

Department of Environmental Conservation

# f BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to req Brownfield Cleanup Agreement, or property that could affect an eligibi	uest major changes to the description o "BCA" (e.g., adding a significant amoun lity determination due to contamination	f the property set forth in a nt of new property, or adding levels or intended land use).			
Such application must be submitted and processed in the same manner as the original application, ncluding the required public comment period. Is this an application to amend an existing BCA?					
Yes $\sqrt{No}$ If yes, provide existing site number: C203134					
APT A (note) application is constrated into Parts A and P for DEC review numbers)					
Section I. Requestor Information	on - See Instructions for Further Gui	dance DEC USE ONLY BCP SITE #:			
NAME 1731 West Farms Ro	ad LLC				
ADDRESS 5 West 37th St., 12	2th Floor				
CITY/TOWN New York	ZIP CODE 1	0018			
PHONE 212-679-4590	fax N/A	E-MAIL glenn@uagrp.com			
<ul> <li>In the requestor is a Corp Department of State to co above, in the <u>NYS Depar</u> entity information from the Environmental Conservat to do business in NYS. P be provided on a separat</li> <li>Do all individuals that will be cert</li> <li>Individuals that be cert</li> <li>Individuals that will be cert</li> </ul>	bration, LLC, LLP of other entity requiring onduct business in NYS, the requestor's tment of State's Corporation & Business e database must be submitted to the Net tion (DEC) with the application to docum lease note: If the requestor is an LLC, the e attachment. ifying documents meet the requirement rtifying BCP documents, as well as thein : Technical Guidance for Site Investigat tion Law. Documents that are not pro P.	ame must appear, exactly as given <u>s Entity Database</u> . A print-out of w York State Department of nent that the requestor is authorized the members/owners names need to s detailed below? ✓ Yes No r employers, meet the requirements <u>ion and Remediation</u> and Article 145 operly certified will be not			
Section II. Project Description					
1. What stage is the project start	ing at?	Remediation			
NOTE: If the project is propos at a minimum is required to b Analysis and Remedial Work Investigation and Remediatio	sed to start at the remediation stage, a F e attached, resulting in a 30-day public Plan are also attached (see DER-10 / 1 n for further guidance) then a 45-day pu	Remedial Investigation Report (RIR) comment period. If an Alternatives Fechnical Guidance for Site ublic comment period is required.			
2. If a final RIR is included, plea (ECL) Article 27-1415(2):	se verify it meets the requirements of E	nvironmental Conservation Law			
3. Please attach a short descrip	tion of the overall development project,	including:			
• the date that the remedia	l 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	None above UUSCOs	No	No		
Chlorinated Solvents	None above UUSCOs	Yes	Yes		
Other VOCs	None above UUSCOs	No	No		
SVOCs	Yes	No	N/A		
Metals	Yes	Yes*	N/A		
Pesticides	Yes	No	N/A		
PCBs	None above UUSCOs	No	N/A		
Other*					
*Please describe: Metals detected in groundwater are not believed to be representative of contaminant releases.					
3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:					
SAMPLE LOCATION	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 MAI (*answering No will result	PS INCLUDED WITH t in an incomplete ap	plication)	√Yes No	0
4. INDICATE PAST LAND	USES (CHECK ALL T	HAT APPLY):		
□Coal Gas Manufacturin □Salvage Yard □Landfill	Ig ☐Manufacturing ☐Bulk Plant ☐Tannery	Agricultural Co-op Pipeline Electroplating	Dry Cleaner	n
Other: Residential, marble shop/s	stone mason, machine shop, c	dry cleaning and laundry equipmer	t sales and possibly refur	bishing operations

Section IV. Property Information - See Instruction	s for Fu	rther Guida	nce		
PROPOSED SITE NAME 1731 West Farms Road					
ADDRESS/LOCATION 1731 West Farms Road					
CITY/TOWN Bronx ZIP C	ODE 10	)460			
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): New	York Ci	ty			
COUNTY Bronx County	S	ITE SIZE (AC	RES) 0.223	32 acres (9,	723 sf)
LATITUDE (degrees/minutes/seconds) 40 ° 50 ' 06.4N "	LONG 73	ITUDE (degre	es/minutes/se 52	econds)	58.9W <sup>"</sup>
Complete tax map information for all tax parcels included proposed, please indicate as such by inserting "P/O" in fi include the acreage for that portion of the tax parcel in the PER THE APPLICATION INSTRUCTIONS.	within th ront of th corresp	e proposed s e lot number onding far rig	site boundary in the approp ht column.AT	r. If a portion priate box below ITACH REQU	of any lot is ow, and only IIRED MAPS
Parcel Address		Section No.	Block No.	Lot No.	Acreage
1731 West Farms Road		2	3015	31	0.2232
1. Do the proposed site boundaries correspond to tax map metes and bounds? ✓ Yes □ No If no, please attach an accurate map of the propsed site.					
2. Is the required property map attached to the application? (application will not be processed without map) ✓ Yes No					
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <u>DEC's website</u> for more information) Yes ✔ No					
If yes, identify census tract : 161					
Percentage of property in En-zone (check one): 0-49% 50-99%					
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? Yes ✓ No					
If yes, identify name of properties (and site numbers if available) in related BCP applications:					
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?					
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.					Title 5 of es 🖌 No
<ol> <li>Are there any lands under water? If yes, these lands should be clearly delineated on</li> </ol>	the site	map.		∏Y€	es 🖌 No

Section IV. Property Information (continued)
8. Are there any easements or existing rights of way that would preclude remediation in these areas? If yes, identify here and attach appropriate information.
Easement/Right-of-way Holder Description
<ol> <li>List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)</li> </ol>
Type Issuing Agency Description
<ol> <li>Property Description and Environmental Assessment – please refer to application instructions for the proper format of <u>each</u> narrative requested.</li> </ol>
Are the Property Description and Environmental Assessment narratives included Yes No in the prescribed format?
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 🖌 Yes No credits?
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 Yes No that the property is Upside Down?
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?
<b>NOTE:</b> 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, <u>except</u> 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 se	parated into Parts A	and B for DEC review	purposes)
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Section V. Additional Requesto See Instructions for Further Gui	or Information idance	BCP SITE NAME: BCP SITE #	DEC USE ONLY	
NAME OF REQUESTOR'S AUTHOR	IZED REPRESE	NTATIVE Glenn Palilla	à	
ADDRESS C/O UA Group 5 We	est 37th Stree	t		
CITY/TOWN New York			ZIP CODE 10018	
PHONE 516-287-7409	fax N/A		E-MAIL glenn@uagrp.com	
NAME OF REQUESTOR'S CONSUL	TANT Maryanr	n Wegh, Merritt Envi	ronmental Consulting Corp.	
ADDRESS 77 Arkay Drive, Sui	te D			
CITY/TOWN Happauge			ZIP CODE 11788	
PHONE 631-617-6200	FAX 631-617	'-6201	E-MAIL mwegh@merrittec.com	
NAME OF REQUESTOR'S ATTORN	EY Steven C.	Russo, Greenberg T	Fraurig, LLP	
ADDRESS MetLife Building, 20	0 Park Avenu	le		
CITY/TOWN New York			ZIP CODE 10166	
PHONE 212-801-2155	FAX 212-805	-9455	E-MAIL russos@gtlaw.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor				
CURRENT OWNER'S NAME 1731	West Farms	Road LLC	OWNERSHIP START DATE: July 8, 2019	
ADDRESS 5 West 37th St., 12	th Floor			
CITY/TOWN New York		ZIP CODE 1	10018	
PHONE 212-679-4590	fax N/A		E-MAIL glenn@uagrp.com	
CURRENT OPERATOR'S NAME				
ADDRESS				
CITY/TOWN		ZIP CODE		
PHONE	FAX		E-MAIL	
PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE". IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.				
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)				
<ul> <li>If answering "yes" to any of the following questions, please provide an explanation as an attachment.</li> <li>1. Are any enforcement actions pending against the requestor regarding this site?YesNo</li> <li>2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?YesNo</li> <li>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 AdministratorYesNo</li> </ul>				

# Section VII. Requestor Eligibility Information (continued)

<ol> <li>Has the requestor been determined in an administration any provision of the ECL Article 27; ii) any order or of Title 14; or iv) any similar statute, regulation of the sexplanation on a separate attachment.</li> <li>Has the requestor previously been denied entry to the application, such as name, address, DEC assigned relevant information.</li> <li>Has the requestor been found in a civil proceeding the act involving the handling, storing, treating, disposin act involving the handling, storing, treating, disposin reasonable to the requestor been convicted of a criminal offer or transporting of contaminants; or ii) that involves a against public administration (as that term is used in laws of any state?</li> <li>Has the requestor knowingly falsified statements or jurisdiction of DEC, or submitted a false statement or connection with any document or application submit</li> <li>Is the requestor's participation in any remedial public act, and such act or failure to act could be the tailed to act, and such act or failure to act could be the total the requestor's participation in any remedial public act any document or application submit any accurt for failure to substantially comply with any accurt for failure to act could be the total count for failure to substantially comply with any accurt for failure to act could be the storage tanks on-section with any unregistered bulk storage tanks on-section with any unregistered bulk storage tanks on-section with any unregistered bulk storage tanks on-section submit accurate the tanks on the section of the tanks on the section of the tanks on the section of the section of the tanks on the tanks.</li> </ol>	ative, civil or criminal proceeding to be in violation of i) determination; iii) any regulation implementing state or federal government? If so, provide an
THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITH WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXE	HER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE
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.	<ul> <li>VOLUNTEER</li> <li>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.</li> <li>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.</li> <li>If a requestor whose liability arises solely as a</li> </ul>
	requestor whose hability 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	
If requestor is not the current site owner, <b>proof of site access sufficient to complete the remediation m</b> <b>be submitted</b> . Proof must show that the requestor will have access to the property before signing the BC/ and throughout the BCP project, including the ability to place an easement on the site Is this proof attached	ust 4 ed?
Yes No	
Note: a purchase contract does not suffice as proof of access.	
Section VIII. Property Eligibility Information - See Instructions for Further Guidance	
<ol> <li>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.</li> </ol>	
<ol> <li>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?</li> <li>If yes, please provide: Site # Class #</li> </ol>	
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit type: EPA ID Number: 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.	 '-
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide: Order #Yes ✓ No	
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum If yes, please provide explanation as an attachment. ☐ Yes ✓ No	ו?
Section IX. Contact List Information	
<ul> <li>To be considered complete, the application must include the Brownfield Site Contact List in accordance with <u>DER-23 / Citizen Participation Handbook for Remedial Programs</u>. Please attach, at a minimum, the names and addresses of the following:</li> <li>The chief executive officer and planning board chairperson of each county, city, town and village in white the property is located.</li> <li>Residents, owners, and occupants of the property and properties adjacent to the property.</li> <li>Local news media from which the community typically obtains information.</li> <li>The public water supplier which services the area in which the property is located.</li> <li>Any person who has requested to be placed on the contact list.</li> <li>The administrator of any school or day care facility located on or near the property.</li> <li>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.</li> </ul>	:h ₃ ch

Section X. Land Use Factors	
<ol> <li>What is the current municipal zoning designation for the site? R7X/R7A</li> <li>What uses are allowed by the current zoning? (Check boxes, below)</li> <li>✓ Residential Commercial Industrial</li> <li>If zoning change is imminent, please provide documentation from the appropriate zoning a</li> </ol>	uthority.
<ul> <li>2. Current Use: Residential Commercial Industrial Vacant Recreational (checapply)</li> <li>Attach a summary of current business operations or uses, with an emphasis on iden possible contaminant source areas. If operations or uses have ceased, provide the d</li> </ul>	ck all that tifying ate.
3. Reasonably anticipated use Post Remediation: ✓ Residential □ Commercial □ Industrial that apply) Attach a statement detailing the specific proposed use.	(check all
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
See attached	
<ol> <li>Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.</li> <li>See attached</li> </ol>	√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.	<b>√</b> Yes No
See attached	

### 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 <u>Authorized Signatory</u> (title) of <u>1731 West Farms Road LLC</u> (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:03 / 20 / 2020	Signature: _	
Print Name:	Glenn Palilla	

### SUBMITTAL INFORMATION:

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

<ul> <li>Property is in Bronx, Kings, New York, Queens, or Richmond counties.</li> <li>Requestor seeks a determination that the site is eligible for the tangible provide documentation necessary</li> <li>Please answer questions below and provide documentation necessary</li> </ul>	roperty credit co to support an suant to NYS 1	<pre>✓ Yes □ No omponent of the ✓ Yes □ No swers. Tax Law 21(b)(6)?</pre>
Requestor seeks a determination that the site is eligible for the tangible pr brownfield redevelopment tax credit. Please answer questions below and provide documentation necessary	to support an	omponent of the ✓Yes No swers. Tax Law 21(b)(6)?
Please answer questions below and provide documentation necessary	to support an suant to NYS 1	swers. Fax Law 21(b)(6)?
	suant to NYS 1	Tax Law 21(b)(6)?
<ol> <li>Is at least 50% of the site area located within an environmental zone pur Please see <u>DEC's website</u> for more information.</li> </ol>		✔ Yes 🗋 Ñó
2. Is the property upside down or underutilized as defined below? Up	oside Down?	🗌 Yes 🖌 No
Ur From ECL 27-1405(31):	nderutilized?	🗌 Yes 🖌 No
"Upside down" shall mean a property where the projected and incurred or remediation which is protective for the anticipated use of the property equals percent of its independent appraised value, as of the date of submission of in the brownfield cleanup program, developed under the hypothetical condition contaminated.	cost of the invest or exceeds so the application on that the pr	estigation and seventy-five for participation roperty is not
From 6 NYCRR 375-3.2(I) as of August 12, 2016: (Please note: Eligibility underutilized category can only be made at the time of application)	determination	for the
<ul> <li>375-3.2: <ul> <li>(I) "Underutilized" means, as of the date of application, real propriation propriate properties and the permissible floor area of the building or buildings is have been used under the applicable base zoning for at least three years which zoning has been in effect for at least three years; and</li> <li>(1) the proposed use is at least 75 percent for industrial uses; or</li> <li>(2) at which:</li> <li>(i) the proposed use is at least 75 percent for commercial or commercial or commercial or commercial by the municipality in which the site is located; and</li> <li>(ii) one or more of the following conditions exists, as certified by the application;</li> <li>(b) a building is presently condemned, or presently exhibits documented certified by a professional engineer, which present a public health or second the second engineer.</li> </ul> </li> <li>"Substantial government assistance" shall mean a substantial loan, gravitation or presential government assistance.</li> </ul>	perty on which certified by th ars prior to the government a pplicant: mmediately pr ed structural d afety hazard; ant, land purc	n no more than e applicant to e application, tial uses; assistance, as rior to the leficiencies, as or
governmental entity.	lation thereof,	from a

### 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: 1731 West Farms Road City: Bronx	Site Address: <sup>1731</sup> West Farms Road County: Bronx County Zip: 10460			
Tax Block & Lot Section (if applicable): 2 Block:	3015 <b>Lot</b> : 31			
Requestor Name: 1731 West Farms Road L City: <sub>New York</sub>	LC Requestor Address: <sup>5</sup> West 37th St., 12th Floor Zip: 10018 Email: glenn@uagrp.com			
Requestor's Representative (for billing purposName: Glenn PalillaAddress:City: New York	c/o UA Group 5 West 37th Street Zip: 10018 Email: glenn@uagrp.com			
Requestor's Attorney Name: Steven C. Russo, Greenberg Traurig, LLP Address: City: New York	MetLife Building, 200 Park Avenue Zip: 10166 Email: russos@gtlaw.com			
Requestor's Consultant         Name: Maryann Wegh, Merritt Environmental Consulting Corp.       Address: 77 Arkay Drive, Suite D         City: Happauge       Zip: 11788       Email: mwegh@merrittec.com         Percentage claimed within an En-Zone:       0%       50-99%       ✓ 100%         DER Determination:       Agree       Disagree				
Requestor's Requested Status: 🗹 Volunteer 🗌 Participant				
<b>DER/OGC Determination:</b> Agree Disagree Notes:				
For NYC Sites, is the Requestor Seeking Tangible Property Credits: $\checkmark Yes$ $\Box No$				
Does Requestor Claim Property is Upside Down: Yes V No DER/OGC Determination: Agree Disagree Undetermined Notes:				
Does Requestor Claim Property is Underutilized:       ☐ Yes       ✓ No         DER/OGC Determination:       ☐ Agree       ☐ Disagree       ☐ Undetermined         Notes:				
<b>Does Requestor Claim Affordable Housing Status:</b> ☐ Yes ☐ No ☑ Planned, No Contract <b>DER/OGC Determination:</b> ☐ 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 <u>Regional office</u> to schedule a meeting. To add a party to an existing BCP Agreement and/or Application, use the <u>BCP Agreement</u> <u>Amendment Application</u>. 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 <u>NYS</u> <u>Department of State's Corporation & Business Entity Database</u>. 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  $\underline{\mathsf{DER-10}}$ . 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 <u>separate attachment</u>, 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..

# 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.

# **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 <u>DEC's website</u>.

### 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."

<u>Past Use of the Site</u>: 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.

# **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.

### 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 <u>all</u> 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 <u>separate attachment</u>, 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 <u>separate attachment</u>, 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) <u>website</u> 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.

# **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.

# DETERMINATION OF A COMPLETE APPLICATION

- 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 <u>common application deficiencies</u> 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.

# **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.

# **NYSDEC Brownfield Cleanup Program**

Application and Narrative Report

March 20, 2020

Submitted for:

1731 West Farms Road Bronx, NY 10460 New York Tax Map Designation: Block 3015, Lot 31

Submitted to:

Chief, Site Control Section New York State Department of Environmental Conservation Division of Environmental Remediation 625 Broadway Albany, NY 12233-7020

Prepared for:

1731 West Farms Road LLC 5 West 37<sup>th</sup> Street 12<sup>th</sup> Floor New York, NY 10018

# **Table of Contents**

Section I: Requestor Information	1
Section II: Project Description	.1
Section III: Property's Environmental History	2
Section IV: Property Information	2
Section V: Additional Requestor Information	. 5
Section VI: Current Property Owner/Operator Information	5
Section VII: Requestor Eligibility Information	7
Section IX: Contact List Information	.7
Section X: Land Use Factors	.11

### Appendices

- Appendix A: NYS Department of State Corporation & Business Entity Information Entity Information
- Appendix B: 1731 West Farms Road LLC Good Standing Certificate
- Appendix C: 1731 West Farms Road LLC Articles of Organization
- Appendix D: Remedial Investigation Report (see CD)
- Appendix E: Supplemental Remedial Investigation Report (see CD)
- Appendix F: Schematic Layouts
- Appendix G: Remedial Action Work Plan (see CD)
- Appendix H: Site Drawings
- Appendix I: Property Base Map and Property Location Map
- Appendix J: USGS 7.5 Minute Quad Map
- Appendix K: Zoning Lot Description
- Appendix L: Tax Map
- Appendix M: Document Repository Correspondence

### Section I: Requestor Information

# Entity Information from the NYS Department of State's Corporation & Business Entity Database

*See Appendix A* for print-out of entity information from the NYS Department of State Corporation & Business Entity Information.

See Appendix B for the good standing certificate for 1731 West Farms Road LLC.

See Appendix C for the Articles of Organization of 1731 West Farms Road LLC.

### **Members/Owners Names of Requestor**

The sole member of 1731 West Farms Road LLC is Propco OZ, LLC. Propco Oz, LLC is a New York Limited Liability Company.

### Section II: Project Description

### **Remedial Investigation Report**

See Appendix D for Remedial Investigation Report.

See Appendix E for Supplemental Remedial Investigation Report.

### Short Description of Overall Development Project

The development project consists of a new 11-story multi-family apartment building with no basement that will contain 70 rental units. The proposed building will include a community room on the third floor, including 35 bicycle spaces and 4 washers and dryers.

The proposed building will occupy 61% of the lot. The rear yard will be reserved for 2-level parking consisting of an enclosed parking area on the first floor as well as an open parking area on the second floor. The front area of the building, between the building line and the property line, will include a small planting area.

Development will involve demolition of the site and planned excavation shall consist of five feet below ground surface (bgs) at foundation walls and footings, and at the elevator pit.

Requestor will be applying for and thereafter utilizing 421-a(16) tax credits in connection with such project. The remedial program shall commence after requestor receives a notice to proceed and a building permit, which is expected to occur in June 2020. Thereafter, requestor will commence remediation and diligently pursue such activities to completion.

Schematic layouts of the proposed site development are presented in Appendix F.

### **Project Schedule:**

Based on an assumed date of April 2020 for execution of the BCP agreement, the following approximate timeline is anticipated for the redevelopment of the site:

•	Submit Citizen Par	ticipation Plan:	March 2020

• Implementation of RAWP:

June 2020

• Obtain Certificate of Completion (COC): March 2021

### Section III: Property's Environmental History

### **Investigation Report:**

See Appendix D for Remedial Investigation Report.

See Appendix E for Supplemental Remedial Investigation Report.

See Appendix G for Remedial Action Work Plan.

### Site Drawings:

See Appendix H.

### Section IV: Property Information

### Maps

See Appendix I for property base map and property location map.

See Appendix J for USGS 7.5 Minute Quad Map.

The site corresponds to tax map boundaries, as confirmed by Zoning Lot Description, attached here to as *Appendix K*.

*See Appendix L* for tax map.

### **Property Description Narrative**

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

Location & Site Features:

The Site is located at 1731 West Farms Road in the West Farms section in Bronx, New York and is identified as Block 3015 and Lot 31 on the New York City Tax Map. The Site is 9,723-square feet and is bounded by a two-story commercial building to the north, a large commercial self-

storage building to the south, West Farms Road to the east, and a single-story building containing a construction contractor to the west. The Site is unoccupied, but is used for vehicle parking and construction materials storage and contains a 6,480 square-foot partial two-story and partial one-story commercial building and an exterior parking lot. A small partial basement is present under the two-story former office section of the Site building. The Site is fenced and locked.

### Current Zoning and Land Use:

Current Zoning: The Site is located partially in an R7X residential district and partially in an R7A residential district, both within an Inclusionary Housing Designated Area.

Current Land Use: F5-Factory/Industrial

### Past Use of the Site:

According to information obtained by the review of the Phase I ESA, the Site contained residential buildings prior to 1931, which is the reported date of construction of the current improvements. The Phase I ESA indicates that a marble shop/stone mason reportedly occupied the Site between 1931 and the 1970s. The Phase I ESA indicates that subsequent Site occupants included a machine shop apparently during the 1970s and 1980s, and that various dry cleaning and laundry equipment sales and refurbishing operations were present from the 1980s until recent times (the specific date in which this operation ceased is unknown). Other past occupants of the Site (according to the Phase I ESA) include "Tikva Electric," in the 1990s. The Site is currently unoccupied (period of vacancy unknown), but certain information contained in the Phase I ESA shows that the dry cleaning equipment sales and refurbishing operations were present until at least 2005. The current Site owner (1731 West Farms Road LLC) uses the Site for vehicle parking and construction materials storage.

#### Site Geology and Hydrogeology:

The soil stratigraphy of the Site consists of fill material above bedrock at the approximate onethird of the Site. Naturally occurring sediment is present east of the point where the bedrock surface is roughly eight feet to ten feet bgs and greater, with less than five feet of overlying fill. This sediment consists of medium to fine brown sand with angular rock fragments and varying amounts of clay. The west end of the Site is bordered by a bedrock ridge oriented in a roughly north to south direction. Bedrock penetrates the west end of the Site building floor slab at two locations and the bedrock surface slopes down to the east under the Site building.

Groundwater flow is estimated to be generally from west to east beneath the Site based on the nearby presence of the Bronx River to the east and on the downward slope of local surface topography to the east. Measurements obtained from the three temporary well points show that depth to the water table ranges from 9.35 feet bgs at B2 (westernmost boring) to 10.5 feet bgs at B5, which was located at the east end of the Site in the parking lot. The aquifer encountered beneath the Site is unconfined and is present above the bedrock surface at the approximate east half of the Site. No water-bearing deposits were encountered at the west section of the Site since the bedrock surface rises above the approximate ten-foot depth toward the west.

### Environmental Assessment

Based upon the investigations conducted to-date, the primary contaminants of concern consist of perchloroethylene (PCE) and PCE degradation products in soil, groundwater and in subsurface soil vapor.

### <u>Soil</u>:

PCE was detected at elevated concentrations in soil at a localized section of the east end of the Site under an exterior parking lot. PCE concentrations in shallow near-surface soil in this area range from 0.32 milligrams per kilogram (mg/kg) to 110 mg/kg. PCE was detected in deeper soil in this area at concentrations ranging from undetected to 62 mg/kg (deeper soil samples were collected from seven to eight feet below surface). The Protection of Groundwater Soil Cleanup Objective (PGSCO) for this substance is 1.3 mg/kg. Since the shallow unconfined aquifer beneath the Site is within 10 feet below ground surface (bgs) and because PCE contamination has been documented in Site groundwater, application of the PGSCO for soil quality and future remedial activity will be necessary.

A minor number of heavy metals and semi-volatile organic compounds (SVOCs) were detected in a limited number of soil samples; these substances are common constituents of urban fill and are considered unremarkable in extent and severity. However, lead was detected at three locations in shallow material at concentrations ranging from 560 mg/kg to 790 mg/kg, which exceed the RRUSCO of 400 mg/kg. One additional metal (cadmium) was detected in shallow material at one location with a concentration of 4.6 mg/kg, exceeding the RRUSCO of 4.3 mg/kg. Four SVOCs were detected at concentrations that slightly exceed RRUSCOs at a single location in a shallow sample. No pesticides or polychlorinated biphenyls (PCBs) were detected at concentrations exceeding RRUSCOs (please note that for substances detected in shallow fill, RRUSCOs are proposed).

### Groundwater:

PCE was detected in groundwater at concentrations ranging from 9.1 micrograms per liter (ug/l) to 610 ug/l. The water quality standard for this substance is 5.0 ug/l. This contamination is present under the parking lot at the east side of the Site and can be directly connected to the overlying PCE-contaminated soil above groundwater in this area. Trichloroethene (TCE), which is PCE degradation product, was detected at a lower concentration in one of three collected groundwater samples (13 ug/l).

Manganese and sodium were detected in the three groundwater samples at levels above water quality standards but are not considered to be representative of contaminant releases and are therefore not believed to be actionable. No pesticides or PCBs were detected in any of the groundwater samples.

### <u>Soil Vapor</u>:

The existing small commercial building has been vacant for an extended period and no indoor air sampling was conducted. Soil vapor samples were collected at depths ranging variously from three feet to seven feet below surface. Bedrock is present at surface to near-surface depths at the west (rear) side of the Site so depth of sample collection varied. Elevated PCE concentrations

were detected. The highest reported PCE vapor concentration was 679,000 micrograms per cubic meter of air (ug/m<sup>3</sup>). This highest PCE vapor concentration is centered over the area of PCE-contaminated soil and at the location of the highest PCE concentration in groundwater. PCE vapor concentrations detected at other areas of that Site range from 746 ug/m<sup>3</sup> to 33,220 ug/m<sup>3</sup>. PCE degradation products were also detected at elevated concentrations in three of the six collected soil vapor samples.

### Section V: Additional Requestor Information

### **Contact Information for PE:**

Karen G. Tyll, P.E. Tyll Engineering and Consulting PC 169 Commack Road, Suite H173 Commack, New York 11725 Office: (631) 629-5373 Mobile: (631) 664-6477 <u>karen@tyllengineering.com</u> www.tyllengineering.com NYS/NYC Certified WBE

### Section VI: Current Property Owner/Operator Information

### List of Previous Property Owners and Operators

The following is a list of historic property owners or secured entities.

Name: Calogero Triolo Last known address: c/o Jonathan J. Somerstein, Esq., PC, 86-39 98<sup>th</sup> Street, Woodhaven, NY 11421 Last known telephone number: N/A Requestor's relationship: no relationship. Requestor acquired the property from this previous owner in an arms-length purchase in July 2019.

Name: Greenpoint Mortgage Funding, Inc. Last known address: N/A Last known telephone number: N/A Requestor's relationship: none

Name: Eastern Funding LLC Last known address: 213 W. 35<sup>th</sup> Street, New York, NY 10001 Last known telephone number: (877) 819-1764 Requestor's relationship: none

Name: Riga Realty, Inc. Last known address: c/o Flora Lewin, 55 Boulder Ridge Road, Scarsdale, NY 10583 Last known telephone number: N/A Requestor's relationship: none

Name: Venture Opportunities Corporation Last known address: N/A Last known telephone number: N/A Requestor's relationship: none

Name: Elk Associates Funding Corporation Last known address: 747 3<sup>rd</sup> Avenue, #4C, New York, NY 10017 Last known telephone number: (212) 355-2449 Requestor's relationship: none

Name: Modern Capital Corporation, Inc. Last known address: N/A Last known telephone number: N/A Requestor's relationship: none

Name: W.F.R. Dry Cleaning & Laundry Last known address: N/A Last known telephone number: N/A Requestor's relationship: none

Name: 1731 WFR Dry Cleaning Last known address: N/A Last known telephone number: N/A Requestor's relationship: none

Name: Lucy Jacobs Last known address: N/A Last known telephone number: N/A Requestor's relationship: none

Name: David Lewin Last known address: N/A Last known telephone number: N/A Requestor's relationship: none

Name: Flora Lewin Last known address: N/A Last known telephone number: N/A Requestor's relationship: none

Name: Myron Sardo Last known address: N/A Last known telephone number: N/A Requestor's relationship: none

### Section VII: Requestor Eligibility Information

### Statement of Eligibility as a Volunteer:

Requestor conducted appropriate due diligence prior to purchasing the Site on July 8, 2019. Specifically, Requestor had Federated Environmental Associates, Inc. ("Federated") conduct a Phase I Environmental Site Assessment, dated May 17, 2019 (the "Phase I"). Requestor has no relationship to the current or any prior owner/operators of the Site. The Phase I identified recognized environmental conditions and/or business environmental risks that represent environmental concerns including: (1) the historic on-site dry-cleaning operations or operations that included use of dry-cleaning solvent, which Federated identified as a recognized environmental condition, and (2) possible asbestos-containing materials in both non-friable and in normally inaccessible areas of the Site improvement such as wall spaces, pipe chases, etc., since the Site improvement was constructed during a period when asbestos building materials were in production and use. This led the Requestor to perform a Remedial Investigation (*see Appendix D* for Remedial Investigation Report) in November 2019, which led to discovery of the contamination that the Requestor/Owner wants to remediate through this program.

### Section IX: Contact List Information

The following sub-sections provide the minimum contact list information as required by the BCP application form.

### 1. Government Contacts

Bill De Blasio Mayor of New York City City Hall New York, NY 10007 Tel: (212) 788-3300

Marisa Lago NYC Planning Commission Chairperson 120 Broadway 31st Floor New York, NY 10271 Tel: (212)-720-3300

Ruben Diaz Jr. Bronx Borough President 851 Grand Concourse, 3rd Floor Bronx, NY 10451 Tel: (718) 590-3500 Gloria S. Alston Chairperson Bronx Community Board 3 1426 Boston Road Bronx, NY 10456 Tel: (718)- 378-8054

Rafael Salamanca Jr. NYC Council Member NYC Council, 17th District 1070 Southern Boulevard Bronx, NY 10459 Tel: (718) 402-6130

Werner R. deFoe Bronx Borough Commissioner New York City Department of Buildings 1932 Arthur Avenue, 5th Floor Bronx, NY 10457

Tel: (718) 960-4700

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

No adjoining residential properties.

Adjoining occupant to the north:

Daso Cleaning & Restoration Inc. 1735 West Farms Rd. Bronx, NY 10460 Tel: (888) 432-7601 A Tech Electric 1735 West Farms Rd. Bronx, NY 10460 Tel: (718) 937-7044 Owner: 3056 Third Ave. Realty LLC

Adjoining occupant to the south:

Extra Space Storage 1725 West Farms Rd. Bronx, NY 10460 Tel: (718) 991-9010

Adjoining occupant to the west:

Minch Construction 1704 Boone Ave. Bronx, NY 10460 Tel: (718) 328-3519 Owner: Ryan Woods Inc.

#### 3. Locals news media

The Bronx Times-Reporter 3602 East Tremont Avenue, Suite 205 Bronx, NY 10465 Tel: (718) 260-4597

New York Times 620 Eighth Ave. New York, NY 10018 Tel: (800) 698-4637

New York Daily News 4 New York Plaza New York, NY 10004 Tel: (212) 210-2100 New York Post 1211 Avenue of the Americas New York, NY 10036-8790 Tel: (212) 930-8288

Daily News Bronx Editorial Bureau 1892 Eastchester Rd. Bronx, NY 10461 Tel: (718) 822-1174

Bronx News

135 Dreiser Loop Bronx, NY 10475 Tel: (718) 320-3071

Bronx Times

3602 East Tremont Avenue Suite 205 Bronx, NY 10465 Tel: (718) 260-4597

### 4. The public water supplier

New York City Department of Environmental Protection Bureau of Water Supply 1250 Broadway - 8th Floor New York, NY 10001 Tel: (212) 643-2215

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

None.

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

Schools and daycares within 1/2 mile are listed below.

East Bronx Academy for the Future 1716 Southern Blvd. Bronx, NY 10460 Tel: (718) 861-8641 Location: 1,500 feet west Contact: Sarah Scrogin

First Bloom Group Family Day Care 1553 Bryant Ave. Bronx, NY 10460 Tel: (347) 553-1904 Location: 1,000 feet west-southwest Contact: Mariela Eduardo

Fairmont Neighborhood School 1550 Vyse Ave. Bronx, NY 10460 Tel: (718) 860-5210 Location: 1,100 feet west-southwest Contact: Monique Hibbert

Brightside Academy Day Care 1778 Southern Blvd. Bronx, NY 10460 Tel: (718) 589-5900 Location: 1,400 feet west-northwest Contact: Jack Safer

Mott Hall V High School 1551 E. 172<sup>nd</sup> St. Bronx, NY 10472 Tel: (718) 620-8160 Location: 1,400 feet east-southeast Contact: Peter Oroszlansky

Fannie Lou Hammer Freedom High School 1021 Jennings St. Bronx, NY 10460 Tel: (718) 861-0521 Location: 1,600 feet south Contact: Phoebe Boyer

The Lorraine Hansberry Academy 1970 West Farms Rd. Bronx, NY 10460 Tel: (718) 589-6728 Location: 1,600 feet north Contact: David Cintron St. Thomas Aquinas Catholic School 1909 Daly Ave. Bronx, NY 10460 Tel: (718) 893-7600 Location: 2,000 feet north-northwest Contact: Jessica Perez-Maldonado

Public School 196 1250 Ward St. Bronx, NY 10472 Tel: (718) 328-7187 Location: 2,100 feet southeast Contact: Lizette Graciani

Bronx Envision Academy High School 1619 Boston Rd. Bronx, NY 10460 Tel: (718) 589-1590 Location: 2,100 feet west Contact: Emily Shu

### 7. Document repository

The following locations are identified to serve as repositories for public access to documents generated under the BCP program.

### New York Public Library – West Farms Library

2085 Honeywell Avenue Bronx, NY, 10460 Tel: (718) 367-5376 Contact: Virginia Quinones – Library Manager

Hours: Sunday: closed Monday: 10:00 am - 7:00 pm Tuesday: 10:00 am - 7:00 pm Wednesday: 10:00 am - 7:00 pm Thursday: 10:00 am - 7:00 pm Friday: 10:00 am - 5:00 pm Saturday: 10:00 am - 5:00 pm

On January 30, 2020, an email was sent to Virginia Quinones, Library Manager, confirming a telephone request that the West Farms Library would be able to act as a document repository for the project. On January 30, 2020, Mrs. Quinones responded stating that the West Farms Library is willing to host the repository documents. *See Appendix M* for copies of email correspondence.

Bronx Community Board 3 Chairperson: Gloria S. Alston 1426 Boston Road Bronx, NY 10456 Tel: (718) 378-8054 jdudley@cb.nyc.gov and eritter@cb.nyc.gov Monday through Friday: 9:00 am - 5:00 pm On January 30, 2020, an email was sent to Etta Ritter, principal administrative associate at Bronx Community Board 3. On January 30, 2020, Mrs. Ritter recommended that the Morrisania Library located at 610 East 169<sup>th</sup> Street be contacted. *See Appendix M* for copies of email correspondence.

### New York Public Library – Morrisania Library

610 East 169<sup>th</sup> Street Bronx, NY 10456 Tel: (718) 589-9268 Contact: Colbert Nembhard – Library Manager

Hours: Sunday: closed Monday: 10:00 am - 7:00 pm Tuesday: 10:00 am - 7:00 pm Wednesday: 10:00 am - 7:00 pm Thursday: 10:00 am - 7:00 pm Friday: 10:00 am - 5:00 pm Saturday: 10:00 am - 5:00 pm

On January 31, 2020, an email was sent to Colbert Nembhard, Library Manager, stating that Etta Ritter at Community Board 3 had suggested that the Morrisania Library be used as a document repository for the project. On January 31, Mr. Nembhard responded to the email asking for a link to the documents so that his digital team could post it to their website. A response email was sent on January 31, 2020 stating that the documents were currently being generated but a link would be sent once they are complete. *See Appendix M* for copies of email correspondence.

### Section X: Land Use Factors

### Date that Operations on the Site Have Ceased:

Section 3.2 on Historical City Directories in the May 17, 2019 Phase 1 shows a listing for ASN Laundry Group for the year 2014. This is the last known use on the site.

### **Reasonably Anticipated Use Post-Remediation:**

The site will be used for a multi-family rental apartment complex utilizing 421-a(16) affordable housing tax credits.

### **Current Land Use**

The Site is currently vacant. The only available certificate of occupancy for the Site shows the Site was previously improved with a single-story building with factory use.

### Past Land Use

A phase I environmental site assessment (Phase I ESA) of the Site was completed by Federated Environmental Associates, Inc. in May 2019. The Phase I ESA states that the Site improvements were constructed in 1931. Prior to 1931, the ESA indicates that the Site contained residential buildings. Sources of historical information reviewed by the ESA show that the current Site improvements contained a marble shop/stone mason from 1931 to the 1970s and a machine shop during the 1970s and 1980s. The Phase I ESA indicates that the dry cleaning and laundry equipment sales operation was present from approximately 1983 until the Site was vacated several years ago (date of vacancy is unknown). Past operators of the dry cleaning and laundry equipment sales and possibly refurbishing operations are identified by the Phase I ESA as WFR Dry Cleaning & Laundry, IPSO NY, Interstate Laundry Parts & Equipment sales and possibly refurbishing operations are identified by the Phase I ESA as WFR Dry Cleaning and the historical machine shop at the Site represent a Recognized Environmental Condition.

### **Surrounding Land Use**

The Site is located in the Crotona Park East/West Farms section of the South Bronx. Crotona Park East is bound from the Cross-Bronx Expressway to the north, Bronx River to the east, East 167th Street to the south and Crotona-Prospect Avenue to the west. Historically, Crotona Park East consisted of tenement buildings, multi-unit homes, vacant lots, and public housing units. The Crotona Park East / West Farms Rezoning was issued in 2011 to encourage the transformation and revitalization of the derelict and underutilized area through redevelopment of residential and commercial retail properties. There are no sensitive receptors such as schools, hospitals, or day care facilities within a 250-foot or 500-foot radius of the Site.

### **Development Patterns & Zoning Laws**

The Site is located partially in an R7X residential district and partially in an R7A residential district, both within an Inclusionary Housing Designated Area. The R7X portion of the Site has a maximum community facility FAR of 5.0, and a maximum residential FAR of 5.0, which can be increased to 6.0 with the provision of affordable housing. The R7A portion of the Site has a maximum community facility FAR of 4.0, and a maximum residential FAR of 4.0, which can be increased to 4.6 with the provision of affordable housing. Quality Housing regulations are mandatory in both districts, which typically produce high lot coverage, and 12- to 14-story apartment buildings. The New York City Department of City Planning has assigned the site a restrictive "E" designation for hazardous materials and air concerns (E-277, City Environmental Quality Review [CEQR] No. 10DCP017X). The proposed use is consistent with existing zoning for the property. The proposed use is a new steel-frame eleven-story apartment building with 70 residential units.

The area encompassing the Site was rezoned in 2011 from a manufacturing district (M1-1) to a residential district with commercial overlays in order to recognize the existing mixed-use character of the area while formally permitting residential uses alongside commercial uses, increasing housing availability and activating a manufacturing-based streetscape along Boone Avenue and West Farms Road. The rezoning action was approved alongside a Large Scale General Development, of which the Site is not designated a part.

# Appendix A:

NYS Department of State Corporation & Business Entity Information Entity Information
# **NYS Department of State**

### **Division of Corporations**

#### **Entity Information**

The information contained in this database is current through January 23, 2020.

Selected Entity Name: 1731 WEST FARMS ROAD LLC<br/>Selected Entity Status InformationCurrent Entity Name:1731 WEST FARMS ROAD LLCDOS ID #:5447369Initial DOS Filing Date:NOVEMBER 21, 2018County:BRONXJurisdiction:NEW YORKEntity Type:DOMESTIC LIMITED LIABILITY COMPANYCurrent 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 TUTTLE YICK LLP 220 E. 42ND ST. FL. 29 NEW YORK, NEW YORK, 10017

#### **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

#### **Entity Information**

*#* of Shares Type of Stock **\$** Value per Share

No Information Available

\*Stock information is applicable to domestic business corporations.

#### **Name History**

Filing DateName TypeEntity NameNOV 21, 2018Actual1731WEST FARMS ROAD LLC

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

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

Search Results New Search

<u>Services/Programs</u> | <u>Privacy Policy</u> | <u>Accessibility Policy</u> | <u>Disclaimer</u> | <u>Return to DOS</u> <u>Homepage</u> | <u>Contact Us</u>

### Appendix B:

1731 West Farms Road LLC Good Standing Certificate

# State of New York Department of State } ss:

I hereby certify, that 1731 WEST FARMS ROAD LLC a NEW YORK Limited Liability Company filed Articles of Organization pursuant to the Limited Liability Company Law on 11/21/2018, and that the Limited Liability Company is existing so far as shown by the records of the Department.



\*\*\*

Witness my hand and the official seal of the Department of State at the City of Albany, this 05th day of June two thousand and nineteen.

Whitney Clark

Whitney Clark Deputy Secretary of State

201906060687 \* 45

### Appendix C:

1731 West Farms Road LLC Articles of Organization

# ACKNOWLEDGEMENT COPY

# ARTICLES OF ORGANIZATION OF

## 1731 West Farms Road LLC

Under Section 203 of the Limited Liability Company Law

FIRST: The name of the limited liability company is:

#### 1731 West Farms Road LLC

- **SECOND:** The county, within this state, in which the office of the limited liability company is to be located is BRONX.
- **THIRD:** The Secretary of State is designated as agent of the limited liability company upon whom process against it may be served. The address within or without this state to which the Secretary of State shall mail a copy of any process against the limited liability company served upon him or her is:

c/o Tuttle Yick LLP 220 E. 42nd St. Fl. 29 New York, NY 10017

I certify that I have read the above statements, I am authorized to sign these Articles of Organization, that the above statements are true and correct to the best of my knowledge and belief and that my signature typed below constitutes my signature.

Jeffrey T. Yick, Organizer (signature)

Jeffrey T. Yick , ORGANIZER 220 E. 42nd St. Fl. 29 New York, NY 10017

Filed by: Tuttle Yick LLP 220 E. 42nd St. Fl. 29 New York, NY 10017 Appendix D:

**Remedial Investigation Report** 

(on CD)

Appendix E:

Supplemental Investigation Report

(on CD)

Appendix F:

Schematic Layouts



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Appendix G:

**Remedial Action Work Plan** 

(On CD)

Appendix H:

Site Drawings














DRAWN BY: F.GALDUN 1/31/20 REV. 1 3/19/20

 FIGURE 7: SOIL VAPOR CHEMISTRY PLAN
 1731 WEST FARMS ROAD

 BRONX, NY
 scale:

 O DENOTES SOIL VAPOR SAMPLE LOCATIONS
 20 FT.

 D DENOTES SOIL VAPOR SAMPLE LOCATIONS
 20 FT.

KV



# Appendix I:

Property Base Map and Property Location Map





Appendix J:

USGS 7.5 Minute Quad Map





Appendix K:

**Zoning Lot Description** 

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Title No.: 3020-977739

#### EXHIBIT III

### ZONING LOT DESCRIPTION AND OWNERSHIP STATEMENT BUILDING DEPARTMENT PERMIT APPLICATION AND TO BE RECORDED IN THE COUNTY CLERK'S OR REGISTER'S OFFICE

1731 West Farms Road LLC, a New York limited liability company having its principal office at c/o Tuttle Yick LLP, 220 East 42nd Street, 29th Floor, New York, NY 10017, an applicant for present or future permits pursuant to the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended states that the zoning lot to which the aforementioned permit or permits pertain are shown on the Tax Map of the City of New York, County of Bronx, as Lot(s) 31 in Block(s) 3015, as shown on the Tax Map of the City of New York, Bronx County, and is more particularly described as follows:

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH AND COUNTY OF BRONX, CITY AND STATE OF NEW YORK, ALL THE REMNANT OF THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN WHAT WAS FORMERLY KNOWN AS THE TOWN OF WEST FARM, COUNTY OF WESTCHESTER, BUT NOW IN THE 24TH WARD OF THE CITY AND STATE OF NEW YORK, COUNTY OF BRONX AND KNOWN UPON A MAP OF SAID WARD IN THE DEPARTMENT OF TAXES, IN SAID CITY, AS WARD OF LOT NO. 193, BLOCK 1513, 24TH WARD, IN THE CITY OF NEW YORK AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY SIDE OF WEST FARMS ROAD, AS LEGALLY OPENED, DISTANT 131.64 FEET SOUTHERLY ALONG SAID ROAD AS IT CURVES FROM THE INTERSECTION OF THE SOUTHERLY SIDE OF EAST 174TH STREET WITH THE WESTERLY SIDE OF WEST FARMS ROAD, BOTH AS LEGALLY OPENED;

THENCE RUNNING IN A WESTERLY DIRECTION, 187.85 FEET ALONG THE DIVISION LINE OF LOT NOS. 193 AND 190 ON THE AFORESAID MAP OF THE 24TH WARD;

THENCE SOUTHERLY 35.89 FEET TO A POINT ON THE DIVISION LINE OF LOT NOS. 193 AND 198 ON THE AFORESAID MAP OF THE 24TH WARD;

THENCE EASTERLY 163.08 FEET ALONG THE DIVISION LINE BETWEEN SAID LOT NOS. 193 AND 198 ON THE AFORESAID MAP ON THE 24TH WARD TO A POINT ON THE WESTERLY SIDE OF WEST FARMS ROAD;

THENCE NORTHERLY ALONG THE SAID WEST FARMS ROAD AS IT CURVES, A DISTANCE OF 77.71 FEET TO THE POINT OR PLACE OF BEGINNING.

Title No.: 3020-977739

That the said premises are known as and by street address(s): 1731 West Farms Road, Bronx, NY 10460, as shown on the following DIAGRAM.

BLOCK(S): 3015

LOT(S): 31



Title No.: 3020-977739

The above described zoning lot is presently owned by:

BLOCK(S)	TAX LOT(S)	NAME(S)	ADDRESS(ES)
3015	31	1731 West Farms Road LLC	c/o Tuttle Yick LLP, 220 East 42nd Street, 29th Floor
		41	New York NY 10017

IN WITNESS WHEREOF the applicant for permit has executed this instrument this

(Name) (Title) IEMS ss.: State of New York, County of On the Of Min the year day of \_ 2019 before me, the undersigned, personally appeared Gurakup Gronibalas personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the KELLY MASSI NOTARY PUBLIC, STATE OF NEW YORK individual(s) acted, executed the instrument. Registration No. 01MA6396297 Qualified in Orange County Commission Expires 08/19/23 Signature and/Office of individual taking acknowledgment

NOTE: Section C26-110.2 Subdivision (a) Paragraph (1) of the Administrative Code requires submission of an accurate lot diagram in accordance with an attached boundary survey made by a licensed surveyor, which need not be recorded but which must be submitted with the application for the permit.

Appendix L:

Tax Map



# Appendix M:

**Document Repository Correspondence** 

Hello Frank,

Yes, you can use the West Farms Library as a repository for the documents.

### Have a great day!

On Thu, Jan 30, 2020 at 3:02 PM Frank Galdun <<u>frankg@merrittec.com</u>> wrote: Virginia,

As discussed during our recent telephone conversation, we are requesting use of the West Farms Library as a repository for reports and other documents pertaining to environmental conditions at the 1731 West Farms Road property. A publicly accessible repository is required under the New York State Brownfields Cleanup Program (BCP). Please acknowledge this e-mail so that we can document your permission in our BCP application.

Thanks for your help in advance.

Regards, Frank Galdun Merritt Environmental Consulting Corp. (631) 617-6200

Virginia Quinones Library Manager

### West Farms Library

The New York Public Library 2085 Honeywell Ave, Bronx, NY 10460

718.367.5376 nypl.org

From:	Maryann Wegh
То:	Maryann Wegh
Subject:	FW: 1731 West Farms Rd., Bronx, NY Document Repository Request
Date:	Thursday, January 30, 2020 4:55:25 PM

From: Ritter, Etta (CB) <<u>eritter@cb.nyc.gov</u>>
Sent: Thursday, January 30, 2020 4:16 PM
To: Frank Galdun <<u>frankg@merrittec.com</u>>
Cc: Colbertnembhard@nypl.org <Colbertnembhard@nypl.org>
Subject: RE: 1731 West Farms Rd., Bronx, NY Document Repository Request

Good Day,

I am recommending that you contact Mr. Colbert Nembhard, branch librarian for the Morrisania Library located at 610 East 169<sup>th</sup> Street, at 718-589-9268 or <u>colbertnembhard@nypl.org</u>.

Thank you for your time and attention in this matter.

Warm regards,

Etta

From: Frank Galdun <<u>frankg@merrittec.com</u>>
Sent: Thursday, January 30, 2020 3:19 PM
To: Ritter, Etta (CB) <<u>eritter@cb.nyc.gov</u>>
Cc: Maryann Wegh <<u>mwegh@merrittec.com</u>>
Subject: 1731 West Farms Rd., Bronx, NY Document Repository Request

Ms. Ritter,

On behalf of the owner of the referenced property, we are respectfully requesting use of the Community Board 3 as a repository for reports and other documents pertaining to environmental conditions at the 1731 West Farms Road property. A publicly accessible repository is required under the New York State Brownfields Cleanup Program (BCP). Please acknowledge this e-mail so that we can document your permission in our BCP application.

Thanks for your help in advance.

Regards, Frank Galdun Merritt Environmental Consulting Corp. (631) 617-6200

Colbert,

Thanks for the quick response. All of the documents are being generated during the course of the next two to three weeks. Once we have a package together we will send you a link for access.

Regards, Frank

From: Colbert Nembhard <colbertnembhard@nypl.org>
Sent: Friday, January 31, 2020 11:16 AM
To: Frank Galdun <frankg@merrittec.com>
Cc: Maryann Wegh <mwegh@merrittec.com>
Subject: Re: 1731 West Farms Rd., Bronx, NY Document Repository Request

Hello Frank,

Please send me a link to this document so that my digital team can post it on our website.

Best regards, Colbert

On Fri, Jan 31, 2020 at 10:08 AM Frank Galdun <<u>frankg@merrittec.com</u>> wrote: Mr. Nembhard,

As described in the e-mail correspondences between myself and Etta Ritter at Community Board 3, she suggested that I contact you with the request for use of your library as a document repository for the environmental reports and related documents concerning 1731 West Farms Road (this property is being redeveloped and is being entered into the New York State Brownfields Cleanup Program). If you allow this request, please respond via email so that we can show proof of compliance to the State of New York.

Thank you in advance for your time.

Frank Galdun Merritt Environmental Consulting Corp. Cell: (646) 542-3465 Office: (631) 617-6200 From: Ritter, Etta (CB) <<u>eritter@cb.nyc.gov</u>>
Sent: Thursday, January 30, 2020 4:16 PM
To: Frank Galdun <<u>frankg@merrittec.com</u>>
Cc: Colbertnembhard@nypl.org <<u>Colbertnembhard@nypl.org</u>>
Subject: RE: 1731 West Farms Rd., Bronx, NY Document Repository Request

Good Day,

I am recommending that you contact Mr. Colbert Nembhard, branch librarian for the Morrisania Library located at 610 East 169<sup>th</sup> Street, at 718-589-9268 or <u>colbertnembhard@nypl.org</u>.

Thank you for your time and attention in this matter.

Warm regards,

Etta

From: Frank Galdun <<u>frankg@merrittec.com</u>>
Sent: Thursday, January 30, 2020 3:19 PM
To: Ritter, Etta (CB) <<u>eritter@cb.nyc.gov</u>>
Cc: Maryann Wegh <<u>mwegh@merrittec.com</u>>
Subject: 1731 West Farms Rd., Bronx, NY Document Repository Request

Ms. Ritter,

On behalf of the owner of the referenced property, we are respectfully requesting use of the Community Board 3 as a repository for reports and other documents pertaining to environmental conditions at the 1731 West Farms Road property. A publicly accessible repository is required under the New York State Brownfields Cleanup Program (BCP). Please acknowledge this e-mail so that we can document your permission in our BCP application.

Thanks for your help in advance.

Regards, Frank Galdun Merritt Environmental Consulting Corp. (631) 617-6200 Library Manager

Morrisania Library The New York Public Library 610 East 169th, Bronx, NY 10456 718.861.0372 nypl.org