



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

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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.

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.

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			
Chlorinated Solvents			
Other VOCs			
SVOCs			
Metals			
Pesticides			
PCBs			
Other*			

*Please describe: _____

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

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

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

Yes No

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

Coal Gas Manufacturing	Manufacturing	Agricultural Co-op	Dry Cleaner
Salvage Yard	Bulk Plant	Pipeline	Service Station
Landfill	Tannery	Electroplating	Unknown

Other: _____

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME				
ADDRESS/LOCATION				
CITY/TOWN			ZIP CODE	
MUNICIPALITY(IF MORE THAN ONE, LIST ALL):				
COUNTY		SITE SIZE (ACRES)		
LATITUDE (degrees/minutes/seconds) ° ' "		LONGITUDE (degrees/minutes/seconds) ° ' "		
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	Section No.	Block No.	Lot No.	Acreage
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site.			Yes	No
2. Is the required property map attached to the application? (application will not be processed without map)			Yes	No
3. Is the property 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 : _____				
Percentage of property in En-zone (check one):	0-49%	50-99%	100%	
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)?				
If yes, identify name of properties (and site numbers if available) in related BCP applications:_____			Yes	No
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?			Yes	No
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.			Yes	No
7. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.			Yes	No

Section IV. Property Information (continued)

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

Easement/Right-of-way Holder

Description

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

Type

Issuing Agency

Description

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

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

Yes

No

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: _____

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			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF REQUESTOR'S CONSULTANT			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF REQUESTOR'S ATTORNEY			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME		OWNERSHIP START DATE:	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME			
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)			
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? Yes No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? Yes 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. Yes No			

Section VII. Requestor Eligibility Information (continued)

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

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

PARTICIPANT

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

VOLUNTEER

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

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

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

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

Previous Owner Current Owner Potential /Future Purchaser Other_____

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

Yes No

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

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

1. Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment.

Yes No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305?
If yes, please provide: Site # _____ Class # _____

Yes No
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____

Yes No
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?
If yes, please provide: Order # _____

Yes No
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?
If yes, please provide explanation as an attachment.

Yes No

Section IX. Contact List Information

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

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). **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

1. What is the current municipal zoning designation for the site? _____

What uses are allowed by the current zoning? (Check boxes, below)

Residential Commercial Industrial

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

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

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

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

If residential, does it qualify as single family housing?

Yes No

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

Yes No

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

Yes No

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

Yes No

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hererby 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 Manager (title) of 138 Bruckner Owners 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: 9/27/19 Signature: [Signature]

Print Name: Ronen Haron

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

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

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

Project is an Affordable Housing Project - Regulatory Agreement Attached;

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

This is Not an Affordable Housing Project.

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

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

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

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

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

BCP Application Summary (for DEC use only)**Site Name:****City:****Site Address:****County:****Zip:****Tax Block & Lot****Section (if applicable):****Block:****Lot:****Requestor Name:****City:****Requestor Address:****Zip:****Email:****Requestor's Representative (for billing purposes)****Name:****Address:****City:****Zip:****Email:****Requestor's Attorney****Name:****Address:****City:****Zip:****Email:****Requestor's Consultant****Name:****Address:****City:****Zip:****Email:****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:

Brownfield Cleanup Program Application Supporting Documentation

PART A

Section I. – Applicant Information

Applicant Information

Contact information and the names of members/owners of the Applicants are set forth below:

**Table 1
Applicant Information**

Entity Name/Applicant	Members/Owners	Contact Information
138 Bruckner Owner LLC (a New York Limited Liability Company)	Bruckner 138 Equities LLC Markland 138 LLC (50/50 ownership)	% Artimus Construction, Inc. Attn: Ronen Haron 316 West 118 th Street, 4 th Floor New York, NY 10026 Tel: 646-834-9380 email: evan@artimusnyc.com

The NYS Department of State’s Corporation and Business Entity Database information for the Applicant is included as *Attachment A*. The entity is herein referred to as (the “Applicant”). The proposed Brownfield Cleanup Program (BCP) property includes the parcel located at 138 Bruckner Boulevard and 107 Saint Ann’s Avenue, which includes Bronx Tax Map Block 2260, Lots 10 and 19 (hereinafter referred to as the “Site”).

Section II - Project Description

The following figures are included in *Attachment B*:

- Figure 1 – Site Location
- Figure 2 – Site and Sample Location Plan
- Figure 3 – En-Zone Boundary Map
- Figure 4 – Tax Map
- Figure 5 – Surrounding Land Use
- Figure 6 – Zoning Map
- Figure 7 – Soil Sample Concentrations Above NYSDEC UUSCOs and/or RRSCO
- Figure 8 – Groundwater Sample Concentrations Above NYSDEC AWQSGVs

1 & 2. Remedial Investigation Report

A Final Remedial Investigation Report (RIR) is not included with the application. A Subsurface (Phase II) Investigation was conducted by Langan Engineering & Environmental Services, Inc. (Langan) in April 2019 and a Limited Soil Investigation was conducted by AKRF, Inc. (AKRF) in August 2019. The findings of both investigations are being used to support this Brownfield Cleanup Program (BCP) Application and the associated reports are included in *Attachment C*. To supplement the investigation of the Site, a Remedial Investigation Work Plan (RIWP) is being submitted with this BCP Application.

3. Description of Development Project

The Applicant plans to enter into the BCP as a Volunteer. The Site consists of an approximately 50,625-square foot parcel located at 138 Bruckner Boulevard and 107 Saint Ann’s Avenue in the Mott Haven section of the Bronx, New York. The Site is identified by the City of New York as Borough of the Bronx, Block 2260, Lots 10 and 19. Currently, Lot 10 consists of a one- to two-story warehouse operated by Zaro’s Family Bakery and Lot 19 comprises an asphalt-paved parking lot for the adjacent bakery. The

surrounding area comprises predominantly industrial and transportation-related uses, with commercial and residential properties located further north and east. A Site Location map and Site Plan are included in *Attachment B* as *Figures 1* and *2*, respectively.

The Site is part of the Bronx Census Tract 19. According to the 2013-2017 American Community Survey (ACS) Profile data, approximately 25.3% of the population in Census Tract 19 are living below the poverty level. The unemployment rate for Census Tract 19 is approximately 13.4%, compared to the New York City unemployment rate of 4.3% (as of July 2019) and the national unemployment rate of 3.7% (through July 2019). The entire Site is located within an En-Zone (Type A). The boundaries of the En-Zone are presented on *Figure 3*.

Entry into the BCP would facilitate the remediation and redevelopment of the Site into the proposed mixed-use, affordable housing project. The development project consists of the demolition of the existing structures. Although development plans are still being prepared, the planned project includes construction of a 18-20 story mixed-use building with approximately 250 to 300 residential units and one full cellar level. Retail units will be located on the first floor. The building is anticipated to occupy the entire Site boundary. The residential portion will contain 20-30% affordable units.

The proposed redevelopment plan is included in *Attachment B*. The Applicant plans on conducting all remedial investigation and remedial activities in accordance with Environmental Conservation Law (ECL) Article 27, Title 14, 6 New York Codes, Rules, and Regulations (NYCRR) 375-1.6(a), 375-3.6, and 375-6, and all applicable laws, rules, regulations, and guidance documents.

Estimated Project Schedule:

The remedial program is planned to begin in September 2019 and the Certificate of Completion (COC) is anticipated to be obtained in December 2021. The BCP project will likely include some or all of the activities listed in Table 2. This preliminary project schedule is subject to change.

Table 2
Estimated Project Schedule

Activity	Time To Complete
Submittal of BCP Application and Draft Remedial Investigation Work Plan (RIWP)	September 2019
30-day Completeness Review	October 2019
30-day Public Notice/Public Comment Period is Initiated	November 2019
BCA Execution	January 2020
Submittal and Approval of Citizen Participation Plan and Final RIWP	January 2020
Remedial Investigation	February 2020
Draft Remedial Investigation Report (RIR) and Draft Remedial Action Work Plan (RAWP) Submitted to NYSDEC	April 2020
45-day Public Comment Period for RIR and RAWP is Initiated	June 2020
Public Comment Period for RIR and RAWP Ends	July 2020
Final RIR and RAWP Submitted/DEC Approves and Issues Decision Document	August 2020
Issue Remedial/Construction Notice Fact Sheet	August 2020
Begin Redevelopment (Construction) with Implementation of RAWP	August/September 2020
Execution of Environmental Easement (if required)	July 2021
Draft Site Management Plan (SMP) Submitted to NYSDEC	August 2021
Draft Final Engineering Report and Fact Sheet	September 2021
Certificate of Completion and Fact Sheet	December 2021

Activity	Time To Complete
Completion of Building (first occupancy)	December 2022

Section III – Property’s Environmental History

1. Environmental Reports

Copies of the following previous investigation reports for the Site are included as *Attachment C*:

- *Draft Phase I Environmental Site Assessment* – 138 Bruckner Boulevard, Bronx, Bronx County, New York, Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C., April 2019.
- *Phase II Investigation* – 138 Bruckner Boulevard, Bronx, NY, Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C., May 2019.
- *Limited Soil Investigation* – 138 Bruckner Boulevard, Bronx, NY, AKRF, Inc., August 2019.

Summaries of previous investigations are provided below.

Draft Phase I Environmental Site Assessment – 138 Bruckner, Boulevard, Bronx, Bronx County, New York, Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C., April 2019

Langan prepared a draft Phase I Environmental Site Assessment (ESA) for the Site, dated April 2019. The Phase I ESA was performed in conformance with ASTM Standard E1527-13 and assessed: the potential presence of hazardous materials, based on reconnaissance of the Site and surrounding area; reviewed data on the geology and hydrology of the surrounding area; examined historical Sanborn Fire Insurance maps and aerial photographs; and reviewed pertinent federal and state regulatory databases. The Phase I ESA identified the following recognized environmental conditions (RECs):

- The Site is registered under the New York State Department of Environmental Conservation (NYSDEC) Petroleum Bulk Storage (PBS) Database with one closed-in-place 3,000-gallon No. 2 fuel oil underground storage tank (UST). The tank was installed in 1982 and reportedly closed in-place in 2013. Based on a review of available records, Langan noted that a tank test was not completed prior to the closure or a subsurface investigation completed after the closure. Langan concluded that there may be potential impacts or undocumented releases from the tank.
- Historical and current operations at adjacent properties included petroleum storage, reported releases, spills requiring remediation, and automotive repair. Such uses may have affected subsurface conditions beneath the Site. Historical uses of concern included a gasoline filling station, auto repair facilities with gasoline storage, gasoline tanks and a paint shop, a car wash and tire repair shop, a molding company, a metalizing company, a toy manufacturer, a locomotive railyard and turntables, and a photo marker company. The west-adjacent property historically contained over 40 petroleum storage tanks and is an active gasoline station. NYSDEC Spill No. 9405017 was reported at the facility due to the presence of free product and elevated concentrations of benzene, toluene, ethylbenzene, and xylenes (BTEX) and methyl tert-butyl ether (MTBE) in groundwater.

The following Historical Recognized Environmental Condition (HREC) were identified:

- NYSDEC closed Spill No. 9804809, which was reported at the Site in July 1998 due to the release of 5 gallons of No. 2 fuel oil onto concrete as a result of equipment malfunction. The spill was immediately cleaned up and closed in November 2003.

The following Business Environmental Risks (BERs):

- Historic urban fill material is likely present beneath the Site. The presence of historic fill will require implementation of soil handling procedures during redevelopment.
- The Site was historically occupied by various commercial and residential uses. As such, Langan determined that unknown or unregistered heating oil USTs may be located beneath the Site or adjacent sidewalks. Langan recommended disposing of any currently unknown tanks encountered during redevelopment in accordance with state and local regulations.

Phase II Investigation – 138 Bruckner Boulevard, Bronx, NY, Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C., May 2019

Langan conducted a Phase II Investigation at the Site in April 2019. A full report was not issued to the Applicant; however, AKRF available figures and tables with laboratory analytical results. Langan advanced 8 soil borings with the collection and laboratory analysis of 8 soil samples, and the installation of 4 temporary groundwater monitoring wells, with the collection and laboratory analysis of 4 groundwater samples. Soil and groundwater samples were analyzed for Target Compound List (TCL) volatile organic compounds (VOCs) by EPA Method 8260, TCL semivolatile organic compounds (SVOCs) by EPA Method 8270, TCL pesticides by EPA Method 8081B, polychlorinated biphenyls (PCBs) by EPA Method 8082, Target Analyte List (TAL) Metals plus Mercury and hexavalent chromium by EPA Methods 6020B/7471B. The metals analysis for groundwater was conducted on both unfiltered (total) and filtered (dissolved) samples.

A summary of the soil sample analytical results is as follows:

- One VOC, acetone, was detected in one sample at a concentration of 0.057 milligrams per kilogram (mg/kg), above the NYSDEC 6 NYCRR Part 375 Unrestricted Use Soil Cleanup Objective (UUSCO). No VOCs were detected above the 6 NYCRR Part 375 Restricted Residential Use Soil Cleanup Objectives (RRSCOs).
- SVOCs, including benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, chrysene, dibenz(a,h)anthracene, and indeno(1,2,3-c,d)pyrene were detected above the RRSCOs at concentrations ranging from 0.344 mg/kg to 5 mg/kg.
- No pesticides or PCBs were detected in the soil samples at concentrations above the RRSCOs.
- Lead was detected in one sample, and the associated blind duplicate, at concentrations of 420 mg/kg and 878 mg/kg, above the RRSCO of 400 mg/kg. Mercury was detected in two samples at concentrations of 1.02 mg/kg and 1.51 mg/kg, above the RRSCO of 0.81 mg/kg.

A summary of the groundwater sample analytical results is as follows:

- One VOC, MTBE, was detected in one groundwater sample at a concentration of 13.9 micrograms per liter (µg/L), above the NYSDEC 6 NYCRR Part 703.5 Class GA Groundwater Quality Standards and Guidance Values (AWQSGVs). This sample was collected from the northern portion of the Site, within close proximity of the adjacent gas station.
- No SVOCs, pesticides, or PCBs were detected above the AWQSGVs in any of the groundwater samples.

Limited Soil Investigation – 138 Bruckner, Boulevard, Bronx, New York, AKRF, Inc., August 2019

AKRF conducted a limited soil investigation on Lot 10 to evaluate shallow soil conditions beneath the Site and support the BCP Application. The investigation was conducted on August 12, 2019 and included the advancement of five soil borings down to approximately six feet below grade. Two soil samples were selected for laboratory analysis from each boring: one shallow sample from the 0 to 2 foot interval (below the existing concrete slab); and one deeper sample from the 5-6-foot interval, or the interval of highest

observed contamination. The soil samples were analyzed for Polycyclic Aromatic Hydrocarbons (PAHs) by EPA Method 8270D, TCL pesticides by EPA Method 8081B, TAL Metals plus Mercury by EPA Methods 6020B/7471B, and TCL VOCs by EPA Method 8260 (one sample only).

Elevated PID readings of 118 parts per million (ppm) were observed between 5 and 6 feet below grade in soil sample SB-02. Due to this field evidence of contamination, soil sample SB-02_5-6_20190812 was additionally analyzed for VOCs by EPA Method 8260. No other evidence of contamination [e.g., elevated photoionization detector (PID) readings, staining, or odors] was observed in the remaining soil borings.

A summary of the soil sample analytical results is as follows:

- Six VOCs were detected in sample SB-02_5-6_20190812, with the highest detection of 0.054 mg/kg of acetone. All six VOCs were detected below the NYSDEC RRSCOs.
- PAHs were detected in each of the 10 soil samples. Concentrations ranged from 0.011 mg/kg to 7 mg/kg, the highest of which was detected in sample SB-02_0-2_20190812. Five PAHs, including benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, dibenz(a,h)anthracene, and indeno(1,2,3-c,d)pyrene were detected above their respective NYSDEC RRSCOs.
- No pesticides were detected above laboratory reporting limits.
- Metals were detected in each of the 10 soil samples at concentrations ranging from 0.16 mg/kg to 29,600 mg/kg. Three of the metals (barium, lead, and mercury) were detected above their respective NYSDEC RRSCOs.

The Applicant believes that there is sufficient information to proceed expeditiously with this BCP application. Previous subsurface investigations performed on the Site have identified contamination in the soil and groundwater at concentrations that require remediation. The Applicant seeks to enroll in the BCP as a Volunteer to remediate the Site in a timely manner under the oversight of the NYSDEC.

2. Sampling Data

Based on the findings of the previous investigations, AKRF concluded that contaminated soil, and to a lesser extent groundwater, are present at the Site. Soil vapor samples were not collected during previous investigations. The following subsurface contamination warrants remediation for the following areas of concern at the Site:

- SVOC- and metals-contaminated soil; and
- Petroleum-related VOC contamination in the northwestern portion of the Site.

Figures indicating soil sample concentrations above UUSCOs and RRSCOs and groundwater sample concentrations above AWQSGVs, are provided in *Attachment B* as *Figures 7* and *8*, respectively.

Section IV- Property Information

2. Tax Map

A tax map of the Site and adjacent properties is provided as *Figure 4*. The Site is identified by the City of New York as Block 2260, Lots 10 and 19.

10. Property Description and Environmental Assessment

Location – The Site is located at 138 Bruckner Boulevard (Lot 10) and 107 Saint Ann’s Avenue (Lot 19) in the Mott Haven section of the Bronx, New York. The Site is bound to the north by Bruckner Boulevard and two multi-family residential buildings, followed by a sheet metal supply warehouse and storage yard, and mixed residential and commercial uses; to the east by St. Ann’s Avenue, followed by a warehouse

and showroom for SICIS Mosaic Factory; to the south by East 132nd Street, followed by a food depot warehouse; and to the west by a gasoline station and an iron works.

Site Features – The Site consists of two tax lots on an approximately 1.16-acre parcel. Zaro's Family Bakery operates both lots. Lot 10 contains a one- to two-story warehouse occupied by a bakery and production and distribution facility. Lot 19 contains an asphalt-paved parking lot for employees of Zaro's Family Bakery.

Current Zoning and Land Use – The current zoning designation of the Site is M1-5/R8A (manufacturing/residential), and is located within Special Mixed Use District MX-1 (Port Morris). The surrounding area is largely developed with industrial and commercial uses with residential uses located further north. A zoning map is provided as *Figure 6*.

Past Use of the Site – Based on the historical Sanborn Fire Insurance Maps and City Directories presented in the 2019 Draft Phase I ESA prepared by Langan, the Site was vacant up until approximately 1908, when Lot 10 was developed with several low-rise dwellings. The existing warehouse on Lot 19 was constructed by 1935 and initially occupied by Vess Dry Bottling Co. on the western side of the building and Fireproof Products Co. on the eastern side. North Eastern Bag & Burlap Co. was additionally identified in the western portion of the building between 1940 and 1947. Fireproof Products Co. occupied the entire warehouse by 1951 and until approximately 1968. Lot 19 became vacant by 1986. It is unknown whether any of the historic operations included manufacturing. Operations by the current building occupant, Zaro's Family Bakery, reportedly began in 1993.

Site Geology and Hydrology – Based on reports compiled by the U.S. Geological Survey Central Park Quadrangle map, the Site lies at an elevation of approximately 15 to 20 feet above the National Geodetic Vertical Datum of 1988 (an approximation of mean sea level) and slopes slightly down toward the south to southwest. Groundwater is expected to flow in a southerly to southwesterly direction toward the Bronx Kill (a tributary of the Harlem River), located approximately 600 feet southwest of the Site.

During the AKRF's August 2019 limited soil investigation, subsurface materials beneath the concrete slab in Lot 10 were observed to consist of historical fill (predominantly sand with gravel, brick, and silt) down to the maximum boring termination depth of 6 feet below the concrete slab. Groundwater is anticipated to be approximately 8 to 12 feet below grade.

Environmental Assessment – Based on the investigations conducted to date, the primary contaminants of concern for the Site are PAHs and metals.

Soil – Soil sample analytical results obtained during previous investigations were compared to 6 NYCRR Part 375 Unrestricted Use Soil Cleanup Objectives (UUSCOs) and Restricted Residential Use (RRSCOs).

- Acetone was detected in two soil samples at concentrations up to 0.054 mg/kg, slightly above the UUSCO of 0.05 mg/kg. No VOCs were detected above their respective RRSCOs.
- Up to seven PAHs were detected above their respective UUSCOs and/or RRSCOs in five soil samples. Benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, chrysene, dibenzo(a,h)anthracene, and/or indeno(1,2,3-cd)pyrene, were detected above their respective RRSCOs in the five soil samples at concentrations ranging from 0.507 to 5 mg/kg. The highest concentrations were detected in soil sample samples collected from Lot 19
- Up to 23 metals were detected in one or more of the soil samples analyzed. Barium (maximum concentration of 1,480 mg/kg), copper (maximum concentration of 145 mg/kg), lead (maximum concentration of 2,160 mg/kg), mercury (maximum concentration of 2 mg/kg), nickel (maximum concentration of 47.4 mg/kg), selenium (maximum concentration of 6.45 mg/kg), and zinc (maximum concentration of 1,440 mg/kg) were detected at concentrations above their respective UUSCOs. Barium, lead, and mercury were additionally detected at concentrations above their respective RRSCOs in up to four soil samples.

- No polychlorinated biphenyls (PCBs) were detected in any soil samples above laboratory reporting limits.
- The pesticides 4,4'-DDT and dieldrin were detected in one soil sample at concentrations above the UUSCOs, but below the RRSCOs.

Groundwater – Groundwater samples collected during Langan's April 2019 Subsurface Investigation were compared to the NYSDEC 6 NYCRR Part 703.5 Class GA Groundwater Quality Standards and Guidance Values (AWQSGVs).

- The petroleum-related VOC, MTBE, was detected in one sample (LTW-4), collected from the northern portion of the Site, at a concentration of 13.9 µg/L, above the AWQSGV of 10 µg/L.
- The metals iron, magnesium, manganese, and sodium were detected in the unfiltered and filtered analysis of the groundwater samples at concentrations above the AWQSGVs, ranging from 314 to 286,000 µg/L

Soil Vapor – Soil vapor was not analyzed during previous investigations.

Soil and groundwater sample results are summarized in *Figures 7 and 8*, provided in *Attachment B*.

PART B

Section VI. – Current Property Owner/Operation Information

Current Property Owners:

Table 3
Current Property Owner Information

Current Owner's Name	Ownership Start Date	Contact Information
Lot 10		
Anjost Corporation	August 11, 2005	Michael Zaro 138 Bruckner Boulevard Bronx, NY 10454 (718) 993-5600
Lot 19		
138 Bruckner Blvd. Associates, LLC	February 10, 1999	Michael Zaro 138 Bruckner Boulevard Bronx, NY 10454 (718) 993-5600

The Site is currently owned by two separate entities; however, both Site lots are operated by the same entity, Zaro's Family Bakery. A completed member consent resolution is provided in *Attachment F*.

Prior owner(s), known corporate members, and relationship to Applicant(s):

On April 4, 2019 the Applicant entered into a contract to purchase the Site from the current owners of Lots 10 and 19, Anjost Corporation and 138 Bruckner Blvd. Associates, LLC respectively. Applicant anticipates voluntarily investigating and remediating the Site, as required under the Brownfield Cleanup Program, as part of its redevelopment of the Site into affordable housing. There is no relationship, corporate or otherwise, between the Applicant, its members, and the current owners or prior owners or operators at the Site.

Table 4
Previous Property Owners/Operators

Property Owners	Years of Ownership	Status of Entity (Alive, Deceased, Active, Dissolved)	Current/Last Known Address/Phone Number (if available)	Relationship to Applicant(s)	Operator(s)
Lot 10					
Anjost Corporation	2005-Present	Active	138 Bruckner Boulevard Bronx, NY 10454 (718) 993-5600	None	Zaro's Family Bakery
Zaro Bake Shop, Inc.	1997-2005	Active	138 Bruckner Boulevard Bronx, NY 10454 (718) 993-5600	None	Zaro Bake Shop

Property Owners	Years of Ownership	Status of Entity (Alive, Deceased, Active, Dissolved)	Current/Last Known Address/Phone Number (if available)	Relationship to Applicant(s)	Operator(s)
New York City Industrial Development Agency	1981-1997	Active	% NYCEDC One Liberty Plaza 165 Broadway, 14 th Floor New York, NY 10006 (212) 619-5000	None	Merit Farms, Zaro Bake Shop
Merit Holding Corp./Merit Farms, Inc. (a successor by merger of Merit Holding Corp.)	1968-1981	Merit Holding Corp. – Dissolved; Merit Farms, Inc. – Active	Atalanta Corporation 1 Atalanta Plaza Elizabeth, NJ 07206 (908) 351-8000	None	Merit Farms
Joseph P. McCain	Prior to 1968	Unknown	334 Grove Street Montclair, NJ 07042 Phone number: unavailable	None	Fireproof Products Co., Vess Dry Bottling Co. & Whistle Co., Eastern Burlap Bag Co., Steel Erecting Co. Inc.
Lot 19					
138 Bruckner Blvd. Associates, LLC	1999-Present	Active	Michael Zaro 138 Bruckner Boulevard Bronx, NY 10454 (718) 993-5600	None	Zaro's Family Baker
Joseph Zaro	1999	Unknown	138 Bruckner Boulevard Bronx, NY 10454 (718) 993-5600	None	Zaro Bake Shop
Richard M. Glazer	1981-1999	Unknown	% Paradise, Alberts & Fisher LLP 630 Third Avenue New York, NY 10017 (212) 661-1900	None	Private residences, Zaro Bake Shop
William Merola	1975-1981	Unknown	540 East 3 rd Street Mount Vernon, NY 10553 Phone number: unavailable	None	Private residences

Property Owners	Years of Ownership	Status of Entity (Alive, Deceased, Active, Dissolved)	Current/Last Known Address/Phone Number (if available)	Relationship to Applicant(s)	Operator(s)
Harriet Feldstein	1972-1975	Unknown	22 Tucker Avenue New City, NY 10956 Phone number: unavailable	None	Private residences
William Merola	1966-1972	Unknown	540 East 3 rd Street Mt. Vernon, NY 10553 Phone number: unavailable	None	Private residences
City of New York	Prior to 1966	Active	City Hall New York, NY 10007 (212) 639-9675	None	Private residences

Section VII. – Applicant Eligibility Information

Volunteer Status

The Applicant qualifies as a Volunteer with respect to the Site because they have not owned or operated the Site at the time of the disposal of hazardous waste, if any, or discharge of petroleum, if any. The Applicant performed all appropriate inquiry prior to its involvement as developers of the Site, i.e., they retained a qualified environmental consultant to conduct a Phase I Environmental Site Assessment (ESA) of the Site and are voluntarily applying to be accepted into the New York State Brownfield Cleanup Program to undertake all required investigation and remediation of the Site prior to and/or concurrent with its redevelopment into affordable/supportive housing.

Proof of Access

An access agreement to implement the Remedial Investigation (RI) and remediation under the BCP between the Applicant and the current Site owners is included in *Attachment D*.

Section VIII. – Property Eligibility Information

Registry Listings

a. Petroleum Bulk Storage (PBS)

- Zaro Bake Shop Inc., located at 138 Bruckner Boulevard, is listed under the NYSDEC PBS database under facility ID 2-007641. The facility is listed with one closed-in-place 3,000-gallon No. 2 fuel oil underground storage tank (UST). The tank was installed in 1982 and closed in 2013.

b. Spills

- NYSDEC Spill No. 9804809 was reported at 138 Bruckner Boulevard in July 1998. Due to a gauge malfunction on a tank, 5 gallons of No. 2 fuel oil were released onto concrete. The spill was reportedly contained and cleaned up. The spill was closed in November 2003.

c. E-Designation

- Lots 10 and 19 were assigned an E-Designation (E-143) in March 2005 as part of the Port Morris/Bruckner Boulevard Rezoning. The designations are for window wall attenuation and alternate ventilation (air and noise) and underground gasoline storage tanks testing protocol (hazardous materials).

Section IX. – Contact List Information

1. Local, State, and Federal Officials

Hon. Bill de Blasio Mayor of New York City City of New York 1 Centre Street New York, NY 10007	Hon. Scott M. Stringer New York City Comptroller Office of the Comptroller, City of NY 1 Centre Street, Room 517 New York, NY 10007
Hon. Jumaane Williams Public Advocate 1 Centre Street, 15 th Floor North New York, NY 10007	Hon. Ruben Diaz, Jr. Bronx Borough President 851 Grand Concourse, 3 rd Floor Bronx, NY 10451
Hon. Carmen Arroyo New York State Assembly District 84 384 East 149 th Street, Suite 202 Bronx, NY 10455	Hon. Diana Ayala New York City Council District 8 214 St. Ann's Avenue Bronx, New York 10454
Marisa Lago - Chair NYC Department of City Planning 120 Broadway, 31 st Floor New York, NY 10271	NYC Department of City Planning Bronx Borough Office 1775 Grand Concourse, Suite 503 Bronx, NY 10453
Hon. Charles Schumer U.S. Senate 780 Third Avenue, Suite 2301 New York, NY 10017	Hon. Kirsten Gillibrand U.S. Senate 780 Third Avenue, Suite 2601 New York, NY 10017
Hon. Jose E. Serrano U.S. House of Representatives 1231 Lafayette Avenue, 4 th Floor Bronx, NY 10474	Hon. Luis M. Diaz, County Clerk Bronx County Clerk 851 Grand Concourse, Room 118 Bronx, NY 10451
Mark McIntyre, Esq. - Director Mayor's Office of Environmental Remediation 100 Gold Street, 2 nd Floor New York, NY 10038	Hon. Jose M. Serrano New York State Senator, 29 th District 1916 Park Avenue, Suite 202 New York, NY 10037
Julie Stein Bureau of Environmental Planning and Assessment, 11 th Floor NYCDEP 59-17 Junction Boulevard Flushing, NY 11373	Vincent Sapienza Commissioner, NYC Dept. of Environmental Protection 59-17 Junction Boulevard Flushing, NY 11373
Cedric L. Loftin District Manager, Bronx Community Board 1 3024 Third Avenue Bronx, NY 10455	Ana Rojas Community Coordinator, Bronx Community Board 1 3024 Third Avenue Bronx, NY 10455

2. Residents, Owners, and Occupants of the Site and Adjacent Properties

Block 2260, Lot 10 is owned by Anjost Corporation, and Lot 19 is owned by 138 Bruckner Blvd. Associates, LLC, both located at 138 Bruckner Boulevard, Bronx, NY 10454. A list of adjacent properties and owners is provided below:

Block/Lot	Owner	Occupant
Site		
2260/10	Anjost Corporation Michael Zaro 138 Bruckner Boulevard Bronx, NY 10454 (718) 993-5600	Zaro's Family Bakery Michael Zaro 138 Bruckner Boulevard Bronx, NY 10454 (718) 993-5600
2260/19	138 Bruckner Blvd. Associates, LLC Michael Zaro 138 Bruckner Boulevard Bronx, NY 10454 (718) 993-5600	Zaro's Family Bakery Michael Zaro 138 Bruckner Boulevard Bronx, NY 10454 (718) 993-5600
Adjacent to the North		
2260/18	148 Bruckner LLC 1379 Coney Island Avenue Brooklyn, NY 11230 Phone number: unavailable	Milk Burger 148 Bruckner Boulevard Bronx, NY 10454 (212) 360-1988 Current Occupants (multi-family apartment building) 148 Bruckner Boulevard Bronx, NY 10454
2261/47	Relyea French, Limited 62 Roslyn Avenue Sea Cliff, NY 11579 (516) 766-8985	Unoccupied – current parking lot
2261/48	SGS Realty Corp. 526 East 134 th Street Bronx, NY 10454 Phone number: unavailable	Unoccupied – vacant land
2261/49	Mott-Haven Furniture Company, Inc. % Kelly Furniture 20 Bruckner Boulevard Bronx, NY 10454 (718) 585-5150	Unoccupied – vacant land
2261/50	Mott-Haven Furniture Company, Inc. % Kelly Furniture 20 Bruckner Boulevard Bronx, NY 10454 (718) 585-5150	Unoccupied – vacant land
2261/51	SGS Realty Corp. 526 East 134 th Street Bronx, NY 10454 Phone number: unavailable	S&J Sheet Metal Supply 526 East 134 th Street Bronx, NY 10454 (718) 585-2853
Adjacent to the East		
2546/1	Bianca USA Real Estate, Inc. 230 Park Avenue, Suite 2401 New York, NY 10169 Phone number: unavailable	SICIS North America 150 Bruckner Boulevard Bronx, NY 10454 (212) 965-4100

2543/30	Triboro Industrial Realty Corp. 600 East 132 nd Street Bronx, NY 10454 Phone number: unavailable	Abco Refrigeration Supply Corp. 600 East 132 nd Street Bronx, NY 10454 (718) 585-0861 Crana Electric 600 East 132 nd Street Bronx, NY 10454 (718) 450-8799
Adjacent to the South		
2260/62	NYS Department of Transportation 50 Wolf Road Albany, NY 12232 (518) 457-6195	Unoccupied – transportation/utility facility
2260/192	Alfaomega Properties Realty LLC 515 Truxton Street Bronx, NY 10474 Phone number: unavailable	FoodFest Depot 500 East 132 nd Street Bronx, NY 10454 (718) 993-2020
Adjacent to the West		
2260/4	24 Indian Head Holdings Corp. 24 Indian Head Drive Sayville, NY 11782 Phone number: unavailable	Speedway 126 Bruckner Boulevard Bronx, NY 10454 (718) 292-3866
2260/34	122 Bruckner Partners LLC 2447 Third Avenue Bronx, NY 10451 Phone number: unavailable	Sparkz Iron Works 519 East 132 nd Street Bronx, NY 10454 (718) 594-5091
2260/17	144 Bruckner LLC 1379 Coney Island Avenue Brooklyn, NY 11230 Phone number: unavailable	Current Occupants (multi-family apartment building) 144 Bruckner Boulevard Bronx, NY 10454

3. Local News Media

New York Post 1211 Avenue of the Americas New York, NY 10036	New York Daily News 4 New York Plaza New York, NY 10004
Spectrum New York 1 News 75 Ninth Avenue New York, NY 10011	The Bronx Free Press (bilingual) 5030 Broadway, Suite 801 New York, NY 10034
The Bronx Chronicle 25 Westchester Square, Suite 1 Bronx, NY 10462	El Diario 1 MetroTech Center, 18 th Floor Brooklyn, NY 11201
Bronx Times 3602 East Tremont Avenue, Suite 205 Bronx, NY 10465	Hoy Nueva York 1 MetroTech Center, 18 th Floor Brooklyn, NY 11201

4. Public Water Supply

Public water is provided by The City of New York, Department of Environmental Protection:

Customer Service Center
59-17 Junction Boulevard, 13th Floor
Flushing, New York 11373

Vincent Sapienza
Commissioner, NYC DEP
59-17 Junction Boulevard
Flushing, NY 11373

5. Additional Contacts

None

6. Nearby Schools and Day Care Centers

Daycares:

Adalgisa Morel Day Care
165 St. Ann's Avenue
Bronx, NY 10454
Distance: 750 feet northeast of the Site

Schools:

P.S. 43 Jonas Bronck
165 Brown Place
Bronx, NY 10454
(718) 292-4502
Giovanna Delucchi, Principal
Distance: 840 feet northwest of the Site

7. Document Repositories

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

Cedric L. Loftin
District Manager, Bronx Community Board 1
3024 Third Avenue
Bronx, NY 10455
(718) 585-7117

Letters signed by representatives of the designated document repositories are included in *Attachment E*.

8. Local Community Board

Cedric L. Loftin
District Manager, Bronx Community Board 1
3024 Third Avenue
Bronx, NY 10455
(718) 585-7117

Section X. – Land Use Factors

1. Zoning

The current zoning designation of the Site is M1-5/R8A (manufacturing/residential), and is located within Special Mixed Use District MX-1 (Port Morris).

2. Current Site Use

Currently, the Site consists of an approximately 50,625-square foot parcel comprising two tax lots. The Site is identified by the City of New York as Borough of the Bronx, Block 2260, Lots 10 and 19. Lot 10 consists of a one- to two-story warehouse operated by Zaro's Bakery as a bakery and distribution facility, and Lot 19 is an asphalt-paved parking lot for the adjacent bakery. An Existing Land Use map is included as *Figure 5* in *Attachment B*.

3. Proposed Site Use

The proposed redevelopment plan includes demolition of the existing structures and construction of a mixed-use, affordable housing project. Although development plans are still being prepared, the planned project includes construction of an 18-20 story mixed-use building with approximately 200 residential units, and one full cellar level. Retail units will be located on the first floor. The building is anticipated to occupy the entire Site boundary. The residential portion will contain 20-30% affordable units (40 to 60 units).

Section XI. – Statement of Certification and Signatures

The requestor is 138 Bruckner Owner LLC which is comprised of 50/50 Markland 138 Equities LLC and Bruckner 138 Equities LLC. Bruckner 138 Equities LLC has an operating agreement showing it is managed by PAM Equities LLC and all partners under this have signing authority. A member consent resolution is provided in *Attachment F*.

ATTACHMENT A

NYS Department of State's Corporation and Business Entity Database Information

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through August 27, 2019.

Selected Entity Name: 138 BRUCKNER OWNER LLC

Selected Entity Status Information

Current Entity Name: 138 BRUCKNER OWNER LLC

DOS ID #: 5521985

Initial DOS Filing Date: MARCH 27, 2019

County: BRONX

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

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

C/O ROBERT M. SCHAUFELD, ESQ.

85 GRACE AVENUE

GREAT NECK, NEW YORK, 11021

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
MAR 27, 2019	Actual	138 BRUCKNER 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.

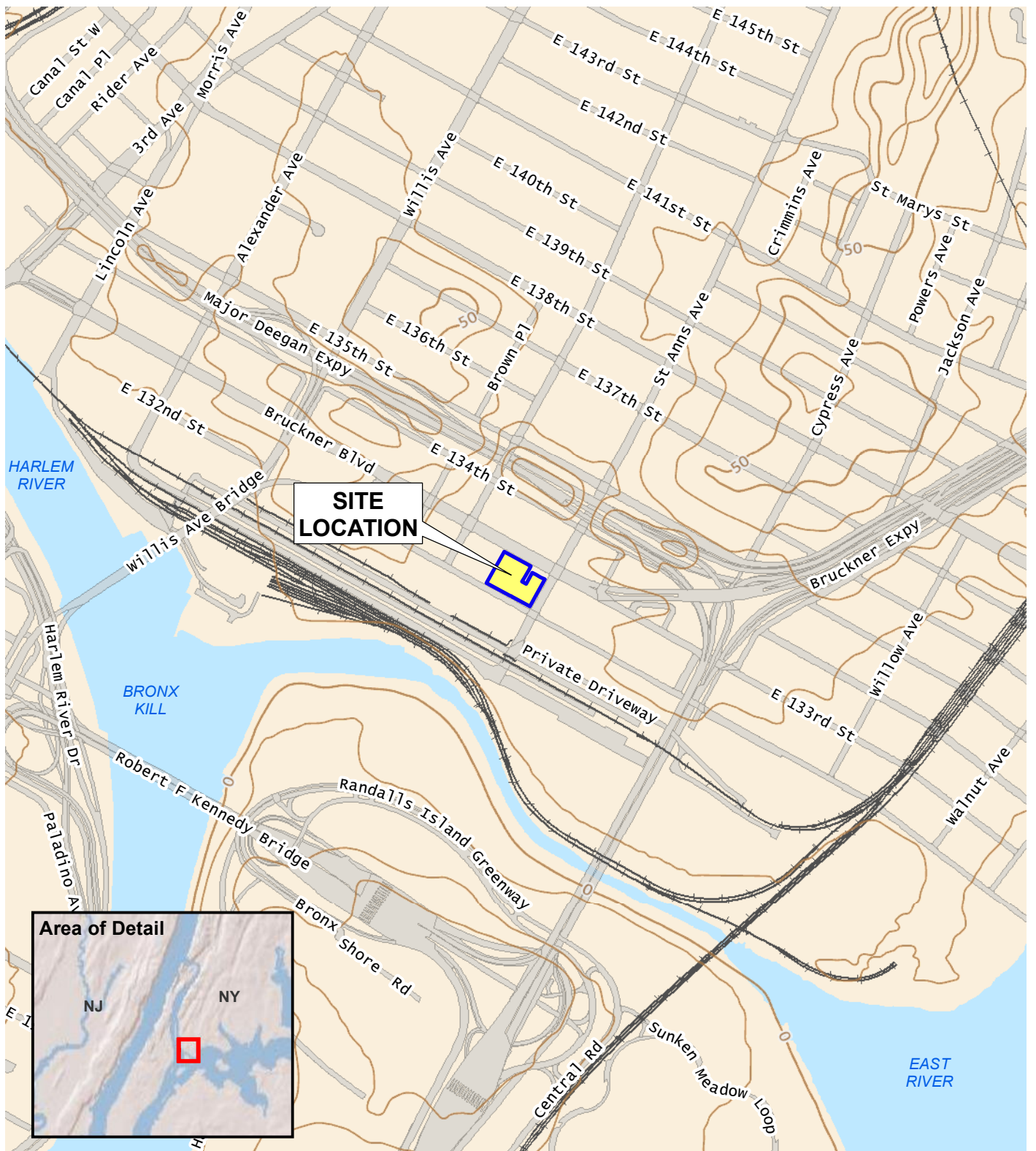
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ATTACHMENT B

Figures

© 2019 AKRF. W:\Projects\190253 - ARTIMUS 138 BRUCKNER BLVD\Technical\GIS and Graphics\Hazmat\190253 Fig 1 site loc map.mxd 8/26/2019 3:03:52 PM mvelleux



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SCALE IN FEET

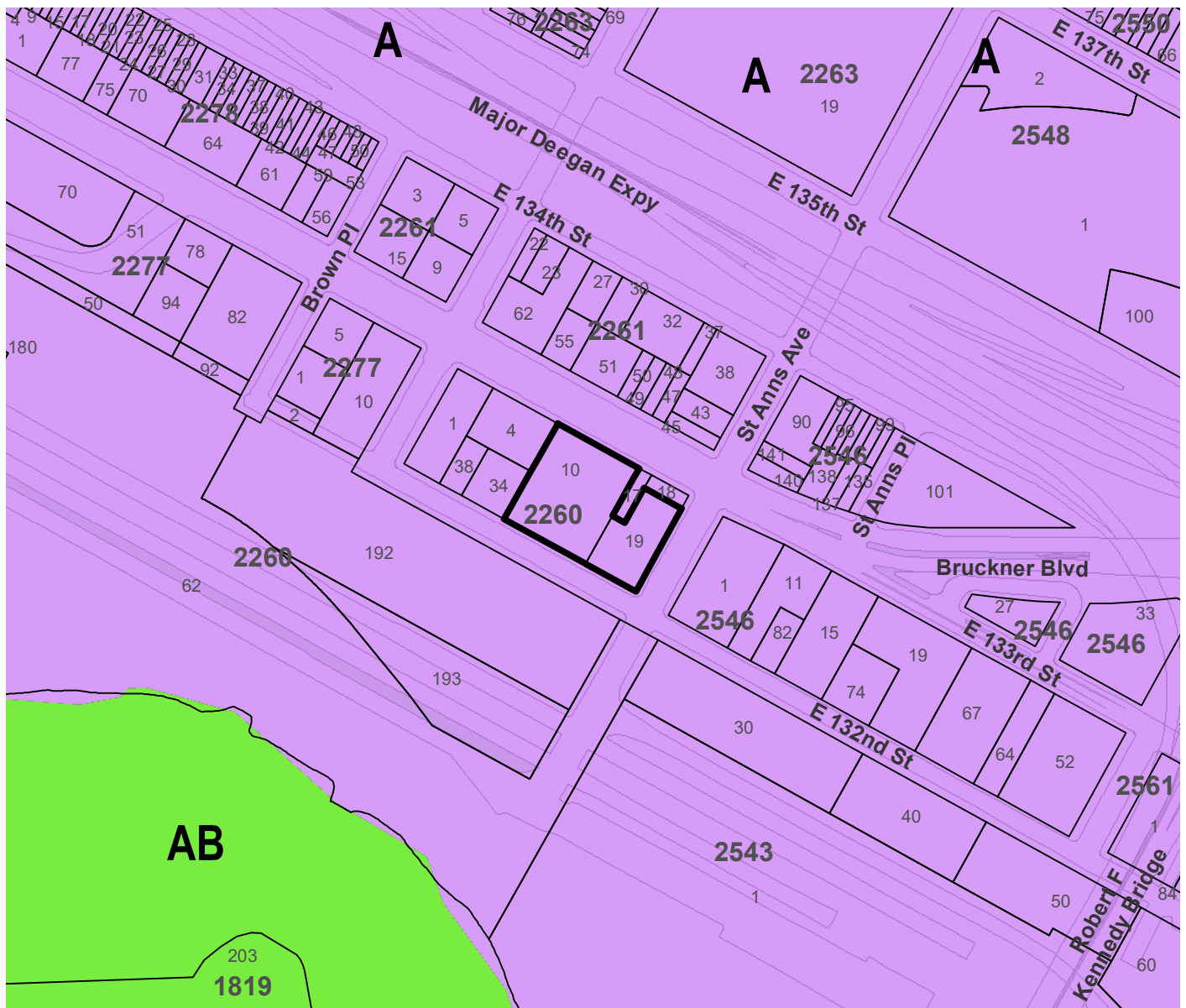


440 Park Avenue South, New York, NY 10016

138 Bruckner Boulevard
Bronx, New York

SITE LOCATION

DATE 8/26/2019
PROJECT NO. 190253
FIGURE 1



LEGEND



PROJECT SITE BOUNDARY



19

LOT BOUNDARY AND TAX LOT NUMBER

2260 BLOCK NUMBER



CRITERIA A, Y - INDICATOR FOR CENSUS TRACT HAVING A "POVERTY RATE OF AT LEAST 20% AND UNEMPLOYMENT RATE OF AT LEAST 125% THE STATEWIDE UNEMPLOYMENT RATE." 'Y' INDICATES THAT THE CENSUS TRACT MEETS THIS CRITERIA



CRITERIA B, Y - INDICATOR FOR CENSUS TRACT HAVING A "POVERTY RATE OF AT LEAST 2 TIMES THE POVERTY RATE FOR THE COUNTY." 'Y' INDICATES THAT THE CENSUS TRACT MEETS THIS CRITERIA.



CRITERIA AB, Y - INDICATOR THAT THE CENSUS TRACT MEETS BOTH CRITERIA A AND B. 'Y' INDICATES THAT THE CENSUS TRACT MEETS THIS CRITERIA



440 Park Avenue South, New York, NY 10016

138 Bruckner Boulevard
Bronx, New York

EN-ZONE BOUNDARY MAP

DATE

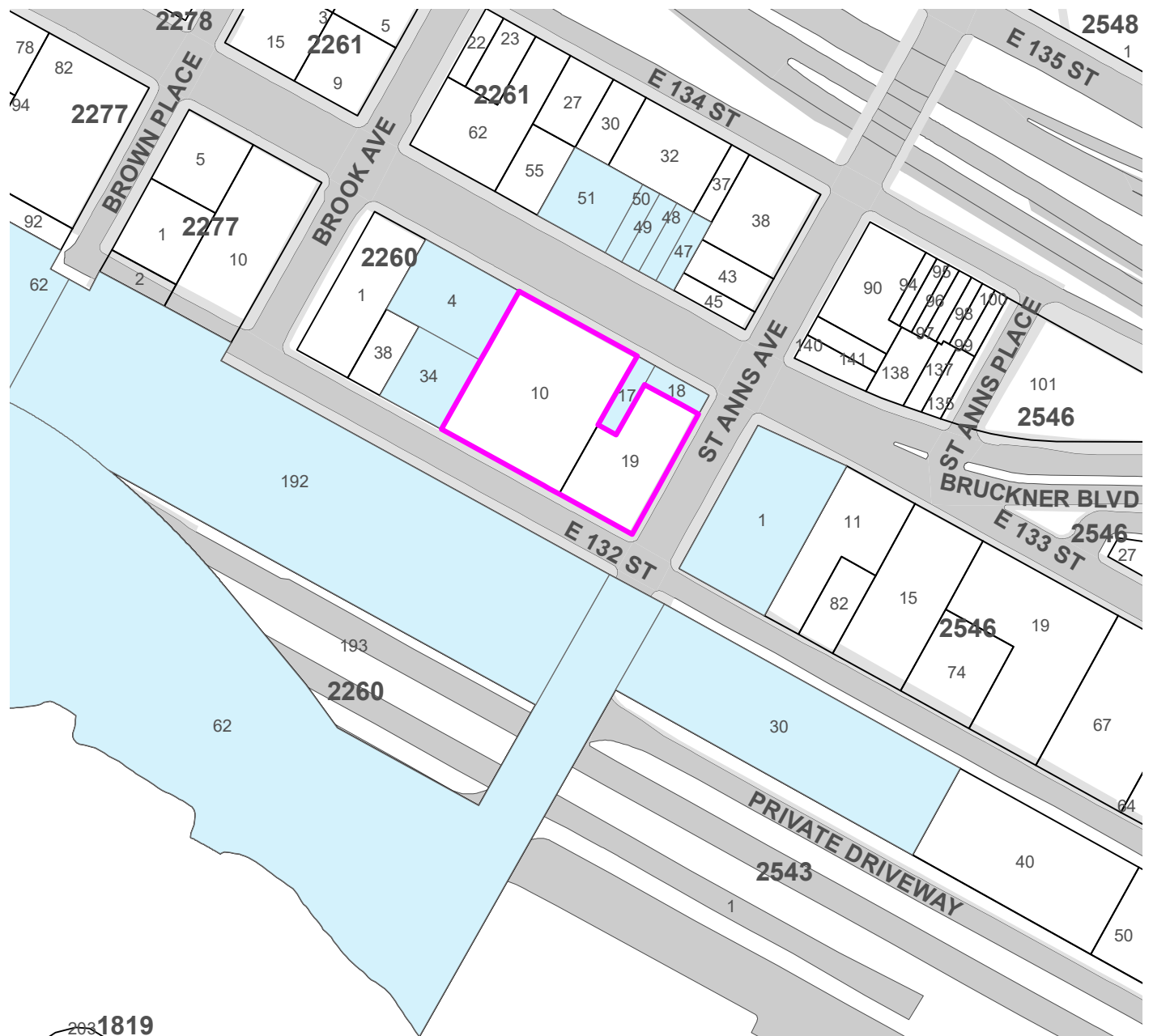
8/26/2019

PROJECT NO.

190253

FIGURE

3



Map Source:
NYCDP (NYC Dept. of City Planning) GIS database

Adjacent Property Owners		
Block	Lot	Owner Name
2260	4	24 Indian Head Holdings Corp.
2260	34	122 Bruckner Partners LLC
2260	17	144 Bruckner LLC
2260	18	148 Bruckner LLC
2261	47	Relyea French, LTD.
2261	48	SGS Realty Corp.
2261	49	Mott-Haven Furniture Company, Inc.
2261	50	Mott-Haven Furniture Company, Inc.
2261	51	SGS Realty Corp.
2546	1	Bianca USA Real Estate, Inc.
2543	30	Triboro Industrial Realty Corp.
2260	62	NYS Department of Transportation
2260	192	Alfaomega Properties Realty LLC



LEGEND

- PROJECT SITE BOUNDARY
- ADJACENT PROPERTY
- 10 LOT BOUNDARY AND TAX LOT NUMBER
- 2260** TAX BLOCK NUMBER

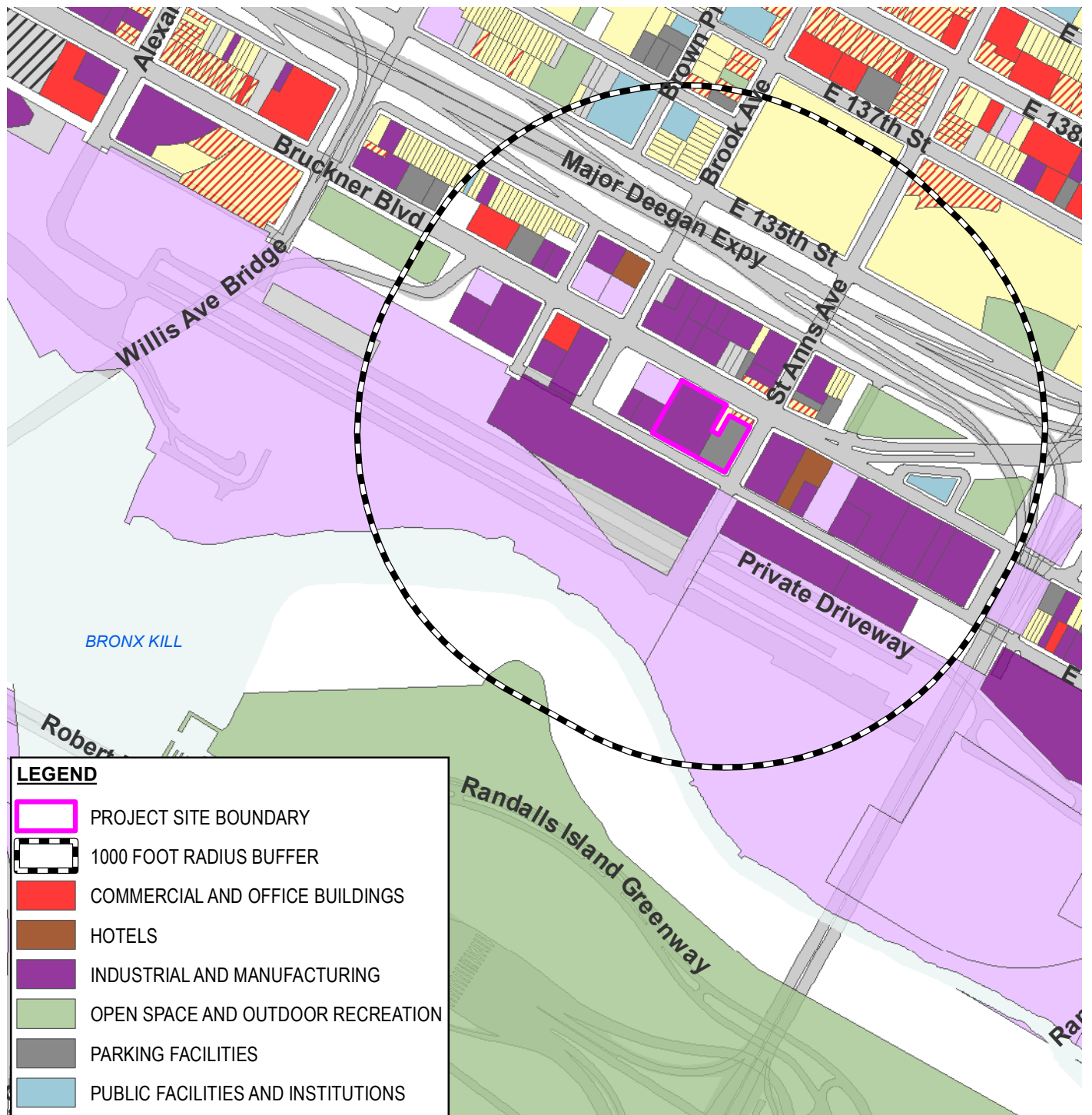


440 Park Avenue South, New York, NY 10016

138 Bruckner Boulevard
Bronx, New York

TAX MAP

DATE 8/29/2019
PROJECT NO. 190253
FIGURE 4



Map Source:
NYCDP (NYC Dept. of City Planning) GIS database



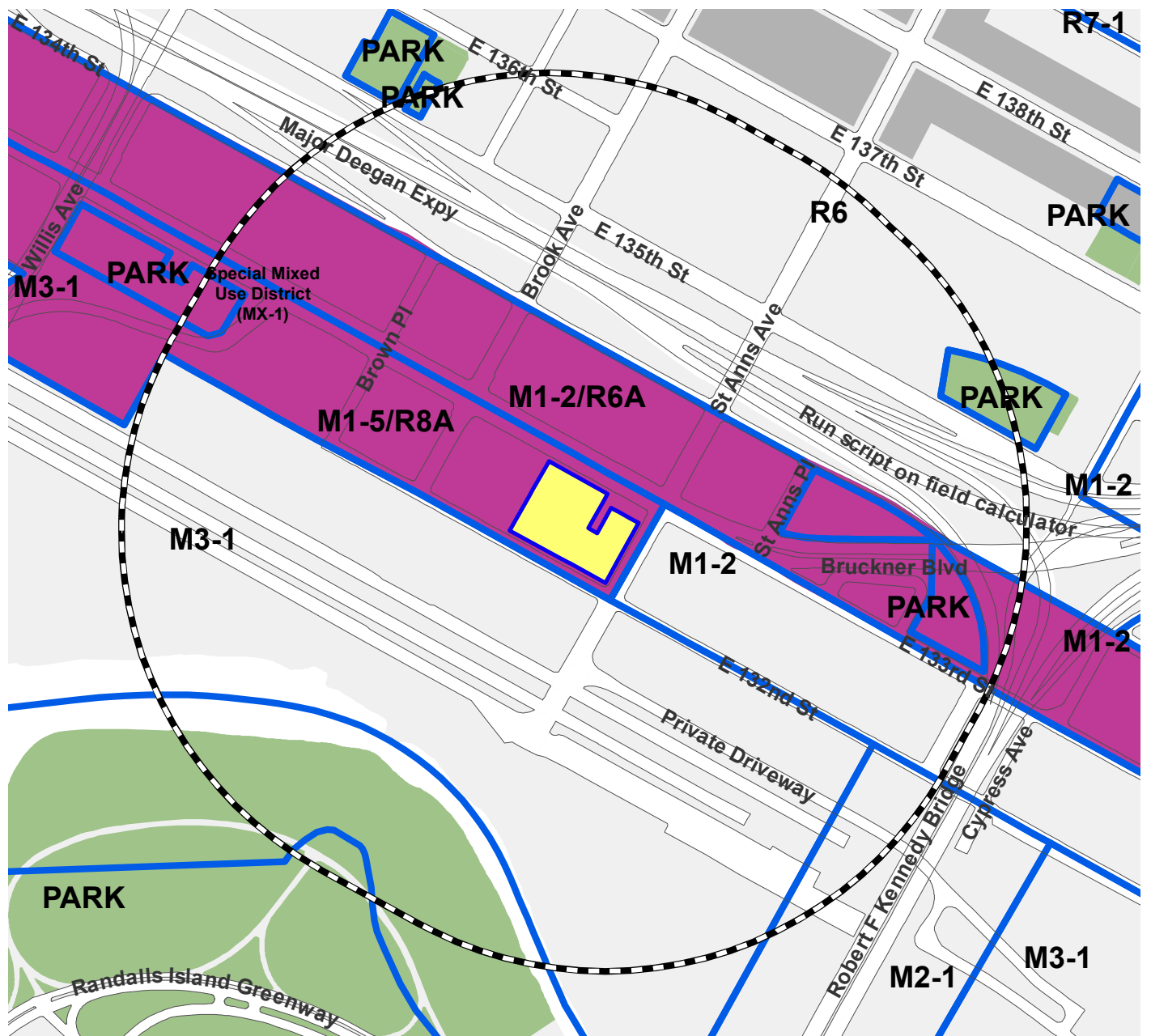
440 Park Avenue South, New York, NY 10016

138 Bruckner Boulevard
Bronx, New York

SURROUNDING LAND USE



DATE 8/28/2019
PROJECT NO. 190253
FIGURE 5

© 2019 AKRF. W:\Projects\190253 - ARTIMUS 138 BRUCKNER BLVD\Technical\GIS and Graphics\Hazmat\190352_Fig 6 Zoning Map.mxd 8/26/2019 3:51:13 PM mvelleux



Source:
NYC Department of City Planning, Technical Review Division

LEGEND

-  PROJECT SITE BOUNDARY
-  1000-FOOT RADIUS BUFFER
-  ZONING DISTRICTS
-  COMMERCIAL OVERLAY DISTRICTS
-  SPECIAL PURPOSE DISTRICT
-  NYC OPEN SPACE



440 Park Avenue South, New York, NY 10016

138 Bruckner Boulevard
Bronx, New York

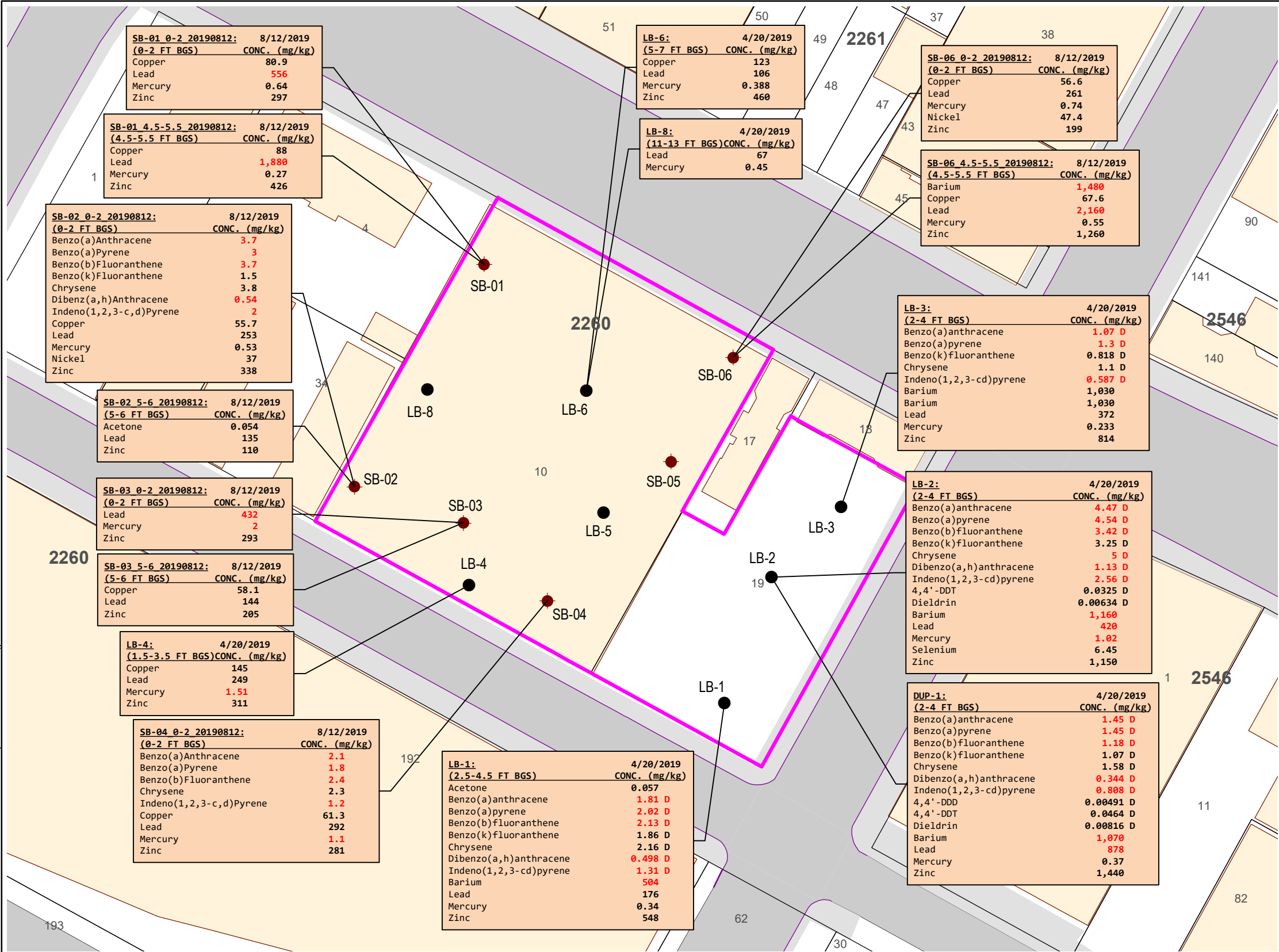
ZONING MAP

DATE
8/26/2019

PROJECT NO.
190253

FIGURE
6

© 2019 AKRF W:\Projects\190253 - ARTIMUS 138 BRUCKNER BLVD\Technical\GIS and Graphics\Hazmat\190253 Fig 7 Soil Exceedances.mxd 8/29/2019 1:56:32 PM mvaileux



Map Source:
NYCDP (NYC Dept. of City Planning) GIS database

LEGEND

- PROJECT SITE BOUNDARY
- BUILDING
- LOT BOUNDARY AND TAX LOT NUMBER
- 2260 TAX BLOCK NUMBER
- SOIL BORING LOCATION (AUGUST 2019, AKRF)
- SOIL BORING LOCATION (APRIL 2019, LANGAN)

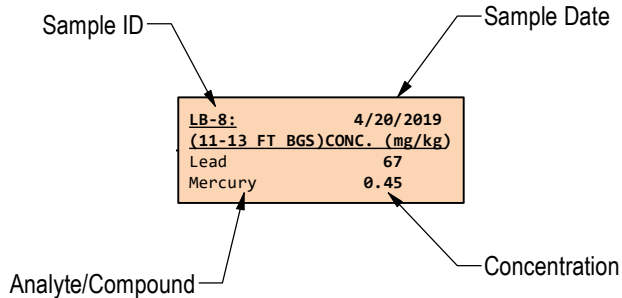
	Part 375 Restricted Residential	Part 375 Unrestricted
	mg/kg	mg/kg
Volatile Organic Compounds		
Acetone	100	0.05
Semivolatile Organic Compounds		
Benzo(a)Anthracene	1	1
Benzo(a)Pyrene	1	1
Benzo(b)Fluoranthene	1	1
Benzo(k)Fluoranthene	3.9	0.8
Chrysene	3.9	1
Dibenz(a,h)Anthracene	0.33	0.33
Indeno(1,2,3-c,d)Pyrene	0.5	0.5
Pesticides		
Dieldrin	0.2	0.005
P,P'-DDD	13	0.0033
P,P'-DDT	7.9	0.0033
Metals		
Barium	400	350
Copper	270	50
Lead	400	63
Mercury	0.81	0.18
Selenium	180	3.9
Nickel	310	30
Zinc	10,000	109

SOIL

Part 375 Soil Cleanup Objectives:
Soil Clean-up Objectives listed in NYSDEC
(New York State Department of Environmental Conservation)
"Part 375" Regulations (6 NYCRR Part 375).

Exceedances of Part 375 Unrestricted Use SCOs (UUSCOs) are highlighted in black.
Exceedances of Part 375 Restricted Residential SCOs (RRSCOs) are highlighted in red.

mg/kg: milligrams per kilogram = parts per million (ppm)
D: Analyte concentration obtained from dilution.



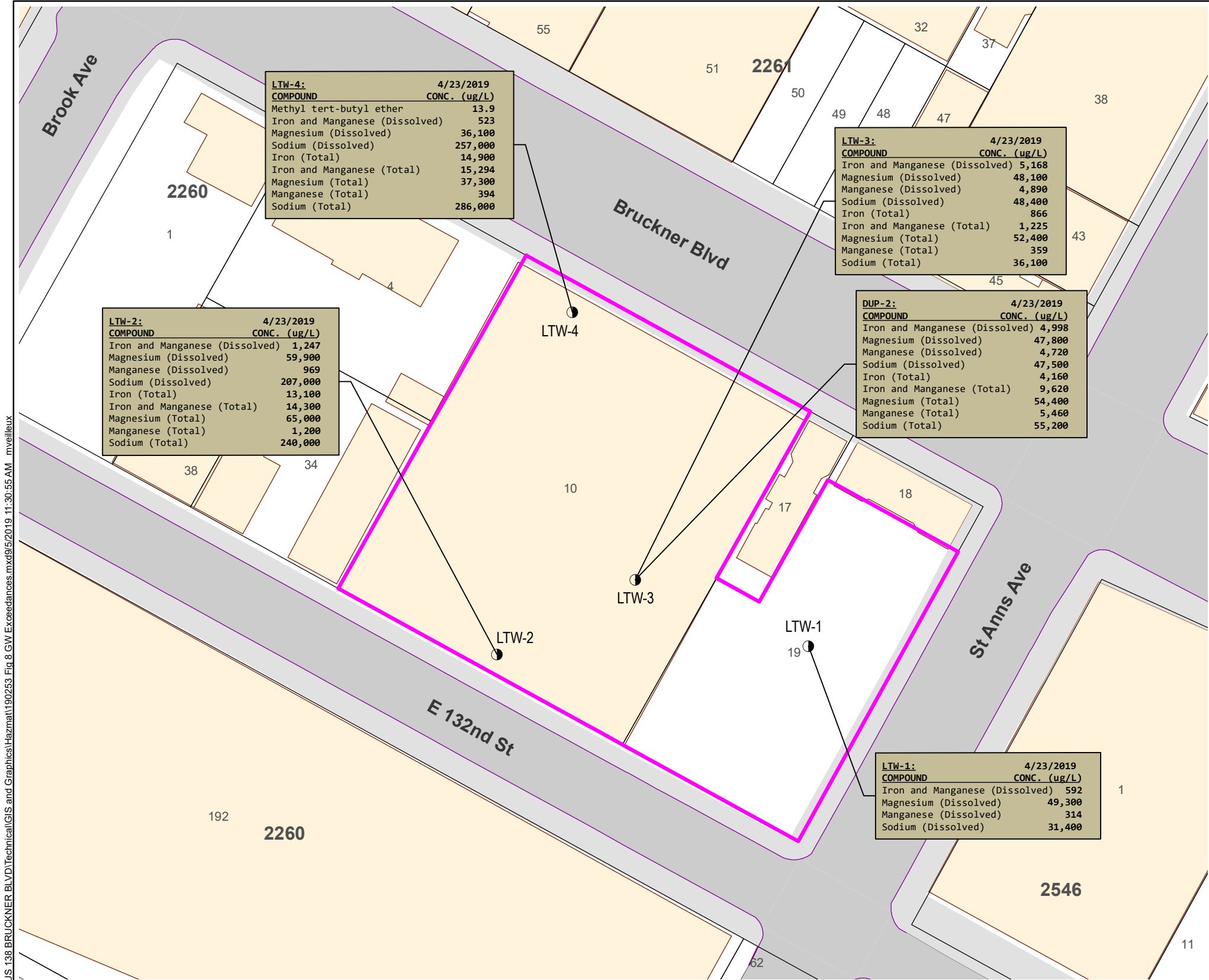
138 Bruckner Boulevard
Bronx, New York



440 Park Avenue South, New York, NY 10016

SOIL SAMPLE CONCENTRATIONS ABOVE NYSDEC UUSCOs AND/OR RRSCOs

DATE
8/29/2019
PROJECT NO.
190253
FIGURE
7



© 2019 AKRF W:\Projects\190253 -ARTIMUS 138 BRUCKNER BLVD\Technical\GIS and Graphics\Hazmat\190253_Fig 8 GW Exceedances.mxd 9/5/2019 11:30:55 AM nvelieux

Map Source:
NYC DCP (NYC Dept. of City Planning) GIS database

LEGEND

- PROJECT SITE BOUNDARY
- BUILDING
- LOT BOUNDARY AND TAX LOT NUMBER
- 2260 TAX BLOCK NUMBER

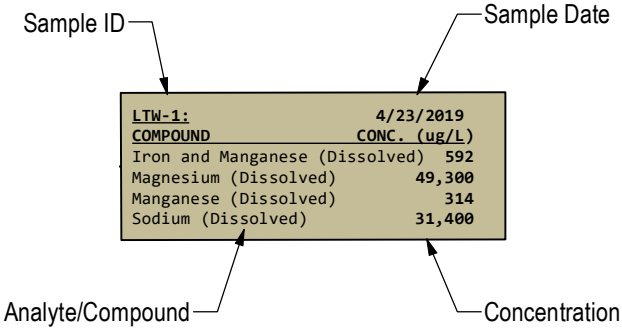
TEMPORARY WELL LOCATION (APRIL 2019, LANGAN)

NYSDEC AWQSGVs	
µg/L	
Volatile Organic Compounds	
Tert-Butyl Methyl Ether	10
Metals	
Iron	300
Magnesium	35,000
Manganese	300
Sodium	20,000

GROUNDWATER

NYSDEC TOGS Class GA Ambient Water Quality Standard and Guidance Values (AWQSGVs):
New York State Department of Environmental Conservation (NYSDEC)
Technical and Operational Guidance Series (TOGS) (1.1.1):

ug/L : micrograms per Liter = parts per billion (ppb)



138 Bruckner Boulevard
Bronx, New York



GROUNDWATER SAMPLE CONCENTRATIONS ABOVE NYSDEC AWQSGVs

DATE
9/5/2019
PROJECT NO.
190253
FIGURE
8

ATTACHMENT C
Previous Reports
(Provided under separate cover)

ATTACHMENT D
Access Agreement

ZARO'S

September 16, 2019
Brownfield Requestor and Applicant
c/o Evan Kashanian
Artimus
316 West 118 Street
New York, NY 10026

Re: Property Access and Authorization to perform all obligations under the New York State Brownfield Cleanup Program

Dear Sir:

138 Bruckner Blvd. Associates, LLC and Anjost Corporation (collectively referred to as "Owner") own the property located at 138 Bruckner Boulevard (Section 2, Block 2260, Lot 10) and 107 Saint Ann's Avenue, Bronx, New York (Section 2, Block 2260, Lot 19), respectively (the "Property"). Owner hereby authorizes the entities listed on Exhibit A, attached hereto (collectively referred to as the "Authorized Applicant(s)/Requestor(s)"), to access the Property and to apply to participate in and perform any obligations under the New York State Department of Environmental Conservation's ("NYSDEC") Brownfield Cleanup Program ("BCP").

Owner further understands that the Authorized Applicants will also need to provide access to the NYSDEC and environmental professionals that the Authorized Applicants has/have hired to perform any investigation and remedial activities under the BCP.

Sincerely,

Michael Zaro
138 Bruckner Blvd. Associates, LLC
Anjost Corporation

By: 

AUTHORIZED APPLICANT(S)/REQUESTOR(S)

- 138 Bruckner Owner LLC
- Bruckner 138 Equities LLC
- Markland 138 LLC

ATTACHMENT E
Document Repository Letters



Environmental, Planning, and Engineering Consultants

440 Park Avenue South
7th Floor
New York, NY 10016
tel: 212 696-0670
fax: 212 213-3191
www.akrf.com

August 30, 2019

Ms. Jeanine Cross
Manager
Bronx Public Library: Mott Haven Branch
321 East 140th Street
Bronx, New York 10454

Re: Document Repository for 138 Bruckner Boulevard, Bronx, NY

Dear Ms. Cross:

AKRF, Inc. is submitting a New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Application on behalf of 138 Bruckner Owner LLC for the project site located at 138 Bruckner Boulevard in the Bronx, New York. As required by NYSDEC, the Bronx Public Library: Mott Haven Branch will be the repository to which all pertinent electronic documents generated for this project will be sent. Please understand that these documents will have to be made available to the public when requested until the NYSDEC determines that these documents are no longer needed.

Please signify your understanding and agreement by signing below and returning a copy of the signed letter via email to abosco@akrf.com. Please call me at (646) 388-9576 with any questions. Thank you.

Sincerely,
AKRF, Inc.

A handwritten signature in cursive script that reads "Adrianna Bosco".

Adrianna Bosco
Senior Environmental Professional

ACKNOWLEDGED AND ACCEPTED:

A handwritten signature in cursive script that reads "Jeanine Y. Thomas".
Name

Library Manager
Title

A handwritten signature in cursive script.
Signature



Environmental, Planning, and Engineering Consultants

440 Park Avenue South
7th Floor
New York, NY 10016
tel: 212 696-0670
fax: 212 213-3191
www.akrf.com

August 30, 2019

Mr. Cedric L. Loftin
District Manager
Bronx Community Board 1
3024 Third Avenue
Bronx, NY 10455

Re: Document Repository for 138 Bruckner Boulevard, Bronx, NY

Dear Mr. Loftin:

AKRF, Inc. is submitting a New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Application on behalf of 138 Bruckner Owner LLC for the project site located at 138 Bruckner Boulevard, the Bronx, New York. As required by NYSDEC, Bronx Community Board District 1 will be the repository to which all pertinent electronic documents generated for this project will be sent. Please understand that these documents will have to be made available to the public when requested until the NYSDEC determines that these documents are no longer needed.

Please signify your understanding and agreement by signing below and returning a copy of the signed letter via email to abosco@akrf.com. Please call me at (646) 388-9576 with any questions. Thank you.

Sincerely,
AKRF, Inc.

A handwritten signature in cursive script that reads "Adrianna Bosco".

Adrianna Bosco
Senior Environmental Professional

ACKNOWLEDGED AND ACCEPTED:

A handwritten signature in cursive script that reads "Cedric Loftin".

Name

A handwritten signature in cursive script that reads "District Manager".

Title

A handwritten signature in cursive script that reads "Cedric L. Loftin".

Signature

ATTACHMENT F
Member Consent Resolution

138 BRUCKNER OWNER LLC AUTHORIZATION TO COMPLETE REMEDIAL REQUIREMENTS

The undersigned, being all of the members of 138 Bruckner Owner LLC, a New York limited liability company (the "Company") hereby certify as of November 7, 2019, as follows and adopt the following resolutions and authorize the Company to authorize and direct Ronen Haron (the "Authorized Signatory") to take the following actions on behalf of the Company:

WHEREAS, the Company desires to authorize the Authorized Signatory to undertake actions necessary to redevelop 138 Bruckner Boulevard, Bronx County, Bronx, NY 10454, Block 2260, Lots 10 and 19 (the "Property" or the "Site").

WHEREAS, in connection with the redevelopment of the Property, the Company has or will prepare and submit an application to participate in the New York State Brownfield Cleanup Program ("BCP") and, if accepted into the BCP, enter into a Brownfield Cleanup Agreement ("BCA"); file related documents with the New York State Department of Environmental Conservation ("DEC") to participate in the BCP; and undertake certain environmental remediation work related thereto consistent with applicable laws, regulations and guidance under the BCP (collectively referred to as the "Remedial Program Requirements");

NOW THEREFORE, BE IT

RESOLVED, the Authorized Signatory be, and hereby is, authorized and directed, in the name of and on behalf of the Company, to execute and to deliver all applications, documents and instruments required to effectuate the BCA (including execution of the BCA), and make any filings required to comply with the BCA consistent with the Remedial Program Requirements; and be it further;

RESOLVED, that this Authorization may be signed in any number of counterparts, including but not limited to electronic, and shall become effective as of the date herein below written when each person named below shall have signed a copy hereof; and

RESOLVED, The Authorized Signatory is authorized to bind the Company as an Authorized Signatory for the purposes set forth in this Authorization, the signature set forth opposite his name below is his actual signature:

<u>Authorized Signatory</u>	<u>Signature</u>
Ronen Haron	


IN WITNESS WHEREOF, the undersigned have signed and sealed this Member
Consent on November 7th, 2019.

MEMBERS:

Bruckner 138 Equities LLC


By: Eytan Benyamin

Markland 138 LLC


By: Adi Altmarm