



# BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

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

**Yes**                      **No**                      **If yes, provide existing site number:** \_\_\_\_\_

**PART A (note: application is separated into Parts A and B for DEC review purposes)      *BCP App Rev 10***

<b>Section I. Requestor Information - See Instructions for Further Guidance</b>		DEC USE ONLY BCP SITE #:
NAME		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
<p>Is the requestor authorized to conduct business in New York State (NYS)?                      Yes      No</p> <ul style="list-style-type: none"> <li>• If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the <a href="#">NYS Department of State's Corporation &amp; Business Entity Database</a>. A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. <b>Please note:</b> If the requestor is an LLC, the members/owners names need to be provided on a separate attachment.      <b>SEE ATTACHMENT A</b></li> </ul> <p>Do all individuals that will be certifying documents meet the requirements detailed below?      Yes      No</p> <ul style="list-style-type: none"> <li>• Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of <a href="#">DER-10: Technical Guidance for Site Investigation and Remediation</a> and Article 145 of New York State Education Law. <b>Documents that are not properly certified will be not approved under the BCP.</b></li> </ul>		
<b>Section II. Project Description</b>		
1. What stage is the project starting at?	Investigation	Remediation
<p>NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required.</p>		
2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2):	Yes	No
<p>3. Please attach a short description of the overall development project, including:</p> <ul style="list-style-type: none"> <li>• the date that the remedial program is to start; and</li> <li>• the date the Certificate of Completion is anticipated.</li> </ul> <p style="text-align: right; margin-right: 50px;"><b>SEE ATTACHMENT B</b></p>		

**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.**

<b>Contaminant Category</b>	<b>Soil</b>	<b>Groundwater</b>	<b>Soil Gas</b>
Petroleum			
Chlorinated Solvents			
Other VOCs			
SVOCs			
Metals			
Pesticides			
PCBs			
Other*			

\*Please describe: \_\_\_\_\_

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

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

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

**ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?\***

(\*answering No will result in an incomplete application)

Yes          No

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

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

Other: \_\_\_\_\_

**Section IV. Property Information - See Instructions for Further Guidance**

PROPOSED SITE NAME

ADDRESS/LOCATION

CITY/TOWN

ZIP CODE

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):

COUNTY

SITE SIZE (ACRES)

LATITUDE (degrees/minutes/seconds)

LONGITUDE (degrees/minutes/seconds)

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

Parcel Address	SEE ATTACHMENT D	Section No.	Block No.	Lot No.	Acreage

1. Do the proposed site boundaries correspond to tax map metes and bounds? Yes    No  
 If no, please attach an accurate map of the proposed site.

2. Is the required property map attached to the application? Yes    No  
 (application will not be processed without map)

3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? Yes    No  
 (See [DEC's website](#) for more information)

If yes, identify census tract : \_\_\_\_\_

Percentage of property in En-zone (check one):      0-49%                  50-99%                  100%

4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? Yes    No

If yes, identify name of properties (and site numbers if available) in related BCP applications: \_\_\_\_\_

5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? Yes    No

6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? Yes    No  
 If yes, attach relevant supporting documentation.

7. Are there any lands under water? Yes    No  
 If yes, these lands should be clearly delineated on the site map.

**Section IV. Property Information (continued)**

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

<u>Easement/Right-of-way Holder</u>	<u>Description</u>
-------------------------------------	--------------------

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

<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>
-------------	-----------------------	--------------------

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

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**? Yes      No

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

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

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

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

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

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

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

Initials of each Requestor: \_\_\_\_\_

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

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>	DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____
--	---

NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE

ADDRESS

CITY/TOWN	ZIP CODE
-----------	----------

PHONE	FAX	E-MAIL
-------	-----	--------

NAME OF REQUESTOR'S CONSULTANT

ADDRESS

CITY/TOWN	ZIP CODE
-----------	----------

PHONE	FAX	E-MAIL
-------	-----	--------

NAME OF REQUESTOR'S ATTORNEY

ADDRESS

CITY/TOWN	ZIP CODE
-----------	----------

PHONE	FAX	E-MAIL
-------	-----	--------

**Section VI. Current Property Owner/Operator Information – if not a Requestor      See Attachment E**

CURRENT OWNER'S NAME	OWNERSHIP START DATE:
----------------------	-----------------------

ADDRESS

CITY/TOWN	ZIP CODE
-----------	----------

PHONE	FAX	E-MAIL
-------	-----	--------

CURRENT OPERATOR'S NAME

ADDRESS

CITY/TOWN	ZIP CODE
-----------	----------

PHONE	FAX	E-MAIL
-------	-----	--------

**PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".**

**IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.      See Attachment E**

**Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)**

- If answering "yes" to any of the following questions, please provide an explanation as an attachment.
1. Are any enforcement actions pending against the requestor regarding this site?      Yes      No
  2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?      Yes      No
  3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.      Yes      No

**Section VII. Requestor Eligibility Information (continued)**

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

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

**PARTICIPANT**

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

**VOLUNTEER**

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

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

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



Section X. Land Use Factors		SEE ATTACHMENT H
<p>1. What is the current municipal zoning designation for the site? _____</p> <p>What uses are allowed by the current zoning? (Check boxes, below)</p> <p style="text-align: center;">Residential      Commercial      Industrial</p> <p>If zoning change is imminent, please provide documentation from the appropriate zoning authority.</p>		
<p>2. Current Use:    Residential    Commercial    Industrial    Vacant    Recreational    (check all that apply)</p> <p><b>Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.</b></p>		
<p>3. Reasonably anticipated use Post Remediation:    Residential    Commercial    Industrial (check all that apply) <b>Attach a statement detailing the specific proposed use.</b></p> <p>If residential, does it qualify as single family housing? <span style="float: right;">Yes    No</span></p>		
4. Do current historical and/or recent development patterns support the proposed use?	Yes    No	
5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.	Yes    No	
6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.	Yes    No	

## XI. Statement of Certification and Signatures

(By requestor who is an individual)

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

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

(By a requestor other than an individual)

I hereby affirm that I am an Authorized Person (title) of RXR 2413 Third Owner LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 3/19/2020

Signature:  \_\_\_\_\_

Print Name: Todd Rechler

### SUBMITTAL INFORMATION:

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

**FOR DEC USE ONLY**  
**BCP SITE T&A CODE:**

**LEAD OFFICE:**

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

**BCP App Rev 10**

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

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

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

Project is an Affordable Housing Project - Regulatory Agreement Attached;

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

This is Not an Affordable Housing Project.

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

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

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

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

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

**BCP Application Summary (for DEC use only)**

**Site Name:**

**City:**

**Site Address:**

**County:**

**Zip:**

**Tax Block & Lot**

**Section (if applicable):**

**Block:**

**Lot:**

**Requestor Name:**

**City:**

**Requestor Address:**

**Zip:**

**Email:**

**Requestor's Representative (for billing purposes)**

**Name:**

**Address:**

**City:**

**Zip:**

**Email:**

**Requestor's Attorney**

**Name:**

**Address:**

**City:**

**Zip:**

**Email:**

**Requestor's Consultant**

**Name:**

**Address:**

**City:**

**Zip:**

**Email:**

**Percentage claimed within an En-Zone:**

**0%**

**<50%**

**50-99%**

**100%**

**DER Determination:**

Agree

Disagree

**Requestor's Requested Status:**

**Volunteer**

**Participant**

**DER/OGC Determination:**

Agree

Disagree

Notes:

**For NYC Sites, is the Requestor Seeking Tangible Property Credits:**

Yes

No

**Does Requestor Claim Property is Upside Down:**

Yes

No

**DER/OGC Determination:**

Agree

Disagree

Undetermined

Notes:

**Does Requestor Claim Property is Underutilized:**

Yes

No

**DER/OGC Determination:**

Agree

Disagree

Undetermined

Notes:

**Does Requestor Claim Affordable Housing Status:**

Yes

No

Planned, No Contract

**DER/OGC Determination:**

Agree

Disagree

Undetermined

Notes:

# **ATTACHMENT A**

Section I: Requestor Information

## **ATTACHMENT A**

### **SECTION I: REQUESTOR INFORMATION**

A copy of the entity information for RXR 2413 Third Owner LLC (Requestor) from the NYS Department of State's Corporation and Business Entity Database is included with this attachment. RXR 2413 Third Owner LLC is wholly owned by RXR Third Holdings LLC.

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through April 16, 2020.

---

Selected Entity Name: RXR 2413 THIRD OWNER LLC

Selected Entity Status Information

**Current Entity Name:** RXR 2413 THIRD OWNER LLC

**DOS ID #:** 5726295

**Initial DOS Filing Date:** MARCH 12, 2020

**County:** NASSAU

**Jurisdiction:** DELAWARE

**Entity Type:** FOREIGN LIMITED LIABILITY COMPANY

**Current Entity Status:** ACTIVE

Selected Entity Address Information

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

C/O C T CORPORATION SYSTEM  
28 LIBERTY STREET  
NEW YORK, NEW YORK, 10005

**Registered Agent**

C T CORPORATION SYSTEM  
28 LIBERTY STREET  
NEW YORK, NEW YORK, 10005

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

**\*Stock Information**

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

No Information Available

\*Stock information is applicable to domestic business corporations.

### Name History

Filing Date	Name Type	Entity Name
MAR 12, 2020	Actual	RXR 2413 THIRD OWNER LLC

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

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

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

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

EXHIBIT A

Legal Description

Block 2319, Lot 109

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

BEGINNING at a point on the westerly side of Third Avenue, distant 276.13 feet southerly from the corner formed by the intersection of said westerly side of Third Avenue with the southerly side of East 134th Street;

RUNNING THENCE Westerly at right angles to said westerly side of Third Avenue, 88 feet;

THENCE Northerly parallel with Third Avenue, 50 feet;

THENCE Westerly at right angles to Third Avenue, 13.40 feet;

THENCE Northerly parallel with Third Avenue, 29.13 feet to the southerly line of land now or formerly of Abram Fremer;

THENCE Westerly at right angles to the last course and along said land of Abram Fremer, 94.60 feet;

THENCE Southerly parallel with Third Avenue, 23.34 feet;

THENCE Westerly along a line which forms an angle of 89 Degrees 36' on its northerly side with the last mentioned course and part of the way through a party wall 203.61 feet to the easterly side of Mott Haven Canal;

THENCE Southerly along said easterly side of Mott Haven Canal, 29.37 feet;

THENCE Easterly along a line which forms an angle of 89 Degrees 50' 30" on its southerly side with the last course, 101.70 feet;

THENCE Southerly, along a line which forms an angle of 89 Degrees 45' 50" on its westerly side with the last course, .35 of a foot,

THENCE Easterly at right angles to the last course, 107.35 feet;

THENCE Southerly along a line which forms angle of 90 Degrees 02' 50" on its westerly side with the last course 82.32 feet;

THENCE Easterly along a line which forms an angle of 89 Degrees 44' 10" on its northerly side with the last course 53.28 feet;

THENCE Northerly, parallel with Third Avenue, .34 feet;

THENCE Easterly at right angles to Third Avenue, 138.15 feet to said westerly side of Third Avenue;

THENCE Northerly along said westerly side of Third Avenue, 55.20 feet to the point or place of BEGINNING.

**ATTACHMENT B**  
Section II: Project Description

## **ATTACHMENT B**

### **SECTION II: PROJECT DESCRIPTION**

#### **Purpose and Scope of Project**

The purpose of the project is to redevelop a contaminated parcel containing a five-story commercial building and parking lot. The project is located within the Port Morris Harlem Riverfront Brownfield Opportunity Area, which was established by the New York State Department of State in 2015. The proposed residential redevelopment project is still in the design phase and is subject to change.

The proposed development will include demolition of the existing commercial building and removal of the concrete, gravel, and stone surface cover; removal of structurally unsuitable material; and removal of contaminated soil to accommodate construction of a 27-story residential building. The building will include affordable and market-rate rental units and will occupy a footprint of about 18,000 square feet. A full cellar will extend to a depth of about 16 feet below surface grade and will include parking, storage, and mechanical areas. The ground floor will also include parking and a lobby, and the 2<sup>nd</sup> floor will contain amenity spaces. Residential units will occupy the 2<sup>nd</sup> through 27<sup>th</sup> floors. A narrow area west of the building will be developed at grade for one level of parking. Remediation will be performed concurrently with the proposed development and in accordance with an approved Remedial Action Work Plan (RAWP) and Construction Health and Safety Plan (CHASP).

The estimated project schedule is included as a separate sheet in this attachment. As shown in the attached schedule, the remedial program is anticipated to begin with demolition around August 2020 and contaminant removal around October 2020. The project is expected to obtain its Certificate of Completion by September 2021.



# **ATTACHMENT C**

Section III: Property's Environmental History

## **ATTACHMENT C**

### **SECTION III: PROPERTY'S ENVIRONMENTAL HISTORY**

#### Item 1- Previous Environmental Reports

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

- *Phase I Environmental Site Assessment (ESA) for 2413 Third Avenue, Bronx, New York, prepared by GO Environmental, dated August 14, 2012*
- *Limited Subsurface Investigation Report of Findings, prepared by Groundwork, Inc., dated December 30, 2013*
- *Phase I Environmental Site Assessment, prepared by Langan, dated December 7, 2015*
- *Phase II Environmental Site Investigation Report, dated December 10, 2015, prepared by Langan*
- *Remedial Investigation Report, dated March 2020, prepared by Langan*

#### **Phase I Environmental Site Assessment, prepared by GO Environmental, dated August 14, 2012**

GO Environmental conducted a Phase I ESA on behalf of Gibraltar Private Bank & Trust, the site owner, in August 2019 in accordance with ASTM E1527-13. The Phase I ESA identified the following Recognized Environmental Conditions (RECs):

- Historical use of the site as a cleaning and casting shop for an iron foundry (late 1800s and early 1900s); a steel and motor truck company (1920s); storage and building supply company (mid-1930s); storage facility for lubricating oils (northwestern portion) (mid-1940s to 2005); chemical laboratory (mid- to late 1940s); and a petroleum facility on the southeastern portion of the Subject Property (mid-1950s to 1980s).
- Surrounding property use by industrial and manufacturing facilities since the 1800s.

#### **Limited Subsurface Investigation Report of Findings, prepared by Groundwork, Inc., dated December 30, 2013**

Groundwork, Inc. (Groundwork) conducted a limited subsurface investigation on November 18, 2013. The investigation consisted of the collection of seven soil samples from seven soil borings, and collection of one groundwater sample from one temporary monitoring well. The soil borings were advanced to 15 feet below grade surface (bgs) at exterior locations. Soil samples were collected above the groundwater interface from depths of approximately 5.5 to 6 feet bgs and analyzed for Total Petroleum Hydrocarbons (TPH) Diesel Range Organics (DRO). One boring in the central parking lot and south of the building was converted into a temporary groundwater monitoring well. The groundwater sample was collected and analyzed for volatile organic

compounds (VOC) and semi-volatile organic compounds (SVOC). Findings of the investigation are as follows:

- Soil generally consisted of light brown, fine-to-medium silty sand. Staining and odors were not observed and organic vapor concentrations were generally 0.0 parts per million (ppm).
- Groundwater was encountered at approximately 6 feet bgs.
- TPH-DRO were not detected in the soil samples.
- VOCs and SVOCs were not detected in the groundwater sample.

### **Phase I Environmental Site Assessment, prepared by Langan, dated December 7, 2015**

Langan prepared a Phase I ESA on behalf of Somerset Partners, LLC. The Phase I ESA report identified the following RECs, which may be associated with petroleum and hazardous substance releases to soil, groundwater, and soil vapor:

#### **REC 1 – Historical Site Use**

Historical site occupants included an iron foundry (1891 to 1908), a motor truck company (1922), drug and chemical companies and laboratories (1927; 1935 to 1949), an oil company (1927), manufacturing facilities (1928), and a floor treatment service (1949).

#### **REC 2 – Historical Petroleum Bulk Storage**

Sanborn maps indicate the northeastern portion of the site was used to store lubrication oil from 1935 to 2007.

#### **REC 3 – Historical Use of Surrounding Properties**

Historical uses of adjoining and surrounding properties between 1891 and 2010 included manufacturing facilities, a machine shop, a steel company, a drug and chemical company, an oil company, and a shoring company containing an open spill and enrolled in the New York State Brownfield Cleanup Program.

### **Phase II Environmental Site Investigation Report, dated December 10, 2015, prepared by Langan**

A Phase II Environmental Site Investigation (ESI) was conducted to investigate RECs identified during the Phase I ESA. The scope of the investigation included a geophysical survey, collection of soil samples from five borings, collection of groundwater samples from three monitoring wells, and collection of three soil vapor samples.

Groundwater was observed at depths between about 7.3 and 7.5 feet bgs, and an approximately 2- to 5-foot layer of historic fill material underlain by sand, silt, and a discontinuous peat layer was identified in the borings. Samples of historic fill material contained SVOCs, pesticides, and metals at concentrations above the Title 6 of the New York Codes, Rules and Regulations (6 NYCRR) Part 375 Unrestricted Use (UU) Soil Cleanup Objectives (SCO). The detections were considered typical of those encountered in urban fill and were not indicative of a release.

The VOC and gasoline additive methyl tert-butyl ether (MTBE) was detected in two groundwater samples at concentrations above the New York State Department of Environmental Conservation (NYSDEC) Division of Water Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Guidance Values (SGVs) for Class GA groundwater. Chlorinated VOCs were not detected in soil vapor samples at concentrations above the minimum threshold warranting mitigation; however, the gasoline constituents n-hexane and heptane were detected in two soil vapor samples at concentrations two orders of magnitude above those detected in the third sample and above those commonly observed in non-impacted soil vapor.

#### **Remedial Investigation Report, dated March 2020, prepared by Langan**

The Remedial Investigation was conducted to evaluate areas of concern not addressed during the 2015 Phase II ESI. The scope of the investigation included:

- A geophysical survey;
- Advancement of 25 soil borings;
- Installation of four temporary and three permanent groundwater monitoring wells;
- Excavation of three exploratory test pits;
- Installation of seven soil vapor sample points; and
- Collection and laboratory analysis of 53 soil samples, seven groundwater samples, and five sub-surface and two sub-slab soil vapor samples (plus QA/QC samples).

The following conditions were observed:

- Historic fill material was encountered beneath the surface cover and extends to depths that vary between about 0.5 feet and 12 feet bgs. The thickness of the fill generally increases in the western portion of the site. The fill generally consists of brown fine sand with varying amounts of gravel, silt, brick, coal, concrete, slag, and glass fragments.
- Staining, petroleum-like odors, and/or photoionization detector (PID) readings above background concentrations (i.e., nuisance conditions) were observed at depths varying between 2 and 15 feet bgs in six soil borings located in exterior areas on the northwestern and southeastern portions of the site. PID readings above background were identified on the eastern portion of the site and were between about 0.3 ppm and 71.1 ppm.

- Groundwater was encountered between about 6.6 feet bgs in the southern portion and 8.5 feet bgs in the western portion of the site. Groundwater appears to flow along a shallow gradient towards the southwest, based on elevation measurements from three permanent monitoring wells.
- Two petroleum-related VOCs (total xylenes and benzene) and three non-petroleum VOCs (acetone, cis-1,2-dichloroethene, and 2-butanone) were detected in soil samples at concentrations exceeding the UU SCOs. The detection of total xylenes between 6 and 8 feet bgs in a boring on the western portion of the site corresponds with staining, odors, and PID readings above background concentrations at that depth.
- SVOCs, pesticides, and metals were detected in soil samples at concentrations above the UU and/or Restricted Use Restricted-Residential (RURR) SCOs.
- PCBs were detected in multiple soil samples at concentrations above the UU and RURR SCOs, including samples collected from the area of a former railroad spur on the central portion of the site. The PCB and SVOC detections may be associated with releases during former railyard operations.
- SVOCs and five dissolved metals were detected in the groundwater samples at concentrations above the TOGS SGVs, with sodium exhibiting the highest concentration (729,000 µg/L). The ubiquitous detection of dissolved-phase sodium is attributed to a regional condition associated with brackish groundwater conditions and/or the infiltration of road salt into shallow groundwater.
- Trichloroethene (TCE) was detected at concentrations (11.2 and 85 µg/m<sup>3</sup>) above the AGV of 5 µg/m<sup>3</sup> in two soil vapor samples collected from the western portion of the site. Two soil vapor samples collected from the southeastern portion of the site contained gasoline-related VOCs (n-heptane and n-hexane) at concentrations four orders of magnitude above those detected in other samples.

### Item 2- Sampling Data

Known contaminants at the site were identified during the December 2015 Phase II ESI and the July/October 2019 RI. Data generated during the investigations is discussed in this section and summarized in the attached figures and laboratory reports. The environmental reports and available laboratory analytical reports for the investigations are included in this attachment. Analytes detected above applicable regulatory standards for each media tested during the 2015 Phase II ESI and 2019 RI are summarized below:

**Soil:**

Soil sample results were compared to the 6 NYCRR Part 375 UU and RURR SCOs. In addition, twelve samples were run for toxicity characteristic leaching procedure (TCLP) metals and were compared to the United States Environmental Protection Agency (USEPA) Resource Conservation and Recovery Act (RCRA) Characteristics of Hazardous Waste. As shown on Figures C-1, C-2, and C-3, the following contaminants were detected at concentrations above the UU SCOs, RURR SCOs, or the RCRA hazardous waste limits. 1,4-Dioxane was analyzed using United States Environmental Protection Agency (USEPA) Method 8270 secondary ion mass spectrometry (SIM) and was not detected in soil samples. UU exceedances are shown below, RURR exceedances are shown in bold, and maximum detections are shown in parentheses.

VOCs:

- acetone (0.27 mg/kg)
- benzene (0.12 mg/kg)
- cis-1,2-dichloroethene (0.72 mg/kg)
- methyl ethyl ketone (2-butanone) (0.48 mg/kg)
- total xylenes (1.1 mg/kg)

SVOCs:

- 2-methylphenol (o-Cresol) (35 mg/kg)
- **benzo(a)anthracene** (13.6 mg/kg)
- **benzo(a)pyrene** (13 mg/kg)
- **benzo(b)fluoranthene** (13 mg/kg)
- **benzo(k)fluoranthene** (11.2 mg/kg)
- **chrysene** (12.9 mg/kg)
- **dibenzo(a,h)anthracene** (2.84 mg/kg)
- **indeno(1,2,3-c,d)pyrene** (8.03 mg/kg)
- phenol (9.5 mg/kg)

Pesticides:

- 4,4'-DDD (0.0739 mg/kg)
- 4,4'-DDE (0.0539 mg/kg)
- 4,4'-DDT (0.114 mg/kg)
- alpha BHC (Alpha Hexachlorocyclohexane) (0.0884 mg/kg)
- beta BHC (Beta Hexachlorocyclohexane) (0.142 mg/kg)
- dieldrin (0.00701 mg/kg)
- gamma BHC (lindane) (0.113 mg/kg)

PCBs:

- **total PCBs** (2.59 mg/kg)

Metals:

- **arsenic** (19.9 mg/kg)
- **barium** (624 mg/kg)
- **cadmium** (7.14 mg/kg)
- hexavalent chromium (2.11 mg/kg)
- trivalent chromium (45 mg/kg)
- **copper** (422 mg/kg)
- **lead** (7,360 mg/kg)
- **mercury** (4.47 mg/kg)
- nickel (66 mg/kg)
- selenium (7.28 mg/kg)
- silver (15.3 mg/kg)
- zinc (2,060 mg/kg)

TCLP Metals:

- Lead (74.1 mg/L)

**Groundwater:**

Groundwater sample analytical results were compared to NYSDEC Title 6 of the Official Compilation of New York Codes, Rules and Regulations (NYCRR) Part 703.5 and the NYSDEC TOGS SGVs. Contaminants that were detected at concentrations above the TOGS SGVs are shown on Figure C-2 and summarized below. 1,4-Dioxane was analyzed using USEPA Method 8270 SIM and was not detected in groundwater samples. Maximum detected concentrations are shown in parentheses.

VOCs:

- methyl tert-butyl ether (18 µg/L)

SVOCs:

- benzo(a)anthracene (0.2 µg/L)
- benzo(a)pyrene (0.19 µg/L)
- benzo(b)fluoranthene (0.25 µg/L)
- benzo(k)fluoranthene (0.1 µg/L)
- chrysene (0.18 µg/L)

- indeno(1,2,3-c,d)pyrene (0.16 µg/L)

Dissolved Metals:

- iron (19,300 µg/L)
- magnesium (58,400 µg/L)
- manganese (996 µg/L)
- selenium (20.2 µg/L)
- sodium (729,000 µg/L)

Total Metals:

- antimony (6.26 µg/L)
- arsenic (34.05 µg/L)
- total chromium (101.6 µg/L)
- copper (372.8 µg/L)
- iron (83,100 µg/L)
- lead (1,325 µg/L)
- magnesium (124,000 µg/L)
- manganese (4,038 µg/L)
- mercury (1.55 µg/L)
- nickel (106.9 µg/L)
- selenium (19 µg/L)
- sodium (798,000 µg/L)

**Soil Vapor:**

Soil vapor sample results are shown on Figure C-3 and were evaluated using the NYSDOH Air Guideline Values (AGVs) and Decision Matrices published in the 2006 NYSDOH Soil Vapor Intrusion Guidance, updated in 2017, as comparison criteria for soil vapor concentrations. The matrix evaluation requires both soil vapor and indoor air data. Indoor air samples were not collected during the December 2015 Phase II ESI or 2019 RI; however, the matrices provide a minimum soil vapor concentration above which monitoring and/or mitigation is recommended, regardless of indoor air concentrations. The analytical results are summarized below.

- Methylene chloride was detected at a concentration above the AGV (60.8 µg/m<sup>3</sup>) in a soil vapor sample collected from the southwestern portion of the site. The recommendations provided in NYSDOH Decision Matrix B for the detected methylene chloride concentration range from “no further action” to “identify source and resample or mitigate”.
- TCE was detected at concentrations (11.2 and 85 µg/m<sup>3</sup>) above the AGV in soil vapor samples collected from the western portion of the site. The corresponding

recommendations in NYSDOH Decision Matrix A for the detected TCE concentrations ranged from “no further action” to “mitigate”.

- Tetrachloroethene (PCE) was detected at a concentration ( $32 \mu\text{g}/\text{m}^3$ ) above the AGV in a sample collected from the southeastern portion of the site. The detected PCE concentrations were below the minimum threshold for which the NYSDOH Decision Matrix recommends mitigation.
- Several VOCs were detected in each soil vapor sample. N-heptane, and n-hexane were detected at anomalously high concentrations in the eastern portion of the site, with maximum concentrations of  $51,200 \mu\text{g}/\text{m}^3$  and  $109,000 \mu\text{g}/\text{m}^3$ , respectively. Other petroleum-related VOCs, including benzene, toluene, ethyl benzene, and xylenes, were detected in samples collected throughout the site.

### Item 3 – Site Drawings

The following figures and tables summarize the detectable concentration of each contaminant by media type using the analytical results collected for the 2015 Phase II ESI and 2019 RI.

- Figure C-1A – Soil Sample Location and Analytical Results Map: VOCs
- Figure C-1B – Soil Sample Location and Analytical Results Map: SVOCs
- Figure C-1C – Soil Sample Location and Analytical Results Map: Inorganics
- Figure C-1D – Soil Sample Location and Analytical Results Map: Pesticides, Herbicides, PCBs, and PFAS
- Figure C-2 – Groundwater Sample Location and Analytical Results Map
- Figure C-3 – Soil Vapor Sample Location and Analytical Results Map

### Item 4 - Past Land Use

By 1891, the central portion of the site was occupied by four 2-story buildings, one 1-story building and one 6-story building used for cleaning shops operated by an iron works facility. The present 5-story commercial building was constructed in 1897 and was used for manufacturing (unspecified) in 1928. The building contained a wood flooring storage facility from 1935 to 1947 and an unspecified storage facility from 1951 to 2007.

The northern portion of the site was occupied by a 1-story containing a motor truck company in 1922, a manufacturing facility (unspecified) in 1928, and a lubrication oil storage facility between 1935 and 2007. The area formerly occupied by the 1-story building now contains a vacant lot covered with asphalt and gravel.

The southeastern portion of the site was occupied by a 2-story building used as a manufacturing facility (unspecified) in 1928 and a chemical laboratory from 1935 to 1947. The 2-story building

was demolished by 1984. A freight railway easement transected the site between 1935 and 1951.

The sole existing building on the site has a partial cellar and contains a vacant, former boxing gym on the ground floor and vacant areas elsewhere on the ground and upper floors.

# **TABLES**























**Table C1  
Brownfield Cleanup Application  
Soil Sample Analytical Results Summary**

**2413 Third Avenue  
Bronx, New York  
Langan Project No.: 170396002**

**Notes:**

1. Soil sample analytical results are compared to the New York State Department of Environmental Conservation (NYSDEC) Title 6 of the Official Compilation of New York Codes, Rules, and Regulations (NYCRR) Part 375 Unrestricted Use and Restricted Use Restricted-Residential Soil Cleanup Objectives (SCO) and to the 6 New York Codes, Rules and Regulations (NYCRR) Part 371.3 and 40 CFR 261 Subpart C and Table 1 of 40 CFR 261.24 - Environmental Protection Agency (EPA) Resource Conservation and Recovery Act (RCRA) Characteristics of Hazardous Waste.
2. Criterion comparisons for 3- & 4-methylphenol (m&p cresol) are provided for reference. Promulgated SCOs are for 3-methylphenol (m-cresol) and 4-methylphenol (p-cresol).
3. Only detected analytes are shown in the table.
4. Detected analytical results above Unrestricted Use SCOs are bolded.
5. Detected analytical results above Restricted Use Restricted-Residential SCOs are shaded.
6. Detected analytical results above RCRA Maximum Concentration of Contaminants for the Toxicity Characteristic are underlined.
7. Analytical results with reporting limits (RL) above the lowest applicable criteria are italicized.
8. Sample RISODUP01\_093019 is a duplicate sample of SB22\_0-2 and sample RISODUP02\_100319 is a duplicate sample of SB20\_0-2.
9. ~ = Regulatory limit for this analyte does not exist
10. bgs = below grade surface
11. mg/kg = milligrams per kilogram
12. mg/L = milligrams per liter
13. % = percent
14. NA = Not analyzed
15. ND = Not detected

**Qualifiers:**

- D = The concentration reported is a result of a diluted sample.  
I = The lower value for the two columns has been reported due to obvious interference.  
J = The analyte was detected above the Method Detection Limit (MDL), but below the RL; therefore, the result is an estimated concentration.  
P = The relative percent difference (RPD) between the results for the two columns exceeds the method-specified criteria.  
U = The analyte was analyzed for, but was not detected at a level greater than or equal to the RL; the value shown in the table is the RL.  
B = The analyte was found in the associated analysis batch blank.





**Table C2A**

**Groundwater Sample Analytical Results Summary**

**2413 Third Avenue  
Bronx, New York  
Langan Project No.: 170396002**

**Notes:**

1. Groundwater sample analytical results are compared to the New York State Department of Environmental Conservation (NYSDEC) Title 6 of the Official Compilation of New York Codes, Rules and Regulations (NYCRR) Part 703.5 and the NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Guidance Values for Class GA Water (herein collectively referenced as "NYSDEC SGVs").
2. Only detected analytes are shown in the table.
3. Detected analytical results above NYSDEC SGVs are bolded and shaded.
4. Analytical results with reporting limits (RL) above NYSDEC SGVs are italicized.
5. Sample RIGWDUP01\_100919 is a duplicate sample of MW24\_100919.
6. ~ = Regulatory limit for this analyte does not exist
7. µg/L = micrograms per liter
8. NA = Not analyzed
9. ND = Not detected

**Qualifiers:**

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

Table C2B

## Groundwater Sample Analytical Results Summary - Emerging Contaminants

2413 Third Avenue  
Bronx, New York  
Langan Project No.: 170396002

Location	USEPA Health Advisory for Emerging Contaminants	MW18 MW18_100919 19J0468-01 10/9/2019	MW19 MW19_100919 19J0468-02 10/9/2019	MW24 MW24_100919 19J0468-03 10/9/2019	MW24 RIGWDUP01_100919 19J0468-04 10/9/2019
<b>Semivolatile Organic Compounds (µg/L)</b>		ND	ND	ND	ND
<b>Per and Polyfluoroalkyl Substances (µg/L)</b>					
Perfluorobutanesulfonic Acid (PFBS)	~	0.0151	0.00609	0.00742	0.0071
Perfluorobutanoic acid (PFBA)	~	0.049	0.0165	0.00688	0.00668
Perfluoroheptanoic acid (PFHpA)	~	0.0419	0.00839	0.00475	0.00501
Perfluorohexanesulfonic Acid (PFHxS)	~	0.0261	0.00261	0.0039	0.00367
Perfluorohexanoic Acid (PFHxA)	~	0.0828	0.012	0.00563	0.00576
Perfluorononanoic Acid (PFNA)	~	0.00276	0.002	0.0079	0.00819
Perfluorooctanesulfonic acid (PFOS)	0.07	0.0542	0.016	<b>0.0753</b>	<b>0.0761</b>
Perfluorooctanoic Acid (PFOA)	0.07	0.0669	0.0297	0.0231	0.0227
Perfluoropentanoic Acid (PFPeA)	~	0.0858	0.0141	0.00779	0.0075
Total PFOA and PFOS	0.07	<b>0.121</b>	0.0457	<b>0.0984</b>	<b>0.0988</b>

**Notes:**

- Regulatory criteria do not exist for per- and polyfluoroalkyl substances (PFAS) and 1,4-Dioxane in New York State. Perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) are compared to the United States Environmental Protection Agency (USEPA) health advisory limit of 70 parts per trillion (ppt). 1,4-Dioxane is compared to the USEPA health
- Only detected analytes are shown in the table.
- Detected analytical results above the USEPA Health Advisory Limit are bolded and shaded.
- Analytical results with reporting limits (RL) above USEPA Health Advisory Limit are italicized.
- Sample RIGWDUP01\_100919 is a duplicate sample of MW24\_100919.
- ~ = Regulatory limit for this analyte does not exist
- µg/L = micrograms per liter
- ND = Not detected

**Qualifiers:**

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

**Groundwater Sample Analytical Results Summary - Emerging Contaminants**

**2413 Third Avenue  
Bronx, New York  
Langan Project No.: 170396002**

**Notes:**

1. Regulatory criteria do not exist for per- and polyfluoroalkyl substances (PFAS) and 1,4-Dioxane in New York State. Perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) are compared to the United States Environmental Protection Agency (USEPA) health advisory limit of 70 parts per trillion (ppt). 1,4-Dioxane is compared to the USEPA health advisory limit of 35 ppt.
2. Only detected analytes are shown in the table.
3. Detected analytical results above the USEPA Health Advisory Limit are bolded and shaded.
4. Analytical results with reporting limits (RL) above USEPA Health Advisory Limit are italicized.
5. Sample RIGWDUP01\_100919 is a duplicate sample of MW24\_100919.
6. ~ = Regulatory limit for this analyte does not exist
7. µg/L = micrograms per liter
8. ND = Not detected

**Qualifiers:**

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



**Table C3**  
**Soil Vapor Summary Report**  
**Soil Vapor Sample Analytical Results**

**2413 Third Avenue**  
**Bronx, New York**  
**Langan Project No.: 170396002**

**Notes:**

1. Soil vapor sample analytical results are compared to the minimum soil vapor concentrations recommending mitigation as set forth in the New York State Department of Health (NYSDOH) October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York Decision Matrices for Sub-Slab Vapor and Indoor Air and subsequent updates (2017).
2. Ambient air sample analytical results are shown for reference only.
3. Only detected analytes are shown in the table.
4. Detected analytical results above the minimum soil vapor concentrations recommending mitigation are bolded and shaded.
5. Analytical results with reporting limits (RL) above the minimum soil vapor concentrations recommending mitigation are italicized.
6. ~ = Regulatory limit for this analyte does not exist
7.  $\mu\text{g}/\text{m}^3$  = micrograms per cubic meter
8. AA = Ambient Air
9. SV = Soil Vapor

**Qualifiers:**

D = The concentration reported is a result of a diluted sample.

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

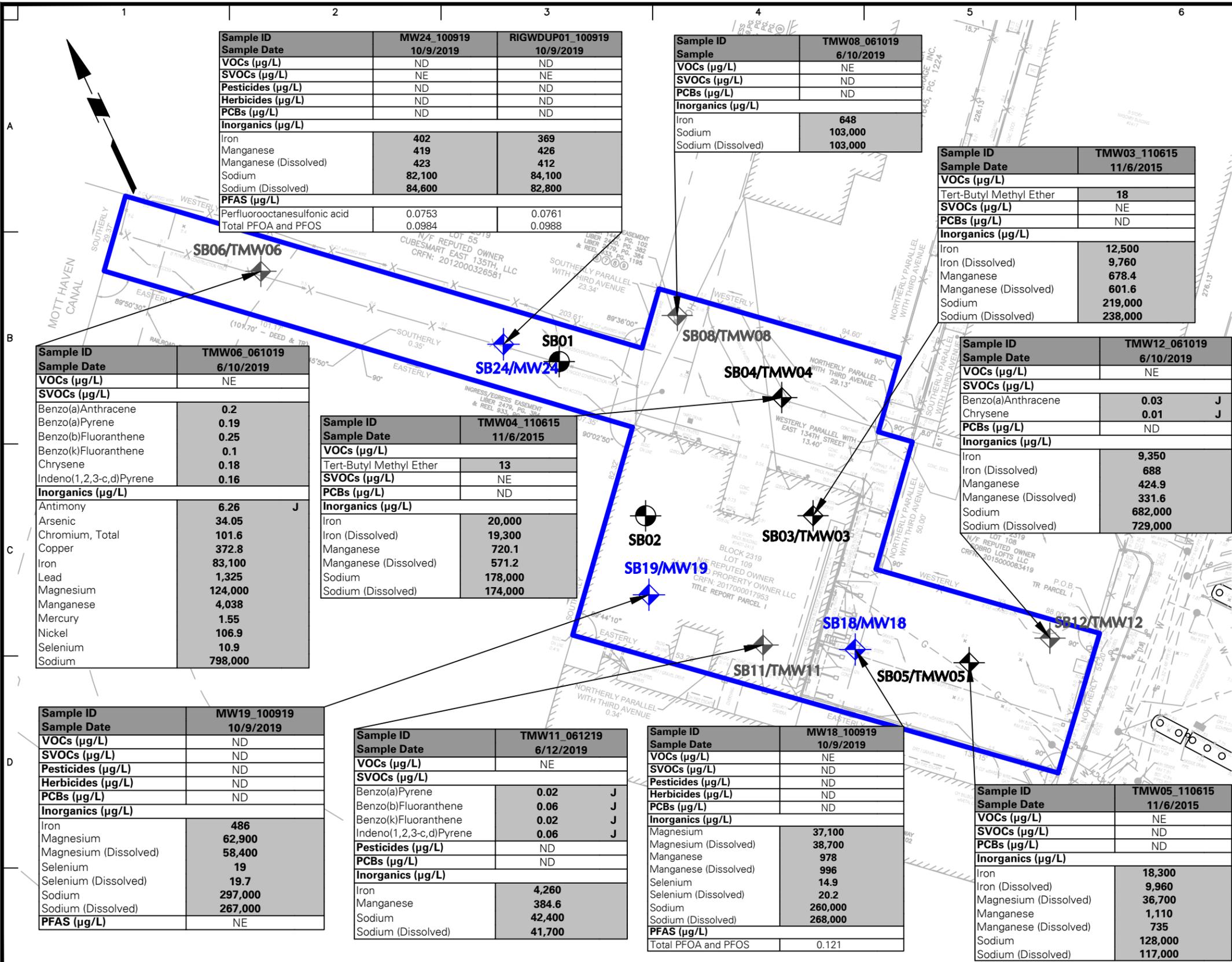
# FIGURES









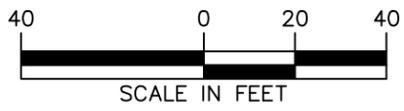


- GENERAL NOTES:**
- EXISTING INFORMATION TAKEN FROM TOPOGRAPHIC AND BOUNDARY SURVEY PREPARED BY GALLAS SURVEYING GROUP, DATED 8 AUGUST 2019.
  - ALL SAMPLE LOCATIONS ARE APPROXIMATE.
  - VOCs = VOLATILE ORGANIC COMPOUNDS
  - SVOCs = SEMIVOLATILE ORGANIC COMPOUND.
  - PCBs = POLYCHLORINATED BIPHENYLS
  - PFAS = PER- AND POLYFLUOROALKYL SUBSTANCES
  - PFOA = PERFLUOROCTANOIC ACID
  - PFOS = PERFLUOROOCTANESULFONIC ACID
  - µg/l = MICROGRAMS PER LITER
  - ND = NOT DETECTED
  - NE = DETECTED AT CONCENTRATION(S) NOT EXCEEDING SCOS
  - J = THE ANALYTE WAS DETECTED ABOVE THE METHOD DETECTION LIMIT (MDL), BUT BELOW THE REPORTING LIMIT (RL); THEREFORE, THE RESULT IS AN ESTIMATED CONCENTRATION.
  - GROUNDWATER SAMPLE ANALYTICAL RESULTS ARE COMPARED TO THE 6 NEW YORK CODES, RULES AND REGULATIONS (NYCRR) PART 703.5 WHICH ARE INCLUDED IN THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) TECHNICAL AND OPERATIONAL GUIDANCE SERIES (TOGS) AMBIENT WATER QUALITY STANDARDS AND GUIDANCE VALUES (SGVs) FOR CLASS GA WATERS (AS SHOWN IN THE TABLE BELOW).
  - REGULATORY CRITERIA DO NOT EXIST FOR PFAS AND 1,4-DIOXANE IN NEW YORK STATE.
  - NYSDEC TOGS STANDARD AND GUIDANCE VALUE EXCEEDANCES ARE SHADED AND IN BOLD.
  - ONLY EXCEEDANCES OF NYSDEC TOGS ARE SHOWN.

Analyte	CAS Number	NYSDEC SGVs
<b>VOCs (µg/L)</b>		
Tert-Butyl Methyl Ether	1634-04-4	10
<b>SVOCs (µg/L)</b>		
Benzo(a)Anthracene	56-55-3	0.002
Benzo(a)Pyrene	50-32-8	ND
Benzo(b)Fluoranthene	205-99-2	0.002
Benzo(k)Fluoranthene	207-08-9	0.002
Chrysene	218-01-9	0.002
Indeno(1,2,3-c,d)Pyrene	193-39-5	0.002
<b>Inorganics (µg/L)</b>		
Antimony	7440-36-0	3
Arsenic	7440-38-2	25
Chromium, Total	7440-47-3	50
Copper	7440-50-8	200
Iron	7439-89-6	300
Lead	7439-92-1	25
Magnesium	7439-95-4	35,000
Manganese	7439-96-5	300
Mercury	7439-97-6	0.7
Nickel	7440-02-0	100
Selenium	7782-49-2	10
Sodium	7440-23-5	20,000
<b>PFAS (µg/L)</b>		

- LEGEND:**
- APPROXIMATE SITE BOUNDARY
  - HISTORICAL CO-LOCATED BORING/TEMPORARY MONITORING WELL LOCATION
  - RI CO-LOCATED SOIL BORING/PERMANENT MONITORING WELL LOCATION

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



<p>Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C. 21 Penn Plaza, 360 West 31st Street, 8th Floor New York, NY 10001 T: 212.479.5400 F: 212.479.5444 www.langan.com</p>	<p>Project <b>2413 THIRD AVENUE</b> BLOCK No. 2319, LOT No. 109 BRONX NEW YORK</p>	<p>Figure Title <b>GROUNDWATER SAMPLE LOCATION AND ANALYTICAL RESULTS MAP</b></p>	<p>Project No. 170396001 Date 10/21/2019 Drawn By EMM Checked By SK</p>	<p>Figure No. <b>C-2</b> Sheet 2 of 3</p>
	<p>© 2019 Langan</p>			



# **ATTACHMENT D**

Section IV: Property Information

## **ATTACHMENT D**

### **SECTION IV: PROPERTY INFORMATION**

The Reference Point for the given latitude (40° 48' 31.1") and longitude (-73° 55' 53.2") is the approximate center of the site

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

Figure D-2 is a Site Location Map showing the location of the proposed brownfield site.

Figure D-3 provides a site base map that shows i) a distance of at least 1,000 feet around the proposed brownfield site; and ii) map scale, north arrow orientation, date, and location of the site with respect to adjacent streets and roadways.

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

Figure D-5 is a Digital Tax map from NYCDOF showing the delineation of surface water on the site.

#### **Item 10 Response**

##### **Location**

The 2413 Third Avenue site is about 24,700 square feet ( $\pm$ .57 acres) and occupies Block 2319, Lot 109 on the Bronx Borough Tax Map. The site is located west of the intersection of Third Avenue and Bruckner Boulevard and is bound by a self-storage facility to the north; two multiple-story light industrial and a commercial buildings and a dog park, and an access roadway to the northeast; Third Avenue and the Third Avenue Bridge overpass to the southeast; and a residential construction project to the west. Surrounding properties generally consist of light industrial, manufacturing, commercial, and retail buildings. The Harlem River is located about 150 feet west of the site. The site is located in a New York State Environmental Zone (En-Zone) and within the Port Morris Harlem Riverfront Brownfield Opportunity Area, which was granted by the New York State Department of State in 2015.

##### **Site Features**

The site consists of a 24,700-square-foot lot containing a five-story commercial building that was constructed in 1897 and a tenant parking lot. The western portion of the site contains a gravel-

graded rectangular extension that is overgrown with vegetation. The building has a partial cellar that contains mechanical equipment and a sump. The ground floor of the building contains a vacant, former boxing gym and the remainder of the ground and upper floors is vacant.

### **Current Zoning and Land Use**

According to the New York City Planning Commission (NYCPC) Zoning Map 6a, dated June 26, 2019, the site is located in an M1-3/R8 manufacturing district. The site is also located in the Special Harlem River Waterfront Zoning District, which supports the area's revitalization into a vibrant, mixed use, mixed-income neighborhood while retaining viable light industry.

### **Past Use of the Site**

By 1891, the central portion of the site was occupied by four 2-story buildings, one 1-story building and one 6-story building used for cleaning shops operated by an iron works facility. The present 6-story commercial building was constructed in 1897 and was used for unspecified manufacturing in 1928. The building contained a wood flooring storage facility from 1935 to 1947 and an unspecified storage facility from 1951 to 2007. The northern portion of the site was occupied by a 1-story building containing a motor truck company in 1922, a manufacturing facility (unspecified) in 1928, and a lubrication oil storage facility between 1935 and 2007. The area formerly occupied by the 1-story building is now a vacant lot covered with concrete and gravel.

The southeastern portion of the site was occupied by a 2-story building used as a manufacturing facility (unspecified) in 1928 and a chemical laboratory between 1935 and 1947. The 2-story building was demolished by 1984. A freight railway easement transected the site between 1935 and 1951.

The site has been under the ownership of RXR 2413 Third Owner LLC since March 2020.

### **Site Geology and Hydrogeology**

Based on the findings of Langan's Supplemental Subsurface Environmental Investigation (SESI), dated July 25, 2019, the general stratigraphy of the site consists of historic fill material extending to depths between 5 and 11 feet below grade surface (bgs). The fill material consists of brown fine sand with varying amounts of gravel, brick, coal, concrete, slag, and wood. Native soil observed beneath the fill layer consists of silty and clayey sand and clay with varying amounts of peat and shells. Bedrock was not encountered at depths of up to 20 feet bgs. Based on United States Geologic Survey engineering bedrock maps, bedrock beneath the site is estimated to be about 50 feet bgs.

Groundwater was encountered between about 7.0 and 8.5 feet bgs. Inferred groundwater flow is to the southwest towards the Harlem River. Based on proximity to the Harlem River estuary, groundwater elevations across the site may be subject to tidal fluctuations.

## **Environmental Assessment**

Based on previous investigations, the primary contaminants of concern include semivolatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs), and metals, including hazardous concentrations of lead, in soil, methyl tert-butyl ether (MTBE) in groundwater, and trichloroethene (TCE), n-heptane, and n-hexane in soil vapor. Soil sample results were compared to Title 6 of the Official Compilation of New York Codes, Rules, and Regulations (NYCRR) New York State Department of Environmental Conservation (NYSDEC) Part 375 Unrestricted Use (UU) Soil Cleanup Objectives (SCOs) and Restricted Use Restricted-Residential (RURR) SCOs. Groundwater sample results were compared to the NYSDEC Division of Water Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Guidance Values (SGVs) for Class GA groundwater for Class GA water. Soil vapor sample results were evaluated using the New York State Department of Health (NYSDOH) Guidance for Evaluating Soil Vapor Intrusion in New York State Soil Vapor/Indoor Air Decision Matrices, dated October 2006 and updated May 2017. The following is a summary of analytes that were detected above applicable standards or guidance values for each matrix:

### Soil

Nuisance conditions, including staining, petroleum-like odors, and/or photoionization detector (PID) readings above background concentrations, were observed at depths varying between 1.5 and 8 feet bgs in three soil borings located in exterior areas on the eastern and western portions of the site. PID readings above background were identified on the eastern portion of the site and were between about 1.1 ppm and 29 ppm.

Nine SVOCs, including 2-methylphenol (o-cresol) (maximum 35 milligrams per kilogram [mg/kg]), benzo(a)anthracene, (maximum 13.6 mg/kg), benzo(a)pyrene (maximum 13 mg/kg), benzo(b)fluoranthene (maximum 13 mg/kg), benzo(k)fluoranthene (maximum 11.2 mg/kg), chrysene (maximum 12.9 mg/kg), dibenz(a,h)anthracene (maximum 2.84 mg/kg), indeno(1,2,3-cd)pyrene (maximum 8.03 mg/kg), and phenol (maximum 9.5 mg/kg) were detected above the UU and/or RURR SCOs in soil samples collected between 0 and 8 feet bgs.

Four VOCs, including acetone (maximum of 0.27 mg/kg), benzene (0.12 mg/kg), cis-1,2-dichloroethene (0.72 mg/kg), and methyl ethyl ketone (2-butanone) (0.48 mg/kg), and seven pesticides, including 4,4'-DDD (maximum of 0.0739 mg/kg), 4',4'-DDE (maximum 0.0539 mg/kg), 4',4'-DDT (maximum 0.114 mg/kg), alpha BHC (alpha hexachlorocyclohexane) (0.0884 mg/kg),

beta BHC (0.142 mg/kg), dieldrin (0.00701 mg/kg), and gamma BHC (lindane) (0.113 mg/kg), were detected above the UU SCOs in samples collected from 0 to 8 feet bgs.

Twelve metals, including arsenic (maximum 19.9 mg/kg), barium (maximum 624 mg/kg), cadmium (maximum 7.14 mg/kg), hexavalent chromium (maximum 2.11 mg/kg), trivalent chromium (maximum 45 mg/kg), copper (maximum 422 mg/kg), lead (maximum 7,360 mg/kg), mercury (maximum 4.47 mg/kg), nickel (maximum 66 mg/kg), selenium (7.28 mg/kg), silver (maximum 15.3 mg/kg), and zinc (maximum 2,060 mg/kg), were detected above the UU and/or RURR SCOs in multiple samples. Based on toxicity characteristic leaching procedure (TCLP) analysis, one sample contained lead at a concentration of 74.1 mg/l, which exceeds the Resource Conservation and Recovery Act Characteristic Hazardous Waste limit.

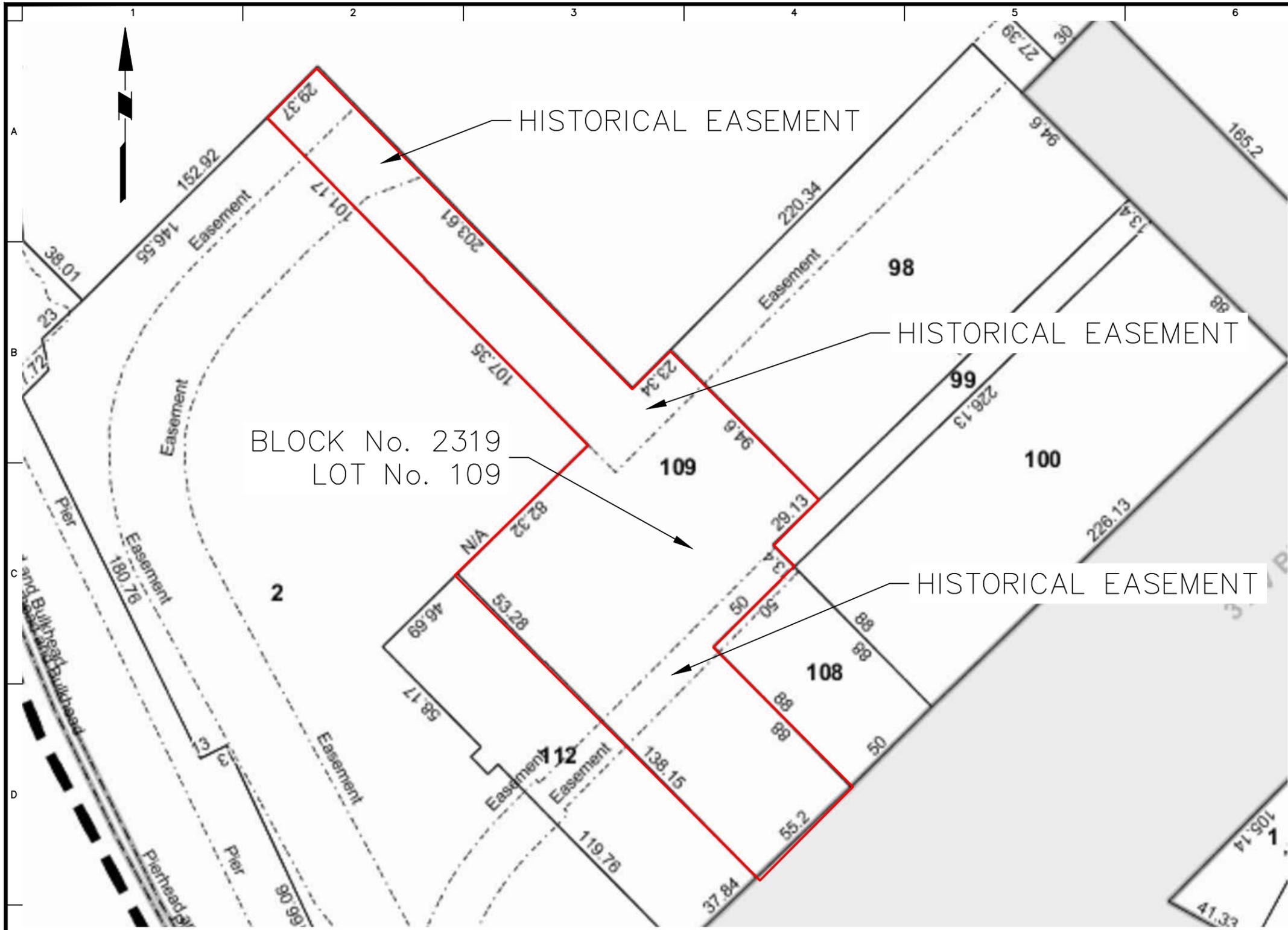
1,4-Dioxane was not detected in soil samples.

#### Groundwater

The gasoline-related VOC MTBE (maximum 18 micrograms per liter [ $\mu\text{g/l}$ ]) and six SVOCs, including benzo(a)anthracene (maximum 0.2  $\mu\text{g/l}$ ), benzo(a)pyrene (maximum 0.19  $\mu\text{g/l}$ ), benzo(b)fluoranthene (maximum 0.25  $\mu\text{g/l}$ ), benzo(k)fluoranthene (maximum 0.1  $\mu\text{g/l}$ ), chrysene (maximum 0.18  $\mu\text{g/l}$ ), and indeno(1,2,3-cd)pyrene (maximum 0.016  $\mu\text{g/l}$ ), were detected in groundwater samples across the site at concentrations exceeding the SGVs. Five dissolved metals, including iron (maximum 19,300  $\mu\text{g/l}$ ), magnesium (maximum of 58,400  $\mu\text{g/l}$ ), manganese (maximum of 996  $\mu\text{g/L}$ ), selenium (maximum of 20.2  $\mu\text{g/l}$ ), and sodium (maximum of 729,000  $\mu\text{g/l}$ ), were also detected at concentrations above the TOGS SGVs. 1,4-Dioxane was not detected in groundwater samples.

#### Soil Vapor

The NYSDOH Decision Matrices address the compounds 1,1-dichloroethene (1,1-DCE), 1,1,1-trichloroethane (1,1,1-TCA), cis-1,2-dichloroethene (cis-1,2-DCE), carbon tetrachloride, TCE, tetrachloroethylene (PCE), and vinyl chloride. Of the compounds addressed by the Decision Matrices, TCE (maximum of 85  $\mu\text{g/m}^3$ ) was detected in two vapor samples on the western portion of the site. Comparison of the TCE results to the applicable NYSDOH Decision Matrix corresponds with recommendations ranging from "no further action" to "mitigate". Methylene chloride (60.8  $\mu\text{g/m}^3$ ) was detected in a soil vapor sample collected from the southwestern portion of the site and corresponded with Decision Matrix recommendations ranging from "no further action" to "identify source and resample or mitigate". The petroleum-related VOCs n-heptane and n-hexane (51,200  $\mu\text{g/m}^3$  and 109,000  $\mu\text{g/m}^3$ ) were detected in two samples collected from the northwestern portion of the site at concentrations three orders of magnitude above those detected elsewhere on the site. Other petroleum-related VOCs, including benzene, toluene, ethyl benzene, and xylenes, were detected in samples collected throughout the site.

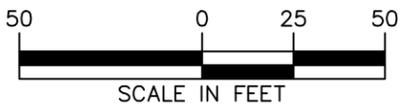


**LEGEND:**

	APPROXIMATE SITE BOUNDARY
	TAX BLOCK BOUNDARY
<b>50</b>	TAX BLOCK NUMBER
	TAX LOT BOUNDARY
<b>50</b>	TAX LOT NUMBER

- NOTES:**
1. BASEMAP ACCESSED FROM GIS.NYC.GOV/TAXMAP ON SEPTEMBER 06, 2019.
  2. NYCDEP = NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION

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



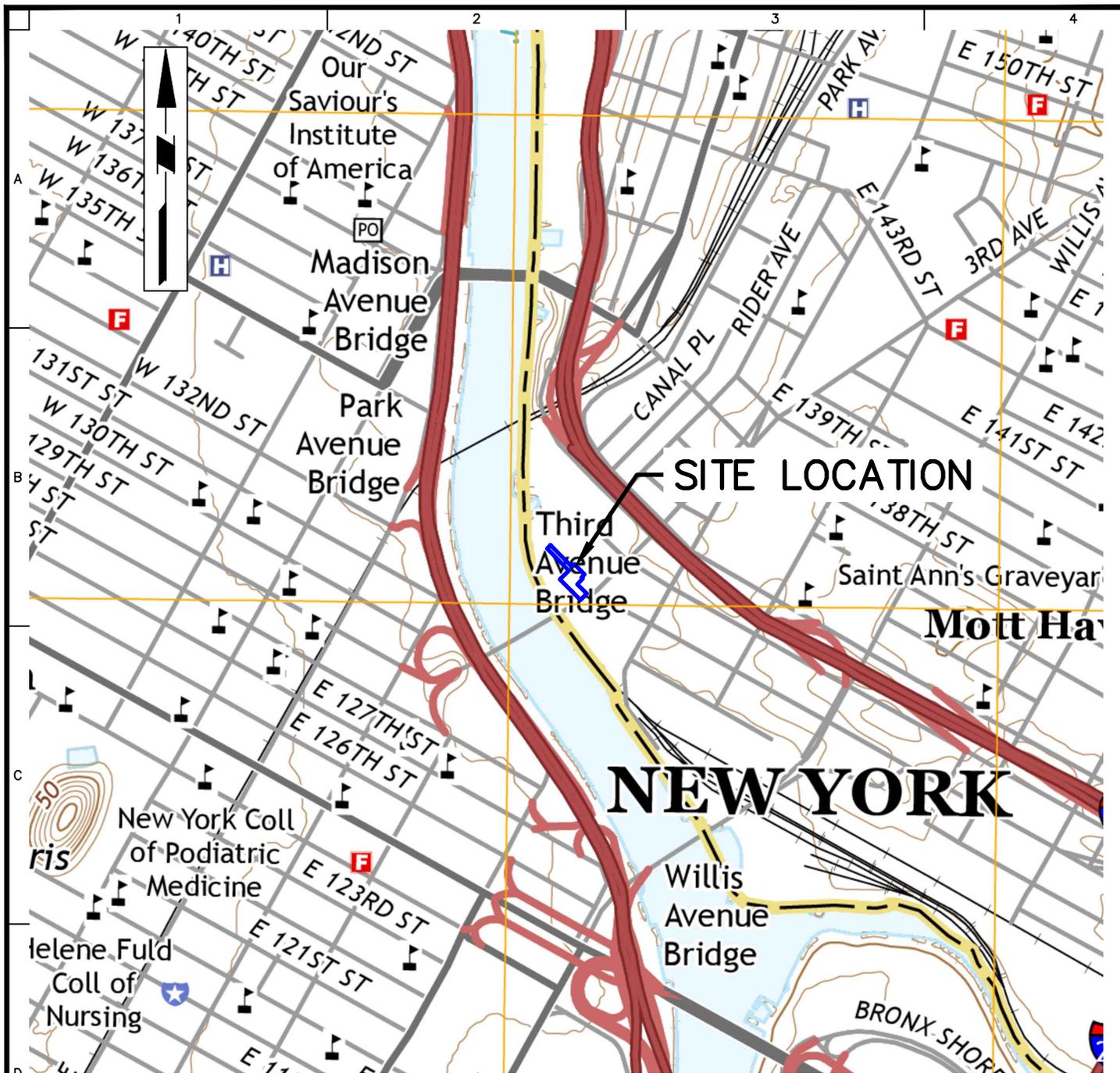
**LANGAN**  
 Langan Engineering, Environmental, Surveying,  
 Landscape Architecture and Geology, D.P.C.  
 21 Penn Plaza, 360 West 31st Street, 8th Floor  
 New York, NY 10001  
 T: 212.479.5400 F: 212.479.5444 www.langan.com

Project  
**2413 THIRD AVENUE**  
 BLOCK No. 2319, LOT No. 109  
 BRONX NEW YORK

Figure Title  
**TAX MAP**

Project No. 170384501
Date 9/6/2019
Drawn By CMA
Checked By KDC

Figure No. <b>D-1</b>
Sheet 1 of 5



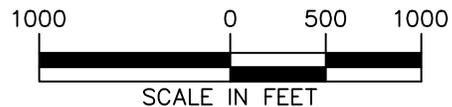
**LEGEND:**

 APPROXIMATE SITE BOUNDARY

**BASE MAP REFERENCE:**

UNITED STATES GEOLOGICAL SURVEY (USGS) 7.5-MINUTE CENTRAL PARK, N.Y.-N.J.  
TOPOGRAPHIC QUADRANGLE MAP, DATED 2013

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



**LANGAN**

Langan Engineering, Environmental, Surveying,  
Landscape Architecture and Geology, D.P.C.  
21 Penn Plaza, 360 West 31st Street, 8th Floor  
New York, NY 10001

T: 212.479.5400 F: 212.479.5444 www.langan.com

Project

**2413 THIRD AVENUE**

BLOCK No. 2319, LOT No. 109  
CITY

BRONX

NEW YORK

Figure Title

**SITE LOCATION  
MAP**

Project No.

170396001

Date

9/9/2019

Drawn By

CMA

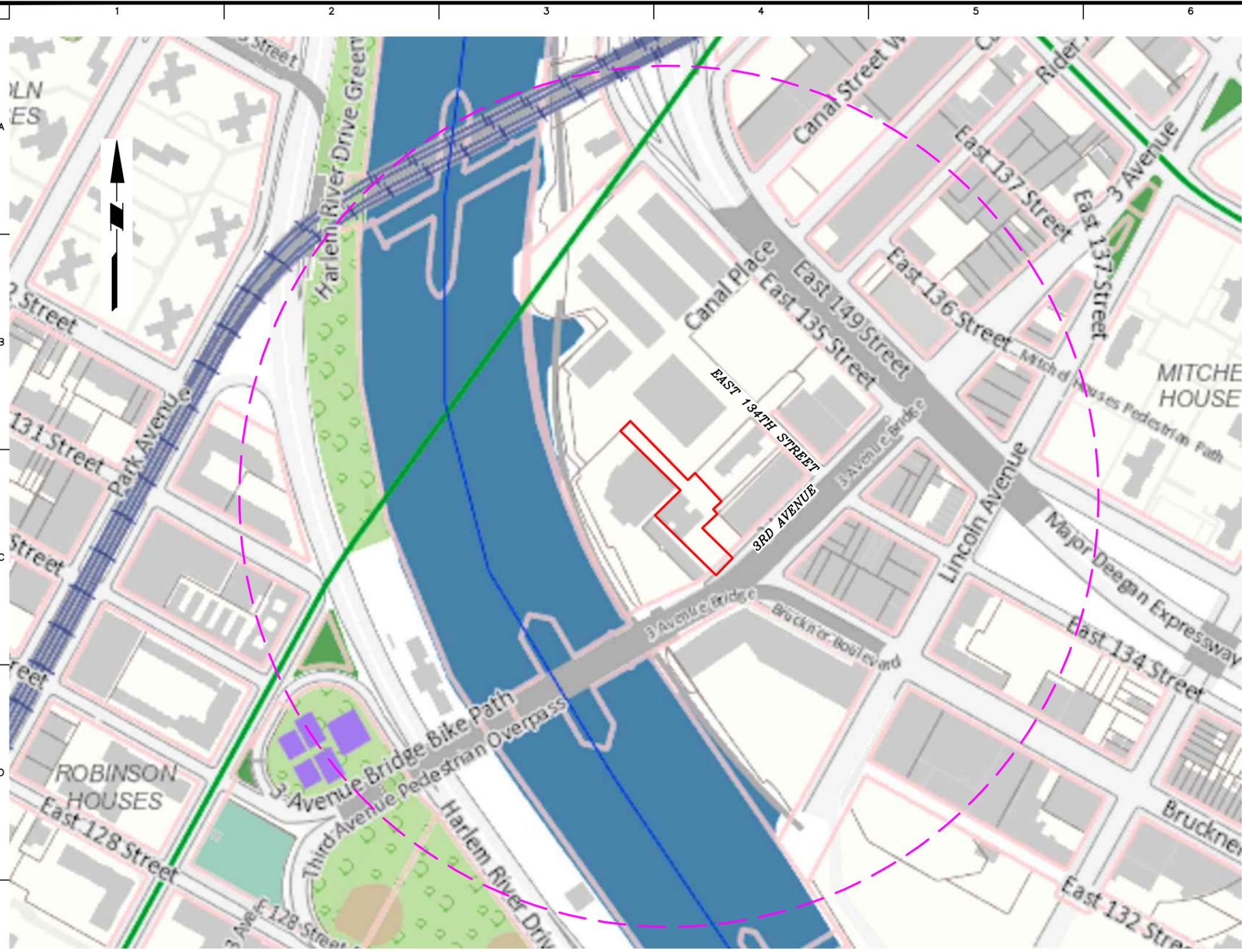
Checked By

KDC

Figure No.

**D-2**

Sheet 2 of 5



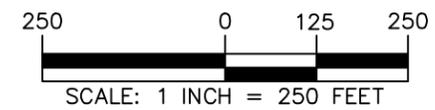
**LEGEND:**

- APPROXIMATE SITE BOUNDARY
- - - 1,000-FOOT RADIUS

**NOTES:**

1. BASEMAP ACCESSED FROM WWW.OASISNYC.NET/MAPS ON SEPTEMBER 07, 2019.

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



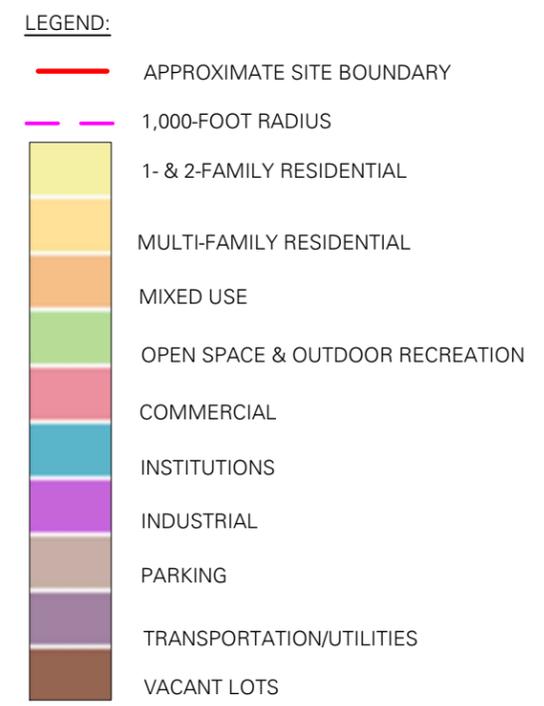
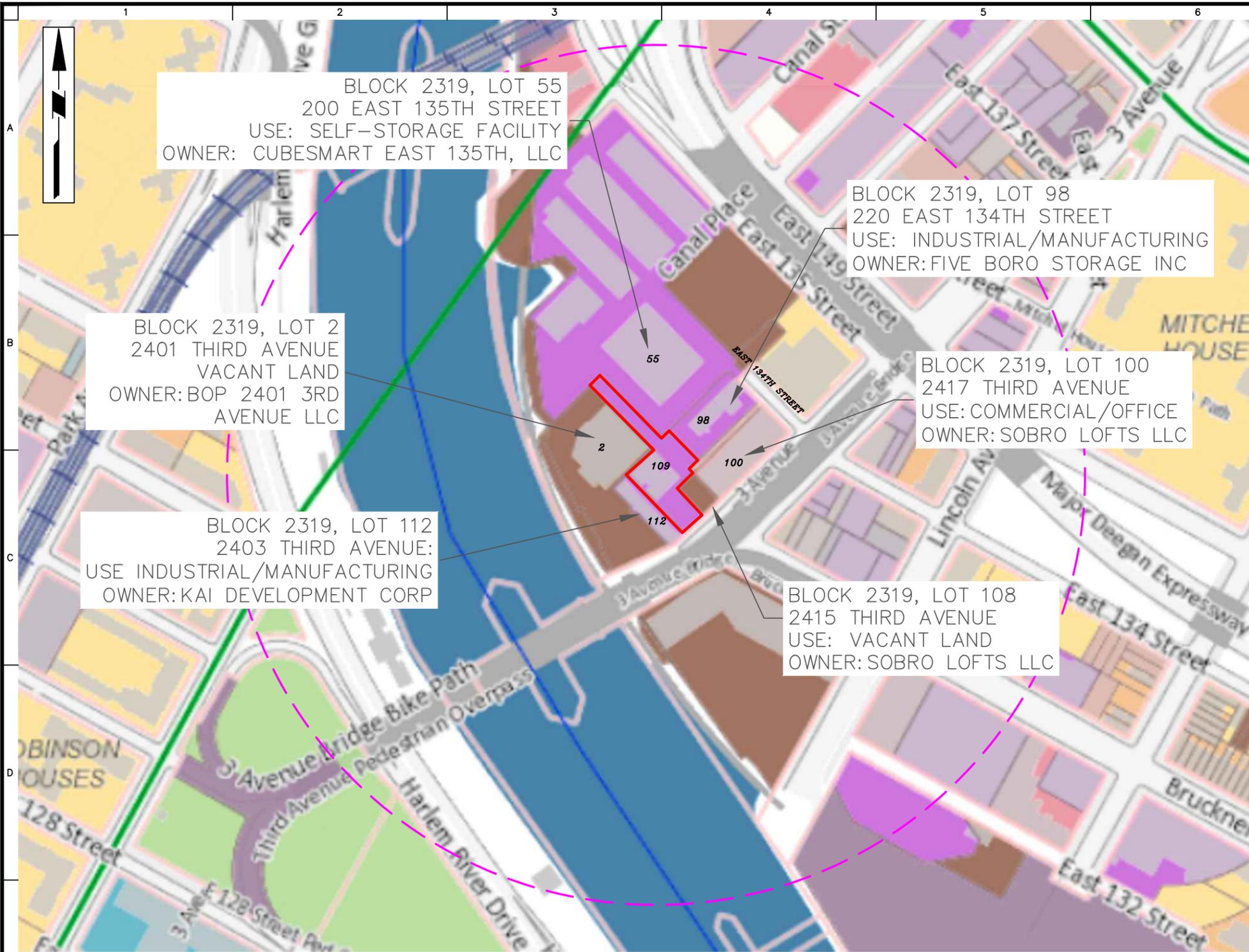
**LANGAN**  
 Langan Engineering, Environmental, Surveying,  
 Landscape Architecture and Geology, D.P.C.  
 21 Penn Plaza, 360 West 31st Street, 8th Floor  
 New York, NY 10001  
 T: 212.479.5400 F: 212.479.5444 www.langan.com

Project  
**2413 THIRD AVENUE**  
 BLOCK No. 2319, LOT No. 109  
 BRONX NEW YORK

Figure Title  
**SITE MAP WITH  
 1,000-FOOT  
 RADIUS**

Project No.  
170384501  
 Date  
9/9/2019  
 Drawn By  
CMA  
 Checked By  
KDC

Figure No.  
**D-3**  
 Sheet 3 of 5



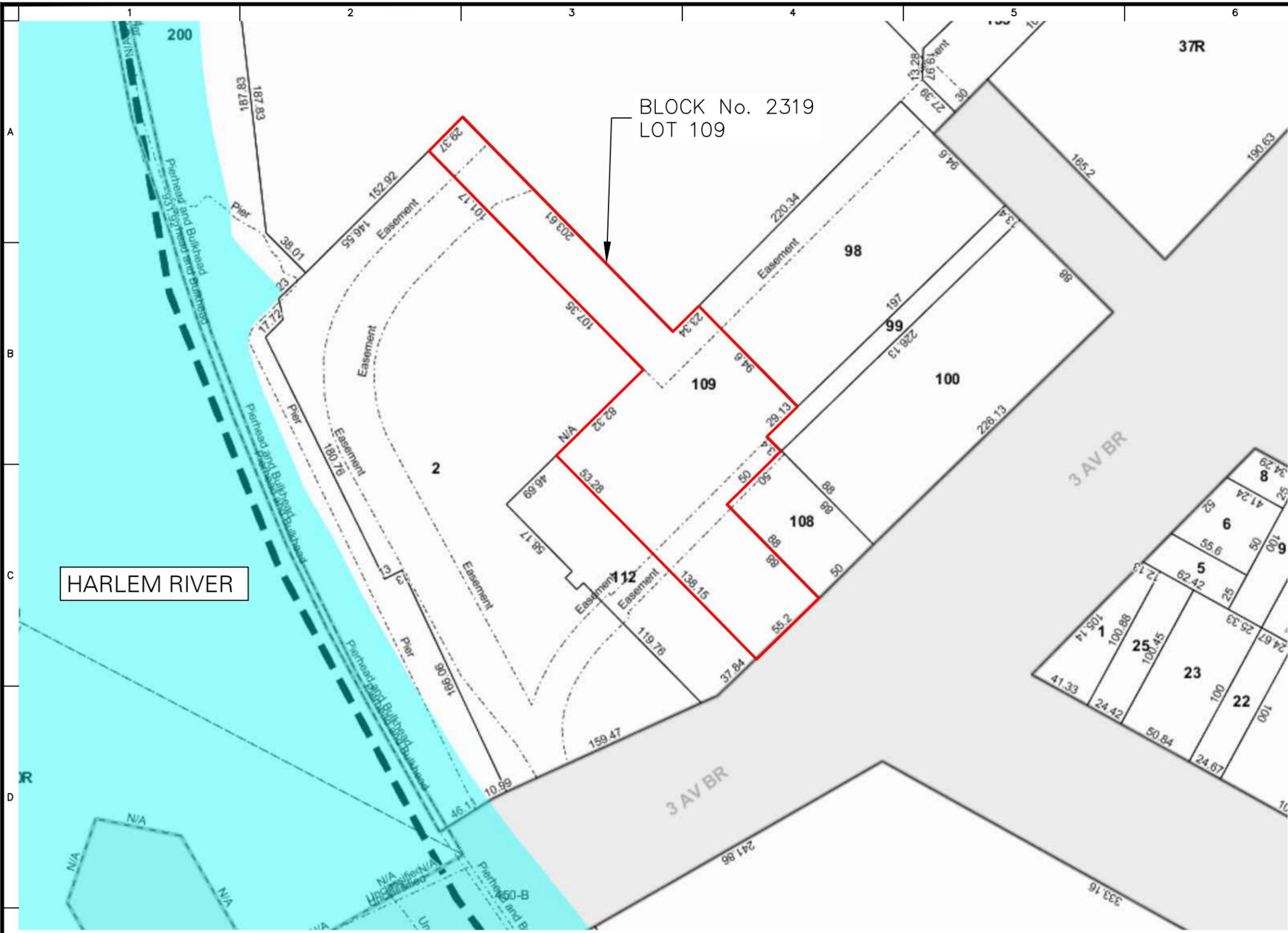
**NOTES:**

- BASEMAP ACCESSED FROM WWW.OASIS.NET/MAPS ON SEPTEMBER 09, 2019.

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



 <small>Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.          21 Penn Plaza, 360 West 31st Street, 8th Floor          New York, NY 10001          T: 212.479.5400 F: 212.479.5444 www.langan.com</small>	<b>Project</b> <b>2413 THIRD AVENUE</b> BLOCK No. 2319, LOT No. 109 BRONX NEW YORK	<b>Figure Title</b> <b>ADJOINING PROPERTY AND SURROUNDING LAND USE MAP</b>	<b>Project No.</b> 170384501 <b>Date</b> 9/9/2019 <b>Drawn By</b> CMA <b>Checked By</b> KDC	<b>Figure No.</b> <b>D-4</b> Sheet 4 of 5
	<small>© 2019 Langan</small>			



- LEGEND:**
- APPROXIMATE SITE BOUNDARY
  - APPROXIMATE EXTENT OF SURFACE WATER
  - TAX BLOCK BOUNDARY
  - 2319** TAX BLOCK NUMBER
  - TAX LOT BOUNDARY
  - 109** TAX LOT NUMBER

- NOTES:**
1. BASEMAP ACCESSED FROM MAPS.NYC.GOV/TAXMAP/MAP.HTM ON SEPTEMBER 9, 2019.

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

**LANGAN**  
 Langan Engineering, Environmental, Surveying,  
 Landscape Architecture and Geology, D.P.C.  
 21 Penn Plaza, 360 West 31st Street, 8th Floor  
 New York, NY 10001  
 T: 212.479.5400 F: 212.479.5444 www.langan.com

Project  
**2413 THIRD AVENUE**  
 BLOCK No. 2319, LOT No. 109  
 BRONX NEW YORK

Figure Title  
**DELINEATION OF SURFACE WATER**

Project No.  
170384501  
 Date  
9/9/2019  
 Drawn By  
CMA  
 Checked By  
KDC

Figure No.  
**D-5**  
 Sheet 5 of 5

# **ATTACHMENT E**

Section VI: Current Property Owner /  
Operator Information

---

**ATTACHMENT E**  
**SECTION VI: PRIOR OWNER AND OPERATOR INFORMATION**

**Site Owner**

The Requestor is the current owner of the site. The owner, RXR 2413 Third Owner LLC, and the contact person information is provided below:

Alexandra Escamilla  
RXR 2413 Third Owner LLC  
75 Rockefeller Plaza, Suite 1500  
New York, New York 10019  
(212) 715-6110

The Requestor qualifies as a Volunteer because their liability associated with the site solely arises as a result of acquisition. The Requestor does not have any affiliation with any responsible party.

**Site Operator**

Alexandra Escamilla  
RXR 2413 Third Owner LLC  
75 Rockefeller Plaza, Suite 1500  
New York, New York 10019  
(212) 715-6110

**Previous Site Owners**

Available ownership records prior to RXR 2413 Third Owner LLC were ascertained through the New York City Department of Finance Automated City Register Information System (ACRIS) website (<http://a863-acris.nyc.gov/DS/DocumentSearch/Index>) and are summarized in the following table.

<b>Block 2319, Lot 109</b>					
<b>Document Date</b>	<b>Document Type</b>	<b>First Party</b>	<b>Second Party</b>	<b>First Party Address and Phone Number</b>	<b>Relationship to Applicant</b>
9/28/2016	Deed	GLS Real Estate Co., LLC	2413 Third Property Owner LLC	2413 Third Avenue, Bronx, New York 10451 (347) 431-2839	None
6/17/1999	Deed	220 East Realty, Inc.	GLS Real Estate Co., LLC	258 Bruckner Boulevard, Bronx, New York 10454 Phone number not available	None
3/28/1996	Deed	Biltmore Equities, Inc.	220 East Realty, Inc.	103 College Road, Suffern, New York 10901 Phone number not available	None
7/25/1989	Deed	Sealed Air Corporation	Biltmore Equities, Inc.	220 East 134 <sup>th</sup> Street, Bronx, New York 10451 Phone number not available	None
7/20/1989	Deed	New York City Industrial Development Agency	Sealed Air Corporation	110 William Street, New York, New York 10038 Phone number not available	None
7/9/1987	Deed	Forty Seven-Eleven Associates	EOS Third Avenue Commercial Realty Associates	120 Greenwich Street New York, New York 10006 Phone number not available	None
12/15/1986	Deed	2417 Third Ave. Associates	Forty Seven-Eleven Associates	489 Fifth Avenue, New York, New York 10022 Phone number not available	None
2/10/1984	Deed	Gafcel Industries, Inc.	New York City Industrial Development Agency	220 East 134 <sup>th</sup> Street, Bronx, New York 10451 Phone number not available	None

10/12/1983	Deed	Van Dutch Products CP.	2417 Third Ave. Associates	2417 Third Avenue, Bronx, New York 10451 Phone number not available	None
10/12/1983	Deed	Dolvert Realty Co.	Van Dutch Products CP.	230 Park Avenue, New York, New York 10169 Phone number not available	None
10/14/1982	Deed	Gafcel Industries, Inc.	Dolvert Realty Co.	220 East 134 <sup>th</sup> Street, Bronx, New York 10451 Phone number not available	None
10/4/1982	Deed	MAE Joe Realty Corp., Inc.	Gafcel Industries, Inc.	294 East 137 <sup>th</sup> Street Bronx, New York 10454 Phone number not available	None

**Previous Site Operators**

<b>2413 Third Avenue</b>			
<b>Name</b>	<b>Relationship to Site</b>	<b>Address and Phone Number</b>	<b>Relationship to Applicant</b>
2413 Third Property Owner LLC	Operator (2016-2020)	2417 Third Avenue, Suite 409 c/o Somerset Partners LLC Bronx, NY 10451 (212) 825-1300	None
Bonsai Art Transport	Operator (2013)	2413 Third Avenue Bronx, NY 10451 Phone No. Unknown	None
Geiger Mount Making & Design	Operator (2008-2013)	2413 Third Avenue Bronx, NY 10451 Phone No. Unknown	None
JRA Restoration Corp.	Operator (2013)	2413 Third Avenue Bronx, NY 10451 Phone No. Unknown	None
Walter Louis Inc. Cigars	Operator (1971-1983)	2413 Third Avenue Bronx, NY 10451 Phone No. Unknown	None
Dennings Pt. Brick Works Inc.	Operator (1956)	2413 Third Avenue Bronx, NY 10451 Phone No. Unknown	None
Farley Truck Leasing Corp.	Operator (1956)	2413 Third Avenue Bronx, NY 10451 Phone No. Unknown	None

<b>2413 Third Avenue</b>			
<b>Name</b>	<b>Relationship to Site</b>	<b>Address and Phone Number</b>	<b>Relationship to Applicant</b>
General Builders Supply Corp.	Operator (1956)	2413 Third Avenue Bronx, NY 10451 Phone No. Unknown	None
EAB Yova	Operator (1956)	2413 Third Avenue Bronx, NY 10451 Phone No. Unknown	None
Victor Onet	Operator (1956)	2413 Third Avenue Bronx, NY 10451 Phone No. Unknown	None
Jos Philbrick	Operator (1956)	2413 Third Avenue Bronx, NY 10451 Phone No. Unknown	None
Benji Schiff, Atty.	Operator (1956)	2413 Third Avenue Bronx, NY 10451 Phone No. Unknown	None
Albert Siebert	Operator (1956)	2413 Third Avenue Bronx, NY 10451 Phone No. Unknown	None
South River Trucking Corp	Operator (1956)	2413 Third Avenue Bronx, NY 10451 Phone No. Unknown	None
Briten-All Floor Treatment Services	Operator (1949)	2413 Third Avenue Bronx, NY 10451 Phone No. Unknown	None
Vestal Inc. Chemical Specialties	Operator (1949)	2413 Third Avenue Bronx, NY 10451 Phone No. Unknown	None
Adacco Drugs	Operator (1927)	2413 Third Avenue Bronx, NY 10451 Phone No. Unknown	None
Allied Drug & Chemical Corp.	Operator (1927)	2413 Third Avenue Bronx, NY 10451 Phone No. Unknown	None
Caucasian Import & Trading Corp.	Operator (1927)	2413 Third Avenue Bronx, NY 10451 Phone No. Unknown	None
EB Entwisle (offices)	Operator (1927)	2413 Third Avenue Bronx, NY 10451 Phone No. Unknown	None
Kelley Island Lime & Transport Co.	Operator (1927)	2413 Third Avenue Bronx, NY 10451 Phone No. Unknown	None
Marny Use Oil Corp.	Operator (1927)	2413 Third Avenue Bronx, NY 10451 Phone No. Unknown	None
Alfred Van Horn	Operator (1927)	2413 Third Avenue Bronx, NY 10451 Phone No. Unknown	None

---

<b>2413 Third Avenue</b>			
<b>Name</b>	<b>Relationship to Site</b>	<b>Address and Phone Number</b>	<b>Relationship to Applicant</b>
Velogen Inc.	Operator (1927)	2413 Third Avenue Bronx, NY 10451 Phone No. Unknown	None

# **ATTACHMENT F**

Section VII: Requestor Eligibility Information

## **ATTACHMENT F**

### **SECTION VII: REQUESTOR ELIGIBILITY INFORMATION**

The Requestor seeks to enter the BCP as a Volunteer. Under ECL § 27-1405(1)(b) and 6 NYCRR § 375-3.2(c)(2), a Volunteer is defined as an applicant other than a participant, including without limitation a person whose liability arises solely as a result of such person's ownership or operation of or involvement with the site subsequent to the disposal or discharge of contaminants, provided however, such person exercises appropriate care with respect to contamination found at the facility by taking reasonable steps to: (i) stop any continuing release; (ii) prevent any threatened future release; and (iii) prevent or limit human, environmental, or natural resource exposure to any previously released contamination.

Under the planned cleanup, documented impacts at the site require remediation under Title 6 of the New York Codes, Rules and Regulations (6 NYCRR) Part 375, including soil impacted with: volatile organic compounds (VOCs), metals (including hazardous waste), pesticides, polychlorinated biphenyls (PCBs), and semivolatile organic compounds (SVOCs). Petroleum-related and chlorinated solvent impacts were identified in soil vapor samples. Cost burdens will be associated with the removal and or/treatment, handling, and disposal of contaminated and hazardous soil and administrative and engineering fees associated with regulatory agency coordination.

The Requestor is the current site owner.

# **ATTACHMENT G**

Section IX: Contact List Information

## **ATTACHMENT G**

### **SECTION IX: CONTACT LIST INFORMATION**

#### **Item 1 – Chief Executive and Planning Board**

##### Chief Executive Officer

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

##### New York City Planning Commission

Marisa Lago, Chair  
Department of City Planning  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

##### Borough of the Bronx, Borough President

Ruben Diaz, Jr.  
851 Grand Concourse, 3<sup>rd</sup> Floor  
Bronx, New York 10451

##### Borough of the Bronx, Planning and Development

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

#### **Item 2 – Residents, Owners, and Occupants of the Property and Properties Adjacent to the Property**

The property is owned and operated by RXR 2413 Third Owner LLC. The ground floor of the building contains a vacant boxing gym and the remainder of the ground and upper floors are vacant. The owner of the site is as follows:

RXR 2413 Third Owner LLC (owner)  
75 Rockefeller Plaza, Suite 1500  
New York, New York 10019  
(212) 715-6110

Owners and occupants of adjoining properties include the following:

200 East 135<sup>th</sup> Street (Block 2319, Lot 55)  
Self-storage facility

**Owner: Cubesmart East 135<sup>th</sup>, LLC**  
**26 West 17<sup>th</sup> Street, Suite 801**  
**New York, New York 10011**

198 East 135<sup>th</sup> Street (Block 2319, Lot 160)  
Under construction for mixed-use redevelopment

**Owner: Deegan 135 Realty, LLC**  
**199 Lee Avenue, PMB 103**  
**Brooklyn, New York 11211**

220 East 134<sup>th</sup> Street (Block 2319, Lot 98)  
Six-story industrial/manufacturing building

**Owner: Five Boro Storage Inc**  
**16-134 173<sup>rd</sup> Street, Apt. 1**  
**Fresh Meadows, New York 11365**

2415 3<sup>rd</sup> Avenue (Block 2319, Lot 108)  
Vacant Land

**Owner: SoBro Lofts LLC**  
**430 Park Avenue, 12<sup>th</sup> Floor**  
**New York, New York 10022**

2417 3<sup>rd</sup> Avenue (Block 2319, Lot 100)  
Eight-story light industrial/office building

**Owner: SoBro Lofts LLC**  
**430 Park Avenue, 12<sup>th</sup> Floor**  
**New York, New York 10022**

2403 Third Avenue (Block 2319, Lot 112)  
Five-story industrial/manufacturing building

**Owner: Kai Development Corp**  
**232 W. 58<sup>th</sup> Street**  
**New York, New York 10019**

2401 Third Avenue (Block 2319, Lot 2)  
Vacant Land

**Owner: BOP 2401 Third Avenue LLC**  
**C/O Brookfield Properties**  
**250 Vesey Street, 25<sup>th</sup> Floor**  
**New York, New York 10281**

East 134<sup>th</sup> Street (address unspecified) (Block 2319, Lot 19)  
Dog Park

**Owner: 2413 Third Property Owner LLC  
c/o Somerset Partners LLC  
2417 Third Avenue, Suite 409  
Bronx, New York 10451**

**Item 3 – Local News Media**

Bronx Times  
3604 East Tremont Avenue  
Bronx, New York 10456

Bronx Free Press  
5030 Broadway, Suite 801  
New York, New York 10034

**Item 4 – Public Water Supply**

**The public water supplier which services the area in which the property is located:**

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

NYCDEP

Vincent Sapienza, Commissioner  
59-17 Junction Boulevard  
Flushing, New York 11373

New York City Municipal Water Finance Authority

255 Greenwich Street, 6<sup>th</sup> Floor  
New York, New York 10007

New York City Water Board

Department of Environmental Protection  
59-17 Junction Boulevard, 8<sup>th</sup> Floor  
Flushing, New York 11373

**Item 5 – Request for Contact**

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

**Item 6 – Nearby Schools and Day Care Facilities**

There are no schools or day care facilities located on the site. The following are schools or day care facilities located within ½ mile of the site:

Borger High School (approximately 0.2 miles east of the site)  
Matt Ammerman, Principal  
2511 3rd Avenue  
Bronx, New York 10451  
1-806-273-1029 ext.701

South Bronx Classical Charter School II (approximately 0.3 miles southeast of the site)  
Leena Gyftopoulos, Director  
333 East 135th Street  
Bronx, New York 10454  
(718) 292-9526

P.S. 154 Jonathan D. Hyatt (approximately 0.3 miles southeast of the site)  
Alison Coviello, Principal  
333 E 135th Street #4301  
Bronx, New York 10454  
(718) 292-4742

Bronx Academy of Letters (approximately 0.5 miles northeast of the site)  
Erin Garry, Principal  
339 Morris Avenue  
Bronx, New York 10451  
(718) 585-2100

Family Life Academy Charter School II (approximately 0.5 miles southeast of the site)  
Kathy Ortiz, Principal  
296 E 140th Street  
Bronx, New York 10454  
(718) 665-2805

P.S. 49 (approximately 0.5 miles southeast of the site)  
Frank Hernandez, Principal  
383 E 139th Street  
Bronx, New York 10454  
(718) 292-4623

**Item 7 – Document Repository**

Mott Haven Library  
Jeanine Thomas, Library Manager  
321 East 140th Street  
Bronx, New York 10454  
Phone: (718) 665-4878  
[jeaninethomas@nypl.org](mailto:jeaninethomas@nypl.org)

Bronx Community Board 1  
Cedric L. Loftin, District Manager  
3024 Third Avenue  
Bronx, New York 10455  
Phone: (718) 585-7117  
[Brxcb1@optonline.net](mailto:Brxcb1@optonline.net)

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

March 11, 2020

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

**RE:      Brownfield Cleanup Program Application**  
**RXR 2413 Third Property Owner LLC**  
**Site Name: 2413 Third Avenue**  
**Site Address: 2413 Third Avenue, Bronx, NY 11101**

Dear Mr. Loftin,

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

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



---

Stuart Knoop, P.G.  
Senior Project Manager

Yes, the Bronx Community Board 1 office is willing and able to act as a public repository on behalf of RXR Third Property Owner LLC in their cleanup of 2413 Third Avenue under the NYSDEC BCP.

Cedric L. LOFTIN

(Name)

DISTR MGR

(Title)

Cedric L. Loftin

(Signature)

3/19/20

(Date)

March 11, 2020

Jeanine Thomas, Library Manager  
Mott Haven Library  
321 East 140th Street  
Bronx, NY 10454

**RE: Brownfield Cleanup Program Application  
RXR 2413 Third Property Owner LLC  
Site Name: 2413 Third Avenue  
Site Address: 2413 Third Avenue, Bronx, NY 11101**

Dear Ms. Thomas,

We represent 2413 Third Property Owner LLC in their anticipated New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) application for the site located at the above-referenced address. It is a NYSDEC requirement that we supply them a letter certifying that the local library is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. Please sign below and return if you are able to certify that your library would be willing and able to act as the temporary public repository for this BCP project.

Sincerely,

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



Stuart Knoop, P.G.  
Senior Project Manager

Yes, the Mott Haven Library is willing and able to act as a public repository on behalf of RXR 2413 Third Property Owner LLC in their cleanup of 2413 Third Avenue under the NYSDEC BCP.

Jeanine y. Thomas  
(Name)

Library Manager  
(Title)

[Signature]  
(Signature)

3-12-20  
(Date)

**ATTACHMENT H**  
Section X: Land Use Factors

## **ATTACHMENT H**

### **SECTION X: LAND USE FACTORS**

#### **Item 1 Response**

##### **Site Zoning Status**

According to the New York City Planning Commission (NYCPC) Zoning Map 6a, dated June 26, 2019, the site is located in an M1-3/R8 manufacturing/residential district. The site is also located in the Special Harlem River Waterfront Zoning District and the Port Morris Harlem Riverfront Brownfield Opportunity Area (BOA), which was granted by the New York State Department of State in 2015. The designations support the area's revitalization into a vibrant, mixed use, mixed-income neighborhood while retaining viable light industry. The BOA status acknowledges the priority that New York State has placed on incentivizing brownfield revitalization in the South Bronx. The surrounding parcels are located in manufacturing zoning districts.

#### **Item 2 Response**

##### **Current Use**

The site consists of a 24,700-square-foot lot containing a five-story commercial building that was constructed in 1897, a tenant parking lot, and an asphalt-paved vacant lot. The western portion of the site contains a gravel-graded rectangular extension that is overgrown with vegetation. The building has a partial cellar that contains mechanical equipment and a sump. The ground floor of the building contains a vacant boxing gym and the remainder of the ground and upper floors are vacant.

Former occupants of the site included an iron foundry (1891-1908), a motor truck company (1922), a drug and chemical corporation (1927), an oil company (1927), unspecified manufacturing facilities (1928), a floor treatment service (1949), a chemical laboratory (1935-1949), a wood storage facility (1935-1947), commercial storage (1951–2007), and a lubrication oil storage facility (1935-2007). A freight railway easement transected the site between 1935 and 1951.

Historical releases of petroleum products, solvents, PCBs, or other hazardous substances associated with historical oil and chemical storage have impacted soil, groundwater, and/or soil vapor. Historical freight railway operations are also associated with potential PCB, pesticide, and petroleum impacts. These historical industrial operations may be the source of petroleum-like odors, vapors, and staining and elevated concentrations of PCBs and hazardous lead concentrations in soil, gasoline-related compounds in groundwater, and petroleum and chlorinated compounds in soil vapor.

### **Item 3 Response**

#### **Post-Remediation Use**

The proposed redevelopment project is still in the early planning stages and is subject to change. The proposed development will include demolition of the existing commercial building and construction of a 26-story residential building. The building will include affordable and market-rate rental units and will occupy a footprint of about 18,000 square feet. A full cellar will extend to a depth of about 16 feet below surface grade and will include parking, storage, and mechanical areas. The ground floor will also include parking and a lobby, and the 2<sup>nd</sup> floor will contain amenity spaces. Residential units will occupy the 2<sup>nd</sup> through 26<sup>th</sup> floors. A narrow area west of the building will be developed at grade for one level of parking.

### **Item 4 Response**

#### **Historical/Current Development**

Historical development of the area has been characterized primarily by light industrial and commercial uses. The redevelopment project will constitute a change in site use from traditionally historical manufacturing to residential. The creation of the Special Harlem River Waterfront Zoning District promoted the redevelopment of surrounding properties into residential and mixed-use buildings, with the intent to develop a waterfront neighborhood in the South Bronx. The project will support community growth by providing affordable housing opportunities and meeting flood resiliency needs. Redevelopment of the site under the Brownfield Cleanup Program also aligns with the intent of the Port Morris Harlem Riverfront BOA, which is to facilitate community engagement in the environmental cleanup and revitalization of predominantly commercial and industrial areas in the South Bronx.

### **Item 5 Response**

#### **Applicable Zoning Laws/Maps**

The proposed development site is located within an M1-3/R8 manufacturing/residential district and will be developed as-of-right. Pursuant to the New York City Department of City Planning approved 2017 Special Harlem River Waterfront District Expansion, the site has been assigned an “E” Designation. Accordingly, the New York City Mayor’s Office of Environmental Remediation (OER) must approve work plans describing procedures for attainment of noise attenuation and hazardous materials requirements before New York City Department of Buildings permits will be issued. OER will defer to NYSDEC’s BCP review process for approvals related to hazardous materials.

## **Item 6 Response**

### **Comprehensive Plans**

The proposed use is consistent with community visions for a revitalized Harlem River waterfront, as presented in the New York City Department of City Planning approved 2017 Special Harlem River Waterfront District Expansion and the 2015 Port Morris Harlem River Waterfront BOA Nomination Report. The special purpose district seeks to provide residential and pedestrian amenities, including waterfront access, to the formerly industrial south Bronx Harlem River waterfront, and the BOA facilitates community engagement in the environmental cleanup and revitalization of predominantly commercial and industrial areas. By addressing residual PCB-, metals-, and petroleum-related impacts associated with the commercial and industrial history of the site and in conjunction creating a desirable residential setting, the proposed cleanup and site development are consistent with the goals of the Special District and BOA.