



# BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

Yes

No

If yes, provide existing site number: \_\_\_\_\_

## PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 10*

### Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY  
BCP SITE #: \_\_\_\_\_

NAME

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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

Yes

No

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

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

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

### Section II. Project Description

1. What stage is the project starting at?

Investigation

Remediation

2. If the project is starting at the remediation stage, a Remedial Investigation Report (RIR), Alternatives Analysis, and Remedial Work Plan must be attached (see [DER-10 / Technical Guidance for Site Investigation and Remediation](#) for further guidance).

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

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

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

### Section III. Property's Environmental History

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

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

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

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

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

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

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

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

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

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

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

Yes

No

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

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

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

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME				
ADDRESS/LOCATION				
CITY/TOWN		ZIP CODE		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL):				
COUNTY		SITE SIZE (ACRES)		
LATITUDE (degrees/minutes/seconds) ° ' "		LONGITUDE (degrees/minutes/seconds) ° ' "		
<b>Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed , please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column.ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.</b>				
Parcel Address		Section No.	Block No.	Lot No.      Acreage
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site.				Yes      No
2. Is the required property map attached to the application? (application will not be processed without map)				Yes      No
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> for more information)				Yes      No
If yes, identify census tract : _____				
Percentage of property in En-zone (check one):		0-49%	50-99%	100%
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)?      Yes      No				
If yes, identify name of properties (and site numbers if available) in related BCP applications:_____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?				Yes      No
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.				Yes      No
7. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.				Yes      No

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

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

Easement/Right-of-way Holder

Description

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

Type

Issuing Agency

Description

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

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

Yes No

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

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

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

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

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

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

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

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

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

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF REQUESTOR'S CONSULTANT			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF REQUESTOR'S ATTORNEY			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b>			
CURRENT OWNER'S NAME		OWNERSHIP START DATE:	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<b>PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".</b>			
<b>IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.</b>			
<b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b>			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site? Yes No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? Yes No			
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. Yes No			

## Section VII. Requestor Eligibility Information (continued)

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

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

### PARTICIPANT

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

### VOLUNTEER

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

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

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

## Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

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

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

Yes                      No

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

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

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

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

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

Yes    No
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

Yes    No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?  
If yes, please provide:      Order # \_\_\_\_\_

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

Yes    No

## Section IX. Contact List Information

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

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

## Section X. Land Use Factors

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

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

Residential      Commercial      Industrial

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

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

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

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

If residential, does it qualify as single family housing?

Yes    No

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

Yes    No

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

Yes    No

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

Yes    No



## XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I 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 the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_

(By a requestor other than an individual)

I hereby affirm that I am Authorized Signatory (title) of M4778 Broadway LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 1/7/2019 Signature:   
Print Name: Eli Weiss

### SUBMITTAL INFORMATION:

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

FOR DEC USE ONLY  
BCP SITE T&A CODE: \_\_\_\_\_

LEAD OFFICE: \_\_\_\_\_

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

**BCP App Rev 10**

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

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

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

Project is an Affordable Housing Project - Regulatory Agreement Attached;

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

This is Not an Affordable Housing Project.

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

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

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

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

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

**BCP Application Summary (for DEC use only)****Site Name:****City:****Site Address:****County:****Zip:****Tax Block & Lot****Section (if applicable):****Block:****Lot:****Requestor Name:****City:****Requestor Address:****Zip:****Email:**

Eli@joycon1st.com

Katherine@madddequities.com

**Requestor's Representative (for billing purposes)****Name:****Address:****City:****Zip:****Email:**

Anamaria@madddequities.com

Katherine@madddequities.com

**Requestor's Attorney****Name:****Address:****City:****Zip:****Email:****Requestor's Consultant****Name:****Address:****City:****Zip:****Email:****Percentage claimed within an En-Zone:****0%****<50%****50-99%****100%****DER Determination:**

Agree

Disagree

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

Agree

Disagree

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

Yes

No

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

Yes

No

**DER/OGC Determination:**

Agree

Disagree

Undetermined

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

Yes

No

**DER/OGC Determination:**

Agree

Disagree

Undetermined

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

Yes

No

Planned, No Contract

**DER/OGC Determination:**

Agree

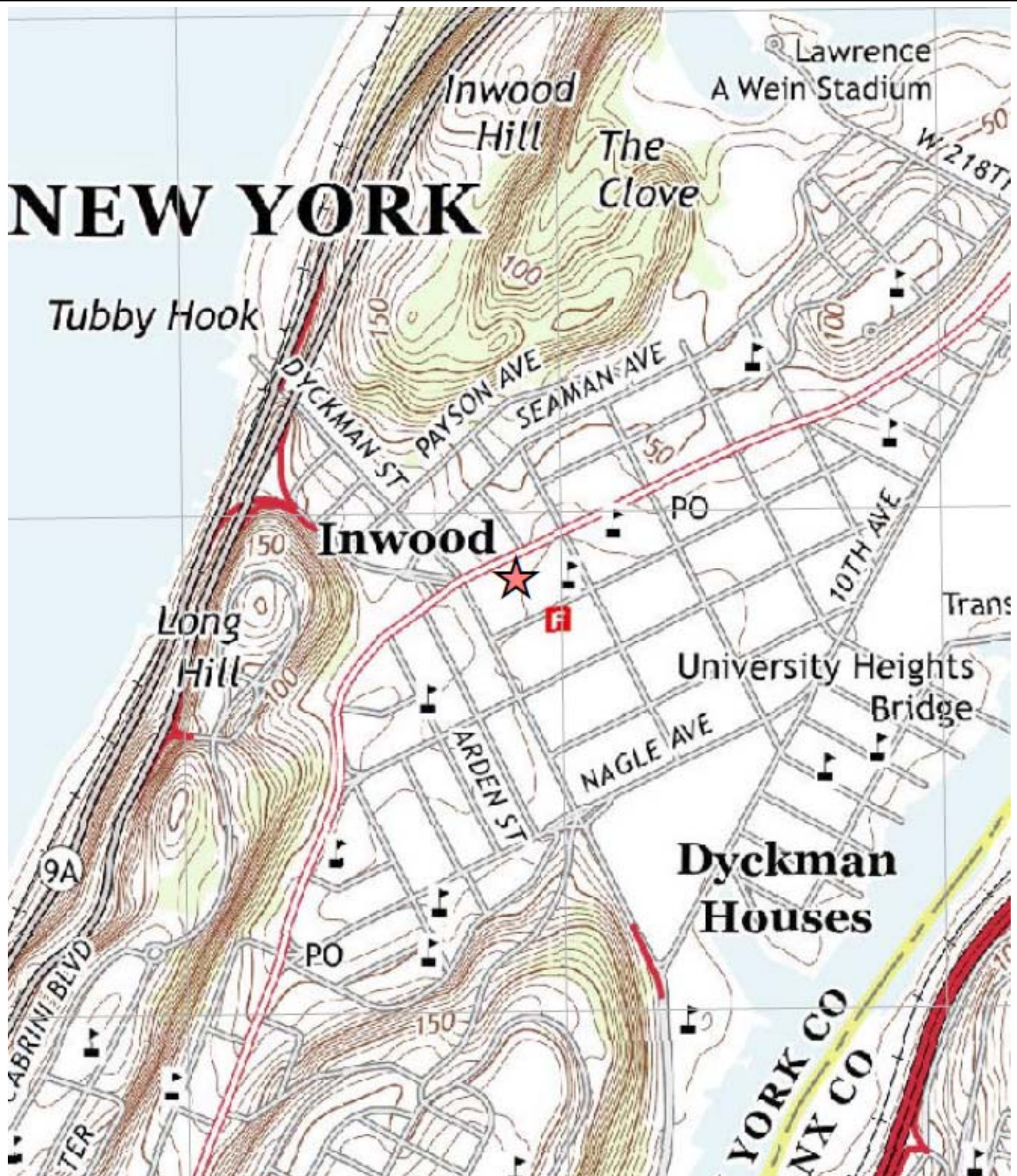
Disagree

Undetermined

**Notes:**

## FIGURES





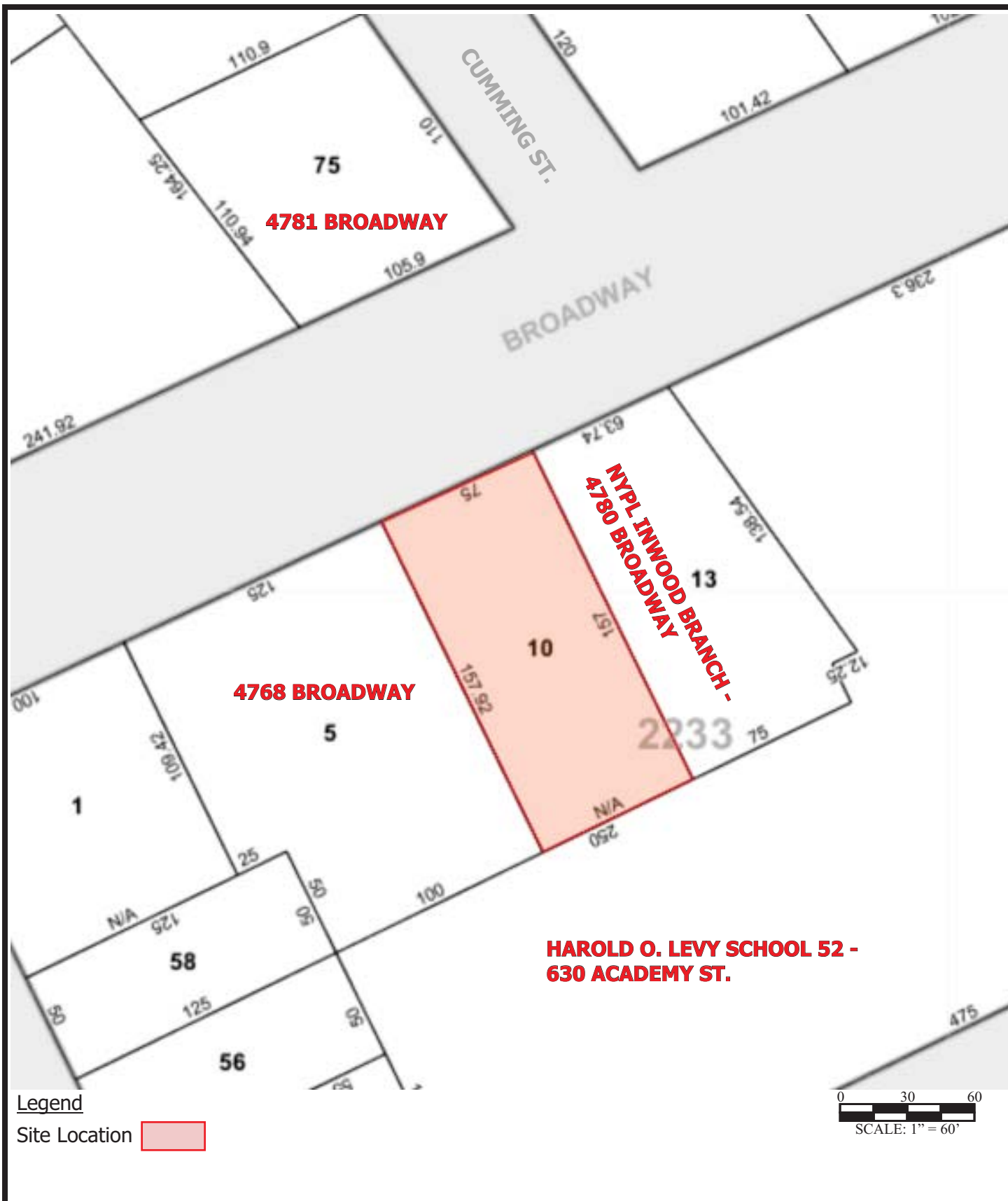
Legend: Approximate Property Location ★  
Source: USGS Topographic Map *Yonkers, NY* (2013)



## Figure 1: USGS TOPOGRAPHIC MAP

4778 Broadway, New York, New York 10034  
Project Number: 384736

**AEI**  
Consultants






## Figure 2: BASE MAP

4778 Broadway, Manhattan, New York 10034  
Project Number: 384736

**AEI**  
Consultants



## LEGEND

Soil Boring (March 2017)   
Soil Boring/Temporary Well Point (March 2017)   
Soil Boring/Temporary Well Point (July 2017) 

SB10 (2-2.5)	
7/11/2017	2-2.5'
VOCs	
Benzene	0.0019 mg/kg
Toluene	0.0055 mg/kg
Ethylbenzene	0.0031 mg/kg
p/m-Xylene	0.0086 mg/kg
o-Xylene	0.0046 mg/kg
Xylenes, Total	0.013 mg/kg
Acetone	0.0027 mg/kg
n-Butylbenzene	0.0003 mg/kg
sec-Butylbenzene	0.0002 mg/kg
Isopropylbenzene	0.0002 mg/kg
Naphthalene	0.0065 mg/kg
n-Propylbenzene	0.0068 mg/kg
1,3,5-Trimethylbenzene	0.0007 mg/kg
1,2,4-Trimethylbenzene	0.0058 mg/kg
p-Ethyltoluene	0.0024 mg/kg
1,2,4,5-Tetramethylbenzene	0.0025 mg/kg

SB10 (7.5-8)	
7/11/2017	7.5-8'
VOCs	
Benzene	0.0017 mg/kg
Toluene	0.0038 mg/kg
Ethylbenzene	0.0041 mg/kg
Methyl tert butyl ether	0.0025 mg/kg
p/m-Xylene	0.0098 mg/kg
o-Xylene	0.0066 mg/kg
Xylenes, Total	0.016 mg/kg
Acetone	0.034 mg/kg
Carbon disulfide	0.00091 mg/kg
2-Butanone	0.0054 mg/kg
Naphthalene	0.0065 mg/kg
1,3,5-Trimethylbenzene	0.0025 mg/kg
1,2,4-Trimethylbenzene	0.002 mg/kg
p-Ethyltoluene	0.0014 mg/kg
1,2,4,5-Tetramethylbenzene	0.0042 mg/kg

SB9 (5-5.5)	
7/11/2017	5-5.5'
VOCs	
Benzene	1.9 mg/kg
Toluene	64 mg/kg
Ethylbenzene	96 mg/kg
p/m-Xylene	350 mg/kg
o-Xylene	110 mg/kg
Xylenes, Total	460 mg/kg
n-Butylbenzene	6.6 mg/kg
sec-Butylbenzene	4 mg/kg
Isopropylbenzene	8.6 mg/kg
p-Isopropyltoluene	3.2 mg/kg
Naphthalene	11 mg/kg
n-Propylbenzene	30 mg/kg
1,3,5-Trimethylbenzene	59 mg/kg
1,2,4-Trimethylbenzene	180 mg/kg
p-Diethylbenzene	44 mg/kg
p-Ethyltoluene	160 mg/kg
1,2,4,5-Tetramethylbenzene	9.3 mg/kg

AEI-SB4	
3/30/2017	11.5-12'
VOCs	
Benzene	12 mg/kg
Toluene	300 mg/kg
Ethylbenzene	490 mg/kg
p/m-Xylene	1600 mg/kg
o-Xylene	570 mg/kg
Xylenes, Total	2200 mg/kg
n-Butylbenzene	25 mg/kg
sec-Butylbenzene	11 mg/kg
Isopropylbenzene	32 mg/kg
p-Isopropyltoluene	5.2 mg/kg
Naphthalene	72 mg/kg
n-Propylbenzene	120 mg/kg
1,3,5-Trimethylbenzene	210 mg/kg
1,2,4-Trimethylbenzene	690 mg/kg
p-Diethylbenzene	180 mg/kg
p-Ethyltoluene	620 mg/kg
1,2,4,5-Tetramethylbenzene	51 mg/kg

AEI-SB4	
3/30/2017	19.5-20'
SVOCs	
Naphthalene	1.4 mg/kg
2-Methylnaphthalene	0.64 mg/kg

AEI-SB4	
3/30/2017	19.5-20'
Lead	
Lead	6.2 mg/kg

SB11 (13.5-14)	
7/11/2017	13.5-14'
VOCs	
Benzene	0.32 mg/kg
Ethylbenzene	2.6 mg/kg
p/m-Xylene	1.8 mg/kg
o-Xylene	0.4 mg/kg
Xylenes, Total	2.2 mg/kg
n-Butylbenzene	4.6 mg/kg
sec-Butylbenzene	3.5 mg/kg
Isopropylbenzene	2.5 mg/kg
p-Isopropyltoluene	1.7 mg/kg
Naphthalene	1.1 mg/kg
n-Propylbenzene	9.8 mg/kg
1,3,5-Trimethylbenzene	0.67 mg/kg
1,2,4-Trimethylbenzene	12 mg/kg
p-Diethylbenzene	8 mg/kg
p-Ethyltoluene	6.9 mg/kg
1,2,4,5-Tetramethylbenzene	17 mg/kg

SB11 (16-16.5)	
7/11/2017	16-16.5'
VOCs	
Benzene	0.033 mg/kg
Toluene	0.054 mg/kg
Ethylbenzene	0.025 mg/kg
Methyl tert butyl ether	0.0013 mg/kg
p/m-Xylene	0.052 mg/kg
o-Xylene	0.019 mg/kg
Xylenes, Total	0.071 mg/kg
Carbon disulfide	0.0021 mg/kg
n-Butylbenzene	0.012 mg/kg
sec-Butylbenzene	0.013 mg/kg
tert-Butylbenzene	0.0069 mg/kg
Isopropylbenzene	0.014 mg/kg
p-Isopropyltoluene	0.0048 mg/kg
Naphthalene	0.005 mg/kg
n-Propylbenzene	0.039 mg/kg
1,3,5-Trimethylbenzene	0.0092 mg/kg
1,2,4-Trimethylbenzene	0.053 mg/kg
p-Diethylbenzene	0.031 mg/kg
p-Ethyltoluene	0.042 mg/kg
1,2,4,5-Tetramethylbenzene	0.066 mg/kg

NEW YORK PUBLIC LIBRARY  
PARCEL No. 2233-0013

SB12 (17-17.5)	
7/11/2017	17-17.5'
VOCs	
Benzene	0.00021 mg/kg
Toluene	0.00098 mg/kg
Ethylbenzene	0.00033 mg/kg
p/m-Xylene	0.0014 mg/kg
o-Xylene	0.00091 mg/kg
Xylenes, Total	0.0023 mg/kg
Acetone	0.006 mg/kg
Naphthalene	0.0015 mg/kg
1,3,5-Trimethylbenzene	0.0044 mg/kg
1,2,4-Trimethylbenzene	0.0012 mg/kg
p-Ethyltoluene	0.0082 mg/kg

AEI-SB3	
3/30/2017	19.5-20'
VOCs	
Benzene	3.1 mg/kg
Toluene	689 mg/kg
Ethylbenzene	278 mg/kg
p/m-Xylene	980 mg/kg
o-Xylene	380 mg/kg
Xylenes, Total	1400 mg/kg
1,2,3-Trichloropropane	7.4 mg/kg
n-Butylbenzene	17 mg/kg
sec-Butylbenzene	7.3 mg/kg
Isopropylbenzene	18 mg/kg
p-Isopropyltoluene	3.4 mg/kg
Naphthalene	51 mg/kg
n-Propylbenzene	68 mg/kg
1,3,5-Trimethylbenzene	120 mg/kg
1,2,4-Trimethylbenzene	400 mg/kg
p-Diethylbenzene	120 mg/kg
p-Ethyltoluene	370 mg/kg
1,2,4,5-Tetramethylbenzene	32 mg/kg

AEI-SB3	
3/30/2017	19.5-20'
SVOCs	
Acenaphthene	0.045 mg/kg
Naphthalene	10 mg/kg
Fluorene	0.13 mg/kg
Phenanthrene	0.11 mg/kg
2-Methylnaphthalene	10 mg/kg

AEI-SB3	
3/30/2017	19.5-20'
Lead	
Lead	2.9 mg/kg

SB5 (13.5-14)	
7/11/2017	13.5-14'
VOCs	
Tetrachloroethene	0.0009 mg/kg
Benzene	0.00011 mg/kg
Toluene	0.00065 mg/kg
Ethylbenzene	0.0015 mg/kg
Chloromethane	0.0004 mg/kg
p/m-Xylene	0.0018 mg/kg
o-Xylene	0.00033 mg/kg
Xylenes, Total	0.0021 mg/kg
Acetone	0.018 mg/kg
Carbon disulfide	0.00062 mg/kg
n-Butylbenzene	0.00013 mg/kg
sec-Butylbenzene	0.0007 mg/kg
Isopropylbenzene	0.0012 mg/kg
p-Isopropyltoluene	0.00013 mg/kg
Naphthalene	0.00018 mg/kg
n-Propylbenzene	0.0028 mg/kg
1,3,5-Trimethylbenzene	0.00012 mg/kg
1,2,4-Trimethylbenzene	0.0012 mg/kg
p-Ethyltoluene	0.00077 mg/kg
1,2,4,5-Tetramethylbenzene	0.0011 mg/kg

SB5 (16-16.5)	
7/11/2017	16-16.5'
VOCs	
Toluene	0.083 mg/kg
Ethylbenzene	6 mg/kg
1,2-Dichlorobenzene	0.069 mg/kg
1,4-Dichlorobenzene	0.067 mg/kg
p/m-Xylene	19 mg/kg
o-Xylene	5.7 mg/kg
Xylenes, Total	25 mg/kg
Carbon disulfide	0.28 mg/kg
n-Butylbenzene	1.4 mg/kg
sec-Butylbenzene	0.63 mg/kg
Isopropylbenzene	1.2 mg/kg
p-Isopropyltoluene	0.42 mg/kg
Naphthalene	1 mg/kg
n-Propylbenzene	4.2 mg/kg
1,3,5-Trimethylbenzene	6.2 mg/kg
1,2,4-Trimethylbenzene	20 mg/kg
p-Diethylbenzene	8.1 mg/kg
p-Ethyltoluene	18 mg/kg
1,2,4,5-Tetramethylbenzene	2.2 mg/kg

	NYSDEC Restricted Residential Soil Cleanup Objective (mg/kg)	NYSDEC Protection of Groundwater Soil Cleanup Objective (mg/kg)
VOCs		
Tetrachloroethene	19	1.3
Benzene	4.8	0.06
Toluene	100	0.7
Ethylbenzene	41	1
Chloromethane	-	-
Bromomethane	-	-
1,2-Dichlorobenzene	100	1.1
1,4-Dichlorobenzene	13	1.8
Methyl tert butyl ether	100	0.93
p/m-Xylene	-	-
o-Xylene	-	-
Xylenes, Total	100	1.6
Styrene	-	-
Acetone	100	0.05
Carbon disulfide	-	-
2-Butanone	100	0.12
1,2,3-Trichloropropane	-	-
n-Butylbenzene	100	12
sec-Butylbenzene	100	11
tert-Butylbenzene	100	5.9
Isopropylbenzene	-	-
p-Isopropyltoluene	-	-
Naphthalene	100	12
n-Propylbenzene	100	3.9
1,3,5-Trimethylbenzene	52	8.4
1,2,4-Trimethylbenzene	52	3.6
p-Diethylbenzene	-	-
p-Ethyltoluene	-	-
1,2,4,5-Tetramethylbenzene	-	-
SVOCs		
Acenaphthene	100	98
Naphthalene	100	12
Fluorene	100	386
Phenanthrene	100	1000
2-Methylnaphthalene	-	-
Lead		
Lead	400	450

AEI-SB2	
3/30/2017	19.5-20'
VOCs	
Benzene	0.089 mg/kg
Toluene	0.04 mg/kg
Ethylbenzene	0.31 mg/kg
Bromomethane	0.015 mg/kg
p/m-Xylene	0.65 mg/kg
o-Xylene	0.27 mg/kg
Xylenes, Total	0.92 mg/kg
Isopropylbenzene	0.014 mg/kg
Naphthalene	0.054 mg/kg
n-Propylbenzene	0.037 mg/kg
1,3,5-Trimethylbenzene	0.071 mg/kg
1,2,4-Trimethylbenzene	0.23 mg/kg
p-Ethyltoluene	0.15 mg/kg
1,2,4,5-Tetramethylbenzene	0.02 mg/kg

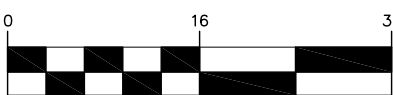
AEI-SB2	
3/30/2017	19.5-20'
SVOCs	
All SVOCs	ND

AEI-SB1/  
TWP-SB1

ADJOINING BUILDING

Sample Name	
Date	Sample Depth (feet below ground surface)
Analyte	Concentration (mg/kg)
	Concentrations in Red exceed NYSDEC Restricted Residential Soil Cleanup Objective
	Concentrations in Blue exceed NYSDEC Protection of Groundwater Soil Cleanup Objective

GRAPHIC SCALE



(1 INCH = 16 FEET)



DRAWN BY:  
A Cauterucci

REVIEWED BY:  
J Katz

APPROVED BY:  
D Bausmith

Date:  
3/1/2019

SOIL SAMPLING RESULTS (HITS ONLY)



4778 Broadway,  
New York, New York 10034

AEI Project #384736  
NYSDEC Spill #1700751

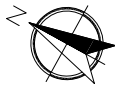
FIGURE  
3



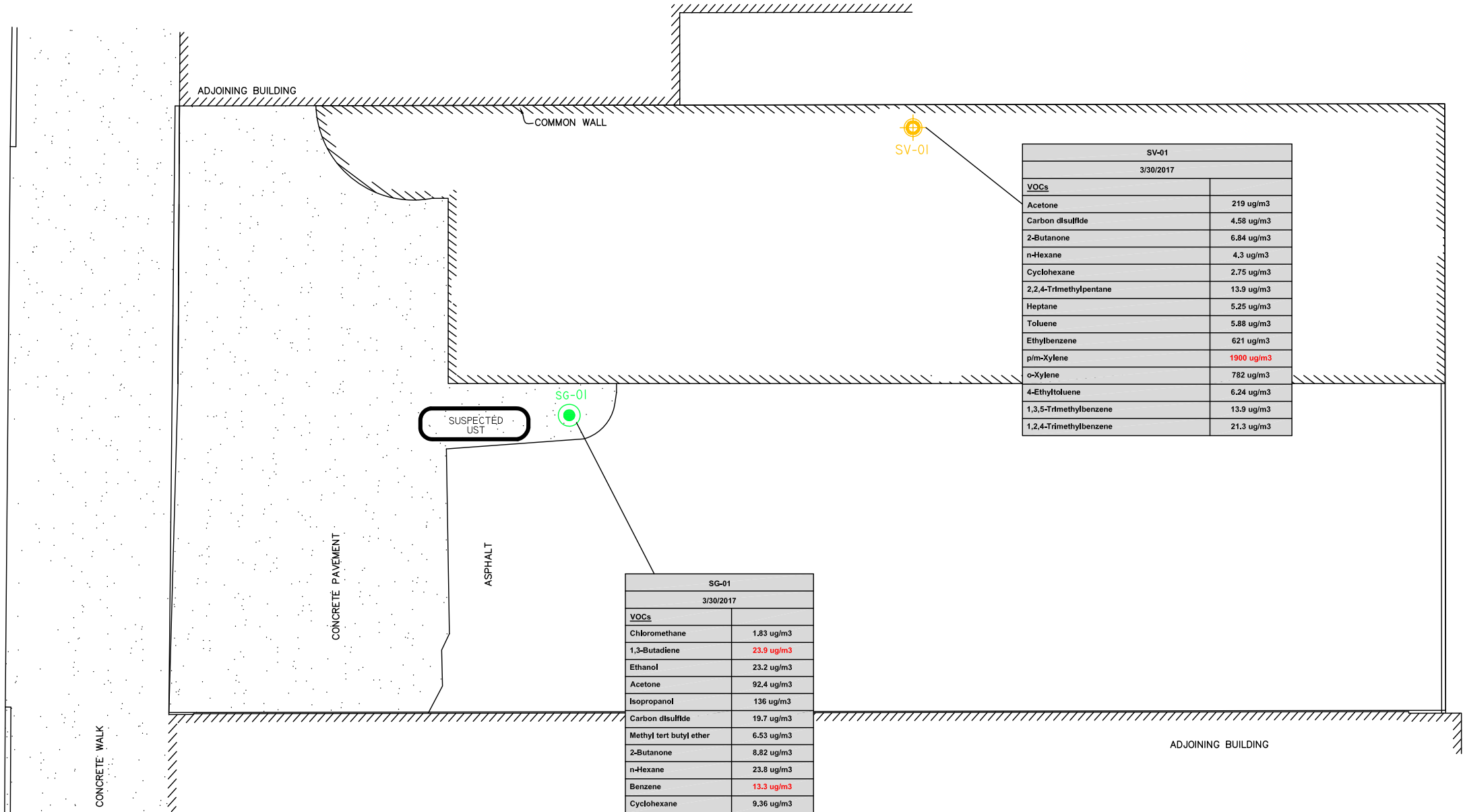
LEGEND

Soil Gas Probe (March 2017)   
Subslab Soil Vapor Probe (March 2017) 

NEW YORK PUBLIC LIBRARY  
PARCEL No. 2233-0013



BROADWAY  
PUBLIC RIGHT OF WAY WIDTH VARIES  
(ASPHALT ROAD)



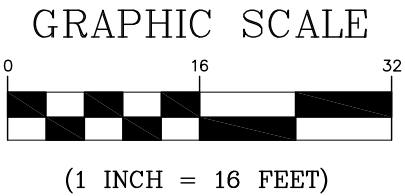
SV-01	
3/30/2017	
VOCs	
Acetone	219 ug/m3
Carbon disulfide	4.58 ug/m3
2-Butanone	6.84 ug/m3
n-Hexane	4.3 ug/m3
Cyclohexane	2.75 ug/m3
2,2,4-Trimethylpentane	13.9 ug/m3
Heptane	5.25 ug/m3
Toluene	5.88 ug/m3
Ethylbenzene	621 ug/m3
p/m-Xylene	1900 ug/m3
o-Xylene	782 ug/m3
4-Ethyltoluene	6.24 ug/m3
1,3,5-Trimethylbenzene	13.9 ug/m3
1,2,4-Trimethylbenzene	21.3 ug/m3

SG-01	
3/30/2017	
VOCs	
Chloromethane	1.83 ug/m3
1,3-Butadiene	23.9 ug/m3
Ethanol	23.2 ug/m3
Acetone	92.4 ug/m3
Isopropanol	136 ug/m3
Carbon disulfide	19.7 ug/m3
Methyl tert butyl ether	6.53 ug/m3
2-Butanone	8.82 ug/m3
n-Hexane	23.8 ug/m3
Benzene	13.3 ug/m3
Cyclohexane	9.36 ug/m3
2,2,4-Trimethylpentane	490 ug/m3
Heptane	12.3 ug/m3
Toluene	18.5 ug/m3
Ethylbenzene	75.1 ug/m3
p/m-Xylene	16.9 ug/m3
o-Xylene	8.12 ug/m3
4-Ethyltoluene	2.21 ug/m3
1,3,5-Trimethylbenzene	2.06 ug/m3
1,2,4-Trimethylbenzene	3.94 ug/m3

	Residential Criteria (ug/m3)	Commercial Criteria (ug/m3)
EPA VISL		
VOCs		
Chloromethane	3100	13000
1,3-Butadiene	3.1	14
Ethanol	-	-
Acetone	1100000	95000000
Isopropanol	7000	29000
Carbon disulfide	24000	100000
Methyl tert butyl ether	360	1600
2-Butanone	170000	730000
n-Hexane	24000	100000
Benzene	12	52
Cyclohexane	210000	880000
2,2,4-Trimethylpentane	-	-
Heptane	-	-
Toluene	170000	730000
Ethylbenzene	37	160
p/m-Xylene	3500	15000
o-Xylene	3500	15000
4-Ethyltoluene	-	-
1,3,5-Trimethylbenzene	-	-
1,2,4-Trimethylbenzene	240	1000

4768 BROADWAY LLC  
PARCEL No. 2233-0005  
BOOK 3469, PG 460

Sample Name	
Date	
Analyte	Concentrations (ug/m3) in red exceed EPA VISL Residential Criteria



DRAWN BY:  
A Cauterucci

REVIEWED BY:  
J Katz

APPROVED BY:  
D Bausmith



Date:  
3/1/2019

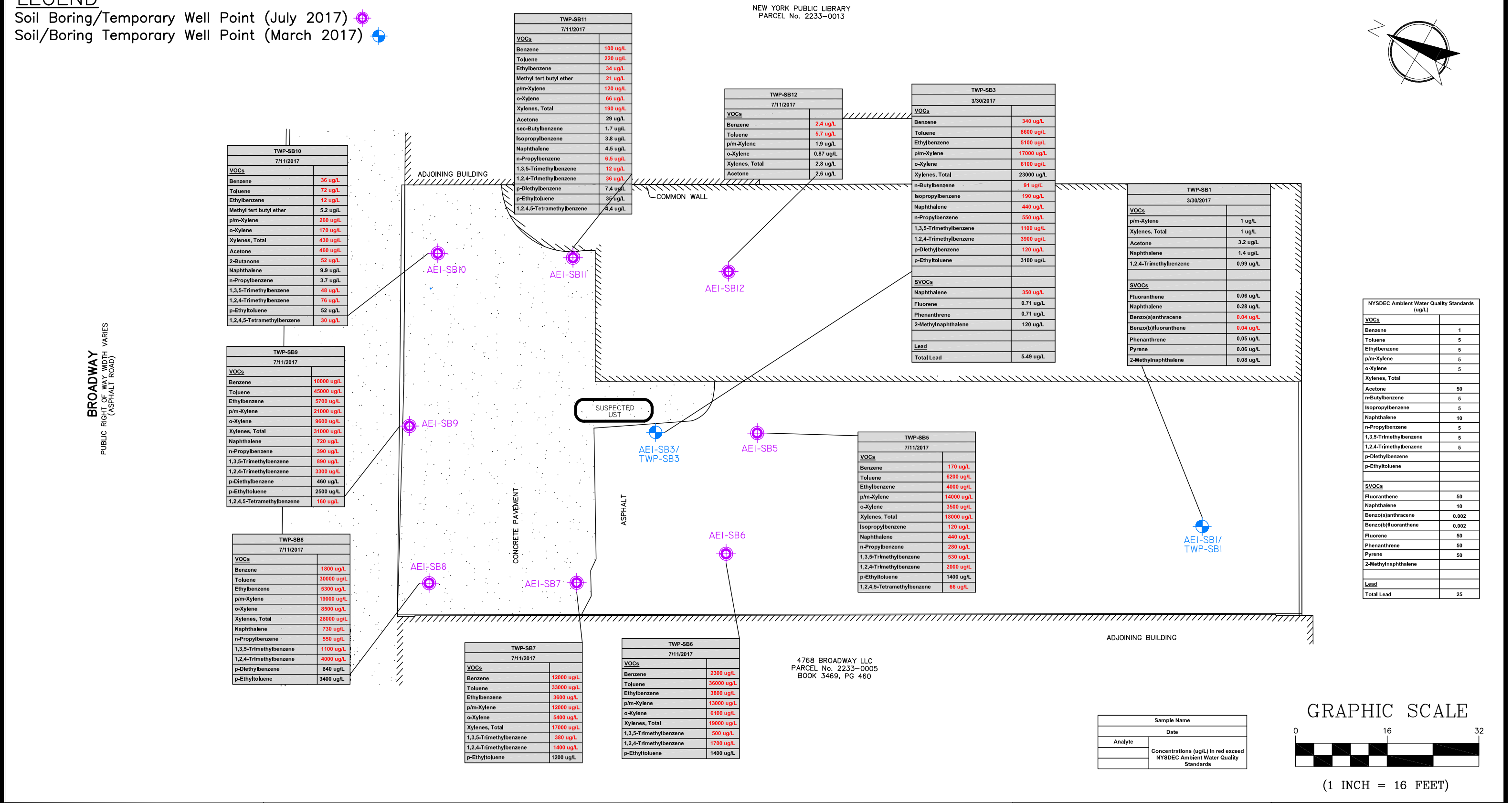
SOIL VAPOR RESULTS (HITS ONLY)  
4778 Broadway,  
New York, New York 10034

AEI Project #384736  
NYSDEC Spill #1700751

FIGURE  
4

LEGEND

Soil Boring/Temporary Well Point (July 2017)   
Soil/Boring Temporary Well Point (March 2017) 

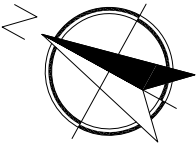


LEGEND

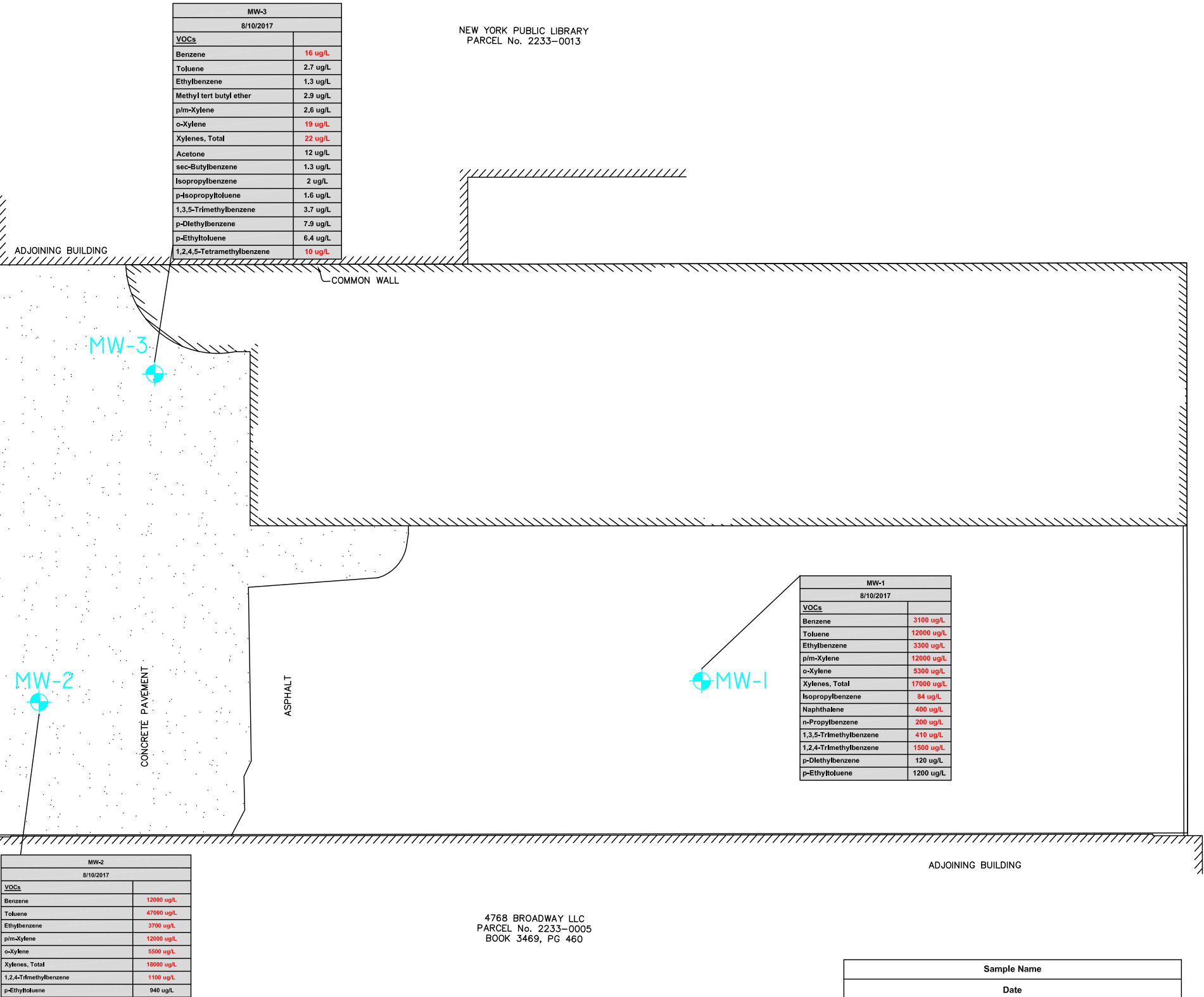
Monitoring Well



NEW YORK PUBLIC LIBRARY  
PARCEL No. 2233--0013



BROADWAY  
PUBLIC RIGHT OF WAY WIDTH VARIES  
(ASPHALT ROAD)



DRAWN BY: A Cauterucci	REVIEWED BY: J Katz
APPROVED BY: D Bausmith	Date: 3/1/2019

GROUNDWATER MONITORING WELL LOCATION MAP  
GROUNDWATER SAMPLING RESULTS (HITS ONLY)  
4778 Broadway,  
New York, New York 10034

AEI Project #384736  
NYSDEC Spill #1700751

FIGURE  
6

## ATTACHMENTS



## **M4778 Broadway LLC Brownfield Cleanup Program (BCP) Application Attachments**

### **Section I: Requestor Information**

Members of M4778 Broadway LLC:

Chava Lobel

The Madruga Family Trust dated February 12, 2012

Amnon Shalhov

Eli Weiss

(Member Consent to enter into BCP Remedial Program attached)

### **Section II, No. 4: Project Description**

AEI Consultants (AEI) was retained by the previous Site owner, The Estate of Andres Vazquez and Donald F. Conway in his capacity as Chapter 11 Trustee for the Bankruptcy Estate of Jose L. Vazquez, to conduct a Phase II Subsurface Investigation (Phase II) at the Site in March/April of 2017 to evaluate if the long-term use and storage of gasoline at the Site had resulted in adverse impacts to the subsurface including soil, groundwater, and vapor migration. The investigation confirmed that petroleum related Volatile Organic Compound (VOC) contamination of soil, groundwater, and soil vapor, likely related to the prior use as a gasoline filling station, is present at the Site. Additionally, the results from a geophysical survey identified two areas of disturbed soil on the northern portion of the Site. The area of disturbed soil located near the car wash along the northeastern portion of the asphalt parking lot, suggested an anomaly consistent with that of an underground storage tank (UST). Based on this information, the NYSDEC was notified of the release on April 24, 2017, and NYSDEC Spill #1700751 was issued.

Subsequent to the March/April 2017 Phase II, the former Site owner and AEI were notified by the NYSDEC that a Remedial Investigation (RI) would be required to delineate and characterize the magnitude and extent of the soil and groundwater impacts at the Site.

In July of 2017, a RI including the installation of eight (8) additional boring locations for soil and temporary well point groundwater samples was conducted. Following the completion of the soil and temporary well point sampling, three (3) permanent groundwater monitoring wells were installed and sampled on the Site in late July and early August of 2017. Based on the findings presented in an October 2017 Remedial Investigation Report, the NYSDEC determined the onsite contamination was adequately characterized and they requested that a Remedial Action Work Plan be submitted.

The current owner and requestor for this BCP application, M4778 Broadway LLC, purchased the Site in June 2018. AEI has since been retained by M4778 Broadway LLC to assist in the entry into the NYSDEC BCP.



The purpose of the project moving forward is to conduct a thorough remedial investigation as outlined in a Remedial Investigation Work Plan (RIWP) approved by the NYSDEC and then conduct remedial actions as outlined in a Remedial Action Work Plan (RAWP) approved by the NYSDEC.

With the approval of the RIWP NYSDEC, remedial investigation/remedial program is expected to start in the first quarter of 2019 (week of January 7, 2019). Following submission of a remedial investigation report (RIR) decision document, public review of the RIR, submission of the RAWP, and RAWP approval by the NYSDEC, additional remedial action is projected to take place in the third and fourth quarters of 2019. Subsequently, a Site Management Plan and Final Engineering Report will be submitted for NYSDEC review and approval. Based on this schedule, the Certificate of Completion is anticipated in early 2020 (week of January 6, 2020).

The Site owner plans to redevelop the property for mixed commercial and residential use following completion of remedial action at the Site.

### **Section III, Property's Environmental History – Previous Environmental Reports**

1. April 2017 Phase II Report
2. October 2017 Remedial Investigation Report

#### **1. April 2017 Phase II Report:**

AEI completed a Phase II at the Site on March 30, 2017. The purpose of the Phase II was to evaluate if the long term use and storage of gasoline at the Site has resulted in adverse impacts to the subsurface including soil, groundwater, and vapor migration. A total of four (4) borings were advanced throughout the Site for the collection of soil and groundwater samples. Three soil samples and two groundwater samples were collected and analyzed for VOCs, PAHs, and/or lead. Additionally, one interior soil gas sample and one exterior soil gas sample were collected at the Site for analysis of VOCs.

A geophysical survey conducted at the Site identified two areas of disturbed soil on the northern portion of the Site. The area of disturbed soil located near the car wash along the northeastern portion of the asphalt parking lot, suggested an anomaly consistent with that of an UST.

The sampling results of this investigation were compared to NYSDEC Restricted Commercial Soil Cleanup Objectives (SCOs), NYSDEC Restricted Residential SCOs, and NYSDEC Unrestricted Use SCOs for soil, NYSDEC Ambient Water Quality Standards (AWQS) for groundwater, and the EPA VISL levels and NYSDOH criteria and decision matrices for sub-slab soil vapor and soil gas.

Analysis of soil samples AEI-SB3 and AEI-SB4, collected in the area of the former historic gasoline filling station USTs, identified various VOCs at concentrations which exceed their respective NYSDEC Restricted Commercial SCOs, NYSDEC Restricted Residential SCOs, and/or NYSDEC Unrestricted Use SCOs. Analysis of soil sample AEI-SB2, collected in the central portion of the Site, did not identify any exceedances of NYSDEC Restricted Commercial or Restricted Residential SCOs.

Analysis of groundwater sample TWP-SB3, collected in the area of the former historic gasoline filling station USTs, identified various VOCs and PAHs at concentrations which exceed their respective NYSDEC AWQS. Groundwater sample TWP-SB1, collected from the southern portion of Site, revealed concentrations of PAHs in exceedance of NYSDEC AWQS, however, the presence of these compounds is likely the result of fill material present in the subsurface.





With respect to the soil gas samples collected, ethylbenzene was detected in the interior sub-slab soil gas sample SV-01 at a concentration above the EPA VISL for a commercial scenario and benzene was detected in exterior soil gas sample SG-01 at a concentration above the EPA VISL for a residential scenario.

Based on the VOC concentrations detected in soil above their respective NYSDEC Restricted Commercial or Restricted Residential SCOs, the VOC and PAH concentrations detected in groundwater in exceedance of NYS AWQS, and the ethylbenzene and benzene concentrations detected in the sub-slab soil gas samples, it appears that residual contamination related to the former historic gasoline filling station USTs is present at the Site. AEI recommended that remediation of impacted soil and a groundwater investigation be conducted in the location of the former USTs and possible UST remaining at the Site. Finally, based on the detection of a number of petroleum related compounds detected in the soil and groundwater above NYSDEC standards, the NYSDEC Spill Hotline was called and the release reported. Spill Number #1700751 was issued by inspector 37 at the NYSDEC notification hotline. A copy of the April 2017 Phase II Report is included as a PDF on a CD included with this application.

## **2. October 2017 Remedial Investigation Report:**

The former Site owner and AEI were notified by the NYSDEC that a Remedial Investigation (RI) would be required to delineate and characterize the magnitude and extent of the soil and groundwater impacts at the Site. The RI was conducted at the Site on July 11, 2017, July 27, 2017, and August 10, 2017 to further delineate and characterize the magnitude and extent of VOCs in soil and groundwater at the Site. The work included using a direct-push rig to conduct soil sampling and temporary well point groundwater sampling for VOC analysis at eight (8) locations onsite. Based on the results of the soil and temporary well point sampling, three (3) permanent monitoring wells were subsequently installed on the Site and sampled for VOCs.

Soil samples were collected at various depths from eight (8) borings on July 11, 2017. Analytical results indicated the following:

- The soil samples showed impacts of petroleum related VOCs in borings AEI-SB6 and AEI-SB9 at concentrations exceeding the NYSDEC Residential Use SCOs but below the NYSDEC Restricted Commercial Use SCOs. No VOCs were detected above their respective NYSDEC Residential Use SCOs at the remaining boring locations.

Temporary well point groundwater samples were collected from eight (8) borings on July 11, 2017. Analytical results indicated the following:

- The temporary well point groundwater samples showed impacts of petroleum related VOCs in all eight (8) of the temporary well points at concentrations exceeding the NYSDEC AWQSS.
- The highest levels of contamination were detected in borings along the northwest and western portion of the Site.

Groundwater samples were collected from the three (3) permanent monitoring wells on August 10, 2017. Analytical results indicated the following:



- The permanent monitoring well groundwater samples showed impacts of gasoline related VOCs in all three (3) of the monitoring at concentrations exceeding the NYSDEC AWQSSs.
- The highest levels of contamination were detected in wells MW-1 and MW-2, located in the central and northwestern portion of the Site, respectively. Gasoline related VOC concentrations in well MW-3, located at the northeastern corner of the Site, were at least two orders of magnitude lower than concentrations detected in wells MW-1 and MW-2.
- Measurements of groundwater levels recorded on August 11, 2017 and the calculated water surface elevations, indicate that onsite groundwater flows towards the southwest.

A copy of the October 2017 Remedial Investigation Report is included as a PDF on a CD included with this application.

## **Section IV, No. 10: Property Information – Property Description and Environmental Assessment**

### **Location:**

The M4778 Broadway LLC Site is located on the southeast side of Broadway, between Dyckman Street and Academy Street, in a commercial and residential area of the Manhattan, New York.

### **Site Features:**

The Site consists of a single-story former commercial car wash facility. The Site is currently vacant; however, the most recent occupant was Soft Touch Car Wash, whose operations included interior and exterior automobile cleaning. In addition to the building, the Site is improved with an asphalt paved parking area on the western portion of the Site.

### **Current Zoning and Land Use:**

The Site is in a residential district (R7A) with a commercial use overlay (C4-4D). According to a Zoning Change diagram date August 8, 2018, the area of the Site is within a "Special Inwood District". The surrounding parcels are currently used for a combination of commercial and residential purposes.

### **Past Use of the Site:**

The Site was most recently occupied by an automobile laundry/car wash from approximately 1988 to 2017. Based on a review of historical sources, the Site was developed with a gasoline filling and/or service station from as early as 1921 until 1988. During this time span, multiple generations of tanks were likely installed on the Site. Three (3) gasoline tanks were labeled on Sanborn maps from 1935 and 1951 and according to state agency and regulatory records, additional tanks were installed in 1951 during the redevelopment of the Site. No documentation has been identified that indicates typical tank closure activities (including proper tank closure/removal, soil and/or groundwater sampling, and summary closure reports) were performed. It appears that the prior occupancy of the Site by a gasoline service station led to onsite contamination.

A Phase II was conducted at the Site in March 2017. The results of this investigation indicated that a release of gasoline has impacted soil, groundwater, and soil vapor at the Site. Based on this information, the NYSDEC was notified of the release on April 24, 2017, and NYSDEC Spill #1700751 was issued.

In July of 2017, a RI including the installation of eight (8) additional boring locations for soil and temporary well point groundwater samples was conducted. Following the completion of the soil and





temporary well point sampling, three (3) permanent groundwater monitoring wells were installed and sampled on the Site in late July and early August of 2017. Based on the findings of the RI, petroleum related VOC contamination of onsite soil and groundwater was determined to be adequately characterized.

## **Site Geology and Hydrogeology:**

Based on a review of the United States Geological Survey (USGS) Harlem, New York quadrangle Geologic Map, the area surrounding the Site is underlain by pelitic schist and gneiss deposits of the Manhattan Formation of the Ordovician-era. Based on a review of the United States Department of Agriculture (USDA) Soil Survey for the area, the soils in the vicinity of the Site are classified as the Urban land series. Urban Land describes soils that have been excavated, disturbed, and/or developed upon to the extent that the original soil profile is undistinguishable where at least 85 percent of the surface is covered with asphalt, concrete, or other impervious building materials. Typically, soils classified as Urban Land contain fill materials such as brick and concrete, and characteristics of Urban Land soils can only be determined direct investigation. The soil recovered in the borings advanced during the 2017 Phase II and RI investigations generally consisted grey to brown silt and reddish-brown silty sand with weathered schist gravel.

The depth to groundwater was measured at between 14.40 feet and 14.60 feet below the top of casing (TOC) tin the three permanent monitoring wells. Groundwater onsite is inferred to flow towards the southwest. The Hudson River is located approximately 0.38 miles to the west of the Site.

## **Environmental Assessment:**

Based upon the investigation activity conducted to date, the primary contaminants of concern for the Site include benzene, toluene, ethylbenzene, and xylene (BTEX). Additional contaminants of concern include trimethylbenzene, naphthalene, 1,3-butadiene, and Polynuclear Aromatic Hydrocarbons (PAHs) benzo(a)anthracene and benzo(b)fluoranthene.

*Soil* – A number of VOCs including BTEX, n-butylbenzene, sec-butylbenzene, naphthalene, n-propylbenzene, 1,3,5-trimethylbenzene, and 1,2,4-trimethylbenzene were detected at concentrations above their respective NYSDEC Restricted Commercial SCOs, NYSDEC Restricted Residential SCOs, and/or NYSDEC Unrestricted Use SCOs in soil samples collected from the northern and northwestern portions of the Site from a depth of 5 feet below ground surface (bgs) down to 20 feet bgs, where weathered bedrock is present. The highest concentrations of BTEX compounds were encountered on the northern portion of the property in borings AEI-SB3 and AEI-SB4 during the March 2017 Phase II, at depths of 19.5-20 and 11.5-12 feet bgs, respectively. Concentrations of BTEX at these locations were detected at 12 milligrams per kilogram (mg/kg) of benzene at a depth of 11.5-12 feet in AEI-SB4, 680 mg/kg for toluene at a depth of 19.5-20 feet in AEI-SB3, 490 mg/kg for ethylbenzene at a depth of 11.5-12 feet in AEI-SB4, and 2,200 mg/kg for xylene at a depth of 11.5-12 feet in AEI-SB4. These concentrations exceed the SCOs for restricted residential use for BTEX compounds.

*Groundwater* – A number of VOCs including benzene, toluene, ethylbenzene, xylene, n-butylbenzene, isopropylbenzene, naphthalene, n-propylbenzene, 1,3,5-trimethylbenzene, and 1,2,4-trimethylbenzene were detected at concentrations above their respective NYSDEC Ambient Water Quality Standards (AWQS) in groundwater samples collected from temporary well points and permanent monitoring wells on the northern and northwestern portions of the Site. The highest concentrations of BTEX compounds were encountered on the northern portion of the property. Concentrations of BTEX at these locations were detected at 12,000 micrograms per liter (ug/L) for benzene in permanent monitoring well MW-2,

47,000 ug/L for toluene in permanent monitoring well MW-2, 5,700 ug/L for ethylbenzene in temporary well point TWP-SB9, and 31,000 ug/L for xylenes in temporary well point TWP-SB9. Both permanent monitoring well MW-2 and temporary well point TWP-SB9 are located adjacent to the northern property boundary near the sidewalk of Broadway.

*Soil Vapor* – The highest concentration of 1,3-butadiene was detected in exterior soil gas sample SG-01 at a concentration of 23.9 micrograms per cubic meter (ug/m<sup>3</sup>); the highest concentration of benzene was detected in exterior soil gas sample SG-01 at a concentration of 13.3 ug/m<sup>3</sup>; the highest concentration of ethylbenzene was detected in sub-slab soil vapor sample SV-01 at a concentration of 621 ug/m<sup>3</sup>. While there are no NYS Department of Health (DOH) guidance levels for these compounds, the above concentrations detected in sub-slab soil vapor and exterior soil gas samples exceed the Environmental Protection Agency (EPA) Vapor Intrusion Screening Levels (VISLs) for residential and/or commercial scenarios. Since the NYSDOH does not have Matrix Guidance Level for petroleum VOCs, these compounds were not included in Section III No. 2 Table of Contaminants.

## Section VI: Current Property Owner/Operator Information

List of previous property owners are listed below as available on the NYC Automated City Register Information System (ACRIS):

- A. Broadyck Service Center Inc., 29 Graywood Drive, Orangeburg, NY (1962 through 1984)
- B. GSL Enterprises, 640 Fifth Avenue, New York, NY (1984)
- C. Andres Vasquez and Jose Vasquez, 4602 Park Avenue, Weehawken, NJ (1986)
- D. The Estate of Andres Vazquez and Donald F. Conway in his capacity as Chapter 11 Trustee for the Bankruptcy Estate of Jose L. Vazquez, c/o The Mercadien Group, 3625 Quakerbridge Road, Hamilton, NJ (2018)
- E. HPDC2 Housing Development Fund Company, Inc., c/o NYC Housing Partnership Dev. Corp., 242 West 36<sup>th</sup> Street, 3<sup>rd</sup> Floor, New York, NY (2018)

Previous Property Owners/Operators	Business Operated	Last Known Address	Last Known Telephone Number	Relationship to Requester
Broadyck Service Center Inc. (Peter Borkowski – President)	Broadyck Service Center	751A Pontiac Lane Stratford, CT 06614	(203) 386-1663	None
GSL Enterprises (Sol Goldman - President)	Broadyck Service Center	640 Fifth Avenue, New York, NY	(212) 265-2280	None
Andres Vasquez and Jose Vasquez	Broadway Hand Carwash	4602 Park Avenue, Weehawken, NJ	(201) 224-2760	None
The Estate of Andres Vazquez and Donald F. Conway in his capacity as Chapter 11 Trustee for the Bankruptcy Estate of	Vacant	3625 Quakerbridge Road, Hamilton, NJ	(609) 689-9700	None



Jose L. Vazquez, c/o The Mercadien Group				
HPDC2 Housing Development Fund Company, Inc., c/o NYC Housing Partnership Dev. Corp.	Vacant	242 West 36 <sup>th</sup> Street, 3 <sup>rd</sup> Floor, New York, NY	(646) 217.3370	None

The current owners and members of M4778 Broadway LLC acquired the property in June 2018 and have no relationship with or information regarding prior owners or operators other than what is provided above from ACRIS.

## Section VII: Requestor Eligibility as a Volunteer

This statement is hereby provided to the New York State Department of Environmental Conservation ("DEC") as a supplement to the Brownfield Cleanup Program ("BCP") Application of M4778 Broadway LLC (the "Requestor").

Requestor seeks to enter DEC's BCP as a Volunteer. Under ECL § 27-1405(1)(b) and 6 NYCRR § 375-3.2(c)(2), a Volunteer is defined as an applicant other than a participant, including without limitation a person whose liability arises solely as a result of such person's ownership or operation of or involvement with the site subsequent to the disposal or discharge of contaminants, provided however, such person exercises appropriate care with respect to contamination found at the facility by taking reasonable steps to: (i) stop any continuing release; (ii) prevent any threatened future release; and (iii) prevent or limit human, environmental, or natural resource exposure to any previously released contamination.

As part of its pre-acquisition due diligence, the Requestor performed all appropriate inquiries generally consistent with CERCLA and industry standards, including review of available environmental documentation pertaining to the Site, which showed the contamination that is the subject of the BCP application. See Section II of these BCP Application Attachments as to the history of the Site and identification of the contamination through investigation by the prior owner, including in the October 2017 Remedial Investigation Report ("RIR") that the DEC found adequately characterized the contamination.

Requestor has no relationship with or information regarding prior owners or operators other than what is listed in Section VI of these BCP Application Attachments. Requestor's liability will arise solely as a result of ownership of the Site subsequent to the disposal of the identified contamination. Requestor intends to develop the Site and has and will exercise appropriate care with respect to contamination found at the Site and has and will take all reasonable steps and implement plans approved by the DEC in accordance with admission by the DEC into the BCP. See Section II of these BCP Application Attachments as to the proposed remediation and development. Accordingly, the Requestor qualifies as Volunteers under ECL § 27-1405 and 6 NYCRR § 375-3.2(c)(2).



## Section IX: Contact List Information

### Community/Planning Board Contacts

Organization	Representative	Address	Phone/E-mail
Community Board #12 – Washington Heights/Inwood	Mr. Ebenezer Smith – District Manager  Richard R. Lewis – Chairperson	530 West 166th Street, 6th Floor New York, NY 10032	212-568-8500 / ebsmith@cb.nyc.gov
Department of City Planning	Marissa Lago - Director	120 Broadway 31st Floor New York, NY 10271	212-720-3480 / mlago@planning.nyc.gov
Manhattan Borough President	Gale A. Brewer - Borough President	431 West 125th Street New York, NY 10027	212-669-8191 / gbrewer@manhattanbp.nyc.gov

### Adjacent Property Contacts

Address	Direction	Owner / Address	Phone/E-mail
New York Public Library – Inwood Branch 4780 Broadway, New York, NY 10034	Adjoining to the east	New York Public Library 4780 Broadway, New York, NY 10034	212-942-2445 / Library Manager: Danita Nichols / danitanichols@nypl.org
Harold O. Levy School 52 630 Academy Street, New York, NY 10034	Adjoining to the south	Department Of Education 630 Academy Street, New York, NY 10034	212-567-9162 / Principal: Lupe Leon
Fine Fare Supermarket - 4768 Broadway, New York, NY 10034	Adjoining to the west	4768 Broadway LLC 1185 Sixth Avenue, 10 <sup>th</sup> Floor, New York, NY 10036	212-304-1858
4781 Broadway, New York, NY 10034	Adjacent to the north across Broadway	4781 Broadway, LLC C/O Steven J Goldstein, PLLC 100 Crossways Park West, Suite 312 Woodbury, New York, 11797	516-490-1240 / sgoldstein@sjgpplc.com

### Local News Media

Organization	Address	Phone/E-mail
WCBS-TV New York	524 W. 57th Street New York, NY 10019	212-975-4321 / stationservices@cbs2ny.com
WABC-TV New York	7 Lincoln Square New York, NY 10023	917-260-7000 / abc7ny@abc.com
Manhattan Times Newspaper	5030 Broadway, Suite 807, New York, NY 10034	212-569-5800/ editor@manhattantimesnews.com

### Public Water Supplier

Organization	Address	Phone/E-mail
NYC Department of Environmental Protection	1250 Broadway, 8 <sup>th</sup> Floor New York, NY 10001	718-595-7000 / CustomerService@dep.nyc.gov



## Local Schools

Organization	Representative	Address	Phone/E-mail
Harold O. Levy School 52	Lupe Leon - Principal	630 Academy Street, New York, NY 10034	212-567-9162

## Document Repository

Organization	Address	Phone/E-mail
Inwood Library	4780 Broadway, New York, NY 10034	212-942-2445 / danitanichols@nypl.org
Community Board #12 – Washington Heights/Inwood	530 West 166th Street, 6th Floor New York, NY 10032	212-568-8500 / ebsmith@cb.nyc.gov

\*Copies of acknowledgement from each document repository are attached

## Section X, No. 2: Land Use Factors – Summary of Business Operations

The Site is currently vacant and was most recently occupied by an automobile laundry/car wash from approximately 1988 to 2017. Based on a review of historical sources, the Site was developed with a gasoline filling and/or service station from as early as 1921 until 1988. The prior occupancy by a gas station is believed to have led to onsite contamination.

## Section X, No. 3: Land Use Factors – Statement of Proposed Use

The Site is planned for redevelopment that will ultimately result in mixed commercial and residential use.

**M4778 BROADWAY LLC  
MEMBER CONSENT TO ENTER THE NEW YORK STATE  
BROWNFIELD CLEANUP PROGRAM AND COMPLETE  
REMEDIAL PROGRAM REQUIREMENTS**

The undersigned, being all of the members of M4778 Broadway LLC, a New York limited liability company (the "Company") hereby certify as of January 24, 2019, as follows and adopt the following resolutions and authorize the Company to authorize and direct Eli S. Weiss (the "Authorized Signatory") to take the following actions on behalf of the Company:

WHEREAS, the Company was formed pursuant to the Articles of Organization dated November 2, 2017;

WHEREAS, the Company desires to authorize the Authorized Signatory to undertake actions necessary to redevelop 4778 Broadway, New York, New York, Block 2233, Lot 10 (the "Property" or the "Site");

WHEREAS, in connection with the redevelopment of the Property, the Company has or will prepare and submit an application to participate in the New York State Brownfield Cleanup Program ("BCP") and, if accepted into the BCP, enter into a Brownfield Cleanup Agreement ("BCA"); file related documents with the New York State Department of Environmental Conservation ("DEC") to participate in the BCP; and undertake certain environmental remediation work related thereto consistent with applicable laws, regulations and guidance under the BCP (collectively referred to as the "Remedial Program Requirements");

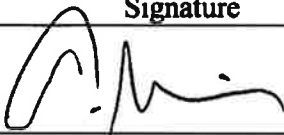
NOW THEREFORE, BE IT

RESOLVED, that the Authorized Signatory be, and hereby is, authorized and directed, in the name of and on behalf of the Company, to execute and to deliver all applications, documents and instruments required to apply to participate in the BCP, effectuate the BCA (including execution of the BCA), grant an environmental easement and make any filings required to comply with the BCA consistent with the Remedial Program Requirements; and be it further

RESOLVED, that this Member Consent may be signed in any number of counterparts, including but not limited to electronic, and shall become effective as of the date herein below written when each person named below shall have signed a copy hereof; and be it further

*[Remainder of Page Intentionally Blank - Member Consent for  
BCP Remedial Program Requirements]*

RESOLVED, that the Authorized Signatory is authorized to bind the Company as an Authorized Signatory for the purposes set forth in this Member Consent, the signature set forth opposite his name below is his actual signature:

Authorized Signatory	Signature
Eli S. Weiss	

IN WITNESS WHEREOF, the undersigned have signed and sealed this Member Consent on January 24, 2019.


MEMBERS:


DocuSigned by:  
  
91638A76456445B  
Chava Lobel

  
Amnon Shalhov

  
Eli S. Weiss

THE MADRUGA FAMILY TRUST

By:   
MARIA KATSANOS, as one of the two  
Trustees of The Madruga Family Trust

By:   
ELI S. WEISS, as one of the two  
Trustees of The Madruga Family Trust

*[Signature page - Member Consent for BCP Remedial Program Requirements]*

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through October 17, 2018.

---

Selected Entity Name: M4778 BROADWAY LLC

Selected Entity Status Information

**Current Entity Name:** M4778 BROADWAY LLC

**DOS ID #:** 5228803

**Initial DOS Filing Date:** NOVEMBER 02, 2017

**County:** NASSAU

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC LIMITED LIABILITY COMPANY

**Current Entity Status:** ACTIVE

Selected Entity Address Information

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

ROSEN LAW LLC

216 LAKEVILLE ROAD

GREAT NECK, NEW YORK, 11020

**Registered Agent**

NONE

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

**\*Stock Information**

# of Shares	Type of Stock	\$ Value per Share
-------------	---------------	--------------------



No Information Available

\*Stock information is applicable to domestic business corporations.

### **Name History**

<b>Filing Date</b>	<b>Name Type</b>	<b>Entity Name</b>
NOV 10, 2017	Actual	M4778 BROADWAY LLC
NOV 02, 2017	Actual	4478 BROADWAY LLC

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

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

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

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

**From:** Danita Nichols <danitanichols@nypl.org>  
**Sent:** Sunday, November 18, 2018 1:30 PM  
**To:** Anthony Cauterucci  
**Cc:** katherine@madddequities.com  
**Subject:** Re: Document Repository - 4778 Broadway, NY, NY

Hello--yes we regularly act as a repository. Just let me know when you are ready to send items and what format choices we will have.

Danita

--

**Danita Nichols** | **The New York Public Library**  
*Library Manager*

**Inwood Library**  
4790 Broadway, New York, NY 10034  
T: 212.942-2445 | [danitanichols@nypl.org](mailto:danitanichols@nypl.org)



*Inspiring Lifelong Learning | Advancing Knowledge | Strengthening Our Communities*

On Fri, Nov 16, 2018 at 4:45 PM Anthony Cauterucci <[acauterucci@aeiconsultants.com](mailto:acauterucci@aeiconsultants.com)> wrote:

Hello Danita,

I am assisting a client in applying to participate in the Brownfield Cleanup Program through the New York State Department of Environmental Conservation (NYSDEC) for an environmental investigation and remediation at the property located at 4778 Broadway, New York, NY (the former carwash adjacent to the west of the Inwood NYPL). As a requirement of entry into the Brownfield Cleanup Program, the NYSDEC requests that a local public library act as a document repository for future work plans, reporting, and results as the environmental investigation and remediation work progresses. The site document repository is meant to provide the local community with information about the work being conducted at the property and allow for the public to comment prior to commencement of the work. A local community board (NYC Community Board No. 12) will also act as a secondary site document repository. Please let me know if your branch of the NYPL would be willing to cooperate as a document repository for the project and feel free to reach out to me with any questions. Thank you!

Anthony Cauterucci, CHMM  
Site Mitigation Department Manager – NY/NJ

**AEI Consultants**  
20 Gibson Place, Suite 310  
Freehold, NJ 07728

p. 732.414.2720 (x1410)  
c. 732.275.4719  
f. 732.414.2721  
[www.aeiconsultants.com](http://www.aeiconsultants.com)

# RE: Document Repository - 4778 Broadway, New York , NY

Smith, Ebenezer (CB) <ebsmith@cb.nyc.gov>

Mon 2/25/2019 6:25 PM

To: Anthony Cauterucci <acauterucci@aeiconsultants.com>;

Mr. Cauterucci,

CB #12, M is happy to assist you with this request. Please bring to us all the necessary documents regarding this project.

Thank you,

Ebenezer Smith  
District Manager  
Community Board #12, M  
212-568-8500  
[ebsmith@cb.nyc.gov](mailto:ebsmith@cb.nyc.gov)  
[www.nyc.gov/mcb12](http://www.nyc.gov/mcb12)

---

**From:** Anthony Cauterucci [acauterucci@aeiconsultants.com]  
**Sent:** Monday, February 25, 2019 5:47 PM  
**To:** Smith, Ebenezer (CB)  
**Subject:** Document Repository - 4778 Broadway, New York , NY

Hello Mr. Smith,

I am assisting a client in applying to participate in the Brownfield Cleanup Program through the New York State Department of Environmental Conservation (NYSDEC) for an environmental investigation and remediation at the property located at 4778 Broadway, New York, NY (the former carwash adjacent to the west of the Inwood NY Public Library). As a requirement of entry into the Brownfield Cleanup Program, the NYSDEC requests that the local community board act as a document repository for future work plans, reporting, and results as the environmental investigation and remediation work progresses. The site document repository is meant to provide the local community with information about the work being conducted at the property and allow for the public to comment prior to commencement of the work. The adjacent library (Inwood NYPL) will also act as a secondary site document repository. Please let me know if Community Board #12 would be willing to cooperate as a document repository for the project and feel free to reach out to me with any questions. Thank you!

Anthony Cauterucci, CHMM  
Site Mitigation Department Manager – NY/NJ  
**AEI Consultants**  
20 Gibson Place, Suite 310  
Freehold, NJ 07728

p. 732.414.2720 (x1410)  
c. 732.275.4719  
f. 732.414.2721