

**SB Gerard Avenue, LLC**  
**Brownfield Cleanup Program Application**  
**580 Gerard Former Post Office Vehicle Repair Site**  
**580 Gerard Avenue, Bronx, New York 10451**



**Legal & Consulting Team:**  
**Knauf Shaw LLP & Roux Associates, Inc..**  
**September 2020**



# 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

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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

Yes

No

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

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

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

### Section II. Project Description

1. What stage is the project starting at?

Investigation

Remediation

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

2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): Yes No

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

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

### Section III. Property's Environmental History

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

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

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

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

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

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

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

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

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

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

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

Yes No

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

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

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

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME				
ADDRESS/LOCATION				
CITY/TOWN		ZIP CODE		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL):				
COUNTY		SITE SIZE (ACRES)		
LATITUDE (degrees/minutes/seconds) ° ' "		LONGITUDE (degrees/minutes/seconds) ° ' "		
<b>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.</b>				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site.			Yes	No
2. Is the required property map attached to the application? (application will not be processed without map)			Yes	No
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> 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	No
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.			Yes	No
7. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.			Yes	No



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

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

Easement/Right-of-way Holder

Description

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

Type

Issuing Agency

Description

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

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

Yes No

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

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

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

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

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

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

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

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

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

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF REQUESTOR'S CONSULTANT			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF REQUESTOR'S ATTORNEY			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b>			
CURRENT OWNER'S NAME		OWNERSHIP START DATE:	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<b>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".</b>			
<b>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.</b>			
<b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b>			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site? Yes No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? Yes No			
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. Yes No			

## Section VII. Requestor Eligibility Information (continued)

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

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

### PARTICIPANT

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

### VOLUNTEER

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

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

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

## Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

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

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

Yes No

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

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

1. Is / was the property, or any portion of the property, listed on the National Priorities List?  
If yes, please provide relevant information as an attachment.

Yes    No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305?  
If yes, please provide:      Site # \_\_\_\_\_      Class # \_\_\_\_\_

Yes    No
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?  
If yes, please provide:   Permit type: \_\_\_\_\_      EPA ID Number: \_\_\_\_\_  
                                        Date permit issued: \_\_\_\_\_      Permit expiration date: \_\_\_\_\_

Yes    No
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?  
If yes, please provide:      Order # \_\_\_\_\_

Yes    No
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?  
If yes, please provide explanation as an attachment.

Yes    No

## Section IX. Contact List Information

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

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



## Section X. Land Use Factors

1. What is the current municipal zoning designation for the site? \_\_\_\_\_

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

Residential      Commercial      Industrial

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

2. Current Use:    Residential    Commercial    Industrial    Vacant    Recreational    (check all that apply)

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

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

If residential, does it qualify as single family housing?

Yes    No

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

Yes    No

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

Yes    No

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.

Yes    No

## XI. Statement of Certification and Signatures

(By requestor who is an individual)

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

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

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

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

(By a requestor other than an individual)

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

Date: 8/31/20

Signature: 

Print Name: Joshua Schuster

### SUBMITTAL INFORMATION:

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

**FOR DEC USE ONLY**

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

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

**BCP App Rev 10**

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

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

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

Project is an Affordable Housing Project - Regulatory Agreement Attached;

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

This is Not an Affordable Housing Project.

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

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

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

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

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



**BCP Application Summary (for DEC use only)****Site Name:****City:****Site Address:****County:****Zip:****Tax Block & Lot****Section (if applicable):****Block:****Lot:****Requestor Name:****City:****Requestor Address:****Zip:****Email:****Requestor's Representative (for billing purposes)****Name:****Address:****City:****Zip:****Email:****Requestor's Attorney****Name:****Address:****City:****Zip:****Email:****Requestor's Consultant****Name:****Address:****City:****Zip:****Email:****Percentage claimed within an En-Zone:****0%****<50%****50-99%****100%****DER Determination:**

Agree

Disagree

**Requestor's Requested Status:****Volunteer****Participant****DER/OGC Determination:**

Agree

Disagree

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

Yes

No

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

Yes

No

**DER/OGC Determination:**

Agree

Disagree

Undetermined

**Notes:****Does Requestor Claim Property is Underutilized:**

Yes

No

**DER/OGC Determination:**

Agree

Disagree

Undetermined

**Notes:****Does Requestor Claim Affordable Housing Status:**

Yes

No

Planned, No Contract

**DER/OGC Determination:**

Agree

Disagree

Undetermined

**Notes:**

# **BCP APPLICATION SUPPORT DOCUMENT**

## **BCP APPLICATION SUPPORT DOCUMENT**

### **Exhibit List**

<b>Exhibit A -</b>	DOS Entity Information
<b>Exhibit B-</b>	Corporate Consent
<b>Exhibit C-</b>	Deed
<b>Exhibit D-</b>	DEC PBS Tank Database Documentation
<b>Exhibit E-</b>	Previous Owners and Operators
<b>Exhibit F-</b>	Site Drawing Spider Maps
<b>Exhibit G-</b>	Survey and Tax Map
<b>Exhibit H-</b>	Site Location Map, Base Map, Street Map and En-Zone Map
<b>Exhibit I-</b>	Zoning Map
<b>Exhibit J-</b>	Flood Map
<b>Exhibit K-</b>	Site Contact List
<b>Exhibit L-</b>	Repository Letters

### **ENVIRONMENTAL REPORTS SEPARATELY ATTACHED ON CD:**

1. 2011 March EEA, Inc. Phase I Environmental Site Assessment Report
2. 2018 September GEI Consulting Engineers and Scientists Phase I Environmental Site Assessment Report
3. 2018 September GEI Consulting Engineers and Scientists Phase II Environmental Site Assessment Report
4. 2020 January Geotechnical Engineering Services, P.C. Geotechnical Report
5. 2020 February DPV Consultants, Inc. Soil Waste Characterization Report
6. 2020 May GEI Phase I Environmental Site Assessment Report
7. 2020 May Roux Remedial Investigation Work Plan (RIWP)

## **PART A**

### **SECTION I - REQUESTOR INFORMATION**

[NOTE: All of the support information in this support document supplements or directly responds to the questions or requests for information in the corresponding order requested on the BCP Application form].

The Requestor is SB Gerard Avenue, LLC, a New York limited liability company, located at c/o Silverback Acquisitions and Development LLC, 40 West 57<sup>th</sup> Street, New York City, New York 10019. SB Gerard Avenue, LLC is authorized to do business in the State of New York. *See* Exhibit A, NYSDOS Entity Information. The sole member is Joshua A. Schuster.

The Written Consent provides Joshua A. Schuster with authority to sign all Brownfield Cleanup Program (“BCP”) documents on behalf of the Requestor SB Gerard Avenue, LLC. *See* Exhibit B, Corporate Consent.

As further described below in Section IV, the Site is located at 580 Gerard Avenue, Bronx, New York 10451, Tax Identification No. Block 2352, Lot 1 (“Site” or “BCP Site.”).

Requestor is the current owner of the Site as of September 2, 2020. *See* Exhibits C, Deed, and Exhibit G, Survey.

The Requestor has no prior relationship with any current or past owners or operators of the Site other than the Requestor acquired the Site from the Previous owner, NR Property 2 LLC. *See* Sections V and VI below, and Exhibit E, Previous Owners and Operators List. The Requestor did not cause any of the contamination of the Site, which predates the Requestor’s ownership or involvement at the Site as documented in the environmental reports prepared to date.

### **SECTION II - PROJECT DESCRIPTION**

**Please refer to responses to Questions 1-3 on the BCP Application Form.**

#### **4. Short Project Description**

The planned redevelopment of the Site entails demolition of the current on-Site former Post Office vehicle repair facility building, and any associated lead paint or asbestos remediation, the investigation and remediation of the Site, and then the construction of a 7 to 9-story multifamily rental building with ground floor retail. The proposed building will be approximately 143,000 square feet, and will include 30% affordable housing residential rental units employing the allowed Inclusionary Density Bonus (approx. 176,000 GSF). This will comprise a total of 185-200 multifamily rental units, approximately 5,000 square feet of retail space, and an estimated 70 parking spaces.



## **Schedule- Commencement through COC**

Assuming the Brownfield Cleanup Agreement (“BCA”) is fully executed within four months of submission of this Application, in September 2020, since the Remedial Investigation Work Plan (“RIWP”) was submitted with the application, the Remedial Investigation (“RI”) will commence in the fall of 2020 shortly after BCA execution. The RI will occur after Site preparation activities, including on-Site building remediation and demolition, in order to prepare the Site for investigation and remediation under former slabs, which is also expected to commence by the early fall of 2020. The Remedial Investigation Report (“RIR”) will be submitted at the same time as the Remedial Action Work Plan (“RAWP”), which are expected to be submitted by late 2020-early 2021. Any required remediation should commence in the spring of 2021 after the 45-day public comment period. The Certificate of Completion is anticipated to be issued on or before December 31, 2021.

## **SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY**

### **1. List of Environmental Reports**

The following is the list of environmental reports for the Site separately attached:

- A. 2011 March EEA, Inc. Phase I Environmental Site Assessment Report
- B. 2018 September GEI Consulting Engineers and Scientists Phase I Environmental Site Assessment Report
- C. 2018 September GEI Consulting Engineers and Scientists Phase II Environmental Site Assessment Report
- D. 2020 January Geotechnical Engineering Services, P.C. Geotechnical Report
- E. 2020 February DPV Consultants, Inc. Soil Waste Characterization Report
- F. 2020 May GEI Phase I Environmental Site Assessment Report
- G. 2020 May Roux Remedial Investigation Work Plan (RIWP)

### **2. Sampling Data**

*See Exhibit F, Spider Maps, which include sampling data summaries, and Section IV.10.F.*

### **3. Site Drawing**

*See Exhibit F, Spider Maps.*

### **4. Past Land Uses**

*See Section IV.10.D for full description of past land uses. The most significant past use of the Site was the Site’s use as a vehicle repair facility for the U.S. Postal Service for over 50 years. Subsequently, the Site continued to be used for vehicle repair for a number of years.*

## **SECTION IV – PROPERTY INFORMATION**

### **1. Site Boundary and Tax Parcel Information**

The Site is located at 580 Gerard Avenue, Bronx, New York 10451, Tax Identification No. Block 2352, Lot 1 (“Site” or “BCP Site.”). While the Site’s formal address is 580 Gerard Avenue, it has also historically been referred to as 586 and 610 Gerard Avenue and 125 East 150th Street. Therefore, some of the environmental reports cite the address as 580-610 Gerard Avenue and mention these former addresses. The Site boundary does correspond to the tax boundaries. The Tax Boundary Map and a Survey map is provided in Exhibit G. The Site Location Map, Base Property Map, and En-zone Map are in Exhibit H. The Site is in En-Zone Type A, Census Tract 63. The Site has an E-designation (E Number E-292), which was issued by NYCDEP in 2013 during the City Environmental Quality Review process.

### **2. Property Map**

The Site Location and Base Property Map are in Exhibit H. A Survey Map is in Exhibit G.

**Please refer to responses to Questions 3-5 on the BCP Application Form.**

6. Despite the fact that there are two closed spills at the Site, no proof that the spill closures resulted in “remediation” were attached to any of the historic investigation reports. As a result, no documentation could be attached and the response to this question is “no”. Further, even the entire Site was not addressed by these spill closures related exclusively to two UST areas on the Site. In the area of the former nine USTs, these tanks were allegedly removed but there is also no proof that the tanks were in fact removed and the vent pipes are still present. In addition, one large UST is still present. The Requestor has submitted a Freedom of Information Law request for the complete spill files. See also additional information in Section VII. Response #11 below.

**Please refer to responses to Questions 7-9 on the BCP Application Form.**

### **10. Property Description Narrative**

#### **A. Site Location**

See Response to Section IV.1 and IV.2 above. The Site is located at 580 Gerard Avenue, Bronx, New York 10451. The Site is located in a mixed industrial, commercial and residential neighborhood. There have been several BCP sites that have entered the program on Gerard Avenue in close proximity to this Site. The surrounding land uses are described in Section 10.C below.

#### **B. Site Features**

The Site is occupied by a single-story approximately 31,000 sq. ft, 1951 constructed former U.S. Postal Service vehicle maintenance garage building, which primarily covers the entire

Site, with the exception of a 3-foot path on the eastside of the building. There is only a small basement along the Gerard Avenue side of the building.

Within the building are three concrete block structures/offices. The smallest of the three is located within the northeastern quadrant of the building. As of March 2011, this area was completely vacant and had an exhaust/ventilation pipe leading up through the roof. EEA concluded that this could have been utilized for the storage of flammables. The concrete block office area on the eastern side of the building was also completely vacant during the EEA Phase I investigation, and may have been utilized for parts and equipment storage. The concrete block office area on the west side of the building appeared to contain office space, bathrooms/locker rooms, etc. according to EEA.

The building was vacant as of the March 2011 Phase I and is still currently vacant and was most recently utilized as a furniture warehouse. The Site is not located in a flood zone. *See* Flood zone map in Exhibit J. The closest waterbody is the Harlem River, which is located about 0.21 miles away (about 1,120 feet).

#### C. Current Zoning and Land Use

The Site is currently located in an R7A District with a C2-4 Commercial Overlay District and is vacant. The surrounding properties include, to the North, a single-story warehouse/garage building; to the West (across Gerard Avenue), a two-story mixed-use building used as a storage facility and its associated parking lot; to the South (across 150th Street), a single-story warehouse/garage building; and to the East, a small garage and residential buildings. The Site is .2 miles from the 149 St Grand Concourse Subway Station and the Metro North Mott Haven Junction station.

#### D. Past Use of the Site

The first Phase I Environmental Site Assessment Report was prepared by EEA, Inc. (EEA) for an engineering firm in March 2011. EEA's analysis of historical information regarding the Site indicated that from 1908 until on or about 1950 the Site was vacant until the current on-Site building was constructed circa 1950 for use as a vehicle maintenance and storage facility for the U.S. Post Office. The Post Office was the tenant from 1950 until circa 2000. From circa 2001 through 2007, the building was utilized for automotive service, vehicle repair and parking. After 2007, the project site was occupied by a construction company for general office use and storage, but as of 2011, the building was vacant when inspected during the first Phase I. Based on the specific nature of the identified operations, EEA concluded these types of businesses involved the storage and use of hazardous substances and/or petroleum products, and/or generated hazardous and petroleum wastes. Interior floor drains were observed in the floor throughout the building, and EEA concluded that given the age of the building constructed in the 1950s, it is likely that these drains discharge to the municipal sewer system, but no investigation to confirm this fact was noted in the Report. No exterior storm drains were noted.

This initial Phase I report also noted that the Site was listed in the New York State Department of Environmental Conservation Petroleum Bulk Storage (PBS) database under Facility Identification Numbers 2-333212 and 2-476021 and the Spills database under Spill Incident Numbers 9213223 and 9007668. In addition, the Post Office was a listed RCRA facility at this Site under RCRA Facility ID NY5180010451) large quantity generator. The Phase I states that no hazardous waste activity was listed by New York State for this RCRA Facility, but this conclusion was not confirmed by the documentation provided. In addition, the report states that the Post Office, was listed as a small quantity generator under RCRA Facility ID NYD982727885 at this Site from 1992 until 2009, even though the Post Office vacated in about 2000-2001. Therefore, this ID # was likely related to the spill closures below, when varying amounts and types of wastes were generated and disposed of from the Site under this Facility ID Number. Again, the documentation attached to the Phase I suggests that the Post Office was a large quantity and small generator of waste and the type of waste was not specified.

Finally, a tenant named Autorama Enterprises of Bronx, using the 610 Gerard Avenue address, was also listed as a RCRA Facility at the Site under ID NYR000100255, but according to EEA, no hazardous waste activity was listed by New York State for this RCRA Facility. However, the type of waste generated was not specified.

EEA identified the following Recognized Environmental Conditions (RECs) at the Site - gasoline tanks, fuel oil tanks, hydraulic lifts and floor drains. There was no mention in this report that the hydraulic lifts had been removed. However, based on EEA's review of the Toxics Targeting Database Report, EEA concluded that nine gasoline tanks, which had been installed in 1950, were removed in 1993, and subsequent soil sampling showed no evidence of significant contamination. Nevertheless, the Phase I also states:

- At least nine gasoline tank vent lines were observed running up the length of the wall on the eastern side of the building.
- According to information obtained during the site inspection, an underground 2,500-gallon fuel oil tank is currently located inside the subject building, where a man-way cover and other associated access ports were evident during EEA's site inspection. Allegedly, a 5,000-gallon fuel oil tank was also removed and replaced in 1993 with this present 2,500-gallon fuel oil tank.

*See Exhibit M including DEC PBS Records.* Therefore, some remnants of the tank systems still remain on site and the DEC database regarding the tank removals specifically states that "Underground including vaulted with no access for inspection". Therefore, it is unclear from the records if the bottom of the excavation pit under the tanks was inspected before or after removal.

EEA also noted that there were two spill numbers associated with this Site:

- Closed Spill Incident Number 9007668 – This spill pertains to a tank test failure of a 3,000-gallon fuel oil tank that occurred on October 13, 1990. There is a note in the spill file that "groundwater" was impacted. *See Exhibit M including spill file*

record. EEA notes that according to the NYSDEC spill file comments, a 5,000-gallon fuel oil underground storage tanks was removed and replaced with a 2,500-gallon underground storage tank (UST) in 1993 and that a subsurface investigation that was performed in 2000, which showed no visual, olfactory, or PID Evidence of contamination/release. Soil analysis was non-detect for Volatile Organic Compounds (VOCs) and Poly Aromatic Hydrocarbon (PAHs) were consistent with obvious fill material (i.e., coal/asphalt). Groundwater was not encountered before bedrock which was at a depth of approximately 12-feet below ground surface. This spill incident was closed on May 11, 2001. [NOTE: However, the spill file noted that groundwater was impacted and there was no evidence in this Phase I that groundwater was remediated.]

- Closed Spill Incident Number 9213223 – This spill incident is related to gasoline found during the excavation of gasoline tanks that occurred on February 27, 1993. This spill incident indicates that nine 550-gallon gasoline USTs were removed in 1993. Concurrently, 22 tons of contaminated soil had also been reportedly excavated and removed. Allegedly, the subsurface investigation showed no visual or olfactory evidence of contamination. Soil analysis showed non-detect for VOCs and PAH levels were consistent with obvious fill material. However, groundwater analysis showed non-detect/trace PAHs and VOCs. This spill incident was closed on May 11, 2001.

Additionally, EEA added that suspected asbestos containing materials, including but not limited to suspect floor tiles, and possible lead-based painted surfaces were also noted within the building.

A more recent Phase I report was prepared for a law firm in September 2018 by GEI. GEI indicated that there had been no significant changes to the building between the 2011 and September 2018 other than there was a temporary furniture warehouse tenant, which was no longer present as of the date of this Phase I investigation.<sup>1</sup> GEI identified the same RECs as EEA (underground gasoline tanks, underground fuel oil tanks, hydraulic lifts, and floor drains) and added an addition REC in relation to the more recent City of New York E-designation stating that on May 22, 2013, this Site had been assigned E-Number, E-292 under the Hazardous Materials Phase I and Phase II Testing Protocols. In addition, this Phase I included a Historic REC in connection with not only the two spill incidents described in the 2011 EEA Phase I but a third closed Spill Incident associated with the Site:

- Closed Spill Incident Number 1205845 – This spill occurred when it was reported that approximately two gallons of heating oil residual/staining was noted next to the fill port area on the east side of the building.

GEI also performed a Tier 1 Vapor Encroachment Screening for the Site and concluded that a Vapor Intrusion Concern (VIC) cannot be ruled out due to the past historical use, and

---

<sup>1</sup> This 2018 Phase I Report references a 2015 Phase I report which the Requestor has been unable to obtain. However, this 2018 Phase I report does not document any significant changes to the site or building between the 2011 Phase I performed by EEA and this Phase I Report in 2018. Therefore, the lack of access to the 2015 Phase I Report does not appear to be significant.

past history of oil and gasoline tank.

A Phase II subsurface investigation was performed by GEI in August 2018, which was summarized in a September 2018 Phase II Report. A total of eight (8) test borings were performed in the building on the Site. Soil borings were advanced and analytical samples were collected to determine if there are impacts to soils underlying the Site. Two (2) soil borings were advanced into the groundwater table and two (2) groundwater grab samples were collected. However, it is important to note that these borings were not located in the vicinity of the former tank farm portion of the Site or where the current tank is still located. Additionally, four (4) soil vapor samples were collected from temporary implants installed beneath the building floor slab. The soil, groundwater and soil vapor exceedances that directly result from historic operations and contaminated historic fill are summarized below in the Environmental Assessment Section.

In addition, a more recent soil waste characterization investigation was performed by DPV in February 2020. DPV took 25 soil sample sets (TAL/TCL + 30 and VOC grab samples) from 13 test pit locations throughout the Site. The findings are summarized in the Environmental Assessment Section below.

GEI updated its Phase I Report in May 2020 without any new significant findings. A May 2020 Remedial Investigation Work Plan has been submitted with this application to further investigation the contamination found to date. The scope will include 14 soil borings throughout the Site, the conversion of 6 soil borings into six permanent groundwater monitoring wells (MW 1 through MW-6), and ten soil vapor samples.

#### E. Site Geology and Hydrogeology

According to the EEA 2011 Phase I, the Bronx is underlain by three principal bedrock formations: Inwood Marble, Fordham Gneiss, and Manhattan Schist. The strata of these rock types have been folded by forces produced by movements in the earth's crust, and the resulting pattern of folding a subsequent erosion has produced a series of ridges and valleys. The rock of Inwood Marble is soluble in even slightly acidic water, and has been eroded through time to form lowlands and valleys, including the channel of the Harlem River. Further erosion of the marble as well as the schist and gneiss occurred later in time, as the surface of rock in New York City was covered by massive glaciers. Besides the erosion that they produce, the glaciers transported broken-up rock fragments from areas to the north and deposited them in many areas of the Bronx. Meltwater streams produced by the glaciers occupied the valleys of Inwood Marble, and they in turn produced outwash sand deposits. These permeable deposits, in combination with solutional fractures present in the limestone, account for the ability of the areas underlain by Inwood Marble to yield significant quantities of groundwater.

Recharge of groundwater in the Bronx is chiefly from precipitation. Possible secondary sources include lateral underground flow from Westchester County, as well as leakage from water mains and sewer lines. Areas of the Bronx, in which clay deposits from former glacial lake beds formed marshes, may contain minor quantities of groundwater, which do

not readily percolate downward due to the impermeability of these materials. The schist and gneiss are also relatively impermeable, and have historically yielded relatively minor quantities of water to wells. Today, public water supply for the Bronx comes from the upstate reservoirs which supply the City of New York. The general elevation for the area where the Site is located is between approximately 20-30 feet above mean sea-level.

GEI in its September 2018 Phase I reiterated the EEA geology and hydrogeology findings above.

According to the Phase II, although no permanent groundwater wells were installed, the groundwater flow direction was presumed to be the southerly direction toward the Harlem River. The soil composition in the eight (8) subsurface soil borings was similar in nature, with predominantly fine to medium-grained sand and fill material along with some silt found to exist from the surface to terminus of the borings. Groundwater was encountered in two (2) borings at approximately 23 feet below land surface (bls). Elevated PID readings and a petroleum odor was noted in boring SB-2 at the intersection of the water table, approximately 21-23 feet bls.

#### F. Environmental Assessment

Based on the investigations conducted to date, the primary contaminants of concern are heavy metals, semi-volatile organic compounds (SVOCs) and Polychlorinated biphenyls (PCBs) in soil, volatile organic compounds (VOCs) in groundwater, and VOCs in soil vapor.

*See Ex. F, Site Drawing Spider Maps.*

**Soil:** The collective list of all soil exceedances by contaminant, range, and depth on the Site identified in the September 2018 Phase II and the February 2020 Waste Characterization report is as follows as further documented in the Soil Exceedances Spider Map -

SVOC Commercial Soil Cleanup Objectives (CSCO) exceedances included:

- Benzo(a)anthracene in 2 borings at 5.77 and 14.8 mg/kg exceeded the CRSCO of 5.6 mg/kg to depths of up to 13 ftbgs.
- Benzo(a)pyrene in 8 borings between 1.11 and 12.1 mg/kg exceeded the CRSCO of 1 mg/kg to depths of up to 16 ftbgs.
- Benzo(b)fluoranthene in 1 boring at 9.65 mg/kg exceeded the CRSCO of 5.6 mg/kg to depths of up to 13 ftbgs.
- Dibenzo(a,h)anthracene in 2 borings at 1.09 and 2.69 mg/kg exceeded the CRSCO of .56 mg/kg to depths of up to 13 ftbgs.
- Indeno(1,2,3-cd)pyrene in 1 borings at 5.91 mg/kg exceeded the CRSCO of 5.6 mg/kg to depths of up to 13 ftbgs.

SVOC Restricted Residential Soil Cleanup Objectives (RSCO) exceedances included:

- Benzo(a)anthracene in 4 borings between 1.05 and 2.27 mg/kg exceeded the



- RRSCO of 1 mg/kg to depths of up to 13 ftbgs.
- Benzo(b)fluoranthene in 3 borings between 1.47 and 4.48 mg/kg exceeded the RRSCO of 1 mg/kg to depths of up to 16 ftbgs.
- Benzo(k)fluoranthene in 2 borings at 4.59 and 9.46 mg/kg exceeded the RRSCO of 3.9 mg/kg to depths of up to 13 ftbgs.
- Chrysene in 2 borings between 6.09 and 12.8 mg/kg exceeded the RRSCO of 3.9 mg/kg to depths of up to 13 ftbgs.
- Dibenzo(a,h)anthracene in 2 borings between .399 and .459 mg/kg exceeded the RRSCO of .33 mg/kg to depths of up to 10 ftbgs.
- Indeno(1,2,3-cd)pyrene in 6 borings between 0.515 and 2.84 mg/kg exceeded the RRSCO of .5 mg/kg to depths of up to 16 ftbgs.

Metal Commercial Soil Cleanup Objectives (CSCO) exceedances included:

- Copper in 3 borings between 279 and 1190 mg/kg exceeded the CSCO of 270 mg/kg to depths of up to 11 ftbgs.
- Barium in 5 borings between 496 and 938 mg/kg exceeded the CSCO of 400 mg/kg to depths of up to 23 ftbgs.

Metal Restricted Residential Soil Cleanup Objectives (RRSCO) exceedances included:

- Lead in 3 borings between 492 and 663 mg/kg exceeded the RRSCO of 400 mg/kg to depths of up to 15 ftbgs. However, high level lead close to the 400 mg/kg standard at levels between 328-398 was also present in four additional borings.
- Mercury in 4 borings between 0.909 and 2.29 mg/kg exceeded the RRSCO of .81 mg/kg to depths of up to 13 ftbgs.

PCBs were present in one boring above the CSCO and RRSCO of 1 mg/kg in one boring at 9.1 mg.

**Groundwater:** Only two groundwater well locations were sampled on the Site. A number of VOCs were detected at concentrations above NYSDEC standards in groundwater sample SB-2(GW). One detection for chloroform was detected in SB-5 (GW). [NOTE: It is important to note that borings SB2 and SB-5 were not located in the vicinity of the former UST tank farm. Therefore, there has been no groundwater sampling in the immediate vicinity of the tank far area]. One SVOC was also detected in SB-2 as noted below:

VOC Ambient Water-Quality Standards and Guidance Values (AWQSGV) exceedances included:

- Chloroform in 2 borings at 10 and 16 µg/L met and exceeded the AWQSGV of 10 mg/kg.
- 1,2,4-Trimethylbenzene in 1 boring at 1,200 µg/L exceeded the AWQSGV of 5 mg/kg.
- 1,3,5-Trimethylbenzene in 1 boring at 340 µg/L exceeded the AWQSGV of 5 mg/kg.
- Isopropylbenzene in 1 boring at 47 µg/L exceeded the AWQSGV of 5 mg/kg.
- n-Butylbenzene in 1 boring at 43 µg/L exceeded the AWQSGV of 5 mg/kg.
- n-Propylbenzene in 1 boring at 110 µg/L exceeded the AWQSGV of 5 mg/kg.

- p-Isopropyltoluene in 1 boring at 7.2 µg/L exceeded the AWQSGV of 5 mg/kg.
- sec-Butylbenzene in 1 boring at 12 µg/L exceeded the AWQSGV of 5 mg/kg.

#### SVOCs

- Naphthalene in 1 boring at 19.6 µg/L exceeded the AWQSGV of 10 mg/kg.

**Soil Vapor:** Elevated tetrachloroethene was detected in soil vapor sample SV-2 at 460 µg/m<sup>3</sup>. There were also numerous additional soil vapor detections of petroleum and chlorinated VOCs in the four soil vapor samples taken throughout the Site depicted on the Soil Vapor Spider Map in Exhibit F.

**Please see the responses to question 11-13 on the BCP Application Form. The Site is located in an Environmental Zone and will be an affordable housing project.**

## PART B

### SECTION V- ADDITIONAL REQUESTOR INFORMATION

*See* Section I, Requestor Information and responses in the Application form. As stated in Section I, the Requestor has no prior relationship with any current or past owners or operators of the Site other than the previous Site owner - NR Property 2 LLC - from whom the Requestor acquired the Site on September 2, 2020. *See also* Exhibit E, Previous Owners and Operators List. The Requestor did not cause any of the contamination of the Site, which predates the Requestor's involvement at the Site.

### SECTION VI- CURRENT PROPERTY OWNER/OPERATOR INFORMATION

The Requestor is the owner of the site, as of September 2, 2020. *See* Exhibit C, Deed.

A past owner and operator list is attached as Exhibit E. This Exhibit includes both current and previous property owners and operators by name, last known address, telephone number, and the Requestor's relationship to each owner and operator (all of which are "None"). Exhibit E also includes the prior operators' use of the Site, which included commercial vehicle repair uses.

### SECTION VII- REQUESTOR ELIGIBILITY INFORMATION

**Please refer to responses to Questions 1-10 on the BCP Application Form.**

## **11. Unregistered bulk storage tanks**

The answer to the question is “NO” for the following reasons. According to the DEC PBS on-line database information, this Site has a history of 11 on-Site USTs being present and registered. Ten of the eleven tanks have been registered and were allegedly removed (even though there is some evidence that the tanks may still be on Site and were closed in place because all of the vent pipes remain on the Site). One remaining 2,500 gallon #2 fuel oil tank is still present on-Site and is registered under Site No. 2-476021. *See* DEC PBS Tank Documentation in Exhibit M.

It is important to add the following additional history and information about the tanks from the environmental reports here. A geophysical survey investigation of the Site was performed during the September 2018 Phase II site investigation. The southeastern quadrant of the Site, where historic tanks were believed to be located, was scanned for the presence of USTs. No USTs were identified during the limited geophysical survey. However, the Phase II also states: “Additionally, any former features related to the previous garage operations (i.e., hydraulic lifts) and former underground storage tanks should be decommissioned, removed and disposed of in accordance with applicable regulations.” Therefore, there is contradictory information in the Phase II Report.

### **REQUESTOR CERTIFICATION**

The Requestor certifies it is a Volunteer, since the Requestor submitted this application before purchasing the Site on September 2, 2020 after due diligence, and does not have nor has ever had a relationship with any of the past owners or operators of the Site, nor did it have involvement with the Site at the time of disposal. The Requestor has performed all required environmental due diligence prior to acquiring the Site.

## **SECTION VIII- PROPERTY ELIGIBILITY INFORMATION**

Please refer to the responses to the Questions 1-6 on the BCP Application Form, which confirms the Site is not ineligible for the BCP.

In addition to the responses on the application form, which clarify the Site is an eligible brownfield site pursuant to ECL § 27-1405, the following information further demonstrates this Site’s eligibility for the BCP.

The Site meets the definition of an eligible “brownfield site” in Environmental Conservation Law § 27-1405(2) as “any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by the department that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations.” Environmental investigation results show evidence of impact from the Site’s previous commercial and industrial uses, which can be linked to and caused Site contamination above not only the applicable restricted residential cleanup standards based on the proposed future residential reuse plan for the BCP Site, but also the commercial cleanup standards. In addition, there are also groundwater standards exceedances and elevated soil vapor levels at the Site. *See* Environmental Reports and the Spider Maps in Exhibit F, providing the data

demonstrating exceedances of the cleanup standards for this Site. As a result, the Site meets the definition of a brownfield site pursuant to Environmental Conservation Law §27-1405(2).

## **SECTION IX - CONTACT LIST INFORMATION**

See Exhibit K for the Site Contact List. See Exhibit L, for the Repository Letters.

## **SECTION X- LAND USE FACTORS**

### **1. Current Zoning**

The Site is within the R7A District with a C2-4 overlay. *See* Exhibit I, Zoning Map.

### **2. Current Use**

This Site is currently vacant and has been vacant since 2018.

### **3. Intended Use Post Remediation**

Post remediation use of the Site will entail mixed-use residential (7 to 9-story multifamily rental building) and commercial (ground-floor retail) uses. See Section II, Project Scope for a more detailed description.

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

Yes, historical and recent development patterns have increasingly rezoned areas from non-residential to mixed-use residential and commercial uses in neighborhoods on or near the waterfront, including the Bronx River.<sup>2</sup> The Site is also located in an area that was recently rezoned to mixed-use in 2013.<sup>3</sup>

### **5. Is the proposed use consistent with applicable zoning laws/maps?**

Yes, R7A districts permit medium-density apartment housing and C2-4 overlays permit commercial uses limited to one or two floors located below the residential use.

### **6. Consistent with the Master Plan?**

Yes, the project is consistent with the Vision 2020 NYC Comprehensive Waterfront Plan, which intends to increase mixed-use development and affordable housing in waterfront neighborhoods. *See fn. 2.*

---

<sup>2</sup> Vision 2020 NYC Comprehensive Waterfront Plan, p. 12  
[https://www1.nyc.gov/assets/planning/download/pdf/plans-studies/vision-2020-cwp/vision2020/vision2020\\_nyc\\_cwp.pdf](https://www1.nyc.gov/assets/planning/download/pdf/plans-studies/vision-2020-cwp/vision2020/vision2020_nyc_cwp.pdf).

<sup>3</sup> <https://www1.nyc.gov/assets/planning/download/pdf/zoning/zoning-maps/sketchmaps/skz130064zmx.pdf>

# **EXHIBIT A**

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through April 29, 2020.

---

Selected Entity Name: SB GERARD AVENUE, LLC

Selected Entity Status Information

**Current Entity Name:** SB GERARD AVENUE, LLC

**DOS ID #:** 5716879

**Initial DOS Filing Date:** FEBRUARY 26, 2020

**County:** NEW YORK

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC LIMITED LIABILITY COMPANY

**Current Entity Status:** ACTIVE

Selected Entity Address Information

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

C/O SILVERBACK DEVELOPMENT

40 WEST 57TH STREET

NEW YORK, NEW YORK, 10019

**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**

<b>Filing Date</b>	<b>Name Type</b>	<b>Entity Name</b>
FEB 27, 2020	Actual	SB GERARD AVENUE, LLC
FEB 26, 2020	Actual	SB GIRARD AVENUE, LLC

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

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

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

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

# **EXHIBIT B**



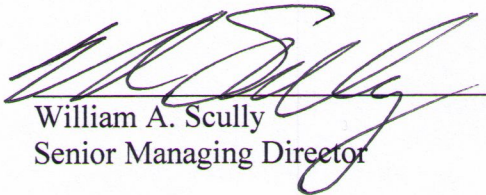
## WRITTEN CONSENT

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

1. SB Gerard Avenue, LLC is the prospective volunteer for the 580 Gerard Former Post Office Vehicle Repair Site located at 580 Gerard Avenue, Bronx, New York 10451, tax parcel identification no. Block 2353, Lot 1 (the "Site").

2. The following person, Joshua A. Schuster, 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 30 day of August, 2020.



William A. Scully  
Senior Managing Director

# **EXHIBIT C**

Certified to be a true and  
correct copy of document  
submitted for recordation.

**DEED**

RECORD & RETURN TO:

Pryor Cashman LLP  
7 Times Square  
New York, New York 10019  
Attn: Wayne B. Hecklen, Esq.

**THIS INDENTURE** is made as of the 2nd day of September, 2020, by and between **NR PROPERTY 2 LLC**, a New York limited liability company, having an address c/o Emmes Asset Management Company LLC, 44 West 55th Street, Suite 500, New York, NY 10019 ("Grantor") and **SB GERARD AVENUE, LLC**, a New York limited liability company, having an address c/o Silverback Acquisitions and Development LLC, 40 West 57th Street, 29th Floor, New York, NY 10019 ("Grantee").

**WITNESSETH:**

That Grantor, in consideration of Ten Dollars (\$10.00) and other valuable consideration paid by Grantee, does hereby grant and release unto Grantee, the heirs or successors and assigns of Grantee forever, Grantor's entire right, title and interest in and to that plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Bronx, County of Bronx, City and State of New York, (the "Premises"), and more particularly described on Schedule A annexed hereto and made a part hereof

**TOGETHER**, with all right, title and interest, if any, of Grantor in and to any streets and roads abutting the Premises to the center lines thereof;

**TOGETHER** with the appurtenances and all the estate and rights of Grantor in and to the Premises;

**TO HAVE AND TO HOLD** the Premises herein granted unto Grantee, the heirs or successors and assigns of Grantee, forever.

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

**AND** the following reservations, restrictions and conditions, which shall be covenants running with the land, shall be binding upon Grantee, its successors, assigns and all future owners of the Premises as set forth herein:

For a period of three (3) years from the date of this deed, Grantee shall not sell, assign, convey, contribute or otherwise transfer title to the Premises (a "Transfer") without first giving to Grantor no less than thirty (30) days' prior written notice of such Transfer.

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

GRANTOR:

**NR PROPERTY 2 LLC**

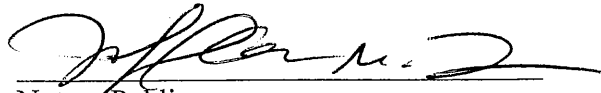
By: 

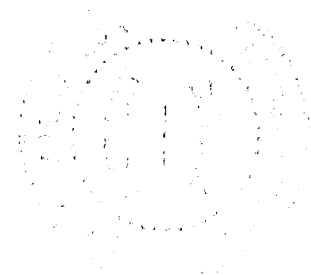
Name: Alison Pappas

Title: Authorized Signatory

STATE OF S.C. )  
COUNTY OF Charleston <sup>SS.:</sup>

On the 27 day of August, in the year 2020, before me, the undersigned, personally appeared ALISON PAPPAS, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and acknowledged to me that (s)he executed the same in his (her) capacity, and that by his (her) signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public



## **Schedule A**

### **Legal Description**

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

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

BEGINNING at a point on the northerly side of East 150th Street and the easterly side of Gerard Avenue;

THENCE northerly along the easterly side of Gerard Avenue 358 feet;

THENCE easterly at right angles to Gerard Avenue 92.64 feet to the median line of the block between Gerard and Walton Avenue;

THENCE southerly along the median line of the block 166.44 feet;

THENCE westerly at right angles to Walton Avenue 8.14 feet;

THENCE southerly parallel with Walton Avenue 83.34 feet;

THENCE easterly at right angles to Walton Avenue 9.21 feet to the median line of the block;

THENCE southerly along the median line of the block 113.45 feet to the northerly side of East 150th Street;

THENCE westerly along the northerly side of East 150<sup>th</sup> Street 89.38 feet to BEGINNING.

# **EXHIBIT D**



Department of  
Environmental  
Conservation

## Bulk Storage Database Search Details

### Tank Information

[First Tank](#)[Previous Tank](#)

**Site No:** 2-476021

**Site Name:** 580 GERARD AVENUE

**Tank No:** 011

**Tank Location:** Underground including vaulted with no access for inspection

**Subpart:** 3

**Category:** 2

**Tank Status:** In Service

**Tank Install Date:** 02/01/1993

**Tank Closed Date:**

**Tank Out Of Service Date:**

**Tank Capacity:** 2500 gal.

**Product Stored:** #2 fuel oil (on-site consumption)

**Percentage:** 100%

**Tank Type:** 06 - Fiberglass Reinforced Plastic (FRP)

**Tank Internal Protection:** Fiberglass Liner (FRP)

**Tank External Protection:** Fiberglass

**Tank Secondary Containment:** Double-Walled (Underground)

**Tank Leak Detection:** In-Tank System (ATG)

**Overfill:** None

**Spill Prevention:** Catch Basin

**Dispenser:** Suction Dispenser

**Pipe Location:** Underground/On-ground

**Pipe Type:** Fiberglass Reinforced Plastic (FRP)

**Pipe External Protection:** Fiberglass

**Piping Secondary Containment:** None

**Piping Leak Detection:** Exempt Suction Piping

**UDC:** Yes

**Tank Next Test Due:**

**Tank Last Test:**

**Tank Test Method:**

**Line Next Test Due:**

**Line Last Test:**

**Line Test Method:**

### Tank Owner Information

**Company:** NR PROPERTY 2 LLC

**Address:** 44 W 55TH ST . NEW YORK, NY. 10019



Refine This Search

Return To Facility



Department of  
Environmental  
Conservation

## Bulk Storage Database Search Details

### Facility Information

**Site No.:** 2-476021

**Status:** Active

**Expiration Date:** 01/31/2021

**Site Type:** PBS

**Facility Type:** Trucking/Transportation/Fleet Operation

**Site Name:** 580 GERARD AVENUE

**Address:** 580 GERARD AVENUE

**Locality:** Bronx

**State:** NY

**Zipcode:** 10451

**County:** Bronx

### Facility(Property) Owner(s) Information

**Facility Owner:** NR PROPERTY 2 LLC

44 W 55TH ST . NEW YORK, NY. 10019

**Mail Contact:** CO EMMES REALTY SERVICES

44 W 55TH ST . NEW YORK, NY. 10019

### Facility Operator

**Facility Operator:** NA

## Tank Information

### 11 Tanks Found

Tank No	Tank Location	Status	Capacity (Gal.)
0010	Underground including vaulted with no access for inspection	Closed - Removed	5000
002	Underground including vaulted with no access for inspection	Closed - Removed	550
003	Underground including vaulted with no access for inspection	Closed - Removed	550
004	Underground including vaulted with no access for inspection	Closed - Removed	550
005	Underground including vaulted with no access for inspection	Closed - Removed	550
006	Underground including vaulted with no access for inspection	Closed - Removed	550
007	Underground including vaulted with no access for inspection	Closed - Removed	550

008	Underground including vaulted with no access for inspection	Closed - Removed	550
009	Underground including vaulted with no access for inspection	Closed - Removed	550
010	Underground including vaulted with no access for inspection	Closed - Removed	550
011	Underground including vaulted with no access for inspection	In Service	2500

[Refine This Search](#)



Department of  
Environmental  
Conservation

## Spill Incidents Database Search Details

---

### Spill Record

#### Administrative Information

**DEC Region:** 2

**Spill Number:** 1205845

#### Spill Date/Time

**Spill Date:** 09/03/2012   **Spill Time:** 12:00:00 PM

**Call Received Date:** 09/12/2012   **Call Received Time:** 12:51:00 PM

#### Location

**Spill Name:** HARLEM FURNITURE

**Address:** 620 GERARD AVE

**City:** BRONX   **County:** Bronx

#### Spill Description

**Material Spilled**   **Amount Spilled**   **Resource Affected**

#2 fuel oil   5 Gal.   Unknown

**Cause:** Equipment Failure

**Source:** Commercial/Industrial

**Waterbody:**

#### Record Close

**Date Spill Closed:** 05/24/2016

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

Refine This Search

---



Department of  
Environmental  
Conservation

## Spill Incidents Database Search Details

---

### Spill Record

#### Administrative Information

**DEC Region:** 2

**Spill Number:** 9007668

#### Spill Date/Time

**Spill Date:** 10/13/1990 **Spill Time:** 10:30:00 AM

**Call Received Date:** 10/13/1990 **Call Received Time:** 10:44:00 AM

#### Location

**Spill Name:** USPS VEHICLE MAINT. FAC.

**Address:** 580 GERARD AVENUE

**City:** NEW YORK CITY **County:** Bronx

#### Spill Description

**Material Spilled** Amount Spilled Resource Affected

#2 fuel oil UNKNOWN Groundwater

**Cause:** Tank Test Failure

**Source:** Institutional, Educational, Gov., Other

**Waterbody:**

#### Record Close

**Date Spill Closed:** 05/11/2001

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

Refine This Search

---



Department of  
Environmental  
Conservation

## Spill Incidents Database Search Details

---

### Spill Record

#### Administrative Information

**DEC Region:** 2

**Spill Number:** 9213223

#### Spill Date/Time

**Spill Date:** 02/27/1993   **Spill Time:** 09:43:00 AM

**Call Received Date:** 02/27/1993   **Call Received Time:** 10:42:00 AM

#### Location

**Spill Name:** USPS VEHICLE MAINT. FAC.

**Address:** 580 GERARD AVENUE

**City:** NEW YORK CITY   **County:** Bronx

#### Spill Description

**Material Spilled**   **Amount Spilled**   **Resource Affected**

gasoline   UNKNOWN   Air

**Cause:** Equipment Failure

**Source:** Commercial/Industrial

**Waterbody:**

#### Record Close

**Date Spill Closed:** 05/11/2001

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

Refine This Search

---

# **EXHIBIT E**

**PREVIOUS OWNERS & OPERATORS LIST**  
**580 Gerard Former Post Office Vehicle Repair Site**  
**580 Gerard Avenue, Bronx, New York 10451**

Year	Contact Information	Status	Relation to Requestor
<b>Owner</b>			
1906-1950	Sanborn Maps and Atlases show the site as being vacant until 1950 – Ownership unknown		
1950-1971	Gerard Equities, Inc. <b>Address:</b> 250 West 57 <sup>th</sup> Street, Room 607 New York, NY 10019 <b>Phone:</b> Unknown	Inactive	None
1971-1972	Chatham Associates, Inc. <b>Address:</b> 405 Lexington Avenue New York, NY 10017 <b>Phone:</b> Unknown	Inactive	None
1972-1977	Avon Associates, Inc. <b>Address:</b> 405 Lexington Avenue New York, NY 10017 <b>Phone:</b> Unknown	Inactive	None
1977-1980	Ardmore Management Co., Inc. <b>Address:</b> 300 East 42 <sup>nd</sup> Street, Suite 700 New York, NY 10017 <b>Phone:</b> (917) 526-2113	Inactive	None
3/5/1980- 5/28/1980	Zenith Properties, LTD. <b>Address:</b> 238 East 53 <sup>rd</sup> Street New York, NY 10022 <b>Phone:</b> Unknown	Inactive	None
1980-1987	Ardmore Management Co., Inc. <b>Address:</b> 300 East 42 <sup>nd</sup> Street, Suite 700 New York, NY 10017 <b>Phone:</b> (917) 526-2113	Inactive	None
10/16/1987- 12/23/1987	Preferred Entity Advancements, Inc. <b>Address:</b> 238 East 53 <sup>rd</sup> Street New York, NY 10022 <b>Phone:</b> Unknown	Inactive	None
1987-1996	Ardmore Management Co., Inc. <b>Address:</b> 300 East 42 <sup>nd</sup> Street, Suite 700 New York, NY 10017 <b>Phone:</b> (917) 526-2113	Inactive	None
1996-1997	1040 Associates, L.P. <b>Address:</b> Attn; Edward Scheetz 2 Manhattanville Road Purchase, New York 10577 <b>Phone:</b> Unknown	Active	None
1997- September 2, 2020	NR Property 2 LLC [there is a note in the Sept. 2018 GEI Phase I which states that NRP LLC I owned in the site in 2011 but we think this is a related entity] <b>Address:</b> 44 West 55 <sup>th</sup> Street New York, NY 10019 <b>Phone:</b> Unknown	Active	Seller
September 2, 2020 -Present	Requestor – SB Gerard Avenue, LLC c/o Silverback Development <b>Address:</b> 40 West 57th Street, 29th Floor, New York, NY 10019 <b>Phone:</b> (646) 205-6350		Owner as of June 1, 2020 Closing Date
<b>Operator</b>			
1950-2001	US Postal Service (Vehicle Maintenance Facility) <b>Address:</b> 475 L'Enfant Plaza SW Washington, DC 20260 <b>Phone:</b> (800) 522-9085	Active	None
2001-2006	Autorama Parking Industries, Inc. (storage, service, and repair for vehicles), aka Autorama Enterprises of the Bronx <b>Address:</b> 580 Gerard Avenue <b>Phone:</b> Unknown	Inactive	None



**PREVIOUS OWNERS & OPERATORS LIST**  
**580 Gerard Former Post Office Vehicle Repair Site**  
**580 Gerard Avenue, Bronx, New York 10451**

	Bronx, New York 10451		
2006-2007	Site was used as a parking lot	None	None
2007-2010	Site was Vacant	None	None
2010-2011	Turner Construction Company (general office use and storage) <b>Address:</b> 375 Hudson Street, 6 <sup>th</sup> Floor <b>Phone:</b> (212) 229-6000 New York, NY 10014	Active	None
2011-Present	There is reference in one of the Phase I reports to a temporary furniture storage tenant during this timeframe, but no information about this tenant could be found. <b>Vacant</b>		

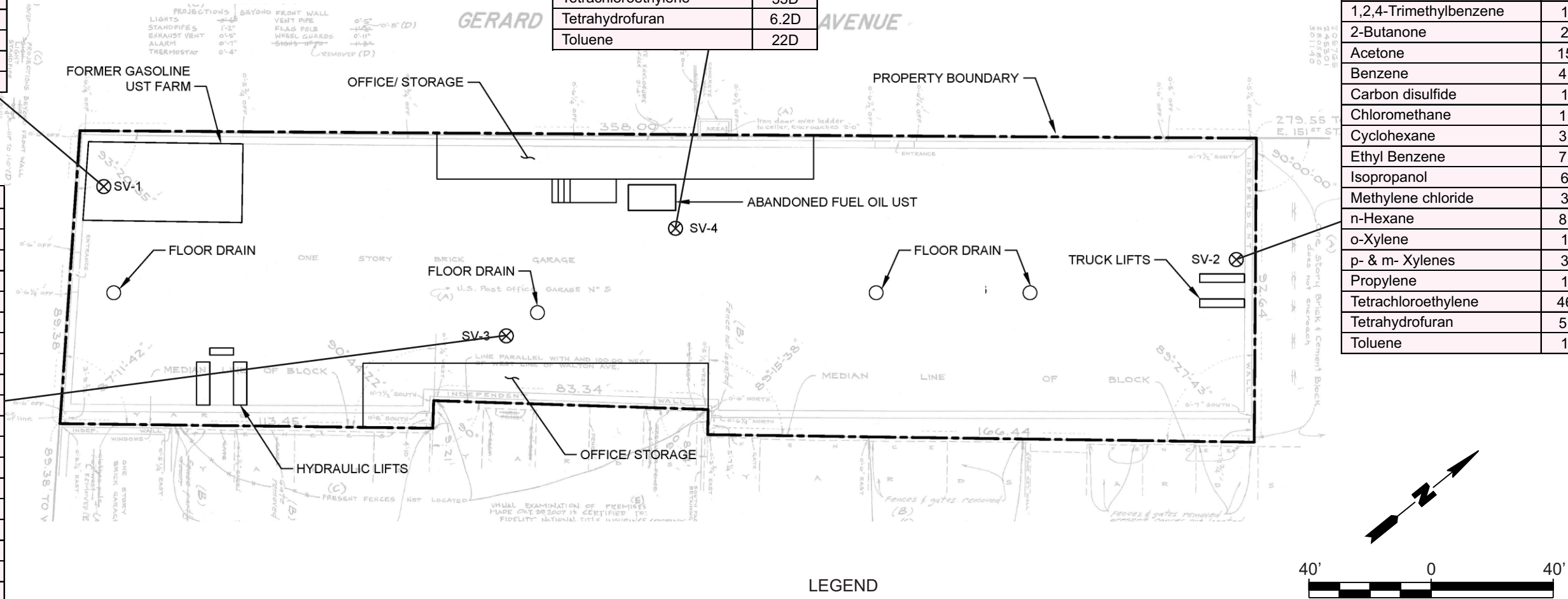
# **EXHIBIT F**

SV-1	8/10/18
VOCs	
1,1,1-Trichloroethane	4.6D
1,2,4-Trimethylbenzene	8.2D
1,3-Butadiene	4.5D
1,3-Dichlorobenzene	7.7D
2-Butanone	120D
4-Methyl-2-pentanone	8D
Acetone	660D
Benzene	7.6D
Cyclohexane	7.2D
Ethyl Benzene	7.5D
Isopropanol	140D
n-Heptane	21D
n-Hexane	11D
o-Xylene	11D
p- & m- Xylenes	30D
Propylene	28D
Tetrachloroethylene	56D
Tetrahydrofuran	16D
Toluene	26D

SV-3	8/10/18
VOCs	
1,2,4-Trimethylbenzene	47D
1,3,5-Trimethylbenzene	25D
1,3-Butadiene	7.8D
2-Butanone	62D
4-Methyl-2-pentanone	8.8D
Acetone	180D
Benzene	23D
Carbon disulfide	31D
Chloroform	4.5D
Chloromethane	3.3D
Cyclohexane	46D
Ethyl Benzene	22D
Isopropanol	60D
Methyl tert-butyl ether (MTBE)	8.4D
Methylene chloride	6.9D
n-Heptane	120D
n-Hexane	75D
o-Xylene	28D
p- & m- Xylenes	73D
p-Ethyltoluene	29D
Propylene	130DE
Tetrachloroethylene	44D
Tetrahydrofuran	22D
Toluene	47D

SV-4	8/10/18
VOCs	
1,2,4-Trimethylbenzene	12D
2-Butanone	25D
4-Methyl-2-pentanone	3.5D
Acetone	110D
Benzene	3.1D
Carbon disulfide	43D
Chloromethane	1.9D
Cyclohexane	11D
Ethyl Benzene	8.2D
Isopropanol	47D
Methylene chloride	6.2D
n-Hexane	11D
o-Xylene	12D
p- & m- Xylenes	32D
Propylene	27D
Tetrachloroethylene	35D
Tetrahydrofuran	6.2D
Toluene	22D

SV-2	8/10/18
VOCs	
1,2,4-Trimethylbenzene	10D
2-Butanone	26D
Acetone	150D
Benzene	4.4D
Carbon disulfide	12D
Chloromethane	1.6D
Cyclohexane	3.7D
Ethyl Benzene	7.9D
Isopropanol	67D
Methylene chloride	37D
n-Hexane	8.4D
o-Xylene	11D
p- & m- Xylenes	31D
Propylene	15D
Tetrachloroethylene	460D
Tetrahydrofuran	5.6D
Toluene	18D



Concentrations in  $\mu\text{g}/\text{m}^3$   
 $\mu\text{g}/\text{m}^3$  - Micrograms per cubic meter  
VOCs - Volatile Organic Compounds  
ND - Compound was analyzed for but not detected  
D - A secondary analysis after dilution due to exceedance of the calibration range in the original sample

**SOURCE:**  
1. PLAN BASED ON MAP PREPARED BY EARL B. LOVELL - S.P. BELCHER, INC

Title:

SUMMARY OF DETECTIONS  
IN SOIL VAPOR

580 GERARD AVENUE  
BRONX, NEW YORK

Prepared for:

SB GERARD AVENUE, LLC

ROUX

Compiled by: R.K. Date: 08MAY90

Prepared by: B.H.C.. Scale: AS SHOWN

Project Mgr: R.K. Project: 3523.0001Y000

File: 3523.0001Y100.01.CDR

FIGURE  
5

3523Y.0001Y100.01.CDR

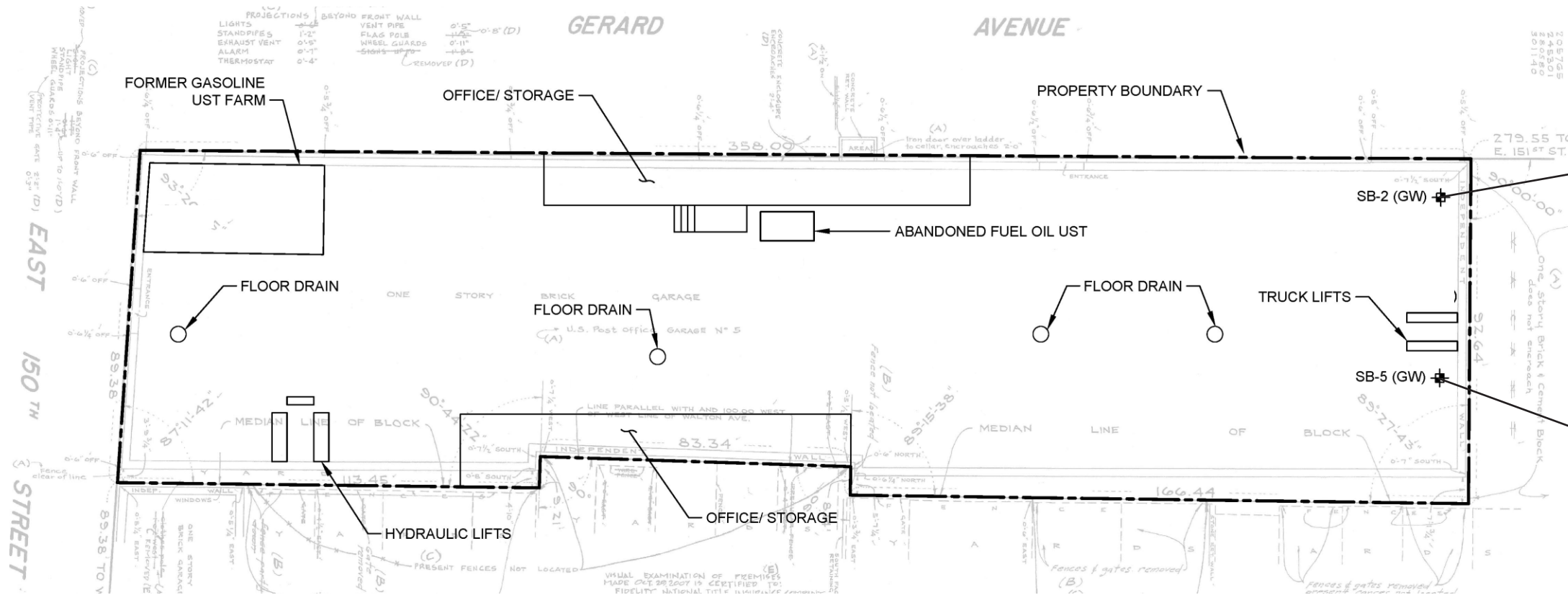
Parameter	NYSDEC AWQSGV
<b>VOCs</b>	
1,2,4-Trimethylbenzene	5
1,3,5-Trimethylbenzene	5
Chloroform	7
Isopropylbenzene	5
n-Butylbenzene	5
n-Propylbenzene	5
p-Isopropyltoluene	5
sec-Butylbenzene	5
<b>SVOCs</b>	
Naphthalene	10
<b>Metals, Total</b>	NE
Metals, Filtered	NE
<b>PCBs</b>	NE
<b>Pesticides</b>	NE

Concentrations in µg/L  
µg/L -Micrograms per liter  
\*NYSDEC AWQSGVs  
NYSDEC - New York State Department of Environmental Conservation  
AWQSGVs - Ambient Water-Quality Standards and Guidance Values  
-- Not detected above NYSDEC AWQSGV  
B - Found in laboratory blank  
E - Exceeds calibration limit  
D - Dilution  
J - Estimated value  
DUP - Duplicate Sample  
VOCs - Volatile Organic Compounds  
SVOCs - Semivolatile Organic Compounds  
PCBs - Polychlorinated Biphenyls  
NE - No exceedances  
ND - No detection

LEGEND  
SB-2 (GW)  SOIL/GROUNDWATER SAMPLE  
LOCATION AND DESIGNATION

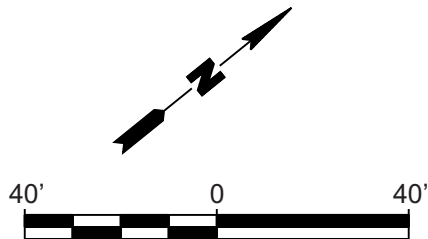
NOTE  
GROUNDWATER SAMPLES COLLECTED BY  
GEI CONSULTANTS, INC P.C.


**SOURCE:**  
1. PLAN BASED ON MAP PREPARED BY EARL B. LOVELL - S.P. BELCHER, INC



<b>SB-2</b>	8/10/18
<b>VOCs</b>	
1,2,4-Trimethylbenzene	1200 D
1,3,5-Trimethylbenzene	340 D
Chloroform	10 D
Isopropylbenzene	47 D
n-Butylbenzene	43 D
n-Propylbenzene	110 D
p-Isopropyltoluene	7.2 D
sec-Butylbenzene	12 D
<b>SVOCs</b>	
Naphthalene	19.6

<b>SB-5</b>	8/10/18
<b>VOCs</b>	
Chloroform	16



Title: <b>SUMMARY OF EXCEEDANCES IN GROUDWATER</b> 580 GERARD AVENUE BRONX, NEW YORK			
Prepared for: SB GERARD AVENUE, LLC			
	Compiled by: R.K.	Date: 08MAY90	FIGURE <b>4</b>
	Prepared by: B.H.C..	Scale: AS SHOWN	
	Project Mgr: R.K.	Project: 3523.0001Y000	
	File: 3523.0001Y100.01.CDR		



Parameter	NYSDEC Part 375 Unrestricted Use Soil Cleanup Objectives	NYSDEC Part 375 Restricted Residential Soil Cleanup Objectives	NYSDEC Part 375 Commercial Soil Cleanup Objectives
<b>Volatile Organics</b>			
Acetone	0.05	100	500
<b>Semi-Volatiles</b>			
Benzo(a)anthracene	1	1	5.6
Benzo(a)pyrene	1	1	1
Benzo(b)fluoranthene	1	1	5.6
Benzo(k)fluoranthene	0.8	3.9	56
Chrysene	1	3.9	56
Dibenzo(a,h)anthracene	0.33	0.33	0.56
Indeno(1,2,3-cd)pyrene	0.5	0.5	5.6
<b>Pesticides</b>			
4,4'-DDD	0.0033	13	92
4,4'-DDE	0.0033	8.9	62
4,4'-DDT	0.0033	7.9	47
<b>Metals</b>			
Barium	350	400	400
Cadmium	2.5	4.3	9.3
Chromium	30	180	1500
Copper	50	270	270
Lead	63	400	1000
Manganese	1600	2000	10000
Mercury	0.18	0.81	2.8
Nickel	30	310	310
Selenium	3.9	180	1500
Zinc	109	10000	10000
<b>Polychlorinated Biphenyls (PCB)</b>			
Total PCBs	0.1	1	1

Concentrations in mg/kg

mg/kg - Milligrams per kilogram

NYSDEC - New York State Department of Environmental Conservation

- No NYSDEC Part 375 Soil Cleanup Objectives available

J - Estimated value

DUP - Duplicate Sample

VOCs - Volatile Organic Compounds

SVOCs - Semivolatile Organic Compounds

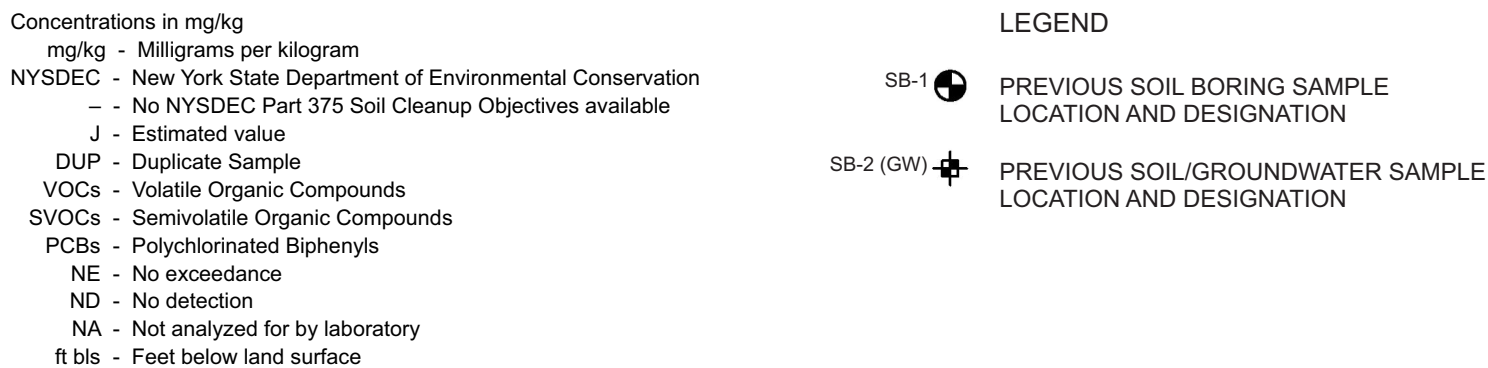
PCBs - Polychlorinated Biphenyls

NE - No exceedance

ND - No detection

NA - Not analyzed for by laboratory

ft bls - Feet below land surface



#### LEGEND

SB-1 ⬮ PREVIOUS SOIL BORING SAMPLE LOCATION AND DESIGNATION

SB-2 (GW) ⬮ PREVIOUS SOIL/GROUNDWATER SAMPLE LOCATION AND DESIGNATION

#### NOTES

- SOIL BORINGS WITH THE DESIGNATIONS SB-1 THROUGH SB-8 WERE COLLECTED BY GEI CONSULTANTS, INC. P.C.
- SOIL BORINGS WITH DESIGNATIONS SB-1(DPV) THROUGH SB-13(DPV) WERE COLLECTED BY DPV CONSULTANTS, INC. IN DECEMBER 2019 - JANUARY 2020. NOTE THAT ROUX ADDED THE SUFFIX "DPV" TO THESE SOIL BORING DESIGNATIONS TO DIFFERENTIATE THEM FROM THE SAMPLES PREVIOUSLY COLLECTED BY GEI WITH SIMILAR DESIGNATIONS.

#### SOURCE:

- PLAN BASED ON MAP PREPARED BY EARL B. LOVELL - S.P. BELCHER, INC

Title:

## SUMMARY OF EXCEEDANCES IN SOIL

580 GERARD AVENUE  
BRONX, NEW YORK

Prepared for:

SB GERARD AVENUE, LLC

**ROUX**

Compiled by: R.K.

Date: 08MAY20

FIGURE

Prepared by: B.H.C..

Scale: AS SHOWN

Project Mgr: R.K.

Project: 3523.0001Y000

File: 3523.0001Y100.01.CDR

3

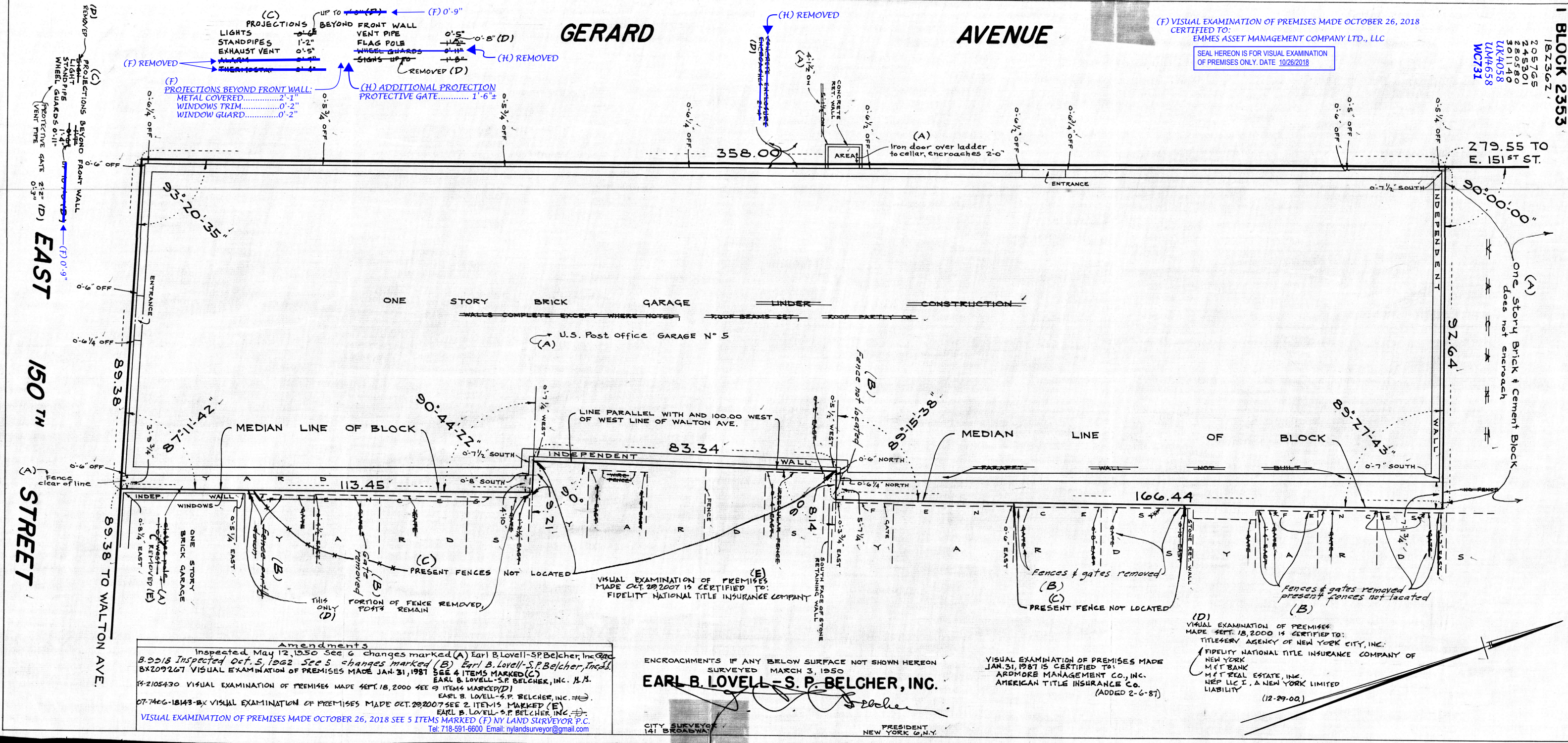
# **EXHIBIT G**



1 BLOCK 2353

205765  
245301  
285340  
301140  
UK4058  
UN4658  
WC731

(F) VISUAL EXAMINATION OF PREMISES MADE OCTOBER 26, 2018  
CERTIFIED TO:  
EMMES ASSET MANAGEMENT COMPANY LTD., LLC  
SEAL HEREON IS FOR VISUAL EXAMINATION  
OF PREMISES ONLY. DATE 10/26/2018



Amendments  
Inspected May 12, 1950 See 6 changes marked (A) Earl B. Lovell-S.P. Belcher, Inc.  
B.9218 Inspected Oct. 5, 1962 See 5 changes marked (B) Earl B. Lovell-S.P. Belcher, Inc.  
BX209267 VISUAL EXAMINATION OF PREMISES MADE JAN. 31, 1981 SEE 4 ITEMS MARKED (C)  
EARL B. LOVELL-S.P. BELCHER, INC. N.Y.  
14-2105430 VISUAL EXAMINATION OF PREMISES MADE SEPT. 18, 2000 SEE 2 ITEMS MARKED (D)  
EARL B. LOVELL-S.P. BELCHER, INC. N.Y.  
07-7466-18143-BX VISUAL EXAMINATION OF PREMISES MADE OCT. 29, 2007 SEE 2 ITEMS MARKED (E)  
EARL B. LOVELL-S.P. BELCHER, INC. N.Y.  
VISUAL EXAMINATION OF PREMISES MADE OCTOBER 26, 2018 SEE 5 ITEMS MARKED (F) NY LAND SURVEYOR P.C.  
Tel: 718-591-6600 Email: nylandsurveyor@gmail.com

ENCROACHMENTS IF ANY BELOW SURFACE NOT SHOWN HEREON  
SURVEYED MARCH 3, 1950  
**EARL B. LOVELL-S. P. BELCHER, INC.**  
CITY SURVEYOR  
141 BROADWAY  
NEW YORK, N.Y.

VISUAL EXAMINATION OF PREMISES MADE  
JAN. 31, 1981 IS CERTIFIED TO:  
ARMORE MANAGEMENT CO., INC.  
AMERICAN TITLE INSURANCE CO.  
(ADDED 2-6-87)

(D) VISUAL EXAMINATION OF PREMISES  
MADE SEPT. 18, 2000 IS CERTIFIED TO:  
TITLESERV AGENCY OF NEW YORK CITY, INC.  
FIDELITY NATIONAL TITLE INSURANCE COMPANY OF  
NEW YORK  
MET BANK  
MET REAL ESTATE, INC.  
NEP LLC I, A NEW YORK LIMITED  
LIABILITY  
(12-29-00)

VISUAL EXAMINATION OF PREMISES DONE ON DECEMBER 26, 2018 BY NY LAND SURVEYOR P.C. Tel: 718-591-6600 Email: nylandsurveyor@gmail.com SEE ONE ITEM MARKED (G)  
TITLE No: NYFN20-0587 VISUAL EXAMINATION OF PREMISES DONE ON MARCH 11, 2020 BY NY LAND SURVEYOR P.C. Tel: 718-591-6600 Email: nylandsurveyor@gmail.com SEE 4 ITEMS MARKED (H)

(H) VISUAL EXAMINATION OF PREMISES MADE MARCH 11, 2020  
(POSSESSION ONLY)  
CERTIFIED TO:  
LAND SERVICES USA, INC.  
SB GERARD LLC  
FIDELITY NATIONAL TITLE INSURANCE COMPANY

(G) VISUAL EXAMINATION OF PREMISES MADE DECEMBER 26, 2018  
CERTIFIED TO:  
FIDELITY NATIONAL TITLE INSURANCE COMPANY  
HELLO GERARD LLC

SEAL HEREON IS FOR VISUAL EXAMINATION  
OF PREMISES ONLY. DATE 03/11/2020

SEAL HEREON IS FOR VISUAL EXAMINATION  
OF PREMISES ONLY. DATE 12/26/2018



This is a detailed street map of a neighborhood in New York City. The map shows a grid of streets including RIVER AV, GERARD ST, E 151 ST, CEDAR LA, and E 150 ST. Various lot numbers are displayed throughout the area, such as 20, 35, 16, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, 1, 120, 57, 62 R, M28.55, B.B.28.55, 65 R, 53 R, 45, 44, 43, 42, 41, 40, 39, 38, 37, 36, 35, 34, 33, 32, 31, 30, 29, 28, 27, 26, 25, 24, 23, 22, 21, 20, 19, 18, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, 1. A scale bar at the bottom right indicates distances of 0, 100, and 200 feet. The copyright notice at the bottom left reads "Copyright 2020 The City of New York".

- maps.nyc.gov/doitt/webmap/print.htm?z=10&p=1004188,238140&a=DTM&c=dtm&f=CONDO\_RANGE,LOT\_FACE\_SMALL&s=I:BRONX,2353,1,EVE... 1/3



BRONX Block: 2353 Lot: 1

- Additional Tax Lot Information

Tax Lot

ACRIS	Effective Tax Year
<a href="#">View</a>	N/A

BRONX Block: 2353 Lot: 1

- Building & Property Information

**Borough:** BRONX **Block:** 2353 **Lot:** 1  
**Police Precinct:** 44  
**Owner:** NRP PROPERTY 2

**Address:** 580 GERARD AVENUE 10451  
**Lot Area:** 31200 sf  
**Lot Frontage:** 358' **Lot Depth:** 89.25  
**Year Built:** 1951 N/A  
**Number of Buildings:** 1  
**Number of Floors:** 1  
**Gross Floor Area:** 30,345 sf (estimated)  
**Residential Units:** 0 **Total # of Units:** 1  
**Land Use:** Parking Facilities  
**Zoning:** R7A  
**Commercial Overlay:** C2-4  
**Zoning Map #:** [6A](#)  
[Dept. of City Planning, PLUTO 19v1 © 2019](#) and other city agency sources

Links to More Information

- [Address Translator](#)
- [Building Profile](#)
- [Building Registration/Violation](#)
- [DCP Zoning Map 6A](#)
- [DOF Digital Tax Map](#)
- [DOHMH Rat Information Portal](#)
- [Tax and Property Records](#)

# **EXHIBIT H**

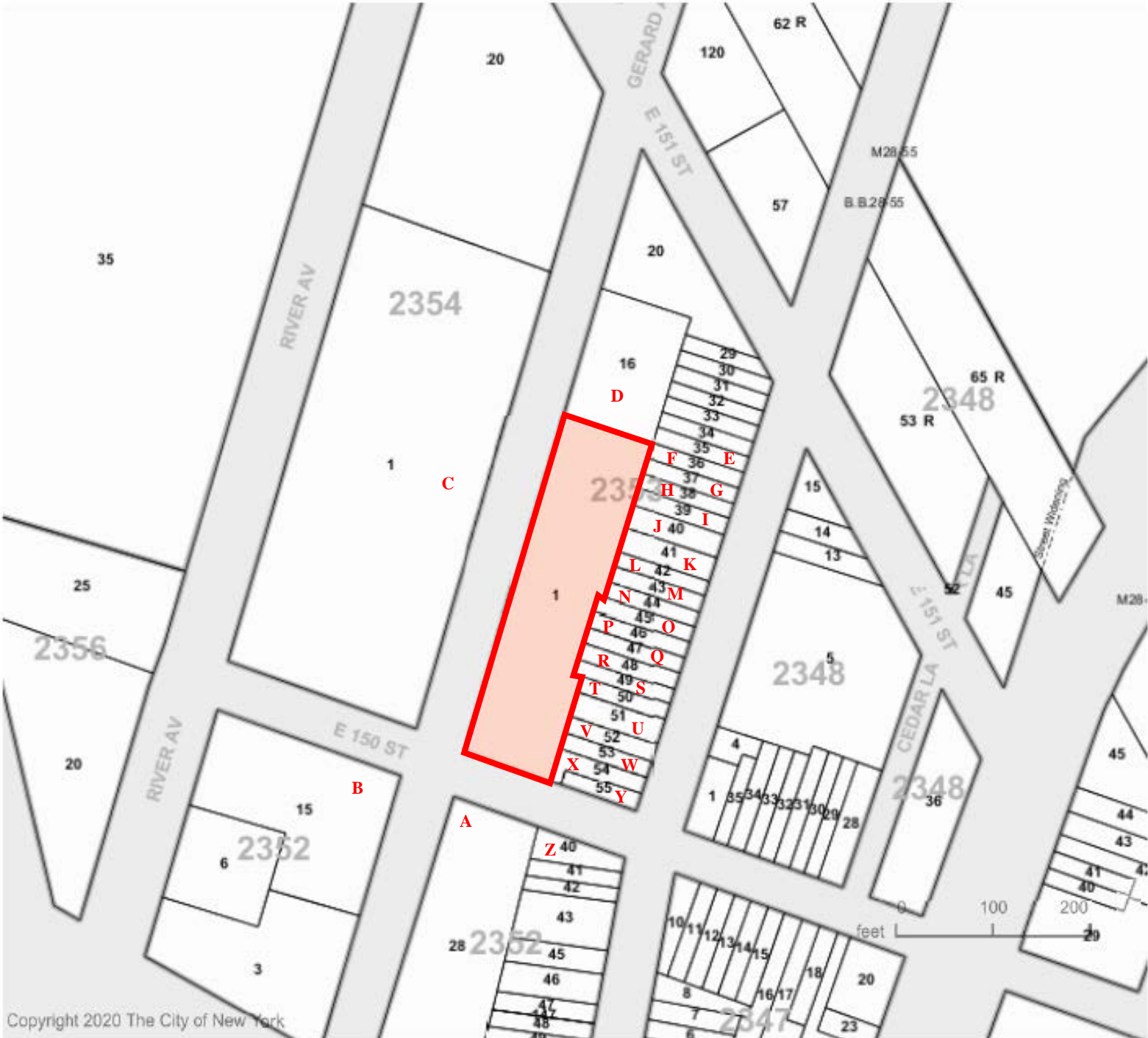
# BASE MAP

580 Gerard Former Post  
Office Vehicle Repair Site  
580 Gerard Avenue  
Bronx, New York 10451

**Legend:**  
 Site Property Boundary

Corresponding page  
lists adjacent property owners by  
letter A – Z

**April 2020**  
**Source:** New York City GIS  
**Scale:** 1” = 100’ approximately



All feature locations are approximate. This map is intended as a schematic to be used in conjunction with associated Application and Support Information, and should not be relied upon as a survey for planning and other activities.

<b>Letter</b>	<b>Adjacent Property Owner(s) Name(s)</b>	<b>Property Address</b>	<b>Section-Block-Lot</b>
<b>A</b>	125 East 149 <sup>th</sup> Street LLC	125 East 149 <sup>th</sup> Street	Bronx-2352-28
<b>B</b>	Group 585 LLC	585 Gerard Avenue	Bronx-2352-15
<b>C</b>	580 Gerard LLC	580 River Avenue	Bronx-2354-01
<b>D</b>	620 Gerard Avenue LLC	620 Gerard Avenue	Bronx-2353-16
<b>E</b>	Angela Maxwell	629 Walton Avenue	Bronx-2353-35
<b>F</b>	Hazel Persad	627 Walton Avenue	Bronx-2353-36
<b>G</b>	Christopher Kirkwood	625 Walton Avenue	Bronx-2353-37
<b>H</b>	German Perez	623 Walton Avenue	Bronx-2353-38
<b>I</b>	Ronald David Caswell, Jr.	621 Walton Avenue	Bronx-2353-39
<b>J</b>	Aaron Brown	617 Walton Avenue	Bronx-2353-40
<b>K</b>	J Bellve & UX	615 Walton Avenue	Bronx-2353-41
<b>L</b>	Al Thompson	613 Walton Avenue	Bronx-2353-42
<b>M</b>	Ramon Gardose	611 Walton Avenue	Bronx-2353-43
<b>N</b>	Johnson Security Bureau, Inc.	609 Walton Avenue	Bronx-2353-44
<b>O</b>	Charles Powell	607 Walton Avenue	Bronx-2353-45
<b>P</b>	Roberto Guevara	605 Walton Avenue	Bronx-2353-46
<b>Q</b>	Ricardo Rocha Espinosa Y Holguin	603 Walton Avenue	Bronx-2353-47

<b>Letter</b>	<b>Adjacent Property Owner(s) Name(s)</b>	<b>Property Address</b>	<b>Section-Block-Lot</b>
<b>R</b>	Luis Mojica	601 Walton Avenue	Bronx-2353-48
<b>S</b>	Ruby Wilson	599 Walton Avenue	Bronx-2353-49
<b>T</b>	Daisy Bellamy	597 Walton Avenue	Bronx-2353-50
<b>U</b>	Cecelia Levy	595 Walton Avenue	Bronx-2353-51
<b>V</b>	Raymond Kilday	593 Walton Avenue	Bronx-2353-52
<b>W</b>	Al Thompson	591 Walton Avenue	Bronx-2353-53
<b>X</b>	Neville Hylton	589 Walton Avenue	Bronx-2353-54
<b>Y</b>	Sophia Cover	587 Walton Avenue	Bronx-2353-55
<b>X</b>	John Mendy	583 Walton Avenue	Bronx-2352-40



580 Gerard Former Post  
Office Vehicle Repair Site  
580 Gerard Avenue  
Bronx, New York 10451

Legend:

█ Site

Census Tract 63

Census Tract 63	
EnZoneType A	
FIPS	36005006300
County_FIP	36005
Geography	Census Tract 63
County	Bronx County
UnempRate	13.8
NYS_UR	11.5
Pov_Rate	31.7
CountyPR	29.8
CountyRate	59.6
Criteria_B	
Both_AB	
Criteria_A	Y
Type	YA

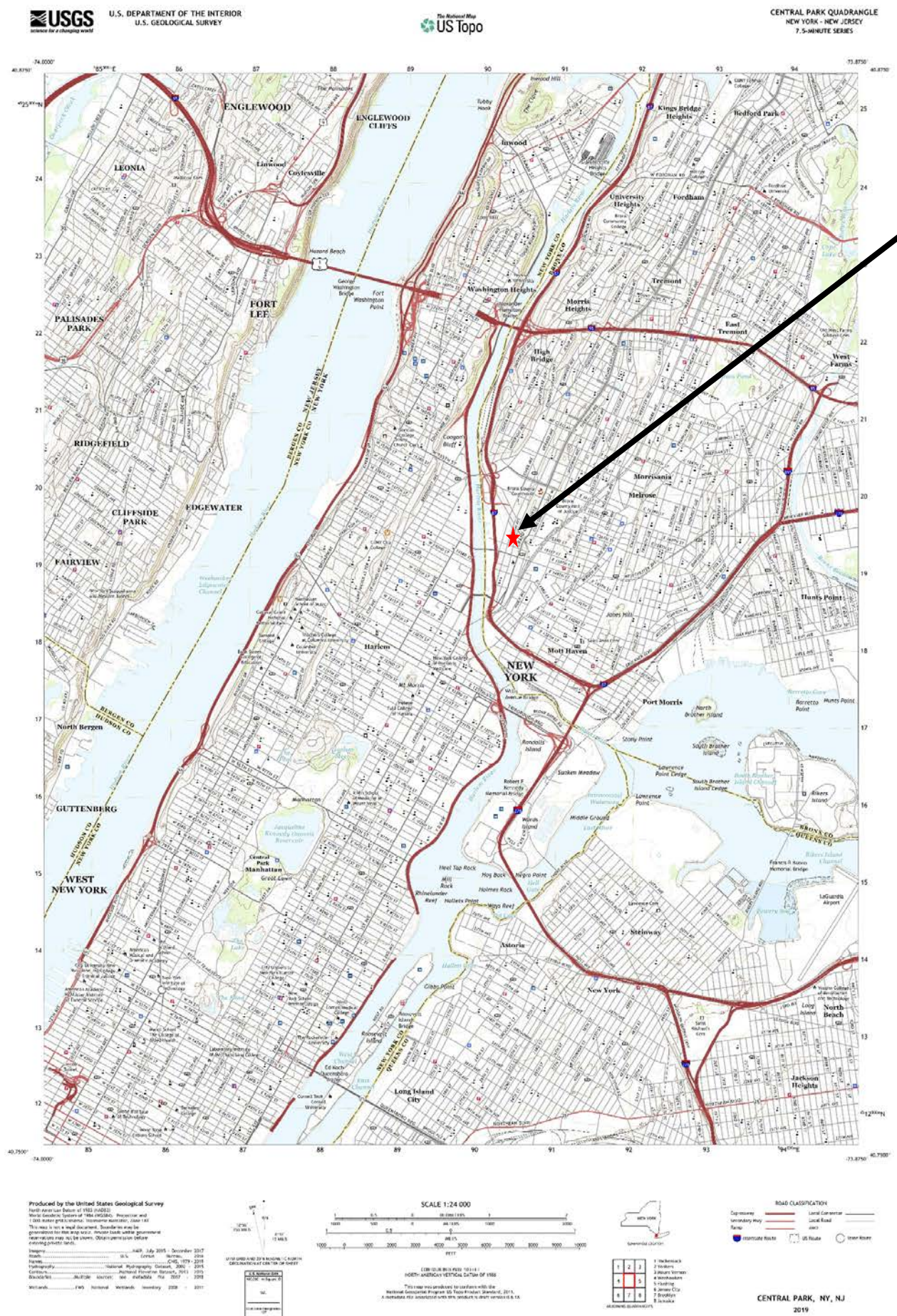
April 2020  
Source: Google Earth  
Scale: 1" = 100' approximately





# 580 Gerard Former Post Office Vehicle Repair Site

580 Gerard Avenue  
Bronx, New York 10451



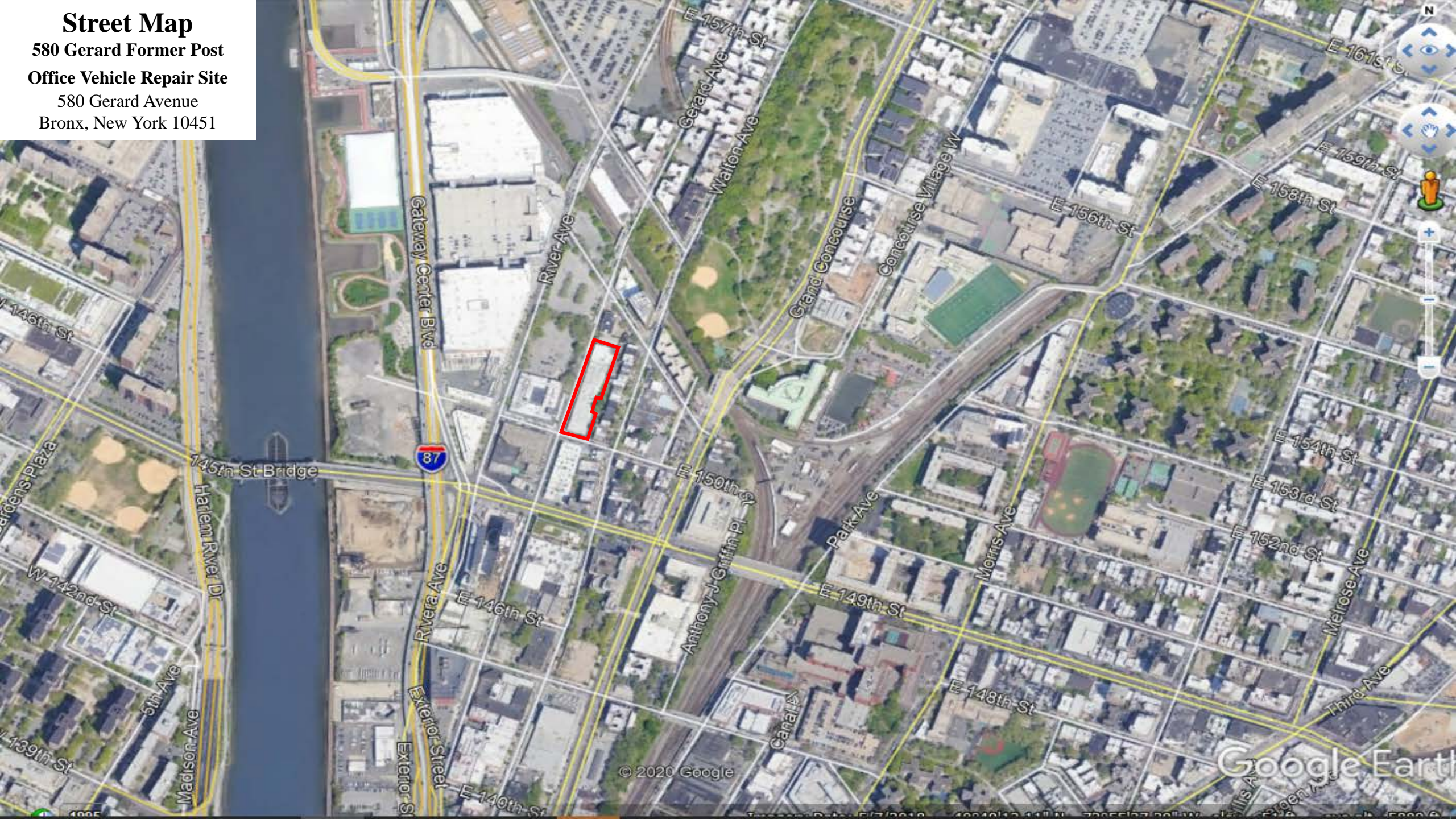


# Street Map

580 Gerard Former Post

Office Vehicle Repair Site

580 Gerard Avenue  
Bronx, New York 10451





# **Exhibit I**

# ZONING MAP

580 Gerard Former Post  
Office Vehicle Repair Site  
580 Gerard Avenue  
Bronx, New York 10451

## Legend:

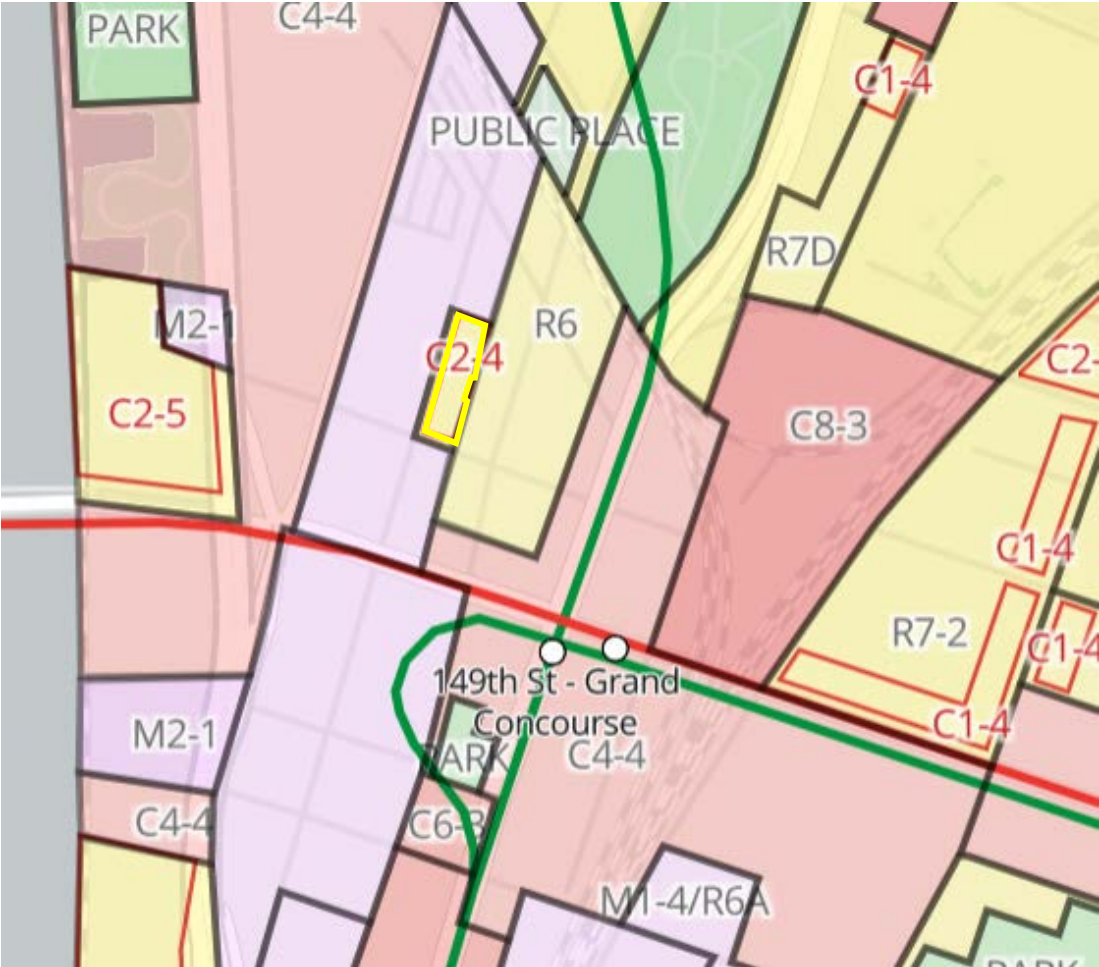
Site property boundary  
Zoning District: R7A with a C2-4 overlay



All feature locations are approximate. This map is intended as a schematic to be used in conjunction with the associated report, and it should not be relied upon as a survey for planning or other activities.

April 2020  
Source: NYC ZOLA

Scale: 1" = 100" approximately



## **Zoning District: R7A**

The contextual Quality Housing regulations, which are mandatory in R7A districts, typically produce high lot coverage, seven- to nine- -story apartment buildings, blending with existing buildings in many established neighborhoods. R7A districts are mapped along Prospect Park South and Ocean Parkway in Brooklyn, Jackson Heights in Queens, and in Harlem and along the avenues in the East Village in Manhattan.

The floor area ratio (FAR) in R7A districts is 4.0. Above a base height of 40 to 65 feet, or 75 feet if providing a qualifying ground floor, the building must set back to a depth of 10 feet on a wide street and 15 feet on a narrow street before rising to a maximum height of 80 feet, or 85 feet if providing a qualifying ground floor. In order to preserve the traditional streetscape, the street wall of a new building can be no closer to the street line, than any adjacent street wall, but need not be farther than 10 feet. Buildings must have interior amenities for the residents pursuant to the Quality Housing Program. Off-street parking is not allowed in front of a building.

Off-street parking is generally required for 50 percent of a building's dwelling units, but requirements are lower for income-restricted housing units (IRHU) and are further modified in certain areas, such as within the Transit Zone and the Manhattan Core, or for lots 10,000 square feet or less. Off-street parking requirements can be waived if 15 or fewer parking spaces are required.

Higher maximum FAR and heights are available for buildings participating in the Inclusionary Housing Program or that provide certain senior facilities.

## **Zoning District: C2-4 Commercial District (Commercial Overlay)**

C1-1 through C1-5 and C2-1 through C2-5 districts are commercial overlays mapped within residence districts. Mapped along streets that serve local retail needs, they are found extensively throughout the city's lower- and medium-density areas and occasionally in higher-density districts.

Typical retail uses include neighborhood grocery stores, restaurants and beauty parlors. C2 districts permit a slightly wider range of uses, such as funeral homes and repair services. In mixed buildings, commercial uses are limited to one or two floors and must always be located below the residential use.

When commercial overlays are mapped in R1 through R5 districts, the maximum commercial floor area ratio (FAR) is 1.0; when mapped in R6 through R10 districts, the maximum commercial FAR is 2.0. Commercial buildings are subject to commercial bulk rules.

Overlay districts differ from other commercial districts in that residential bulk is governed by the residence district within which the overlay is mapped. All other commercial districts that permit residential use are assigned a specific residential district equivalent. Unless otherwise indicated on the zoning maps, the depth of overlay districts ranges from 100 to 200 feet.

Generally, the lower the numerical suffix, the more off-street parking is required. For example, in C1-1 districts, typically mapped in outlying areas of the city, a large food store would require one parking space for every 100 square feet of floor area, whereas no parking is required in C1-5 districts, which are well served by mass transit.

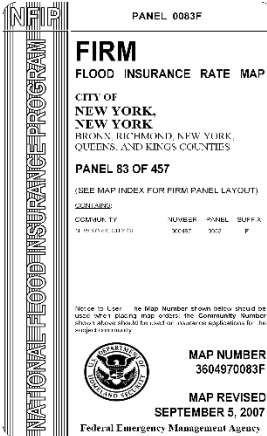
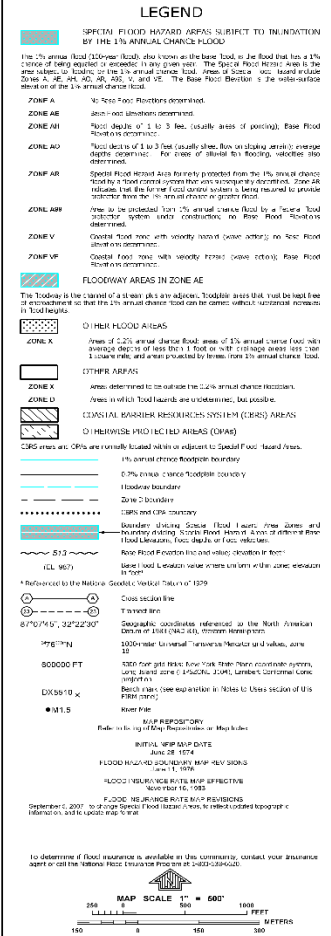
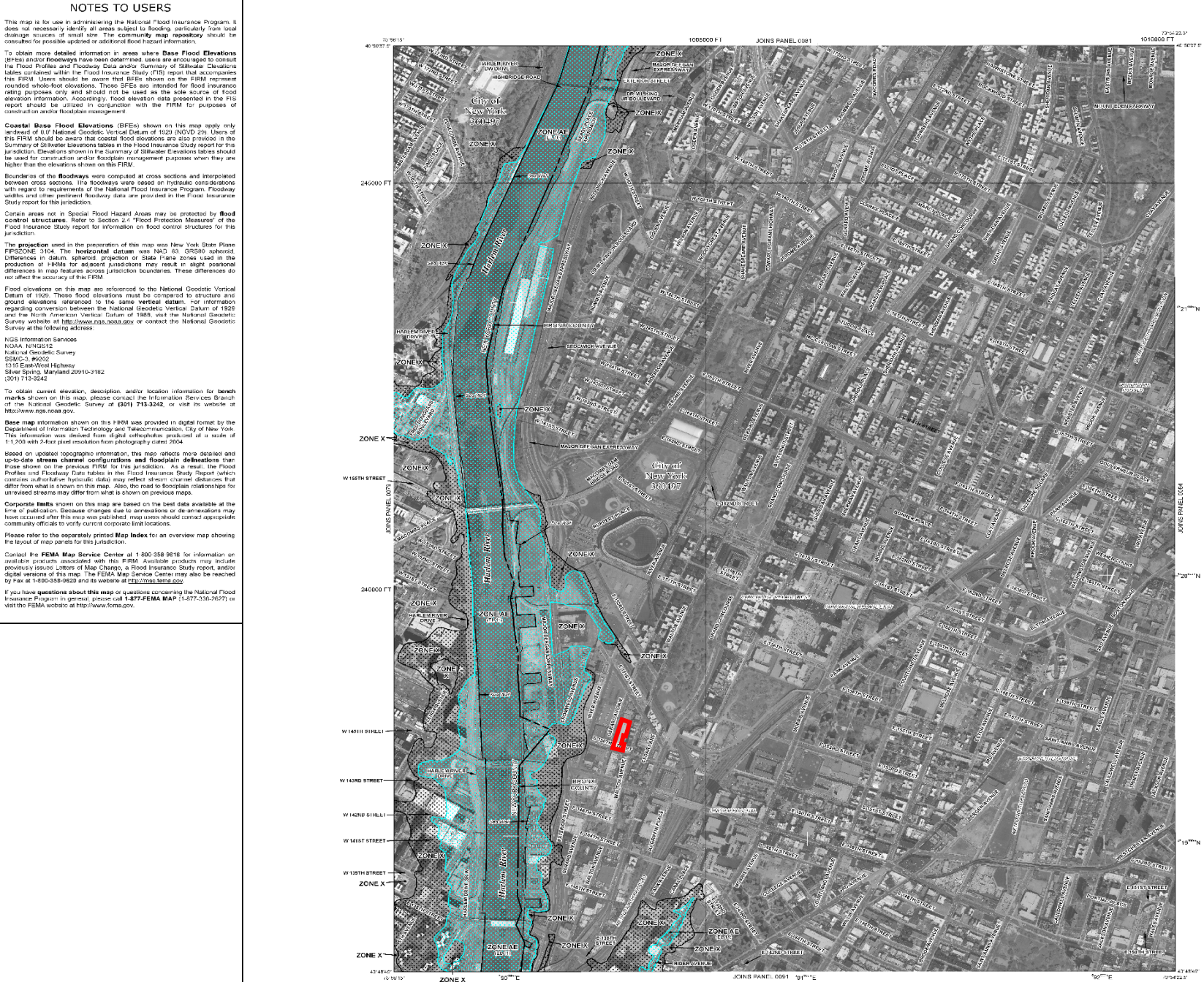
# **Exhibit J**



580 Gerard Avenue  
Bronx, New York 10451

 Site Property Boundary

Scale:  $1'' = 100''$  approximately



# **Exhibit K**



# Site Contact List

580 Gerard Former Post Office Vehicle Repair Site

580 Gerard Avenue, Bronx, New York 10451

Name	Title	Address	City	State	Zip
Hon. Charles E. Schumer	U.S. Senator	780 Third Avenue, Suite 2301	New York City	NY	10017
Hon. Kirsten Gillibrand	U.S. Senator	780 Third Avenue, Suite 2601	New York City	NY	10017
Jose E. Serrano	U.S. House of Representatives-District 15	1231 Lafayette Avenue, 4th Floor	Bronx	NY	10474
Jose M. Serrano	New York State Senator	1916 Park Avenue, Suite 202	New York City	NY	10037
Ruben Diaz, Jr.	Bronx Borough President	851 Grand Concourse, Suite 301	Bronx	NY	10451
Luis M. Diaz	Bronx Borough County Clerk	851 Grand Concourse, Suite 118	Bronx	NY	10451
James Rausse	Bronx Borough Director of Planning and Development	851 Grand Concourse, 3rd Floor	Bronx	NY	10451
Bill de Blasio	Mayor of New York City	City Hall	New York City	NY	10007
Marisa Lago	Chair of the New York City Planning Commission	120 Broadway, 31st Floor	New York City	NY	10271
New York Daily News	Media Outlet	4 New York Plaza	New York City	NY	10004
Vincent Sapienza	New York City Public Water Supply System Department, Commissioner	59-17 Junction Blvd	Queens	NY	11373
Alfonso L. Carney, Jr.	Chair of the New York City Water Board	59-17 Junction Blvd	Queens	NY	11373
Lucile Francois	Macomb's Bridge Library, NYPL-Library Manager	2633 Adam Clayton Powell, Jr. Blvd	New York City	NY	10039
Paul A. Philips	Bronx Community Board Four-District Manager	1650 Selwyn Avenue, Suite 11A	Bronx	NY	10457
Dr. Khalek Kirkland	Principal of Boys Prep Bronx Elementary School	192 East 151st Street	Bronx	NY	10451
Courtne Thomas	Principal of Bronx Global Learning Institute for Girls	750 Concourse Village West	Bronx	NY	10451
Tyritia Groves	Principal of Kipp Academy Elementary School	730 Concourse Village West, Tower D	Bronx	NY	10451
Jorge Perdomo	Principal of P.S. 001 Courtlandt School	335 East 152 Street	Bronx	NY	10451
William Hewlett, Jr.	Principal of P.S. 031 The William Lloyd Garrison	250 East 156 Street	Bronx	NY	10451
Carlos Capellan	Principal of Kipp NYC College Prep High School	201 East 144th Street	Bronx	NY	10451
Deborah Sanabria	Principal of P.S. Intermediate School 224	345 Brook Avenue	Bronx	NY	10454
Yulissa C. Torres	Director of Pink & Blue Daycare Inc	721 Walton Avenue	Bronx	NY	10451
Dr. Tolaison Hooks	Educational Director of Sunshine Learning Center of Mott Haven LLC	416 Willis Avenue	Bronx	NY	10454
Prosita Rivera	President of Little Ants Daycare Services, Inc.	380 East 143rd Street	Bronx	NY	10454
125 East 149th Street LLC	Adjacent Property Owner of 125 East 149th Street	111-01 14th Avenue	College Point	NY	11356
Group 585 LLC	Adjacent Property Owner of 585 Gerard Avenue	50 East 153rd Street	Bronx	NY	10451
580 Gerard LLC	Adjacent Property Owner of 580 River Avenue	15 Verbena Avenue, Suite 200	Floral Park	NY	11001
620 Gerard Avenue LLC	Adjacent Property Owner of 620 Gerard Avenue	9 Bruckner Blvd.	Bronx	NY	10454
Angela Maxwell	Adjacent Property Owner of 629 Walton Avenue	629 Walton Avenue	Bronx	NY	10451
Hazel Persad	Adjacent Property Owner of 627 Walton Avenue	627 Walton Avenue	Bronx	NY	10451
Christopher Kirkwood	Adjacent Property Owner of 625 Walton Avenue	625 Walton Avenue	Bronx	NY	10451
German Perez	Adjacent Property Owner of 623 Walton Avenue	623 Walton Avenue	Bronx	NY	10451
Ronald David Caswell, Jr.	Adjacent Property Owner of 621 Walton Avenue	621 Walton Avenue	Bronx	NY	10451
Aaron Brown	Adjacent Property Owner of 617 Walton Avenue	617 Walton Avenue	Bronx	NY	10451
J Bellve & UX	Adjacent Property Owner of 615 Walton Avenue	615 Walton Avenue	Bronx	NY	10451
Al Thompson	Adjacent Property Owner of 613 Walton Avenue and 591 Walton Avenue	613 Walton Avenue	Bronx	NY	10451
Ramon Gardose	Adjacent Property Owner of 611 Walton Avenue	611 Walton Avenue	Bronx	NY	10451
Johnson Security Bureau, Inc.	Adjacent Property Owner and Operator of 609 Walton Avenue	609 Walton Avenue	Bronx	NY	10451
Charles Powell	Adjacent Property Owner of 607 Walton Avenue	607 Walton Avenue	Bronx	NY	10451
Roberto Guevara	Adjacent Property Owner of 605 Walton Avenue	605 Walton Avenue	Bronx	NY	10451
Richardo Rocha Espinosa Y Holguin	Adjacent Property Owner of 603 Walton Avenue	603 Walton Avenue	Bronx	NY	10451
Lisa Mojica	Adjacent Property Owner of 601 Walton Avenue	114 Briggs Avenue	Yonkers	NY	10701
Ruby Wilson	Adjacent Property Owner of 599 Walton Avenue	599 Walton Avenue	Bronx	NY	10451
Daisy Bellany	Adjacent Property Owner of 597 Walton Avenue	597 Walton Avenue	Bronx	NY	10451

Cecelia Levy	Adjacent Property Owner of 595 Walton Avenue	595 Walton Avenue	Bronx	NY	10451
Raymond Kilday	Adjacent Property Owner of 593 Walton Avenue	593 Walton Avenue	Bronx	NY	10451
Nevile Hylton	Adjacent Property Owner of 589 Walton Avenue	589 Walton Avenue	Bronx	NY	10451
Sophia Cover	Adjacent Property Owner of 587 Walton Avenue	587 Walton Avenue	Bronx	NY	10451
John Mendy	Adjacent Property Owner of 583 Walton Avenue	583 Walton Avenue	Bronx	NY	10451
Bronx Childrens Psychiatric Center	Adjacent Property Operator of 595 Gerard Avenue	595 Gerard Avenue	Bronx	NY	10451
American Express	Adjacent Property Operator of 590 Gerard Avenue	590 Gerard Avenue	Bronx	NY	10451
Pregones/PRTT	Adjacent Property Operator of 575 Walton Avenue	575 Walton Avenue	Bronx	NY	10451
10451 B49:C57	Adjacent Property Operator of 585 Gerard Avenue	585 Gerard Avenue	Bronx	NY	10451

# **Exhibit L**

## Rebecca Stevens

---

**From:** Rebecca Stevens  
**Sent:** Wednesday, September 16, 2020 10:14 AM  
**To:** 'ksaunders@cb.nyc.gov'  
**Cc:** pphilips@cb.nyc.gov; bx04@cb.nyc.gov  
**Subject:** BCP Application Repository Request-580 Gerard Avenue  
**Attachments:** Paul Philiiip\_Community Board Repository Letter.pdf; Kathleen Saunders\_Community Board Repository Letter.pdf

Hello,

I am a paralegal at Knauf Shaw LLP and we represent SB Gerard Avenue, LLC in its anticipated Brownfield Cleanup Program application for the above-referenced site at 580 Gerard Avenue in the City of New York, Bronx, New York. The Bronx Community Board 4 is currently the repository for this project. It is a requirement of the NYS Department of Environmental Conservation that we supply them with a letter certifying that the local Community Board is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. To avoid significant use of your shelf space, all documents will be sent in CD format. We require a signature from the District Manager, Paul Philips on the attached letter. If he is not available, we ask that you, in your capacity as the Chairperson for the Bronx Community Board 4, sign the other attached letter that has your name under the signature line.

I have sent multiple emails to the community board at the following email address; bx04@cb.nyc.gov. Please answer this email as soon as possible as we have submitted the application to the DEC and hope to forward the required letters/confirmation. If you are unable to print, sign and scan the attached letter at this time (this is preferred), an email back from you, stating that the Bronx Community Board 4 is willing and able to act as a public repository for this BCP application would be sufficient.

I understand that due to the current global pandemic, the Community Board may be currently closed or working with restricted hours. However, we do not require the library to act as a repository immediately. The documents pertaining to the BCP application will not have to be available for public review until the application is submitted and then approved, a process which could take months. However, we do require the letter as soon as possible stating that the Community Board is willing to act as the repository in the future, in order to submit the application to the DEC. Please feel free to call me with any questions at (585) 546-8430.

Thank you for your time.

Sincerely,



Rebecca Stevens  
Paralegal  
1400 Crossroads building  
2 State Street  
Rochester, New York 14624  
Tell: (585) 546-8430 Ext: 110

## Rebecca Stevens

---

**From:** Rebecca Stevens  
**Sent:** Thursday, September 17, 2020 9:40 AM  
**To:** 'Benjamin Mickle'  
**Subject:** RE: NYPL (Brownfield Cleanup)  
**Attachments:** Library Letter.pdf

Hi Mr. Mickle,

Yes of course, please see attached. Congratulations on the new baby!!! I apologize for all the emails and phone calls, to submit the application without the letter during the pandemic (when it was figured that we would not get a response), we had to at least show/prove that we have put in our due diligence in attempting to contact the repositories.

Thank you for getting back to me.

Rebecca

---

**From:** Benjamin Mickle <benjaminmickle@nypl.org>  
**Sent:** Thursday, September 17, 2020 9:34 AM  
**To:** Rebecca Stevens <RStevens@nyenvlaw.com>  
**Subject:** Re: NYPL (Brownfield Cleanup)

Hi Rebecca,

Sorry for the delay. Things have been hectic with the pandemic and then I was out for paternity leave until recently. This letter looks good, can you just change the date to today and resend it to me?

Thanks,  
Ben

On Wed, Sep 16, 2020 at 10:20 AM Rebecca Stevens <[RStevens@nyenvlaw.com](mailto:RStevens@nyenvlaw.com)> wrote:

Hello Mr. Mickle,

I am following up again on our pervious conversations about getting the attached letter signed by the Managing Library of the Macomb's Branch Library stating that the branch will act as a repository for the BCP application located at 580 Gerard Avenue. I have left a voicemail for you about this as well. We have submitted the Application to the DEC and are hoping to forward the signed letter to the DEC as soon as possible.

Thank you.

Rebecca Stevens

Knauf Shaw LLP

Paralegal

(585) 546-8430

---

**From:** Rebecca Stevens  
**Sent:** Thursday, May 28, 2020 8:49 AM  
**To:** Benjamin Mickle <[benjaminmickle@nypl.org](mailto:benjaminmickle@nypl.org)>  
**Subject:** RE: NYPL (Brownfield Cleanup)

Dear Mr. Mickle,

I am emailing to see if there has been an update on getting the letter signed for our Brownfield Cleanup Program Site, located at 580 Gerard Avenue, Bronx, New York. I have attached the letter to this email for your reference.

Do not hesitate to contact me with any questions.

Rebecca Stevens

Paralegal

Knauf Shaw LLP

---

**From:** Benjamin Mickle <[benjaminmickle@nypl.org](mailto:benjaminmickle@nypl.org)>  
**Sent:** Tuesday, May 12, 2020 11:13 AM  
**To:** Rebecca Stevens <[RStevens@nyenvlaw.com](mailto:RStevens@nyenvlaw.com)>  
**Subject:** Re: NYPL (Brownfield Cleanup)

Thank you Rebecca. In the bottom sentence (where NYPL is signing), please add "through May 31, 2022. Documents will be provided to the library via a digital download link." (which mirrors the language in the letter from 2019). If there is an issue and it has to be longer, then we can revisit, but NYPL can't have an indefinite obligation.

Thanks,

Ben

On Tue, May 12, 2020 at 11:08 AM Rebecca Stevens <[RStevens@nyenvlaw.com](mailto:RStevens@nyenvlaw.com)> wrote:

Hi Mr. Mickle,

Please see the attached revised letter.

Please let me know if you have any more questions or concerns and thank you for your time.

Sincerely,

Rebecca

---

**From:** Benjamin Mickle <[benjaminmickle@nypl.org](mailto:benjaminmickle@nypl.org)>  
**Sent:** Tuesday, May 12, 2020 10:58 AM  
**To:** Rebecca Stevens <[RStevens@nyenvlaw.com](mailto:RStevens@nyenvlaw.com)>  
**Subject:** Re: NYPL (Brownfield Cleanup)

Hi Rebecca,

I am not authorized to sign these documents, I believe the library manager, Lucile Francois, will sign this one. Also, can you revise the letter further so that it matches the attached letter your firm and NYPL negotiated last year? Mainly that the body of the letter and the sentence describing that NYPL will hold these for 2 years (we can say May 31, 2022).

Thank you,

Ben

On Wed, May 6, 2020 at 8:48 AM Rebecca Stevens <[RStevens@nyenvlaw.com](mailto:RStevens@nyenvlaw.com)> wrote:

Dear Mr. Mickle,

Thank you very much for getting back to me. Since you are the person handling this matter, I amended the letter so it is addressed to you and you are the signatory. If this needs to change, please let me know and I can amend the letter again. Regarding your comments;

1. I have amended the letter to state that the documents will be sent to the library via a digital download link. The amended letter is attached.
2. It is hard to give a specific end date, but I can tell you that it is required for the library to act as a repository for the entire length of the BCP project, which is typically about 2 years.

Please let me know if you have any more questions, or if there is anything else I can do for you.

Thank you.

Rebecca Stevens

Paralegal

Knauf Shaw LLP

---

**From:** Linda Shaw <[lshaw@nyenvlaw.com](mailto:lshaw@nyenvlaw.com)>  
**Sent:** Tuesday, May 5, 2020 5:05 PM  
**To:** Rebecca Stevens <[RStevens@nyenvlaw.com](mailto:RStevens@nyenvlaw.com)>  
**Subject:** RE: NYPL (Brownfield Cleanup)

No problem re: the link. The length should be the length of the BCP project, which is typically about 2 years.





Linda R. Shaw

1400 Crossroads Building

2 State Street

Rochester, New York 14614

Tel.: (585) 546-8430

Cell: (585) 414-3122

[lshaw@nyenvlaw.com](mailto:lshaw@nyenvlaw.com)

---

**From:** Rebecca Stevens <[RStevens@nyenvlaw.com](mailto:RStevens@nyenvlaw.com)>

**Sent:** Tuesday, May 5, 2020 4:49 PM

**To:** Linda Shaw <[lshaw@nyenvlaw.com](mailto:lshaw@nyenvlaw.com)>

**Subject:** Fwd: NYPL (Brownfield Cleanup)

Hey linda,

I recieved this from the bronx public library for 580 gerard. I will email him back in the morning.

Until what date should I say the documents will have to be available?

Thanks

Rebecca

Get [Outlook for Android](#)

---

**From:** Benjamin Mickle <[benjaminmickle@nypl.org](mailto:benjaminmickle@nypl.org)>

**Sent:** Tuesday, May 5, 2020, 3:50 PM

**To:** Rebecca Stevens

**Subject:** NYPL (Brownfield Cleanup)

Hi Rebecca,

Your email regarding document storage at Macomb's Branch (for 580 Gerard) and the attached letter was forwarded to me. I am Assistant General Counsel at NYPL and will handle this matter on the legal end. It looks like your firm worked with another attorney (Kristina Findikyan) on this type of matter last June, so I hope that we will be able to sort this out quickly. My few comments are as follows:

1. NYPL does not hold physical documents on site (even on flash drive and even when the branches are open). Please amend the letter stating that the documents will be provided to the Library via a digital download link.
2. Please also provide and end/outside date (a date until which the documents will be available).

Please let me know if you have any questions or comments.

Best,

Ben

--

**Benjamin C. Mickle**  
Assistant General Counsel

**The New York Public Library**  
445 5th Avenue, 4th Floor

New York, New York 10016  
Tel. 212.930.0082 | Ext. 20082

Cell 646.510.0463

[nypl.org](http://nypl.org)

--

**Benjamin C. Mickle**  
Assistant General Counsel

**The New York Public Library**  
445 5th Avenue, 4th Floor  
New York, New York 10016  
Tel. 212.930.0082 | Ext. 20082

Cell 646.510.0463

[nypl.org](http://nypl.org)

--

**Benjamin C. Mickle**  
Assistant General Counsel

**The New York Public Library**  
445 5th Avenue, 4th Floor  
New York, New York 10016  
Tel. 212.930.0082 | Ext. 20082

Cell 646.510.0463

[nypl.org](http://nypl.org)

--

**Benjamin C. Mickle**

Assistant General Counsel

**The New York Public Library**

445 5th Avenue, 4th Floor

New York, New York 10016

Tel. 212.930.0082 | Ext. 20082

Cell 646.510.0463

[nypl.org](http://nypl.org)

## **Contact with Community Board**

### **Timeline:**

**4/30/2020** - Initial contact email sent to the Community Board's general email ([bx04@cb.ny.gov](mailto:bx04@cb.ny.gov))

**5/7/2020** – Sent follow up email to Community Board's general email ([bx04@cb.ny.gov](mailto:bx04@cb.ny.gov)) after no response.

**5/18/2020** – Sent another follow up email to Community Board's general email ([bx04@cb.ny.gov](mailto:bx04@cb.ny.gov)) after no response

**8/31/2020** - Sent another follow up email to Community Board's general email ([bx04@cb.ny.gov](mailto:bx04@cb.ny.gov)) after no response

**8/31/2020** – Sent an email directly to the District Manager, Paul Philips ([pphilips@cb.nyc.gov](mailto:pphilips@cb.nyc.gov))

**9/16/2020** – Sent an email to the Chairperson, Kathleen Saunders ([ksaunders@cb.nyc.gov](mailto:ksaunders@cb.nyc.gov)), copying the District Manager and the Community Board's General Email

Our office has attempted to contact the Bronx Community Board 4 by phone at (718) 299-0800 after having sent each of the follow-up emails. The phone just continues to ring. A person, nor a answering machine, ever picks up the call.

## **Contact with Library**

### **Timeline:**

**4/30/2020** – Initial email sent to the New York Public Library's general help line ([gethelp@nypl.org](mailto:gethelp@nypl.org))

**5/5/2020** – Initial email was forwarded to Benjamin Mickle, Assistant General Counsel. He contacted our office with some corrections to the letter ([benjaminmickle@nypl.org](mailto:benjaminmickle@nypl.org)).

**5/6/2020** – Our office forwarded Benjamin Mickle the corrected letter.

**5/12/2020** - Benjamin Mickle responded with more corrections to the letter and our office sent another revised letter to him.

**5/28/2020** - Our office emailed Benjamin Mickle to inquire about an update on the status of getting the letter signed. Our office also left a voicemail on Benjamin Mickle's office number, (212) 930-0082 ext. 20082.

**8/31/2020** – Our office email the managing librarian, Lucile Francois, directly ([lucilefrancois@nypl.org](mailto:lucilefrancois@nypl.org))

**9/16/2020** - Our office emailed Benjamin Mickle to inquire about an update on the status of getting the letter signed. Our office also left a voicemail on Benjamin Mickle's office number, (212) 930-0082 ext. 20082 and cell phone number (646) 510-0463.

**9/17/2020** – Our office received a response from Benjamin Mickle stating that he is currently working towards getting the Library letter signed by the branch's Managing Librarian.

## Rebecca Stevens

---

**From:** Rebecca Stevens  
**Sent:** Thursday, April 30, 2020 1:23 PM  
**To:** bx04@cb.nyc.gov  
**Subject:** Brownfield clean up program/Repository Request  
**Attachments:** Community Board Repository Letter.pdf

Hello,

I am a paralegal at Knauf Shaw LLP and we represent SB Gerard Avenue, LLC in its anticipated Brownfield Cleanup Program application for the above-referenced site at 580 Gerard Avenue in the City of New York, Bronx, New York. The Bronx Community Board 4 is currently the repository for this project. It is a requirement of the NYS Department of Environmental Conservation that we supply them with a letter certifying that the local Community Board is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. To avoid significant use of your shelf space, all documents will be sent in CD format.

I require the District Manager of Bronx Community Board 4, Paul Philips, to sign and date the attached letter and to return the signed letter to me as an attachment to an email as soon as possible so we may continue our work on the application so it may be submitted to the DEC in a timely manner.

I understand that due to the current global pandemic, the Community Board may be currently closed or working with restricted hours. However, we do not require the library to act as a repository immediately. The documents pertaining to the BCP application will not have to be available for public review until the application is submitted and then approved, a process which could take months. However, we do require the letter as soon as possible stating that the Community Board is willing to act as the repository in the future, in order to submit the application to the DEC.

Please feel free to call me with any questions at (585)857-5062.

Thank you for your time.

Sincerely,

Rebecca Stevens  
Paralegal  
Knauf Shaw LLP  
[rstevens@nyenvlaw.com](mailto:rstevens@nyenvlaw.com)  
1400 Crossroads building  
2 State Street  
Rochester, New York 14614  
(585) 546-8430

## Rebecca Stevens

---

**From:** Rebecca Stevens  
**Sent:** Thursday, May 7, 2020 10:18 AM  
**To:** bx04@cb.nyc.gov  
**Subject:** Brownfield Cleanup Program, Repository Request Follow up  
**Attachments:** Community Board Repository Letter.pdf

Hello,

My name is Rebecca Stevens, I am a Paralegal at Knauf Shaw. I had emailed the Bronx Community Board #4 on Thursday, April 30, 2020 regarding a request for the community board to act as a document repository for the Documents pertaining to SB Gerard Avenue LLC's anticipated Brownfield Cleanup Program at 580 Gerard Avenue, Bronx, New York.

I copied my original email below for your reference;

"I am a paralegal at Knauf Shaw LLP and we represent SB Gerard Avenue, LLC in its anticipated Brownfield Cleanup Program application for the above-referenced site at 580 Gerard Avenue in the City of New York, Bronx, New York. The Bronx Community Board 4 is currently the repository for this project. It is a requirement of the NYS Department of Environmental Conservation that we supply them with a letter certifying that the local Community Board is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. To avoid significant use of your shelf space, all documents will be sent in CD format.

I require the District Manager of Bronx Community Board 4, Paul Philips, to sign and date the attached letter and to return the signed letter to me as an attachment to an email as soon as possible so we may continue our work on the application so it may be submitted to the DEC in a timely manner.

I understand that due to the current global pandemic, the Community Board may be currently closed or working with restricted hours. However, we do not require the library to act as a repository immediately. The documents pertaining to the BCP application will not have to be available for public review until the application is submitted and then approved, a process which could take months. However, we do require the letter as soon as possible stating that the Community Board is willing to act as the repository in the future, in order to submit the application to the DEC.

Please feel free to call me with any questions at (585)857-5062.

Thank you for your time. "

I have also reattached the letter in which we require a signature. Please response to this email as soon as possible, as we hope to submit this application to the DEC relatively soon. If you are not able to sign the letter and email it back to me, we simply require, at least, an email, answering this one, stating that the Bronx Community Board #4 is willing and able to act as a document repository for SB Gerard Avenue LLC's anticipated Brownfield Cleanup Program at 580 Gerard Avenue, Bronx, New York.

Thank you for your time.

Rebecca Stevens  
Paralegal  
Knauf Shaw LLP



## Rebecca Stevens

---

**From:** Rebecca Stevens  
**Sent:** Monday, May 18, 2020 11:26 AM  
**To:** bx04@cb.nyc.gov  
**Subject:** RE: Brownfield Cleanup Program, Repository Request Follow up

To Whom it May Concern;

My name is Rebecca Stevens and I am a paralegal at the law office of Knauf Shaw LLP. Our office represents SB Gerard Avenue LLC's anticipated Brownfield Cleanup Program at 580 Gerard Avenue, Bronx, New York. I have emailed you regarding this matter on April 30, 2020 and May 7, 2020.

In order to submit this application to the DEC, we require confirmation that the local community board is willing and able to act as a document repository for the documents related to the anticipated BCP program application.

I understand that your office is currently closed due to the Governor's State of Emergency. However, we only require a reply to this email, stating that the Bronx Community Board No. 4 is willing and able to act as a document repository for SB Gerard Avenue LLC anticipated BCP program located at 580 Gerard Avenue, Bronx, New York.

Thank you for your time.

Sincerely,

Rebecca Stevens  
Paralegal  
Knauf Shaw LLP  
1400 Crossroads Building  
2 State Street  
Rochester, NY 14614  
(585) 857-5062

---

**From:** Rebecca Stevens  
**Sent:** Thursday, May 7, 2020 10:18 AM  
**To:** bx04@cb.nyc.gov  
**Subject:** Brownfield Cleanup Program, Repository Request Follow up

Hello,

My name is Rebecca Stevens, I am a Paralegal at Knauf Shaw. I had emailed the Bronx Community Board #4 on Thursday, April 30, 2020 regarding a request for the community board to act as a document repository for the Documents pertaining to SB Gerard Avenue LLC's anticipated Brownfield Cleanup Program at 580 Gerard Avenue, Bronx, New York.

I copied my original email below for your reference;

"I am a paralegal at Knauf Shaw LLP and we represent SB Gerard Avenue, LLC in its anticipated Brownfield Cleanup Program application for the above-referenced site at 580 Gerard Avenue in the City of New York, Bronx, New York. The Bronx Community Board 4 is currently the repository for this project. It is a requirement of the NYS Department of Environmental Conservation that we supply them with a letter certifying that the local Community Board is willing and

able to serve as a public repository for all documents pertaining to the cleanup of this property. To avoid significant use of your shelf space, all documents will be sent in CD format.

I require the District Manager of Bronx Community Board 4, Paul Philips, to sign and date the attached letter and to return the signed letter to me as an attachment to an email as soon as possible so we may continue our work on the application so it may be submitted to the DEC in a timely manner.

I understand that due to the current global pandemic, the Community Board may be currently closed or working with restricted hours. However, we do not require the library to act as a repository immediately. The documents pertaining to the BCP application will not have to be available for public review until the application is submitted and then approved, a process which could take months. However, we do require the letter as soon as possible stating that the Community Board is willing to act as the repository in the future, in order to submit the application to the DEC.

Please feel free to call me with any questions at (585)857-5062.

Thank you for your time. “

I have also reattached the letter in which we require a signature. Please response to this email as soon as possible, as we hope to submit this application to the DEC relatively soon. If you are not able to sign the letter and email it back to me, we simple require, at least, an email, answering this one, stating that the Bronx Community Board #4 is willing and able to act as a document repository for SB Gerard Avenue LLC’s anticipated Brownfield Cleanup Program at 580 Gerard Avenue, Bronx, New York.

Thank you for your time.

Rebecca Stevens  
Paralegal  
Knauf Shaw LLP

## Rebecca Stevens

---

**From:** Rebecca Stevens  
**Sent:** Monday, August 31, 2020 10:00 AM  
**To:** pphilips@cb.nyc.gov  
**Subject:** BCP Application Repository Request-580 Gerard Avenue  
**Attachments:** Community Board Repository Letter.pdf

**Importance:** High

Hello,

I am a paralegal at Knauf Shaw LLP and we represent SB Gerard Avenue, LLC in its anticipated Brownfield Cleanup Program application for the above-referenced site at 580 Gerard Avenue in the City of New York, Bronx, New York. The Bronx Community Board 4 is currently the repository for this project. It is a requirement of the NYS Department of Environmental Conservation that we supply them with a letter certifying that the local Community Board is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. To avoid significant use of your shelf space, all documents will be sent in CD format.

I have sent multiple emails to the community board at the following email address; [bx04@cb.nyc.gov](mailto:bx04@cb.nyc.gov). Please answer this email as soon as possible as we are hoping to send the application to the DEC today. If you are unable to print, sign and scan the attached letter at this time (this is preferred), an email back from you, stating that the Bronx Community Board 4 is willing and able to act as a public repository for this BCP application would be sufficient.

I understand that due to the current global pandemic, the Community Board may be currently closed or working with restricted hours. However, we do not require the library to act as a repository immediately. The documents pertaining to the BCP application will not have to be available for public review until the application is submitted and then approved, a process which could take months. However, we do require the letter as soon as possible stating that the Community Board is willing to act as the repository in the future, in order to submit the application to the DEC.

Please feel free to call me with any questions at (585)857-5062.

Thank you for your time.

Sincerely,



Rebecca Stevens  
Paralegal  
1400 Crossroads building  
2 State Street  
Rochester, New York 14624  
Tell: (585) 546-8430 Ext: 110

## Rebecca Stevens

---

**From:** Rebecca Stevens  
**Sent:** Monday, August 31, 2020 9:52 AM  
**To:** bx04@cb.nyc.gov  
**Subject:** BCP Application Repository Request  
**Attachments:** Community Board Repository Letter.pdf

Hello,

I am a paralegal at Knauf Shaw LLP and we represent SB Gerard Avenue, LLC in its anticipated Brownfield Cleanup Program application for the above-referenced site at 580 Gerard Avenue in the City of New York, Bronx, New York. The Bronx Community Board 4 is currently the repository for this project. It is a requirement of the NYS Department of Environmental Conservation that we supply them with a letter certifying that the local Community Board is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. To avoid significant use of your shelf space, all documents will be sent in CD format.

I require the District Manager of Bronx Community Board 4, Paul Philips, to sign and date the attached letter and to return the signed letter to me as an attachment to an email as soon as possible so we may continue our work on the application so it may be submitted to the DEC in a timely manner.

I understand that due to the current global pandemic, the Community Board may be currently closed or working with restricted hours. However, we do not require the library to act as a repository immediately. The documents pertaining to the BCP application will not have to be available for public review until the application is submitted and then approved, a process which could take months. However, we do require the letter as soon as possible stating that the Community Board is willing to act as the repository in the future, in order to submit the application to the DEC.

Please feel free to call me with any questions at (585)857-5062.

Thank you for your time.

Sincerely,



Rebecca Stevens  
Paralegal  
1400 Crossroads building  
2 State Street  
Rochester, New York 14624  
Tell: (585) 546-8430 Ext: 110

## Rebecca Stevens

---

**From:** Rebecca Stevens  
**Sent:** Thursday, April 30, 2020 1:18 PM  
**To:** gethelp@nypl.org  
**Subject:** Brownfield Cleanup Program/Repository Request for Macomb's Bridge Library, Bronx NY  
**Attachments:** Library Letter.pdf

Hello,

I am a paralegal at Knauf Shaw LLP and we represent SB Gerard Avenue, LLC in its anticipated Brownfield Cleanup Program application for the above-referenced site at 580 Gerard Avenue in the City of New York, Bronx, New York. The Macomb's Bridge Library is currently the repository for this project. It is a requirement of the NYS Department of Environmental Conservation that we supply them with a letter certifying that the local library is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. To avoid significant use of your shelf space, all documents will be sent in CD format.

I require the Managing Librarian of the Macomb's Bridge Library, Lucile Francois, to sign and date the attached letter and to return the signed letter to me as an attachment to an email as soon as possible so we may continue our work on the application so it may be submitted to the DEC in a timely manner.

I understand that due to the current global pandemic, the library is currently closed. However, we do not require the library to act as a repository immediately. The documents pertaining to the BCP application will not have to be available for public review until the application is submitted and then approved, a process which could take months. However, we do require the letter as soon as possible stating that the library is willing to act as the repository in the future in order to submit the application to the DEC.

Please feel free to call me with any questions at (585)857-5062.

Thank you for your time.

Sincerely,

Rebecca Stevens  
Paralegal  
Knauf Shaw LLP  
[rstevens@nyenvlaw.com](mailto:rstevens@nyenvlaw.com)  
1400 Crossroads building  
2 State Street  
Rochester, New York 14614  
(585) 546-8430

## Rebecca Stevens

---

**From:** Rebecca Stevens  
**Sent:** Thursday, May 28, 2020 8:49 AM  
**To:** Benjamin Mickle  
**Subject:** RE: NYPL (Brownfield Cleanup)  
**Attachments:** Library Letter.pdf

Dear Mr. Mickle,

I am emailing to see if there has been an update on getting the letter signed for our Brownfield Cleanup Program Site, located at 580 Gerard Avenue, Bronx, New York. I have attached the letter to this email for your reference.

Do not hesitate to contact me with any questions.

Rebecca Stevens  
Paralegal  
Knauf Shaw LLP

---

**From:** Benjamin Mickle <benjaminmickle@nypl.org>  
**Sent:** Tuesday, May 12, 2020 11:13 AM  
**To:** Rebecca Stevens <RStevens@nyenvlaw.com>  
**Subject:** Re: NYPL (Brownfield Cleanup)

Thank you Rebecca. In the bottom sentence (where NYPL is signing), please add "through May 31, 2022. Documents will be provided to the library via a digital download link." (which mirrors the language in the letter from 2019). If there is an issue and it has to be longer, then we can revisit, but NYPL can't have an indefinite obligation.

Thanks,  
Ben

On Tue, May 12, 2020 at 11:08 AM Rebecca Stevens <[RStevens@nyenvlaw.com](mailto:RStevens@nyenvlaw.com)> wrote:

Hi Mr. Mickle,

Please see the attached revised letter.

Please let me know if you have any more questions or concerns and thank you for your time.

Sincerely,

Rebecca

---

**From:** Benjamin Mickle <[benjaminmickle@nypl.org](mailto:benjaminmickle@nypl.org)>  
**Sent:** Tuesday, May 12, 2020 10:58 AM  
**To:** Rebecca Stevens <[RStevens@nyenvlaw.com](mailto:RStevens@nyenvlaw.com)>  
**Subject:** Re: NYPL (Brownfield Cleanup)

Hi Rebecca,

I am not authorized to sign these documents, I believe the library manager, Lucile Francois, will sign this one. Also, can you revise the letter further so that it matches the attached letter your firm and NYPL negotiated last year? Mainly that the body of the letter and the sentence describing that NYPL will hold these for 2 years (we can say May 31, 2022).

Thank you,

Ben

On Wed, May 6, 2020 at 8:48 AM Rebecca Stevens <[RStevens@nyenvlaw.com](mailto:RStevens@nyenvlaw.com)> wrote:

Dear Mr. Mickle,

Thank you very much for getting back to me. Since you are the person handling this matter, I amended the letter so it is addressed to you and you are the signatory. If this needs to change, please let me know and I can amend the letter again. Regarding your comments;

1. I have amended the letter to state that the documents will be sent to the library via a digital download link. The amended letter is attached.
2. It is hard to give a specific end date, but I can tell you that it is required for the library to act as a repository for the entire length of the BCP project, which is typically about 2 years.

Please let me know if you have any more questions, or if there is anything else I can do for you.

Thank you.

Rebecca Stevens

Paralegal

Knauf Shaw LLP

---

**From:** Linda Shaw <[lshaw@nyenvlaw.com](mailto:lshaw@nyenvlaw.com)>  
**Sent:** Tuesday, May 5, 2020 5:05 PM  
**To:** Rebecca Stevens <[RStevens@nyenvlaw.com](mailto:RStevens@nyenvlaw.com)>  
**Subject:** RE: NYPL (Brownfield Cleanup)

No problem re: the link. The length should be the length of the BCP project, which is typically about 2 years.



Linda R. Shaw

1400 Crossroads Building

2 State Street

Rochester, New York 14614

Tel.: (585) 546-8430

Cell: (585) 414-3122

[lshaw@nyenvlaw.com](mailto:lshaw@nyenvlaw.com)

---

**From:** Rebecca Stevens <[RStevens@nyenvlaw.com](mailto:RStevens@nyenvlaw.com)>  
**Sent:** Tuesday, May 5, 2020 4:49 PM



**To:** Linda Shaw <[lshaw@nyenvlaw.com](mailto:lshaw@nyenvlaw.com)>

**Subject:** Fwd: NYPL (Brownfield Cleanup)

Hey linda,

I recieved this from the bronx public library for 580 gerard. I will email him back in the morning.

Until what date should I say the documents will have to be available?

Thanks

Rebecca

Get [Outlook for Android](#)

---

**From:** Benjamin Mickle <[benjaminmickle@nypl.org](mailto:benjaminmickle@nypl.org)>

**Sent:** Tuesday, May 5, 2020, 3:50 PM

**To:** Rebecca Stevens

**Subject:** NYPL (Brownfield Cleanup)

Hi Rebecca,

Your email regarding document storage at Macomb's Branch (for 580 Gerard) and the attached letter was forwarded to me. I am Assistant General Counsel at NYPL and will handle this matter on the legal end. It looks like your firm worked with another attorney (Kristina Findikyan) on this type of matter last June, so I hope that we will be able to sort this out quickly. My few comments are as follows:

1. NYPL does not hold physical documents on site (even on flash drive and even when the branches are open). Please amend the letter stating that the documents will be provided to the Library via a digital download link.

2. Please also provide an end/outside date (a date until which the documents will be available).

Please let me know if you have any questions or comments.

Best,

Ben

--

**Benjamin C. Mickle**  
Assistant General Counsel

**The New York Public Library**  
445 5th Avenue, 4th Floor  
New York, New York 10016  
Tel. 212.930.0082 | Ext. 20082

Cell 646.510.0463

[nypl.org](http://nypl.org)

--

**Benjamin C. Mickle**  
Assistant General Counsel

**The New York Public Library**  
445 5th Avenue, 4th Floor  
New York, New York 10016  
Tel. 212.930.0082 | Ext. 20082

Cell 646.510.0463

[nypl.org](http://nypl.org)

--

**Benjamin C. Mickle**  
Assistant General Counsel

**The New York Public Library**  
445 5th Avenue, 4th Floor  
New York, New York 10016  
Tel. 212.930.0082 | Ext. 20082  
Cell 646.510.0463  
[nypl.org](http://nypl.org)

## Rebecca Stevens

---

**From:** Rebecca Stevens  
**Sent:** Monday, August 31, 2020 9:49 AM  
**To:** lucilefrancois@nypl.org  
**Subject:** BCP Application-Library Letter regarding Repository Status  
**Attachments:** Library Letter.pdf

**Importance:** High

Hello,

I am a paralegal at Knauf Shaw LLP and we represent SB Gerard Avenue, LLC in its anticipated Brownfield Cleanup Program application for a site located at 580 Gerard Avenue, Bronx, New York 10451. The Macomb's Bridge Library is currently the repository for this project. It is a requirement of the NYS Department of Environmental Conservation that we supply them with a letter certifying that the local library is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. To avoid significant use of your shelf space, all documents can be sent in CD format or via a digital download link.

I require the Managing Librarian of the Macomb's Bridge Library, Pamela Lucile Francois, to sign and date the attached letter and to return the signed letter to me as an attachment to an email as soon as possible so we may continue our work on the application so it may be submitted to the DEC in a timely manner. This matter requires immediate attention as we hope to send this application to the DEC by the end of the day today.

I understand that due to the current global pandemic, the library is currently closed. However, we do not require the library to act as a repository immediately. The documents pertaining to the BCP application will not have to be available for public review until the application is submitted and then approved, a process which could take months. However, we do require the letter as soon as possible stating that the library is willing to act as the repository in the future in order to submit the application to the DEC.

Please feel free to call me with any questions at (585)857-5062.

Thank you for your time.

Sincerely,



Rebecca Stevens  
Paralegal  
1400 Crossroads building  
2 State Street  
Rochester, New York 14624  
Tell: (585) 546-8430 Ext: 110



March 15, 2018

VIA ELECTRONIC MAIL  
bx04@cb.nyc.gov

Paul A. Philips  
District Manager  
Bronx Community Board Four  
1650 Selwyn Avenue  
Suite 11A  
Bronx, New York 10457

**RE: Brownfield Cleanup Program Application Repository Request**  
**Applicant: SB Gerard Avenue, LLC c/o Sliverback Acquisitions and Development LLC**  
**Site Name: 580 Gerard Former Post Office Vehicle Repair Site**  
**Address: 580 Gerard Avenue, Bronx, New York 10451**

Dear Mr. Philips:

We represent SB Gerard Avenue, LLC in its Brownfield Cleanup Program application for the above-referenced site in Bronx, New York at 580 Gerard Avenue. It is a requirement of the New York State Department of Environmental Conservation that we supply it with a letter certifying that the local community board is willing and able to serve as one of two public repositories for all documents pertaining to the cleanup of this Site. To avoid significant use of your shelf space, all documents will be sent in CD format.

Please sign below and return the signed letter as an attachment to an email as soon as possible if you are able to certify that the Bronx Community Board No. 4 would be willing and able to act as a temporary public repository for this Brownfield Cleanup Program project.

Thank you.

Sincerely,

**KNAUF SHAW LLP**

LINDA R. SHAW

Yes, the Bronx Community Board No. 4 is willing and able to act as a public repository for documents related to the cleanup of 580 Gerard Avenue, Bronx, New York 10451 under the NYS Brownfield Cleanup Program.

\_\_\_\_\_  
Paul A. Philips, District Manager

\_\_\_\_\_  
Date



September 17, 2020

VIA ELECTRONIC MAIL

Lucile Francois  
Library Manager  
Macomb's Bridge Library, New York Public Library  
2633 Adam Clayton Powell, Jr. Blvd.  
New York City, New York 10039

**RE: Brownfield Cleanup Program Application**  
**Applicant: SB Gerard Avenue, LLC c/o Sliverback Acquisitions and Development LLC**  
**Site Name: 580 Gerard Former Post Office Vehicle Repair Site**  
**Site Address: 580 Gerard Avenue**  
**Bronx, New York 10451**

Dear Ms. Francois:

We represent SB Gerard Avenue, LLC in its anticipated Brownfield Cleanup Program application for the above-referenced site at 580 Gerard Avenue (Bronx, Block 2352, Lot 1) in the City of New York, Bronx, New York. Your branch is currently the repository for this project. It is a requirement of the NYS Department of Environmental Conservation that we supply them with a letter certifying that the local library is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. To avoid significant use of your shelf space, all documents will be made available via a digital download link. These documents will be available once the project is accepted into the program until May 31, 2022.

Please sign below and return the signed letter as an attachment to an email if you are able to certify that your library would be willing and able to act as the temporary public repository for this Brownfield Cleanup Program project.

Thank you.

Sincerely,

**KNAUF SHAW LLP**

LINDA R. SHAW

Yes, the Macomb's Bridge Library, New York Public Library is willing and able to act as a public repository for documents related to the cleanup of 580 Gerard Avenue (Bronx, Block 2352, Lot 1) in the City of New York, Bronx County, New York under the NYS Brownfield Cleanup Program through May 31, 2022. The Documents will be provided to the library via a digital download link.

---

Lucile Francois, Library Manager

---

Date