



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 4720 VCD LLC c/o Tom Eswein, VP; and Leon Hovsepian III, VP

ADDRESS 495 Sylvan Avenue

CITY/TOWN Englewoodcliffs, New Jersey

ZIP CODE 07632

PHONE (914) 450-5273

FAX NA

E-MAIL tom@verticalcd.com; leon@verticalcd.com

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 | | | X |
| Chlorinated Solvents | | X | X |
| Other VOCs | | | |
| SVOCs | X | X | |
| Metals | X | X | |
| 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):

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

Other: Car dealership; auto repair; knitting mill

| Section IV. Property Information - See Instructions for Further Guidance | | | | |
|---|-------------|--|---------|----------------|
| PROPOSED SITE NAME Former Sears Auto Center Site | | | | |
| ADDRESS/LOCATION 4720 Third Avenue, 4734 Third Avenue, and 448 East 189th Street | | | | |
| CITY/TOWN The Bronx | | ZIP CODE 10458 | | |
| MUNICIPALITY(IF MORE THAN ONE, LIST ALL): New York City and Bronx County | | | | |
| COUNTY Bronx County | | SITE SIZE (ACRES) 0.8176 | | |
| LATITUDE (degrees/minutes/seconds) 40 ° 51 ' 33.4N " | | LONGITUDE (degrees/minutes/seconds) 73 ° 53 ' 27.0W " | | |
| Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed , please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS. | | | | |
| Parcel Address | Section No. | Block No. | Lot No. | Acreage |
| 4720 and 4734 Third Avenue | Bronx | 3042 | 13; 22 | 0.3872; 0.1205 |
| 448 East 189 Street | Bronx | 3042 | 28 | 0.3099 |
| 1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach an accurate map of the proposed site. | | | | |
| 2. Is the required property map attached to the application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map) | | | | |
| 3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, identify census tract : <u>387</u> Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 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)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation. | | | | |
| 7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map. | | | | |

Section IV. Property Information (continued)

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

Easement/Right-of-way Holder

Description

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

Type

Issuing Agency

Description

N/A

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)

| Section V. Additional Requestor Information See Instructions for Further Guidance | | DEC USE ONLY | |
|--|----------------------|---|--|
| BCP SITE NAME: _____ | | BCP SITE #: _____ | |
| NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Peter Serpico | | | |
| ADDRESS 495 Sylvan Avenue | | | |
| CITY/TOWN Englewood Cliffs, New Jersey | | ZIP CODE 07632 | |
| PHONE (212) 419 - 1930 | FAX | E-MAIL pserpico@omnibuild.com | |
| NAME OF REQUESTOR'S CONSULTANT P.W. Grosser Consulting (Paul Boyce, P.E., and Jennifer Lewis) | | | |
| ADDRESS 630 Johnson Avenue, Suite 7 | | | |
| CITY/TOWN Bohemia, New York | | ZIP CODE 11716 | |
| PHONE (631) 589 - 6353 | FAX (631) 589 - 8705 | E-MAIL paulb@pwgrosser.com; JenniferL@pwgrosser.com | |
| NAME OF REQUESTOR'S ATTORNEY Linda Shaw, Esq., Knauf Shaw LLP | | | |
| ADDRESS 1400 Crossroads Building, 2 State Street | | | |
| CITY/TOWN Rochester, New York | | ZIP CODE 14614 | |
| PHONE (585) 546 - 8430 | FAX (585) 546 - 4324 | E-MAIL lshaw@nyenvlaw.com | |
| Section VI. Current Property Owner/Operator Information – if not a Requestor | | | |
| CURRENT OWNER'S NAME 4720 Third Ave LLC, John Mingione | | OWNERSHIP START DATE: 1/3/2018 | |
| ADDRESS 495 Sylvan Avenue | | | |
| CITY/TOWN Englewood Cliffs, New Jersey | | ZIP CODE 07632 | |
| PHONE (914) 450-5273 | FAX | E-MAIL jmingione@omnibuild.com | |
| CURRENT OPERATOR'S NAME Vacant - no current operators | | | |
| ADDRESS | | | |
| CITY/TOWN | | ZIP CODE | |
| PHONE | FAX | E-MAIL | |
| PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE". | | | |
| IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER. | | | |
| Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407) | | | |
| If answering "yes" to any of the following questions, please provide an explanation as an attachment. | | | |
| 1. Are any enforcement actions pending against the requestor regarding this site? | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| 2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| 3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |

Section VII. Requestor Eligibility Information (continued)

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

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

☐ PARTICIPANT

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

☒ VOLUNTEER

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 Member of Owner

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

☒ Yes ☐ No

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

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

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

Section IX. Contact List Information

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? C4-5X Zoning District

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

See Support Narrative.

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

☒ Yes ☐ No

See Support Narrative.

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

See Support Narrative.

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 Managing Member (title) of 4720 VCD LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 3/29/2021

Signature: 

Print Name: Peter Serpico

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.

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| | |
|--|--|
| Property is in Bronx, Kings, New York, Queens, or Richmond counties. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Please answer questions below and provide documentation necessary to support answers. | |
| 1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see DEC's website for more information. | |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| 2. Is the property upside down or underutilized as defined below? | Upside Down? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| | Underutilized? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| From ECL 27-1405(31): | |
| <p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p> | |
| From 6 NYCRR 375-3.2(I) as of August 12, 2016: (Please note: Eligibility determination for the underutilized category can only be made at the time of application) | |
| 375-3.2: | |
| <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: Former Sears Auto Center Site
City: The Bronx

Site Address: 4720 Third Avenue, 4734 Third Avenue, and 448 East 189th Street
County: Bronx County **Zip:** 10458

Tax Block & Lot

Section (if applicable): Bronx **Block:** 3042 **Lot:** 13; 22

Requestor Name: 4720 VCD LLC c/o Tom Eswein, VP; and Leon Hovsepian III, VP **Requestor Address:** 495 Sylvan Avenue
City: Englewoodcliffs, New Jersey **Zip:** 07632 **Email:** tom@verticalcd.com; leon@verticalcd.com

Requestor's Representative (for billing purposes)

Name: Peter Serpico **Address:** 495 Sylvan Avenue
City: Englewood Cliffs, New Jersey **Zip:** 07632 **Email:** pserpico@omnibuild.com

Requestor's Attorney

Name: Linda Shaw, Esq., Knauf Shaw LLP **Address:** 1400 Crossroads Building, 2 State Street
City: Rochester, New York **Zip:** 14614 **Email:** lshaw@nyenvlaw.com

Requestor's Consultant

Name: P.W. Grosser Consulting (Paul Boyce, P.E., and Jennifer Lewis) **Address:** 630 Johnson Avenue, Suite 7
City: Bohemia, New York **Zip:** 11716 **Email:** paulb@pwgros.com; jennifert@pwgros.com

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

DER Determination: ☐ Agree ☐ Disagree

Requestor's Requested Status: ☒ Volunteer ☐ Participant

DER/OGC Determination: ☐ Agree ☐ Disagree
Notes:

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

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

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

Does Requestor Claim Property is Underutilized: ☐ Yes ☒ No

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

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

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

BCP APPLICATION SUPPORT DOCUMENT

BCP APPLICATION SUPPORT DOCUMENT

Exhibit List

| | |
|--------------------|--|
| Exhibit A - | DOS Entity Information |
| Exhibit B- | Corporate Consent |
| Exhibit C- | Deed |
| Exhibit D- | Site Access Agreement |
| Exhibit E- | Previous Owners and Operators |
| Exhibit F- | Site Drawing Spider Maps |
| Exhibit G- | Survey and Tax Map |
| Exhibit H- | Site Location Map, Base Map, and En-Zone Map |
| Exhibit I- | Zoning Map |
| Exhibit J- | Site Contact List |
| Exhibit K- | Repository Letters |

ENVIRONMENTAL REPORTS SEPARATELY ATTACHED ON CD:

1. January 2017 Merritt Environmental Consulting Corp. (Merritt) Phase I ESA prepared for Mayo Associates Inc.
2. August 2017 Delta Geophysics Inc. Geophysical Investigation Report prepared for P.W. Grosser Consulting ("P.W. Grosser")
3. September 2017 P.W. Grosser Phase I ESA prepared for Booth Capital
4. September 2017 P.W. Grosser Phase II ESA prepared for Booth Capital
5. April 2019 P.W. Grosser Remedial Investigation Report prepared for Meridian Construction Group ("Hudson Meridian")
6. May 2019 P.W. Grosser Remedial Action Work Plan prepared for Hudson Meridian
7. July 2019 P.W. Grosser Phase I ESA prepared for Hudson Meridian
8. March 2021 P.W. Grosser Remedial Action Work Plan prepared for Requestor

PART A

SECTION I - REQUESTOR INFORMATION

The Requestor is 4720 VCD LLC, a New York limited liability company, located at 213 West 35th Street, 7th Floor, New York, New York 10001. 4720 VCD LLC is authorized to do business in the State of New York. *See* Exhibit A, NYSDOS Entity Information. The members are as follows:

1. Peter Serpico (Managing Member)
2. John Mingione
3. Stephen Dellacava

The Written Consent provides Peter Serpico with authority to sign all Brownfield Cleanup Program (“BCP”) documents on behalf of the Requestor 4720 VCD LLC. *See* Exhibit B, Corporate Consent.

As further described below in Section IV, the Site is located at 4720 Third Avenue, Bronx, New York 10458 (Tax Block 3042, Lot 13); 4734 Third Avenue, Bronx, New York 10458 (Tax Block 3042, Lot 22); and 448 East 189th Street, Bronx, New York (Tax Block 3042, Lot 28) (collectively “Site” or “BCP Site”). An address associated with the Site has also been known as 3-11 Fordham Plaza.

Requestor is a 50% member in the entity that owns the site. As more fully described below in Section VI, 4720 Third Ave LLC is the current owner of the Site. *See* Exhibits C, Deeds, and Exhibit G, Survey. The Requestor has been provided with full site access by the ownership entity.

The Requestor has no relationship with the current or former owners of the Site except that Requestor is a member of 4720 Third Ave LLC, the recent current owner of the Site, since June 2020. *See* Sections V and VI below, and Exhibit E, Previous Owners and Operators List. 4720 Third Ave LLC has taken reasonable steps to stop any continuing discharge and to prevent any future release at the Site since its ownership as of January 3, 2018. One such step was the removal of the AST located at the Site in March of 2018. 4720 Third Ave LLC performed due diligence at the Site prior to acquiring the Site and has also taken steps to prevent exposure to any previously released hazardous wastes by demolishing the on-Site auto repair building and removed its contents such as hydraulic lifts and the oil water separator. The acts to minimize the impacts of contaminants at the Site can also be contributed to Requestor because Requestor is a member of 4720 Third Ave LLC. The historic uses that caused contamination at the Site predates the involvement of the Requestor or 4720 Third Ave LLC at the Site. Both entities meet the definition of a Volunteer.

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 the construction of an approximately 125-foot, nine-story mixed-use building. The building will occupy the footprint of the lots that make up the Site. The building will contain a cellar and two levels of commercial space. Approximately 14,169 square feet of the building will be utilized as a FRESH food store pursuant to the approved zoning for the Site. The second level of the building has been reserved for a community facility type use, such as an approximately 40,000 square foot school, community center or day care center. The remainder of the levels will compose a seven-story residential multi-family building with students as a target tenant base due to the proximity to Fordham University, which is approximately 0.12 miles from the Site. Thirty percent (30%) of the apartments will be affordable. The lots will eventually be merged into one lot as part of the development.

Schedule- Commencement through COC

The Site was originally in the OER Voluntary Cleanup Program (VCP) as Site Number: 16CVCP061X. The project had not moved forward for a variety of reasons and because the project was not penciling out in pro formas with prior development teams. The Requestor became a 50% owner in June 2020, and then more recently learned about the BCP and are applying with an expedited schedule because a Remedial Investigation Report (RIR) was prepared by P.W. Grosser in April of 2019 and a Remedial Action Work Plan (“RAWP”) was also completed for the Site in May of 2019. Site preparation work, including the on-Site demolition of the building has already occurred. The RAWP was updated to include final investigation work, mostly in the form of waste characterization sampling and PFAS sampling to satisfy the BCP requirements and a proposed BCP Track 1 remedy. The required remediation is expected to commence shortly after the BCA is executed since the RAWP will be subject to a public comment period with the BCP Application in the summer of 2021. The first task will be the removal of the basement slab and UST in order to prepare the Site for remediation. Whether it is possible the Certificate of Completion (“COC”) can be issued this calendar year will depend on the installation of the piping for the precautionary subslab depressurization system. Therefore, the COC will either be issued this year or early next year as this is a fast track project.

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. January 2017 Merritt Environmental Consulting Corp. (Merritt) Phase I ESA prepared for Mayo Associates Inc.
- B. August 2017 Delta Geophysics Inc. Geophysical Investigation Report prepared for P.W. Grosser Consulting (“P.W. Grosser”)
- C. September 2017 P.W. Grosser Phase I ESA prepared for Booth Capital
- D. September 2017 P.W. Grosser Phase II ESA prepared for Booth Capital

- E. April 2019 P.W. Grosser Remedial Investigation Report prepared for Meridian Construction Group (“Hudson Meridian”)
- F. May 2019 P.W. Grosser Remedial Action Work Plan prepared for Hudson Meridian
- G. July 2019 P.W. Grosser Phase I ESA prepared for Hudson Meridian
- H. March 2021 P.W. Grosser Remedial Action Work Plan prepared for Requestor

2. Sampling Data

See Exhibit F, Spider Map(s) 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. Most recently, the Site was used as a Sears Auto Repair facility from 1993 until 2014. The Site has been vacant since approximately December 2017. The on-site building was more recently demolished in April 2019. Prior to that use, the Site had a long history of auto repair, a service station and car dealership uses dating back to the 1920’s and also a knitting mill manufacturing facility in the 1940-50’s. It is important to note that historically the Site consisted of six lots. The historical owners and uses associated with the original six lots described in the Exhibit C Deed Schedule A legal description is contained in the Exhibit E Previous Owners and Operators List along with an associated map depicting these original lot lines.

SECTION IV – PROPERTY INFORMATION

1. Site Boundary and Tax Parcel Information

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 an En-Zone Type A, Census Tract 387.

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 3-9 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 4720 Third Avenue,

Bronx, New York 10458 (Tax Block 3042, Lot 13); 4734 Third Avenue, Bronx, New York 10458 (Tax Block 3042, Lot 22); and 448 East 189th Street, Bronx, New York 10458, (Tax Block 3042, Lot 28). The Site consists of three contiguous parcels located in the Belmont neighborhood of Bronx, New York. The Belmont section of the Bronx is primarily residential with shops, restaurants, and markets. The Site is also located in Bronx Community District 6. The Site is located in a mixed-use commercial and residential neighborhood. The Site is bounded by East 189th Street to the north. A commercial and retail shopping center are also located north of the Site. A U.S. Post Office building is located south of the Site. A parking lot and a middle school are located to the east of the Site. Third Avenue, a gas station, and a residential apartment building are located to the west of the Site. Multiple auto repair shops, gas stations and scrap metal businesses have existed or continue to exist on nearby lots.

B. Site Features

The 0.8176-acre Site is currently vacant. It has been vacant since approximately December 2017. The Site consists of three contiguous parcels. The southern portion of the Site, Lot 13, consists of a basement slab and an underground storage tank. The northern portion of the Site, consisting of Lots 22 and 28, is currently improved with an asphalt-paved parking lot. The Bronx River is located approximately 0.75 miles to the east of the site. The Site is not located in a flood zone. The Site is an “E” designated lot at the NYC Department of Buildings as part of the Third Avenue/East Tremont Avenue Rezoning.

C. Current Zoning and Land Use

The Site is currently located in the C4-5X Zoning District. C4 districts are mapped in regional commercial centers that are located outside of the central business districts. The C4-5X zoning district allows for both commercial and residential uses. The Site currently consists of a parking lot and a post-demolition basement slab. The surrounding properties consists of a commercial and retail shopping center, a parking lot, a school, a gas station, residential apartment building, and a U.S. Post Office building. The closest residential area is a residential building west of the Site. The closest rail line is approximate 0.115 miles from the Site.

D. Past Use of the Site

1. Past Use of the Site

The Site was first developed in approximately 1896 with six two-story apartment buildings and a stable. The rate of development at the Site increased in 1901. From 1914 through 1924, the Site was improved with three two-story buildings along Third Avenue with commercial and residential space. A two-story associated garage and stable were present near 189th Street. The Site was redeveloped in 1924 with a larger one-story building with two partial basements. In 1924, one of the original two-story shops/dwellings was still present at the northwest corner of the new larger building. Another was present at the southwest corner of the building. Plaza Garage occupied the Site in 1927. A 550-gallon

UST was installed in 1945. A & L Knitting Mills was an occupant of the Site in 1949 and may have contributed to the contamination that is present on the Site. While the work of knitting mills varied, many knitting mills used solvents as dye carriers and accelerants. The Site was used as a car dealership from approximately 1950 until 1993. Lot 13 contained a building, and the other lots were used for parking and storage of cars. Certificates of Occupancy from 1952 note that a car and truck service station were present on the Site. The presence of a service station may have caused contamination on the Site. During this period, owners and operators included Fordham Motor Sales Inc. (1956-1983), Jennings D F Inc Used Sales (1961-1976), D.F. Jennings Realty Corp. (unknown-1966), Dian Mayo (1966), and Dian Jennings Mayo (1976-2014). By approximately 1962, the two remaining shops/dwellings on the Site were demolished. In 1977, an extension was added to the southern side of the one-story building on the Site. A Sears Auto Parts/repair facility store occupied the Site from 1993 until approximately 2014 when it vacated the repair shop/store. The site has been vacant since approximately December 2017. In January 2018, 4720 Third Ave LLC purchased the Site. An above ground storage tank (AST) was removed from the Site on March 26, 2018. Demolition began at the Site in early 2019 and was completed in April 2019.

2. Past Investigations Related to Uses and Environmental Conditions that Led to the Submission of this Application

In January 2017, Merritt Environmental Consulting Corp. (Merritt) prepared a Phase I ESA for the owner, Mayo Associates, Inc. At the time, the property consisted of a 1-story commercial building with a rear and side parking lot. Merritt identified two recognized environmental conditions (RECs): (1) the presence of a 550-gallon UST identified in Sanborn Maps for the years 1945 until 1984, and (2) active gas stations on adjacent properties to the west and a former gasoline station with an active spill. The spill on the adjacent site occurred at 4729 Third Avenue, Bronx, New York (Spill No. 16-04272). The spill has not been closed by the time of this application. Similar RECs were identified in the September 2017 P.W. Grosser Consulting, Inc. (P.W. Grosser) Phase I ESA prepared for Booth Capital, one of the Requestor's prior investors, and which was relied on by 4720 Third Ave LLC in acquiring the Site in January 2018, but also included an oil/water separator in a "Hazardous Waste Material Storage" room, and staining present on the concrete floor of the "Hazardous Waste Material Storage" room as well as floor drains, grated storm water catch basins and solid-cover manholes. In September 2017, P.W. Grosser prepared a Phase II ESA for Booth Capital to further evaluate the RECs included a geophysical survey, soil quality evaluation and a soil vapor intrusion investigation. The geophysical survey revealed a metallic anomaly indicative of a 550-gallon UST and piping indicative of a UST under the slab in the central northern section of the building. The survey also identified connections to the municipal sewer system. Groundwater was encountered between 9 and 14 feet below grade surface (ft-bgs). Soil analytical results identified SVOCs and metals exceedances of the Commercial Use Soil Cleanup Objectives (CSCOs) on all three lots. VOCs, SVOCS, and metals exceedances were detected in groundwater on all three lots. For soil vapor, multiple VOCs were detected at elevated levels, and total VOCs were high, but did not exceed established NYSDOH screening levels for the 12 compounds in the DOH matrices.

P.W. Grosser prepared a Remedial Investigation Report (RIR) for then developer Hudson Meridian in April 2019 for the OER VCP when the building on the Site was partially demolished and the above ground AST was also removed. The contaminants of concern above the standards were identified as SVOCs, metals, pesticides, and PCBs in soil and VOCs, SVOCS, and metals in groundwater. *See* Section IV.10.F for Environmental Assessment. P.W. Grosser then prepared an OER VCP Remedial Action Work Plan (RAWP) for Hudson Meridian in May 2019, which considered a Track 4 and Track 1 remedial action. The Track 4 alternative was selected at this time. In July 2019, P.W. Grosser prepared a Phase I ESA for Hudson Meridian in relation to the planned sale of its share of their ownership interest to VCD Third Avenue LLC, which VCD Third Avenue LLC was allowed to rely on, which identified the Site on the NYSDEC Petroleum Bulk Storage (PBS) database for a 3,000-gallon #4 fuel oil tank (Facility Id: 2-612831), but noted the tank was removed on March 26, 2018 shortly after VCD Third Avenue LLC acquired the Site. In March 2021, after the Requestor became involved with the Site and learned of the BCP, P.W. Grosser revised the RAWP for 4720 VCD, LLC, which now includes a Conditional Track 1 remedy as described therein.

E. Site Geology and Hydrogeology

The property elevation ranges from 60.94 to 63.92 feet above the National Geodetic Vertical Datum (NGVD). Groundwater flows from east to west beneath the Site. The depth of groundwater ranges from approximately 13 to 15 ft-bgs.

The Bronx is underlain by tightly folded, metamorphic rocks. Erosion of this type of formation has resulted in the formation of northeast trending hills. The bedrock beneath the Bronx is the Manhattan schist. The bedrock is overlain by thin deposits of Pleistocene age glacial outwash deposits (sand and gravel).

The stratigraphy of the Site consists of a top layer of fill material. The fill layer ranges between 3 and 11 feet, and it contains broken pieces of rock, brick, and concrete. Beneath the fill, there is a layer of fine to coarse grained sand ranging in thickness from 6 to over 20 feet. Clay lenses are present in multiple spots throughout the Site above bedrock. Bedrock is beneath the Site at varying depths. Bedrock, or refusal, was encountered between 46.0 and 53 ft-bgs.

F. Environmental Assessment

Based on the investigations conducted to date, the primary contaminants of concern are SVOCs, metals, pesticides, and PCBs in soil and VOCs, SVOCS, and metals in groundwater. *See* Exhibit F Site Drawing Spider Maps.

Soil:

SVOC Restricted Residential Soil Cleanup Objective (RRSCOs) exceedances included:

Lot 13

- Benzo(a)anthracene in one boring at 4.1 mg/kg exceeded the RRSCO of 1 mg/kg at between grade and 12 ft-bgs.
- Benzo(a)pyrene in one boring at 3.7 mg/kg exceeded the RRSCO of 1 mg/kg at between grade and 12 ft-bgs.
- Benzo(b)fluoranthene in one boring at 4.6 mg/kg exceeded the RRSCO of 1 mg/kg at between grade and 12 ft-bgs.
- Benzo(k)fluoranthene in one boring at 1.6 mg/kg exceeded the RRSCO of 3.9 mg/kg at between grade and 12 ft-bgs.
- Dibenzo(a,h) anthracene in one boring at 0.5 mg/kg exceeded the RRSCO of 0.33 mg/kg at between grade and 12 ft-bgs.
- Indeno(1,2,3-cd)pyrene in one borings at 2.5 mg/kg exceeded the RRSCO of 0.5 mg/kg at between grade and 12 ft-bgs.

Lot 22

- Benzo(a)anthracene in one boring at 9.8 mg/kg exceeded the RRSCO of 1 mg/kg at between grade and 12 ft-bgs.
- Benzo(a)pyrene in one boring at 8.5 mg/kg exceeded the RRSCO of 1 mg/kg at between grade and 12 ft-bgs.
- Benzo(b)fluoranthene in two borings at 1.2 and 12 mg/kg exceeded the RRSCO of 1 mg/kg at between grade and 12 ft-bgs.
- Chrysene in one boring at 9.8 mg/kg exceeded the RRSCO of 3.9 mg/kg at between grade and 12 ft-bgs.
- Dibenzo(a,h) anthracene in one boring at 1.2 exceeded the RRSCO of 0.33 mg/kg at between grade and 12 ft-bgs.
- Indeno(1,2,3-cd)pyrene in one boring at 5.1 exceeded the RRSCO of 0.5 mg/kg at between grade and 12 ft-bgs.

Lot 28

- Benzo(a)anthracene in four borings at 1.1, 1.9, 2.4, and 5.7 mg/kg exceeded the RRSCO of 1 mg/kg at between grade and 12 ft-bgs.
- Benzo(a)pyrene in four borings at 1.1, 1.8, 2.3, and 5.4 mg/kg exceeded the RRSCO of 1 mg/kg at between grade and 12 ft-bgs.
- Benzo(b)fluoranthene in four borings at 1.5, 1.8, 3.4, and 6.1 mg/kg exceeded the RRSCO of 1 mg/kg at between grade and 12 ft-bgs.
- Chrysene in one boring at 5.2 mg/kg exceeded the RRSCO of 3.9 mg/kg at between grade and 12 ft-bgs.
- Dibenzo(a,h) anthracene in two borings at 0.35, and 0.77 mg/kg exceeded the RRSCO of 0.33 mg/kg at between grade and 12 ft-bgs.
- Indeno(1,2,3-cd)pyrene in four borings at 0.79, 0.89, 1.4, and 3 mg/kg exceeded the RRSCO of 0.5 mg/kg at between grade and 12 ft-bgs.

Metal Restricted Residential Soil Cleanup Objective (RRSCOs) exceedances included:

Lot 13

- Barium, total, in two borings at 490 and 585 mg/kg exceeded the RRSCO of 400

- mg/kg at between grade and 12 ft-bgs.
- Lead, total, in two borings at 976 and 1680 mg/kg exceeded the RRSCO of 400 mg/kg at between grade and 12 ft-bgs.
- Mercury, total in two borings at 0.84 and 3.71 exceeded the RRSCO of 0.81 mg/kg at between grade and 12 ft-bgs.

Lot 22

- Barium, total, in two borings at 598 and 786 mg/kg exceeded the RRSCO of 400 mg/kg at between grade and 12 ft-bgs.
- Mercury, total in one boring at 7.3 mg/kg exceeded the RRSCO of 0.81 mg/kg at between grade and 12 ft-bgs.

Lot 28

- Barium, total, in one boring at 497 mg/kg exceeded the RRSCO of 400 mg/kg at between grade and 12 ft-bgs.
- Lead, total, in three borings at 414, 415, and 2060 mg/kg exceeded the RRSCO of 400 mg/kg at between grade and 12 ft-bgs.
- Mercury, total in one boring at 0.89 mg/kg exceeded the RRSCO of 0.81 mg/kg at between grade and 12 ft-bgs.

Groundwater:

VOC NYSDEC TOGS AWQS exceedances include

Lot 22

- Chloroform in one boring at 22 µg/L exceeded the NYSDEC TOGS AWQS of 7 µg/L.

SVOC NYSDEC TOGS AWQS exceedances include:

Lot 28

- Benzo(b)fluoranthene in one boring at 0.04 µg/L exceeded the NYSDEC TOGS AWQS of 0.002 µg/L.
- Benzo(k)fluoranthene in one boring at 0.03 µg/L exceeded the NYSDEC TOGS AWQS of 0.002 µg/L.
- Chrysene in one boring at 0.02 µg/L exceeded the NYSDEC TOGS AWQS of 0.002 µg/L.

Metal NYSDEC TOGS AWQS exceedances include:

Lot 13

- Magnesium, total, in one boring at 51600 µg/L exceeded the NYSDEC TOGS AWQS of 35000 µg/L.
- Magnesium, dissolved, in one boring at 51000 µg/L exceeded the NYSDEC TOGS AWQS of 35000 µg/L.
- Sodium, total, in one boring at 120,000 µg/L exceeded the NYSDEC TOGS AWQS

- of 20000 µg/L.
- Sodium, dissolved, in one boring at 123,000 µg/L exceeded the NYSDEC TOGS AWQS of 20000 µg/L.

Lot 22

- Antimony, total, in one boring at 3.34 µg/L exceeded the NYSDEC TOGS AWQS of 3 µg/L.
- Iron, total, in one boring at 2,010 µg/L exceeded the NYSDEC TOGS AWQS of 300 µg/L.
- Selenium, total, in one boring at 19.6 µg/L exceeded the NYSDEC TOGS AWQS of 10 µg/L.
- Selenium, dissolved, in one boring at 18.5 µg/L exceeded the NYSDEC TOGS AWQS of 10 µg/L.
- Sodium, total, in one boring at 350,000 µg/L exceeded the NYSDEC TOGS AWQS of 20000 µg/L.
- Sodium, dissolved, in one boring at 366,000 µg/L exceeded the NYSDEC TOGS AWQS of 20000 µg/L.

Lot 28

- Antimony, total, in one boring at 3.67 µg/L exceeded the NYSDEC TOGS AWQS of 3 µg/L.
- Iron, total, in two borings at 318 and 4250 µg/L exceeded the NYSDEC TOGS AWQS of 300 µg/L.
- Magnesium, total, in one boring at 140000 µg/L exceeded the NYSDEC TOGS AWQS of 35000 µg/L.
- Magnesium, dissolved, in one boring at 135000 µg/L exceeded the NYSDEC TOGS AWQS of 35000 µg/L.
- Manganese, total, in one boring at 651 µg/L exceeded the NYSDEC TOGS AWQS of 300 µg/L.
- Manganese, dissolved, in one boring at 511 µg/L exceeded the NYSDEC TOGS AWQS of 300 µg/L.
- Selenium, total, in one boring at 20.7 µg/L exceeded the NYSDEC TOGS AWQS of 10 µg/L.
- Selenium, dissolved, in one boring at 18.1 µg/L exceeded the NYSDEC TOGS AWQS of 10 µg/L.
- Sodium, total, in two borings at 127,000 and 210,000 µg/L exceeded the NYSDEC TOGS AWQS of 20000 µg/L.
- Sodium, dissolved, in two borings at 130,000 and 220,000 µg/L exceeded the NYSDEC TOGS AWQS of 20000 µg/L.

Soil Vapor

Trichloroethene, cis-1,2-dichloroethene, 1,1-dichloroethene, carbon tetrachloride, 1,1,1-trichloroethane, methylene chloride and vinyl chloride were detected in soil vapor samples on the Site. The detected values, ambient air samples, and indoor air samples were

compared to the NYSDOH Decision Matrices for soil vapor. The concentrations did not exceed the minimum concentrations for which mitigation is recommended. However, the Total VOCs number in each soil vapor sampling location was high.

The sub-slab contaminants not covered by the NYSDOH Decision Matrices were evaluated using the EPA Vapor Intrusion Screening levels (VISLs). The VISLs were developed as risk-based screening level concentrations intended for use identifying areas or buildings that may warrant further investigation of the vapor intrusion pathway. See <https://www.epa.gov/sites/production/files/2015-09/documents/oswer-vapor-intrusion-technical-guide-final.pdf>. The following assumptions were used when calculating the Target Sub-Slab Concentration:

| Assumption | Value |
|-------------------------|-------------|
| Hazard Quotient | 0.1 |
| Target Risk | 10^{-6} |
| Exposure Scenario | Residential |
| Groundwater Temperature | 25° C |

All contaminants were evaluated using “noncancer” as the toxicity basis except 1,3-butadiene, bromodichloromethane, chloroform, and ethylbenzene.

EPA VISL exceedances included:

Lot 13

- 1,3,5 – trimethyl benzene in one boring at $6.49 \mu\text{g}/\text{m}^3$ exceeded the EPA Sub-Slab Target Concentration of $6.26 \mu\text{g}/\text{m}^3$.
- 1,3-butadiene in one boring at $13.6 \mu\text{g}/\text{m}^3$ exceeded the EPA Sub-Slab Target Concentration of $3.12 \mu\text{g}/\text{m}^3$.
- 2-Butanone in nine borings at 10.2, 13.3, 13.9, 15.7, 15.7, 16.2, 26.4, 100 and 127 $\mu\text{g}/\text{m}^3$ exceeded the EPA Sub-Slab Target Concentration of $0 \mu\text{g}/\text{m}^3$.
- Bromodichloromethane in two borings at 2.95 and $7.03 \mu\text{g}/\text{m}^3$ exceeded the EPA Sub-Slab Target Concentration of $2.53 \mu\text{g}/\text{m}^3$.
- Chloroform in two borings at 42 and $72.8 \mu\text{g}/\text{m}^3$ exceeded the EPA Sub-Slab Target Concentration of $4.07 \mu\text{g}/\text{m}^3$.
- Cis-1,2-dichloroethene in one boring at $6.5 \mu\text{g}/\text{m}^3$ exceeded the EPA Sub-Slab Target Concentration of $0 \mu\text{g}/\text{m}^3$.
- Ethanol in two borings at 15 and $18.4 \mu\text{g}/\text{m}^3$ exceeded the EPA Sub-Slab Target Concentration of $0 \mu\text{g}/\text{m}^3$.
- Tertiary butyl alcohol in nine borings at 3.03, 3.06, 5.15, 6.94, 16, 20.5, 32.4, 40.6 and $53.1 \mu\text{g}/\text{m}^3$ exceeded the EPA Sub-Slab Target Concentration of $0 \mu\text{g}/\text{m}^3$.
- Tetrachloroethene in four borings at 197, 241, 235, and $241 \mu\text{g}/\text{m}^3$ exceeded the EPA Sub-Slab Target Concentration of $139 \mu\text{g}/\text{m}^3$.
- Trichloroethene in one boring at $21.6 \mu\text{g}/\text{m}^3$ exceeded the EPA Sub-Slab Target Concentration of $6.95 \mu\text{g}/\text{m}^3$.

Lot 22

- 2-Butanone in one boring at 95.6 $\mu\text{g}/\text{m}^3$ exceeded the EPA Sub-Slab Target Concentration of 0 $\mu\text{g}/\text{m}^3$.
- Chloroform in one boring at 19.5 $\mu\text{g}/\text{m}^3$ exceeded the EPA Sub-Slab Target Concentration of 4.07 $\mu\text{g}/\text{m}^3$.
- Tertiary butyl alcohol in one boring at 31.5 $\mu\text{g}/\text{m}^3$ exceeded the EPA Sub-Slab Target Concentration of 0 $\mu\text{g}/\text{m}^3$.

Lot 28

- 1,2,4-trimethyl benzene in one boring at 14.4 $\mu\text{g}/\text{m}^3$ exceeded the EPA Sub-Slab Target Concentration of 6.26 $\mu\text{g}/\text{m}^3$.
- 1,3-butadiene in one boring at 7.57 $\mu\text{g}/\text{m}^3$ exceeded the EPA Sub-Slab Target Concentration of 3.12 $\mu\text{g}/\text{m}^3$.
- 2-Butanone in two borings at 82 and 510 $\mu\text{g}/\text{m}^3$ exceeded the EPA Sub-Slab Target Concentration of 0 $\mu\text{g}/\text{m}^3$.
- 2-Hexanone in one boring at 145 $\mu\text{g}/\text{m}^3$ exceeded the EPA Sub-Slab Target Concentration of 104 $\mu\text{g}/\text{m}^3$.
- Chloroform in two borings at 7.67 and 11.5 $\mu\text{g}/\text{m}^3$ exceeded the EPA Sub-Slab Target Concentration of 4.07 $\mu\text{g}/\text{m}^3$.
- Tertiary butyl alcohol in two borings at 25.8 and 32.7 $\mu\text{g}/\text{m}^3$ exceeded the EPA Sub-Slab Target Concentration of 0 $\mu\text{g}/\text{m}^3$.

Regarding Questions 11-13 on the BCP Application:

Requestor is seeking a determination that the Site is eligible for tangible property tax credits because the Site is located in an Environmental Zone. *See* Exhibit H En-Zone Map. The Requestor is not, nor will it in the future, be seeking a determination that the property is Upside Down or Underutilized. However, it is important to note that the Site is in an Environmental Justice Area but not in a BOA. *See* Exhibit H EJ and BOA Maps.

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 that caused the historic contamination other than the Requestor is a 50% member of the current Site owner, 4270 Third Ave LLC, which only acquired the Site in January 2018. *See also* Exhibit E, Previous Owners and Operators List. The Requestor and Site owner did not cause any of the contamination of the Site, which predates their involvement at the Site and performed all required due diligence prior to acquisition and due care during its period of ownership.

SECTION VI- CURRENT PROPERTY OWNER/OPERATOR INFORMATION

4720 Third Ave LLC is the owner of the Site. 4720 Third Ave LLC has owned the parcels since January 3, 2018. *See Exhibit C Deed.* Requestor is a 50% member in the entity that owns the site.

The Previous Owner and Operator list is attached in 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.

SECTION VII- REQUESTOR ELIGIBILITY INFORMATION

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

11. Unregistered bulk storage tanks

During an August 2017 Geophysical Investigation, an anomaly consistent with a 550-gallon UST was detected beneath the northeastern portion of the Site. The UST may have been originally installed in 1945. The Phase I ESAs did not reveal any registrations associated with the 550-gallon UST. The UST could not be readily removed due to the low ceiling in the building where the UST was located and need to demolish the building first before the tank could be removed. Now that the building has been recently demolished, the tank will be removed during the first phase of remediation at the Site.

REQUESTOR CERTIFICATION

The Requestor certifies it is a Volunteer, since it does not have nor has ever had a relationship with any of the past owners or operators of the Site that caused the contamination, 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 and has implemented due care of 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 the applicable cleanup standards. *See* Environmental Reports separately attached 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 C4-5X Zoning District. *See* Exhibit I, Zoning Map. The C4-5X zoning district allows for both commercial and residential uses.

2. Current Use

This Site currently contains a basement slab from the former on-Site building. The demolition of the building took place around April 2019. The remainder of the slab will be removed during the remediation of the Site. The northern portion of the Site is currently an asphalt paved parking lot. The Site is currently vacant with no current use. The Site has been vacant since approximately December 2017.

3. Intended Use Post Remediation

Post remediation use of the Site will involve the construction of a multi-story mixed use building. The building will occupy most of the footprint of the three lots that make up the Site. The building will contain a cellar and two levels of commercial space. The remainder of the building will be a seven-story residential tower. *See* Section II, Project Scope for a more detailed description.

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

Yes, current historical and recent development patterns support the proposed use of the Site.

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

Yes, the proposed use is consistent with applicable zoning laws/maps. C4 districts are mapped in regional commercial centers that are located outside of the central business districts. The C4-5X zoning district allows for both commercial and residential uses.

6. Consistent with the Master Plan?

There is no Master Plan for the Belmont section of the Bronx. The Project is consistent with the applicable zoning and will provide needed affordable housing in the Bronx near Fordham University.

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through March 4, 2021.

Selected Entity Name: 4720 VCD LLC

Selected Entity Status Information

Current Entity Name: 4720 VCD LLC

DOS ID #: 5645288

Initial DOS Filing Date: OCTOBER 28, 2019

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 VERTICAL COMMUNITY DEVELOPMENT LLC

213 WEST 35TH STREET 7TH FLOOR

NEW YORK, NEW YORK, 10001

Registered Agent

NONE

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

***Stock Information**

of Shares

Type of Stock

\$ Value per Share

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

| Filing Date | Name Type | Entity Name |
|--------------|-----------|--------------|
| OCT 28, 2019 | Actual | 4720 VCD LLC |

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

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

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[Homepage](#) | [Contact Us](#)


WRITTEN CONSENT

The undersigned, being a Member of 4720 VCD LLC, does hereby certify as follows:

1. 4720 VCD LLC is the prospective volunteer for the prospective Brownfield Cleanup Program (BCP) Site located at 4720 Third Avenue, Bronx, New York 10458 (Tax Block 3042 Lot 13), 4734 Third Avenue, Bronx, New York 10458 (Tax Block 3042, Lot 22); and 448 East 189 Street, Bronx, New York (Tax Block 3042 Lot 28) (collectively the "BCP Site").

2. The following person, Peter Serpico, a managing member of 4720 VCD LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer 4720 VCD LLC in relation to the BCP Site.

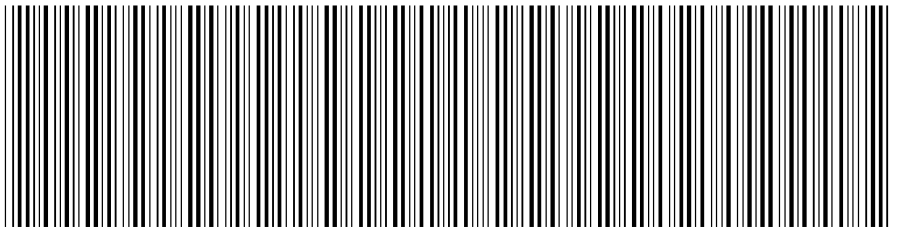
IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 26th day of March, 2021.



John Mingione
Member of 4720 VCD LLC

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



2018010800066001002E2FE5

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 6

Document ID: 2018010800066001

Document Date: 01-03-2018

Preparation Date: 01-12-2018

Document Type: DEED

Document Page Count: 4

PRESENTER:

FIDELITY NATIONAL TITLE INS. COMPANY
485 LEXINGTON AVENUE, 18TH FLOOR
NEW YORK, NY 10017
212-481-5858
kat.lam@fnf.com/ title no. 17-40967-BX

RETURN TO:

KRISS & FEUERSTIN LLP
360 LEXINGTON AVENUE
NEW YORK, NY 10017
David S. Kriss, Esq

PROPERTY DATA

| Borough | Block | Lot | Unit | Address |
|---------|-------|-----|------------|---------------|
| BRONX | 3042 | 13 | Entire Lot | 4720 3 AVENUE |

Property Type: COMMERCIAL REAL ESTATE

| Borough | Block | Lot | Unit | Address |
|---------|-------|-----|------------|---------------|
| BRONX | 3042 | 22 | Entire Lot | 4734 3 AVENUE |

Property Type: COMMERCIAL REAL ESTATE

☒ Additional Properties on Continuation Page

CROSS REFERENCE DATA

CRFN _____ or DocumentID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

GRANTOR/SELLER:

DIAN JENNINGS MAYO
C/O: ZUKERMAN GORE BRANDEIS GROSSMAN LLP,
11 TIMES SQUARE
NEW YORK, NY 10036

GRANTEE/BUYER:

4720 THIRD AVE LLC
47-05 METROPOLITAN AVE
RIDGEWOOD, NY 11385

☒ Additional Parties Listed on Continuation Page

FEES AND TAXES

Mortgage :

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

TOTAL: \$ 0.00

Recording Fee: \$ 63.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 250.00

NYC Real Property Transfer Tax:

\$ 472,500.00

NYS Real Estate Transfer Tax:

\$ 72,000.00

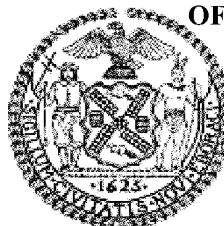
RECORDED OR FILED IN THE OFFICE
OF THE CITY REGISTER OF THE

CITY OF NEW YORK

Recorded/Filed 01-17-2018 09:47

City Register File No.(CRFN):

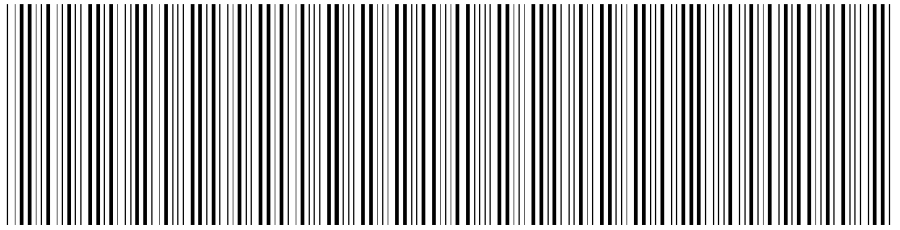
2018000018133



Annette McMill

City Register Official Signature

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2018010800066001002C2D65

RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION)

PAGE 2 OF 6

Document ID: 2018010800066001

Document Date: 01-03-2018

Preparation Date: 01-12-2018

Document Type: DEED

PROPERTY DATA

| Borough | Block Lot | Unit | Address |
|---------|--------------------|------|---------------------|
| BRONX | 3042 28 Entire Lot | | 448 EAST 189 STREET |

Property Type: COMMERCIAL REAL ESTATE

PARTIES

GRANTOR/SELLER:

MAYO ASSOCIATES, INC.

C/O: ZUKERMAN GORE BRANDEIS GROSSMAN LLP,
11 TIMES SQUARE
NEW YORK , NY 10036

GRANTOR/SELLER:

D.F. JENNINGS REALTY CORP.

C/O: ZUKERMAN GORE BRANDEIS GROSSMAN LLP,
11 TIMES SQUARE
NEW YORK , NY 10036

GRANTOR/SELLER:

FORDHAM MOTOR SALES, INC.

C/O: ZUKERMAN GORE BRANDEIS GROSSMAN LLP,
11 TIMES SQUARE
NEW YORK , NY 10036

GRANTOR/SELLER:

D.F. JENNINGS INC.

C/O: ZUKERMAN GORE BRANDEIS GROSSMAN LLP,
11 TIMES SQUARE
NEW YORK , NY 10036

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made as of the 3 day of January, in the year 2018,
BETWEEN

DIAN JENNINGS MAYO and MAYO ASSOCIATES, INC., as successor by name change to Fordham Motor Sales, Inc., as successor by merger to D.F. Jennings Realty Corp. and as successor to D.F. Jennings Inc., having an address c/o Zukerman Gore Brandeis & Crossman LLP, Eleven Times Square, New York, New York 10036

party of the first part, and

4720 THIRD AVE LLC, having an address at 295 Lafayette Street, 7th Floor, New York, New York
party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars (\$10) paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the County of the Bronx, City and State of New York, commonly known as 4720 Third Avenue, Bronx, New York, consisting of three (3) parcels identified as Block 3042, Lots 13, 22 and 28 and more particularly described in Schedule "A" attached hereto.

As to Parcel I

Being and intended to be the same premises conveyed to the party of the first part by the deed made by Dian F. Mayo dated October 4, 1966, recorded October 10, 1966 in Rec. Liber 135, page 110.

As to Parcels II and III

Being and intended to be the same premises conveyed to the party of the first part by the deed made by Hilda Jennings as Trustee for Donald Frederick Jennings dated February 24, 1986, recorded June 11, 1986 in Reel 662, page 1650, and deed made by Hilda Jennings as Trustee for Donald Frederick Jennings dated February 24, 1986, recorded June 11, 1986, recorded June 11, 29186 in Reel 662, page 1653

As to Parcels IV and V:

Being and intended to be the same premises conveyed to the party of the first part by the deed made by Samuel Luloff dated September 22, 1952, recorded September 23, 1952 in Liber 1947, page 289, and the deed made by Marie C. Carroll and Edward J. Carr individually and sole devisees under the Last Will and the Testament of Elizabeth A. Carr, dated January 9, 1953, recorded January 12, 1953, in Liber 1972, page 473

As to Parcel VI

Being and intended to be the same premises conveyed to the party of the first part by the deed made by D. F. Jennings Realty Corp. dated August 13, 1954, recorded August 18, 1954 in Liber 2085, page 293.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

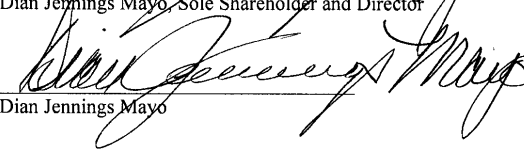
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part 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 improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

MAYO ASSOCIATES, INC.

By: 
Dian Jennings Mayo, Sole Shareholder and Director


Dian Jennings Mayo

SCHEDULE A

PARCEL I

ALL that certain plot, piece or parcel of land, situate, lying and being in Fordham in the 24th Ward of the City of New York, being the North half of the lot designated by the number 13 on a map made by A. Findley, surveyor, dated March 14th, 1851, and bounded and described as follows:

BEGINNING at a point on the Easterly side of (North Third Avenue now) Road leading from Kingsbridge to West Farms distant 170 feet 6 inches northerly from the corner formed by the intersection of the Easterly side of said Road and the northerly side of Bayard Street on said map;

RUNNING THENCE easterly parallel with Bayard Street to Lot No. 10 on said map;

THENCE northerly along the Westerly boundary line of said Lot No. 10, 25 feet;

THENCE westerly along the southerly boundary line of Lot No. 14 on said map 117 feet to the easterly side of said Road;

THENCE southerly along the easterly side of said road 30 feet 6 inches to the point or BEGINNING.

Excepting therefrom so much of said premises, if any, as was taken by the City of New York in connection with the widening of Third Avenue.

PARCEL II

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Bronx, City and State of New York, which on a certain map of Union Hill made by A. Findlay, Surveyor, dated March 14th, 1851 and filed in the Office of the Register of Westchester County are known and designated by Lots No. 14 and 15, which said lots taken together are, according to said map, bounded and described as follows:

BEGINNING at a point on the easterly side of the Road leading from Kingsbridge to West Farms (now Third Avenue) distant 109.75 feet southerly from the corner formed by the intersection of the easterly side of said road with the southerly side of Powell Place (now 189th Street) as widened, said point being the point where the northerly line of Lot No. 15 on said map intersects the present line of Kingsbridge and West Farms Road (now Third Avenue);

RUNNING THENCE southerly along the easterly side of Kingsbridge and West Farms Road (now Third Avenue) 121.94 feet to a point where the southerly line of Lot No. 14 on said map intersects the present line of Kingsbridge and West Farms Road (now Third Avenue);

THENCE southeasterly parallel with Powell Place (now 189th Street) and along the southerly line of lot No. 14, 109.32 feet to lot No. 9 on said map;

THENCE northerly parallel with Delancey Place (now Washington Avenue) and along the easterly line of Lots Nos. 14 and 15, 100 feet;

THENCE northwesterly parallel with Powell Place (now 189th Street) and along the northerly line of Lot No. 15 on said map 177.59 feet to Kingsbridge and West Farms Road (now Third Avenue) the point or place of BEGINNING.

PARCEL III

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, more particularly bounded and described as follows:

BEGINNING at a point on the southerly side of East 189th Street as legally opened, distant 110 feet west of the corner formed by the intersection of the said side of 189th Street with the westerly side of Washington Avenue;

RUNNING THENCE westerly along 189th Street 50 feet;

THENCE southerly parallel with Washington Avenue 90 feet;

THENCE easterly parallel with 189th Street 50 feet;

THENCE northerly again parallel with Washington Avenue 90 feet to the point or place of BEGINNING.

PARCEL IV

ALL that certain lot, 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 the corner formed by the intersection of the southerly side of East 189th Street and the easterly side of Third Avenue;

RUNNING THENCE easterly along the southerly side of East 189th Street 89.09 feet;

THENCE southerly on a line forming an interior angle of 90 degrees 52 minutes 45 seconds with the southerly side of East 189th Street, 32 feet;

THENCE westerly on a line forming an interior angle of 89 degrees 07 minutes 15 seconds with the last course 67.97 feet to the easterly side of Third Avenue; and

THENCE northerly along the easterly side of Third Avenue 37.80 feet to the corner, the point, or place of BEGINNING.

PARCEL V

ALL that certain lot, 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 southerly side of East 189th Street, distant 89.03 feet easterly from the corner formed by the intersection of the southerly side of East 189th Street and the easterly side of Third Avenue;

RUNNING THENCE southerly on a line forming an exterior angle of 90 degrees 52 minutes 45 seconds with the southerly side of East 189th Street 90 feet;

THENCE easterly parallel with the southerly side of East 189th Street 100 feet;

THENCE northerly parallel with first course 90 feet to the southerly side of East 189th Street; and

THENCE westerly along the southerly side of East 189th street 100 feet to the point or place of BEGINNING.

PARCEL VI

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, known and designated as Lot #2, on a map entitled "Map of William Powell Farm" made by Andrew Findley, dated March 14, 1851, filed in the Office of the Register of Westchester County, which said lot is bounded and described as follows:

BEGINNING at a point on the easterly side of the road leading from Kingsbridge to West farms, as laid down on said map, distant 50 feet southerly along the same from the corner formed by the intersection of the easterly side of said road and the southerly side of Powell Place as laid down on said map;

THENCE easterly and parallel with the southerly side of Powell Place, and along the southerly line of Lot #1 on said map, 72 feet to the westerly line of Lot #3 as on said map;

THENCE southerly parallel with the westerly side of Delancey Place and along the said westerly line of Lot #3, 59 feet to the northerly line of Lot #15 on said map;

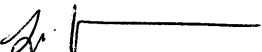
THENCE westerly parallel with the southerly side of Powell Place and along the northerly line of said Lot #15, 30 feet to the said easterly side of said Road;

THENCE northerly along the easterly side of said road 72 feet to BEGINNING.

ACKNOWLEDGEMENT

State of New York)
) ss:
County of New York)

On the 3th day of January, 2018, before me, personally appeared Dian Jennings Mayo personally known to me or proved to me on the basis of satisfactory evidence to the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.



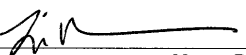
Notary Public

ACKNOWLEDGEMENT

LIA VASKA
Notary Public, State of New York
No. 01VA6363113
Qualified in New York County
Commission Expires August 14, 2021

State of New York)
) ss:
County of New York)

On the 3th day of January, 2018, before me, personally appeared Dian Jennings Mayo personally known to me or proved to me on the basis of satisfactory evidence to the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.



Notary Public

LIA VASKA
Notary Public, State of New York
No. 01VA6363113
Qualified in New York County
Commission Expires August 14, 2021

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO. 17-7406-40967 BX

SECTION:
BLOCK: 3042
LOTS: 13, 22 AND 28
COUNTY OR TOWN: NEW YORK

MAYO ASSOCIATES, INC

AND

DIAN JENNINGS MAYO

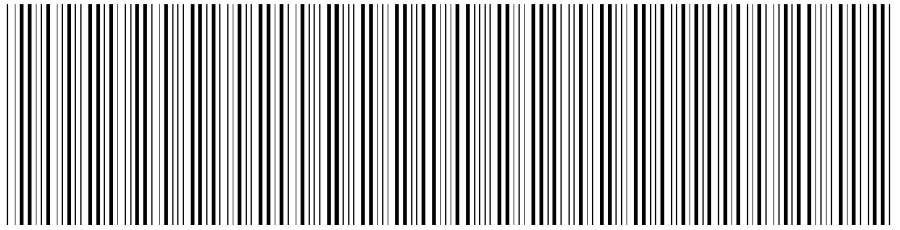
TO

4720 THIRD AVE LLC

RETURN BY MAIL TO:

David S. Kriss, Esq.
Kriss & Feuerstein LLP
360 Lexington Avenue
New York, NY 10017

**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**



2018010800066001002SE164

SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

Document ID: 2018010800066001
Document Type: DEED

Document Date: 01-03-2018

Preparation Date: 01-12-2018

ASSOCIATED TAX FORM ID: 2017122800392

SUPPORTING DOCUMENTS SUBMITTED:

Page Count

DEP CUSTOMER REGISTRATION FORM FOR WATER AND SEWER BILLING
RP - 5217 REAL PROPERTY TRANSFER REPORT

2
3

FOR CITY USE ONLY

C1. County Code C2. Date Deed Recorded / /
 Month Day Year

C3. Book OR C4. Page
 C5. CRFN



REAL PROPERTY TRANSFER REPORT

STATE OF NEW YORK
STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217NYC

PROPERTY INFORMATION

1. Property Location 4720 3 AVENUE BRONX 10458
 STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name 4720 THIRD AVE LLC
 LAST NAME / COMPANY FIRST NAME

3. Tax Billing Address
 LAST NAME / COMPANY FIRST NAME
 STREET NUMBER AND STREET NAME CITY OR TOWN STATE ZIP CODE

4. Indicate the number of Assessment Roll parcels transferred on the deed 3 # of Parcels OR ☐ Part of a Parcel

5. Deed Property Size FRONT FEET X DEPTH OR ACRES

6. Ownership Type is Condominium ☐

7. New Construction on Vacant Land ☐

8. Seller Name MAYO DIAN JENNINGS
 LAST NAME / COMPANY FIRST NAME

MAYO ASSOCIATES, INC.
 LAST NAME / COMPANY FIRST NAME

9. Check the box below which most accurately describes the use of the property at the time of sale:

- A ☐ One Family Residential C ☐ Residential Vacant Land E ☒ Commercial G ☐ Entertainment / Amusement I ☐ Industrial
 B ☐ 2 or 3 Family Residential D ☐ Non-Residential Vacant Land F ☐ Apartment H ☐ Community Service J ☐ Public Service

SALE INFORMATION

10. Sale Contract Date 8 / 8 / 2017
 Month Day Year

11. Date of Sale / Transfer 1 / 3 / 2018
 Month Day Year

12. Full Sale Price \$ 1 8 0 0 0 0 0
 (Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.

13. Indicate the value of personal property included in the sale

14. Check one or more of these conditions as applicable to transfer:

- A ☐ Sale Between Relatives or Former Relatives
 B ☐ Sale Between Related Companies or Partners in Business
 C ☐ One of the Buyers is also a Seller
 D ☐ Buyer or Seller is Government Agency or Lending Institution
 E ☐ Deed Type not Warranty or Bargain and Sale (Specify Below)
 F ☐ Sale of Fractional or Less than Fee Interest (Specify Below)
 G ☐ Significant Change in Property Between Taxable Status and Sale Dates
 H ☐ Sale of Business is Included in Sale Price
 I ☐ Other Unusual Factors Affecting Sale Price (Specify Below)
 J ☒ None

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

15. Building Class G, 2 16. Total Assessed Value (of all parcels in transfer) 7 1 2 8 0 0



17. Borough, Block and Lot / Roll Identifier(s) (If more than three, attach sheet with additional identifier(s))
 BRONX 3042 13 BRONX 3042 22 BRONX 3042 28

201712280039220101

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER**BUYER'S ATTORNEY**

| | | | | | |
|--|--|----------------|-------------------|---|------------|
| BUYER SIGNATURE  47-05 METROPOLITAN AVE | | DATE 5/4/19 | LAST NAME | | FIRST NAME |
| STREET NUMBER 47-05 | STREET NAME (AFTER SALE) METROPOLITAN AVE | | AREA CODE | TELEPHONE NUMBER | |
| CITY OR TOWN RIDGEWOOD | | STATE NY | ZIP CODE 11385 | SELLER SIGNATURE  DATE | |

**SENDER
Attached**

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYERS

| | |
|--------------------------|---------------|
| _____ Buyer Signature | _____ Date |
| _____ Buyer Signature | _____ Date |
| _____ Buyer Signature | _____ Date |
| _____ Buyer Signature | _____ Date |
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SELLERS

| | |
|---------------------------|---------------|
| _____ Seller Signature | _____ Date |
| _____ Seller Signature | _____ Date |
| _____ Seller Signature | _____ Date |
| _____ Seller Signature | _____ Date |
| _____ Seller Signature | _____ Date |
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| _____ Seller Signature | _____ Date |
| _____ Seller Signature | _____ Date |
| _____ Seller Signature | _____ Date |
| _____ Seller Signature | _____ Date |

2017122800392201



The City of New York
Department of Environmental Protection
Bureau of Customer Services
59-17 Junction Boulevard
Flushing, NY 11373-5108

Customer Registration Form for Water and Sewer Billing

Property and Owner Information:

- (1) Property receiving service: BOROUGH: BRONX BLOCK: 3042 LOT: 13
- (2) Property Address: 4720 3 AVENUE, BRONX, NY 10458
- (3) Owner,s Name: 4720 THIRD AVE LLC
- Additional Name:

Affirmation:



Your water & sewer bills will be sent to the property address shown above.

Customer Billing Information:

Please Note:

- A. Water and sewer charges are the legal responsibility of the owner of a property receiving water and/or sewer service. The owner's responsibility to pay such charges is not affected by any lease, license or other arrangement, or any assignment of responsibility for payment of such charges. Water and sewer charges constitute a lien on the property until paid. In addition to legal action against the owner, a failure to pay such charges when due may result in foreclosure of the lien by the City of New York, the property being placed in a lien sale by the City or Service Termination.
- B. Original bills for water and/or sewer service will be mailed to the owner, **at the property address or to an alternate mailing address**. DEP will provide a duplicate copy of bills to one other party (such as a managing agent), however, any failure or delay by DEP in providing duplicate copies of bills shall in no way relieve the owner from his/her liability to pay all outstanding water and sewer charges. Contact DEP at (718) 595-7000 during business hours or visit www.nyc.gov/dep to provide us with the other party's information.

Owner,s Approval:

The undersigned certifies that he/she/it is the owner of the property receiving service referenced above; that he/she/it has read and understands Paragraphs A & B under the section captioned "Customer Billing Information"; and that the information supplied by the undersigned on this form is true and complete to the best of his/her/its knowledge.

Print Name of Owner:

4720 Third Ave LLC

Signature:

[Handwritten Signature]

1/4/18

Date (mm/dd/yyyy)

Name and Title of Person Signing for Owner, if applicable:

SEE ATTACHED PAGE FOR ADDITIONAL APPLICABLE PROPERTIES



The City of New York
Department of Environmental Protection
Bureau of Customer Services
59-17 Junction Boulevard
Flushing, NY 11373-5108

Customer Registration Form for Water and Sewer Billing

| Borough | Block | Lot | Street | City | State | Zip |
|---------|-------|-----|---------------------|------|-------|-------|
| BRONX | 3042 | 22 | 4734 3 AVENUE | NY | NY | 10458 |
| BRONX | 3042 | 28 | 448 EAST 189 STREET | NY | NY | 10458 |

201712280039210102

**4720 VCD LLC
c/o Peter Serpico
495 Sylvan Avenue
Englewood Cliffs, New Jersey 07632**

**Re: Site Access to Perform Brownfield Cleanup Program Work
4720 Third Avenue, Bronx, New York 10458, Tax Block 3042 Lot 13;
4734 Third Avenue, Bronx, New York 10458, Tax Block 3042, Lot 22;
and 448 East 189 Street, Bronx, New York 3042, Tax Block 3042 Lot 28**

Dear Mr. Mingione:

4720 VCD LLC is submitting a Brownfield Cleanup Program ("BCP") Application to the New York State Department of Environmental Conservation to voluntarily investigate and remediate the following properties: 4720 Third Avenue, Bronx, New York 10458, tax Block 3042 Lot 13; 4734 Third Avenue, Bronx, New York 10458, tax Block 3042, Lot 22; and 448 East 189 Street, Bronx, New York 3042, tax Block 3042 Lot 28 (the "BCP Site"). As you know, 4720 Third Ave LLC owns the aforementioned parcels that make up the BCP Site. 4720 VCD LLC needs the Site owner's written permission below to access the BCP site for the purpose of performing environmental investigation and remediation work in the BCP.

If you agree to sign below, the Site owner entity is granting access to 4720 VCD LLC through a "temporary license" to allow any appropriate contractor hired to enter the property to perform investigation and remediation work. In addition, to the extent an environmental easement is required for the BCP Site after the remediation is complete because an unconditional Track 1 remediation was unable to be achieved, you are also herein giving us permission to place an environmental easement on the BCP Site to give the NYSDEC access to ensure the BCP Site is properly maintained pursuant to all program requirements.

Thank you for your cooperation.

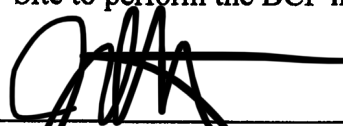
Sincerely,



4720 VCD LLC

By. Peter Serpico
Member

As a member of the BCP Site owner, I am authorized to grant this temporary license and agree to allow 4720 VCD LLC and its agents to enter the BCP Site to perform the BCP investigation and/or remediation work required.



4720 Third Ave LLC

By. John Mingione

PREVIOUS OWNERS & OPERATORS LIST
Former Sears Auto Center Site
4720 Third Avenue, 4734 Third Avenue and 448 East 189th Street
Bronx, New York 10458

| Year | Contact Information 4720 Third Avenue (Lot 13) (A/K/A 4718 Third Avenue) Owner | Status | Relation to Requestor |
|------------------------|--|---------------|--|
| Unknown - 9/15/1954 | Louise Ballerini (Parcel I) ¹ Address: Unknown Unknown Phone: | Unknown | None |
| 9/15/1954 – 7/1/1966 | D.F. Jennings Realty Corp. (Parcel I) Address: c/o Zukerman Gore Brandeis Crossman LLP Phone: (212) 223-6700 11 Time Square New York, New York 10036 | Inactive | None |
| 7/1/1966 – 10/4/1966 | Dian R. Mayo (Parcel I) Address: c/o Zukerman Gore Brandeis Crossman LLP Phone: (212) 223-6700 11 Time Square New York, New York 10036 | Unknown | None |
| 10/4/1966 – 1/3/2018 | D.F. Jennings Realty Corp. (Parcel I) Address: c/o Zukerman Gore Brandeis Crossman LLP Phone: (212) 223-6700 11 Time Square New York, New York 10036 | Inactive | None |
| Unknown – 12/29/1960 | Fordham Motor Sales, Inc. (Parcel II) ² Address: c/o Zukerman Gore Brandeis Crossman LLP Phone: (212) 223-6700 11 Time Square New York, New York 10036 | Inactive | None |
| 12/29/1960 – 2/24/1986 | Donald Frederick Jennings (deceased – Sold by Hilda Jennings as Trustee) (Parcel II) Last Known Address: 194 Black Rock Turnpike Phone: Unknown Redding Ridge, Connecticut 06976 | Deceased | None |
| 2/24/1986 – 1/3/2018 | Dian Jennings Mayo (Parcel II) Address: 258 Hills Point Road Phone: Unknown Westport, Connecticut 06880 | Unknown | None |
| 1/3/2018 – Present | 4720 Third Ave LLC (Parcel I & II) Address: 47-05 Metropolitan Avenue Phone: Unknown Ridgewood, New York 11385 | Active | Requestor is 50% member in this current owner entity of the Site |
| Operators | | | |
| 1896 | Apartment Building/Possible commercial use | N/A | None |
| 1927-1945 | Plaza Garage | N/A | None |
| 1947-1950 | A & L Knitting Mills Address: Unknown Phone: Unknown | Inactive | None |
| 1952 | Car and Truck Service Station and Show Room | N/A | None |
| 1956-1983 | Fordham Motor Sales Inc. (New Car and Truck Sales) Address: c/o Zukerman Gore Brandeis Crossman LLP Phone: (212) 223-6700 11 Time Square New York, New York 10036 | Inactive | None |
| 1961-1967 | D.F. Jennings, Inc. (Used Car Sale) Address: 535 East Fordham Road Phone: Unknown Bronx, New York 10458 | Inactive | None |

PREVIOUS OWNERS & OPERATORS LIST
Former Sears Auto Center Site
4720 Third Avenue, 4734 Third Avenue and 448 East 189th Street
Bronx, New York 10458

| | | | |
|------------------|---|--------------------------------|------|
| 1993-2014 | Sears Roebuck and Co. Address: 3333 Beverly Road Hoffman Estates, Illinois 60179 Phone: (847) 286-2500 | Active but in Bankruptcy | None |
| 2017- Present | Vacant | N/A | None |

| Year | Contact Information 4734 Third Avenue (Lot 22) Owner | Status | Relation to Requestor |
|-------------------------|---|---------------|---|
| Unknown – 9/22/1952 | Samuel Luloff (Parcel IV) ³ Address: Unknown Phone: Unknown | Unknown | None |
| 9/22/1952 – 1/3/2018 | Dian Mayo Jennings (Parcel IV) Address: 258 Hills Point Road Westport, Connecticut 06880 Phone: Unknown | Unknown | None |
| Unknown – 8/13/1954 | D.F. Jennings Realty Cop. (Parcel VI) ⁴ Address: c/o Zukerman Gore Brandeis Crossman LLP 11 Time Square New York, New York 10036 Phone: (212) 223-6700 | Inactive | None |
| 8/13/1954- 1/3/2018 | Dian Mayo Jennings (Parcel VI) Address: 258 Hills Point Road Westport, Connecticut 06880 Phone: Unknown | Unknown | None |
| 1/3/2018 – Present | 4720 Third Ave LLC Address: 495 Sylvan Avenue Englewood Cliffs, New Jersey 07632 Phone: (914) 450-5273 | Active | Requestor is 50% member of the owner entity |
| Operator | | | |
| 1896 | Apartment buildings/Possible commercial use | N/A | None |
| 1945-1950 | Sanborn Map labeled Roofer | N/A | None |
| 1977-2014 | Parking Lot | N/A | None |
| 2017-Present | Vacant | N/A | None |

¹ Parcel I – Southern Portion of Lot 13 (See attached map)

² Parcel II – Northern Portion of Lot 13 (See attached map)

³ Parcel IV – Northern Portion of Lot 22 (See attached map)

⁴ Parcel VI – Southern Portion of Lot 22 (See attached map)

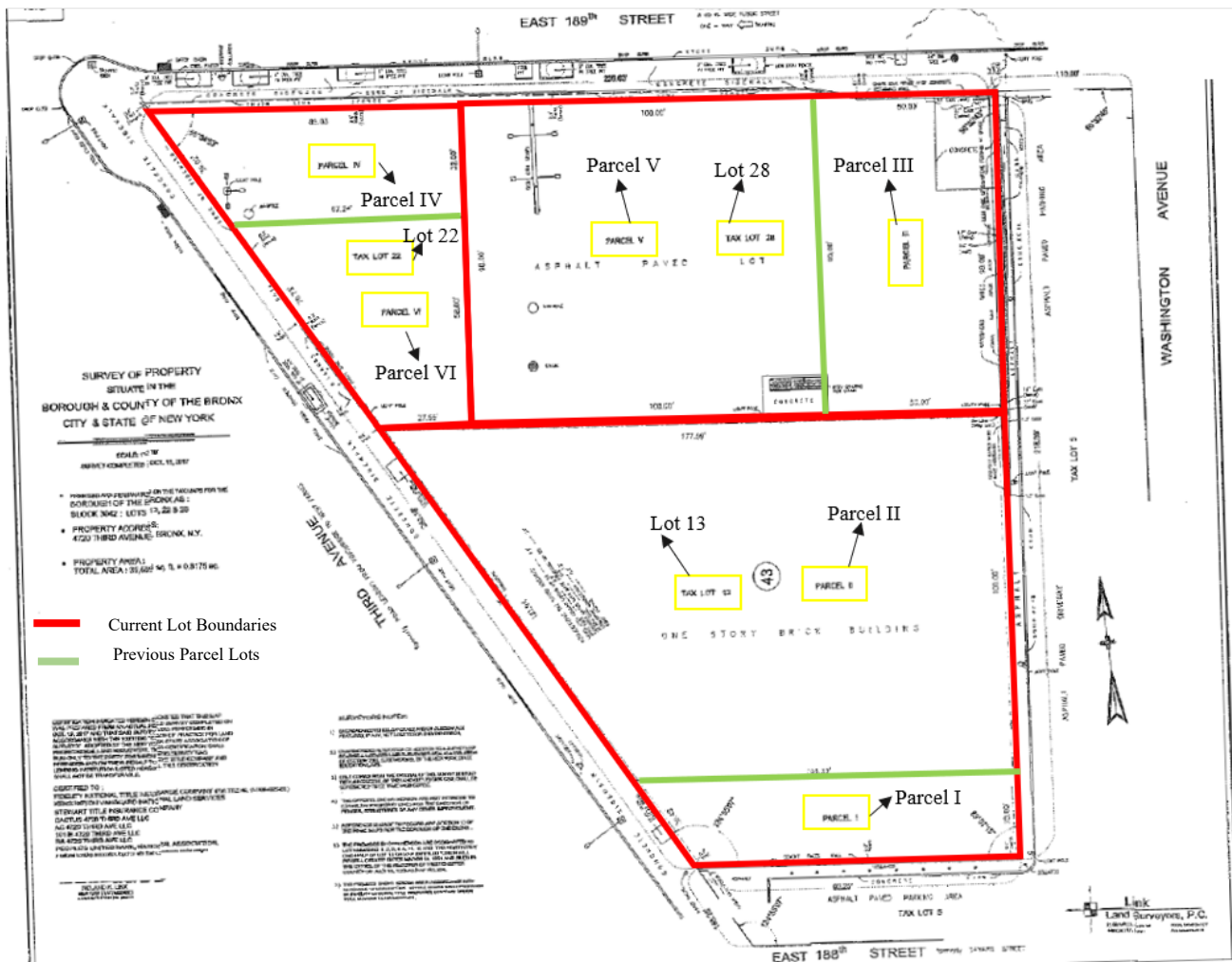
PREVIOUS OWNERS & OPERATORS LIST
Former Sears Auto Center Site
4720 Third Avenue, 4734 Third Avenue and 448 East 189th Street
Bronx, New York 10458

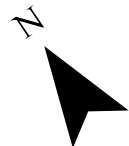
| Year | Contact Information 448 East 189th Street (Lot 28) F/K/A Lot 27 Owner | Status | Relation to Requestor |
|------------------------|--|---------------|---|
| Unknown – 12/29/1960 | Fordham Motor Sales, Inc. (Parcel III) ⁵ Address: c/o Zukerman Gore Brandeis Crossman LLP Phone: (212) 223-6700 11 Time Square New York, New York 10036 | Inactive | None |
| 12/29/1960 – 2/24/1986 | Donald Frederick Jennings (deceased – Sold by Hilda Jennings as Trustee) (Parcel III) Last Known Address: 194 Black Rock Turnpike Phone: Unknown Redding Ridge, Connecticut 06976 | Deceased | None |
| 2/24/1986 – 1/3/2018 | Dian Jennings Mayo (Parcel III) Address: 258 Hills Point Road Phone: Unknown Westport, Connecticut 06880 | Unknown | None |
| Unknown – 1/9/1953 | Elizabeth A. Carr (deceased – sold by Marie C. Carroll and Edward J. Carr individually and sole devisees under the Last Will and Testament) (Parcel V) ⁶ Address: Unknown Phone: Unknown | Deceased | None |
| 1/9/1953 – 1/3/2018 | Dian Mayo Jennings (Parcel V) Address: 258 Hills Point Road Phone: Unknown Westport, Connecticut 06880 | Unknown | None |
| 1/3/2018 – Present | 4720 Third Ave LLC Address: 47-05 Metropolitan Avenue Phone: Unknown Ridgewood, New York 11385 | Active | Requestor is a 50% member in the Current Owner entity |
| Operator | | | |
| 1896 | Apartment Building/Possible commercial use | N/A | None |
| Unknown – 4/15/1955 | Parking, Storage and Used Car Sales (Lot for more than 5 Motor Vehicles) | N/A | None |
| 1984-2007 | Used Car Parking | N/A | None |
| 2007-2014 | Parking Lot | N/A | None |
| 2017-Present | Vacant | N/A | None |

⁵ Parcel III – Eastern portion of Lot 28 (See attached map)

⁶ Parcel V – Western portion of Lot 28 (See attached map)

Parcel Map





P.W. Grosser Consulting, Inc.

630 Johnson Ave., Suite 7
Bohemia, NY 11716
Ph: 631-589-6353 • Fax: 631-589-8705
pwgc.info@pwggrosser.com

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DRAWING INFORMATION:

| | | | |
|----------|-----------|--------------|----|
| Project: | HMG1901 | Designed by: | JL |
| Date: | 4/27/2021 | Drawn by: | PH |
| Scale: | AS SHOWN | Approved by: | JL |

SOIL SAMPLING RESULTS (INDOOR)

4270 Third Avenue,
Bronx, New York

FIGURE NO:

7A

| | | |
|--------------------|---------------|---------------|
| Client Sample ID: | SB016 | |
| Surface Elevation: | 61.3' | |
| Sample Elevation: | 58.8' - 60.8' | 43.0' - 45.0' |
| Sampling Date: | 3/21/2019 | 3/21/2019 |
| Lead, Total | 118 | 868 |
| Mercury, Total | 0.299 | 0.034J |
| Zinc, Total | 93.1 | 116 |

| | |
|--------------------|---------------|
| Client Sample ID: | SB002 |
| Surface Elevation: | 60.3' |
| Sample Elevation: | 58.3' - 60.3' |
| Sampling Date: | 8/22/2017 |
| Lead, Total | 260 |
| Mercury, Total | 0.84 |
| Zinc, Total | 182 |
| Aroclor 1260 | 0.106 |
| PCBs, Total | 0.158 |

| | |
|--------------------|---------------|
| Client Sample ID: | SB003 |
| Surface Elevation: | 60.4' |
| Sample Elevation: | 58.4' - 60.4' |
| Sampling Date: | 8/22/2017 |
| Cadmium, Total | 6.96 |
| Chromium, Total | 32.4 |
| Lead, Total | 382 |
| Mercury, Total | 0.51 |
| Zinc, Total | 287 |

| | | |
|--------------------|---------------|---------------|
| Client Sample ID: | SB005 | |
| Surface Elevation: | 60.5' | |
| Sample Elevation: | 58.5' - 60.5' | 51.5' - 53.5' |
| Sampling Date: | 8/29/2017 | 8/29/2017 |
| Chromium, Total | 15.8 | 53.4 |

| | | | |
|--------------------|---------------|---------------|---------------|
| Client Sample ID: | SB018 | | |
| Surface Elevation: | 60.8' | | |
| Sample Elevation: | 58.2' - 60.2' | 49.2' - 51.2' | 47.0' - 48.0' |
| Sampling Date: | 3/21/2019 | 3/21/2019 | 3/21/2019 |
| Copper, Total | 64.4 | 3.26 | 4.95 |
| Lead, Total | 304 | 2.41J | 8.65 |
| Mercury, Total | 3.71 | 0.068U | 0.065U |
| Zinc, Total | 155 | 14.1 | 15.5 |

| | | |
|--------------------|---------------|---------------|
| Client Sample ID: | SB019 | |
| Surface Elevation: | 61.5' | |
| Sample Elevation: | 59.0' - 61.0' | 43.0' - 45.0' |
| Sampling Date: | 3/22/2019 | 3/22/2019 |
| Barium, Total | 490 | 7.14 |
| Lead, Total | 1680 | 7.66 |
| Mercury, Total | 0.198 | 0.065U |
| Zinc, Total | 417 | 19.3 |

| | |
|------------------------|---------------|
| Client Sample ID: | SB001 |
| Surface Elevation: | 60.2' |
| Sample Elevation: | 58.2' - 60.2' |
| Sampling Date: | 8/22/2017 |
| Benzo(a)anthracene | 4.1 |
| Benzo(a)pyrene | 3.7 |
| Benzo(b)fluoranthene | 4.6 |
| Benzo(k)fluoranthene | 1.6 |
| Chrysene | 3.9 |
| Dibenzo(a,h)anthracene | 0.5 |
| Indeno(1,2,3-cd)pyrene | 2.5 |
| Total SVOCs | 56.159 |
| Lead, Total | 175 |
| Mercury, Total | 0.21 |
| Zinc, Total | 324 |

| | | |
|--------------------|---------------|---------------|
| Client Sample ID: | SB007 | |
| Surface Elevation: | 60.5' | |
| Sample Elevation: | 58.5' - 60.5' | 51.5' - 53.5' |
| Sampling Date: | 8/29/2017 | 8/29/2017 |
| Lead, Total | 78.4 | 8.02 |
| Mercury, Total | 0.13 | 0.66 |

| | | |
|--------------------|---------------|---------------|
| Client Sample ID: | SB017 | |
| Surface Elevation: | 61.0' | |
| Sample Elevation: | 58.5' - 60.5' | 53.0' - 55.0' |
| Sampling Date: | 3/22/2019 | 3/22/2019 |
| Chromium, Total | 54.3 | 45.5 |
| Lead, Total | 80.2 | 4.23J |
| Mercury, Total | 0.197 | 0.081 |

| | | |
|--------------------|---------------|---------------|
| Client Sample ID: | SB006 | |
| Surface Elevation: | 60.7' | |
| Sample Elevation: | 58.7' - 60.7' | 51.7' - 53.7' |
| Sampling Date: | 8/29/2017 | 8/29/2017 |
| Barium, Total | 585 | 13.3 |
| Lead, Total | 976 | 3.2J |
| Mercury, Total | 0.22 | 0.07U |
| Zinc, Total | 268 | 12.7 |
| 4,4'-DDT | 0.012P | 0.00305U |

Sample Matrix (2017)

Soil

Sample Matrix (2019)

Soil

Soil and Groundwater

Former Interior Walls

Building Footprint

Site Boundary

Tax Lot Boudary

Areas of Concern

Hazardous Waste Storage Area

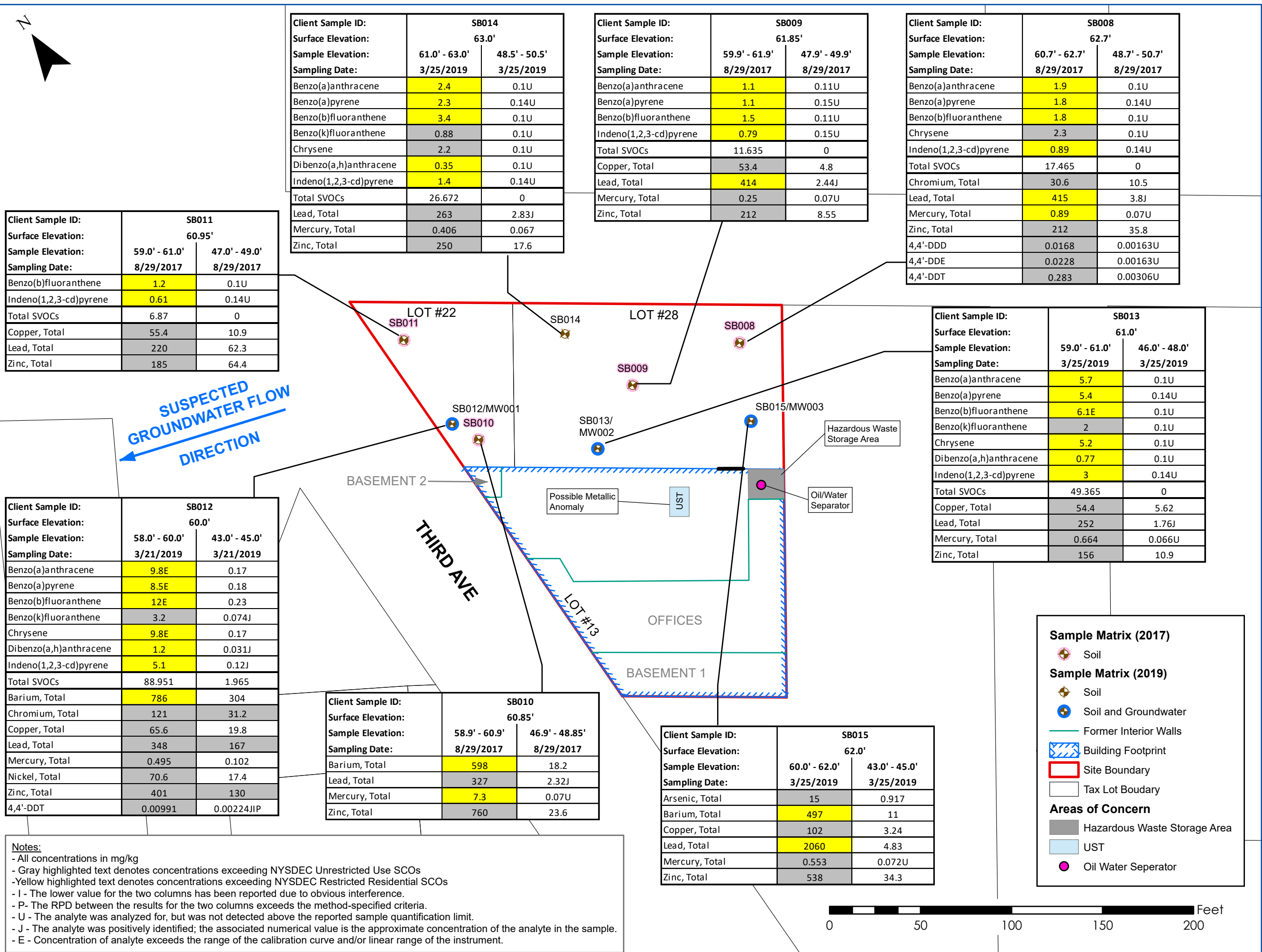
UST

Oil Water Seperator

Notes:

- All concentrations in mg/kg
- Gray highlighted text denotes concentrations exceeding NYSDEC Unrestricted Use SCOs
- Yellow highlighted text denotes concentrations exceeding NYSDEC Restricted Residential SCOs
- I - The lower value for the two columns has been reported due to obvious interference.
- P - The RPD between the results for the two columns exceeds the method-specified criteria.
- U - The analyte was analyzed for, but was not detected above the reported sample quantification limit.
- J - The analyte was positively identified; the associated numerical value is the approximate concentration of the analyte in the sample.
- E - Concentration of analyte exceeds the range of the calibration curve and/or linear range of the instrument.

0 50 100 150 200 Feet



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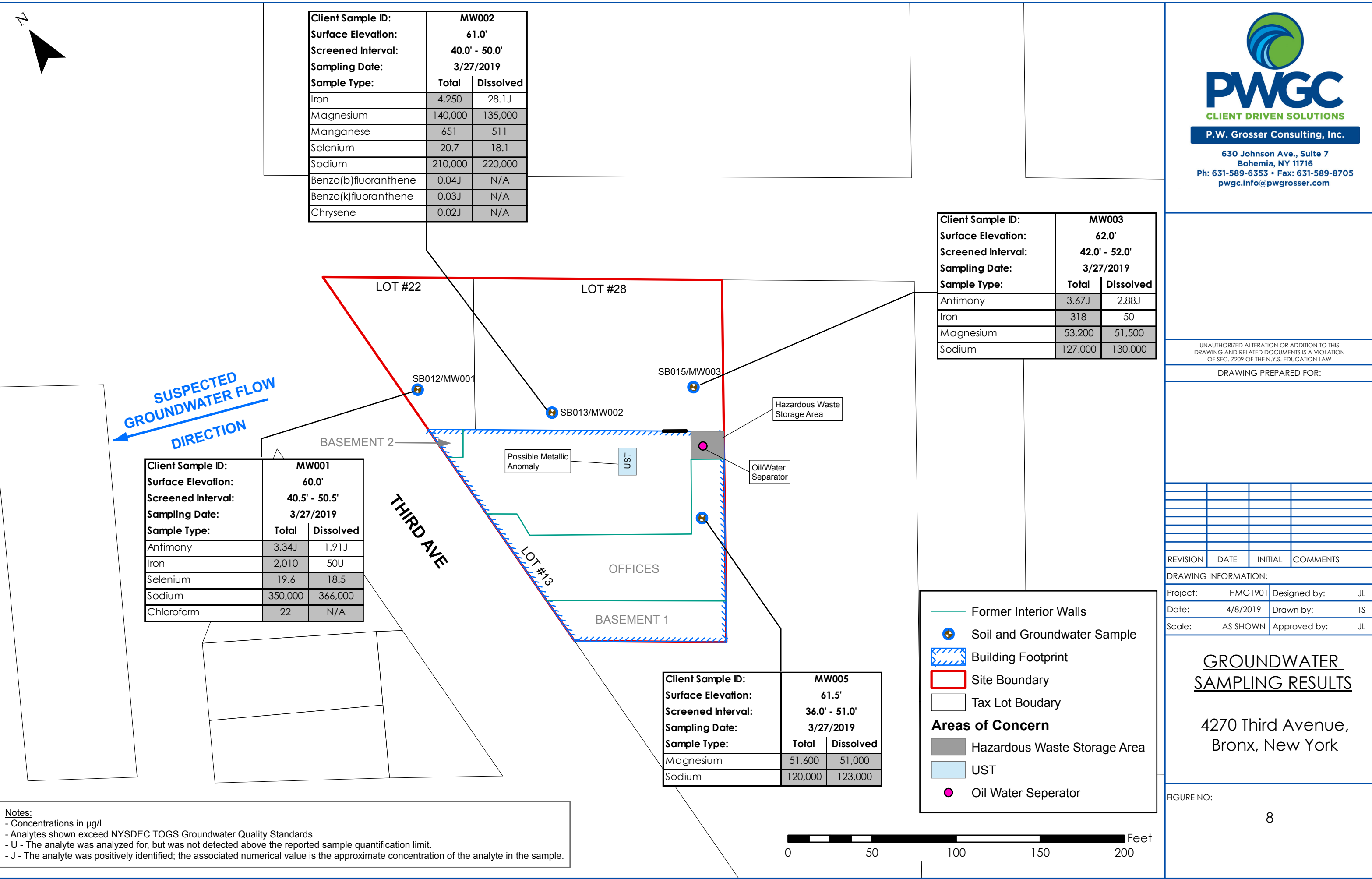
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|----------|-----------|--------------|----|
| Project: | HMG1901 | Designed by: | JL |
| Date: | 4/27/2021 | Drawn by: | PH |
| Scale: | AS SHOWN | Approved by: | JL |

SOIL SAMPLING RESULTS (OUTDOOR)

4270 Third Avenue,
Bronx, New York

FIGURE NO:

7B



P.W. Grosser Consulting, Inc.

630 Johnson Ave., Suite 7
Bohemia, NY 11716
Ph: 631-589-6353 • Fax: 631-589-8705
pwgc.info@pwgros.com

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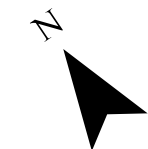
| | | | |
|----------|----------|--------------|----|
| Project: | HMG1901 | Designed by: | JL |
| Date: | 4/8/2019 | Drawn by: | TS |
| Scale: | AS SHOWN | Approved by: | JL |

GROUNDWATER SAMPLING RESULTS

4270 Third Avenue,
Bronx, New York

FIGURE NO:

8



| | |
|-------------------------|------------|
| Client Sample ID: | SV007 |
| Sample Type: | Soil Vapor |
| Sample Elevation: | 60' |
| Sampling Date: | 8/29/2017 |
| 1,1,1-Trichloroethane | 4.71 |
| 1,2,4-Trimethylbenzene | 5.65 |
| 1,3,5-Trimethylbenzene | 1.86 |
| 2,2,4-Trimethylpentane | 6.77 |
| 2-Butanone | 26.4 |
| 2-Hexanone | 8.52 |
| Acetone | 39 |
| Chloroform | 2.07 |
| Cyclohexane | 0.878 |
| Dichlorodifluoromethane | 1.58 |
| Ethylbenzene | 3.65 |
| Heptane | 1.19 |
| o-Xylene | 5.78 |
| p/m-Xylene | 13.9 |
| Styrene | 2.79 |
| Tertiary butyl Alcohol | 16 |
| Tetrachloroethene | 55.2 |
| Toluene | 11.5 |
| Trichlorofluoromethane | 1.72 |
| Total VOCs | 209.168 |

| | |
|-------------------------|------------|
| Client Sample ID: | SV012 |
| Sample Type: | Soil Vapor |
| Sample Elevation: | 60.5' |
| Sampling Date: | 3/27/2019 |
| 1,1,1-Trichloroethane | 5.95 |
| 1,2,4-Trimethylbenzene | 3.73 |
| 1,3,5-Trimethylbenzene | 1.01 |
| 2-Butanone | 100 |
| 2-Hexanone | 32.5 |
| 4-Methyl-2-pentanone | 2.76 |
| Acetone | 425 |
| Benzene | 2.64 |
| Carbon disulfide | 1.39 |
| Chloroethane | 0.728 |
| Chloromethane | 1.62 |
| Cyclohexane | 1.45 |
| Dichlorodifluoromethane | 2.13 |
| Ethanol | 18.4 |
| Ethylbenzene | 2.85 |
| Heptane | 24.4 |
| Isopropanol | 7.45 |
| n-Hexane | 59.9 |
| o-Xylene | 4.86 |
| p/m-Xylene | 11.1 |
| Styrene | 1.18 |
| Tertiary butyl Alcohol | 53.1 |
| Tetrachloroethene | 47.9 |
| Toluene | 12.9 |
| Total VOCs | 824.948 |

| | |
|-------------------------|------------|
| Client Sample ID: | IA001 |
| Sample Type: | Indoor Air |
| Sample Elevation: | N/A |
| Sampling Date: | 8/29/2017 |
| Acetone | 8.01 |
| Carbon tetrachloride | 0.421 |
| Chloromethane | 0.902 |
| Dichlorodifluoromethane | 2.24 |
| Tetrachloroethene | 0.461 |
| Toluene | 1.39 |
| Trichlorofluoromethane | 1.16 |
| Total VOCs | 14.584 |

| | |
|-------------------------|------------|
| Client Sample ID: | SV013 |
| Sample Type: | Soil Vapor |
| Sample Elevation: | 60.6' |
| Sampling Date: | 3/27/2019 |
| 1,1,1-Trichloroethane | 3.06 |
| 1,2,4-Trimethylbenzene | 1.55 |
| 2-Butanone | 127 |
| 2-Hexanone | 32.5 |
| 4-Methyl-2-pentanone | 3.43 |
| Acetone | 482 |
| Benzene | 0.923 |
| Carbon disulfide | 4.48 |
| Chloromethane | 1.51 |
| Dichlorodifluoromethane | 2.28 |
| Ethanol | 15 |
| Ethylbenzene | 4.43 |
| Heptane | 3.7 |
| Isopropanol | 11 |
| n-Hexane | 2.25 |
| o-Xylene | 6.43 |
| p/m-Xylene | 15 |
| Styrene | 1.89 |
| Tertiary butyl Alcohol | 6.94 |
| Tetrachloroethene | 21.6 |
| Toluene | 12.1 |
| Trichloroethene | 4.63 |
| Total VOCs | 763.703 |

| | |
|-------------------------|------------|
| Client Sample ID: | SV003 |
| Sample Type: | Soil Vapor |
| Sample Elevation: | 51.2' |
| Sampling Date: | 8/29/2017 |
| 1,1,1-Trichloroethane | 6.44 |
| 1,2,4-Trimethylbenzene | 5.85 |
| 1,3,5-Trimethylbenzene | 1.86 |
| 2-Butanone | 15.7 |
| 2-Hexanone | 7.05 |
| 4-Ethyltoluene | 1.2 |
| Acetone | 9.88 |
| Chloroform | 1.52 |
| Cyclohexane | 0.957 |
| Dichlorodifluoromethane | 6.53 |
| Ethylbenzene | 2.79 |
| Freon-113 | 2.31 |
| n-Hexane | 1.43 |
| o-Xylene | 4.26 |
| p/m-Xylene | 11 |
| Styrene | 3.3 |
| Tertiary butyl Alcohol | 3.06 |
| Tetrachloroethene | 235 |
| Toluene | 7.39 |
| Trichlorofluoromethane | 3.05 |
| Total VOCs | 330.577 |

| | |
|-------------------------|------------|
| Client Sample ID: | SV002 |
| Sample Type: | Soil Vapor |
| Sample Elevation: | 59.8' |
| Sampling Date: | 8/29/2017 |
| 1,1,1-Trichloroethane | 11 |
| 1,2,4-Trimethylbenzene | 5.16 |
| 1,3,5-Trimethylbenzene | 1.73 |
| 2-Butanone | 10.2 |
| 2-Hexanone | 5.25 |
| Acetone | 5.91 |
| Dichlorodifluoromethane | 1.44 |
| Ethylbenzene | 1.98 |
| Freon-113 | 3.4 |
| o-Xylene | 3.35 |
| p/m-Xylene | 8.17 |
| Styrene | 1.73 |
| Tertiary butyl Alcohol | 3.03 |
| Tetrachloroethene | 54.5 |
| Toluene | 5.54 |
| Trichloroethene | 3.12 |
| Trichlorofluoromethane | 2.22 |
| Total VOCs | 127.73 |

| | |
|--------------------------|------------|
| Client Sample ID: | SV001 |
| Sample Type: | Soil Vapor |
| Sample Elevation: | 59.7' |
| Sampling Date: | 8/29/2017 |
| 1,1,1-Trichloroethane | 37.1 |
| 1,2,4-Trimethylbenzene | 4.3 |
| 1,3,5-Trimethylbenzene | 1.45 |
| 2,2,4-Trimethylpentane | 1.27 |
| 2-Butanone | 13.9 |
| 2-Hexanone | 6.23 |
| Acetone | 9.38 |
| Carbon disulfide | 3.89 |
| Chloroform | 1.88 |
| Chloromethane | 0.52 |
| cis-1,2-Dichloroethene | 6.5 |
| Dichlorodifluoromethane | 2.17 |
| Ethylbenzene | 2.71 |
| Freon-113 | 14.3 |
| o-Xylene | 3.92 |
| p/m-Xylene | 9.95 |
| Styrene | 2.27 |
| Tertiary butyl Alcohol | 5.15 |
| Tetrachloroethene | 214 |
| Toluene | 6.93 |
| trans-1,2-Dichloroethene | 0.868 |
| Trichloroethene | 45.9 |
| Trichlorofluoromethane | 3.57 |
| Total VOCs | 398.158 |

| | |
|-------------------------|------------|
| Client Sample ID: | SV005 |
| Sample Type: | Soil Vapor |
| Sample Elevation: | 60' |
| Sampling Date: | 8/29/2017 |
| 1,2,4-Trimethylbenzene | 18.9 |
| 1,3,5-Trimethylbenzene | 5.7 |
| 1,3-Butadiene | 13.6 |
| 2,2,4-Trimethylpentane | 3.55 |
| 2-Butanone | 15.7 |
| 2-Hexanone | 6.56 |
| 4-Ethyltoluene | 5.6 |
| Acetone | 63.7 |
| Benzene | 8.56 |
| Bromodichloromethane | 2.95 |
| Carbon disulfide | 3.15 |
| Chloroform | 42.7 |
| Chloromethane | 1.73 |
| Cyclohexane | 1.41 |
| Dichlorodifluoromethane | 5.29 |
| Ethylbenzene | 17.8 |
| Freon-113 | 54.3 |
| Heptane | 8.4 |
| n-Hexane | 10.2 |
| o-Xylene | 26.1 |
| p/m-Xylene | 76.9 |
| Styrene | 2.08 |
| Tertiary butyl Alcohol | 20.5 |
| Tetrachloroethene | 45.6 |
| Toluene | 61.8 |
| Trichlorofluoromethane | 4.97 |
| Total VOCs | 527.75 |

| | |
|-------------------------|------------|
| Client Sample ID: | SV008 |
| Sample Type: | Soil Vapor |
| Sample Elevation: | 60' |
| Sampling Date: | 8/29/2017 |
| 1,1,1-Trichloroethane | 15.3 |
| 1,2,4-Trimethylbenzene | 20.8 |
| 1,3,5-Trimethylbenzene | 6.49 |
| 1,3-Butadiene | 1.11 |
| 2,2,4-Trimethylpentane | 2.38 |
| 2-Butanone | 13.3 |
| 2-Hexanone | 7.54 |
| 4-Ethyltoluene | 6.19 |
| Acetone | 29.5 |
| Benzene | 4.34 |
| Bromodichloromethane | 7.03 |
| Carbon disulfide | 1.93 |
| Chloroform | 72.8 |
| Dichlorodifluoromethane | 11.5 |
| Ethylbenzene | 20 |
| Freon-113 | 3.62 |
| Heptane | 4.43 |
| n-Hexane | 2.58 |
| o-Xylene | 29.9 |
| p/m-Xylene | 86.9 |
| Styrene | 3.01 |
| Tertiary butyl Alcohol | 32.4 |
| Tetrachloroethene | 241 |
| Toluene | 61.8 |
| Trichloroethene | 4.3 |
| Trichlorofluoromethane | 7.59 |
| Total VOCs | 697.74 |

| | |
|-------------------------|------------|
| Client Sample ID: | SV004 |
| Sample Type: | Soil Vapor |
| Sample Elevation: | 60.2' |
| Sampling Date: | 8/29/2017 |
| 1,1,1-Trichloroethane | 26 |
| 1,2,4-Trimethylbenzene | 18.9 |
| 1,3,5-Trimethylbenzene | 6.29 |
| 1,3-Butadiene | 2.88 |
| 2-Butanone | 16.2 |
| 2-Hexanone | 4.75 |
| 4-Ethyltoluene | 5.7 |
| Acetone | 67.5 |
| Benzene | 8.82 |
| Carbon disulfide | 17.9 |
| Dichlorodifluoromethane | 6.13 |
| Ethylbenzene | 20.8 |
| Freon-113 | 7.82 |
| Heptane | 8.61 |
| n-Hexane | 10.7 |
| o-Xylene | 28.1 |
| p/m-Xylene | 86 |
| Tertiary butyl Alcohol | 40.6 |
| Tetrachloroethene | 197 |
| Toluene | 72.4 |
| Trichloroethene | 15.9 |
| Total VOCs | 669 |

SUSPECTED
GROUNDWATER FLOW
DIRECTION

Notes:
- Concentrations in $\mu\text{g}/\text{m}^3$
Only detectable concentrations are shown



P.W. Grosser Consulting, Inc.

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|----------|------|---------|----------|
| REVISION | DATE | INITIAL | COMMENTS |
|----------|------|---------|----------|

DRAWING INFORMATION:

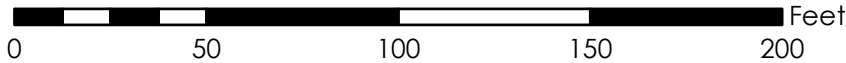
| | | | |
|----------|-----------|--------------|----|
| Project: | HMG1901 | Designed by: | JL |
| Date: | 4/16/2019 | Drawn by: | TS |
| Scale: | AS SHOWN | Approved by: | JL |

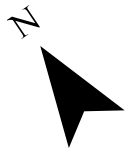
SOIL VAPOR RESULTS (INDOOR)

4270 Third Avenue,
Bronx, New York

FIGURE NO:

9A





SUSPECTED
GROUNDWATER FLOW
DIRECTION

| | |
|-------------------------|-------------|
| Client Sample ID: | AA001 |
| Sample Type: | Outdoor Air |
| Sample Elevation: | N/A |
| Sampling Date: | 8/29/2017 |
| Acetone | 5.91 |
| Carbon tetrachloride | 0.44 |
| Chloromethane | 0.979 |
| Dichlorodifluoromethane | 2 |
| Tetrachloroethene | 0.38 |
| Toluene | 1.21 |
| Trichlorofluoromethane | 1.35 |
| Total VOCs | 12.269 |

| | |
|------------------------|------------|
| Client Sample ID: | SV006 |
| Sample Type: | Soil Vapor |
| Sample Elevation: | 56.9' |
| Sampling Date: | 8/29/2017 |
| 1,1,1-Trichloroethane | 3.43 |
| 1,2,4-Trimethylbenzene | 14.4 |
| 1,3,5-Trimethylbenzene | 4.61 |
| 1,3-Butadiene | 7.57 |
| 2,2,4-Trimethylpentane | 2.23 |
| 2-Butanone | 82 |
| 2-Hexanone | 16.4 |
| 4-Ethyltoluene | 4.66 |
| Acetone | 442 |
| Benzene | 7.99 |
| Carbon disulfide | 4.3 |
| Chloroform | 11.5 |
| Chloromethane | 2.54 |
| Cyclohexane | 4.16 |
| Ethylbenzene | 16.3 |
| Heptane | 7.66 |
| n-Hexane | 10.1 |
| o-Xylene | 23.4 |
| p/m-Xylene | 70.8 |
| Styrene | 2.06 |
| Tertiary butyl Alcohol | 25.8 |
| Tetrachloroethene | 3.12 |
| Toluene | 55 |
| Total VOCs | 822.03 |

| | |
|------------------------|------------|
| Client Sample ID: | SV010 |
| Sample Type: | Soil Vapor |
| Sample Elevation: | 51' |
| Sampling Date: | 3/27/2019 |
| 2-Butanone | 510 |
| 2-Hexanone | 145 |
| Acetone | 1840 |
| Chloroform | 7.67 |
| Chloromethane | 4.98 |
| Heptane | 13.8 |
| Isopropanol | 39.8 |
| n-Hexane | 7.4 |
| o-Xylene | 6.86 |
| p/m-Xylene | 13.8 |
| Tertiary butyl Alcohol | 32.7 |
| Toluene | 26.5 |
| Total VOCs | 2648.51 |

Sample disregarded
due to zero vacuum

| | |
|------------------------|------------|
| Client Sample ID: | SV009 |
| Sample Type: | Soil Vapor |
| Sample Elevation: | 55.9' |
| Sampling Date: | 8/29/2017 |
| 1,2,4-Trimethylbenzene | 9.78 |
| 1,3,5-Trimethylbenzene | 3.52 |
| 1,3-Butadiene | 2.65 |
| 2,2,4-Trimethylpentane | 2.36 |
| 2-Butanone | 95.6 |
| 2-Hexanone | 17.6 |
| 4-Ethyltoluene | 3.44 |
| Acetone | 382 |
| Benzene | 4.6 |
| Carbon disulfide | 3.43 |
| Chloroform | 19.5 |
| Cyclohexane | 1.69 |
| Ethylbenzene | 14.2 |
| Heptane | 5.78 |
| n-Hexane | 15.8 |
| o-Xylene | 20 |
| p/m-Xylene | 59.9 |
| Styrene | 1.81 |
| Tertiary butyl Alcohol | 31.5 |
| Tetrachloroethene | 39.1 |
| Toluene | 49.7 |
| Trichlorofluoromethane | 2.46 |
| Total VOCs | 786.42 |

SV011 LOT #22

SV006

SV010

SV009

SV009

BASEMENT 2

Possible Metallic
Anomaly

UST

LOT #13

OFFICES

BASEMENT 1

THIRD AVE

E 189th St

- Oil Water Separator
- Sample Matrix (2017)
 - Soil Vapor
- Sample Matrix (2019)
 - Ambient Air
 - Soil Vapor
 - Indoor Air
- Former Interior Walls
- UST
- Areas of Concern
 - Hazardous Waste Storage Area
 - Building Footprint
 - Site Boundary
 - Tax Lot Boudary

0 50 100 150 200 Feet



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DRAWING INFORMATION:

| | | | |
|----------|-----------|--------------|----|
| Project: | HMG1901 | Designed by: | JL |
| Date: | 4/16/2019 | Drawn by: | TS |
| Scale: | AS SHOWN | Approved by: | JL |

SOIL VAPOR RESULTS (OUTDOOR)

4270 Third Avenue,
Bronx, New York

FIGURE NO:

9B

Notes:
- Concentrations in $\mu\text{g}/\text{m}^3$
Only detectable concentrations are shown

PROPERTY KNOWN AS LOTS 13, 22 & 28 BLOCK 342, AS SHOWN ON THE NEW YORK CITY DIGITAL TAX MAP OF THE BROOKS BOROUGH AND COUNTY, CITY AND STATE OF NEW YORK.

- [illegible]

[illegible]

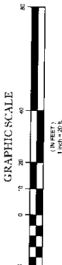
PREPARED BY:

 **CONTROL POINT ASSOCIATES INC. PC**
16 PENN PLAZA, 2ND WEST 4TH STREET
NEW YORK, NY 10122
646.780.0411 • 800.668.6996 FAX
WWW.CPASURVEY.COM

| REVISIONS | | | |
|-----------|-----------|--------|----------------|
| C. | DATE | BY | DESCRIPTION |
| 1 | 4/17/2018 | J.P.C. | REVISE "AS LOT |
| | | | G.I.S. |
| | | | APPROVED |

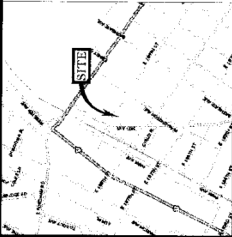
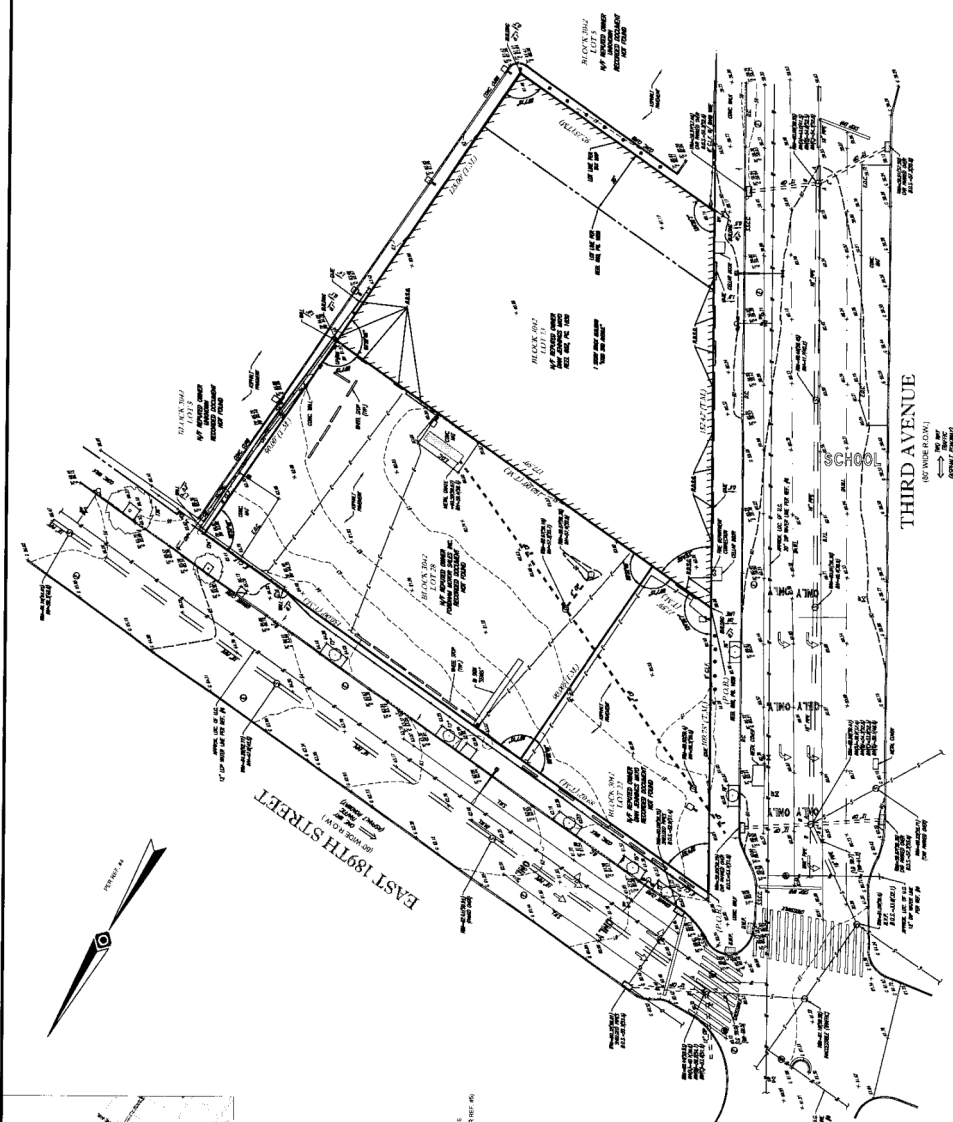
PROJECT NAME
MARIN ARCHITECTS
4720 3RD AVENUE & EAST 169TH STREET
LOTS 13, 22 & 28, BLOCK 5342
BRONX BOROUGH AND COUNTY
CITY AND STATE OF NEW YORK

RAWING TITLE
BOUNDARY & TOPOGRAPHIC SURVEY
FIELD DATE: 11-02-17

[illegible]

THE FOLLOWING COMPANIES WERE NOTIFIED BY THE NEW YORK CITY ONE-CALL SYSTEM (1-800-773-4450), AND REQUESTED TO MARK OUT UNDERGROUND FACILITIES AFFECTING THIS SITE. THE UNDERGROUND UTILITY INFORMATION SHOWN HEREON IS BASED UPON THE UTILITY COMPANIES' RESPONSE TO THIS REQUEST.

CABLEVISION OF BROOKLYN
EMPIRE CITY SUBWAY CO-BROAD
CONSOLIDATED Edison Co. of NY
FLANTIC TELECOM



- [illegible]

Site Name: Former Sears Auto Center Site
Site Address: 4720 Third Avenue, 4734 Third Avenue and 448 East 189th Street
 Bronx, New York 10458

Tax Map - Digital Tax Map - New York City Dept. of Finance (3/11/2021)



| | | | | | |
|-----------|-------------------------------|------------|------------------------------------|--|----------|
| | Borough Boundary | C50 | Condo Flag/Condo Number | | BCP Site |
| | Tax Block Boundary | A50 | Air Right Flag/Lot Number | | |
| 50 | Tax Block Number | S50 | Subterranean Right Flag/Lot Number | | |
| | Tax Lot Boundary | R | REUC Flag | | |
| 50 | Tax Lot Number | | Under Water Tax Lot Boundary | | |
| | Condo FKA Tax Lot Number | | Other Boundary | | |
| 50.5 | Tax Lot Dimension | | Possession Hook | | |
| +/-5.5 | Approximate Tax Lot Dimension | Misc | Miscellaneous Text | | |
| | Condo Units Range Label | | Small Tax Lot Dimension | | |
| | Building Footprint | | Surface Water | | |

BASE MAP

Former Sears Auto Center Site
4720 Third Avenue, 4734 Third Avenue and 448 East 189th Street
Bronx, New York 10458

Legend:
 Site Property Boundary

Corresponding page
lists adjacent property owners by
letter A – F

March 2021
Source: NYC 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.




| Number | Property Owner(s) Name(s) | Property Address | Section-Block-Lot |
|--------|---------------------------|-----------------------------------|-------------------|
| 1 | 4720 Third Ave LLC | 4720 Third Avenue | Bronx-3042-13 |
| 2 | 4720 Third Ave LLC | 4734 Third Avenue | Bronx-3042-22 |
| 3 | 4720 Third Ave LLC | 448 East 189 th Street | Bronx-3042-28 |

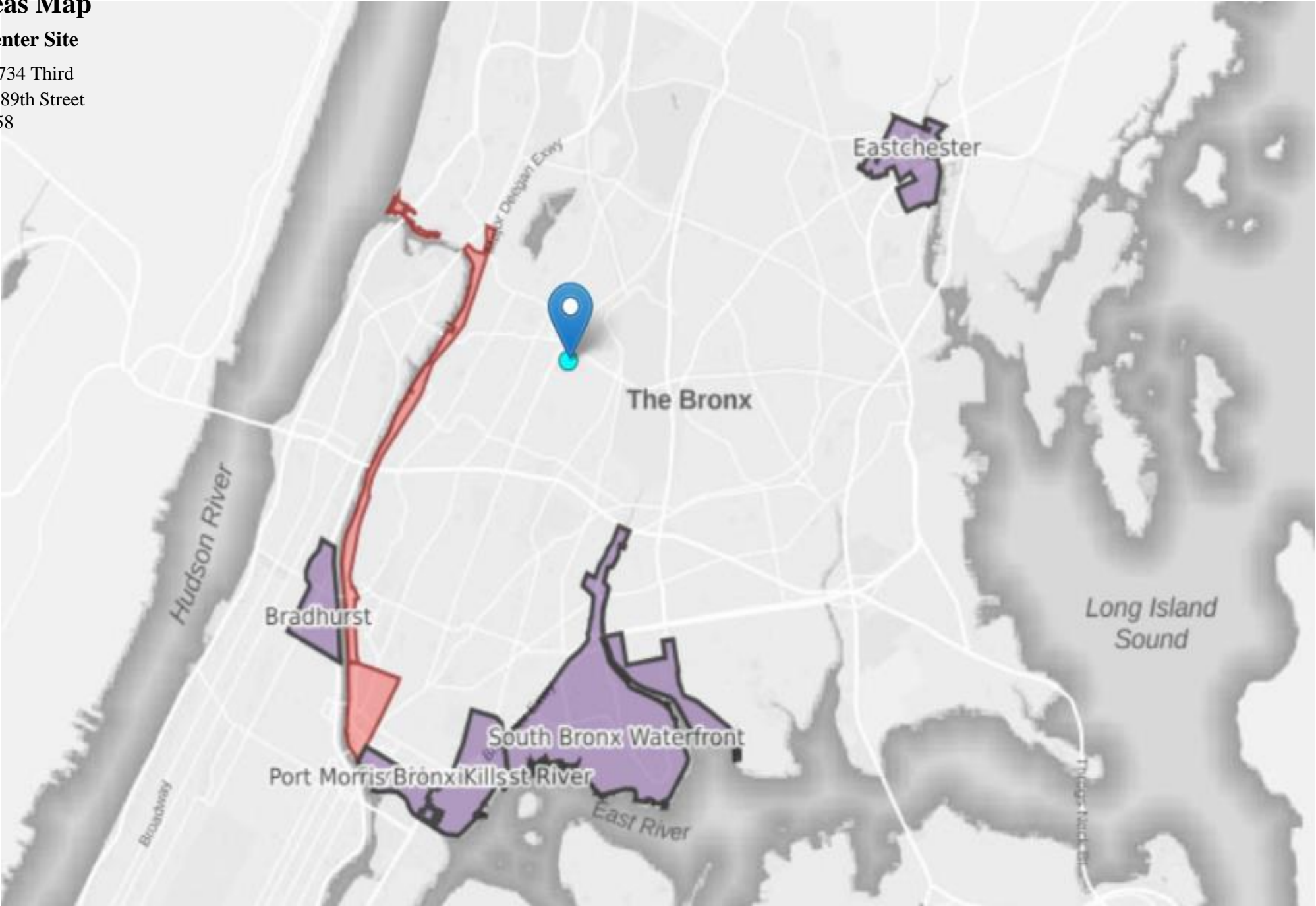
| Letter | Adjacent Property Owner(s) Name(s) | Property Address | Section-Block-Lot |
|---------------|---|-------------------------|--------------------------|
| A | United States Postal Service | 465 East 188 Street | Bronx-3042-5 |
| B | Chand Equities LTD | 7409 Third Avenue | Bronx-3041-50 |
| C | 2918 Arnow Real Estate Corp. | 4729 Third Avenue | Bronx-3041-45 |
| D | Metro North | East 188 Street | Bronx-3032-75 |
| E | Metro North | Third Avenue | Bronx-3033-38 |
| F | One Fordham Plaza LLC | 440 East Fordham Plaza | Bronx-3033-53 |

Brownfield Opportunity Areas Map

Site Name: Former Sears Auto Center Site

Site Address: 4720 Third Avenue, 4734 Third Avenue and 448 East 189th Street
Bronx, New York 10458

-  NYS Designated BOAs
-  BOA Studies
-  BCP Site



Environmental Justice Zone Map
Site Name: Former Sears Auto Center Site
Site Address: 4720 Third Avenue,
4734 Third Avenue and
448 East 189th Street
Bronx, New York 10458

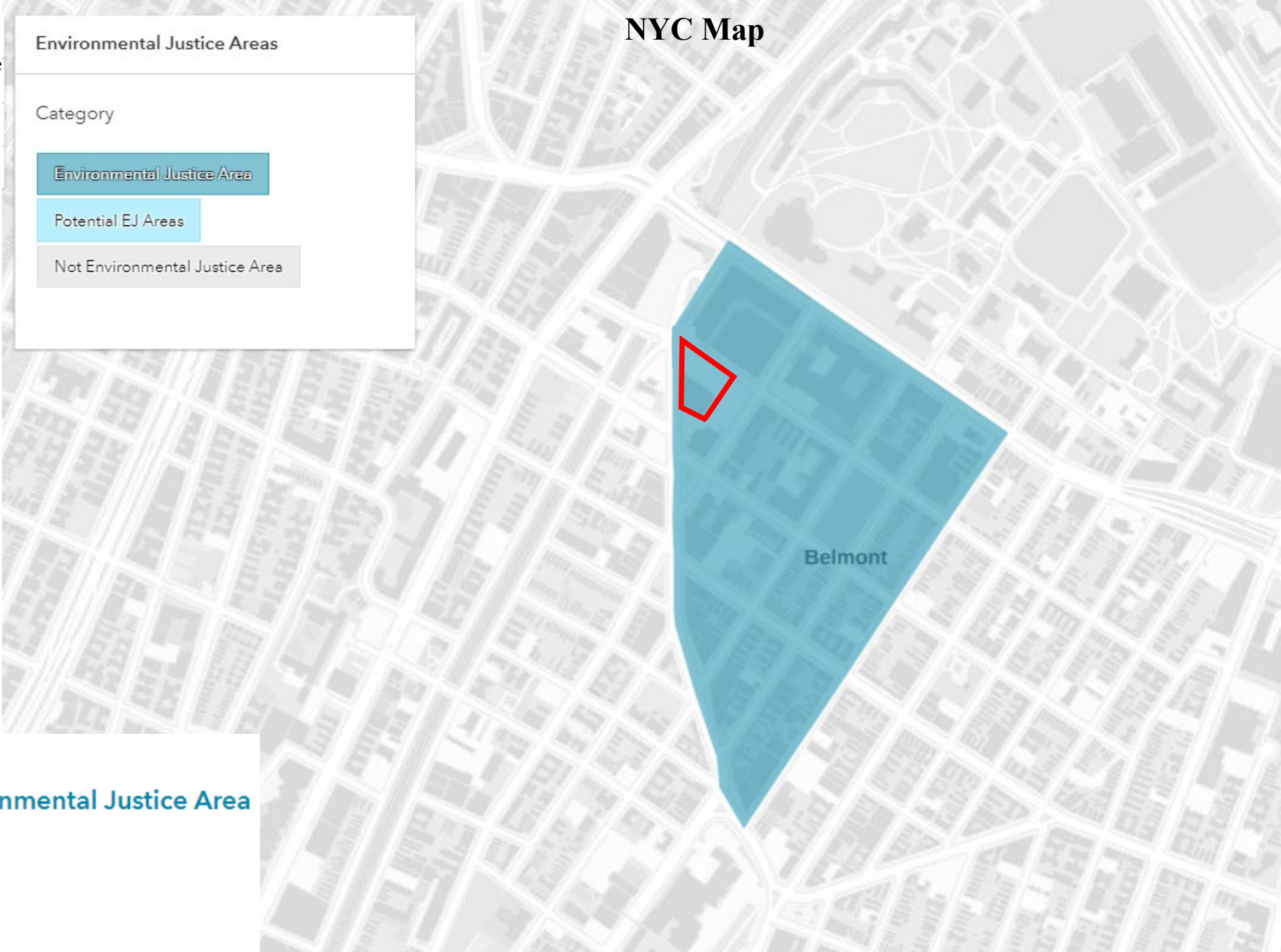
Environmental Justice Areas

Category

Environmental Justice Area

Potential EJ Areas

Not Environmental Justice Area



NYC Map

Belmont

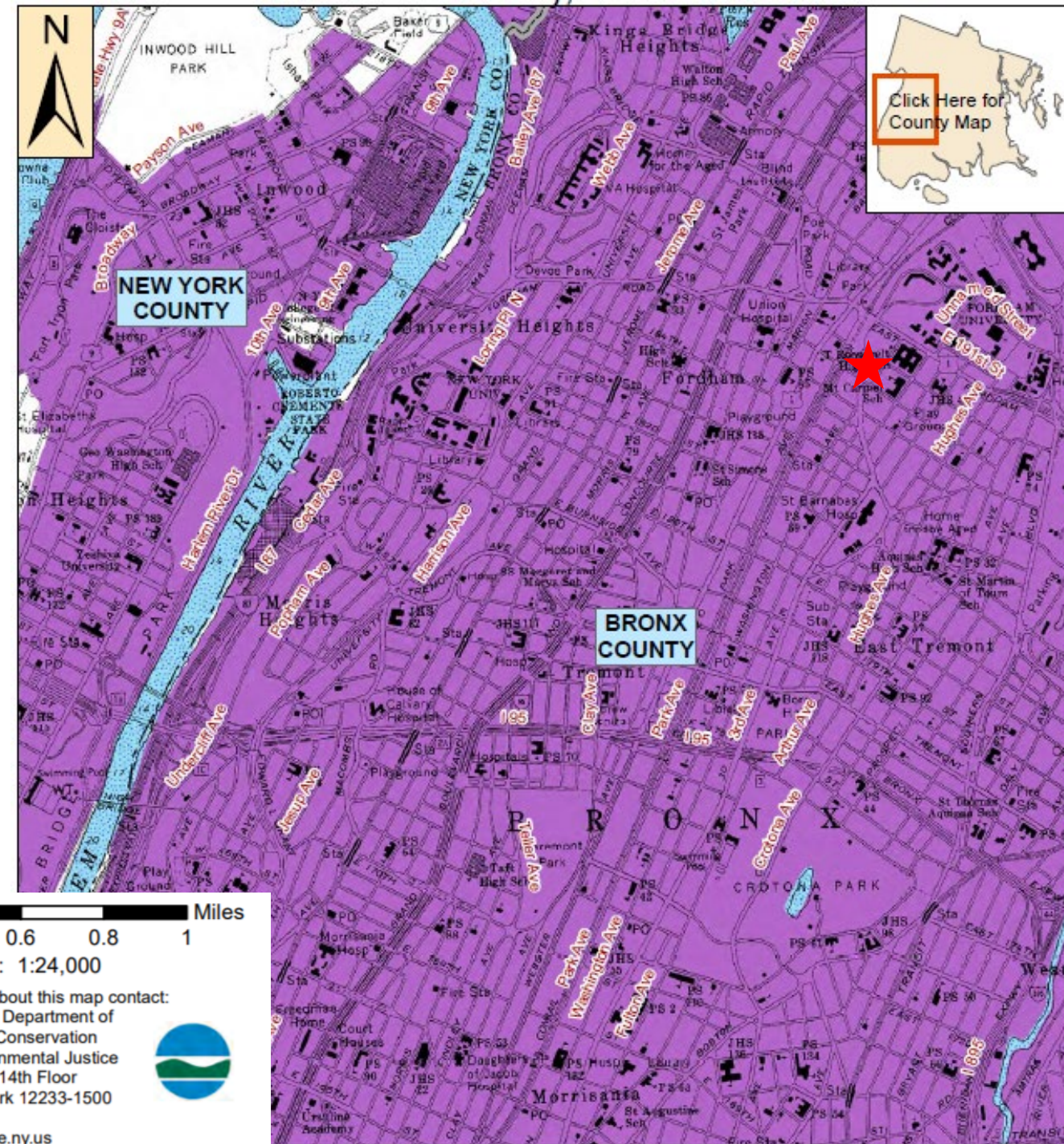
Environmental Justice Zone

Environmental Justice Area

Belmont, Bronx

Total Population: 3,622
Percentage Minority: 83.4%
Percentage Below Poverty: 37.5%

NYS DEC Map

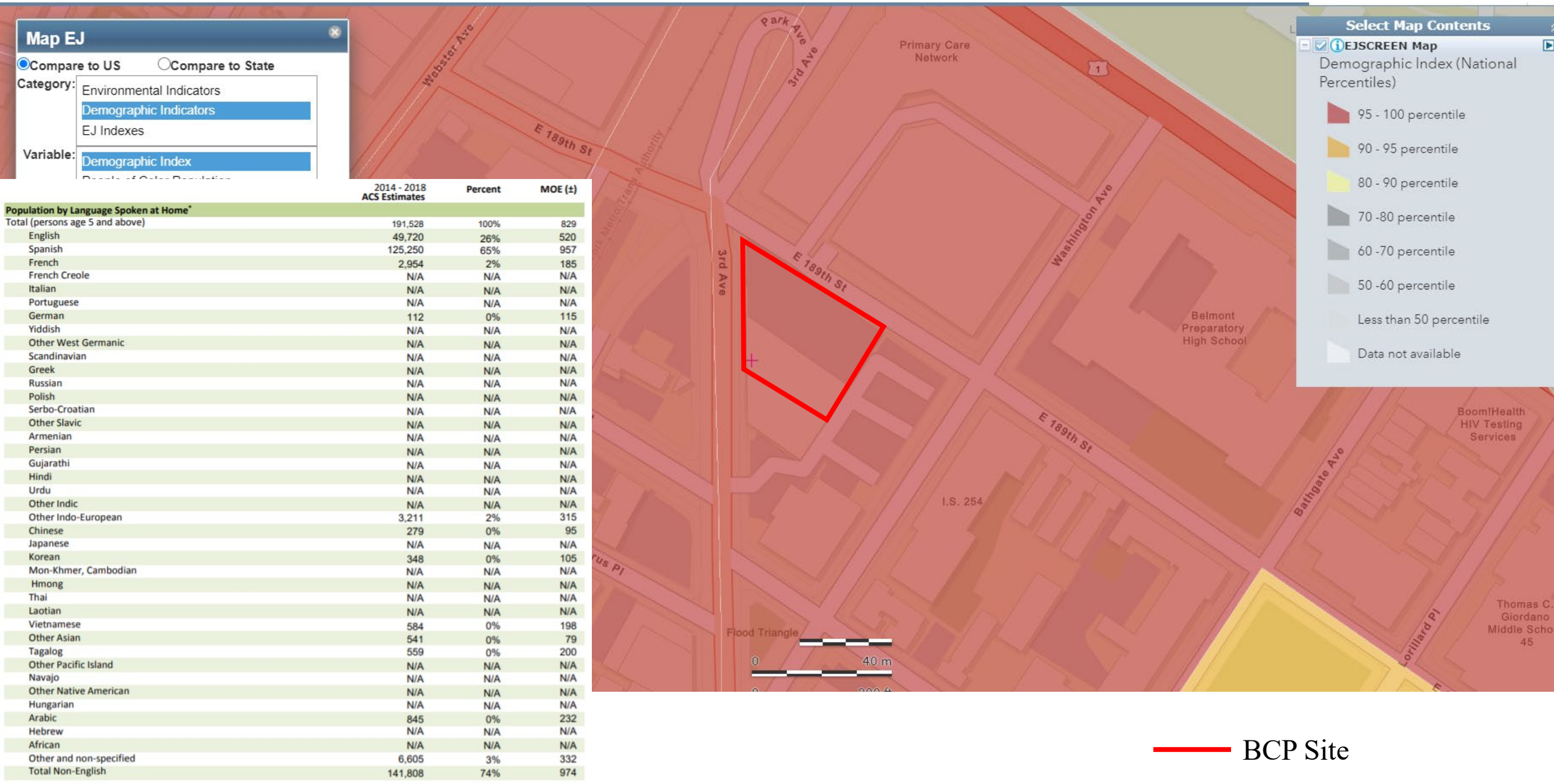


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Neither EPA nor NYSDEC guarantee the accuracy, completeness, or timeliness of the information shown and shall not be liable for any loss or injury resulting from reliance.

Data Source for Potential Environmental Justice Areas:
U.S. Census Bureau, 2000 U.S. Census

EPA EJ Screen Map



En-Zone Map
Site Name: Former Sears Auto Center Site
Site Address: 4720 Third Avenue, 4734 Third Avenue and 448 East 189th Street
Bronx, New York 10458



 BCP Site

Census Tract 387

| Census Tract 387 | |
|------------------|------------------|
| EnZoneType A | |
| FIPS | 36005038700 |
| County_FIP | 36005 |
| Geography | Census Tract 387 |
| County | Bronx County |
| UnempRate | 16.8 |
| NYS_UR | 11.5 |
| Pov_Rate | 42.5 |
| CountyPR | 29.8 |
| CountyRate | 59.6 |
| Criteria_B | |
| Both_AB | |
| Criteria_A | Y |
| Type | YA |

Site Location Map

Site Name:

Former Sears Auto Center Site

Site Address:

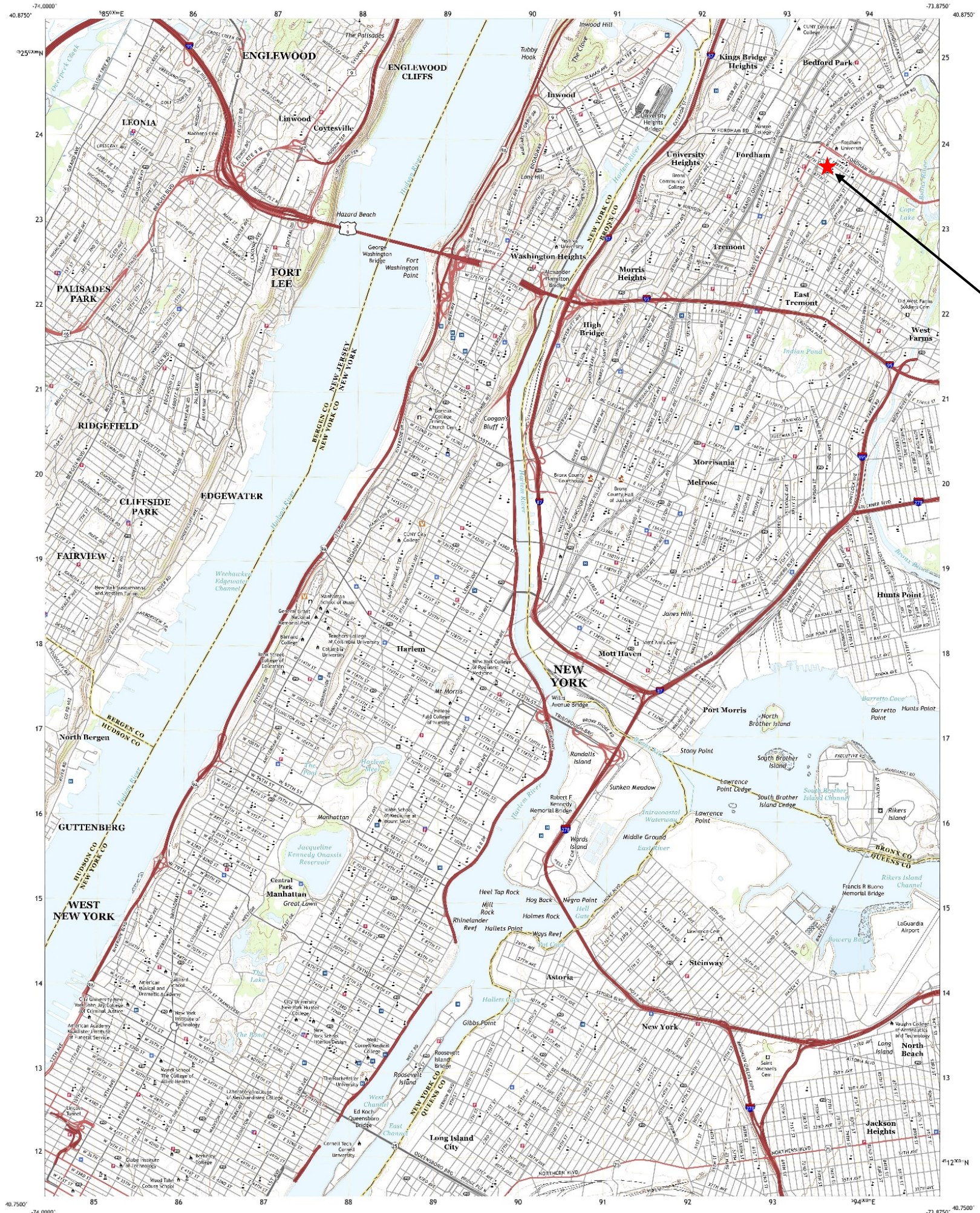
4720 Third Avenue, 4734 Third Avenue and 448 East 189th Street
Bronx, New York 10458



U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



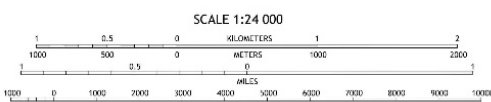
CENTRAL PARK QUADRANGLE
NEW YORK - NEW JERSEY
7.5-MINUTE SERIES



Site

Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84) Projection and
1 000-meter grid/Universal Transverse Mercator, Zone 18T
This map is not a legal document. Boundaries may be
generalized for this map scale. Private lands within government
reservations may not be shown. Obtain permission before
entering private lands.

Imagery:.....NAIP, July 2015 - December 2017
Roads:.....U.S. Census Bureau, 2016
Names:.....National Geographic Society, 1979 - 2019
Hydrography:.....National Hydrography Dataset, 2002 - 2015
Contours:.....National Elevation Dataset, 2013 - 2015
Boundaries:.....Multiple sources; see metadata file 2017 - 2018
Wetlands:.....TWS National Wetlands Inventory 2008 - 2011



| | | |
|---|---|---|
| 1 | 2 | 3 |
| 4 | 5 | 6 |
| 7 | 8 | 9 |

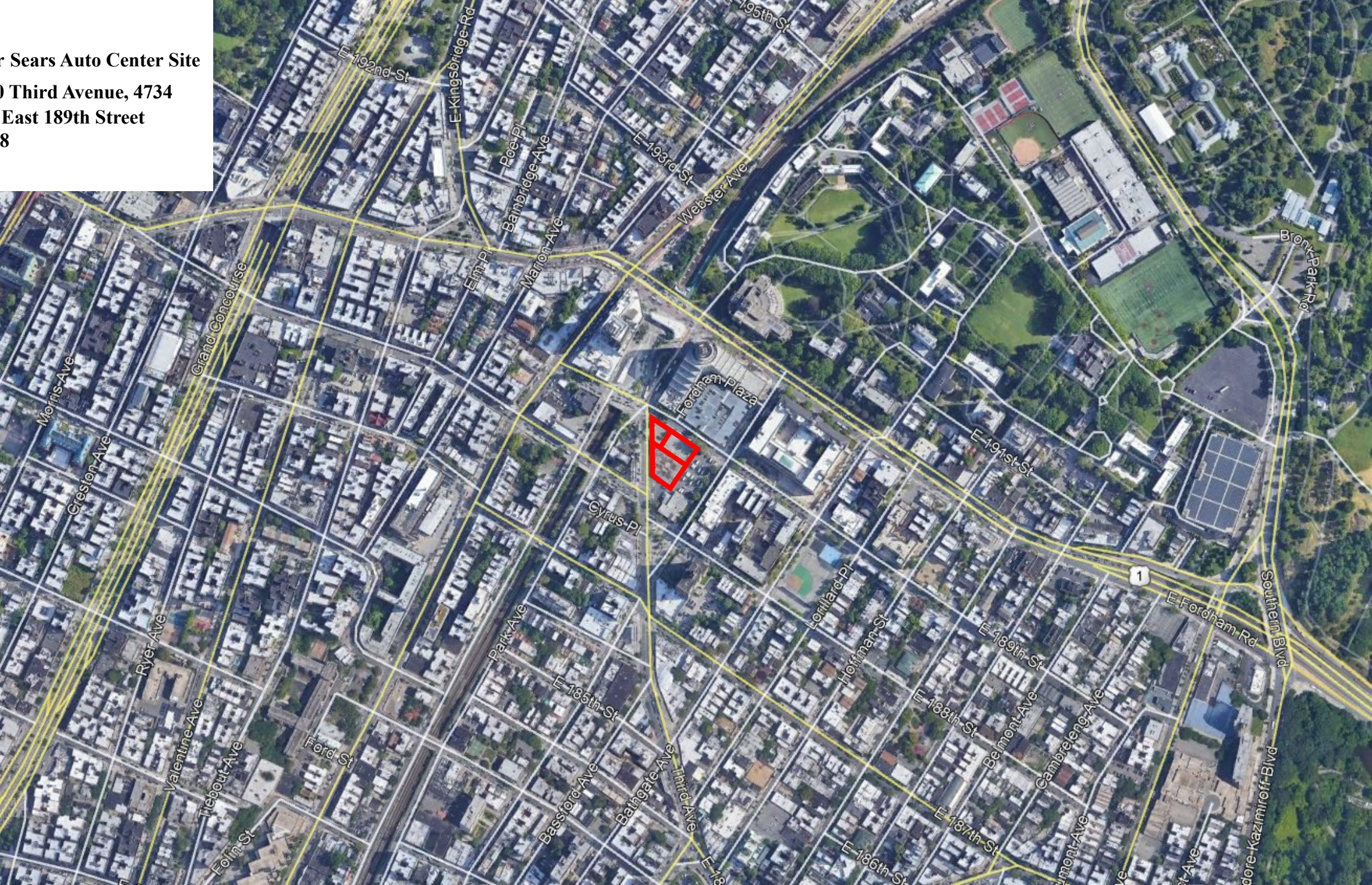
| ROAD CLASSIFICATION | |
|---------------------|-----------------|
| Expressway | Local Connector |
| Secondary Hwy | Local Road |
| Ramp | 4WD |
| Interstate Route | US Route |
| | State Route |

CENTRAL PARK, NY, NJ
2019



Street Map
Site Name: Former Sears Auto Center Site
Site Address: 4720 Third Avenue, 4734
Third Avenue and 448 East 189th Street
Bronx, New York 10458

 BCP Site




ZONING MAP

Former Sears Auto Center Site

4720 Third Avenue, 4734 Third Avenue and 448 East 189th Street
Bronx, New York 10458

Legend:

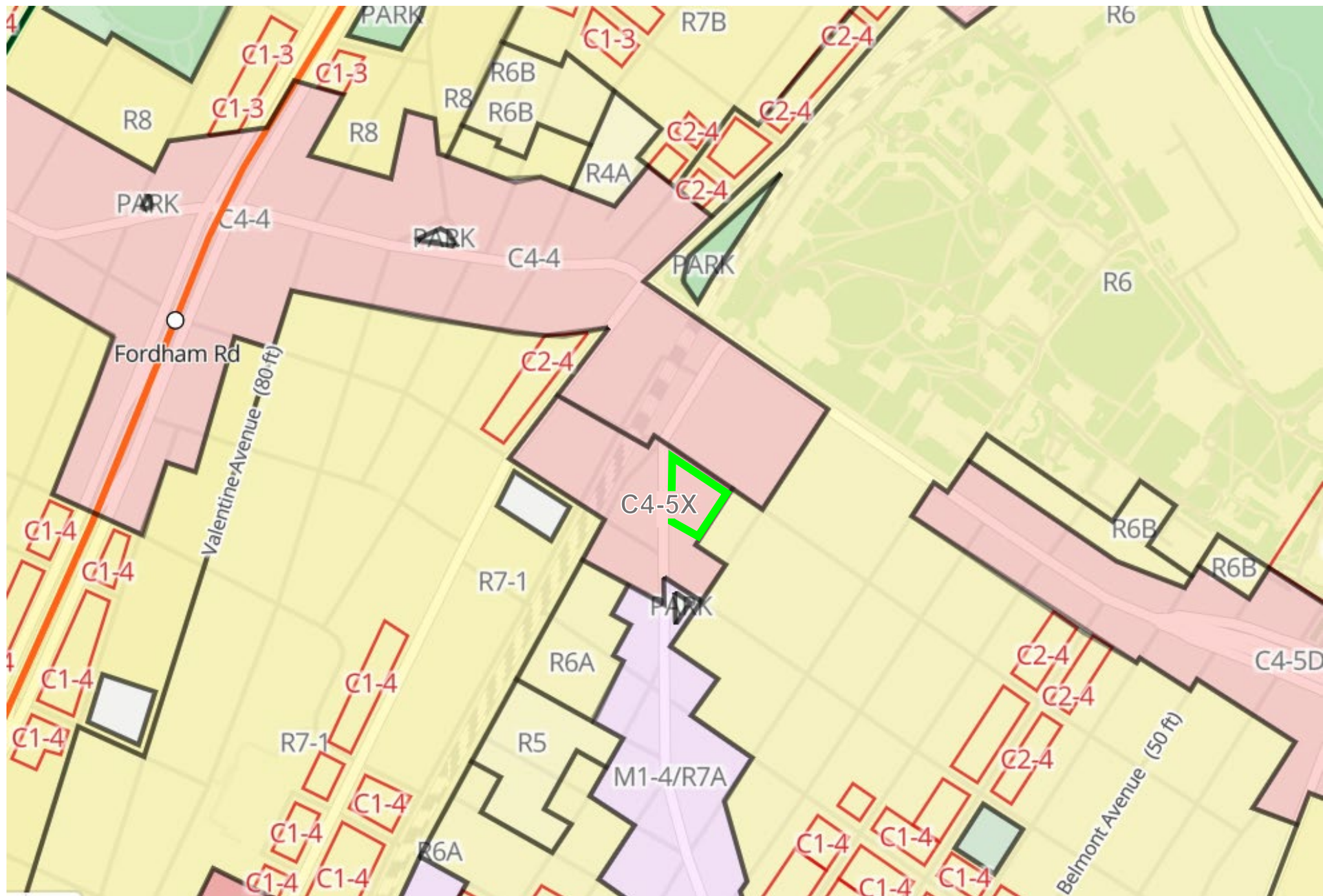
 Site property boundary
Zoning District: C4-5X

March 2021

Source: NYC ZoLa

ArcGIS

Scale: 1" = 100" approximately

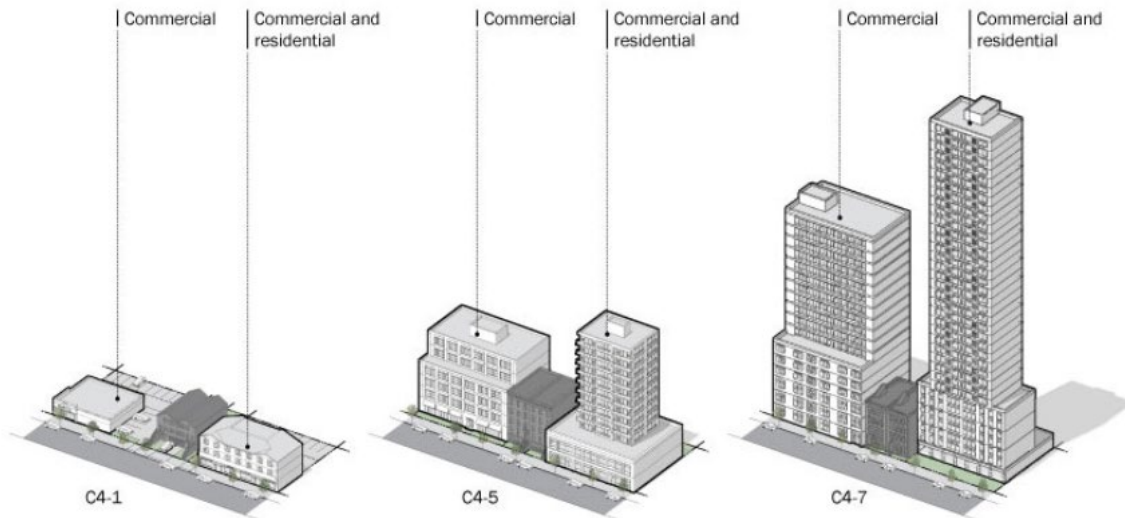


Zoning District: C4-5X (Commercial Districts)

C4 districts are mapped in regional commercial centers, such as Flushing in Queens and the Hub in the Bronx, that are located outside of the central business districts. In these areas, specialty and department stores, theaters and other commercial and office uses serve a larger region and generate more traffic than neighborhood shopping areas. Use Groups 5, 6, 8, 9, 10 and 12, which include most retail establishments, are permitted in C4 districts. Uses that would interrupt the desired continuous retail frontage, such as home maintenance and repair service stores listed in Use Group 7, are not allowed.

C4 districts with an A, D or X suffix are contextual districts in which the commercial and residential bulk and density regulations can differ from corresponding non-contextual districts. Some districts have the same commercial and residential floor area ratios (FAR) as shown in the table, but may differ in parking requirements. Floor area may be increased with a public plaza or Inclusionary Housing Program bonus.

C4-1 districts are mapped in outlying areas, such as the Staten Island Mall, that require large amounts of parking. C4-2 through C4-5 districts are mapped in more densely built areas, such as Steinway Street in Astoria (C4-2A), Fordham Road (C4-4), and parts of Jamaica (C4-5X). C4-6 and C4-7 districts are mapped in densely built areas in Manhattan, including most of Broadway on the Upper West Side (C4-6A) and portions of central Harlem (C4-7).



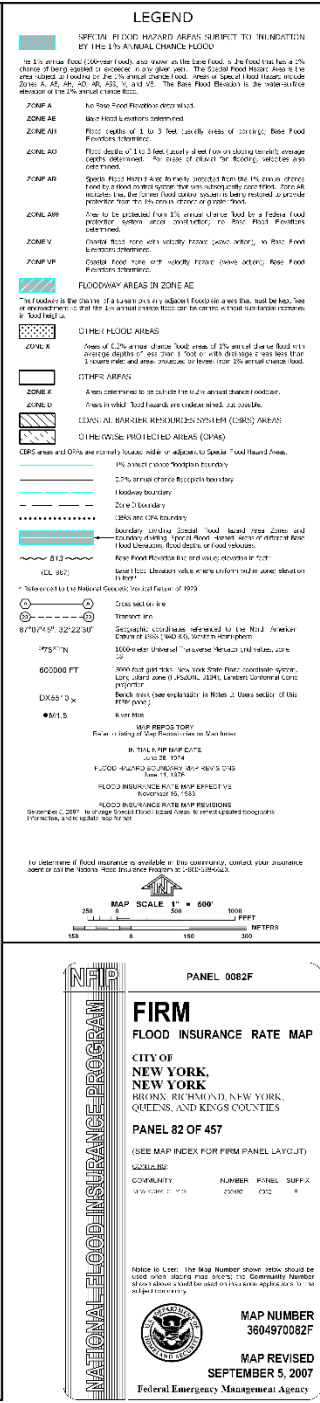
| C4 | Non-Contextual General Commercial District | | | | | | |
|--|--|--------------|--------------|----------------|------|------|------|
| | C4-1 | C4-2 | C4-3 | C4-4 | C4-5 | C4-6 | C4-7 |
| Commercial FAR | 1.0 | 3.4 | | | | | 10.0 |
| Residential District Equivalent | R5 | R6 | | R7-2 | | R10 | |
| Required Accessory Parking PRC-B | 1 per 150 sf | 1 per 300 sf | 1 per 400 sf | 1 per 1,000 sf | None | | |
| Permitted Sign Regulations (surface area) | 5 X street frontage (500 sf total) | | | | | | |

| C4 | Contextual General Commercial District | | | | | | | | |
|--|--|-------|-------|-------|-------|-------|----------------|-------|-------|
| | C4-2A | C4-3A | C4-4A | C4-5A | C4-6A | C4-7A | C4-4D | C4-5D | C4-5X |
| Commercial FAR | 3.0 | | 4.0 | | 3.4 | 10.0 | 3.4 | 4.2 | 4.0 |
| Residential District Equivalent | R6A | | R7A | | R10A | | R8A | R7D | R7X |
| Required Accessory Parking PRC-B | 1 per 400 sf | | None | | | | 1 per 1,000 sf | | None |
| Permitted Sign Regulations (surface area) | 5 X street frontage (500 sf total) | | | | | | | | |

Bronx, New York 10458

 Site Property Boundary

Scale: 1" = 100" approximately



Site Contact List

Former Sears Auto Center Site

4720 Third Avenue, 4734 Third Avenue and 448 East 189th Street, Bronx, New York 10458

| Name | Title | Address | City | State | Zip |
|-----------------------------|--|---|---------------|-------|-------|
| Charles E. Schumer | U.S. Senator | 780 Third Avenue, Suite 2301 | New York City | NY | 10017 |
| Kristen Gillibrand | U.S. Senator | 780 Third Avenue, Suite 2601 | New York City | NY | 10017 |
| Ritchie Torres | US House of Representatives - 15th District | 1231 Lafayette Avenue, L630 | Bronx | NY | 10474 |
| Alessandra Biaggi | New York State Senator - 35th District | 3190 Riverdale Avenue, Suite 2 | Bronx | NY | 10463 |
| Sarah Crowell | NYS Office of Planning and Development | One Commerce Plaza, 99 Washington Ave, Suite 1010 | Albany | NY | 12231 |
| Bill de Blasio | Mayor of New York City | City Hall | New York City | NY | 10451 |
| Marisa Lago | New York City Planning Commission, Chair | 120 Broadway, 31st Floor | New York City | NY | 10451 |
| Ruben Diaz, Jr. | Bronx Borough President | 851 Grand Concourse, 3rd Floor | Bronx | NY | 10451 |
| Luis M. Diaz | County Clerk, Borough of the Bronx | 851 Grand Concourse, Room 118 | Bronx | NY | 10451 |
| James Rausse | Bronx Director of Planning and Development | 851 Grand Concourse, Suite 301 | Bronx | NY | 10451 |
| New York Daily News | Media Outlet | 4 New York Plaza | New York City | NY | 10004 |
| Vincent Sapienza | NYC Environmental Protection | 59-17 Junction Boulevard | Flushing | NY | 11373 |
| Alfonso L. Carney | NYC Water Board, Chair | 59-17 Junction Boulevard, 8th Floor | Flushing | NY | 11373 |
| Melissa Davis | NYPL - Bronx Library Center, Managing Librarian | 310 E. Kingsbridge Road | Bronx | NY | 10458 |
| John Sanchez | Bronx Community Board 6, District Manager | 1932 Arthur Avenue, Room 403-A | Bronx | NY | 10457 |
| Rebecca Lew | Bronx Elementary School 32, Principal | 690 East 183rd Street | Bronx | NY | 10458 |
| Sita Basu | Public School 59 - The Community School of Technology, Principal | 2185 Bathgate Avenue | Bronx | NY | 10457 |
| Shirley Torres | Public School 23 - The New Children's School, Principal | 2151 Washington Avenue | Bronx | NY | 10457 |
| Ann Keegan | Public School 209 - Education Anchors our Future, Principal | 313 East 183rd Street | Bronx | NY | 10458 |
| Marybelle Ferreira | Public School 54, Principal | 2703 Webster Avenue | Bronx | NY | 10458 |
| Jennifer Alexander-Ade | Public School 46 - The Edgar Allan Poe Literacy Development School | 279 East 196th Street | Bronx | NY | 10458 |
| Angel Ortega | The Angelo Patri Middle School - MS 391, Principal | 2190 Folin Street | Bronx | NY | 10457 |
| Javier Ocampo | Bronx Middle School 254 | 2452 Washington Avenue | Bronx | NY | 10458 |
| Dakenny E. Diaz Rivera | Dake's Daycare Corp | 2311 Cambreleng Avenue, First Floor | Bronx | NY | 10458 |
| Ana D. | Mommy Cristy Day Care | 629 Oak Tree Place | Bronx | NY | 10457 |
| Silvia Guanoluisa | Aileen Family Daycare Inc | 212 East 182nd Street | Bronx | NY | 10457 |
| Milady Rosario | My Lady Family Group WeeCare | 2350 Valentine Avenue | Bronx | NY | 10458 |
| Rachel J. Tineo | Little Stars WeeCare | 2395 Tiebout Avenue, #1-a | Bronx | NY | 10458 |
| Rachel Aulet-McGann | Bronx Baptist Daycare and Learning Center | 331 East 187th Street | Bronx | NY | 10458 |
| Estefani Mota Jimenez | Estefani Family Daycare | 265 East 149th Street | Bronx | NY | 10458 |
| Helana P. | Tiny Blessings Daycare | 2710 Morris Avenue, Apt 3E | Bronx | NY | 10458 |
| Cindy Del Villar | Early Learning Family Group Daycare | 315 East 196th Street, #2h | Bronx | NY | 10458 |
| Diana V. Morales | Your Family Daycare WeeCare | 2806 Marion Avenue, Apt. PH, 1st Floor | Bronx | NY | 10458 |
| Zaida Nieves | NievesSanchez Family group Daycare | 2775 Pond Place | Bronx | NY | 10458 |
| Wendy De Los Santos | Annalise Daycare | 2065 Davidson Avenue, Apt 1C | Bronx | NY | 10453 |
| 4720 Third Ave LLC | Owner of Site | 495 Sylvan Avenue | Cliffs | NY | 07632 |
| Chand Equities, LTD | Adjacent Property Owner of 7409 Third Avenue | 2947 Baisley Avenue | Bronx | NY | 10461 |
| 2918 Arnow Real Estate Corp | Adjacent Property Owner of 4729 Third Avenue | 731 Main Street | New Rochelle | NY | 10801 |
| Metro North | Adjacent Property Owner of East 188 Street and Third Avenue | 347 Madison Avenue | New York City | NY | 10017 |

| | | | | | |
|---------------------------------|---|-------------------------------|-----------------|----|-------|
| One Fordham Plaza LLC | Adjacent Property Owner of 440 East Fordham Plaza | 225 Asylum Street, 29th Floor | Hartford | CT | 06103 |
| United States Postal Service | Adjacent Property Owner of Owner/Operator of 465 E 188th Street | 465 East 188th Street | Bronx | NY | 10458 |
| Gulf Oil | Adjacent Property Operator of 7409 Third Avenue | 80 William Street, Suite 400 | Wellesley Hills | MA | 02481 |
| Chipotle Mexican Grill | Adjacent Property Owner of 440 East Fordham Plaza | 4760 Third Avenue | Bronx | NY | 10458 |
| Famous Footwear | Adjacent Property Owner of 440 East Fordham Plaza | 4770 Third Avenue | Bronx | NY | 10458 |
| TJ Maxx | Adjacent Property Owner of 440 East Fordham Plaza | 1 Fordham Plaza | Bronx | NY | 10458 |
| Chase Bank | Adjacent Property Owner of 440 East Fordham Plaza | 4780 Third Avenue | Bronx | NY | 10458 |
| Starbucks | Adjacent Property Owner of 440 East Fordham Plaza | 440 East Fordham Road | Bronx | NY | 10458 |
| Perfect Brows NYC | Adjacent Property Owner of 440 East Fordham Plaza | 1 Fordham Plaza | Bronx | NY | 10458 |
| Montefiore Family Health Center | Adjacent Property Owner of 440 East Fordham Plaza | 1 Fordham Plaza | Bronx | NY | 10458 |
| Macaluso & Fafinski, PC | Adjacent Property Owner of 440 East Fordham Plaza | 1 Fordham Plaza, #1002 | Bronx | NY | 10458 |
| Metcare RX | Adjacent Property Owner of 440 East Fordham Plaza | 1 Fordham Plaza, 5th Floor | Bronx | NY | 10458 |
| HMB Pharmacy Management LLC | Adjacent Property Owner of 440 East Fordham Plaza | 1 Fordham Plaza | Bronx | NY | 10458 |
| Brand Influence LLC | Adjacent Property Owner of 440 East Fordham Plaza | 460 East Fordham Road, #2010 | Bronx | NY | 10458 |
| Party City | Adjacent Property Owner of 440 East Fordham Plaza | 1 Fordham Plaza | Bronx | NY | 10458 |
| Sonin & Genis | Adjacent Property Owner of 440 East Fordham Plaza | 1 Fordham Plaza, #907 | Bronx | NY | 10458 |
| PostNet | Adjacent Property Owner of 440 East Fordham Plaza | 460 East Fordham Road | Bronx | NY | 10458 |
| Animal Care Centers of NYC | Adjacent Property Owner of 440 East Fordham Plaza | 464 East Fordham Road | Bronx | NY | 10458 |
| Fordham Plaza Dental Associates | Adjacent Property Owner of 440 East Fordham Plaza | 466 East Fordham Road | Bronx | NY | 10458 |
| Applebee's Grill + Bar | Adjacent Property Owner of 440 East Fordham Plaza | 4750-4758 Third Avenue | Bronx | NY | 10458 |
| Pizza Studio | Adjacent Property Owner of 440 East Fordham Plaza | 444 East Fordham Road | Bronx | NY | 10458 |
| Subway | Adjacent Property Owner of 440 East Fordham Plaza | 1 Fordham Plaza, Store 21 | Bronx | NY | 10458 |
| Union Community Health Center | Adjacent Property Owner of 440 East Fordham Plaza | 470 East Fordham Road | Bronx | NY | 10458 |
| Liberty Tax Service | Adjacent Property Owner of 440 East Fordham Plaza | 2499 Webster Avenue | Bronx | NY | 10458 |
| ABC Drugs | Adjacent Property Owner of 440 East Fordham Plaza | 470 East Fordham Road | Bronx | NY | 10458 |
| NYC Housing Authority | Adjacent Property Owner of 440 East Fordham Plaza | 478 East Fordham Road, #2 | Bronx | NY | 10458 |



March 17, 2021

VIA ELECTRONIC MAIL

bronxcb6@bronxcb6.org

jsanchez@bronxcb6.org

John Sanchez, District Manager
Bronx Community Board 6
1932 Arthur Avenue, Room 403-A
Bronx, New York 10457

RE: Brownfield Cleanup Program Application

Applicant: 4720 VCD LLC

Site Address: 4720 Third Avenue, 4734 Third Avenue and 448 East 189th Street
Bronx, New York 10458

Dear Mr. Sanchez:

We represent 470 VCD LLC application for the above-referenced site at 4720 Third Avenue, 4734 Third Avenue and 448 East 189th Street in the City of New York, Bronx, New York. 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. 6 is 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. 6 is willing and able to act as a public repository for documents related to the cleanup of 4720 Third Avenue, 4734 Third Avenue and 448 East 189th Street in the City of New York, Bronx, New York. under the NYS Brownfield Cleanup Program.

Carla Leon, Community Associate

3/18/2021

Date



March 22, 2021

VIA ELECTRONIC MAIL
melissadavis@nypl.org

Melissa Davis
Managing Librarian
NYPL – Bronx Library Center
310 East Kingsbridge Road
Bronx, New York 10458

RE: Brownfield Cleanup Program Application
Applicant: 4720 VCD LLC
Site Address: 4720 Third Avenue, 4734 Third Avenue and 448 East 189th Street
Bronx, New York 10458

Dear Ms. Davis:

We represent 4720 VCD LLC in its anticipated Brownfield Cleanup Program application for the above-referenced site at 4720 Third Avenue, 4734 Third Avenue and 448 East 189th Street 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. A DropBox Link containing the application materials will be provided to the Library. The link will be updated through out the BCP Application process.

Please sign below and return the 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 NYPL – Bronx Library Center is willing and able to act as a public repository for documents related to the cleanup of 4720 Third Avenue, 4734 Third Avenue and 448 East 189th Street in the City of New York, Bronx, New York under the NYS Brownfield Cleanup Program.

Melissa Davis, Managing Librarian

03/23/21
Date