

Supplemental BCP Application

172 3rd Avenue Manifold Supply Machine Shop Site
Site Number: C224410 | Applicant: 172 Third Ave LLC

Table of Contents

Section

- 1. Cover Letter**
- 2. Supplemental BCP Application**
- 3. Supplemental BCP Support Document**
- 4. Exhibit A – Original Application and Support Document**
- 5. Exhibit B – Base Property Map and Street Map**
- 6. Exhibit C – Tax Map and Survey**
- 7. Exhibit D – Disadvantaged Communities Map, Environmental Justice Map, and En-Zone Map**
- 8. Exhibit E – Zoning Map**
- 9. Exhibit F – Previous Owners and Operators List**
- 10. Exhibit G – Lot 21 Site Drawing Spider Maps and Combined Site Drawing Spider Maps**
- 11. Exhibit H – NYS DOS Entity Information and Organization Chart**
- 12. Exhibit I – Corporate Consent**
- 13. Exhibit J – Deeds**
- 14. Exhibit K – Site Access Agreement**
- 15. Exhibit L – Site Contact List**
- 16. Environmental Reports**

Legal and Consulting Team:
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January 6, 2025

VIA ELECTRONIC MAIL
DERSiteControl@dec.ny.gov

Chief, Site Control Section
Division of Environmental Remediation
NYS Department of Environmental Conservation
625 Broadway, 11th Floor
Albany, NY 12233-7020

**RE: Brownfield Cleanup Program Supplemental Application
172 3rd Avenue Manifold Supply Machine Shop Site
BCP Site No. C224410**

To Whom It May Concern:

Below please find a link to a Supplemental Brownfield Cleanup Program (“BCP”) Application and support documentation for Requestor, 172 Third Ave LLC, in relation to the aforementioned Site. This application seeks to add an additional adjacent parcel with the address 264 Butler Avenue to the BCP Site located at N/A Third Avenue (f/k/a 172 Third Avenue), which was accepted into the program on September 18, 2024. The Brownfield Cleanup Agreement (“BCA”) has not yet been signed for N/A Third Avenue (f/k/a 172 Third Avenue) in anticipation of this supplemental application to add this adjacent parcel into the existing BCA.

Also, 172 Third Ave Equity LLC (which in the previous BCP application was incorrectly identified as “172 Third Avenue Equity LLC”) is being removed as the Volunteer from both sites, and 172 Third Ave LLC is being added as the applicant for both sites. The name of the BCP Site and the BCP Site No. C224410 can remain the same.

For the convenience of Site Control, we have included a single PDF of the entire BCP Application, as well as the individual application files.

<https://www.dropbox.com/scl/fo/0g5z1eoaed1w52180krwh/AKdC-I0OyS9hGTMNcSgiTGw?rlkey=lcis6uwofi4c3tcdn49lsqbiv&st=z1nx39zw&dl=0>

Please do not hesitate to contact me if you have any questions. Thank you.

Sincerely,
KNAUF SHAW LLP

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

LINDA R. SHAW, ESQ.



DEC Site Control
January 6, 2025
Page 2

Enclosure

ec: Jacob Katz, jacob@developingnys.com
Mordy Fulop, mordy@developingnys.com
Robert Kovacs, rkovacs@rouxinc.com



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: 172 3rd Avenue Manifold Supply Machine Shop 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: _____



Yes



No

Is this a revised submission of an incomplete application?

If yes, provide existing site number: _____



Yes



No

Supplemental Application - pre executed Brownfield Cleanup Agreement (BCA)

Site No.: C224410

Original Application determined complete on July 8, 2024 and accepted September 18, 2024

This Supplemental Application is focused solely on the parcel being added to the BCP Site (264 Butler Street/Brooklyn-412-21). For information on the other parcel included in the BCP Site, please see the original application above-mentioned (Original Application Form attached as Exhibit A).



BCP App Rev 15 – May 2023

SECTION I: Property Information

PROPOSED SITE NAME **172 3rd Avenue Manifold Supply Machine Shop Site**

ADDRESS/LOCATION **N/A Third Ave (f/k/a 172 Third Ave) and 264 Butler Street**

CITY/TOWN **Brooklyn, New York**

ZIP CODE **11217**

MUNICIPALITY (LIST ALL IF MORE THAN ONE) **Kings County, Brooklyn, NYC**

COUNTY **Kings County**

SITE SIZE (ACRES) **0.695**

LATITUDE

LONGITUDE

40° 40' 51.0"	73° 59' 02.9"
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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
N/A Third Ave (f/k/a 172 Third Ave) <small>Parcel included in original application - Please see Exhibit A</small>	Brooklyn	412	29	0.293
264 Butler Street <small>Parcel being added to BCP Site with Supplemental Application</small>	Brooklyn	412	21	0.402

1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description.	<input checked="" type="radio"/> Y	<input type="radio"/> N
2. Is the required property map 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>127</u> Percentage of property in En-zone (check one): 0% <input type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4. Is the project located within a disadvantaged community? See application instructions for additional information.	<input 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. <div style="display: flex; justify-content: space-between;"> <div><u>Easement/Right-of-Way Holder</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <div style="display: flex; justify-content: space-between;"> <div><u>Type</u></div> <div><u>Issuing Agency</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?		<input checked="" type="radio"/>	<input type="radio"/>
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.			
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.		<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: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> </div>			

SECTION II: Project Description

1. The project will be starting at: ☒ Investigation ☐ Remediation

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

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

☐ Yes ☐ No ☒ N/A

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

☒ RIWP ☐ RAWP ☐ IRM ☐ No

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

Is this information attached? ☒ Yes ☐ No

SECTION III: Land Use Factors

1. What is the property's current municipal zoning designation? M1-4/R6A and G

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 ☐

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?

☒ ☐

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

☐ ☒

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

☒ ☐

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

☒ ☐

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.

☒ ☐

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 type="checkbox"/>	<input type="checkbox"/>
Chlorinated Solvents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other VOCs	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PFAS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1,4-dioxane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other – indicated below	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Please describe other known contaminants and the media affected:

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

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

Are the required drawings included with this application? ☒ YES ☐ NO

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

<input type="checkbox"/> Coal Gas Manufacturing	<input 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 checked="" type="checkbox"/> Service Station
<input type="checkbox"/> Landfill	<input type="checkbox"/> Tannery	<input type="checkbox"/> Electroplating	<input type="checkbox"/> Unknown

Other: Marble Works; Garages; Trucking Companies; Auto Repair; Door and Blinds Manufacturing; Warehousing

SECTION V: Requestor Information

NAME 172 Third Ave LLC

ADDRESS c/o Developing NY State, LLC, 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? N/A <input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of 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)

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"/> Y	<input checked="" type="radio"/> N
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	<input type="radio"/>	<input checked="" type="radio"/>
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	<input type="radio"/>	<input checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input checked="" type="radio"/>
12. THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:		
PARTICIPANT <input type="checkbox"/> <p>A requestor who either (1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum, or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p>	VOLUNTEER <input checked="" type="checkbox"/> <p>A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p> <p>NOTE: By selecting this option, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste.</p> <p>If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.</p>	
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?		
Yes <input checked="" type="radio"/> No <input type="radio"/> N/A <input type="radio"/>		

SECTION VI: Requestor Eligibility (CONTINUED)

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

☐ Previous Owner ☐ Current Owner ☒ Potential/Future Purchaser ☐ Other: _____

If the requestor is not the current owner, **proof of site access sufficient to complete remediation must be provided**. Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an environmental easement on the site.

Is this proof attached?

☒ Yes☐ No☐ 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 Yitzchok Katz (a/k/a Jacob Katz)

ADDRESS c/o Developing NY State, LLC, 505 Flushing Avenue, #1H

CITY Brooklyn

STATE NY

ZIP CODE 11205

PHONE (718) 989-6866

EMAIL jacob@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 R. 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 Domal Transportation Inc.

CONTACT NAME Dominick Cappolla

ADDRESS 130 St. Pauls Avenue

CITY Staten Island

STATE NY

ZIP CODE 10301

PHONE (646) 257-2592

EMAIL dominick@domaltransportation.com

OWNERSHIP START DATE 1/28/1980

CURRENT OPERATOR See Supplemental BCP Application Support Document

CONTACT NAME

ADDRESS

CITY

STATE

ZIP CODE

PHONE

EMAIL

OPERATION START DATE

SECTION X: Property Eligibility Information

	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information 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. <div style="text-align: right;">N/A</div></p>	<input checked="" 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 an authorized signatory (title) of 172 Third Ave 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: 01/06/2025 Signature:  _____

Print Name: Yitzchok Katz (a/k/a Jacob 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.

SUPPLEMENTAL BCP APPLICATION SUPPORT DOCUMENT

Site Name: 172 3rd Avenue Manifold Supply Machine Shop Site

Site Number: C224410

This Brownfield Cleanup Program (“BCP”) application is being submitted to supplement the original BCP application determined to be complete on July 8, 2024, and accepted September 18, 2024 (“original application”). The original application included only N/A Third Avenue (Lot 29). This supplemental BCP application is being submitted to add 264 Butler Street (Lot 21) to the BCP Site. This supplemental BCP application contains information pertaining to Lot 21 and total BCP site information, which has been updated to reflect the BCP Site consisting of both Lot 29 and Lot 21 (“supplemental application”). For information on Lot 29 or information not influenced by the addition of Lot 29, please see the original application and support document, included as Exhibit A.

EXHIBIT LIST

Exhibit A	Original Application and Support Document
Exhibit B	Base Property Map and Street Map
Exhibit C	Tax Map and Survey
Exhibit D	Disadvantaged Communities Map, Environmental Justice Map, and En-Zone Map
Exhibit E	Zoning Map
Exhibit F	Previous Owners and Operators List
Exhibit G	Lot 21 Site Drawing Spider Maps and Combined Site Drawing Spider Maps
Exhibit H	NYS DOS Entity Information and Organization Chart
Exhibit I	Written Consent
Exhibit J	Deeds
Exhibit K	Site Access Agreement
Exhibit L	Site Contact List

ENVIRONMENTAL REPORTS

- A. September 2024 KB EA Phase I Environmental Site Assessment Report for Requestor
- B. December 2024 Roux BCP Eligibility Phase II Summary Report for Requestor
- C. January 2025 Roux Updated Remedial Investigation Work Plan for Requestor

APPLICATION FORM SECTION I: PROPERTY INFORMATION

The Site is located at the following addresses and Tax parcels:

Parcel Address	Tax Parcel Identification No.	Acreage ¹
N/A 3 rd Ave (f/k/a 172 3 rd Ave.)	3-412-29	0.29
264 Butler Street	3-412-21	0.40

The Site is located in Brooklyn, New York 11217 (“Site” or “BCP Site”). The Base Property Map and Street Map are in Exhibit B. The Site consists of Lot 29, which has not received a formal street address from New York City at this time, and Lot 21, which has an address of 264 Butler Street.

1. Site Boundary and Tax Parcel Information

The Site boundary does correspond to the Tax Lot boundary. The updated Tax Lot Boundary Map and Survey Map are provided in Exhibit C.

2. Property Map

The updated Base Property Map is in Exhibit B. The updated Survey is provided in Exhibit C.

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

The Disadvantaged Communities Map, Environmental Justice Map, and En-Zone Map have been revised to reflect the updated BCP Site Boundary. *See* maps in Exhibit D. The Brownfield Opportunity Area Map, Disadvantaged Communities Map, EJ Map, and En-Zone Designation Maps were not affected by the addition of Lot 21. The updated two lot BCP Site is in the En-Zone and Disadvantaged Community Map.

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 Lot 21.

13. Please refer to BCP Application Form.

14. Property Description Narrative and Environmental Assessment

A. Location

¹ Acreage was determined using the September 2024 Architectural Survey. The survey lists the area of Lot 21 as 17,500 sq. ft, which is approximately 0.40 acres and the area of Lot 29 as 12,662 sq. ft., which is approximately 0.29 acres. The total acreage of the site equaling 0.69 acres. The same lot size can also be found on the NYC Property Portal and NYC 2024-2025 Tentative Tax Assessment.

Parcel Address	Tax Parcel Identification No.
N/A 3 rd Ave. (f/k/a 172 3rd Ave.)	3-412-29
264 Butler Street	3-412-21

The Site is located in Brooklyn, New York 11217. The surrounding area is occupied by mixed-use and industrial buildings. To the south of the Site is BluePearl Pet Hospital, and to the south/southwest there are office/commercial buildings containing a commercial gym and Quality Woodworking Corp. Bordering the Site on the west is a commercial building containing an herb shop and the offices of Quality Woodworking Corp., and to the north is Industrial Tempering Glass Ltd and the Red Lion Inn & Suites. Directly to the east of the Site is 3rd Avenue, and across the street is a mixed-use building containing apartments and a Fairfield Inn & Suites.

B. Features

Lot 21 is developed with a one-story building with a partial basement. The building occupies the entire tax lot. The building is divided into 3 individual tenant spaces with vehicle and pedestrian entrances located on the north side of the building on Butler Street. The eastern and western tenant spaces include warehouse space, offices, and restrooms. The central space consists of warehouse space and restrooms. The Flood Map was not affected by the addition of Lot 21; therefore, the Site is not located in Flood Zone.

C. Current Zoning and Land Use

Lot 21 is currently located in the M1-4/R6A and Special Gowanus Mixed Use (G) Districts. Please see Exhibit E – Zoning Map. Lot 21 is currently developed with a one-story industrial/warehouse building.

D. Past Use

See Section IV.4 for a full description of Lot 21's past uses. Lot 21 was developed with a 2-story industrial building occupied by a sash, door and blinds manufacturer, which later became a portion of a marble works. The current one-story industrial/warehouse building was present on Lot 21 by at least 1938. The building has since been utilized as a garage, an export crating business, a warehouse, and an auto repair shop. The building is currently utilized as a warehouse/office space for multiple tenants. The historical owners and uses associated with Lot 21 are further described below and in Exhibit F – Previous Owners and Operators List.

E. Geology and Hydrogeology

The elevation of Lot 21 is approximately 17 feet above mean sea level (amsl). The Site is relatively flat with the general topographic gradient sloping downward to the west. There are no surface water bodies on or adjacent to the Site. The nearest surface water body is the Gowanus Canal, located approximately 750 feet to the west at its closest point. The soil component in the vicinity of the Site is identified as Urban Land and is described as having a variable surface texture.

Additional subordinate soil types may be present in the general vicinity of Lot 21. These soil types are described as mainly loamy sand and silt loam. Deeper soil types consist of very gravelly, loamy sand, unweathered bedrock and stratified sandy loam. Based upon a surface elevation of 17 feet amsl, the depth to groundwater in the vicinity of Lot 21 is approximately 8-10 feet below grade surface (bgs). Groundwater is expected to flow to the west, toward the Gowanus Canal. The Site is situated within the Coastal Plain physiographic province. In this area, bedrock is present at a depth of approximately 200 feet below grade and is overlain by the Lloyd Aquifer and the Upper Glacial Aquifer, with the Raritan Confining Unit, and Magothy Aquifer absent from the geologic sequence. In addition, the Site is located near the northern limits of the Jameco Aquifer and Gardiners Clay. As such, one of both of these units may also be present beneath the Site, between bedrock and the Upper Glacial Aquifer.

F. Environmental Assessment

In the soil of Lot 21, semi-volatile organic compounds (“SVOCs”) were detected in exceedance of the Restricted Residential Soil Cleanup Objectives (“RRSCO”). The SVOCs detected include benzo(a)pyrene (max detection: 1.1 mg/kg), benzo(b)fluoranthene (max detection: 1.1 mg/kg), and indeno(1,2,3-C,D)pyrene (max detection: 0.63 mg/kg). Metals were also detected in the soil exceeding RRSCO. These metals include lead (max detection: 651 mg/kg) and mercury (14.6 mg/kg).

In the groundwater of Lot 21 the volatile organic compounds (“VOCs”) of n-propylbenzene (15 µg/L) and sec-butylbenzene (8.3 µg/L) were detected above the Ambient Water-Quality Standards and Guidance Values (“AWQSGV”) in one of the samples collected. In the same sample, the SVOCs of benzo(a)anthracene (1.5 µg/L), benzo(a)pyrene (0.98 µg/L), benzo(b)fluoranthene (1.1 µg/L), chrysene (1.2 µg/L), naphthalene (17 µg/L), and phenol (1.4 µg/L) were detected in exceedance of the AWQSGV. The metals lead (total), manganese (total and dissolved), and sodium (dissolved) were detected in exceedance of the AWQSGV in two collected samples, while mercury (total) and magnesium (dissolved) were detected in one sample.

Two soil vapor samples were collected on Lot 21 in October of 2024. Both samples detected multiple VOCs:

Matrix A Compounds: trichloroethene (TCE), cis-1,2-dichloroethene, 1,1-dichloroethene, carbon tetrachloride

- Maximum concentration of TCE was detected at SV-1 at 0.35 µg/m³.
- Cis-1,2-dichloroethene was detected at SV-1 at 0.7 µg/m³.
- 1,1-dichloroethene was not detected in either sample.
- Maximum concentration of carbon tetrachloride was detected at SV-2 at 0.27 µg/m³.

Matrix B Compounds: Tetrachloroethylene (PCE), 1,1,1-trichloroethane, methylene chloride

- The maximum concentration of PCE was detected at SV-1 at 3 µg/m³.
- 1,1,1-Trichloroethane was not detected in either sample.
- The maximum concentration of methylene chloride was detected at SV-2 at 1.3J µg/m³.

Matrix C Compound: vinyl chloride

- Vinyl chloride was not detected in either sample.

Matrix D Compounds: benzene, ethylbenzene, naphthalene, cyclohexane, isooctane, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, and o-xylene

- The maximum concentration of benzene was detected at SV-1 at 3.7 µg/m³.
- The maximum concentration of ethylbenzene was detected at SV-1 at 2.7 µg/m³.
- The maximum concentration of naphthalene was detected at SV-1 at 2.4 µg/m³.
- The maximum concentration of cyclohexane was detected at SV-2 at 43 µg/m³.
- The maximum concentration of isooctane (2,2,4-trimethylpentane) was detected at SV-2 at 56 µg/m³.
- The maximum concentration of 1,2,4-trimethylbenzene was detected at SV-2 at 3.8 µg/m³.
- The maximum concentration of 1,3,5-trimethylbenzene was detected at SV-2 at 1.3 µg/m³.
- The maximum concentration of o-xylene was detected at SV-1 at 3.4 µg/m³.

Matrix E Compounds: m,p-xylene, heptane, and hexane

- The maximum concentration of m,p-xylene was detected at SV-1 at 7.7 µg/m³.
- The maximum concentration of heptane was detected at SV-1 at 14 µg/m³.
- The maximum concentration of hexane was detected at SV-1 at 5.6 µg/m³.

Matrix F Compound: toluene

- The maximum concentration of toluene was detected at SV-1 at 24 µg/m³.

The following conclusions were determined based on the results of the Roux BCP Eligibility Investigation:

- Historic fill material was observed to a maximum depth of 28 ft bls and was observed to be comprised of a mixture of predominantly sand and gravel with varying amounts of brick, asphalt, glass, tile, and silt. The native soil at the Site consists of mostly fine to coarse sand with some silt, and trace fine gravel. Clay layers were encountered at both deep borings (SB-2 and SB-3) at depths ranging from 28 to 37.5 ft bls.
- Roux observed visual and olfactory evidence of environmental impacts (i.e., odor, staining) at three soil boring locations, SB-1, SB-4, and SB-5, during field screening. Soil at the SB-1 and SB-5 location also exhibited elevated PID readings (between 607 and 1127 ppm). Free product was not observed. Petroleum-related VOCs were not detected above the RRSCOs but were present in the groundwater.
- SVOCs and Metals were present above the RRSCOs in soil.
- VOCs, SVOCs, and Metals were present above the AWQSGVs in groundwater.
- VOCs and SVOCs were present in soil vapor.

15-17. Please see Exhibit A – Original Application and the New Supplemental Application Form. The Site, which would now consist of both lots, is entirely in the En-Zone. Therefore, the Requestor is seeking a determination that the project will be eligible for tangible property tax credits because it is in an En-Zone. The Site is also located in a DAC and in a nominated BOA, which does not yet appear to be designated. Requestor is not seeking a

determination that the Site is Upside down or Underutilized. However, given that the updated Site is entirely in the En-Zone, the updated Site should be eligible for the tangible tax credits.

SECTION II – PROJECT DESCRIPTION

1-4. Please see Exhibit A – Original Application and the New Supplemental Application.

A larger planned redevelopment of the Site will entail a planned residential development with 25% affordable housing units and some commercial space on the ground floor.

Schedule – Commencement through COC

An updated Remedial Investigation (“RI”) Work Plan (“RIWP”) has been submitted with this application including both lots that would now make up the BCP Site. Assuming that the Site is admitted into the program in approximately four months or by mid-April 2025, the RI can be implemented by late Summer / early Fall. Site preparation activities are expected to commence by the end of the year. The Remedial Action Work Plan (“RAWP”) will be completed around the same time and any required remediation may commence in early 2026 once Site acquisition occurs. The Certificate of Completion is anticipated to be issued before December 31, 2026.

SECTION II – LAND USE FACTORS

1. Current Zoning

Lot 21 is located within the M1-4/R6A and G Districts. *See Exhibit E – Zoning Map.*

2. Allowed Uses

The M1-4 and G Districts allow for industrial, residential, and commercial uses. M1 districts often include light industrial uses, such as woodworking shops, repair shops, and wholesale service and storage facilities. Virtually all industrial uses are allowed in M1 districts if they meet the strict M1 performance standards. Commercial uses like offices, hotels, and most retail uses are also permitted. Houses of worship are also allowed as-of-right.

The Special Gowanus Mixed Use District (G), generally surrounding the Gowanus Canal, was created in 2021 to support continued reinvestment in the neighborhood and promote affordable housing growth, while maintaining the long-standing mix of commercial, manufacturing, cultural, and residential uses that make the area distinctive. The district also includes a Waterfront Access Plan with special rules to help activate the areas along the canal.

R6A is a contextual district where the Quality Housing bulk regulations are mandatory. These regulations produce high lot coverage, six- to eight-story apartment buildings set at or near the street line. They are designed to be compatible with older buildings found in medium-density neighborhoods.

3-4. Current Use

Lot 21 is currently developed by a one-story industrial/warehouse building that is structured to accommodate three tenants. Currently tenants occupy two of the warehouse and office spaces within the building and the third space has been vacant since early 2024. The two tenants are described in the Previous Owners and Operators list in Exhibit F.

5-10. Please see New Application Form. The Project is largely consistent with the new residential development occurring in the rezoned Gowanus Canal area.

SECTION IV – PROPERTY’S ENVIRONMENTAL HISTORY

1. List of Environmental Reports

The following is a list of environmental reports is separately attached:

- a. September 2024 KB EA Phase I Environmental Site Assessment Report for Requestor
- b. December 2024 Roux BCP Eligibility Phase II Summary Report for Requestor
- c. January 2025 Roux Updated Remedial Investigation Work Plan for Requestor

2. Sampling Data

See Exhibit G – Site Drawing Spider Maps and Section IV.3, which include sampling data summaries for Lot 21. Included in Exhibit G are Spider Maps with data for just Lot 21 and Spider Maps that combine the data of Lots 21 and 29 showing contamination on the proposed new BCP Site.

3. Environmental Assessment

Based on the investigations conducted to date, the primary contaminants of concern are metals and SVOCs in soil, SVOCs, VOCs and metals (total and dissolved) in groundwater, and both petroleum and chlorinated VOCs in soil vapor. See Exhibit G – Site Drawing Spider Maps. The data summary charts below contain only the data from Lot 21. For the data summary charts for Lot 29, please see Exhibit A – Original Application and Support Document.

Soil:

Analytes > RRSCOs	Detections > RRSCOs	Maximum Detection (mg/kg)	RRSCO (mg/kg)	Depth (ft-bgs)	Sample ID	Max Detection Date
SVOCs						
Benzo(a)pyrene	1	1.1	1	0-2	SB-1	10/21/2024
Benzo(b)fluoranthene	1	1.1	1	0-2	SB-1	10/21/2024
Indeno(1,2,3-C,D)pyrene	2	0.63	0.5	0-2	SB-1	10/21/2024
Metals						
Lead	4	651	400	13-15	SB-1	10/21/2024
Mercury	5	14.6	0.81	0-2	SB-4	10/21/2024

Groundwater:

Analyte > AWQS	Detections > AWQS	Max Detection (µg/L)	AWQS (µg/L)	Sample ID	Max Detection Date
VOCs					
N-Propylbenzene	1	15	5	TW-1	10/22/2024
Sec-Butylbenzene	1	8.3	5	TW-1	10/22/2024
SVOCs					
Benzo(a)anthracene	1	1.5	0.002	TW-1	10/22/2024
Benzo(a)pyrene	1	0.98	0	TW-1	10/22/2024
Benzo(b)fluoranthene	1	1.1	0.002	TW-1	10/22/2024
Chrysene	1	1.2	0.002	TW-1	10/22/2024
Naphthalene	1	17	10	TW-1	10/22/2024
Phenol	1	1.4	1	TW-1	10/22/2024
Metals, Total					
Lead	2	185	25	TW-1	10/22/2024
Manganese	2	1820	300	TW-1	10/22/2024
Mercury	1	1.2	0.7	TW-1	10/22/2024
Metals, Dissolved					
Magnesium	1	45700	35000	TW-1	10/22/2024
Manganese	2	1730	300	TW-1	10/22/2024
Sodium	2	304000	20000	TW-1	10/22/2024

Soil Vapor:

Analytes	Total Detections	Max Detection (µg/m ³)	Sample ID	Max Detection Date
1,1,1-Trichloroethane (TCA)	2	0.89	SV-2	10/23/2024
1,1,2-Trichloro-1,2,2-Trifluoroethane	1	0.46	SV-2	10/23/2024
1,2,4-Trimethylbenzene	2	3.8	SV-2	10/23/2024
1,2-Dichloroethane	1	0.73	SV-1	10/23/2024
1,3,5-Trimethylbenzene	2	1.3	SV-2	10/23/2024
1,3-Butadiene	2	1.2	SV-2	10/23/2024
1,4-Dioxane	1	5	SV-1	10/23/2024
2,2,4-Trimethylpentane	2	56	SV-2	10/23/2024
2-Hexanone	1	1.1	SV-1	10/23/2024
4-Ethyltoluene	2	1.1	SV-2	10/23/2024
Acetone	2	410	SV-1	10/23/2024
Benzene	2	3.7	SV-1	10/23/2024
Butane	2	36	SV-2	10/23/2024
Carbon Disulfide	2	7.4	SV-2	10/23/2024
Carbon Tetrachloride	2	0.27	SV-2	10/23/2024

Chlorobenzene	1	0.33	SV-2	10/23/2024
Chlorodifluoromethane	2	1.4	SV-1	10/23/2024
Chloroform	2	2.5	SV-1	10/23/2024
Chloromethane	2	3	SV-1	10/23/2024
Cis-1,2-Dichloroethylene	1	0.7	SV-1	10/23/2024
Cyclohexane	2	43	SV-2	10/23/2024
Dichlorodifluoromethane	2	3	SV-2	10/23/2024
Ethylbenzene	2	2.7	SV-1	10/23/2024
Isopropanol	2	150	SV-2	10/23/2024
Isopropylbenzene	1	0.5	SV-1	10/23/2024
m,p-Xylene	2	7.7	SV-1	10/23/2024
Methyl Ethyl Ketone	2	54	SV-1	10/23/2024
Methyl Isobutyl Ketone	1	6.9	SV-1	10/23/2024
Methyl Methacrylate	1	0.73	SV-2	10/23/2024
Methylene Chloride	2	1.3	SV-2	10/23/2024
Naphthalene	1	2.4	SV-1	10/23/2024
N-Heptane	2	14	SV-1	10/23/2024
N-Hexane	2	5.6	SV-1	10/23/2024
N-Propylbenzene	2	0.82	SV-2	10/23/2024
O-Xylene	2	3.4	SV-1	10/23/2024
Styrene	2	1.1	SV-1	10/23/2024
Tert-Butyl Alcohol	2	8.9	SV-1	10/23/2024
Tetrachloroethylene (PCE)	2	3	SV-1	10/23/2024
Toluene	2	24	SV-1	10/23/2024
Trichloroethylene (TCE)	1	0.35	SV-1	10/23/2024
Trichlorofluoromethane	2	1.2	SV-1	10/23/2024

4. Past Land Use

1. Past Uses of Lot 21

As of 1904, the westernmost portion of the Site was occupied by a sash, door and blinds factory. By 1915, the former factory building was occupied by a marble works company, which may have been affiliated with Brooklyn Steam marble Co., located to the southeast of the Site. By 1938, the former factory building was replaced with a new one-story industrial building identified as a trucking garage, which occupies the entire footprint of the Site. Underground storage tanks (USTs) are depicted on maps from 1926 and 1950. The same building as of 1950 was still present and was still depicted as a garage. By 1969, that building was occupied by an export crating company and the two gasoline tanks were no longer depicted on the historic maps. As of 1977, the use of the same building had shifted again to be a warehouse and auto repair facility. Through the current date, the same building is still present on the Site and appears to have been occupied by a variety of warehousing and truck-related tenants.

2. Past Investigations Related to Uses and Environmental Conditions that Led to the Submission of this Supplement Application to add Lot 21 to the BCP Application.

A Phase I Environmental Site Assessment Report was prepared by KD Environmental Assessment in September 2024 focusing on Lot 21. Three recognized environmental conditions (RECs) were identified in the report:

- Multiple underground storage tanks are depicted on Lot 21 in the Sanborn Maps. A 1,000-gallon gasoline tank is depicted on both the 1926 and 1950 Sanborn Maps. The tank is located at the northeastern portion of the building. A second tank is depicted on the 1950 Sandborn Map at the north-central portion of the building. These tanks are not shown on any of the following Sandborn Maps and there was no evidence of the tanks during the inspection of the Lot. Due to the lack of documentation regarding the status of the tanks or the soil condition in the vicinity of the tanks, there is a potential for spills and/or releases from one or both of the tanks.
- Lot 21 has been historically utilized for various industrial purposes, including a sash, door and blinds factory, a garage, and an auto repair shop. The adjacent properties also have a history of industrial uses, including service stations/auto repair shops, woodworking shops, and various manufacturing operations.
- A Regulatory Agency Database search showed that properties to the south and southwest of Lot 21, beyond Douglass Street, were historically occupied by the former Fulton Works and Fulton Municipal Works Manufactured Gas Plants (“MGPs”). Even though the facilities are located hydraulically cross gradient, given the close proximity and the documented extend to MGP contamination, there is a potential for chemicals to have migrated from the facilities.

Roux performed a BCP Eligibility Phase II investigation which preliminarily revealed contamination on the 264 Butler Street parcel, described above, sufficient to deem the parcel a brownfield site, although more contamination is likely to be discovered during a more detailed Remedial Investigation since visually impacted soil was observed and presence or absence of coal tar on the Site was not definitively concluded. An updated Remedial Investigation Work Plan including both parcels has been submitted with this application to more fully delineate the contamination on the Site.

SECTION V – REQUESTOR INFORMATION

The Requestor is 172 Third Ave LLC, a New York Limited Liability Company, located at 505 Flushing Avenue #1H, Brooklyn, New York 11205. 172 Third Ave LLC is authorized to do business in the State of New York. *See Exhibit H – NYS DOS Entity Information.* The members are shown in the organizational chart also in Exhibit H.

The Written Consent provides Yitzchok Katz (a/k/a Jacob Katz) with authority to sign all BCP documents on behalf of Requestor 172 Third Ave LLC. *See Exhibit I – Written Consent.*

As further described below in Section IV, the Site is located at N/A Third Avenue (f/k/a 172 Third Avenue) and 264 Butler Street, Brooklyn, New York 11217, Tax Identification No. Brooklyn-412-29 and Brooklyn-412-21.

The Requestor is not yet the owner of Lot 21. As more fully described below in Section VI, Domal Transportation Inc. has been the owner of Lot 21 since January 1980. *See Exhibit J – Deeds.* 172 Third Ave LLC is the prospective purchaser of Lot 21 and has already purchased Lot 29 (the approved portion of the BCP Site). The updated deed for Lot 29 has been included in Exhibit J.

The Requestor has received a temporary license from the Owner to access Lot 21 to perform the 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 Lot 21. *See Exhibit F – Previous Owners and Operators List.* The Requestor did not cause any of the contamination of the Lot, which predates the Requestor's involvement.

SECTION VI – REQUESTOR ELIGIBILITY INFORMATION

1-11. Please refer to BCP Application Form.

REQUESTOR CERTIFICATION

The Requestor certifies that it is a Volunteer, since it has not had nor has ever had a relationship with any of the past owners or operators of Lot 21 that caused the contamination other than it plans to purchase this Lot 21 from the current owner. Requestor did not have involvement with this Lot 21 at the time of disposal. The Requestor has performed all required environmental due diligence prior to acquiring Lot 21 and has implemented due care of the Lot to the extent it has accessed the Lot.

SECTION VII – REQUESTOR CONTACT INFORMATION

Please refer to BCP Application Form.

SECTION VIII – PROGRAM FEE

Please see Exhibit A – Original Application and Support Document. The fee will be paid.

SECTION IX – CURRENT PROPERTY OWNER/OPERATOR INFORMATION

The Owners of the Site are listed below:

N/A Third Avenue (f/k/a 172 Third Avenue) – Lot 29

Owner: 172 Third Ave LLC
Yitzchok Katz (a/k/a Jacob Katz)
c/o Developing NY State, LLC
505 Flushing Avenue, 1H
Brooklyn, New York 11205

(718) 989-6866
jacob@developingnys.com

Operator: Vacant

264 Bulter Street – Lot 21

Owner: Domal Transportation Inc.
Dominick Cappolla
130 St. Pauls Avenue
Staten Island, New York 10301
(914) 522-5887

Operators: Thomas DeGeest and Rossanna Figuera
Wafels & Dinges Warehouse
1090 6th Avenue, Suite 1080
New York, New York 10018
(917) 589-5302
info@wafels.com

A & H Tobacco & Candy Wholesalers
264 Butler Street
Brooklyn, New York
(718) 875-1771

SECTION X - PROPERTY ELIGIBILITY INFORMATION

Please refer to the responses to 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 – Site Contact List.

EXHIBIT A



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: 172 3rd Avenue Manifold Supply Machine Shop 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: _____

☐

Yes

☒

No

Is this a revised submission of an incomplete application?

If yes, provide existing site number: C224410

☒

Yes

☐

No



BCP App Rev 15 – May 2023

SECTION I: Property Information

PROPOSED SITE NAME **172 3rd Avenue Manifold Supply Machine Shop Site**

ADDRESS/LOCATION **N/A Third Avenue (f/k/a 172 Third Avenue)**

CITY/TOWN **Brooklyn, New York**

ZIP CODE **11217**

MUNICIPALITY (LIST ALL IF MORE THAN ONE) **Kings County, Brooklyn, NYC**

COUNTY **Kings**

SITE SIZE (ACRES) **0.29**

LATITUDE

LONGITUDE

	°	'	"	°	'	"
40	40	51.0	73	59	02.9	

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
N/A Third Avenue (f/k/a 172 Third Avenue)	Brooklyn	412	29	0.29

	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>127</u> Percentage of property in En-zone (check one): 0% <input type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4. Is the project located within a disadvantaged community? See application instructions for additional information.	<input 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. <div style="display: flex; justify-content: space-between;"> <div><u>Easement/Right-of-Way Holder</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <div style="display: flex; justify-content: space-between;"> <div><u>Type</u></div> <div><u>Issuing Agency</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?		<input checked="" type="radio"/>	<input type="radio"/>
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.			
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.		<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: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> </div>			

SECTION II: Project Description

1. The project will be starting at: ☒ Investigation ☐ Remediation

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

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

☐ Yes ☐ No ☒ N/A

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

☒ RIWP ☐ RAWP ☐ IRM ☐ No

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

Is this information attached? ☒ Yes ☐ No

SECTION III: Land Use Factors

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

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 ☐

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?

☒ ☐

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

☐ ☒

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

☒ ☐

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

☒ ☐

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.

☒ ☐

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

*Please describe other known contaminants and the media affected:

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: Marble works, manufacturing; machine shop

SECTION V: Requestor Information

NAME 172 Third Ave Equity LLC

ADDRESS c/o Developing NY State, LLC, 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? N/A <input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of 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 <input type="checkbox"/> <p>A requestor who either (1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum, or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p>	VOLUNTEER <input checked="" type="checkbox"/> <p>A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p> <p>NOTE: By selecting this option, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste.</p> <p>If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.</p>	
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached? Yes <input checked="" type="radio"/> No <input type="radio"/> N/A <input type="radio"/>		

SECTION VI: Requestor Eligibility (CONTINUED)

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

☐ Previous Owner ☐ Current Owner ☒ Potential/Future Purchaser ☐ Other: _____

If the requestor is not the current owner, **proof of site access sufficient to complete remediation must be provided.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an environmental easement on the site.

Is this proof attached?



Yes



No



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 Yitzchok Katz (a/k/a Jacob Katz)

ADDRESS c/o Developing NY State, LLC, 505 Flushing Avenue, #1H

CITY Brooklyn

STATE NY

ZIP CODE 11205

PHONE (718) 989-6866

EMAIL jacob@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 R. 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 Fortune JD LLC		
CONTACT NAME Jack Elo		
ADDRESS 42 West 48th Street, Floor 2		
CITY New York	STATE NY	ZIP CODE 10036
PHONE (917) 701-8100	EMAIL groupelo@aol.com	
OWNERSHIP START DATE 10/1/2009		
CURRENT OPERATOR Vacant as of late February 2024		
CONTACT NAME		
ADDRESS		
CITY	STATE	ZIP CODE
PHONE	EMAIL	
OPERATION START DATE		

SECTION X: Property Eligibility Information

	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information 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)

<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>	<p>Y</p> <input type="radio"/>	<p>N</p> <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. <div style="text-align: right;">N/A</div></p>	<input checked="" 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 a Member (title) of 172 Third Ave 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: 4/17/2024 Signature:  _____

Print Name: Yitzchok Katz (a/k/a Jacob 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	Two Survey Maps 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	Deed
Exhibit K	Site Access Agreement
Exhibit L	Site Contact List
Exhibit M	Repository Letters

ENVIRONMENTAL REPORTS SEPARATELY ATTACHED ON CD:

1. February 2023 Phase I Environmental Site Assessment prepared by KB Environmental Assessment for Requestor 172 Third Ave Equity LLC
2. May 2023 Limited Scope Subsurface Investigation Report prepared by Brussee Environmental Corp. for Requestor's Parent Developing NY State LLC
3. April 2024 Draft Remedial Investigation Work Plan prepared by Roux Engineering for Requestor 172 Third Ave Equity LLC

SECTION I – PROPERTY INFORMATION

The Site is located at the following address and Tax parcel:

Parcel Address	Tax Parcel Identification No.	Acreage ¹
N/A 3 rd Ave (f/k/a 172 3 rd Ave.)	3-412-29	0.29

The Site located in Brooklyn, New York 11217 (“Site” or “BCP Site”). The Site Location and Base Property Map are in Exhibit A. The Site was formerly a portion of a larger Lot 29. On or around August 24, 2023, the former lot 29 was subdivided into lots 29, 33 and 38. The Site, which consists solely of the reduced Lot 29, has not received a formal street address from New York City at this time.

1. Site Boundary and Tax Parcel Information

The Site boundary does correspond to the Tax Lot boundary. The Tax Lot Boundary Map and two Survey maps are provided in Exhibit B.

2. Property Map

The Site Location and Base Property Map are in Exhibit A. Two Survey maps are in Exhibit B.

3-5. 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 EnZone Type A, Census Tract 127. The Site is located in the Gowanus Canal BOA Nomination Study report but it does not appear from the on line maps that this BOA has yet been designated. Therefore, a “no” response has been included in the application even though the Site is within the Nomination Study area. The Site is not located in a Potential Environmental Justice Area but 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.

¹ Acreage was determined using the March 29, 2023 survey and the May 10, 2023 survey (Survey and Map list the lot size as 12,662 Square feet, which equals approximately 0.29 acres). The same lot size can also be found on the NYC Property Portal and NYC 2024-2025 Tentative Tax Assessment.

14. Property Description Narrative and Environmental Assessment

A. Site Location

The Site is located at the follow address:

Parcel Address	Tax Parcel Identification No.
N/A 3 rd Ave. (f/k/a 172 3rd Ave.)	3-412-29

The Site is located in Brooklyn, New York 11217. The surrounding area is occupied by mixed-use and industrial buildings. To the south of the Site is BluePearl Pet Hospital, and to the southwest is an office building containing a commercial gym. Bordering the Site on the west is a warehouse complex, and to the north is Industrial Tempering Glass Ltd. Directly to the east of the Site is 3rd Avenue, and across the street is a mixed-use building containing apartments and a Fairfield Inn & Suites.

B. Site Features

The Site is currently an undeveloped and unpaved vacant lot. The lot consists of small patches of concrete interspersed with overgrown vegetation. It is surrounded by a chain link fence. The last tenant on the Site was a recycling company that used the Site to store trash cans, trash dumpsters, roll-off containers, and trash compactors, as well as several trucks and trailers. The tenant vacated the Site in approximately the end of February 2024.

The closest water body, the Gowanus Canal, is located approximately .14 miles to the west of the Site. The Site is not located in a flood zone. See Exhibit D Flood Map.

C. Current Zoning and Land Use

The Site is currently located in the M1-4/R7-X and Special Gowanus Mixed Use (G) Districts. *See Exhibit E Zoning Map.* The Site is currently vacant and was last used as a storage yard for trash cans, dumpsters, trash compactors, and vehicles by a recycling company. The surrounding properties are mostly commercial and industrial. To the south of the Site is BluePearl Pet Hospital, and to the southeast is a mixed-use building containing a commercial gym. Bordering the Site on the east is a warehouse complex, and to the north is Industrial Tempering Glass Ltd. Directly to the west of the Site is 3rd Avenue, and across the street is a mixed-use building containing apartments and a Fairfield Inn & Suites. The closest residential area is 0.02 miles to the east. The closest subway line is .16 miles away from the Site.

D. Past Use of the Site

See Section IV.4 for a full description of past land uses. The Site was developed with portions of a marble works, which included an office building, an engine and rubbing stone structure, and two sheds. Later, there were retail shops, machine shops, and storage space on the Site. One of the buildings was used for “compounding.” More recently, the Site was utilized as a dumpster and

equipment storage yard by Metropolitan Recycling, as a storage yard for trash cans, trash dumpsters, roll-off containers, trash compactors, and vehicles. This tenant has now vacated the Site. The historical owners and uses associated with the Site are further described below and in Exhibit F, Previous Owners and Operators List.

E. Site Geology and Hydrogeology

The elevation of the Site is approximately 19 feet above mean sea level (amsl). The Site is relatively flat with the general topographic gradient sloping downward to the west. There are no surface water bodies on or adjacent to the Site. The nearest surface water body is the Gowanus Canal, located approximately 750 feet to the west at its closest point. The soil component in the vicinity of the Site is identified as Urban Land and is described as having a variable surface texture. Based upon a surface elevation of 19 feet amsl, the depth to groundwater in the vicinity of the Site is approximately nine feet below grade surface (bgs). Groundwater is expected to flow to the west, toward the Gowanus Canal and consistent with the regional trend. The Site is situated within the Coastal Plain physiographic province. In this area, bedrock is present at a depth of approximately 200 feet below grade and is overlain by the Lloyd Aquifer and the Upper Glacial Aquifer, with the Raritan Confining Unit, and Magothy Aquifer absent from the geologic sequence. In addition, the Site is located near the northern limits of the Jameco Aquifer and Gardiners Clay. As such, one of both of these units may also be present beneath the Site, between bedrock and the Upper Glacial Aquifer.

F. Environmental Assessment

In soil, SVOCs were detected above Restricted Residential SCOs within the the historic fill layer including benz(a)anthracene (max. of 21,000 µg/Kg), benzo(a)pyrene (max. of 21,000 µg/Kg), benzo(b) fluoranthene (max. of 22,000 µg/Kg), benzo(k)fluoranthene (max. of 5,600 µg/Kg), chrysene (max. of 20,000 µg/Kg), dibenz(a,h)anthracene (max. of 2,200 µg/Kg), and indeno(1,2,3-cd)pyrene (max. of 10,000 µg/Kg). The metals arsenic (max. of 54.4 mg/Kg), barium (max. of 1,110 mg/Kg), lead (max. of 2,610 mg/Kg), and mercury (max. of 6.27 mg/Kg) were also detected above Restricted Residential SCOs within soil samples collected from the historic fill layer.

In groundwater while no VOCs were detected above Groundwater Quality Standards (GQSs) within the three groundwater samples collected, VOCs 1,1-dichloroethane (max. of 0.69 µg/L) and acetone (max. of 4.5 µg/L) were detected at trace concentrations below GQSs within all three groundwater samples. SVOCs were also detected above the GQSs within all three groundwater samples, including benz(a)anthracene (at 5 µg/L), benzo(a)pyrene (max. of 4.7 µg/L), benzo(b)fluoranthene (max. of 3 µg/L), benzo(k)fluoranthene (max. of 3.4 µg/L), chrysene (max. of 4 µg/L), and indeno(1,2,3-cd)pyrene (max. of 2.3 µg/L). The lead detections were particularly high in 4 out of 6 samples taken.

The three (3) soil vapor samples (SV1, SV2, SV3) contained low levels of several petroleum related VOCs, with BTEX concentrations ranging from 69.04 to 96.71 µg/m³. Chlorinated VOCs detected included 1,1,1-trichloroethane (max. of 75.2 µg/m³), carbon tetrachloride (max. of 1.23 µg/m³), cis-1,2-dichloroethene (at 2.79 µg/m³), tetrachloroethene (max. of 9.83 µg/m³), and trichloroethene (at 4.35 µg/m³).

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

Requestor is seeking a determination that the project will be eligible for tangible property tax credits because it is in an En-Zone. The Site is also located in a DAC and in a nominated BOA, which does not yet appear to be designated. 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 planned residential development with 25% affordable housing units.

Schedule – Commencement through COC

A Remedial Investigation (“RI”) Work Plan (“RIWP”) has been submitted with this application. Assuming that the Site is admitted into the program within four months or by mid-August, the RI can be implemented by late Summer / early Fall. Site preparation activities are expected to commence by the end of the year. The Remedial Action Work Plan (“RAWP”) will be completed around the same time and any required remediation may commence in early 2025 once Site acquisition occurs. The Certificate of Completion is anticipated to be issued before December 31, 2025.

SECTION III – LAND USE FACTORS

1. Current Zoning

The Site is within the M1-4/R7-X and G Districts. *See Exhibit E Zoning Map.*

2. Allowed Uses

The M1-4/R7-X and G Districts allow for industrial, residential and commercial uses. M1 districts often include light industrial uses, such as woodworking shops, repair shops, and wholesale service and storage facilities. Virtually all industrial uses are allowed in M1 districts if they meet the strict M1 performance standards. Commercial uses like offices, hotels and most retail uses are also permitted. Houses of worship are also allowed as-of-right.

R7 districts are medium-density apartment house districts. 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. R7X districts are also governed by contextual Quality Housing bulk regulations, but the substantially higher floor area ratio (FAR) and maximum building height typically produce taller, bulkier buildings than in R7A and R7B districts.

The Special Gowanus Mixed Use District (G), generally surrounding the Gowanus Canal, was created in 2021 to support continued reinvestment in the neighborhood and promote affordable housing growth, while maintaining the long-standing mix of commercial, manufacturing, cultural and residential uses that make the area distinctive. The district also includes a Waterfront Access Plan with special rules to help activate the areas along the canal.

3-4. Current Use

This Site is currently vacant. The on-Site structures were demolished in 2017 but then the Site was subsequently used by a recycling business, which recently as of the end of February vacated the Site.

5. Intended Use Post Remediation

After the remediation, the Site will be used for a residential building with 25% affordable units.

6. Post Remediation Use

Post remediation use of the Site entails a residential apartment building with 25% affordable units. The first floor will have a commercial use component.

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. There are a large number of BCP projects in the Gowanus Canal area which are transforming this area in Brooklyn into a cleaner more vibrant mixed use neighborhood.

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

Yes, the project is consistent with the Gowanus Canal BOA Nomination Study², local zoning laws and the zoning map.

² A link to the Gowanus Canal Nomination Study is - <https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nyc.gov%2Fassets%2Fbrooklyncb6%2Fdownloads%2Fpdf%2Fgowanus-boa-step-II-nomination-study-report.pdf&data=05%7C02%7Cshaw%40nyenvlaw.com%7C23193577411347608bb008dc58cd540a%7Ca5793efa60a462cb84489a36a3b8f64%7C1%7C0%7C638482886162207074%7CUnknown%7CTWFpbGZsb3d8eyJWIjojMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=gMP%2Fza1hG3U1Xfglf%2FRrv8Me06JjJpqvtcZ%2Bsn1x8EA%3D&reserved=0.>

10. Consistent with the Master Plan?

There is no known Master Plan for the area but as stated above, the project is consistent with the Gowanus Canal BOA Nomination Study, local zoning laws and the zoning map.

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) February 2023 Phase I Environmental Site Assessment Prepared by KB Environmental Assessment for Requestor 172 Third Ave Equity LLC
- b) May 2023 Limited Scope Subsurface Investigation Report Prepared by Brussee Environmental Corp. for Requestor’s Parent Developing NY State LLC
- c) April 2024 Draft Remedial Investigation Work Plan prepared by Roux Engineering for Requestor 172 Third Ave 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 semi-volatile organic compounds (SVOCs) in soil, SVOCs in groundwater, and petroleum and chlorinated volatile organic compounds (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	2	54.4	16	1-3	SB6	5/1/2023
Barium	1	1,110	400	1-3	SB6	5/1/2023
Lead	4	2,610	400	1-3	SB6	5/1/2023
Mercury	4	6.27	0.81	0-2	SB4	5/1/2023
SVOCs						
Benz(a)anthracene	4	21	1.0	1-3	SB6	5/1/2023
Benzo(a)pyrene	3	21	1.0	1-3	SB6	5/1/2023
Benzo(b)fluoranthene	4	22	1.0	1-3	SB6	5/1/2023
Benzo(k)fluoranthene	2	5.6	3.9	1-3	SB6	5/1/2023
Chrysene	3	20	3.9	1-3	SB6	5/1/2023
Dibenz(a,h)anthracene	2	2.2	.33	0-2	SB6	5/1/2023
Indeno(1,2,3-cd)pyrene	3	10	0.5	1-3	SB6	5/1/2023

Groundwater:

Analyte > AWQS	Detections > AWQS	Max Detection (µg/L)	AWQS (µg/L)	Sample ID	Max Detection Date
SVOCs					
Benz(a)anthracene	3	5	0.002	MW2	5/1/2023
Benzo(a)pyrene	3	4.7	0	MW2	5/1/2023
Benzo(b)fluoranthene	3	3	0.002	MW2	5/1/2023
Benzo(k)fluoranthene	3	3.4	0.002	MW2	5/1/2023
Chrysene	3	4	0.002	MW2	5/1/2023
Indeno(1,2,3-cd)pyrene	2	2.3	0.002	MW2	5/1/2023

Soil Vapor:

Analytes	Total Detections	Max Detection (µg/m³)	Max Boring/Sample ID	Max Collection Date	Type
VOCs					
1,1,1-Trichloroethane	3	75.2	SV3	5/1/2023	SV
4-Methyl-2-pentanone(MIBK)	3	25.6	SV3	5/1/2023	SV
Acetone	3	285	SV2	5/1/2023	SV
Benzene	1	7.09	SV1	5/1/2023	SV
Carbon Disulfide	1	5.82	SV1	5/1/2023	SV
Carbon Tetrachloride	2	1.23	SV2	5/1/2023	SV
Cis-1,2-Dichloroethene	1	2.79	SV2	5/1/2023	SV
Ethanol	3	25.4	SV3	5/1/2023	SV
Ethylbenzene	3	9.81	SV2	5/1/2023	SV
Heptane	2	76.6	SV1	5/1/2023	SV
Hexane	2	110	SV1	5/1/2023	SV
Isopropylalcohol	2	20.4	SV3	5/1/2023	SV
M,p-Xylene	3	43	SV2	5/1/2023	SV
Methyl Ethyl Ketone	3	79.3	SV3	5/1/2023	SV
o-Xylene	3	10.2	SV2	5/1/2023	SV
Styrene	3	6.26	SV3	5/1/2023	SV
Tetrachloroethene	3	9.83	SV2	5/1/2023	SV
Toluene	3	33.7	SV2	5/1/2023	SV
Trichloroethene	1	4.35	SV2	5/1/2023	SV
Trichlorofluoromethane	3	29.7	SV3	5/1/2023	SV

4. Past Land Use

1. Past Use of the Site

The Site was historically developed with a number of commercial and industrial buildings. In the 1880s through at least 1915, portions of the Site were used as a Marble Works facility with an office building, engine and rubbing stone structure, two sheds and storage sheds. By the 1930s, Manifold Supplies Company occupied the Site at which time there were two 1 story structures on the Site, a garage machine shop and storage building. By the 1950s, there was a “Compounding” facility, that appears to have been associated with Manifold Supplies Company’s operations and a “garage” was also part of the Site. The use of the Site buildings appear to have remained the same through 2007 including Container storage and parking. The structures on the Site were demolished circa 2017 and most recently for about one year the site was used by Metropolitan Recycling as a dumpster and equipment storage yard since at least 2020 until approximately late February 2024. The Site is now vacant.

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

A Phase I investigation report was prepared by Merritt Engineering Consultants, P.C. (MEC) in April 2009 for several parcels that included the Site. This report could not be located. Therefore, it is not attached to this application. Two recognized environmental conditions (RECs) were identified:

- A vaulted fuel oil AST was observed within the antique furniture refinishing tenant space. As the tank was not visible accessible for inspection, the consultant noted there is a potential for this tank to have leaked.
- The Rose Linen facility was formerly equipped with a 7,000-gallon gasoline underground storage tank (“UST”). NYSDEC records identified this tank as containing fuel oil. The tank was abandoned-in-place (cleaned, filled with sand and lines removed/sealed). A closure report was provided; however, no information regarding soil conditions in the vicinity of the tank were provided for review. As such, the consultant concluded this tank may have leaked.

However, when another firm performed an updated Phase I investigation in February 2023, it concluded that the RECs identified in the 2009 report may not have been on this Site (even though it does list the historic address associated with the PBS tank information as part of the Site), and oddly it did not note any of the historic on-Site industrial uses as a recognized environmental condition (REC). Rather, this consultant did list a spill on an adjacent property at 170 Third Avenue as a REC since the Site was significantly impacted and the groundwater flow may be toward this Site. Nevertheless, the consultant did recommend investigation of the Site, particularly since the Site is also E-designated as having E-HazMat and Noise restrictions (E-601), which was determined during the Gowanus Neighborhood Rezoning completed by the City in November 2021 (CEQR 19DCP157K). The HazMat and Noise E-designations require the issuance of a Notice to Proceed by the New York City Office of Environmental Restoration (NYCOER) before the property can be redeveloped. This was identified as a Business Environmental Risk (BER). The consultant also listed potentially contaminated historic fill as a BER because there were so many former buildings on the Site, which may have been demolished in place.

A Phase II Limited Scope Subsurface Investigation Report was prepared in May 2023 by Brussee Environmental for the requestor's parent company. Six soil borings were installed to a depth of 20 feet below grade surface (ft bgs), three temporary groundwater monitoring wells were installed to a depth of 20 feet below grade surface (ft bgs) and three soil vapor implants were installed to a depth of 8 feet below grade surface (ft bgs). Historic fill was encountered from 5.5-6 feet below grade surface along the northern portion of the Site (SB-3) and up to 20 ft below sidewalk grade towards the central portion of the Site (SB-1). The report concluded that the Site would have to at least be remediated in the OER program and that a vapor barrier would be required.

An April 2024 Draft Remedial Investigation Work Plan (RIWP) has been prepared by Roux Engineering for Requestor 172 Third Ave Equity LLC and has been submitted with this application. The Draft RIWP has been submitted with this application in order to avoid a second 30 day comment period and expedite the time frame after the BCA is executed to commence the Site investigation work. The Draft RIWP will be subject to NYSDEC comments and required revisions.

SECTION V – REQUESTOR INFORMATION

The Requestor is 172 Third Ave Equity LLC, a New York limited liability company, located at 505 Flushing Avenue #1H, Brooklyn, New York 11205. 172 Third Ave Equity LLC is authorized to do business in the State of New York. *See* Exhibit H, NYSDOS Entity Information. The members are as follows:

1. Yitzchok Katz (a/k/a Jacob Katz)
2. Cheskel Wieder

The Written Consent provides Yitzchok Katz (a/k/a Jacob Katz) with authority to sign all Brownfield Cleanup Program ("BCP") documents on behalf of the Requestor 172 Third Ave Equity LLC. *See* Exhibit I, Corporate Consent.

As further described below in Section IV, the Site is located at N/A Third Avenue (f/k/a 172 Third Avenue), Brooklyn, New York 11217, Tax Identification No. Brooklyn Lot 412-29.

Requestor is not the owner of the Site. As more fully described below in Section VI, Fortune JD LLC has been the owner of the Site since October 1, 2009. *See* Exhibit J Deed. In 2009, the Site was made up of Lot 29 and a Portion of Lot 34. In 2011, the Site was merged into a larger Lot 29. In 2023, the larger Lot 29 was subdivided into its current lot structure, which has the Site corresponding with the parcel/tax boundary of the current Lot 29. *See* Exhibit B Tax Map.

The Requestor has received a temporary license from the Owner to access the property 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

1-11. Please refer to BCP Application Form.

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 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.

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 owners of the Site are listed in the table below.

Parcel Address	Owner
N/A Third Avenue (f/k/a 172 Third Avenue)	Fortune JD LLC

See Exhibit J Deed for additional information.

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 B

BASE MAP

172 3rd Avenue Manifold Supply Machine Shop Site
N/A Third Avenue (f/k/a 172 Third Avenue) and 264 Butler Street
Brooklyn, New York 11217

Legend:
 Site Property Boundary

Corresponding page
lists adjacent property owners by
letter A – N



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.

December 2024
Source: NYC Property
Information Portal



Number	Property Owner Name	Property Address	Section-Block-Lot
1	172 Third Ave LLC	N/A Third Avenue	Brooklyn-412-29
2	Domal Transportation Inc.	264 Butler Street	Brooklyn-412-21

Letter	Adjacent Property Owner Name	Property Address	Section-Block-Lot
A	Gowanus Realty LLC	158 Third Avenue	Brooklyn-406-52
B	AST Holding Corp	159 Third Avenue	Brooklyn-407-1
C	Gowanus Realty LLC	313 Butler Street	Brooklyn-406-52
D	Freud Third Avenue Properties LLC	181 Third Avenue	Brooklyn-413-7
E	Freud Third Avenue Properties LLC	183 Third Avenue	Brooklyn-413-2
F	Freud Third Avenue Properties LLC	189 Third Avenue	Brooklyn-413-1
G	Fortune JD LLC	190 Third Avenue	Brooklyn-412-33
H	Fortune JD LLC	N/A Douglass Street	Brooklyn-412-38
I	255 Douglass RE LLC	261 Douglass Street	Brooklyn-412-45
J	255 Douglass RE LLC	255 Douglass Street	Brooklyn-412-48
K	255 Douglass RE LLC	262 Butler Street	Brooklyn-412-20
L	Butler Hotel Property LLC	279 Butler Street	Brooklyn-406-67
M	Gowanus Realty LLC	291 Butler Street	Brooklyn-406-69
N	Gowanus Realty LLC	295 Butler Street	Brooklyn-406-71

Street Map

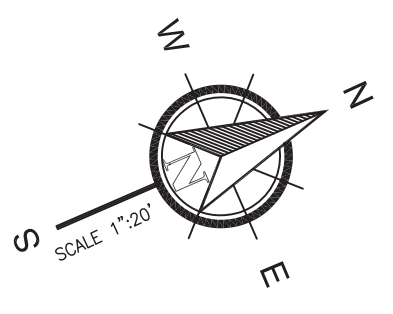
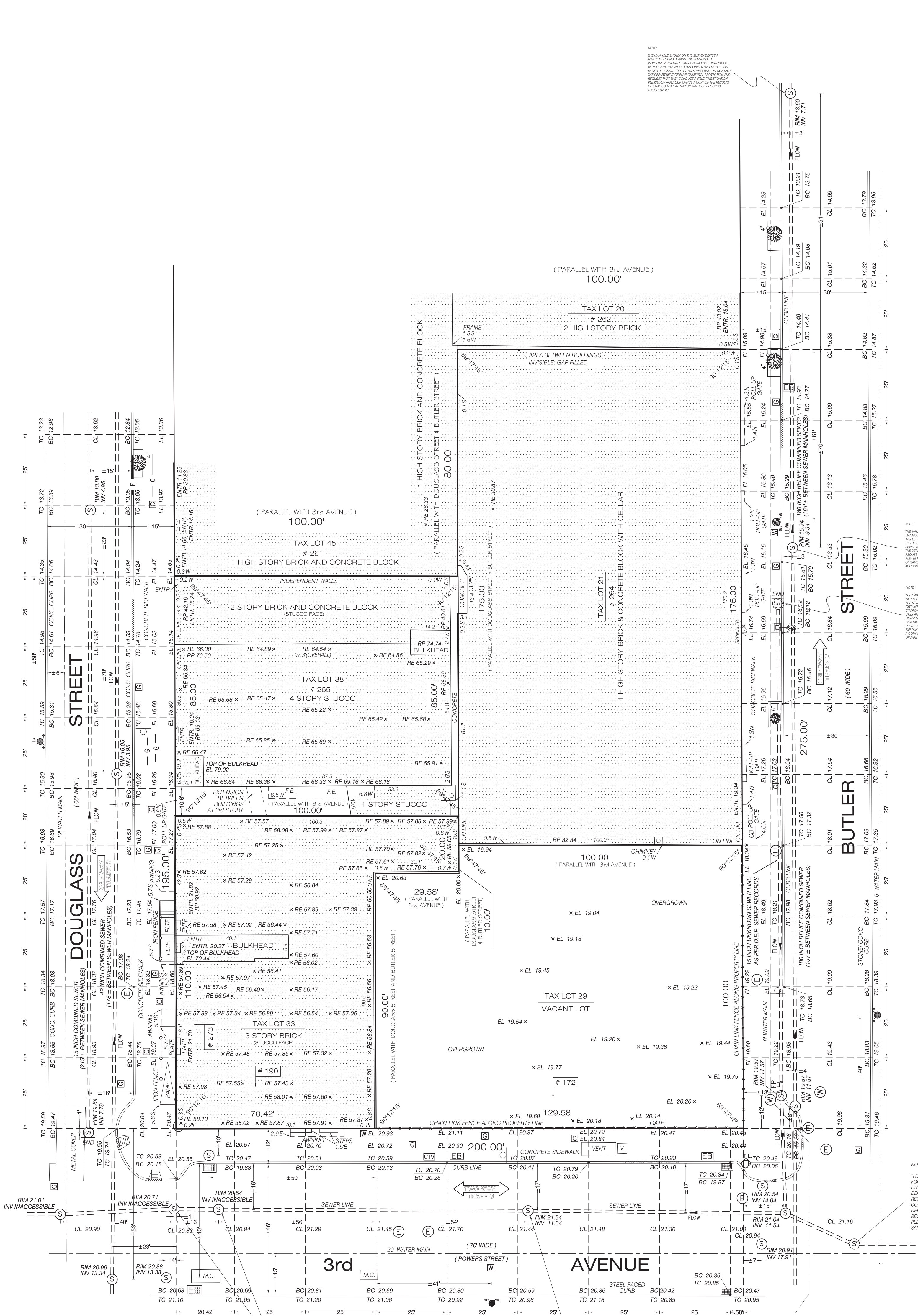
172 3rd Avenue Manifold Supply Machine Shop Site
N/A Third Avenue (f/k/a 172 Third Avenue) and 264 Butler Street
Brooklyn, New York 11217
(Brooklyn-412-29 and Brooklyn-412-21)



Legend:
— Site Property Boundary

EXHIBIT C

LEGEND																			
	OIL VALVE		TRAFFIC SIGN		LIGHT POLE		PEDESTRIAN RAMP		UTILITY POLE		CATCH BASIN		WATER VALVE		GAS VALVE		MONITORING WELL		HYDRANT
	ELECTRIC BOX		FIRE & POLICE CALL BOX		CABLE BOX		TREE PIT		SEWER MANHOLE		ELECTRIC MANHOLE		TELEPHONE MANHOLE		D.W.S. WATER		TOP OF WALL		BOTTOM OF WALL
	NORTH		SOUTH		EAST		WEST		FIRE ESCAPE		WINDOW WELL		CELLAR DOOR		ENTRANCE		LOW AREA		A/Roadway
	CLEAR		RIGHT		ELEVATION		TOP OF CURB EL		BOT. OF CURB EL		CENTER OF ROAD EL		ROOF PARAPET EL		CALCULATED		NOT TO SCALE		FIRST FLOOR EL
	MAIL BOX		METAL COVER		VENT		CONC. CONCRETE		ROOF EL		FENCE		PLAT		PLATFORM		GAS MARK OUT		ELECTRIC MARK OUT



NOTE:
THE MANHOLE SHOWN ON THE SURVEY DEPICT A MANHOLE FOUND DURING THE SURVEY FIELD INSPECTION. THIS INFORMATION WAS NOT CONFIRMED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION SEWER RECORDS. 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.

NOTE:
THE MANHOLE SHOWN ON THE SURVEY DEPICT A MANHOLE FOUND DURING THE SURVEY FIELD INSPECTION. THIS INFORMATION WAS NOT CONFIRMED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION SEWER RECORDS. 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.

NOTE:
THE DASHED MANHOLE 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.

LOT AREA CALCULATION

LOT 21 AREA= 17,500 SQ. FT.
LOT 29 AREA= 12,662 SQ. FT.
LOT 33 AREA= 8,338 SQ. FT.
LOT 38 AREA= 8,500 SQ. FT.
TOTAL AREA= 47,000 SQ. FT.

PROPERTY ADDRESS	
172 3rd AVENUE, 273 AND 285 DOUGLASS STREET, 264 BUTLER STREET, BROOKLYN	
CAPTION	ARCHITECTURAL SURVEY
DATE	04-21-2023
REVISIONS	ARCHITECTURAL SURVEY- LOT 29 ONLY
DATE	05-08-2023
REVISIONS	ARCHITECTURAL SURVEY- ADD LOTS 33 AND 38 ONLY
DATE	06-05-2024
REVISIONS	ARCHITECTURAL SURVEY- ADD LOT 21 ONLY
GENERAL NOTES:	
1. CERTIFICATION INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY, LENDING INSTITUTIONS AND ASSIGNEES. CERTIFICATIONS ARE NOT TRANSFERABLE.	
2. THE EXISTENCE OF RIGHT OF WAY AND/OR EASEMENT UNDER OR ABOVE GROUND OF RECORD, IF ANY NOT SHOWN ARE NOT CERTIFIED.	
3. THERE WERE NO NATURAL STREAMS OR WATERCOURSES VISIBLE AT THE TIME OF THE FIELD SURVEY.	
4. ENCROACHMENTS AND WALLS, IF ANY, BELOW SURFACE NOT SHOWN HEREON.	
5. THE OFFSETS SHOWN ARE NOT TO BE USED FOR CONSTRUCTION OF ANY STRUCTURE, FENCE, PERMANENT ADDITIONS, ETC.	
6. UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF NEW YORK STATE EDUCATION LAW.	
7. COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYORS SEAL AND SIGNATURE SHALL NOT BE CONSIDERED TO BE A TRUE AND VALID COPY.	
8. ELEVATIONS REFERS TO NAVD 1988 DATUM ESTABLISHED BY GNSS SENSOR	
SURVEYED	DATE
04-21-2023	05-10-2024
BY	BY
THS:AS	DSH:W



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



QUIVER LEAGUE

290 UNION AVENUE, BROOKLYN
NEW YORK, 11211
OFFICE TEL: (212) 697-9946
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 412, LOT 21, 29, 33, 38



Effective Date : 08-24-2023 10:49:55
End Date : Current
Brooklyn Block: 412



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

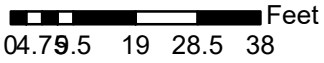
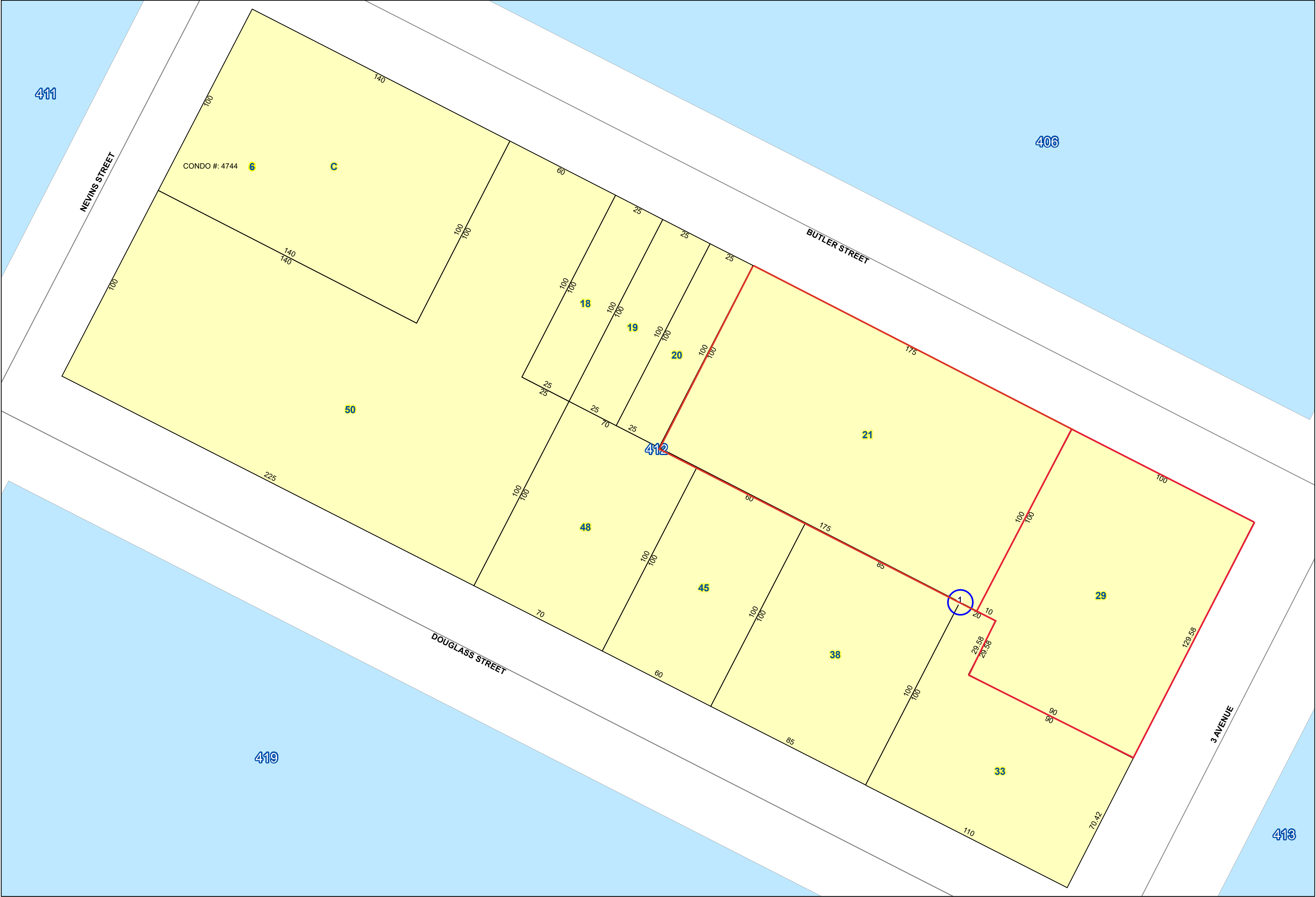
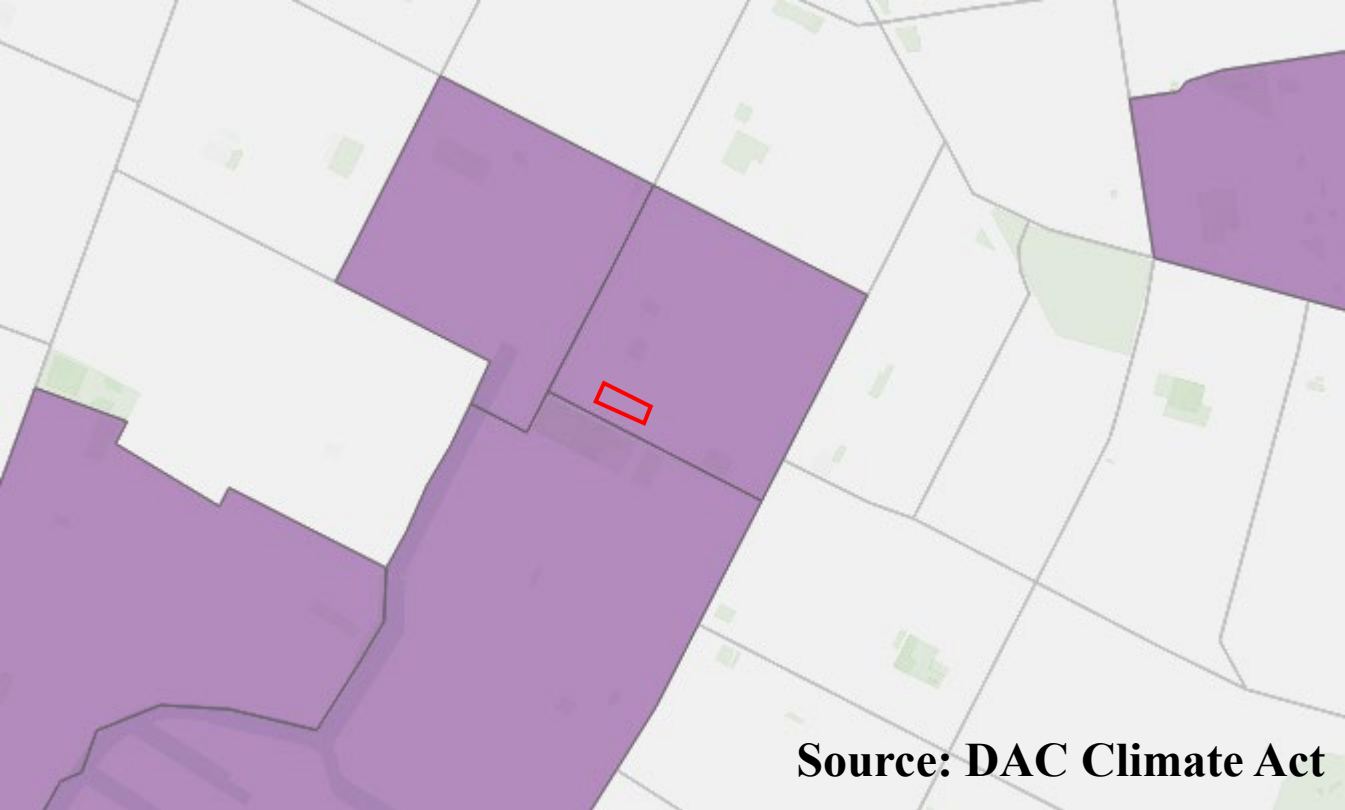
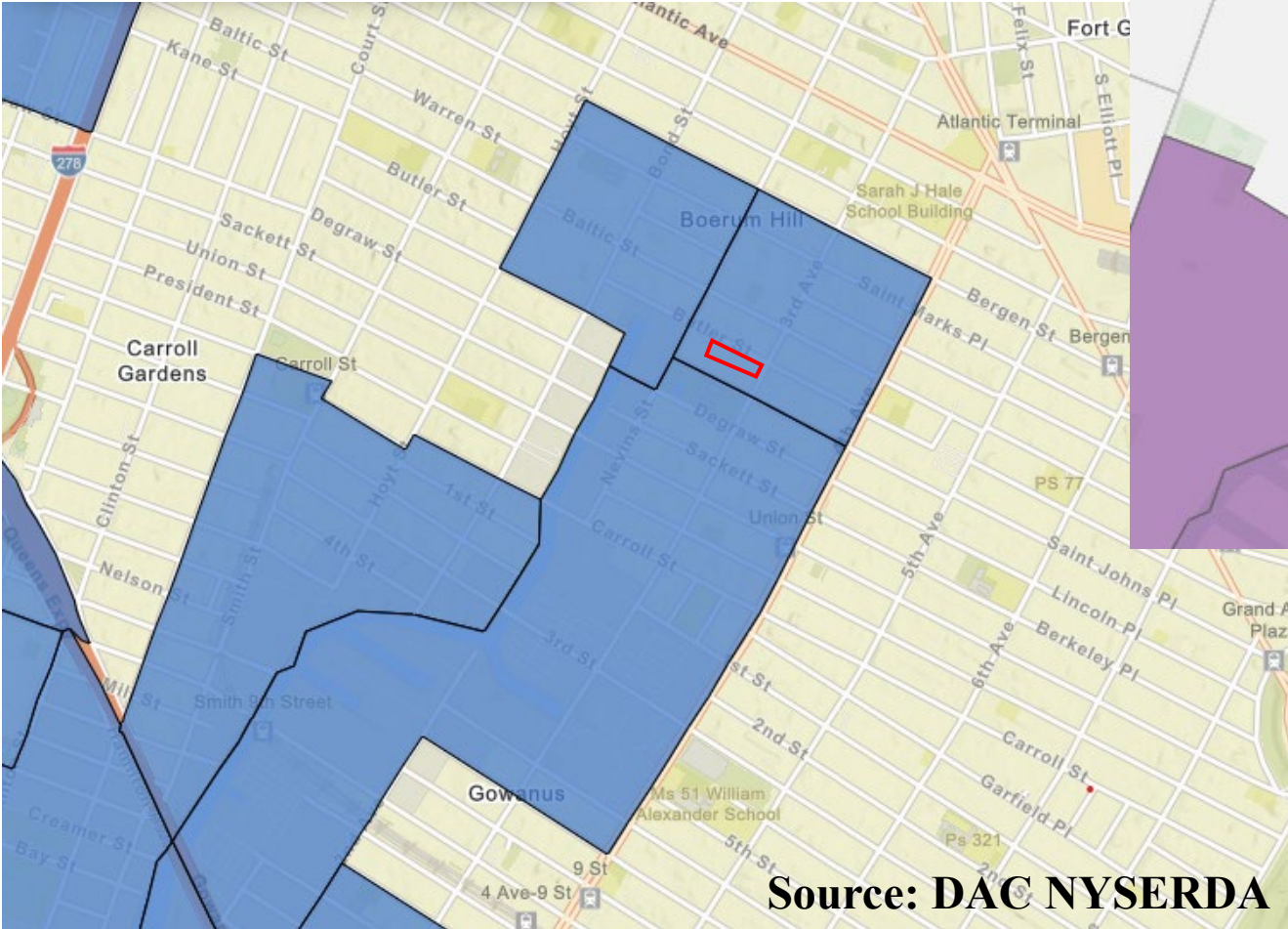


EXHIBIT D

Disadvantaged Communities Map

172 3rd Avenue Manifold Supply Machine Shop Site
N/A Third Avenue (f/k/a Third Avenue) and 264 Butler Street
Brooklyn, New York 12217



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

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

- Legend:**
- Site Property Boundary
 - Disadvantaged Community (Climate Act)
 - Disadvantaged Community (NYSED)

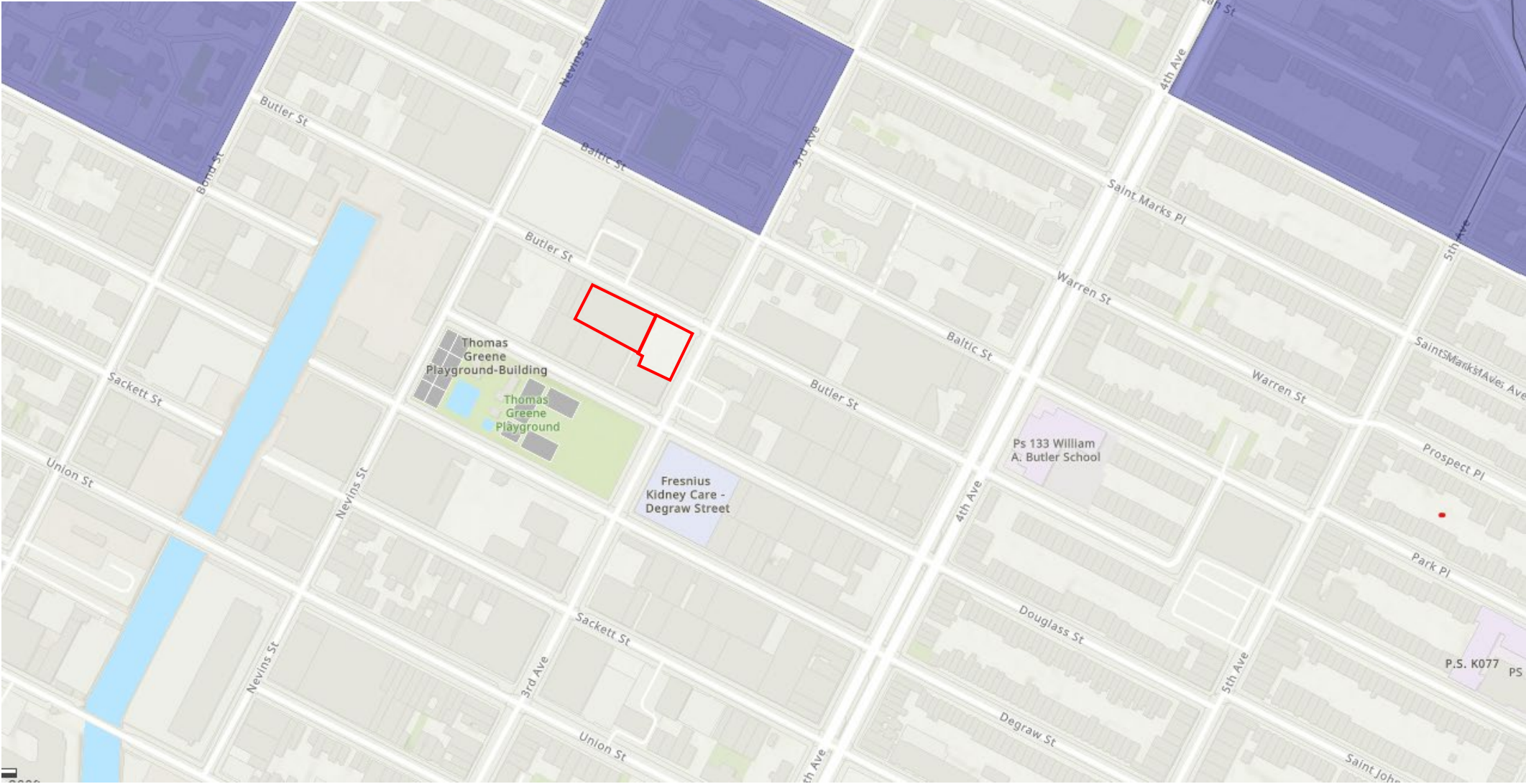
Population Characteristics & Vulnerability ...

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 ...

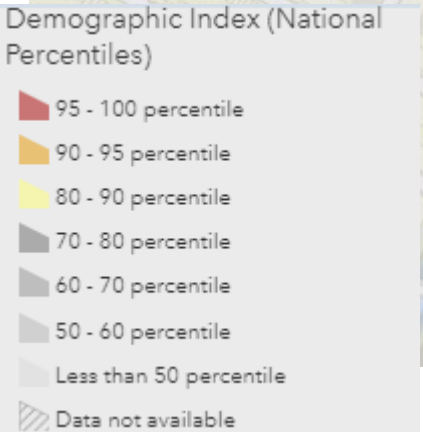
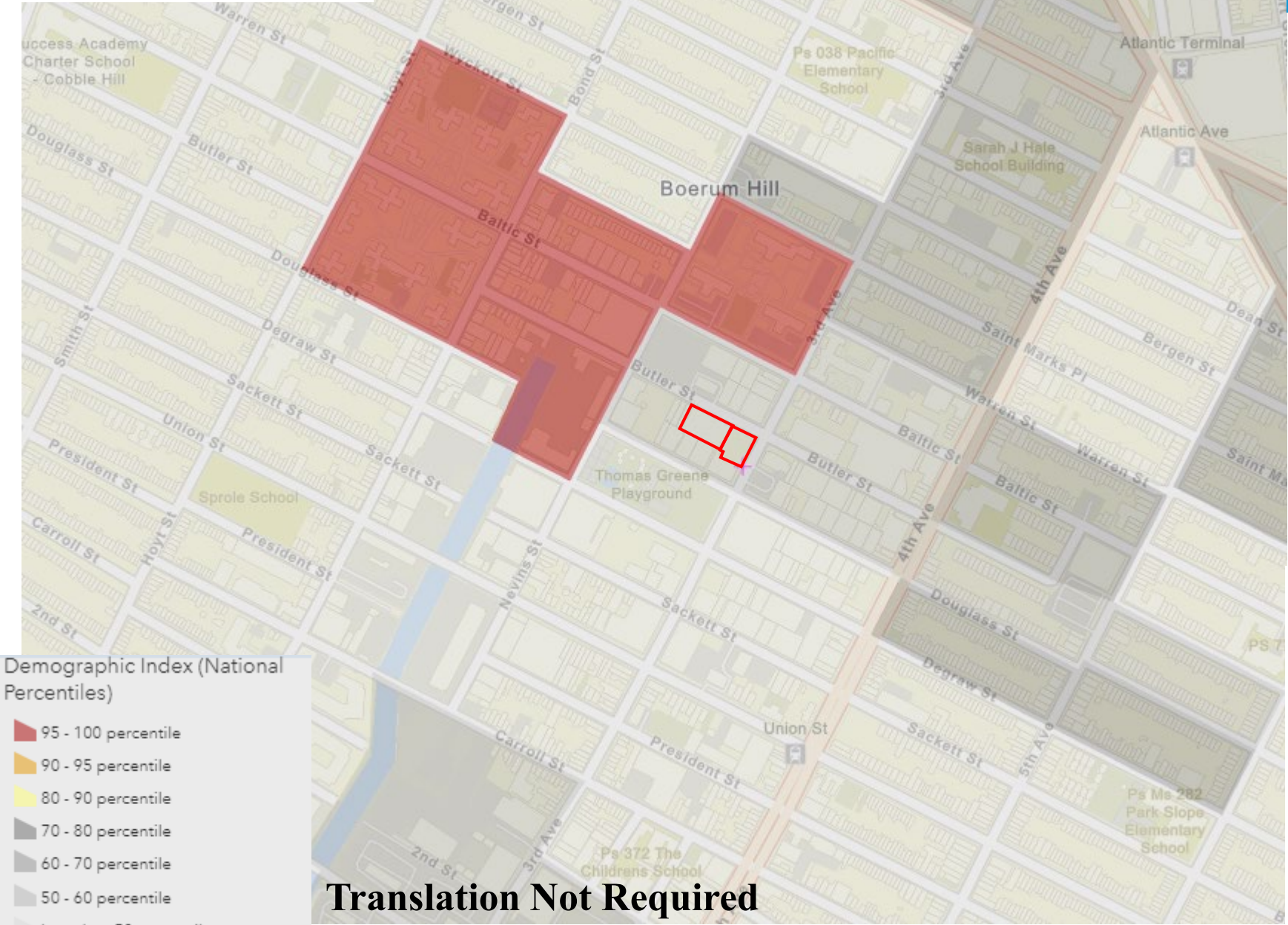
Land Use & Historic Discrimination	Active Landfills	0%
	Housing Vacancy Rate	59%
	Industrial/Manufacturing/Mining La...	92%
	Major Oil Storage Facilities	0%
	Municipal Waste Combustors	0%
	Power Generation Facilities	0%
	Regulated Management Plan (Ch...	69%
	Remediation Sites	0%
Potential Climate Change Risk	Scrap Metal Processing	0%
	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
172 3rd Avenue Manifold Supply Machine Shop Site
N/A Third Avenue (f/k/a 172 Third Avenue) and 264 Butler Street
Brooklyn, New York 11217



- Legend:**
- Site Property Boundary
 - Potential EJ Area

Legend:
Site Property Boundary



Translation Not Required
Date: December 2024
Source: EPA Environmental Justice Screening and Mapping Tool

1 mile Ring Centered at 40.680532,-73.984036
Population: 161,223
Area in square miles: 3.14

COMMUNITY INFORMATION

Low income: 15 percent

People of color: 40 percent

Less than high school education: 6 percent

Limited English households: 3 percent

Unemployment: 6 percent

Persons with disabilities: 8 percent

Male: 48 percent

Female: 52 percent

78 years

Average life expectancy

\$82,832

Per capita income

Number of households: 69,241

Owner occupied: 34 percent

BREAKDOWN BY RACE

White: 60%

Black: 12%

American Indian: 0%

Asian: 9%

Hawaiian/Pacific Islander: 0%

Other race: 1%

Two or more races: 6%

Hispanic: 12%

LANGUAGES SPOKEN AT HOME

LANGUAGE	PERCENT
English	78%
Spanish	8%
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)	2%
Other Asian and Pacific Island	1%
Arabic	1%
Other and Unspecified	1%
Total Non-English	22%

En-Zone Map

172 3rd Avenue Manifold Supply
Machine Shop Site
N/A Third Avenue (f/k/a 172 Third Avenue)
and 264 Butler Street
Brooklyn, New York 11217
(Brooklyn-412-29)

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



December 2024

Source: Google Earth


EXHIBIT E

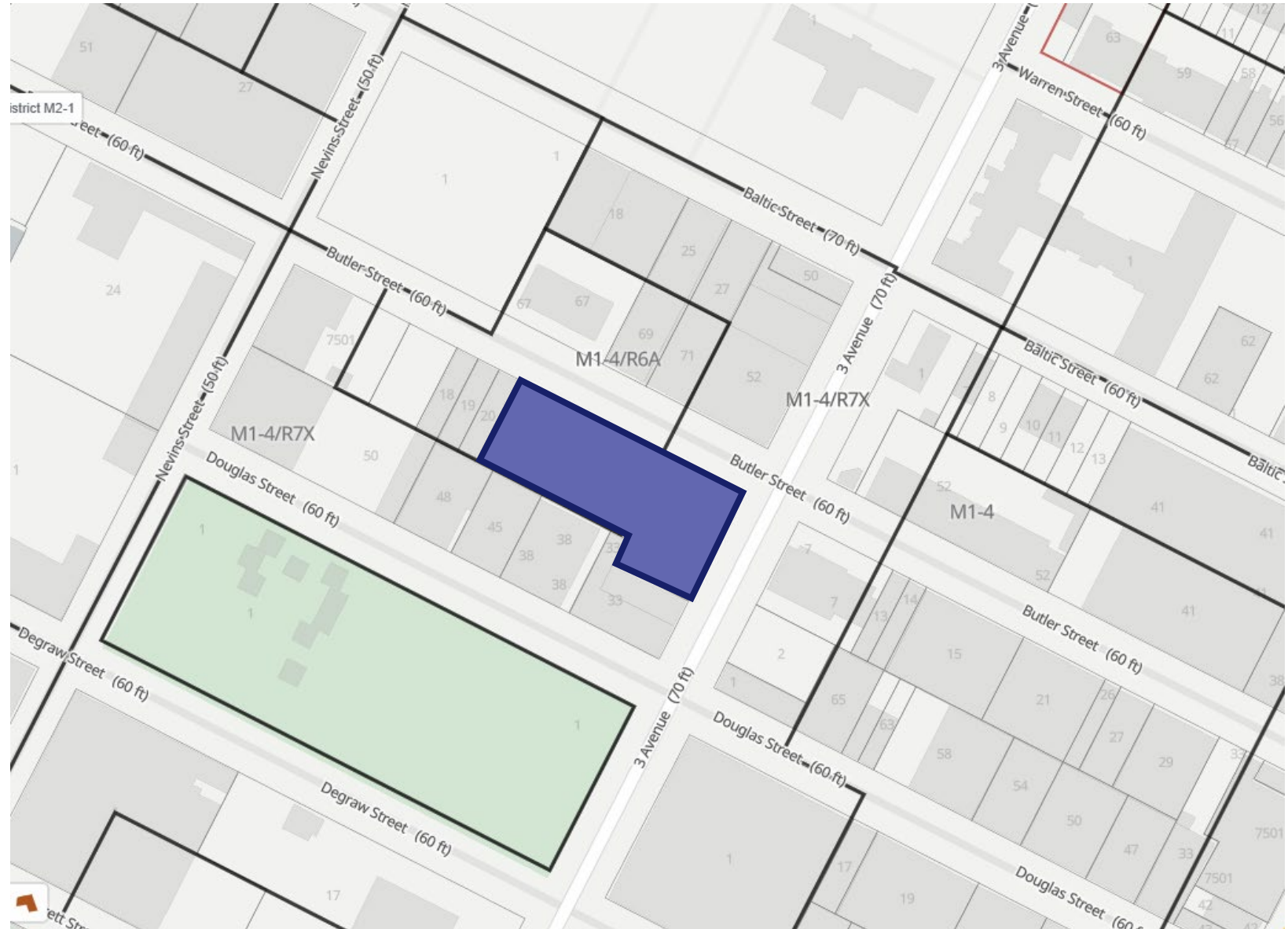
ZONING MAP

172 3rd Avenue Manifold Supply Machine Shop Site

N/A Third Avenue (f/k/a 172 Third Avenue)
and 264 Butler Street
Brooklyn, New York 11217

Legend:

 Site Property Boundary
Zoning Districts: M1-4/R7X, M1-4/R6A and G



December 2024

Source: NYC ZOLA

Zoning District: M1-4/R7X (Manufacturing District/Residential District)

Source: NYC Planning Zoning Districts Guide

M1 districts range from the Garment District in Manhattan and Port Morris in the Bronx with multistory lofts, to parts of Red Hook or College Point with one- or two-story warehouses characterized by loading bays. M1 districts are often buffers between M2 or M3 districts and adjacent residential or commercial districts. M1 districts typically include light industrial uses, such as woodworking shops, repair shops, and wholesale service and storage facilities. Nearly all industrial uses are allowed in M1 districts if they meet the stringent M1 performance standards. Offices, hotels and most retail uses are also permitted. Certain community facilities, such as hospitals, are allowed in M1 districts only by special permit, but houses of worship are allowed as-of-right.

Other than M1 districts paired with residence districts in Special Mixed Use Districts, M1-5M and M1-6M districts (by special permit) and M1-D districts (by authorization or certification) are the only manufacturing districts in which residences are permitted. However, in M1-6D districts, residential use may be allowed as-of-right on zoning lots under certain conditions.

In M1-5M and M1-6M districts, mapped in parts of Chelsea, space in an industrial building may be converted to residential use, provided a specified amount of floor area is preserved for particular industrial and commercial uses.

Floor area ratios in M1 districts range from 1.0 to 10.0, depending on location; building height and setbacks are controlled by a sky exposure plane which may be penetrated by a tower in certain districts. Although new industrial buildings are usually low-rise structures that fit within sky exposure plane, commercial and community facility buildings can be constructed as towers in M1-3 through M1-6 districts. In the highest density manufacturing district, M1-6, mapped only in Manhattan, an FAR of 12 can be achieved with a bonus for a public plaza. Except along district boundaries, no side yards are required. Rear yards at least 20 feet deep are usually required, except within 100 feet of a corner.

Parking and loading requirements vary with district and use. M1-1, M1-2 and M1-3 districts are subject to parking requirements based on the type of use and size of an establishment. For example, a warehouse in an M1-1 district requires one off-street parking space per 2,000 square feet of floor area or per every three employees, whichever would be less. Parking is not required in Long Island City or M1-4, M1-5 and M1-6 districts, mapped mainly in Manhattan. Requirements for loading berths of specified dimensions differ according to district, size and type of use.

M1	Light Manufacturing District (High Performance)					
	M1-1	M1-2	M1-3	M1-4	M1-5	M1-6
Manufacturing FAR	1.0	2.0	5.0	2.0	5.0	10.0
Required Accessory Parking PRC-B	1 per 300 sf			None		
Permitted Sign Regulations (Surface Area)	6 X street frontage					

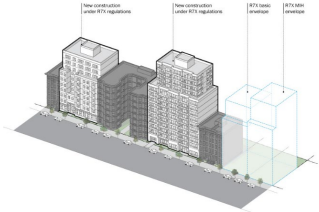
R7X districts are also governed by contextual Quality Housing bulk regulations but the substantially higher floor area ratio (FAR) and maximum building height typically produce taller, bulkier buildings than in R7A and R7B districts. The flexibility of the R7X regulations is exemplified by the 12- to 14-story apartment buildings in the R7X districts mapped along major thoroughfares in Harlem in Manhattan and Jackson Avenue in Long Island City in Queens.

The FAR in R7X districts is 5.0. Above a base height of 60 to 85 feet, the building must be set back a depth of 10 feet on a wide street and 15 feet on a narrow street before rising to its maximum height of 120 feet. If providing a qualifying ground floor, the maximum base height is 95 feet and the maximum height of the building is 125 feet. To maintain the traditional streetscape, the street wall of a new building can be no closer to the street line than any adjacent street wall but need not be farther than 10 feet. The building must have interior amenities for residents pursuant to the Quality Housing Program.

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

Off-street parking is generally required for 50 percent of a building’s dwelling units, but requirements are lower for income-restricted housing units (IRHU) and are further modified in certain areas, such as within the Transit Zone and the Manhattan Core, or for lots 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												
R7X	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
											min.	
Basic						5.00	60–85 (95) ft	120 (125) ft	n/e (12)		50% of	15% of
Inclusionary	1,700 sf	18 ft	30 ft	100%	70%	6.00	60–105 ft	140 (145) ft	14	680	DU	IRHU



Zoning District: M1-4/R6A (Manufacturing District/Residential District)

Source: NYC Planning Zoning Districts Guide

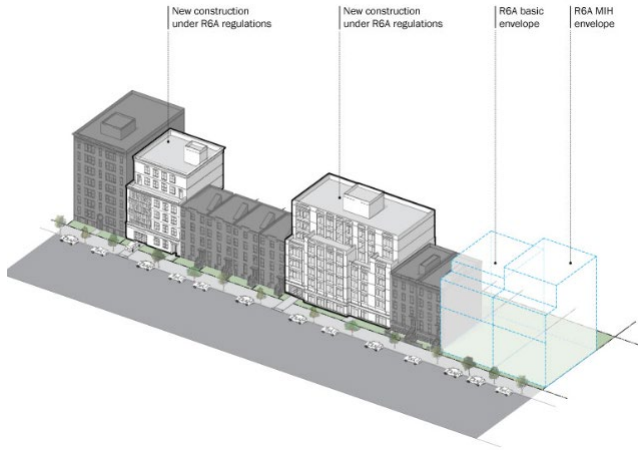
For Manufacturing District Information, please see pervious page.

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

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

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

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



Medium-Density Contextual Residence District

R6A	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
					max.						min.	
Basic	1,700 sf	18 ft	30 ft	100%	65%	3.00	40-60 (65) ft	70 (75) ft	n/a (7)	680	50% of DU	25% of IRHU
Inclusionary						3.60	40-65 ft	80 (85) ft	8			

Zoning District: G (Special Gowanus Mixed Use District)

Zoning Resolution

Chapter: 139-00

Maps: 16c, 16d

Effective Date: 11/23/21

The Special Gowanus Mixed Use District (G), generally surrounding the Gowanus Canal, was created in 2021 to support continued reinvestment in the neighborhood and promote affordable housing growth, while maintaining the long-standing mix of commercial, manufacturing and cultural uses that make the area distinctive. The district also includes a Waterfront Access Plan with special rules to help activate the areas along the canal.

EXHIBIT F

PREVIOUS OWNERS & OPERATORS LIST
172 3rd Avenue Manifold Supply Machine Shop Site
N/A 3rd Avenue (f/k/a 172 3rd Avenue) and 264 Butler Street

Year	Contact Information 264 Butler Street* Brooklyn Block 412, Lot 21 Owners	Status	Relation to Requestor
____-1974	256-276 Butler Street Associates, Inc. Address: 1660 49th Street Phone: Unknown Brooklyn, New York 11204	Unknown	None
1974-1979	256-276 Butler Street Associates Address: 1660 49th Street Phone: Unknown Brooklyn, New York 11204	Unknown	None
1979-1980	Continental Corrugated Container Corp. Address: 51 Chambers Street Phone: Unknown New York, New York 10007	Inactive	None
1980- Present	Domal Transportation, Inc. Address: 130 St. Paul Avenue Phone: (914) 522-5887 Staten Island, New York 10301	Active	None
Operators			
1904-1906	Stanley & Unckles Address: Unknown Phone: Unknown	Unknown	None
1915 and 1926	Marble works Address: Unknown Phone: Unknown	N/A	None
1928	St Garage, Inc. Address: 276 Butler Street Phone: Unknown Brooklyn, New York 11217	Unknown	None
1934	Butler Street Garage Address: 264 Butler Street Phone: Unknown Brooklyn, New York 11217	Unknown	None
1938	Trucking garage Address: Unknown Phone: Unknown	N/A	None
1940-1945	M. Hagenah Trucking Address: 264 Butler Street Phone: Unknown Brooklyn, New York 11217	Unknown	None
1940-1949	Fair Play Trucking Co. Address: 264 Butler Street Phone: Unknown Brooklyn, New York 11217	Unknown	None
1950-1965	Garage Address: Unknown Phone: Unknown	N/A	None
1960-1973	Esgo Packers & Supply Co. Address: 116 East 27th Street Phone: Unknown New York, New York 10016	Inactive	None
1969	Export crating Address: Unknown Phone: Unknown	N/A	None
1977-2007	Warehouse Address: Unknown Phone: Unknown	N/A	None
1985	Manhattan Food Exchange Address: 350 Broadway Phone: Unknown	Unknown	None

PREVIOUS OWNERS & OPERATORS LIST
172 3rd Avenue Manifold Supply Machine Shop Site
N/A 3rd Avenue (f/k/a 172 3rd Avenue) and 264 Butler Street

	New York, New York 10013			
1985	The Lewis Padawer Company, Inc. Address: 112 Fourth Avenue New York, New York 10003	Phone: Unknown	Inactive	None
1985-1992	Alba Press, Inc. Address: 264 Butler Street Brooklyn, New York 11217	Phone: Unknown	Unknown	None
1992	G. Aletras, Esq. Address: 264 Butler Street Brooklyn, New York 11217	Phone: Unknown	Unknown	None
1992-2010	Exotic Audio, Inc. Address: 264 Butler Street Brooklyn, New York 11217	Phone: (800) 593-9331	Unknown	None
1995-2007	Auto repair shop Address: Unknown	Phone: Unknown	N/A	None
1995-2000, (2017?)	A&D Café Inc. Address: 264 Butler Street Brooklyn, New York 11217	Phone: Unknown	Unknown	None
1997-2000	Jupiter Address: 264 Butler Street Brooklyn, New York 11217	Phone: Unknown	Unknown	None
2005	Automation Enterprises Address: 264 Butler Street Brooklyn, New York 11217	Phone: Unknown	Unknown	None
2005	Amida Trading Corp. Address: 367 Avenue S Brooklyn, New York 11223	Phone: Unknown	Inactive	None
2005-2010	Hellas Glass Works Address: 264 Butler Street Brooklyn, New York 11217	Phone: (716) 851-5200	Unknown	None
2005-2010	L&S Glass Co. Address: 264 Butler Street Brooklyn, New York 11217	Phone: Unknown	Unknown	None
2005, 2017-2020	K. William Construction Address: 264 Butler Street, Suite 1 Brooklyn, New York 11217	Phone: (718) 965-1863	Unknown	None
2010-2017	X5 Mobile Inc. Address: 6726 11th Avenue Brooklyn, New York 11219	Phone: (718) 855-1160	Active	None
2014-2020	Belgo Waffle Inc. Address: 264 Butler Street Brooklyn, New York 11217	Phone: (718) 522-4200	Active	None
2014- Present	A & H Tobacco & Candy Wholesalers Address: 264 Butler Street Brooklyn, New York 11217	Phone: (718) 875-1771	Unknown	None
2017	Locksmith Shield, Inc Address: 264 Butler Street Brooklyn, New York 11217	Phone: (929) 258-3441	Unknown	None

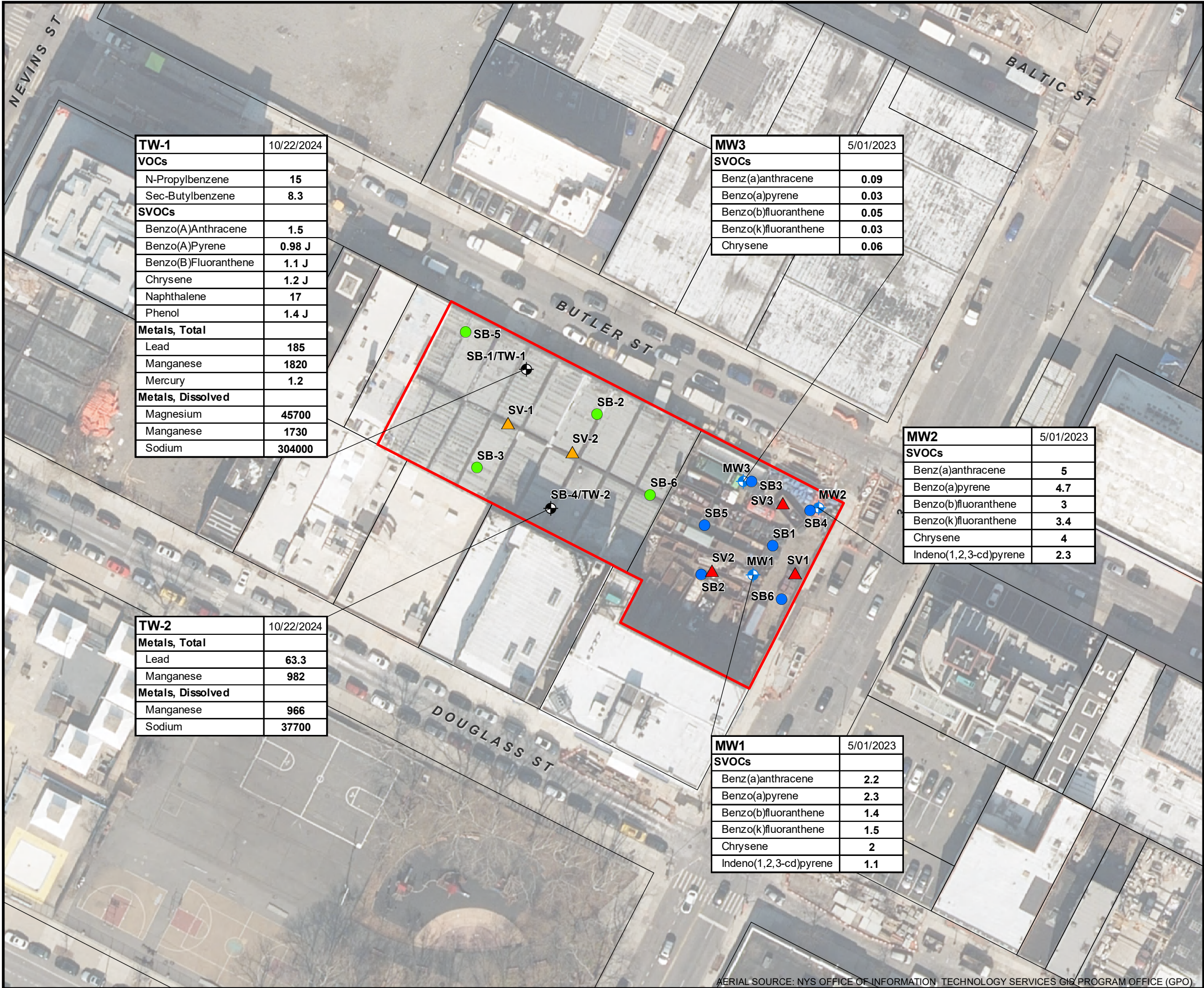
PREVIOUS OWNERS & OPERATORS LIST
172 3rd Avenue Manifold Supply Machine Shop Site
N/A 3rd Avenue (f/k/a 172 3rd Avenue) and 264 Butler Street

Present	Furnishings/display warehouse/distributor Address: Unknown	Phone: Unknown	N/A	None
Present	Wafels & Dinges Warehouse Address: 1090 6th Avenue, Suite 1080 New York, New York 10018	Phone: (917) 589-5302	Unknown	None

***Previous owner and operator information for N/A Third Avenue (f/k/a 172 Third Avenue) is available in Exhibit F of the original BCP Application**

EXHIBIT G

V:\GIS\PROJECTS\4442\0004\Y100\4442_0004\Y100_4.MXD



TW-1	10/22/2024
VOCs	
N-Propylbenzene	15
Sec-Butylbenzene	8.3
SVOCs	
Benzo(A)Anthracene	1.5
Benzo(A)Pyrene	0.98 J
Benzo(B)Fluoranthene	1.1 J
Chrysene	1.2 J
Naphthalene	17
Phenol	1.4 J
Metals, Total	
Lead	185
Manganese	1820
Mercury	1.2
Metals, Dissolved	
Magnesium	45700
Manganese	1730
Sodium	304000

TW-2	10/22/2024
Metals, Total	
Lead	63.3
Manganese	982
Metals, Dissolved	
Manganese	966
Sodium	37700

MW3	5/01/2023
SVOCs	
Benz(a)anthracene	0.09
Benzo(a)pyrene	0.03
Benzo(b)fluoranthene	0.05
Benzo(k)fluoranthene	0.03
Chrysene	0.06

MW2	5/01/2023
SVOCs	
Benz(a)anthracene	5
Benzo(a)pyrene	4.7
Benzo(b)fluoranthene	3
Benzo(k)fluoranthene	3.4
Chrysene	4
Indeno(1,2,3-cd)pyrene	2.3

MW1	5/01/2023
SVOCs	
Benz(a)anthracene	2.2
Benzo(a)pyrene	2.3
Benzo(b)fluoranthene	1.4
Benzo(k)fluoranthene	1.5
Chrysene	2
Indeno(1,2,3-cd)pyrene	1.1

Parameter	NYSDEC AWQSGV	Units
VOCs		
N-Propylbenzene	5	µg/L
Sec-Butylbenzene	5	µg/L
SVOCs		
Benzo(A)Anthracene	0.002	µg/L
Benzo(A)Pyrene	0	µg/L
Benzo(B)Fluoranthene	0.002	µg/L
Benzo(k)fluoranthene	0.002	µg/L
Chrysene	0.002	µg/L
Indeno(1,2,3-cd)pyrene	0.002	µg/L
Naphthalene	10	µg/L
Phenol	1	µg/L
Metals, Total		
Lead	25	µg/L
Magnesium	35000	µg/L
Manganese	300	µg/L
Mercury	0.7	µg/L
Sodium	20000	µg/L
Metals, Dissolved		
Lead	25	µg/L
Magnesium	35000	µg/L
Manganese	300	µg/L
Mercury	0.7	µg/L
Sodium	20000	µg/L

LEGEND

ROUX LOCATIONS

- LOCATION OF ROUX MONITORING WELL
- LOCATION OF ROUX SOIL BORING
- LOCATION OF ROUX SUB-SLAB VAPOR POINT

BRUSSEE ENVIRONMENTAL CORP. LOCATIONS

- LOCATION OF BRUSSEE ENVIRONMENTAL CORP. MONITORING WELL
- LOCATION OF BRUSSEE ENVIRONMENTAL CORP. SOIL BORING
- LOCATION OF BRUSSEE ENVIRONMENTAL CORP. SOIL VAPOR POINT

PARCEL BOUNDARY

SITE BOUNDARY

NOTES

BOLD DATA INDICATES THAT PARAMETER WAS DETECTED ABOVE THE NYSDEC PART 375 UNRESTRICTED USE SCO CONCENTRATIONS IN µG/L

µG/L - MICROGRAMS PER LITER

NYSDEC - NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

AWQSGVS - AMBIENT WATER-QUALITY STANDARDS AND GUIDANCE VALUES

— NO NYSDEC AWQSGV AVAILABLE

J - ESTIMATED VALUE

VOCs - VOLATILE ORGANIC COMPOUNDS

SVOCs - SEMIVOLATILE ORGANIC COMPOUNDS

NE - NO EXCEEDANCES

ND - NO DETECTION

60 0 60'

Title:

SUMMARY OF EXCEEDANCES IN GROUNDWATER

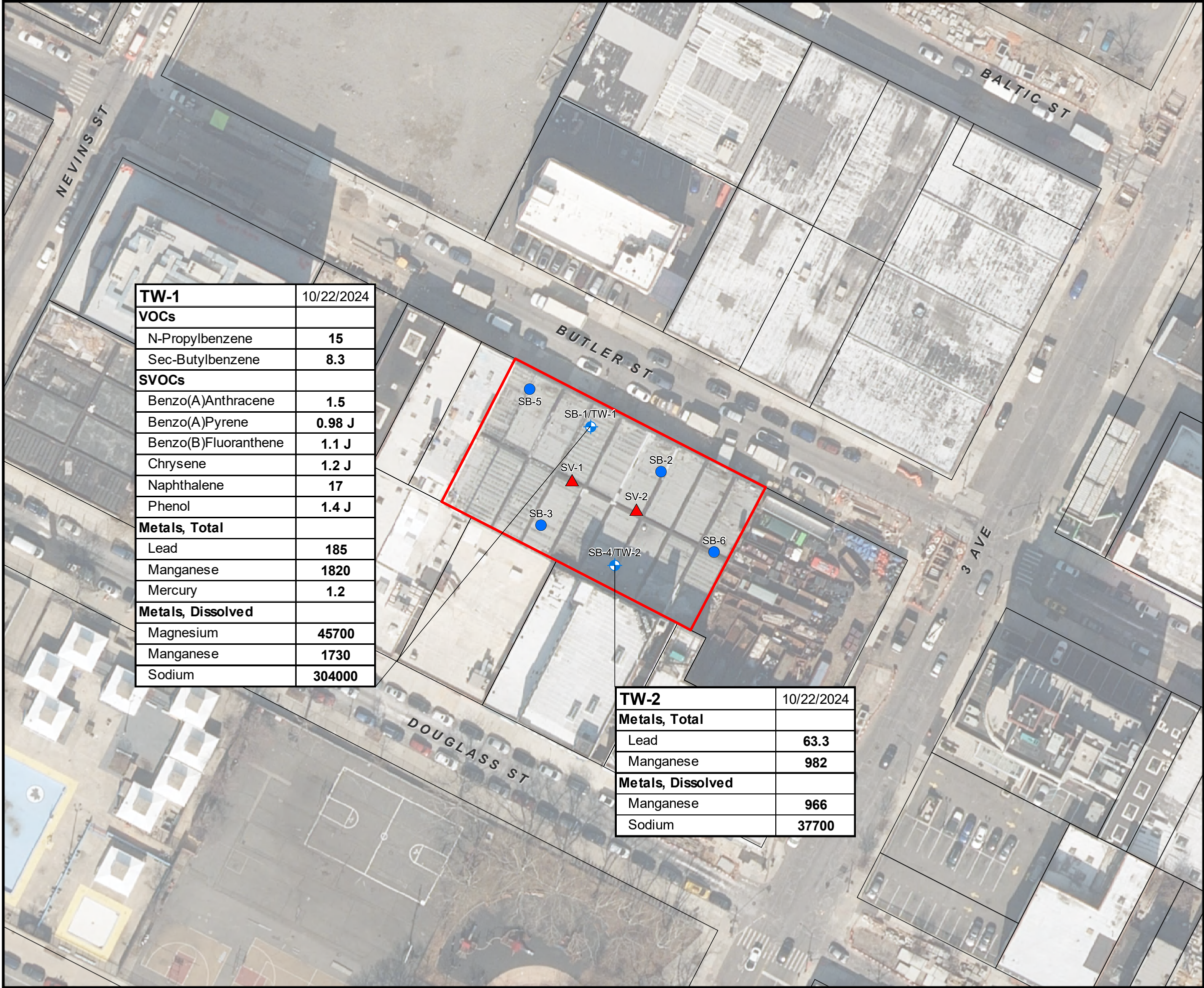
264 BUTLER STREET AND 172 THIRD AVENUE
BROOKLYN NY

Prepared for:

172 3RD AVE LLC

ROUX	Compiled by: J.R.	Date: 12/11/2024	FIGURE 4
	Prepared by: M.S.R.	Scale: AS SHOWN	
	Project Mgr: J.R.	Project: 4442.0004Y000	
	File: 4442.0004Y100.4.mxd		

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TW-1	10/22/2024
VOCs	
N-Propylbenzene	15
Sec-Butylbenzene	8.3
SVOCs	
Benzo(A)Anthracene	1.5
Benzo(A)Pyrene	0.98 J
Benzo(B)Fluoranthene	1.1 J
Chrysene	1.2 J
Naphthalene	17
Phenol	1.4 J
Metals, Total	
Lead	185
Manganese	1820
Mercury	1.2
Metals, Dissolved	
Magnesium	45700
Manganese	1730
Sodium	304000

TW-2	10/22/2024
Metals, Total	
Lead	63.3
Manganese	982
Metals, Dissolved	
Manganese	966
Sodium	37700

Parameter	NYSDEC AWQSGV	Units
VOCs		
N-Propylbenzene	5	µg/L
Sec-Butylbenzene	5	µg/L
SVOCs		
Benzo(A)Anthracene	0.002	µg/L
Benzo(A)Pyrene	0	µg/L
Benzo(B)Fluoranthene	0.002	µg/L
Chrysene	0.002	µg/L
Naphthalene	10	µg/L
Phenol	1	µg/L
Metals, Total		
Lead	25	µg/L
Magnesium	35000	µg/L
Manganese	300	µg/L
Mercury	0.7	µg/L
Sodium	20000	µg/L
Metals, Dissolved		
Lead	25	µg/L
Magnesium	35000	µg/L
Manganese	300	µg/L
Mercury	0.7	µg/L
Sodium	20000	µg/L

LEGEND

LOCATION OF ROUX SOIL BORING

LOCATION OF ROUX SOIL BORING AND
TEMPORARY MONITORING WELL

LOCATION OF ROUX SUB SLAB VAPOR
POINT

PARCEL BOUNDARY

SITE BOUNDARY

- NOTES
1. AERIAL SOURCE: NYS OFFICE OF INFORMATION
TECHNOLOGY SERVICES GIS PROGRAM OFFICE (GPO)

2. CONCENTRATIONS IN µG/L

3. µG/L - MICROGRAMS PER LITER
NYSDEC - NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
AWQSGVS - AMBIENT WATER-QUALITY STANDARDS AND
GUIDANCE VALUES
-- NO NYSDEC AWQSGV AVAILABLE
J - ESTIMATED VALUE
VOCs - VOLATILE ORGANIC COMPOUNDS
SVOCs - SEMIVOLATILE ORGANIC COMPOUNDS
NE - NO EXCEEDANCES
ND - NO DETECTION



Title:

SUMMARY OF
EXCEEDANCES IN GROUNDWATER

264 BUTLER STREET
BROOKLYN NY

Prepared for:

DEVELOPING NY STATE, LLC

ROUX

Compiled by: J.R.

Date: 10/31/2024

Prepared by: M.S.R.

Scale: AS SHOWN

Project Mgr: J.R.

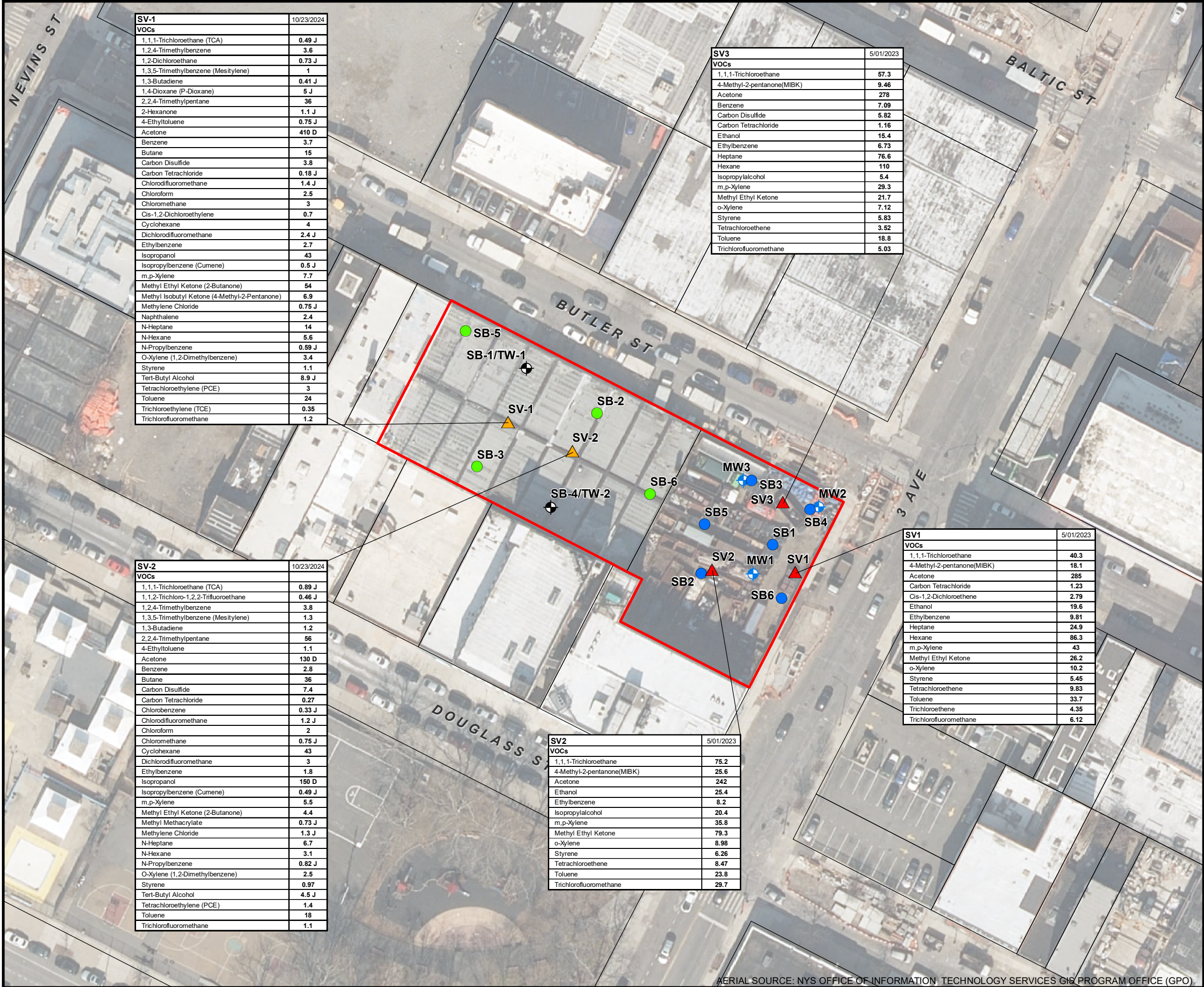
Project: 4442.0003Y000

File: 4442.0003Y101.4.mxd

FIGURE

4

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LEGEND

ROUX LOCATIONS

- LOCATION OF ROUX MONITORING WELL
- LOCATION OF ROUX SOIL BORING
- LOCATION OF ROUX SUB-SLAB VAPOR POINT

BRUSSEE ENVIRONMENTAL CORP. LOCATIONS

- LOCATION OF BRUSSEE ENVIRONMENTAL CORP. MONITORING WELL
- LOCATION OF BRUSSEE ENVIRONMENTAL CORP. SOIL BORING
- LOCATION OF BRUSSEE ENVIRONMENTAL CORP. SOIL VAPOR POINT

PARCEL BOUNDARY

SITE BOUNDARY

NOTES

CONCENTRATIONS IN µG/M3

µG/M3 - MICROGRAMS PER CUBIC METER

J - ESTIMATED VALUE

D - A SECONDARY ANALYSIS AFTER DILUTION DUE TO EXCEEDANCE OF THE CALIBRATION RANGE IN THE ORIGINAL SAMPLE

VOCS - VOLATILE ORGANIC COMPOUNDS

60 0 60'

Title:

**SUMMARY OF
DETECTIONS IN SUB-SLAB VAPOR AND
SOIL VAPOR**

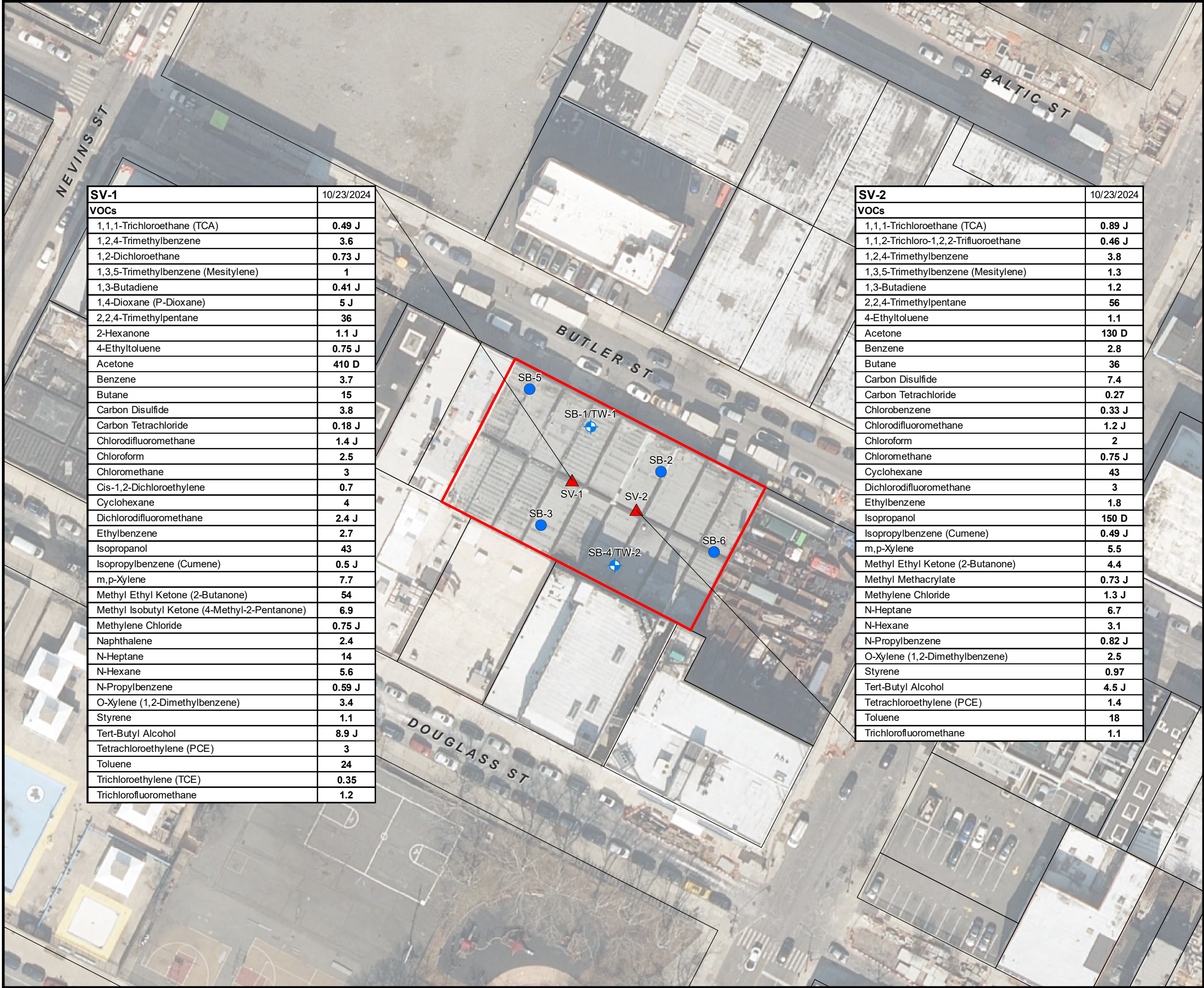
264 BUTLER STREET AND 172 THIRD AVENUE
BROOKLYN NY

Prepared for:

172 3RD AVE LLC

Compiled by: J.R.	Date: 12/11/2024	FIGURE 5
Prepared by: M.S.R.	Scale: AS SHOWN	
Project Mgr: J.R.	Project: 4442.0004Y000	
File: 4442.0004Y100.5.mxd		

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SV-1	10/23/2024
VOCs	
1,1,1-Trichloroethane (TCA)	0.49 J
1,2,4-Trimethylbenzene	3.6
1,2-Dichloroethane	0.73 J
1,3,5-Trimethylbenzene (Mesitylene)	1
1,3-Butadiene	0.41 J
1,4-Dioxane (P-Dioxane)	5 J
2,2,4-Trimethylpentane	36
2-Hexanone	1.1 J
4-Ethyltoluene	0.75 J
Acetone	410 D
Benzene	3.7
Butane	15
Carbon Disulfide	3.8
Carbon Tetrachloride	0.18 J
Chlorodifluoromethane	1.4 J
Chloroform	2.5
Chloromethane	3
Cis-1,2-Dichloroethylene	0.7
Cyclohexane	4
Dichlorodifluoromethane	2.4 J
Ethylbenzene	2.7
Isopropanol	43
Isopropylbenzene (Cumene)	0.5 J
m,p-Xylene	7.7
Methyl Ethyl Ketone (2-Butanone)	54
Methyl Isobutyl Ketone (4-Methyl-2-Pentanone)	6.9
Methylene Chloride	0.75 J
Naphthalene	2.4
N-Heptane	14
N-Hexane	5.6
N-Propylbenzene	0.59 J
O-Xylene (1,2-Dimethylbenzene)	3.4
Styrene	1.1
Tert-Butyl Alcohol	8.9 J
Tetrachloroethylene (PCE)	3
Toluene	24
Trichloroethylene (TCE)	0.35
Trichlorofluoromethane	1.2

SV-2	10/23/2024
VOCs	
1,1,1-Trichloroethane (TCA)	0.89 J
1,1,2-Trichloro-1,2,2-Trifluoroethane	0.46 J
1,2,4-Trimethylbenzene	3.8
1,3,5-Trimethylbenzene (Mesitylene)	1.3
1,3-Butadiene	1.2
2,2,4-Trimethylpentane	56
4-Ethyltoluene	1.1
Acetone	130 D
Benzene	2.8
Butane	36
Carbon Disulfide	7.4
Carbon Tetrachloride	0.27
Chlorobenzene	0.33 J
Chlorodifluoromethane	1.2 J
Chloroform	2
Chloromethane	0.75 J
Cyclohexane	43
Dichlorodifluoromethane	3
Ethylbenzene	1.8
Isopropanol	150 D
Isopropylbenzene (Cumene)	0.49 J
m,p-Xylene	5.5
Methyl Ethyl Ketone (2-Butanone)	4.4
Methyl Methacrylate	0.73 J
Methylene Chloride	1.3 J
N-Heptane	6.7
N-Hexane	3.1
N-Propylbenzene	0.82 J
O-Xylene (1,2-Dimethylbenzene)	2.5
Styrene	0.97
Tert-Butyl Alcohol	4.5 J
Tetrachloroethylene (PCE)	1.4
Toluene	18
Trichlorofluoromethane	1.1

LEGEND

LOCATION OF ROUX SOIL BORING

LOCATION OF ROUX SOIL BORING AND
TEMPORARY MONITORING WELL

LOCATION OF ROUX SUB SLAB VAPOR
POINT

PARCEL BOUNDARY

SITE BOUNDARY

NOTES

1. AERIAL SOURCE: NYS OFFICE OF INFORMATION
TECHNOLOGY SERVICES GIS PROGRAM OFFICE (GPO)

2. CONCENTRATIONS IN µG/M³

3. µG/M³ - MICROGRAMS PER CUBIC METER
J - ESTIMATED VALUE
D - A SECONDARY ANALYSIS AFTER DILUTION DUE
TO EXCEEDANCE OF THE CALIBRATION RANGE
IN THE ORIGINAL SAMPLE
VOCs - VOLATILE ORGANIC COMPOUNDS



Title:

SUMMARY OF
DETECTIONS IN SOIL VAPOR

264 BUTLER STREET
BROOKLYN NY

Prepared for:

DEVELOPING NY STATE, LLC

ROUX

Compiled by: J.R.

Date: 10/31/2024

Prepared by: M.S.R.

Scale: AS SHOWN

Project Mgr: J.R.

Project: 4442.0003Y000

File: 4442.0003Y101.5.mxd

FIGURE

5

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Parameter	NYSDEC Part 375 Unrestricted Use Soil Cleanup Objectives	NYSDEC Part 375 Restricted Residential Soil Cleanup Objectives	Units
VOCs			
Acetone	0.05	100	mg/kg
Benzene	0.06	4.8	mg/kg
N-Propylbenzene	3.9	100	mg/kg
Xylenes	0.26	100	mg/kg
SVOCs			
Benz(a)anthracene	1	1	mg/kg
Benzo(A)Pyrene	1	1	mg/kg
Benzo(B)Fluoranthene	1	1	mg/kg
Benzo(k)Fluoranthene	8	8	mg/kg
Chrysene	1	3.9	mg/kg
Cresols, M & P	0.33	100	mg/kg
Dibenz(a,h)anthracene	3.3	3.3	mg/kg
Indeno(1,2,3-C,D)Pyrene	0.5	0.5	mg/kg
Metals			
Arsenic	13	16	mg/kg
Barium	250	400	mg/kg
Cadmium	3.5	4.3	mg/kg
Chromium	30	180	mg/kg
Copper	50	270	mg/kg
Lead	63	400	mg/kg
Mercury	0.18	0.81	mg/kg
Nickel	30	310	mg/kg
Selenium	3.9	180	mg/kg
Zinc	109	10000	mg/kg
PCBs	ND	ND	mg/kg

LEGEND

ROUX LOCATIONS

- LOCATION OF ROUX MONITORING WELL
- LOCATION OF ROUX SOIL BORING
- LOCATION OF ROUX SUB-SLAB VAPOR

BRUSSEE ENVIRONMENTAL CORP.

- LOCATION OF BRUSSEE ENVIRONMENTAL CORP. MONITORING WELL
- LOCATION OF BRUSSEE ENVIRONMENTAL CORP. SOIL BORING
- LOCATION OF BRUSSEE ENVIRONMENTAL CORP. SOIL VAPOR POINT

PARCEL BOUNDARY

SITE BOUNDARY

NOTES

BOLD DATA INDICATES THAT PARAMETER WAS DETECTED ABOVE THE NYSDEC PART 375 UNRESTRICTED USE SCO

SHADED DATA INDICATES THAT PARAMETER WAS DETECTED ABOVE THE NYSDEC PART 375 RESTRICTED RESIDENTIAL SCO

MG/KG - MILLIGRAMS PER KILOGRAM

NYSDEC - NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SCO - SOIL CLEANUP OBJECTIVES

– NO NYSDEC PART 375 SOIL CLEANUP OBJECTIVES AVAILABLE

J - ESTIMATED VALUE

N - SPIKE RECOVERY EXCEEDS UPPER OR LOWER CONTROL LIMITS

DUP - DUPLICATE SAMPLE

VOCs - VOLATILE ORGANIC COMPOUNDS

SVOCs - SEMIVOLATILE ORGANIC COMPOUNDS

PCBS - POLYCHLORINATED BIPHENYLS

NE - NO EXCEEDANCE

ND - NO DETECTION

NA - NOT ANALYZED FOR BY LABORATORY

FT BLS - FEET BELOW LAND SURFACE

60 0 60'

Title:

SUMMARY OF EXCEEDANCES IN SOIL

264 BUTLER STREET AND 172 THIRD AVENUE
BROOKLYN NY

Prepared for:

172 3RD AVE LLC

Compiled by: J.R.	Date: 12/11/2024	FIGURE 3
Prepared by: M.S.R. <td>Scale: AS SHOWN</td>	Scale: AS SHOWN	
Project Mgr: J.R. <td>Project: 4442.0004Y000</td>	Project: 4442.0004Y000	
File: 4442.0004Y100.3.mxd		

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Parameter	NYSDEC Part 375 Unrestricted Use Soil Cleanup Objectives	NYSDEC Part 375 Restricted Residential Soil Cleanup Objectives	Units
VOCs			
Acetone	0.05	100	mg/kg
Benzene	0.06	4.8	mg/kg
N-Propylbenzene	3.9	100	mg/kg
Xylenes	0.26	100	mg/kg
SVOCs			
Benzo(A)Pyrene	1	1	mg/kg
Benzo(B)Fluoranthene	1	1	mg/kg
Chrysene	1	3.9	mg/kg
Cresols, M & P	0.33	100	mg/kg
Indeno(1,2,3-C,D)Pyrene	0.5	0.5	mg/kg
Metals			
Lead	63	400	mg/kg
Mercury	0.18	0.81	mg/kg
Nickel	30	310	mg/kg
Zinc	109	10000	mg/kg
PCBs	ND	ND	mg/kg

LEGEND

LOCATION OF ROUX SOIL BORING

LOCATION OF ROUX SOIL BORING AND
TEMPORARY MONITORING WELL

LOCATION OF ROUX SUB SLAB VAPOR
POINT

PARCEL BOUNDARY

SITE BOUNDARY

- NOTES
1. AERIAL SOURCE: NYS OFFICE OF INFORMATION
TECHNOLOGY SERVICES GIS PROGRAM OFFICE (GPO)

2. MG/KG - MILLIGRAMS PER KILOGRAM
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
NE - NO EXCEEDANCE
ND - NO DETECTION
NA - NOT ANALYZED FOR BY LABORATORY
FT BLS - FEET BELOW LAND SURFACE



Title:

SUMMARY OF
EXCEEDANCES IN SOIL

264 BUTLER STREET
BROOKLYN NY

Prepared for:

DEVELOPING NY STATE, LLC

ROUX

Compiled by: J.R.
Prepared by: M.S.R.
Project Mgr: J.R.
File: 4442.0003Y101.3.mxd

Date: 10/31/2024
Scale: AS SHOWN
Project: 4442.0003Y000

FIGURE
3

EXHIBIT H



Department of State

Division of Corporations

Entity Information

Return to Results

Return to Search

Entity Details



ENTITY NAME: 172 THIRD AVE LLC
DOS ID: 6771583
FOREIGN LEGAL NAME:
FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY
DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTIONOF LAW: LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW
ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 03/22/2023
REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING:
INACTIVE DATE:
FOREIGN FORMATION DATE:
STATEMENT STATUS: CURRENT
COUNTY: KINGS
NEXT STATEMENT DUE DATE: 03/31/2025
JURISDICTION:
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: 172 THIRD AVE LLC
Address: 505 FLUSHING AVE 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

172 Third Avenue, Brooklyn, NY
Org Chart
7/28/24

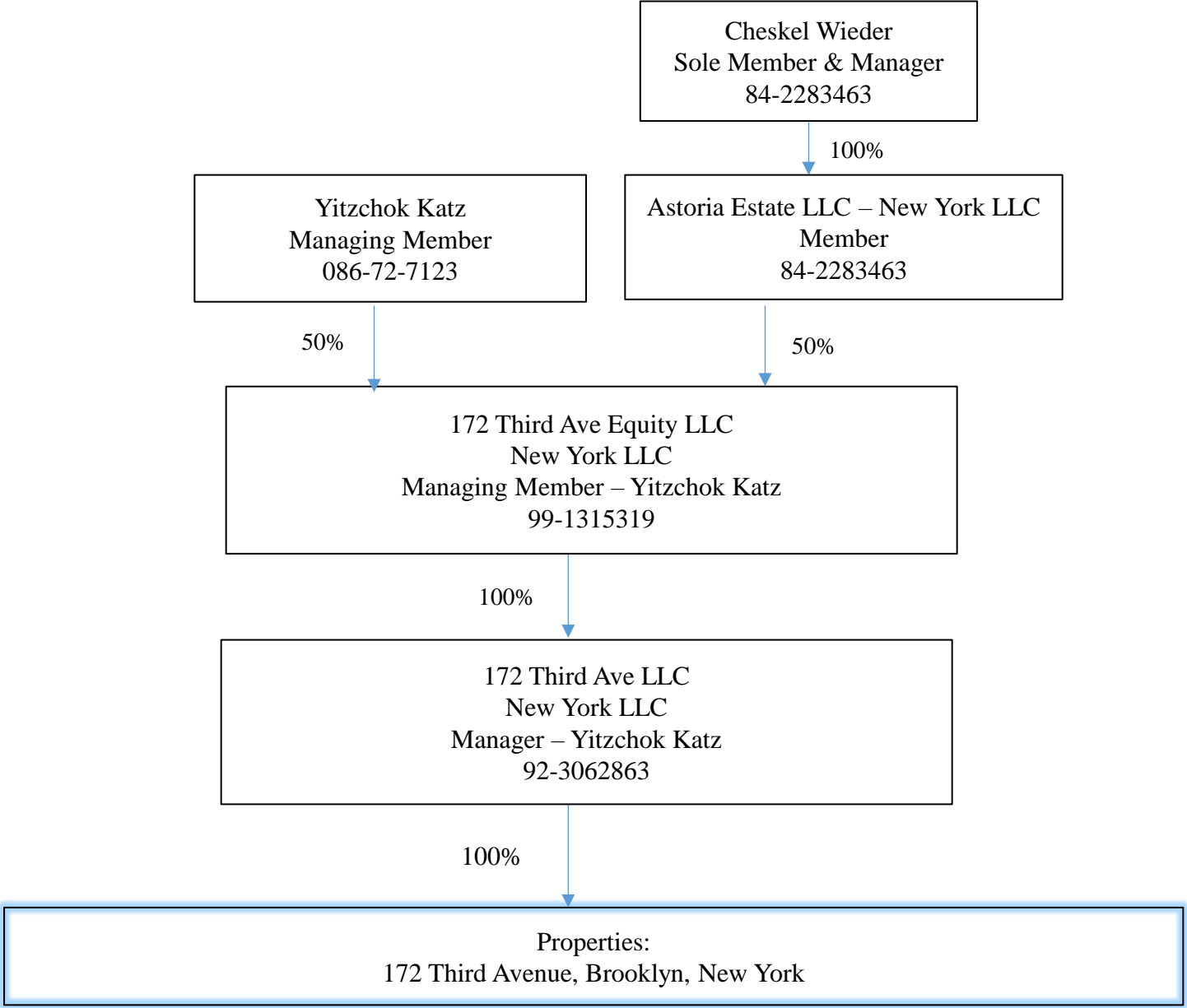


Exhibit I

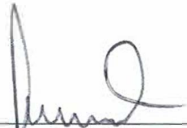
WRITTEN CONSENT

The undersigned, being the Sole Member and Manager of Astoria Estate LLC, a member of 172 Third Ave Equity LLC, which is the sole member of 172 Third Ave LLC, does hereby certify as follows:

1. 172 Third Ave LLC is the prospective volunteer for the prospective Brownfield Cleanup Program (BCP) Site located at N/A 3rd Ave (f/k/a 172 3rd Ave) (Tax Block 412 Lot 29) and 264 Butler Street (Tax Block 412 Lot 21), Brooklyn, NY (collectively the "BCP Site").

2. The following person, Yitzchok Katz (a/k/a Jacob Katz), the Manager of 172 Third Ave LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer 172 Third Ave LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 6th day of January, 2025.



Cheskel Wieder
Sole Member and Manager of Astoria Estates LLC
Member of 172 Third Ave Equity LLC
Sole Member of 172 Third Ave LLC

Exhibit J

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

NEEL 690-1176

THIS INDENTURE, made the 7th day of February, nineteen hundred and seventy-four
 BETWEEN 256-276 BUTLER STREET ASSOCIATES, INC., a domestic corporation
 having its principal office at 1660 49th Street, Brooklyn, New York

party of the first part, and

256-276 BUTLER STREET ASSOCIATES, a co-partnership having its principal office at 1660 49th Street, Brooklyn, New York

party of the second part,

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

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

PARCEL I: BEGINNING at a point on the Southwesterly side of Butler Street, distant 100 feet Northwesterly from the Westerly corner of Butler Street and 3rd Avenue; running thence Southwesterly parallel with 3rd Avenue, 100 feet; thence Northwesterly parallel with Butler Street, 175 feet; thence Northwesterly parallel with 3rd Avenue, 100 feet to the Southwesterly side of Butler Street; and thence Southeasterly along the Southwesterly side of Butler Street, 175 feet to the point or place of BEGINNING.

PARCEL II: BEGINNING at a point on the Southerly side of Butler Street, distant 140 feet Easterly from the corner formed by the intersection of the Southerly side of Butler Street with the Easterly side of Nevins Street; running thence Southerly parallel with Nevins Street, 100 feet; thence Easterly parallel with Butler Street, 60 feet; thence Northerly and again parallel with Nevins Street, 100 feet to the Southerly side of Butler Street; and thence Westerly along the Southerly side of Butler Street, 60 feet to the point or place of BEGINNING.

PARCEL III: BEGINNING at a point on the Northerly side of Douglass Street, distant 100 feet Easterly from the corner formed by the intersection of the Northerly side of Douglass Street with the Easterly side of Nevins Street; running thence Northerly parallel with Nevins Street, 100 feet; thence Easterly parallel with Douglass Street, 100 feet; thence Southerly parallel with Nevins Street, 100 feet to the Northerly side of Douglass Street; and thence Westerly along said Northerly side of Douglass Street, 100 feet to the point or place of BEGINNING.

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:

256-276 BUTLER STREET ASSOCIATES, INC.

By *Alfred S. Smith*

President

42187
 COUNTY OF KINGS
 REAL ESTATE
 TRANSFER TAX
 STATE OF NEW YORK
 Dept. of Taxation
 FEB 11 1974
 & FINANCE
 \$01.65
 FEB 10 1974

EH

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

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

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

REEL 690-1177

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

STATE OF NEW YORK, COUNTY OF

On the 7th day of February 1971 , before me personally came ABRAHAM BRESLER to me known, who, being by me duly sworn, did depose and say that he resides at No. 1660 49th Street,

Brooklyn, New York ; that he is the President of 256-276 Butler Street Associates, Inc., the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

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

Qualified to administer oaths
Treasurer of the County of Kings

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

256-276 BUTLER STREET ASSOCIATES, INC.

TO

256-276 BUTLER STREET ASSOCIATES

SECTION 2

BLOCK 412

LOT 15, 21 & 51

COUNTY OR TOWN Brooklyn

Recorded At Request of
Metropolitan Title Guaranty Company
RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

METROPOLITAN TITLE GUARANTY COMPANY



NORMAN H. COHEN & SEYMOUR I. COHEN,
250 West 57th Street Esqs.
New York, New York 10019

Zip No.

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

1971 FEB 11 PM 9:22

HL-TT-C
HL-TT-G

OFFICE OF CITY REGISTER
Kings County
RECORDED
Witness by hand
and official seal

CITY REGISTER

2510

2510

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

No consideration

THIS INDENTURE, made the 29 day of August, nineteen hundred and seventy nine
 BETWEEN ABRAHAM BRESLER, residing at 1670 54th Street, Brooklyn,
 New York, and JOSEPH BRESLER, residing at 1572 East 28th Street,
 Brooklyn, New York, as co-partners of 256-276 Butler Street
 Associates,

party of the first part, and CONTINENTAL CORRUGATED CONTAINER CORP., a New York
 corporation having its principal office at 100 South Washington Avenue,
 Dunellen, New Jersey

party of the second part,

412
107

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

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

BEGINNING at a point on the Southwesterly side of Butler Street,
 distant 100 feet Northwesterly from the Westerly corner of Butler
 Street and 3rd Avenue; running thence Southwesterly parallel with
 3rd Avenue, 100 feet; thence Northwesterly parallel with Butler
 Street, 175 feet; thence Northeasterly parallel with 3rd Avenue,
 100 feet to the Southwesterly side of Butler Street; and thence
 Southeasterly along the Southwesterly side of Butler Street, 175
 feet to the point or place of BEGINNING.

Said premises known as and by the street number 264 Butler 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, 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 consid-
 eration 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.

AND the party of the first part covenants as follows: that said party of the first part is seized of the said
 premises in fee simple, and has good right to convey the same; that the party of the second part shall quietly
 enjoy the said premises; that the said premises are free from incumbrances, except as aforesaid; that the
 party of the first part will execute or procure any further necessary assurance of the title to said premises; and
 that said party of the first part will forever warrant the title to said premises.

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:

Abraham Bresler
 ABRAHAM BRESLER
Joseph Bresler
 JOSEPH BRESLER

STATE OF NEW YORK, COUNTY OF *Kings*

On the *29th* day of *August* 19 *79*, before me personally came **ABRAHAM BRESLER and JOSEPH BRESLER**

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

Abraham Kaszovitz
Notary Public

CORNYLL, KASZOVITZ
Notary Public, State of New York
No. 419418-0
Qualified in Kings County
Commission Expires March 30, 1981

STATE OF NEW YORK, COUNTY OF

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

that he is the of

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

STATE OF NEW YORK, COUNTY OF

On the day of 19 before me personally came

ALL 1112 PAGE 1086

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

STATE OF NEW YORK, COUNTY OF

On the day of 19 before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

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

Warranty Deed

WITH FULL COVENANTS.

Title No. *79.04-263867*

ABRAHAM BRESLER and JOSEPH BRESLER, etc.

TO

CONTINENTAL CORRUGATED CONTAINER CORP.

SECTION 2
BLOCK 412
LOT 21
COUNTY OR TOWN

Recorded at Request of: **COMMONWEALTH LAND TITLE INSURANCE COMPANY OF NEW YORK**

RETURN BY MAIL TO:

FEDER, KASZOVITZ & WEBER
450 Seventh Avenue
New York, New York 10001

Zip No.

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS
Disseminated by
COMMONWEALTH LAND TITLE INSURANCE COMPANY OF NEW YORK

31933

Recorded by: *Abstract Corp.*

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

1979 OCT 24 11:49

REC. FEE
SST &
MIT # *17861*

RECEIVED
REAL ESTATE
OCT 24 1979
TRANSFER TAX
KINGS COUNTY

5863

OFFICE OF CITY REGISTER
Kings County
RECORDED
Witness my hand
and official seal
Matthew P. Dwyer
CITY REGISTER

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

REEL 1137 PAGE 167

ST
77

THIS INDENTURE, made the 14th day of January, nineteen hundred and eighty **BETWEEN** CONTINENTAL CORRUGATED CONTAINER CORP., a New York corporation having its principal office at 100 South Washington Avenue, Dunellen, New Jersey,

party of the first part, and DOMAL TRANSPORTATION, INC., a New York corporation having its principal office at 264 Butler Street, Brooklyn, New York,

party of the second part,

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

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

412
CT 21

BEGINNING at a point on the southwesterly side of Butler Street, distant 100 feet northwesterly from the westerly corner of Butler Street and Third Avenue; running thence southwesterly parallel with Third Avenue, 100 feet; thence northwesterly parallel with Butler Street, 175 feet; thence northeasterly parallel with Third Avenue, 100 feet to the southwesterly side of Butler Street; and thence southeasterly along the southwesterly side of Butler Street, 175 feet to the point or place of **BEGINNING**.

Said premises known as and by the street number 264 Butler Street, Brooklyn, New York.

TAX MAP
DESIGNATION

Dist.

Sec 2

BLK 412

Lot(s) 21

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.

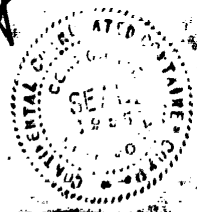
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of 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:

Sealed Envelope



CONTINENTAL CORRUGATED CONTAINER

BY *Abraham Dea*
Secretary

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

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

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came REEL 1137 PAGE 168

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

STATE OF NEW YORK, COUNTY OF NEW YORK

On the 14 day of January 1980 , before me personally came Abraham Bresler to me known, who, being by me duly sworn, did depose and say that he resides at No. 1670 54th Street, Brooklyn, New York ; that he is the Secretary of CONTINENTAL CORRUGATED CONTAINER CORP. , the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. ; that he knows

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

Michael P. Boccia
Notary Public
MICHAEL N. BOCCIA
Notary Public, State of New York
No. 2235 Grand, in Kings County
Commission Expires March 30, 1980

Bargain and Sale Deed
WITH COVENANT AGAINST GRANIOR'S ACES
TITLE No. 24-04-263867

3354 CONTINENTAL CORRUGATED CONTAINER CORP.
TO
DOMAL TRANSPORTATION, INC.

SECTION 2
BLOCK 412
LOT 21
COUNTY OR TOWN Kings
TAX BILLING ADDRESS
264 Butler Street
Brooklyn, New York

Recorded At Request of The Title Guarantee Company
RETURN BY MAIL TO:

ANTHONY CARONNA
66 Court Street
Brooklyn, New York 11201

Zip No.



RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

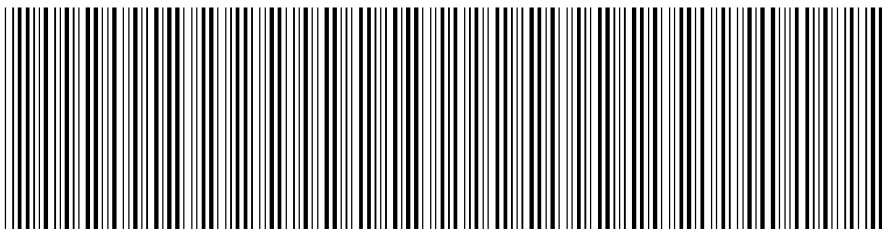
REC. FILE 12054
SST & 77.00
RIT # 1733

RECEIVED
REAL ESTATE
JAN 28 1980
TRANSFER TAX
KINGS COUNTY

OFFICE OF CITY REGISTER
Kings County
RECORDED
Witness my hand
and official seal
JAY E. BUTLER
ACTING CITY REGISTER

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.



2024111100412001001E166A

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 4

Document ID: 2024111100412001

Document Date: 11-06-2024

Preparation Date: 11-11-2024

Document Type: DEED

Document Page Count: 3

PRESENTER:

GOTHAM ABSTRACT & SETTLEMENT, LLC
622 THIRD AVENUE, SUITE 600
GA-3660-NY-24
NEW YORK, NY 10017
212-767-0707
RECORDINGS@GOTHAMABSTRACT.COM

RETURN TO:

GOTHAM ABSTRACT & SETTLEMENT, LLC
622 THIRD AVENUE, SUITE 600
GA-3660-NY-24
NEW YORK, NY 10017
212-767-0707
RECORDINGS@GOTHAMABSTRACT.COM

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BROOKLYN	412	29	Entire Lot	N/A 3 AVENUE
Property Type: COMMERCIAL REAL ESTATE				

CROSS REFERENCE DATA

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

PARTIES

GRANTOR/SELLER:

FORTUNE JD LLC
42 WEST 48TH STREET, 2ND FLOOR
NEW YORK, NY 10036

GRANTEE/BUYER:

172 THIRD AVE LLC
505 FLUSHING AVENUE, UNIT 1-F
BROOKLYN, NY 11205

FEES AND TAXES

Mortgage :

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

TOTAL: \$ 0.00

Recording Fee: \$ 52.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 250.00

NYC Real Property Transfer Tax:

\$ 577,500.00

NYS Real Estate Transfer Tax:

\$ 143,000.00

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

CITY OF NEW YORK

Recorded/Filed 11-14-2024 09:58

City Register File No.(CRFN):

2024000297402



Colette McChia-Jacques

City Register Official Signature

THIS INDENTURE, made effective as of the 6th day of November, 2024

BETWEEN

Fortune JD LLC, a New York limited liability company, having an address of 42 West 48th Street, 2nd Floor, New York, NY 10036,

party of the first part, and

172 Third Ave LLC, a New York limited liability company, having an address of 505 Flushing Avenue, Suite 1-F, Brooklyn, NY 11205,

party of the second part,

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,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the County of Kings, City and State of New York, and as further described on SCHEDULE A attached hereto.

Premises is also known as 172 Third Avenue, Brooklyn, NY 11217
SECTION BLOCK: 412 Lot: 29

SAID PREMISES Being and intended to be A PART of the same premises described in Deed recorded in CRFN 2009000341333 conveyed to the party of the first part by deed dated October 1, 2009 and recorded in the City and State of New York, Office of the Register of Kings County on October 20, 2009.

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.

Fortune JD LLC

Name: Ron Lazar, Esq.
Title: Authorized Person

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

State of New York, County of KINGS ss:

State of New York, County of ss:

On the 15th day of October in the year 2024
before me, the undersigned, personally appeared
Ron Lazar

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

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

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

(signature and office of individual taking acknowledgment)

(signature and office of individual taking acknowledgment)

JACOB GROSS
Notary Public, State of New York
No. 02-GR6183574
Qualified in Kings County
Commission Expires March 17, 2028

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

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

On the _____ day of December in the year 2021 before me, the undersigned, personally appeared

Alan Rosenstock and Arlene Rosenstock

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)

(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
Gotham Abstract GA-3660-NY-24
Fortune JD LLC

SECTION
BLOCK 412
LOT 29
COUNTY OR TOWN Kings
STREET ADDRESS 172 Third Avenue
Brooklyn, NY 11217

TO
172 Third Ave LLC

RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Large empty rectangular box for additional information or signature.

Old Republic National Title Insurance Company

Title Number: **GA-3660-NY-24**

Page 1

SCHEDULE A DESCRIPTION

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

BEGINNING at a corner formed by the intersection of the southerly side of Butler Street with the westerly side of 3rd Avenue;

RUNNING THENCE southerly along the westerly side of 3rd Avenue, 129.58 feet;

THENCE westerly parallel with Butler Street, 90 feet;

THENCE northerly parallel with 3rd Avenue, 29.58 feet;

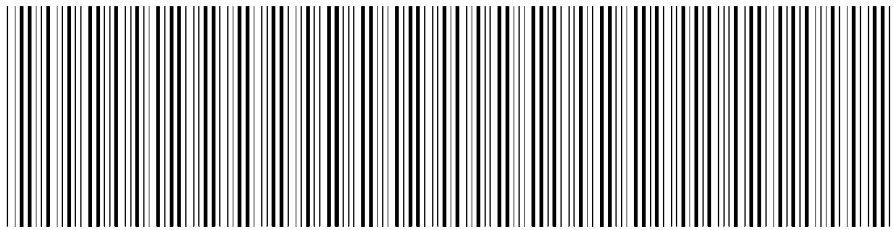
THENCE westerly parallel with Butler Street, 10 feet;

THENCE northerly parallel with 3rd Avenue, 100 feet to a point on the southerly side of Butler Street;

THENCE easterly along the southerly side of Butler Street, 100 feet to the corner formed by the intersection of the southerly side of Butler Street with the westerly side of 3rd Avenue and the point or place of BEGINNING.

FOR INFORMATION ONLY: Said premises being known as 172/184 3rd Avenue, a/k/a 278/286 Butler Avenue, and designated as Block 412 Lot 29 on the Tax Map of the City of New York, County of Kings.

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



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SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

Document ID: 2024111100412001
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SUPPORTING DOCUMENTS SUBMITTED:

Page Count

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

1
1
1



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

Customer Registration Form for Water and Sewer Billing

Property and Owner Information:

- (1) Property receiving service: BOROUGH: BROOKLYN BLOCK: 412 LOT: 29
- (2) Property Address: 172 THIRD AVENUE, BROOKLYN, NY 11217
- (3) Owner's Name: 172 THIRD AVE LLC
- Additional Name:

Affirmation:



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

Customer Billing Information:

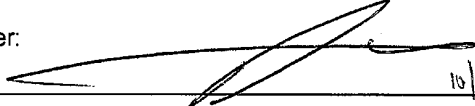
Please Note:

- 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.

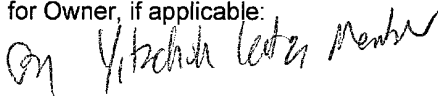
Owner's Approval:

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) 10/1/24

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

 On 10/1/24

FOR CITY USE ONLY

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

C3. Book OR C4. Page
 C5. CRFN



REAL PROPERTY TRANSFER REPORT

 STATE OF NEW YORK
 STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217NYC

PROPERTY INFORMATION

1. Property Location N/A 3 AVENUE BROOKLYN 11217
 STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name 172 THIRD AVE LLC
 LAST NAME / COMPANY FIRST NAME

LAST NAME / COMPANY FIRST NAME

3. Tax Billing Address Indicate where future Tax Bills are to be sent if other than buyer address (at bottom of form)

 LAST NAME / COMPANY FIRST NAME

STREET NUMBER AND STREET NAME CITY OR TOWN STATE ZIP CODE

4. Indicate the number of Assessment Roll parcels transferred on the deed 1 # of Parcels OR ☐ Part of a Parcel

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

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

5. Deed Property Size FRONT FEET X DEPTH OR ACRES

Check the boxes below as they apply:

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

8. Seller Name FORTUNE JD LLC
 LAST NAME / COMPANY FIRST NAME

LAST NAME / COMPANY FIRST NAME

9. Check the box below which most accurately describes the use of the property at the time of sale:

A ☐ One Family Residential C ☐ Residential Vacant Land E ☒ Commercial G ☐ Entertainment / Amusement I ☐ Industrial
 B ☐ 2 or 3 Family Residential D ☐ Non-Residential Vacant Land F ☐ Apartment H ☐ Community Service J ☐ Public Service

SALE INFORMATION

10. Sale Contract Date 3 / 23 / 2023
 Month Day Year

11. Date of Sale / Transfer 11 / 6 / 2024
 Month Day Year

12. Full Sale Price \$ 2,200,000.00

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

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

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

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

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

15. Building Class V 1 16. Total Assessed Value (of all parcels in transfer) 2,898,000

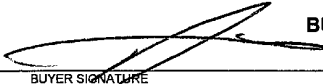
17. Borough, Block and Lot / Roll Identifier(s) (If more than three, attach sheet with additional identifier(s))

BROOKLYN 412 29

202312110039420105

CERTIFICATION

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

		BUYER				BUYER'S ATTORNEY	
BUYER SIGNATURE		DATE		LAST NAME		FIRST NAME	
505 FLUSHING AVENUE, UNIT 1-F							
STREET NUMBER		STREET NAME (AFTER SALE)		AREA CODE		TELEPHONE NUMBER	
BROOKLYN		NY		11205		SELLER	
CITY OR TOWN		STATE		ZIP CODE		SELLER SIGNATURE	
						DATE	

2023121100394201

CERTIFICATION

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

BUYER**BUYER'S ATTORNEY**

BUYER SIGNATURE 505 FLUSHING AVENUE, UNIT 1-F		DATE		LAST NAME		FIRST NAME	
STREET NUMBER BROOKLYN		STREET NAME (AFTER SALE)		AREA CODE		TELEPHONE NUMBER	
CITY OR TOWN		STATE NY		ZIP CODE 11205		SELLER 10/15/21	
				SELLER SIGNATURE		DATE	

2023121100394201

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

State of New York }
County of Kings } SS.:

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

N/A 3 AVENUE

Street Address Unit/Apt.

BROOKLYN
Borough

New York,

412
Block

29
Lot

(the "Premises");

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

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

Name of Grantor (Type or Print)



Signature of Grantor

By Ron Lazer, AIA
signatory

Sworn to before me

this 15 day of October 2024

JACOB GROSS

Notary Public, State of New York

No. 02-GR6183574

Qualified in Kings County

Commission Expires March 17, 2028

Name of Grantee (Type or Print)

Signature of Grantee

Sworn to before me

this _____ day of _____ 20____

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

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

2023121100394101

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

State of New York }
County of Kings } SS.:

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

172 THIRD AVENUE

Street Address Unit/Apt.

BROOKLYN

Borough

New York,

412

Block

29

Lot

(the "Premises");

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

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

Name of Grantor (Type or Print)

Signature of Grantor

Sworn to before me

this _____ day of _____ 20____

Name of Grantee (Type or Print)

Signature of Grantee

Sworn to before me

this 1 day of Oct 2021

MEDEL KLEIN
NOTARY PUBLIC STATE OF NEW YORK
No 01KL0000785
Qualified in Kings County
Commission Expires February 8 2027

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

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

2023121100394101

Exhibit K

**172 THIRD AVE LLC and
172 THIRD AVE EQUITY LLC (incorrectly named 172 Third Avenue
Equity LLC in the Current Brownfield Cleanup Program Volunteer)**

c/o Goose Property Management LLC

505 Flushing Avenue, #1H

Brooklyn, NY 11205

**Re: Site Access to Perform Brownfield Cleanup Program Work on 264 Butler Parcel
to be added to the 172 3rd Avenue Manifold Supply Machine Shop Site
BCP Site #: C224410**

Dear Mr. Cappolla:

Please be advised that 172 Third Ave Equity LLC (an affiliate of the hereinafter defined Purchaser), incorrectly name 172 Third Avenue Equity LLC in a pending Brownfield Cleanup Agreement ("BCA"), is a volunteer in the Brownfield Cleanup Program ("BCP") for the adjacent BCP Site located at 172 Third Avenue, Brooklyn, New York 11217 (Block 412, Lot 29), known as the 172 3rd Avenue Manifold Supply Machine Shop BCP Site No. C224410 (the "BCP Site").

As you know, Domal Transportation Inc. ("Domal") owns the parcel known as 264 Butler Street, Brooklyn, New York (Block 412, Lot 21; hereinafter the "Butler Street Site") and Domal (as seller) has previously entered into a Contract of Sale (the "Butler Contract") with Goose Property Management, LLC (as purchaser), predecessor-in-interest to 172 Third Ave LLC (hereinafter, "Purchaser") to sell the Butler Street Site to Purchaser.


Purchaser and current BCP Volunteer, 172 Third Ave Equity LLC (incorrectly named 172 Third Avenue Equity LLC), need your written permission to access the Butler Street Site for the purpose of performing environmental investigation and remediation work required by the Brownfield Cleanup Agreement ("BCA"), which Purchaser shall enter into with the New York State Department of Environmental Conservation to perform such work to cleanup any contamination found on the Butler Street Site.

If you agree to sign below, you are granting Purchaser and current BCP Volunteer, 172 Third Ave Equity LLC (incorrectly named 172 Third Avenue Equity LLC), until such time as Purchaser replaces 172 Third Ave Equity LLC as the BCP Volunteer in a revised BCA what is known as a "temporary license" (subject to the rights of the tenants of the Butler Street Site) to allow an appropriate contractor we hire to enter the Butler Street Site to perform investigation and remediation work. Purchaser and 172 Third Ave Equity LLC promise to provide Domal with copies of any information they generate about the Butler Street Site, and if they damage the Butler Street Site in any way, they agree to promptly repair such damage to restore the Butler Street Site to the way it was before they entered the Butler Street Site. Their contractors will also maintain insurance that would cover any accidents on the job. They promise to minimize any and all inconvenience to Domal (and the tenants of the Butler Street Site) in connection with this work and will give Domal at least one week's notice before the work begins.

In addition, in the unlikely event that Domal still owns the Butler Street Site when the remediation is complete and the Certificate of Completion is about to be obtained, and Purchaser has not achieved an unconditional Track 1 remediation, Domal agrees to execute an environmental easement (in form reasonably acceptable to you) for the Butler Street Site if added to the BCP Site when required by the New York State Department of Environmental Conservation.

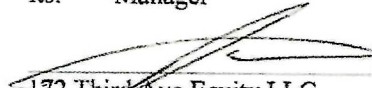
Thank you for your cooperation.

Sincerely,


172 Third Ave LLC

By: Yitzchok Katz

Its: Manager


172 Third Ave Equity LLC

(Incorrectly named 172 Third Avenue Equity
LLC in the pending 172 3rd Avenue BCA)

By: Yitzchok Katz

Managing Member

As an authorized signatory for the owner of the Butler Street Site, Domal Transportation Inc., I am authorized to grant this temporary license and agree to allow 172 Third Ave LLC and the Current BCP Volunteer, 172 Third Ave Equity LLC (incorrectly named 172 Third Avenue Equity LLC in the pending 172 3rd Avenue BCA), until such time as 172 Third Ave LLC replaces the Current BCP Volunteer and their agents to enter the BCP Site to perform the BCP investigation and/or remediation work required by the BCA.



Domal Transportation Inc.

Print: Dominick Cappolla Jr.

Title: Secretary

Exhibit L

Site Contact List

172 3rd Avenue Manifold Supple Machine Shop Site
N/A Third Avenue (l/k/a 172 Third Avenue) and 264 Butler Street, Brooklyn, New York 11217

Name	Title	Address	City	State	Zip
Charles Schumer	U. S. Senator	780 Third Avenue, Suite 2301	New York	NY	10017
Kirsten Gillibrand	U. S. Senator	780 Third Avenue, Suite 2601	New York	NY	10017
Daniel S. Goldman	U. S. House of Representatives, 10th District	340A 9th Street	Brooklyn	NY	11215
Andrew Gounardes	New York State Senator, 26th District	491 Carroll Street, Suite 31	Brooklyn	NY	11215
Jo Anne Simon	State Assembly, 52nd District	341 Smith Street	Brooklyn	NY	11231
Eric Adams	Mavor of New York City	City Hall	New York	NY	10007
Dan Garodnick	NYC Planning Commission	120 Broadway, 31st Floor	New York	NY	10271
Joseph P. Murin	NYC Water Board	59-17 Junction Boulevard, 8th Floor	Flushing	NY	11373
Rohit T. Aggarwala	NYC Environmental Protection	59-17 Junction Boulevard, 13th Floor	Flushing	NY	11373
Antonio Reynoso	Brooklyn Borough President	209 Joralemon Street	Brooklyn	NY	11201
Brooklyn Paper	Media Outlet	One Metro Tech Center	New York	NY	11201
Candance Vasquez	Brooklyn Public Library - Pacific Branch	25 Fourth Avenue, at Pacific Street	Brooklyn	NY	11217
Michael Racioppo	Brooklyn Community Board No. 6	250 Baltic Street	Brooklyn	NY	11201
Denise Watson	PS 032 Samuel Mills Sprole School	420 Union Street	Brooklyn	NY	11231
Erica Davis	PS 261 Zipporah Mills	314 Pacific Street	Brooklyn	NY	11201
Majorie Dalrymple	PS K396 Coy L. Cox School	383 State Street	Brooklyn	NY	11201
Pascale Pradel	PS 38 The Pacific School	450 Pacific Street	Brooklyn	NY	11217
Arin Rusch	PS 447 The Math & Science Exploratory	345 Dean Street	Brooklyn	NY	11217
Heather Foster	PS 133 William A. Butler School	610 Baltic Street	Brooklyn	NY	11217
LeeAndra Kahn	EPIC Academy	615 Degraw Street	Brooklyn	NY	11217
Rosa Amato	PS 372 The Children's School	512 Carroll Street	Brooklyn	NY	11215
To Whom It May Concern	Daddy's Daycare 6	357 Douglass Street	Brooklyn	NY	11217
Karen S. Daughtry	Alonzo A Daughtry Day Care Center	565 Baltic Street	Brooklyn	NY	11217
To Whom It May Concern	Le Paradis Des Anges	93 4th Avenue	Brooklyn	NY	11217
To Whom It May Concern	Tiny Steps Daycare Center	33 St John Place	Brooklyn	NY	11217
Mildred Kingsley	Mildred's Family Daycare	426 Baltic Street	Brooklyn	NY	11217
To Whom It May Concern	Regina's Daycare	711 Sackett Street	Brooklyn	NY	11217
To Whom It May Concern	Working Mother's Child Care	414 Baltic Street, # 1C	Brooklyn	NY	11217
To Whom It May Concern	Daddy's Daycare 4	87 Douglass Street	Brooklyn	NY	11231
To Whom It May Concern	AB See Me Grow Home Day Care	417 Baltic Street	Brooklyn	NY	11217
Domal Transportation Inc.	Site Owner of 264 Butler St	130 St. Pauls Avenue	Staten Island	NY	10301
A&H Candy Wholesalers	Site Operator of 264 Butler Street	264 Butler Street	Brooklyn	NY	11217
Wafels & Dinges Warehouse	Site Operator of 264 Butler Street	264 Butler Street	Brooklyn	NY	11217
Gowanus Realty LLC	Adjacent Property Owner of 158 3rd Ave, 291 Butler St, 295 Butler St and 313 Butler St	26 Delevan Street	Brooklyn	NY	11231
AST Holding Corp	Adjacent Property Owner of 159 3rd Ave	159 Third Avenue	Brooklyn	NY	11217
Freud Third Avenue Properties LLC	Adjacent Property Owner of 181 3rd Ave, 183 3rd Ave, and 189 3rd Ave	18 E. 87th Street, Ground Floor	New York	NY	10128
Fortune JD LLC	Adjacent Property Owner of 190 3rd Ave and N/A Douglass St	42 W. 48th Street, Floor 2	New York	NY	11217
255 Douglass RE LLC	Adjacent Property Owner of 255, 261 Douglass Street and 262 Butler Street	323 East Lexington Avenue	Oceanside	NY	11572
Butler Hotel Property LLC	Adjacent Property Owner of 279 Butler Street	1330 Avenue of the Americas, Suite 1200	New York	NY	10019
Industrial Tempering Glass LTD	Adjacent Property Operator of 158 Third Avenue	170 Third Avenue	Brooklyn	NY	11217
Crystal Glass & Mirror Corp	Adjacent Property Operator of 158 Third Avenue	156 Third Avenue	Brooklyn	NY	11217
AJ Iron Work Innovations Corp.	Adjacent Property Operator of 158 Third Avenue	156 Third Avenue	Brooklyn	NY	11217
CubeSmart Self Storage	Adjacent Property Operator of 313 Butler Street	313 Butler Street	Brooklyn	NY	11217
Fairfield Inn & Suites by Marriott	Adjacent Property Operator of 181, 183 and 189 Third Avenue	181 Third Avenue	Brooklyn	NY	11217
Blue Pearl Pet Hospital	Adjacent Property Operator of 190 Third Avenue	190 Third Avenue	Brooklyn	NY	11217
South Brooklyn Weightlifting Club	Adjacent Property Operator of N/A Douglas Street	267 Douglass Street, #1	Brooklyn	NY	11217
Brooklyn Swings	Adjacent Property Operator of N/A Douglas Street	267 Douglass Street, 3rd Floor	Brooklyn	NY	11217
Gemini and Scorpio Loft	Adjacent Property Operator of N/A Douglas Street	267 Douglass Street, 3rd Floor	Brooklyn	NY	11217
UpFit Training Academy Brooklyn	Adjacent Property Operator of N/A Douglas Street	265 Douglass Street	Brooklyn	NY	11217
Band Spaces NYC	Adjacent Property Operator of 261 Douglass Street	261 Douglass Street	Brooklyn	NY	11217
Quality Woodworking	Adjacent Property Operator of 255 Douglass Street	255 Douglass Street	Brooklyn	NY	11217
LMP Tech Solutions	Adjacent Property Operator of 255 Douglass Street	255 Douglass Street	Brooklyn	NY	11217
Herbogenic	Adjacent Property Operator of 262 Butler Street	262 Butler Street	Brooklyn	NY	11217
Red Lion Inn & Brooklyn Suites	Adjacent Property Operator of 279 Butler Street	279 Butler Street	Brooklyn	NY	11217