



Department of  
Environmental  
Conservation

## BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

### PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

#### 1. Check the appropriate box(es) below based on the nature of the amendment modification requested:

☐ Amendment to modify the existing BCA: [check one or more boxes below]

- ☒ Add applicant(s)
- ☒ Substitute applicant(s)
- ☒ Remove applicant(s)
- ☐ Change in Name of applicant(s)

☐ Amendment to reflect a transfer of title to all or part of the brownfield site

1a. A copy of the recorded deed must be provided. Is this attached? ☐ Yes ☐ No

1b. ☐ Change in ownership ☐ Additional owner (such as a beneficial owner)

If yes, pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been previously submitted. If not, please submit this form with this Amendment. See <http://www.dec.ny.gov/chemical/76250.html>

☐ Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Sections I and V below and Part II*]

☐ Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Section I and V below and Part II*]

☐ **Sites in Bronx, Kings, New York, Queens, or Richmond counties ONLY:** Amendment to request determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. Please answer questions on the supplement at the end of the form.

☒ Other (explain in detail below)

#### 2. Required: Please provide a brief narrative on the nature of the amendment:

On January 20, 2022, the lease interest for the property that is the subject of the Brownfield Cleanup Agreement (BCA) was transferred from the current Requestor BH Ruth Red Hook LLC to the new lessee Columbia SF LLC. As a result, Columbia SF LLC will be the new remedial party in the existing BCA and the existing volunteer BH Ruth Red Hook LLC is being removed.

The Requestor has no prior relationship with any current or past owners or operators of the Site, and did not cause any of the contamination of the Site, which predates the Requestor's involvement at the Site, therefore Requestor Columbia SF LLC is a volunteer.

**\*Please refer to the attached instructions for guidance on filling out this application\***

**\*Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment involves more than an insignificant change in acreage, applicants are encouraged to consult with the DEC project team prior to submitting this application.\***

|   |                      |  |
|---|----------------------|--|
| <b>Section I. Current Agreement Information</b>   |                      |  |
| BCP SITE NAME: 37 Otsego Street   |                      | BCP SITE NUMBER: 224300                |
| NAME OF CURRENT APPLICANT(S): BH Ruth Red Hook LLC  |                      |  |
| INDEX NUMBER OF AGREEMENT: C224300-02-20  |                      | DATE OF ORIGINAL AGREEMENT: 03/02/2020 |
| <b>Section II. New Requestor Information</b> (complete only if adding new requestor or name has changed)  |                      |  |
| NAME Columbia SF LLC  |                      |  |
| ADDRESS 670 Myrtle Avenue, Suite 438  |                      |  |
| CITY/TOWN Brooklyn, New York  |                      | ZIP CODE 11205                         |
| PHONE (718) - 619-0014  | FAX N/A              | E-MAIL JJ@keydevelopersny.com          |
| 1. Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br><br>• 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 (DOS) Corporation & Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS. |                      |  |
| NAME OF NEW REQUESTOR'S REPRESENTATIVE Solomon Felder   |                      |  |
| ADDRESS 670 Myrtle Avenue, Suite 438  |                      |  |
| CITY/TOWN Brooklyn, New York  |                      | ZIP CODE 11205                         |
| PHONE (718) 619-0014  | FAX N/A              | E-MAIL JJ@keydevelopersny.com          |
| NAME OF NEW REQUESTOR'S CONSULTANT (if applicable) ROUX Associates  |                      |  |
| ADDRESS 209 Shafter Street  |                      |  |
| CITY/TOWN Islandia, New York  |                      | ZIP CODE 11749                         |
| PHONE (631) 232 - 2600  | FAX N/A              | E-MAIL rkovacs@rouxinc.com             |
| NAME OF NEW REQUESTOR'S ATTORNEY (if applicable) Linda R. Shaw, Esq. Knauf Shaw LLP   |                      |  |
| ADDRESS 1400 Crossroads Building, 2 State Street  |                      |  |
| CITY/TOWN Rochester, New York   |                      | ZIP CODE 14614                         |
| PHONE (585) 564-8430  | FAX (585) 546 - 4324 | E-MAIL lshaw@nyenvlaw.com              |
| 2. Requestor must submit proof that the party signing this Application and Amendment has the authority to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. Is this proof attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |                      |  |
| 3. Describe Requestor's Relationship to Existing Applicant:<br><br>The Requestor has no relationship to the Existing Applicant other than it is acquiring the Requestor's lease interest in the BCP Site.   |                      |  |

**Section III. Current Property Owner/Operator Information (only include if new owner/operator)**  
**Owner below is:** ☐ Existing Applicant ☐ New Applicant ☐ Non-Applicant

OWNER'S NAME (if different from requestor)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

**Section IV. Eligibility Information for New Requestor (Please refer to ECL § 27-1407 for more detail)**

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? ☐ Yes ☒ No
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site? ☐ Yes ☒ No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? ☐ Yes ☒ No  
Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the subject law; ii) any order or determination; iii) any regulation implementing ECL Article 27 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, Department 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 the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department? ☐ 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 NEW REQUESTOR MUST CERTIFY THAT IT 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 contamination 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 contamination.

☒ 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.

**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.**

12. Requestor's Relationship to Property (check one):

☐ Prior Owner ☐ Current Owner ☐ Potential /Future Purchaser ☒ Other Current Lessee

13. 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

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

**Section V. Property description and description of changes/additions/reductions (if applicable)**

1. Property information on current agreement:

ADDRESS

CITY/TOWN

ZIP CODE

TAX BLOCK AND LOT (SBL)

TOTAL ACREAGE OF CURRENT SITE: \_\_\_\_\_

Parcel Address

Section No. Block No. Lot No. Acreage

|  |  |  |  |  |
|--|--|--|--|--|
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

2. Check appropriate boxes below:

☐

Addition of property (may require additional citizen participation depending on the nature of the expansion – see attached instructions)

2a. PARCELS ADDED:

Acreage  
Added by  
Parcel

Parcel Address

Section No. Block No. Lot No.

|  |  |  |  |  |
|--|--|--|--|--|
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

Total acreage to be added: \_\_\_\_\_

☐

Reduction of property

2b. PARCELS REMOVED:

Acreage  
Removed  
by Parcel

Parcel Address

Section No. Block No. Lot No.

|  |  |  |  |  |
|--|--|--|--|--|
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

Total acreage to be removed: \_\_\_\_\_

☐

Change to SBL (e.g. merge, subdivision, address change)

2c. NEW SBL INFORMATION:

Parcel Address

Section No. Block No. Lot No. Acreage

|  |  |  |  |  |
|--|--|--|--|--|
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, or acceptable site map to this application.

**3. TOTAL REVISED SITE ACREAGE: \_\_\_\_\_**

# Supplement to the Application To Amend Brownfield Cleanup Agreement And Amendment - Questions for Sites Seeking Tangible Property Credits in New York City ONLY.

|   |  |
|---|--|
| Property is in Bronx, Kings, New York, Queens, or Richmond counties.  | <input 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 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 Tax Law 21(6)?<br>Please see <a href="#">DEC's website</a> for more information.   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Is the property upside down as defined below?  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <b>From ECL 27-1405(31):</b><br><br>"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.  |  |
| 3. Is the project an affordable housing project as defined below?   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| From 6 NYCRR 375- 3.2(a) as of August 12, 2016:<br><br>(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.<br><br>(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.<br><br>(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.<br><br>(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. |  |

## PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

| Existing Agreement Information                     |                          |
|--|--------------------------|
| BCP SITE NAME: 37 Otsego Street                    | BCP SITE NUMBER: C224300 |
| NAME OF CURRENT APPLICANT(S): BH Ruth Red Hook LLC |                          |
| INDEX NUMBER OF AGREEMENT: C224300-02-20           |                          |
| EFFECTIVE DATE OF ORIGINAL AGREEMENT: 03/02/2020   |                          |

### Declaration of Amendment:

By the Requestor(s) and/or Applicant(s) signatures below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from any obligations held under the Agreement or those same laws.

### Statement of Certification and Signatures: New Requestor(s) (if applicable)

(Individual)

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. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

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

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

(Entity)

I hereby affirm that I am (title Authorized Signatory) of (entity Columbia SF LLC); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and 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.

Solomon Felder signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: Jan 20, 2022 Signature: S Felder

Print Name: Solomon Felder



**Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)**

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

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

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

(Entity)

I hereby affirm that I am the Managing Member (title) of BH Ruth Red Hook LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. Shimshon Klugman signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 1/20/22 Signature: 

Print Name: Shimshon Klugman

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Please see the following page for submittal instructions.

**NOTE: Applications submitted in fillable format will be rejected.**

Status of Agreement:

☐

**PARTICIPANT**

A requestor who either 1) was the owner of the site at the time of the disposal of contamination 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 contamination.

☐

**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 contamination.

**Effective Date of the Original Agreement:** 03/02/2020

**Signature by the Department:**

DATED: 3/14/2022

NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

By: *Susan Edwards*

Susan Edwards, P.E., Acting Director  
Division of Environmental Remediation

Site Code: C224300



**SUBMITTAL REQUIREMENTS:**

- **Two (2)** copies, one hard copy with original signatures and one electronic copy in final, non-fillable 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

- **NOTE: Applications submitted in fillable format will be rejected.**

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**FOR DEPARTMENT USE ONLY**

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

**PROJECT MANAGER:** Sadique Ahmed



1400 Crossroads Building  
2 State Street  
Rochester, New York 14614  
nyenvlaw.com

February 14, 2022

**LINDA R. SHAW**  
ATTORNEY AT LAW

T 585.546.8430  
C 585.414.3122  
lshaw@nyenvlaw.com

**VIA ELECTRONIC MAIL**

Kelly A. Lewandowski,  
Chief Site Control Section  
New York State Division of Environmental Conservation  
625 Broadway, 11<sup>th</sup> Floor  
Albany, New York 12233

**RE: BCA Amendment Application – Second Submission  
Former Sterling Transformer Corp. Site No. C224300  
37 Ostego Street**

Dear Ms. Lewandowski,

Enclosed please find a second submission of a BCA Amendment Application for the above-referenced BCP Site. The submission establishes Columbia SF LLC as the new remedial party for the Site and removes BH Ruth Red Hook LLC. The original submission has been updated to address comments received in response to the submission. Please note that an amendment will be submitted in the future for the purpose of determining Tangible Property Credits for the Site.

Please do not hesitate to contact me if you have any questions. Thank you.

Sincerely,

**KNAUF SHAW LLP**

A handwritten signature in black ink that reads "Linda R. Shaw".

LINDA R. SHAW

## WRITTEN CONSENT

The undersigned, being a Member of BH Ruth Red Hook LLC, does hereby certify as follows:

1. BH Ruth Red Hook, LLC is the ground lessee and prospective volunteer for the 37 Otsego Street Site located at 37 Otsego Street (a/k/a 498-516 Columbia Street and 21-39 Otsego Street) Brooklyn, New York, New York City Tax Parcel Identification No. Block 1 Lot 579 (the "Site").

2. The following person, Shimshon Klugman, Managing Member of BH Ruth Red Hook LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer BH Ruth Red Hook LLC.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 16<sup>TH</sup> day of July 2019.



BH Ruth Red Hook LLC  
Shimshon Klugman  
Managing Member

## WRITTEN CONSENT

The undersigned, being an authorized signatory for Columbia SF LLC, does hereby certify as follows:

1. Columbia SF LLC is the prospective volunteer for the Brownfield Cleanup Program (BCP) Site located at 37 Ostego Street, Brooklyn, Kings County, New York (Tax Block 579 Lot 1) (the “BCP Site”) (BCP Site No. C224300).
2. The following person, Solomon Felder is an authorized signatory for Columbia SF LLC, and he has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer Columbia SF LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 20th day of January, 2022.



---

J.J. Weiss

Authorized Signatory of Columbia SF LLC

Vaccine appointments are available at New York State mass vaccination sites for children ages 5- 11. Vaccines are also widely available through your child's pediatrician, family physician, local county health department, FQHC, or pharmacy.

[FIND PROVIDER](#) >

## Department of State Division of Corporations

### Entity Information

[Return to Results](#)[Return to Search](#)

#### Entity Details

|  |  |
|--|--|
| <b>ENTITY NAME:</b> COLUMBIA SF LLC  | <b>DOS ID:</b> 6270380                           |
| <b>FOREIGN LEGAL NAME:</b>   | <b>FICTITIOUS NAME:</b>                          |
| <b>ENTITY TYPE:</b> DOMESTIC LIMITED LIABILITY COMPANY   | <b>DURATION DATE/LATEST DATE OF DISSOLUTION:</b> |
| <b>SECTION OF LAW:</b> LIMITED LIABILITY COMPANY LAW - 203<br>LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY<br>COMPANY LAW | <b>ENTITY STATUS:</b> ACTIVE                     |
| <b>DATE OF INITIAL DOS FILING:</b> 08/31/2021  | <b>REASON FOR STATUS:</b>                        |
| <b>EFFECTIVE DATE INITIAL FILING:</b> 08/31/2021   | <b>INACTIVE DATE:</b>                            |
| <b>FOREIGN FORMATION DATE:</b>   | <b>STATEMENT STATUS:</b> CURRENT                 |
| <b>COUNTY:</b> ALBANY  | <b>NEXT STATEMENT DUE DATE:</b> 08/31/2023       |
| <b>JURISDICTION:</b> NEW YORK, UNITED STATES   | <b>NFP CATEGORY:</b>                             |

[ENTITY DISPLAY](#)[NAME HISTORY](#)[FILING HISTORY](#)[MERGER HISTORY](#)[ASSUMED NAME HISTORY](#)

#### Service of Process Name and Address

**Name:** COLUMBIA SF LLC**Address:** 670 MYRTLE AVE STE 438, BROOKLYN, NY, UNITED STATES, 11205

#### Chief Executive Officer's Name and Address

**Name:****Address:**

#### Principal Executive Office Address

**Address:**

#### Registered Agent Name and Address

**Name:****Address:**

#### Entity Primary Location Name and Address

**Name:**

**Address:**

Farmcorpflag

**Is The Entity A Farm Corporation:** NO

Stock Information

Share Value

Number Of Shares

Value Per Share

**COLUMBIA SF LLC**  
**670 Myrtle Avenue, Suite 438**  
**Brooklyn, New York 11205**

498-516 Columbia Street LLC  
c/o Royal Farms  
Michael Schreiber

VIA ELECTRONIC MAIL

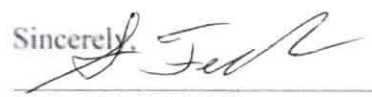
**Re: Site Access to Perform Brownfield Cleanup Program Work**  
**37 Otsego Street, Brooklyn, New York (Tax Block 579, Lot 1)**

Dear Michael:

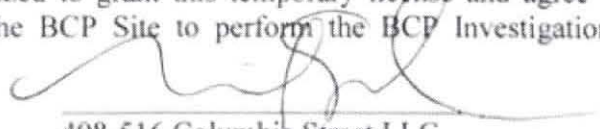
As we have discussed, BH Ruth Red Hook, LLC and Columbia SF LLC is submitting a Brownfield Cleanup Program ("BCP") Amendment Application to the New York State Department of Environmental Conservation ("NYSDEC") to substitute Columbia SF LLC as a Volunteer to investigate and remediate the property located at 37 Otsego Street, Brooklyn, New York (Tax Block 579, Lot 1) (the proposed "BCP Site") owned by 498-516 Columbia Street LLC. Since you are an authorized signatory for 498-516 Columbia Street LLC, we need your written permission below to access the BCP Site for the purpose of performing environmental investigation and remediation work as a criterion for acceptance into the BCP.

If you agree to sign below, you are granting us what is known as a "temporary license" to allow members of Columbia SF LLC and an appropriate contractor it hires to enter the property to perform investigation and remediation work. We promise to provide you with copies of any information we generate about the property, and if we do accidentally damage your property in any way, we agree to repair the damages to restore the property to the way it was before we entered. Our contractor will also maintain insurance that would cover any accidents on the job. To the extent an environmental easement is required, as the site owner you are also hereby agreeing to execute the easement. However, the goal for the remediation will be a Track 1 remediation, which if achieved, eliminates the need for an easement. We promise to minimize any and all inconvenience to you in connection with this work and will give you one week notice before the work begins. If you have any questions, please do not hesitate to call me. Otherwise, please sign below so that this work can proceed. Thank you for your cooperation.

Sincerely,

  
Columbia SF LLC

As a member of the site owner, I am authorized to grant this temporary license and agree to allow Columbia SF LLC and its agents to enter the BCP Site to perform the BCP Investigation and/or remediation work required.

  
498-516 Columbia Street LLC  
By. Michael Schreiber  
Authorized Signatory



**COLUMBIA SF LLC**  
**REQUESTOR CERTIFICATION**

The Requestor Columbia SF LLC certifies it is a Volunteer. The Requestor has no nor has ever had any relationship with any of the past owners or operators of the Site except for entering a Ground Lease with the current Owner and is therefore the Ground Lessee of the Site. Further, affiliates of Requestor have no, nor have ever, had any relationship with any of the past owners or operators of the Site other than through the Ground Lease, nor did they have any involvement with the Site at the time of disposal.



---

Columbia SF LLC

By.     Solomon Felder  
         Authorized Signatory