



Environmental, Planning, and Engineering Consultants

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May 4, 2023

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

**Re: Revised Brownfield Cleanup Program (BCP) Application
102 Bruckner Boulevard
Bronx, NY 10454
Block 2277, Lot 50
Site No.: C203168**

Dear Ms. Hathaway,

On behalf of 132 Willis Associates, LLC (the "Applicant"), AKRF, Inc. (AKRF) is pleased to submit the revised Brownfield Cleanup Program (BCP) Application for the property located at 102 Bruckner Boulevard in the Bronx, NY 10454 (Site No. C203168). As requested, enclosed is one hard copy of the revised application form with original signatures and table of contents, and one complete electronic copy (CD-Rom) of the revised application and all attachments.

We thank you for the opportunity to submit the revised BCP Application on behalf of the Applicant and look forward to moving ahead with this project under the BCP. If you have any questions or need any additional detail regarding the completeness of the revised BCP Application, please feel free to contact Marc at (914) 922-2356 or mgodick@akrf.com or Timothy at (914) 922-2374 or tmcclintock@akrf.com.

Sincerely,
AKRF, Inc.

A handwritten signature in black ink, appearing to read 'm godick'.

Marc Godick, LEP
Senior Vice President

A handwritten signature in black ink, appearing to read 'Tim McClintock'.

Timothy McClintock
Technical Director

cc: Benny A. Caiola – 132 Willis Associates, LLC
James J. Periconi, Esq – Periconi, LLC

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ATTACHMENTS

Attachment A – Approved Tax Lot Merger

Attachment B – Previous Reports

- Draft Phase I ESA, 102 Bruckner Boulevard, 469 East 132nd Street, and 80 Willis Avenue, Bronx, NY 10454, prepared by AKRF, November 2020.
- Subsurface (Phase II) Investigation, 469 East 132nd Street and 80 Willis Avenue, Bronx, NY 10454, prepared by AKRF, September 2021.
- Subsurface (Phase II) Investigation, 102 Bruckner Boulevard, Bronx, NY 10454, prepared by AKRF, October 2021.
- Supplemental Subsurface (Phase II) Investigation, 102 Bruckner Boulevard, Bronx, NY 10454, prepared by AKRF, December 2022.

Attachment C – Data Summary Tables

Attachment D – New York State Entity Status

Attachment E – Member-Org Chart and Member Consent Resolution

Attachment F – Document Repository Acknowledgement



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.

If yes, provide existing site number: _____

☐

Yes

☒

No

Is this a revised submission of an incomplete application?

If yes, provide existing site number: C203168

☒

Yes

☐

No

BCP App Rev 14 – January 2023

SECTION I: Property Information

PROPOSED SITE NAME: 102 Bruckner Boulevard

ADDRESS/LOCATION: 102 Bruckner Boulevard

CITY/TOWN: Bronx

ZIP CODE 10454

MUNICIPALITY (LIST ALL IF MORE THAN ONE): Borough of the Bronx

COUNTY: Bronx County

SITE SIZE (ACRES) 0.597

LATITUDE:

LONGITUDE:

N40 ° 48 ' 16.72 " W73 ° 55 ' 24.18 "

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				
102 Bruckner Boulevard, Bronx, NY 10454		2277	50	0.597				
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.				<table><tr><td>Y</td><td>N</td></tr><tr><td><input checked="" type="radio"/></td><td><input type="radio"/></td></tr></table>	Y	N	<input checked="" type="radio"/>	<input type="radio"/>
Y	N							
<input checked="" type="radio"/>	<input type="radio"/>							
2. Is the required property map provided in electronic format with the application? (Application will not be processed without a map)				<table><tr><td><input checked="" type="radio"/></td><td><input type="radio"/></td></tr></table>	<input checked="" type="radio"/>	<input type="radio"/>		
<input checked="" type="radio"/>	<input type="radio"/>							
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>Census Tract 19.02</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"/>				<table><tr><td><input checked="" type="radio"/></td><td><input type="radio"/></td></tr></table>	<input checked="" type="radio"/>	<input type="radio"/>		
<input checked="" type="radio"/>	<input type="radio"/>							
4. Is the project located within a disadvantaged community? See application instructions for additional information.				<table><tr><td><input checked="" type="radio"/></td><td><input type="radio"/></td></tr></table>	<input checked="" type="radio"/>	<input type="radio"/>		
<input checked="" type="radio"/>	<input type="radio"/>							
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.				<table><tr><td><input type="radio"/></td><td><input checked="" type="radio"/></td></tr></table>	<input type="radio"/>	<input checked="" type="radio"/>		
<input type="radio"/>	<input checked="" type="radio"/>							
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: _____				<table><tr><td><input type="radio"/></td><td><input checked="" type="radio"/></td></tr></table>	<input type="radio"/>	<input checked="" type="radio"/>		
<input type="radio"/>	<input checked="" type="radio"/>							
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?				<table><tr><td><input type="radio"/></td><td><input checked="" type="radio"/></td></tr></table>	<input type="radio"/>	<input checked="" type="radio"/>		
<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.				<table><tr><td><input type="radio"/></td><td><input checked="" type="radio"/></td></tr></table>	<input type="radio"/>	<input checked="" type="radio"/>		
<input type="radio"/>	<input checked="" type="radio"/>							

SECTION I: Property Information (CONTINUED)		
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.	Y <input type="radio"/>	N <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> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>N/A</div> <div>N/A</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> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>N/A</div> <div>N/A</div> <div>N/A</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 10-12 of this form.	Y <input checked="" type="radio"/>	N <input type="radio"/>
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 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? M1-5 / R8A

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 ☐

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

Residential ☒ Commercial ☒ Industrial ☐

If residential, does it qualify as single-family housing? ☐ N/A

Y ☐ N ☒

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

Y ☒ N ☐

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

Y ☐ N ☒

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

Y ☒ N ☐

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

Y ☒ N ☐

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.

Y ☒ N ☐

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 checked="" type="checkbox"/>
Chlorinated Solvents	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other VOCs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SVOCs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Metals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCBs	<input 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:

3. 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

4. Indicate Past Land Uses (check all that apply):

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

Other: Auto repair shop; garage; bottling facility; dairy products storage, distribution, and manufacturing facility; sign fabrication; and contractor yard.

SECTION V: Requestor Information

NAME: 132 Willis Associates, LLC

ADDRESS: c/o Bettina Equities Management LLC, 230 East 85th Street

CITY/TOWN: New York

ZIP CODE 10028

PHONE: (212) 722-8830

EMAIL: bcaiola@bettinaequities.com

	Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?	<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?	<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? N/A <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.	<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"/>
7. Has the requestor been convicted of a criminal offence (i) involving the handling, storing, treating, disposing or transporting of 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"/>

SECTION VI: Requestor Eligibility (CONTINUED)			
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?		Y <input type="radio"/>	N <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"/>			
14. Requestor relationship to the property (check one; if multiple applicants, check all that apply): <input type="checkbox"/> Previous Owner <input checked="" type="checkbox"/> Current Owner <input type="checkbox"/> Potential/Future Purchaser <input type="checkbox"/> 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? <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A Note: A purchase contract or lease agreement does not suffice as proof of site access.			

SECTION VII: Requestor Contact Information

REQUESTOR'S REPRESENTATIVE: Benny A. Caiola

ADDRESS: c/o Bettina Equities Management LLC, 280 East 85th Street

CITY: New York

ZIP CODE: 10028

PHONE: (212) 772-8830

EMAIL: bcaiola@bettinaequities.com

REQUESTOR'S CONSULTANT (CONTACT NAME): Marc Godick

COMPANY: AKRF, Inc.

ADDRESS: 440 Park Avenue South, 7th Floor

CITY: New York

ZIP CODE: 10016

PHONE: (914) 922-2356

EMAIL: mgodick@akrf.com

REQUESTOR'S ATTORNEY (CONTACT NAME): James Periconi

COMPANY: Periconi, LLC

ADDRESS: 260 Madison Avenue, 8th Floor

CITY: New York

ZIP CODE: 10016

PHONE: (212) 213-5500

EMAIL: jpericoni@periconi.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.		
Is the appropriate documentation included with this application?	N/A <input type="radio"/>	<input type="radio"/>

SECTION IX: Current Property Owner and Operator Information

CURRENT OWNER: 132 Willis Associates, LLC

CONTACT NAME: Benny A. Caiola

ADDRESS: c/o Bettina Equities Management LLC, 280 East 85th Street

CITY: New York

ZIP CODE: 10028

PHONE: (212) 772-8830

EMAIL: bcaiola@bettinaequities.com

OWNERSHIP START DATE: 4/30/2021 (former Lots 50 and 94) and 10/14/2022 (former Lots 78)

CURRENT OPERATOR: N/A - Site is currently vacant

CONTACT NAME: N/A

ADDRESS: N/A

CITY: N/A

ZIP CODE: N/A

PHONE:

EMAIL: N/A

OPERATION START DATE: N/A

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"/>
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 Benny A. Caiola (title) of 132 Willis Associates, 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: 4.27.23 Signature: 

Print Name: Benny A. Caiola

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) on an external storage device (such as thumb drive or CD), 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 SUPPORTING DOCUMENTS WITH THE HARD COPY APPLICATION FORM.
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 14

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(I) as of August 12, 2016 (Please note: Eligibility determination for the underutilized category can only be made at the time of application):

375-3.2:

- (I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and
- (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 with documentation

☐ Pending – planned renewable energy facility awaiting documentation

*Selecting this option will result in a “pending” status. The appropriate documentation 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.

☒ 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 plans to meet the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?

☐ Yes - *Selecting this option will result in a “pending” status, as a BOA conformance determination has not yet been made. Proof of conformance 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.

☒ 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.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BROWNFIELD CLEANUP PROGRAM (BCP) INSTRUCTIONS FOR COMPLETING A BCP APPLICATION

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional Office](#) to schedule a meeting. To add a party to an existing BCP Agreement, use the [BCP Agreement Amendment Application](#).

For further information regarding the determination of a complete application, please refer to the guidance following these instructions, as well as the [NYSDEC BCP website](#).

SUBMITTAL INSTRUCTIONS

Please submit **one unbound paper copy of ONLY the application form and a table of contents** to the address below:

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

Additionally, please submit an electronic (Portable Document Format [PDF]) version of the application as follows, provided on an external storage device (e.g., flash drive, CD, etc.):

- One file containing the application form, table of contents, and supporting documentation, excluding historical environmental reports and draft work plans
- One file for each historical environmental report (not merged with each other or with the application file)
- One file for each draft work plan, if applicable

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

SECTION I: Property Information

PLEASE NOTE	If any changes to SECTION I are required prior to application approval, a new page 2, initialed by each requestor, must be submitted with the revisions.
Proposed Site Name	Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e., ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.
Site Address	Provide a street address, city/town, zip code, and each municipality and county in which the site is located.
Site Size	Provide the approximate acreage of the site.
GIS Information	Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.

SECTION I: Property Information (continued)	
Tax Parcel Information	Provide the tax parcel address/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5-minute quad map on which the property appears and clearly indicate the proposed site's location.
Tax Map Boundaries	State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/ reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.
Site Map	Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: (i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and (ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.
En-zone	Is any part of the property in an En-zone? If so, what percentage? For information on En-zones, please see DEC's website . Note that new En-zone boundaries are effective January 1, 2023.
Disadvantaged Communities	For additional information on disadvantaged communities, please refer to the Climate Leadership and Community Protection Act website .
Brownfield Opportunity Area (BOA)	For more information on designated BOAs, please refer to the NYS DOS website . Additional information on BOA conformance determinations can be found at the Office of Planning and Development website . A BOA conformance determination cannot be made until a Decision Document has been issued for the site.
Multiple Applications	Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where (1) the development project spans more than 25 acres; (2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and (3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).
Previous BCP Applications	If all or part of the proposed site has been the subject of a previous BCP application (whether accepted, denied or withdrawn), please provide the assigned DEC site number from the previous application as well as any relevant information regarding why the property is not currently in the program.

SECTION I: Property Information (continued)	
Registry Listing and P-site Status	<p>If all or part of the proposed site is now or ever was listed on the Registry of Inactive Hazardous Waste Disposal Sites, or is currently the subject of investigation as a Potential Site, please provide the assigned DEC site number.</p>
Property Description Narrative	<p>Provide a property description in the format provided below. Each section should be no more than one paragraph long.</p> <p><u>Location:</u></p> <p>Example: "The XYZ Site is located in an {urban, suburban, rural} area." {Add reference points if address is unspecific; e.g., "The site is approximately 3.5 miles east of the intersection of County Route 55 and Industrial Road."}</p> <p><u>Site Features:</u></p> <p>Example: "The main site features include several large, abandoned buildings surrounded by former parking areas and roadways. About one quarter of the site area is wooded. Little Creek passes through the northwest corner."</p> <p><u>Current Zoning and Land Use:</u> (Ensure the current zoning is identified)</p> <p>Example: "The site is currently inactive and is zoned for commercial use. The surrounding parcels are currently used for a combination of commercial, light industrial, and utility rights-of-way. The nearest residential area is 0.3 miles east on Route 55."</p> <p><u>Past Use of the Site:</u> include source(s) of contamination and remedial measures (site characterizations, investigations, Interim Remedial Measures, etc.) completed outside of the current remedial program (e.g., work under a petroleum spill incident).</p> <p>Example: "Until 1992 the site was used for manufacturing wire and wire products (e.g., conduit, insulators) and warehousing. Prior uses that appear to have led to site contamination include metal plating, machining, disposal in a one-acre landfill north of Building 7, and releases of wastewater into a series of dry wells."</p> <p>When describing the investigations/actions performed outside of the remedial program, include the major chronological remedial events that lead to the site entering a remedial program. The history should include the first involvement by government to address hazardous waste/petroleum disposal. Do not cite reports. Only include remedial activities which were implemented PRIOR to the BCA. Do not describe sampling information.</p> <p><u>Site Geology and Hydrogeology:</u></p> <p>As appropriate, provide a very brief summary of the main hydrogeological features of the site including depth to water, groundwater flow direction, etc.</p>

SECTION I: Property Information (continued)

Environmental Assessment	<p>The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semi-volatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths.</p> <p>The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SGCs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site.</p> <p>A typical Environmental Assessment would look like the following:</p> <p>Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE).</p> <p><i>Soil</i> - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the site. Concentrations of cadmium found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).</p> <p><i>Groundwater</i> - TCE and its associated degradation products are also found in groundwater at the north end of the site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the site has migrated 300 feet down-gradient off-site. The primary contaminant of concern for the off-site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.</p> <p><i>Soil Vapor & Indoor Air</i> - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.</p>
Questions 15-17: New York City Sites	<p>These questions pertain ONLY to sites located within the five counties comprising New York City. If the requestor is seeking a determination that the site is eligible for tangible property tax credits, this section and the <i>Supplemental Questions for Sites Seeking Tangible Property Credits in New York City</i> must be completed.</p>

SECTION II: Project Description

As a separate attachment, provide complete and detailed information about the project, including the purpose of the project, the date the remedial program is to start, and the date the issuance of the Certificate of Completion is anticipated.

SECTION III: Land Use Factors

In addition to eligibility information, site history, and environmental data/reports, the application requires information regarding the current, intended and reasonably anticipated future land use.

This information consists of responses to the "land use" factors to be considered relative to the "Land Use" section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a "brownfield site" pursuant to ECL 27-1405(2).

This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

Zoning and Current Use	Provide the current municipal zoning designation and uses permitted by that designation. Provide a summary of the current use of the site, including identifying possible contaminant source areas. If the site is no longer in use, provide the date by which operations ceased.
Anticipated Use	Identify the anticipated post-remediation use of the site and provide a detailed description of the specific anticipated post-remediation use as an attachment.
Renewable Energy Facility Site	Indicate if the post-remediation use of the site is proposed to be a renewable energy facility. A "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. Section 66-p of the Public Service Law: "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. Provide any detailed plans or documentation to support this. Appropriate documentation must be provided as follows: for planned renewable energy facilities generating/storing less than twenty-five (25) megawatts, a local land use approval must be provided. For planned renewable energy facilities generating/storing twenty-five (25) megawatts or greater, a permit issued by the Office of Renewable Energy Siting must be provided
Compliance with Zoning Laws, Recent Development, and Community Master Plans	Provide additional explanation and/or documentation as necessary to support the responses to these items.

SECTION IV: Property's Environmental History

For all sites, an investigation report is required that is sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data include site drawings and data summary tables requested in Section IV, #3 of the BCP application form. Specific instructions regarding the data summary tables are attached at the end of these instructions.

SECTION V: Requestor Information

Requestor Name	<p>Provide the name of the person(s)/entity requesting participation in the BCP (if more than one, attach additional sheets with requested information.) The requestor is the person or entity seeking DEC review and approval of the remedial program.</p> <p>If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database. A print-out of entity information from the database must be submitted to DEC with the application, to document that the requestor is authorized to do business in NYS.</p>
Address, etc.	<p>Provide the requestor's mailing address, telephone number and e-mail.</p>
LLC Information	<p>If the requestor(s) is/are an LLC, the names of the members/owners need to be provided on a separate attachment.</p>
Document Certification	<p>All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of DER-10. Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:</p> <ul style="list-style-type: none">• New York State licensed professional engineers (P.E.s), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a P.E. with current license and registration for work that was done by them or those under their direct supervision. The firm by which the P.E. is employed must also be authorized to practice engineering in New York State;• qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;• remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or• site owners, which are the owners of the property comprising the site at the time of the certification.

SECTION VI: Requestor Eligibility

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

Volunteer Statement	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.
Proof of Site Access	If a requestor is not the current owner of the entirety of the site, a site access agreement must be provided that demonstrates that the requestor will have access to the property before signing the BCA and throughout the BCP project. Additionally, the access agreement must include language allowing the requestor the ability to place an environmental easement on the site should the requestor not be the owner at the time remediation is complete and a Track 1 cleanup has not been achieved.

SECTION VII: Requestor Contact Information

Requestor's Representative	Provide information for the requestor's authorized representative. This is the person to whom all correspondence, notices, etc. will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative of Applications determined to be Participants unless another contact name and address is provided with the application.
Requestor's Consultant and Requestor's Attorney	Provide all requested information.

SECTION VIII: Program Fee

If the requestor is applying for a fee waiver, sufficient documentation must be provided to demonstrate financial hardship. To demonstrate financial hardship, the applicant must show that with the payment of the program fee, remediation of the brownfield site would not be economically viable. This documentation may be in the form of federal tax returns with applicable schedules, financial statements and balance sheets, proof that the applicant has waived its right to tax credits, or any other documentation deemed acceptable by the Department.

SECTION IX: Current Property Owner and Operator Information

Owner Information	Provide requested information of the current owner of the property. List <u>all</u> parties holding an interest in the property and, if the requestor is not the current owner, describe the requestor's relationship to the current owner. If the property consists of multiple parcels, be sure to include the ownership start date of each.
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SECTION IX: Current Property Owner and Operator Information (continued)

Operator Information	Provide requested information of the current operator(s). If multiple operators, attach the requested information for each operator, including the date each operator began utilizing the property.
Historical Owners and Operators	Provide a list of previous owners and a list of previous operators, including dates of ownership or operation and last-known addresses and phone numbers. Describe the requestor's relationship to each previous owner and operator; if no relationship, indicate "none". When describing the requestor's relationship to current and historical owners and operators, include any relationship between the requestor's corporate members and the previous owners and operators.

SECTION X: Property Eligibility Information

As a separate attachment, provide complete and detailed information in response to the following eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that that information be summarized.

CERCLA / NPL Listing	Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.
Registry Listing	Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) website for a database of sites with classifications.
RCRA Listing	Does the property have a Resource Conservation and Recovery Act (RCRA) TSD Permit in accordance with the ECL 27-0900 et seq? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.
Registry/RCRA Sites Owned by Volunteers	If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27- 1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

SECTION X: Property Eligibility Information (continued)

Existing Order	Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.
Pending Enforcement Actions	Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information as an attachment.

SECTION XI: Site Contact List

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project. For sites located in a city with a population of one million or more, the appropriate community board must be included as an additional document repository, and acknowledgement of their agreement to act as such must also be provided.

SECTION XII: Statement of Certification and Signatures

The requestor must sign the application or designate a representative who is authorized to sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each requestor must sign a signature page. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the entity's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database.

DATA SUMMARY TABLE INSTRUCTIONS

Data summary tables should include the following columns:

Soil Table:

Analytes > SCOs ^a	Detections > SCOs ^b	Max. Detection (ppm) ^c	SCO (ppm) ^d	Depth (ft bgs)
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Groundwater Table:

Analytes > AWQS ^e	Detections > AWQS ^f	Max. Detection (ppb) ^c	AWQS (ppb) ^g
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Soil Gas Table:

Analytes ^h	Total Detections	Max. Detection (ug/m3) ^c	Type ⁱ
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^a Include all contaminants over the applicable soil cleanup objectives (SCOs). Column header should specify which SCOs are being compared to. (i.e., "RRSCOs" for Restricted Residential SCOs)

^b Number of detections over applicable SCOs. Specify which SCOs are being compared to in column header.

^c Maximum detection in parts per million (ppm) for soil, parts per billion (ppb) for groundwater, or micrograms per cubic meter (ug/m3) for soil gas.

^d List the respective SCO. Specify which SCOs are being compared to in column header.

^e Include all contaminants over Class GA Ambient Water Quality Standards (AWQS).

^f Number of detections over AWQS.

^g List the respective AWQS.

^h Include all chlorinated volatile organic compound (VOCs) detections.

ⁱ Specify type: soil vapor, sub-slab or indoor air.

Example Data Summary Tables

Soil Table:

Analytes > RR SCOs	Detections > RR SCOs	Maximum Detection (ppm)	RR SCO (ppm)	Depth (ft bgs)
Benzo(a)anthracene	3	11	1	5 – 7
Benzo(a)pyrene	4	15	1	5 – 7
Benzo(b)fluoranthene	5	15	1	5 – 7
Benzo(k)fluoranthene	1	5.3	3.9	5 – 7
Indeno(1,2,3-cd)pyrene	7	8.4	0.5	5 – 7
barium	2	967	400	0.5 – 2.5
cadmium	2	94.1	4.3	6 – 8
lead	3	1,790	400	0.5 – 2.5

Groundwater Table:

Analytes > AWQS	Detections > AWQS	Max. Detection (ppb)	AWQS (ppb)
Benz(a)anthracene	2	0.2	0.002
Benzo(a)pyrene	2	0.221	ND
Benzo(b)fluoranthene	2	0.179	0.002
Benzo(k)fluoranthene	2	0.189	0.002
Indeno(1,2,3-cd)pyrene	2	0.158	0.002
Tetrachloroethene (PCE)	1	12	5

Soil Gas Table:

Analytes	Total Detections	Max. Detection (µg/m³)	Type
Carbon tetrachloride	1	0.84	Soil vapor
Methylene chloride	1	2.6 J	Soil vapor
Tetrachloroethene	2	47	Soil vapor
Trichloroethene	1	1.2	Soil vapor
Trichlorofluoromethane	1	21	Soil vapor

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DETERMINATION OF A COMPLETE APPLICATION

1. The first step in the application review and approval process is an evaluation to determine if the application is complete. To help ensure that the application is determined complete, requestors should review the list of common application deficiencies and carefully read these instructions.
2. DEC will send a notification to the requestor within 30 calendar days of receiving the application, indicating whether such application is complete or incomplete.
3. An application must include the following information relative to the site identified by the application, necessary for making an eligibility determination, or it will be deemed incomplete. (Please note: the application as a whole requires more than the information outlined below to be determined complete). The application must include:
 - a. for all sites, an investigation report sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data includes site drawings requested in Section IV, #3 of the BCP application form.
 - b. for those sites described below, documentation relative to the volunteer status of all requestors, as well as information on previous owners or operators that may be considered responsible parties and their ability to fund remediation of the site. This documentation is required for:
 - i. real property listed in the registry of inactive hazardous waste disposal sites as a class 2 site, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP; or
 - ii. real property that was a hazardous waste treatment, storage or disposal facility having interim status pursuant to the Resource Conservation and Recovery Act (RCRA) program, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP.
 - c. for sites located within the five counties comprising New York City, in addition to (a) and if applicable (b) above, if the application is seeking a determination that the site is eligible for tangible property tax credits, sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a). If this determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion, using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.
 - d. for sites previously remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law, relevant documentation of this remediation.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DETERMINATION OF A COMPLETE APPLICATION (CONTINUED)

4. If the application is found to be incomplete:
 - a. the requestor will be notified via email or phone call regarding minor deficiencies. The requestor must submit information correcting the deficiency to DEC within the 30-day review time frame; or
 - b. the requestor will receive a formal Letter of Incomplete Application (LOI) if an application is substantially deficient, if the information needed to make an eligibility determination identified in #4 above is missing or found to be incomplete, or if a response to a minor deficiency is not received within the 30-day period. The LOI will detail all of the missing information and request submission of the information. If the information is not submitted within 30 days from the date of the LOI, the application will be deemed withdrawn. In this case, the requestor may resubmit the application without prejudice.
5. If the application is determined to be complete, DEC will send a Letter of Complete Application (LOC) that includes the dates of the public comment period. The LOC will:
 - a. include an approved public notice to be sent to all parties on the Contact List included with the application;
 - b. provide instructions for publishing the public notice in the newspaper on the date specified in the letter, and instructions for mailing the notice to the Contact List;
 - c. identify the need for a certification of mailing form to be returned to DEC along with proof of publication documentation; and
 - d. specify the deadline for publication of the newspaper notice, which must coincide with, or occur before, the date of publication in the Environmental Notice Bulletin (ENB).
 - i. DEC will send a notice of the application to the ENB. As the ENB is only published on Wednesdays, DEC must submit the notice by the Wednesday before it is to appear in the ENB.
 - ii. The mailing to parties on the Contact List must be completed no later than the Tuesday prior to ENB publication. If the mailings, newspaper notice and ENB notice are not completed within the timeframes established by the LOC, the public comment period on the application will be extended to ensure that there will be the required comment period.
 - iii. Marketing literature or brochures are prohibited from being included in mailings to the Contact List.

**102 Bruckner Boulevard
Bronx, NY
(Site No. C203168)**

Brownfield Cleanup Program Application Supporting Documentation

Section I: Property Information

The proposed New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) site is located at 102 Bruckner Boulevard in the Port Morris section of the Bronx, New York (the “Site”); alternate historic addresses associated with the Site include 469 East 132nd Street and 80 Willis Avenue. A Site Location Map, USGS 7.5-Minute Quadrangle Map, and Site Plan are provided as *Figure 1A*, *Figure 1B*, and *Figure 2*, respectively.

1 & 2. Tax Map

A tax map of the Site and adjacent properties is provided as *Figure 3*. The Site is currently identified on the New York City Tax Map as Block 2277, Lot 50. The Site formerly comprised three lots [Lot 78 (102 Bruckner Boulevard), Lot 94 (469 East 132nd Street), and Lot 50 (80 Willis Avenue)]; however, a tax lot merger application was approved by the New York City Department of Finance (NYCDOF) in December 2022. A copy of the approved tax lot merger application and updated NYCDOF digital tax map are provided in *Attachment A*.

3. En-Zone

The Site is located within an En-Zone, under Criteria A. This indicates that the census tract has a “poverty rate of at least 20% and unemployment rate of at least 125% the statewide unemployment rate.” An En-Zone boundary map is provided as *Figure 4*.

4. Disadvantaged Communities

The Site is part of the Bronx County Census Tract 19.02, which is identified as a draft Disadvantaged Community (DAC). According to the 2017-2021 American Community Survey (ACS) Profile data, it is estimated that approximately 21.8% of the population in Census Tract 19.02 is living below the poverty line, compared to the national poverty rate of 12.6% and the New York State poverty rate of 13.5%. The unemployment rate for Census Tract 19.02 is 10.3%, compared to the New York City unemployment rate of 5.3% (as of November 2022) and the national unemployment rate of 3.7% (as of November 2022).

14. Property Description and Environmental Assessment

Location – The Site is located at 102 Bruckner Boulevard (Block 2277, Lot 50) in the Port Morris section of the Bronx, New York, and is bounded to the north by Bruckner Boulevard, followed by commercial properties; to the south by vacant parcels; to the east by a self-storage facility; and to the west by a parking lot and the Willis Avenue Bridge exit ramp to Bruckner Boulevard, followed by a public park.

Site Features – The approximately 26,000-square foot (0.597-acre) Site is currently identified on the New York City Tax Map as Block 2277, Lot 50. The Site formerly comprised three lots [Lot 78 (102 Bruckner Boulevard), Lot 94 (469 East 132nd Street), and Lot 50 (80 Willis Avenue)]; however, a tax lot merger application was approved by the New York City Department of Finance (NYCDOF) in December 2022. The Site and the associated buildings are currently unoccupied/vacant, and the Site is secured with a chain link fence. Historically, the Site contained a gasoline station, a one-story, slab-on-grade building with an auto repair shop and a convenience store, and asphalt- and concrete-paved areas in its northern portion [102 Bruckner Boulevard (former Lot 78)]; a one-story, slab-on-grade warehouse/garage with a loft, and a west-adjacent driveway in its central portion [469 East 132nd Street (former Lot 94)]; and a partially vegetated asphalt-paved driveway/parking area in its southern portion [80 Willis Avenue (former Lot 50)].

Current Zoning and Land Use – The Site is located in the MX-1 (Port Morris) special mixed-use zoning district and is currently zoned as M1-5 (manufacturing) / R8A (residential). The Site and the associated

buildings are currently unoccupied/vacant, and the Site is secured with a chain link fence. The area surrounding the Site is primarily commercial, with some residential uses, parkland, and vacant land. A Surrounding Land Use Map and Zoning Map are provided as *Figure 5* and *Figure 6*, respectively.

Past Use of the Site – Historically, the Site contained two small unspecified structures associated with Union Park by 1891. The northern portion of the Site [102 Bruckner Boulevard (former Lot 78)] was developed with a gasoline station with auto repair operations by 1935; the central portion of the Site [469 East 132nd Street (former Lot 94)] was developed with a warehouse/garage by 1935; and the southern portion of the Site [80 Willis Avenue (former Lot 50)] has remained largely undeveloped (identified as an unopened portion of East 132nd Street) dating back to 1891.

The former gasoline station/auto repair shop in the northern portion of the Site was decommissioned in the summer of 2022, which included the removal of the facility’s fuel dispensers, aboveground storage tanks (ASTs), fire suppression systems, containerized automotive fluids/chemicals (antifreeze, oils, solvents, etc.), and other equipment/supplies; the facility’s three 4,000-gallon underground storage tanks (USTs) were temporarily taken out of service (but remain buried in the northeastern portion of the Site). The warehouse/garage and partially vegetated asphalt-paved driveway/parking area in the central and southern portions of the Site have been vacant since circa 2009; however, they were historically used for various commercial and manufacturing operations (bottling facility; dairy products storage, distribution, and manufacturing facility; and sign fabrication/electrical contractor uses).

Site Geology and Hydrology – Based on the United States Geological Survey (USGS) 7.5-Minute Quadrangle Map for Central Park, NY (2013) and information presented in AKRF’s November 2020 Draft Phase I Environmental Site Assessment (ESA), the average Site elevation is approximately 30 feet above mean sea level (msl). The Site is situated on a ridge with varying surface topography; the northern and central portions of the Site slope slightly down to the northeast, and the southern portion of the Site slopes slightly down to the northwest. Surface topography in the surrounding area slopes moderately down to the southeast and southwest toward the Bronx Kill and Harlem River, respectively.

Based on the findings from subsurface investigations completed at the Site in 2021 and 2022, the stratigraphy of the Site consists of historic fill (sand, silt, and gravel, with varying amounts of asphalt, brick, concrete, and wood) extending from ground surface to depths up to approximately 8.5 feet below ground surface (bgs), with some apparent native sand, silt, and gravel noted below the fill layer in the southeastern and southwestern portions of the Site. The fill/soil layer was underlain by bedrock, which was encountered at depths ranging from approximately 1 to 5 feet bgs in the northern and central portions of the Site, at approximately 8.5 feet bgs in the southeastern portion of the Site, and at approximately 14 feet bgs in the southwestern portion of the Site; shallow bedrock was historically removed to facilitate the installation of the former gasoline station’s three 4,000-gallon USTs, with suspected bedrock (or a concrete tank pad) encountered at approximately 10 feet bgs in that area (the “UST field”).

While not encountered prior to refusal outside of the UST field in the northern portion of the Site, groundwater was measured at approximately 4.25 feet bgs in two temporary monitoring wells installed within the UST field, at depths ranging from approximately 4.25 to 4.75 feet bgs in bedrock groundwater monitoring wells installed in the northern portion of the Site, and at approximately 9.5 feet bgs in the bedrock groundwater monitoring well installed in the central portion of the Site; groundwater was not encountered in the bedrock groundwater monitoring well that was installed to approximately 17.5 feet bgs in the southern portion of the Site. Based on surface topography and information presented in AKRF’s November 2020 Draft Phase I ESA, groundwater is expected to flow in a generally southerly direction toward the Bronx Kill and Harlem River; however, actual groundwater levels and/or flow direction can be affected by many factors, including tidal influences, seasonal fluctuations in precipitation, subsurface openings or obstructions such as basements/cellars, utilities, bedrock geology, and other factors. No surface water bodies or streams were noted on or immediately adjacent to the Site.

Environmental Assessment – Based on the previous subsurface investigations completed at the Site in 2021 and 2022, the primary contaminants of concern for the Site are volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs), and metals.

Soil Quality Conditions – Soil samples collected during the subsurface investigations completed at the Site in 2021 and 2022 were compared to NYSDEC Part 375 Unrestricted Use Soil Cleanup Objectives (UUSCOs) and the Restricted Residential Use Soil Cleanup Objectives (RRSCOs). For this BCP application, only VOCs detected in groundwater above NYSDEC Class GA Ambient Water Quality Standards and Guidance Values (AWQSGVs) were additionally compared to the Protection of Groundwater Soil Cleanup Objectives (PGWSCOs).

- Sixteen VOCs were detected in the soil samples at concentrations ranging from 0.00028 to 26 milligrams per kilogram (mg/kg). Acetone, ethylbenzene, methylene chloride, and total xylenes (the sum of the o-xylene and m,p-xylenes) were detected at concentrations above their respective UUSCOs in one or more of the soil samples; total xylenes were detected at a concentration above the PGWSCO in one sample. No VOCs were detected at concentrations above their respective RRSCOs.
- Twenty-seven SVOCs, consisting primarily of polycyclic aromatic hydrocarbons (PAHs), a class of compounds commonly found in historic fill material, ash, asphalt, and petroleum products, were detected at concentrations ranging from 0.0063 to 63 mg/kg. Benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenz(a,h)anthracene, and indeno(1,2,3-c,d)pyrene were detected at concentrations above their respective UUSCOs and RRSCOs in one or more of the soil samples; naphthalene was detected at a concentration above its UUSCO and PGWSCO in one sample.
- Twenty-three metals were detected in the soil samples at concentrations ranging from 0.02 to 72,200 mg/kg. Arsenic, barium, copper, lead, mercury, nickel, and zinc were detected at concentrations above their respective UUSCOs in one or more of the soil samples; arsenic (16.7 mg/kg), barium (508 mg/kg), and mercury (concentration of 0.84 mg/kg) were each detected at concentrations above their respective RRSCOs in one sample, respectively.
- No polychlorinated biphenyls (PCBs) or pesticides were detected at concentrations above the laboratory detection limit in any of the soil samples that were collected.

Groundwater Quality Conditions – Although groundwater in the Bronx is not used for potable water, the groundwater samples collected during the subsurface investigations completed at the Site in 2021 and 2022 were compared to the NYSDEC Class GA AWQSGVs.

- Fourteen VOCs were detected in the groundwater samples at concentrations ranging from 0.31 to 22 micrograms per liter (µg/L). Benzene, chloroform, isopropylbenzene, m,p-xylenes, and tert-butyl methyl ether (MTBE) were detected at concentrations above their respective AWQSGVs. No VOCs were detected at concentrations above laboratory detection limits in the aqueous trip blank.
- Three SVOCs were detected in the groundwater samples at concentrations ranging from 2.6 to 32 µg/L. No SVOCs were detected at concentrations above their respective AWQSGVs in any of the groundwater samples that were collected.
- The groundwater samples collected during the subsurface investigations completed at the Site in 2021 and 2022 were not analyzed for metals, PCB, or pesticides.

Soil Vapor Quality Conditions – While there are currently no regulatory or published guidance values for VOCs in soil vapor, the results of the soil vapor samples collected during the subsurface investigation completed at the Site in 2021 were used to help define the nature and extent of contamination at the Site. All soil vapor samples were analyzed for VOCs using EPA Method TO-15.

- Forty-two VOCs, including petroleum-related compounds [e.g., benzene, toluene, ethylbenzene, xylenes, trimethylbenzenes, MTBE, cyclohexane, n-heptane, n-hexane, tert-butyl alcohol (TBA), etc.] and chlorinated solvent-related compounds [e.g., tetrachloroethene (PCE), trichloroethene (TCE),

carbon tetrachloride, etc.] were detected in one of more of the soil vapor samples at concentrations ranging from 0.11 to 330,000 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). Of note, PCE was detected at a maximum concentration of 1,100 $\mu\text{g}/\text{m}^3$ adjacent to the former auto repair shop in the northern portion of the Site, and elevated concentrations of petroleum-related VOCs were detected adjacent to the UST field and the associated former gasoline dispensing equipment in the northern portion of the Site. The elevated concentrations of PCE detected adjacent to the auto repair shop in the northern portion of the Site are likely attributable to historic auto repair operations at the Site. The elevated concentrations of petroleum-related VOCs detected adjacent to the UST field and the associated former gasoline dispensing equipment in the northern portion of the Site are likely attributable to historic petroleum storage and fueling operations at the Site.

Soil, groundwater, and soil vapor sample results are summarized on *Figures 7, 8, and 9*, respectively.

Section II: Project Description

1. Remedial Investigation Report

A Final Remedial Investigation Report (RIR) is not included with this application. Previous environmental reports for the Site that are being used to support this application include:

- Draft Phase I ESA, 102 Bruckner Boulevard, 469 East 132nd Street, and 80 Willis Avenue, Bronx, NY 10454, prepared by AKRF, November 2020.
- Subsurface (Phase II) Investigation, 469 East 132nd Street and 80 Willis Avenue, Bronx, NY 10454, prepared by AKRF, September 2021.
- Subsurface (Phase II) Investigation, 102 Bruckner Boulevard, Bronx, NY 10454, prepared by AKRF, October 2021.
- Supplemental Subsurface (Phase II) Investigation, 102 Bruckner Boulevard, Bronx, NY 10454, prepared by AKRF, December 2022.

Copies of the aforementioned previous environmental reports are included in *Attachment B*.

3. Draft Work Plans

A Remedial Investigation Work Plan (RIWP) is not included with this application. A RIWP outlining the proposed scope of work to fully delineate the nature and extent of contamination at the Site will be prepared once the Site is accepted into the BCP.

4. Project Description

The approximately 26,000-square foot (0.597-acre) Site is currently identified on the New York City Tax Map as Block 2277, Lot 50. The Site formerly comprised three lots [Lot 78 (102 Bruckner Boulevard), Lot 94 (469 East 132nd Street), and Lot 50 (80 Willis Avenue)]; however, a tax lot merger application was approved by the NYCDOF in December 2022 (refer to *Attachment A*). The Site and the associated buildings are currently unoccupied/vacant, and the Site is secured with a chain link fence. Historically, the Site contained a gasoline station, a one-story, slab-on-grade building with an auto repair shop and a convenience store, and asphalt- and concrete-paved areas in its northern portion [102 Bruckner Boulevard (former Lot 78)]; a one-story, slab-on-grade warehouse/garage with a loft, and a west-adjacent driveway in its central portion [469 East 132nd Street (former Lot 94)]; and a partially vegetated asphalt-paved driveway/parking area in its southern portion [80 Willis Avenue (former Lot 50)]. The former gasoline station/auto repair shop in the northern portion of the Site was decommissioned in the summer of 2022, which included the removal of the facility's fuel dispensers, ASTs, fire suppression systems, containerized automotive fluids/chemicals (antifreeze, oils, solvents, etc.), and other equipment/supplies; the facility's three 4,000-gallon USTs were temporarily taken out of service (but remain buried in the northeastern portion of the Site). The warehouse/garage and partially vegetated asphalt-paved driveway/parking area in the central and southern portions of the Site have been vacant since circa 2009; however, they were historically used for

various commercial and manufacturing operations (bottling facility; dairy products storage, distribution, and manufacturing facility; and sign fabrication/electrical contractor uses). A Site Location Map, USGS 7.5-Minute Quadrangle Map, and Site Plan are provided as *Figure 1A*, *Figure 1B*, and *Figure 2*, respectively.

The Site is located within an En-Zone, under Criteria A. This indicates that the census tract has a “poverty rate of at least 20% and unemployment rate of at least 125% the statewide unemployment rate.” The Site is part of the Bronx County Census Tract 19.02, which is identified as a draft DAC. According to the 2017-2021 ACS Profile data, it is estimated that approximately 21.8% of the population in Census Tract 19.02 is living below the poverty line, compared to the national poverty rate of 12.6% and the New York State poverty rate of 13.5%. The unemployment rate for Census Tract 19.02 is 10.3%, compared to the New York City unemployment rate of 5.3% (as of November 2022) and the national unemployment rate of 3.7% (as of November 2022). An En-Zone boundary map is provided as *Figure 4*.

132 Willis Associates, LLC (the “Applicant”) plans to enter the BCP as a Volunteer to facilitate the remediation and redevelopment of the Site. The redevelopment plan is currently being developed; however, it is anticipated to include demolition of the current Site buildings followed by construction of a new residential building containing market rate and potentially affordable housing, with the potential for commercial/retail space on the ground floor.

The Applicant plans on conducting all remedial investigation and remedial activities in accordance with Environmental Conservation Law (ECL) Article 27, Title 14, 6 New York Codes, Rules, and Regulations (NYCRR) 375-1.6(a), 375-3.6, and 375-6, and all applicable laws, rules, regulations, and guidance documents.

Estimated Project Schedule:

A RIWP outlining the proposed scope of work to fully delineate the nature and extent of contamination at the Site will be prepared once the Site is accepted into the BCP. It is anticipated that the remedial investigation activities will commence in the summer of 2023, followed by the preparation and submittal of the RIR and Remedial Action Work Plan (RAWP). The remedial action will be conducted concurrent with the redevelopment activities, with the goal of obtaining the Certificate of Completion (COC) in December 2025. The BCP project will likely include some or all of the activities listed below. The preliminary project schedule outlined in Table 1 is subject to change.

Table 1
Estimated Project Schedule

Activity	Time To Complete
Submittal of BCP Application	April 2023
30-day Completeness Review	May 2023
30-day Public Notice/Public Comment Period is Initiated	June 2023
30-day Public Notice/Public Comment Period Ends	July 2023
BCA Execution	August 2023
Submittal of Citizen Participation Plan	August 2023
Submittal of Draft Remedial Investigation Work Plan (RIWP)	September 2023
30-day RIWP Public Comment Period Is Initiated	October 2023
RIWP Approved	November 2023
Remedial Investigation	November - December 2023
Draft Remedial Investigation Report (RIR) Submitted to NYSDEC	February 2024
NYSDEC/NYSDOH Issues RIR comments	April 2024
Revised RIR Submitted to NYSDEC	May 2024
NYSDEC Approves RIR	June 2024
Draft Remedial Action Work Plan (RAWP) Submitted	July 2024

Table 1
Estimated Project Schedule

Activity	Time To Complete
45-day Public Comment Period for RAWP	September 2024
NYSDEC Approves RAWP and Issues Decision Document	October 2024
Issue Remedial/Construction Notice Fact Sheet	November 2024
Begin Redevelopment (Construction) with Implementation of RAWP	December 2024
Execution of Environmental Easement (if required)	June 2025
Draft Site Management Plan (SMP) Submitted to NYSDEC (if required)	August 2025
Draft Final Engineering Report Submitted to NYSDEC	September 2025
Certificate of Completion and Fact Sheet	December 2025
Completion of Building (first occupancy)	December 2027

Section III: Land Use Factors

3 & 4. Current Site Use

The Site and the associated buildings are currently unoccupied/vacant, and the Site is secured with a chain link fence. Historically, the northern portion of the Site contained a gasoline station with auto repair operations that was decommissioned in the summer of 2022; the central portion of the Site contained a warehouse/garage that has been vacant since circa 2009; and the southern portion of the Site contained a partially vegetated asphalt-paved driveway/parking area.

6. Post-Remediation Use

The redevelopment plan is currently being developed; however, it is anticipated to include demolition of the current Site buildings followed by construction of a new residential building containing market rate and potentially affordable housing, with the potential for commercial/retail space on the ground floor.

9. Zoning Laws

The Site is located in the MX-1 (Port Morris) special mixed-use zoning district and is currently zoned as M1-5 (manufacturing) / R8A (residential). The future post-remediation use of the Site is anticipated to include residential with a potential commercial/retail component, which is consistent with the current zoning.

10. Community Master Plans, Local Waterfront Revitalization Plans, and/or Adopted Land Use Plans

The housing plan prepared under the New York City Mayor de Blasio administration, identified as *Housing New York: A Five-Borough, Ten Year Plan* and the supplemental plan, *Housing New York 2.0*, outline policies and programs to address the city's affordable housing crisis. The plan strives to create long-term, high-quality affordable homes throughout each of the five boroughs, with a goal of creating 300,000 homes by 2026. The proposed redevelopment is consistent with existing zoning and land use patterns in the surrounding area.

Section IV: Property's Environmental History

1. Environmental Reports

Copies of the following previous environmental reports for the Site are included as *Attachment B* (electronic copies only):

- Draft Phase I ESA, 102 Bruckner Boulevard, 469 East 132nd Street, and 80 Willis Avenue, Bronx, NY 10454, prepared by AKRF, November 2020.
- Subsurface (Phase II) Investigation, 469 East 132nd Street and 80 Willis Avenue, Bronx, NY 10454, prepared by AKRF, September 2021.

- Subsurface (Phase II) Investigation, 102 Bruckner Boulevard, Bronx, NY 10454, prepared by AKRF, October 2021.
- Supplemental Subsurface (Phase II) Investigation, 102 Bruckner Boulevard, Bronx, NY 10454, prepared by AKRF, December 2022.

Summaries of previous investigations are provided below. The Applicant believes that there is sufficient information to demonstrate significant contamination warranting remediation under the BCP. The Applicant, as a Volunteer under the BCP, seeks to enroll in the program to remediate the Site in a timely manner under the oversight of NYSDEC.

Draft Phase I ESA, 102 Bruckner Boulevard, 469 East 132nd Street, and 80 Willis Avenue, Bronx, NY 10454, prepared by AKRF, November 2020

AKRF prepared a Draft Phase I ESA of 102 Bruckner Boulevard, 469 East 132nd Street, and 80 Willis Avenue in the Bronx, NY in accordance with American Society for Testing and Materials (ASTM) Standard E1527-13, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Practice*. The Draft Phase I ESA identified the following RECs:

- The northern portion of the Site [102 Bruckner Boulevard (former Lot 78)] was occupied by a gasoline station with auto repair operations since at least 1935. The gasoline station (Facility ID No. 2-399000) was registered with the NYSDEC Petroleum Bulk Storage (PBS) program with two in-service 4,000-gallon gasoline USTs, one in-service 4,000-gallon diesel UST, one in-service 275-gallon motor oil AST, and one in-service 275-gallon waste oil AST. The facility was also listed with 13 closed-removed 550-gallon gasoline USTs, which were reported to have been closed in August 1991. In addition to the registered storage tanks, the property owner at the time (Mr. Richard Caiola) reported that an unregistered 550-gallon waste oil UST was removed from the facility between circa 2005 and 2010; however, no documentation regarding its removal was available. Spill No. 9202017 was reported at the facility in May 1992 following the identification of petroleum contaminated soil. According to Mr. Richard Caiola (former property owner), the contamination was encountered during removal of the 550-gallon gasoline USTs and was remediated prior to installation of the current 4,000-gallon USTs; however, no information regarding the tank removal and/or remediation work was available. The NYSDEC closed the spill listing in March 2003. The gasoline station was also listed as a Resource Conservation and Recovery Act (RCRA) generator (Facility ID No. NYD000698597) of unspecified waste in 1980, 1999, 2006, and 2007 with no violations noted in the listing. One 275-gallon motor oil AST, one 275-gallon waste oil AST, automotive fluids (antifreeze, fuel, oils, etc.) in containers up to 55 gallons, and general cleaning products, paints, and solvents in containers up to 5 gallons were noted throughout the facility's auto repair shop; staining was noted on the floor in the repair bays and adjacent to chemical storage areas. No evidence of secondary containment for the 275-gallon waste oil AST or the 55-gallon drums were observed. Evidence of the former in-ground hydraulic lifts, which were reportedly abandoned below the building slab, was observed in the eastern portion of the auto repair shop.
- The central portion of the Site [469 East 132nd Street (former Lot 94)] was occupied by a warehouse/garage since at least 1935. Historical uses of the warehouse/garage included a bottling facility; a dairy products storage, distribution, and manufacturing facility; and sign fabrication/electrical contractor uses. Lubricants, oils, and unlabeled chemicals in containers up to 55 gallons were noted in the southwestern portion of the building; staining was noted on the floor of the building and adjacent to the chemical storage areas.
- Off-site land uses in the vicinity of the Site, including auto repair shops, coal yards, garages with buried gasoline tanks, gasoline stations, railroad operations, used auto sales, and other commercial, industrial, and manufacturing operations.
- Regulatory database listings in the vicinity of the Site for spill incidents; hazardous waste generators; petroleum bulk storage facilities; and historic auto sites

In addition to the RECs described above, the Draft Phase I ESA identified Business Environmental Risks (BERs) including: E-Designations assigned to the Site for hazardous materials contamination and noise; the potential presence of asbestos-containing material (ACM), lead-based paint (LBP), lead-containing paint (LCP), and/or polychlorinated biphenyl (PCB)-containing material in the Site building, in historic fill material, and/or in buried debris at the Site; the potential use of per- and polyfluoroalkyl substances (PFAS) at the Site; and two previous consent orders associated with NYSDEC PBS violations.

Subsurface (Phase II) Investigation, 469 East 132nd Street and 80 Willis Avenue, Bronx, NY 10454, prepared by AKRF, September 2021

AKRF completed a Subsurface (Phase II) Investigation of 469 East 132nd Street and 80 Willis Avenue to assess whether the RECs identified in AKRF's November 2020 Draft Phase I ESA had adversely affected subsurface conditions at the properties. The Subsurface (Phase II) Investigation included the advancement of seven soil borings, installation of two bedrock groundwater monitoring wells, installation of three temporary soil vapor points, and the collection of soil, groundwater, and soil vapor samples for field-screening and laboratory analysis. Based on the findings of the Subsurface (Phase II) Investigation, AKRF concluded the following:

- Soil encountered during the Phase II investigation consisted of historic fill (sand, silt, and gravel, with varying amounts of asphalt, brick, and concrete) extending from ground surface to depths up to approximately 8.5 feet bgs, with some apparent native sand, silt and gravel noted below the fill layer in two locations (SB-12 and SB-13). The fill/soil layer was underlain by suspected bedrock, which was encountered at approximately 1 to 4 feet bgs in the northern and central portions of the parcel, at approximately 8.5 feet bgs in the southeastern portion of the parcel, and at approximately 14 feet bgs in the southwestern portion of the parcel.
- No field evidence of contamination [e.g., odors, staining, and/or elevated photoionization detector (PID) readings] was noted in the soil borings advanced during the Subsurface (Phase II) Investigation. Low-level PID readings [0.2 to 10.6 parts per million (ppm)] were observed from approximately 0 to 2 feet bgs at SB-12; however, no odors or staining were noted.
- Groundwater was not encountered prior to Geoprobe[®] refusal on suspected bedrock. Therefore, two bedrock groundwater monitoring wells were installed to evaluate groundwater conditions. Groundwater was measured at approximately 9.5 feet bgs in monitoring well MW-04 [the second well (MW-05) was dry]. No field evidence of contamination was noted during purging or sampling of monitoring well MW-04.
- Analytical results for the soil samples identified acetone at a concentration above its UUSCO and PGWSCO, but below its RRSCO, in one sample (SB-12_0-2-20210608). The detection of acetone may be attributable to a minor surface spill associated with historic industrial and manufacturing operations at the Site; the detected concentration is not indicative of a large-scale release or source area, and it is important to note that acetone is a common laboratory contaminant. Low-level PID readings (0.2 to 10.6 ppm) were observed from approximately 0 to 2 feet bgs at SB-12; however, no odors or staining were noted.
- Seven SVOCs [benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenz(a,h)anthracene, and indeno(1,2,3-c,d)pyrene] and six metals (barium, copper, lead, mercury, nickel, and zinc) were detected at concentrations above their respective UUSCOs, RRSCOs, and/or PGWSCOs. The concentrations of SVOCs, which consisted of PAHs, a class of SVOCs commonly found in historic fill material, ash, asphalt, and petroleum products, and metals detected in the soil samples are likely attributable to historic fill material, which was observed in each of the soil borings advanced during the Subsurface (Phase II) Investigation, and not to a release or other source area.
- Analytical results for the groundwater sample collected from MW-04 identified chloroform at a concentration above its AWQSGV. Based on the Site history, field observations, and results of the soil

and soil vapor sampling, the detection of chloroform is not indicative of an on-site release or source area and is likely attributable to an off-site source.

- Analytical results for the soil vapor samples identified 34 VOCs, including petroleum-related compounds (e.g., benzene, toluene, ethylbenzene, xylenes, trimethylbenzenes, cyclohexane, n-heptane, n-hexane, TBA, etc.) and chlorinated solvent-related compounds (e.g., PCE, carbon tetrachloride, etc.) in one or more of the soil vapor samples. Of note, PCE was detected at a concentration of 37 µg/m³ at soil vapor point SV-06 and elevated concentrations of petroleum-related VOCs were detected at soil vapor point SV-07. Based on field observations and the Site history, the detected VOCs are likely attributable to historic industrial and manufacturing operations at the Site and/or off-site sources.

Subsurface (Phase II) Investigation, 102 Bruckner Boulevard, Bronx, NY 10454, prepared by AKRF, October 2021

AKRF completed a Subsurface (Phase II) Investigation of 102 Bruckner Boulevard to assess whether the RECs identified in AKRF's November 2020 Draft Phase I ESA had adversely affected subsurface conditions at the property. The Subsurface (Phase II) Investigation included the advancement of 11 soil borings, installation of three bedrock groundwater monitoring wells, installation of four temporary soil vapor points, and the collection of soil, groundwater, and soil vapor samples for field-screening and laboratory analysis; however, key portions of the Site were inaccessible due to the active vehicle fueling/repair activities. Based on the findings of the Subsurface (Phase II) Investigation, AKRF concluded the following:

- Soil encountered consisted of historic fill (sand, silt, and gravel, with varying amounts of asphalt, brick, concrete, and wood) extending from ground surface to bedrock, which was encountered at depths ranging from approximately 1 to 5 feet bgs.
- Field evidence of suspected petroleum contamination was observed in three of the 11 soil boring locations: petroleum-like odors, staining, and elevated PID readings (14.6 to 341 ppm) were observed from approximately 2 to 4 feet bgs at SB-03; petroleum-like odors, staining, and elevated PID readings (64.6 to 643 ppm) were observed from approximately 0 to 2 feet bgs at SB-05; and faint petroleum-like odors and low-level PID readings (7.0 ppm) were observed from approximately 4 to 4.5 feet bgs at B-03.
- Groundwater was not encountered prior to Geoprobe® refusal on suspected bedrock; therefore, three bedrock groundwater monitoring wells were installed to evaluate groundwater conditions. Groundwater was measured at depths ranging from approximately 4.25 to 4.75 feet bgs in the wells that were installed. Field evidence of suspected petroleum contamination was observed in one of the three wells: faint petroleum-like odors, a sheen, and low-level headspace PID readings (15.5 ppm) were observed at monitoring well MW-01.
- Analytical results for the soil samples identified total xylenes and naphthalene at concentrations above their respective UUSCOs and PGWSCOs, but below their respective RRSCOs, in one sample (SB-05_0-2-20210610). The elevated concentrations of total xylenes and naphthalene detected in the soil sample collected from soil boring SB-05, located adjacent to the pump island, were attributed to a petroleum release from piping associated with the fuel dispensers. Field evidence of suspected petroleum contamination (odors, staining, and elevated PID readings) was observed from approximately 0 to 2 feet bgs at SB-05, the 2-foot interval above bedrock.
- Copper, lead, nickel, and zinc were detected in one or more of the samples at concentrations above their respective UUSCOs, but below their respective RRSCOs and PGWSCOs; mercury was detected at concentrations above its UUSCO in three samples and above its RRSCO and PGWSCO in one sample (SB-01_0-2_20210610). The metals detected in the soil samples were attributed to historic fill material, which was observed in each of the soil borings advanced, and not to a release or other source area.
- No VOCs or SVOCs were detected at concentrations above their respective AWQSGVs in the groundwater samples collected; however, benzene was detected at a concentration of 1 µg/L, which is

equal to its AWQSGV, in the sample collected from monitoring well MW-01. Field evidence of petroleum contamination (faint odors, sheen, and low-level headspace PID readings) were observed at monitoring well MW-01.

- Analytical results for the soil vapor samples identified petroleum-related compounds (e.g., benzene, toluene, ethylbenzene, xylenes, trimethylbenzenes, MTBE, cyclohexane, n-heptane, n-hexane, TBA, etc.) and chlorinated solvent-related compounds (e.g., PCE, TCE, etc.). Of note, PCE was detected at a concentration of 1,000 µg/m³ at soil vapor point SV-01 and 1,100 µg/m³ at soil vapor point SV-04, and elevated concentrations of petroleum-related VOCs were detected at soil vapor points SV-02 and SV-03. The elevated concentrations of PCE detected at soil vapor points SV-01 and SV-04, located in and adjacent to the auto repair shop, respectively, were attributed to historic auto repair operations at the Site. The elevated concentrations of petroleum-related VOCs detected at soil vapor points SV-02 and SV-03, located adjacent to the UST field, were attributed to historic petroleum storage and fueling operations at the Site.

Supplemental Subsurface (Phase II) Investigation, 102 Bruckner Boulevard, Bronx, NY 10454, prepared by AKRF, December 2022

AKRF completed a Supplemental Subsurface (Phase II) Investigation of 102 Bruckner Boulevard following the decommissioning of the gasoline station/auto repair shop to target areas that were previously inaccessible for sampling, including in the vicinity of the USTs, floor drains, and former hydraulic lifts. The Supplemental Subsurface (Phase II) Investigation included the advancement of eight soil borings, installation of two temporary groundwater monitoring wells, and the collection of soil and groundwater samples for field-screening and laboratory analysis. Based on the findings of the Supplemental Subsurface (Phase II) Investigation, AKRF concluded the following:

- Soil encountered during the Supplemental Subsurface (Phase II) Investigation consisted of historic fill (sand, silt, and gravel, with varying amounts of asphalt, brick, and concrete) extending from ground surface to the surface of bedrock, which was encountered in each soil boring advanced; the fill material in the four borings advanced within the UST field was comprised primarily of pea gravel, which is industry standard fill material for fiberglass USTs used for petroleum storage. Outside of the UST field, bedrock was encountered at depths ranging from approximately 4 to 5 feet bgs. Shallow bedrock was historically removed to facilitate the installation of the facility's three 4,000-gallon USTs, with Geoprobe® refusal on suspected bedrock (or a concrete tank pad) encountered at approximately 10 feet bgs in this area.
- Field evidence of suspected petroleum contamination was observed in seven of the eight soil boring locations: faint petroleum-like odors were observed from approximately 5 to 10 feet bgs at SSB-01 through SSB-03; faint petroleum-like odors were observed from approximately 5 to 9.5 feet bgs at SSB-04, with strong odors and elevated PID readings (>90 ppm) noted from approximately 9.5 to 10 feet bgs; faint petroleum-like odors were observed from approximately 0 to 4 feet bgs at SSB-05 and from approximately 0 to 5 feet bgs at SSB-06; and faint petroleum-like odors were observed from approximately 0 to 2 feet bgs at SSB-08, with strong odors and elevated PID readings (>130 ppm) noted from approximately 2 to 4 feet bgs. No other field evidence of contamination was noted in the soil borings advanced during the Supplemental Subsurface (Phase II) Investigation
- While not encountered prior to refusal outside of the UST field, groundwater was measured at a depth of approximately 4.25 feet bgs in the two temporary monitoring wells (TW-01 and TW-02) installed within the UST field. A faint petroleum-like odor and a discontinuous sheen were noted on purge water from each temporary monitoring well; however, no evidence of gross contamination [light non-aqueous phase liquid (LNAPL), heavy odors, continuous sheen, etc.] was detected.
- Field evidence of suspected petroleum contamination (odors and elevated PID readings) were observed from approximately 5-10 feet bgs at SSB-04 and from approximately 0 to 4 feet bgs at SSB-08. The

petroleum-related VOCs ethylbenzene and total xylenes (the sum of o-xylene and m,p-xylenes) were detected in up to two soil samples at concentrations above their respective UUSCOs, above their respective PGWSCOs in one sample (SSB-08_2-4_20221110), but below their respective RRSCOs. The field screening and associated laboratory analytical results indicate the presence of petroleum-related VOCs in soil associated with the out-of-service USTs and dispensing system. Methylene chloride was detected at a concentration above its UUSCO and PGWSCO, but below its RRSCO in one sample (SSB-04_9-10_20221110). Methylene chloride is a common laboratory contaminant and its presence in one soil sample is likely related to laboratory contamination, and may not be reflective of actual soil conditions at the Site (although it was not detected in the associated laboratory blank samples).

- Lead and mercury were detected in up to three of the soil samples at concentrations above their respective UUSCOs, but below their respective RRSCOs and PGWSCOs; arsenic was detected above its UUSCO, RRSCO, and PGWSCO in one sample (SSB-08_2-4_20221110). The metals detected in the soil samples are likely attributable to historic fill material, which was observed in each of the soil borings advanced, and not to a release or other source area.
- Field evidence of petroleum contamination (faint odors and a discontinuous sheen) were observed at both temporary monitoring wells (TW-01 and TW-02); however, no evidence of gross contamination (LNAPL, heavy odors, continuous sheen, etc.) was detected. The petroleum-related VOCs benzene, isopropylbenzene, MTBE, and m,p-xylenes were detected at concentrations above their respective AWQSGVs in one or both of the groundwater samples collected. The field screening and associated laboratory analytical results indicate the presence of petroleum-related VOCs in groundwater associated with the out-of-service USTs and dispensing system.

2. Sampling Data

Data tables summarizing exceedances for soil, groundwater, and soil vapor are included in *Attachment C*. Referenced laboratory reports are included as Appendix D in the September 2021 Subsurface (Phase II) Investigation Report, October 2021 Subsurface (Phase II) Investigation Report, and December 2022 Supplemental Subsurface (Phase II) Investigation Report, respectively; the previous environmental reports for the Site are included as *Attachment B* (electronic copies only).

3. Contaminant Exceedance Figures

Figures illustrating soil sample concentrations above UUSCOs and RRSCOs (and PGWSCOs where applicable), groundwater sample concentrations above AWQSGVs, and soil vapor detections are provided as *Figures 7, 8, and 9*, respectively.

Section V: Requestor Information

1. Requestor Information

Contact information and the names of members/owners of the Applicant are set forth below in Table 2:

Table 2
Requestor Information

Entity Name/Applicant	Members/Owners	Contact Information
132 Willis Associates, LLC	The GSMB Generation Trust (Member – 90% Interest) Mr. Benny A. Caiola (Member & Manager of the Company – 10% Interest)	Attn: Mr. Benny A. Caiola, Principal 132 Willis Associates, LLC c/o Bettina Equities Management LLC 230 East 85 th Street New York, NY 10028

2. Requestor Entity Information

The New York State (NYS) Department of State's Corporation and Business Entity Database information for the requestor is included as *Attachment D*.

3. Member-Org Chart

The member-org chart and member consent resolution for the Applicant are provided in *Attachment E*.

Section VI: Requestor Eligibility Information

13. Volunteer Statement

The Applicant qualifies as a Volunteer with respect to the Site because they have not owned or operated the Site at the time of the disposal of hazardous substances, waste, and/or petroleum, if any. The Applicant performed all appropriate inquiry prior to acquiring the Site, i.e., they retained a qualified environmental consultant to conduct a Phase I ESA and Subsurface (Phase II) Investigations at the Site, and are voluntarily applying to be accepted into the BCP to undertake all required investigation and remediation of the Site prior to and/or concurrent with its redevelopment. In addition, the Applicant required the former owner of the 102 Bruckner Boulevard (former Lot 78) parcel to decommission the former gasoline station/auto repair shop and dispose of all wastes prior to acquiring the parcel.

14. Proof of Access

The Applicant currently owns the Site; therefore, access authorization letters are not provided with this application.

Section IX: Current Property Owner and Operator Information

Current Property Owner and Operator:

Information for the current Site owner is listed below in Table 3. The Site and the associated buildings are currently unoccupied/vacant; therefore, there are not current operators at the Site.

Table 3
Current Property Owner

Current Owner	Contact Name	Address/Phone/E-mail	Ownership Start Date
132 Willis Associates, LLC	Mr. Benny A. Caiola	132 Willis Associates, LLC c/o Bettina Equities Management LLC 230 East 85 th Street New York, New York 10028 (212) 772-8830 bcaiola@bettinaequities.com	April 30, 2021 (former Lots 50 and 94) October 14, 2022 (former Lot 78)

Historical Property Owners and Operators:

Information for the known historical property owners and operators is listed below in Tables 4 and 5, respectively.

Table 4
Historical Property Owners

Owner	Approximate Years of Ownership	Status of Entity (if available)	Current/Last Known Address/Phone Number (if available)	Relationship to Requestor
102 Bruckner Boulevard (Former Lot 78)				
102 Bruckner Boulevard Realty LLC	2004 – 2022	Unknown	Last Known Info: 39 Oak Road Katonah, NY 10536	None
Salvatore Caiola	1972 – 2004	Unknown	Last Known Info: 5 Hale Place Tappan, NY 10983	None
Dellwood Milk Corp.	Prior to 1972	Unknown	Last Known Info: 170 Saw Mill River Rd. Yonkers, NY 10701	None
469 East 132nd Street (Former Lot 94)				
EOIN Michael Properties, LLC	2006 – 2021	Unknown	Last Known Info: P.O. Box 770308 Woodside, NY 11377	None
National Land and Building Corporation	1989 – 2006	Unknown	Last Known Info: 105 Tranquilla Drive Palm Beach Gardens, FL 33418	None
William Masselli	Prior to 1989	Unknown	Last Known Info: 150 East 52 nd Street New York, NY 10022	None
80 Willis Avenue (Former Lot 50)				
Properties Hacker, LLC	2006 – 2021	Unknown	Last Known Info: P.O. Box 770308 Woodside, NY 11377	None
National Land and Building Corporation	1989 – 2006	Unknown	Last Known Info: 105 Tranquilla Drive Palm Beach Gardens, FL 33418	None
William Masselli	1974 – 1989	Unknown	Last Known Info: 150 East 52 nd Street New York, NY 10022	None
Salvatore Caiola	1972 – 1974	Unknown	Last Known Info: 5 Hale Place Tappan, NY 10983	None
Dellwood Milk Corp.	Prior to 1972	Unknown	Last Known Info: 170 Saw Mill River Rd. Yonkers, NY 10701	None

Table 5
Historical Property Operators

Operator	Approximate Years in Operation	Status of Entity	Current/Last Known Address/Phone Number (if available)	Relationship to Requestor
102 Bruckner Boulevard (Former Lot 78)				
Apple Auto & Truck Care Inc.	2009 – 2022	Unknown	102 Bruckner Boulevard, Bronx, NY 10454	None
Unknown	2006 – 2008	Unknown	Unknown	N/A
Applied Services LLC	1999	Unknown	Last Known Info: 102 Bruckner Boulevard, Bronx, NY 10454	None
Apple Muffler Shops	1993 – 2005	Unknown	Last Known Info: 102 Bruckner Boulevard, Bronx, NY 10454	None
Unknown	1984 – 1992	Unknown	Unknown	N/A
Sal's Sunoco Service Station	1965 – 1983	Unknown	Last Known Info: 102 Bruckner Boulevard, Bronx, NY 10454	None
Unknown	Prior to 1965	Unknown	Unknown	N/A
469 East 132nd Street (Former Lot 94)				
Unknown	2009 – 2021	Unknown	Unknown	N/A
Empire Erectors & Electrical Company	2004 – 2009	Unknown	Last Known Info: 469 East 132 nd Street, Bronx, NY 10454	None
Unknown	2003 – 1972	Unknown	Unknown	N/A
Lacto Milk Products Corporation, Lacto Yogurt Manufacturing Company	1965 – 1971	Unknown	Last Known Info: 469 East 132 nd Street, Bronx, NY 10454	None
Unknown	Prior to 1965	Unknown	Unknown	N/A
80 Willis Avenue (Former Lot 50)				
Unknown	Prior to 1949 - 2021	Unknown	Unknown	N/A

Section XI: Contact List Information

1. Local, State, and Federal Officials

Table 6
Local, State, and Federal Officials

Hon. Eric Adams Mayor of New York City City Hall Park New York, NY 10007	Hon. Brad Lander New York City Comptroller Office of the Comptroller, City of NY 1 Centre Street, Room 517 New York, NY 10007
Jumaane D. Williams Public Advocate 1 Centre Street, 15 th Floor New York, NY 10007	Vanessa L. Gibson Bronx Borough President 851 Grand Concourse, 3rd Floor Bronx, New York 10451

Table 6
Local, State, and Federal Officials

Amanda Septimo State Assembly District 84 384 East 149th Street Bronx, NY 10455 718-292-2901	Oswald Feliz City Council District 15 573 East Fordham Road Bronx, NY 10458
Dan Garodnick, Director NYC Department of City Planning 120 Broadway, 31 st Floor New York, New York 10271	NYC Department of City Planning Bronx Borough Office 1775 Grand Concourse, Suite 503 Bronx NY 10453
Hon. Charles Schumer U.S. Senate 780 Third Avenue, Suite 2301 New York, NY 10017	Hon. Kirsten Gillibrand U.S. Senate 780 Third Avenue, Suite 2601 New York, New York 10017
Hon. Richie Torres U.S. House of Representatives 1231 Lafayette Ave, 4th Floor Bronx, NY 10474	Hon. Kathy Hochul NYS State Capitol Building Albany, New York 12224
Mark McIntyre, Director Mayor's Office of Environmental Remediation 100 Gold Street, 2 nd Floor New York, NY 10038	Mark Chambers, Director Mayor's Office of Environmental Sustainability 253 Broadway, 7 th Floor New York, New York 10007
Pinar Balci, Assistant Commissioner NYC Dept. of Environmental Protection – Bureau of Environmental Planning and Analysis 96-05 Horace Harding Expressway Flushing, New York 11373	Kevin Rothermel Bronx County Clerk 851 Grand Concourse, Room B131 Bronx, NY 10451
Rohit T. Aggarwala, Commissioner NYC Dept. of Environmental Protection 59-17 Junction Boulevard Flushing, NY 11373	Gustavo Rivera New York State Senator, District 33 2432 Grand Concourse, Suite 506 Bronx, NY 10458
Arline Parks, Chairperson Bronx Community Board 1 3024 Third Avenue Bronx, NY 10455	

2. Residents, Owners, and Occupants of the Site and Adjacent Properties

Owners and occupants of the Site and adjacent properties are listed below:

Table 7
Residents, Owners, Occupants of the Site and Adjacent Properties

Block/Lot	Owner	Occupant
Block 2277, Lot 50	132 Willis Associates, LLC	Vacant
Block 2277, Lot 51	NYC Department of Transportation	Vacant
Block 2277, Lot 250	NYC Department of Transportation	Vacant
Block 2277, Lot 82	SP HHF SUB B LLS	Storage Post 112 Bruckner Boulevard Bronx, NY 10454 Phone: (718) 208-4837

Table 7
Residents, Owners, Occupants of the Site and Adjacent Properties

Block 2277, Lot 92	SP HHF SUB B LLS	Storage Post 112 Bruckner Boulevard Bronx, NY 10454 Phone: (718) 208-4837
Block 2260, Lot 62	NYC Department of Transportation	Foodfest Depot 500 East 132 nd Street Bronx, NY 10454 Phone: (718) 993-2020 Waste Management - Harlem River Yard Transfer Station 98 Lincoln Avenue Bronx, NY 10454 Phone: (718) 401-4126
Block 2278, Lot 64	405 Rider Avenue Realty	Association for Energy Affordability, Inc. 105 Bruckner Boulevard Bronx, NY 10454 Phone: (718) 292-6733
Block 2278, Lot 61	405 Rider Avenue Realty	Parking Lot Association for Energy Affordability, Inc. 105 Bruckner Boulevard Bronx, NY 10454 Phone: (718) 292-6733

3. Local News Media

Table 8
Local News Media

New York Post 1211 Avenue of the Americas New York, New York 10036	New York Daily News 270C Duffy Avenue Hicksville, NY 11801
Spectrum New York 1 News 75 Ninth Avenue New York, NY 10011	The New York Times 620 Eighth Avenue New York, NY 10018
Bronx Times-Reporter 3604 East Tremont Avenue Bronx, NY 10465	News 12 The Bronx 930 Soundview Avenue Bronx, NY 10473
Inner City Press PO Box 20047, Dag Hammarskjold Station New York, NY 10017	Bronx Times 3602 East Tremont Avenue, Suite 205 Bronx, NY 10465
El Diario 15 MetroTech Center, 7 th Floor Brooklyn, NY 11201	

4. Public Water Supply

Public water is provided by The City of New York, Department of Environmental Protection:

Customer Service Center
59-17 Junction Boulevard, 13th Floor
Flushing, New York 11373

Rohit T. Aggarwala, Commissioner
NYC Dept. of Environmental Protection
59-17 Junction Boulevard
Flushing, NY 11373

5. Additional Contacts

None.

6. Nearby School and Day Care Centers (within 1,000 feet of the Site)

Table 9
Nearby Schools and Day Care Centers

Schools	
Public School 43 – Bronx Attn: Caroline Mordecai, Principal 165 Brown Place Bronx, NY 10454 (718) 292-4502 ~600 feet northeast of the Site	Learning Through Play Pre-K Center Attn: Carlyn Rahynes, Principal 105 Willis Avenue Bronx, NY 10454 (718) 401-0510 ~700 feet west-northwest
Mott Haven Academy Charter School Attn: William Windrand, Principal (PreK-2) Attn: Tyra Williams, Principal (Upper School) 170 Brown Place Bronx, NY 10454 (718) 292-7015 ~750 feet northeast of the Site	
Day Care Facilities	
Inwood House Attn: Maria J. Mero-David, Director 165 Brown Place Bronx, NY 10454 ~600 feet northeast of the Site	Arabesca De La Cruz Attn: Arabesca De La Cruz, Provider 105 Willis Avenue, Apt. 4-H Bronx, NY 10454 ~700 feet west-northwest
BronxWorks Inc. Attn: Ursula T. Cooper-Hunter, Director 170 Brown Place Bronx, NY ~750 feet east-northeast of the Site	YMCA of Greater New York Attn: Danielle Long, Director 170 Brown Place Bronx NY 10454 ~750 feet northeast of the Site
Kerrice Holmes Attn: Kerrice Holmes, Provider 331 East 132 nd Street Bronx, NY 10454 ~750 feet west-northwest	Jacqueline Cruz Attn: Jacqueline Cruz, Provider 177 Brook Avenue, Apt. 1 Bronx, NY 10454 ~800 feet northeast

7. Document Repositories

Mott Haven Library
Library Manager: Tiffany McCrae
321 East 140th Street
Bronx, NY, 10454
(718) 665-4878
tiffanymccrae@nypl.org

Bronx Community Board #1
Arline Parks, Chairperson
3024 Third Avenue
Bronx, NY 10455
(718) 585-7117
brxcb1@optonline.net

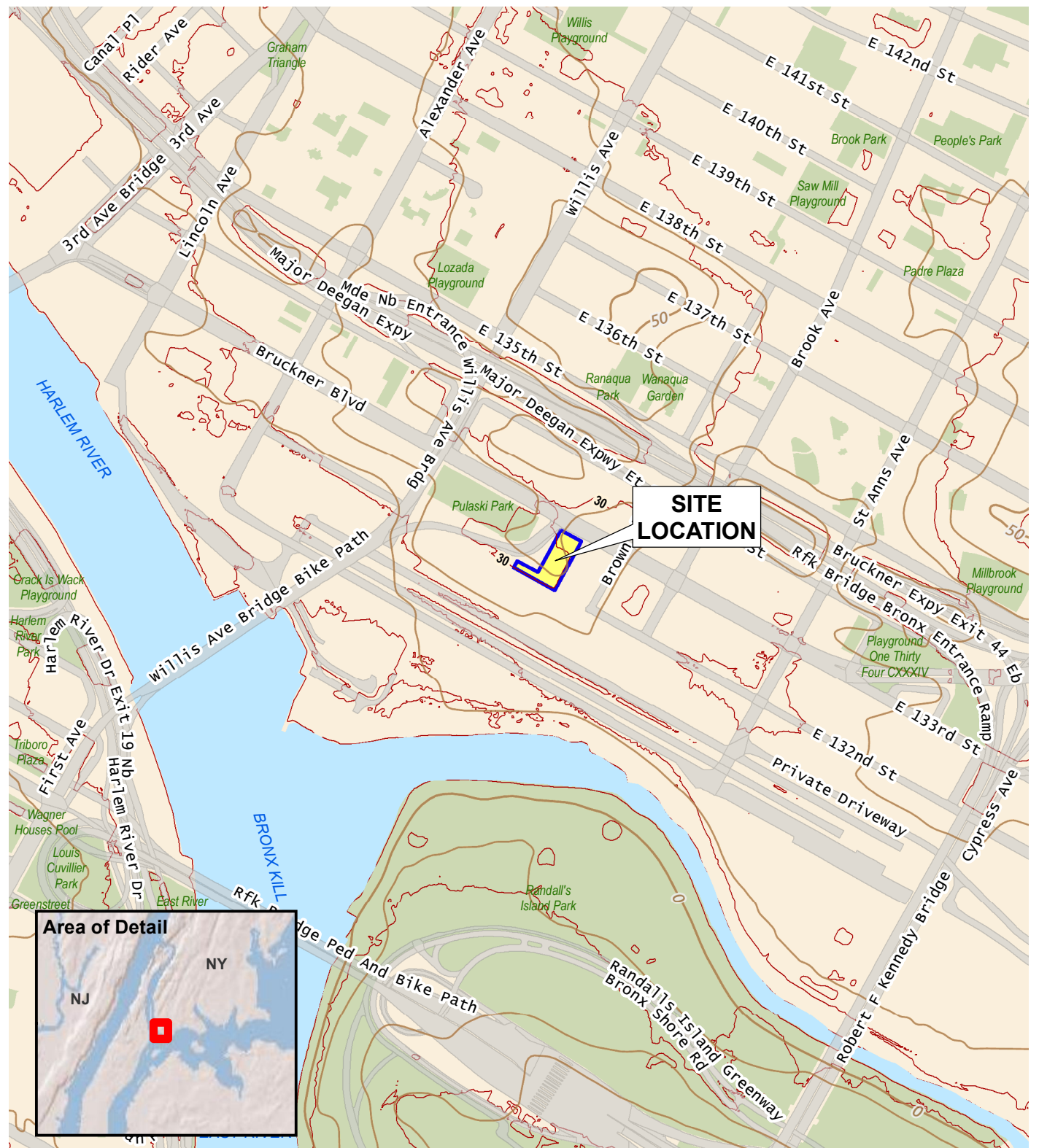
Letters signed by representatives of the designated document repositories are included in *Attachment F*.

8. Local Community Board

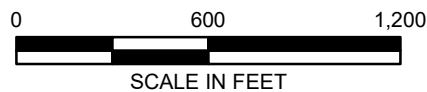
Bronx Community Board #1
Arline Parks, Chairperson
3024 Third Avenue
Bronx, NY 10455
(718) 585-7117
brxcb1@optonline.net

FIGURES

© 2023 AKRF Q:\Projects\200328 - BETTINA - BRUCKNER PROPERTIES\Technical\GIS and Graphics\AKR\BCP\200328 Fig 1A Site location.mxd 11:27:03 AM mveilleux



Service Layer Credits: USGS The National Map: 3d Elevation Program, Data Refreshed July, 2020



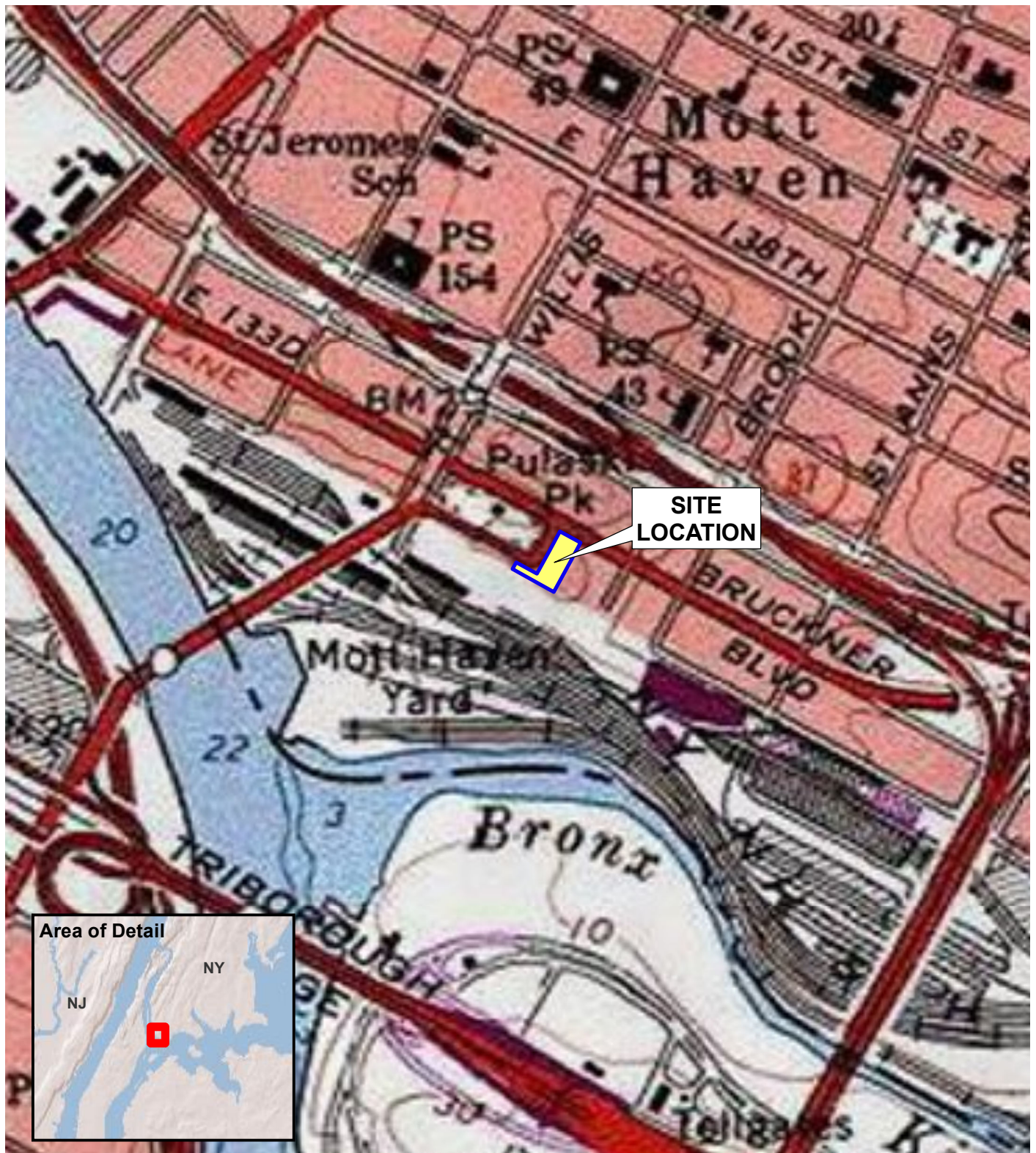
440 Park Avenue South, New York, NY 10016

102 Bruckner Boulevard
Bronx, New York

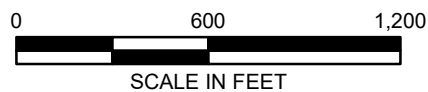
SITE LOCATION MAP

DATE
4/23/2023
PROJECT NO.
200328
FIGURE
1A

©2023 AKRF Q:\Projects\200328 - BETTINA - BRUCKNER PROPERTIES\Technical\GIS and Graphics\AKRBP\200328 Fig 1B Site location.mxd/23/11/29:13 AM mvelieux



Service Layer Credits: USGS 7.5-Minute Topographic Quadrangle Map, Photorevised 1979.



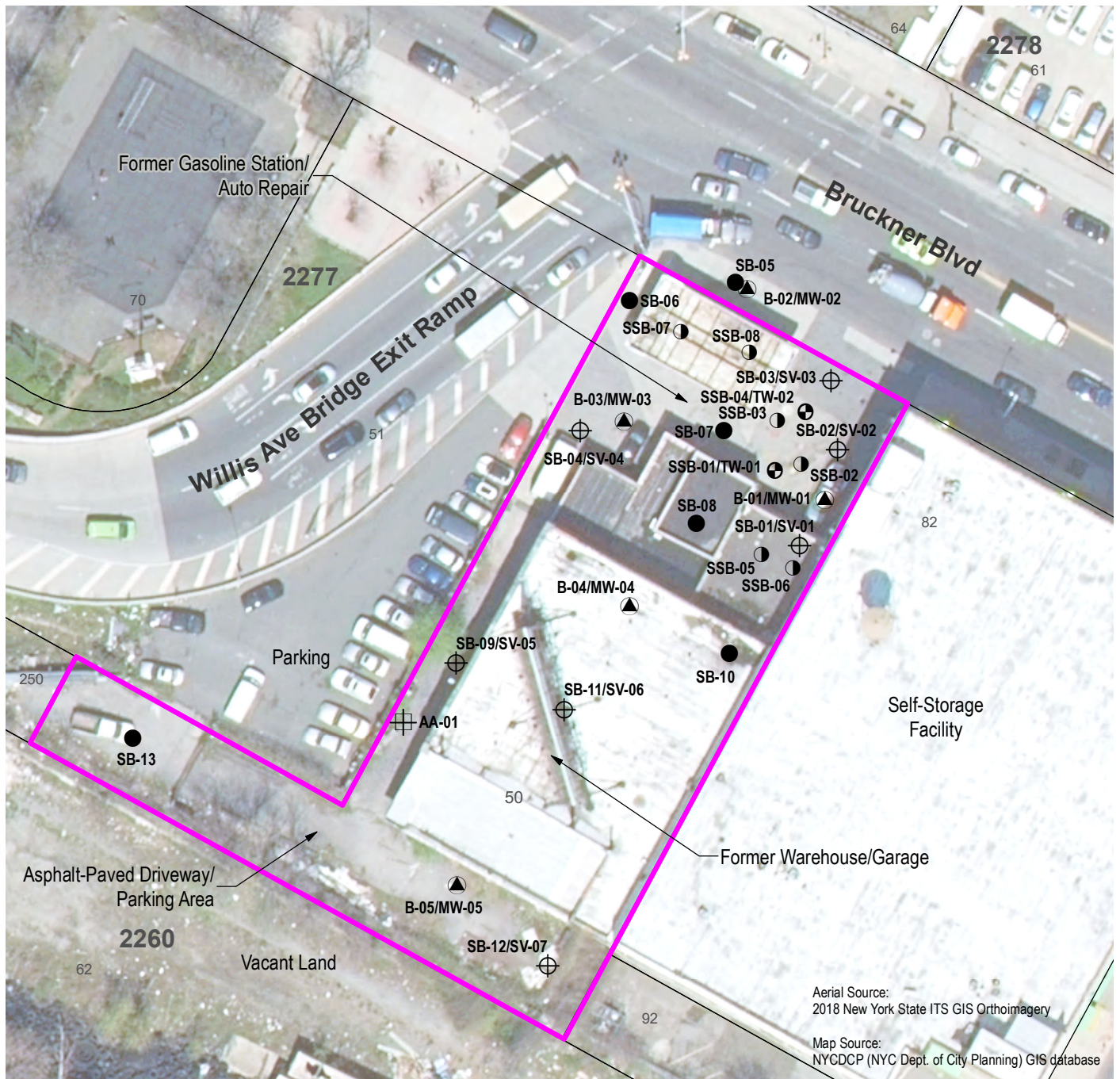
440 Park Avenue South, New York, NY 10016

102 Bruckner Boulevard
Bronx, New York

USGS 7.5-MINUTE QUADRANGLE MAP

DATE
4/23/2023
PROJECT NO.
200328
FIGURE
1B

©2023 AKRF Q:\Projects\200328 - BETTINA - BRUCKNER PROPERTIES\Technical\GIS and Graphics\AR\BCP\200328 Fig 2 Site Plan and Sample Locations.mxd 1/18/2023 4:27:11 PM mvelieux



LEGEND



PROPERTY BOUNDARY



LOT BOUNDARY AND TAX LOT NUMBER

2277 BLOCK NUMBER



SOIL BORING LOCATION (2022)



SOIL BORING/TEMPORARY MONITORING WELL LOCATION (2022)



SOIL BORING LOCATION (2021)



SOIL BORING/MONITORING WELL LOCATION (2021)



SOIL BORING/SOIL VAPOR SAMPLE LOCATION (2021)



AMBIENT AIR SAMPLE LOCATION (2021)



SCALE IN FEET



440 Park Avenue South, New York, NY 10016

102 Bruckner Boulevard
Bronx, New York

SITE PLAN AND SAMPLE LOCATIONS

DATE

1/18/2023

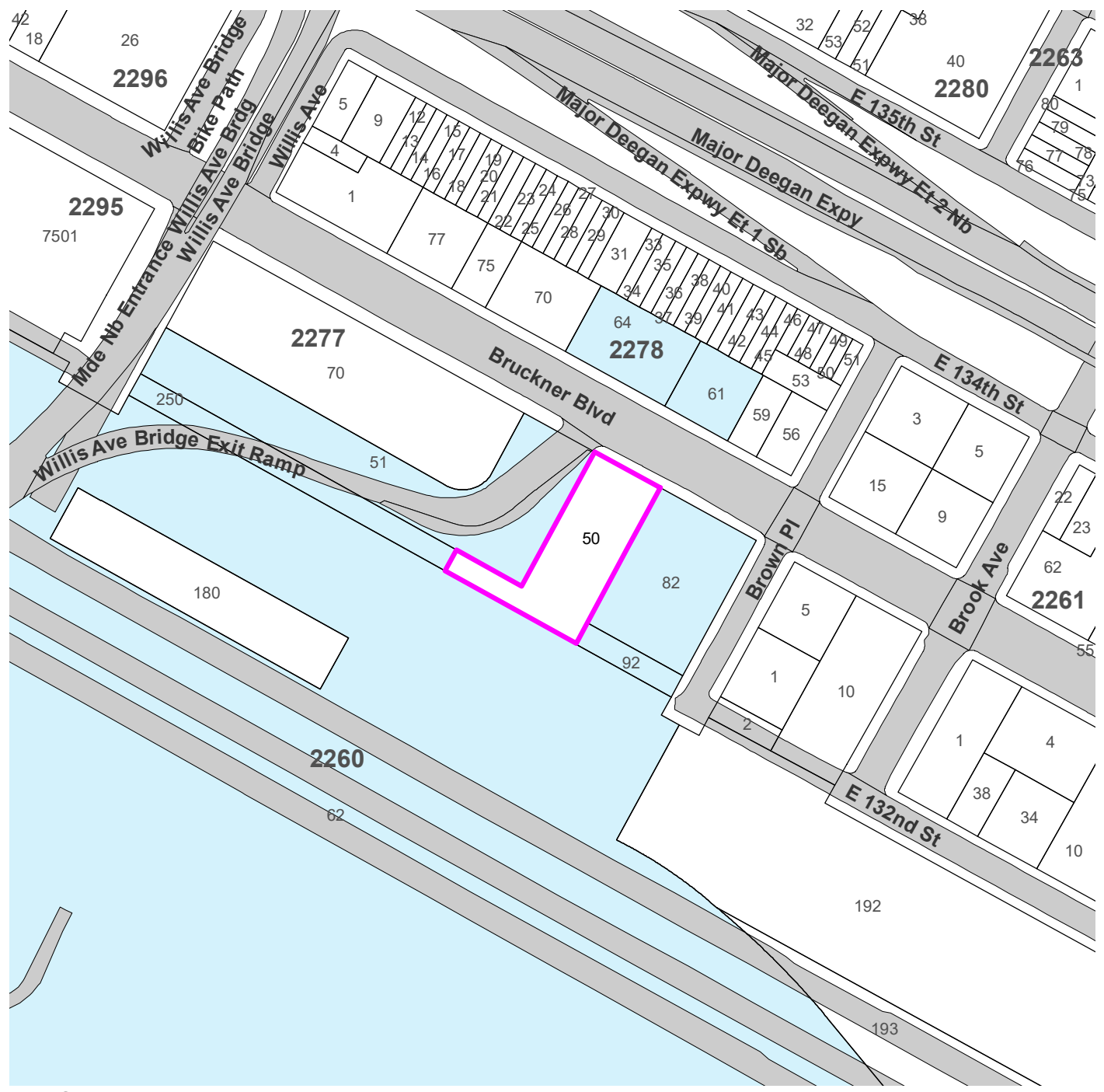
PROJECT NO.

200328




FIGURE

2

©2023 AKRF Q:\Projects\200328 - BETTINA - BRUCKNER PROPERTIES\Technical\GIS and Graphics\SAR\BCP\200328 Fig 3 Tax Map & Surrounding Properties.mxd 1/18/2023 2:42:04 PM mvelieux



LEGEND

-  PROJECT SITE BOUNDARY
-  ADJACENT PROPERTY
-  LOT BOUNDARY AND TAX LOT NUMBER
- 2277** BLOCK NUMBER

Adjacent Property Owners		
Block	Lot	Owner Name
2277	51	NYC DEPARTMENT OF TRANSPORTATION
2277	250	NYC DEPARTMENT OF TRANSPORTATION
2277	82	SP HHF SUB B LLS
2277	92	SP HHF SUB B LLS
2260	62	NYC DEPARTMENT OF TRANSPORTATION
2278	64	405 RIDER AVENUE REALTY
2278	61	405 RIDER AVENUE REALTY



Map Source:
NYCDP (NYC Dept. of City Planning) GIS database



440 Park Avenue South, New York, NY 10016

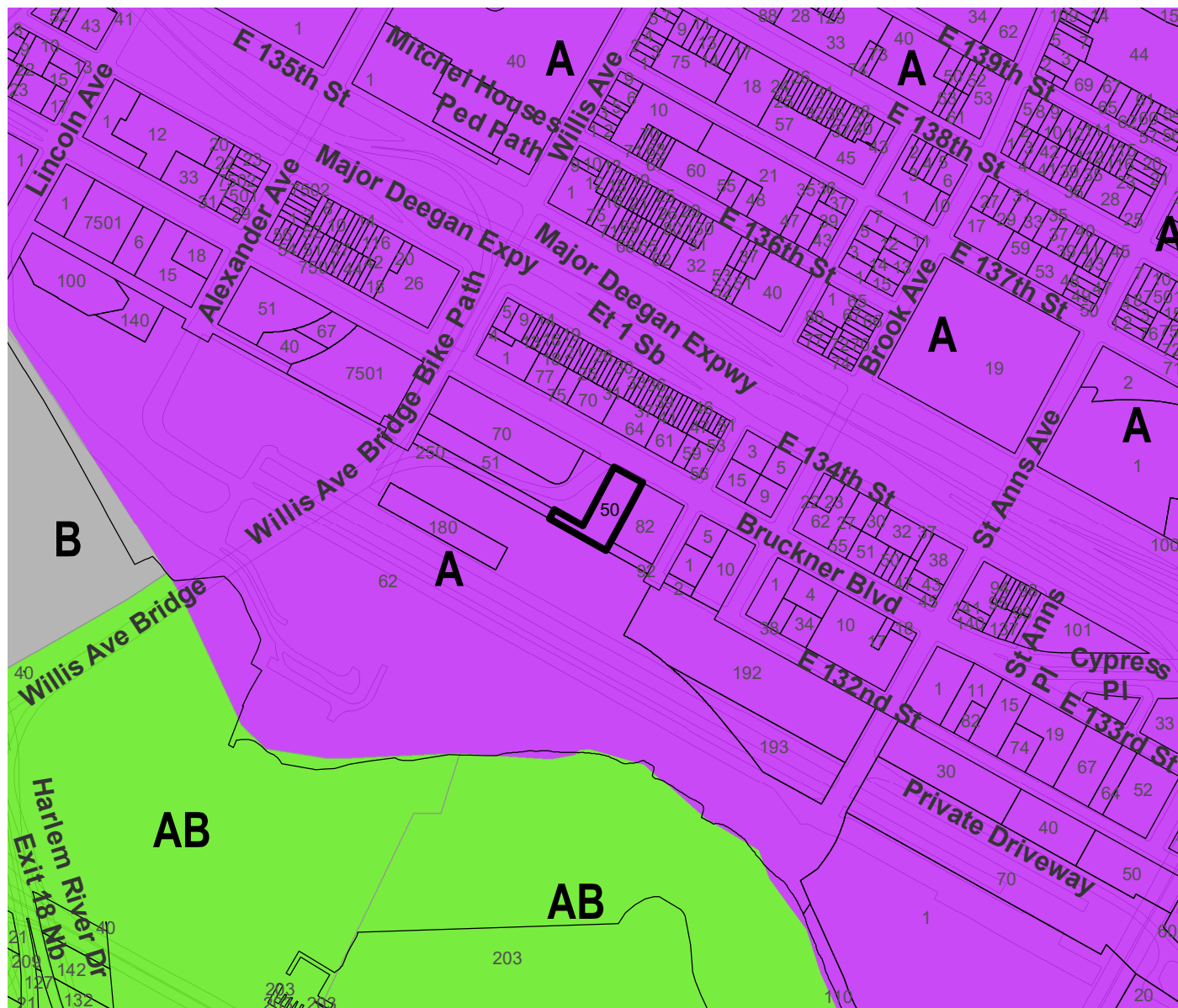
102 Bruckner Boulevard
Bronx, New York

TAX MAP

DATE
1/18/2023

PROJECT NO.
200328

FIGURE
3



LEGEND



PROJECT SITE BOUNDARY



LOT BOUNDARY AND TAX LOT NUMBER



CRITERIA A, Y - INDICATOR FOR CENSUS TRACT HAVING A "POVERTY RATE OF AT LEAST 20% AND UNEMPLOYMENT RATE OF AT LEAST 125% THE STATEWIDE UNEMPLOYMENT RATE." 'Y' INDICATES THAT THE CENSUS TRACT MEETS THIS CRITERIA



CRITERIA B, Y - INDICATOR FOR CENSUS TRACT HAVING A "POVERTY RATE OF AT LEAST 2 TIMES THE POVERTY RATE FOR THE COUNTY." 'Y' INDICATES THAT THE CENSUS TRACT MEETS THIS CRITERIA.



CRITERIA AB, Y - INDICATOR THAT THE CENSUS TRACT MEETS BOTH CRITERIA A AND B. 'Y' INDICATES THAT THE CENSUS TRACT MEETS THIS CRITERIA



440 Park Avenue South, New York, NY 10016

102 Bruckner Boulevard
Bronx, New York

EN-ZONE BOUNDARY MAP

DATE

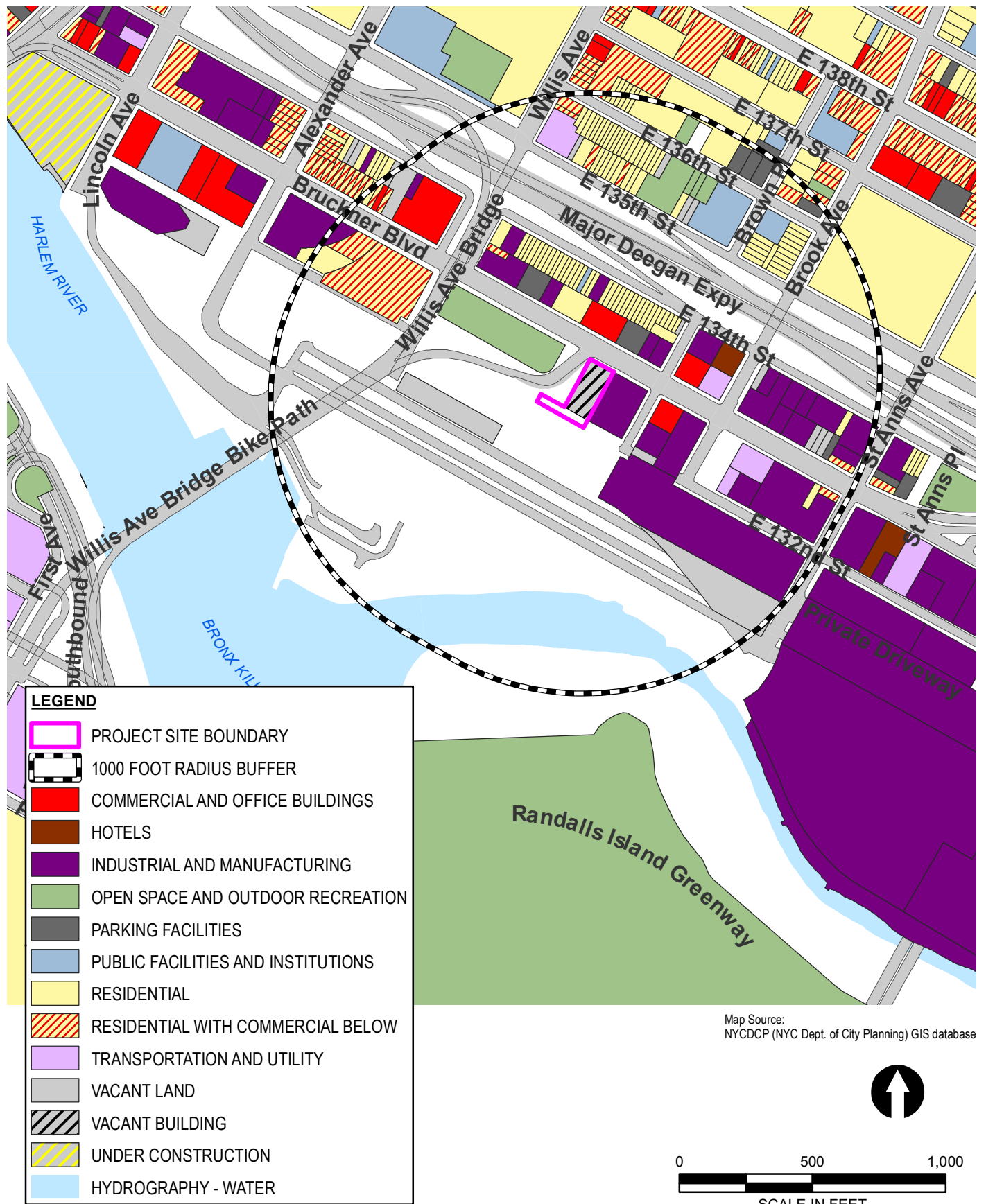
1/18/2023

PROJECT NO.

200328

FIGURE

4



440 Park Avenue South, New York, NY 10016

102 Bruckner Boulevard
Bronx, New York

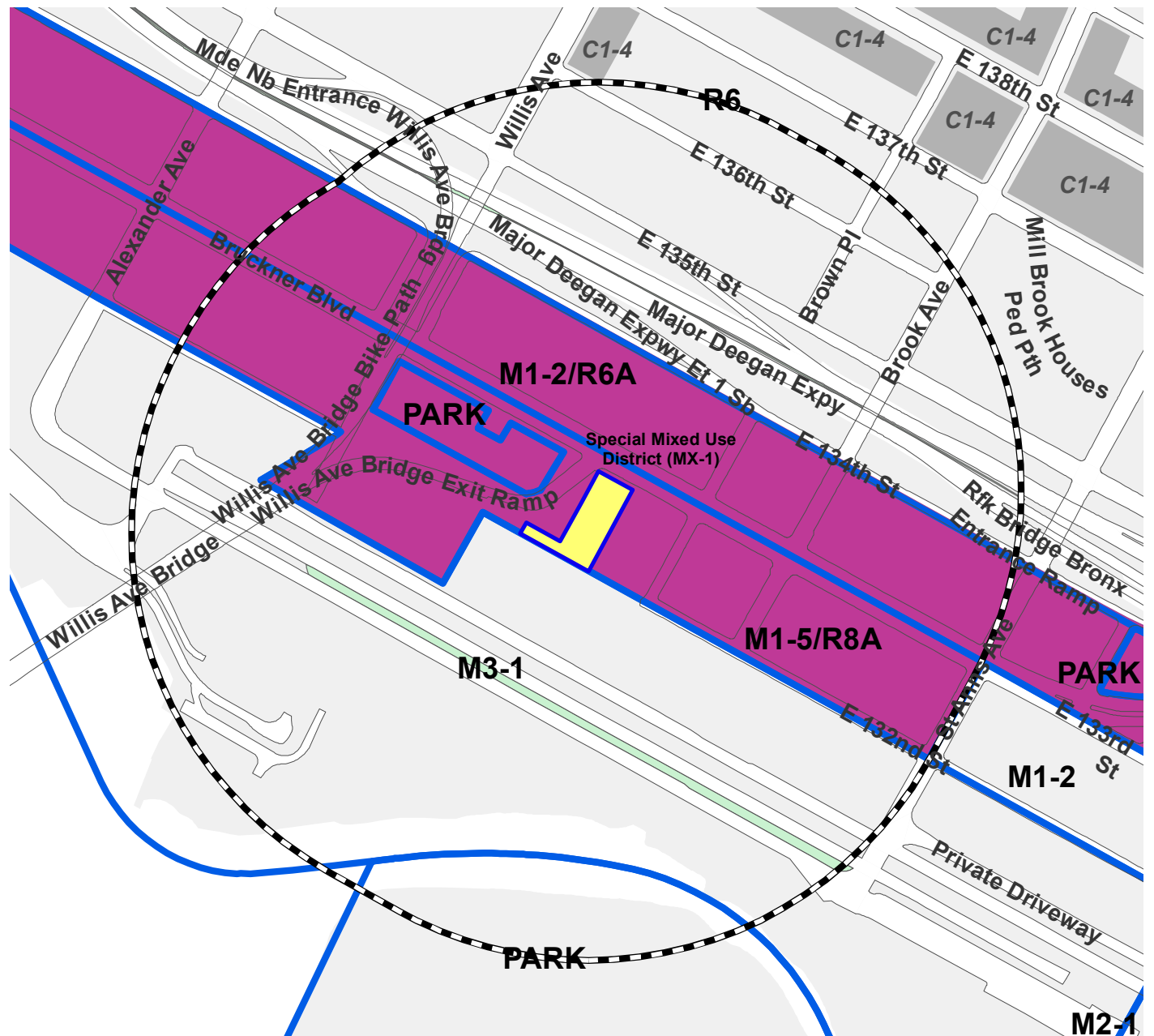
SURROUNDING LAND USE

DATE
1/18/2023

PROJECT NO.
200328






FIGURE
5

© 2023 AKRF Q:\Projects\200328 - BETTINA - BRUCKNER PROPERTIES\Technical\GIS and Graphics\AR\B\CP\200328 Fig 6 Zoning Map.mxd 1/9/2023 4:47:33 PM mveilleux



Source:
NYC Department of City Planning, Technical Review Division

LEGEND

-  PROJECT SITE BOUNDARY
-  1000-FOOT RADIUS BUFFER
-  ZONING DISTRICTS
-  COMMERCIAL OVERLAY DISTRICTS
-  SPECIAL PURPOSE DISTRICT



440 Park Avenue South, New York, NY 10016

102 Bruckner Boulevard
Bronx, New York

ZONING MAP

DATE

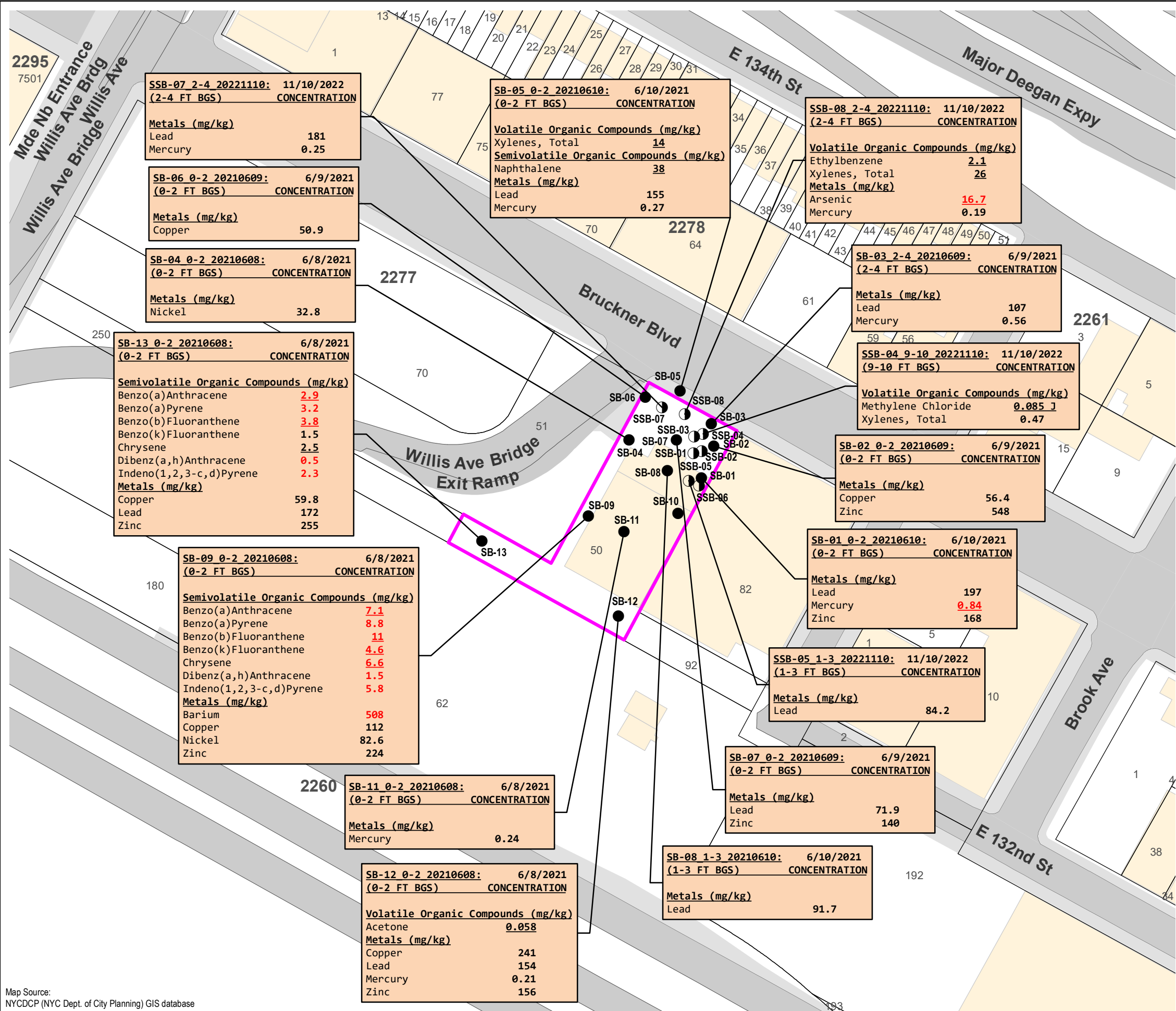
1/9/2023

PROJECT NO.

200328

FIGURE

6



LEGEND

- PROJECT SITE BOUNDARY
- LOT BOUNDARY AND TAX LOT NUMBER
- 2277 BLOCK NUMBER
- BUILDING
- SOIL BORING LOCATION (2021)
- SOIL BORING LOCATION (2022)

Part 375 Soil Cleanup Objectives (SCOs): SCOs listed in the New York State Department of Environmental Conservation (NYSDEC) "Part 375" Regulations (6 NYCRR Part 375).

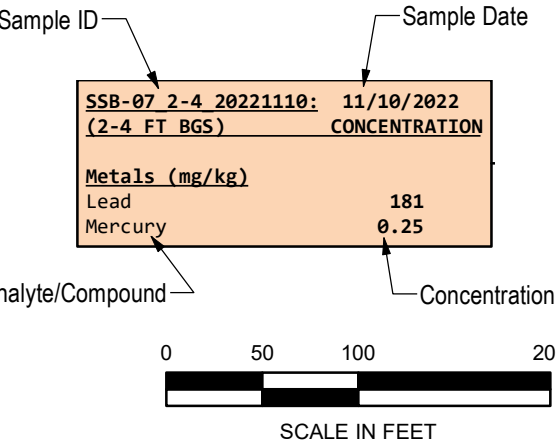
Exceedances of NYSDEC Unrestricted Use Soil Cleanup Objectives (UUSCOs) are presented in bold font.

Exceedances of NYSDEC Restricted Residential Soil Cleanup Objectives (RRSCOs) are presented in red.

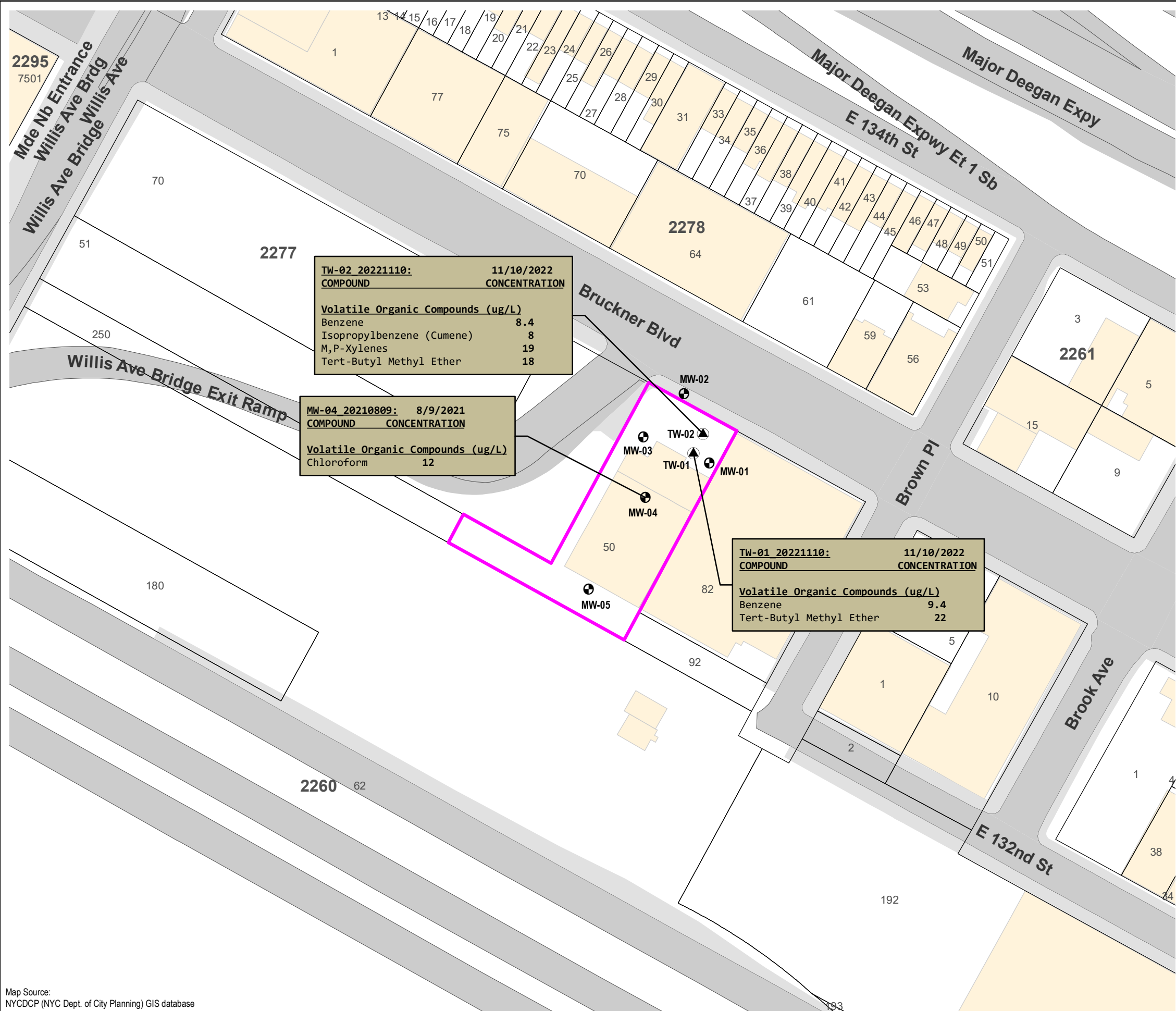
Exceedances of NYSDEC Protected Groundwater Soil Cleanup Objectives (PGWSCOs) are presented in underline.

mg/kg: milligrams per kilogram = parts per million (ppm)
J: The concentration given is an estimated value.

	PGWSCO mg / kg	RRSCO mg / kg	UUSCO mg / kg
Volatile Organic Compounds			
Acetone	0.05	100	0.05
Ethylbenzene	1	41	1
Methylene Chloride	0.05	100	0.05
Naphthalene	12	100	12
Xylenes, Total	1.6	100	0.26
Semivolatile Organic Compounds			
Benzo(a)Anthracene	1	1	1
Benzo(a)Pyrene	22	1	1
Benzo(b)Fluoranthene	1.7	1	1
Benzo(k)Fluoranthene	1.7	3.9	0.8
Chrysene	1	3.9	1
Dibenz(a,h)Anthracene	1000	0.33	0.33
Indeno(1,2,3-c,d)Pyrene	8.2	0.5	0.5
Metals			
Arsenic	16	16	13
Barium	820	400	350
Copper	1720	270	50
Lead	450	400	63
Mercury	0.73	0.81	0.18
Nickel	130	310	30
Zinc	2480	10000	109



© 2023 AKRF Q:\Projects\200328 - BETTINA - BRUCKNER PROPERTIES\Technical\GIS and Graphics\SAR\BCP\200328_Fig 8 Groundwater Sample Concentrations Above NYSDEC AWQSGVs.mxd 1/18/2023 3:48:46 PM nvelleux



Map Source:
NYCDP (NYC Dept. of City Planning) GIS database

LEGEND

- PROJECT SITE BOUNDARY
- LOT BOUNDARY AND TAX LOT NUMBER
- BLOCK NUMBER
- BUILDING
- MONITORING WELL (2021)
- TEMPORARY MONITORING WELL (2022)

NYSDEC TOGS Class GA Ambient Water Quality Standard and Guidance Values (AWQSGVs):
New York State Department of Environmental Conservation (NYSDEC) Technical and Operational Guidance Series (TOGS) (1.1.1):

Groundwater PFAS results are compared to guidance values listed in NYSDEC's 2021 *Draft Addendum to the Technical and Operational Guidance (TOGS) No. 1.1.1*.

µg/L: micrograms per Liter = parts per billion (ppb)

Only Exceedances of NYSDEC AWQSGVs are shown in bold font.

	NYSDEC AWQSGVs
	ug/l
Volatile Organic Compounds	
Benzene	1
Chloroform	7
Isopropylbenzene (Cumene)	5
Tert-Butyl Methyl Ether (MTBE)	10
Xylenes, M,P	5

Sample ID

Sample Date

MW-04_20210809: 8/9/2021

COMPOUND CONCENTRATION

Volatile Organic Compounds (ug/L)

Chloroform 12

Analyte/Compound

Concentration



AKRF

440 Park Avenue South, New York, NY 10016

102 Bruckner Boulevard
Bronx, New York

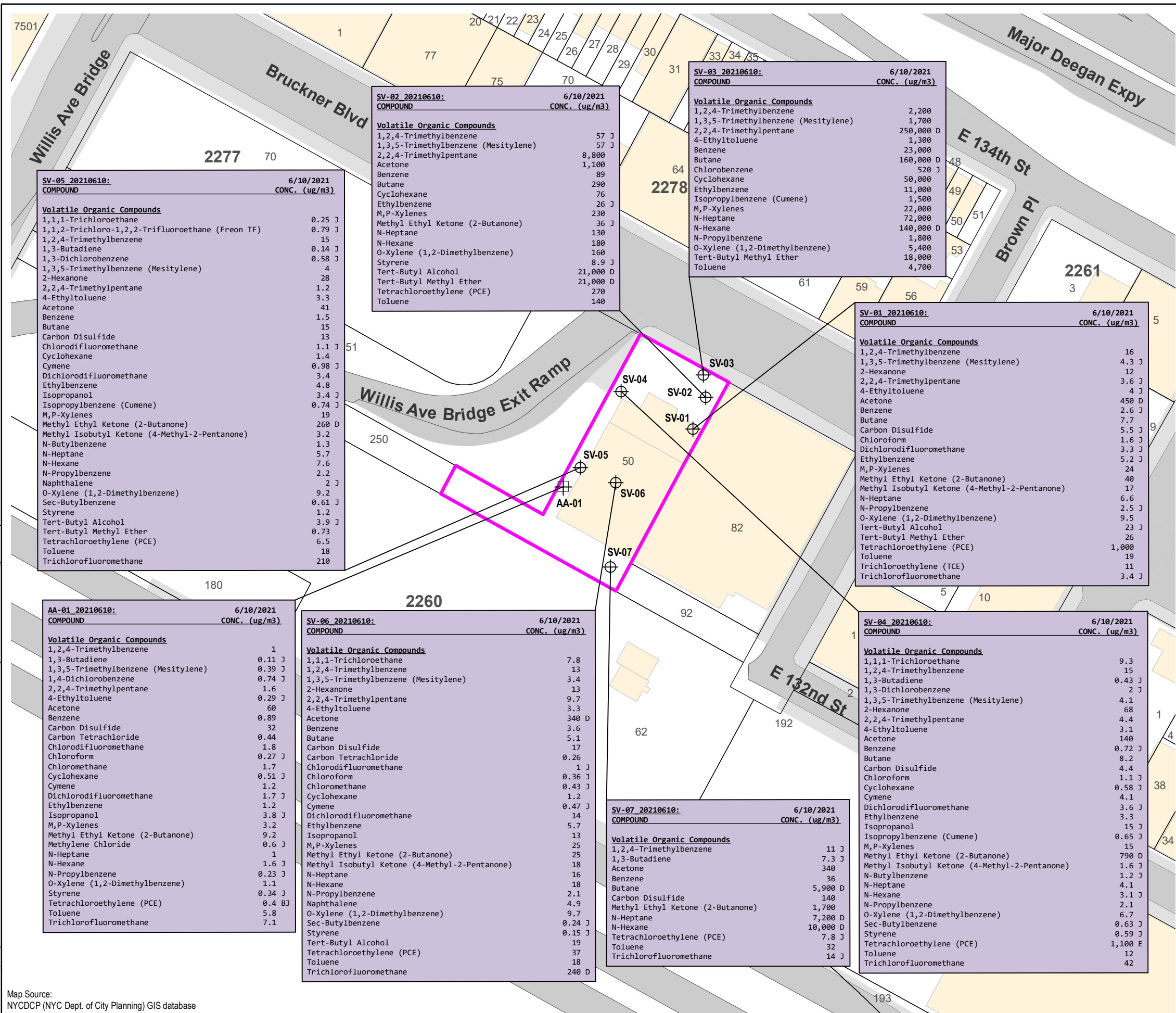
DATE
1/18/2023

PROJECT NO.
200328

FIGURE
8

GROUNDWATER SAMPLE CONCENTRATIONS ABOVE NYSDEC AWQSGVs

© 2023 AKRF Q:\Projects\200328 - BETTINA - BRUCKNER PROPERTIES\Technical\GIS and Graphics\SAR\BCP\200328 Fig 9 Soil Vapor Detections.mxd 1/18/2023 3:56:49 PM mveilleux



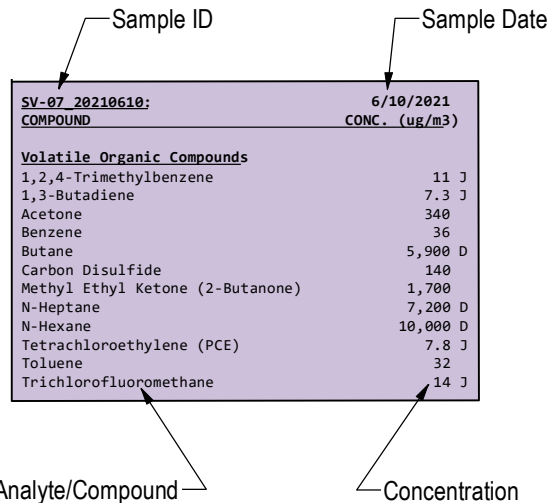
LEGEND

- PROJECT SITE BOUNDARY
- LOT BOUNDARY AND TAX LOT NUMBER
- 50
- 2277 BLOCK NUMBER
- BUILDING
- SOIL VAPOR SAMPLE LOCATION (2021)
- AMBIENT AIR SAMPLE LOCATION (2021)

SOIL VAPOR

µg/m³- micrograms per cubic meter

D: Analyte concentration obtained from dilution.
J: The concentration given is an estimated value.
E: Result exceeded calibration range.



102 Bruckner Boulevard
Bronx, New York

SOIL VAPOR DETECTIONS



440 Park Avenue South, New York, NY 10016

DATE
1/18/2023
PROJECT NO.
200328
FIGURE
9

ATTACHMENT A
APPROVED TAX LOT MERGER

**APPLICATION FOR APPORTIONMENTS OR MERGERS**

Instructions: Please complete this application and submit in person to: **Department of Finance, Property Division - Tax Map Office, 66 John Street, 2nd floor, New York, NY 10038.** Please read the instructions for further details before completing this form. Print clearly.

SECTION A: PROPERTY INFORMATION

Borough: Bronx Block: 2277 Present Lot(s): 78, 94, 50

☒ Merger ☐ Apportionment Number of Lots Requested 1

☐ Air ☐ Subterranean

Lot(s) Usage: (check one) ☐ Residential Building Gross Sq/Ft: _____ ☐ Commercial Building Gross Sq/Ft: _____ ☒ Mix (Residential & Commercial) Building Gross Sq/Ft: 248,535 GSF

Property
1. Owner's Name (as per Deed): _____
OR
Company Name: 132 Willis Associates LLC

Property
2. Address: 102 Bruckner Blvd Bronx NY 10454
NUMBER AND STREET CITY STATE ZIP CODE

3. Filing Representative (if applicable): Linda Montemarano

SECTION B: CERTIFICATION

1. Architect/Engineer/Applicant's Name: Gismondi Michael
LAST NAME FIRST NAME

2. Address: 7-11 Legion Drive Valhalla NY 10595
NUMBER AND STREET CITY STATE ZIP CODE

3. Telephone Number: 914.993.0500 4. Email Address: mgismo6464@aol.com

The applicant hereby certifies that, in making this application for merger/apportionment, s/he is the owner, or acting under the direction of the owner.

Signature of Architect/ Engineer/Applicant: [Signature] Date: 12 / 07 / 2022

TAX MAP CHANGE WILL NOT BE MADE UNTIL PRESENTATION OF REQUIRED DOCUMENTS (see reverse for the required documents)

DRAW SKETCH TO SCALE 1" = 50', IF POSSIBLE INDICATE NORTH ARROW

Sketch of the property lot(s) showing dimensions and surrounding streets. The lot is labeled "LOT 50" and "DOT LOT". Dimensions include 200' and 230'. Surrounding streets are "WILLIS AVENUE BRIDGE APPROACH" and "BRUCKNER BLVD 100FT WIDE". A scale bar indicates 0' to 100'. A north arrow is present. A circular seal for Michael A. Gismondi, Registered Architect, State of New York, is shown.

Tentative Lot(s) issued: 50 Date: 12/16/22 New Lot(s): — Lot(s) Affected: 50 Lot(s) Dropped: 78, 94

Customer Service Representative: [Signature]

Please note: Map changes will not be made until presentation of all required documents is reviewed and approved by the Specialist.
Lots are tentative until final approval is received from the Tax Map Office.

Map Updated: _____
Tax Map Specialist: _____ Date: ____/____/____



DOF - Digital Tax Map

Search for a Location

Searched Locations

Show Additional Data on Map

Legend

- Borough Boundary
- Tax Block Boundary
- Tax Block Number
- Tax Lot Boundary
- Tax Lot Number
- Condo FKA Tax Lot Number
- Tax Lot Dimension
- Approximate Tax Lot Dimension
- Condo Flag/Condo Number
- Air Right Flag/Lot Number
- Subterranean Right Flag/Lot Number
- REUC Flag
- Under Water Tax Lot Boundary
- Other Boundary
- Possession Hook
- Miscellaneous Text
- Condo Units Range Label
- Small Tax Lot Dimension
- Building Footprint
- Surface Water

CURRENT TAX MAP

LIBRARY OF TAX MAPS

HISTORY OF TAX MAP CHANGES

HISTORICAL ALTERATION BOOKS

USER GUIDE

Map Type



Overview Map

ATTACHMENT B
PREVIOUS REPORTS
(FILES ON CD)

ATTACHMENT C
DATA SUMMARY TABLES

**Phase II Investigations
Soil Data Summary Table**
102 Bruckner Boulevard
Bronx, New York

Analytes > RRSCOs	Detections > RRSCOs	Maximum Detection (ppm)	RRSCO (ppm)	Depth (ft bgs)
Benzo(a)Anthracene	2	7.1	1	0-2
Benzo(a)Pyrene	2	8.8	1	0-2
Benzo(b)Fluoranthene	2	11	1	0-2
Benzo(k)Fluoranthene	1	4.6	3.9	0-2
Chrysene	1	6.6	3.9	0-2
Dibenz(a,h)Anthracene	2	1.5	0.33	0-2
Indeno(1,2,3-c,d)Pyrene	2	5.8	0.5	0-2
Arsenic	1	16.7	16	2-4
Barium	1	508	400	0-2
Mercury	1	0.84	0.81	0-2

ft bgs = feet below ground surface

ppm = parts per million

RRSCOs = Restricted Residential Soil Cleanup Objectives

**Phase II Investigations
Soil Data Summary Table**
102 Bruckner Boulevard
Bronx, New York

Analytes > RRSCOs	Detections > PGWSCOs	Maximum Detection (ppm)	PGWSCO (ppm)	Depth (ft bgs)
Xylenes, Total	2	26	1.6	0-2, 2-4 (max)

ft bgs = feet below ground surface

ppm = parts per million

PGWSCOs = Protection of Groundwater Soil Cleanup Objectives

For this BCP application, only VOCs detected in groundwater above NYSDEC Class GA Ambient Water Quality Standards and Guidance Values (AWQSGVs) were compared to the PGWSCOs.

Phase II Investigations
Groundwater Data Summary Table
102 Bruckner Boulevard
Bronx, New York

Analytes > AWQSGVs	Detections > AWQSGVs	Maximum Detection (ppb)	AWQSGVs (ppb)
Benzene	2	9.4	1
Chloroform	1	12	7
Isopropylbenzene (Cumene)	1	8	5
M,P-Xylenes	1	19	5
Tert-Butyl Methyl Ether	2	22	10

ppb = parts per billion

AWQSGVs = Ambient Water Quality Standards and Guidance Values

Phase II Investigations
Soil Vapor Data Summary Table
102 Bruckner Boulevard
Bronx, New York

Analytes	Total Detections	Max. Detection ($\mu\text{g}/\text{m}^3$)	Type
1,1,1-Trichloroethane	3	9.3	Soil Vapor
Tetrachloroethylene (PCE)	7	1,100 E	Soil Vapor
Trichloroethylene (TCE)	1	11	Soil Vapor

E = Result exceeded calibration range

$\mu\text{g}/\text{m}^3$ = micrograms per cubic meter

ATTACHMENT D
NEW YORK STATE ENTITY STATUS

Department of State

Division of Corporations

Entity Information

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

Entity Details



ENTITY NAME: 132 WILLIS ASSOCIATES, LLC

FOREIGN LEGAL NAME:

ENTITY TYPE: FOREIGN LIMITED LIABILITY COMPANY

SECTION OF LAW: 802 LLC - LIMITED LIABILITY COMPANY LAW

DATE OF INITIAL DOS FILING: 04/26/2021

EFFECTIVE DATE INITIAL FILING: 04/26/2021

FOREIGN FORMATION DATE: 04/19/2021

COUNTY: NEW YORK

JURISDICTION: DELAWARE, UNITED STATES

DOS ID: 5997758

FICTITIOUS NAME:

DURATION DATE/LATEST DATE OF DISSOLUTION:

ENTITY STATUS: ACTIVE

REASON FOR STATUS:

INACTIVE DATE:

STATEMENT STATUS: CURRENT

NEXT STATEMENT DUE DATE: 04/30/2023

NFP CATEGORY:

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

Service of Process on the Secretary of State as Agent

The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:

Name: C/O CORPORATION SERVICE COMPANY

Address: 80 STATE STREET, ALBANY, NY, UNITED STATES, 12207 - 2543

Electronic Service of Process on the Secretary of State as agent: Not Permitted

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

ATTACHMENT E
MEMBER-ORG CHART AND MEMBER CONSENT RESOLUTION

102 Bruckner Boulevard, Bronx, NY 10454
Block 2277, Lot 50; Bronx County

132 Willis Associates, LLC

EIN: 86-3538247

The GSMB Generation Trust
Member

(Member- 90% Interest)

Mr. Benny A. Caiola
Member & Manager of the Company

(Member- 10% Interest)

Dated as of April 22, 2021


To: Rosemarie Caiola Musacchia and Luigi Caiola,
as trustees of The GSMB Generation Trust
Benny A. Caiola

Re: 132 Willis Associates, LLC, a Delaware limited liability company (the "Company")

Reference is made to that certain Limited Liability Company Agreement of the Company, dated as of the date hereof (the "Original LLC Agreement"), entered into among (a) Rosemarie Caiola Musacchia and Luigi Caiola, as trustees of The GSMB Generation Trust (the "GSMB Trust"), (b) Benny A. Caiola and Luigi Caiola, as trustees of The SRCRM Generation Trust (the "SRCRM Trust"), (c) Benny A. Caiola ("Benny"), and (d) Rosemarie Caiola Musacchia ("Rose").

By execution below, each of the SRCRM Trust and Rose hereby acknowledge and agree that notwithstanding the execution and delivery of the Original LLC Agreement by the parties thereto, neither the SRCRM Trust nor Rose was or is a member of the Company or made any capital contribution (cash or otherwise) to the Company.

The undersigned further acknowledge and agree that they were advised by the GSMB Trust and Benny that the GSMB Trust and Benny intend to execute and deliver an Amended and Restated Limited Liability Company Agreement of the Company, dated as of the date hereof, by the GSMB Trust and Benny Caiola as the sole members thereof, which Agreement will amend and restate the Original LLC Agreement in its entirety.


Benny A. Caiola, as a trustee of The
SRCRM Generation Trust


Luigi Caiola (Feb 2, 2023 15:13 EST)

Luigi Caiola, as a trustee of The
SRCRM Generation Trust


Rosemarie Caiola Musacchia

AMENDED AND RESTATED
LIMITED LIABILITY COMPANY AGREEMENT
OF
132 WILLIS ASSOCIATES, LLC

AMENDED AND RESTATED LIMITED LIABILITY COMPANY AGREEMENT OF 132 WILLIS ASSOCIATES, dated as of April 22, 2021, between (a) Rosemarie Caiola Musacchia and Luigi Caiola, as the trustees of The GSMB Generation Trust, and (b) Benny A. Caiola.

Recitals

A. 132 Willis Associates, LLC (the “Company”) was formed as a Delaware limited liability company under the name “Bruckner Associates, LLC” pursuant to the filing of a Certificate of Formation in the office of the Secretary of State of the State of Delaware on April 19, 2021, and changed its name to “132 Willis Associates, LLC” pursuant to the filing in such office on April 22, 2021 of an amendment thereto, and such Certificate of Formation, as so amended, remains in full force and effect.

B. The Company is governed pursuant to a Limited Liability Company Agreement of the Company, dated as of April 22, 2021 (the “Original Agreement”), and the undersigned desire to correct, amend and restate the Original Agreement to provide for the regulation and establishment of the affairs of the Company, the conduct of its business and the relations among them as members of the Company.

NOW, THEREFORE, in consideration of the foregoing, and of the mutual promises herein contained, the parties hereto, intending to be legally bound, hereby amend and restate the Original Agreement in its entirety as follows:

ARTICLE I.
DEFINITIONS

1.1. Definitions. As used in this Agreement, the following terms shall have the respective meanings set forth below.

(a) “Available Cash” means, with respect to a period, the excess of the Company’s cash on hand from whatever source derived over such amounts as the Manager shall deem necessary or advisable for the Company to expend or retain for working capital, reserves or any other Company purpose.

(b) “Capital Account” means the capital account maintained for a Member pursuant to Section 3.2.

(c) “Capital Contribution” means the cash and the agreed net fair market value of other property contributed to the Company by a Member pursuant to Section 3.1 hereof. Any reference to the Capital Contribution of a Member shall include the Capital Contribution made by any predecessor holders of such Member’s Membership Interest.

(d) “Certificate of Formation” means the Certificate of Formation of the Company filed on April 19, 2021, as amended, with the office of the Secretary of State of the State of Delaware, as the same may from time to time be further amended and/or restated.

(e) “Code” means the Internal Revenue Code of 1986, as amended and in effect from time to time, or any superseding federal revenue statute.

(f) “Delaware Act” means the Delaware Limited Liability Company Act, as amended from time to time.

(g) “Family Member” means, with respect to each Member: (i) any individual who is a descendent of such Member, a sibling of such Member or a descendent of such sibling, related by blood or by lawful adoption, including a testamentary or inter vivos trust for the sole benefit of such an individual, or a beneficiary of an estate who is such an individual; (ii) the then current spouse of such Member; (iii) a custodian for any of the foregoing in clauses (i) or (ii) or a trust all of the beneficial interests in which are owned by such Member and/or one or more of the persons in clauses (i) or (ii) above; or (iv) an entity all of the beneficial interests in which are owned by such Member and/or one or more of the persons in clauses (i), (ii) or (iii) above. Notwithstanding anything in the foregoing to the contrary, any other spouses and any issue who is the product of a union of such spouses and any non-Family Member shall not be deemed a Family Member.

(h) “Individual Member Beneficiary” has the meaning set forth in Section 8.1(b)(iii).

(i) “Individual Member Transferee” has the meaning set forth in Section 8.1(b)(ii).

(j) “Liquidator” means (i) the Manager or (ii) if there is no Manager at the time in question, such other Person who is appointed in accordance with applicable law to take all actions related to the winding up of the Company’s business and the distribution of the Company’s assets.

(k) “Manager” has the meaning set forth in Section 5.1(a).

(l) “Member” means each of the Persons identified on Schedule I hereto, and each Person that may hereafter become an additional or substitute member of the Company pursuant to the terms hereof.

(m) “Member Nonrecourse Debt” means a nonrecourse debt of the Company within the meaning of Section 1.704-2(b)(4) of the Treasury Regulations.

(n) “Member Nonrecourse Deductions” means the items of loss, deduction, and expenditure attributable to Member Nonrecourse Debt within the meaning of Section 1.704-2(i)(2) of the Treasury Regulations.

(o) “Membership Interests” means the interests of all the Members in the Company, and “Membership Interest” with respect to any Member means such Member’s

percentage share of the profits and losses of the Company and such Member's percentage right to receive distributions of the Company's assets. The Membership Interest of each Member as of the date hereof is the percentage set forth opposite such Member's name on Schedule I hereto, which Schedule I may be amended from time to time by the Manager to reflect the Membership Interest of each Member.

(p) "Net Losses" means the net losses of the Company, if any, determined in accordance with federal income tax principles.

(q) "Net Profits" means the net income of the Company, if any, determined in accordance with federal income tax principles.

(r) "Officers" and "Officer" each has the meaning set forth in Section 5.3.

(s) "Original Agreement" has the meaning set forth in the Recitals to this Agreement.

(t) "Person" means any individual, corporation, governmental authority, limited liability company, partnership, trust, joint stock company, business trust, joint venture, unincorporated association or other entity.

(u) "Required Members" means Members holding, in the aggregate, more than 90% of the Membership Interests.

(v) "Securities Act" means the Securities Act of 1933, as amended, and any successor statute, and the rules and regulations promulgated thereunder.

(w) "Transfer" means, with respect to any asset, (i) the sale, transfer, assignment, exchange, distribution or other disposition of, (ii) the mortgage, pledge, hypothecation, or creation of a charge or security interest of or in, or (iii) the entering into a conditional sale agreement or creation of any encumbrance of any kind, or the entering of any other type of preferential arrangement that has the practical effect of creating a security interest with respect to, such asset.

(x) "Treasury Regulations" means all proposed, temporary and final regulations promulgated under the Code as from time to time in effect. References in this Agreement to specific sections of the Treasury Regulations shall also refer to the corresponding sections of succeeding Treasury Regulations as they may be amended from time to time.

(y) "Trust Member Beneficiary" has the meaning set forth in Section 8.1(b)(iv).

ARTICLE II. ORGANIZATION

2.1. Formation. One or more Persons has acted as the organizer or organizers of the Company by preparing, executing and filing with the Delaware Secretary of State of the

Certificate of Formation pursuant to the Delaware Act. The acts of such Persons are hereby authorized and ratified.

2.2. Principal Place of Business. The principal place of the Company shall be at such address as the Manager may determine from time to time. In addition, the Company may establish any other places of business as the Manager may from time to time deem advisable.

2.3. Registered Office and Registered Agent. The address of the registered office of the Company in the State of Delaware is c/o Corporation Service Company, 251 Little Falls Drive, in the City of Wilmington, County of New Castle, Delaware 19808, and the name and address of the registered agent of the Company for service of process on the Company in the State of Delaware are Corporation Service Company, 251 Little Falls Drive, in the City of Wilmington, County of New Castle, Delaware 19808. The Manager may from time to time designate or change the registered agent or office through appropriate filings with the Secretary of State of the State of Delaware. In the event the registered agent ceases to act as such for any reason or the registered office shall change, the Manager shall promptly designate a replacement registered agent or file a notice of change of address, as the case may be.

2.4. Duration. The Company's existence shall be perpetual, unless sooner dissolved or terminated in accordance with the Delaware Act or this Agreement.

2.5. Purpose; Power. The purpose of the Company shall be to (a) own, manage, lease, finance, refinance, mortgage, sell, assign, exchange, transfer or otherwise dispose of direct and indirect interests in securities, real property and other assets and conduct such other lawful business activities related or incidental thereto and (b) conduct such other lawful business as the Manager may determine. The Company shall possess and may exercise all powers and privileges authorized to be exercised by a limited liability company, including all those necessary or convenient to the conduct, promotion or attainment of its business, purposes or activities, to the fullest extent provided in the Delaware Act.

2.6. Limitations on Company Powers. Notwithstanding the provision of Section 2.5, the Company shall not do business in any jurisdiction that would jeopardize the limitation on liability afforded to the Members under the Delaware Act or this Agreement.

ARTICLE III. CAPITAL CONTRIBUTIONS; CAPITAL ACCOUNTS

3.1. Capital Contributions. On or before the date hereof, each Member has contributed or is deemed to have contributed to the capital of the Company the cash and/or property set forth on the books and records of the Company. No Member shall be required to make any additional Capital Contribution without the consent of all of the Members.

3.2. Capital Accounts. A Capital Account shall be maintained for each Member. Each Member's Capital Account shall be increased by the amount of cash and the net agreed value of any property contributed by such Member as a Capital Contribution, allocations to such Member of the Net Profits and any other allocations to such Member of income pursuant to the Code. Each Member's Capital Account will be decreased by the value of each distribution made to the Member by the Company, allocations to such Member of Net Losses and other allocations

to such Member pursuant to the Code. The Capital Accounts shall be further maintained and adjusted in accordance with the Treasury Regulations promulgated pursuant to Section 704 of the Code.

3.3. Transfers. Upon a permitted sale or other transfer of a Membership Interest in the Company, the Capital Account of the Member transferring its Membership Interests shall become the Capital Account of the Person to whom such Membership Interest is sold or transferred in accordance with Section 1.704-1(b)(2)(iv) of the Treasury Regulations.

3.4. Modifications. The manner in which Capital Accounts are to be maintained pursuant to this Section is intended to comply with the requirements of Section 704(b) of the Code. If in the opinion of the Manager the manner in which Capital Accounts are to be maintained pursuant to this Agreement should be modified to comply with Section 704(b) of the Code, then the method in which Capital Accounts are maintained shall be so modified; provided, however, that any change in the manner of maintaining Capital Accounts shall not materially alter the economic agreement between or among the Members.

3.5. Deficit Capital Account. No Member shall have any liability to restore all or any portion of a deficit balance in a Capital Account.

3.6. Return of Capital Contributions. The Capital Contributions of the Members may be returned to them in cash or in kind, in whole or in part, at any time in the discretion of the Manager in accordance with the terms of this Agreement. Except as otherwise expressly provided in this Agreement, no Member shall be entitled to demand or receive the return of its Capital Contribution.

3.7. Priority and Return of Capital. Except as may be expressly otherwise provided herein, no Member shall have priority over any other Member, whether for the return of a Capital Contribution or for Net Profits, Net Losses or a distribution; *provided, however,* that this Section shall not apply to any loan, guaranty, endorsement, collateral or other indebtedness (as distinguished from a Capital Contribution) given, made or incurred by a Member to the Company or any creditor of the Company, or to any indebtedness of the Company to a Member in connection with any business transaction.

3.8. Withheld Member. In the event that the Company is required to withhold and remit any taxes to the Internal Revenue Service or any other taxing authority with respect to any Member (the "Withheld Member"), then each such Withheld Member shall be required to make additional Capital Contributions at such times and in such amounts as determined by the Manager sufficient to fund, or reimburse the Company for, such obligations of the Company. Such capital contributions shall not be deemed Capital Contributions for purposes of this Agreement (but shall increase the Capital Account balance of such Member), and shall not change the distributions of Available Cash that would otherwise be made to such Withheld Member. The amount of any such taxes remitted by the Company with respect to a Withheld Member for any year shall be a reduction of such Member's Capital Account balance as if such amount were distributed to such Member but, provided that such Member has made the contribution required by the previous sentence, shall not reduce the actual distributions of Available Cash to be made to such Member pursuant to this Agreement. To the extent that the

Company pays any tax, interest or penalty, with respect to any audit adjustment relating to income taxes, such payment shall be treated in the same manner as a withholding of tax pursuant to this Section 3.8 with respect to the Member which would otherwise have had to make such payment if the Code had not been amended to provide for such payment by the Company (ignoring any tax status of such Member that would have reduced or eliminated all or part of such payment unless the Company succeeded in reducing or eliminating such portion of such payment by reason thereof). Each Member shall cooperate with the Company to provide such documentation as may be necessary or advisable to reduce the amount of tax, interest or penalty payable by the Company.

ARTICLE IV. ALLOCATIONS AND DISTRIBUTIONS

4.1. Allocations of Profits and Losses. The Net Profits and the Net Losses for each fiscal year of the Company shall be allocated among the Members in the ratio of their Membership Interests.

4.2. Required Special Allocations. Notwithstanding Section 4.1 hereof,

(a) Appropriate adjustments shall be made to the allocations of Net Profits and Net Losses to the extent required under Section 704(c) of the Code and the Treasury Regulations thereunder and under Sections 1.704-1(b)(2)(iv)(d), (e), (f) and (g) of the Treasury Regulations.

(b) Any Member Nonrecourse Deductions shall be specially allocated to the Member(s) that bear(s) the economic risk of loss with respect to the Member Nonrecourse Debt to which the Member Nonrecourse Deductions are attributable in accordance with Section 1.704-2(i)(1) of the Treasury Regulations.

(c) Appropriate adjustments shall be made to the allocations of Net Profits and Net Losses to the extent required to comply with the “qualified income offset” provisions of Section 1.704-1(b)(2)(ii)(d) of the Treasury Regulations, the Company “minimum gain chargeback” provisions of Section 1.704-2(f) of the Treasury Regulations, and the Member “minimum gain chargeback” provisions of Section 1.704-2(i)(4) of the Treasury Regulations, all issued pursuant to Section 704(b) of the Code. To the extent permitted by such Treasury Regulations, the allocations in such year and subsequent years shall be further adjusted so that the cumulative effect of all the allocations shall be the same as if all such allocations were made pursuant to Section 4.1 hereof (as adjusted by Section 4.2(a) hereof) without regard to Section 4.2(b) and this Section 4.2(c).

4.3. Distributions of Available Cash. Any Available Cash which the Manager shall determine to distribute shall be distributed from time to time to the Members pro rata in accordance with their respective Membership Interests. Distributions of liquidation proceeds shall be governed by Section 7.2 hereof.

ARTICLE V.
MANAGEMENT OF THE COMPANY

5.1. Management. (a) The business, affairs and management of the Company, including its policies and administration, shall be vested in one manager who may, but need not be, a Member (the "Manager"). The Manager shall conduct, direct and exercise full control over all activities of the Company. The Manager shall have the sole power acting alone to do any and all acts necessary or convenient to or for the furtherance of the purposes described herein and the Manager, so acting alone, shall be authorized to execute, deliver and perform any agreement, act, transaction and matter on behalf of the Company without any further approval or other act of any Member or the Company. In furtherance and not in limitation of the foregoing, the Manager shall have the power and authority, on behalf of the Company, without the consent of the any Member, to:

(i) file all certificates, notices, statements or other instruments required by law, including, without limitation, all federal, state and local tax returns;

(ii) cause the Company to pay all taxes and other impositions applicable to the assets owned by the Company;

(iii) manage, lease, finance, refinance, mortgage, sell, exchange, pledge, transfer or otherwise dispose of any or all of the Company property;

(iv) cause the Company to incur any indebtedness;

(v) open bank accounts and otherwise invest the funds of the Company;

(vi) purchase insurance on the business and assets of the Company

(vii) retain accountants, attorneys or other agents;

(viii) commence lawsuits and other proceedings on behalf of the Company;

(ix) abandon any Company property;

(x) confess a judgment;

(xi) file bankruptcy on behalf of the Company and/or any entity in which the Company owns an interest;

(xii) cause the Company to enter into any contracts and agreements and to cause the Company to comply with all obligations imposed thereunder or under any other liabilities or obligation of the Company;

(xiii) merge or consolidate with or into any other entity;

(xiv) amend or restate the certificate of formation;

(xv) authorize the Transfer of any Membership Interest and admit additional or substitute members of the Company;

(xvi) take any of the above actions with respect to any entity in which the Company owns a direct or indirect interest; and

(xvii) take any other lawful action that the Manager considers necessary, convenient or advisable in connection with any business of the Company or any of the entities in which it owns a direct or indirect interest.

(b) No Member is an agent of the Company solely by virtue of being a Member, and no Member has authority to act for the Company solely by virtue of being a Member. Only the Manager and, to the extent authorized pursuant to Section 5.3, the Officers of the Company, may act for the Company.

(c) Unless otherwise agreed by the Required Members, the Manager shall not be entitled to any compensation for serving as the Manager.

5.2. Manager. (a) The Manager shall be designated by the Required Members. Benny A. Caiola is hereby designated as the Manager. The Manager may not be removed, with or without cause, except upon the consent of the Required Members, which removal shall take effect at such time as determined by the Required Members. The Manager may resign by giving written notice to each Member and the Company, and such resignation shall take effect at such time as is specified in such notice of resignation. The resignation or removal of a Manager shall not affect such Manager's rights as a Member, if any, and shall not constitute a withdrawal of a Member.

(b) If a Manager shall (i) be removed pursuant to clause (a) above, (ii) resign pursuant to clause (a) above, (iii) die or dissolve or (iv) for any other reason cease to be a manager of the Company, the Required Members shall designate a replacement Manager.

5.3. Officers and Agents. (a) The Manager may designate one or more individuals as officers or other agents of the Company (each such officer or other agent, an "Officer" and collectively, the "Officers"), who may but need not have titles, and shall exercise and perform such powers and duties as shall be assigned and delegated to them from time to time by the Manager. Unless the Manager decides otherwise, if the title is one commonly used for officers of a business corporation formed under the General Corporation Law of the State of Delaware, the assignment of such title shall constitute the delegation to such person of the authorities and duties that are normally associated with that office. Any Officer may be removed by the decision of the Manager at any time, with or without cause. Each Officer shall hold office until his or her successor is elected and qualified, unless earlier removed in accordance with this Section 5.3. Any number of offices may be held by the same individual. The salaries and other compensation, if any, of the Officers shall be fixed by the Manager in its sole discretion.

(b) The Officers, to the extent of their powers set forth in this Agreement or otherwise vested in them by action of the Manager not inconsistent with this Agreement, are

agents of the Company for the purpose of the Company's business and the actions of the Officers taken in accordance with such powers shall bind the Company.

5.4. Reliance by Third Parties. Each contract, agreement, deed, mortgage, security agreement, promissory note or other instrument or document executed by the Manager with respect to any business or property of the Company shall be conclusive evidence in favor of any and every Person relying thereon or claiming thereunder that (a) at the time of the execution and delivery thereof this Agreement was in full force and effect, (b) such instrument or document was duly executed in accordance with the terms and provisions of this Agreement and is binding upon the Company, and (c) such Manager was duly authorized and empowered to execute and deliver, and to cause the Company to perform any and every such instrument or document for and on behalf of the Company.

5.5. Manager's Discretion; Indemnification. (a) Whenever in this Agreement the Manager is permitted or required to make a decision in its "discretion" or "sole discretion" or under a grant of similar authority or latitude, such Manager shall have no duty or obligation to consider any interest of or factors affecting some or all the Members so long as such Manager acts in good faith and in a manner which it reasonably believes are in or not opposed to the best interest of the Company. Each Member hereby agrees that any standard of care or duty imposed under the Delaware Act or any other applicable law shall be modified, waived or limited in each case as required to permit the Manager to act under this Agreement and to make any decision pursuant to the authority prescribed in this Section 5.5 so long as such action or decision does not constitute willful or wanton misconduct, gross negligence or a breach of the terms of this Agreement and is reasonably believed by such Manager to be consistent with the overall purposes and objectives of the Company.

(b) The Company shall indemnify and hold harmless the Manager and each Officer from and against all claims and demands to the maximum extent permitted under the Delaware Act, except those resulting from such Manager's or Officer's willful or wanton misconduct, gross negligence or material breach of the terms of this Agreement.

5.6. No Exclusive Duty to Company. The Manager shall not be required to manage the Company as its sole and exclusive function and may have other business interests and may engage in other activities in addition to those relating to the Company. The Members acknowledges that the Manager and its affiliates may pursue such other business opportunities for their respective accounts regardless of whether they have learned of such opportunity in the course of the Company's business. Neither the Company nor any Member shall have any right pursuant to this Agreement to share or participate in such other business interests or activities or to the income or proceeds derived therefrom. The Manager shall not incur any liability to the Company or any Member as a result of engaging in any other business interests or activities.

ARTICLE VI. RIGHTS AND OBLIGATIONS OF MEMBERS

6.1. Names and Addresses. As of the date hereof, the names of the Members are as set forth on Schedule I hereto, and the addresses of the Members are as set forth in the books and

records of the Company. The Manager may from time to time amend Schedule I hereto to reflect the names of the Members.

6.2. Limitation of Liability. The Members shall have no liability under this Agreement or otherwise except as expressly provided herein or in the Delaware Act, and no Manager or Member shall take any action that would subject any Member to liability by reason of such person's status as a Member. The Company shall indemnify and hold harmless each Member, in its capacity as such, from and against all claims and demands to the maximum extent permitted under the Delaware Act, except those resulting from a Member's willful or wanton misconduct, gross negligence or material breach of the terms of this Agreement.

6.3. Withdrawal of a Member. Except as otherwise provided in this Agreement, no Member shall have the right voluntarily to withdraw from the Company without the written consent of the Manager. Upon withdrawal by a Member, as aforesaid, such Member shall cease to be a Member and shall not retain its interest in the Net Profits, Net Losses and distributions of the Company.

6.4. Members Shall Not Have Power to Bind Company. No Member shall transact business for the Company nor shall any Member have the power or authority to sign, act for or bind the Company, all of such powers being vested solely and exclusively in the Manager.

ARTICLE VII. DISSOLUTION AND LIQUIDATION

7.1. Dissolution. The Company shall be dissolved and its affairs shall be wound up upon the first to occur of the following events:

- (a) the latest date on which the Company is to dissolve, if any, as set forth in the Certificate of Formation;
- (b) the vote or written consent of the Manager; or
- (c) the entry of a decree of judicial dissolution under Section 18-802 of the Delaware Act.

7.2. Winding Up and Liquidation. Upon the dissolution of the Company, the Liquidator may, in the name of and for and on behalf of the Company, prosecute and defend suits, whether civil, criminal or administrative, and sell or otherwise dispose of the Company's assets to the extent permitted by any agreement dealing with the Company's assets, discharge the Company's liabilities for which a Member or Members have assumed personal liability and distribute to the Members any remaining assets of the Company, all without affecting the liability of Members. Upon such a winding up of the Company, the assets shall be distributed as follows:

- (a) First, to the payment of the debts and liabilities of the Company, including Members who are creditors, including any expenses of the Company incidental to such winding-up and dissolution;

(b) Second, to the setting up of any reserves which the Liquidator may deem reasonably necessary for any contingent or unforeseen liabilities or obligations of the Company as provided in Section 18-804(b) of the Delaware Act and, subject to such Section 18-804(b), at the expiration of such period as the aforesaid person or persons may deem advisable, for distribution in the manner hereinafter provided; and

(c) Third, in accordance with the first sentence of Section 4.3.

7.3. Cancellation of Certificate of Formation. Upon the completion of the distribution of Company property as provided in Section 7.2, the Company shall be terminated, and the Liquidator shall cause the Certificate of Formation and all qualifications of the Company as a foreign limited liability company to be canceled and shall take such other actions as may be necessary to terminate the Company.

7.4. Claims of the Members. Members and former Members shall look solely to the Company's assets for the return of their Capital Contributions, and if the assets of the Company remaining after payment of or due provision for all debts, liabilities and obligations of the Company are insufficient to return such Capital Contributions, the Members and former Members shall have no recourse against the Company, any current or former Manager or any other current or former Member.

7.5. Distribution in Kind. (a) Notwithstanding the provisions of Section 7.2 which require the liquidation of the assets of the Company, but subject to the order of priorities provided thereunder, if on dissolution of the Company the Liquidator determine that an immediate sale of part or all of the assets of the Company would be impractical or would cause undue loss to the Members, the Liquidator may, in its absolute discretion, defer for a reasonable time the liquidation of any assets except those necessary to satisfy liabilities of the Company (other than those to Members) and may, in its absolute discretion, distribute to the Members, in lieu of cash, as tenants in common, undivided interests in such Company assets as the Liquidator deems not suitable for liquidation.

(b) Any distributions in kind shall be subject to such conditions relating to the disposition and management of such assets as the Liquidator deems reasonable and equitable and to any agreements governing the operating of such assets at such time. The Liquidator shall determine the fair market value of any property distributed in kind using such reasonable method of valuation as it may adopt.

7.6. Termination. Upon completion of the dissolution, winding-up, liquidation and distribution of the assets of the Company, the Company shall be deemed terminated.

ARTICLE VIII. TRANSFER OF INTERESTS; ADMISSION OF MEMBERS

8.1. Transfers Generally. (a) Except as set forth in clause (b) below, no Member shall Transfer to another Person all or any portion of a Membership Interest or interest therein or associated rights, and any such purported Transfer except as set forth in clause (b) below shall be

null and void, and of no force or effect whatsoever and the Company may refuse to recognize or reflect on its records any such purported Transfer.

(b) Notwithstanding any other provision of this Agreement but subject to Section 8.2:

(i) a Member may, at any time and from time to time, Transfer all or any part of such Member's Membership Interest upon the prior written approval of the Manager;

(ii) a Member that is an individual may, at any time and from time to time, Transfer all or any part of such Member's Membership Interest to one or more Family Members (each such Family Member transferee of a Member, an "Individual Member Transferee");

(iii) upon the death of a Member, a Member may Transfer by will, will substitute, trust or operation of law all or any part of his or her Membership Interest to one or more Family Members (each such Family Member succeeding to the Membership Interest of an individual Member, a "Individual Member Beneficiary"); and

(iv) a Member that is a trust may, from time to time, Transfer all or any part of such Member's Membership Interest to one or more Family Members pursuant to the terms of the trust instrument or the will creating such trust (each such Family Member succeeding to the Membership Interest of an individual Member, a "Trust Member Beneficiary").

(c) Any Transfer made in accordance with the terms of this Agreement shall be reflected in appropriate amendments to Schedule I.

(d) Subject to the provisions of this Article VIII, if a Member dies, such Member's executor, administrator or trustee, or, if such Member is adjudicated incompetent or insane, such Member's committee, guardian or conservator, shall have all of the rights of a Member solely for the purpose of settling or managing such Member estate and such power as the decedent or incompetent possessed to assign all or any part of his or her Membership Interest in accordance with the terms of this Agreement and to join with any such assignee in satisfying conditions precedent to such assignee becoming a substitute Member.

8.2. Admission of Persons as Substitute or Additional Members. Notwithstanding anything in this Agreement to the contrary, no Person may be admitted as a substitute or additional Member except with the approval of the Manager in its sole and absolute discretion; provided, however, that (i) Individual Member Transferees of a Member shall be admitted as substitute Members, (ii) upon the death of a Member, the Individual Member Beneficiaries of such Member shall be admitted as substitute Members, and upon the death from time to time of any Individual Member Beneficiaries theretofore admitted as substitute Members, subsequent Individual Member Beneficiaries shall be admitted as substitute Members, and (iii) Trust Member Beneficiaries of a Member shall be admitted as substitute Members, in each instance without the approval of the Manager. Any Person to be admitted as a substitute Member with consent or pursuant to the proviso in the foregoing sentence shall not be so admitted unless such Person: (a) executes and acknowledges such instruments as the Manager reasonably deem

necessary or advisable to effectuate such Person's admission; (b) ratifies and assumes in writing all of the terms of this Agreement; and (c) pays all costs incurred by the Company incidental to such Person's admission, including without limitation, attorneys' fees. No Person shall be admitted as a substitute or an additional Member if such admission would constitute a violation of any applicable registration provisions of the Securities Act or any other applicable state or federal securities law or would result in the termination of the Company's status as a partnership under the Code. A Member who has assigned its Membership Interest to an assignee shall remain a Member until such assignee is admitted as a substitute Member pursuant to this Article VIII.

8.3. Effective Date. Any authorized Transfer of a Membership Interest or admission or substitution of a Member pursuant to this Article VIII shall be deemed effective as of the last day of the calendar month in which such sale or admission occurs.

ARTICLE IX. BOOKS AND RECORDS; TAX MATTERS

9.1. Books and Records. The Manager shall prepare and maintain (or cause to be prepared and maintained) for the Company, at the principal office of the Company such books and records (including, without limitation, financial books and records) as are required to be maintained under the Delaware Act. The accountant for the Company shall be selected by the Manager. Any Member or its designee shall at all reasonable times have access to the Company's offices and the right to inspect and copy at that Member's expense any business, financial or other Company documents including, without limitation, bank, accounting and legal records in the possession, custody and control of the Company, its agents and representatives, provided that such inspection and copying does not unreasonably interfere with the day-to-day operations of the Company and are for a purpose reasonably related to the Member's interest in the Company.

9.2. Fiscal Year. The fiscal year of the Company shall be the calendar year or such other period as the Manager may determine.

9.3. Bank Accounts. All receipts, funds and income of the Company shall be deposited in the name of the Company in such banks as are determined by the Manager. Withdrawals from said banks shall be made on the signature of such person or persons as shall be authorized by the Manager. There shall be no commingling of the monies and funds of the Company with monies and funds of any other entity.

9.4. Tax Returns. The Manager shall cause to be prepared and filed all necessary federal and state income tax returns for the Company. Each Member shall furnish to the Manager all pertinent information in its possession relating to Company operations that is necessary to enable the Company's income tax returns to be prepared and filed.

9.5. Tax Elections. The Company shall make such elections on the appropriate tax returns as the Manager may deem appropriate and in the best interests of the Members. Neither the Company nor any Member may make an election for the Company to be taxed as a

corporation under the Code or any similar provisions of applicable state law, and no provisions of this Agreement shall be interpreted to authorize any such election.

9.6. Tax Controversies. The Manager is hereby designated as the “partnership representative” (as defined in Section 6223 of the Code) of the Company, and is authorized and required to represent the Company (at the expense of the Company) in connection with all examinations of the affairs of the Company by tax authorities.

9.7. Taxation as a Partnership. The Members intend that the Company will be treated as a partnership for Federal income tax purposes. No election shall be made by the Company or any Member for the Company to be excluded from the application of any of the provisions of Subchapter K, Chapter 1 of Subtitle A of the Code or from any similar provisions of any state tax laws. No election shall be made by the Company or any Member for the Company to be treated as a corporation for income tax purposes.

ARTICLE X. GENERAL PROVISIONS

10.1. No Partnership Intended for Non-Tax Purposes. The Members have formed the Company under the Delaware Act, and expressly do not intend hereby to form a partnership, either general or limited, under any state’s partnership law. The Members do not intend to be partners one to another, or partners as to any third party, or create any fiduciary relationship among themselves solely by virtue of their status as Members. To the extent that any Member, by work or action, represents to another Person that any Member is a partner or that the Company is a partnership, such Member shall be solely responsible for, and indemnify the Company and each other Member against, any losses that the Company, or such other Member, as the case may be, may at any time become subject to or liable for by reason of such representation. The provisions of this Section shall survive the termination of this Agreement. Notwithstanding the foregoing, for federal, state and local income tax purposes only, the Members intend that the Company be treated as a partnership.

10.2. Integration; Amendments. This Agreement, together with the Schedules hereto, constitute the entire agreement among the parties hereto with respect to the subject matter hereof. This Agreement supersedes any prior agreement or understanding among the parties hereto with respect to the subject matter hereof (including, without limitation, the Original Agreement). This Agreement may be amended or modified only by an instrument in writing executed by the Required Members; provided, however, that no amendment or modification to this Agreement may be made without the approval of each Member adversely affected thereby which would: (i) modify the limited liability of the Members; (ii) alter the interest of a Member in profits, losses, gain or distributions; (iii) alter the provisions of Section 3.1 with respect to additional Capital Contributions by the Members; (iv) cause the Company to be treated for income tax purposes as a corporation; or (v) reduce the requirements to approve an amendment or modification of this Agreement as provided in this Section.

10.3. Notices. All notices, demands, offers or other communications required or permitted by this Agreement shall be in writing and shall be deemed given (i) three business days after being sent by prepaid registered or certified mail, return receipt requested or (ii) upon

receipt if sent by overnight courier or by hand delivery with signed delivery receipt obtained, in each case addressed to the Company at its address set forth in Section 2.2, and to the Members at their respective addresses set forth on the books and records of the Company or to such other address as shall, from time to time, be supplied by any party to the other by like notice.

10.4. Severability. If any provision of this Agreement or the application thereof to any part or circumstances shall be determined by any court of competent jurisdiction to be invalid and unenforceable in any respect and to any extent, the remainder of this Agreement or the application of such provision to such person or circumstance, other than that as to which it so determined invalid or unenforceable, shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

10.5. Waivers. No failure of a Member to exercise, and no delay by a Member in exercising, any right or remedy under this Agreement shall constitute a waiver of such right or remedy. No waiver of any breach of any term hereof shall be effective unless made in writing signed by the party against whom enforcement of the waiver is sought, and no such waiver of any subsequent breach of that term or any other term of the same or different nature shall be construed as a waiver of any subsequent breach of that term of the same or different nature.

10.6. Applicable Law. This Agreement shall be governed by, and construed under, the laws of the State of Delaware, all rights and remedies being governed by said laws.

10.7. No Partition. The Members hereby waive any right of partition they may have with respect to any assets of the Company, now existing or hereafter acquired.

10.8. Confidentiality. Except if and to the extent required by applicable law or as the parties may from time to time agree in writing, the Members shall not divulge, disclose or communicate, whether orally or in writing, the identity of the Members or the provisions of this Agreement, other than to the respective legal counsel, accountants and financial advisors of the Company and the Members.

10.9. Further Action. The parties shall execute and deliver all documents, provide all information and take or refrain from taking action as may be necessary or appropriate to achieve the purposes of this Agreement.

10.10. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their heirs, executors, administrators, legal representatives, successors, and permitted assigns.

10.11. No Rights of Creditors and Third Parties Under Agreement. This Agreement is entered into among the Members for the exclusive benefit of the Company, its Members, and their heirs, executors, administrators, legal representatives, successors, and permitted assigns. This Agreement is expressly not intended for the benefit of any creditor of the Company or any other Person, except each Individual Member Transferee, each Individual Member Beneficiary, and each Trust Member Beneficiary pursuant to Article VIII. No such creditor or Person shall have any rights under this Agreement or any agreement between the Company and any Member with respect to any Capital Contribution or otherwise.

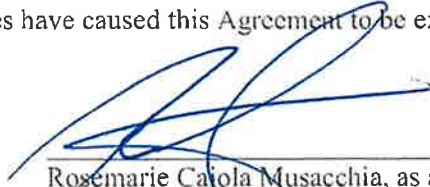
10.12. Cumulative Remedies. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by any party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the parties may have by law or otherwise.

10.13. Ratification of Actions. All of the acts and doings of the Manager and Members of the Company, whether heretofore or hereafter taken, done or performed in furtherance of the transactions contemplated by this Agreement, are hereby ratified, approved, confirmed and authorized in all respects.

10.14. Counterparts. This Agreement may be executed in counterparts, including by facsimile and .pdf, all of which together shall constitute one agreement binding on all the parties hereto, notwithstanding that all such parties are not signatories to the original or the same counterpart.

[remainder of page intentionally left blank]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the day and year first above written.

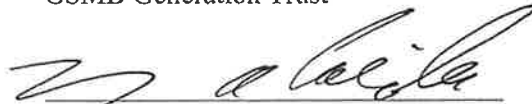


Rosemarie Caiola Musacchia, as a
trustee of The GSMB Generation Trust

Luigi Caiola

Luigi Caiola (Feb 2, 2023 15:13 EST)

Luigi Caiola, as a trustee of The
GSMB Generation Trust



Benny A. Caiola

ACKNOWLEDGEMENT AND CONSENT
as of the date first above written

By execution below, the undersigned hereby accepts his appointment as the Manager of the Company.



Benny A. Caiola

Signature:

Email: lcaiola59@gmail.com

SCHEDULE I

Members and Membership Interests
(as of April 22, 2021)

<u>Name</u>	<u>Membership Interest</u>
The GSMB Generation Trust	90%
Benny A. Caiola	10%

ATTACHMENT F
DOCUMENT REPOSITORY ACKNOWLEDGEMENT



Environmental, Planning, and Engineering Consultants

440 Park Avenue South
7th Floor
New York, NY 10016
tel: 212 696-0670
fax: 212 213-3191
www.akrf.com

January 4, 2023

Arline Parks, Chairperson
Bronx Community Board 1
3024 Third Avenue
Bronx, NY 10455

Re: Document Repository
102 Bruckner Boulevard Redevelopment Project
102 Bruckner Boulevard, Bronx, NY 10454

Dear Ms. McCrae:

AKRF, Inc. is submitting a New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Application on behalf of 132 Willis Associates, LLC for the project site located at 102 Bruckner Boulevard in the Bronx, NY 10454. As required by NYSDEC, the Bronx Community Board #1 will serve as a repository to which all pertinent electronic documents generated for this project will be sent. Please understand that these documents will have to be made available to the public when requested until the NYSDEC determines that these documents are no longer needed.

Please signify your understanding and agreement by signing below and returning a copy of the signed letter via email to tmccclintock@akrf.com. Please call me at (914) 922-2374 with any questions. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Tim McClintock".

Timothy McClintock
Technical Director

ACKNOWLEDGED AND ACCEPTED:

A handwritten signature in blue ink that reads "Arline Parks".	A handwritten signature in blue ink that reads "Chair".	A handwritten signature in blue ink that reads "Arline Parks".
Name	Title	Signature



Environmental, Planning, and Engineering Consultants

440 Park Avenue South
7th Floor
New York, NY 10016
tel: 212 696-0670
fax: 212 213-3191
www.akrf.com

January 18, 2023

Ms. Tiffany McCrae
Mott Haven Public Library
321 East 140th Street
Bronx, NY, 10454

Re: Document Repository
102 Bruckner Boulevard Redevelopment Project
102 Bruckner Boulevard, Bronx, NY 10454

Dear Ms. McCrae:

AKRF, Inc. (AKRF) is submitting a New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Application on behalf of 132 Willis Associates, LLC for the project site located at 102 Bruckner Boulevard in the Bronx, NY 10454. As required by NYSDEC, the Mott Haven Public Library will serve as a repository to which all pertinent electronic documents generated for this project will be sent. AKRF will provide pertinent electronic documents associated with this project to library staff via AKRF's secure WebFolder (<https://nyctransfer.akrf.com>); the documents will then be uploaded to the "Information About Environmental Remediation Projects in Your Community" section of the Mott Haven Public Library's website (<https://www.nypl.org/about/locations/mott-haven>) and the website link will be shared with interested members of the community. Please understand that these documents will have to be made available to the public when requested until the NYSDEC determines that these documents are no longer needed. The project's involvement with the BCP will vary depending on the time required to complete the remediation and receive a Certificate of Completion from the NYSDEC; however, at this time, it is estimated that the Certificate of Completion will be received by January 2026.

Please signify your understanding and agreement by signing below and returning a copy of the signed letter via email to tmclintock@akrf.com. Please call me at (914) 922-2374 with any questions. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Tim McClintock".

Timothy McClintock
Technical Director

ACKNOWLEDGED AND ACCEPTED:

A handwritten signature in blue ink that reads "Tiffany McCrae".	A handwritten signature in blue ink that reads "Library Manager".	A handwritten signature in blue ink that reads "T. H.".
Name	Title	Signature