



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

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

Yes No **If yes, provide existing site number:** _____

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

Section I. Requestor Information - See Instructions for Further Guidance DEC USE ONLY
BCP SITE #:

NAME MARKLAND 745 LLC
ADDRESS 2447 Third Avenue
CITY/TOWN Bronx ZIP CODE 10451
PHONE 718-401-1511 FAX 718-425-9911 E-MAIL adi@altmarkgroup.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. Included in Attachment A

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

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

Section II. Project Description

1. What stage is the project starting at? Investigation Remediation

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

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

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

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

Section III. Property's Environmental History

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

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

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

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

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

*Please describe: _____

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

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

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?* Yes No
 (*answering No will result in an incomplete application)

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

- | | | | |
|---|---|---|--|
| <input type="checkbox"/> Coal Gas Manufacturing | <input checked="" 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 type="checkbox"/> Service Station |
| <input type="checkbox"/> Landfill | <input type="checkbox"/> Tannery | <input type="checkbox"/> Electroplating | <input type="checkbox"/> Unknown |

Other: piano string manufacturer and an automotive parts and equipment company _____

Section IV. Property Information - See Instructions for Further Guidance Included in Attachment D

PROPOSED SITE NAME 767 East 133rd Street

ADDRESS/LOCATION 767 East 133rd Street

CITY/TOWN Bronx ZIP CODE 10454

MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Bronx

COUNTY Bronx SITE SIZE (ACRES) 0.48

LATITUDE (degrees/minutes/seconds) 40 ° 48 ' 05.1 " LONGITUDE (degrees/minutes/seconds) -73 ° 54 ' 49.5 "

Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed, please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section No.	Block No.	Lot No.	Acreage
767 East 133rd Street	2	2562	49	0.48

1. Do the proposed site boundaries correspond to tax map metes and bounds? Yes No
If no, please attach an accurate map of the proposed site.
2. Is the required property map attached to the application? Yes No
(application will not be processed without map)
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)?
(See [DEC's website](#) for more information) Yes No
If yes, identify census tract : Census Tract 19
Percentage of property in En-zone (check one): 0-49% 50-99% 100%
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? Yes No
If yes, identify name of properties (and site numbers if available) in related BCP applications: _____
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? Yes No
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? Yes No
If yes, attach relevant supporting documentation.
7. Are there any lands under water? Yes No
If yes, these lands should be clearly delineated on the site map.

Section IV. Property Information (continued)

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

Easement/Right-of-way Holder

Description

None

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

Type

Issuing Agency

Description

None

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

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**? Yes No
Included in Attachment D

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

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

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

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

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

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

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

Initials of each Requestor: _____

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

Section V. Additional Requestor Information See Instructions for Further Guidance	DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____
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NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE **Adi Altmark**

ADDRESS **2447 Third Avenue**

CITY/TOWN **Bronx** ZIP CODE **10451**

PHONE 718-401-1511	FAX	E-MAIL adi@altmarkgroup.com
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NAME OF REQUESTOR'S CONSULTANT **Mimi Raygorodetsky of Langan Engineering, Environmental, Surveying, Landscaping Architecture, and Geology, D.P.C.**

ADDRESS **360 West 31st Street, 8th Floor**

CITY/TOWN **New York** ZIP CODE **10001**

PHONE 212-479-5400	FAX 212-479-5444	E-MAIL mraygorodetsky@langan.com
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NAME OF REQUESTOR'S ATTORNEY **George C.D. Duke, Esq., P.G. of Brown Duke & Fogel, P.C.**

ADDRESS **Empire State Building, 350 Fifth Avenue, Suite 4640**

CITY/TOWN **New York, NY** ZIP CODE **10118**

PHONE 646-915-0236	FAX 646-219-2601	E-MAIL gduke@bdflegal.com
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Section VI. Current Property Owner/Operator Information – if not a Requestor Included in Attachment E

CURRENT OWNER'S NAME **MARKLAND 745 LLC** OWNERSHIP START DATE: **6/30/2011**

ADDRESS **2447 3rd Avenue**

CITY/TOWN **Bronx** ZIP CODE **10451**

PHONE 718-401-1511	FAX 718-425-9911	E-MAIL adi@altmarkgroup.com
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CURRENT OPERATOR'S NAME **N/A - Site is vacant**

ADDRESS

CITY/TOWN ZIP CODE

PHONE	FAX	E-MAIL
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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".

Included in Attachment E

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)

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site? Yes No
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? Yes No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. Yes No

Section VII. Requestor Eligibility Information (continued)

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

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

PARTICIPANT

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

VOLUNTEER

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

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

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

Section VII. Requestor Eligibility Information (continued)

Included in Attachment F

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

Included in Attachment G

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

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

Section X. Land Use Factors		Included in Attachment H
<p>1. What is the current municipal zoning designation for the site? <u>M1-4/R7D</u></p> <p>What uses are allowed by the current zoning? (Check boxes, below)</p> <p><input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial</p> <p>If zoning change is imminent, please provide documentation from the appropriate zoning authority.</p>		
<p>2. Current Use: <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Vacant <input type="checkbox"/> Recreational (check all that apply)</p> <p>Included in Attachments C and D</p> <p>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.</p>		
<p>3. Reasonably anticipated use Post Remediation: <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial (check all that apply) Attach a statement detailing the specific proposed use.</p> <p>If residential, does it qualify as single family housing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		
4. Do current historical and/or recent development patterns support the proposed use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

XI. Statement of Certification and Signatures

(By requestor who is an individual)

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

Date: _____ Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Owner (title) of Markland 745 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: 3/15/19 Signature: _____

Print Name: Adi Altmark

SUBMITTAL INFORMATION:

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

FOR DEC USE ONLY

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

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

BCP App Rev 10

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<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
From ECL 27-1405(31):	
<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>	
From 6 NYCRR 375-3.2(I) as of August 12, 2016: (Please note: Eligibility determination for the underutilized category can only be made at the time of application)	
375-3.2:	
<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: 767 East 133rd Street
City: Bronx

Site Address: 767 East 133rd Street
County: Bronx **Zip:** 10454

Tax Block & Lot
Section (if applicable): 2 **Block:** 2562 **Lot:** 49

Requestor Name: MARKLAND 745 LLC
City: Bronx

Requestor Address: 2447 Third Avenue
Zip: 10451 **Email:** adi@altmarkgroup.com

Requestor's Representative (for billing purposes)

Name: Adi Altmark **Address:** 2447 Third Avenue
City: Bronx **Zip:** 10451

Email: adi@altmarkgroup.com

Requestor's Attorney

Name: George C.D. Duke, Esq., P.G. of Brown Duke & Fogel, P.C. **Address:** Empire State Building, 350 Fifth Avenue, Suite 4640
City: New York, NY **Zip:** 10118

Email: gduke@bdflegal.com

Requestor's Consultant

Name: Mimi Raygorodetsky of Langan Engineering, Environmental, Surveying, Landscaping **Address:** 360 West 31st Street, 8th Floor
City: New York **Zip:** 10001

Email: mraygorodetsky@langan.com

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

DER Determination: Agree Disagree

Requestor's Requested Status: Volunteer Participant

DER/OGC Determination: Agree Disagree
Notes:

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

Does Requestor Claim Property is Upside Down: Yes No

DER/OGC Determination: Agree Disagree Undetermined

Notes:

Does Requestor Claim Property is Underutilized: Yes No

DER/OGC Determination: Agree Disagree Undetermined

Notes:

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

DER/OGC Determination: Agree Disagree Undetermined

Notes:

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM (BCP)
INSTRUCTIONS FOR COMPLETING A BCP APPLICATION**

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional office](#) to schedule a meeting. To add a party to an existing BCP Agreement and/or Application, use the [BCP Agreement Amendment Application](#). **See guidance at the end of these instructions regarding the determination of a complete application.**

SECTION I REQUESTOR INFORMATION

Requestor Name

Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information. If an LLC, the members/owners names need to be provided on a separate attachment). The requestor is the person or entity seeking DEC review and approval of the remedial program.

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 in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to DEC with the application, to document that the requestor is authorized to do business in NYS.

Address, etc.

Provide the requestor's mailing address, telephone number; fax number and e-mail address.

Document Certification

All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of [DER-10](#). Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:

- New York State licensed professional engineers (PEs), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a PE with current license and registration for work that was done by them or those under their direct supervision. The firm by which the PE is employed must also be authorized to practice engineering in New York State;
- qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;
- remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or
- site owners, which are the owners of the property comprising the site at the time of the certification.

SECTION II PROJECT DESCRIPTION

As a separate attachment, provide complete and detailed information about the project, including the purpose of the project, the date the remedial program is to start, and the date the Certificate of Completion is anticipated..

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION III

PROPERTY'S ENVIRONMENTAL HISTORY

Please follow instructions on application form.

SECTION IV

PROPERTY INFORMATION

Proposed Site Name

Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e. ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.

Site Address

Provide a street address, city/town, zip code, and each municipality and county in which the site is located. .

Site Size

Provide the approximate acreage of the site.

GIS Information

Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.

Tax Parcel Information

Provide the tax parcel address/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5 minute quad map on which the property appears and clearly indicate the proposed site's location.

1. Tax Map Boundaries

State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.

2. Map

Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION IV (continued)

3. En-zone

Is any part of the property in an En-zone? If so, what percentage? For information on En-zones, please see [DEC's website](#).

4. Multiple applications

Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where 1) the development project spans more than 25 acres; 2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and 3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).

10. Property Description Narrative

Provide a property description in the format provided below. Each section should be no more than one paragraph long.

Location

Example: "The XYZ Site is located in an {urban, suburban, rural} area." {Add reference points if address is unspecific; e.g., "The site is approximately 3.5 miles east of the intersection of County Route 55 and Industrial Road."}

Site Features:

Example: "The main site features include several large abandoned buildings surrounded by former parking areas and roadways. About one quarter of the site area is wooded. Little Creek passes through the northwest corner."

Current Zoning and Land Use: (Ensure the current zoning is identified.)

Example: "The site is currently inactive, and is zoned for commercial use. The surrounding parcels are currently used for a combination of commercial, light industrial, and utility right-of-ways. The nearest residential area is 0.3 miles east on Route 55."

Past Use of the Site: include source(s) of contamination and remedial measures (site characterizations, investigations, Interim Remedial Measures, etc.) completed outside of the current remedial program (e.g., work under a petroleum spill incident).

Example: "Until 1992 the site was used for manufacturing wire and wire products (e.g., conduit, insulators) and warehousing. Prior uses that appear to have led to site contamination include metal plating, machining, disposal in a one-acre landfill north of Building 7, and releases of wastewater into a series of dry wells."

When describing the investigations/actions performed outside of the remedial program, include the major chronological remedial events that lead to the site entering a remedial program. The history should include the first involvement by government to address hazardous waste/petroleum disposal. Do not cite reports. Only include remedial activities which were implemented PRIOR to the BCA. Do not describe sampling information.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION IV (continued)

Property Description Narrative (continued)

Site Geology and Hydrogeology:

As appropriate, provide a very brief summary of the main hydrogeological features of the site including depth to water, groundwater flow direction, etc.

Environmental Assessment

The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semivolatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths.

The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SGCs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site.

A typical Environmental Assessment would look like the following:

Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE).

Soil - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the site. Concentrations of cadmium found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).

Groundwater - TCE and its associated degradation products are also found in groundwater at the north end of the site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the site has migrated 300 feet down-gradient off-site. The primary contaminant of concern for the off-site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.

Soil Vapor & Indoor Air - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.

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

SECTION V

ADDITIONAL REQUESTOR INFORMATION

Representative Name, Address, etc.

Provide information for the requestor's authorized representative. This is the person to whom all correspondence, notices, etc. will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative of Applications determined to be Participants unless another contact name and address is provided with the application.

Consultant and Attorney Name, Address, etc.

Provide requested information.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION VI CURRENT PROPERTY OWNER/OPERATOR INFORMATION
(IF NOT A REQUESTOR)**

Owner Name, Address, etc.

Provide requested information of the current owner of the property. List all parties holding an interest in the Property and, if the Requestor is not the current owner, describe the Requestor's relationship to the current owner.

Operator Name, Address, etc.

Provide requested information of the current operator (if different from the requestor or owner).

Provide a list of previous property owners and operators with names, last known addresses, telephone numbers and the Requestor's relationship to each owner and operator as a separate attachment

SECTION VII REQUESTOR ELIGIBILITY INFORMATION

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

SECTION VIII PROPERTY ELIGIBILITY INFORMATION

As a separate attachment, provide complete and detailed information in response to the following eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that that information be summarized.

1. CERCLA / NPL Listing

Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.

2. Registry Listing

Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) [website](#) for a database of sites with classifications.

3. RCRA Listing

Does the property have a Resource Conservation and Recovery Act (RCRA) TSDF Permit in accordance with the ECL 27-0900 *et seq*? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.

4. Registry / RCRA sites owned by volunteers

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.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

SECTION VIII (continued)

5. Existing Order

Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.

6. Enforcement Action Pending

Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information on an attachment.

SECTION IX CONTACT LIST INFORMATION

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project.

SECTION X LAND USE FACTORS

In addition to eligibility information, site history, and environmental data/reports, the application requires information regarding the current, intended and reasonably anticipated future land use.

1. This information consists of responses to the "land use" factors to be considered relative to the "Land Use" section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a "brownfield site" pursuant to ECL 27-1405(2).
2. This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

SECTION XI SIGNATURE PAGE

The Requestor must sign the application, or designate a representative who can sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each must sign a signature page. 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 entity's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

DETERMINATION OF A COMPLETE APPLICATION

1. The first step in the application review and approval process is an evaluation to determine if the application is complete. To help ensure that the application is determined complete, requestors should review the list of [common application deficiencies](#) and carefully read these instructions.
2. DEC will send a notification to the requestor within 30 calendar days of receiving the application, indicating whether such application is complete or incomplete.
3. An application must include the following information relative to the site identified by the application, necessary for making an eligibility determination, or it will be deemed incomplete. (**Please note:** the application as a whole requires more than the information outlined below to be determined complete). The application must include:
 - a. for all sites, an investigation report sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data includes site drawings requested in Section III, #3 of the BCP application form.
 - b. for those sites described below, documentation relative to the volunteer status of all requestors, as well as information on previous owners or operators that may be considered responsible parties **and** their ability to fund remediation of the site. This documentation is required for:
 - i. real property listed in the registry of inactive hazardous waste disposal sites as a class 2 site, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP; or
 - ii. real property that was a hazardous waste treatment, storage or disposal facility having interim status pursuant to the Resource Conservation and Recovery Act (RCRA) program, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP.
 - c. for sites located within the five counties comprising New York City, in addition to (a) and if applicable (b) above, if the application is seeking a determination that the site is eligible for tangible property tax credits, sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a). **If this 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, using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.**
 - d. for sites previously remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law, relevant documentation of this remediation.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

DETERMINATION OF A COMPLETE APPLICATION (continued)

4. If the application is found to be incomplete:
 - a. the requestor will be notified via email or phone call regarding minor deficiencies. The requestor must submit information correcting the deficiency to DEC within the 30-day review time frame; or
 - b. the requestor will receive a formal Letter of Incomplete Application (LOI) if an application is substantially deficient, if the information needed to make an eligibility determination identified in #4 above is missing or found to be incomplete, or if a response to a minor deficiency is not received within the 30-day period. The LOI will detail all of the missing information and request submission of the information. If the information is not submitted within 30 days from the date of the LOI, the application will be deemed withdrawn. In this case, the requestor may resubmit the application without prejudice.

5. If the application is determined to be complete, DEC will send a Letter of Complete Application (LOC) that includes the dates of the public comment period. The LOC will:
 - a. include an approved public notice to be sent to all parties on the Contact List included with the application;
 - b. provide instructions for publishing the public notice in the newspaper on the date specified in the letter, and instructions for mailing the notice to the Contact List;
 - c. identify the need for a certification of mailing form to be returned to DEC along with proof of publication documentation; and
 - d. specify the deadline for publication of the newspaper notice, which must coincide with, or occur before, the date of publication in the Environmental Notice Bulletin (ENB).
 - i. DEC will send a notice of the application to the ENB. As the ENB is only published on Wednesdays, DEC must submit the notice by the Wednesday before it is to appear in the ENB.
 - ii. The mailing to parties on the Contact List must be completed no later than the Tuesday prior to ENB publication. If the mailings, newspaper notice and ENB notice are not completed within the time-frames established by the LOC, the public comment period on the application will be extended to insure that there will be the required comment period.
 - iii. Marketing literature or brochures are prohibited from being included in mailings to the Contact List.

ATTACHMENT A

SECTION I: REQUESTOR INFORMATION

ATTACHMENT A
SECTION I: REQUESTOR INFORMATION

The requester is MARKLAND 745 LLC.

A copy of the entity information for Markland 745 LLC from the NYS Department of State's Corporation & Business Entity Database is included with this attachment. The requester is a Limited Liability Company (LLC) and is owned in four equal parts (25% each) by the following members:

- Aileen Altmark
- Adi Altmak
- SYOBA Partners LP
- Altmark Capital LLC - Owned by the following members:
 - Barry Altmark
 - Moshe Altmark
 - Adi Altmark

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through February 19, 2019.

Selected Entity Name: MARKLAND 745 LLC

Selected Entity Status Information

Current Entity Name: MARKLAND 745 LLC

DOS ID #: 4107977

Initial DOS Filing Date: JUNE 16, 2011

County: BRONX

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)

MARKLAND 745 LLC
2447 THIRD AVE.
BRONX, NEW YORK, 10451

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
JUN 16, 2011	Actual	MARKLAND 745 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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MARKLAND 745 LLC
MEMBER CONSENT TO ENTER THE NEW YORK STATE
BROWNFIELD CLEANUP PROGRAM AND COMPLETE
REMEDIAL PROGRAM REQUIREMENTS

The undersigned, being all the members of Markland 745 LLC, a New York limited liability company (the “Company”) hereby certify as of March , 2019, as follows and adopt the following resolutions and authorize the company to authorize and direct Adi Altmark (the “Authorized Signatory”) to take the following actions on behalf of the Company:

WHEREAS, the Company was formed pursuant to the Articles of Organization dated June 16, 2011;

WHEREAS, the Company desires to authorize the Authorized Signatory to undertake actions necessary to redevelop 761 East 133rd Street, 763 East 133rd Street, 767 East 133rd Street, and 750 East 134th Street, Bronx, New York 10454, Block 2562 Lots 49, 56, 58, 60 (the “Property” or the “Site”);

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


NOW THEREFORE, BE IT

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

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


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

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


Authorized Signatory	Signature
Adi Altmark	

IN WITNESS WHEREOF, the undersigned have signed sealed this Member Consent on March 29, 2019.

MEMBERS:



Adi Altmark



Aileen Altmark

SYOBA Partners, LP

By: Moshe Altmark, General Partner

Altmark Capital LLC

By: Adi Altmark, Managing Member

ATTACHMENT B

SECTION II: PROJECT DESCRIPTION

ATTACHMENT B

SECTION II: PROJECT DESCRIPTION

Item 4 – Project Description

Overall Development Project Description

The site currently comprises a vacant, one-story building previously used as warehouse space; a vacant, three-story building with a cellar previously used as commercial office space; a storage shed; and an asphalt-paved parking lot. The site is identified as 767 West 133rd Street (formerly known as 111 Willow Avenue). The Site is identified as Bronx Block 2562, Lot 49 (formerly Lots 49, 56, 58, and 60) on the Bronx Borough tax map, and the lot merger was completed on November 13, 2017. A zoning map amendment (C 180088 ZMX) was approved on June 7, 2018, that changed the zoning district for the site from an M1-2 to an M1-4/R7D. The purpose of the project is to develop a contaminated parcel of land, while implementing remedial measures that are protective of human health and the environment. The proposed development project will include demolition of existing structures and construction of a new eight-story mixed-use building which will occupy the entirety of the site. The first floor will contain commercial retail space (approximately 15,000-square-feet), and the floors two through eight will contain 126 affordable housing units. The total residential area is proposed to be about 100,500 square feet.

The scope of the site investigation will be detailed in a Remedial Investigation Work Plan (RIWP), a draft of which is being submitted with this application. The RIWP will be implemented to determine the nature and extent of soil, groundwater and soil vapor impacts from historical site and neighboring uses. The findings of the investigation will be documented in a Remedial Investigation Report (RIR) and future remediation plans to address the identified impacts will be detailed in a Remedial Action Work Plan (RAWP), which will be implemented concurrently with the contemplated development. The RIWP and RAWP will be prepared and submitted in accordance with New York State Department of Environmental conservation (NYSDEC) guidelines.

Estimated Project Schedule

The remedial program is anticipated to start in March 2019, and a Certificate of Completion is anticipated in December 2020. The current project schedule is included with this attachment.

Estimated Project Schedule		2019												2020											
		MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC		
Item	Action																								
1	BCP Application and RIWP - Submittal	■																							
2	NYSDEC Review/Completeness Determination	■																							
3	BCP Application and RIWP Public Comment Period	■																							
4	BCP Agreement	■																							
5	CPP - Preparation and Submittal	■																							
6	RI - Implementation	■																							
7	RIR and RAWP - Preparation and Submittal	■																							
8	RIR and RAWP - NYSDEC Review and Public Comment Period	■																							
11	RAWP Implementation/Construction	■												■											
12	FER/SMP/EE and COC	■												■											



APPLICATION FOR APPORTIONMENTS OR MERGERS

Instructions: Please complete this application and *submit in person* to: **Department of Finance, Property Division - Tax Map Office, 66 John Street, 2nd floor, New York, NY 10038.** Please read the instructions for further details before completing this form. Print clearly.

SECTION A: PROPERTY INFORMATION

Borough: Bronx Block: 2562 Present Lot(s): 49, 56, 58, 60

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Merger Apportionment Number of Lots Requested 1

Lot Number: 49

Air Subterranean

Lot(s) Usage: (check one) Residential Building Gross Sq/Ft: 20,647 Commercial Building Gross Sq/Ft: _____ Mix (Residential & Commercial) Building Gross Sq/Ft: _____

1. Property Owner's Name (as per Deed): _____
LAST NAME FIRST NAME

OR

Company Name: Markland 745, LLC.

2. Property Address: 761,763,767 East 133 St. & 750 E 134 St. Bronx NY 10454
NUMBER AND STREET CITY STATE ZIP CODE

3. Filing Representative (if applicable): George E. Berger & Associates, LLC.

SECTION B: CERTIFICATION

1. Architect/Engineer/Applicant's Name: Newman Mitchell
LAST NAME FIRST NAME

2. Address: 210 West Rogues Path Cold Spring Hills NY 11743
NUMBER AND STREET CITY STATE ZIP CODE

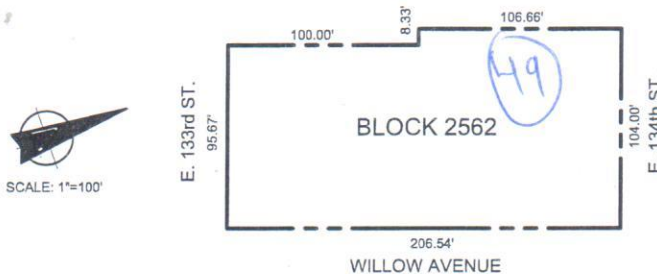
3. Telephone Number: (631) 673-3111 4. Email Address: bnewman@ndarchitects.com

The applicant hereby certifies that, in making this application for merger/apportionment, s/he is the owner, or acting under the direction of the owner.

Signature of Architect/ Engineer/Applicant: [Signature] Date: 10 / 18 / 2017

TAX MAP CHANGE WILL NOT BE MADE UNTIL PRESENTATION OF REQUIRED DOCUMENTS (see reverse for the required documents)

DRAW SKETCH TO SCALE 1" = 50', IF POSSIBLE INDICATE NORTH ARROW



(Architect or Engineer's seal)

Tentative Lot(s) issued: JKRMAN Date: 11.13.17 New Lot(s): - Lot(s) Affected: 49 Lot(s) Dropped: 56, 58, 60

Please note: Map changes will not be made until presentation of all required documents is reviewed and approved by the Specialist. Lots are tentative until final approval is received from the Tax Map Office.

Map Updated: _____ Tax Map Specialist: _____ Date: ____/____/____

ATTACHMENT C

**SECTION III: PROPERTY'S ENVIRONMENTAL
HISTORY**

ATTACHMENT C

SECTION III: PROPERTY'S ENVIRONMENTAL HISTORY

Item 1 – Reports

Environmental reports prepared for the site are summarized below and include the following:

- *Phase I Environmental Site Assessment, dated 24 June 2011, prepared for Miller Druck Specialty Contracting, Inc. by Omega Environmental Services, Inc. (Omega)*
- *Phase I Environmental Site Assessment, dated 27 June 2011, prepared for Altmark Group LLC by Ethan C. Eldon Associates*
- *Basement Soil Sample Results Summary, dated 29 June, 2011, prepared by Omega*
- *Reliance Letter, dated July 5, 2011, prepared for Markland 745 LLC by Omega*
- *Phase I Environmental Site Assessment, dated 18 November 2016, prepared for Signature Bank by Middleton Environmental, Inc. (Middleton)*
- *Preliminary Geotechnical Investigation Report, dated November 17, 2017, prepared for JCAL Development Group LLC by Pillori Associates*
- *Remedial Investigation Report, dated July 2018, prepared for Mayor's Office of Environmental Remediation by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C. (Langan)*

The Phase I reports prepared in 2011 were completed for the site (Block 2562, former Lots 49, 56, 58, and 60), as well as, multiple properties surrounding the site (Block 2562, Lots 65, 66, 67, and 68). The reports listed above are included in this attachment.

Phase I Environmental Site Assessment, dated 24 June 2011, prepared by Omega Environmental Services, Inc. (Omega)

The Phase I ESA was completed for Bronx Block 2562, former Lots 49, 50, 56, 58, 60, 65, 66, 67, and 68 and was conducted in accordance with the ASTM E-1527-05 standard. The Phase I ESA identified an out-of-service aboveground storage tank (AST) encased in concrete with unknown capacity located in the basement of the office building on former Lot 56. The report recommended that the tank be further inspected, removed, and registered. No visual indications of impacts were reported near the AST. Omega also recommended further investigation for "soil-like material" accumulated on the basement slab of the office building.

Phase I Environmental Site Assessment, dated 27 June 2011, prepared by Ethan C. Eldon Associates

Ethan C. Eldon Associates prepared a Phase I ESA in accordance with the ASTM E-1527-05 standard. The report was prepared for Block 2562, former Lots 49, 56, 58, 60, and 65 through 68 in advance of a property transaction. Based on our review of the findings specific to the lots that comprise the site, the presence of an oil storage tank and oil stains in the basement and in the boiler room at 767 East 133rd Street (Lot 56) were identified as RECs.

The Phase I ESA also identified the site as E-Designated (E-143) for hazardous material and noise and as being located within the 100-year flood plain.

Basement Soil Sample Results Summary, dated 29 June, 2011, prepared by Omega

The letter report summarizes the laboratory analytical results of the two soil samples collected at the site to address the findings of the 24 June, 2011 Phase I ESA. The samples were collected from the soil-like material near the AST¹ that was identified in the basement of the office building located on Lot 56. Sample results were compared to NYSDEC Technical and Administrative Guidance Memorandum (TAGM) 4046 Recommended Soil Cleanup Objectives; TAGM was superseded by NYSDEC Title 6 NYCRR Part 375 Soil Cleanup Objectives (SCOs) in 2010.

Based on our review and comparison of the data to the NYSDEC Part 375 SCOs:

- Volatile organic compounds (VOC) and semi volatile organic compounds (SVOC) were not detected at concentrations above the Part 375 Unrestricted Use SCOs;
- Total PCB concentrations exceeded the Part 375 Commercial Use SCOs in both samples.

The report concluded that the material tested is not hazardous.

Reliance Letter, dated July 5, 2011, prepared by Omega

Omega issued a reliance letter to Markland 745, LLC (the Requestor) to use and rely on the information contained in their Phase I ESA report dated June 30, 2011. A typographical error on the date of the letter was confirmed with Mr. Ekstrand of Omega. Mr. Ekstrand indicated that the letter was indeed issued on July 5, 2011 not on July 5, 2010. Mr. Ekstrand also indicated that the June 24, 2011 dated Phase I ESA was resubmitted to their client again on June 30, 2011.

¹ Langan visited the site in July and September 2018 and did not observe the AST referenced in these previous environmental reports, indicating that it was previously removed.

Phase I Environmental Site Assessment (ESA), dated 18 November 2016, prepared by Middleton Environmental, Inc.

The Phase I ESA did not identify any RECs. Langan’s review of Phase I ESA identified the following:

- Historical uses of environmental concern at the site included a piano string manufacturer (circa 1927 to 1976) and an automotive parts and equipment company (circa 1976).
- A Resource Conservation and Recovery Act (RCRA) hazardous waste generator of halogenated solvents was identified on the eastern-adjointing property and three NYSDEC closed spills were identified within a 0.125-mile radius of the site.

Preliminary Geotechnical Investigation, dated November 17, 2017, prepared by Pillori Associates

The report describes a geotechnical investigation performed between October 30 and November 7, 2017. The purpose of the investigation was to identify soil conditions for the design and construction of new foundations. Fill material consisting of sand, silt, gravel, and miscellaneous debris, brick, and asphalt fragments was identified from the surface down to 8 to 13 feet below grade surface (bgs). The fill layer was underlain by an approximately 6- to 15-foot-thick layer of discontinuous tidal marsh deposits (silt, clay, and peat) extending to depths from 16 to 23 feet bgs. Groundwater was measured at approximately 8.4 feet bgs. The bedrock was generally encountered between about 30 to 45 feet bgs; however, in some locations, borings were advanced to 85 feet bgs and the bedrock was not encountered.

Remedial Investigation Report, dated July 2018, prepared by Langan

A Remedial Investigation (RI) was implemented as part of the New York City (NYC) Brownfield Jumpstart Program and the NYC Community Brownfield Planning Area Program. The RI included a geophysical survey; installation of soil borings, groundwater monitoring wells and temporary soil vapor points; and soil, groundwater and soil vapor sampling. The following observations were made during the July 2018 RI:

- The geophysical survey did not identify any anomalies indicative of USTs.
- The investigation included advancement of nine soil boring and installation of five permanent groundwater monitoring wells and eight temporary soil vapor probes and the collection and laboratory analysis of 19 soil samples, 6 groundwater samples and 7 soil vapor samples, plus QA/QC samples.

-
- The subsurface consisted of historic fill material from below the surface cover (asphalt or building slab) to a maximum depth of about 8 feet below ground surface (bgs). The fill layer was underlain by native soils primarily consisting of silt, sand and clay.
 - Grossly impacted material was not observed during the investigation. Photoionization detector (PID) readings in soil did not exceed background conditions. Chemical staining and odors were not apparent during soil sampling and no petroleum-like sheen was observed on groundwater.
 - Groundwater was encountered from 0.47 feet below the cellar slab in the 767 East 133rd Street building (Block 2562, former Lot 56) to 9.56 feet bgs in the parking lot (Block 2562, former Lot 49), corresponding to groundwater elevations ranging from elevation (el.) 3.59 to el. 5.54 North American Vertical Datum of 1988 (NAVD88). Groundwater elevations are based on well survey measurements collected on July 13, 2018. Based on the groundwater measurements, site groundwater flows southwest.
 - Soil samples were compared to the NYSDEC Part 375 Unrestricted Use (UU) and Restricted Use Restricted-Residential (RURR) SCOs. The results are summarized below:
 - VOC – VOCs were not detected at concentrations above UU SCOs in any soil samples, with the exception of acetone, which was detected above the UU SCO but below the RURR SCO (maximum [max] concentration 0.19 milligrams per kilogram [mg/kg]). Acetone is a common laboratory artifact and likely not representative of site conditions.
 - SVOC – Seven SVOCs, including benzo(a)anthracene (max concentration 20 mg/kg), benzo(a)pyrene (max concentration 17 mg/kg), benzo(b)fluoranthene (max concentration 24 mg/kg), benzo(k)fluoranthene (max concentration 7.6 mg/kg), chrysene (max concentration 17 mg/kg), indeno(1,2,3-cd)pyrene (max concentration 3.3 mg/kg), and dibenzo[a,h]anthracene (max concentration 3.6 mg/kg), were detected at concentrations above UU and/or RURR SCOs.
 - Pesticides – Four pesticides, including total chlordane (max concentration 0.13 mg/kg), p-p'-DDE (max concentration 0.13 mg/kg), p,p'-DDD (max concentration 0.13 mg/kg), and p-p'-DDT (max concentration 0.13 mg/kg), were detected at concentrations above UU SCOs but not above the RURR SCOs.
 - Polychlorinated biphenyls (PCB) – Total PCBs were not detected at concentrations above UU SCOs, with the exception of one sample, where total PCBs were detected above the UU SCO but below the RURR SCO (max concentration 0.29 mg/kg).

- Metals – Eight metals, including barium (max concentration 1,000 mg/kg), cadmium (max concentration 3.5 mg/kg), chromium (max concentration 110 mg/kg), copper (max concentration 440 mg/kg), lead (max concentration 1,000 mg/kg), mercury (max concentration 5.2 mg/kg), nickel (max concentration 100 mg/kg), and zinc (max concentration 2,400 mg/kg), were detected at concentrations exceeding UU and/or RURR SCOs.
- Groundwater samples were compared to the NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Guidance Values (SGVs) for Class GA water. The results are summarized below:
 - VOCs – Seven VOCs including 1,1,1-trichloroethane (TCA - max concentration 130 micrograms per liter [µg/L]), 1,1-dichloroethane (1,1-DCA - max concentration 38 µg/L), 1,1-dichloroethene (1,1-DCE - max concentration 65 µg/L), cis-1,2-dichloroethene (cis-1,2-DCE - max concentration 320 µg/L), tetrachloroethene (PCE - max concentration 3,700 µg/L), trichloroethene (TCE - max concentration 420 µg/L), and vinyl chloride (VC - max concentration 5.6 µg/L), were detected at concentrations exceeding their SGVs. These compounds are all chlorinated aliphatic hydrocarbons.
 - SVOCs, Pesticides, Herbicides, and PCBs – SVOCs, pesticides, herbicides and PCBs were not detected at concentrations above SGVs in any groundwater samples.
 - Total Metals – Eight total metals, chromium (max concentration 180 µg/L), iron (140,000 µg/L), manganese (4,300 µg/L), nickel (170 µg/L), sodium (450,000 µg/L), arsenic (35 µg/L), lead (64 µg/L), and selenium (12 µg/L) were detected at concentrations exceeding their SGVs. These compounds are likely associated with regional conditions.
 - Dissolved Metals – Three dissolved metals, iron (max concentration 3,200 µg/L), manganese (max concentration 3,000 µg/L), and sodium (maximum 520,000 µg/L), were detected at concentrations exceeding their SGVs. These compounds are likely associated with regional conditions.
- Soil vapor samples were evaluated using the New York State Department of Health (NYSDOH) Final Guidance on Soil Vapor Intrusion (May 2017) Matrices A, B, and C. Both petroleum-related VOCs and chlorinated VOCs were present in soil vapor.
 - The total concentration of petroleum-related VOCs (BTEX – benzene, toluene, ethylbenzene, and xylene) ranged from 32.4 micrograms per cubic meter (µg/m³) in sample SV05_052318 to 49.7 µg/m³ in sample SV06_052318.

- PCE and TCE were detected in one sample (SV07_062218) at 160 and 8.4 $\mu\text{g}/\text{m}^3$, respectively, which are above the corresponding NYSDOH matrix values at which mitigation is recommended (100 and 6 $\mu\text{g}/\text{m}^3$, respectively). VOCs were not detected above comparison criteria in any other sample. In the absence of indoor air samples, the results for PCE and TCE in soil vapor samples indicate a range of suggested action from “no further action” through “mitigate”.

Item 2 – Sampling Data

Contaminants were identified at the site during the basement soil sampling from June 2011 and during the July 2018 RI. Previous environmental reports and available laboratory analytical reports are included in this attachment.

Analytes detected above applicable regulatory standards for each media tested during the July 2018 RI are summarized below:

Soil

Soil sample results were compared to the NYSDEC Part 375 UU and RURR SCOs. Analytes detected above the UU SCOs are summarized below with those above RURR SCOs in **bold**.

VOCs – acetone

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

PCBs – Total PCBs

Pesticides – total chlordane, p-p'-DDE, p,p'-DDD, and p-p'-DDT

Herbicides – No herbicides were detected in any of the soil samples

Metals – **barium**, cadmium, chromium, **copper, lead, mercury**, nickel, and zinc

Groundwater

Groundwater sample results were compared to the TOGS Class GA SGVs. Analytes detected above the TOGS Class GA SGVs are summarized below.

VOCs – 1,1,1-Trichloroethane, 1,1-Dichloroethane, 1,1-Dichloroethene, cis-1,2-Dichloroethene, PCE, TCE, and vinyl chloride

Dissolved Metals – iron, manganese, and sodium

SVOCs, Pesticides, Herbicides, and PCBs – These compounds were not detected above the SGVs

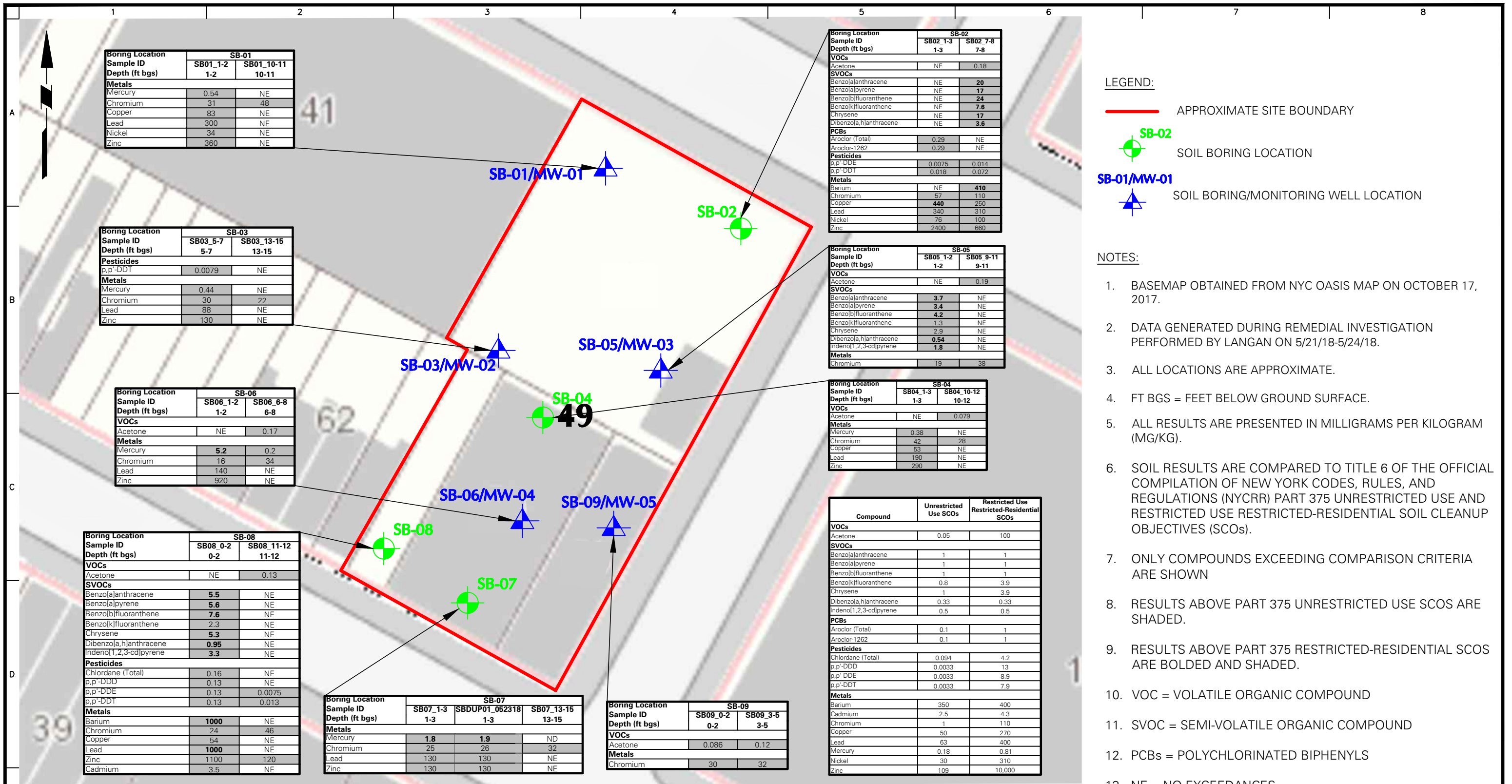
Soil Vapor

- Total VOCs ranged from 354 $\mu\text{g}/\text{m}^3$ in SV05 to 8,063 $\mu\text{g}/\text{m}^3$ in SV07.
- PCE and TCE was detected above minimum concentrations at which “no further action” to “mitigate” is recommended when applied to the NYSDOH Soil Vapor/Indoor Air Decision Matrices.
- BTEX concentrations ranged from 32.4 $\mu\text{g}/\text{m}^3$ in SV05 to 49.7 $\mu\text{g}/\text{m}^3$ in SV06.

Item 3 – Site Drawings

The following figures summarize the detected concentrations of each contaminant by media type:

- Figure C-1: Soil Sample Analytical Results Map
- Figure C-2: Groundwater Sample Analytical Results Map
- Figure C-3: Soil Vapor Sample Analytical Results Map



Boring Location SB-01		
Sample ID	SB01_1-2	SB01_10-11
Depth (ft bgs)	1-2	10-11
Metals		
Mercury	0.54	NE
Chromium	31	48
Copper	83	NE
Lead	300	NE
Nickel	34	NE
Zinc	360	NE

Boring Location SB-02		
Sample ID	SB02_1-3	SB02_7-8
Depth (ft bgs)	1-3	7-8
VOCs		
Acetone	NE	0.18
SVOCs		
Benzo[a]anthracene	NE	20
Benzo[a]pyrene	NE	17
Benzo[b]fluoranthene	NE	24
Benzo[k]fluoranthene	NE	7.6
Chrysene	NE	17
Dibenz[a,h]anthracene	NE	3.6
PCBs		
Aroclor (Total)	0.29	NE
Aroclor-1262	0.29	NE
Pesticides		
p,p'-DDE	0.0075	0.014
p,p'-DDT	0.018	0.072
Metals		
Barium	NE	410
Chromium	57	110
Copper	440	250
Lead	340	310
Nickel	76	100
Zinc	2400	660

Boring Location SB-03		
Sample ID	SB03_5-7	SB03_13-15
Depth (ft bgs)	5-7	13-15
Pesticides		
p,p'-DDT	0.0079	NE
Metals		
Mercury	0.44	NE
Chromium	30	22
Lead	88	NE
Zinc	130	NE

Boring Location SB-05		
Sample ID	SB05_1-2	SB05_9-11
Depth (ft bgs)	1-2	9-11
VOCs		
Acetone	NE	0.19
SVOCs		
Benzo[a]anthracene	3.7	NE
Benzo[a]pyrene	3.4	NE
Benzo[b]fluoranthene	4.2	NE
Benzo[k]fluoranthene	1.3	NE
Chrysene	2.9	NE
Dibenz[a,h]anthracene	0.54	NE
Indeno[1,2,3-cd]pyrene	1.8	NE
Metals		
Chromium	19	38

Boring Location SB-06		
Sample ID	SB06_1-2	SB06_6-8
Depth (ft bgs)	1-2	6-8
VOCs		
Acetone	NE	0.17
Metals		
Mercury	5.2	0.2
Chromium	16	34
Lead	140	NE
Zinc	920	NE

Boring Location SB-04		
Sample ID	SB04_1-3	SB04_10-12
Depth (ft bgs)	1-3	10-12
VOCs		
Acetone	NE	0.079
Metals		
Mercury	0.38	NE
Chromium	42	28
Copper	53	NE
Lead	190	NE
Zinc	290	NE

Boring Location SB-08		
Sample ID	SB08_0-2	SB08_11-12
Depth (ft bgs)	0-2	11-12
VOCs		
Acetone	NE	0.13
SVOCs		
Benzo[a]anthracene	5.5	NE
Benzo[a]pyrene	5.6	NE
Benzo[b]fluoranthene	7.6	NE
Benzo[k]fluoranthene	2.3	NE
Chrysene	5.3	NE
Dibenz[a,h]anthracene	0.95	NE
Indeno[1,2,3-cd]pyrene	3.3	NE
Pesticides		
Chlordane (Total)	0.16	NE
p,p'-DDD	0.13	NE
p,p'-DDE	0.13	0.0075
p,p'-DDT	0.13	0.013
Metals		
Barium	1000	NE
Chromium	24	46
Copper	54	NE
Lead	1000	NE
Zinc	1100	120
Cadmium	3.5	NE

Boring Location SB-07			
Sample ID	SB07_1-3	SB07_13-15	SB07_13-15
Depth (ft bgs)	1-3	1-3	13-15
Metals			
Mercury	1.8	1.9	ND
Chromium	25	26	32
Lead	130	130	NE
Zinc	130	130	NE

Boring Location SB-09		
Sample ID	SB09_0-2	SB09_3-5
Depth (ft bgs)	0-2	3-5
VOCs		
Acetone	0.086	0.12
Metals		
Chromium	30	32

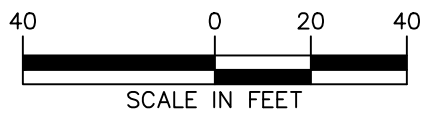
Compound	Unrestricted Use SCOs	Restricted Use Restricted-Residential SCOs
VOCs		
Acetone	0.05	100
SVOCs		
Benzo[a]anthracene	1	1
Benzo[a]pyrene	1	1
Benzo[b]fluoranthene	1	1
Benzo[k]fluoranthene	0.8	3.9
Chrysene	1	3.9
Dibenz[a,h]anthracene	0.33	0.33
Indeno[1,2,3-cd]pyrene	0.5	0.5
PCBs		
Aroclor (Total)	0.1	1
Aroclor-1262	0.1	1
Pesticides		
Chlordane (Total)	0.094	4.2
p,p'-DDD	0.0033	13
p,p'-DDE	0.0033	8.9
p,p'-DDT	0.0033	7.9
Metals		
Barium	350	400
Cadmium	2.5	4.3
Chromium	1	110
Copper	50	270
Lead	63	400
Mercury	0.18	0.81
Nickel	30	310
Zinc	109	10,000

LEGEND:

- APPROXIMATE SITE BOUNDARY
- SOIL BORING LOCATION
- SOIL BORING/MONITORING WELL LOCATION

NOTES:

1. BASEMAP OBTAINED FROM NYC OASIS MAP ON OCTOBER 17, 2017.
2. DATA GENERATED DURING REMEDIAL INVESTIGATION PERFORMED BY LANGAN ON 5/21/18-5/24/18.
3. ALL LOCATIONS ARE APPROXIMATE.
4. FT BGS = FEET BELOW GROUND SURFACE.
5. ALL RESULTS ARE PRESENTED IN MILLIGRAMS PER KILOGRAM (MG/KG).
6. SOIL RESULTS ARE COMPARED TO TITLE 6 OF THE OFFICIAL COMPILATION OF NEW YORK CODES, RULES, AND REGULATIONS (NYCRR) PART 375 UNRESTRICTED USE AND RESTRICTED USE RESTRICTED-RESIDENTIAL SOIL CLEANUP OBJECTIVES (SCOs).
7. ONLY COMPOUNDS EXCEEDING COMPARISON CRITERIA ARE SHOWN
8. RESULTS ABOVE PART 375 UNRESTRICTED USE SCOS ARE SHADED.
9. RESULTS ABOVE PART 375 RESTRICTED-RESIDENTIAL SCOS ARE BOLDED AND SHADED.
10. VOC = VOLATILE ORGANIC COMPOUND
11. SVOC = SEMI-VOLATILE ORGANIC COMPOUND
12. PCBs = POLYCHLORINATED BIPHENYLS
13. NE = NO EXCEEDANCES



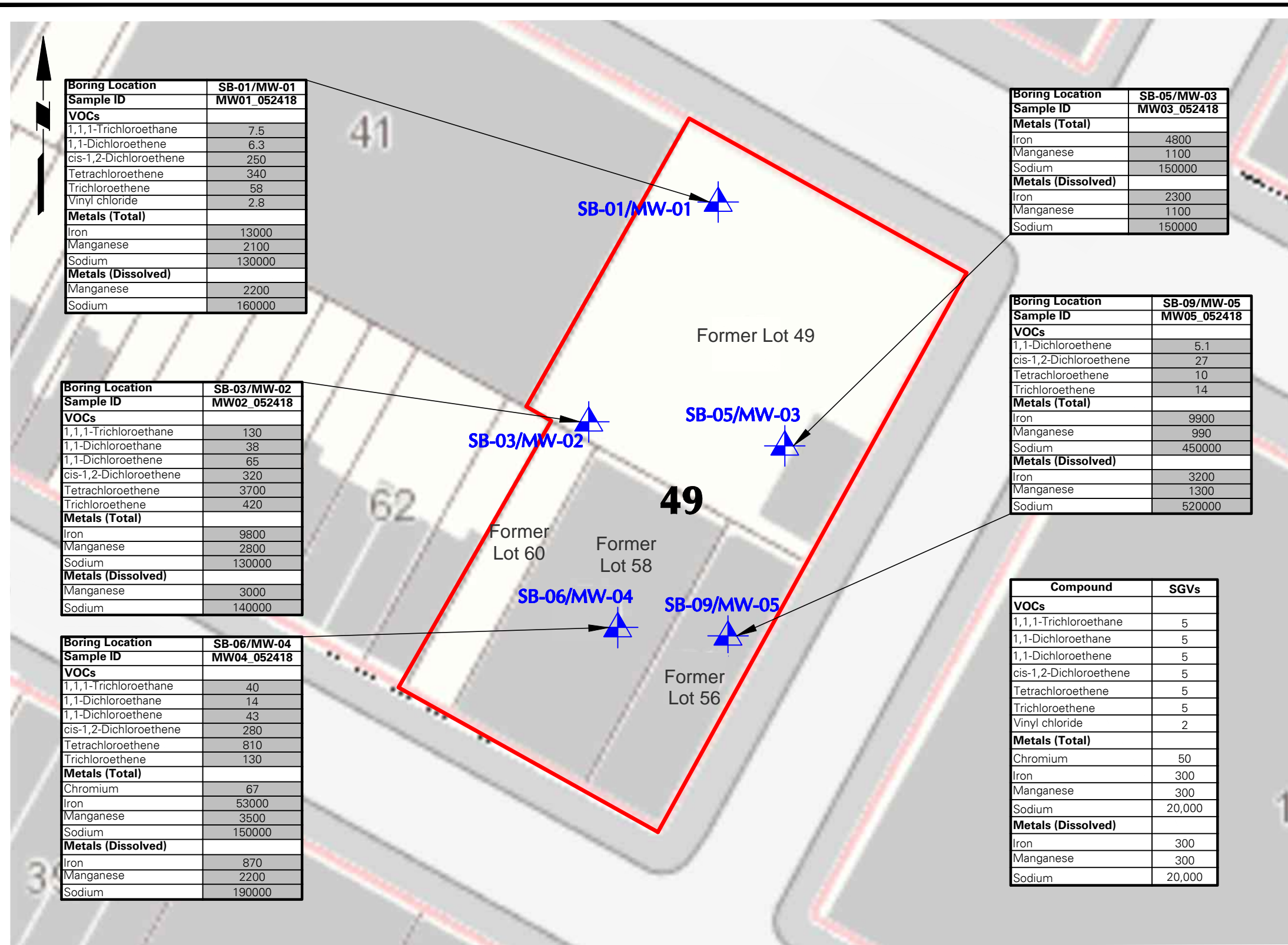
WARNING: IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 145 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS ITEM IN ANY WAY.

LANGAN
 21 Penn Plaza, 360 West 31st Street, 8th Floor
 New York, NY 10001
 T: 212.479.5400 F: 212.479.5444 www.langan.com
 Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C. S.A.
 Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology D.P.C.
 Langan Engineering and Environmental Services, Inc.
 Langan CT, Inc.
 Langan International LLC
 Collectively known as Langan

Project
767 EAST 133RD STREET
 BLOCK No. 2562, LOT No. 49
 BRONX NEW YORK

Figure Title
SOIL SAMPLE ANALYTICAL RESULTS MAP

Project No. 170497201	Figure No.
Date 10/08/2018	C-1
Scale 1" = 40'	
Drawn By KG	Checked By TC
Submission Date	Page 1 of 3



Boring Location	SB-01/MW-01
Sample ID	MW01_052418
VOCs	
1,1,1-Trichloroethane	7.5
1,1-Dichloroethene	6.3
cis-1,2-Dichloroethene	250
Tetrachloroethene	340
Trichloroethene	58
Vinyl chloride	2.8
Metals (Total)	
Iron	13000
Manganese	2100
Sodium	130000
Metals (Dissolved)	
Manganese	2200
Sodium	160000

Boring Location	SB-03/MW-02
Sample ID	MW02_052418
VOCs	
1,1,1-Trichloroethane	130
1,1-Dichloroethane	38
1,1-Dichloroethene	65
cis-1,2-Dichloroethene	320
Tetrachloroethene	3700
Trichloroethene	420
Metals (Total)	
Iron	9800
Manganese	2800
Sodium	130000
Metals (Dissolved)	
Manganese	3000
Sodium	140000

Boring Location	SB-06/MW-04
Sample ID	MW04_052418
VOCs	
1,1,1-Trichloroethane	40
1,1-Dichloroethane	14
1,1-Dichloroethene	43
cis-1,2-Dichloroethene	280
Tetrachloroethene	810
Trichloroethene	130
Metals (Total)	
Chromium	67
Iron	53000
Manganese	3500
Sodium	150000
Metals (Dissolved)	
Iron	870
Manganese	2200
Sodium	190000

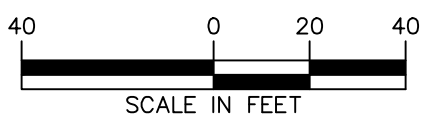
Boring Location	SB-05/MW-03
Sample ID	MW03_052418
Metals (Total)	
Iron	4800
Manganese	1100
Sodium	150000
Metals (Dissolved)	
Iron	2300
Manganese	1100
Sodium	150000

Boring Location	SB-09/MW-05
Sample ID	MW05_052418
VOCs	
1,1-Dichloroethene	5.1
cis-1,2-Dichloroethene	27
Tetrachloroethene	10
Trichloroethene	14
Metals (Total)	
Iron	9900
Manganese	990
Sodium	450000
Metals (Dissolved)	
Iron	3200
Manganese	1300
Sodium	520000

Compound	SGVs
VOCs	
1,1,1-Trichloroethane	5
1,1-Dichloroethane	5
1,1-Dichloroethene	5
cis-1,2-Dichloroethene	5
Tetrachloroethene	5
Trichloroethene	5
Vinyl chloride	2
Metals (Total)	
Chromium	50
Iron	300
Manganese	300
Sodium	20,000
Metals (Dissolved)	
Iron	300
Manganese	300
Sodium	20,000

LEGEND:
 APPROXIMATE SITE BOUNDARY
SB-01/MW-01 SOIL BORING/MONITORING WELL LOCATION

- NOTES:**
- BASEMAP OBTAINED FROM NYC OASIS MAP ON OCTOBER 17, 2017.
 - DATA GENERATED DURING REMEDIAL INVESTIGATION PERFORMED BY LANGAN ON 5/21/18-5/24/18.
 - ALL LOCATIONS ARE APPROXIMATE.
 - ALL RESULTS ARE PRESENTED IN MICROGRAMS PER LITER (µg/L)
 - GROUNDWATER RESULTS ARE COMPARED TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) TECHNICAL AND OPERATIONAL GUIDANCE SERIES (TOGS) 1.1.1 AMBIENT WATER QUALITY STANDARDS AND GUIDANCE VALUES (SGVs) FOR CLASS GA GROUNDWATER
 - ONLY COMPOUNDS EXCEEDING COMPARISON CRITERIA ARE SHOWN
 - RESULTS ABOVE NYSDEC SGVs ARE SHADED
 - VOCs = VOLATILE ORGANIC COMPOUNDS



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Figure Title
GROUNDWATER SAMPLE ANALYTICAL RESULTS MAP

Project No.	170497201	Figure No.	C-2
Date	10/08/2018		
Scale	1" = 40'		
Drawn By	KG	Checked By	
Submission Date			Page 2 of 3

Sample ID	SV01_052218
Laboratory Sample ID	C1805056-002A
Sample Date	5/22/2018
VOCs (µg/m³)	
1,2,4-Trimethylbenzene	1.6
1,3,5-Trimethylbenzene	0.84
1,3-Dichlorobenzene	1.6
2,2,4-trimethylpentane	5.3
4-ethyltoluene	0.59
Acetone	340
Benzene	4.6
Bromodichloromethane	1.9
Carbon disulfide	4.5
Carbon tetrachloride	0.75
Chloroethane	0.9
Chloroform	320
Chloromethane	1.7
Cyclohexane	2.5
Ethanol	140
Ethyl acetate	10
Ethylbenzene	2.7
Freon 11	1.3
Freon 113	2.8
Freon 12	2.1
Heptane	6.2
Hexane	9.2
Isopropyl alcohol	14
m&p-Xylene	8.2
Methyl Ethyl Ketone	65
Methyl Isobutyl Ketone	1.8
Methylene chloride	6.2
Naphthalene	0.58
o-Xylene	2.4
Styrene	0.72
t-Butyl alcohol	28
Tetrachloroethylene	2.1
Toluene	27
Trichloroethylene	0.86
Total VOCs	1018

Sample ID	SV03_052218
Laboratory Sample ID	C1805056-003A
Sample Date	5/22/2018
VOCs (µg/m³)	
1,1,1-Trichloroethane	8.9
1,2,4-Trimethylbenzene	1.3
1,3,5-Trimethylbenzene	0.64
1,3-Dichlorobenzene	1.5
2,2,4-trimethylpentane	13
Acetone	2000
Benzene	3.2
Carbon disulfide	6.4
Chloroform	21
Chloromethane	0.54
Cyclohexane	3.3
Ethanol	240
Ethyl acetate	10
Ethylbenzene	2.3
Freon 11	1.5
Freon 113	2.8
Freon 12	2
Heptane	17
Hexane	21
m&p-Xylene	6.8
Methyl Ethyl Ketone	320
Methyl Isobutyl Ketone	2.1
Methyl methacrylate	0.94
Methylene chloride	3.6
o-Xylene	2.1
Styrene	0.6
t-Butyl alcohol	35
Tetrachloroethylene	2.8
Tetrahydrofuran	56
Toluene	27
Total VOCs	2813

Sample ID	SV07_052218
Laboratory Sample ID	C1805056-001A
Sample Date	5/22/2018
VOCs (µg/m³)	
1,1,1-Trichloroethane	7.9
1,2,3-Trimethylbenzene	1
1,2,4-Trimethylbenzene	3.1
1,3,5-Trimethylbenzene	2.6
1,3-Dichlorobenzene	15
2,2,4-trimethylpentane	24
4-ethyltoluene	0.74
Acetone	2200
Benzene	5.9
Chloroethane	0.34
Chloroform	9.5
Chloromethane	1.1
cis-1,2-Dichloroethane	2
Cyclohexane	4.2
Ethanol	2000
Ethyl acetate	4.6
Ethylbenzene	1.5
Freon 11	2.2
Freon 12	2
Heptane	16
Hexane	18
m&p-Xylene	3.7
Methyl Ethyl Ketone	2000
Methyl Isobutyl Ketone	1.8
Methyl methacrylate	0.82
Methylene chloride	7
Naphthalene	3.1
o-Xylene	1.4
Styrene	1.3
t-Butyl alcohol	32
Tetrachloroethylene	160
Tetrahydrofuran	1500
Toluene	22
Trichloroethylene	8.40
Total VOCs	8063

Sample ID	SV04_052218
Laboratory Sample ID	C1805056-004A
Sample Date	5/22/2018
VOCs (µg/m³)	
1,2,4-Trimethylbenzene	1.4
1,3,5-Trimethylbenzene	0.64
1,3-Dichlorobenzene	1.7
2,2,4-trimethylpentane	5.7
Acetone	600
Benzene	2.9
Carbon disulfide	210
Chloroethane	0.71
Chloroform	2.1
Chloromethane	2.9
Cyclohexane	3.8
Ethanol	320
Ethyl acetate	13
Ethylbenzene	2.2
Freon 11	1.8
Freon 113	2.8
Heptane	4.5
Hexane	21
m&p-Xylene	7.3
Methyl Ethyl Ketone	51
Methyl Isobutyl Ketone	2
Methylene chloride	4.9
o-Xylene	2.1
Styrene	0.51
t-Butyl alcohol	27
Tetrachloroethylene	3.8
Toluene	26
Vinyl chloride	3.7
Total VOCs	1325

Sample ID	SV02_052318
Laboratory Sample ID	C1805056-008A
Sample Date	5/23/2018
VOCs (µg/m³)	
1,2,3-Trimethylbenzene	0.54
1,2,4-Trimethylbenzene	1.7
1,3,5-Trimethylbenzene	1.1
1,3-Dichlorobenzene	1.7
2,2,4-trimethylpentane	2.9
4-ethyltoluene	0.54
Acetone	760
Benzene	2.9
Bromodichloromethane	35
Carbon disulfide	9
Carbon tetrachloride	2.4
Chloroethane	0.61
Chloroform	710
Chloromethane	1.3
cis-1,2-Dichloroethane	2.9
Cyclohexane	1.1
Ethanol	160
Ethyl acetate	9.4
Ethylbenzene	2.3
Freon 11	1.5
Freon 12	2.3
Heptane	5.5
Hexane	4
Isopropyl alcohol	16
m&p-Xylene	7.7
Methyl Ethyl Ketone	29
Methyl Isobutyl Ketone	2.6
Methylene chloride	3.3
Naphthalene	0.84
o-Xylene	2.5
Styrene	0.6
t-Butyl alcohol	13
Tetrachloroethylene	2.4
Toluene	32
Trichloroethylene	1.4
Total VOCs	1830

Sample ID	SV05_052318
Laboratory Sample ID	C1805056-006A
Sample Date	5/23/2018
VOCs (µg/m³)	
1,1,1-Trichloroethane	1.7
1,2,3-Trimethylbenzene	0.54
1,2,4-Trimethylbenzene	2.1
1,3,5-Trimethylbenzene	1.1
2,2,4-trimethylpentane	4.6
4-ethyltoluene	0.59
Acetone	71
Benzene	2.3
Carbon disulfide	23
Chloroform	1.2
Chloromethane	0.41
Cyclohexane	3.2
Ethanol	110
Ethyl acetate	11
Ethylbenzene	1.7
Freon 11	1.3
Freon 12	2.3
Heptane	6.8
Hexane	7.3
Isopropyl alcohol	9.1
m&p-Xylene	5.5
Methyl Ethyl Ketone	29
Methyl Isobutyl Ketone	1.7
Methylene chloride	18
Naphthalene	0.58
o-Xylene	1.9
Styrene	0.68
t-Butyl alcohol	2.4
Tetrachloroethylene	5.1
Tetrahydrofuran	5.5
Toluene	21
Trichloroethylene	1.5
Total VOCs	354

Sample ID	SV06_052318
Laboratory Sample ID	C1805056-007A
Sample Date	5/23/2018
VOCs (µg/m³)	
1,2,4-Trimethylbenzene	1.4
2,2,4-trimethylpentane	6.9
Acetone	85
Benzene	10
Carbon disulfide	4.3
Chloroform	1.7
Chloromethane	1.1
Ethanol	100
Ethyl acetate	6.9
Ethylbenzene	1.7
Freon 11	1.1
Freon 12	2.1
Heptane	10
Hexane	7.6
Isopropyl alcohol	4.5
m&p-Xylene	6
Methyl Ethyl Ketone	96
Methyl Isobutyl Ketone	1.9
Methyl methacrylate	0.74
Methylene chloride	2.2
o-Xylene	2
Styrene	0.51
t-Butyl alcohol	3.2
Tetrachloroethylene	3.5
Tetrahydrofuran	61
Toluene	30
Total VOCs	451

LEGEND:

— APPROXIMATE SITE BOUNDARY



SUB SLAB/SOIL VAPOR SAMPLE LOCATION

ANALYTE	NYSDOH DECISION MATRIX MINIMUM MITIGATION THRESHOLD
VOCs	
Tetrachloroethene	100
Trichloroethene	6

NOTES:

- BASEMAP OBTAINED FROM NYC OASIS MAP ON OCTOBER 17, 2017.
- DATA GENERATED DURING RI PERFORMED BY LANGAN ON 5/21/18-5/24/18.
- ALL LOCATIONS ARE APPROXIMATE.
- SOIL VAPOR SAMPLE ANALYTICAL RESULTS ARE COMPARED TO THE NEW YORK STATE DEPARTMENT OF HEALTH (NYSDOH) MINIMUM SUB-SLAB SOIL VAPOR CONCENTRATION AT WHICH MITIGATION IS RECOMMENDED ON THE NYSDOH DECISION MATRICES A, B AND C PRESENTED IN THE NYSDOH FINAL GUIDANCE ON SOIL VAPOR INTRUSION.
- ANALYTES EXCEED THE MINIMUM SUB-SLAB SOIL VAPOR CONCENTRATION AT WHICH MITIGATION IS RECOMMENDED ARE SHADDED AND BOLDED.
- ONLY DETECTED ANALYTES ARE SHOWN.
- ALL RESULTS ARE PRESENTED IN MICROGRAMS PER CUBIC METER (µg/m³).
- VOCs = VOLATILE ORGANIC COMPOUNDS
- J = THE RESULTS IS AN ESTIMATE



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

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21 Penn Plaza, 360 West 31st Street, 8th Floor
 New York, NY 10001
 T: 212.479.5400 F: 212.479.5444 www.langan.com
 Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C. S.A.
 Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology D.P.C.
 Langan Engineering and Environmental Services, Inc.
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Project
767 EAST 133RD STREET
 BLOCK No. 2562, LOT No. 49
 BRONX NEW YORK

Figure Title
SOIL VAPOR SAMPLE ANALYTICAL RESULTS MAP

Project No. 170497201	Figure No.
Date 10/08/2018	C-3
Scale 1" = 60'	
Drawn By KG	Checked By TC
Submission Date	Page 3 of 3

ATTACHMENT D

SECTION IV: PROPERTY INFORMATION

ATTACHMENT D

SECTION IV: PROPERTY INFORMATION

Item 2 – Property Maps

Figure D-1 provides the Manhattan Borough Tax Map.

Figure D-2 is the required United States Geological Survey (USGS) 7.5-minute quadrangle map showing the location of the site.

Figure D-3 provides a site base map that shows map scale, north arrow orientation, and 1000-foot radius around the site.

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

Figure D-5 provides a site base map that shows the location of the site within an En-Zone.

Item 10 - Property Description and Environmental Assessment Narrative

Location

The proposed brownfield site is approximately 21,000 square feet (0.48 acres) in area and is located at 767 East 133rd Street (alternative address 111 Willow Avenue) in the Port Morris neighborhood of Bronx, New York and is identified as Block 2562, Lot 49 (formerly Lots 49, 56, 58 and 60) on the Bronx Borough tax map. The site is subject to an E-Designation (E-454) for hazardous materials and air quality. The site is bounded by East 134th Street followed by a multi-story industrial/manufacturing building to the north, Willow Avenue followed by a multi-story industrial/manufacturing building to the east, East 133rd Street followed by multi-story industrial/manufacturing buildings to the south, and one- to two-story industrial/manufacturing and residential buildings to the west. According to the April 6, 2018 Survey prepared by Gerald T. O'Buckley Professional Land Surveyors, the ground surface elevation of the site ranges from about elevation 12 to 14 North American Vertical Datum of 1988 (NAVD88).

Site Features

The site is located in an urban developed area of the Bronx, New York that is generally covered with roads, walkways and buildings. The site is comprised of a one-story warehouse building, a three-story building with a cellar, a storage shed, and an asphalt-paved parking lot.

Current Zoning and Land Use

The proposed brownfield site is located in a M1-4/R7D manufacturing district with a paired residential district. A zoning map amendment (C 180088 ZMX) was approved on June 7, 2018 and changed the zoning district for the site from an M1-2 District to an M1-4/R7D. The proposed future use of the site is consistent with its current zoning. The adjoining parcels and surrounding area are used for industrial/manufacturing and residential purposes.

Historical Site Use

Historical operations at the proposed brownfield site include a piano string manufacturer (circa 1927 to 1976), an automotive parts and equipment company (circa 1976) a natural stone contracting company for marble (circa 1927 to 2008), and residential uses since about 1931.

Current and historical uses at adjoining and surrounding properties include a dry cleaning facility on the eastern-adjoining property, underground storage tanks (UST) at the southern-adjoining property, and closed spill listings at up-gradient properties.

Site Geology and Hydrogeology

According to a November 2017 geotechnical investigation conducted by Pillori Associates and Langan's July 2018 Remedial Investigation Report (RIR), the generalized stratigraphy beneath the concrete and asphalt surface cover at the site includes historic fill material followed by estuarine river deposits. Fill material was observed from immediately below the existing grade to depths between 8 and 13 feet below sidewalk grade (bgs). The fill layer consists of fine to medium sand with varying amounts of gravel, brick, coal ash, slag, plastic, concrete, and asphalt; underlain by native silts and fine sands. Bedrock was encountered during the geotechnical investigation to depths between 30 and 45 feet bgs; however, in some locations, borings were advanced to 85 feet bgs and bedrock was not encountered.

According to the USGS Bedrock and Engineering Geologic Maps of New York County and Parts of Kings and Queens Counties, New York, and parts of Bergen and Hudson Counties, New Jersey, dated 1994, bedrock underlying the property is Manhattan Schist, which is described as a grey sillimanite-muscovite-tourmaline schist.

According to the July 2018 RIR, groundwater was encountered at depths ranging from about 0.47 feet below cellar slab in the 767 East 133rd Street building (former Lot 56) to 9.56 feet bgs near the western site boundary, corresponding to el. 3.59 to 5.54 in reference to the North American Vertical Datum of 1988 (NAVD88). Groundwater elevation measurements show that groundwater flows toward the southwest towards the Bronx Kill.

Environmental Assessment

The primary contaminants of concern are SVOC, metals, pesticides, and PCB in soil; VOC in groundwater; and VOCs in soil vapor.

Soil sample results were compared to Title 6 of the Official Compilation of New York Codes, Rules, and Regulations (6 NYCRR) NYSDEC Part 375 UU and RURR SCO. Analytes detected above the UU SCOs are listed below with those above the RURR SCOs shown in **bold**. Groundwater sample results were compared to the NYSDEC TOGS SGVs for Class GA water, and analytes detected above the regulatory criteria are also summarized below. Soil vapor sample results were evaluated using the NYSDOH Guidance for Evaluating Soil Vapor Intrusion in New York State Soil Vapor/Indoor Air Decision Matrices dated October 2006 and updated May 2017.

Soil –

- VOCs: VOCs were not detected at concentrations above UU SCOs in any soil samples, with the exception of acetone, which was detected above the UU SCO but below the RURR SCO (maximum [max] concentration 0.19 milligrams per kilogram [mg/kg]). Acetone is a common laboratory artifact and likely not representative of site conditions.
- SVOCs: Seven SVOCs (**benzo(a)anthracene** [max. 20 mg/kg], **benzo(a)pyrene** [max. 17 mg/kg], **benzo(b)fluoranthene** [max. 24 mg/kg], **benzo(k)fluoranthene** [max. 7.6 mg/kg], **chrysene** [max. 17 mg/kg], **dibenzo(a,h)anthracene** [max. 3.6 mg/kg], and **indeno(1,2,3-cd)pyrene** [max. 3.3 mg/kg]) were identified above RURR SCOs. The highest SVOC concentrations were detected in samples collected from the historic fill layer in the northern part of the site.
- Total PCBs: Total PCBs (max. 0.29 mg/kg) were detected at concentrations above UU SCOs in one historic fill sample collected near the northern boundary of the site.
- Pesticides: Total chlordane, p,p'-DDD, p,p'-DDE, and p,p'-DDT were detected at concentrations above UU SCOs in historic fill samples collected from across the site footprint.
- Metals: Barium, cadmium, chromium, copper, lead, mercury, nickel, and zinc were detected at concentrations above UU SCOs in soil samples collected from across the site footprint in historic fill and native soil. Four of the metals: **barium** (max. 1,000 mg/kg), **copper** (max. 440 mg/kg), **lead** (max. 1,000 mg/kg), and **mercury** (max. 5.2 mg/kg), were identified above RURR SCOs. The highest metal

concentrations were observed in historic fill samples collected from across the site footprint.

Groundwater –

- VOCs: 1,1,1-Trichloroethane (max. 130 µg/L), 1,1-Dichloroethane (max. 38 µg/L), 1,1-Dichloroethene (max. 65 µg/L), cis-1,2-Dichloroethene (max. 320 µg/L), tetrachloroethene (PCE) (max. 3,700 µg/L), trichloroethene (TCE) (max. 420 µg/L), and vinyl chloride (max. 5.6 µg/L) were detected above the NYSDECTOGSSGVs for Class GA water. The VOC concentrations were detected in samples collected from the across the site footprint.
- Total Metals – Eight total metals, chromium (max concentration 180 µg/L), iron (140,000 µg/L), manganese (4,300 µg/L), nickel (170 µg/L), sodium (450,000 µg/L), arsenic (35 µg/L), lead (64 µg/L), and selenium (12 µg/L) were detected at concentrations exceeding their SGVs. These compounds are likely associated with regional conditions.
- Dissolved Metals – Three dissolved metals, iron (max concentration 3,200 µg/L), manganese (max concentration 3,000 µg/L), and sodium (maximum 520,000 µg/L), were detected at concentrations exceeding their SGVs. These compounds are likely associated with regional groundwater conditions.

Soil Vapor – PCE and TCE were detected in one sample (SV07_062218) at 160 and 8.4 µg/m³, respectively, which are above the corresponding NYSDOH matrix values at which mitigation is recommended (100 and 6 µg/m³, respectively). VOCs were not detected above comparison criteria in any other sample. In the absence of indoor air samples, the results for PCE and TCE in soil vapor samples indicate a range of suggested action from “no further action” through “mitigate”.



LEGEND:

- APPROXIMATE SITE BOUNDARY
- 50** TAX BLOCK NUMBER
- TAX LOT BOUNDARY
- 50** TAX LOT NUMBER

NOTES:

1. BASEMAP OBTAINED FROM <http://maps.nyc.gov/taxmap/map.htm> ON OCTOBER 09, 2018.

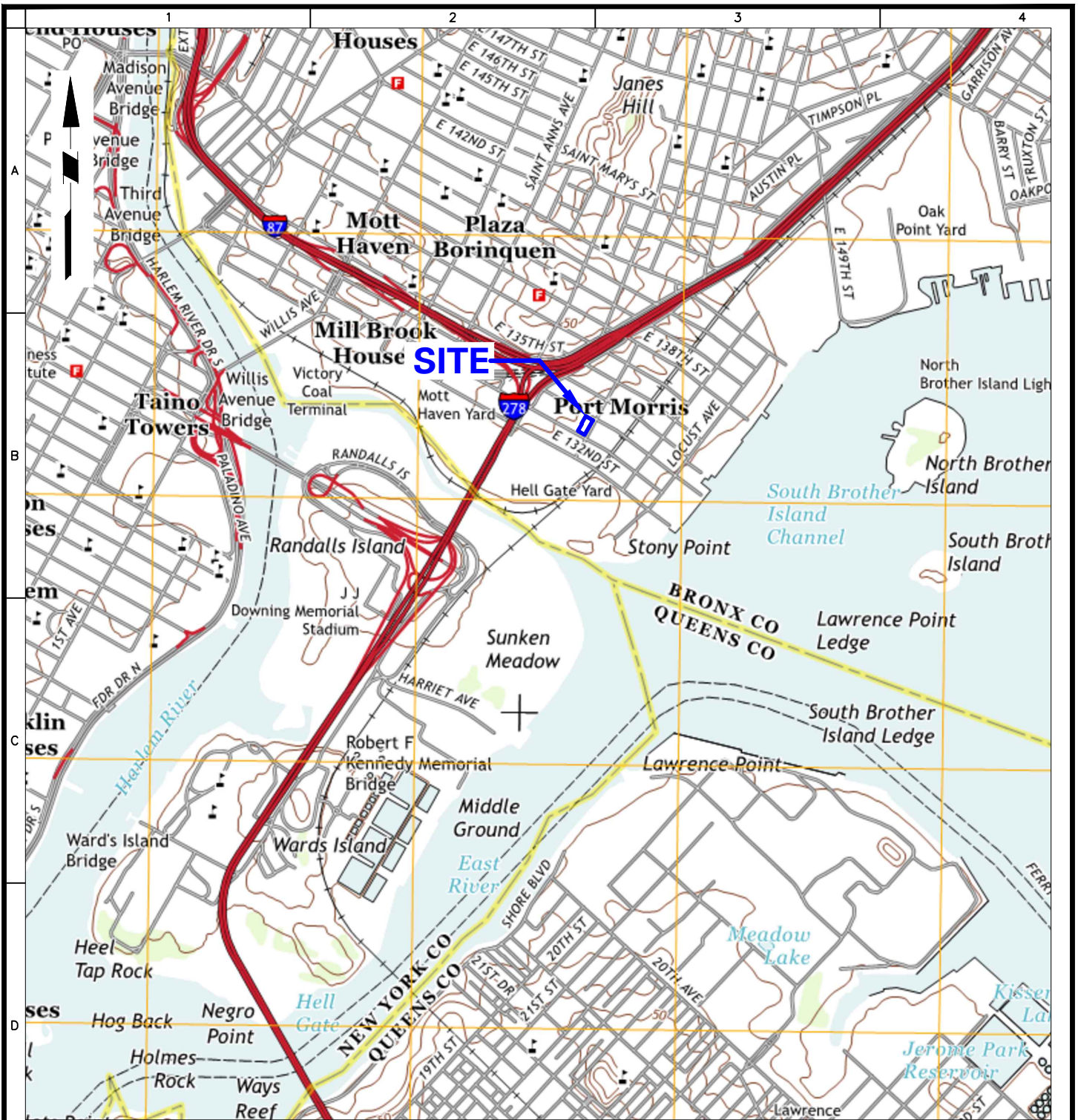
LANGAN

21 Penn Plaza, 360 West 31st Street, 8th Floor
 New York, NY 10001
 T: 212.479.5400 F: 212.479.5444 www.langan.com
 Langan Engineering, Environmental, Surveying and
 Landscape Architecture, D.P.C. S.A.
 Langan Engineering, Environmental, Surveying,
 Landscape Architecture and Geology D.P.C.
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Project
**767 WEST 133RD
 STREET**
BLOCK No. 2562, LOT No. 49
BRONX NEW YORK

Figure Title
TAX MAP

Project No. 170497201	Figure No.
Date 10/09/2018	D-1
Scale 1" = 50'	
Drawn By JFY	Checked By TC
Submission Date	Page 1 of 4

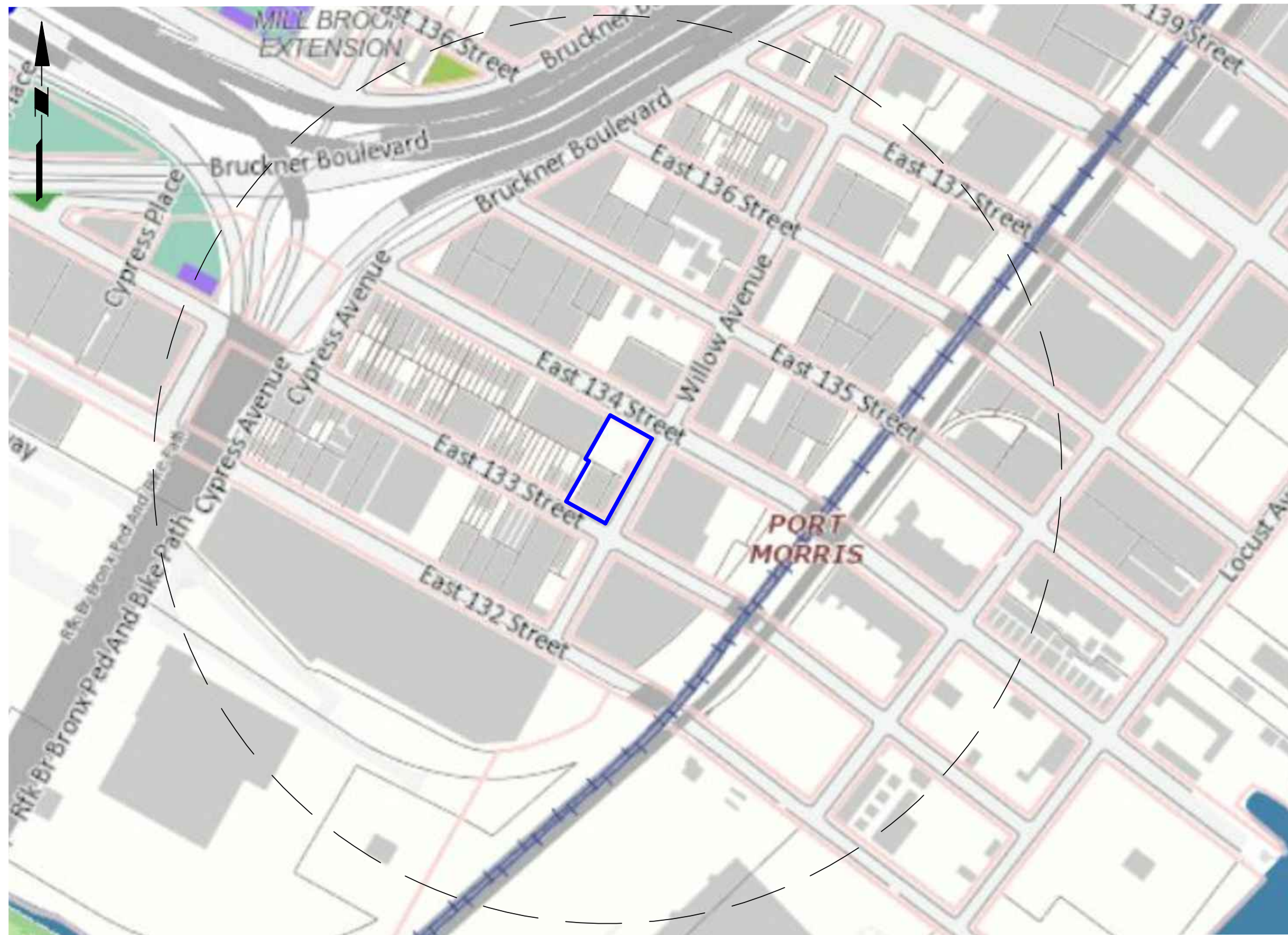


MAP REFERENCE: USGS 7.5-MINUTE JERSEY CITY, N.J., AND BROOKLYN, N.Y. TOPOGRAPHIC QUADRANGLES

LEGEND

— SITE BOUNDARY

<p>LANGAN 21 Penn Plaza, 360 West 31st Street, 8th Floor New York, NY 10001 T: 212.479.5400 F: 212.479.5444 www.langan.com</p> <p>Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C. Langan Engineering and Environmental Services, Inc. Langan CT, Inc. Langan International LLC Collectively known as Langan</p>	Project	Figure Title	Project No.	Figure
	767 WEST 133RD STREET	SITE LOCATION MAP	170497201	D-2
	BLOCK No. 2562, LOT No. 49		Date	
	BRONX NEW YORK		10/09/2018	
			Scale	
			NTS	
			Drawn By	Checked By
			WK	TC
			Page 2 of 4	

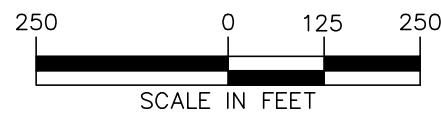


LEGEND:

- APPROXIMATE SITE BOUNDARY
- - - 1000-FOOT RADIUS

NOTES:

1. BASEMAP OBTAINED FROM NYC OASIS MAP ON OCTOBER 09, 2018.



LANGAN

21 Penn Plaza, 360 West 31st Street, 8th Floor
New York, NY 10001
T: 212.479.5400 F: 212.479.5444 www.langan.com
Langan Engineering, Environmental, Surveying and
Landscape Architecture, D.P.C. S.A.
Langan Engineering, Environmental, Surveying,
Landscape Architecture and Geology D.P.C.
Langan Engineering and Environmental Services, Inc.
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**767 WEST 133RD
STREET**

BLOCK No. 2562, LOT No. 49

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NEW YORK

Figure Title

**SITE AND 1000
FOOT RADIUS
MAP**

Project No.
170497201

Date
10/09/2018

Scale
1" = 250'

Drawn By
JFY

Checked By
TC

Submission Date

Figure No.

D-3

Page 3 of 4



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 21 Penn Plaza, 360 West 31st Street, 8th Floor
 New York, NY 10001
 T: 212.479.5400 F: 212.479.5444 www.langan.com
 Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C. S.A.
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Figure Title
SITE AND ADJACENT PROPERTY LAND USE MAP

Project No. 170497201	Figure No. D-4
Date 10/10/2018	Sheet 4 of 4
Scale 1" = 100'	
Drawn By JFY	Checked By TC
Submission Date	

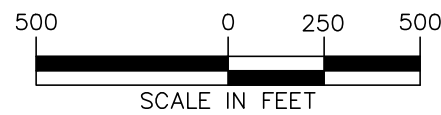


LEGEND:

- APPROXIMATE SITE BOUNDARY
- APPROXIMATE LIMITS OF BRONX COUNTY CENSUS TRACT 19 ENZONE

NOTES:

1. BASEMAP OBTAINED FROM GOOGLE EARTH ON APRIL 25, 2019
2. ENZONE BOUNDARIES OBTAINED FROM WWW.DEC.NY.GOV ON APRIL 25, 2019



LANGAN

21 Penn Plaza, 360 West 31st Street, 8th Floor
New York, NY 10001
T: 212.479.5400 F: 212.479.5444 www.langan.com
Langan Engineering, Environmental, Surveying and
Landscape Architecture, D.P.C. S.A.
Langan Engineering, Environmental, Surveying,
Landscape Architecture and Geology D.P.C.
Langan Engineering and Environmental Services, Inc.
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**767 WEST 133RD
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BLOCK No. 2562, LOT No. 49

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Figure Title

ENZONE MAP

Project No.
170497201

Date
04/25/2019

Scale
1" = 500'

Drawn By
JFY

Checked By
TC

Submission Date

Figure No.

D-5

Page 5 of 5

ATTACHMENT E

SECTION VI: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

ATTACHMENT E
SECTION VI: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Property Owners

The requestor, Markland 745 LLC, is the current owner of the site.

Ownership records for the site were researched on the Automated City Register Information System (ACRIS) website. Not all prior deed records could be obtained via ACRIS; however, available ownership information is summarized below. Former addresses and telephone numbers of the previous property owners were not available on ACRIS. There is no relationship between the requestor's corporate members and any of the previous owners.

Previous owners of the property include:

Block 2562 Lot 49					
Former Lot Number	Document Type	Date	First Party	Second Party	Relationship to Applicant
Lot 49	Deed	8/17/2011	Moore & Maltbay Associates, LLC	Markland 745 LLC	None
	Deed	9/10/2004	Cohen, Janet G	Moore & Maltbay Associates, LLC	None
	Deed	6/5/1984	Cohen, Malcom S.	Cohen, Janet	None
	Deed	1/10/1984	Milord Holding Corp.	Cohen, Malcom S.	None
	Deed	2/8/1982	Miller-Druck Co. Inc.	Milord Holding Corp.	None
Lot 56	Deed	8/17/2011	Moore & Maltbay Associates, LLC	Markland 745 LLC	None
	Deed	9/10/2004	Cohen, Janet G	Moore & Maltbay Associates, LLC	None

Block 2562 Lot 49					
Former Lot Number	Document Type	Date	First Party	Second Party	Relationship to Applicant
	Deed	5/6/1985	NYC Public Development Corp.	Chen, Janet G	None
	Deed	5/6/1985	The City of New York	NYC Public Development Corp.	None
	Deed	8/8/1978	Commissioner of Finance of the City of New York	The City of New York	None
	Deed	3/3/1972	Weber Helen S	Durable Steel Corp	None
Lot 58	Deed	6/30/2011	Moore & Maltbay Associates, LLC	Markland 745 LLC	None
	Deed	9/10/2004	Cohen, Janet G	Moore & Maltbay Associates, LLC	None
	Deed	6/5/1984	Cohen, Malcom S.	Cohen, Janet	None
	Deed	1/10/1984	Milord Holding Corp.	Cohen, Malcom S.	None
	Deed	2/8/1982	Miller-Druck Co. Inc.	Milord Holding Corp.	None
Lot 60	Deed	8/17/2011	Moore & Maltbay Associates, LLC	Markland 745 LLC	None
	Deed	9/10/2004	Chen, Janet G	Moore & Maltbay Associates, LLC	None
	Deed	12/2/1983	Bonet Manuel	Chen, Janet G	None

Reference: New York City Department of Finance Automated City Register Information System (ACRIS) website: <https://a836-acris.nyc.gov/DS/DocumentSearch/Index>.

Property Operators

There is no relationship between the requestor’s corporate members and any of the previous operators.

The site is currently unoccupied. Previous operators of the property include:

Name	Relationship to Property	Last Known Contact Information	Relationship to Applicant
Former Lots 49 (750 East 134th Street)			
C&I Communications	Operator at the site during the Middleton Environmental Phase I ESA site walk (October 2016)	761-765 East 133rd Street Bronx, New York Tel: Unknown	None
Former Lots 56 (767 East 133rd Street)			
Multiple commercial tenants including a fashion company, Corporate Events Co., and a vacant club	Operator at the site during the Middleton Environmental Phase I ESA site walk (October 2016)	767 East 133rd Street Bronx, New York Tel: Unknown	None
Former Lots 58 (763 East 133rd Street)			
C&I Communications	Operator at the site during the Middleton Environmental Phase I ESA site walk (October 2016)	761-765 East 133rd Street Bronx, New York Tel: Unknown	None
Former Lots 60 (761 East 133rd Street)			
C&I Communications	Operator at the site during the Middleton Environmental Phase I ESA site walk (October 2016)	761-765 East 133rd Street Bronx, New York Tel: Unknown	None
<p>Former on-site uses include a piano string manufacturer (circa 1927 to 1976), an automotive parts and equipment company (circa 1976) a natural stone contracting company for marble (circa 1927 to 2008), and residential uses since about 1931</p> <p>Operator information obtained from previously completed Phase I ESAs.</p>			

ATTACHMENT F

SECTION VII: REQUESTOR ELIGIBILITY INFORMATION

ATTACHMENT F
SECTION VII: REQUESTOR ELIGIBILITY INFORMATION

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

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

As part of its pre-acquisition due diligence, the Requestor performed all appropriate inquiries generally consistent with CERCLA and industry standards, including review of available environmental documentation pertaining to the Site, which showed the contamination that is the subject of the BCP application. The contaminants of concern for the site are understood to have been released into the environment before the transfer of the property to the Requestor/current owner, based on Phase I Environmental Site Assessment (ESA) due diligence and post-acquisition interviews with the Requestor/current owner. A Phase I ESA performed in June 2011 by Omega Environmental Services, Inc. (Omega) identified an aboveground storage tank, a pile of soil-like material and empty drums; these sources of contamination were removed from the site prior to transfer of title to the current owner in August 2011. Further, the historical site uses of environmental concern and placement of historic fill material at the site occurred prior to the current ownership. Since taking ownership of the site, the Requestor exercised appropriate care through maintenance of the existing impervious cover system, implementation of good housekeeping practices with respect to storage of hazardous substances and petroleum, completion of a remedial investigation to evaluate site conditions, and engagement of the New York City Mayor's Office of Environmental Remediation and NYSDEC for investigation and remediation of the site. For these reasons, the Requestor qualifies as Volunteer under ECL § 27-1405 and 6 NYCRR § 375-3.2(c)(2).

ATTACHMENT G

SECTION IX: CONTACT LIST INFORMATION

ATTACHMENT G
SECTION IX: CONTACT LIST INFORMATION

Item 1

Chief Executive Officer

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

New York City Planning Commission

Marisa Lago, Chairperson
Department of City Planning
22 Reade Street
New York, NY 10007-1216

Borough of Bronx, Borough President

Ruben Diaz Jr.
Office of the Bronx Borough President
851 Grand Concourse, 3rd Floor
Bronx, New York 10451

Borough of Bronx, Department of Planning and Development

James Rausse
851 Grand Concourse, 3rd Floor
Bronx, New York 10451

Bronx Community Board 1

George Rodriguez, Chairperson
3024 Third Avenue
Bronx, NY, 10455

Item 2

Residents, owners, and occupants of the site and properties adjacent to the site

There are no residents at the site. The site is currently unoccupied.

Adjacent properties include:

Platinum Wireless Accessories
755 East 134th Street
Bronx, NY 10454
(212) 302-0352

Empire Safe Co.
740 E 134th Street
Bronx, NY 10454
(718) 665-1414

Residents (Roth, Robert)
759 East 133rd Street
Bronx, NY 10454

New York City Industrial Development
764 East 133rd Street
Bronx, NY 10454

766 East 133 Associates, Inc
766 East 133rd Street
Bronx, NY 10454

Folsom Peter L.
768 East 133rd Street
Bronx, NY 10454

Innova Interiors
781 East 133rd Street
Bronx, NY 10454
(718) 401-2122

Marian Confections
781 East 133rd Street
Bronx, NY 10454
(917) 645-5222

1G Montague Corp
781 East 133rd Street
Bronx, NY 10454
(617) 491-7207

Item 3

Local news media from which the community typically obtains information

Bronx Times
3602 East Tremont Avenue, Suite 205
Bronx, NY 10465

Item 4

Public Water Supply

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

NYCDEP
Vincent Sapienza, Acting Commissioner
59-17 Junction Boulevard
Flushing, NY 11373

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

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

Item 5

Request for Contact

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

Item 6

Schools and Day Care Facilities

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

PS 065 Mother Hale Academy
(about 2,250 feet N from the site)
Jasmine Gonzalez, Principal
677 E 141st St
Bronx, NY 10454
(718) 292-4628

South Bronx Charter School For
International Cultures & the Arts.
(about 1,200 feet NW from the site)
Evelyn Hey, Principal
164 Bruckner Blvd
Bronx, NY 10454
(718) 292-5737

Pamela C Torres Day Care Center
(about 2,000 feet NW from the site)
161 St Ann's Ave
Bronx, NY 10454
(718) 585-2540

Tender Tots Day Care, Preschool & After
School Programs
(about 2,300 feet NW from the site)
531 E 137th St
Bronx, NY 10454
(718) 215-4125

Adalgisa Morel Day Care
(about 2,000 feet NW from the site)
165 St Ann's Ave
Bronx, NY 10454
(718) 993-7897

ABC Stepping Stone Daycare
(about 1,500 feet NW from the site)
235 Cypress Ave
Bronx, NY 10454
(718) 665-5156

Item 7

Document Repository (e.g. local library):

New York Public Library - Mott Haven Branch
321 E 140th Street
Bronx, NY 10454
(718) 665-4878

Bronx Community Board 1
George Rodriguez, Chairperson
3024 Third Avenue
Bronx, NY, 10455
Phone: (718) 585-7117

Letters sent to the repositories acknowledging that both agree to act as document repositories for the project are included in this attachment.

March 13, 2019

George Rodriguez
Bronx Community Board 1
3024 Third Avenue
Bronx, NY, 10455

**Re: Brownfield Cleanup Program Application
767 East 133rd Street (the "site")
Block 2562, Lot 49
Bronx, New York 10454**

Dear Mr. Rodriguez:

We represent Markland 745 LLC in their anticipated New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) application for the above-referenced site at 767 East 133rd Street in Bronx, New York. It is an NYSDEC requirement that we supply them a letter certifying that the local community board is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. Please sign below if you are able to certify that your community board would be willing and able to act as the temporary public repository for this BCP project.

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



Mimi S. Raygorodetsky
Senior Associate/Vice President

Yes, the Bronx Community Board 1 is willing and able to act as a public repository on behalf of Markland 745 LLC in their cleanup of the site under the NYSDEC BCP.

Cedric L. Lofton

(Name)

District Manager

(Title)

3/13/19

(Date)

March 15, 2019

Library Manager, Jeanine Cross
New York Public Library - Mott Haven Branch
321 E 140th Street
Bronx, NY 10454

**RE: Brownfield Cleanup Program Application
767 East 133rd Street (the "site")
Block 2562, Lot 49
Bronx, New York 10454**

To whom it may concern:

We represent Markland 745 LLC in their anticipated New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) application for the above-referenced site at 767 East 133rd Street in Bronx, New York. It is an NYSDEC requirement that we supply them a letter certifying that the local library is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. Please sign below and return if you are able to certify that your library would be willing and able to act as the temporary public repository for this BCP project.

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

Mimi S. Raygorodetsky
Senior Associate/Vice President

Yes, the New York Public Library - Mott Haven Branch is willing and able to act as a public repository on behalf of Markland 745 LLC in their cleanup of 767 East 133rd Street under the NYSDEC BCP.

Jeanine Thomas - [Signature]
(Name)

4-2-19
(Date)

Library Manager
(Title)

ATTACHMENT H

SECTION X: LAND USE FACTORS

ATTACHMENT H

SECTION X: LAND USE FACTORS

Item 1 - Current Zoning

According to New York City Planning Commission Zoning Map 6b, the site is currently situated within the Special Mixed Use Paired District. A zoning map amendment (C 180088 ZMX) was approved on June 7, 2018, that changed the zoning district for the site from an M1-2 to an M1-4/R7D. The site's current zoning is consistent with the proposed development.

Item 2 - Current Use

The site comprises a one-story warehouse building, a three-story building with a cellar, a storage shed, and an asphalt-paved parking lot. Historical operations at the proposed brownfield site include a piano string manufacturer (circa 1927 to 1976), an automotive parts and equipment company (circa 1976), a natural stone contracting company for marble (circa 1927 to 2008), and residential uses since about 1931. Most recent operations at the site included a commercial tenant (C&I Communications) at former Lots 49, 58, and 60 and commercial tenants (fashion company, corporate events company, and a club) at former Lot 56. The commercial tenants on former Lots 49, 56, 58, and 60 vacated between March and October 2018. Former Lot 56 is currently used as storage space for a construction hoist and scaffolding company until the demolition of the building. Former Lots 49, 58, and 60 remain vacant.

Item 3 - Intended Use Post-Remediation

The proposed development project includes demolition of existing structures and construction of a new eight-story mixed-use building which will occupy the entirety of the site. The first floor will contain commercial retail space (approximately 15,000 square feet), and the floors two through eight will contain 126 affordable housing units. The total residential area is proposed to be about 100,500 square feet.

Item 4 - Consistency with Development Patterns

The proposed redevelopment is an affordable housing development and is consistent with recent development patterns.

Item 5 - Consistency with Applicable Zoning Laws/Maps

The proposed redevelopment as a mixed-use residential and commercial development with affordable housing is consistent with the site's current M1-4/R7D zoning.

Item 6 - Comprehensive Plans

Based on the New York City Planning Commission Zoning Map 6b, the site is located within the Special Mixed Use District. The proposed use is consistent with local and area plans, including the goals of the Special Mixed Use District, which include the following:

- encourage investment in mixed residential and industrial neighborhoods by permitting expansion and new development of a wide variety of uses in a manner ensuring the health and safety of people using the area;
- promote the opportunity for workers to live in the vicinity of their work;
- create new opportunities for mixed use neighborhoods;
- recognize and enhance the vitality and character of existing and potential mixed use neighborhoods; and
- promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings and thereby protect City tax revenues.

ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:
The number(s) and/or letter(s) that follows on R, C, or M District designation indicates use, bulk and other matters as described in the text of the Zoning Resolution.

- R - RESIDENTIAL DISTRICT
- C - COMMERCIAL DISTRICT
- M - MANUFACTURING DISTRICT
- SPECIAL PURPOSE DISTRICT (see letter(s) within this section)
- AREA(S) REZONED (indicated by a shaded area on the map)
- AREA(S) REZONED (indicated by a dotted line on the map)

Effective Date(s) of Rezoning:
D6-07-2018 C: 180088 ZMX

Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C, or a list of lots subject to "D" restrictive declarations, see APPENDIX D.
For Inclusionary Housing Designated areas and Mandatory Inclusionary Housing areas on this map, see APPENDIX F.

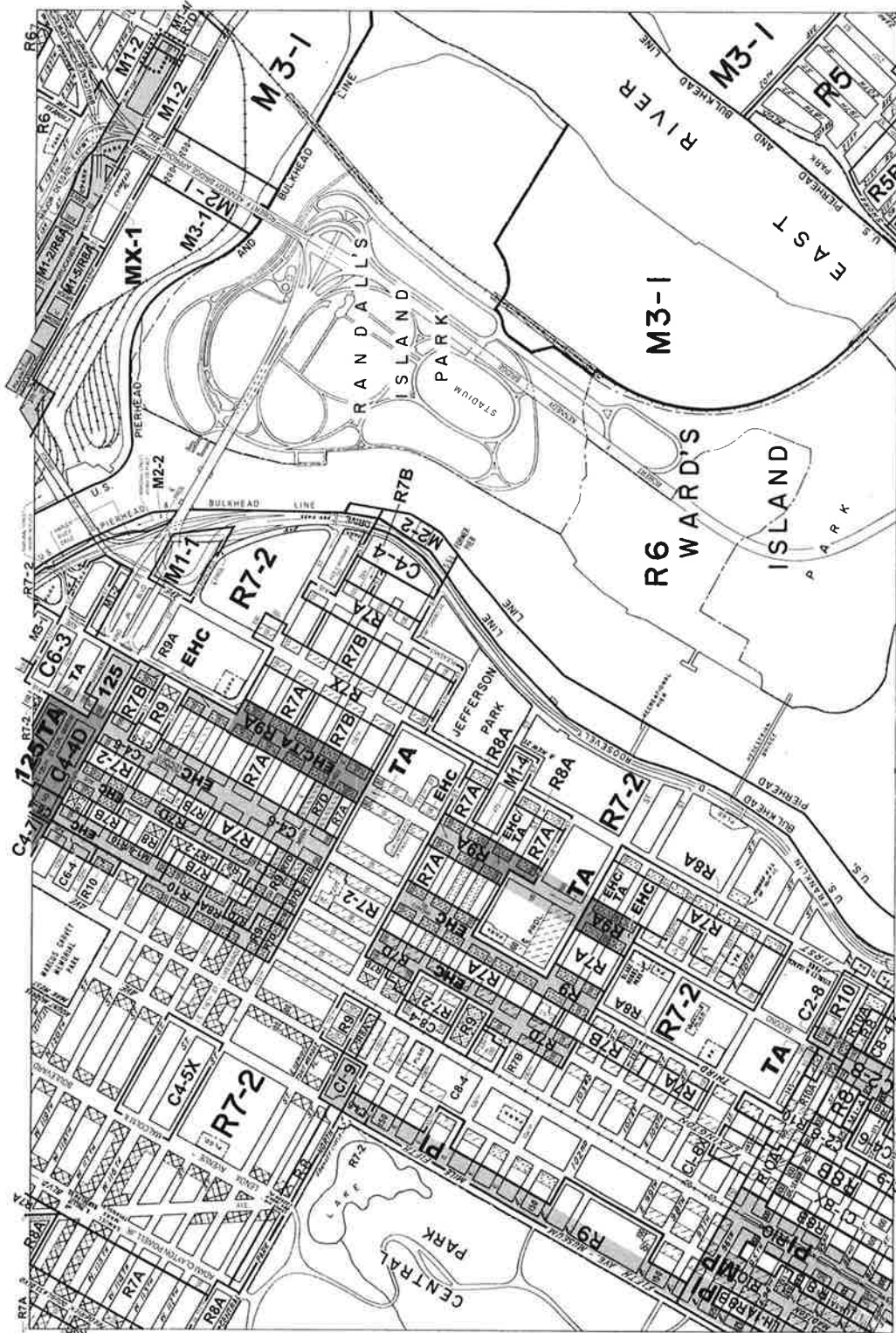
ZONING MAP

6b

5c	6a	6c
5d	6b	6d
8c	9a	9c

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NOTE: Zoning information shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website at www.dcp.nyc.gov for more information. For printing or contact the Zoning Information Desk at (212) 720-3281.



- C1-1
 - C1-2
 - C1-3
 - C1-4
 - C1-5
 - C2-1
 - C2-2
 - C2-3
 - C2-4
 - C2-5
- NOTE: Where no dimensions for zoning district boundaries appear on the zoning map, such dimensions are determined in Article VIII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.