

# **Mixed Use Development at 809 Atlantic Avenue**

**Block 2010, Lots 1 and 59**

**BROOKLYN, KINGS COUNTY, NEW YORK**

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## **Phase 1A Archaeological Documentary Study**

**Prepared for:**

550 Clinton Partners LLC and 539 Vanderbilt Partners LLC  
475 Park Avenue South  
New York, NY 10016

**Prepared by:**



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**NOVEMBER 2019**

## Executive Summary

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<b>CEQR Number:</b>	18DCP179K
<b>LPC Project Unique Identification Number:</b>	32576
<b>Involved Agencies:</b>	New York City Planning Commission
<b>Phase of Survey:</b>	Phase 1A Archaeological Documentary Study
<b>Location Information</b>	
<i>Borough:</i>	Brooklyn
<i>Block/Lot:</i>	Block 2010, Lots 1 and 59
<i>Address:</i>	Lot 1: 539 Vanderbilt Avenue; Brooklyn, NY 11238 Lot 59: 809 Atlantic Avenue; Brooklyn, NY 11238
<i>County:</i>	Kings County
<b>Survey Area</b>	
<i>Length (Project Area):</i>	132 feet
<i>Width (Project Area):</i>	219 Feet
<i>Area:</i>	27,883 square feet
<b>USGS 7.5 Minute Quadrangle Map:</b>	Brooklyn Quadrangle
<b>Report Author:</b>	Elizabeth D. Meade, MA, MPhil Registered Professional Archaeologist 16353
<b>Date of Report:</b>	November 2019

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## A. PROJECT DESCRIPTION

550 Clinton Partners LLC and 539 Vanderbilt Partners LLC (“the applicants”) are proposing to redevelop the site at 809 Atlantic Avenue in the Clinton Hill neighborhood of Brooklyn (see **Figure 1**). The development site comprises Block 2010, Lots 1 and 59, located on the northern side of Atlantic Avenue between Vanderbilt Avenue and Clinton Avenue (see **Figure 2**). The development site is currently developed with a series of one-story commercial buildings. With the project, the existing on-site buildings would be demolished and replaced with two mixed-use buildings—one on each lot within the development site—containing retail and office space and residential units. The building on Lot 1 would be 29 stories and the building on Lot 59 would be four stories and the two buildings would be connected with a shared corridor and cooling tower. The construction of the project required a zoning map amendment, a zoning text amendment, and special permits, which were approved by the City Planning Commission (CPC) in February, 2019.<sup>1</sup> The project was subject to New York City Environmental Quality Review (CEQR) and the CPC served as the lead agency for the environmental review.

The Applicants are ground lessees of the two properties that make up the 809 Atlantic Avenue site (Block 2010, Lots 1 and 59; the “development site”), which will be part of a combined zoning lot with adjacent properties including Block 2010, Lots 10, 51, 1001-1010 (formerly Lots 7 and 8) and 1101-1118 (formerly Lot 5). One of the properties, (Lot 10) contains the Church of Saint Luke and Saint Matthew, a New York City Landmark (NYCL). The actions included a zoning map amendment to rezone the development site and portions of four adjacent properties that are not part of the project zoning lot (Block 2010, Lots 53, 56, 57, and 58); for the purposes of this assessment, the project zoning lot (which includes the development site) and the portions of Lots 53, 56, 57, and 58 that are within the rezoning area are referred to as the “project area” (see **Figure 1**). Overall, the area affected by the actions did not contain any projected or potential development outside of the development site, and new construction facilitated by the approved actions would only occur on the development site. The development site is therefore the subject of this Phase 1A Archaeological Documentary Study.

Pursuant to CEQR, consultation was initiated with New York City Landmarks Preservation Commission (LPC) in order to obtain a preliminary determination of the project area’s potential archaeological sensitivity. In a comment letter dated July 21, 2017, LPC determined that the development site (Block 2010, Lots 1 and 59) as well as portions of the project area and rezoning area (Block 2010, Lots 10, 56, 57, and 58) are potentially archaeologically significant, and requested that a Phase 1A Study be prepared (see **Appendix A**). Subsequent to the initial consultation with LPC, the actions and project area were revised and it was determined that subsurface disturbance would only occur on the development site. In a comment letter issued April 18, 2018, LPC confirmed that a Phase 1A Study was only required for the development site (see **Appendix A**). The Applicants subsequently entered into a Restrictive Declaration requiring that the additional archaeological investigation and any subsequent archaeological assessments that are determined necessary would be undertaken in consultation with LPC prior to construction of the project

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<sup>1</sup> ULURP Nos. C190071 ZMK; C190073 ZSK; and N190074 ZRK.

(see **Appendix A**). This Phase 1A Archaeological Documentary Study has been prepared to satisfy LPC's request in compliance with the terms of the Restrictive Declaration.

## B. RESEARCH GOALS

This Phase 1A Archaeological Documentary Study of the 809 Atlantic Avenue development site has been designed to satisfy the requirements of the LPC and follows the guidelines of the New York Archaeological Council (NYAC). The study documents the development history of the development site and its potential to yield archaeological resources, including both precontact and historic cultural resources. In addition, this report documents the current conditions of the development site, as well as previous cultural resource investigations that have taken place in the vicinity.

This study has four major goals: (1) to determine the likelihood that the development site was occupied during the precontact (Native American) and/or historic periods; (2) to determine the effect of subsequent development and landscape alteration on any potential archaeological resources that may have been located within the development site; (3) to make a determination of the development site's potential archaeological sensitivity; and (4) to make recommendations for further archaeological analysis, if necessary. The steps taken to fulfill these goals are explained in greater detail below.

The first goal of this study is to determine the likelihood that the development site was inhabited during the precontact or historic periods, and identify any activities that may have taken place in the vicinity that would have resulted in the deposition of archaeological resources.

The second goal of this Phase 1A study is to determine the likelihood that archaeological resources could have survived intact within the development site after development and landscape alteration (e.g., grading). Potential disturbance associated with paving, utility installation, and other previous development-related impacts was also considered. As described by NYAC in their Standards for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State:

*An estimate of the archaeological sensitivity of a given area provides the archaeologist with a tool with which to design appropriate field procedures for the investigation of that area. These sensitivity projections are generally based upon the following factors: statements of locational preferences or tendencies for particular settlement systems, characteristics of the local environment which provide essential or desirable resources (e.g., proximity to perennial water sources, well-drained soils, floral and faunal resources, raw materials, and/or trade and transportation routes), the density of known archaeological and historical resources within the general area, and the extent of known disturbances which can potentially affect the integrity of sites and the recovery of material from them (NYAC 1994: 2).*

The third goal of this study is to make a determination of the development site's archaeological sensitivity. As stipulated by the NYAC standards, sensitivity assessments should be categorized as low, moderate, or high to reflect "the likelihood that cultural resources are present within the project area" (NYAC 1994: 10). For the purposes of this study, those terms are defined as follows:

- Low: Areas of low sensitivity are those where the original topography would suggest that Native American sites would not be present (i.e., locations at great distances from fresh and salt water resources), locations where no historic activity occurred before the installation of municipal water and sewer networks, or those locations determined to be sufficiently disturbed so that archaeological resources are not likely to remain intact.
- Moderate: Areas with topographical features that would suggest Native American occupation, documented historic period activity, and with some disturbance, but not enough to eliminate the possibility that archaeological resources are intact on the development site.

- High: Areas with topographical features that would suggest Native American occupation, documented historic period activity, and minimal or no documented disturbance.

As mentioned above, the fourth goal of this study is to make recommendations for additional archaeological investigations where necessary. According to the NYAC standards, Phase 1B testing is generally warranted for areas determined to have moderate sensitivity or higher. Archaeological testing is designed to determine the presence or absence of archaeological resources that could be impacted by a project. Should they exist within the project corridor, such archaeological resources could provide new insight into the precontact and historic occupation of this portion of Brooklyn.

### **C. RESEARCH METHODOLOGY**

To satisfy the four goals as outlined above, documentary research was completed to establish a chronology of the development site's occupation, landscape alteration, and to identify any individuals who may have owned the land or worked and/or resided there, and to determine if buildings were present there in the past. Data was gathered from various published and unpublished primary and secondary resources, such as historical maps, topographical analyses (both modern and historic), historic and current photographs (including aerial imagery), newspaper articles, local histories, and previously conducted archaeological surveys. Attempts were made to identify occupants of the development site before the late 19th century, however this was complicated by the fact that street addresses were not consistently applied or used in this part of Brooklyn until the 1870s. Similarly, census records did not include house numbers until around the same time and the earliest available tax assessment records for this area date to 1867. Therefore, attempts were made to identify residents using conveyance records cross-referenced with other sources where possible.

These published and unpublished resources were consulted at various repositories (both physical and digital), including the Main Research Branch of the New York Public Library (including the Local History and Map Divisions); the Brooklyn Public Library; the Brooklyn Office of the City Register, Department of Finance; and the Municipal Archives. File searches were conducted using LPC's archaeology report database, the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP), and the New York State Museum (NYSM). Information on previously identified archaeological sites and previous cultural resources assessments on file with OPRHP and NYSM was accessed through the New York State Cultural Resource Information System (CRIS).<sup>1</sup> Online textual archives, such as Google Books and the Internet Archive Open Access Texts, were also accessed.

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<sup>1</sup> <https://cris.parks.ny.gov>.



## **Chapter 2: Environmental Context and Assessment of Landscape Modification**

### **A. CURRENT CONDITIONS**

Lot 59 is currently developed with a series of adjacent one-story buildings along Atlantic Avenue occupied by auto repair facilities and garages (see **Photographs 1 through 3**). The one-story building fronting on Clinton Avenue was most recently occupied by a restaurant (recently closed) and an undeveloped area at the southeast corner of the lot was used as an outdoor dining space. Lot 1 is currently developed with a one-story car wash facility with an associated paved driveway.

### **B. GEOLOGY**

The borough of Brooklyn is found within a geographic bedrock region known as the Atlantic Coastal Plain Province. This has been described as “that portion of the former submerged continental shelf which has been raised above the sea without apparent deformation” (Reeds 1925: 3). Soils on Long Island, on which Kings County is located, are composed of glacial till or undifferentiated sediments such as sand and clay. The Atlantic Coastal Plain is typified by “flat, low-lying” ground “that slopes very gently toward the sea” (Isachsen, et al. 2000: 149). The surficial geology in the immediate vicinity of the development site are associated with glacial till, however, the Terminal Moraine, a belt of elevated rock that crosses through Brooklyn and marks the location of the southernmost point of the most recent glacial event, is located immediately to the southeast (Schuberth 1968; Cadwell 1989). The glacial till was deposited by the massive glaciers that retreated from the area toward the end of the Pleistocene epoch (1.6 million years before present [BP] to approximately 10,000 years BP). There were four major glaciations that affected New York City, culminating approximately 12,000 years ago with the end of the Wisconsin period. During the ice age, the glacial moraine bisected Brooklyn, running in a northeast-southwest direction and marking the location of the southernmost point of the most recent glacial event (Schuberth 1968). The deposition of glacial till in the wake of the retreating glaciers resulted in the creation of sand hills, known as kames, across New York City, some of which rose to heights of one hundred feet. The bedrock beneath the till is unknown, but believed to date to the relatively recent Quaternary period of the Cenozoic era, and may have been formed within the last 100 million years (Fisher, et al. 1995; Isachsen, et al. 2000).

### **C. TOPOGRAPHY AND HYDROLOGY**

The elevation of the development site is generally level, with a slight downward slope to the south and southeast. Several historic maps include data regarding the elevation of street corner intersections, as presented below in **Table 2-1**. This suggests that the general grade of the streets surrounding the development site has remained more or less consistent since the late-19th century. The c. 1875 map of Brooklyn’s original waterways published by the Board of Health shows that the closest water sources to the development site were originally the marsh-bordered bodies of water associated with the Gowanus Creek approximately 3,000 feet west of the Site and along the southern shores of the Wallabout Bay approximately 5,000 feet northwest of the Site.

**Table 2-1**  
**Street Corner Elevations as Identified on Historic Maps**

Historic Map	Elevation at the Intersection of:			
	Vanderbilt and Fulton	Clinton and Fulton	Vanderbilt and Atlantic	Clinton and Atlantic
1887 Sanborn	76	79	72	74
1904 Ullitz	75.67	78.50	69.75	72.50
1904 Sanborn	76	79	71	73
2016 Sanborn	75.68	78.50	70.99	72.6

**Notes:** Some of the maps included above do not indicate the datum from which the elevation was measured while others present elevations “above high tide.” Therefore, it is assumed that all measurements are with respect to sea level as it was measured at the time the map was produced.

## D. SOILS

The Web Soil Survey maintained by the National Resource Conservation Service (NRCS) of the United States Department of Agriculture (USDA)<sup>1</sup> indicates that the development site is located in an area characterized by two soil complexes and open water (Soil Survey Staff 2019). These soil complexes are characteristic of highly developed urban areas and are summarized below:

- **Urban Land-Greenbelt (UGB):** well-drained soils typically found on summits with 3 to 8 percent slopes and comprising gravelly sandy loam beneath up to 15 inches of cemented material;
- **Urban Land, Till Substratum (UtA):** urban fill materials over glacial till on summit landforms with 0 to 3 percent slopes comprising gravelly sandy loam beneath up to 15 inches of cemented material.

At least two sets of soil borings were advanced on the development site for geotechnical or environmental purposes. The geotechnical borings identified soils identified as fill material between depths of 6 to 17 feet below grade (extending to depths between 57 and 67.5 feet below the North American Vertical Datum of 1988 [NAVD88]) across the development site (Mueser Ruteledge Consulting Engineers 2019). This material was identified as “urban fill” containing debris from former buildings/foundations along with sand and silts associated with the native soils as indicated above (ibid). These soils may represent disturbed and redeposited material associated with the construction and demolition of buildings rather than fill used to raise the original elevation in the area. Additional soil borings completed for environmental purposes identified areas of soil contamination across the site, including metal/lead contaminated soils in the northern portion of Lot 1 and petroleum contamination in the southeast corner of the site (Langan 2019).

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<sup>1</sup> <https://websoilsurvey.sc.egov.usda.gov>

In general, Native American habitation sites in the northeastern United States are most often located in coastal areas with access to marine resources, and near fresh water sources and areas of high elevation and level slopes not exceeding 10 to 12 percent (NYAC 1994). The potential presence of Native American activity near a project site is further indicated by the number of precontact archaeological sites that have been previously identified in the vicinity of a project site. Information regarding previously identified archaeological sites in the region was obtained from various locations including the site files of OPRHP and NYSM—accessed through the Cultural Resource Information System (CRIS) database,<sup>1</sup> and other published accounts.

Only one precontact archaeological sites has been previously documented within one mile of the development site, as summarized in **Table 3-1**. The site, NYSM site 3606, was described by early archaeologist Arthur C. Parker (1920) as a camp or village, but no other information is known. Other sources (e.g., Bolton 1922 and 1934; Parker 1920) document Native American sites in the general vicinity of the Gowanus Creek—what is now the Gowanus Canal—further to the west. At the time of European contact, the general vicinity of modern Brooklyn near the Wallabout Bay was occupied by an indigenous group known as the *Marechkawieck*, and their main settlement near the Gowanus Creek was known as *Mareckewich* (Grumet 1981). Bolton (1922) indicates that a former Native American trail ran along the line of what is now Atlantic Avenue along the southern side of the development site.

**Table 3-1**  
**Previously Identified Precontact Archaeological Sites**

Site Name and Number	Approximate Distance from Project Site	Time Period	Site Type and Information	Other Reference(s)
NYSM Site 3606 Parker (1920) Site 2	0.4 miles (2,100 feet)	Woodland	Camp or village	Parker 1920
<b>Source:</b> New York State Cultural Resource Information System ( <a href="https://cris.parks.ny.gov">https://cris.parks.ny.gov</a> ).				

<sup>1</sup> <https://cris.parks.ny.gov>.

**A. BROOKLYN'S EARLY OCCUPATION AND DEVELOPMENT**

New York was “discovered” by Giovanni de Verrazano in 1524 and explored by Henry Hudson in 1609, thus marking the beginning of European occupation in the area. Hudson described the Brooklyn Heights neighborhood to the northwest of the development site as having “magnificent forests gorgeous with autumnal hues” (Stiles 1867: 9). By 1621, the area had become part of a Dutch colony and the States-General in the Netherlands chartered the Dutch West India Company (“WIC”) to consolidate Dutch activities in the New World. It was at this time that the WIC began to purchase large tracts of land from the Native Americans. The WIC began to purchase land in northwest Brooklyn in the late 1630s (Bolton 1975). It has been speculated that the sale of Brooklyn land “saved New Netherland from being abandoned by the West India Company” (Armbruster 1918: 3). After the WIC purchased the land from the local Native Americans, they in turn granted it to European settlers.

The western end of Long Island was settled in the first half of the 17th century predominantly by Dutch and Walloon (French Protestants from Belgium who fled to escape persecution) families. In 1638, land was granted to any individual who promised to establish a farm in the area (Armbruster 1918). Six independent towns were established in the second and third quarters of the century. One of these was Brooklyn, where the development site is located. Brooklyn was first settled in the 1640s, although not formally organized until 1746. While at first the WIC granted patroonships—a patroon was the “feudal chief” of a small colony of fifty or more individuals (Stiles 1867: 20)—they found that farms were more successful if the land was granted directly to individual farmers. Therefore, the land was given the name Brooklyn, which is derived from the Dutch *Bruijkleen*, meaning “a free loan, given to a tenant or user for a certain consideration” (Armbruster 1914: 20). The name went through several changes throughout the Dutch and English colonial periods—from *Bruijkleen* to *Breukelen* to *Brookland* and, finally, to *Brooklyn*. English settlements were established throughout Brooklyn during the mid-1600s. In 1664, the English took control of the colony and it was renamed “New York.”

**B. AGRICULTURAL USE IN THE 17TH AND 18TH CENTURIES**

Historically, the development site was located at the southern end of a large farm granted to Dutch settler Peter Montefoort in several transactions in the 1640s (Stiles 1867). A colonial road ran in the vicinity of modern Atlantic Avenue, which was historically known as the Road to Jamaica. This portion of Brooklyn was historically divided into a series of long, linear farms that extended north from the plank road to the Wallabout Bay, of which Montefoort’s was one. Ratzler’s 1776 map depicting conditions circa 1776 shows the area north of the Road to Jamaica as divided into farms. No structures were located along the road in the vicinity of the development site although two roads leading north to the Wallabout Bay were located adjacent to historical farm boundaries to the east and west of the Site. Stevens’ 1900 copy of the 1782 British Headquarters Map depicts the site in a similar manner.

The Montefoort farm was later occupied by John Spader, although no deed confirming the transaction could be located. Randel’s 1821 map of northwestern Brooklyn depicts few settlements in the vicinity of the development site. Randel’s 1821 map identifies Spader’s home along the coast of the Wallabout Bay far to the north of the development site. Fulton’s 1874 map of historical farm lines in Brooklyn

indicates that the Spader farm extended between what is now Atlantic Avenue and the Wallabout Bay between Vanderbilt Avenue and Waverly Avenue (formerly Hamilton Street).

Spader sold a large portion of his extensive estate, including the development site, to George Washington Pine on November 4, 1833 (Kings County Liber 38, Page 125). At that time, the former Spader estate was divided into 101 parcels. An 1833 map prepared by Sidney Herbert is included in the conveyance in which Spader transferred the land to Pine (Kings County Liber 38, Page 125). That map depicts the Spader estate divided into large, rectangular lots (referred to in property records as “sections”) with odd parcel numbers on the western side of Clinton Avenue and even parcel numbers to the east. While the dimensions of each historical lot are not provided for each property, those that are labeled were 100 feet in width along Clinton Avenue. The development site appears to have been located within two of the parcels: Section 99, an irregularly-shaped lot on the northern side of Atlantic Avenue west of Clinton Avenue (which appears to have included modern Lots 57, 58, 59 and the southern portion of Modern Lot 1); and Section 97, a presumably 100 by 200-foot property occupying what is now the northern half of Lot 1 and Lots 53 and 56. As Vanderbilt Avenue did not yet exist, these parcels extended west into what is now the streetbed.

Shortly after his purchase of portions of the Spader estate, Pine began to sell off individual lots for development. On November 13, 1833, Pine sold eleven non-contiguous parcels to John E. Van Antwerp (Kings County Liber 39, Page 447). Included within that transaction were Spader estate Sections 97 and 99, with the combined parcels described as measuring 211 feet along Clinton Avenue; 240 feet along the Jamaica Plank Road (now Atlantic Avenue); 140 feet along the parcel’s western side, where Vanderbilt Avenue now runs; and 241.5 feet along its northern side. Portions of both Vanderbilt and Atlantic Avenues therefore appear to have been included within this sale. The deed recording the sale confirms that Van Antwerp committed to not establishing an “offensive” business on any of the newly-acquired parcels that would “be nauseous or offensive or be to the annoyance, prejudiced [sic], or disturbance of any person or persons owning land or residing” in the area (ibid). The 1844 Hassler coastal survey appears to depict two roads along either side of the lengthy property, but does not depict any buildings in the vicinity of the development site (see **Figure 3**).

### **C. URBAN EXPANSION IN THE MID- TO LATE-19TH CENTURY**

Following the incorporation of the City of Brooklyn development site in 1834, it was quickly transformed from a small town into an urban center (Burrows and Wallace 1999). At that time, many large estates and former farms were subdivided for development. By the publication of the 1852 Connor map, the streets in the neighborhood had been cut through, forming modern Block 2010. That map uses shading to indicate that the block was developed by that time, but does not identify building footprints or land uses with the exception of identifying what is now the Church of Saint Luke and Saint Matthew to the north of the development site (the church property is discussed in greater detail below).

Dripps’ 1869 map of Brooklyn provides more detail on the development of the development site (see **Figure 4**). That map depicts the majority of the development site, which included the former Section 99 of the Spader farm, as vacant and undeveloped. The property to the north, the former Section 97, was divided into four separate parcels at that time: the northern half, including a portion of modern Lot 1 and modern Lot 53, was a single property developed with two buildings, one at either end of the lot along Clinton and Vanderbilt Avenues. The southern half of Section 97, also including a portion of modern Lot 1 as well as modern Lots 56 and 57, was divided into two long, narrow lots that were each also developed with structures at the eastern and western ends of the properties.

In the late-19th century, the development site appears to have been divided into smaller lots for development. The occupation and development history of each of these parcels is described below.

Historical directories indicate that street numbers were not consistently used for these properties until the early 1870s. Furthermore, historical tax assessments for this portion of Brooklyn are not available before 1867. As such, it is difficult to confirm the identities of the owners and occupants of these properties, however the information below summarizes the occupation and development histories of each lot to the extent possible. For the purposes of organization, the historical lots referenced below are consistent with those used in the early 1880s, as shown on the 1880 Bromley atlas (see **Figure 5**).

#### **D. OCCUPATION AND DEVELOPMENT OF HISTORICAL LOTS 24 AND 24A**

Historical Lot 24 as depicted on the 1880 Bromley atlas comprised the northern 25-foot portion of modern Lot 1 as well as modern Lot 53 to the east. Historical Lot 24A was a 25- by 100-foot lot located within modern Lot 1 immediately to the south. The two lots combined comprised the 50- by 200-foot northern half of former Section 97 of the Spader/Pine farm. George Washington Pine sold the northern half of Section 97 to John E. Van Antwerp in 1834. Two years later, Van Antwerp sold the property to John Griswold, whose family would continue to own the property until 1859. The conveyance record confirming Griswold's purchase identifies him as a resident of Manhattan and he was recorded as a shipping merchant living in Manhattan in the 1850 census.

In 1859, Griswold's wife, Louisa, sold the property to Henry R. Pierson who almost immediately sold it to Lewis Beach. Directories indicate that Beach was a lawyer and resided on the Clinton Avenue property although the family could not be located in the 1860 census, which appears to suggest that the house on historical Lot 24 was unoccupied at that time. Similarly, no residents of the house could be confirmed in the 1865 New York State Census, although the residents of the houses on either side were identified. The sequence of the earliest development and the earliest occupants of this property are therefore unknown.

Beach would continue to own the property until 1863, when he sold the four 25- by 100-foot lots to Julia S. Savage. Directories indicate that several members of the Savage family resided on Clinton Avenue near Atlantic Avenue in the late 1860s. Tax assessments confirm that at least Lot 24 was developed with a 2.5-story house before 1867 and that Lot 24A was developed with a house of the same size by circa 1871. Neither the 1880 Hopkins nor the 1880 Bromley atlases identify the owners or occupants of historical Lot 24, but both indicate that Lot 24A had been divided from the larger property. At that time, Lot 24 was developed with a wood frame dwelling along Clinton Avenue on modern Lot 53 and a wood frame shed or stable along Vanderbilt Avenue within Lot 1/the development site. The 1880 Hopkins atlas shows that Historical Lot 24A was included within the property of A.S. Barnes, who had acquired the remainder of the development site to the south, as described in greater detail below. Historical Lot 24A was also developed with a wood frame building as shown on the two 1880 atlases. Historical directories indicate that the home at 532 Clinton Avenue—which was recently demolished—was occupied by the family of Richard L. Wyckoff for an extended period beginning in the 1870s. Richard's son, Richard S. Wyckoff, was a local physician who maintained his practice at the home and was also the Registrar of Vital Statistics for the City of Brooklyn according to historical directories.

The 1886 Robinson atlas and the 1887 Sanborn map (see **Figure 6**) also depict these properties in a similar manner. The house on historical Lot 24 is identified on the 1887 Sanborn map as a 2.5-story brick-lined wood frame house at 532 Clinton Avenue while the portion within the development site on Lot 1 was a 2-story wood frame shed or stable at 535 Vanderbilt Avenue. Historical Lot 24A was developed with a 3-story wood frame dwelling at 537 Vanderbilt Avenue that was identical to the house to the south (539 Vanderbilt Avenue) on Historical Lot 25, also within Modern Lot 1. By the publication

of the 1904 Sanborn map (see **Figure 7**), those portions of the historical lots now within modern Lot 1 had been consolidated as a separate parcel. The former shed/stable at 535 Vanderbilt Avenue had been expanded into a 1- to 2-story brick and wood frame commercial building occupied by a carpenter and a plumber. A small corrugated iron structure had been constructed in the rear yard. These parcels appear in a similar manner on Sanborn maps published through at least 1951.

## **E. OCCUPATION AND DEVELOPMENT OF HISTORICAL LOTS 25 AND 26**

Together, historical Lots 25 and 26 made up the southern half of Section 97 of the Spader/Pine estate, which were included in the property sold to John E. Van Antwerp in 1834. In 1836, Van Antwerp sold the 50- by 200-foot parcel in the southern half of Section 97 to Mary Johnson, who would own the land until 1854. Johnson appeared as a resident of the Seventh Ward of Brooklyn—in which the development site was located—in the 1840 census. At that time, her household included eight people, including two male children, one adult male, one teenage female, and four adult females. The family could not be located in the 1850 census.

In 1854, Mary Johnson sold the 50- by 200-foot parcel to John A. Betts, at which time it was developed with two houses. Betts split the parcel into two long, narrow lots each measuring 25 feet in width with frontages on both Vanderbilt and Clinton Avenues. The southern half of the parcel (later historical Lot 26) was sold to Earl E. Miles in 1855 while the Betts family continued to reside on the northern half (historical Lot 25). Miles sold Lot 26 to John Carpenter of Queens in 1857, who sold it back to Jane M. Miles the following month. The Miles family appears to have resided on the property in a house standing 2.5 stories for many years. Betts sold a 50.6 by 200 foot parcel of land situated 174 feet north of the original line of Atlantic Avenue to Alfred S. Barnes in 1870 (*Real Estate Record and Builder's Guide* 1870). Barnes was a prominent book publisher and real estate developer who lived opposite the development site at 533 Clinton Avenue. This is the approximate location of both historical Lots 25 and 36. The following year, Barnes and Charles H. Noyes appear to have traded sections of property, with Barnes conveying to Noyes a 10- by 120-foot parcel on the western side of Clinton Avenue 174 feet north of Atlantic Avenue—presumably the former alley in the southern portion of Lot 24—and Noyes conveyed to Barnes a 21- by 80-foot parcel on the eastern side of Vanderbilt Avenue, presumably historical Lot 24A.

Tax assessments show that in 1873, Alfred S. Barnes constructed four new houses on Lots 25, 26 and 27. However, the 1880 Hopkins and 1880 Bromley atlases both depict the four brick homes along the western side of Clinton Avenue on Lots 26 and 27 only and continue to depict the narrow alley to the east of Lot 25. The 1887 Sanborn however appears to depict the homes across Lots 25 through 27 and does not depict the narrow alley in the eastern half of Lot 25 at all. These four houses appear to be those located at what were later known as 538 to 544 Clinton Avenue, although they were also known as 540 to 544 Clinton Avenue as a result of a street numbering inconsistency along the block to the north. The houses at 538 (536) and 540 (538) Clinton Avenue may therefore have replaced the earlier homes. The 1887 Sanborn map identifies the four homes as 3-story brick dwellings. Barnes also constructed a series of brick stores at the southwestern corner of the block, the northern portions of which extended into historical Lot 26.

## **F. HISTORICAL LOT 27**

Historical Lot 27 was an irregularly-sized property that occupied the southern portion of Modern Lot 1 and all of Modern Lot 59. Together with modern Lot 58, the parcel was also included within Section 99 of the Spader/Pine farm. Like Section 97 to the north, Section 99 was sold by George W. Pine to John E. Van Antwerp in 1833. The section was included within that portion of Van Antwerp's estate

that was transferred first to Peter McCarty and John Stonall as assignees in January 1840 and then to Thomas McCarty in June of the same year. The property appears to have remained in the McCarty family for many years and it is depicted as vacant on the 1869 Dripps map. Tax assessment records confirm that it was owned by Alfred S. Barnes by 1867 but provide little information on the lot's development at that time.

As described previously, Barnes constructed a row of four brick buildings along the western side of Clinton Avenue in 1873, including two or three that were situated on historical Lot 27. As seen on the 1880 Hopkins and 1880 Bromley atlases, three adjacent 3- and 4-story brick stores were also constructed at the southwestern corner of the lot, which extended to the north into historical Lot 26 as described above. The 1904 Sanborn map identifies one of the stores as a carpenter's shop. The lot is depicted in the same manner on the 1915 Sanborn map and the 1916 Ullitz atlas. By the publication of the 1929 Hyde atlas, the former dwelling at 544 (542) Clinton Avenue and at least one of the stores at the southwest corner of the block had been demolished and the site had been redeveloped with a large brick garage. The 1951 Sanborn depicts the facility as a series of interconnected buildings used for different auto repair services. None of the on-site buildings had basements, although a number of gas tanks are depicted at the eastern end of modern Lot 59 on the 1951 Sanborn map.

## **G. SUBSURFACE INFRASTRUCTURE IN THE VICINITY OF THE DEVELOPMENT SITE**

Despite its status as one of America's largest and most industrial cities, New York did not have a reliable network of water and sewer lines until the mid-19th century. Instead, water and waste management in domestic lots was handled by the use of shaft features such as privies, cisterns, and wells. Adams' 1875 map of public sewers in Brooklyn indicates that each of the streetbeds surrounding the development site were developed with sewer lines of various sizes by that time. Before sewer and water lines were consistently available, any buildings constructed on the development site in the early 19th century would have relied on shaft features such as cisterns, privies, and wells for the purposes of sanitation and water gathering. Even after the installation of sewers, not all buildings were connected immediately. Therefore, the use of privies would have continued on domestic lots until sewer lines were constructed and perhaps even well after. After the mid-19th century, as clean water was pumped in and waste carried away, the city's sanitation efforts were greatly improved.

## **H. CEMETERY ASSOCIATED WITH THE CHURCH OF SAINT LUKE AND SAINT MATTHEW**

The Episcopal Church of Saint Luke and Saint Matthew is situated to the north of the development site on Block 2010, Lot 10. The church is a designated New York City Landmark and it is listed on the Staten and National Registers of Historic Places.

The church was originally founded as the Trinity Protestant Episcopal Church in 1835. George Washington and Portia Charlotte Pine granted property to the church in 1835 for a cost of \$10 (Kings County Liber 57, Page 27). Pine was a member of Trinity's congregation and was an officer of the church (*Long Island Star* 1835). The parcel granted to the church measured 100 by 200 feet and extended mid-block between Vanderbilt and Clinton Avenues, occupying the northern portion of modern Block 2010, Lot 10 (Kings County Liber 57, Page 27). The deed transferring the property stipulated that it was "not to be used for any other purpose than that of building a church thereon and for the purpose of having vaults for the interment of the dead" otherwise the ownership of the land would revert to the Pine family (ibid: 28). Following the construction of both the church and the vaults, a new deed was issued from Pines to the Church that removed this deed restriction as the church was



completed (Kings County Liber 64, Page 224). It appears that the church originally had more ambitious plans for its cemetery. In September 1835, two months after purchasing the property from Pine, the church advertised its new cemetery in the *Long Island Star*. At that time, the proposed cemetery was described as:

*...a spacious and beautiful Cemetery, on the ground from the church to the Jamaica railroad [Atlantic Avenue], and on Clinton and Vanderbilt avenues, an oblong square of 300 feet by 200 feet...The whole ground will be laid out in vaults, of 10 by 12 feet dimensions, communicating by intersecting passages throughout...An entire surface of earth, at least two feet in thickness, will be laid over the vaults and improved by a handsome enclosure, well-arranged walks, and shaded by trees, flowers &c. The ground will admit the erection of monuments when required; and it is intended to have the whole work commensurate with the wants of a respectable community (Long Island Star 1835: 3).*

Five “commodious” vaults within the churchyard were advertised for sale by Trinity Church in 1839 (*Long Island Star* 1839).

Despite this description of a larger property which would presumably have included at least a portion of the development site at the southern end of the block, no property records confirm that Trinity Church owned any of the property outside modern Lot 10. Among the early burials in the churchyard was Elias Combs, a carpenter who had helped to construct the first church (*Brooklyn Daily Eagle* 1846a; 1846b). Another vault owner was Charles Christmas, who paid \$100 for the rights to utilize Vault 20 in 1842 (Kings County Liber 102, Page 195).

By the early 1840s, the church was experiencing financial trouble as “the original proprietors...had nearly all failed, become bankrupt, and left the neighborhood” leaving the church in the “care of others who had moved in and were ignorant of its affairs” (*Brooklyn Daily Eagle* 1846b: 2). In 1842, Trinity Church defaulted on its mortgage and the 100-by 200-foot property that appears to make up the northern portion of modern Lot 10 (known historically as Lot 93) was sold at public auction (Kings County Liber 101, page 189). The executors of the will of Jordan Coles, who had provided the initial mortgage to the church in 1835, filed the complaint and Philo T. Ruggles, acting as Master-in-Chancery, officially sold the property to Saint Luke’s Church, which re-established the house of worship on the property (Kings County Liber 101, Page 189). Trinity Church continued to be referenced in property records associated with mortgages and insurance through at least 1853, only in reference to historical Lot 93 (Kings County Liber 331, Page 104; Kings County Liber 348, Page 275).

In 1853, Brooklyn’s governing body, the Common Council, was asked to ban burials within Saint Luke’s churchyard (*Brooklyn Daily Eagle* 1853a). The Council responded that a law was already in place preventing such interments—presumably the City of Brooklyn’s bans on human interments within City limits passed in the late 1840s (*Brooklyn Daily Eagle* 1853b). It therefore appears that the burial vaults at the Saint Luke’s Churchyard were used for continued interment through at least 1853, despite legal restrictions on such burials.

In 1889, the church was sold to the Trinity Church Corporation (*The Evening World* 1889). The site was redeveloped with the existing Church of Saint Luke and Saint Matthew between 1888 and 1891 (LPC 1981). As the church was significantly larger than the previous house of worship, its construction necessitated the removal of the old church vaults on the property. In 1890, the *Brooklyn Daily Eagle* reported that “some years ago, the vaults were opened [and] nothing was found but sacredly preserved dust and bones and a number of old coffin plates, twenty-eight in all” (*Brooklyn Daily Eagle* 1890: 3). Any disinterred remains not removed from the old vaults were reinterred in “the space between the

front of the building and the street,” presumably in a new vault (*Brooklyn Daily Eagle* 1889). The chairman of the building committee for the new church stated that “only the boiler room, entirely outside and away from the basement, occupies the space of one or two of the old vaults” (Fleeman 1889). The 1904 Sanborn map (see **Figure 7**) depicts the boiler room and the adjacent front yard where the reinterred remains appear to be located.

Despite Trinity Church’s initial plans to construct a significantly larger cemetery, there is no evidence to suggest that burial vaults were ever located outside the modern boundaries of Lot 10. The church never secured ownership of the land to the south, including the development site, before falling into financial ruin. In addition, Saint Luke’s Church does not appear to have made efforts to expand its property holdings on the block. Therefore, there is no documented evidence that suggests that human interments occurred on the development site.

**A. CONCLUSIONS**

As part of the background research for this Phase 1A Archaeological Documentary Study, various primary and secondary resources were analyzed, including historical maps and atlases, historic photographs and lithographs, newspaper articles, and local histories. The information provided by these sources was analyzed to reach the following conclusions.

**ASSESSMENT OF PREVIOUS DISTURBANCE**

The development site has experienced some disturbance as a result of the construction and demolition of buildings. However, all modern buildings on the site are one-story commercial buildings and the majority do not have basements or only have partial cellars.

**PRECONTACT SENSITIVITY ASSESSMENT**

Native American habitation sites in the region are most often located in coastal areas with access to marine resources, near fresh water sources and areas of high elevation and level slopes of less than 10 to 12 percent (NYAC 1994). Further indication of the potential presence of Native American activity near a development site is indicated by the number of precontact archaeological sites that have been previously identified in the vicinity. Limited Native American activity has been documented in the vicinity of the development site. One precontact village having been identified approximately 0.4 miles from the development site and a Native American trail historically ran in the vicinity of modern Atlantic Avenue. Given the extent to which the development site was disturbed as a result of the construction and demolition of buildings, it is unlikely that intact precontact deposits would be present within the site. Therefore, the development site is determined to have no sensitivity for archaeological resources dating to the precontact period.

**HISTORIC SENSITIVITY ASSESSMENT**

Nearly all of the historical lots included within the development site were disturbed to some extent as a result of the construction and demolition of buildings. The southern portion of the development site—including the southern portion of modern Lot 1 and all of Lot 59—do not appear to have been developed until the 1870s, by which time it appears that water and sewer lines were present within the streetbeds surrounding the development site. The northern portion of Lot 1 does appear to have been developed at an earlier date and the former rear yards of buildings constructed before the late-19th century have not been fully disturbed by basement excavation. This part of the development site is therefore determined to have moderate sensitivity for archaeological resources associated with the 19th century residential occupation of those lots (see **Figure 8**). These archaeological resources are expected to include domestic shaft features such as privies, cisterns, and wells in the historic lots' rear yards. The remainder of the development site is determined to have low archaeological sensitivity associated with the historic period.

Furthermore, the development site is not considered to be sensitive for human remains as the burial vaults of the Church of Saint Luke and Saint Matthew appears to have been confined to modern Lot 10 throughout the cemetery's period of active use.

## **B. RECOMMENDATIONS**

As discussed above, potential archaeological resources including shaft features and artifact deposits within them could be impacted by the redevelopment of the northern portion of Lot 1. Further study in the form of a Phase 1B archaeological investigation is recommended for those areas identified as archaeologically sensitive as described above and depicted in **Figure 8**. This testing should occur after the demolition of existing buildings on the development site. A health and safety plan should be prepared prior to the completion of testing given the identification of metal-contaminated soils in the area. Prior to the start of the Phase 1B investigation, a Phase 1B Archaeological Testing Protocol/Work Plan must be submitted to LPC for review and concurrence.

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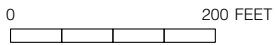
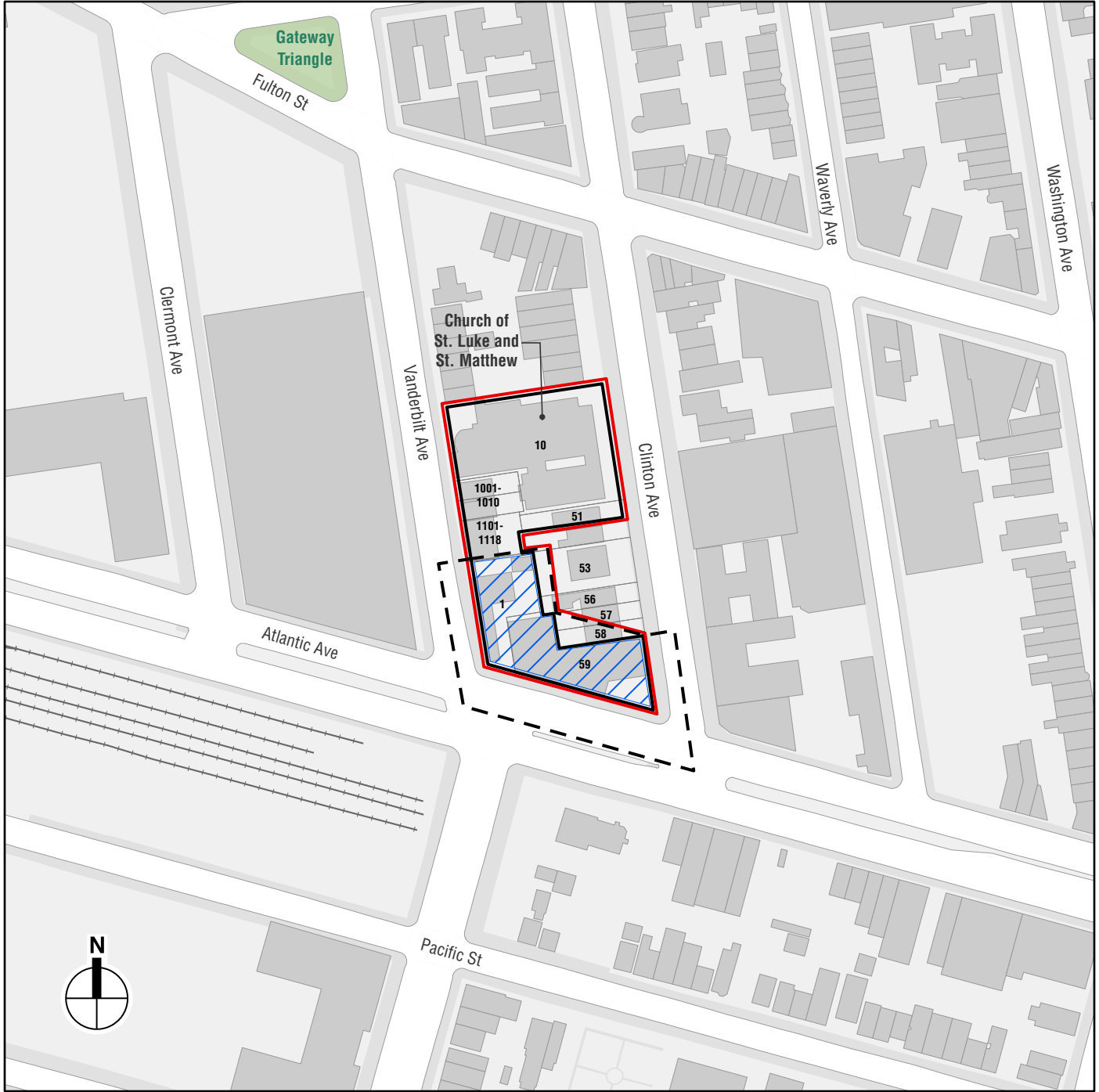
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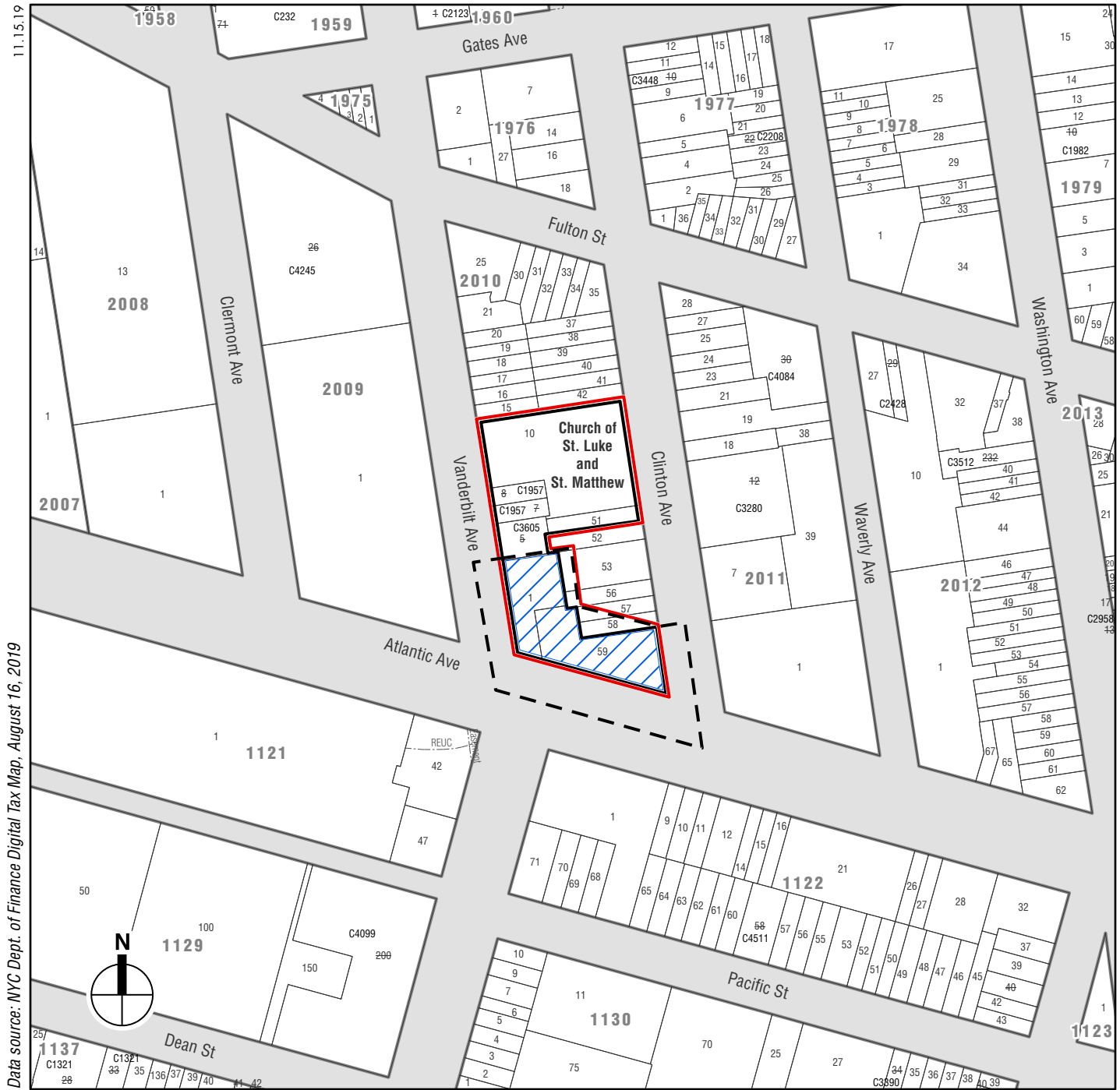


## Figures

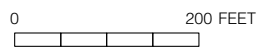


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-  Development Site
-  Rezoning Area
-  Tax Lot Boundary and Number

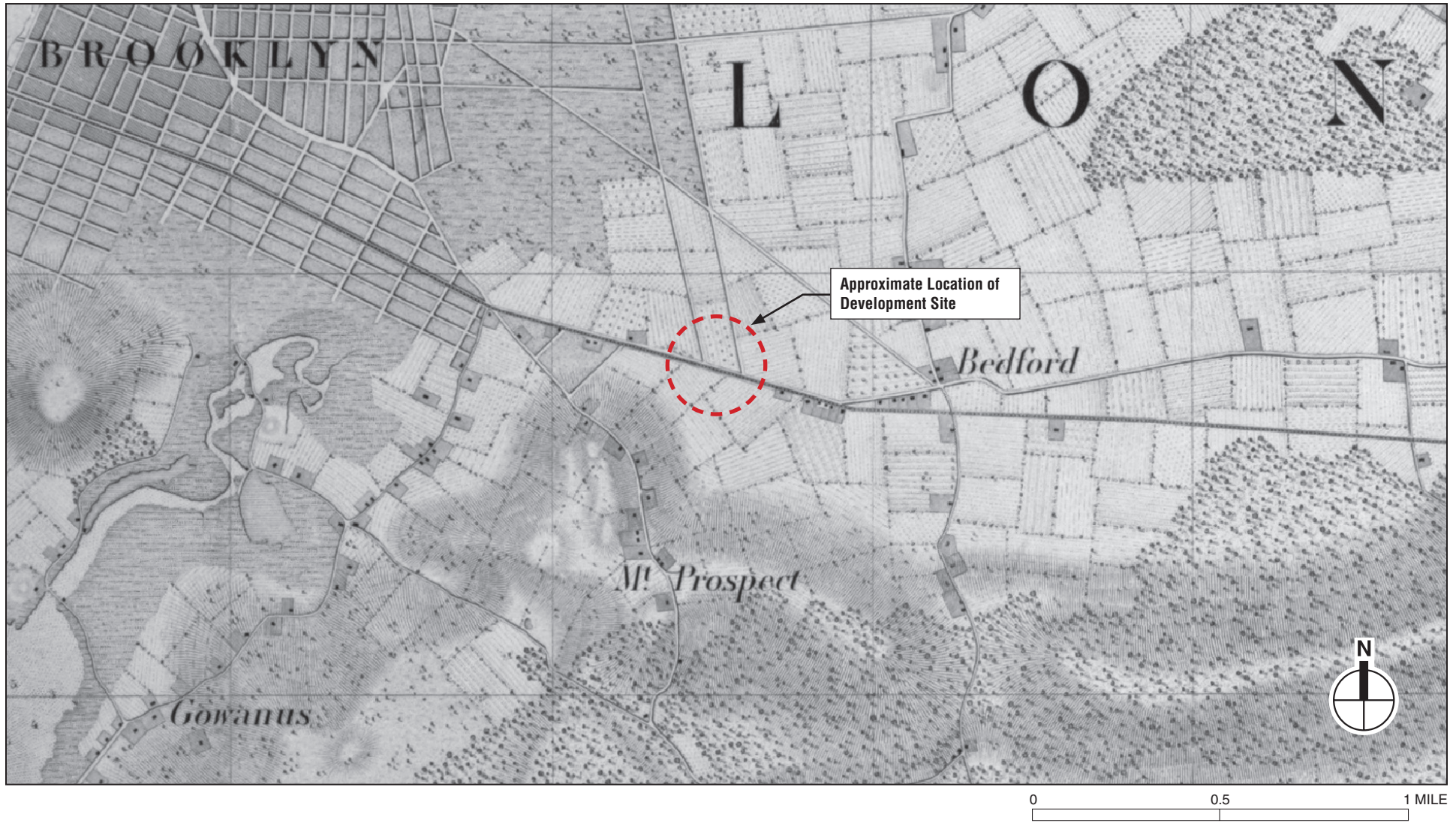


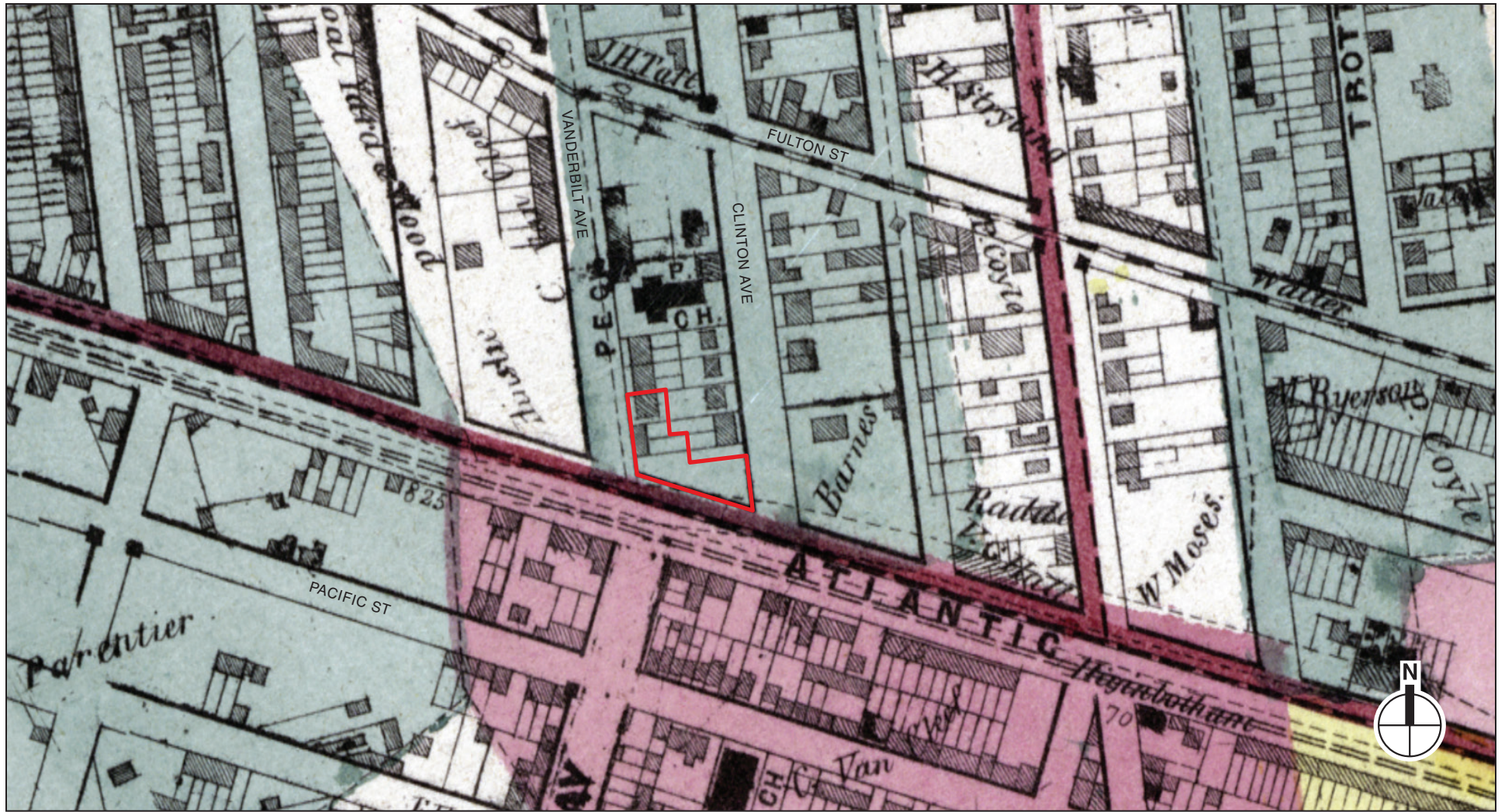


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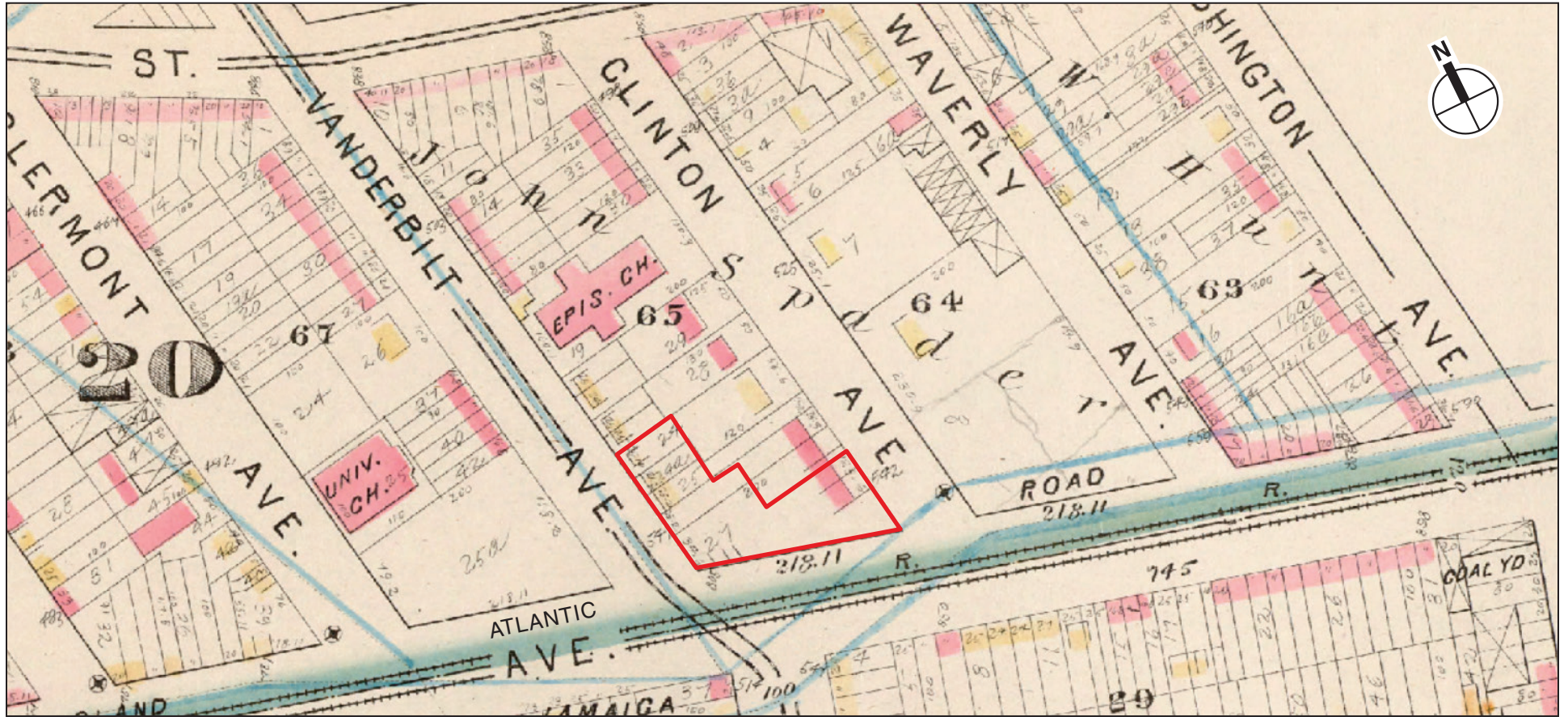
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- Project Zoning Lot
- Development Site
- Rezoning Area
- Other Boundary
- Tax Lot Boundary
- 2010 Tax Block Boundary





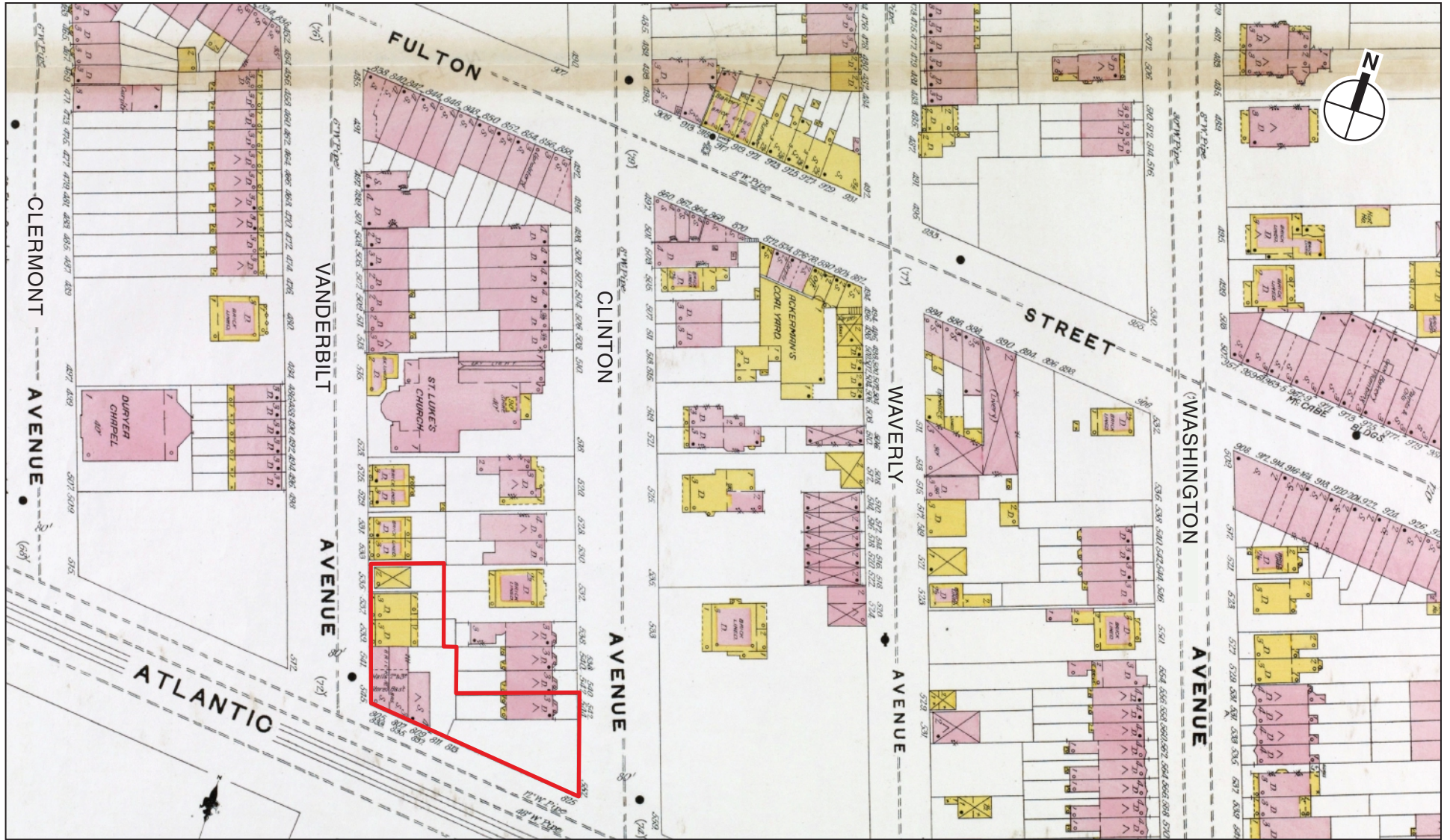
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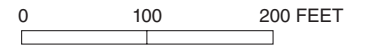
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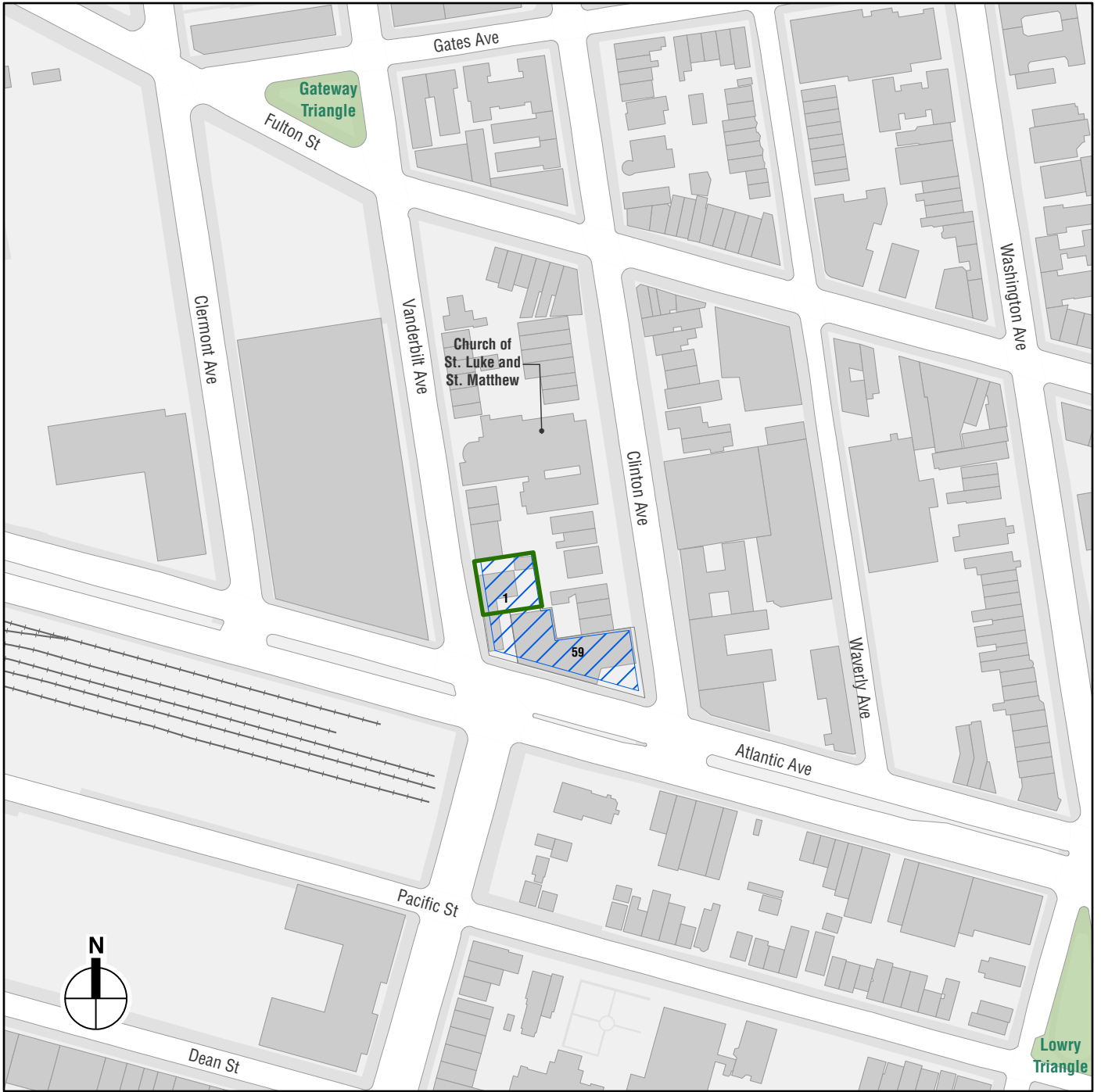
 Development Site






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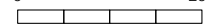




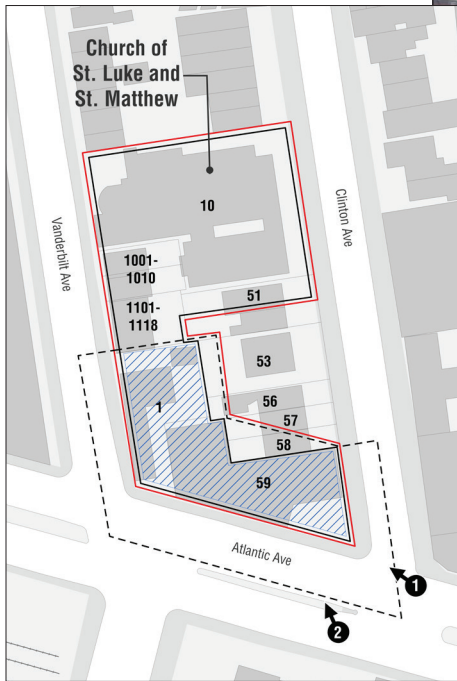


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-  Area of Archaeological Sensitivity
-  Tax Lot Boundary and Number

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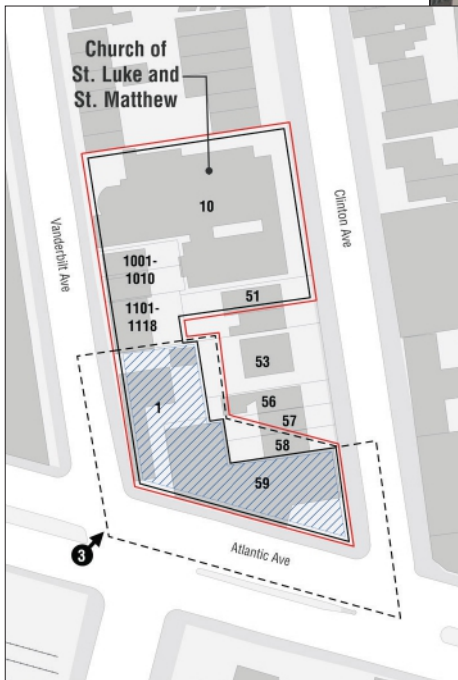
## **Photographs**



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**Appendix A:**  
**Project Documentation**

## ENVIRONMENTAL REVIEW

**Project number:** DEPARTMENT OF CITY PLANNING / LA-CEQR-K  
**Project:** 809 ATLANTIC AVENUE  
**Date received:** 7/11/2017

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**Properties with no Architectural significance:**

- 1) ADDRESS: 539 Vanderbilt Avenue, BBL: 3020100001
- 2) ADDRESS: 809 Atlantic Avenue, BBL: 3020100059

**Properties with Architectural significance within the S/NR eligible Clinton Avenue Historic District:**

- 1) ADDRESS: 536 Clinton Avenue, BBL: 3020100056, LPC FINDINGS: NO INTEREST, STATE/NATIONAL REGISTER FINDINGS: ELIG PROPERTY W/IN ELIGIBLE NR HD
- 2) ADDRESS: 538 Clinton Avenue, BBL: 3020100057, LPC FINDINGS: NO INTEREST, STATE/NATIONAL REGISTER FINDINGS: ELIG PROPERTY W/IN ELIGIBLE NR HD
- 3) ADDRESS: 540 Clinton Avenue, BBL: 3020100058, LPC FINDINGS: NO INTEREST, STATE/NATIONAL REGISTER FINDINGS: ELIG PROPERTY W/IN ELIGIBLE NR HD
- 4) ADDRESS: 520 Clinton Avenue, BBL: 3020100010, PROPERTY NAME: ST. LUKE'S PROTESTANT EPISCOPAL CHURCH, LPC FINDINGS: INDIVIDUAL DESIGNATION, STATE/NATIONAL REGISTER FINDINGS: PROPERTY NATIONAL REGISTER LISTED
- 5) ADDRESS: 528 Clinton Avenue, BBL: 3020100051, LPC FINDINGS: NO INTEREST, STATE/NATIONAL REGISTER FINDINGS: ELIG PROPERTY W/IN ELIGIBLE NR HD

**Properties with Archaeological significance:**

- 1) ADDRESS: 539 Vanderbilt Avenue, BBL: 3020100001
- 2) ADDRESS: 809 Atlantic Avenue, BBL: 3020100059
- 3) ADDRESS: 536 Clinton Avenue, BBL: 3020100056
- 4) ADDRESS: 538 Clinton Avenue, BBL: 3020100057
- 5) ADDRESS: 540 Clinton Avenue, BBL: 3020100058
- 6) ADDRESS: 520 Clinton Avenue, BBL: 3020100010
- 7) ADDRESS: 528 Clinton Avenue, BBL: 3020100051

LPC review of archaeological sensitivity models and historic maps indicates that there is potential for the recovery of remains from 19th Century occupation and possible Church of St. Luke cemetery c. 1850 on the project site (BBL 3020100010). Accordingly, the Commission recommends that an archaeological documentary study be performed for this site to clarify these initial findings and provide the threshold for the next level of review, if such review is necessary (see CEQR Technical Manual 2014).



7/21/2017

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SIGNATURE  
Gina Santucci, Environmental Review Coordinator

DATE

**File Name:** 32576\_FSO\_GS\_07212017.doc

## ARCHAEOLOGY

**Project number:** DEPARTMENT OF CITY PLANNING / LA-CEQR-K  
**Project:** 809 ATLANTIC AVENUE  
**Date received:** 4/18/2018

**Comments:** as indicated below. Properties that are individually LPC designated or in LPC historic districts require permits from the LPC Preservation department. Properties that are S/NR listed or S/NR eligible require consultation with SHPO if there are State or Federal permits or funding required as part of the action.

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**This document only contains Archaeological review findings. If your request also requires Architecture review, the findings from that review will come in a separate document.**

**Comments:** The LPC is in receipt of a request from DCP that LPC review the archaeological potential of Block 2010, Lots 1 and 59 because they have determined that these are the only lots that will be developed as a result of their rezoning.

LPC review of archaeological sensitivity models and historic maps indicates that there is potential for the recovery of remains from 19th Century occupation on Block 2010 Lots 1 and 59. Accordingly, the Commission recommends that an archaeological documentary study be performed for this site to clarify these initial findings and provide the threshold for the next level of review, if such review is necessary (see CEQR Technical Manual 2014).



4/18/2018

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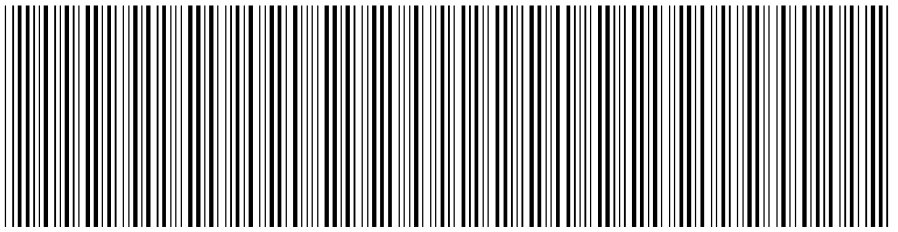
SIGNATURE  
Amanda Sutphin, Director of Archaeology

DATE

**File Name:** 32576\_FSO\_ALS\_04182018.doc

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

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**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 42**

**Document ID: 2019012501314006**

Document Date: 01-25-2019

Preparation Date: 01-28-2019

Document Type: AGREEMENT

Document Page Count: 41

**PRESENTER:**

FIRST AMERICAN TITLE INSURANCE CO. NCS  
666 THIRD AVENUE  
944566 ACC  
NEW YORK, NY 10017  
212-850-0644  
JGAMBOA@FIRSTAM.COM

**RETURN TO:**

GREENBERG TRAURIG LLP  
200 PARK AVENUE  
NEW YORK, NY 10166

**PROPERTY DATA**

Borough	Block	Lot	Unit	Address
BROOKLYN	2010	1	Entire Lot	539 VANDERBILT AVENUE

**Property Type:** COMMERCIAL REAL ESTATE

Borough	Block	Lot	Unit	Address
BROOKLYN	2010	59	Entire Lot	809 ATLANTIC AVENUE

**Property Type:** COMMERCIAL REAL ESTATE

**CROSS REFERENCE DATA**

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

**PARTIES**

**PARTY 1:**

550 CLINTON PARTNERS LLC  
475 PARK AVENUE SOUTH, 12TH FLOOR  
NEW YORK, NY 10016

**PARTY 2:**

539 VANDERBILT PARTNERS LLC  
475 PARK AVENUE SOUTH, 12TH FLOOR  
NEW YORK, NY 10016

**FEES AND TAXES**

**Mortgage :**

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

**TOTAL:** \$ 0.00

Recording Fee: \$ 245.00

Affidavit Fee: \$ 0.00

**Filing Fee:**

\$ 250.00

NYC Real Property Transfer Tax:

\$ 0.00

NYS Real Estate Transfer Tax:

\$ 0.00

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

**CITY OF NEW YORK**

Recorded/Filed 01-29-2019 16:11

City Register File No.(CRFN):

**2019000033152**



*Ganette McMill*

**City Register Official Signature**



**DECLARATION**

This DECLARATION (this "Declaration") made as of the 25th day of January, 2019 by 550 CLINTON PARTNERS LLC, a New York limited liability company having an address at 475 Park Avenue South, 12<sup>th</sup> Floor, New York, New York 10016 ("Atlantic Ground Lessee") and 539 VANDERBILT PARTNERS LLC, a New York limited liability company having an address at 475 Park Avenue South, 12<sup>th</sup> Floor, New York, New York 10016 ("Vanderbilt Ground Lessee," and together with Atlantic Ground Lessee, hereinafter collectively referred to as "Declarant");

**WITNESSETH**

WHEREAS, Superior Associates, LLC ("Atlantic Owner") is the owner in fee of that certain land with the building and improvements thereon located in the Borough of Brooklyn, County of Kings, City and State of New York, known as Lot 59 in Block 2010 on the Tax Map of the City of New York (the "Tax Map"), and as and by the street address 809 Atlantic Avenue, Brooklyn, New York, and more particularly described on Exhibit A-1 annexed hereto and made a part hereof (the "Atlantic Parcel");

WHEREAS, Atlantic Ground Lessee is the ground lessee of the Atlantic Parcel pursuant to a ground lease for a term of ninety-nine years, and a Memorandum of Lease dated as of May 27, 2015 has been recorded in the Office of the City Register for the County of Kings (the "Register's Office") against the Atlantic Parcel on June 11, 2015 at CRFN 2015000198302;

WHEREAS, Lichter Family LLC and Rhonda Greifinger and Audrey S. Perlman as Trustees under the Clarence A. Greifinger Declaration of Trust, as Tenants-in-Common (together, "Vanderbilt Owner"), is the owner in fee of that certain land with the building and improvements thereon located in the Borough of Brooklyn, County of Kings, City and State of New York, known as Lot 1 in Block 2010 on the Tax Map, and as and by the street address 539 Vanderbilt Avenue, Brooklyn, New York, and more particularly described on Exhibit A-2 annexed hereto and made a part hereof (the "Vanderbilt Parcel," and together with the Atlantic Parcel, hereinafter referred to collectively as the "Subject Property," and each referred to individually as a "Parcel");

WHEREAS, Vanderbilt Ground Lessee is the ground lessee of the Vanderbilt Parcel pursuant to a ground lease for a term of ninety-nine years, and a Memorandum of Lease dated as of November 4, 2015 has been recorded in the Register's Office against the Vanderbilt Parcel on June 11, 2015 at CRFN 2015000416565;

WHEREAS, First American Title Insurance Company (the "Title Company") has issued a Certification of Parties in Interest, annexed hereto as Exhibit B and made a part hereof, that as of December 24, 2018, Declarant and Atlantic Owner, Vanderbilt Owner, Rhonda Greifinger and Audrey Sharp Perlman, as Trustees of the Clarence A. Greifinger Declaration of Trust Agreement dated May 22, 1996, and 539 Vanderbilt Funding LLC, are the only Parties-in-Interest (as defined in subdivision (d) of the definition of "zoning lot" set forth in Section 12-10

of the Zoning Resolution of the City of New York (the "Zoning Resolution")) in the Subject Property; and

WHEREAS, all Parties-in-Interest to the Subject Property have either executed this Declaration or waived their rights to execute and subordinated their interest in the Subject Property to this Declaration by written instruments annexed hereto as Exhibit C and made a part hereof, which instruments are intended to be recorded simultaneously with this Declaration; and

WHEREAS, as of the date hereof, the Title Company has determined that there has been no change in the facts set forth in the Certification, and the Declarant represents and warrants that the parties-in-interest listed in the Certification are the only known parties-in-interest in the Subject Property as of the date hereof; and

WHEREAS, Declarant has submitted an application, designated numbers C 190071 ZMK, C 190072 ZSK, C 190073 ZSK, N 190074 ZRK (the "Application") to the New York City Department of City Planning ("DCP") for approval by the New York City Planning Commission ("CPC") under the Uniform Land Use Review Procedure as set forth in the New York City Charter, sections 197-c and 197-d and the procedures set forth in the paragraph immediately following, for a zoning map amendment, zoning text amendment, and special permits pursuant to sections 74-711 and 74-533 of the Zoning Resolution to facilitate the construction of two new mixed-use buildings on the Subject Property; and

WHEREAS, an environmental assessment statement concerning the Subject Property prepared pursuant to the City Environmental Quality Review ("CEQR") is under review in connection with the Application (CEQR No. 18DCP179K) and, pursuant to CEQR, the Landmarks Preservation Commission ("LPC"), among others, has reviewed the environmental assessment, including the historic land use of the Subject Property; and

WHEREAS, the results of such review, as documented in LPC's April 18, 2018 notice, attached hereto as Exhibit D and made a part hereof, indicate the potential presence of significant archaeological resources on the Subject Property; and

WHEREAS, Declarant desires to identify the existence of any potential archaeological resources and mitigate any potential damage to any such archaeological resources found in connection with the development or redevelopment of the Subject Property and has agreed to follow and adhere to all requirements for archaeological identification, investigation and mitigation set forth in the CEQR Technical Manual and LPC's Guidelines for Archaeological Work in NYC, including without limitation, the completion of a Phase 1A Archaeological Documentary Study (the "Archaeological Documentary Study"), and, if necessary, archaeological field testing, excavation, mitigation and curation of archaeological resources as required by the LPC (collectively, the "Archaeological Work"); and

WHEREAS, Declarant agrees to restrict the manner in which the Subject Property may be developed or redeveloped by having the implementation of the Archaeological Work, performed to the satisfaction of the LPC, as evidenced by the writings described and set forth herein, be a condition precedent to any soil disturbance for any such development or redevelopment of such

Parcel (other than soil disturbance necessitated by Declarant's performance of the Archaeological Work); and

WHEREAS, Declarant intends this Declaration to be binding upon all successors and assigns; and

WHEREAS, Declarant intends this Declaration to benefit all land owners and tenants including the City of New York (the "City") without consenting to the enforcement of this Declaration by any party or entity other than the City.

NOW, THEREFORE, Declarant does hereby declare and agree that the Subject Property, and each Parcel thereon, shall be held, sold, transferred, and conveyed, subject to the restrictions and obligations which are for the purpose of protecting the value and desirability of the Subject Property and which shall run with the land, binding the successors and assigns of Declarant so long as they have any right, title or interest in the Subject Property or any part thereof:

1. Declarant covenants and agrees that no application for grading, excavation, foundation, alteration, building or other permit respecting the Subject Property which permits soil disturbance shall be submitted to or accepted from the Department of Buildings (the "DOB") by the Declarant until LPC has issued to DOB, as applicable, either a Notice of No Objection as set forth in Paragraphs 2(a) and 2(c), a Notice to Proceed as set forth in Paragraph 2(b), a Notice of Satisfaction as set forth in Paragraph 2(d) or a Final Notice of Satisfaction as set forth in Paragraph 2(e), with respect to the Parcel as to which a permit is sought. Declarant shall submit a copy of the Notice of No Objection, Notice to Proceed, Notice of Satisfaction or Final Notice of Satisfaction, as the case may be, to the DOB respecting such Parcel, at the time of filing of any application set forth in this Paragraph 1.

2. (a) Notice of No Objection - LPC shall issue a Notice of No Objection after the Declarant has completed the work set forth in the LPC-approved Archaeological Documentary Study and LPC has determined that the results of such assessment demonstrate that the site does not contain potentially significant archeological resources.

(b) Notice to Proceed with LPC-Approved Field Testing and/or Mitigation - LPC shall issue a Notice to Proceed after it approves a field testing plan, if necessary, and, if necessary, a mitigation plan (the "Mitigation Plan"). Issuance of a Notice to Proceed shall enable the Declarant to obtain a building permit solely to perform excavation or other work necessary to implement the field testing and/or Mitigation Plan. The LPC shall review and approve the scope of work in all permits prior to field testing or mitigation work commencing on the Subject Property.

(c) Notice of No Objection After Field Work - LPC shall issue a Notice of No Objection After Field Work with respect to a Parcel if Declarant has performed required LPC-approved field testing and, as a result of such testing, the LPC determines that the Subject Property does not contain potentially significant archaeological resources. The notices described in subparagraphs (a) and (c) of this paragraph shall each hereafter be referred to as a "Notice of No Objection." Issuance of a Notice of No Objection shall be sufficient to enable Declarant to obtain a full building permit for the performance of excavation and/or construction on such Parcel.

(d) Notice of Satisfaction - LPC shall issue a Notice of Satisfaction after the Mitigation Plan has been prepared and accepted by LPC and LPC has determined in writing that all significant identified archaeological resources have been documented and removed from such Parcel. Issuance

of a Notice of Satisfaction shall enable Declarant to obtain a building permit for excavation and construction of the Declarant's proposed new building on such Parcel;

(e) Final Notice of Satisfaction - LPC shall issue a Final Notice of Satisfaction with respect to a Parcel after the mitigation has been completed for such Parcel and the LPC has set forth in writing that the Mitigation Plan, if applicable, including but not limited to the Final Archaeological Report and a curation plan for any archaeological resources found on such Parcel, has been completed to the satisfaction of LPC with respect to such Parcel.

3. No temporary certificate of occupancy or permanent certificate of occupancy shall be granted by the DOB or accepted by Declarant until the Chairperson of the LPC shall have issued a Final Notice of Satisfaction or a Notice of No Objection with respect to such Parcel.

4. The Director of Archaeology of the LPC shall issue all notices required to be issued hereunder reasonably promptly after Declarant has made written request to the LPC and has provided documentation to support each such request, and the Director of Archaeology of the LPC shall in all events endeavor to issue such written notice to DOB, or inform Declarant in writing of the reason for not issuing said notice, within thirty (30) calendar days after Declarant has requested such written notice.

5. Declarant represents and warrants with respect to the Subject Property that no restrictions of record, nor any present or presently existing estate or interest in the Subject Property nor any lien, encumbrance, obligation, covenant of any kind preclude, presently or potentially, the imposition of the obligations and agreements of this Declaration.

6. Declarant acknowledges that the City is an interested party to this Declaration and consents to the enforcement of this Declaration solely by the City, administratively or at law or at equity, of the obligations, restrictions and agreements pursuant to this Declaration.

7. The provisions of this Declaration shall inure to the benefit of and be binding upon the respective successors and assigns of the Declarant, and references to the Declarant shall be deemed to include such successors and assigns as well as successors to their interest in the Subject Property. References in this Declaration to agencies or instrumentalities of the City shall be deemed to include agencies or instrumentalities succeeding to the jurisdiction thereof.

8. The obligations, restrictions and agreements herein shall be binding on the Declarant or other Parties-in-Interest only for the period during which the Declarant and any such Party-in-Interest holds an interest in the Subject Property; provided, however, that the obligations, restrictions and agreements contained in this Declaration may not be enforced against the holder of any mortgage unless and until such holder succeeds to the fee interest of the Declarant by way of foreclosure or deed in lieu of foreclosure.

9. Declarant shall indemnify the City, its respective officers, employees and agents from all claims, actions, or judgments for loss, damage or injury, including death or property damage of whatsoever kind or nature, arising from Declarant's performance of its obligations under this Declaration, including without limitation, the negligence or carelessness of the Declarant, its agents, servants or employees in undertaking such performance; provided, however, that should such a claim be made or action brought, Declarant shall have the right to defend such claim or action with attorneys reasonably acceptable to the City and no such claim or action shall be settled without the written consent of the City.

10. If Declarant is found by a court of competent jurisdiction to have been in default in the performance of its obligations under this Declaration, and such finding is upheld on a final appeal by a court of competent jurisdiction or by other proceeding or the time for further review of such finding or appeal has lapsed, Declarant shall indemnify and hold harmless the City from and against all reasonable legal and administrative expenses arising out of or in connection with the enforcement of Declarant's obligations under this Declaration as well as any reasonable legal and administrative expenses arising out of or in connection with the enforcement of any judgment obtained against the Declarant, including but not limited to the cost of undertaking the Mitigation Plan, if any.

11. Declarant shall cause every individual or entity that between the date hereof and the date of recordation of this Declaration, becomes a Party-in-Interest (as defined in subdivision (c) of the definition of "zoning lot" set forth in Section 12-10 of the Zoning Resolution) to all or a portion of the Subject Property to waive its right to execute this Declaration and subordinate its interest in the Subject Property to this Declaration. Any mortgage or other lien encumbering the Subject Property in effect after the recording date of this Declaration shall be subject and subordinate hereto as provided herein. Such waivers and subordinations shall be attached to this Declaration as Exhibits and recorded in the Register's Office.

12. This Declaration and the provisions hereof shall become effective as of the date of this Declaration. Declarant shall record or shall cause this Declaration to be recorded in the Register's Office, indexing it against the Subject Property within five (5) business days of the date hereof and shall promptly deliver to the LPC and the CPC proof of recording in the form of an affidavit of recording attaching the filing receipt and a copy of the Declaration as submitted for recording. Declarant shall also provide a certified copy of this Declaration as recorded to LPC and CPC as soon as a certified copy is available.

13. This Declaration may be amended or modified by Declarant only with the approval of LPC or the agency succeeding to its jurisdiction and no other approval or consent shall be required from any other public body, private person or legal entity of any kind. A statement signed by the Chair of the LPC, or such person as authorized by the Chair, certifying approval of an amendment or modification of this Declaration shall be annexed to any instrument embodying such amendment or modification.

14. Any submittals necessary under this Declaration from Declarant to LPC shall be addressed to the Director of Archaeology of LPC, or such other person as may from time to time be authorized by the Chair of the LPC to receive such submittals. As of the date of this Declaration LPC's address is:

Landmarks Preservation Commission  
1 Centre Street, 9N  
New York, New York 10007

Any notices sent to Declarant shall be sent to the address hereinabove first set forth, to the attention of Jeffrey Gershon, with a copy to Greenberg Traurig, LLP, 200 Park Avenue, New York, New York 10166, to the attention of Deirdre A. Carson, Esq., and shall be sent by personal delivery, delivery by reputable overnight carrier or by regular mail.

15. Declarant expressly acknowledges that this Declaration is an essential element of the environmental review conducted in connection with the Application and as such the filing and recordation of this Declaration may be a precondition to the determination of significance pursuant to CEQR, which implements the State Environmental Quality Review Act ("SEQRA") and the SEQRA Regulations, Title 6 New York Code of Rules and Regulations Part 617.7 within the City of New York.

16. Declarant acknowledges that the satisfaction of the obligations set forth in this Declaration does not relieve Declarant of any additional requirements imposed by Federal, State or Local laws.

17. This Declaration shall be governed by and construed in accordance with the laws of the State of New York.

18. Wherever in this Declaration, the certification, consent, approval, notice or other action of Declarants, LPC or the City is required or permitted, such certification, consent, approval, notice or other action shall not be unreasonably withheld or delayed.

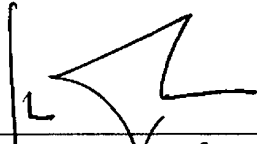
19. In the event that any provision of this Declaration is deemed, decreed, adjudged or determined to be invalid or unlawful by a court of competent jurisdiction, such provision shall be severable and the remainder of this Declaration shall continue to be in full force and effect.

20. This Declaration and its obligations and agreements are in contemplation of Declarant receiving approvals or modified approvals of the Application. The obligations and agreements pursuant to this Declaration shall have no force and effect and Declarant may request that LPC issue a Notice of Cancellation upon the occurrence of the following events: (i) Declarant has withdrawn the Application in writing before a final determination on the Application; (ii) the Application was not approved by the CPC or such approval is set aside in a final, nonappealable judgment rendered by a court of competent jurisdiction; or (iii) LPC has issued a Final Notice of Satisfaction. Upon such request, LPC shall issue a Notice of Cancellation after it has determined, to LPC's reasonable satisfaction, that one of the above has occurred. Upon receipt of a Notice of Cancellation from LPC, Declarant shall cause such Notice to be recorded in the same manner as the Declaration herein, thus rendering this Restrictive Declaration null and void. Declarant shall promptly deliver to LPC and the CPC a certified copy of such Notice of Cancellation as recorded.

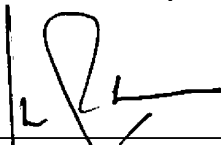
[SIGNATURE PAGE FOLLOWS]

**IN WITNESS WHEREOF**, Declarant has executed this Declaration as of the day and year first above written.

**550 CLINTON PARTNERS LLC,**  
a New York limited liability company

By:   
Name: JEFFREY GERANON  
Title: MANAGING MEMBER

**539 VANDERBILT PARTNERS LLC,**  
a New York limited liability company

By:   
Name: JEFFREY GERANON  
Title: MANAGING MEMBER

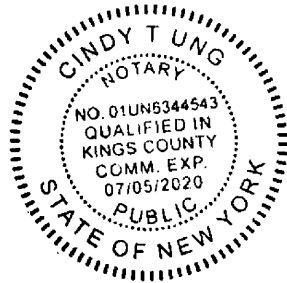
[Acknowledgment Page Follows]

[Signature Page to Declaration]

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF NEW YORK )  
 ) .ss.:  
COUNTY OF KINGS )

On the 2 day of January in the year 2019 before me, the undersigned, personally appeared JEFFREY GORDON, 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 on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

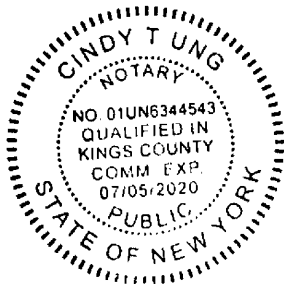


*[Handwritten Signature]*

Notary Public

STATE OF NEW YORK )  
 ) .ss.:  
COUNTY OF KINGS )

On the 2 day of January in the year 2019 before me, the undersigned, personally appeared JEFFREY GORDON, 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 on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



*[Handwritten Signature]*

Notary Public

Block : 2010  
Lots : 1, 59  
539 VANDERBILT AVENUE  
809 ATLANTIC AVENUE

**First American Title Insurance Company**  
666 Third Avenue 5th fl  
New York, N.Y. 10017  
Phone: (212) 922-9700  
Fax: (212) 922-0881



**EXHIBIT A-1**

**Atlantic Parcel**

**Legal Description – (Lot 59)**

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

Beginning at the corner formed by the intersection of the northerly side of Atlantic Avenue and the westerly side of Clinton Avenue;

Running thence northerly along the westerly side of Clinton Avenue 97 feet 7 inches;

Thence westerly at right angles to Clinton Avenue and part of the distance through a party wall 106 feet;

Thence northerly parallel with Clinton Avenue 44 feet;

Thence westerly 57 feet 10 inches to a point distant 68 feet 8 inches northerly from the northerly side of Atlantic Avenue measured along a line drawn parallel with and distant 36 feet 2 inches east of the easterly side of Vanderbilt Avenue;

Thence southerly parallel with Vanderbilt Avenue and part of the distance through a party wall 68 feet 8 inches to the northerly side of Atlantic Avenue;

Thence easterly along the northerly side of Atlantic Avenue 179 feet 4 inches to the point or place of BEGINNING.

**EXHIBIT A-2**

Vanderbilt Parcel

Legal Description – (Lot 1)

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 northerly side of Atlantic Avenue and the easterly side of Vanderbilt Avenue;

RUNNING THENCE northerly along the easterly side of Vanderbilt Avenue 131 feet 6 inches;

THENCE easterly at right angles to Vanderbilt Avenue 80 feet;

THENCE southerly parallel with Vanderbilt Avenue 77 feet 10 ½ inches;

THENCE westerly at right angles to Vanderbilt Avenue 43 feet 10 inches;

THENCE southerly parallel with Vanderbilt Avenue and part of the distance through a party wall 69 feet 8 ½ inches to the northerly side of Atlantic Avenue;

THENCE westerly along the northerly side of Atlantic Avenue 39 feet 7 inches to the corner, the point or place of beginning.

**EXHIBIT B**

Parties-in-Interest Certification

[follows immediately after]



## ***First American Title Insurance Company National Commercial Services***

Title No.: 3020-814323ZLC1

### **EXHIBIT II**

#### **CERTIFICATION PURSUANT TO ZONING LOT SUBDIVISION D OF SECTION 12-10 OF THE ZONING RESOLUTION OF DECEMBER 15, 1961 OF THE CITY OF NEW YORK - AS AMENDED EFFECTIVE AUGUST 18, 1977**

**First American Title Insurance Company**, a title insurance company licensed to do business in the State of New York and having its principal office at 666 THIRD AVENUE, NEW YORK, NEW YORK 10017 hereby certifies that as to the land hereinafter described being a tract of land, either un-subdivided or consisting of two or more lots of record, contiguous for a minimum of ten linear feet, located within a single block, that all the parties in interest constituting a "party in interest" as defined in Section 12-10, Subdivision (D) of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended, are the following:

<b><u>NAME</u></b>	<b><u>ADDRESS</u></b>	<b><u>NATURE OF INTEREST</u></b>
1) Lichter Family LLC	c/o Kenneth Gliedman, Esq. Lichter Gliedman Offenkrantz PC 551 Fifth Avenue - 24th Floor New York, New York 10176	Fee Owner as to a 50% interest as to Block 2010 Lot 1
2) Rhonda Greifinger and Audrey Sharp Perlman, as Trustees of the Clarence A. Greifinger Declaration of Trust Agreement dated 05/22/1996	c/o Audrey Perlman 24262 Cherry Hill Place Laguna Niguel, California 92677	Fee Owner as to a 50% interest as to Block 2010 Lot 1
3) 539 Vanderbilt Partners LLC	475 Park Avenue South, 12th Floor New York, New York 10016	Lessee under Memorandum of Lease recorded as CRFN 2015000416 affecting Block 2010 Lot 1
4) 539 Vanderbilt Funding LLC	c/o Hope Street Capital 475 Park Avenue South, 12th Floor New York, New York 10016	Mortgagee as to Block 2010 Lot 1



***First American Title Insurance Company National  
Commercial Services***

Title No.: 3020-814323ZLC1

<u>NAME</u>	<u>ADDRESS</u>	<u>NATURE OF INTEREST</u>
5) Superior Associates LLC	c/o Crosstown Management Corp. 29-47 41st Avenue - 2nd Floor Long Island City, New York 11101	Fee owner as to Block 2010 Lot 59
6) 550 Clinton Partners LLC	475 Park Avenue South, 12th Floor New York, New York 10016	Lessee under Memorandum of Lease recorded as CRFN 2015000198302 as amended and restated by Amended and Restated Memorandum of Lease recorded as CRFN 2016000393817 affecting Block 2010 Lot 59



***First American Title Insurance Company National  
Commercial Services***

Title No.: **3020-814323ZLC1**

**SCHEDULE A**

The subject tract of land with respect to which the foregoing parties are the parties in interest as aforesaid, is known as Tax Lot Number(s) **1 and 59** in Block(s) **2010** as shown on the Tax Map of the City of New York, Kings County and more particularly described as follows:

**LOT 1:**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH OF BROOKLYN, COUNTY OF KINGS, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF THE NORTHERLY SIDE OF ATLANTIC AVENUE AND THE EASTERLY SIDE OF VANDERBILT AVENUE;

RUNNING THENCE NORTHERLY ALONG THE EASTERLY SIDE OF VANDERBILT AVENUE 131 FEET 6 INCHES;

THENCE EASTERLY AT RIGHT ANGLES TO VANDERBILT AVENUE 80 FEET;

THENCE SOUTHERLY PARALLEL WITH VANDERBILT AVENUE 77 FEET 10-1/2 INCHES;

THENCE WESTERLY AT RIGHT ANGLES TO VANDERBILT AVENUE 43 FEET 10 INCHES;

THENCE SOUTHERLY PARALLEL WITH VANDERBILT AVENUE AND PART OF THE DISTANCE THROUGH A PARTY WALL 69 FEET 8-1/2 INCHES TO THE NORTHERLY SIDE OF ATLANTIC AVENUE;

THENCE WESTERLY ALONG THE NORTHERLY SIDE OF ATLANTIC AVENUE 39 FEET 7 INCHES TO THE CORNER, THE POINT OR PLACE OF BEGINNING.

**LOT 59:**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH OF BROOKLYN, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF THE NORTHERLY SIDE OF ATLANTIC AVENUE AND THE WESTERLY SIDE OF CLINTON AVENUE;

RUNNING THENCE NORTHERLY ALONG THE WESTERLY SIDE OF CLINTON AVENUE 97 FEET 7 INCHES;

THENCE WESTERLY AT RIGHT ANGLES TO CLINTON AVENUE AND PART OF THE DISTANCE THROUGH A PARTY WALL 106 FEET;

THENCE NORTHERLY PARALLEL WITH CLINTON AVENUE 44 FEET;

THENCE WESTERLY 57 FEET 10 INCHES TO A POINT DISTANT 68 FEET 8 INCHES NORTHERLY FROM THE NORTHERLY SIDE OF ATLANTIC AVENUE MEASURED ALONG A LINE DRAWN PARALLEL WITH AND DISTANT 36



***First American Title Insurance Company National  
Commercial Services***

FEET 2 INCHES EAST OF THE EASTERLY SIDE OF VANDERBILT AVENUE;

THENCE SOUTHERLY PARALLEL WITH VANDERBILT AVENUE AND PART OF THE DISTANCE THROUGH A PARTY WALL 68 FEET 8 INCHES TO THE NORTHERLY SIDE OF ATLANTIC AVENUE;

THENCE EASTERLY ALONG THE NORTHERLY SIDE OF ATLANTIC AVENUE 179 FEET 4 INCHES TO THE POINT OR PLACE OF BEGINNING.



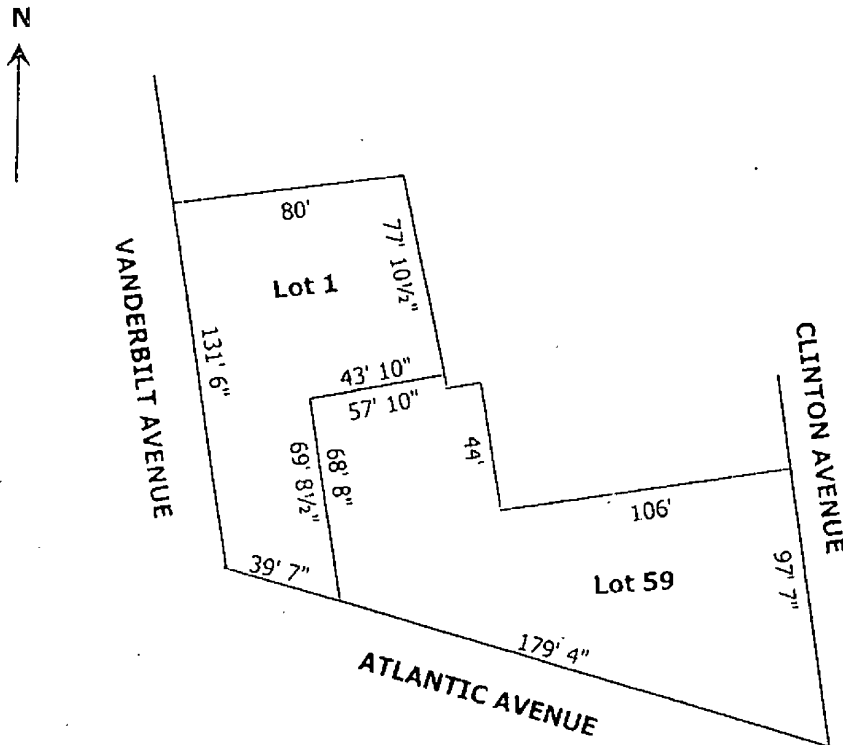
# *First American Title Insurance Company National Commercial Services*

Title No.: 3020-814323ZLC1

That the said premises are known as and by street address(s): 539 Vanderbilt Avenue and 809 Atlantic Avenue, Brooklyn, NY 11740, as shown on the following DIAGRAM.

BLOCK(S): 2010

LOT(S): 1 and 59







# First American Title Insurance Company National Commercial Services

Title No.: 3020-814323ZLC1

**NOTE:** A Zoning Lot may or may not coincide with a lot as shown on the Official Tax Map of the City of New York, or on any recorded subdivision plot or deed. A Zoning Lot may be subdivided into two or more zoning lots provided all the resulting zoning lots and all the buildings thereon shall comply with the applicable provisions of the zoning lot resolution.

THIS CERTIFICATE IS MADE FOR AND ACCEPTED BY THE APPLICANT UPON THE EXPRESS UNDERSTANDING THAT LIABILITY HEREUNDER IS LIMITED TO ONE THOUSAND (\$1,000.00) DOLLARS. RECIPIENT ACCEPTS THIS CERTIFICATE WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS CERTIFICATE BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. THIS CERTIFICATE IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFORE, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON.

AS OF  
Dated: 12/24/2018

FIRST AMERICAN TITLE INSURANCE COMPANY

BY:

MICHELLE POMBO  
SENIOR UNDERWRITING COUNSEL

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

On the 3rd day of JANUARY in the year 2019 before me, the undersigned, personally appeared Michelle Pombo personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and Office of individual taking acknowledgment

CHARLES H. DAVIS  
Notary Public, State of New York  
No. 01DA6126306  
Qualified in New York County  
Commission Expires: 10/11/2021

**EXHIBIT C**

Waivers

[follow immediately after]

**WAIVER OF EXECUTION OF RESTRICTIVE DECLARATION  
AND SUBORDINATION OF MORTGAGE**

WAIVER OF EXECUTION OF RESTRICTIVE DECLARATION AND SUBORDINATION OF MORTGAGE, made as of this 25th day of January, 2019 by 539 VANDERBILT FUNDING LLC, a New York limited liability company ("Mortgagee"), having its principal place of business at c/o Hope Street Capital, 475 Park Avenue South, 12<sup>th</sup> Floor, New York, New York 10016.

**WITNESSETH:**

WHEREAS, the Mortgagee is the lawful holder of that certain Mortgage and Security Agreement, dated as of November 4, 2015 (the "Mortgage") made by Lichter Family LLC, a New York limited liability company, and Rhonda Greifinger and Audrey Sharp Perlman, as Trustees of the Clarence A. Greifinger Declaration of Trust Agreement Dated April 22, 1996 (collectively, the "Mortgagor"), in favor of the Mortgagee, to secure the principal amount of \$840,000.00, recorded in the Office of the Register/Clerk of the City of New York, Kings County (the "Register's Office"), on November 24, 2015 as City Register File No. (CRFN) 2015000416564; and

WHEREAS, the Mortgage encumbers all or a portion of the property (the "Premises") known as Lot 1 in Block 2010 on the Tax Map of the City of New York, Kings County, commonly known by the street address 539 Vanderbilt Avenue, and more particularly described in Schedule A attached hereto and made a part hereof, and any improvements thereon (such improvements and the Premises are collectively referred to herein as the "Subject Property");

WHEREAS, 539 Vanderbilt Partners LLC is the ground lessee (the "Ground Lessee") of the Subject Property pursuant to a ground lease for a term of ninety-nine years, and a Memorandum of Lease dated as of November 4, 2015 has been recorded in the Register's Office against the Subject Property on June 11, 2015 at CRFN 2015000416565;

WHEREAS, the Subject Property is the subject of a restrictive declaration, dated as of the date hereof (the "Declaration"), made by Ground Lessee; and

WHEREAS, Mortgagee represents that the Mortgage, together with certain related fixture filings and assignments of leases and rents, represents its sole interest in the Subject Property; and

WHEREAS, the Declaration, which is intended to be recorded in the Register's Office simultaneously with the recording hereof, shall subject the Subject Property and the sale, conveyance, transfer, assignment, lease, occupancy, mortgage and encumbrance thereof to certain restrictions, covenants, obligations, easements and agreements contained in the Declaration; and

WHEREAS, the Mortgagee agrees, at the request of the Ground Lessee, to waive its right to execute the Declaration and to subordinate the Mortgage to the Declaration, provided such subordination shall in no way limit or impair Mortgagee's rights under the Mortgage.

NOW, THEREFORE, the Mortgagee, being a "Party-in-Interest" as defined in Section 12-10 (definition of "Zoning Lot," subdivision (d)) of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended, with respect to the Subject Property, (i) hereby waives any rights it has to execute, and consents to the execution by the Mortgagor of, the Declaration and (ii) hereby agrees that the Mortgage, any liens, operations and effects thereof, and any extensions, renewals, modifications and consolidations of the Mortgage, shall in all respects be subject and subordinate to the terms and provisions of the Declaration; provided, however, such subordination shall not limit or impair Mortgagee's rights under the Mortgage in any way or be deemed an abrogation of any of Mortgagor's obligations, duties and covenants under the Mortgage.

This Waiver of Execution of Restrictive Declaration and Subordination of Mortgage shall be binding upon the Mortgagee and its heirs, legal representatives, successors and assigns.

*(Signature page follows.)*

**IN WITNESS WHEREOF**, the Mortgagee has duly executed this Waiver of Execution of Restrictive Declaration and Subordination of Mortgage as of the date and year first above written.

**MORTGAGEE:**

**539 VANDERBILT FUNDING LLC,**  
a New York limited liability company

By: \_\_\_\_\_

Name: JEREMY GERSHON  
Title: MANAGING MEMBER

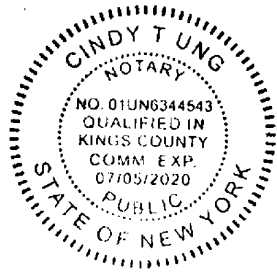
[Acknowledgment Page Follows]


[Signature Page to Waiver of Execution of Restrictive Declaration and Subordination of Mortgage]

**CERTIFICATE OF ACKNOWLEDGMENT**

STATE OF NEW YORK    )  
                                  ) .ss.:  
COUNTY OF   KINGS   )

On the   2   day of January in the year 2019 before me, the undersigned, personally appeared   JEFFREY GERSON  , 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 on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



  
\_\_\_\_\_  
Notary Public

Schedule A

Legal Description – (Lot 1)

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 northerly side of Atlantic Avenue and the easterly side of Vanderbilt Avenue;

RUNNING THENCE northerly along the easterly side of Vanderbilt Avenue 131 feet 6 inches;

THENCE easterly at right angles to Vanderbilt Avenue 80 feet;

THENCE southerly parallel with Vanderbilt Avenue 77 feet 10 ½ inches;

THENCE westerly at right angles to Vanderbilt Avenue 43 feet 10 inches;

THENCE southerly parallel with Vanderbilt Avenue and part of the distance through a party wall 69 feet 8 ½ inches to the northerly side of Atlantic Avenue;

THENCE westerly along the northerly side of Atlantic Avenue 39 feet 7 inches to the corner, the point or place of beginning.

**WAIVER OF EXECUTION OF RESTRICTIVE DECLARATION**

WAIVER OF EXECUTION OF RESTRICTIVE DECLARATION, made as of this 25th day of January, 2019 by LICHTER FAMILY LLC, a New York limited liability company having an address at c/o Lichter Gliedman Offenkrantz PC, 551 Fifth Avenue, 24<sup>th</sup> Floor, New York, New York 10176 (“Owner”).

**WITNESSETH:**

WHEREAS, Owner, as Tenants-in-Common with Rhonda Greifinger and Audrey S. Perlman as Trustees under the Clarence A. Greifinger Declaration of Trust, is the owner in fee of that certain land with the building and improvements thereon located in the Borough of Brooklyn, County of Kings, City and State of New York, known as Lot 1 in Block 2010 on the Tax Map of the City of New York, Kings County, commonly known by the street address 539 Vanderbilt Avenue, Brooklyn, New York, and more particularly described in Schedule A annexed hereto and made a part hereof (the “Subject Property”);

WHEREAS, 539 Vanderbilt Partners LLC is the ground lessee (the “Ground Lessee”) of the Subject Property pursuant to a ground lease for a term of ninety-nine years, and a Memorandum of Lease dated as of November 4, 2015 has been recorded in the Register’s Office for the County of Kings (the “Register’s Office”) against the Subject Property on June 11, 2015 at CRFN 2015000416565;

WHEREAS, the Subject Property is the subject of a restrictive declaration, dated as of the date hereof (the “Declaration”), made by Ground Lessee; and

WHEREAS, the Declaration, which is intended to be recorded in the Register’s Office simultaneously with the recording hereof, shall subject the Subject Property and the sale, conveyance, transfer, assignment, lease, occupancy, mortgage and encumbrance thereof to certain restrictions, covenants, obligations, easements and agreements contained in the Declaration; and

WHEREAS, the Owner agrees, at the request of the Ground Lessee, to waive its right to execute the Declaration;

NOW, THEREFORE, the Owner, being a “Party-in-Interest” as defined in Section 12-10 (definition of “Zoning Lot,” subdivision (d)) of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended, with respect to the Subject Property hereby waives any



rights it has to execute, and consents to the execution by the Ground Lessee of, the Declaration.

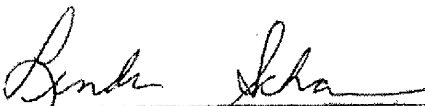
This Waiver of Execution of Restrictive Declaration shall be binding upon the Owner and its heirs, legal representatives, successors and assigns.

*(Signature page follows.)*

IN WITNESS WHEREOF, the Owner has duly executed this Waiver of Execution of Restrictive Declaration as of the date and year first above written.

OWNER:

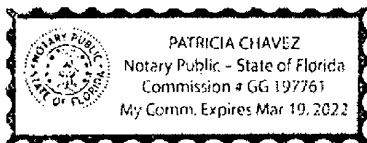
LICHTER FAMILY LLC

By:   
Name: LINDA SCHAIN  
Title: AUTHORIZED SIGNATORY

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF Fl  
COUNTY OF Palm Beach

On the 3rd day of January in the year 2019 before me, the undersigned personally appeared Linda Schain personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



[Signature]  
Signature and Office of individual taking acknowledgment

**Schedule A**

Legal Description – (Lot 1)

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 northerly side of Atlantic Avenue and the easterly side of Vanderbilt Avenue;

RUNNING THENCE northerly along the easterly side of Vanderbilt Avenue 131 feet 6 inches;

THENCE easterly at right angles to Vanderbilt Avenue 80 feet;

THENCE southerly parallel with Vanderbilt Avenue 77 feet 10 ½ inches;

THENCE westerly at right angles to Vanderbilt Avenue 43 feet 10 inches;

THENCE southerly parallel with Vanderbilt Avenue and part of the distance through a party wall 69 feet 8 ½ inches to the northerly side of Atlantic Avenue;

THENCE westerly along the northerly side of Atlantic Avenue 39 feet 7 inches to the corner, the point or place of beginning.

**WAIVER OF EXECUTION OF RESTRICTIVE DECLARATION**

WAIVER OF EXECUTION OF RESTRICTIVE DECLARATION, made as of this 25th day of January, 2019 by RHONDA GREIFINGER and AUDREY SHARP PERLMAN, as Trustees of the Clarence A. Greifinger Declaration of Trust Agreement dated May 22, 1996, having an address c/o/ Audrey Perlman, 24262 Cherry Hill Place, Laguna Niguel, California 92677 (collectively, "Owner").

**WITNESSETH:**

WHEREAS, Owner, as Tenants-in-Common with Lichter Family LLC, is the owner in fee of that certain land with the building and improvements thereon located in the Borough of Brooklyn, County of Kings, City and State of New York, known as Lot 1 in Block 2010 on the Tax Map of the City of New York, Kings County, commonly known by the street address 539 Vanderbilt Avenue, Brooklyn, New York, and more particularly described in Schedule A annexed hereto and made a part hereof (the "Subject Property");

WHEREAS, 539 Vanderbilt Partners LLC is the ground lessee (the "Ground Lessee") of the Subject Property pursuant to a ground lease for a term of ninety-nine years, and a Memorandum of Lease dated as of November 4, 2015 has been recorded in the Register's Office for the County of Kings (the "Register's Office") against the Subject Property on June 11, 2015 at CRFN 2015000416565;

WHEREAS, the Subject Property is the subject of a restrictive declaration, dated as of the date hereof (the "Declaration"), made by Ground Lessee; and

WHEREAS, the Declaration, which is intended to be recorded in the Register's Office simultaneously with the recording hereof, shall subject the Subject Property and the sale, conveyance, transfer, assignment, lease, occupancy, mortgage and encumbrance thereof to certain restrictions, covenants, obligations, easements and agreements contained in the Declaration; and

WHEREAS, the Owner agrees, at the request of the Ground Lessee, to waive its right to execute the Declaration;

NOW, THEREFORE, the Owner, being a "Party-in-Interest" as defined in Section 12-10 (definition of "Zoning Lot," subdivision (d)) of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended, with respect to the Subject Property hereby waives any

rights it has to execute, and consents to the execution by the Ground Lessee of, the Declaration.

This Waiver of Execution of Restrictive Declaration shall be binding upon the Owner and its heirs, legal representatives, successors and assigns.

This Waiver of Execution of Restrictive Declaration may be executed in any number of counterparts, each of which when so executed shall be deemed to be an original and all of which when taken together shall constitute one and the same document.

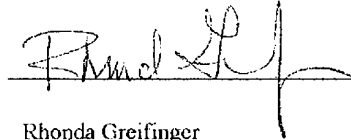
*(Signature page follows.)*

IN WITNESS WHEREOF, the Owner has duly executed this Waiver of Execution of Restrictive Declaration as of the date and year first above written.

OWNER:

RHONDA GREIFINGER AND AUDREY SHARP  
PERLMAN AS TRUSTEES OF THE CLARENCE A.  
GREIFINGER DECLARATION OF TRUST  
AGREEMENT

By:



Name: Rhonda Greifinger

Title: Trustee

By:

\_\_\_\_\_

Name: Audrey Sharp Perlman

Title: Trustee

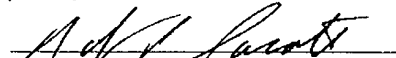
NY 247551488v1

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF CONNECTICUT  
COUNTY OF FAIRFIELD

On the 3<sup>RD</sup> day of January in the year 2019 before me, the undersigned personally appeared R\*GREIFINGER 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.

\* RHONDA GREIFINGER

  
Signature and Office of individual taking  
acknowledgment

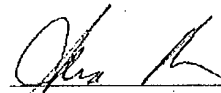
My Commission Expires  
October 31, 2022

IN WITNESS WHEREOF, the Owner has duly executed this Waiver of Execution of Restrictive Declaration as of the date and year first above written.

**OWNER:**

**RHONDA GREIFINGER AND AUDREY SHARP  
PERLMAN AS TRUSTEES OF THE CLARENCE A.  
GREIFINGER DECLARATION OF TRUST  
AGREEMENT**

By: \_\_\_\_\_  
Name: Rhonda Greifinger  
Title: Trustee

By:  \_\_\_\_\_  
Name: Audrey Sharp Perlman  
Title: Trustee



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of ORANGE )

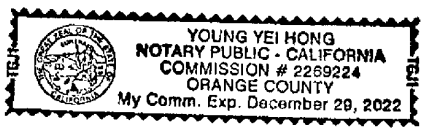
On JAN 8 2019 before me, YOUNG YEI HONG, NOTARY PUBLIC  
Date Here Insert Name and Title of the Officer

personally appeared AUDREY SHARP PERLMAN  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(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 authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**  
Title or Type of Document: WAIVER OF EXECUTION OF RESTRICTIVE DECLARATION Document Date: \_\_\_\_\_  
Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**  
Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

Schedule A

Legal Description – (Lot 1)

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 northerly side of Atlantic Avenue and the easterly side of Vanderbilt Avenue;

RUNNING THENCE northerly along the easterly side of Vanderbilt Avenue 131 feet 6 inches;

THENCE easterly at right angles to Vanderbilt Avenue 80 feet;

THENCE southerly parallel with Vanderbilt Avenue 77 feet 10 ½ inches'

THENCE westerly at right angles to Vanderbilt Avenue 43 feet 10 inches;

THENCE southerly parallel with Vanderbilt Avenue and part of the distance through a party wall 69 feet 8 ½ inches to the northerly side of Atlantic Avenue'

THENCE westerly along the northerly side of Atlantic Avenue 39 feet 7 inches to the corner, the point or place of beginning.

**WAIVER OF EXECUTION OF RESTRICTIVE DECLARATION**

WAIVER OF EXECUTION OF RESTRICTIVE DECLARATION, made as of this 25th day of January, 2019 by SUPERIOR ASSOCIATES, LLC, a limited liability company having an address at 29-47 41<sup>st</sup> Avenue, 2<sup>nd</sup> Floor, Long Island City, New York 11101 ("Owner").

**WITNESSETH:**

WHEREAS, Owner is the owner in fee of that certain land with the building and improvements thereon located in the Borough of Brooklyn, County of Kings, City and State of New York, known as Lot 59 in Block 2010 on the Tax Map of the City of New York, Kings County, commonly known by the street address 809 Atlantic Avenue, Brooklyn, New York, and more particularly described in Schedule A annexed hereto and made a part hereof (the "Subject Property");

WHEREAS, 550 Clinton Partners LLC is the ground lessee (the "Ground Lessee") of the Subject Property pursuant to a ground lease for a term of ninety-nine years, and a Memorandum of Lease dated as of May 27, 2015 has been recorded in the Register's Office for the County of Kings (the "Register's Office") against the Subject Property on June 11, 2015 at CRFN 2015000198302;

WHEREAS, the Subject Property is the subject of a restrictive declaration, dated as of the date hereof (the "Declaration"), made by Ground Lessee; and

WHEREAS, the Declaration, which is intended to be recorded in the Register's Office simultaneously with the recording hereof, shall subject the Subject Property and the sale, conveyance, transfer, assignment, lease, occupancy, mortgage and encumbrance thereof to certain restrictions, covenants, obligations, easements and agreements contained in the Declaration; and

WHEREAS, the Owner agrees, at the request of the Ground Lessee, to waive its right to execute the Declaration;

NOW, THEREFORE, the Owner, being a "Party-in-Interest" as defined in Section 12-10 (definition of "Zoning Lot," subdivision (d)) of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended, with respect to the Subject Property hereby waives any rights it has to execute, and consents to the execution by the Ground Lessee of, the Declaration.

This Waiver of Execution of Restrictive Declaration shall be binding upon the Owner and its heirs, legal representatives, successors and assigns.

*(Signature page follows.)*

IN WITNESS WHEREOF, the Owner has duly executed this Waiver of Execution of Restrictive Declaration as of the date and year first above written.

**OWNER:**

**SUPERIOR ASSOCIATES, LLC,**  
a New York limited liability company

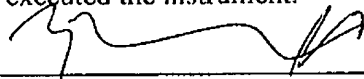
By: *Anthony Musto*  
Name: *Anthony Musto*  
Title: *Authorized Representative*

**CERTIFICATE OF ACKNOWLEDGMENT**

STATE OF NEW YORK

COUNTY OF QUEENS

On the 2<sup>nd</sup> day of January in the year 2019 before me, the undersigned personally appeared Anthony Musto, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



\_\_\_\_\_  
Signature and Office of individual taking acknowledgment

MICHAEL SPEVACK  
Notary Public, State of New York  
Registration #02SP5020173  
Qualified In Queens County  
Commission Expires Nov. 15, 2021

Schedule A

Legal Description – (Lot 59)

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

Beginning at the corner formed by the intersection of the northerly side of Atlantic Avenue and the westerly side of Clinton Avenue;

Running thence northerly along the westerly side of Clinton Avenue 97 feet 7 inches;

Thence westerly at right angles to Clinton Avenue and part of the distance through a party wall 106 feet;

Thence northerly parallel with Clinton Avenue 44 feet;

Thence westerly 57 feet 10 inches to a point distant 68 feet 8 inches northerly from the northerly side of Atlantic Avenue measured along a line drawn parallel with and distant 36 feet 2 inches east of the easterly side of Vanderbilt Avenue;

Thence southerly parallel with Vanderbilt Avenue and part of the distance through a party wall 68 feet 8 inches to the northerly side of Atlantic Avenue;

Thence easterly along the northerly side of Atlantic Avenue 179 feet 4 inches to the point or place of BEGINNING.

**EXHIBIT D**

LPC Letter dated April 18, 2018

[follows immediately after]



## ARCHAEOLOGY

**Project number:** DEPARTMENT OF CITY PLANNING / LA-CEQR-K  
**Project:** 809 ATLANTIC AVENUE  
**Date received:** 4/18/2018

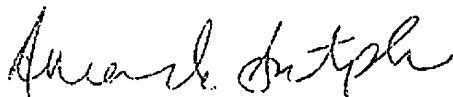
**Comments:** as indicated below. Properties that are individually LPC designated or in LPC historic districts require permits from the LPC Preservation department. Properties that are S/NR listed or S/NR eligible require consultation with SHPO if there are State or Federal permits or funding required as part of the action.

---

**This document only contains Archaeological review findings. If your request also requires Architecture review, the findings from that review will come in a separate document.**

**Comments:** The LPC is in receipt of a request from DCP that LPC review the archaeological potential of Block 2010, Lots 1 and 59 because they have determined that these are the only lots that will be developed as a result of their rezoning.

LPC review of archaeological sensitivity models and historic maps indicates that there is potential for the recovery of remains from 19th Century occupation on Block 2010 Lots 1 and 59. Accordingly, the Commission recommends that an archaeological documentary study be performed for this site to clarify these initial findings and provide the threshold for the next level of review, if such review is necessary (see CEQR Technical Manual 2014).



4/18/2018

---

**SIGNATURE**  
Amanda Sutphin, Director of Archaeology

**DATE**

**File Name:** 32576\_FSO\_ALS\_04182018.doc

**Appendix B:**  
**Summary of Documentary Research**

Table B-1

## Summary of Historical Conveyances

Historic Lot	Document Date	Liber	Page	Grantor	Grantee	Property Description	Cost	Other
All	11/4/1833	38	125	John and Phebe Spader	George Washington Pine	Includes several portions of the Spader estate, including the area between approximately Lafayette Avenue and Atlantic Avenue between Vanderbilt and Waverly Avenues	\$62,593.75	
All	11/13/1833 3	39	447	George Washington and Portia Charlotte Pine	John E. Van Antwerp	Eleven parcels of land, including Sections 29, 31, 65, 67, 85, 87, 90, 92, 97, and 99 as seen on the 1833 Herbert map	\$11,000	
All	12/3/1834	44	379	John Spader	John E. Van Antwerp	Mortgage for Sections 29, 31, 67, 90, 97, and 99		
25 and 26	4/3/1836	59	166	John E. and Jemima Van Antwerp	Mary Johnson	Southern half of Section 97: 50 by 200 feet between Clinton and Vanderbilt Avenues (portions of modern Lots 1, 53, and 56.	\$2,000	
All	4/5/1836	59	268	New York Fire Insurance Company	John E. Van Antwerp	Mortgage for Section 97		
24 and 24A	4/3/1836	59	316	John E. and Jemima L. Van Antwerp	John Griswold	Northern half of Section 97 (part of modern Lots 1 and 53); 50' by 200'	\$2,000	
27	1/23/1840	87	353	John E. Antwerp	Peter McCarty and John Stoneall as assignees	remaining Antwerp estate, including Section 99	\$1	

**Table B-1 (cont'd)**  
**Summary of Historical Conveyances**

Historic Lot	Document Date	Liber	Page	Grantor	Grantee	Property Description	Cost	Other
27	6/9/1840	90	183	Peter McCarty and John Stoneall as assignees John E. Antwerp	Thomas S. McCarty	Sections 12 to 20, 47 to 54, 77, 90, and 99	\$4,075	
27	6/17/1840	90	187	John E. and Jemima L. Van Antwerp	Thomas S. McCarty	Sections 12 to 20, 47 to 54, 77, 90, and 99	\$1	
27	9/3/1840	91	227	John E. Antwerp	Peter McCarty and John Stoneall as assignees	correcting spelling of John Stonall with respect to Liber 87, Page 183		
27	4/26/1843	110	314	Thomas S. McCarty	Charlotte McCarty	Multiple properties, including Section 99	\$100	
27	10/3/1843	118	406	Eugene Keteltas, Esq., Trustee for Jane McCarty	Charlotte McCarthy	Same property included in Liber 110, Page 406	\$1 and other good and valuable considerations	
25 and 26	5/1/1854	361	383	Mary Johnson	John A. Betts	Southern half of Section 97; 50 by 200 feet with two houses	\$8,500	
26	5/1/1855	393	532	John A. and Caroline Betts	Earl E. Miles	Southern half of the southern half of Section 97: contains house and buildings	\$4,250	
26	9/1/1857	461	49	Earl E. and Jane M. Miles	John Carpenter	Southern half of the southern half of Section 97	\$6,000	Carpenter of Hempstead County, Queens
26	10/1/1857	486	208	John and Aletta Carpenter	Jane M. Miles	Southern half of the southern half of Section 97	\$6,000	
24 and 24A	6/28/1859	504	490	Louisa Griswold, devisee of John Griswold	Henry R. Pierson	Northern half of Section 97; 50' by 200'	\$6,000	
24 and 24A	7/19/1859	505	527	Henry A. and Sarah H. Pierson	Lewis Beach	Northern half of Section 97; 50' by 200'	\$6,000	

**Table B-1 (cont'd)**  
**Summary of Historical Conveyances**

Historic Lot	Document Date	Liber	Page	Grantor	Grantee	Property Description	Cost	Other
25	1/14/1862	567	460	John A. and Caroline Betts	James Betts	Northern half of the southern half of Section 97: 25 by 200 feet	\$742	
24 and 24A	3/21/1863	593	432	Lewis and A. Estelle Beach	Julia S. Savage	four lots measuring 46'10" by 200' in part of Lot 53 and part of Lot 1	\$14,550	
25	8/13/1863	608	109	Lewis and A. Estelle Beach	James Betts	200-foot parcel of unknown width including part of Lot 56 and the identically-sized portion of Lot 1 to the west; appears to have corrected the irregular property boundary to the north	\$5	
25	8/1/1863	608	255	James and Amelia D. Betts	Robert S. Bussing	25 by 200-foot parcel including Lot 56 and the identically-sized portion of Lot 1 to the west	\$750	
25 and 26	6/7/1870			J.A. Betts	Alfred S. Barnes	50.6 by 200' parcel on the west side of Clinton Avenue 174 feet north of Atlantic Avenue	\$20,000	Source: Real Estate Record and Builder's Guide 1870
24	7/1/1870			A.S. Barnes	Charles H. Noyes	10 by 120-foot parcel on the west side of Clinton Avenue 174 feet north of Atlantic Avenue	\$3,000	Source: Real Estate Record and Builder's Guide 1871
24A	7/1/1870			Charles H. Noyes	A.S. Barnes	21 by 80-foot parcel on the east side of Vanderbilt Avenue 80 feet north of Atlantic Avenue	\$3,000	Source: Real Estate Record and Builder's Guide 1871
26	3/2/1874			A.S. Barnes	Sarah F. wife of Frederick D. Blake	32.6 by 120 foot parcel on the west side of Clinton Avenue 141.6 feet north of Atlantic Avenue	\$35,000	Source: Real Estate Record and Builder's Guide 1874
<b>Source:</b> Conveyance record index at the Office of the City Register, Department of Finance and New York Land Records collection on FamilySearch.com.								

**Table B-2**  
**Summary of Census Research**

Year	Location	Historical Lot	Address	House #	Family #	First Name	Last Name	Age	Occupation	Birthplace	Real Estate Value	Personal Estate Value	Other
1855	Brooklyn, 20th Ward	25		109	182	John A.	Betts	35	Doctor	Connecticut	2500		Frame House
						Caroline H.	Betts	27		Connecticut			
						John H.	Betts	2		Kings Co.			
						Mary E.	Reed	27	Servant	N. Jersey			"person of color not taxed"
						Adeline	Heart	19	Servant	NYC			"person of color not taxed"
1855	Brooklyn, 20th Ward	26		110	183	Michael	McDonald	17	Servant/Horseshoer	Ireland			
						Earl	Miles	45	R. Estate Agt	Connecticut	2500		Frame House
						Jane	Miles	43		Queens Co.			
						Edward	Miles	23	None	Connecticut			
						Jane E.	Miles	21		NYC			
						Silbert	Miles	15	Clerk	NYC			
						Hellen	Miles	13		NYC			
1860	Brooklyn 11th Ward	24?		101		Unoccupied							
1860	Brooklyn 11th Ward	25		100	155 [sic]	John	Betts	39	Land Agent	NY	1500	2000	
						Caroline	Betts	32		NY			
						John	Betts	7		NY			
						Emma	Betts	4		NY			
						Harriet	Dooly	22	Servant	Ireland			
1860	Brooklyn 11th Ward	26		99	154	Earl	Miles	51	Broker	Connecticut	5000	1000	
						Jane	Miles	49		NY			
						Edward	Miles	28	N.Y.P.	Connecticut			
						Gilbert	Miles	19	Clerk	NY			
						Hellen	Miles	17		NY			
						Elsy	Miles	27		Mass			
						Arthur	Miles	3 m		Mass			
		25		137	215	Jane	Elliott	26		NY			
						Chas	Elliott	5		NY			
						Annie	Elliott	3		NY			
						John A.	Betts	44		Connecticut	6,000		
						Carline H.	Betts	37		Connecticut			
						John H.	Betts	12		Kings			
						Emma J.	Betts	9		Kings			
1860	Brooklyn 11th Ward	26		138	216	Mary F.	Betts	4		Kings			
						Elizabeth A.	Betts	2m		Kings			
						Harriet E.	Dolly	26	Servant	Delaware			African Descent
						Matilda	Richardson	23	Servant	NC			African Descent
						Earle E.	Miles	54	Broker	Connecticut	6,000		
1860	Brooklyn 11th Ward	26		138	216	Jane W.	Miles	52		Queens			
						Gilbert L.	Miles	25	Clerk	NY			
						Helen A.	Miles	23		NH			
						Emma	Miles	25		NH			

**Table B-2 (cont'd)**  
**Summary of Census Research**

Year	Location	Historical Lot	Address	House #	Family #	First Name	Last Name	Age	Occupation	Birthplace	Real Estate Value	Personal Estate Value	Other
1870	Brooklyn 11th Ward	26		249	252	Meral E.	Miles	61	Real Estate Broker	Connecticut	10,000	1,000	
						J.M.	Miles	59		NY			
						Hellan	Miles	28		NY			
1870	Brooklyn 11th Ward	25		254	256	Chas.	Elliott	15	At school	NY	200,000	3,500	
						John A.	Beets	49	Physician	Connecticut			
						Caroline H.	Beets	43		Connecticut			
						John A.	Beets	17	At School	NY			
						Emma J.	Beets	14		NY			
						Mary J.	Beets	9		NY			
						Clara	Beets	5		NY			
						John C.	Banks	22		Ill.			
						Susan	Bunn	18	Servant	Ill.			African descent
1875	Brooklyn Ward 20, ED 9	24	532 Clinton			Richard L.	Wyckoff	62	Retired Hardware	Queens	45,000		Frame House
						Elizabeth M.	Wyckoff	32		Queens			
						Richard M.	Wyckoff	36	Physician	Kings			
						William W.	Clark	29	Oil Merch.	[Monroe]			
						Elizabeth W.	Clark	30		Kings			
						Elizabeth R.	Clark	5		Kings			
						Wm.	Clark	1m		Kings			
						Idd	Stark	26	Cook	Sweden			
						Emma	Stark	24	Hall Servant	Sweden			
1875	Brooklyn Ward 20, ED 9		536 Clinton			Adele	Stark	13	Nurse	Sweden			
						Frederick L.	Blake	32	Cloth Merchant	Kings	10,000		Brick House
						Sarah H.	Blake	28		Kings			
						Fanny B.	Blake	4		Kings			
						[Illegible] D.	Blake	5		Kings			
						[Illegible]	Blake	19		Kings			
						Maggie	C[illegible]	19	Servant/Nurse	Ireland			
						[illegible]	[illegible]	33	Servant/Seamstress	Ireland			
						Bridget	O'Hara	40	Servant/Cook	Ireland			
1875	Brooklyn Ward 20, ED 9		538 Clinton			Maria	Foley	28	Servant/Cook	Ireland			
						George W.	Dougherty	38	Banker/Broker	Ulster	10,000		Brick House
						Harriet R.	Dougherty	36		Mass			
						Emily H.	Dougherty	10		Mass			
						Henry H.	Dougherty	7		Mass			
						Gertrude	Dougherty	2		Kings			
						Albert	Hachfield	34	Banker/Broker	Germany			
						Hannah L.	Hachfield	30		Mass			
						Agnes T.	Hachfield	17		Kings			
1875	Brooklyn Ward 20, ED 9					Annie	[illegible]	25		[illegible]			
						Catherine	Sweeney	19	Servant	Ireland			

**Table B-2 (cont'd)**  
**Summary of Census Research**

Year	Location	Historical Lot	Address	House #	Family #	First Name	Last Name	Age	Occupation	Birthplace	Real Estate Value	Personal Estate Value	Other
1875	Brooklyn, Ward 20		540 Clinton			Benjamin E.	Hale	63	[illegible]	[illegible]	10,000		
						Sarah L.	Hale	24		[illegible]			
						Mary L.	Hale	18		[illegible]			
						Charlotte C.	Hale	15		[illegible]			
						Maria E.	Judman	19	Servant/Waitress	England			
						Mary	Bail	18	Servant/Cook	Ireland			
						Bessie	Clark	21	Servant/Seamstress	Kings			
1875	Brooklyn, Ward 20		542 Clinton			James	Mills	39	Fancy Goods Merchant	Queens			
						Elsie C.	Mills	14		Kings			
						Eloise K.	Mills	7		NYC			
						Sarah A.	Mills	60		Queens			
						Sarah L.	Curtis	36		Queens			
						Corinne	Curtis	7		NYC			
						Sarah	[illegible]	25		Ireland			
						Maria	Henry	16		Kings			
						Henry	Lockwood	50	Tailor	Connecticut			
						1880	Brooklyn, Ward 20		537 Vanderbilt	9	9	Catherine	Lockwood
Spencer	Lockwood	22	Salesman	NJ									
Gardiner	Lockwood	22	Salesman	NJ									
Edward	Lockwood	17	At School	NJ									
Florence	Lockwood	15	At School	NY									
Chas.	Lockwood	14	At School	NY									
Martha	Lockwood	10	At School	NJ									
Geo.	Harding	65	Retired	England									
1880	Brooklyn, Ward 20		539 Vanderbilt	19	20	Emeline A.	Harding	46	Keeping House	NY			
						Fred F.	Harding	20	Clerk	NY			
						Chas. G.	Harding	29	Clerk	NY			
						Rosalie W.	Harding	27	At home	NY			
						Chas J.	Harding	3	At home	NY			
						Rhoeda	Foster	70	At home	NJ			
						Louisa	Foster	48	Dress maker	NY			
						L.	DeMarcellin	36	Retired	NY		Boarder	
1880	Brooklyn, Ward 20	539 Vanderbilt	532 Clinton	15	27	R.L.	Wyckoff	68	Doctor	NY			
						E.W.	Wyckoff	60	Keeping House	NY			
						R.W.	Wyckoff	38	Doctor	NY			
						Matilde	[illegible]	25	Servant	Sweden			
1880	Brooklyn, Ward 20	539 Vanderbilt	538 Clinton	16	28	S.A.	Haines	41	Hardware Merchant	NY			
						Annie	Haines	39	Keeping House	NY			
						Minnie	Haines	18	At home	Maine			
						Ellen E.	Haines	17	At home	NY			
						Frank	Haines	11	School	NY			
						No name	McDonnell	35	Servant	Ireland			
						A.	Murphy	25	Servant	Ireland			



**Table B-2 (cont'd)**  
**Summary of Census Research**

Year	Location	Historical Lot	Address	House #	Family #	First Name	Last Name	Age	Occupation	Birthplace	Real Estate Value	Personal Estate Value	Other
1880	Brooklyn, Ward 20	539 Vanderbilt	542 Clinton	17	29	Jas.	Miles	42	At home	NY			
						E.A.	Miles	67	Keeping House	NY			
						Eliza C.	Miles	18	At home	NY			
						Ellen E.	Miles	13	At School	NY			
						JH	Curtis	45	Stock Broker	NY			
						Sarah	Curtis	40	Keeping House	NY			
						Corrine	Curtis	13	At School	NY			
						[illegible]	[illegible]	21	Servant	Ireland			
1880	Brooklyn, Ward 20	539 Vanderbilt	536 Clinton	19	31	Fd.	Blake	33	Comm. Cloth Business	NY			
						Sarah F.	Blake	31	At house	NY			
						Casey	Blake	8	At house	NY			
						Emma	Blake	7	At house	NY			
						Harriet	Blake	6	At house	NY			
						Bertha	Blake	5	At house	NY			
						Fred	Blake	4	At house	NY			
						Alfred B.	Blake	2	At house	NY			
						Adeline	Blake	1m	At house	NY			
						Octavia	Seton	40	Servant	France			
						Mary	Hanson	45	Servant	Ireland			

**Note:** Census records pre-dating the 1875 New York State Census do not include street addresses and the historical lots as identified in this table are estimated based on other documentary sources.  
**Source:** State and federal census records accessed through Ancestry.com

**Table B-3**  
**Summary of Tax Assessments, 1867-1876**

Year	Street	Side	Cross Streets	Owner/Occupant	Street Number	Lot #	Property Description	Real Estate Value	Notes
1867-1870	Vanderbilt Avenue	East Side	Fulton and Atlantic	J.S. Savage		24	2.5 stories high	1867: 9,000 1868: 9,900 1869: 11,250 1870: 10,000	Old Lot 9
1871-1874	Vanderbilt Avenue	East Side	Fulton and Atlantic	E.W. Wyckoff		24	2.5 stories high	10,000	
1872-1876	Vanderbilt Avenue	East Side	Fulton and Atlantic	E.W. Wyckoff		24	2.5 stories high	10,000	
1871-1874	Vanderbilt Avenue	East Side	Fulton and Atlantic	Unoccupied		24A	2.5 stories high	3,000	
1872-1876	Vanderbilt Avenue	East Side	Fulton and Atlantic	[Illegible]		24A	2.5 stories high	3,000	
1867-1870	Vanderbilt Avenue	East Side	Fulton and Atlantic	R.S. Bussing		25	2.5 stories high	1867-68: 3,500 1869-70: 4,400	Old Lot 10A
1871-1874	Vanderbilt Avenue	East Side	Fulton and Atlantic	Alfred S. Barnes		25			
1872-1876	Vanderbilt Avenue	East Side	Fulton and Atlantic	Alfred S. Barnes		25	2.5 stories high		
1867-1870	Vanderbilt Avenue	East Side	Fulton and Atlantic	Jane M. Miles		26	2.5 stories high	1867-68: 3,500 1869-70: 4,400	Old Lot 10
1871-1874	Vanderbilt Avenue	East Side	Fulton and Atlantic	Alfred S. Barnes	541	26	4 new houses new 1873, 20x50; 3.5 stories	31,000 (3,000 each)	
1872-1876	Vanderbilt Avenue	East Side	Fulton and Atlantic	Alfred S. Barnes	541	26		Lots 25-26: 1872: 31,000 1873-1876: 40,000	
1867-1870	Vanderbilt Avenue	East Side	Fulton and Atlantic	Alfred S. Barnes		27		1867: 6,000 1868: 6,500 1869: 8,750 1870: 8,800	Old Lot 11
1871-1874	Vanderbilt Avenue	East Side	Fulton and Atlantic	Alfred S. Barnes	543/545	27			
1872-1876	Vanderbilt Avenue	East Side	Fulton and Atlantic	Alfred S. Barnes	543/545	27			

**Notes:** Handwritten ledgers do not always appear to be accurately updated from year to year and therefore contain many inconsistencies. Because the ledgers are handwritten, there may also be transcription inaccuracies in the above table.

**Sources:** Tax assessment rolls on file at the New York City Municipal Archives.

**Table B-4**  
**Summary of Historic Directory Research**

Year	Last	First	Occupation	Primary Address	Home Address
1856	Betts	John A.	real estate broker	67 Wall, NY	Clinton av. n. Atlantic av.
1862	Beach	Lewis	lawyer	9 Nassau NY	Clinton av. n. Atlantic av.
1865	Barnes	Alfred S.	publisher	51 John, NY	Clinton av c. Atlantic Av
1866	Savage	Joseph L.	hardware	Clinton av. n. Atlantic av	
1867	Savage	George L.	hardware		Clinton av. n. Atlantic av
1868	Savage	Joseph P.			Clinton av. n. Atlantic av
1872	Deluc	Percival	artist		539 Vanderbilt av
1872	Light	James	stonemason		542 Clinton
1873	Braeunlich	Albert E.	agt.		544 Clinton
1873	Wyckoff	Richard M.	Physician	532 Clinton av	
1874	Hengess	Frederick	lighterman		538 Clinton av
1874	Light	Frank			542 Clinton
1874	Light	James	stonecutter		542 Clinton
1874	Thurber	C.	writing machines		540 Clinton av
1874	Wyckoff	Richard L.			532 Clinton av
1874	Wyckoff	Richard M.	Physician		532 Clinton av
1876	Blake	Frederick D.	com. Mer.	79 Worth NY	536 Clinton av
1876	Clark	William W.			532 Clinton av
1876	Doherty	George W.	broker		538 Clinton av
1876	Light	James	mason		542 Clinton
1876	Matthew	Robt	sugars	Water, NY	537 Vanderbilt av
1876	McCabe	Terrence	paper stock	537 Vanderbilt av	555 Vanderbilt av
1876	Mills	James			542 Clinton
1876	Murtha	Joseph W.	police		542 Clinton
1876	Plowright	Robert	painter	541 Vanderbilt av	Brownsville, LI
1876	Plowright & Jones		painters	541 Vanderbilt av	
1876	Wusser	Fredk.	watchmkr	NY	544 Clinton
1876	Wyckoff	Richard L.			532 Clinton av
1876	Wyckoff	Richard M.	Physician		532 Clinton av
1877	Matthews	Robert	clk.		537 Vanderbilt av
1877	Plowright	Robert	painter	541 Vanderbilt av	Brownsville
1877	Plowright & Jones	(Robert Plowright, Wm. H. Jones)	painters	541 Vanderbilt av	
1877	Wusser	Fredk.	watchmkr	52 Nassau, NY	544 Clinton
1877	Wyckoff	Richard M.	Physician		532 Clinton av
1878	Blake	Frederick D.	com. Mer.	29 Worth NY	536 Clinton av
1878	Blake	Hamilton	drygds		536 Clinton av
1878	Bunker	Alfred	clk.		537 Vanderbilt av
1878	Clark	William W.			532 Clinton av
1878	Light	James	stonecutter		542 Clinton

**Table B-4 (cont'd)**  
**Summary of Historic Directory Research**

Year	Last	First	Occupation	Primary Address	Home Address
1878	Mills	Sarah A.	wid. John		542 Clinton
1879	Blake	Frederick D.	com. Mer.	41 White NY	536 Clinton av
1879	Bradshaw	Charles	lawyer	213 Montague	542 Clinton
1879	Harding	George			539 Vanderbilt av
1879	Keean	M.T.	florist		541 Vanderbilt av.
1879	Lockwood	H.M.	broker		537 Vanderbilt av
1879	Lockwood	Harvey M.	clothier		537 Vanderbilt av
1879	Wyckoff	Richard L.			532 Clinton av
1879	Wyckoff	Richard M.	Physician		532 Clinton av
1880	Blake	Frederick D.	com. Mer.	41 White NY	536 Clinton av
1880	Dougherty	George W.	banker	Wall NY	538 Clinton av
1880	Light	James	stonecutter		542 Clinton
1880	Light	William	stonecutter		542 Clinton
1880	Wyckoff	Richard L.			532 Clinton av
1880	Wyckoff	Richard M.	Registrar, vital statistics & physician	21 Municipal bldg & 532 Clinton av	532 Clinton av
1884	Waaser	Fanny	wid. Fred'k		544 Clinton

Source: Directories accessed through the New York Directories Collection at [www.fold3.com](http://www.fold3.com).