



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

☐

Yes

☒

No

If yes, provide existing site number: _____

PART A (note: application is separated into Parts A and B for DEC review purposes) **BCP App Rev 9**

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #: _____

NAME C Plus Realty, LLC

ADDRESS 300 Manhasset Woods Road

CITY/TOWN Manhasset

ZIP CODE 11030

PHONE 516-801-0355

FAX 516-801-0189

E-MAIL supercleancorp@yahoo.com

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

☒

Yes

☐

No

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

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

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

Section II. Project Description

1. What stage is the project starting at?

☒

Investigation

☐

Remediation

2. If the project is starting at the remediation stage, a Remedial Investigation Report (RIR), Alternatives Analysis, and Remedial Work Plan must be attached (see [DER-10 / Technical Guidance for Site Investigation and Remediation](#) for further guidance).

3. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): ☐ Yes ☐ No

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

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

Section III. Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (**please submit the information requested in this section in electronic format only**):

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903).

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

*Please describe: _____

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

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

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

☒ Yes ☐ No

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

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

Other: Funeral establishment, Retail, Laundromat

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME 2135 Westchester				
ADDRESS/LOCATION 2135 Westchester Avenue				
CITY/TOWN Bronx		ZIP CODE 10462		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): New York City				
COUNTY Bronx		SITE SIZE (ACRES) 0.33		
LATITUDE (degrees/minutes/seconds) 40 ° 50 ' 04.1 "		LONGITUDE (degrees/minutes/seconds) 73 ° 51 ' 11.8 "		
COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.				
Parcel Address		Section No.	Block No.	Lot No.
2135 Westchester Avenue, Bronx, NY 10462		2	3934	1
				Acreage
				0.33
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach a metes and bounds description of the property.				
2. Is the required property map attached to the application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map)				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, identify census tract : 222 Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 100%				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				

Section IV. Property Information (continued)

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

Easement/Right-of-way Holder

Description

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

Type

Issuing Agency

Description

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

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

☒ Yes ☐ No

11. For sites located within the five counties comprising New York City, is the requestor seeking a determination that the site is eligible for tangible property tax credits?

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

☒ Yes ☐ No

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?

☐ Yes ☒ No

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?

☐ Yes ☐ No

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

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

Initials of each Requestor: _____

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

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Seon Jeong Park			
ADDRESS 300 Manhasset Woods Rd			
CITY/TOWN Manhasset		ZIP CODE 11030	
PHONE 516-801-0355	FAX 516-801-0189	E-MAIL supercleancorp@yahoo.com	
NAME OF REQUESTOR'S CONSULTANT Matthew Carroll, PE / Tenen Environmental, LLC			
ADDRESS 121 W 27th St, Suite 702			
CITY/TOWN New York		ZIP CODE 10001	
PHONE 646-606-2332 x103	FAX 646-606-2379	E-MAIL mcarroll@tenen-env.com	
NAME OF REQUESTOR'S ATTORNEY Mark A. Chertok, Sive, Paget & Riesel P.C.			
ADDRESS 560 Lexington Ave, 15th Floor			
CITY/TOWN New York		ZIP CODE 10022	
PHONE 212-421-2150	FAX 212-421-1891	E-MAIL mchertok@sprlaw.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME		OWNERSHIP START DATE:	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME Westchester Super Clean Laundromat, LLC			
ADDRESS 2135 Westchester Avenue			
CITY/TOWN Bronx		ZIP CODE 10462	
PHONE 718-863-0003	FAX 516-801-0189	E-MAIL supercleancorp@yahoo.com	
IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER. PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".			
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Section VII. Requestor Eligibility Information (continued)

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ☒ No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. ☐ Yes ☒ No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? ☐ Yes ☒ No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? ☐ Yes ☒ No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? ☐ Yes ☒ No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9 (f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? ☐ Yes ☒ No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? ☐ Yes ☒ No
11. Are there any unregistered bulk storage tanks on-site which require registration? ☐ Yes ☒ No

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

☐ PARTICIPANT

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

☒ VOLUNTEER

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

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

If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

☐ Previous Owner ☒ Current Owner ☐ Potential /Future Purchaser ☐ Other _____

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached?

☐ Yes ☐ No

Note: a purchase contract does not suffice as proof of access.

Section VIII. Property Eligibility Information - See Instructions for Further Guidance

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

Section IX. Contact List Information

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

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

Section X. Land Use Factors

1. What is the current zoning for the site? What uses are allowed by the current zoning?

☒ Residential ☒ Commercial ☐ Industrial

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

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

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

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

If residential, does it qualify as single family housing?

☐ Yes ☒ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Yes. The site is zoned R6 (residential) with a C2-2/C1-2 overlay. A mixed commercial/residential structure like the one applicant proposes is consistent with such zoning.

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

☒ Yes ☐ No

Yes. The proposed use is consistent with local and area plans per the New York City Department of City Planning.

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the Proposed DER-32, Brownfield Cleanup Program Applications and Agreements; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____

Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am president (title) of C Plus Realty, LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the Proposed DER-32, Brownfield Cleanup Program Applications and Agreements; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this ~~form~~ 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: 6/8/17

Signature: [Signature]

Print Name: Seon Jeong Park

SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), must be sent to:
 - Chief, Site Control Section
 - New York State Department of Environmental Conservation
 - Division of Environmental Remediation
 - 625 Broadway
 - Albany, NY 12233-7020

FOR DEC USE ONLY

BCP SITE T&A CODE: _____ LEAD OFFICE: _____

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

BCP App Rev 9

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see DEC's website for more information.	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Underutilized? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
From ECL 27-1405(31):	
<p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>	
<p>From 6 NYCRR 375-3.2(I) as of August 12, 2016: (Please note: Eligibility determination for the underutilized category can only be made at the time of application)</p>	
<p>375-3.2:</p> <p>(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or</p> <p>(c) there are no structures.</p> <p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.</p>	

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

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

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

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

(a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ households annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.

(3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

BCP Application Summary (for DEC use only)**Site Name:** 2135 Westchester**City:** Bronx**Site Address:** 2135 Westchester Avenue**County:** Bronx**Zip:** 10462**Tax Block & Lot****Section (if applicable):** 2**Block:** 3934**Lot:** 1**Requestor Name:****City:****Requestor Address:****Zip:****Email:****Requestor's Representative (for billing purposes)****Name:** Seon Jeong Park**Address:** 300 Manhasset Woods Rd**City:** Manhasset**Zip:** 11030**Email:** supercleancorp@yahoo.com**Requestor's Attorney****Name:** Mark A. Chertok, Sive, Paget & Riesel P.C. **Address:** 560 Lexington Ave, 15th Floor**City:** New York**Zip:** 10022**Email:** mchertok@sprlaw.com**Requestor's Consultant****Name:** Matthew Carroll, PE / Tenen Environmental, LLC **Address:** 121 W 27th St, Suite 702**City:** New York**Zip:** 10001**Email:** mcarroll@tenen-env.com**Percentage claimed within an En-Zone:** ☐ 0% ☐ <50% ☐ 50-99% ☒ 100%**DER Determination:** ☐ Agree ☐ Disagree**Requestor's Requested Status:** ☒ Volunteer ☐ Participant**DER/OGC Determination:** ☐ Agree ☐ Disagree

Notes:

For NYC Sites, is the Requestor Seeking Tangible Property Credits: ☒ Yes ☐ No**Does Requestor Claim Property is Upside Down:** ☐ Yes ☒ No**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

Does Requestor Claim Property is Underutilized: ☐ Yes ☒ No**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

Does Requestor Claim Affordable Housing Status: ☐ Yes ☐ No ☒ Planned, No Contract**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

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

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

SECTION I REQUESTOR INFORMATION

Requestor Name

Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information. If an LLC, the members/owners names need to be provided on a separate attachment). The requestor is the person or entity seeking DEC review and approval of the remedial program.

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

Address, etc.

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

Document Certification

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

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

SECTION II PROJECT DESCRIPTION

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION III

PROPERTY'S ENVIRONMENTAL HISTORY

Please follow instructions on application form.

SECTION IV

PROPERTY INFORMATION

Proposed Site Name

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

Site Address

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

Site Size

Provide the approximate acreage of the site.

GIS Information

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

Tax Parcel Information

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

1. Tax Map Boundaries

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

2. Map

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION IV (continued)

3. En-zone

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

4. Multiple applications

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

10. Property Description Narrative

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

Location

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

Site Features:

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

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

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

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

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

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION IV (continued)

Property Description Narrative (continued)

Site Geology and Hydrogeology:

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

Environmental Assessment

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

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

A typical Environmental Assessment would look like the following:

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

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

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

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

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

SECTION V

ADDITIONAL REQUESTOR INFORMATION

Representative Name, Address, etc.

Provide information for the requestor's authorized representative. This is the person to whom all correspondence, notices, etc. will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative of Applications determined to be Participants unless another contact name and address is provided with the application.

Consultant and Attorney Name, Address, etc.

Provide requested information.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

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

Owner Name, Address, etc.

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

Operator Name, Address, etc.

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

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

SECTION VII REQUESTOR ELIGIBILITY INFORMATION

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

SECTION VIII PROPERTY ELIGIBILITY INFORMATION

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

1. CERCLA / NPL Listing

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

2. Registry Listing

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

3. RCRA Listing

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

4. Registry / RCRA sites owned by volunteers

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION VIII (continued)

5. Existing Order

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

6. Enforcement Action Pending

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

SECTION IX CONTACT LIST INFORMATION

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

SECTION X LAND USE FACTORS

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

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

SECTION XI SIGNATURE PAGE

The Requestor must sign the application, or designate a representative who can sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each must sign a signature page.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

DETERMINATION OF A COMPLETE APPLICATION

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

DETERMINATION OF A COMPLETE APPLICATION (continued)

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

**Additional Information for Brownfield
Cleanup Program Application
2135 Westchester Avenue
Bronx, NY 10462**

Section I. Requestor Information

C Plus Realty, LLC, a New York limited liability company, is the requestor. The requestor corporate entity database print-out is attached as Exhibit A.

The members of the corporation are as follows:

Seon Jeong Park

Chong Seong Lee

Edward S. Lee

Gi Hyun Lee

Alison Y. Lee

Section II. Project Description

Applicant plans to replace the existing structure at the proposed site (the “Site”) with a new mixed commercial/residential structure. Applicant is currently working with architects to develop a design for the new structure, and anticipates beginning construction, including remedial work, in approximately 24 months. The Certificate of Completion would be anticipated about six months after starting work. Below is a more detailed estimated project schedule:

Estimated Project Schedule
(Reasonable BCP dates; less time for development construction)

6/14/17	Revised BCP Application submittal to NYSDEC
6/28/17	ENB, contact list and local newspaper publication of Applicant’s request to participate in BCP
7/28/17	Close of 30 day public comment period on BCP Application
8/1/17	Indoor air sampling in basement and first floor of laundry area
8/14/17	CP Plan and Draft RIWP submittal to NYSDEC
10/4/17	ENB, contact list and local newspaper publication of Draft RIWP
11/3/17	Close of 30 day public comment period on Draft RIWP
11/15/17 – 12/15/17	Implement RIWP
1/15/18	Draft RIR submittal to NYSDEC
2/28/18	ENB, contact list and local newspaper publication of Draft RIR
3/30/18	Close of 30 day public notice period on Draft RIR
4/2/18	Draft RAWP submittal to NYSDEC

5/16/18	ENB, contact list notification of Draft RAWP
7/2/18	Close of 45 day public comment period on Draft RAWP
5/1/19	Notice of start of remedial action
6/1/19	Submittal of Draft Environmental Easement
6/1/19 – 8/31/19	Implement RAWP
8/1/19	Draft SMP submittal to NYSDEC
10/1/19	Draft FER submittal to NYSDEC
12/15/19	COC Issuance

Section III. Property's Environmental History

III.1 – Environmental Reports

The environmental reports prepared for the Site include the following, which are attached as Exhibit B:

- Phase I Environmental Site Assessment, 2135 Westchester Avenue, Bronx, NY, prepared by Cider Environmental. November 13, 2014.
- Limited Phase II Subsurface Investigation Report, Commercial Property, 2135 Westchester Ave., Bronx, NY 10462, prepared by Odelphi Environmental, Inc. May 1, 2015.
- Limited Phase II Subsurface Investigation Report, Commercial Property, 2135 Westchester Ave., Bronx, NY 10462, prepared by Odelphi Environmental, Inc. May 28, 2015.
- Letter Report, 2135 Westchester Ave., Bronx, NY 10462. Spill # 1503069. Volumetric Techniques Ltd. April 21, 2016.
- Laboratory Report, 2135 Westchester Ave., Bronx, NY 10462. Spill # 1503069. Samples by Volumetric Techniques Ltd. June 7, 2016.
- Laboratory Report, 2135 Westchester Ave., Bronx, NY 10462. Spill # 1503069. Samples by Volumetric Techniques Ltd. December 29, 2016.
- Laboratory Report, 2135 Westchester Ave., Bronx, NY 10462. Spill # 1503069. Samples by Volumetric Techniques Ltd. December 30, 2016.

III.2 – Sampling Data

The laboratory reports containing sampling data are contained in the investigation reports referenced above.

III.3 – Site Drawings

The site drawings for soil, groundwater and indoor air are attached as Exhibit C. The data for these drawings are in the reports and laboratory deliverables that are referenced above.

Section IV. Property information

Tax maps: Required tax map information is attached as Exhibit D.

10. Property Description and Environmental Assessment

Location

The 2135 Westchester Site is located in an urban area, at 2135 Westchester Avenue, Bronx, New York.

Site Features

The Site feature includes one building used for a commercial purpose (laundromat), with a small asphalt paved parking lot to the north. The eastern portion of the building is currently vacant and was formerly used as a dry cleaner.

Current Zoning and Land use

The Site is currently zoned for commercial and residential use, with an R6 (residential) zoning with a C2-2/C1-2 (commercial) overlay. The surrounding parcels are used for a combination of residential and commercial uses. The nearest residential area is directly to the north, at 1311 Purdy Street, Bronx, NY 10462.

The Site feature includes one building used for a commercial purpose (laundromat), with a small asphalt paved parking lot to the north. The eastern portion of the building is currently vacant and was formerly used as a dry cleaner.

Past Use of the Site

The Site was used as a funeral home from 1955 to 2000. A dry cleaner operated on the eastern portion of the Site from 2000-2016. A laundromat has also operated at the Site, on the western portion, since 2000 and is still in operation. Prior uses that appear to have led to site contamination include the use of tetrachloroethene (PCE) for dry cleaning operations that were reportedly released at the Site. The portion of the Site where the dry cleaner used to operate has been vacated.

Prior investigations performed at the Site include the Phase I and two Phase II reports completed for the Site, referenced above in Section III. The Applicant notified DEC of the initial findings around April 2016, and has since followed instructions from DEC regarding requests for further sampling. Based on sampling data including the soil vapor data for PCE, DEC recommended that Applicant seek entry into the BCP in January 2017.

Site Geology and Hydrogeology

The groundwater flow direction has not been determined at the Site. The groundwater that has been encountered is likely perched water given the elevation of the bedrock interface.

Groundwater was not encountered to the south, along Westchester Avenue. The Applicant will install and survey monitoring wells to confirm the direction of perched groundwater flow.

Environmental Assessment

The prior investigations of the subject property have confirmed the presence of on-site contamination that is complicating the development of the subject property as a mixed residential/commercial building. The subject property was formerly used as a dry cleaner. Site investigations conducted between 2014 and 2016 have identified chlorinated volatile organic compounds (cVOCs) at concentrations above regulatory criteria and/or guidance levels in environmental media. Specific contaminants and maximum concentrations are detailed below.

Contaminant Profile Summary

- Dry cleaner-related impacts (chlorinated solvents and their breakdown components) were detected in the soil, groundwater, soil vapor, and indoor air at the Site. These results are consistent with the former presence of a dry cleaning facility at the Site.
- Petroleum-related impacts were also detected in groundwater and indoor air.

Soil

- The chlorinated solvent tetrachloroethene (PCE) was detected at 6.5 milligrams per kilogram (mg/kg), above the Unrestricted Use and Protection of Groundwater SCOs of 1.3 mg/kg, at one boring location within the Site.

Groundwater

- The results of the groundwater sampling indicate that the chlorinated solvent, PCE and its degradation products trichloroethene (TCE) and cis-1,2-dichloroethene (cis-1,2-DCE), were detected above the Class GA Standards. The highest concentrations of the detected chlorinated volatile organic compounds (cVOCs) are as follows: PCE – 928 micrograms per liter (ug/L), TCE – 76.1 ug/L and cis-1,2-DCE – 38.6 ug/L; each is above the Class GA Standard of 5 ug/L.
- One petroleum-related compound, benzene (max: 1.5 ug/L) was detected in groundwater slightly above the Class GA Standard of 1 ug/L.

Indoor Air and Sub-Slab Soil Vapor

- The results of the soil vapor and indoor air sampling indicate that the chlorinated solvents, PCE and its degradation products TCE, cis-1,2-DCE, 1,1-dichloroethene (1,1-DCE), were detected at elevated concentrations. The highest concentrations of the detected cVOCs in soil vapor are as follows: PCE – 444 micrograms per cubic meter (ug/m3), TCE – 161 ug/m3, cis-1,2-DCE – 99.3 ug/m3 and 1,1-DCE – 67.7 ug/m3. PCE was detected in indoor air at a concentration of 7.05 ug/m3 in the basement and not detected on the first floor.
- The soil vapor and indoor air concentrations were compared to the New York State Department of Health (NYSDOH) Guidance for Evaluating Soil Vapor Intrusion in the State of New York (2006) and Decision Matrices (2017). The action associated with TCE, cis-1,2-

DCE and 1,1,-DCE is: Mitigate. No other compounds resulted in a Mitigate action. The action associated with PCE is Monitor.

- Other classes of compounds detected at concentrations above the ambient air concentrations include 1,1,1-trichloroethane (1,1,1-TCA) and its degradation compounds and petroleum-related compounds.

Data Gaps

- Analysis for non-volatile compounds. While not related to the suspected release of PCE, analysis of semi-volatile organic compounds (SVOCs), pesticides, polychlorinated biphenyls (PCBs) and metals will be performed to meet the requirements of the Brownfield Cleanup Program ("BCP").
- Groundwater flow direction. The Site is located in an area of shallow bedrock. The bedrock is assumed to be the Hartland Formation, which is predominantly gneiss and schist. Borings installed along Westchester Avenue, south of the Site, encountered shallow refusals, consistent with USGS bedrock contours indicating that the bedrock is dipping downward to the north and east. Additional monitoring wells will be installed during the BCP-required investigation and surveyed to a common datum in order to determine the shallow groundwater flow direction in the area of the Site.

Section VI. Previous Owners and Operators

Previous owners

Name	Last known contact info	Relationship	Ownership
KDM Properties	22 Bayview Avenue Manhasset, NY Telephone unknown	None	Prior to 7/25/1977
Robert C. Devlin	11 Gulls Cove Manhasset, NY Telephone unknown	None	7/25/1977 to 7/26/1977
Edward M. Devlin	249 Country Club Drive Manhasset, New York Telephone unknown	None	7/26/1977 to 4/25/1995
Albert J. Devlin	879 Forsyth Street Boca Raton, Florida Telephone unknown	None	7/25/1977 to 4/25/1995
Devlin Family Limited Partnership	249 Plandome Road Manhasset, NY 11030 Telephone unknown	None	4/25/1995 to 5/28/2004

C Plus Realty LLC	300 Manhasset Woods Road Manhasset, NY 11030 (516) 801-0355	Applicant	5/28/2004 to Present
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Previous operators

Name	Last known contact info	Relationship
Crystal Fancy Cleaners, Inc	Benjamin S. Lee 917-306-5695 Address unknown	Tenant from November 2000 - February 2016 when dry cleaner operation was stopped
Westchester Dry Cleaners, Inc	Seon J. Park 300 Manhasset Woods Road Manhasset, NY 11030 516-801-0355	Member of current owner entity corporation, operated from September 1999 to November 2000
Funeral home – name unknown, operated by former owners (Devlin family)	249 Plandome Road, Manhasset, NY 11030 Telephone unknown	None

Section VII. Requestor Eligibility Information**Volunteer/Participant Status**

The applicant requests entry into the BCP as a Volunteer. Based on the information available, it is most likely that the lessee who operated the dry cleaner is solely responsible for the contamination at the Site.

One of the members of the applicant corporate entity, Seon J. Park, operated the dry cleaner briefly, from September 1999 to November 2000. She was scrupulous and careful in ensuring that her operation met NYC's stringent legal requirements for dry cleaning facilities, including by purchasing fourth generation dry cleaning machines and installing a vapor room, and following best practices for operating a dry cleaner. It is highly unlikely that any dry cleaning chemicals were released into the environment from Mrs. Park's operation of the dry cleaner.

In November 2000, Mrs. Park leased the portion of the Site containing the dry cleaning facility to Benjamin S. Lee. It was Mr. Lee who caused the discharge of dry cleaning materials into the environment. In fact, the releases were likely caused not by his operation of the dry cleaner, but by his improper storage and use of used PCE brought from off-site into the basement of the dry cleaner, all without Mrs. Park's knowledge (and thus, without her consent). Mrs. Park was only informed of this improper storage when a Phase I was completed for a planned mortgage

refinancing. After Mrs. Park realized Mr. Lee's operation was causing the releases, she stopped his operations and vacated the dry cleaner; it has been vacant and unused since then.

The measured levels of PCE and its breakdown components suggest that the PCE present at the Site is from recent releases. Vinyl chloride was not detected in any sample at the Site, and measurements of other breakdown components like TCE are relatively low. For example, PCE was measured at 928 ug/L in a monitoring well in May 2016, and TCE for the same sample was measured 35.5 ug/L.

The fact that Mrs. Park's operation of the dry cleaner was brief and took place over 16 years ago, coupled with the relative lack of PCE breakdown components at the Site, indicates that the PCE was not released by Mrs. Park, and she is liable solely from ownership of the facility. She took steps to eliminate further releases once she discovered her tenant was improperly storing PCE on her property, and completely vacated the dry cleaner premises and has not permitted further use of the premises. She has taken steps to investigate her property under DEC supervision and has worked to ensure there is no human exposure.

Section IX. Contact List Information

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.

Chief Executive Officer

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

New York City Planning Commission

Marisa Lago, Chair
Department of City Planning
22 Reade Street
New York, NY 10007-1216

Office of the Bronx Borough, Borough President

Rubén Díaz Jr.
851 Grand Concourse # 915
Bronx, NY 10451

Borough of the Bronx, Department of City Planning

One Fordham Plaza, 5th Fl.
Bronx, NY 10458-5891

2. Residents, owners, and occupants of the property and properties adjacent to the property.

The Site is owned by the applicant, C Plus Realty, LLC, which has an address of 300 Manhasset Woods Road, Manhasset, NY 11030. The Site is currently occupied by a laundromat, owned and operated by Westchester Super Clean Laundromat LLC, with an address of 2135 Westchester Avenue, Bronx, NY 10462.

Owners and occupants of the adjacent properties include the below:

Residential 1 & 2 family building owned by Joann Castillo
Occupied by residents as set forth below
Property address: 1311 Purdy Street, Bronx, NY 10462
Owner address: 1311 Purdy Street, #1, Bronx, NY 10462 (owner resides here)

Commercial/office building owned by Henry Antonacchio
Occupied by Evo Cocktail Lounge & Restaurant, Fancy Feet Dance Studio
Property address: 1312 Odell Street, Bronx, NY 10462
Owner address: 2608 Sohurs Avenue, Bronx, NY 10465

Commercial/Office building owned by 2121 Westchester Ave
Occupied by Ortiz Funeral Home
Property address: 1325 Unionport Road, Bronx, NY 10462
Owner address: 524 Southern Boulevard, Bronx, NY 10455

Mixed residential & commercial building owned by Giao Van Tran
Occupied by Vanna Nails & Spa, and residents as set forth below
Property address: 2151 Westchester Avenue, Bronx, NY 10462
Owner address: 2081 Cruger Avenue, Bronx, NY 10462

Commercial/office building owned by 2148 Westchester Avenue Realty Corp.
Occupied by E & E Bridal & Party Supplies
Property address: 2148 Westchester Avenue, Bronx, NY 10462
Owner address: 2150 Westchester Avenue, Bronx, NY 10462

Commercial/office building owned by West Capital LLC.
Occupied by Wendy's International Incorporated
Property address: 2138 Westchester Avenue, Bronx, NY 10462
Owner address: 2140 Westchester Avenue, Bronx, NY 10462

Commercial/office building owned by Nicolaou Savas
Occupied by Rainbow Florist, Rock Home Realty Group, Photo Nice Studio
Property address: 2134 Westchester Avenue, Bronx, NY 10462
Owner address: 163-04 23rd Avenue, Whitestone, NY

Commercial/office building owned by 2128 Westchester Holdings LLC
Vacant building

Property address: 2128 Westchester Avenue, Bronx, NY 10462

Owner address: c/o Fink & Zelmanovitz, P.C., 3839 Flatlands Avenue, Suite 206,
Brooklyn, NY 11234

Mixed Residential & Commercial building owned by Nicolas Acosta
Occupied by Polanco Monuments, and residents as set forth below
Property address: 2126 Westchester Avenue, Bronx, NY 10462
Owner address: 1052 Underhill Avenue, Bronx, NY

Residential occupants of the adjacent properties include the below:

1311 Purdy Street

Joanne Castillo
1311 Purdy Street, #1, Bronx, NY 10462

Cynthia Benitez or Current Resident
1311 Purdy Street, #11, Bronx, NY 10462

Jacqueline Espinosa or Current Resident
1311 Purdy Street, #121B, Bronx, NY 10462

Alejandra Viera or Current Resident
1311 Purdy Street, Bronx, NY 10462

Priscilla Encarnacion or Current Resident
1311 Purdy Street, Bronx, NY 10462

2151 Westchester Avenue

Rafael Negron or Current Resident
2151 Westchester Avenue, Bronx, NY 10462

2126 Westchester Avenue

William Acevedo or Current Resident
2126 Westchester Avenue, Unit B, Bronx, NY 10462

Carmen Polanco or Current Resident
2126 Westchester Avenue, Unit B, Bronx, NY 10462

2135 Westchester BCP Application

Nicholas Acosta or Current Resident
2126 Westchester Avenue, Bronx, NY 10462

Carmen Cabrera or Current Resident
2126 Westchester Avenue, Bronx, NY 10462

Manny Diaz or Current Resident
2126 Westchester Avenue, Bronx, NY 10462

Teresa Geting or Current Resident
2126 Westchester Avenue, Bronx, NY 10462

Brenda Hernandez or Current Resident
2126 Westchester Avenue, Bronx, NY 10462

Alberto Vallejo or Current Resident
2126 Westchester Avenue, Bronx, NY 10462

3. Local news media from which the community typically obtains information.

Bronx Times
3604 East Tremont Avenue
Bronx, NY 10465
718-260-4597
Bronxtimes@CNGLocal.com

4. The public water supplier which services the area in which the property is located.

The responsibility for supplying water in New York City is shared between the NYC Department of Environmental Protection (NYCDEP), the Municipal Water Finance Authority, and the New York City Water Board:

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

New York City Municipal Water Finance Authority
255 Greenwich Street, 6th Floor
New York, NY 10007

New York City Water Board
Department of Environmental Protection
59-17 Junction Boulevard, 8th Floor
Flushing, NY 11373

5. Any person who has requested to be placed on the contact list.

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

6. The administrator of any school or day care facility located on or near the property.

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:

St. Raymond High School for Boys
(approximately 1500 feet north)
2151 St Raymonds Ave, Bronx, NY 10462
Mrs. Judith Carew
718-824-5050

Bronx Charter School for Excellence
(approximately 1000 feet west)
1960 Benedict Ave, Bronx, NY 10462
Charlene Reid
(718) 828-7301

Public School 106
(approximately 1500 feet north)
2120 St Raymonds Ave
Bronx, NY 10462
Mrs. E. Montalvo, Principal
(718) 892-1006

Junior High School 125 Henry Hudson
(approximately 2000 feet southwest)
1111 Pugsley Ave # 119, Bronx, NY 10472
Michael Collins
(718) 822-5186

Santa Maria School
(approximately 2000 feet northeast)
1510 Zerega Ave
Bronx, NY 10462
Sr. Maureen Flynn
(718) 823-3636

Blueprint Middle School
(approximately 2000 feet southwest)
1111 PUGSLEY AVENUE
BRONX, NY 10472
Tyneka Harrington
(718) 822-2780

P.S. Middle School 194
(approximately 2000 feet east)
1301 Zerega Ave
Bronx, NY 10462
Rosa Sifuentesrosado
718-892-5270

Public School 119 annex
(approximately 2200 feet southwest)
1075 PUGSLEY AVENUE
BRONX, NY 10472
Michele Montana
718-239-3112

JHS 127 The Castle Hill
(approximately 1500 feet north)
1560 PURDY STREET
Bronx, NY 10462
Harry Sherman
718-891-8600

PS 036 Unionport
(approximately 2000 feet southeast)
1070 CASTLE HILL AVENUE
Bronx, NY 10472
Elvira Maresca
718-822-5345

KIDDIES SAFE HAVEN, INC.
(approximately 2200 feet west)
1891 McGraw Ave
Bronx, NY 10462

MARIAN P. RANCE-BAPTISTE
(approximately 3000 feet northwest)
1489 Metropolitan Ave
Bronx, NY 10462

MARIAN P. BAPTISTE
(approximately 1000 feet north)
2119 Starling Ave
Bronx, NY 10462

Sacred Heart Learning Center/Santa Maria
Early Childhood Program
(approximately 2200 feet north)
1651 Zerega Ave
Bronx, NY 10462
Sr. Maureen Flynn
(718) 823-3636

Howard Haber Early Learning Center
2300 Westchester Ave
Bronx, NY 10462
718-409-1450
Patricia Giardina

LUTHERAN SOCIAL SERVICES OF
METROPOLITAN NEW YORK, INC.
2125 Watson Ave
Bronx, NY 10472
Maria Garcia
718-943-0580

LITTLE ANGEL EARLY CHILDHOOD DAY CARE
INC.
1161 Olmstead Ave
Bronx, NY 10472
Phone number disconnected, unable to
contact owner to obtain administrator
name

MRS ANA'S DAY Care
1315 Purdy Street, 1st Floor
Bronx, NY 10462
Attn: Ana M. Tovar

7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of an acknowledgement from the repository indicating that it agrees to act as the document repository for the property.

- a) Bronx Community Board 9, 1967 Turnbull Avenue, Rm.7, Bronx, NY 10473
- b) Bronx Library Center, 310 East Kingsbridge Road, Bronx, NY 10458

Copies of acknowledgments from each repository indicating it agrees to act as a document repository are attached as Exhibit E.

8. Any community board located in a city with a population of one million or more, if the proposed site is located within such community board's boundaries.

The local community board is Bronx Community Board 9.

Section X. Land Use Factors

2. Current business operations

There is currently a laundromat operating on one portion of the Site. The other portion was formerly a dry cleaner that operated from 2000 to February 2016, when the dry cleaning operation was ceased. There was formerly a funeral establishment that operated at the Site, from 1955 to 2000.

3. Reasonably anticipated use post remediation

The applicant plans to build a mix commercial/residential structure at the Site, with affordable housing. The applicant is in the process of designing the structure with architects.

Exhibit A

Entity Information

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through June 13, 2017.

Selected Entity Name: C PLUS REALTY, LLC

Selected Entity Status Information

Current Entity Name: C PLUS REALTY, LLC

DOS ID #: 3039901

Initial DOS Filing Date: APRIL 13, 2004

County: BRONX

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)

C PLUS REALTY, LLC
2135 WESTCHESTER AVENUE
BRONX, NEW YORK, 10462

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
APR 13, 2004	Actual	C PLUS REALTY, 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.

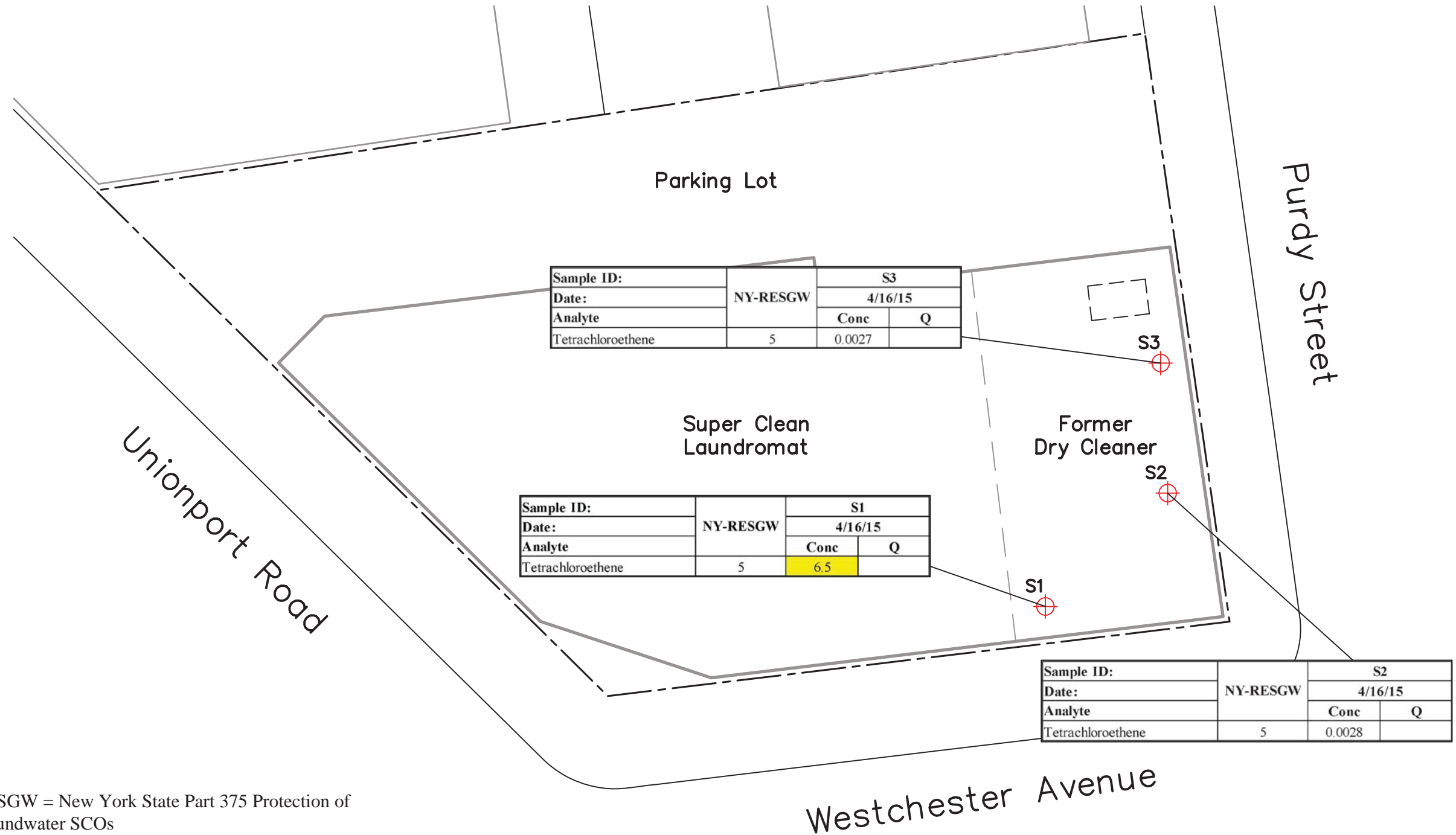
NOTE: New York State does not issue organizational identification numbers.

[Search Results](#) [New Search](#)

[Services/Programs](#) | [Privacy Policy](#) | [Accessibility Policy](#) | [Disclaimer](#) | [Return to DOS](#)
[Homepage](#) | [Contact Us](#)

Exhibit C

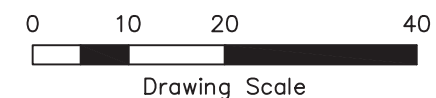
Site Drawings for Impacted Media



Notes:
NY-RESGW = New York State Part 375 Protection of Groundwater SCOs
Cells highlighted in yellow indicate concentrations above the NY-RESGW.
Only detections are shown.
Q = Laboratory Data Qualifier
Results are in milligrams per kilogram (mg/kg)

Legend

- Soil Boring Sample Location (Basement)
- Property Boundary
- Building



Tax Lot Source: New York City Dept. of Finance Digital Tax Map
Building Foot Print Source: NYC Open Data, Bing Imagery

CLIENT

2135 Westchester Avenue
Bronx, New York
Block 3934, Lot 1

CONSULTANT



TENEN ENVIRONMENTAL, LLC
121 West 27th Street
Suite 702
New York, NY 10001
O: 646-606-2332
F: 646-606-2379

DRAWN BY

LM

CHECKED BY

MC

DATE

May 2017

SCALE:

As Noted

DRAWING TITLE:

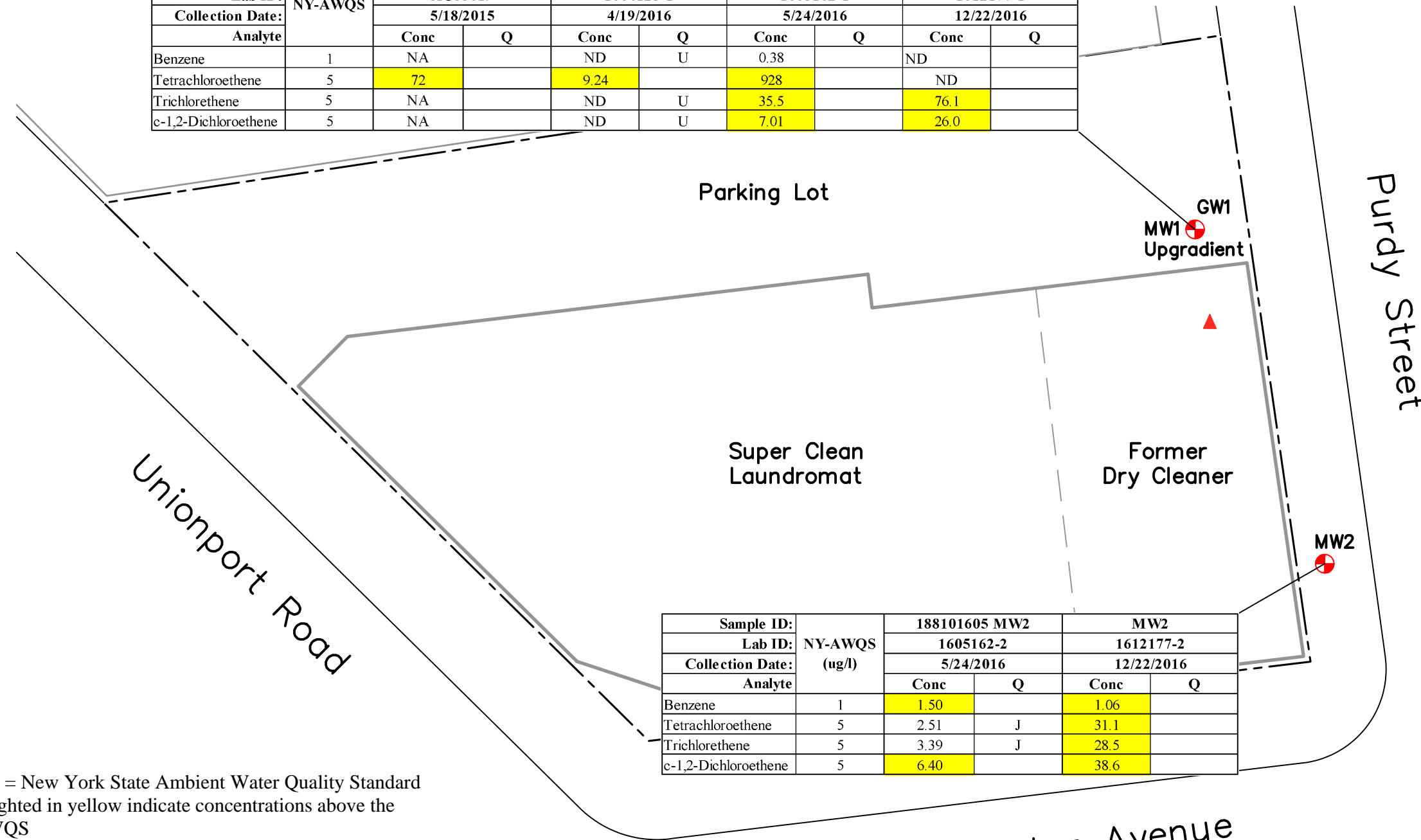
Soil Sample Results

DRAWING NO.

Figure 3



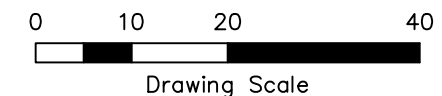
Sample ID:	NY-AWQS	GW1		UPGRADIENT		188101605 MW1		MW1	
Lab ID:		AC85019		1604125-1		1605162-1		1612177-1	
Collection Date:		5/18/2015		4/19/2016		5/24/2016		12/22/2016	
Analyte		Conc	Q	Conc	Q	Conc	Q	Conc	Q
Benzene	1	NA		ND	U	0.38		ND	
Tetrachloroethene	5	72		9.24		928		ND	
Trichlorethene	5	NA		ND	U	35.5		76.1	
c-1,2-Dichloroethene	5	NA		ND	U	7.01		26.0	



Notes:
NY-AWQS = New York State Ambient Water Quality Standard
Cells highlighted in yellow indicate concentrations above the NY-AWQS
NA = Not analyzed or not available
Q = Laboratory Data Qualifier
ND and U = not detected above the method detection limit (MDL)
J = estimated value, indicating the detected value is below the reporting limit, but above the MDL
For J qualified entries, the estimated concentration is shown
Results are in micrograms per liter ($\mu\text{g/L}$)

Legend

- Monitoring Well Location
- Property Boundary
- Building



Tax Lot Source: New York City Dept. of Finance Digital Tax Map
Building Foot Print Source: NYC Open Data, Bing Imagery

CLIENT

2135 Westchester Avenue
Bronx, New York
Block 3934, Lot 1

TENEN ENVIRONMENTAL

CONSULTANT

TENEN ENVIRONMENTAL, LLC
121 West 27th Street
Suite 702
New York, NY 10001
O: 646-606-2332
F: 646-606-2379

DRAWN BY

LM

CHECKED BY

MC

DATE

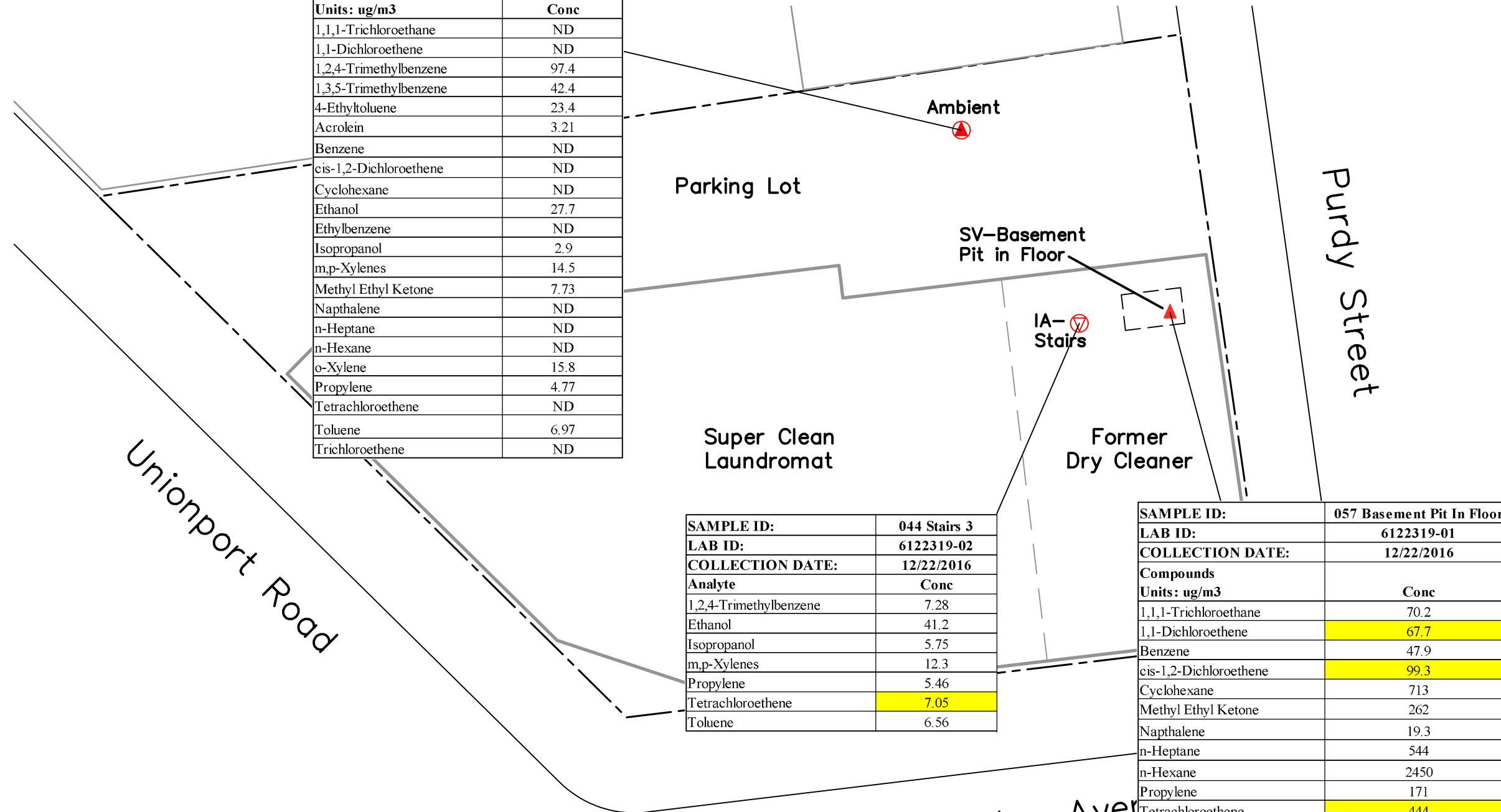
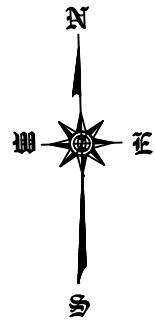
June 2017

SCALE:

As Noted

Groundwater
Sample Results

Figure 4



SAMPLE ID:	039 Ambient
LAB ID:	6122319-04
COLLECTION DATE:	12/22/2016
Volatile Organic Compounds	
Units: ug/m3	Conc
1,1,1-Trichloroethane	ND
1,1-Dichloroethene	ND
1,2,4-Trimethylbenzene	97.4
1,3,5-Trimethylbenzene	42.4
4-Ethyltoluene	23.4
Acrolein	3.21
Benzene	ND
cis-1,2-Dichloroethene	ND
Cyclohexane	ND
Ethanol	27.7
Ethylbenzene	ND
Isopropanol	2.9
m,p-Xylenes	14.5
Methyl Ethyl Ketone	7.73
Napthalene	ND
n-Heptane	ND
n-Hexane	ND
o-Xylene	15.8
Propylene	4.77
Tetrachloroethene	ND
Toluene	6.97
Trichloroethene	ND

SAMPLE ID:	044 Stairs 3
LAB ID:	6122319-02
COLLECTION DATE:	12/22/2016
Analyte	Conc
1,2,4-Trimethylbenzene	7.28
Ethanol	41.2
Isopropanol	5.75
m,p-Xylenes	12.3
Propylene	5.46
Tetrachloroethene	7.05
Toluene	6.56

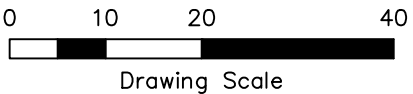
SAMPLE ID:	057 Basement Pit In Floor
LAB ID:	6122319-01
COLLECTION DATE:	12/22/2016
Compounds	
Units: ug/m3	Conc
1,1,1-Trichloroethane	70.2
1,1-Dichloroethene	67.7
Benzene	47.9
cis-1,2-Dichloroethene	99.3
Cyclohexane	713
Methyl Ethyl Ketone	262
Napthalene	19.3
n-Heptane	544
n-Hexane	2450
Propylene	171
Tetrachloroethene	444
Toluene	745
Trichloroethene	161

Notes:
Only detections in indoor air and soil vapor are shown.
Cells highlighted in yellow indicate compounds that meet the
NYSDOH Mitigate or Monitor concentrations.
ND = not detected above the RL
Results and RL values are in micrograms per cubic meter (ug/m3)
-- = No Standard

Legend

- ▲ Soil Vapor Sample Location
- ⬆ Ambient Air Sample Location
- Ⓢ Indoor Air Sample Location

- - - Property Boundary
- Building



Tax Lot Source: New York City Dept. of Finance Digital Tax Map
Building Foot Print Source: NYC Open Data, Bing Imagery

CLIENT

2135 Westchester Avenue
Bronx, New York
Block 3934, Lot 1

TENEN ENVIRONMENTAL

TENEN ENVIRONMENTAL, LLC
121 West 27th Street
Suite 702
New York, NY 10001
O: 646-606-2332
F: 646-606-2379

DRAWN BY

LM

CHECKED BY

MC

DATE

June 2017

SCALE

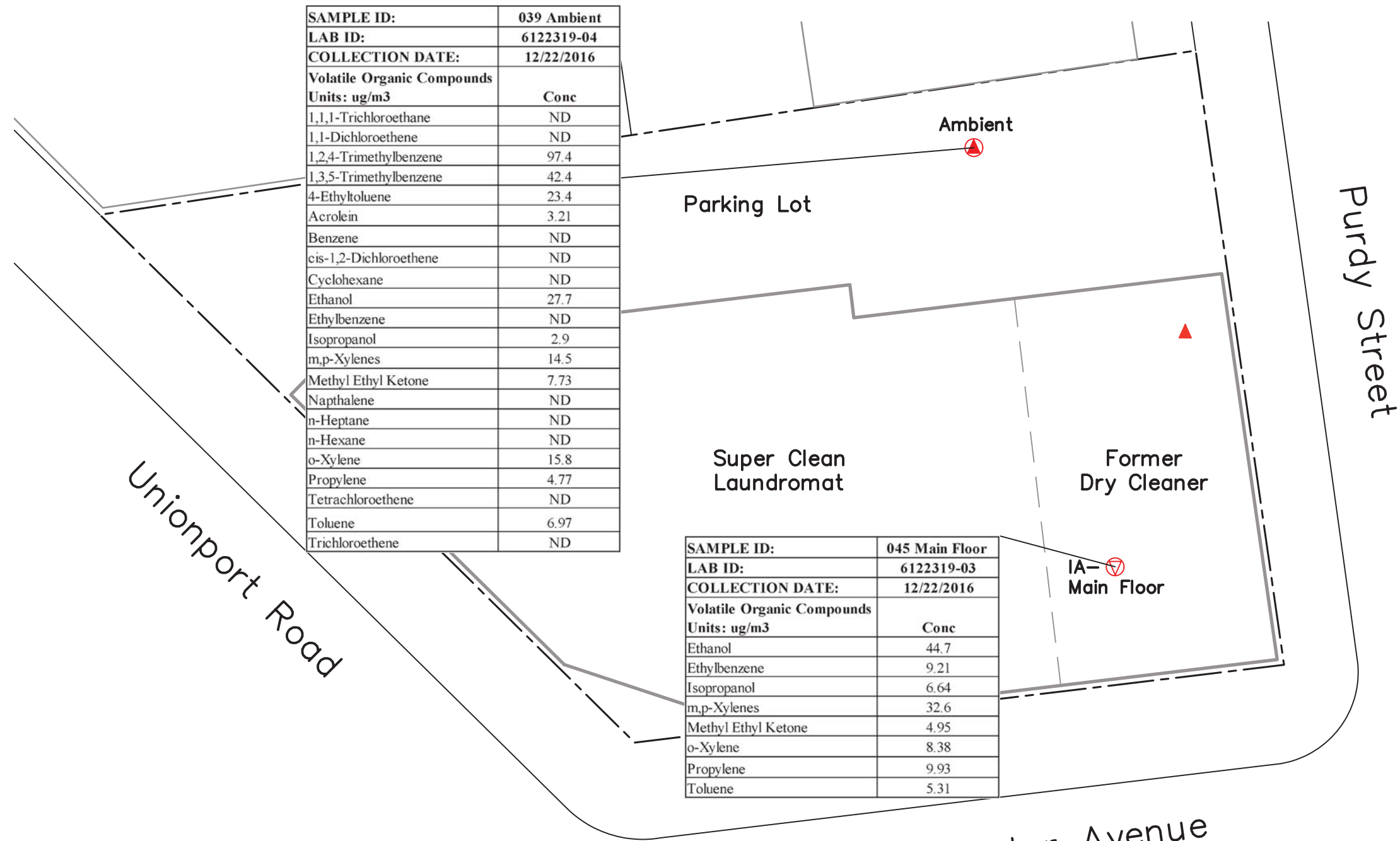
As Noted

DRAWING TITLE

Soil Vapor, Indoor Air
and Ambient Air
Samples - Basement

DRAWING NO.

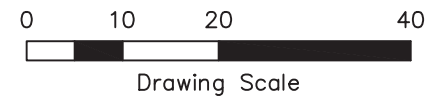
Figure 5



Notes:
Only detections in indoor air and soil vapor are shown.
Cells highlighted in yellow indicate compounds that meet the
NYSDOH Mitigate or Monitor/Mitigate concentrations.
ND = not detected above the RL
Results and RL values are in micrograms per cubic meter (ug/m3)
-- = No Standard

Legend

- Ambient Air Sample Location
- Indoor Air Sample Location
- Property Boundary
- Building



Tax Lot Source: New York City Dept. of Finance Digital Tax Map
Building Foot Print Source: NYC Open Data, Bing Imagery

CLIENT

2135 Westchester Avenue
Bronx, New York
Block 3934, Lot 1

CONSULTANT



TENEN ENVIRONMENTAL, LLC
121 West 27th Street
Suite 702
New York, NY 10001
O: 646-606-2332
F: 646-606-2379

DRAWN BY

LM

CHECKED BY

MC

DATE

May 2017

SCALE:

As Noted

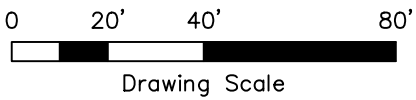
DRAWING TITLE:
Indoor Air and Ambient
Air Sample Results -
First Floor

DRAWING NO.

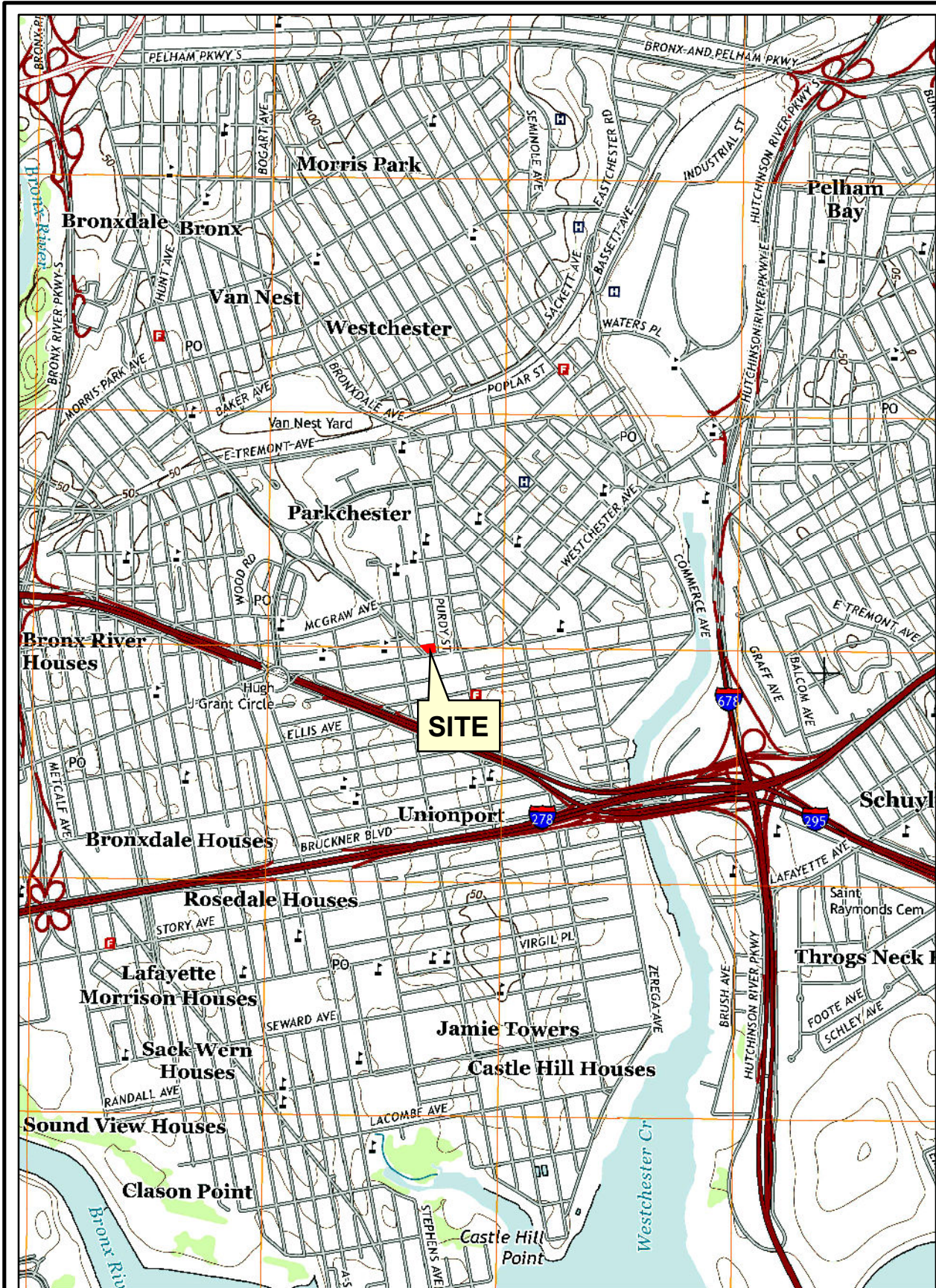
Figure 6

Exhibit D

Tax map information for Section IV

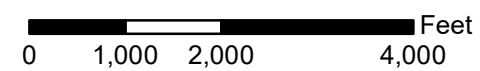


DRAWING TITLE	Site Layout	
	Figure 2	
DRAWING NO.		
DRAWN BY	LM	CONSULTANT
CHECKED BY	MC	
DATE	May 2017	TENEN ENVIRONMENTAL, LLC 121 West 27th Street Suite 702 New York, NY 10001 O: 646-606-2332 F: 646-606-2379
SCALE:	As Noted	
		CLIENT
		2135 Westchester Avenue Bronx, New York Block 3934, Lot 1



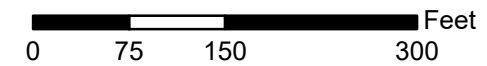
Basemap: Flushing, NY Quandrangle, 2013
<http://www.usgs.gov>

Site Location



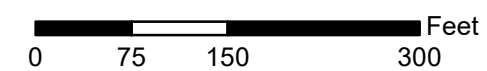
<http://gis.nyc.gov/taxmap/map.htm>

Department of Finance Digital Tax Map



Service Layer Credits: Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community
NYC Department of City Planning, Information Technology Division

Department of City Planning MapPLUTO - 2016 v2



Client		2135 Westchester Avenue Bronx, New York Block 3934, Lot 1	
TENEN ENVIRONMENTAL		Tenen Environmental, LLC 121 West 27th Street Suite 702 New York, NY 10001 O: (646) 606-2332 F: (646) 606-2379	
Drawn By	LM	Checked By	MC
Date		May 2017	
Scale		As Noted	
Site Location Map		Figure 1	
Drawing Title		Drawing No	



ID	OWNER	ADDRESS
A	JOANN CASTILLO	1311 PURDY STREET
B	HENRY ANTONACCHIO	1312 ODELL STREET
C	2121 WESTCHESTER AVENUE	1325 UNIONPORT ROAD
D	NICOLAS ACOSTA	2126 WESTCHESTER AVENUE
E	ORES ENTERPRISES INC	2128 WESTCHESTER AVENUE
F	NICOLAOU SAVAS	2134 WESTCHESTER AVENUE
G	WEST CAPITAL LLC	2138 WESTCHESTER AVENUE
H	2148 WESTCHESTER AVEN	2148 WESTCHESTER AVENUE
I	GIAO VAN TRAN	2151 WESTCHESTER AVENUE

Drawing Title

Adjacent Property Owners

Drawing No

Figure 8

Drawn By

LM

Checked By

MC

Date

May 2017

Scale

As Noted

Client

TENEN ENVIRONMENTAL

Tenen Environmental, LLC
121 West 27th Street
Suite 702
New York, NY 10001
O: (646) 606-2332
F: (646) 606-2379

2135 Westchester Avenue
Bronx, New York
Block 3934, Lot 1



Service Layer Credits: Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User

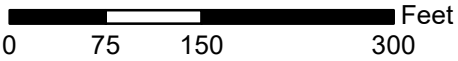
NYC Department of City Planning, Information Technology Division

Department of City Planning MapPLUTO - 2016 v2



Legend
Land Use

- One & Two Family Buildings
- Multi-Family Walk-Up Buildings
- Multi-Family Elevator Buildings
- Mixed Residential & Commercial Buildings
- Commercial & Office Buildings
- Industrial & Manufacturing
- Transportation & Utility
- Public Facilities & Institutions
- Open Space & Outdoor Recreation
- Parking Facilities
- Vacant Land



Drawing Title		Land Use Map		Drawing No	
Drawn By		LM		Date	
Checked By		MC		May 2017	
				Scale	
				As Noted	
				Figure 7	

Exhibit E

**Acknowledgments from Document
Repositories**

Heewon Kim

From: Rivera, William (CB) <wrivera@cb.nyc.gov>
Sent: Tuesday, May 02, 2017 6:20 PM
To: Heewon Kim
Cc: ssanandres1013@gmail.com
Subject: RE: Document Repository for Brownfield Cleanup Site

Yes we can accommodate you.

Please contact Shirley SanAndres at our office and she will help you with this. She is also copied in email.

Thank You

William Rivera

District Manager

Bronx Community Board 9

City of New York

1967 Turnbull Ave, 2nd Floor

Bronx NY 10473

Office: (718) 823-3034 Fax: (718) 823-6462

bx09@cb.nyc.gov - www.nyc.gov/bxcb9

[Join Our Mailing List](#)

[Website](#)

[Nextdoor](#)

[Facebook](#)

[Twitter](#)

From: Heewon Kim [hkim@sprlaw.com]
Sent: Monday, May 01, 2017 4:30 PM
To: Rivera, William (CB)
Subject: Document Repository for Brownfield Cleanup Site

Dear Mr. Rivera,

I write regarding our conversation today regarding the establishment of a document repository for an environmental remediation project located at 2135 Westchester Avenue in the Bronx (the "Site"). The Bronx Community Board 9 office at 1967 Turnbull Avenue, Rm.7, Bronx, NY 10473, is the corresponding Community Board for the Site and would be an appropriate repository.

An application for the Site's acceptance into the New York State Department of Environmental Conservation's Brownfield Cleanup Program is being prepared. Assuming the Site's acceptance into the program, we expect that documents would start being placed into the repository in the next month or two. We anticipate that the project file would occupy a maximum of 1-2 linear feet.

Please send a reply confirming your office is willing to serve as the document repository for our project. Thank you for being amenable to our use of the Bronx Community Board 9 facilities as document repository for this project.

Sincerely,

Heewon Kim

Heewon Kim

SIVE PAGET & RIESEL P.C.

560 Lexington Avenue, 15th Floor

New York, NY 10022

Phone: (212) 421-2150

Direct: (646) 378-7291

Fax: (212) 421-1891

www.sprlaw.com

hkim@sprlaw.com

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Please consider the environment before printing this email.

Heewon Kim

From: Jean Harripersaud <jeanharripersaud@nypl.org>
Sent: Wednesday, June 07, 2017 3:24 PM
To: Heewon Kim
Subject: Re: Document Repository for Brownfield Cleanup Program site

Hi Heewon,

Yes. We can do that.

Thanks,

On Wed, Jun 7, 2017 at 2:18 PM, Heewon Kim <hkim@sprlaw.com> wrote:

Hi Ms. Harripersaud,

Thank you for agreeing to host the link to an online repository for our project on the Bronx Library Center's website. The New York State Department of Environmental Conservation would like to clarify that you could host the link for the duration of the project, which we estimate would be through December 2019. Could you please let us know if you can host the link for that duration? A simple yes responding to this email will suffice.

Thanks very much,

Heewon

Heewon Kim

SIVE PAGET & RIESEL P.C.

Direct: [\(646\) 378-7291](tel:6463787291)

hkim@sprlaw.com

From: Jean Harripersaud [mailto:jeanharripersaud@nypl.org]
Sent: Wednesday, April 26, 2017 2:40 PM
To: Heewon Kim <hkim@sprlaw.com>
Subject: Re: Document Repository for Brownfield Cleanup Program site

Hi Ms. Kim,

We are willing to host the link to an electronic version of the report on our website for a limited period.

Thanks,

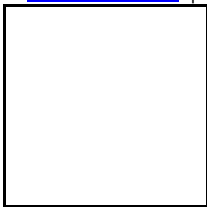
Jean Harripersaud | **The New York Public Library**

Managing Librarian

Bronx Library Center

310 East Kingsbridge Road Bronx, NY 10458

T: [718.579.4239](tel:718.579.4239) | F: [718.5794264](tel:718.5794264) | jeanharripersaud@nypl.org



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On Wed, Apr 26, 2017 at 2:32 PM, Heewon Kim <hkim@sprlaw.com> wrote:

Dear Ms. Harripersaud,

I write regarding our conversation today regarding the establishment of a document repository for an environmental remediation project located at 2135 Westchester Avenue in the Bronx (the “Site”). The Bronx Library Center at 310 East Kingsbridge Road is near the Site and would be an appropriate repository.

An application for the Site’s acceptance into the New York State Department of Environmental Conservation’s Brownfield Cleanup Program is being prepared. Assuming the Site’s acceptance into the program, we expect that documents would start being placed into the repository in the next month or two. We anticipate that the project file would occupy a maximum of 1-2 linear feet.

Please send a reply confirming the library is willing to serve as the document repository for our project. Thank you for being amenable to our use of the Bronx Library Center facilities as document repository for this project.

Sincerely,

Heewon Kim

Heewon Kim

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