

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director

625 Broadway, 12th Floor, Albany, New York 12233-7011

P: (518) 402-9706 | F: (518) 402-9020

www.dec.ny.gov

DEC 16 2019

Mr. Alex Kafenbaum
85 Jay Street (Brooklyn), LLC
540 Madison Avenue, 8th Floor
New York, NY 10022

Mr. Alex Kafenbaum
85 Jay Street (Brooklyn) Remediation, LLC
540 Madison Avenue, 8th Floor
New York, NY 10022

Re: Certificate of Completion
85 Jay Street (Brooklyn), LLC
85 Jay Street, Brooklyn, NY
NYSDEC Site No. C224248

Dear Mr. Kafenbaum,

Congratulations on having satisfactorily completed the remedial program at the 85 Jay Street (Brooklyn), LLC. site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record a notice of the COC in the recording office for the county (or counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. A copy of the recorded notice should be provided to the Department's project manager. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter. Please return the proof of recording to:



Department of
Environmental
Conservation

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;

If you have any questions regarding any of these items, please contact Richard Mustico at (518) 402-9647.

Sincerely,



Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

ec w/ enclosure:

D. Yudelson – dyudelson@sprlaw.com
M. Godick – mgodick@akrf.com
E. Matamoros – ematamoros@akrf.com
C. Vooris – NYSDOH
A. Peretta – NYSDOH
M. Gokey – matthew.gokey@tax.ny.gov
P. Takac – paul.takac@tax.ny.gov

ec w/o enc.:

R. Mustico – NYSDEC
R. DeCandia – NYSDEC
J. O'Connell – NYSDEC
J. Andalaro – NYSDEC
K. Lewandowski – NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	Address
85 Jay Street (Brooklyn) Remediation, LLC	540 Madison Avenue, 8th Floor, New York, NY 10022
85 Jay Street (Brooklyn), LLC	540 Madison Avenue, 8th Floor, New York, NY 10022

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 3/16/17 **Agreement Execution:** 4/25/17
Agreement Index No.: C224248-03-17

Application Approval Amendment: 7/18/18 **Agreement Execution Amendment:** 7/18/18

SITE INFORMATION:

Site No.: C224248 **Site Name:** 85 Jay Street (Brooklyn), LLC
Site Owner: 85 Jay Street (Brooklyn), LLC
Street Address: 85 Jay Street
Municipality: Brooklyn **County:** Kings **DEC Region:** 2
Site Size: 3.101 Acres
Tax Map Identification Number(s): 54-1
Percentage of site located in an EnZone: 0 - 49 %

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

Allowable Uses under the BCP: Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial
Cleanup Track: Track 1: Unrestricted use

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 50 %.
Tangible Property Credit at the time of this COC issuance is 0%.

No Environmental Easement has been granted pursuant to ECL Article 71, Title 36 as there are no use restrictions and there is no reliance on the long-term employment of institutional controls.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

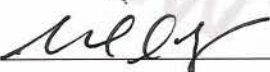
CERTIFICATE MODIFICATION/REVOCATION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos
Commissioner
New York State Department of Environmental Conservation

By:  Date: 12/16/19

Michael J. Ryan, P.E., Director
Division of Environmental Remediation

NOTICE OF CERTIFICATE OF COMPLETION
Brownfield Cleanup Program
6 NYCRR Part 375-1.9(d)

85 Jay Street (Brooklyn), LLC, Site ID No. C224248
85 Jay Street, Brooklyn, New York, 11201
New York City, Kings County, Tax Map Identification Number Tax Block 54, Lot 1

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to 85 Jay Street (Brooklyn) Remediation, LLC and 85 Jay Street (Brooklyn), LLC for a parcel approximately 3.101 acres located at 85 Jay Street in Brooklyn, Kings County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

PLEASE TAKE NOTICE, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

PLEASE TAKE NOTICE, provided that the Certificate is complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

PLEASE TAKE NOTICE, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

PLEASE TAKE NOTICE, the Certificate may only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

PLEASE TAKE NOTICE, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

85 Jay Street (Brooklyn), LLC, C224248, 85 Jay Street

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 2 office located at 1 Hunter's Point Plaza 47-40 21st St., Long Island City, NY 11101, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

85 Jay Street (Brooklyn), LLC

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

On the _____ day of _____, in the year 20___, before me, the undersigned, personally appeared _____, 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.

Signature and Office of individual
taking acknowledgment

Please record and return to:
85 Jay Street (Brooklyn), LLC
Attn: Mr. Alex Kafenbaum
540 Madison Avenue, 8th Floor
New York, NY, 10022

Exhibit A
Site Description

SCHEDULE A-2

Description of the Land (85 Jay Street, Brooklyn, NY)

(FOR INFORMATION ONLY: 85/111 JAY STREET BLOCK 54 LOT 1)

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 intersection of the westerly side of Bridge Street and southerly side of Front Street;

RUNNING THENCE westerly along the southerly side of Front Street, 192 feet 4 inches;

THENCE southerly and parallel with Bridge Street, 117 feet 10-½ inches;

THENCE easterly and parallel with Front Street, 72 feet 4 inches;

THENCE southerly and parallel with Bridge Street, 19 feet 11-½ inches;

THENCE easterly and parallel with Front Street, 25 feet;

THENCE southerly and parallel with Bridge Street, 37 feet 10 inches;

THENCE easterly and parallel with York Street 10 feet;

THENCE southerly and parallel with Bridge Street, 99 feet 8 inches to a point on the Northerly side of York Street;

THENCE easterly along the northerly side of York Street, 85 feet to the corner formed by the intersection of the northerly side of York Street and the westerly side of Bridge Street;

THENCE northerly along the westerly side of Bridge Street, 275 feet 4 inches to the corner formed by the intersection of the westerly side of Bridge Street and the southerly side of Front Street, the point or place of BEGINNING.

And also blanket description for Parcels A, B and C below:

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 intersection of the northerly side of York Street with the easterly side of Jay Street;

RUNNING THENCE northerly along the easterly side of Jay Street, 163 feet 3-½ inches;

THENCE easterly parallel with Front Street, 135 feet;

THENCE southerly parallel with Jay Street, 73 feet 3-½ inches;

THENCE westerly parallel with York Street, 88 feet;

THENCE southerly parallel with Jay Street, 90 feet to the northerly side of York Street;

THENCE westerly along the northerly side of York Street, 47 feet to the point or place of BEGINNING.

Parcel 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 a point on the easterly side of Jay Street, distant 112 feet or thereabouts southerly from the corner formed by the intersection of the easterly side of Jay Street with the southerly side of Front Street;

RUNNING THENCE easterly along the land of Leavy and Britton Brewing Company and parallel or nearly so with Front Street, 135 feet more or less to the westerly side of the buildings now or formerly owned by the National Lead Company known as the Bradley White Lead Works;

THENCE southerly along said buildings and parallel with Jay Street, 72 feet;

THENCE westerly parallel with Front Street, 135 feet more or less to the easterly side of Jay Street;

THENCE northerly along the easterly side of Jay Street, 72 feet to the point or place of BEGINNING.

Parcel B

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 a point formed by the intersection of the easterly line of Jay Street with the northerly line of York Street;

RUNNING THENCE northerly along the easterly line of Jay Street, 90 feet;

THENCE easterly on a line parallel with York Street, 25 feet;

THENCE southerly on a line parallel with Jay Street, 90 feet to York Street;

THENCE westerly along the northerly line of York Street, 25 feet to the point or place of BEGINNING.

Parcel C

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 a point on the northerly side of York Street, distant 25 feet easterly from the northeasterly corner of York and Jay Street;

RUNNING THENCE northerly parallel with Jay Street, 90 feet;

THENCE easterly parallel with York Street, 22 feet;

THENCE southerly parallel with Jay Street, 90 feet to the northerly side of York Street;

THENCE westerly along the northerly side of York Street, 22 feet to the point or place of BEGINNING.

And also 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 a point formed by the intersection of the easterly side of Jay Street and southerly side of Front Street and from said point;

RUNNING THENCE southerly along the easterly side line of Jay Street, 112 feet to a point;

THENCE easterly parallel with the southerly side line of Front Street, 135.0 feet to a point;

THENCE southerly parallel with the easterly side line of Jay Street, 73.29 feet to a point;

THENCE westerly parallel with the northerly side line of York Street, 88.00 feet to a point;

THENCE southerly parallel with the easterly side line of Jay Street, 90.0 feet to a point on the northerly side line of York Street;

THENCE easterly along the northerly side line of York Street, 222.11 feet to the southwesterly corner of lands of the Board of Education;

THENCE northerly parallel with the easterly side line of Jay Street and along the westerly line of lands of said Board of Education, 137.60 feet to a point;

THENCE easterly parallel with the northerly side line of York Street and along a northerly line of said lands of the Board of Education, 50.0 feet to a point;

THENCE northerly parallel with the easterly side line of Jay Street and along another westerly line of said lands of the Board of Education, 20.72 feet to a point on the southerly line of lands of Boorum & Pease;

THENCE westerly along the southerly line of said lands of Boorum & Pease, 20.71 feet to the southwesterly corner of lands of Boorum & Pease;

THENCE northerly parallel with the easterly side line of Jay Street and along the westerly line of said lands of Boorum & Pease, 117.10 feet to a point on the southerly side of Front Street;

THENCE westerly along the southerly side line of Front Street, 298.40 feet to the intersection with the easterly side line of Jay Street and place of BEGINNING.

And also 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 a point on the northerly side of York Street, distant 85 feet westerly from the corner formed by the intersection of the said northerly side of York Street with the westerly side of Bridge Street;

RUNNING THENCE northerly and parallel with Bridge Street, 99 feet 8 inches;

THENCE westerly and parallel with York Street, 10 feet;

THENCE northerly and parallel with Bridge Street, 37 feet 10 inches;

THENCE westerly and parallel with York Street, 25 feet;

THENCE northerly and parallel with Bridge Street, 20 feet;

THENCE westerly and parallel with York Street, 50 feet;

THENCE southerly and parallel with Bridge Street, 20 feet;

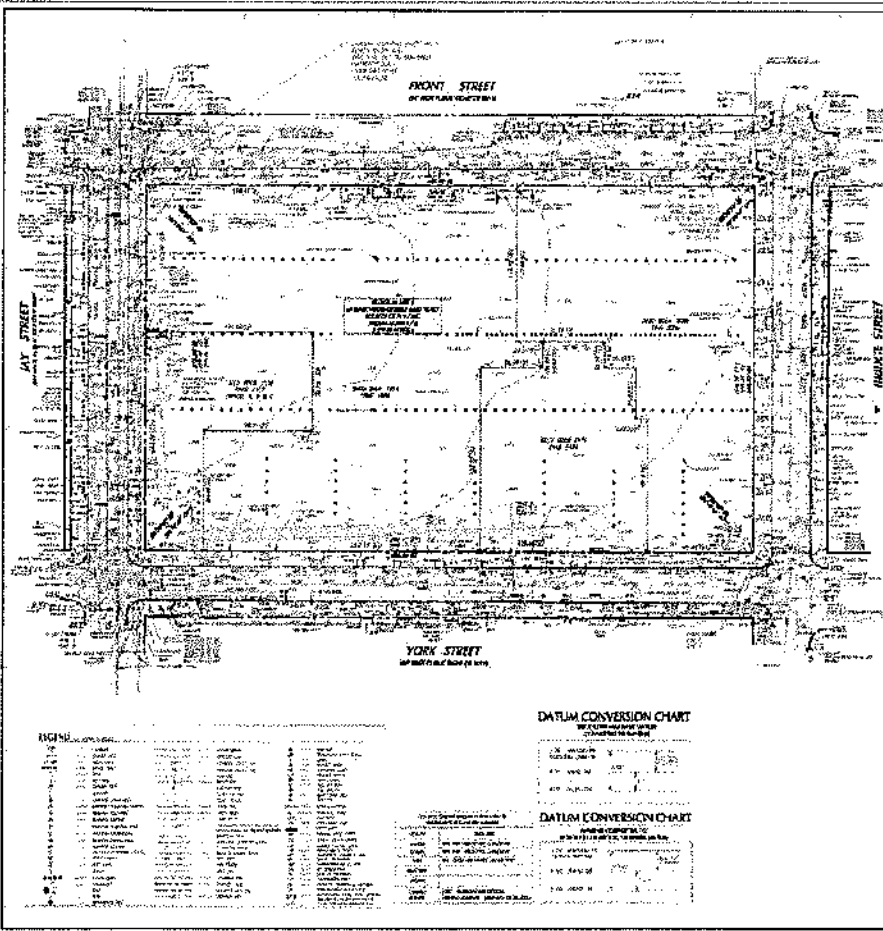
THENCE westerly and parallel with York Street, 50 feet;

THENCE southerly and parallel with Bridge Street, 137 feet 6 inches to the northerly side of York Street;

THENCE easterly along the northerly side of York Street, 135 feet to the point or place of BEGINNING.

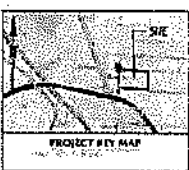
Exhibit B

Site Survey



NOTES

1. THIS SURVEY WAS MADE UNDER THE CLOSEST OF THE DAY.
2. THE BOUNDARY LINES OF THIS SURVEY ARE BASED UPON THE DATA FURNISHED BY THE CLIENT AND THE FIELD NOTES OF THE SURVEYOR.
3. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY INTERESTS IN THE PROPERTY SURVEYED.
4. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY EASEMENTS OR RIGHTS OF WAY AFFECTING THE PROPERTY SURVEYED.
5. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY ENCUMBRANCES AFFECTING THE PROPERTY SURVEYED.
6. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY ADVERSE CLAIMS AFFECTING THE PROPERTY SURVEYED.
7. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER MATTERS AFFECTING THE PROPERTY SURVEYED.
8. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER MATTERS AFFECTING THE PROPERTY SURVEYED.
9. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER MATTERS AFFECTING THE PROPERTY SURVEYED.
10. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER MATTERS AFFECTING THE PROPERTY SURVEYED.



ENGINE

NAME	DATE	REVISION
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DATUM CONVERSION CHART

FROM DATUM	TO DATUM	ADJUSTMENT
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LANGAN

85 JAY STREET

BOUNDARY AND TOPOGRAPHIC SURVEY

VT-101

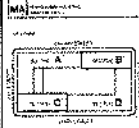
85 Jay Street
Brooklyn, NY 11201

BOUNDARY AND TOPOGRAPHIC SURVEY

A-010.00

© 2010 Langan Surveying

85 Jay Street
Brooklyn, NY 11201



NOTES

1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND DECIMALS THEREOF.

2. THE SURVEY WAS CONDUCTED ON THE DATE INDICATED ON THE TITLE SHEET.

3. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL SURVEYING ACT OF 1982, AS AMENDED.

4. THE SURVEY WAS CONDUCTED USING THE FOLLOWING INSTRUMENTS AND METHODS:

- Instrument: Leica TS15 Total Station
- Method: Direct Sighting

5. THE SURVEY WAS CONDUCTED UNDER THE SUPERVISION OF THE LICENSED PROFESSIONAL SURVEYOR.

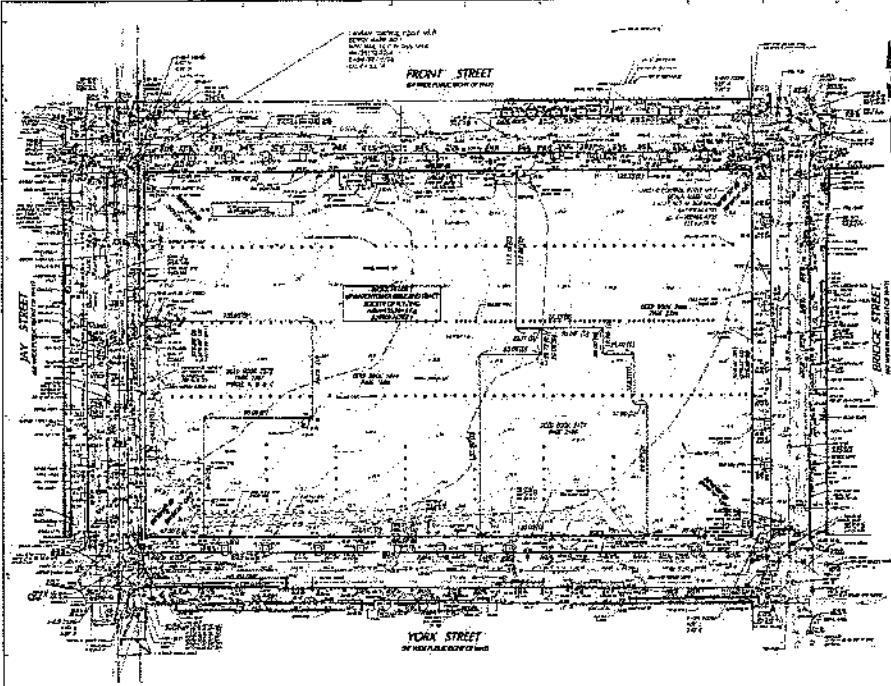
6. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL SURVEYING ACT OF 1982, AS AMENDED.

7. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL SURVEYING ACT OF 1982, AS AMENDED.

8. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL SURVEYING ACT OF 1982, AS AMENDED.

9. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL SURVEYING ACT OF 1982, AS AMENDED.

10. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL SURVEYING ACT OF 1982, AS AMENDED.



LEGEND

1	Proposed Building Footprint	10	Proposed Easement
2	Proposed Driveway	11	Proposed Utility Easement
3	Proposed Walkway	12	Proposed Right-of-Way
4	Proposed Fence	13	Proposed Boundary
5	Proposed Wall	14	Proposed Easement
6	Proposed Gate	15	Proposed Easement
7	Proposed Gate	16	Proposed Easement
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88	Proposed Gate	97	Proposed Easement
89	Proposed Gate	98	Proposed Easement
90	Proposed Gate	99	Proposed Easement
91	Proposed Gate	100	Proposed Easement

DATUM CONVERSION CHART

FROM DATUM	TO DATUM	ADJUSTMENT
1983 NAD 83	1983 NAD 83	0.00
1983 NAD 83	1983 NAD 83	0.00

DATUM CONVERSION CHART

FROM DATUM	TO DATUM	ADJUSTMENT
1983 NAD 83	1983 NAD 83	0.00
1983 NAD 83	1983 NAD 83	0.00

LANGAN

85 JAY STREET
BROOKLYN, NY 11201

BOUNDARY AND TOPOGRAPHIC SURVEY

VT-101



BOUNDARY AND TOPOGRAPHIC SURVEY

A-010.00

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BOUNDARY AND TOPOGRAPHIC SURVEY