### Jewish Home and Hospital Periodic Review Report

2614-2620 University Avenue Bronx, New York NYSDEC VCP Site Number: V00181

#### Prepared for:

T.U.C. Management Company, Inc. 200 West 57<sup>th</sup> Street, Suite 702 New York, NY 10019

#### For Submittal to:

NYS Department of Environmental Conservation Division of Environmental Remediation Region 2 Office 47-40 21st Street Long Island City NY 11101

#### Prepared by:

Matthew M. Carroll, PE

&

# TENEN VIRONMENTAL

Tenen Environmental, LLC 121 West 27<sup>th</sup> Street, Suite 702 New York, NY 10001

**June 2018** 

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#### 1.0 EXECUTIVE SUMMARY

On behalf of T.U.C. Management Company, Inc. (Representative of the Remedial Party), Matthew M. Carroll, P.E. and Tenen Environmental, LLC have prepared this Periodic Review Report (PRR) for the property located at 2614-2620 University Avenue, Bronx, New York County, NY (the Site); Tax Block 3215, Lot 14. The Site is a 0.5-acre parcel that is bordered by commercial properties to the north, residential properties to the south, Aqueduct Avenue to the east, and University Avenue to the west. A Site location map is included as Figure 1 and a Site layout is presented on Figure 2.

This document has been prepared in accordance with the Site Management Plan (SMP) dated March 2007 and approved by the New York State Department of Environmental Conservation (NYSDEC). The Site was remediated in accordance with the Voluntary Cleanup Agreement (VCA) Index# D2-0003-98-12, Site # V00181 which was issued on January 22, 1999.

The certification period covered by this Periodic Review Report is from July 5, 2017 to March 16, 2018. The work completed and reported in this PRR complies with the SMP and includes monitoring and inspections of engineering controls. The Site is currently in compliance with the material elements of the SMP. The remedial program, as detailed in the SMP, continues to be effective.

#### 2.0 BACKGROUND AND SETTING

This section includes a description of the Site, and summaries of Site characteristics, historic operations and regulatory interactions.

#### 2.1 Site Description

The Site is located at 2614-2620 University Avenue, Bronx, New York County, NY (the Site); Tax Block 3215, Lot 14. The Site consists of is an irregularly shaped parcel of approximately 0.5 acres and is improved a 6-story residential building, parking lot and landscaped area. The Site is zoned residential with a commercial overlay. The surrounding area is used for commercial and residential purposes.

The Site is bordered by commercial properties to the north, residential properties to the south, Aqueduct Avenue to the east, and University Avenue to the west. A Site location map is included as Figure 1.

#### 2.2 Geological Setting

According to the Central Park-NY US Topographic Map (2013), the Site is located approximately 140 feet above the National Geodetic Vertical Datum of 1929 (an approximation of mean sea level). The elevations of surrounding area generally slopes downward from northwest to southeast. The closest water body is the Jerome Park Reservoir, located approximately 1,800 feet north of the Site. The reservoir was built in 1906 to serve as part of the New York City water supply system. The closest natural water body is the Harlem River, located approximately 2,300 feet west of the Site.

Borings completed prior to redevelopment to evaluate subsurface conditions identified that the Site is underlain with a low permeability, unconsolidated overburden that varies in thickness from six inches to eight feet. The overburden is primarily silt and clay with pockets of fill and thin lenses of native fine sand and rock fragments. The bedrock is characterized as Fordham gneiss, is relatively shallow across the Site and present directly below the overburden. Groundwater is not present in all locations in the overburden, particularly where the it is thinnest. Groundwater data evaluated by others indicates that groundwater is flowing southeast [SMP, 2007].

#### 2.3 Historic Operations

The Site was formerly occupied by an office building, converted from a former synagogue and a parking garage. The Kingsbridge Corporation operated the former parking garage from when it purchased the property in 1973 until 1999. Demolition of Site buildings began on May 22, 2000 and was completed in mid-June 2000. A Phase I Environmental Site Assessment of the property was performed as part of a plan to obtain funding from the U.S. Department of Housing and Urban Development (HUD) to construct a low-income senior

housing project. The Phase I identified the three gasoline tanks beneath the garage and recommended a Phase II subsurface investigation [SMP, 2007]. The Phase II Investigation and subsequent investigations and remediation are described in a number of environmental reports submitted to NYSDEC under the VCP.

#### 2.4 Regulatory Background

Jewish Home and Hospital for Aged (JHH) entered into a VCA (Index No. D2-0003-98-12, Site No. V00181) with the New York State Department of Environmental Conservation (NYSDEC) on January 22, 1999 to develop the Site into a residential home for the elderly. This VCA required JHH to investigate and remediate contaminated media. Remedial action work on the Site began in May 2000 and was completed in December 2003. The Site has been remediated in accordance with the VCA and the NYSDEC-approved Remedial Action Work Plan (RAWP) dated December 1998 and the Supplemental Remedial Action Work Plan (SRAWP) dated August 2003, both prepared J. R. Holzmacher, PE, LLC (JRH).

After completion of the remedial work described in the RAWP and SRAWP, a Remedial Action Report (RAR) was prepared by JRH of Hauppauge, New York and certified by James Hozlmacher, P.E. in March 2005. In order to manage residual contamination at the Site, JRH prepared a Site Management Plan (SMP) dated March 2007 that was subsequently approved by NYSDEC. The work described in this Periodic Review Report was completed in accordance with the approved SMP.

#### 3.0 ENGINEERING AND INSTITUTIONAL CONTROLS

Engineering controls (ECs) and institutional controls (ICs) are present at the Site to protect human health and the environment. A description of these controls and the current status of each are provided below. The Institutional and Engineering Controls Certification Form is included in Appendix 1.

#### 3.1 Engineering Controls

#### 3.1.1 Soil Cover System

A variety of soil cover systems were implemented throughout the entire footprint of the Site, ensuring that the entire property is capped. This composite cover system is comprised of asphalt-covered roads, concrete covered sidewalks, concrete building slabs and landscaped areas [SMP, 2007]. Figure 2 also shows the location of each cover type at the Site. A Soil Management Plan is required for all invasive work penetrating residual contamination. This plan must also outline the procedures required in the event the composite cover system and underlying residual contamination are disturbed. Requirements for the development of a Soil Management Plan are outlined in Section 2.3.2 of the SMP.

Current status: The soil cover systems remain in place with no observed breach. The composite cover system is a permanent control and the quality and integrity of this system has been inspected annually as per the SMP. An annual inspection checklist is included in Appendix A.

#### 3.1.2 Sub-Slab Depressurization System (SSDS)

Two active sub-slab depressurization systems (SSDSs) has been installed beneath the Site building in conjunction with a vapor barrier in order to prevent impacted soil vapor from entering the building in the future. Both systems consist of 4-inch diameter schedule 40 High Density Poly Ethylene (HDPE) horizontal perforated pipe in a 6-inch gravel bed installed between 1 to 2- inches under the entire footprint of the building. Solid pipe is used when crossing the existing concrete slab. The horizontal perforated pipe is connected to a 3-inch diameter Ductile Iron or Cast Iron (DI/CI) non-perforated vertical pipe rising to the roof. A roof mounted 500 cfm vent fan operates continuously to evacuate any soil vapors that may be accumulating under the slab.

Two sub-slab monitoring points were installed in the building's cellar on October 1, 2014 in order to collect pressure readings to confirm that the SSDSs are performing as designed. The locations of the vapor monitoring points are shown on Figure 2. Pressure readings are collected weekly by a representative of JHH and recorded in a log maintained onsite. Weekly readings collected between March 2017 and April 2018 are included as Appendix B. Quarterly gauging by a qualified environmental professional (QEP) is required under

the SMP, however no information on quarterly inspections was available to Tenen for this certification period.

Pressure readings were collected during a Site inspection performed by Tenen on June 20, 2018. Pressure readings from this inspection are documented in Section 4.0. of this Report.

Current status: The SSDSs are functioning as designed. An annual inspection checklist is included in Appendix A.

#### 3.2 Institutional Controls

#### 3.2.1 Compliance with SMP

Institutional controls consisting of a deed restriction, onsite groundwater use limitations and onsite soil disturbance limitations are documented in the Environmental Easement (EE) and SMP. The Declaration of Covenants and Restrictions (a/k/a EE), which was approved by the NYSDEC on February 12, 2004 was executed and filed with the Registrar of the City of New York, Bronx County. The deed restriction was recorded on April 21, 2004 and is included as Appendix C.

The following ICs are required to document compliance with the SMP:

- Compliance with the Environmental Easement and the SMP by the Grantor and the Grantor's successors and assigns;
- All Engineering Controls must be operated and maintained as specified in the SMP;
- All Engineering Controls on the Controlled Property must be inspected at a frequency and in a manner defined in the SMP;
- Environmental or public health monitoring must be performed as defined in the SMP; and,
- Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP.

Current status: The EE remains in place. All systems are effective and currently operational. ICs requiring monitoring and inspections of the engineering controls have been completed with the acceptance of this report. The required monitoring and inspections have been completed as required in the SMP, apart from the quarterly inspections by a QEP.

#### 3.2.2 Use Restrictions

The following use restrictions were placed on the property, in accordance with the EE and SMP:

- Unless prior written approval by NYSDEC, or if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as "The Relevant Agency," is first obtained, no person shall engage in any activity that will, or that reasonably is anticipated to, prevent or interfere significantly with any proposed, ongoing or completed program at the Property or that will, or is reasonably foreseeable to, expose the public health or the environment to a significantly increased threat of harm;
- The owner of the Property shall maintain the building and associated paved areas as a cap covering the Property or, after obtaining the written approval of the Relevant Agency, by capping the Property with another material;
- The owner of the Property shall prohibit the Property from ever being used for purposes other than for residential housing without the express written waiver of such prohibition by the Relevant Agency;
- The use of the groundwater underlying the property is prohibited without treatment rendering it safe for intended use;
- The owner of the property shall continue in full force and effect any ICs or ECs the Department required Respondent to put into place and maintain unless the owner first obtains permission to discontinue such controls from the Relevant Agency;
- The EE shall run with the land and shall be binding upon all future owners of the Property.

Current status: The Site is used in accordance with all restrictions. Current Site uses are shown on Figure 2. A statement regarding continued maintenance of any and all controls is included in Appendix A.

#### 4.0 FINDINGS AND CONCLUSIONS

Below are the results of the vapor monitoring point readings collected on June 20, 2018:

Vapor Point	Inspection Date	Measurement (inches of
East	06/20/2018	.06
West	06/20/2018	.021

The results of the Site inspection performed on June 20, 2018 indicate the following:

- The composite cover system remains in place with no observed breaches or excavation below the cap; and
- The vapor mitigation system is functioning as designed.

#### 4.1 Schedule

As detailed above and in the Appendix B "Weekly Vapor Point Readings," the SSDSs are depressurizing the slab above the typical design goal (.02" of WC) and well above the NYSDEC minimum of 0.004" of WC. Based on the consistency of the pressure readings over the past five years and the collection of data every week by an authorized Site representative, we request that the frequency of QEP inspections be reduced to annually.

#### 5.0 CERTIFICATIONS

I, Matthew Carroll, am a Professional Engineer licensed in the State of New York. I certify that:

- 1. The engineering and institutional controls are either unchanged or are compliant with NYSDEC-approved modifications.
- 2. NYSDEC can access the property.
- 3. The engineering and institutional controls continue to be protective of human health and the environment and do not constitute a violation or failure to comply with the SMP and subsequent NYSDEC-approved modifications.



Matthew M. Carroll NYS PE License Number 091629

#### 6.0 REFERENCES

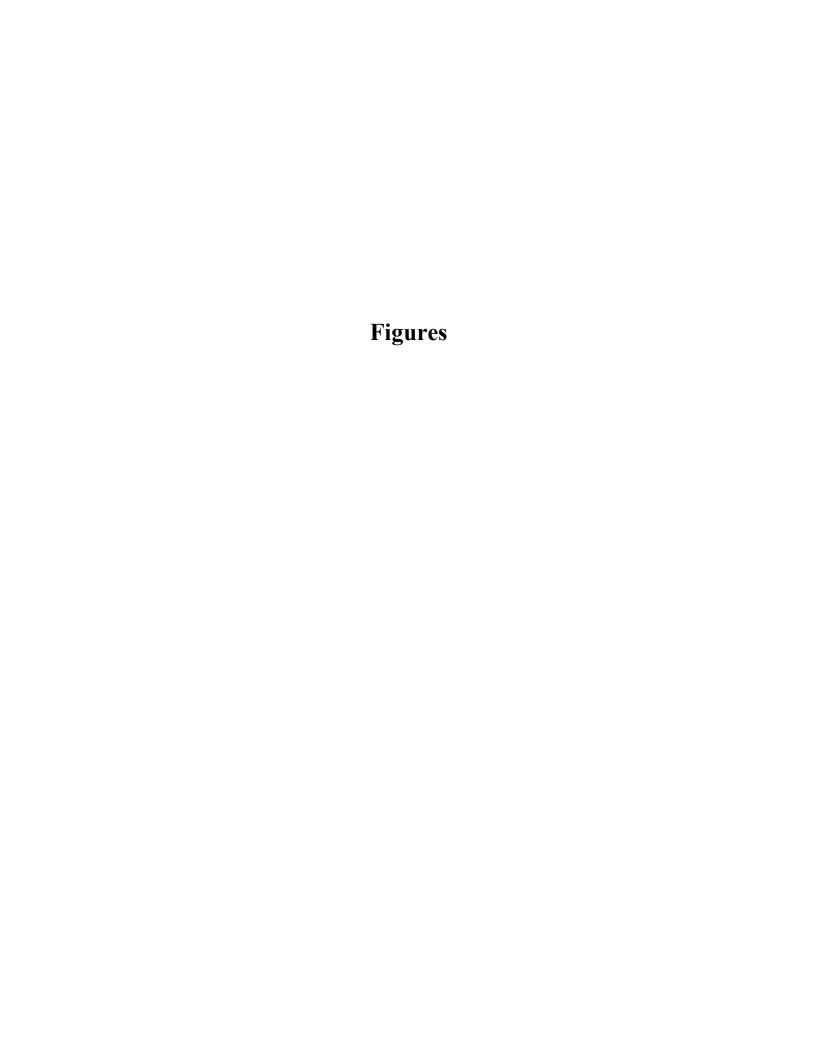
Corrective Measures Implementation Report, Jewish Home and Hospital, 2614-2620 University Avenue, Bronx, New York, NYSDEC VCP Site No. V00181, J. R. Holzmacher, P.E., LLC, October 15, 2014.

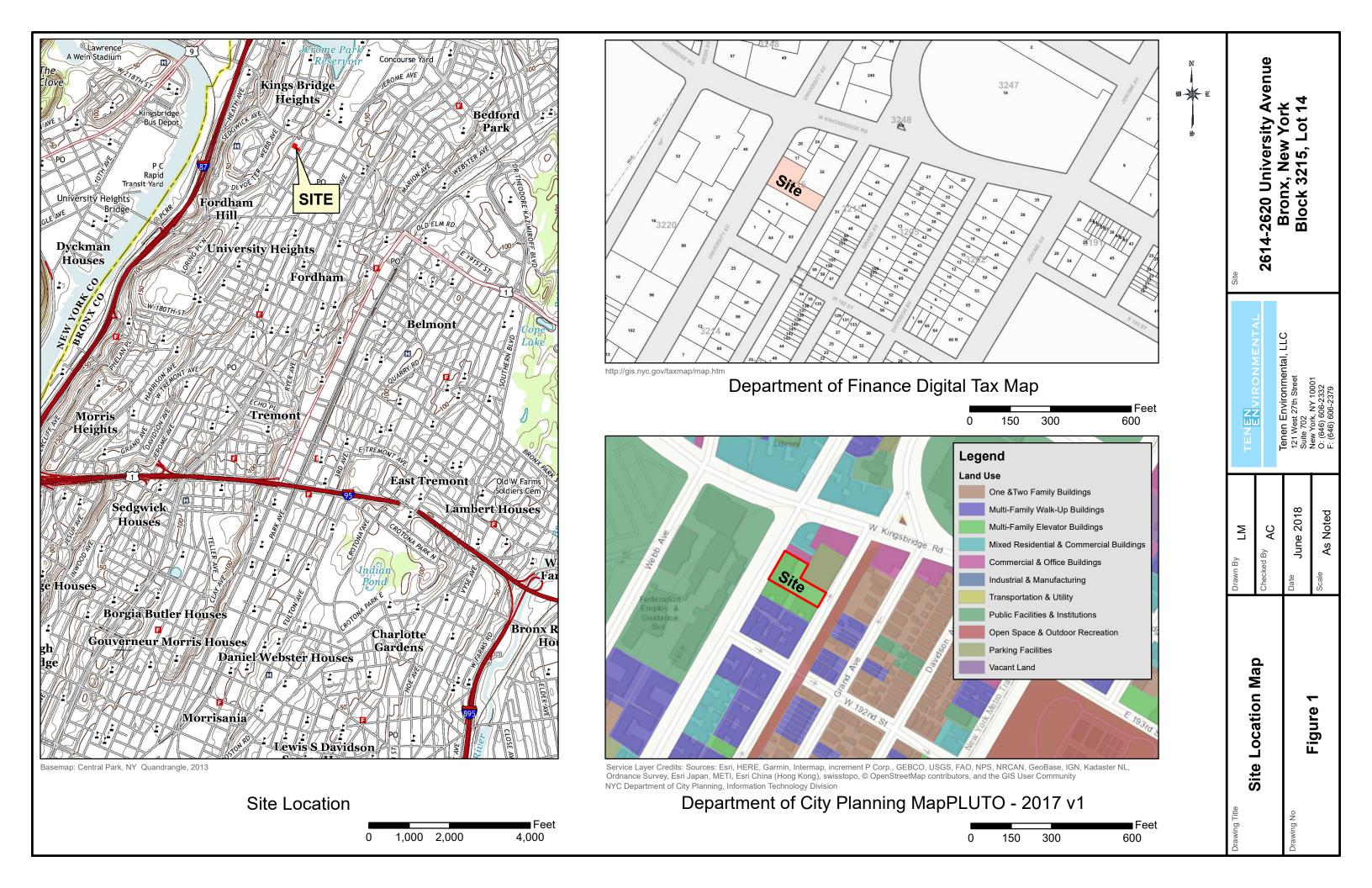
Environmental Easement, 2614 Kingsbridge Corporation, February 23, 2004.

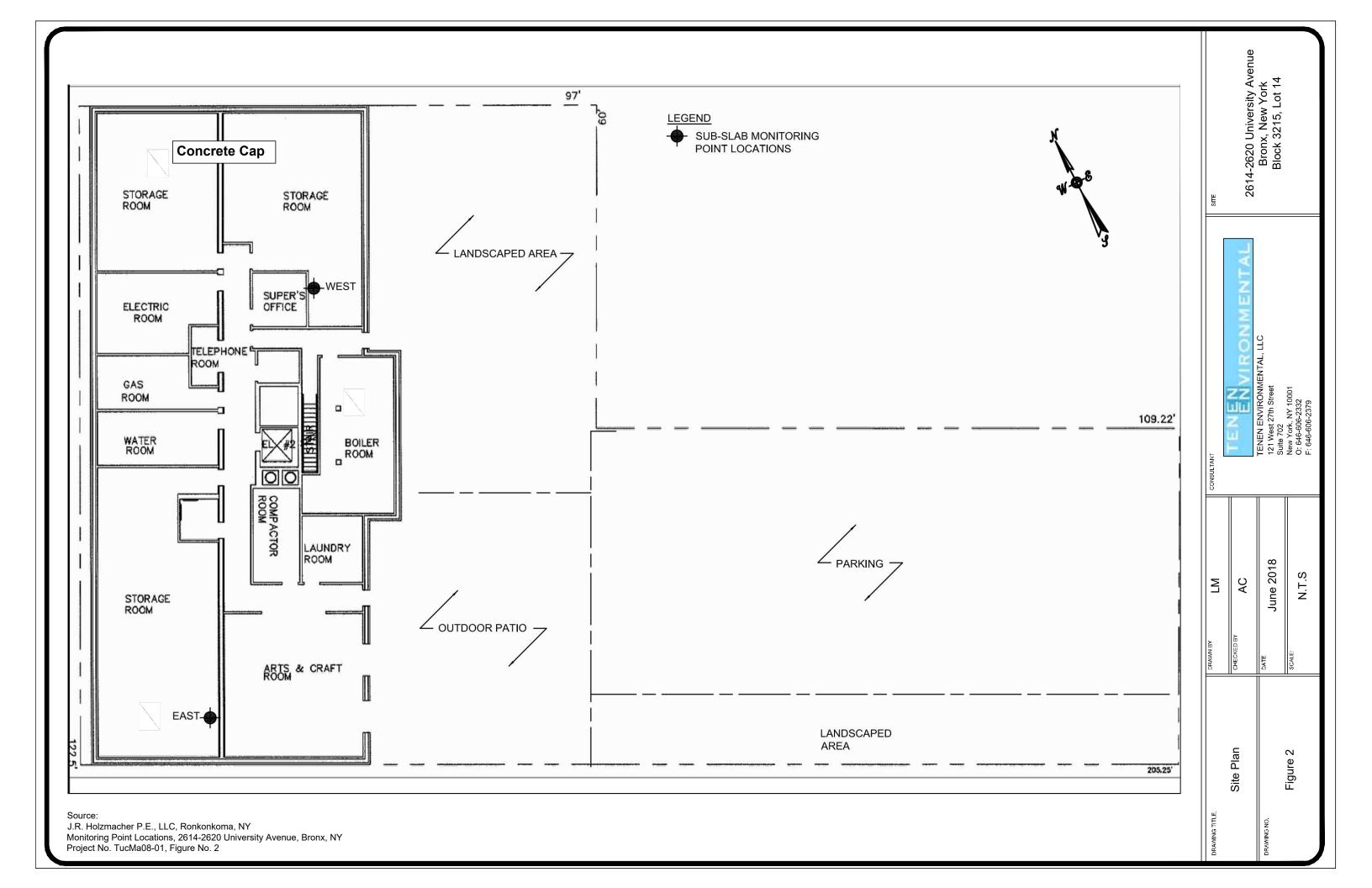
Periodic Review Report, 2614-2620 University Avenue, Bronx, New York, J. R. Holzmacher, P.E., LLC, June 23, 2016.

Remedial Action Report, The Jewish Home and Hospital, New York, New York, J. R. Holzmacher, P.E., LLC, March 2005.

Site Management Plan, Jewish Home and Hospital for Aged, 2614-2620 University Avenue, Bronx, New York, NYSDEC VCP Site No. V00181, J. R. Holzmacher, P.E., LLC, March 2007.







# Appendix A IC/EC Certifications and Checklists



# Enclosure 2 NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION Site Management Periodic Review Report Notice Institutional and Engineering Controls Certification Form



Site	e No. V00181	Site Details	Box 1	
Site	e Name Jewish Home for the Aged			
City	e Address: 2614 University Avenue //Town: Bronx unty: Bronx e Acreage: 0.5	Zip Code: 10468		
Re	Doorting Period: March 15, 2017 to March 10, 2017 to March 10		YES	NO
1.	Is the information above correct?			X
	If NO, include handwritten above or on a	separate sheet.	_	-
2.		sold, subdivided, merged, or undergone a		
	tax map amendment during this Reportin	-		<b>X</b> I
3.	Has there been any change of use at the (see 6NYCRR 375-1.11(d))?	site during this Reporting Period		XI
4.	Have any federal, state, and/or local perr for or at the property during this Reportin	mits (e.g., building, discharge) been issued g Period?		XI
		ru 4, include documentation or evidence sly submitted with this certification form.		
5.	Is the site currently undergoing development	nent?		X
			Box 2	
			YES	NO
6.	Is the current site use consistent with the Restricted-Residential, Commercial, and		<b>X</b> I	
7.	Are all ICs/ECs in place and functioning	as designed?	X	
		TION 6 OR 7 IS NO, sign and date below and T OF THIS FORM. Otherwise continue.		
Corre	ctive Measures Work Plan must be subm	itted along with this form to address these issu	Jes.	
Sig	nature of Owner, Remedial Party or Designa	ted Representative Date		

#### **SITE NO. V00181**

#### **Description of Institutional Controls**

Parcel

Owner

3215-11

2614 Kingsbridge Corporation

Institutional Control

Ground Water Use Restriction
Soil Management Plan
Landuse Restriction

Second, unless prior written approval by the New York State Department of Environmental Conservation or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first

obtained, no person shall engage in any activity that will, or that reasonably is anticipated to, prevent or interfere significantly with any proposed, ongoing or completed program at the Property or that will, or is reasonably foreseeable to, expose the public health or the environment to a significantly increased threat of harm or damage.

Third, the owner of the Property shall, after the proposed building is constructed, maintain the building and associated paved areas as a cap covering the Property or, after obtaining the written approval of the Relevant Agency, by capping the Property with another material.

Fourth, the owner of the Property shall prohibit the Property from ever being used for purposes other than for residential housing without the express written waiver of such prohibition by the Relevant Agency.

Fifth, the owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Relevant Agency.

Sixth, the owner of the Property shall continue in full force and effect any institutional and engineering controls the Department required Respondent to put into

place and maintain unless the owner first obtains permission to discontinue such controls from the Relevant Agency.

Seventh, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property and shall provide that the

owner, and its successors and assigns, consents to the enforcement by the Relevant Agency of the prohibitions and restrictions that Paragraph X (ten) of the Agreement

requires to be recorded, and hereby covenants not to contest the authority of the Department to seek enforcement. Eighth, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Relevant Agency has consented to the termination of such covenants and

restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

3215-14

2614 Kingsbridge Corporation

Soil Management Plan Landuse Restriction Ground Water Use Restriction

Second, unless prior written approval by the New York State Department of Environmental Conservation or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first

obtained, no person shall engage in any activity that will, or that reasonably is anticipated to, prevent or interfere significantly with any proposed, ongoing or completed program at the Property or that will, or is reasonably foreseeable to, expose the public health or the environment to a significantly increased threat of harm or damage.

Third, the owner of the Property shall, after the proposed building is constructed, maintain the building and associated paved areas as a cap covering the Property or, after obtaining the written approval of the Relevant Agency, by capping the Property with another material.

Fourth, the owner of the Property shall prohibit the Property from ever being used for purposes other than for residential housing without the express written waiver of such prohibition by the Relevant Agency.

Fifth, the owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Relevant Agency.

Sixth, the owner of the Property shall continue in full force and effect any institutional and engineering

controls the Department required Respondent to put into

place and maintain unless the owner first obtains permission to discontinue such controls from the Relevant Agency.

Seventh, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property and shall provide that the

owner, and its successors and assigns, consents to the enforcement by the Relevant Agency of the prohibitions and restrictions that Paragraph X (ten) of the Agreement

requires to be recorded, and hereby covenants not to contest the authority of the Department to seek enforcement. Eighth, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Relevant Agency has consented to the termination of such covenants and

restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

#### **Description of Engineering Controls**

<u>Parcel</u> <u>Engineering Control</u>

Cover System

Vapor Mitigation

3215-14

3215-11

Vapor Mitigation Cover System

	Periodic Review Report (PRR) Certification Statements			
1.	I certify by checking "YES" below that:			
	a) the Periodic Review report and all attachments were prepared under the direction reviewed by, the party making the certification;	of, and		
	b) to the best of my knowledge and belief, the work and conclusions described in this are in accordance with the requirements of the site remedial program, and generally a			6
		X		
2.	If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all following statements are true:		utional	
	the Institutional Control and/or Engineering Control(s) employed at this site is unchanged ce the date that the Control was put in-place, or was last approved by the Department;			
	nothing has occurred that would impair the ability of such Control, to protect public health environment;	and		
	access to the site will continue to be provided to the Department, to evaluate the nedy, including access to evaluate the continued maintenance of this Control;			
	nothing has occurred that would constitute a violation or failure to comply with the e Management Plan for this Control; and			
	if a financial assurance mechanism is required by the oversight document for the site, the d sufficient for its intended purpose established in the document.	mechai	nism remains	valid
		YES	NO	
		XI		
	IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.			
Α (	Corrective Measures Work Plan must be submitted along with this form to address these is	ssues.		
	Signature of Owner, Remedial Party or Designated Representative Date			

#### IC CERTIFICATIONS SITE NO. V00181

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE
I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal

Diana Amadak a	2620 University	Are. Br. Ny 10468
am certifying as Property	Manager (Ow	rner or Remedial Party)
Signature of Owner, Remedial Party, or D		6/26/18

#### **IC/EC CERTIFICATIONS**

Box 7

#### **Qualified Environmental Professional Signature**

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Matthew Carroll, PE at 121 West 27th Street, New York, NY 10001 print name print business address

am certifying as a Qualified Environmental Professional for the T.U.C. Management Company, Inc.

(Owner or Remedial Party)

091629 091629 06/27/2018

Signature of Qualified Environmental Professional, for the Owner or Remedial Party, Rendering Certification Stamp (Required for PE)

Date

### Appendix B Weekly Vapor Point Readings

#### Jewish Home and Hospital 2614-2620 University Avenue Bronx, New York Site # V00181

		e Readings of water)
Date	East	West
3/6/17	.05	,01
3/13/17	,65	.01
3/20/17	105	.01
3/27/17	105	101
4/3/17	105	.0/
4/10/17	105	,01
4/17/17	105	,01
4/24/17	,05	,01
5/1/17	165	,01
5/8/17	105	101
5/15/17	105	,01
5/22/17	,05	,01
5/30/17	.05	:01
6/5/17	,05	.01
6/12/17	.05	,01
6/19/17	.05	00/
6/26/17	105	.01
7/3/17	105	.01
7/10/17	105	<i>∞01</i>
7/11/1	.05	101
7/25/17	105	.01
7/31/17	,05	.01
9/7/17	.05	.01
6/14/17	.05	01
\$/21/17	.05	,01
828/17/9/5/17	05	.01
7 9/11/17	.05	101
4/18/17	,05	.01
9/25/17	,05	,01
10/2/17	ر 05	101
10/10/17	,05	.01
10/16/17	,05 ,05 ,05 ,05 ,05	,01
10/23/17	, 05	1.01
10/30/17	105	.01
11/6/17		
11/13/17		
11/20/17		



#### Jewish Home for the Aged Kenneth Gladstone 2614-20 University Ave Bronx, NY 10468 Site # V00181

	Pressure	Peadings
	(inches o	
Date	East	West
11/27/2	^<	-01
110111	.03	- '
12/4/17	, ¢ >	-0)
12/11/12	105	101
12/18/12	105	-01
12/26/15	.0<	10.
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18118	.05	, 0
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1/22/18	105	$\cdot \sigma$
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2/10/14	.05	.01
2/2/18	. 05	-01
31-118	45	67
13378	. 00	.01
3/10/18	- 05	-01
3/19/18	$\sim$	.01
217/118	" (Jen	
115 1N		-01
11/0/10	105	701
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4/16/18	. 05	.01
14/23/19		
F420/10		
12010		
17.1.118		
5/14/18		
5/21/18		
5/28/18		
-11/11/19		
91,7118		
100		
F 6177.18		
1-713/18		
-1/9/118	1,0,00	
11/1/10		
1-1/20118		
16,451,18		11-
7/30/18		

9

I certify that all inf	SITE OWN								a false stater	ment
made herein										170.71
Louis									ue, Bronx	, NY
(print business	address), a	m certifying	g asO	SDR	·	<del></del>	<del> </del>		(Owne	ror
Owner's Design									en authorize	d
and designated	by all site o	owners to s	. • ign this	certifica	ation) for	the Site na	med in th	e Site Deta	ails section o	i this
form.	:				•	•				•
•	* *	•		: ,			•			
			· .		1	•				. ;
Joi	ie De	ejes	us				•	7	13/17	
Signature of Sit	e Owner or	Representa	ative Re	endering	) Certifica	ition		•	. Date	
	•			•						
certify that all info made herein i	ermation and	IED ENVIF d statement e as a Clas	ts in this s "A" mi	certific isdeme	ation for anor, pur	m are true. suant to Se	l unders ection 210	tand that a 0.45 of the	false statem Penal Law.	nent <sub>.</sub>
(print business										
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form.			•							
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								ı		
Signature of Qu Site Owner or R	alified Envir epresentati	onmental F ve, Render	Profession	onal, fo tificatior	1	Stamp	(if Require	ed)	Date	ey, coming corper

# SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE I certify that all information and statements in this certification form are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law. \_(print name), 2620 University Avenue, Bronx, NY (print business address), am certifying as Owner's Designated Site Representative (if the site consists of multiple properties, I have been authorized and designated by all site owners to sign this certification) for the Site named in the Site Details section of this form. Représentative Rendering Certification Date QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) SIGNATURE I certify that all information and statements in this certification form are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law. (print name) (print business address), am certifying as a Qualified Environmental Professional for the (Owner or Owner's Representative) for the Site named in the Site Details section of this form.

Signature of Qualified Environmental Professional, for Site Owner or Representative, Rendering Certification

Stamp (if Required)

Date

#### SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in this certification for made herein is punishable as a Class "A" misdemeanor, p	orm are true. I understand oursuant to Section 210.45	that a false statement of the Penal Law.
LOUIE DE JESUS . (print nan	·. ·	
(print business address), am certifying as OSDR		
Owner's Designated Site Representative (if the site consists		
and designated by all site owners to sign this certification) for	. •	•
Signature of Site Owner or Representative Rendering Certific  QUALIFIED ENVIRONMENTAL PROFES  certify that all information and statements in this certification fo made herein is punishable as a Class "A" misdemeanor, pu	SSIONAL (QEP) SIGNATU rm are true. I understand t	hat a false statement
t(print nam		
(print business address), am certifying as a Qualified Environ	•	
(Owner or Owner's Representative) for the		<i>t</i> •
form.		
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Signature of Qualified Environmental Professional, for Site Owner or Representative, Rendering Certification	Stamp (if Required)	Date

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Signature of Qualified Environmental Professional, for Site Owner or Representative, Rendering Certification

Signature of Site Owner or Representative Rendering Certification

Stamp (if Required)

Date

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Site Owner or Representative, Rendering Certification

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Date

Stamp (if Required)

Signature of Qualified Environmental Professional, for

Site Owner or Representative, Rendering Certification

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Signature of Qualified Environmental Professional, for Site Owner or Representative, Rendering Certification	Stamp (if Required) Date

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Signature of Qualified Environmental Professional, for	Stamp (if Required)	Date

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Signature of Qualified Environmental Professional, for Site Owner or Representative, Rendering Certification

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Date

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Signature of Qualified Environmental Professional, for Site Owner or Representative, Rendering Certification Stamp (if Required)

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Signature of Qualified Environmental Professional, for Site Owner or Representative, Rendering Certification Stamp (if Required)

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# SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE I certify that all information and statements in this certification form are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210,45 of the Penal Law. (print name), 2620 University Avenue, Bronx, NY Louie DeJesus (print business address), am certifying as OSDR (Owner or Owner's Designated Site Representative (if the site consists of multiple properties, I have been authorized and designated by all site owners to sign this certification) for the Site named in the Site Details section of this form. Signature of Site Owner or Representative Rendering Certification QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) SIGNATURE I certify that all information and statements in this certification form are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law. (print name), \_\_\_\_\_ (print business address), am certifying as a Qualified Environmental Professional for the

(Owner or Owner's Representative) for the Site named in the Site Details section of this

Signature of Qualified Environmental Professional, for Site Owner or Representative, Rendering Certification Stamp (if Required)

Date

form.

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE I certify that all information and statements in this certification form are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law. \_\_\_\_\_(print name), 2620 University Avenue, Bronx, NY Louie DeJesus (Owner or (print business address), am certifying as OSDR Owner's Designated Site Representative (if the site consists of multiple properties, I have been authorized and designated by all site owners to sign this certification) for the Site named in the Site Details section of this form. Signature of Site Owner or Representative Rendering Certification QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) SIGNATURE I certify that all information and statements in this certification form are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law. \_\_\_\_\_\_(print name), \_\_\_\_\_\_ (print business address), am certifying as a Qualified Environmental Professional for the \_\_\_\_ (Owner or Owner's Representative) for the Site named in the Site Details section of this form. Date Stamp (if Required) Signature of Qualified Environmental Professional, for

Site Owner or Representative, Rendering Certification

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE  I certify that all information and statements in this certification form are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.  I Louie DeJesus (print name), 2620 University Avenue, Bronx, NY  (print business address), am certifying as OSDR (Owner or Owner's Designated Site Representative (if the site consists of multiple properties, I have been authorized and designated by all site owners to sign this certification) for the Site named in the Site Details section of this form.
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form,
Louis Deglans 3/26/18
Signature of Site Owner or Representative Rendering Certification  Date
QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) SIGNATURE  I certify that all information and statements in this certification form are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.
(print name),
(print business address), am certifying as a Qualified Environmental Professional for the
(Owner or Owner's Representative) for the Site named in the Site Details section of this
form.

Signature of Qualified Environmental Professional, for Site Owner or Representative, Rendering Certification Stamp (if Required)

:

Date

## Appendix C Environmental Easement

#### NYC DEPARTMENT OF FINANCE OFFICE OF THE CITY REGISTER

This page is part of the instrument. The City Register willrely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



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#### RECORDING AND ENDORSEMENT COVER PAGE PAGE 1 OF 4 Document Date: 02-23-2004 Document ID: 2004041901055001 Preparation Date: 04-19-2004 Document Type: DECLARATION Document Page Count: 3 PRESENTER: **RETURN TO:** PAUL, HASTINGS, JANOFSKY & WALKER PAUL, HASTINGS, JANOFSKY & WALKER 75 EAST 55TH ST. 75 EAST 55TH ST. NEW YORK, NY 10022 NEW YORK, NY 10022 212-318-6203 212-318-6203 JOSHUAKLEIMAN@PAULHASTINGS.COM JOSHUAKLEIMAN@PAULHASTINGS.COM PROPERTY DATA Block Lot Borough Unit Address BRONX 3215 11 Entire Lot **2614 UNIVERSITY AVENUE Property Type:** VACANT LAND Block Lot Address Unit Borough BRONX 3215 14 Entire Lot 2620 UNIVERSITY AVENUE **Property Type:** VACANT LAND CROSS REFERENCE DATA CRFN \_\_\_\_\_\_ or Document ID \_\_\_\_\_ or \_\_\_\_ Year \_\_\_ Reel \_\_ Page \_\_\_\_ or File Number \_\_\_\_\_ PARTIES PARTY 1: 2614 KINGSBRIDGE CORPORATION 100 WEST KINGSBRIDGE ROAD BRONX, NY 10468 FEES AND TAXES Mortgage Recording Fee: \$ 55.00 Affidavit Fee: \$ Mortgage Amount: 0.00 0.00 Taxable Mortgage Amount: 0.00 NYC Real Property Transfer Tax FilingFee: Exemption: 0.00 NYS Real Estate Transfer Tax:

TAXES: County (Basic): \$ 0.00 City (Additional): 0.00 \$ Spec (Additional): \$ 0.00TASF: 0.00 \$ MTA: 0.00 \$ NYCTA: 0.00 \$ 0.00 TOTAL:

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

CITY OF NEW YORK 04-21-2004 17:09

Recorded/Filed

City Register File No.(CRFN):

2004000244967

City Register Official Signature

#### DECLARATION of COVENANTS and RESTRICTIONS

THIS COVENANT, made the 23rd day of February 2004, by 2614 Kingsbridge Corporation, a corporation organized and existing under the laws of the State of New York and having an office for the transaction of business at 100 West Kingsbridge Road, Bronx, NY 10468:

WHEREAS, 2614 Kingsbridge Corporation is the owner of a spill site identified by the New York State Department of Environmental Conservation as Spill No. 96-08909, located at 2614 and 2620 University Avenue in the Bronx, City of New York, Bronx County, State of New York, also known as Block 3215, Lot 11 and Lot 14 on the tax map in the Office of the Registrar of the City of New York, Bronx County and being more particularly described below, and hereinafter referred to as "the Property"; and

WHEREAS, the New York State Department of Environmental Conservation set forth a remedy to eliminate or mitigate all significant threats to the environment presented by hazardous waste disposal at the Site in a Voluntary Cleanup Agreement ("Agreement") Index No. D2-0003-98-12 dated January 22, 1999 or the Work Plan (including any amendments) for the implementation of the Agreement and such Agreement or Work Plan required that the Property be subject to restrictive covenants.

NOW, THEREFORE, 2614 Kingsbridge Corp., for itself and its successors and/or assigns, covenants that:

First, the Property subject to this Declaration of Covenants and Restrictions is as shown on a map attached to this declaration as Appendix "A" and made a part hereof, and being bounded and described as beginning at a point of the easterly side of University formerly Aqueduct Avenue distant One Hundred Thirty-five and Twenty-two One-Hundredths feet Southerly from the Southerly end of the curve at the corner formed by the intersection of the said Easterly side of University Avenue and the Southerly side of Kingsbridge Road, which said point is also distant Two Hundred Nineteen feet Southerly from the intersection of the said Easterly side of University Avenue with the Southerly side of Old Kingsbridge Road; running thence Southerly along said Easterly side of University Avenue Sixty-two and Fifty One-Hundredths feet; thence Easterly at right angles to said University Avenue Two Hundred Five and Twenty-eight One-Hundredths feet to the Westerly side of Aqueduct Avenue West; thence Northerly along the Westerly side of said Aqueduct Avenue West Sixty-two and Fifty One-Hundredths feet; and then Westerly again at right angles to said University Avenue Two Hundred Five and Seventy-two One-Hundredths feet to the point or place of Beginning.

Second, unless prior written approval by the New York State Department of Environmental Conservation or, if the Department shall no longer exist, any New York

State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first obtained, no person shall engage in any activity that will, or that reasonably is anticipated to, prevent or interfere significantly with any proposed, ongoing or completed program at the Property or that will, or is reasonably foreseeable to, expose the public health or the environment to a significantly increased threat of harm or damage.

Third, the owner of the Property shall, after the proposed building is constructed, maintain the building and associated paved areas as a cap covering the Property or, after obtaining the written approval of the Relevant Agency, by capping the Property with another material.

Fourth, the owner of the Property shall prohibit the Property from ever being used for purposes other than for residential housing without the express written waiver of such prohibition by the Relevant Agency.

Fifth, the owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Relevant Agency.

Sixth, the owner of the Property shall continue in full force and effect any institutional and engineering controls the Department required Respondent to put into place and maintain unless the owner first obtains permission to discontinue such controls from the Relevant Agency.

Seventh, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property and shall provide that the owner, and its successors and assigns, consents to the enforcement by the Relevant Agency of the prohibitions and restrictions that Paragraph X (ten) of the Agreement requires to be recorded, and hereby covenants not to contest the authority of the Department to seek enforcement.

Eighth, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Relevant Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

IN WITNESS WHEREOF, the undersigned has executed this instrument the day written below.

2614 Kingsbridge Corporation

Name and Audrey Weiner, President

STATE OF NEW YORK ) ss.: COUNTY OF NEW YORK )

On the 18 day of 4 da notary in and for said state, personally appeared Audrey Weiner, President of 2614 Kingsbridge Corporation, 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/she executed the same in his/her capacity and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

> MARGARET C. RIVERS Notary Public, State of New York Ne. 01R14792105 Qualified in Kings County Ferm Expires May 31, 1997