

NYSDEC BROWNFIELD CLEANUP PROGRAM APPLICATION

PROPOSED FORMER CORZO MAINTENANCE SITE
168 BANKER STREET
BLOCK 2615, LOT 125
BROOKLYN, NEW YORK

PREPARED FOR:
WYTHE GEM LLC
29 LITTLE NASSAU STREET, SUITE 118
BROOKLYN, NEW YORK 11205



SUBMITTAL INSTRUCTIONS:

1. Compile the application package in the following manner:
 - a. one file in non-fillable PDF which includes a Table of Contents, the application form, and 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. *OPTIONAL: Compress all files (PDFs) into one zipped/compressed folder
3. Submit the application to the Site Control Section either via NYSDEC dropbox or ground mail, as described below.

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

a. VIA SITE CONTROL DROPBOX:

- [Request an invitation](#) to upload files to the Site Control submittal dropbox.
- In the "Title" field, please include the following: "New BCP Application - *Proposed Site Name*".
- After uploading files, an automated email will be sent to the submitter's email address with a link to verify the status of the submission. Please do not send a separate email to confirm receipt.
- Application packages submitted through third-party file transfer services will not be accepted.

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, 12th Floor
Albany, NY 12233-7020

SITE NAME: Former Corzo Maintenance 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: C224442

☒

Yes

☐

No



**BROWNFIELD CLEANUP PROGRAM (BCP)
APPLICATION FORM**

BCP App Rev 16.1 – March 2025

SECTION I: Property Information

PROPOSED SITE NAME **Former Corzo Maintenance Site**

ADDRESS/LOCATION **168 Banker Street**

CITY/TOWN **Brooklyn**

ZIP CODE **11211**

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

COUNTY **Kings County**

SITE SIZE (ACRES) **0.50**

LATITUDE

LONGITUDE

	°	'	"	°	'	"
40		43	27.86	73	57	20.58

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
168 Banker Street		2615	125	0.50

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

SECTION I: Property Information (continued)		Y	N
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?		<input type="radio"/>	<input checked="" type="radio"/>
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.		<input type="radio"/>	<input checked="" type="radio"/>
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.		<input type="radio"/>	<input checked="" type="radio"/>
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____		<input type="radio"/>	<input checked="" type="radio"/>
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____		<input type="radio"/>	<input checked="" type="radio"/>
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information. <div style="display: flex; justify-content: space-between;"> <div><u>Easement/Right-of-Way Holder</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <div style="display: flex; justify-content: space-between;"> <div><u>Type</u></div> <div><u>Issuing Agency</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?		<input checked="" type="radio"/>	<input type="radio"/>
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.			
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.		<input checked="" type="radio"/>	<input type="radio"/>
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?		<input type="radio"/>	<input checked="" type="radio"/>
17. If you have answered YES to Question 16 above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?		<input type="radio"/>	<input checked="" type="radio"/>
NOTE: If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.			
If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions.			
Initials of each Requestor: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> </div>			

SECTION II: Project Description

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

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

Beginning January 1, 2024, all work plans and reports submitted for the BCP shall address Green and Sustainable Remediation (GSR) and DER-31 (see [DER-31, Green Remediation](#)). Work plans, reports and design documents will need to be certified in accordance with DER-31.

5. Please provide a description of how Green and Sustainable Remediation will be evaluated and incorporated throughout the remedial phases of the project including Remedial Investigation, Remedial Design/Remedial Action, and Site Management and reporting efforts.

Is this information attached? ☒ Yes ☐ No

6. If the project is proposed to start at the remediation stage (Section 2, Item 1, above), a climate change screening or vulnerability assessment must have been completed. Is this attached?

☐ Yes ☒ No

SECTION III: Ecological Concerns

- | | Y | N |
|---|----------------------------------|----------------------------------|
| 1. Are there fish, wildlife, or ecological resources within a ½-mile radius of the site? | <input checked="" type="radio"/> | <input type="radio"/> |
| 2. Is there a potential path for contamination to potentially impact fish, wildlife or ecological resources? | <input type="radio"/> | <input checked="" type="radio"/> |
| 3. Is/are there a/any Contaminant(s) of Ecological Concern? | <input type="radio"/> | <input checked="" type="radio"/> |
| If any of the conditions above exist, a Fish and Wildlife Resources Impact Analysis (FWRIA) Part I, as outlined in DER-10 Section 3.10.1, is required. The applicant may submit the FWRIA with the application or as part of the Remedial Investigation Report. | | |
| 4. Is a Fish and Wildlife Resources Impact Analysis Part I included with this application?
SEE ATTACHED NARRATIVE N/A | <input checked="" type="radio"/> | <input type="radio"/> |

SECTION IV: Land Use Factors

1. What is the property's current municipal zoning designation? <u>M1-5</u>		
2. What uses are allowed by the property's current zoning (select all that apply)? Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/>		
3. Current use (select all that apply): Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Recreational <input type="checkbox"/> Vacant <input checked="" type="checkbox"/>		
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 <input checked="" type="radio"/>	N <input type="radio"/>
5. Reasonably anticipated post-remediation use (check all that apply): Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> If residential, does it qualify as single-family housing? N/A <input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. Please provide a statement detailing the specific proposed post-remediation use. Is this summary attached?	<input checked="" type="radio"/>	<input type="radio"/>
7. Is the proposed post-remediation use a renewable energy facility? See application instructions for additional information.	<input type="radio"/>	<input checked="" type="radio"/>
8. Do current and/or recent development patterns support the proposed use?	<input checked="" type="radio"/>	<input type="radio"/>
9. Is the proposed use consistent with applicable zoning laws/maps? Please provide a brief explanation. Include additional documentation if necessary.	<input checked="" type="radio"/>	<input type="radio"/>
10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Please provide a brief explanation. Include additional documentation if necessary.	<input checked="" type="radio"/>	<input type="radio"/>

SECTION V: Current and Historical Property Owner and Operator Information

CURRENT OWNER Wythe Gem LLC		
CONTACT NAME Zelig Weiss		
ADDRESS 29 Little Nassau Avenue, Suite 118		
CITY Brooklyn	STATE NY	ZIP CODE 11205
PHONE 718-559-1145	EMAIL zelig@riversideny.com	
OWNERSHIP START DATE January 09, 2025		
CURRENT OPERATOR Vacant Lot N/A		
CONTACT NAME N/A		
ADDRESS N/A		
CITY N/A	STATE N/A	ZIP CODE N/A
PHONE N/A	EMAIL N/A	
OPERATION START DATE N/A		

SECTION VI: Property's Environmental History

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

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard ([ASTM E1903](#)). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do NOT submit paper copies of ANY supporting documents.**
2. **SAMPLING DATA:** Indicate (by selecting the options below) known contaminants and the media which are known to have been affected. Data summary tables should be included as an attachment, with laboratory reports referenced and included.

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

*Please describe other known contaminants and the media affected:

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 type="checkbox"/> Service Station
<input type="checkbox"/> Landfill	<input type="checkbox"/> Tannery	<input type="checkbox"/> Electroplating	<input type="checkbox"/> Unknown

Other: Storage yard for materials and vehicles

SECTION VII: Requestor Information					
NAME WYTHE GEM LLC					
ADDRESS 29 Little Nassau Street, Suite 118					
CITY/TOWN Brooklyn		STATE NY	ZIP CODE 11205		
PHONE 718-599-1145		EMAIL zelig@riversideny.com			
				Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?				<input checked="" type="radio"/>	<input type="radio"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database . A print-out of entity information from the database must be submitted with this application to document that the requestor is authorized to conduct business in NYS. Is this attached?				<input checked="" type="radio"/>	<input type="radio"/>
3. If the requestor is an LLC, a list of the names of the members/owners is required on a separate attachment. Is this attached? N/A <input type="radio"/>				<input checked="" type="radio"/>	<input type="radio"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? Documents that are not properly certified will not be approved under the BCP.				<input checked="" type="radio"/>	<input type="radio"/>

SECTION VIII: Requestor Contact Information			
REQUESTOR'S REPRESENTATIVE Zelig Weiss			
ADDRESS 29 Little Nassau Street			
CITY Brooklyn		STATE NY	ZIP CODE 11205
PHONE (718) 599-1145		EMAIL zelig@riversideny.com	
REQUESTOR'S CONSULTANT (CONTACT NAME) James Bellew			
COMPANY H & 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- 5686		EMAIL JBellew@haleyaldrich.com	
REQUESTOR'S ATTORNEY (CONTACT NAME) Jon Schuyler Brooks			
COMPANY Abramson Brooks LLP			
ADDRESS 1051 Port Washington Blvd., Suite 322			
CITY Port Washington		STATE NY	ZIP CODE 11050
PHONE (516)455-0215		EMAIL jbrooks@abramsonbrooks.com	

SECTION IX: 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 with supporting documentation.

	Y	N
1. Is the requestor applying for a fee waiver?	<input type="radio"/>	<input checked="" type="radio"/>
2. If yes, appropriate documentation 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 X: Requestor Eligibility

If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input checked="" type="radio"/>
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	<input type="radio"/>	<input checked="" type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="radio"/>	<input checked="" type="radio"/>
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the ECL Article 27; (ii) any order or determination; (iii) any regulation implementing Title 14; or (iv) any similar statute or regulation of the State or Federal government?	<input type="radio"/>	<input checked="" type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.	<input type="radio"/>	<input checked="" type="radio"/>
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?	<input type="radio"/>	<input checked="" type="radio"/>
7. Has the requestor been convicted of a criminal offence (i) involving the handling, storing, treating, disposing or transporting of contaminants; or (ii) that involved a violent felony, fraud, bribery, perjury, theft or offense against public administration (as that term is used in Article 195 of the Penal Law) under Federal law or the laws of any state?	<input type="radio"/>	<input checked="" type="radio"/>
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	<input type="radio"/>	<input checked="" type="radio"/>
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	<input type="radio"/>	<input checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input checked="" type="radio"/>

SECTION X: Requestor Eligibility (continued)

12. The requestor must certify that he/she/they is/are either a participant or volunteer in accordance with ECL 27-1405(1) by checking one of the boxes below:

PARTICIPANT

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

☐**VOLUNTEER**

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

☒

NOTE: By selecting this option, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste.

If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.

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

☒ Yes

☐ No

☐ N/A

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

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

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

Is this proof attached?

☐ Yes

☐ No

☒ N/A

Note: A purchase contract or lease agreement does not suffice as proof of site access.

SECTION XI: Property Eligibility Information

	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information.	<input type="radio"/>	<input checked="" type="radio"/>
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>
3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit Type: _____ EPA ID Number: _____ Date Permit Issued: _____ Permit Expiration Date: _____	<input type="radio"/>	<input checked="" type="radio"/>
4. If the answer to question 2 or 3 above is YES , is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents. <div style="text-align: right;">N/A <input checked="" type="radio"/></div>	<input type="radio"/>	<input type="radio"/>
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: _____	<input type="radio"/>	<input checked="" type="radio"/>
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information as an attachment.	<input type="radio"/>	<input checked="" type="radio"/>

SECTION XII: 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.
- For sites located in the five counties comprising New York City, the Director of the Mayor's Office of Environmental Remediation.

SECTION XIII: 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 _____ authorized representative (title) of Wythe Gem 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: 8/11/25

Signature: *Zelig Weiss*

Print Name: Zelig Weiss

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

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY

Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27-1407(1-a) must be submitted if requestor is seeking this determination.

BCP App Rev 16.1

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?

☒☐

2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?

☒☐

3. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)?

☐☒

4. Is the property upside down or underutilized as defined below?

Upside down

☐☒

Underutilized

☒☐

From ECL 27-1405(31):

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

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

375-3.2:

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

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

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

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

Check appropriate box below:

- ☐ Project is an Affordable Housing Project – regulatory agreement attached
- ☐ Project is planned as Affordable Housing, but agreement is not yet available
- ☒ 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.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**BROWNFIELD CLEANUP PROGRAM (BCP)
INSTRUCTIONS FOR COMPLETING AND SUBMITTING A BCP APPLICATION**

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional Office](#) to schedule a meeting. To add a party to an existing BCP Agreement, use the [BCP Agreement Amendment Application](#).

For further information regarding the determination of a complete application, please refer to the guidance following these instructions, as well as the [NYSDEC BCP website](#).

SUBMITTAL INSTRUCTIONS

- Compile the application package in the following manner:
 - one file in non-fillable portable document format (PDF) which includes a Table of Contents, the application form, and supplemental information (excluding the previous environmental reports and work plans, if applicable);
 - one individual file (PDF) of each previous environmental report; and,
 - one file (PDF) of each work plan being submitted with the application, if applicable.
- *OPTIONAL: Compress all files (PDFs) into one zipped/compressed folder
- Submit the application to the Site Control Section either via NYSDEC dropbox or ground mail, as described below.

Please select only ONE submittal method - do NOT submit both via dropbox and via ground mail.

VIA SITE CONTROL DROPBOX:

- Click [here](#) to request an invitation to upload files to the Site Control submittal dropbox.
- In the "Title" field, please include the following: "New BCP Application - *Proposed Site Name*".
- After uploading files, an automated email will be sent to the submitter's email address with a link to verify the status of the submission. Please do not send a separate email to confirm receipt.
- Application packages submitted through third-party file transfer services will not be accepted.

VIA GROUND MAIL:

- Save the application file and cover letter to an external storage device (e.g., 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, 12th Floor
Albany, NY 12233-7020

SECTION I: Property Information	
PLEASE NOTE	If any changes to SECTION I are required prior to application approval, a new page 2, initialed by each requestor, must be submitted with the revisions.
Proposed Site Name	Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e., ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.
Site Address	Provide a street address, city/town, zip code, and each municipality and county in which the site is located.
Site Size	Provide the approximate acreage of the site.
GIS Information	Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.
Tax Parcel Information	Provide the tax parcel address/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5-minute quad map on which the property appears and clearly indicate the proposed site's location.
Tax Map Boundaries	State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/ reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.
Site Map	Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: (i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and (ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.
En-zone	If any part of the site is located within an En-zone, please provide a map showing the location of the site with the En-zone overlay. For information on En-zones, please see DEC's website . Note that new En-zone boundaries are effective January 1, 2023.
Disadvantaged Communities	If the site is located within a Disadvantaged Community, please provide a map showing the location of the site with the Disadvantaged Community overlay. For additional information on disadvantaged communities, please refer to the Climate Leadership and Community Protection Act website .

SECTION I: Property Information (continued)

Brownfield Opportunity Area (BOA)	If the site is located within a NYS Department of State designated Brownfield Opportunity Area, please provide a map showing the location of the site with the BOA overlay. For more information on designated BOAs, please refer to the NYS DOS website . Additional information on BOA conformance determinations can be found at the Office of Planning and Development website . A BOA conformance determination cannot be made until a Decision Document has been issued for the site.
Multiple Applications	Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where (1) the development project spans more than 25 acres; (2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and (3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).
Previous BCP Applications	If all or part of the proposed site has been the subject of a previous BCP application (whether accepted, denied or withdrawn), please provide the assigned DEC site number from the previous application as well as any relevant information regarding why the property is not currently in the program.
Registry Listing and P-site Status	If all or part of the proposed site is now or ever was listed on the Registry of Inactive Hazardous Waste Disposal Sites or is currently the subject of investigation as a Potential Site, please provide the assigned DEC site number.

SECTION I: Property Information (continued)

Property Description Narrative

Provide a property description in the format provided below. Each section should be no more than one paragraph long.

Location:

Example: "The XYZ Site is located in an {urban, suburban, rural} area." {Add reference points if address is unspecific; e.g., "The site is approximately 3.5 miles east of the intersection of County Route 55 and Industrial Road."}

Site Features:

Example: "The main site features include several large, abandoned buildings surrounded by former parking areas and roadways. About one quarter of the site area is wooded. Little Creek passes through the northwest corner."

Current Zoning and Land Use: (Ensure the current zoning is identified)

Example: "The site is currently inactive and is zoned for commercial use. The surrounding parcels are currently used for a combination of commercial, light industrial, and utility rights-of-way. The nearest residential area is 0.3 miles east on Route 55."

Past Use of the Site: include source(s) of contamination and remedial measures (site characterizations, investigations, Interim Remedial Measures, etc.) completed outside of the current remedial program (e.g., work under a petroleum spill incident).

Example: "Until 1992 the site was used for manufacturing wire and wire products (e.g., conduit, insulators) and warehousing. Prior uses that appear to have led to site contamination include metal plating, machining, disposal in a one-acre landfill north of Building 7, and releases of wastewater into a series of dry wells."

When describing the investigations/actions performed outside of the remedial program, include the major chronological remedial events that lead to the site entering a remedial program. The history should include the first involvement by government to address hazardous waste/petroleum disposal. Do not cite reports. Only include remedial activities which were implemented PRIOR to the BCA. Do not describe sampling information.

Site Geology and Hydrogeology:

As appropriate, provide a very brief summary of the main hydrogeological features of the site including depth to water, groundwater flow direction, etc.

SECTION I: Property Information (continued)

Environmental Assessment	<p>The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semi-volatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths. The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SCGs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site.</p> <p>A typical Environmental Assessment would look like the following:</p> <p>Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE).</p> <p><i>Soil</i> - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the site. Concentrations of cadmium found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).</p> <p><i>Groundwater</i> - TCE and its associated degradation products are also found in groundwater at the north end of the site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the site has migrated 300 feet down-gradient off-site. The primary contaminant of concern for the off-site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.</p> <p><i>Soil Vapor & Indoor Air</i> - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.</p>
Questions 15-17: New York City Sites	<p>These questions pertain ONLY to sites located within the five counties comprising New York City. If the requestor is seeking a determination that the site is eligible for tangible property tax credits, this section and the <i>Supplemental Questions for Sites Seeking Tangible Property Credits in New York City</i> must be completed.</p>

SECTION II: Project Description		
Question 3: Inclusion of Work Plans	If a work plan is to be released for public comment concurrently with the BCP application, <u>the work plan must be submitted at the time of application submittal</u> . Work plans submitted during the completeness review phase will require a separate public comment period and will not be released with the application.	
Question 4: Post-Remediation Use and Project Schedule	As a separate attachment, provide complete and detailed information about the project (remedial and post-remediation development), including the purpose of the project, the date the remedial program is to start, and the date the issuance of the Certificate of Completion is anticipated.	
Questions 5-6: Green and Sustainable Remediation	As a separate attachment, provide complete and detailed information about the GSR principles to be evaluated and incorporated into each phase of the project.	
	Remedial Investigation/ Alternatives Analysis	The description must provide information on how GSR will be incorporated into RI project planning, the proposed environmental footprint analysis tool, and how climate resiliency will be included. Potential end uses such as greenways and pollinator habitats should be considered as appropriate.
	Remedial Design	The description must provide information on how GSR will be incorporated into RD project planning and refine the environmental footprint analysis as the baseline to track metrics. RD documents should add or incorporate GSR techniques to ensure reduced impacts on core metrics. Climate resiliency design measures should also be incorporated.
	Remedial Action	The description must provide information on how GSR will be implemented into the construction and how metrics will be tracked. Methods of reporting should be included.
	Site Management	The description must provide information on how GSR will be incorporated into SM, including use of DEC's SM template, resource and energy consumption reduction, waste minimization, and climate resiliency evaluation within PRRs and RSOs.
	Redevelopment	The description must provide details of any planned renewable energy, energy efficient equipment, greenways, green roofs, community spaces and any re-use or recycling of on-site materials in redevelopment or remediation.
	Climate Screening/ Climate Vulnerability Assessment	The description must provide an initial Climate Screening checklist. If the screening suggests a Climate Vulnerability Assessment will be required, list additional references for the assessment.

SECTION III: Ecological Concerns
Please refer to DER-10 Section 3.10.1 for the requirements of a Fish and Wildlife Impact Assessment.

SECTION IV: Land Use Factors

In addition to eligibility information, site history, and environmental data/reports, the application requires information regarding the current, intended and reasonably anticipated future land use.

This information consists of responses to the “land use” factors to be considered relative to the “Land Use” section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a “brownfield site” pursuant to ECL 27-1405(2).

This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

Zoning and Current Use	Provide the current municipal zoning designation and uses permitted by that designation. Provide a summary of the current use of the site, including identifying possible contaminant source areas. If the site is no longer in use, provide the date by which operations ceased.
Anticipated Use	Identify the anticipated post-remediation use of the site and provide a detailed description of the specific anticipated post-remediation use as an attachment.
Renewable Energy Facility Site	Indicate if the post-remediation use of the site is proposed to be a renewable energy facility. A “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. Section 66-p of the Public Service Law: "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. Provide any detailed plans or documentation to support this. Appropriate documentation must be provided as follows: for planned renewable energy facilities generating/storing less than twenty-five (25) megawatts, a local land use approval must be provided. For planned renewable energy facilities generating/storing twenty-five (25) megawatts or greater, a permit issued by the Office of Renewable Energy Siting must be provided.
Compliance with Zoning Laws, Recent Development, and Community Master Plans	Provide an explanation to support the responses to each of these items. Attach additional documentation if applicable.

SECTION V: Current and Historical Property Owner and Operator Information

Owner Information	Provide requested information of the current owner of the property. List <u>all</u> parties holding an interest in the property and, if the requestor is not the current owner, describe the requestor's relationship to the current owner. If the property consists of multiple parcels, be sure to include the ownership start date of each.
Operator Information	Provide requested information of the current operator(s). If multiple operators, attach the requested information for each operator, including the date each operator began utilizing the property.
Historical Owners and Operators	Provide a list of previous owners and a list of previous operators, including dates of ownership or operation and last-known addresses and phone numbers. Describe the requestor's relationship to each previous owner and operator; if no relationship, indicate "none". When describing the requestor's relationship to current and historical owners and operators, include any relationship between the requestor's corporate members and the previous owners and operators.

SECTION VI: Property's Environmental History

For all sites, an investigation report is required that is sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data include site drawings and data summary tables requested in Section VI, #3 of the BCP application form. Specific instructions regarding the data summary tables are attached at the end of these instructions.

SECTION VII: Requestor Information

Requestor Name	<p>Provide the name of the person(s)/entity requesting participation in the BCP (if more than one, attach additional sheets with requested information.) The requestor is the person or entity seeking DEC review and approval of the remedial program.</p> <p>If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database. A print-out of entity information from the database must be submitted to DEC with the application, to document that the requestor is authorized to do business in NYS.</p>
Address, etc.	Provide the requestor's mailing address, telephone number and e-mail.
LLC Information	If the requestor(s) is/are an LLC, the names of the members/owners need to be provided on a separate attachment.

SECTION VII: Requestor Information (continued)

Document Certification	<p>All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of DER-10. Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:</p> <ul style="list-style-type: none">• New York State licensed professional engineers (P.E.s), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a P.E. with current license and registration for work that was done by them or those under their direct supervision. The firm by which the P.E. is employed must also be authorized to practice engineering in New York State;• qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;• remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or• site owners, which are the owners of the property comprising the site at the time of the certification.
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SECTION VIII: Requestor Contact Information

Requestor's Representative	Provide information for the requestor's authorized representative. This is the person to whom all correspondence, notices, etc. will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative of applicants determined to be Participants unless another contact name and address is provided with the application.
Requestor's Consultant and Requestor's Attorney	Provide all requested information.

SECTION IX: Program Fee

If the requestor is applying for a fee waiver, sufficient documentation must be provided to demonstrate the basis for such request. Depending on the basis for the fee waiver, this may be provided in the form of financial statements, not-for-profit designation paperwork, a statement waiving the requestor's right to tax credits, a statement that the project will be a 100% affordable housing project, or any other documentation that the Department may require. Some bases for the fee waiver will be memorialized in the Brownfield Cleanup Agreement, and may result in termination of the Agreement if not complied with.

If the requestor is applying for a fee waiver based on the requestor's status as a not-for-profit entity, please provide documentation of non-profit designation.

SECTION X: Requestor Eligibility

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

Volunteer Statement	If the requestor's liability arises solely as a result of ownership, operation of, or involvement with the site, and requests consideration for volunteer status, the requestor must submit a statement describing why they should be considered a volunteer. Describe in detail how the requestor's potential liability arose subsequent to the discharge of contaminants at the potential site and how the requestor took reasonable steps to (i) stop any continuing release; (ii) prevent any threatened future release; and (iii) prevent or limit human, environmental or natural resource exposure to any previously released contamination. Be specific as to the appropriate action taken, and provide information to support this, such as date of purchase, date and source of knowledge of contamination, and steps taken to protect human health and the environment from such contaminants (e.g., notification of authorities of the contamination, restricting site access, monitoring and addressing lessee conduct, preventing deterioration of site conditions, etc.).
Proof of Site Access	If a requestor is not the current owner of the entirety of the site, a site access agreement must be provided that demonstrates that the requestor will have access to the property before signing the BCA and throughout the BCP project. Additionally, the access agreement must include language allowing the requestor the ability to place an environmental easement on the site should the requestor not be the owner at the time remediation is complete and a Track 1 cleanup has not been achieved. If the requestor is the current property owner, include a copy of the deed as proof of ownership and access.

SECTION XI: Property Eligibility Information

As a separate attachment, provide complete and detailed information in response to the following eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that that information be summarized.

CERCLA / NPL Listing	Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.
Registry Listing	Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) website for a database of sites with classifications.
RCRA Listing	Does the property have a Resource Conservation and Recovery Act (RCRA) TSD Permit in accordance with the ECL 27-0900 et seq? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.

SECTION XI: Property Eligibility Information (continued)

Registry/RCRA Sites Owned by Volunteers	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? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.
Existing Order	Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.
Pending Enforcement Actions	Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information as an attachment.

SECTION XII: Site Contact List

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project. For sites located in a city with a population of one million or more, the appropriate community board must be included as an additional document repository, and acknowledgement of their agreement to act as such must also be provided.

For sites located in Region 2 (the five counties comprising New York City), the Site Contact List must also include the Director of the Mayor's Office of Environmental Remediation.

SECTION XIII: Statement of Certification and Signatures

The requestor must sign the application or designate a representative who is authorized to sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each requestor must sign a signature page. If the requestor is a Corporation, LLC, LLP, or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the entity's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database.

DATA SUMMARY TABLE INSTRUCTIONS

Data summary tables should include the following columns:

Soil Table:

Analytes > SCOs ^a	Detections > SCOs ^b	Max. Detection (ppm) ^c	SCO (ppm) ^d	Depth (ft bgs)
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Groundwater Table:

Analytes > AWQS ^e	Detections > AWQS ^f	Max. Detection (ppb) ^c	AWQS (ppb) ^g
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Soil Gas Table:

Analytes ^h	Total Detections	Max. Detection (ug/m3) ^c	Type ⁱ
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^a Include all contaminants over the applicable soil cleanup objectives (SCOs). Column header should specify which SCOs are being compared to. (i.e., "RRSCOs" for Restricted Residential SCOs)

^b Number of detections over applicable SCOs. Specify which SCOs are being compared to in column header.

^c Maximum detection in parts per million (ppm) for soil, parts per billion (ppb) for groundwater, or micrograms per cubic meter (ug/m3) for soil gas.

^d List the respective SCO. Specify which SCOs are being compared to in column header.

^e Include all contaminants over Class GA Ambient Water Quality Standards (AWQS).

^f Number of detections over AWQS.

^g List the respective AWQS.

^h Include all chlorinated volatile organic compound (VOCs) detections.

ⁱ Specify type: soil vapor, sub-slab or indoor air.

Example Data Summary Tables

Soil Table:

Analytes > RR SCOs	Detections > RR SCOs	Maximum Detection (ppm)	RR SCO (ppm)	Depth (ft bgs)
Benzo(a)anthracene	3	11	1	5 – 7
Benzo(a)pyrene	4	15	1	5 – 7
Benzo(b)fluoranthene	5	15	1	5 – 7
Benzo(k)fluoranthene	1	5.3	3.9	5 – 7
Indeno(1,2,3-cd)pyrene	7	8.4	0.5	5 – 7
barium	2	967	400	0.5 – 2.5
cadmium	2	94.1	4.3	6 – 8
lead	3	1,790	400	0.5 – 2.5

Groundwater Table:

Analytes > AWQS	Detections > AWQS	Max. Detection (ppb)	AWQS (ppb)
Benz(a)anthracene	2	0.2	0.002
Benzo(a)pyrene	2	0.221	ND
Benzo(b)fluoranthene	2	0.179	0.002
Benzo(k)fluoranthene	2	0.189	0.002
Indeno(1,2,3-cd)pyrene	2	0.158	0.002
Tetrachloroethene (PCE)	1	12	5

Soil Gas Table:

Analytes	Total Detections	Max. Detection (µg/m³)	Type
Carbon tetrachloride	1	0.84	Soil vapor
Methylene chloride	1	2.6 J	Soil vapor
Tetrachloroethene	2	47	Soil vapor
Trichloroethene	1	1.2	Soil vapor
Trichlorofluoromethane	1	21	Soil vapor

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

DETERMINATION OF A COMPLETE APPLICATION

1. The first step in the application review and approval process is an evaluation to determine if the application is complete. To help ensure that the application is determined complete, requestors should review the list of common application deficiencies and carefully read these instructions.
2. DEC will send a notification to the requestor within 30 calendar days of receiving the application, indicating whether such application is complete or incomplete.
3. An application must include the following information relative to the site identified by the application, necessary for making an eligibility determination, or it will be deemed incomplete. (Please note: the application as a whole requires more than the information outlined below to be determined complete). The application must include:
 - a. for all sites, an investigation report sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data includes site drawings requested in Section VI, #3 of the BCP application form.
 - b. for those sites described below, documentation relative to the volunteer status of all requestors, as well as information on previous owners or operators that may be considered responsible parties and their ability to fund remediation of the site. This documentation is required for:
 - i. real property listed in the registry of inactive hazardous waste disposal sites as a class 2 site, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP; or
 - ii. real property that was a hazardous waste treatment, storage or disposal facility having interim status pursuant to the Resource Conservation and Recovery Act (RCRA) program, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP.
 - c. for sites located within the five counties comprising New York City, in addition to (a) and if applicable (b) above, if the application is seeking a determination that the site is eligible for tangible property tax credits, sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a). If this determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion, using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.
 - d. for sites previously remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law, relevant documentation of this remediation.

DETERMINATION OF A COMPLETE APPLICATION (CONTINUED)

4. If the application is found to be incomplete:
 - a. the requestor will be notified via email or phone call regarding minor deficiencies. The requestor must submit information correcting the deficiency to DEC within the 30-day review time frame; or
 - b. the requestor will receive a formal Letter of Incomplete Application (LOI) if an application is substantially deficient, if the information needed to make an eligibility determination identified in #3 above is missing or found to be incomplete, or if a response to a minor deficiency is not received within the 30-day period. The LOI will detail all of the missing information and request submission of the information. If the information is not submitted within 30 days from the date of the LOI, the application will be deemed withdrawn. In this case, the requestor may resubmit the application without prejudice.
5. If the application is determined to be complete, DEC will send a Letter of Complete Application (LOC) that includes the dates of the public comment period. The LOC will:
 - a. include an approved public notice to be sent to all parties on the Contact List included with the application;
 - b. provide instructions for publishing the public notice in the newspaper on the date specified in the letter, and instructions for mailing the notice to the Contact List;
 - c. identify the need for a certification of mailing form to be returned to DEC along with proof of publication documentation; and
 - d. specify the deadline for publication of the newspaper notice, which must coincide with, or occur before, the date of publication in the Environmental Notice Bulletin (ENB).
 - i. DEC will send a notice of the application to the ENB. As the ENB is only published on Wednesdays, DEC must submit the notice by the Wednesday before it is to appear in the ENB.
 - ii. The mailing to parties on the Contact List must be completed no later than the Tuesday prior to ENB publication. If the mailings, newspaper notice and ENB notice are not completed within the timeframes established by the LOC, the public comment period on the application will be extended to ensure that there will be the required comment period.
 - iii. Marketing literature or brochures are prohibited from being included in mailings to the Contact List.

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ATTACHMENT A

Section I: Property Information

SECTION I: PROPERTY DESCRIPTION NARRATIVE

Site Location

The Site's address is 168 Banker Street, Brooklyn, New York, 11211 (the Site). The Site is located in the Greenpoint neighborhood of Brooklyn, New York, and is identified as Block 2615, Lot 125 on the New York City tax map. The Site is bound to the north by a one-story warehouse building, to the south by Wythe Avenue followed by a new multi-story building under construction, to the east by Banker Street followed by a commercial building, and to the west by North 15th Street followed by industrial and manufacturing use buildings.

A project locus is included on Figure 1. An aerial photograph of the Site showing Site and parcel boundaries 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 adjacent property owners and uses is included as Figure 5.

Site Features

The Site is approximately 0.50 acres (21,730 square feet [sq ft]) in size and is a vacant, undeveloped lot with an asphalt cover.

Current Zoning and Land Use

According to the New York City Planning Commission Zoning Map 13a, the Site is in an M1-5 zoning area for light industrial use. The Site has been assigned an environmental E-Designation (E-585) for hazardous materials, noise, and air quality resulting from a City Environmental Quality Review (CEQR; No. 20DCP009K) as part of the ACME Smoked Fish/Gem Street Rezoning. We understand that Wythe Gem LLC plans to redevelop the Site with a new commercial building that will be consistent with current zoning.

Past Site Use

Based on a Phase I Environmental Site Assessment (ESA) completed by Roux Environmental Engineering and Geology, D.P.C. (Roux) in March 2022, the Site was historically located in a marsh/wetland area adjoining the East River, located to the west of the Site. This area was filled by the early 1900s. The 1905 Sanborn Fire Insurance Map shows the subject property divided into eight tax lots with no structures. The Site remained relatively unchanged until 1942, when the Site was developed with a small one-story storage structure in the central eastern portion of the Site. By 1951, the former storage structure was no longer present, and two structures indicated as sand blasting and a wash house were present in the northeast and northwest corners of the subject property, respectively. Sanborn Fire Insurance Maps from 1965 to 1996 show the Site as a vacant lot with no structures. The Site was identified as "parking" on Sanborn Fire Insurance Maps from 2001 to 2007. The Phase I ESA indicates that Corzo Contracting, a subsurface utility installation contractor, utilized the Site as a storage yard for materials and vehicles from the mid-1990s through at least February 2022. The Site is currently vacant with no structures present.

Site Geology and Hydrogeology

Based on findings from the March 2015 Limited Subsurface Investigation performed by DPV Consultants, Inc. (DPV) and the April 2025 Remedial Investigation (RI) performed by Brussee Environmental (Brussee), fill material generally consists of brown to dark brown fine to medium sand with varying amounts of gravel, brick, and silt from surface grade to depths ranging from 7 feet (ft) below ground surface (bgs) to 10 ft bgs. The fill layer was underlain by dark gray silt and clay with some sandy layers and shell intervals. Depth to bedrock is estimated to be greater than 100 ft.

Regional groundwater flow is generally to the west-northwest towards the East River. The ground elevation on the Site is approximately 11 ft above mean sea level (amsl). Groundwater was encountered at approximately 7.5 ft below grade.

Environmental Zone Designation

The Site is not located within an EnZone. The Site is 100 percent located in a Disadvantaged Community (DAC).

DAC

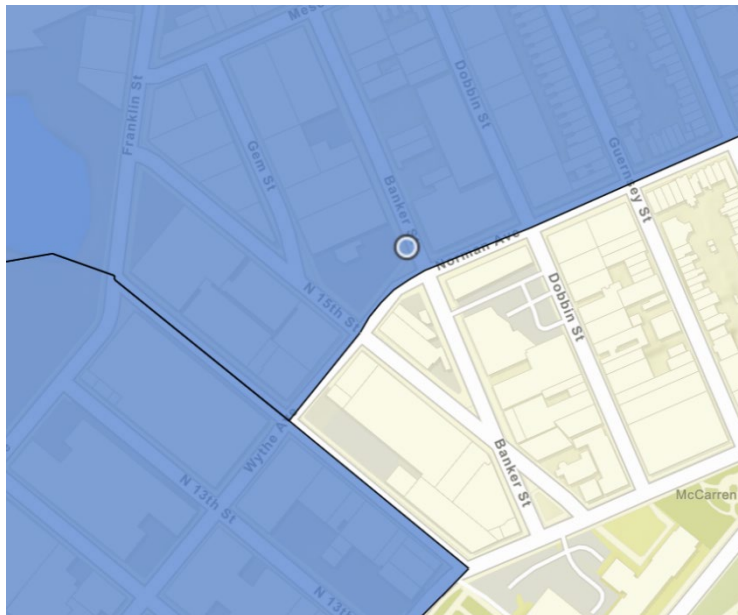


GEOID: 36047056100

Household Count: 1628

Population Count: 3538

Regional Economic Development Council: New York City



Underutilized Determination

The Applicant is eligible to claim and receive Tangible Property Tax Credits pursuant to Tax Law § 21 because the Site qualifies as “underutilized” as defined in Title 6 of the New York Codes, Rules, and

Regulations (6 NYCRR) § 3.2(l), satisfying both the general criterion regarding use of permissible floor area, as well as the three criteria set forth in subsection 2 of the regulation.

General Criterion: Limitation on Historical Use of Permissible Floor Area

Section 3.2(l) requires that “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”.

As set forth in the accompanying Affirmation of Zelig Weiss, dated August 6, 2025, (i) the applicable base zoning for at least the three years prior to the date of this application is M1-5; (ii) consequently, the total permissible floor area is 108,650 sq ft. (lot area of 21,730 sq ft. x 5); and (iii) given that the Site has had no structures since at least 2001, no more than 50 percent of the permissible floor area has been used for at least three years.

Subsection 2 Criteria

Subsection 3.2(l)(2)(i) requires that “the proposed use is at least seventy-five percent for commercial or commercial and industrial uses.” This requirement is satisfied because, as indicated in both the BCP Application and the Weiss Affirmation, the planned use is 100 percent commercial.

Subsection 3.2(l)(2)(ii) requires that “the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located.” As indicated in the accompanying letter from RE Tax Service, LLC (see Attachment A), the planned redevelopment of the Site will result in a real property tax liability estimated to be at least \$2,291,209 for the first year following completion of the planned redevelopment, with annual increases thereafter. As stated in the Weiss Affirmation, that tax burden would mean the proposed development simply could not take place. In 2008, New York State amended the Real Property Tax Law to establish the Industrial & Commercial Abatement Program (ICAP). ICAP is administered by the City of New York, the municipality in which the Site is located. ICAP exists specifically to encourage the development of industrial or commercial buildings in certain areas of the City, and ICAP does so by providing substantial government assistance in the form of property tax abatements for up to 25 years. This Site is eligible for inclusion in ICAP, as certified in the Opinion Letter of Ben Rottenstein Associates Inc. (see Attachment A). Accordingly, the “substantial government assistance” requirement will be satisfied by the City’s inclusion of the Site in ICAP.

Subsection 3.2(l)(3)(iii) requires that one of three alternative conditions exist, one of which is that “there are no structures.” As set forth in both the BCP Application and the Weiss Affirmation, there are no structures on the Site.

Accordingly, the Site qualifies as “underutilized.”

AFFIRMATION OF ZELIG WEISS

ZELIG WEISS states as follows:

1. I am the Managing Member of Wythe Gem LLC (“Wythe Gem”). The statements made in this affirmation are known to me personally, drawn from documents kept by Wythe Gem in the regular course of business, or taken from public records.
2. Wythe Gem owns the real property known generally as 168 Banker Street in Brooklyn, NY, and on the New York City Tax Map as Block 2615, Lot 125 (the “Property”).
3. For more than three years prior to the date of this affirmation, the applicable base zoning for the Property has been (and remains) “M1-5.”
4. The Property’s lot area is 21,730 square feet.
5. Therefore, the Property’s permissible floor area is 108,650 sq.ft. (lot area x 5).
6. Since at least 2001, the Property has had no structures.
7. Consequently, no more than 50% of the permissible floor area has been used for at least three years prior to the date of this affirmation.
8. Wythe Gem’s plan for the redevelopment of the Property is to construct a building that will be used entirely for commercial purposes (the “Commercial Redevelopment Plan”).
9. Wythe Gem’s Commercial Redevelopment Plan will result in an annual real property tax liability estimated at \$2,291,209 dollars for the first year following completion.
10. The annual real property tax liability will render the Commercial Redevelopment Plan financially untenable.
11. Wythe Gem will seek substantial government assistance from New York City in the form of tax abatements through the Industrial & Commercial Abatement Program (ICAP).

12. Wythe Gem has been advised that the Property is eligible for ICAP.

13. Wythe Gem's Commercial Redevelopment Plan will not – and could not – be realized without substantial government assistance.

I affirm this 7th day of August, 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.



ZELIG WEISS



670 Myrtle Avenue PMB 260
Brooklyn, NY 11205
Tel: 718-222-3500
Fax: 718-222-3535
E-Mail: info@retaxservice.com
www.retaxservice.com

July 31, 2025

WYTHE GEM LLC
168 Banker Street
Brooklyn, NY 11222

Reference: 168 Banker Street
Brooklyn, NY 11222
Block 2615 Lot 125

To Whom This May Concern,

Pursuant to your request, RE Tax Service, LLC a tax Certiorari firm was retained to perform an analysis, in reference to your real estate tax matters for the above captioned property.

A new building will be constructed at 168 Banker Street, Brooklyn, NY 11222. The new building will consist of office space and will total approximately 170,000 GSF. The subject will be classified as tax class 4.

Currently, the 2025/26 Final Assessed Value for the subject property is \$180,900. Based on the projected income provided by the owner, the assessed value post construction is projected to increase to \$21,289,806. The current 2024/25 class 4 tax rate is 10.7620% (\$10.7620 per \$100 of assessed value). Assuming the tax rate will remain unchanged, the total taxes upon completion of construction will be \$2,291,209.

This letter was prepared at the client's request with the client's info. However, we make no representation that the tax rates set each year by the City Council, or the assessed valuation determined by the city's assessors will reflect our projected estimate. In no event will my firm, the Sponsor, or any other person be accountable if the assessed valuation when actually made is lesser or greater than predicted.

May you have any additional questions, please feel free to contact me at 718-222-3500 Ext 106.

Sincerely,

Moshe Gutman

RE Tax Service, LLC

BEN ROTTENSTEIN ASSOCIATES INC.

REAL ESTATE TAX CONSULTANTS

July 31, 2025

Wythe Gem LLC
29 Little Nassau Street, Suite 118
Brooklyn, NY 11205

RE: ICAP Tax Abatement
168 Banker Street, Brooklyn
Block 2615 Lot(s) 125 (the "Property")

Dear Sir/Madam,

This letter is in response to your request for an opinion concerning the eligibility of a newly built commercial building being constructed on the property (the "Building") that when completed, based upon the partial commercial use of the Property would be entitled to receive a partial abatement for real property taxes for a twenty five (25) year period, pursuant to the Industrial and Commercial Abatement Program of the City of New York ("ICAP"). We have been advised that the commercial portion of the building is being constructed and developed for office space. Unless stated otherwise, all information contained in this letter has been derived from information given to us by Wythe Gem LLC (the "Borrower"), its agents and representatives and information contained on publicly available web sites maintained by the New York City Department of Buildings and Department of Finance. There has been no independent verification of this information.

Based upon the information furnished to us, we believe that the Building when completed as contemplated in 2027 would be entitled to receive a partial abatement of real property taxes for a twenty five year (25) year period, pursuant to the ICAP. The ICAP is a tax abatement program covering nonresidential projects located in the City of New York. It is designed as a tax incentive to encourage construction and rehabilitation of these properties. Buildings such as parking garages, retail buildings, shopping centers, office buildings, factories and warehouses are among the eligible types of properties, although they each receive different benefit amounts depending upon location and use. The ICAP has replaced the previous nonresidential tax incentive program known as the Industrial and Commercial Incentive Program ("ICIP"). ICIP granted tax exemptions based on increase in assessed value resulting from new construction or renovation, the ICAP program grants tax abatements based on the increase in real estate taxes resulting from new construction or renovation. Office buildings such as the proposed Building are eligible to participate in the ICAP program

In order to be eligible for the ICAP, a preliminary application for such tax benefits must be filed prior to commencement of construction. The Preliminary Application must be filed prior to pulling a building permit. A review of the New York City Department of Buildings web sites indicates that the first building permit has not been issued yet. Applicants for the ICAP program must make a minimum required expenditure equal to at least 30% of the taxable assessed value of the property in the year the building permit is issued. The assessed value for the in this project is extremely low for lot 125 in the 25/26 fiscal year (the year the permit will likely be issued). Therefore, the allocated construction cost will easily exceed the 30% of the allocated taxable assessed value and meet the threshold.

In addition to timely filing a preliminary application and meeting the minimum required expenditure, the ICAP also requires that the annual real property income and expense statement be filed with the New York City Department of Finance, a report of all current construction be filed with the New York City Department of Finance on a semiannual basis and final application for ICAP benefits be filed after the date the first building permit is issued for construction work. Furthermore to maintain ICAP benefits, recipients of ICAP benefits must file an annual certificate of continuing use ("CCU") with the New York City Department of Finance providing updated information on the Property and certify that the Property remains eligible to receive ICAP tax benefits.

BEN ROTTENSTEIN ASSOCIATES INC.

REAL ESTATE TAX CONSULTANTS

In addition to the filings with the New York City Department of Finance, there are also additional filing requirements with the New York City Department of Small Business Services. The filings with the Department of Small Business Services is predominately a paperwork requirement but also requires an outreach of solicitation of New York City bids from minority and women contractors. The Borrower has advised us that they have complied with these requirements. Failure to meet the requirements of the New York City of Small Business Services shall render an applicant ineligible for ICAP benefits. Since this is a continuing obligation of the Borrower during the construction period, we assume no liability for the obligation of the Borrower to meet these requirements.

The Building will be in an area of Brooklyn that is denominated a special commercial area. Commercial projects which meet the requirement of the ICAP and are located in a special area are eligible for a 25 year real estate tax abatement. The tax abatement is based upon the increase in real estate taxes in excess of 115% of the preconstruction tax. The amount of the abatement is measured from the period of commencement of work to (1) the tax year following completion of work or (2) four years after construction of the project, whichever is earlier. The abatement runs in full 16 years and in the 17th through 25th years it declines on a basis of 90%-80%-70%-60%-50%-40%-30%-20%-10%. After 25 years there is no longer an ICAP abatement. Thus for illustrative purposes only, 115% of the base taxes were \$115,000 and the post construction tax is \$200,000, an ICAP abatement would be granted to qualified applicants in the amount of \$85,000 for 100% benefit years and would be phased out as set forth previously.

****If the commercial portion of the Building will be used for Retail – the commercial portion will receive 25 years with inflation protection for 10% of the building and 15 years with inflation protection for 90% retail space.**

We make no representation or guaranties that the assessed value, taxes or the amount of the ICAP abatement will be fixed at any amount. We point out that we have not been retained at this time to process the ICAP application and we assume no responsibility for the processing of this application. Neither we nor any person can guarantee what the real estate taxes will be at any future date. Changes in law or policies of government agencies may radically change the opinions expressed herein.

Based upon our previous experience with such proceedings, we have issued this letter with the specific understanding that although we believe the Building will be eligible for ICAP real estate tax benefits, our opinion is not a guarantee that such benefits will be available. In no event will we, as Borrower's representative, be liable if there are changes in the assessed values, taxes, or facts on which we have relied in issuing this opinion, or if there are changes in the application statutes, rules and regulations of the City of New York, decisional laws or administrative agency rulings, fraudulent conduct on the part of any parties, interpretations and policies on which we have relied which cause this opinion to be inaccurate.

Sincerely,


Adam J. Sabo

SECTION I.14: ENVIRONMENTAL ASSESSMENT

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

- *Limited Subsurface Investigation*, prepared by DPV, prepared for Park Central Real Estate Co. LLC, March 16, 2015.
- *Phase I Environmental Site Assessment*, prepared by Roux, prepared for Macentico III LLC, March 10, 2022.
- *Remedial Investigation Report*, prepared by Brussee, prepared for Keren Star Management LLC, May 2025.

These reports are summarized in Section VI.1 and are appended to this Application package. Based on previous investigations, the primary contaminants of concern for the Site are metals, semi-volatile organic compounds (SVOCs), and volatile organic compounds (VOCs), specifically chlorinated VOCs (CVOCs), in soil; VOCs, SVOCs, metals, and per- and polyfluoroalkyl substances (PFAS) in groundwater; and VOCs, including CVOCs, in soil vapor. A summary of the findings from the May 2025 RI is provided below.

Soil

Soil analytical results were compared to NYSDEC 6 NYCRR Part 375 Commercial Use Soil Cleanup Objectives (CUSCOs).

Four metals were detected above the CUSCOs in multiple soil samples, including arsenic (maximum concentration 118 milligrams per kilogram [mg/kg]), copper (maximum concentration 487 mg/kg), lead (maximum concentration 2,280 mg/kg), and mercury (maximum concentration 32.4 mg/kg). Six SVOCs were detected above the CUSCOs at maximum concentrations in soil sample SB5A (0-2'), including benzo(a)anthracene (130 mg/kg), benzo(a)pyrene (150 mg/kg), benzo(b)fluoranthene (150 mg/kg), chrysene (120 mg/kg), dibenzo(a,h)anthracene (15 mg/kg), and indeno(1,2,3-cd)pyrene (62 mg/kg).

Groundwater

Groundwater analytical results were compared to the 6 NYCRR Part 703.5 NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards (AWQS) and NYSDEC Guidance Values (GVs) for emerging contaminants (latest update April 2023).

One VOC, naphthalene, was detected above the AWQS in one groundwater sample, MW4, at a concentration of 97 micrograms per liter (µg/L). Several SVOCs were detected in groundwater samples above the AWQS, including benzo(a)anthracene (maximum concentration 0.87 µg/L), benzo(a)pyrene (maximum concentration 1.4 µg/L), benzo(b)fluoranthene (maximum concentration 0.9 µg/L), benzo(k)fluoranthene (maximum concentration 0.86 µg/L), chrysene (maximum concentration 0.74 µg/L), benzo(k)fluoranthene (maximum concentration 0.86 µg/L), indeno(1,2,3-cd)pyrene (maximum concentration 1 µg/L), naphthalene (maximum concentration 64 µg/L), and phenol (maximum concentration 2.5 µg/L). Two dissolved metals were detected above the AWQS, including manganese (maximum concentration 1,800 µg/L) and sodium (maximum concentration 98,400 µg/L).

Several total metals were detected above the AWQS, including iron (maximum concentration 25,700 µg/L), lead (maximum concentration 32 µg/L), manganese (maximum concentration 2,100 µg/L), and sodium (maximum concentration 93,400 µg/L). Perfluorooctanoic acid (PFOA; maximum concentration 38.7 nanograms per liter [ng/L]) was detected in groundwater sample MW3 above the NYSDEC GV for emerging contaminants (latest update April 2023). Perfluorooctanesulfonic acid (PFOS) was not detected in groundwater samples above the NYSDEC GV, and 1,4-dioxane was not detected in groundwater samples collected for analysis.

Soil Vapor

Total benzene, toluene, ethylbenzene, and xylenes (BTEX) concentrations ranged from 0 to 100.84 micrograms per cubic meter (µg/m³). Total CVOCs concentrations ranged from 52.1 µg/m³ in SV7 to 324,579 µg/m³ in SV6. Total VOC concentrations ranged from 225.28 µg/m³ in SV7 to 328,903 µg/m³ in SV6. Several CVOCs were detected in multiple soil vapor samples above laboratory detection limits, including tetrachloroethene (PCE; maximum concentration 1,550 µg/m³), trichloroethene (TCE; 313,000 µg/m³), cis-1,2-dichloroethene (maximum concentration 9,870 µg/m³), 1,1-dichloroethene (maximum concentration 3,550 µg/m³), trans-1,2-dichloroethene (maximum concentration 361 µg/m³), and vinyl chloride (maximum concentration 159 µg/m³).



MAP SOURCE: USGS
SITE COORDINATES: 40°43'28"N, 73°57'20"W

**HALEY
ALDRICH**

168 BANKER STREET
BROOKLYN, NEW YORK

PROJECT LOCUS

APPROXIMATE SCALE: 1 IN = 2000 FT
JULY 2025

FIGURE 1

GIS FILE PATH: \\haleyaldrich.com\share\CF\Projects\0211545\GIS\0211545_000_168_BANKER STREET.aprx - USER: khansen - LAST SAVED: 5/29/2025 10:57 AM

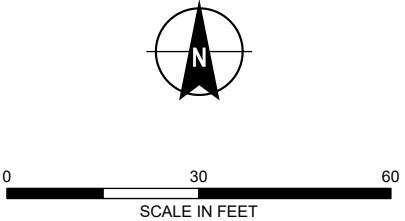


LEGEND

SITE BOUNDARY

PARCEL BOUNDARY

- NOTES**
- 1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
 - 2. ASSESSOR PARCEL DATA SOURCE: NYC DEPARTMENT OF CITY PLANNING, INFORMATION TECHNOLOGY DIVISION
 - 3. AERIAL IMAGERY SOURCE: NEARMAP, MARCH 11, 2025



**HALEY
ALDRICH**

168 BANKER STREET
BROOKLYN, NEW YORK

SITE PLAN


JULY 2025


FIGURE 2

GIS FILE PATH: \\haleyaldrich.com\share\CF\Projects\021545\GIS\211545_000_168_BANKER STREET_BCP_APP.aprx - USER: khansen - LAST SAVED: 5/29/2025 11:09 AM

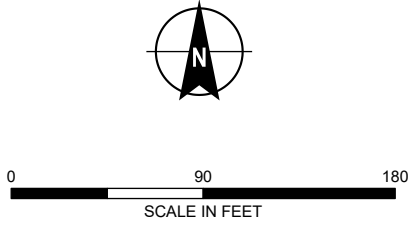


LEGEND

 SITE BOUNDARY

 TAX LOT BOUNDARY

- NOTES**
1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
 2. ASSESSOR PARCEL DATA SOURCE: NYC DEPARTMENT OF CITY PLANNING, INFORMATION TECHNOLOGY DIVISION
 3. AERIAL IMAGERY SOURCE: NEARMAP, MARCH 11, 2025



**HALEY
ALDRICH**

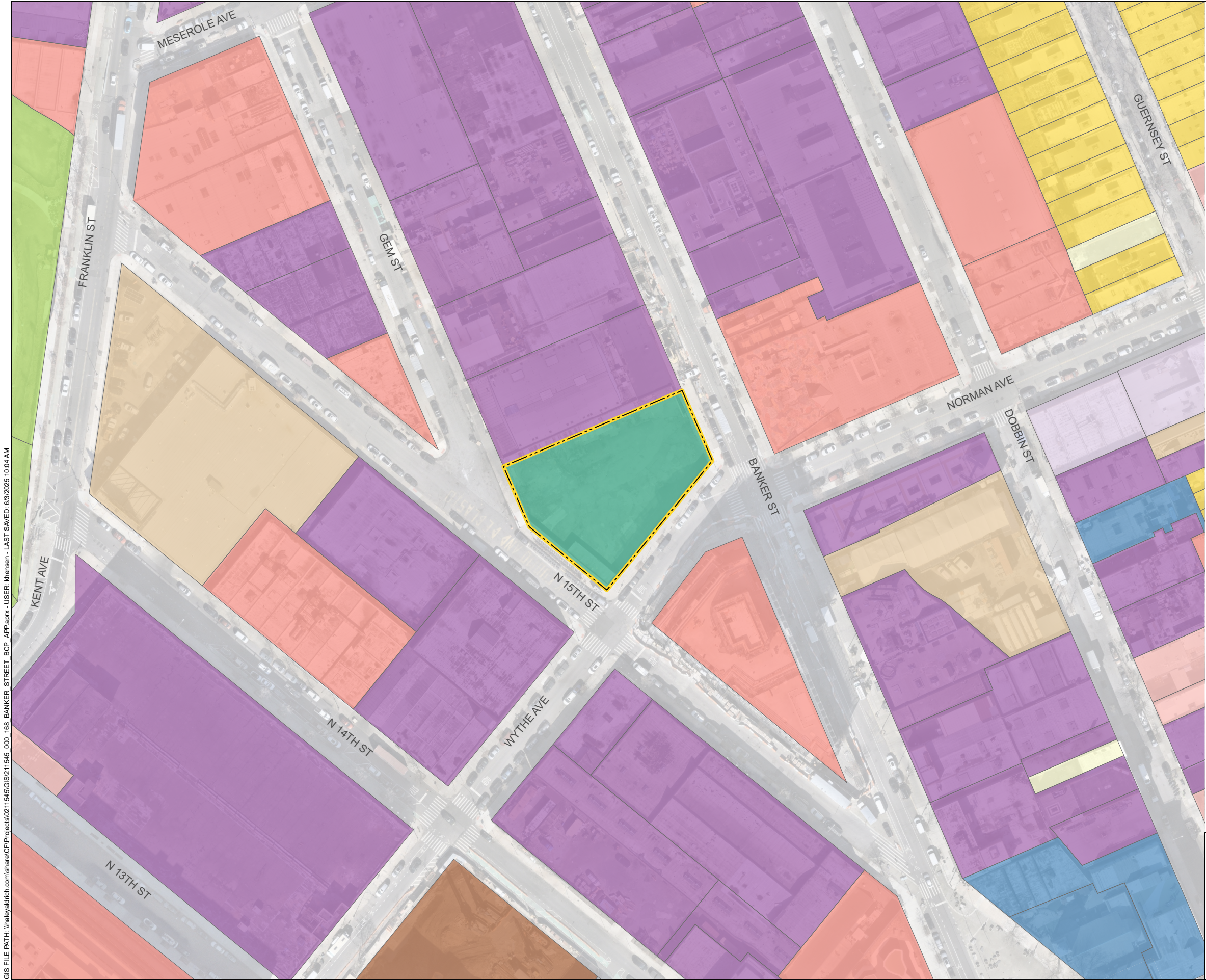
168 BANKER STREET
BROOKLYN, NEW YORK

TAX LOT MAP

JULY 2025

FIGURE 3

GIS FILE PATH: \\haleyaldrich.com\share\CF\Projects\0211545\GIS\211545_000_168_BANKER STREET_BCP_APP.aprx - USER: khensen - LAST SAVED: 6/3/2025 10:04 AM



LEGEND

ZONING AND LAND USE

- ONE AND TWO FAMILY BUILDINGS
- MULTI-FAMILY WALK-UP BUILDINGS
- MIXED RESIDENTIAL AND COMMERCIAL BUILDINGS
- COMMERCIAL AND OFFICE BUILDINGS
- INDUSTRIAL AND MANUFACTURING BUILDINGS
- TRANSPORTATION AND UTILITY
- PUBLIC FACILITIES AND INSTITUTIONS
- OPEN SPACE AND OUTDOOR RECREATION
- PARKING FACILITIES
- VACANT LAND
- NOT CATEGORIZED
- SITE BOUNDARY
- PARCEL BOUNDARY

NOTES

1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
2. ASSESSOR PARCEL DATA SOURCE: NYC DEPARTMENT OF CITY PLANNING, INFORMATION TECHNOLOGY DIVISION
3. LAND USE DATA SOURCE: NYC DEPARTMENT OF CITY PLANNING
4. AERIAL IMAGERY SOURCE: NEARMAP, MARCH 11, 2025



0 100 200
SCALE IN FEET

**HALEY
ALDRICH**

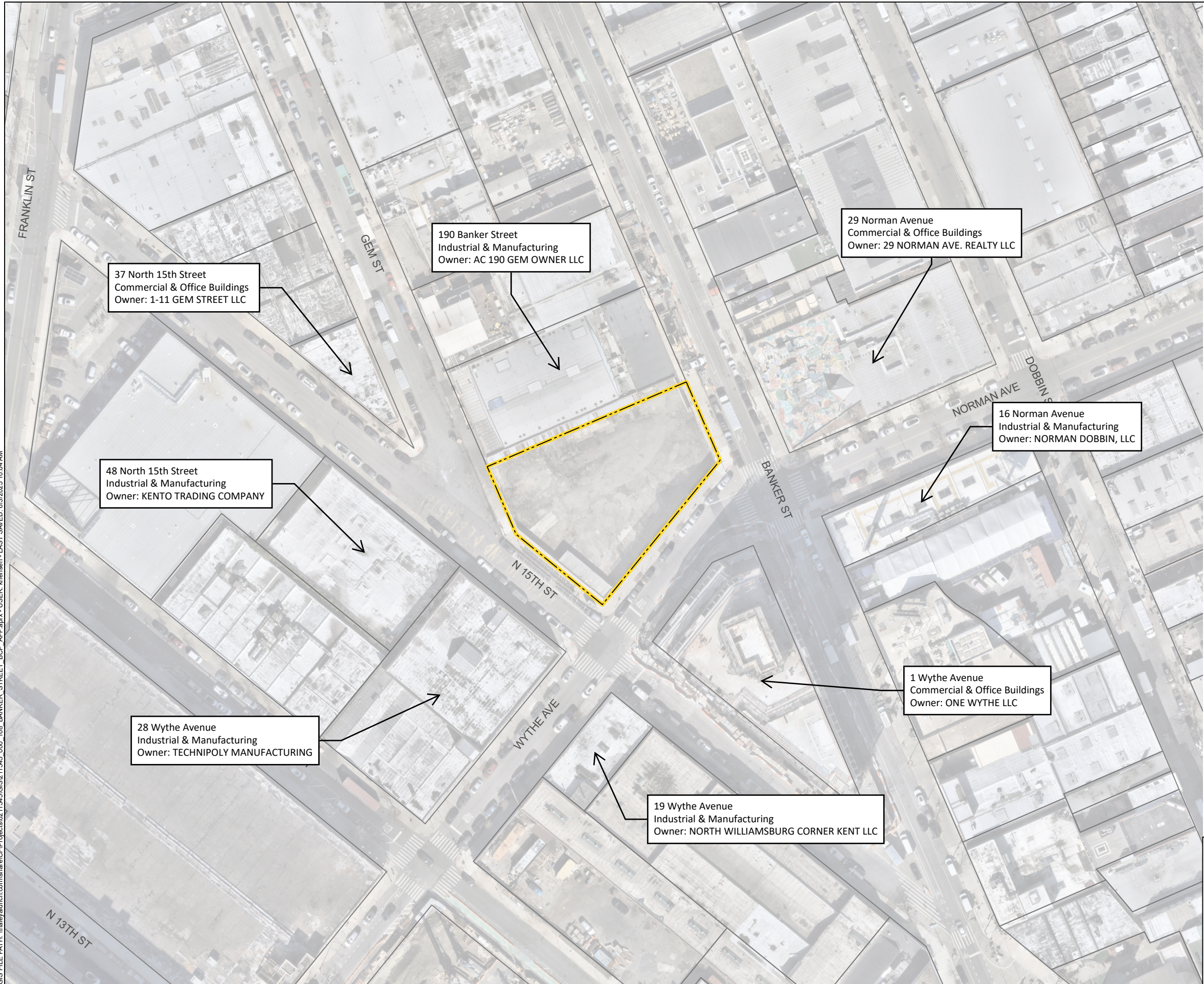
168 BANKER STREET
BROOKLYN, NEW YORK

SURROUNDING LAND USE



JULY 2025

FIGURE 4

GIS FILE PATH: \\haleyaldrich.com\share\CF\Projects\0211545\GIS\211545_000_168_BANKER STREET_BCP_APP.aprx - USER: khansen - LAST SAVED: 6/3/2025 10:04 AM



LEGEND

-  SITE BOUNDARY
-  PARCEL BOUNDARY

NOTES

1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
2. ASSESSOR PARCEL DATA SOURCE: NYC DEPARTMENT OF CITY PLANNING, INFORMATION TECHNOLOGY DIVISION
3. AERIAL IMAGERY SOURCE: NEARMAP, MARCH 11, 2025



0 90 180
SCALE IN FEET

HALEY
ALDRICH

168 BANKER STREET
BROOKLYN, NEW YORK

ADJOINING PROPERTIES
SITE MAP

JULY 2025

FIGURE 5

ATTACHMENT B

Section II: Project Description

SECTION II: PROJECT DESCRIPTION

The purpose of the project is to redevelop an underutilized and contaminated property in addition to implementing remedial measures to protect human health and the environment. The Site consists of one vacant, undeveloped parcel with an asphalt cover. The Site has been assigned an E-Designation for hazardous materials, noise, and air quality as part of the ACME Smoked Fish/Gem Street Rezoning

Proposed Development

Although future development plans are in preliminary design phases, the proposed development is anticipated to consist of constructing a new multi-story commercial building, encompassing the Site footprint.

Rationale for BCP

The Requestor seeks 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 VI), the Requestor seeks to enter the NYSDEC BCP due to the contaminants of concern identified at the Site, primarily metals, SVOCs, and VOCs, specifically CVOCs, in soil; VOCs, SVOCs, metals, and PFAS in groundwater; and VOCs, including CVOCs, in soil vapor.

While the previous investigations provided preliminary Site characterization data, they did not fully determine the nature, extent, and potential source(s) of contamination. The Requestor is, therefore, also submitting for NYSDEC approval a draft Remedial Investigation Work Plan (RIWP) along with this BCP Application.

Project Schedule

It is anticipated that the RI will commence once the Requestor is accepted into the BCP and the RIWP is approved by the NYSDEC. Implementation of the remedy would start within six to eight weeks following acceptance of the Remedial Investigation Report (RIR) by NYSDEC. Completion of the remedy is anticipated by February 2027, with a Certificate of Completion expected in May 2027. A tentative project schedule is below.

Task	Start	End	2025						2026												2027				
			Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Preparation and Submission of BCP Application, RIWP and CPP	7/15/2025	9/15/2025																							
NYSDEC BCP Application and RIWP Review	8/11/2025	11/1/2025																							
30-Day Public Comment Period for BCP Application	11/1/2025	12/1/2025																							
Execute Brownfield Cleanup Agreement	12/1/2025	1/1/2026																							
NYSDEC & NYSDOH Approval of RIWP	1/1/2026	2/1/2026																							
Implementation of Remedial Investigation	2/1/2026	3/15/2026																							
Preparation and Submission of RIR and RAWP	3/15/2026	5/15/2026																							
NYSDEC & NYSDOH Review of RIR & RAWP	5/15/2026	7/1/2026																							
45-Day Public Comment Period for RAWP	7/1/2026	8/15/2026																							
Issuance of Decision Document	8/15/2026	10/1/2026																							
Implementation of RAWP with Engineering Oversight	10/1/2026	2/1/2027																							
Preparation of FER, SVI Evaluation and SMP (if required)	2/1/2027	4/1/2027																							
NYSDEC & NYSDOH Review of FER (and SMP, if required)	4/1/2027	5/1/2027																							
NYSDEC Issues COC	5/1/2027	6/1/2027																							

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 May 2027 and prior to December, 2027

Green and Sustainable Remediation

NYSDEC's DER-31 Green Remediation requires that Green Remediation concepts, best practices, and techniques be considered during all stages of the remedial program, including the RI, remedial design/remedial action, and site management, as applicable, with the goal of improving the sustainability of the cleanup and summarizing the net environmental benefit of any implemented green technology. Goals for the project related to green and sustainable remediation metrics will be incorporated into and tracked during each stage of the project, as appropriate. All green and sustainable practices and techniques employed will be discussed in applicable reports associated with each stage of the project, including completion of an environmental footprint analysis using an NYSDEC-accepted tool. A climate change vulnerability assessment will be completed, as necessary, at each stage of the project.

ATTACHMENT C

Section III: Ecological Concerns

SECTION III: ECOLOGICAL CONCERNS

Fish and Wildlife Impact Analysis

NYSDEC DER-10 requires an on-Site and off-Site Fish and Wildlife Resource Impact Analysis if the stipulated criteria are met. Additionally, the NYSDEC's October 1994 "Fish and Wildlife Impact Analysis for Inactive Hazardous Waste Sites" document indicates that "A complete site description as outlined in Step I is necessary for sites with fish and wildlife resources that may be affected by site-related contaminants. However, if no resources are associated with the Site or if there is no potential for contaminant migration to the resources, then only the necessary information to support that conclusion should be provided. The information must, however, be definitive evidence of such conditions."

The Site has been predominantly undeveloped except for a small structure labeled as "storage" on the 1942 Sanborn Fire Insurance Map and small structures indicated as a "wash house" and "sand blasting" on the 1951 Sanborn Fire Insurance Map. The Site was most recently occupied by Corzo Contracting, a subsurface utility installation contractor, who utilized the Site as a storage yard for materials and vehicles.

The Site provides little or no wildlife habitat or food value and/or access to the detected subsurface contamination. No natural waterways are present on or directly adjacent to the Site. The Bushwick Inlet is located approximately 511 ft (0.10 miles) west of the Site; multiple properties separate the Bushwick Inlet from the western boundary of the Site. The proposed future use of the Site is anticipated to consist of constructing a new commercial building, anticipated to encompass the entire Site footprint. Based on the requirements stipulated in Section 3.10 and Appendix 3C of DER-10, there was no need to prepare a Fish and Wildlife Resource Impact Analysis for the Site. A copy of the completed Fish and Wildlife Resource Impact Analysis Decision Key has been included in Attachment C.

Appendix 3C Fish and Wildlife Resources Impact Analysis Decision Key		If YES Go to:	If NO Go to:
1.	Is the site or area of concern a discharge or spill event?	13	2
2.	Is the site or area of concern a point source of contamination to the groundwater which will be prevented from discharging to surface water? Soil contamination is not widespread, or if widespread, is confined under buildings and paved areas.	13	3
3.	Is the site and all adjacent property a developed area with buildings, paved surfaces and little or no vegetation?	4	9
4.	Does the site contain habitat of an endangered, threatened or special concern species?	Section 3.10.1	5
5.	Has the contamination gone off-site?	6	14
6.	Is there any discharge or erosion of contamination to surface water or the potential for discharge or erosion of contamination?	7	14
7.	Are the site contaminants PCBs, pesticides or other persistent, bioaccumulable substances?	Section 3.10.1	8
8.	Does contamination exist at concentrations that could exceed ecological impact SCGs or be toxic to aquatic life if discharged to surface water?	Section 3.10.1	14
9.	Does the site or any adjacent or downgradient property contain any of the following resources? i. Any endangered, threatened or special concern species or rare plants or their habitat ii. Any DEC designated significant habitats or rare NYS Ecological Communities iii. Tidal or freshwater wetlands iv. Stream, creek or river v. Pond, lake, lagoon vi. Drainage ditch or channel vii. Other surface water feature viii. Other marine or freshwater habitat ix. Forest x. Grassland or grassy field xi. Parkland or woodland xii. Shrubby area xiii. Urban wildlife habitat xiv. Other terrestrial habitat	11	10
10.	Is the lack of resources due to the contamination?	3.10.1	14
11.	Is the contamination a localized source which has not migrated and will not migrate from the source to impact any on-site or off-site resources?	14	12
12.	Does the site have widespread surface soil contamination that is not confined under and around buildings or paved areas?	Section 3.10.1	12
13.	Does the contamination at the site or area of concern have the potential to migrate to, erode into or otherwise impact any on-site or off-site habitat of endangered, threatened or special concern species or other fish and wildlife resource? (See #9 for list of potential resources. Contact DEC for information regarding endangered species.)	Section 3.10.1	14
14.	No Fish and Wildlife Resources Impact Analysis needed.		

ATTACHMENT D

Section IV: Land Use Factors

SECTION IV: LAND USE FACTORS

Zoning

According to the New York City Planning Commission Zoning Map 13a, the Site is located within a manufacturing zoning district (M1-5). M1-5 districts typically include light industrial uses, such as woodworking shops, repair shops, and wholesale service and storage facilities. The Site has been assigned an environmental E-Designation (E-585) for hazardous materials, noise, and air quality. The Site is located in an urban area characterized by commercial, industrial, and manufacturing buildings.

Current Use

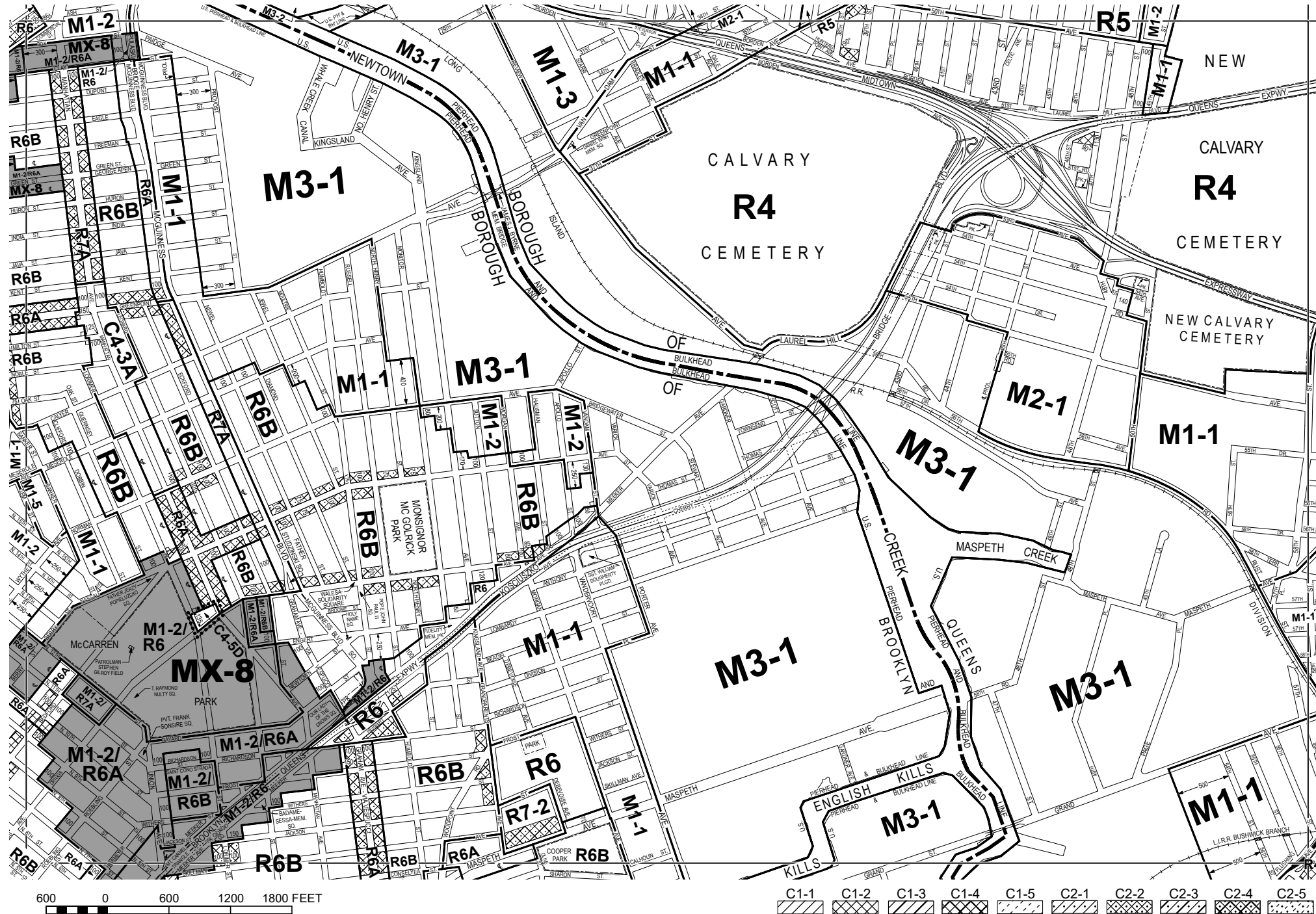
The Site consists of one undeveloped lot with an asphalt cover. The Site was most recently occupied by Corzo Contracting, a subsurface utility installation contractor, who utilized the Site as a storage yard for materials and vehicles. Corzo Contracting operated at the Site since the mid-1990s through at least February 2022, according to a Phase I ESA report prepared by Roux, dated March 2022. The property was acquired by the Requestor in January 2025, and at that time, the Site was vacant.

Intended Use Post-Remediation

Although future development plans are in preliminary design phases, the proposed development is anticipated to consist of constructing a new commercial building, encompassing the Site footprint.

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

Wythe Gem LLC plans to redevelop the Site with a commercial building. The proposed development of this property is consistent with the current zoning. The applicable zoning map is included as an attachment to this Application. The proposed development is consistent with community master plans, with the redevelopment of a vacant, underutilized property into a new multistory commercial building.



THE NEW YORK CITY PLANNING COMMISSION

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.

M - MANUFACTURING DISTRICT

AREA(S) REZONED

06-02-2022 C 210299 ZMK

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.



8d	9b	9d
12c	13a	13c
12d	13b	13d

© Copyrighted by the City of New York

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/planning or contact the Zoning Information Desk at (212) 720-3291.

ATTACHMENT E

Section V: Current and Historical Property Owner/Operator Information

SECTION V: CURRENT AND HISTORICAL PROPERTY OWNER AND OPERATOR INFORMATION

Current Owner and Operator

The proposed BCP Site is currently owned by Wythe Gem LLC, the Requestor. Wythe Gem LLC acquired the Site on January 9, 2025. The Site is currently an unused vacant lot.

Previous Owners and Operators

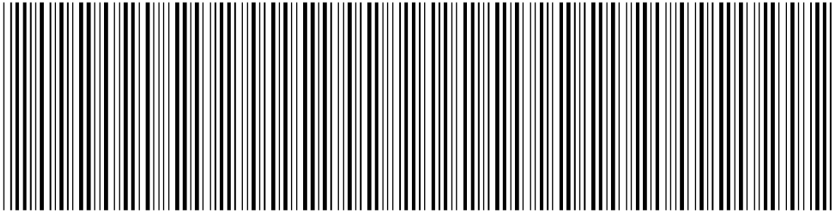
Lists of current and previous owners and operators for the Site are provided in the tables below.

Current and Previous Owners					
Date	Document Type	First Party	First Party Address/Contact	Second Party	Relationship of First Party to Applicant
1/9/2025	Deed	WYTHE GEM LLC	C/O: Hansen McMonagle PLLC, 271 Madison Avenue, 18th Floor, New York, New York 10016	CORZO MAINTENANCE CO., INC.	Current Applicant
<u>Reference:</u> New York City Department of Finance ACRIS website: ACRIS Search Results By Parcel Identifier . Former telephone numbers of the property owners were not readily available. Deeds prior to 2025 were not readily available.					

Current and Previous Operators			
Name	Relationship to Property	Address and Phone Number	Relationship to Applicant
CORZO MAINTENANCE CO., INC.	Operator (Mid-1990s to at least February 2022)	78 Richfield Street, Plainview, New York 11803	None
<u>Reference:</u> Phase I ESA completed by Roux in March 2022. Previous operator information prior to the mid-1990s is not available.			

**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.



2025011401074001001EB018

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 4

Document ID: 2025011401074001

Document Date: 01-09-2025

Preparation Date: 01-14-2025

Document Type: DEED

Document Page Count: 3

PRESENTER:

REGISTER ABSTRACT COMPANY, INC.
215-15 NORTHERN BLVD.
BAYSIDE, NY 11361
718-687-4928
JAGUNZO@TITLESNY.COM R-15304

RETURN TO:

REGISTER ABSTRACT COMPANY, INC.
215-15 NORTHERN BLVD.
BAYSIDE, NY 11361
718-687-4928
JAGUNZO@TITLESNY.COM R-15304

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BROOKLYN	2615	125	Entire Lot	168 BANKER STREET
Property Type: COMMERCIAL REAL ESTATE				

CROSS REFERENCE DATA

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

PARTIES

GRANTOR/SELLER:

CORZO MAINTENANCE CO., INC.
78 RICHFIELD STREET
PLAINVIEW, NY 11803

GRANTEE/BUYER:

WYTHE GEM LLC
C/O: HANSEN MCMONAGLE PLLC, 271 MADISON
AVENUE, 18TH FLOOR
NEW YORK, NY 10016

FEES AND TAXES

Mortgage :

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

TOTAL: \$ 0.00

Recording Fee: \$ 52.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 250.00

NYC Real Property Transfer Tax:

\$ 452,812.50

NYS Real Estate Transfer Tax:

\$ 112,125.00

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

CITY OF NEW YORK

Recorded/Filed 01-17-2025 15:26

City Register File No.(CRFN):

2025000017355



Colette McQuinn-Jacques

City Register Official Signature

16-15304

**BARGAIN AND SALE DEED
(WITHOUT COVENANTS)**

THIS INDENTURE, made as of the 9th day of Jan 2025 by CORZO MAINTENANCE CO., INC. ("Grantor"), a New York Corporation, having an address at 78 Richfield Street, Plainview, NY 11803 and WYTHE GEM LLC, ("Grantee") a New York limited liability company, having an address at c/o Urban Realty Partners LLC, 1177 Avenue of the Americas, 5th Floor, New York, NY 10036, Attention: Shelly Listokin.

B11
2615
6A
125

WITNESSETH, that Grantor, for and in consideration of Ten (\$10.00) Dollars and other good and valuable consideration paid by Grantee, the receipt whereof is hereby acknowledged, hereby grants and releases to Grantee forever all those certain plots, pieces or parcels of land, together with the buildings and improvements thereon erected, situate, lying and being in the City of New York, County of Kings, State of New York, more particularly described on Exhibit A attached hereto and made a part hereof.

Commonly known as: 168 Banker Street, a/k/a 14 Wythe Avenue, Brooklyn, NY 11222
Block: 2615 Lot 125
County: Kings

TOGETHER with all right, title and interest, if any, of Grantor 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 Grantor in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto Grantee forever.

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

Premises herein as described are and intended to be part of the same as those described in Deed recorded at Reel 2566 Page 1237.

Wherever in this instrument any Party shall be designated or referred to by name or general reference, such designation is intended to and shall have the same effect as if the words "successors and assigns" had been inserted after each and every such designation.

First American Title Insurance Company

Title Number: **R-15304-K-2022**

Page 1

Amended 01/08/2025

SCHEDULE A DESCRIPTION

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

BEGINNING at a point on the southwesterly side of Banker Street, distant 500.14 feet southeasterly from the corner formed by the intersection of the southwesterly side of Banker Street with the southeasterly side of Meserole Avenue;

RUNNING THENCE southeasterly along the southwesterly side of Banker Street, a distance of 78.61 feet to the corner formed by the intersection of the southwesterly side of Banker Street with the northwesterly side of Wythe Avenue;

THENCE southwesterly along the northwesterly side of Wythe Avenue, a distance of 162.94 feet (Deed) to the corner formed by the intersection of the northwesterly side of Wythe Avenue and the northeasterly side of North 15th Street;

THENCE northwesterly along the northeasterly side of North 15th Street, a distance of 98.45 feet to the corner formed by the intersection of the northeasterly side of North 15th Street and the northeasterly side of Gem Street;

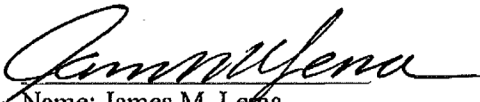
THENCE northwesterly along the northeasterly side of Gem Street, a distance of 65.68 feet to a point;

THENCE northeasterly and at right angles to the north easterly side of Gem Street, a distance of 190 feet to a point on the southwesterly side of Banker Street, the point or place of BEGINNING.

For Information Only: Said premises are known as 168 Banker Street a/k/a 14 Wythe Avenue, Brooklyn, NY and designated as Block 2615 Lot 125 as shown on the Tax Map of the City of New York, County of Kings.

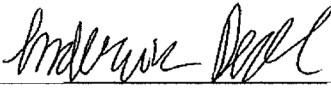
IN WITNESS WHEREOF, the undersigned have executed this Indenture as of the date first above written.

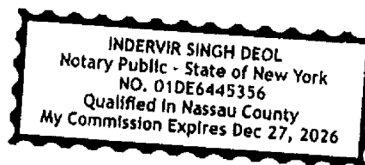
CORZO MAINTENANCE CO., INC.

By: 
Name: James M. Lema
Title: President

STATE OF NEW YORK)
) ss.
COUNTY OF NEW YORK)

On this 19th day of December in the year 2024 before me, the undersigned personally appeared James M. Lema personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to in the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

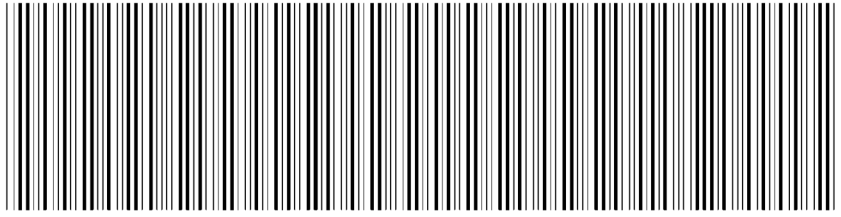

Notary Public



RECORDING REQUESTED BY,
AND WHEN RECORDED RETURN TO:

Goldberg Weprin Finkel Goldstein LLP
1501 Broadway - 22nd Floor
New York, New York 10036
Attention: Steven R. Uffner, Esq.

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2025011401074001001S7E99

SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

Document ID: 2025011401074001

Document Date: 01-09-2025

Preparation Date: 01-14-2025

Document Type: DEED

ASSOCIATED TAX FORM ID: 2024123000441

SUPPORTING DOCUMENTS SUBMITTED:

Page Count

DEP CUSTOMER REGISTRATION FORM FOR WATER AND SEWER BILLING

1

RP - 5217 REAL PROPERTY TRANSFER REPORT

1

SMOKE DETECTOR AFFIDAVIT

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

1. Property Location	168 STREET NUMBER	BANKER STREET STREET NAME	BROOKLYN BOROUGH	11222 ZIP CODE
----------------------	----------------------	------------------------------	---------------------	-------------------

2. Buyer Name	WYTHE GEM LLC LAST NAME / COMPANY	FIRST NAME
	LAST NAME / COMPANY	FIRST NAME

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

LAST NAME / COMPANY	FIRST NAME
STREET NUMBER AND STREET NAME	CITY OR TOWN
	STATE
	ZIP CODE

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

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

5. Deed Property Size FRONT FEET X DEPTH OR ACRES ☒ Part of a Parcel

Check the boxes below as they apply:

6. Ownership Type is Condominium	<input type="checkbox"/>
7. New Construction on Vacant Land	<input type="checkbox"/>

8. Seller Name	CORZO MAINTENANCE CO., INC. LAST NAME / COMPANY	FIRST NAME
	LAST NAME / COMPANY	FIRST NAME

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

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

10. Sale Contract Date 2 / 22 / 2022
Month Day Year

11. Date of Sale / Transfer 1 / 9 / 2025
Month Day Year

12. Full Sale Price \$ 1 7 2 5 0 0 0 0
| | | | | | | |

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

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

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

15. Building Class Z, 9 16. Total Assessed Value (of all parcels in transfer) 1 7 5 5 0 0

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

BROOKLYN 2615 125

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	
29 LITTLE NASSAU STREET, SUITE 118							
STREET NUMBER		STREET NAME (AFTER SALE)		AREA CODE		TELEPHONE NUMBER	
BROOKLYN		NY		11205		SELLER	
CITY OR TOWN		STATE		ZIP CODE		SELLER SIGNATURE	
						DATE	

2024123000441201


REAL PROPERTY TRANSFER REPORT
STATE OF NEW YORK
STATE BOARD OF REAL PROPERTY SERVICES
RP-5217NYC

CERTIFICATION

I certify that all of the terms 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.

SELLER:

Corzo Maintenance Co., Inc.

By 
Name: James Lema
Title: President

Date: December 19, 2024

REAL PROPERTY TRANSFER REPORT
STATE OF NEW YORK
STATE BOARD OF REAL PROPERTY SERVICES
RP-5217NYC

CERTIFICATION

I certify that all of the terms 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:

Wythe Gem LLC

By: 

Name: Shelly Listokin

Title: Authorized Signatory

Date: January __, 2025



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

Customer Registration Form for Water and Sewer Billing

Property and Owner Information:

- (1) Property receiving service: BOROUGH: BROOKLYN BLOCK: 2615 LOT: 125
- (2) Property Address: 168 BANKER STREET, BROOKLYN, NY 11222
- (3) Owner's Name: WYTHE GEM LLC
- Additional Name:

Affirmation:



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

Customer Billing Information:

Please Note:

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

Owner's Approval:

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

Print Name of Owner:

Signature: _____ Date (mm/dd/yyyy)

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

CUSTOMER REGISTRATION FORM FOR WATER AND SEWER BILLING

OWNER:

Wythe Gem LLC

By: 

Name: Shelly Listokin

Title: Authorized Signatory

Date: January 9, 2025

ATTACHMENT F

Section VI: Property's Environmental History

SECTION VI.1: PROPERTY'S ENVIRONMENTAL HISTORY

The following previous investigations and reports were prepared for the Site:

- *Limited Subsurface Investigation*, prepared by DPV, prepared for Park Central Real Estate Co. LLC, March 16, 2015.
- *Phase I Environmental Site Assessment*, prepared by Roux, prepared for Macentico III LLC, March 10, 2022.
- *Remedial Investigation Report*, prepared by Brussee, prepared for Keren Star Management LLC, May 2025.

A summary of the environmental findings of these reports is provided below.

Limited Subsurface Investigation (DPV, March 2015)

A Limited Subsurface Investigation was performed by DPV at the Site on February 11, 2015, to investigate environmental concerns identified in a previous Phase I ESA (report not provided), including the historic use of surrounding properties for industrial purposes and potential presence of fill material at the Site.

The Limited Subsurface Investigation consisted of the installation of eight soil borings (SB-1 through SB-8), the collection of eight soil samples, the installation of two temporary groundwater sampling probes, and the collection of two groundwater samples. Soil and groundwater samples were analyzed for VOCs, SVOCs, polychlorinated biphenyls (PCBs), pesticides, and primary pollutant metals.

Field observations made by DPV and laboratory analytical results are summarized below:

- The stratigraphy of the Site, from the surface down, consisted of fill material ranging from 7 to 10 ft below grade, underlain by dark gray silt and clay with sand and shell intervals. No olfactory or photoionization detector (PID) evidence of contamination was observed.
- Soil results are summarized as follows:
 - Pesticides and PCBs were not detected above laboratory detection limits in any soil samples.
 - VOCs were not detected above the NYSDEC Part 375 Unrestricted Use Soil Cleanup Objectives (UUSCOs).
 - Several SVOCs, specifically polycyclic aromatic hydrocarbons (PAHs), were detected above the UUSCOs and the NYSDEC Part 375 CUSCOs, including benzo(a)anthracene (maximum concentration 69 mg/kg), benzo(a)pyrene (maximum concentration 68 mg/kg), benzo(b)fluoranthene (maximum concentration 88 mg/kg), chrysene (maximum concentration 66 mg/kg), dibenzo(a,h)anthracene (maximum concentration 9.6 mg/kg), and indeno(1,2,3-cd)pyrene (maximum concentration 43 mg/kg).
 - Several metals were detected above the UUSCOs and CUSCOs, including arsenic (maximum concentration 25 mg/kg) and mercury (maximum concentration 7 mg/kg).

- Groundwater results are summarized as follows:
 - The VOC naphthalene was detected above the TOGS 1.1.1. AWQS at a concentration of 14 µg/L in sample SB-7 GW. No other VOCs were detected above the AWQS.
 - Several SVOCs, specifically PAHs, were detected above the AWQS, including benzo(a)anthracene (maximum concentration 0.82 µg/L), benzo(b)fluoranthene (maximum concentration 0.71 µg/L), benzo(k)fluoranthene (maximum concentration 0.3 µg/L), chrysene (maximum concentration 0.86 µg/L), and indeno(1,2,3-cd)pyrene (maximum concentration 0.33 µg/L)
 - Several total metals were detected above the AWQS in groundwater samples, including arsenic (maximum concentration 37.74 µg/L), beryllium (maximum concentration 9.86 µg/L), chromium (maximum concentration 1,886 µg/L), copper (maximum concentration 3,013 µg/L), lead (maximum concentration 2,374), mercury (maximum concentration 3.11 µg/L), nickel (maximum concentration 974.3 µg/L), selenium (maximum concentration 14.8 µg/L), and thallium (maximum concentration 5.7 µg/L).

Phase I ESA (Roux, 2022)

A Phase I ESA was conducted for the Site by Roux in March 2022. This Phase I was completed to identify current or past Recognized Environmental Conditions (RECs), Historical Recognized Environmental Conditions (HRECs), Controlled Recognized Environmental Conditions (CRECs), Business Environmental Risks (BERs), and *de minimis* conditions in connection with the Site. Roux did not identify RECs in connection with the Site; however, Roux identified the following BERs in connection with the Site:

- Presence of Fill Material: The Site was historically located in a marsh/wetland area that was historically filled in by New York City to create additional developable land. Fill material typically consists of non-native materials, including bricks, concrete, glass, ceramics, etc. Fill material was confirmed to be present at the Site in the March 2015 Limited Subsurface Investigation conducted by DPV. Roux recommended that any future redevelopment activities should consider the fill material for appropriate disposal in accordance with local, state, and federal regulations.
- Presence of E-Designations: The Site is listed with an E-Designation (E-585) for hazardous materials, noise, and air applied by the New York City Department of City Planning (NYCDP) as an instrument to control the development of potentially contaminated properties. The hazardous materials portion of the E-Designation would require any redevelopment to be performed under the oversight of the New York City Mayor's Office of Environmental Remediation (NYCOER) and under an approved Remedial Action Work Plan (RAWP).

Remedial Investigation Report (Brussee, 2025)

Brussee performed an RI at the Site in April 2025. The investigation included a Site inspection to identify Areas of Concern (AOCs) and physical obstructions, including completion of a ground-penetrating radar (GPR) survey, installation of seven soil borings and collection of 14 soil samples (plus quality assurance/quality control [QA/QC]), installation of four soil borings and collection of four soil samples to delineate an SVOC hotspot identified in the 2015 Limited Subsurface Investigation conducted by DPV, installation of four temporary groundwater monitoring wells and collection of four groundwater samples (plus QA/QC), and installation of seven soil vapor implants and collection of seven soil vapor

samples. Soil samples were analyzed for VOCs, SVOCs, pesticides, PCBs, and Target Analyte List (TAL) metals. Two soil samples were analyzed for the emerging contaminants PFAS) and 1,4-dioxane. Groundwater samples were analyzed for VOCs, SVOCs, pesticides, PCBs, total and dissolved metals, 1,4-dioxane, and three of the four samples were analyzed for PFAS. Soil vapor samples were analyzed for VOCs.

Field observations made by Brussee and laboratory analytical results are summarized below:

- The stratigraphy of the Site, from the surface down, consists of fill material to depths up to 7 ft bgs underlain by gray/black silt and gray clay. Depth to groundwater was approximately 7.5 ft below sidewalk grade, and regional groundwater flow was estimated to be towards the northeast.
- Soil results are summarized as follows:
 - Three VOCs were detected above the UUSCOs but below CUSCOs, including acetone (maximum concentration 0.31 mg/kg), PCE (maximum concentration 2.7 mg/kg), and TCE (maximum concentration 14 mg/kg).
 - Six SVOCs were detected above the UUSCOs and CUSCOs at maximum concentrations in soil sample SB5A (0-2'), including benzo(a)anthracene (130 mg/kg), benzo(a)pyrene (150 mg/kg), benzo(b)fluoranthene (150 mg/kg), chrysene (120 mg/kg), dibenzo(a,h)anthracene (15 mg/kg), and indeno(1,2,3-cd)pyrene (62 mg/kg).
 - PCBs were not detected in any of the soil samples collected.
 - Three pesticides, including 4,4-DDD (maximum concentration 0.025 mg/kg), 4,4'-DDE (maximum concentration 0.045 mg/kg), and 4,4-DDT (maximum concentration 0.0048 mg/kg), were detected above the UUSCOs in two of the 14 soil samples.
 - Several metals were detected above the UUSCOs and CUSCOs in multiple soil samples, including arsenic (maximum concentration 118 mg/kg), copper (maximum concentration 487 mg/kg), lead (maximum concentration 2,280 mg/kg), and mercury (maximum concentration 32.4 mg/kg)
 - No PFAS compounds were detected within the two soil samples retained for analysis, with the exception of PFOA at 0.515 micrograms per kilogram (µg/kg) in sample BEC13 (4-6'). 1,4-dioxane was not detected in either of the two soil samples retained for analysis.
- Groundwater results are summarized as follows:
 - One VOC, naphthalene, was detected above the AWQS in one groundwater sample, MW4, at a concentration of 97 µg/L.
 - Several SVOCs were detected in groundwater samples above the AWQS including benzo(a)anthracene (maximum concentration 0.87 µg/L), benzo(a)pyrene (maximum concentration 1.4 µg/L), benzo(b)fluoranthene (maximum concentration 0.9 µg/L), benzo(k)fluoranthene (maximum concentration 0.86 µg/L), chrysene (maximum concentration 0.74 µg/L), benzo(k)fluoranthene (maximum concentration 0.86 µg/L), indeno(1,2,3-cd)pyrene (maximum concentration 1 µg/L), naphthalene (maximum concentration 64 µg/L), and phenol (maximum concentration 2.5 µg/L).
 - No pesticides or PCBs were detected in groundwater samples collected for analysis.

- Two dissolved metals were detected above the AWQS, including manganese (maximum concentration 1,800 µg/L) and sodium (maximum concentration 98,400 µg/L). Several total metals were detected above the AWQS, including iron (maximum concentration 25,700 µg/L), lead (maximum concentration 32 µg/L), manganese (maximum concentration 2,100 µg/L), and sodium (maximum concentration 93,400 µg/L).
- PFOA (maximum concentration 38.7 ng/L) was detected in groundwater sample MW3 above the NYSDEC GV for emerging contaminants (latest update April 2023). PFOS was not detected in groundwater samples above the NYSDEC GV, and 1,4-dioxane was not detected in groundwater samples collected for analysis.
- Soil vapor results are summarized as follows:
 - Total BTEX concentrations ranged from 0 to 100.84 µg/m³. Total CVOC concentrations ranged from 52.1 µg/m³ in SV7 to 324,579 µg/m³ in SV6. Total VOC concentrations ranged from 225.28 µg/m³ in SV7 to 328,903 µg/m³ in SV6.
 - Several CVOCs were detected in multiple soil vapor samples above laboratory detection limits, including PCE (maximum concentration 1,550 µg/m³), TCE (maximum concentration 313,000 µg/m³), cis-1,2-dichloroethene (maximum concentration 9,870 µg/m³), 1,1-dichloroethene (maximum concentration 3,550 µg/m³), trans-1,2-dichloroethene (maximum concentration 361 µg/m³), and vinyl chloride (maximum concentration 159 µg/m³).

SECTION VI.2: SAMPLING DATA

Soil Summary Table				
Analytes > CUSCO	Detections > CUSCOs	Maximum Detection (ppm)	CUSCO (ppm)	Depth (ft bgs)
Benzo(a)anthracene	4	130	5.6	0 to 2
Benzo(a)pyrene	17	150	1	0 to 2
Benzo(b)fluoranthene	6	160	5.6	0 to 2
Chrysene	3	120	5.6	0 to 2
Dibenzo(a,h)anthracene	5	15	0.56	0 to 2
Indeno(1,2,3-cd)pyrene	3	140	5.6	8 to 10
Arsenic	5	118	16	0 to 2
Mercury	3	32.4	2.8	10 to 12
Copper	1	487	270	0 to 2
Lead	1	2,280	1000	0 to 2

Groundwater Summary Table			
Analytes > AWQS	Detections > AWQS	Maximum Detection (ppb)	AWQS (ppb)
Naphthalene	2	97	10
Benzo(a)anthracene	6	0.87	0.002
Benzo(a)pyrene	4	1.4	0.002
Benzo(b)fluoranthene	5	0.9	0.002
Benzo(k)fluoranthene	4	0.86	0.002
Chrysene	6	0.74	0.002
Indeno(1,2,3-cd)pyrene	6	1	0.002
Phenol	1	1.6	1
Arsenic	1	37.74	25
Beryllium	2	9.86	3
Chromium	1	1,886	50
Copper	2	3,013	200
Iron	4	25,700	300
Lead	3	2,374	25
Manganese	4	2,100	300
Manganese (dissolved)	4	1,880	300
Mercury	1	3.11	0.7
Nickel	2	974.3	100
Selenium	1	14.8	10

Groundwater Summary Table			
Analytes > AWQS	Detections > AWQS	Maximum Detection (ppb)	AWQS (ppb)
Sodium	3	93,400	20,000
Sodium (Dissolved)	3	82,700	20,000
Thallium	1	5.7	0.5
PFOA	3	38.7 ng/L	6.7 ng/L

Soil Vapor Summary Table			
Analytes	Total Detections	Maximum Detection (µg/m³)	Type
1,1,2-Trichloroethane	1	10.5	Soil Vapor
1,1-Dichloroethene	2	3,550	Soil Vapor
Benzene	4	85.2	Soil Vapor
cis-1,2-Dichloroethene	3	9,870	Soil Vapor
m,p-xylenes	6	15.1	Soil Vapor
o-xylenes	4	5.86	Soil Vapor
Tetrachloroethene	7	1,950	Soil Vapor
Toluene	5	10.8	Soil Vapor
trans-1,2-Dichloroethene	2	361	Soil Vapor
Trichloroethene	6	313,000	Soil Vapor
Vinyl Chloride	1	48.5	Soil Vapor

Notes:

CUSCO = NYSDEC Commercial Use Soil Cleanup Objectives

Detections exceeding CUSCOs also exceed the UUSCOs

ft bgs = feet below grade surface

ppm = parts per million

AWQS = Ambient Water Quality Standards

µg/L = microgram per liter

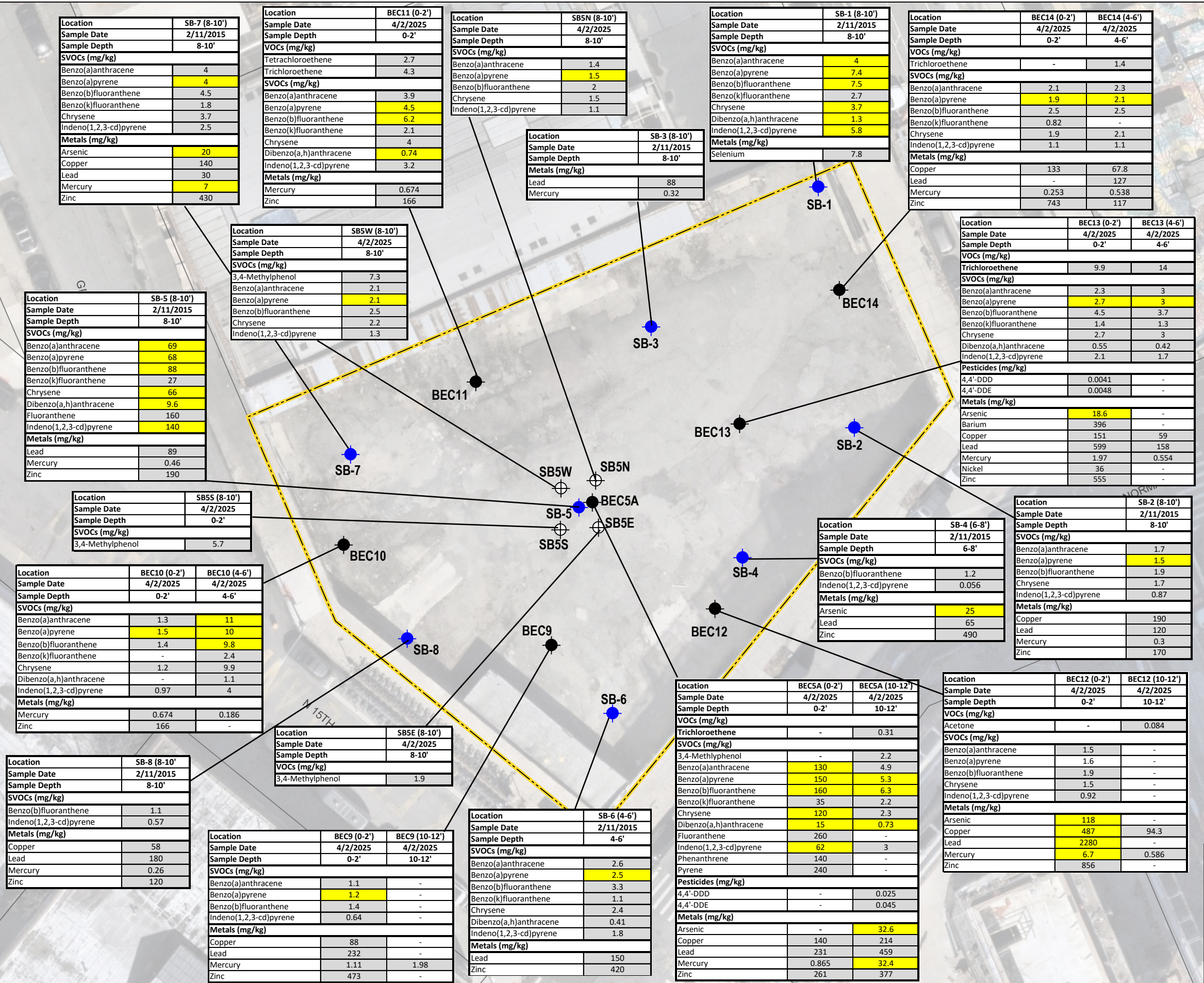
µg/m³ = microgram per cubic meter

ng/L = nanogram per liter

SECTION VI.3: SAMPLING DATA

For each impacted medium above, refer to Figures 6 through 8 below, which include detailed information requested in Application Section VI.3.

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LEGEND

- SITE BOUNDARY
- PARCEL BOUNDARY
- 2025 REMEDIAL INVESTIGATION GROUNDWATER MONITORING WELL LOCATION
- 2015 LIMITED SUBSURFACE INVESTIGATION GROUNDWATER MONITORING WELL LOCATION

TOGS 1.1.1. Ambient Water Quality Standards	
Analyte	AWQS
VOCs (ug/L)	
Naphthalene	10
SVOCs (ug/L)	
Benzo(a)anthracene	0.002
Benzo(a)pyrene	0.002
Benzo(b)fluoranthene	0.002
Benzo(k)fluoranthene	0.002
Chrysene	0.002
Naphthalene	10
Phenol	1
Indeno(1,2,3-c,d)Pyrene	0.002
Metals (Dissolved (ug/L)	
Manganese (Dissolved)	300
Sodium (Dissolved)	20000
Metals (ug/L)	
Arsenic	25
Beryllium	3
Chromium	50
Copper	200
Iron	300
Lead	25
Manganese	300
Mercury	0.7
Nickel	100
Selenium	10
Sodium	20000
Thallium	0.5
PFAS (ng/L)	
PFOA	6.7

NOTES

1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
2. ASSESSOR PARCEL DATA SOURCE: NYC DEPARTMENT OF CITY PLANNING, INFORMATION TECHNOLOGY DIVISION
3. AERIAL IMAGERY SOURCE: NEARMAP, MARCH 11, 2025
4. ALL ANALYTES SHOWN INDICATE AN EXCEEDANCE OF THE NYSDEC TOGS 1.1.1. AMBIENT WATER QUALITY STANDARDS (AWQS) OR THE NYSDEC FEBRUARY 2023 GUIDANCE VALUES (GVs) FOR PFOA, PFOS, AND 1,4-DIOXANE



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ALDRICH

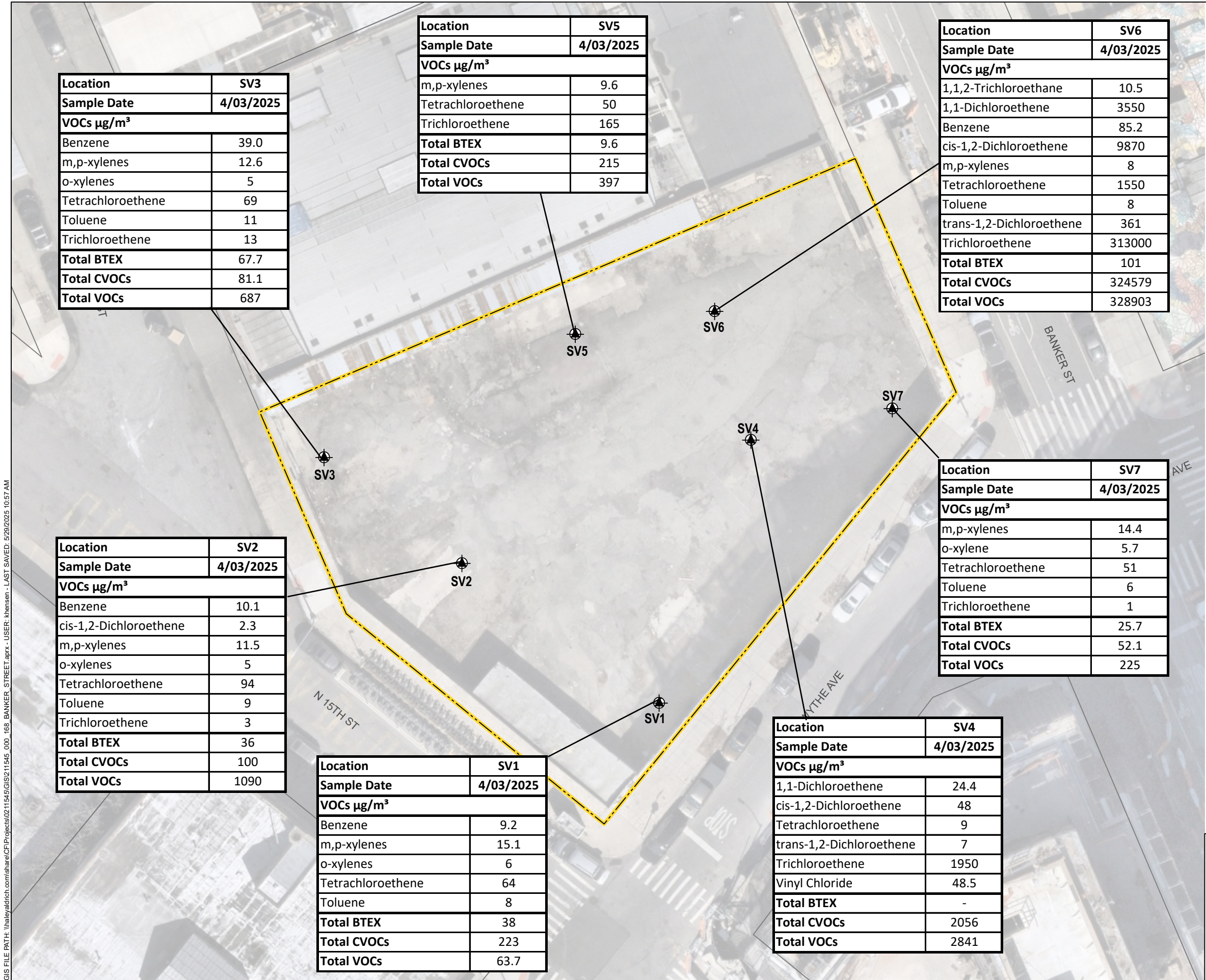
168 BANKER STREET
BROOKLYN, NEW YORK

GROUNDWATER RESULTS
EXCEEDANCES MAP

JULY 2025

FIGURE 7

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LEGEND

- SITE BOUNDARY
- PARCEL BOUNDARY
- 2025 REMEDIAL INVESTIGATION SOIL VAPOR PROBE LOCATION

NOTES

1. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE.
2. ASSESSOR PARCEL DATA SOURCE: NYC DEPARTMENT OF CITY PLANNING, INFORMATION TECHNOLOGY DIVISION
3. AERIAL IMAGERY SOURCE: NEARMAP, MARCH 11, 2025
4. SOIL VAPOR ANALYTICAL DATA FROM THE 2025 REMEDIAL INVESTIGATION REPORT BY BRUSSEE ENVIRONMENTAL



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HALEY
ALDRICH

168 BANKER STREET
BROOKLYN, NEW YORK

SOIL VAPOR RESULTS SUMMARY MAP

JULY 2025

FIGURE 8

ATTACHMENT G

Section VII: Requestor's Information

SECTION VII: REQUESTOR'S INFORMATION

The entity requesting participation in the BCP (the Requestor) is Wythe Gem LLC, a New York State Domestic Limited Liability Company. Zelig Weiss is the Managing Member and authorized representative of Wythe Gem LLC.

The contact information for the Requestor is:

Zelig Weiss
Wythe Gem LLC
29 Little Nassau Street, Suite 118
Brooklyn, New York 11205
Phone: 718.599.1145
Email: zelig@riversideny.com

As of January 9, 2025, the proposed BCP Site is owned by the Requestor.

The current member(s) of Wythe Gem LLC:

- Louis Handler

A printout of the entity information from the New York State Department of State's Corporation & Business Entity Database for Wythe Gem LLC is included as an attachment.

All 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

The Requestor certifies it is a Volunteer. The Requestor or its affiliated entities do not have, nor have they ever had, a relationship with the prior owners or operators of the Site that caused the existing contamination.



Department of State

Division of Corporations

Entity Information

Return to Results

Return to Search

Entity Details

ENTITY NAME: WYTHE GEM LLC
DOS ID: 7471970
FOREIGN LEGAL NAME:
FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY
DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTIONOF LAW: LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW
ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 11/25/2024
REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 11/25/2024
INACTIVE DATE:
FOREIGN FORMATION DATE:
STATEMENT STATUS: CURRENT
COUNTY: KINGS
NEXT STATEMENT DUE DATE: 11/30/2026
JURISDICTION: NEW YORK, UNITED STATES
NFP CATEGORY:

- ENTITY DISPLAY
- NAME HISTORY
- FILING HISTORY
- MERGER HISTORY
- ASSUMED NAME HISTORY

Service of Process on the Secretary of State as Agent

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

Name: THE LLC
Address: 29 LITTLE NASSAU STREET, SUITE 118, BROOKLYN, NY, UNITED STATES, 11205

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

Chief Executive Officer's Name and Address

Name:
Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value	Number Of Shares	Value Per Share

ATTACHMENT H

Section X: Requestor Eligibility

SECTION X: REQUESTORS' ELIGIBILITY

Volunteer Status

The Requestor, Wythe Gem LLC, qualifies as a "Volunteer" in the BCP because the Requestor has no connection, direct or indirect, to any prior owner or operator of the Site. The Requestor did not cause, contribute, or permit the disposal of any contaminants at the Site, nor did the Requestor control the Site when such contamination occurred. Requestor did not observe and is not aware of any continuing release. Requestor is taking the necessary steps to prevent any threatened future release, and prevent and limit human, environmental, or natural resource exposure to any previously released contamination at the Site, such as enrolling in the BCP to remediate the Site and securing the Site with a locked perimeter fence. Prior to acquiring the Site, the Requestor reviewed a Phase I ESA for the Site by Roux dated March 2022, which did not identify any RECs in connection with the Site and contained no recommendations for further investigation. Once taking ownership of the property in January 2025, the Requestor engaged an environmental consultant to undertake an RI at the Site to meet the requirements for the NYCOER hazardous materials E-Designation. During that RI, soil, groundwater, and soil vapor contamination were encountered, and made known for the first time to the Requestor. Accordingly, the Requestor promptly sought entry into the BCP to fully investigate and remediate the Site. As such, the Requestor qualifies as a Volunteer as designed in ECL 27-1405(1)(b).

ATTACHMENT I

Section XII: Site Contact List and Acknowledgement from Repository

SECTION XII: CONTACT LIST INFORMATION

SITE CONTACT LISTS

Executive

Role	Name	Phone	Mailing Address	Email / Contact
NYC Mayor	Eric Adams	212.NEW.YORK	City Hall, New York, New York 10007	https://www1.nyc.gov/office-of-the-mayor/mayor-contact.page
NYC Department of City Planning Chairperson	Anita Laremont - Chair	718.220.8500	1775 Grand Concourse Suite 503, Bronx, New York 10453	https://www1.nyc.gov/site/planning/about/contact-us.page
Brooklyn Borough President	Antonio Reynoso	718.802.3700	Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, New York 11201	AskReynoso@brooklynbp.nyc.gov
Brooklyn Community Board 1	Dealice Fuller – Chairperson	718.389.0009	435 Graham Avenue, Brooklyn, New York 11211	BK01@cb.nyc.gov
New York City Council District 33	Lincoln Restler	718.875.5200	410 Atlantic Avenue, Brooklyn, New York 11217	district33@council.nyc.gov
New York Senate District 59 Senator	Kristen Gonzalez	718.765.6674	801 2nd Avenue, Suite #303, New York, New York 10017	gonzalez@nysenate.gov mailto:Persaud@nysenate.gov
New York State Assembly District 50 Member	Emily Gallagher	518.455.4477	685A Manhattan Avenue, Brooklyn, New York 11222	gallagher@nyassembly.com
NYC Department of Health and Mental Hygiene (DOHMH)	Ashwin Vasan, M.D., Ph.D., Commissioner	212.639.9675	42-09 28th Street, Queens, New York 11101	opmc@health.ny.gov
Director of the Mayor's Office of Environmental Remediation	Shaminder Chawla	212.788.8841	100 Gold Street, 2nd Floor, New York, New York 10038	SchaminderC@dep.nyc.gov

Owners, Residents, Occupants

The Site is currently vacant; therefore, there are no current operators. The Requestor owns the Site. The contact information for Wythe Gem LLC is provided in Section VII.

Adjacent Properties

Below is a list of the adjoining properties, which are also detailed on Figure 5.

Owner/Entity Name	Contact Name	Site Use	Property Address	Owner Mailing Address
AC 190 GEM OWNER LLC	Unknown	Industrial & Manufacturing	190 Banker Street, Brooklyn, New York 11222	C/O: Acme Smoked Fish Corporation, 30-56 Gem Street, Brooklyn, New York 11222
29 NORMAN AVE. REALTY LLC	Unknown	Commercial & Office Buildings	29 Norman Avenue, Brooklyn, New York 11222	3085 Shore Drive, Merrick, New York 11566
NORMAN DOBBIN, LLC	Orin Portnoy	Industrial & Manufacturing	16 Norman Avenue, Brooklyn, New York 11222	16-34 Norman Avenue, Brooklyn, New York 11222
ONE WYTHE LLC	Unknown	Commercial & Office Buildings	1 Wythe Avenue, Brooklyn, New York 11222	329 Hewes Street, Brooklyn, New York 11211
NORTH WILLIAMSBURG CORNER KENT LLC	Unknown	Industrial & Manufacturing	19 Wythe Avenue, Brooklyn, New York 11249	84 14TH Street, Brooklyn, New York 11215
TECHNIPOLY MANUFACTURING	Unknown	Industrial & Manufacturing	28 Wythe Avenue, Brooklyn, New York 11249	20 Wythe Avenue, Brooklyn, New York 11211
KENTO TRADING COMPANY	Unknown	Industrial & Manufacturing	48 North 15th Street, Brooklyn, New York 11222	48 North 15th Street, Brooklyn, New York 11222
1-11 GEM STREET LLC	Unknown	Commercial & Office Buildings	37 North 15th Street, Brooklyn, New York 11222	60 Collister Street, 1B, New York, New York 10013

Local News and Media

Owner/Entity Name	Type	Address	Phone	Website
Brooklyn Daily Eagle	Online & Print Newspaper	195 Montague Street, Suite 1414, Brooklyn, New York 11201	718.422.7402	https://brooklyneagle.com/contact/
The Brooklyn Paper	Online	One Metrotech Center, Third Floor, Brooklyn, New York 11201	718.260.2555	https://www.brooklynpaper.com/

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	Rohit T. Aggarwala - Commissioner	59-17 Junction Boulevard, Flushing, New York 11373	718.595.6565	ltcp@dep.nyc.gov
NYC Municipal Water Finance Authority	Philip Wasserman - Executive Director	225 Greenwich Street, 6th Floor, New York, New York 10007	212.788.5889	Contact - NYW

Additional Requests

We are unaware of any requests to be included on the contact list for the Site.

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
P.S. 031 Samuel F. Dupont	920 (northeast)	Mary Scarlato, Principal	718.383.8998	75 Meserole Avenue, Brooklyn, New York 11222
Preschool atelier de la casa Montessori French Spanish Greenpoint/Williamsburg	1,203 (southeast)	N/A	347.885.6339	66 Nassau Avenue, Brooklyn, New York 11222
FFLO French Playschool, French Lessons, After-school Classes	887 (southeast)	Sonia Gautier, Director	347.830.0114	33 Nassau Avenue, Brooklyn, New York 11222
Ardor School	811 (southeast)	N/A	718.576.3726	29 Nassau Avenue, Brooklyn, New York 11222
YABC Programs - Brooklyn and Queens	1,050 (southeast)	N/A	N/A	50 Bedford Avenue, Brooklyn, New York 11222
A-Tech High School	1,050 (southeast)	Neil Harris, Principal	718.218.9301	50 Bedford Avenue, Brooklyn, New York 11222
Cottonwood	2,622 (southeast)	Sara Casey Taleff, Founder/Director	929.298.0306	203 Driggs Avenue, Brooklyn, New York 11222
St. Stanislaus Kostka Catholic Academy	2,592 (southeast)	Frank P. Carbone, President	929.205.1240	12 Newel Street, Brooklyn, New York 11222

School/Day Care Name	Approximate distance from Site in feet and (directional)	Administrator	Phone	Address
Royal English School	1,747 (northeast)	N/A	718.349.6814	Keramos Hall, 861 Manhattan Ave #18, Brooklyn, New York 11222
ADAPT Community Network - The Greenpoint School	1,813 (northeast)	Alzina Gilmore, Director	347.472.4792	725 Leonard Street, Brooklyn, New York 11222
Building Blocks of Greenpoint	2,355 (northwest)	N/A	718.383.0208	44 Kent Street, Brooklyn, New York 11222
P.S. 034 Oliver H. Perry	1,703 (northeast)	Alain Beugoms, Principal	718.389.5842	131 Norman Avenue, Brooklyn, New York 11222
Bright Horizons At Kent Avenue	2,287 (southwest)	N/A	718.302.1113	175 Kent Avenue, Brooklyn, New York, 11249
Kuei Luck Early Childhood Center - Greenpoint Campus	1,305 (northeast)	N/A	718.971.5678	171 Calyer Street, Brooklyn, New York 11222

Document Repository

Documentation of the confirmations from the Brooklyn Public Library – Greenpoint Branch and Brooklyn Community Board 1 are attached.

Owner/Entity Name	Contact	Address	Phone	Email
Brooklyn Public Library – Greenpoint Branch	Acacia Thompson	107 Norman Avenue, Brooklyn, New York 11222	718.277.6004	athompson@bklynlibrary.org
Brooklyn Community Board District 1	Dealice Fuller, Chairperson	435 Graham Avenue, Brooklyn, New York 11211	718.389.0009	BK01@cb.nyc.gov

Acknowledgement from Brooklyn Public Library – Greenpoint Branch to Act as Document Repository



H & A OF NEW YORK ENGINEERING
AND GEOLOGY, LLP
213 W 35th Street
7th Floor
New York, NY 10001
Tel: 646.277.5686

June 4, 2025
File No. 0211545

Brooklyn Public Library – Greenpoint Branch
107 Norman Ave, at Leonard St.
Brooklyn, NY 11222
Via email: athompson@bklynlibrary.org

Attn: Acacia Thompson

Subject: Brownfield Cleanup Program Application – Request for Repository Use
168 Banker Street Development Site

Dear Ms. Thompson

H & A of New York Engineering and Geology, LLP (Haley & Aldrich of New York), on behalf of Wythe Gem LLC, is requesting use of the Brooklyn Public Library – Greenpoint Branch as a document repository for the anticipated project located at 168 Banker Street. 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 516-317-9861.

Thank you,
HALEY & ALDRICH OF NEW YORK

A handwritten signature in blue ink, appearing to read 'Sarah Commisso'.

Sarah Commisso
Assistant Project Manager

The Brooklyn Public Library – Greenpoint Branch is willing to act as a public document repository holding and making available all provided environmental documents related to the 168 Banker Street Development Brownfield Cleanup Project.

Acacia Thompson
Name

6/10/25
Date

Environmental Justice Coordinator
Title

Acknowledgement from Brooklyn Community Board 1 to Act as Document Repository



H & A OF NEW YORK ENGINEERING
AND GEOLOGY, LLP
213 W 35th Street
7th Floor
New York, NY 10001
Tel: 646.277.5686

July 18, 2025
File No. 0211545

Brooklyn Community Board 1
435 Graham Avenue
Brooklyn, NY 11211
Via email: bk01@cb.nyc.gov

Attn: Dealice Fuller, Chairperson

Subject: Brownfield Cleanup Program Application – Request for Repository Use
168 Banker Street Development Site

Dear Ms. Fuller:

H & A of New York Engineering and Geology, LLP (Haley & Aldrich of New York), on behalf of Wythe Gem LLC, is requesting use of the Brooklyn Community Board 1 as a document repository for the anticipated project located at 168 Banker Street. 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 516-317-9861.

Thank you,
HALEY & ALDRICH OF NEW YORK

Sarah Commisso
Assistant Project Manager

The Brooklyn Community Board 1 is willing to act as a public document repository holding and making available all provided environmental documents related to the 168 Banker Street Development Brownfield Cleanup Project.

John Pulgarin
Name

District Manager
Title

7/18/25
Date

**BROOKLYN COMMUNITY BOARD NO.1
OFFICE OF THE DISTRICT MANAGER
435 GRAHAM AVENUE
BROOKLYN, NEW YORK 11211-2429**