

Jewish Home and Hospital Periodic Review Report

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

Prepared for:

**Kenneth Gladstone Building, Housing Development Fund Company, Inc.
d/b/a The New Jewish Home, Kenneth Gladstone Building**

200 West 57th 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 Environmental, LLC
121 West 27th Street, Suite 702
New York, NY 10001

April 2019

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1.0 EXECUTIVE SUMMARY

On behalf of Kenneth Gladstone Building, Housing Development Fund Company, Inc. (d/b/a The New Jewish Home, Kenneth Gladstone Building, a 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 March 15, 2018 to March 15, 2019. 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 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 cubic feet per minute (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.

Pressure readings were collected during a Site inspection performed by Tenen on April 9, 2019. 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.

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 water)
East	04/09/2019	0.011
West	04/09/2019	0.006

The results of the Site inspection performed on April 9, 2019 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 NYSDEC minimum pressure differential of 0.004” of WC. Data collection will be performed on a weekly basis by an authorized Site representative and annual inspections will be performed by a QEP.

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.

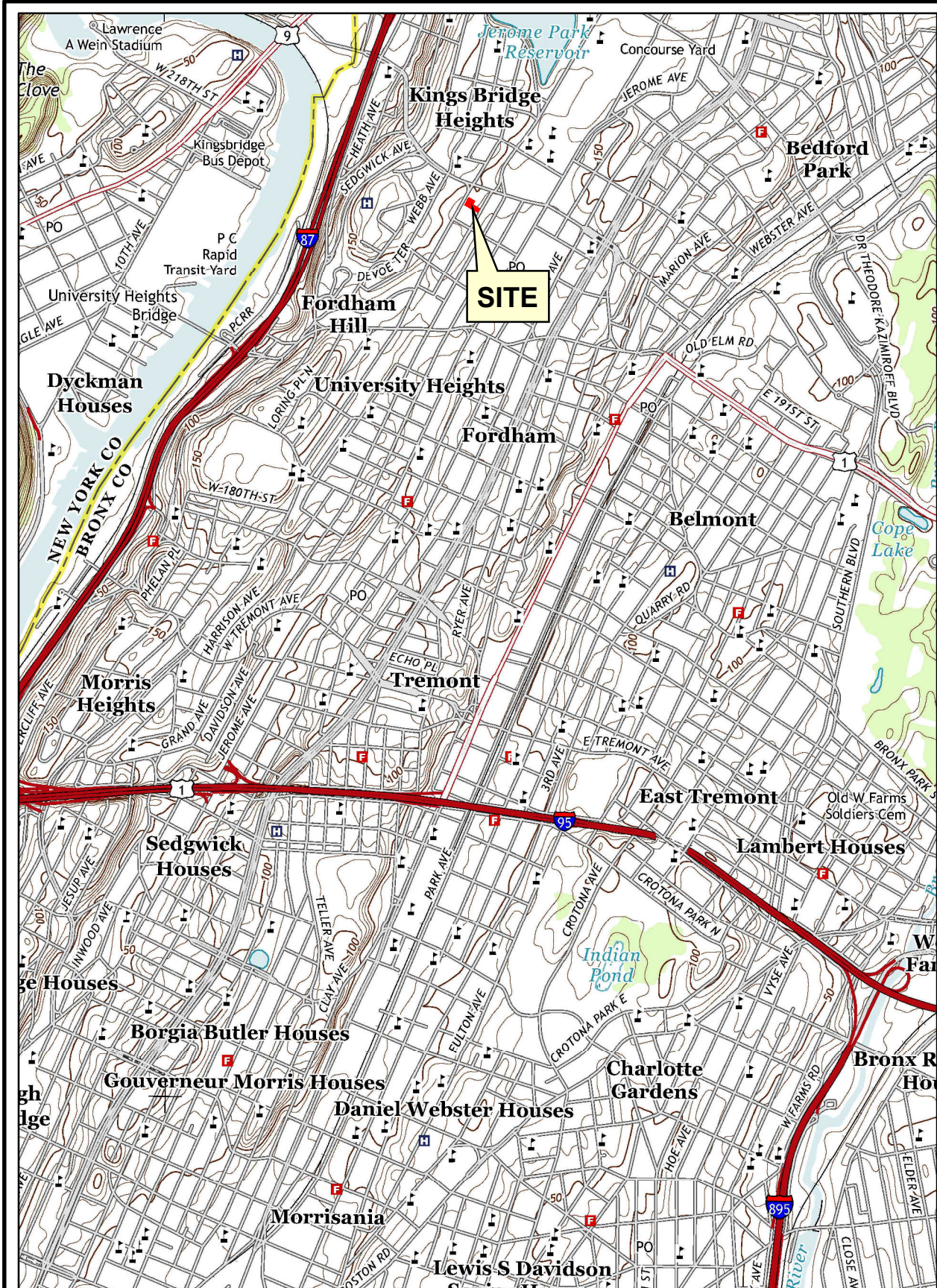
Environmental Easement, 2614 Kingsbridge Corporation, February 23, 2004.

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.

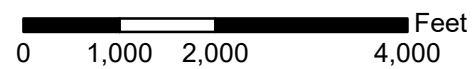
Site Management Plan, Jewish Home and Hospital for Aged, 2614-2620 University Avenue, Bronx, New York, NYSDEC VCP Site No. V00181, J. R. Holzmacher, P.E., LLC, March 2007.

FIGURES



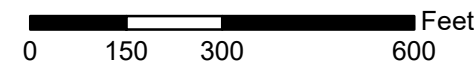
Basemap: Central Park, NY Quadrangle, 2013

Site Location



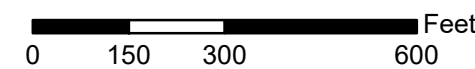
<http://gis.nyc.gov/taxmap/map.htm>

Department of Finance Digital Tax Map



Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community
NYC Department of City Planning, Information Technology Division

Department of City Planning MapPLUTO - 2017 v1



Site

TENEN ENVIRONMENTAL

**2614-2620 University Avenue
Bronx, New York
Block 3215, Lot 14**

Drawn By LM

Checked By AC

Date June 2018

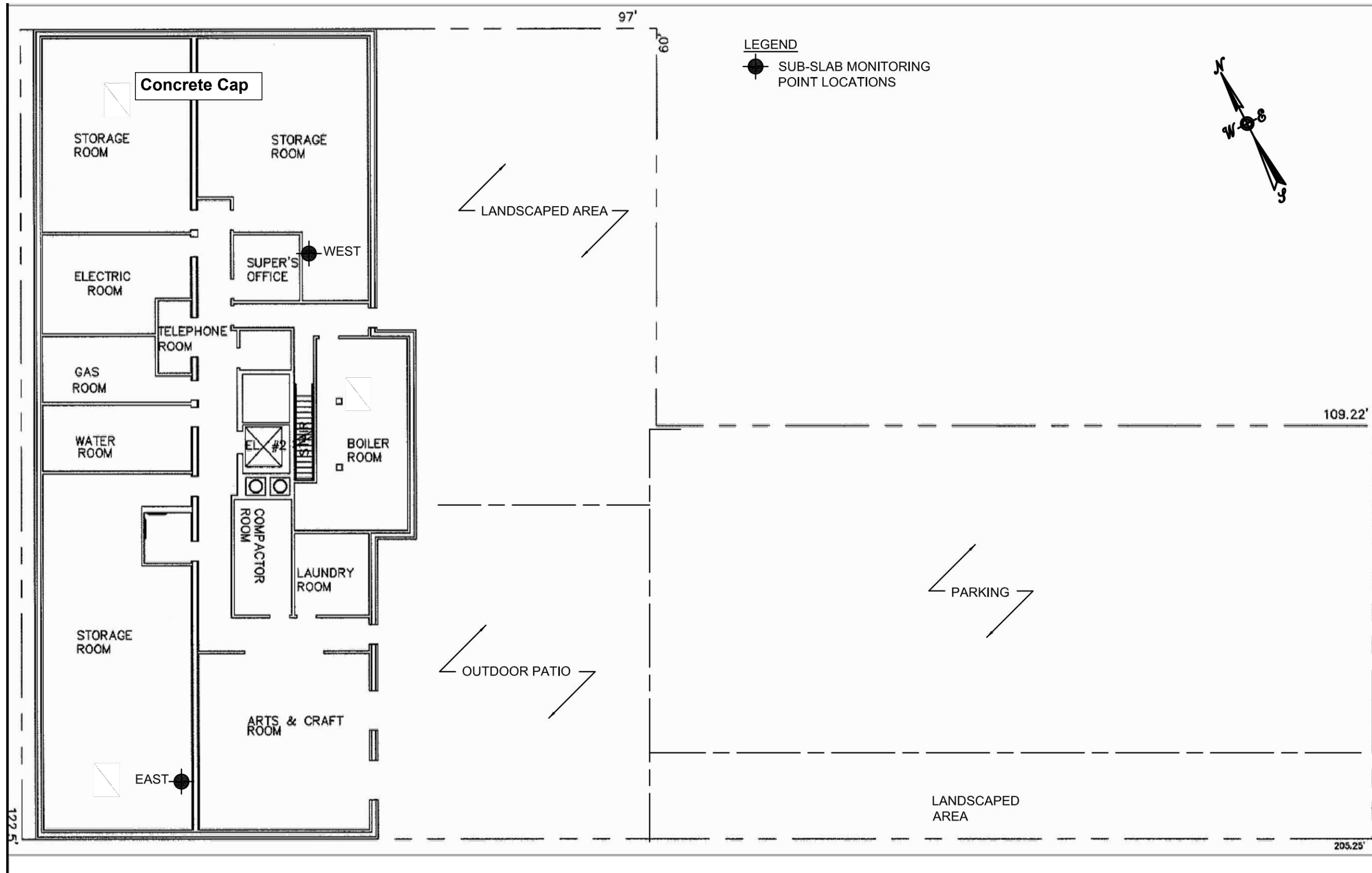
Scale As Noted

Site Location Map

Figure 1

Drawing Title

Drawing No



Source:
 J.R. Holzmacher P.E., LLC, Ronkonkoma, NY
 Monitoring Point Locations, 2614-2620 University Avenue, Bronx, NY
 Project No. TucMa08-01, Figure No. 2

DRAWING TITLE.	Site Plan	DRAWN BY	LM	CONSULTANT	 TENEN ENVIRONMENTAL, LLC 121 West 27th Street Suite 702 New York, NY 10001 O: 646-606-2332 F: 646-606-2379	SITE	2614-2620 University Avenue Bronx, New York Block 3215, Lot 14
			CHECKED BY				
DRAWING NO.	Figure 2	DATE	June 2018				
		SCALE:	N.T.S				

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 Details	Box 1
Site No. V00181	
Site Name Jewish Home for the Aged	
Site Address: 2614 University Avenue Zip Code: 10468	
City/Town: Bronx	
County: Bronx	
Site Acreage: 0.5	
Reporting Period: March 15, 2018 to March 15, 2019	
	YES NO
1. Is the information above correct?	<input checked="" type="checkbox"/> <input type="checkbox"/>
If NO, include handwritten above or on a separate sheet.	
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	<input type="checkbox"/> <input checked="" type="checkbox"/>
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	<input type="checkbox"/> <input checked="" type="checkbox"/>
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	<input type="checkbox"/> <input checked="" type="checkbox"/>
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.	
5. Is the site currently undergoing development?	<input type="checkbox"/> <input checked="" type="checkbox"/>
	Box 2
	YES NO
6. Is the current site use consistent with the use(s) listed below? Restricted-Residential, Commercial, and Industrial	<input checked="" type="checkbox"/> <input type="checkbox"/>
7. Are all ICs/ECs in place and functioning as designed?	<input checked="" type="checkbox"/> <input type="checkbox"/>
IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.	
A Corrective Measures Work Plan must be submitted along with this form to address these issues.	
_____ Signature of Owner, Remedial Party or Designated Representative	_____ Date

Description of Institutional Controls

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
3215-11	2614 Kingsbridge Corporation	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
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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>
3215-11	Cover System Vapor Mitigation
3215-14	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 of, and reviewed by, the party making the certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted

YES NO

☒ ☐

2. If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all of the following statements are true:

(a) the Institutional Control and/or Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

☒ ☐

**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

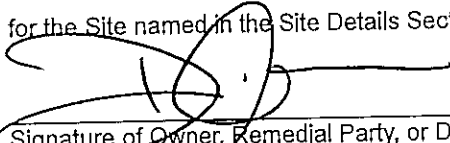
SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

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 Law.

I Diana Amador at 2614-20 University Ave. Bx, NY
print name print business address 10468

am certifying as Property Manager (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.



Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

4/10/19
Date

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
The New Jewish Home,
am certifying as a Qualified Environmental Professional for the Kenneth Gladstone Building
(Owner or Remedial Party)



04/11/2019

Signature of Qualified Environmental Professional, for
the Owner or Remedial Party, Rendering Certification

Stamp
(Required for PE)

Date

APPENDIX B – Weekly Vapor Point Readings

Kenneth Gladstone
2614-20 University Ave
Bronx, NY 10468
Site # V00181

Date	Pressure Readings (inches of water)	
	East	West
3/19/18	.05	.01
3/26/18	.05	.01
4/2/18	.05	.01
4/9/18	.05	.01
4/16/18	.05	.01
4/23/18	.04	.01
4/30/18	.05	.01
5/7/18	.06	.01
5/14/18	.05	.02
5/21/18	.05	.01
5/28/18	.05	.01
6/4/18	.05	.01
6/11/18	.05	.01
6/18/18	.05	.01
6/25/18	.05	.01
7/2/18	.04	.01
7/9/18	.04	.01
7/16/18	.04	.02
7/23/18	.05	.01
7/30/18	.05	.01
8/6/18	.05	.01
8/13/18	.05	.02
8/20/18	.05	.01
8/27/18	.05	.01
9/3/18	.05	.01
9/10/18	.05	.01
9/17/18	.05	.01
9/24/18	.05	.01
10/1/18	.05	.02
10/8/18	.05	.02
10/15/18	.04	.01
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11/5/18	.05	.01
11/12/18	.05	.01

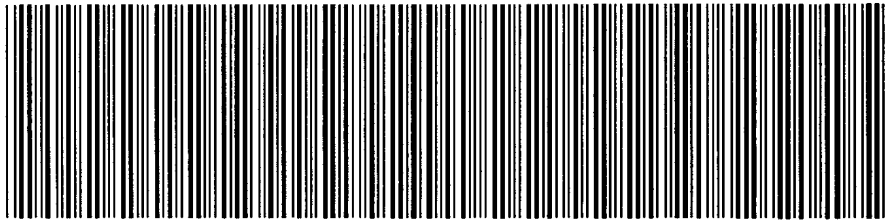
Kenneth Gladstone
2614-20 University Ave
Bronx, NY 10468
Site # V00181

[illegible]

APPENDIX C – Environmental Easement

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

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RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 4

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Document Type: DECLARATION

Document Page Count: 3

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PAUL, HASTINGS, JANOFKY & WALKER
75 EAST 55TH ST.
NEW YORK, NY 10022
212-318-6203
JOSHUA.KLEIMAN@PAULHASTINGS.COM

RETURN TO:

PAUL, HASTINGS, JANOFKY & WALKER
75 EAST 55TH ST.
NEW YORK, NY 10022
212-318-6203
JOSHUA.KLEIMAN@PAULHASTINGS.COM

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BRONX	3215	11	Entire Lot	2614 UNIVERSITY AVENUE
Property Type: VACANT LAND				
Borough	Block	Lot	Unit	Address
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
Mortgage Amount:	\$	Affidavit Fee: \$	0.00
Taxable Mortgage Amount:	\$	NYC Real Property Transfer Tax Filing Fee:	
Exemption:		\$	0.00
TAXES:		NYS Real Estate Transfer Tax:	
County (Basic):	\$	\$	0.00
City (Additional):	\$		0.00
Spec (Additional):	\$		0.00
TASF:	\$		0.00
MTA:	\$		0.00
NYCTA:	\$		0.00
TOTAL:	\$		0.00

**RECORDED OR FILED IN THE OFFICE
OF THE CITY REGISTER OF THE
CITY OF NEW YORK**

Recorded/Filed 04-21-2004 17:09

City Register File No.(CRFN):

2004000244967



Rochelle Patricia

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.

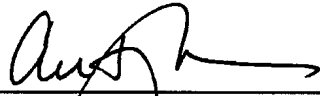
Sixth, the owner of the Property shall continue in full force and effect any institutional and engineering controls the Department required Respondent to put into place and maintain unless the owner first obtains permission to discontinue such controls from the Relevant Agency.

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

By: 

Name and Title: Audrey Weiner, President

Date: 4/18/04

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

On the 18 day of April, 2004 before me, the undersigned, a 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.


Notary Public

MARGARET C. RIVERS
Notary Public, State of New York
No. 01RI4792105
Qualified in Kings County
Term Expires May 31, 1997 Jan
2007