



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 2468 Tiebout Development LLC

ADDRESS 38 West 21st Street, 8th Floor

CITY/TOWN New York, NY

ZIP CODE 10010

PHONE 212-604-1061

FAX

E-MAIL msfroning@skfdevelopment.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.

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

***Please describe:** _____

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

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

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

☒ Yes ☐ No

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

- | | | | |
|---|--|---|--|
| <input type="checkbox"/> Coal Gas Manufacturing | <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input 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: Residential, Commercial Parking

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME 2468 Tiebout Avenue				
ADDRESS/LOCATION 2468 Tiebout Avenue				
CITY/TOWN Bronx, NY		ZIP CODE 10458		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Borough of Bronx				
COUNTY Bronx		SITE SIZE (ACRES) 0.26		
LATITUDE (degrees/minutes/seconds) 40 ° 51 ' 52.44 "		LONGITUDE (degrees/minutes/seconds) 73 ° 53 ' 43.93 "		
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
2468 Tiebout Avenue		3023	4	0.26
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach an accurate map of the proposed site.				
2. Is the required property map attached to the application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map)				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <div style="text-align: right; margin-right: 50px;">If yes, identify census tract : 399.02</div> <div> Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 100% </div>				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				

Section IV. Property Information (continued)

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

Easement/Right-of-way Holder

Description

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

Type

Issuing Agency

Description

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

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

☒ Yes ☐ No

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 Michael Froning			
ADDRESS 2468 Tiebout Avenue			
CITY/TOWN Bronx, NY		ZIP CODE 10458	
PHONE 212-604-1061	FAX	E-MAIL msfroning@skfdevelopment.com	
NAME OF REQUESTOR'S CONSULTANT HydroTech Environmental Engineering and Geology, DPC/Ruijie Xu			
ADDRESS 15 Ocean Avenue, 2nd Floor			
CITY/TOWN Brooklyn, NY		ZIP CODE 11225	
PHONE 718-636-0800	FAX 718-636-0900	E-MAIL rxu@hydrotechenvironmental.com	
NAME OF REQUESTOR'S ATTORNEY Brown Duke & Fogel, P.C./George Duke, Esq.			
ADDRESS 350 Fifth Avenue, Suite 4640			
CITY/TOWN New York, NY		ZIP CODE 10118	
PHONE 646-915-0236	FAX 646-219-2601	E-MAIL gduke@bdflegal.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME		OWNERSHIP START DATE:	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME			
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?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Section VII. Requestor Eligibility Information (continued)

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

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

☐ PARTICIPANT

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

☒ VOLUNTEER

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

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

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

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

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

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

☐ Yes ☐ No

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

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

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

Section IX. Contact List Information

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

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). **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? R7-1

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 Managing Member (title) of 2468 Tiebout Development 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: 2/11/2020

Signature: 

Print Name: Michael Froning

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: 2468 Tiebout Avenue
City: Bronx, NY

Site Address: 2468 Tiebout Avenue
County: Bronx **Zip:** 10458

Tax Block & Lot

Section (if applicable): **Block:** 3023 **Lot:** 4

Requestor Name: 2468 Tiebout Development LLC **Requestor Address:** 38 West 21st Street, 8th Floor
City: New York, NY **Zip:** 10010 **Email:** msfroning@skfdevelopment.com

Requestor's Representative (for billing purposes)

Name: Michael Froning **Address:** 2468 Tiebout Avenue
City: Bronx, NY **Zip:** 10458 **Email:** msfroning@skfdevelopment.com

Requestor's Attorney

Name: Brown Duke & Fogel, P.C./George Duke, Esq. **Address:** 350 Fifth Avenue, Suite 4640
City: New York, NY **Zip:** 10118 **Email:** gduke@bdflegal.com

Requestor's Consultant

Name: HydroTech Environmental Engineering and Geology, DPC/Ruijie Xu **Address:** 15 Ocean Avenue, 2nd Floor
City: Brooklyn, NY **Zip:** 11225 **Email:** rxu@hydrotechenvironmental.com

Percentage claimed within an En-Zone: ☐ 0% ☐ <50% ☐ 50-99% ☒ 100%

DER Determination: ☐ Agree ☐ Disagree

Requestor's Requested Status: ☒ Volunteer ☐ Participant

DER/OGC Determination: ☐ Agree ☐ Disagree
Notes:

For NYC Sites, is the Requestor Seeking Tangible Property Credits: ☒ Yes ☐ No

Does Requestor Claim Property is Upside Down: ☐ Yes ☒ No

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

Does Requestor Claim Property is Underutilized: ☐ Yes ☒ No

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

Does Requestor Claim Affordable Housing Status: ☐ Yes ☐ No ☒ Planned, No Contract

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

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

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

SECTION I REQUESTOR INFORMATION

Requestor Name

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

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

Address, etc.

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

Document Certification

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

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

SECTION II PROJECT DESCRIPTION

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION III

PROPERTY'S ENVIRONMENTAL HISTORY

Please follow instructions on application form.

SECTION IV

PROPERTY INFORMATION

Proposed Site Name

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

Site Address

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

Site Size

Provide the approximate acreage of the site.

GIS Information

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

Tax Parcel Information

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

1. Tax Map Boundaries

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

2. Map

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION IV (continued)

3. En-zone

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

4. Multiple applications

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

10. Property Description Narrative

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

Location

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

Site Features:

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

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

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

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

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

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION IV (continued)

Property Description Narrative (continued)

Site Geology and Hydrogeology:

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

Environmental Assessment

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

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

A typical Environmental Assessment would look like the following:

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

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

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

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

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

SECTION V

ADDITIONAL REQUESTOR INFORMATION

Representative Name, Address, etc.

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

Consultant and Attorney Name, Address, etc.

Provide requested information.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

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

Owner Name, Address, etc.

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

Operator Name, Address, etc.

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

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

SECTION VII REQUESTOR ELIGIBILITY INFORMATION

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

SECTION VIII PROPERTY ELIGIBILITY INFORMATION

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

1. CERCLA / NPL Listing

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

2. Registry Listing

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

3. RCRA Listing

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

4. Registry / RCRA sites owned by volunteers

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

**NEW YORK STATE
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SECTION VIII (continued)

5. Existing Order

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

6. Enforcement Action Pending

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

SECTION IX CONTACT LIST INFORMATION

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

SECTION X LAND USE FACTORS

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

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

SECTION XI SIGNATURE PAGE

The Requestor must sign the application, or designate a representative who can sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each must sign a signature page. 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 entity's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

DETERMINATION OF A COMPLETE APPLICATION

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

DETERMINATION OF A COMPLETE APPLICATION (continued)

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

SUPPLEMENT TO SECTION I – REQUESTOR INFORMATION

The current Property Owner is 2468 Tiebout Development LLC. 2468 Tiebout Development LLC has owned the property since February 19, 2019. The members of the requestor include:

- Michael S. Froning
- Gerald I. Swartz
- Ayush Kapahi
- Vinod Kapahi
- Bronx Development Holding II LLC

Michael Froning, Managing Member, is authorized to sign on behalf of 2468 Tiebout Development LLC.

A copy of the entity information from NYS Department of State Divisions of Corporations and a copy of the current deed is included on the following pages.

2468 TIEBOUT DEVELOPMENT LLC AUTHORIZATION TO COMPLETE REMEDIAL REQUIREMENTS

The undersigned, being all of the members of 2468 Tiebout Development LLC, a New York limited liability company (the "Company") hereby certify as of January ___, 2020, as follows and adopt the following resolutions and authorize the Company to authorize and direct Michael S. Froning (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 2468 Tiebout Avenue, Bronx County, Bronx, NY 10458; Block 3023 Lot 4 (the "Property" or the "Site").

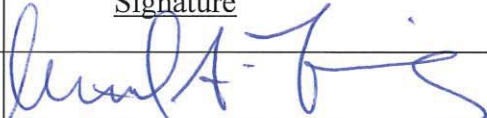
WHEREAS, in connection with the redevelopment of the Property, the Company has or will prepare and submit an application to participate in the New York State Brownfield Cleanup Program ("BCP") and, if accepted into the BCP, enter into a Brownfield Cleanup Agreement ("BCA"); file related documents with 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>
Michael S. Froning	

IN WITNESS WHEREOF, the undersigned have signed and sealed this Member Consent on January 31, 2020.

MEMBERS:

Gerald I. Swartz

By: Gerald I. Swartz

Michael S. Froning

By: Michael S. Froning

Ayush Kapahi

By: Ayush Kapahi

Vinod Kapahi

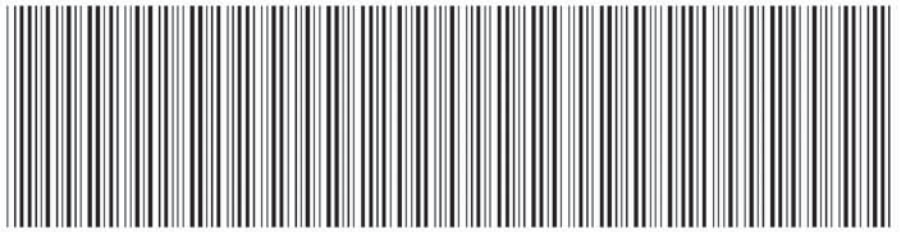
By: Vinod Kapahi

Bronx Development Holding II
LLC

By: Ayush Kapahi

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

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



2019021100531001004EB087

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 5

Document ID: 2019021100531001

Document Date: 02-07-2019

Preparation Date: 02-12-2019

Document Type: DEED

Document Page Count: 4

PRESENTER:

BETTER RESEARCH LLC
1 PARAGON DRIVE - BRNY-32164
SUITE 150B
MONTVALE, NJ 07645
REC@BETTERTITLERESEARCH.COM

RETURN TO:

BETTER RESEARCH LLC
1 PARAGON DRIVE - BRNY-32164
SUITE 150B
MONTVALE, NJ 07645
REC@BETTERTITLERESEARCH.COM

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BRONX	3023	4	Entire Lot	2468 TIEBOUT AVENUE
Property Type: NON-RESIDENTIAL VACANT LAND				

CROSS REFERENCE DATA

CRFN _____ or DocumentID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

GRANTOR/SELLER:

PROVO PARKING LLC
545 FIFTH AVENUE, #600
NEW YORK, NY 10017

GRANTEE/BUYER:

2468 TIEBOUT DEVELOPMENT LLC
38 WEST 21ST STREET, 8TH FLOOR
NEW YORK, NY 10010

FEES AND TAXES

Mortgage :

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

TOTAL: \$ 0.00

Recording Fee: \$ 57.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 250.00

NYC Real Property Transfer Tax:

\$ 71,268.75

NYS Real Estate Transfer Tax:

\$ 10,860.00

**RECORDED OR FILED IN THE OFFICE
OF THE CITY REGISTER OF THE**

CITY OF NEW YORK

Recorded/Filed 02-12-2019 15:54

City Register File No.(CRFN):

2019000049280



Annette McMill

City Register Official Signature

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT -- THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made as of the 7th day of February, 2019

BETWEEN

PROVO PARKING LLC, having an address at 545 Fifth Avenue, Suite 600, New York, New York 10017 (the "Seller"), and

2468 TIEBOUT DEVELOPMENT LLC, having an address at 38 West 21st Street, 8th floor, New York, New York 10010 (the "Purchaser").

WITNESSETH, that the Seller, in consideration of Ten and 00/100 Dollars (\$10.00) and other valuable consideration paid by the Purchaser, does hereby grant and release unto the Purchaser, the heirs or successors and assigns of the Purchaser forever,

All that certain plot, piece or parcel of land, with the buildings and improvements thereon situate, lying and being in the City of New York, Bronx County, and State of New York more particularly bounded and described as follows:

SEE SCHEDULE "A" ATTACHED HERETO AND MADE A PART HEREOF

Also known as 2468 Tiebout Avenue Bronx, New York

BEING AND INTENDED TO BE all of the Seller's right, title and interest in the premises conveyed to the Seller by deed dated September 30, 2003 and recorded on November 17, 2003 at CRFN 2003000454199 in the Office of the City Register of Bronx County.

TOGETHER with all right, title and interest, if any, of the Seller in and to any streets and roads abutting the above described premises to the center lines thereof;

TOGETHER with the appurtenances and all the estate and rights of the Seller in and to said premises;

TO HAVE AND TO HOLD the premises herein granted unto the Purchaser, the heirs or successors and assigns of the Purchaser forever.

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

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

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

PROVO PARKING LLC

By:

Name: Greg Gonzalez

Title: Manager

STATE OF NEW YORK, COUNTY OF NEW YORK ss:

On the 7TH day of February in the year 2019 before me the undersigned Notary Public in and for said State, personally appeared GREG GONZALEZ, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature, the individual or the person upon behalf of which the individual acted, executed the instrument.



STATE OF NEW YORK, COUNTY OF _____ ss:

On the ____ day of _____ in the year ____ before me the undersigned Notary Public in and for said State, personally appeared _____, the _____ of _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature, the individual or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

Bargain and Sale Deed

PROVO PARKING LLC

to

2468 TIEBOUT DEVELOPMENT LLC

DISTRICT
SECTION
BLOCK 3023
LOT 4
COUNTY: BRONX
STREET ADDRESS: 2468 Tiebout Avenue
BRONX, NEW YORK

RECORD AND RETURN TO:
KONNER TEITELBAUM & GALLAGHER
462 Seventh Avenue
New York, New York 10018
Attention: Claire Fu

SCHEDULE A

BR TITLE GROUP, LLC
As Agent for
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

LEGAL DESCRIPTION

SCHEDULE A.

Title No.: **BRNY-32164**

All that certain plot, piece or parcel of land, situate, lying and being in the Borough of Bronx, County of Bronx, City and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly side of Tiebout Avenue distant 83.27 feet northerly from the corner formed by the intersection of the easterly side of Tiebout Avenue and the northerly side of East 188th Street;

RUNNING THENCE northerly along the easterly side of Tiebout Avenue, 113.00 feet;

THENCE easterly and parallel with East 188th Street, 100.00 feet;

THENCE southerly and parallel with Tiebout Avenue, 113.00 feet;

THENCE westerly, 100.00 feet to the easterly side of Tiebout Avenue, the point or place of BEGINNING.

Note: Address, Block & Lot shown for informational purposes only

Designated as Block 3023, Lot 4, Bronx County and also known as 2468 Tiebout Avenue, Bronx, NY 10458.

BR Title Group, LLC
3839 Flatlands Avenue, Suite 208
Brooklyn, NY 11234
TEL: 718-504-5779 FAX: 718-889 7466

Schedule A Description

BRNY-32164

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2019021100531001004S7E06

SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

Document ID: 2019021100531001
Document Type: DEED

Document Date: 02-07-2019

Preparation Date: 02-12-2019

ASSOCIATED TAX FORM ID: 2019020500156

SUPPORTING DOCUMENTS SUBMITTED:

Page Count

DEP CUSTOMER REGISTRATION FORM FOR WATER AND SEWER BILLING
RP - 5217 REAL PROPERTY TRANSFER REPORT

1
3

FOR CITY USE ONLY

C1. County Code C2. Date Deed Recorded / /
 Month Day Year

C3. Book OR C4. Page
 C5. CRFN



REAL PROPERTY TRANSFER REPORT

 STATE OF NEW YORK
 STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217NYC

PROPERTY INFORMATION

1. Property Location 2468 TIEBOUT AVENUE BRONX 10458
 STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name 2468 TIEBOUT DEVELOPMENT LLC
 LAST NAME / COMPANY FIRST NAME

3. Tax Billing Address
 Indicate where future Tax Bills are to be sent if other than buyer address (at bottom of form) LAST NAME / COMPANY FIRST NAME

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

5. Deed Property Size FRONT FEET X DEPTH OR ACRES

8. Seller Name PROVO PARKING LLC
 LAST NAME / COMPANY FIRST NAME

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

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

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

Check the boxes below as they apply:

 6. Ownership Type is Condominium ☐
 7. New Construction on Vacant Land ☐

SALE INFORMATION

10. Sale Contract Date 12 / 19 / 2018
 Month Day Year

11. Date of Sale / Transfer 2 / 7 / 2019
 Month Day Year

12. Full Sale Price \$ 2 7 1 5 0 0 0
 (Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.

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

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


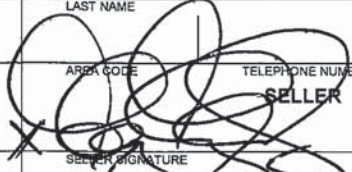
A ☐ Sale Between Relatives or Former Relatives
 B ☐ Sale Between Related Companies or Partners in Business
 C ☐ One of the Buyers is also a Seller
 D ☐ Buyer or Seller is Government Agency or Lending Institution
 E ☐ Deed Type not Warranty or Bargain and Sale (Specify Below)
 F ☐ Sale of Fractional or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

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

15. Building Class G, 6 16. Total Assessed Value (of all parcels in transfer) 5 3 9 1 0 0
 17. Borough, Block and Lot / Roll Identifier(s) (If more than three, attach sheet with additional identifier(s))
 BRONX 3023 4

CERTIFICATION

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

<input checked="" type="checkbox"/> 		<input type="checkbox"/>	
BUYER Robert J. Teitelbaum, Authorized Signatory		BUYER'S ATTORNEY	
DATE 2/7/19			
38 WEST 21ST STREET, 8TH FLOOR			
STREET NUMBER		STREET NAME (AFTER SALE)	
NEW YORK			
CITY OR TOWN			
STATE NY			
ZIP CODE 10010			
<input checked="" type="checkbox"/> 		<input type="checkbox"/>	
SELLER			
DATE 2/7/19			
SELLER SIGNATURE		DATE	

Greg Gonzalez

Title: Manager

A.A.



The City of New York
Department of Environmental Protection
Bureau of Customer Services
59-17 Junction Boulevard
Flushing, NY 11373-5108

Customer Registration Form for Water and Sewer Billing

Property and Owner Information:

- (1) Property receiving service: BOROUGH: BRONX BLOCK: 3023 LOT: 4
- (2) Property Address: 2468 TIEBOUT AVENUE, BRONX, NY 10458
- (3) Owner's Name: 2468 TIEBOUT DEVELOPMENT LLC
- Additional Name:

Affirmation:



Your water & sewer bills will be sent to the property address shown above.

Customer Billing Information:

Please Note:

- A. Water and sewer charges are the legal responsibility of the owner of a property receiving water and/or sewer service. The owner's responsibility to pay such charges is not affected by any lease, license or other arrangement, or any assignment of responsibility for payment of such charges. Water and sewer charges constitute a lien on the property until paid. In addition to legal action against the owner, a failure to pay such charges when due may result in foreclosure of the lien by the City of New York, the property being placed in a lien sale by the City or Service Termination.
- B. Original bills for water and/or sewer service will be mailed to the owner, **at the property address or to an alternate mailing address**. DEP will provide a duplicate copy of bills to one other party (such as a managing agent), however, any failure or delay by DEP in providing duplicate copies of bills shall in no way relieve the owner from his/her liability to pay all outstanding water and sewer charges. Contact DEP at (718) 595-7000 during business hours or visit www.nyc.gov/dep to provide us with the other party's information.

Owner's Approval:

The undersigned certifies that he/she/it is the owner of the property receiving service referenced above; that he/she/it has read and understands Paragraphs A & B under the section captioned "Customer Billing Information"; and that the information supplied by the undersigned on this form is true and complete to the best of his/her/its knowledge.

Print Name of Owner:

Signature:

Robert J. Teitelbaum

02/07/2018 Date (mm/dd/yyyy)

Name and Title of Person Signing for Owner, if applicable:

Authorized Signatory

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through November 14, 2019.

Selected Entity Name: 2468 TIEBOUT DEVELOPMENT LLC

Selected Entity Status Information

Current Entity Name: 2468 TIEBOUT DEVELOPMENT LLC

DOS ID #: 5459196

Initial DOS Filing Date: DECEMBER 14, 2018

County: NEW YORK

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 SKF DEVELOPMENT LLC
38 WEST 21ST STREET
8TH FLOOR
NEW YORK, NEW YORK, 10010

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
DEC 14, 2018	Actual	2468 TIEBOUT DEVELOPMENT 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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SUPPLEMENT TO SECTION II-3 – PROJECT DESCRIPTION

Project Description

Purpose and Scope – The purpose of the project is to address the known contamination at the Site in anticipation of a proposed new residential development. The project includes the investigation and remediation of contamination identified on the Site under the New York State Brownfields Program. The Requestor plans on conducting a remedial investigation consistent with an approved Remedial Investigation Work Plan in accordance with ECL Article 27, Title 14, 6 NYCRR 375-1.6(a), 375-3.6, and 375-6, and all applicable laws, rules, regulations, and guidance documents. After the Remedial Investigation Work Plan has been implemented, the Requestor plans on submitting a summary report and work plan proposing either remedial action or further investigation.

Estimated Project Schedule – The Estimated Project Schedule is as following:

Schedule Milestone	Anticipated Date
Brownfield Cleanup Agreement Signed	April 2019
Submit Citizen Participation Plan (CPP)	April 2019
NYSDEC Approval of RIWP	April/May 2020
Implementation RIWP	April/May 2020
Submit RIR/RAWP	May/June 2020
Fact Sheet Announcing the 45-day Public Comment Period for RAWP Activities	July 2020
NYSDEC RAWP Approval/ Issuance of Decision Document	August/September 2020
Begin Implementation of Remedial Action	December 2020
Submittal of FER and SMP	July/August 2022
Issuance of Certificate of Completion	December 2022

SUPPLEMENT TO SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY

Based upon a Phase I Environment Site Assessment by Middleton Environmental Inc. (MEI) in November 2018, the Site was developed with residential buildings in early 1910s and remained the same till 1980s. The Site was shown as undeveloped land since early 1990s and then utilized for commercial parking since at 2010s. No Recognized Environmental Conditions (RECs), Controlled RECs (CRECs), or Historical RECs (HRECs) were identified at the Site.

A Focused Subsurface Investigation was performed by HydroTech Environmental Engineering and Geology, DPC in October 2019. During the previous subsurface investigation, Ground Penetration Radar (GPR) survey was performed utilizing a GSSI SIR-3000 Control Unit and a 400-megahertz shielded antenna. No anomaly was observed during the survey. The survey also cleared all sampling locations of subsurface obstructions.

Previous subsurface investigations consisted of the total installation of ten (10) soil probes (designated as SP-1 through SP-10) and four (4) soil vapor implants (designated as SV-1 through SV-4) to access soil and soil vapor impacts respectively at the Site. Based on the laboratory analyses and field data from the combined investigations, soil impacts include VOCs, SVOCs and metals.

Acetone was detected at a concentration of 0.097 mg/kg in the shallow sample from SP-1 at a concentration exceeding its respective Unrestricted Use SCO. Acetone is commonly known as a laboratory contaminant and its exceedance should not be indicative of a release. No other VOCs were detected at any samples at concentrations exceeding their respective Unrestricted Use SCOs.

SVOCs including benzo(a)anthracene (max. 1.8 mg/kg), benzo(a)pyrene (max. 1.6 mg/kg), benzo(b)fluoranthene (max. 1.6 mg/kg), benzo(k)fluoranthene (max. 1.4 mg/kg) and chrysene (max. 1.9 mg/kg) were detected in the shallow sample from SP-3 and the deep sample from SP-5 at concentrations exceeding their respective Unrestricted Use SCOs. Among these compounds, the concentrations of benzo(a)anthracene and benzo(b)fluoranthene also exceed their respective Restricted Residential SCOs and the concentrations of benzo(a)pyrene also exceeds its Restricted Commercial SCO.

Dibenzofuran (2.5 mg/kg) was detected at a concentration exceeding its respective Unrestricted Use SCO in the deep sample from SP-2. Indeno(1,2,3-cd)pyrene was detected at concentrations exceeding its Restricted Residential SCO in the shallow samples from SP-3, SP-7, SP-8 and SP-9 and the deep sample from SP-5, with a maximum concentration of 1.4 mg/kg. No other SVOCs were detected at concentrations exceeding their respective Unrestricted Use SCOs.

Metals including chromium (30.7 mg/kg), copper (max. 93.9 mg/kg), lead (max. 327 mg/kg), mercury (max. 0.22 mg/kg), nickel (31.7 mg/kg) and zinc (max. 558 mg/kg) were detected in seven shallow samples and three deep samples at concentrations exceeding their respective Unrestricted Use SCOs. Barium (max. 789 mg/kg) was detected in the deep sample from SP-5 and the shallow sample from SP-7 at a concentration exceeding its respective Restricted Commercial SCO.

The detected SVOCs are typically classified as Polycyclic Aromatic Hydrocarbons (PAHs). These PAHs and metals are typically related to the presence of historic fill materials, which is consistent with the soil screening results, during which fill material was noted in the soil samples. **Figure 1** provides the map of VOCs, SVOCs and metals in soil.

Both petroleum-range VOCs and chlorinated-range VOCs were detected in the soil vapor samples. The total concentrations of VOCs range from 205.79 ug/m³ in SV-3 to 65.02 ug/m³ in SV-2. Chlorinated-range VOCs include 1,3-dichlorobenzene (max. 1.47 ug/m³), carbon tetrachloride (max. 0.41 ug/m³), chloroform (max. 28.2 ug/m³), dichlorodifluoromethane (max. 3.66 ug/m³), tetrachloroethene (PCE) (max. 4.98 ug/m³) and trichlorofluoromethane (freon 11) (max. 127 ug/m³) were detected individually or collectively in the soil vapor samples. Based upon further comparison to NYSDOH, neither the concentrations of carbon tetrachloride nor PCE requires further action.

The petroleum-range VOCs include BTEX compounds (benzene, toluene, ethylbenzene, m-&p-xylenes and o-xylenes) and their derivatives. The total BTEX concentrations range from 22.9 ug/m³ in SV-4 to 10.53 ug/m³ in SV-2. **Figure 2** provides the map of VOCs in soil vapor.

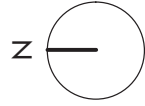
The previous studies including the following report are provided in separate file along with this application:

- Phase I Environmental Site Assessment by Middleton Environmental Inc. dated November 19, 2018
- Focused Subsurface Investigation Letter by HydroTech Environmental Engineering and Geology, DPC dated December 9, 2019

The figures presented below are pulled directly from the Focused Subsurface Investigation Letter:

- Figure 1: Map of VOCs, SVOCs and Metals in Soil
- Figure 2: Map of VOCs in Soil Vapor

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SP-7									
Sampling Date: 10/18/19									
Depth	0-2'	12-14'	US/CO	RS/CO	RC/CO				
Metals									
Barium	799	52.3	330	400	400				
Lead	327	3.93	63	400	1000				
Mercury	0.22	0.18	0.81	2.8					
Zinc	405	29.4	109	10000	10000				
SVOCS									
Indenol 2,3-dibenzene	0.51	ND	0.5	0.5	5.6				
Total SVOCS	2.49	ND	NS	NS	230				

DATE	DESCRIPTION	CHK

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NY 11225

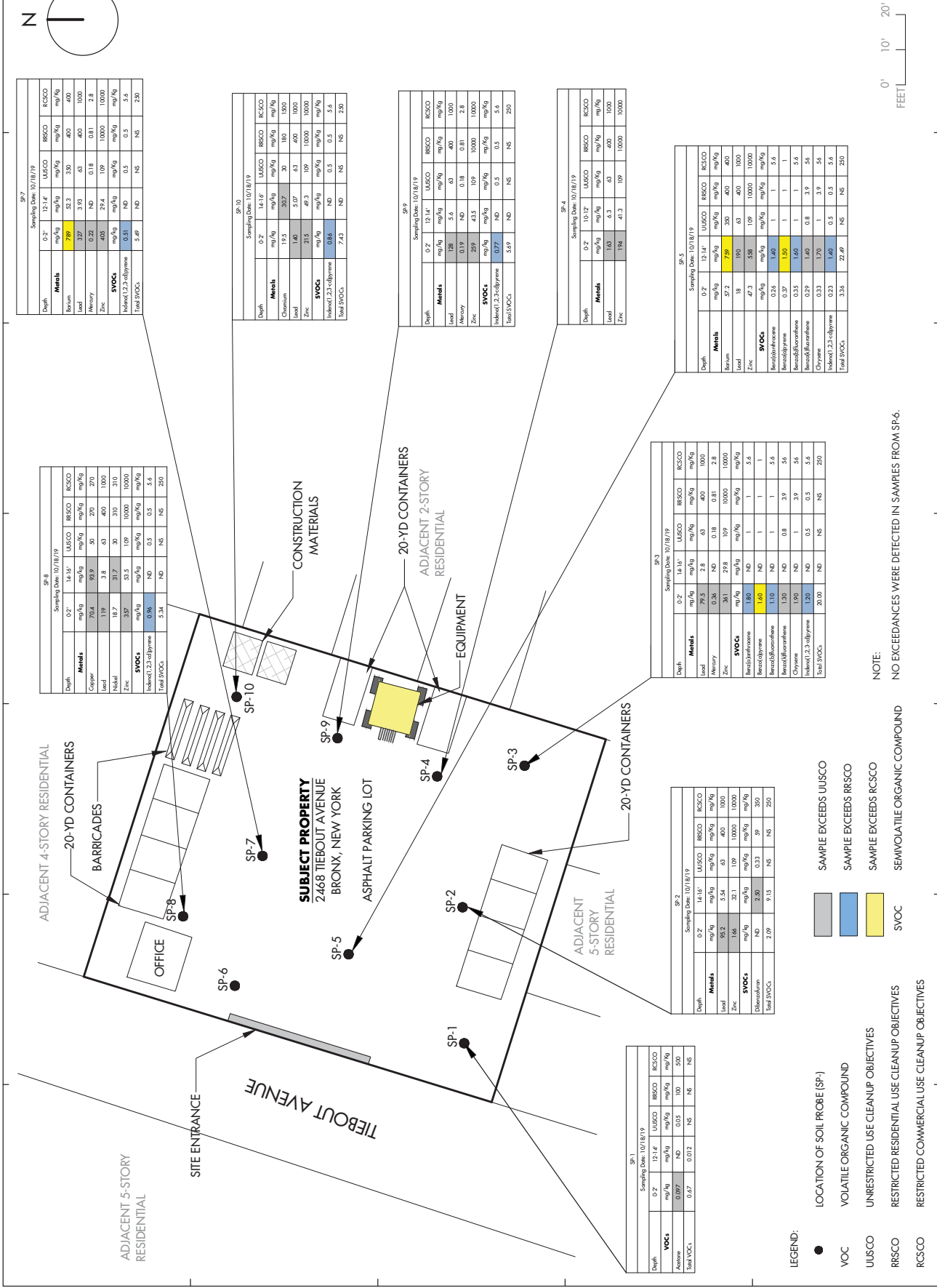
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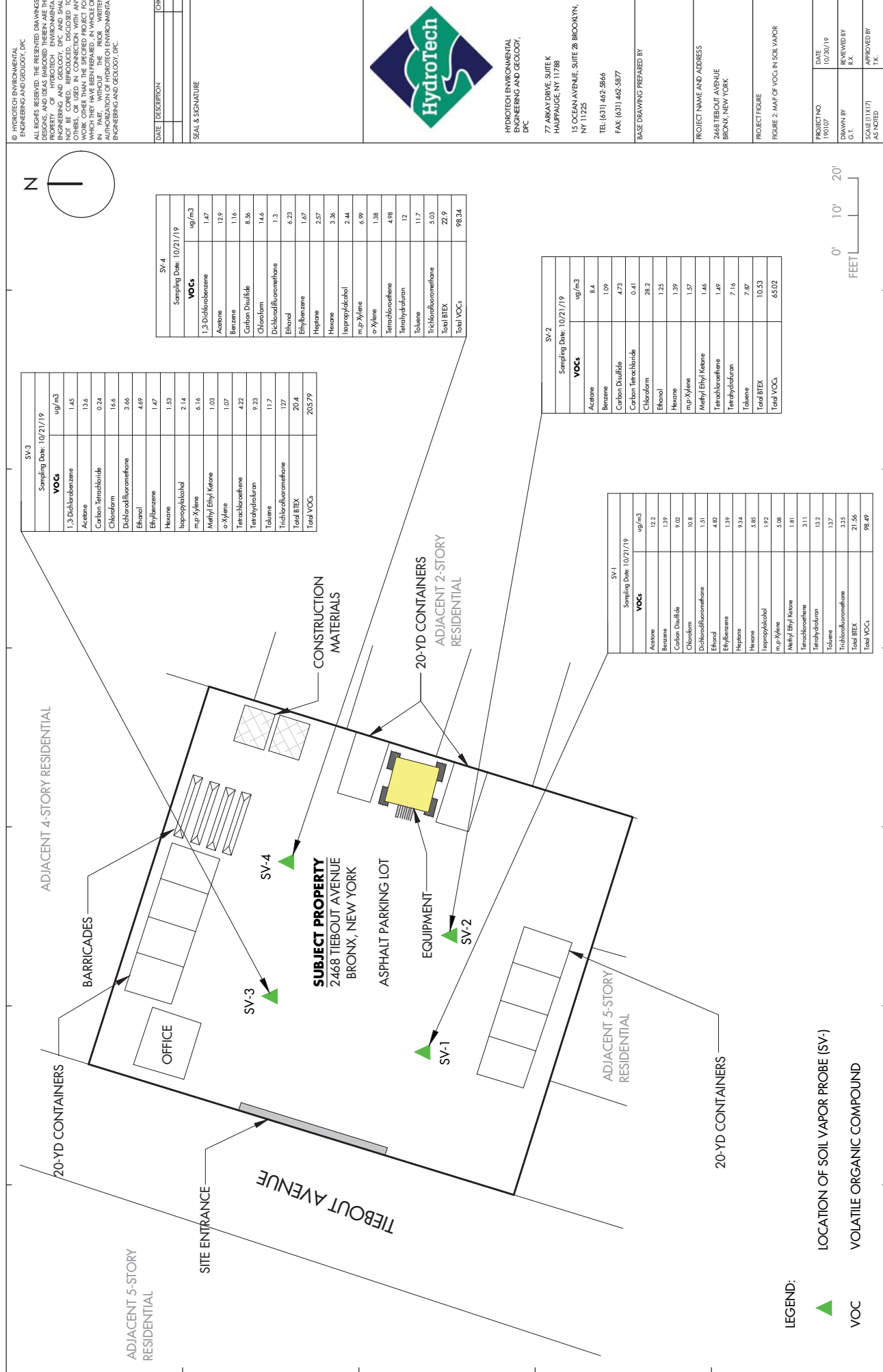
PROJECT NAME AND ADDRESS
2468 TIEBOUT AVENUE
BRONX, NEW YORK

PROJECT FIGURE
FIGURE 1: MAP OF VOCs, SVOCs AND METALS
IN SOIL

PROJECT NO.	DATE
190107	10/30/19
DRAWN BY	REVIEWED BY
G.H.	R.L.
SCALE (1:1171)	APPROVED BY
AS NOTED	T.K.



NOTE: NO EXCEEDANCES WERE DETECTED IN SAMPLES FROM SP-6.



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FAX: (631) 462-5877
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PROJECT NAME AND ADDRESS
2468 TIEBOUT AVENUE
BRONX, NEW YORK

PROJECT FIGURE
FIGURE 2. MAP OF VOC IN SOIL VAPOR

PROJECT NO.
190107

DATE
10/30/19

DRAWN BY
G.H.

REVIEWED BY
R.A.

SCALE (1"=10')

APPROVED BY
T.K.

SUPPLEMENT TO SECTION IV-10 – PROPERTY DESCRIPTION

Property Description

Location

The site is located at 2468 Tiebout Avenue, on the eastern side of Tiebout Avenue between Park Road to the north and East 188th Street to the south in the Borough of Bronx, New York. The site is bordered by 4-story residential building to the north, multiple 2-story residential building to the east, multiple 5-story residential buildings to the south and Tiebout Avenue and a 5-story residential building to the west.

Site Features

The site is 11,300 square feet in area and is developed as an asphalt commercial parking lot. The Site is not in active operation now.

Current Zoning and Land Use

The site is zoned R7-1 (residential district). The current land use consists of an asphalt paved commercial parking lot.

Past Use of the Site

Based upon the historic Sanborn Maps and City Directory Records, the Site has been developed with existing residential buildings since at least 1910s and remained the same till 1980s. Then all the buildings at the Site was fully demolished and the Site has been operated as a commercial parking facility till its recent vacancy.

Site Geology and Hydrology

The Site is located in western portion of Bronx, New York. The elevation of the Subject Property is approximately 94 feet above mean sea level (USGS 7.5-Minute Central Park, New York Quadrangle, 2013).

The vicinity of the Subject Property is characterized by metamorphosed sequence of bedrock known as the Manhattan Prong of the Hartland Formation.

The Hartland Formation was formed during the late Cambrian to early Ordovician period and consists of undivided pelitic schist with gneiss and amphibolite. The formation is frequently cross cut by transverse and parallel faults. The area is overlain by Pleistocene aged glacial till deposits.

Based upon the Phase I ESA performed by Middleton Environmental Inc. (MEI) in November 2018, it is estimated that the groundwater flows east towards the Bronx River. Groundwater was not encountered during the investigation or determined in the previous Phase I ESA.

Environmental Assessment

Based upon a Phase I ESA performed by MEI in November 2018, the Site was developed with residential buildings in early 1910s and remained the same till 1980s. The Site was shown as undeveloped land since early 1990s and then utilized for commercial parking since 2010s. No Recognized Environmental Conditions (RECs), Controlled RECs (CRECs), or Historical RECs (HRECs) were identified at the Site.

A Focused Subsurface Investigation conducted by HydroTech in October 2019. The results of the investigation are documented in a letter dated December 2019 and can be summarized as following:

Soil

Acetone was detected at a concentration of 0.097 mg/kg in the shallow sample from SP-1 at a concentration exceeding its respective Unrestricted Use SCO. Acetone is commonly known as a laboratory contaminant and its exceedance should not be indicative of a release. No other VOCs were detected at any samples at concentrations exceeding their respective Unrestricted Use SCOs.

SVOCs including benzo(a)anthracene (max. 1.8 mg/kg), benzo(a)pyrene (max. 1.6 mg/kg), benzo(b)fluoranthene (max. 1.6 mg/kg), benzo(k)fluoranthene (max. 1.4 mg/kg) and chrysene (max. 1.9 mg/kg) were detected in the shallow sample from SP-3 and the deep sample from SP-5 at concentrations exceeding their respective Unrestricted Use SCOs. Among these compounds, the concentrations of benzo(a)anthracene and benzo(b)fluoranthene also exceed their respective Restricted Residential SCOs and the concentrations of benzo(a)pyrene also exceeds its Restricted Commercial SCO.

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Metals including chromium (30.7 mg/kg), copper (max. 93.9 mg/kg), lead (max. 327 mg/kg), mercury (max. 0.22 mg/kg), nickel (31.7 mg/kg) and zinc (max. 558 mg/kg) were detected in seven shallow samples and three deep samples at concentrations exceeding their respective Unrestricted Use SCOs. Barium (max. 789 mg/kg) was detected in the deep sample from SP-5 and the shallow sample from SP-7 at a concentration exceeding its respective Restricted Commercial SCO.

The detected SVOCs are typically classified as Polycyclic Aromatic Hydrocarbons (PAHs). These PAHs and metals are typically related to the presence of historic fill materials, which is consistent with the soil screening results, during which fill material was noted in the soil samples.

Soil Vapor Results

Both petroleum-range VOCs and chlorinated-range VOCs were detected in the soil vapor samples. The total concentrations of VOCs range from 205.79 ug/m³ in SV-3 to 65.02 ug/m³ in SV-2. Chlorinated-range VOCs include 1,3-dichlorobenzene (max. 1.47 ug/m³), carbon tetrachloride (max. 0.41 ug/m³), chloroform (max. 28.2 ug/m³), dichlorodifluoromethane (max. 3.66 ug/m³), tetrachloroethene (PCE) (max. 4.98 ug/m³) and trichlorofluoromethane (freon 11) (max. 127 ug/m³) were detected individually or collectively in the soil vapor samples. Based upon further comparison to NYSDOH, neither the concentrations of carbon tetrachloride nor PCE requires further action.

The petroleum-range VOCs include BTEX compounds (benzene, toluene, ethylbenzene, m,p-xylenes and o-xylenes) and their derivatives. The total BTEX concentrations range from 22.9 ug/m³ in SV-4 to 10.53 ug/m³ in SV-2.

Maps

Figure 3 – Tax Map

Figure 4 – Land Use Map

Figure 5 – USGS Topographic Map

Figure 6 – Site and Adjacent Property Map

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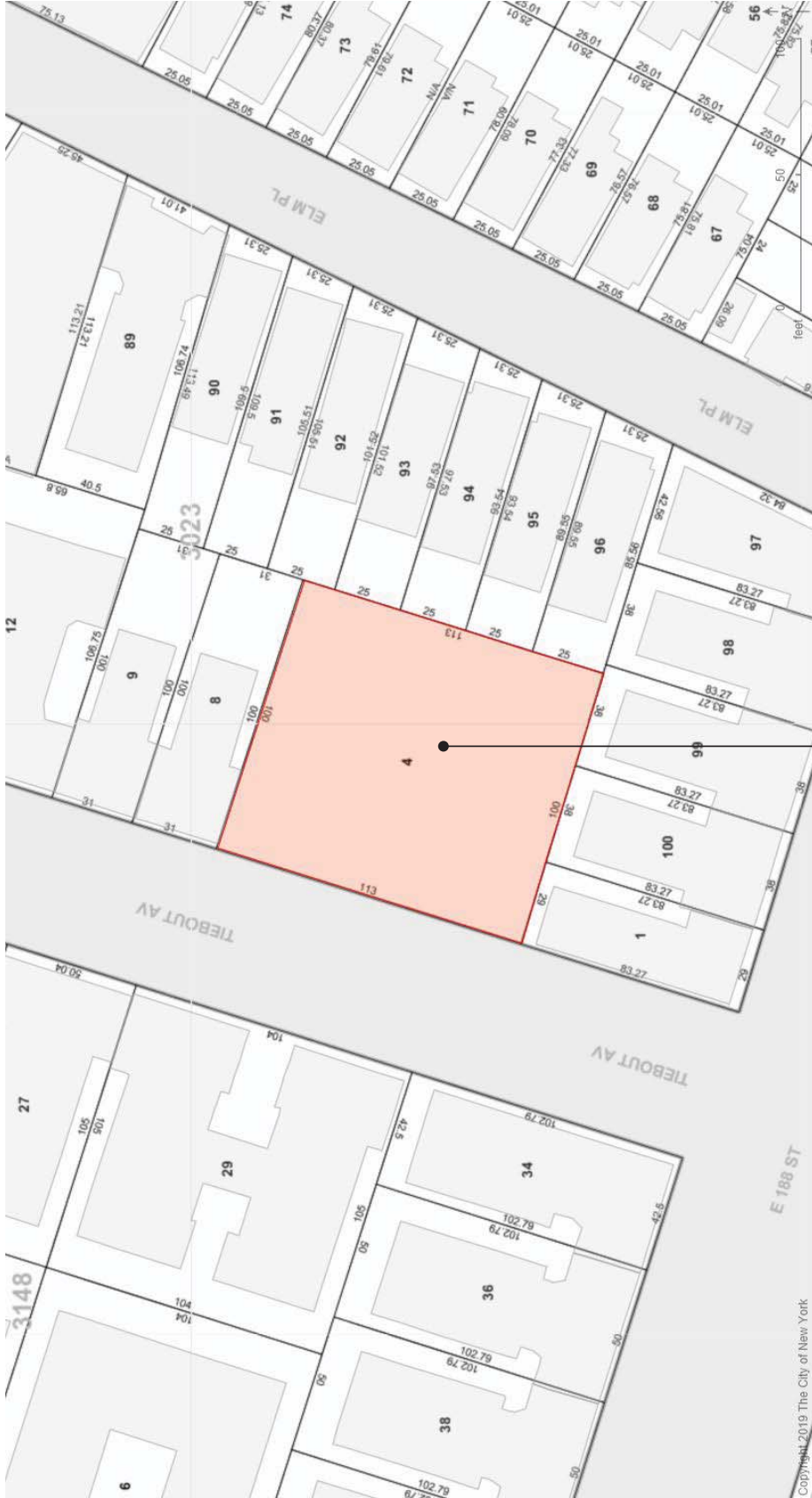


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PROJECT FIGURE
FIGURE 3.1 TAX MAP

PROJECT NO.	DATE
190107	11/05/2019
DRAWN BY	REVIEWED BY
C.L.	R.L.
SCALE (11X17)	APPROVED BY
AS NOTED	T.K.



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PROJECT FIGURE
FIGURE 4. LAND USE MAP

PROJECT NO.	DATE
190107	11/05/2019
DRAWN BY	REVIEWED BY
G.L.	T.K.
SCALE	APPROVED BY
1"=111'7"	T.K.



Legend

Transit, Roads, Reference Features
Roads, ferries, commuter rail, neighborhood
names

- Roads**
 - Major Roads
 - Interstate Highways
 - Tunnels
- Neighborhood/Town Labels**
 - County Boundaries
 - Ferry
 - Commuter Rail

NYC subway routes and stations

- Parks, Playgrounds, & Open Space**
 - Parks & Public Lands
 - Forested Areas (NJ)
 - Community Gardens
 - School property with garden
 - Playgrounds
 - Green Spaces Along Streets
 - Golf Courses
 - Baseball/Soccer/Football Fields
 - Tennis/Basketball/Handball Courts &
 - Tracks
 - Cemeteries

Land Use

- Block/Lot Boundaries**
 - Building footprints in gray
- 1 & 2 Family Residential**
- Multi-family Residential**
- Mixed Use**
- Open space & outdoor recreation**
- Commercial**
- Institutions**
- Industrial**
- Parking**
- Transportation / Utilities**
- Vacant Lots**

(Not all items in the legend may be visible on the map.)



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DATE	DESCRIPTION	CHK

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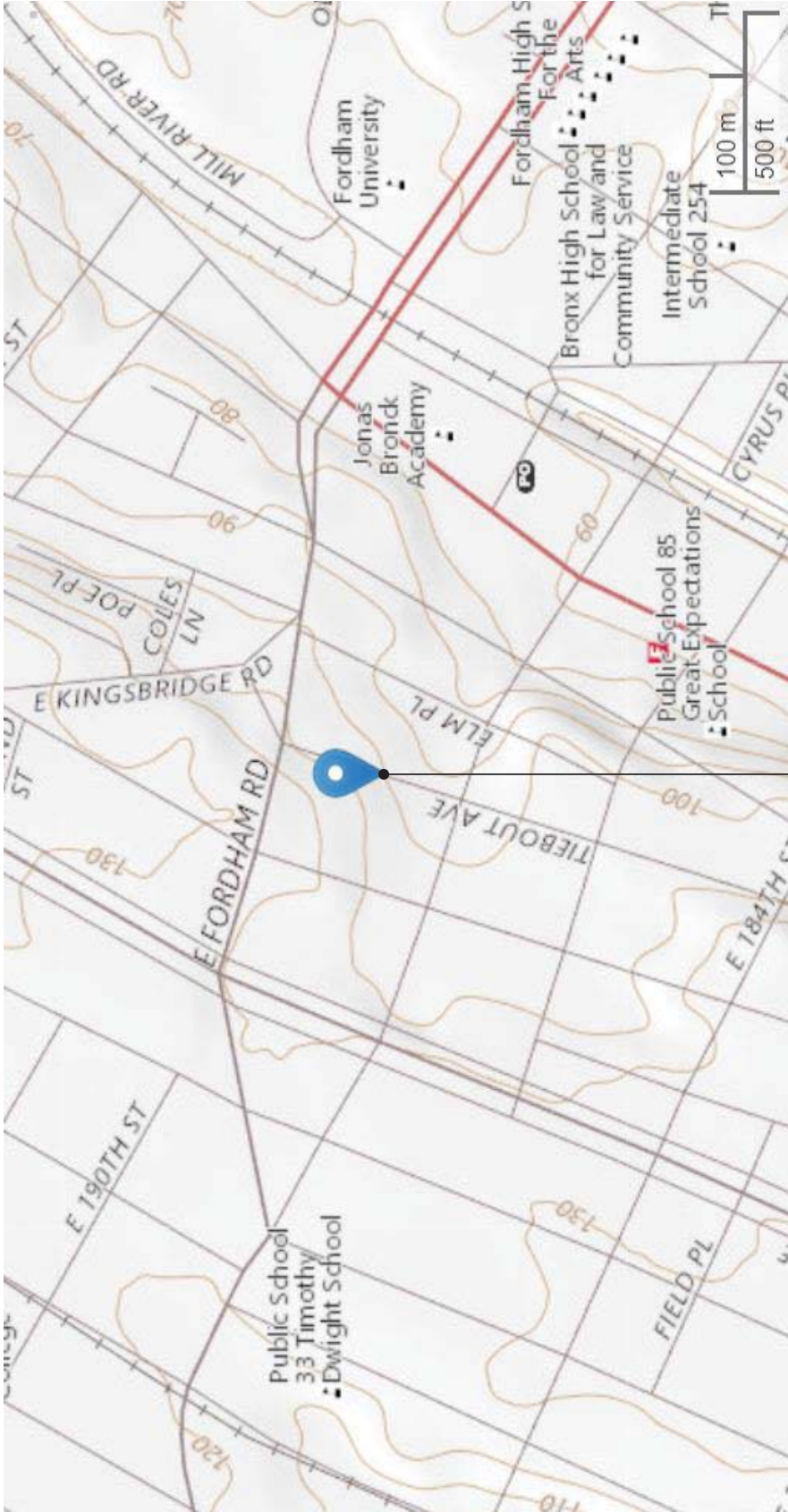
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NY 11225
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FAX: (631) 462-5877

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PROJECT FIGURE
FIGURE 5. USGS TOPOGRAPHIC MAP

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G.S.	S.L.
SCALE	APPROVED BY
1"=111'7"	T.K.
AS NOTED	



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HAUPPAUGE, NY 11786

15 OCEAN AVENUE, SUITE 28 BROOKLYN,
NY 11225

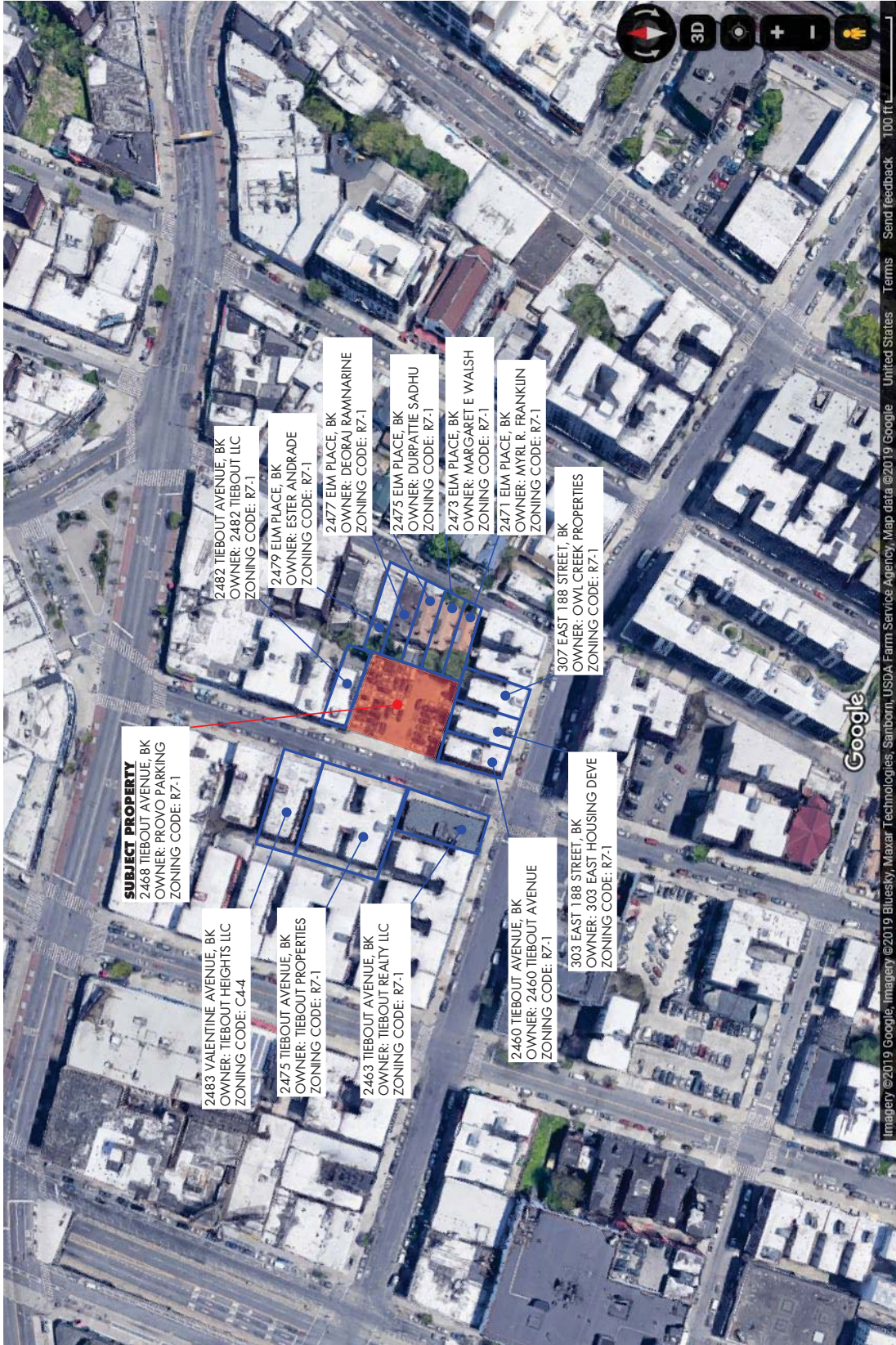
TEL: (631) 462-5866
FAX: (631) 462-5877

BASE DRAWING PREPARED BY

PROJECT NAME AND ADDRESS
2468 TIEBOUT AVENUE, BRONX

PROJECT FIGURE
FIGURE 6: SITE AND ADJACENT PROPERTY
MAP

PROJECT NO.	DATE
190107	11/11/2019
DRAWN BY	REVIEWED BY
R.L.	R.L.
SCALE (11X17)	APPROVED BY
AS NOTED	T.K.



SUPPLEMENT TO SECTION VI – CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Property Owner Information – The current Property Owner is 2468 Tiebout Development LLC. 2468 Tiebout Development LLC will be the “Requestor” for the purpose of this application. Michael Froning, Managing Member, is authorized to sign on behalf of 2468 Tiebout Development LLC and will be the primary contact.

The following provides a list of historical and current owners available on NYC Department of Finance ACRIS Database:

Name	Address	Date of Deed Registration	Phone	Relationship to Requestor
2468 Tiebout Development LLC	38 West 21 st Street, 8 th Floor, New York, NY 10010	2/7/2019	212-604-1061	Current Owner/Requestor
Provo Parking LLC	545 Fifth Avenue, #600, New York, NY 10017	9/30/2033	Unknown	None
Tiebout Associates, INC.	166 Greenway South, Forest Hills Gardens, NY 11375	3/20/1990	Unknown	None
The City of New York	City Hall, Manhattan, NY	7/11/1984	Unknown	None
Commissioner of Finance of The City of New York	Municipal Building, Room 500, Manhattan, NY	Unknown	Unknown	None
Keith G Bennet	3331 Pearsall Avenue, Bronx, NY	3/21/1973	Unknown	None
Cyrus L. Wedderburn	1561 Selwyn Avenue, Bronx, NY	3/21/1973	Unknown	None
Elizabeth Gurlitz	282 Beaumont Avenue, Brooklyn, NY	12/26/1972	Unknown	None
Ott Isidore	6474 Sauders Street, Rego Park, NY	Unknown	Unknown	None

The following provides a list of historical operators available in the City Directory Search Database:

Name	Phone	Year of Operation/ Occupancy	Relationship to Requestor
MP Tiebout Parking	Unknown	2014	None
MP Tiebout Parking, MPG Parking LLC	Unknown	2010	None
NCL	Unknown	2005	None
Tiebout Associates	Unknown	2000	None
Lambiase Anthony V, Maraia Lillian	Unknown	1976	None
Cavanaugh Mary, Dwyer Harriet V, Lambiase Anthony V, Maraia Lillian	Unknown	1971	None
Arrubla Ignacia M, Dwyer Harriet V, Lambiase Anthony V, Maraia Lillian	Unknown	1965	None
Ackerman Emma, Kaufman Nat, Lambiase Anthony V, Maraia Lillian	Unknown	1961	None
Ackermann Emma, Campbell A J, Dwyer Harriet V, Kaufman Nat, Lambiase Anthony V, Maraia Lillian	Unknown	1956	None
Byrne Vincent L, Fitzpatrick E, Gerson Rudy A, Goodman Leonard, Kaufman N Ned, Tuite May	Unknown	1949	None
Murphy C J	Unknown	1940	None
Bertram Valentine, Harnett Annie, Harnett Margt, Harnett Maurice, Kirwan Ethel, Leacock Ellen, Leacock Jane, Leacock Matilda, Mc Manus Angela, Mc Manus Bernard	Unknown	1931	None
Bertram V R, Mc Manus Angela, Stelling Henry R	Unknown	1927	None

SUPPLEMENT TO SECTION VII – REQUESTOR ELIGIBILITY AS A VOLUNTEER

As part of its pre-acquisition due diligence, the Requestor performed all appropriate inquiries generally consistent with CERCLA and industry standards. HydroTech performed subsurface investigations which were summarized in a letter, included with this application. The findings identified contamination on the site which the Requestor proposes to investigate and remediate, if necessary, pursuant to the New York State Brownfield Cleanup Program, as a Volunteer. Requestor's 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.

Requestors are preparing to develop this site long after it was used for industrial purposes, thus its involvement with the site is subsequent to the disposal or discharge of the identified contamination. Accordingly, the Requestors qualify as volunteers in accordance with ECL 27- 1405.

SUPPLEMENT TO SECTION IX – SITE CONTACT LIST

1. LOCAL AND STATE OFFICIALS

Bronx Borough President
Borough President Ruben Diaz, Jr.
851 Grand Concourse, 3rd Floor
Bronx, NY 10451

New York City Department of City Planning – Bronx Borough Office:
Borough Director Carol Samol
One Fordham Plaza, 5th Floor
Bronx, NY 10458

New York City Mayor's Office
Bill De Blasio, Mayor
City Hall
New York, NY 10007

NYC Chair:
Commissioner; NYC Dept of Planning
22 Reade Street
New York, NY 10007

Council Member Rafael Salamanca, Jr.
District 17 1070 Southern Blvd
Bronx, NY 10459

District Manager Xavier Rodriguez
Bronx Community Board 5
BCC Campus, McCracken Hall, Room 12/13
2155 University Avenue
Bronx, NY 10453

NYS DOH-Albany
Justin Deming, BEEI
Empire State Plaza Corning Tower
Albany, NY 12237

Deputy Director Shaminder Chawla
NYC Office of Environmental Remediation
100 Gold Street, 2nd Floor
New York, NY 10038

Commissioner Vincent Sapienza
NYC Dept. Of Environmental Protection
59-17 Junction Boulevard
Flushing, NY 11373

NYC Chair Carl Weisbrod
Commissioner; NYC Dept. of Planning
22 Reade Street
New York, NY 10007

Nilda Mesa
NYC Office of Environmental Coordination
253 Broadway – 7th Floor
New York, NY 10007

John Wuthenow
Office of Environmental Assessment & Planning
NYC Dept. of Environmental Protection
96-05 Horace Harding Expressway
Flushing, NY 11373

Jose Rivera
NYS Assembly Member
1 Fordham Plaza, Suite 1008, 10th Floor
Bronx, NY 10458

Hon. Charles Schumer
U.S. Senator
780 Third Avenue, Suite 2601
New York, NY 10017

Hon. Kristen Gillibrand
U.S. Senator
780 Third Avenue, Suite 2601
New York, NY 10017

BY EMAIL:

NYC MOER
Mark McIntyre, Director
Email: MMcIntyre@cityhall.nyc.gov

NYC DOHMH
Nathan Graber, MD, MPH
Email: Ngraber1@health.nyc.gov

NYC DOHMH
Christopher D'Andrea
Email: cdandrea@health.nyc.gov

NYC DOS
Thomas Milora
Email: tmilora@dsny.nyc.gov

NYS DEC Region 2
Jane O'Connell

Email: jane.oconnell@dec.ny.gov
Sondra.martinkat@dec.ny.gov
Paul.john@dec.ny.gov
Thomas.panzone@dec.ny.gov

District Manager Ken Brown
Bronx Community Board 5
Email: kbrown@cb.nyc.gov

NYS DOH – Albany
Michael J. Hughes
Email: mjh03@health.state.ny.us

2. OWNERS, RESIDENTS AND OCCUPANTS ON OR ADJACENT TO THE SITE

2460 TIEBOUT AVENUE ASSOCIATES LLC
2460 TIEBOUT AVENUE, BRONX 10458

303 EAST HOUSING DEVELOPMENT FUND
303 EAST 188 STREET, BRONX 10458

OWL CREEK PROPERTIES, LLC
307 EAST 188 STREET, BRONX 10458

POINT 188 REALTY LLC
311 EAST 188 STREET, BRONX 10458

MYRL R. FRANKLIN
2471 ELM PLACE, BRONX 10458

SEAN P. WALSH
2473 ELM PLACE, BRONX 10458

REAHIRAM SADHU
2475 ELM PLACE, BRONX 10458

DEORAJ RAMNARINE
2477 ELM PLACE, BRONX 10458

ESTHER ANDRADE
2479 ELM PLACE, BRONX 10458

2482 TIEBOUT LLC
2482 TIEBOUT AVENUE, BRONX 10458

NEW FORDHAM HOUSING DEVELOPMENT FUND CORPORATION
2486 TIEBOUT AVENUE, BRONX 10458

TIEBOUT HEIGHTS LLC
2483 TIEBOUT AVENUE, BRONX 10458

TIEBOUT PROPERTIES LLC
2475 TIEBOUT AVENUE, BRONX 10458

TIEBOUT REALTY LLC
2463 TIEBOUT AVENUE, BRONX 10458

CASABLANCA HOLDINGS, INC.
267 EAST 188 STREET, BRONX 10458

3. LOCAL NEWS MEDIA

New York Post
1211 Avenue of the Americas
New York, NY 10036-8790

4. PUBLIC WATER SUPPLIER

NYC Department of Environmental Protection
Bureau of Water Supply
59-17 Junction Blvd
Flushing, NY 11373

5. ANY PERSON, COMMUNITY BASED ORGANIZATION, BOA GROUP, OR LOCAL MEDIA WHO HAS REQUESTED TO BE PLACED ON THE CONTACT LIST.

None.

6. DOCUMENT REPOSITORY

Ms. Melissa Davis
Bronx Library Center
310 East Kingsbridge Road
Bronx, NY 10458

District Manager Ken Brown
Bronx Community Board 5
BCC Campus, McCracken Hall, Room 12/13
2155 University Avenue
Bronx, NY 10453



HydroTech Environmental

ENGINEERING AND GEOLOGY, DPC

NYC Office

15 Ocean Avenue, Suite 2B
Brooklyn, New York 11225
T (718) 636-0800 ; F (718) 636-0900

Long Island Office

77 Arkay Drive, Suite K
Hauppauge, New York 11788
T (631) 462-5866 ; F (631) 462-5877

WWW.HYDROTECHENVIRONMENTAL.COM

February 7, 2020

Ms. Melissa Davis
Bronx Library Center
310 East Kingsbridge Road
Bronx, NY 10458
(718) 579-4244

Re: Document Repository for Brownfield Cleanup Program (BCP)
Site Address: 2468 Tiebout Avenue, Bronx, New York 10458

Dear Ms. Davis,

This letter is intended to seek your approval to use Bronx Library Center, a branch of the New York Public Library located at the address above as a document's repository for the upcoming remedial development at above referenced property. This document repository is intended to house for community review all principal documents generated prior and during the Brownfield Cleanup Program (BCP) at this site as per the requirements of the New York State Department of Environmental Conservation (NYSDEC).

Should you acknowledge this agreement that your library will act as a document's repository for this upcoming BCP project, I appreciate if you can sign this letter and return to my attention for my record and NYSDEC record. A digital copy of all the related documents will be uploaded to the Community Information System and available for downloading and review, which is available at <https://communityprofiles.planning.nyc.gov/>.

If you require any additional information, please feel free to contact me directly at (718) 636-0800.

Very Truly Yours,
Hydro Tech Environmental Engineering and Geology, DPC

Bronx Library Center

Name Melissa Davis

Title Managing Librarian

Signature Melissa Davis

Date 2/7/2020


Ruijie Xu
Project Manager

Encs.
cc: HydroTech File # 190107



HydroTech Environmental

ENGINEERING AND GEOLOGY, DPC

NYC Office
15 Ocean Avenue, Suite 2B
Brooklyn, New York 11225
T (718) 636-0800 ; F (718) 636-0900

Long Island Office
77 Arkay Drive, Suite K
Hauppauge, New York 11788
T (631) 462-5866 ; F (631) 462-5877

WWW.HYDROTECHENVIRONMENTAL.COM

December 19, 2019

Mr. Ken Brown
Bronx Community Board 5
BCC Campus, McCracken Hall, Room 12/13,
2155 University Avenue
Bronx, NY 10453
718-364-2030

Re: Document Repository for Brownfield Cleanup Program (BCP)
Site Address: 2468 Tiebout Avenue, Bronx, New York 10458

Dear Mr. Brown,

This letter is intended to seek your approval to use Bronx Community Board 5 Office located at the address above as a document's repository for the upcoming remedial development at above referenced property. This document repository is intended to house for community review all principal documents generated prior and during the Brownfield Cleanup Program (BCP) at this site as per the requirements of the New York State Department of Environmental Conservation (NYSDEC).

Should you acknowledge this agreement that your office will act as a document's repository for this upcoming BCP project, I appreciate if you can sign this letter and return to my attention for my record and NYSDEC record.

If you require any additional information, please feel free to contact me directly at (718) 636-0800.

Very Truly Yours,
HydroTech Environmental Engineering and Geology, DPC

Bronx Community Board 5 Office

Name Ken Brown

Title District Manager

Signature [Signature]

Date February 11, 2020

[Signature]
Ruijie Xu
Project Manager

Encs.

cc: HydroTech File # 190107

SUPPLEMENT TO SECTION X – LAND USE FACTORS

Current Use

The Site is developed with a commercial parking lot with asphalt cover. The Site is no longer in active operation. Ten (10) 20-yd containers, one equipment (forklift), barricades and piles of construction materials are present along the northern, eastern and southern property boundaries. An office shed is located in the northwestern corner of the property.

Anticipated Uses Post Remediation

It's anticipated that the Site will be developed with a 7-story mixed use building (65 feet high) covering 58% of the subject lot. The building will have a basement with the same size of the lot, which will be utilized as community facility space (25%), mechanical/storage spaces (25%) and indoor parking (50%). The ground floor will consist of more community facility space, indoor recreational area and outdoor parking. The 2nd floor through 7th floor will be developed with 57 residential units, including affordable housing. The proposed development is consistent with the existing zoning (R7-1).

Applicable Zoning Laws/Maps and Plans

The Site's existing zoning (R7-1) allows for residential use and community facility use. The surrounding area within a 500-foot radius of the Site consist of predominantly residential district (multi-family residential) and commercial districts. Property within a ¼-mile radius are zoned R7-1, R6B, R4A, R7B, R8, R8/C1-3, R7-1/C2-4, C4-4 and C4-5X. All anticipated uses for the Site will be consistent with borough-wide efforts at revitalization and supported efforts to remediate properties so they can be redeveloped into the highest and best uses consistent with local land use and zoning. **Figure 7** provides the zoning map.

Maps:

Figure 7 – Zoning Map

Figure 8 – FEMA Flood Zone

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CONSIDERED A BREACH OF CONTRACT.
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DATE	DESCRIPTION	CHK

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15 OCEAN AVENUE, SUITE 28 BROOKLYN,
NY 11225
TEL: (631) 462-5866
FAX: (631) 462-5877

BASE DRAWING PREPARED BY

PROJECT NAME AND ADDRESS
2468 TIEBOUT AVENUE, BRONX

PROJECT FIGURE
FIGURE 7. ZONING MAP

PROJECT NO.	DATE
190107	11/11/2019
DRAWN BY	REVIEWED BY
SCALE	APPROVED BY
1"=111'7"	T.K.



SUBJECT PROPERTY
2468 TIEBOUT AVENUE, BRONX

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NY 11225

TEL: (631) 462-5866

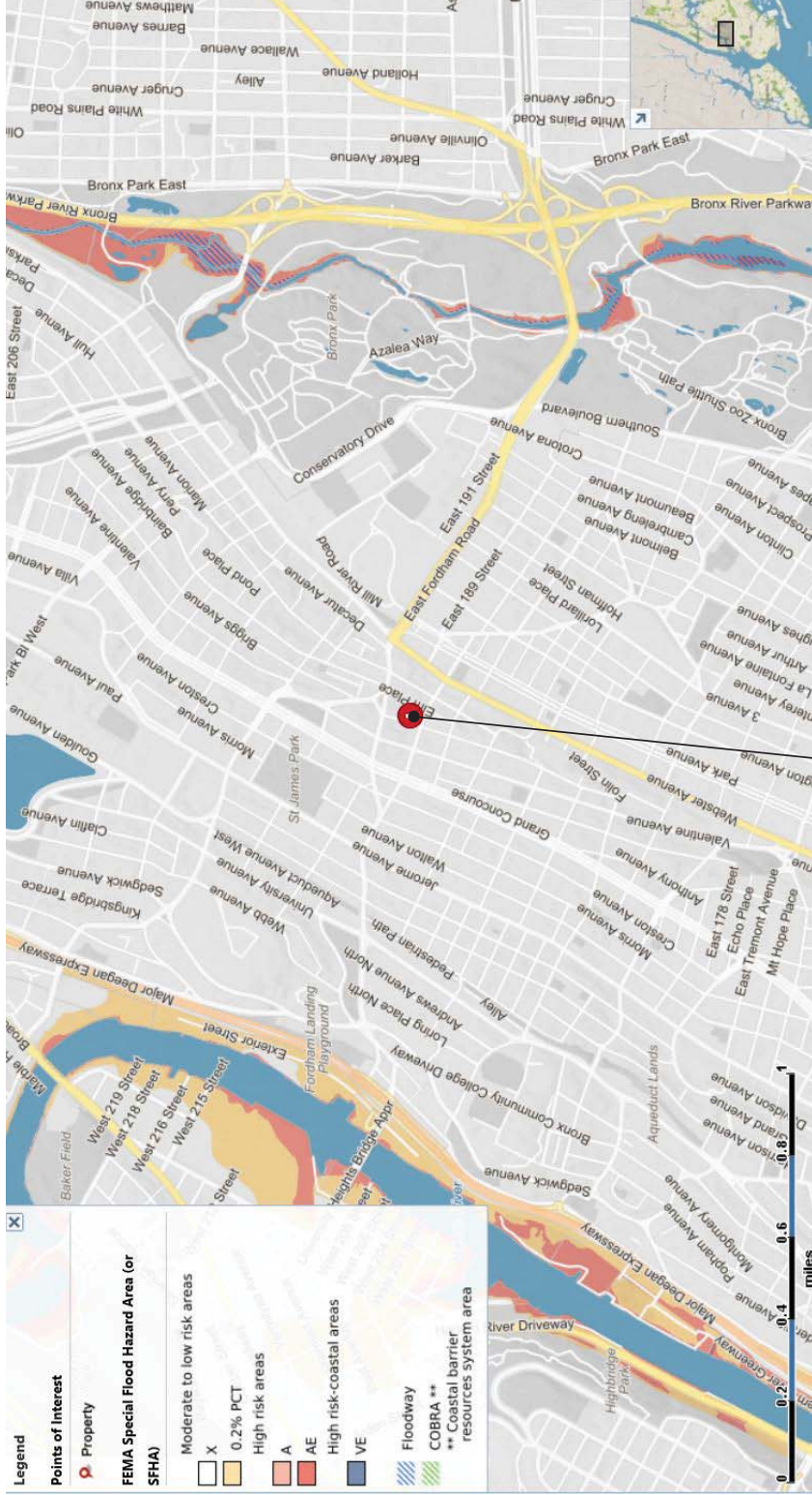
FAX: (631) 462-5877

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PROJECT NAME AND ADDRESS
2468 TIEBOUT AVENUE, BRONX

PROJECT FIGURE
FIGURE 8: FLOOD MAP

PROJECT NO.	DATE
190107	11/11/2019
DRAWN BY	REVIEWED BY
R.L.	T.K.
SCALE	APPROVED BY
1"=111'7"	T.K.
AS NOTED	



SUBJECT PROPERTY
2468 TIEBOUT AVENUE, BRONX