



Brownfield Cleanup Program Application

408 West 207th Street
Block 2203 Lot 21
New York, New York 10034

June 2, 2021

Prepared for:

Harlem River Ninth Avenue Development LLC
1865 Palmer Ave
Larchmont, New York 10538

Prepared by:

**Roux Environmental Engineering
and Geology, D.P.C.**
209 Shafter Street
Islandia, New York 11749



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 Harlem River Ninth Avenue Development LLC

ADDRESS 1865 Palmer Avenue, Suite 203

CITY/TOWN Larchmont, NY

ZIP CODE 10538

PHONE (646) 527-7224

FAX

E-MAIL kkelman@lmdevpartners.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. **Appendix 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 **Appendix B**

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 **Not Applicable**

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

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

Section III. Property's Environmental History Appendix 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 (***please submit the information requested in this section in electronic format only***):

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

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**

Figures 5, 6, and 7

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

☒ Yes ☐ No

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

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

Other: Parking lot, Commercial, Automobile repair

Section IV. Property Information - See Instructions for Further Guidance Appendix D				
PROPOSED SITE NAME 408 West 207th Street				
ADDRESS/LOCATION 408 West 207th Street				
CITY/TOWN New York		ZIP CODE 10034		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): New York City				
COUNTY New York		SITE SIZE (ACRES) 0.46		
LATITUDE (degrees/minutes/seconds) 40 ° 51 ' 48.45 "		LONGITUDE (degrees/minutes/seconds) 73 ° 55 ' 3.26 "		
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. see Appendix D				
Parcel Address		Section No.	Block No.	Lot No.
408 West 207 Street		Manhattan	2203	21
Acreage 0.46				
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach an accurate map of the proposed site.				
2. Is the required property map attached to the application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map) See Figure 2				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, identify census tract : <u>299</u> Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 100%				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				

Section IV. Property Information (continued)

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

Easement/Right-of-way Holder

Description

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information) **None**

Type

Issuing Agency

Description

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

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 **Not Applicable**

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 Katherine Kelman			
ADDRESS 1865 Palmer Avenue			
CITY/TOWN Larchmont, NY		ZIP CODE 10538	
PHONE (646) 527-7224	FAX	E-MAIL kkelman@lmdevpartners.com	
NAME OF REQUESTOR'S CONSULTANT Jessica L. Taylor, P.G./Roux Environmental Engineering and Geology, D.P.C.			
ADDRESS 209 Shafter Street			
CITY/TOWN Islandia		ZIP CODE 11749	
PHONE 631-232-2600	FAX 631-232-9898	E-MAIL jtaylor@rouxinc.com	
NAME OF REQUESTOR'S ATTORNEY David Yudelson, Esq./Sive, Paget & Riesel, PC			
ADDRESS 560 Lexington Avenue			
CITY/TOWN New York		ZIP CODE 10022	
PHONE 646-378-7219	FAX	E-MAIL dyudelson@sprlaw.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor Appendix E			
CURRENT OWNER'S NAME		OWNERSHIP START DATE:	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME 207 Parking LLC			
ADDRESS 229 Jericho Turnpike			
CITY/TOWN New Hyde Park		ZIP CODE 11040	
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) Appendix 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

Section VII. Requestor Eligibility Information (continued)

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

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

☐ PARTICIPANT

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

☒ VOLUNTEER **Appendix F**

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

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

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

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

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

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

☐ Yes ☐ No

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

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

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

Section IX. Contact List Information Appendix 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 Appendix H

1. What is the current municipal zoning designation for the site? R9A, C2-4

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

☒ Residential ☒ Commercial ☐ Industrial

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

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

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

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

If residential, does it qualify as single family housing?

☐ Yes ☒ No

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

☒ Yes ☐ No

See attached Appendix H.

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

☒ Yes ☐ No

See attached Appendix H.

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

☒ Yes ☐ No

See attached Appendix H.

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)

Harlem River Ninth Avenue
Development LLC

I hereby affirm that I am An authorized signatory (title) of Development 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: 5/5/21

Signature: 

Print Name: David Dishy

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.

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

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

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

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

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

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

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

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

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

BCP Application Summary (for DEC use only)**Site Name:** 408 West 207th Street**City:** New York**Site Address:** 408 West 207th Street**County:** New York**Zip:** 10034**Tax Block & Lot****Section (if applicable):** Manhattan **Block:** 2203 **Lot:** 21**Requestor Name:** Harlem River Ninth Avenue Development LLC**Requestor Address:** 1865 Palmer Avenue**City:** Larchmont, NY**Zip:** 10538**Email:** kkelman@lmdevpartners.com**Requestor's Representative (for billing purposes)****Name:** Katherine Kelman**Address:** 1865 Palmer Avenue**City:** Larchmont, NY**Zip:** 10538**Email:** kkelman@lmdevpartners.com**Requestor's Attorney****Name:** David Yudelson, Esq./Sive, Paget & Riesel, PC **Address:** 560 Lexington Avenue**City:** New York**Zip:** 10022**Email:** dyudelson@sprlaw.com**Requestor's Consultant****Name:** Jessica L. Taylor, P.G./Roux Environmental Engineering and Geology, D.P.C. **Address:** 209 Shafter Street**City:** Islandia**Zip:** 11749**Email:** jtaylor@rouxinc.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

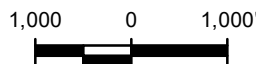
Notes:

FIGURES

1. Site Location Map
2. Tax Map
3. Existing Conditions and Adjacent Property Owners
4. Surrounding Land Use
5. Soil Sample Locations and Exceedances
6. Groundwater Sample Locations and Exceedances
7. Soil Vapor Sample Locations and Detections



QUADRANGLE LOCATION



Title:

SITE LOCATION MAP

408 WEST 207TH STREET
MANHATTAN, NEW YORK

Prepared for:

HARLEM RIVER NINTH AVENUE DEVELOPMENT LLC

ROUX

Compiled by: D.M.

Date: 05/05/21

FIGURE

Prepared by: M.S.R.

Scale: AS SHOWN

Project Mgr: V.S.

Project: 2477.0008Y000

File: 2477.0008Y111.1.mxd

1



LEGEND

- BCP SITE BOUNDARY
- 2203 21BLOCK LOT

NOTE

1. SOURCE - NEW YORK CITY DEPARTMENT OF INFORMATION AND TECHNOLOGY



Title:

TAX MAP

408 WEST 207TH STREET
MANHATTAN, NEW YORK

Prepared for:

HARLEM RIVER NINTH AVENUE DEVELOPMENT LLC

ROUX

Compiled by: D.M.

Prepared by: M.S.R.

Project Mgr: V.S.

File: 2477.0008Y111.2.mxd

Date: 05/06/21

Scale: AS SHOWN

Project: 2477.0008Y000

FIGURE
2



V:\GIS\PROJECTS\2477Y\0008Y\111\2477.0008Y111.3.MXD



LEGEND

BCP SITE BOUNDARY

NOTE

1. SOURCE - NEW YORK CITY DEPARTMENT OF INFORMATION AND TECHNOLOGY

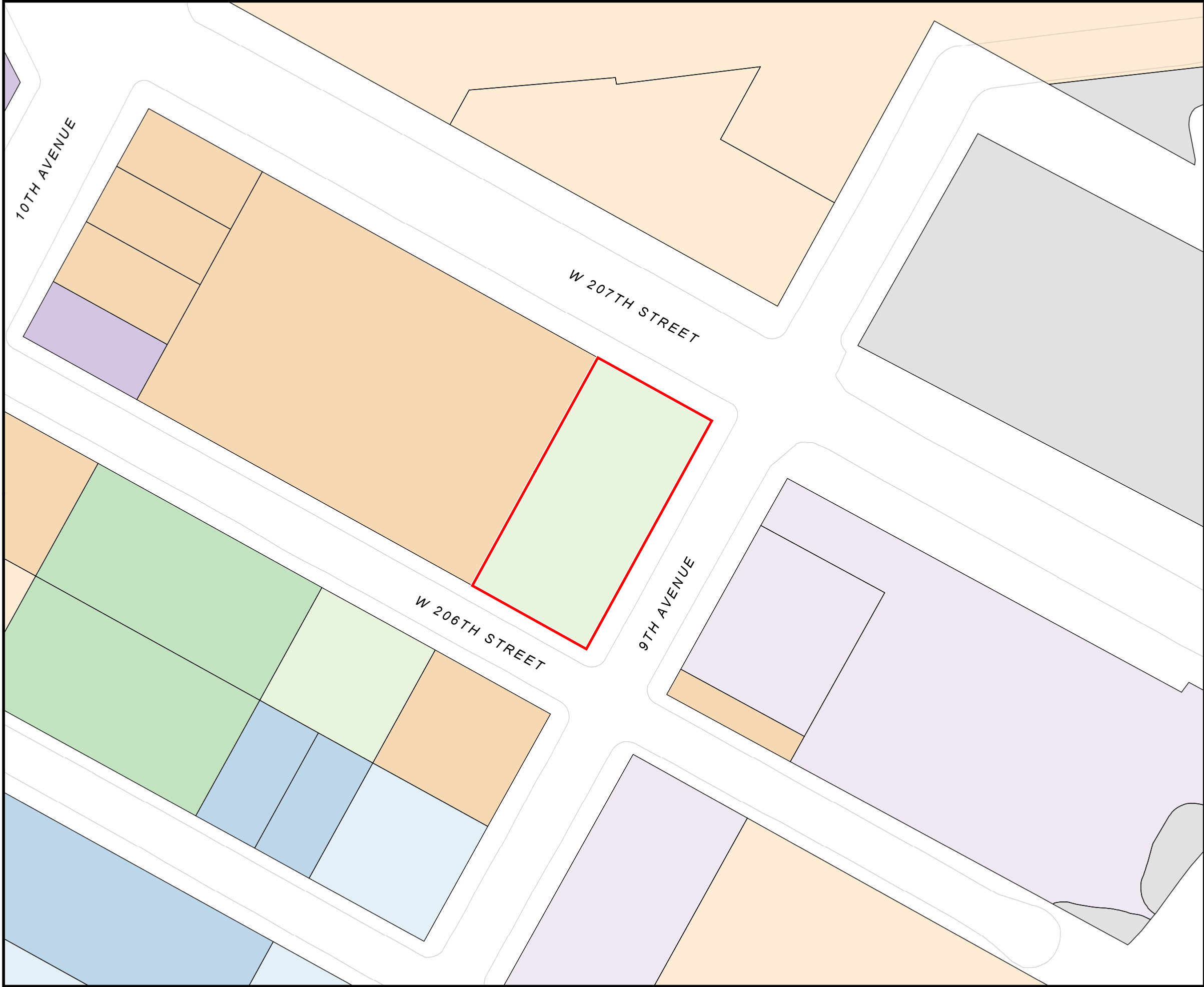


Title:
**EXISTING CONDITIONS AND
ADJACENT PROPERTY OWNERS**

408 WEST 207TH STREET
MANHATTAN, NEW YORK

Prepared for:
HARLEM RIVER NINTH AVENUE DEVELOPMENT LLC

ROUX	Compiled by: D.M.	Date: 05/06/21	FIGURE 3
	Prepared by: M.S.R.	Scale: AS SHOWN	
	Project Mgr: V.S.	Project: 2477.0008Y000	
	File: 2477.0008Y111.3.mxd		



V:\GIS\PROJECTS\2477Y\0008Y\111\2477_0008Y\111.4.MXD



LEGEND

- BCP SITE BOUNDARY
- MULTI-FAMILY WALK-UP BUILDINGS
- MULTI-FAMILY ELEVATOR BUILDINGS
- MIXED RESIDENTIAL & COMMERCIAL BUILDINGS
- COMMERCIAL & OFFICE BUILDINGS
- INDUSTRIAL & MANUFACTURING
- TRANSPORTATION & UTILITY
- PUBLIC FACILITIES & INSTITUTIONS
- OPEN SPACE & OUTDOOR RECREATION
- PARKING FACILITIES
- VACANT LAND

NOTE

- SOURCE - NEW YORK CITY DEPARTMENT OF INFORMATION AND TECHNOLOGY



Title:

SURROUNDING LAND USE

408 WEST 207TH STREET
MANHATTAN, NEW YORK

Prepared for:

HARLEM RIVER NINTH AVENUE DEVELOPMENT LLC









Compiled by: D.M.	Date: 05/06/21
Prepared by: M.S.R.	Scale: AS SHOWN
Project Mgr: V.S.	Project: 2477.0008Y000
File: 2477.0008Y111.4.mxd	

FIGURE

4

V:\CAD\PROJECTS\2477Y\0008Y\11\2477.0008Y11.02.DWG

LEGEND

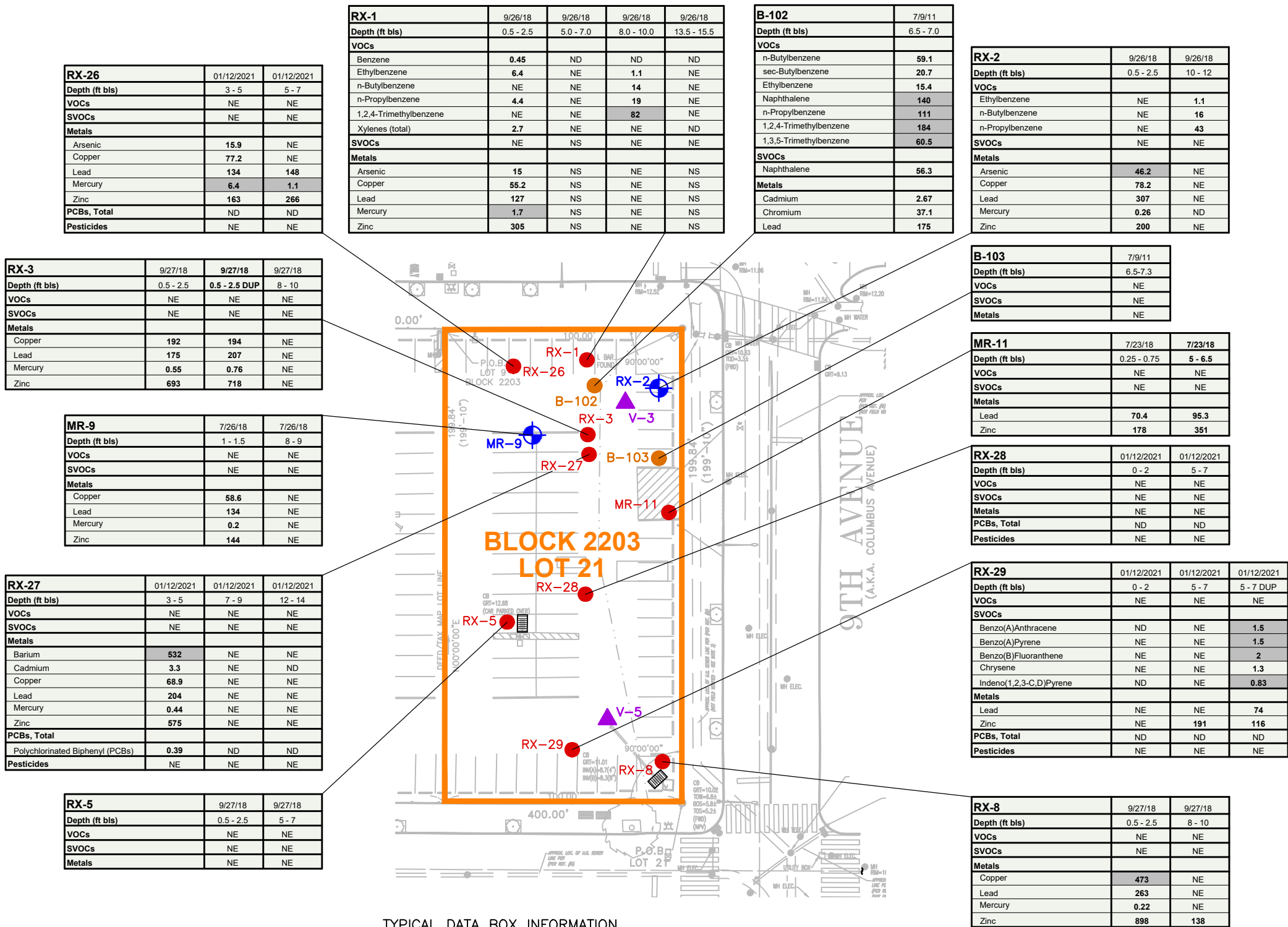
- MR-12**  SOIL BORING AND TEMPORARY MONITORING WELL LOCATION AND DESIGNATION
- B-101**  SOIL BORING AND TEMPORARY MONITORING WELL LOCATION AND DESIGNATION (INSTALLED BY STANTEC, 2011)
- RX-18**  SOIL BORING LOCATION AND DESIGNATION (INSTALLED BY ROUX, 2018 AND 2021)
- V-4**  SOIL VAPOR SAMPLING LOCATION AND DESIGNATION
-  CATCH BASIN
-  SITE

TYPICAL DATA BOX INFORMATION

SAMPLE ID#	RX-5	9/27/18	9/27/18	SAMPLE DATE
	Depth (ft bls)	0.5 - 2.5	5 - 7	SAMPLE DEPTH (FT)
ANALYTES	VOCs	NE	NE	CONCENTRATION (mg/kg)
	SVOCs	NE	NE	
	Metals	NE	NE	

RESULTS SHOWN IN **BOLD** TYPE EXCEED NYSDEC PART 375 UNRESTRICTED USE SOIL CLEANUP OBJECTIVES

RESULTS WITH GRAY BACKGROUND EXCEED NYSDEC PART 375 RESTRICTED RESIDENTIAL SOIL CLEANUP OBJECTIVES



Parameter	NYSDEC Part 375 UUSCOs	NYSDEC Part 375 RRSCOs
(Concentrations in mg/kg)	(mg/kg)	(mg/kg)
VOCs		
Benzene	0.06	4.8
Ethylbenzene	1	41
n-Butylbenzene	12	100
n-Propylbenzene	3.9	100
1,2,4-Trimethylbenzene	3.6	52
1,3,5-Trimethylbenzene	8.4	52
Xylenes (total)	0.26	100
SVOCs		
Naphthalene	12	100
Benzo(A)Anthracene	1	1
Benzo(A)Pyrene	1	1
Benzo(B)Fluoranthene	1	1
Chrysene	1	3.9
Indeno(1,2,3-C,D)Pyrene	0.5	0.5
Metals		
Arsenic	13	16
Barium	350	400
Cadmium	2.5	4.3
Chromium	30	180
Copper	50	270
Lead	63	400
Mercury	0.18	0.81
Zinc	109	10000
PCBs, Total	0.1	1
Pesticides	NE	NE

mg/kg - MILLIGRAMS PER KILOGRAM

UUSCOs - NYSDEC PART 375 UNRESTRICTED USE SOIL CLEANUP OBJECTIVES

RRSCOs - NYSDEC PART 375 RESTRICTED RESIDENTIAL SOIL CLEANUP OBJECTIVES

NYSDEC - NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

-- - NO NYSDEC PART 375 SOIL CLEANUP OBJECTIVES AVAILABLE

DUP - DUPLICATE SAMPLE

VOCs - VOLATILE ORGANIC COMPOUNDS

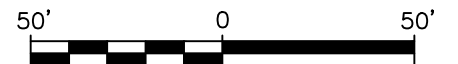
SVOCs - SEMIVOLATILE ORGANIC COMPOUNDS

NE - NO EXCEEDANCE

ND - NO DETECTION

NS - NOT SAMPLED

ft bls - FEET BELOW LAND SURFACE



Title: SOIL SAMPLE LOCATIONS AND EXCEEDANCES			
408 WEST 207TH STREET NEW YORK, NEW YORK			
Prepared for: HARLEM RIVER NINTH AVENUE DEVELOPMENT LLC			
ROUX	Compiled by: D.M.	Date: 16MAR21	FIGURE 5
	Prepared by: G.M.	Scale: AS SHOWN	
	Project Mgr: V.S.	Project: 2477.0008Y000	
	File: 2477.0008Y11.02.DWG		

V:\CAD\PROJECTS\2477Y\0008Y\11\2477.0008Y11.02.DWG

B-102	7/19/11
VOCs	
Benzene	3.6
n-Butylbenzene	54.2
tert-butylbenzene	30.3
Ethylbenzene	46.6
Isopropylbenzene	129 J
4-Isopropyltoluene	10
Naphthalene	182 J
n-Propylbenzene	311 J
1,2,4-Trimethylbenzene	172 J
1,3,5-Trimethylbenzene	51.3
m+p-Xylene	10.5
SVOCs	
Naphthalene	52.6
Metals	NE

MR-9	8/2/18
VOCs	
Chloroform	8.2
SVOCs	NE
Metals	
Iron	857
Magnesium	40500
Manganese	424
Selenium	11.7
Sodium	615000




RX-2	9/27/18
VOCs	
Benzene	54 T
Ethylbenzene	28
Isopropylbenzene	280
m+p-Xylene	7.1
Toluene	5.5
SVOCs	
Naphthalene	90
Metals	
Iron	19400
Lead	209
Magnesium	46900
Manganese	726
Sodium	335000

B-103	7/19/11
VOCs	
Benzene	10.7
n-Butylbenzene	56.1
sec-Butylbenzene	24.2
Ethylbenzene	12.3
Isopropylbenzene	128
Naphthalene	133
n-Propylbenzene	383
SVOCs	
Naphthalene	52.6
Metals	NE

Parameter	NYSDEC AWQSGVs
(Concentrations in µg/L)	(µg/L)
VOCs	
Chloroform	7
Benzene	1
Ethylbenzene	5
tert-Butylbenzene	5
n-Butylbenzene	5
sec-Butylbenzene	5
Isopropylbenzene	5
n-Propylbenzene	5
1,2,4-Trimethylbenzene	5
1,3,5-Trimethylbenzene	5
4-Isopropyltoluene	5
Toluene	5
m+p-Xylene	5
Xylenes (total)	5
SVOCs	
Naphthalene	10
Metals	
Iron	300
Magnesium	35,000
Manganese	300
Sodium	20,000
Lead	25
Selenium	10

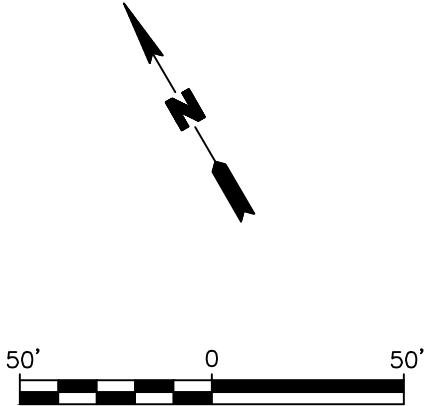
µg/L – MICROGRAMS PER LITER
NYSDEC – NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
AWQSGVs – AMBIENT WATER-QUALITY STANDARDS AND GUIDANCE VALUES
T – INDICATES THAT A QUALITY CONTROL PARAMETER HAS EXCEEDED LABORATORY LIMITS
J – ESTIMATED VALUE
DUP – DUPLICATE SAMPLE
VOCs – VOLATILE ORGANIC COMPOUNDS
SVOCs – SEMIVOLATILE ORGANIC COMPOUNDS
NE – NO EXCEEDANCES
ND – NO DETECTION
RESULTS SHOWN IN **BOLD TYPE** EXCEED NYSDEC PART 375 AWQSGVs

LEGEND

- MR-12** SOIL BORING AND TEMPORARY MONITORING WELL LOCATION AND DESIGNATION
- B-101** SOIL BORING AND TEMPORARY MONITORING WELL LOCATION AND DESIGNATION (INSTALLED BY STANTEC, 2011)
- RX-18** SOIL BORING LOCATION AND DESIGNATION (INSTALLED BY ROUX, 2018 AND 2021)
- V-4** SOIL VAPOR SAMPLING LOCATION AND DESIGNATION
-  CATCH BASIN
-  SITE
-  ASSUMED GROUNDWATER FLOW DIRECTION

TYPICAL DATA BOX INFORMATION


SAMPLE ID#	MR-9	8/2/18	SAMPLE DATE
ANALYTES	VOCs		CONCENTRATION (µg/L)
	Chloroform	8.2	
	SVOCs	NE	
	Metals		
	Iron	857	
	Magnesium	40500	
	Manganese	424	
	Selenium	11.7	
	Sodium	615000	



Title:
**GROUNDWATER SAMPLE LOCATIONS
AND EXCEEDANCES**

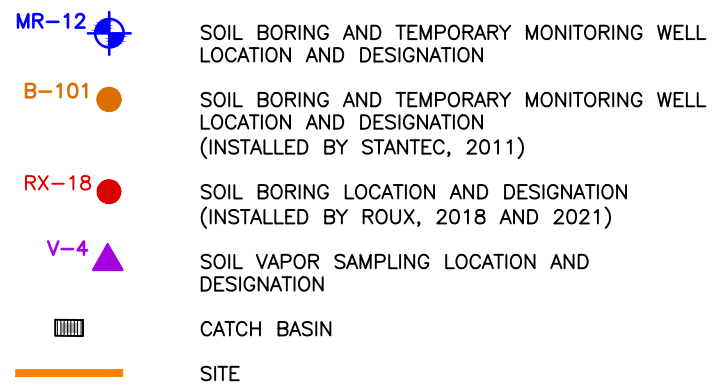
408 WEST 207TH STREET
NEW YORK, NEW YORK

Prepared for:
HARLEM RIVER NINTH AVENUE DEVELOPMENT LLC

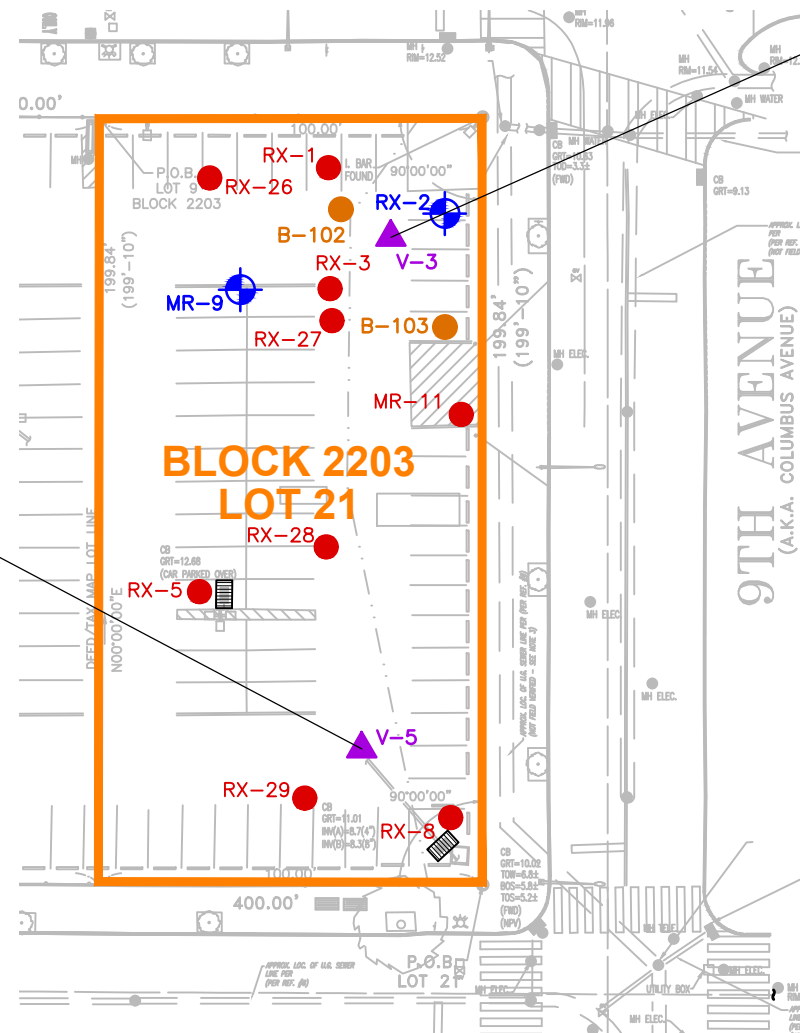


Compiled by: D.M.	Date: 16MAR21
Prepared by: G.M.	Scale: AS SHOWN
Project Mgr: V.S.	Project: 2477.0008Y000
File: 2477.0008Y11.02.DWG	

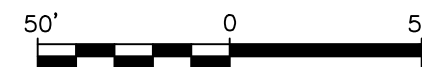
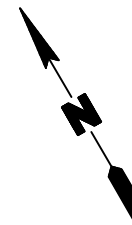
FIGURE
6



V-5	8/2/18
Depth (ft bls)	4.5-5
VOCs	
1,1,1-Trichloroethane	6.0 J
1,3-Butadiene	13
2-Butanone (MEK)	11 J
Benzene	8.6 J
Butane	170
Carbon disulfide	21 J
Chloroform	27
Cyclohexane	14
Isooctane	39
m+p-Xylene	4.9 J
N-HEPTANE	160
n-Hexane	84
Tetrachloroethene	26
Toluene	1300



V-3	8/2/18
Depth (ft bls)	4.5-5
VOCs	
Benzene	5400 J
Butane	24000
Cyclohexane	11000
Isooctane	110000
Isopropylbenzene	5300 J
n-HEPTANE	24000
n-Hexane	20000
n-Propylbenzene	4500 J




SOIL VAPOR SAMPLE LOCATIONS AND DETECTIONS

408 WEST 207TH STREET
NEW YORK, NEW YORK

Prepared for:

HARLEM RIVER NINTH AVENUE DEVELOPMENT LLC

	Compiled by: D.M.	Date: 16MAR21	FIGURE 7
	Prepared by: G.M.	Scale: AS SHOWN	
	Project Mgr: V.S.	Project: 2477.0008Y000	
	File: 2477.0008Y111.02.DWG		

7

BOX INFORMATION

SAMPLE ID#	V-3	8/2/18	SAMPLE DATE
	Depth (ft bls)	4.5-5	
	VOCs		
	Benzene	5400 J	
	Butane	24000	
	Cyclohexane	11000	
	Isooctane	1100000	
	Isopropylbenzene	5300 J	
	N-HEPTANE	24000	
	n-Hexane	20000	
	n-Propylbenzene	4500 J	

CONCENTRATIONS IN $\mu\text{g}/\text{m}^3$

μg/m³ – MICROGRAMS PER CUBIC METER

VOCs – VOLATILE ORGANIC COMPOUNDS

J – ESTIMATED VALUE

FT BLS – FEET BELOW LAND SURFACE

- A. Requestor Information
- B. Property Description
- C. Property's Environmental History
- D. Property Information
- E. Current Property Owner-Operator Information
- F. Requestor Eligibility Information
- G. Contact List Information
- H. Land Use Factors

Requestor Information

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through April 29, 2021.

Selected Entity Name: HARLEM RIVER NINTH AVENUE DEVELOPMENT LLC

Selected Entity Status Information

Current Entity Name: HARLEM RIVER NINTH AVENUE DEVELOPMENT LLC

DOS ID #: 5997226

Initial DOS Filing Date: APRIL 23, 2021

County: WESTCHESTER

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

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

C/O L & M DEVELOPMENT PARTNERS INC.

1865 PALMER AVENUE

SUITE # 203

LARCHMONT, NEW YORK, 10538

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
APR 23, 2021	Actual	HARLEM RIVER NINTH AVENUE DEVELOPMENT 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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Block 2203, Lot 21, New York County
Ownership Structure – Harlem River Ninth Avenue Development LLC

Block: 2203, Lot: 21
408 West 207th Street
New York, New York

Harlem River Ninth Avenue Development LLC
a New York limited liability company
(Fee Simple Owner)
EIN: 86-3498117

HARLEM RIVER NINTH AVENUE DEVELOPMENT LLC

SOLE MANAGER AND SOLE MEMBER CONSENT AND CERTIFICATE

The undersigned, being the sole member and manager (“**Manager**”) of Harlem River Ninth Avenue Development LLC (the “**Company**”), hereby certifies as of May 6, 2021 as follows and adopt the following resolutions and authorize the Authorized Signatories (as hereinafter defined) to take the following actions on behalf of the Company:

1. The Member is the sole member of the Company.
2. The Manager is the sole manager of the Company.

WHEREAS, the Company, was formed to acquire, own, administer, lease, service, sell, dispose of, finance, refinance, improve, develop or otherwise deal with its ownership interests in the property commonly known as 408 West 207th Street, New York, New York, also known as Block 2203, Lot 21 on the Tax Map of the City of New York, New York County (the “**Lot 21 Property**”).

WHEREAS, in furtherance of the Company’s purpose, the Company seeks to engage in certain predevelopment, planning and site permitting activity as necessary to prepare for the demolition and development of the Lot 21 Property, including but not limited to the submit Brownfield Cleanup Program Application for acceptance under the New York State Department of Environmental Conservation Brownfield Cleanup Program, and such other actions and documentation as necessary for acceptance to secure an acceptable Brownfield Site Cleanup Agreement.

WHEREAS, the undersigned, in it its capacity as both Manager and Member of the Company, desires to adopt the following resolutions in connection therewith, and appoint certain authorized signatories as provided for in this Consent and Certificate.

NOW THEREFORE, BE IT

RESOLVED, that all actions heretofore taken on behalf of the Company by the Organizer are hereby ratified and affirmed;

RESOLVED, that the following person, together with any persons previously so appointed, is also hereby appointed as an Authorized Signatory of the Company, with respect to the consents and resolutions contemplated in this Consent, but not in contravention of the Company’s Operating Agreement or the Member’s operating agreement:

David Dishy

RESOLVED, that all actions that have been taken and to be taken by the Authorized Signatory or Manager in connection with these consents are hereby approved, adopted, ratified and confirmed by the Company in all respects; and it is further

RESOLVED, that all actions heretofore taken by the Authorized Signatory or Manager in connection with the transactions contemplated by the foregoing resolutions be, and they hereby are, approved, adopted, ratified and confirmed in all respects; and it is further

RESOLVED, that the foregoing resolutions shall be deemed to include all such further acts and deeds as may be necessary, convenient or appropriate, in the judgment of the Authorized Signatory or Manager, to carry out fully the purpose and intent of the transactions contemplated thereby; and it is further

RESOLVED, that this Manager and Member Consent and Certificate may be signed in any number of counterparts, may be executed by electronic signature and shall become effective as of the date herein below written when each person named below shall have signed a copy hereof; and be it further

[Signature Page Follows.]

IN WITNESS WHEREOF, the Manager and Member of the Company, have signed this Consent and Certificate as of the date set forth above.

HARLEM RIVER NINTH AVENUE SM LLC

By: 

Name: Ronald Moelis

Title: Authorized Signatory

[Harlem River Ninth Avenue Development LLC – BCP Application and Predevelopment Consent]

Property Description

Appendix B – Project Description
408 West 207th Street
408 West 207th Street, Manhattan New York 10034
BCP Application – Section II, Question 3

The Site proposed for entry into the Brownfield Cleanup Program (BCP) is located at 408 West 207th Street in the Inwood section of Manhattan New York (Site), as shown on Figure 1. The Site is Tax Block 2203, Lot 21 (Figure 2) in New York County and encompasses approximately 0.46-acres of land. The Site is currently used as a paid parking lot. The Site is bounded by West 207th Street and the 207th Street Train Yard Facility and a gasoline station across the street to the north, West 206th Street, beyond which are residential and commercial use buildings with parking lots to the south, 9th Avenue, beyond which is a commercial use building and the Harlem River to the east, and a parking lot, grocery store and commercial use buildings to the west, as shown on Figure 3.

Proposed Development Plan

The Site is proposed for an unrestricted use. The development proposal plan includes the construction of a new building covering the entire footprint of the Site. This building will be part of New York City Housing Preservation and Development (NYC HPD) sponsored affordable housing program. The development will include affordable and market rate housing. Residential amenities will include community rooms, laundry facilities, a fitness center and other spaces as directed by the client. Parking to meet residential and retail parking requirements will be provided at grade and in the cellar. The cellar will also contain retail storage, utility service rooms, and residential back of house. Owners and land use descriptions for properties in the surrounding area are shown on Figures 3 and 4, respectively.

Projected Schedule

Timeframe	Description
May 2021	Submit BCP Application and Interim Remedial Measure/ Remedial Investigation Work Plan (IRM/RIWP) to NYSDEC
August 2021	Begin demolition/removal under the IRM and conduct RI Field Work
October 2021	Submit combined Remedial Investigation Report (RIR)/Remedial Action Work Plan (RAWP) to NYSDEC
February 2022	Localized remedial excavation under the IRM
February 2022	Finalize and certify RIR/RAWP, NYSDEC prepares Decision Document and Approval and issues Fact Sheet approving Construction
March 2022	Commence Remedial Construction Under the RIR/RAWP
December 2022	Targeted Certificate of Completion

Property's Environmental History

Appendix C – Property's Environmental History

408 West 207th Street
408 West 207th Street, Manhattan New York 10034
BCP Application - Section III

The following previous environmental investigations that have been conducted at the Site are attached for review in Appendix C and on the enclosed CD:

- **Phase I Environmental Site Assessment (ESA)**, prepared by EBI Consulting (EBI), dated October 7, 2010
- **Phase II ESA**, prepared by Stantec, dated December 8, 2011
- **Subsurface Investigation Report (SIR)**, prepared by Roux Environmental Engineering and Geology, D.P.C. (Roux), dated December 19, 2018
- **Remedial Investigation Report (RIR)**, prepared by Roux, dated June 12, 2019
- **New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Eligibility Soil Sampling for 408 West 207th Street, New York, New York**, performed by Roux Environmental Engineering and Geology, D.P.C, January 2021

A summary of the findings from assessments of the Site is provided below.

Phase I ESA, prepared by EBI Consulting (EBI), dated October 7, 2010

Several recognized environmental conditions (RECs) were identified in the EBI Phase I ESA. The portion of the Phase I ESA relating to Lot 21 is discussed below. The RECs are summarized as follows:

RECs

- The potential presence of fill material is a REC for Lot 21. Urban sites such as the Site have typically been filled with material imported from off-site sources during development. Such fill material may have unknown origins and has the potential to exhibit contaminant concentrations above regulatory cleanup criteria.
- According to historic records reviewed by EBI, a gasoline station occupied the northern portion of Lot 21 from 1947 until 1968 and an auto garage occupied the southern portion of Lot 21 from 1926 until 1968. The former operations are suspected to have included the on-site storage and use of petroleum products, automotive fluids, battery acids, solvents, and/or other hazardous materials. No additional documentation regarding closure of the former underground storage tank (UST) systems, or documentation regarding previous soil and/or groundwater investigation in this area, was identified during the ESA. Based upon the absence of closure documentation, the potential exists that the former UST systems and historical use have impacted subsurface conditions for Lot 21. This is considered a REC.

Phase II ESA, prepared by Stantec, dated December 8, 2011

Stantec performed a Phase II ESA in December 2011, which is provided in Appendix C. The portion of the Phase II ESA relating to Lot 21 is discussed below. A summary of findings is provided below:

Soil/Fill

According to the Stantec Phase II ESA, photoionization detector (PID) field screening results for soil samples collected from borings indicated the presence of VOCs at concentrations elevated above background. Measured PID concentrations in the top four to five feet of overburden material were 0.0 to 187 parts per million by volume (ppmv) at B-102, and 20.3 ppmv at B-103. PID readings in the soil samples collected from 5 to 16 feet below land surface (ft bls) ranged from 462 to 858 ppmv at B-102 and from 72 to 1,275 ppmv at B-103. VOC, SVOC, and metals exceedances of NYSDEC Part 375 Unrestricted Use Soil Cleanup Objectives (UUSCOs) and NYSDEC Part 375 Restricted Residential Soil Cleanup Objectives (RRSCOs) within the boundaries of the Site are depicted on Figure 5.

Appendix C – Property's Environmental History

408 West 207th Street
408 West 207th Street, Manhattan New York 10034
BCP Application - Section III

Groundwater

According to the Stantec Phase II ESA, VOCs and the SVOC naphthalene analyzed in groundwater exceeded NYSDEC Ambient Water Quality Standards and Guidance Values (AWQSGVs). Locations within the boundaries of the Site are depicted on Figure 6.

Remedial Investigation Report (RIR), prepared by Roux, dated June 12, 2019

Roux performed an investigation of soil, groundwater, and soil vapor at the Site in June 2019, which is described in the RIR prepared for the New York City Mayor's Office of Environmental Remediation (NYCOER) and provided in Appendix C. The portion of the RIR relating to Lot 21 is discussed below. A summary of findings is provided below:

Soil/Fill

According to the RIR for the Site, the following analytes in soil exceeded NYSDEC Part 375 Restricted Residential Soil Cleanup Objectives (RRSCOs):

Metals

- Mercury, arsenic, and copper

Exceedances of RRSCOs and UUSCOs within the boundaries of the Site are depicted on Figure 5.

Groundwater

Groundwater was encountered between 7 and 10 ft bls. Under natural, undisturbed conditions, shallow groundwater flow generally follows the topography of the land surface. Based on the surrounding topography, the presumed groundwater flow in the vicinity of the Site is in an east-southeasterly direction towards the Harlem River, located approximately 580 feet to the east of the Site. According to the RIR for the Site, the following analytes in groundwater exceeded NYSDEC AWQSGVs:

VOCs

- Benzene, ethylbenzene, isopropylbenzene, m+p-xylene, toluene, and chloroform

SVOCs

- Naphthalene

Metals (total)

- Iron, lead, magnesium, manganese, selenium, and sodium

Exceedances of AWQSGVs within the boundaries of the Site are depicted on Figure 6.

Soil Vapor

Soil vapor samples collected from a depth of five ft bls showed significant levels of petroleum related VOCs and low levels of CVOCs. According to the RIR for the Site, the following analytes were detected in soil vapor samples that were collected as part of the December 2018 SIR:

VOCs

- 1,1,1-trichloroethane, 1,3-butadiene, 2-butanone, n-hexane, benzene, butane, carbon disulfide, chloroform, cyclohexane, isopropylbenzene, n-heptane, n-propylbenzene, m+p-xylene, isooctane, styrene, tetrachloroethene (PCE), and toluene.

Detections of analytes in soil vapor within the boundaries of the Site are depicted on Figure 7. As a note, Category B data packages are available for this data and will be used during preparation of a RIR, including a DUSR, for the Site.

NYSDEC Spill

Spill number 1902616 was assigned to the Site on June 12, 2019 after the NYCOER reviewed the Site data from 2011 and identified one soil boring (B-102) with evidence of petroleum contamination. No additional work has been required by NYSDEC in relation to this Spill Number.

Appendix C – Property's Environmental History

408 West 207th Street
408 West 207th Street, Manhattan New York 10034
BCP Application - Section III

NYSDEC BCP Eligibility Soil Sampling, performed by Roux, January 2021

Roux performed a subsurface soil investigation in January 2021. Four soil borings (RX-26 through RX-29) were advanced during the investigation of the Site. Similar to previous investigations, groundwater was encountered between 7 and 10 feet below land surface (ft bls). Subsurface materials generally contained fill materials (consisting of sand, gravel, brick, concrete, tile, and glass), ranging from 5 to 9.5 ft bls. Fill materials overlie native fine to coarse sand with some gravel and silt. A layer of peat was observed from 14 to 15 ft bls at location RX-26.

Included in Appendix C2 is the Roux Sampling Protocol Documents, which details procedures that are implemented during soil sampling at sites. As described in the guidance, any asphalt, concrete, root zone, gravel or surficial material near the shallow soil sample is removed prior to sampling collection.

A total of 10 soil samples including associated quality assurance/quality control (QA/QC) samples were collected in laboratory-supplied containers and submitted for analysis of VOCs, SVOCs, metals, pesticides, and polychlorinated biphenyls (PCBs). A summary of findings of detected compounds and comparison to NYSDEC Part 375 RRSCOs for soil is provided below:

Soil Results

The following SVOCs and metals are the primary contaminants of concern and exceeded the NYSDEC Part 375 RRSCOs.

SVOCs:

- Benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, and indeno(1,2,3-c,d)pyrene

Metals:

- Barium and mercury

Exceedances of the RRSCOs and UUSCOs within the boundaries of the proposed Site are depicted on Figure 5. As a note, Category B data packages are available for this data and will be used during preparation of a RIR, including a DUSR, for the Site.

SOIL EXCEEDANCE SUMMARY

The proposed use of the site is unrestricted. Site redevelopment plan is to provide affordable and market rate housing, therefore the available soil data was compared to the NYSDEC UUSCOs and RRSCOs to identify the contaminants required to be remediated to meet the soil cleanup objectives and undertake the anticipated use. A summary of the UUSCO and RRSCO exceedances in soil on the proposed Site (Block 2203, Lot 21) is presented below. Additional soil sampling and analysis is planned as part of the Remedial Investigation upon acceptance into the NYSDEC Brownfields Cleanup Program. Exceedances of the UUSCOs and RRSCOs within the boundaries of the proposed Site are graphically depicted on Figure 5¹.

VOCs

Laboratory analytical data for the exceedances of UUSCOs and RRSCOs for VOCs are summarized below with the exceedances of RRSCOs noted in **red** text.

Analyte	Number of UUSCO/RRSCO Exceedances	Location of Maximum SCO Exceedance	Maximum Concentration (mg/kg or ppm)	UUSCO/RRSCO (mg/kg or ppm)
1,2,4-Trimethylbenzene	2/2	B-102 (6.5-7 ft bls)	184	3.6/52
1,3,5-Trimethylbenzene	1/1	B-102 (6.5-7 ft bls)	60.5	8.4/52

¹ A Track 1 Unrestricted Use remedy will be proposed for the Site.

Appendix C – Property's Environmental History

408 West 207th Street
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Analyte	Number of UUSCO/RRSCO Exceedances	Location of Maximum SCO Exceedance	Maximum Concentration (mg/kg or ppm)	UUSCO/RRSCO (mg/kg or ppm)
Benzene	1/0	RX-1 (0.5-2.5 ft bls)	0.45	0.06/4.8
Ethylbenzene	4/0	B-102 (6.5-7 ft bls)	15.4	1/41
n-Butylbenzene	3/0	B-102 (6.5-7 ft bls)	59.1	12/100
sec-Butylbenzene	1/0	B-102 (6.5-7 ft bls)	20.7	11/100
n-Propylbenzene	4/1	<u>B-102 (6.5-7 ft bls)</u>	<u>111</u>	3.9/100
Naphthalene	1/1	<u>B-102 (6.5-7 ft bls)</u>	<u>140</u>	12/100
Xylenes (total)	1/0	RX-1 (0.5-2.5 ft bls)	2.7	0.26/100

Semivolatile Organic Compounds (SVOCs)

Laboratory analytical data for the exceedances of UUSCOs and RRSCOs for SVOCs are summarized below with the exceedances of RRSCOs noted in red text. Please note that the compounds detected in exceedance of RRSCOs in RX-29 (5-7 ft bls) were from the duplicate sample collected for quality assurance and were not detected above RRSCOs in the parent sample. Each of the compounds listed below for RX-29 (5-7 ft bls) DUP was also detected in the parent sample; however, all concentrations were below RRSCOs.

Analyte	Number of UUSCO/RRSCO Exceedances	Location of Maximum SCO Exceedance	Maximum Concentration (mg/kg or ppm)	UUSCO/RRSCO (mg/kg or ppm)
Benzo(a)anthracene	1/1	<u>RX-29 (5-7 ft bls) DUP</u>	<u>1.5</u>	1/1
Benzo(a)pyrene	1/1	<u>RX-29 (5-7 ft bls) DUP</u>	<u>1.5</u>	1/1
Benzo(b)fluoranthene	1/1	<u>RX-29 (5-7 ft bls) DUP</u>	<u>2</u>	1/1
Chrysene	1/0	RX-29 (5-7 ft bls) DUP	1.3	1/3.9
Indeno(1,2,3-C,D)Pyrene	1/1	<u>RX-29 (5-7 ft bls) DUP</u>	<u>0.83</u>	0.5/0.5
Naphthalene	1/0	B-102 (6.5-7 ft bls)	56.3	12/100

Metals

Laboratory analytical data for the exceedances of UUSCOs and RRSCOs for metals are summarized below with the exceedances of RRSCOs noted in red text.

Analyte	Number of UUSCO/RRSCO Exceedances	Location of Maximum SCO Exceedance	Maximum Concentration (mg/kg or ppm)	UUSCO/RRSCO (mg/kg or ppm)
Arsenic	3/1	<u>RX-2 (0.5-2.5 ft bls)</u>	<u>46.2</u>	13/16
Barium	1/1	<u>RX-27 (3-5 ft bls)</u>	<u>532</u>	350/400
Cadmium	2/0	RX-27 (3-5 ft bls)	3.3	2.5/4.3
Chromium	1/0	B-102 (6.5-7 ft bls)	37.1	30/180

Appendix C – Property's Environmental History

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Analyte	Number of UUSCO/RRSCO Exceedances	Location of Maximum SCO Exceedance	Maximum Concentration (mg/kg or ppm)	UUSCO/RRSCO (mg/kg or ppm)
Copper	1/1	<u>RX-8 (0.5-2.5 ft bls)</u>	<u>473</u>	50/270
Lead	13/0	RX-2 (0.5-2.5 ft bls)	307	63/400
Mercury	9/3	<u>RX-26 (3-5 ft bls)</u>	<u>6.4</u>	0.18/0.81
Zinc	14/0	RX-8 (0.5-2.5 ft bls)	898	109/10000

PCBs

Laboratory analytical data for the exceedances of UUSCOs for PCBs are summarized below. Total PCBs were not detected in exceedance of the RRSCOs.

Analyte	Number of UUSCO/RRSCO Exceedances	Location of Maximum SCO Exceedance	Maximum Concentration (mg/kg or ppm)	UUSCO/RRSCO (mg/kg or ppm)
PCBs	1/0	RX-27 (3-5 ft bls)	0.39	0.1/1

Property Information

Appendix D – Property Description Narrative

408 West 207th Street

408 West 207th Street, Manhattan New York 10034

BCP Application - Section IV, Question 10

Location

The Site is located at 408 West 207th Street, New York, New York encompassing Manhattan County Tax Map Block 2203, Lot 21. The Site is bounded to the south by West 206th Street, to the north by West 207th Street, to the west by a parking lot, grocery store, and commercial buildings, and to the east by 9th Avenue.

A Site Location Map is provided as Figure 1.

Parcel Address	Block No.	Lot No.	Acreage
408 West 207 th Street	2203	21	0.46

Site Features

The Site includes 0.46 acres of land and is currently comprised of an asphalt parking lot. Further details on historic Site use are discussed in the *Past Use of the Site* section below.

Current Zoning and Land Use

The current property zoning is R9A for residential use with a C2-4 commercial overlay, and the Site is within the Special Inwood District. R9A districts typically result in high lot coverage and 14- to 15-story buildings set at or near the street line. The maximum floor area ratio in R9A districts is 7.52. On wide streets, the base height is 60 to 105 feet with a maximum building height of 145 feet. On narrow streets, the base height is 60 to 95 feet with a maximum building height of 135 feet. The street wall of a new building on a wide street must extend along the entire width of the zoning lot and at least 70% of the street wall must be within eight feet of the street line on a narrow street. The area between a building's street wall and the street line must be planted and the building must have interior amenities for residents pursuant to the Quality Housing Program. Typical retail uses included in C2-4 commercial overlay areas include neighborhood grocery stores, restaurants and beauty parlors and may also include uses such as funeral homes and repair services. In mixed residential / commercial buildings, commercial uses are limited to one or two floors and must always be located below the residential use.

The area surrounding the Site is an urban area comprised primarily of commercial and multi-family residential properties (Figure 3). The Site (Block 2203, Lot 21) is adjoined by the following: West 207th Street and the 207th Street Train Yard Facility and a gasoline station across the street to the north, West 206th Street, beyond which are residential and commercial use buildings with parking lots to the south, 9th Avenue, beyond which is a commercial use building and the Harlem River to the east, and a parking lot, grocery store, and commercial buildings to the west.

Past Use of the Site

Based on the review of Historic Sanborn fire insurance maps, aerial photographs, topographic maps, city directories, and New York City Assessor's and Building Department records presented in the October 7, 2010 Phase I Environmental Site Assessment (ESA) prepared by EBI, the following Site history was established. From approximately 1896 through 1925, Block 2203, Lot 21 (Site) and the surrounding area existed as undeveloped land. The southern portion of the Site was developed in 1926 with an automobile garage and operated from 1926 through 1968. From 1947 to 1968, a gasoline filling station was located in the northern area of the Site. According to historic records reviewed by EBI Consulting as part of a Phase I ESA, the former operations are suspected to have included the on-site storage and use of petroleum products, automotive fluids, battery acids, solvents, and/or other hazardous materials. By 1969, all structures were demolished and the paved parking lot was completed and remains present today. The Site is currently owned by Harlem River Ninth Avenue Development LLC.

Appendix D – Property Description Narrative

408 West 207th Street
408 West 207th Street, Manhattan New York 10034
BCP Application - Section IV, Question 10

Site Geology & Hydrogeology

Based on previous environmental reports and investigations performed by Roux and other consultants, subsurface materials generally contain fill materials (consisting of sand, gravel, brick, concrete, tile, and glass), ranging from 5 to 9.5 feet below surface (ft bls). Fill materials overlie native fine to coarse sand with some gravel and silt. A layer of peat was observed from 14 to 15 ft bls at location RX-26 completed by Roux in the northern area of the Site. Bedrock was encountered between 50 and 80 ft bls during the geotechnical investigation performed in conjunction with Roux's 2018 subsurface investigation. Bedrock slopes downward toward the east.

Groundwater was encountered between 7 and 10 ft bls. Under natural, undisturbed conditions, shallow groundwater flow generally follows the topography of the land surface. Based on the surrounding topography, the presumed groundwater flow in the vicinity of the Site is in an east-southeasterly direction towards the Harlem River, located approximately 580 feet to the east of the Site. Groundwater flow direction is likely influenced by subsurface utilities, lithology, and other subsurface features.

Environmental Assessment

Based upon investigations conducted to date, the primary contaminants of concern for the Site include volatile organic compounds (VOCs), a subset of semivolatile organic compounds (SVOCs) known as polycyclic aromatic hydrocarbons (PAHs), and metals in soil, VOCs, naphthalene, and metals in groundwater, and petroleum-related and chlorinated volatile organic compounds (CVOCs) in soil vapor.

In 2019, the New York City Mayor's Office of Environmental Remediation (NYCOER) reviewed the data and identified one soil boring (B-102 collected by Stantec) with evidence of petroleum contamination. NYCOER contacted the New York State Department of Environmental Conservation (NYSDEC) who assigned spill number 1902616 to the Site on June 12, 2019.

Soil – Concentrations of compounds in exceedance of NYSDEC Part 375 Unrestricted Use Soil Cleanup Objectives (UUSCOs) and Restricted Residential Soil Cleanup Objectives (RRSCOs) are shown on Figure 5¹. Petroleum-related VOCs were detected above RRSCOs in two samples; RX-1 (8-10 ft bls) and B-102 (6.5-7 ft bls), both located in the northern area of the Site near the former gas station. 1,2,4-trimethylbenzene slightly exceeded its RRSCO (52 milligrams per kilogram [mg/kg]) with a concentration of 82 mg/kg in sample RX-1 (8-10 ft bls). In sample B-102 (6.5-7 ft bls), 1,2,4-trimethylbenzene moderately exceeded its RRSCO and 1,3,5-trimethylbenzene and n-propylbenzene slightly exceeded their RRSCOs (i.e., n-propylbenzene concentration of 111 mg/kg compared to RRSCO of 100 mg/kg).

PAHs including benzo(a)anthracene (concentration of 1.5 mg/kg compared to RRSCO of 1 mg/kg), benzo(a)pyrene (concentration of 1.5 mg/kg compared to RRSCO of 1 mg/kg), benzo(b)fluoranthene (concentration of 2 mg/kg compared to RRSCO of 1 mg/kg), and indeno(1,2,3-c,d)pyrene (concentration of 0.83 mg/kg compared to RRSCO of 0.5 mg/kg) were detected at concentrations slightly above their respective RRSCOs in an interval of fill from the 5 to 7 ft bls depth interval in boring RX-29, located in the southern area of the Site. One PAH, naphthalene², slightly exceeded its RRSCO (100 mg/kg) in sample B-102 (6.5-7 ft bls) (140 mg/kg), located in the northern area of the Site.

¹ A Track 1 Unrestricted Use remedy will be proposed for the Site

² Naphthalene was analyzed by methods 8260 and 8270 in soil during the Stantec 2011 investigation. The RRSCO was exceeded based on the 8260 results, but not based on the 8270 results.

Appendix D – Property Description Narrative

408 West 207th Street

408 West 207th Street, Manhattan New York 10034

BCP Application - Section IV, Question 10

Metals including barium, mercury, copper, and arsenic were detected above their respective RRSCOs in several soil samples collected between 0.5 and 7 ft bls. Barium slightly exceeded its RRSCO of 400 mg/kg in sample RX-27 (3-5 ft bls) (532 mg/kg), located in the northern area of the Site. Mercury slightly exceeded its RRSCO (0.81 mg/kg) in two samples in the northern portion of the Site; RX-1 (0.5-2.5 ft bls) and RX-26 (5-7 ft bls), and exceeded its RRSCO by an order of magnitude in sample RX-26 (3-5 ft bls) (6.4 mg/kg). Copper in sample RX-8 (0.5-2.5 ft bls) collected from the southeast area of the Site exceeded its RRSCO (270 mg/kg) with a concentration of 473 mg/kg. Arsenic in sample RX-2 (0.5-2.5 ft bls) collected from the northeast area of the Site exceeded its RRSCO (16 mg/kg) with a concentration of 46.2 mg/kg.

Groundwater – Concentrations of compounds in exceedance of NYSDEC Part 375 Ambient Water Quality Standards and Guidance Values (AWQSGVs) are shown on Figure 6. Groundwater samples collected at the Site exceeded the AWQSGVs for petroleum-related VOCs including benzene, n-butylbenzene, tert-butylbenzene, ethylbenzene, isopropylbenzene, 4-isopropylbenzene, n-propylbenzene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, toluene, and m+p-xylene. The highest concentrations of petroleum-related compounds were observed in samples B-102, B-103, and RX-2 in the northeast corner where there was a historical gas station. Sample MR-9, collected from the north area of the Site, slightly exceeded the SWQSGV for chloroform AWQSGV (7 µg/L) with a concentration of 8.2 µg/L. One SVOC, naphthalene³, exceeded its AWQSGV of 10 µg/L in samples B-102 (52.6 to 182 µg/L), B-103 (52.6 to 133 µg/L), and RX-2 (90 µg/L), located in the northeast area of the Site. Metals exceeding AWQSGVs include lead, iron, magnesium, manganese, selenium and sodium. Iron, magnesium, manganese, and sodium exceeded AWQSGVs in samples MR-9 and RX-2, located in the north and northeast area of the Site, respectively. Selenium exceeded its AWQSGV of 10 µg/L in sample MR-9 with a concentration of 11.7 µg/L. Lead exceeded its AWQSGV of 25 µg/L in sample RX-2 with a concentration of 209 µg/L.

Soil Vapor – Detections of analytes in soil vapor within the boundaries of the Site are depicted on Figure 7. Two soil vapor samples (V-3 and V-5) collected at the Site detected numerous petroleum-related VOCs at moderate to high levels and chlorinated VOCs (CVOCs) at low levels. Relatively high levels of petroleum related VOCs were detected in sample V-3 which was collected from the northeast corner where there was a historical gas station. Several compounds in V-3, including benzene, were detected at concentrations greater than 5,000 micrograms per cubic meter (µg/m³). The VOC measured in V-3 with the highest concentration detected was isooctane (1,100,000 µg/m³). Low-moderate levels of petroleum related VOCs were detected in sample V-5 which was collected from the southeast area of the Site. The highest concentration of a petroleum-related compound in V-5 was toluene (1,300 µg/m³). Several compounds detected in V-5 are included in the Air Guidance Values and Matrices included in the NYSDOH Final Guidance for Evaluating Soil Vapor Intrusion in the State of New York, October 2006 (including May 2017 updated matrices). These compounds which were detected at low levels in V-5 include tetrachloroethene (PCE, 26 µg/m³) and 1,1,1-trichloroethane (6 µg/m³). According to the NYSDOH matrices, these compounds were not detected at concentrations that require mitigation. There are no guidance values for petroleum-related VOCs in New York.

³ Naphthalene was analyzed by methods 8260 and 8270 in groundwater during the Stantec 2011 investigation. The lower concentration shown is from the 8270 results, with the higher concentration from the 8260 results.

Current Property Owner-Operator Information

Appendix E – Previous Property Owners and Operators

408 West 207th Street
408 West 207th Street, Manhattan, New York 10034
BCP Application - Section VI

PREVIOUS OPERATOR'S INFORMATION

408 West 207th Street
Block 2203, Lot 21

Period	Operator	Source	Relationship to Requestor
1893	Unimproved land	Sanborn Maps	None
1900	Unimproved land	Sanborn Maps	None
1913	Unimproved land	Sanborn Maps	None
1935	Unimproved land	Sanborn Maps	None
1926-1947	Auto garage	Phase I ESA	None
1947-1968	Auto garage and gasoline filling station	Phase I ESA	None
1969	Automobile garage present, gasoline filling station is no longer present	Sanborn Maps	None
1969 - 2010	Paved asphalt area, automobile garage is no longer present after 1969	Phase I ESA	None
9/8/2016-present	207 Parking LLC c/o NHP Business Management Services, Inc. 229 Jericho Turnpike New Hyde Park, New York, 11040 (Parking entity lease will terminate in July 2021)	NYSDOS	None

PREVIOUS OWNERS INFORMATION FROM NEW YORK CITY TAX RECORDS

408 West 207th Street
Block 2203, Lot 21

Period	Owner	Source	Relationship to Requestor
Unknown-4/1/1968	Ted-Mor Realty Corp. 3856 Ninth Ave, New York, NY	NYC ACRIS	N/A
4/1/1968-5/6/2021	Altschuler, Morris Altschuler, Theodore <i>515 West 183rd Street, New York, NY</i>	NYC ACRIS	None
5/6/2021-present	Harlem River Ninth Avenue Development LLC <i>c/o L+M Development Partners</i> <i>1865 Palmer Avenue</i> Larchmont, NY 10538	NA	Requestor

Requestor Eligibility Information

Appendix F – Requestor Eligibility Information and Volunteer Statement

408 West 207th Street
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BCP Application – Section VII

Based on the environmental history discussed in the preceding appendices, the Site was developed as early as 1926 with an automobile garage on the south side of the Site. A gasoline filling station also operated on the northern portion of the Site beginning in 1947. The gasoline filling station and automobile garage were both removed by 1969 and construction of a paved parking lot was completed. No other significant on-Site commercial uses were noted. The Site is currently asphalt paved with no vegetation. As of May 6, 2021, the Site is owned by Harlem River Ninth Avenue Development LLC (Requestor).

Contaminants present in impacted Site soils consist predominantly of volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs), metals and PCBs in exceedance of Unrestricted Use Soil Cleanup Objectives (UUSCOs) and/or Restricted Residential Soil Cleanup Objectives (RRSCOs). Those contaminants in fill material do not include any known pesticides in excess of UUSCOs or RRSCOs.

The presence of asphalt covering the entire surface of the Site prevents potential public contact with impacted shallow Site soils. Furthermore, the Requestor has no connection with any previous release of hazardous substances on the Site. Accordingly, the Requestor's liability would arise solely as a result of its ownership of the Site as of May 6, 2021. As such the Requestor is a Volunteer.

Contact List Information

Appendix G - Site Contact List

408 West 207th Street
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BCP Application – Section IX

i. Local and State Officials

Councilman Ydanis Rodriguez
10th Council District
618 West 177th Street, Ground Floor
New York, NY 10033
Tel: 917-521-2616
Fax: 917-521-1293

Senator Robert Jackson
31st Senatorial District
5030 Broadway, Suite 701
New York, NY 10034
Tel: 212-5440173
Fax: 212-544-0256

Assemblywoman Carmen N. De La Rosa
72nd Assembly District
210 Sherman Ave, Ste A7C
New York, NY 10034
Tel: 212-544-2278

Hon. Kirsten E. Gillibrand
U.S. Senator
780 Third Avenue, Suite 2601
New York, NY 10017
Tel: 212-688-6262
Fax: 866-824-6340

Acting District Attorney Cyrus Vance, Jr.
Manhattan County District Attorney
530 West 166th St, Suite 600A
New York, NY 10032
Tel: 212-335-3320

Hon. Andrew M. Cuomo
Governor of New York State
NYS State Capital Building
State Street and Washington Avenue
Albany, NY 12224

Congressman Adriano Espaillat
13th Congressional District
720 West 181st St, Suite 2
New York, NY 10033
Tel: 212-497-5959

Manhattan Borough President
Gale Brewer
431 West 125th Street
New York NY 10027
Tel: 212-531-1609
Fax: 212-669-4305

NYS Comptroller Thomas DiNapoli
59 Maiden Lane-30th Floor
New York, NY 10038
212-417-5180
Fax: 212-417-5176

Hon. Mayor Bill de Blasio
New York City Hall
New York, NY 10007
Phone: 212-718-7585
Fax: 212-406-3587

NYC Comptroller Scott Stringer
1 Centre Street
New York, NY 10007
212-669-3916

Public Advocate Jumaane D. Williams
Community Affairs
1 Centre Street, 15th Floor
New York, NY 10007
212-669-7200
Fax: 212-669-4701

Hon. Charles E. Schumer
U.S. Senator
780 Third Avenue, Suite 2301
New York, NY 10017-2110
212-486-4430
Fax: 212-486-7693

Hon. Letitia James
NYS Attorney General
Office of the Attorney General
The Capitol
Albany, NY 12224

Hon. Milton Tingling
Count Clerk of New York County
New York County Courthouse
60 Centre Street, Room 161
New York, NY 10007
Tel: 646-386-5955

Appendix G - Site Contact List

408 West 207th Street
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ii. Current Site Owner/Operator

Current Site Owner

Harlem River Ninth Avenue Development LLC
c/o L+M Development Partners
1865 Palmer Avenue
Larchmont, NY 10538

iii. Current Owners and Occupants of the Subject Site and Adjacent Sites

Subject Site:

Block 2203, Lot 21

Harlem River Ninth Avenue Development LLC
1865 Palmer Avenue
Larchmont NY 10538 (Requestor)

Block 2202, Lot 21

3842 9th AVE REALTY, INC.
3842 9th Avenue
New York, NY 10034

Adjacent Properties to the North:

Block 2189, Lot 1R

NYC TRANSIT
10 Avenue
New York, NY 10034

Adjacent Properties to the West

Block 2203, Lot 9

WEST 207 GROCERY OWNERS, LLC
421 Seventh Ave, 15th Floor
New York, NY 10001
(Owner)

Block 2189, Lot 60

HESS RETAIL STORES LLC
401 West 207th St
New York, NY 10034

Inwood Lot 9 Associates LLC
c/o Taconic Investment Partners
111 Eighth Avenue, Suite 1500
New York, NY 10011
(Ground Lessee)

Adjacent Properties to the South

Block 2202, Lot 9R

420 WEST 206 STREET OWNERS CORP
416 West 206th St
New York, NY 10034

Adjacent Properties to the East

Block 2187, Lot 1, 5 and 7

FLAIR BEVERAGE CORP.
3849 9th Avenue
New York, NY 10034

Block 2202, Lot 17

3815 9TH AVE INC
414 West 206th St
New York, NY 10034

iv. Religious Authorities/Police and Fire Departments

FDNY Engine 95/Ladder 36
29 Vermilyea Ave
New York, NY 10034

Our Lady Queen of Martyrs Roman Catholic Church
91 Arden Street
New York, NY 10040

New York City Police Department 34th Precinct
4295 Broadway
New York, NY 10033

Rocky Mt Baptist Church
37 Hillside Avenue
New York, 10040

Fundacio Cristianos Por la Democracia
572 West 187th St
New York, NY 10033

Holy Trinity Episcopal Church
20 Cumming St
New York, NY 10034

Church of The Good Shepherd
4967 Broadway
New York, NY 10034

Mt Washington Presbyterian Church
84 Vermilyea Avenue
New York, NY 10034

Appendix G - Site Contact List

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Dyckman Spanish Seventh-Day Adventist
Church
111-113 Vermilyea Avenue
New York, NY 10034

Christ Crucified Fellowship Church
433 West 204th Street
New York, NY 10034

Everyday Christian Church
4862 Broadway
New York, NY 10034

Manhattan Bible Church
401 West 205th St
New York, NY 10034

v. Parks and Recreation

NYC Parks and Recreation
Inwood's North Cove
9th Avenue
New York, NY 10034

NYC Parks and Recreation
Isham Park
Isham St
New York, NY 10034

NYC Parks and Recreation
Dyckman Park
Nagle Ave
New York, NY 10034

NYC Parks and Recreation
Inwood Hill Park
Payson Ave & Seaman Ave
New York, NY 10034

vi. Day Cares and Schools

New York City Housing Authority's Dyckman
Day Care Center
3732 10th Avenue
New York, NY 10034

Little Tots Daycare
514 W 211th St
New York, NY 10034

Little Red Daycare
176 Nagle Ave
New York, NY 10034

Step By Step Group Family Day Care
4966 Broadway
New York, NY 10034

Galex Family Daycare
449 W 206th St
New York, NY 10034

Smart Start Learning Center WeeCare
125 Seaman Ave #2h
New York, NY 10034

EKG Family WeeCarer
584 Academy St #5
New York, NY 10034

Happy Shiny Faces Daycare
136 Seaman Ave
New York, NY 10034

The Playpen Daycare
107 Post Ave #2b
New York, NY 10034

Inwood Academy for Leadership Charter School
433 W 204th St
New York, NY 10034

My Little Dream Daycare
71 Vermilyea Ave
New York, NY 10034

Our Lady Queen of Martyrs School
71 Arden St
New York, NY 10040

Treehouse Daycare
11 Seaman Ave
New York, NY 10034

The Equity Project Charter School
153 Sherman Ave
New York, NY 10034

Aura's Bright Children Daycare
13-19 Cumming St
New York, NY 10034

Inwood Academy for Leadership
3898 10th Ave
New York, NY 10034

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408 West 207th Street
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Washington Heights Academy
202 Sherman Ave
New York, NY 10034

Muscota New School
4862 Broadway
New York, NY 10034

High School for Excellence and Innovation
650 Academy St
New York, NY 10034

vii. Local Water Supply

New York City Water Supply
New York City Department of Environmental
Protection
415 E 203rd St
The Bronx, NY 10467

Vincent Sapienza, Acting Commissioner
New York City Public Water Supply System
Department Commissioner
59-17 Junction
Boulevard
Flushing, NY 11373

viii. Local News and Media

Manhattan Times
5030 Broadway, Suite 801
New York, NY 10034

The Harlem Community News
P.O.Box #1775
New York, NY 10027

New York Post
1211 Avenue of the Americas
New York, NY 10036
(212) 930-8000

NY1 News
75 Ninth Avenue
New York, NY 10011
(212) 367-0600

New York Daily News
4 New York Plaza
New York, NY 10004

Latino Intelecto Newspapers
4 Payson Ave
New York, NY 10034

Hoy Nueva York
1 Metro Tech Center, 18th Floor
Brooklyn, NY 11201

ix. Any Person, Community Based Organization, BOA Group, or Local Media Who Has Requested to be placed on the contact list

No persons have requested to be on the Site Contact List.

x. Document Repository

Manhattan Community Board District 12
Chairperson: Eleazar Bueno
District Manager: Ebenezer Smith
530 West 166th Street
New York, NY 10032
Phone: (212) 568-8500
Fax: (212) 740-8197
E-Mail (Ebenezer Smith): ebsmith@cb.nyc.gov
E-mail (Paola Garcia): pgarcia01@cb.nyc.gov
E-mail (Shinelle Paniagua):
shpaniagua@cb.nyc.gov

Inwood Library
4857 Broadway
New York, NY 10034
Phone: 212-942-2445
Manager, Danita Nichols
E-mail: danitanichols@nypl.org

See attached documentation confirming Inwood Library's acceptance as a document repository. Community Board 12 has been unresponsive to calls and emails. Roux and the Requestor will continue to pursue the Community Board as a repository location and advise if approval occurs.

From: [Daniel Miserendino](#)
To: [Valerie Sabatasso](#)
Subject: Fwd: Document depository at Inwood Library: Block 2203, Lot 21: 408 West 207th St, New York, NY 10034
Date: Thursday, April 29, 2021 10:09:10 AM

Daniel Miserendino | Staff Geologist

[209 Shafter Street, Islandia, New York 11749](#)

Main: [\(631\) 232-2600](#) | Direct: [\(631\) 630-2413](#) | Mobile: [\(914\) 419-8452](#)

Email: dmiserendino@rouxinc.com | Website: www.rouxinc.com

Begin forwarded message:

From: Danita Nichols <danitanichols@nypl.org>

Date: April 29, 2021 at 10:07:24 AM EDT

To: Daniel Miserendino <dmiserendino@rouxinc.com>

Subject: Document depository at Inwood Library: Block 2203, Lot 21: 408 West 207th St, New York, NY 10034

This message originated outside your organization. Please use caution!

Hello. Inwood Library can serve as a document repository for the above named project.

Thanks,

Danita Nichols

--

Danita Nichols

Library Manager

Pronouns: She/Her

Inwood Library

The New York Public Library

4857 Broadway, Manhattan, NY 10034

212-942-2445

nypl.org

Land Use Factors

Appendix H – Land Use Factors

408 West 207th Street
408 West 207th Street, Manhattan New York 10034
BCP Application - Section X

2. Current Use

The Site is currently used as a parking lot.

3. Reasonably Anticipated Use Post Remediation

The development proposal plan includes the construction of a new building covering the entire footprint of the Site. The project objective is unrestricted use and to redevelop the Site with a mixed-use building. This building will be part of New York City Housing Preservation and Development (NYC HPD) sponsored affordable housing programs. The development will include affordable and market rate housing, as well as ground floor retail spaces. Residential amenities will include community rooms, laundry facilities, a fitness center and other spaces as directed by the client. Parking to meet residential and retail parking requirements will be provided at grade and in the cellar. The cellar will also contain retail storage, utility service rooms, and residential back of house.

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

The contemplated future use as affordable and market rate housing units with community facilities and retail spaces supports the current development patterns promoting a revitalized neighborhood and promoting neighborhood needs.

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

Yes, the proposed mixed-use as affordable and market rate housing, community facilities, and commercial space is consistent with the current property zoning.

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans?

The Special Inwood District, encompassing the Inwood neighborhood, was established in 2018 as part of the Inwood NYC Action Plan to promote the development of affordable housing, encourage economic development that benefits the local community, facilitate the development of open space along the Harlem River and preserve community character west of 10th Avenue. The Special District regulations aim to create walkable inviting streets. The Special District also establishes a Waterfront Action Plan to build out public waterfront open space along the Harlem River. The proposed redevelopment of the Site is consistent with this plan and the current zoning.