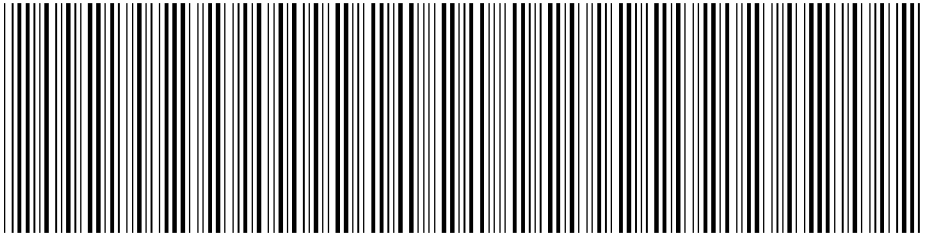


**NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER**

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**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 8**

**Document ID: 2017112200606001**  
Document Type: SUNDRY AGREEMENT  
Document Page Count: 7

Document Date: 11-15-2017

Preparation Date: 11-22-2017

**PRESENTER:**

JOSE ALMANZAR  
PERICONI, LLC  
260 MADISON AVENUE, 15TH FL.  
NEW YORK, NY 10016  
212-213-5500  
JALMANZAR@PERICONI.COM

**RETURN TO:**

JOSE ALMANZAR  
PERICONI, LLC  
260 MADISON AVENUE, 15TH FL.  
NEW YORK, NY 10016  
212-213-5500  
JALMANZAR@PERICONI.COM

**PROPERTY DATA**

Borough	Block	Lot	Unit	Address
BROOKLYN	2266	45	Entire Lot	N/A GERRY STREET
<b>Property Type:</b> RESIDENTIAL VACANT LAND				

**CROSS REFERENCE DATA**

CRFN: 2015000140670

**PARTIES**

**PARTY 1:**  
OHOLEI SHLOMA  
517 FLUSHING AVENUE  
BROOKLYN, NY 11205

**FEES AND TAXES**

**Mortgage :**

Mortgage Amount:	\$	0.00
Taxable Mortgage Amount:	\$	0.00
Exemption:		
TAXES: County (Basic):	\$	0.00
City (Additional):	\$	0.00
Spec (Additional):	\$	0.00
TASF:	\$	0.00
MTA:	\$	0.00
NYCTA:	\$	0.00
Additional MRT:	\$	0.00
<b>TOTAL:</b>	<b>\$</b>	<b>0.00</b>

**Filing Fee:**

Filing Fee:	\$	0.00
NYC Real Property Transfer Tax:	\$	0.00
NYS Real Estate Transfer Tax:	\$	0.00

**RECORDED OR FILED IN THE OFFICE**

**OF THE CITY REGISTER OF THE**

**CITY OF NEW YORK**

Recorded/Filed 11-29-2017 09:53  
City Register File No.(CRFN):  
**2017000436670**



*Annette McMill*

**City Register Official Signature**

Recording Fee:	\$	EXEMPT
Affidavit Fee:	\$	0.00

## DECLARATION of COVENANTS and RESTRICTIONS

**THIS COVENANT** is made the 15 day of November 2017, by Oholei Shloma, a corporation organized and existing under the laws of the State of New York (religious corporation) and having an office for the transaction of business at 517 Flushing Avenue, Brooklyn, New York 11205.

**WHEREAS**, Operable Unit #3 of Pfizer Sites B and D (Site #V00350) is the subject of a Voluntary Cleanup Agreement executed by Pfizer Inc. (to which Oholei Shloma and YGS, Inc. f/k/a Congregation YGS were added as Volunteers by amendment dated September 19, 2012, VCA Index #D2-0010-0703, Amendment #2) as part of the New York State Department of Environmental Conservation's (the "Department's") Voluntary Cleanup Program, namely that parcel of real property known as Brooklyn Block 2266, Lots 45, 46, 47, 48, 49 and 50 ("Site #V00350 Lots") in the City of New York, County of Kings, State of New York.

**WHEREAS**, Oholei Shloma c/o SYM Realty Management, 517 Flushing Avenue, Brooklyn, NY 11205 obtained a portion of Site #V00350, namely that parcel of real property located on Gerry Street, Borough of Brooklyn, City of New York, County of Kings, and State of New York and identified as Block 2266, Lot 45 through a subdivision of the of the previous parcel identified as Block 2266, Lot 46, confirmed by a deed dated March 12, 2015 and recorded on April 27, 2015 in the City Register of the City of New York in Instrument No. 2015000140670, and being more particularly described in Schedule "A," attached to this declaration and made a part hereof, and hereinafter referred to as "the Property";

**WHEREAS**, a Declaration of Covenants and Restrictions was recorded on October 20, 2016 as to Brooklyn Block 2266, Lots 46, 47, 48, 49 and 50 in the City of New York, County of Kings, State of New York, recording engineering controls on all Site #V00350 Lots excepting Lot 45; and

**WHEREAS**, the Department approved a remedy to eliminate or mitigate all significant threats to the environment presented by the contamination disposed at the Property as to all lots comprising Site #V00350 and such remedy requires that the Property be subject to restrictive covenants.

**NOW, THEREFORE**, Oholei Shloma, for itself and its successors and/or assigns, covenants that:

First, the Property subject to this Declaration of Covenants and Restrictions is as shown on a map attached to this declaration as Schedule "B" and made a part hereof.

Second, unless prior written approval by the Department or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the

environment of the State and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first obtained, where contamination remains at the Property subject to the provisions of the Site Management Plan ("SMP"), there shall be no construction, use or occupancy of the Property that results in the disturbance or excavation of the Property which threatens the integrity of the engineering controls or which results in unacceptable human exposure to contaminated soils. The SMP may be obtained from the New York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233.

Third, the owner of the Property shall not disturb, remove, or otherwise interfere with the installation, use, operation, and maintenance of engineering controls required for the Remedy, which are described in the SMP, unless in each instance the owner first obtains a written waiver of such prohibition from the Department or Relevant Agency.

Fourth, the owner of the Property shall prohibit the Property from ever being used for purposes other than for **Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii), Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv)** without the express written waiver of such prohibition by the Department or Relevant Agency.

Fifth, the use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the New York City Department of Health and Mental Hygiene to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department.

Sixth, the owner of the Property shall provide a periodic certification, prepared and submitted by a professional engineer or environmental professional acceptable to the Department or Relevant Agency, which will certify that the institutional and engineering controls put in place are unchanged from the previous certification, comply with the SMP, and have not been impaired.

Seventh, the owner of the Property shall continue in full force and effect any institutional and engineering controls required for the Remedy and maintain such controls, unless the owner first obtains permission to discontinue such controls from the Department or Relevant Agency, in compliance with the approved SMP, which is incorporated and made enforceable hereto, subject to modifications as approved by the Department or Relevant Agency.

Eighth, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property, and shall provide that the owner and its successors and assigns consent to enforcement by the Department or Relevant Agency of the prohibitions and restrictions that the Voluntary Cleanup Agreement requires to be recorded, and hereby covenant not to contest the authority of the Department or Relevant Agency to seek enforcement.

Ninth, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Department or Relevant Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

IN WITNESS WHEREOF, the undersigned has executed this instrument the day written below.

By: [Signature]

Print Name: Shlomo Moskowitz

Title: IRS Date: 11/15/17

**Grantor's Acknowledgment**

STATE OF NEW YORK )  
 ) s.s.:  
COUNTY OF New York )

On the 11 day of November, in the year 2017, before me, the undersigned, personally appeared Shlomo Moskowitz, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Jose A. Almanzar  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 02AL6277648  
Qualified in Westchester County  
Commission Expires 3/18/21

[Signature]  
Notary Public State of New York

## SCHEDULE "A"

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

BEGINNING at a point on the northwesterly side of Gerry Street distant 325 feet northeasterly from the corner formed by the intersection of the northwesterly side of Gerry Street with the northeasterly side of Harrison Avenue;

RUNNING THENCE northwesterly approximately parallel with Harrison Avenue, 100 feet;

THENCE northeasterly approximately parallel with Gerry Street, 25 feet;

THENCE southwesterly along the northwesterly side of Gerry Street, 25 feet to the point or place of BEGINNING;

Note: Address, Block & Lot shown for informational purposes only  
Designated as Block 2266, New Lot 45 (formed from Old Lot 46).  
Street Address: No # Gerry Street, Brooklyn, NY 11206

**SCHEDULE "B"**

NYSDEC DEED RESTRICTION AREA  
 ENGINEERING CONTROL AREA (SITE COVER SYSTEM CONCRETE/ASPHALT)  
 ENGINEERING CONTROL AREA (SITE COVER SYSTEM ASPHALT)  
 ENGINEERING CONTROL AREA (SITE COVER SYSTEM CONCRETE)

**THE ENGINEERING/INSTITUTIONAL CONTROLS**  
 For this Deed restriction are set forth in more detail in the Site Management Plan ("SMP"). A copy of the SMP must be obtained by any party with an interest in the property. The SMP may be obtained from the New York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at [derweb@gw.dec.state.ny.us](mailto:derweb@gw.dec.state.ny.us).

**Schedule A**  
 Legal Description for Section 8 Block 2266 Lot 45, NYSDEC Deed restriction area Engineering Control Area

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

BEGINNING at a point on the northwesterly side of Gerry Street distant 325 feet northeasterly from the corner formed by the intersection of the northwesterly side of Gerry Street with the northeasterly side of Harrison Avenue;

RUNNING THENCE northwesterly approximately parallel with Harrison Avenue, 100 feet;

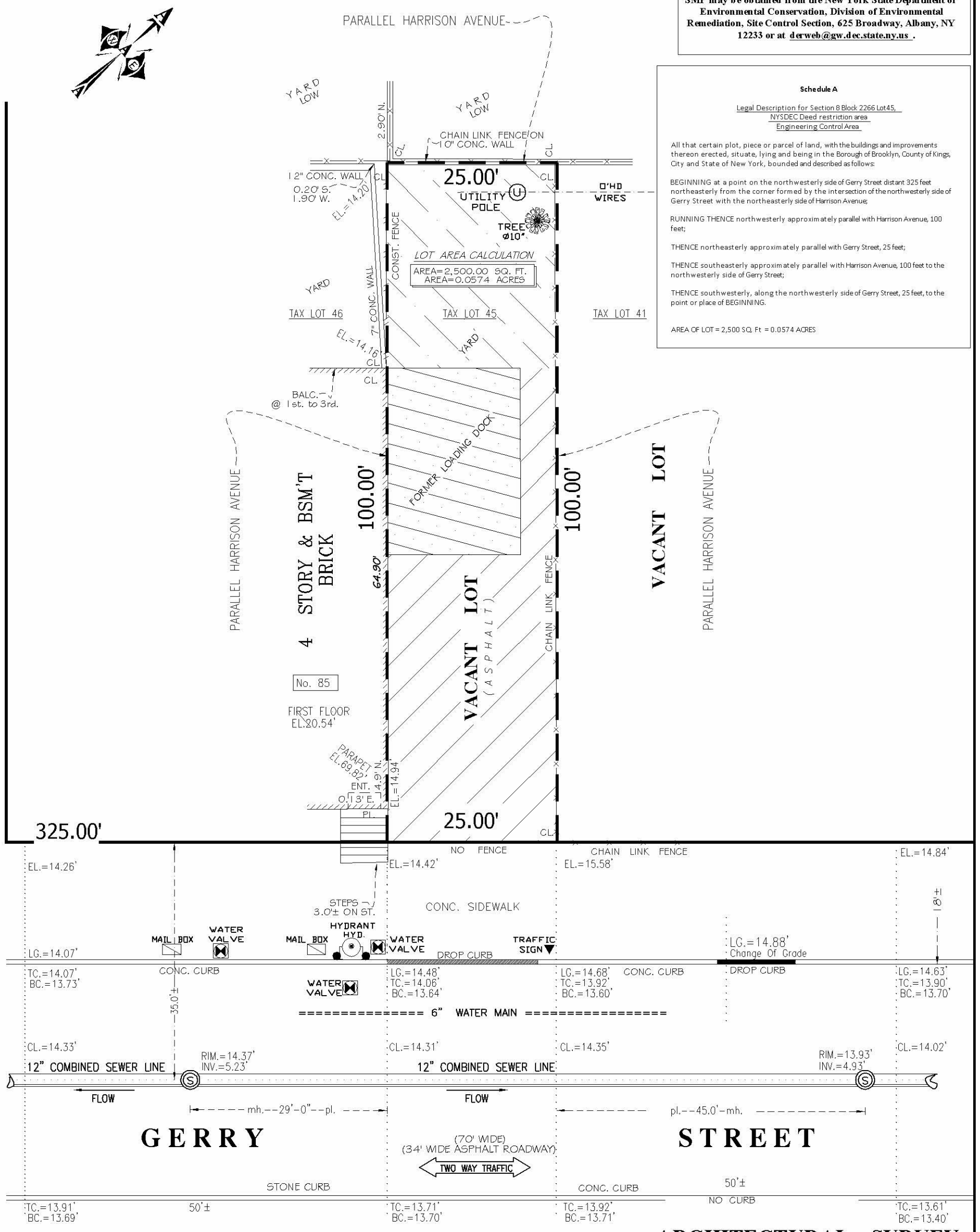
THENCE northeasterly approximately parallel with Gerry Street, 25 feet;

THENCE southeasterly approximately parallel with Harrison Avenue, 100 feet to the northwesterly side of Gerry Street;

THENCE southwesterly, along the northwesterly side of Gerry Street, 25 feet, to the point or place of BEGINNING.

AREA OF LOT = 2,500 SQ. Ft = 0.0574 ACRES

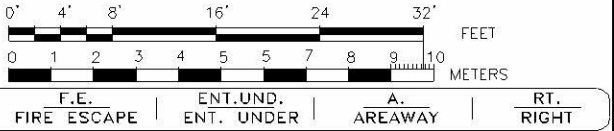
**HARRISON AVENUE**  
 (70' WIDE)  
 (40' WIDE ASPHALT ROADWAY)



**ARCHITECTURAL SURVEY**

CAUTION: BEFORE PERFORMING ANY DIGGING OR DRILLING ON THIS SITE, IT IS REQUIRED THAT SUBSURFACE SERVICES, INCLUDING THE UNDERGROUND MAINS BE MARKED AND IDENTIFIED BY THE UTILITY INVOLVED IN COMPLIANCE WITH INDUSTRIAL CODE 53 OF NEW YORK STATE.

- 1) ALL ELEVATIONS REFER TO NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), WHICH IS 1.10 FEET ABOVE NATIONAL GEODETIC SURVEY DATUM AT SANDY HOOK NEW JERSEY.
- 2) LEGAL GRADES (NAVD88) REFER TO CENTER OF RIGHT WAY IN QUEENS; FOR MANHATTAN, BRONX, BROOKLYN & RICHMOND REFER TO CURB LINE TAKEN AT PROJECTION OF PROPERTY LINE.
- 3) UNDERGROUND UTILITY INFORMATION SHOWN WAS OBTAINED FROM VARIOUS COMPANIES AND CITY AGENCIES AND IS NOT GUARANTEED FOR ACCURACY OR COMPLETENESS.
- 4) THIS IS TO CERTIFY THAT THERE ARE NO APPARENT STREAMS NATURAL WATER COURSES IN THE PROPERTY AS SHOWN ON THIS SURVEY.



Certified Only To: NYSDEC

**NYSDEC SITE No. V0350-2**  
**N/A GERRY STREET**  
 EASTER PORTION OF PFIZER SITE 'B'  
 PART OF OV-2

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S INKED SEAL OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY. GUARANTEES 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. GUARANTEES OR CERTIFICATION ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SURVEYED :	MARCH 16, 2017
UPDATED :	UPDATED :
SCALE:	1"=15'
BLOCK:	2266
LOT(S):	45
SECTION:	8
COUNTY:	KINGS
DWG BY:	AAA-J



**AAA GROUP**  
 LAND SURVEYORS SERVICES  
**139 LORIMER STREET**  
**BROOKLYN, N.Y. 11206**  
 TEL (718) 387-9800, FAX 384-5050

CL. CLEAR    L.A. LOW AREA    W.W. WINDOW WELL    C.D. CELLAR DOOR    R.C. RAISED CONCRETE