

# NYSDEC BROWNFIELD CLEANUP PROGRAM APPLICATION

4001 4<sup>TH</sup> AVENUE REDEVELOPMENT SITE

---

4001-4011 4<sup>TH</sup> AVENUE  
SECTION 3, BLOCK 714, LOT 6  
BROOKLYN, NEW YORK

PREPARED FOR:  
4 AVE PROPERTY LLC



H & A of New York Engineering and  
Geology, LLP  
213 West 35<sup>th</sup> Street, 7<sup>th</sup> Floor  
New York, NY 10001  
Tel: 646.518.7735

15 July 2024  
File No. 0210815

Site Control Section  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway, 11<sup>th</sup> Floor  
Albany, New York 12233

Subject: Brownfield Cleanup Program Application  
4001 4th Avenue Redevelopment Site  
4001-4011 4th Avenue  
BCP Site Number C224412  
Brooklyn, New York 11232 (Site)

Ladies and Gentlemen,

H & A of New York Engineering and Geology, LLP (Haley & Aldrich of New York), on behalf of 4 Ave Property LLC, has prepared this revised Brownfield Cleanup Program Application for the above referenced site. Enclosed in the folder shared via the New York State Department of Environmental Conservation's File Transfer System is the full Brownfield Cleanup Program Application and a Draft Remedial Investigation Work Plan, which is being submitted concurrently with this Application. Previous reports that are relevant to the Site are referenced throughout this Application and copies of the full reports are provided as attachments.

Should you have any questions, please do not hesitate to contact me at (646) 277-5688 or via email at JBellev@haleyaldrich.com.

Thank you.

A handwritten signature in blue ink that reads 'Mari Cate Conlon'.

Mari Cate Conlon, P.G.  
Senior Associate

A handwritten signature in blue ink that reads 'James M. Bellew'.

James Bellew  
Principal

Enclosed copies provided via email to:

Ari Schwartz (4 Ave Property LLC)  
Shia Lefkowitz (4 Ave Property LLC)  
Solomon Jacobowitz (4 Ave Property LLC)  
Christine Leas (Sive, Paget & Riesel P.C.)  
Kayley McGrath (Sive, Paget & Riesel P.C.)

Email: [Ari@bmanage.com](mailto:Ari@bmanage.com)  
Email: [sylrealty@gmail.com](mailto:sylrealty@gmail.com)  
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**NYSDEC BROWNFIELD CLEANUP PROGRAM APPLICATION**



**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 [DESiteControl@dec.ny.gov](mailto:DESiteControl@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, 11<sup>th</sup> Floor  
Albany, NY 12233-7020

**PROPOSED SITE NAME:** 4001 4th Avenue Redevelopment 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: C224412

☒

Yes

☐

No



BCP App Rev 15 – May 2023

**SECTION I: Property Information**

PROPOSED SITE NAME **4001 4th Avenue Redevelopment Site**

ADDRESS/LOCATION **4001-4011 4th Avenue**

CITY/TOWN **Brooklyn**

ZIP CODE **11232**

MUNICIPALITY (LIST ALL IF MORE THAN ONE) **Brooklyn**

COUNTY **Kings**

SITE SIZE (ACRES) **0.23**

LATITUDE

LONGITUDE

40° 39' 6.26N 74° 0' 24.10W

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
4001-4011	3	714	6	0.23

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"/> Y	<input type="radio"/> N
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> for more information) If yes, identify census tract: _____ Percentage of property in En-zone (check one): 0% <input checked="" type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input type="radio"/>	<input type="radio"/> Y	<input checked="" type="radio"/> N
4. Is the project located within a disadvantaged community? See application instructions for additional information.	<input checked="" type="radio"/> Y	<input type="radio"/> N
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	<input type="radio"/> Y	<input checked="" type="radio"/> N
6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications: _____	<input type="radio"/> Y	<input checked="" type="radio"/> N

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"/>
<b>Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.</b>			
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 type="radio"/>	<input checked="" 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"/>
<b>NOTE:</b> 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.			
<b>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.</b>			
<b>Initials of each Requestor:</b> <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? R7A, C2-4

2. What uses are allowed by the property's current zoning (select all that apply)?

Residential ☒ Commercial ☒ Industrial ☐

3. Current use (select all that apply):

Residential ☐ Commercial ☒ Industrial ☐ Recreational ☐ Vacant ☐

4. Please provide a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date by which the site became vacant.  
Is this summary included with the application?

Y ☒ N ☐

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

\*Please describe other known contaminants and the media affected:

Light non-aqueous phase liquid

3. For each impacted medium above, include a site drawing indicating:

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

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

Are the required drawings included with this application?

☒ YES

☐ NO

4. Indicate Past Land Uses (check all that apply):

<input type="checkbox"/> Coal Gas Manufacturing	<input type="checkbox"/> Manufacturing	<input 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:

**SECTION V: Requestor Information**

NAME 4 Ave Property LLC

ADDRESS 40 Fulton Street, Suite 2002

CITY/TOWN New York

STATE NY

ZIP CODE 10038

PHONE (917) 770-8702

EMAIL realtyslj@gmail.com

	Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?	<input checked="" type="radio"/>	<input type="radio"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the <a href="#">NYS Department of State's Corporation &amp; Business Entity Database</a> . 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 <a href="#">DER-10: Technical Guidance for Site Investigation and Remediation</a> and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? <b>Documents that are not properly certified will not be approved under the BCP.</b>	<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:		
<b>PARTICIPANT</b> <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>	<b>VOLUNTEER</b> <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><b>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.</b></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: 99 year lease

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 Solomon Jacobowitz

ADDRESS 185 Marcy Ave. Suite #3-2A

CITY Brooklyn

STATE NY

ZIP CODE 11211

PHONE (917) 770-8702

EMAIL realtyslj@gmail.com

REQUESTOR'S CONSULTANT (CONTACT NAME) Mari Conlon

COMPANY H &amp; A of New York Engineering and Geology, LLP

ADDRESS 213 West 35th Street, 7th Floor

CITY New York

STATE NY

ZIP CODE 10001

PHONE (646) 277-5688

EMAIL mconlon@haleyaldrich.com

REQUESTOR'S ATTORNEY (CONTACT NAME) Christine Leas

COMPANY Sive, Paget &amp; Riesel P.C.

ADDRESS 560 Lexington Avenue

CITY New York

STATE NY

ZIP CODE 10022

PHONE (212) 421-2150

EMAIL cleas@sprlaw.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 4001 4th LLC

CONTACT NAME George Macchia

ADDRESS 556 Central Avenue

CITY Bethpage

STATE NY

ZIP CODE 11714

PHONE (718) 395-2096

EMAIL george@themacchiagroup.net

OWNERSHIP START DATE 9/9/2008

CURRENT OPERATOR B&L Gas Station Enterprises, Inc.,

CONTACT NAME Lilia Lomanov

ADDRESS 2951 Ocean Avenue, Apt. 2D

CITY Brooklyn

STATE NY

ZIP CODE 11235

PHONE (347) 410-3977

EMAIL quickstock@hotmail.com

OPERATION START DATE 2008

**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><b>Y</b></p> <input type="radio"/>	<p><b>N</b></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: \_\_\_\_\_

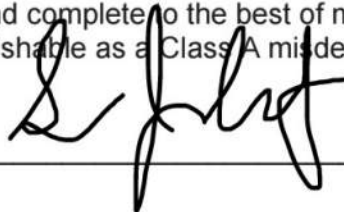
Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

(By a requestor other than an individual)

I hereby affirm that I am the managing member (title) of 4 Ave Property 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: 7/15/2024

Signature:  \_\_\_\_\_

Print Name: Solomon Jacobowitz

**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.

Not seeking tangible property credits

BCP App Rev 15

Please respond to the questions below and provide additional information and/or documentation as required. Please refer to the application instructions.	Y	N
1. Is the property located in Bronx, Kings, New York, Queens or Richmond County?	<input type="radio"/>	<input type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input type="radio"/>	<input type="radio"/>
3. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)?	<input type="radio"/>	<input type="radio"/>
4. Is the property upside down or underutilized as defined below?		
Upside down	<input type="radio"/>	<input type="radio"/>
Underutilized	<input type="radio"/>	<input type="radio"/>
<p><b>From ECL 27-1405(31):</b>  “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.</p> <p><b>From 6 NYCRR 375-3.2(I) as of August 12, 2016</b> (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.</p> <p>“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.</p>		



**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.

**ATTACHMENT A**

**Section I: Property Information**

## **SECTION I: PROPERTY DESCRIPTION NARRATIVE**

### ***Site Location***

The Proposed Brownfield Cleanup Program (BCP) Site is located at 4001 4th Avenue, Brooklyn New York and is identified as Block 714, Lot 6 on the New York City tax map (the Site).

The Site is bound by 4<sup>th</sup> Avenue followed by a public school located to the north, 40<sup>th</sup> Street followed by mixed use commercial residential buildings to the east, multi-family residential buildings to the south and Sunset Car Care auto repair shop to the west. The Site is located within a disadvantaged community (No. 36047008200) based on the Criteria defined by the Climate Justice Working Group. The Site is located within a mixed-use area characterized by commercial and residential buildings. The Site is not located in a Brownfield Opportunity Area (BOA) but is located in a BOA study area.

A project locus is included on Figure 1. An aerial photograph of the Site is included on Figure 2. A tax map is included on Figure 3. A map showing surrounding land use is included as Figure 4. A map showing the disadvantaged community overlay is included as Figure 5.

### ***Site Features***

The Site is currently operating as a BP Gasoline Service Station with a 1,860 square foot one-story convenience store, a canopy for three pump islands and parking for the convenience store.

### ***Current Zoning and Land Use***

The Site is located in a R7A, C2-4 zone for residential and commercial uses. The proposed development of this property is consistent with the current zoning.

### ***Past Site Use***

Based on the findings of the March 2024 Phase I Environmental Site Assessment (ESA) prepared by Lesova Environmental Group (LEG), the Site was comprised of two tax lots developed with an L-shaped one-story concrete store and service station constructed circa 1925, and the second lot was vacant. A gasoline Underground Storage Tank (UST) was depicted on the northern section of the lot on the 1926 Sanborn map. The 1942 Sanborn map depicted the Site merged as one lot with previous use consistent with the 1926 Sanborn map and a one-story car garage to the south of the lot. The Site operated as an automotive service station, lubrication, minor repair, and office with a parking area until at least August 1965. The Site was redeveloped with a one-story cement brick construction in the northwest portion of the Site which was used as a store with a gasoline filling station since at least 1970. The gasoline tank on the northern portion of the lot was not depicted in the 1970 Sanborn map. The Site has remained relatively unchanged through the present and is currently operating as a BP Gasoline Service Station with a convenience store.

A ground penetrating radar (GPR) survey conducted as part of the 2019 Phase II ESA identified nine suspected former USTs at the Site. Four suspect USTs were reportedly located under the canopy between the dispensers and five suspect USTs were reportedly located on the western portion of the Site. Currently, there are four 4,000-gallon active USTs which consist of three gasoline USTs and one diesel UST on the Site registered under Petroleum Bulk Storage (PBS) ID #2-349399 with a registration expiration date of 8 September 2028. The tanks are registered as equipped with an automatic overfill monitoring system, secondary spill containment and interstitial leak detection system.

The contaminants of concern identified in previous investigations are believed to have resulted from previous operations, including gasoline station operations and the current and previous leaking USTs.

### ***Site Geology and Hydrogeology***

According to the USGS Groundwater Atlas of the United States, New York region (1995) and USGS Hydrogeologic Framework of Long Island, New York, the property is located within the Atlantic Coastal Plain physiographic province. Overlaying the Atlantic Coastal Plain, the property is underlain by a small section of the Manhattan prong bedrock, exhibiting metamorphic rocks such as schist and gneiss. Additionally, the property features Cretaceous sediments, which contribute to the formation of specific soil. According to previous investigations, the subsurface was characterized as silty fine sand beneath the asphalt cover with trace gravel.

The elevation of the Site is approximately 51-feet above mean sea level (amsl). The Site is relatively flat with the general topographic gradient sloping downward to the north-northwest direction. Groundwater was encountered at 51-71 feet below ground surface (ft bgs) and expected to flow to the north-northwest, towards Upper New York Bay, and consistent with the regional trend.

## **SECTION I.14: ENVIRONMENTAL ASSESSMENT**

The Requestor seeks entry into the New York State Department of Environmental Conservation (NYSDEC) BCP at the investigation stage. The following reports were previously completed for the Site:

- 25 January 2019, Phase II ESA, prepared by Castleton Environmental Geologic Services DPC
- June 2020, Supplemental Investigation Report, prepared by Berninger Environmental
- October 2021, Supplemental Investigation Soil and Groundwater Report, prepared by Berninger Environmental
- 27 February 2024, Monitoring Report, prepared by Berninger Environmental
- 12 March 2024, Phase I ESA, prepared by Lesova Environmental Group

These reports are summarized below in Section IV.1 and are appended to this application package. Based on previous investigations, the primary contaminants of concern of the Site include volatile organic compounds (VOCs), specifically petroleum related VOCs, and light non-aqueous phase liquid (LNAPL).

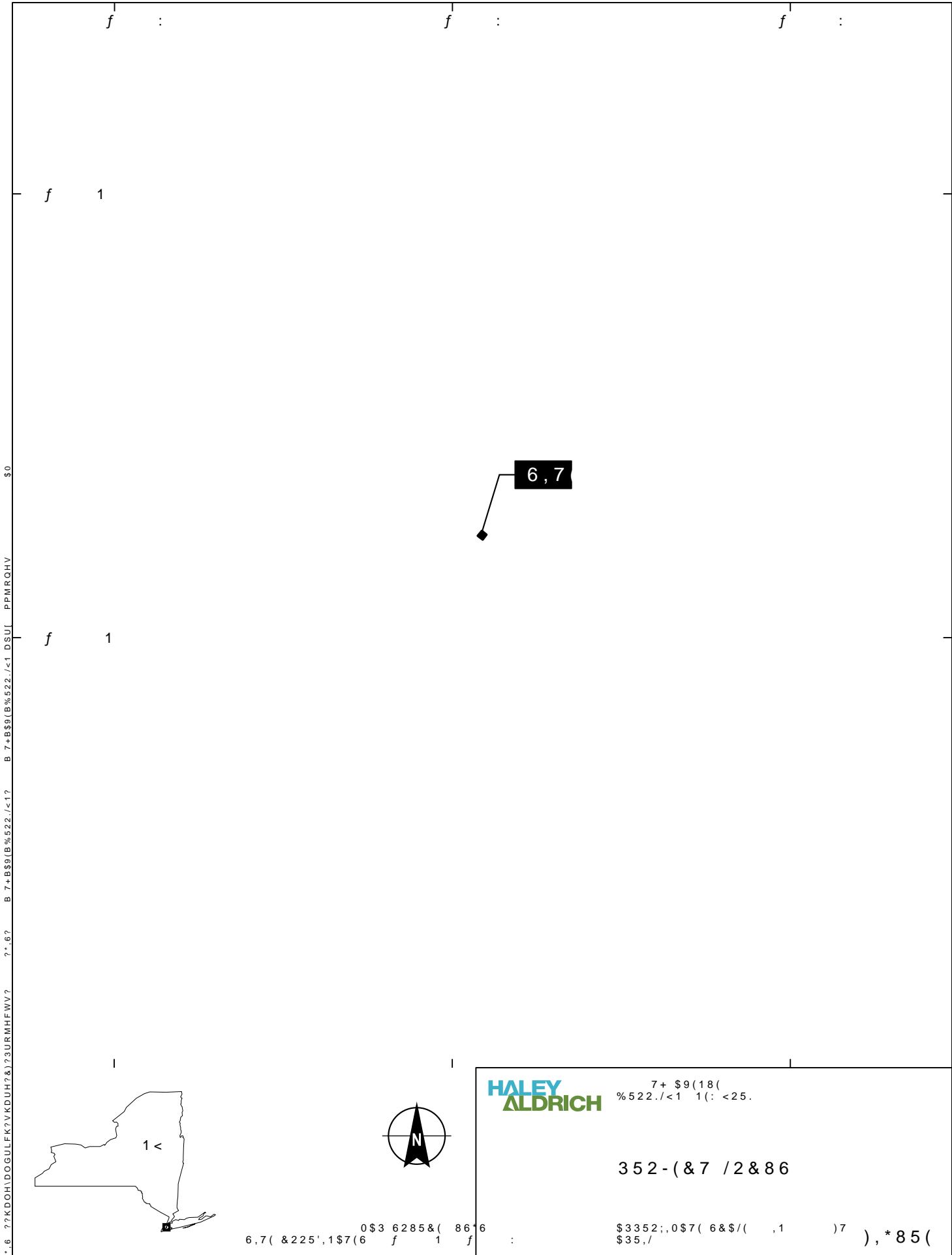
### ***Soil***

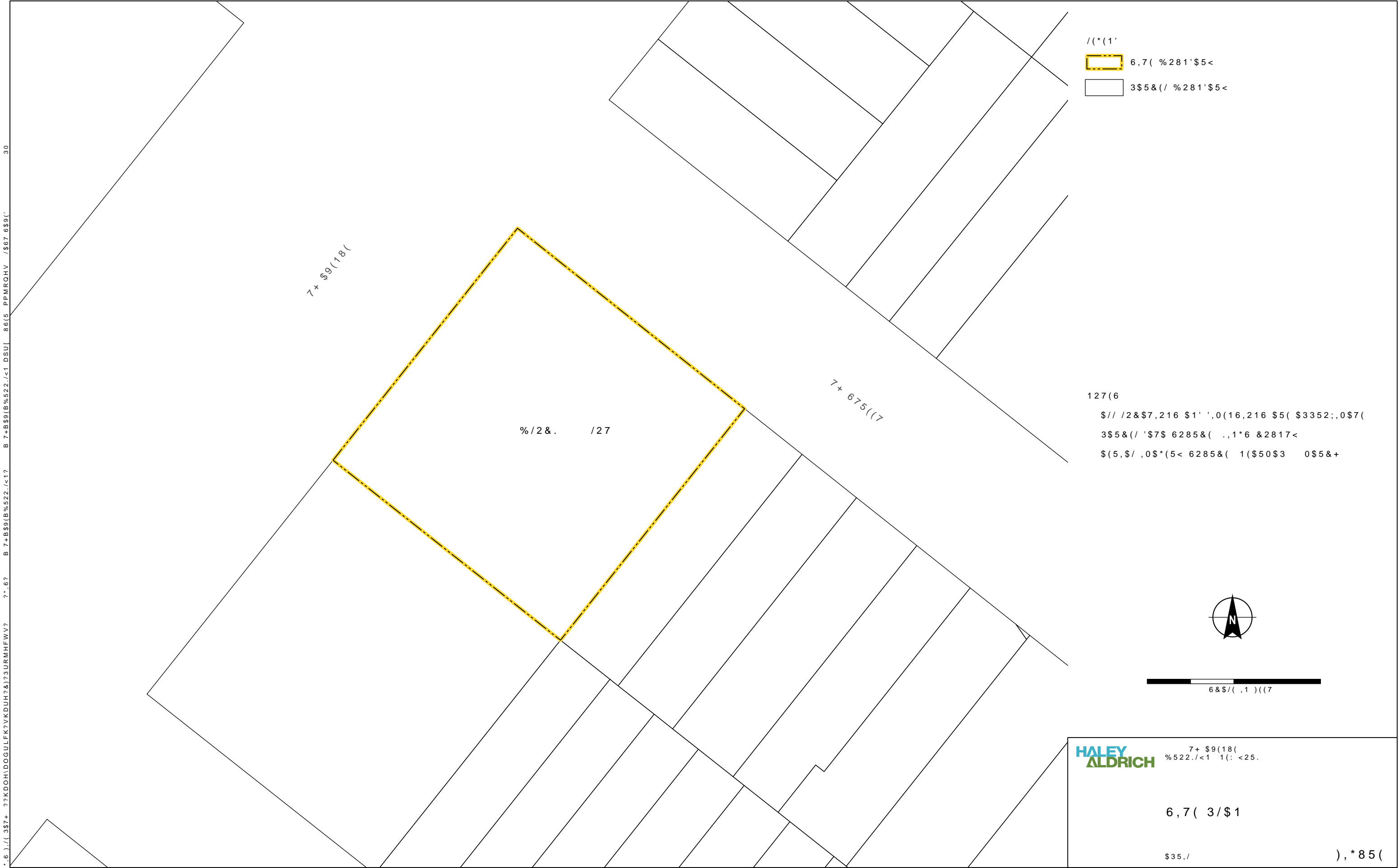
Based on the data collected in January 2019, multiple petroleum related VOCs exceeding NYSDEC Title 6 of the New York Codes, Rules, and Regulations (NYCRR) Part 375 Restricted Residential Soil Cleanup Objectives (RRSCOs) were identified in soil samples located in the southwest corner of the Site at depths ranging from 15 to 20 ft bgs. Elevated VOCs included 1,2,4-trimethylbenzene (maximum concentration 1,200 mg/kg), 1,3,5-trimethylbenzene (maximum concentration 860 mg/kg), benzene (maximum concentration 20 mg/kg), ethyl benzene (maximum concentration 1,100 mg/kg), n-propylbenzene (maximum concentration 170 mg/kg), toluene (maximum concentration 1,500 mg/kg) and total xylenes (maximum concentration 2,300 mg/kg).

In addition, multiple VOCs exceeding the NYSDEC Title 6 of the NYCRR Part 375 Protection of Groundwater Soil Cleanup Objectives (PGWSCOs) were identified in the southwest and northwest corners of the Site. In addition to those compounds noted as exceeding the RRSCOs, concentrations which also exceed PGWSCOs, naphthalene (maximum concentration 88 mg/kg), n-butylbenzene (maximum concentration 31 mg/kg) and sec-butylbenzene (maximum concentration 21 mg/kg) were detected above their respective PGWSCOs. In addition, a sample was collected from B-4 (co-located with previous 2019 soil boring SB-06) in April 2020 at depth greater than previously analyzed (27 to 30 ft bgs) which detected 1,2,4-trimethylbenzene (28 mg/kg), 1,3,5-trimethylbenzene (9.6 mg/kg), benzene (0.85 mg/kg), ethylbenzene (9.5 mg/kg), n-propylbenzene (10 mg/kg), toluene (17 mg/kg) and total xylenes (47 mg/kg) above their respective PGWSCOs.

### ***Groundwater***

Based on the data collected in October 2021, multiple VOCs, specifically petroleum related VOCs, were detected above the NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards (AWQSs) in a monitoring well located south of the currently operational USTs and suspected formerly abandoned in place USTs. VOCs exceeding the AWQS include 1,2,4,5-trimethylbenzene (39 µg/L), 1,2,4-trimethylbenzene (790 µg/L), 1,2, dibromoethane (7 µg/L), 1,2-dichloroethane (2 µg/L), 1,2-dichloropropane (3 µg/L), 1,3,5-trimethylbenzene (240 µg/L), acetone (110 µg/L), benzene (12,000 µg/L), chloroform (34 µg/L), ethylbenzene (1,100 µg/L), isopropylbenzene (58 µg/L), m,p-xylene (4,100 µg/L), methyl tert butyl ether (170 µg/L), methylene chloride (11 µg/L), n-propylbenzene (120 µg/L), naphthalene (160 µg/L), o-xylene (12,000 µg/L), sec-butylbenzene (11 µg/L), toluene (21,000 µg/L), and trans-1,3-dichloropropene (1 µg/L). In addition, during monthly monitoring LNAPL was observed at this monitoring well ranging 0.5 ft to 12 ft in thickness between December 2023 and February 2024.





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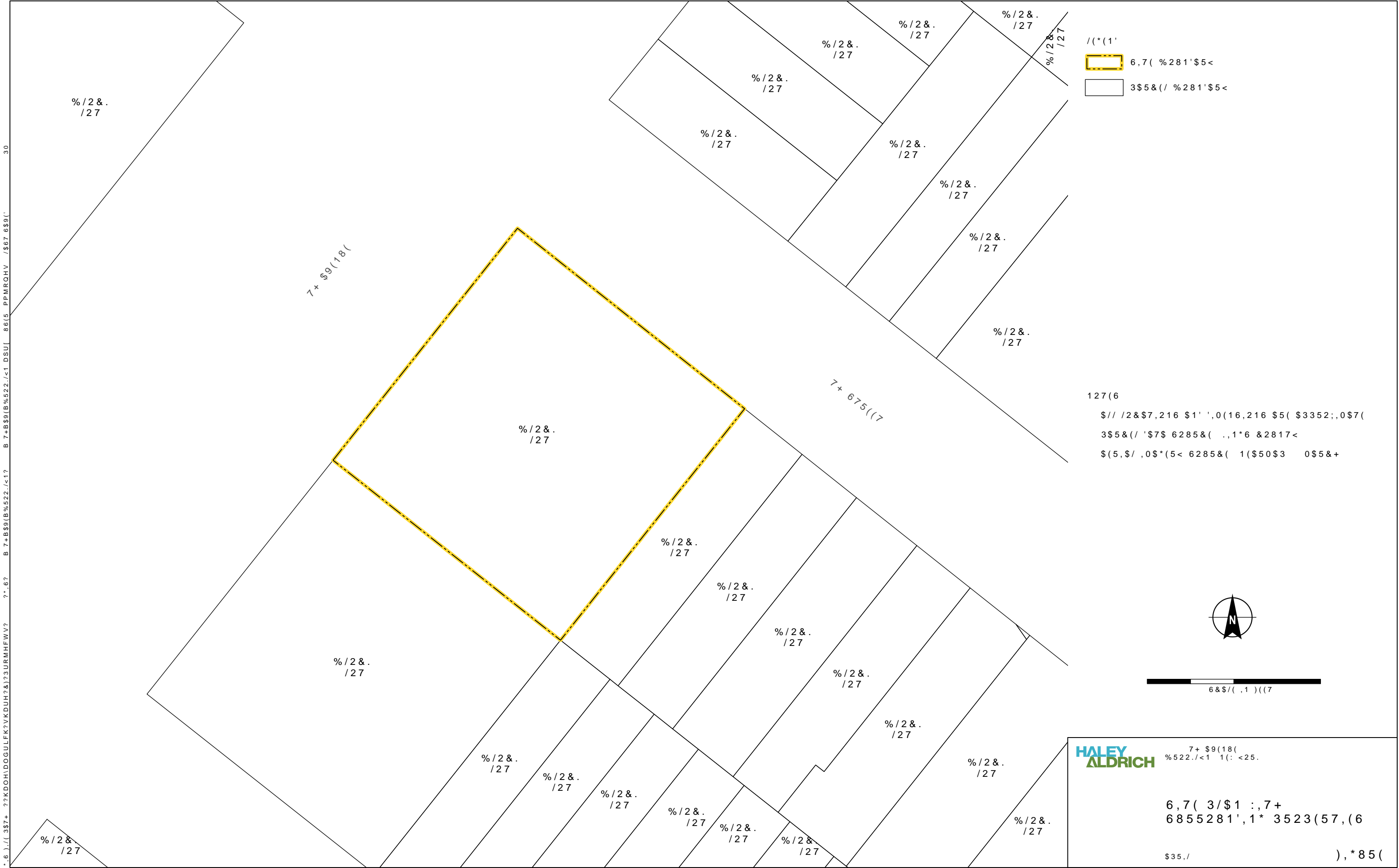
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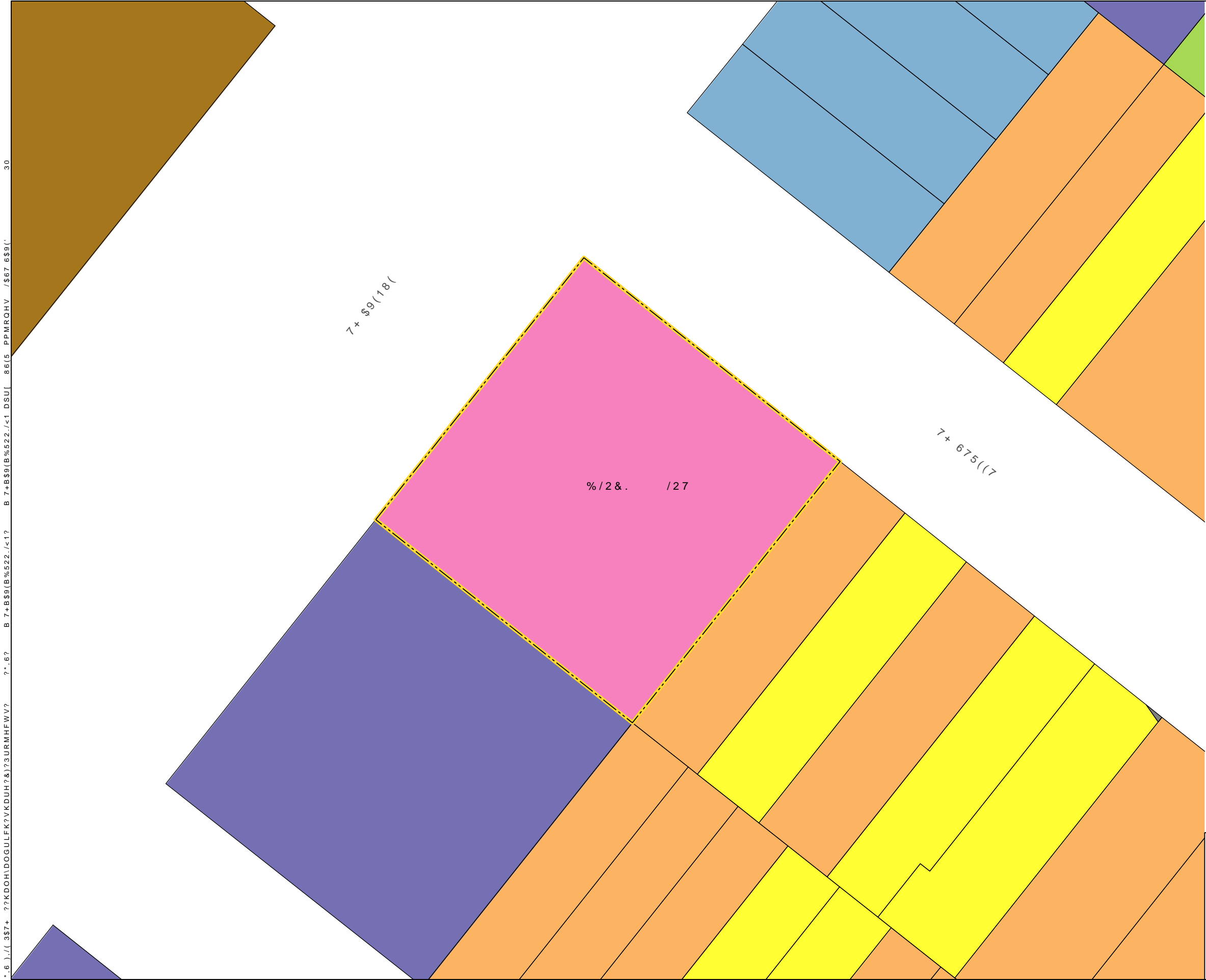
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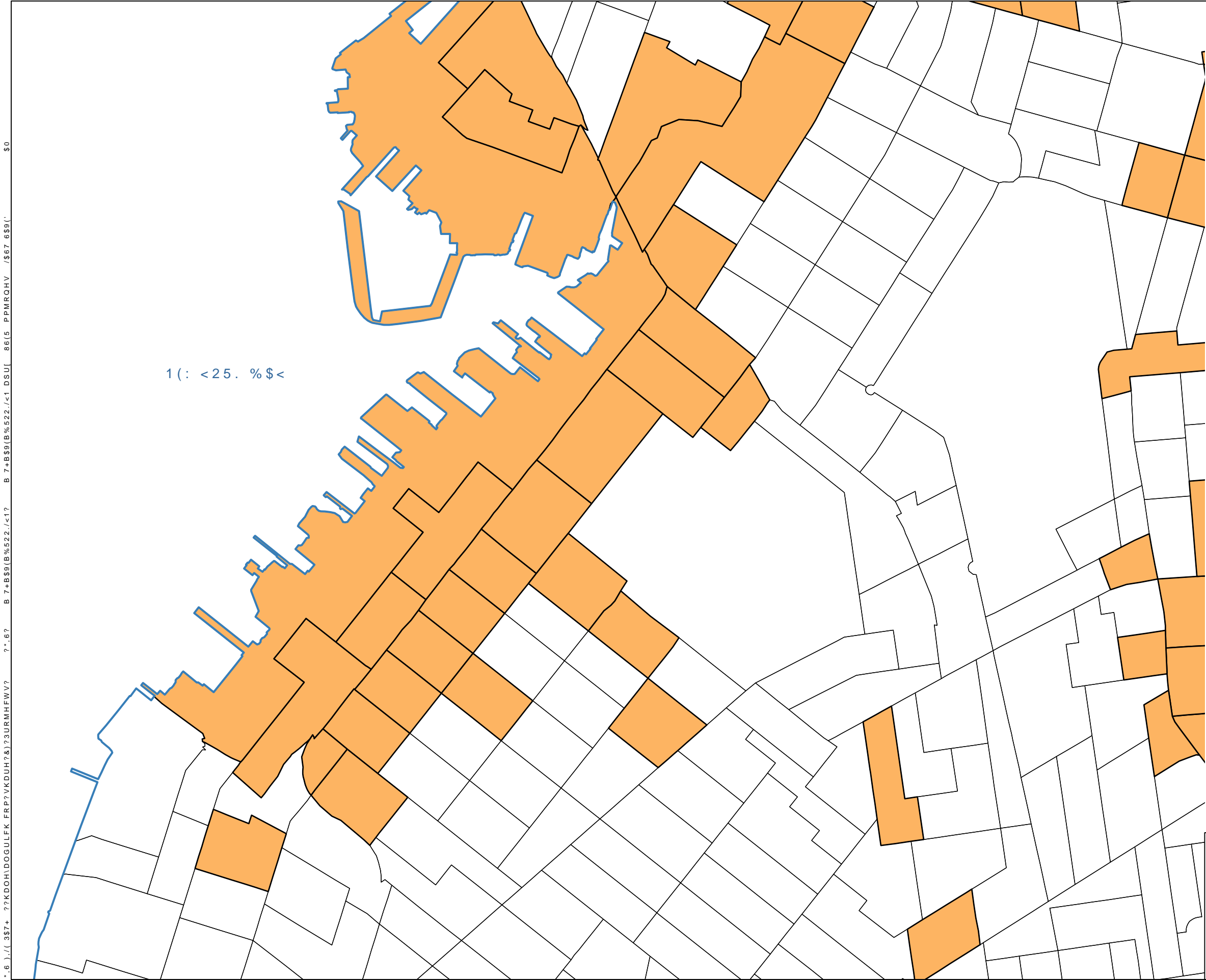
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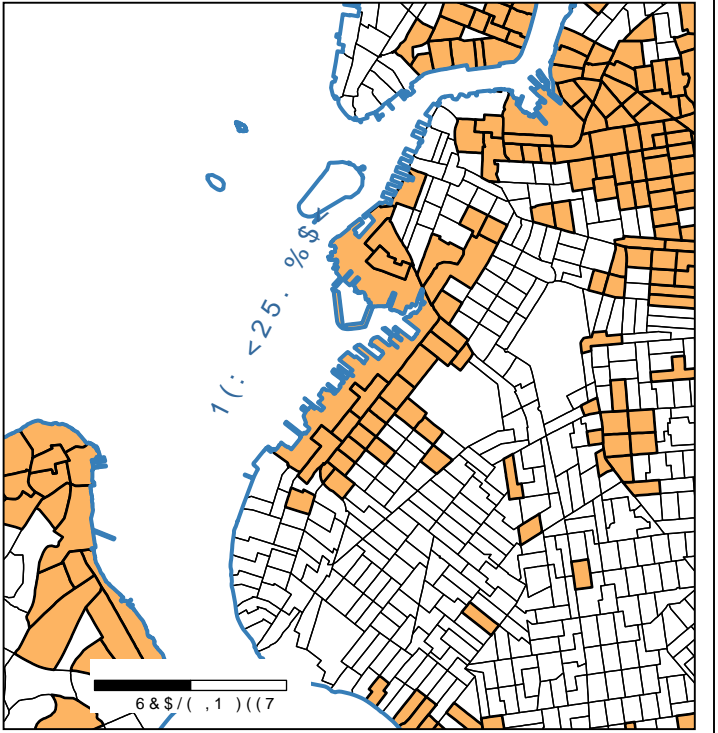
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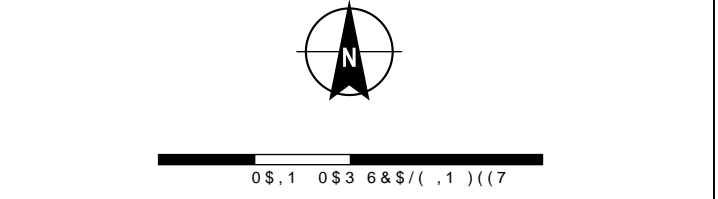
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## **ATTACHMENT B**

### **Section II: Project Description**

## SECTION II: PROJECT DESCRIPTION

The purpose of the project is to redevelop a contaminated property in addition to implementing remedial measures to protect human health and the environment.

### ***Proposed Development***

The project is in the pre-development phase. The proposed redevelopment consists of a new four-story kindergarten through 8<sup>th</sup> grade school and community facility that will encompass the full Site footprint. The foundation of the building is currently planned to extend 15 ft bgs. The first floor will be used for classrooms, mechanical rooms, offices, bike storage and a cafeteria.

### ***Rationale for BCP Program***

The Requestors seek to enter the NYSDEC BCP at the investigation stage.

Upon review of analytical results from previous environmental investigations conducted at the Site (discussed in further detail in Section IV), the Requestors seek to enter the NYSDEC BCP due to the contaminants of concern identified at the Site, primarily VOCs and the presence of LNAPL observed in increasing thickness measurements over the recent months of monitoring under spill case #1811146. Contaminants of concern identified are believed to have resulted from previous operations, including gasoline station operations and the current and previous leaking USTs.

While the previous investigations provided preliminary Site characterization data, they did not fully determine the nature and extent of contamination. Requestor is, therefore, also submitting for NYSDEC approval a Draft RIWP along with this BCP Application.

### ***Project Schedule***

It is anticipated that the Remedial Investigation will commence once Requestor is accepted into the BCP and the RIWP is approved by the Department. Implementation of the remedy would start within 6 to 8 weeks following acceptance of the Remedial Investigation Report by NYSDEC. Completion of the remedy is anticipated by December 2025 with a Certificate of Completion expected in 2026. A tentative project schedule is below.

Task	Duration (days)	Start	End	2024								2025												2026																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																						
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Notes:

1. Schedule is estimated and subject to change.
2. Implementation of RAWP does not include completion of building construction
3. NYSDEC - New York State Department of Environmental Conservation
4. NYSDOH - New York State Department of Health
5. BCP - Brownfield Cleanup Program
6. BCA = Brownfield Cleanup Agreement
7. RIWP = Remedial Investigation Work Plan
8. CPP = Citizen Participation Plan
9. RIR = Remedial Investigation Report
10. RAWP - Remedial Action Work Plan
11. FER - Final Engineering Report
12. SVI - Soil Vapor Intrusion
13. SMP - Site Management Plan
14. COC - Certificate of Completion
15. COC issuance estimated for October 2026 and prior to December 31, 2026

## **ATTACHMENT C**

### **Section III: Land Use Factors**

### SECTION III: LAND USE FACTORS

#### ***Zoning***

The Site is zoned for residential (R7A) with commercial (C2-4) overlay allowing for commercial or mixed use buildings to be built in residential zones. The C2-4 Zoning District is primarily residential with commercial uses on the street level. The commercial uses are usually typical commercial uses for residential areas including retail, restaurants, and services for the day to day needs of a residential neighborhood. The proposed development is consistent with the current zoning.

#### ***Current Use***

The Site has remained relatively unchanged through the present and is currently operating as a gasoline service station with a convenience store. Current and recent uses, such as the gasoline station operations and the current and previous leaking USTs, have likely resulted in the presence of the contaminants of concern identified in the subsurface at the Site, specifically petroleum related VOCs in soil and groundwater and presence of LNAPL observed in the southwest corner of the Site.

#### ***Intended Use Post-Remediation***

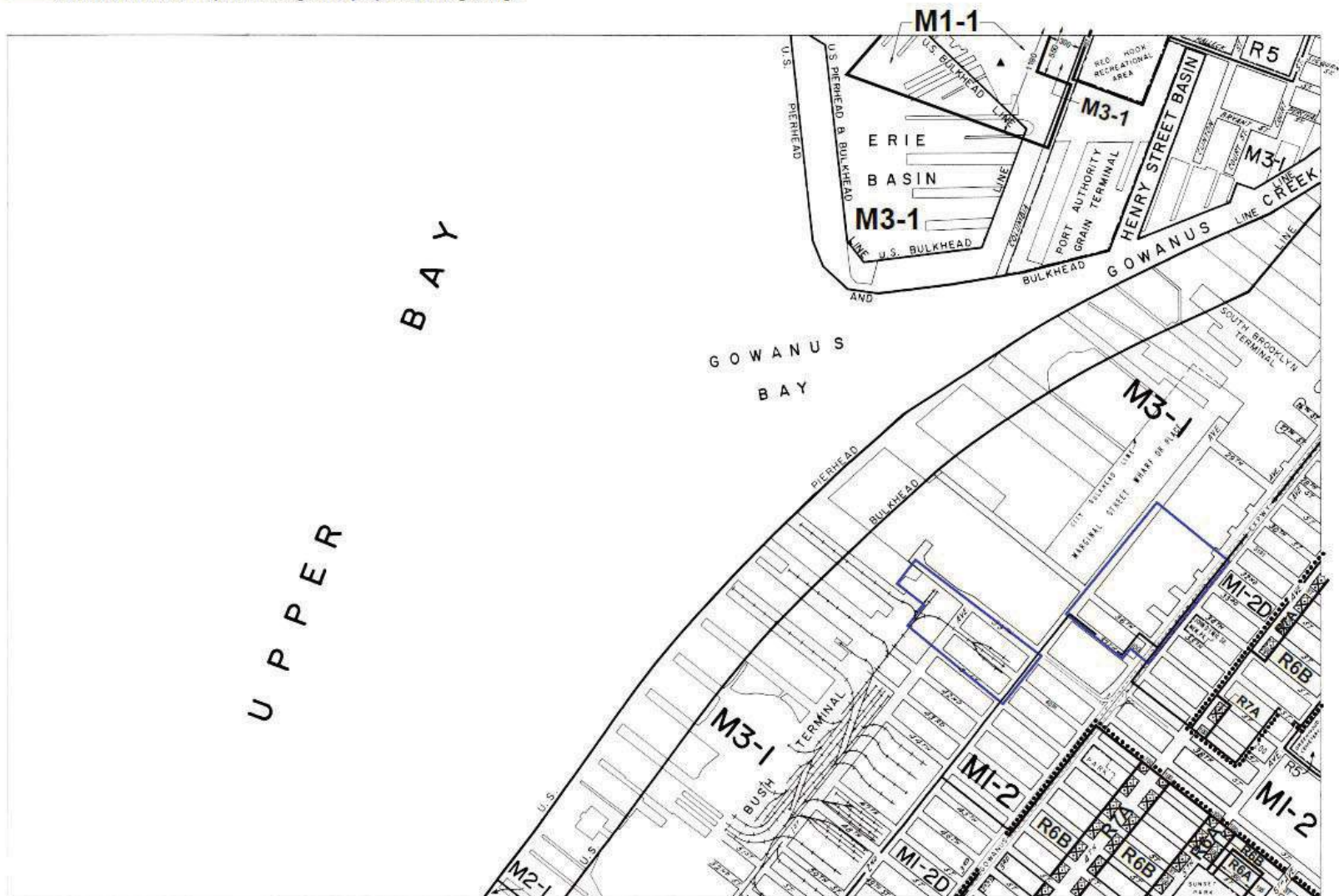
The project is in the pre-development phase. The proposed redevelopment consists of a new four-story school and community facility that will encompass the full Site footprint and include a cellar anticipated to extend to 15 ft bgs.

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

The proposed development of this property is consistent with the current zoning and will add another school in the vicinity of I.S. 136 Charles O. Dewey School located to the immediate north of the Site across 4<sup>th</sup> Avenue.



Click blue outline on map to view diagram of proposed zoning change



C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

## ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

### Major Zoning Classifications:

The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

- R – RESIDENTIAL DISTRICT
- C – COMMERCIAL DISTRICT
- M – MANUFACTURING DISTRICT

SPECIAL PURPOSE DISTRICT  
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

AREA(S) REZONED

### Effective Date(s) of Rezoning:

09-30-2009 C 090387 ZMK

### Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.

For a list of lots subject to "D" restrictive declarations, see APPENDIX D.

For Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas on this map, see APPENDIX F.

CITY MAP CHANGE(S):

▲ 7-18-2009 C 030412 MMK

### MAP KEY

	16a	16c
	<b>16b</b>	16d
21c	22a	22c

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NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: [www.nyc.gov/dcp/planning](http://www.nyc.gov/dcp/planning) or contact the Zoning Information Desk at (212) 720-3291.

ZONING MAP 16b

**ATTACHMENT D**

**Section IV: Property's Environmental History**

## SECTION IV.1: REPORTS

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

- 25 January 2019, Phase II ESA, prepared by Castleton Environmental Geologic Services DPC
- June 2020, Supplemental Investigation Report, prepared by Berninger Environmental
- October 2021, Supplemental Investigation Soil and Groundwater Report, prepared by Berninger Environmental
- 27 February 2024, Monitoring Report, prepared by Berninger Environmental
- 12 March 2024, Phase I ESA, prepared by Lesova Environmental Group

LINK: [4001 4th Avenue Historical Environmental Reports](#)

### ***January 2019 Phase II ESA Prepared by Castleton Environmental Geologic Service DPC***

A Phase II ESA report dated 25 January 2019, prepared by Castleton Environmental Geologic Services DPC (Castleton) was available for review. Castleton conducted the Phase II ESA to evaluate findings of a Phase I ESA dated 7 January 2019, prepared by Merritt Environmental Consulting Corp. (unavailable for review) with the goal of evaluating the impact of historic and current use of the Site as a gasoline filling station on subsurface conditions. The scope of work included geophysical investigation using Ground Penetrating Radar (GPR) to search for subsurface anomalies indicative of USTs and to clear underground utilities and soil sampling to characterize the Site soil and evaluate impacts pertaining to gasoline filling station operations.

The GPR survey identified nine suspected former USTs at the Site. Four suspect USTs were reportedly located under the canopy between the dispensers and five suspect USTs were reportedly located on the western portion of the Site. Currently, there are four 4,000-gallon active USTs which consist of three gasoline USTs and one diesel UST on the Site registered under PBS ID #2-349399 with a registration expiration date of 8 September 2028.

Six soil borings were advanced in the potential areas of USTs identified during the GPR survey. Petroleum related VOCs exceeding the RRSCOs were identified in three of six soil samples all located in the southwest corner of the Site. Elevated VOCs included 1,2,4-trimethylbenzene (maximum concentration 1,200 mg/kg), 1,3,5-trimethylbenzene (maximum concentration 860 mg/kg), benzene (maximum concentration 20 mg/kg), ethyl benzene (maximum concentration 1,100 mg/kg), n-propylbenzene (maximum concentration 170 mg/kg), toluene (maximum concentration 1,500 mg/kg) and total xylenes (maximum concentration 2,300 mg/kg). Based on these findings, a spill was reported on 5 February 2019 and Spill # 1811146 was assigned to the Site.

### ***June 2020 Supplemental Investigation Report Prepared by Berninger Environmental***

A Supplemental Investigation Report (SRIR) report dated 25 June 2020, prepared by Berninger Environmental (Berninger) was available for review. Berninger performed supplemental investigation work in April 2020 to vertically delineate the contamination discovered at previous sample locations advanced by Castleton and to attempt to locate the groundwater interface. In addition, Berninger installed test pits in the suspected UST areas to confirm the results of the 2019 GPR survey.

Berninger installed five test pits in the areas of the suspected USTs (B-1, B-2, B-3, B-6 and B-7), two soil borings including B-4 (located at former location SB-06) and B-5 (located between former locations SB-04 and SB05), and one soil boring downgradient (B-8). While advancing the borings in the suspected UST area, a consistent refusal was achieved at 2.5-feet at all the test pit locations indicating the tanks were abandoned in place.

B-4 was installed to 30 ft bgs until refusal was encountered. Photoionization detector (PID) readings from 15 to 25 ft bgs averaged approximately 4,500 parts per million (ppm) and decreased at 30 ft bgs to 190 ppm. A soil sample was collected at 27.5 to 30 ft bgs and analyzed for VOCs. Benzene, toluene, ethylbenzene and xylenes were identified above the Part 375 Unrestricted Use Soil Cleanup Objectives but not exceeding RRSCOs. B-5 was installed to 32.5 ft bgs until refusal was encountered. A soil sample was collected at 30 to 32.5 ft bgs and analyzed for VOCs. VOCs were not detected above the NYSDEC NYCRR Part 375 Unrestricted Use Soil Cleanup Objectives (UUSCOs).

B-8 was installed downgradient from B-4 and B-5 to 34 ft bgs until refusal was encountered. PID readings from 10 to 20 ft bgs ranged from 1,500 to 2,500 ppm and decreased to 25 ppm at 34 ft bgs.

Groundwater was not encountered during this investigation and Berninger assumed the groundwater interface to be approximately 50 ft bgs or more.

Berninger concluded that the results of the supplemental investigation indicated the need for remedial actions in soils specifically from 10 to 25 bgs.

#### ***October 2021 Supplemental Investigation Soil and Groundwater Report Prepared by Berninger Environmental***

A Supplemental Investigation Soil and Groundwater Report (SISGR) dated October 2021, prepared by Berninger was available for review. The supplemental investigation aimed to analyze groundwater conditions in the area of highest soil contamination levels at boring location B-4 as reported in the June 2020 SRIR. On 10 June 2021, a monitoring well (MW-1) was installed to 50 feet below grade via air rotary and screened from 30 to 50 ft bgs with 2" PVC slot screen. Soil was reportedly observed saturated at 30 to 40 ft bgs but dry from 40 to 65 ft bgs.

MW-1 was developed after installation and sampled for VOCs. Multiple VOCs were detected above the TOGS AWQS including 1,2,4,5-trimethylbenzene (39 µg/L), 1,2,4-trimethylbenzene (790 µg/L), 1,2-dibromoethane (7 µg/L), 1,2-dichloroethane (2 µg/L), 1,2-dichloropropane (3 µg/L), 1,3,5-trimethylbenzene (240 µg/L), acetone (110 µg/L), benzene (12,000 µg/L), chloroform (34 µg/L), ethylbenzene (1,100 µg/L), isopropylbenzene (58 µg/L), m,p-xylene (4,100 µg/L), methyl tert butyl ether (170 µg/L), methylene chloride (11 µg/L), n-propylbenzene (120 µg/L), naphthalene (160 µg/L), o-xylene (12,000 µg/L), sec-butylbenzene (11 µg/L), toluene (21,000 µg/L), and trans-1,3-dichloropropene (1 µg/L).

At this location, soil was also logged to 65 ft bgs. Berninger reported that soil mainly consisted of brown silty sand, semi tight with a perched water layer observed at approximately 30 ft bgs followed by clayey soils at 30 to 35 ft bgs, silty sands from 35 to 50 ft bgs and silty loam at 50 to 65 ft bgs. PID readings were reported highest at 30 to 32.5 ft bgs reaching 1,000 ppm and steadily decreasing until found non-

detect at 50 to 65 ft bgs. A soil sample was collected from 45 to 50 ft bgs and analyzed for VOCs. Analytical results did not detect VOCs above the UUSCOs.

#### ***February 2024 Monitoring Report Prepared by Berninger Environmental***

A spill monitoring report dated 27 February 2024, prepared by Berninger was available for review. Berninger performed monitoring activities associated with Spill #1811146 including monitoring MW-1 for depth to groundwater and presence of free phase product on a monthly basis. As part of the scope of work, Berninger bailed product as necessary and checked the Site for any spills from the pump island, tanks or drains.

Product was bailed via vacuum enhanced fluid recovery (VEFR) until the monitoring well was found dry. Berninger reported the recharge rate at 1 to 1.5 gallons per 30 minutes but noted recharge rates varied between events which impacted the volume of product/water mixture recovered each month. For the three months included in this monitoring report (December 2023 through February 2024), Berninger reported the following findings and actions:

Date	Depth To Water (ft bgs)	Depth To Product (ft bgs)	Product Thickness (ft)	VEFR Total Volume Purged (gallons)
28 December 2023	21.37	20.87	0.5	23
15 January 2024	24.10	22.80	1.3	15
27 February 2024	33.4	21.08	12	5

#### ***March 2024 Phase I ESA Prepared by Lesova Environmental Group***

A Phase I ESA report dated March 12, 2024, prepared by LEG in accordance with ASTM E1527-13 and E1527-21 was available for review. This Phase I was completed to identify current or past Recognized Environmental Conditions (RECs), Historically Recognized Environmental Conditions (HRECs), or Controlled Recognized Environmental Conditions (CRECs), Business Environmental Risks (BERs) and de minimis conditions associated within or around the Site. According to Sanborn maps reviewed in the Phase I ESA, the Site was developed with a one-story concrete structure and a gasoline filling/auto service station with one (1) gasoline tank circa 1926, and the configuration of the Site had changed and was identified with a cement brick one-story construction with a gasoline filling station circa 1970. Historical City Directory search indicated that circa 1928, the Site was utilized as a gasoline filling station, circa 1940 to 2000 as an auto service station, and circa 2010 to 2024 as a gasoline filling station again. LEG identified four (4) 4,000-gallons active USTs on the lot consistent with the PBS records (PBS #2-349399). To the date of the Phase I ESA, the Site is an active BP gasoline filling station with a convenience store. The findings of LEG's Phase I are summarized as follows:

##### **On-site RECs:**

- Historic use of the Site and adjacent areas as gasoline filling stations, auto repair, and car wash, indicated by impacted subsurface conditions;
- Suspected presence of nine (9) out-of-service USTs in the western section of the lot, with subsurface impact; and
- Metallic anomaly detected during geophysical investigation, possibly a buried hydraulic lift due to historic use as an auto service station.

Off-site RECs:

- A spill was recorded on the adjacent property along 4th Avenue with no remediation conducted, and the case was closed due to lack of response from the owner.

De Minimis Condition:

- One (1) damaged drum near the dumpsters requiring legal disposal from the Site.

## SECTION IV.2: SAMPLING DATA

**Soil Summary Table**

Analytes > RRSCOs	Detections > RRSCOs	Max Concentration (ppm)	RRSCO (ppm)	PGWSCO (ppm)	Depth (ft bgs)
1,2,4-Trimethylbenzene	3	1,200	52	3.6	16-18
1,3,5-Trimethylbenzene	2	830	52	8.4	16-18
1,1,1-Trichloroethane	0	0.004 J	100	0.68	27.5-30
Benzene	1	20	4.8	0.06	16-18
Cyclohexane	0	8.7	-	-	27.5-30
Ethylbenzene	2	1,100	41	1	16-18
Naphthalene	0	88	100	12	16-18
n-Propylbenzene	1	170	100	3.9	16-18
Toluene	2	1,500	100	0.7	16-18
o-xylene	0	650	-	-	16-18
m,p-xylene	0	1600	-	-	16-18
Methylene Chloride	0	0.0034 J	100	0.05	45-50
Total Xylenes	3	2,300	100	1.6	16-18
n-Butylbenzene	1	170	100	12	16-18
Sec-Butylbenzene	0	21	100	11	16-18

J = analyte detected at or above the MDL (method detection limit) but below the RL (Reporting Limit) - data is estimated

- = no applicable standard

**Groundwater Summary Table\***

Analytes > AWQS	Detections > AWQS	Max Concentration (µg/L)	AWQS (µg/L)
1,2,4,5-Trimethylbenzene	1	39	5
1,2,4-Trimethylbenzene	1	790	5
1,2-Dibromoethane	1	7	0.0006
1,2-Dichloroethane	1	2	0.6
1,2-Dichloropropane	1	3	1
1,3,5-Trimethylbenzene	1	240	5
Acetone	1	110	50
Benzene	1	12,000	1
Chloroform	1	34	7
Cyclohexane	1	780	-
Ethylbenzene	1	1,100	5
Isopropylbenzene	1	58	5
m,p-Xylene	1	4,100	5
Methyl tert butyl ether	1	170	10
Methylene chloride	1	11	5
n-Propylbenzene	1	120	5
Naphthalene	1	160	10
o-Xylene	1	2,000	5
sec-Butylbenzene	1	11	5
Toluene	1	21,000	5
trans-1,3-Dichloropropene	1	1	0.4

**Notes:**

RRSCO = NYSDEC Restricted Residential Use Soil Cleanup Objectives

Detections exceeding RRSCOs also exceed the UUSCOs

ft bgs = feet below grade surface

ppm = parts per million

AWQS = Ambient Water Quality Standards

µg/L = Microgram per liter

\*LNAPL also observed in monitoring well MW-1 at Site

Spill Case No. 1811146 remains open at the Site with remediation not reportedly conducted. According to available recent monthly monitoring reports, the Site undergoes regular monthly monitoring of MW-1 for gauging and the monitoring program includes removal of product. LNAPL has been reported most recently in February 2024 at a thickness of 12 ft.

**SECTION IV.3: SAMPLING DATA**

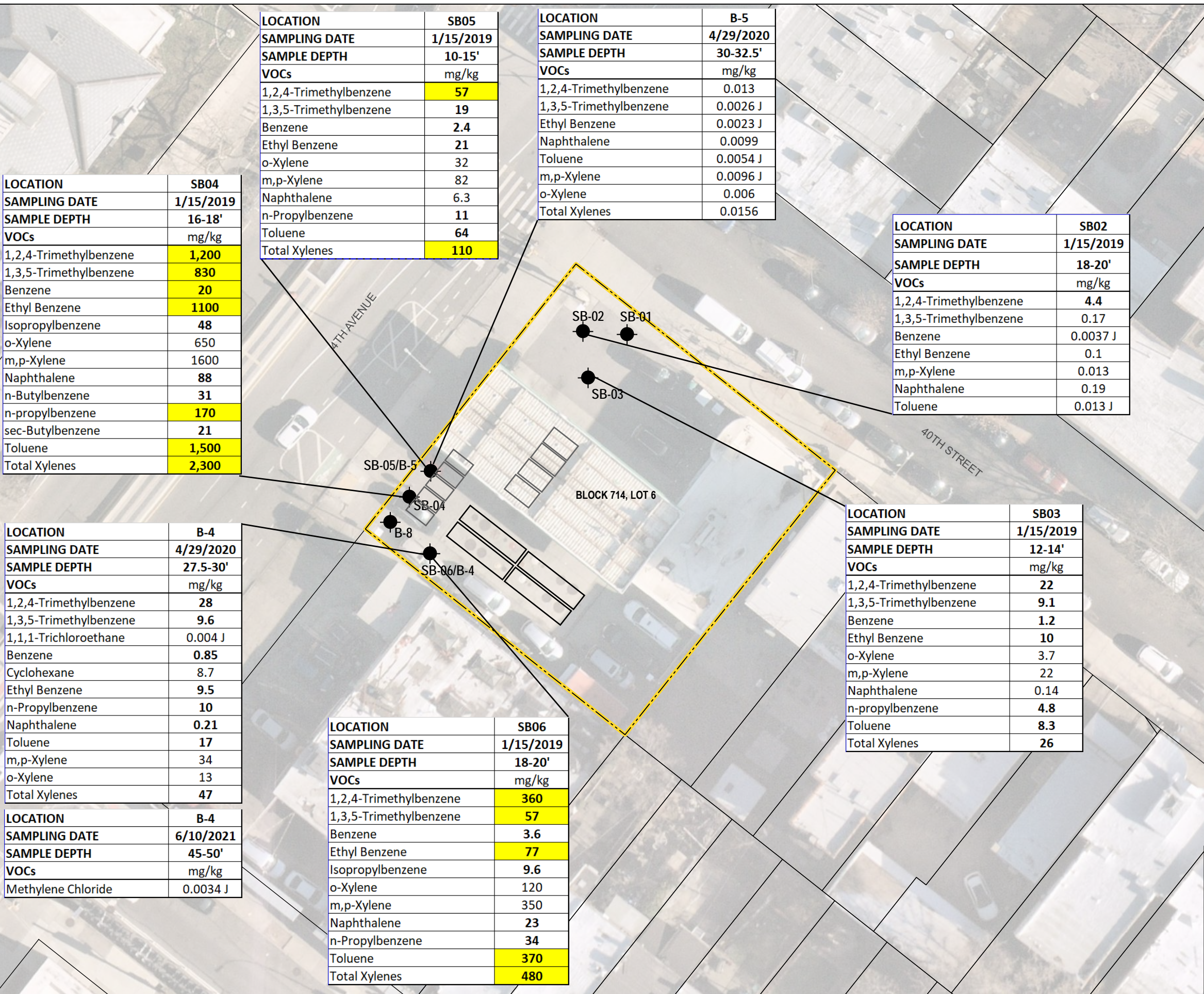
For each impacted medium above, refer to Figures 6 and 7 below, which include detailed information requested in Application Section IV.3.



**Figures from Previous Environmental Site Investigations for impacted medium which includes all information requested in Application Section IV.3 (Figures 6-7)**



C:\GIS\FILE PATH\H:\haleyaldrich\share\CF\Projects\0210815\GIS\0210815\_4TH\_AVE\_BROOKLYN.aprx - USER: mjmjones - LAST SAVED: 4/17/2024 1:31 PM

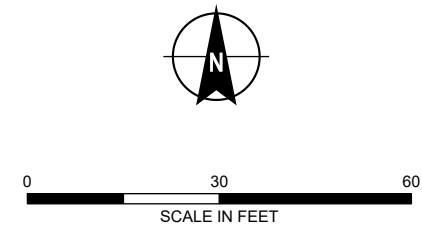


**LEGEND**

- SITE BOUNDARY
- PARCEL BOUNDARY
- APPROXIMATE LOCATION OF 4,000-GALLON UST
- APPROXIMATE SOIL BORING LOCATION
- APPROXIMATE LOCATION OF SUSPECTED FORMER USTS

Part 375 SCOs			
Analyte	NY-RESRR	PGWSCOs	Units
VOCs			
1,2,4-Trimethylbenzene	52	3.6	mg/kg
1,3,5-Trimethylbenzene	52	8.4	mg/kg
1,1,1-Trichloroethane	100	0.68	mg/kg
Benzene	4.8	0.06	mg/kg
Cyclohexane	-	-	mg/kg
Ethylbenzene	41	1	mg/kg
Naphthalene	100	12	mg/kg
n-Propylbenzene	100	3.9	mg/kg
Toluene	100	0.7	mg/kg
o-Xylene	-	-	mg/kg
m,p-Xylene	-	-	mg/kg
Methylene Chloride	100	0.05	mg/kg
Total Xylenes	100	1.6	mg/kg
n-Butylbenzene	100	12	mg/kg
sec-Butylbenzene	100	11	mg/kg

- NOTES**
- ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
  - PARCEL DATA SOURCE: KINGS COUNTY
  - AERIAL IMAGERY SOURCE: NEARMAP, 8 MARCH 2024
  - SOIL SAMPLES COLLECTED BY CASTLETON ENVIRONMENTAL IN THE 2019 PHASE II ENVIRONMENTAL SITE ASSESSMENT, BY BERNINGER ENVIRONMENTAL IN THE 2020 SUPPLEMENTAL INVESTIGATION, AND BY BERNINGER ENVIRONMENTAL IN THE 2021 SUPPLEMENTAL SOIL AND GROUNDWATER INVESTIGATION
  - EXCEEDANCES OF NYSDEC PART 375 RESTRICTED RESIDENTIAL SOIL CLEANUP OBJECTIVES SHOWN IN YELLOW
  - EXCEEDANCES OF NYSDEC PART 375 PROTECTION OF GROUNDWATER SOIL CLEANUP OBJECTIVES SHOWN IN BOLD



**HALEY ALDRICH** 4001 4TH AVENUE  
BROOKLYN, NEW YORK

SOIL RESULTS EXCEEDANCES MAP

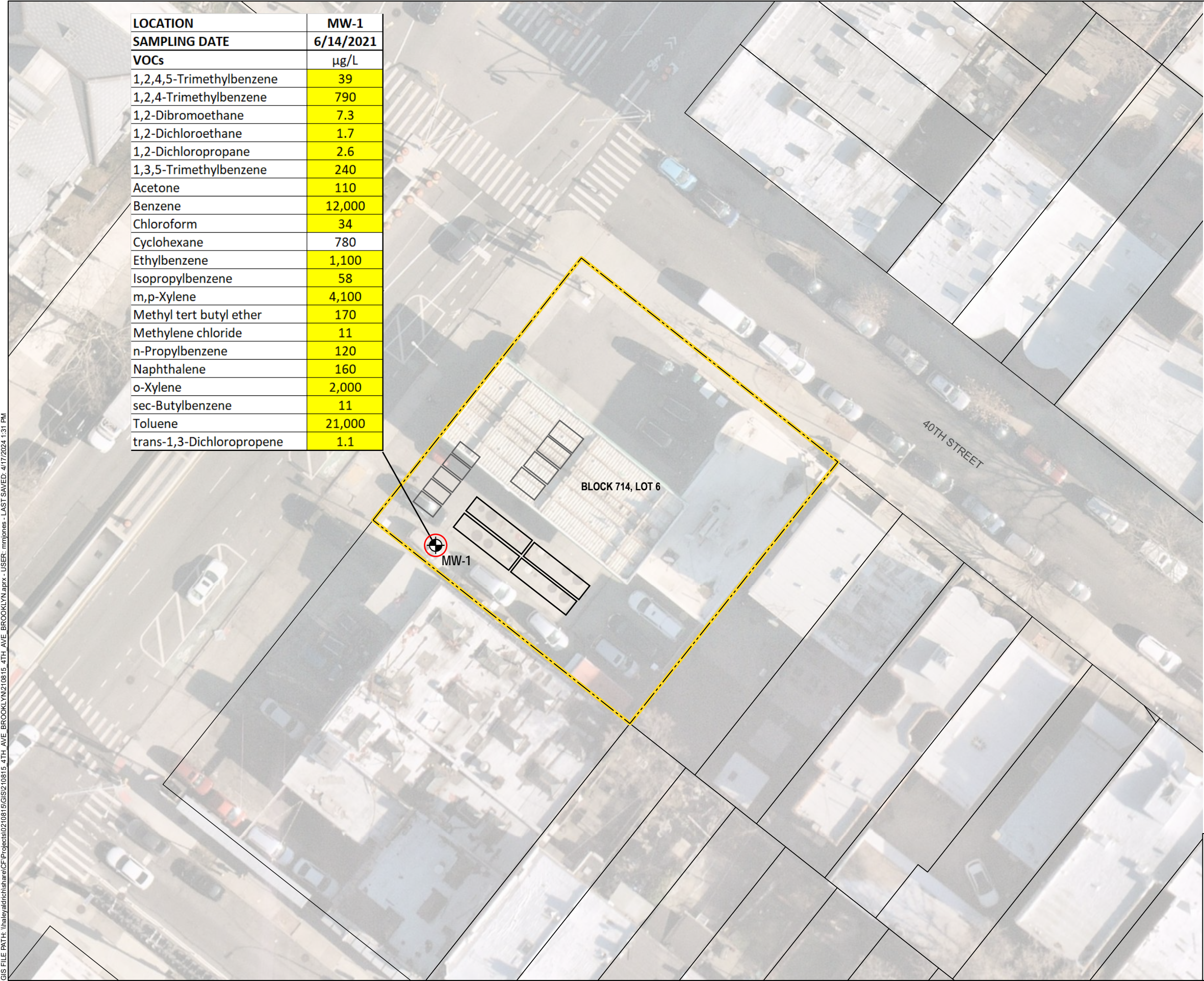
APRIL 2024

FIGURE 6



C:\GIS\FILE PATH\H:\haleyaldrich\share\CF\Projects\0210815\GIS\210815\_4TH\_AVE\_BROOKLYN.aprx - USER: mmjones - LAST SAVED: 4/17/2024 1:31 PM

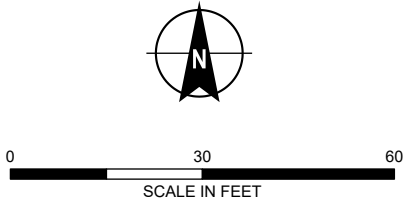
LOCATION	MW-1
SAMPLING DATE	6/14/2021
VOCs	µg/L
1,2,4,5-Trimethylbenzene	39
1,2,4-Trimethylbenzene	790
1,2-Dibromoethane	7.3
1,2-Dichloroethane	1.7
1,2-Dichloropropane	2.6
1,3,5-Trimethylbenzene	240
Acetone	110
Benzene	12,000
Chloroform	34
Cyclohexane	780
Ethylbenzene	1,100
Isopropylbenzene	58
m,p-Xylene	4,100
Methyl tert butyl ether	170
Methylene chloride	11
n-Propylbenzene	120
Naphthalene	160
o-Xylene	2,000
sec-Butylbenzene	11
Toluene	21,000
trans-1,3-Dichloropropene	1.1



- LEGEND**
- SITE BOUNDARY
  - PARCEL BOUNDARY
  - APPROXIMATE LOCATION OF 4,000-GALLON UST
  - APPROXIMATE GROUNDWATER MONITORING WELL LOCATION
  - APPROXIMATE LOCATION OF SUSPECTED FORMER USTS
  - LNAPL IDENTIFIED DURING FEBRUARY 2024 MONTHLY GAUGING (PRODUCT THICKNESS 12 FT)

TOGS 1.1.1 AMBIENT WATER QUALITY STANDARDS		
Analyte	AWQS	Units
<b>VOCs</b>		
1,2,4,5-Trimethylbenzene	5	µg/L
1,2,4-Trimethylbenzene	5	µg/L
1,2-Dibromoethane	0.0006	µg/L
1,2-Dichloroethane	0.6	µg/L
1,2-Dichloropropane	1	µg/L
1,3,5-Trimethylbenzene	5	µg/L
Acetone	50	µg/L
Benzene	1	µg/L
Chloroform	7	µg/L
Cyclohexane	-	µg/L
Ethylbenzene	5	µg/L
Isopropylbenzene	5	µg/L
m,p-Xylene	5	µg/L
Methyl tert butyl ether	10	µg/L
Methylene chloride	5	µg/L
n-Propylbenzene	5	µg/L
Naphthalene	10	µg/L
o-Xylene	5	µg/L
sec-Butylbenzene	5	µg/L
Toluene	5	µg/L
trans-1,3-Dichloropropene	0.4	µg/L

- NOTES**
- ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
  - PARCEL DATA SOURCE: KINGS COUNTY
  - AERIAL IMAGERY SOURCE: NEARMAP, 8 MARCH 2024
  - GROUNDWATER SAMPLE COLLECTED BY BERNINGER ENVIRONMENTAL AND INCLUDED IN THE OCTOBER 2021 SUPPLEMENTAL INVESTIGATION SOIL AND GROUNDWATER REPORT
  - EXCEEDANCES OF NYSDEC TOGS 1.1.1 AMBIENT WATER QUALITY STANDARDS (AWQS) INDICATED IN YELLOW



**HALEY  
ALDRICH**

4001 4TH AVENUE  
BROOKLYN, NEW YORK

**GROUNDWATER RESULTS  
EXCEEDANCES MAP**

APRIL 2024

**FIGURE 7**



**ATTACHMENT E**

**Section V: Requestor Information**

## SECTION V: REQUESTORS' INFORMATION

The entity requesting participation in the BCP (the Requestor) is 4 Ave Property LLC. The managers of 4 Ave Property LLC are Shia Lefkowitz and Solomon Jacobowitz, acting singly or together. The two members of the Requestor are KITARA 4 LLC and JLH Holdings LLC. In turn, JLH Holdings LLC is owned by Shia Lefkowitz and Solomon Jacobowitz, each with a 50% interest in JLH Holdings LLC. KITARA 4 LLC is owned by Guido Subotovsky, Scott Barone, and John Silvano.

Solomon Jacobowitz is the Managing Member and authorized representative of 4 Ave Property LLC.

Accordingly, the contact information for the Requestors is:

Solomon Jacobowitz  
4 Ave Property LLC  
40 Fulton Street, Suite 2002  
New York, NY 10038  
Phone: 917-770-8702  
Email: [realtyslj@gmail.com](mailto:realtyslj@gmail.com)

4 Ave Property LLC is under a 99 year lease from 4001 4<sup>th</sup> LLC. However, as per lease terms the commencement date, delivery of possession and rent commencement have not yet occurred, as the existing gas station tenant is in the process of vacating the premises.

A letter confirming access permission between the Requestor and 4001 4<sup>th</sup> LLC, granting full access to take all actions necessary to enter into and carry out the obligations of the BCP, has been executed. A copy of the executed access letter is included in this attachment.

4 Ave Property LLC is owned by JLH Holdings LLC (90%), whose members include Solomon Jacobowitz and Shia Lefkowitz (each holding a 50% interest in JLH Holdings LLC), and KITARA LLC (10%).

Printouts of the entity information from the New York State Department of State's Corporation & Business Entity Database for 4 Ave Property LLC is included in this attachment.

All BCP submittal documents will be certified by a Haley & Aldrich of New York Licensed Professional Engineer and/or the Requestor in accordance with DER-10 Section 1.5.

# Department of State

## Division of Corporations

### Entity Information

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

#### Entity Details



**ENTITY NAME:** 4 AVE PROPERTY LLC

**DOS ID:** 6668068

**FOREIGN LEGAL NAME:**

**FICTITIOUS NAME:**

**ENTITY TYPE:** DOMESTIC LIMITED LIABILITY COMPANY

**DURATION DATE/LATEST DATE OF DISSOLUTION:**

**SECTION OF LAW:** LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW

**ENTITY STATUS:** ACTIVE

**DATE OF INITIAL DOS FILING:** 12/14/2022

**REASON FOR STATUS:**

**EFFECTIVE DATE INITIAL FILING:** 12/14/2022

**INACTIVE DATE:**

**FOREIGN FORMATION DATE:**

**STATEMENT STATUS:** CURRENT

**COUNTY:** NEW YORK

**NEXT STATEMENT DUE DATE:** 12/31/2024

**JURISDICTION:** NEW YORK, UNITED STATES

**NFP CATEGORY:**

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

Service of Process on the Secretary of State as Agent

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

**Name:** C/O THE LIMITED LIABILITY COMPANY

**Address:** 40 FULTON STREET, STE 2002, NEW YORK, NY, UNITED STATES, 10038

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

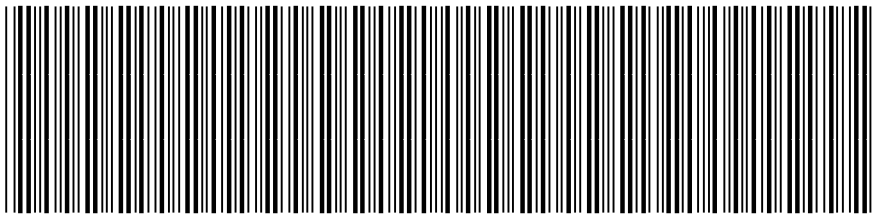
Share Value

Number Of Shares

Value Per Share

**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.



2008091800252001001E2D08

**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 4**

**Document ID: 2008091800252001**

Document Date: 09-09-2008

Preparation Date: 09-18-2008

Document Type: DEED

Document Page Count: 3

**PRESENTER:**

FIRST AMERICAN -UNIONDALE\*PICK-UP\*  
333 EARLE OVINGTON BLVD,  
TITLE# 3001-246037 K DS  
UNIONDALE, NY 11553  
516-832-3206  
lwing@firstam.com

**RETURN TO:**

HOWARD STAVE, ESQ.  
473 OLD COURTHOUSE ROAD  
MANHASSET HILLS, NY 11040

**PROPERTY DATA**

<b>Borough</b>	<b>Block</b>	<b>Lot</b>	<b>Unit</b>	<b>Address</b>
BROOKLYN	714	6	Entire Lot	4001 4 AVENUE
<b>Property Type: COMMERCIAL REAL ESTATE</b>				

**CROSS REFERENCE DATA**

CRFN \_\_\_\_\_ or Document ID \_\_\_\_\_ or \_\_\_\_\_ Year \_\_\_\_\_ Reel \_\_\_\_\_ Page \_\_\_\_\_ or File Number \_\_\_\_\_

**PARTIES**

**GRANTOR/SELLER:**

ESTRON OIL CORP.  
242 DREXEL AVENUE  
WESTBURY, NY 11590

**GRANTEE/BUYER:**

4001 4TH LLC  
556 CENTRAL AVENUE  
BETHPAGE, NY 11714

**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:

\$ 165.00

NYC Real Property Transfer Tax:

\$ 39,375.00

NYS Real Estate Transfer Tax:

\$ 6,000.00

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

Recorded/Filed 09-22-2008 10:46

City Register File No.(CRFN):

**2008000374174**



*Annette McHill*

*City Register Official Signature*



**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS  
(INDIVIDUAL OR CORPORATION)**

**THIS INDENTURE**, made the 9<sup>th</sup> September 2008

between ESTRON OIL CORP., a domestic corporation with principal offices located at 242 Drexel Avenue, Westbury, N.Y. 11590, party of the first part, and

4001 4th LLC, with principal offices located at 556 Central Avenue, Bethpage, NY 11714, party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars, lawful money of the United States, 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 party forever,

County:  
Kings  
Section:  
3  
Block:  
714  
Lot:  
6

All, that certain plot, or 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, bounded and described as follows:

**SEE DESCRIPTION ATTACHED**

✓ Premises known as and by the street number 4001 4th Avenue, Brooklyn, N.Y.

Grantor(s) herein being the same as the grantee(s) in deed dated March 31, 1965 and recorded in the Office of the Clerk of the County of Kings on June 7, 1965 in Liber 9393, page 20.

**TOGETHER** with all right, title and interest, in 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 an 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 improvement and will apply the same first to the payment of the cost of improvement before using any part of the total of the same for any other purpose.



***First American Title Insurance Company of New York***

**Title No. 3001-246037**

**SCHEDULE "A"**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH OF BROOKLYN, COUNTY OF KINGS, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF THE EASTERLY SIDE OF FOURTH AVENUE WITH THE SOUTHERLY SIDE OF FORTIETH STREET;

RUNNING THENCE EASTERLY ALONG THE SOUTHERLY SIDE OF FORTIETH STREET ONE HUNDRED (100) FEET;

THENCE SOUTHERLY PARALLEL WITH FOURTH AVENUE ONE HUNDRED (100) FEET TWO (2) INCHES TO THE CENTRE LINE OF THE BLOCK BETWEEN FORTIETH AND FORTY-FIRST STREETS;

THENCE WESTERLY ALONG SAID CENTRE LINE OF THE BLOCK AND PARALLEL WITH FORTIETH STREET, ONE HUNDRED (100) FEET TO THE EASTERLY SIDE OF FOURTH AVENUE AND

THENCE NORTHERLY ALONG THE EASTERLY SIDE OF FOURTH AVENUE, ONE HUNDRED (100) FEET TWO (2) INCHES TO THE CORNER, THE POINT OR PLACE OF BEGINNING.

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

**FOR CONVEYANCING ONLY: TOGETHER** with all the right, title and interest of the party of the first part, of in and to the land lying in the street in front of and adjoining said premises.

the cost of improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it reads "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.

ESTRON OIL CORP.,

BY:

*Harvey Nager*  
Harvey Nager,  
Vice President

STATE OF NEW YORK)

SS:

COUNTY OF NASSAU )

On the 9<sup>th</sup> day of September, in the year 2008 before me the undersigned, a notary public in and for the said State, personally appeared Harvey Nager 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.

*Mary R. McDonough*  
Notary Public - Mary R. McDonough

Mary R. McDonough  
Notary Public, State of New York  
No. 01MC6122521  
Qualified in Suffolk County  
Commission Expires February 14, 2009

**BARGAIN AND SALE DEED**  
with Covenant Against Grantor's Acts

Title No. 3001-246037

ESTRON OIL CORP.

TO

4001 4<sup>th</sup> LLC

Section: 3

Block: 714

Lot: 6

County or Town: Kings County

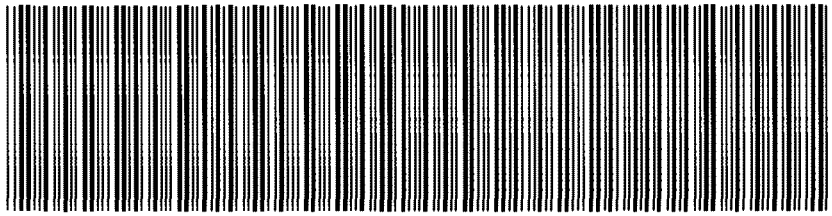
Street Address: 4001 4th Ave.

Brooklyn, N.Y. 11232

Return by Mail To:

Howard Stave, Esq.  
473 Old Courthouse Road  
Manhasset Hills, N.Y. 11040

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



**2008091800252001001SE389**

**SUPPORTING DOCUMENT COVER PAGE**

**PAGE 1 OF 1**

**Document ID: 2008091800252001**

**Document Date: 09-09-2008**

**Preparation Date: 09-18-2008**

**Document Type: DEED**

**ASSOCIATED TAX FORM ID: 2008090900116**

**SUPPORTING DOCUMENTS SUBMITTED:**

**Page Count**

**DEP CUSTOMER REGISTRATION FORM FOR WATER AND SEWER BILLING**

**1**

**RP - 5217 REAL PROPERTY TRANSFER REPORT**

**1**

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



**STATE OF NEW YORK**  
**STATE BOARD OF REAL PROPERTY SERVICES**

**RP - 5217NYC**

**(Rev 11/2002)**

<b>1. Property Location</b>	STREET NUMBER 4001	STREET NAME 4 AVENUE	BOROUGH BROOKLYN	ZIP CODE 11232
<b>2. Buyer Name</b>	4001 4TH LLC			
	LAST NAME / COMPANY		FIRST NAME	
	LAST NAME / COMPANY		FIRST NAME	
<b>3. Tax Billing Address</b>	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
<b>4. Indicate the number of Assessment Roll parcels transferred on the deed</b>	<div style="display: flex; align-items: center;"> <div style="border: 1px solid black; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin-right: 5px;">1</div> <div># of Parcels OR <div style="border: 1px solid black; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin: 0 5px;"></div> Part of a Parcel</div> </div>			
<b>5. Deed Property Size</b>	<div style="display: flex; align-items: center;"> <div style="border-bottom: 1px solid black; width: 100px; margin-right: 5px;"></div> <div style="margin: 0 5px;">X</div> <div style="border-bottom: 1px solid black; width: 100px; margin-right: 5px;"></div> <div style="margin: 0 5px;">OR</div> <div style="border-bottom: 1px solid black; width: 150px; margin-right: 5px;"></div> <div style="margin: 0 5px;">ACRES</div> <div style="border-bottom: 1px solid black; width: 50px; margin-right: 5px;"></div> <div style="margin: 0 5px;">.</div> <div style="border-bottom: 1px solid black; width: 50px; margin-right: 5px;"></div> <div style="margin: 0 5px;">/</div> <div style="border-bottom: 1px solid black; width: 50px; margin-right: 5px;"></div> </div>			
<b>6. Seller Name</b>	ESTRON OIL CORP.			
	LAST NAME / COMPANY		FIRST NAME	
	LAST NAME / COMPANY		FIRST NAME	
<b>9. Check the box below which most accurately describes the use of the property at the time of sale:</b>				
<div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> A <input type="checkbox"/> One Family Residential  B <input type="checkbox"/> 2 or 3 Family Residential  C <input type="checkbox"/> Residential Vacant Land  D <input type="checkbox"/> Non-Residential Vacant Land </div> <div style="width: 50%;"> E <input checked="" type="checkbox"/> Commercial  F <input type="checkbox"/> Apartment  G <input type="checkbox"/> Entertainment / Amusement  H <input type="checkbox"/> Community Service  I <input type="checkbox"/> Industrial  J <input type="checkbox"/> Public Service </div> </div>				

10. Sale Contract Date

8 / 26 / 2008  
Month Day Year

11. Date of Sale / Transfer

9 / 9 / 2008  
Month Day Year

12. Full Sale Price \$

1 5 0 0 0 0 0

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

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

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

15. Building Class G, 4 16. Total Assessed Value (of all parcels in transfer) \_\_\_\_\_

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

BROOKLYN 714 6

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

BUYER

9/9/08

BUYER SIGNATURE DATE

556 Central Ave.

STREET NUMBER STREET NAME (AFTER SALE)

Bethpage N.Y. 11714

CITY OR TOWN STATE ZIP CODE

BUYER'S ATTORNEY

Stave | Howard

LAST NAME | FIRST NAME

516 | 627-6300

AREA CODE | TELEPHONE NUMBER

SELLER

SELLER SIGNATURE | DATE

2008090900116201

**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
<i>[Signature]</i>	9/9/2008	Stave	Howard
STREET NUMBER	STREET NAME (AFTER SALE)	AREA CODE	TELEPHONE NUMBER
556	Central Ave.	516	627-6300
CITY OR TOWN		STATE	ZIP CODE
Bethpage		NY	11714
SELLER		DATE	
<i>[Signature]</i>		9/9/08	

2008090900116201



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 is located in the Borough of **BROOKLYN**  
Block: **714** Lot: **6**
- (2) Account Number (if applicable):  
Meter Number (if available—include the letter):
- (3) Street Address of Property Receiving Service:  
Street **4001 4 AVENUE** City **NY** State **NY** Zip **11232**
- (4) Full name, mailing address, home phone and business phone numbers of owner of property receiving service:  
(please provide information on owner ONLY; do NOT give information on property manager or tenant):  
Owner's Name Business: **4001 4TH LLC**  
or Individual:  
(Last Name) (First Name) (MI)  
Street **556 CENTRAL AVENUE** City **BETHPAGE** State **NY** Zip **11714**  
Home Phone(Numbers only): Business Phone(Numbers only):

#### 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.
- B. 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, or the property being placed in a lien sale by the City.
- C. Original bills for water and/or sewer service will be mailed to the owner, at the owner's address specified on this form. DEP will provide a duplicate copy of bills to one other party (such as a managing agent) if so requested below, provided, however, that any failure or delay by DEP in providing duplicate copies of bills shall in no way relieve the owner from his/her/its liability to pay all outstanding water and sewer charges.
- (5) If you would like a duplicate copy of bills sent to another party, please check here ☐ and fill out the following information:  
Name of Party to Receive Duplicate Copies of Bills:
- (6) Mailing Address: Street City State Zip
- (7) Relationship to Owner (check one): Managing Agent ☐ Mortgagee ☐  
Tenant ☐ Other (please explain):

#### 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, C 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.

- (8) E-mail:
- (9) Name of Owner: **4001 4th LLC**
- (10) Signature: \_\_\_\_\_  
Name and Title of Person Signing for Owner, if applicable: **George J. Macchia, Managing Member**  
Date(mm/dd/yyyy): **09/09/2008**

## 4 Ave Property LLC

May 20, 2024

4001 4<sup>th</sup> LLC  
556 Central Avenue  
Bethpage, New York 11714

RE: Site Access to Perform Brownfield Cleanup Program Work  
4001 4<sup>th</sup> Avenue Redevelopment Site  
4001 4<sup>th</sup> Avenue, Brooklyn, New York

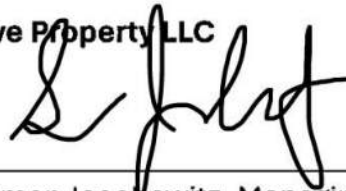
Dear George Macchia and 4001 4th LLC:

As you are aware, 4 Ave Property LLC is submitting an application to the New York State Department of Environmental Conservation ("NYSDEC") Brownfield Cleanup Program ("BCP") for the property located at 4001 4<sup>th</sup> Avenue, which is currently owned by you. As part of the application process, we are required to present to the NYSDEC documentation confirming that the applying entities and their contractors have the right to access all of the property, subject to the rights of the existing tenants, that is included in the application to implement any investigation or remedial work, provided such remedial work shall be approved by owner prior to commencement, required by NYSDEC pursuant to the BCP, and otherwise comply with all obligations under any Brownfield Cleanup Agreement ("BCA"), including the recording of an environmental easement, if required, until such time as the BCA is terminated or NYSDEC issues a Certificate of Completion.

By execution of this site access agreement letter, you hereby confirming that you have granted site access to 4 Ave Property LLC for this purpose.

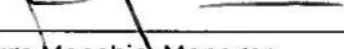
Sincerely,

4 Ave Property LLC



By: \_\_\_\_\_  
Solomon Jacobowitz, Managing Member  
Date: May 20, 2024

Acknowledged by:  
4001 4<sup>th</sup> LLC

By:  \_\_\_\_\_  
George Macchia, Manager  
Date: May 20, 2024



**ATTACHMENT F**

**Section VI: Requestor Eligibility Information**

## SECTION VI: REQUESTORS' ELIGIBILITY INFORMATION

### ***Volunteer Status***

Requestor's liability arises solely as a result of its agreement to lease the proposed BCP Site. The Requestor did not cause, contribute to, or permit the disposal of any contaminants at the Site. The Requestor's lease commencement date, delivery of possession date, and rent commencement date have not yet occurred, as the Site premises must be vacated by the current gas station tenant. Therefore, the Requestor did not control or have possession of the Site when such contamination occurred, during the release of any hazardous substances and was unable to commence appropriate care. The Requestor has no connection with any prior owner or operator.

The Requestor has obtained and reviewed a Phase I ESA dated March 2024. The Volunteer is seeking to enter the BCP to fully investigate and remediate the Site for the proposed development. Upon obtaining control and possession of the Site, upon vacation of current tenant, preventative measures will be implemented such as ceasing Site operations and securing the Site. Any requirements for monitoring of Spill Case #1811146 will continue until the case achieves closure, anticipated through remediation associated with actions consistent with the BCP.

**ATTACHMENT G**

**Section IX: Current Property Owner/Operator Information**

## SECTION IX: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

### ***Current Owner and Operator***

The current owner is 4001 4<sup>th</sup> LLC. A letter confirming access permission between the Requestor and 4001 4<sup>th</sup> LLC, granting full access to take all actions necessary to enter into and carry out the obligations of the BCP, has been executed. The Site is currently operating as a BP Gasoline Service Station with a 1,860 square foot one-story convenience store, a canopy for three pump islands and parking for the convenience store.

### ***Previous Owners and Operators***

A list of current and previous Site owners are provided in the below table.

Date	Document Type	First Party	First Party Address	Second Party	Relationship of First Party to Applicant
9/9/2008	Deed	Estron Oil Corp.	242 Drexel Ave, Westbury, NY 11590	4001 4 <sup>TH</sup> LLC	None

Reference: ACRIS - <https://a836-acris.nyc.gov/CP/>. Previous owner information prior to 2008 is not available.

Current and previous Site operators are provided in the table below.

Name	Relationship to Property	Address and Phone Number	Relationship to Applicant
B&L Gas Station Enterprises, Inc.	Operator (2008-current)	2951 Ocean Avenue, Apt. 2D Brooklyn, NY 11235	None
Charlie Inc. / Daniel Ray	Operator (2020)	Not Available	None
Brooklyn Service Station / Nor Glenn Service Station	Operator (2005)	Not Available	None
My 4 Cab Company / Sheila Hackin Corporation	Operator (2000)	Not Available	None
Johnnys Auto Repair & Body Work	Operator (1992-2005)	Not Available	None
H&S Service Center	Operator (1985-1997)	Not Available	None
Johnny Auto Repair and Body Work	Operator (1997)	Not Available	None
Allan Bros Service Station	Operator (1976)	Not Available	None
John Murray / Stage Auto Service	Operator (1973)	Not Available	None
Elwood Service Station	(Operator 1960-1970)	Not Available	None
Lambnet Service Station	Operator (1940-1949)	Not Available	None
TYDOL Chain Inc Gas Station	Operator (1928-1934)	Not Available	None

Reference: The EDR City Directory Abstract (inquiry number 7571432.5) included in the Phase I ESA completed by LEG in March 2024 and B&L Gas Station Enterprises, Inc. lease agreement dated August 2008. Previous operator information prior to 1928 is not available.

## **ATTACHMENT H**

### **Section XI: Contact List Information and Acknowledgement From Repository**

## SECTION XI – CONTACT LIST INFORMATION

### SITE CONTACT LISTS

#### ***Executive***

Role	Name	Phone	Mailing Address	Email / Contact
NYC Mayor	Mayor Eric Adams	212-NEW-YORK	City Hall New York, NY 10007	<a href="https://www1.nyc.gov/office-of-the-mayor/mayor-contact.page">https://www1.nyc.gov/office-of-the-mayor/mayor-contact.page</a>
NYC Department of City Planning Chairperson	Marisa Lago	212-720-3300	120 Broadway 31st Floor New York, NY 10271	<a href="https://www1.nyc.gov/site/planning/about/email-the-director.page">https://www1.nyc.gov/site/planning/about/email-the-director.page</a>
Brooklyn Borough President	Antonio Reynoso	718-963-3141	Brooklyn Borough Hall 209 Joralemon Street Brooklyn, NY 11201	<a href="mailto:areynoso@council.nyc.gov">areynoso@council.nyc.gov</a>
Brooklyn Community Board 7 District Manager	Jeremy Laufer	718-854-0003	4201 4 <sup>th</sup> Avenue, Brooklyn, NY 11232	<a href="mailto:Bk07@cb.nyc.gov">Bk07@cb.nyc.gov</a>
New York City Council District 38	Alexa Aviles	718-439-9012	4417 4th Avenue, Ground Floor Brooklyn, NY 11220	<a href="mailto:District38@council.nyc.gov">District38@council.nyc.gov</a>
NY Senate District 17 Senator	Iwen Chu	718-333-0311	6605 Fort Hamilton Parkway Brooklyn, NY 11219	<a href="mailto:iwenchu@nysenate.gov">iwenchu@nysenate.gov</a>
NY State Assembly District 051 Member	Marcela Mitaynes	718-492-6334	4907 4th Avenue Suite, 1A Brooklyn, NY 11220	<a href="mailto:mitaynes@nyassembly.gov">mitaynes@nyassembly.gov</a>
NYC Department of Health and Mental Hygiene (DOHMH)	Ashwin Vasan, M.D., PhD Commissioner	212-639-9675	42-09 28 <sup>th</sup> Street, Queens, NY 11101	<a href="mailto:opmc@health.ny.gov">opmc@health.ny.gov</a>

#### ***Owners, Residents, Occupants***

The Site is currently operating as a BP Gasoline Service Station with a 1,860 square foot one-story convenience store, a canopy for three pump islands and parking for the convenience store.

The tables below provide current contact information for the current owner and occupants of the Site.

Owner	Contact Name	Phone	Mailing Address	Email
4001 4TH LLC	George Macchia	718-395-2096	556 Central Avenue, Bethpage, NY 11714	<a href="mailto:george@themacchiagroup.net">george@themacchiagroup.net</a>

Operator	Contact Name	Phone	Mailing Address	Email
B&L Gas Station Enterprises, Inc.	Lilia Lomanov	347-410-3977	2951 Ocean Avenue, Apt. 2D Brooklyn, NY 11235	<a href="mailto:quickstock@hotmail.com">quickstock@hotmail.com</a>

#### ***Adjacent Properties***

Below is a list of the adjoining properties which are also detailed on Figure 8.

Owner/Entity Name	Contact Name	Site Use	Property Address	Owner Mailing Address
SANCHEZ JUAN	Sanchez, Juan	Three-Family Walk-Up Building	414 40th Street, Brooklyn, NY 11232	4013 4th Avenue, Brooklyn, NY 11232
ELSAUM INC	Seyed Mohsen Ghanefar	Commercial & Office Buildings/ Car Wash or Lubritorium Facility ( GW )	4013 4th Avenue, Brooklyn, NY 11232	4013 4th Avenue, Brooklyn, NY 11232
SIEBER, JONATHAN	Sieber, Jonathan	Three-Family Walk-Up Building	413 41st Street Brooklyn, NY 11232	413 41st Street Brooklyn, NY 11232
JUANITA & MECHY PROPERTIES LLC	Not Available	Mixed Residential & Commercial Buildings	3923 4th Avenue, Brooklyn, NY 11232	3923 4th Avenue, Brooklyn, NY 11232
AAY REALTY L.L.C.	Not Available	Multi-Family Walk-Up Buildings	411 40th Street, Brooklyn, NY 11232	411 40th Street, Brooklyn, NY 11232
NYC DEPARTMENT OF EDUCATION	Not Available	Public Middle School	340 40th Street, Brooklyn, NY 11232	340 40th Street, Brooklyn, NY 11232

### **Local News and Media**

Owner/Entity Name	Type	Address	Phone	Website
The Brooklyn Eagle/ The Daily Eagle	Online & Print Newspaper	16 Court Street Brooklyn, NY 11241	718-422-7413	<a href="http://www.brooklyneagle.com">www.brooklyneagle.com</a>
Spectrum 1 News	Television	75 Ninth Avenue New York, NY 10011	212-691-6397	<a href="https://www.ny1.com/nyc/all-boroughs/about-us/contact-us">https://www.ny1.com/nyc/all-boroughs/about-us/contact-us</a>

### **Public Water Supply**

Public water supply is a shared responsibility between the New York City Department of Environmental Protection (NYCDEP) and the Municipal Water Finance Authority.

Owner/Entity Name	Contact	Address	Phone	Email
NYCDEP	Vincent Sapienza - Chief Operating Officer	59-17 Junction Blvd. Flushing, NY 11373	718-595-6565	<a href="mailto:ltcp@dep.nyc.gov">ltcp@dep.nyc.gov</a>
NYC Municipal Water Finance Authority	Philip Wasserman - Executive Director	75 Park Pl, New York, NY 10007	212-788-5889	Not Available

### **Additional Requests**

We are unaware of any requests to be included on the contact list for the 4001 4<sup>th</sup> Avenue Redevelopment Site located at 4001-4011 4<sup>th</sup> Avenue, Brooklyn, NY.

### **School or Day Care Located on or Proximal to the Site**

The following schools or day care facilities are located within a ½-mile radius of the Site:

School/Day Care Name	Approximate distance from Site in feet and (directional)	Administrator	Phone	Address
I.S. 136 Charles O. Dewey	~122 ft (northwest of site)	Eric Sackler, Principal Rafael Alvarez, Superintendent	(718) 840-1950	4004 4th Ave, Brooklyn, NY 11232
Family Day Care Graciela's Little Angels	~220 ft (south of site)	Graciela Figueroa, CEO	(917) 941-6856	432 41st St, Brooklyn, NY 11232
Sunset Park Prep	~292 ft (west of site)	Jennifer Spalding, Principal Rafael Alvarez, Superintendent	(178) 840-1951	4004 4th Ave, Brooklyn, NY 11232
Tata y Tito Daycare	~480 ft (northeast of site)	Not Available	(718) 788-1681	996 4th Ave, Brooklyn, NY 11232
Sunset Yards Elementary	~600 ft (north of site)	Not Available	Not Available	341 39th St, Brooklyn, NY 11232
Sunset Park Group Family Daycare	~650 ft (west of site)	Not Available	(929) 899-5284	338 42nd St, Brooklyn, NY 11232
Sunset Park Avenues Elementary School	~730 ft (southeast of site)	J. Knudson, Principal	(718) 369-8330	4222 4th Ave, Brooklyn, NY 11232
P.S. 024	~740 ft (northeast of site)	Maria Diaz, Principal Rafael Alvarez, Superintendent	(718) 832-9366	427 38th St, Brooklyn, NY 11232
Multicultural Family Day Care	~885 ft (west of site)	Not Available	(347) 7991216	324 43rd Ave, Brooklyn, NY 11232
Ps 371 Lillian L Rashkis	~879 ft (northeast of site)	Heather Miller, Principal Ketler Louissaint, Superintendent	(718) 788-7608	355 37th St, Brooklyn, NY 11232
P.S. 958	~1260 ft (northeast of site)	Tamara Alvarez, Secretary	(347) 305-6532	840 5th Ave, Brooklyn, NY 11215
P.S. 836	~1450 ft (southeast of site)	Ramona Adorno, Assistant Principal	(718) 330-9298	411 46th St, Brooklyn, NY 11220
P.S. 001 The Bergen	~1750 ft (southeast of site)	Wanda Ramirez, Principal Rafael Alvarez, Superintendent	(718) 567-7661	309 47th st, Brooklyn, NY 11220
The Brooklyn Daycare	~1950 ft (northeast of site)	Not Available	(718) 832-5785	132 33rd Street, Brooklyn, 11232
Knock Knock Daycare	~2450 ft (northeast of site)	Not Available	(718) 809-1534	185A 31st St, Brooklyn, NY 11232
Childtime of Brooklyn	~2600 ft (southeast of site)	Not Available	(877) 220-0584	762 41st St, Brooklyn, NY 11232
P.S. 169 Sunset Park	~2635 ft (southeast of site)	Emily Hurst, Principal Rafael Alvarez, Superintendent	(718) 853-3224	4305 7th Ave, Brooklyn, NY 11232

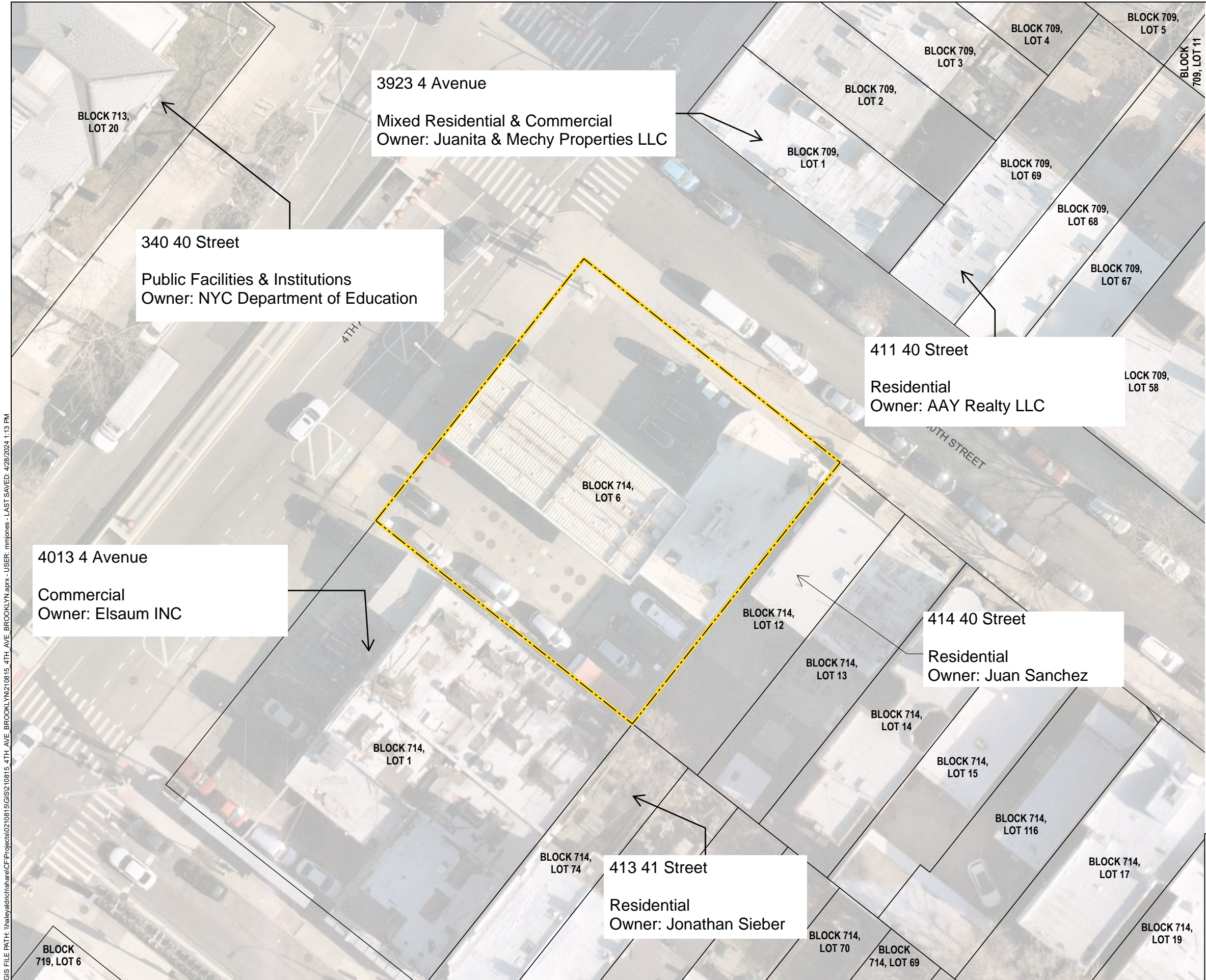
### Document Repository

Documentation of the confirmation from the Brooklyn Public Library – Sunset Park Branch and Brooklyn Community Board 7 is attached.


Owner/Entity Name	Contact	Address	Phone	Email
Brooklyn Public Library – Sunset Park Branch	Roxana Benevides	5018 4 <sup>th</sup> Avenue, Brooklyn, NY 11220	718-230-2255	<a href="mailto:rbenavides@bklynlibrary.org">rbenavides@bklynlibrary.org</a>
Brooklyn Community Board 7	Jeremy Laufer	4201 4 <sup>th</sup> Avenue, Brooklyn, NY 11232	718-854-0003	<a href="mailto:Bk07@cb.nyc.gov">Bk07@cb.nyc.gov</a>




G:\S:\FILE PATH\H:\haleyaldrich\share\CF\Projects\0210815\GIS\210815\_4TH\_AVE\_BROOKLYN.aprx - USER: mmjones - LAST SAVED: 4/28/2024 1:13 PM

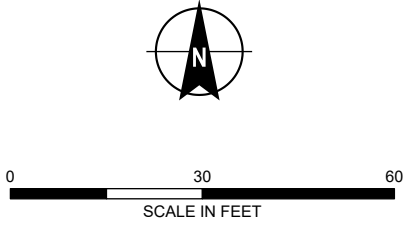


**LEGEND**

 SITE BOUNDARY

 PARCEL BOUNDARY

- NOTES**
1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
  2. PARCEL DATA SOURCE: KINGS COUNTY
  3. AERIAL IMAGERY SOURCE: NEARMAP, 8 MARCH 2024



**HALEY  
ALDRICH**

4001 4TH AVENUE  
BROOKLYN, NEW YORK

**ADJOINING SITE MAP**

APRIL 2024

**FIGURE 8**



**Acknowledgement from Brooklyn Public Library – Sunset Park Branch**



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

23 April 2024

File No.

Brooklyn Public Library, Sunset Park Branch  
5018 4<sup>th</sup> Avenue  
Brooklyn, NY 11220  
Via email: rbenavides@bklynlibrary.org  
Attn: Roxana Benavides, Managing Librarian

Subject: Brownfield Cleanup Program Application – Request for Repository Use  
4001 4<sup>th</sup> Avenue  
Brooklyn, NY 11232

Dear Managing Librarian:

Haley & Aldrich of New York (Haley & Aldrich), on behalf of 4 Ave Property LLC, is requesting use of the Brooklyn Public Library – Sunset Park Branch as a document repository for the anticipated project located at 4001 4<sup>th</sup> Avenue, Brooklyn, NY. The New York State Department of Environmental Conservation (NYSDEC) requires a letter certifying that the proposed document repository is able to serve as a public repository for all documents pertaining to the environmental cleanup at the Site. Please sign below denoting that your facility would be amenable to serving as a temporary public repository.

Should you have any questions, please do not hesitate to give me a call at (646) 277-5688.

Thank you,  
HALEY & ALDRICH OF NEW YORK

Mari Cate Conlon  
Senior Associate

The Brooklyn Public Library, Sunset Park Branch is willing to act as a public document repository holding and making available of all provided environmental documents related to the 4001 4<sup>th</sup> Avenue Redevelopment Brownfield Cleanup Project.

Name

Title

Date

## Acknowledgement from Brooklyn Community Board 7



HALEY & ALDRICH OF NEW YORK  
213 W 35<sup>th</sup> Street  
7<sup>th</sup> Floor  
New York, NY 10001  
Tel: 646.277.5686

23 April 2024

File No.

Brooklyn Community Board 7  
4201 4th Avenue  
Brooklyn, NY 11232  
Via email: bk07@cb.nyc.gov  
Attn: Jeremy Laufer, District Manager

Subject: Brownfield Cleanup Program Application – Request for Repository Use  
4001 4<sup>th</sup> Avenue  
Brooklyn, NY 11232

Dear Mr. Laufer:

Haley & Aldrich of New York (Haley & Aldrich), on behalf of 4 Ave Property LLC, is requesting use of the Brooklyn Community Board 7 as a document repository for the anticipated project located at 4001 4<sup>th</sup> Avenue, Brooklyn, NY. The New York State Department of Environmental Conservation (NYSDEC) requires a letter certifying that the proposed document repository is able to serve as a public repository for all documents pertaining to the environmental cleanup at the Site. Please sign below denoting that your facility would be amenable to serving as a temporary public repository.

Should you have any questions, please do not hesitate to give me a call at (646) 277-5688.

Thank you,  
HALEY & ALDRICH OF NEW YORK

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Senior Associate

The Brooklyn Community Board 7 is willing to act as a public document repository holding and making available of all provided environmental documents related to the 4001 4<sup>th</sup> Avenue Redevelopment Brownfield Cleanup Project.

  
Name  
Title  
Date