

November 14, 2011

PHASE I ENVIRONMENTAL SITE ASSESSMENT

**The Hub
Block 2294, Bronx, New York 10455**

Prepared for:

**TRIANGLE PLAZA HUB, LLC
30-56 Whitestone Expressway
Whitestone, New York 11354**

ROUX ASSOCIATES, INC.

Environmental Consulting & Management



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EXECUTIVE SUMMARY

At the request of Triangle Plaza Hub, LLC (Triangle), Roux Associates, Inc. (Roux Associates) performed a Phase I Environmental Site Assessment (ESA) of real property known as The Hub, occupying Tax Lots 28, 29, 32, 43, 59 and 60 of Tax Block 2294 in the Borough of the Bronx, City and State of New York (Site) (Figure 1). The Phase I ESA was conducted in accordance with the scope of work presented in the contract between Roux Associates and Triangle dated July 26, 2011 and in general accordance with the American Society of Testing and Materials' (ASTM) standard practice for Environmental Site Assessments for Commercial Real Estate (ASTM E 1527-05, 2005), and the All Appropriate Inquiry (AAI) Rule as promulgated in 40 Code of Federal Regulations (CFR) Part 312.

Roux Associates utilized a variety of information sources to perform the Phase I ESA, including radial information searches from state and federal regulatory agency databases, freedom of information law (FOIL) requests submitted to federal, state and local regulatory agencies, a review of readily available information including: historical aerial photographs, historical Sanborn fire insurance maps, historical topographic maps, City Directory search, lien search, interviews with site representatives, and observations made during Site reconnaissance.

Based on the information gathered as a result of the Phase I ESA process, Roux Associates has identified the following RECs in connection with the Site.

- Degraded soil and groundwater quality: Soil and groundwater samples collected at the Site as part of a February 2006 limited Phase II ESA and subsequent July through September 2007 supplemental Phase II ESA, with scope of work approved by the NYCDEP, identified historic urban fill material placed at the Site as contaminated with SVOCs and metals, and acting as a potential source of native soil and groundwater contamination with these constituents.
- Former heating oil tanks: The potential impact from heating oil storage tanks associated with numerous former residential dwellings on the Site.
- Historical onsite uses: The potential impacts from historical uses of the Site, which included a lumber yard, a laundry, a truck garage, used auto sales, auto repair, and current partial use of the Site for the parking and storage of trucks, buses, and cars.
- Use of the southernmost parking lot for auto repair: During Site reconnaissance, evidence of oil and other car fluid changes, as well as small car repair jobs was observed within the parking lot operated or leased by South Bronx Economic Development Corporation, resulting in the staining of soil and pavement. These releases of petroleum substances that potentially impact subsurface media are considered a REC in connection with the Site.

1.0 INTRODUCTION

At the request of Triangle Plaza Hub, LLC (Triangle), Roux Associates, Inc. (Roux Associates) performed a Phase I Environmental Site Assessment (ESA) of real property known as The Hub, occupying Tax Lots 28, 29, 32, 43, 59 and 60 of Tax Block 2294 in the Borough of the Bronx, City and State of New York (Site) (Figure 1).

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This Phase I ESA is not intended to serve as a rigorous environmental compliance audit; rather, the purpose of this investigation is to identify "recognized environmental conditions" (RECs) at the Site. ASTM E 1527-05 defines an REC as:

"...the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include de minimis conditions that generally do not represent a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate government agencies. Conditions determined to be de minimis are not recognized environmental conditions... or

"...an environmental condition which in the past would have been considered a recognized environmental condition, but which may or may not be considered a recognized environmental condition currently. The final decision rests with the environmental professional and will be influenced by the current impact of the historical recognized environmental condition on the property through reviewing and gathering information relating to the following at the Site:

- (1) Current and past property uses and occupancies;*
- (2) Current and past uses of hazardous substances and petroleum products;*
- (3) Waste management and disposal activities;*
- (4) Current and past corrective actions and response activities;*

- (5) The presence of any engineering controls;*
- (6) The presence of any institutional controls; and*
- (7) Information relating to properties adjoining or located within a quarter mile of the Site.”*

In order to assess the potential for RECs associated with the Site, Roux Associates utilized a variety of information sources, including radial information searches from state and federal regulatory environmental databases, Freedom of Information Law (FOIL) requests submitted to federal, state and local regulatory agencies, a review of readily available information including historical aerial photographs, historical Sanborn fire insurance maps, historical topographic maps, interviews with site representatives, and observations made during a site inspection. The qualifications of key personnel assigned to manage and conduct the Phase I ESA are provided in Appendix A.

2.0 METHODS OF INVESTIGATION

The methods of investigation used to conduct this Phase I ESA are outlined in the following sections.

2.1 General

The activities performed in conjunction with the Phase I ESA of the Site included:

- Review of state and federal environmental regulatory agency databases provided by Environmental Data Resources, Inc. of Milford, Connecticut (EDR), indicating sites of environmental concern within specified radii from the Site (Appendix B);
- Submission of FOIL requests to federal, state, and local regulatory agencies;
- Review of historical information for the Site and surrounding area;
- Interview conducted on August 1, 2011 with Julio Morales, owner representative and key Site manager; and
- Reconnaissance of the Site and surrounding area on August 1, 2011.

2.2 Review of Readily Available Information

The resources compiled and reviewed by Roux Associates to date include the following:

- EDR Radius Map with GeoCheck, dated July 5, 2011 (EDR database report) (Appendix B);
- Historical Sanborn fire insurance maps dated 1891, 1908, 1935, 1944, 1946, 1947, 1951, 1977, 1978, 1980, 1981, 1984, 1986, 1989, 1991-1996, 1998 and 2001-2007 (Appendix C);
- Aerial photographs dated 1954, 1966, 1975, 1984, 1994, 2006 and 2008 (Appendix D);
- United States Geological Survey (USGS) 15 Minute Topographic Maps, Harlem Quadrangle dated 1897 and 7.5 Minute Topographic Maps, Central Park Quadrangle dated 1947, 1966, 1979 and 1995 (Appendix E);
- Environmental Lien Search (Appendix F); and
- A search of the historical City Directories conducted by EDR (Appendix G).

The agencies contacted during the records review are provided below:

Agency	Status
United States Environmental Protection Agency (USEPA)	Response received from the RCRA Programs Branch, Compliance Assistance and Program Support Branch, and the Resource Management/Cost Recovery Section (records discussed in report); response from remaining USEPA Divisions pending.
New York State Department of Environmental Conservation (NYSDEC)	Response received from the agency (records discussed in report).
New York City Department of Environmental Protection (NYCDEP)	Response received from the Division of Pollution Control and Monitoring, and the Asbestos Control Program (records discussed in report); response from remaining NYCDEP Divisions pending.
New York City Department of Health (NYCDOH)	Response received from the Office of Environmental Investigations (records discussed in report).
New York City Fire Department (FDNY)	Response received from the Tanks and Violations Sections (records discussed in report).
New York City Department of Buildings Building Information System (NYCDOB BIS)	Records accessed; discussed in report.
New York City Department of Finance Automated City Register Information System (NYCDOF ACRIS)	Records accessed; discussed in report.

Note: All agencies contacted on July 1st, 2011

2.3 Site and Surrounding Area Reconnaissance

Roux Associates conducted a reconnaissance of the Site and surrounding area on August 1, 2011 to identify, investigate, and assess RECs and other environmental concerns. The Site reconnaissance included a review of the following:

- Site and local topography;
- Visible drainage pathways;
- Stained soil, stained concrete/pavement;
- Stressed vegetation, excavations, mounded soil;

- Ponded liquids, drywells, floor drains, and sumps;
- Locations and types of utilities;
- Storage areas;
- Hazardous materials;
- Hazardous wastes;
- Presence of aboveground storage tanks (ASTs) and/or USTs;
- Presence of electrical transformers; and
- Current use of adjacent properties.

This Phase I ESA does not include a review of or discussions regarding asbestos-containing material (ACM), lead based paint (LBP), or radon surveys as they are considered “out-of-scope” under ASTM E 1527-05. Photographs from the Site reconnaissance are included in Appendix H.

2.4 Previous Environmental Investigations

The following list of documentation generated from previous environmental investigations conducted at the Site by Roux Associates was reviewed:

- Draft Phase I Environmental Site Assessment (ESA) – Blocks 2294 and 2361, Bronx, New York 10455, prepared by Roux Associates, Inc., dated October 5, 2005.
- Phase II Environmental Site Assessment – Plaza at the Hub, Bronx, New York, prepared by Roux Associates, Inc., dated October 9, 2007. This report combines the results of investigations performed in February 2006 under the scope of a limited Phase II ESA and in July through September 2007 under the scope of a supplemental Phase II ESA.
- Phase II Geotechnical Report – Plaza at the Hub, Bronx, New York, prepared by Mueser Rutledge Consulting Engineers, dated October 5, 2005.

Roux Associates also requested documentation on previous environmental investigations from Triangle. According to same, there is no known additional documentation on previous environmental investigations at the Site.

3.0 PROPERTY DESCRIPTION

Descriptions of the Site and surrounding properties are included in the following sections. The location of the Site is presented in Figure 1. The Site and surrounding properties are presented in Figure 2. A Site Plan is presented in Figure 3.

3.1 Property Location and Description

The Site consists of one City Block in the borough of the Bronx, City of New York, bounded by Westchester, Brook and Bergen Avenues, and East 149 Street (Figure 2). The tracks of subway line 2 and 5 cross the City Block in an east-west direction. The tracks are elevated in the east and enter a tunnel in the west. This subway line and its associated easement are not a part of the Site.

The Site contains a part one-story, part two-story building currently used as a boxing gymnasium and three parking lots. Numerous cars and trucks were parked in the parking lots. The Site perimeter is secured by a chain-link fence with gates for access to the parking lots and boxing gymnasium. The building with the boxing gymnasium as well as all parking lots were inspected during the Site reconnaissance. The findings of the Site reconnaissance are summarized in Section 6.0.

3.2 Current Surrounding Property Usage

The area surrounding the Site is urban and predominantly contains a mixture of commercial properties (i.e., retail stores and offices), residential properties (i.e., multi-story apartment buildings), and public property (i.e., public park/sports field). The table below provides details on surrounding property usage adjacent to the Site.

North	Vacant and undeveloped parcel across Westchester Avenue.
South	Multi-story contiguous mixed-use residential and commercial buildings with offices and various street-level retail stores, across East 149 Street.
East	Juvenile Center and Burger King across Brook Avenue.
West	Part two-story, part three-story building with various street-level retail stores, across Bergen Avenue. Higher floors were apparently vacant or used as offices.

3.3 Topographic and Hydrogeologic Setting

The grade at the Site is gently sloping toward Brook Avenue. The elevation of the Site is approximately 27 feet above mean sea level, as shown in the USGS 7.5 Minute Series Topographic Map – Central Park Quadrangle (Appendix E). According to the EDR report, the Site is not located in, or adjacent to, regulated wetlands. The nearest surface water bodies are the Harlem River, which is located approximately one mile to the west of the Site, and the East River, which is located approximately one mile to the southeast of the Site. The Site is not located in a 100-year or 500-year flood zone.

Based on data from a 2007 Phase II ESA (Roux Associates, 2007) and a 2002 Geotechnical Report (Mueser Rutledge, 2002), soil from land surface to approximately 10 feet below land surface consists of assorted fill material such as brick, wood, glass, plastic, cloths, cinders and metal. Deeper soil consists of fine sand, silt and gravel consistent with glacial till (Cadwell, 1989). A layer of organic silt with trace peat, approximately two to seven feet thick, was also encountered below the fill material at the location of a past stream bed (now filled) that ran through the eastern region of the Site in the general direction of Brook Avenue (Mueser Rutledge, 2007). Glacial till is underlain by weathered bedrock and bedrock that consists of two formations: Fordham Gneiss and Inwood Marble. Depth to surface of weather bedrock and bedrock dips from approximately 20 feet below grade in the western region of the Site to approximately 65 feet below grade in the eastern region of the Site (Mueser Rutledge, 2007).

In 2007, groundwater was measured between 13 and 15 feet below land surface and flowed in an easterly direction (Roux Associates, 2007), which is consistent with the dip of bedrock. Current groundwater flow direction may be influenced by local dewatering projects and new improvements including utilities.

3.4 Summary of Previous Environmental Investigations

The following are brief summaries of previous environmental investigations completed at the Site.

Draft Phase I Environmental Site Assessment – Blocks 2294 and 2361, Bronx, New York 10455, prepared by Roux Associates, Inc., dated October 5, 2005.

The results of the Phase I ESA revealed the following recognized environmental conditions:

- The potential impact from underground heating oil storage tanks, associated with numerous former residential dwellings on the Site;
- The potential impact from a nearby 12,600-gallon underground dielectric fluid spill (NYSDEC spill # 93-05461). This spill is further discussed in Section 5.9;
- The potential impact from two former buried gasoline storage tanks and an ammonia storage tank associated with the Site;
- The potential impacts from historical uses of the Site, which included a lumber yard, a laundry, a woodworking shop, a possible wig factory, a gasoline fueling operation, a garage, used auto sales, and current partial use of the Site for the parking and storage of trucks, buses, and cars;
- The potential for sections of the Site to contain buried building debris possibly containing asbestos and lead-based paint; and
- The potential for lead-based paint and asbestos containing materials to be present in the boxing gymnasium building.

Since the current Phase I ESA pertains to Tax Block 2294 only, the potential impact from gasoline storage tanks and ammonia storage tanks, which was pertinent to Tax Block 2361, no longer applies, and is no longer a recognized environmental condition for this Phase I ESA. Similarly, lead-based paint and asbestos materials are out of scope under the AAI rule and ASTM 1527-05, such that the last two above-listed recognized environmental conditions are no longer applicable (the 2005 Phase I ESA was conducted in general accordance with ASTM E 1527-00).

Based on the above-listed recognized environmental conditions, Roux Associates recommended and conducted a NYCDEP –approved Phase II ESA to further evaluate environmental conditions at the Site. The results of the Phase II ESA are summarized below.

Phase II Environmental Site Assessment – Plaza at the Hub, Bronx, New York, prepared by Roux Associates, Inc., dated October 9, 2007.

The Phase II ESA scope of work, approved by the NYCDEP on February 8, 2006, included the collection of soil and groundwater samples throughout the Site. Roux Associates concluded that the historic fill underlying the Site is impacted with Semi-Volatile Organic Compounds (SVOCs) and metals. The SVOCs consisted predominantly of polyaromatic hydrocarbons (PAHs). The analytical results from the groundwater samples indicated that two PAHs (benzo[b]fluoranthene and chrysene) exceeded NYSDEC Ambient Water Quality Standards and Guidance Values (AWQSGVs). With the exception of low levels of acetone, a common laboratory artifact, there were no detections of VOCs in groundwater at the Site. Several metals exceeded their respective NYSDEC AWQSGVs. Some of the metals may be the results of naturally occurring metals in sediment of unfiltered groundwater samples, or attributable to their presence in the fill material onsite.

Phase II Geotechnical Report – Plaza at the Hub, Bronx, New York, prepared by Mueser Rutledge Consulting Engineers, dated October 5, 2005.

The 2005 geotechnical report prepared by Mueser Rutledge presented the hydrogeological data summarized in Section 3.3. In addition, 65 soil borings were advanced at the Site and on two parcels to the north of the Site. In these, there were no indications of underground storage tanks, significantly stained soil, odors, or evidence of contamination.

4.0 SITE HISTORY

The historical uses of the Site are discussed below.

4.1 Historical Site and Surrounding Property Usage

The historical uses of the Site and surrounding properties were researched by examining historical Sanborn fire insurance maps dated 1891, 1908, 1935, 1944, 1946, 1947, 1951, 1977, 1978, 1980, 1981, 1984, 1986, 1989, 1991-1996, 1998 and 2001-2007 (Appendix C); historical aerial photographs dated 1954, 1966, 1975, 1984, 1994, 2006 and 2008 (Appendix D); historical topographic maps dated 1897, 1947, 1966, 1979 and 1995 (Appendix E); EDR city directory abstract dated July 5, 2011 (Appendix G); an interview conducted on August 1st, 2011 with Mr. Julio Morales, the Site owner representative and key Site Manager; and documentation from NYCDOB BIS and NYCDOF and ACRIS.

According to the sources listed above, the area in which the Site is located has been developed since the late 1800s and contained a mixture of residential and commercial properties. The Site itself contained both residential dwellings and commercial buildings and operations (retail stores, post office, used auto sales yard, auto repair, movie theaters). The subway tracks are shown to be present on Site as early as 1908. Parcel 2294 operates with several tenants (boxing gymnasium and three parking lots).

4.2 Historical Sanborn Fire Insurance Maps

Roux Associates reviewed historical Sanborn fire insurance maps for the Site (Appendix C). The following is a summary of the Site and surrounding area from 1891 to 2007, as determined from the historical Sanborn fire insurance maps:

Site and Surrounding Property Usage

Map Year	Site	North	East	South	West
1891	Residential dwellings, lumber yard, wagon house, and unspecified commercial building	Residential dwellings and unspecified commercial building	Stove and range factory, piano forks manufacturer	Residential dwellings	Residential dwellings and unspecified commercial buildings.
1908	Residential dwellings, retail stores including laundry, paint retail, mattress maker and bakery. Existing subway line (formerly Interborough Rapid Transit)	Residential dwellings and retail stores	Residential dwellings and retail stores	Residential dwellings and retail stores including bakery, laundry, bank and printer	Residential Dwellings, unspecified commercial buildings and post office
1935	Residential dwellings, retail stores including bakery and laundry, existing subway line, furniture storage warehouses, two movie theaters, school building, auto sales yard, and post office	Plumber's shop, restaurant, service garage with two buried 550-gallon gasoline tanks, residential and unspecified commercial uses.	Residential dwellings and retail stores	Bronx opera house, Residential dwellings and retail stores including bakery, laundry, paint retail, bank and printer	Adams Flanigan department store
1944/1946	No significant changes noted, with the exception of a retail printing store fronting Brook Avenue	Plumber's shop, cold storage, unspecified commercial uses and residential dwellings	No significant changes noted	No significant changes noted	Hearns department store and unspecified commercial buildings
1947/1951	Auto repair (on 1947 map only), storage warehouse with truck garage, manufacturing of store fixtures, two movie theaters, post office, residential dwellings with retail stores, park	Food Packing and Storage Warehouses	No significant changes noted	Residential dwellings and retail stores, theater	Hearns department store
1977/1978	All buildings were razed, with the exception of a post office building and apartment building. An used auto sales yard and a park fronted on East 149 Street	Vacant lot and apartment building	Vacant lots	Residential dwellings and retail stores	Hearns Department Store
1980/1981	No significant changes noted	No significant changes noted	No significant changes noted	No significant changes noted	No significant changes noted
1984	There are no longer buildings depicted on the Site. A used auto sales yard and a park fronted on East 149 Street	Vacant and undeveloped City Block	Vacant Lots	No significant changes noted	Building used for commercial purposes
1986	The existing commercial building at 436 Westchester Avenue is depicted on the map. A used auto sales yard and a park fronted on East 149 Street	No significant changes noted	No significant changes noted	No significant changes noted	No significant changes noted
1989 to 2007	No significant changes noted, except usage for parking as early as 2002	No significant changes noted	Juvenile detention facility constructed in 1996	No significant changes noted	No significant changes noted

Roux Associates identified some historic uses of the Site (including auto repair and sales, truck garage, manufacturing of store fixtures) and in the immediate area surrounding the Site (including two gasoline USTs on the northern adjoining property) as environmental concerns in connection with the Site from the review of historical Sanborn fire insurance maps.

4.3 Historical Aerial Photographs

Aerial photographs were obtained from EDR for the years 1954, 1966, 1975, 1984, 1994, 2006 and 2008, and are presented in Appendix D. The Site and surrounding area are visible in all of the aerial photographs. Changes observed on the aerial photographs were consistent with those noted on corresponding historical Sanborn fire insurance maps and historical topographic maps. The following is a summary of the Site and surrounding property usage, as determined from the aerial photograph review.

4.3.1 1954 Aerial Photograph

Site structures can be identified. The Site and adjacent properties appear consistent with the 1951 Sanborn map information.

4.3.2 1966 Aerial Photograph

The Site and surrounding area appear to be consistent with the 1954 aerial photograph and development depicted on the 1951 Sanborn Map.

4.3.3 1975 Aerial Photograph

Most buildings located to the south of the subway line that crosses the Site were razed. The buildings neighboring the Site to the east, across Brook Avenue, were also razed. The remaining areas of the Site and surrounding properties appear to be consistent with the 1966 aerial photograph.

4.3.4 1984 Aerial Photograph

Only one building remains on Site, consistent with the existing building located at 436 Westchester Avenue. The northern region of the Site is used as a parking lot. The remaining areas of the Site and surrounding properties appear to be consistent with the 1984 Sanborn map.

4.3.5 1994 Aerial Photograph

The Site and surrounding area appear to be consistent with development depicted on the 1994 Sanborn Map.

4.3.6 2006 Aerial Photograph

The Site and surrounding area appear to be consistent with current use as well as development depicted on the 2006 Sanborn Map.

4.3.7 2008 Aerial Photograph

The Site and surrounding area appear to be consistent with current use as well as development depicted on the 2007 Sanborn Map.

Roux Associates did not identify sources of environmental concerns at the Site and in the immediate area surrounding the Site from the review of historical aerial photographs.

4.4 Historical Topographic Maps

Historical topographic maps of the Site were obtained from EDR for the years 1897, 1947, 1966, 1979 and 1995, and are presented in Appendix E. These maps corroborate the reported general development of the Site and surrounding area, as documented in the aerial photographs and Sanborn maps. These maps did not indicate any environmentally significant topographical features such as wetlands or environmentally significant Site uses such as landfills on or adjacent to the Site, nor did they indicate radical elevation changes consistent with filling operations.

4.5 Lien Search and Activity Use Limitations

EDR performed an environmental lien search and search for recorded activity use limitations (AULs). No recorded environmental liens or AULs were found. Documentation concerning this request is included in Appendix F.

4.6 City Directory Search

A City Directory Abstract of the Site was obtained from EDR and is presented in Appendix G.

The large majority of listings in the directories searched between 1927 and 2005 were residential, retail or offices. The following is a list of representative office and retail listings on

Site (Additional details are presented in Appendix G): NY City Addictions Services Agency (1976), Food Handlers Union (1971, 1965, 1961, 1956), Hearn's Bronx Department Store (1940), Bleich W Butcher Supplies (1976, 1971, 1965, 1961), and Hill Chas W Bakery (1927). Jerome Boxing Club was listed in 1983 at the location of the existing boxing gym (436 Westchester Avenue). In addition, a car parking business known as J&D Services was listed in 2000 and 2005 at 430 Westchester Avenue, at the location of an existing parking lot.

Roux Associates did not identify sources of environmental concerns at the Site and from the review of the City Directory Abstract.

5.0 RECORDS REVIEW

Roux Associates used a computerized environmental database and radius map report prepared by EDR on July 5, 2011 to conduct a government records database search of properties of known and suspected environmental concern within specific radii of the Site. A total of 89 environmental databases was reviewed as part of this Phase I ESA. Appendix B contains a complete copy of the environmental database and radius map report. The Site was identified in the following environmental database:

- The Spills database maintained by the NYSDEC. The EDR report identified a residential property located at 438 Westchester Avenue as the location of a spill of an unspecified quantity of No. 2 fuel oil dated November 9, 2007 (NYSDEC Spill Number 0708712). The release resulted from a break in the fill pipe in the basement near the tank. According to the NYSDEC, the spill did not impact the subsurface. The spill was cleaned up, a new fill line and vent pipe were installed, and the spill file was closed on November 14, 2007. The Site manager and owner representative, Julio Morales, did not know of any spill incident for that street address on Site, and also stated that the Site is not used for residential purposes. The records provided by the NYSDEC following a Freedom Information Request (see Section 5.12), and the EDR report contained no information indicating that this spill presents an environmental concern in connection with the Site.

Offsite properties identified in the state and federal databases within the searched radius include:

- Two RCRA small quantity generators (SQGs) of hazardous waste;
- Three conditionally exempt small quantity generators of hazardous waste (CESQGs);
- 19 facilities that currently no longer generate hazardous waste (RCRA-NonGen);
- One state hazardous waste site (SHWS);
- 44 leaking storage tank incidents (LTANKS);
- 25 properties with registered USTs;
- 63 properties with registered ASTs;
- Three facilities within the New York Brownfield Cleanup Program (BCP);
- 53 NYSDEC spill sites;
- Three Manufactured Gas Plant (MGP) sites; and
- Seven drycleaner facilities.

Offsite properties that meet the criteria presented below are discussed in this report:

- Facilities located immediately adjacent to the Site are examined due to their close proximity to the Site and the potential for surface water discharges (e.g., stormwater runoff, surface water effluent discharges) to enter the Site or through the migration of groundwater.
- Facilities located topographically or hydraulically upgradient to the Site.

For the purposes of this assessment, groundwater has been assumed to flow easterly based on the result of a prior investigation (Roux Associates, 2007). Facilities that are located downgradient or cross-gradient to the Site but not immediately adjacent to the Site are not generally discussed in this report as these sites are considered to pose a low potential environmental concern to the Site. In addition, certain facilities that may be hydraulically upgradient but involve conditions that are considered *de minimis* (i.e., small quantities of releases, contained releases, or releases that are cleaned up in such a manner that does not pose a threat to human health or the environment) are not generally discussed in this report unless further clarification was warranted to rule out the potential for these properties to impact the Site.

5.1 USEPA Small Quantity Generators of Hazardous Waste

The EDR report identified two facilities within the searched radius as Small Quantity Generators (SQGs) of hazardous waste. An SQG of hazardous waste generates between 100 kilograms (220 pounds) and 1,000 kilograms (2,200 pounds) of hazardous waste per month. Based on the information contained in the EDR report (i.e., distance from the Site, hydraulic location with respect to the Site, absence of violations and nature of hazardous waste), none of these SQGs were identified as an environmental concern in connection with the Site.

5.2 Conditionally Exempt Small Quantity Generators (CESQG) of Hazardous Waste

The EDR report identified three CESQGs of hazardous waste within the searched radius. A CESQG of hazardous waste generates less than 100 kilograms (220 pounds) of hazardous waste, or less than 1 kilogram (2.2 pounds) of acutely hazardous waste per month. Based on the information contained in the EDR report (i.e., distance from the Site, hydraulic location with respect to the Site and absence of violations), none of these CESQGs were identified as an environmental concern in connection with the Site.

5.3 RCRA – Non-Generators

The EDR report identified 19 RCRA non-generators of hazardous waste within the searched radius. A RCRA non-generator does not presently generate hazardous waste, but generated hazardous waste at some point in the past. Based on the information contained in the EDR report (i.e., distance of less than 0.125 miles from the Site, hydraulically upgradient location with respect to the Site, nature and amount of hazardous waste being generated, whether or not violations were present), only the following listed RCRA non-generator facilities were identified as an environmental concern in connection with the Site.

New Bronx Dry Cleaners, located at 450 East 149 Street, adjoining the Site to the south across East 149 Street, was identified as a CESGQ in 1996 and no longer generated hazardous waste by 2006. According to manifest information contained in the EDR report, spent halogenated solvents were shipped offsite between 1986, 1987, 1988, and 1996. No notices of violation were reported for the facility.

ADT Securities, located at 369 East 149 Street, was identified as an LQG of hazardous waste in 1993 and 1994, and no longer generated hazardous waste by 1999. According to manifest information contained in the EDR report, non-listed corrosive waste was shipped offsite in 1993. No notices of violation were reported for the facility.

5.4 Inactive Hazardous Waste Disposal Sites

The EDR report identified one inactive hazardous waste disposal site (SHWS) within the searched radius. The inactive hazardous waste disposal site remedial program is the state equivalent of the federal superfund cleanup program. Based on the information contained in the EDR report (i.e., distance from the Site, hydraulically disconnected location with respect to the Site, since located to the west of Harlem River), this SHWS was not identified as an environmental concern in connection with the Site.

5.5 Leaking Storage Tanks/Historical Leaking Storage Tanks

The EDR report identified 44 properties within the searched radius as having leaking storage tanks. In addition, the EDR report identified 31 properties in the Historical Leaking Storage Tanks database within the searched radius. In 2002, the NYSDEC stopped entering information into this historical database and transferred all records to the Leaking Storage Tank Database; therefore, all properties included in this database are included in the current Leaking Storage Tank Database. The EDR report includes the historical database, which includes additional information to complement information provided in the current Leaking Storage Tank Database.

Based on the information contained in the EDR report (i.e., 41 of the 44 leaking storage tank sites have been closed [addressed or remediated to the satisfaction of the NYSDEC], presented minimal potential for impact, properties' distance, and/or hydraulic location relative to the Site), none of the leaking tanks was identified as an environmental concern in connection with the Site.

5.6 Registered Underground Storage Tanks / Historical Underground Storage Tanks

The database identified 25 properties within the searched radius with registered USTs under provisions of the NYSDEC Petroleum Bulk Storage (PBS) program. The database contained no information indicating that the registered USTs present an environmental concern in connection with the Site.

5.7 Aboveground Storage Tank Database

This database includes registered active ASTs under the jurisdiction of the NYSDEC PBS Program. Sixty-three properties within the searched radius were identified with registered ASTs. The database contained no information indicating that the registered ASTs present an environmental concern in connection with the Site.

5.8 Brownfield Cleanup Program Sites

The Brownfield Cleanup Program (BCP) organizes the environmental cleanup and remediation for industrial or commercial properties that have been deemed to be contaminated by petroleum products and/or hazardous substances. Certain limitations on liability and incentives are awarded to developers and/or owners of these sites in order to promote development and expedite remediation. The EDR report identified three BCP sites within the searched radius (see Appendix B).

Based on the information contained in the EDR report (i.e., distance from the Site, hydraulic location with respect to the Site), these BCP sites were not identified as an environmental concern in connection with the Site.

5.9 Spill Sites Database

The EDR report identified 53 spill incidents within the searched radius, of which 47 have a closed status, indicating that they were addressed and/or remediated to the satisfaction of the

NYSDEC. Based on the information contained in the database (i.e., quantities and nature of the spills, properties' distance of less than 0.125 miles from the Site, and/or hydraulic location relative to the Site), the following spill site was identified as an environmental concern in connection with the Site:

- The spill incident located at the intersection of Westchester Avenue and Brook Avenue (NYSDEC Spill #9305461) involved the discovery of oil seeping up through the pavement. This location is approximately 50 feet to the east of the Site, between Tax Blocks 2294 and 2361. According to information in the database, a Consolidated Edison underground feeder line broke and released approximately 12,600 gallons of dielectric fluid. The database does not indicate whether the dielectric fluid was PCB-containing. The spill case remains open.

The above-listed spill incident was identified as a REC in the 2005 Phase I ESA prepared by Roux Associates, and is considered a historical REC (HREC). Based on information contained in the EDR report and the results of the 2007 Phase II ESA conducted by Roux Associates, this spill incident was remediated by the responsible party and apparently did not adversely impact soil and groundwater at the Site. Therefore, this HREC is no longer considered a REC.

5.10 Manufactured Gas Plant Facilities

According to the EDR report, three Manufactured Gas Plant (MGP) facilities were identified within the searched radius (see Appendix B). Based on the information contained in the EDR report (i.e., large distance from the Site, hydraulic crossgradient location with respect to the Site), none of the MGP facilities was identified as an environmental concern in connection with the Site.

5.11 Drycleaner Facilities

The EDR report identified seven registered drycleaner facilities within the searched radius. Based on the information contained in the EDR report (i.e., hydraulic crossgradient or downgradient location with respect to the Site), the drycleaner facilities were not identified as an environmental concern in connection with the Site.

5.12 Freedom of Information Law Letter Responses

FOIL letters were submitted on July 1st, 2011 to the USEPA, NYCDOH, NYCDEP, FDNY, and NYSDEC. In addition, the NYCDOB BIS and NYCDOF ACRIS Internet Databases were

consulted in reference to the Site. All agencies have responded by the date of issuance of this Phase I ESA; however, responses have been received from only certain Divisions within the USEPA, NYCDEP and NYCDOH. If any additional pertinent environmental information is received from any of these agencies following the issuance of this report, Roux Associates will provide a letter addendum to this report detailing this information. Information obtained from the Internet Databases and FOIL responses is included as Appendix I.

USEPA

A partial response (i.e., additional Divisions within these agencies may respond at a later time) was obtained from the USEPA. The USEPA responded that the Site is not on the CERCLIS or CERCLIS-NFRAP lists (response dated Jul 8, 2011) and that no hazardous waste information could be found concerning the Site (response dated Jul 6, 2011).

NYSDEC

The NYSDEC responded on July 14, 2011 that one spill file was maintained for the Site (NYSDEC Spill No. 0708712). The Spill Report Form obtained from the NYSDEC is similar to the information contained in the EDR report (see Section 5.0 for a detailed description of the spill incident).

FDNY

The Tanks Section of the FDNY Public Records Unit responded on July 14, 2011 that one 1,080 gallon No. 2 fuel oil tank is maintained on Site (above or below ground location not specified). No records were found for existing and removed underground motor vehicle tanks (response dated July 14, 2011). No records were found by the Violations Section of the FDNY Public Records Unit (response dated July 15, 2011).

NYCDOH

The Office of Environmental Investigations responded in a letter dated August 2, 2011, that no records of an investigation were found.

NYCDEP

The Asbestos Control Program responded in a letter dated Jul 28, 2011, that no records were found.

NYCDOB BIS and NYCDOF ACRIS

The NYCDOF ACRIS and NYCDOB BIS Internet databases were reviewed for the Site in reference to property transfers or other pertinent information regarding the Site. Several documents, including deeds and court orders were contained in the NYCDOF ACRIS database; no pertinent environmental information was found within these documents. In addition, the NYCDOF ACRIS reportedly lists federal liens, if any; no federal liens were listed for the Site.

Two undated Certificates of Occupancy (C/O) for Tax Lot 32, and one C/O dated August 6, 1954 (Tax Lot 60) were obtained through the NYCDOB BIS for the Site. The two undated C/Os were issued for a two-story commercial building with offices and basement boiler room. The completion dates of 1954 and 1965 were listed on the C/Os. The C/O dated August 6, 1954 was issued for a four-story apartment building with basement boiler room.

The NYCDOB BIS also contained information on past actions (i.e., permits and violations) executed at the Site. There were no past actions regarding gasoline tanks (typically labeled “GT”) or fuel oil burner/heating systems (typically labeled “FO”).

According to NYCDOB records, one boiler was maintained on Tax Lot 43, which corresponds to the location of the existing building with fuel oil fired boiler in the basement.

The NYCDOB BIS indicated that the Department of Finance Buildings Classification for several Tax Lots within the Site (i.e., Lots 32, 59 and 60) to be that of a Garage/Gas Station. According to the NYCDOB BIS, “The Department of Finance's building classification information shows a building's tax status, which may not be the same as the legal use of the structure. To determine the legal use of a structure, research the records of the Department of Buildings.” A review of the records maintained within the NYCDOB BIS, together with a review of historical records performed as part of this document, and an interview with the key Site manager and owner representative, did not indicate the past presence of a gas station.

6.0 SITE RECONNAISSANCE

The findings of the Site reconnaissance conducted on August 1st, 2011 are discussed below. At the time of Site reconnaissance, a part one-story, part two-story building was located at 436 Westchester Avenue, occupied in part by John's boxing gym, and otherwise vacant. The large majority of the remaining Site was used as pay parking lots. Small sections at the intersections of Westchester and Brook Avenues, and East 149 Street and Bergen Avenue, were vacant and undeveloped.

6.1 Utilities

The existing building is currently heated with No. 2 fuel oil stored in an encased AST located at the northwest corner of the basement (see Section 6.3). Electrical service is supplied to the Site by Con Edison Corporation of New York. According to Mr. Morales, sanitary waste and wastewater is discharged to the municipal combined sewer owned and operated by NYCDEP.

6.2 Hazardous Substances

During the Site reconnaissance, one area with hazardous substances was observed in the northeast region of the South Bronx parking lot (Figure 3): one waste oil pan, one five-gallon fresh oil container and approximately 12 one-gallon containers of motor oil were noted in that area, which was used for makeshift car repair. Staining was observed on the ground floor at the location of these containers and underneath the cars under repair.

6.3 Storage Tanks

One No. 2 fuel oil encased AST is located in the northwest corner of the basement at 436 Westchester Avenue. Although the tank was encased, which precluded direct measurement of its dimensions, the size of the vault is consistent with that of an encased 1,080 gallon AST, as reported by the FDNY. Information contained within the EDR report and the NYSDEC website does not indicate any registered USTs or ASTs at the Site. There was no visible evidence of a release in connection with the encased AST.

6.4 Polychlorinated Biphenyls

Portions of the building were lit by fluorescent lighting, which may have PCB-containing ballasts considering the age of the building. In accordance with ASTM E1527-05, Roux Associates did not inspect the ballasts for PCB content during the Site reconnaissance.

6.5 Staining and Stressed Vegetation

Staining indicative of a fresh petroleum release in connection with auto repair activities was observed at a few locations within the South Bronx parking lot. *De minimis* staining apparently associated with parked vehicles was observed throughout the three onsite parking lots. No stressed vegetation was observed at the Site.

6.6 Drains and Sumps

A sump was observed in the boiler room of the onsite building. There was no evidence of a release (e.g., staining, odors) at the sump. According to Mr. Morales, there are no additional sumps or floor drains within the basement.

One catch basin was observed at the east end of the eastern J&D Parking Lot (Figure 3). Sediment was visible two feet below grade. The sediment consisted of coarse sand without staining. According to Mr. Morales, the catch basin is connected to the municipal sewer.

6.7 Solid Waste

Solid waste generated at the Site appeared to be limited to conventional waste and is picked up by an outside contractor.

6.8 Wastewater

Based on the Site reconnaissance, wastewater generated at the Site is limited to sanitary wastewater. According to Mr. Morales, sanitary wastewater generated at the Site is discharged to the municipal combined sanitary/stormwater sewer system.

6.9 Wells

Potable water in the area of the Site is provided by the municipal water distribution system and obtained from upstate reservoirs. Two apparently aged monitoring well covers and monuments

were observed: one well cover was located near the above-mentioned catch basin (see Section 6.6) and the second well was located within the southeast region of the South Bronx parking lot.

7.0 INTERVIEWS AND USER PROVIDED INFORMATION

Roux Associates incorporated interviews and a completed questionnaire provided by the User (i.e., Triangle) to complete this Phase I ESA. Information obtained from these sources was detailed throughout this report in various sections, as appropriate. Pertinent findings from these sources are summarized in the following sections.

7.1 Interviews

Roux Associates contacted the following individual regarding the Site during the completion of this Phase I ESA:

- Interview conducted on August 1st, 2011 Mr. Julio Morales (key Site Manager and Owner representative).

Findings from the interview were summarized in appropriate sections of this document.

7.2 User Questionnaire

Roux Associates provided a questionnaire to Triangle. The questionnaire was completed by Ms. Elysa Goldman (Appendix J). Ms. Goldman responded by electronic mail and indicated the following, to the best of her knowledge:

- No environmental cleanup liens exist in connection with the Site.
- No activity and land use limitations (AULs) are presently in effect on the Site; such AULs are scheduled for implementation during the redevelopment phase of the Site by Triangle.
- The purchase price of the Site fairly reflects the fair market value of the Site.
- The User has no knowledge of obvious indicators that suggest the presence of contamination at the Site.

This information is concurrent with the findings documented in other components of this Phase I ESA.

8.0 FINDINGS AND CONCLUSIONS

Roux Associates has identified the following historical REC (HRECs) in connection with the Site.

- The potential impact from a nearby 12,600-gallon underground dielectric fluid spill (NYSDEC spill # 93-05461).

Based on information contained in the EDR report and the results of the 2007 Phase II ESA conducted by Roux Associates, this spill incident was remediated by the responsible party and apparently did not adversely impact soil and groundwater at the Site. Therefore, this HREC is no longer considered a REC.

Based on the information gathered as a result of this Phase I ESA process, Roux Associates has identified the following RECs in connection with the Site.

- Degraded soil and groundwater quality: Soil and groundwater samples collected at the Site as part of a February 2006 limited Phase II ESA and subsequent July through September 2007 supplemental Phase II ESA, with scope of work approved by the NYCDEP, identified historic urban fill material placed at the Site as contaminated with SVOCs and metals, and acting as a potential source of native soil and groundwater contamination with these constituents.
- Former heating oil tanks: The potential impact from heating oil storage tanks associated with numerous former residential dwellings on the Site.
- Historical onsite uses: The potential impacts from historical uses of the Site, which included a lumber yard, a laundry, a truck garage, used auto sales, auto repair, and current partial use of the Site for the parking and storage of trucks, buses, and cars.
- Use of the southernmost parking lot for auto repair: During Site reconnaissance, evidence of oil and other car fluid changes, as well as small car repair jobs was observed within the parking lot operated or leased by South Bronx Economic Development Corporation, resulting the staining of soil and pavement. These releases of petroleum substances that potentially impact subsurface media are considered a REC in connection with the Site.

Roux Associates has identified the following data gaps in the information developed as part of the inquiry that affect the ability of the environmental professional to identify conditions indicative of releases at the Site:

- Pending response to FOIL requests from certain Divisions of the NYSDOH, NYCDEP, and USEPA. If any additional pertinent information is obtained from responses to

outstanding FOIL requests, Roux Associates will prepare a letter addendum summarizing these findings.

Please note that although lack of record sources listed above is considered a data gap, it is not considered a material limitation for the completion of this Phase I ESA report.

9.0 REPORT ASSUMPTIONS AND LIMITATIONS

This Phase I ESA Report, including the exhibits attached hereto, describes the results of Roux Associates' initial investigation to identify the potential presence of RECs involving or affecting the Site in accordance with ASTM E1527-05. This Phase I ESA was conducted by Roux Associates in accordance with the regulatory requirements for conducting AAI as set forth in the USEPA AAI Rule, at 40 CFR Part 312. Specifically, the preamble to the AAI Rule states:

“In today’s final rule, EPA is referencing the standards and practices developed by ASTM International and known as Standard E1527-05 (entitled “Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process”) and recognizing the E1527-05 standard as consistent with today’s final rule. The Agency determined that this voluntary consensus standard is consistent with today’s final rule and is compliant with the statutory criteria for all appropriate inquiries. Persons conducting all appropriate inquiries may use the procedures included in the ASTM E1527-05 standard to comply with today’s final rule¹.”

One of the requirements that a person acquiring real property must meet in order to qualify for either the innocent landowner, contiguous owner, or bona fide prospective purchaser (collectively hereinafter “Prospective Purchaser”) defense to liability under the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), is that person must conduct all appropriate inquiry in conformance with the AAI Rule (or the ASTM E1527-05) prior to acquisition of the property. Triangle has acknowledged that, under the AAI Rule, Roux Associates' performance of the Phase I ESA in accordance with ASTM E1527-05 will not alone result in Triangle satisfying all requirements of the AAI Rule and provide a defense to CERCLA liability.

Triangle has acknowledged that the AAI Rule also requires that the Prospective Purchaser undertake certain additional inquiries and post-acquisition activities to satisfy the CERCLA AAI requirements. **ACCORDINGLY, ROUX ASSOCIATES MAKES NO GUARANTEES OR WARRANTIES, EXPRESSED OR IMPLIED, REGARDING THIS PHASE I ESA, INCLUDING WITHOUT LIMITATION, ANY WARRANTY THAT THIS PHASE I ESA WILL IN FACT QUALIFY CLIENT FOR A DEFENSE TO CERCLA LIABILITY.**

¹ Federal Register: November 1, 2005 (Volume 70, Number 210) Page 66081.

Roux Associates has performed this Phase I ESA in a professional manner using that degree of skill and care exercised for similar projects under similar conditions by reputable and competent environmental consultants. Professional judgments expressed herein are based on the facts currently available to Roux Associates.

The AAI Rule requires, and the conclusions and recommendations stated herein, represent the application of a variety of engineering and technical disciplines to material facts and conditions associated with the Site. As such, these conclusions and recommendations are based on subjective interpretations and the exercise of discretion. Many of these facts and conditions are subject to change over time. Accordingly, the conclusions and recommendations must be considered within this context.

Triangle has agreed that Roux Associates shall not be responsible for conditions or consequences arising from relevant facts that were concealed, withheld, or not fully disclosed at the time the Phase I ESA was performed. To the extent practicable, Roux Associates has identified data gaps and has evaluated the potential significance of such data gaps. Recommendations to address those data gaps are presented herein and are based on the data available at the time of the performance of the Phase I ESA. Implementation of the recommendations may not fully address the data gaps as the information obtained from execution of those recommendations may alter or modify the interpretation of the site conditions and conclusions regarding the data gaps.

It should be noted that Roux Associates has not conducted any intrusive activities on the Site and is relying on information presented by others, often in preliminary, draft, or verbal form. By referencing this information, Roux Associates does not accept responsibility for the accuracy of the underlying data, sampling methods, laboratory analysis, or documentation.

This Phase I ESA Report should not be considered a legal interpretation of existing environmental laws and regulations. The Phase I ESA was conducted with a reasonable degree of inquiry to identify significant RECs, but uncertainty is not eliminated. No Phase I ESA can wholly eliminate uncertainty regarding the potential for RECs in connection with a property. The Phase I ESA process is intended to reduce, but not eliminate, the uncertainty involved with identifying RECs.

This Phase I ESA Report is not an appraisal or value judgment of the Site. Triangle has agreed that Roux Associates shall not be liable for any use of the Phase I ESA Report as an appraisal or value judgment of the Site.

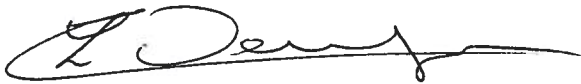
The Phase I ESA Report has been prepared for the exclusive use of Triangle for specific application to the Site covered by the Phase I ESA Report. Triangle has agreed that any third-party use of this Phase I ESA Report is the sole responsibility and at the sole liability of Triangle.

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in §312.10 of 40 CFR 312; and

We have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth on 40 CFR 312.

Respectfully submitted,

ROUX ASSOCIATES, INC.



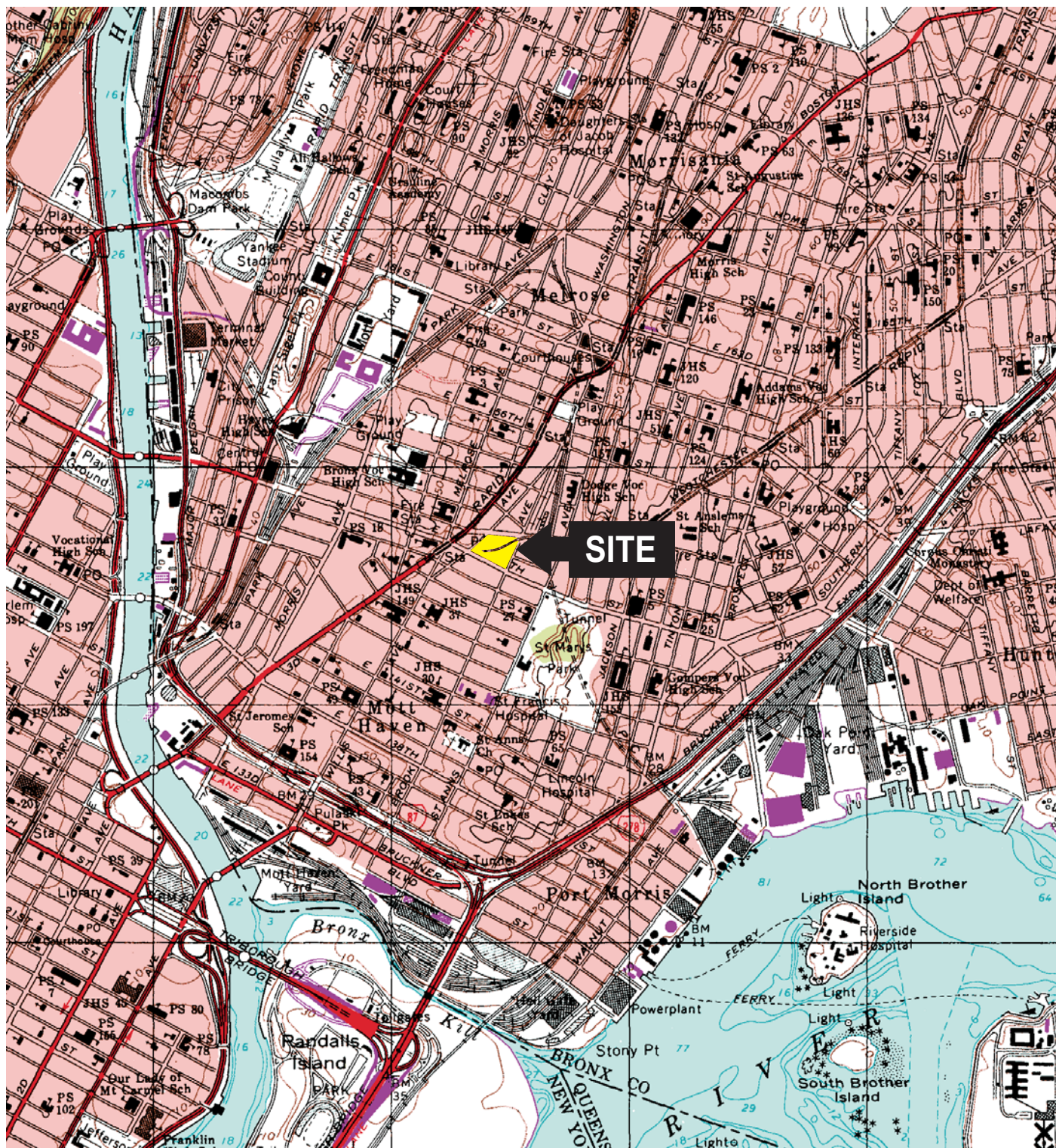
Luc Derrendinger, Ph.D.
Senior Geologist



Sin Senh
Principal Hydrogeologist

10.0 REFERENCES

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QUADRANGLE LOCATION



SOURCE:
USGS; 1995, Central Park, NY-NJ
7.5 Minute Topographic Quadrangle



0 2000'

Title:

SITE LOCATION MAP

TRIANGLE PLAZA HUB, LLC
436 WESTCHESTER AVENUE
BRONX, NEW YORK

Prepared for:

TRIANGLE EQUITIES DEVELOPMENT COMPANY, LLC

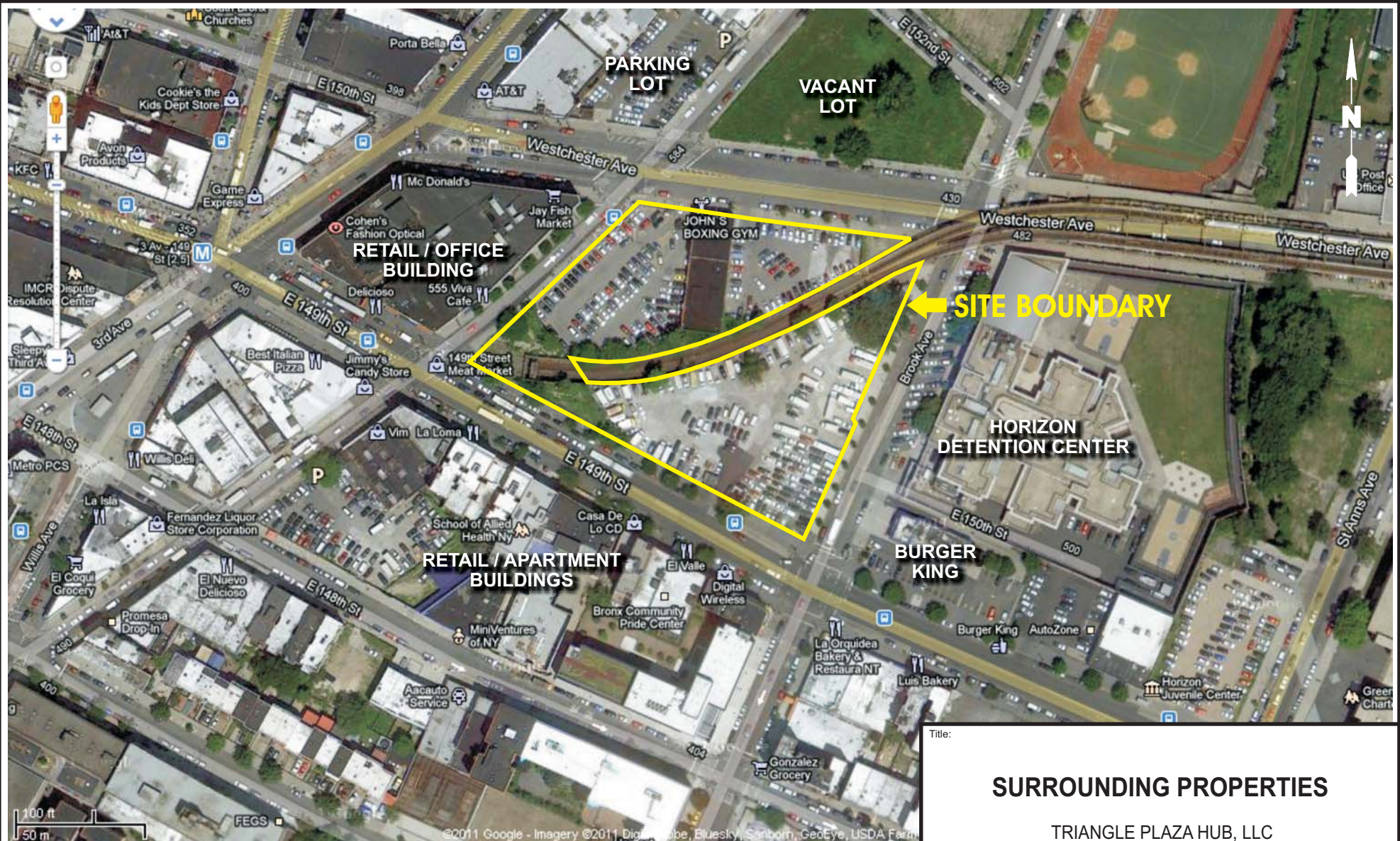
ROUX

ROUX ASSOCIATES, INC.
Environmental Consulting
& Management

Compiled by: L.D.	Date: 12AUG11
Prepared by: B.H.C.	Scale: AS SHOWN
Project Mgr.: L.D.	Project No.: 1637.0002Y000
File: 1637.0002Y106.03.CDR	

FIGURE

1



Title:

SURROUNDING PROPERTIES

TRIANGLE PLAZA HUB, LLC
436 WESTCHESTER AVENUE
BRONX, NEW YORK

Prepared for:

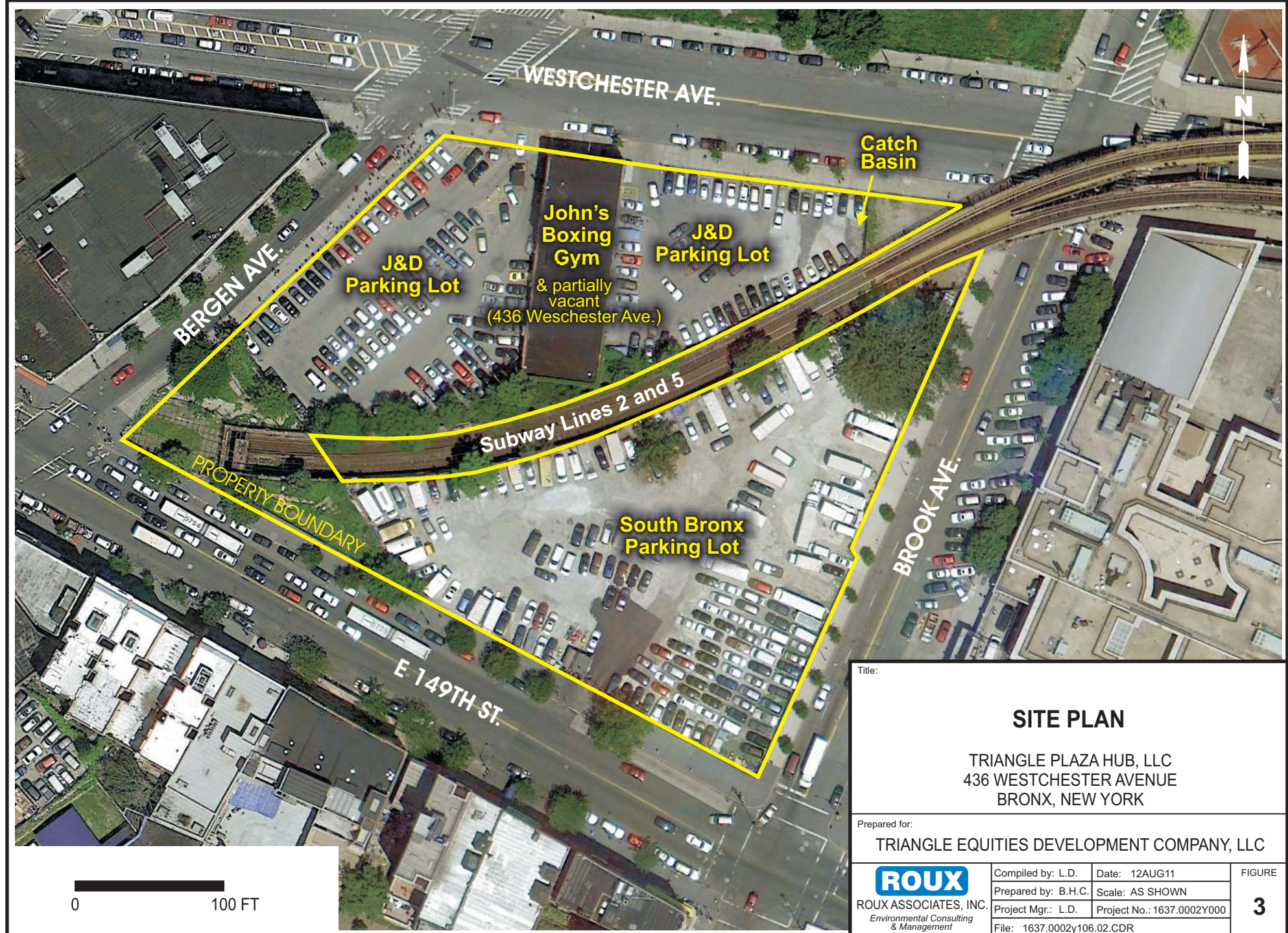
TRIANGLE EQUITIES DEVELOPMENT COMPANY, LLC

ROUX
ROUX ASSOCIATES, INC.
Environmental Consulting
& Management

Compiled by: L.D.	Date: 12AUG11
Prepared by: B.H.C.	Scale: AS SHOWN
Project Mgr.: L.D.	Project No.: 1637.0002Y000
File: 1637.0002y106.01.CDR	

FIGURE

2



Title:

SITE PLAN

TRIANGLE PLAZA HUB, LLC
436 WESTCHESTER AVENUE
BRONX, NEW YORK

Prepared for:

TRIANGLE EQUITIES DEVELOPMENT COMPANY, LLC

ROUX

ROUX ASSOCIATES, INC.
Environmental Consulting
& Management

Compiled by: L.D.

Date: 12AUG11

Prepared by: B.H.C.

Scale: AS SHOWN

Project Mgr.: L.D.

Project No.: 1637.0002Y000

File: 1637.0002y106.02.CDR

FIGURE

3