



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 10*

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #:

NAME E 135 and 3rd Ave Owner LLC

ADDRESS 2447 Third Avenue

CITY/TOWN Bronx, New York

ZIP CODE 10451

PHONE (646)834-9380

FAX (212)479-5444

E-MAIL evan@artimusnyc.com

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

☒ Yes ☐ No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. **Please note:** If the requestor is an LLC, the members/owners names need to be provided on a separate attachment. SEE ATTACHMENT A

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

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

Section II. Project Description

1. What stage is the project starting at?

☒ Investigation

☐ Remediation

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

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

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

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

SEE ATTACHMENT B

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). **Please submit a separate electronic copy of each report in Portable Document Format (PDF).**

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		X	X
Chlorinated Solvents			X
Other VOCs			X
SVOCs	X	X	
Metals	X	X	
Pesticides			
PCBs			
Other*			

*Please describe: SEE ATTACHMENT C

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

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

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

☒ Yes ☐ No

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

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

Other: SEE ATTACHMENT C

Section IV. Property Information - See Instructions for Further Guidance

PROPOSED SITE NAME 2455 Third Avenue

ADDRESS/LOCATION 2455 Third Avenue

CITY/TOWN Bronx, New York

ZIP CODE 10451

MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Bronx

COUNTY Bronx

SITE SIZE (ACRES) 0.46

LATITUDE (degrees/minutes/seconds)

40 ° 48 ' 34.4 "

LONGITUDE (degrees/minutes/seconds)

73 ° 55 ' 49.1 "

Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed, please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address

SEE ATTACHMENT D

Section No.

Block No.

Lot No.

Acreage

2441 Third Avenue, Bronx NY, 10451

P/O

2319

37

0.46

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

☐ Yes ☒ No

If no, please attach an accurate map of the proposed site.

2. Is the required property map attached to the application?

☒ Yes ☐ 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 ☒ No ☐

If yes, identify census tract : 51

Percentage of property in En-zone (check one): ☐ 0-49% ☐ 50-99% ☒ 100%4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? ☐ Yes ☒ 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? ☐ Yes ☒ No6. 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? ☐ Yes ☒ No

If yes, attach relevant supporting documentation.

7. Are there any lands under water?

☐ Yes ☒ 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

No Easements Exist

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

Type

Issuing Agency

Description

No Permits Exist

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

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

☒ Yes ☐ No

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

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

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

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

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

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

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

Initials of each Requestor: BA _____

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 Evan Kashanian, Artimus			
ADDRESS 316 West 118th Street			
CITY/TOWN New York, New York		ZIP CODE 10026	
PHONE (646)834-9380	FAX (212)479-5444	E-MAIL evan@artimusnyc.com	
NAME OF REQUESTOR'S CONSULTANT Steven Ciambuschini, Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.			
ADDRESS 300 Kimball Drive			
CITY/TOWN Parsippany, NJ		ZIP CODE 07954	
PHONE (973) 560-4982	FAX (974)560-4901	E-MAIL sciambuschini@langan.com	
NAME OF REQUESTOR'S ATTORNEY Lawrence Schnapf, Schnapf LLC			
ADDRESS 55 East 87th Street, #8B			
CITY/TOWN New York, New York		ZIP CODE 10128	
PHONE (212)876-3189	FAX	E-MAIL larry@schnapflaw.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor		SEE ATTACHMENT E	
CURRENT OWNER'S NAME 225 East Realty Partners LLC		OWNERSHIP START DATE: 2015	
ADDRESS 2447 Third Avenue			
CITY/TOWN Bronx, New York		ZIP CODE 10451	
PHONE (718)401-1511	FAX (212)479-5444	E-MAIL matt@altmarkgroup.com	
CURRENT OPERATOR'S NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
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".			
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.			
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)		SEE ATTACHMENT F	
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. see

attached

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 N/A

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

SEE ATTACHMENT G

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

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

Section X. Land Use Factors		SEE ATTACHMENT H
<p>1. What is the current municipal zoning designation for the site? <u>M1-3/R8</u></p> <p>What uses are allowed by the current zoning? (Check boxes, below)</p> <p><input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial</p> <p>If zoning change is imminent, please provide documentation from the appropriate zoning authority.</p>		
<p>2. Current Use: <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Vacant <input type="checkbox"/> Recreational (check all that apply)</p> <p>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.</p>		
<p>3. Reasonably anticipated use Post Remediation: <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial (check all that apply) Attach a statement detailing the specific proposed use.</p> <p>If residential, does it qualify as single family housing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		
<p>4. Do current historical and/or recent development patterns support the proposed use?</p> <p>SEE ATTACHMENT H</p>		<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.</p> <p>SEE ATTACHMENT H</p>		<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>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.</p> <p>SEE ATTACHMENT H</p>		<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

XI. Statement of Certification and Signatures

(By requestor who is an individual)

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

Date: _____

Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Authorized Signatory (title) of E 135 and 3rd Ave Owner LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 8.24.2017

Signature: 

Print Name: Barry Altmark

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 10

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>	
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)	
375-3.2:	
<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: 2455 Third Avenue

City: Bronx, New York

Site Address: 2455 Third Avenue

County: Bronx

Zip: 10451

Tax Block & Lot

Section (if applicable): P/O

Block: 2319

Lot: 37

Requestor Name: E 135 and 3rd Ave Owner LLC

City: Bronx, New York

Requestor Address: 2447 Third Avenue

Zip: 10451

Email: evan@artimusnyc.com

Requestor's Representative (for billing purposes)

Name: Evan Kashanian, Artimus

Address: 316 West 118th Street

City: New York, New York

Zip: 10026

Email: evan@artimusnyc.com

Requestor's Attorney

Name: Lawrence Schnapf, Schnapf LLC **Address:** 55 East 87th Street, #8B

City: New York, New York

Zip: 10128

Email: larry@schnapflaw.com

Requestor's Consultant

Name: Steven Ciambuschini, Langan Engineering, Environmental, Surveying, Landscape **Address:** 300 Kimball Drive

City: Parsippany, NJ

Zip: 07954

Email: sciambuschini@langan.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:

ATTACHMENT A

SECTION I: REQUESTOR INFORMATION

The requester is E 135 and 3rd Ave Owner LLC.

A copy of the entity information for E 135 and 3rd Ave Owner LLC from the NYS Department of State's Corporation & Business Entity Database is included with this attachment. The requestor is a Limited Liability Company (LLC), below is a list of the members:

- 225 East Realty Partners LLC

The breakdown of members of E 135 and 3rd Ave Owner LLC is provided in the organizational charts in this attachment.

An access letter is included with this attachment.

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through August 1, 2019.

Selected Entity Name: E 135 AND 3RD AVE OWNER LLC

Selected Entity Status Information

Current Entity Name: E 135 AND 3RD AVE OWNER LLC

DOS ID #: 5593703

Initial DOS Filing Date: JULY 26, 2019

County: NEW YORK

Jurisdiction: DELAWARE

Entity Type: FOREIGN 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/O ARTIMUS

316 WEST 118 STREET

NEW YORK, NEW YORK, 10026

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
JUL 26, 2019	Actual	E 135 AND 3RD AVE OWNER LLC

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

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

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CERTIFICATE OF AUTHORITY UNDER SEC. 805 OF THE LIMITED LIABILITY COMPANY LAW

ENTITY NAME: E 135 AND 3RD AVE OWNER LLC

DOCUMENT TYPE: APPLICATION FOR AUTHORITY (FOR LLC)

COUNTY: NEWY

FILED:07/26/2019 DURATION:***** CASH#:190726000023 FILM #:190726000021
DOS ID:5593703

FILER:

EXIST DATE

NRAI SERVICES LLC
160 GREENTREE DRIVE
STE 101
DOVER, DE 19904

07/26/2019

ADDRESS FOR PROCESS:

C/O ARTIMUS
316 WEST 118 STREET
NEW YORK, NY 10026

REGISTERED AGENT:



The limited liability company is required to file a Biennial Statement with the Department of State every two years pursuant to Limited Liability Company Law Section 301. Notification that the biennial statement is due will only be made via email. Please go to www.email.ebiennial.dos.ny.gov to provide an email address to receive an email notification when the Biennial Statement is due.

SERVICE COMPANY: DELANEY CORPORATE SERVICES LTD.

SERVICE CODE: 30

FEES 285.00

FILING 250.00
TAX 0.00
CERT 0.00
COPIES 10.00
HANDLING 25.00

PAYMENTS 285.00

CASH 0.00
CHECK 0.00
CHARGE 0.00
DRAWDOWN 285.00
OPAL 0.00
REFUND 0.00

DOS-1025 (04/2007)

STATE OF NEW YORK
DEPARTMENT OF STATE

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of the
Department of State, at the City of Albany,
on July 29, 2019.

Brendan C. Hughes

Brendan C. Hughes
Executive Deputy Secretary of State

190726000021

APPLICATION FOR AUTHORITY

OF

E 135 AND 3RD AVE OWNER LLC

Under Section 802 of the Limited Liability Company Law

FIRST: The name of the limited liability company is: E 135 AND 3RD AVE OWNER LLC.

SECOND: The jurisdiction of organization of the limited liability company is Delaware. The date of its organization is: July 10, 2019.

THIRD: The county, within this state in which the office, or if more than one office, the principal office of the limited liability company is to be located is: New York County.

FOURTH: The Secretary of State is designated as agent of the limited liability company upon whom process against it may be served. The address within or without this state to which the Secretary of State shall mail a copy of any process against it served upon him or her is: c/o Artimus, 316 West 118 Street, New York, NY 10026.

FIFTH: The address of the office required to be maintained in the jurisdiction of its formation is: c/o National Registered Agents, Inc., 160 Greentree Drive, Suite 101, Dover, DE 19904.

SIXTH: The foreign limited liability company is in existence in its jurisdiction of formation at the time of filing of this application.

SEVENTH: The name and the address of the Secretary of State or other authorized official in its jurisdiction of organization where a copy of its articles of organization is: Jeffrey W. Bullock, Delaware Secretary of State, Townsend Bldg., 401 Federal St., Suite 3, Dover, DE 19901.

Signed on: July 25, 2019

/s/ Ronen Haron

Ronen Haron

Authorized Person

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "E 135 AND 3RD AVE OWNER LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TWENTY-FIFTH DAY OF JULY, A.D. 2019.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "E 135 AND 3RD AVE OWNER LLC" WAS FORMED ON THE TENTH DAY OF JULY, A.D. 2019.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN ASSESSED TO DATE.



7508106 8300

SR# 20196156966

You may verify this certificate online at corp.delaware.gov/authver.shtml

A handwritten signature in black ink, appearing to read "JB", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed in a small font.

Authentication: 203286176

Date: 07-25-19

021

APPLICATION FOR AUTHORITY

OF

E 135 AND 3RD AVE OWNER LLC

Under Section 802 of the Limited Liability Company Law

Filed by: NRAI SERVICES LLC

(Name)

160 Greentree Street, Ste 101

(Mailing address)

Dover, DE 19904

(City, State and Zip code)

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED JUL 26 2019

TAX \$

BY: m1

FILED

2019 JUL 26 AM 7:46

Drawdown #30

RECEIVED

2019 JUL 25 PM 3:09

023

CONSENT OF MEMBERS

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being all of the Members of E 135 AND 3RD AVE OWNER LLC (the "LLC") do hereby consent and agree:

1. that Moshe Altmark, Adi Altmark and Barry Altmark, as Managers are hereby authorized to execute all documents required by the BCP and New York City Department of Buildings in connection with proposed construction at 2447 3rd Avenue, Bronx, New York & 225 East 134th Street, Bronx, New York 10451.

IN WITNESS WHEREOF, we have hereunto signed our names this 2nd day of August, 2019.

Altmark Realty Trust



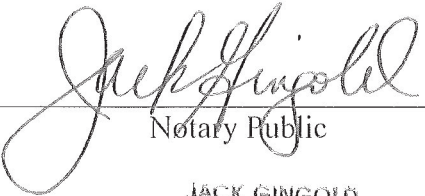
Moshe Altmark, Trustee

Aileen Altmark

Acknowledgments on following page

State of New York }
 }
County of Nassau } ss:

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

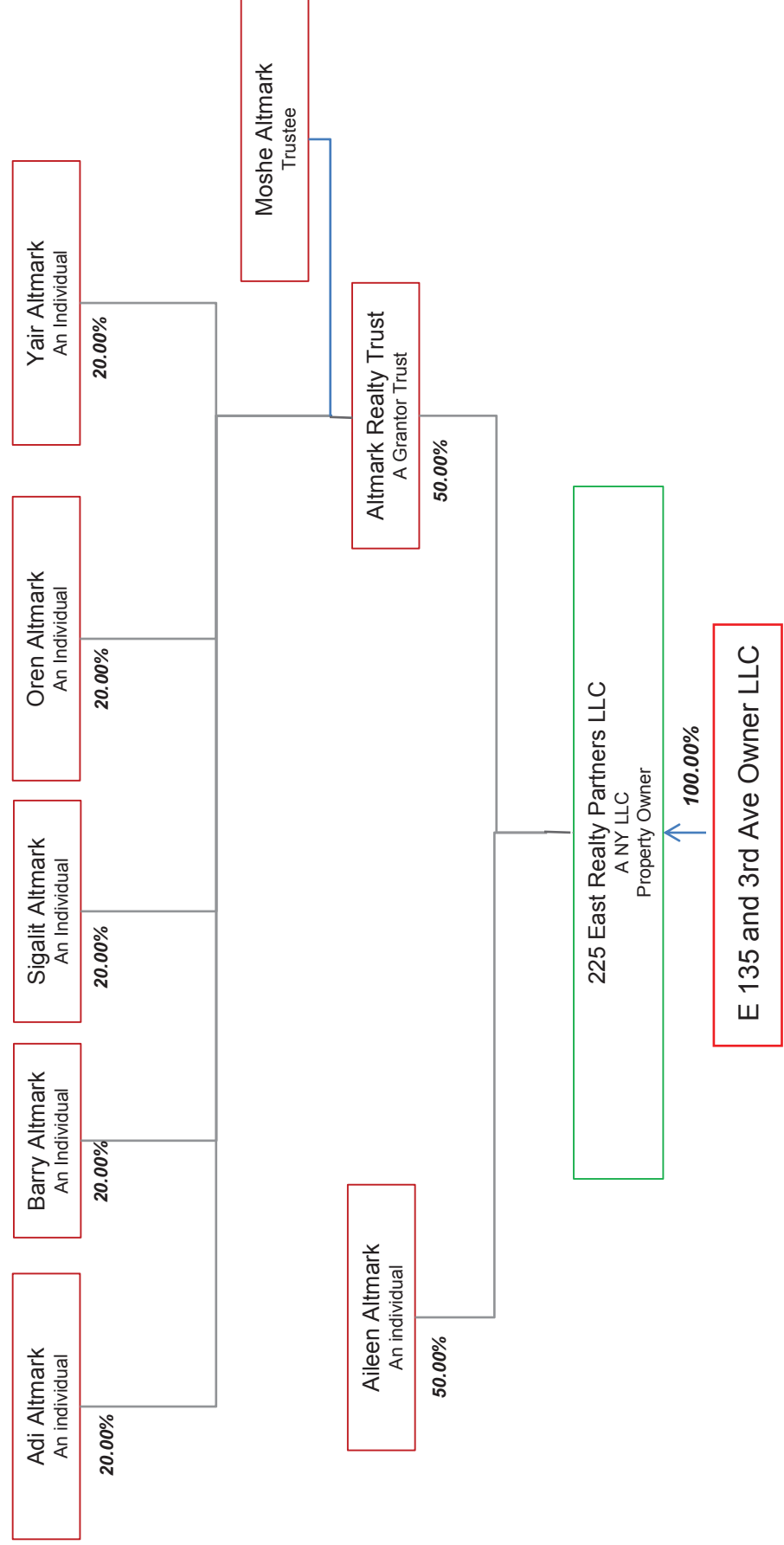


Notary Public

JACK GINGOLD
NOTARY PUBLIC-STATE OF NEW YORK
No. 01G16207823
Qualified in Westchester County
My Commission Expires June 15, 2021

Organizational Structure

Ownership structure for E 135 and 3rd Ave Owner LLC



225 East Realty Partners LLC
2447 Third Ave
Bronx, NY 10451

September 24, 2019
E 135 and 3rd Ave Owner LLC
316 West 118th Street
New York, NY 10451

Re: Block 2390, part of Lot 37 ("Site")

Dear Mr. Altmark,

This letter confirms that E 135 and 3rd Ave Owner LLC, it's manager, officers, employees agents, representatives, and consultants have access to the above-referenced Site area to implement any investigation or remedial work required and/or authorized by the New York State Department of Environmental Conservation *NYDESC) pursuant to the Brownfield Cleanup Program (BCP), is able to place an environmental easement upon the site, if needed, and to otherwise comply with all obligations under the Brownfield Cleanup Agreement (BCA) from the date hereof until such time as the BCA is terminated or NYSDEC issues a Certificate of Completion ("COC").

Sincerely,

225 East Realty Partners LLC

By: 

Barry Altmark

Authorized Representative

ATTACHMENT B

SECTION II: PROJECT DESCRIPTION

Purpose and Scope of the Project

The purpose of the project is to develop an underutilized parcel of land into a residential use lot, while implementing remedial measures that are protective of human health and the environment. The proposed redevelopment project includes demolition of the single-story warehouse and redevelopment of a residential structure that will span part of Lot 37. Redevelopment plans include a 23-story building, containing approximately 260 apartments, with ground floor retail and community space.

According to the New York City Planning Commission Zoning Map 6a, the site is located in a M1-3/R8 light manufacturing and high density residential commercial district, which typically allows for light industrial uses like woodworking and repair shops as well as high density 8-story and taller residential buildings. The site is also located in the Harlem River Waterfront (HRW) Special Purpose District. Special purpose districts are applied to areas to achieve specific planning and urban design objectives. The HRW special purpose district was designated to support the “revitalization of this underutilized area in the South Bronx into a vibrant, mixed use, mixed-income neighborhood while retaining viable light industry.” The proposed development is consistent with the current zoning.

The scope of the site investigation is detailed in a draft Remedial Investigation Work Plan (RIWP), which is included with this application. The RIWP will be implemented to determine the nature and extent of soil, groundwater and soil vapor impacts from historical site uses and current and historical surrounding property uses. The findings of the investigation will be documented in a Remedial Investigation Report (RIR) and future remediation plans to address the identified impacts will be detailed in a Remedial Action Work Plan (RAWP), which will be implemented concurrently with the contemplated development. The RIWP and RAWP will be prepared and submitted in accordance with New York State Department of Environmental Conservation (NYSDEC) guidelines.

Estimated Project Schedule

The remedial program is anticipated to start in April 2020, and a Certificate of Completion is anticipated in November 2020. The current project schedule is included with this attachment.

BCP Schedule
2455 Third Avenue

Estimated Project Schedule		2019						2020												
Item	Action	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1	BCP Application and RIWP - Preparation and Submittal																			
2	BCP Application - NYSDEC Review/Completeness Determination																			
3	BCP Application and RIWP - Public Comment Period (30 days)																			
4	Execute BCP Agreement																			
5	CPP - Preparation and Submittal																			
6	RI Implementation																			
7	RI and RAWP - Preparation and Submittal																			
8	RI and RAWP - NYSDEC Review																			
9	RI and RAWP - Public Comment Period (45 days)																			
10	RAWP Approval and Issuance of Decision Document																			
11	RAWP Implementation/Foundation Construction																			
12	FER and SMP																			
13	BCP Certificate of Completion																			

NYSDEC: New York State Department of Environmental Conservation

BCP: Brownfield Cleanup Program

CHASP: Construction Health and Safety Plan

CPP: Citizen Participation Plan

FER: Final Engineering Report

HASP: Health and Safety Plan

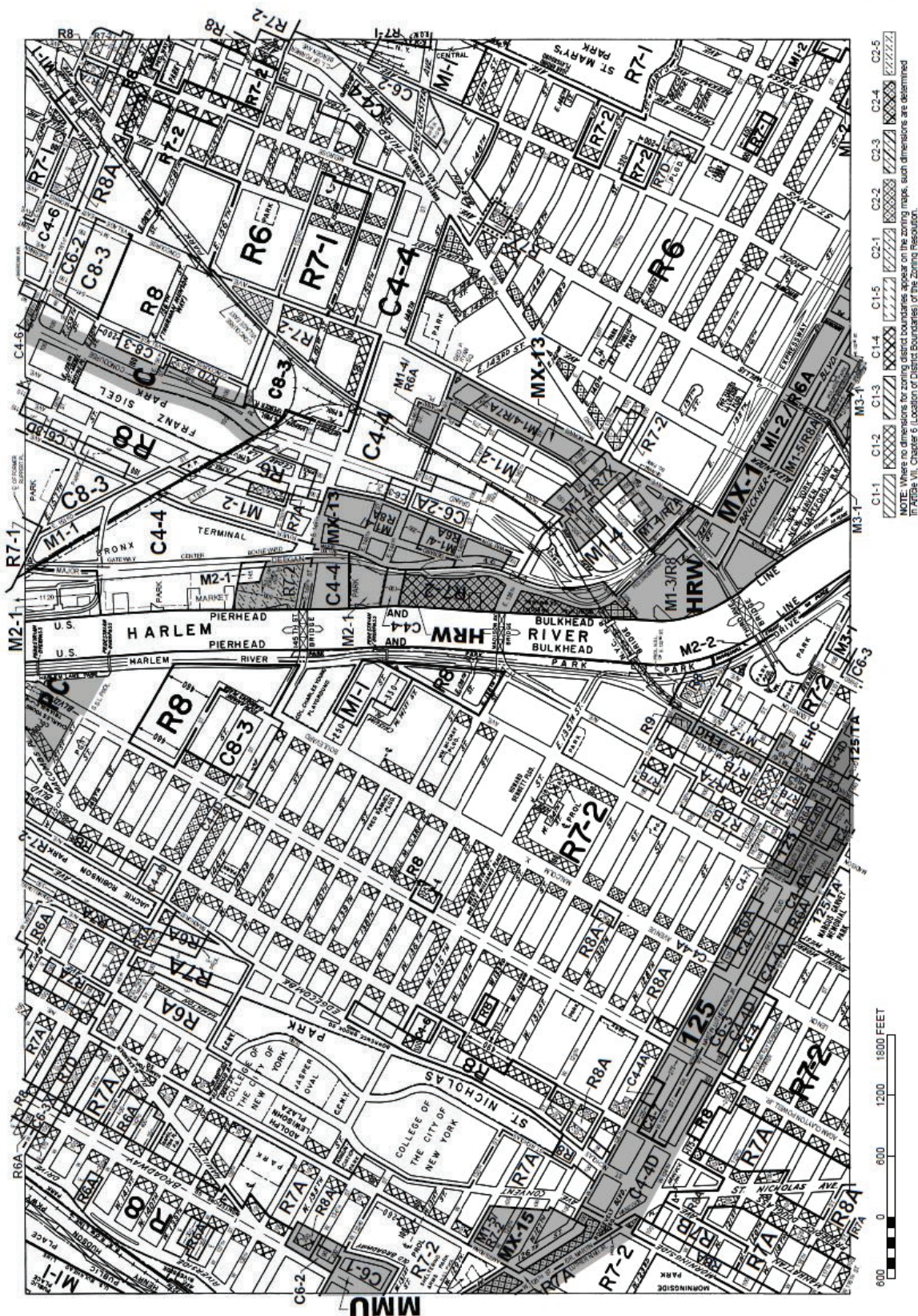
RAWP: Remedial Action Work Plan

RI : Remedial Investigation

RIWP: Remedial Investigation Work Plan

SMP: Site Management Plan

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, please visit the Zoning section of the Department of City Planning website: www.nyc.gov/planning or contact the Zoning Information Desk at (212) 720-3291.



ATTACHMENT C

SECTION III: PROPERTY'S ENVIRONMENTAL HISTORY

Item 1 – Reports

Environmental reports prepared for the site are summarized below and include the following:

- *Phase I Environmental Site Assessment, dated June 2019, prepared for 225 East Realty Partners LLC by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C. (Langan)*
- *Limited Phase II Environmental Site Investigation performed in April 2019, by Langan*

A summary of the relevant information from each report is presented below:

Phase I Environmental Site Assessment (ESA)

Langan prepared a Phase I ESA on behalf of 225 East Realty Partners, LLC in accordance with the ASTM E1527-13 standards and the United States Environmental Protection Agency's (USEPA) All Appropriate Inquires (AAI) Rule for the purpose of identifying Recognized Environmental Conditions (REC). The Phase I ESA included Block 2319, Lot 155 and part of Lot 37. The following RECs on Lot 37 were identified:

- REC 1 – Historical Site Operations: The site was operated as a rail yard (1935 - 1951). Activities associated with treated rail ties from the rail yard may have resulted in releases of polychlorinated biphenyls (PCB), metals, or hazardous materials that impacted the soil, soil vapor and/or groundwater at the site. Treated rail ties may still exist at the site and may need to be disposed of during future construction.
- REC 2 – Current and Historical Operations of Surrounding Properties: The adjoining cross-gradient property (Lot 155) to the west was historically used as an iron works foundry (1891). The adjoining up-gradient properties to the northeast were historically used as a filling station (1946 – 2003) and a drainpipe and fireproof material manufacturing facility. The adjoining cross-gradient property to the southeast was an auto repair shop (2000 – 2014), as well as an adjacent property located about 150 feet to the southwest operating as an auto repair shop (2000 – present). Migration of contaminants from these adjoining and surrounding properties have the potential to impact the soil vapor and/or groundwater at the site.

Limited Phase II Environmental Site Investigation (ESI)

Langan conducted a Limited Phase II ESI in April 2019 to evaluate possible impacts to soil, groundwater, and soil vapor because of historic use of the site. The Limited ESI, conducted on

Block 2319 Lot 155 and part of Lot 37, included a geophysical survey; advancement of 12 soil borings, installation of 3 temporary groundwater monitoring wells, and 3 soil vapor points; and soil, groundwater and soil vapor sampling. Nine of 12 soil borings, 2 of 3 groundwater monitoring wells and 2 of 3 soil vapor points were installed on the site (part of Lot 37) The following observations were made on part Lot 37 during the April 2019 ESI:

- The geophysical survey did not identify any anomalies indicative of Underground Storage Tanks (UST). A water retention tank was detected next to the northern corner of the one-story warehouse on site.
- The stratigraphy of the site consisted of historic fill material, predominantly consisting of brown, fine-grained sand with varying amounts of silt, gravel, concrete, brick, and slag, which extends from ground surface to depths ranging from about 6 and 9.5 feet below grade surface (bgs). Historic fill was generally underlain by a 1.5 to 9.5 foot thick layer of brown, fine-grained sands with varying amounts of gravel, concrete, brick, and slag. A clay/peat layer with varying amounts of organic material (between 8 and 16 feet bgs) was observed in borings on the western part of the site followed by sand.
- Petroleum impacts, evidenced by photoionization detector (PID) readings above backgrounds, were observed in 1 of the 9 borings at depths between surface grade to 2 feet bgs. A maximum PID reading of 10.2 parts per million (ppm) was documented in SB05. Soil/fill samples were analyzed for volatile organic compounds (VOC), semivolatile organic compounds (SVOCs), and metals and compared to the Title 6 of the New York Codes, Rules and Regulations (6 NYCRR) Part 375 Restricted Use Restricted – Residential (RURR) Soil Cleanup Objectives (SCO).
 - SVOCs, including benzo(a)anthracene (max concentration 9.2 milligrams per kilogram [mg/kg]), benzo(a)pyrene (max concentration 6.1 mg/kg), benzo(b)fluoranthene (max concentration 10 mg/kg), chrysene (max concentration 6.4 mg/kg), dibenzo[a,h]anthracene (max concentration 0.96 mg/kg), and indeno(1,2,3-cd)pyrene (max concentration 3.9 mg/kg) were detected at concentrations above RURR SCOs.
 - Metals including barium (max concentration 1,000 mg/kg), lead (max concentration 2,250 mg/kg) and mercury (max concentration 6.2 mg/kg) were detected at concentrations exceeding RURR SCOs.
- Groundwater was observed at depths ranging from about 5.25 feet bgs in the western part of the site to 10 feet bgs in the center of the site. Groundwater is inferred to flow southwest towards the Harlem River.

- Groundwater samples were compared to the NYSDEC 6 NYCRR Part 703.5 and the NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Guidance Values (SGVs) for Class GA water. The results are summarized below:
 - One SVOC, naphthalene (max concentration 56 µg/L), was detected at a concentration exceeding the SGV.
 - Total metals, including iron (max concentration 12,700 µg/L), manganese (max concentration 547.5 µg/L), and sodium (max concentration 245,000 µg/L) were detected at concentrations exceeding their SGVs.
 - Dissolved metals, including iron (max concentration 13,200 µg/L), manganese (max concentration 581.9 µg/L), and sodium (max concentration 252,000 µg/L), were detected at concentrations exceeding their SGVs.
- Soil vapor samples were evaluated using the New York State Department of Health (NYSDOH) Final Guidance on Soil Vapor Intrusion (May 2017) Matrices A, B, and C. The NYSDOH Decision Matrices (Matrices A, B, and C) address the compounds PCE, TCE, 1,1,1-trichloroethane (1,1,1-TCA), 1,1-dichloroethene, cis-1,2-dichloroethene, vinyl chloride, methylene chloride and carbon tetrachloride. The matrix evaluation requires soil vapor and indoor air data. In the absence of indoor air sampling data, the matrices provide a minimum soil vapor concentration above which monitoring and/or mitigation is recommended. Both petroleum-related VOCs and chlorinated VOCs were present in soil vapor. The analytical results are summarized as follows:
 - Several VOCs were detected in soil vapor samples. The total VOCs were detected at a maximum concentration of about 2,630 micrograms per cubic meter (µg/m³) in SV05, collected from the western part of the site.
 - TCE, 1,1,1-TCA, 1,1-dichloroethene, cis-1,2-dichloroethene, vinyl chloride, methylene chloride, and carbon tetrachloride were not detected in soil vapor samples.
 - PCE was detected in both soil vapor samples at concentrations ranging from 5.47 µg/m³ to 5.57 µg/m³. The recommendations provided in NYSDOH Decision Matrix B for the detected PCE concentrations range from “no further action” to “identify source and resample or mitigate”.
 - Petroleum-related VOCs (BTEX – benzene, toluene, ethylbenzene, and xylene) detected at 76.3 µg/m³ in SV04, and 2,063.94 µg/m³ in SV05.

Item 2 – Sampling Data

Tables C-1, C-2 and C-3 (included in this attachment) summarize the results of the soil, groundwater, and soil vapor samples collected from the site (part of Lot 37) during the April 2019 Limited Phase II ESI. The tabulated results are compared to applicable regulatory comparison criteria indicated below, and compounds that exceed the regulatory criteria are summarized below.

Soil:

Soil samples were collected and analyzed for VOCs, SVOCs, and metals and compared to the 6 NYCRR Part 375 RURR SCOs. As depicted in Figure C-1, the following compounds were detected at concentrations exceeding the Part 375 RURR SCOs.

VOCs: These compounds were not detected above the RURR SCOs.

SVOCs:

- benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, chrysene, dibenzo[a,h]anthracene, and indeno(1,2,3-cd)pyrene

Metals:

- barium, lead and mercury

Groundwater:

Groundwater sample were collected and analyzed for VOCs, SVOCs, PCBs, and/or metals (total and dissolved) and results were compared to the NYSDEC SGVs. As depicted in Figure C-2, the following compounds were detected above the SGVs.

VOCs: These compounds were not detected above the NYSDEC SGVs.

SVOCs:

- naphthalene

Total Metals:

- iron, manganese, and sodium

Dissolved Metals:

- iron, manganese, and sodium

Soil Vapor:

- Soil vapor samples were evaluated using the NYSDOH Final Guidance on Soil Vapor Intrusion (May 2017) Matrices A, B, and C. The NYSDOH Decision Matrices (Matrices A, B, and C) address the compounds PCE, TCE, 1,1,1-trichloroethane (1,1,1-TCA), 1,1-dichloroethene, cis-1,2-dichloroethene, vinyl chloride, methylene chloride and carbon tetrachloride. The matrix evaluation requires soil vapor and indoor air data. In the absence of indoor air sampling data, the matrices provide a minimum soil vapor concentration above which monitoring and/or mitigation is recommended. Both petroleum-related VOCs and chlorinated VOCs were present in soil vapor. The analytical results are summarized as follows:
 - Several VOCs were detected in soil vapor samples. The total VOCs were detected at a maximum concentration of about 2,630 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) in SV05, collected from the western part of the site.
 - TCE, 1,1,1-TCA, 1,1-dichloroethene, cis-1,2-dichloroethene, vinyl chloride, methylene chloride, and carbon tetrachloride were not detected in soil vapor samples.
 - PCE was detected in both soil vapor samples at concentrations of from $5.47 \mu\text{g}/\text{m}^3$ to $5.57 \mu\text{g}/\text{m}^3$. The recommendations provided in NYSDOH Decision Matrix B for the detected PCE concentrations range from “no further action” to “identify source and resample or mitigate”.
 - Petroleum-related VOCs (BTEX) detected at $76.3 \mu\text{g}/\text{m}^3$ in SV04, and $2,063.94 \mu\text{g}/\text{m}^3$ in SV05.

Item 3 – Site Drawings

The following figures summarize the detected concentrations of each contaminant by media type:

- Figure C-1: Soil Sample Analytical Results Map
- Figure C-2: Groundwater Sample Analytical Results Map
- Figure C-3: Soil Vapor Sample Analytical Results Map
- April 2019 Limited Phase II ESI (Langan) - Attachment includes geophysical report, laboratory analytical reports, soil boring and soil vapor logs, and groundwater sampling logs for both Lot 155 and part of Lot 37.

Item 4 – Previous Land Use

Historical site use includes multiple two- and three-story residential and commercial buildings (1891), a carpet storage facility on the southern part of the site (1908), and a rail yard (1935 – 1951). The site was an asphalt-paved lot in 1995. In 1998, a one-story building of unknown use was present on the southeastern part of the site, with parking located on the northeastern portion of the site. From 2006 to 2017, the site contained a building on the southwestern part of the site occupied by Bridge Building Supply. The site is currently vacant.

Table C-1
BCP Application
Soil Sample Analytical Results Summary

2455 Third Avenue
Bronx, New York
Langan Project No.: 190051701

Location	NYSDEC Part 375 Restricted Use Residential SCOs	SB03 SB03 5-7 L1916941-07 4/24/2019 5-7	SB04 SB04 6-8 L1916941-08 4/24/2019 6-8	SB05 SB05 0-2 L1916941-10 4/24/2019 0-2	SB06 SB06 0-2 L1916941-12 4/24/2019 0-2	SB07 SB07 0-2 L1916941-14 4/24/2019 0-2	SB08 SB08 0-2 L1916941-16 4/24/2019 0-2	SB09 SB09 1-3 L1916941-18 4/24/2019 1-3	SB10 SB10 6-8 L1917119-03 4/25/2019 6-8	SB11 SB11 5-7 L1917119-04 4/25/2019 5-7
Volatile Organic Compounds (mg/kg)										
1,2,4,5-Tetramethylbenzene	~	0.0018 U	0.0021 U	0.099 J	0.0021 U	0.0021 U	0.0005 J	0.0024 U	0.0029 U	0.002 U
1,2,4-Trimethylbenzene	52	0.0019 U	0.0021 U	0.19 J	0.0021 U	0.0021 U	0.00045 J	0.0024 U	0.0029 U	0.002 U
1,3,5-Trimethylbenzene (Mesitylene)	52	0.0018 U	0.0021 U	0.12 J	0.0021 U	0.0021 U	0.00064 J	0.0024 U	0.0029 U	0.002 U
1,4-Diethyl Benzene	~	0.0018 U	0.0021 U	0.33 J	0.0021 U	0.0021 U	0.0017 J	0.0024 U	0.0029 U	0.002 U
4-Ethyltoluene	~	0.0018 U	0.0021 U	0.14 J	0.0021 U	0.0021 U	0.0004 J	0.0024 U	0.0029 U	0.002 U
Acetone	100	0.039	0.019	0.88 U	0.039	0.026	0.006 J	0.024	0.026	0.019
Benzene	4.8	0.00045 U	0.00053 U	0.044 U	0.00053 U	0.00052 U	0.00052 U	0.00059 U	0.00072 U	0.00049 U
Bromomethane	~	0.0018 U	0.0021 U	0.12 J	0.0021 U	0.0021 U	0.0021 U	0.0024 U	0.0029 U	0.002 U
Chloroform	49	0.0014 U	0.0016 U	0.13 U	0.0016 U	0.0016 U	0.0016 U	0.0018 U	0.0022 U	0.0015 U
Cymene	~	0.00091 U	0.0011 U	0.027 J	0.0011 U	0.001 U	0.001 U	0.0012 U	0.0014 U	0.00098 U
Ethylbenzene	41	0.00091 U	0.0011 U	0.017 J	0.0011 U	0.001 U	0.001 U	0.0012 U	0.0014 U	0.00098 U
Isopropylbenzene (Cumene)	~	0.00091 U	0.0011 U	0.088 U	0.0011 U	0.001 U	0.001 U	0.0012 U	0.0014 U	0.00098 U
M,P-Xylene	~	0.0018 U	0.0021 U	0.18 U	0.0021 U	0.0021 U	0.0021 U	0.0024 U	0.0029 U	0.002 U
Methyl Ethyl Ketone (2-Butanone)	100	0.0042 J	0.011 U	0.88 U	0.011 U	0.01 U	0.01 U	0.012 U	0.014 U	0.0098 U
Naphthalene	~	0.0036 U	0.0042 J	3.5	0.0017 J	0.0042 U	0.0042 U	0.0047 U	0.0057 U	0.0039 U
n-Propylbenzene	100	0.00091 U	0.0011 U	0.088 U	0.0011 U	0.001 U	0.001 U	0.0012 U	0.0014 U	0.00098 U
o-Xylene (1,2-Dimethylbenzene)	0.00091	0.00091 U	0.0011 U	0.026 J	0.0011 U	0.001 U	0.00035 J	0.0012 U	0.0014 U	0.00098 U
Tert-Butyl Methyl Ether	100	0.0018 U	0.0021 U	0.18 U	0.0021 U	0.0021 U	0.0021 U	0.0024 U	0.0029 U	0.002 U
Tetrachloroethene (PCE)	19	0.00045 U	0.00053 U	0.044 U	0.00053 U	0.00082	0.00052 U	0.0011	0.00072 U	0.00049 U
Toluene	100	0.00091 U	0.0011 U	0.088 U	0.0011 U	0.001 U	0.001 U	0.0012 U	0.0014 U	0.00098 U
Total Xylenes	100	0.00091 U	0.0011 U	0.026 J	0.0011 U	0.001 U	0.00035 J	0.0012 U	0.0014 U	0.00098 U
Semivolatile Organic Compounds (mg/kg)										
2-Methylnaphthalene	~	0.24 U	9.1	13	0.3	0.083 J	0.22 U	0.14 J	0.26 U	0.21 U
3 & 4 Methylphenol (m&p Cresol)	100	0.036 J	2.7 U	1.3 U	0.055 J	0.048 J	0.26 U	0.041 J	0.3 U	0.25 U
Acenaphthene	~	0.16 U	6.3	13	0.57	0.21	0.14 U	0.26	0.17 U	0.14 U
Acenaphthylene	100	0.16 U	1.5 U	1.2	0.44	0.26	0.14 U	0.61	0.17 U	0.14 U
Acetophenone	~	0.2 U	1.8 U	0.92 U	0.074 J	0.17 U	0.001 U	0.19 U	0.21 U	0.18 U
Anthracene	100	0.12 U	3.6	~	~	~	0.11 U	~	0.13 U	0.1 U
Benzo(a)Anthracene	1	0.12 U	4.1	3.2	9.2	3.6	0.11 U	4.9	0.13 U	0.023 J
Benzo(a)Pyrene	1	0.16 U	3.3	2.4	6.1	3.3	0.14 U	5.1	0.17 U	0.14 U
Benzo(b)Fluoranthene	1	0.12 U	4	3.5	10	4.1	0.11 U	6.6	0.13 U	0.1 U
Benzo(g,h,i)Perylene	100	0.16 U	1.7	1.8	3.5	1.9	0.14 U	3.6	0.17 U	0.14 U
Benzo(k)Fluoranthene	3.9	0.12 U	1.5	1.1	2.8	1.6	0.11 U	2.3	0.13 U	0.1 U
Biphenyl (Diphenyl)	~	0.47 U	1.8 J	3.5	0.068 J	0.39 U	0.41 U	0.048 J	0.48 U	0.4 U
Bis(2-Ethylhexyl) Phthalate	~	0.2 U	5.4	0.92 U	2.5	0.41	0.18 U	0.19 U	0.21 U	0.18 U
Carbazole	~	0.2 U	0.67 J	3.3	0.54	0.23	0.18 U	0.47	0.21 U	0.18 U
Chrysene	9.9	0.12 U	3.6	4	6.4	3.2	0.11 U	4.8	0.13 U	0.02 J
Dibenz(a,h)Anthracene	0.33	0.12 U	0.39	0.3 J	0.96	0.5	0.11 U	0.8	0.13 U	0.1 U
Dibenzofuran	59	0.2 U	5.2	7.7	0.46	0.14 J	0.18 U	0.19	0.21 U	0.18 U
Di-N-Octylphthalate	~	0.2 U	0.88 J	0.92 U	0.3	0.17 U	0.18 U	0.19 U	0.21 U	0.18 U
Fluoranthene	100	0.024 J	10	13	17	6.2	0.11 U	8.7	0.13 U	0.034 J
Fluorene	100	0.2 U	5.5	7.2	0.33	0.24	0.18 U	0.22	0.21 U	0.18 U
Indeno(1,2,3-c,d)Pyrene	0.5	0.16 U	1.9	1.6	3.9	2.1	0.14 U	3.7	0.17 U	0.14 U
Naphthalene	100	0.2 U	26	21	0.33	0.15 J	0.18 U	0.33	0.21 U	0.18 U
Phenanthrene	100	0.12 U	15	27	9.4	3	0.11 U	4.2	0.13 U	0.021 J
Pyrene	100	0.022 J	8.4	10	14	5.6	0.11 U	8.5	0.13 U	0.031 J
Inorganics (mg/kg)										
Aluminum	~	6,110	8,750	7,120	2,690	3,950	6,010	5,920	6,380	6,740
Antimony	~	0.538 J	0.642 J	0.807 J	1.07 J	5.15	4.52	2.13 J	0.748 J	0.434 J
Arsenic	16	1.19	2.4	3.8	8.74	6.1	6.48	4.52	3.82	1.26
Barium	400	37.9	40	115	1,000	136	172	353	143	25.4
Beryllium	72	0.283 J	0.352 J	0.374 J	0.119 J	0.157 J	0.252 J	0.207 J	0.299 J	0.391 J
Cadmium	4.3	0.943 U	0.879 U	0.85 U	0.229 J	0.487 J	0.143 J	0.198 J	0.269 J	0.95 U
Calcium	~	1,320	20,000	2,710	53,200	10,900	11,800	54,300	37,100	1,140
Chromium, Total	~	9.81	12	13.1	11.2	13.6	17.4	13.8	17	7.85
Cobalt	~	4.22	5.36	4.88	3.18	3.78	4.62	4.6	4.32	2.7
Copper	270	9.4	10.1	17.9	40.9	90.1	160	68.3	56.2	3.53
Iron	~	10,600	12,100	11,600	9,200	14,000	25,000	11,400	11,400	8,220
Lead	400	7.1	13.2	312	2,250	516	457	486	439	8.67
Magnesium	~	1,630	4,320	2,500	1,630	3,670	5,050	5,230	13,200	1,240
Manganese	2,000	342	369	358	161	233	322	202	295	60.1
Mercury	0.81	0.029 J	0.05 J	0.946	0.576	1.71	0.449	0.816	6.2	0.068
Nickel	310	8.3	9.56	10.3	6.49	12.9	13.5	~	10.6	6.21
Potassium	~	411	846	684	370	484	495	673	842	276
Selenium	180	1.89 U	0.65 J	0.535 J	0.654 J	0.388 J	0.504 J	0.224 J	0.847 J	1.7 U
Silver	180	0.943 U	0.879 U	2.34	0.849 U	0.338 J	0.84 U	0.862 U	0.758 J	0.86 U
Sodium	~	87.8 J	292	629	233	194	590	252	448	52 J
Vanadium	~	12.2	16.5	15.4	10.2	23.9	23.4	12	12	10.2
Zinc	10,000	21.3	29.8	102	740	318	365	288	607	15.6
General Chemistry (%)										
Total Solids	~	80.8	88.9	89.7	88.3	94.9	90.3	89	78.3	92.1

Table C-1
BCP Application
Soil Sample Analytical Results Summary

2455 Third Avenue
Bronx, New York
Langan Project No.: 190051701

Notes:

1. Soil sample analytical results are compared to the New York State Department of Environmental Conservation (NYSDEC) Title 6 of the Official Compilation of New York Codes, Rules, and Regulations (NYCRR) Part 375 Restricted Use Restricted-Residential Soil Cleanup Objectives (SCO).
 2. Only detected analytes are shown in the table.
 3. Analytes detected with concentrations above Restricted Use Restricted-Residential SCOs are bolded and shaded.
 4. Analytical results with reporting limits (RL) above Restricted Use Restricted-Residential SCOs are italicized.
 5. ~ = Regulatory limit for this analyte does not exist
 6. bgs = below grade surface
 7. mg/kg = milligrams per kilogram
- Hi

Qualifiers:

- J = The analyte was detected above the Method Detection Limit (MDL), but below the RL; therefore, the result is an estimated concentration.
- U = The analyte was analyzed for, but was not detected at a level greater than or equal to the RL; the value shown in the table is the RL.

Table C-2
BCP Application
Groundwater Sample Analytical Results Summary

2455 Third Avenue
Bronx, New York
Langan Project No.: 190051701

Location				
Sample ID	NYSDEC	TMW04	TMW05	
Laboratory ID	SGVs	TMW04_042519	TMW05_042519	
Sample Date		L1917121-01	L1917121-02	
		4/25/2019	4/25/2019	
Volatile Organic Compounds (µg/L)				
1,2,4-Trimethylbenzene	5	2.5 U	1.1 J	
Acetone	50	2.7 J	2.9 J	
Benzene	1	0.5 U	0.5 U	
Tetrachloroethene (PCE)	5	0.5 U	0.5 U	
Trichloroethene (TCE)	5	0.5 U	0.5 U	
Vinyl Chloride	2	1 U	1 U	
Semivolatile Organic Compounds (µg/L)				
2-Methylnaphthalene	~	0.1 U	13	
Acenaphthene	20	0.1 U	6	
Acenaphthylene	~	0.1 U	0.09 J	
Anthracene	50	0.1 U	0.6	
Benzo(b)Fluoranthene	0.002	0.1 U	0.1 U	
Benzo(k)Fluoranthene	0.002	0.1 U	0.1 U	
Benzoic Acid	~	50 U	8.1 J	
Biphenyl (Diphenyl)	5	2 U	2.4	
Bis(2-Ethylhexyl) Phthalate	5	3 U	2.1 J	
Carbazole	~	2 U	0.9 J	
Chrysene	0.002	0.1 U	0.1 U	
Dibenzofuran	~	2 U	3.6	
Fluoranthene	50	0.1 U	0.19	
Fluorene	50	0.1 U	2.4	
Indeno(1,2,3-c,d)Pyrene	0.002	0.1 U	0.1 U	
Naphthalene	10	0.1 U	56	
Phenanthrene	50	0.1 U	2.7	
Pyrene	50	0.1 U	0.11	
Pesticides (µg/L)				
	~	ND	ND	
Polychlorinated Biphenyls (µg/L)				
	~	ND	ND	
Inorganics (µg/L)				
Aluminum	~	97.2	251	
Aluminum (Dissolved)	~	20 U	32	
Antimony	3	0.51 J	0.5 J	
Antimony (Dissolved)	3	2.06 J	1.21 J	
Arsenic	25	0.21 J	12.29	
Arsenic (Dissolved)	25	1 U	12.08	
Barium	1,000	2.1	3.77	
Barium (Dissolved)	1,000	2.52	3.74	
Beryllium	3	0.5 U	0.5 U	
Cadmium	5	0.2 U	0.2 U	
Calcium	~	64,900	104,000	
Calcium (Dissolved)	~	62,300	103,000	
Chromium, Total	50	0.36 J	1.51	
Chromium, Total (Dissolved)	50	2 U	0.56 J	
Cobalt	~	0.5 U	0.18 J	
Cobalt (Dissolved)	~	1 U	0.5 U	
Copper	200	0.97 J	0.99 J	
Copper (Dissolved)	200	1.38 J	0.53 J	
Iron	300	169	12,700	
Iron (Dissolved)	300	204	13,200	
Lead	25	1 U	0.39 J	
Lead (Dissolved)	25	2 U	1 U	
Magnesium	35,000	9,360	22,200	
Magnesium (Dissolved)	35,000	9,560	22,700	
Manganese	300	71.46	547.5	
Manganese (Dissolved)	300	61.77	581.9	
Mercury	0.7	0.2 U	0.2 U	
Nickel	100	2 U	0.76 J	
Nickel (Dissolved)	100	4 U	0.85 J	
Potassium	~	11,500	29,900	
Potassium (Dissolved)	~	11,100	30,400	
Selenium	10	3.27 J	5 U	
Selenium (Dissolved)	10	3.6 J	5 U	
Silver	50	0.4 U	0.4 U	
Sodium	20,000	55,600	245,000	
Sodium (Dissolved)	20,000	51,400	252,000	
Thallium	0.5	0.5 U	0.5 U	
Vanadium	~	5 U	4.97 J	
Vanadium (Dissolved)	~	10 U	3.87 J	
Zinc	2,000	10 U	10 U	

Table C-2
BCP Application
Groundwater Sample Analytical Results Summary

2455 Third Avenue
Bronx, New York
Langan Project No.: 190051701

Notes:

1. Groundwater sample analytical results are compared to the New York State Department of Environmental Conservation (NYSDEC) Title 6 of the Official Compilation of New York Codes, Rules and Regulations (NYCRR) Part 703.5 and the NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Guidance Values for Class GA Water (NYSDEC SGVs).
2. Only detected analytes are shown in the table.
3. Analytes detected with concentrations above NYSDEC SGVs are bolded and shaded.
4. Analytical results with reporting limits (RL) above NYSDEC SGVs are italicized.
6. " = Regulatory limit for this analyte does not exist
7. µg/L = micrograms per liter
9. ND = Not detected

Qualifiers:

J = The analyte was detected above the Method Detection Limit (MDL), but below the RL; therefore, the result is an estimated concentration.
U = The analyte was analyzed for, but was not detected at a level greater than or equal to the RL; the value shown in the table is the RL.

Table C-3
BCP Application
Soil Vapor Sample Analytical Results Summary

2455 Third Avenue
Bronx, New York
Langan Project No.: 190051701

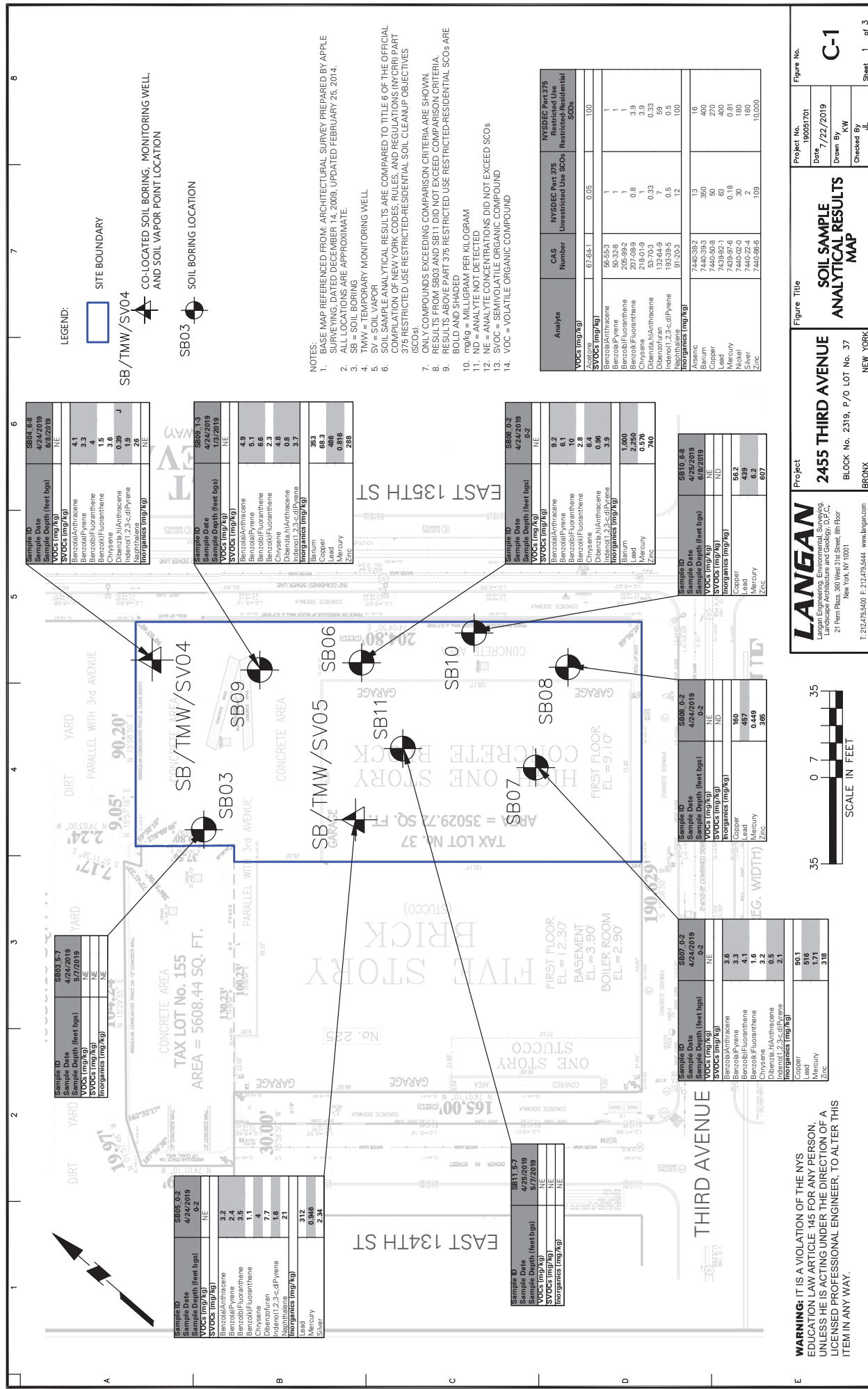
Location Sample ID Laboratory ID Sample Date Sample Type	NYSDOH Decision Matrices Minimum Concentrations	AA01 AA01_042519 L1917223-04 4/25/2019 AA	SV04 SV04_042519 L1917223-02 4/25/2019 SV	SV05 SV05_042519 L1917223-03 4/25/2019 SV
Volatile Organic Compounds (µg/m³)				
1,2,4-Trimethylbenzene	~	1.71 U	14.1	61.5
1,2-Dichlorobenzene	~	2.09 U	2.4 U	33.5
1,3,5-Trimethylbenzene (Mesitylene)	~	1.71 U	4.03	69.3
1,3-Butadiene	~	0.77 U	1.65	0.633 U
1,3-Dichlorobenzene	~	2.09 U	2.4 U	1.82
1,4-Dichlorobenzene	~	2.09 U	2.4 U	3.46
2,2,4-Trimethylpentane	~	4.54	36.4	15.4
4-Ethyltoluene	~	1.71 U	4.42	42.6
Acetone	~	9.88	34.4	193
Benzene	~	1.17	6.42	5.94
Carbon Disulfide	~	1.08 U	21.4	10.4
Chloromethane	~	1.37	0.826 U	0.764
Cyclohexane	~	1.2 U	28.4	9.5
Dichlorodifluoromethane	~	1.85	3.14	2.04
Ethanol	~	97.4	20.2	44.1
Ethylbenzene	~	1.51 U	6.78	495
Isopropanol	~	3	3.27	3.59
M,P-Xylene	~	4.1	28.8	856
Methyl Ethyl Ketone (2-Butanone)	~	2.57 U	23	28
Methyl Isobutyl Ketone (4-Methyl-2-Pentanone)	~	3.57 U	5.9	2.93 U
Methylene Chloride	100	4.1	3.47 U	2.48 U
n-Heptane	~	1.43 U	220	23.9
n-Hexane	~	1.42	479	8.99
o-Xylene (1,2-Dimethylbenzene)	~	1.51 U	10.7	380
Styrene	~	1.48 U	1.7 U	3.15
Tert-Butyl Alcohol	~	2.64 U	4.79	3.03
Tetrachloroethene (PCE)	100	2.36 U	5.47	5.57
Tetrahydrofuran	~	2.57 U	2.95 U	2.55
Toluene	~	7.39	23.6	327
Trichlorofluoromethane	~	1.96 U	13.9	1.61
Total VOCs	~	136	1,000	2,630

Notes:

- Soil vapor sample analytical results are compared to the minimum soil vapor concentrations recommending mitigation as set forth in the New York State Department of Health (NYSDOH) October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York Decision Matrices for Sub-Slab Vapor and Indoor Air and subsequent updates (2017).
- Only detected analytes are shown in the table.
- ~ = Regulatory limit for this analyte does not exist
- µg/m³ = micrograms per cubic meter
- AA = Ambient Air
- SV = Soil Vapor

Qualifiers:

U = The analyte was analyzed for, but was not detected at a level greater than or equal to the RL; the value shown in the table is the RL.



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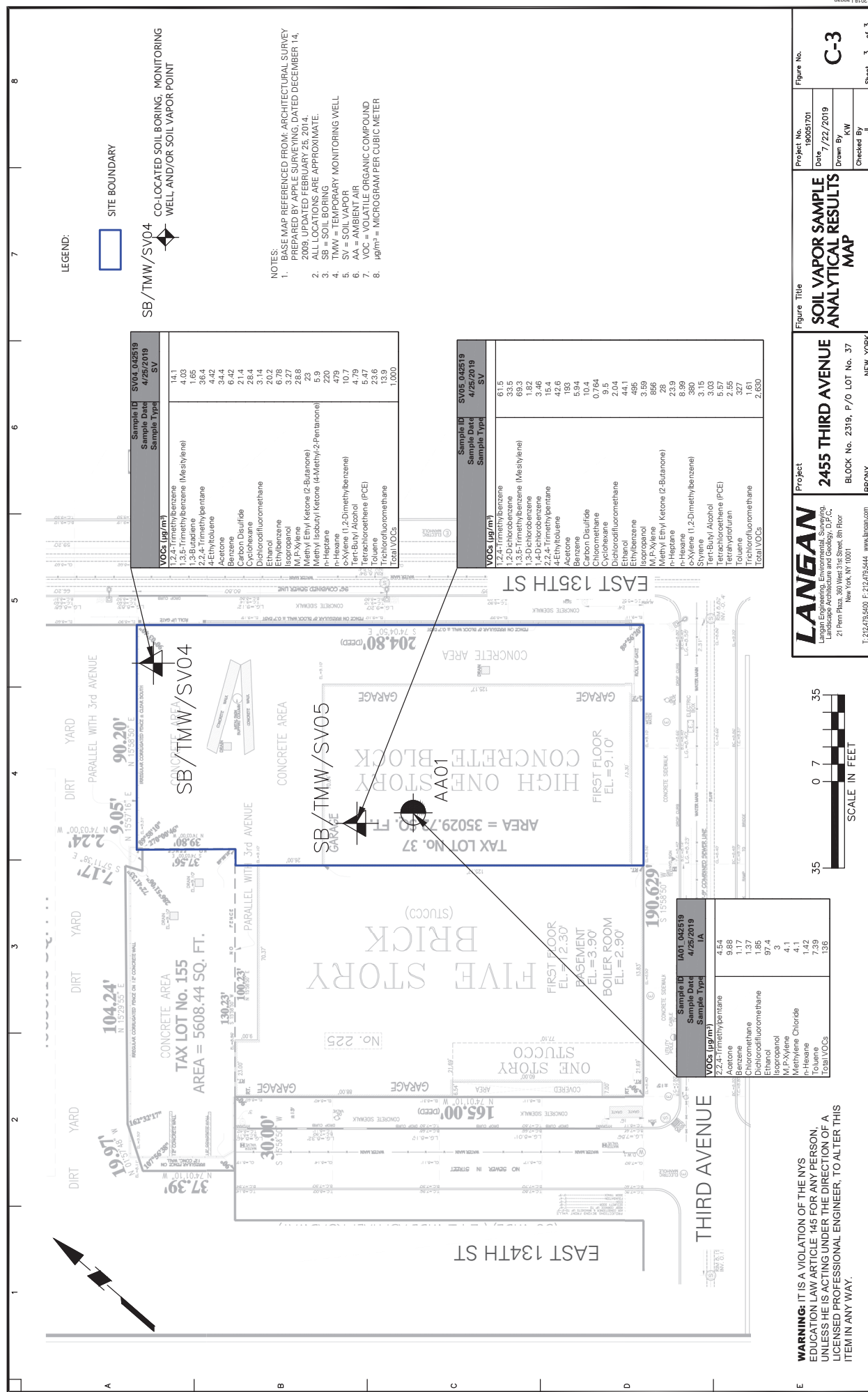
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Project
2455 THIRD AVENUE
BLOCK No. 2319, P/O LOT No. 37
BRONX, NEW YORK

Figure Title
SOIL SAMPLE ANALYTICAL RESULTS MAP

Figure No.
Project No. 190051701
Date: 7/22/2019
Drawn By: KW
Checked By: JL

Figure No.
C-1
Sheet 1 of 3



ATTACHMENT D

SECTION IV: PROPERTY INFORMATION

Item 1 – Metes and Bounds

The proposed site boundaries do not correspond to existing tax map metes and bounds. The proposed approximately 19,900 square-foot (0.46 acres) site includes Bronx County Tax Block 2319, part of Lot 37. The metes and bounds description of the proposed site boundary is provided below;

BEGINNING at the corner formed by the intersection of the southerly side of Major William F. Deegan Boulevard, formerly known as Sergeant O'Connell Place and East 135th Street as widened, with the westerly side of 3rd Avenue;

RUNNING THENCE Southerly along the westerly side of 3rd Avenue 97.29';

THENCE Westerly parallel to Major William F. Deegan Boulevard, formerly known as Sergeant O'Connell Place and East 135th Street 164.9';

THENCE Northerly and parallel with 3rd Avenue 7.08';

THENCE Westerly and parallel with East 134th Street 39.80';

THENCE Northerly 90.20' feet more or less to the Southerly side of Major William F. Deegan Boulevard as widened;

THENCE Easterly along the Southerly side of Major William F. Deegan Boulevard as widened, 204.80 feet more or less to the point or place of BEGINNING.

A map showing the metes and bounds is included in this attachment.

Item 2 – Property Maps

Figure D-1 is a Digital Tax Map from the New York City Department of Finance (NYCDOF) showing the site boundary.

Figure D-2 is a United States Geological Survey (USGS) 7.5-minute quadrangle map showing the location of the site.

Figure D-3 provides a site base map that shows map scale, north arrow orientation, and 1,000-foot radius around the site.

Figure D-4 provides a site base map that shows i) proposed brownfield site boundary lines, with adjacent property owners clearly identified; and ii) surrounding land uses.

Item 10 - Property Description and Environmental Assessment Narrative

Location

The site is within an urban area and located at 2455 Third Avenue, Bronx, New York. The approximately 19,900 square-foot (0.46 acres) site is identified on the Bronx County Tax Map as Block 2319, part of Lot 37. The site is bound by East 135th Street/The Major Deegan Expressway followed by a hotel to the northeast, Third Avenue/Third Avenue Bridge ramp followed by commercial buildings to the southeast, a mixed-use commercial/office building to the southwest, and a parking lot and an active construction site to the northwest.

Site Features

The site contains a one-story warehouse building and concrete-paved parking on the eastern part of the site.

Current Zoning and Land Use

According to the New York City Planning Commission Zoning Map 6a, the site is located in a M1-3/R8 light manufacturing and high density residential commercial district, which typically allows for light industrial uses like woodworking and repair shops as well as high density 8-story and taller residential buildings. The site is also located in the Harlem River Waterfront (HRW) Special Purpose District. Special purpose districts are applied to areas to achieve specific planning and urban design objectives. The HRW special purpose district was designated to support the "revitalization of this underutilized area in the South Bronx into a vibrant, mixed use, mixed-income neighborhood while retaining viable light industry." The proposed development is consistent with the current zoning. The adjoining parcels and surrounding area are used for industrial/manufacturing, and commercial purposes.

Historical Site Use

Historical site use includes multiple two- and three-story residential and commercial buildings on the site (1891), a carpet storage facility on the southern part of the site (1908), and a rail yard (1935 – 1951). The site was an asphalt-paved lot in 1995. In 1998, a one-story building of unknown use was present on the southeastern part of the site, with parking located on the northeastern portion of the site. From 2006 to 2017, the site contained a building on the southwestern part of the site occupied by Bridge Building Supply. The site is currently developed with a vacant one-story warehouse and concrete-paved lot on part of Lot 37.

Site Geology and Hydrogeology

Based on findings from the subsurface investigation performed in April 2019, the site is underlain by fill material predominantly consisting of brown, fine-grained sand with varying amounts of silt, gravel, tile, metal, concrete, brick, glass, wood, and slag. The fill was observed to depths varying between about 6 and 9.5 feet bgs. Historic fill was generally underlain by fine-grained sands with varying amounts of silt, clay, organic material, and gravel. Historic fill was underlain by a 1- to 5- feet thick clay/peat layer with organic material (between 8 and 16 feet bgs) in borings on the western part of the site followed by sand.

Groundwater was observed at depths ranging from about 5.25 feet bgs in the western part of the site to 8.25 feet bgs in the center of the site. Inferred regional groundwater flow direction for the area surrounding the site is to the southwest toward the Harlem River.

Environmental Assessment

Based upon the previous subsurface investigation conducted, the primary contaminants of concern are semivolatile organic compounds (SVOC) and metals. Based on the anticipated residential use of the site, soil sample results were compared to Title 6 of the Official Compilation of New York Codes, Rules, and Regulations (6 NYCRR) New York State Department of Environmental Conservation (NYSDEC) Part 375 Restricted Use Restricted-Residential (RURR) Soil Cleanup Objectives (SCO). Analytes detected above the RURR SCOs are listed below. Groundwater sample results were compared to the NYSDEC 6 NYCRR Part 703.5 and the NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Guidance Values (SGV) for Class GA water, and analytes detected above SGVs are also summarized below. Soil vapor samples were evaluated using the New York State Department of Health (NYSDOH) Final Guidance on Soil Vapor Intrusion (May 2017) Matrices A, B, and C.

Soil

Six SVOCs, including benzo(a)anthracene (maximum of 9.2 milligrams per kilogram [mg/kg]), benzo(a)pyrene (maximum of 6.1 mg/kg), benzo(b)fluoranthene (maximum of 10 mg/kg), chrysene (maximum of 6.4 mg/kg), dibenzo(a,h)anthracene (maximum of 0.96 mg/kg), and indeno(1,2,3-cd)pyrene (maximum of 3.9 mg/kg), were detected at concentrations above the 6 NYCRR Part 375 RRU SCOs in 5 of 7 soil samples.

Three metals, including barium (maximum of 1,000 mg/kg), lead (maximum of 2,250 mg/kg), and mercury (maximum 6.2 mg/kg), were detected at concentrations above the RRU SCOs in 6 of 7 soil samples.

Groundwater

One SVOC, naphthalene (maximum of 56 µg/L) was detected at a concentration above the SGV in TMW05.

Three total metals, including iron (maximum of 12,700 µg/L), manganese (maximum of 547.5 µg/L), and sodium (maximum of 245,000 µg/L) were detected at concentrations above the SGVs in both monitoring wells.

Three dissolved metals, including iron (maximum of 13,200 µg/L), manganese (maximum of 581.9 µg/L), and sodium (maximum of 252,000 µg/L), were detected at concentrations above the SGVs in both monitoring wells.

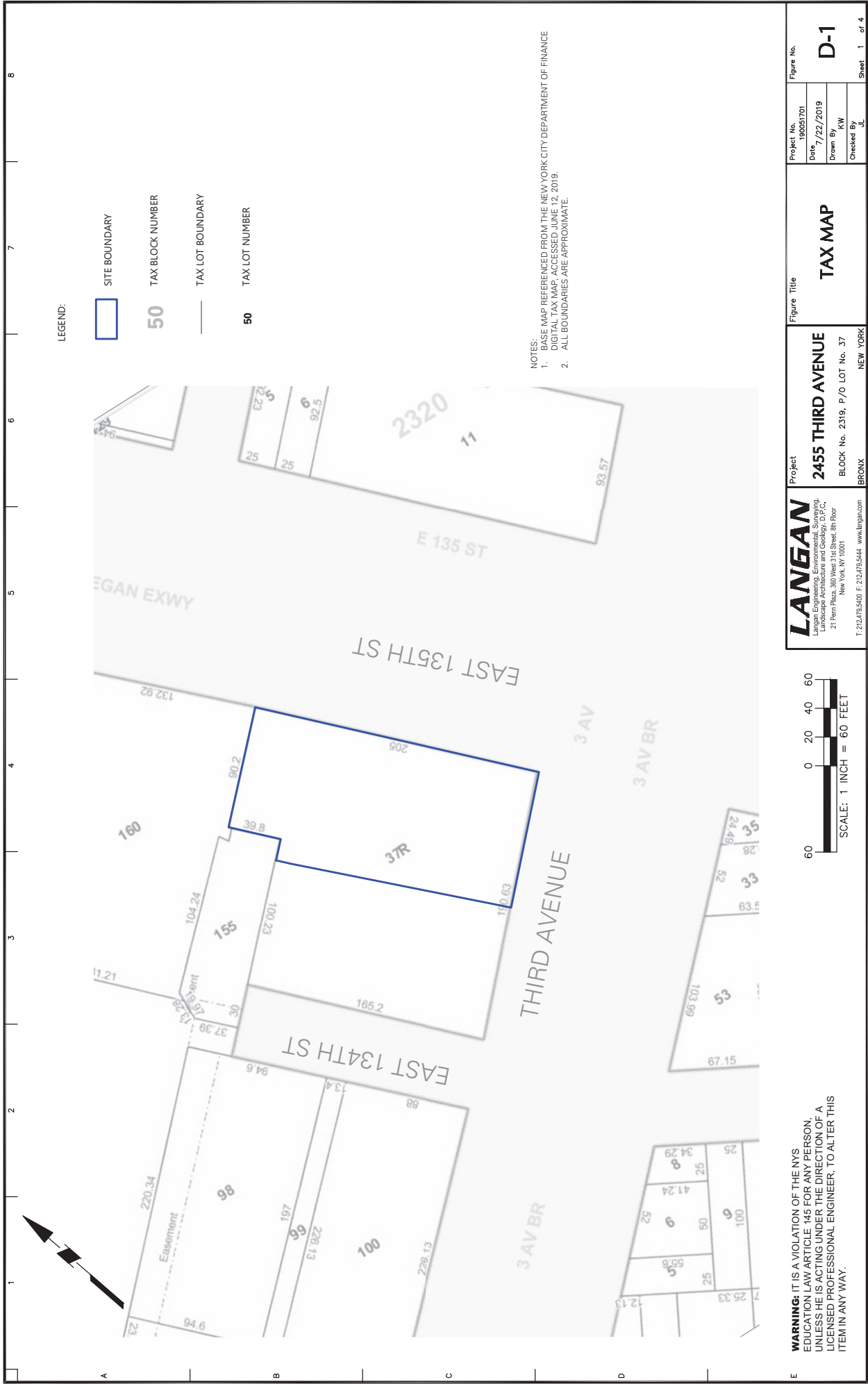
Soil Vapor

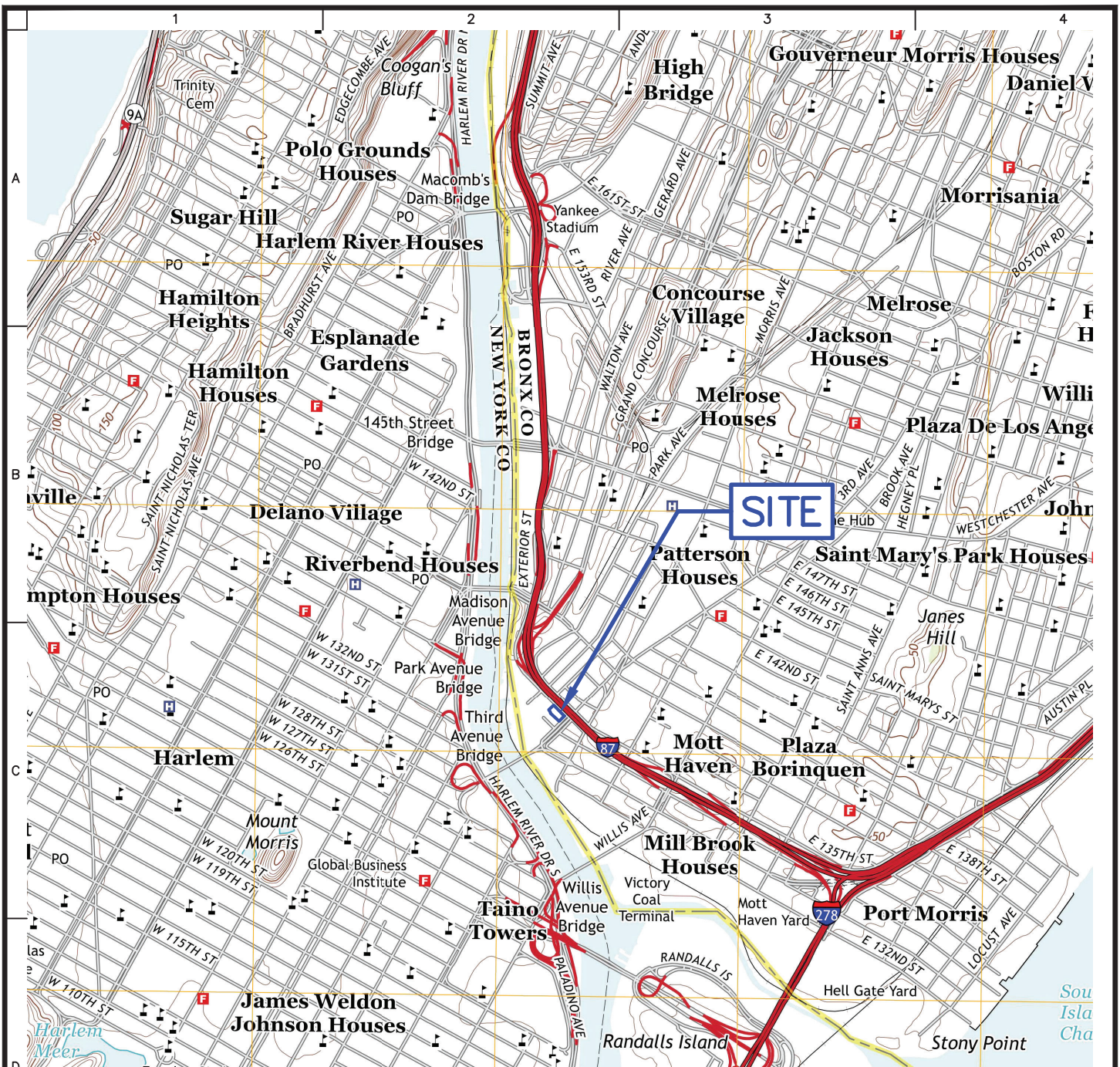
Several VOCs were detected in soil vapor samples. The total VOCs were detected at a maximum concentration of about 2,630 micrograms per cubic meter (µg/m³) in SV05, collected from the western part of the site.

TCE, 1,1,1-TCA, 1,1-dichloroethene, cis-1,2-dichloroethene, vinyl chloride, methylene chloride, and carbon tetrachloride were not detected in soil vapor samples.

PCE was detected in both soil vapor samples at concentrations of 5.47 µg/m³ to 5.57 µg/m³. The recommendations provided in NYSDOH Decision Matrix B for the detected PCE concentrations range from “no further action” to “identify source and resample or mitigate”.

Petroleum-related VOCs (BTEX – benzene, toluene, ethylbenzene, and xylene) detected at 76.3 µg/m³ in SV04 and 2,063.94 µg/m³ in SV05.





NOTES:

1. BASE MAP REFERENCED FROM THE UNITED STATE GEOLOGICAL SURVEY 7.5 MINUTE SERIES CENTRAL PARK QUADRANGLE
2. ALL LOCATIONS APPROXIMATE

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

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Project

2455 THIRD AVENUE

BLOCK No. 2319, P/O LOT No. 37

BRONX

NEW YORK

Figure Title

**SITE LOCATION
MAP**

Project No.

190051701

Date

7/22/2019

Drawn By

KW

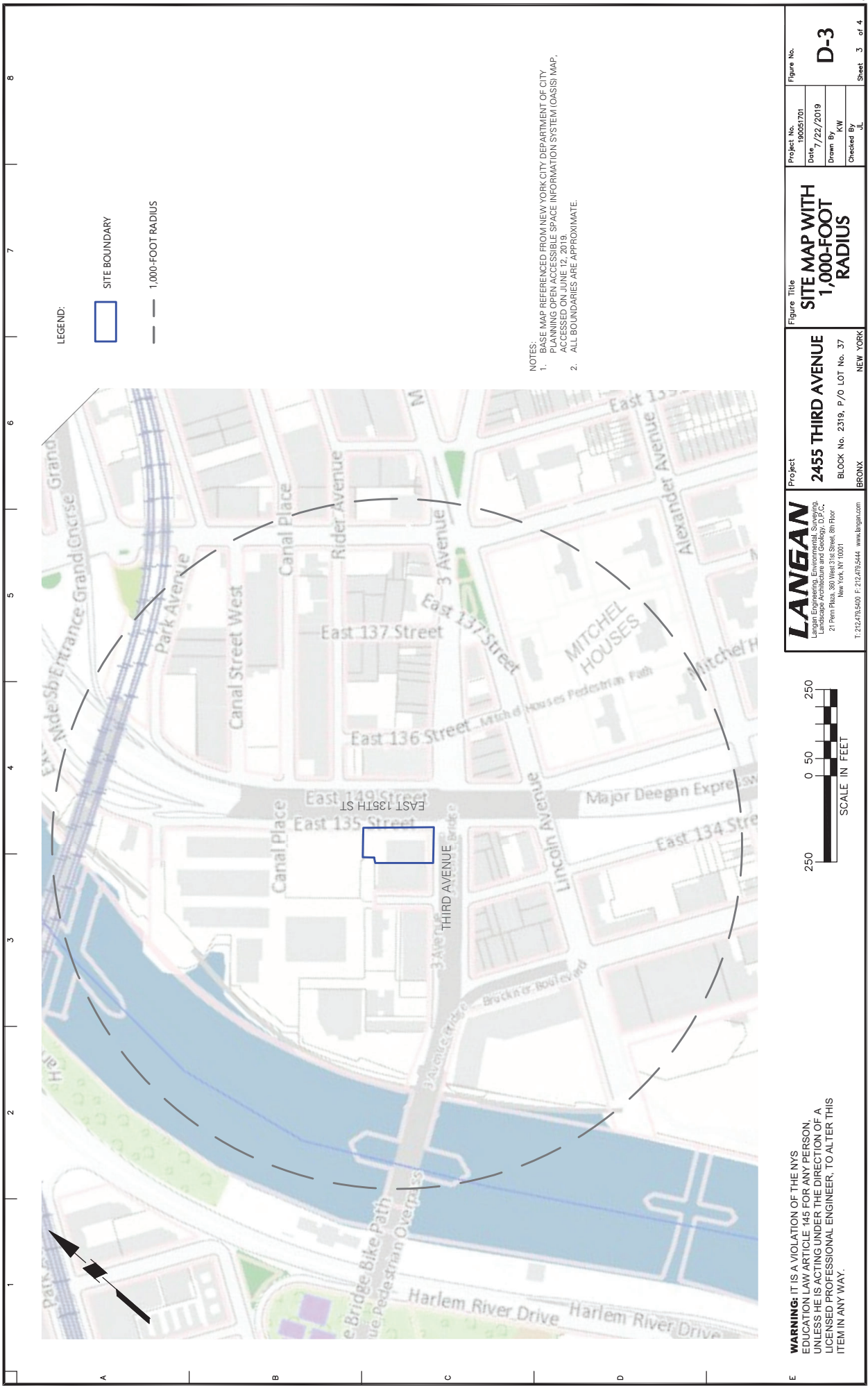
Checked By

JL

Figure No.

D-2

Sheet 2 of 4



LEGEND:

- SITE BOUNDARY
- 1,000-FOOT RADIUS

NOTES:
1. BASE MAP REFERENCED FROM NEW YORK CITY DEPARTMENT OF CITY PLANNING OPEN ACCESSIBLE SPACE INFORMATION SYSTEM (OASIS) MAP, ACCESSED ON JUNE 12, 2019.
2. ALL BOUNDARIES ARE APPROXIMATE.

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



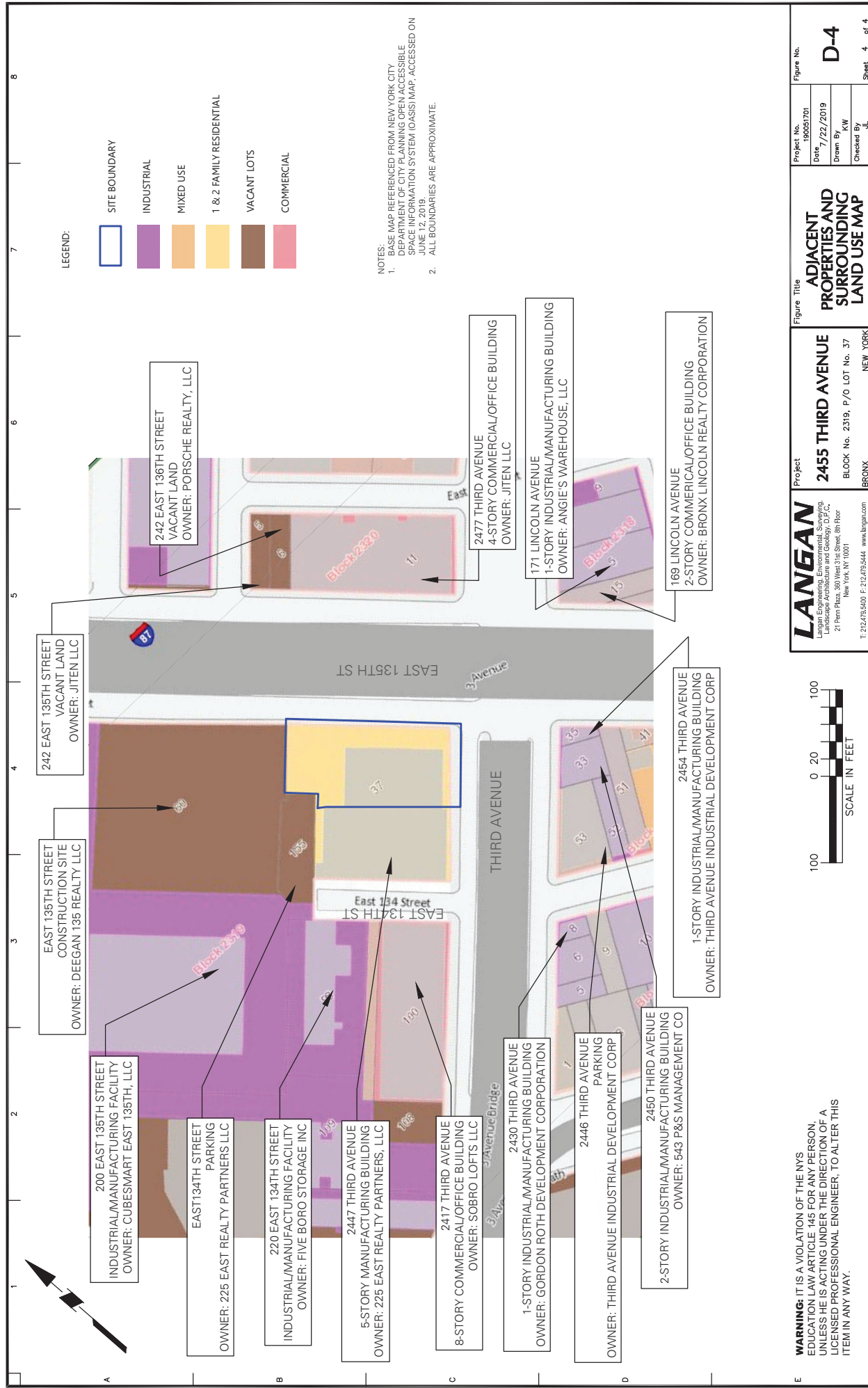
LANGAN
Landscape Architecture and Planning, P.C.
21 Penn Plaza, 380 West 31st Street, 8th Floor
New York, NY 10001
T: 212.475.5400 F: 212.475.5444 www.langan.com

Project
2455 THIRD AVENUE
BLOCK No. 2319, P/O LOT No. 37
BRONX NEW YORK

Figure Title
SITE MAP WITH 1,000-FOOT RADIUS

Figure No.
Project No. 190051701
Date 7/22/2019
Drawn By KW
Checked By JL

SHEET 3 of 4



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

LANGAN
 Langan Engineering & Consulting, Inc.
 Landscape Architecture and Geology, D.P.C.
 21 Penn Plaza, 380 West 31st Street, 8th Floor
 New York, NY 10001
 T: 212.279.5400 F: 212.279.5444 www.langan.com

Project
2455 THIRD AVENUE
 BLOCK No. 2319, P/O LOT No. 37
 BRONX NEW YORK

Figure Title
ADJACENT PROPERTIES AND SURROUNDING LAND USE MAP

Project No. 190051701
Date 7/22/2019
Drawn By KW
Checked By JL

Figure No. D-4
Sheet 4 of 4

ATTACHMENT E
SECTION VI: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Site Owner

The current owner of the site is:

225 East Realty Partners, LLC

2447 Third Ave

Bronx, NY 10451

Previous Site Owners

Available ownership records obtained through the New York City Department of Finance (NYCDOF), Office of City Register Automated City Register Information System (ACRIS) website at <http://a836-acris.nyc.gov/CP/> were researched and are summarized in the following table.

Block 2319						
Former Lot Number	Document Type	Date	First Party	Second Party	First Party Address and Phone Number	Relationship to Applicant
Lot 37	Deed	1/7/2015	225 East Realty Corporation	225 East Realty Partners, LLC	2447 Third Ave Bronx, NY 10451 Phone Number not Available	Member
	Deed	1/28/1994	2441 Third Ave Corporation	225 East Realty Corporation	225 East 134th Street Bronx, NY 10451 Phone Number not Available	None
	Deed	1/26/1968	Wornock Mills, Inc.	2441 Third Ave Corporation	Address and Phone Number not Available	None

Previous Site Operators

Historical records, including city directories and Sanborn Fire Insurance Maps, were reviewed and historical site operators are summarized in the following table:

Date	Name	Address and Phone Number	Relationship to Applicant
2000	Bridge Building Supply	2447 3rd Ave Bronx, NY 10451 (718) 585-3242	Previous tenant of member

1947	The Wornock Mills, Inc.	47 Halstead Avenue Harrison, NY 10528 Phone Number Not Available	None
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ATTACHMENT F
SECTION VII: REQUESTOR ELIGIBILITY INFORMATION

The Requestor seeks to enter New York State Department of Environmental Conservation (NYSDEC)'s Brownfield Cleanup Program (BCP) as a Volunteer. The Requestor qualifies as a volunteer because (i) it performed a Phase I Environmental Site Assessment (ESA) that complies with the EPA All-Appropriate Inquiries Rule (40 CFR 312), (ii) all disposals/releases of hazardous substances occurred prior to the time of ownership and (iii) the Requestor does not have affiliation with potentially responsible parties. The Requestor's liability would arise solely as a result of its ownership or involvement with the redevelopment of the Site subsequent to the disposal of hazardous substances and contaminants.

Since taking title in 2015, Requestor member/site owner 225 East Realty Partners LLC has exercised appropriate care by maintaining the existing impervious cover system, implementing a limited subsurface investigation to evaluate Recognized Environmental Conditions (REC) identified in a Phase 1 ESA, and engagement of the NYSDEC for investigation and remediation of the site ensuring that its tenant has implemented good housekeeping practices with respect to storage of hazardous substances and petroleum. Following acceptance of the application in the BCP, the Requestor shall exercise appropriate care by implementing the requirements of the BCP. As such, the Requestor qualifies as a Volunteer as defined in ECL 27-1405(1)(b).

ATTACHMENT G
SECTION IX: CONTACT LIST INFORMATION

Item 1- Chief Executive and Planning Board

Chief Executive Officer

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

New York City Planning Commission

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

Borough of Bronx, Borough President

Ruben Diaz Jr.
Office of the Bronx Borough President
851 Grand Concourse, 3rd Floor
Bronx, New York 10451

Borough of Bronx, Department of Planning and Development

James Rausse
851 Grand Concourse, 3rd Floor
Bronx, New York 10451

Bronx Community Board 1

George Rodriguez, Chairperson
3024 Third Avenue
Bronx, NY, 10455

Item 2 – Nearby Residents and Property Owners

Owners and occupants of the adjoining properties include the following:
A separate mailing address is listed where owners do not reside at the listed property.

Adjacent properties include:

225 East Realty Partners, LLC
East 134th Street
Bronx, New York 10451
(718) 401-1511

CubeSmart East 135th, LLC
200 East 135th Street
Bronx, NY 10451
(718) 585-7867
Owner Address:
28 Liberty Street
New York, NY 10005

Five Boro Storage Inc.
220 East 134th Street
Bronx, NY 10451
Phone Number not Available

Altmark Group and 225 East Realty Partners, LLC
2447 Third Avenue
Bronx, NY 10451
(718) 401-1511

Sobro Lofts LLC
2417 Third Avenue
Bronx, NY 10451
Phone Number not Available

Gordon Roth Development Corporation
2430 Third Avenue
Bronx, NY 10454
(718) 993-5794
Owner Address:
11 Bruckner Boulevard, 1st Floor
Bronx, NY 10454

Third Avenue Industrial Development Corp.
2446 & 2454 Third Avenue
Bronx, NY 10454
Phone Number not Available
Owner Address:
305 North Avenue
New Rochelle, NY 10801

543 P&S Management Co.
2450 Third Avenue
Bronx, NY 10454
Phone Number not Available

Bronx Lincoln Realty Corporation
169 Lincoln Avenue

Bronx, NY 10454
Phone Number not Available

Angie's Warehouse, LLC
171 Lincoln Avenue
Bronx, NY 10454
(718) 292-4837
Owner Address:
17 East 128th Street
New York, NY 10035

Jiten LLC
2477 Third Avenue
Bronx, NY 10451
(718) 402-5555
Owner Address:
144-17 156th Street
Jamaica, NY 11434

Porsche Realty, LLC
242 East 136th Street
Bronx, NY 10451
Phone Number not Available
Owner Address:
800 Third Avenue, 28th Floor
New York, NY 10022

Item 3 - Local news media from which the community typically obtains information:

Bronx Times
3602 East Tremont Avenue, Suite 205
Bronx, NY 10465

Item 4 - Public Water Supply

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

NYCDEP
Vincent Sapienza, Acting 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

Item 5 - Request for Contact

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

Item 6 - Schools and Day Care Facilities

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:

PS 154 Jonathan D. Hyatt (approximately 0.22 miles southeast of the site)
Alison Coviello, Principal
333 East 135 Street
Bronx, NY 10454
(718) 292-4742

Zeta Charter School Bronx 1 (approximately 0.23 miles east of the site)
Shea Reeder, Managing Director of School
222 Alexander Ave
Bronx, NY 10454
(929) 376-9987

South Bronx Classical Charter II (approximately 0.24 miles southeast of the site)
Leena Gyftopoulos, School Director
333 East 135 Street
Bronx, NY 10454
(718) 292-9526

Family Life Academy Charter School II (approximately 0.29 miles northeast of the site)
Kathy Ortiz, Principal
296 East 140th Street
Bronx, NY 10454
(718) 665-2805

Family Life Academy Charter School III (approximately 0.3 miles northeast of the site)
Andrea Hernandez, Principal
370 Gerard Avenue
Bronx, NY 10451

(718) 585-6580

Learning Through Play Pre-K Center (approximately 0.32 miles southeast of the site)
Carlyn Rahynes, Early Childhood Director
105 Willis Avenue
Bronx, NY 10454
(718) 401-0510

P.S. 168 (approximately 0.35 miles north of the site)
Maureen Fullerton, Principal
339 Morris Avenue
Bronx, NY 10451
(718) 585-2100

Success Academy Bronx 1 Middle School (approximately 0.35 miles north of the site)
Rita Dong, Managing Interim Principal
339 Morris Avenue
Bronx, NY 10451
(347) 286-7950

Bronx Academy of Letters (approximately 0.35 miles north of the site)
Erin Garry, Principal
339 Morris Avenue
Bronx, NY 10451
(718) 401-4891

P.S. 49 Willis Avenue (approximately 0.39 miles northeast of the site)
Frank Hernandez, Principal
383 E 139th Street
Bronx, NY 10454
(718) 292-4623

New York Montessori Charter School (approximately 0.42 miles east of the site)
Abeku Hayes, Principal
423 East 138th Street
Bronx, NY 10454
(347) 226-9094

Stars of Tomorrow Daycare Center Inc. (approximately 0.42 miles east of the site)
Administrator: NA
423 East 138th Street
Bronx, NY 10454
(718) 402-2918

Health Opportunities High School (approximately 0.43 miles northwest of the site)
Andrew Clayman, I.A. Principal

350 Gerard Avenue
Bronx, NY 10451
(718) 401-1826

Community School for Social Justice (approximately 0.45 miles north of the site)
Jaime Guzman, Principal
350 Gerard Ave
Bronx, NY 10451
(718) 402-8481

Sunshine Learning Center (approximately 0.46 miles northwest of the site)
Dr. Tolaison Hooks, Administrator
253 East 142nd Street
Bronx, NY 10451
(718) 989-9807

KIPP NYC College Prep High School (approximately 0.5 miles north of the site)
Carlos Capellan, Principal
201 East 144th Street
Bronx, NY 10451
(212) 991-2626

Item 7- Document Repository (e.g. local library):

New York Public Library - Mott Haven Branch
Jeanine Cross, Library Manager
321 East 140th Street
Bronx, NY 10454
(718) 665-4878

Bronx Community Board 1
George Rodriguez, Chairperson
3024 Third Avenue
Bronx, NY, 10455
(718) 585-7117

Letters sent to the repositories acknowledging that both agree to act as document repositories for the project are included in this attachment.

June 26, 2019

Mr. George Rodriguez, Chairperson
Bronx Community Board 1
3024 Third Avenue
Bronx, NY 10455
East 135 and 3rd Ave Owner LLC

RE: Brownfield Cleanup Program Application
East 135 and 3rd Ave Owner LLC
Site Name: 2455 Third Avenue
Site Address: 2455 Third Avenue, Bronx, NY 10451

Dear Mr. Rodriguez:

We represent East 135 and 3rd Ave Owner LLC in their anticipated New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) application for the site located at the above-referenced address. It is a NYSDEC requirement that we supply them a letter certifying that the community board office is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. Please sign below and return if you are able to certify that your office would be willing and able to act as a temporary public repository for this BCP project.

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



Project Engineer
Julia Leung

Yes, the Bronx Community Board 1 office is willing and able to act as a public repository on behalf of East 135 and 3rd Ave Owner LLC in their cleanup of 2455 Third Avenue under the NYSDEC BCP.

ANA ROJAS
(Name)
Community Coordinator
(Title)

Gr. Rojas
(Signature)
6-26-19
(Date)

June 26, 2019

Jeanine Cross, Library Manager
New York Public Library – Mott Haven Branch
321 East 140th Street
Bronx, NY 10454

RE: Brownfield Cleanup Program Application
East 135 and 3rd Ave Owner LLC
Site Name: 2455 Third Avenue
Site Address: 2455 Third Avenue, Bronx, NY 10451

Dear Ms. Cross,

We represent East 135 and 3rd Ave Owner LLC in their anticipated New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) application for the site located at the above-referenced address. It is a NYSDEC requirement that we supply them a letter certifying that the local library is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. Please sign below and return if you are able to certify that your library would be willing and able to act as the temporary public repository for this BCP project.

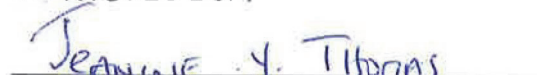
Sincerely,

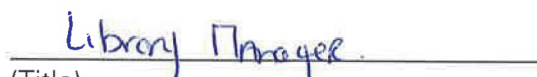
**Langan Engineering, Environmental, Surveying,
Landscape Architecture and Geology, D.P.C.**




Project Engineer
Julia Leung

Yes, the New York Public Library – Mott Haven Branch is willing and able to act as a public repository on behalf of East 135 and 3rd Ave Owner LLC in their cleanup of 2455 Third Avenue under the NYSDEC BCP.


(Name)


(Title)


(Signature)


(Date)

ATTACHMENT H

SECTION X: LAND USE FACTORS

Item 1 - Current Zoning

According to the New York City Planning Commission Zoning Map 6a, the site is located in a M1-3/R8 light manufacturing and high density residential commercial district, which typically allows for light industrial uses like woodworking and repair shops as well as high density 8-story and taller residential buildings. The site is also located in the Harlem River Waterfront (HRW) Special Purpose District. Special purpose districts are applied to areas to achieve specific planning and urban design objectives. The HRW special purpose district was designated to support the “revitalization of this underutilized area in the South Bronx into a vibrant, mixed use, mixed-income neighborhood while retaining viable light industry.”

Item 2 - Current Use

The site is currently developed with a vacant one-story warehouse and concrete-paved lot on part of Lot 37. Historical site use includes multiple two- and three-story residential and commercial buildings on the site (1891), a carpet storage facility on the southern part of the site (1908), and a rail yard (1935 – 1951). The site was an asphalt-paved lot in 1995. In 1998, a one-story building of unknown use was present on the southeastern part of the site, with parking located on the northeastern portion of the site. From 2006 to 2017, the site contained a building on the southwestern part of the site occupied by Bridge Building Supply.

Item 3 - Intended Use Post-Remediation

The proposed redevelopment project includes demolition of the single-story warehouse and redevelopment of a residential structure that will span part of Lot 37. Redevelopment plans include a 23-story building, containing approximately 260 apartments, with ground floor retail and community space.

Item 4 – Historic/Current Development

Historical development of the area has been primarily light industrial, residential and commercial uses. Current developments and goals are aimed at increasing mixed-use developments within the surrounding area, while maintaining a viable light industrial uses

in the community. The proposed mixed-use commercial and residential development is supported by the localized efforts and development of surrounding areas.

Item 5 - Consistency with Applicable Zoning Laws/Maps

The proposed redevelopment as a mixed-use commercial and residential development is consistent with the site's current M1-3/R8 zoning.

Item 6 - Comprehensive Plans

Based on the New York City Planning Commission Zoning Map 6a, the site is located within the Harlem River Waterfront Special Purpose District. The proposed use is consistent with local and area plans, including the goals of the Special Purpose District, such as the "revitalization of this underutilized area in the South Bronx into a vibrant, mixed use, mixed-income neighborhood while retaining viable light industry." The site is located within the Port Morris – Harlem River Brownfield Opportunity Area (BOA).