

# NYSDEC BROWNFIELD CLEANUP PROGRAM APPLICATION

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FORMER ANGLO CHEMICAL AND RUBBER SITE  
1-9 WYTHE AVENUE  
BLOCK 2641, LOTS 1, 3 & 4  
BROOKLYN, NEW YORK

PREPARED FOR:  
ONE WYTHE LLC  
329 HEWES STREET  
BROOKLYN, NEW YORK 11211



Haley & Aldrich of New York  
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18 October 2021  
File No. 0203454

Alexandra Servis  
Site Control Section  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway, 11<sup>th</sup> Floor  
Albany, New York 12233

Subject: Brownfield Cleanup Program Application  
Former Anglo Chemical and Rubber Site  
1-9 Wythe Avenue  
Brooklyn, New York 11222 (Site)

Ladies and Gentlemen,

Haley & Aldrich of New York, on behalf of One Wythe LLC, has prepared this revised Brownfield Cleanup Program Application for the above referenced Site with guidance from to the Pre-Application Meeting on 31 August 2021. This revised application also addresses comments provided by New York State Department of Environmental Conservation on 14 October 2021 as follows:

Section I - Requestion Information

- Language has been added to clarify the members of One Wythe LLC.

Section IV – Property Information

- The addresses of each parcel has been included in the language of this section.
- Municipality has been indicated in the application.
- The Site Features narrative language has been revised.

Section VI: Current Property Owner/Operator Information

- The table reference has been revised to reflect the accurate property.
- Owners/operators have been separated by parcel.
- There is only one deed for the 2018 sale of all three parcels now included after Section VI.

Section X – Land Use factors

- Item 2: Language has been updated to reflect land use and to reference that identifying possible contaminant source areas will be included as part of the Remedial Investigation. Manufacturing operations ceased in the 1990s. Language throughout has been clarified to indicate that the small areas not improved with buildings in the northern and southeastern corners of the Site are used for delivery and storage are and not accessible public parking.
- Item 3: Language has been added detailing the proposed use.

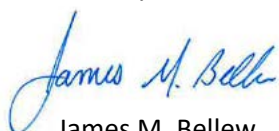
Section III and/or the Environmental Assessment

- Summary tables have been revised to adhere to required format.
- Figure 1 has been revised to include dates similar to presentation in Figure 2.
- It is now stated that acetone is a laboratory contaminant in the Environmental Assessment. However, as requested from NYSDEC during the pre-application meeting, the elevated concentrations of acetone in deeper soil samples collected throughout the site were compared to the protection of groundwater standard and added to the Map of Soil Chemistry. It is also noted that acetone is a known component of paint and varnish manufacturing.
- There is no other data to include at this time.

Enclosed in this package is a USB drive which contains the full Brownfield Cleanup Program Application Package including two Phase I Environmental Site Assessments dated 03 October 2016 by Hydo Tech Environmental, Corp. and 04 March 2019 by Equity Environmental Engineering and a Limited Phase II Subsurface Investigation Report dated 21 March 2018 by Environmental Business Consultants.

Should you have any questions, please do not hesitate to contact me at (646) 277-5686 or via email at [jbellew@haleyaldrich.com](mailto:jbellew@haleyaldrich.com).

Thank you.



James M. Bellew  
Senior Associate



Mari Conlon, P.G.  
Project Manager

Enclosed copies provided via email to:

Shlomo Karpen (One Wythe LLC)  
Jon Schuyler Brooks (Freeborn & Peters LLP)  
Gerard Burke (NYSDEC)  
Jane O'Connell (NYSDEC)  
Patrick Foster (NYSDEC)

Email: [1wythellc@gmail.com](mailto:1wythellc@gmail.com)  
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Email: [jane.oconnell@dec.ny.gov](mailto:jane.oconnell@dec.ny.gov)  
Email: [patrick.foster@dec.ny.gov](mailto:patrick.foster@dec.ny.gov)

## Table of Contents

ATTACHMENT A Section I: Requestor Information.....	1
SECTION I: REQUESTOR INFORMATION.....	2
ATTACHMENT B Section II: Project Description .....	3
SECTION II: PROJECT DESCRIPTION .....	4
ATTACHMENT C Section III: Property's Environmental History .....	6
SECTION III.1: Reports .....	7
Section III.1: Reports October 2016 and March 2019 Phase I Environmental Site Assessment and March 2018 Limited Phase II Subsurface Investigation .....	8
SECTION III.2: Sampling Data .....	9
Section III.2: Sampling Data Analytical Results Summary Tables.....	10
SECTION III.3: Sampling Data .....	11
SECTION III.4: Past Land Uses .....	13
ATTACHMENT D Section IV: PROPERTY INFORMATION .....	14
Section IV: PROPERTY DESCRIPTION NARRATIVE .....	15
Section IV.3: EN-ZONE.....	16
Section IV.5: ENVIRONMENTAL ASSESSMENT .....	16
ATTACHMENT E Section VI: CURRENT PROPERTY OWNER/OPERATOR INFORMATION .....	18
Section VI: CURRENT PROPERTY OWNER/OPERATOR INFORMATION .....	19
ATTACHMENT F Section VII: REQUESTOR ELIGIBILITY INFORMATION .....	21
Section VII: REQUESTOR ELIGIBILITY INFORMATION.....	22
ATTACHMENT G Section IX: CONTACT LIST INFORMATION AND ACKNOWLEDGEMENT FROM REPOSITORY .....	23
Section IX – CONTACT LIST INFORMATION .....	24
Section IX: Acknowledgement from Brooklyn Public Library - Greenpoint Branch Agreeing to Act as Document Repository .....	27
Section IX: Request to Brooklyn Community Board 1 Regarding Acting as Document Repository....	28
ATTACHMENT H Section X: LAND USE FACTORS.....	29
Section X: LAND USE FACTORS.....	30



## BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "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). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

☐ Yes

☒ No

If yes, provide existing site number: \_\_\_\_\_

### PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 12*

#### Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY  
BCP SITE #:

NAME One Wythe LLC

ADDRESS 329 Hewes Street

CITY/TOWN Brooklyn

ZIP CODE 11211

PHONE (718) 302-7005

FAX

E-MAIL 1wythellc@gmail.com

Is the requestor authorized to conduct business in New York State (NYS)?

☒ Yes ☐ No

- 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](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. **Please note:** If the requestor is an LLC, the members/owners names need to be provided on a separate attachment.

Do all individuals that will be certifying documents meet the requirements detailed below? ☒ Yes ☐ No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. **Documents that are not properly certified will be not approved under the BCP.**

#### Section II. Project Description

1. What stage is the project starting at?

☒ Investigation

☐ Remediation

NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required.

2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law

(ECL) Article 27-1415(2): ☐ Yes ☒ No

3. Please attach a short description of the overall development project, including:

- the date that the remedial program is to start; and
- the date the Certificate of Completion is anticipated.

### Section III. Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that the site requires remediation and contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property. To the extent that existing information/studies/reports are available to the requestor, please attach the following (***please submit the information requested in this section in electronic format only***):

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do not submit paper copies of supporting documents.**

2. **SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED, WITH LABORATORY REPORTS REFERENCED AND ALSO INCLUDED.**

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum		X	
Chlorinated Solvents			
Other VOCs	X	X	
SVOCs	X		
Metals	X		
Pesticides			
PCBs			
Other*			

\*Please describe: \_\_\_\_\_

3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:

- SAMPLE LOCATION
- DATE OF SAMPLING EVENT
- KEY CONTAMINANTS AND CONCENTRATION DETECTED
- FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE
- FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5
- FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?\*

(\*answering No will result in an incomplete application)

☒ Yes ☐ No

4. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

- |   |   |   |  |
|---|---|---|--|
| <input type="checkbox"/> Coal Gas Manufacturing | <input checked="" type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input type="checkbox"/> Dry Cleaner     |
| <input type="checkbox"/> Salvage Yard           | <input type="checkbox"/> Bulk Plant               | <input type="checkbox"/> Pipeline           | <input type="checkbox"/> Service Station |
| <input type="checkbox"/> Landfill               | <input type="checkbox"/> Tannery                  | <input type="checkbox"/> Electroplating     | <input type="checkbox"/> Unknown         |

Other: Paint and Varnish, Drum Storage

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME Former Anglo Chemical and Rubber Site				
ADDRESS/LOCATION 1-9 Wythe Avenue				
CITY/TOWN Brooklyn		ZIP CODE 11222		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Brooklyn				
COUNTY Kings		SITE SIZE (ACRES) 0.38		
LATITUDE (degrees/minutes/seconds) 40 ° 43 ' 26.09 "		LONGITUDE (degrees/minutes/seconds) 73 ° 57 ' 19.19 "		
<b>Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed , please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.</b>				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
See Attached for full address summary				
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach an accurate map of the proposed site.				
2. Is the required property map attached to the application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map)				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> for more information) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>  If yes, identify census tract : _____  Percentage of property in En-zone (check one): <input checked="" type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input type="checkbox"/> 100%				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				

#### Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas?  
If yes, identify here and attach appropriate information. ☐ Yes ☒ No

Easement/Right-of-way Holder

Description

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

Type

Issuing Agency

Description

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.**

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**?

☒ Yes ☐ No

**Note: Questions 11 through 13 only pertain to sites located within the five counties comprising New York City**

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits? ☐ Yes ☒ No

If yes, requestor must answer questions on the supplement at the end of this form.

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? ☐ Yes ☒ No

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application? ☐ Yes ☐ No

**NOTE:** If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: \_\_\_\_\_

**BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)**

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE <b>Shlomo Karpen</b>			
ADDRESS <b>329 Hewes Street</b>			
CITY/TOWN <b>Brooklyn</b>		ZIP CODE <b>11222</b>	
PHONE <b>(718) 302-7005</b>	FAX	E-MAIL <b>1wythellc@gmail.com</b>	
NAME OF REQUESTOR'S CONSULTANT <b>Haley &amp; Aldrich of New York - James Bellew</b>			
ADDRESS <b>327 West 35th Street, 16th Floor</b>			
CITY/TOWN <b>New York</b>		ZIP CODE <b>10123</b>	
PHONE <b>(646) 277-5686</b>	FAX	E-MAIL <b>jbellew@haleyaldrich.com</b>	
NAME OF REQUESTOR'S ATTORNEY <b>Freeborn Peters LLP. - Jon Schuyler Brooks</b>			
ADDRESS <b>1155 Avenue of the Americas</b>			
CITY/TOWN <b>New York</b>		ZIP CODE <b>10036</b>	
PHONE <b>(646) 993-4456</b>	FAX	E-MAIL <b>jbrooks@freeborn.com</b>	
<b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b>			
CURRENT OWNER'S NAME		OWNERSHIP START DATE:	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<b>PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".</b>			
<b>IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.</b>			
<b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b>			
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?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

## Section VII. Requestor Eligibility Information (continued)

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing 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, DEC 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 DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? ☐ 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 REQUESTOR MUST CERTIFY THAT HE/SHE 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 hazardous waste or discharge of petroleum 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 hazardous waste or discharge of petroleum.

☒ 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.**

## Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

☐ Previous Owner ☒ Current Owner ☐ Potential /Future Purchaser ☐ Other \_\_\_\_\_

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 VIII. Property Eligibility Information - See Instructions for Further Guidance

1. Is / was the property, or any portion of the property, listed on the National Priorities List?  
If yes, please provide relevant information as an attachment. ☐ Yes ☒ No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? ☐ Yes ☒ No  
If yes, please provide: Site # \_\_\_\_\_ Class # \_\_\_\_\_
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? ☐ Yes ☒ No  
If yes, please provide: Permit type: \_\_\_\_\_ EPA ID Number: \_\_\_\_\_  
Date permit issued: \_\_\_\_\_ Permit expiration date: \_\_\_\_\_
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. ☐ Yes ☐ No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? ☐ Yes ☒ No  
If yes, please provide: Order # \_\_\_\_\_
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? ☐ Yes ☒ No  
If yes, please provide explanation as an attachment.

## Section IX. Contact List Information

To be considered complete, the application must include the Brownfield Site Contact List in accordance with [\*DER-23 / Citizen Participation Handbook for Remedial Programs\*](#). Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

## Section X. Land Use Factors

1. What is the current municipal zoning designation for the site? M1-2

What uses are allowed by the current zoning? (Check boxes, below)

☐ Residential ☒ Commercial ☒ Industrial

If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use: ☐ Residential ☒ Commercial ☒ Industrial ☐ Vacant ☐ Recreational (check all that apply)

**Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.**

3. Reasonably anticipated use Post Remediation: ☐ Residential ☒ Commercial ☒ Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**

If residential, does it qualify as single family housing?

☐ Yes ☐ No

4. Do current historical and/or recent development patterns support the proposed use?

☒ Yes ☐ No

Yes, current development in the area aligns with the anticipated redevelopment plan.

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.

☒ Yes ☐ No

Yes. The proposed development is commercial and industrial with cellar level commercial, first floor industrial and the remaining 7 stories commercial offices which is consistent with the property's M1-2 zoning. See supplemental information for further details.

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.

☒ Yes ☐ No

## XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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.

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

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

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

(By a requestor other than an individual)

I hereby affirm that I am Managing Member (title) of One Wythe LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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.

Date: 10/15/21

Signature: 

Print Name: Shlomo Karpen

### SUBMITTAL INFORMATION:

- Two (2) copies, one paper copy of the application form with original signatures and table of contents, and one complete 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

**PLEASE DO NOT SUBMIT PAPER COPIES OF SUPPORTING DOCUMENTS.** Please provide a hard copy of ONLY the application form and a table of contents.

**FOR DEC USE ONLY**

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

**Supplemental Questions for Sites Seeking Tangible Property Credits in New York City ONLY.** Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a) must be submitted if requestor is seeking this determination.

**BCP App Rev 11**

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 NYS Tax Law 21(b)(6)? 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 or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Underutilized? <input type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>From ECL 27-1405(31):</b></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> <p><b>From 6 NYCRR 375-3.2(I) as of August 12, 2016:</b> (Please note: Eligibility determination for the underutilized category can only be made at the time of application)</p> <p>375-3.2:</p> <p>(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or</p> <p>(c) there are no structures.</p> <p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.</p>	

### Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)

3. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review). **Check appropriate box, below:**

- ☐ Project is an Affordable Housing Project - Regulatory Agreement Attached;
- ☐ Project is Planned as Affordable Housing, But Agreement is Not Yet Available\*  
(\*Checking this box will result in a “pending” status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);
- ☐ This is Not an Affordable Housing Project.

#### From 6 NYCRR 375- 3.2(a) as of August 12, 2016:

(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.

(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.

(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.

(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.

**BCP Application Summary (for DEC use only)**

**Site Name:** Former Anglo Chemical and Rubber Site **Site Address:** 1-9 Wythe Avenue  
**City:** Brooklyn **County:** Kings **Zip:** 11222

**Tax Block & Lot**  
**Section (if applicable):** **Block:** **Lot:**

**Requestor Name:** One Wythe LLC **Requestor Address:** 329 Hewes Street  
**City:** Brooklyn **Zip:** 11211 **Email:** 1wythellc@gmail.com

**Requestor's Representative (for billing purposes)**  
**Name:** Shlomo Karpen **Address:** 329 Hewes Street  
**City:** Brooklyn **Zip:** 11222 **Email:** 1wythellc@gmail.com

**Requestor's Attorney**  
**Name:** Freeborn Peters LLP. - Jon Schuyler Brooks **Address:** 1155 Avenue of the Americas  
**City:** New York **Zip:** 10036 **Email:** jbrooks@freeborn.com

**Requestor's Consultant**  
**Name:** Haley & Aldrich of New York - James Bellew **Address:** 327 West 35th Street, 16th Floor  
**City:** New York **Zip:** 10123 **Email:** jbellew@haleyaldrich.com

**Percentage claimed within an En-Zone:** ☒ 0% ☒ <50% ☐ 50-99% ☐ 100%

**DER Determination:** ☐ Agree ☐ Disagree

**Requestor's Requested Status:** ☒ Volunteer ☐ Participant

**DER/OGC Determination:** ☐ Agree ☐ Disagree  
Notes:

**For NYC Sites, is the Requestor Seeking Tangible Property Credits:** ☐ Yes ☐ No

**Does Requestor Claim Property is Upside Down:** ☐ Yes ☐ No

**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

**Does Requestor Claim Property is Underutilized:** ☐ Yes ☐ No

**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

**Does Requestor Claim Affordable Housing Status:** ☐ Yes ☐ No ☐ Planned, No Contract

**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
BROWNFIELD CLEANUP PROGRAM (BCP)  
INSTRUCTIONS FOR COMPLETING A BCP APPLICATION**

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional office](#) to schedule a meeting. To add a party to an existing BCP Agreement and/or Application, use the [BCP Agreement Amendment Application](#). **See guidance at the end of these instructions regarding the determination of a complete application.**

**SECTION I REQUESTOR INFORMATION**

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. If an LLC, the members/owners names need to be provided on a separate attachment). 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 in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to DEC with the application, to document that the requestor is authorized to do business in NYS.

Address, etc.

Provide the requestor's mailing address, telephone number; fax number and e-mail address.

Document Certification

All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of [DER-10](#). Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:

- New York State licensed professional engineers (PEs), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a PE with current license and registration for work that was done by them or those under their direct supervision. The firm by which the PE is employed must also be authorized to practice engineering in New York State;
- qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;
- remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or
- site owners, which are the owners of the property comprising the site at the time of the certification.

**SECTION II PROJECT DESCRIPTION**

As a separate attachment, provide complete and detailed information about the project, including the purpose of the project, the date the remedial program is to start, and the date the Certificate of Completion is anticipated..

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION III                      PROPERTY'S ENVIRONMENTAL HISTORY**

For all sites, an investigation report is required that is sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data includes site drawings and **data summary tables** requested in Section III, #3 of the BCP application form. **Data summary table instructions are attached.**

**SECTION IV                      PROPERTY INFORMATION**

Proposed Site Name

Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e. ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.

Site Address

Provide a street address, city/town, zip code, and each municipality and county in which the site is located. .

Site Size

Provide the approximate acreage of the site.

GIS Information

Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.

Tax Parcel Information

Provide the tax parcel address/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5 minute quad map on which the property appears and clearly indicate the proposed site's location.

**1. Tax Map Boundaries**

State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.

**2. Map**

Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION IV (continued)**

3. En-zone

Is any part of the property in an En-zone? If so, what percentage? For information on En-zones, please see [DEC's website](#).

4. Multiple applications

Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where 1) the development project spans more than 25 acres; 2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and 3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).

10. Property Description Narrative

Provide a property description in the format provided below. Each section should be no more than one paragraph long.

Location

Example: "The XYZ Site is located in an {urban, suburban, rural} area." {Add reference points if address is unspecific; e.g., "The site is approximately 3.5 miles east of the intersection of County Route 55 and Industrial Road."}

Site Features:

Example: "The main site features include several large abandoned buildings surrounded by former parking areas and roadways. About one quarter of the site area is wooded. Little Creek passes through the northwest corner."

Current Zoning and Land Use: (Ensure the current zoning is identified.)

Example: "The site is currently inactive, and is zoned for commercial use. The surrounding parcels are currently used for a combination of commercial, light industrial, and utility right-of-ways. The nearest residential area is 0.3 miles east on Route 55."

Past Use of the Site: include source(s) of contamination and remedial measures (site characterizations, investigations, Interim Remedial Measures, etc.) completed outside of the current remedial program (e.g., work under a petroleum spill incident).

Example: "Until 1992 the site was used for manufacturing wire and wire products (e.g., conduit, insulators) and warehousing. Prior uses that appear to have led to site contamination include metal plating, machining, disposal in a one-acre landfill north of Building 7, and releases of wastewater into a series of dry wells."

When describing the investigations/actions performed outside of the remedial program, include the major chronological remedial events that lead to the site entering a remedial program. The history should include the first involvement by government to address hazardous waste/petroleum disposal. Do not cite reports. Only include remedial activities which were implemented PRIOR to the BCA. Do not describe sampling information.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION IV (continued)**

Property Description Narrative (continued)

Site Geology and Hydrogeology:

As appropriate, provide a very brief summary of the main hydrogeological features of the site including depth to water, groundwater flow direction, etc.

Environmental Assessment

The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semivolatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths.

The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SGCs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site.

**A typical Environmental Assessment would look like the following:**

Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE).

*Soil* - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the site. Concentrations of cadmium found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).

*Groundwater* - TCE and its associated degradation products are also found in groundwater at the north end of the site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the site has migrated 300 feet down-gradient off-site. The primary contaminant of concern for the off-site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.

*Soil Vapor & Indoor Air* - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.

**If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.**

**SECTION V**

**ADDITIONAL REQUESTOR INFORMATION**

Representative Name, Address, etc.

Provide information for the requestor's authorized 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 of Applications determined to be Participants unless another contact name and address is provided with the application.

Consultant and Attorney Name, Address, etc.

Provide requested information.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION VI                      CURRENT PROPERTY OWNER/OPERATOR INFORMATION  
(IF NOT A REQUESTOR)**

Owner Name, Address, etc.

Provide requested information of the current owner of the property. List all parties holding an interest in the Property and, if the Requestor is not the current owner, describe the Requestor's relationship to the current owner.

Operator Name, Address, etc.

Provide requested information of the current operator (if different from the requestor or owner).

Provide a list of previous property owners and operators with names, last known addresses, telephone numbers and the Requestor's relationship to each owner and operator as a separate attachment

**SECTION VII                      REQUESTOR ELIGIBILITY INFORMATION**

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

**SECTION VIII                      PROPERTY ELIGIBILITY INFORMATION**

As a separate attachment, provide complete and detailed information in response to the following eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that that information be summarized.

1. CERCLA / NPL Listing

Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.

2. Registry Listing

Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) [website](#) for a database of sites with classifications.

3. RCRA Listing

Does the property have a Resource Conservation and Recovery Act (RCRA) TSDF Permit in accordance with the ECL 27-0900 *et seq*? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.

4. Registry / RCRA sites owned by volunteers

If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION VIII (continued)**

**5. Existing Order**

Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.

**6. Enforcement Action Pending**

Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information on an attachment.

**SECTION IX                      CONTACT LIST INFORMATION**

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project.

**SECTION X                      LAND USE FACTORS**

In addition to eligibility information, site history, and environmental data/reports, the application requires information regarding the current, intended and reasonably anticipated future land use.

1. This information consists of responses to the "land use" factors to be considered relative to the "Land Use" section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a "brownfield site" pursuant to ECL 27-1405(2).
2. This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

**SECTION XI                      SIGNATURE PAGE**

The Requestor must sign the application, or designate a representative who can sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each must sign a signature page. 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 entity's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**DETERMINATION OF A COMPLETE APPLICATION**

1. The first step in the application review and approval process is an evaluation to determine if the application is complete. To help ensure that the application is determined complete, requestors should review the list of [common application deficiencies](#) and carefully read these instructions.
2. DEC will send a notification to the requestor within 30 calendar days of receiving the application, indicating whether such application is complete or incomplete.
3. An application must include the following information relative to the site identified by the application, necessary for making an eligibility determination, or it will be deemed incomplete. **(Please note: the application as a whole requires more than the information outlined below to be determined complete).** The application must include:
  - a. for all sites, an investigation report sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data includes site drawings requested in Section III, #3 of the BCP application form.
  - b. for those sites described below, documentation relative to the volunteer status of all requestors, as well as information on previous owners or operators that may be considered responsible parties **and** their ability to fund remediation of the site. This documentation is required for:
    - i. real property listed in the registry of inactive hazardous waste disposal sites as a class 2 site, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP; or
    - ii. real property that was a hazardous waste treatment, storage or disposal facility having interim status pursuant to the Resource Conservation and Recovery Act (RCRA) program, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP.
  - c. for sites located within the five counties comprising New York City, in addition to (a) and if applicable (b) above, if the application is seeking a determination that the site is eligible for tangible property tax credits, sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a). **If this determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion, using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.**
  - d. for sites previously remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law, relevant documentation of this remediation.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**DETERMINATION OF A COMPLETE APPLICATION (continued)**

4. If the application is found to be incomplete:
  - a. the requestor will be notified via email or phone call regarding minor deficiencies. The requestor must submit information correcting the deficiency to DEC within the 30-day review time frame; or
  - b. the requestor will receive a formal Letter of Incomplete Application (LOI) if an application is substantially deficient, if the information needed to make an eligibility determination identified in #4 above is missing or found to be incomplete, or if a response to a minor deficiency is not received within the 30-day period. The LOI will detail all of the missing information and request submission of the information. If the information is not submitted within 30 days from the date of the LOI, the application will be deemed withdrawn. In this case, the requestor may resubmit the application without prejudice.
5. If the application is determined to be complete, DEC will send a Letter of Complete Application (LOC) that includes the dates of the public comment period. The LOC will:
  - a. include an approved public notice to be sent to all parties on the Contact List included with the application;
  - b. provide instructions for publishing the public notice in the newspaper on the date specified in the letter, and instructions for mailing the notice to the Contact List;
  - c. identify the need for a certification of mailing form to be returned to DEC along with proof of publication documentation; and
  - d. specify the deadline for publication of the newspaper notice, which must coincide with, or occur before, the date of publication in the Environmental Notice Bulletin (ENB).
    - i. DEC will send a notice of the application to the ENB. As the ENB is only published on Wednesdays, DEC must submit the notice by the Wednesday before it is to appear in the ENB.
    - ii. The mailing to parties on the Contact List must be completed no later than the Tuesday prior to ENB publication. If the mailings, newspaper notice and ENB notice are not completed within the time-frames established by the LOC, the public comment period on the application will be extended to insure that there will be the required comment period.
    - iii. Marketing literature or brochures are prohibited from being included in mailings to the Contact List.

**ATTACHMENT A**

**Section I: Requestor Information**

## SECTION I: REQUESTOR INFORMATION

The Requestor is One Wythe LLC. Shlomo Karpen, Rivky Brach and Norman Strulovitch are the Members of One Wythe LLC. Shlomo Karpen is the authorized representative for One Wythe LLC.

The Requestor is the sole owner of the property located at 1-9 Wythe Avenue, Block 2641, Lots 1, 3 & 4 Brooklyn, New York comprising the Site, and has full access to implement a Brownfield site remedial program, including to investigation, remediate, and redevelop the Site. The contact information for the requestor is:

One Wythe LLC  
Shlomo Karpen  
Member  
329 Hewes Street  
Brooklyn, New York 11211  
Phone: (718) 302-7005  
Email: 1wythellc@gmail.com  
Fax: N/A

One Wythe LLC  
Rivky Brach  
Member  
329 Hewes Street  
Brooklyn, New York 11211  
Phone: (718) 302-7005  
Email: 1wythellc@gmail.com  
Fax: N/A

One Wythe LLC  
Normal Strulovitch  
Member  
329 Hewes Street  
Brooklyn, New York 11211  
Phone: (718) 302-7005  
Email: 1wythellc@gmail.com  
Fax: N/A

A printout of the entity information from the NYS Department of state's Corporation & Business Entity Database for One Wythe LLC is included in this attachment.

All documents will be certified by Haley & Aldrich of New York and/or One Wythe LLC in accordance with DER-10 Section 1.5 by James Bellew.

September 6, 2021 | 2:37 pm

COVID-19 Vaccines

On August 23, the FDA announced the full approval of the Pfizer-BioNTech vaccine for the prevention of COVID-19 disease in individuals age 16 and older. Read more.

DETAILS >

Department of State  
Division of Corporations

Entity Information

Return to Results

Return to Search

Entity Details

ENTITY NAME:

ONE WYTHE LLC

FOREIGN LEGAL NAME:

ENTITY TYPE:

DOMESTIC LIMITED LIABILITY COMPANY

SECTION OF LAW:

203 LLC - LIMITED LIABILITY COMPANY LAW

DATE OF INITIAL DOS FILING:

10/04/2018

EFFECTIVE DATE INITIAL FILING:

10/04/2018

FOREIGN FORMATION DATE:

COUNTY:

Kings

JURISDICTION:

New York, United States

DOS ID:

5420923

FICTITIOUS NAME:

DURATION DATE/LATEST DATE OF DISSOLUTION:

ENTITY STATUS:

Active

REASON FOR STATUS:

INACTIVE DATE:

STATEMENT STATUS:

PAST DUE DATE

NEXT STATEMENT DUE DATE:

10/31/2020

NFP CATEGORY:

ENTITY DISPLAY

NAME HISTORY

FILING HISTORY

MERGER HISTORY

ASSUMED NAME HISTORY

Service of Process Name and Address

Name: THE LLC

Address: 329 HEWES ST, BROOKLYN, NY, United States, 11211

Chief Executive Officer's Name and Address

Name:

Address:

Principal Executive Office or Owner Name and Address

Name:

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

## **ATTACHMENT B**

### **Section II: Project Description**

## SECTION II: PROJECT DESCRIPTION

The Requestor seeks to enter the BCP at the investigation stage. Two Phase I Environmental Site Assessments (Phase I) were completed on 03 October 2016 and 04 March 2019 and a Limited Phase II Subsurface Investigation Report dated 21 March 2018. The Phase I and Phase II reports are included in electronic format.

Upon review of the analytical results of the Phase II, the project is seeking entry into the NYSDEC due to, among other things, elevated levels of metals and polycyclic aromatic hydrocarbons (PAHs) in soil, as well as Acetone hits in (soil and groundwater). While the Limited Phase II helped characterize the Site, it did not determine the nature and extent of contamination. Requestor is, therefore, also submitting for NYSDEC approval a Draft Remedial Investigation Work Plan along with this BCP Application.

Once NYSDEC approves Requestor's BCP Application as being ready for public comment and Requestor's Draft Remedial Investigation Work Plan as being potentially sufficient to determine the nature and extent of contamination at the Site, Requestor asks that public comment be solicited upon the Draft Remedial Investigation Work Plan simultaneously with comment upon its BCP Application.

The proposed project also includes a remediation and redevelopment of the Site. While the development plans are conceptual at this time, the anticipated project will consist of an 8-story commercial/industrial building with a one-level cellar for commercial use encompassing the entire site footprint and extending approximately 11-12 feet below current grade.

## Project Schedule:

It is anticipated that, once Requestor is accepted into the BCP and the Remedial Investigation Work Plan is approved by the Department, the remedial investigation will commence within 2-3 months. The design and implementation of the remedy would start within six to 12 months following acceptance of the Remedial Investigation Report by NYSDEC. It is anticipated the remedial program will be completed by mid-2022. A tentative projected schedule is below.

Task	Duration	Start	End	2021					2022						
				Nov	Dec	Jan	Feb	March	Apr	May	Jun	Jul	Aug	Sept	Oct
Application Execution, Permitting, Remedial Investigation, Remedy Design	180	11/1/2021	4/1/2022												
Remedy Implementation	60	4/1/2021	6/1/2022												
Preparation of FER and SMP	30	6/1/2022	7/1/2022												
NYSDEC & NYSDOH Review of FER & SMP	45	7/1/2022	8/15/2022												
NYSDEC Issues COC	30	8/15/2022	10/15/2022												

## Notes:

FER: Final Engineering Report

SMP: Site Management Plan

COC: Certificate of Completion

**ATTACHMENT C**

**Section III: Property's Environmental History**

### SECTION III.1: REPORTS

A Phase I Environmental Site Assessment dated 02 October 2016 was completed by Hydro Tech Environmental Corp on behalf of the former Owner Patrick Turturro and limited Phase II ESA was performed by EBC Consultants on behalf of a potential buyer, Homery Capital on 21 March 2018. An updated Phase I Environmental Site Assessment dated 04 March 2019 was prepared by Equity Environmental for One Wythe LLC, as part of its intention to redevelop the Site. The reports are included herein in electronic format in Section III.1.

As found during the Phase I Environmental Site Assessments, the Site was developed between 1916 and 1942 with a 1-story building noted as a Paint and Varnish Manufacturer on the eastern portion, barrel storage on the western portion and manufacturing in the northern and central portion. In 1951 the barrel storage area was expanded to the southeastern portion of the subject property. Between 1965-1981 the layout of the subject property remained the same, however, the operations were updated as “inflammable liquid canning”. Between 1982 and 1993 the Site was noted as unspecified manufacturing, with an additional warehouse erected in the southwest corner of the property. Recently the Site was used for multiple commercial operations including active furniture woodworking and a kitchen counter remodeling shop. The Site is currently improved with three one-story warehouses and is vacant. The northern and southeastern portions of the Site are paved delivery and vehicle storage areas not available for public parking.

Historical ownership of the Site prior to 1977 was Anglo Chemical & Rubber Corp. who transferred the property in 1983 to George and Gertrude Kornfein. The subject property was then transferred in 1994 to Anita and Patrick Turturro and again in 2008 to Berry Wythe, LLC. In October 2018 One Wythe LLC acquired the property.

### **Section III.1: Reports**

**October 2016 and March 2019 Phase I Environmental Site Assessment and March 2018  
Limited Phase II Subsurface Investigation**

## SECTION III.2: SAMPLING DATA

See Application Section III.2 for overview tables of the sampling data from the Limited Phase II Subsurface Investigation conducted on 03 March 2018. The findings of the Phase II investigation are as follows:

### Soil –

SVOC, specifically benzo(a)pyrene, was identified in shallow soil samples exceeding RCSCOs. In borings B-1 (0-2'), B-3 (0-2') and B-7 (0-2') at a maximum concentration of 1.9 mg/kg.

Several metals were found at concentrations exceeding RCSCOs in multiple shallow soil samples including arsenic (maximum 33.5 mg/kg), chromium (maximum 2,670 mg/kg) and mercury (maximum 5.97 mg/kg).

Several VOCs were identified sitewide (shallow and deep intervals) at concentrations above the Protection to Groundwater Standard for Benzene (maximum 0.32 mg/kg in shallow samples and 1.1 mg/kg in deep samples) and Acetone (maximum 0.55 mg/kg in shallow samples and 2.1 mg/kg in deep samples).

### Groundwater –

One VOC, benzene (1.3 µg/L) was detected above the AWQS in GW-3. Concentrations of Acetone were detected in all monitoring wells installed however results were below the AWQS.

### Soil Vapor –

Soil Vapor was not collected during the Limited Phase II Subsurface Investigation however with the Sitewide acetone concentrations, soil vapor should be investigated as part of a remedial investigation.

Tables summarizing analytical results are attached. Please also refer to the attached USB drive containing the full Limited Phase II Subsurface Investigation submitted to Homery Capital in March 2018.

## Section III.2: Sampling Data

### Analytical Results Summary Tables

Former Anglo Chemical and Rubber Site  
1-9 Wythe Avenue, Brooklyn, NY

Soil Summary Table

<b>Analytes &gt; RRSCO</b>	<b>Detections &gt; RRSCOs</b>	<b>Max. Concentration (ppm)</b>	<b>RRSCO (ppm)</b>	<b>Depth (ft bgs)</b>
Benzo(a)pyrene	3	1.9	1	0-2
Arsenic	3	33.5	16	0-2
Mercury	2	5.97	2.8	0-2
Chromium	1	2670	1900	0-2

Groundwater Summary Table

<b>Analytes &gt; AWQS</b>	<b>Detections &gt; AWQS</b>	<b>Max. Concentration (ppb)</b>	<b>AWQS (ppb)</b>
Benzene	1	1.3	1

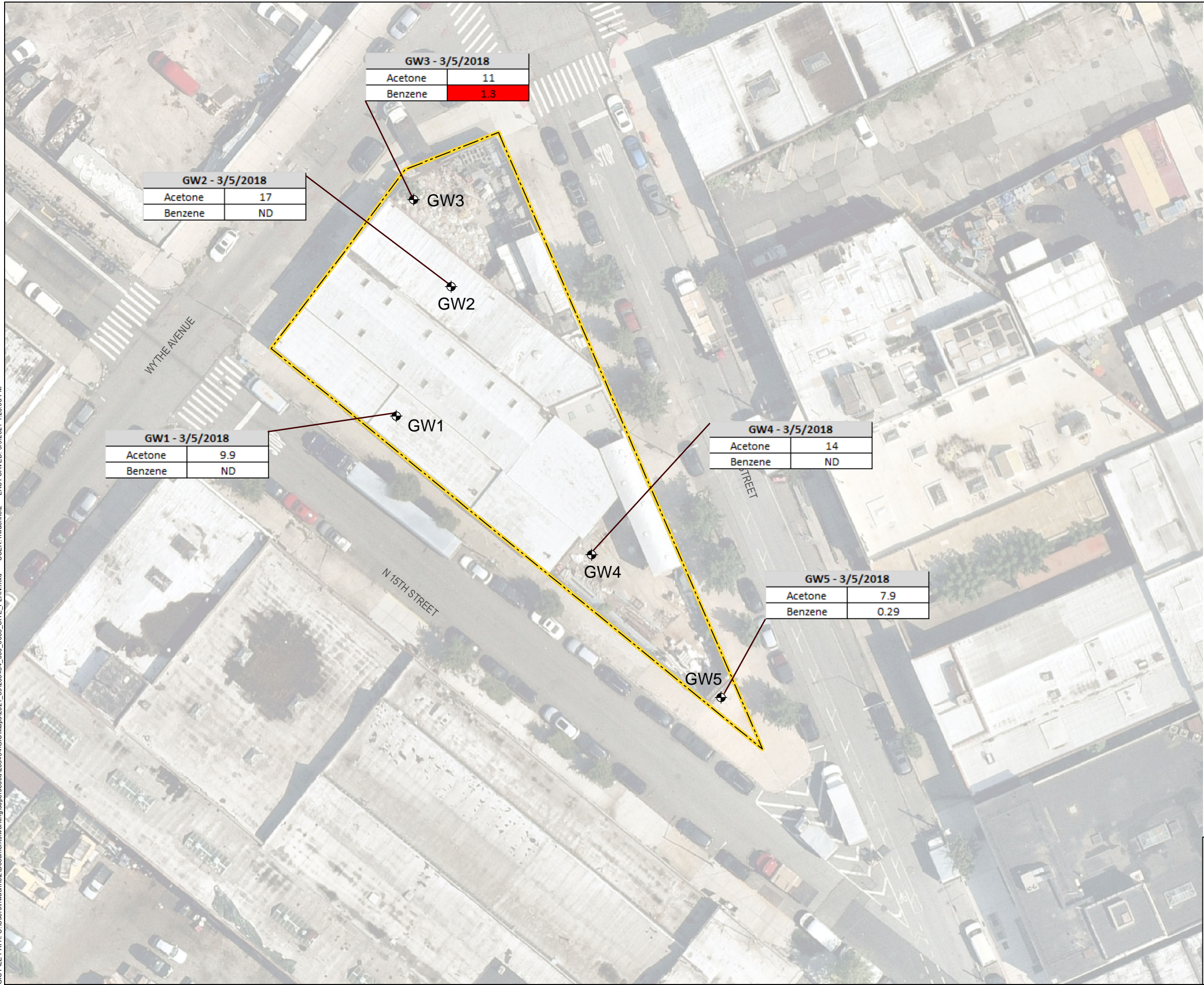
### SECTION III.3: SAMPLING DATA

For each impacted medium above, see attached Figures below from the Limited Phase II Subsurface Investigation which include detailed information requested in Application Section III.3.

**Figures from March 2018 Phase II for impacted medium which includes all information requested in Application Section III.3 (Figures 1-2)**



GIS FILE PATH: C:\Users\hwacholz\Documents\working\pers\dec21\09203454\GIS\Maps2021\_09203454\_000\_0003\_SITE\_PLAN.mxd — USER: hwacholz — LAST SAVED: 9/9/2021 1:28:08 PM



LEGEND

SITE BOUNDARY



GROUNDWATER SAMPLING LOCATION

NYS DEC Ambient Water Quality Standards		
Analyte	Units	NY-AWQS
Acetone	µg/L	50
Benzene	µg/L	1

NOTES

1. ALL LOCATIONS ARE APPROXIMATE.
2. AERIAL IMAGERY SOURCE: NEARMAP, 12 AUGUST 2021



0 40 80  
SCALE IN FEET

**HALEY  
ALDRICH**

1, 7 AND 9 WYTHE AVENUE  
BROOKLYN, NEW YORK

MAP OF GROUNDWATER CHEMISTRY

SEPTEMBER 2021

FIGURE 2

#### SECTION III.4: PAST LAND USES

As found during the Phase I Environmental Site Assessments, the Site was developed between 1916 and 1942 with a 1-story building noted as a Paint and Varnish Manufacturer on the eastern portion, barrel storage on the western portion and manufacturing in the northern and central portion. In 1951 the barrel storage area was expanded to the southeastern portion of the subject property. Between 1965-1981 the layout of the subject property remained the same, however, the operations were updated as “flammable liquid canning”. Between 1982 and 1993 the subject property was noted as unspecified manufacturing, with an additional warehouse erected in the southwest corner of the property. Recently the Site was used for multiple commercial operations including active furniture woodworking and a kitchen counter remodeling shop. The Site is currently improved with three one-story warehouses and is vacant. The northern and southeastern portions of the Site are paved delivery and vehicle storage areas not available for public parking.

Historical ownership of the Site prior to 1977 was Anglo Chemical & Rubber Corp. who transferred the property in 1983 to George and Gertrude Kornfein. The subject property was then transferred in 1994 to Anita and Patrick Turturro and again in 2008 to Berry Wythe, LLC. In 2018 One Wythe LLC acquired the property.

**ATTACHMENT D**

**Section IV: PROPERTY INFORMATION**

## SECTION IV: PROPERTY DESCRIPTION NARRATIVE

### **Proposed Site Name**

The Site name for this project will be the Former Anglo Chemical and Rubber Site.

### **Site Location**

The Site's address is 1, 7 and 9 Wythe Avenue, Brooklyn, NY 11222 identified as Brooklyn Block 2641 Lots 4, 3 and 1, respectively. The Site is located in Kings County, New York. The Site is located in an urban area of the Greenpoint neighborhood of Brooklyn, NY on the south side of Wythe Avenue between Banker Street and N 15<sup>th</sup> Street and approximately 800 feet east of the East River. The legal description is as follows:

#### **As to Lot 1:**

*BEGINNING at the corner formed by the intersection of the southeasterly side of Wythe Avenue and the northeasterly side of North 15<sup>th</sup> Street;*

*RUNNING THENCE southeasterly, along the northeasterly side of North 15<sup>th</sup> Street, 258.36 feet, deed (258 feet 4 3/8 inches, survey) to the southwesterly side of Banker Street;*

*THENCE northwesterly, along the southwesterly side of Banker Street, 161.92 feet, deed (161 feet 11 inches, survey);*

*THENCE southwesterly, along a line forming an interior angle of 87 degrees 43 minutes 5 seconds with the southwesterly side of Banker Street, 26.58 feet, deed (25.71 feet, survey);*

*THENCE northwesterly, along an exterior angle of 114 degrees 57 minutes 8 seconds with the preceding course, 103.17 feet, deed (103.5 feet, survey) to the southwesterly side of Wythe Avenue;*

*THENCE southwesterly, along the southeasterly side of Wythe Avenue, 50 feet to the point or place of BEGINNING.*

#### **As to Lots 3 and 4:**

*BEGINNING at the corner formed by the intersection of the southeasterly side of Norman Avenue and the southwesterly side of Banker Street;*

*RUNNING THENCE southwesterly, along the southeasterly side of Norman Avenue, 36 feet 8 3/4 inches, deed (37 feet 3 inches, survey) to its intersection with the southeasterly side of Wythe Avenue;*

*THENCE southwesterly, along the southeasterly side of Wythe Avenue, 40 feet 9 5/8 inches, deed (41 feet 1 inch, tax map);*

*THENCE southeasterly, at right angles to the southeasterly side of Wythe Avenue, 103 feet 5 inches, deed (103 feet 2 inches, tax map);*

*THENCE northeasterly, at right angles to the southwesterly side of Banker Street, 25 feet 8 1/8 inches, deed (25.71 feet, survey) to the southwesterly side of Banker Street;*

*THENCE northwesterly, along the southwesterly side of Banker Street, 112 feet 1 1/4 inches, deed (110 feet 6 inches, tax map) to the corner of the point or place of BEGINNING.*

A site location map is included in **Figure 3**. An aerial photograph of the Site is included in **Figure 4**. A tax map is included in **Figure 5**. A map showing surrounding land use is included as **Figure 6**.

#### **Site Size**

The Site is 0.380 acres in size.

#### **Site Features**

The Site is currently a triangular shaped property with three one-story warehouses. The northern and southeastern portions of the Site are paved delivery and vehicle storage areas not available for public parking.

#### **Current Zoning and Land Use**

The Site is currently partially developed land that is zoned for industrial and commercial use. The surrounding properties are currently used for commercial and warehousing/manufacturing purposes.

#### **Past Land Use**

As found during the Phase I Environmental Site Assessments, the Site was developed between 1916 and 1942 with a 1-story building noted as a Paint and Varnish Manufacturer on the eastern portion, barrel storage on the western portion and manufacturing in the northern and central portion. In 1951 the barrel storage area was expanded to the southeastern portion of the subject property. Between 1965-1981 the layout of the subject property remained the same, however, the operations were updated as “inflammable liquid canning”. Between 1982 and 1993 the subject property was noted as unspecified manufacturing, with an additional warehouse erected in the southwest corner of the property.

Recently the Site was used for multiple commercial operations including active furniture woodworking and a kitchen counter remodeling shop.

#### **Site Geology and Hydrogeology**

The stratigraphy of the Site, from the surface down, consists primarily of urban fill extending to approximately 10 feet below ground surface (ft bgs) underlain by a layer of gray black sand with varying amounts of silt and clay extending to approximately 10 ft bgs. This layer is underlain by grey poorly graded sand to 15 ft bgs. Groundwater was encountered at approximately 9 ft bgs and groundwater flow is to the west.

### **SECTION IV.3: EN-ZONE**

The Site is not located in an En-Zone.

### **SECTION IV.5: ENVIRONMENTAL ASSESSMENT**

Based on the findings of the March 2018 investigation as indicated in the Limited Phase II report, the primary contaminants of concern for the Site are volatile organic compounds including acetone (a known lab contaminant), semi-volatile organic compounds (polyaromatic hydrocarbons), and metals.

#### Soil –

SVOC, specifically benzo(a)pyrene, was identified in shallow soil samples exceeding RCSCOs. In borings B-1 (0-2'), B-3 (0-2') and B-7 (0-2') at a maximum concentration of 1.9 mg/kg.

Several metals were found at concentrations exceeding RCSCOs in multiple shallow soil samples including arsenic (maximum 33.5 mg/kg), chromium (maximum 2,670 mg/kg) and mercury (maximum 5.97 mg/kg).

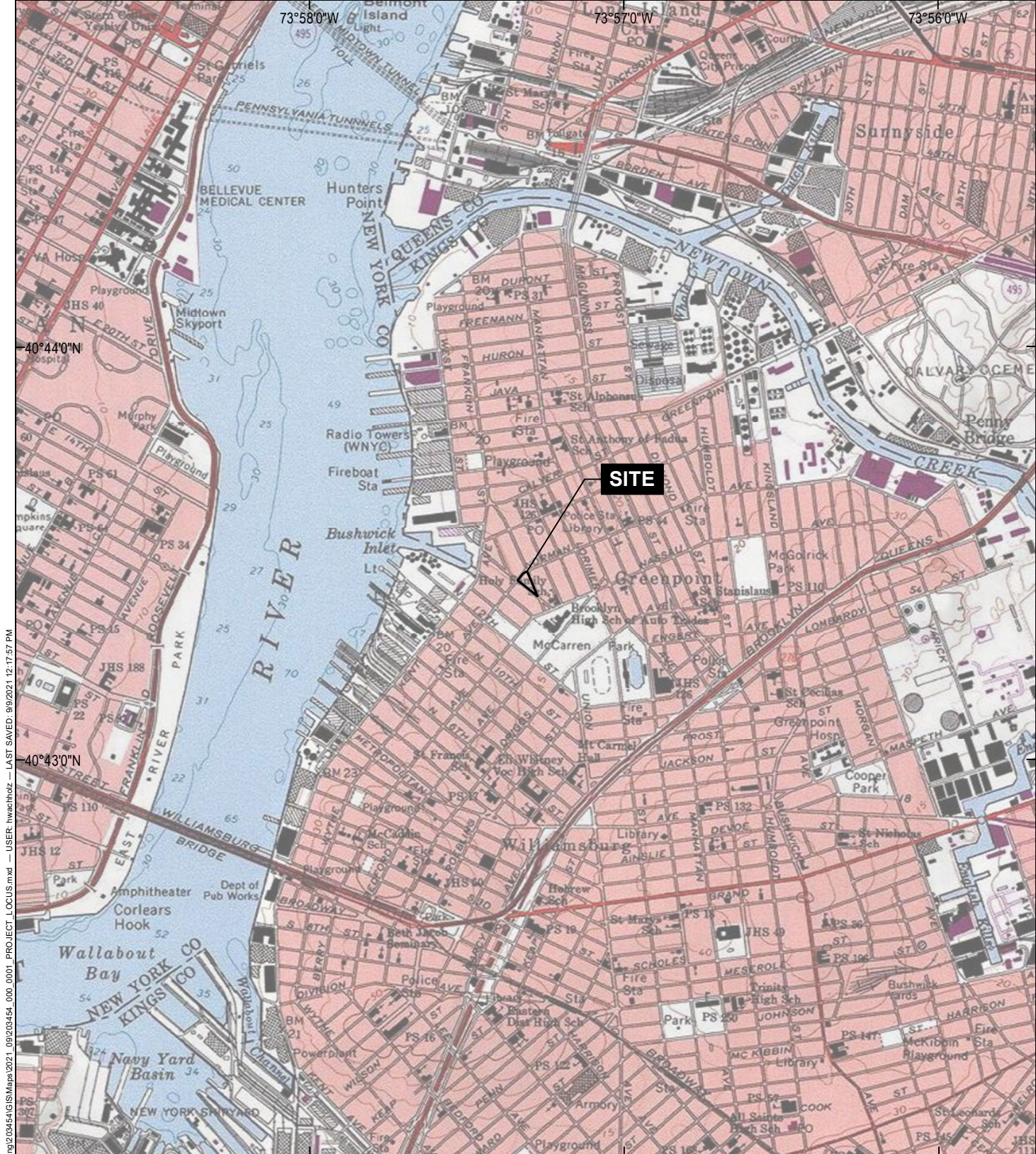
Several VOCs were identified sitewide (shallow and deep intervals) at concentrations above the Protection to Groundwater Standard for Benzene (maximum 0.32 mg/kg in shallow samples and 1.1 mg/kg in deep samples) and Acetone (maximum 0.55 mg/kg in shallow samples and 2.1 mg/kg in deep samples). It should be noted that the elevated concentrations of acetone in deeper soil samples collected throughout the site exceeds the protection of groundwater standard. It is noted that acetone is a common component of paint and varnish manufacturing.

#### Groundwater –

One VOC, benzene (1.3 µg/L) was detected above the AWQS in GW-3. Concentrations of Acetone were detected in all monitoring wells installed however results were below the AWQS.

#### Soil Vapor –

Soil Vapor was not collected during the Limited Phase II Subsurface Investigation however with the Sitewide acetone concentrations, soil vapor should be investigated as part of a remedial investigation.



GIS FILE PATH: C:\Users\hwachholz\Documents\working\20454\GIS\Mapa\2021\_09\203454\_000\_0001\_PROJECT\_LOCUS.mxd — USER: hwachholz — LAST SAVED: 9/9/2021 12:17:57 PM



MAP SOURCE: ESRI  
SITE COORDINATES: 73°57'18"N, 40°43'26"W

**HALEY  
ALDRICH**

1, 7 AND 9 WYTHE AVENUE  
BROOKLYN, NEW YORK

**PROJECT LOCUS**

APPROXIMATE SCALE: 1 IN = 2000 FT  
SEPTEMBER 2021

**FIGURE 3**

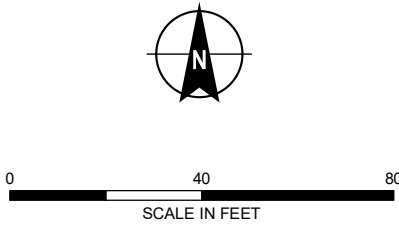
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**LEGEND**

 SITE BOUNDARY

- NOTES**
1. ALL LOCATIONS ARE APPROXIMATE.
  2. AERIAL IMAGERY SOURCE: NEARMAP, 12 AUGUST 2021



**HALEY  
ALDRICH** 1, 7 AND 9 WYTHE AVENUE  
BROOKLYN, NEW YORK

**SITE PLAN**

SEPTEMBER 2021

**FIGURE 4**

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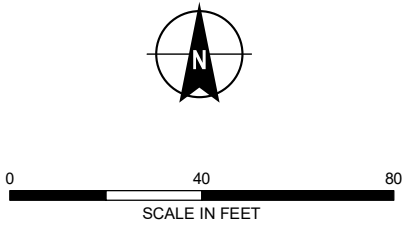


**LEGEND**

SITE BOUNDARY

PARCEL BOUNDARY

- NOTES**
- 1. ALL LOCATIONS ARE APPROXIMATE.
  - 2. ASSESSOR PARCEL DATA SOURCE: NYC DEPARTMENT OF CITY PLANNING
  - 3. AERIAL IMAGERY SOURCE: NEARMAP, 12 AUGUST 2021



**HALEY  
ALDRICH**

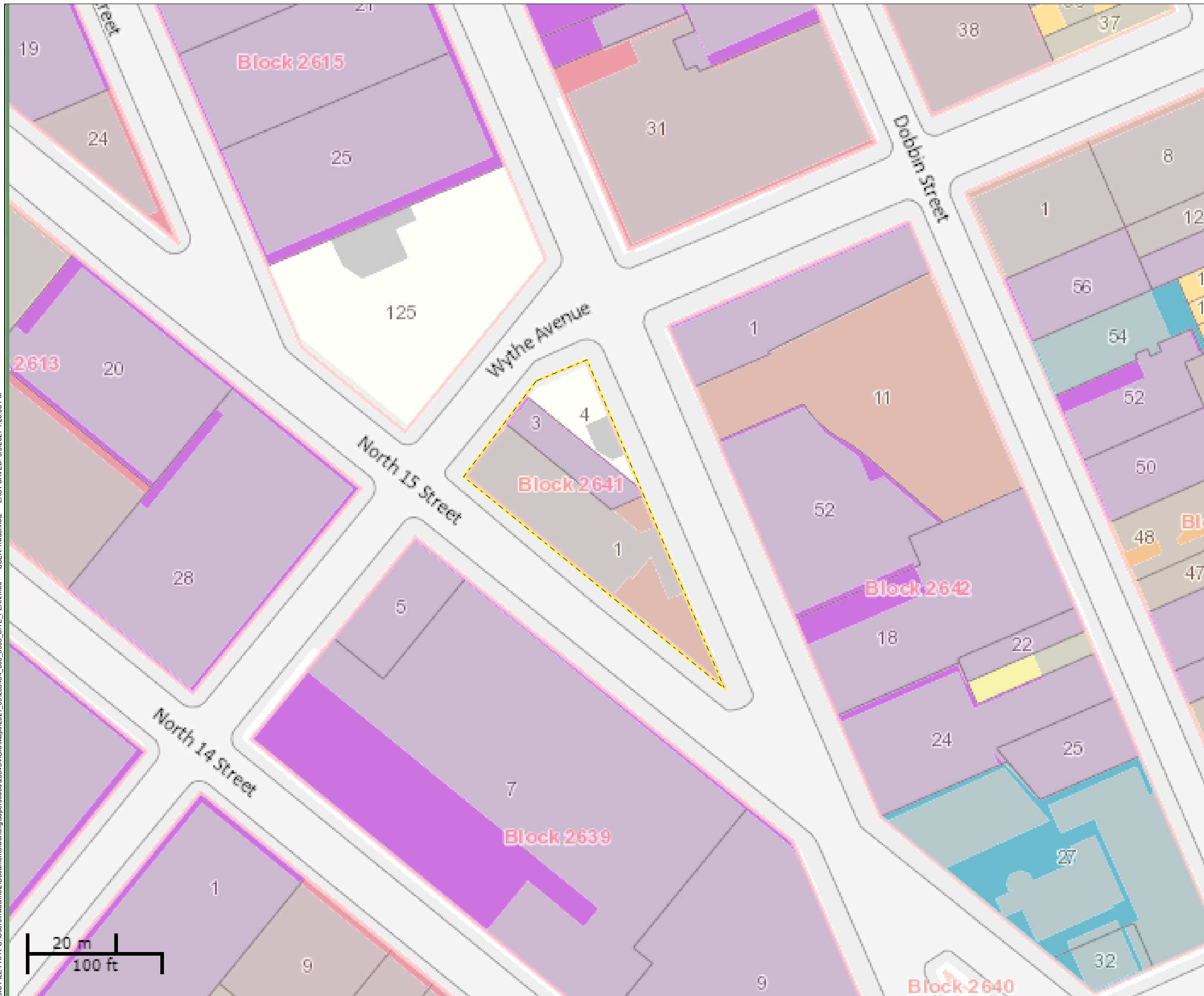
1, 7 AND 9 WYTHE AVENUE  
BROOKLYN, NEW YORK

**TAX PARCEL MAP**

SEPTEMBER 2021

**FIGURE 5**

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#### LEGEND

 SITE BOUNDARY

 1 & 2 Family Residential  
 Multi-family Residential  
 Mixed Use  
 Open space & outdoor recreation  
 Commercial  
 Institutions  
 Industrial  
 Parking  
 Transportation / Utilities  
 Vacant Lots

#### NOTES

1. ALL LOCATIONS ARE APPROXIMATE.
2. IMAGERY SOURCE: NYC OASIS



**HALEY  
ALDRICH** 7 AND 9 WYTHE AVENUE  
BROOKLYN, NEW YORK

SURROUNDING LAND USE MAP

SEPTEMBER 2021

FIGURE 6

**ATTACHMENT E**

**Section VI: CURRENT PROPERTY OWNER/OPERATOR INFORMATION**

## SECTION VI: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

### ***Current Owner and Operator***

The current owner is One Wythe LLC, the Requestor. The requestor has owned the site since 30 October 2018. The Site is currently improved with three one-story warehouses. The northern and southeastern portions of the Site are paved delivery and vehicle storage areas not available for public parking.

### ***Previous Owners and Operators***

List of Previous Owners and Operators of 1, 7 and 9 Wythe Avenue.

1 and 7 Wythe Avenue (Lots 4 and 3)

Date(s)	Owner per Deed	Address	Relationship to Requestor	Operators (as per city directories)	Relationship to Requestor	Operator Address
10/10/2008-10/30/2018	Berry Wythe, LLC	164 Hewes Street, Brooklyn, NY	None	Not Available	None	Not Available
1994 – 2008	Anita and Patrick Turturro	2304 East 64 <sup>th</sup> Street Brooklyn, NY	None	Not Available	None	Not Available
1979 - 1994	George Kornfein	4 Balmoral Drive, Chestnut Ridge, NY	None	Anglo Chemical & Rubber Corp.	None	7 Wythe Avenue, Brooklyn NY
1977 – 1979	Scara Frank	11-02 147 <sup>th</sup> Street, Whitestone, NY	None	Anglo Chemical & Rubber Corp.	None	7 Wythe Avenue, Brooklyn NY
Unknown – 1977	Anglo Chemical & Rubber Corp.	7 Wythe Avenue, Brooklyn NY	None	Anglo Chemical & Rubber Corp.	None	7 Wythe Avenue, Brooklyn NY

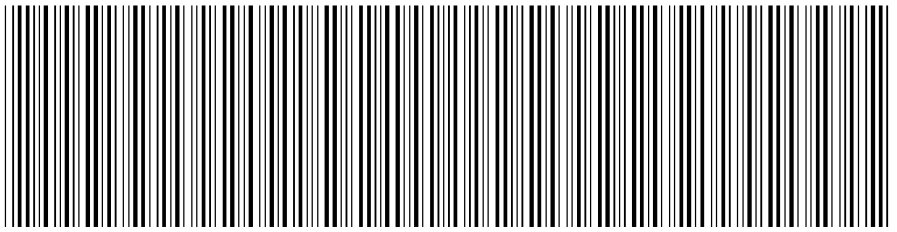
9 Wythe Avenue (Lot 1)

Date(s)	Owner per Deed	Address	Relationship to Requestor	Operators (as per city directories)	Relationship to Requestor	Operator Address
Unknown – 1969	Anna Schraeger	Not Available	None	Not Available	None	Not Available
1969 – 1977	Ira Gartenlaub	172-01 73 <sup>rd</sup> Avenue, Flushing, NY	None	Not Available	None	Not Available
1977 – 1981	J.L. Simmons Realty Inc.	150 Banker Street, Brooklyn, NY	None	Not Available	None	Not Available

1981 - 1982	Robert Phelps & Pat Berone	200 Fulton Street, Farmingdale, NY	None	Not Available	None	Not Available
1982	Martha & Joseph Barton	3 Diane Lane, East Northport, NY	None	Not Available	None	Not Available
1982 – 1987	Pasquale Turturro	2304 East 64 <sup>th</sup> Street, Brooklyn, NY	None	Not Available	None	Not Available
1987 – 1991	Patrick Turturro Jr.	2304 East 64 <sup>th</sup> Street, Brooklyn, NY	None	Not Available	None	Not Available
1991 - 2009	Anita Turturro	2304 East 64 <sup>th</sup> Street, Brooklyn, NY	None	Not Available	None	Not Available
2009 – 2018	Berry Wythe, LLC	2304 East 64 <sup>th</sup> Street, Brooklyn, NY	None	Not Available	None	Not Available

**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.



2018102900652001001E1011

**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 5**

**Document ID: 2018102900652001**

Document Date: 10-24-2018

Preparation Date: 10-29-2018

Document Type: DEED

Document Page Count: 3

**PRESENTER:**

MADISON TITLE AGENCY, LLC  
(PICK-UP-SDS) AS AGENT FOR STEWART  
1125 OCEAN AVENUE  
LAKEWOOD, NJ 08701  
732-905-9400  
BAILAB@MADISONTITLE.COM

**RETURN TO:**

MARK J NUSSBAUM AND ASSOCIATES PCCL  
225 BROADWAY, 39TH FLOOR  
NEW YORK, NY 10007  
MTANY-131294 MK

**PROPERTY DATA**

Borough	Block	Lot	Unit	Address
BROOKLYN	2641	1	Entire Lot	9 WYTHE AVENUE

**Property Type:** COMMERCIAL REAL ESTATE

Borough	Block	Lot	Unit	Address
BROOKLYN	2641	3	Entire Lot	7 WYTHE AVENUE

**Property Type:** COMMERCIAL REAL ESTATE

☒ Additional Properties on Continuation Page

**CROSS REFERENCE DATA**

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

**PARTIES**

**GRANTOR/SELLER:**

BERRY WYTHE LLC  
25 ELIZABETH CT  
STATEN ISLAND, NY 10307

**GRANTEE/BUYER:**

ONE WYTHE LLC  
329 HEWES STREET  
BROOKLYN, NY 11211

**FEES AND TAXES**

**Mortgage :**

Mortgage Amount:	\$	0.00
------------------	----	------

Taxable Mortgage Amount:	\$	0.00
--------------------------	----	------

Exemption:

TAXES: County (Basic):	\$	0.00
------------------------	----	------

City (Additional):	\$	0.00
--------------------	----	------

Spec (Additional):	\$	0.00
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TASF:	\$	0.00
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MTA:	\$	0.00
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NYCTA:	\$	0.00
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Additional MRT:	\$	0.00
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TOTAL:	\$	0.00
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Recording Fee:	\$	58.00
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Affidavit Fee:	\$	0.00
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**Filing Fee:**

\$	250.00
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**NYC Real Property Transfer Tax:**

\$	401,625.00
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**NYS Real Estate Transfer Tax:**

\$	61,200.00
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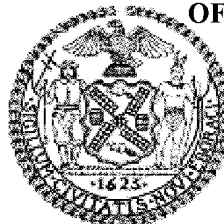
**RECORDED OR FILED IN THE OFFICE  
OF THE CITY REGISTER OF THE**

**CITY OF NEW YORK**

Recorded/Filed 10-30-2018 10:35

City Register File No.(CRFN):

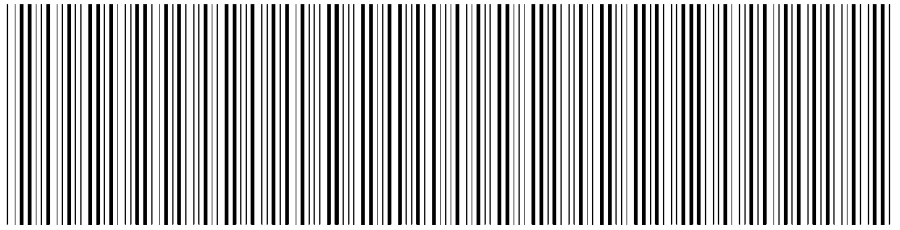
2018000360396



*Annette McMill*

**City Register Official Signature**

NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER



2018102900652001001C1291

RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION)

PAGE 2 OF 5

Document ID: 2018102900652001

Document Date: 10-24-2018

Preparation Date: 10-29-2018

Document Type: DEED

PROPERTY DATA


Borough	Block Lot	Unit	Address
BROOKLYN	2641 4 Entire Lot		1 WYTHE AVENUE
Property Type: OTHER			

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made as of the 24th day of October in the year 2018

BETWEEN

BERRY WYTHE LLC, with an address at 25 Elizabeth Ct, Staten Island, NY 10307,  
party of the first part, and

 ONE WYTHE LLC, with an address at <sup>329 HEWES ST., 3RD FL.</sup>~~7 Wythe Avenue~~, Brooklyn, NY 11211,  
party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten (10) dollars and other valuable consideration 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, with the buildings and improvements thereon erected, situate, lying and being in the State of New York, City of <sup>Brooklyn</sup>~~New York~~, County of Kings, more specifically described on Schedule A annexed hereto.

Block: 2641  
Lots: 1, 3, 4

Said premises also known as 9-11 Wythe Avenue a/k/a 132-150 Banker Street, 7 Wythe Avenue and 1 Wythe Avenue, Brooklyn, NY 11211

Being and intended to be the same premises conveyed to the party of the first part by Deed from Anita Turturro recorded on 02/26/2009 in CRFN 2009000056927, as to Lot 1, and by Deed from Patrick L. Turturro and Anita Turturro recorded on 10/10/2008 in CRFN 2008000401363, as to Lots 3 and 4.

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.

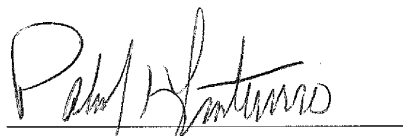
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

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.

IN PRESENCE OF:



  
Berry Wythe LLC  
By: Patrick L. Turturro, Member

# Stewart Title Insurance Company

Title No.: MTANY-131294

## SCHEDULE A CONTINUED

### LEGAL DESCRIPTION

#### As to Lot 1:

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, known and designated as and by Lots number 187, 188 and 189 as shown on "Map of Estate of Henry Hilton, deceased, surveyed December, 1919 by Homer L. Bartlett, C.S." filed March 25, 1920, as Map Number 1687, more particularly bounded and described as follows:

BEGINNING at the corner formed by the intersection of the southeasterly side of Wythe Avenue and the northeasterly side of North 15th Street;

RUNNING THENCE southeasterly, along the northeasterly side of North 15th Street, 258.36 feet, deed (258 feet 4 3/8 inches, survey) to the southwesterly side of Banker Street;

THENCE northwesterly, along the southwesterly side of Banker Street, 161.92 feet, deed (161 feet 11 inches, survey);

THENCE southwesterly, along a line forming an interior angle of 87 degrees 43 minutes 5 seconds with the southwesterly side of Banker Street, 26.58 feet, deed (25.71 feet, survey);

THENCE northwesterly along an exterior angle of 114 degrees 57 minutes 8 seconds with the preceding course, 103.17 feet, deed (103.5 feet, survey) to the southwesterly side of Wythe Avenue;

THENCE southwesterly, along the southeasterly side of Wythe Avenue, 50 feet to the point or place of BEGINNING.

#### As to Lots 3 and 4:

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

BEGINNING at the corner formed by the intersection of the southeasterly side of Norman Avenue and the southwesterly side of Banker Street;

RUNNING THENCE southwesterly, along the southeasterly side of Norman Avenue, 36 feet 8 3/4 inches, deed (37 feet 3 inches, survey) to its intersection with the southeasterly side of Wythe Avenue;

THENCE southwesterly, along the southeasterly side of Wythe Avenue, 40 feet 9 5/8 inches, deed (41 feet 1 inch, tax map);

THENCE southeasterly at right angles to the southeasterly side of Wythe Avenue, 103 feet 5 inches, deed (103 feet 2 inches, tax map);

THENCE northeasterly at right angles to the southwesterly side of Banker Street, 25 feet 8 1/8 inches, deed (25.71 feet, survey) to the southwesterly side of Banker Street;

THENCE northwesterly along the southwesterly side of Banker Street, 112 feet 1 1/4 inches, deed (110 feet 6 inches, tax map) to the corner of the point or place of BEGINNING.

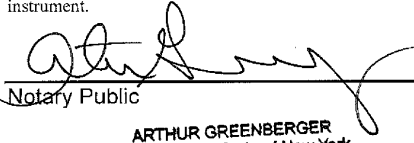
NOTE: Being Block(s) 2641, Lot(s) 1, 3, 4, Tax Map of the Borough of Brooklyn, County of Kings.

NOTE: Lot and Block shown for informational purposes only.

**ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE**

State of New York, County of New York, ss:

On the 24th day of October in the year 2018, before me, the undersigned, personally appeared **Patrick L. Turturro**, 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.



Notary Public

**ARTHUR GREENBERGER**  
Notary Public, State of New York  
Reg. No. 01GR4715063  
Qualified in Queens County  
My Commission Expires Nov. 30, 2018

**ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS  
TAKEN IN NEW YORK STATE**

State of New York, County of \_\_\_\_\_, ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_,

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in \_\_\_\_\_

(if the place of residence is in a city, include the street and street number if any, thereof); that he/she/they know(s) \_\_\_\_\_

to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto

**ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE**

State of New York, County of \_\_\_\_\_, ss:

On the \_\_\_\_\_th day of \_\_\_\_\_ in the year 2018, 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.

Notary Public

**ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK  
STATE**

\*State of \_\_\_\_\_, County of \_\_\_\_\_, ss:

\*(Or insert District of Columbia, Territory, Possession or Foreign County)

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), 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, and that such individual make such appearance before the undersigned in the \_\_\_\_\_

(add the city or political subdivision and the state or country or other place the acknowledgement was taken).

**Bargain and Sale Deed with  
Covenant against Grantors' Acts**

Title No. MTANY-131294

**BERRY WYTHE LLC**

To

**ONE WYTHE LLC**

District:

Section:

Block: 2641

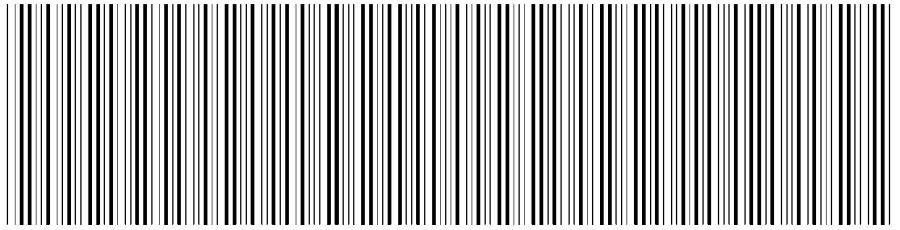
Lots: 1, 3, 4

Street Address: 9-11 Wythe Ave a/k/a  
132-150 Banker Street,  
7 Wythe Avenue, and 1 Wythe Avenue,  
Brooklyn, NY 11211

RETURN BY MAIL TO:

**Mark J. Nussbaum and Associates PLLC**  
225 Broadway, 39<sup>th</sup> Floor  
New York, NY 10007

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



**2018102900652001001SDE90**

**SUPPORTING DOCUMENT COVER PAGE**

**PAGE 1 OF 1**

**Document ID: 2018102900652001**  
Document Type: DEED

Document Date: 10-24-2018

Preparation Date: 10-29-2018

**ASSOCIATED TAX FORM ID:** 2018102200003

**SUPPORTING DOCUMENTS SUBMITTED:**

Page Count

DEP CUSTOMER REGISTRATION FORM FOR WATER AND SEWER BILLING  
RP - 5217 REAL PROPERTY TRANSFER REPORT

3  
2



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: 2641 LOT: 1
- (2) Property Address: 9 WYTHE AVENUE, BROOKLYN, NY 11211
- (3) Owner's Name: ONE WYTHE LLC
- Additional Name: \_\_\_\_\_

### Affirmation:



You have visited DOF's Mailing Address Update website and indicated that your water & sewer bill should be sent to the mailing address provided on that site. If no information was entered your water & sewer bill be sent to the property address.

### 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](http://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: See Attached Date (mm/dd/yyyy) \_\_\_\_\_

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

**SEE ATTACHED PAGE FOR ADDITIONAL APPLICABLE PROPERTIES**



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:

BLOCK:

(2) Property Address:

(3) Owner's Name:

Additional Name:

ALL Bills to do KAREN STAR MANAGEMENT  
329 Hewes STREET, 3<sup>rd</sup> FL.  
BROOKLYN NY  
11211

### Affirmation:



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

Or

You have visited DOF's Mailing Address Update website and indicated that your water & sewer bill should be sent to the mailing address provided on that site. If no information was entered your water & sewer bill be sent to the property address.

ALL Bills : 329 Hewes STREET Brooklyn NY  
11211

### 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](http://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:

One Wythe LLC,

Signature:

Date (mm/dd/yyyy)

Name and Title of Person Signing for Owner, if applicable: by Shlomo Kaper, Attorney.



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

Borough	Block	Lot	Street	City	State	Zip
BROOKLYN	2641	3	7 WYTHE AVENUE	NY	NY	11211
BROOKLYN	2641	4	1 WYTHE AVENUE	NY	NY	11211

201810220000310102

FOR CITY USE ONLY

C1. County Code  C2. Date Deed Recorded  /  /   
 Month Day Year

C3. Book  OR C4. Page

C5. CRFN



## REAL PROPERTY TRANSFER REPORT

 STATE OF NEW YORK  
 STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217NYC

## PROPERTY INFORMATION

1. Property Location  9  WYTHE AVENUE  BROOKLYN  11211  
 STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name  ONE WYTHE 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  3  # of Parcels OR ☐ Part of a Parcel

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

5. Deed Property Size  FRONT FEET 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  BERRY WYTHE 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 ☐ One Family Residential C ☐ Residential Vacant Land E ☒ Commercial G ☐ Entertainment / Amusement I ☐ Industrial  
 B ☐ 2 or 3 Family Residential D ☐ Non-Residential Vacant Land F ☐ Apartment H ☐ Community Service J ☐ Public Service

## SALE INFORMATION

10. Sale Contract Date  2 / 7 / 2018  
 Month Day Year

11. Date of Sale / Transfer  10 / 24 / 2018  
 Month Day Year

12. Full Sale Price \$  1,530,000.00

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

## ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

15. Building Class  G 1  16. Total Assessed Value (of all parcels in transfer)  5,229,000

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

BROOKLYN 2641 1

BROOKLYN 2641 3

BROOKLYN 2641 4

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.

2018102200003201

**ATTACHMENT F**

**Section VII: REQUESTOR ELIGIBILITY INFORMATION**

## SECTION VII: REQUESTOR ELIGIBILITY INFORMATION

The Requestor qualifies as a “Volunteer” in the BCP because it has no connection with any prior owner or operator, and therefore did not cause, contribute, or permit the disposal of any contaminants at the Site, and did not control the Site when such contamination occurred. Requestor did not observe and is not aware of any continuing release. Requestor is taking the necessary steps to prevent any threatened future release, and prevent and limit human, environmental or natural resource exposure to any previously released contamination at the Site. As such, the requestor qualifies as a Volunteer as designed in ECL 27-1405(1)(b).

**ATTACHMENT G**

**Section IX: CONTACT LIST INFORMATION AND ACKNOWLEDGEMENT FROM  
REPOSITORY**

## SECTION IX – CONTACT LIST INFORMATION

### SITE CONTACT LISTS

#### **Executive:**

Role	Name	Phone	Mailing Address	Email / Contact
NYC Mayor	Mayor William De Blasio	212-NEW-YORK	City Hall New York, NY 10007	<a href="https://www1.nyc.gov/office-of-the-mayor/mayor-contact.page">https://www1.nyc.gov/office-of-the-mayor/mayor-contact.page</a>
NYC Department of City Planning Chairperson	Marisa Lago	212-720-3300	120 Broadway 31st Floor New York, NY 10271	<a href="https://www1.nyc.gov/site/planning/about/email-the-director.page">https://www1.nyc.gov/site/planning/about/email-the-director.page</a>
Brooklyn Borough President	Eric Adams	718-802-3700	Brooklyn Borough Hall 209 Joralemon Street Brooklyn, NY 11201	<a href="mailto:askeric@brooklynbo.nyc.gov">askeric@brooklynbo.nyc.gov</a>
Brooklyn Community Board 1 District Manager	Dealice Fuller	718-389-0009	435 Graham Avenue Brooklyn, NY 11211	<a href="mailto:bk01@cb.nyc.gov">bk01@cb.nyc.gov</a>
New York City Council District 33	Stephen T. Levin	718-875-5200	410 Atlantic Avenue Brooklyn, NY 11217	<a href="mailto:slevin@council.nyc.gov">slevin@council.nyc.gov</a>
NY Senate District 18 Senator	Julia Salazar	718-875-1517	212 Evergreen Avenue Brooklyn, NY 11221	<a href="mailto:salazar@nysenate.gov">salazar@nysenate.gov</a>
NY State Assembly District 050 Member	Emily Gallagher	718-383-7474	685A Manhattan Avenue Brooklyn, NY 11221	<a href="mailto:gallagher@nyassembly.gov">gallagher@nyassembly.gov</a>

#### **Owners, Residents, Occupants:**

Site is currently improved with three one-story warehouses and is vacant.

Owner	Contact Name	Phone	Mailing Address	Email
One Wythe LLC - Authorized Representative	Shlomo Karpen	(718) 302-3180	329 Hewes Street, Brooklyn, NY 11211	<a href="mailto:1wythellc@gmail.com">1wythellc@gmail.com</a>

#### **Adjacent Properties:**

Below is a list of the adjoining properties which are also detailed on **Figure 7**.

Owner/Entity Name	Contact Name	Site Use	Property Address	Owner Mailing Address
Corzo Maintenance Co., Inc.	James Lema	Commercial/Industrial	168 Banker Street	168 Banker Street, Brooklyn, NY
Technopoly Manufacturing	Kam Sam Yuen	Industrial/Manufacturing	28 Wythe Avenue	20 Wythe Avenue, Brooklyn, NY
29 Norman Ave. Realty LLC	David Klein	Commercial/Office	29 Norman Avenue	3085 Shore Drive, Merrick, NY
34 Norman Ave LLC	Howard Kiffel	Industrial/Manufacturing	16 Norman Avenue	34 Norman Avenue, Brooklyn, NY

Lafayette Real Estate, LLC	Anita Sharma	Parking Facilities	61 Dobbin Street	61 Dobbin Street, Brooklyn, NY
N.M.K.T. Associates, LLC.	Anthony Musto	Industrial/Manufacturing	139 Banker Street	29-27 41 <sup>st</sup> Avenue, 2 <sup>nd</sup> Floor, Long Island City, NY
45 Dobbin St. Realty Inc.	Po Shun Ng	Industrial/Manufacturing	41 Dobbin Street	41-47 Dobbin Street, Brooklyn, NY
ZEP Group LLC	Ronnie Reiman	Industrial/Manufacturing	19 Wythe Avenue	33 East 20 <sup>th</sup> Street, Suite 400, New York, NY
Nash Metalware Co. Inc.	Stephanie Eisenberg	Industrial/Manufacturing	72 North 15 <sup>th</sup> Street	72 North 15 <sup>th</sup> Street, Brooklyn, NY

### **Local News and Media:**

Owner/Entity Name	Type	Address	Phone	Website
The Brooklyn Eagle	Print	16 Court Street Brooklyn, NY 11241	718-422-7413	<a href="http://www.brooklynneagle.com">www.brooklynneagle.com</a>
Greenpoint Gazette	Online	597 Manhattan Avenue Brooklyn, New York 11211	718-643-9099	<a href="https://greenpointers.com/2008/06/17/greenpoint-gazette-welcome-to-the-21st-century/">https://greenpointers.com/2008/06/17/greenpoint-gazette-welcome-to-the-21st-century/</a>
Spectrum 1 News	Television	75 Ninth Avenue New York, NY 10011	212-691-6397	<a href="https://www.ny1.com/nyc/all-boroughs/about-us/contact-us">https://www.ny1.com/nyc/all-boroughs/about-us/contact-us</a>

### **Public Water Supply:**

Public water supply is a shared responsibility between the New York City Department of Environmental Protection (NYCDEP) and the Municipal Water Finance Authority.

Owner/Entity Name	Contact	Address	Phone	Email
NYCDEP	Vincent Sapienza - Commissioner	59-17 Junction Blvd. Flushing, NY 11373	718-595-6565	<a href="mailto:ltcp@dep.nyc.gov">ltcp@dep.nyc.gov</a>
NYC Municipal Water Finance Authority	Olga Chernat- Executive Director	255 Greenwich Street 6th Floor New York, NY 10007	212-788-5889	Not Available

### **Additional Requests:**

We are unaware of any requests to be included on the contact list for the Former Anglo Chemical and Rubber Site located at 1-9 Wythe Avenue, Brooklyn, NY.

### **School or Day Care located on or proximal to the Site:**

There are no schools or daycares located on the Site. The following schools or day care facilities are located within ½-mile radius to the Site:

<b>School/Day Care Name</b>	<b>Approximate distance from Site in feet and (directional)</b>	<b>Administrator</b>	<b>Phone</b>	<b>Address</b>
P.S. 31 - Samuel F. Dupont	1000' (north)	Mary Scarlato	718-383-8998	75 Meserole Avenue, Brooklyn, NY 11222
Northside Charter High School	2300' (Southeast)	Stanton Brown	347-390-1273	424 Leonard Street, Brooklyn, NY 11211
John Ericsson Middle School 126	2400' (Southeast)	Maria Ortega	718-782-2527	424 Leonard Street, Brooklyn, NY 11211
Citizens of the World Charter School 1	2300' (Southeast)	Chad Ferguson	718-384-1386	424 Leonard Street, Brooklyn, NY 11211
Ardor School	500' (Southeast)	Not Available	718-576-3726	25 Nassau Avenue, Brooklyn, NY 11222
Saint Stanislaus Kostka Catholic School	2300' (east)	Ivan Green	718-383-1970	12 Newel Street, Brooklyn, NY 11222
A-Tech High School	700' (Southeast)	Neil Harris	718-388-7721	50 Bedford Avenue, Brooklyn, NY 11222
Lola's Elementary School	1000' (North)	Not Available	Not Available	75 Meserole Avenue, Brooklyn, NY 11211
P.S. 34 – Oliver H Perry	1700' (northeast)	Carmen Asselta	718-389-5842	131 Normal Avenue, Brooklyn, NY 11211
ABC Childcare Inc.	1600' (northeast)	Jolanta Matysiak	718-389-9004	109 Nassau Avenue, Brooklyn, NY 11211
SMYK Day Care	2000 (southeast)	Maria Malinowska	718-218-7803	509 Graham Avenue, Brooklyn, NY 11211
Learning Steps Daycare and Preschool	2500' (southeast)	Loris Malaguzz	718-388-9134	544 Union Avenue, Brooklyn, NY 11211
Williamsburg Treehouse Preschool & Day Care	2650' (southeast)	Joanna Budzynska	347-529-6190	132 N 5 <sup>th</sup> Street, 3B, Brooklyn, NY 11249
North Williamsburg Kindercare	2200' (southwest)	Jessica Amundsen	718-387-0192	17 N 6 <sup>th</sup> Street, Brooklyn, NY 11249
Green Bean Day Care & Learning Center	2500' (north)	Monica Madalinski	718-389-4004	161 Greenpoint Avenue, Brooklyn, NY 11211

### **Document Repository:**

Brooklyn Community Board 1 and the Brooklyn Public Library – Greenpoint Branch were notified on 08 September 2021 via email regarding utilizing their space as document repositories. Documentation of the confirmation is attached below. The repository information is detailed below:

<b>Owner/Entity Name</b>	<b>Contact</b>	<b>Address</b>	<b>Phone</b>	<b>Email</b>
Brooklyn Public Library – Greenpoint Branch	Alexa Orr	718- 389-4394	107 Norman Ave. Brooklyn, NY 11222	<a href="mailto:a.orr@brooklynpubliclibrary.org">a.orr@brooklynpubliclibrary.org</a>

### **Community Board:**

<b>Owner/Entity Name</b>	<b>Contact</b>	<b>Address</b>	<b>Phone</b>	<b>Email</b>
Brooklyn Community Board 1	Gerald Esposito	435 Graham Avenue Brooklyn, NY 11211	718-389-0009	<a href="mailto:bk01@cb.nyc.gov">bk01@cb.nyc.gov</a>

GIS FILE PATH: C:\Users\hwacholz\Documents\working\pers\pers\203454\GIS\Maps\2021\_09\203454\_000\_0002\_TAX\_PARCEL\_MAP.mxd — USER: hwacholz — LAST SAVED: 9/13/2021 12:03:17 PM



168 Banker Street  
Block 2615 Lot 125  
Commercial/Industrial  
Owner: Corzo Maintenance Co., Inc.

16 Norman Avenue  
Block 2642 Lot 1  
Industrial/Manufacturing  
Owner: 34 Norman Ave LLC

61 Dobbin Street  
Block 2642 Lot 11  
Parking  
Owner: Lafayette Real Estate, LLC

139 Banker Street  
Block 2642 Lot 52  
Industrial/Manufacturing  
Owner: N.M.K.T. Associates, LLC

28 Wythe Avenue  
Block 2613 Lot 28  
Industrial/Manufacturing  
Owner: Technipoly Manufacturing

19 Wythe Avenue  
Block 2639 Lot 5  
Industrial/  
Manufacturing  
Owner: ZEP Group LLC

72 North 15th Street  
Block 2639 Lot 7  
Industrial/Manufacturing  
Owner: Nash Metalware Co. Inc.

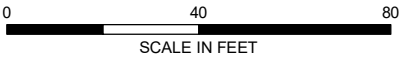
41 Dobbin Street  
Block 2642 Lot 18  
Industrial/Manufacturing  
Owner: 45 Dobbin St Realty Inc.

LEGEND

- SITE BOUNDARY
- PARCEL BOUNDARY

NOTES

- 1. ALL LOCATIONS ARE APPROXIMATE.
- 2. ASSESSOR PARCEL DATA SOURCE: NYC DEPARTMENT OF CITY PLANNING
- 3. AERIAL IMAGERY SOURCE: NEARMAP, 12 AUGUST 2021



HALEY  
ALDRICH

1, 7 AND 9 WYTHE AVENUE  
BROOKLYN, NEW YORK

ADJOINING PROPERTY DETAIL MAP

SEPTEMBER 2021

FIGURE 7

**Section IX: Acknowledgement from Brooklyn Public Library - Greenpoint Branch Agreeing to Act as Document Repository**



HALEY & ALDRICH OF NEW YORK  
237 W 35<sup>th</sup> Street  
16<sup>th</sup> Floor  
New York, NY 10123  
Tel: 646.277.5685

07 September 2021

File No. 203454

Brooklyn Public Library – Greenpoint Branch  
107 Norman Avenue  
Brooklyn, NY 11222  
Via email: [rcowley@bklynlibrary.org](mailto:rcowley@bklynlibrary.org)  
Attn: Rebecca Cowley

Subject: Brownfield Cleanup Program Application – Request for Repository Use  
Former Anglo Chemical and Rubber Corp. Site  
1-9 Wythe Avenue  
Brooklyn, New York 11222

Dear Ms. Cowley,

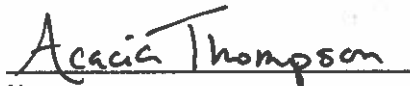
Haley & Aldrich of New York (Haley & Aldrich), on behalf of Dupont Street 1 LLC, is requesting use of the Brooklyn Public Library – Greenpoint Branch as a document repository for the anticipated project located at 1-9 Wythe Avenue, Brooklyn, NY. The New York State Department of Environmental Conservation (NYSDEC) requires a letter certifying that the proposed document repository is able to serve as a public repository for all documents pertaining to the environmental cleanup at the Site. Please sign below denoting that your library would be amenable to serving as a temporary public repository.

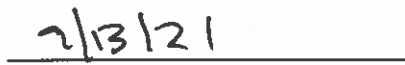
Should you have any questions, please do not hesitate to give me a call at (646) 277-5686.


Thank you,  
HALEY & ALDRICH OF NEW YORK

  
James M. Bellew  
Senior Associate

The Brooklyn Public Library – Greenpoint Branch is willing to act as a public document repository holding and making available of all provided environmental related to 1-9 Wythe Avenue, Brooklyn, NY Brownfield Cleanup Project.

  
Name

  
Date

  
Title

### **Section IX: Request to Brooklyn Community Board 1 Regarding Acting as Document Repository**

(Note: Community Board 1 has adopted a policy change Haley & Aldrich was made aware of on 13 September 2021, in which they will no longer sign or confirm repository status pro forma but will sign documentation of receipt once documents are submitted via USB.)

## Bellew, James

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**From:** BK01 (CB) <bk01@cb.nyc.gov>  
**Sent:** Tuesday, September 7, 2021 4:44 PM  
**To:** Bellew, James  
**Subject:** Re: Request for Document Repository for NYSDEC Site - 1-9 Wythe Avenue

**CAUTION: External Email**

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Only if the document is sent on a thumb drive !

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**From:** Bellew, James <JBellew@haleyaldrich.com>  
**Sent:** Tuesday, September 7, 2021 4:34 PM  
**To:** BK01 (CB) <bk01@cb.nyc.gov>  
**Cc:** Conlon, Mari <MConlon@haleyaldrich.com>  
**Subject:** [EXTERNAL] Request for Document Repository for NYSDEC Site - 1-9 Wythe Avenue

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Forward suspect email to [phish@cyber.nyc.gov](mailto:phish@cyber.nyc.gov) as an attachment (Click the More button, then forward as attachment).

Gerald

Good afternoon, I hope all is well. We are resubmitting an application for the NYSDEC Brownfield Cleanup Program and the CB-01 agreed to be a document repository (see attached). Please confirm that you will still be a document repository. Thank you.

-James

**James M. Bellew**  
Senior Associate

**Haley & Aldrich of New York**  
237 West 35<sup>th</sup> Street, 16<sup>th</sup> Floor  
New York, NY 10123

T: (646) 277-5686  
C: (347) 640-2759

[www.haleyaldrich.com](http://www.haleyaldrich.com)

## **ATTACHMENT H**

### **Section X: LAND USE FACTORS**

## SECTION X: LAND USE FACTORS

The Site is currently in the final stages of the Uniform Land Use Review Procedure with the New York City Department of Planning. Below is a summary of the zoning based on the Environmental Assessment Statement dated 15 July 2021 by Equity Environmental.

### **Existing Zoning:**

The Project Area and the area to the south is mapped as M1-2, whereas the area to the east is mapped as M1-1. An M1-5 zoning district is mapped immediately to the northeast of the Affected Area as part of the Acme Smoked Fish/Gem Street Rezoning (210138 ZMK). Residential uses are more common several blocks to the north, east and south of the site.

The area to the west of the Project Area is mapped parkland. The 35-acre Bushwick Inlet Park was mapped as parkland as part of the Greenpoint-Williamsburg rezoning in 2005. East River State Park occupies 7 acres between North 7th and North 9th Street, and the first phase of Bushwick Inlet Park currently occupies the area between North 9th and North 10th Street.

The Greenpoint-Williamsburg Waterfront Action Plan (WAP) was also established as part of the 2005 Greenpoint-Williamsburg Rezoning and became part of the zoning text at that time. The Greenpoint- Williamsburg WAP tailors the public access requirements of waterfront zoning to the specific conditions of a particular waterfront, and identifies the locations of particular access elements. Another significant public open space is the 35-acre McCarren Park which lies on the border of Greenpoint and Williamsburg, two blocks to the southeast of the Project Area. The zoning districts within the Surrounding Area are M1-1, M1-2, M1-5, and MX-8.

Manufacturing land uses which ceased in the 1990s, specifically former manufacturing operations including paint and varnish manufacturer on the eastern portion, barrel storage on the western portion and manufacturing in the northern and central portion, likely contributed to the existing subsurface contamination and will be further evaluated during Remedial Investigation to identify contamination source areas.

### **Proposed Zoning text amendments:**

The Proposed Actions include the following discretionary approvals; (i) a zoning text amendment affecting the entire block (Block 2641, the Affected Area) to map a new IBIA, (ii) special permit pursuant to ZR § 74-963, to modify floor area and (iii) special permit pursuant to ZR § 74-964 for waiver of accessory parking and modification of loading berth requirements to waive all on-site parking and reduce the number of required loading berths from four down to one. The discretionary actions proposed by the Applicant would facilitate the development of an eight-story light industrial and commercial office building comprising approximately 98,792 gsf (80,743 zsf). The proposed development would include 69,162 gsf of office uses (34,502 gsf; 33,643 zsf) Permitted uses (permitted uses) and 34,660 gsf [33,643 zsf] of Incentive Uses), 13,819 gsf (13,457 zsf) of Required Industrial Uses, and 15,811 gsf of non-zsf cellar level permitted industrial uses.

The proposed use is conforming to the anticipated changes once the ULURP Process is completed. The existing and proposed zoning maps are included below. Future proposed use will be an 8-story

commercial/industrial building with a one-level cellar for commercial use encompassing the entire site footprint and extending approximately 11-12 feet below current grade.

