

**177 HARRISON AVENUE  
BROOKLYN, NEW YORK**

**SITE B - OPERABLE UNIT 2**

**Block 2266, Lot 52**

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**Construction  
Completion Report Addendum**

**NYSDEC VCP Site No. V00350-2**

*Prepared For:*

Congregation YGS  
174 Rodney Street  
Brooklyn, New York 11211

*Prepared by:*



**AMC Engineering PLLC**  
18-36 42<sup>nd</sup> Street  
Astoria, NY 11105  
718 545-0474

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**FEBRUARY 2018**  
*Revised June 2018*

## CERTIFICATIONS

I certify that this Construction Completion Report Addendum was prepared in accordance with all applicable statutes and regulations and in substantial conformance with the DER Technical Guidance for Site Investigation and Remediation (DER-10).

I certify that the data submitted to the Department with this Construction Completion Report demonstrates that the remediation requirements set forth in the Remedial Action Work Plan and in all applicable statutes and regulations have been achieved in accordance with the time frames, if any, established for the remedy.

I certify that all use restrictions, Institutional Controls, Engineering Controls, and/or any operation and maintenance requirements applicable to the Site are contained in an environmental easement created and recorded pursuant ECL 71-3605 and that all affected local governments, as defined in ECL 71-3603, have been notified that such easement has been recorded.

I certify that a Site Management Plan has been submitted for the continual and proper operation, maintenance, and monitoring of all Engineering Controls employed at the Site, including the proper maintenance of all remaining monitoring wells, and that such plan has been approved by Department

I certify that all documents generated in support of this report have been submitted in accordance with the DER's electronic submission protocols and have been accepted by the Department.

I certify that all data generated in support of this report have been submitted in accordance with the Department's electronic data deliverable and have been accepted by the Department.

I certify that all information and statements in this certification form are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law. I, Ariel Czemerinski, of AMC Engineering, PLLC, am certifying as Owner's Designated Site Representative for the site.

076508

6/21/2018

NYS Professional Engineer #

Date



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**Former Pfizer Property Site B – Operable Unit 2**  
**Block 2266 Lot 52**

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***APPENDICES***

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Appendix A	Environmental Easement, Metes and Bounds Description, Survey Map
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## LIST OF ACRONYMS

Acronym	Definition
AMC	AMC Engineering PLLC
AWQS	Ambient Water Quality Standards
BCA	Brownfield Cleanup Agreement
BCP	Brownfield Cleanup Program
BTEX	Benzene, Toluene, Ethylbenzene and Xylene
CQMP	Construction Quality Management Plan
EBC	Environmental Business Consultants
FER	Final Engineering Report
CR	Construction Completion Report
LPH	Liquid Phase Hydrocarbons
NYC	New York City
NYCDEP	New York City Department of Environmental Protection
NYSDEC	New York State Department of Environmental Conservation
NYSDOH	New York State Department of Health
QEP	Qualified Environmental Professional
RAO	Remedial Action Objectives
RAWP	Remedial Action Work Plan
RE	Remedial Engineer
RI	Remedial Investigation
SCG	Standards, Criteria, and Guidelines
SCO	Soil Cleanup Objectives
SMMP	Soil/Materials Management Plan
SSO	Site Safety Officer
SWPPP	Stormwater Pollution Prevention Plan
SVOCs	Semi-Volatile Organic Compounds
USEPA	United States Environmental Protection Agency
UST	Underground Storage Tank
VOCs	Volatile Organic Compounds

## **1.0 BACKGROUND AND SITE DESCRIPTION**

### **1.1 SITE BACKGROUND**

YGS, Inc. (f/k/a Congregation YGS) has investigated and remediated the southern 15,000-square-foot portion of the property located at 177 Harrison Avenue (Tax Block 2266, Lot 1) in Brooklyn, New York. YGS, Inc. transferred ownership of Block 2266, Lot 1 to Bais Ruchel High School, Inc. (BRHS), the current owner, on January 17, 2013. The property was remediated to allow restricted residential, commercial, and industrial uses with Track 4 Site-Specific Soil Cleanup Objectives (SSSCO), and is used for a private high school.<sup>1</sup>

Tax Lot 1 constitutes the western portion of Pfizer Site B Operable Unit #2 (OU-2), which is subject to a Voluntary Cleanup Agreement (VCA Index No. D2-0010-0703, Site No. V-00350-2) entered into between Pfizer Inc. (former lessee of the Site) and the New York State Department of Environmental Conservation (NYSDEC) on August 18, 2003. The VCA was subsequently amended to add Oholei Shloma and YGS, Inc. as Volunteers on September 19, 2012. The eastern portion of OU-2 (Block 2266, Lot 52) and the eastern portion of Pfizer Site B (OU-3), which consists of Block 2266, Lots 45-50, are owned by Oholei Shloma. The Pfizer Site D property (OU-1), which is located south of the Site on Block 2269, Lot 1, is owned by Pfizer Inc. and became subject to the VCA for Site No. V-00350-2 by an amendment to the VCA in March 2011.<sup>2</sup>

This Construction Completion Report (CCR) Addendum documents the construction of a temporary composite cover system on Lot 52 (“the Site”) which is part of OU2. The Site will be used for storage until a permanent engineered composite cover system is installed. The eastern exterior wall of the BRHS building extends to the property line shared with Lot 52. A single doorway that will provide access from BRHS to a paved recreation area following completion of interim remedial activities on Lot 52 will be locked to prevent egress during construction. An additional barrier to access from BRHS will be a plywood barrier installed around the doorway prior to remedial activities. Signage indicating that access is prohibited will also be installed on

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<sup>1</sup> From Langan CCR 2/2014

<sup>2</sup> From Langan CCR 2/2014

the interior of the doorway until completion of the remedial measures on Lot 52. The remaining three sides of Lot 52 are surrounded by approximately eight-foot high construction fencing<sup>3</sup>, with the exception of a rectangular section in the rear of the lot that was cut out of the perimeter fence. This 40'x14' area is fully capped with a concrete cap and it is open to allow a right of way to lots 12 and 13 through Lot 50.

## 1.2 SITE LOCATION

The Site is located on the north side of Gerry Street between Throop Avenue and Harrison Avenue in the City of New York and Borough of Brooklyn (Kings County) as shown on **Figure 1**. The Site is designated as Block 2266 and Lot 52 on the Brooklyn Tax Map. The lot consists of 60 feet of street frontage on Gerry Street and a depth of 100 feet deep for a total of 6,000 square feet (0.14 acres) (see **Figure 2**). The boundaries of the Site are fully described in **Appendix A: Survey Map, Metes and Bounds**.

## 1.3 FORMER SITE USE

The Site (Lot 52) was developed prior to 1887 on two separate lots with two 2-story residential buildings in the front of the lots and two 2-story residential buildings in the rear of the lots. By 1935 the residential buildings were gone and the lots were combined with adjacent lots to the east and developed with a 75 car parking garage. The garage remained through 1997 when it was identified as a warehouse. The warehouse remained through 1996 when the building was demolished. All Sanborn maps after 1996 indicate the Site was undeveloped and vacant.

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<sup>3</sup> From Langan CCR 2/2014

## **2.0 SUMMARY OF SITE REMEDY**

### **2.1 REMEDIAL ACTION OBJECTIVES**

Based on the results of the Remedial Investigation, the following Remedial Action Objectives (RAOs) were identified for this Site.

#### **2.1.1 Groundwater**

RAOs for Public Health Protection

- Prevent ingestion of groundwater with contaminant levels exceeding drinking water standards.
- Prevent contact with, or inhalation of volatiles, from contaminated groundwater.

#### **2.1.2 Soil**

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.
- Prevent inhalation of or exposure from contaminants volatilizing from contaminants in soil.

RAOs for Environmental Protection

- Prevent migration of contaminants that would result in groundwater or surface water contamination.

#### **2.1.3 Soil Vapor**

RAOs for Public Health Protection

- Prevent contact or inhalation of volatiles emanating from contaminated groundwater or soil.

### **2.2 DESCRIPTION OF IMPLEMENTED REMEDY**

The following are the components of the implemented remedy:

The remedy included the following elements:



1. Construction of a composite cover system consisting of approximately 2 inches of asphalt across all of Lot 52; except for a 40'x14' section in the rear of the lot, which is capped with an approximately 4" concrete.
2. Development and implementation of a Site Management Plan for long term management of remaining contamination as required by the Deed Restriction which includes plans for: (1) Institutional and Engineering Controls, (2) monitoring, (3) operation and maintenance and (4) reporting.
3. Execution and recording of a Deed Restriction to ensure implementation of the SMP and that the Site is only used for allowable uses following remediation.

All responsibilities associated with the Remedial Action, including permitting requirements and pretreatment requirements, were addressed in accordance with all applicable Federal, State and local rules and regulations.

### **3.0 DESCRIPTION OF REMEDIAL ACTIONS PERFORMED**

Remedial activities completed on Lot 52 consisted of capping the Site with an approximate 2-inch thick asphalt cover and 4" of concrete in a 40x14 sf section in the rear of the lot.

#### **3.1 REMEDIAL PROGRAM ELEMENTS**

##### **3.1.1 General Site Controls**

Security of the Site was maintained by an eight-foot high construction fence erected around the north, south and east sides of the Site. The west side of the Site abuts the school building and is only accessible through a doorway which is locked. A 40x14 sf section in the NE part of the lot remains outside the perimeter fence. Its access is restricted to those accessing Lot 50, Lot 12 and Lot 13.

##### **3.1.2 Odor, Dust and Nuisance Control Plan**

Odor, dust and nuisance control was not necessary under this remedial action.

##### **3.1.3 Community Air Monitoring Plan (CAMP) Results**

Air monitoring was not performed during this remedial action.

#### **3.2 CONTAMINATED MATERIALS REMOVAL**

No materials were excavated or removed from the Site during this action.

#### **3.3 IMPORTED MATERIALS FOR BACKFILL**

No materials were imported to the Site for use as backfill during this action.

#### **3.4 CONTAMINATION REMAINING AT THE SITE**

##### **3.4.1 Soil**

Approximately 60 percent of the eastern portion of Lot 52 was excavated to a depth of 10 ft and backfilled with certified clean fill under an Interim Remedial Measure completed in 2002. Remaining contaminants in soil within the unexcavated area are defined by samples collected from soil borings advanced during area subsurface investigations performed by Pfizer in 1996 and 2004.

Historic fill soil has remains on the west and northwestern portions of Lot 52. Soil results from a boring in 1996 indicate that elevated levels (above restricted residential use SCOs) of mercury likely remain in the upper eight feet of soil in southwestern portion of the lot. Soil samples collected in 2005 indicate that the historic fill layer contains SVOCs (benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, chrysene, dibenz(a,h)anthracene, flouranthene, phenanthrene, pyrene and indeno(1,2,3-cd-pyrene) and metals (arsenic, barium, mercury and lead) above Restricted Residential Use SCOs. A summary of the compounds remaining above unrestricted and restricted residential use SCOs is presented in **Table 1** and **Figure 4**.

### **3.4.2 Groundwater / Soil Vapor**

Previous investigations conducted by Pfizer Inc. identified VOCs in groundwater and soil vapor samples at concentrations above the NYSDEC TOGS 1.1.1 Class GA Ambient Water Quality Standards (TOGS AWQS) and New York State Department of Health (NYSDOH) Air Guideline Values (AGVs), respectively. It has been determined that the contaminated groundwater identified on OU-2 is coming from the other Operable Units (OU-1 and OU-3) of Pfizer Sites B and D. The Volunteers are addressing potential groundwater impacts on OU-1 and OU-3 and will perform site-wide groundwater monitoring in accordance with the August 2003 VCA and approved Remedial Action Work Plans for those OUs. Groundwater remediation was not a component of the Remedial Action Work Plan for OU-2.<sup>4</sup> Post-remedial soil vapor sampling has not been conducted; however, a subslab depressurization system and soil vapor barrier are specified in the Site Management Plan for any new construction with a foundation above the water table to prevent infiltration of contaminated soil vapor from contaminated groundwater into the occupied spaces of the new structure.

## **3.5 ENGINEERING CONTROL SYSTEMS**

Since remaining contaminated soil, groundwater, and soil vapor exists beneath the Site, Engineering Controls (EC) are required to protect human health and the environment. Short-term management of these EC/ICs will be performed under the Site Management Plan (SMP)

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<sup>4</sup> From Langan CCR 2/2014

approved by the NYSDEC. The Site has the following Engineering Controls, and is described in the following subsection:

1. Site Cover System - Installation of an engineered site cover system consisting of approximately 2 inches of asphalt across all of Lot 52; except for a 40'x14' section in the NE of the lot, which is capped with an approximately 4" concrete.

### 3.5.1 Site Cover System

Exposure to remaining contamination at the Site is prevented by a cover system placed over the Site. This cover system is comprised of approximately 2 inches of asphalt across all of Lot 52; except for a 40'x14' section in the rear of the lot, which is capped with an approximately 4" concrete (see **Figure 3**). The Excavation Work Plan that appears in Appendix D of the SMP outlines the procedures required to be implemented in the event the cover system is breached, penetrated or temporarily removed, and any underlying remaining contamination is disturbed. Procedures for the inspection and maintenance of this cover are provided in the Monitoring Plan included in Section 4 of the SMP.

### 3.6 INSTITUTIONAL CONTROLS

The Site remedy requires that a deed restriction be placed on the property to (1) require the remedial part or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8(h)(3); (2) limit the use and development of the controlled property to restricted residential, commercial or industrial uses as defined by Part 375-1.8(g), although land use is subject to local zoning laws; (3) restricts the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH; (4) requires compliance with the Department approved Site Management Plan.

The deed restriction for Lot 1 was executed on June 11, 2014, and filed with the New York City Office of the City Register on June 30, 2014. The City Register File Number is 2014000220216.

The deed restriction for Lot 52 was executed on February 22, 2018, and filed with the New York City Office of the City Register on March 14, 2018. The City Register File Number is

2018000088966. A copy of the deed restriction and proof of filing for both lots is provided in **Appendix A.**

# **TABLES**

Table 1  
Former Pfizer Property  
Site B Operable Unit 2  
Block 2266 Lot 52  
Remaining Parameters in Soil Above Soil Cleanup Objectives

COMPOUND	NYSDEC Part 375.6 Unrestricted Use Soil Cleanup Objectives*	NYSDEC Part 375.6 Restricted Residential Soil Cleanup Objectives*	Range in Exceedances	Frequency of Detection	SBB-04	SBB-04	SBB-29	SBB-29	SBB-29	SBB-30	SBB-30	SBB-30
					3/12/1996	4/21/1997	3/29/2004	3/29/2004	3/29/2004	3/29/2004	3/29/2004	3/29/2004
					(6-8')	(0-2')	(0-2")	(2-24")	(60-84")	(0-2")	(2-24")	(60-84")
SVOC: Sample Results in µg/kg												
Benzo(a)anthracene	1,000	1,000	1,700 - 75,000	4	-	-	75,000	3,000	1,700	-	3,200	-
Benzo(a)pyrene	1,000	1,000	1,500 - 54,000	4	-	-	54,000 A	3,400	1,500	-	3,000 A	-
Benzo(b)fluoranthene	1,000	1,000	1,000 - 69,000	4	-	-	69,000 A	5,100	1,000 M	-	2,500 M	-
Benzo(k)fluoranthene	800	3,900	2,800	1	-	-	-	-	-	-	2,800	-
Chrysene	1,000	3,900	1,700 - 71,000	4	-	-	71,000 A	4,800	1,700	-	4,200 A	-
Dibenzo(a,h)anthracene	330	330	330 - 25,000	4	-	-	25,000 H	1,300 M	330 J	-	510	-
Dibenzofuran	7,000	59,000	8,600	1	-	-	8,600 J	-	-	-	-	-
Flouranthene	100,000	100,000	120,000	1	-	-	120,000 A	-	-	-	-	-
Indeno(1,2,3-cd)pyrene	500	500	43,000	1	-	-	43,000	-	-	-	-	-
Phenanthrene	100,000	100,000	130,000	1	-	-	130,000 A	-	-	-	-	-
Pyrene	100,000	100,000	170,000	1	-	-	170,000	-	-	-	-	-
Metals: Sample Results in mg/Kg												
Arsenic	13	16	49.7 - 307	2	-	-	307	49.7	-	-	-	-
Barium	350	350	868 - 1250	3	-	-	1250	868	-	1200	-	-
Lead	63	400	631 - 1770	3	-	-	1770 *	1530 *	631 *	-	-	-
Mercury	0.18	0.81	0.47 - 3.5	6	1.3	9.2	1.9	2	3.5	0.47	1.8	3.3
Selenium	3.9	36	4.7	1	-	-	-	4.7 B	-	-	-	-

**Notes:**

RL - Laboratory Reporting Limit

**Bold/highlighted-** Indicated exceedance of the NYSDEC UUSCO Guidance Value

**Bold/highlighted-** Indicated exceedance of the NYSDEC RRSCO Guidance Value

A - Concentration exceeds the instrument calibration range or below the reporting limit

B - Compound detected in laboratory blank

J - Estimated Value

H - Alternate peak selection upon analytical review

M - Manually integrated compound

\* - Duplicate analysis not within control limits

Table 2  
Former Pfizer Property Site B - Operable Unit 2  
177 Harrison Avenue, Brooklyn, New York  
Block 2266 Lot 52 Sample Parameters in Groundwater Above Groundwater Quality Standards

COMPOUND	NYSDEC Ambient Water Quality Standards (AWQS)	MW-7 DL	MW-7	MW15	MW15
		2/18/2004	4/12/2004	9/2014	8/2015
VOCs: Sample Results in µg/kg					
Benzene	1	4	52	-	-
cis-1,2-Dichloroethene	5	6	1100 A	-	42
Tetrachloroethene	5	-	10	-	-
Trichloroethene	5	7	39 J	-	-
Vinyl Chloride	2	8 J	11	2.4	2.4

**Notes:**

\* - 6 NYCRR Part 375-6 Remedial Program Soil Cleanup Objectives

RL - Laboratory Reporting Limit

**Bold/highlighted- Indicated exceedance of the NYSDEC Groundwater Standard**

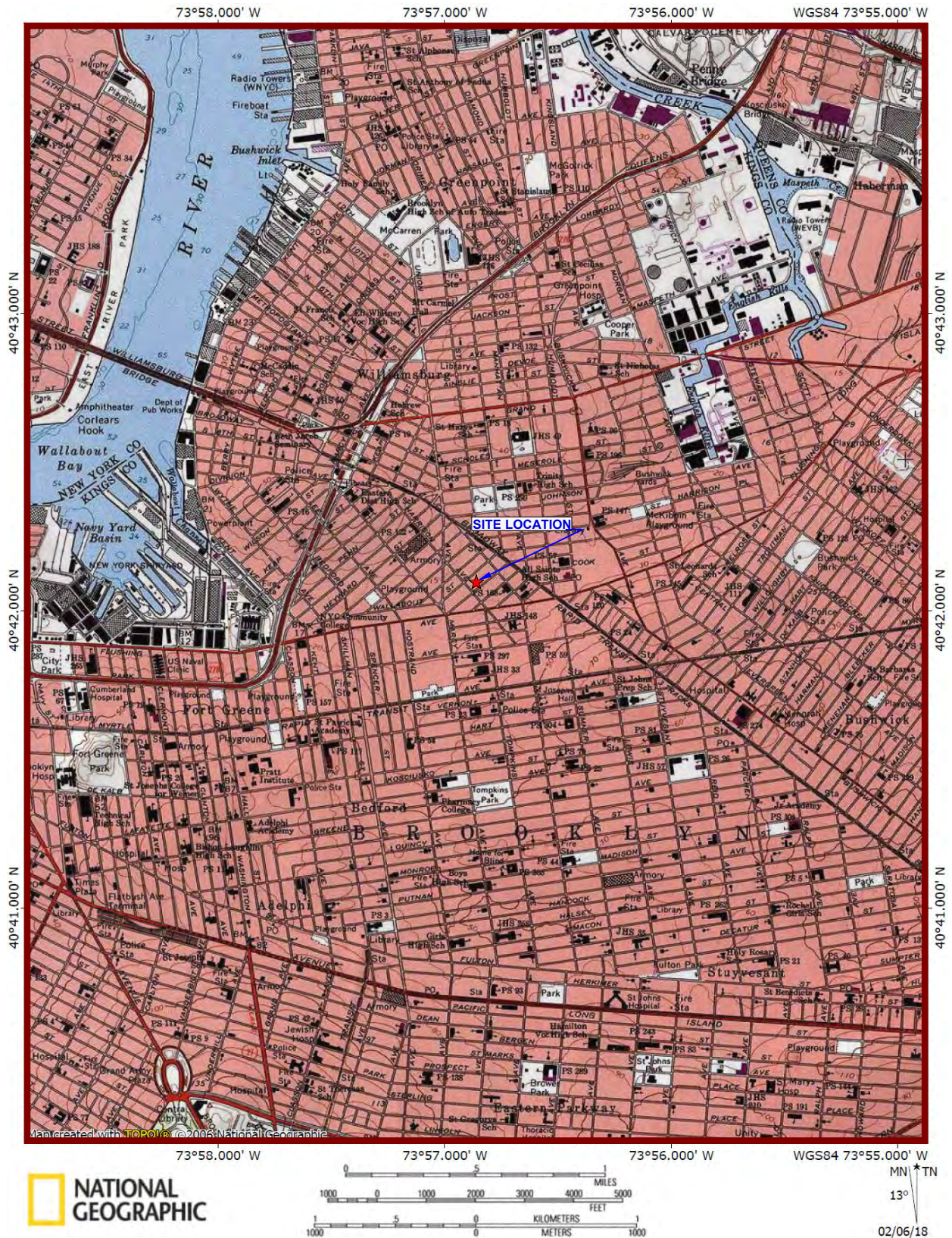
A - Concentration exceeds the instrument calibration range or below the reporting limit

J - Estimated Value



## **FIGURES**





FORMER PFIZER PROPERTY SITE B - OPERABLE UNIT 2  
BLOCK 2260 LOT 52, 177 HARRISON AVENUE, BROOKLYN, NY

**FIGURE 1**

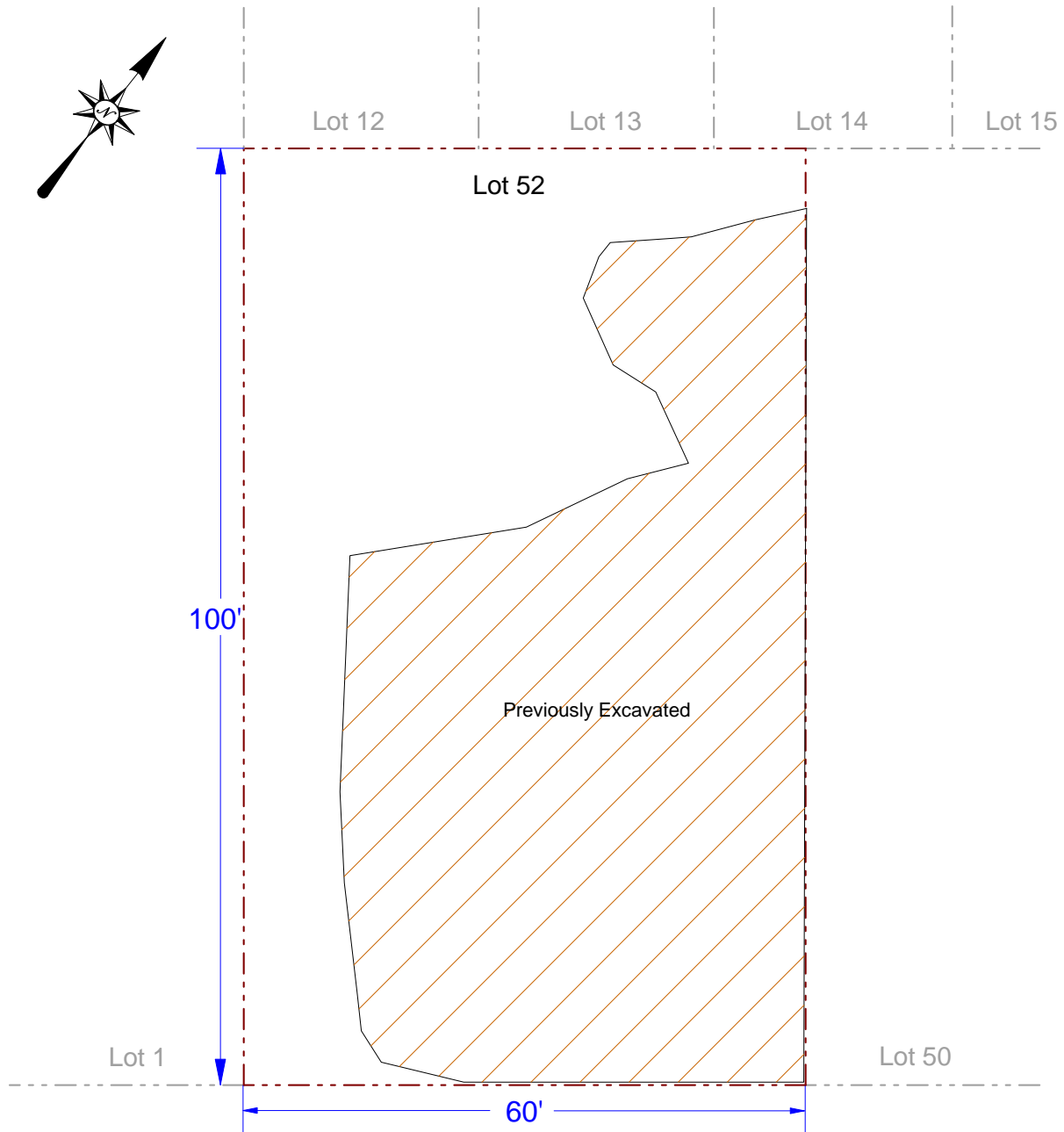
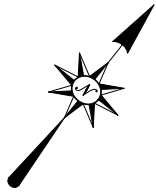
**SITE LOCATION MAP**

**IBC**

ENVIRONMENTAL BUSINESS CONSULTANTS

Phone 631.504.6000  
Fax 631.924.2870





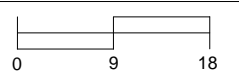
SIDEWALK

GERRY STREET

Key

 Property Boundary

Scale



Scale: 1 inch = 18 feet

**EBC**

ENVIRONMENTAL BUSINESS CONSULTANTS

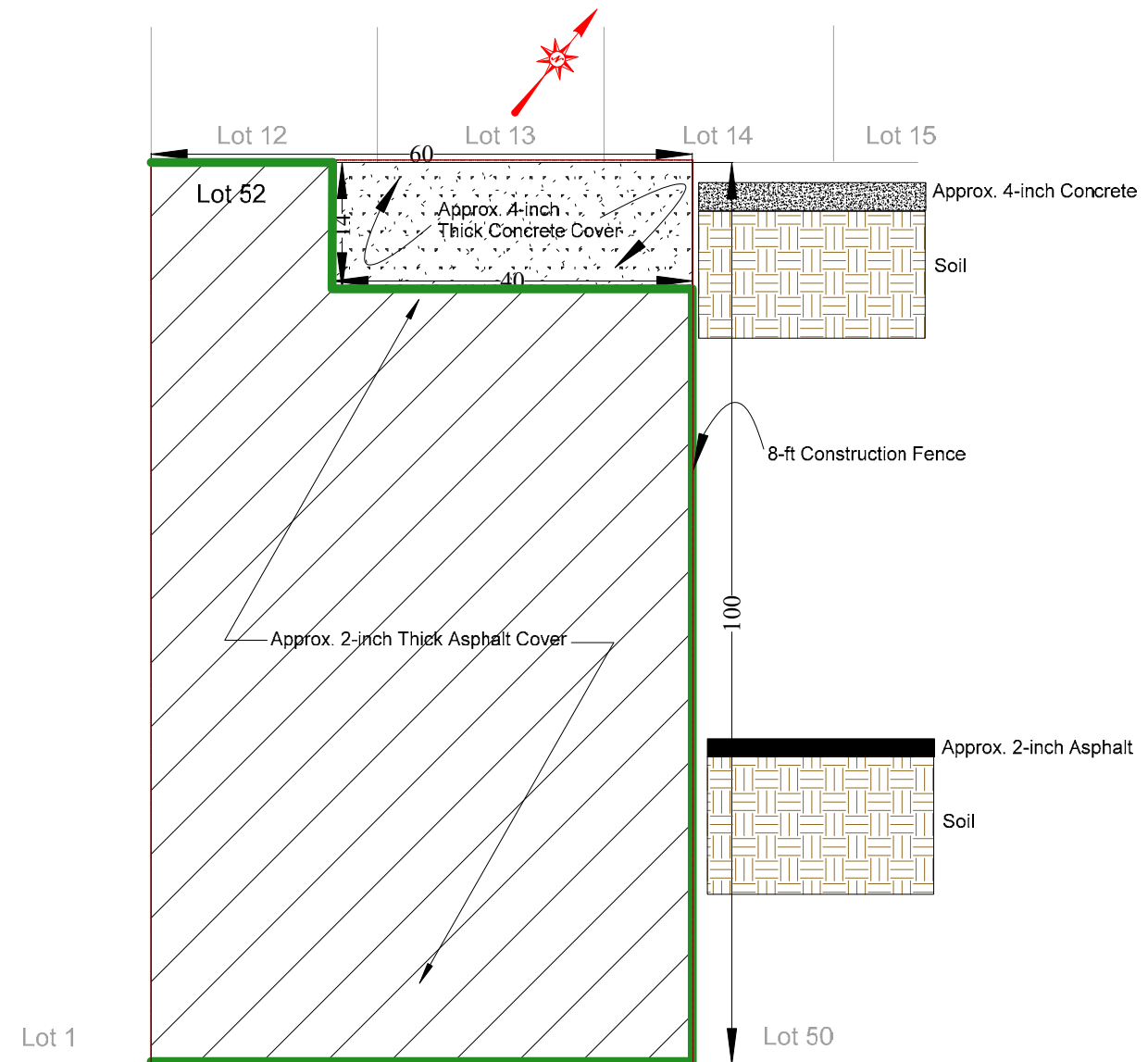
Phone 631.504.6000  
Fax 631.924.2870

**Figure No.**  
**2**

Site Name: **FORMER PFIZER PROPERTY SITE B - OPERABLE UNIT 2**

Site Address: **BLOCK 2266 LOT 52 177 HARRISON AVENUE, BROOKLYN, NY**

Drawing Title: **SITE BOUNDARY MAP**



SIDEWALK

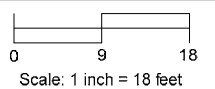
**GERRY STREET**

**Key**

Property Boundary

8-ft fence

**Scale**



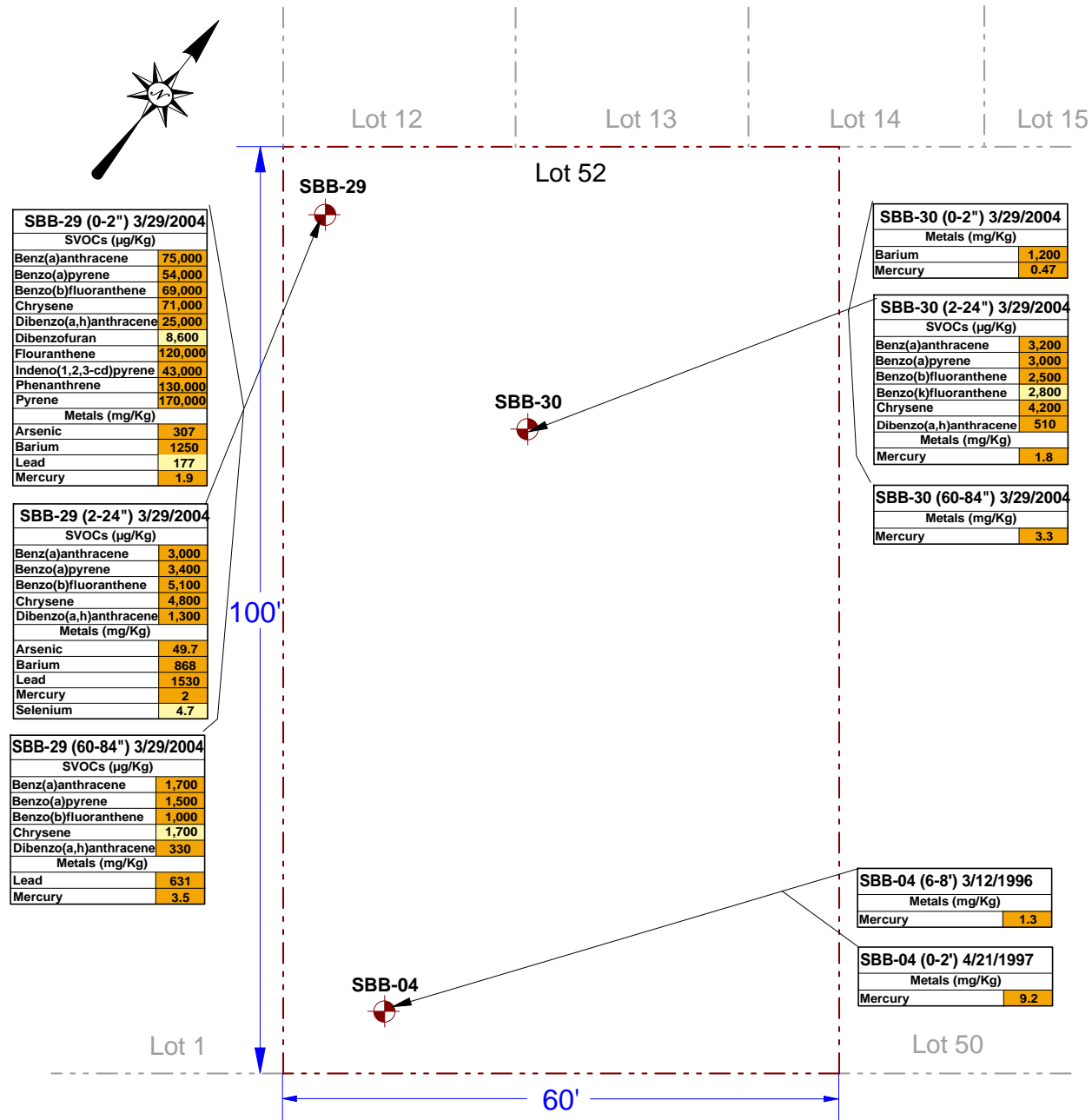
**AMC Engineering**  
1836 42nd Street  
Astoria, NY 11105

**Figure No.**  
**3**

Site Name: **FORMER PFIZER PROPERTY SITE B • OPERABLE UNIT 2**

Site Address: **BLOCK 2266 LOT 52 177 HARRISON AVENUE, BROOKLYN, NY**

Drawing Title: **SITE COVER SYSTEM**



SIDEWALK  
GERRY STREET

**Key**  
 Property Boundary

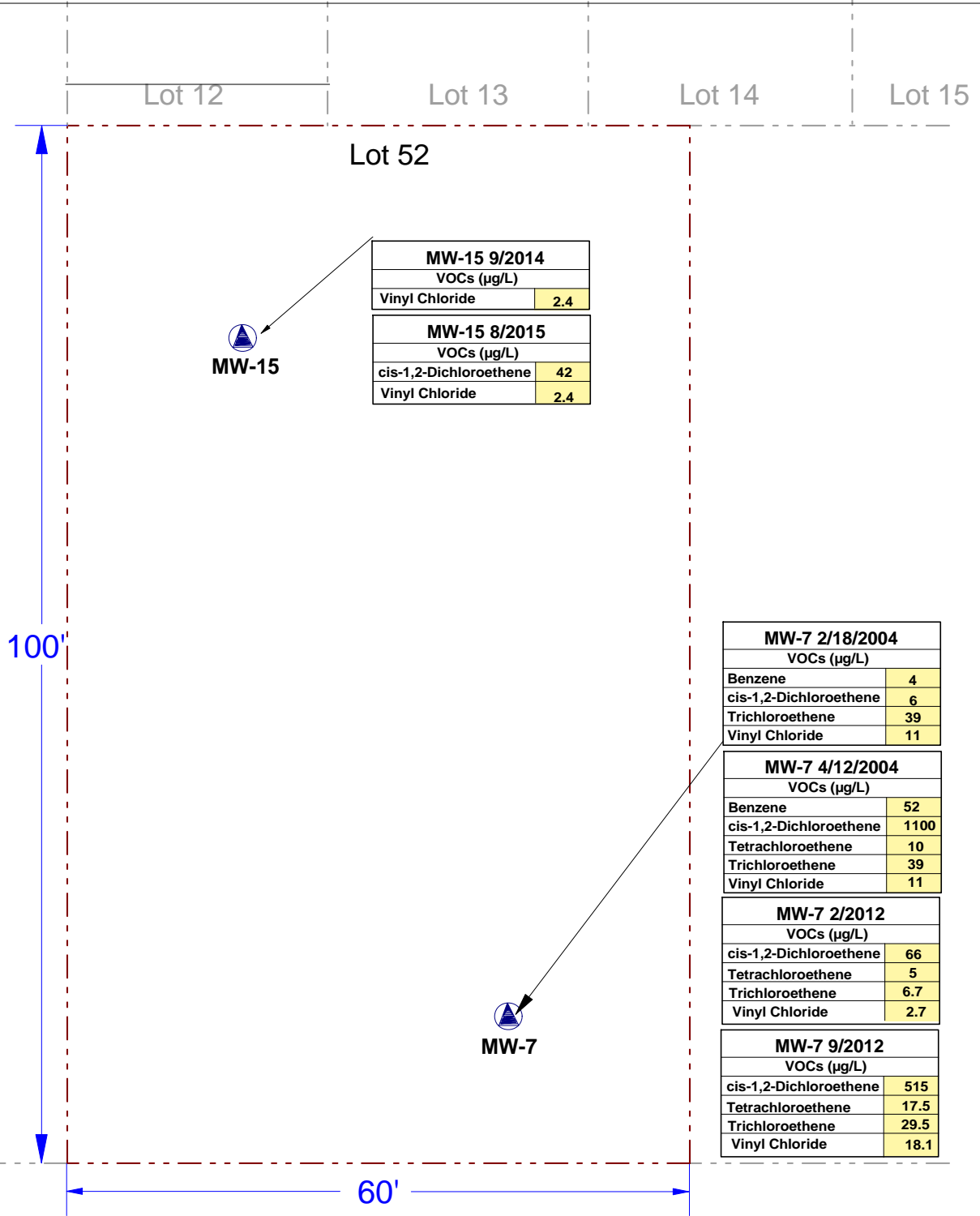
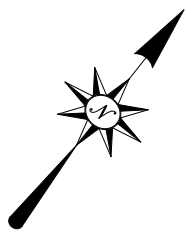
**Scale**  
  
 Scale: 1 inch = 18 feet



**AMC Engineering**  
 1836 42nd Street  
 Astoria, NY 11105

**Figure No.**  
**4**

Site Name:	<b>FORMER PFIZER PROPERTY SITE B - OPERABLE UNIT 2</b>
Site Address:	<b>BLOCK 2266 LOT 52 177 HARRISON AVENUE, BROOKLYN, NY</b>
Drawing Title:	<b>REMAINING SOIL EXCEEDENCE MAP</b>



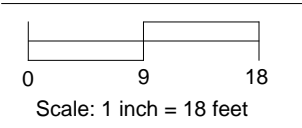
DEWALK

ERRY STREET

Key

Property Boundary

Scale



**AMC Engineering**  
1836 42nd Street  
Astoria, NY 11105

**Figure No.**  
**5**

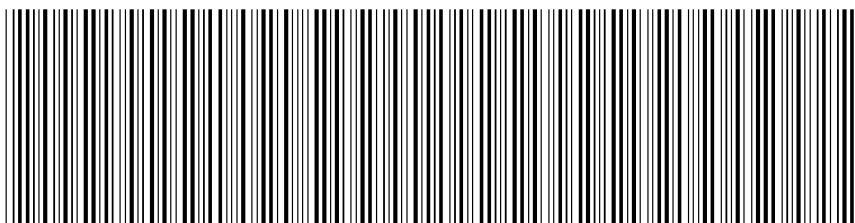
Site Name: **FORMER PFIZER PROPERTY SITE B - OPERABLE UNIT 2**  
Site Address: **BLOCK 2266 LOT 52 177 HARRISON AVENUE, BROOKLYN, NY**  
Drawing Title: **REMAINING GROUNDWATER EXCEEDENCE MAP**

**APPENDIX A**

***Environmental Easement***

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

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



2014062501142001001EFB3A

**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 7**

**Document ID: 2014062501142001**

Document Date: 06-11-2014

Preparation Date: 06-25-2014

Document Type: SUNDRY AGREEMENT

Document Page Count: 6

**PRESENTER:**

FRONTIER RECORDINGS  
30 WEST BROAD STREET  
SUITE 100  
ROCHESTER, NY 14614  
585-955-6111  
RECORDINGS@FRONTIERABSTRACT.COM

**RETURN TO:**

FRONTIER RECORDINGS  
30 WEST BROAD STREET  
SUITE 100  
ROCHESTER, NY 14614  
585-955-6111  
RECORDINGS@FRONTIERABSTRACT.COM

			PROPERTY DATA	
Borough	Block	Lot	Unit	Address
BROOKLYN	2266	1 Partial Lot		N/A HARRISON AVENUE
<b>Property Type:</b> COMMERCIAL REAL ESTATE				

**CROSS REFERENCE DATA**

**CRFN:** 2013000243646

**PARTIES**

**PARTY 1:**

BAIS RUCHEL HIGH SCHOOL INC  
174 RODNEY STREET  
BROOKLYN, NY 11211

**FEES AND TAXES**

**Mortgage :**

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

**TOTAL:** \$ 0.00

Recording Fee: \$ 67.00

Affidavit Fee: \$ 0.00

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 06-30-2014 11:10

City Register File No.(CRFN):

**2014000220216**



*Annette M. Hill*

*City Register Official Signature*



## **DECLARATION of COVENANTS and RESTRICTIONS**

**THIS COVENANT** is made the 14 day of June 2014, by Bais Ruchel High School, Inc., a corporation organized and existing under the laws of the State of New York and having an office for the transaction of business at 174 Rodney Street, Brooklyn, NY 11211.

**WHEREAS**, "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 located at the address of 177 Harrison Avenue in the City of New York, County of Kings, State of New York, being the same as (or part of) that property conveyed to Bais Ruchel High School, Inc. by YGS, Inc. f/k/a/ Congregation YGS by deed(s) dated January 17, 2013 and recorded on June 20, 2013 in the City Register of the City of New York in Instrument No. 2013000243646, and being more particularly described in Schedule "A," attached to this declaration and made a part hereof, and hereinafter referred to as "the Property"; 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 and such remedy requires that the Property be subject to restrictive covenants.

**NOW, THEREFORE**, Bais Ruchel High School, Inc., 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 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: Leopold Teitelbaum

Print Name: Leopold Teitelbaum

Title: President Date: 6/11/14

**Grantor's Acknowledgment**

STATE OF NEW YORK )

) s.s.:

COUNTY OF Kings )

On the 11<sup>TH</sup> day of JUNE, in the year 2014, before me, the undersigned, personally appeared LEOPOLD TEITELBAUM, 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.

ARON MANDEL

Notary Public State of New York

**ARON MANDEL**  
**NOTARY PUBLIC, State of New York**  
**No. 01MA6269662**  
**Qualified in Kings County**  
**Commission Expires October 01, 2016**

Date 6-11-14

## **SCHEDULE "A"**

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

BEGINNING at the corner formed by the northerly side of Harrison Avenue and the westerly side of Gerry Street;

RUNNING THENCE westerly along the northerly side of Harrison Avenue, 100 feet;

Thence northerly parallel with Gerry Street, 150 feet;

Thence easterly parallel with Harrison Avenue, 100 feet, to the westerly side of Gerry Street;

Thence southerly along the westerly side of Gerry Street 150 feet to the point or place of BEGINNING.

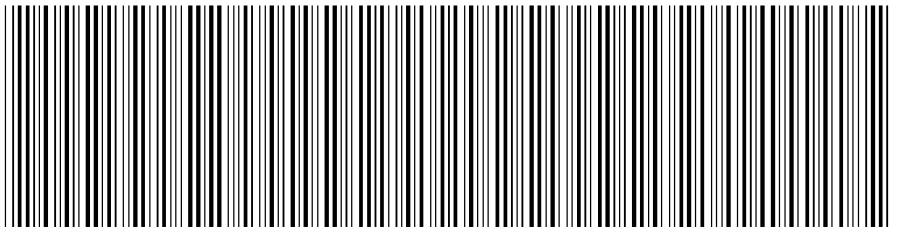
**SCHEDULE "B"**

(See Map Attached)



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

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



2018031400129001001E9655

**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 8**

**Document ID: 2018031400129001**

Document Date: 02-20-2018

Preparation Date: 03-14-2018

Document Type: SUNDRY AGREEMENT

Document Page Count: 7

**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	52	Entire Lot	N/A GERRY STREET
<b>Property Type:</b> NON-RESIDENTIAL VACANT LAND				

**CROSS REFERENCE DATA**

CRFN \_\_\_\_\_ or DocumentID \_\_\_\_\_ or \_\_\_\_\_ Year \_\_\_\_\_ Reel \_\_\_\_\_ Page \_\_\_\_\_ or File Number \_\_\_\_\_

**PARTIES**

**PARTY 1:**

BAIS RUCHEL HIGH SCHOOL, INC.  
174 RODNEY STREET  
BROOKLYN, NY 11211

**FEES AND TAXES**

**Mortgage :**

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

**TOTAL:** \$ 0.00

Recording Fee: \$ EXEMPT

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 0.00

NYC Real Property Transfer Tax:

\$ 0.00

NYS Real Estate Transfer Tax:

\$ 0.00

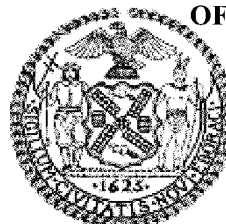
**RECORDED OR FILED IN THE OFFICE  
OF THE CITY REGISTER OF THE**

**CITY OF NEW YORK**

Recorded/Filed 03-14-2018 15:28

City Register File No.(CRFN):

**2018000088966**



*Annette McMill*

**City Register Official Signature**

## **DECLARATION of COVENANTS and RESTRICTIONS**

**THIS COVENANT** is made the 20<sup>th</sup> day of FEBRUARY 2018, by Bais Ruchel High School, Inc., a corporation organized and existing under the laws of the State of New York and having an office for the transaction of business at 174 Rodney Street, Brooklyn, New York 11211.

**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, including that parcel of real property known as Brooklyn Block 2266, Lot 1 ("Lot 1") in the City of New York, County of Kings, State of New York, being the same as (or part of) that property conveyed to Bais Ruchel High School, Inc. by YGS, Inc. f/k/a Congregation YGS by deed(s) dated January 17, 2013 and recorded on June 20, 2013 in the City Register of the City of New York in Instrument No. 2013000243646; and

**WHEREAS**, Oholei Shloma obtained a portion of Site #V00350, namely that parcel of real property located on Gerry Street, City of New York, County of Kings, and State of New York and identified as Brooklyn Block 2266, Lot 52 confirmed by a deed dated October 2, 2013, and recorded on December 6, 2013 in the City Register of the City of New York in Instrument No. 2013000501811, being more particularly described in Schedule "A," attached to this declaration and made a part hereof, and hereinafter referred to as "the Property"; and

**WHEREAS**, Bais Ruchel High School, Inc. and Oholei Shloma declared that Lot 1 and the Property are to be treated as one zoning lot, as confirmed by a Declaration of Zoning Lot Restrictions dated October 22, 2014, and recorded on November 5, 2014 in the City Register of the City of New York in Instrument No. 2014000366441; and

**WHEREAS**, Declarations of Covenants and Restrictions were recorded on October 20, 2016 as to those portions of Site #V000350 identified as Brooklyn Block 2266, Lots 46, 47, 48, 49 and 50 (see recording information below) 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 the Property; and

**WHEREAS**, a Declaration of Covenants and Restrictions was recorded on October 20, 2016 in the City Register of the City of New York in Instrument No. 2016000368537 as to those portions of Site #V000350 identified Brooklyn Block 2266, Lots 46, 47 and 48 in the City of New York, County of Kings, State of New York, recording engineering controls on those portions of Site #V00350; and



**WHEREAS**, a Declaration of Covenants and Restrictions was recorded on October 20, 2016 in the City Register of the City of New York in Instrument No. 2016000368538 as to those portions of Site #V000350 identified Brooklyn Block 2266, Lots 49 and 50 in the City of New York, County of Kings, State of New York, recording engineering controls on those portions of Site #V00350; and

**WHEREAS**, a Declaration of Covenants and Restrictions was recorded on November 29, 2017 in the City Register of the City of New York in Instrument No. 2017000436670 as to those portions of Site #V000350 identified Brooklyn Block 2266, Lot 45 in the City of New York, County of Kings, State of New York, recording engineering controls on that portion of Site #V00350; 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**, Bais Ruchel High School, Inc., 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 approved Site Management Plan ("SMP") for OU3 of Site #V00350, which is incorporated and made enforceable hereto, as referenced above, 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 referenced 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 referenced 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 referenced 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, 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: SOL MOSKOVITS

Title: VP Date: 2/22/18

**Grantor's Acknowledgment**

STATE OF NEW YORK )

) s.s.:

COUNTY OF Kings )

On the 22 day of Feb, in the year 2018, before me, the undersigned, personally appeared Sol Moskovitz, 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.

\_\_\_\_\_  
Notary Public State of New York

MENDEL KLEIN  
NOTARY PUBLIC STATE OF NEW YORK  
No. 01KL6200703  
Qualified in Kings County  
My Commission Expires February 09, 2021

## **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 150 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, 60 feet;

THENCE southeasterly approximately parallel with Harrison Avenue, 100 feet;

THENCE southwesterly, along the northwesterly side of Gerry Street, 60 feet to the point or place of BEGINNING.

Note: Address, Block & Lot shown for informational purposes only

Designated as Block 2266, Lot 52.

Street Address: 75 Gerry Street, Brooklyn, NY 11206

**SCHEDULE “B”**

