



Department of
Environmental
Conservation

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

Please refer to the attached instructions for guidance on completing this application.

Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment seeks to add or subtract more than an insignificant acreage of property to the BCA, applicants are encouraged to consult with the DEC project team prior to submitting this application.

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

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

| | |
|-------------------------------------|--|
| <input type="checkbox"/> | Amendment to modify the existing BCA (check one or more boxes below): |
| <input type="checkbox"/> | Add applicant(s) |
| <input type="checkbox"/> | Substitute applicant(s) |
| <input type="checkbox"/> | Remove applicant(s) |
| <input type="checkbox"/> | Change in name of applicant(s) |
| <input checked="" type="checkbox"/> | Amendment to reflect a transfer of title to all or part of the brownfield site: |
| | <p>a. A copy of the recorded deed must be provided. Is this attached? Yes <input checked="" type="radio"/> No <input type="radio"/></p> <p>b. <input checked="" type="checkbox"/> Change in ownership <input type="checkbox"/> Additional owner (such as a beneficial owner)</p> <p>c. Pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been submitted prior to a transfer of ownership. If this has not yet been submitted, include the form with this application. Is this form attached? Yes <input checked="" type="radio"/> No <input type="radio"/> Submitted on: 12/01/2023</p> |
| <input type="checkbox"/> | Amendment to modify description of the property(ies) listed in the existing BCA |
| <input type="checkbox"/> | Amendment to expand or reduce property boundaries of the property(ies) listed in the existing BCA |
| <input type="checkbox"/> | Sites in Bronx, Kings, New York, Queens or Richmond Counties ONLY: amendment to request determination that the site is eligible for tangible property credit component of the brownfield redevelopment tax credit. |
| <input type="checkbox"/> | Other (explain in detail below) |

2. REQUIRED: Please provide a brief narrative describing the specific requests included in this amendment:
The purpose of this BCA Amendment application is to reflect a change in ownership of this BCP Site following a title transfer from one existing Volunteer, "737 4th Avenue, LLC", to another Volunteer, "745 4th Avenue, LLC", effective as of 2/8/2024. See Exhibit A for all supporting documents.

SECTION I: CURRENT AGREEMENT INFORMATION*This section must be completed in full. Attach additional pages as necessary.*

| | |
|---|--|
| BCP SITE NAME: 737 4th Avenue | BCP SITE CODE: C224332 |
| NAME OF CURRENT APPLICANT(S): 737 4th Avenue, LLC; 745 4th Avenue, LLC; 737 4th Equity Owner, LLC | |
| INDEX NUMBER OF AGREEMENT: C224332-11-21 | DATE OF ORIGINAL AGREEMENT: 11/19/2021 |

SECTION II: NEW REQUESTOR INFORMATION*Complete this section only if adding new requestor(s) or the name of an existing requestor has changed.*

| | | | |
|---|--------|----------|-----------------------|
| NAME: | | | |
| ADDRESS: | | | |
| CITY/TOWN: | | | ZIP CODE: |
| PHONE: | EMAIL: | | |
| REQUESTOR CONTACT: | | | |
| ADDRESS: | | | |
| CITY/TOWN: | | | ZIP CODE: |
| PHONE: | EMAIL: | | |
| REQUESTOR'S CONSULTANT: | | CONTACT: | |
| ADDRESS: | | | |
| CITY/TOWN: | | | ZIP CODE: |
| PHONE: | EMAIL: | | |
| REQUESTOR'S ATTORNEY: | | CONTACT: | |
| ADDRESS: | | | |
| CITY/TOWN: | | | ZIP CODE: |
| PHONE: | EMAIL: | | |
| | | | |
| | | | Y |
| | | | N |
| 1. Is the requestor authorized to conduct business in New York State? | | | <input type="radio"/> |
| 2. If the requestor is a corporation, LLC, LLP, or other entity requiring authorization from the NYS Department of State (NYSDOS) to conduct business in NYS, the requestor's name must appear exactly as given above in the NYSDOS Corporation & Business Entity Database. A print-out of entity information from the NYSDOS database must be submitted with this application. Is this print-out attached? | | | <input type="radio"/> |
| 3. Requestor must submit proof that the party signing this application and amendment has the authority to bind the requestor. This would be documentation showing the authority to bind the requestor in the form of corporate organizational papers, a Corporate Resolution or an Operating Agreement or Resolution for an LLC. Is this proof attached? | | | <input type="radio"/> |
| 4. If the requestor is an LLC, the names of the members/owners must be provided. Is this information attached? | | | <input type="radio"/> |
| | | | <input type="radio"/> |
| 5. Describe the new requestor's relationship to all existing applicants: | | | |

SECTION III: CURRENT PROPERTY OWNER/OPERATOR INFORMATION*Complete this section only if a transfer of ownership has taken place. Attach additional pages if necessary.*

| | | | | | |
|---|--|--|----------------------|--|--|
| Owner listed below is: <input checked="" type="checkbox"/> Existing Applicant | | <input type="checkbox"/> New Applicant | | <input type="checkbox"/> Non-Applicant | |
| OWNER'S NAME: 745 4th Avenue, LLC | | | CONTACT: Lee Brodsky | | |
| ADDRESS: 26 Harbor Park Drive | | | | | |
| CITY/TOWN: Port Washington, NY | | | ZIP CODE: 11050 | | |
| PHONE: | | EMAIL: | | | |
| OPERATOR: | | | CONTACT: | | |
| ADDRESS: | | | | | |
| CITY/TOWN: | | | ZIP CODE: | | |
| PHONE: | | EMAIL: | | | |

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION*Complete this section only if adding new requestor(s). Attach additional pages if necessary.*

If answering "yes" to any of the following questions, please provide additional information as an attachment. Please refer to ECL § 27-1407 for details.

| | Y | N |
|---|-----------------------|-----------------------|
| 1. Are any enforcement actions pending against the requestor regarding this site? | <input type="radio"/> | <input type="radio"/> |
| 2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site? | <input type="radio"/> | <input type="radio"/> |
| 3. Is the requestor subject to an outstanding claim by the Spill Fund for the site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. | <input type="radio"/> | <input type="radio"/> |
| 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 or regulation of the state or federal government? If so, provide additional information as an attachment. | <input type="radio"/> | <input type="radio"/> |
| 5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as site name, address, DEC site number, reason for denial, and any other relevant information. | <input type="radio"/> | <input type="radio"/> |
| 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 or contaminants? | <input type="radio"/> | <input type="radio"/> |
| 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? | <input type="radio"/> | <input type="radio"/> |
| 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? | <input type="radio"/> | <input type="radio"/> |

| SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION (continued) | | Y | N |
|--|---|----------------------------|----------------------------|
| 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? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 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? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 11. Are there any unregistered bulk storage tanks on-site which require registration? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 12. 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: | | | |
| <input type="checkbox"/> 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. | <input type="checkbox"/> 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 a 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 they have 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's liability arises solely as a result of ownership, operation of or involvement with the site, they must submit a statement describing why they should be considered a volunteer – be specific as to the appropriate care taken. | | |
| 13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached? | N/A <input type="radio"/> | Y <input type="radio"/> | N <input type="radio"/> |
| 14. Requestor's relationship to the property (check all that apply): <input type="checkbox"/> Prior Owner <input type="checkbox"/> Current Owner <input type="checkbox"/> Potential/Future Purchaser <input type="checkbox"/> Other: _____ | | | |
| 15. If the 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 being added to the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached? | N/A <input type="radio"/> | Y <input type="radio"/> | N <input type="radio"/> |

SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES

Complete this section only if property is being added to or removed from the site, a lot merger or other change to site SBL(s) has occurred, or if modifying the site address for any reason.

1. Property information on current agreement (as modified by any previous amendments, if applicable):

ADDRESS:

CITY/TOWN

ZIP CODE:

CURRENT PROPERTY INFORMATION

TOTAL ACREAGE OF CURRENT SITE:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

2. Requested change (check appropriate boxes below):

☐

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

PARCELS ADDED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

TOTAL ACREAGE TO BE ADDED: _____

☐

b. Reduction of property

PARCELS REMOVED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

TOTAL ACREAGE TO BE REMOVED: _____

☐

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

NEW PROPERTY INFORMATION:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

3. TOTAL REVISED SITE ACREAGE: _____

4. For all changes requested in this section, documentation must be provided. Required attachments are listed in the application instructions. Is the required documentation attached?

Y

☐

N

☐

**APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT SUPPLEMENT
QUESTIONS FOR SITE SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY**

Complete this section only if the site is located within the five counties comprising New York City and the requestor is seeking a determination of eligibility for tangible property credits. Provide supporting documentation as required. Refer to the application instructions for additional information.

| | Y | N |
|--|-----------------------|-----------------------|
| 1. Is the site located in Bronx, Kings, New York, Queens or Richmond County? | <input type="radio"/> | <input type="radio"/> |
| 2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit? | <input type="radio"/> | <input type="radio"/> |
| 3. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website for more information. | <input type="radio"/> | <input type="radio"/> |
| 4. Is the property upside down as defined below? | <input type="radio"/> | <input type="radio"/> |
| <p>From ECL 27-1405(31):</p> <p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p> | | |
| 5. Is the project and affordable housing project as defined below? | <input type="radio"/> | <input type="radio"/> |
| <p>From 6 NYCRR 375-3.2(a) as of August 12, 2016:</p> <p>(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.</p> <p>(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' household's annual gross income.</p> <p>(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 homeowners at a defined maximum percentage of the area median income.</p> <p>(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.</p> | | |

| APPLICATION SUPPLEMENT FOR NYC SITES (continued) | Y | N |
|---|-----------------------|-----------------------|
| <p>6. Is the project a planned renewable energy facility site as defined below?</p> <p>From ECL 27-1405(33) as of April 9, 2022:</p> <p>"Renewable energy facility site" shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.</p> <p>From Public Service Law Article 4 Section 66-p as of April 23, 2021:</p> <p>(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.</p> | <input type="radio"/> | <input type="radio"/> |
| <p>7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and meets the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?</p> <p>From ECL 75-0111 as of April 9, 2022:</p> <p>(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.</p> | <input type="radio"/> | <input type="radio"/> |

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT**EXISTING AGREEMENT INFORMATION**

BCP SITE NAME: 737 4th Avenue

BCP SITE CODE: C224332

NAME OF CURRENT APPLICANT(S): 737 4th Avenue, LLC; 745 4th Avenue, LLC; 737 4th Equity Owner, LLC

INDEX NUMBER OF AGREEMENT: C224332-11-21

DATE OF ORIGINAL AGREEMENT 11/19/2021

Declaration of Amendment:

By the requestor(s) and/or applicant(s) signature(s) 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 obligations held under the Agreement or those same laws.

STATEMENT OF CERTIFICATION AND SIGNATURES: NEW REQUESTOR

Complete the appropriate section (individual or entity) below only if this Amendment adds a new requestor. Attach additional pages as needed.

(Individual)

I hereby affirm that the 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) of _____ (entity); 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.

_____ 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: _____

STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S)

An authorized representative of each applicant must complete and sign the appropriate section (individual or entity) below. Attach additional pages as needed.

(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 Authorized Signatory (title) of 737 4th Avenue, 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. Lee Brodsky's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 3/4/24 Signature: _____Print Name: Lee Brodsky / 737 4th Avenue, LLC

PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

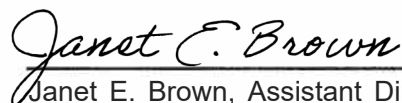
| | |
|--|--|
| <input type="checkbox"/> PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of contamination or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of contamination. | <input checked="" type="checkbox"/> 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: 11/19/2021

Signature by the Department:

DATED: 3/12/24NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:



Janet E. Brown, Assistant Director
Division of Environmental Remediation

STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S)

An authorized representative of each applicant must complete and sign the appropriate section (individual or entity) below. Attach additional pages as needed.

(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 Authorized Signatory (title) of 745 4th Avenue, 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. Lee Brodsky's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 3/4/24 Signature: _____Print Name: Lee Brodsky / 745 4th Avenue, LLC

PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

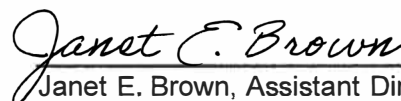
| | |
|--|--|
| <input type="checkbox"/> PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of contamination or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of contamination. | <input checked="" type="checkbox"/> 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: 11/19/2021

Signature by the Department:

DATED: 3/12/24NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:



Janet E. Brown, Assistant Director
Division of Environmental Remediation

STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S)

An authorized representative of each applicant must complete and sign the appropriate section (individual or entity) below. Attach additional pages as needed.

(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 Authorized Signatory (title) of 737 4th Equity Owner, 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. Lee Brodsky's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 3/5/24 Signature: _____Print Name: Lee Brodsky / 737 4th Equity Owner, LLC

PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

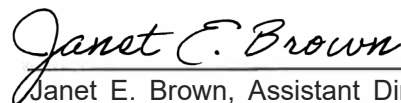
| | |
|--|--|
| <input type="checkbox"/> PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of contamination or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of contamination. | <input checked="" type="checkbox"/> 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: 11/19/2021

Signature by the Department:

DATED: 3/12/24NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:



Janet E. Brown, Assistant Director
Division of Environmental Remediation

INSTRUCTIONS FOR COMPLETING AN APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

This form must be used to add or remove a party, reflect a change in property ownership to all or part of the site, modify a property description, or reduce/expand property boundaries for an existing BCP Agreement.

NOTE: DEC requires a standard full BCP application to request major changes to the description of the property set forth in the BCA (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). The application must be submitted to DEC in the same manner as the original application to participate.

COVER PAGE

Please select all options that apply. Provide a brief narrative of the nature of the amendment requested.

SECTION I: CURRENT AGREEMENT INFORMATION

This section must be completed in its entirety. The information entered here will auto-populate throughout the application and amendment.

Provide the site name, site code and name(s) of current requestor(s) exactly as this information appears on the existing agreement. This should reflect any changes made by previous amendments to the site name or parties on the BCA. Provide the agreement index number and the date of the initial BCA.

SECTION II: NEW REQUESTOR INFORMATION

This section is to be completed only if a new requestor is being added to the BCA, or if the name of the existing requestor has changed with the NYSDOS.

Requestor Name

Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information.) The requestor is the person or entity seeking DEC review and approval of the remedial program.

If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database.

Requestor, Consultant and Attorney Contact Information

Provide the contact name, mailing address, telephone number and e-mail address for each of the following contacts:

Requestor's Representative: This is the person to whom all correspondence, notices, etc., will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative unless another contact name and address is provided with the application.

Requestor's Consultant: Include the name of the consulting firm and the contact person.

Requestor's Attorney: Include the name of the law firm and the contact person.

Required Attachments for Section II:

- 1. NYSDOS Information: A print-out of entity information from the NYSDOS database to document that the applicant is authorized to do business in NYS. The requestor's name must appear throughout the application exactly as it does in the database.*
- 2. LLC Organization: If the requestor is an LLC, provide a list of the names of the members/owners of the LLC.*
- 3. Authority to Bind: Proof must be included that shows that the party signing this application and amendment is authorized to do so on behalf of the requestor. This documentation may be in the form of corporate organizational papers, a Corporate Resolution or Operating Agreement or Resolution.*

SECTION III: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Complete this section only if a transfer of ownership has taken place for all or part of the site property. Attach additional pages for each new owner if applicable.

Provide the relationship of the owner to the site by selecting one of the check-box options.

Owner Name, Address, etc.

Provide information for the new owner of the property. List all new parties holding an interest in the property. Attach separate pages as needed.

Operator Name, Address, etc.

Provide information for the new operator, if applicable.

NOTE: Pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been submitted prior to a transfer of ownership. If this form was not previously submitted, it must be included with this application. See <http://www.dec.ny.gov/chemical/76250.html> for additional information.

Required Attachments for Section III:

- 1. Copy of deed as proof of ownership.*
- 2. Ownership/Nominee Agreement, if applicable.*
- 3. Change of Use form, if not previously submitted to the Department.*

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION

For additional information regarding requestor eligibility, please refer to ECL §27-1407.

Provide a response to each question listed. If any question is answered in the affirmative, provide an attachment with detailed relevant information. It is permissible to reference specific sections of existing property reports; however, such information must be summarized in an attachment. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

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.

If the 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. A purchase contract does not suffice as proof of access.

Required Attachments for Section IV:

- 1. Detailed information regarding any questions answered in the affirmation, if applicable.*
- 2. Statement describing why the requestor should be considered a volunteer, if applicable.*
- 3. Site access agreement, as described above, if applicable.*

SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES

NOTE: DEC requires a standard full BCP application to request major changes to the description of the property set forth in the BCA (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). The application must be submitted to DEC in the same manner as the original application to participate.

Property Information on Existing Agreement

Provide the site address and tax parcel information exactly as it appears on the current agreement (including as it has been modified in previous amendments).

Addition of Property

Provide the tax parcel information and acreage for each parcel to be added. Provide the total acreage to be added below the far-right column.

Reduction of Property

Provide the tax parcel information and acreage for each parcel to be removed. Provide the total acreage to be removed below the far-right column.

Change to address, SBL or metes and bounds description

Provide the new address and tax parcel information.

Total Revised Site Acreage

Provide the new total site acreage after addition or removal of property. If no change to site boundary, this should match the acreage provided above, under Property Information on Existing Agreement.

All requested changes to this section should be accompanied by a revised survey or other acceptable map depicting the proposed new site boundary. Additionally, provide a county tax map with the site boundary outlined, as well as a USGS 7.5-minute quadrangle map with the site location clearly identified.

Required Attachments for Section V:

1. *For all additions and removal of property:*
 - a. *Site map clearly identifying the existing site boundary and proposed new site boundary*
 - b. *County tax map with the new site boundary clearly identified*
 - c. *USGS 7.5-minute quadrangle map with the site location clearly identified*
2. *For address changes, lot mergers, subdivisions and any other change to the property description:*
 - a. *County tax map with the site boundary and all SBL information clearly identified*
 - b. *USGS 7.5-minute quadrangle map with the site location clearly identified*
 - c. *Approved application for lot merger or apportionment, or the equivalent thereof, as proof from the municipality of the SBL change(s)*

SUPPLEMENT TO THE APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT – QUESTIONS FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY

Complete this section only if the site is located within the five counties comprising New York City and the requestor is seeking a determination of eligibility for tangible property credits.

Provide responses to each question. If any question is answered in the affirmative, provide required documentation as applicable.

Required Attachments for NYC Site Supplement:

- 1. For sites located all or partially in an En-zone: provide a map with the site boundary clearly identified and the En-zone overlay showing that all or a portion of the site is located within an En-zone. This map must also indicate the census tract number in which the site is located. See [DEC's website](#) for additional information.*
- 2. For affordable housing projects: provide the affordable housing regulatory agreement and any additional relevant information.*
- 3. For renewable energy site projects: for (a) planned renewable energy facilities generating/storing less than twenty-five (25) megawatts, provide a local land use approval; or, for (b) planned renewable energy facilities generating/storing twenty-five (25) megawatts or greater, provide the permit issued by the NYS Office of Renewable Energy Siting.*
- 4. For sites located within a disadvantaged community and a conforming Brownfield Opportunity Area: provide a map with the site boundary clearly identified and the disadvantaged community overlay showing that the site is located within a disadvantaged community.*

PART II: BROWNFIELD CLEANUP PROGRAM AMENDMENT

The information in the “EXISTING AGREEMENT INFORMATION” section should auto-populate with the information provided on page 2.

If a new requestor is applying to enter the program, provide the required information and signature at the bottom of page 8 and the required information and signature on page 9.

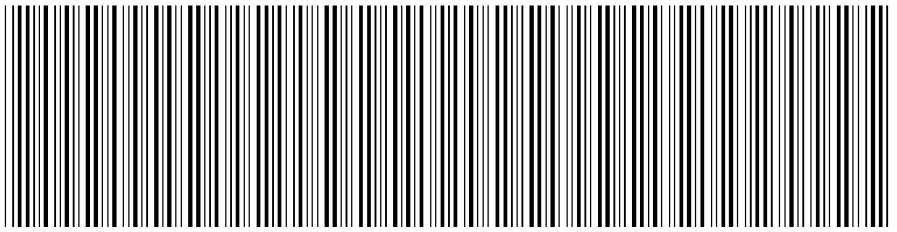
If no new requestor is applying to the program but any other change has been made, provide the required information and signature on page 9.

Exhibit A to BCA Amendment No. 5:

Recorded Deed of “745 4th Avenue, LLC”
Prior Change of Use Submission

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.



2024020800429001001ECCA0

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 3

Document ID: 2024020800429001

Document Date: 02-08-2024

Preparation Date: 02-08-2024

Document Type: DEED

Document Page Count: 2

PRESENTER:

ROYAL ABSTRACT OF NEW YORK LLC 916522
125 PARK AVENUE, SUITE 1610
NEW YORK, NY 10017
212-376-0900
sdejesus@ROYALABSTRACT.COM

RETURN TO:

ROYAL ABSTRACT OF NEW YORK LLC 916522
125 PARK AVENUE, SUITE 1610
NEW YORK, NY 10017
212-376-0900
sdejesus@ROYALABSTRACT.COM

PROPERTY DATA

| Borough | Block | Lot | Unit | Address |
|---------------------------------------|-------|-----|------------|----------------|
| BROOKLYN | 652 | 1 | Entire Lot | 737 4TH AVENUE |
| Property Type: COMMERCIAL REAL ESTATE | | | | |

CROSS REFERENCE DATA

CRFN _____ or DocumentID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

GRANTOR/SELLER:

737 4TH AVENUE, LLC
26 HARBOR PARK DRIVE
PORT WASHINGTON, NY 11050

GRANTEE/BUYER:

745 4TH AVENUE, LLC
26 HARBOR PARK DRIVE
PORT WASHINGTON, NY 11050

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: \$ 47.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 250.00

NYC Real Property Transfer Tax:

\$ 0.00

NYS Real Estate Transfer Tax:

\$ 0.00

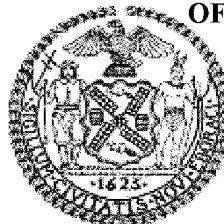
RECORDED OR FILED IN THE OFFICE
OF THE CITY REGISTER OF THE

CITY OF NEW YORK

Recorded/Filed 02-08-2024 16:01

City Register File No.(CRFN):

2024000035125



Colette N. de la J. Jacques

City Register Official Signature

DEED

THIS INDENTURE, made as of the 8th day of February, 2024

BETWEEN

737 4th Avenue, LLC, a New York limited liability company
with an address at 26 Harbor Park Drive, Port Washington, New York 11050

party of the first part, and

745 4th Avenue, LLC, a Delaware limited liability company
with an address at 26 Harbor Park Drive, Port Washington, New York 11050

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten and No/100 (\$10.00) Dollars paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

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

SEE SCHEDULE "A" ANNEXED HERETO AND MADE A PART HEREOF

Being the same premises described in (a) the deed to the party of the first part herein by deed dated December 11, 2018 and recorded on January 18, 2019 as CRFN 2019000021027 (as to former Lot 1) and (b) by correction deed dated as of October 4, 2021 and recorded October 13, 2021 as CRFN 2021000402618 which corrects deed dated as of July 14, 2021 and recorded July 27, 2021 as CRFN 2021000288900 (as to former Lot 7)

Said premises being known as 731-747 Fourth Avenue a/k/a 197-205 25th Street a/k/a 250-258 24th Street, Brooklyn, New York and designated as Block 652 Lot 1 as shown on the Tax Map of the City of New York, County of Kings.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

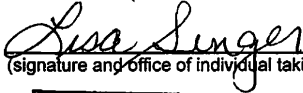
By: 737 4th Avenue, LLC,
By: 737 4th Management, LLC, its Managing Member
By: BSI, LLC, Member

By: 
Lee J. Brodsky, Manager

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE

State of New York, County of Nassau, ss:

On the 8th day of February in the year 2024 before me, the undersigned, personally appeared **Lee J. Brodsky**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



(signature and office of individual taking acknowledgment)

LISA SINGER
NOTARY PUBLIC STATE OF NEW YORK
NASSAU COUNTY
LIC. # 01SI6114463
COMM. EXP. 8-16-2024

State of New York, County of _____ ss:

On the _____ day of _____ in the year _____ 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(s) 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)

**BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS**

737 4th Avenue, LLC

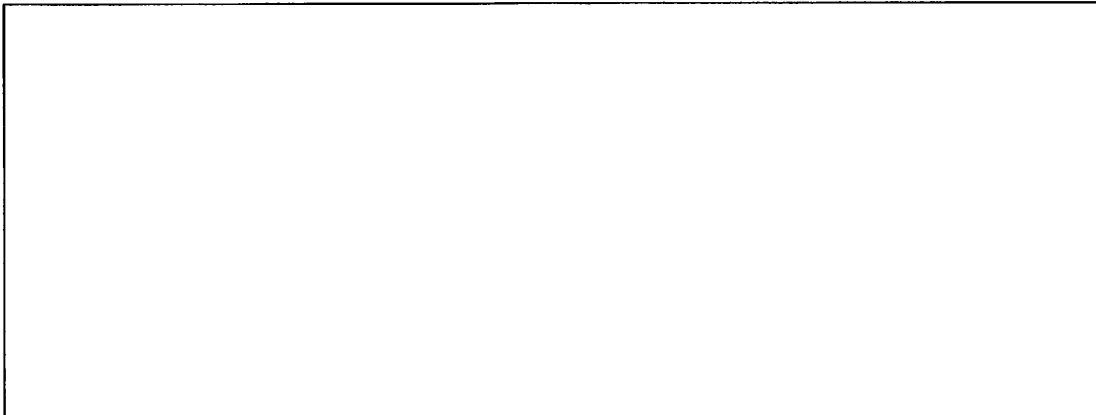
**TO
745 4th Avenue, LLC**

SECTION
BLOCK 652
LOT 1
COUNTY OR TOWN Kings
STREET ADDRESS 731-747 Fourth Avenue
Brooklyn, New York

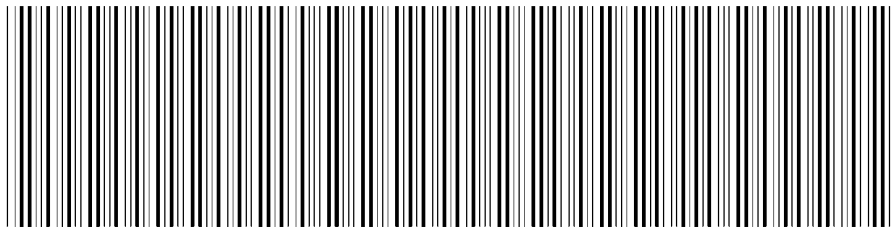
Recorded at Request of
737 4th Avenue, LLC

RETURN BY MAIL TO:

Joi Aberle, Esq.
737 4th Avenue LLC
26 Harbor Park Drive
Port Washington, New York 11050



NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2024020800429001001S0221

SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

Document ID: 2024020800429001
Document Type: DEED

Document Date: 02-08-2024

Preparation Date: 02-08-2024

ASSOCIATED TAX FORM ID: 2024012300196

SUPPORTING DOCUMENTS SUBMITTED:

Page Count
1

RP - 5217 REAL PROPERTY TRANSFER REPORT

C1. County Code _____ C2. Date Deed Recorded _____
Month Day Year
C3. Book OR _____ C4. Page _____
C5. CRFN _____



**STATE OF NEW YORK
STATE BOARD OF REAL PROPERTY SERVICES**

RP - 5217NYC

| | | | | |
|----------------------|---------------|-------------|----------|----------|
| 1. Property Location | 737 | 4TH AVENUE | BROOKLYN | 11232 |
| | STREET NUMBER | STREET NAME | BOROUGH | ZIP CODE |

| | | |
|---------------|---------------------|------------|
| 2. Buyer Name | 745 4TH AVENUE, LLC | |
| | LAST NAME / COMPANY | FIRST NAME |
| | | |
| | LAST NAME / COMPANY | FIRST NAME |

3. Tax Billing Address Indicate where future Tax Bills are to be sent if other than buyer address (at bottom of form)

LAST NAME / COMPANY FIRST NAME

STREET NUMBER AND STREET NAME CITY OR TOWN STATE ZIP CODE

4. Indicate the number of Assessment Roll parcels transferred on the deed 1 # of Parcels OR ☐ Part of a Parcel

4A. Planning Board Approval - N/A for NYC
4B. Agricultural District Notice - N/A for NYC

6. Dead Property Size _____ X _____ DEPTH OR _____ ACRES

Check the boxes below as they apply:

6. Ownership Type Is Condominium

7. New Construction on Vacant Land

| | | |
|----------------|---------------------|------------|
| 8. Seller Name | 737 4TH AVENUE,LLC | |
| | LAST NAME / COMPANY | FIRST NAME |
| | | |
| | LAST NAME / COMPANY | FIRST NAME |

9. Check the box below which most accurately describes the use of the property at the time of sale:

| | | | | | | | | | | | | | | |
|---|--------------------------|---------------------------|---|--------------------------|-----------------------------|---|-------------------------------------|------------|---|--------------------------|---------------------------|---|--------------------------|----------------|
| A | <input type="checkbox"/> | One Family Residential | C | <input type="checkbox"/> | Residential Vacant Land | E | <input checked="" type="checkbox"/> | Commercial | G | <input type="checkbox"/> | Entertainment / Amusement | I | <input type="checkbox"/> | Industrial |
| B | <input type="checkbox"/> | 2 or 3 Family Residential | D | <input type="checkbox"/> | Non-Residential Vacant Land | F | <input type="checkbox"/> | Apartment | H | <input type="checkbox"/> | Community Service | J | <input type="checkbox"/> | Public Service |

10. Sale Contract Date 2 / 8 / 2024
Month Day Year

11. Date of Sale / Transfer 2 / 8 / 2024
Month Day Year

12. Full Sale Price \$

(Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.

13. Indicate the value of personal property included in the sale

14. Check one or more of these conditions as applicable to transfer:

| | | |
|---|-------------------------------------|--|
| A | <input type="checkbox"/> | Sale Between Relatives or Former Relatives |
| B | <input type="checkbox"/> | Sale Between Related Companies or Partners in Business |
| C | <input type="checkbox"/> | One of the Buyers is also a Seller |
| D | <input type="checkbox"/> | Buyer or Seller is Government Agency or Lending Institution |
| E | <input type="checkbox"/> | Deed Type not Warranty or Bargain and Sale (Specify Below) |
| F | <input type="checkbox"/> | Sale of Fractional or Less than Fee Interest (Specify Below) |
| G | <input type="checkbox"/> | Significant Change in Property Between Taxable Status and Sale Dates |
| H | <input type="checkbox"/> | Sale of Business is Included in Sale Price |
| I | <input type="checkbox"/> | Other Unusual Factors Affecting Sale Price (Specify Below) |
| J | <input checked="" type="checkbox"/> | None |

15. Building Class V.1



16. Total Assessed Value (of all parcels in transfer) 556,650

17. Borough, Block and Lot / Roll Identifier(s) (If more than three, attach sheet with additional Identifier(s))

BROOKLYN 652 1

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

| BUYER | | | BUYER'S ATTORNEY | |
|--|--------------------------|-------------------|--|------------------|
| BUYER SIGNATURE  | | DATE 2/8/24 | LAST NAME | FIRST NAME |
| 26 HARBOR PARK DRIVE | | | | |
| STREET NUMBER | STREET NAME (AFTER SALE) | | AREA CODE | TELEPHONE NUMBER |
| | PORT WASHINGTON | | | |
| CITY OR TOWN | STATE NY | ZIP CODE 11050 | SELLER | |
| | | | SELLER SIGNATURE  | DATE 2/8/24 |

2024012300196201



The City of New York
Department of Environmental Protection
Bureau of Customer Services
59-17 Junction Boulevard
Flushing, NY 11373-5108

Customer Registration Form for Water and Sewer Billing

Property and Owner Information:

- (1) Property receiving service: BOROUGH: BROOKLYN BLOCK: 652 LOT: 1
- (2) Property Address: 737 4TH AVENUE, BROOKLYN, NY 11232
- (3) Owner's Name: 745 4TH AVENUE, LLC
- Additional Name:

Affirmation:



Your water & sewer bills will be sent to the property address shown above.

Customer Billing Information:

Please Note:

- A. Water and sewer charges are the legal responsibility of the owner of a property receiving water and/or sewer service. The owner's responsibility to pay such charges is not affected by any lease, license or other arrangement, or any assignment of responsibility for payment of such charges. Water and sewer charges constitute a lien on the property until paid. In addition to legal action against the owner, a failure to pay such charges when due may result in foreclosure of the lien by the City of New York, the property being placed in a lien sale by the City or Service Termination.
- B. Original bills for water and/or sewer service will be mailed to the owner, at the property address or to an alternate mailing address. DEP will provide a duplicate copy of bills to one other party (such as a managing agent), however, any failure or delay by DEP in providing duplicate copies of bills shall in no way relieve the owner from his/her liability to pay all outstanding water and sewer charges. Contact DEP at (718) 595-7000 during business hours or visit www.nyc.gov/dep to provide us with the other party's information.

Owner's Approval:

The undersigned certifies that he/she/it is the owner of the property receiving service referenced above; that he/she/it has read and understands Paragraphs A & B under the section captioned "Customer Billing Information"; and that the information supplied by the undersigned on this form is true and complete to the best of his/her/its knowledge.

Print Name of Owner:

Signature: 

2/8/24

Date (mm/dd/yyyy)

Name and Title of Person Signing for Owner, if applicable:

SIVE | PAGET | RIESEL

KEVIN A. ROGERS
DIRECT DIAL: 646.378.7275
KROGERS@SPRLAW.COM

March 4, 2024

VIA EMAIL

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

**Re: Brownfield Cleanup Program
737 4th Avenue, Site No. C224332
Post-Transfer Notification**

Dear Ms. Lewandowski:

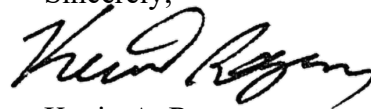
We are writing to confirm the transfer of title for the above-referenced BCP Site on February 8, 2024. The Certificate of Completion has not yet been obtained, so it was not transferred in this transaction. The contact information for the new fee owner of the Site is as follows:

745 4th Avenue, LLC
Attn: Lee Brodsky
26 Harbor Park Drive
Port Washington, NY 11050
Phone: 516-207-7400
Email: lbrodsky@bebcapital.com

A copy of the previously submitted Change of Use form is enclosed. A BCA Amendment application to reflect the change in site ownership will be forthcoming.

Please do not hesitate to contact me if there are any questions or concerns.

Sincerely,



Kevin A. Rogers

Enclosure: 60-Day Advance Notification of Site Change of Use, Transfer of Certificate of Completion, and/or Ownership for 737 4th Avenue, Site No. C224332

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



**60-Day Advance Notification of Site Change of Use, Transfer of
Certificate of Completion, and/or Ownership**

Required by 6NYCRR Part 375-1.11(d) and 375-1.9(f)

To be submitted at least 60 days prior to change of use to:

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

I. **Site Name:** 737 4th Avenue **DEC Site ID No.** C224332

II. **Contact Information of Person Submitting Notification:**

Name: Kevin Rogers - Sive, Paget & Riesel, P.C.

Address1: 560 Lexington Avenue, 15th Floor

Address2: New York, NY 10022

Phone: 646-378-7275

E-mail: krogers@sprlaw.com

III. **Type of Change and Date:** Indicate the Type of Change(s) (check all that apply):

- ☒ Change in Ownership or Change in Remedial Party(ies)
☐ Transfer of Certificate of Completion (CoC)
☐ Other (e.g., any physical alteration or other change of use)

Proposed Date of Change (mm/dd/yyyy): 01/15/2024

IV. **Description:** Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

In connection with an internal restructuring slated to close on or around 01/15/2024: (i) "745 4th Avenue, LLC" will be added to the BCA as an additional Remedial Party / Volunteer while retaining the existing Volunteer, "737 4th Avenue, LLC"; and (ii) the current Volunteer/site owner will transfer title to "745 4th Avenue, LLC". The proposed new Volunteer/site owner is an affiliate of and within the same organizational family as the existing Volunteer/site owner. BCA Amendment applications will be forthcoming.

If "Other," the description must explain and advise the Department how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

- V. **Certification Statement:** Where the change of use results in a change in ownership or in responsibility for the proposed, ongoing, or completed remedial program for the site, the following certification must be completed (by owner or designated representative; see §375-1.11(d)(3)(i)):

I hereby certify that the prospective purchaser and/or remedial party has been provided a copy of any order, agreement, Site Management Plan, or State Assistance Contract regarding the Site's remedial program as well as a copy of all approved remedial work plans and reports.

Name:

X 
(Signature)

12/01/2023

(Date)

Lee Brodsky / 737 4th Avenue, LLC

(Print Name)

Address1: 26 Harbor Park Drive

Address2: Port Washington, NY 11050

Phone: 516-207-7400

E-mail: lbrodsky@bebcapital.com

- VI. **Contact Information for New Owner, Remedial Party, or CoC Holder:** If the site will be sold or there will be a new remedial party, identify the prospective owner(s) or party(ies) along with contact information. If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/ECs), indicate who will be the certifying party (attach additional sheets if needed).

☒ Prospective Owner ☒ Prospective Remedial Party ☐ Prospective Owner Representative

Name: 745 4th Avenue, LLC

Address1: 26 Harbor Park Drive

Address2: Port Washington, NY 11050

Phone: 516-207-7400

E-mail: lbrodsky@bebcapital.com

Certifying Party Name: Lee Brodsky

Address1: 26 Harbor Park Drive

Address2: Port Washington, NY 11050

Phone: 516-207-7400

E-mail: lbrodsky@bebcapital.com

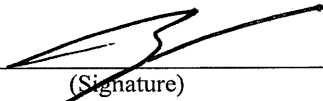
VII. Agreement to Notify DEC after Transfer: If Section VI applies, and all or part of the site will be sold, a letter to notify the DEC of the completion of the transfer must be provided. If the current owner is also the holder of the CoC for the site, the CoC should be transferred to the new owner using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>. This form has its own filing requirements (see 6NYCRR Part 375-1.9(f)).

Signing below indicates that these notices will be provided to the DEC within the specified time frames. If the sale of the site also includes the transfer of a CoC, the DEC agrees to accept the notice given in VII.3 below in satisfaction of the notice required by VII.1 below (which normally must be submitted within 15 days of the sale of the site).

Within 30 days of the sale of the site, I agree to submit to the DEC:

1. the name and contact information for the new owner(s) (see §375-1.11(d)(3)(ii));
2. the name and contact information for any owner representative; and
3. a notice of transfer using the DEC's form found at <http://www.dec.ny.gov/chemical/54736.html> (see §375-1.9(f)).

Name:


(Signature)

12/01/2023

(Date)

Lee Brodsky / 737 4th Avenue, LLC

(Print Name)

Address1: 26 Harbor Park Drive

Address2: Port Washington, NY 11050

Phone: 516-207-7400

E-mail: lbrodsky@bebcapital.com

Continuation Sheet

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

New York State Department of Environmental Conservation



Instructions for Completing the 60-Day Advance Notification of Site Change of Use, Transfer of Certificate of Completion (CoC), and/or Ownership Form

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

Section I

Description

Site Name

Official DEC site name.
(see <http://www.dec.ny.gov/cfm/externalapps/derexternal/index.cfm?pageid=3>)

DEC Site ID No.

DEC site identification number.

Section II

Contact Information of Person Submitting Notification

Name

Name of person submitting notification of site change of use, transfer of certificate of completion and/or ownership form.

Address1

Street address or P.O. box number of the person submitting notification.

Address2

City, state and zip code of the person submitting notification.

Phone

Phone number of the person submitting notification.

E-mail

E-mail address of the person submitting notification.

Section III

Type of Change and Date

Check Boxes

Check the appropriate box(s) for the type(s) of change about which you are notifying the Department. Check all that apply.

Proposed Date of Change

Date on which the change in ownership or remedial party, transfer of CoC, or other change is expected to occur.

Section IV

Description

Description

For each change checked in Section III, describe the proposed change. Provide all applicable maps, drawings, and/or parcel information. If "Other" is checked in Section III, explain how the change may affect the site's proposed, ongoing, or completed remedial program at the site. Please attach additional sheets, if needed.

Section V Certification Statement

This section must be filled out if the change of use results in a change of ownership or responsibility for the proposed, ongoing, or completed remedial program for the site. When completed, it provides DEC with a certification that the prospective purchaser has been provided a copy of any order, agreement, or State assistance contract as well as a copy of all approved remedial work plans and reports.

| | |
|----------|---|
| Name | The owner of the site property or their designated representative must sign and date the certification statement. Print owner or designated representative's name on the line provided below the signature. |
| Address1 | Owner or designated representative's street address or P.O. Box number. |
| Address2 | Owner or designated representative's city, state and zip code. |
| Phone | Owner or designated representative's phone number. |
| E-Mail | Owner or designated representative's E-mail. |

Section VI Contact Information for New Owner, Remedial Party, and CoC Holder (if a CoC was issued)

Fill out this section only if the site is to be sold or there will be a new remedial party. Check the appropriate box to indicate whether the information being provided is for a Prospective Owner, CoC Holder (if site was ever issued a COC), Prospective Remedial Party, or Prospective Owner Representative. Identify the prospective owner or party and include contact information. A Continuation Sheet is provided at the end of this form for additional owner/party information.

| | |
|----------|---|
| Name | Name of Prospective Owner, Prospective Remedial Party or Prospective Owner Representative. |
| Address1 | Street address or P.O. Box number for the Prospective Owner, Prospective Remedial Party, or Prospective Owner Representative. |
| Address2 | City, state and zip code for the Prospective Owner, Prospective Remedial Party, or Prospective Owner Representative. |
| Phone | Phone number for the Prospective Owner, Prospective Remedial Party or Prospective Owner Representative. |
| E-Mail | E-mail address of the Prospective Owner, Prospective Remedial Party or Prospective Owner Representative. |

If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/EC), indicate who will be the certifying party(ies). Attach additional sheets, if needed.

| | |
|-----------------------|---|
| Certifying Party Name | Name of Certifying Party. |
| Address1 | Certifying Party's street address or P.O. Box number. |
| Address2 | Certifying Party's city, state and zip code. |
| Phone | Certifying Party's Phone number. |
| E-Mail | Certifying Party's E-mail address. |

Section VII Agreement to Notify DEC After Property Transfer/Sale

This section must be filled out for all property transfers of all or part of the site. If the site also has a CoC, then the CoC shall be transferred using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>

Filling out and signing this section of the form indicates you will comply with the post transfer notifications within the required timeframes specified on the form. If a CoC has been issued for the site, the DEC will allow 30 days for the post transfer notification so that the "Notice of CoC Transfer Form" and proof of it's filing can be included. Normally the required post transfer notification must be submitted within 15 day (per 375-1.11(d)(3)(ii)) when no CoC is involved.

| | |
|----------|--|
| Name | Current property owner must sign and date the form on the designated lines. Print owner's name on the line provided. |
| Address1 | Current owner's street address. |
| Address2 | Current owner's city, state and zip code. |

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Remedial Bureau B

625 Broadway, 12th Floor, Albany, NY 12233-7016

P: (518) 402-9768 | F: (518) 402-9773

www.dec.ny.gov

December 12, 2023

737 4th Avenue, LLC
Attn: Lee Brodsky
26 Harbor Park Drive
Port Washington, NY 11050
LBrodsky@bebcapital.com

Re: **Change of Ownership Notification**
737 4th Avenue
BCP Site ID No.: C224332

Dear Lee Brodsky:

This letter acknowledges receipt of your December 1, 2023 60-Day Advance Notification of Change of Use for the above referenced site, wherein the type of change was indicated as a proposed change in ownership. This acknowledgement is not intended to imply approval or concurrence with the proposed change of use.

Please ensure that you submit the post-transfer notices required by 6 NYCRR Part 375-1.11(d)(3)(ii) and 375-1.9(f)(1)(ii). These notifications must include the name of the new owner, new owner's contact information, contact representative, and contact information for such representative.

Failure to comply with the regulatory requirements of transfer notices may prevent successors and assigns from receiving any rights, benefits, or protections as provided by statute or regulation.

If you have any questions or need additional information, you may contact me at the address given above or at ronnie.lee@dec.ny.gov.

Sincerely,



Ronnie E. Lee, P.E.
Project Manager

ec: S. Quandt, J. O'Connell, J. Andaloro, S. Deyette - NYSDEC
D. Yudelson (dyudelson@sprlaw.com)
K. Rogers (kr Rogers@sprlaw.com)



Department of
Environmental
Conservation