



## BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

☐

Yes

☒

No

If yes, provide existing site number: \_\_\_\_\_

### PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 10*

#### Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY  
BCP SITE #:

NAME **Site 9 DSA Owner LLC**

ADDRESS **150 Myrtle Avenue**

CITY/TOWN **Brooklyn**

ZIP CODE **11201**

PHONE **646-734-0407** FAX **718-422-9960**

E-MAIL **MBassett@bfcnyc.com**

Is the requestor authorized to conduct business in New York State (NYS)?

☒

Yes

☐

No

- 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 above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. **Please note:** If the requestor is an LLC, the members/owners names need to be provided on a separate attachment. **See Attached Supporting Document: Part A, Section I**

Do all individuals that will be certifying documents meet the requirements detailed below? ☒ Yes ☐ No

- Individuals that will be certifying BCP documents, as well as their employers, 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. **Documents that are not properly certified will be not approved under the BCP.**

#### Section II. Project Description

1. What stage is the project starting at?

☐

Investigation

☒

Remediation

NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (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, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): ☒ Yes ☐ No

3. Please attach a short description of the overall development project, including:

- the date that the remedial program is to start; and
- the date the Certificate of Completion is anticipated.

**See Attached Supporting Document: Part A, Section II**

### Section III. Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (***please submit the 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).**

**2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.**

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum			X
Chlorinated Solvents			X
Other VOCs			X
SVOCs	X		
Metals	X		
Pesticides			
PCBs			
Other*			

\*Please describe: \_\_\_\_\_

**3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:**

- SAMPLE LOCATION
- DATE OF SAMPLING EVENT
- KEY CONTAMINANTS AND CONCENTRATION DETECTED
- FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE
- FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5
- FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?\*

(\*answering No will result in an incomplete application)

☒ Yes ☐ No

See Attachment D of  
the Supporting  
Documents

**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: Essex Street market,photo shop, printer shop, machine shop, office, mattress store, bath store, furniture store, a confectioner, and drug store

**Section IV. Property Information - See Instructions for Further Guidance**PROPOSED SITE NAME **Essex Crossing Site 9**ADDRESS/LOCATION **120 Essex Street**CITY/TOWN **New York**ZIP CODE **10002**MUNICIPALITY(IF MORE THAN ONE, LIST ALL): **New York City**COUNTY **New York**SITE SIZE (ACRES) **0.47**

LATITUDE (degrees/minutes/seconds)

**40 ° 43 ' 8.81 N "**

LONGITUDE (degrees/minutes/seconds)

**73 ° 59 ' 15.67w "**

**Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed, 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 far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.**

Parcel Address

Section No.

Block No.

Lot No.

Acreage

**120 Essex Street****353****44****0.47**

1. Do the proposed site boundaries correspond to tax map metes and bounds? ☒ Yes ☐ No  
If no, please attach an accurate map of the proposed site.

2. Is the required property map attached to the application? ☒ Yes ☐ No  
(application will not be processed without map)

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) Yes ☐ No ☒

If yes, identify census tract : \_\_\_\_\_

Percentage of property in En-zone (check one): ☐ 0-49% ☐ 50-99% ☐ 100%

4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? ☐ Yes ☒ No

If yes, identify name of properties (and site numbers if available) in related BCP applications: \_\_\_\_\_

5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? ☐ Yes ☒ No

6. 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? ☐ Yes ☒ No

If yes, attach relevant supporting documentation.

7. Are there any lands under water? ☐ Yes ☒ No  
If yes, these lands should be clearly delineated on the site map.

#### Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas?  
If yes, identify here and attach appropriate information. ☐ Yes ☒ No

Easement/Right-of-way Holder  
Not Applicable

Description  
Not Applicable

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

Type  
None

Issuing Agency  
Not Applicable

Description  
Not Applicable

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.**

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**? ☒ Yes ☐ No

**Note: Questions 11 through 13 only pertain to sites located within the five counties comprising New York City**

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits? ☒ Yes ☐ No

If yes, requestor must answer questions on the supplement at the end of this form.

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? ☐ Yes ☒ No

13. If you have answered Yes to Question 12, 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? ☐ Yes ☐ No

Not Applicable

**NOTE:** If a tangible property tax credit 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 by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: \_\_\_\_\_



**BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)**

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE <b>Mr. Matthew Bassett</b>			
ADDRESS <b>150 Myrtle Avenue</b>			
CITY/TOWN <b>Brooklyn</b>		ZIP CODE <b>11201</b>	
PHONE <b>646-734-0407</b>	FAX <b>718-422-9960</b>	E-MAIL <b>MBassett@bfcnyc.com</b>	
NAME OF REQUESTOR'S CONSULTANT <b>Ms. Deborah Shapiro/ AKRF, Inc.</b>			
ADDRESS <b>440 Park Avenue South, 7th Floor</b>			
CITY/TOWN <b>New York</b>		ZIP CODE <b>10016</b>	
PHONE <b>646-388-9544</b>	FAX <b>212-726-0942</b>	E-MAIL <b>dshapiro@akrf.com</b>	
NAME OF REQUESTOR'S ATTORNEY <b>Mr. Michael Bogin/ Sive, Paget, &amp; Riesel, PC</b>			
ADDRESS <b>560 Lexington Ave, 15th Floor</b>			
CITY/TOWN <b>New York</b>		ZIP CODE <b>10022</b>	
PHONE <b>646-378-7210</b>	FAX <b>N/A</b>	E-MAIL <b>mbogin@sprlaw.com</b>	
<b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b>			
CURRENT OWNER'S NAME <b>City of New York</b>		OWNERSHIP START DATE: <b>03/24/1955</b>	
ADDRESS <b>One Liberty Plaza, 14th Floor</b>			
CITY/TOWN <b>New York</b>		ZIP CODE <b>10006</b>	
PHONE <b>212-618-5784</b>	FAX <b>N/A</b>	E-MAIL <b>kgilbert@edc.nyc</b>	
CURRENT OPERATOR'S NAME <b>Same as the Owner</b>			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<b>PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".</b>			
<b>See Attached Supporting Document: Part B, Section VI</b>			
<b>IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.</b>			
<b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b>			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
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="checkbox"/> Yes <input checked="" type="checkbox"/> No	

## Section VII. Requestor Eligibility Information (continued)

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, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ☒ No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. ☐ Yes ☒ No
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? ☐ Yes ☒ No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? ☐ Yes ☒ No
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 or made a false statement in connection with any document or application submitted to DEC? ☐ Yes ☒ No
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? ☐ Yes ☒ No
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? ☐ Yes ☒ No
11. Are there any unregistered bulk storage tanks on-site which require registration? ☐ Yes ☒ No

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

☐ PARTICIPANT

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

☒ VOLUNTEER

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

NOTE: By checking this box, 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; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

**See Attached Supporting Document: Part B, Section VII**

**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.**

## Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

☐ Previous Owner ☐ Current Owner ☒ Potential /Future Purchaser ☐ Other \_\_\_\_\_

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

☒ Yes ☐ No

See Attachment G- Access Agreement

**Note: a purchase contract does not suffice as proof of access.**

## Section VIII. Property Eligibility Information - See Instructions for Further Guidance

1. Is / was the property, or any portion of the property, listed on the National Priorities List?  
If yes, please provide relevant information as an attachment. ☐ Yes ☒ No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? ☐ Yes ☒ No  
If yes, please provide: Site # \_\_\_\_\_ Class # \_\_\_\_\_
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? ☐ Yes ☒ No  
If yes, please provide: Permit type: \_\_\_\_\_ EPA ID Number: \_\_\_\_\_  
Date permit issued: \_\_\_\_\_ Permit expiration date: \_\_\_\_\_
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? 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. ☐ Yes ☒ No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? ☐ Yes ☒ No  
If yes, please provide: Order # \_\_\_\_\_
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? ☐ Yes ☒ No  
If yes, please provide explanation as an attachment.

## Section IX. Contact List Information

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 addresses of the following:

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

## Section X. Land Use Factors

1. What is the current municipal zoning designation for the site? C4-4A and C6-2A

What uses are allowed by the current zoning? (Check boxes, below)

☒ Residential ☒ Commercial ☐ Industrial

If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use: ☐ Residential ☐ Commercial ☐ Industrial ☒ Vacant ☐ Recreational (check all that apply)

**Attach 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.**

3. Reasonably anticipated use Post Remediation: ☒ Residential ☒ Commercial ☐ Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**

If residential, does it qualify as single family housing?

☐ Yes ☒ No

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

☒ Yes ☐ No

See Attached Supporting Document: Part A, Section II

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.

☒ Yes ☐ No

See Attached Supporting Document: Part A, Section II

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.

☒ Yes ☐ No

See Attached Supporting Document: Part A, Section II

## XI. 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 the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: \_\_\_\_\_

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

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

(By a requestor other than an individual)

I hereby affirm that I am an Authorized Signatory (title) of Site 9 DSA Owner LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a 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 the 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: 6/3/21

Signature: 

Print Name: JOSEPH FERRARO

### SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), must be sent to:
  - Chief, Site Control Section
  - New York State Department of Environmental Conservation
  - Division of Environmental Remediation
  - 625 Broadway
  - Albany, NY 12233-7020

**FOR DEC USE ONLY**

**BCP SITE T&A CODE:** \_\_\_\_\_ **LEAD OFFICE:** \_\_\_\_\_

**Supplemental Questions 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 10**

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Please answer questions below and provide documentation necessary to support answers.</b>	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see <a href="#">DEC's website</a> for more information.	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Underutilized? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>From ECL 27-1405(31):</b>	
<p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>	
<b>From 6 NYCRR 375-3.2(I) as of August 12, 2016:</b> (Please note: Eligibility determination for the underutilized category can only be made at the time of application)	
375-3.2:	
<p>(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(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</p> <p>(c) there are no structures.</p>	
<p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.</p>	



### Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)

3. 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\*  
(\*Checking this box will result in a "pending" status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);
- ☐ This is Not an Affordable Housing Project.

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

(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' households 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 home owners 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.



**BCP Application Summary (for DEC use only)**

**Site Name:** Essex Crossing Site 9  
**City:** New York

**Site Address:** 120 Essex Street  
**County:** New York **Zip:** 10002

**Tax Block & Lot**  
**Section (if applicable):**

**Block:** 353 **Lot:** 44

**Requestor Name:** Site 9 DSA Owner LLC  
**City:** Brooklyn

**Requestor Address:** 150 Myrtle Avenue  
**Zip:** 11201 **Email:** MBassett@bfcnyc.com

**Requestor's Representative (for billing purposes)**

**Name:** Mr. Matthew Bassett  
**City:** Brooklyn

**Address:** 150 Myrtle Avenue  
**Zip:** 11201

**Email:** MBassett@bfcnyc.com

**Requestor's Attorney**

**Name:** Mr. Michael Bogin/ Sive, Paget, & Riesel, PC  
**City:** New York

**Address:** 560 Lexington Ave, 15th Floor  
**Zip:** 10022

**Email:** mbogin@sprlaw.com

**Requestor's Consultant**

**Name:** Ms. Deborah Shapiro/ AKRF, Inc.  
**City:** New York

**Address:** 440 Park Avenue South, 7th Floor  
**Zip:** 10016

**Email:** dshapiro@akrf.com

**Percentage claimed within an En-Zone:** ☒ 0% ☐ <50% ☐ 50-99% ☐ 100%

**DER Determination:** ☐ Agree ☐ Disagree

**Requestor's Requested Status:** ☒ Volunteer ☐ Participant

**DER/OGC Determination:** ☐ Agree ☐ Disagree  
**Notes:**

**For NYC Sites, is the Requestor Seeking Tangible Property Credits:** ☒ Yes ☐ No

**Does Requestor Claim Property is Upside Down:** ☐ Yes ☒ No

**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

**Notes:**

**Does Requestor Claim Property is Underutilized:** ☐ Yes ☒ No

**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

**Notes:**

**Does Requestor Claim Affordable Housing Status:** ☐ Yes ☐ No ☒ Planned, No Contract

**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

**Notes:**

**BROWNFIELD CLEANUP PROGRAM APPLICATION  
SUPPORTING DOCUMENTATION**

## TABLE OF CONTENTS

Brownfield Cleanup Program Application Cover Letter  
Brownfield Cleanup Program Application  
Brownfield Cleanup Program Application Supporting Documentation  
Brownfield Cleanup Program Application Attachments

## ATTACHMENTS

Attachment A – New York State Department of State’s Corporation and Business Entity Database Listing

Attachment B – Organizational Chart

Attachment C – Environmental Reports (provided separately on a CD-ROM):

- *Phase I Environmental Site Assessment, Essex Crossing Site 9, 120 Essex Street, New York, New York, AKRF, Inc., January 2020.*
- *Remedial Investigation Report, Essex Crossing Site 9, 120 Essex Street, New York, New York, AKRF, Inc., May 2021.*

Attachment D – Figures:

- *Figure 1 – Site Location Map*
- *Figure 2 – Site Plan and Sample Locations*
- *Figure 3 – Tax Map*
- *Figure 4 – Existing Land Use*
- *Figure 5 – Zoning Map*
- *Figure 6 – Soil Sample Concentrations Above NYSDEC RRSCOs and/or UUSCOs*
- *Figure 7 – Groundwater Sample Concentrations Above NYSDEC AWQSGVs*
- *Figure 8 – Soil Vapor Sample Concentrations*

Attachment E – Property Survey and Metes and Bounds Description

Attachment F – Property Title Search Report and Site Access Agreement

Attachment G – Executed Document Repository Acknowledgement Letters

## **Brownfield Cleanup Program Application Supporting Documentation**

### **PART A**

#### **SECTION I. Requestor Information**

##### *1. Member/Owner:*

Site 9 DSA Owner LLC  
150 Myrtle Avenue  
Brooklyn, NY 11201  
Ownership Percentage: 100%  
Contact Person: Matthew Bassett, MBassett@bfcnyc.com

The NYS Department of State's Corporation and Business Entity Database listing for the Requestor entity, Site 9 DSA Owner LLC, is included as Attachment A.

See the attached Organizational Chart (Attachment B) for the various member LLCs and their various percentages of ownership. DSA Phase 3 Holdings LLC is the 100% owner/sole member of the Requestor entity, Site 9 DSA Owner LLC.

#### **SECTION II. Project Description**

##### *1. Remedial Investigation Report (RIR)*

A Remedial Investigation Report (RIR), which meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2), is included as part of this Brownfield Cleanup Program (BCP) Application, and is the document being used to support this BCP Application. The RIR is included in Attachment C.

##### *2. Description of Development Project*

The "Essex Crossing Site 9" project site (the "Site") is located at 120 Essex Street in the Lower East Side neighborhood of Manhattan, New York. The Site is also identified as Tax Block 353, Lot 44 on the New York City Tax Map. The approximately 20,365-square feet (0.47 acres) Site is currently developed with a vacant single-story building. The Site is irregular in shape and is bounded to the north by Rivington Street; to the south by Delancey Street; to the east by mixed-use commercial and residential buildings; and to the west by Essex Street. Abutting underground Metropolitan Transit Authority (MTA) subway tunnels are present along Delancey and Essex Streets. A portion of the subway tunnel on Essex Street extends and runs beneath the western portion of the Site. The Site is located in a developed area predominantly consisting of residential and commercial properties with some open space/park land, educational, and institutional uses. A Site Location Map is provided as Figure 1 in Attachment D. The metes and bounds description for the Site is provided in Attachment E.

In 2011, the Office of the Deputy Mayor for Economic Development (ODMED), in coordination with the New York City Economic Development Corporation (NYCEDC) and the City of New York Department of Housing Preservation & Development (HPD), sponsored an initiative called the Seward Park Mixed-Use Development Project to allow for the implementation of an approximately 1.7 million gross-square-foot (gsf) mixed-use development on 10 City-owned sites (one site was later removed) located in Manhattan Community District 3 generally along Delancey and Essex Streets on the Lower East Side. The Site was identified as Site 9 of the Seward Park Mixed-Use Development Project. The goal of the project is to transform several underutilized City-owned properties into a thriving, financially viable, mixed-use development, that provides affordable and market-rate housing units, commercial and retail uses, and other neighborhood amenities.

Entry into the BCP would facilitate the cleanup and redevelopment of the Site into the proposed mixed-use commercial and residential project named “Essex Crossing Site 9”. The proposed development includes the demolition of the existing Site structure and construction of a new 9-story mixed-use residential and commercial use building. The proposed redevelopment will include approximately 76 residential units (31 affordable units) and approximately 14,538-sf of commercial space. The building will occupy the entirety of the Site, and no exposed soil or vegetation is planned. In addition, the plan includes easement areas for a New York City Transit elevator and escalator to provide compliance to the Delancey Street F train platform with the Americans with Disabilities Act (ADA) Standards.

The current zoning designation is C4-4A and C6-2A (residential and commercial). The proposed development complies with the current zoning of the Site and would provide affordable housing units on the Site as part of the goals of the Mayor’s *Housing New York: A Five-Borough, Ten-Year Plan*. It will also better integrate into the surrounding neighborhood by creating a street wall with ground floor uses that activate the streetscape.

A Site Plan and Tax Map are included as Figures 2 and 3, respectively, in Attachment D.

The Applicant’s plan is to remediate the Site in conjunction with construction for the proposed new building. Demolition of the existing building is anticipated to begin in January/February 2022 to enable completion of the remedy. The remedial action is anticipated to begin in April 2022 and the Certificate of Completion (COC) is anticipated to be obtained in December 2022. The preliminary project schedule, shown in Table 1, is subject to change.

**Table 1**  
**Proposed Project Schedule**

<b>Activity</b>	<b>Estimated Date</b>
BCP Pre-Application Meeting	April 24, 2020
Brownfield Cleanup Program (BCP) Application, Remedial Investigation Report (RIR), and Draft Remedial Action Work Plan (RAWP) Submission to NYSDEC	May 2021
NYSDEC Completeness Check of BCP Application and Determination that Application is Complete	June 2021
45-day Public Comment Period (Environmental News Bulletin, Newspaper)	July-August 2021
Execute BCP Agreement (BCA)	September 2021
Citizen Participation Plan (CPP) Submitted to NYSDEC	October 2021
Receive comments on RIR	September/October 2021
Submit Revised RIR and RIR Approval by NYSDEC	November 2021
Receive comments on Draft RAWP and Submit Revised RAWP	December 2021
NYSDEC Approves RAWP and Issues Decision Document	January/February 2022
Site Acquisition and Begin Building Demolition	January/February 2022
Issue Remedial/Construction Notice Fact Sheet	March 2022
Begin Redevelopment (Construction) with Implementation of RAWP	April 2022
Submittal of Environmental Easement Package	By July 1, 2023
Draft Site Management Plan (SMP) Submitted to NYSDEC	By September 1, 2023
Draft Final Engineering Report (FER) and Fact Sheet	By October 15, 2023
NYSDEC and NYSDOH Approval of FER and SMP	By November 30, 2023
Issue Certificate of Completion (COC)	December 2023

### SECTION III. Environmental History

The following figures are included in Attachment D:

Figure 1 – Site Location Map

Figure 2 – Site Plan

Figure 3 – Tax Map

Figure 4 – Surrounding Land Use Map

Figure 5 – Zoning Map

Figure 6 – Soil Sample Concentrations Above NYSDEC RRSCOs and/or UUSCOs

Figure 7 – Groundwater Sample Concentrations Above NYSDEC AWQSGVs

Figure 8 – Soil Vapor Sample Concentrations

#### *1. Environmental Reports*

Copies of the following previous environmental reports for the Site are included as Attachment C (reports are provided separately on a CD-ROM):

- *Phase I Environmental Site Assessment, Essex Crossing Site 9, 120 Essex Street, New York, New York, AKRF, Inc., January 2020.*
- *Remedial Investigation Report, Essex Crossing Site 9, 120 Essex Street, New York, New York, AKRF, Inc., May 2021.*

Summaries of the reports are provided below. The Applicant believes that there is sufficient information to proceed expeditiously with this BCP Application. The Applicant seeks to enroll in the program to remediate the Site in a timely manner under the oversight of NYSDEC.

*Phase I Environmental Site Assessment, Essex Crossing Site 9, 120 Essex Street, New York, New York, AKRF, Inc., January 2020.*

AKRF prepared a Phase I ESA in January 2020, in accordance with ASTM Standard E1527-13. The Phase I identified the following:

#### *Recognized Environmental Conditions (RECs)*

- Historical Sanborn maps indicated the Property was developed with various commercial uses between approximately 1905 and 1944, including a photo shop, printer shop, and a machine shop.
- Historical Sanborn maps, city directory listings, and the regulatory database information identified several commercial and industrial operations, including carpenter shops, wagon repair shops, printer shops, laundry facilities (with the potential for dry cleaning), tinsmiths, photo shops, undertakers, wine bottling factories, furniture, umbrella and sign manufacturers, drug stores, garages, and motorcycle/auto repair shops in the surrounding area between approximately 1905 and 2005.

AKRF recommended a Subsurface Investigation, including the collection and laboratory analysis of subsurface soil, soil vapor, and groundwater samples to determine whether the identified RECs impacted the Site.

*Remedial Investigation Report, Essex Crossing Site 9, 120 Essex Street, New York, New York, AKRF, Inc., May 2021.*

AKRF conducted a Remedial Investigation (RI) between December 2019 and March 2020, which was documented in the May 2021 Remedial Investigation Report. The scope of the RI included: a geophysical investigation across the accessible areas of the Site; advancement of 15 soil borings across the Site with the collection and laboratory analysis of 22 samples to evaluate soil quality; installation of 3 temporary groundwater monitoring wells with the collection of 3 groundwater samples for laboratory analysis to

evaluate groundwater quality; and installation of 7 temporary soil vapor probes with the collection of 7 soil vapor samples.

The stratigraphy of the Site, from the surface down, generally consisted of fill material comprising sand, silt, and gravel with varying amounts of concrete and brick extending from grade to depths between 11 and 17 feet below ground surface (bgs). The historic fill was underlain by sand, gravel, and silt to boring termination depths (up to 35 feet bgs). Based on Site-specific well point measurements, groundwater beneath the Site ranges from 22.20 to 23.84 feet bgs. Groundwater is expected to flow beneath the Site in an easterly direction toward the East River (the nearest body of water).

The laboratory results identified concentrations of semivolatile organic compounds (SVOCs) and metals in soil above Restricted Residential Soil Cleanup Objectives (RRSCOs) and/or Unrestricted Use Soil Cleanup Objectives (UUSCOs). Petroleum-related and Chlorinated VOCs (CVOCs) were detected in the soil vapor. One VOC (chloroform) and multiple metals were detected in the groundwater above the applicable Ambient Water Quality Standards and Guidance Values (AWQSGVs). Figures showing soil sample concentrations detected above RRSCOs, groundwater samples above AWQSGVs, and soil vapor detections are provided as Figures 6, 7, and 8, respectively, in Attachment D.

## *2. Sampling Data*

Laboratory data from AKRF's RI indicates that SVOCs and metals were detected across the Site at concentrations above Restricted Residential Soil Cleanup Objectives (RRSCOs) and/or Unrestricted Use Soil Cleanup Objectives (UUSCOs). Petroleum-related and Chlorinated VOCs were detected at elevated concentrations in soil vapor.

The soil and soil vapor contaminants appear to be associated with Site-wide historic fill material and former uses at the Site. Figures showing the soil sample concentrations above NYSDEC RRSCOs, groundwater samples above AWQSGVs, and soil vapor detections are provided as Figures 6, 7, and 8, respectively, in Attachment D.

## **SECTION IV. Property Information**

### *1. Metes and Bounds*

A survey of the Site and the metes and bounds description are included in Attachment E.

### *2. Tax Map*

The Site includes Tax Block 353, Lot 44, which corresponds to the New York City Tax Map. A Tax Map is provided as Figure 3 in Attachment D

### *3. Permits Issued by NYSDEC or USEPA*

No permits are currently held or anticipated for the proposed end use of the Site.

### *4. Property Description and Environmental Assessment*

#### Location

The Site is located at 120 Essex Street in the Lower East Side neighborhood of Manhattan, New York and is also identified on the New York City Tax Map as Tax Block 353, Lot 44. The Site lies at an approximate elevation of 25 to 35 feet above mean sea level (AMSL), and is bound to the north by Rivington Street; to the south by Delancey Street; to the east by mixed-use commercial and residential buildings; and to the west by Essex Street. Abutting underground Metropolitan Transit Authority (MTA) subway tunnels are present along Delancey Street and Essex Street, and extend beneath a portion of the Site.



### Site Features

The Site is approximately 20,365-square feet (0.47 acres) and is currently developed with a vacant single-story commercial building.

### Current Zoning and Land Use

The current zoning designation is C4-4A and C6-2A (residential and commercial). The proposed use is consistent with the current zoning. A Zoning Map showing the zoning of the Site and surrounding area is attached as Figure 5 in Attachment D.

### Past Uses of the Site

According to historical Sanborn fire insurance maps, the Site was developed prior to 1894 with at least 20 multi-story structures. Historical uses at the Site included a school, photo shop, printer shop, machine shop, office, mattress store, bath store, furniture store, drug store, along with various other stores and dwellings. Commercial operations at the Site varied between 1894 and at least 1944. By 1950, the Site was redeveloped as a portion of the Essex Street Market, which remained in operation through at least 2005. City Directory listings for the Site included various commercial and retail businesses between 1920 and 2014. Certificates of Occupancy (CO) for the Site identified: a four-story commercial building with a cellar that operated as a furniture store in 1919; a single-story commercial building in 1935; and a single-story commercial building with a mezzanine, used as a retail market with stores and offices in 1940.

### Site Geology and Hydrogeology

The surface topography slopes down to the northeast and ranges between approximately 25 and 35 feet above mean sea level (AMSL). AKRF's RI identified groundwater at depths between approximately 22.20 to 23.84 feet below surface grade. Groundwater likely flows in a generally easterly direction beneath the Site towards the East River (nearest body of water). Historic fill material comprising sand, silt, and gravel with varying amounts of concrete and brick, extending from grade to depths between 11 and 17 feet bgs were noted during the RI. The fill was underlain by sand, gravel, and silt to boring termination depths (up to 35 feet bgs). Bedrock was not encountered during the RI.

### Environmental Assessment

Based on the findings of AKRF's RI, the primary contaminants of concern for the Site include SVOCs and metals in soil and VOCs in soil vapor.

*Soil:* benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[k]fluoranthene, chrysene, dibenz(a,h)anthracene, and indeno[1,2,3-c,d]pyrene were detected at concentrations above their respective RRSCOs and/or UUSCOs in up to nine soil samples collected from various depths. Six metals, including: barium, copper, lead, mercury, nickel, and zinc were detected at concentrations above their above their respective RRSCOs and/or UUSCOs in up to 13 soil samples.

*Soil Vapor:* Petroleum-related and chlorinated solvent-related compounds were detected in all seven soil vapor samples. Petroleum-related VOCs, such as benzene, toluene, ethylbenzene, xylenes (collectively referred to as "BTEX"), 2,2,4-trimethylpentane, butane, cyclohexane, n-heptane, and n-hexane were detected in all of the soil vapor samples at concentrations up to 630 microgram per cubic meter ( $\mu\text{g}/\text{m}^3$ ). Chlorinated solvent-related VOCs [trichloroethylene (TCE), tetrachloroethylene (PCE), 1,1,1-trichloroethane, and carbon tetrachloride] were detected in four soil vapor samples at concentrations up to  $4.2 \mu\text{g}/\text{m}^3$ .

## PART B

### SECTION VI. Previous Property Owners/Operators

The Requestor is not the current Site owner and none of the corporate members has any relation to the current owner or any of the previous owners of the Site or any prior lots that comprise the Site.

A copy of the access agreement between the requestor and the current owner is provided as Attachment F.

The Site has been owned by the City of New York since at least 1955, when the Site was obtained as part of a city-wide program to address sanitation and street congestion issues from pushcart vendors by providing indoor retail space (The Essex Street Market). The Site is currently in care of the NYC Economic Development Corporation (NYC EDC). Prior to ownership by the City of New York, the Site was subdivided into multiple privately owned and operated parcels until approximately 1929, when the City began acquiring the properties. The Site was later merged into a single tax lot (Lot 44). In the 1960s, the Site remained city-owned and was leased to private vendors who took over its management. In 1988, the Site was leased to a private developer after the City considered redevelopment proposals for the Essex Street Market buildings (including the Site). In 1995, to avoid closing the market due to health and building violations, the Site was taken over under direct management by the New York City Economic Development Corporation (EDC). The table below provides an approximate history of current and former Site owners/operators, based on available information.

**Table 2**  
**Property Owners**

<b>Property Owners</b>	<b>Years of Ownership</b>	<b>Status of Owner</b>	<b>Current/Last Known Address</b>	<b>Relationship to Requestor</b>
City of New York Department of Small Business Services (DSBS) – c/o & Management by NYC EDC	March 24, 1955-present	Active	One Liberty Plaza, 14 <sup>th</sup> Floor New York, New York 10006	Signed Access Agreement with Requestor
City of New York (various departments)	October 20, 1938-March 24, 1955	Active	One Liberty Plaza, 11 <sup>th</sup> Floor New York, New York 10006	None Known
Adolph Teitelbaum Charles Kirschner Morri Barsky	Prior to September 23, 1929	Unknown	Unknown	None Known
Florence Schawelson & Ors. Louis Feldstein	Prior to 9/23/1929	Unknown	Unknown	None Known
Adolph Teitelbaum	Prior to 9/23/1929	Unknown	Unknown	None Known
Murray Moss & Ors.	Prior to 9/23/1929 to Unknown	Unknown	Unknown	None Known
Lena Kotlitzki	Prior to 9/23/1929	Unknown	Unknown	None Known
Virgil Realty Co. Inc. M. Berger & M. Klein	Prior to 9/23/1929	Unknown	Unknown	None Known

<b>Property Owners</b>	<b>Years of Ownership</b>	<b>Status of Owner</b>	<b>Current/Last Known Address</b>	<b>Relationship to Requestor</b>
Louis Stoiber Simon Steinhauer Solomon Astrager Ray Hausman	Prior to 9/23/1929 to Unknown	Unknown	Unknown	None Known
Max Chaefer, Trustee L&S Michiel	Prior to 9/23/1929 to Unknown	Unknown	Unknown	None Known
Morris Cohen Banj. Neadle Weintraub Fur Co. Inc.	Prior to 9/23/1929 to Unknown	Unknown	Unknown	None Known
Meyer Vesell & Ors.	Prior to 9/23/1929 to Unknown	Unknown	Unknown	None Known
Manufacturers Trust Co.	Prior to 5/13/1930 to Unknown	Unknown	Unknown	None Known

**Table 2A  
Property Operators**

<b>Property Operator</b>	<b>Years of Operation</b>	<b>Status of Operator</b>	<b>Current/Last Known Address</b>	<b>Relationship to Requestor</b>
The Essex Street Market	1939-2019	Inactive	116-20 Delancey Street, New York, New York 10002	None Known
Gogo Wireless 1 Inc.	2014	Unknown	Unknown	None Known
AgnaMike Corp.	2010-2014	Unknown	Unknown	None Known
New Roma Pizza	2006-2014	Unknown	Unknown	None Known
Amigo Mini Mart	2000-2014	Unknown	Unknown	None Known
MJCI Inc.	2006	Unknown	Unknown	None Known
E&L Jewellery Center	1993-2000	Unknown	Unknown	None Known
Tomas 126 Delancey Corp.	1998	Unknown	Unknown	None Known
Schaffer Louis Anna - News Dealer	1934	Unknown	Unknown	None Known
Rambler Shoe Co. and Branch Store	1927	Unknown	Unknown	None Known
Pappas & Takis Vasillos Candy Store	1920-1927	Unknown	Unknown	None Known
May Shoe Co.	1920-1927	Unknown	Unknown	None Known
Kupfershmid & Goldstein Co. Inc. - Men's Fur	1920-1927	Unknown	Unknown	None Known
Rosenbaum Israel Shoes	1927	Unknown	Unknown	None Known
American Sport Shop Inc.	1920	Unknown	Unknown	None Known

<b>Property Operator</b>	<b>Years of Operation</b>	<b>Status of Operator</b>	<b>Current/Last Known Address</b>	<b>Relationship to Requestor</b>
Yurman Bros Suits	1920-1927	Unknown	Unknown	None Known
Rosenbaum Israel Shoes	1927	Unknown	Unknown	None Known
Katz & Friedman Parkway Store/Schor Anna Parkway Store	1923	Unknown	Unknown	None Known

**Table 2B**  
**Property Manager**

<b>Property Manager</b>	<b>Years of Management</b>	<b>Status of Manager*</b>	<b>Current/Last Known Address</b>	<b>Relationship to Requestor</b>
I.S.J. Management Corp.	1990-2020	Inactive	110 West 34 <sup>th</sup> Street, New York, New York 10001	None Known

## **SECTION VII. Requestor Eligibility Information**

The Requestor is not the current owner of the Site; however, the requestor is under contract to purchase the Site from the City of New York. In addition, the requestor has a Site Access Agreement with the current property owner for conducting Site investigation and remediation related tasks. A deed for the Site is not available. However, a title search was conducted and the title search report and a copy of the Site Access Agreement with the current owner are included as Attachment F.

### *Unregistered Bulk Storage Tanks*

Although no bulk storage tanks requiring registration with NYSDEC have been observed to date, historic uses at the Site included multiple former buildings. Therefore, petroleum storage tanks may exist in the subsurface. If, during remediation and/or development, tanks are encountered, they will be properly registered and closed with NYSDEC as applicable.

### *Volunteer Statement*

Site 9 DSA Owner LLC (“Requestor”) is a Volunteer as defined in ECL 27-1405(1)(b). Requestor is a prospective purchaser of the Site. After it acquires title to the Site, Requestor’s liability would arise solely as a result of its ownership of the Site. Neither Requestor, its corporate members or its authorized representative has any connection to the current owner or any past owner of the Site or any portion of the Site. Requestor has exercised appropriate care by undertaking a Phase I Environmental Site Assessment, followed by a Remedial Investigation of the Site, and applying for admission into the Brownfield Cleanup Program.

## SECTION IX. Contact List Information

### *1. Local, State, and Federal Officials*

Mayor Bill de Blasio Mayor of New York City City of New York 1 Centre Street New York, NY 10007-1200	Scott M. Stringer New York City Comptroller Office of the Comptroller, City of New York 1 Centre Street New York, NY 10007
Gale Arnot Brewer Manhattan Borough President 431 West 125 <sup>th</sup> Street New York, New York 10027	Brian Kavanagh NY State Senator, 26 <sup>th</sup> District 250 Broadway, Room 2011 New York, NY 10007
Carlina Rivera New York City Council, District 2 254 East 4 <sup>th</sup> Street New York, NY 10009	Yuh-Line Niou NY State Assembly Member, District 65 64 Fulton Street, Room 302 New York, NY 10038
Department of City Planning Manhattan Borough Office 120 Broadway, 31 <sup>st</sup> Floor New York, NY 10271	Governor Andrew M. Cuomo NYS State Capitol Building Albany, New York 12224
Carolyn Maloney U.S. House of Representatives, District 12 1651 3 <sup>rd</sup> Avenue, Suite 311 New York, NY 10128	NYSDEC, Division of Environmental Remediation 625 Broadway Albany, New York 12233
Kirsten Gillibrand U.S. Senate 478 Russell Senate Office Building Washington, DC 20510	Charles Schumer U.S. Senate 322 Hart Senate Office Building Washington, DC 20510
Mark McIntyre, Director Mayor's Office of Environmental Remediation 100 Gold Street, 2 <sup>nd</sup> Floor New York, NY 10038	Vincent Sapienza Commissioner, NYC Dept. of Environmental Protection 59-17 Junction Boulevard Flushing, NY 11373

### *2. Residents, Owners, and Occupants of the Site and Adjacent Properties*

The Site, Manhattan Borough Block 353, Lot 44, is currently owned by the NYC Department of Small Business Services (DSBS) (managed by EDC), located at One Liberty Plaza, 11<sup>th</sup> Floor, New York, NY 10006. A list of adjacent properties and their owners and occupants is provided below:

<p style="text-align: center;"><u>Adjacent to the north:</u></p> <p><u>Block 354, Lot 1</u></p> <p>Site 8 Residential Owner LLC (Owner/operator) 150 Myrtle Avenue Suite 2 Brooklyn, New York 11201</p> <p>Current Occupant(s)(Operator) 140 Essex Street New York, New York 10002</p> <p><u>Block 354, Lot 38</u></p> <p>118 Rivington LLC (Owner) % Atkins &amp; Breskin LLC 133 Norfolk Street New York, New York 10002</p> <p>Current Occupant(s) (Operator) Festival Mexicano Restaurant 118 Rivington Street New York, New York 10002</p> <p><u>Block 354, Lot 37</u></p> <p>120 Rivington Street 1 LLC 145 East Houston #5A New York, New York 10002</p> <p>Current Occupant(s) (Operator) 120 Rivington Street New York, New York 10002</p>	<p style="text-align: center;"><u>Adjacent to the northwest:</u></p> <p><u>Block 411, Lot 68</u></p> <p>B Arnold LLC (Owner) % Barbara Arnold 28 Homeside Lane White Plains, NY 10605</p> <p>Current Occupant(s)(Operator) Fancy Pharmacy 114 Rivington Street New York, New York 10002</p> <hr/> <p style="text-align: center;"><u>Adjacent to the south:</u></p> <p><u>Block 352, Lot 1</u></p> <p>Site 2 DSA Owner LLC (Owner) 1865 Palmer Avenue, Suite 203 Larchmont, NY 10538</p> <p>Current Occupant(s) (Operator) Essex Market 115 Delancey Street New York, New York 10002</p>
<p style="text-align: center;"><u>Adjacent to the east:</u></p> <p><u>Block 353, Lot 20</u></p> <p>121 Rivington Corp (Owner) % Cecillia L. Wong 51 Catherine Street, Apt. 16 New York, NY 10038</p> <p>Current Occupant(s) (Operator) Lau's Wash &amp; Dry Laundromat Rivington Café Corp. 121-123 Rivington Street New York, New York 10002</p>	<p style="text-align: center;"><u>Adjacent to the west:</u></p> <p><u>Block 410, Lot 52</u></p> <p>123 Essex LLC (Owner) % Andrew Hirsch, Esq. 1501 Broadway, 22<sup>nd</sup> Floor New York, NY 10036</p> <p>Current Occupant(s) (Operator) 123 Essex Street New York, New York 10002</p>

<u>Adjacent to the east:</u> <u>(continued)</u>	<u>Adjacent to the west:</u> <u>(continued)</u>
<u>Block 353, Lot 22</u>	<u>Block 410, Lot 53</u>
CRP Rivington Street Development LLC (Owner) % Castellan Real Estate Partners 1841 Broadway, Suite 811 New York, NY 11023	121 Essex Street Realty LLC (Owner) 2 Hidden Valley Drive Suffern, NY 10901
Current Occupant(s) (Operator) 125 Rivington Street New York, New York 10002	Current Occupant(s) (Operator) 121 Essex Street New York, New York 10002
<u>Block 353, Lot 30</u>	<u>Block 410, Lot 54</u>
Current Occupant(s) (Operator) 115 Norfolk Street New York, New York 10002	Essex Union LLC (Owner) 119 Essex Street New York, New York 10002
115 Norfolk Realty LLC (Owner) 151 East 3 <sup>rd</sup> Street New York, NY 10009	Current Occupant(s) (Operator) 119 Essex Street New York, New York 10002
<u>Block 353, Lot 32</u>	<u>Block 410, Lot 55</u>
Norfolk Apartment II Ltd. Partnership (Owner) % Asian Americans for Equality, Inc. 108-110 Norfolk Street New York, NY 10002	115 Essex St. LLC Ltd(Owner) Marin Management 114 East 39 <sup>th</sup> Street New York, New York 10016
Current Occupant(s) (Operator) Asian Americans for Equality, Inc. 108-110 Norfolk Street New York, New York 10002	Current Occupant(s) (Operator) 115 Essex Street New York, New York 10002
<u>Block 353, Lot 33</u>	<u>Block 410, Lot 38</u>
109 Norfolk LLC (Owner) 509 Grand Street New York, NY 10002	NYS Department of Transportation (Owner) 47-40 21 <sup>st</sup> Street Long Island City, New York 11101
Current Occupant(s) (Operator) 109 Norfolk Street New York, New York 10002	Current Occupant(s) (Operator) Delancey and Essex Parking Garage 112 Ludlow Street New York, New York 10002



<u>Adjacent to the east:</u> <u>(continued)</u>	<u>Adjacent to the west:</u> <u>(continued)</u>
<p><u>Block 353, Lot 34</u></p> <p>Lo-Ho LLC (Owner) 544 Hudson Street New York, NY 10014</p> <p>Current Occupant(s) (Operator) 107 Norfolk Street New York, New York 10002</p>	<p><u>Block 410, Lot 62</u></p> <p>103 Essex Street Realty Corp. % Henry Fong, Esq. 2 Mott Street New York, New York 10013</p> <p>Current Occupant(s) (Operator) 103 Essex Street New York, New York 10002</p>
<p><u>Block 353, Lot 35</u></p> <p>Norfolk Hudson LLC (Owner) 58 Thomas Street New York, NY 10013</p> <p>Current Occupant(s) (Operator) 103-105 Norfolk Street New York, New York 10002</p>	<p><u>Block 410, Lot 64</u></p> <p>114 Delancey % Baruch Singer 95 Delancey Street New York, New York 10002</p> <p>Current Occupant(s) (Operator) McDonalds Restaurant 114 Delancey Street New York, New York 10002</p>
<p><u>Block 353, Lot 42</u></p> <p>FB Delancey LLC (Owner) 52-55 74<sup>th</sup> Street Elmhurst, NY 11373</p> <p>Current Occupant(s) (Operator) Fabco Shoes 124 Delancey Street New York, New York 10002</p>	
<p><u>Block 353, Lot 43</u></p> <p>Cohen, Mal (Owner) 1514 East 8<sup>th</sup> Street New York, NY 11223</p> <p>Current Occupant(s) (Operator) Richies 122 Delancey Street New York, New York 10002</p>	

### 3. Local News Media

The Lo-Down <a href="http://www.thelodownny.com/">http://www.thelodownny.com/</a> (646) 861-1805	The New York Times 229 West 43 <sup>rd</sup> Street New York, NY 10036
WNBC News 4 30 Rockefeller Plaza New York, NY 10012	WNYW Fox 5 205 East 67 <sup>th</sup> Street New York, NY 10021
New York 1 News 75 Ninth Avenue New York, NY 10011	1010 Wins – CBS Radio 888 7 <sup>th</sup> Avenue, 10 <sup>th</sup> Floor New York, NY 10106
Daily News 220 East 42 <sup>nd</sup> Street New York, New York 10017	

### 4. Public Water Supply

Public water is provided by The City of New York, Department of Environmental Protection located at:

Customer Service Center  
59-17 Junction Boulevard, 13<sup>th</sup> Floor  
Flushing, New York 11373

Vincent Sapienza  
Commissioner, NYCDEP  
59-17 Junction Boulevard  
Flushing, NY 11373

### 5. Additional Contacts

None

### 6. Nearby Schools and Day Care Centers

#### Daycares:

First Steps at Clinton 21 Clinton Street New York, New York 10002 Director – Crystal Welch (646) 726-4289 Distance: 1,200 feet northeast of the Site	All My Children Day Care & Nursery Schools 112 Ridge Street New York, New York 10002 (212) 419-5416 Distance: 1,350 feet east of the Site
Kings Day Care Academy 38 Delancey Street New York, New York 10002 (212) 375-9500 Distance: 1,200 feet west of the Site.	Little Star of Broome Street 151 Broome Street New York, New York 10002 President & CEO- Wayne Ho (646) 678-3847 Distance: 1,100 feet southeast of the Site.
New York City Housing Authority's Seward Park Extension Day Care Center 154 Broome Street New York, New York 10002 Distance: 950 feet southeast of the Site.	

Schools:

<p>Marta Valley High School 145 Stanton Street New York, New York 10002 Principal – Matthew Willie Distance: 275 feet north of the Site</p> <p>New York City School District 1 166 Essex Street New York, New York 10002 Superintendent – Carry Chan (212) 353-2948 Distance: 500 feet north of the Site</p> <p>Cooke Grammar School 219 Stanton Street New York, New York 10002 Director – Aliza Kushner (212) 995-2020 Distance: 1,400 feet northeast of the Site</p> <p>New Explorations High School 111 Columbia Street New York, New York 10002 Principal – Meaghan Lynch (212) 677-5190 Distance: 2,000 feet northeast of the Site</p> <p>Middle School 131 /PACE High School 100 Hester Street New York, New York 10002 Assistant Principal – Hilda Abadia (212) 219-1204 Distance: 1,600 feet southwest of the Site</p>	<p>School for Global Leaders/ Lower East Side Preparatory High School 145 Stanton Street New York, New York 10002 Principal – Keri Ricks Distance: 200 feet northeast of the Site</p> <p>Manhattan Charter School 100 Attorney Street New York, New York 10002 Principal – Amy Salazar (212) 533-2743 Distance: 880 feet east of the Site</p> <p>Beth Jacob Schools 142 Broome Street New York, New York 10002 Principal – Rachel Kahn (212) 473-4500 Distance: 1,200 feet east of the Site</p> <p>New Design High School/ Seward Park Educational Campus 350 Grand Street New York, New York 10002 Distance: 48 feet southwest of the Site</p> <p>Elements Pre K Nature Preschool at 99 Suffolk Street New York, New York 10002 Distance: 300 feet east of the Site</p> <p>Great Oaks Charter School – NYC 38 Delancey Street New York, New York 10002 Executive Director – Brett Gallini (212) 233-5152 Distance: 1,200 feet west of the Site</p>
---	---

*7. Document Repositories*

<p>Seward Park Library 192 East Broadway New York, New York 10002 Managing Librarian: Lakisha Brown (212) 477-6770 lakishabrown@nypl.org</p>	<p>Manhattan Community Board No. 3 59 East 4<sup>th</sup> Street New York, New York 10003 District manager, Susan Stetzer sstetzer@cb.nyc.gov (212) 533-6015</p>
--	--

The public library is currently providing limited services due to the ongoing pandemic. The executed document repository acknowledgment letters are included in Attachment G.

#### *8. Local Community Board*

Manhattan Community Board No. 3  
59 East 4<sup>th</sup> Street  
New York, New York 10003  
District manager, Susan Stetzer  
sstetzer@cb.nyc.gov  
(212) 533-6015

### **SECTION X. Land Use Factors**

#### *1. Zoning*

The Site is located within C4-4A and C6-2A commercial districts. The C4-4A Zoning District is a contextual sub district of C4 Zoning and C4-4 Zoning in NYC, a commercial zoning district with optional residential use. The C4-4A Zoning District has normally commercial and residential uses. The commercial uses are usually department stores, retail, entertainment, offices, and other commercial uses. The C6-2A Zoning District is a contextual sub district of C6 Zoning and C6-2 Zoning in NYC a commercial zoning district with optional residential use. The C6-2A Zoning District has normally commercial and residential uses. The commercial uses are usually retail and offices.

The proposed end use of the Site is consistent with the current zoning of the Site. A Zoning Map is included as Figure 5 in Attachment D.

#### *2. Current Site Use*

The Site is currently developed with a vacant single-story commercial building, see Site plan in Figure 2 provided in Attachment D. The former Essex Market was closed and the Site has been vacant since May 2019. The Site is not being used for any material storage or otherwise since the market closure. A Surrounding Land Use map is included as Figure 4 in Attachment D.

#### *3. Proposed Site Use*

The proposed development includes the demolition of the existing Site structure and construction of a new 9-story mixed-use residential and commercial use building. The proposed redevelopment will include approximately 76 residential units (31 affordable dwelling units) and approximately 14,538-sf of commercial space. The building will occupy the entirety of the Site, and no exposed soil or vegetation is planned. In addition, the plans include easement areas for a New York City Transit elevator and escalator to provide compliance to the Delancey Street F train platform with the Americans with Disabilities Act (ADA) Standards. The proposed use is consistent with existing zoning for the Site.

## **ATTACHMENT A**

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through April 17, 2020.

---

Selected Entity Name: SITE 9 DSA OWNER LLC

Selected Entity Status Information

**Current Entity Name:** SITE 9 DSA OWNER LLC

**DOS ID #:** 4676686

**Initial DOS Filing Date:** DECEMBER 08, 2014

**County:** NEW YORK

**Jurisdiction:** DELAWARE

**Entity Type:** FOREIGN LIMITED LIABILITY COMPANY

**Current Entity Status:** ACTIVE

Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

C/O TACONIC INVESTMENT PARTNERS LLC

CHARLES R BENDIT/ANDY ZLOTNICK

111 EIGHTH AVENUE, SUITE 1500

NEW YORK, NEW YORK, 10011

**Registered Agent**

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

**\*Stock Information**

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

\*Stock information is applicable to domestic business corporations.

### Name History

Filing Date	Name Type	Entity Name
DEC 08, 2014	Actual	SITE 9 DSA OWNER LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

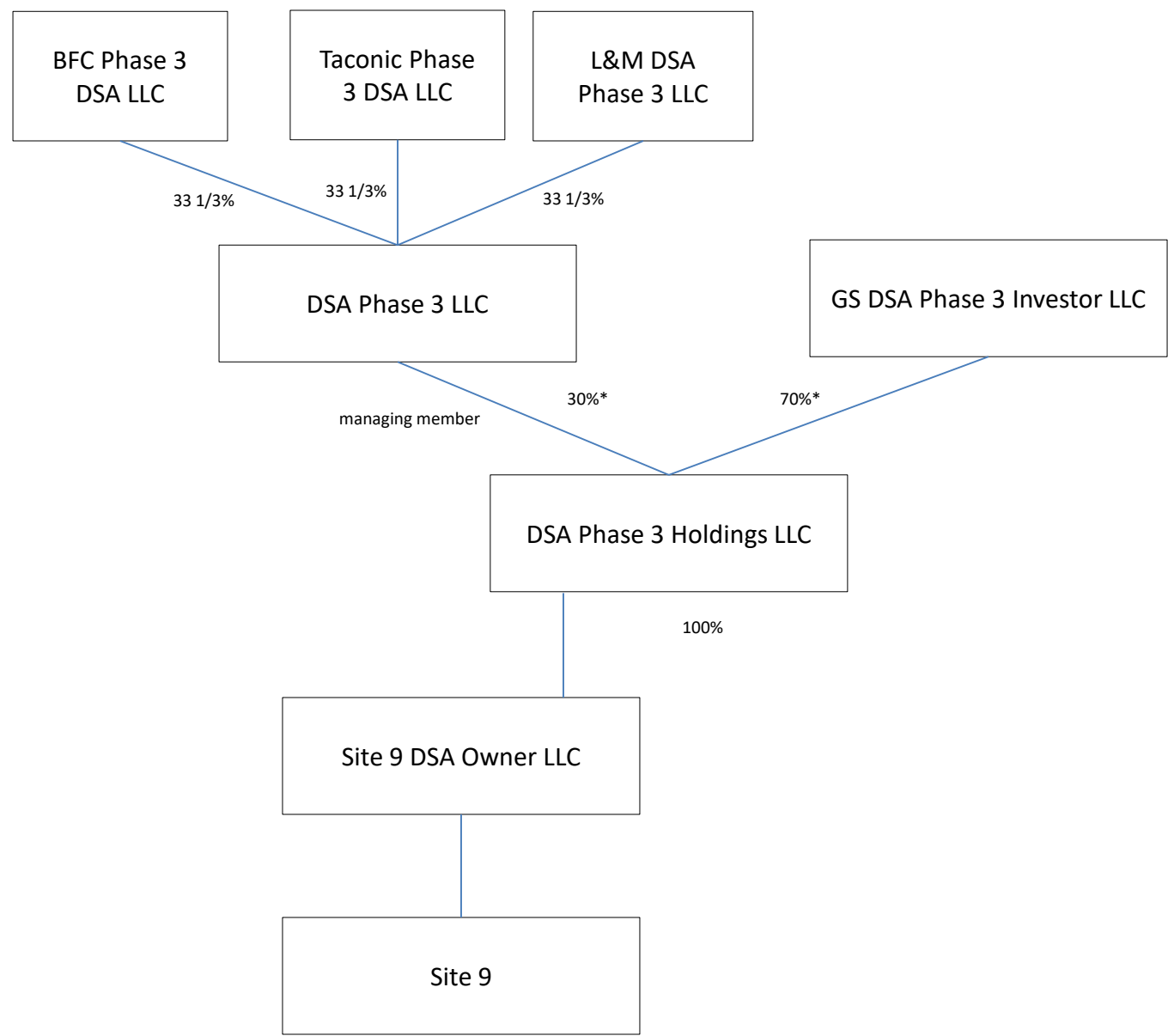
[Search Results](#) [New Search](#)

[Services/Programs](#) | [Privacy Policy](#) | [Accessibility Policy](#) | [Disclaimer](#) | [Return to DOS](#)  
[Homepage](#) | [Contact Us](#)



## **ATTACHMENT B**

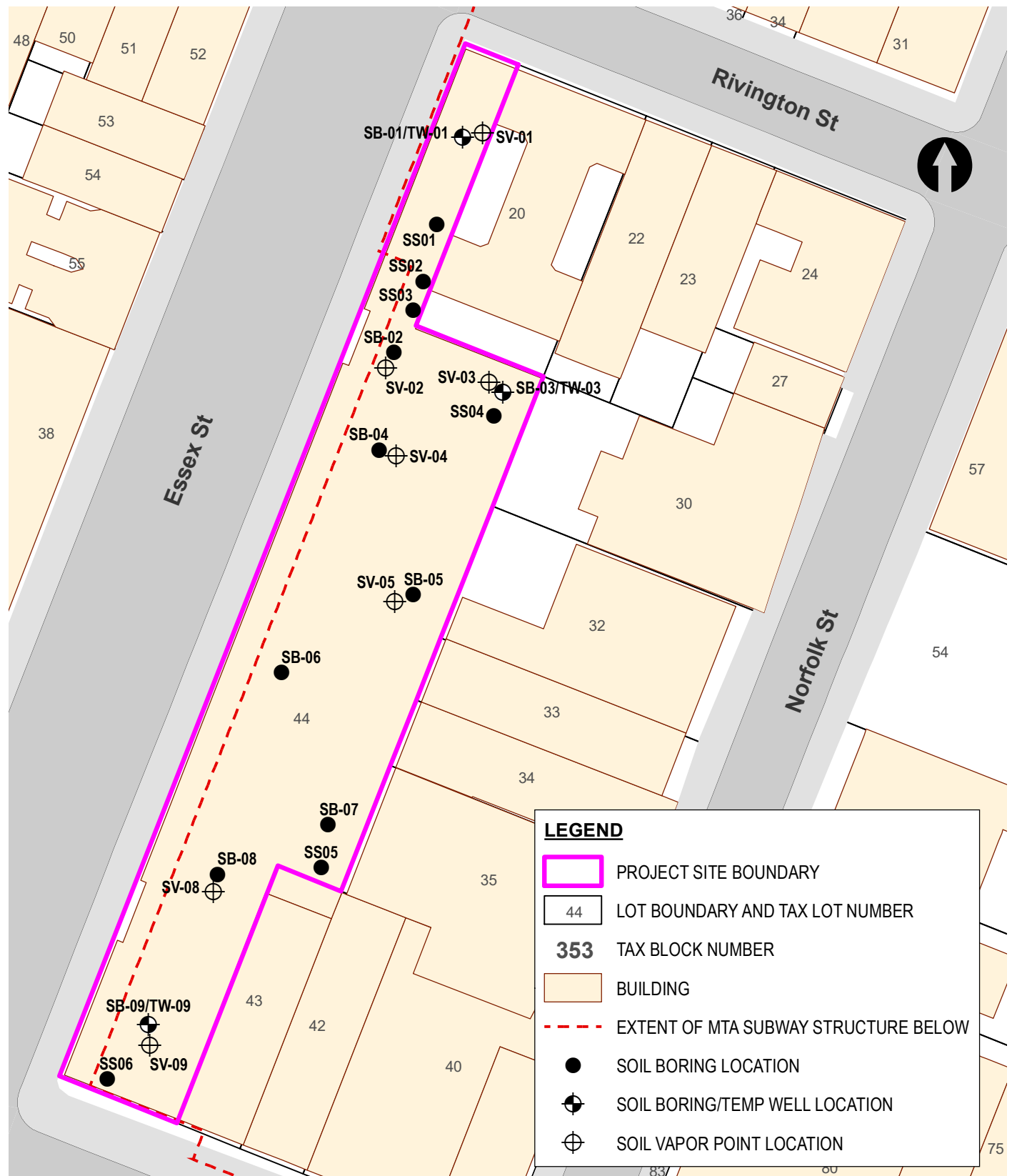
Site 9 Organizational Structure



## **ATTACHMENT C**

## **ATTACHMENT D**





**LEGEND**

PROJECT SITE BOUNDARY

44

LOT BOUNDARY AND TAX LOT NUMBER

353

TAX BLOCK NUMBER

BUILDING

EXTENT OF MTA SUBWAY STRUCTURE BELOW

SOIL BORING LOCATION

SOIL BORING/TEMP WELL LOCATION

SOIL VAPOR POINT LOCATION



Map Source:  
NYC DCP (NYC Dept. of City Planning) GIS database.



440 Park Avenue South, New York, NY 10016

**Essex Crossing Site 9**  
120 Essex Street  
Manhattan, New York

**SITE PLAN AND SAMPLE LOCATIONS**

DATE	5/6/2020
PROJECT NO.	190457
FIGURE	2





Adjacent Property Owners		
Block	Lot	OwnerName
352	1	SITE 2 DSA OWNER, LLC
353	20	121 RIVINGTON CORP.
353	42	FB DELANCEY, LLC
353	22	CRP RIVINGTON STREET REDEVELOPMENT, LLC
353	35	NORFOLK HUDSON LLC
353	30	115 NORFOLK REALTY, LLC
353	33	109 NORFOLK, LLC
353	32	NORFOLK APARTMENTS II LTD PARTNERSHIP
353	34	LO-HO, LLC
353	43	COHEN, MAL
354	1	SITE 8 DSA HOUSING DEVELOPMENT FUND CORPORATION
354	37	120 RIVINGTON STREET 1, LLC
354	38	118 RIVINGTON, LLC
409	53	109 DELANCEY STREET, LLC
410	38	NYS DEPARTMENT OF TRANSPORTATION
410	53	121 ESSEX STREET REALTY, LLC
410	64	114 DELANCEY
410	62	103 ESSEX STREET REALTY CORP
410	54	ESSEX UNION, LLC
410	52	123 ESSEX LLC
410	55	115 ESSEX STREET, LLC
411	68	B ARNOLD, LLC
		Address
		125 DELANCEY STREET
		121 RIVINGTON STREET
		124 DELANCEY STREET
		125 RIVINGTON STREET
		103-105 NORFOLK STREET
		115 NORFOLK STREET
		109 NORFOLK STREET
		111 NORFOLK STREET
		107 NORFOLK STREET
		122 DELANCEY STREET
		140 ESSEX STREET
		120 RIVINGTON STREET
		118 RIVINGTON STREET
		109 DELANCEY STREET
		112 LUDLOW STREET
		121 ESSEX STREET
		114 DELANCEY STREET
		103 ESSEX STREET
		119 ESSEX STREET
		115 RIVINGTON STREET
		115 ESSEX STREET
		114 RIVINGTON STREET

#### LEGEND

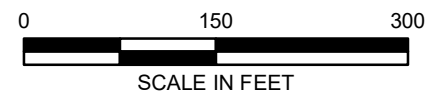
PROJECT SITE BOUNDARY

ADJACENT PROPERTY

LOT BOUNDARY AND TAX LOT NUMBER

**353** BLOCK NUMBER

BUILDING



Map Source:  
NYCDCP (NYC Dept. of City Planning) GIS database



440 Park Avenue South, New York, NY 10016

### Essex Crossing Site 9

120 Essex Street  
Manhattan, New York

### TAX MAP

DATE

**5/1/2020**

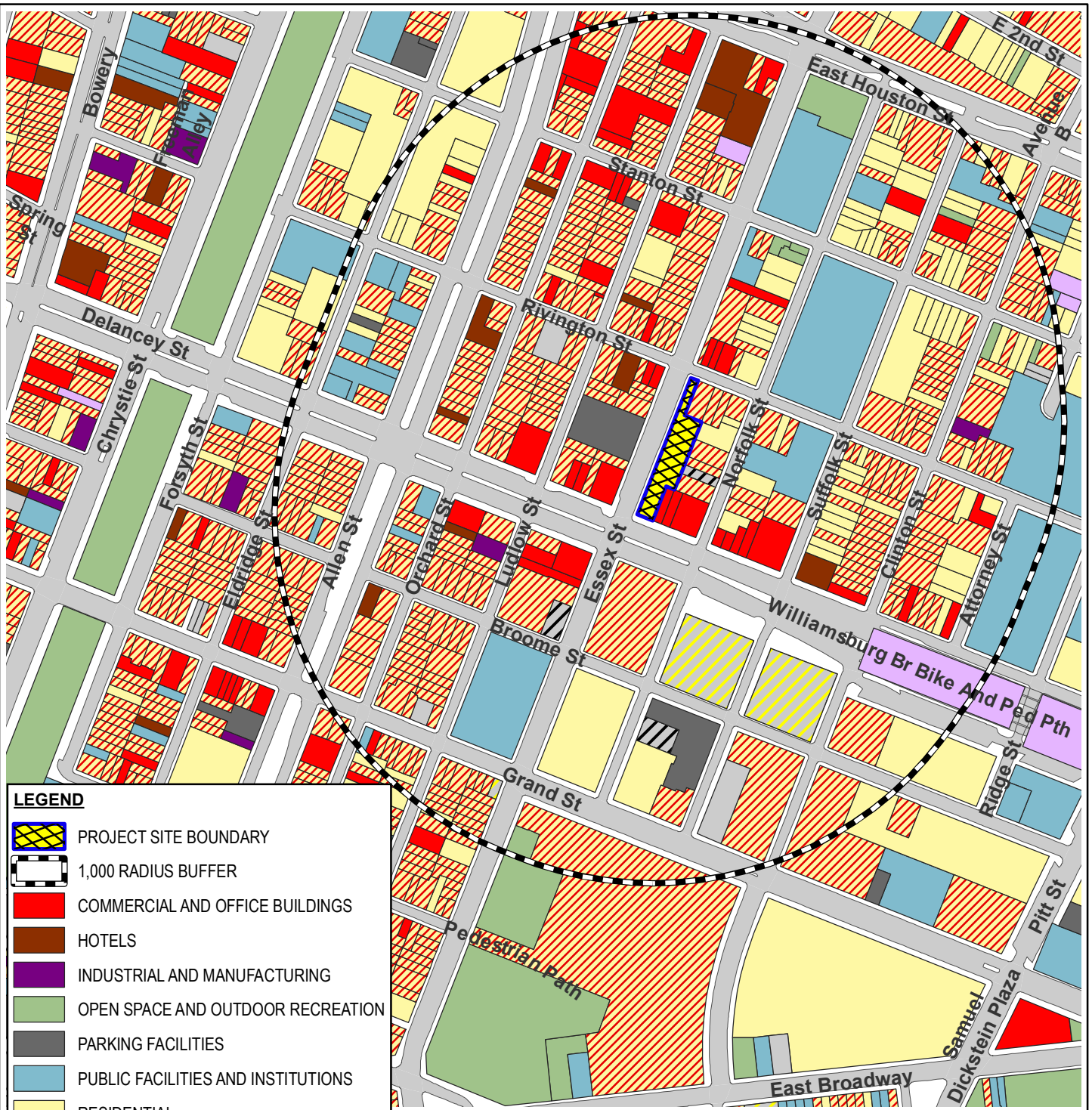
PROJECT NO.

**190457**

FIGURE

**3**

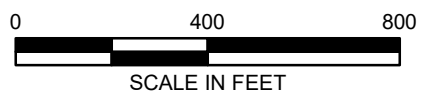
© 2020 AKRF W:\Projects\190457 - ESSEX CROSSING SITE 9\Technical\GIS and Graphics\Hazmat\BCP\190457 Fig 4 Existing Land Use.mxd 4/29/2020 11:33:52 AM jzsalus



**LEGEND**

- PROJECT SITE BOUNDARY
- 1,000 RADIUS BUFFER
- COMMERCIAL AND OFFICE BUILDINGS
- HOTELS
- INDUSTRIAL AND MANUFACTURING
- OPEN SPACE AND OUTDOOR RECREATION
- PARKING FACILITIES
- PUBLIC FACILITIES AND INSTITUTIONS
- RESIDENTIAL
- RESIDENTIAL WITH COMMERCIAL BELOW
- TRANSPORTATION AND UTILITY
- VACANT LAND
- VACANT BUILDING
- UNDER CONSTRUCTION
- HYDROGRAPHY - WATER

Map Source:  
NYCDCP (NYC Dept. of City Planning) GIS database



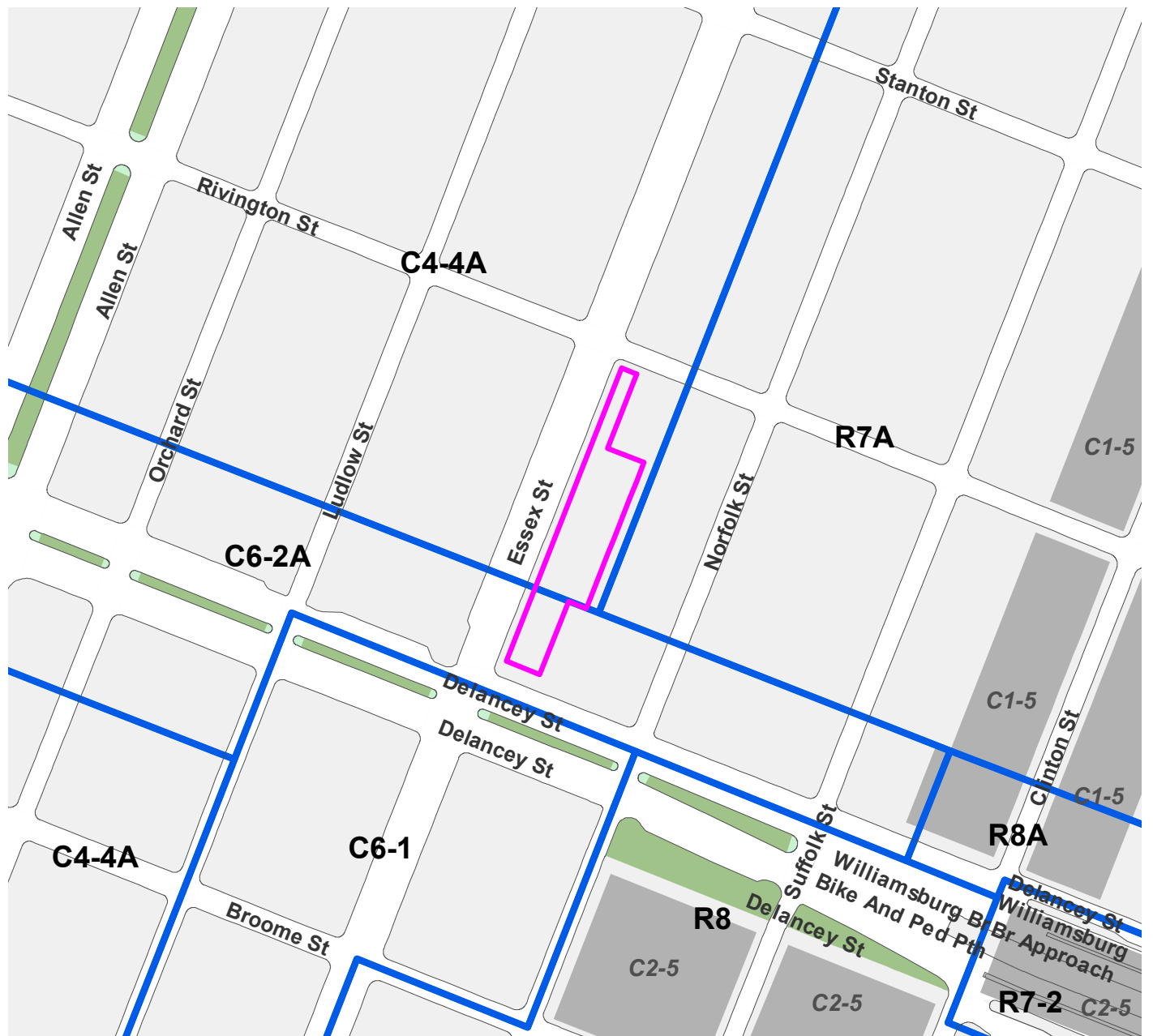
  
440 Park Avenue South, New York, NY 10016

**Essex Crossing Site 9**  
120 Essex Street  
Manhattan, New York

**EXISTING LAND USE**

DATE	4/29/2020
PROJECT NO.	190457
FIGURE	4





Source:  
NYC Department of City Planning, Technical Review Division

### LEGEND

- PROJECT SITE BOUNDARY
- ZONING DISTRICTS
- COMMERCIAL OVERLAY DISTRICTS
- NYC OPEN SPACE



440 Park Avenue South, New York, NY 10016

### Essex Crossing Site 9

120 Essex Street  
Manhattan, New York

### ZONING MAP

DATE

**4/29/2020**

PROJECT NO.

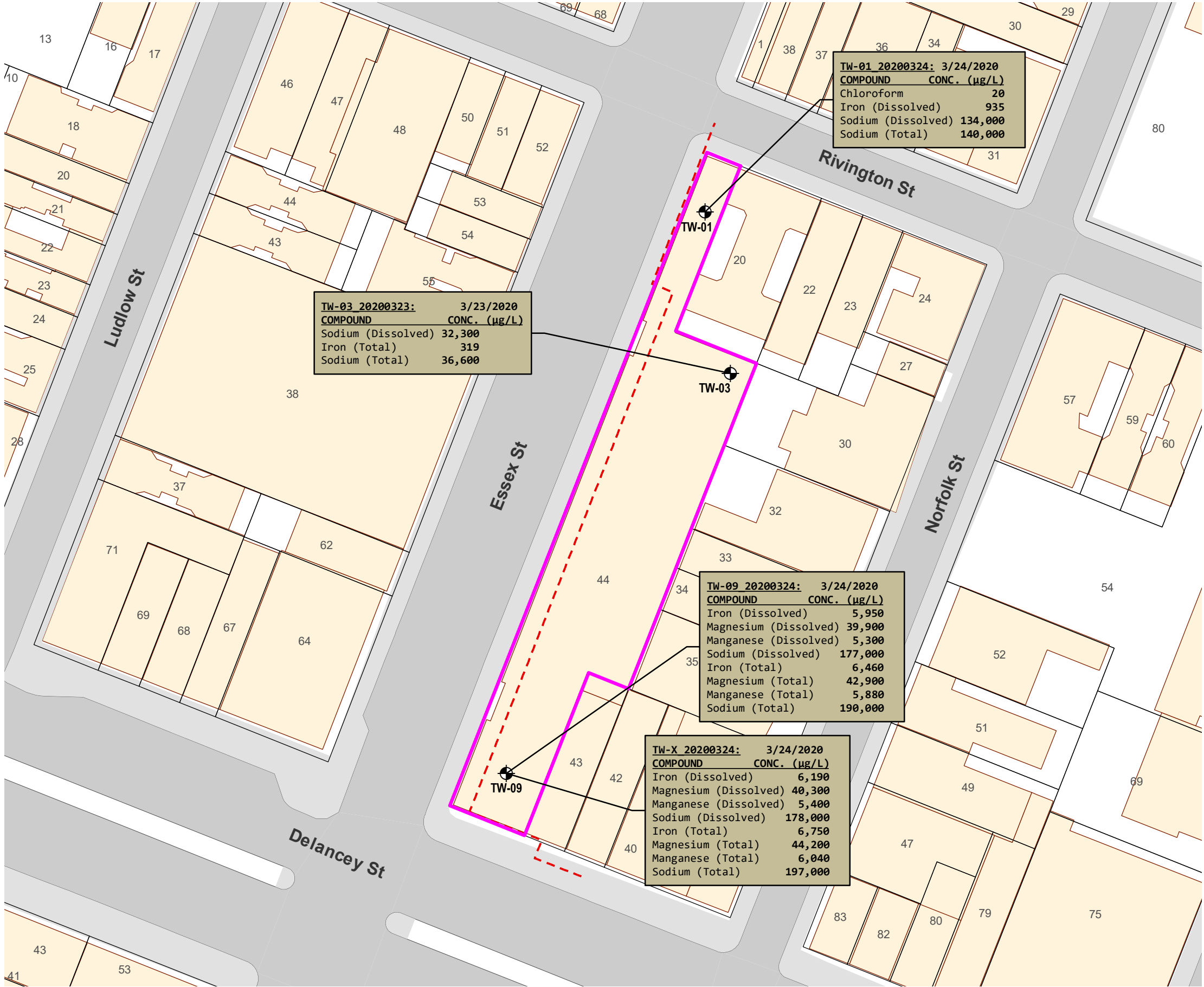
**190457**

FIGURE

**5**



© 2020 AKRF W:\Projects\190457 - ESSEX CROSSING SITE 9\Technical\GIS and Graphics\Hazmat\BCP190457 Fig 7 Groundwater Sample Concentrations Above NYSDEC AWQSGVs.mxd 5/6/2020 5:25:02 PM iszalus



Map Source:  
NYCDP (NYC Dept. of City Planning) GIS database



**NYSDEC  
AWQSGVs  
µg/l**

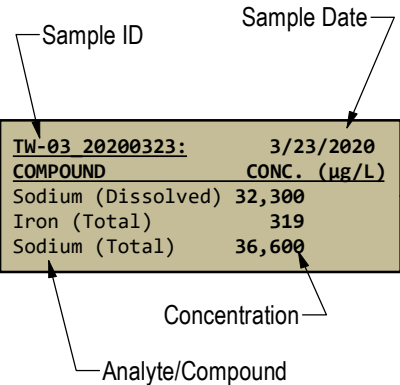
Volatile Organic Compounds	
Chloroform	7
Metals	
Iron	300
Magnesium	35000
Manganese	300
Sodium	20000

**NYSDEC TOGS Class GA Ambient Water Quality Standard and Guidance Values (AWQSGVs):**  
New York State Department of Environmental Conservation (NYSDEC) Technical and Operational Guidance Series (TOGS) (1.1.1):

µg/L: micrograms per Liter = parts per billion (ppb)

**Only Exceedances of NYSDEC AWQSGVs are shown in bold font.**

TW-X\_20200324 is a blind duplicate of sample TW-09\_20200324

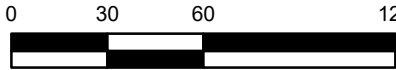


**LEGEND**

- PROJECT SITE BOUNDARY
- LOT BOUNDARY AND TAX LOT NUMBER
- 353 BLOCK NUMBER
- BUILDING
- EXTENT OF MTA SUBWAY STRUCTURE BELOW



TEMP WELL LOCATION



SCALE IN FEET

**Essex Crossing Site 9**  
120 Essex Street  
Manhattan, New York



440 Park Avenue South, New York, NY 10016

**GROUNDWATER SAMPLE CONCENTRATIONS ABOVE NYSDEC AWQSGVs**

DATE

**5/6/2020**

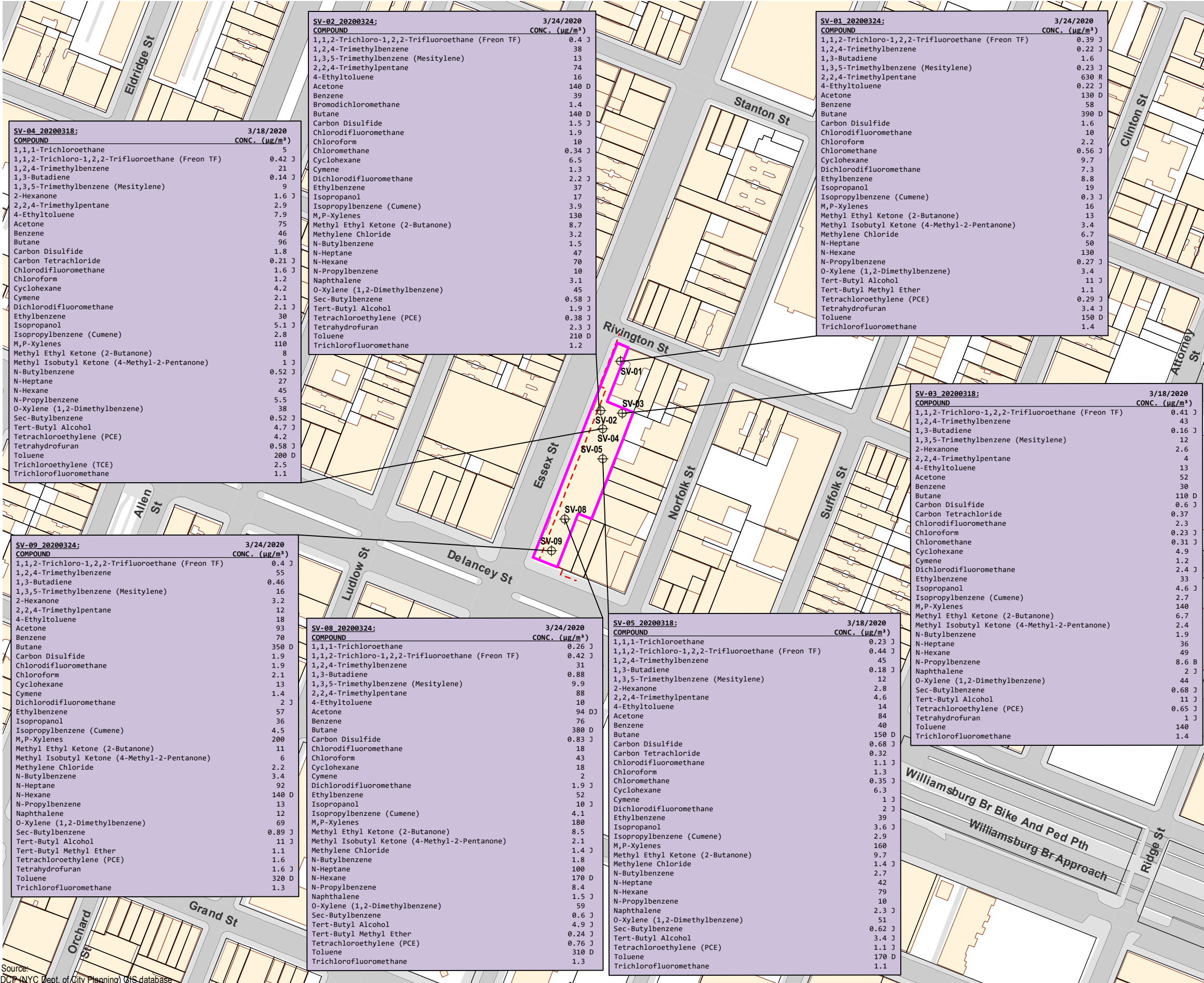
PROJECT NO.

**190457**

FIGURE

**7**





SOIL VAPOR

µg/m³- micrograms per cubic meter

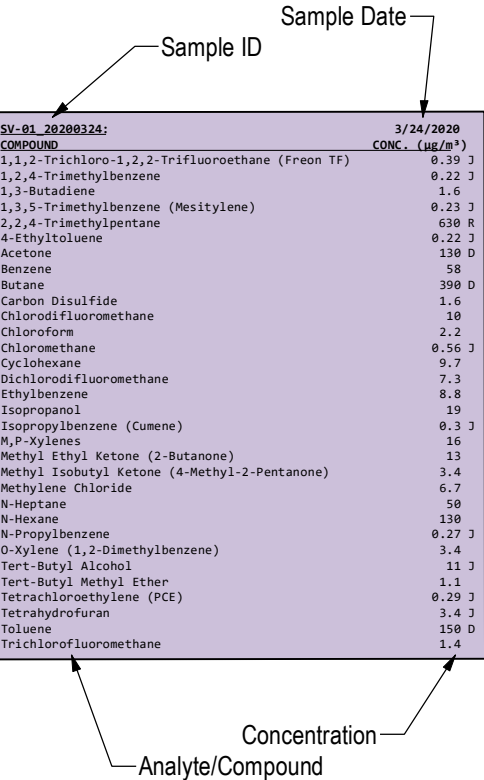
B: Indicates the analyte is detected in the associated blank as well as in the sample.

D: Indicates an identified compound in an analysis that has been diluted. This flag alerts the data user to any differences between the concentrations reported in the two analyses.

J: The reported value is estimated

T: Indicates that a quality control parameter has exceeded laboratory limits

R: Indicates the reported result is unusable. (note: the analyte may or may not be present.)



LEGEND

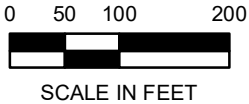
PROJECT SITE BOUNDARY

LOT BOUNDARY

BUILDING

EXTENT OF MTA SUBWAY STRUCTURE BELOW

SOIL VAPOR POINT LOCATION



Essex Crossing Site 9

120 Essex Street  
Manhattan, New York

DATE

4/29/2020

PROJECT NO.

190457

FIGURE

8

SOIL VAPOR SAMPLE CONCENTRATIONS

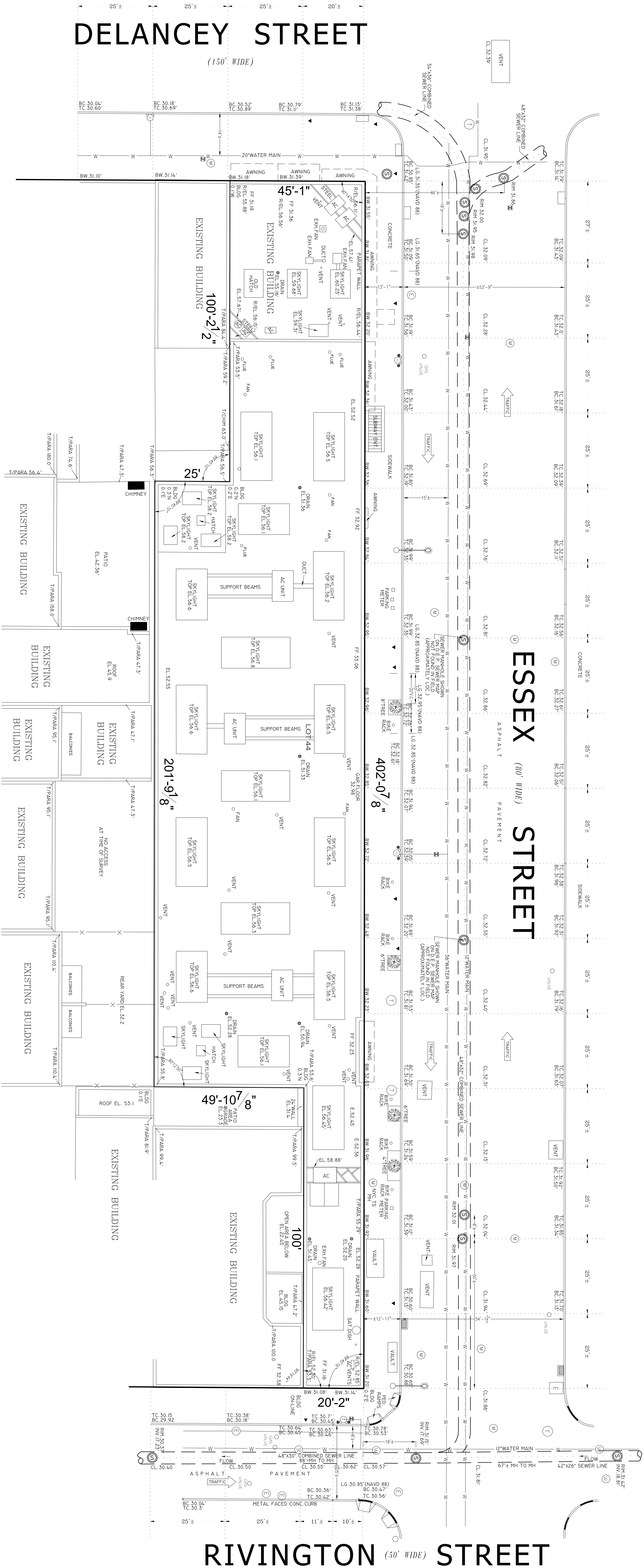
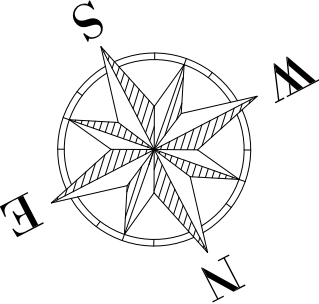


440 Park Avenue South, New York, NY 10016

## **ATTACHMENT E**

Beginning at the corner formed by the north side of Delancey Street with the east side of Essex Street;  
thence north along the east side of Essex Street,  $402'-0\frac{7}{8}"$  to the south side of Rivington Street;  
Thence east along the south side of Rivington Street,  $20'-2"$ ;  
Thence south parallel to Essex Street,  $100'-0"$ ;  
Thence east parallel to Rivington Street,  $49'-10\frac{7}{8}"$ ;  
Thence south with an interior angle of  $90^{\circ}12'50"$ ,  $201'-9\frac{1}{8}"$ ;  
Thence west parallel to Delancey Street,  $25'-0"$ ;  
Thence south parallel to Essex Street,  $100'-2\frac{1}{2}"$  to the north side of Delancey Street;  
The west along the north side of Delancey Street,  $45'-01"$  to the POINT OF BEGINNING.





DATE	DESCRIPTION
JAN 28, 2020	ARCHITECTURAL SURVEY

Unauthorized alterations or additions to this survey is a violation of section 2209 of the New York State education law. Copies of this survey may not bearing the hand surveyor's inked seal or embossed seal shall not be considered to be a valid true copy. Guarantors or certifications indicated hereon shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Guarantors or certification are not transferable to additional institutions or subsequent owners.

\* All elevations refer to North America Vertical Datum of 1988 (NAVD 88 Datum)

SCALE: 1"=15'



**IMERIDIAN**  
L.S., INC.

3280 SUNRISE HWY, SUITE 341

TEL. 516-660-5337

## **ATTACHMENT F**





# ALL NEW YORK TITLE AGENCY, INC

222 Bloomingdale Road, Suite 306, White Plains, NY 10605 914-686-5600 Fax: 914-686-1440  
212-579-1944 Fax: 212-579-4611

APPLICANT		TITLE NUMBER ANY2019-4607C
Ernie Padron BFC Partners 150 Myrtle Avenue Suite 2 Brooklyn, NY 11201 Reference: TBD from The City of New York	Phone Number 718-422-9999 Fax Number 718-422-9960 epadron@bfcnyc.com	
REPORTS HAVE BEEN SENT TO		
<u>Sellers Attorney</u> TBD		
PROPERTY INFORMATION		
116-120 Delancey Street, New York, NY County: New York City: New York		Tax ID Block 353 Lot 44
PARTIES		
Owner(s): The City of New York Buyer(s): TBD Lender(s): TBD		
SERVICES		
TITLE POLICIES		
Owners Policy: TBD Fee Simple Loan Policy: TBD Mortgage Underwriter: Old Republic Title Insurance Company		



# ALL NEW YORK TITLE AGENCY, INC

222 Bloomingdale Road, Suite 306, White Plains, NY 10605 914-686-5600 Fax: 914-686-1440  
212-579-1944 Fax: 212-579-4611

Title No.: ANY2019-4607C  
Client: Ernie Padron  
Applicant: TBD  
Reference: TBD from The City of New York  
Premises: 116-120 Delancey Street, New York, NY Block 353 Lot 44  
Owners: The City of New York  
Buyers: TBD

## GOOD FAITH ESTIMATE

Closing Date:

COMPANY CHARGES	BUYER(S)	SELLER(S)	LENDER	TITLE POLICIES AND INFORMATION
<b>POLICY PREMIUMS</b>				<ul style="list-style-type: none"><li>• Fee Simple Policy TBD</li><li>• Mortgage Policy TBD</li><li>• Underwriter Compensation \$15.00, Title Agent Compensation \$85.00</li><li>• Property Type is Commercial but not sure of use</li><li>• NOTE: The Mortgage Tax reported herein is calculated at the maximum taxable amount. In the event the tax should be reduced by consolidation or exemption please notify this Company</li><li>• Underwriter: Old Republic Title Insurance Company</li><li>• + items are subject to NYS Sales Tax</li></ul>
Owners Policy Premium				
Loan Policy Premium				
<b>ENDORSEMENTS</b>				
Owners TIRSA Policy Authentication				
Loan Environmental Protection Lien NYC	\$50.00			
Loan Waiver of Arbitration Loan	\$50.00			
Loan TIRSA Policy Authentication				
<b>RECORDING TAXES</b>				
Transfer Tax New York State (TP584)				
Transfer Tax New York City (RPT)				
Mortgage Tax 1st Mortgage				
<b>RECORDING FEES</b>				
<b>OTHER CHARGES</b>				
Estimated Recording Charges				
Sales Tax New York City - 8.875%				
<b>TOTAL CHARGES:</b>	<b>\$100.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	

### IMPORTANT DISCLOSURES

IMPORTANT: The Good Faith Estimate quoted herein is made in accordance with our standard charges published at our corporate offices. The division of total insurance premiums between the Underwriter and this Company (as agent) is also disclosed herein above. Please visit our corporate offices for additional information.

Role of the Title Agent: All New York Title Agency is a title insurance agency responsible for underwriting, processing, closing and issuing a title insurance policy to insure title to the property referenced above. All New York Title Agency is an independent agent of the title insurance underwriter insuring the transaction and neither company has ownership interest in the other. The agent / underwriter compensation is provided above and cannot be altered.

Ancillary and Discretionary Charges: This Good Faith Estimate (GFE) may also provide ancillary products and services which are necessary in connection with the issuance of title insurance and/or discretionary products and services which have been required by a party to the transaction. Both ancillary and discretionary products and services are disclosed therein as



# ALL NEW YORK TITLE AGENCY, INC

222 Bloomingdale Road, Suite 306, White Plains, NY 10605 914-686-5600 Fax: 914-686-1440  
212-579-1944 Fax: 212-579-4611

provided under NYS DFS Regulation 206 Section 35.6(a) and are in accordance with the published rates and fees of All New York Title Agency which can be found at our corporate offices.

Charges Subject to Change: This is a Good Faith Estimate (GFE) only and charges are subject to change. This GFE includes only charges which could be determined as of the GFE date above. Charges may change at any time at or prior to closing due to factors disclosed by the title insurance commitment, changes in the transaction details and/or other factors. An updated GFE may be obtained at any time by contacting the issuing company at or 'replace with valid email address'.



# ALL NEW YORK TITLE AGENCY, INC

222 Bloomingdale Road, Suite 306, White Plains, NY 10605

Ph: 914-686-5600 ~ 212-579-1944

JOSEPH S. PETRILLO, ESQ.  
President

JOHN M. MARTIN  
Vice President and  
General Counsel

January 21, 2020

Ernie Padron  
BFC Partners  
150 Myrtle Avenue  
Suite 2  
Brooklyn, NY 11201

Re: Title No. ANY2019-4607C  
The City of New York  
116-120 Delancey Street, New York, NY

Dear Mr. Padron:

In connection with the above captioned subject matter, I herewith enclose our title report for your review.


Please advise if you would like for us to obtain quotes for a new survey.

Please advise when you would like municipal searches to be ordered.

Please let me know if there are any other parties you would like the report sent to.

If you have any questions with the enclosed searches, kindly contact either myself or Tyler Gablenz, Esq. at your convenience.

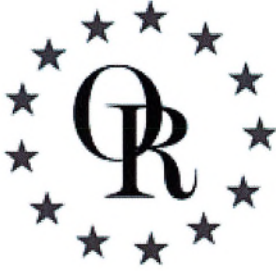
Very Truly Yours,



John M. Martin, Esq.

JMM/kb  
Encl.

## Commitment for Title Insurance



Issued By Old Republic National Title Insurance Company

Old Republic National Title Insurance Company, a Minnesota corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements, all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the Identity of the Proposed Insured and the amount of the policy or policies committed for have been Inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate nine months after the Effective Date or when the policy or policies committed for shall Issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

IN WITNESS WHEREOF, Old Republic National Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

**THIS REPORT IS NOT A TITLE INSURANCE POLICY! PLEASE READ IT CAREFULLY. THE REPORT MAY SET FORTH EXCLUSIONS UNDER THE TITLE INSURANCE POLICY AND MAY NOT LIST ALL LIENS, DEFECTS, AND ENCUMBRANCES AFFECTING TITLE TO THE PROPERTY. YOU SHOULD CONSIDER THIS INFORMATION CAREFULLY.**

*Continued on back page*

Countersigned by:

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY  
A Stock Company  
400 Second Avenue South, Minneapolis, Minnesota 55401 (612) 371-1111

Authorized Signature  
ALL NEW YORK TITLE AGENCY, INC.

TITLE # ANY2019-4607C

By

President

Attest

Secretary

Questions concerning the within Certificate should be directed to:



ALL NEW YORK TITLE AGENCY, INC.  
222 Bloomingdale Road, suite 306  
White Plains, NY 10605  
(914) 686-5600 FAX (914) 686-1440

- ☐ Joseph S. Petrillo, Esq.
- ☒ John M. Martin, Esq.
- ☐ Tyler Gablenz, Esq.
- ☐ Timothy Martin, Esq.
- ☐ Paras Kothari, Esq.



## CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security Instrument.

2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or Interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.

3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties Included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred In reliance hereon in undertaking in good faith [a] to comply with the requirements hereof, or [b] to eliminate exceptions shown in Schedule B, or [c] to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and Stipulations and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.

4. This Commitment is a contract to issue one or more title Insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

5 The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the insured as the exclusive remedy of the parties.

You may review a copy of tile arbitration rules at <http://www.alta.org/>.

# All New York Title Agency, Inc.

Title Number: **ANY2019-4607C**

Page 1

## Schedule A

Title Number: **ANY2019-4607C**

Effective Date: **11/18/2019**

---

ALTA Owner's Policy 2006 (with N.Y. Endorsement Modifications) **TBD**  
Proposed Insured: **TBD**

ALTA Loan Policy 2006 (with Endorsement Modifications) **TBD**  
Proposed Insured: **TBD, its successors and/or assigns**

---

The estate or interest in the land described or referred to in this Certificate and covered herein is:  
**Fee Simple**

Title to said estate or interest in said land at the effective date hereof is vested in:

**THE CITY OF NEW YORK (FEE TITLE)**

**I.S.J. MANAGEMENT CORP. (LEASEHOLD)**

**Source of Title: AS TO FEE TITLE:** Various Condemnation and In Rem Foreclosure proceedings vesting title in The City of New York.

**AS TO LEASEHOLD INTEREST:** Unrecorded Lease Agreement made by and between The City of New York, acting by and through the Commissioner of its Department of Ports and Trade and I.S.J. Management Corp., as evidenced by Memorandum of Lease between said parties recorded May 1, 1990 in Reel 1689 Page 1623. Affects premises herein and more.

Recertified Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Title Recertified In:

---

The land referred to in this Certificate is described as follows:

SCHEDULE "A" DESCRIPTION TO FOLLOW

---

Premises: **116-120 Delancey Street, New York, NY**  
County: **New York**  
City: **New York**  
Town:  
Village:  
Tax ID: **Block 353 Lot 44**

# **All New York Title Agency, Inc.**

Title Number: **ANY2019-4607C**

Page 1

## **SCHEDULE A DESCRIPTION**

**Legal Description to be provided upon receipt of survey.**



# All New York Title Agency, Inc.

Title Number: **ANY2019-4607C**

Page 1

## Schedule B

Hereinafter set forth are additional matters which will appear in our policy as exceptions from coverage unless disposed of to our satisfaction prior to the closing or delivery of the policy.

### **DISPOSITION**

1. Taxes, tax liens, tax sales, water charges, sewer rents and assessments as set forth herein.
2. Mortgages returned herein ( 0 ). Detailed statement herein.
3. Rights of tenants or persons in possession, if any
4. **Due to the increased number of returned/dishonored checks, this Company will not accept uncertified funds in excess of \$500.00 without prior authorization and or approval by a company officer.**

TITLE CLOSERS ARE NOT AUTHORIZED TO MAKE SUCH APPROVALS.

5. **NOTE:** If Power of Attorney is to be used in this transaction please contact this company prior to closing.
6. The exact name of the Purchaser to be disclosed to this Company prior to closing so that the necessary entity searches can be performed and appropriate entity exceptions can be raised.
7. Terms and Conditions of Unrecorded Lease Agreement made by and between The City of New York, acting by and through the Commissioner of its Department of Ports and Trade and I.S.J. Management Corp., as evidenced by Memorandum of Lease between said parties recorded May 1, 1990 in Reel 1689 Page 1623. Affects premises herein and more.
8. Mechanic's Lien dated 9/5/2019 filed 9/11/2019 in favor of MLE, lienor, against NYC DSBS and I.S.J. MANAGEMENT CORP. owner. Amount \$132,654.36. This Mechanic's lien must be discharged of record in the New York County Clerk's Office.
9. Proof is required to show that the conveyance of the premises described in Schedule 'A' herein has been duly authorized by The City of New York and is in compliance with The Administrative Code of New York City and applicable state law. The deed conveying the premises must contain a recital as to the same.

# All New York Title Agency, Inc.

Title Number: **ANY2019-4607C**

Page 2

10. Proof is required to show that the individual(s) executing the closing documents on behalf of the City of New York is (are) authorized to do so.
11. Effective May 1, 1990 all transactions where the consideration is \$400,000.00 or more require a copy of the contract of sale or closing statement attached to the Real Property Transfer Tax return.
12. NOTE: As of January 2015 the New York City Department of Environmental Protection ("DEP") borough offices are no longer involved in the appointment process for final meter readings and frontage reconciliations. All reading requests must now be phoned in to their Customer Service Center at 718-595-7000. The caller will be informed whether or not the DEP main office can handle the process directly. If a physical inspection is required, then an appointment date will be established.
13. Policy excepts all the terms, covenants, restrictions, easements and reservations contained in the deed to be insured, if any.
14. NOTE: If the tax search contained herein reflects open taxes, proof of payment is to be displayed at or prior to closing.
15. NOTE: All Municipal, Departmental and Street Reports are FOR INFORMATION ONLY. They are not insured and this Company assumes no liability for the accuracy thereof. They will not be continued to the date of closing.
16. Searches have been run in the Office of the County Clerk/Register for UCC(s), judgments and liens versus the name(s) THE CITY OF NEW YORK disclosing NO EFFECTIVE LIENS.
17. Searches have been run in the Office of the County Clerk/Register for UCC(s), judgments and liens versus the name(s) I.S.J. MANAGEMENT CORP., disclosing ONE (1) ENVIRONMENTAL CONTROL BOARD LIEN.
18. FOR INFORMATION ONLY: U.C.C. and federal tax lien searches have been performed with the New York Secretary of State against I.S.J. MANAGEMENT CORP. disclosing NO RETURNS as of 1/14/2020.
19. Survey Reading – see within.

# **All New York Title Agency, Inc.**

Title Number: **ANY2019-4607C**

Page 1

## **Survey Reading**

Until survey is received and read into title, policy will except any state of facts an accurate survey would show.

# All New York Title Agency, Inc.

Title Number: **ANY2019-4607C**

Page 1

## MORTGAGE SCHEDULE

---

### DISPOSITION

**NO RECORDED MORTGAGES OF RECORD.**



Researching Property Records of NYC Agencies • Since 1975

## TAX SEARCH

COMPANY: **ALL NEW YORK TITLE AGENCY, INC.**

DATE: **11/22/2019**

TITLE #: **ANY20194607C**

COUNTY: **MANHATTAN**

PREMISES: **116/120 DELANCEY STREET**

**A/K/A 96/124 ESSEX STREET**

SJC REF: **848110**

**A/K/A 119 RIVINGTON STREET**

BLOCK: **353**

LOT: **44**

SEC/VOL: **2/2**

2019/2020 A.V.: TAX CLASS: 4

TAX RATE: 10.514

BUILDING CLASS: K1 - ONE STORY RETAIL BUILDING

(TRANS.) LAND:	2,281,500	TOTAL:	4,424,400	EX.	0	EX.	4,424,400
----------------	-----------	--------	-----------	-----	---	-----	-----------

(ACTUAL) LAND:	2,281,500	TOTAL:	4,687,650	EX.	0	EX.	4,687,650
----------------	-----------	--------	-----------	-----	---	-----	-----------

REASON FOR EXEMPTION: PORTS TERMINALS

A.O.: NYC DSBS

WATER & SEWER RENT CHARGES ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION MAY BE PENDING. (SEE SEPARATE WATER DEPARTMENT SEARCH.)

2019/2020	TAX 1 1/2	DUE 07/01/19	TAX EXEMPT
-----------	-----------	--------------	------------

	TAX 2 1/2	DUE 01/01/20	TAX EXEMPT
--	-----------	--------------	------------

FIRE PREVENTION INSPECTION FEE

<u>ENTERED</u>	<u>AMOUNT</u>
06/01/19	140.00 OPEN
05/17/18	1,942.50 OPEN
02/14/18	285.00 OPEN
08/18/17	735.00 OPEN
05/16/17	367.50 OPEN
05/16/17	1,942.50 OPEN



Researching Property Records of NYC Agencies • Since 1975

<u>ILLUMINATED SIGN</u>	<u>ENTERED</u>	<u>AMOUNT</u>
	06/01/19	159.00 OPEN
	06/01/19	100.00 OPEN
	02/14/18	100.00 OPEN
	02/14/18	159.00 OPEN
	02/10/17	100.00 OPEN
	02/10/17	159.00 OPEN
	04/06/16	100.00 OPEN
	04/06/16	159.00 OPEN

<u>TAX COMMISSION FEE</u>	<u>ENTERED</u>	<u>TAX DUE</u>
	06/01/19	175.00 OPEN
	05/29/18	175.00 OPEN
	05/26/15	175.00 OPEN

**NOTE: REUC 1456 & 1456 - E69 FOUND ON LOT # 44 REDESIGNATED AS BLOCK 81456 LOT 16**  
SUBJECT TO CONTINUATION PRIOR TO CLOSING. NOTHING ELSE FOUND.

#### IMPORTANT NOTICE ABOUT SEARCH INFORMATION

Some of the items returned hereon may have been paid but payment not officially posted. Receipts of such items should be produced on closing. This commitment includes such unpaid taxes, water and sewer charges and other matters relating to taxes which are indexed, as of the date of this commitment, against the above block & lot on the official records of the Department of Finance, Office of the City Collector. No responsibility is assumed for any error or omissions on the record nor any taxes levied after the date of this commitment. If a tax exemption is noted above, same may terminate on the date when premises are conveyed by the certified owner, and the full tax rate thereupon be reinstated. Our tax search does not cover any part of the street on which the premises to be insured about.



# NYC Digital Tax Map

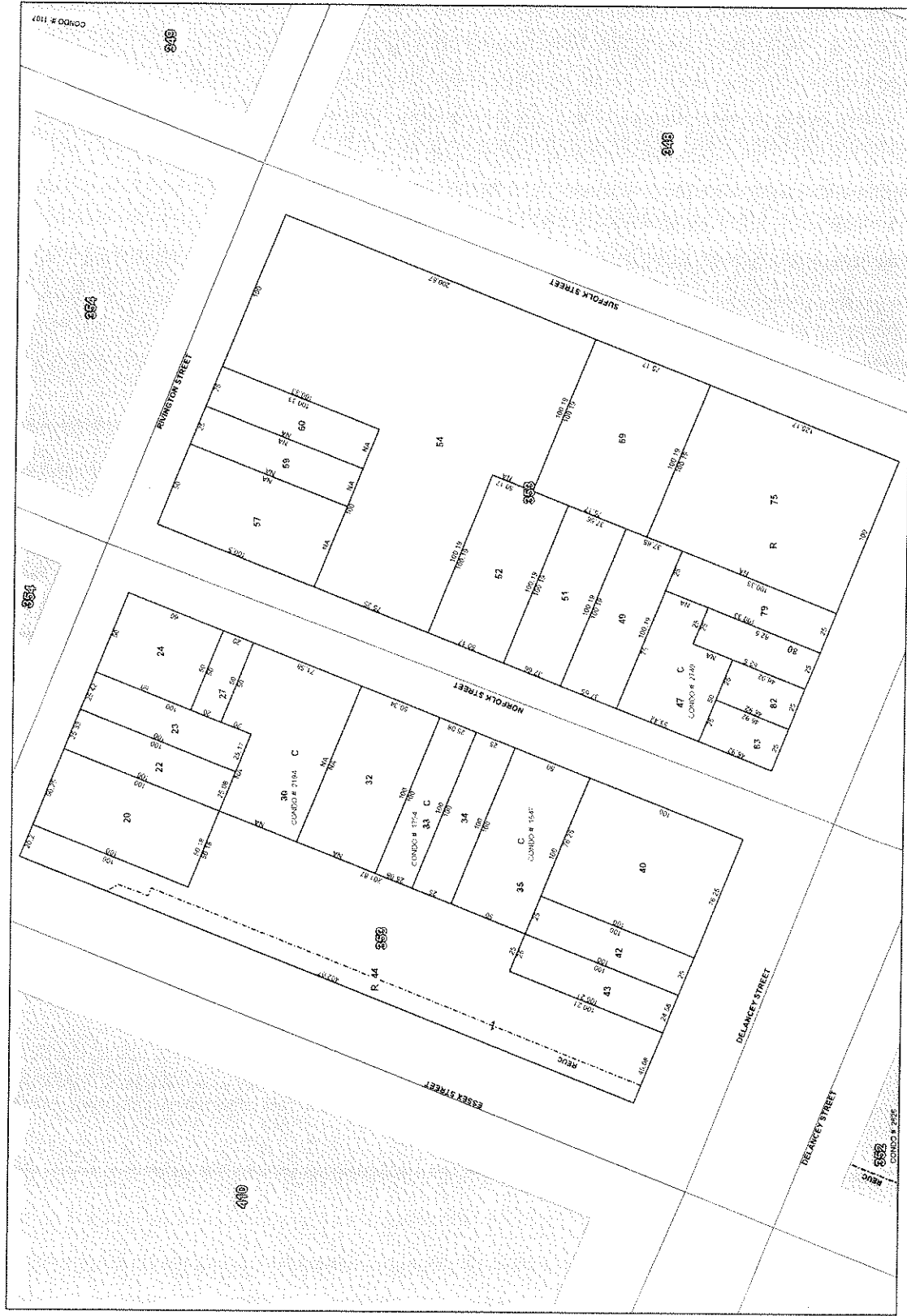
Effective Date : 11-28-2018 15:09:55

End Date : Current

Manhattan Block: 353



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



0 10 20 30 40 Feet



Researching Property Records of NYC Agencies • Since 1975

## TAX SEARCH

COMPANY: **ALL NEW YORK TITLE AGENCY, INC.**

DATE: **11/25/2019**

TITLE #: **ANY20194607C**

COUNTY: **MANHATTAN**

PREMISES: **NONE DELANCEY STREET**

**A/K/A**

SJC REF: **848198**

**A/K/A**

BLOCK: **81456**

LOT: **16**

SEC/VOL: **1/1**

2019/2020 A.V.: TAX CLASS: 4

TAX RATE: 10.514

BUILDING CLASS: U 0 - NYC TRANSIT

(TRANS.) LAND:	22,881,114	TOTAL:	744,319,314	EX.	0	EX.	744,319,314
----------------	------------	--------	-------------	-----	---	-----	-------------

(ACTUAL) LAND:	22,881,600	TOTAL:	744,319,800	EX.	0	EX.	744,319,800
----------------	------------	--------	-------------	-----	---	-----	-------------

REASON FOR EXEMPTION: MTA - NYC TRANSIT

A.O.: NYC TRANSIT

WATER & SEWER RENT CHARGES ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION MAY BE PENDING. (SEE SEPARATE WATER DEPARTMENT SEARCH.)

2019/2020	TAX 1 1/2	DUE 07/01/19	TAX EXEMPT
	TAX 2 1/2	DUE 01/01/20	TAX EXEMPT

**NOTE: R.E.U.C. 1456 & 1456-E69, REDESIGNATED AS BLOCK 81456 LOT 16 NYC TRANSIT AUTHORITY**

SUBJECT TO CONTINUATION PRIOR TO CLOSING. NOTHING ELSE FOUND.

### IMPORTANT NOTICE ABOUT SEARCH INFORMATION

Some of the items returned hereon may have been paid but payment not officially posted. Receipts of such items should be produced on closing. This commitment includes such unpaid taxes, water and sewer charges and other matters relating to taxes which are indexed, as of the date of this commitment, against the above block & lot on the official records of the Department of Finance, Office of the City Collector. No responsibility is assumed for any error or omissions on the record nor any taxes levied after the date of this commitment. If a tax exemption is noted above, same may terminate on the date when premises are conveyed by the certified owner, and the full tax rate thereupon be reinstated. Our tax search does not cover any part of the street on which the premises to be insured about.



REF848115

<u>SEQ/BLK/LOT</u>	<u>Type</u>	<u>Start</u>	<u>End</u>	<u>County</u>	<u>Hts</u>	<u>Rm Date</u>
353-44	MECHANIC'S LIENS	6/1/1987	11/25/2019	MANHATTAN	1	11/26/2019

03 - MECHANICS LIEN BOOK INQUIRY  
Request Judgment Copy

CTRL NO: 003907345 - 01

DEBTORS: 01

Docket Date: 09/11/2019

EFFECTIVE DATE: 09/11/2019 ENDING: 09/11/2020

CLERK / SEQ# : RSAVINON 013

BLOCK: 00353 LOT: 00044

TYPE: ML - MECHANICS LIEN

COUNTY: 31 NEW YORK (MANHATTAN)

COURT: NONE

INDEX NUMBER: 130

**DEBTOR**

Nyc Dsbs  
120 ESSEX STREET  
NEW YORK NY 10002

**CREDITOR**

Mie  
540 W LAMONT RD  
ELMHURST IL 60126

Rpi Industries  
220 ROUTE 70 STE A  
00000

**AMOUNT: \$132,654.36 OPEN****REMARKS:** 09/11/2019 - AFFIDAVIT OF SERVICE #2140

Recording Requested by MLE  
Please Return To the MLE  
c/o Mail Center  
9450 SW Gemini Dr #7790  
Beaverton, Oregon 97008-7105  
Reference ID: 2661605

SPACE ABOVE FOR RECORDER'S USE

## **NOTICE UNDER MECHANIC'S LIEN LAW FOR ACCOUNT OF PRIVATE IMPROVEMENT**

TO THE CLERK OF THE COUNTY OF New York County, STATE OF NEW YORK,  
AND TO ALL OTHERS WHOM IT MAY CONCERN:

**Lienor**

MLE  
540 W Lamont Rd  
Elmhurst, Illinois 60126  
(630) 422-1790

Company is a: Corporation (Inc)

If a corporation formed outside New York, the  
company's principal address in New York is:

If a Partnership, the names of the Partners are:

**Property Owner**

NYC DSBS  
110 William St  
New York, New York 10038

**Tenant**

I.S.J. Management Corp  
110 W 34th Street  
New York, New York 10001  
I.S.J. MANAGEMENT CORP.  
C/O: ISAAC JEMAL 545 5TH AVE SUITE 1103  
New York, New York 10017

Upon information and belief the listed property  
owner owns 100% of the Property in fee simple  
unless otherwise described herein.

**Hiring Party**

RPI Industries  
220 Route 70, suite A

**Services:** The lien is claimed for the following  
labor, services, equipment or materials:

Installation of Millwork

**Property Liened ("Property")**

State of New York  
County: New York County

120 Essex Street  
New York, New York 10002

**Legal Property Description:**

Town of: MANHATTAN MANHATTAN, Block:  
353, Lot: 44

**Agreed Price for Services:** \$132,654.36

**Amount Unpaid For Services and Total  
Amount For Which Lien Is Filed:**  
\$132,654.36

**First Date Services Furnished:** September 18,  
2018

**Last Date Services Furnished:** February 01,  
2019

002322

Medford, New Jersey 08055

A02140

**NOTICE IS HEREBY GIVEN** that Lienor, undersigned, has and claims a mechanic's lien pursuant to the Lien Law of the State of New York, on the real property above-described and identified as the Property.

The name and identity of the lienor is above-indicated as the Lienor. The name of the owner of the Property against whose interests therein Lienor claims a lien is above-identified as the Property Owner, and his interest therein, so far as is known to the lienor is the sole owner of the Property, unless multiple Property Owners are above-listed, in which case these are the owners of the property together or in the alternative, so far as is known to the lienor.

The name and identity of the party with whom the contract was made by Lienor and pursuant to which the labor was performed and the materials were furnished is above-identified as the Hiring Party. The contract made between the Lienor and the Hiring Party provided that the above-described Services were to be furnished to the Property.

The agreed price for the Services is above-identified as the Agreed Price for Services. After consideration of all offsets, adjustments, additions or deletions to the work, and just credits, the amount unpaid to the Lienor and now due and owing is above-identified as the Unpaid Amount.

The statements and matters within this notice Under Mechanic's Lien Law for Account of Private Improvement are alleged upon information and belief

State Of: LOUISIANA  
County Of: ORLEANS

**Notary:** On the date indicated hereon, Thomas Travis, agent for Lienor, personally came and appeared before me and voluntarily executed this instrument in the agent's stated capacity. The deponent says that s/he has read the foregoing notice under mechanic's lien law for account of private improvement and knows the contents thereof, and that as the appointed agent for the Lienor the deponent has been provided the information indicated in this notice, and that the same is true upon the deponent's information, knowledge and belief.

I, the undersigned, as a disclosed and authorized agent of the Claimant, state that I have read the foregoing Claim of Lien, that I have been provided information regarding the facts and contents therein, and that based thereupon, upon information and belief believe them to be true.

Name of Claimant:  
MLE

Signed:

Claimant, by Authorized and Disclosed Agent for MLE  
Print Name: Thomas Travis

Sworn to and subscribed before me, Notary Public, on Date: September 05, 2019  
the below date:

Signed:

Notary Public

Date: September 05, 2019



FILED  
COUNTY CLERK  
N.Y. COUNTY  
SEP 11 PM 12:17

002322

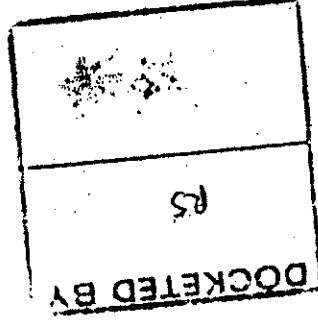
A02140

002322  
FILED  
COUNTY CLERK  
H.Y. COUNTY

2019 SEP 11 PM12:17

New York County Clerk's Office  
Paym 776537 09/11/2019 12:20  
Cashier TLTRAINER Register #1

Tr.1013802	\$5.00
Affidavit of Service -----	
RM 109B FILING MECHANIC LIEN #236	31133
2 & AFFIDAVIT #2140 FOR ABCLEG	1
Tr.1013801	\$30.00
Mechanics Lien -----	
RM 109B FILING MECHANIC LIEN #236	31119
2 & AFFIDAVIT #2140 FOR ABCLEG	1
Total:	\$35.00
Check	\$35.00



705110

Lease

REEL 1689261623

MEMORANDUM OF LEASE

**Date:** Lease commences as of April 1, 1990.

**Landlord:** The City of New York, acting by and through the Commissioner of its Department of Ports and Trade, having an office at Battery Maritime Building, Foot of Whitehall Street, New York, New York 10004.

**Tenant:** I.S.J. Management Corp., a New York Corporation, having an office at 110 West 34th Street, New York, New York 10001.

**Leased Premises:** Essex Street Market, identified on the Tax Map of the borough of Manhattan as Block 352, lot 1; Block 353, lot 44; and Block 354, lots 1 and 12. \*

**Initial Lease Term:** April 1, 1990, through March 31, 2020.

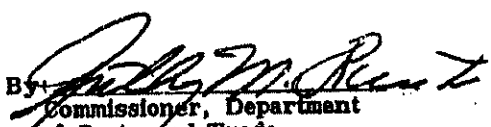
**Renewal Term:** One renewal option, exercisable between October 1, 2018, and April 1, 2019, for a nineteen year renewal term commencing April 1, 2020, and expiring March 31, 2039.

\* Known respectively by the Street Addresses of  
80-90 Essex St. ;  
116-120 Delancey St. ; and  
140 Essex St. and  
121 Stanton St.

ATTEST:

THE CITY OF NEW YORK

  
City Clerk

By:   
Commissioner, Department  
of Ports and Trade

-Seal-

I.S.J. Management Corp.

By: 

SAMUEL J. JEMAZ  
Print Name and Title

Approved as to form:

  
Acting Corporation Counsel

REEL 1689PG1625

MM-30637  
80-90 ESSEX STREET

A

ALL that certain lot, piece or parcel of land, situate, lying and being in the  
Borough of Manhattan, County of New York, City and State of New York, known and  
designated as Lot 1 in Block 352, Lot 44 Block 353, Lots 1 & 12 Block 354,  
Section 2.



REEL 1689PG1626

MTM-30637

MEMORANDUM OF LEASE

①

NEW YORK CITY  
DEPARTMENT OF PORTS AND TRADE,  
LANDLORD,

to

I.S.J. MANAGEMENT CORP.,

TENANT.

Premises: Essex Street Market

Record and Return to:

Keith Schutzman, Esq.  
Robinson, Silverman, Pearce, Aronsohn & Berman  
1290 Avenue of The Americas  
New York, NY 10104

*(orig. & amp)*

REEL 1689PG1627

STATE OF NEW YORK )  
COUNTY OF NEW YORK ) SS.:

On this 13th day of March, 1990, before me personally came Samuel J. Jena <sup>who resides at 110 E. 34th St. New York City</sup>, known to me to be a person whose name is subscribed to the foregoing instrument, and known to me to be the Vice President of I.S.J. Management Corp., a New York Corporation, and acknowledged and swore to me that he signed, executed and delivered this instrument as the Vice President of I.S.J. Management Corp. for and on behalf of I.S.J. Management Corp.

Victoria Anne Federgreen  
Notary Public

VICTORIA ANNE FEDERGREEN  
Notary Public, State of New York  
No. 31-4843883  
Qualified in New York County  
Commission Expires June 30, 1991

STATE OF NEW YORK )  
                              : SS.:  
COUNTY OF NEW YORK )

On this 12<sup>th</sup> day of March, 1970, before me personally came Anthony M. Riccio Jr. to me known and known to me to be Commissioner of THE NEW YORK CITY DEPARTMENT OF PORTS AND TRADE and the same person who executed the foregoing instrument on behalf of The City of New York as said Commissioner pursuant to the authority vested in him by resolution of the Board of Estimate, dated December 21, 1969 (Calendar No. 108).

  
Notary Public

JOHN JODY LEE  
Notary Public, State of New  
York, No. 41-4821762  
Qualified in Queens County  
Commission Expires April 30, 1970

STATE OF NEW YORK )  
COUNTY OF NEW YORK ) SS.:

On this 13<sup>th</sup> day of March, 1990, before me personally came CARLOS CUEVAS with whom I am personally acquainted and known to me to be the City Clerk of the City of New York, who being by me duly sworn, did depose and say that he resides at 750 Kappock Street, Bronx, New York 10463; that he is the City Clerk of the City of New York, the municipal corporation described in and which executed the foregoing instrument; that he knows the seal of said municipal corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed as provided by law, and that he signed his name thereto as City Clerk by like authority.

*Marianne Snow*  
MARIANNE SNOW  
Commissioner of Deeds  
City of New York - No. 2-6888  
Certificate filed in New York County  
Commission Expires March 1, 1991

Notary Public

These Exemptions

REAL ESTATE

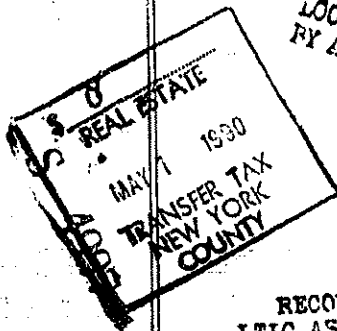
887

887

2224

EXTRA BLOCK

EXTRA LOTS



RECORDED BY  
LTIC ASSOC., INC.  
32 EAST 39th STREET  
NEW YORK, N.Y. 10018  
899-2170

RECORDED IN NEW YORK CITY

OFFICE OF THE CITY REGISTER

1990 MAY -1 A 11:02

CITY REGISTER

REEL 1689 PG 1630

MTM - 30637

10217

COUNTY OF NEW YORK

Block 352

Lot 1

Premises: 80-90 Essex St.

AND

Block 353

Lot 44

Premises: 116-120 Delancey St.

AND

Block 354

Lot 1

Premises: 140 Essex St.

AND

Block 354

Lot 12

Premises: 121 Stanton St.

Record and Return To:

Keith Schutzman, Esq.  
ROBINSON, SILVERMAN et al.  
1290 Sixth Ave.

283815  
\$38.00  
283816  
\$11.00

REF848115

<u>NAME</u>	<u>Type</u>	<u>Start</u>	<u>End</u>	<u>County</u>	<u>Hits</u>	<u>Run Date</u>
ISJ M,	ECB	1/1/1999	11/30/2019	ALL COUNTIES	1	1/7/2020
Isj Mgmt Corp		<b>ECB Viol No.</b> 11437486H		<b>JUDGMENT DATE:</b> 07/10/15		
163-05 JAMAICA AVE		<b>DECISION DATE:</b> 05/26/15		Original Amount: \$1,000.00 Interest: \$392.05		
11432		<b>ECB BOOK DATE:</b> 08/31/15		Total Due: \$1,392.05 Good to 1/7/2020		



March 29, 2022

Kelly A. Lewandowski  
Site Control Section  
New York State Department of Environmental Conservation  
650 Broadway 11th Floor  
Albany, New York 12233

Re: Proof of Access for Essex Crossing Site 9  
Development Site: 120 Essex Street, New York, NY 10002 (Manhattan Block  
353, Lot 44)

Dear Ms. Lewandowski:

I am writing with regard to Site 9 DSA Owner LLC's ("DSA") application to the Brownfield Cleanup Program ("BCP"), with respect to the property located at, and known as, 120 Essex Street, New York, NY (the "Development Site"), in order to perform certain work required for the BCP.

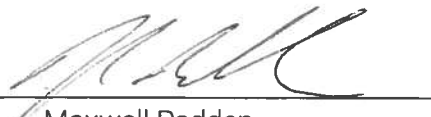
The Development Site is currently owned by the City of New York (the "City") and managed by New York City Economic Development Corporation ("NYCEDC"). In connection with the City's desire to encourage the redevelopment of the Development Site, NYCEDC issued a request for proposals and selected DSA as the designated developer for such redevelopment. DSA has entered into a contract of sale and is working toward the closing of title and commencement of remediation and construction in or about 2022.

The City (through its Department of Small Business Services) has agreed to provide DSA with pre-closing site access to conduct all necessary investigation activities. Upon closing of title, DSA will own the Development Site and will therefore have rights to conduct all remedial work and place the necessary environmental easements required by DEC under the BCP.

Please accept this letter to serve as proof of Development Site access requested in the BCP application.

If you have any questions, please feel free to contact John Raymond, NYCEDC's Project Manager, at [jraymond@edc.nyc](mailto:jraymond@edc.nyc) or 212-312-3789.

Sincerely,

By:   
Maxwell Padden  
Senior Vice President

## **ATTACHMENT G**





**AKRF, Inc.**  
**Environmental, Planning, and Engineering Consultants**  
440 Park Avenue South, 7<sup>th</sup> Floor  
New York, NY 10016  
tel: (212) 696-0670  
fax: (212) 213-3191  
[www.akrf.com](http://www.akrf.com)

April 21, 2020

Manhattan Community Board 3  
59 East 4<sup>th</sup> Street  
New York, NY 10003

Re: Document Repository  
120 Essex Street, New York, NY 10002

To Whom It May Concern:

AKRF, Inc. is submitting a New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Application on behalf of Site 9 DSA Owner LLC for the project site "Essex Crossing Site 9", located at 120 Essex Street, New York, NY 10002. As required by the NYSDEC, the Manhattan Community Board 3 will be the repository to which all pertinent documents generated for this project will be sent. Please understand that these documents will have to be made available to the public when requested until the NYSDEC determines that these documents are no longer needed. Please signify your understanding and agreement by signing below and returning a copy of the signed letter via email to [asharma@akrf.com](mailto:asharma@akrf.com). Please call me at 646-388-9865 with any questions. Thank you.

Preferred Method of Document Receipt:

☐ Hard Copies ☒ Electronic Copies ☐ CD

Sincerely,  
AKRF, Inc.

A handwritten signature in black ink, appearing to read 'Ashutosh Sharma'.

Ashutosh Sharma  
Technical Director

ACKNOWLEDGED AND ACCEPTED:

A handwritten signature in black ink, appearing to read 'Susan Stetzer'.

District Manager, April 23, 2020



**AKRF, Inc.**  
**Environmental, Planning, and Engineering Consultants**  
440 Park Avenue South, 7<sup>th</sup> Floor  
New York, NY 10016  
tel: (212) 696-0670  
fax: (212) 213-3191  
[www.akrf.com](http://www.akrf.com)

May 18, 2021

Seward Park Library  
192 East Broadway  
New York, NY 10002

Re: Document Repository  
120 Essex Street, New York, NY 10002

To Whom It May Concern:

AKRF, Inc. is submitting a New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Application on behalf of Site 9 DSA Owner LLC for the project site "Essex Crossing Site 9", located at 120 Essex Street, New York, NY 10002. As required by the NYSDEC, the Seward Park Library will be the repository to which all pertinent documents generated for this project will be sent by the preferred method indicated below. Please understand that these documents will have to be made available to the public when requested via digital download link until the NYSDEC determines that these documents are no longer needed or December 31, 2026, whichever comes first. Please signify your understanding and agreement by signing below and returning a copy of the signed letter via email to [asharma@akrf.com](mailto:asharma@akrf.com). Please call me at 646-388-9865 with any questions. Thank you.

Preferred Method of Document Receipt:

☐ Hard Copies ☒ Electronic Copies ☐ CD

Sincerely,  
AKRF, Inc.

Ashutosh Sharma  
Technical Director

ACKNOWLEDGED AND ACCEPTED:

Name

Title

Signature