BCP APPLICATION SUPPORT DOCUMENT
Exhibit List

Exhibit A - DOS Entity Information
Exhibit B- Corporate Consent
Exhibit C- Deed
Exhibit D- DEC PBS Tank Database Documentation
Exhibit E- Previous Owners and Operators
Exhibit F- Site Drawing Spider Maps
Exhibit G- Survey and Tax Map
Exhibit H- Site Location Map, Base Map, Street Map and En-Zone Map
Exhibit I- Zoning Map
Exhibit J- Flood Map
Exhibit K- Site Contact List
Exhibit L- Repository Letters

ENVIRONMENTAL REPORTS SEPARATELY ATTACHED ON CD:

1. 2011 March EEA, Inc. Phase I Environmental Site Assessment Report
2. 2018 September GEI Consulting Engineers and Scientists Phase I Environmental Site Assessment Report
3. 2018 September GEI Consulting Engineers and Scientists Phase II Environmental Site Assessment Report
4. 2020 January Geotechnical Engineering Services, P.C. Geotechnical Report
5. 2020 February DPV Consultants, Inc. Soil Waste Characterization Report
6. 2020 May GEI Phase I Environmental Site Assessment Report
7. 2020 May Roux Remedial Investigation Work Plan (RIWP)
PART A
SECTION I - REQUESTOR INFORMATION

[NOTE: All of the support information in this support document supplements or directly responds to the questions or requests for information in the corresponding order requested on the BCP Application form].

The Requestor is SB Gerard Avenue, LLC, a New York limited liability company, located at c/o Silverback Acquisitions and Development LLC, 40 West 57th Street, New York City, New York 10019. SB Gerard Avenue, LLC is authorized to do business in the State of New York. See Exhibit A, NYSDOS Entity Information. The sole member is Joshua A. Schuster.

The Written Consent provides Joshua A. Schuster with authority to sign all Brownfield Cleanup Program (“BCP”) documents on behalf of the Requestor SB Gerard Avenue, LLC. See Exhibit B, Corporate Consent.

As further described below in Section IV, the Site is located at 580 Gerard Avenue, Bronx, New York 10451, Tax Identification No. Block 2352, Lot 1 (“Site” or “BCP Site.”).

Requestor is the current owner of the Site as of September 2, 2020. See Exhibits C, Deed, and Exhibit G, Survey.

The Requestor has no prior relationship with any current or past owners or operators of the Site other than the Requestor acquired the Site from the Previous owner, NR Property 2 LLC. See Sections V and VI below, and Exhibit E, Previous Owners and Operators List. The Requestor did not cause any of the contamination of the Site, which predates the Requestor’s ownership or involvement at the Site as documented in the environmental reports prepared to date.

SECTION II - PROJECT DESCRIPTION

Please refer to responses to Questions 1-3 on the BCP Application Form.

4. Short Project Description

The planned redevelopment of the Site entails demolition of the current on-Site former Post Office vehicle repair facility building, and any associated lead paint or asbestos remediation, the investigation and remediation of the Site, and then the construction of a 7 to 9-story multifamily rental building with ground floor retail. The proposed building will be approximately 143,000 square feet, and will include 30% affordable housing residential rental units employing the allowed Inclusionary Density Bonus (approx. 176,000 GSF). This will comprise a total of 185-200 multifamily rental units, approximately 5,000 square feet of retail space, and an estimated 70 parking spaces.
Schedule - Commencement through COC

Assuming the Brownfield Cleanup Agreement ("BCA") is fully executed within four months of submission of this Application, in September 2020, since the Remedial Investigation Work Plan ("RIWP") was submitted with the application, the Remedial Investigation ("RI") will commence in the fall of 2020 shortly after BCA execution. The RI will occur after Site preparation activities, including on-Site building remediation and demolition, in order to prepare the Site for investigation and remediation under former slabs, which is also expected to commence by the early fall of 2020. The Remedial Investigation Report ("RIR") will be submitted at the same time as the Remedial Action Work Plan ("RAWP"), which are expected to be submitted by late 2020-early 2021. Any required remediation should commence in the spring of 2021 after the 45-day public comment period. The Certificate of Completion is anticipated to be issued on or before December 31, 2021.

SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY

1. List of Environmental Reports

   The following is the list of environmental reports for the Site separately attached:

   A. 2011 March EEA, Inc. Phase I Environmental Site Assessment Report
   B. 2018 September GEI Consulting Engineers and Scientists Phase I Environmental Site Assessment Report
   C. 2018 September GEI Consulting Engineers and Scientists Phase II Environmental Site Assessment Report
   D. 2020 January Geotechnical Engineering Services, P.C. Geotechnical Report
   F. 2020 May GEI Phase I Environmental Site Assessment Report
   G. 2020 May Roux Remedial Investigation Work Plan (RIWP)

2. Sampling Data

   See Exhibit F, Spider Maps, which include sampling data summaries, and Section IV.10.F.

3. Site Drawing

   See Exhibit F, Spider Maps.

4. Past Land Uses

   See Section IV.10.D for full description of past land uses. The most significant past use of the Site was the Site’s use as a vehicle repair facility for the U.S. Postal Service for over 50 years. Subsequently, the Site continued to be used for vehicle repair for a number of years.
SECTION IV – PROPERTY INFORMATION

1. Site Boundary and Tax Parcel Information

The Site is located at 580 Gerard Avenue, Bronx, New York 10451, Tax Identification No. Block 2352, Lot 1 ("Site" or “BCP Site.”). While the Site’s formal address is 580 Gerard Avenue, it has also historically been referred to as 586 and 610 Gerard Avenue and 125 East 150th Street. Therefore, some of the environmental reports cite the address as 580-610 Gerard Avenue and mention these former addresses. The Site boundary does correspond to the tax boundaries. The Tax Boundary Map and a Survey map is provided in Exhibit G. The Site Location Map, Base Property Map, and En-zone Map are in Exhibit H. The Site is in En-Zone Type A, Census Tract 63. The Site has an E-designation (E Number E-292), which was issued by NYCDEP in 2013 during the City Environmental Quality Review process.

2. Property Map

The Site Location and Base Property Map are in Exhibit H. A Survey Map is in Exhibit G.

Please refer to responses to Questions 3-5 on the BCP Application Form.

6. Despite the fact that there are two closed spills at the Site, no proof that the spill closures resulted in “remediation” were attached to any of the historic investigation reports. As a result, no documentation could be attached and the response to this question is “no”. Further, even the entire Site was not addressed by these spill closures related exclusively to two UST areas on the Site. In the area of the former nine USTs, these tanks were allegedly removed but there is also no proof that the tanks were in fact removed and the vent pipes are still present. In addition, one large UST is still present. The Requestor has submitted a Freedom of Information Law request for the complete spill files. See also additional information in Section VII. Response #11 below.

Please refer to responses to Questions 7-9 on the BCP Application Form.

10. Property Description Narrative

A. Site Location

See Response to Section IV.1 and IV.2 above. The Site is located at 580 Gerard Avenue, Bronx, New York 10451. The Site is located in a mixed industrial, commercial and residential neighborhood. There have been several BCP sites that have entered the program on Gerard Avenue in close proximity to this Site. The surrounding land uses are described in Section 10.C below.

B. Site Features

The Site is occupied by a single-story approximately 31,000 sq. ft, 1951 constructed former U.S. Postal Service vehicle maintenance garage building, which primarily covers the entire
Site, with the exception of a 3-foot path on the eastside of the building. There is only a small basement along the Gerard Avenue side of the building.

Within the building are three concrete block structures/offices. The smallest of the three is located within the northeastern quadrant of the building. As of March 2011, this area was completely vacant and had an exhaust/ventilation pipe leading up through the roof. EEA concluded that this could have been utilized for the storage of flammables. The concrete block office area on the eastern side of the building was also completely vacant during the EEA Phase I investigation, and may have been utilized for parts and equipment storage. The concrete block office area on the west side of the building appeared to contain office space, bathrooms/locker rooms, etc. according to EEA.

The building was vacant as of the March 2011 Phase I and is still currently vacant and was most recently utilized as a furniture warehouse. The Site is not located in a flood zone. See Flood zone map in Exhibit J. The closest waterbody is the Harlem River, which is located about 0.21 miles away (about 1,120 feet).

C. Current Zoning and Land Use

The Site is currently located in an R7A District with a C2-4 Commercial Overlay District and is vacant. The surrounding properties include, to the North, a single-story warehouse/garage building; to the West (across Gerard Avenue), a two-story mixed-use building used as a storage facility and its associated parking lot; to the South (across 150th Street), a single-story warehouse/garage building; and to the East, a small garage and residential buildings. The Site is .2 miles from the 149 St Grand Concourse Subway Station and the Metro North Mott Haven Junction station.

D. Past Use of the Site

The first Phase I Environmental Site Assessment Report was prepared by EEA, Inc. (EEA) for an engineering firm in March 2011. EEA’s analysis of historical information regarding the Site indicated that from 1908 until on or about 1950 the Site was vacant until the current on-Site building was constructed circa 1950 for use as a vehicle maintenance and storage facility for the U.S. Post Office. The Post Office was the tenant from 1950 until circa 2000. From circa 2001 through 2007, the building was utilized for automotive service, vehicle repair and parking. After 2007, the project site was occupied by a construction company for general office use and storage, but as of 2011, the building was vacant when inspected during the first Phase I. Based on the specific nature of the identified operations, EEA concluded these types of businesses involved the storage and use of hazardous substances and/or petroleum products, and/or generated hazardous and petroleum wastes. Interior floor drains were observed in the floor throughout the building, and EEA concluded that given the age of the building constructed in the 1950s, it is likely that these drains discharge to the municipal sewer system, but no investigation to confirm this fact was noted in the Report. No exterior storm drains were noted.
This initial Phase I report also noted that the Site was listed in the New York State Department of Environmental Conservation Petroleum Bulk Storage (PBS) database under Facility Identification Numbers 2-333212 and 2-476021 and the Spills database under Spill Incident Numbers 9213223 and 9007668. In addition, the Post Office was a listed RCRA facility at this Site under RCRA Facility ID NY5180010451) large quantity generator. The Phase I states that no hazardous waste activity was listed by New York State for this RCRA Facility, but this conclusion was not confirmed by the documentation provided. In addition, the report states that the Post Office, was listed as a small quantity generator under RCRA Facility ID NYD982727885 at this Site from 1992 until 2009, even though the Post Office vacated in about 2000-2001. Therefore, this ID # was likely related to the spill closures below, when varying amounts and types of wastes were generated and disposed of from the Site under this Facility ID Number. Again, the documentation attached to the Phase I suggests that the Post Office was a large quantity and small generator of waste and the type of waste was not specified.

Finally, a tenant named Autorama Enterprises of Bronx, using the 610 Gerard Avenue address, was also listed as a RCRA Facility at the Site under ID NYR000100255, but according to EEA, no hazardous waste activity was listed by New York State for this RCRA Facility. However, the type of waste generated was not specified.

EEA identified the following Recognized Environmental Conditions (RECs) at the Site - gasoline tanks, fuel oil tanks, hydraulic lifts and floor drains. There was no mention in this report that the hydraulic lifts had been removed. However, based on EEA’s review of the Toxics Targeting Database Report, EEA concluded that nine gasoline tanks, which had been installed in 1950, were removed in 1993, and subsequent soil sampling showed no evidence of significant contamination. Nevertheless, the Phase I also states:

- At least nine gasoline tank vent lines were observed running up the length of the wall on the eastern side of the building.
- According to information obtained during the site inspection, an underground 2,500-gallon fuel oil tank is currently located inside the subject building, where a man-way cover and other associated access ports were evident during EEA’s site inspection. Allegedly, a 5,000-gallon fuel oil tank was also removed and replaced in 1993 with this present 2,500-gallon fuel oil tank.

See Exhibit M including DEC PBS Records. Therefore, some remnants of the tank systems still remain on site and the DEC database regarding the tank removals specifically states that “Underground including vaulted with no access for inspection”. Therefore, it is unclear from the records if the bottom of the excavation pit under the tanks was inspected before or after removal.

EEA also noted that there were two spill numbers associated with this Site:

- Closed Spill Incident Number 9007668 – This spill pertains to a tank test failure of a 3,000-gallon fuel oil tank that occurred on October 13, 1990. There is a note in the spill file that “groundwater” was impacted. See Exhibit M including spill file
record. EEA notes that according to the NYSDEC spill file comments, a 5,000-gallon fuel oil underground storage tanks was removed and replaced with a 2,500-gallon underground storage tank (UST) in 1993 and that a subsurface investigation that was performed in 2000, which showed no visual, olfactory, or PID Evidence of contamination/release. Soil analysis was non-detect for Volatile Organic Compounds (VOCs) and Poly Aromatic Hydrocarbon (PAHs) were consistent with obvious fill material (i.e., coal/asphalt). Groundwater was not encountered before bedrock which was at a depth of approximately 12-feet below ground surface. This spill incident was closed on May 11, 2001. [NOTE: However, the spill file noted that groundwater was impacted and there was no evidence in this Phase I that groundwater was remediated.]

- Closed Spill Incident Number 9213223 – This spill incident is related to gasoline found during the excavation of gasoline tanks that occurred on February 27, 1993. This spill incident indicates that nine 550-gallon gasoline USTs were removed in 1993. Concurrently, 22 tons of contaminated soil had also been reportedly excavated and removed. Allegedly, the subsurface investigation showed no visual or olfactory evidence of contamination. Soil analysis showed non-detect for VOCs and PAH levels were consistent with obvious fill material. However, groundwater analysis showed non-detect/trace PAHs and VOCs. This spill incident was closed on May 11, 2001.

Additionally, EEA added that suspected asbestos containing materials, including but not limited to suspect floor tiles, and possible lead-based painted surfaces were also noted within the building.

A more recent Phase I report was prepared for a law firm in September 2018 by GEI. GEI indicated that there had been no significant changes to the building between the 2011 and September 2018 other than there was a temporary furniture warehouse tenant, which was no longer present as of the date of this Phase I investigation. GEI identified the same RECs as EEA (underground gasoline tanks, underground fuel oil tanks, hydraulic lifts, and floor drains) and added an addition REC in relation to the more recent City of New York E-designation stating that on May 22, 2013, this Site had been assigned E-Number, E-292 under the Hazardous Materials Phase I and Phase II Testing Protocols. In addition, this Phase I included a Historic REC in connection with not only the two spill incidents described in the 2011 EEA Phase I but a third closed Spill Incident associated with the Site:

- Closed Spill Incident Number 1205845 – This spill occurred when it was reported that approximately two gallons of heating oil residual/staining was noted next to the fill port area on the east side of the building.

GEI also performed a Tier 1 Vapor Encroachment Screening for the Site and concluded that a Vapor Intrusion Concern (VIC) cannot be ruled out due to the past historical use, and

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1 This 2018 Phase I Report references a 2015 Phase I report which the Requestor has been unable to obtain. However, this 2018 Phase I report does not document any significant changes to the site or building between the 2011 Phase I performed by EEA and this Phase I Report in 2018. Therefore, the lack of access to the 2015 Phase I Report does not appear to be significant.
past history of oil and gasoline tank.

A Phase II subsurface investigation was performed by GEI in August 2018, which was summarized in a September 2018 Phase II Report. A total of eight (8) test borings were performed in the building on the Site. Soil borings were advanced and analytical samples were collected to determine if there are impacts to soils underlying the Site. Two (2) soil borings were advanced into the groundwater table and two (2) groundwater grab samples were collected. However, it is important to note that these borings were not located in the vicinity of the former tank farm portion of the Site or where the current tank is still located. Additionally, four (4) soil vapor samples were collected from temporary implants installed beneath the building floor slab. The soil, groundwater and soil vapor exceedances that directly result from historic operations and contaminated historic fill are summarized below in the Environmental Assessment Section.

In addition, a more recent soil waste characterization investigation was performed by DPV in February 2020. DPV took 25 soil sample sets (TAL/TCL + 30 and VOC grab samples) from 13 test pit locations throughout the Site. The findings are summarized in the Environmental Assessment Section below.

GEI updated its Phase I Report in May 2020 without any new significant findings. A May 2020 Remedial Investigation Work Plan has been submitted with this application to further investigate the contamination found to date. The scope will include 14 soil borings throughout the Site, the conversion of 6 soil borings into six permanent groundwater monitoring wells (MW 1 through MW-6), and ten soil vapor samples.

E. Site Geology and Hydrogeology

According to the EEA 2011 Phase I, the Bronx is underlain by three principal bedrock formations: Inwood Marble, Fordham Gneiss, and Manhattan Schist. The strata of these rock types have been folded by forces produced by movements in the earth's crust, and the resulting pattern of folding has produced a series of ridges and valleys. The rock of Inwood Marble is soluble in even slightly acidic water, and has been eroded through time to form lowlands and valleys, including the channel of the Harlem River. Further erosion of the marble as well as the schist and gneiss occurred later in time, as the surface of rock in New York City was covered by massive glaciers. Besides the erosion that they produce, the glaciers transported broken-up rock fragments from areas to the north and deposited them in many areas of the Bronx. Meltwater streams produced by the glaciers occupied the valleys of Inwood Marble, and they in turn produced outwash sand deposits. These permeable deposits, in combination with solutional fractures present in the limestone, account for the ability of the areas underlain by Inwood Marble to yield significant quantities of groundwater.

Recharge of groundwater in the Bronx is chiefly from precipitation. Possible secondary sources include lateral underground flow from Westchester County, as well as leakage from water mains and sewer lines. Areas of the Bronx, in which clay deposits from former glacial lake beds formed marshes, may contain minor quantities of groundwater, which do
not readily percolate downward due to the impermeability of these materials. The schist and gneiss are also relatively impermeable, and have historically yielded relatively minor quantities of water to wells. Today, public water supply for the Bronx comes from the upstate reservoirs which supply the City of New York. The general elevation for the area where the Site is located is between approximately 20-30 feet above mean sea-level.

GEI in its September 2018 Phase I reiterated the EEA geology and hydrogeology findings above.

According to the Phase II, although no permanent groundwater wells were installed, the groundwater flow direction was presumed to be the southerly direction toward the Harlem River. The soil composition in the eight (8) subsurface soil borings was similar in nature, with predominantly fine to medium-grained sand and fill material along with some silt found to exist from the surface to terminus of the borings. Groundwater was encountered in two (2) borings at approximately 23 feet below land surface (bls). Elevated PID readings and a petroleum odor was noted in boring SB-2 at the intersection of the water table, approximately 21-23 feet bls.

F. Environmental Assessment

Based on the investigations conducted to date, the primary contaminants of concern are heavy metals, semi-volatile organic compounds (SVOCs) and Polychlorinated biphenyls (PCBs) in soil, volatile organic compounds (VOCs) in groundwater, and VOCs in soil vapor.

See Ex. F, Site Drawing Spider Maps.

Soil: The collective list of all soil exceedances by contaminant, range, and depth on the Site identified in the September 2018 Phase II and the February 2020 Waste Characterization report is as follows as further documented in the Soil Exceedances Spider Map -

SVOC Commercial Soil Cleanup Objectives (CSCO) exceedances included:
• Benzo(a)anthracene in 2 borings at 5.77 and 14.8 mg/kg exceeded the CRSCO of 5.6 mg/kg to depths of up to 13 ftbgs.
• Benzo(a)pyrene in 8 borings between 1.11 and 12.1 mg/kg exceeded the CRSCO of 1 mg/kg to depths of up to 16 ftbgs.
• Benzo(b)fluoranthene in 1 boring at 9.65 mg/kg exceeded the CRSCO of 5.6 mg/kg to depths of up to 13 ftbgs.
• Dibenzo(a,h)anthracene in 2 borings at 1.09 and 2.69 mg/kg exceeded the CRSCO of .56 mg/kg to depths of up to 13 ftbgs.
• Indeno(1,2,3-cd)pyrene in 1 borings at 5.91 mg/kg exceeded the CRSCO of 5.6 mg/kg to depths of up to 13 ftbgs.

SVOC Restricted Residential Soil Cleanup Objectives (RSCO) exceedances included:
• Benzo(a)anthracene in 4 borings between 1.05 and 2.27 mg/kg exceeded the
RRSCO of 1 mg/kg to depths of up to 13 ftbgs.
- Benzo(b)fluoranthene in 3 borings between 1.47 and 4.48 mg/kg exceeded the RRSCO of 1 mg/kg to depths of up to 16 ftbgs.
- Benzo(k)fluoranthene in 2 borings at 4.59 and 9.46 mg/kg exceeded the RRSCO of 3.9 mg/kg to depths of up to 13 ftbgs.
- Chrysene in 2 borings between 6.09 and 12.8 mg/kg exceeded the RRSCO of 3.9 mg/kg to depths of up to 13 ftbgs.
- Dibenzo(a,h)anthracene in 2 borings between .399 and .459 mg/kg exceeded the RRSCO of .33 mg/kg to depths of up to 10 ftbgs.
- Indeno(1,2,3-cd)pyrene in 6 borings between 0.515 and 2.84 mg/kg exceeded the RRSCO of .5 mg/kg to depths of up to 16 ftbgs.

Metal Commercial Soil Cleanup Objectives (CSCO) exceedances included:
- Copper in 3 borings between 279 and 1190 mg/kg exceeded the CSCO of 270 mg/kg to depths of up to 11 ftbgs.
- Barium in 5 borings between 496 and 938 mg/kg exceeded the CSCO of 400 mg/kg to depths of up to 23 ftbgs.

Metal Restricted Residential Soil Cleanup Objectives (RRSCO) exceedances included:
- Lead in 3 borings between 492 and 663 mg/kg exceeded the RRSCO of 400 mg/kg to depths of up to 15 ftbgs. However, high level lead close to the 400 mg/kg standard at levels between 328-398 was also present in four additional borings.
- Mercury in 4 borings between 0.909 and 2.29 mg/kg exceeded the RRSCO of .81 mg/kg to depths of up to 13 ftbgs.

PCBs were present in one boring above the CSCO and RRSCO of 1 mg/kg in one boring at 9.1 mg.

Groundwater: Only two groundwater well locations were sampled on the Site. A number of VOCs were detected at concentrations above NYSDEC standards in groundwater sample SB-2(GW). One detection for chloroform was detected in SB-5 (GW). [NOTE: It is important to note that borings SB2 and SB-5 were not located in the vicinity of the former UST tank farm. Therefore, there has been no groundwater sampling in the immediate vicinity of the tank farm area]. One SVOC was also detected in SB-2 as noted below:

VOC Ambient Water-Quality Standards and Guidance Values (AWQSGV) exceedances included:
- Chloroform in 2 borings at 10 and 16 μg/L met and exceeded the AWQSGV of 10 mg/kg.
- 1,2,4-Trimethylbenzene in 1 boring at 1,200 μg/L exceeded the AWQSGV of 5 mg/kg.
- 1,3,5-Trimethylbenzene in 1 boring at 340 μg/L exceeded the AWQSGV of 5 mg/kg.
- Isopropylbenzene in 1 boring at 100 µg/L exceeded the AWQSGV of 5 mg/kg.
- n-Butylbenzene in 1 boring at 43 µg/L exceeded the AWQSGV of 5 mg/kg.
- n-Propylbenzene in 1 boring at 110 µg/L exceeded the AWQSGV of 5 mg/kg.
• p-Isopropyltoluene in 1 boring at 7.2 μg/L exceeded the AWQSGV of 5 mg/kg.
• sec-Butylbenzene in 1 boring at 12 μg/L exceeded the AWQSGV of 5 mg/kg.

SVOCs
• Naphthalene in 1 boring at 19.6 μg/L exceeded the AWQSGV of 10 mg/kg.

Soil Vapor: Elevated tetrachloroethene was detected in soil vapor sample SV-2 at 460 µg/m³. There were also numerous additional soil vapor detections of petroleum and chlorinated VOCs in the four soil vapor samples taken throughout the Site depicted on the Soil Vapor Spider Map in Exhibit F.

Please see the responses to question 11-13 on the BCP Application Form. The Site is located in an Environmental Zone and will be an affordable housing project.

PART B
SECTION V- ADDITIONAL REQUESTOR INFORMATION

See Section I, Requestor Information and responses in the Application form. As stated in Section I, the Requestor has no prior relationship with any current or past owners or operators of the Site other than the previous Site owner - NR Property 2 LLC - from whom the Requestor acquired the Site on September 2, 2020. See also Exhibit E, Previous Owners and Operators List. The Requestor did not cause any of the contamination of the Site, which predates the Requestor’s involvement at the Site.

SECTION VI- CURRENT PROPERTY OWNER/OPERATOR INFORMATION

The Requestor is the owner of the site, as of September 2, 2020. See Exhibit C, Deed.

A past owner and operator list is attached as Exhibit E. This Exhibit includes both current and previous property owners and operators by name, last known address, telephone number, and the Requestor’s relationship to each owner and operator (all of which are “None”). Exhibit E also includes the prior operators’ use of the Site, which included commercial vehicle repair uses.

SECTION VII- REQUESTOR ELIGIBILITY INFORMATION

Please refer to responses to Questions 1-10 on the BCP Application Form.
11. Unregistered bulk storage tanks

The answer to the question is “NO” for the following reasons. According to the DEC PBS on-line database information, this Site has a history of 11 on-Site USTs being present and registered. Ten of the eleven tanks have been registered and were allegedly removed (even though there is some evidence that the tanks may still be on Site and were closed in place because all of the vent pipes remain on the Site). One remaining 2,500 gallon #2 fuel oil tank is still present on-Site and is registered under Site No. 2-476021. See DEC PBS Tank Documentation in Exhibit M.

It is important to add the following additional history and information about the tanks from the environmental reports here. A geophysical survey investigation of the Site was performed during the September 2018 Phase II site investigation. The southeastern quadrant of the Site, where historic tanks were believed to be located, was scanned for the presence of USTs. No USTs were identified during the limited geophysical survey. However, the Phase II also states: “Additionally, any former features related to the previous garage operations (i.e., hydraulic lifts) and former underground storage tanks should be decommissioned, removed and disposed of in accordance with applicable regulations.” Therefore, there is contradictory information in the Phase II Report.

REQUESTOR CERTIFICATION

The Requestor certifies it is a Volunteer, since the Requestor submitted this application before purchasing the Site on September 2, 2020 after due diligence, and does not have nor has ever had a relationship with any of the past owners or operators of the Site, nor did it have involvement with the Site at the time of disposal. The Requestor has performed all required environmental due diligence prior to acquiring the Site.

SECTION VIII- PROPERTY ELIGIBILITY INFORMATION

Please refer to the responses to the Questions 1-6 on the BCP Application Form, which confirms the Site is not ineligible for the BCP.

In addition to the responses on the application form, which clarify the Site is an eligible brownfield site pursuant to ECL § 27-1405, the following information further demonstrates this Site’s eligibility for the BCP.

The Site meets the definition of an eligible “brownfield site” in Environmental Conservation Law § 27-1405(2) as “any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by the department that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations.” Environmental investigation results show evidence of impact from the Site’s previous commercial and industrial uses, which can be linked to and caused Site contamination above not only the applicable restricted residential cleanup standards based on the proposed future residential reuse plan for the BCP Site, but also the commercial cleanup standards. In addition, there are also groundwater standards exceedances and elevated soil vapor levels at the Site. See Environmental Reports and the Spider Maps in Exhibit F, providing the data.
demonstrating exceedances of the cleanup standards for this Site. As a result, the Site meets the
definition of a brownfield site pursuant to Environmental Conservation Law §27-1405(2).

SECTION IX - CONTACT LIST INFORMATION

See Exhibit K for the Site Contact List. See Exhibit L, for the Repository Letters.

SECTION X - LAND USE FACTORS

1. Current Zoning

The Site is within the R7A District with a C2-4 overlay. See Exhibit I, Zoning Map.

2. Current Use

This Site is currently vacant and has been vacant since 2018.

3. Intended Use Post Remediation

Post remediation use of the Site will entail mixed-use residential (7 to 9-story multifamily rental building) and commercial (ground-floor retail) uses. See Section II, Project Scope for a more detailed description.

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

Yes, historical and recent development patterns have increasingly rezoned areas from non-residential to mixed-use residential and commercial uses in neighborhoods on or near the waterfront, including the Bronx River. The Site is also located in an area that was recently rezoned to mixed-use in 2013.

5. Is the proposed use consistent with applicable zoning laws/maps?

Yes, R7A districts permit medium-density apartment housing and C2-4 overlays permit commercial uses limited to one or two floors located below the residential use.

6. Consistent with the Master Plan?

Yes, the project is consistent with the Vision 2020 NYC Comprehensive Waterfront Plan, which intends to increase mixed-use development and affordable housing in waterfront neighborhoods. See fn. 2.

2 Vision 2020 NYC Comprehensive Waterfront Plan, p. 12