



# Hydro Tech Environmental, Corp.

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February 12, 2016

Site Control Section  
Attn: Bernadette Anderson  
New York State Department of Environmental Conservation  
Bureau of Technical Support  
625 Broadway, 11<sup>th</sup> Floor  
Albany, NY 12233-7020

**Re: Brownfield Cleanup Application**  
**198 East 135<sup>th</sup> Street ("Previously 200 East 135<sup>th</sup> Street, Bronx")**  
**BCP #C203084**

Dear Ms. Anderson:

Enclosed please find the requested revised items in regards to the above-referenced site as per your email dated February 12, 2016. Hard copies of the specific items requested are provided; the application in its entirety is provided via CD-ROM.

Should you have any questions or comments, please feel free to contact us 718-636-0800.

Very Truly Yours  
**Hydro Tech Environmental, Corp.**

A.J. Infante  
Project Geologist



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 5

Section I. Requestor Information - See Instructions for Further Guidance DEC USE ONLY BCP SITE #: NAME ADDRESS CITY/TOWN ZIP CODE PHONE FAX E-MAIL Is the requestor authorized to conduct business in New York State (NYS)? Yes No ... Do all individuals that will be certifying documents meet the requirements detailed below? Yes No ...

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 ... 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.

**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).

**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			
Other VOCs			
SVOCs			
Metals			
Pesticides			
PCBs			
Other*			

\*Please describe: \_\_\_\_\_

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

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

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

**ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?\***

(\*answering No will result in an incomplete application)

Yes      No

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

Coal Gas Manufacturing	Manufacturing	Agricultural Co-op	Dry Cleaner
Salvage Yard	Bulk Plant	Pipeline	Service Station
Landfill	Tannery	Electroplating	Unknown

Other: \_\_\_\_\_

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME 198 East 135th Street				
ADDRESS/LOCATION 198 East 135th Street				
CITY/TOWN Bronx		ZIP CODE 10451		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Bronx, New York City				
COUNTY Bronx		SITE SIZE (ACRES) 1.12		
LATITUDE (degrees/minutes/seconds) 40 ° 48 ' 35.272 "		LONGITUDE (degrees/minutes/seconds) 73 ° 55 ' 52.903 "		
COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
198 East 135th Street, Bronx, NY 10451		2319	60	1.12
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach a metes and bounds description of the property.				
2. Is the required property map attached to the application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map)				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> for more information) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, identify census tract : <u>51</u> Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 100%				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				

CA

**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

<u>Easement/Right-of-way Holder</u>	<u>Description</u>
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9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>
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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

11. For sites located within the five counties comprising New York City, is the requestor seeking a determination that the site is eligible for tangible property tax credits?  
If yes, requestor must answer questions on the supplement at the end of this form. Yes      No

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

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.

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)**

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>	DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____
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NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE		
ADDRESS		
CITY/TOWN	ZIP CODE	
PHONE	FAX	E-MAIL
NAME OF REQUESTOR'S CONSULTANT		
ADDRESS		
CITY/TOWN	ZIP CODE	
PHONE	FAX	E-MAIL
NAME OF REQUESTOR'S ATTORNEY		
ADDRESS		
CITY/TOWN	ZIP CODE	
PHONE	FAX	E-MAIL

**Section VI. Current Property Owner/Operator Information – if not a Requestor**

CURRENT OWNER'S NAME	OWNERSHIP START DATE:	
ADDRESS		
CITY/TOWN	ZIP CODE	
PHONE	FAX	E-MAIL
CURRENT OPERATOR'S NAME		
ADDRESS		
CITY/TOWN	ZIP CODE	
PHONE	FAX	E-MAIL

**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.**  
**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".**

**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? 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 X. Land Use Factors	
<p>1. What is the current zoning for the site? What uses are allowed by the current zoning?  Residential      Commercial      Industrial  If zoning change is imminent, please provide documentation from the appropriate zoning authority.</p>	
<p>2. Current Use:    Residential    Commercial    Industrial    Vacant    Recreational    (check all that apply)  <b>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.</b></p>	
<p>3. Reasonably anticipated use Post Remediation:    Residential    Commercial    Industrial (check all that apply) <b>Attach a statement detailing the specific proposed use.</b></p> <p>If residential, does it qualify as single family housing? <span style="float: right;">Yes    No</span></p>	
4. Do current historical and/or recent development patterns support the proposed use?	Yes    No
5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.	Yes    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.	Yes    No

**XI. Statement of Certification and Signatures**

(By requestor who is an individual)

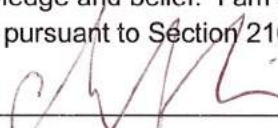
If this application is approved, I acknowledge and agree to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware 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 Managing Member (title) of Deegan 13 Realty 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 to execute a BCA within 60 days of the date of DEC's approval letter. 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: JAN 27 2016 Signature:  \_\_\_\_\_

Print Name: Cheskel Schwimmer \_\_\_\_\_

**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 5**

Property is in Bronx, Kings, New York, Queens, or Richmond counties.		Yes	No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.		Yes	No
<b>Please answer questions below and provide documentation necessary to support answers.</b>			
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see <a href="#">DEC's website</a> for more information.		Yes	No
2. Is the property upside down or underutilized as defined below?	Upside Down?	Yes	No
	Underutilized?	Yes	No
<b>From ECL 27-1405(31):</b>			
<p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>			
<p><b>From 6 NYCRR 375-3.2(I) as of July 1, 2015:</b> (Please note: Eligibility determination for the underutilized category can only be made at the time of application)</p>			
<p>(I) "Underutilized" means, as of the date of application, real property:</p> <p>(1) on which a building or buildings, can be certified by the municipality in which the site is located, to have for at least five years used no more than fifty percent of the permissible floor area under the applicable base zoning immediately prior to the application which has been in effect for at least five years;</p> <p>(2) at which the proposed development is solely for a use other than residential or restricted residential;</p> <p>(3) which could not be developed without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(4) which is subject to one or more of the following conditions, as certified by the municipal department responsible for such determinations of the municipality in which the site is located:</p> <p>(i) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(ii) contains a building that 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>(iii) the proposed use is in whole or in substantial part for industrial uses.</p> <p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, or land purchase cost exemption or waiver, from a governmental entity; or for properties to be developed in whole or in part for industrial uses, a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or a tax credit, from a governmental entity, or a low-cost loan from an industrial fund managed by the municipality and partner financial institutions.</p>			

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

3. Is the project an affordable housing project as defined below? Yes    No

**From 6 NYCRR 375- 3.2(a) as of July 1, 2015:**

(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, that 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.

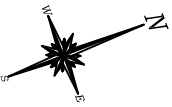
(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, that sets affordable units aside for tenants at a defined maximum 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)**

<b>Site Name:</b> <b>City:</b>	<b>Site Address:</b> <b>County:</b>	<b>Zip:</b>		
<b>Tax Block &amp; Lot Section (if applicable):</b>	<b>Block:</b>	<b>Lot:</b>		
<b>Requestor Name:</b> <b>City:</b>	<b>Requestor Address:</b> <b>Zip:</b>	<b>Email:</b>		
<b>Requestor's Representative (for billing purposes)</b> <b>Name:</b> <b>City:</b>	<b>Address:</b> <b>Zip:</b>	<b>Email:</b>		
<b>Requestor's Attorney</b> <b>Name:</b> <b>City:</b>	<b>Address:</b> <b>Zip:</b>	<b>Email:</b>		
<b>Requestor's Consultant</b> <b>Name:</b> <b>City:</b>	<b>Address:</b> <b>Zip:</b>	<b>Email:</b>		
<b>Percentage of site within an En-Zone:</b>	<b>0%</b>	<b>&lt;50%</b>	<b>50-99%</b>	<b>100%</b>
<b>Requestor's Requested Status:</b>	<b>Volunteer</b>	<b>Participant</b>		

## FIGURES



EAST 135th STREET

SIDEWALK

SP-5 (6/11/15)			
Depth	0' - 2'	10' - 12'	
VOCs	mg/Kg	mg/Kg	RSCCO
Acetone	ND	0.053	100

SP-5

SP-2 (6/11/15)			
Depth	0' - 2'	10' - 12'	
VOCs	ND	ND	

SP-2

SP-6 (6/11/15)			
Depth	0' - 2'	10' - 12'	
VOCs	mg/Kg	mg/Kg	RSCCO
Acetone	0.016	ND	100
Methylene chloride	ND	0.011	100

SP-6

SP-1 (6/11/15)			
Depth	0' - 2'	10' - 12'	
VOCs	mg/Kg	mg/Kg	RSCCO
2-Butanone	0.0091	0.020	100
Acetone	0.050	0.068	100
Methyl tert-butyl ether	ND	0.0059	100
Methylene chloride	ND	0.0080	100
Naphthalene	0.0072	ND	100

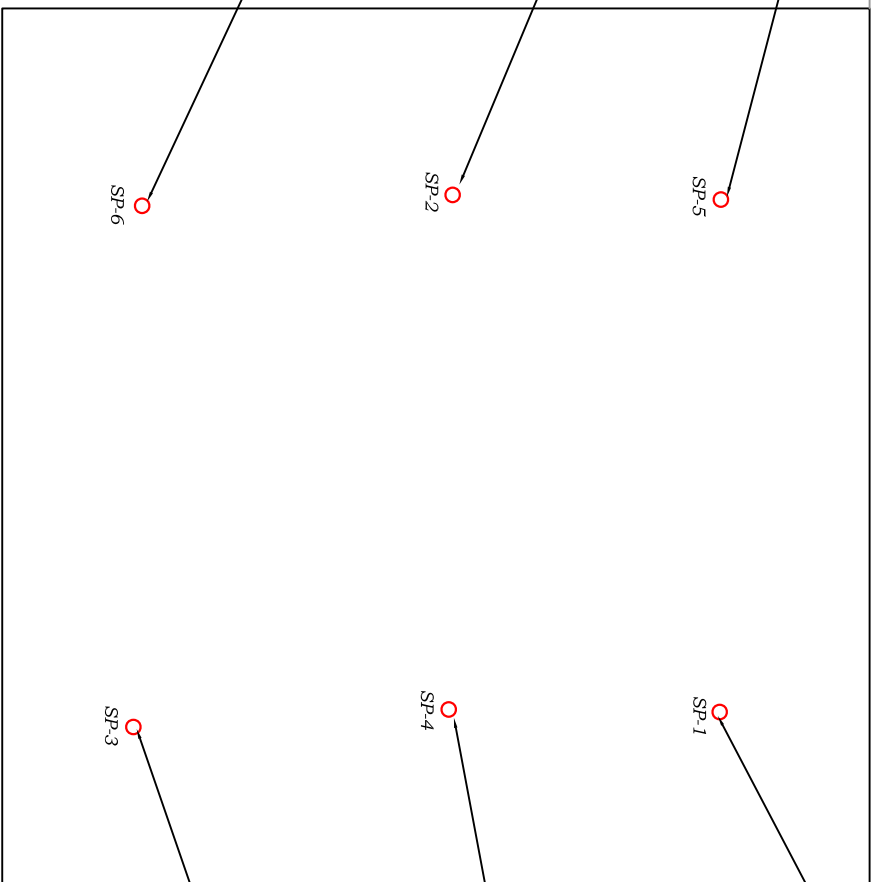
SP-1

SP-2 (6/11/15)			
Depth	0' - 2'	10' - 12'	
VOCs	mg/Kg	mg/Kg	RSCCO
2-Butanone	ND	0.052	100
Acetone	ND	0.019	100
Naphthalene	0.021	ND	100

SP-4

SP-3 (6/11/15)			
Depth	0' - 2'	10' - 12'	
VOCs	mg/Kg	mg/Kg	RSCCO
2-Butanone	0.015	0.010	100
Acetone	0.029	ND	100

SP-3



LEGEND:

○ SOIL PROBE LOCATIONS (SP)

VOCs VOLATILE ORGANIC COMPOUNDS

mg/Kg MILLIGRAMS PER KILOGRAM

RSCCO RESTRICTED RESIDENTIAL USE SOIL CLEANUP OBJECTIVES



**HYDRO TECH ENVIRONMENTAL CORP.**



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BROOKLYN, NEW YORK 11225  
T (718)636-0800 F (718)636-0900

198 East 135th Street  
Bronx, NY  
HTE Job # 150213

Drawn By: C.O.  
Reviewed By: M.R.  
Date: 07/20/15  
Scale: AS NOTED

TITLE:

FIGURE 1: MAP OF VOCs IN SOIL





SP-5 (6/11/15)

Depth	0' - 2'	10' - 12'	RSCCO
SVOCS	mg/Kg	mg/Kg	
Acenaphthylene	0.529	ND	100
Anthracene	0.343	ND	100
Benzofluoranthene	2.18	ND	100
Benzopyrene	0.97	ND	1
Benzofluoranthene	1.24	ND	1
Benzofluoranthene	0.635	ND	100
Benzofluoranthene	1.21	ND	3.9
Bis(2-ethylhexyl)phthalate	0.157	ND	NS
Chrysene	2.57	ND	3.9
Dibenzofluoranthene	0.226	ND	0.33
Fluoranthene	0.0911	ND	NS
Fluoranthene	4.76	ND	100
Indenol 1,2,3-cdipylene	0.697	ND	0.5
Phenanthrene	2.48	ND	100
Pyrene	4.39	ND	100

EAST 135th STREET

SIDEWALK

SP-2 (6/11/15)

Depth	0' - 2'	10' - 12'	RSCCO
SVOCS	mg/Kg	mg/Kg	
Acenaphthene	0.19	0.247	100
Anthracene	0.40	0.573	100
Benzofluoranthene	0.88	1.58	1
Benzofluoranthene	0.65	0.765	1
Benzofluoranthene	0.54	0.709	1
Benzofluoranthene	0.24	0.612	100
Benzofluoranthene	0.67	0.831	3.9
Bis(2-ethylhexyl)phthalate	0.073	ND	NS
Chrysene	0.89	1.95	3.9
Dibenzofluoranthene	0.14	0.218	0.33
Dibenzofuran	0.070	0.128	NS
Fluoranthene	1.75	3.27	100
Fluoranthene	0.15	0.21	100
Indenol 1,2,3-cdipylene	0.27	0.517	0.5
Naphthalene	0.054	0.172	100
Phenanthrene	1.41	3.08	100
Pyrene	1.70	3.64	100

SP-3 (6/11/15)

Depth	0' - 2'	10' - 12'	RSCCO
SVOCS	mg/Kg	mg/Kg	
Acenaphthene	0.295	ND	100
Acenaphthylene	0.0516	ND	100
Anthracene	0.649	ND	100
Benzofluoranthene	1.25	ND	1
Benzofluoranthene	0.553	ND	1
Benzofluoranthene	0.57	ND	1
Benzofluoranthene	0.38	ND	100
Benzofluoranthene	0.7	ND	3.9
Benzofluoranthene	0.133	ND	NS
Bis(2-ethylhexyl)phthalate	0.197	ND	NS
Chrysene	1.74	ND	3.9
Dibenzofluoranthene	0.102	ND	0.33
Dibenzofuran	0.102	ND	NS
Fluoranthene	3.7	ND	100
Fluoranthene	0.215	ND	100
Indenol 1,2,3-cdipylene	0.398	ND	0.5
Naphthalene	0.103	ND	100
Phenanthrene	2.34	ND	100
Pyrene	3.3	ND	100

SP-3 (6/11/15)

Depth	0' - 2'	10' - 12'	RSCCO
SVOCS	mg/Kg	mg/Kg	
2-Methylnaphthalene	0.106	ND	NS
Acenaphthylene	0.073	ND	100
Acenaphthylene	0.0756	ND	100
Anthracene	1.35	ND	100
Anthracene	5.7	ND	1
Benzofluoranthene	0.665	ND	1
Benzofluoranthene	0.604	ND	1
Benzofluoranthene	0.705	ND	100
Benzofluoranthene	0.816	ND	3.9
Benzofluoranthene	0.06	ND	NS
Bis(2-ethylhexyl)phthalate	0.705	ND	NS
Chrysene	5.49	ND	3.9
Dibenzofluoranthene	0.364	ND	0.33
Dibenzofuran	0.33	ND	NS
Fluoranthene	11	ND	100
Fluoranthene	0.792	ND	100
Indenol 1,2,3-cdipylene	0.698	ND	0.5
Naphthalene	0.126	ND	100
Phenanthrene	7.98	ND	100
Pyrene	10.2	ND	100

SP-1 (6/11/15)

Depth	0' - 2'	10' - 12'	RSCCO
SVOCS	mg/Kg	mg/Kg	
2-Methylnaphthalene	0.079	ND	NS
Acenaphthene	0.45	ND	100
Anthracene	0.82	ND	100
Benzofluoranthene	1.81	ND	100
Benzofluoranthene	0.39	ND	1
Benzofluoranthene	0.36	ND	1
Benzofluoranthene	0.14	ND	100
Benzofluoranthene	0.48	ND	3.9
Bis(2-ethylhexyl)phthalate	0.086	ND	NS
Chrysene	1.60	ND	3.9
Dibenzofluoranthene	0.088	ND	0.33
Dibenzofuran	0.21	ND	NS
Fluoranthene	2.80	ND	100
Fluoranthene	0.48	ND	100
Indenol 1,2,3-cdipylene	0.16	ND	0.5
Naphthalene	0.078	ND	100
Phenanthrene	3.06	ND	100
Pyrene	4.20	ND	100

SP-4 (6/11/15)

Depth	0' - 2'	10' - 12'	RSCCO
SVOCS	mg/Kg	mg/Kg	
Acenaphthene	0.212	ND	100
Acenaphthylene	0.0937	ND	100
Anthracene	0.43	ND	100
Benzofluoranthene	1.28	ND	1
Benzofluoranthene	1.14	ND	1
Benzofluoranthene	0.996	ND	1
Benzofluoranthene	0.941	ND	100
Benzofluoranthene	1.08	ND	3.9
Bis(2-ethylhexyl)phthalate	0.213	ND	NS
Chrysene	1.23	ND	3.9
Dibenzofluoranthene	0.453	ND	0.33
Dibenzofuran	0.074	ND	NS
Fluoranthene	2.04	ND	100
Fluoranthene	0.186	ND	100
Indenol 1,2,3-cdipylene	0.874	ND	0.5
Phenanthrene	1.38	ND	100
Pyrene	1.83	ND	100

LEGEND:  
 ○ SOIL PROBE LOCATIONS (SP)  
 ○ SEMI VOLATILE ORGANIC COMPOUNDS  
 mg/Kg MILLIGRAMS PER KILOGRAM  
 RSCCO RESTRICTED RESIDENTIAL USE SOIL CLEANUP OBJECTIVES  
 RED SHADED VALUES EXCEED RSCCO



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198 East 135th Street  
 Bronx, NY  
 HTE Job # 150213

Drawn By: C.O.  
 Reviewed By: M.R.  
 Approved By: M.R.  
 Date: 07/20/15  
 Scale: AS NOTED

TITLE:  
 FIGURE 2: MAP OF SVOCS IN SOIL



EAST 135th STREET

SIDEWALK

SP-5 (6/11/15)			
Depth	0' - 2'	10' - 12'	
PESTICIDES	mg/Kg	mg/Kg	RSCCO
4,4'-DDD	0.0285	ND	13
4,4'-DDE	0.0337	ND	8.9
4,4'-DDT	0.143	ND	7.9
Aroclor 1248	0.069	ND	NS

SP-5

SP-2 (6/11/15)			
Depth	0' - 2'	10' - 12'	
PESTICIDES	mg/Kg	mg/Kg	RSCCO
Aroclor 1248	0.12	ND	NS
Aroclor 1254	0.25	ND	NS
Aroclor 1260	0.067	ND	NS

SP-2

SP-2 (6/11/15)			
Depth	0' - 2'	10' - 12'	
PESTICIDES	mg/Kg	mg/Kg	RSCCO
Aroclor 1260	0.069	ND	NS

SP-6

SP-1 (6/11/15)			
Depth	0' - 2'	10' - 12'	
PESTICIDES	mg/Kg	mg/Kg	RSCCO
4,4'-DDD	0.046	ND	13
4,4'-DDT	0.10	ND	7.9
Aroclor 1260	0.082	ND	NS

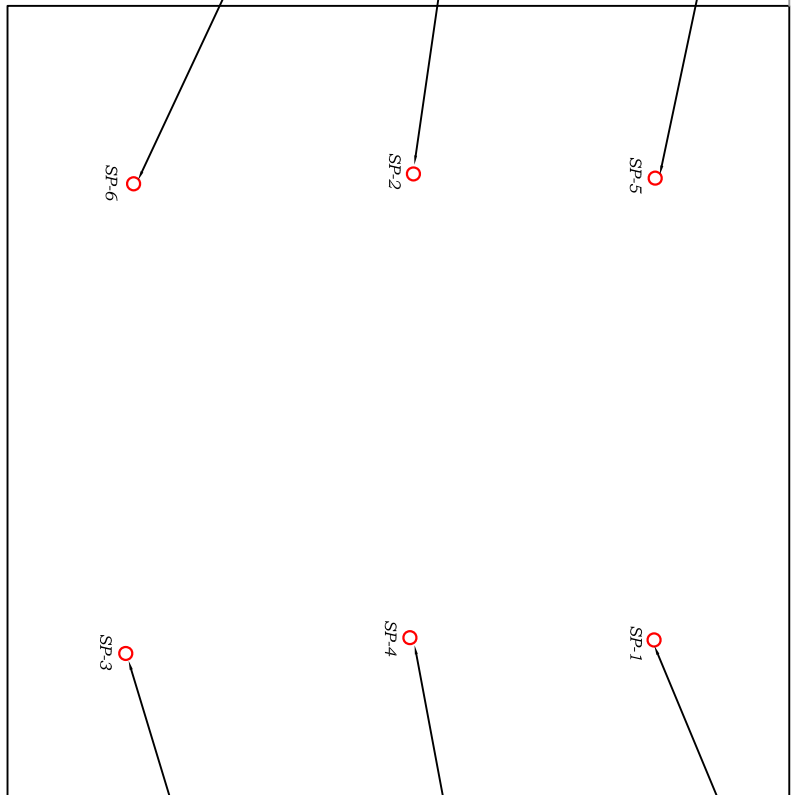
SP-1

SP-4 (6/11/15)			
Depth	0' - 2'	10' - 12'	
PESTICIDES	mg/Kg	mg/Kg	RSCCO
4,4'-DDD	0.0948	0.00204	13
4,4'-DDE	0.00176	0.00204	8.9
4,4'-DDT	0.177	0.00204	7.9
Aroclor 1254	0.60	ND	NS
Aroclor 1260	0.13	ND	NS

SP-4

SP-3 (6/11/15)			
Depth	0' - 2'	10' - 12'	
PESTICIDES	mg/Kg	mg/Kg	RSCCO
4,4'-DDD	0.0519	0.00224	13
4,4'-DDE	ND	0.00453	8.9
4,4'-DDT	0.107	0.00386	7.9
Aroclor 1260	0.11	ND	NS

SP-3



LEGEND:

- SOIL PROBE LOCATIONS (SP)
- mg/Kg MILLIGRAMS PER KILOGRAM
- RSCCO RESTRICTED RESIDENTIAL USE SOIL CLEANUP OBJECTIVES



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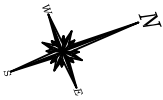
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TITLE:

FIGURE 3. MAP OF PESTICIDES AND PCBs IN SOIL



EAST 135th STREET

SIDEWALK

SP-5 (6/11/15)		
Depth	0' - 2'	RSCC
METALS		
Barium	633	400
Copper	105	270
Lead	618	400
Mercury	0.17	0.81
Nickel	18.80	310
Selenium	ND	180
Zinc	417	10,000

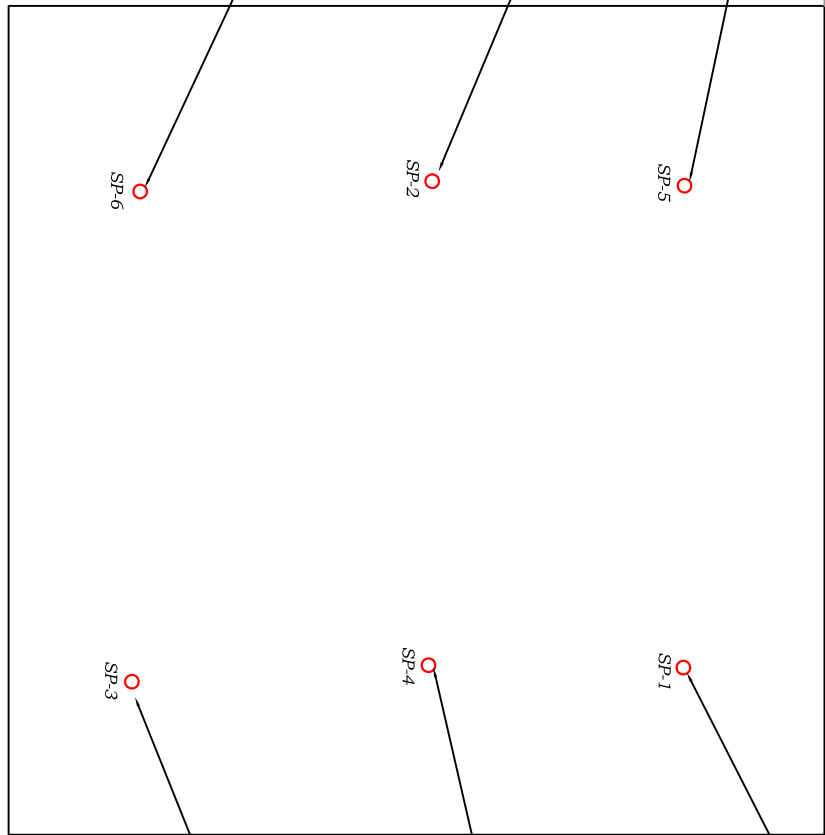
SP-2 (6/11/15)			
Depth	0' - 2'	10' - 12'	RSCC
METALS			
Barium	245	38.40	400
Copper	158	23.80	270
Lead	313	19.10	400
Mercury	0.28	0.17	0.81
Nickel	22.30	44.30	310
Selenium	1.12	4.44	180
Zinc	302	103	10,000

SP-6 (6/11/15)		
Depth	0' - 2'	RSCC
METALS		
Barium	263	400
Copper	121	270
Lead	227	400
Mercury	0.27	0.81
Nickel	24.90	310
Selenium	ND	180
Zinc	321	10,000

SP-1 (6/11/15)		
Depth	0' - 2'	RSCC
METALS		
Barium	333	400
Copper	80.60	270
Lead	251	400
Mercury	0.13	0.81
Nickel	19.50	310
Selenium	ND	180
Zinc	338	10,000

SP-4 (6/11/15)		
Depth	0' - 2'	RSCC
METALS		
Barium	336	400
Copper	85.40	270
Lead	278	400
Mercury	0.32	0.81
Nickel	17.60	310
Selenium	1.76	180
Zinc	345	10,000

SP-3 (6/11/15)			
Depth	0' - 2'	10' - 12'	RSCC
METALS			
Barium	378	34.20	400
Copper	103	12	270
Lead	286	12.80	400
Mercury	0.36	ND	0.81
Nickel	24.90	21.90	310
Selenium	2.11	4.18	180
Zinc	497	64	10,000



LEGEND:

- SOIL PROBE LOCATIONS (SP)
- mg/Kg MILLIGRAMS PER KILOGRAM
- RSCC RESTRICTED RESIDENTIAL USE SOIL CLEANUP OBJECTIVES
- █ RBD SHADED VALUES EXCEED RSCC



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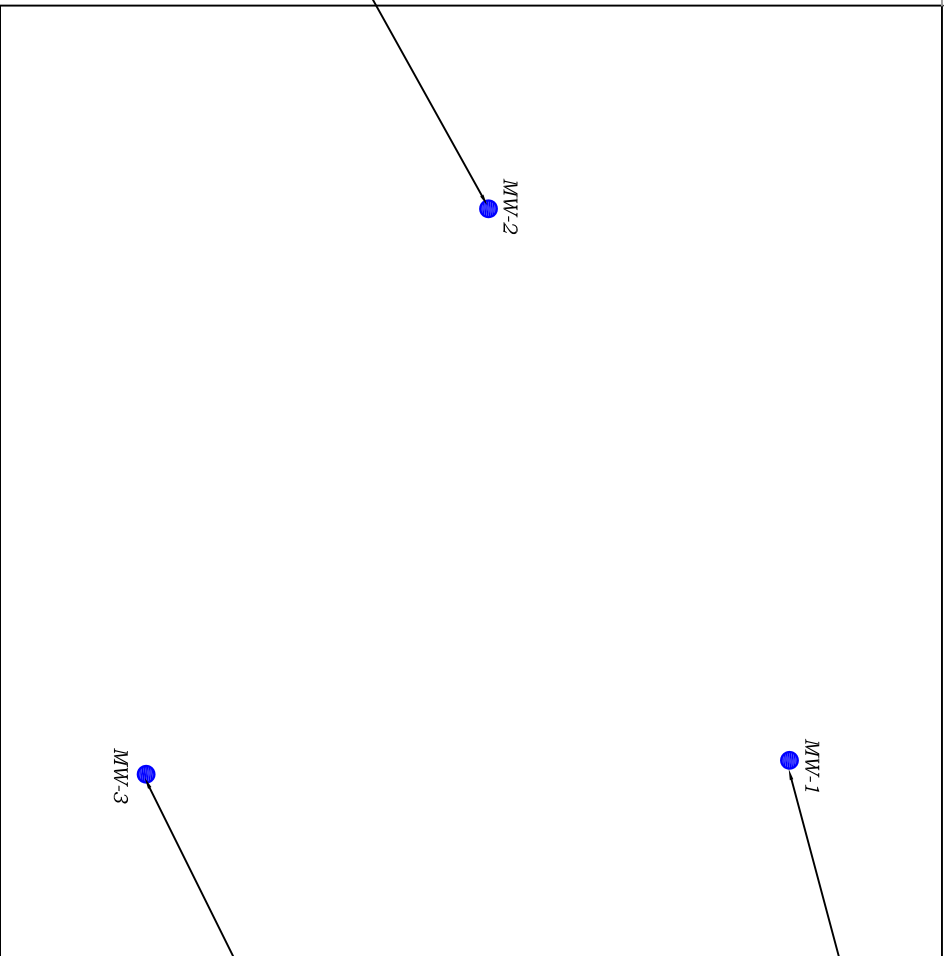
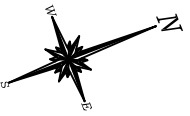
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 Scale: AS NOTED

TITLE: **FIGURE 4: MAP OF METALS IN SOIL**

# EAST 135th STREET

SIDEWALK



MW-1 (6/16/15)		
VOCS	µg/L	QOS
1,2,4-Trinitrylbenzene	500	5
1,2-Dichlorobenzene	1,200	3
Acetone	1,500	50
Naphthalene	1,500	10
n-Butylbenzene	670	5

MW-2 (7/1/15)	
VOCS	MAS

MW-3 (6/16/15)	
VOCS	MAS

**LEGEND:**

- MONITORING WELL LOCATIONS (MW)
- VOCS VOLATILE ORGANIC COMPOUNDS
- µg/L MICROGRAMS PER LITER
- NAS NONE ABOVE STANDARDS
- QOS GROUNDWATER QUALITY STANDARDS
- SHADED VALUES EXCEED QOS



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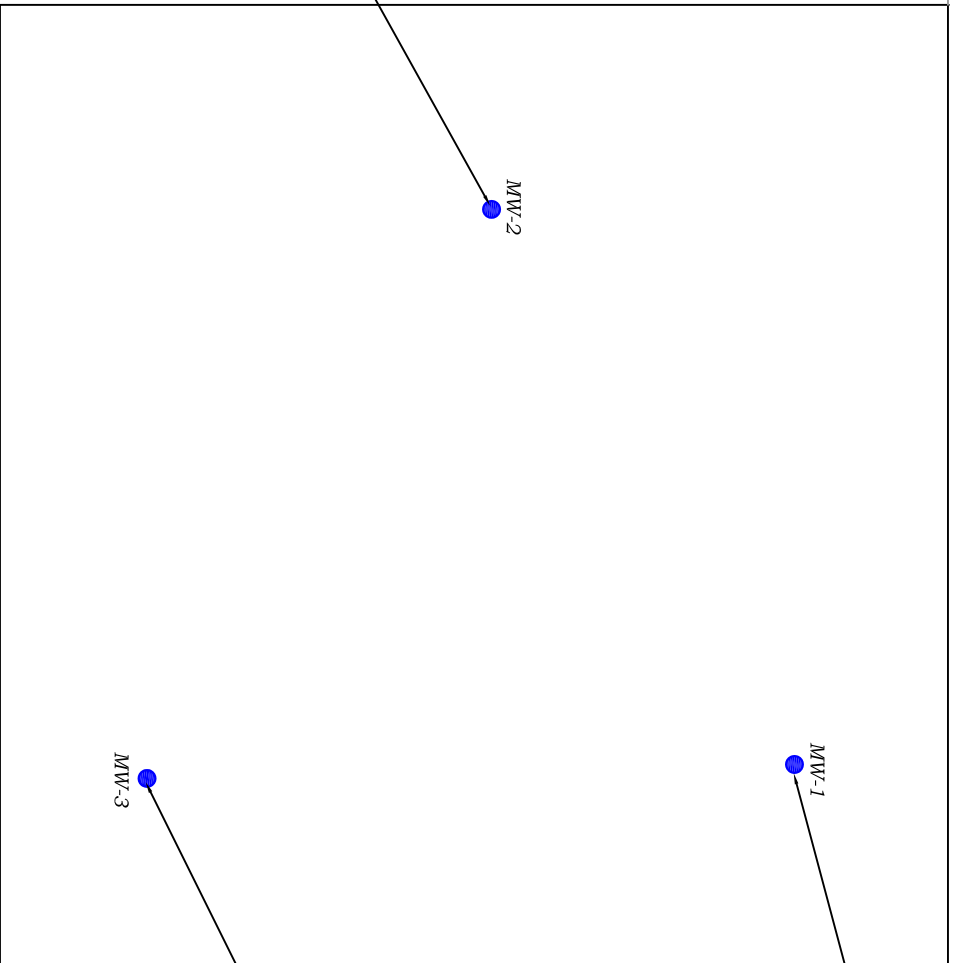
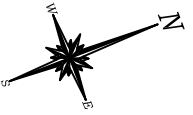
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TITLE:

FIGURE 5: MAP OF VOCS IN GROUNDWATER

# EAST 135th STREET

SIDEWALK



MW-2 (7/1/15)	
SVOCS	NAS

MW-1 (6/16/15)	
SVOCS	NAS

MW-3 (6/16/15)	
SVOCS	µg/L
Phenol	5.6
	GQS
	1

**LEGEND:**

- MONITORING WELL LOCATIONS (MW)
- SEMI VOLATILE ORGANIC COMPOUNDS
- µg/L MICROGRAMS PER LITER
- NAS NONE ABOVE STANDARDS
- GQS GROUNDWATER QUALITY STANDARDS
- SHADED VALUES EXCEED GQS



TITLE:

FIGURE 6: MAP OF SVOCS IN GROUNDWATER

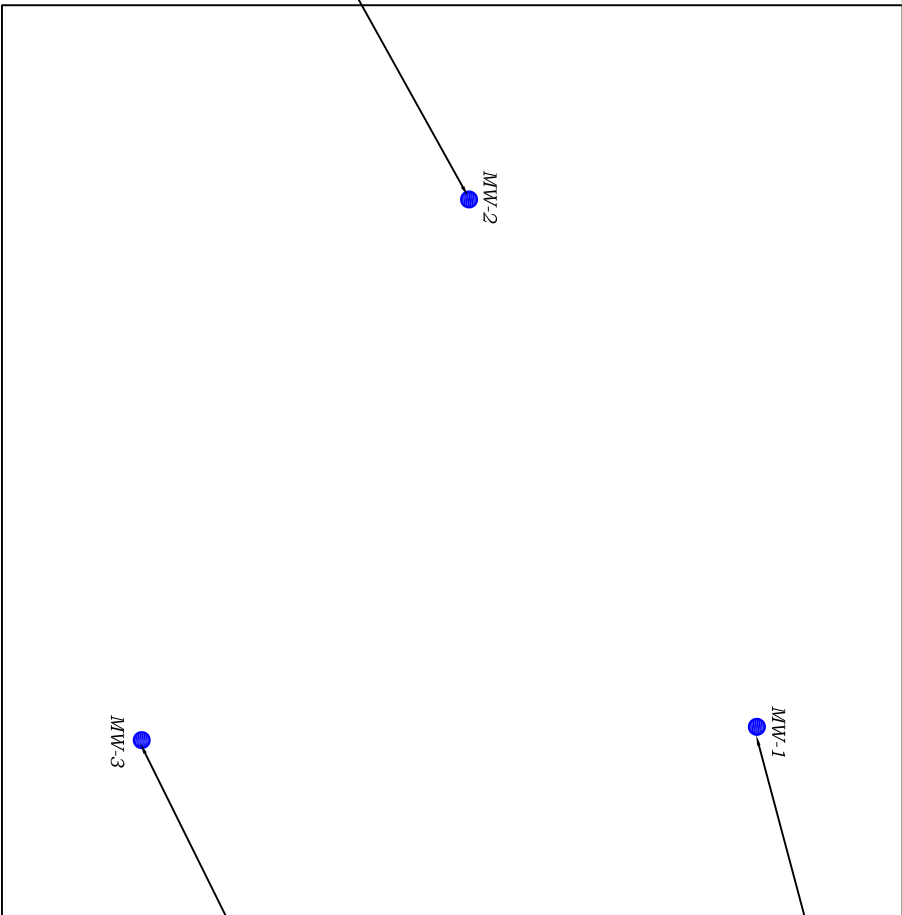
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 Approved By: M.R.  
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# EAST 135th STREET

SIDEWALK



MW-1 (6/16/15)		
Dissolved Metals	µg/L	QOS
Antimony	40	3
Lead	27	25
Selenium	60	10
Sodium	157,000	20,000

MW-2 (7/1/15)		
Dissolved Metals	µg/L	QOS
Magnesium	40,700	35,000
Manganese	3,260	300
Sodium	170,000	20,000

MW-3 (6/16/15)		
Dissolved Metals	µg/L	QOS
Magnesium	145,000	35,000
Manganese	2,380	300
Selenium	27	10
Sodium	782,000	20,000

**LEGEND:**

- MONITORING WELL LOCATIONS (MW)
- µg/L MICROGRAMS PER LITER
- NAS NONE ABOVE STANDARDS
- QOS GROUNDWATER QUALITY STANDARDS
- SHADED VALUES EXCEED QOS



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TITLE:

FIGURE 7. MAP OF DISSOLVED METALS IN GROUNDWATER



EAST 135th STREET

SIDEWALK

SV-1 (6/16/15)	
VOCs	µg/m <sup>3</sup>
Cyclohexane	8.90
Dichlorodifluoromethane	22
n-Heptane	23
n-Hexane	60
Trichlorofluoromethane	36

SV-1

SV-2 (6/16/15)	
VOCs	µg/m <sup>3</sup>
Tetrachloroethylene	13
Trichlorofluoromethane	36

SV-2

SV-3 (6/16/15)	
VOCs	µg/m <sup>3</sup>
Dichlorodifluoromethane	54
Tetrachloroethylene	19
Trichlorofluoromethane	34

SV-3

SV-4 (6/16/15)	
VOCs	µg/m <sup>3</sup>
Dichlorodifluoromethane	17
Tetrachloroethylene	130
Trichlorofluoromethane	15

SV-4

OA-1 (6/16/15)		
Date	6/16/15	7/1/15
VOCs	µg/m <sup>3</sup>	µg/m <sup>3</sup>
Methylene Chloride	53	NAS
n-Hexane	34	NAS
p- & m- Xylenes	15	NAS
Tetrachloroethylene	240	NAS
Tetrahydrofuran	NAS	1.90

OA-1

SV-5

SV-5 (6/16/15)	
VOCs	µg/m <sup>3</sup>
1,2,4-Trimethylbenzene	12
2-Butanone	91
Acetone	580
Cyclohexane	32
Dichlorodifluoromethane	31
Ethyl benzene	24
n-Heptane	53
n-hexane	110
Tetrahydrofuran	69

LEGEND:

SOIL VAPOR PROBE LOCATIONS (SV)

OUTDOOR AIR SAMPLE LOCATION (OA)

VOLATILE ORGANIC COMPOUNDS

MICROGRAMS PER CUBIC METER

NONE ABOVE STANDARDS



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TITLE:

FIGURE 8: MAP OF SOIL VAPORS







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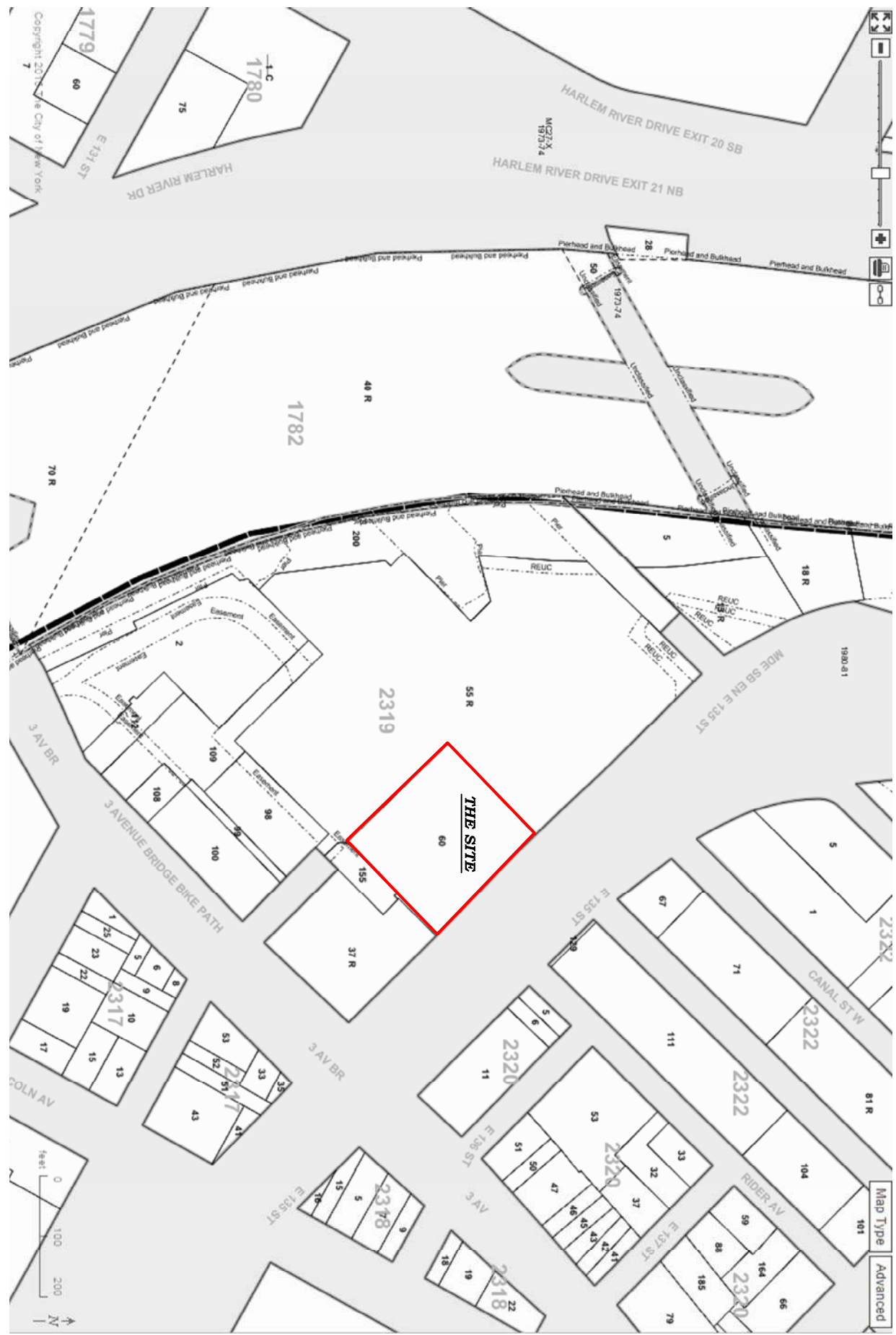
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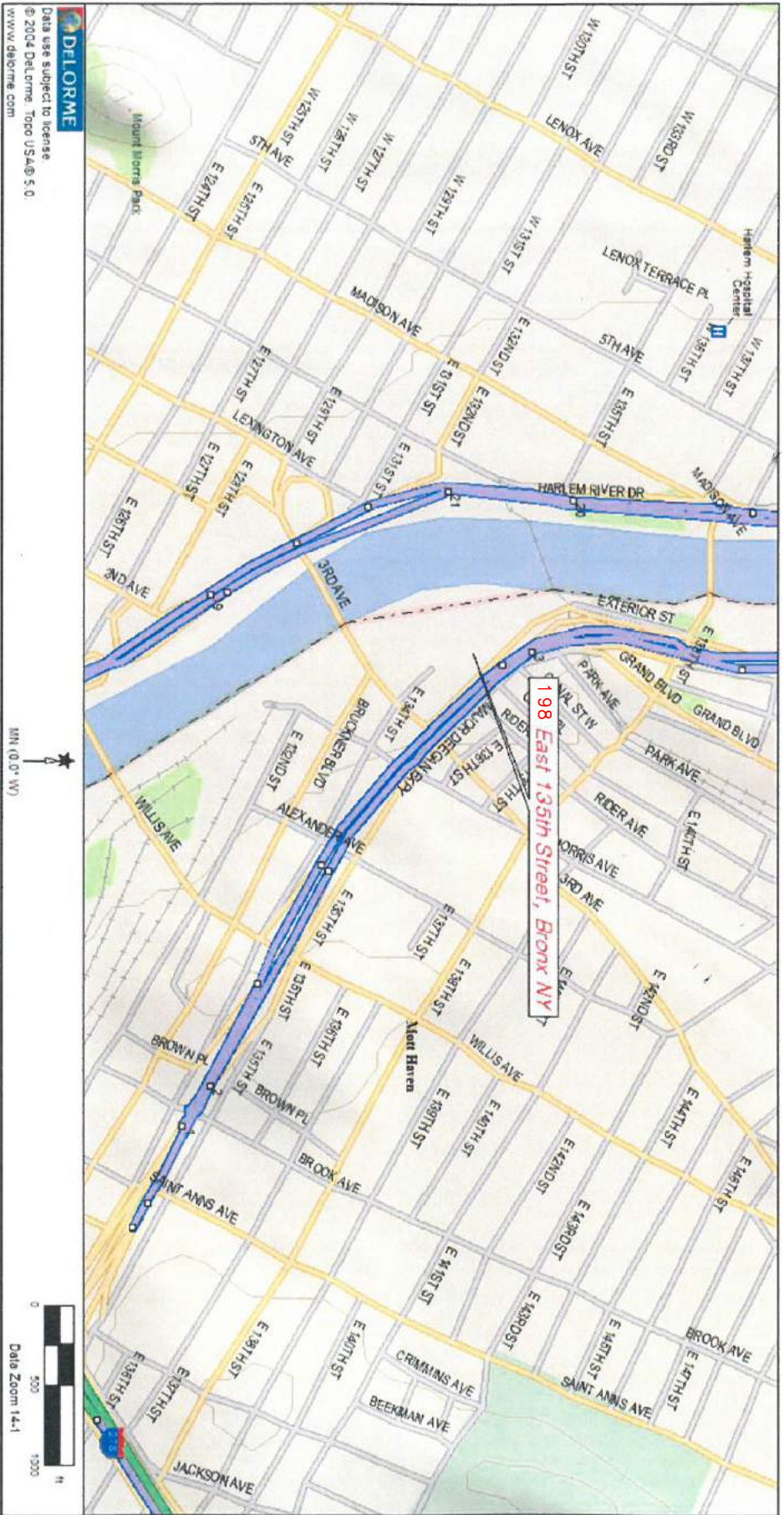
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TITLE:

FIGURE 9: TAX MAP





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TITLE:

FIGURE 10: SITE LOCATION MAP





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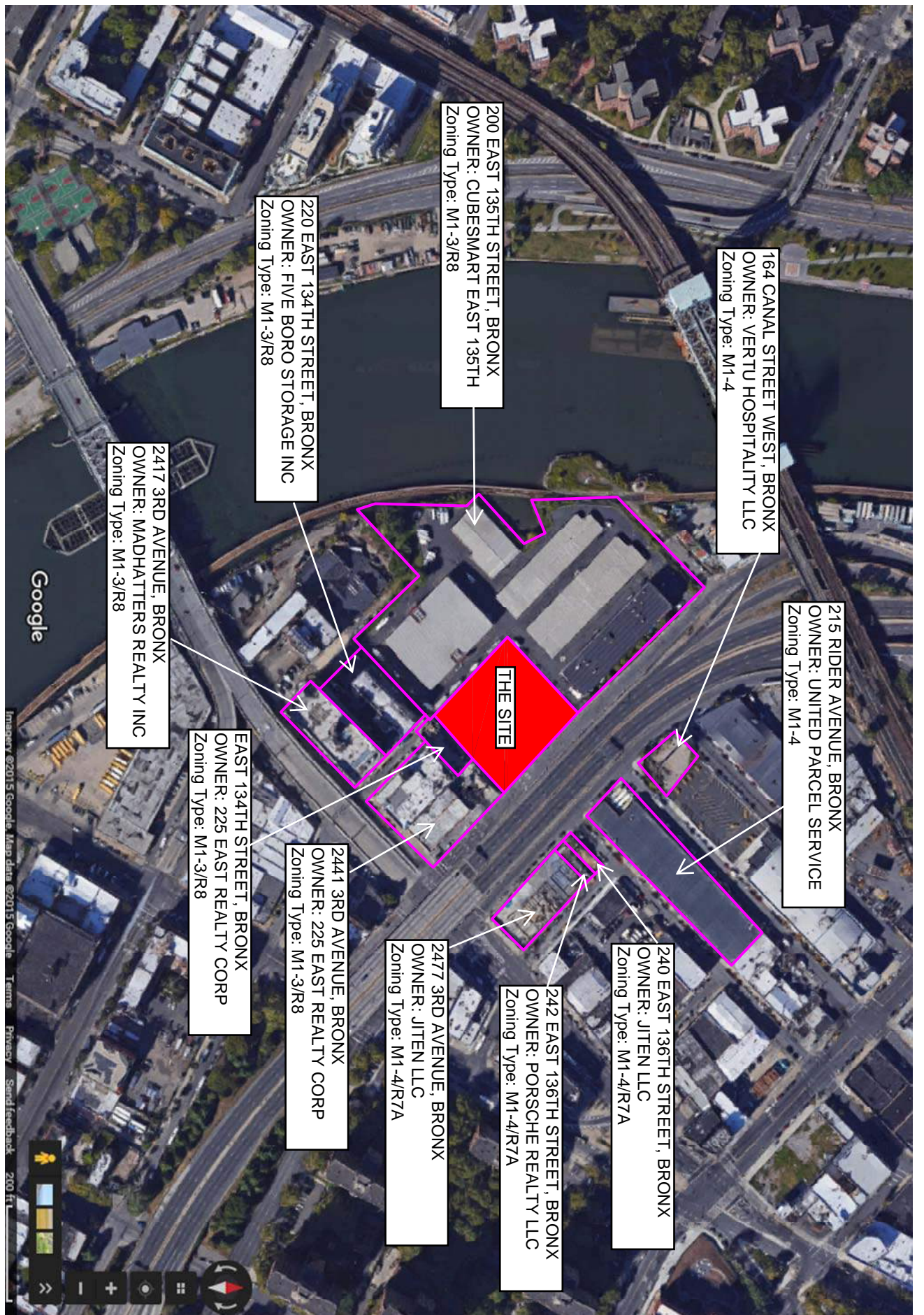
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Approved By: MR  
Date: 07/20/15  
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TITLE:  
  
FIGURE 11: PROJECT SITE AND ADJACENT PROPERTIES



**APPENDIX I**  
**SUPPLEMENTAL INFORMATION**

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through January 25, 2016.

---

Selected Entity Name: DEEGAN 135 REALTY LLC

Selected Entity Status Information

**Current Entity Name:** DEEGAN 135 REALTY LLC

**DOS ID #:** 4736316

**Initial DOS Filing Date:** APRIL 02, 2015

**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)**

DEEGAN 135 REALTY LLC  
199 LEE AVENUE, PMB 103  
BROOKLYN, NEW YORK, 11211

**Registered Agent**

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this

information is not recorded and only available by  
[viewing the certificate.](#)

**\*Stock Information**

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

\*Stock information is applicable to domestic business corporations.

**Name History**

Filing Date	Name Type	Entity Name
APR 02, 2015	Actual	DEEGAN 135 REALTY 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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FILING RECEIPT

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ENTITY NAME: DEEGAN 135 REALTY LLC

DOCUMENT TYPE: ARTICLES OF ORGANIZATION (DOM LLC)

COUNTY: BRON

=====

FILED:04/02/2015 DURATION:\*\*\*\*\* CASH#:150402000370 FILM #:150402000351  
DOS ID:4736316

FILER:

EXIST DATE

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CT LIEN SOLUTIONS  
187 WOLF ROAD, SUITE 100

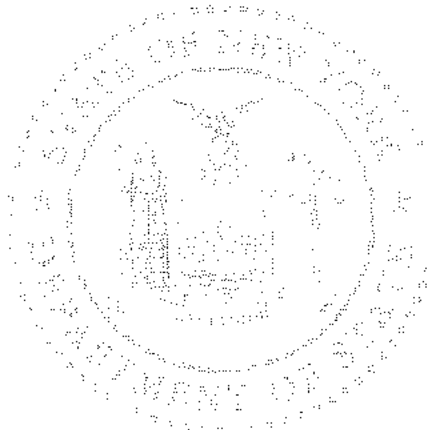
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04/02/2015

ALBANY, NY 12205

ADDRESS FOR PROCESS:

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THE LLC  
199 LEE AVENUE, PMB 103  
BROOKLYN, NY 11211

REGISTERED AGENT:



The limited liability company is required to file a Biennial Statement with the Department of State every two years pursuant to Limited Liability Company Law Section 301. Notification that the biennial statement is due will only be made via email. Please go to [www.email.ebiennial.dos.ny.gov](http://www.email.ebiennial.dos.ny.gov) to provide an email address to receive an email notification when the Biennial Statement is due.

=====

SERVICE COMPANY: CT LIEN SOLUTIONS

SERVICE CODE: 18 \*

FEES            350.00  
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FILING           200.00  
TAX              0.00  
CERT             0.00  
COPIES           0.00  
HANDLING        150.00

PAYMENTS       350.00  
-----  
CASH             0.00  
CHECK            0.00  
CHARGE           0.00  
DRAWDOWN        350.00  
    OPAL           0.00  
    REFUND        0.00

=====

47413012AX

DOS-1025 (04/2007)



***STATE OF NEW YORK***  
***DEPARTMENT OF STATE***

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of the Department of State, at the City of Albany, on April 6, 2015.

*Anthony Giardina*

Anthony Giardina  
Executive Deputy Secretary of State

150402000351

ARTICLES OF ORGANIZATION

OF

**DEEGAN 135 REALTY LLC**

Under Section 203 of the Limited Liability Company Law

The undersigned, for the purpose of organizing a limited liability company in the State of New York, does hereby certify:

**FIRST: The name of the limited liability company is:**

**DEEGAN 135 REALTY LLC**

**SECOND:** The County within this state in which the office of the limited liability company is to be located is Bronx.

**THIRD:** The Secretary of State is designated as an agent of the limited liability company upon whom process against it may be served. The post office address within or without this state to which the secretary of state shall mail copy of any process against the limited liability company served upon him is: 199 Lee Avenue, PMB 103, Brooklyn, New York 11211

*IS/Angela Brown*  
Angela Brown, Organizer  
CT Lien Solutions  
187 Wolf Road  
Suite 101  
Albany, N.Y. 12205

The undersigned, being the sole organizer of

**DEEGAN 135 REALTY LLC**

The above-named Limited Liability Company was organized by the undersigned upon the request

for the initial member(s) of the LLC.

- 1) The original member(s) of the LLC are:

CHESKEL SCHWIMMER

- 2) The undersigned hereby resigns as organizer of the above-stated LLC, as of the date hereof:

Dated: 4-2-15

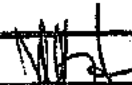
/s/ Angela Brown  
Angela Brown, Organizer  
CT Lien Solutions  
187 Wolf Road, Suite 101  
Albany, NY 12205

351

FILED  
2015 APR -2 AM 11:35

ARTICLES OF ORGANIZATION  
OF  
**DEEGAN 135 REALTY LLC**

Under Section 203 of the Limited Liability Company Law

STATE OF NEW YORK  
DEPARTMENT OF STATE  
FILED APR 02 2015  


Filer:  
CT Iien Solutions  
187 Wolf Road, Suite 100  
Albany, New York 12205  
REF#47413012-AXB

**DRAWDOWN**  
**UDS-18**

RECEIVED  
2015 APR -2 AM 11:29

370

## Supplement to Section II.4. - Project Description

### Project Description:

Purpose and Scope - The purpose of the project is to address known contamination at the site so that the site can be redeveloped. The proposed future use of the site will consist of a 25-story mixed use commercial and residential building. The proposed building will occupy 75% of the lot and excavation is anticipated to extend to approximately 10 feet below ground surface. The lowest portion of the proposed development will be an approximately 10,248 square-foot basement that will be used to house residential amenities such as a laundry, a superintendent's office and the building's mechanicals.

The project includes the investigation and remediation of contamination (as defined in ECL Section 27-1405(8)) identified on the site under the New York State Brownfields Program, in addition to the minimal requirements to address site contamination pursuant to New York City's Voluntary Cleanup Program (NYC VCP). Chess Builders has also applied the NYC VCP and has conducted certain remedial investigation work in June and July, 2015. The Requestor proposes to conduct certain additional investigation necessary to satisfy the remedial program requirements of the New York State BCP in addition to the satisfying the requirements of the NYC VCP to ensure that any remedy chosen is also protective of human health and the environment consistent with the use of the property pursuant to RCNY§ 43-1407(f).

The Requestor plans on conducting a remedial investigation consistent with an approved Remedial Investigation Work Plan in accordance with ECL Article 27, Title 14, 6 NYCRR 375-1.6(a), 375-3.6, and 375-6, and all applicable laws, rules, regulations, and guidance documents. After the Remedial Investigation Work Plan has been implemented, the Requestor plans on submitting a summary report and work plan proposing either remedial action or further investigation.

### Estimated Project Schedule –

The Estimated Project Schedule is as follows:

December – February 2016	Brownfield Cleanup Application Submitted Submit Previous RIR
February 2016	Brownfield Cleanup Agreement Signed
February 2016	Submit Citizen Participation Plan (CPP)
March 2016 – April 2016	Approval and Implementation of RIWP
May 2016	Submit RIR

	Submit RIR Fact Sheet
June 2016	Approval and Implementation of RWP/IRMWP
Third Quarter 2016	FER and SMP
December 2016	COC Issued

## **Supplement to Section IV.6. – Resolution of Prior Spill Number**

### **Previous Remediation:**

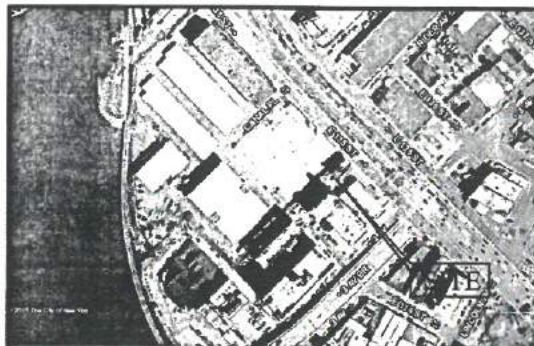
According to previous reports prepared by AKRF, certain volatile organic compounds, semi-volatile organic compounds and metals were identified in soils on the site above the soil cleanup criteria that were attributable to prior uses on the site, which included petroleum storage. NYSDEC Spill #0001384 was assigned to the site. Approximately 4,000 cubic yards of soil was removed from a certain portion of the site and disposed of and the NYSDEC Spill number has since been closed.



**Supplement to Section IV.8. – Easement/Survey Map**

# ALTA/ACSM LAND TITLE SURVEY

## MAJOR DEEGAN EXPRESSWAY EAST 135th STREET



VICINITY MAP  
NOT TO SCALE

### LEGAL DESCRIPTION

ALL that certain plot, piece or parcel of land situate, lying and being in the Borough and County of the Bronx City and State of New York bounded and described as follows:

BEGINNING of a point on the southerly side of Major Deegan Expressway (168 feet wide) distant 373.47 feet easterly from the corner formed by the intersection of the easterly side of Park Avenue (50 feet wide) with the southerly side of Major Deegan Expressway;

RUNNING THENCE south 19° 01' 59" West, 97.24 feet to a point;

THENCE south 15° 15' 06" West, 116.24 feet to a point;

THENCE south 73° 53' 55.7" East, 236.79 feet to a point;

THENCE north 01° 57' 48" West, 6.85 feet to a point;

THENCE north 15° 29' 55" East, 104.24 feet to a point;

THENCE south 57° 11' 38" East, 7.17 feet to a point;

THENCE north 15° 57' 16" East, 9.05 feet to a point;

THENCE north 74° 03' 00" West, 2.44 feet to a point;

THENCE north 10° 58' 50" East, 80.20 feet to the southerly side of Major Deegan Expressway;

THENCE north 74° 04' 50" West, along the southerly side of Major Deegan Expressway, 204.29 feet a point of curvature;

THENCE along the southerly side of Major Deegan Expressway, along a curve bearing to the right having a radius of 1,467.87 feet an arc length of 30.20 feet to the point or place of BEGINNING.

### SCHEDULE "B" ITEMS:

- 6. Covenants, conditions, easements, leases, agreements or record, etc. more fully set forth herein.
- A. Agreement made by and between Harlem Transfer Company and The City of New York dated 8/28/1936 recorded 09/10/1936 in Liber 941 Page 499. (Does not affect premises)
- B. Easement Grant recorded in Reel 1473 Page 873, Reel 1782 Page 2312. (Plotted)
- C. Zoning Lot Certificate recorded in CRN # 201200057954 (not plotted)
- D. Zoning Lot Description recorded in CRN # 201200057955 (not plotted)
- E. Easement Agreement in CRN 201200340867. (Plotted)

### SURVEYOR'S CERTIFICATE

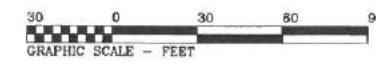
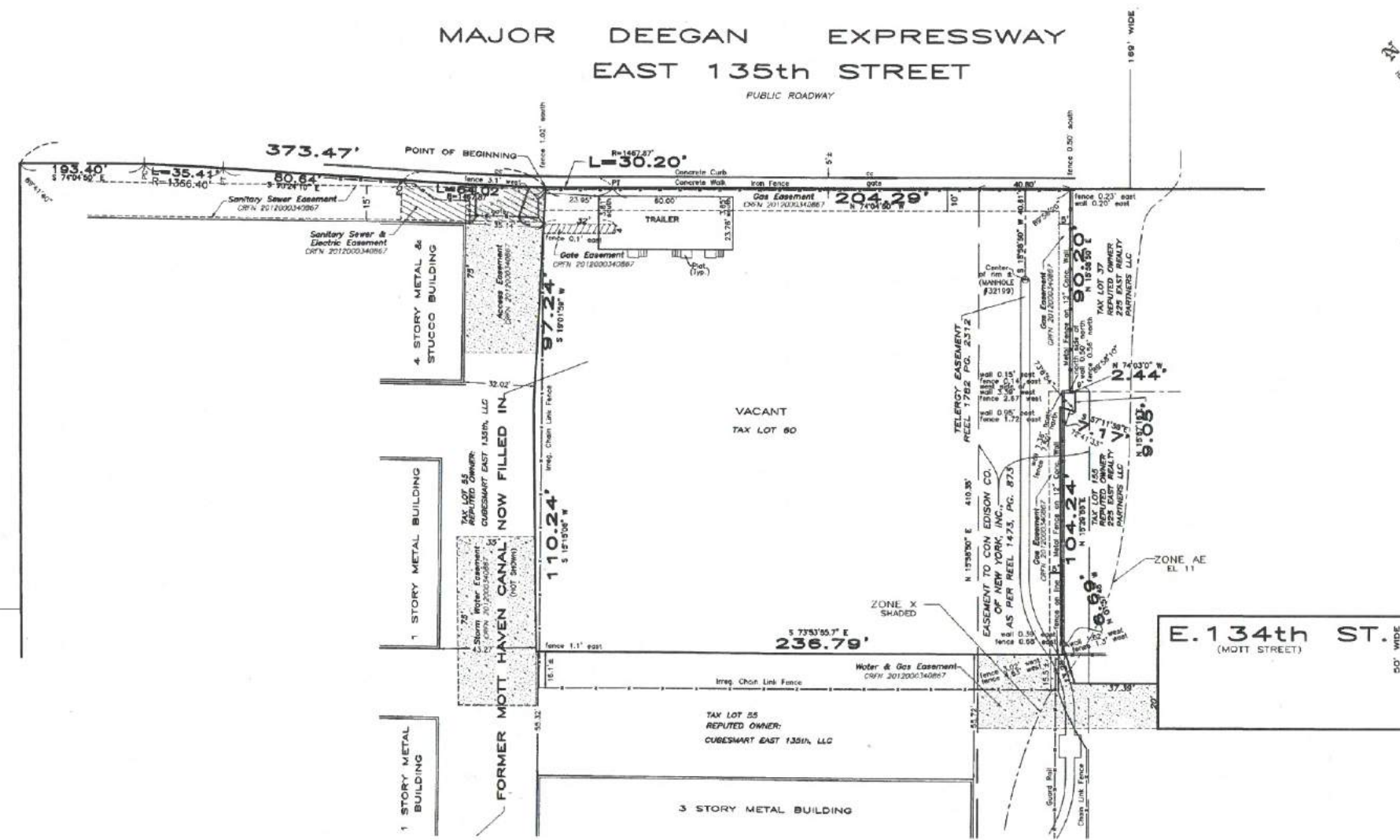
To: Deegan 135 Realty LLC, Bronx Popular North America, its successors and/or assigns, Old Republic National Title Insurance Company and Executive Abstract Group, Inc.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 7(a), (b), (c), 8, 9, 10(s), 11(a), 13, 14, 16, 17-20(a) and 21 of Table A thereof. The field work was completed on 04-15-2015.

Date: 5/12/2015  
*[Signature]*  
David J. Ward L.S., C.E.  
License No. 0000236

- ### NOTES:
- BELOW GRADE ENCROACHMENTS AND WALLS IF ANY NOT LOCATED.
  - THERE ARE NO STRIPPED PARKING SPACES ON THE PREMISES.
  - THE PREMISES IS SERVED BY GAS, WATER, ELECTRICITY, TELEPHONE AND SANITARY SEWER LINES INSTALLED IN STREET & THROUGH EASEMENTS.
  - PROFESSIONAL LIABILITY INSURANCE POLICY OBTAINED BY THE SURVEYOR IN THE AMOUNT OF \$ 2,500,000.00 TO BE IN EFFECT THROUGHOUT THE CONTRACT TERM. CERTIFICATE OF INSURANCE TO BE FURNISHED UPON REQUEST.
  - THE PREMISES HAS ACCESS TO EAST 135th STREET (MAJOR DEEGAN EXPRESSWAY SERVICE ROAD).
  - THERE IS NO EVIDENCE OF CONSTRUCTION OR EARTH MOVING.
  - THERE IS NO EVIDENCE OF USE OF PREMISES AS SOLID WASTE DUMP.
  - NO EVIDENCE OF WEEDS/OBSERVED.
  - NO EVIDENCE OF CEMETERIES OR BURIAL GROUNDS FOUND.
  - THE PROPERTY DESCRIBED HEREIN IS THE SAME PROPERTY DESCRIBED IN EXECUTIVE ABSTRACT GROUP, INC. COMMITMENT NO. EAG-1703 WITH AN EFFECTIVE DATE OF APRIL 3, 2015.
  - THE STREET ADDRESS OF THE SUBJECT PROPERTY IS 200 EAST 135th STREET, BRONX, NY.

PARK AVENUE (EDSALL STREET) PUBLIC ROADWAY  
60' WIDE



PARCEL AREA=48,976 SQ. FT.  
OR 1.124343 ACRES

**FLOOD HAZARD NOTE**  
THE PARCEL SURVEYED IS COMPRISED OF AREAS DESIGNATED AS ZONE X SHADED (BETWEEN 0.2% AND 1% CHANCE OF FLOODING).  
FEDERAL EMERGENCY MANAGEMENT AGENCY  
NATIONAL FLOOD INSURANCE PROGRAM  
FLOOD INSURANCE RATE MAP  
COMMUNITY PANEL NUMBER: 300497 0091 F  
EFFECTIVE DATE SEPTEMBER 5, 2007

**PRELIMINARY FLOOD HAZARD NOTE**  
THE PARCEL SURVEYED IS COMPRISED OF AREAS DESIGNATED AS ZONE X SHADED (BETWEEN 0.2% AND 1% CHANCE OF FLOODING).  
FEDERAL EMERGENCY MANAGEMENT AGENCY  
NATIONAL FLOOD INSURANCE PROGRAM  
FLOOD INSURANCE RATE MAP  
COMMUNITY PANEL NUMBER: 300497 0091 F  
PRELIMINARY JANUARY 30, 2012

ESTABLISHED 1876 • SUCCESSOR TO: 64 BROADWAY CLEVELAND SQUARE NEW YORK, NY 10013 WILLIAM L. SANDERSON, PRESIDENT WILLIAM L. SANDERSON, PRESIDENT WILLIAM L. SANDERSON, PRESIDENT WILLIAM L. SANDERSON, PRESIDENT	REV. DATE DESCRIPTION A 04-15-15 ALTA-ACSM LAND TITLE SURVEY	UNLICENSED ASSISTANT SURVEYOR ONLY PERFORMS UNDER THE SUPERVISION AND CONTROL OF A LICENSED SURVEYOR. ONLY PERFORMS UNDER THE SUPERVISION AND CONTROL OF A LICENSED SURVEYOR. ONLY PERFORMS UNDER THE SUPERVISION AND CONTROL OF A LICENSED SURVEYOR.	<b>MONTROSE</b> SURVEYING CO., LLP. CITY & LAND SURVEYORS 116 75 METROPOLITAN AVE. • RICHMOND HILL, NY 14180-1000 • (716) 849-0000		CITY OF NEW YORK COUNTY: THE BRONX TAX BLOCK 2319 TAX LOT 60 SCALE 1" = 30'
	ALL RIGHTS RESERVED 2015				

## **Supplement to Section IV.10. - Project Description Narrative**

### **Location**

The 198 East 135<sup>th</sup> Street Site is located in an urban area of the Bronx, New York. The property is located approximately 250 feet northwest of the intersection of East 135<sup>th</sup> Street and 3<sup>rd</sup> Avenue in the Bronx Borough of New York.

### **Site Features**

The property is vacant and used to store vehicles associated with a storage/moving company located adjacent to the property. The Harlem River is located approximately 600 feet to the southwest.

### **Current Zoning and Land Use**

The site is currently inactive, and is zoned for mixed-use high-density residential and commercial use. The surrounding parcels are currently used for special-use and light industrial. The nearest residential area is approximately 400 feet to the northwest, along East 135<sup>th</sup> Street.

### **Past Use of the Site**

Prior site uses that appear to have led to site contamination are railroad freight yard, coal yard, warehousing, and various industrial uses (some of which included oil storage). The site also appears to be contaminated with historic fill. Soil remediation of VOCs, SVOCs, and metals occurred in 1999. Spill #0001384 is associated with the remediation and listed as closed.

### **Site Geology and Hydrogeology**

The stratigraphy of the Site, from the surface down to about 12 feet below grade, is classified as fill consisting of a mixture of gravel, sand, rocks and possibly construction debris. The water table at the site ranges from approximately 9 feet to 12 feet below grade. Groundwater flow is anticipated to be towards the north.

### **Environmental Assessment**

The proposed future use of the Site will consist of a 25-story mixed use commercial and residential use building. The proposed building will occupy 75% of the lot and excavation is anticipated to extend to 10 feet below grade surface (bgs); this depth will not extend below the water table. Historic fill encountered during site investigations is expected to be widely encountered during excavation. Typical SVOCs (PAHs) and metals (lead, mercury) associated with historic fill will be properly disposed of off-site under the supervision of a Hydro Tech geologist.

VOCs (benzene, PCE) identified in site soil gas and VOCs and SVOCs identified in site groundwater (naphthalene, phenol) also pose an issue for redevelopment.

## **Supplement to Section VI – Requestor’s Relationship to Current Owner**

The Requestor/Property Owner, Deegan 135 Realty LLC, purchased the subject property/site on May 12, 2015 from SD 60 LLC (Tel No. not available). Cheskel Schwimmer is the sole member of the Deegan 135 Realty LLC. There is no relationship between the Requestor, its sole member, and the former owner or former operators.

The previous owners/operators of the site are as follows:

- 200 East 135<sup>th</sup> Street LLC: Tel No. not available; 205 Lexington Avenue, New York, New York 10016
- SD 60 LLC: Tel No. not available; c/o Storage Deluxe, 26 West 17<sup>th</sup> Street, Suite 801, New York, New York 10011

The property/site was a vacant lot when purchased as it was slated for redevelopment as a storage building.

## **Supplement to Section VI – Previous Property Owners**

Unknown – 2012 – 200 East 135<sup>th</sup> Street LLC (205 Lexington Avenue, New York, NY 10016)

2012 – 2015 – Sd 60 LLC (c/o Storage Deluxe, 26 West 17<sup>th</sup> Street, Suite 801, New York, NY 10011)

2015 – Present – Deegan 135 Realty LLC (199 Lee Avenue, Pmb 103, Brooklyn, NY 11211)

## **Supplement to Section VII. – Applicant Status as Volunteer**

The Requestor/Property Owner, Deegan 135 Realty LLC, purchased the subject property/site on May 12, 2015. When purchased, the site was and remains vacant non-residential land that had been the subject of numerous environmental investigations and certain remedial actions in the past.

The most significant historic environmental investigations took place in 2006 as part of the City of New York's review process for E-designated sites prior to issuance of New York City Department of Building (DOB) permits. The Phase II investigations conducted in December 2006 were related to the proposed development of a state-of-the-art seven story art storage facility. The New York City Department of Environmental protection (DEP) reviewed the Phase II Report and Remedial Action Plan prepared for the site and issued a Notice to proceed on September 7, 2007. However, the art storage facility project was never completed, and the property remained vacant.

The Requestor/Property Owner commissioned a Remedial Investigation of the site in July 2015. The RI activities led to the preparation of a Remedial Action Work Plan (RAWP) dated September 2015 with Stipulation Letter dated November 6, 2015 and Remedial Action Plan for Air Quality and Noise dated December 2015 for the current project, i.e. a 25-story mixed-use commercial and residential use building. The investigations confirmed that contamination identified on the site is attributable to historic uses and possibly off-site uses.

In 2015, the RAWP was submitted by the Requestor/Property Owner's consultant, Hydro Tech Environmental Corp., to the New York City Office of Environmental Remediation (OER) under the NYC Voluntary Cleanup Program (VCP) and E-Designation Program. The RAWP was released for public comment for 30 days as required by program rule. That comment period ended on October 30, 2015. There were no public comments. The site was preparing to enroll into the New York City VCP, however, the decision was made to enter into the New York State brownfield Cleanup program, hence this application for entry into the State program as a Volunteer.

The Requestor/Property Owner qualifies as a Volunteer as the contamination identified occurred before it took ownership of the site. Further, the Requestor/Property Owner took reasonable steps to prevent or limit human, environmental, or natural resource exposure to any previously released contamination and prevent any threatened future release at the site by commissioning a new round of remedial investigation activities and submittals to OER so that all potential environmental impacts can be addressed prior to the initiation of construction. Accordingly, Deegan 135 Realty LLC certifies that it is a volunteer in accordance with ECL 27-1405.

## SECTION IX

### BCP CONTACT LIST INFORMATION

1. Mayor of the City of New York – Bill de Blasio (City Hall Park, New York, NY 10007)  
Chairman of the New York City Planning Commission – Carl Weisbrod (120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271)  
Bronx County President – Ruben Diaz Jr. (851 Grand Concourse, 3<sup>rd</sup> Floor, Bronx, NY 10451)  
Director of Planning & Development - Wilhelm Ronda (851 Grand Concourse, 3<sup>rd</sup> Floor, Bronx, NY 10451)
2. 198 East 135<sup>th</sup> Street – Deegan 135 Realty LLC (199 Lee Avenue, PMB 103, Brooklyn, NY 11211)  
164 Canal Street West – Vertu Hospitality LLC (731 Main Street, New Rochelle, NY 10801)  
215 Rider Avenue – United Parcel Service (180 Canal Place, Bronx, NY 10451)  
240 East 136<sup>th</sup> Street – Jiten LLC (30 Byrd Avenue, Carle Place, NY 11514)  
242 East 136<sup>th</sup> Street – Porsche Realty LLC (C/O Van Wagner Enterprises, Attn: Steve Pretsfelder, Esq., 800 Third Avenue, 28Th Fl., New York, New York, 10022)  
2477 3<sup>rd</sup> Avenue – Jiten LLC (30 Byrd Avenue, Carle Place, NY 11514)  
2441 3<sup>rd</sup> Avenue - 225 East Realty Corp (2447 3rd Ave Bronx, New York 10451)  
All Occupants: 2441 3<sup>rd</sup> Avenue, Bronx, New York 10451  
East 134<sup>th</sup> Street – 225 East Realty Corp (2447 3rd Ave Bronx, New York 10451)  
2417 3<sup>rd</sup> Avenue – Madhatters Realty Inc (2417 3<sup>rd</sup> Avenue, Bronx, NY 10451)  
All Occupants: 2417 3<sup>rd</sup> Avenue, Bronx, New York 10451  
220 East 134<sup>th</sup> Street – Five Boro Storage Inc (2766 East 64th Street Brooklyn, NY 11234)  
200 East 135<sup>th</sup> Street – Cubesmart East 135<sup>th</sup> (200 East 135<sup>th</sup> Street, Bronx, NY 10451)
3. The Bronx News – 135 Dreiser Loop, Bronx, NY 10475
4. New York City Water Board – 59-17 Junction Boulevard, 8<sup>th</sup> Floor, Flushing, NY 11373
5. Not applicable.
6. Not applicable.
7. Mott Haven Library – 321 East 140<sup>th</sup> Street, Bronx, NY 10454 – Letter attached.
8. Bronx Community Board 1. Chairperson – George Rodriguez (3030 3<sup>rd</sup> Avenue, Bronx, NY 10455)





# Hydro Tech Environmental, Corp.

Main Office  
77 Arkay Drive, Suite G  
Hauppauge, New York 11788  
T (631) 462-5866 • F (631) 462-5877

NYC Office  
15 Ocean Avenue, 2<sup>nd</sup> Floor  
Brooklyn, New York 11225  
T (718) 636-0800 • F (718) 636-0900

[WWW.HYDROTECHENVIRONMENTAL.COM](http://WWW.HYDROTECHENVIRONMENTAL.COM)

January 22, 2016

Jeanine Thomas  
New York Public Library  
Mott Haven Library  
321 East 140<sup>th</sup> Street  
Bronx, NY 10454

**Re: Repository for NYSDEC Brownfield Cleanup Program (BCP)**  
198 East 135<sup>th</sup> Street  
198 East 135<sup>th</sup> Street, Bronx, New York  
NYSDEC BCP #C203084

Dear Ms. Thomas:

This letter intends to confirm the Mott Haven Library's acknowledgement of agreement to act as the document repository for the above-referenced proposed BCP project. As the document repository for this project, Mott Haven Library will provide community access to all principal documents generated prior and during the BCP at this site as per the requirements of the New York State Department of Environmental Conservation (NYSDEC).

For our records please sign the bottom of this document to show you acknowledge acceptance as the document repository. If you require any additional information please feel free to contact me directly at (718) 636-0800.

Very Truly Yours,  
**Hydro Tech Environmental, Corp.**

A.J. Infante  
Project Geologist

New York Public Library

Signature:

Encs. cc: Hydro Tech File # 150213  
K. Lewandowski (NYSDEC)  
B. Anderson (NYSDEC)

Date: 1/26/16



### **Supplement to Section X.3 – Current Use and Anticipated Use**

Current Use - The Requestor/Property Owner, Deegan 135 Realty LLC, purchased the subject property/site on May 12, 2015. When purchased, the site was vacant non-residential land utilized as parking for trucks owned by the storage company located on the adjacent property at 200 East 135<sup>th</sup> Street. Operation/use at the site ceased upon the Requestor/Property Owner's purchase of the property. The site remains vacant land.

Anticipated Use - The proposed future use of the Site will consist of a 25-story mixed-use commercial and residential use building. The proposed building will occupy 75% of the lot and will have a basement that will occupy 10,248-square feet of the building footprint (25% of the entire lot); the basement will be used for residential amenity, residential storage, laundry, a superintendent's office and building mechanics. The first floor will be used for parking, commercial space, a residential lobby, residential amenity, compactor room and electric meter room. The second floor will also be used for parking. Floors 3-25 will consist of residential units. The remainder of the site will be reserved for the open air parking on the 1<sup>st</sup> and 2<sup>nd</sup> floors.