

3 February 2015

Bernadette Anderson  
Site Control Section  
New York State Department of Environmental Conservation  
Bureau of Technical Support  
625 Broadway, 11<sup>th</sup> Floor  
Albany, New York 12233-7020

**Re: Revised Brownfield Cleanup Program Application  
Enclave on 241st Street Development  
714 East 241st Street  
Bronx, New York  
Langan Project No.: 140115301**

Dear Ms. Anderson:

In response to your letter dated 15 January 2015, we have revised the Enclave on 241st Street Development NYSDEC BCP application. Bulleted points from your letter are included below with responses regarding how the application was revised. Please also note that a Limited Phase II Environmental Site Investigation (ESI) was also completed on the site in January 2015 to supplement the information previously provided in this application.

## **Section I – Requestor Information**

- NYSDEC Comment: According to the Option Agreement provided as Exhibit C, the requestor does not own lot 59. Therefore, please check “Other” for the Requestor’s Relationship to Property and state that the Requestor owns 5 of the 6 lots comprising the site. Indicate whether proof of site access for the duration of the project is included in the application.
  - Response: On 29 January 2015, a deed was submitted for recording to the NYC Department of Finance that transferred ownership of lot 59 from 4644 LLC to Enclave on 241 Street LLC, (see Exhibit C). Therefore, the Applicant now owns all six lots comprising the Site.

## **Section II – Property Information**

- NYSDEC Comment: According to NYC Department of Finance, Office of the City Register, the 6 lots have not yet been merged into one lot. You state that the lots have been merged. Please provide documentation that the lots have actually been merged.
  - Response: The Site is currently comprised of lots 1, 3, 6, 59, 62, and p/o 65; however, on 22 December 2014, Enclave on 241 Street LLC submitted an Application for Merger to the NYC Department of Finance Division of Land Records in order to combine the six lots into one. The tentative lot merger was approved on 8 January 2015 (attached hereto as Exhibit F). The final lot merger

approval is anticipated by 20 February 2015. Section II of the Addendum was revised accordingly.

- NYSDEC Comment: Please add street names and adjacent property owners to the Site Map (Drawing No. 2).
  - Response: Drawing No. 2 (now entitled Adjacent Property and Surrounding Land Uses) was revised per the comment above.
- NYSDEC Comment: Please extend the Land Use map (Drawing No. 3) to cover 1000 feet around the proposed site.
  - Response: The Land Use map information was incorporated into the new and revised Drawing No. 2.

### **Section III – Current Property Owner/Operator Information**

- NYSDEC Comment: According to the Option Agreement provided as Exhibit C, 4644 LLC owns lot 59. Therefore, please add 4644 LLC and that entity's contact information to the Current Property Owner information.
  - Response: As indicated above, Enclave on 241 Street LLC now owns all 6 lots comprising the Site.

### **Section VI – Project Description**

- NYSDEC Comment: In the estimated project schedule, please include the date upon which the Certificate of Completion is expected.
  - Response: The expected Certificate of Completion date was added to the project schedule.

### **Section VII – Property's Environmental History**

- NYSDEC Comment: Please provide a list of all previous operators with names, last known addresses and telephone numbers. Include the Requestor's relationship, if any, to each operator.
  - Response: Section VII of the Addendum was revised to include to information requested above.
- NYSDEC Comment: On the cover page for Exhibit F, please indicate that the environmental reports are provided on CD.
  - Response: Comment addressed.

### **Section VIII – Contact List Information**

- NYSDEC Comment: Please add the following to the contact list: the Bronx borough president; owners or the adjacent properties, including those across streets from the proposed site and all properties within block 5087; name and address of the Public Water Supplier; and the administrator of All Seasons Day Care.
  - Response: Section VIII of the Addendum was revised to include the information requested above.

## Section IX – Land Use Factors

- NYSDEC Comment: For #1, please indicate when operations ceased at the site.
  - Response: Section VIII of the Addendum was revised to include the information requested above.
- NYSDEC Comment: For #5, please provide relevant documentation supporting the consistency of post-remediation use with adopted land use plans.
  - Response: The Site is not located in community master plan area, is not located in a coastal zone and, therefore not subject to any local waterfront revitalization plans, is not in the Brownfield Opportunity Area, and is not subject to any adopted land use plans. Section VIII of the Addendum was revised accordingly.

## Additional Comments

- NYSDEC Comment: Please combine all files on the CD – except the environmental reports – and provide as one pdf. The 3 environmental reports should remain as separate files on the CD.
  - Response: Comment addressed.

This BCP application is submitted on behalf of Enclave on 241 Street LLC for the property located at 714 East 241st Street in the Wakefield section of the Bronx, New York (the “Site”). Langan Engineering, Environmental, Surveying, and Landscape Architecture, D.P.C (Langan) is the environmental consultant of record and Harris Beach PLLC will serve as environmental counsel. The redevelopment of the Site into an economical use with affordable housing components will be significantly complicated by environmental contamination known to exist at the Site. Based on this, we respectfully request entry into the New York State BCP.

The Site is comprised of an approximate 24,060-square-foot irregularly shaped lot that consists of the following addresses and lot numbers:

- 714 East 241<sup>st</sup> Street (lot 1) – Developed with a vacant one-story office building with a basement.
- 4643 Furman Avenue (lot 3) – Developed with an asphalt-paved parking lot.
- 4641 Furman Avenue (lot 6) – Undeveloped dirt and grass lot.
- 4644 White Plains Road (lot 59) – Developed with a one-story former gasoline station and auto body shop (since circa 1950).
- 700 East 241<sup>st</sup> Street (lot 62) – Developed with a vacant one-story former gasoline station and auto body shop (since circa 1935).
- 704 East 241<sup>st</sup> Street (p/o lot 65) – Undeveloped dirt and grass lot.

The proposed development will include a 10-story residential building with commercial retail on the first floor and a one level below grade parking garage. The parking garage space will extend

approximately 14 feet below grade over almost the entire footprint of the Site. The residential component of the building will include approximately 160 units, 100% of which will be affordable housing. The total cost for the development, including land costs, is anticipated to be approximately \$48 million. The project is estimated to create approximately 200 temporary jobs during construction and 20 permanent jobs.

There are known releases of volatile organic compounds (VOCs) in soil and groundwater at the Site resulting from former petroleum uses. On 25 January, 2013, the New York State Department of Environmental Conservation (NYSDEC) issued Spill Number 1214956 to lot 62 when elevated concentrations of petroleum volatile organic compounds (VOCs) were identified in soil and groundwater in the vicinity of the gasoline underground storage tanks (UST) located in lot 62. Petroleum-impacted groundwater was confirmed, and a plume identified extending approximately 100 feet to the south of the gasoline tanks. Additional petroleum-related impacts to soil and groundwater were identified on the Site during a Limited Phase II Environmental Site Investigation (ESI) performed by Langan in January 2015.

According to the previous investigations, a 3 to 4-foot thick layer of historic fill material consisting of varying amounts of sand and gravel with brick and coal ash has been identified throughout the Site. This fill layer contains NYSDEC Part 375 Restricted-Residential Soil Cleanup Objective (SCO) exceedances of SVOCs and metals.

Relevant reports and supporting data are attached to this application. Thank you in advance for your consideration of this application. Please call with any questions.

Respectfully,  
**Langan Engineering, Environmental, Surveying  
and Landscape Architecture, D.P.C**



Ryan J. Wohlstrom  
Project Engineer



Jamie P. Barr, L.E.P.  
Senior Associate/Vice President

Enclosure(s): Revised BCP Application

cc: Jane O'Connell – NYSDEC, Region 2  
Michael Goldberg, Jonathan Seplowitz – Enclave on 241 Street LLC  
Frank Pavia – Harris Beach PLLC  
Joel Landes – Langan





NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
BROWNFIELD CLEANUP PROGRAM (BCP)

ECL ARTICLE 27 / TITLE 14



08/2013

DEPARTMENT USE ONLY  
BCP SITE #:

**Section I. Requestor Information**

**See Addendum for Supporting Documentation**

NAME Enclave on 241 Street LLC

ADDRESS 2975 Westchester Avenue, Suite 100

CITY/TOWN Purchase

ZIP CODE 10577

PHONE 914-285-1430

FAX 914-992-7854

E-MAIL mgoldberg@nyrm.net

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

**See Exhibit A**

☒ Yes ☐ No

-If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.

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

☒ Yes ☐ No

NAME OF REQUESTOR'S REPRESENTATIVE Michael Goldberg

ADDRESS Enclave on 241 Street LLC, 2975 Westchester Avenue, Suite 100

CITY/TOWN Purchase

ZIP CODE 10577

PHONE 914-285-1430

FAX 914-992-7854

E-MAIL mgoldberg@nyrm.net

NAME OF REQUESTOR'S CONSULTANT Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C.

ADDRESS 555 Long Wharf Drive

CITY/TOWN New Haven

ZIP CODE 06511

PHONE 203-784-3069

FAX 203-789-6142

E-MAIL jbarr@langan.com

NAME OF REQUESTOR'S ATTORNEY Frank Pavia of Harris Beach PLLC

ADDRESS 99 Garnsey Road

CITY/TOWN Pittsford

ZIP CODE 14534

PHONE 585-419-8709

FAX 585-419-8815

E-MAIL fpavia@HarrisBeach.com

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

☐ PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

☒ VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

Requestor Relationship to Property (check one):

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

If requestor is not the site owner, requestor will have access to the property throughout the BCP project. ☐ Yes ☐ No

-Proof of site access must be submitted for non-owners

**Section II. Property Information****See Addendum for Supporting Documentation****Check here if this application is to request significant changes to property set forth in an existing BCA:** ☐

Existing BCP site number: \_\_\_\_\_

PROPERTY NAME **Enclave on 241st Street Development**ADDRESS/LOCATION **714 East 241 Street**CITY/TOWN **Bronx**ZIP CODE **10470**

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):

**Bronx**COUNTY **Bronx**SITE SIZE (ACRES) **0.552 acres**LATITUDE (degrees/minutes/seconds) **40 ° 54 ' 10.537 "**LONGITUDE (degrees/minutes/seconds) **73 ° 51 ' 0.661 "**HORIZONTAL COLLECTION METHOD: ☐ SURVEY ☐ GPS ☒ MAPHORIZONTAL REFERENCE DATUM: **NAD 83**

COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address

Parcel No.

Section No.

Block No.

Lot No.

Acreage

**See Addendum**

1. Do the property boundaries correspond to tax map metes and bounds?

If no, please attach a metes and bounds description of the property.

**See Exhibit E**☒ Yes ☐ No

2. Is the required property map attached to the application? (application will not be processed without map)

☒ Yes ☐ No

3. Is the property part of a designated En-zone pursuant to Tax Law § 21(b)(6)?

☐ Yes ☒ NoFor more information please see Empire State Development's [website](#).

If yes, identify area (name) \_\_\_\_\_

Percentage of property in En-zone (check one): ☐ 0-49% ☐ 50-99% ☐ 100%

4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? If yes, identify name of properties in related BCP applications: \_\_\_\_\_

☐ Yes ☒ No

5. Property Description Narrative:

**See Addendum**

6. List of Existing Easements (type here or attach information)

Easement HolderDescription**No Existing Easements**

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

TypeIssuing AgencyDescription**No Existing Permits**

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

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

<b>Section III. Current Property Owner/Operator Information</b> <span style="color: red;">See Addendum</span>		
OWNER'S NAME Enclave on 241 Street LLC		
ADDRESS 2975 Westchester Avenue, Suite 100		
CITY/TOWN Purchase		ZIP CODE 10577
PHONE 914-285-1430	FAX 914-992-7854	E-MAIL mgoldberg@nyrm.net
OPERATOR'S NAME N/A		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
<b>Section IV. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b>		
If answering "yes" to any of the following questions, please provide an explanation as an attachment.		
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
2. Is the requestor subject to an existing order relating to contamination at the site?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
4. Has the requestor been determined to have violated any provision of ECL Article 27?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5. Has the requestor previously been denied entry to the BCP?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Section V. Property Eligibility Information (Please refer to ECL § 27-1405)</b>		
1. Is the property, or was any portion of the property, listed on the National Priorities List? If yes, please provide relevant information as an attachment.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
2. Is the property, or was any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites? If yes, please provide: Site # _____ Class # _____	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
3. Is the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit type: _____ EPA ID Number: _____ Date permit issued: _____ Permit expiration date: _____	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
4. Is the property subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10? If yes, please provide: Order # _____	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide explanation as an attachment.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Section VI. Project Description</b> <span style="color: red;">See Addendum for Supporting Documentation</span>		
What stage is the project starting at? <input checked="" type="checkbox"/> Investigation <input type="checkbox"/> Remediation		
Please attach a description of the project which includes the following components:		
<ul style="list-style-type: none"> <li>Purpose and scope of the project</li> <li>Estimated project schedule</li> </ul>		

**Section VII. Property's Environmental History** See Addendum for Supporting Documentation

To the extent that existing information/studies/reports are available to the requestor, please attach the following:

**1. Environmental Reports** See Exhibit E

A Phase I environmental site assessment report prepared in accordance with ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), and all environmental reports related to contaminants on or emanating from the site.

If a final investigation report is included, indicate whether it meets the requirements of ECL Article 27-1415(2): ☐ Yes ☒ No

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

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum	x	x			
Chlorinated Solvents					
Other VOCs	x	x			
SVOCs	x	x			
Metals	x	x			
Pesticides	x				
PCBs					
Other*					

\*Please describe: See Addendum

**3. SUSPECTED CONTAMINANTS: INDICATE SUSPECTED CONTAMINANTS AND THE MEDIA WHICH MAY HAVE BEEN AFFECTED. PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT.**

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

\*Please describe: See Addendum

**4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS (CHECK ALL THAT APPLY). PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT.**

- |   |   |  |  |
|---|---|--|--|
| <input type="checkbox"/> Above Ground Pipeline or Tank            | <input type="checkbox"/> Lagoons or Ponds                       | <input checked="" type="checkbox"/> Underground Pipeline or Tank | <input checked="" type="checkbox"/> Surface Spill or Discharge |
| <input checked="" type="checkbox"/> Routine Industrial Operations | <input checked="" type="checkbox"/> Dumping or Burial of Wastes | <input type="checkbox"/> Septic tank/lateral field               | <input type="checkbox"/> Adjacent Property                     |
| <input type="checkbox"/> Drums or Storage Containers              | <input type="checkbox"/> Seepage Pit or Dry Well                | <input type="checkbox"/> Foundry Sand                            | <input type="checkbox"/> Electroplating                        |
| <input type="checkbox"/> Coal Gas Manufacture                     | <input type="checkbox"/> Industrial Accident                    | <input type="checkbox"/> Unknown                                 |  |

Other: \_\_\_\_\_

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

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

Other: Gasoline filling stations and auto body shops

**6. PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".** See Addendum

## Section VIII. Contact List Information See Addendum for Supporting Documentation

Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. In cities with a population of one million or more, the local community board if the proposed site is located within such community board's boundaries (\*note: per the 2010 census, New York City is the only city in NY with a population over one million).
8. The location of a document repository for the project (e.g., local library). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the property.

## Section IX. Land Use Factors (Please refer to ECL § 27-1415(3)) See Addendum for Supporting Documentation

1. Current Use: ☐ Residential ☐ Commercial ☐ Industrial ☒ Vacant ☐ Recreational (check all that apply)  
Provide summary of business operations as an attachment. No current operations

2. Intended Use Post Remediation: ☐ Unrestricted ☒ Residential ☒ Commercial ☐ Industrial (check all that apply)  
Provide specifics as an attachment.

- |  |   |
|--|---|
| 3. Do current historical and/or recent development patterns support the proposed use? (See #14 below re: discussion of area land uses) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|--|---|

- |   |   |
|---|---|
| 4. Is the proposed use consistent with applicable zoning laws/maps? <span style="color: red;">See Addendum</span> | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|---|---|

- |  |   |
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| 5. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|--|---|

- |  |   |
|--|---|
| 6. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)). | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|--|---|

- |  |   |
|--|---|
| 7. Are there any federal or state land use designations relating to this site? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|--|---|

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|--|---|
| 8. Do the population growth patterns and projections support the proposed use? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|--|---|

- |   |   |
|---|---|
| 9. Is the property accessible to existing infrastructure? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|---|---|

- |   |   |
|---|---|
| 10. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|---|---|

- |   |   |
|---|---|
| 11. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|---|---|

- |  |   |
|--|---|
| 12. Are there floodplains within ½ mile? <span style="color: red;">See Addendum</span> | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|--|---|

- |  |   |
|--|---|
| 13. Are there any institutional controls currently applicable to the property? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|--|---|

14. Describe the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas in an attachment. See Addendum

15. Describe the potential vulnerability of groundwater to contamination that might migrate from the property, including proximity to wellhead protection and groundwater recharge areas in an attachment. See Addendum

16. Describe the geography and geology of the site in an attachment. See Addendum

## Section X. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements* and to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

(By an requestor other than an individual)

I hereby affirm that I am member (title) of Enclave on 24th Street LLC (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements* and to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 1/8/15 Signature: \_\_\_\_\_ Print Name: Michael Goldberg

### SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD, must be sent to:  
Chief, Site Control Section  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-7020
- **One (1)** paper copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our [website](#) for the address of our regional offices.

### FOR DEPARTMENT USE ONLY

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



**Brownfield Cleanup Program Application**  
**Addendum**  
**714 East 241st Street**  
**Bronx, New York**

**Section I. Requestor Information**

The Managing Member of Enclave on 241 Street LLC is Michael Goldberg. A copy of the entity information from the NYS Department of State's Corporation & Business Entity Database is attached hereto as Exhibit A.

The Site is located in a historic industrial/commercial area in the Wakefield section of the Bronx, New York. The north and northwestern portions of the Site have been used for gasoline filling stations and automobile repair since at least 1935. Inadvertent petroleum releases during historical gasoline filling station operations have adversely impacted soil and groundwater, and likely soil vapor at the Site. Additionally, investigations at the Site have identified the following:

- A 3 to 4-foot thick layer of historic fill material consisting of varying amounts of sand and gravel with brick and coal ash. This fill layer contains New York State Department of Environmental Conservation (NYSDEC) Part 375-6.8(a) Restricted Use Restricted-Residential Soil Cleanup Objective (SCO) exceedances (SVOCs and metals) throughout the Site.
- Petroleum-impacted soil at depths ranging from approximately 1 to 16 feet below grade surface.
- Known and suspect presence of historical petroleum storage tanks.
- Elevated concentrations of petroleum contaminants in soil and groundwater.

There are known releases of petroleum volatile organic compounds (VOCs) at the Site. On 25 January 2013, during a Phase II subsurface investigation, the NYSDEC issued Spill Number 1214956 to lot 62 when elevated concentrations of petroleum volatile organic compounds (VOCs) were identified in soil and groundwater in the vicinity of the gasoline underground storage tanks (UST) located in lot 62. Petroleum-impacted groundwater was identified upwards of 100 feet to the south-southeast of the gasoline tanks. Additional soil and groundwater impacts were identified during a Limited Phase II Environmental Site Investigation (ESI) performed by Langan in January 2015. The known contaminants, petroleum storage, and risks posed by additional storage tanks and contaminants will significantly complicate the redevelopment of the former fueling stations and auto repair facilities.

Pursuant to ECL § 27-1405(1), Enclave on 241 Street LLC is properly designated as a Volunteer because its liability arises solely from site ownership acquired after the known release/discharge and because it has taken reasonable steps to discover and to stop any continuing release and to prevent any threatened future release.

The properties comprising the Site were acquired pursuant to a foreclosure action arising out of the 2012 Chapter 11 bankruptcy filing of Maxwell S. Pfeifer in the U.S. Bankruptcy Court for the Southern District of New York, Case No. 12-13852 (ALG). The properties comprising the Site were listed as assets of Pfeifer and pursuant to Order of the Bankruptcy Court dated 6 February 2014 (the "Order"), the auction sale of the properties was approved (see Exhibit B). Shortly thereafter, Enclave on 241 Street LLC completed a closing of the sale in February 2014.

On 29 January 2015, a deed was submitted for recording to the New York City Department of Finance that transferred ownership of lot 59 from 4644 LLC to Enclave on 241 Street LLC, (see Exhibit C). Therefore, the Applicant now owns all six lots comprising the Site.

At the time the auction sale of the properties was approved by the Bankruptcy Court, several holdover occupants were still located at the Site. Upon closing on the sale of the properties, the Applicant undertook steps during the spring and summer of 2014 to vacate the remaining holdover occupants from their occupation of portions of the Site and to assemble possession of the properties. After completing these steps, the Applicant further initiated efforts to retain an architect, environmental engineer (Langan), and Environmental Counsel (Harris Beach PLLC) in order to provide the necessary professional services to investigate further the condition of the Site, and complete and submit this Brownfield Cleanup Program application.

In December 2014 (immediately following the departure of the holdover occupant on lot 62), the Applicant engaged a FDNY-licensed tank contractor (Brookside Environmental) to complete the temporary closure of the two gasoline USTs that remained at the Site to stop any potential continuing release and to prevent any threatened future release. An affidavit attesting to the proper cleaning and temporary closure of the USTs was prepared by Brookside Environmental and submitted to the FDNY Bureau of Fire Prevention. A copy of the affidavit is provided in Exhibit D.

At no time during their ownership of the Site, did the Applicant undertake operations and/or activities that caused or contributed to the presence of contamination at the Site. There is also no evidence that new or different releases or discharges of contamination occurred during the Applicant's short period of ownership. To the contrary, by purchasing the properties comprising the Site out of the Bankruptcy foreclosure auction; initiating the legal process by which to vacate the holdover tenancies at the Site; and retaining the services of the professionals comprising its Brownfield Cleanup Program team, the applicant since acquiring the Site, has taken reasonable and necessary measures to discover and stop any operations that resulted in prior releases of contamination, as well as prevent any threatened future releases.



As part of the proposed site development, the Applicant further agrees to prevent or limit human, environmental or natural resource exposures to any previously released hazardous substance.

## **Section II. Property Information**

A Site Location Map, Adjacent Property and Surrounding Land Uses Map, and a Tax Map are attached hereto as Exhibit E. No easements or rights-of-way are in effect within the Site boundary; however, the New York City Transit Authority (NYCTA) #2 rail corridor and station platform are allocated above grade along the western property line. The Site is comprised of lots 1, 3, 6, 59, 62, and p/o 65; however, on 22 December 2014, Enclave on 241 Street LLC submitted an Application for Merger to the NYC Department of Finance Division of Land Records in order to combine the six lots into one. The tentative lot merger was approved on 8 January 2015 (attached hereto as Exhibit F). The final lot merger approval is anticipated by 20 February 2015.

### Tax Map Information

Address	Block No.	Lot No.	Acreage
<u>New Tentative Lot Designation</u>			
714 East 241 <sup>st</sup> Street	5087	1	0.552
<u>Former/Merged Lot Designations</u>			
714 East 241 <sup>st</sup> Street	5087	1	0.050
4643 Furman Avenue		3	0.076
4641 Furman Avenue		6	0.075
4644 White Plains Road		59	0.108
700 East 241 <sup>st</sup> Street		62	0.118
704 East 241 <sup>st</sup> Street		p/o 65	0.125

### Project Description Narrative

The Site is located on the city block bordered by East 241<sup>st</sup> Street to the northeast, White Plains Road to the northwest, Furman Avenue to the southeast, and East 240<sup>th</sup> Street to the southwest. The Site (also identified as Tax Block 5087; Lot 1) is comprised of an approximate 24,060-square-foot irregularly shaped lot and includes approximately 100 feet of frontage along White Plains Road, 185 feet of frontage along East 241<sup>st</sup> Street, and 135 feet of frontage along Furman Avenue. The Site is comprised of the following addresses and lot numbers:

- 714 East 241<sup>st</sup> Street (lot 1) – Developed with a vacant one-story office building with a basement.
- 4643 Furman Avenue (lot 3) – Developed with an asphalt-paved parking lot.
- 4641 Furman Avenue (lot 6) – Undeveloped dirt and grass lot.
- 4644 White Plains Road (lot 59) – Developed with a vacant one-story former gasoline station and auto body shop (since circa 1950)
- 700 East 241<sup>st</sup> Street (lot 62) – Developed with a vacant one-story former gasoline station and auto body shop (since circa 1935)
- 704 East 241<sup>st</sup> Street (p/o lot 65) – Undeveloped dirt and grass lot.

According to the United States Geological Survey (USGS) Bronx Quadrangle 7.5-minute Series Topographic Map, the Site sits at an elevation of approximately 156 feet above mean sea level (msl). The Site is subject to NYSDEC review under the Spills Program (Spill No. 1214956).

### **Section III. Current Property Owner**

#### Lots 1, 3, 6, 59, 62, p/o 65

Enclave on 241 Street LLC  
2975 Westchester Avenue, Suite 100  
Purchase, New York 10577  
Phone: 914-285-1430  
Fax: 914-992-7854  
E-Mail: mgoldberg@nyrm.net

### **Section VI. Project Description**

#### Purpose and Scope of Project

The purpose of the project is to develop an underutilized, contaminated parcel into residential and commercial use, while implementing remedial measures that are protective of human health and the environment. The proposed development (subject to NYC Department of City Planning approval) will include a 10-story residential building (140,000 gsf) with commercial retail on the first floor (19,000 gsf) and a one level below grade public parking garage with approximately 36 spaces (14,500 gsf). The parking garage and cellar space will extend approximately 14 feet below grade over almost the entire footprint of the Site. The residential component of the building will include approximately 160 units, 100% of which will be affordable. The total cost for the development, including land costs, is anticipated to be approximately \$48 million. The project is estimated to create approximately 200 temporary jobs during construction and 20 permanent jobs. The proposed project will also include:

- A remedial investigation to investigate and characterize the nature and extent of environmental impacts on the Site and provide sufficient information to evaluate remedial actions;
- Demolition of the existing site buildings;
- Removal and administrative closure of the known and existing 4,000-gallon and 2,000-gallon gasoline USTs and any other suspect USTs located on the Subject Property;
- Excavation and off-site disposal of contaminated soil; and
- The implementation of remedial elements, as required, concurrent with the development.

The Site is located in an industrial zoned area of the Bronx identified as M1-1. Prior to redevelopment of the Site, and (again) subject to NYC Department of City Planning Approval, the project will be rezoned from M1-1 to R7-D with a C4-4 overlay to facilitate construction of the 10-story mostly residential building. This project will be consistent with the goals of the City Council as embodied in the NYC Zoning Districts.

### Estimated Project Schedule

The estimated project schedule is shown below:

Item #	Action	2015												2016												2017												
		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
	<b>Enclave on 241 Street</b>																																					
1	Design and Permitting																																					
2	Site Preperation and Remedial Investigation																																					
3	Site Demolition																																					
4	Foundation Excavation/Remediation Implementation																																					
5	Certificate of Completion Received																																					
6	Balance of Construction																																					
7	TCO Process																																					
8	Final CO																																					

#### Notes:

a) The estimated scheduling of items 2 thru 8 will be contingent on the results and timing of the BCP Remedial Investigation and Preparation of the Remedial Investigation Report and Remedial Action Work Plan.

b) TCO - Temporary Certificate of Occupancy

c) CO - Certificate of Occupancy

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## **Section VII. Property's Environmental History**

### **Item 1 Response**

Environmental reports prepared for the Site include the following (attached hereto as Exhibit G):

- *Phase I Environmental Site Assessment (ESA) Report for 700 East 241<sup>st</sup> Street, dated 12 February 2008, prepared by Giorgio Engineering International, P.C. (GEI)*
- *Phase II Subsurface Investigation Report, dated 31 January 2013, prepared by Environmental Business Consultants (EBC)*
- *Phase I ESA Report, dated 9 January 2015, prepared by Langan*
- *Limited Phase II ESI Report, dated 3 February 2015, prepared by Langan*

Each report is summarized below:

#### ***February 2008 Phase I ESA prepared by GEI***

This Phase I ESA only pertains to the property identified as 700 East 241 Street (lot 62). The Phase I identified the following Recognized Environmental Conditions (RECs):

- Presence of 55-Gallon Drum of Waste on the Site – During the site inspection conducted by GEI, a 55-gallon drum of waste was observed on the west side of the property. Due to the potential for a release this drum was deemed a REC. GEI recommended properly removing and disposing of this drum to eliminate the potential for a release.
- Lack of Waste Oil Manifest – During the site inspection conducted by GEI, waste oil was observed onsite; however, disposal manifests were not provided onsite. GEI recommended properly disposing of waste oil via disposal manifests.

#### ***January 2013 Phase II Subsurface Investigation Report prepared by EBC***

This report pertains to lots 1, 3, 6, 62, and p/o 65. The subsurface investigation was implemented on 15 January 2013. The investigation included completion of a geophysical survey, installation of nine soil borings (B1 through B9) and six temporary groundwater monitoring wells (GW1, GW3 through GW6, and GW9), and collection of ten grab soil samples and six groundwater samples (see Figures 3 and 4 provided in Exhibit E). The soil and groundwater samples were analyzed for VOCs and semi-volatile organic compounds (SVOCs). Soil analytical data was compared with New York Codes, Rules and Regulations (NYCRR) Title 6 Part 375 (6 NYCRR Part 375) Unrestricted Use Soil Cleanup Objectives (SCO) and Restricted-Residential Use SCOs and groundwater analytical data was compared to NYSDEC Division of Water Technical and Operation

Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards (AWQS) for Class GA groundwater. The findings of this investigation are summarized below:

- The subsurface soil profile generally consists of a historic fill layer made up of brown silty-sand with brick between 1 to 3 feet below ground surface (bgs) underlain by a native brown silty-sand or sand. Bedrock was not encountered at any boring location at a maximum depth of 15 feet bgs;
- Groundwater was encountered at depths of approximately 10 to 12 feet bgs.
- The geophysical survey identified the two functioning USTs in the northern portion of the Site as well as a potential UST (suspected to be closed-in-place) located in the northwest portion of the Site.
- With the exception of soil boring B4, a soil sample was collected from each boring from the groundwater interface. For soil boring B4, a soil sample was collected at 5 feet bgs due to an odor noted that was not observed at the groundwater interface. A second sample was collected from soil boring B3 at 3 to 5 feet bgs due to a similar odor.
- Soil Impacts: The following constituents were detected in soil at concentrations that exceed their respective Unrestricted Use SCOs:
  - Nine VOCs, including acetone, benzene, ethylbenzene, methyl t-butyl ether (MTBE), n-propylbenzene, o-xylene/total xylene, toluene, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene.
  - One SVOC, naphthalene.
- Groundwater Impacts: The following constituents were detected in groundwater at concentrations exceeding TOGS AWQS.
  - Fifteen VOCs, including benzene, ethylbenzene, isopropylbenzene, m&p-xylenes, MTBE, naphthalene, n-butylbenzene, n-propylbenzene, o-xylene, p-isopropyltoluene, sec-butylbenzene, toluene, 1,2,4-trimethylbenzene, and 1,2-dibromoethane.

***January 2015 Phase I Environmental Site Assessment prepared by Langan***

This report identified the following Recognized Environmental Conditions (RECs):

- REC 1 – Historical Site Use – Prior to becoming vacant in December 2014, portions of the Site were extensively used for auto repair and gasoline fueling purposes since at least 1935. Evidence of former auto repair equipment (empty automobile gas tanks, miscellaneous car parts, unlabeled 55-gallon drums, etc.) was apparent throughout the interior and exterior of the Site. Inadvertent releases of solvents, petroleum products, metals, polychlorinated biphenyls

(PCB) and/or other chemicals used during historical operations may have adversely impacted soil, groundwater, building components and/or soil vapor. Discoloration, staining, and stressed vegetation were also apparent throughout the interior and exteriors of the Site (primarily lots 6, 59, 62, and p/o 65), suggesting incidental releases of petroleum products during auto maintenance. The concrete slabs of the buildings were compromised in several areas. Because fractures in the slab provide a conduit for spilled motor oils and/or petroleum products to impact subsurface conditions, former use of the Site constitutes a REC.

- REC 2 – On-Site Petroleum Bulk Storage – The following evidence of historical petroleum bulk storage was identified:
  - One 4,000-gallon gasoline UST (temporarily closed in-place), one 2,000-gallon gasoline UST (temporarily closed in-place), one 550-gallon gasoline UST (closed in-place), and one 550-gallon gasoline UST (closed-removed) had been present on lot 62 since at least 1935.
  - According to historical Sanborn Fire Insurance Maps and New York State Department of Buildings (NYCDOB) records, a gasoline service station historically occupied lot 59. Additionally, a 1965 Certificate of Occupancy (C of O) indicates that a fire department gasoline tank installation approval for lot 59. Releases from the suspect tanks may have impacted soil, groundwater, and soil vapor.
  - During the site reconnaissance, a 275-gallon heating oil AST was observed in the basement of lot 1. The AST was observed to be in good condition with no staining or visual impacts to the floor below the AST; however, a brick-lined floor sump with a dirt base was observed below the AST. Because the floor sump provides a conduit for spilled heating oil to impact subsurface conditions, the heating oil AST and floor sump constitutes a REC.

The 4,000-gallon gasoline UST and 2,000-gallon gasoline UST located on lot 62 and the 275-gallon heating oil AST located of lot 1 were temporarily closed in-place on 22 December 2014. Based on the historic usage and presumed age of the tanks, the known and suspect historical petroleum storage tanks are a REC.

- REC 3 – New York State Department of Environmental Conservation (NYSDEC) Spill No. 1214956 – On 25 January 2013, during a Phase II subsurface investigation, the NYSDEC issued Spill Number 1214956 to lot 62 when elevated concentrations of petroleum volatile organic compounds (VOCs) were identified

in soil and groundwater in the vicinity of the gasoline USTs located in lot 62. This spill case is currently open.

- REC 4 – Current and Historical Use of Surrounding Properties – Current and historical uses of surrounding properties include:
  - Four drycleaners (4811 White Plains Road, 4701 White Plains Road, 4706 White Plains Road, and 4707 White Plains) with years of operation ranging from 1949 to present. Each of the four drycleaners are located upgradient of the Site;
  - Nine auto repair facilities (730 East 241st Street, 740 East 241st Street, 750 East 241st Street, 712 East 240th Street, 4580 White Plains Road, 4642 White Plains Road, 4609 Furman Avenue, 4619 Furman Avenue, and 4640 Furman Avenue) with years of operation ranging from 1935 to 2007. The auto repair facilities are located cross-gradient and downgradient of the Site;
  - Two gasoline filling stations (740 East 241st Street and 750 East 241st Street) with years of operation ranging from 1935 to 1993. The former filling stations are located crossgradient of the Site;
  - New York City Transit System Rail Yard (located approximately 150 feet southeast and crossgradient of the Site) with years of operation ranging from 1918 to 2007.

Potential petroleum and solvent releases associated with the historical and current surrounding property uses may have adversely impacted groundwater and/or soil vapor at the Site and is considered a REC.

***February 2015 Limited Phase II ESI Report prepared by Langan***

This investigation included a geophysical survey and soil and groundwater sampling in the areas not previously investigated on the Subject Property (see Figures 3 and 4 provided in Exhibit E). Based on the observations and results of this investigation, Langan concluded the following:

- A layer of historic fill composed of varying amounts of sand and gravel, and fragments of brick, glass, wood, and coal ash was identified throughout the Subject Property with thicknesses ranging from approximately 3 to 4 feet. This fill layer contained Restricted-Residential SCO exceedances of SVOCs and metals throughout the Site.

- The geophysical survey identified a large subsurface anomaly indicative of an UST on the northwestern edge of the Site along the sidewalk of White Plains Road (on lot 59). The previously unidentified anomaly measured approximately 20 feet in length and 8 feet in width and was observed at approximately 4 feet bgs. The geophysical survey also confirmed the locations of site utilities as well as the three previously known USTs located on the northern portion of the Site (see Figure 3 included in Exhibit E).
- One of the seven soil borings (SB-3) was installed next to the suspected UST along White Plains Road that was discovered during the geophysical survey. Petroleum-like odors and PID readings (up to 1,095 ppm) were observed in the soil boring at depths of approximately 10 to 16 feet bgs. Groundwater analytical sampling results from this location confirmed the presence of a petroleum contamination. To a lesser degree, olfactory evidence of petroleum-like odors were also observed in borings SB-1 through SB-3 (with PID reading up to 17.8 ppm).
- The approximate depth to groundwater is estimated at 9 to 11 feet bgs. No free product was identified during this Limited Phase II ESI; however, a petroleum-like odor was detected during groundwater purging and sampling activities at SB-3 (MW) and groundwater analytical sampling results from this location, confirmed the presence of a petroleum contamination.

#### Item 2 Response

During the 2013 Phase II Subsurface Investigation (performed by EBC) and the 2015 Limited Phase II ESI (performed by Langan), a total of 15 borings and 10 temporary groundwater monitoring wells were installed across the Subject Property. Soil samples were collected from historic fill, native soil, and areas exhibiting the most contamination based on field screening techniques or from the groundwater interface.

Soil and groundwater have been impacted by historical uses of the property. Figure 3 (included in Exhibit E) summarizes concentrations exceeding Unrestricted Use and Restricted-Residential SCOs identified in the soil. Soil analytical results indicated the following:

- VOCs were detected above Unrestricted Use SCOs in soil borings B1 through B6 during the 2013 Phase II and in soil borings SB-1 through SB-4 during the 2015 Phase II. Seven VOCs were also detected above the Restricted-Residential SCOs in soil boring B2 (on lot 62).
- SVOCs were detected at concentrations above their Unrestricted Use SCOs from borings SB-1, SB-4, and SB-5 at depths ranging from 1.5–9 feet bgs.



SVOCs were also detected above Restricted-Residential SCOs in borings SB-1, SB-4, and SB-5 (on lots 1, 3, and 6).

- Pesticides were detected at concentrations above their Unrestricted Use SCOs in boring SB-1, SB-5, and SB-6 at depths ranging from 0–3 feet bgs. No pesticides were detected above Restricted-Residential SCOs in soil samples collected.
- Metals were detected at concentrations exceeding the Unrestricted Use SCOs in each of the six soil borings completed during the 2015 Phase II. Lead was also detected above its Restricted-Residential SCO in boring SB-1 (lot 1) at a depth of 2.5–4.5 feet bgs.

Figure 4 (included in [Exhibit E](#)) summarizes concentrations exceeding TOGS Class GA AWQS in groundwater. Groundwater analytical results indicated the following:

- Petroleum-related VOCs were identified above TOGs in groundwater at GW1, GW3, GW4, GW5, and GW9 during the 2013 Phase II at SB-1(MW) through SB-3(MW) during the 2015 Phase II.
- SVOCs were identified above TOGs in groundwater at SB-3(MW) and SB-4(MW) during the 2015 Phase II.
- Metals were identified above TOGs in groundwater at SB-1(MW), SB-3(MW), and SB-4(MW) during the 2015 Phase II.

The following tables summarize maximum concentrations identified in the Site's soil and groundwater for constituents exceeding their respective comparison criterion.

Sample Matrix	Parameter	Parameter Concentration (mg/kg)	NYSDEC Subpart 375-6: Remedial Program Soil Cleanup Objectives	
			Unrestricted Use SCO (mg/kg)	Restricted-Residential SCO (mg/kg)
Soil	<u>VOCs</u>			
	1,2,4-Trimethylbenzene	210	3.6	52
	1,3,5-Trimethylbenzene	73	8.4	52
	Benzene	16	0.06	4.8
	Ethylbenzene	94	1	41
	Isopropylbenzene	11	N/A	100
	m&p-Xylenes	320	0.26	~
	Methyl t-butyl ether (MTBE)	6.2	0.93	100
	Naphthalene	25	12	~
	n-Propylbenzene	34	3.9	100
	o-Xylene	130	0.26	~

Sample Matrix	Parameter	Parameter Concentration (mg/kg)	NYSDEC Subpart 375-6: Remedial Program Soil Cleanup Objectives	
			Unrestricted Use SCO (mg/kg)	Restricted-Residential SCO (mg/kg)
Soil (continued)	Toluene	190	0.7	100
	Total Xylenes	450	N/A	100
	<u>SVOCs</u>			
	Benzo(a)anthracene	14	1	1
	1,3,5-Trimethylbenzene	6.43	1	1
	Benzo(b)fluoranthene	7.15	1	1
	Benzo(k)fluoranthene	10	0.8	3.9
	Chrysene	31.3	1	3.9
	Dibenzo(a,h)anthracene	12.5	7	59
	Dibenzofuran	6.2	0.93	6.2
	Indeno(1,2,3-cd)pyrene	6.9	0.5	0.5
	Naphthalene	15.4	12	100
	<u>Pesticides</u>			
	4,4'-DDE	0.00476	0.0033	8.9
	4,4'-DDT	0.0338	0.0033	7.9
	alpha-Chlordane	0.111	0.094	4.2
	<u>Metals</u>			
	Copper	112	50	270
	Lead	417	63	400
	Mercury	0.2	0.18	0.81
	Selenium	4.16	3.9	180
	Zinc	500	109	10000

Sample Matrix	Parameter	Parameter Concentration (ug/l)	NYSDEC TOGs (ug/l) <sup>1</sup>
Groundwater	<u>VOCs</u>		
	1,2,4-Trimethylbenzene	69,000	5
	1,2-Dibromoethane	32,000	N/A
	Benzene	5,400	1
	Ethylbenzene	34,000	5
	Isopropylbenzene	5,500	5
	m&p-Xylenes	71,000	5
	MTBE	49,000	10

Sample Matrix	Parameter	Parameter Concentration	NYSDEC TOGs
	Naphthalene	18,000	10
	n-Butylbenzene	4,700	5
	n-Propylbenzene	16,000	5
	o-Xylene	22,000	5
	sec-Butylbenzene	1,700	5
	Toluene	20,000	5
	Total Xylenes	93,000	5
	<u>SVOCs</u>		
	Benzo(a)anthracene	2	0.002
	Benzo(a)pyrene	2	0.002
	Benzo(b)fluoranthene	1	0.002
	Benzo(k)fluoranthene	1	0.002
	Indeno(1,2,3-cd)pyrene	1	0.002
	Naphthalene	28	10

1 – NYSDEC Division of Water Technical and Operation Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards (AWQS) for Class GA groundwater.

Soil vapor samples have not been collected at the Site; however, based on reported concentrations of VOCs in soil and groundwater, soil vapor is likely impacted with VOCs.

#### Item 3 Response

Soil vapor samples were not collected as part of the 2013 Phase II Subsurface Investigation, however, based on reported concentrations of VOCs in soil and groundwater, soil vapor is likely impacted with VOCs.

#### Item 4 Response

- Lot 62 had been occupied by an auto body shop and gasoline filling station since circa 1935 with one 4,000-gallon gasoline UST, one 2,000-gallon gasoline UST, one 550-gallon gasoline UST (closed in-place), and one 550-gallon gasoline UST (closed-removed). Additional USTs may also exist at the site. Releases from the tanks have impacted soil, groundwater, and likely soil vapor.
- According to historical Sanborn Fire Insurance Maps and New York State Department of Buildings (NYCDOB) records, lot 59 was formerly occupied by a gasoline service station. Releases from the tanks may have impacted soil, groundwater, and soil vapor.

- An area of petroleum related VOC-impacted soil, as evidenced by analytical results, was identified in the northern portion of the Site and is indicative of a release. NYSDEC Spill No. 1214956 is associated with the Site.
- Groundwater at the Site is impacted with petroleum related VOCs which is indicative of a release.
- Urban fill of unknown origin was identified on the Site and is a potential source of impacts.

Item 5 Response

Lot 1 (714 East 241st Street)			
Name	Relationship to Property	Address and Phone Number	Relationship to Applicant
Enclave on 241 Street LLC	Owner (2014 – present)	2975 Westchester Avenue Purchase, NY 10577 1-914-285-1430	Applicant
Maxwell S Pfeifer	Owner and Operator (1976 – 2014)	714 East 24st Street Bronx, NY 10470 (714) 514-2247	None
Estelle Pfeifer	Owner (prior to 1976)	3155 Sedgwick Avenue Bronx, NY 10470 Unknown	None
Lot 3 (4643 Furman Avenue)			
Name	Relationship to Property	Address and Phone Number	Relationship to Applicant
Enclave on 241 Street LLC	Owner (2014 – present)	2975 Westchester Avenue Purchase, NY 10577 1-914-285-1430 Unknown	Applicant
Maxwell S Pfeifer	Owner and Operator (1974 – 2014)	714 East 24st Street Bronx, NY 10470 Unknown	None
Yonkers Scaffolding and Supply Company	Operator (1971)	Unknown	None
Ella B Hagedorn	Owner (prior to 1974)	102 South Sixth Avenue Mount Vernon, NY Unknown	None
Lot 6 (4641 Furman Avenue)			
Name	Relationship to Property	Address and Phone Number	Relationship to Applicant
Enclave on 241 Street LLC	Owner (2014 – present)	2975 Westchester Avenue Purchase, NY 10577 1-914-285-1430	Applicant
Maxwell S Pfeifer	Owner and Operator (2012 – 2014)	714 East 24st Street Bronx, NY 10470 Unknown	None
Fifty Two Associates, Inc.	Owner and Operator (1996 – 2012)	714 East 24st Street Bronx, NY 10470 Unknown	None
Gaetana Migliaccio	Owner and Operator (prior to 1996)	4641 Furman Avenue Bronx, NY 10470 Unknown	None

Multiple Residents	Operator (1931 –1993)	4641 Furman Avenue Bronx, NY 10470 Unknown	None
<b>Lot 59 (4644 White Plains Road)</b>			
<b>Name</b>	<b>Relationship to Property</b>	<b>Address and Phone Number</b>	<b>Relationship to Applicant</b>
Enclave on 241 Street LLC	Owner (January 2015 – present)	2975 Westchester Avenue Purchase, NY 10577 (914) 285-1430	Applicant
4644 LLC	Owner (2014 – January 2015)	5600A Broadway Bronx, NY 10463 Unknown	The members of 4644 LLC and the Applicant are identical
Farouks Auto Collision	Operator (2010 – 2014)	4644 White Plains Road Bronx, NY 10470 (718) 944-5400	None
TB&N Auto Body Inc.	Operator (2005 – 2010)	4644 White Plains Road Bronx, NY 10470 Unknown	None
Wakefield Autobody LLC	Owner (2007 – 2014)	279 North Broadway, #2B Yonkers, NY 10701 Unknown	None
Vincent J Caroprese	Owner (1991 – 2007)	125 Reed Avenue Pelham Manor, NY 10803 Unknown	None
Filomena Caroprese	Owner (prior to 1991)	669 East 221st Street Bronx, NY 10467 Unknown	None
Paul Self Service Station	Operator (1965)	Unknown	None
Frank and Jim Self Service Station	Operator (1956 – 1961)	Unknown	None
<b>Lot 62 (700 East 241st Street)</b>			
<b>Name</b>	<b>Relationship to Property</b>	<b>Address and Phone Number</b>	<b>Relationship to Applicant</b>
Enclave on 241 Street LLC	Owner (2014 – present)	2975 Westchester Avenue Purchase, NY 10577 (914) 285-1430	Applicant
Hammed & Sons Petroleum Inc.	Operator (2003 – 2005 and 2012 – 2014)	700 East 24st Street Bronx, NY 10470 Unknown	None
K A T Petroleum Inc.	Operator (2005 – 2012)	700 East 24st Street Bronx, NY 10470 (718) 882-6800	None
Caribbean Auto Repair	Operator (2001 – 2014)	700 East 24st Street Bronx, NY 10470 (718) 655-9750	None
Maxwell S Pfeifer	Owner (2012 – 2014)	714 East 24st Street Bronx, NY 10470 Unknown	None
Fifty Two Associates, Inc.	Owner (1989 – 2012)	714 East 24st Street Bronx, NY 10470 Unknown	None
Florence Fenster	Owner (1984 – 1989)	714 East 24st Street Bronx, NY 10470 Unknown	None
Rachel Shufandler	Owner (1976 1984)	714 East 24st Street Bronx, NY 10470	None

		Unknown	
Fifty Two Associates, Inc.	Owner (prior to 1976)	714 East 24st Street Bronx, NY 10470 Unknown	None
Tri-city Auto Service	Operator (1983)	Unknown	None
2-4-1 Auto Sales Inc.	Operator (1976)	Unknown	None
Ideal Service Station	Operator (1971 – 1976)	Unknown	None
R & B Service Station	Operator (1965)	Unknown	None
Wakefield Service Station	Operator (1961)	Unknown	None
<b>Lot 65 (704 East 241st Street)</b>			
<b>Name</b>	<b>Relationship to Property</b>	<b>Address and Phone Number</b>	<b>Relationship to Applicant</b>
Enclave on 241 Street LLC	Owner (2014 – present)	2975 Westchester Avenue Purchase, NY 10577 1-914-285-1430	Applicant
Maxwell S Pfeifer	Owner (2012 – 2014)	714 East 24st Street Bronx, NY 10470 Unknown	None
Fifty Two Associates, Inc.	Owner (2003 – 2012)	714 East 24st Street Bronx, NY 10470 Unknown	None
Mateo Pina	Owner (2003)	4615 Furman Avenue Bronx, NY 10469 Unknown	None
Garden Place Improvement Corp.	Owner (1989 - 2003)	714 East 241 Street Bronx, NY 10470 Unknown	None
Anthony W. Santelia	Owner (1989)	4626 Garden Place Bronx, NY 10470 Unknown	None
Tavo Enterprises, Inc.	Owner (1983)	4609 Furman Avenue Bronx, NY 10470 Unknown	None
George Bakker	Owner (1989)	155 Kimball Terrace Yonkers, NY Unknown	None
Garden Place Improvement Corp.	Owner (1979 - 1989)	714 East 241 Street Bronx, NY 10470 Unknown	None
Anthony W. Santelia	Owner (1979)	4626 Garden Place Bronx, NY 10470 Unknown	None
Garden Place Improvement Corp.	Owner (1977 - 1979)	714 East 241 Street Bronx, NY 10470 Unknown	None
Bernard Perrone	Owner (1977)	4627 Furman Avenue Bronx, NY 10470 Unknown	None
Tavo Enterprises, Inc.	Owner (1977)	4609 Furman Avenue Bronx, NY 10470 Unknown	None
Garden Place Improvement Corp.	Owner (prior to 1977)	714 East 241 Street Bronx, NY 10470 Unknown	None

The previous table is based upon review of available information, including previous reports, Sanborn Maps, New York City Department of Finance - Office of the City Register databases, and other sources.

## **Section VIII. Contact List Information**

### **Item 1 Response**

#### **Chief Executive Officer**

Mayor Bill de Blasio  
City Hall  
260 Broadway Avenue  
New York, New York 10007

#### **New York City Planning Commission**

Carl Weisbrod  
Department of City Planning  
22 Reade Street  
New York, NY 10007-1216

#### **Borough of Bronx, Borough President**

Ruben Diaz Jr.  
851 Grand Concourse #301  
Bronx, NY 10451  
(718) 590-3500

#### **Borough of Bronx, New York City Department of City Planning**

One Fordham Plaza, 5<sup>th</sup> Floor  
Bronx, NY 10458-5891  
(718) 220-8500

### **Item 2 Response**

#### **Residents, owners, and occupants of the Site and properties adjacent to the Site:**

There are no residents at the Site, which is owned by Enclave on 241 Street LLC. The Site consists of three vacant buildings, one single story concrete auto repair facility, one single story concrete former auto repair and fueling facility, and one single story concrete office building with a basement. Adjacent properties include:

#### **Block: 5107**

Peppinos Pizza  
Owner – 4701 White Plains Road Real Estate Corp.  
4703 White Plains Road  
Bronx, NY 10470  
(718) 994-7543

Café Restaurant  
Owner – 4711-4713 WPR LLC  
4711 White Plains Road  
Bronx, NY 10470  
718) 324-4924

Block: 5112

Payless Wine and Liquor  
Owner – Ellinitas Realty Corp  
4700A White Plains Road  
Bronx, NY 10470  
(718)-325-8100

Uptown Candy Store  
Owner – A Better World Real Estate Corp.  
4700B White Plains Road  
Bronx, NY 10470  
(347) 346-7610

Better World Real Estate  
Owner – Blue One Realty LLC  
4702 White Plains Road  
Bronx, NY 10470  
(718) 324-9800

City Line Pharmacy  
Owner – 4710 Jero Realty Corp.  
4704 White Plains Road  
Bronx, NY 10470  
(718) 324-0555

Block: 5083

Jatown Deli  
Owner – Voyage Assets LLC  
4655 White Plains Road  
Bronx, NY 10470  
(718) 655-1671

Physical Therapy and Rehab  
Owner – 4639 White Plains Road Realty Corp  
4645 White Plains Road  
Bronx, NY 10470  
(718) 944-1621

City Candy Inc.  
Owner – 4639 White Plains Road Realty Corp  
4643 White Plains Road  
Bronx, NY 10470

Island Taste Cuisine  
Owner – H&H Bronx Capital Holding LLC  
4641 White Plains Road  
Bronx, NY 10470  
(718) 547-2015

Doris on Demand Hair Style Inc.  
Owner – H&H Bronx Capital Holding LLC  
4565 White Plains Road  
Bronx, NY 10470  
(646) 400-1441

Lot 39 Residential Housing  
Owner – Voyate Assets LLC  
4651 White Plains Road  
Bronx, NY 10470

Block: 5111

Wakefield Private Car Service  
Owner – 711 East 241<sup>st</sup> Street Corp.  
711 East 241 Street  
Bronx, NY 10470  
(718) 324-3377

Lot 12 Residential Housing  
Owner – Charlene Grinion  
724 Cranford Avenue  
Bronx, NY 10470

Lot 7 Residential Housing  
Owner – Khaimraj M. Japsi  
726 Cranford Avenue  
Bronx, NY 10470



Block: 5085

McDonald's Restaurant  
Owner – S.R.M. Construction Corp.  
724 East 241 Street  
Bronx, NY 10470  
(718) 231-2085

Bakker Services  
Owner – Bakker Realty Co. Inc.  
4640 Furman Avenue  
Bronx, NY 10470  
(718) 324-1223

New York City Transit Authority  
Owner – City of New York  
4570 Furman Avenue  
Bronx, NY 10470  
(347) 547-0038

Block: 5087

John Marciano Tire and Rims  
Owner – Marciano A. Giovannino  
4619 Furman Avenue  
Bronx, NY 10470  
(718) 994-3502

Dennis Taylor Trucking Company  
Owner – Dennis Bogdanowicz  
4609 Furman Avenue  
Bronx, NY 10470

Seven Eleven Halal Live Poultry  
Owner – Elena Sollecito  
711 East 240 Street  
Bronx, NY 10470  
(718) 325-2498

Fair Bank Lumber  
Owner – 239<sup>th</sup> Street Realty Cop  
4600 White Plains Road  
Bronx, NY 10470

Balm of Gilead Medical Office  
Owner – 4626 White Plains Road LLC  
4626 White Plains Road  
Bronx, NY 10470  
(718) 324-8166

Optima Physical Therapy  
Owner – 4626 White Plains Road LLC  
4626 White Plains Road  
Bronx, NY 10470  
(718) 547-4077

Shokeye Realty  
Owner – Dauda Shokeye  
4632 White Plains Road  
Bronx, NY 10470  
(718) 655-3345

Mbamali & Mbamali Attorneys  
Owner – Ikechukwu Mbamali  
4634 White Plains Road  
Bronx, NY 10470  
(718) 519-0828

Annco Consulting LLC  
Owner – Ikechukwu Mbamali  
4634 White Plains Road  
Bronx, NY 10470  
(718) 882-7500

Comfort Zone  
Owner – G C E Realty Corp  
4636 White Plains Road  
Bronx, NY 10470  
(718) 231-8450

2nd Star Barbershop  
Owner – Doorga LLC  
4640 White Plains Road  
Bronx, NY 10470  
(646) 316-1658

Lot 9 Residential Housing  
Owner – Joseph Lombardo  
4637 Furman Avenue  
Bronx, NY 10470

Lot 12 Residential Housing  
Owner – Cloris Wiggan  
4629 Furman Avenue  
Bronx, NY 10470

Lot 13 Residential Housing  
Owner Glenton Hibbert  
4627 Furman Avenue  
Bronx, NY 10470

Lot 14 Residential Housing  
Owner Mateo Pena-Pena  
4625 Furman Avenue  
Bronx, NY 10470

Lot 16 Residential Housing  
Owner – Gaetano Marciano  
4621 Furman Avenue  
Bronx, NY 10470

Lot 20 Residential Housing  
Owner – Maeto Pina-Pena  
4615 Furman Avenue  
Bronx, NY 10470

Lot 22 Residential Housing  
Owner – Dennis Bogdanowicz  
4611 Furman Avenue  
Bronx, NY 10470

Lot 28 Residential Housing  
Owner – Bronislawab Elinger  
4600 240<sup>th</sup> Street  
Bronx, NY 10470

Item 3 Response

**Local news media from which the community typically obtains information:**

Bronx Times  
3604 East Tremont Avenue  
Bronx, NY 10465

Item 4 Response

**Public Water Supply**

NYCDEP  
Emily Lloyd, Commissioner  
59-17 Junction Boulevard  
Flushing, NY 11373

Item 5 Response

We are unaware of any requests for inclusion on the contact list.

Item 6 Response

**The administrator of any school or day care facility located on or near the Site:**

There are no schools or day care facilities located on the Site. The following are schools or day care facilities located within ½ mile of the Site:

Public School 016 Wakefield  
Yvonne Williams, Principal  
4550 Carpenter Avenue  
Bronx, NY 10470  
(718) 324-1262

All Seasons Day Care  
Annie Longo, Owner  
1701 Nereid Avenue  
Bronx, NY 10466  
(718) 324-8300

Item 7 Response

**Local Community Board:**

Community Board 12 – Bronx, New York  
Carmen Rosa – District Manager  
4101 White Plains Road  
Bronx, New York 10466  
Phone: 718-881-4455

**The location of a document repository for the project (e.g. local library):**

Wakefield Library  
4100 Lowerre Place  
Bronx, NY 10466  
(718-652-4663)  
Library Director: Tiffany Alston

A letter sent to the repository acknowledging that it agrees to act as a document repository for the project is attached hereto as Exhibit H.

**Section IX. Land Use Factors**

Item 1 Response

**Current Use**

The site is currently vacant and there is no current use of the site. Operations (on lots 1, 59, and 62) ceased in December 2014. The remaining areas of the site (lots 3, 6, and p/o 65) have been undeveloped and used for parking since at least 2006. The properties

comprising the Site were acquired pursuant to a foreclosure action arising out of the 2012 Chapter 11 bankruptcy filing of Maxwell S. Pfeifer in the U.S. Bankruptcy Court for the Southern District of New York, Case No. 12-13852 (ALG). The properties comprising the Site were listed as assets of Pfeifer and pursuant to Order of the Bankruptcy Court dated 6 February 2014 (the "Order"); the auction sale of the properties was approved (see Exhibit B). Shortly thereafter, Enclave on 241 Street LLC completed a closing of the sale in February 2014.

On 29 January 2015, a deed was submitted for recording to the New York City Department of Finance that transferred ownership of lot 59 from 4644 LLC to Enclave on 241 Street LLC, (see Exhibit C). Therefore, the Applicant now owns all six lots comprising the Site.

At the time the auction sale of the properties was approved by the Bankruptcy Court, several holdover occupants were still located at the Site. Upon closing on the sale of the properties, the Applicant undertook steps during the spring and summer of 2014 to vacate the remaining holdover occupants from their occupation of portions of the Site and to assemble possession of the properties. After completing these steps, the Applicant further initiated efforts to retain an architect, environmental engineer (Langan), and Environmental Counsel (Harris Beach PLLC) in order to provide the necessary professional services to investigate further the condition of the Site, and complete and submit this Brownfield Cleanup Program application.

In December 2014 (immediately following the departure of the holdover tenant on lot 62), the Applicant engaged a FDNY-licensed tank contractor (Brookside Environmental) to complete the temporary closure of the two gasoline USTs that remained at the Site (on lot 62) to stop any potential continuing release and to prevent any threatened future release. An affidavit attesting to the proper cleaning and temporary closure of the USTs was prepared by Brookside Environmental and submitted to the FDNY Bureau of Fire Prevention. A copy of the affidavit is provided in Exhibit D.

#### Item 2 Response

##### **Intended Use Post Remediation**

The proposed development will include a 10-story residential building with commercial retail on the first floor and a one level below grade public parking garage with approximately 36 spaces. The residential component of the building will include approximately 160 units, 100% of which will be affordable.

#### Item 4 Response

##### **Applicable Zoning Laws/Maps**

The Site is located in an Industrial Zoned area of the Bronx identified as M1-1. During redevelopment of the Site, the project will be rezoned from M1-1 to R7-D with a C4-4

overlay to facilitate construction of a 10-story, 161,125-square foot mostly residential building.

Item 5 Response

**Comprehensive Plans**

The Site is not located in community master plan area, is not located in a coastal zone and, therefore not subject to any local waterfront revitalization plans, is not in the Brownfield Opportunity Area, and is not subject to any adopted land use plans.

Item 9 Response

**Existing Infrastructure**

The property is served by NYC water and sewer utilities and Consolidated Edison electric. The property is also within walking distance (one block) to New York City subway and bus routes.

Item 10 Response

**Cultural Resources**

There are not any City Landmarks and National Register listed sites within ½-mile of the Site.

Item 11 Response

**Federal, State, or Local Natural Resources**

The Bronx River is located approximately 0.35 miles northwest of the Site.

Item 12 Response

**Flood Plains**

According to the National Flood Insurance Rate Map for the City of New York published by the Federal Emergency Management Agency (FEMA) (Community Panel No. 3604970038F, dated 5 September 2007), the site is located within the flood plain identified as Zone X. Zone X areas experience a 0.2 percent annual chance of flood; areas of 1 percent annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1 percent annual chance flood. A flood plain map is attached hereto as Exhibit H.

Item 14 Response

**Proximity to Residential, Urban, Commercial, Industrial, Agricultural, and Recreational Areas**

The Site is adjacent to an overhead NYCTA rail line to the northwest and adjacent to mixed use (commercial and residential properties) to the north, south, east, and west. The Bronx River is located 0.35 miles west of the Site. A map showing surrounding property use is provided as Figure 2 in Exhibit E.

Item 15 Response

**Vulnerability of Groundwater to Contamination**

Groundwater across the Site was found to be impacted with gasoline related VOCs and SVOCs with the highest concentrations located in the northern portion of the Site. There is potential for impacted groundwater to migrate off-site; however, as the New York City water supply is derived from watersheds in the Catskills, contaminated groundwater at the site is not expected to impact the drinking water supply. The approximate depth to groundwater is estimated at 10 to 12 feet bgs and, based on local topography, is expected to flow to the south-southwest. The Bronx River is located approximately 0.35 miles west of the site and, based on its distance, does not represent a potential receptor for off-site migration.

Item 16 Response

**Geography and Geology of the Site**

The Site is located on the city block bordered by East 241<sup>st</sup> Street to the northeast, White Plains Road to the northwest, Furman Avenue to the southeast, and East 240<sup>th</sup> Street to the southwest. The Site (also identified as Tax Block 5087; Lot 1) is comprised of an approximate 24,060-square-foot irregularly shaped lot and includes approximately 100 feet of frontage along White Plains Road, 185 feet of frontage along East 241<sup>st</sup> Street, and 135 feet of frontage along Furman Avenue. The site is currently vacant and the topography of the Site generally slopes south.

Pleistocene glacial activity modified the landscapes and surficial features of the Bronx, Brooklyn, Queens, and the remainder of Long Island. The glaciation scoured uplands areas and deposited varying amounts of till (an unsorted mixture of sand, clay and boulders) across the lowlands and valleys. The area of the Bronx in which the site is located is underlain by glacial deposits known as ground moraine. The ground moraine is a widespread dense layer of till material that typically consists of clay, sand and boulders. Bedrock outcrops were not observed at the site. According to the USGS Bedrock and Engineering Geologic Maps of Bronx County and Parts of New York and Queens Counties, New York, dated 1992, the site is underlain by Middle Ordovician to Lower Cambrian-Ordovician Hartland Formation, which generally consists of muscovite-biotite-quartz schist with minor garnet.

Based on previous environmental investigations, the Site is characterized by a 3 to 4-foot thick layer of historic fill material consisting of varying amounts of sand and gravel with brick and coal ash. Bedrock has not been encountered at the Site; however, is estimated at approximately 140 feet bgs according to the USGS Bedrock and Engineering Geologic Maps.

# **Exhibit A – Owner Entity Information**

*New York State Department of State Division of  
Corporations - Entity Information*

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through December 15, 2014.

---

Selected Entity Name: ENCLAVE ON 241 STREET LLC

Selected Entity Status Information

**Current Entity Name:** ENCLAVE ON 241 STREET LLC

**DOS ID #:** 4514467

**Initial DOS Filing Date:** JANUARY 16, 2014

**County:** WESTCHESTER

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC LIMITED LIABILITY COMPANY

**Current Entity Status:** ACTIVE

Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

ENCLAVE ON 241 STREET LLC

2975 WESTCHESTER AVENUE

SUITE 100

PURCHASE, NEW YORK, 10577

**Registered Agent**

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the



name(s) and address(es) of the original members,  
however this information is not recorded and only  
available by [viewing the certificate](#).

### **\*Stock Information**

# of Shares	Type of Stock	\$ Value per Share
-------------	---------------	--------------------

No Information Available

\*Stock information is applicable to domestic business corporations.

### **Name History**

Filing Date	Name Type	Entity Name
JAN 16, 2014	Actual	ENCLAVE ON 241 STREET LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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# **Exhibit B**

**Order of the Bankruptcy Court, dated 6 February 2014**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re:

MAXWELL S. PFEIFER and  
MYRNA J. PFEIFER,

Chapter 11

Case No. 12-13852 (ALG)

Debtors.  
-----X

**ORDER, PURSUANT TO 11 U.S.C. SECTION 363(b) AND (f), (A)  
AUTHORIZING THE DEBTOR TO SELL REAL PROPERTY LOCATED  
AT (i) 700 EAST 241st STREET, BRONX, NY; (ii) 704 EAST 241st STREET,  
BRONX, NY; (iii) 714 EAST 241st. STREET, BRONX, NY; (iv) 4641 FURMAN  
AVENUE, BRONX, NY; AND (v) 4643 FURMAN AVENUE, BRONX, NY  
(COLLECTIVELY, THE "PROPERTY"), FREE AND CLEAR OF ALL  
LIENS, CLAIMS AND ENCUMBRANCES WITH SUCH LIENS, CLAIMS  
AND ENCUMBRANCES, IF ANY, TO ATTACH TO PROCEEDS, AND (B)  
APPROVING THE SALE OF THE PROPERTY AND (C) RELATED RELIEF**

Upon the hearing held before this Court on January 23, 2014, on the motion (the "Motion") of E.R. Holdings, LLC ("E.R. Holdings") for the entry of an order authorizing (A) Maxwell S. Pfeifer (the "Debtor") to sell the Debtor's right, title and interest in real property located at (i) 700 East 241st Street, Bronx, NY; (ii) 704 East 241st Street, Bronx, NY; (iii) 714 East 241st Street, Bronx, NY; (iv) 4641 Furman Avenue, Bronx, NY; and (v) 4643 Furman Avenue, Bronx, NY (collectively, the "Property") pursuant to Sections 363(b) and (f) of the United States Bankruptcy Code (the "Code"), the Joint Amended Plan of Reorganization dated July 23, 2013, as amended (the "Amended Plan") as confirmed by Order of the Court dated October 18, 2013 (the "Confirmation Order"), as well as the December 11, 2013 Order of this (the "December 11 Order") Court which approved the Notice of Auction Sale, Terms and Conditions of Sale, and Bidding Procedures, established \$1,871,710.42 as E.R. Holdings' credit bid (the "Credit Bid") at the auction sale for the Property, and set January 15, 2014, as the date for the auction sale (the "Auction Sale") with such sale free and clean of all liens, claims, and



encumbrances with such liens, claims and encumbrances, if any, to attach to the proceeds of sale, (B) approving the sale of the bankruptcy estate's rights, title and interest in and to the Property, (c) authorizing the distribution of a portion of the proceeds of the sale to E.R. Holdings, with any remaining proceeds to be retained by the estate and distributed in accordance with the Amended Plan; and the December 11 Order having authorized the retention of David R. Maltz & Co., Inc. as auctioneer (the "Auctioneer") and having authorized the payment of a six percent (6%) buyer's premium (the "Buyer's Premium") to the Auctioneer in accordance with the provisions of the December 11 Order; and E.R. Holdings having served and filed Amended Terms and Conditions of Sale (the "Amended Terms and Conditions") on January 13, 2014; and the Auctioneer having represented that it provided a copy of the Amended Terms and Conditions of Sale to all potential bidders who appeared for the Auction Sale; and the Auction Sale having been held on January 15, 2014, at the Courthouse, and E.R. Holdings (the "Successful Purchaser") having submitted the highest bid of \$2,710,000.00 at the Auction Sale; and The Plymouth Group III, LLC ("Plymouth" or the "Second Highest Bidder") having submitted the second highest bid of \$2,700,000.00 at the Auction Sale; and the Court having scheduled January 23, 2014, for the hearing on the approval of the Motion; and no party having filed an objection to the motion or the Auction Sale ; and the Court having considered all those parties who sought to be heard at the hearing; and E.R. Holdings having alleged grounds for the relief sought herein; and E.R. Holdings having asserted that pursuant to the December 11 Order E.R. Holdings was not required to pay the Buyer's Premium on account of the Credit Bid; and at the hearing the Committee having raised for the first time the allegation that, if the estate is obligated to pay any portion of the Buyer's Premium, the final bid by E.R. Holdings would not be the highest and best offer; and the Court having set a briefing schedule on that issue; and E.R. Holdings, the



Committee, Hudson Valley Bank ("HVB") and the Auctioneer having agreed to resolve the issue consensually rather than through continued litigation and motion practice; and E.R. Holdings, the Committee, HVB and the Auctioneer herein entered in a stipulation (the "Payment Stipulation") dated February 5, 2014, and "So-Ordered" by the Court on February \_\_, 2014; and the Court having had due deliberation thereon as well as all of the prior pleadings and proceedings heretofore had herein. Now then, it is hereby

ORDERED, ADJUDGED, AND DECREED that the Motion for authorization for the Debtor to sell the Property to E.R. Holdings or its designee as the Successful Purchaser or, Plymouth as the Second Highest Bidder if E.R. Holdings shall not close on the sale of the Property, in accordance with the Amended Terms and Conditions of Sale, pursuant to Section 363(b) and (f) of the Code, the Amended Plan, the Confirmation Order, and the Auction Sale Order, free and clear of all Liens and Claims (as those terms are defined herein), with such Liens and Claims, if any, to attach to the proceeds of such sale, be and the same hereby is granted; and it is further

ORDERED, ADJUDGED, AND DECREED that the Debtor be, and it hereby is, authorized and directed to perform all such acts and execute all such documents as are necessary to effectuate the transfer and sale of the Property; and it is further

ORDERED, ADJUDGED, AND DECREED that the Amended Terms and Conditions of Sale are incorporated herein by reference and are attached and made a part hereof; and it is further

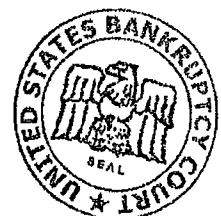
ORDERED, ADJUDGED, AND DECREED that the purchase price of \$2,710,000.00 for the Property offered by E.R. Holdings, or its designee or assignee, is a fair and reasonable offer and constitutes the highest and best offer made for the purchase of the Property; and it is further



ORDERED, ADJUDGED, AND DECREED that the offer of \$2,700,000.00 for the Property offered by Plymouth or its designee or assignee is a fair and reasonable offer should E.R. Holdings fail to close title on the Property; and it is further

ORDERED, ADJUDGED, AND DECREED that, if E.R. Holdings fails to close title on the Property or otherwise defaults, then the offer of \$2,700,000.00 from Plymouth shall be accepted and the estate shall close title with Plymouth; and it is further

ORDERED, ADJUDGED, AND DECREED that the Debtor is hereby authorized and empowered, pursuant to Sections 363(b) and (f) of the Code, to sell the Property to E.R. Holdings pursuant to and in accordance with the terms and conditions of the Motion, the Amended Plan, the Confirmation Order, and the December 11 Order; and pursuant to Section 363 of the Code, title to the Property shall pass to E.R. Holdings (and/or its designee or designated subsidiary(ies)) at a closing, free and clear of any and all liens (including mechanics', materialmen's and other consensual and non-consensual liens, and statutory liens, security interests, encumbrances and claims (including, but not limited to, any "claim" as defined in Section 101(5) of the Code), tax and other liabilities, causes of action and claims, to the fullest extent of the law, in each case whether secured or unsecured, choate or inchoate, filed or unfiled, scheduled or unscheduled, noticed or unnoticed, recorded or unrecorded, perfected or unperfected, allowed or disallowed, contingent or non-contingent, liquidated or unliquidated, matured or unmatured, material or non-material, disputed or undisputed, or known or unknown, whether arising prior to, on, or subsequent to the petition date and through the closing on the sale of the Property, whether imposed by agreement, understanding, law, equity or otherwise (collectively, the "Liens and Claims"), with all such Liens and Claims upon the Property to be unconditionally released, discharged and terminated, with the Liens and Claims attaching to the



proceeds of such sale, and E.R. Holdings or Plymouth if E.R. Holdings shall fail to close on the sale of the Property, shall acquire the Property free and clear of all such Liens and Claims pursuant to Sections 363(b) and (f) of the Code; and it is further

ORDERED, ADJUDGED, AND DECREED that the sale of the Property to E.R. Holdings or Plymouth if E.R. Holdings shall fail to close on the sale of the Property, (i) is in the best interests of the Debtor and all creditors of the Debtor, and (ii) maximizes the value of the Property for the benefit of the estate and its creditors; and it is further

ORDERED, ADJUDGED, AND DECREED that the sale is fair and reasonable, was negotiated at arm's length and in good faith as that term is used at Section 363(m) of the Code. E.R. Holdings, Plymouth if E.R. Holdings shall fail to close on the sale of the Property, the Auctioneer, the Committee, and the Debtor have acted in good faith with regard to this transaction, and the purchase by E.R. Holdings or Plymouth if E.R. Holdings shall fail to close on the sale of the Property, shall be deemed to be in good faith; and it is further

ORDERED, ADJUDGED, AND DECREED that the provisions of this order shall be binding upon and inure to the benefit of E.R. Holdings, the Debtor, the Committee, the Auctioneer, and Plymouth if E.R. Holdings shall fail to close on the sale of the Property, and their respective successors and assigns; and it is further

ORDERED, ADJUDGED, AND DECREED, that, pursuant to Section 363(m) of the Code, if any or all of the provisions of this order are hereafter reversed, modified, vacated or stayed by subsequent order of this Court or any other court, such reversal, modification, vacatur or stay shall not affect the validity and the enforceability of any obligation, debt or claim incurred or granted or sale made pursuant to this order and, notwithstanding any stay, reversal, modification or vacatur of this order, any sale or other obligation of the parties pursuant to this order arising prior to the



effective date of any such stay, reversal, modification or vacatur, shall be governed in all respects by the original provisions of this order; and it is further

ORDERED, ADJUDGED, AND DECREED that, upon the closing on the sale of the Property to E.R. Holdings for \$2,710,000.00, E.R. Holdings shall be entitled to a credit in the amount of \$1,871,710.42 for its Credit Bid, and that, in accordance with the Payment Stipulation, there shall be due and payable from E.R. Holdings the sum of \$868,289.58 (the "E.R. Holdings Payment"), that being the difference between the final bid price of \$2,710,000.00 and the \$1,871,710.42 Credit Bid plus the additional \$30,000.00 required by the Payment Stipulation; and it is further

ORDERED, ADJUDGED, AND DECREED that, should E.R. Holdings fail to close upon the sale of the Property, and instead Plymouth closes on the sale of the Property for \$2,700,000.00, then upon such closing, \$1,871,710.42 of the proceeds thereof shall be distributed to E.R. Holdings on account of its secured claim and Credit Bid, with the remaining \$828,289.58 (the "Plymouth Payment") paid to the Debtor's estate for distribution in accordance herein and with the Amended Plan and Confirmation Order; and it is further

ORDERED, ADJUDGED, AND DECREED that, at the time of the closing on the Property, the sum of \$92,000.00 from the E.R. Holdings Payment or the Plymouth Payment if E.R. Holdings shall fail to close on the sale of the Property, shall be held in escrow by Harris Beach PLLC pending the Court's further order regarding determination of the reasonable costs and attorneys' fees to be allowed to E.R. Holdings pursuant to Section 506(b) of the Code; and it is further





ORDERED, ADJUDGED, and DECREED that, the balance of payments to be made at the closing on the sale of the Property shall be in accordance with the Payment Stipulation; and it is further

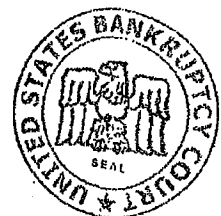
ORDERED, ADJUDGED, AND DECREED that, in accordance with the Amended Plan, the Confirmation Order, and the prior record herein, the funds held by Miriam Breier, Esq., the New York State court-appointed Receiver of the Property (the "Receiver Funds"), are property of the Debtor and that said Receiver is hereby authorized to and directed to (i) submit a final accounting to the New York State court, and (ii) turn over to the Debtor all Receiver Funds, net of the commissions, disbursements, fees and expenses properly due to said receiver pursuant to the terms of the State Court order appointing the Receiver and applicable New York law; and it is further

ORDERED, ADJUDGED, AND DECREED that, notwithstanding the foregoing paragraph, the Receiver shall be authorized to distribute the Receiver Funds in accordance with the Payment Stipulation; and it is further

ORDERED, ADJUDGED, AND DECREED that all objections to the motion and the sale of the Property, to the extent not withdrawn or resolved, are hereby denied in all respects and the sale of the Property is exempt from the automatic stay requirement of Bankruptcy Rule 6004(g); and it is further

ORDERED, ADJUDGED, AND DECREED that, in accordance with Paragraph 16 of the Confirmation Order and pursuant to Section 1146(a) of the Code, the transfer of the Property shall not be taxed under any law imposing a stamp tax or similar; and it is further

ORDERED, ADJUDGED, AND DECREED that, notwithstanding anything to the contrary contained herein or in the Amended Terms and Conditions of Sale, upon the closing on



the sale of the Property to E.R. Holdings, the Second Highest Bid of Plymouth shall be deemed withdrawn, void, and of no further force and effect, and any claims and/or rights that Plymouth had or may have had with respect to the Property and/or under the Amended Terms and Conditions, this or any other or prior order of this Court shall be extinguished and, in accordance with the Amended Terms and Conditions, Plymouth's sole right or recovery shall be the return of its Down Payment in the amount of \$188,171.02.

ORDERED, ADJUDGED, and DECREED that the Court shall retain jurisdiction over this matter with respect to any dispute pursuant to this Order.

Dated: February 6, 2014  
New York, New York

s/Allan L. Gropper  
HONORABLE ALLAN J. GROPPER  
UNITED STATES BANKRUPTCY JUDGE

I hereby attest and certify on February 11, 2014  
that this document is a full, true and correct  
copy of the original filed on our court's  
electronic case filing system.

Clerk, US Bankruptcy Court, SDNY

By: Janelle Drees Deputy Clerk

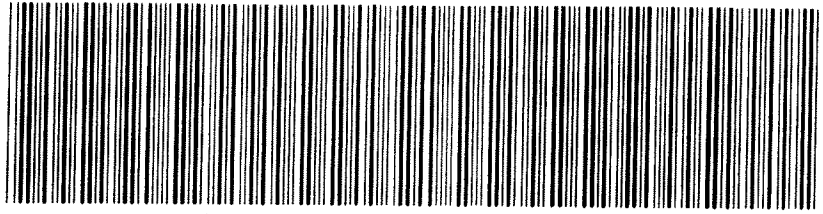


# **Exhibit C**

**New York City Department of Finance (NYCDOF) Deed  
Record for Block 5087, Lot 59**

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

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



2015012900976001001EB0AD

**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 3**

**Document ID: 2015012900976001**

**Document Date: 01-26-2015**

**Preparation Date: 01-29-2015**

**Document Type: DEED**

**Document Page Count: 2**

**PRESENTER:**

MADISON ABSTRACT, INC. (BX 14 17114)  
670 WHITE PLAINS ROAD, SUITE 121  
AS AGENT TO  
SCARSDALE, NY 10583  
914-725-7200  
AFRIEDMAN@MADISONABSTRACT.COM

**RETURN TO:**

FRANK PAVIA, ESQ.  
HARRIS BEACH, PLLC  
99 GARNSEY ROAD  
PITTSFORD, NY 14534

**Borough**

BRONX

**Block Lot**

5087 59 Entire Lot

**PROPERTY DATA**  
**Unit Address**

4644 WHITE PLAINS ROAD

**Property Type: COMMERCIAL REAL ESTATE**

**CROSS REFERENCE DATA**

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

**PARTIES**

**GRANTOR/SELLER:**

4644 LLC  
5600A BROADWAY  
BRONX, NY 10463

**GRANTEE/BUYER:**

ENCLAVE ON 241 STREET LLC  
2975 WESTCHESTER AVENUE  
PURCHASE, NY 10577

**FEES AND TAXES**

**Mortgage :**

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

**Exemption:**

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

**TOTAL:** \$ 0.00

Recording Fee: \$ 47.00

Affidavit Fee: \$ 0.00

**Filing Fee:**

\$ 250.00

**NYC Real Property Transfer Tax:**

\$ 0.00

**NYS Real Estate Transfer Tax:**

\$ 0.00

THIS INDENTURE, made as of the 21st day of January 2015

BETWEEN

4644 LLC, a New York limited liability company with offices at 5600A Broadway, Bronx, New York 10463, party of the first part, and

ENCLAVE ON 241 STREET LLC, a New York limited liability company with an address at 2975 Westchester Avenue, Purchase, New York 10577, party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough and County of the Bronx, City and State of New York, being formerly in the Town of Eastchester, Westchester County, New York and known and designated as Lot Number 3 on "Map of Washingtonville, situated In the Town of Eastchester, Westchester County, New York," surveyed by August Kurth, C.E. and S. December 15<sup>th</sup>, 1853 and filed in the Office of the Clerk, now Registers Office of Westchester County, at White Plains New York and being particularly described as follows:

**BEGINNING** at a point on the easterly side of White Plains Road, distant 49.44 feet from its intersection with the southerly side of East 241<sup>st</sup> Street;

**RUNNING THENCE** southerly along said easterly side of White Plains Road, 50.05 feet to a point;

**RUNNING THENCE** easterly along the division line of tax lots 59 and 58, 93.09 feet to a point;

**RUNNING THENCE** northerly along the westerly side of Garden Place, 50.00 feet to a point;

**RUNNING THENCE** westerly along the division line of tax lots 59 and 62, 95.17 feet to the point or place of **BEGINNING**.

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

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

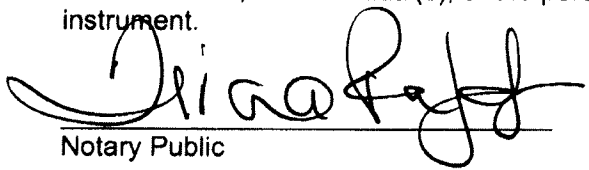
IN PRESENCE OF

4644 LLC

By:   
Michael Goldberg  
Manager

STATE OF NEW YORK :  
: ss.:  
COUNTY OF WESTCHESTER :

On the 21<sup>st</sup> day of January 2015 before me, the undersigned, personally appeared Michael Goldberg, 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 within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted executed the instrument.

  
Notary Public

TRICIA REYES  
Notary Public, State of New York  
No. 01RE5004770  
Qualified in Rockland County  
Commission Expires November 23, 20 18

**BARGAIN AND SALE DEED WITH  
COVENANTS**

**Grantor:** 4644 LLC

**SECTION:** 17

TO

**BLOCK:** 5087

**LOT:** 59

**Grantee:** ENCLAVE ON 241 STREET  
LLC

**COUNTY:** Bronx

**ADDRESS:** 4644 White Plains Road  
Bronx, New York 10470

**Record and Return to:**

Frank Pavia, Esq.  
Harris Beach PLLC  
99 Garnsey Road  
Pittsford, New York 14534

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



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

**RP - 5217NYC**

1. Property Location	4644	WHITE PLAINS ROAD	BRONX	10470
	STREET NUMBER	STREET NAME	BOROUGH	ZIP CODE

2. Buyer Name	ENCLAVE ON 241 STREET LLC	
	LAST NAME / COMPANY	FIRST NAME
	LAST NAME / COMPANY	FIRST NAME

3. Tax Billing Address

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

LAST NAME / COMPANY FIRST NAME

STREET NUMBER AND STREET NAME CITY OR TOWN STATE ZIP CODE

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

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

5. Deed  
Property  
Size                      X                      OR                      ACRES                     

**Check the boxes below as they apply:**

**6. Ownership Type is Condominium**

## 7. New Construction on Vacant Land

8. Seller Name 4644 LLC

LAST NAME / COMPANY	FIRST NAME

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

A ☐ One Family Residential    C ☐ Residential Vacant Land    E ☒ Commercial    G ☐ Entertainment / Amusement    I ☐ Industrial  
B ☐ 2 or 3 Family Residential    D ☐ Non-Residential Vacant Land    F ☐ Apartment    H ☐ Community Service    J ☐ Public Service

10. Sale Contract Date 1 / 26 / 2015  
Month Day Year

11. Date of Sale / Transfer 1 / 26 / 2015  
Month Day Year

12. Full Sale Price \$ \_\_\_\_\_ 0

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

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

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

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

15. Building Class G 9

16. Total Assessed Value (of all parcels in transfer) 1 5 3 4 5 0

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

BRONX 5087 59

**CERTIFICATION**

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

**BUYER**

1/21/15

**BUYER'S ATTORNEY**BUYER SIGNATURE  
2975 WESTCHESTER AVENUE

DATE

LAST NAME

FIRST NAME

STREET NUMBER

STREET NAME (AFTER SALE)

AREA CODE

TELEPHONE NUMBER

**PURCHASE**

NY

10577

**SELLER**

1/21/15

CITY OR TOWN

STATE

ZIP CODE

SELLER SIGNATURE

DATE

2015012300218201



# **Exhibit D –Tank Closure Affidavits**

**Brookside Environmental Temporary Tank  
Closure Affidavits, dated 6 January 2015**

January 6, 2015

FDNY, Bureau of Fire Prevention  
Bulk Fuel Safety Unit, Room 3E-102  
9 Metro-Tech Center  
Brooklyn, New York 11201-3857

Re: 700 East 241<sup>st</sup> Street  
Bronx, New York 10470

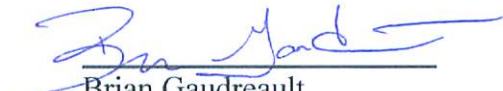
### AFFIDAVIT

**Brian Gaudreault** being duly sworn says that on December 22<sup>nd</sup> 2014, Brookside Environmental, Inc. completed the cleaning and temporary closure of one 2,000 gallon underground storage tank containing gasoline and one 4,000 gallon underground storage tank containing gasoline, and cleaning/removal of one 250 gallon aboveground storage tank containing waste oil in accordance with the provision of the New York City Fire Code, Chapter 34, Section FC3404.2.13 & FC3404.2.14

During the closure of the tanks, Brookside:

- Removed and disposed of 200 gallons of gasoline/water mixture.
- Inerted and emptied each tank.
- Sealed fill ports with concrete.
- Disposed of waste oil tank as scrap metal.

This affidavit is issued to attest to the proper tank cleaning and inerting procedures by a FDNY Licensed Underground Storage Tank Installer/Remover.

  
Brian Gaudreault  
COF Type W-16  
FDNY License # 81350266  
Expires 6/07/2016

State of New York  
County of Suffolk  
Sworn before this 6<sup>th</sup> day of January 2015

Seal Notary Public   
DAWN MARIE SIEGEL  
Notary Public, State of New York  
No. 01SI15082958  
Qualified in Suffolk County  
Commission Expires August 4, 2017

January 6, 2015

FDNY, Bureau of Fire Prevention  
Bulk Fuel Safety Unit, Room 3E-102  
9 Metro-Tech Center  
Brooklyn, New York 11201-3857

Re: 714 East 241<sup>st</sup> Street  
Bronx, New York 10470

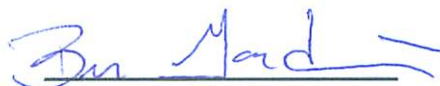
### AFFIDAVIT

**Brian Gaudreault** being duly sworn says that on December 22<sup>nd</sup> 2014, Brookside Environmental, Inc. completed the cleaning and temporary closure of one 275 gallon aboveground storage tank containing # 2 heating oil in accordance with the provision of the New York City Fire Code, Chapter 34, Section FC3404.2.13 & FC3404.2.14

During the closure of the tank, Brookside:

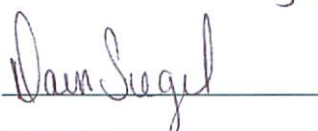
- Removed and disposed of 6 gallons of oil/water mixture.
- Inerted and emptied tank.
- Sealed fill ports with concrete.

This affidavit is issued to attest to the proper tank cleaning and inerting procedures by a FDNY Licensed Underground Storage Tank Installer/Remover.



Brian Gaudreault  
COF Type W-16  
FDNY License # 81350266  
Expires 6/07/2016

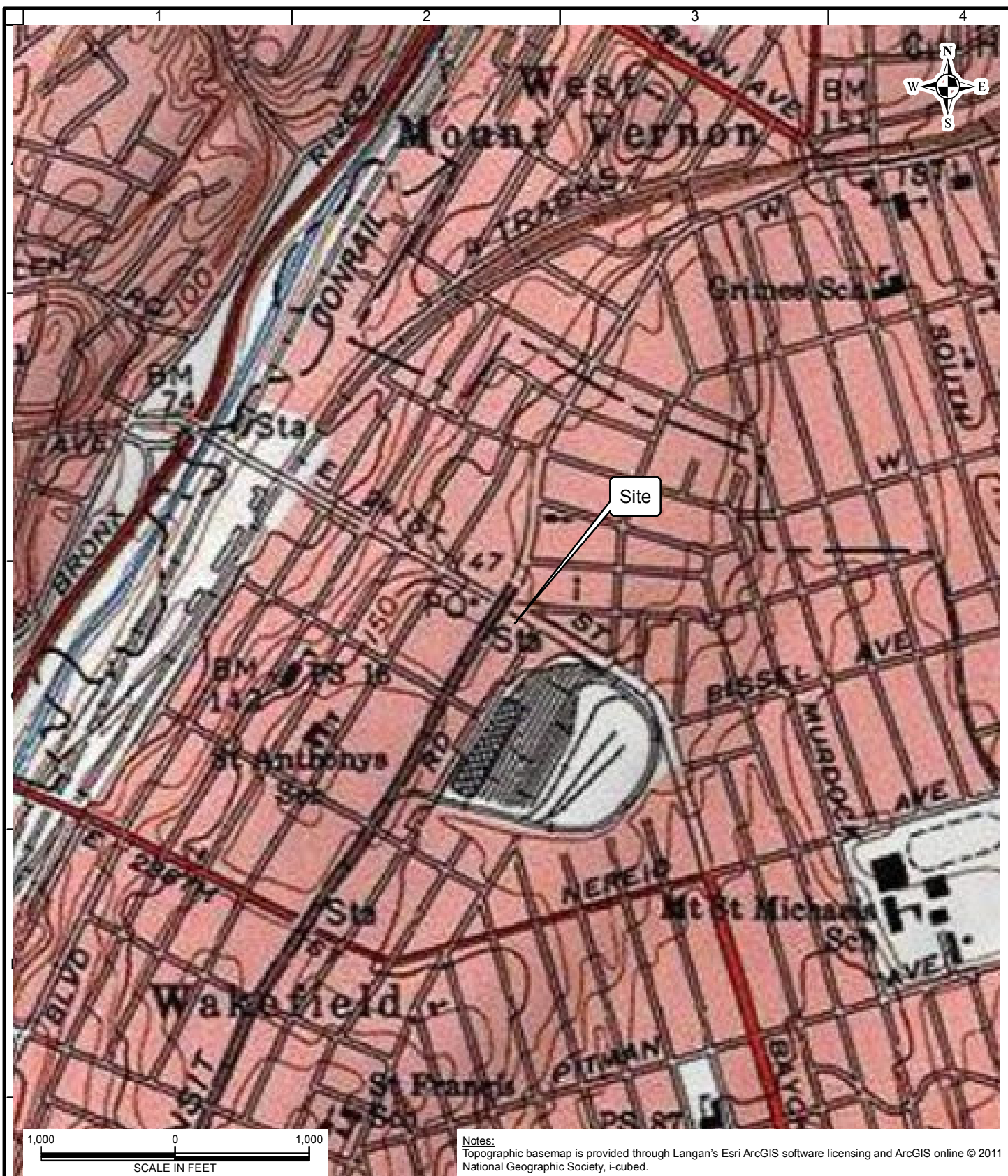
State of New York  
County of Suffolk  
Sworn before this 6<sup>th</sup> day of January 2015

Seal Notary Public 

DAWN MARIE SIEGEL  
Notary Public, State of New York  
No. 01SI15082958  
Qualified in Suffolk County  
Commission Expires August 4, 2017

## **Exhibit E – Figures**

- **Figure 1 – Site Location Map**
- **Figure 2 – Adjacent Property and Surrounding Land Use Map**
- **Figure 3 – Soil Analytical Results Map (2013 & 2015)**
- **Figure 4 – Groundwater Analytical Results Map (2013 & 2015)**
- **Figure 5 – New York State Tax Map**



**Notes:**  
Topographic basemap is provided through Langan's Esri ArcGIS software licensing and ArcGIS online © 2011 National Geographic Society, i-cubed.

**LANGAN**  
ENGINEERING & ENVIRONMENTAL SERVICES

555 Long Wharf Drive  
New Haven, CT 06511-6107  
T: 203.562.5771 F: 203.789.6142  
www.langan.com

NEW JERSEY NEW YORK VIRGINIA CALIFORNIA  
PENNSYLVANIA CONNECTICUT FLORIDA

ABU DHABI ATHENS DOHA  
DUBAI ISTANBUL

Project

ENCLAVE ON  
241ST STREET

BLOCK No. 5087, LOT No. 1

Bronx

New York

Drawing Title

SITE  
LOCATION MAP

Project No.  
140115301

Date  
12/17/2014

Scale  
1"=1,000'

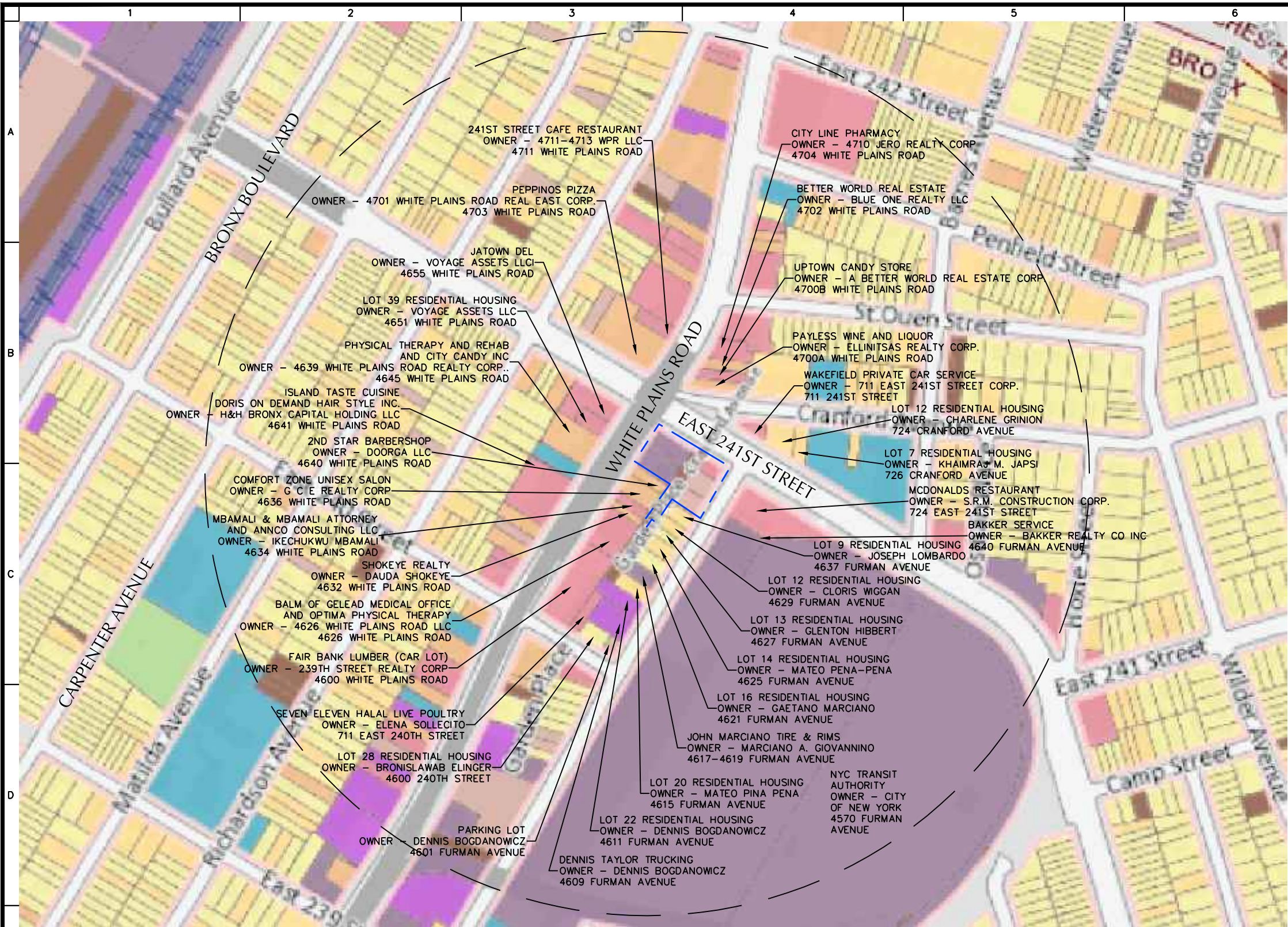
Drawn By  
DVG

Submission Date  
1/9/2015

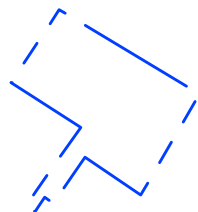
Figure

1





LENGEND



BROWNFIELD PROPERTY BOUNDARY

1,000 FOOT BOUNDARY

LAND USE LEGEND

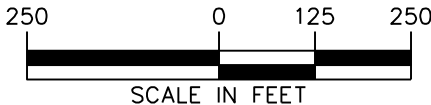


- 1 & 2 FAMILY RESIDENTIAL
- MULTI-FAMILY RESIDENTIAL
- MIXED USE
- OPEN SPACE & OUTDOOR RECREATION
- COMMERCIAL
- INSTITUTIONS
- INDUSTRIAL
- PARKING
- TRANSPORTATION/UTILITIES
- VACANT LOTS

NOTES:

BASEMAP TAKEN FROM: [www.oasisnyc.net](http://www.oasisnyc.net)

WARNING: IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 145 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS ITEM IN ANY WAY.



SCALE IN FEET

**LANGAN**

555 Long Wharf Drive  
New Haven, CT 06511

T: 203.562.5771 F: 203.789.6142 [www.langan.com](http://www.langan.com)

Langan Engineering, Environmental, Surveying and  
Landscape Architecture, D.P.C.  
Langan Engineering and Environmental Services, Inc.  
Langan CT, Inc.  
Langan International LLC  
Collectively known as Langan

Project

**ENCLAVE ON  
241ST STREET  
DEVELOPMENT**

**BLOCK No. 5087 LOT No. 1**

**BRONX**

**NEW YORK**

Drawing Title

**ADJACENT  
PROPERTY AND  
SURROUNDING  
LAND USES**

Project No.  
140115301

Date  
12/23/2014

Scale  
1"=250'

Drawn By  
JPH

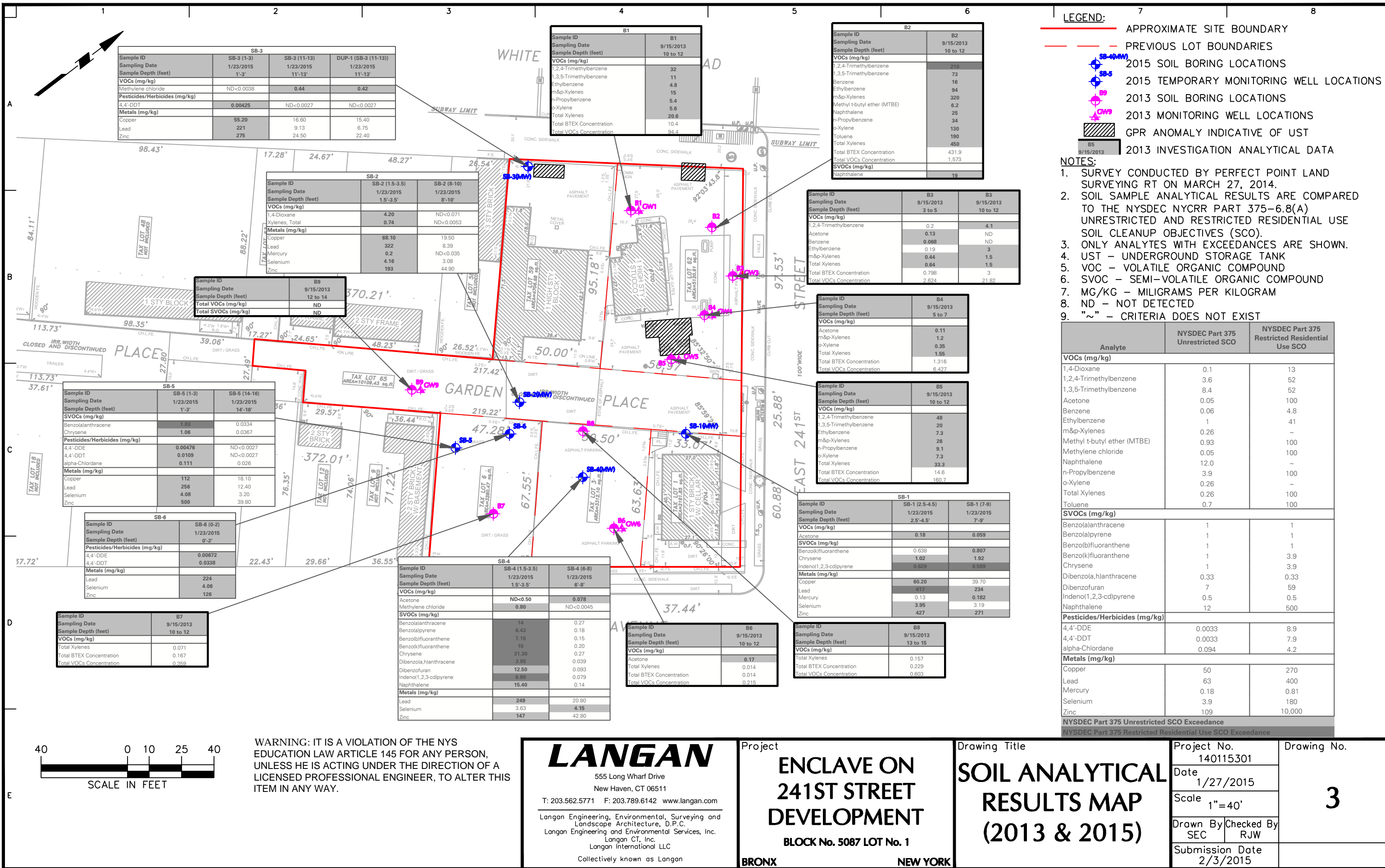
Checked By  
RJW

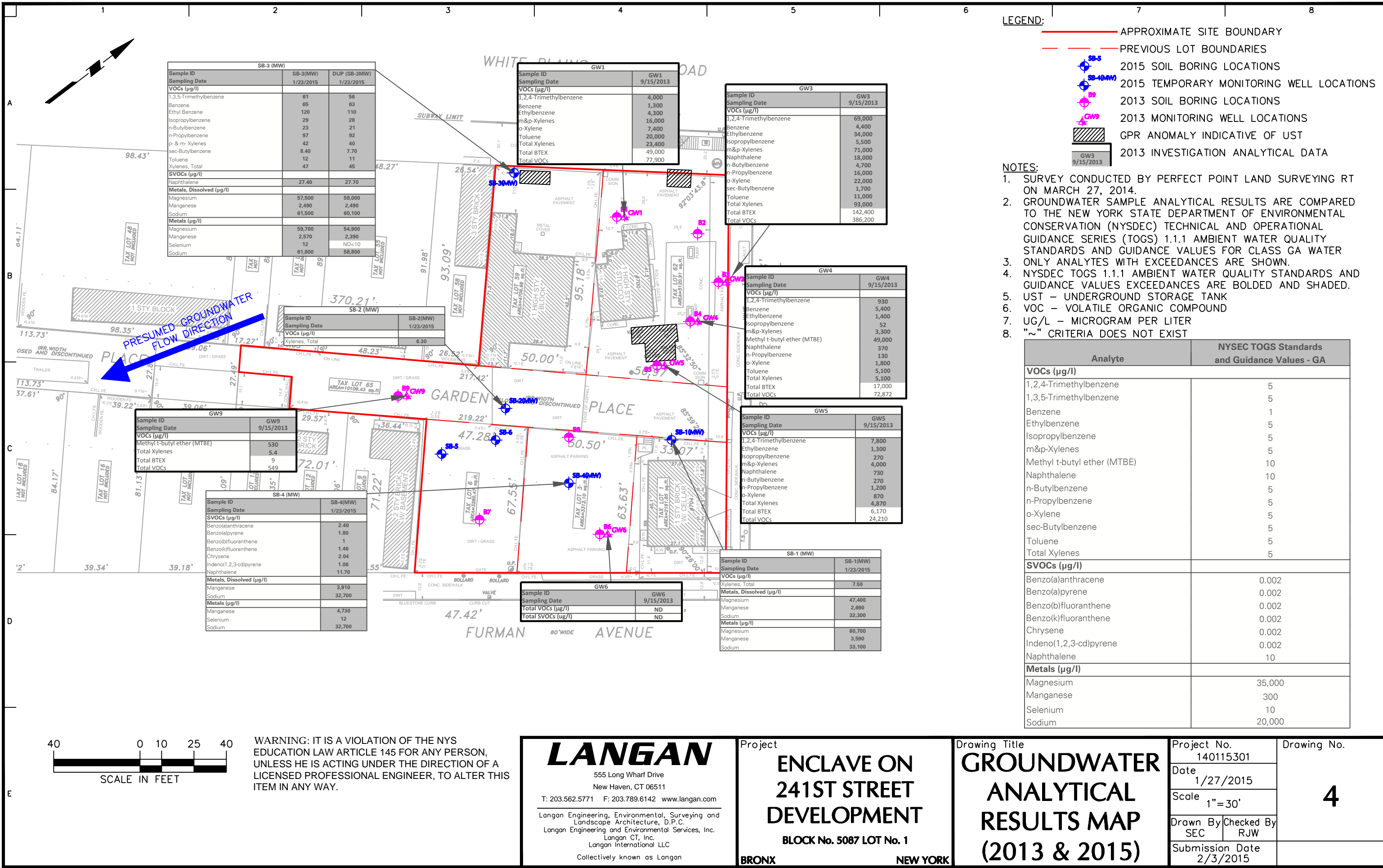
Submission Date  
1/20/2015

Drawing No.

**2**











Copyright 2014 The City of New York

- Borough Boundary
- Tax Block Boundary
- 50** Tax Block Number
- Tax Lot Boundary
- 50** Tax Lot Number
- 50-** Condo FKA Tax Lot Number
- 50.5** Tax Lot Dimension
- +5.5** Approximate Tax Lot Dimension
- 1500 - 1550** Condo Units Range Label
- Building Footprint**
- C50** Condo Flag/Condo Number
- A50** Air Right Flag/Lot Number
- S50** Subterranean Right Flag/Lot Number
- R** REUC Flag
- Under Water Tax Lot Boundary
- Other Boundary
- ↓** Possession Hook
- Misc** Miscellaneous Text
- Small Tax Lot Dimension
- Surface Water**

# **Exhibit F**

**Application for Merger and Temporary Lot Assignment**

**APPLICATION FOR MERGERS OR APPORTIONMENTS**

Instructions: Please complete this application and submit in person to: Department of Finance, Division of Land Records - Tax Map Office, 66 John Street, 13th floor, New York, NY 10038. Please read the instructions for further details before completing this form. Print clearly.

**SECTION A: PROPERTY INFORMATION**Borough: Bronx Block: 5087 Present Lot(s): 1,3,6,59,62, & 65☒ Merger ☐ ApportionmentNumber of  
Lots Requested 1

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

New Lot Number: 1New Lot(s):  
Usage  
(check one)☐ Residential  
Building Gross  
Sq/Ft: \_\_\_\_\_☐ Commercial  
Building Gross  
Sq/Ft: \_\_\_\_\_☒ Mix (Residential & Commercial)  
Building Gross  
Sq/Ft: 161,125.001. Owner's Name: Enclave on 241 Street LLC

LAST NAME

FIRST NAME

2. Address: 714 East 241 Street Bronx NY 10470

NUMBER AND STREET

CITY

STATE

ZIP CODE

**SECTION B: APPLICANT INFORMATION**1. Architect/Engineer/Applicant's Name: Aufgang Ariel

LAST NAME

FIRST NAME

AUFGANG ARCHITECTS, LLC2. Address: 49 N. Airmont Road, Suite #200 Suffern NY 10901

NUMBER AND STREET

CITY

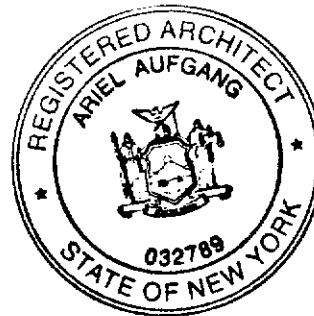
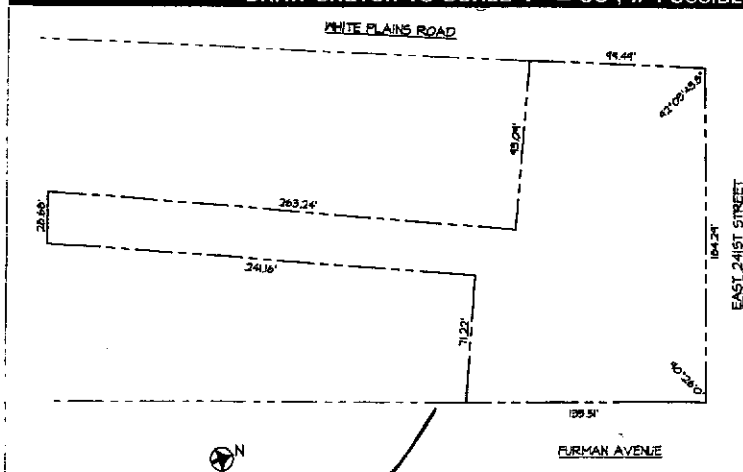
STATE

ZIP CODE

3. Telephone Number: 845-368-00044. Email Address: ariel@aufgang.com**SECTION C: CERTIFICATION**

The applicant hereby certifies that, in making this application for merger/apportionment, s/he is the owner, or acting under the direction of the owner.

Signature of Architect/ Engineer/Applicant: \_\_\_\_\_

Date: 12 / 22 / 14**TAX MAP CHANGE WILL NOT BE MADE UNTIL PRESENTATION OF REQUIRED DOCUMENTS (see reverse for the required documents)****DRAW SKETCH TO SCALE 1" = 50', IF POSSIBLE INDICATE NORTH ARROW**

(Architect or Engineer's seal)

Lot(s) issued: \_\_\_\_\_

Customer Service Representative: \_\_\_\_\_

Date: 12 / 15New Lot(s): 1Lot(s) Affected: 1,3,6,59,62,65Lot(s) Dropped: 3,6,59,62,65

Please note: Map changes will not be made until presentation of all required documents is reviewed and approved by the Cartographer.

Map Updated: \_\_\_\_\_

Tax Map Cartographer: \_\_\_\_\_

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

## **Exhibit G – Previous Environmental Reports (provided on CD)**

- **Phase I ESA Report, dated 12 February 2008, prepared by Giorgio Engineering International, P.C.**
- **Phase II Subsurface Investigation Report, dated 31 January 2013, prepared by Environmental Business Consultants**
- **Phase I ESA Report, dated 9 January 2015, prepared by Langan Engineering, Environmental, Surveying, and Landscape Architecture, D.P.C.**
- **Limited Phase II ESI Report, dated 3 February 2015, prepared by Langan Engineering, Environmental, Surveying, and Landscape Architecture, D.P.C.**

# **Exhibit H – Repository Request Letter**

**New York State Public Library, Wakefield Library –  
Signed Repository Request Letter**



5 January 2015

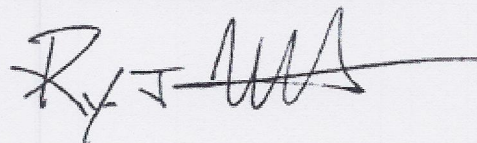
Wakefield Library  
4100 Lowerre Place  
Bronx, NY 10466  
Library Manager: Maribel Ramoslugo  
Library Network Manager: Tiffany Alston

**RE: Brownfield Cleanup Program Application  
Enclave on 241 Street LLC  
700-714 East 241<sup>st</sup> St., 4644 White Plains Rd., and 4641-4643 Furman Ave.  
Bronx, New York**

Dear Tiffany Alston:

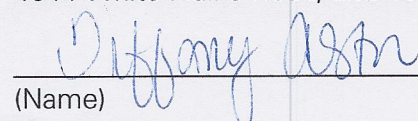
We Represent Enclave on 241 Street LLC in their anticipated New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) application for the above-referenced site at 700-714 East 241st Street, 4644 White Plains Road, and 4641-4643 Furman Avenue in Bronx, New York. It is a NYSDEC requirement that we supply them a letter certifying that the local library is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. Due to storage constraints, the Wakefield Library will not be obligated to store hard copies of these documents, but will instead provide a link to digital files pertaining to the cleanup this property. Please sign below if you are able to certify that your library would be willing and able to act as the temporary public repository for this BCP project through December 2016.

Sincerely,  
**Langan Engineering, Environmental, Surveying and  
Landscape Architecture, D.P.C.**



Ryan Wohlstrom  
Project Engineer

Yes, the New York State Public Library – Wakefield Library is willing and able to act as a public repository on behalf of Enclave on 241 Street LLC in their cleanup of 700-714 East 241st Street, 4644 White Plains Road, and 4641-4643 Furman Avenue under the NYSDEC BCP.

  
(Name)

1/6/15  
(Date)

Associate Director for the East Bronx Neighborhood Libraries  
(Title)

# **Exhibit I – Flood Insurance Rate Map**

**Federal Emergency Management Agency – Flood Insurance Rate Map for the City of New York, Bronx, Richmond, New York, Queens, and Kings Counties– Map Number 3604970038F (Panel 38 of 457)**



## NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The community map repository should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations (BFEs)** and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

**Coastal Base Flood Elevations (BFEs)** shown on this map apply only to areas of 17 National Geodetic Vertical Datum of 1929 (NGVD 29). Users of this map should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations tables in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations tables should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The projection used in the preparation of this map was New York State Plane (NAD 83). The horizontal datum was NAD 83, GRS80 spheroid. Differences in datum, spheroid, projection or State Plane zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the National Geodetic Vertical Datum of 1929. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

NGS Information Services  
NOAA NINGS12  
National Geodetic Survey  
SSM-C-3, #6202  
1315 East-West Highway  
Silver Spring, Maryland 20910-3182  
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at <http://www.ngs.noaa.gov>.

**Base map** information shown on this FIRM was provided in digital format by the Department of Information Technology and Telecommunication, City of New York. This information was derived from digital orthophotos produced at a scale of 1:1,200 with 2-foot pixel resolution from photography dated 2004.

Based on updated topographic information, this map reflects more detailed and up-to-date **stream channel configurations** and **floodplain delineations** than those shown on the previous FIRM for this jurisdiction. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study Report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map. Also, the relationship to floodplain for unreviewed streams may differ from what is shown on previous maps.

**Corporate limits** shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

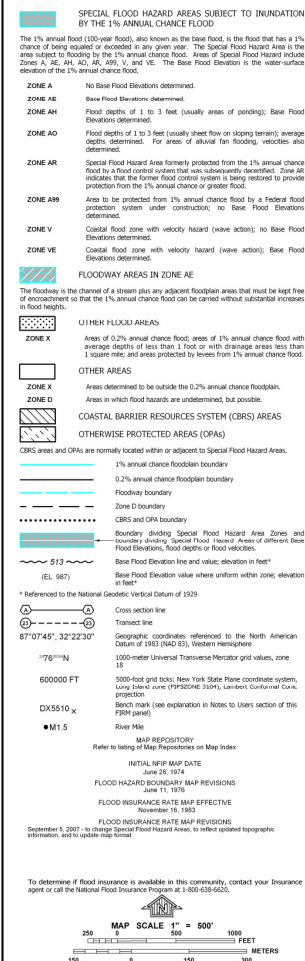
Please refer to the separately printed **Map Index** for an overview map showing the layout of map panels for this jurisdiction.

Contact the **FEMA Map Service Center** at 1-800-358-9616 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Service Center may also be reached by Fax at 1-800-358-9620 and its website at <http://mmsc.fema.gov>.

If you have **questions about this map** or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA MAP (1-877-336-2627) or visit the FEMA website at <http://www.fema.gov>.



## LEGEND



**NFIP**  
**NATIONAL FLOOD INSURANCE PROGRAM**

**PANEL 0038F**

**FIRM**  
**FLOOD INSURANCE RATE MAP**

**CITY OF**  
**NEW YORK,**  
**NEW YORK**  
BROOKLYN, KINGS, QUEENS, NEW YORK,  
QUEENS, AND KINGS COUNTIES

**PANEL 38 OF 457**

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

**COMMUNITY**  
NEW YORK, CITY OF

**NUMBER**  
360497

**PANEL**  
0038

**SUFFIX**  
F

**MAP NUMBER**  
3604970038F

**MAP REVISED**  
SEPTEMBER 5, 2007

**Federal Emergency Management Agency**

Notice to User: The Map Number shown below should be used when showing map orders; the Community Number shown above should be used on insurance applications for the subject community.