

Site Control Section
Attn: Ms. Lexy Servis
New York State Department of Environmental Conservation
Bureau of Technical Support
625 Broadway , 11th Floor
Albany, New York 12233-7020

Re: Revised Brownfield Cleanup Application
Park Lane Senior BCP# C203138

Dear Ms. Servis:

Roux Environmental Engineering and Geology D.P.C. (Roux) is responding on behalf of the Requestor, PL SARA LLC to the Letter of Incomplete Application dated June 3, 2020 for the Park Lane Senior BCP Application. The comments provided in the letter have all been addressed in the revised Brownfields Cleanup Program (BCP) application submittal (see enclosure).

Based upon a phone conversation with Jane O' Connell and Nigel Crawford of the NYSDEC on June 5, 2020 regarding comments 1 through 4 of the NYSDEC Project Manager Comments on Section III and Environmental Assessment on page four of the NYSDEC Comment letter, we understand the investigation of groundwater and soil vapor will not be required prior to entry into the BCP. We understand these comments were not directed at the BCP Application status, but were meant to inform the Remedial Investigation process of the Site once the Site is entered into the BCP.

Furthermore, all media will be investigated as summarized in Roux's Draft Remedial Investigation Work Plan (RIWP) submitted to the NYSDEC on May 18, 2020. We believe the Draft RIWP provides details regarding the in-depth investigation of the full suite of contaminants for all media following acceptance into the BCP. The RIWP includes the sitewide sampling and analysis of soil, groundwater, and soil vapor, as mentioned in comments 1, 2, and 4. Emerging Contaminants (i.e., PFAS and 1,4-Dioxane) will also be sampled in both soil and groundwater.

In response to comment 3 on page four of the letter, Appendix C-1 within the BCP Application was revised to include tabular data for easier comparison of the available soil data to the Soil Cleanup Objectives (SCOs) and Appendix D Environmental Assessment was revised to include a narrative detailing the nature and extent of contamination. Soil data was compared to the Unrestricted Use SCOs, Restricted Residential SCOs and the Protection of Groundwater SCOs, given the proposed site redevelopment plan to provide senior affordable housing.

Sincerely,

ROUX ENVIRONMENTAL ENGINEERING AND GEOLOGY, D.P.C.



Frank Cherena, P.G.
Principal Geologist

Attachments

cc: G. Burke, NYSDEC, Director, Remedial Bureau B - gerard.burke@dec.ny.gov
N. Crawford, NYSDEC, Project Manager, Region 2 - nigel.crawford@dec.ny.gov
J. O'Connell, NYSDEC, RHWRE, Region 2 - jane.oconnell@dec.ny.gov
P. Foster, NYSDEC, Regional Attorney, Region 2 - patrick.foster@dec.ny.gov
A. Levine, NYSDEC, Project Attorney - Aldie.Levine@dec.ny.gov
K. Lewandowski, NYSDEC, Chief Site Control Section - kelly.lewandowski@dec.ny.gov
J. Siegel, PL SARA LLC - j.siegel@dvln.com
M. Bogin, Sive, Paget & Riesel PC - mbogin@sprlaw.com



Brownfield Cleanup Program Application

Park Lane Senior
Block 3672 Lot 30
Bronx, New York

June 15, 2020

Prepared for:

PL SARA LLC

70 East 55th Street, 7th Floor
New York, New York 10176

Prepared by:

**Roux Environmental Engineering
and Geology, D.P.C.**

209 Shafter Street
Islandia, New York 11749



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

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

☐ Yes

☒ No

If yes, provide existing site number: _____

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

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #:

NAME PL SARA LLC

ADDRESS 70 East 55th Street, 7th Floor

CITY/TOWN New York

ZIP CODE 10022

PHONE 212 527 9903

FAX

E-MAIL j.siegel@dvl.nyc.gov

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

☒ Yes ☐ No

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

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

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

Section II. Project Description **Appendix B**

1. What stage is the project starting at? ☒ Investigation ☐ Remediation

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

2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): ☐ Yes ☐ No **Not Applicable**

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

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

Section III. Property's Environmental History Appendix C

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (***please submit the information requested in this section in electronic format only***):

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). **Please submit a separate electronic copy of each report in Portable Document Format (PDF).**

2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum			
Chlorinated Solvents			
Other VOCs			
SVOCs	X		
Metals	X		
Pesticides	X		
PCBs			
Other*			

*Please describe: _____

3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING: Plate 1

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

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

☒ Yes ☐ No

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

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

Other: Historic fill and it is unclear if potential dumping occurred prior to Site development.

Section IV. Property Information - See Instructions for Further Guidance Appendix D

PROPOSED SITE NAME Park Lane Senior

ADDRESS/LOCATION 1940 Turnbull Avenue

CITY/TOWN Bronx

ZIP CODE 10473

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):

New York City

COUNTY Bronx

SITE SIZE (ACRES) 0.3

LATITUDE (degrees/minutes/seconds)

40 ° 49 ' 22.13 "

LONGITUDE (degrees/minutes/seconds)

73 ° 51 ' 27.93 "

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

Parcel Address

Section No.

Block No.

Lot No.

Acreage

1940 Turnbull Avenue

2

3672

30

0.30

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

(application will not be processed without map)

3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)?

(See [DEC's website](#) for more information)Yes ☐ No ☒

If yes, identify census tract : _____

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

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

5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? ☐ Yes ☒ No6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? ☐ Yes ☒ No

If yes, attach relevant supporting documentation.

7. Are there any lands under water?

☐ Yes ☒ No

If yes, these lands should be clearly delineated on the site map.

Section IV. Property Information (continued)

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

Easement/Right-of-way Holder

Description

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information) **None**

Type

Issuing Agency

Description

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

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

☒ Yes ☐ No

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

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

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

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

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

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

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

Initials of each Requestor: JS _____

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

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Joshua Siegel			
ADDRESS 70 East 55th Street, 7th Fl			
CITY/TOWN New York		ZIP CODE 10022	
PHONE 212 527 9903	FAX	E-MAIL j.siegel@dvl.n.com	
NAME OF REQUESTOR'S CONSULTANT Roux Environmental Engineering and Geology, D.P.C			
ADDRESS 209 Shafter Street			
CITY/TOWN Islandia		ZIP CODE 11749	
PHONE 631-232-2600	FAX	E-MAIL fcherena@rouxinc.com	
NAME OF REQUESTOR'S ATTORNEY Michael Bogin			
ADDRESS 460 Park Avenue, 10th Floor			
CITY/TOWN New York		ZIP CODE 10022	
PHONE 646-378-7210	FAX	E-MAIL mbogin@sprlaw.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor Appendix E			
CURRENT OWNER'S NAME PL Preservation LLC		OWNERSHIP START DATE: May 2019	
ADDRESS 70 East 55th Street, 7th Fl			
CITY/TOWN New York		ZIP CODE 10022	
PHONE 212 527 9903	FAX	E-MAIL j.siegel@dvl.n.com	
CURRENT OPERATOR'S NAME PL Preservation LLC			
ADDRESS 70 East 55th Street, 7th Fl			
CITY/TOWN New York		ZIP CODE 10022	
PHONE 212 527 9903	FAX	E-MAIL j.siegel@dvl.n.com	
PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".			
IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.			
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

Section VII. Requestor Eligibility Information (continued)

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

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

☐ PARTICIPANT

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

☒ VOLUNTEER **Appendix F**

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

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

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

Section VII. Requestor Eligibility Information (continued) Appendix G

Requestor Relationship to Property (check one):

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

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

☒ Yes ☐ No

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

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

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

Section IX. Contact List Information Appendix H

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

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

Section X. Land Use Factors Appendix I

1. What is the current municipal zoning designation for the site? R8 with C2-4 overlay

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

☒ Residential ☒ Commercial ☐ Industrial

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

2. Current Use: ☒ Residential ☐ Commercial ☐ Industrial ☐ Vacant ☐ Recreational (check all that apply) Parking Lot since the 1970's

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

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

If residential, does it qualify as single family housing?

☐ Yes ☒ No

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

☒ Yes ☐ No

Yes. The recent development patterns in the Bronx and surrounding NYC area have included the development of underutilized sites to provide affordable housing including affordable senior housing.

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

☒ Yes ☐ No

Yes. The proposed use as senior affordable housing is consistent with the current property zoning. The building will be 14 floors which is also consistent with the allowable development height for the building. An Environmental Assessment Statement (EAS) was finalized for the redevelopment in 2017 which describes in more detail how the proposed use is consistent with the applicable zoning laws (CEQR# 17DCP172X, ULURP #s 170392 ZMX & N 170393).

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

Yes. As referenced in the EAS, the proposed use for the development for senior affordable housing is part of an initiative by the New York City Housing Authority and New York City Department of Housing Preservation and Development to create additional, much-needed affordable housing on vacant and underutilized portions of existing public housing complexes.

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 *DEC-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 _____ VP (title) of PL SARA 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 *DEC-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: 5.5.2020

Signature: _____

Print Name: Joshua Siegel

SUBMITTAL INFORMATION:

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

FOR DEC USE ONLY

BCP SITE T&A CODE: _____ LEAD OFFICE: _____

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

BCP App Rev 10

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

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

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

☐ Project is an Affordable Housing Project - Regulatory Agreement Attached;

☒ Project is Planned as Affordable Housing, But Agreement is Not Yet Available*

(*Checking this box will result in a “pending” status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.); **Affordable Housing Regulatory Agreement to be provided in the future.**

☐ 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: Park Lane Senior
City: Bronx

Site Address: 1940 Turnbull Avenue
County: Bronx **Zip:** 10473

Tax Block & Lot
Section (if applicable): 2 **Block:** 3672 **Lot:** 30

Requestor Name: PL SARA LLC
City: New York

Requestor Address: 70 East 55th Street, 7th Floor
Zip: 10022 **Email:** j.siegel@dvlh.com

Requestor's Representative (for billing purposes)

Name: Joshua Siegel
City: New York

Address: 70 East 55th Street, 7th Fl
Zip: 10022

Email: j.siegel@dvlh.com

Requestor's Attorney

Name: Michael Bogin
City: New York

Address: 460 Park Avenue, 10th Floor
Zip: 10022

Email: mbogin@sprlaw.com

Requestor's Consultant

Name: Roux Environmental Engineering and Geology, D.P.C
City: Islandia

Address: 209 Shafter Street
Zip: 11749

Email: fcherena@rouxinc.com

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

DER Determination: ☐ Agree ☐ Disagree

Requestor's Requested Status: ☒ Volunteer ☐ Participant

DER/OGC Determination: ☐ Agree ☐ Disagree
Notes:

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

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

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

Does Requestor Claim Property is Underutilized: ☐ Yes ☒ No

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

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

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

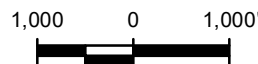
Brownfield Cleanup Program Application
Park Lane Senior, Bronx, New York

FIGURES

1. Site Location Map
2. Tax Map
3. Site Survey
4. Existing Conditions
5. Surrounding Land Usage



QUADRANGLE LOCATION



Title:

SITE LOCATION MAP

1940 TURNBULL AVE
BRONX, NY

Prepared for:

PL SARA LLC



Compiled by: K.S.

Date: 04/22/20

FIGURE

Prepared by: J.R.

Scale: AS SHOWN

Project Mgr: K.S.

Project: 3475.0001Y000

File: 3475.0001Y105.1.mxd

1

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LEGEND

LOT BOUNDARY

PROPOSED BCP SITE BOUNDARY

NOTES

1. NEW YORK CITY DEPARTMENT OF INFORMATION AND TECHNOLOGY



Title:

TAX MAP
1940 TURNBULL AVENUE
BRONX, NEW YORK

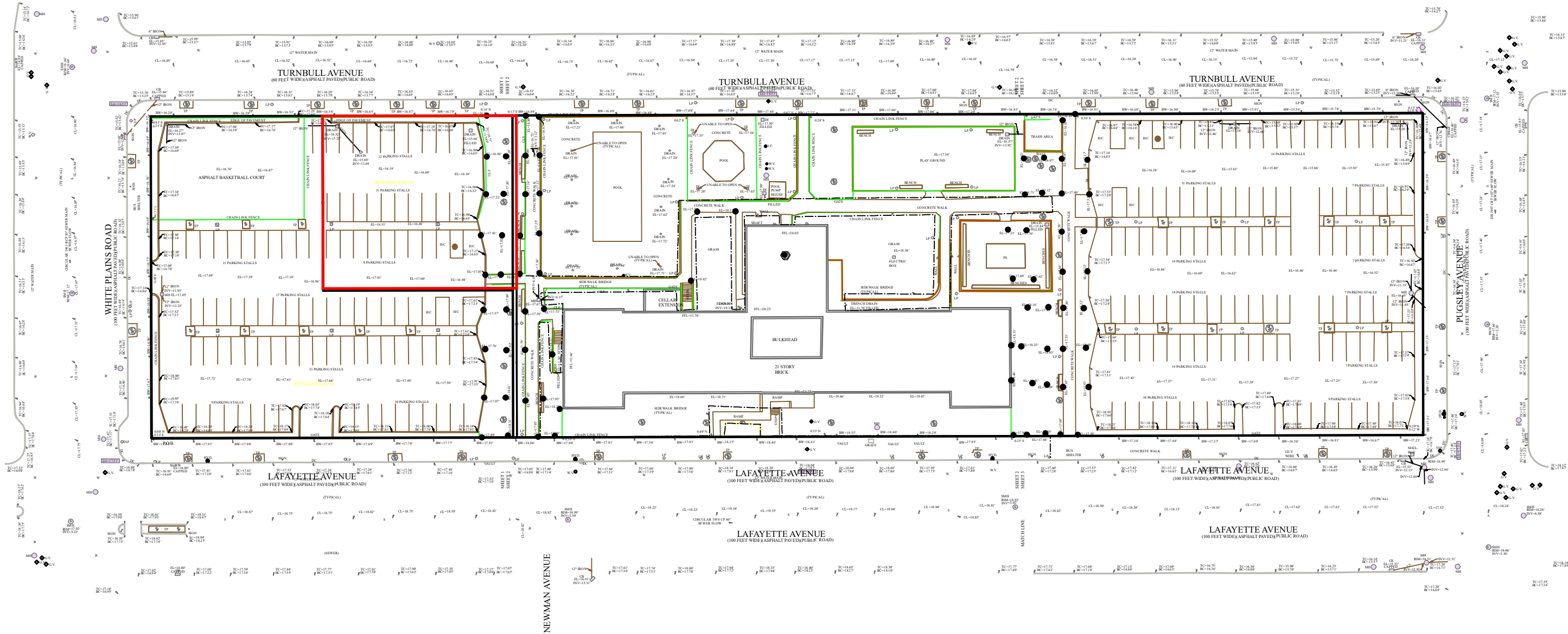
Prepared for:

PL SARA LLC

Compiled by: K.S.	Date: 04/22/20
Prepared by: J.R.	Scale: AS SHOWN
Project Mgr: K.S.	Project: 3475.0001Y000
File: 3475.0001Y105.2.mxd	

FIGURE

2



LEGEND

LOT BOUNDARY

PROPOSED BCP SITE BOUNDARY

NOTE
1. SURVEY PROVIDED BY FEHRINGER SURVEYING, P.C.



Title:

SITE SURVEY

Prepared for:

PL SARA LLC

Compiled by: K.S.	Date: 04/22/20	FIGURE 3
Prepared by: J.R.	Scale: AS SHOWN	
Project Mgr: K.S.	Project: 3475.0001Y000	
File: 3475.0001Y105.3.mxd		

V:\GIS\PROJECTS\3475\0001Y\105\3475-0001Y105.4.MXD



LEGEND

LOT BOUNDARY

PROPOSED BCP SITE BOUNDARY



Title:

EXISTING CONDITIONS

1940 TURNBULL AVENUE
BRONX, NEW YORK

Prepared for:

PL SARA LLC

ROUX

Compiled by: K.S.	Date: 04/22/20
Prepared by: J.R.	Scale: AS SHOWN
Project Mgr: K.S.	Project: 3475.0001Y000
File: 3475.0001Y105.4.mxd	

FIGURE
4

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LEGEND

- LOT BOUNDARY
- PROPOSED BCP SITE BOUNDARY
- ONE & TWO FAMILY BUILDINGS
- MULTI-FAMILY WALK-UP BUILDINGS
- MULTI-FAMILY ELEVATOR BUILDINGS
- MIXED RESIDENTIAL & COMMERCIAL BUILDINGS
- COMMERCIAL & OFFICE BUILDINGS
- PUBLIC FACILITIES & INSTITUTIONS
- VACANT LAND

NOTE
1. NEW YORK CITY DEPARTMENT OF INFORMATION AND TECHNOLOGY



Title:

SURROUNDING LAND USE

1940 TURNBULL AVENUE
BRONX, NEW YORK

Prepared for:

PL SARA LLC

Compiled by: K.S.	Date: 04/22/20
Prepared by: J.R.	Scale: AS SHOWN
Project Mgr: K.S.	Project: 3475.0001Y000
File: 3475.0001Y105.5.mxd	

FIGURE
5

Brownfield Cleanup Program Application
Park Lane Senior, Bronx, New York

PLATE

Summary of Soil Exceedances



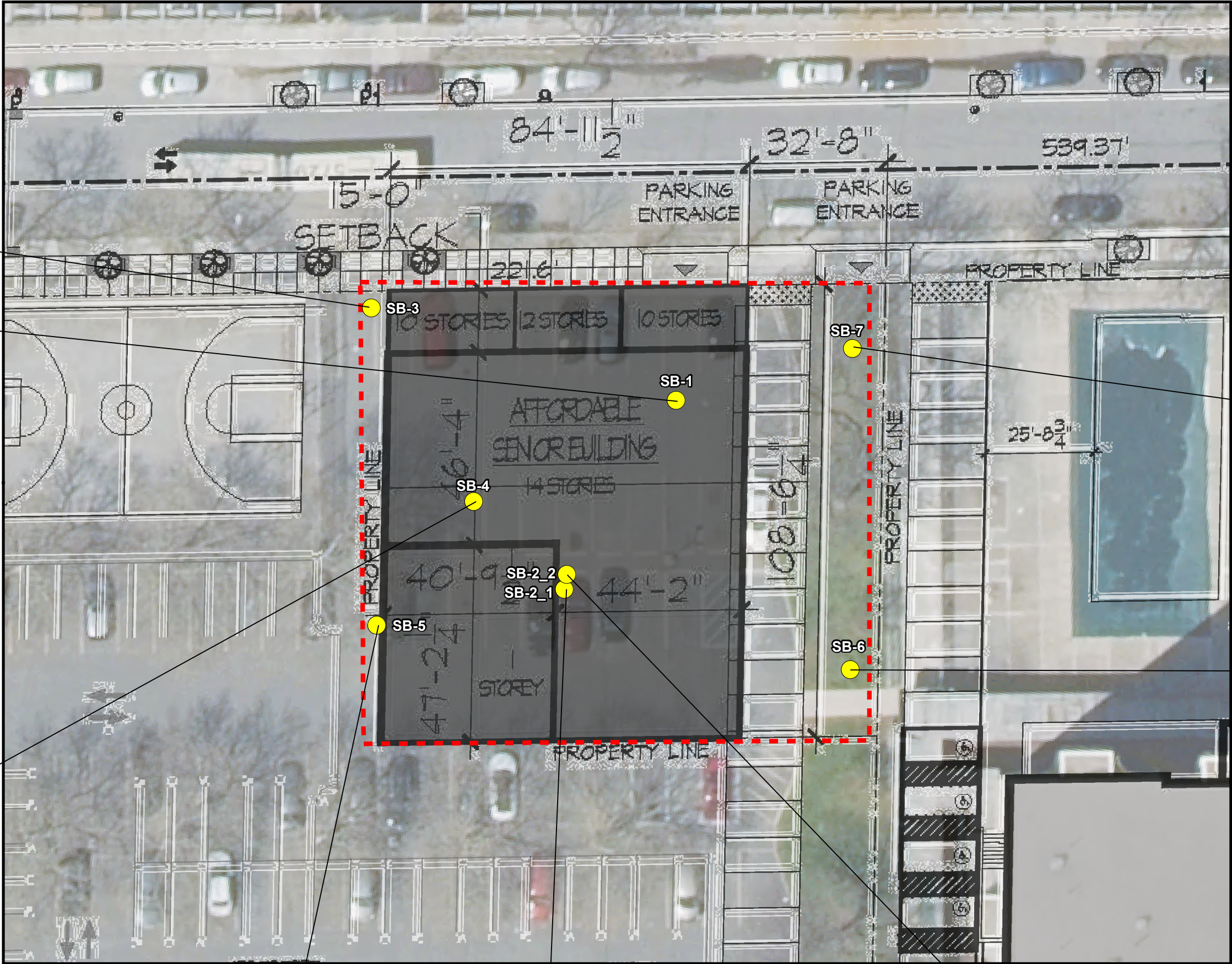
LEGEND

- LOCATION OF SOIL BORING
- PROPOSED SENIOR HOUSING DEVELOPMENT TAX LOT

SB-3		
Depth (ft bls)	0 - 2	02/04/2020 13 - 15
VOCs		
Acetone	NE	0.082
SVOCs		
Benzo(A)Anthracene	2.57 D	NE
Benzo(A)Pyrene	2.65 D	NE
Benzo(B)Fluoranthene	2.62 D	NE
Benzo(K)Fluoranthene	2.34 D	NE
Chrysene	2.63 D	NE
Dibenz(A,H)Anthracene	0.812 D	NE
Indeno(1,2,3-C,D)Pyrene	1.68 D	0.613 D
Metals		
Copper	60.7	81.1
Lead	1220	242
Mercury	0.7	NE
Nickel	31.9	NE
Zinc	853	354

SB-1		
Depth (ft bls)	0 - 2	02/04/2020 11 - 13
VOCs		
Acetone	NE	0.062
SVOCs		
3- And 4- Methylphenol (Total)	NE	0.665 D
Benzo(A)Anthracene	NE	45.5 D
Benzo(A)Pyrene	NE	50 D
Benzo(B)Fluoranthene	NE	47.9 D
Benzo(K)Fluoranthene	NE	38.3 D
Chrysene	NE	44.7 D
Dibenz(A,H)Anthracene	NE	12.8 D
Fluoranthene	NE	112 D
Indeno(1,2,3-C,D)Pyrene	NE	29.2 D
Metals		
Arsenic	NE	74.4
Barium	NE	2810
Cadmium	NE	6.39
Chromium, Total	NE	43.1
Copper	NE	347
Lead	292	11100
Mercury	1.79	2.34
Nickel	NE	139
Zinc	301	7250 D
Pesticides		
P,P'-DDD	NE	0.00689 D
P,P'-DDE	0.0461 D	0.0123 D
P,P'-DDT	0.0332 D	0.0249 D

SB-4		
Depth (ft bls)	0 - 2	02/04/2020 13 - 15
VOCs		
Acetone	NE	0.092
SVOCs		
Indeno(1,2,3-C,D)Pyrene	0.617 D	NE
Metals		
Barium	422	NE
Copper	NE	116
Lead	711	215
Mercury	0.498	0.736
Selenium	NE	10.4
Zinc	280	409



SB-5		
Depth (ft bls)	0 - 2	02/05/2020 13 - 15
VOCs		
Acetone	NE	0.07
SVOCs		
Benzo(A)Anthracene	1.26 D	NE
Benzo(A)Pyrene	1.4 D	NE
Benzo(B)Fluoranthene	1.34 D	NE
Benzo(K)Fluoranthene	1.13 D	NE
Chrysene	1.29 D	NE
Indeno(1,2,3-C,D)Pyrene	1.26 D	NE
Metals		
Barium	NE	939
Cadmium	NE	3.63
Copper	NE	87.6
Lead	335	263
Mercury	0.535	0.252
Zinc	221	747

SB-2_1		
Depth (ft bls)	0 - 2	02/05/2020
VOCs		
Benzo(A)Anthracene	3.72 D	NE
Benzo(A)Pyrene	3.27 D	NE
Benzo(B)Fluoranthene	3.25 D	NE
Benzo(K)Fluoranthene	2.63 D	NE
Chrysene	3.16 D	NE
Dibenz(A,H)Anthracene	0.528 D	NE
Indeno(1,2,3-C,D)Pyrene	2.8 D	NE
METALS		
Lead	457	NE
Mercury	0.22	NE
Zinc	349	NE

SB-2_2		
Depth (ft bls)	0 - 2	02/05/2020 13 - 15
VOCs		
Acetone	NE	0.13
SVOCs		
Benzo(A)Anthracene	1.3 D	NE
Benzo(A)Pyrene	1.35 D	NE
Benzo(B)Fluoranthene	1.22 D	NE
Benzo(K)Fluoranthene	0.976 D	NE
Chrysene	1.23 D	NE
Indeno(1,2,3-C,D)Pyrene	1.26 D	NE
METALS		
Barium	477	NE
Chromium, Total	75.1	NE
Lead	442	NE
Mercury	0.221	2.38
Nickel	33.1	NE
Zinc	327	NE
PEST		
P,P'-DDT	0.0131 D	NE

SB-7		
Depth (ft bls)	0 - 2	02/05/2020 13 - 15
VOCs		
Acetone	NE	0.055
SVOCs		
Acenaphthene	NE	21.3 D
Benzo(A)Anthracene	2.08 D	108 D
Benzo(A)Pyrene	2.05 D	110 D
Benzo(B)Fluoranthene	1.94 D	95.3 D
Benzo(K)Fluoranthene	1.41 D	83 D
Chrysene	1.91 D	96.8 D
Dibenz(A,H)Anthracene	0.443 D	19 D
Dibenzofuran	NE	10.1 D
Fluorene	NE	165 DE
Indeno(1,2,3-C,D)Pyrene	1.88 D	92.9 D
Phenanthrene	NE	138 DE
Pyrene	NE	165 DE
Metals		
Arsenic	16.7	NE
Barium	641	NE
Copper	135	106
Lead	395	233
Mercury	0.63	NE
Selenium	NE	7.08
Zinc	571	402
Pesticides		
P,P'-DDD	0.00554 D	NE
P,P'-DDE	0.0367 D	0.00668 D
P,P'-DDT	0.0691 D	NE

SB-6		
Depth (ft bls)	0 - 2	02/05/2020 12 - 14
VOCs		
Acetone	NE	0.071
SVOCs		
Benzo(A)Anthracene	1.17 D	NE
Benzo(A)Pyrene	1.08 D	NE
Chrysene	1.09 D	NE
Indeno(1,2,3-C,D)Pyrene	1.02 D	NE
Metals		
Arsenic	NE	21.5
Barium	NE	665
Chromium, Total	NE	340
Copper	NE	920
Lead	310	1090
Mercury	0.263	1.02
Nickel	NE	2280
Silver	NE	7.83
Zinc	226	660
Pesticides		
P,P'-DDD	0.0655 D	NE
P,P'-DDE	0.0231 D	NE

Parameter	NYSDEC Part 375 Unrestricted Use Soil Cleanup Objectives	NYSDEC Part 375 Restricted Residential Soil Cleanup Objectives	NYSDEC Part 375 Protection of Groundwater Soil Cleanup Objectives
VOCs			
Acetone	0.05	100	0.05
SVOCs			
3- And 4- Methylphenol (Total)	0.33	100	0.33
Acenaphthene	20	100	98
Benzo(A)Anthracene	1	1	1
Benzo(A)Pyrene	1	1	22
Benzo(B)Fluoranthene	1	1	1.7
Benzo(K)Fluoranthene	0.8	3.9	1.7
Chrysene	1	3.9	1
Dibenz(A,H)Anthracene	0.33	0.33	1000
Dibenzofuran	7	59	210
Fluoranthene	100	100	1000
Fluorene	30	100	386
Indeno(1,2,3-C,D)Pyrene	0.5	0.5	8.2
Phenanthrene	100	100	1000
Pyrene	100	100	1000
Metals			
Arsenic	13	16	16
Barium	350	400	820
Cadmium	2.5	4.3	7.5
Chromium, Total	30	180	
Copper	50	270	1720
Lead	63	400	450
Mercury	0.18	0.81	0.73
Nickel	30	310	130
Selenium	3.9	180	4
Silver	2	180	8.3
Zinc	109	10000	2480
Pesticides			
P,P'-DDD	0.0033	13	14
P,P'-DDE	0.0033	8.9	17
P,P'-DDT	0.0033	7.9	136

NOTES

1. ALL CONCENTRATIONS IN MILLIGRAMS PER KILOGRAM
2. BOLD DATA INDICATES AN EXCEEDANCE OF NYSDEC PART 375 UNRESTRICTED USE SOIL CLEANUP OBJECTIVES
3. SHADED DATA INDICATES AN EXCEEDANCE OF NYSDEC PART 375 RESIDENTIAL SOIL CLEANUP OBJECTIVES
4. RED DATA INDICATES AN EXCEEDANCE OF NYSDEC PART 375 RESTRICTED RESIDENTIAL SOIL CLEANUP OBJECTIVES

D - A SECONDARY ANALYSIS AFTER DILUTION DUE TO EXCEEDANCE OF THE CALIBRATION RANGE IN THE ORIGINAL SAMPLE

FT BLS - FEET BELOW LAND SURFACE

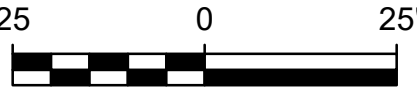
NE - NO EXCEEDANCE

NYSDEC - NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SVOC - SEMIVOLATILE ORGANIC COMPOUNDS

VOC - VOLATILE ORGANIC COMPOUNDS

FD - FIELD DUPLICATE



Title:

SUMMARY OF SOIL EXCEEDANCES

1940 TURNBULL AVE
BRONX, NY

Prepared for:

PL SARA LLC

Compiled by: K. S.

Date: 04/22/20

Prepared by: J.R.

Scale: AS SHOWN

Project Mgr: K.S.

Project: 3475.0001Y000

File: 3475.0001Y105.6.mxd

PLATE

1

Brownfield Cleanup Program Application
Park Lane Senior, Bronx, New York

APPENDICES

- A. Requestor Information
- B. Project Description
- C-1. Environmental History Narrative
- C-2. Environmental History Reports and Tables
(Submitted as a Separate PDF & Provided on CD with Bound Application)
- D. Property Description Narrative
- E. Previous Owners and Operators
- F. Requestor Eligibility Information
- G. Proof of Site Access
- H. Site Contact List
- I. Land Use Factors

Brownfield Cleanup Program Application
Park Lane Senior, Bronx, New York

APPENDIX A

Requestor Information

Appendix A – Requestor Information

Park Lane Senior, 1940 Turnbull Avenue, Bronx, New York 10473

BCP Application – Section I

PL Preservation LLC acquired title to the property in May of 2019 and will transfer title to Lot 30 to PL Sara LLC at the closing of the financing. PL Preservation LLC is wholly owned by Atreides Holdings LLC.

The prospective purchaser and BCP applicant, PL Sara LLC, is currently wholly owned by Atreides Holdings LLC. At closing, PL Sara will be comprised of Atreides Holdings LLC and an as yet undetermined a tax credit investor entity.

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through March 20, 2020.

Selected Entity Name: PL SARA LLC

Selected Entity Status Information

Current Entity Name: PL SARA LLC

DOS ID #: 5232020

Initial DOS Filing Date: NOVEMBER 09, 2017

County: ALBANY

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

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

DAVID GOLDBAN

STARRETT COMPANIES LLC

70 EAST 55TH STREET 7TH FLOOR

NEW YORK, NEW YORK, 10022

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this

information is not recorded and only available by
[viewing the certificate.](#)

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
NOV 09, 2017	Actual	PL SARA LLC

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

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

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Brownfield Cleanup Program Application
Park Lane Senior, Bronx, New York

APPENDIX B

Project Description

Appendix B – Project Description

Park Lane Senior, 1940 Turnbull Avenue, Bronx, New York 10473

BCP Application – Section II, Question 4

The Site proposed for entry into the Brownfield Cleanup Program (BCP) is located at 1940 Turnbull Avenue in the Bronx, New York, south of Turnbull Ave, north of Lafayette Avenue and between White Plains Road and Pugsley Avenue (Figure 1). The Site is Tax Block 3672 Lot 30 in Bronx County and encompasses approximately 0.3 acres, as shown on Figure 2. The proposed development Site is located east of the existing basketball courts on Lot 20, north and east of the Lot 20 parking lot and west of a Mitchell Lama building and the associated recreational space (playground and pools), which are located on Lot 1. A recent Site survey is provided as Figure 3. As shown on Figure 4, the Site is currently a parking lot and a chain link fence surrounds Lot 30 and Lot 1, the basketball court on Lot 20 is separated from Lot 30 by a chain link fence.

Proposed Development Plan

The development for affordable senior housing will construct a 109,000 gross square foot (SF FT) building within a footprint of approximately 9,000 SF. Below-grade parking will be provided beneath the lobby on the 1st floor. The remainder of the property will be a mix of parking and landscaping. The building will house approximately 150 rental senior apartment units, 100% of which will be affordable. A Property Map showing the Site boundary is provided as Figure 2.

Projected Schedule

Timeframe	Description
May 2020	Submit BCP Application and Remedial Investigation Work Plan (RIWP)
July 2020	Finalize and Execute Brownfields Cleanup Agreement
August 3 – October 12, 2020	Remedial Investigation/Remedial Action Work Plan
November 16 – December 31, 2020	DEC Final Approval of Report + 45 Day Public Comment Period
January 2021	Commence Remedial Action
November 2021	Anticipated issuance of Certificate of Completion

APPENDIX C-1

Environmental History Narrative

Appendix C-1 – Property’s Environmental History

Park Lane Senior, 1940 Turnbull Avenue, Bronx, New York 10473
BCP Application - Section III

Previously conducted environmental investigations conducted at the site are attached for review in Appendix C and enclosed CD:

- **Phase I Environmental Site Assessment (ESA)** prepared by GZA Environmental, Inc. (GZA), dated October 14, 2016
- **Environmental Assessment Statement (EAS)** CEQR#17DCP172X ULURP #s 170392ZMX & N170393ZRX, prepared by Philip Habib & Associates (PHA), dated June 2, 2017
- **Geotechnical Report**, prepared by Mueser Rutledge Consulting Engineers, dated January 26, 2018
- **Phase I ESA**, prepared by Roux Environmental Engineering and Geology, D.P.C, dated April 30, 2020
- **Phase II ESA**, prepared by Roux Environmental Engineering and Geology, D.P.C, dated April 17, 2020

A Remedial Investigation will be performed following entry into the BCP. A summary of findings from past investigations is as follows:

Phase I ESA, prepared by GZA Environmental, Inc. (GZA), 2016

GZA performed a Phase I ESA of the Subject Property in October 14, 2016. The scope of this report was noted to include the entire city block spanning between Lafayette Avenue, Pugsley Avenue, Turnbull Avenue, and White Plains Road. GZA did not identify any RECs, CRECs, HRECs, or *de minimis* conditions in connection with the Subject Property.

EAS, prepared by Philip Habib & Associates (PHA), 2017

PHA performed an EAS due to a proposed rezoning for the full city block, for which the Subject Property is located in. The EAS states that an applicant, Park Lane Residences Co. is seeking a series of discretionary actions to facilitate the development of two attached predominantly residential apartment buildings on Block 3672 in the borough of the Bronx, New York. A review of the hazardous materials section of this EAS indicated the following:

1. A NYCDEP response letter dated March 8, 2017 indicated that the rezoning area and surrounding area was originally located in a wetland/ river system area and that historic fill material may be encountered at the Subject Property. Additional information on the conditions of fill material is provided in the Roux Phase II report, which is discussed further down in this section.
2. NYCDEC indicated the presence of nearby storage tanks, leaking tanks, spill sites and one (1) manufactured gas plant (MGP) site in the vicinity of the Subject Property and stated that a Phase II investigation is necessary to evaluate on-site environmental conditions. The report also indicated an E-designation has been placed on the rezoning area, which would require regulatory oversight by the New York City Office of Environmental Remediation (NYCOER) during development. Placement of an E-designation typically involves environmental investigation to develop a remedial action plan prior to redevelopment. The presence of this E-designation is considered a BER.

Geotech Report, prepared by Mueser Rutledge Consulting Engineers (MRCE), 2018.

MRCE completed a geotechnical investigation between December 26, 2017 and January 3, 2018. The investigation consisted of fourteen borings, and the use of a piezometer to determine groundwater depth. Mixed Fill was observed up to 20 feet below land surface (ft bls) on average, ranging from 18 to 25 ft. The fill layer generally consists of brown, black, red brown, and gray fine to coarse sand, trace to some gravel, silt, with varying amounts of concrete, brick, and wood. Refusal was encountered at several locations, indicating the presence of obstructions. Subsurface below fill is comprised of an organic silty clay layer ~10 ft thick, underlain with fine to coarse sand and some gravel. Bedrock was encountered approximately 40 ft bls. Groundwater was encountered at 11.3 ft bls, or El.+5.3.

Appendix C-1 – Property’s Environmental History

Park Lane Senior, 1940 Turnbull Avenue, Bronx, New York 10473
BCP Application - Section III

Phase I ESA, prepared by Roux Environmental Engineering and Geology, D.P.C, dated April 30, 2020

The Phase I ESA indicated the presence of impacted fill material, falling under the list of Recognized Environmental Conditions (RECs). Roux proceeded to perform a Phase II ESA in February 2020 to evaluate subsurface environmental conditions prior to redevelopment. The results of the Phase II ESA indicated the presence of semi-volatile organic compounds, pesticides and metals at concentrations which exceeded multiple New York State Department of Environmental Conservation (NYSDEC) Part 375 Soil Cleanup Objectives (SCOs). The exceedances were uniform throughout the borings with no hot spots identified, suggesting that the impacts were related to the historic filling activities. The contamination identified was significant at depths ranging between 10 and 15 ft bls, demonstrating that the Subject Property was impacted from the historic filling operations prior to its initial development. No presence of Controlled RECs (CRECs) or Historical RECs (HRECs) were indicated.

Phase II ESA, prepared by Roux Environmental Engineering and Geology, D.P.C, dated April 17, 2020

Soil samples were collected from 8 soil borings at the Site. Soil was predominately a mixture of historic fill consisting of brown, black, red brown, and gray sand, gravel, brick, wood, and asphalt. Fill having staining and odor was observed at depths between 10 and 15 ft bls in all borings advanced to 15 ft bls. Groundwater, when encountered, was observed between 11 and 13 ft bls.

SOIL

The proposed site redevelopment plan is to provide senior affordable housing, therefore the soil data from the Phase II ESA was compared to the NYSDEC Soil Cleanup Objectives (SCOs) for Unrestricted Use SCOs (UUSCOs), Residential Use SCOs (RRSCOs) and the Protection of Groundwater SCOs (PGWSCOs). A summary of the data results is presented below. Additional soil sampling and analysis is planned as part of the Remedial Investigation upon acceptance into the NYSDEC Brownfields Cleanup Program.

Volatile Organic Compounds (VOCs)

The Phase II ESA (Roux 2020) Table 1 presents a summary of the VOC analytical data collected. Plate 1 of the BCP Application summarizes the Soil Cleanup Objectives exceedances.

The majority of VOC concentrations were below laboratory detection limits. VOCs were not detected above NYSDEC RRSCOs. Samples did exhibit exceedances of UUSCOs, and Protection of Groundwater Soil Cleanup Objectives (PGWSCOs), for acetone, a typical laboratory contaminant. These exceedances are not indicative of Site soil conditions.

Semivolatile Organic Compounds (SVOCs)

The Phase II ESA (Roux 2020) Table 2 presents a summary of SVOC analytical data collected. Plate 1 of the BCP Application summarizes the Soil Cleanup Objectives exceedances.

Concentrations of several SVOCs, specifically polycyclic aromatic hydrocarbons (PAHs), were detected in exceedance of the UUSCOs, RRSCOs, or PGWSCOs in ten (10) of the 16 soil samples. PAHs are commonly detected in historical fill. The SVOCs detected in exceedance of applicable SCOs are 3- and 4- methylphenol (total), acenaphthene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenz(a,h)anthracene, dibenzofuran, fluoranthene, fluorene, indeno(1,2,3-c,d)pyrene, phenanthrene, and pyrene.

Appendix C-1 – Property’s Environmental History

Park Lane Senior, 1940 Turnbull Avenue, Bronx, New York 10473
BCP Application - Section III

Laboratory analytical data for the exceedances of SCOs for SVOCs are summarized below with the maximum concentration noted in red text.

Analyte	Number of Exceedances	Location of SCO Exceedance	Concentrations (mg/kg or ppm)	SCOs (mg/kg or ppm)
3- and 4- methylphenol (total)	UUSCOs: 1 RRSCOs: 0 PGWSCOs: 1	SB-1 (11-13 ft bls)	0.665 D	UUSCOs: 0.33 RRSCOs: 100 PGWSCOs: 0.33
Acenaphthene	UUSCOs: 1 RRSCOs: 0 PGWSCOs: 0	SB-7 (13-15 ft bls)	21.3 D	UUSCOs: 20 RRSCOs: 100 PGWSCOs: 98
Benzo(a)anthracene	UUSCOs: 8 RRSCOs: 8 PGWSCOs: 8	SB-1 (11-13 ft bls) SB-2_1 (0-2 ft bls) SB-2_2 (0-2 ft bls) SB-3 (0-2 ft bls) SB-5 (0-2 ft bls) SB-6 (0-2 ft bls) SB-7 (0-2 ft bls) SB-7 (13-15 ft bls)	45.5 D 3.72 D 1.3 D 2.57 D 1.26 D 1.17 D 2.08 D 108 D	UUSCOs: 1 RRSCOs: 1 PGWSCOs: 1
Benzo(a)pyrene	UUSCOs: 8 RRSCOs: 8 PGWSCOs: 2	SB-1 (11-13 ft bls) SB-2_1 (0-2 ft bls) SB-2_2 (0-2 ft bls) SB-3 (0-2 ft bls) SB-5 (0-2 ft bls) SB-6 (0-2 ft bls) SB-7 (0-2 ft bls) SB-7 (13-15 ft bls)	50 D 3.27 D 1.35 D 2.65 D 1.4 D 1.08 D 2.05 D 110 D	UUSCOs: 1 RRSCOs: 1 PGWSCOs: 22
Benzo(b)fluoranthene	UUSCOs: 7 RRSCOs: 7 PGWSCOs: 5	SB-1 (11-13 ft bls) SB-2_1 (0-2 ft bls) SB-2_2 (0-2 ft bls) SB-3 (0-2 ft bls) SB-5 (0-2 ft bls) SB-7 (0-2 ft bls) SB-7 (13-15 ft bls)	47.9 D 3.25 D 1.22 D 2.62 D 1.34 D 1.94 D 95.3 D	UUSCOs: 1 RRSCOs: 1 PGWSCOs: 1.7
Analyte	Number of Exceedances	Location of SCO Exceedance	Concentrations (mg/kg or ppm)	SCOs (mg/kg or ppm)
Benzo(k)fluoranthene	UUSCOs: 7 RRSCOs: 2 PGWSCOs: 4	SB-1 (11-13 ft bls) SB-2_1 (0-2 ft bls) SB-2_2 (0-2 ft bls) SB-3 (0-2 ft bls) SB-5 (0-2 ft bls) SB-7 (0-2 ft bls) SB-7 (13-15 ft bls)	38.3 D 2.63 0.976 D 2.34 D 1.13 D 1.41 D 83 D	UUSCOs: 0.8 RRSCOs: 3.9 PGWSCOs: 1.7

Appendix C-1 – Property’s Environmental History

Park Lane Senior, 1940 Turnbull Avenue, Bronx, New York 10473
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Analyte	Number of Exceedances	Location of SCO Exceedance	Concentrations (mg/kg or ppm)	SCOs (mg/kg or ppm)
Chrysene	UUSCOs: 8 RRSCO: 2 PGWSCOs: 8	SB-1 (11-13 ft bls) SB-2_1 (0-2 ft bls) SB-2_2 (0-2 ft bls) SB-3 (0-2 ft bls) SB-5 (0-2 ft bls) SB-6 (0-2 ft bls) SB-7 (0-2 ft bls) SB-7 (13-15 ft bls)	44.7 D 3.16 D 1.23 D 2.63 D 1.29 D 1.09 D 1.91 D 96.8 D	UUSCOs: 1 RRSCO: 3.9 PGWSCOs: 1
Dibenz(a,h)anthracene	UUSCOs: 5 RRSCO: 5 PGWSCOs: 0	SB-1 (11-13 ft bls) SB-2_1 (0-2 ft bls) SB-3 (0-2 ft bls) SB-7 (0-2 ft bls) SB-7 (13-15 ft bls)	12.8 D 0.528 D 0.812 D 0.443 D 19 D	UUSCOs: 0.33 RRSCO: 0.33 PGWSCOs: 1,000
Dibenzofuran	UUSCOs: 1 RRSCO: 0 PGWSCOs: 0	SB-7 (13-15 ft bls)	10.1	UUSCOs: 7 RRSCO: 59 PGWSCOs: 210
Fluoranthene	UUSCOs: 2 RRSCO: 2 PGWSCOs: 0	SB-1 (11-13 ft bls) SB-7 (13-15 ft bls)	112 165	UUSCOs: 100 RRSCO: 100 PGWSCOs: 1,000
Fluorene	UUSCOs: 1 RRSCO: 0 PGWSCOs: 0	SB-7 (13-15 ft bls)	31.6	UUSCOs: 30 RRSCO: 100 PGWSCOs: 386
Indeno(1,2,3-c,d)pyrene	UUSCOs: 10 RRSCO: 10 PGWSCOs: 2	SB-1 (11-13 ft bls) SB-2_1 (0-2 ft bls) SB-2_2 (0-2 ft bls) SB-3 (0-2 ft bls) SB-3 (13-15 ft bls) SB-4 (0-2 ft bls) SB-5 (0-2 ft bls) SB-6 (0-2 ft bls) SB-7 (0-2 ft bls) SB-7 (13-15 ft bls)	29.2 D 2.8 D 1.26 D 1.68 D 0.613 D 0.617 D 1.26 D 1.02 D 1.88 D 92.9 D	UUSCOs: 0.5 RRSCO: 0.5 PGWSCOs: 8.2
Phenanthrene	UUSCOs: 1 RRSCO: 1 PGWSCOs: 0	SB-7 (13-15 ft bls)	138	UUSCOs: 100 RRSCO: 100 PGWSCOs: 1,000
Pyrene	UUSCOs: 1 RRSCO: 1 PGWSCOs: 0	SB-7 (13-15 ft bls)	165	UUSCOs: 100 RRSCO: 100 PGWSCOs: 1,000

Metals

The Phase II ESA (Roux 2020) Table 3 presents a summary of metals analytical data. Plate 1 of the BCP Application summarizes the Soil Cleanup Objectives exceedances.

Appendix C-1 – Property’s Environmental History

Park Lane Senior, 1940 Turnbull Avenue, Bronx, New York 10473
BCP Application - Section III

Metals were detected above UUSCOs, RRSCOs, or PGWSCOs in all the samples collected. The metals detected in exceedance are arsenic, barium, cadmium, chromium (total), copper, lead, mercury, nickel, selenium, silver, and zinc. The concentrations and distribution of the metals detected in exceedance are characteristic of historical fill.

Laboratory analytical data for the exceedances of SCOs for metals are summarized below with the maximum concentration noted in red text.

Analyte	Number of Exceedances	Location of SCO Exceedance	Concentration (mg/kg or ppm)	SCOs (mg/kg or ppm)
Arsenic	UUSCOs: 3 RRSCOs: 3 PGWSCOs: 3	SB-1 (11-13 ft bls) SB-6 (12-14 ft bls) SB-7 (0-2 ft bls)	74.4 21.5 16.7	UUSCOs: 13 RRSCOs: 16 PGWSCOs: 16
Barium	UUSCOs: 7 RRSCOs: 7 PGWSCOs: 3	SB-1 (11-13 ft bls) SB-2_2 (0-2 ft bls) SB-4 (0-2 ft bls) SB-5 (13-15 ft bls) SB-5 (13-15 ft bls FD) SB-6 (12-14 ft bls) SB-7 (0-2 ft bls)	2,810 477 422 939 1,150 665 641	UUSCOs: 350 RRSCOs: 400 PGWSCOs: 820
Cadmium	UUSCOs: 2 RRSCOs: 1 PGWSCOs: 0	SB-1 (11-13 ft bls) SB-5 (13-15 ft bls FD)	6.39 3.63	UUSCOs: 2.5 RRSCOs: 4.3 PGWSCOs: 7.5
Chromium (total)	UUSCOs: 3 RRSCOs: 1 PGWSCOs: --	SB-1 (11-13 ft bls) SB-2_2 (0-2 ft bls) SB-6 (12-14)	43.1 75.1 340	UUSCOs: 30 RRSCOs: 180 PGWSCOs: --
Copper	UUSCOs: 9 RRSCOs: 3 PGWSCOs: 0	SB-1 (11-13 ft bls) SB-3 (0-2 ft bls) SB-3 (13-15 ft bls) SB-4 (13-15 ft bls) SB-5 (13-15 ft bls) SB-5 (13-15 ft bls FD) SB-6 (12-14 ft bls) SB-7 (0-2 ft bls) SB-7 (13-15 ft bls)	347 60.7 81.1 116 87.6 352 920 135 106	UUSCOs: 50 RRSCOs: 270 PGWSCOs: 1,720
Lead	UUSCOs: 15 RRSCOs: 7 PGWSCOs: 6	SB-1 (0-2 ft bls) SB-1 (11-13 ft bls) SB-2_1 (0-2 ft bls) SB-2_2 (11-13 ft bls) SB-3 (0-2 ft bls) SB-3 (13-15 ft bls) SB-4 (0-2 ft bls) SB-4 (13-15 ft bls) SB-5 (0-2 ft bls) SB-5 (13-15 ft bls) SB-5 (13-15 ft bls FD) SB-6 (0-2 ft bls) SB-6 (12-14 ft bls) SB-7 (0-2 ft bls) SB-7 (13-15 ft bls)	292 11,100 457 442 1,220 242 711 215 335 263 690 310 1,090 395 233	UUSCOs: 63 RRSCOs: 400 PGWSCOs: 450

Appendix C-1 – Property’s Environmental History

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Analyte	Number of Exceedances	Location of SCO Exceedance	Concentrations (mg/kg or ppm)	SCOs (mg/kg or ppm)
Mercury	UUSCOs: 14 RRSCO: 4 PGWSCOs: 5	SB-1 (0-2 ft bls) SB-1 (11-13 ft bls) SB-2_1 (0-2 ft bls) SB-2_2 (11-13 ft bls) SB-3 (0-2 ft bls) SB-4 (0-2 ft bls) SB-4 (13-15 ft bls) SB-5 (0-2 ft bls) SB-5 (13-15 ft bls) SB-5 (13-15 ft bls FD) SB-6 (0-2 ft bls) SB-6 (12-14 ft bls) SB-7 (0-2 ft bls) SB-7 (13-15 ft bls)	1.79 2.34 0.22 0.221 2.38 0.7 0.498 0.736 0.535 0.252 0.386 0.263 1.02 0.63	UUSCOs: 0.18 RRSCO: 0.81 PGWSCOs: 0.73
Nickel	UUSCOs: 4 RRSCO: 1 PGWSCOs: 2	SB-1 (11-13 ft bls) SB-2_2 (0-2 ft bls) SB-3 (0-2 ft bls) SB-6 (12-14 ft bls)	139 33.1 31.9 2,280	UUSCOs: 30 RRSCO: 310 PGWSCOs: 130
Selenium	UUSCOs: 2 RRSCO: 0 PGWSCOs: 2	SB-4 (13-15 ft bls) SB-7 (13-15 ft bls)	10.4 7.08	UUSCOs: 3.9 RRSCO: 180 PGWSCOs: 4
Silver	UUSCOs: 1 RRSCO: 0 PGWSCOs: 0	SB-6 (12-14 ft bls)	7.83	UUSCOs: 2 RRSCO: 180 PGWSCOs: 8.3
Zinc	UUSCOs: 15 RRSCO: 0 PGWSCOs: 1	SB-1 (0-2 ft bls) SB-1 (11-13 ft bls) SB-2_1 (0-2 ft bls) SB-2_2 (11-13 ft bls) SB-3 (0-2 ft bls) SB-3 (13-15 ft bls) SB-4 (0-2 ft bls) SB-4 (13-15 ft bls) SB-5 (0-2 ft bls) SB-5 (13-15 ft bls) SB-5 (13-15 ft bls FD) SB-6 (0-2 ft bls) SB-6 (12-14 ft bls) SB-7 (0-2 ft bls) SB-7 (13-15 ft bls)	301 7,250 D 349 327 853 354 280 409 221 747 1060 226 660 571 402	UUSCOs: 109 RRSCO: 10,000 PGWSCOs: 2,480

Maximum Detection

Polychlorinated biphenyls (PCBs)

The Phase II ESA (Roux 2020) Table 4 presents a summary of PCB analytical data. Plate 1 of the BCP Application summarizes the Soil Cleanup Objectives exceedances.

Total PCBs were not in exceedance of the UUSCOs, RRSCO, and PGWSCOs in any samples.

Appendix C-1 – Property’s Environmental History

Park Lane Senior, 1940 Turnbull Avenue, Bronx, New York 10473
BCP Application - Section III

Pesticides

The Phase II ESA (Roux 2020) Table 5 presents a summary of pesticide analytical data. Plate 1 of the BCP Application summarizes the Soil Cleanup Objectives exceedances.

Pesticides were detected above UUSCOs detection limits in six (6) of the 16 samples collected. Pesticides were not in exceedance of RRSCOs or PGWSCOs limits in any samples. The pesticides detected in exceedance of UUSCOs are P,P'-DDD, P,P'-DDE, and P,P'-DDT.

Laboratory analytical data for the soil exceedances for pesticides are summarized below, with the maximum concentration noted in red text.

Analyte	Number of Exceedances	Location of SCO Exceedance	Concentrations (mg/kg or ppm)	SCOs (mg/kg or ppm)
P,P'-DDD	UUSCOs: 2 RRSCOs: 0 PGWSCOs: 0	SB-1 (11-13 ft bls) SB-7 (0-2 ft bls)	0.00689 D 0.00554 D	UUSCO: 0.0033 RRSCO: 13 PGWSCO: 14
P,P'-DDE	UUSCOs: 5 RRSCOs: 0 PGWSCOs: 0	SB-1 (0-2 ft bls) SB-1 (11-13 ft bls) SB-6 (0-2 ft bls) SB-7 (0-2 ft bls) SB-7 (13-15 ft bls)	0.0461 D 0.0123 D 0.0655 D 0.0367 D 0.00668 D	UUSCO: 0.0033 RRSCO: 8.9 PGWSCO: 17
P,P'-DDT	UUSCOs: 5 RRSCOs: 0 PGWSCOs: 0	SB-1 (0-2 ft bls) SB-1 (11-13 ft bls) SB-2_2 (0-2 ft bls) SB-6 (0-2 ft bls) SB-7 (0-2 ft bls)	0.0332 D 0.0249 D 0.0131 D 0.0231 D 0.0691 D	UUSCO: 0.0033 RRSCO: 7.9 PGWSCO: 136

Groundwater

Groundwater sampling has not been performed but will be completed as part of the Remedial Investigation upon acceptance into the NYSDEC Brownfields Cleanup Program.

Soil Vapor

Soil vapor sampling has not been performed but will be completed as part of the Remedial Investigation upon acceptance into the NYSDEC Brownfields Cleanup Program.

APPENDIX C-2

Environmental History Reports and Tables
(Submitted as Separate PDF & Provided on CD with Bound Application)

Brownfield Cleanup Program Application
Park Lane Senior, Bronx, New York

APPENDIX D

Property Description Narrative

Appendix D – Property Description Narrative

Park Lane Senior, 1940 Turnbull Avenue, Bronx, New York 10473

BCP Application - Section IV, Question 10

Location

The Site is identified as Park Lane Senior and is located in the Bronx on Tax Block 3672, Lot 30. The Site is bounded by Turnbull Avenue to the north, directly adjacent to the Site is Lot 20 to the west and the south, and Lot 1 to the east. The surrounding streets include Lafayette Avenue to the south, and the Site lies between White Plains Road and Pugsley Avenue. A Location Map is provided as Figure 1.

Site Features

The Site is approximately 0.3-acres and has served as a parking lot since it was developed in the 1970's. Further details on historic Site use are discussed in the *Past Use of the Site* section below.

Current Zoning and Land Use

Zoning for the Site is residential (R8) with a commercial overlay (C2-4). R8 districts are high-density districts that permit a wide range of building types including towers. Commercial overlay C2-4 is mapped within a residential district, it extends 100 feet into the block.

The area surrounding the Site consists of a mix of the following: one family to multi-family residential, mixed use residential, public facilities including a school, nursing home and post office and commercial properties (Figure 5). The nearest residential area is the Mitchell Lama building on Lot 1 and it is located immediately adjacent to the east of the Site. There are also medium density residential buildings less than 500 feet to the southwest across Lafayette Avenue.

Past Use of the Site

The Site was part of a large wetland river system until the mid-1950s. The surrounding low-lying areas are believed to have been filled in the 1950's to develop the Soundview neighborhood. The origin of the fill materials is unknown. Historic aerial photographs suggest that dumping may have occurred between the 1960's and 1970's during the surrounding neighborhood development. The current Site features were constructed in the early 1970s.

Site Geology & Hydrogeology

The land surface elevation is relatively flat with a land surface elevation relative to the North American Vertical Datum of 1988 (NAVD88) ranging between 16.10 ft to 17.3 ft (Figure 3). The top 18 to 25 feet (ft) of the Site is comprised of historic fill consisting of sand, gravel, brick, wood, and asphalt. The fill layer showed signs of staining and odor in addition to sand, gravel, wood, peat, and organics at depths between 10 and 15 ft below land surface (bls). The subsurface beneath historic fill comprised of 10 ft layer of organic silty clay, underlain by fine to coarse sand with some gravel. Bedrock is approximately 40 ft bls.

Groundwater is encountered between 11 to 13 ft bls and flows in the south-southeast direction.

Environmental Assessment

Based upon previous investigations conducted to date, the primary contaminants of concern for the Site include polycyclic aromatic hydrocarbons (PAHs), metals, and pesticides in soil.

Roux performed a soil investigation in February 2020, which is described in the Phase II ESA, and is attached to Appendix C of this application. A summary of the results is provided as follows:

Appendix D – Property Description Narrative

Park Lane Senior, 1940 Turnbull Avenue, Bronx, New York 10473

BCP Application - Section IV, Question 10

Summary of Previous Sampling Results (2020 Roux Phase II ESA)

Soil

Soil was analyzed for volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs), pesticides, polychlorinated biphenyls (PCBs) and metals and laboratory results were compared to the NYSDEC Unrestricted Use SCOs (UUSCOs), Restricted Residential Soil Cleanup Objectives (RRSCOs) and Protection of Groundwater SCOs (PGWSCOs). The borings identified a fill material layer which extended from grade to the maximum investigation depth of 15 ft below land surface (bls) throughout the Site. The fill material consisted of sand, brick, concrete, metal, gravel, wood, peat and organics. Groundwater was observed between 11 and 13 ft bls. The investigation results identified elevated concentrations of Polycyclic aromatic hydrocarbons (PAHs), metals and pesticides, which is typical given the presence of historic urban fill.

The VOC concentrations were below NYSDEC RRSCOs. Acetone, a typical laboratory contaminant, was detected with concentrations above the UUSCOs and PGWSCOs. These exceedances are not believed to be indicative of Site soil conditions.

The majority of the maximum PAH concentrations were detected at boring location SB-7 (13-15 ft bls), in northeastern corner of the Site. The most commonly encountered PAHs and their maximum concentration included: Benzo(a)anthracene with a concentration of 108 D mg/kg (RRSCO 1 mg/kg), Benzo(a)pyrene with a concentration of 110 D mg/kg (RRSCO 1 mg/kg), Benzo(b)fluoranthene with a concentration of 95.3 D mg/kg (RRSCO 1 mg/kg), Chrysene with a concentration of 96.8 D mg/kg (RRSCO 3.9 mg/kg), Dibenz(a,h)anthracene with a concentration of 110 D mg/kg (RRSCO 0.33 mg/kg), and Indeno (1,2,3-c,d)pyrene with a concentration of 92.9 mg/kg (RRSCO 0.5 mg/kg). PAH's were also detected in shallow soils at a depth of 0-2 ft bls throughout the Site at concentrations above the UUSCOs, RRSCOs and PGWSCOs.

Metals exceeded the RRSCOs in all sample locations in both shallow soils and soils encountered near the water table. The following metals were detected above the UUSCOs, RRSCOs, and PGWSCOs in at least one sample location: arsenic, barium, lead, mercury, and nickel. The maximum metal detections included: arsenic with a concentration of 74.4 mg/kg at SB-1 (11-13 ft bls) compared to RRSCO 16 mg/kg, barium with a concentration of 2,810 mg/kg at SB-1 (11-13 ft bls) compared to RRSCO 400 mg/kg, lead with a concentration of 11,100 mg/kg at SB-1 (11-13 ft bls) compared to RRSCO 400 mg/kg, mercury with a concentration of 2.38 mg/kg at SB-3 (0-2 ft bls) compared to RRSCO 0.81 mg/kg and nickel with a concentration of 2,280 mg/kg at SB-6 (12-14 ft bls) compared to RRSCO 310 mg/kg.

Pesticides were detected above UUSCOs in four sample locations in both shallow soils and soils encountered near the water table. There were no detections above RRSCOs or PGWSCOs. The maximum pesticide detections included: P,P'-DDD with a concentration of 0.00689 D mg/kg at SB-1 (11-13 ft bls) compared to UUSCO 0.0033 mg/kg, P,P'-DDE with a concentration of 0.0655 D mg/kg at SB-6 (0-2 ft bls) compared to UUSCO 0.0033 mg/kg and P,P'-DDT with a concentration of 0.0691 mg/kg at SB-7 (0-2 ft bls) compared to UUSCO 0.0033 mg/kg.

No PCBs were identified in the soil samples above UUSCOs, RRSCOs, or PGWSCOs.

Groundwater

- Groundwater sampling has not been performed but will be completed as part of the Remedial Investigation upon acceptance into the NYSDEC Brownfields Cleanup Program.

Soil Vapor

- Soil vapor sampling has not been performed but will be completed as part of the Remedial Investigation upon acceptance into the NYSDEC Brownfields Cleanup Program.

Brownfield Cleanup Program Application
Park Lane Senior, Bronx, New York

APPENDIX E

Previous Owners and Operators

Appendix E – Previous Property Owners and Operators
Park Lane Senior, 1940 Turnbull Avenue, Bronx, New York 104
BCP Application - Section VI

PL Preservation LLC acquired equitable title to the property in May of 2019 and will transfer equitable title of Lot 30 to PL SARA LLC (“Requestor”), at the closing of the financing. HP Park Lane Preservation Housing Development Fund Company, Inc. is the fee owner of the property but has granted all equitable title to PL Preservation LLC pursuant to a nominee agreement (attached to this Appendix). Section 1 of the Agreement authorizes PL Preservation LLC to enter into the attached Access Agreement with Requestor PL SARA LLC. Joshua Siegel is Requestor’s designated agent and Authorized Representative.

Requestor is currently wholly owned by Atreides Holdings LLC (“Atreides”). At closing on the transfer of title to the Site, Requestor will be jointly owned by a new tax credit investor (to be determined) that will own 99.99% of Requestor, and Atreides, which will own the remaining 0.01%.

Atreides acquired 100% of the stock of former Site owner, Pacla Apartments, Inc., on April 27, 2018. Atreides was unable to immediately acquire fee title to the property then because of regulatory restrictions that apply to affordable housing of this type. Those regulatory restrictions expired after 12 months, and on May 6, 2019 Pacla Apartments, Inc. transferred beneficial ownership of the property to PL Preservation LLC, another wholly owned subsidiary of Atreides. In sum, Requestor’s parent, Atreides, had no involvement with the Property before April 27, 2018. PL SARA LLC and PL Preservation LLC are both wholly owned by the same entity, Atreides and the Requestor (PL SARA LLC) is the potential/future purchaser of the Site. Additional information is provided below.

Address: 1940 Turnbull Avenue, Bronx, New York

Block 3672, Lot 30 (formerly identified as Lot 1)

PREVIOUS OWNERS’ INFORMATION

Period	Tax Parcel	Owner	Source	Relationship to Applicant
Unknown to 5/16/1969	Block 3672, Lot 1	The City of New York <i>Contact Information Not Determinable</i>	Deed	None
5/16/1969 to 5/6/2019	Block 3672, Lot 1	Pacla Apartments, Inc. 70 East 55 th Street, 7 th Floor New York, New York, 10022 PH 212-350-9900	Deed	None
5/6/2019 to Present	Block 3672, Lot 1	1.PL Preservation LLC 70 East 55 th Street, 7 th Floor New York, New York, 10022 PH 212-350-9900 &	Deed	None

Appendix E – Previous Property Owners and Operators
Park Lane Senior, 1940 Turnbull Avenue, Bronx, New York 104
BCP Application - Section VI

Period	Tax Parcel	Owner	Source	Relationship to Applicant
		2.HP Park Lane Preservation Housing Development Fund* Daniel Marks Cohen Vice President, Director of Real Estate Housing Partnership 253 West 35 th Street, 3 rd Floor New York, New York 10001 www.housingpartnership.com PH 646-217-3373		

- * **Atreides Holdings LLC acquired ownership of 100% of the stock in Pacla Apartments, Inc. on April 27, 2018. On May 6, 2019, Pacla Apartments, Inc. transferred beneficial ownership of the property to PL Preservation LLC, a wholly owned subsidiary of Atreides Holdings LLC.**

PREVIOUS OPERATORS' INFORMATION

Period	Tax Parcel	Operator	Source	Relationship to Applicant
Unknown to 5/16/1969	Block 3672, Lot 1	The City of New York <i>Contact Information Not Determinable</i>	Deed	None
5/16/1969 to 5/6/2019	Block 3672, Lot 1	Pacla Apartments, Inc.* 70 East 55 th Street, 7 th Floor New York, New York, New York 10022 PH 212-350-9900	Deed/ Sanborn Maps	None
5/6/2019 to Present	Block 3672, Lot 1	1.PL Preservation LLC 70 East 55 th Street, 7 th Floor New York, New York, New York 10022 PH 212-350-9900 & 2. HP Park Lane Preservation Housing Development Fund Daniel Marks Cohen Vice President, Director of Real Estate Housing Partnership 253 West 35 th Street, 3 rd Floor New York, New York 10001 www.housingpartnership.com PH 646-217-3373	Deed	None

- * **Atreides Holdings LLC acquired ownership of 100% of the stock in Pacla Apartments, Inc. on April 27, 2018. On May 6, 2019, Pacla Apartments, Inc. transferred beneficial ownership of the property to PL Preservation LLC, a wholly owned subsidiary of Atreides Holdings LLC.**

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APPENDIX F

Requestor Eligibility Information

Appendix F – Requestor Eligibility Information

Park Lane Senior, 1940 Turnbull Avenue, Bronx, New York 10473

BCP Application – Section VII

PL SARA LLC (the Requestor) intends to redevelop the Site into a senior affordable housing development.

The current Site owner, PL Preservation LLC and the former owner, Pacla Apartments, Inc. (as of the 2018 purchase by Atreides Holding LLC), have taken reasonable and appropriate steps to prevent human exposure to the known contamination by maintaining the existing asphalt parking lot. There are no open spill numbers or enforcement actions pending and the Site is not currently in any environmental program. No storage tanks are known to have been present at the Site, so there is no known threat of a potential future release. Because there are no permanent buildings, and volatile organic compounds were not detected in soil (with the exception of acetone) soil vapor intrusion is not a concern at this time.

The current Site owner, PL Preservation LLC has performed a Phase I Environmental Site Assessment that satisfied the "all appropriate inquiries" requirements of 40 CFR 312. Moreover, the Site owner and the Requestor do not have any affiliation with any responsible party. The Requestor's liability would arise solely as a result of its ownership or involvement with the redevelopment of the Site subsequent to the disposal of hazardous substances and contaminants. As such, the Requestor qualifies as a Volunteer as defined in ECL 27-1405(1)(b).

Brownfield Cleanup Program Application
Park Lane Senior, Bronx, New York

APPENDIX G

Proof of Site Access

ACCESS AGREEMENT

ACCESS AGREEMENT made as of this 8th day of June 2020, by and between PL PRESERVATION LLC (“**Grantor**”), and PL SARA LLC (“**Grantee**”).

WHEREAS, Grantor is the beneficial owner of the real property identified as County of Bronx Block 3672, Lot 30, located at 1940 Turnbull Avenue, Bronx, NY (adjacent to 1965 Lafayette Avenue, Bronx, New York), together with the improvements thereon (“**Site**”); and

WHEREAS, Grantor and Grantee intend to enter into a contract for the transfer of The Site to Grantee; and

WHEREAS, Grantee has applied to have The Site accepted into the New York State Brownfield Cleanup Program (“**BCP**”); and

WHEREAS, following admission of the Site into the BCP and prior to the closing of the transfer of the Site to Grantee, Grantee may require access to the Site to carry out investigatory, remedial and other related tasks required by the BCP (collectively, the “**Work**”); and

WHEREAS, Grantor desires to grant Grantee such access.

NOW, THEREFORE, in consideration of the foregoing and for good and valuable consideration, the receipt of which is hereby acknowledged, Grantor and Grantee agree as follows:

1. Grantor hereby grants to Grantee:
 - a. reasonable access and a license upon, into, under or through the Site for the purpose of the entry thereon by Grantee, its agents, employees, architects, engineers, contractors and consultants (collectively, the “**Grantee Related Parties**” and each a “**Grantee Related Party**”), vehicles, equipment and materials required by Grantee to satisfy tasks and obligations required by any Brownfield Cleanup Agreement entered into between Grantee and the New York State Department of Environmental Conservation, including, without limitation, all Work required to obtain a BCP Certificate of Completion; and
 - b. permission to place an Environmental Easement upon the Site in compliance with the BCP, should one be required to obtain a BCP Certificate of Completion.
2. Grantee Related Parties shall perform the Work in a workmanlike manner and in accordance with industry standards and in accordance with applicable laws, rules and regulations. The rights granted pursuant to paragraph 1 of this Agreement are nonexclusive, it being understood and agreed that Grantor, its agents, employees, workers, contractors and tenants will have full authority to come upon and have unfettered access to the Site during the performance of the Work. The performance of the Work will not interfere unreasonably with the quiet enjoyment of Grantor’s adjacent Building by the tenants thereof. Grantor agrees that it will use commercially reasonable efforts to avoid unreasonable interference with Grantee’s exercise of its rights hereunder.
3. All of the foregoing activities shall be performed at Grantee’s sole cost and expense.

4. Grantee shall provide reasonable notice to Grantor, prior to Grantee's need for access to the Site to perform the Work, provided, however, that shorter notice may be required in the event of an emergency.
5. Grantee shall be responsible for obtaining all federal, state or local governmental approvals and providing all notices in relation to the Work.
6. If upon completion of the activities requiring access to the Site title to the Site has not yet passed to Grantee, Grantee and/or Grantee Related Parties shall promptly remove all materials and restore the Site substantially to the condition it was in prior to such activities, subject to any required institutional controls.
7. This Agreement shall be governed by and construed in accordance with the laws of the State of New York. Any proceedings initiated by either party to enforce the terms of or otherwise related to this Agreement shall be brought in the Supreme Court, State of New York.

IN WITNESS WHEREOF, this Agreement has been executed by Grantor and Grantee and is effective as of the date set forth above.

GRANTOR:

PL PRESERVATION LLC

By: _____

Name: David Goldban
Title: Vice President

GRANTEE:

PL SARA LLC

By: _____

Name: David Goldban
Title: Vice President

Brownfield Cleanup Program Application
Park Lane Senior, Bronx, New York

APPENDIX H

Site Contact List

Appendix H - Site Contact List

Park Lane Senior, 1940 Turnbull Avenue, Bronx, New York 10473
BCP Application – Section IX

i. Local and State Officials

Hon. Charles Schumer
United States Senate
780 Third Avenue, Suite 2301
New York, NY 10017

Hon. Kirsten E Gillibrand
United States Senate
780 Third Avenue, Suite 2601
New York, NY 10017

Luis R. Sepulveda
NYS Senator District 32
900 Roger Place
Bronx, NY 10459

Jose E. Serrano
US House of Representatives District 15
1232 Lafayette Avenue, 4th Floor
Bronx, NY 10474

Karines Reyes
New York State Assembly District 87
1973 Westchester Avenue
Bronx, NY 10462

Ruben Diaz, Sr.
NYC Council District 18
2347 Lafayette Avenue, 2nd Floor
Bronx, NY 10473

Bronx Community Board 9
District Manager: Rogier F. Vlissengen
1967 Turnbull Avenue, Rm 7
Bronx, NY 10473
Phone: 718-823-3034
Email: bx09@cb.nyc.gov

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

Mayor Bill de Blasio
City Hall
New York, NY 10007-1200

Hon. Scott Stringer
NYC Comptroller
1 Centre Street
New York NY 10007

Hon. Jumaane D. Williams
Public Advocate
1 Centre Street, 15th Floor
New York NY 10007

Commissioner Marisa Lago
NYC Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Commissioner Vincent Sapienza
NYC Department of Environmental Protection
59-17 Junction Blvd.
Flushing, NY 11373

Mark McIntyre, Esq.
Acting Director/General Counsel
NYC Office of Environmental Remediation
100 Gold Street - 2nd Floor
New York, NY 10038

Office of Environmental Planning and
Assessment
NYCDEP
96-05 Horace Harding Expressway
Flushing, NY 11373

Thomas V. Panzone
NYSDEC Public Participation Specialist,
Region 2
47-40 21st Street
Long Island City, NY 11101

NYSDEC Division of Environmental
Remediation
Bureau of Program Management
Project Manager - Nigel Crawford
625 Broadway, 12th Floor
Albany, NY 12233

NYSDOH Public Health Specialist
Empire State Plaza
Corning Tower, Room 1787
Albany, NY 11237

Appendix H - Site Contact List

Park Lane Senior, 1940 Turnbull Avenue, Bronx, New York 10473
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ii. Current Site Owner

PL Preservation LLC
70 East 55th Street, 7th Floor
New York, NY 10022

iii. Current Owners and Occupants of the Subject Site and Adjacent Sites

Subject Site

Block 3672, Lot 30

PL Preservation LLC
1940 Turnbull Avenue
Bronx, New York 10473

Block 3672, Lot 1

PL Preservation LLC
1965 Lafayette Avenue
Bronx, New York 10473

Block 3672, Lot 20

PL Preservation LLC
1931 Lafayette Avenue
Bronx, New York 10473

Block 3673, Lot 1

VNO Bruckner Plaza LLC
1998 Bruckner Boulevard
Bronx, New York 10473

Block 3645, Lot 1

VNO Bruckner Plaza LLC
1906 Story Avenue
Bronx, New York 10473

Block 3604, Lot 39

DCAS/Department of Education
1960 Pugsley Avenue
Bronx, New York 10473

Block 3606, Lot 1

US Postal Service
1950 Lafayette Avenue
Bronx, New York 10473

Block 3600, Lot 4

Stevenson Commons Apartments
1850 Lafayette Avenue
Bronx, New York 10473

iv. Religious Authorities

Life Together Fellowship
2347 Lafayette Avenue
Bronx, New York 10473

Fellowship Covenant Church
720 Castle Hill Avenue
Bronx, New York 10473

Church of Jesus Christ-NY Inc
625 Leland Avenue
Bronx, New York 10473

St. Andrew's Episcopal Church
781 Castle Hill Avenue
Bronx, New York, 10473

One Love Church
2045 Story Avenue
Bronx, New York 10473

Ramos A Cesar
2022 Turnbull Avenue
Bronx, New York, 10473

Loeb Ralph E
2215 Cincinnatus Avenue
Bronx, New York 10473

Kingdom Hall of Jehovah's Witnesses
875 Caste Hill Avenue
Bronx, New York 104731

Appendix H - Site Contact List

Park Lane Senior, 1940 Turnbull Avenue, Bronx, New York 10473
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v. Parks and Recreation

NYC Parks and Recreation
Space Time Playground
Underhill & Lafayette Avenue
Bronx, New York 10473

NYC Parks and Recreation
Story Playground
1820 Story Avenue
Bronx, New York 10473

NYC Parks and Recreation
Randall Playground

2125 Randall Avenue
Bronx, New York 10473

NYC Parks and Recreation
Field of Dreams
1930 Randal Avenue
Bronx, New York 10473

NYC Parks and Recreation
P.O. Serrano Playground
2125 Turnbull Avenue #1317
Bronx, New York 10473

vi. Day Cares and Schools

JHS 131 Albert Einstein Soundview Academy
Principal – Monique Mason
885 Bolton Avenue
Bronx, New York 10473

PS 100 Isaac Clason
Principal – Ariana Arbolino
800 Taylor Avenue
Bronx, New York 10473

PS 138 Samuel Randall
Principal – Nicola Evans
2060 Lafayette Avenue
Bronx, New York 10473

Millennium Art Academy
Principal – Herman Guy
Pablo Neruda Academy
Principal - David Liu
Bronx Bridges High School
Principal – Nelsie Castillo
Bronx Guild High School
Principal- Sam Decker
1980 Lafayette Avenue
Bronx, New York 10473

PS 182
Principal – Anne Ogrady
601 Stickball Boulevard
Bronx, New York 10473

vii. Local Water Supply

New York City
Department of Environmental Protection
59-27 Junction Boulevard
Flushing, NY 11373

viii. Local News and Media

News 12 The Bronx
930 Soundview Avenue
Bronx, New York 10473

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

ix. Any Person, Community Based Organization, BOA Group, or Local Media Who Has Requested to be placed on the contact list

No persons have requested to be on the Site Contact List.

Appendix H - Site Contact List

Park Lane Senior, 1940 Turnbull Avenue, Bronx, New York 10473
BCP Application – Section IX

x. Document Repository

Soundview Branch Library
660 Soundview Avenue
Bronx, New York 10473

Bronx Community Board 9
Chairperson: William Rivera
District Manager: Rogier F. Vlissengen
1967 Turnbull Avenue, Rm 7
Bronx, NY 10473
Phone: 718-823-3034
Email: bx09@cb.nyc.gov

See attached documentation confirming acceptance as document repositories in Appendix H.

Brownfield Cleanup Program Application
Park Lane Senior, Bronx, New York

APPENDIX I

Land Use Factors

Appendix I –Land Use Factors

Park Lane Senior, 1940 Turnbull Avenue, Bronx, New York 104
BCP Application - Section X

2. Current Use – The Site has been used as a parking lot since the 1970's and is currently being used as a parking lot.

3. Reasonably Anticipated Use Post Remediation – Senior Affordable Housing

The development for affordable senior housing will construct a 109,000 gross square foot (SF FT) building within a footprint of approximately 9,000 SF. Below-grade parking will be provided beneath the lobby on the 1st floor. The remainder of the property will be a mix of parking and landscaping. The building will house approximately 150 rental senior apartment units, 100% of which will be affordable.