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BCP Application Form



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

Is this an application to amend an existing BCA with a major modification? Please refer to the application instructions for further guidance related to BCA amendments.

☐

Yes

☒

No

If yes, provide existing site number: _____

Is this a revised submission of an incomplete application?

☒

Yes

☐

No

If yes, provide existing site number: C203159

BCP App Rev 13

SECTION I: Property Information

PROPOSED SITE NAME 100 East 149th Street

ADDRESS/LOCATION 100 East 149th Street

CITY/TOWN Bronx

ZIP CODE 10451

MUNICIPALITY (LIST ALL IF MORE THAN ONE) New York City

COUNTY Bronx

SITE SIZE (ACRES) 0.094

LATITUDE

LONGITUDE

40 ° 49 ' 8.076 " -73 ° 55 ' 48.072 "

Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, 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 acreage column.

ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.

| Parcel Address | Section | Block | Lot | Acreage |
|-----------------------|---------|-------|-----|---------|
| 100 East 149th Street | | 2351 | 35 | 0.094 |
| | | | | |
| | | | | |

| | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------|
| 1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description. | <input checked="" type="radio"/> Y | <input type="radio"/> N |
| 2. Is the required property map provided in electronic format with the application? (Application will not be processed without a map) | <input checked="" type="radio"/> Y | <input type="radio"/> N |
| 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) If yes, identify census tract: <u>63</u> Percentage of property in En-zone (check one): 0% <input type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input checked="" type="radio"/> | <input checked="" type="radio"/> Y | <input type="radio"/> N |
| 4. Is the project located within a disadvantaged community? See application instructions for additional information. | <input checked="" type="radio"/> Y | <input type="radio"/> N |
| 5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information. | <input checked="" type="radio"/> Y | <input type="radio"/> N |

| | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|----------------------------------|
| 6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications: _____ | Y | N |
| 7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? | <input type="radio"/> | <input checked="" type="radio"/> |
| 8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation. | <input type="radio"/> | <input checked="" type="radio"/> |
| 9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map. | <input type="radio"/> | <input checked="" type="radio"/> |
| 10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____ | <input type="radio"/> | <input checked="" type="radio"/> |
| 11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____ | <input type="radio"/> | <input checked="" type="radio"/> |
| 12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information. <div style="display: flex; justify-content: space-between;"> <div><u>Easement/Right-of-Way Holder</u></div> <div><u>Description</u></div> </div> | <input type="radio"/> | <input checked="" type="radio"/> |
| 13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <div style="display: flex; justify-content: space-between;"> <div><u>Type</u></div> <div><u>Issuing Agency</u></div> <div><u>Description</u></div> </div> | <input type="radio"/> | <input checked="" type="radio"/> |
| 14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format? | <input checked="" type="radio"/> | <input type="radio"/> |
| Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City. | | |
| 15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form. | Y | N |
| 16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? | <input type="radio"/> | <input checked="" type="radio"/> |
| 17. If you have answered YES to Question 16 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? | <input type="radio"/> | <input checked="" type="radio"/> |
| NOTE: If a tangible property tax credit determination is not being requested at the time of application, 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 I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions. Initials of each Requestor: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> </div> | | |

SECTION II: Project Description

1. The project will be starting at: ☒ Investigation ☐ Remediation

NOTE: If the project is proposed to start at the remediation stage, at a minimum, a Remedial Investigation Report (RIR) must be included, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Action Work Plan (RAWP) are also included (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, does it meet the requirements in ECL Article 27-1415(2)?

☐ Yes ☐ No ☒ N/A

3. Have any draft work plans been submitted with the application (select all that apply)?

☒ RIWP ☐ RAWP ☐ IRM ☐ No

4. Please provide a short description of the overall project development, including the date that the remedial program is to begin, and the date by which a Certificate of Completion is expected to be issued.

Is this information attached? ☒ Yes ☐ No

SECTION III: Land Use Factors

1. What is the property's current municipal zoning designation? M1-4/R8A, MX-13

2. What uses are allowed by the property's current zoning (select all that apply)?

Residential ☒ Commercial ☒ Industrial ☒

3. Current use (select all that apply):

Residential ☐ Commercial ☐ Industrial ☐ Recreational ☐ Vacant ☒

4. Please provide 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 by which the site became vacant.

Is this summary included with the application?

| Y | N |
|----------------------------------|-----------------------|
| <input checked="" type="radio"/> | <input type="radio"/> |

5. Reasonably anticipated post-remediation use (check all that apply):

Residential ☒ Commercial ☒ Industrial ☐

If residential, does it qualify as single-family housing?

☐ N/A

| | |
|-----------------------|----------------------------------|
| <input type="radio"/> | <input checked="" type="radio"/> |
|-----------------------|----------------------------------|

6. Please provide a statement detailing the specific proposed post-remediation use. Is this summary attached?

| | |
|----------------------------------|-----------------------|
| <input checked="" type="radio"/> | <input type="radio"/> |
|----------------------------------|-----------------------|

7. Is the proposed post-remediation use a renewable energy facility? See application instructions for additional information.

| | |
|-----------------------|----------------------------------|
| <input type="radio"/> | <input checked="" type="radio"/> |
|-----------------------|----------------------------------|

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

| | |
|----------------------------------|-----------------------|
| <input checked="" type="radio"/> | <input type="radio"/> |
|----------------------------------|-----------------------|

9. Is the proposed use consistent with applicable zoning laws/maps? Please provide a brief explanation and additional documentation if necessary.

| | |
|----------------------------------|-----------------------|
| <input checked="" type="radio"/> | <input type="radio"/> |
|----------------------------------|-----------------------|

10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Please provide a brief explanation and additional documentation if necessary.

| | |
|----------------------------------|-----------------------|
| <input checked="" type="radio"/> | <input type="radio"/> |
|----------------------------------|-----------------------|

SECTION IV: Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that contamination of environmental media exists on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the site property and that the site requires remediation. To the extent that existing information/studies/reports are available to the requestor, please attach the following (***please submit 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). Please do NOT submit paper copies of ANY supporting documents.**
- 2. SAMPLING DATA: INDICATE (BY SELECTING THE OPTIONS BELOW) KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED AS AN ATTACHMENT, WITH LABORATORY REPORTS REFERENCED AND INCLUDED.**

| CONTAMINANT CATEGORY | SOIL | GROUNDWATER | SOIL GAS |
|-------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Petroleum | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Chlorinated Solvents | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Other VOCs | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| SVOCs | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Metals | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Pesticides | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| PCBs | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| PFAS | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 1,4-dioxane | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Other – indicated below | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

*Please describe other known contaminants and the media affected:

- For each impacted medium above, include a site drawing indicating:
 - Sample location
 - Date of sampling event
 - Key contaminants and concentration detected
 - For soil, highlight exceedances of reasonably anticipated use
 - For groundwater, highlight exceedances of 6 NYCRR part 703.5
 - For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation

These drawings are to be representative of all data being relied upon to determine if the site requires remediation under the BCP. Drawings should be no larger than 11"x17" and should only be provided electronically. These drawings should be prepared in accordance with any guidance provided.

Are the required drawings included with this application? ☒ YES ☐ NO

- Indicate Past Land Uses (check all that apply):

| | | | |
|--------------------------------------------------|----------------------------------------|---------------------------------------------|-----------------------------------------------------|
| <input type="checkbox"/> Coal Gas Manufacturing | <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-Op | <input type="checkbox"/> Dry Cleaner |
| <input checked="" 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: Auto Sales, Auto Wrecking, Public Parking, Automotive and Parts Dealer, Rental Truck Company, Tire Company

| SECTION V: Requestor Information | | | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|-----------------------|----------------------------------|-----------------------|
| NAME RGDC 149 LLC | | | | | | | |
| ADDRESS 214 West 39th Street, Suite 1200 | | | | | | | |
| CITY/TOWN New York | | ZIP CODE 10018 | | | | | |
| PHONE 212 921 7171 | | EMAIL rgross@g-holdings.com | | | | | |
| 1. Is the requestor authorized to conduct business in New York State (NYS)? | | | <table border="1"> <thead> <tr> <th>Y</th> <th>N</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="radio"/></td> <td><input type="radio"/></td> </tr> </tbody> </table> | Y | N | <input checked="" type="radio"/> | <input type="radio"/> |
| Y | N | | | | | | |
| <input checked="" type="radio"/> | <input type="radio"/> | | | | | | |
| 2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS 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 with this application to document that that requestor is authorized to conduct business in NYS. Is this attached? | | | <table border="1"> <tbody> <tr> <td><input checked="" type="radio"/></td> <td><input type="radio"/></td> </tr> </tbody> </table> | <input checked="" type="radio"/> | <input type="radio"/> | | |
| <input checked="" type="radio"/> | <input type="radio"/> | | | | | | |
| 3. If the requestor is an LLC, the names of the members/owners need to be provided on a separate attachment. Is this attached? | | | <table border="1"> <tbody> <tr> <td><input checked="" type="radio"/></td> <td><input type="radio"/></td> </tr> </tbody> </table> | <input checked="" type="radio"/> | <input type="radio"/> | | |
| <input checked="" type="radio"/> | <input type="radio"/> | | | | | | |
| 4. Individuals that will be certifying BCP documents, as well as their employers, must 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. Do all individuals that will be certifying documents meet these requirements? Documents that are not properly certified will not be approved under the BCP. | | | <table border="1"> <tbody> <tr> <td><input checked="" type="radio"/></td> <td><input type="radio"/></td> </tr> </tbody> </table> | <input checked="" type="radio"/> | <input type="radio"/> | | |
| <input checked="" type="radio"/> | <input type="radio"/> | | | | | | |

| SECTION VI: Requestor Eligibility | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------------------|
| If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment. | | |
| | Y | N |
| 1. Are any enforcement actions pending against the requestor regarding this site? | <input type="radio"/> | <input checked="" type="radio"/> |
| 2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? | <input type="radio"/> | <input checked="" type="radio"/> |
| 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="radio"/> | <input checked="" type="radio"/> |
| 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 or regulation of the State or Federal government? | <input type="radio"/> | <input checked="" type="radio"/> |
| 5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application. | <input type="radio"/> | <input checked="" type="radio"/> |
| 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? | <input type="radio"/> | <input checked="" type="radio"/> |

SECTION VI: Requestor Eligibility (CONTINUED)

| | Y | N |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| 7. Has the requestor been convicted of a criminal offence (i) involving the handling, storing, treating, disposing or transporting or contaminants; or (ii) that involved 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? | <input type="radio"/> | <input checked="" type="radio"/> |
| 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 a false statement in connection with any document or application submitted to DEC? | <input type="radio"/> | <input checked="" type="radio"/> |
| 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? | <input type="radio"/> | <input checked="" type="radio"/> |
| 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? | <input type="radio"/> | <input checked="" type="radio"/> |
| 11. Are there any unregistered bulk storage tanks on-site which require registration? | <input type="radio"/> | <input checked="" type="radio"/> |
| 12. 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 <input type="checkbox"/> <p>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.</p> | VOLUNTEER <input checked="" type="checkbox"/> <p>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.</p> <p>NOTE: By selecting this option, 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; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste.</p> <p>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.</p> | |
| 13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached? Yes <input checked="" type="radio"/> No <input type="radio"/> N/A <input type="radio"/> | | |

SECTION VI: Requestor Eligibility (CONTINUED)

14. Requestor relationship to the property (check one; if multiple applicants, check all that apply):

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

If the requestor is not the current owner, **proof of site access sufficient to complete remediation must be provided.** 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 environmental easement on the site.

Is this proof attached?

☐

Yes

☐

No

Note: A purchase contract or lease agreement does not suffice as proof of site access.

SECTION VII: Requestor Contact Information**REQUESTOR'S REPRESENTATIVE**

Ronnie Gross

ADDRESS

214 West 39th Street, Suite 1200

CITY

New York

ZIP CODE

10018

PHONE

212 921 7171

EMAIL

rgross@g-holdings.com

REQUESTOR'S CONSULTANT (CONTACT NAME)

Rachel Ataman

COMPANY

Touchstone Environmental Geology, PC

ADDRESS

1919 Middle Country Road, Suite 205

CITY

Centereach

ZIP CODE

11720

PHONE

631 315 2733

EMAIL

rachelataman@touchstoneenvironmental.com

REQUESTOR'S ATTORNEY (CONTACT NAME)

Steven C. Russo

COMPANY

Greenberg Traurig, LLP

ADDRESS

1 Vanderbilt Avenue

CITY

New York

ZIP CODE

10017

PHONE

212 801 2155

EMAIL

russos@gtlaw.com

SECTION VIII: Program Fee

Upon submission of an executed Brownfield Cleanup Agreement to the Department, the requestor is required to pay a non-refundable program fee of \$50,000. Requestors may apply for a fee waiver based on demonstration of financial hardship.

| | Y | N |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------------------|
| 1. Is the requestor applying for a fee waiver based on demonstration of financial hardship? | <input type="radio"/> | <input checked="" type="radio"/> |
| 2. If yes, appropriate documentation to demonstrate financial hardship must be provided with the application. See application instructions for additional information. | <input type="radio"/> | <input type="radio"/> |
| Is the appropriate documentation included with this application? | | |

SECTION IX: Current Property Owner and Operator Information

| | | |
|---------------------------------------------|--------------------------------|-------------------|
| CURRENT OWNER RGDC 149 LLC | | |
| CONTACT NAME Ronnie Gross | | |
| ADDRESS 214 West 39th Street, Suite 1200 | | |
| CITY New York | | ZIP CODE 10018 |
| PHONE 646 707 1414 | EMAIL rgross@g-holdings.com | |
| OWNERSHIP START DATE April 26, 2022 | | |
| CURRENT OPERATOR N/A | | |
| CONTACT NAME | | |
| ADDRESS | | |
| CITY | | ZIP CODE |
| PHONE | EMAIL | |
| OPERATION START DATE | | |

SECTION X: Property Eligibility Information

| | Y | N |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------------------|
| 1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information. | <input type="radio"/> | <input checked="" type="radio"/> |
| 2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____ | <input type="radio"/> | <input checked="" type="radio"/> |

SECTION X: Property Eligibility Information (continued)

| | Y | N |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------------------|
| 3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit Type: _____ EPA ID Number: _____ Date Permit Issued: _____ Permit Expiration Date: _____ | <input type="radio"/> | <input checked="" type="radio"/> |
| 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? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents. <div style="text-align: right;">N/A <input checked="" type="radio"/></div> | <input type="radio"/> | <input type="radio"/> |
| 5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: _____ | <input type="radio"/> | <input checked="" type="radio"/> |
| 6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information. | <input type="radio"/> | <input checked="" type="radio"/> |

SECTION XI: Site Contact List

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 mailing addresses of the following:

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and adjacent properties.
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- 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 XII: Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and 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 PRESIDENT (title) of RGDC 149 LLC (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and 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: 9-2-2022 Signature: [Signature]

Print Name: RONNIE GRASS

SUBMITTAL INFORMATION

- Two (2) copies, one unbound paper copy of the application form with original signatures and table of contents, and one complete electronic copy in final, non-fillable Portable Document Format (PDF), must be sent to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

PLEASE DO NOT SUBMIT PAPER COPIES OF SUPPORTING DOCUMENTS. Please provide a hard copy of ONLY the application form and a table of contents.

FOR DEC USE ONLY

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

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY

Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27-1407(1-a) must be submitted if requestor is seeking this determination.

BCP App Rev 13

| Please respond to the questions below and provide additional information and/or documentation as required. | Y | N |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|----------------------------------|
| 1. Is the property located in Bronx, Kings, New York, Queens or Richmond County? | <input checked="" type="radio"/> | <input type="radio"/> |
| 2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit? | <input checked="" type="radio"/> | <input type="radio"/> |
| 3. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? | <input checked="" type="radio"/> | <input type="radio"/> |
| 4. Is the property upside down or underutilized as defined below? | | |
| Upside down | <input type="radio"/> | <input checked="" type="radio"/> |
| Underutilized | <input type="radio"/> | <input checked="" type="radio"/> |

From ECL 27-1405(31):

"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.

From 6 NYCRR 375-3.2(l) 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:

- (l) "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
- (1) the proposed use is at least 75 percent for industrial uses; or
- (2) at which:
- (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;
 - (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and
 - (iii) one or more of the following conditions exists, as certified by the applicant:
 - (a) property tax payments have been in arrears for at least five years immediately prior to the application;
 - (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
 - (c) there are no structures.

"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.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

5. 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*
*Selecting this option 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’ household’s 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 homeowners 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.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

6. Is the site a planned renewable energy facility site as defined below?

- ☐ Yes – planned renewable energy facility site
- ☒ No – not a planned renewable energy facility site

If yes, please provide any documentation available to demonstrate that the property is planned to be developed as a renewable energy facility site.

From ECL 27-1405(33) as of April 9, 2022:

"Renewable energy facility site" shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.

From Public Service Law Article 4 Section 66-p as of April 23, 2021:

(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and meets the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?

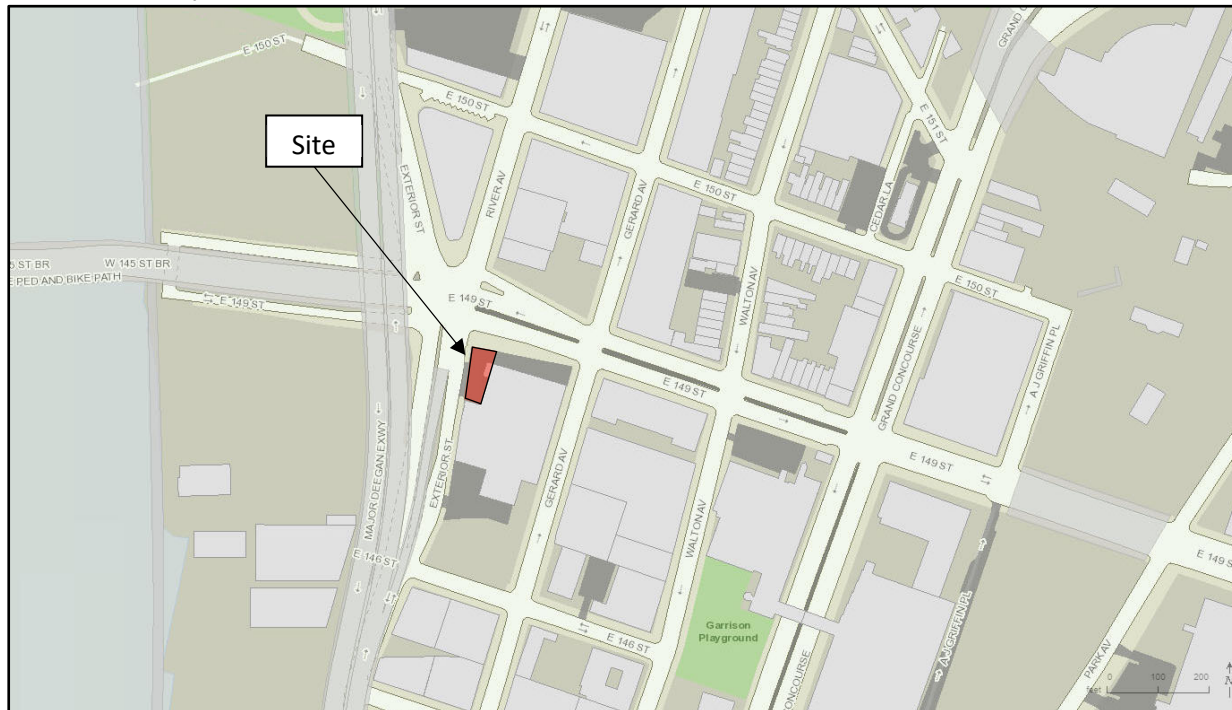
- ☒ Yes
- ☐ No

From ECL 75-0111 as of April 9, 2022:

(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.

Section I. Property Information

BCP Site Tax Map:



The boundaries of the Site correspond to the tax map boundaries. The Site consists of one parcel located in the southeastern quadrant of the intersection of River Avenue/Exterior Street and East 149th Street. The tax map can be found in **Figure 1**.

Figure 2 provides a property base map including the location of the property with respect to adjacent roadways, the proposed boundaries of the brownfield property, and the **adjacent property uses** clearly identified.

Adjacent Property Information:

| Resident/Occupant | Property Address | Owner |
|----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| Multi-tenant Commercial Building (Bronx Terminal Market – Hostos Dept of Continuing Education & Workforce Development, Harlem Furniture Inc) | 15 Major Deegan Expressway (Alternate Addresses: 557 River Avenue, 80 East 150 th Street, 560 Exterior Street, 665 River Avenue) | NYC Department of Small Business Services |
| BP Gasoline Station and Castrol Premium Lube Express | 99 East 149 th Street (Alternate Addresses: 99-113 East 149 th Street, 575 Gerard Avenue, 554 River Avenue) | River Deegan Realty Corp |
| Residential and Focus Fellowship Church | 530 Exterior Street (Alternate Address: 110 East 149 th Street) | East 149 th Realty Corp |
| Commercial and Office Building | 110 East 149 th Street | Ram Hotel LLC |
| New York Recycling Plant – New York Recycling LLC | 475 Exterior Street (Alternate Address: 60-90 East 149 th Street) | River Edge Realty Corp |
| Vacant Land – Bronx Point Development | Block 2356, Lot 10 | NYC Department of Citywide Administrative Services |

Property Description Narrative:

Location:

The 100 East 149th Street BCP Site is located in an urban area. The Site is located in the southeastern quadrant of the intersection of River Avenue and East 149th Street.

Site Features:

The 100 East 149th Street BCP Site consists of one irregular-shaped parcel containing an area of 0.094-acres. The Site currently contains vacant land historically used in connection with a gasoline station that operated on the Site.

Current Zoning and Land Use:

The Site is currently vacant and is zoned M1-4/R8A, MX-13 for Light Manufacturing and Residential Use. The surrounding parcels are currently used for a combination of commercial and residential uses. The adjacent residential property is located to the south (530 Exterior Street). The Site is located within a designated Environmental Zone (En-Zone) identified as Census Tract 63. **Figure 3** provides a map of the En-Zone in which the Site is located.

Past Use of the Site:

The Site appears to have been developed in at least 1927 for residential purposes and was developed with a gasoline station in circa 1935. Sanborn Maps indicate a gasoline station was present at the Site from at least 1935 through 1989 and a review of historic City Directories indicates service station occupants were listed from at least 1956 through 1976. Additionally, the 1935, 1944, and 1946 Sanborn Maps depict five 550-gallon buried underground storage tanks (USTs) at the Site. A review of the New York City Department of Buildings (NYC DOB) records for the Site indicated that in 1971 the Site contained a one-story building utilized as an automotive service station, auto sales, a junk and salvage yard, auto wrecking, public parking, and an automotive and parts dealer. City Directories for the Site additionally indicate that rental truck companies occupied the Site between 1994 and 2009 and most recently, a tire company (149 Tire Center Corp), occupied the Site in 2017. A demolition permit for the structure was filed with the NYC DOB in 2019.

Prior investigations at the Site included a Phase I Environmental Site Assessment (ESA) report conducted by Merritt Environmental Consulting Corp (MECC) in 2017, a Remedial Investigation Report (RIR) conducted by Eastern Environmental Solutions (Eastern) in July 2019, a Phase II ESA conducted by Touchstone Environmental Geology, PC in October 2020, and a Phase I ESA conducted by Touchstone in April 2022 to determine if the past use of the Site as a gasoline station and the presence of USTs at the Site had impacted upon the environmental quality of the Site. The RIR included soil, groundwater, and soil vapor sampling as well as a Ground Penetrating Radar (GPR) survey and the Phase II ESA included soil and groundwater sampling as well as a GPR survey. According to the previous subsurface investigations at the site the depth to water beneath the Site is approximately 10 to 14 feet below grade surface at the Site.

Based upon the results of the July 2019 RIR, the New York State Department of Environmental Conservation (NYSDEC) was notified of a petroleum release at the Site and NYSDEC Spill Number 18-10498 was assigned to the release.

A pre-application conference was held on July 26, 2022 with the NYSDEC to discuss entering the site into the BCP.

Site Geology and Hydrogeology:

Bronx, New York is located within the Embayed section of the Coastal Plain physiographic province, which is characterized by areas of low relief and consists of Cretaceous Coastal Plain sediments, primarily clay, sand, and gravel, that overlie igneous and metamorphic rocks that crop out in Connecticut.

Near-surface geology in heavily developed areas such as the Site and vicinity are considered "urban land" and are characterized by a non-homogenous distribution of soil and fill types. Excavation and backfilling for building foundations, utility conduits, subway systems, and other construction results in a varied subsurface profile. In this setting, estimation of local subsurface parameters such as permeability, moisture content, and organic fraction is not feasible without site-specific testing data.

The July 2019 RIR indicated that soil at the Site consisted of fill material that contained concrete, brick, and asphalt in a matrix of silty sand from grade to 15-feet below grade and the October 2020 Phase II ESA indicated that soil at the Site consisted of medium grained sand with fill material to approximately 10-feet below grade and medium grained sand and clay to approximately 15-feet below grade. Depth to water at the Site is expected to be approximately 10 to 14-feet below ground surface and is expected to flow to the west in the direction of the Harlem River.

Environmental Assessment:

Based upon prior investigations conducted to date at the Site, the primary contaminants of concern for the Site include gasoline compounds, polyaromatic hydrocarbons (PAHs), and metals.

Soil - The gasoline compound 1,2,4-Trimethylbenzene (61 mg/kg) was detected in the western portion of the Site at a depth of 10 to 12.5-feet below grade at a concentration exceeding its Restricted Residential Soil Cleanup Objective (RRSCO) and Protection of Groundwater (PGW) Standards. Multiple polyaromatic hydrocarbons (PAHs) were additionally detected at concentrations exceeding their respective RRSCOs and PGW Standards. PAHs including benzo(a)anthracene (max of 19.70 mg/kg), benzo(a)pyrene (max of 21 mg/kg), benzo(b)fluoranthene (max of 15.90 mg/kg), dibenzo(a,h)anthracene (max of 1.50 mg/kg), and indeno(1,2,3-cd)pyrene (max of 14.70 mg/kg) were detected in the soil throughout the Site at depths ranging from 0 to 15-feet below grade. The compound benzo(k)fluoranthene (max of 14.80 mg/kg) was detected on the western portion of the Site at a depth of 10-feet below grade, on the northeastern portion of the site at a depth of 5 to 7.5-feet below grade, and on the southwestern corner of the Site at a depth of 7.5 to 10-feet below grade. Chrysene (max of 18.20 mg/kg) was detected in the northeastern corner of the Site at a depth of 5 to 7.5-feet below grade and in the southwestern corner of the Site at 7.5 to 10-feet below grade. Metals including arsenic (35.80 mg/kg), barium (1,110 mg/kg), and cadmium (16.5 mg/kg) were detected in the southeastern corner of the Site at approximately 10-feet below grade at concentrations exceeding their respective RRSCOs and PGW Standards and lead (max of 10,700 mg/kg) was detected in the southeastern corner of the Site at approximately 0 to 2-feet and 10-feet below grade at concentrations exceeding its RRSCO and PGW Standard. Mercury was detected on the southern portion of the Site (max of 2.25 mg/kg) at approximately 0 to 2-feet and 10-feet below grade at concentrations exceeding its RRSCO and PGW Standard. Additionally, total PCBs was detected at a concentration greater than its RRSCO and PGW Standard at 10-feet below grade in the southern portion of the Site (8.46 mg/kg).

Soil Vapor - The compound cis-1,2-Dichloroethylene (1.40 ug/m³) was detected in the soil vapor in the northeastern portion of the Site at a concentration requiring the identification of source(s), resampling, or mitigation according to the New York State Department of Health (NYSDOH) Soil Vapor Intrusion Decision Matrices.

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Groundwater – Gasoline compounds including 1,2,4-Trimethylbenzene (max of 210 ug/L), 1,3,5-Trimethylbenzene (max of 210 ug/L), benzene (max of 820 ug/L), ethyl benzene (max of 400 ug/L), isopropylbenzene (max of 92 ug/L), n-Butylbenzene (max of 43 ug/L), n-Propylbenzene (max of 290 ug/L), o-Xylene (max of 88 ug/L), p- & m-Xylenes (max of 490 ug/L), p-Isopropyl toluene (max of 8.80 ug/L), sec-Butylbenzene (max of 38 ug/L), toluene (max of 100 ug/L), Xylenes, total (max of 580 ug/L), and naphthalene (max of 203 ug/L) were detected in the groundwater beneath the Site at concentrations exceeding their respective NYSDEC TOGS Standards. PAHs including benzo(a)anthracene (max of 3.25 ug/L), benzo(a)pyrene (max of 4.39 ug/L), benzo(b)fluoranthene (max of 4.23 ug/L), benzo(k)fluoranthene (max of 3.33 ug/L) chrysene (max of max of 3.20 ug/L), and indeno(1,2,3-cd)pyrene (max of 3.44 ug/L) were detected in the groundwater beneath the Site at concentrations exceeding their respective NYSDEC TOGS Standards. Metals including arsenic (64 ug/L), barium (1,260 ug/L), cadmium (18 ug/L), chromium (max of 352 ug/L), copper (860 ug/L), lead (max of 2,190 ug/L), magnesium (59,600 ug/L), manganese (max of 4,440 ug/L), nickel (149 ug/L), sodium (max of 53,300 ug/L), and zinc (max of 4,510 ug/L) were detected in the groundwater beneath the Site at concentrations exceeding their respective NYSDEC TOGS Standards.

Section II. Project Description

Description of Overall Project Development:

The remedial project for the Site will be starting at the investigation stage and the remedial investigation is expected to begin in December 2022. Remediation of the site is anticipated to start upon approval of the Remedial Action Work Plan (RAWP) and will the remediation is anticipated to take approximately one year to complete. Therefore, the remedial program is projected to start in April 2023 and be completed by April 2024. Remediation at the Site is intended to make the future building safe for future occupants and to remediate any contaminants detected in the soil, soil vapor, and ground water. The proposed building will contain retail units on the ground floor and the basement will contain a bicycle room, storage areas, and utility areas. The proposed building foundation will cover at least 90% of the Site. However, the final building plans have not yet been finalized as the structural engineering and design will be dependent upon the Geotechnical report.

The project will be conducted under the direct oversight of the New York State Department of Environmental Conservation (NYSDEC). The following is a proposed schedule for the project.

| Milestone | Date |
|------------------------------------------------------------------------|----------------|
| Submit BCP Application | September 2022 |
| 30 Day Public Comment Period | November 2022 |
| Execution of BCP Agreement | November 2022 |
| Submit Remedial Investigation Work Plan and Citizen Participation Plan | September 2022 |
| Remedial Investigation | December 2022 |
| Submit Remedial Investigation Report and Remedial Action Work Plan | February 2023 |
| Issue Remedial Fact Sheet and Implement RAWP | March 2023 |
| Approve RAWP | April 2023 |
| Perform Remedial Work During Site Construction | April 2024 |
| Execute Environmental Easement (if necessary) | April 2024 |
| Submit Site Management Plan | April 2024 |
| Submit Final Engineering Report | April 2024 |
| Certificate of Completion | April 2024 |

Section III. Land Use Factors

Zoning and Current Land Use:

The Site currently contains vacant land which is zoned M1-4/R8A, MX-13 for Light Manufacturing and Residential Use. The surrounding parcels are currently used for a combination of commercial and residential uses. The adjacent residential property is located to the south (530 Exterior Street). The Site was historically developed with a gasoline station in circa 1935. Sanborn Maps indicate a gasoline station was present at the Site from at least 1935 through 1989 and a review of historic City Directories indicates service station occupants were listed from at least 1956 through 1976. Additionally, the 1935, 1944, and 1946 Sanborn Maps depict five 550-gallon buried underground storage tanks (USTs) at the Site. The Phase I Environmental Site Assessment (ESA) conducted by Touchstone Environmental Geology, P.C. (Touchstone) in April 2022, states that the Site was most recently occupied by a tire company (149 Tire Center Corp) in 2017. A review of Google Maps indicates that the Site became vacant in at least June 2018. A demolition permit for the 1-story building was filed with the NYC DOB in 2019. The structure was demolished between July 2019 and October 2020 based upon Site condition information obtained from previous investigations including a Remedial Investigation conducted by Eastern Environmental Solutions (Eastern) in July 2019 and a Phase II ESA conducted by Touchstone in October 2020. The historical use of the Site as a gasoline station as well as the historic presence of USTs is considered to be the primary source of contamination at the Site.

Anticipated Use:

The majority of the Site is expected to be excavated to approximately 11-feet below grade with the exception of some areas which may need to be excavated to approximately 14-feet below grade for the construction of a new eight-story mixed-use residential and commercial residential building with a below-grade basement (9-floors total). The proposed building will contain retail units on the ground floor and the basement will contain a bicycle room, storage areas, and utility areas. The proposed building foundation will cover at least 90% of the Site. The final building plans have not yet been finalized as the structural engineering and design will be dependent upon the Geotechnical report. The final building plans for the proposed building may include either a green roof, solar panels, or a combination of the two. The remaining portion of the Site may not be excavated will likely be capped in some capacity if needed and will include a 400 square foot backyard area.

The anticipated post-remediation use of the Site is consistent with applicable community master plans or local redevelopment initiatives as the proposed development would contribute to addressing the City's well-documented shortage of affordable and supportive housing by maximizing the use of underutilized City-owned land through the development of affordable housing for individuals, families, and seniors.

Furthermore, the proposed development would help address the specific needs of the local community by introducing new community facility uses to the Site, including a commercial space on the first floor of the new building. The proposed development would enliven the underutilized Site and would encourage the continued economic development of this area of the Bronx through the creation of new jobs on the Site.

Section IV. Property's Environmental History

2. Sampling Data

The following prior reports are included with the application:

- * Remedial Investigation Report, 100 East 149th Street, Bronx, New York, NYC VCP Site Number 19TMP1170X, prepared by Eastern Environmental Solutions of Manorville, New York, dated July 2019
* = Touchstone notes the April 2017 Phase I Environmental Site Assessment and May 2017 Focused Subsurface Site Investigation reports prepared by Merritt Environmental Consulting Corp. (MECC) summarized in the July 2019 Remedial Investigation Report were not provided by Eastern Environmental Solutions.
- Phase II Environmental Site Assessment, 100 East 149th Street, Bronx, New York, NYSDEC Spill Number 18-10498, prepared by Touchstone Environmental Geology of Centereach, New York, dated October 30, 2020
- Phase I Environmental Site Assessment, 100 East 149th Street, Bronx, New York, prepared by Touchstone Environmental Geology of Centereach, New York, dated April 21, 2022

Concentrations in soil presented in the table below were detected above their respective RRSCO and/or PGW Standards. Concentrations in groundwater presented in the table below were detected above their respective NYSDEC TOGS Standard. Concentrations in soil gas presented in the table below were detected at concentrations requiring monitoring or mitigation according to the NYSDOH Decision Matrices unless noted otherwise.

| Contaminant Category | | Soil | Soil Gas | Groundwater |
|----------------------|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Petroleum | January 2019 | Compounds detected above the PGW only: 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, n-Propylbenzene (SB-11 (10-15')) Benzene, Ethylbenzene, Xylenes, Total (SB-8 (10-15'), SB-11 (10-15')) Toluene (SB-8 (10-15')) None detected above the RRSCO | NA | NA |
| | March 2019 | Compounds detected above the PGW only: 1,2,4-Trimethylbenzene, 1,2-Dichlorobenzene, 1,4-Dichlorobenzene, Chlorobenzene, n-Propylbenzene, Xylenes, Total (SB2 (10')) Naphthalene (SB2 (10')) None detected above the RRSCO | Unregulated but detected at elevated concentrations: 2-Butanone (VP-1, VP-2, VP-3) Bromodichloromethane (VP-1, VP-2, VP-4) n-Heptane (VP-1, VP-4) n-Hexane (VP-2, VP-3, VP-4) Toluene (VP-1) Ethyl benzene (VP-2, VP-4) | Compounds detected above the NYSDEC TOGS: 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Ethyl benzene, Isopropyl benzene, Naphthalene, n-Butylbenzene, n-Propylbenzene, p- & m-Xylenes, sec-Butylbenzene, Xylenes, Total (MW-1, MW-2, MW-3, MW-4) Benzene (MW-1, MW-2, MW-4) |

| | | | | |
|----------------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | <p>Cyclohexane, , Isopropyl benzene, n-Propylbenzene (VP-2)</p> <p>Toluene (VP-3, VP-4)</p> <p>1,3-Dichlorobenzene, 2-Hexanone, Chloromethane, o-Xylene, p- & m-Xylenes (VP-4)</p> | o-Xylene, p-Isopropyltoluene, Toluene (MW-1, MW-2, MW-3) |
| | September 2020 | <p>Compounds detected above the PGW and RRSCO: 1,2,4-Trimethylbenzene (SP-3, 10-12.5')</p> <p>Compounds detected above the PGW only: 1,2,4-Trimethylbenzene (SP2 (12.5-15')) 1,3,5-Trimethylbenzene (SP2 (12.5-15), SP3 (10-12.5')) Benzene (SP2 (12.5-15'), SP4 (5-7.5', 10-12.5')) Ethyl Benzene, n-Propylbenzene, Xylenes, Total (SP2 (2.5-5', 12.5-15'), SP3 (10-12.5')) Toluene (SP2 (2.5-5', 12.5-15')) Naphthalene (SP2 (12.5-15'))</p> | NA | <p>Compounds detected above the NYSDEC TOGS: 1,2,4-Trimethylbenzene (MW-2, MW-3, MW-4, MW-5)</p> <p>1,3,5-Trimethylbenzene, Toluene, Xylenes, Total, Naphthalene (MW-1, MW-2, MW-4, MW-5)</p> <p>Benzene, Ethyl benzene, Isopropyl benzene, n-Butylbenzene, n-Propylbenzene, p- & m-Xylenes (MW-1, MW-2, MW-3, MW-4, MW-5)</p> <p>o-Xylene (MW-1, MW-4, MW-5)</p> <p>p-Isopropyltoluene (MW-1)</p> <p>sec-Butylbenzene (MW-1, MW-3, MW-5)</p> |
| Chlorinated Solvents | January 2019 | None detected above the RRSCO or PGW Standards | NA | NA |
| | March 2019 | None detected above the RRSCO or PGW Standards | <p>May require resampling, identification of sources, or mitigation: Cis-1,2-Dichloroethene: VP-4</p> <p>Unregulated but detected at elevated concentrations: Chloroform (VP-1, VP-2, VP-3, VP-4)</p> | Compounds detected above the NYSDEC TOGS: Chloroform (MW-4) |
| | September 2020 | None detected above the RRSCO or PGW Standards | NA | None Detected above the NYSDEC TOGS Standard |
| Poly Aromatic Hydrocarbons | January 2019 | <p>Compounds detected above the PGW and RRSCO: Benzo(a)anthracene, Benzo(b)fluoranthene,(SB-5 (0-2'))</p> <p>Compounds detected above the PGW only:</p> | NA | NA |

| | | | | |
|--|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | Benzo(k)fluoranthene, Chrysene (SB-5 (0-2')) Compounds detected above the RRSCO only: Benzo(a)pyrene, Dibenzo(a,h)anthracene, Indeno(1,2,3-cd)pyrene (SB-5 (10-15')) | | |
| | March 2019 | Compounds detected above the PGW and RRSCO: Benzo(a)anthracene (SB1 (0-2'), SB3 (0-2', 10')) Benzo(b)fluoranthene (SB3 (0-2', 10')) Benzo(k)fluoranthene (SB-3 (10')) Chrysene (SB-3 (0-2')) Compounds detected above the PGW only: Benzo(k)fluoranthene (SB-3 (0-2')) Chrysene (SB1 (0-2'), SB-3 (10')) Compounds detected above the RRSCO only: Benzo(a)pyrene, Indeno(1,2,3-cd)pyrene (SB1 (0-2'), SB3 (0-2'), SB3 (10')) Benzo(b)fluoranthene (SB1 (0-2')) Dibenzo(a,h)anthracene (SB-3 (0-2', 10')) | NA | Compounds detected above the NYSDEC TOGS: Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Indeno(1,2,3-cd)pyrene (MW-3) |
| | September 2020 | Compounds detected above the PGW and RRSCO: Benzo(a)anthracene (SP1 (2.5-5', 7.5-10'), SP2 (12.5-15'), SP3 (7.5-10'), SP4 (5-7.5', 10-12.5')) Benzo(b)fluoranthene (SP1 (2.5-5', 7.5-10'), SP3 (7.5-10'), SP4 (5-7.5', 10-12.5')) Benzo(k)fluoranthene (SP1 (7.5-10'), SP4 (5-7.5')) Chrysene (SP1 (7.5-10'), SP4 (5-7.5')) Indeno(1,2,3-cd)pyrene (SP4 (5-7.5')) Compounds detected above the PGW only: Benzo(k)fluoranthene (SP1 (2.5-5'), SP3 (7.5-10'), SP4 (10-12.5')) Chrysene (SP1 (2.5-5'), SP2 (12.5-15'), SP3 (7.5-10'), SP4 (10-12.5')) Compounds detected above the RRSCO only: Benzo(a)pyrene, Dibenzo(a,h)anthracene (SP1 (2.5-5', 7.5-10'), SP2 (12.5-15')) | NA | Compounds detected above the NYSDEC TOGS: Benzo(a)anthracene (MW-1, MW-2, MW-3, MW-4, MW-5) Benzo(a)pyrene, Benzo(b)fluoranthene, Chrysene (MW-1, MW-2, MW-3, MW-4) Benzo(k)fluoranthene, Indeno(1,2,3-cd)pyrene (MW-1, MW -2, MW -4) |

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| | | | | |
|------------|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | SP3 (7.5-10'), SP4 (5-7.5', 10-12.5')) Benzo(b)fluoranthene (SP2 (12.5-15')) Indeno(1,2,3-cd)pyrene (SP-1 (2.5-5', 7.5-10'), SP-2 (12.5-15'), SP-3 (7.5-10'), SP-4 (10-12.5')) | | |
| Other VOCs | January 2019 | None detected above the RRSCO or PGW Standards | NA | NA |
| | March 2019 | Compounds detected above the PGW only: Acetone (SP1 (2.5-5')) None detected above the RRSCO | Unregulated but detected at elevated concentrations: Acetone (VP-1, VP-2, VP-3) Benzyl chloride, Acrolein (VP-4) | Compounds detected above the NYSDEC TOGS: Acetone (MW-2) |
| | September 2020 | None detected above the RRSCO | NA | None Detected above the NYSDEC TOGS Standard |
| Metals | January 2019 | Compounds detected above the PGW only: Mercury (SB-1 (10-15')) None detected above the RRSCO | NA | NA |
| | March 2019 | Compounds detected above the PGW and RRSCO: Arsenic, Barium, Cadmium (SB-2 (10')) Lead (SB-1 (10'), SB-2 (10')) Mercury (SB-1 (2-0', 10'), SB-3 (0-2', 10')) Compounds detected above the PGW only: Selenium (SB2 (0-2', 10')) Compounds detected above the RRSCO only: Lead (SB-1 (2-0')) | NA | Compounds detected above the NYSDEC TOGS: Chromium (MW-1, MW-2) Manganese (MW-1, MW-2, MW-3) Lead, Sodium (MW-1, MW-2, MW-3, MW-4) Arsenic, Barium, Magnesium, Nickel (MW-2) Cadmium, Copper (MW-3) Zinc (MW-2, MW-3) |
| | September 2020 | Samples were not tested for Metals | NA | None Detected above the NYSDEC TOGS Standard |
| PCBs | January 2019 | Samples were not tested for PCBs | NA | NA |
| | March 2019 | Compounds detected above the RRSCO and PGW: Total PCBs (SB-2 (10')) | NA | None Detected above the NYSDEC TOGS Standard |
| | September 2020 | Samples were not tested for PCBs | NA | Samples were not tested for PCBs |
| Pesticides | January 2019 | Samples were not tested for Pesticides | NA | NA |
| | March 2019 | None detected above the RRSCO or PGW Standards | NA | None Detected above the NYSDEC TOGS Standard |
| | September 2020 | Samples were not tested for Pesticides | NA | Samples were not tested for Pesticides |

NA...Not Applicable

Touchstone has received a NYSDEC ASPB package for the January 2019 data. Additionally, Touchstone has requested the NYSDEC ASP B packages for the remaining soil data from York Analytical Laboratories.

Section V. Requestor Information

RGDC 149 LLC Members:

| Member Name | Address | Percentage Interest |
|--------------|--------------------------------------------------------------------|---------------------|
| Ronnie Gross | 214 West 39 th Street, Suite 1200 New York, NY 10018 | 99% |
| RGPMC LLC | 214 West 39 th Street, Suite 1200 New York, NY 10018 | 1% |

Section VI. Requestor Eligibility

The applicant, RGDC 149 LLC, purchased the property from 100E149, LLC on April 26, 2022. The applicant has no relationship with any prior owners of the Site and has not engaged in any operations at the Site prior to purchasing the property. Since purchasing the Site, the applicant has retained SET to inquire about entering the project into the BCP program. Since acquiring the title to the property, the applicant has not engaged in any activities involving hazardous wastes or hazardous substances at the Site and verifies, to the best of their knowledge, that no hazardous substances have been released at the Site since the applicant acquired the title to the Site.

Section IX. Current Property Owner/Operator Information

| List of Current/Previous Property Owners | Years of Ownership/ Operation | List of Previous Operators | Current/Last Known Address/Phone Number (if available) | Relationship to Requestor(s) |
|------------------------------------------|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|------------------------------|
| Tidewater Oil Company | Unknown-1966 | Residential (1927); Elmor Svce Sta Inc (1956); Als Flying A Svce Sta (1961-1965) | 660 Madison Avenue, New York, NY 10021 | None |
| Joseph C Raso | 1966-1981 | Jose Svce Sta (1971-1976) | 2053 Ellery Avenue, Fort Lee, NJ 07024 | None |
| Anne Raso | Unknown-1999 | Deegan Car Corp (1983); Ernst Towing Svce (1993); Ryder Truck Rental-One-Way Incorporated (1994-2004) | 2053 Ellery Avenue, Fort Lee, NJ 07024 | None |
| 149 th Street L.L.C. | 1999-2018 | Ryder Truck Rental-One-Way Incorporated (1994-2004); Budget Truck Rental (2004); Monster Truck Rental (2005- 2009); 149 Tire Center Corp (2017) | 586 Windsor Drive, Palisades Park, NJ 07650 757 Prescott Place, Paramus, NJ 07652 | None |
| 100E149, LLC | 2018-2022 | Vacant | 100 E 149 th Street, Bronx, NY 10451-5304 | None |
| RGDC 149 LLC | 2022-Present | Vacant | 214 West 39 th Street, Suite 1200, New York, NY 10018 | Requestor |

The property owner, RGDC 149 LLC, took ownership of the property on April 26, 2022.

The past owners identified on the New York City Department of Finance Automated City Register Information System (ACRIS) and the past operators identified on City Directories were provided in this application.

Section XI. Contact List Information

1. Chief Executive Officer and Planning Board Chairperson:

| Title | Name | Address |
|----------------------------------------------------------|-------------------|--------------------------------------------------------------------------------------------------------|
| Bronx Borough President | Vanessa L. Gibson | Office of the Bronx Borough President 851 Grand Concourse, 3 rd Floor Bronx, NY 10451 |
| Community Board Chairperson – Bronx Community Board 1 | Arlene Parks | 3030 3 rd Avenue Bronx, NY 10455 |

Community Organization for Port Morris Harlem Riverfront BOA:

South Bronx Overall Economic Development Corporation (SoBRO)
555 Bergen Avenue,
Bronx, NY 10455

Office of the Mayor of New York City:

Eric Adams
City Hall
City Hall Park
New York, NY 10007

Chair of the New York City Planning Commission:

David Garodnick
Manhattan Office:
120 Broadway, 31st Floor
New York, NY 10271

Bronx Office:
1775 Grand Concourse, Suite 503
Bronx, NY 10453

2. Residents, Owners, Occupants:

Subject Property:

| Resident / Occupant | Property Address | Property Owner | Property Owner Address |
|---------------------|-------------------------------------------------------|----------------|------------------------------------------------------------------------|
| Vacant | 100 East 149 th Street, Bronx, NY 10451 | RGDC 149 LLC | 214 West 39 th Street, Suite 1200, New York, NY 10018 |

Adjacent Properties:

| Resident/Occupant | Property Address | Owner | Property Owner Address |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|----------------------------------------------|---------------------------------------------------------------------|
| Multi-tenant Commercial Building (Bronx Terminal Market – Hostos Dept of Continuing Education & Workforce Development, Harlem Furniture Inc) | 15 Major Deegan Expressway | NYC Department of Small Business Services | One Liberty Plaza, 11 th Floor, New York, NY 10006 |

| | | | |
|------------------------------------------------------|-----------------------------------|----------------------------------------------------|-------------------------------------------------------|
| BP Gasoline Station and Castrol Premium Lube Express | 99 East 149 th Street | River Deegan Realty Corp | 3333 New Hyde Park Road #201, New Hyde Park, NY 11042 |
| Residential and Focus Fellowship Church | 530 Exterior Street | East 149 th Realty Corp | 155 3 Street, Brooklyn, NY 11231 |
| Commercial and Office Building | 110 East 149 th Street | Ram Hotel LLC | 155 3 Street, Brooklyn, NY 11231 |
| New York Recycling Plant – New York Recycling LLC | 475 Exterior Street | River Edge Realty Corp | 801 Bartholdi Street, Bronx, NY 10467 |
| Vacant Land – Bronx Point Development | Block 2356, Lot 10 | NYC Department of Citywide Administrative Services | 1 Centre Street, New York, Ny 10007 |

3. Local News Media:

The Riverdale Press
5676 Riverdale Avenue, Suite 311
Bronx, NY 10471

4. Public Water Supplier:

| Supplier Name | Address |
|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| New York City Department of Environmental Protection (NYCDEP) | Customer Service Center 59-17 Junction Boulevard, 13 th Floor Flushing, NY 11373 |

5. Persons Requesting to be Placed on Contact List:

| Requestor | Address |
|----------------------------------------|--------------------------------------------------------------------|
| RGDC 149 LLC | 214 West 39 th Street, Suite 1200 New York, NY 10018 |
| Consultant | Address |
| Touchstone Environmental Geology, P.C. | 1919 Middle Country Road, Suite 205, Centereach, NY 11720 |
| Attorney | Address |
| Steven C. Russo | 1 Vanderbilt Avenue New York, NY 10017 |

6. Administrators of Schools or Day Care Facilities Located on or Near Property:

Principal Diamond Graham
KIPP Elements Primary School
501 Gerard Avenue, Second Floor
Bronx, NY 10451

7. Location of Document Repository and Community Board:

Mott Haven New York Public Library
321 East 140th Street,
Bronx, NY 10454

Bronx Community District 1
3024 3rd Avenue

BCP Application
November 10, 2022

Bronx, NY 10455

Attachment B provides a letter from the Mott Haven New York Public Library indicating that they have agreed to be the document repository.

Attachment B additionally includes a letter from from the Bronx Community Board indicating that they have agreed to be a document repository.





| Resident/Occupant | Property Address | Owner |
|----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| Multi-tenant Commercial Building (Bronx Terminal Market – Hostos Dept of Continuing Education & Workforce Development, Harlem Furniture Inc) | 15 Major Deegan Expressway (Alternate Addresses: 557 River Avenue, 80 East 150 th Street, 560 Exterior Street, 665 River Avenue) | NYC Department of Small Business Services |
| BP Gasoline Station and Castrol Petroleum Lube Express | 99 East 149 th Street (Alternate Addresses: 99-113 East 149 th Street, 575 Gerard Avenue, 554 River Avenue) | River Deegan Realty Corp |
| Residential and Focus Fellowship Church | 530 Exterior Street (Alternate Address: 110 East 149 th Street) | East 149 th Realty Corp |
| Commercial and Office Building | 110 East 149 th Street | Ram Hotel LLC |
| New York Recycling Plant – New York Recycling LLC | 475 Exterior Street (Alternative Address: 60-90 East 149 th Street) | River Edge Realty Corp |
| Vacant Land – Bronx Point Development | Block 2356, Lot 10 | NYC Department of Citywide Administrative Services |

Zoning and Land Use

Tax Lots ☐

- One & Two Family Buildings
- Multi-Family Walk-Up Buildings
- Multi-Family Elevator Buildings
- Mixed Residential & Commercial Buildings
- Commercial & Office Buildings
- Industrial & Manufacturing
- Transportation & Utility
- Public Facilities & Institutions
- Open Space & Outdoor Recreation
- Parking Facilities
- Vacant Land
- Other

Zoning Districts

- Commercial Districts
- Manufacturing Districts
- Residence Districts
- Parks
- Battery Park City

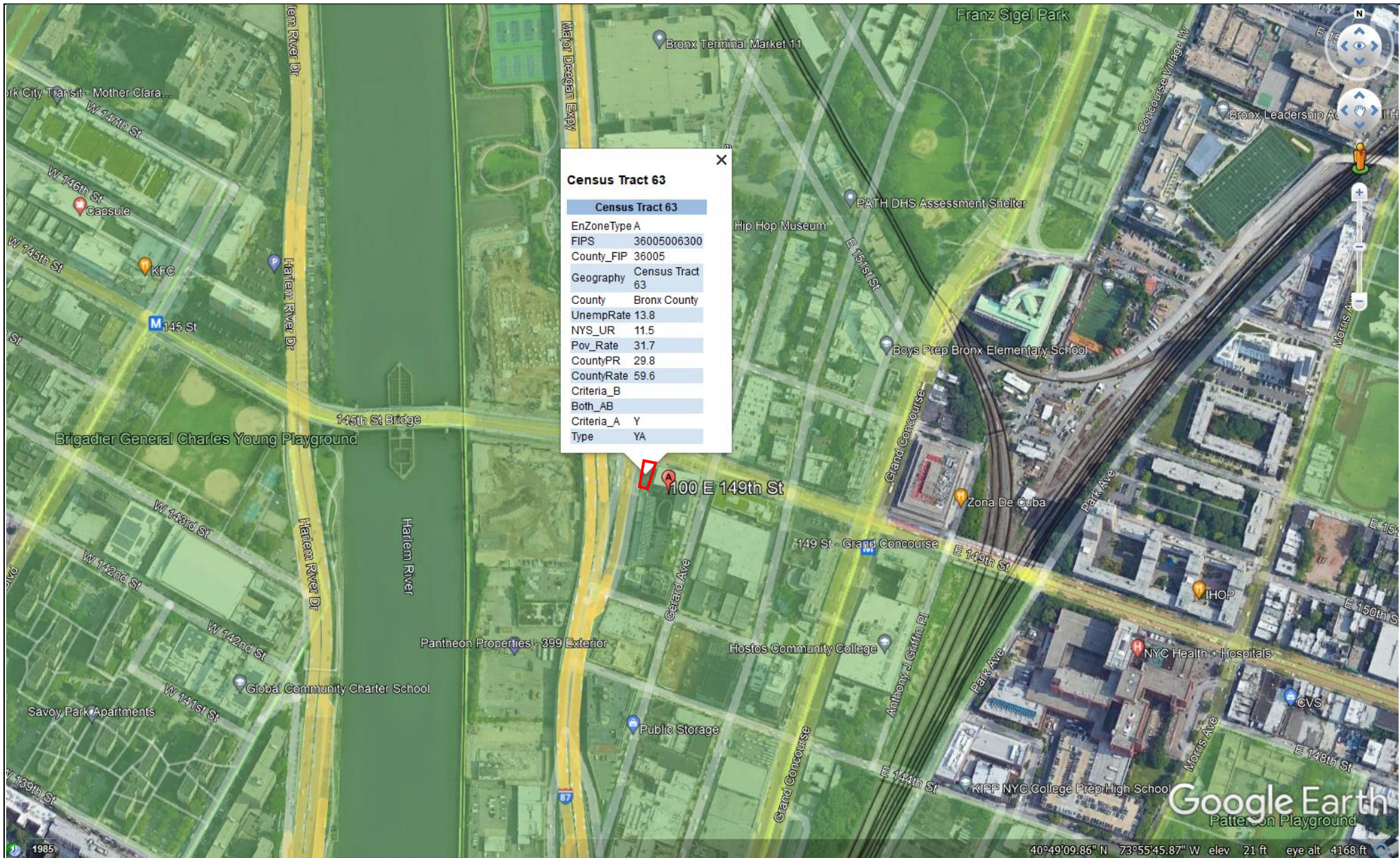
Commercial Overlays ☐

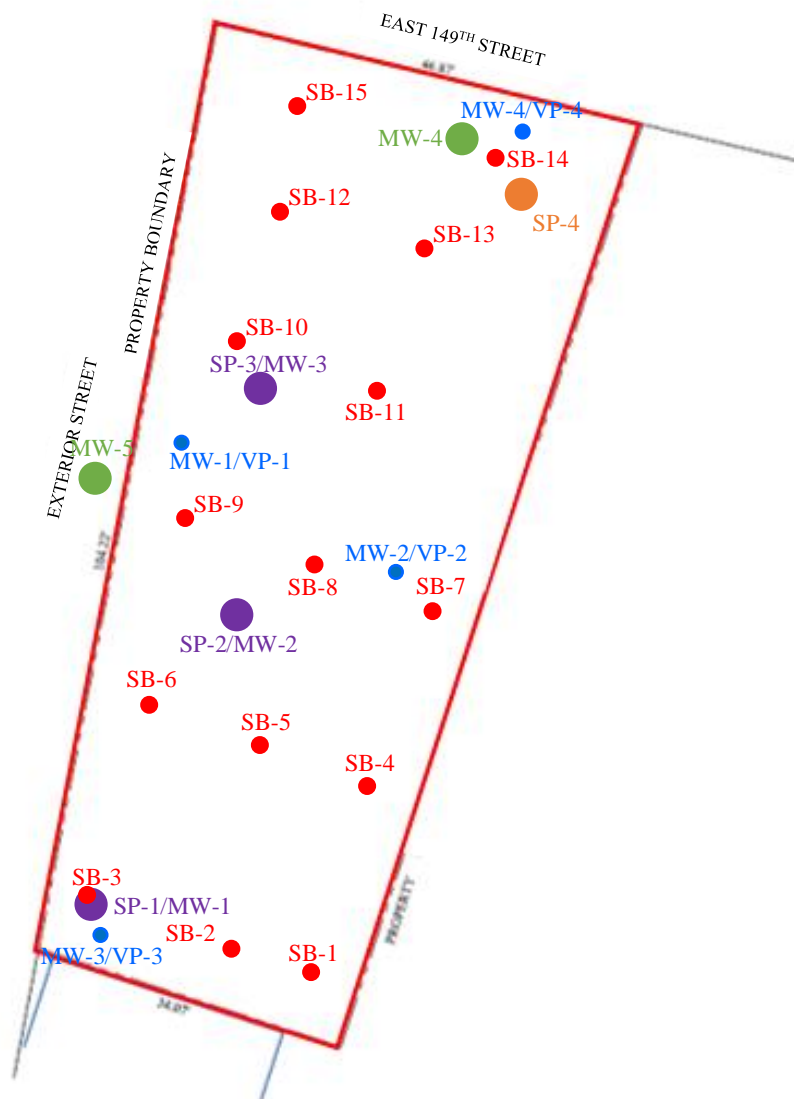
- C1-1 through C1-5
- C2-1 through C2-5

Basemaps

- Subways
- ☐ Building Footprints







SCALE 1" = 14'

Key:

- July 2019 Remedial Investigation Report Soil Boring Location
- July 2019 Remedial Investigation Report Monitoring Well and Soil Vapor Probe Location
- September 2020 Phase II Monitoring Well and Soil Probe Sampling Location
- September 2020 Phase II Monitoring Well Location
- September 2020 Soil Probe Location

Figure 4: Sampling Plan

100 East 149th Street
Bronx, New York

TOUCHSTONE
ENVIRONMENTAL GEOLOGY P.C.



SP3 - Collected 09/15/2020
VOCs (mg/kg)

| DEPTH | 7.5'-10' | 10'-12.5' | NYSDEC PART 375 RRSCO | NYSDEC PART 375 PROTECTION OF GROUNDWATER |
|------------------------|----------|-----------|-----------------------|-------------------------------------------|
| 1,2,4-Trimethylbenzene | ND | 61 | 52 | 3.6 |
| 1,3,5-Trimethylbenzene | ND | 12 | 52 | 8.4 |
| Ethyl Benzene | ND | 4.4 | 41 | 1 |
| n-Propylbenzene | ND | 17 | 100 | 3.9 |
| Xylenes, Total | ND | 3 | 100 | 1.6 |

SVOCs (mg/kg)

| | | | | |
|------------------------|-------|--------|------|-------|
| Benzo(a)anthracene | 2.72 | 0.464 | 1.0 | 1.0 |
| Benzo(a)pyrene | 3.08 | 0.431 | 1.0 | 22 |
| Benzo(b)fluoranthene | 2.40 | 0.373 | 1.0 | 2.0 |
| Benzo(k)fluoranthene | 2.22 | 0.324 | 3.9 | 1.7 |
| Chrysene | 2.98 | 0.491 | 3.9 | 1.0 |
| Dibenzo(a,h)anthracene | 0.691 | 0.0896 | 0.33 | 1,000 |
| Indeno(1,2,3-cd)pyrene | 2.12 | 0.279 | 0.5 | 8.2 |

SP2 - Collected 09/15/2020
VOCs (mg/kg)

| DEPTH | 2.5'-5' | 12.5'-15' | NYSDEC PART 375 RRSCO | NYSDEC PART 375 PROTECTION OF GROUNDWATER |
|------------------------|---------|-----------|-----------------------|-------------------------------------------|
| 1,2,4-Trimethylbenzene | 1.60 | 36 | 52 | 3.6 |
| 1,3,5-Trimethylbenzene | ND | 15 | 52 | 8.4 |
| Benzene | ND | 0.960 | 4.8 | 0.06 |
| Ethyl Benzene | 7.50 | 17 | 41 | 1 |
| n-Propylbenzene | 15 | 6.90 | 100 | 3.9 |
| Toluene | 1.10 | 2.40 | 100 | 0.7 |
| Xylenes, Total | 3.40 | 36 | 100 | 1.6 |

SVOCs (mg/kg)

| | | | | |
|------------------------|--------|-------|------|-------|
| Benzo(a)anthracene | 0.0588 | 1.80 | 1.0 | 1.0 |
| Benzo(a)pyrene | 0.0875 | 2.17 | 1.0 | 22 |
| Benzo(b)fluoranthene | 0.0790 | 1.69 | 1.0 | 2.0 |
| Chrysene | 0.0705 | 2.02 | 3.9 | 1.0 |
| Dibenzo(a,h)anthracene | ND | 0.478 | 0.33 | 1,000 |
| Indeno(1,2,3-cd)pyrene | 0.0736 | 1.550 | 0.5 | 8.2 |
| Naphthalene | 0.316 | 50.80 | 100 | 12 |

SB-3 - Collected 03/07/2019
SVOCs (mg/kg)

| DEPTH | 0'-2' | 10' | NYSDEC PART 375 RRSCO | NYSDEC PART 375 PROTECTION OF GROUNDWATER |
|------------------------|-------|------|-----------------------|-------------------------------------------|
| Benzo(a)anthracene | 4.59 | 3.02 | 1.0 | 1.0 |
| Benzo(a)pyrene | 4.57 | 8.57 | 1.0 | 22 |
| Benzo(b)fluoranthene | 3.18 | 5.23 | 1.0 | 2.0 |
| Benzo(k)fluoranthene | 3.01 | 4.27 | 3.9 | 1.7 |
| Chrysene | 4.04 | 2.67 | 3.9 | 1.0 |
| Dibenzo(a,h)anthracene | 0.736 | 1.50 | 0.33 | 1,000 |
| Indeno(1,2,3-cd)pyrene | 2.60 | 7.57 | 0.5 | 8.2 |

Metals (mg/kg)

| | | | | |
|---------|------|------|------|------|
| Mercury | 1.34 | 7.25 | 0.81 | 0.73 |
|---------|------|------|------|------|

SP1 - Collected 09/15/2020
VOCs (mg/kg)

| DEPTH | 2.5'-5' | 7.5'-10' | NYSDEC PART 375 RRSCO | NYSDEC PART 375 PROTECTION OF GROUNDWATER |
|---------|---------|----------|-----------------------|-------------------------------------------|
| Acetone | 0.65 | ND | 100 | 0.03 |

SVOCs (mg/kg)

| | | | | |
|------------------------|-------|------|------|-------|
| Benzo(a)anthracene | 3.64 | 6.95 | 1.0 | 1.0 |
| Benzo(a)pyrene | 4.08 | 6.61 | 1.0 | 22 |
| Benzo(b)fluoranthene | 2.65 | 4.97 | 1.0 | 2.0 |
| Benzo(k)fluoranthene | 2.12 | 4.70 | 3.9 | 1.7 |
| Chrysene | 2.96 | 5.94 | 3.9 | 1.0 |
| Dibenzo(a,h)anthracene | 0.756 | 1.05 | 0.33 | 1,000 |
| Indeno(1,2,3-cd)pyrene | 2.54 | 4.54 | 0.5 | 8.2 |

SB-2 - Collected 03/07/2019
VOCs (mg/kg)

| DEPTH | 0'-2' | 10' | NYSDEC PART 375 RRSCO | NYSDEC PART 375 PROTECTION OF GROUNDWATER |
|------------------------|-------|------|-----------------------|-------------------------------------------|
| 1,2,4-Trimethylbenzene | ND | 8.20 | 52 | 3.6 |
| 1,2-Dichlorobenzene | ND | 1.20 | 100 | 1.1 |
| 1,4-Dichlorobenzene | ND | 2.50 | 13 | 1.8 |
| Chlorobenzene | ND | 5.50 | 100 | 1.1 |
| n-Propylbenzene | ND | 6.50 | 100 | 3.9 |
| Xylenes, Total | ND | 4.90 | 100 | 1.6 |

SVOCs (mg/kg)

| | | | | |
|-------------|-------|-------|-----|----|
| Naphthalene | 0.471 | 26.30 | 100 | 12 |
|-------------|-------|-------|-----|----|

Metals (mg/kg)

| | | | | |
|----------|-------|--------|-----|-----|
| Lead | 112 | 10,700 | 400 | 450 |
| Selenium | 5.240 | 4.110 | 180 | 4 |

PCBs (mg/kg)

| | | | | |
|------------|--------|------|---|-----|
| Total PCBs | 0.0112 | 8.46 | 1 | 3.2 |
|------------|--------|------|---|-----|

SP4 - Collected 09/15/2020
VOCs (mg/kg)

| DEPTH | 7.5'-10' | 10'-12.5' | NYSDEC PART 375 RRSCO | NYSDEC PART 375 PROTECTION OF GROUNDWATER |
|---------|----------|-----------|-----------------------|-------------------------------------------|
| Benzene | 0.47 | 0.95 | 4.8 | 0.06 |

SVOCs (mg/kg)

| | | | | |
|------------------------|-------|-------|------|-------|
| Benzo(a)anthracene | 19.70 | 2.67 | 1.0 | 1.0 |
| Benzo(a)pyrene | 21 | 3.25 | 1.0 | 22 |
| Benzo(b)fluoranthene | 15.90 | 2.52 | 1.0 | 2.0 |
| Benzo(k)fluoranthene | 14.80 | 2.11 | 3.9 | 1.7 |
| Chrysene | 18.20 | 3.03 | 3.9 | 1.0 |
| Dibenzo(a,h)anthracene | 1.13 | 0.657 | 0.33 | 1,000 |
| Indeno(1,2,3-cd)pyrene | 14.70 | 2.22 | 0.5 | 8.2 |

SB-11 - Collected 01/04/2019
VOCs (mg/kg)

| DEPTH | 10'-15' | NYSDEC PART 375 RRSCO | NYSDEC PART 375 PROTECTION OF GROUNDWATER |
|------------------------|---------|-----------------------|-------------------------------------------|
| 1,2,4-Trimethylbenzene | 5.10 | 52 | 3.6 |
| 1,3,5-Trimethylbenzene | 8.4 | 52 | 8.4 |
| Benzene | 0.30 | 4.8 | 0.06 |
| Ethyl Benzene | 6.80 | 41 | 1 |
| n-Propylbenzene | 9.70 | 100 | 3.9 |
| Xylenes, Total | 4.10 | 100 | 1.6 |

SB-8 - Collected 01/04/2019
VOCs (mg/kg)

| DEPTH | 10'-15' | NYSDEC PART 375 RRSCO | NYSDEC PART 375 PROTECTION OF GROUNDWATER |
|----------------|---------|-----------------------|-------------------------------------------|
| Benzene | 1.20 | 4.8 | 0.06 |
| Ethyl Benzene | 1.90 | 41 | 1 |
| Toluene | 1.4 | 100 | 0.7 |
| Xylenes, Total | 3.90 | 100 | 1.6 |

SB-5 - Collected 01/04/2019
SVOCs (mg/kg)

| DEPTH | 10'-15' | NYSDEC PART 375 RRSCO | NYSDEC PART 375 PROTECTION OF GROUNDWATER |
|------------------------|---------|-----------------------|-------------------------------------------|
| Benzo(a)anthracene | 2.3 | 1.0 | 1.0 |
| Benzo(a)pyrene | 4.50 | 1.0 | 22 |
| Benzo(b)fluoranthene | 3.30 | 1.0 | 2.0 |
| Benzo(k)fluoranthene | 2.90 | 3.9 | 1.7 |
| Chrysene | 2.50 | 3.9 | 1.0 |
| Dibenzo(a,h)anthracene | 1.20 | 0.33 | 1,000 |
| Indeno(1,2,3-cd)pyrene | 4.40 | 0.5 | 8.2 |

SB-1 - Collected 03/07/2019
SVOCs (mg/kg)

| DEPTH | 0'-2' | 10' | NYSDEC PART 375 RRSCO | NYSDEC PART 375 PROTECTION OF GROUNDWATER |
|------------------------|-------|-------|-----------------------|-------------------------------------------|
| Benzo(a)anthracene | 1.50 | 0.201 | 1.0 | 1.0 |
| Benzo(a)pyrene | 1.48 | 0.421 | 1.0 | 22 |
| Benzo(b)fluoranthene | 1.30 | 0.344 | 1.0 | 2.0 |
| Chrysene | 1.28 | 0.225 | 3.9 | 1.0 |
| Indeno(1,2,3-cd)pyrene | 0.974 | 0.390 | 0.5 | 8.2 |

Metals (mg/kg)

| | | | | |
|---------|-------|-------|------|------|
| Lead | 410 | 566 | 400 | 450 |
| Mercury | 1.070 | 1.950 | 0.81 | 0.73 |

SB-1 - Collected 01/04/2019
Metals (mg/kg)

| DEPTH | 10'-15' | NYSDEC PART 375 RRSCO | NYSDEC PART 375 PROTECTION OF GROUNDWATER |
|---------|---------|-----------------------|-------------------------------------------|
| Mercury | 0.783 | 0.81 | 0.73 |

- Key:**
- July 2019 Remedial Investigation Report Soil Boring Locations
 - Location of Soil Probe Sample Collected on September 15, 2020
 - Yellow shaded values indicate compounds were detected at concentrations exceeding their respective RRSCO
 - Orange shaded values indicate compounds were detected at concentrations exceeding their perspective Protection of Groundwater Standard
 - Purple shaded values indicate compounds were detected at concentrations exceeding both the RRSCO and Protection of Groundwater Standards

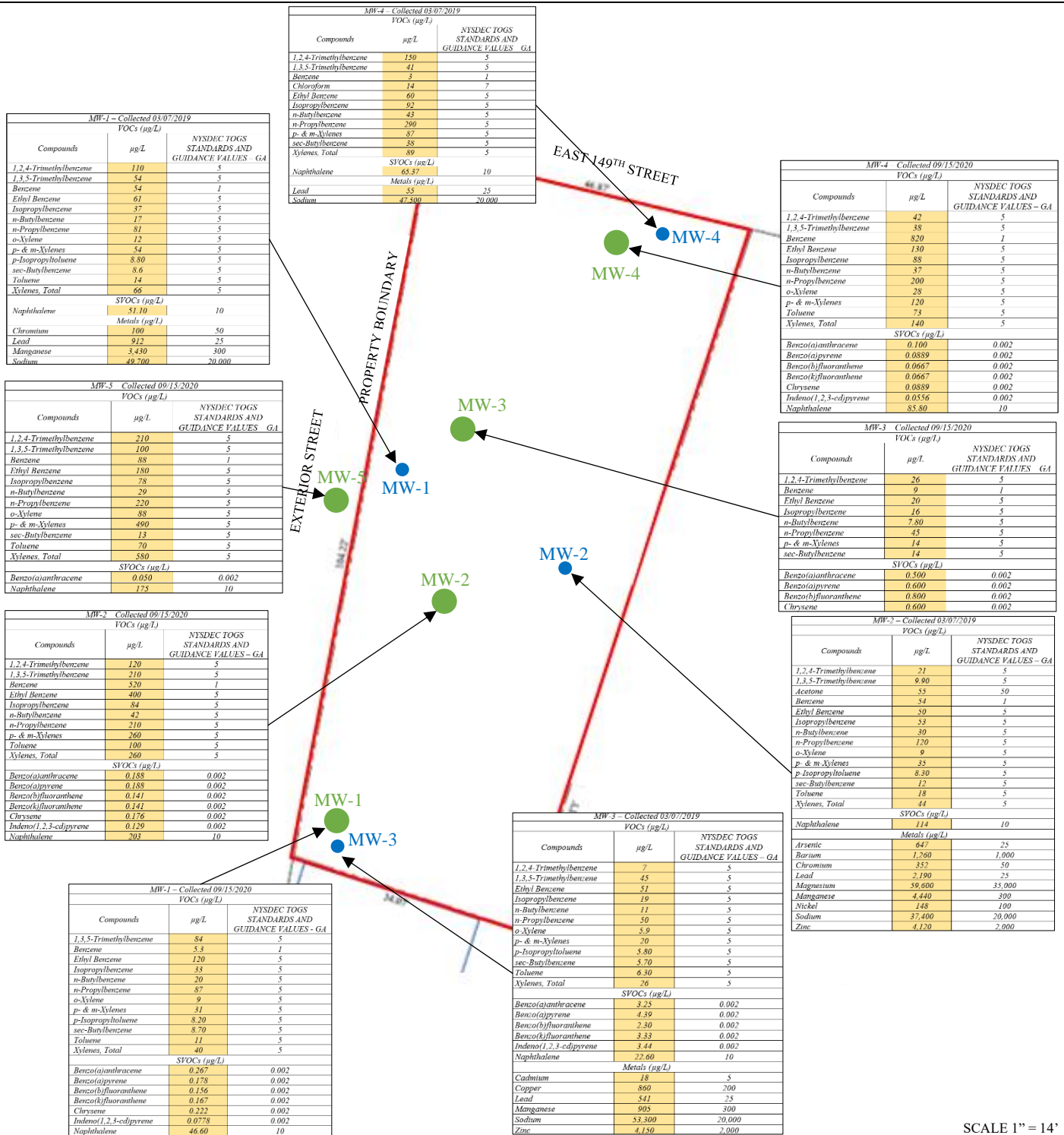


Figure 5: Compounds Detected Above Standards in Soil

100 East 149th Street
Bronx, New York



SCALE 1" = 14'



SCALE 1" = 14'

Key:

- July 2019 Remedial Investigation Report Monitoring Well Locations
- Location of Groundwater Sample Collected on September 15, 2020

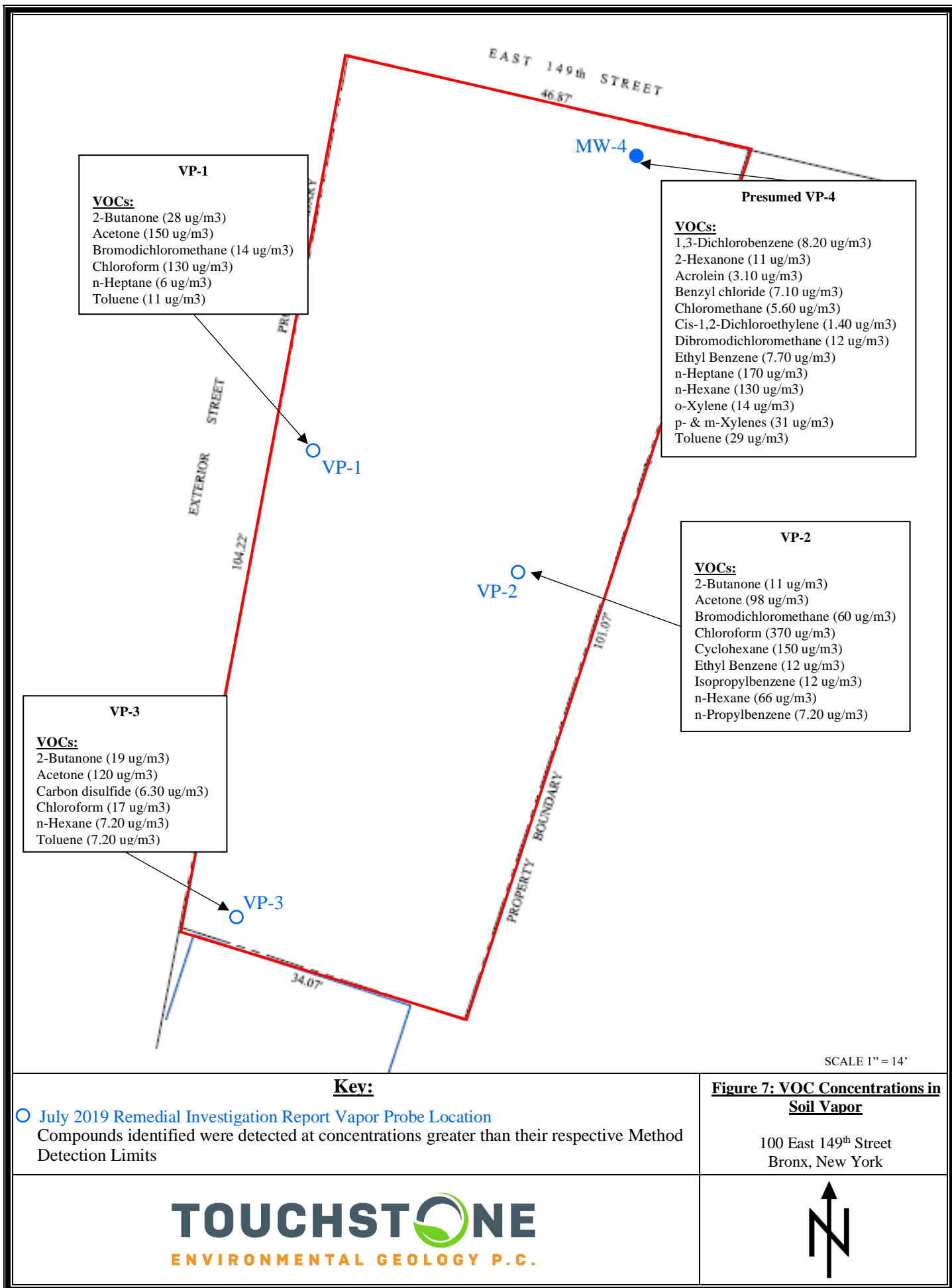
Compounds identified were detected at concentrations exceeding their respective NYSDEC TOGS Standards and Guidance Values GA

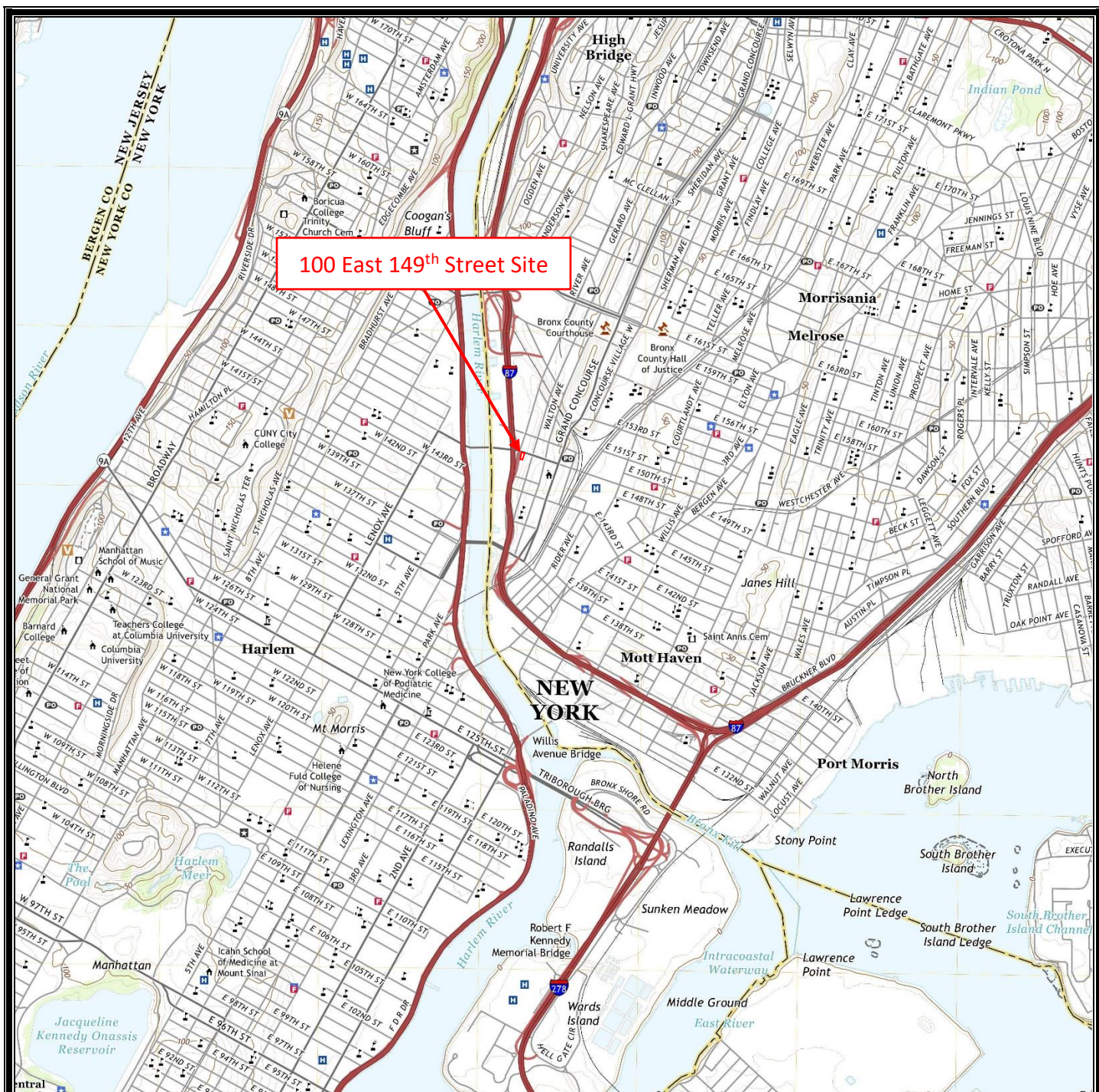
Figure 6: Compounds Detected Above Standards in Groundwater

100 East 149th Street
Bronx, New York

TOUCHSTONE
ENVIRONMENTAL GEOLOGY P.C.








USGS 7.5 Minute Central Park, NY Quadrangle
Created: 2019

KEY:
BCP Site

TOUCHSTONE
ENVIRONMENTAL GEOLOGY P.C.

Figure 8: Topographic Map

100 East 149th Street
Bronx, New York


(Not to Scale)

Attachment A: Requestor and Property Information

1. RDGC 149 LLC Department of State Entity Profile
2. RDGC 149 LLC Member Consent Authorization Resolution
3. Deed

Department of State

Division of Corporations

Entity Information

[Return to Results](#)[Return to Search](#)

Entity Details

ENTITY NAME: RGDC 149 LLC
DOS ID: 6445256
FOREIGN LEGAL NAME:
FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY
DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTION OF LAW: LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW
ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 03/30/2022
REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 03/30/2022
INACTIVE DATE:
FOREIGN FORMATION DATE:
STATEMENT STATUS: CURRENT
COUNTY: NEW YORK
NEXT STATEMENT DUE DATE: 03/31/2024
JURISDICTION: NEW YORK, UNITED STATES
NFP CATEGORY:

[ENTITY DISPLAY](#)[NAME HISTORY](#)[FILING HISTORY](#)[MERGER HISTORY](#)[ASSUMED NAME HISTORY](#)

Service of Process Name and Address

Name: THE LLC

Address: 214 WEST 39TH STREET, SUITE 1200, NEW YORK, NY, UNITED STATES, 10018

Chief Executive Officer's Name and Address

Name:

Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

| Share Value | Number Of Shares | Value Per Share |
|-------------|------------------|-----------------|
| | | |

OPERATING AGREEMENT OF RGDC 149 LLC

The undersigned hereby agrees as follows as of this 30th day of March, 2022:

1. Management of **RGDC 149 LLC** (the “**Company**”) is vested in **RGPMC LLC** (the “**Managing Member**”) who is agent of the Company for the purpose of its business and the act of the Managing Member, including but not limited to the execution in the name of the Company of any instrument, including but not limited to a deed, note, mortgage, and any and all other associated documents, binds the Company.
2. The Managing Member may, from time to time, revocably delegate to one or more persons such authority and duties as the Managing Member may deem advisable. In addition, the Managing Member may revocably assign titles (including without limitation, chairman, president, vice president, secretary, assistant secretary, treasurer and assistant treasurer) to any such person. Unless the Managing Member decides otherwise, if the title is one commonly used for officers of a business corporation formed under the New York Business Corporation Law, the assignment of such title shall constitute the delegation to such person of the authority and duties that are normally associated with that office, subject to any specific delegation or limitation of authority and duties made pursuant to the first sentence of this paragraph. Any number of titles may be held by the same person. Anyone dealing with the Company may rely on the authority of the Managing Member or any officer in taking any action in the name of the Company without inquiring into the provisions of this Agreement or compliance herewith.
3. The Managing Member hereby appoints Ronnie Gross as president of the Company.
4. The name, address, and percentage of interest of the members are as follows:

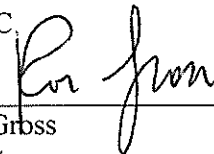
| <u>Member</u> | <u>Percentage Interest</u> |
|------------------------------------------------------------------------------------|----------------------------|
| Ronnie Gross 214 West 39 th Street, Suite 1200 New York, NY 10018 | 99% |
| RGPMC LLC 214 West 39 th Street, Suite 1200 New York, NY 10018 | 1% |

5. The principal office of the company shall be located at 214 West 39th Street, Suite 1200, New York, NY 10018.
6. The business purpose of the Company is to engage in any and all business activities permitted under the laws of New York State.

RGPMC LLC

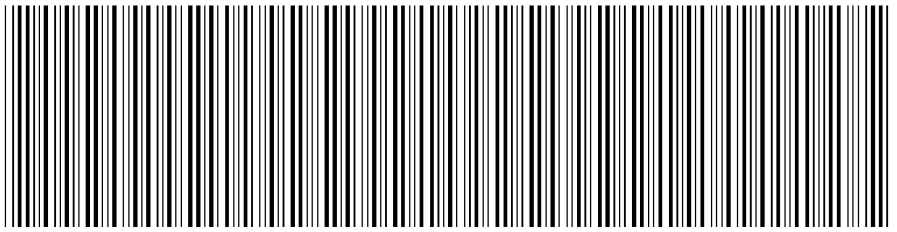
By: _____

Ronnie Gross
President



**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.



2022051001061001006E996F

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 5

Document ID: 2022051001061001

Document Date: 04-26-2022

Preparation Date: 06-14-2022

Document Type: DEED

Document Page Count: 4

PRESENTER:

HORIZON LAND SERVICES
39 W37TH STREET
TITLE NO. 5112411
NEW YORK, NY 10018
212-532-8686
ACRIS@KVNATIONAL.COM

RETURN TO:

J.R. MCKECHNIE, JR. ESQ.
214 WEST 39TH STREET, SUITE 1200
NEW YORK, NY 10018

PROPERTY DATA

| Borough | Block | Lot | Unit | Address |
|---------------------------------------------------|-------|-----|------------|---------------------|
| BRONX | 2351 | 35 | Entire Lot | 100 EAST 149 STREET |
| Property Type: NON-RESIDENTIAL VACANT LAND | | | | |

CROSS REFERENCE DATA

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

PARTIES

GRANTOR/SELLER:

100E149, LLC
5 EAST 22ND STREET
NEW YORK, NY 10010

GRANTEE/BUYER:

RGDC 149 LLC
214 WEST 39TH STREET, SUITE 1200
NEW YORK, NY 10018

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: \$ 57.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 250.00

NYC Real Property Transfer Tax:

\$ 85,968.75

NYS Real Estate Transfer Tax:

\$ 21,287.50

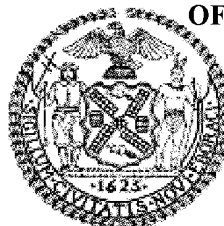
**RECORDED OR FILED IN THE OFFICE
OF THE CITY REGISTER OF THE**

CITY OF NEW YORK

Recorded/Filed 06-14-2022 15:37

City Register File No.(CRFN):

2022000238439



Annette McMill

City Register Official Signature

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

W THIS INDENTURE, ^{As of} made the 26th day of April, in the year Two Thousand and Twenty Two

BETWEEN

100E149, LLC, having an address at 5 East 22nd Street, Suite 3L, New York, New York 10010, party of the first part, and

RGDC 149 LLC, having an address at 214 West 39th Street, Suite 1200, New York, NY 10018, party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration 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 Bronx, City of New York and State of New York, as further described on Schedule A attached hereto and made a part hereof.

Said premises being known as 100 East 149th Street, Bronx, New York.

Being and intended to be the same premises conveyed to the party of the first part by that certain Deed, dated December 13, 2018, and recorded on January 2, 2019 in the Office of the City Register of the City of New York of the County of Bronx in City Register File No. 2019000001172.

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, 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.

IN PRESENCE OF:

100E149, LLC

By: 

Name: Amir Kornblum

Title: Authorized Signatory

STATE OF NEW YORK, COUNTY OF BRONX ss:

On the 15th day of April in the year 2022, before me, the undersigned personally appeared AMIR KORNBLUM, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.



Notary Public

MATTHEW SHEPPE
Notary Public, State of New York
No. 02SH6090717
Qualified in Westchester County
Commission Expires July 27, 2023

Bargain and Sale Deed
With Covenant Against Grantor's Acts

SECTION

BLOCK 2351

LOT 35

COUNTY Bronx

RETURN BY MAIL TO:

J.R. McKechnie, Jr., Esq.
214 West 39th Street, Suite 1200
New York, New York 10018

100E149, LLC

TO

RGDC 149 LLC

SCHEDULE A
LEGAL DESCRIPTION

STEWART TITLE INSURANCE COMPANY

Title No.: 5112411-S-NY-CP-HL

Schedule A Description

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

BEGINNING at the corner formed by the intersection of the southerly side of East 149th Street and the easterly side of Major Deegan Boulevard;

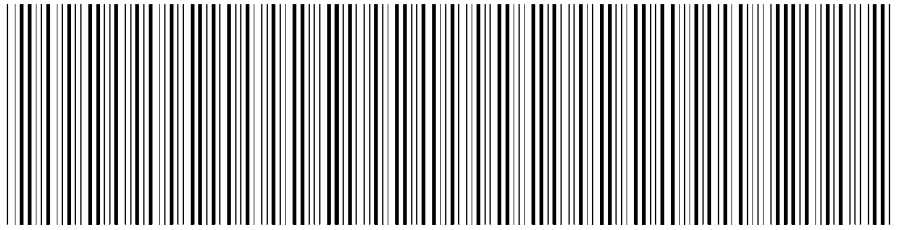
RUNNING THENCE easterly along the southerly side of East 149th Street 46.69 feet;

THENCE southerly on a line forming an angle of 94 degrees 49 minutes 26 seconds on its easterly side with the southerly side of East 149th Street 100 feet;

THENCE westerly and parallel with the southerly side of East 149th Street 34.18 feet to the easterly side of Major Deegan Boulevard;

THENCE northwesterly along the easterly side of Major Deegan Boulevard 99.73 feet, more or less, to the corner aforesaid at the point or place of BEGINNING.

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2022051001061001006S57EE

SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

Document ID: 2022051001061001
Document Type: DEED

Document Date: 04-26-2022

Preparation Date: 06-14-2022

ASSOCIATED TAX FORM ID: 2022042000329

SUPPORTING DOCUMENTS SUBMITTED:

Page Count

RP - 5217 REAL PROPERTY TRANSFER REPORT
SMOKE DETECTOR AFFIDAVIT

2
1



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: 2351 LOT: 35
- (2) Property Address: 100 EAST 149 STREET, BRONX, NY 10451
- (3) Owner's Name: RGDC 149 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: RGDC 149 LLC

Signature: *[Signature]* Date (mm/dd/yyyy)

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

**AFFIDAVIT OF COMPLIANCE
WITH SMOKE DETECTOR REQUIREMENT
FOR ONE- AND TWO-FAMILY DWELLINGS**

State of New York)
County of New York) SS.:

The undersigned, being duly sworn, depose and say under penalty of perjury that they are the grantor and grantee of the real property or of the cooperative shares in a cooperative corporation owning real property located at
100 EAST 149 STREET

Street Address Unit/Apt.

BRONX
Borough

New York,

2351
Block

35
Lot

(the "Premises");

That the Premises is a one or two family dwelling, or a cooperative apartment or condominium unit in a one- or two-family dwelling, and that installed in the Premises is an approved and operational smoke detecting device in compliance with the provisions of Article 6 of Subchapter 17 of Chapter 1 of Title 27 of the Administrative Code of the City of New York concerning smoke detecting devices;

That they make affidavit in compliance with New York City Administrative Code Section 11-2105 (g). (The signatures of at least one grantor and one grantee are required, and must be notarized).

100E149, LLC

Name of Grantor (Type or Print)

By: *[Signature]*
Signature of Grantor

Name of Grantee (Type or Print)

Signature of Grantee

Sworn to before me

this 28th day of April 2022

MATTHEW SHEPPE
Notary Public, State of New York
No. 02SH6090717
Qualified in Westchester County
Commission Expires July 27, 2023

Sworn to before me

this _____ day of _____ 20____

These statements are made with the knowledge that a willfully false representation is unlawful and is punishable as a crime of perjury under Article 210 of the Penal Law.

NEW YORK CITY REAL PROPERTY TRANSFER TAX RETURNS FILED ON OR AFTER FEBRUARY 6th, 1990, WITH RESPECT TO THE CONVEYANCE OF A ONE- OR TWO-FAMILY DWELLING, OR A COOPERATIVE APARTMENT OR A CONDOMINIUM UNIT IN A ONE- OR TWO-FAMILY DWELLING, WILL NOT BE ACCEPTED FOR FILING UNLESS ACCOMPANIED BY THIS AFFIDAVIT.

2022042000329101

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 100 EAST 149 STREET BRONX 10451
 STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name RGDC 149 LLC
 LAST NAME / COMPANY FIRST NAME

 LAST NAME / COMPANY FIRST NAME

3. Tax Billing Address Indicate where future Tax Bills are to be sent
 if other than buyer address (at bottom of form)
 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 1 # of Parcels OR ☐ Part of a Parcel

5. Deed Property Size FRONT FEET X DEPTH OR ACRES

6. Seller Name 100E149, LLC
 LAST NAME / COMPANY FIRST NAME

 LAST NAME / COMPANY FIRST NAME

4A. Planning Board Approval - N/A for NYC
 4B. Agricultural District Notice - N/A for NYC
 Check the boxes below as they apply:
 6. Ownership Type is Condominium ☐
 7. New Construction on Vacant Land ☐

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 4 / 19 / 2022
 Month Day Year

11. Date of Sale / Transfer 4 / 26 / 2022
 Month Day Year

12. Full Sale Price \$ 3 2 7 5 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 V 1 16. Total Assessed Value (of all parcels in transfer) 7 7 4 0 0
 17. Borough, Block and Lot / Roll Identifier(s) (If more than three, attach sheet with additional identifier(s))
 BRONX 2351 35

202204200032920101

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.

| | | | | | | | |
|-------------------------------------|--|--------------------------|--|----------------|--|------------------|--|
| RGDC 149 L49 BY: <i>Con from</i> | | BUYER | | 5-11-2022 | | BUYER'S ATTORNEY | |
| BUYER SIGNATURE | | DATE | | LAST NAME | | FIRST NAME | |
| 214 WEST 39TH STREET SUITE 1200 | | | | McKeehnie, Jr. | | Joseph | |
| STREET NUMBER | | STREET NAME (AFTER SALE) | | AREA CODE | | TELEPHONE NUMBER | |
| NEW YORK | | | | 212 | | 921-7171 | |
| CITY OR TOWN | | STATE | | ZIP CODE | | SELLER | |
| | | NY | | 10018 | | SELLER SIGNATURE | |
| | | | | | | DATE | |
| | | | | | | 4/25/2022 | |

Attachment B: Document Repository Letters



August 30, 2022

Attention: Tiffany McCrae
New York Public Library Astor Lenox and Tilden Foundations
Mott Haven Branch
321 East 140th Street
Bronx, NY 10454

Re: Document Repository for Brownfield Cleanup Program (BCP)
Site Address: 100 East 149th Street, Bronx, NY 10451

Dear Ms. McCrae,

This letter is intended to seek your approval to use the New York Public Library Astor Lenox and Tilden Foundations Mott Haven Branch located at the address above as a document repository for the upcoming remedial development at the above referenced property. This document repository is intended to house for community review all principal documents generated prior and during the Brownfield Cleanup Program (BCP) at this site as per the requirement of the New York State Department of Environmental Conservation (NYDEC).

Touchstone will provide the New York Public Library (NYPL) Mott Haven Branch with a link to the files once the project has been accepted into the BCP and the Site website has been established, which it will make available to the public for the duration of the Site's involvement with the BCP or until August 31, 2024, whichever occurs first. The NYPL Mott Haven Branch will provide the documents related to this BCP Project in digital format only on the Mott Haven branch website. The Site's involvement with the BCP will vary dependent on time to completion of remediation and receiving the certificate of completion from the NYSDEC, at this time, we estimate an end date of August 2024.

Should you acknowledge this agreement that the Mott Haven Branch will act as a document repository for this upcoming BCP project, please complete and sign below and email back to me for my record and NYSDEC record.

If you require any additional information, please feel free to contact me directly at (631) 315-2733.

Sincerely,

Gabrielle Castro

Gabrielle Castro
Project Manager
Touchstone Environmental Geology, P.C.
EM: clientservices@touchstoneenvironmental.com

631-315-2733

Touchstone-environmental.com
1919 Middle Country Road, Suite 205, Centereach, New York 11720

Name:

Tiffany McCrae

Title:

Library Manager

Signature:

T. McCrae

Date:

9/2/22



Gabrielle Castro <gabriellecastro@touchstoneenvironmental.com>

Re: [EXTERNAL] Document Repository Request for Site: 100 East 149th Street, Bronx

2 messages

Kelly Mortenson <clientservices@touchstoneenvironmental.com>

Wed, Aug 31, 2022 at 1:09 PM

To: "Parks, Arline (CB)" <arparks@cb.nyc.gov>

Cc: BX CB 1 <brxcb1@optonline.net>, Gabrielle Castro <gabriellecastro@touchstoneenvironmental.com>, Rachel Ataman <rachelataman@gmail.com>

Hello,

Apologies for the delay. Below is a brief summary of what the BCP Project for [100 East 149th Street, Bronx, NY](#) will entail:

Remediation of the site is anticipated to start upon approval of the Remedial Action Work Plan (RAWP) and will take approximately one year to complete. Therefore, the remedial program is projected to start in March 2023 and be completed by March 2024. Remediation at the Site is intended to make the future building safe for future occupants and to remediate any contaminants detected in the soil, soil vapor, and ground water. The proposed building will contain retail units on the ground floor and the basement will contain a bicycle room, storage areas, and utility areas. The proposed building foundation will cover at least 90% of the Site. However, the final building plans have not yet been finalized as the structural engineering and design will be dependent upon the Geotechnical report.

Thank you,

Kelly Mortenson
Touchstone Environmental Geology, P.C.
O# (631) 315-2733



Check out our New Website: <https://www.touchstone-environmental.com/services>

Please note our new address:

[1919 Middle Country Road, Ste 205](#)

[Centereach, New York 11720](#)

O# (631)315-2733

On Mon, Aug 15, 2022 at 1:46 PM Parks, Arline (CB) <arparks@cb.nyc.gov> wrote:

Dear Ms. Mortenson,

Please send me a brief summary of the project. Upon receipt of the requested informatin, I will send confirmation from CB1 to be the repository for documents pertaining to the clean up.

Arline Parks

Chair

Community Board Number 1

[3024 Third Avenue | Bronx| NY | 10455](#)

Email: arparks@cb.nyc.gov

Tel: (516)-672-5735

From: Kelly Mortenson <clientservices@touchstoneenvironmental.com>
Sent: Wednesday, August 10, 2022 1:20 PM
To: Parks, Arline (CB) <arparks@cb.nyc.gov>
Subject: [EXTERNAL] Document Repository Request for Site: 100 East 149th Street, Bronx

You don't often get email from clientservices@touchstoneenvironmental.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Forward suspect email to phish@cyber.nyc.gov as an attachment (Click the More button, then forward as attachment).

Hi Ms. Parks,

Please see attached letter requesting to use Bronx Community District 1 as a document repository for the Brownfield Cleanup Program pertaining to the above referenced address.

Feel free to contact me if you have any questions.

Thank you!

Kelly Mortenson
Touchstone Environmental Geology, P.C.
O# (631) 315-2733



Check out our New Website: <https://www.touchstone-environmental.com/services>

Please note our new address:

[1919 Middle Country Road, Ste 205](#)

[Centereach, New York 11720](#)

O# (631)315-2733

Kelly Mortenson <clientservices@touchstoneenvironmental.com>

Tue, Oct 11, 2022 at 1:46 PM

To: "Parks, Arline (CB)" <arparks@cb.nyc.gov>

Cc: BX CB 1 <brxcb1@optonline.net>, Gabrielle Castro <gabriellecastro@touchstoneenvironmental.com>

Hello Arline,

Would you be able to provide an update regarding the use of the CB1 as a repository for documents pertaining to the cleanup for this project?

Thank you,

Client Services
Touchstone Environmental Geology, P.C.
O# (631) 315-2733



Check out our New Website: <https://www.touchstone-environmental.com/services>

Please note our new address:
[1919 Middle Country Road, Ste 205](#)
[Centereach, New York 11720](#)
O# (631)315-2733

[Quoted text hidden]



August 10, 2022

Attention: Arline Parks
Bronx Community District 1
3024 Third Avenue
Bronx, NY 10455

Re: Document Repository for Brownfield Cleanup Program (BCP)
Site Address: 100 East 149th Street, Bronx, NY 10451

Dear Ms. Parks,

This letter is intended to seek your approval to use Bronx Community District 1 located at the address above as a document repository for the upcoming remedial development at the above referenced property. This document repository is intended to house for community review all principal documents generated prior and during the Brownfield Cleanup Program (BCP) at this site as per the requirement of the New York State Department of Environmental Conservation (NYDEC).

Should you acknowledge this agreement that Bronx Community District 1 will act as a document repository for this upcoming BCP project, please complete and sign below and email back to me for my record and NYSDEC record.

If you require any additional information, please feel free to contact me directly at (631) 315-2733.

Sincerely,

A handwritten signature in black ink that reads 'Rachel Ataman'.

Rachel Ataman, PG
Touchstone Environmental Geology, P.C.
EM: clientservices@touchstoneenvironmental.com

Bronx Community District 1

Name: Arline Parks

Title: Vice Chair & CEO

Signature: Arline Parks

Date: 10/19/2022

631-315-2733

Touchstone-environmental.com

1919 Middle Country Road, Suite 205, Centereach, New York 11720