



Department of  
Environmental  
Conservation

## BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

### PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

#### 1. Check the appropriate box(es) below based on the nature of the amendment modification requested:

Amendment to modify the existing BCA: [check one or more boxes below]

- Add applicant(s)
- Substitute applicant(s)
- Remove applicant(s)
- Change in Name of applicant(s)

Amendment to reflect a transfer of title to all or part of the brownfield site

1a. A copy of the recorded deed must be provided. Is this attached?  Yes  No

1b.  Change in ownership  Additional owner (such as a beneficial owner)

If yes, pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been previously submitted. If not, please submit this form with this Amendment. See <http://www.dec.ny.gov/chemical/76250.html>

Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Sections I and V below and Part II*]

Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Section I and V below and Part II*]

**Sites in Bronx, Kings, New York, Queens, or Richmond counties ONLY:** Amendment to request determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. Please answer questions on the supplement at the end of the form.

Other (explain in detail below)

#### 2. Required: Please provide a brief narrative on the nature of the amendment:

This BCA Amendment Application is being submitted to reduce the boundary of the BCP Site by 0.0364 acres as shown on Exhibit A. The Site is adjacent to a number of adjacent private backyards on the eastern side of the BCP Site as shown in Exhibit A. In order to avoid having to access these private backyard properties, the support of excavation had to be pulled back into the interior of the BCP Site along the eastern side of the BCP Site. The current 0.7362 acre BCP Site is hereby reduced by 0.0364 acres and the remaining BCP Site is 0.6998 acres. See revised BCP Site Boundary in Exhibit B. The estimated acreage of the BCP Site in the Brownfield Cleanup Agreement of 0.716 acres was slightly incorrect and should hereby be updated to the new 0.6998 acres as shown in the revised BCP Site Boundary survey in Exhibit B, which is now the BCP Site. In addition, while the BCP Volunteer is remaining the same, the authorized signatory and address of the Volunteer has changed to Sharone Karten with an address of 330 East 75th St, 2F, New York, NY, 10021, email address of sharonekarten@gmail.com and phone number 917-596-0821. See Consent in Exhibit C.

**\*Please refer to the attached instructions for guidance on filling out this application\***

**\*Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment involves a non-insignificant change in acreage, applicants are encouraged to consult with the DEC project team prior to submitting this application.\***

|  |     |                                      |  |
|--|-----|--------------------------------------|--|
| <b>Section I. Current Agreement Information</b>  |     |                                      |  |
| BCP SITE NAME: 580 Gerard Former Post Office Vehicle Re  |     | BCP SITE NUMBER: C203142             |  |
| NAME OF CURRENT APPLICANT(S): SB Gerard Avenue LLC   |     |                                      |  |
| INDEX NUMBER OF AGREEMENT: C203142-12-20   |     | DATE OF ORIGINAL AGREEMENT: 1/8/2020 |  |
| <b>Section II. New Requestor Information</b> (complete only if adding new requestor or name has changed)   |     |                                      |  |
| NAME   |     |                                      |  |
| ADDRESS  |     |                                      |  |
| CITY/TOWN  |     | ZIP CODE                             |  |
| PHONE  | FAX | E-MAIL                               |  |
| 1. Is the requestor authorized to conduct business in New York State (NYS)? <input type="checkbox"/> Yes <input type="checkbox"/> No   |     |                                      |  |
| <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 NYS Department of State's (DOS) Corporation &amp; Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.</li> </ul> |     |                                      |  |
| NAME OF NEW REQUESTOR'S REPRESENTATIVE   |     |                                      |  |
| ADDRESS  |     |                                      |  |
| CITY/TOWN  |     | ZIP CODE                             |  |
| PHONE  | FAX | E-MAIL                               |  |
| NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)   |     |                                      |  |
| ADDRESS  |     |                                      |  |
| CITY/TOWN  |     | ZIP CODE                             |  |
| PHONE  | FAX | E-MAIL                               |  |
| NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)   |     |                                      |  |
| ADDRESS  |     |                                      |  |
| CITY/TOWN  |     | ZIP CODE                             |  |
| PHONE  | FAX | E-MAIL                               |  |
| 2. Requestor must submit proof that the party signing this Application and Amendment has the authority to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. Is this proof attached? <input type="checkbox"/> Yes <input type="checkbox"/> No   |     |                                      |  |
| 3. Describe Requestor's Relationship to Existing Applicant:  |     |                                      |  |

**Section III. Current Property Owner/Operator Information (only include if new owner/operator)**  
**Owner below is:**  Existing Applicant  New Applicant  Non-Applicant

OWNER'S NAME (if different from requestor)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

**Section IV. Eligibility Information for New Requestor (Please refer to ECL § 27-1407 for more detail)**

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 presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site?  Yes  No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site?  Yes  No  
 Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the subject law; ii) any order or determination; iii) any regulation implementing ECL Article 27 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, Department 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 the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department?  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 NEW REQUESTOR MUST CERTIFY THAT IT 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 contamination 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 contamination.

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.**

12. Requestor's Relationship to Property (check one):

Prior Owner  Current Owner  Potential /Future Purchaser  Other \_\_\_\_\_

13. 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 V. Property description and description of changes/additions/reductions (if applicable)**

1. Property information on current agreement:

ADDRESS 580 Gerard Avenue

CITY/TOWN Bronx, New York

ZIP CODE 10451

TAX BLOCK AND LOT (SBL)

TOTAL ACREAGE OF CURRENT SITE: 0.716

| Parcel Address  | Section No. | Block No. | Lot No. | Acreage |
|---|-------------|-----------|---------|---------|
| 580 Gerard Avenue   |             | 2353      | 1       | 0.716   |
| See note below that the original BCP Site acreage should have |             |           |         |         |
| been 0.7362 acres not 0.716 acres.                            |             |           |         |         |

2. Check appropriate boxes below:

Addition of property (may require additional citizen participation depending on the nature of the expansion – see attached instructions)

2a. PARCELS ADDED:

| Parcel Address | Section No. | Block No. | Lot No. | Acreage Added by Parcel |
|----------------|-------------|-----------|---------|-------------------------|
|                |             |           |         |                         |
|                |             |           |         |                         |
|                |             |           |         |                         |

Total acreage to be added: \_\_\_\_\_

Reduction of property

2b. PARCELS REMOVED:

| Parcel Address   | Section No. | Block No. | Lot No. | Acreage Removed by Parcel |
|--|-------------|-----------|---------|---------------------------|
| p/o 580 Gerard Avenue  |             | 2353      | 1       | .0364                     |
| NOTE: the original acreage in the BCA was slightly incorrect     |             |           |         |                           |
| Based on new survey, the correct original BCP acreage was 0.7362 |             |           |         |                           |

Total acreage to be removed: 0.364

Change to SBL (e.g. merge, subdivision, address change)

2c. NEW SBL INFORMATION:

| Parcel Address | Section No. | Block No. | Lot No. | Acreage |
|----------------|-------------|-----------|---------|---------|
|                |             |           |         |         |
|                |             |           |         |         |
|                |             |           |         |         |

If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, or acceptable site map to this application.

**3. TOTAL REVISED SITE ACREAGE:** 0.6998

**Supplement to the Application To Amend Brownfield Cleanup Agreement And Amendment - Questions for Sites Seeking Tangible Property Credits in New York City ONLY.**

|  |  |
|--|--|
| 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 type="checkbox"/> Yes <input type="checkbox"/> 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 Tax Law 21(6)?<br>Please see <a href="#">DEC's website</a> for more information.  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Is the property upside down as defined below?   | <input type="checkbox"/> Yes <input type="checkbox"/> 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>  |  |
| 3. Is the project an affordable housing project as defined below?  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <p>From 6 NYCRR 375- 3.2(a) as of August 12, 2016:</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> |  |

**PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT**

|   |
|---|
| <b>Existing Agreement Information</b>   |
| BCP SITE NAME: 580 Gerard Former Post Office Vehicle Repair, § BCP SITE NUMBER: C203142 |
| NAME OF CURRENT APPLICANT(S): SB Gerard Avenue LLC                                      |
| INDEX NUMBER OF AGREEMENT: C203142-12-20  |
| EFFECTIVE DATE OF ORIGINAL AGREEMENT: 1/8/2020  |

Declaration of Amendment:

By the Requestor(s) and/or Applicant(s) signatures below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from any obligations held under the Agreement or those same laws.

**Statement of Certification and Signatures: New Requestor(s) (if applicable)**

(Individual)

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. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

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

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

(Entity)

I hereby affirm that I am (title \_\_\_\_\_) of (entity \_\_\_\_\_); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and 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.

\_\_\_\_\_ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

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

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



**Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)**

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

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

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

(Entity)

I hereby affirm that I am Member (title) of SB Gerard Avenue LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. MY, Sharone Karten signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 10/15/21 Signature: 

Print Name: Sharone Karten

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Please see the following page for submittal instructions.

**NOTE: Applications submitted in fillable format will be rejected.**

Status of Agreement:

|   |  |
|---|--|
| <input type="checkbox"/> <b>PARTICIPANT</b><br>A requestor who either 1) was the owner of the site at the time of the disposal of contamination 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 contamination. | <input checked="" type="checkbox"/> <b>VOLUNTEER</b><br>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 contamination. |
|---|--|

**Effective Date of the Original Agreement:** 1/8/2020

**Signature by the Department:**

DATED: January 28, 2022

NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

By: Susan Edwards Acting Director, DER

\_\_\_\_\_  
Michael J. Ryan, P.E., Director  
Division of Environmental Remediation



**SUBMITTAL INFORMATION:**

- **Two (2)** copies, one hard copy with original signatures and one electronic copy in final, non-fillable 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

- **NOTE: Applications submitted in fillable format will be rejected.**

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**FOR DEPARTMENT USE ONLY**

**BCP SITE T&A CODE:** \_\_\_\_\_ **LEAD OFFICE:** Region 2

**PROJECT MANAGER:** Steven Wu



October 18, 2021

VIA ELECTRONIC MAIL AND  
FEDERAL EXPRESS

Kelly A. Lewandowski, P.E.  
Chief Site Control Section  
New York State Division of Environmental Conservation  
Site Control Section  
625 Broadway, 11th Floor  
Albany, NY 12233

**RE: 580 Gerard Former Post Office Vehicle Repair Shop Site  
BCP Site #C203142  
BCA Amendment – BCP Site Boundary Reduction**

Dear Ms. Lewandowski:

The attached Change of Use/ BCA Amendment Application is being submitted to reduce the boundary of the BCP Site by 0.0364 acres as shown on Exhibit A. The Site is adjacent to a number of adjacent private backyards on the eastern side of the BCP Site as shown in Exhibit A. In order to avoid having to access these private backyard properties, the support of excavation had to be pulled back into the interior of the BCP Site along the eastern side of the BCP Site. The current 0.7362 acre BCP Site is hereby reduced by 0.0364 acres and the remaining BCP Site is 0.6998 acres. See revised BCP Site Boundary in Exhibit B. The estimated acreage of the BCP Site in the Brownfield Cleanup Agreement of 0.716 acres was slightly incorrect and should hereby be updated to the new 0.6998 acres as shown in the revised BCP Site Boundary survey in Exhibit B, which is now the BCP Site.

In addition, while the BCP Volunteer is remaining the same, the authorized signatory and address of the Volunteer has changed to Sharone Karten with an address of 330 East 75th St, 2F, New York, NY, 10021, email address of sharonekarten@gmail.com and phone number 917-596-0821. See revised Corporate Consent in Exhibit C..

Please do not hesitate to contact me if you have any questions. Thank you.

Sincerely,

**KNAUF SHAW LLP**

A handwritten signature in black ink that reads "Linda R. Shaw".

LINDA R. SHAW

Encl.



**60-Day Advance Notification of Site Change of Use, Transfer of Certificate of Completion, and/or Ownership**

Required by 6NYCRR Part 375-1.11(d) and 375-1.9(f)

To be submitted at least 60 days prior to change of use to:

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

**I. Site Name:** 580 Gerard Former Post Office Vehicle Repair Site **DEC Site ID No.** C203142

**II. Contact Information of Person Submitting Notification:**

Name: Linda Shaw, Esq., Knauf Shaw LLP  
 Address1: 1400 Crossroads Building, 2 State Street  
 Address2: Rochester, New York 14614  
 Phone: (585) 546 - 8430 E-mail: lshaw@nyenvlaw.com

**III. Type of Change and Date:** Indicate the Type of Change(s) (check all that apply):

- Change in Ownership or Change in Remedial Party(ies)
- Transfer of Certificate of Completion (CoC)
- Other (e.g., any physical alteration or other change of use)

Proposed Date of Change (mm/dd/yyyy):

**IV. Description:** Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

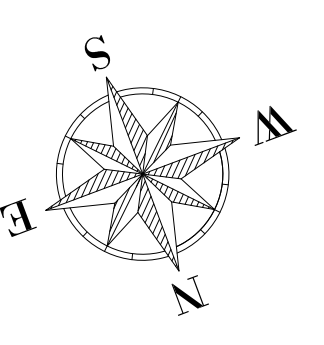
The BCP Site boundary must be reduced by 0.0364 acres due to inability to readily access numerous adjacent private backyards on the eastern side of the BCP Site as shown in Exhibit A to install support of excavation, which has been pulled back into the interior of the BCP Site. The current 0.7362 acre BCP Site (acreage of 0.716 acres in the BCA was slightly incorrect) is being reduced by the 0.0364 acres and new reduce BCP Site acreage is 0.6998 acres as shown in the new BCP Site Boundary Survey in Exhibit B.

If "Other," the description must explain and advise the Department how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

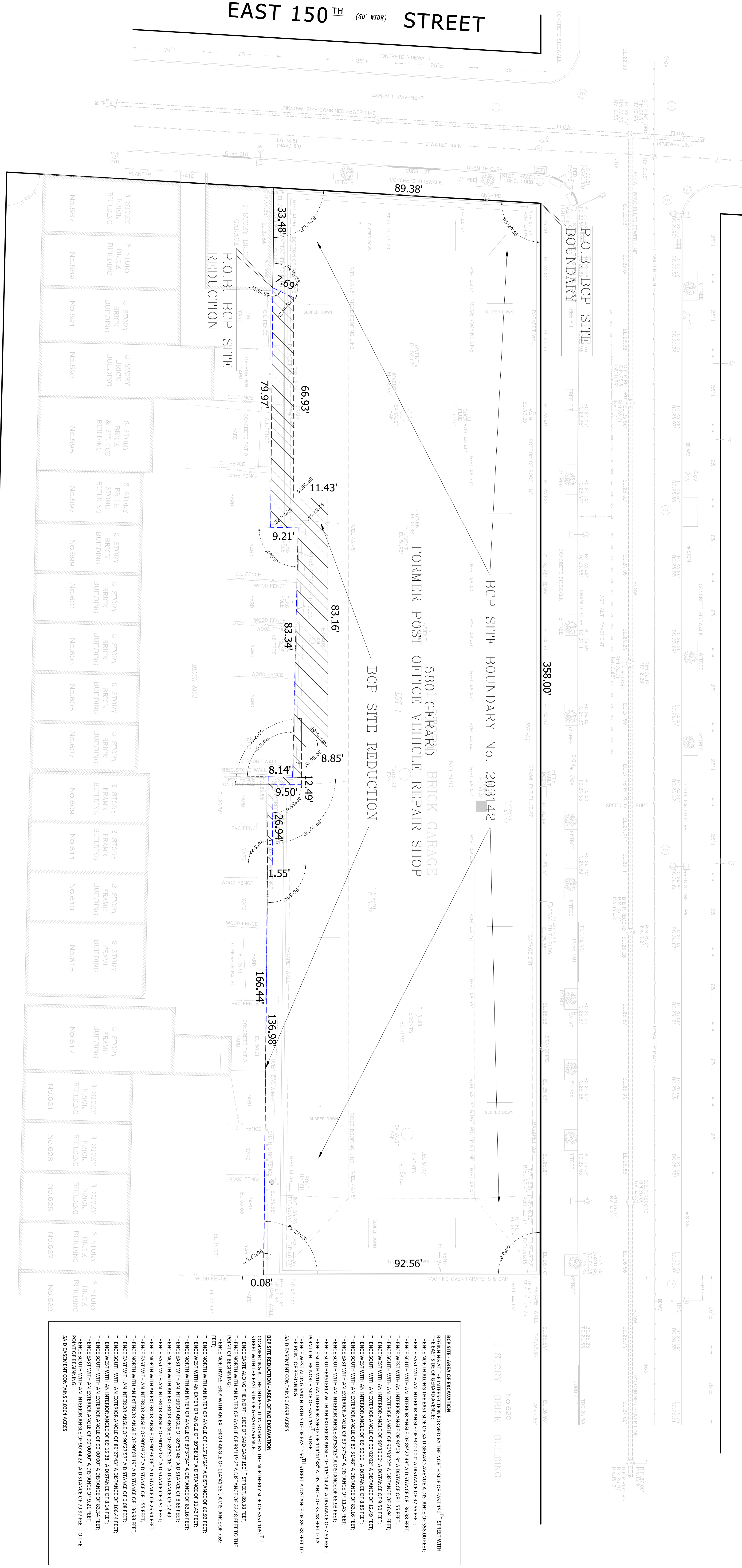
The authorized signatory and address of the Volunteer has also changed to Sharone Karten with an address of 330 East 75th St, 2F, New York, NY, 10021, email address of sharonekarten@gmail.com and phone number 917-596-0821. None of these changes will affect remediation efforts at the Site.

# **EXHIBIT A**





GERARD (60' WIDE) AVENUE



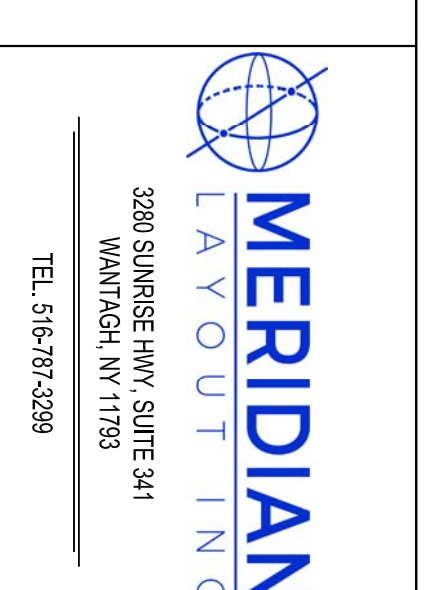
WALTON (60' WIDE) AVENUE

| DATE           | DESCRIPTION    |
|----------------|----------------|
| SEPT. 29, 2021 | SOE FASUREMENT |

| BLOCK | LOT | SECTION | COUNTY | DWG BY | CHKD BY |
|-------|-----|---------|--------|--------|---------|
| 2353  | 1   |         | BRONX  | A.G.   | J.A.    |

SCALE: 1"=15'

NOTE: Surveyed alterations or additions to this survey is a violation of section 2090 of the New York State education law. Copies of this survey may not be made, and any surveyor's seal or embossed seal shall not be considered to be a guarantee of accuracy or a warranty of any kind. The surveyor is not responsible for any errors or omissions in this survey or for any consequences arising therefrom. The surveyor is not responsible for any errors or omissions in this survey or for any consequences arising therefrom. The surveyor is not responsible for any errors or omissions in this survey or for any consequences arising therefrom.



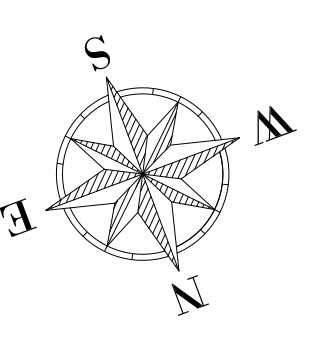
**BCP SITE - AREA OF EXCAVATION**  
 BEGINNING AT THE INTERSECTION FORMED BY THE NORTH SIDE OF EAST 150<sup>TH</sup> STREET WITH THE EAST SIDE OF GERARD AVENUE;  
 THENCE NORTH ALONG THE EAST SIDE OF SAID GERARD AVENUE A DISTANCE OF 338.00 FEET;  
 THENCE EAST WITH AN INTERIOR ANGLE OF 90°00'00" A DISTANCE OF 92.26 FEET;  
 THENCE SOUTH WITH AN INTERIOR ANGLE OF 89°27'43" A DISTANCE OF 136.88 FEET;  
 THENCE WEST WITH AN INTERIOR ANGLE OF 90°03'19" A DISTANCE OF 1.55 FEET;  
 THENCE SOUTH WITH AN INTERIOR ANGLE OF 90°00'00" A DISTANCE OF 9.50 FEET;  
 THENCE WEST WITH AN INTERIOR ANGLE OF 89°50'16" A DISTANCE OF 12.49 FEET;  
 THENCE NORTH WITH AN INTERIOR ANGLE OF 90°02'00" A DISTANCE OF 9.50 FEET;  
 THENCE EAST WITH AN INTERIOR ANGLE OF 90°00'00" A DISTANCE OF 1.55 FEET;  
 THENCE NORTH WITH AN INTERIOR ANGLE OF 90°03'22" A DISTANCE OF 136.98 FEET;  
 THENCE SOUTH WITH AN INTERIOR ANGLE OF 89°50'19" A DISTANCE OF 166.44 FEET;  
 THENCE WEST WITH AN INTERIOR ANGLE OF 89°27'42" A DISTANCE OF 166.44 FEET;  
 THENCE SOUTH WITH AN INTERIOR ANGLE OF 89°13'38" A DISTANCE OF 8.14 FEET;  
 THENCE EAST WITH AN INTERIOR ANGLE OF 90°00'00" A DISTANCE OF 9.21 FEET;  
 THENCE SOUTH WITH AN INTERIOR ANGLE OF 90°00'00" A DISTANCE OF 9.21 FEET TO THE POINT OF BEGINNING.

**BCP SITE REDUCTION - AREA OF NO EXCAVATION**  
 BEGINNING AT THE INTERSECTION FORMED BY THE NORTHERLY SIDE OF EAST 150<sup>TH</sup> STREET WITH THE EAST SIDE OF GERARD AVENUE;  
 THENCE NORTH ALONG THE NORTH SIDE OF SAID EAST 150<sup>TH</sup> STREET A DISTANCE OF 89.38 FEET;  
 THENCE EAST WITH AN INTERIOR ANGLE OF 89°13'42" A DISTANCE OF 33.48 FEET TO THE POINT OF BEGINNING;  
 THENCE NORTHWESTERLY WITH AN INTERIOR ANGLE OF 114°41'38" A DISTANCE OF 7.89 FEET;  
 THENCE NORTH WITH AN INTERIOR ANGLE OF 115°17'42" A DISTANCE OF 66.93 FEET;  
 THENCE WEST WITH AN INTERIOR ANGLE OF 89°58'13" A DISTANCE OF 11.43 FEET;  
 THENCE NORTH WITH AN INTERIOR ANGLE OF 89°57'54" A DISTANCE OF 83.16 FEET;  
 THENCE EAST WITH AN INTERIOR ANGLE OF 89°31'46" A DISTANCE OF 8.85 FEET;  
 THENCE NORTH WITH AN INTERIOR ANGLE OF 89°50'16" A DISTANCE OF 12.49 FEET;  
 THENCE EAST WITH AN INTERIOR ANGLE OF 90°02'00" A DISTANCE OF 9.50 FEET;  
 THENCE NORTH WITH AN INTERIOR ANGLE OF 90°00'00" A DISTANCE OF 9.50 FEET;  
 THENCE EAST WITH AN INTERIOR ANGLE OF 90°00'00" A DISTANCE OF 1.55 FEET;  
 THENCE NORTH WITH AN INTERIOR ANGLE OF 90°03'22" A DISTANCE OF 136.98 FEET;  
 THENCE SOUTH WITH AN INTERIOR ANGLE OF 89°50'19" A DISTANCE OF 166.44 FEET;  
 THENCE WEST WITH AN INTERIOR ANGLE OF 89°27'42" A DISTANCE OF 166.44 FEET;  
 THENCE SOUTH WITH AN INTERIOR ANGLE OF 89°13'38" A DISTANCE OF 8.14 FEET;  
 THENCE EAST WITH AN INTERIOR ANGLE OF 90°00'00" A DISTANCE OF 9.21 FEET;  
 THENCE SOUTH WITH AN INTERIOR ANGLE OF 90°00'00" A DISTANCE OF 9.21 FEET TO THE POINT OF BEGINNING.

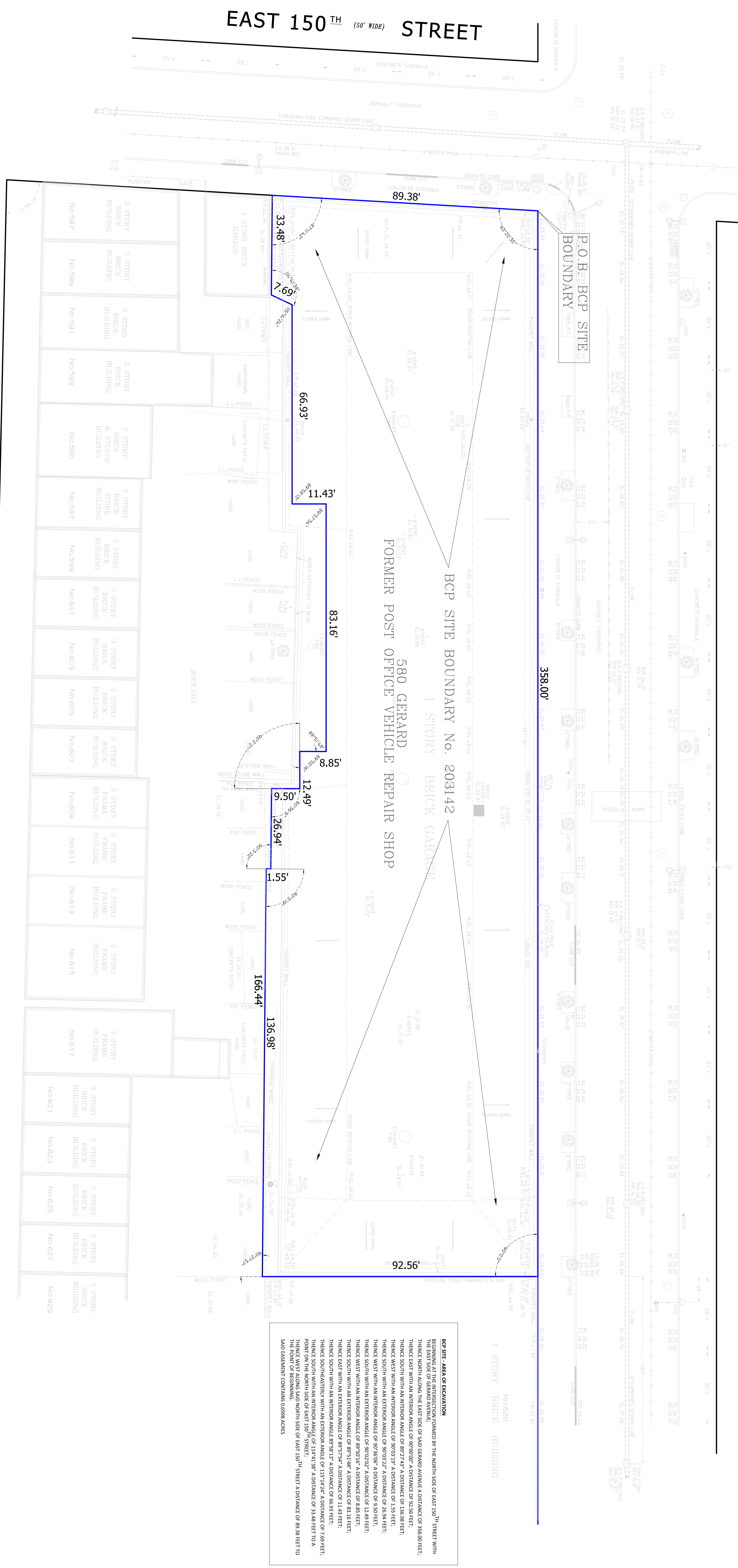
**BCP SITE REDUCTION - AREA OF NO EXCAVATION**  
 BEGINNING AT THE INTERSECTION FORMED BY THE NORTHERLY SIDE OF EAST 150<sup>TH</sup> STREET WITH THE EAST SIDE OF GERARD AVENUE;  
 THENCE NORTH ALONG THE NORTH SIDE OF SAID EAST 150<sup>TH</sup> STREET A DISTANCE OF 89.38 FEET;  
 THENCE EAST WITH AN INTERIOR ANGLE OF 89°13'42" A DISTANCE OF 33.48 FEET TO THE POINT OF BEGINNING;  
 THENCE NORTHWESTERLY WITH AN INTERIOR ANGLE OF 114°41'38" A DISTANCE OF 7.89 FEET;  
 THENCE NORTH WITH AN INTERIOR ANGLE OF 115°17'42" A DISTANCE OF 66.93 FEET;  
 THENCE WEST WITH AN INTERIOR ANGLE OF 89°58'13" A DISTANCE OF 11.43 FEET;  
 THENCE NORTH WITH AN INTERIOR ANGLE OF 89°57'54" A DISTANCE OF 83.16 FEET;  
 THENCE EAST WITH AN INTERIOR ANGLE OF 89°31'46" A DISTANCE OF 8.85 FEET;  
 THENCE NORTH WITH AN INTERIOR ANGLE OF 89°50'16" A DISTANCE OF 12.49 FEET;  
 THENCE EAST WITH AN INTERIOR ANGLE OF 90°02'00" A DISTANCE OF 9.50 FEET;  
 THENCE NORTH WITH AN INTERIOR ANGLE OF 90°00'00" A DISTANCE OF 9.50 FEET;  
 THENCE EAST WITH AN INTERIOR ANGLE OF 90°00'00" A DISTANCE OF 1.55 FEET;  
 THENCE NORTH WITH AN INTERIOR ANGLE OF 90°03'22" A DISTANCE OF 136.98 FEET;  
 THENCE SOUTH WITH AN INTERIOR ANGLE OF 89°50'19" A DISTANCE OF 166.44 FEET;  
 THENCE WEST WITH AN INTERIOR ANGLE OF 89°27'42" A DISTANCE OF 166.44 FEET;  
 THENCE SOUTH WITH AN INTERIOR ANGLE OF 89°13'38" A DISTANCE OF 8.14 FEET;  
 THENCE EAST WITH AN INTERIOR ANGLE OF 90°00'00" A DISTANCE OF 9.21 FEET;  
 THENCE SOUTH WITH AN INTERIOR ANGLE OF 90°00'00" A DISTANCE OF 9.21 FEET TO THE POINT OF BEGINNING.



# **EXHIBIT B**



GERARD (60' WIDE) AVENUE



WALTON (60' WIDE) AVENUE

| DATE           | DESCRIPTION                    |
|----------------|--------------------------------|
| SEPT. 29, 2021 | SOE ESMNT - AREA OF EXCAVATION |

| DATE  | DESCRIPTION |
|-------|-------------|
| 2353  | 1           |
| BRONX | A.G.        |
| J.A.  |             |

NOTE: Unnoted alterations or additions to this survey are a violation of section 7909 of the New York State education law. Copies of this survey may not be bearing the land surveyor's sealed seal or embossed seal shall not be considered to be a true and correct copy of the original survey. The surveyor's seal or embossed seal is the property of the surveyor and shall not be loaned, sold, or otherwise disposed of. The surveyor's seal or embossed seal is the property of the surveyor and shall not be loaned, sold, or otherwise disposed of. The surveyor's seal or embossed seal is the property of the surveyor and shall not be loaned, sold, or otherwise disposed of.

**BCP SITE - AREA OF EXCAVATION**  
 BOUNDARY OF THE BCP SITE, COMMENCED BY THE NORTH SIDE OF EAST 150<sup>TH</sup> STREET WITH THE EAST SIDE OF GERARD AVENUE.  
 THENCE NORTH ALONG THE EAST SIDE OF SAID GERARD AVENUE A DISTANCE OF 358.00 FEET;  
 THENCE SOUTH WITH AN INTERIOR ANGLE OF 90°00'00" A DISTANCE OF 92.56 FEET;  
 THENCE SOUTH WITH AN INTERIOR ANGLE OF 89°27'58" A DISTANCE OF 136.98 FEET;  
 THENCE WEST WITH AN INTERIOR ANGLE OF 90°09'17" A DISTANCE OF 1.55 FEET;  
 THENCE WEST WITH AN INTERIOR ANGLE OF 90°03'27" A DISTANCE OF 26.94 FEET;  
 THENCE WEST WITH AN INTERIOR ANGLE OF 90°00'00" A DISTANCE OF 12.49 FEET;  
 THENCE WEST WITH AN INTERIOR ANGLE OF 89°50'16" A DISTANCE OF 8.85 FEET;  
 THENCE SOUTH WITH AN INTERIOR ANGLE OF 89°51'48" A DISTANCE OF 11.43 FEET;  
 THENCE SOUTH WITH AN INTERIOR ANGLE OF 89°58'13" A DISTANCE OF 66.93 FEET;  
 THENCE SOUTHWESTERLY WITH AN INTERIOR ANGLE OF 115°14'24" A DISTANCE OF 7.69 FEET;  
 THENCE SOUTH WITH AN INTERIOR ANGLE OF 114°14'38" A DISTANCE OF 33.48 FEET TO A POINT ON THE NORTH SIDE OF EAST 150<sup>TH</sup> STREET;  
 THENCE WEST ALONG SAID NORTH SIDE OF EAST 150<sup>TH</sup> STREET A DISTANCE OF 89.38 FEET TO SAID BENCHMARK CONTAINS 0.0998 ACRES

# **EXHIBIT C**

## WRITTEN CONSENT

The undersigned, being a Member of SB Gerard Avenue LLC, does hereby certify as follows:

1. SB Gerard Avenue LLC is a volunteer for the 580 Gerard Former Post Office Vehicle Repair Shop Site BCP Site No. 203142 located at the 580 Gerard Avenue, Bronx, New York 10451 (Tax Parcel Identification No. Block 2353 Lot 1 (the "Site"));

2. The following person, Sharone Karten, a member of SB Gerard Avenue LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer SB Gerard Avenue LLC.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 15th day of October 2021.



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SB Gerard Avenue LLC

Matthew Grodin

Member