		Basic	IRHU
Basic	1,700 sf	18 ft	30 ft	100%	65%	4.00	40–65 (75) ft	80 (85) ft	n/a (8)	680	50% of	15% of
Inclusionary						4.60	40–75 ft	90 (95) ft	9		DU	IRHU



R7D

R7D districts promote new contextual development along transit corridors. Portions of Fulton Street and the Special Coney Island District in Brooklyn are mapped as R7D districts. Blocks that are mapped C4-5D have an R7D residential district equivalent.

The floor area ratio (FAR) of 4.2 allows greater residential density than R7A districts and less than R7X districts. In a C4-5D district or when a commercial overlay is mapped in an R7D district, the ground floor of a building must be reserved for retail uses, such as shops and services, to maintain the vitality of the street.

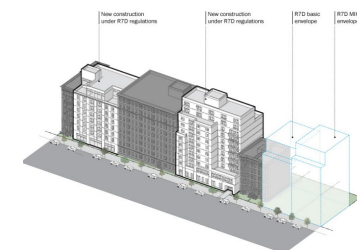
Quality Housing bulk regulations, mandatory in R7D districts, produce ten-story buildings set at or near the street line. The base height of a new building must be 60 to 85 feet before setback, rising to a maximum building height of 100 feet, or 105 feet if providing a qualifying ground floor. In order to maintain the continuity of the street wall, a new building can be no closer to the street line than any adjacent street wall but need not be farther than 10 feet. Interior amenities for building residents pursuant to the Quality Housing Program are required.

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 10,000 square feet or less. Off-street parking requirements can be waived if 15 or fewer parking spaces are required.

Medium-Density Contextual Residence District

R7D	Lot Area	Lot Width	Rear Yard	Lot Coverage		FAR	Base Height	Building Height	# of Stories	DU Factor	Required Parking	
	min.	min.	min.	Corner	Other Lot	max.	min. – max.	max. (w/QGF)	max. (w/QGF)		Basic	IRHU
Basic	1,700 sf	18 ft	30 ft	100%	65%	4.20	60–85 ft	100 (105) ft	n/a (10)	680	50% of	15% of
Inclusionary						5.60	60–95 ft	110 (115) ft	11		DU	IRHU



Commercial Districts: C1 & C2 Overlays (C2-4)

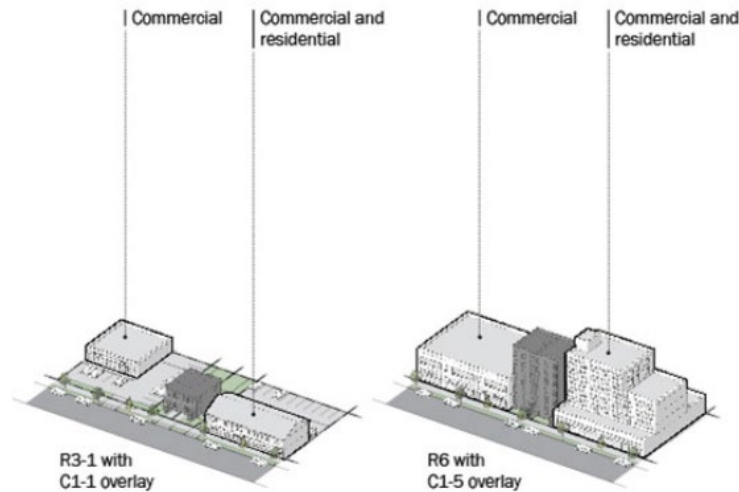
C1-1 through C1-5 and C2-1 through C2-5 districts are commercial overlays mapped within residence districts. Mapped along streets that serve local retail needs, they are found extensively throughout the city's lower- and medium-density areas and occasionally in higher-density districts.

Typical retail uses include neighborhood grocery stores, restaurants and beauty parlors. C2 districts permit a slightly wider range of uses, such as funeral homes and repair services. In mixed buildings, commercial uses are limited to one or two floors and must always be located below the residential use.

When commercial overlays are mapped in R1 through R5 districts, the maximum commercial floor area ratio (FAR) is 1.0; when mapped in R6 through R10 districts, the maximum commercial FAR is 2.0. Commercial buildings are subject to commercial bulk rules.

Overlay districts differ from other commercial districts in that residential bulk is governed by the residence district within which the overlay is mapped. All other commercial districts that permit residential use are assigned a specific residential district equivalent. Unless otherwise indicated on the zoning maps, the depth of overlay districts ranges from 100 to 200 feet.

Generally, the lower the numerical suffix, the more off-street parking is required. For example, in C1-1 districts, typically mapped in outlying areas of the city, a large food store would require one parking space for every 100 square feet of floor area, whereas no parking is required in C1-5 districts, which are well served by mass transit.



C1 and C2 Overlays	Local Retail and Local Service District									
	C1-1	C2-1	C1-2	C2-2	C1-3	C2-3	C1-4	C2-4	C1-5	C2-5
Commercial FAR within R1 - R5	All districts have a commercial FAR of 1.0									
Commercial FAR within R6 - R10	All districts have a commercial FAR of 2.0									
Depth of Overlay District (in feet)	200		150				100			
Required Accessory Parking PRC-B	1 per 150 SF		1 per 300 sf		1 per 400 sf		1 per 1,000 sf		None	

EXHIBIT F

PREVIOUS OWNERS & OPERATORS LIST
268 Bergen Street, 287 Bergen Street and ___ Wyckoff Street
Brooklyn, New York 11217

Year	Contact Information 268 Bergen Street (f/k/a 264-298 Bergen St) Brooklyn-388-19 (Formerly Lots 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 29, 30, 55 and 56) Owners	Status	Relation to Requestor
1947	Lot Merger into Lot 19 (20, 21, 24, 25, 26, 27, 28, 29, and 30)	N/A	N/A
Unknown – 1968	Wyckoff Apartments, Inc. – Former Lot 56 (Foreclosure) Address: 505 Flushing Avenue, #1F Brooklyn, New York 11205 Phone: Unknown	Inactive	None
1967	Lot Merger into Lot 19 (15,16,17 and 18)	N/A	N/A
1968 - 1970	Rumat Realty Corp. – Former Lot 56 Address: 1302 Azure Place Hewlett Harbor, New York Phone: Unknown	Inactive	None
1970 - 1973	Royal Coffee Break, Inc. – Former Lot 56 (Foreclosure) Address: 296 Atlantic Avenue Brooklyn, New York Phone: Unknown	Inactive	None
1973 - 1973	Jane H. Hauck – Former Lot 56 Address: Unknown Phone: Unknown	Unknown	None
1973 – Unknown	Bergen Realty Corp. – Former Lot 56 Address: 266 Bergen Street Brooklyn, New York Phone: Unknown	Inactive	None
Unknown – 1967	The City of New York – Former Lot 55 Address: City Hall Park New York, New York 10007 Phone: (212) 639-9675	Active	None
1967 – Unknown	Diagravure Film Manufacturing Corp. – Former Lot 55 Address: 110 3 rd Avenue Brooklyn, New York 11217 Phone: (718) 237-4700	Inactive	None
1971 - Unknown	The City of New York – Former Lot 55 Address: City Hall Park New York, New York 10007 Phone: (212) 639-9675	Active	None
1982	Lot Merger into Lot 19 (13,14, 55, and 56)	N/A	N/A
Unknown – 1999	Ulano Corporation (f/k/a Diagravure Film Manufacturing Corp.)–Former Lot 55 Address: 110 3 rd Avenue Brooklyn, New York 11217 Phone: (718) 237-4700	Active	None
1999 – 1999	The Utah Company of New York, Inc. – Former Lot 55 Address: 110 3 rd Avenue Brooklyn, New York 11217 Phone: (718) 237-4700	Inactive	None
Unknown – 1999	Ulano Corporation (f/k/a Diagravure Film Manufacturing Corp.) – Portion of Current Lot 19 (Except former Lots 55 and 56) Address: 110 3 rd Avenue Brooklyn, New York 11217 Phone: (718) 237-4700	Active	None
1999 - 1999	The Utah Company of New York, Inc. – Portion of Curent Lot 19 - (Except former Lots 55 and 56) Address: 110 3 rd Avenue Brooklyn, New York 11217 Phone: (718) 237-4700	Inactive	None

PREVIOUS OWNERS & OPERATORS LIST
268 Bergen Street, 287 Bergen Street and __ Wyckoff Street
Brooklyn, New York 11217

1999 - 2010	New York City Industrial Development Agency Address: One Centre Street New York, New York 10007	Phone: (212) 669-3916	Active	None
2010 - 2018	Ulano Corporation – Entire Lot 19 Address: 110 3 rd Avenue Brooklyn, New York 11217	Phone: (718) 237-4700	Active	None
7/26/2018 – Present	BNW3 RE-GEN, LLC – Entire Lot 19 Address: c/o Michael Keller, Esq. 110 Third Avenue Brooklyn, New York 10010	Phone:	Active	None
Operators				
1886	Iron Building, Hand Lumber		N/A	N/A
1886 - 1969	Dwellings		N/A	N/A
1904	Federal Brewing Co. Address: Unknown	Phone: Unknown	Inactive	N/A
1915	R.F. Stevens Milk Co. Address: Unknown	Phone: Unknown	Inactive	N/A
1938	Private Auto Parking and Sign Manufacturing		N/A	N/A
1938 -1960	Borden’s Farm Products Co. (Division of the Borden Co.) Address: 12400 Coit Road, Suite 200 Dallas, Tx 75251	Phone: (855) 311-1583	Active	None
1950 - 1979	Apartments		N/A	N/A
1965 - 2010	Diagravure Film Corp. Address: 110 3 rd Avenue Brooklyn, New York 11217	Phone: (718) 237-4700	Inactive	None
2010 - 2023	Ulano Corporation (Screen Printing/Manufacturing Purposes) Address: 110 3 rd Avenue Brooklyn, New York 11217	Phone: (718) 237-4700	Active	None
March 2023 - Present	Vacant		N/A	N/A

PREVIOUS OWNERS & OPERATORS LIST
268 Bergen Street, 287 Bergen Street and ___ Wyckoff Street
Brooklyn, New York 11217

Year	Contact Information 287 Bergen Street Brooklyn-388-42 Owners	Status	Relation to Requestor
Unknown – 1966	The City of New York (Department of Finance) Address: City Hall Park New York, New York 10007 Phone: (212) 639-9675	Active	None
1966 - 1967	They City of New York Address: City Hall Park New York, New York 10007 Phone: (212) 639-9675	Active	None
1967 – 1999	The Utah Company of New York, Inc. (f/k/a) Diagravure Film Manufacturing Corp Address: 110 3 rd Avenue Brooklyn, New York 11217 Phone: (718) 237-4700	Inactive	None
1999 – 2010	The New York City Industrial Development Agency Address: One Centre Street New York, New York 10007 Phone: (212) 669-3916	Active	None
2010 – 2018	Ulano Corporation Address: 110 3 rd Avenue Brooklyn, New York 11217 Phone: (718) 237-4700	Active	None
7/26/2018 – Present	BNW3 RE-GEN, LLC Address: c/o Michael Keller, Esq. 110 Third Avenue Brooklyn, New York 10010 Phone:	Active	None
Operators			
1886 - 1950	Dwelling	N/A	N/A
1950 – Present	Vacant Lot	N/A	N/A

PREVIOUS OWNERS & OPERATORS LIST
268 Bergen Street, 287 Bergen Street and ___ Wyckoff Street
Brooklyn, New York 11217

Year	Contact Information ___ Wyckoff Street Brooklyn-388-51 Owners	Status	Relation to Requestor
Unknown – 1999	Ulano Corporation (f/k/a Diagravure Film Manufacturing Corp.) Address: 110 3 rd Avenue Brooklyn, New York 11217 Phone: (718) 237-4700	Active	None
1999 - 1999	The Utah Company of New York, Inc. Address: 110 3 rd Avenue Brooklyn, New York 11217 Phone: (718) 237-4700	Inactive	None
1999 – 2010	New York City Industrial Development Agency Address: One Centre Street New York, New York 10007 Phone: (212) 669-3916	Active	None
2010 – 2018	Ulano Corporation (f/k/a The Utah Company of New York, Inc.) Address: 110 3 rd Avenue Brooklyn, New York 11217 Phone: (718) 237-4700	Active	None
7/26/2018 – Present	BNW3 RE-GEN, LLC Address: c/o Michael Keller, Esq. 110 Third Avenue Brooklyn, New York 10010 Phone:	Active	None
Operators			
1886 – 1950	Dwelling	N/A	N/A
1950 – Present	Vacant Lot	N/A	N/A

EXHIBIT G

SB-3		
Depth (ft bls)	2/7/23	2/7/23
SVOCs		
Benzo[a]anthracene	2	NE
Benzo[a]pyrene	1.7	ND
Benzo[b]fluoranthene	2.1	NE
Chrysene	1.8	NE
Indeno[1,2,3-cd]pyrene	1.3	ND
Metals		
Lead	355	NE
Mercury	0.34	ND
Zinc	230	NE
PCBs		
Total Polychlorinated Biphenyls	0.13	ND

SB-7		
Depth (ft bls)	2/7/23	2/7/23
Metals		
Arsenic	40	NE
Lead	264	203
Mercury	4.37	0.241
Zinc	NE	110

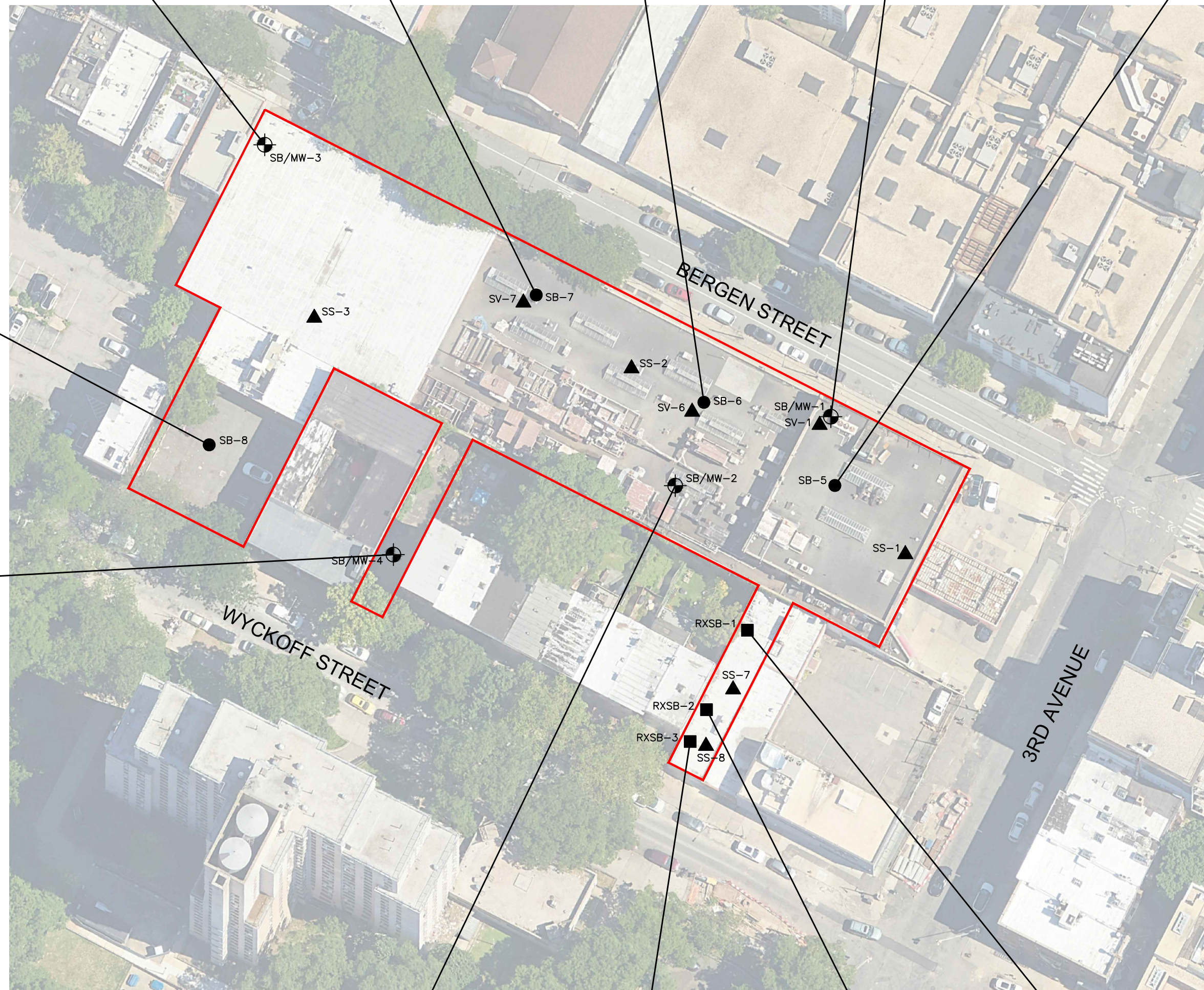
SB-6		
Depth (ft bls)	2/6/23	2/6/23
SVOCs		
Benzo[a]anthracene	1.2	ND
Benzo[b]fluoranthene	1.3	ND
Chrysene	1.2	ND
Indeno[1,2,3-cd]pyrene	0.71	ND
Metals		
Lead	334	NE
Mercury	0.247	ND
Zinc	218	NE

SB-1		
Depth (ft bls)	2/6/23	2/6/23
SVOCs		
Benzo[a]anthracene	8.2	8.8
Benzo[a]pyrene	8	8.5
Benzo[b]fluoranthene	9.8	9.1
Benzo[k]fluoranthene	2.1	1.8
Chrysene	8	8.9
Dibenzo[a,h]anthracene	0.81	1
Indeno[1,2,3-cd]pyrene	5.5	5.7
Metals		
Lead	417	NE
Mercury	0.464	ND
Nickel	NE	54.8
Zinc	586	NE

SB-5		
Depth (ft bls)	2/6/23	2/6/23
SVOCs		
Benzo[a]anthracene	1.3	ND
Benzo[a]pyrene	1.2	ND
Benzo[b]fluoranthene	1.5	ND
Chrysene	1.3	ND
Indeno[1,2,3-cd]pyrene	0.85	ND
Metals		
Lead	416	NE
Mercury	0.782	ND
Nickel	41.1	NE
Zinc	252	NE
PCBs		
Total Polychlorinated Biphenyls	NE	0.225

SB-8		
Depth (ft bls)	2/7/23	2/7/23
VOCs		
Acetone	NE	0.054
SVOCs		
Benzo[a]anthracene	2.2	NE
Benzo[a]pyrene	2.1	NE
Benzo[b]fluoranthene	2.6	NE
Chrysene	2	NE
Indeno[1,2,3-cd]pyrene	1.5 J	NE
Metals		
Lead	67.8	NE

SB-4		
Depth (ft bls)	2/7/23	2/7/23
SVOCs		
Benzo[a]anthracene	7.2	ND
Benzo[a]pyrene	6.9	ND
Benzo[b]fluoranthene	8.5	ND
Benzo[k]fluoranthene	1.4	ND
Chrysene	7.2	ND
Dibenzo[a,h]anthracene	0.99	ND
Indeno[1,2,3-cd]pyrene	4.9	ND
Metals		
Arsenic	NE	21
Barium	651	NE
Copper	73	NE
Lead	2200	NE
Mercury	1.62	ND
Zinc	754	NE
PCBs		
Total Polychlorinated Biphenyls	0.149	ND



SB-2		
Depth (ft bls)	2/7/23	2/7/23
VOCs		
1,2,4-Trimethylbenzene	ND	4
Xylenes (total)	ND	0.4
Metals		
Arsenic	23.8	NE
Lead	820	NE
Mercury	2.65	ND
Nickel	NE	47.8
Selenium	11	ND
Zinc	218	NE

RXSB-3		09/26/2023
Depth (ft bls)	0 - 2	
Metals		
Lead	196	
Mercury	0.55	
Zinc	123	

RXSB-2		09/26/2023
Depth (ft bls)	0 - 1.5	
SVOCs		
Benzo(A)Anthracene	1.5	
Benzo(A)Pyrene	1.6	
Benzo(B)Fluoranthene	2.2	
Chrysene	1.4	
Indeno(1,2,3-C,D)Pyrene	0.87	
Metals		
Barium	391	
Copper	50.3	
Lead	733	
Mercury	1.2	
Zinc	304	

RXSB-1		09/26/2023
Depth (ft bls)	0 - 2	
Metals		
Lead	186	
Mercury	0.44	
Nickel	30.3	
Zinc	132	

LEGEND

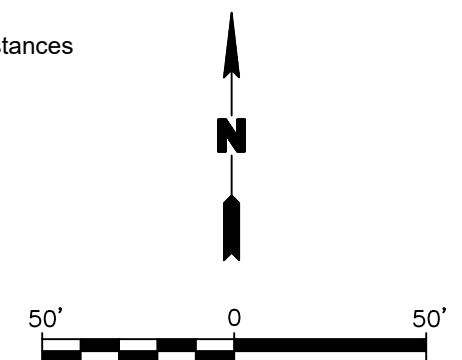
- APPROXIMATE SITE BOUNDARY
- SB/MW-1 GROUNDWATER AND SOIL SAMPLE LOCATION AND DESIGNATION (COLLECTED BY VHB)
- SB-6 SOIL SAMPLE LOCATION AND DESIGNATION (COLLECTED BY VHB)
- SV-6 SOIL VAPOR SAMPLE LOCATION AND DESIGNATION (COLLECTED BY VHB)
- RXSB-1 SOIL SAMPLE LOCATION AND DESIGNATION (COLLECTED BY ROUX)

TYPICAL DATA BOX INFORMATION

SAMPLE ID#	SB-7	2/7/23	2/7/23	SAMPLE DATE
Depth (ft bls)	6 - 8	12 - 14		SAMPLE DEPTH
ANALYTES				
	Arsenic	40	NE	CONCENTRATIONS
	Lead	264	203	
	Mercury	4.37	0.241	
	Zinc	NE	110	

Parameter	NYSDEC Part 375 Unrestricted Use Soil Cleanup Objectives	NYSDEC Part 375 Restricted Residential Soil Cleanup Objectives	NYSDEC Part 375 Protection of Groundwater Soil Cleanup Objectives	Units
VOCs				
1,2,4-Trimethylbenzene	3.6	52	3.6	mg/kg
Acetone	0.05	100	0.05	mg/kg
Xylenes (total)	0.26	100	1.6	mg/kg
SVOCs				
Benzo[a]anthracene	1	1	1	mg/kg
Benzo[a]pyrene	1	1	22	mg/kg
Benzo[b]fluoranthene	1	1	1.7	mg/kg
Benzo[k]fluoranthene	0.8	3.9	1.7	mg/kg
Chrysene	1	3.9	1	mg/kg
Dibenzo[a,h]anthracene	0.33	0.33	1000	mg/kg
Indeno[1,2,3-cd]pyrene	0.5	0.5	8.2	mg/kg
Metals				
Arsenic	13	16	16	mg/kg
Barium	350	400	820	mg/kg
Copper	50	270	1720	mg/kg
Lead	63	400	450	mg/kg
Mercury	0.18	0.81	0.73	mg/kg
Nickel	30	310	130	mg/kg
Selenium	3.9	180	4	mg/kg
Zinc	109	10000	2480	mg/kg
PCBs				
Total Polychlorinated Biphenyls	0.1	1	3.2	mg/kg
PFAS				
	ND	ND	ND	ng/g

mg/kg - Milligrams per kilogram
ng/g - Nanograms per gram
NYSDEC - New York State Department of Environmental Conservation
-- No NYSDEC Part 375 Soil Cleanup Objectives available
J - Estimated value
DUP - Duplicate Sample
VOCs - Volatile Organic Compounds
SVOCs - Semivolatile Organic Compounds
PCBs - Polychlorinated Biphenyls
PFAS - Per- and Polyfluoroalkyl Substances
NE - No exceedance
ND - No detection
NA - Not analyzed for by laboratory
ft bls - Feet below land surface



Title:
EXCEEDANCES IN SOIL SAMPLES
280 BERGEN ST., 265 WYCKOFF ST., 287 WYCKOFF ST.
BROOKLYN, NEW YORK

Prepared for:
BERGEN ST EQUITY LLC

Compiled by: R.K.	Date: 10/9/2023	FIGURE 3
Prepared by: B.H.C.	Scale: AS SHOWN	
Project Mgr: R.K.	Project: 4442.0001Y000	
File: 4442.0001Y100.01.DWG		

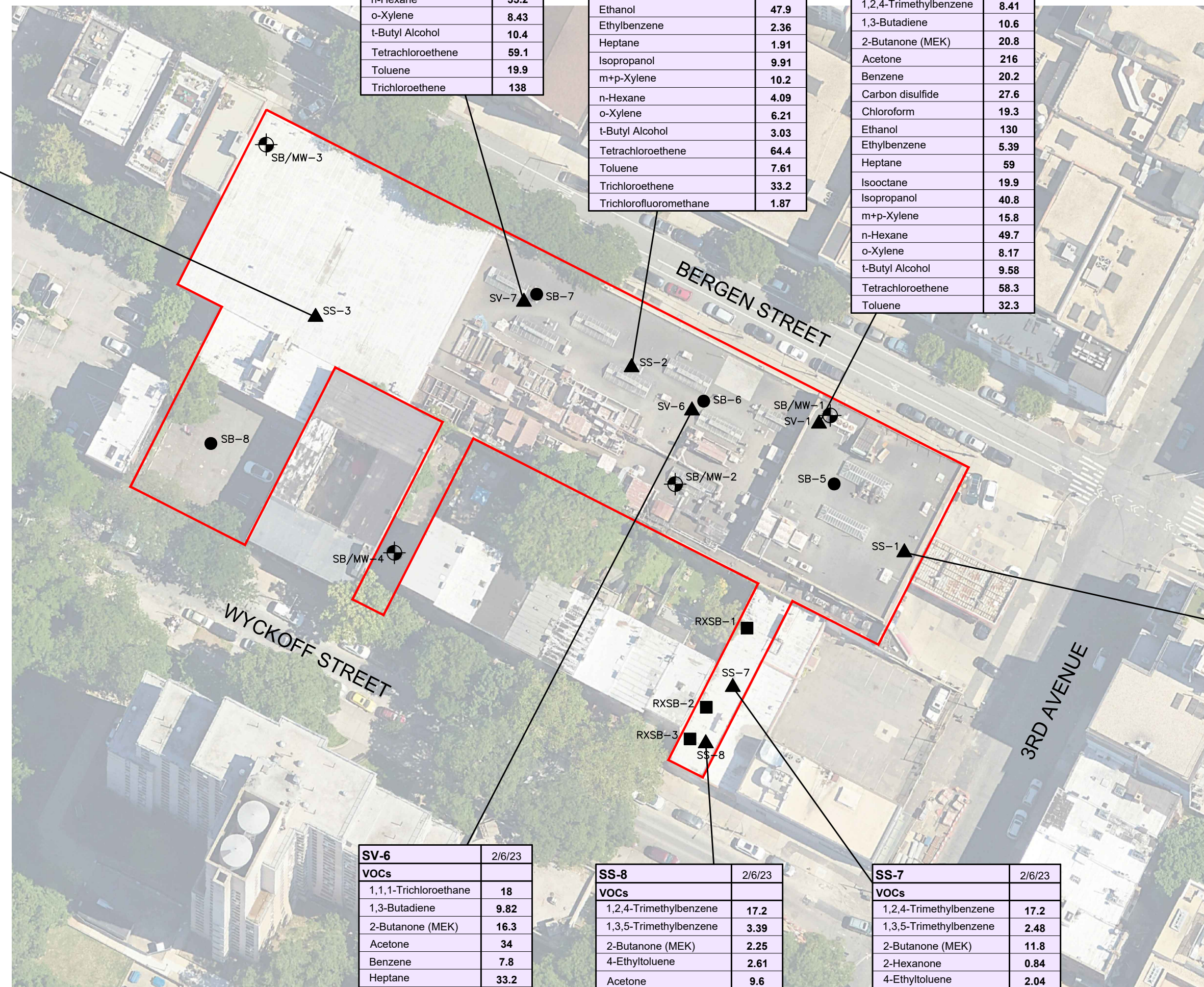
V:\CAD\PROJECTS\442\0001Y100\442\0001Y100.01.DWG B.C.D.C.

SS-3	2/6/23
VOCs	
1,1,1-Trichloroethane	22.8
1,2,4-Trimethylbenzene	16.8
1,3,5-Trimethylbenzene	2.34
2-Butanone (MEK)	33.9
4-Ethyltoluene	2.27
Acetone	359
Benzene	53.7
Carbon disulfide	5.42
Chloroform	3.86
Chloromethane	0.966
Cyclohexane	46.5
Dichlorodifluoromethane	2.44
Ethanol	166
Ethyl Acetate	2.34
Ethylbenzene	7.38
Heptane	23.4
Isopropanol	37.4
m+p-Xylene	19.4
n-Hexane	17.8
o-Xylene	11.5
Styrene	3.28
t-Butyl Alcohol	4.09
Tetrachloroethene	48.2
Tetrahydrofuran	3.24
Toluene	85.5
Trichloroethene	8.33
Trichlorofluoromethane	4.98

SV-7	2/6/23
VOCs	
1,1,1-Trichloroethane	64.4
1,2,4-Trimethylbenzene	8.36
1,3-Butadiene	10.9
2-Butanone (MEK)	47.8
Acetone	129
Benzene	11.1
Carbon disulfide	8.59
Chloroform	225
Cyclohexane	9.02
Heptane	65.6
Isocane	11.5
Isopropanol	9.05
m+p-Xylene	12.3
n-Hexane	35.2
o-Xylene	8.43
t-Butyl Alcohol	10.4
Tetrachloroethene	59.1
Toluene	19.9
Trichloroethene	138

SS-2	2/6/23
VOCs	
1,1,1-Trichloroethane	26.3
1,2,4-Trimethylbenzene	11
1,3,5-Trimethylbenzene	2.8
2-Butanone (MEK)	7.4
4-Ethyltoluene	1.54
4-Methyl-2-pentanone (MIBK)	11
Acetone	153
Benzene	2.05
Carbon disulfide	2.29
Chloroform	5.91
Dichlorodifluoromethane	2.33
Ethanol	47.9
Ethylbenzene	2.36
Heptane	1.91
Isopropanol	9.91
m+p-Xylene	10.2
n-Hexane	4.09
o-Xylene	6.21
t-Butyl Alcohol	3.03
Tetrachloroethene	64.4
Toluene	7.61
Trichloroethene	33.2
Trichlorofluoromethane	1.87

SV-1	2/6/23
VOCs	
1,2,4-Trimethylbenzene	8.41
1,3-Butadiene	10.6
2-Butanone (MEK)	20.8
Acetone	216
Benzene	20.2
Carbon disulfide	27.6
Chloroform	19.3
Ethanol	130
Ethylbenzene	5.39
Heptane	59
Isocane	19.9
Isopropanol	40.8
m+p-Xylene	15.8
n-Hexane	49.7
o-Xylene	8.17
t-Butyl Alcohol	9.58
Tetrachloroethene	58.3
Toluene	32.3



SV-6	2/6/23
VOCs	
1,1,1-Trichloroethane	18
1,3-Butadiene	9.82
2-Butanone (MEK)	16.3
Acetone	34
Benzene	7.8
Heptane	33.2
Isocane	10
n-Hexane	16
Tetrachloroethene	59.9
Toluene	15.6

SS-8	2/6/23
VOCs	
1,2,4-Trimethylbenzene	17.2
1,3,5-Trimethylbenzene	3.39
2-Butanone (MEK)	2.25
4-Ethyltoluene	2.61
Acetone	9.6
Benzene	1.01
Dichlorodifluoromethane	2.21
Ethylbenzene	2.37
Heptane	0.926
Isocane	2.97
Isopropanol	1.24
m+p-Xylene	11.6
n-Hexane	0.948
o-Xylene	5.43
t-Butyl Alcohol	2.96
Tetrachloroethene	888
Toluene	6.03
Trichloroethene	1.5
Trichlorofluoromethane	1.4

SS-7	2/6/23
VOCs	
1,2,4-Trimethylbenzene	17.2
1,3,5-Trimethylbenzene	2.48
2-Butanone (MEK)	11.8
2-Hexanone	0.84
4-Ethyltoluene	2.04
Acetone	47.3
Benzene	1.89
Carbon disulfide	9.34
Chloroform	2.25
Dichlorodifluoromethane	2.59
Ethylbenzene	2.4
Heptane	2.62
Isopropanol	2.11
m+p-Xylene	9.6
n-Hexane	2.81
o-Xylene	3.83
t-Butyl Alcohol	20.1
Tetrachloroethene	610
Toluene	10.1
Trichloroethene	3.79
Trichlorofluoromethane	2.05

SS-1	2/6/23
VOCs	
1,2,4-Trimethylbenzene	14.6
1,3,5-Trimethylbenzene	2.94
2-Butanone (MEK)	4.98
4-Ethyltoluene	2.36
Acetone	21.4
Benzene	1.02
Carbon disulfide	2.56
Dichlorodifluoromethane	2.3
Ethylbenzene	36.4
Heptane	1.16
Isopropanol	2.61
m+p-Xylene	121
Methylene chloride	4
n-Hexane	1.36
o-Xylene	12.1
t-Butyl Alcohol	4.43
Tetrachloroethene	43.3
Toluene	11.2
Trichloroethene	1.49
Trichlorofluoromethane	1.63

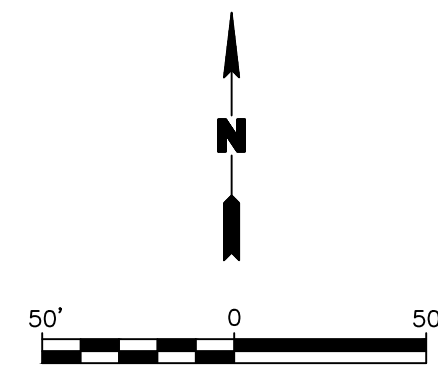
LEGEND

- APPROXIMATE SITE BOUNDARY
- SB/MW-1 GROUNDWATER AND SOIL SAMPLE LOCATION AND DESIGNATION (COLLECTED BY VHB)
- SB-6 SOIL SAMPLE LOCATION AND DESIGNATION (COLLECTED BY VHB)
- SV-6 SOIL VAPOR SAMPLE LOCATION AND DESIGNATION (COLLECTED BY VHB)
- RXSB-1 SOIL SAMPLE LOCATION AND DESIGNATION (COLLECTED BY ROUX)

TYPICAL DATA BOX INFORMATION

SAMPLE ID#	SV-6	2/6/23	SAMPLE DATE
VOCs			
	1,1,1-Trichloroethane	18	CONCENTRATIONS
	1,3-Butadiene	9.82	
	2-Butanone (MEK)	16.3	
	Acetone	34	
	Benzene	7.8	
	Heptane	33.2	
	Isocane	10	
	n-Hexane	16	
	Tetrachloroethene	59.9	
	Toluene	15.6	

Concentrations in µg/m³
 µg/m³ - Micrograms per cubic meter
 VOCs - Volatile Organic Compounds
 ND - Compound was analyzed for but not detected



Title: **DETECTIONS IN SOIL VAPOR SAMPLES**
 280 BERGEN ST., 265 WYCKOFF ST., 287 WYCKOFF ST. BROOKLYN, NEW YORK

Prepared for: **BERGEN ST EQUITY LLC**

Compiled by: R.K.	Date: 10/9/2023	FIGURE
Prepared by: B.H.C.	Scale: AS SHOWN	
Project Mgr: R.K.	Project: 4442.0001Y000	

File: 4442.0001Y100.01.DWG

ROUX

5

V:\CAD\PROJECTS\442\0001Y100\442\0001Y100.01.DWG BJC/CJG

EXHIBIT H

Department of State Division of Corporations

Entity Information

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

Entity Details



ENTITY NAME: BERGEN ST EQUITY LLC	DOS ID: 6938133
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: 07/17/2023	REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 07/17/2023	INACTIVE DATE:
FOREIGN FORMATION DATE:	STATEMENT STATUS: CURRENT
COUNTY: KINGS	NEXT STATEMENT DUE DATE: 07/31/2025
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: THE LLC

Address: 505 FLUSHING AVE STE 1F, BROOKLYN, NY, UNITED STATES, 11205

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

Exhibit I


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.

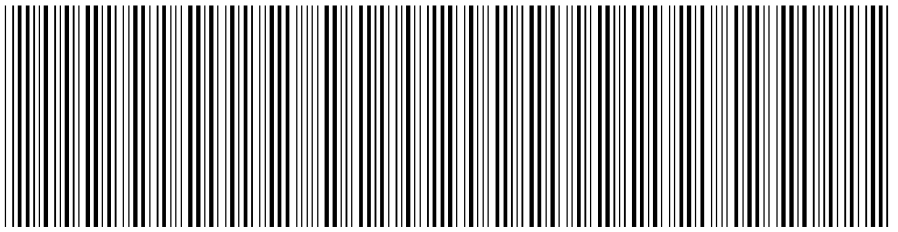


NAME: Yadler Rabinowitz
Member of Bergen St Equity LLC

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.



2018081300178001001E4AEB

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 7

Document ID: 2018081300178001 Document Date: 07-26-2018 Preparation Date: 08-13-2018
Document Type: DEED
Document Page Count: 5

<p>PRESENTER: LANDSTAR TITLE AGENCY, INC. // PICK UP NIMA 55 CHERRY LANE TITLE #LT66625 CARLE PLACE, NY 11514 516-987-2801 NIMA@METRORECORDS.NYC</p>	<p>RETURN TO: ROBERT S ALTMAN ESQ, PLLC 27 WHITEHALL STREET 4TH FLOOR NEW YORK, NY 10004</p>
---	---

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				
<input checked="" type="checkbox"/> Additional Properties on Continuation Page				

CROSS REFERENCE DATA


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

PARTIES	
<p>GRANTOR/SELLER: ULANO CORPORATION 110 THIRD AVENUE BROOKLYN, NY 11217</p>	<p>GRANTEE/BUYER: BNW3 RE-GEN, LLC ATTN: ALFRED GUERCIO, 110 THIRD AVENUE BROOKLYN, NY 11217</p>

FEES AND TAXES			
Mortgage :		Filing Fee:	\$ 250.00
Mortgage Amount:	\$ 0.00	NYC Real Property Transfer Tax:	\$ 0.00
Taxable Mortgage Amount:	\$ 0.00	NYS Real Estate Transfer Tax:	\$ 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:	\$ 70.00		
Affidavit Fee:	\$ 0.00		

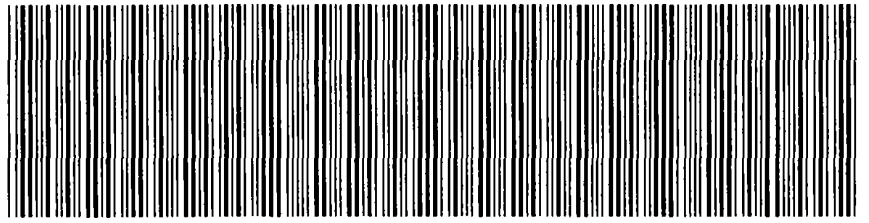
**RECORDED OR FILED IN THE OFFICE
OF THE CITY REGISTER OF THE
CITY OF NEW YORK**

Recorded/Filed 08-23-2018 10:34
City Register File No.(CRFN):
2018000283735



Annette McMill
City Register Official Signature

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2018081300178001001C486B

RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION)

PAGE 2 OF 7

Document ID: 2018081300178001
Document Type: DEED

Document Date: 07-26-2018

Preparation Date: 08-13-2018

PROPERTY DATA

Borough	Block Lot	Unit	Address
BROOKLYN	388 51 Entire Lot		N/A WYCKOFF STREET
Property Type: COMMERCIAL REAL ESTATE			
Borough	Block Lot	Unit	Address
BROOKLYN	1137 75 Entire Lot		601 BERGEN STREET
Property Type: COMMERCIAL REAL ESTATE			

LT66625

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

TT
#0

THIS INDENTURE, made as of the 26th day of July, 2018

BETWEEN

Ulano Corporation, having an office at 110 Third Avenue, Brooklyn, New York 11217

party of the first part, and

BNW3 RE-GEN, LLC, having an office at 110 Third Avenue, Brooklyn, New York 11217

party of the second part,

B-388
L-19,42,51

WITNESSETH, that the party of the first part, in consideration of ten (10) dollars 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,

B-1137
L-75

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the See Schedule A Description.

Being the same properties known currently as 280 Bergen Street and 601 Bergen Street, Brooklyn, New York.

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

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

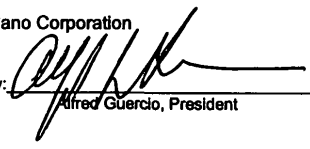
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:

Ulano Corporation

By:




Alfred Guercio, President

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE

State of New York, County of New York ss:

On the 11 day of July in the year 2018
before me, the undersigned, personally appeared Alfred Guercio

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



SEAL ROBERT S. ALTMAN
Notary Public, State of New York
No. 02AL4908186
Qualified in Westchester County
New York State, December 21, 2021

(signature and office of individual taking acknowledgment)

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE

State (or District of Columbia, Territory, or Foreign Country) of _____ ss:

Exp. 9/21/2021

On the _____ day of May in the year 2016 before me, the undersigned, personally appeared

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

in _____
(insert the City or other political subdivision)

Florida.
(and insert the State or Country or other place the acknowledgment was taken)

(signature and office of individual taking acknowledgment)

**BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS**

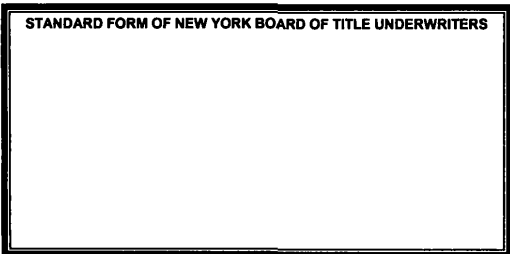
Ulano Corporation

TO

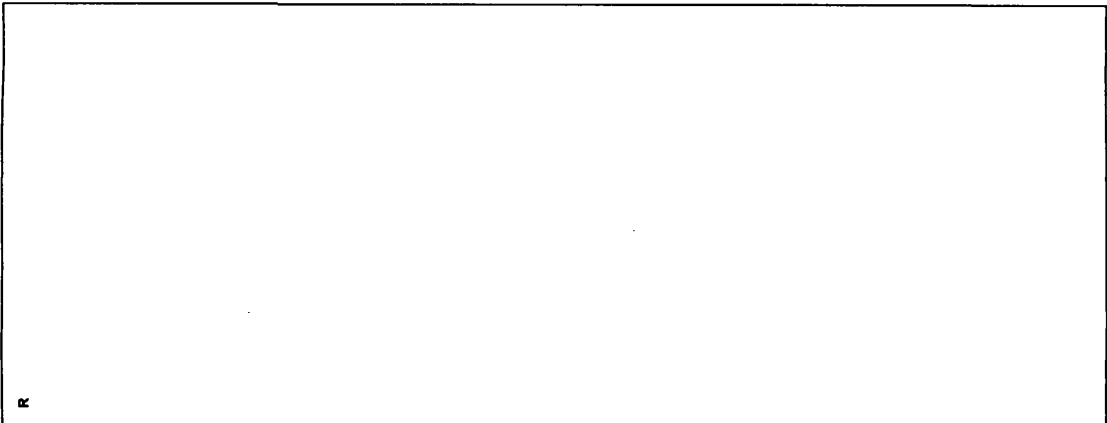
BNW3 RE-GEN, LLC

SECTION
BLOCK 388/1137
LOT 19,42 and 51/75
COUNTY OR TOWN Brooklyn, NY
STREET ADDRESS 280 and 601 Bergen Street

RETURN BY MAIL TO:



Robert S. Altman, Esq., PLLC
27 Whitehall Street, 4th Floor
New York, New York 10004



Schedule A Description

LOTS 19, 42, AND 51

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.

Said premises to be known as 264/298 Bergen Street a/k/a 265 Wyckoff Street, Brooklyn, NY 11217.

The policy to be issued under this report will insure the title to such building and improvements erected on the premises which by law constitute real property.

For conveyancing only: Together with all right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.

A large, stylized handwritten signature or set of initials in black ink, consisting of two main vertical strokes with curved, hook-like ends.

Tax Lot 75:

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, known and designated on a certain map entitled, "Map of Property in the 9th Ward of the City of Brooklyn," belonging to Nehemiah Denton, J.S. Stoddard, City Surveyor," and filed in the Office of the Register of the County of Kings, in February, 1853, and by Lot #12, bounded and described as follows:

BEGINNING at a point on the northerly side of Bergen Street, distant 475 feet westerly from the corner formed by the intersection of the northerly side of Bergen Street with the westerly side of Vanderbilt Avenue;

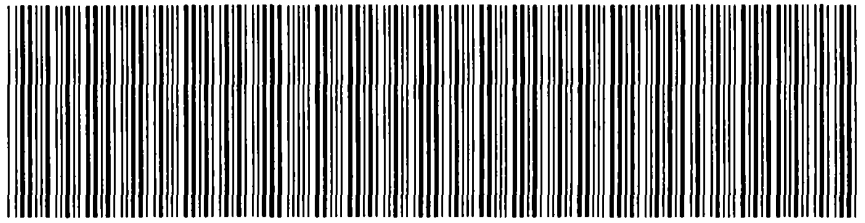
RUNNING THENCE northerly parallel with Vanderbilt Avenue, 102 feet 5 inches;

THENCE southwesterly, 38 feet 1 inch to a point where the same would be intersected by a line drawn parallel with and distant 500 feet westerly from the westerly line of Vanderbilt Avenue;

THENCE southerly along said line parallel with Vanderbilt Avenue, 73 feet 8 inches to the northerly side of Bergen Street;

THENCE easterly along the northerly side of Bergen Street, 25 feet to the point or place of **BEGINNING**.

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2018081300178001001S846A

SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

Document ID: 2018081300178001
Document Type: DEED

Document Date: 07-26-2018

Preparation Date: 08-13-2018

ASSOCIATED TAX FORM ID: 2018081300018

SUPPORTING DOCUMENTS SUBMITTED:



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

Page Count

1
2

CERTIFICATION

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

 BUYER SIGNATURE		7/19/18 DATE	BUYER'S ATTORNEY	
ATTN: ALFRED GUERCIO 110 THIRD AVENUE			LAST NAME	FIRST NAME
STREET NUMBER	STREET NAME (AFTER SALE)		AREA CODE	TELEPHONE NUMBER
BROOKLYN				
CITY OR TOWN	NY STATE	11217 ZIP CODE	 SELLER SIGNATURE	7/19/18 DATE



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: BNW3 RE-GEN, 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: _____ Date (mm/dd/yyyy)

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

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	N/A WYCKOFF STREET	NY	NY	11217
BROOKLYN	1137	75	601 BERGEN STREET	NY	NY	11238

201808130001810101



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: BNW3 RE-GEN, 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:

Date (mm/dd/yyyy)

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

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	41	289 WYCKOFF STREET	NY	NY	11217
BROOKLYN	388	51	N/A WYCKOFF STREET	NY	NY	11217
BROOKLYN	1137	75	601 BERGEN STREET	NY	NY	11238

201807040001310101

Exhibit K

BNW3 RE-GEN LLC
110 Third Avenue
Brooklyn, New York 11217
November 7, 2023

Chief, Site Control Section
New York State Department of Environmental Conservation
625 Broadway-11th floor.
Albany, New York 12233

Re: Proof of Access
268 Bergen Street, 287 Wyckoff Street and 273 Wyckoff Street
Block 388, Lots 19, 42 and 51
Brooklyn, New York (collectively the "Site")

To Whom It May Concern:

This letter confirms that BNW3 Re-gen LLC ("Contract Vendor") has granted access to the above-referenced Site to Bergen St. Equity LLC (Contract Vendee") implement any investigation and remedial work required by the New York State Department of Environmental Conservation (NYSDEC) pursuant to the Brownfield Cleanup Program (BCP) subject to the terms and conditions of the Contract of Sale between the parties dated July 18, 2023, as amended by the parties or their assignees on or about the date hereof ("Contract")

In addition, to the extent Contract Vendor still holds title of the Site when the BCP work is completed, it agrees to execute and record an environmental easement that may be required NYSDEC as a condition of issuing the Certificate of Completion.

Should the parties not complete the transaction contemplated by the Contract, the right of access granted by this letter and consent of Contract Vendor to recording an environmental easement may be revoked pursuant to the terms and conditions of the Contract.

Very truly Yours,

BNW3 RE-GEN, LLC

By: Michael Keller
Michael E. Keller, Secretary

Exhibit L

Site Contact List

Diagravure Film Manufacturing Site

268 Bergen Street, 287 Wyckoff Street, and N/A Wyckoff Street, Brooklyn, New York 11217

Name	Title	Address	City	State	Zip
Charles Schumber	U.S. Senator	780 Third Avenue, Suite 2301	New York	NY	10017
Kristen Gillibrand	U.S. Senator	780 Third Avenue, Suite 2601	New York	NY	10017
Dan Goldman	U.S. House of Representatives, 10th District	340A 9th Street	Brooklyn	NY	11215
Andrew Gounardes	New York State Senator, 26th District	497 Carroll Street, Suite 31	Brooklyn	NY	11215
Antonio Reynoso	Brooklyn Borough President	209 Joralemon Street	Brooklyn	NY	11201
Dan Garodnick	NYC Planning Commission, Chair	120 Braodway, 31st Floor	New York	NY	10271
Eric Adams	Mayor of NYC	City Hall	New York	NY	10007
Brooklyn Paper	Media Outlet	One Metro Tech Center	New York	NY	11201
Rohit T. Aggarwala	NYC Environmental Protection, Commissioner	59-17 Junction Boulevard, 13th Floor	Flushing	NY	11373
Alfonso L. Carney, Jr.	NYC Water Board, Chair	59-17 Junction Boulevard, 8th Floor	Flushing	NY	11373
Candace Vasquez	Brooklyn Public Library - Pacific Branch, Managing Librarian	25 Fourth Avenue, at Pacific Street	Brooklyn	NY	11217
Taya Mueller	Brooklyn Community Board 2, District Manager	350 Jay Street, 8th Floor	Brooklyn	NY	11201
Denise Watson	Public School 32 - Samuel Mills Sprole School	420 Union Street	Brooklyn	NY	11231
Erica Davis	Public School 261 - Zipporah Mills	314 Pacific Street	Brooklyn	NY	11201
Rosa Amato	Public School 372 - The Children's School	512 Carroll Street	Brooklyn	NY	11215
Pascale Pradel	Public School 38 - The Pacific School	450 Pacific Street	Brooklyn	NY	11217
Majorie Dalrymple	Public School K369 - Coy L. Cox School	383 State Street	Brooklyn	NY	11217
Kelsey Jone and Gabriela Tejedor	Brooklyn Independent Middle School	38 Lafayette Avenue, 5th Floor	Brooklyn	NY	11217
Arin Rusch, I. A.	Public School 447 - The Math and Science Exploratory	345 Dean Street	Brooklyn	NY	11217
Heather Foster-Mann	Public School 133 - William A Butler School	610 Baltic Street	Brooklyn	NY	11217
Amy Rodriguez	Public School 282 - Park Slope School	180 6th Avenue	Brooklyn	NY	11217
Frederick Torres	Park Place Community Middle School	62 Park Place	Brooklyn	NY	11217
Regina Cruz	Regina's Daycate on Bergen	89 Bergen Street	Brooklyn	NY	11201
To Whom It May Concern	AB See Me Grow	417 Baltic Street	Brooklyn	NY	11217
To Whom It May Concern	Daddy's Daycare 4	87 Douglass Street	Brooklyn	NY	11231
Mildred A. Evans	Mildred's Family Daycare	426 Baltic Street	Brooklyn	NY	11217
Lorraine Pennisi	Strong Place for Hope Daycare	460 Atlantic Avenue, Floor 1	Brooklyn	NY	11217
To Whom It May Concern	Le Paradis des Anges French Daycare	93 4th Avenue	Brooklyn	NY	11217
To Whom It May Concern	Daddy's Daycare 6	357 Douglass Street	Brooklyn	NY	11217
Patricia Major	St. John's Kidz	390 Butler Street	Brooklyn	NY	11217
Dilnoza Saydalieva	Tiny Steps One	122 St Marks Avenue	Brooklyn	NY	11217
BNW3 RE-GEN, LLC	Owner of Site	110 3rd Avenue	Brooklyn	NY	11217
98 Third Avenue Realty LLC	Adjacent Property Owner of 300 Bergen Street	100 Jericho Quadrangle, Suite 209	Jericho	NY	11753
NYC Housing Preservation and Development	Adjacent Property Owner of N/A 3rd Ave, 110 3rd Ave, 289 Wyckoff St and 153 Nevins St	100 Gold Street	New York	NY	10038
Pat Scipio-Brin	Adjacent Property Owner/Operator of 285 Wyckoff Street	285 Wyckoff Street, Suite 3	Brooklyn	NY	11217
Thomas Horace	Adjacent Property Owner/Operator of 283 1/2 Wyckoff Street	283 1/2 Wyckoff Street	Brooklyn	NY	11217
Cynthia Amos	Adjacent Property Owner/Operator of 283 Wyckoff Street	283 Wyckoff Street	Brooklyn	NY	11217
Ari and Jennifer Paul	Adjacent Property Owner/Operator of 281 Wyckoff Street	281 Wyckoff Street	Brooklyn	NY	11217
Marvin Renaud	Adjacent Property Owner/Operator of 279 Wyckoff Street	279 Wyckoff Street	Brooklyn	NY	11217

The Angel Ramos Irrevocable Trust	Adjacent Property Owner/Operator of 277 Wyckoff Street	277 Wyckoff Street	Brooklyn	NY	11217
Lynn C. Hoogenboom	Adjacent Property Owner/Operator of 275A Wyckoff Street	275A Wyckoff Street	Brooklyn	NY	11217
Wanda Rivera	Adjacent Property Owner/Operator of 275 Wyckoff Street	275 Wyckoff Street	Brooklyn	NY	11217
Wyckoff Industrial Development Corp.	Adjacent Property Owner of 267 Wyckoff Street	305 North Avenue	New Rochelle	NY	10801
259 Wyckoff Associates LLC	Adjacent Property Owner of 259 Wyckoff Street	1430 Broadway, Suite 1505	New York	NY	10018
NYC Housing Authority	Adjacent Property Owner of 120 3rd Avenue	250 Broadway	Manhattan	NY	10007
262 Bergen Housing Corp.	Adjacent Property Owner of 262 Bergen Street	40 Richards Street	Brooklyn	NY	11231
Reico Intl Realty Co LTD	Adjacent Property Owner/Operator of 255 Bergen Street	255 Bergen Street	Brooklyn	NY	11217
Bethel Baptist Church	Adjacent Property Owner/Operator of 265 and 269 Bergen Street	265 Bergen Street	Brooklyn	NY	11217
88 Third Avenue Realty LLC	Adjacent Property Owner of 88 3rd Avenue	88 3rd Avenue	Brooklyn	NY	11217
96 Third Ave. Realty, LLC	Adjacent Property Owner of 96 3rd Avenue	223 Main Street, 2nd Floor	Port Washington	NY	11050
Shell	Adjacent Property Operator of 300 Bergen Street	98-100 3rd Avenue	Brooklyn	NY	11217
Blank Street Coffee	Adjacent Property Operator of 255 Bergen Street	253 Bergen Street	Brooklyn	NY	11217
Veterinary Wellness Center of Boerum Hill	Adjacent Property Operator of 96 3rd Avenue	96 3rd Avenue	Brooklyn	NY	11217

Exhibit M



2600 Innovation Square
100 South Clinton Avenue
Rochester, New York 14604
nyenvlaw.com

LINDA R. SHAW
ATTORNEY AT LAW

T 585.546.8430
C 585.414.3122
lshaw@nyenvlaw.com

November 9, 2023

VIA ELECTRONIC MAIL
bk02@cb.nyc.gov

Taya Mueller, District Manager
Brooklyn Community Board 2
350 Jay Street, 8th Floor
Brooklyn, New York 11201

**RE: Brownfield Cleanup Program Application
Diagravure Flim Manufacturing Site**

Dear Ms. Mueller:

We represent Begen St Equity LLC in its anticipated Brownfield Cleanup Program Application for the above-referenced site at 268 Bergen Street, 287 Wyckoff Street, and N/A Wyckoff Street, Brooklyn, New York. 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 the executed letter as an attachment to 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.

Sincerely,

KNAUF SHAW LLP

LINDA R. SHAW, ESQ.

Yes, the Brooklyn Community Board 2 is willing and able to act as a public repository for documents related to the cleanup of 268 Bergen Street, 287 Wyckoff Street, and N/A Wyckoff Street, Brooklyn, New York under the Brownfield Cleanup Program.

Taya Mueller, District Manager

Nov 13, 2023

Date



2600 Innovation Square
100 South Clinton Avenue
Rochester, New York 14604
nyenvlaw.com

LINDA R. SHAW
ATTORNEY AT LAW

T 585.546.8430
C 585.414.3122
lshaw@nyenvlaw.com

November 9, 2023

VIA ELECTRONIC MAIL
cvasquez@bklynlibrary.org

Candace Vasquez, Managing Librarian
Brooklyn Public library – Pacific Branch
25 Fourth Avenue, at Pacific Street
Brooklyn, New York 11217

**RE: Brownfield Cleanup Program Application
Diagravure Flim Manufacturing Site**

Dear Ms. Vasquez:

We represent Begen St Equity LLC in its anticipated Brownfield Cleanup Program Application for the above-referenced site at 268 Bergen Street, 287 Wyckoff Street, and N/A Wyckoff Street, 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 the executed letter as an attachment to 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.

Sincerely,

KNAUF SHAW LLP

LINDA R. SHAW, ESQ.

Yes, the Brooklyn Public Library – Pacific Branch is willing and able to act as a public repository for documents related to the cleanup of 268 Bergen Street, 287 Wyckoff Street, and N/A Wyckoff Street, Brooklyn, New York under the Brownfield Cleanup Program.

Candace Vasquez, Managing Librarian

Date

Exhibit N



Bulk Storage Database Search Details

Tank Information

[First Tank](#)

[Previous Tank](#)

Site No: 2-295345

Site Name: ULANO CORPORATION

Tank No: 02

Tank Location: Underground including vaulted with no access for inspection

Subpart:

Category: 1

Tank Status: Closed - In Place

Tank Install Date:

Tank Closed Date:

Tank Out Of Service Date:

Tank Capacity: 2000 gal.

Product Stored: other

Tank Type: 01 - Steel/Carbon Steel/Iron

Tank Internal Protection: None

Tank External Protection: None

Tank Secondary Containment: None

Tank Leak Detection: None

Overfill: Product Level Gauge (A/G)

Spill Prevention: None

Dispenser: Suction Dispenser

Pipe Location: No Piping

Pipe Type: Steel/Carbon Steel/Iron

Pipe External Protection: None

Piping Secondary Containment: None

Piping Leak Detection: None

UDC: Yes

Tank Next Test Due:

Tank Last Test:

Tank Test Method:

Line Next Test Due:

Line Last Test:

Line Test Method:

[Refine This Search](#)

[Return To Facility](#)



Bulk Storage Database Search Details

Tank Information

[First Tank](#)

[Previous Tank](#)

[Next Tank](#)

[Last Tank](#)

Site No: 2-295345

Site Name: ULANO CORPORATION

Tank No: 01

Tank Location: Underground including vaulted with no access for inspection

Subpart:

Category: 1

Tank Status: Closed - In Place

Tank Install Date: 07/15/1973

Tank Closed Date: 02/09/2018

Tank Out Of Service Date:

Tank Capacity: 10000 gal.

Product Stored: #2 fuel oil (on-site consumption)

Tank Type: 01 - Steel/Carbon Steel/Iron

Tank Internal Protection: None

Tank External Protection: None

Tank Secondary Containment: None

Tank Leak Detection: None

Overfill: Product Level Gauge (A/G)

Spill Prevention: None

Dispenser: Suction Dispenser

Pipe Location: No Piping

Pipe Type: Steel/Carbon Steel/Iron

Pipe External Protection: None

Piping Secondary Containment: None

Piping Leak Detection: Exempt Suction Piping

UDC: No

Tank Next Test Due:

Tank Last Test: 12/01/2017

Tank Test Method: Horner EZY3/EZY3 Locator Plus

Line Next Test Due:

Line Last Test: 12/01/2017

Line Test Method: Horner EZY3/EZY3 Locator Plus

[Refine This Search](#)

[Return To Facility](#)



**Department of
Environmental
Conservation**

Bulk Storage Database Search Details

Facility Information

Site No.: 2-295345
Status: Unregulated/Closed
Expiration Date: 03/28/2018
Site Type: PBS
Facility Type: Manufacturing (Other than Chemical)/Processing
Site Name: ULANO CORPORATION
Address: 280 BERGEN STREET
Locality: Brooklyn
State: NY
Zipcode: 11217
County: Kings

Facility(Property) Owner(s) Information

Facility Owner: ULANO CORPORATION
 110 3RD AVENUE . BROOKLYN, NY. 11217
Mail Contact: ULANO CORPORATION
 110 THIRD AVENUE . BROOKLYN, NY. 11217

Facility Operator

Facility Operator: ULANO CORPORATION

Tank Information

10 Tanks Found

Tank No	Tank Location	Status	Capacity (Gal.)
001	Underground including vaulted with no access for inspection	Closed - Removed	550
002	Underground including vaulted with no access for inspection	Closed - Removed	550
003	Underground including vaulted with no access for inspection	Closed - Removed	550
004	Underground including vaulted with no access for inspection	Closed - Removed	550
005	Underground including vaulted with no access for inspection	Closed - Removed	550
006	Underground including vaulted with no access for inspection	Closed - Removed	550
007	Underground including vaulted with no access for inspection	Closed - Removed	550

008	Underground including vaulted with no access for inspection	Closed - Removed	550
01	Underground including vaulted with no access for inspection	Closed - In Place	10000
02	Underground including vaulted with no access for inspection	Closed - In Place	2000

Refine This Search