



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 11*

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #:

NAME One45 Lenox LLC

ADDRESS 55 Broadway

CITY/TOWN New York

ZIP CODE 10002

PHONE 646-228-4080

FAX

E-MAIL tnadal@pointsfive.com

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

☒

Yes

☐

No

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

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

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

Section II. Project Description

1. What stage is the project starting at?

☒

Investigation

☐

Remediation

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

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

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

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

SEE ATTACHMENT B

Section III. Property's Environmental History		SUPPLEMENTAL INFORMATION PROVIDED IN ATTACHMENT C	
All applications must include an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that the site requires remediation and 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 (<i>please submit the information requested in this section in electronic format only</i>): 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 supporting documents.			
2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.			
Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum	X	X	X
Chlorinated Solvents			X
Other VOCs			
SVOCs	X	X	
Metals	X	X	
Pesticides			
PCBs			
Other*			
*Please describe: <u>SEE ATTACHMENT C</u>			
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?* ☒ Yes ☐ No (*answering No will result in an incomplete application)			
4. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):			
☐ Coal Gas Manufacturing ☐ Salvage Yard ☐ Landfill	☐ Manufacturing ☐ Bulk Plant ☐ Tannery	☐ Agricultural Co-op ☐ Pipeline ☐ Electroplating	☐ Dry Cleaner ☒ Service Station ☐ Unknown
Other: <u>SEE ATTACHMENT C</u>			

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME 691 Lenox Avenue - Phase 2				
ADDRESS/LOCATION 691 Lenox Street				
CITY/TOWN New York		ZIP CODE 10030		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): New York				
COUNTY New York		SITE SIZE (ACRES) 0.80		
LATITUDE (degrees/minutes/seconds) 40 ° 49 ' 14.60 "		LONGITUDE (degrees/minutes/seconds) -73 ° 56 ' 15.70 "		
Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed , please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
SEE ATTACHMENT D				
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site. SEE ATTACHMENT D	☐ 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 DEC's website for more information) Yes ☒ No ☐				
If yes, identify census tract : <u>232</u>				
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? ☒ Yes ☐ No If yes, attach relevant supporting documentation. SEE ATTACHMENT C				
7. Are there any lands under water? ☐ Yes ☒ No If yes, these lands should be clearly delineated on the site map.				

Section IV. Property Information (continued)

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

Easement/Right-of-way Holder

SEE ATTACHMENT D

Description

SEE ATTACHMENT D

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

Type

Issuing Agency

Description

NONE

NONE

NONE

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

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

☒ Yes ☐ No

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

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

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

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

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

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

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

Initials of each Requestor: _____

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

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Tristan Nadal, Lenox 145 DM LLC			
ADDRESS 233 Broadway, 11th Floor			
CITY/TOWN New York		ZIP CODE 10279	
PHONE 646-228-4080	FAX	E-MAIL tnadal@pointsfive.com	
NAME OF REQUESTOR'S CONSULTANT Mimi Raygorodetsky, Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.			
ADDRESS 21 Penn Plaza, 360 West 31st Street, 8th Floor			
CITY/TOWN New York		ZIP CODE 10001	
PHONE 212-479-5400	FAX 212-479-5441	E-MAIL mraygorodetsky@langan.com	
NAME OF REQUESTOR'S ATTORNEY Michael Bogin, Sive Paget & Riesel			
ADDRESS 560 Lexington Avenue, 15th Floor			
CITY/TOWN New York		ZIP CODE 10022	
PHONE 646-378-7210	FAX 212-421-2035	E-MAIL mbogin@sprlaw.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME SEE ATTACHMENT E		OWNERSHIP START DATE:	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME SEE ATTACHMENT E			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".			
IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.			
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)		SEE ATTACHMENT F	
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):

SEE EXHIBIT E FOR DETAILS

☐ 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

SEE ATTACHMENT G

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		SEE ATTACHMENT H
1. What is the current municipal zoning designation for the site? <u>C8-3</u> 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? SEE ATTACHMENT H		☒ Yes ☐ No
5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary. SEE ATTACHMENT H		☒ 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. SEE ATTACHMENT H		☒ Yes ☐ No

XI. Statement of Certification and Signatures

(By requestor who is an individual)

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

Date: _____

Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Managing Partner (title) of One45 Lenox 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: 4/21/21

Signature: Bruce J. Teitelbaum

Print Name: Bruce J. Teitelbaum

SUBMITTAL INFORMATION:

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

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

FOR DEC USE ONLY

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

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 11

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
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see DEC's website for more information.	
☒ Yes ☐ No	
2. Is the property upside down or underutilized as defined below?	Upside Down? ☐ Yes ☒ No
	Underutilized? ☐ Yes ☒ No
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.	

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: 691 Lenox Avenue - Phase 2

City: New York

Site Address: 691 Lenox Street

County: New York

Zip: 10030

Tax Block & Lot

Section (if applicable):

Block:

Lot:

Requestor Name: One45 Lenox LLC

City: New York

Requestor Address: 55 Broadway

Zip: 10002

Email: tnadal@pointsfive.com

Requestor's Representative (for billing purposes)

Name: Tristan Nadal, Lenox 145 DM LLC

Address: 233 Broadway, 11th Floor

City: New York

Zip: 10279

Email: tnadal@pointsfive.com

Requestor's Attorney

Name: Michael Bogin, Sive Paget & Riesel **Address:** 560 Lexington Avenue, 15th Floor

City: New York

Zip: 10022

Email: mbogin@sprlaw.com

Requestor's Consultant

Name: Mimi Raygorodetsky, Langan Engineering, Environmental, Surveying, Landscap **Address:** 21 Penn Plaza, 360 West 31st Street, 8th Floor

City: New York

Zip: 10001

Email: mraygorodetsky@langan.com

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

DER Determination: ☐ Agree ☐ Disagree

Requestor's Requested Status: ☒ Volunteer ☐ Participant

DER/OGC Determination: ☐ Agree ☐ Disagree

Notes:

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

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

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

Does Requestor Claim Property is Underutilized: ☐ Yes ☒ No

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

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

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

ATTACHMENT A

SECTION I: REQUESTOR INFORMATION

NYS Department of State - Business Entity Information

A copy of the entity information for One45 Lenox LLC (Requestor) from the New York State Department of State Division of Corporations is included with this attachment. The Requestor is a limited liability company, and the members of the Requestor are Lenox by the Bridge LLC, 110 West 145 LLC, 124 West 145 LLC, and 150 West 145 LLC. Co-owners of the Requestor are Lenox by the Bridge Holdings LLC, CT CMF Holdings LLC, and 124 West 145 Holdco LLC. An organizational chart detailing full LLC ownership and membership is included within this attachment.

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through January 8, 2021.

Selected Entity Name: ONE45 LENOX LLC

Selected Entity Status Information

Current Entity Name: ONE45 LENOX LLC

DOS ID #: 5280576

Initial DOS Filing Date: FEBRUARY 05, 2018

County: NEW YORK

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

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

ONE45 LENOX LLC

85 DELANCEY STREET

NEW YORK, NEW YORK, 10002

Registered Agent

NONE

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

***Stock Information**

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

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
FEB 05, 2018	Actual	ONE45 LENOX LLC

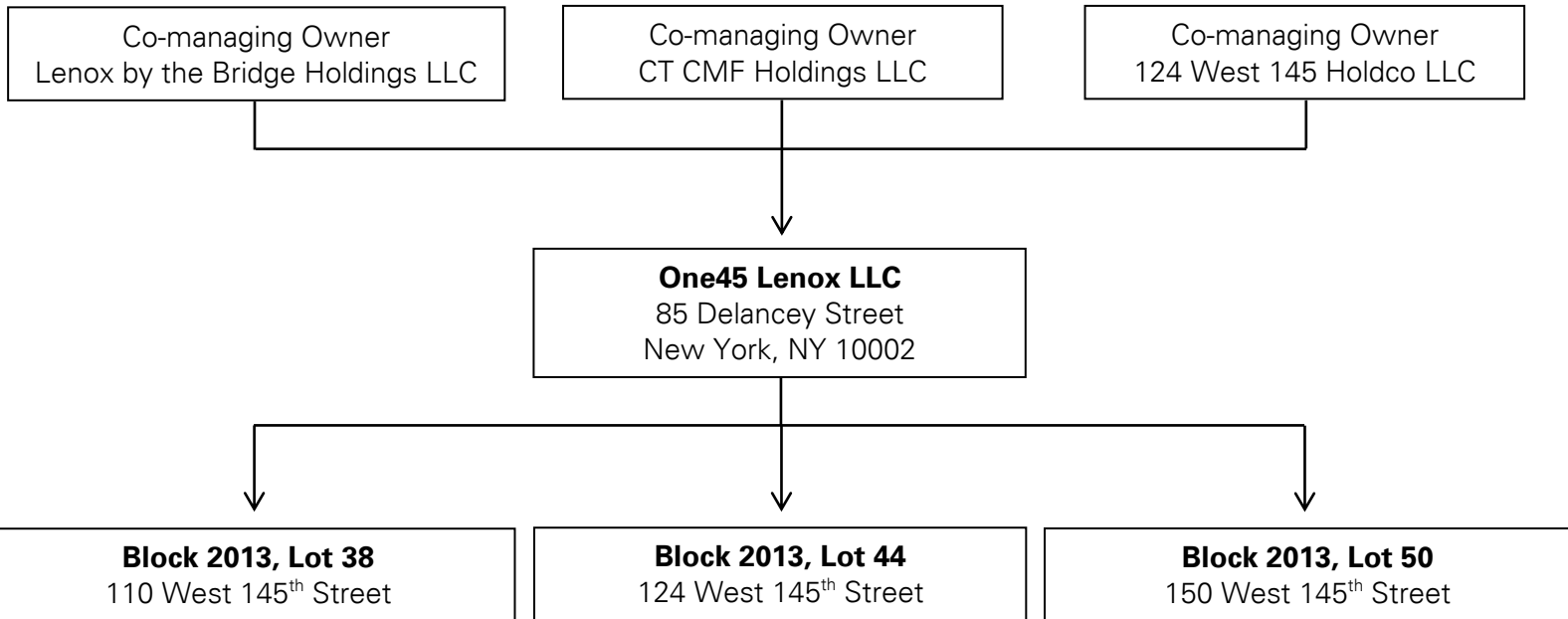
A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

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

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Owners and Members of Requestor



DEED
effective as of May 25, 2021

THIS INDENTURE, made this 13th day of May, 2021

BETWEEN Crotona 1967 Corp., a New York Corporation, with a principal place of business at 21 South End Avenue, New York, NY 10280

party of the first part, and

One45 Lenox LLC, a New York Limited Liability Company, with a principal place of business at 85 Delancy Street, New York, NY 10002

party of the second part,

WITNESETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

See Schedule A

Being the same premises described in the deed to the grantor herein, dated 05/16/2000 and recorded 06/13/2000 in the New York County Clerk's Office at Reel 3115 Page 1144.

SAID PREMISES being known as 108-112 West 145th Street, New York, NY.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any street and roads abutting the above described premises to the center lines thereof;

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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

AND the party of the first part, in compliance with section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying

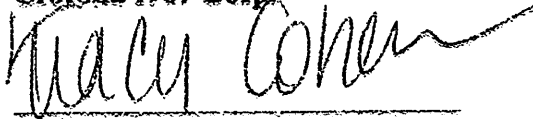
the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:

Crotona 1967 Corp.

A handwritten signature in cursive script, appearing to read "Tracy Cohen", written over a horizontal line.

Tracy Cohen, President

STATE OF NEW YORK)

SS.:

COUNTY OF QUEENS)

On the 13 day of May in the year 2021, before me, the undersigned, a Notary Public in and for the State of New York, personally appeared Tracy Cohen, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Walter F. Ward

Signature and Office of Individual
Taking acknowledgment

WILLIAM N. MAVRELIS
NOTARY PUBLIC-STATE OF NEW YORK
No. 01MA4920589
Qualified in Queens County
My Commission Expires February 28, 2022

**Riverside Abstract, LLC
as Agent for
Stewart Title Insurance Company**

SCHEDULE A DESCRIPTION

Title No.: RANY-43300

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

BEGINNING at a point on the westerly side of West 145th Street, distant 100 feet westerly from the corner formed by the intersection of the southerly side of West 145th Street with the southerly side of Lenox Avenue;

RUNNING THENCE southerly parallel with Lenox 99 feet 11 inches to the center line of the block;

THENCE westerly along the center line of the block, 160 feet;

THENCE northerly and again parallel with Lenox Avenue, 99 feet 11 inches to the southerly side of West 145th Street; and

THENCE easterly along the southerly side of West 145th Street, 160 feet to the point or place of **BEGINNING**.

Note: Address, Block & Lot shown for informational purposes only

Designated as Block 2013, Lot 38, New York County and also known as 110-112 West 145th Street, New York, NY 10039.

**BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACT**

Title No.: RANY-43300

Crotona 1967 Corp.

to

**Block 2013
Lot 38
City or Town New York
County New York**

One45 Lenox LLC

RETURN BY MAIL TO:

**Jason Goodstein, Esq.
Goodstein PLLC
30 Wall Street, 8th Floor
New York, NY 10005**

BARGAIN AND SALE DEED WITH COVENANTS AGAINST GRANTOR'S ACTS

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

THIS INDENTURE, made the 21st day of May, 2021

BETWEEN

124 WEST 145 LLC, a New York limited liability company
having its principal address at 85 Delancey Street, New York, New York 10002,

party of the first part, and

ONE45 LENOX LLC, a New York limited liability company
having its principal address at 85 Delancey Street, New York, New York 10002,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the **Borough of New York, City and State of New York, County of New York** bounded and described more particularly as set forth in Schedule A annexed hereto and made a part hereof;

See SCHEDULE A annexed hereto.

PREMISES being known as 120-138 West 145th Street, a/k/a 122 West 145th Street, New York, New York, Block 2013, Lot 44, New York County.

Being and intended to be the same premises conveyed to 124 West 145 LLC by deed from Speedway LLC f/k/a Hess Retail Stores LLC dated December 22, 2016 and recorded December 27, 2016 in the Office of the City Register of the City of New York in CKN 2016000458962.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center of the lines thereof;

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to the premises; **TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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

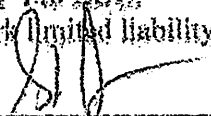
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of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

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:

124 WEST 145 LLC
a New York limited liability company

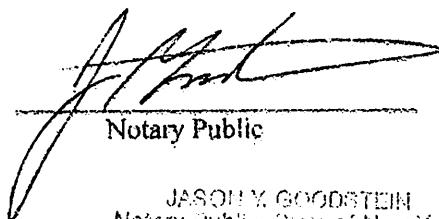
By: 

Name: Steven Neuman

Title: Authorized Signatory

STATE OF NEW YORK)
COUNTY OF NASSAU) ss:

On the ____ day of May in the year 2021, before me, the undersigned, personally appeared STEVEN NEUMAN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

JASON Y. GOODSTEIN
Notary Public, State of New York
No. 01606920706
Qualified in Nassau County
Commission Expires August 30, 2021

**BARGAIN AND SALE DEED
WITH COVENANTS
AGAINST GRANTOR'S ACTS**

TITLE NO.

124 WEST 145 LLC

- 10 -

ONE45 LENOX LLC

STATE OF NEW YORK)
COUNTY OF _____) ss:

On the ____ day of [] in the year 2021, before me, the undersigned, personally appeared [], personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

SECTION:
BLOCK: 2013
LOTS: 44
COUNTY: New York
TAX BILLING ADDRESS:
120-138 West 145th Street, a/k/a 122 West
145th Street, New York, New York

RETURN BY MAIL TO:

ONE45 LENOX LLC
85 Delancey Street
New York, New York 10002

Parcel IV:

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

BEGINNING at a point on the southerly side of West 145th Street distant 350 feet easterly from the corner formed by the intersection of the southerly side of West 145th Street with the easterly side of Adam Clayton Powell Boulevard (FKA Seventh Avenue);

RUNNING THENCE southerly parallel with easterly side of Adam Clayton Powell Boulevard (FKA Seventh Avenue), 99 feet 11 inches to the center line of the Block;

THENCE easterly parallel with southerly side of West 145th Street and along the center line of the Block, 140 feet;

THENCE northerly parallel with the easterly side of Adam Clayton Powell Boulevard (FKA Seventh Avenue) 99 feet 11 inches to the southerly side of West 145th Street;

THENCE westerly along the southerly side of West 145th Street, 140 feet to the point or place of **BEGINNING**.

Note: Address, Block & Lot shown for informational purposes only

Designated as Block 2013, Lot 44, New York County and also known as Parcel IV; 122-124 West 145th Street, New York, NY 10039.

Riverside Abstract, LLC
3839 Flatlands Avenue, Suite 208
Brooklyn, NY 11234
TEL: (718) 252-4200 FAX: (718) 252-4226

RANY-42073

BARGAIN AND SALE DEED WITH COVENANTS AGAINST GRANTOR'S ACTS

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

THIS INDENTURE, made the 21st day of May, 2021

BETWEEN

150 WEST 145 LLC, a New York limited liability company
having its principal address at 85 Delancey Street, New York, New York 10002,

party of the first part, and

ONE45 LENOX LLC, a New York limited liability company
having its principal address at 85 Delancey Street, New York, New York 10002,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the **Borough of New York, City and State of New York, County of New York** bounded and described more particularly as set forth in Schedule A annexed hereto and made a part hereof;

See SCHEDULE A annexed hereto.

PREMISES being known as 140-120 West 145th Street, New York, New York, Block 2013, Lot 50, New York County.

Being and intended to be the same premises conveyed to 150 West 145 LLC by deed from DBZ Property Holdings LLC, as to a 50% tenant in common interest and SLB Property Holdings LLC, as to a 50% tenant in common interest dated February 10, 2017 and recorded February 14, 2017 in the Office of the City Register of the City of New York in CRFN 2017000062441.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center of the lines thereof;

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to the premises: **TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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

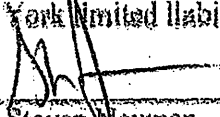
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of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

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

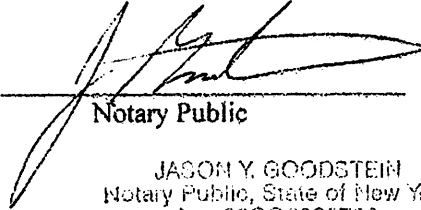
IN PRESENCE OF:

150 WEST 145 LLC,
a New York limited liability company

By: 
Name: Steven Neuman
Title: Authorized Signatory

STATE OF NEW YORK)
COUNTY OF NASSAU) ss:

On the ____ day of May in the year 2021, before me, the undersigned, personally appeared STEVEN NEUMAN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

JASON Y. GOODSTEIN
Notary Public, State of New York
No. 02GO6029786
Qualified in Nassau County
Commission Expires August 30, 2023

BARGAIN AND SALE DEED
WITH COVENANTS
AGAINST GRANTOR'S ACTS

TITLE NO.

150 WEST 145 LLC

- to -

ONE45 LENOX LLC

STATE OF NEW YORK)
COUNTY OF) ss:

On the ____ day of [] in the year 2021, before me, the undersigned, personally appeared [], personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

SECTION:

BLOCK: 2013

LOTS: 50

COUNTY: New York

TAX BILLING ADDRESS:

140-150 West 145th Street, New York,
New York

RETURN BY MAIL TO:

ONE45 LENOX LLC

85 Delancey Street

New York, New York 10002

Parcel V:

All that certain plot, piece or parcel of land situate, lying and being in the Borough of Manhattan, County of New

York, City and State of New York, more particularly described as follows:

BEGINNING at a point on the southerly side of West 145th Street, distant one hundred sixty-one feet (161') easterly from the corner formed by the intersection of the southerly side of West 145th Street with the easterly side of Adam Clayton Powell Boulevard (FKA Seventh Avenue);

RUNNING THENCE southerly parallel with the easterly side of Adam Clayton Powell Boulevard (FKA Seventh Avenue) ninety-nine feet (99') eleven inches (11") to the center line of the block;

THENCE easterly along said center line of the block and parallel with West 145th Street, one hundred eighty-nine feet (189');

THENCE northerly and again parallel with Adam Clayton Powell Boulevard (FKA Seventh Avenue), ninety-nine feet (99') eleven inches (11") to the southerly side of West 145th Street; and

THENCE westerly along the southerly side of West 145th Street, one hundred eighty-nine feet (189'), to the point or place of BEGINNING.

Note: Address, Block & Lot shown for informational purposes only

Designated as Block 2013, Lot 50, New York County and also known as Parcel V; 150 West 145th Street, New York, NY 10039.

ATTACHMENT B

SECTION II: PROJECT DESCRIPTION

Purpose and Scope of Project

The proposed BCP site is located at 691 Lenox Avenue in the Harlem neighborhood of New York, New York and is identified as Block 2013, Lots 44, 50 and part of Lot 38 on the Manhattan Tax Map (the site). The site is about 34,900 square feet and is currently improved with a one-story commercial building on Lot 38, a vacant building and canopy associated with a former gasoline filling station (Speedway brand) on Lot 44, and a one-story automotive repair garage and Mobil-branded gasoline filling station with a canopy on Lot 50. The site is one half of a two part development property known as "One45" and is referred to as "Phase 2" of the development. The other half of the development property, known as "Phase 1", adjoins Phase 2 and comprises Block 2013, Lots 29, 33, and the balance of Lot 38.

The project will develop a contaminated parcel of land into a mixed-use development that includes retail space and residential apartments, while implementing remedial measures that are protective of human health and the environment. The proposed development includes the construction of a 32-story residential tower with a 7-story podium and a cellar. The development will include up to 524 residential units (25% affordable) and retail space at the base of the building.

According to the New York City Department of City Planning (NYCDCP) Zoning Map 6a, dated December 19, 2017, the site is currently located in a C8-3 commercial district. The site is proposed to be rezoned to a C4-6 general commercial district, pursuant to a Uniform Land Use Review Procedure (ULURP) process that is currently underway. ULURP Certification is anticipated in September 2021. The applicable zoning map is included in this attachment.

Estimated Project Schedule

The estimated project schedule is included in this attachment. Design, rezoning and permitting is ongoing for the project. Remediation is scheduled to begin in Q1 2023 and the Certificate of Completion is anticipated in 2025.



THE NEW YORK CITY PLANNING COMMISSION

The number(s) and/or letter(s) that follows an **R**, **C** or **M** District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

M – MANUFACTURING DISTRICT

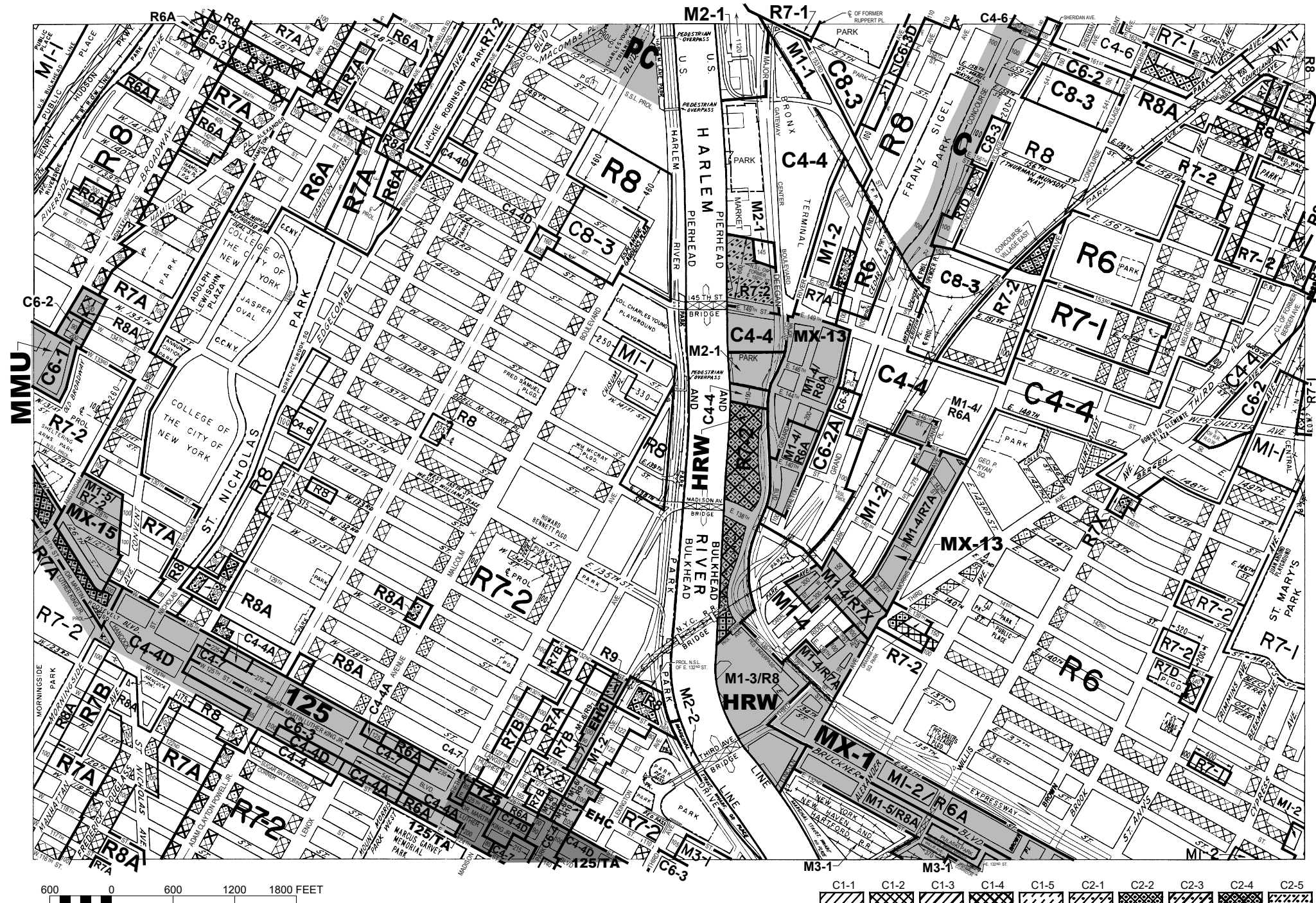
AREA(S) REZONED

06-26-2019 C 190207 ZMX

For Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas on this map, see APPENDIX F.

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NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.



Brownfield Cleanup Program Application
691 Lenox Avenue - Phase 2
Block 2013, Lots 44, 50, and p/o 38
New York, NY

Attachment B - Section II: Project Description
Estimated Project Schedule

		2021												2022												2023												2024									
Item	Action	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	Pre-application Meeting with NYSDEC																																														
2	ULURP Approval																																														
3	BCP Application - Preparation and Submittal																																														
4	BCP Application - NYSDEC Review/Completeness Determination																																														
5	BCP Application Public Comment Period																																														
6	BCP Agreement																																														
7	RIWP and CPP - Preparation and Submittal																																														
8	RIWP and CPP - NYSDEC Review																																														
9	RIWP and CPP - Public Comment Period																																														
10	ULURP Certification																																														
11	RI - Implementation and Waste Characterization Sampling																																														
12	RIR - Preparation and Submittal																																														
13	RIR - NYSDEC Review and Approval																																														
14	RAWP - Preparation and Submittal																																														
15	NYSDEC Review, RAWP Revisions, and Approval																																														
16	Disposal Facility Approvals																																														
17	RAWP - Public Comment Period																																														
18	Contractor Bid and Award																																														
19	RAWP Implementation/Construction																																														
20	SMP/FER - Preparation and Submittal																																														
21	NYSDEC Review, SMP/FER Revisions and Approval																																														
22	Final Certificate of Completion																																														

- Notes:**
- 1. BCP = Brownfield Cleanup Program
 - 2. NYSDEC = New York State Department of Environmental Conservation
 - 3. RIWP = Remedial Investigation Work Plan
 - 4. RI = Remedial Investigation
 - 5. RIR = Remedial Investigation Report
 - 6. RAWP = Remedial Action Work Plan
 - 7. SMP = Site Management Plan
 - 8. FER = Final Engineering Report
 - 9. ULURP = Uniform Land Use Review Procedure

ATTACHMENT C

SECTION III: PROPERTY'S ENVIRONMENTAL HISTORY

Item 1 - Previous Environmental Reports

The following environmental reports and related documents were reviewed and are summarized below:

- *Order on Consent (File No. R2-20070214-80)*, prepared by the New York State Department of Environmental Conservation (NYSDEC), dated April 30, 2008 (Lot 50)
- *Remedial Action Plan for Mobile Service Station No. 12827 (17-QDM), 150-154 West 145th Street, New York, NY*, prepared by Kleinfelder, dated April 17, 2009 (Lot 50)
- *Supplemental Investigation Work Plan and RAP Addendum for Mobile Service Station No. 12827 (17-QDM), 150-154 West 145th Street, New York, NY*, prepared by Kleinfelder, dated May 2009 (Lot 50)
- *Consent Order (Case No. 07-51061SWO)*, prepared by NYSDEC, dated November 2, 2009 (Lot 50)
- *Site Status Update Report for Mobile Branded Service Station (Former Mobil 12827 [17-QDM], 150-154 West 145th Street, New York, NY*, prepared by Arcadis, dated September 8, 2015 (Lot 50)
- *No Further Action Letter*, prepared by NYSDEC, dated October 20, 2015 (Lot 50)
- *Tank System Closure Report for Speedway #7825 and NYSDEC Spill No. 16-06459, 122 West 145th Street, New York, NY*, prepared by EnviroTrac Ltd. (EnviroTrac), dated October 21, 2016 (Lot 44)
- *Phase I Environmental Site Assessment (ESA) for One45, 691 Lenox Avenue, New York, NY*, prepared by Langan, dated November 10, 2020
- *Phase II Environmental Site Investigation (ESI) for One45, 691 Lenox Avenue, New York, NY*, prepared by Langan, dated February 24, 2021

The above-listed reports are available as a digital downloadable link provided below and provided as separate files on CD.

Digital Download Link:

<https://clients.langan.com/Sharing/FileSharing/ViewPosted?transactionHash=695485385>

Order on Consent, prepared by NYSDEC, dated April 30, 2008

The NYSDEC issued this Order on Consent (NYSDEC File No. R2-20070214-80) in April 2008 to ExxonMobil Oil Corporation for four violations related to petroleum bulk storage (PBS) requirements found during a site inspection of Lot 50 on February 9, 2007. Langan contacted the

NYSDEC in July 2020, and the NYSDEC indicated that compliance was achieved, penalties were paid, and the consent order was terminated.

Remedial Action Plan for Mobile Service Station No. 12827 (17-QDM), 150-154 West 145th Street, New York, NY, prepared by Kleinfelder, dated April 17, 2009 (Lot 50)

Kleinfelder prepared a Remedial Action Plan (RAP) to address on- and off-site contamination at Lot 50 related to Spill No. 07-51061 and the November 2009 NYSDEC Order on Consent. The remedial action proposed in the RAP included installation of an air sparging/soil vapor extraction (AS/SVE) system to further remediate petroleum hydrocarbons in groundwater. The AS/SVE system design included thirteen on-site AS wells and eight on-site SVE wells.

The RAP summarized a series of investigations to evaluate and delineate petroleum-related volatile organic compounds (VOC) and semivolatile organic compounds (SVOC) contamination in February 2008 that demonstrated petroleum impacts in soil and groundwater in the western part of Lot 50. Liquid petroleum hydrocarbon (LPH) was detected in five monitoring wells and confirmed via gas chromatography fingerprinting to be gasoline. Benzene, toluene, ethylbenzene, and total xylene (BTEX) concentrations in groundwater were detected at a maximum of 61,689 micrograms per liter (µg/L) and methyl tertiary butyl ether (MTBE) was detected in groundwater at a maximum concentration of 1,000 µg/L.

The RAP also summarized an Interim Remedial Measure (IRM) that began in January 2009 and included the removal of five 4,000-gallon gasoline underground storage tanks (UST) and associated piping, one 1,000-gallon fuel oil UST and twelve 550-gallon USTs and the excavation of petroleum-impacted soil.

Supplemental Investigation Work Plan and RAP Addendum for Mobile Service Station No. 12827 (17-QDM), 150-154 West 145th Street, New York, NY, prepared by Kleinfelder, dated May 2009 (Lot 50)

Kleinfelder prepared a Supplemental Investigation Work Plan (SIWP) and RAP addendum for Lot 50 to further investigate off-site impacts and, if warranted, install off-site AS/SVE wells. The RAP proposed an additional six AS and two SVE wells on the west-adjointing property (for a total of 19 AS and 10 SVE wells for the system).

Consent Order, prepared by NYSDEC, dated November 2, 2009 (Lot 50)

NYSDEC issued this Consent Order (NYSDEC Case No. 07-51061SWO) to ExxonMobil Oil Corporation in November 2009 in relation to Spill No. 07-51061 on Lot 50. The Consent Order was executed on November 16, 2009 for the investigation and remediation of the petroleum spill. The Consent Order contains a Corrective Action Plan schedule prepared by Kleinfelder that was submitted after submission of the RAP (discussed above). Based on correspondence between

Langan and NYSDEC in July 2020, this consent order was also terminated after Spill No. 07-51061 was closed in 2015.

Site Status Update Report for Mobil Branded Service Station (Former Mobil 12827 [17-QDMI], 150-154 West 145th Street, New York, NY, prepared by Arcadis, dated September 8, 2015 (Lot 50)

Arcadis prepared fifteen Site Status Update Reports (SSUR) beginning in February 2011 on behalf of Liberty Petroleum LLC (2011 to 2014) and Alliance Energy LLC (2015) to document remedial activities performed on Lot 50. The September 2015 SSUR was the latest report received in the NYSDEC Freedom of Information Act (FOIA) response. The report summarized activities conducted at the property from March 2015 through May 2015 as well as relevant past remedial activities.

Past remedial activities summarized in the report included:

- Operation of an active product recovery system between November 4, 2008 and January 23, 2009 that recovered approximately 622 gallons of LPH from on-site monitoring wells.
- Excavation and off-site disposal of approximately 2,260 tons of soil between January and April 2009.
- Installation of a passive product recovery bailer in one monitoring well in January 2010.
- Installation and operation of a vapor abatement system (VAS) comprising two off-site vapor extraction wells on the west-adjointing property from March 5, 2010 to June 24, 2011, when the AS/SVE system was commissioned.
- Operation of the AS/SVE system from April 2011 through at least the October 2013. The AS/SVE system included 19 AS and 10 SVE wells across the western part of Lot 50 and on the eastern part of the western-adjointing property. Five SVE wells were active during the June to August 2013 reporting period. Arcadis received approval from the NYSDEC to temporarily shut down the system on October 8, 2013 to evaluate groundwater for rebound concentrations. Subsequent groundwater sampling events did not indicate rebound and instead demonstrated a sustained decreasing trend in contaminate concentrations. The AS/SVE system was not reactivated after October 2013.

A summary of groundwater sampling data from May 2015 was compared to previous sampling events and is provided below:

- Twelve monitoring wells were sampled during the May 2015 sampling event.
- BTEX concentrations ranged from below their detection limits to a maximum concentration of 755 µg/L in one monitoring well and individual compounds were detected at concentration below NYSDEC Standards and Guidance Values (SGV) in six of

the twelve wells sampled. The maximum BTEX concentration previously detected at the site was 94,760 µg/L in May 2010.

- MTBE concentrations ranged from below detection limits to a maximum concentration of 4 µg/L, and MTBE concentrations were below the NYSDEC SGVs in ten of the twelve wells. The maximum MTBE concentration previously detected at the site was 12,900 µg/L in May 2010.
- Ethanol concentrations were below detection limits in three wells. The previous maximum concentration of ethanol was 12,000 µg/L in August 2011.
- LPH was previously detected in ten monitoring wells during gauging events from 2008 to 2011, with a maximum NAPL thickness of 2.61 feet in 2009. LPH was not detected in any monitoring wells between the November 2011 and May 2015 gauging events.

No Further Action Letter, prepared by NYSDEC, dated October 20, 2015 (Lot 50)

The NYSDEC issued a letter dated October 20, 2015 to ExxonMobil Environmental Services of Inwood, NY and indicated no further action was required in relation to Spill No. 07-51061 on Lot 50 and closed the spill case. However, the NYSDEC closed the spill with the designation “does not meet standards” and indicated they reserve the right to reopen the spill if it is determined that additional investigation and remediation activities are required based on new information. The NYSDEC also requested that all monitoring wells be abandoned in accordance with NYSDEC Commissioner’s Policy (CP-43).

Tank System Closure Report for Speedway #7825 and NYSDEC Spill No. 16-06459, 122 West 145th Street, New York, NY, prepared by EnviroTrac Ltd. (EnviroTrac), dated October 21, 2016 (Lot 44)

EnviroTrac. Ltd. prepared a Tank System Closure Report to document the decommissioning and removal of USTs and associated piping on Lot 44 to address Spill No. 16-06459 (reported September 29, 2016 and closed December 6, 2016). Five 4,000-gallon gasoline USTs, one 550-gallon wastewater UST, and the associated dispenser islands and piping were removed between September 26, 2016 and October 5, 2016. Six bottom and fifteen sidewall post-excavation endpoint samples were collected from the UST excavation area, and an additional 21 endpoint samples were collected in the areas of former product lines and dispenser islands. Petroleum-related VOCs and SVOCs were either non-detect or detected below the respective CP-51 Soil Cleanup Objectives (SCO) in the five endpoint samples collected from the dispenser islands. Petroleum-related SVOCs exceeded the CP-51 SCOs in nine of the UST excavation sidewall samples (approximately 8 feet below grade surface [bgs]) and six of the product line samples (approximately 3 feet bgs). Petroleum-related VOCs, including ethylbenzene, isopropylbenzene, naphthalene, n-propylbenzene, 1,2,4-trimethylbenzene, and/or xylenes, exceeded the CP-51 SCOs in four of the six bottom endpoint samples collected from beneath a two-foot concrete

slab at the base of the tank excavation area (approximately 14 feet bgs). EnviroTrac concluded the detections of the petroleum-related VOCs and SVOCs were either below Commercial Use SCOs and/or related to historic fill material and requested closure of the spill. The NYSDEC later closed this spill case on December 6, 2016.

Phase I ESA for One45, 691 Lenox Avenue, New York, NY, prepared by Langan, dated November 10, 2020

The Phase I ESA identified the following Recognized Environmental Conditions (REC) associated with the site:

- REC-1: Current and/or historical uses/operations of environmental concern for the site include automotive service facilities, gasoline filling stations, and underground petroleum bulk storage from the late 1930s to the present day. Lot 50 is an active Mobil-branded gas station with an automotive service station (1939 to present), Lot 44 was formerly occupied by a gasoline filling station (1939 to 2016), and Lot 38 was historically used for gasoline storage and auto repair (1939 to 2005). Several closed petroleum spills are associated with Lots 44 and 50. Past remediation activities at the site included removal of USTs and associated appurtenances/piping (Lots 44 and 50), excavation and disposal of petroleum-impacted soil (Lots 44 and 50), product extraction from on- and off-site recovery wells (Lot 50), and operation of an AS/SVE system (Lot 50). Although the consent orders and petroleum spill listings have been closed, past investigation and remediation activities were limited in scope (i.e., only targeted petroleum compounds) and available reports indicate residual contamination exists.
- REC-2: Historical uses at adjoining and surrounding properties include automotive repair facilities, underground petroleum bulk storage, gasoline filling stations, car wrecking, junk yards, tire repair facilities, radiator repair facilities, and blacksmiths.

The following Business Environmental Risks (BER) were identified for the site:

- BER-1: The site buildings were constructed circa 1961 (Lot 50), and 1972 (Lots 38 and 44). Based on the age of the buildings, asbestos containing materials, lead-based paint, and/or equipment containing polychlorinated biphenyls may be present.
- BER-2: Previous environmental reports for Lots 44 and 50 identified the presence of historic fill material.

Phase II ESI for One45, 691 Lenox Avenue, New York, NY, prepared by Langan, dated February 24, 2020

Langan performed a Phase II ESI to: 1) investigate RECs identified in the November 10, 2020 Phase I ESA prepared by Langan, 2) assess potential impacts to soil, groundwater, and soil vapor at the site, and 3) evaluate eligibility for the enrollment of the site in the NYSDEC Brownfield

Cleanup Program (BCP). The investigation consisted of completion of a geophysical survey to clear boring locations and identify subsurface anomalies; advancement of 21 soil borings, 3 temporary monitoring wells, and 4 soil vapor points; and collection and laboratory analysis of 30 grab soil samples, 3 groundwater samples, and 2 soil vapor samples. The findings of the investigation include:

- The stratigraphy at the site consists of a historic fill layer below surface cover to a maximum depth of 18 feet below sidewalk grade (bsg) and is composed of varying amounts of sand, gravel, and silt and varying amounts of anthropogenic materials (brick, coal, slag, asphalt, ceramics, ash, glass, wood, organics, nails, and concrete). The historic fill layer is underlain by native soil consisting of sand, silt, and clay with varying amounts of gravel, and organics. Bedrock was not encountered during the Phase II ESI, however, bedrock was encountered at depths ranging from 50 to 150 feet bsg during Langan's preliminary geotechnical investigation completed in September-October 2020.
- VOCs, SVOCs, and metals were identified in soil at concentrations exceeding the Title 6 of the Official Compilation of the New York Codes, Rules and Regulations (6 NYCRR) Part 375 Unrestricted Use (UU) and/or Restricted Use Restricted - Residential (RURR) SCOs. Toxicity characteristic leachate procedure (TCLP) metals were not identified at concentrations above the United States Environmental Protection Agency (USEPA) Resource Conservation and Recovery Act (RCRA) Code of Federal Regulations (CFR) Part 261 Maximum Concentration of Contaminants for the Toxicity Characteristic.
- SVOCs and metals in groundwater exceeded the NYSDEC Title 6 NYCRR Part 703.5 and the Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Guidance Values (SGV) for Class GA water (collectively referred to as the NYSDEC SGVs). VOCs and polychlorinated biphenyls (PCB) were not detected above regulatory standards.
- BTEX and chlorinated VOCs were detected in soil vapor samples. Soil vapor sample results were evaluated using the Decision Matrices and the Air Guideline Values (AGV) in the New York State Department of Health (NYSDOH) October 2006 Guidance for Evaluating Soil Vapor Intrusion (with updates). One VOC addressed by the NYSDOH Decision Matrices, tetrachloroethylene (PCE), was detected in one soil vapor sample at a concentration above its AGV and exceeding the minimum concentration for which mitigation is recommended.
- Widespread petroleum contamination is present from about 13 to 25 feet bsg at the site. Evidence of petroleum impacts, including staining, odors, PID readings above background, presence of light non-aqueous phase liquid (LNAPL), and/or concentrations of petroleum-related VOCs and petroleum-related SVOCs above regulatory standards, were observed in 17 soil borings completed across the site.

Item 2 – Sampling Data

Previous environmental reports (2016 and prior) are summarized and included in the Phase I ESA. The Phase II ESI report, including full laboratory analytical data reports for soil, groundwater, and soil vapor and analytical summary tables is included in this attachment.

Item 3 - Impacted Media

Analytical data exceeded the applicable regulatory standards for the intended future use of the site (RURR SCOs). Figures summarizing the detected concentrations of each contaminant by media type are included in this attachment. Sample analytical results from the aforementioned reports are compared to the criteria listed below and summarized by matrix. Maximum concentration tables below summarize the maximum concentration levels of contaminants of concern detected in samples collected from previous environmental investigations.

- Soil sample results were compared to the Part 375 RURR SCOs.
- Groundwater sample results were compared to the NYSDEC SGVs for Class GA water.
- Soil vapor sample results were compared to the NYSDOH AGVs and evaluated using the NYSDOH Decision Matrices.

Soil Sample Analytical Results

- VOCs - 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Ethylbenzene, Naphthalene, and Total Xylenes

Analyte	Maximum Concentrations Detected Above RURR SCO (milligrams per kilogram [mg/kg])	RURR SCO (mg/kg)
1,2,4-Trimethylbenzene	340 in PH2_SB06_20-22	RURR: 52
1,3,5-Trimethylbenzene (Mesitylene)	130 in PH2_SB06_20-22	RURR: 52
Ethylbenzene	58 in PH2_SB16_13-15	RURR: 41
Naphthalene	5,100 in PH2_SB14_19-21	RURR: 100
Total Xylenes	110 in PH2_SB08_20-22	RURR: 100

- SVOCs – Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Chrysene, Dibenz(a,h)anthracene, Fluoranthene, Indeno(1,2,3-cd)pyrene, Naphthalene, Phenanthrene, and Pyrene

Analyte	Maximum Concentrations Detected above RURR SCO (mg/kg)	RURR SCO (mg/kg)
Benzo(a)anthracene	8.1 in PH2_SB14_19-21 and 66 in Envirotrac Sample SW-15	RURR: 1
Benzo(a)pyrene	8.5 in PH2_SB03_3-5 and 51.8 in Envirotrac Sample SW-15	RURR: 1
Benzo(b)fluoranthene	10 in PH2_SB03_3-5 and 101 in Envirotrac Sample SW-15	RURR: 1
Benzo(k)fluoranthene	78.1 in Envirotrac Sample SW-15	RURR: 3.9
Chrysene	6.4 in PH2_SB03_3-5 and 56.6 in Envirotrac Sample SW-15	RURR: 3.9
Dibenz(a,h)anthracene	10.3 in Envirotrac Sample SW-15	RURR: 0.33
Fluoranthene	141 in Envirotrac Sample SW-15	RURR: 59
Indeno(1,2,3-cd)pyrene	5.3 in PH2_SB03_3-5 and 26.9 in Envirotrac Sample SW-15	RURR: 0.5
Naphthalene	330 in PH2_SB14_19-21	RURR: 100
Phenanthrene	116 in Envirotrac Sample SW-15	RURR: 100
Pyrene	118 in Envirotrac Sample SW-15	RURR: 100

- Metals – Arsenic, Barium, Copper, Lead, and Mercury

Analyte	Maximum Concentrations Detected above RURR SCO (mg/kg)	RURR SCO (mg/kg)
Arsenic	37.4 in PH2_SB12_18-20	RURR: 16
Barium	1,110 in PH2_SB03_3-5	RURR: 400
Copper	401 in PH2_SB12_18-20	RURR: 270
Lead	1,660 in PH2_SB12_18-20	RURR: 400
Mercury	1.91 in PH2_SB12_18-20	RURR: 0.81

Groundwater Sample Analytical Results

- VOCs – Ethylbenzene, Toluene, and Total Xylenes

Analyte	Maximum Concentrations Detected above NYSDEC SGVs (micrograms per liter [µg/L])	NYSDEC SGVs (µg/L)
Ethylbenzene	76 in Arcadis Sample MW-2 (May 12, 2015)	5
Toluene	5 in Arcadis Sample MW-6A (May 12, 2015)	5
Total Xylenes	750 in Arcadis Sample MW-6A (May 12, 2015)	5

- SVOCs - Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Chrysene, Indeno(1,2,3-c,d)pyrene

Analyte	Maximum Concentrations Detected above NYSDEC SGVs (µg/L)	NYSDEC SGVs (µg/L)
Benzo(a)anthracene	0.19 in PH2_MW04_101820	0.002
Benzo(a)pyrene	0.19 in PH2_MW04_101820	0
Benzo(b)fluoranthene	0.21 in PH2_MW04_101820	0.002
Benzo(k)fluoranthene	0.13 in PH2_MW04_101820	0.002
Chrysene	0.19 in PH2_MW04_101820	0.002
Indeno(1,2,3-c,d)pyrene	0.14 in PH2_MW04_101820	0.002

- Metals – Iron, Iron (Dissolved), Lead, Magnesium, Magnesium (Dissolved), Manganese, Manganese (Dissolved), Sodium, Sodium (Dissolved)

Analyte	Maximum Concentrations Detected above NYSDEC SGVs (µg/L)	NYSDEC SGVs (µg/L)
Iron	19,100 in PH2_MW04_101820	300
Iron (Dissolved)	12,800 in PH2_MW04_101820	300
Lead	123.4 in PH2_MW04_101820	25

Analyte	Maximum Concentrations Detected above NYSDEC SGVs (µg/L)	NYSDEC SGVs (µg/L)
Magnesium	38,200 in PH2_MW04_101820	35,000
Magnesium (Dissolved)	35,100 in PH2_MW04_101820	35,000
Manganese	2,951 in PH2_MW04_101820	300
Manganese (Dissolved)	2,760 in PH2_MW04_101820	300
Sodium	251,000 in PH2_MW04_101820	20,000
Sodium (Dissolved)	213,000 in PH2_MW04_101820	20,000

Soil Vapor Sample Results

One VOC addressed by the NYSDOH Decision Matrices, PCE, was detected in one soil vapor sample (198 micrograms per cubic meter [µg/m³] in PH2_SV04_101820) at a concentration exceeding its AGV (30 µg/m³) and at concentration exceeding the minimum concentration for which mitigation is recommended (100 µg/m³).

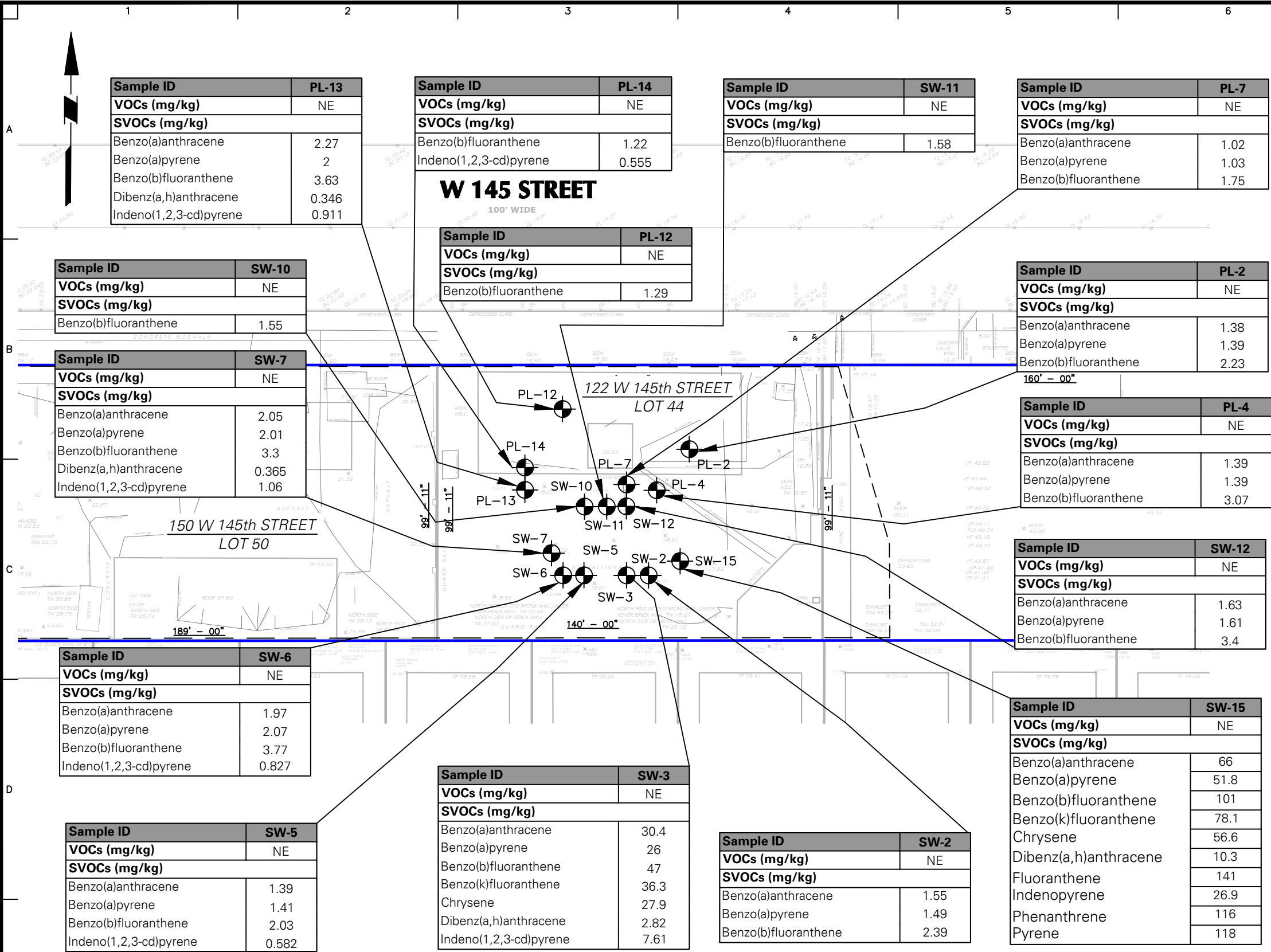
Item 3 – Attachments

- Figure C-1: Previous Soil Sample Analytical Results Map
- Figure C-2: Soil Sample Analytical Results Map
- Figure C-3: Groundwater Sample Analytical Results Map
- Figure C-4: Soil Vapor Sample Analytical Results Map
- Figure 3: Groundwater Analytical Map (prepared by Arcadis)

Item 4 - Past Land Uses

Historical operations at the site include a gasoline filling, oil service, radiator service, and auto repair facilities on Lot 44 (1939 to 2016), Lot 50 (1939 to present) and Lot 38 (1939 to 2005).

The site is currently improved with a one-story commercial building on Lot 38, a vacant building and canopy associated with a former gasoline filling station (Speedway brand) on Lot 44, and a one-story automotive repair garage and Mobil-branded gasoline filling station with a canopy on Lot 50. The portion of Lot 38 associated with the site is occupied by a coffee shop.



LEGEND:

— APPROXIMATE DEVELOPMENT PROPERTY BOUNDARY

— APPROXIMATE PHASE 2 SITE BOUNDARY

⊙ APPROXIMATE SOIL SAMPLE LOCATION

Analyte	NYSDEC Part 375 Restricted Use Restricted-Residential SCOs
SVOCs (mg/kg)	
Benzo(a)anthracene	1
Benzo(a)pyrene	1
Benzo(b)fluoranthene	1
Benzo(k)fluoranthene	3.9
Chrysene	3.9
Dibenz(a,h)anthracene	0.33
Fluoranthene	100
Indeno(1,2,3-cd)pyrene	0.5
Phenanthrene	100
Pyrene	100

- NOTES:**
- BASEMAP: ARCHITECTURAL SURVEY, PREPARED BY SHOP ARCHITECTS, P.C., DATED AUGUST 14, 2020.
 - NORTH ARROW SHOWS TRUE NORTH.
 - ELEVATIONS SHOWN IN THE FIGURE ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), WHICH IS APPROXIMATELY 1.1 FEET ABOVE MEAN SEA LEVEL DATUM AT SANDY HOOK, NEW JERSEY AS DEFINED BY THE UNITED STATES GEOLOGIC SURVEY (USGS NGVD 1929).
 - SAMPLE LOCATIONS ARE APPROXIMATE AND ARE ADAPTED FROM ENVIROTRAC FIGURE 2 "SITE PLAN WITH ENDPOINT SAMPLE LOCATIONS" DATED OCTOBER 11, 2016.
 - SOIL SAMPLE ANALYTICAL RESULTS ARE COMPARED TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) TITLE 6 OF THE OFFICIAL COMPILATION OF NEW YORK CODES, RULES, AND REGULATIONS (NYCRR) PART 375 RESTRICTED USE RESTRICTED-RESIDENTIAL (RURR) SOIL CLEANUP OBJECTIVES (SCO).
 - SOIL SAMPLE ANALYTICAL RESULTS ARE TAKEN FROM ENVIROTRAC ENVIRONMENTAL SERVICES REPORT "TANK SYSTEM CLOSURE REPORT" DATED OCTOBER, 2016.
 - DETECTED ANALYTICAL RESULTS ABOVE THE RURR SCOS ARE SHOWN.
 - mg/kg = MILLIGRAMS PER KILOGRAM
 - bgs = BELOW GRADE SURFACE
 - VOC = VOLATILE ORGANIC COMPOUND
 - SVOC = SEMIVOLATILE ORGANIC COMPOUND
 - NE = NOT EXCEEDED

WARNING: IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 145 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS ITEM IN ANY WAY.



LANGAN
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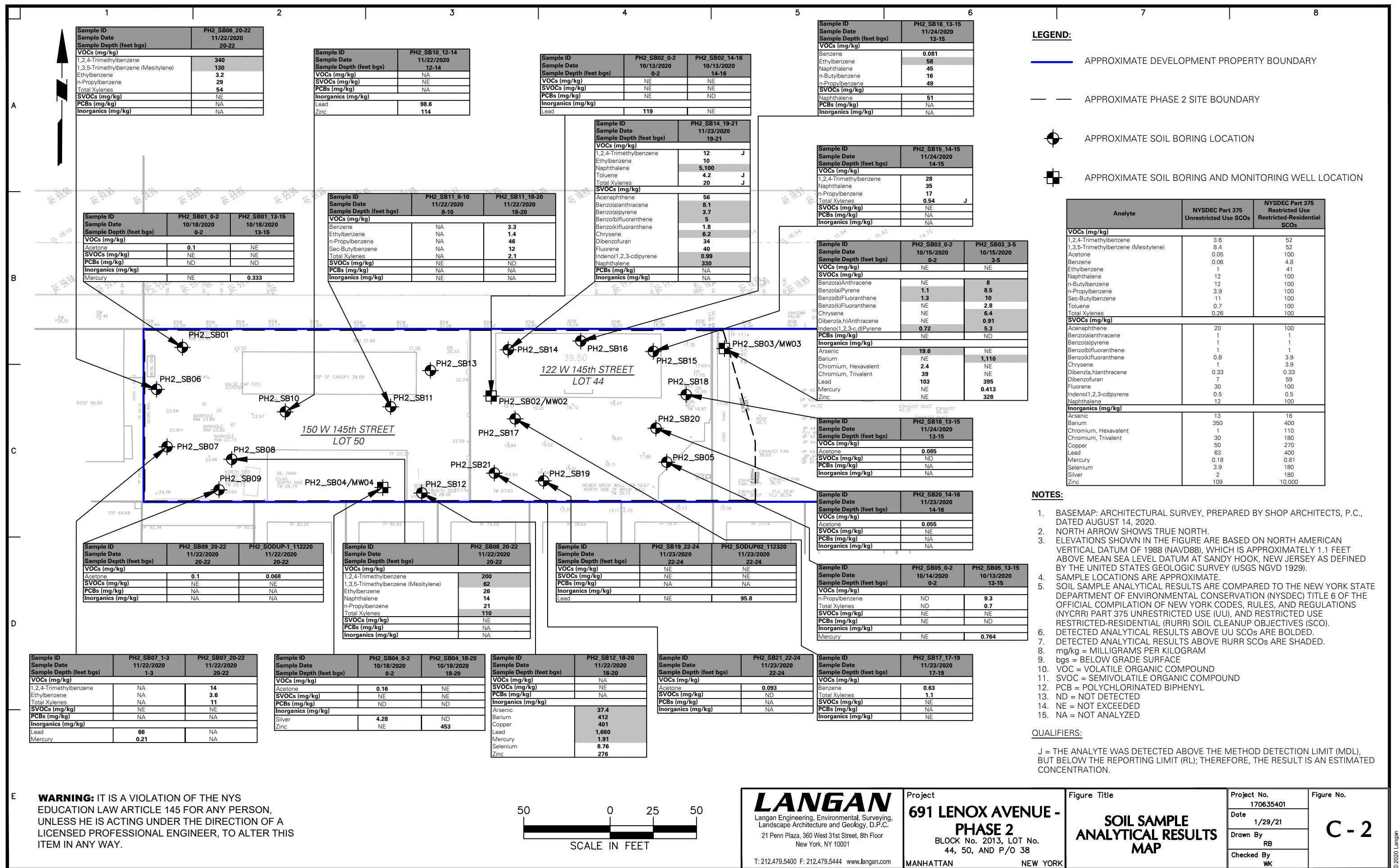
T: 212.479.5400 F: 212.479.5444 www.langan.com

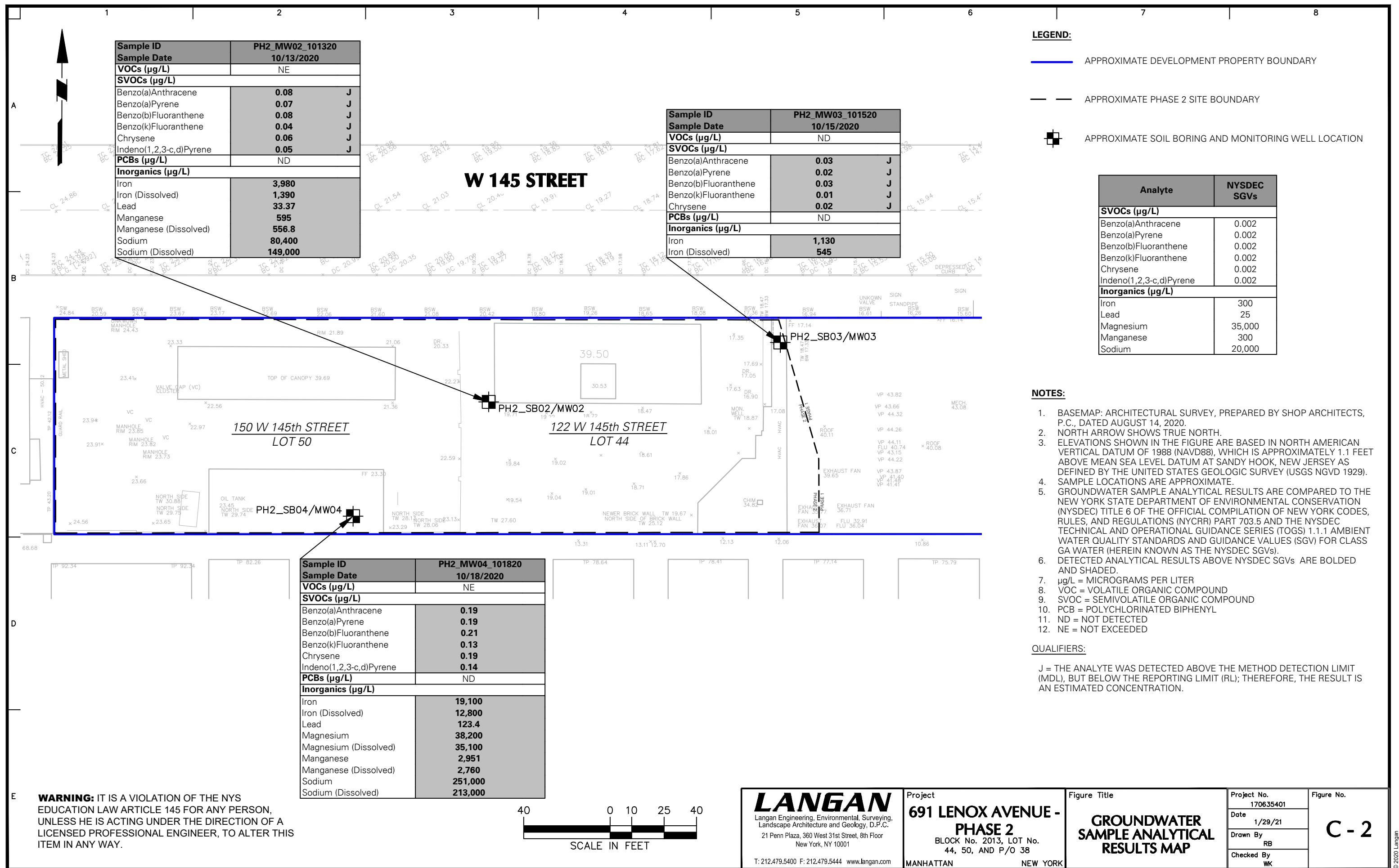
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**691 LENOX AVENUE -
PHASE 2**
BLOCK No. 2013, LOT No.
44, 50, AND P/O 38
MANHATTAN NEW YORK

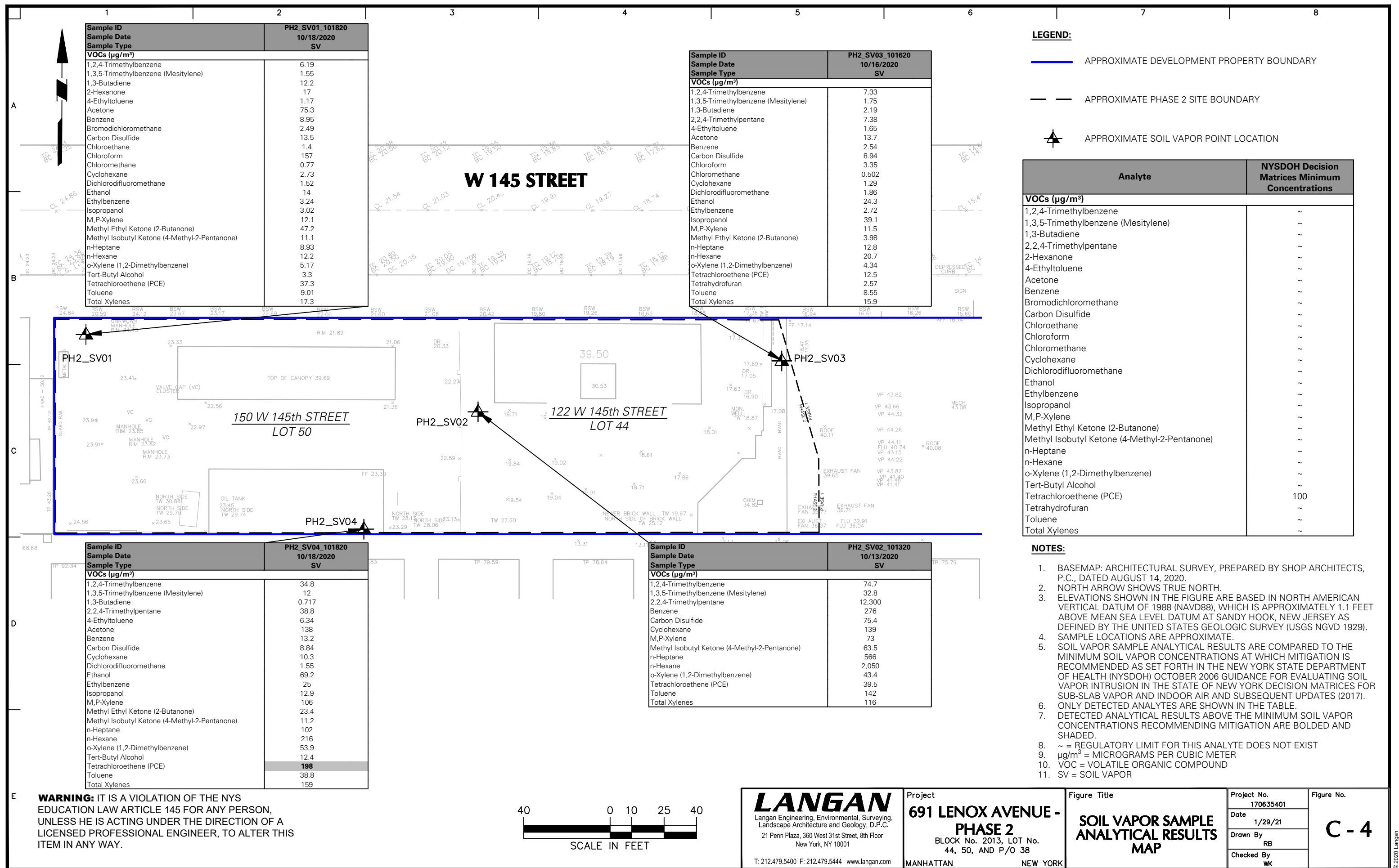
Figure Title
**PREVIOUS SOIL SAMPLE
ANALYTICAL RESULTS
MAP**

Project No.
170635401
Date
2/13/21
Drawn By
EMS
Checked By
WK

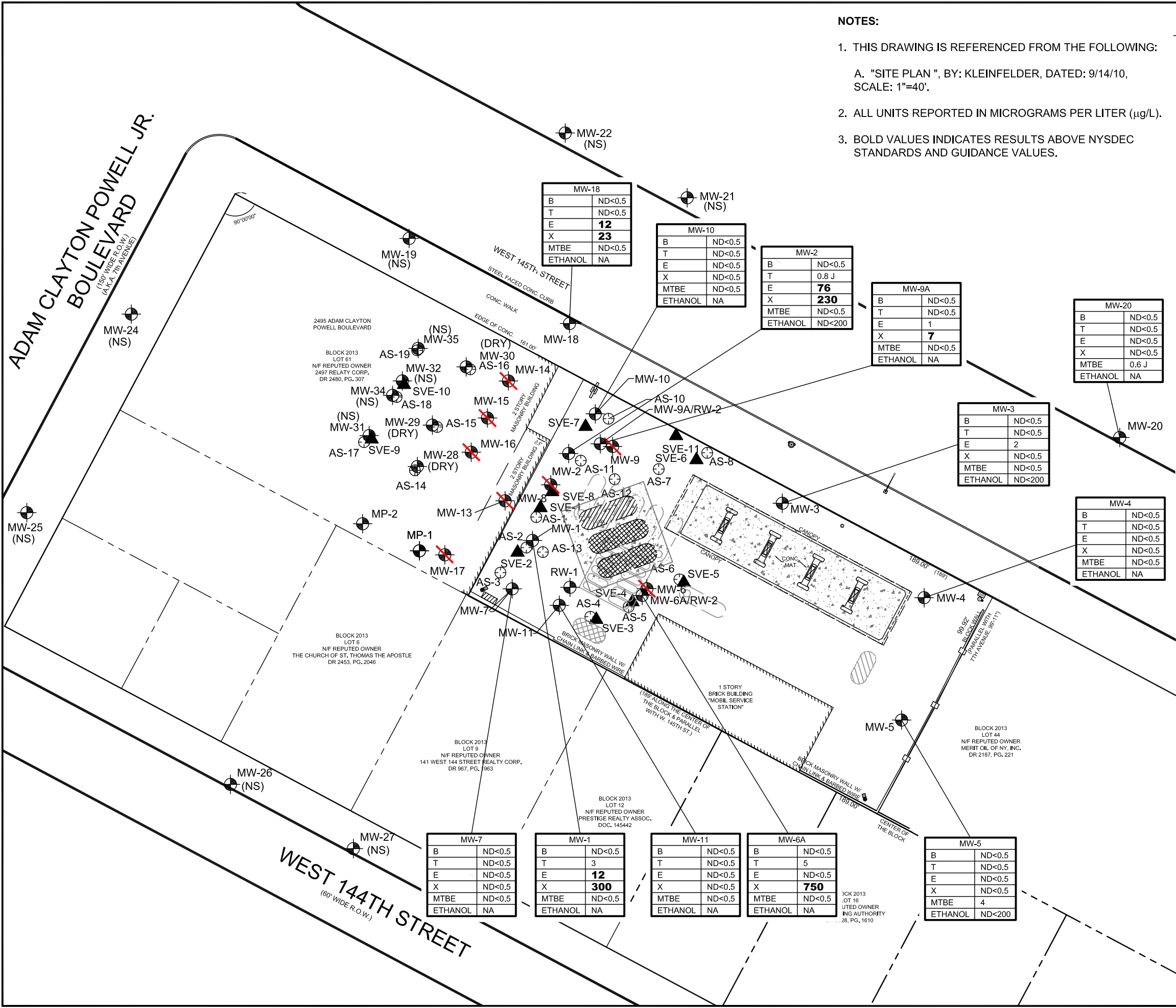
Figure No.
C - 1







CITY: MANCHESTER, CT DIV/GROUP: ENV/CAD DB: B. SMALL PM: E. CHOQUETTE TM: D. ROY
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NOTES:

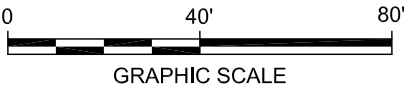
1. THIS DRAWING IS REFERENCED FROM THE FOLLOWING:
A. "SITE PLAN", BY: KLEINFELDER, DATED: 9/14/10, SCALE: 1"=40'.
2. ALL UNITS REPORTED IN MICROGRAMS PER LITER ($\mu\text{g/L}$).
3. BOLD VALUES INDICATES RESULTS ABOVE NYSDEC STANDARDS AND GUIDANCE VALUES.

LEGEND:

- PROPERTY LINE
- MONITORING WELL LOCATION
- DESTROYED MONITORING WELL LOCATION
- SPARGE WELL LOCATION
- SOIL VAPOR EXTRACTION WELL
- VACUUM
- AIR PUMP
- FIRE HYDRANT
- AREA LIGHT
- SIGN
- STREET LIGHT
- DISPENSER ISLAND
- FORMER 4,000-GALLON GASOLINE UST
- FORMER 550-GALLON UST
- FORMER 1,000-GALLON USED OIL UST
- FORMER 1,000-GALLON FUEL OIL UST
- 8,000-GALLON DOUBLE-WALL FIBERGLASS UST (SUPER)
- 10,000-GALLON DOUBLE-WALL FIBERGLASS UST (REGULAR)
- CONCRETE PAD
- REMOTE PIPE LOCATION OF MONITORING WELLS LOCATED BENEATH 2495 ADAM CLAYTON POWELL BOULEVARD

WELL IDENTIFICATION	
CONSTITUENT	NYSDEC STANDARDS
B = BENZENE	1
T = TOLUENE	5
E = ETHYLBENZENE	5
X = TOTAL XYLENES	5
MTBE = METHYL TERTIARY BUTYL ETHER	10
ETHANOL	--

- < LESS THAN THE MAXIMUM DETECTION LIMIT (MDL)
- ND NOT DETECTED
- J INDICATES ESTIMATED QUANTITY
- NA NOT ANALYZED
- NS NOT SAMPLED



MOBIL BRANDED SERVICE STATION
FORMER MOBIL #12827 (17-QDM)
150-54 WEST 145TH STREET
MANHATTAN, NEW YORK

GROUNDWATER ANALYTICAL MAP
MAY 12, 2015

FIGURE
3

ATTACHMENT D

SECTION IV: PROPERTY INFORMATION

The Reference Point for the given latitude (40° 49' 14.6") and longitude (-73° 56' 15.7") is the approximate center of the site on Lot 44. A metes and bounds description is provided in this attachment.

Item 1 – Tax Map Boundary

The table below contains acreage, block and lot information for tax parcels included within the site boundary.

Parcel Address	Block	Lot	Acreage
150 West 145 th Street	2013	44 (entirety)	0.34
150 West 145 th Street		50 (entirety)	0.32
112 West 145 Street		Part of 38	0.02 (of a total lot acreage of 0.37)

An application to merge tax lots (i.e. RP-602) was submitted to the New York City Department of Finance (NYCDOF) on May 28, 2021.

Item 2 – Property Map

Figure D-1 is a Digital Tax Map from the NYCDOF showing the proposed brownfield site boundary.

Figure D-2 is a Site Location Map showing the location of the proposed brownfield site.

Figure D-3 provides a site base map that shows i) a distance of at least 1,000 feet around the proposed brownfield site; and ii) map scale, north arrow orientation, date, and location of the site with respect to adjacent streets and roadways.

Figure D-4 provides a site base map that shows i) proposed brownfield site boundary lines, with adjacent site owners clearly identified; and ii) surrounding site land uses.

Item 6 – Prior Remediation

The site is associated with 10 closed and 1 open New York State Department of Environmental Conservation (NYSDEC) spills. The open spill is associated with Lot 50. Spill cases were identified by address and/or site name in a search of the NYSDEC Spills database and in EDR Report and through Freedom of Information Act (FOIA) requests to the NYSDEC associated with the 2020 Langan Phase I Environmental Site Assessment (ESA). All of these spills are associated with discharges to soil and/or groundwater and are described below.

The following spills were identified on Lot 44:

1. Spill No. 86-06425 (reported January 15, 1987 and closed August 21, 1987) was reported after a failed tank tightness test.
2. Spill 92-10186 (reported December 2, 1992 and closed July 22, 1994) was reported after a failed tank tightness test.
3. Spill No. 92-12043 (reported on January 21, 1993 and closed April 21, 2004) was associated with vapors detected during utility work.
4. Spill No. 16-06459 (reported September 29, 2016 and closed December 6, 2016) was associated with the observation of petroleum-contaminated soil at a former Speedway gas station. Petroleum-contaminated soil was excavated, post-excavation endpoint samples were collected, and the spill closed by the NYSDEC.

The following spills were identified on Lot 50:

1. Spill No. 90-08914 (reported November 14, 1990 and closed November 28, 1990) was reported after a failed tank tightness test.
2. Spill No. 05-07314 (reported September 17, 2005 and closed September 19, 2005) was associated with the cleanup of a minor spill from a gas pump on asphalt pavement.
3. Spill No. 06-11117 (reported on January 5, 2007 and closed June 6, 2007) was associated with failure to report inventory loss during a petroleum bulk storage (PBS) inspection. After an inventory reconciliation, it was determined that the allowable variance was not exceeded.
4. Spill No. 08-06417 (reported September 8, 2008 and closed January 26, 2009) was associated with contaminated soil found during a test pit excavation.
5. Spill No. 08-12062 (reported February 5, 2009 and closed February 6, 2009) was associated with product found in a monitoring well (merged with Spill No. 07-51061).
6. Spill No. 07-51061 (reported November 2, 2007 and closed October 20, 2015) was associated with identified on- and off-site petroleum contamination. This spill case prompted the issuance of a consent order by the NYSDEC (Case No. 07-51061SWO) and later resulted in the installation and operation of an air sparging/soil vapor extraction (AS/SVE) system on Lot 50 and on the western-adjointing property (Block 2013, Lot 61).
7. Spill No. 09-01535 (reported May 7, 2009 and closed September 28, 2009) was associated with contaminated soil encountered during the removal of an underground storage tank (UST) (merged with Spill 07-51061).
8. Spill No. 10-06216 (reported September 7, 2010 and closed April 29, 2016) was associated with detection of elevated methyl-tert-butyl ether (MTBE) concentrations in groundwater.

9. Spill No. 20-07933 (reported December 8, 2020) was associated with the observation of light non-aqueous phase liquid (LNAPL), petroleum-like odors, staining and elevated photoionization detector (PID) readings in soil borings completed during Langan's 2020 Phase II Environmental Site Investigation (ESI). This spill remains open.

Environmental closure and remediation reports and documents addressing remedial actions are summarized in Attachment C.

Item 8 – Easements and Rights of Way

One easement was identified on the site and is outlined below. The easement will not preclude investigation or remediation of the site.

An Environmental Covenants, Restrictions and Access Agreement easement was executed on December 22, 2016 between Speedway LLC and 124 West 145 LLC for the entirety of Lot 44. The easement ensures the previous owner of the property, Speedway LLC, access to the site to perform Corrective Actions, defined as the following:

- any investigation
- assessment
- monitoring
- sampling
- analysis
- removal
- disposal
- on-site treatment
- off-site treatment
- active remediation
- passive remediation
- remediation alternatives including but not limited to risk-based corrective action, if applicable
- other activities approved, concurred in or required by the governmental agency with jurisdiction through completion and receipt of a no further remediation/action letter

The easement restricts development of the site solely to industrial/commercial use on the ground floor of any future development.

Item 10 - Property Description and Environmental Assessment

Location

The site is located at 112-150 West 145th Street (latitude 40° 49' 14.80", longitude -73° 56' 16.52") in the Harlem neighborhood of Manhattan, New York. The site encompasses the following tax lots: Block 2013, Lot 40 (about 13,900 square feet); Lot 50 (about 18,900 square feet); and part

of Lot 38 (about 2,100 of a total of 16,000 square feet); and occupies a total area of about 34,900 square feet ($\pm$ 0.80 acres).

The site is bound by West 145 Street to the north; restaurants and Lenox Avenue to the east; multi-family residential buildings and West 144 Street to the south; and a grocery store and Adam Clayton Powell Jr Boulevard to the west. According to an architectural survey completed by True North Surveyors, Inc. on August 27, 2020, the site elevation ranges from 16.90 to 24.56 feet above mean sea level (msl). Figure D-1 is a Digital Tax Map from the New York City Department of Finance showing the site boundaries of the current tax blocks and lots. Figure D-2 shows the location of the site on its USGS 7.5-Minute Quadrangle Map.

Site Features/Current Zoning and Land Use

The current commercial/retail uses of each tax lot on the site are as follows:

- Lot 38 – One story commercial building. The portion of the building associated with the site is occupied by a coffee shop (Dunkin' Donuts)
- Lot 44 - Vacant (former gasoline filling station [Speedway brand], automotive service, oil service, and radiator service station)
- Lot 50 – Active Mobil-branded gasoline filling station and automotive service facility

According to the New York City Department of City Planning (NYCDP) Zoning Map 6a, dated December 19, 2017, the site is currently located in a C8-3 commercial district. The site is proposed to be rezoned to a C4-6 general commercial district, pursuant to a Uniform Land Use Review Procedure (ULURP) process. The ULURP is currently underway and certification is expected in September 2021.

The adjoining parcels are used for residential and commercial purposes with the surrounding area generally consisting of residential, commercial, light industrial, and institutional (schools and churches) uses. Figure 3 provides a site base map that shows map scale, north arrow orientation, date, and location of the site with respect to adjacent streets and roadways, as well as a 1,000-foot radius around the site. Figure 4 provides the proposed brownfield site boundary lines, with the adjacent property owners, property operators, addresses, and surrounding property land uses.

Past Use of the Site

Historical operations at the site include the following:

- Lot 38 - Gasoline filling/storage, automotive repair, oil service, and/or radiator service facilities (circa 1939 to 2005)
- Lot 44 – Retail gasoline filling, automotive repair, oil service, and/or radiator service facilities (circa 1939 to 2016)

- Lot 50 – Poultry market, retail gasoline filling, automotive repair, oil service, and/or radiator service facilities (circa 1939 to present)

Site Geology and Hydrogeology

Based on the Phase II ESI Report, prepared by Langan, dated February 24, 2021, the general stratigraphy at the site consists of a surficial historic fill material composed of varying amounts of sand, gravel, and silt and varying amounts of anthropogenic materials (brick, coal, slag, asphalt, ceramics, ash, glass, wood, organics, nails, and concrete) extending from below surface cover to depths ranging from 6.5 to 18 feet below sidewalk grade (bsg). The historic fill layer is underlain by native soil consisting of sand, silt, and clay with varying amounts of gravel and organics. Based on the Geotechnical Engineering Report, prepared by Langan, dated November 19, 2020, bedrock was encountered at about 150 feet bsg in the western part of the site and at about 50 feet bsg in the eastern part of the site.

Groundwater was encountered at about 13 to 20 feet bsg during the Phase II ESI. Regional groundwater is expected to flow east-northeast towards the Harlem River, which is about 1,100 feet east of the site. Previous environmental reports associated with the spill remediation activities on Lot 50 established local groundwater flow to the northwest. Local groundwater depth and flow at the site are subject to hydrogeological and anthropogenic variables such as precipitation, evaporation, coverage by impervious surfaces, the presence of historic fill, and variability in local geology and groundwater sources or sinks. Local hydrogeology may not be consistent with regional groundwater flow.

Environmental Assessment

The primary contaminants of concern include volatile organic compounds (VOC), semivolatile organic compounds (SVOC) and metals in soil; VOCs, SVOCs and metals in groundwater; and petroleum-related and chlorinated VOCs in soil vapor.

- Soil sample results from the 2020 Langan Phase II ESI were compared to Title 6 of the Official Compilation of New York Codes, Rules, and Regulations (6 NYCRR) NYSDEC Part 375 Unrestricted Use (UU) and Restricted Use Restricted-Residential (RURR) Soil Cleanup Objectives (SCO).
- Previous soil sample results collected from Lot 44 and reported in the document titled Tank System Closure Report for Speedway #7825 and NYSDEC Spill No. 16-06459, 122 West 145th Street, New York, NY, prepared by EnviroTrac Ltd., dated October 21, 2016, were compared in the report to the NYSDEC Commissioner's Policy 51 (CP-51) and NYSDEC 6 NYCRR Part 375 Restricted Use Commercial (RUC) SCOs. For the purpose of this BCP application, the analytes are also compared to the RURR SCOs. Exceedances
- Groundwater sample results from the 2020 Langan Phase II ESI and September 2015 Site Status Update Report prepared by Arcadis were compared to the NYSDEC Title 6 NYCRR

Part 703.5 and the Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Guidance Values (SGV) for Class GA water (collectively referred to as the NYSDEC SGVs).

- Soil vapor sample results from the 2020 Langan Phase II ESI were compared to the New York State Department of Health (NYSDOH) Air Guideline Values (AGV) and evaluated using the Decision Matrices for Sub-Slab Vapor and Indoor Air as set forth in the NYSDOH October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York and subsequent updates (2013, 2015, 2017).

Maximum concentration tables below summarize the maximum concentration levels of contaminants of concern detected in samples collected from previous environmental investigations. Analytes detected above the regulatory criteria are summarized below. Analytes detected in soil samples above RURR SCOs are summarized below.

Soil

- VOCs - 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, ethylbenzene, naphthalene, and total xylenes

Analyte	Maximum Concentrations Detected Above RURR SCO (milligrams per kilogram [mg/kg])	RURR SCO (mg/kg)
1,2,4-Trimethylbenzene	340 in PH2_SB06_20-22	RURR: 52
1,3,5-Trimethylbenzene (Mesitylene)	130 in PH2_SB06_20-22	RURR: 52
Ethylbenzene	58 in PH2_SB16_13-15	RURR: 41
Naphthalene	5,100 in PH2_SB14_19-21	RURR: 100
Total Xylenes	110 in PH2_SB08_20-22	RURR: 100

- SVOCs – benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenz(a,h)anthracene, fluoranthene, indeno(1,2,3-cd)pyrene, phenanthrene, and pyrene

Analyte	Maximum Concentrations Detected above RURR SCO (mg/kg)	RURR SCO (mg/kg)
Benzo(a)anthracene	8.1 in PH2_SB14_19-21 and 66 in Envirotrac Sample SW-15	RURR: 1
Benzo(a)pyrene	8.5 in PH2_SB03_3-5 and 51.8 in Envirotrac Sample SW-15	RURR: 1

Analyte	Maximum Concentrations Detected above RURR SCO (mg/kg)	RURR SCO (mg/kg)
Benzo(b)fluoranthene	10 in PH2_SB03_3-5 and 101 in Envirotrac Sample SW-15	RURR: 1
Benzo(k)fluoranthene	78.1 in Envirotrac Sample SW-15	RURR: 3.9
Chrysene	6.4 in PH2_SB03_3-5 and 56.6 in Envirotrac Sample SW-15	RURR: 3.9
Dibenz(a,h)anthracene	10.3 in Envirotrac Sample SW-15	RURR: 0.33
Fluoranthene	141 in Envirotrac Sample SW-15	RURR: 59
Indeno(1,2,3-cd)pyrene	5.3 in PH2_SB03_3-5 and 26.9 in Envirotrac Sample SW-15	RURR: 0.5
Naphthalene	330 in PH2_SB14_19-21	RURR: 100
Phenanthrene	116 in Envirotrac Sample SW-15	RURR: 100
Pyrene	118 in Envirotrac Sample SW-15	RURR: 100

- Metals – Arsenic, barium, copper, lead, and mercury

Analyte	Maximum Concentrations Detected above RURR SCO (mg/kg)	RURR SCO (mg/kg)
Arsenic	37.4 in PH2_SB12_18-20	RURR: 16
Barium	1,110 in PH2_SB03_3-5	RURR: 400
Copper	401 in PH2_SB12_18-20	RURR: 270
Lead	1,660 in PH2_SB12_18-20	RURR: 400
Mercury	1.91 in PH2_SB12_18-20	RURR: 0.81

Groundwater

- VOCs - Benzene, toluene, ethylbenzene, and total xylenes

Analyte	Maximum Concentrations Detected above NYSDEC SGVs (micrograms per liter [µg/L])	NYSDEC SGVs (µg/L)
Ethylbenzene	76 in Arcadis Sample MW-2 (May 12, 2015)	5
Toluene	5 in Arcadis Sample MW-6A (May 12, 2015)	5
Total Xylenes	750 in Arcadis Sample MW-6A (May 12, 2015)	5

- SVOCs – Benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, and indeno(1,2,3-cd)pyrene

Analyte	Maximum Concentrations Detected above NYSDEC SGVs (µg/L)	NYSDEC SGVs (µg/L)
Benzo(a)anthracene	0.19 in PH2_MW04_101820	0.002
Benzo(a)pyrene	0.19 in PH2_MW04_101820	0
Benzo(b)fluoranthene	0.21 in PH2_MW04_101820	0.002
Benzo(k)fluoranthene	0.13 in PH2_MW04_101820	0.002
Chrysene	0.19 in PH2_MW04_101820	0.002
Indeno(1,2,3-c,d)pyrene	0.14 in PH2_MW04_101820	0.002

- Metals (total) – Iron, lead, magnesium, manganese, and sodium
- Metals (dissolved) – Iron, magnesium, manganese, and sodium

Analyte	Maximum Concentrations Detected above NYSDEC SGVs (µg/L)	NYSDEC SGVs (µg/L)
Iron	19,100 in PH2_MW04_101820	300
Iron (Dissolved)	12,800 in PH2_MW04_101820	300
Lead	123.4 in PH2_MW04_101820	25

Analyte	Maximum Concentrations Detected above NYSDEC SGVs (µg/L)	NYSDEC SGVs (µg/L)
Magnesium	38,200 in PH2_MW04_101820	35,000
Magnesium (Dissolved)	35,100 in PH2_MW04_101820	35,000
Manganese	2,951 in PH2_MW04_101820	300
Manganese (Dissolved)	2,760 in PH2_MW04_101820	300
Sodium	251,000 in PH2_MW04_101820	20,000
Sodium (Dissolved)	213,000 in PH2_MW04_101820	20,000

Soil Vapor

One VOC addressed by the NYSDOH Decision Matrices, tetrachloroethylene (PCE), was detected in soil vapor samples. PCE was detected in three soil vapor samples at a concentration exceeding the NYSDOH AGV of 30 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). PCE, was detected in one soil vapor sample (198 $\mu\text{g}/\text{m}^3$ in PH2_SV04_101820) at a concentration exceeding its AGV (30 $\mu\text{g}/\text{m}^3$) and at concentration exceeding the minimum concentration for which mitigation is recommended (100 $\mu\text{g}/\text{m}^3$).

Total benzene, toluene, ethylbenzene, and xylenes (BTEX) were detected in soil vapor at a maximum concentration of 534 $\mu\text{g}/\text{m}^3$.

Evaluation

Analytical data from soil, groundwater, and/or soil vapor samples collected from the site exceeded the applicable regulatory standards for the intended future use of the site.

Petroleum-related VOCs were detected at concentrations exceeding the RURR SCOs in soil samples collected at depths ranging from 13 to 22 feet bsg in the northern part of Lot 44 and western part of Lot 50. Petroleum-like impacts (i.e. staining, odors, and/or elevated photoionization readings [PID]) were identified throughout Lots 44 and 50 during Langan's Phase II ESI. SVOCs and metals (related to the quality of historic fill) were detected at concentrations exceeding the RURR SCOs in soil samples collected at depths ranging from 0 to 21 feet bsg in the central and northern parts of Lot 44 and from 18 to 20 feet bsg in the southwest part of Lot 50.

Petroleum-related VOCs were detected at concentrations exceeding the NYSDEC SGVs in groundwater samples collected from monitoring wells in the western part of Lot 50. SVOCs and metals (related to entrained sediments derived from historic fill) were detected at concentrations exceeding the NYSDEC SGVs in groundwater samples collected from monitoring wells in the western and northeastern part of Lot 44 and the southern part of Lot 50.

One VOC, PCE, was detected in soil vapor at concentrations above the NYSDOH AGV and at concentrations exceeding the minimum concentration for which mitigation is recommended in the southern part of Lot 50. Petroleum-related VOCs were detected in soil vapor samples in the southern part of Lot 50 and western part of Lot 44; however, there are no relevant comparison criteria for concentrations of these additional compounds in soil vapor.

The source of VOCs and SVOCs in soil, VOCs and SVOCs in groundwater, and VOCs in soil vapor are likely related to historical use of the site, including the operations of automotive service facilities and gasoline filling stations and use of underground petroleum bulk storage tanks. Historical petroleum releases on Lot 50 may have contributed to elevated BTEX concentrations found in groundwater samples collected from down-gradient monitoring wells in the western part of the site. SVOCs and metals in soil and groundwater are likely related to the quality of historic fill. PCE in soil vapor was identified in the southern building of the Mobil-branded fueling station on Lot 50; contamination is likely related to an unidentified off-site source since no on-site source was identified in soil or groundwater.

TRUE NORTH SURVEYORS, P.C. JOHN VIDA, P.L.S.

**111 Kosciuszko Road
Whitehouse Station, NJ 08889
Phone (908) 534-6248**

Metes & Bounds
Proposed Site 2
Borough of Manhattan, New York

All that certain plot, piece of parcel of land, with the building and improvements thereon erected, situate, lying and being in the Borough of Manhattan, City, County, and State of New York, bounded and described as follows;

Beginning at a point 255 feet 7 5/8 inches westerly along 145th Street from the corner formed by the intersection of the westerly side of Lenox Avenue with the southerly side of 145th Street;

Running thence southeasterly at an exterior angle of 70 degrees 0 minutes 0 seconds with the preceding course, 69 feet 2 inches to a point;

Thence southerly at an interior angle of 160 degrees 0 minutes 0 seconds with the preceding course, 34 feet 11 inches to a point;

Thence westerly at right angles with the preceding course along the center line of the block, 357 feet 1/4 inch to a point;

Thence northerly at right angles with the preceding course, 99 feet 11 inches;

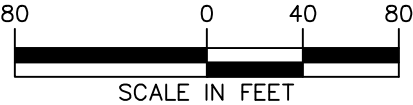
Thence easterly along the southerly side of 145th Street at right angles with the preceding course, 333 feet 4 3/8 inches to the point and place of Beginning.



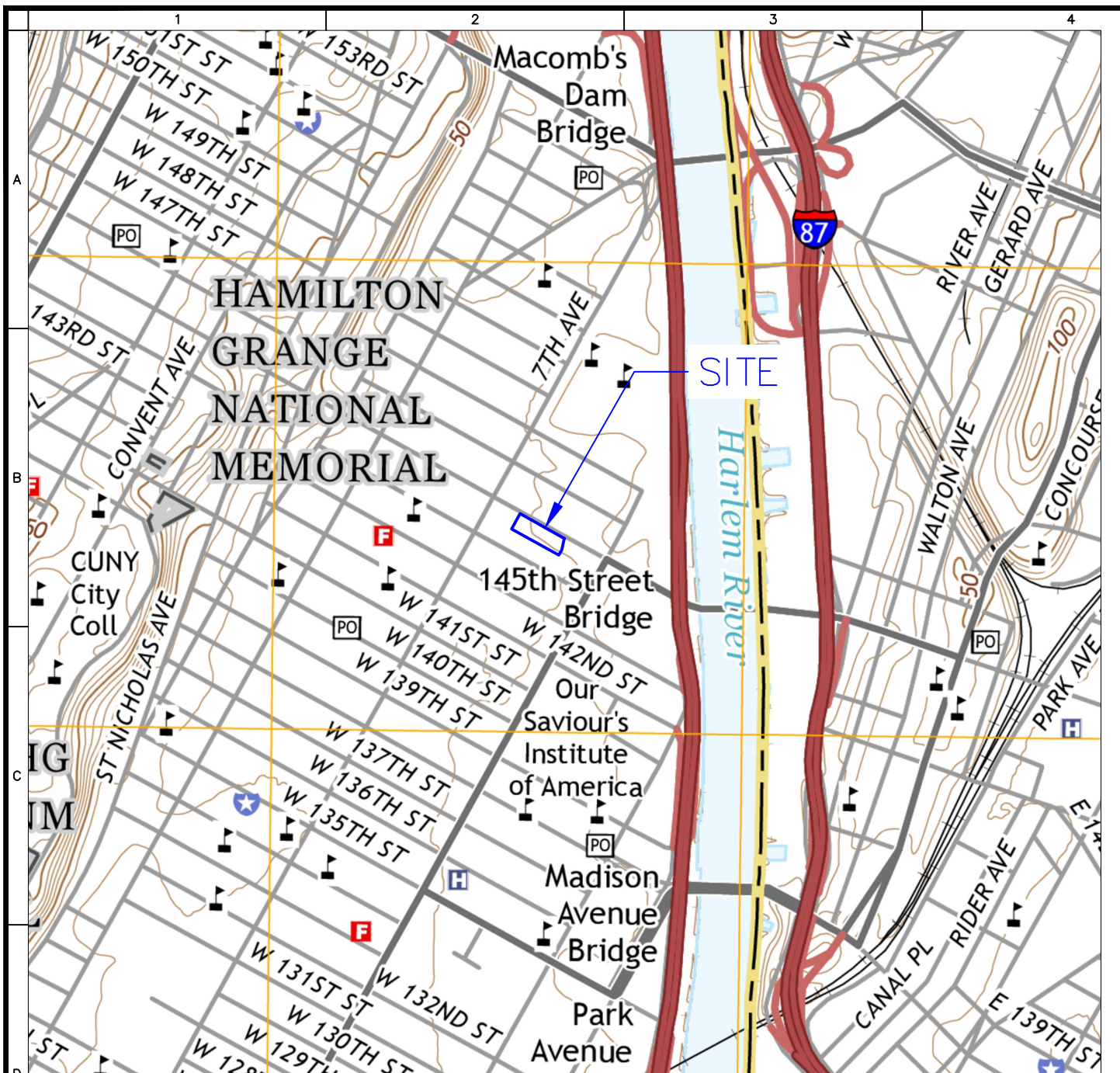
- LEGEND:
- APPROXIMATE SITE BOUNDARY
 - TAX BLOCK BOUNDARY
 - TAX BLOCK NUMBER
 - TAX LOT BOUNDARY
 - TAX LOT NUMBER

- NOTES:
- BASEMAP ACCESSED FROM GIS.NYC.GOV/TAXMAP ON JANUARY 12, 2021.
 - NORTH ARROW SHOWS TRUE NORTH.
 - THE SITE CONSISTS OF TAX BLOCK 2013, LOTS 44, 50 AND PART OF 38.

WARNING: IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 145 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS ITEM IN ANY WAY.



LANGAN Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C. 21 Penn Plaza, 360 West 31st Street, 8th Floor New York, NY 10001 T: 212.479.5400 F: 212.479.5444 www.langan.com	Project 691 LENOX AVENUE - PHASE 2 BLOCK No. 2013, LOT No. 44, 50, AND P/O 38	Figure Title TAX MAP	Project No. 170635401	D - 1
			Date 1/12/2021	
			Drawn By JG	
			Checked By WK	
MANHATTAN NEW YORK				



LEGEND

APPROXIMATE SITE BOUNDARY

NOTES:

1. BASE MAP SOURCE: UNITED STATES GEOLOGICAL SURVEY
TOPOGRAPHIC MAP, CENTRAL PARK QUADRANGLE, 2016
2. NOT TO SCALE.

WARNING: IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 145 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS ITEM IN ANY WAY.

LANGAN

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Landscape Architecture and Geology, D.P.C.
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New York, NY 10001

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Project

**691 LENOX AVENUE -
PHASE 2**

BLOCK No. 2013, LOT No.
44, 50 AND P/O 38

MANHATTAN

NEW YORK

Figure Title

**SITE
LOCATION
MAP**

Project No.

170635401

Date

1/12/2021

Drawn By

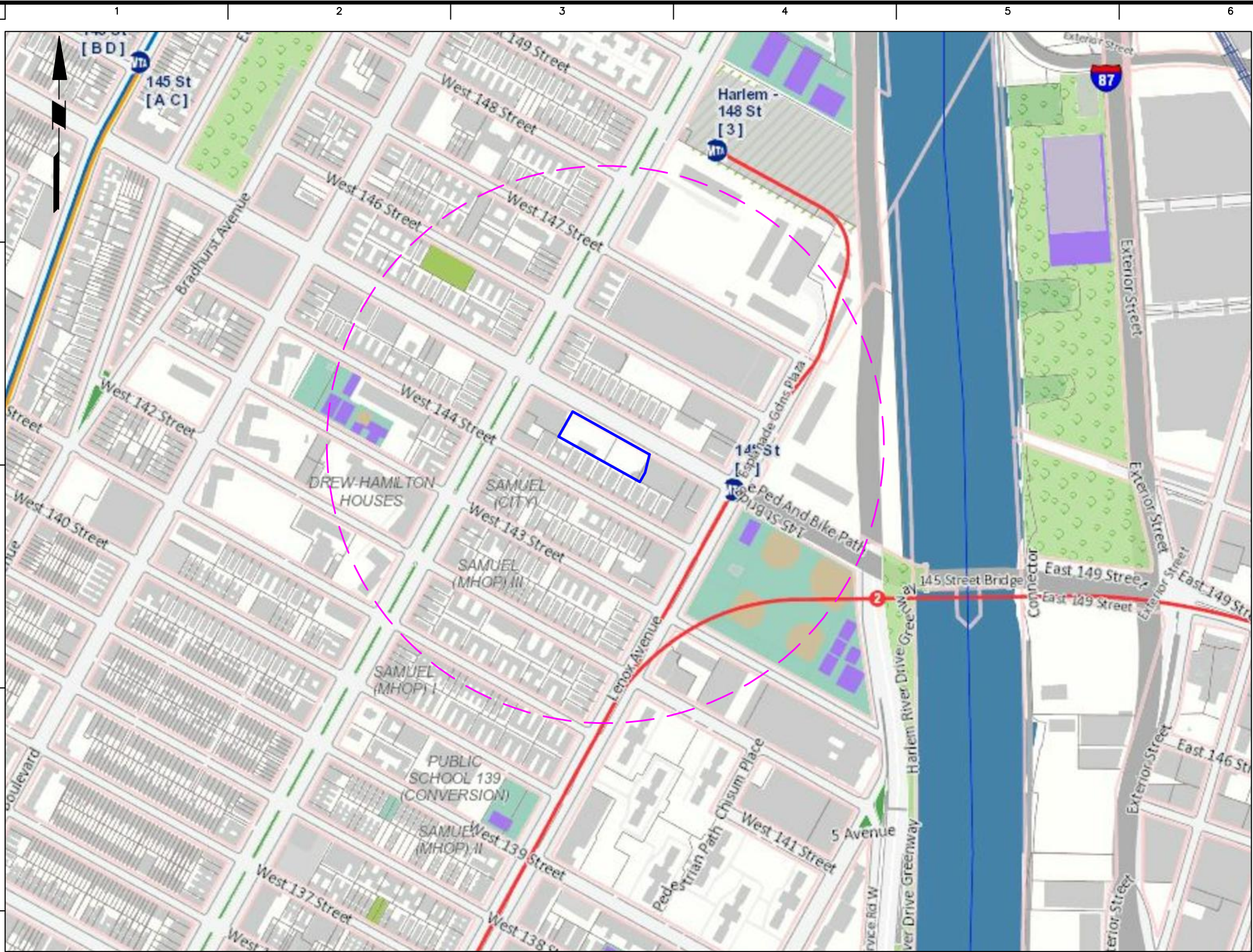
JG

Checked By

WK

Figure No.

D - 2



LEGEND:

- APPROXIMATE SITE BOUNDARY
- 1,000-FOOT RADIUS

NOTES:

- BASEMAP ACCESSED FROM WWW.OASISNYC.NET/MAPS ON JANUARY 7, 2021.
- NORTH ARROW SHOWS TRUE NORTH.

WARNING: IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 145 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS ITEM IN ANY WAY.



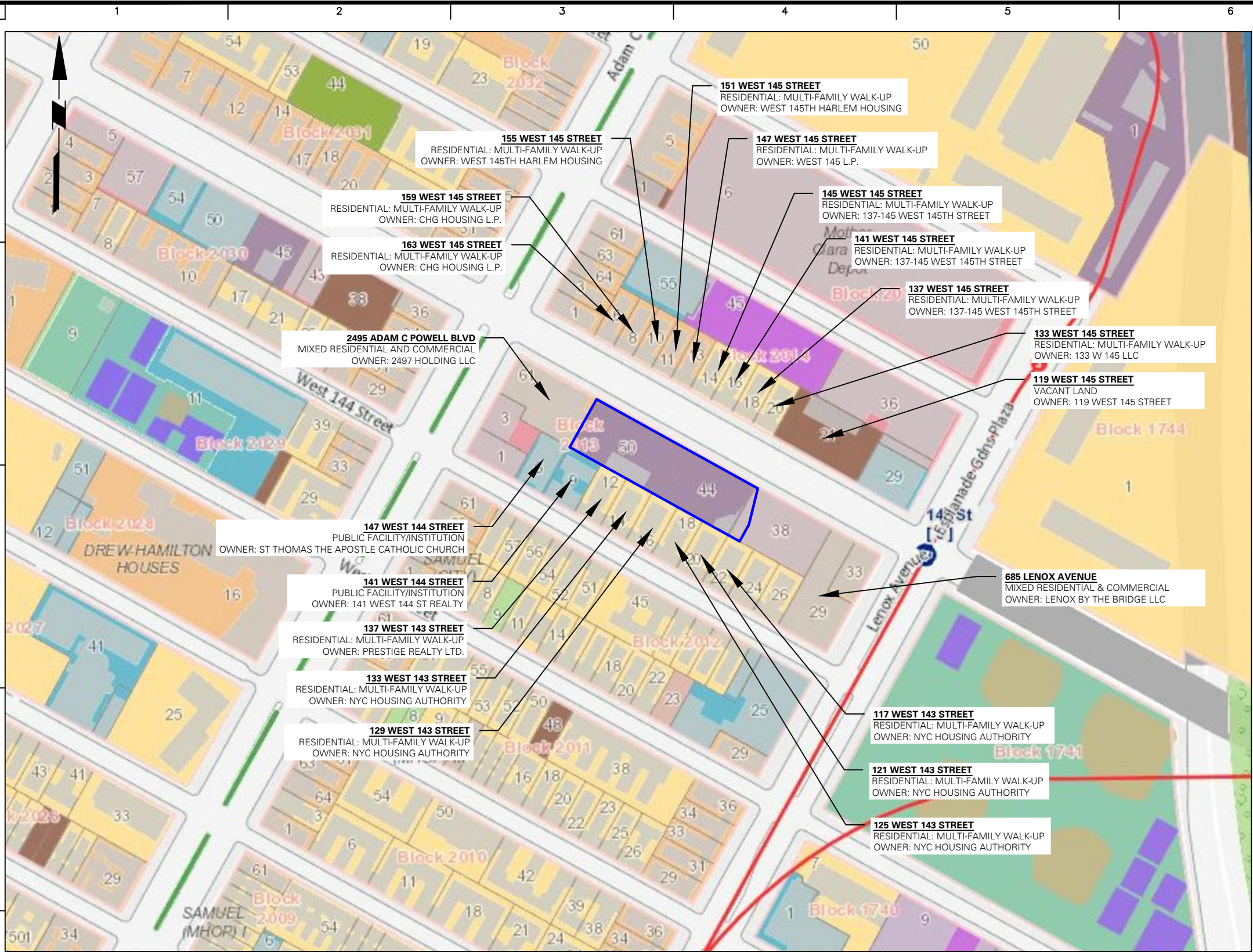
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Project
**691 LENOX AVENUE -
PHASE 2**
BLOCK No. 2013, LOT No.
44, 50, AND P/O 38
MANHATTAN NEW YORK

Figure Title
**SURROUNDING
LAND USE MAP**

Project No.
170635401
Date
1/12/2021
Drawn By
JG
Checked By
WK

Figure No.
D - 3

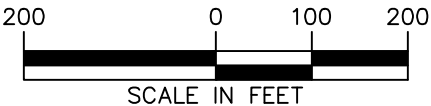


LEGEND:

- APPROXIMATE SITE BOUNDARY
- 1- & 2-FAMILY RESIDENTIAL
- MULTI-FAMILY RESIDENTIAL
- MIXED USE
- OPEN SPACE & OUTDOOR RECREATION
- COMMERCIAL
- INSTITUTIONS
- INDUSTRIAL
- PARKING
- TRANSPORTATION/UTILITIES
- VACANT LOTS

- NOTES:
- BASEMAP ACCESSED FROM WWW.OASISNYC.NET/MAPS ON JANUARY 7, 2021.
 - NORTH ARROW SHOWS TRUE NORTH.

WARNING: IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 145 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS ITEM IN ANY WAY.



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Project
**691 LENOX AVENUE -
PHASE 2**
BLOCK No. 2013, LOT No.
44, 50, AND P/O 38
MANHATTAN NEW YORK

Figure Title
**ADJOINING
PROPERTY AND
SURROUNDING
LAND USE MAP**

Project No.
170635401
Date
1/12/2021
Drawn By
JG
Checked By
WK

Figure No.
D - 4

ATTACHMENT E

SECTION VI: PRIOR OWNER AND OPERATOR INFORMATION

Site Owner

The Requestor is the current owner of Lots 38, 44, and 50. The contact information for the current owner of the site and the previous owner of Lot 38 is provided below:

Owners Representative: Tristan Nadal
Lenox 145 DM LLC
233 Broadway, 11th Floor
New York, NY 10279
Phone: 212-889-9005

Requestor: One45 Lenox LLC
85 Delancey Street
New York, NY 10002

Previous Owner of Lot 38: Stanford Cohen
110 West 145 LLC
P.O. Box 179
Cedarhurst, NY 11516

Proposed Tax Lot Merger

A Lot Merger Application (RP-602) was submitted to the New York City Department of Finance (NYCDOF) on May 28, 2021. Once approved, a survey of the property to incorporate the new lot boundary will be performed.

The Tax Lot Merger is anticipated to happen in July 2021 prior to execution of the Brownfield Cleanup Agreement (BCA), thus it is requested that the New York State Department of Environmental Conservation (NYSDEC) consider the site as a single tax lot for purposed of BCP eligibility.

Previous Site Owners

Available past ownership records prior to the City of New York were ascertained through the New York City Department of Finance Automated City Register Information System (ACRIS) website (<http://a863-acris.nyc.gov/DS/DocumentSearch/Index>) and are summarized in the following table.

Block/Lot	Date	Document Type	First Party	Second Party	Relationship to Applicant
Block 2013 Lot 38	7/12/1971	Deed	L B Oil Co, Inc.	Rock Oil Co, Inc.	None
	12/8/1986	Deed	Rock Oil Co, Inc.	Rock-Arizona Associates	None
	5/16/2000	Deed	Rock-Arizona Associates	Crotona 1967 Corp	None
	5/4/2016	Memorandum of Contract	Crotona 1967 Corp	110 West 145 LLC	Future Member of Requestor
	5/25/2021	Deed	Crotona 1967 Corp	One45 Lenox LLC	Requestor
Block 2013 Lot 44	7/12/1971	Deed	L B Oil Co, Inc.	Rock Oil Co, Inc.	None
	12/8/1986	Deed	Rock Oil Co, Inc.	Rock-Arizona Associates	None
	2/14/1995	Deed	Rock-Arizona Associates	Merit Oil of New York, Inc.	None
	4/24/2014	Deed	Hess Corporation	Hess Retail Stores, LLC.	None
	12/22/2016	Deed	Speedway, LLC.	124 West 145, LLC.	Member of Requestor
	5/21/2021	Transfer of Deed	124 West 145, LLC	One45 Lenox LLC	Requestor
Block 2013 Lot 50	4/4/2003	Deed	Melvin Walter	Harry Bogart	None
	2/10/2017	Deed	The Residuary Trust U/L/W/T of Harry Bogart	DBZ Property Holdings, LLC.	None
	2/10/2017	Deed	DBZ Property Holdings, LLC.	150 West 145, LLC.	Member of Requestor
	5/21/2021	Transfer of Deed	150 West 145, LLC	One45 Lenox LLC	Requestor

Site Operators (Current and Previous)

The site is currently improved with a one-story commercial building on Lot 38 and an active Mobil-branded gasoline filling station and automotive service facility on Lot 50. The commercial space on Lot 38 associated with the site is occupied by a coffee shop. Lot 44 comprises vacant, fenced land.

Block/Lot	Date	Name	Relationship to Site	Address and Phone Number	Relationship to Applicant
Block 2013, p/o Lot 38	N/A	Dunkin' Donuts	Current Operator	212-234-3440 110 W 145 th Street New York, NY 10039	None
Block 2013, Lot 44	2014	Hess	Previous Operator	Unknown 124 West 145 th Street New York, NY 10039	None
	2014-2016	Speedway	Previous Operator	Unknown 124 West 145 th Street New York, NY 10039	None
Block 2013, Lot 50	2010	Mobil	Current Operator	212-926-5643 150 West 145 th Street New York, NY 10039	None

ATTACHMENT F

SECTION VII: REQUESTOR ELIGIBILITY INFORMATION

Volunteer Status

Pursuant to ECL § 27-1405(1), One45 Lenox LLC (Requestor) is properly designated as a Volunteer because its liability arises solely from involvement with the site subsequent to discharge or disposal of contaminants at the site. The Requestor has no relationship with prior owners or operators of Lots 38, 44, and 50 prior to site ownership. Since taking title to Lot 44 in 2016 and Lot 50 in 2017, Lot 44 has been vacant, and Lot 50 has operated as an active Mobil-branded gasoline filling station and automotive service facility. The Requestor acquired Lot 38 on May 25, 2021 and site use has not changed. Lot 50 was the subject of a Consent Order related to a petroleum spill. By letter dated October 20, 2015, NYSDEC closed the spill but stated that remediation “does not meet standards”—a determination that the property had not yet been remediated such that it could be developed for its then intended use.

Prior spill closure reports indicate that residual contamination is present in soil and groundwater at the site. An Environmental Covenants, Restrictions and Access Agreement easement was executed on December 22, 2016 between Speedway LLC and 124 West 145 LLC for the entirety of Lot 44. Due to the presence of non-target compounds identified during the 2020 Environmental Site Investigation (ESI), we conclude that the petroleum compounds are highly weathered and appear to have been released into the environment before the transfer of the property to the current owner.

The current property owner has taken steps to prevent contamination. The operable storage tanks are of adequate design (double walled storage tanks, leak containment basins) and have been tested regularly. The concrete and asphalt cover system that serves as a protective barrier from residual contamination has been maintained, and Lot 44 is secured with a locked fence. The restrictions set forth by the December 2016 Access Agreement have been adhered to.

Auto repair operations have occurred at the site during the current owner’s tenure, but without evidence of any environmental impact. Langan reported a spill in 2020 after confirmation of pre-existing residual petroleum impacts from former operations and uses.

In sum, since purchasing the site, the current owner has exercised appropriate care of the property by ensuring compliance with the PBS regulations, maintaining the existing cover system, mandating good housekeeping practices for existing operations, completing a Phase II ESI to evaluate current site conditions, and engaging disclosing to NYSDEC the discovery of environmental impacts and discussing options for site remediation under its supervision.

By entering the Brownfield Cleanup Program and conducting investigation and remediation thereunder, Requestor intends to continue to exercise appropriate care with respect to any past

discharges by stopping any continuing release; preventing any threatened future release; and continuing to prevent or limit human, environmental, or natural resource exposure to any previously released petroleum and/or hazardous waste. For the foregoing reasons, Requestor qualifies as a Volunteer.

ATTACHMENT G

SECTION VIII: CONTACT LIST INFORMATION

Item 1 – Chief Executive Officer and Planning Board Chairperson

Chief Executive Officer

Mayor Bill de Blasio
City Hall
260 Broadway Avenue
New York, New York 10007

New York City Planning Commission

Marisa Lago, Chairperson
Department of City Planning
120 Broadway
31st Floor
New York, NY 10271

Borough of Manhattan, Borough President

Gale Brewer
431 West 125th Street
New York, NY 10027

Item 2 – Residents, Owners, and Occupants of the Property and Adjacent Properties

Residents, owners, and occupants of the site:

The Requestor is the listed owner of Lots 38, 44, and 50. An application to merge tax lots (i.e. RP-602) was submitted to the New York City Department of Finance (NYCDOF) on May 28, 2021. The current operators of each lot comprising the site are listed below:

- Lot 38 - Dunkin' Donuts
- Lot 44 - Vacant
- Lot 50 – Mobil-branded gasoline filling station

The contact information for the requestor's representative is:

Tristan Nadal, Lenox 145 DM LLC
233 Broadway, 11th Floor
New York, NY 10279
212-889-9005

Adjacent property owners include:

Direction	Block	Lot	Owner	Occupants
North	2014	6	CHG Housing LP 167 West 145 Street New York, NY 10039	Residential Building 163 West 145th Street New York, NY 10039
		8	CHG Housing LP 167 West 145 Street New York, NY 10039	Residential Building 159 West 145th Street New York, NY 10039
		10	West 145 th Harlem Housing Development Fund 167 West 145 Street New York, NY 10039	Residential Building 155 West 145th Street New York, NY 10039
		11	West 145 th Harlem Housing Development Fund 167 West 145 Street New York, NY 10039	Residential Building 151 West 145th Street New York, NY 10039
		13	West 145 LP 167 West 145 Street New York, NY 10039	Residential Building 147 West 145th Street New York, NY 10039
		14	137-145 West 145 Street LLC 199 Lee Avenue, Suite 1048 Brooklyn, NY 11211	Residential Building 145 West 145th Street New York, NY 10039
		16	137-145 West 145 Street LLC 199 Lee Avenue, Suite 1048 Brooklyn, NY 11211	Residential Building 141 West 145th Street New York, NY 10039
		18	137-145 West 145 Street LLC 199 Lee Avenue, Suite 1048 Brooklyn, NY 11211	Residential Building 137 West 145th Street New York, NY 10039
		20	133 W 145 LLC 36 West 37 th Street New York, NY 10018	Residential Building 113 West 145th Street New York, NY 10039
		21	119 West 145 Street LLC 119 West 145 Street New York, NY 10030	Vacant Lot
West	2013	61	2497 Holding LLC 455 16 th Street Carlstadt, NJ 07072	Mixed Residential/Commerical 2495 Adam C Powell Blvd New York, NY 10030
South	2013	6	St. Thomas the Apostle Inc 147-151 West 144 th Street New York, NY 10030	St Thomas the Apostle Catholic Church 147 West 144 th Street New York, NY 10030

Direction	Block	Lot	Owner	Occupants
		9	141 West 144 th Street Realty Corp 888 4 th Avenue Brooklyn, NY 11232	Lenox Family Center 141 West 144 th Street New York, NY 10030
		12	West 144 Cluster LLC 31-30 37 th Avenue, Suite 500 Long Island City, NY 11101	Residential Building 137 West 144 th Street New York, NY 10030
		14	New York City Housing Authority 250 Broadway New York, NY 10007	Residential Building 133 West 144 th Street New York, NY 10030
		16	New York City Housing Authority 250 Broadway New York, NY 10007	Residential Building 129 West 144 th Street New York, NY 10030
		18	New York City Housing Authority 250 Broadway New York, NY 10007	Residential Building 125 West 144 th Street New York, NY 10030
		20	New York City Housing Authority 250 Broadway New York, NY 10007	Residential Building 121 West 144 th Street New York, NY 10030
		22	New York City Housing Authority 250 Broadway New York, NY 10007	Residential Building 117 West 144 th Street New York, NY 10030
East	2013	29	Lenox By The Bridge LLC 1465a Flatbush Avenue Brooklyn, NY 11210	Commercial Stores 691 Lenox Avenue New York, NY 10030

Item 3 – Local News Media

Local news media from which the community typically obtains information:

Harlem Community News
206 W 148th Street
Manhattan, NY 10039

Item 4 – Public Water Supplier

The public water supplier which services the area in which the property is located:

The responsibility for supplying water in New York City is shared between the NYC Department of Environmental Protection (NYCDEP), the Municipal Water Finance Authority, and the New York City Water Board:

NYCDEP

Emily Lloyd, Commissioner
59-17 Junction Boulevard
Flushing, NY 11373

New York City Municipal Water Finance Authority
255 Greenwich Street, 6th Floor
New York, NY 10007

New York City Water Board
Department of Environmental Protection
59-17 Junction Boulevard, 8th Floor
Flushing, NY 11373

Item 5 – Contact List

Any person who has requested to be placed on the contact list:

We are unaware of any requests for inclusion on the contact list.

Item 6 – School Administrators

The administrator of any school or day care facility located on or near the site:

There are no schools or day care facilities located on the site. The following are schools or day care facilities located within ½ mile of the site:

Name (Approximate distance from site)	Address	Administrator
P.S. 194 Countee Cullen (approximately 0.17 miles west of the site)	244 West 144 th Street Manhattan, NY 10030	Kerianne Harrison Principal Phone: 212-690-5954
Saint Charles Borromeo School (approximately 0.20 miles southwest of the site)	218 West 142 nd Street Manhattan, NY 10030	Natalia Rodrigo Principal Phone: 212-368-6666
P.S. 200 The James Mccune Smith School (approximately 0.26 miles northeast of the site)	2589 Adam C Powell Blvd Manhattan, NY 10039	Renee Belton Principal Phone: 212-491-6636
St. Mark the Evangelist School (approximately 0.32 miles south of the site)	55 West 138 th Street Manhattan, NY 10037	Dominic Fanelli Principal Phone: 212-283-4848
Thurgood Marshall Academy Lower School (approximately 0.36 miles north of the site)	282 West 151 st Street Manhattan, NY 10039	Dawn Brooks DeCosta Principal Phone: 212-368-8731
P.S. 123 Mahalia Jackson (approximately 0.35 miles west of the site)	301 West 140 th Street Manhattan, NY 10030	Melitina Hernandez Principal Phone: 212-342-6200

Item 7 – Document Repositories

The location of the document repository for the project (e.g. local library):

Countee Cullen Library

Nicole Nelson, Library Manager
104 West 136th Street
New York, NY 10030
212-491-2070

A letter from the library acknowledging that it agrees to act as a document repository for the project is included in this attachment.

The local community board is Manhattan Community Board 10.

Manhattan Community Board 10

Shatic Mitchell, District Manager
215 West 125th Street, 4th Floor
New York, NY 10027
212-749-3105

A letter from the community board acknowledging that it agrees to act as a document repository for the project is included in this attachment.

January 22, 2021

Manhattan Community Board 10
215 West 125th Street, 4th Floor
New York, NY 10027

**RE: Brownfield Cleanup Program Application
One45 Lenox LLC
One45 – Phase 2 Development Site
691 Lenox Avenue
New York, NY 10030**

To whom it may concern:

We represent One45 Lenox LLC in their anticipated New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) application for the above-referenced site. The NYSDEC requires a letter certifying that the local community board is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. Please sign below and return if you are able to certify that you would be willing and able to act as a temporary public repository for this BCP project.

Sincerely,
**Langan Engineering, Environmental, Surveying, Landscape
Architecture and Geology, D.P.C.**



Mimi S. Raygorodetsky
Principal

Yes, the Manhattan Community Board 10 is willing and able to act as a public repository on behalf of One45 Lenox LLC in their cleanup of One45 – Phase 2 Development Site under the NYSDEC BCP.

Shatic Mitehell
(Name)

District Manager
(Title)

3/16/21
(Date)

April 12, 2021

Nicole Nelson
Library Manager
Countee Cullen Library
104 West 136th Street
New York, NY 10030

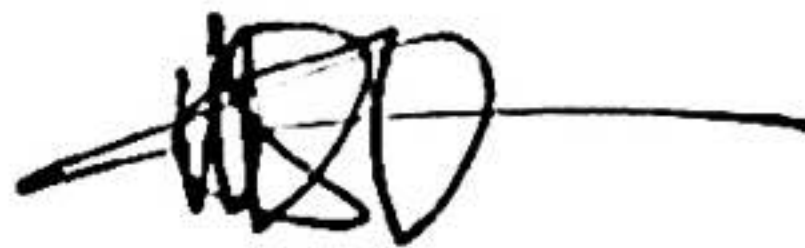
**RE: Brownfield Cleanup Program Application
One45 Lenox LLC
691 Lenox Avenue – Phase 2 Development Site
691 Lenox Avenue
New York, NY 10030**

To whom it may concern:

We represent One45 Lenox LLC in their anticipated New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) application for the above-referenced site. The NYSDEC requires a letter certifying that the local library is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. The New York Public Library will be provided with a link to the files, once available, which will make the documents available to the public via digital download link until the project's completion within the BCP or until December 31, 2024, whichever occurs first. The Site's involvement with the BCP will vary dependent on time to completion of remediation and receiving the certificate of completion from the NYSDEC; at this time, the Site is in the application phase. If accepted into the BCP, a certificate of completion is expected by December 2024. Please sign below and return if you are able to certify that your library would be willing and able to act as the temporary public repository for this BCP project.

Sincerely,

**Langan Engineering, Environmental, Surveying, Landscape
Architecture and Geology, D.P.C.**



Mimi S. Raygorodetsky
Principal

Yes, the Countee Cullen Library is willing and able to act as a public repository on behalf of One45 Lenox LLC in their cleanup of the 691 Lenox Avenue – Phase 2 Development Site under the NYSDEC BCP until the project's completion within the BCP or until December 31, 2024, whichever occurs first.

Nicole Nelson
(Name)

Library Manager
(Title)

April 12, 2021
(Date)

ATTACHMENT H

SECTION X: LAND USE FACTORS

Item 1 - Current Zoning

According to the New York City Department of City Planning (NYCDCP) Zoning Map 6a, dated December 19, 2017, the site is located C8-3 commercial district and is proposed to be rezoned to a C4-6 general commercial district, pursuant to a Uniform Land Use Review Procedure (ULURP) process. The ULURP is currently underway and certification is anticipated in September 2021. The New York City Department of City Planning (NYCDCP) received the pre-application statement (PAS) but has yet to issue a CEQR number. The NYCDCP issued a blueprint review number for the project (P2018MO215). The applicable zoning map is provided⁴ in this attachment. The surrounding parcels are located in residential, manufacturing, and commercial zoning districts.

Item 2 - Current Use

The proposed development site is currently occupied by a vacant lot (Lot 40), a Mobil-branded gasoline filling and automotive service station (Lot 50) and a one-story commercial building (part of Lot 38). The commercial space associated with the site on Lot 38 is occupied by a coffee shop.

While it is not suspected that current land uses contributed to on-site contamination, it is believed that historical operations at the site contributed to soil, groundwater and soil vapor impacts at the site. Historical site operations include a gasoline bulk storage and/or automotive service stations on Lot 44 (circa 1939 to 2016) and Lot 50 (circa 1939 to present) and Lot 38 (circa 1939 to 2005). Radiator service operations were present on all three lots in the 1940s.

The purpose of the project is to remediate and redevelop this contaminated, underutilized parcel of land, while implementing remedial measures that are protective of human health and the environment.

Item 3 - Intended Use Post Remediation

Phase 2 of the proposed mixed-use development at One45 will comprise of a 32-story residential tower with 524 residential units (25% affordable) with a 7-story podium and cellar containing retail space.

Item 4 – Historical and/or Recent Development Patterns

The proposed post-remediation mixed commercial/residential development is consistent with anticipated future development patterns in this Harlem neighborhood. Properties in the vicinity of the proposed site included residential and commercial tenants since the mid-1800s.

Item 5 – Consistency with Applicable Zoning Laws/Maps

The proposed development site is located within a C8-3 commercial district and is proposed to be rezoned to a C4-6 general commercial district, pursuant to an ongoing ULURP process. The proposed development is consistent with the proposed rezoning designation. The ULURP is currently underway and certification is expected in September 2021.

Item 6 – Consistency with Comprehensive Community Master Plans

The proposed use is consistent with the anticipated NYCDCP C4-6 general commercial district zoning guidelines. Langan is not aware of a comprehensive community master plan governing the development of the site.