

FORMER BRONX FREIGHT TERMINAL SITE
101 LINCOLN AVENUE, BRONX, NY
Block 2316 Lot 1

NEW YORK STATE
BROWNFIELD CLEANUP PROGRAM
APPLICATION AND SUPPLEMENTAL
INFORMATION



New York State Department of Environmental Conservation
Brownfields and Voluntary Cleanup Section
625 Broadway, 11th floor
Albany, NY 12233-7015

June 2016

Program Requestor:

101 Lincoln Associates Property LLC
512 Seventh Avenue 15th Floor
New York, NY 10018

Prepared By:

EBC

ENVIRONMENTAL BUSINESS CONSULTANTS

1808 Middle Country Road
Ridge, NY 11961

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Former Bronx Freight Terminal
101 Lincoln Avenue, Bronx, NY

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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.

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through May 5, 2016.

Selected Entity Name: 101 LINCOLN ASSOCIATES PROPERTY LLC
Selected Entity Status Information
Current Entity Name: 101 LINCOLN ASSOCIATES PROPERTY LLC
DOS ID #: 4655358
Initial DOS Filing Date: OCTOBER 23, 2014
County: NEW YORK
Jurisdiction: DELAWARE
Entity Type: FOREIGN 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)

PRYOR CASHMAN LLP
ATTN: TODD E. SOLOWAY, ESQ.
7 TIMES SQUARE

NEW YORK, NEW YORK, 10036

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
OCT 23, 2014	Actual	101 LINCOLN ASSOCIATES PROPERTY 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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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

ADDRESS/LOCATION

CITY/TOWN

ZIP CODE

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):

COUNTY

SITE SIZE (ACRES)

LATITUDE (degrees/minutes/seconds)

LONGITUDE (degrees/minutes/seconds)

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

1. Do the proposed site boundaries correspond to tax map metes and bounds? Yes No
 If no, please attach a metes and bounds description of the property.

2. Is the required property map attached to the application? Yes No
 (application will not be processed without map)

3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? Yes No
 (See [DEC's website](#) for more information)

If yes, identify census tract : _____

Percentage of property in En-zone (check one): 0-49% 50-99% 100%

4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? Yes No

If yes, identify name of properties (and site numbers if available) in related BCP applications: _____

5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? Yes No

6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? Yes No
 If yes, attach relevant supporting documentation.

7. Are there any lands under water? Yes No
 If yes, these lands should be clearly delineated on the site map.

Section IV: Property Information (continued)

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

<u>Easement/Right-of-way Holder</u>	<u>Description</u>
Consolidated Edison Company	subsurface easement for power cable

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>
No permits were identified		

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
n/a

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

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: NE _____

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

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

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) Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.</p>	
<p>3. Reasonably anticipated use Post Remediation: Residential Commercial Industrial (check all that apply) Attach a statement detailing the specific proposed use.</p> <p>If residential, does it qualify as single family housing? Yes No</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 member (title) of 101 Lincoln Associates Property 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: 4-20-16 Signature: 

Print Name: Meyer Chetrit

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
Please answer questions below and provide documentation necessary to support answers.		
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see DEC's website for more information.	Yes	No
2. Is the property upside down or underutilized as defined below?	Upside Down?	Yes No
	Underutilized?	Yes No
From ECL 27-1405(31):	see supplemental information	
<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>From 6 NYCRR 375-3.2(I) as of July 1, 2015: (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)

Site Name:

City:

Site Address:

County:

Zip:

Tax Block & Lot

Section (if applicable):

Block:

Lot:

Requestor Name:

City:

Requestor Address:

Zip:

Email:

Requestor's Representative (for billing purposes)

Name:

Address:

City:

Zip:

Email:

Requestor's Attorney

Name:

Address:

City:

Zip:

Email:

Requestor's Consultant

Name:

Address:

City:

Zip:

Email:

Percentage of site within an En-Zone:

0%

<50%

50-99%

100%

Requestor's Requested Status:

Volunteer

Participant

I REQUESTOR INFORMATION

Name: 101 Lincoln Associates Property LLC
Name of all members / owners: Meyer Chetrit
Contact: Meyer Chetrit
Address: 512 Seventh Avenue 15th Floor New York, New York 10018
Phone: 646-230-9360
Email: mc@chetritgroup.com

II PROJECT DESCRIPTION

101 Lincoln Associates Property LLC seeks to remediate and redevelop a property located at 101 Lincoln Avenue in the South Bronx, NY (the "Site") (see **Figure 1**). The Site is known as the Former Bronx Freight Terminal property, and is comprised of a single tax parcel identified as Block 2316, Lot 1 (**Figure 2**). The property is currently occupied by Oz Moving & Storage (moving company) and Third Avenue Transit (a bus company) and has historically been used for coal storage, a railroad freight terminal, crane repair, paint shop, blacksmith shop and fleet vehicle maintenance shop and yard.

The properties historic use as well as the presence of known and suspected underground storage tanks, historic fill materials and elevated levels of contaminants in soil and groundwater are complicating redevelopment of the Site.

101 Lincoln Associates Property LLC plans a Track 1 cleanup and mixed-use residential commercial redevelopment of the Site. The nature and extent of existing and suspect contamination, however, complicates the redevelopment plan. Accordingly, 101 Lincoln Associates Property LLC is submitting its application for entry into the BCP to the New York State Department of Environmental Conservation (NYSDEC). This document contains the supplemental information as required in the application package.

2.1 Project Overview

The Requestor intends to redevelop the property with three new 24-story and one 14-story residential tower buildings. The towers will be interconnected with a common base which will include three 7-story, two 6-story, two 3-story and one single story buildings. The project will include 74,000 square feet (sf) of underground parking, 28,747 sf of retail space, 1,900 sf of community space and 844,907 sf of residential space. The proposed use is consistent with existing M1-3/R8 zoning of the property. Approximately 100 % of the Site would be excavated to a depth of approximately 2 feet, with additional excavation of up to 10 feet for the basement level of the new buildings.

As discussed in more detail in this application, contamination at the Site requires remediation since because contaminants exceed the restricted residential soil cleanup objectives. The Site is also encumbered with an "e" designation that requires, inter alia, implementation of a Remedial Action Plan. The BCP will allow applicant to satisfy this requirement as well as to limit its liability to on-site

contamination by virtue of its status as a “volunteer” under the BCP.

As a result, the lender/investors for this project will require any cleanup be conducted with oversight of the NYSDEC so that the NYSDEC can issue a certificate of completion and liability release from the State of New York. The remediation of the existing contamination will increase project costs because of expenses or "premiums" associated with disposal of contaminated soil, increased labor or "trade" premium due to the need to use HAZWOPER-trained-workers in and around the contaminated materials as well as ancillary monitoring and reporting costs. In addition, there will be scheduling impacts associated with soil sampling and excavation site constraints that will extend the timeframes customarily required for traditional site excavation. Moreover, the BCP will enable the applicant to qualify for hazardous waste program fee exemption.

The tax credits available under the Brownfield Cleanup Program will make the project more economically feasible and result in substantial public benefits such as construction jobs and full-time employees as well as facilitate the redevelopment of the area. An estimated 10 construction jobs and full-time jobs will be created during this redevelopment.

2.2 Project Schedule

BCP Milestones Based on an assumed date of early June 2016 for execution of the BCP agreement, the following schedule of BCP milestones is anticipated.

Submit Citizen Participation Plan and Scoping Sheet	June 2016
Submit Remedial Investigation Report (RIR)	June 2016
Submit Remedial Action Work Plan (RAWP)	June 2016
Begin Building Construction and Remedial Action	Within 2 weeks following the preconstruction meeting
Continue Remedial Action	Approximately 6 months
Submit Draft Env. Easement (if Track 1 not Achieved)	In the year in which the COC is sought or as required by DEC.
Submit Draft Site Management Plan (if Track 1 not Achieved)	By August 15 th of the year in which the COC is sought or as required by DEC.
Submit Draft Final Engineering Report	By September 15 th of the year in which the COC is sought or as required by DEC.
Anticipated Date Certificate of Completion Issued	2017

III ENVIRONMENTAL HISTORY

The environmental history of the subject lot was investigated previously through the review of Federal and State Environmental databases, Environmental Sanborn Fire Insurance maps, NYC

Department of Building records and the NYC Department of Finance databases as part of a Phase I Environmental Site Assessment Screening completed in in 2014 by Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C.

3.1 Summary of Environmental Investigations / Reports / Remedial Work Plans

Environmental investigations performed at the Site include the following:

- Phase I Environmental Site Assessment - Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C. April, 2014
- Remedial Investigation Report- Environmental Business Consultants, May 2016
- Remedial Action Work Plan- Environmental Business Consultants, May 2016
- PBS Application (June 2016)

3.1.1 April 2014 - Phase I Environmental Site Assessment Report (Langan)

A Phase I Environmental Site Assessment Report was prepared by Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C. (Langan) on April, 2014.

Based upon reconnaissance of the subject and surrounding properties, interviews and review of historical records and regulatory agency databases, Langan identified the following recognized environmental conditions:

REC 1 – Current and Historical Site Use

The following current and historical property uses are considered a REC:

- Coal Storage from approximately 1891 to 1908;
- New Jersey Rail Road Bronx Freight terminal from approximately 1908 through the 1950s; and,
- Crane repair, paint shop, blacksmith shop, bus depot, and vehicle repair shop from approximately 1968 to present.

The Site is divided into two sections with Third Avenue Transit Inc. occupying the eastern portion of the Site and Oz Moving & Storage occupying the western portion. Third Avenue Transit Inc. utilizes the Site for storage of equipment & materials, school bus repairs, and as office space. There is an oil-water separator with an apparent leak detection system in the middle of the Third Avenue Transit warehouse building. The condition of the oil-water separator system is unknown. Oz Moving & Storage utilizes the Site for the storage of equipment, materials and vehicles, and vehicle repair. Vehicle repair equipment and discolored and stained floors are apparent throughout the building. Inadvertent and/or incidental releases of solvents, petroleum products, PCBs and/or other chemicals

used during operations at these facilities may have adversely impacted soil, soil vapor and groundwater.

REC 2 – On-Site Closed-In-Place Underground Storage Tanks

Twelve 550-gallon diesel USTs, two 550-gallon gasoline USTs, one 1,000-gallon motor oil UST, and one 1,000-gallon waste oil UST were closed-in-place between 1991 and 1992, Inadvertent releases from these tanks while they were active may have impacted soil, soil vapor, and groundwater. Based on the historic usage and the presumed age of the tanks (approximately 44 years), the closed-in-place USTs are a REC.

REC 3 – Potential Historic Petroleum Storage

An apparent fill port was identified in the sidewalk along the northwestern edge of the Site. There are no records of a petroleum bulk storage tank near the apparent fill port. Based on the potential presence of tanks and lack of any closure documentation, the fill port and potential petroleum tank(s) are a REC.

REC 4 – Soil Staining

Petroleum-like staining and odors were identified along the southwestern corner of the building during the site reconnaissance. A petroleum release may have impacted soil, soil vapor and groundwater and is considered a REC. According to the NYC Department of Finance Tax Map, an approximate 50-foot wide sliver of land (Block 2316, Lot 35) exists between the Site and the Harlem River; therefore, the observed soil staining may be located outside the Site property line.

REC 5 – Historical Use of Surrounding Properties

Historical use of properties surrounding the Site include commercial buildings with office space, lofts, auto repairs (1908 – present), parking garages (1951 – 1968), manufacturing facilities (1891 – 1946), freight depots (1891 – 1947), a piano factory (1891), printing (1935 – 1947), and woodworking (1891). Additionally, an active NYSDEC Brownfields Site was identified approximately 745 feet northeast (up-gradient) of the Site. Based on investigations conducted to date, the primary contaminants of concern in soil and groundwater are petroleum related compounds. No information was provided with respect to the off-site migration of contaminants; however, the EDR report indicates that the potential exists for off-site migration of site-related contaminants in soil vapor. Potential petroleum and solvent releases associated with the historical surrounding property uses may have adversely impacted soil, groundwater, and/or soil vapor at the Site and is, therefore, considered a REC.

A copy of the complete Phase I is provided in digital form in **Attachment A**.

3.1.2 April 2016 – Remedial Investigation Report (EBC)

A Phase II work plan was approved by OER in October 2015 to comply with the Site's E designation for hazardous materials and is attached in Appendix G. The field work portion of the RI was

4



conducted by EBC from December 4, 2015 through December 8, 2015. The goals of the Remedial Investigation were to define the nature and extent of contamination in soil, groundwater and any other impacted media; to identify the source(s) of the contamination; to assess the impact of the contamination on public health and/or the environment; and to provide information to support the development of a Remedial Work Plan to address the contamination.

Activities completed under the RI:

- Soil sampling and analysis for VOCs, SVOCs, pesticides, PCBs and metals;
- The installation of groundwater monitoring wells
- The collection and analysis of groundwater samples for VOCs, SVOCs, pesticides, PCBs and metals;
- The collection and analysis of soil gas and indoor air samples for VOCs from soil gas sampling locations.

Subsurface soils at the Site include a silt and sand non-native fill with bricks, concrete, coal and other rubble to a depth of approximately 5 feet below grade. A native sand and clay is present below the fill to a depth of approximately 12 feet below grade. The fill material contains elevated levels some metals, pesticides PCBs and SVOCs.

Groundwater at the Site is present at a depth of approximately 6-7 feet below surface grade and flows in a west / southwestern direction towards the Harlem River.

The results of sampling performed during this RI identified petroleum VOC contamination in soil on the northwest side of the Site. The contamination is below the water table interface to a depth of 14 feet below grade.

Historic fill material has been identified across the Site to depths as great as 5 feet below grade. The historic fill material contains metals, SVOCs, PCBs and pesticides above unrestricted and / or restricted use SCOs.

Groundwater is impacted with petroleum VOCs immediately in the source area but is limited to single well.

Soil vapor sampling identified generally low levels of petroleum related volatile organic compounds (BTEX). Chlorinated VOCs (CVOCs) were reported in almost all of the soil vapor samples with the highest concentrations reported on the north side of the Site. CVOCs were noted in the soil or groundwater and which suggests an off-site source.

The qualitative exposure assessment identified potential completed routes of exposure to construction workers and remediation workers through inhalation, ingestion and dermal contact of petroleum compounds, CVOCs, pesticides, PCBs and heavy metals during excavation activities. The Health and Safety Plan prepared for the site identifies such exposures and provides instructions for on-site workers to minimize potential exposure. Occupants in the proposed on-site commercial buildings

may be exposed to CVOCs through the vapor intrusion pathway, if remedial action is not taken to prevent off site vapor intrusion.

The exposure assessment indicated a limited potential exposure to residents and commercial workers in adjacent buildings which would be reduced further following the removal of the identified source areas.

Potential environmental impacts through the groundwater to surface water discharge were considered likely based on the distance to the Harlem River.

Recommendations include removal of the onsite USTs, excavation and disposal of petroleum a contaminated soil within the source areas and proper handling and disposal of all soils excavated for structural elements of the new building. This work would be performed under an approved Remedial Action Work Plan (RAWP) which will include a Soil Management Plan, a Construction Health and Safety Plan and a Community Air Monitoring Plan.

Figures for soil exceedances groundwater and soil vapor detections are included within the application.

A copy of the complete Remedial Investigation Report is provided in digital form in **Attachment A**.

3.1.3 May 2016 – Remedial Action Work Plan (EBC)

A Remedial Action Work Plan has been prepared by EBC and submitted with this application. A copy of the complete Remedial Action Work Plan is provided in digital form in **Attachment A**.

3.1.4 June 2016 – PBS Application

A PBS Application for the 1,000-gallon motor oil UST and the 1,000-gallon waste oil UST was submitted in June 2016. These USTs were closed in place in 1992. The PBS application is included in Attachment A.

IV PROPERTY INFORMATION

4.1 Tax Parcel Information

101 Lincoln Associates Property LLC seeks to remediate and redevelop the Site (see **Figure 1**). The address of the Site is 101 Lincoln Avenue, Bronx, NY 10454. It is comprised of a single tax parcel identified as Block 2316 Lot 1 (**Figure 2**). The boundaries of the Site correspond to the tax map boundaries.

4.2 Enzone

In October 2003, the New York State Brownfield Cleanup Program was signed into law under Title 14 of the ECL, Article 27. The Department of Labor has mapped boundaries of Environmental Zones (En-Zone) in which tax credits offered under the BCP are enhanced. The subject site is within Census Tract 17 which is a designated En-Zone (see **Figure 6**). Census Tract 17 has a poverty rate of 43.55 percent and an unemployment rate of 34.64 percent which meets the Part A eligibility criteria for an Environmental Zone. Part A eligibility requires a poverty rate greater than 20 % and an unemployment rate greater than 8.868%.

4.3 Property Description Narrative

4.3.1 Location

The Site to be remediated and redeveloped is located in the South Bronx (Bronx County) and is comprised of a single tax parcel covering 133,700 sf (3.07 acres). The subject property is located in the City of New York and Borough of the Bronx (Bronx County). The lot is located on the east side of Third Avenue and is identified as Block 2316 Lot 1 on the NY City tax map. The property has approximately 300 feet of street frontage on Bruckner Avenue, approximately 350 feet of street frontage on Lincoln Avenue and approximately 500 feet of frontage along the north side of the Harlem River.

4.3.2 Site Features

The property is currently developed with a one-story 19,450 sf commercial building constructed in 1931. The property is currently occupied by a moving company and a bus company as a maintenance garage and yard. The entire site is paved. The Harlem River is located adjacent to the west/southwest of the site.

4.3.3 Current Zoning and Land Use

The Lot is currently zoned M1-3/R8 residential / commercial. The M1-3/R8 is a Special Mixed Use District established to encourage investment in, and enhance the vitality of, existing neighborhoods with mixed residential and industrial uses in close proximity and create expanded opportunities for new mixed use communities. New residential and non-residential uses (commercial, community facility and light industrial) can be developed as-of-right and be located side-by-side or within the same building. Pairing an M1 district with an R3 through R10 district ensures a balanced variety of uses. The land use in the immediate vicinity of the Site (**Figure 5**) includes underutilized or vacant, commercial properties to the north and east, the Third Avenue Bridge to the northwest and the Harlem River to the southwest.

There are no schools or daycare facilities within a 1,000 feet of the project Site. Four schools or day care facilities are located in excess of 1,000 feet from the Site. Each of the daycare facilities and schools located within ½ mile of the Site are labeled on **Figure 5**. The proposed project, which

includes two mixed use residential / commercial tower buildings is compatible with the surrounding land use and will be in compliance with the current zoning.

The Site is encumbered with an E Designation for hazmat and noise. [add “e” numbers]

4.3.4 Past Use of the Site

The Site is currently owned by 101 Lincoln Associates Property LLC. The property is currently developed with a one-story 19,450 sf commercial building constructed in 1931. The property is currently occupied by a moving company (Oz Moving & Storage) and a bus company (Third Avenue Transit Inc.) as a maintenance garage and yard.

A review of Sanborn maps shows the following historical uses for the Site:

- Coal Storage from approximately 1891 to 1908;
- New Jersey Rail Road Bronx Freight terminal from approximately 1908 through the 1950s; and,
- Crane repair, paint shop, blacksmith shop, bus depot, and vehicle repair shop from approximately 1968 to present.

4.3.5 Site Geography and Geology

Subsurface soils at the Site consist of historic fill materials to a depth ranging from 5 to 7 feet below the surface followed by native silty-sand and peat layers. According to the USGS topographic map for the area (Central Park Quadrangle), the elevation of the property is approximately 5 feet above the National Geodetic Vertical Datum (NGVD). The area topography gradually slopes to the west. Groundwater occurs beneath the Site at a depth of approximately 7 feet below grade under water table conditions. Based on regional flow maps and the proximity to surface water, groundwater flow is expected to be to the southwest toward the Harlem River but is likely influenced by tidal fluctuations. As shown on **Figure 8**, the entire Site is located within a designated high risk flood zone area.

4.3.6 Environmental Assessment

Soil:

SVOCs (typically PAHs), pesticides (4,4'–DDD, 4,4'–DDE, 4,4'–DDT) and metals (arsenic, barium, cadmium, chromium, copper, lead, mercury, nickel and zinc) above Unrestricted Use Soil Cleanup Objectives (UUSCOs) and Restricted Residential Use Soil Cleanup Objectives (RRSCO) within in shallow soils. Results were typical of fill material found within the area.

Petroleum associated VOCs (ethylbenzene at 31,000 µg/Kg and n-propylbenzene at 3,900 µg/Kg)

8



were noted in deeper soil on the northwest side of the Site. These concentrations exceed Unrestricted Use Soil Cleanup Objectives (UUSCOs). Several SVOCs (benz(a)anthracene at a maximum of 9,600 µg/Kg, benzo(a)pyrene at a maximum of 9,000 µg/Kg, benzo(b)fluoranthene at a maximum of 7,000 µg/Kg, benzo(k)fluoranthene at a maximum of 6,500 µg/Kg, chrysene at a maximum of 10,000 µg/Kg, Dibenz(a,h)anthracene at a maximum of 910 µg/Kg and indeno(1,2,3-cd)pyrene at a maximum of 4,600 µg/Kg) were noted in deeper soils that exceeded RRSCOs.

Groundwater:

The following petroleum-related VOCs exceeded groundwater standards: benzene at 9.2 ug/L, ethylbenzene at 280 ug/L, isopropylbenzene at 95 ug/L, naphthalene 1,300 ug/L, n-Propylbenzene at 20 ug/L and toluene at 12 ug/L on the northwest side of the Site in the vicinity of the petroleum-contaminated soil.

Soil Vapor:

Tetrachloroethene (PCE) was detected at an elevated concentration of 161 ug/m³ in one soil vapor sample on the north side of the Site.

V ADDITIONAL REQUESTOR INFORMATION

5.1 Representative

Meyer Chetrit
512 Seventh Avenue 15th Floor, New York, New York 10018
646-230-9360
mc@chetritgroup.com

5.2 Consultant

Environmental Business Consultants (EBC)
1808 Middle Country Road, Ridge, New York 11961
(631)504-6000
csosik@ebcincny.com; creilly@ebcincny.com

5.3 Attorney

Lawrence Schnapf - Schnapf LLC
55 East 87th Street #8B New York, New York 10128
212-876-3189
Larry@SchnapfLaw.com

VI CURRENT PROPERTY OWNER / OPERATOR INFORMATION

101 Lincoln Associates Property LLC is the applicant for the project and is applying to the program as a Volunteer.

The current owner and operators of the property are as follows (See property deed **Attachment C**)

Owner: 101 Lincoln Associates Property LLC
Address: 512 Seventh Avenue 15th Floor
New York, NY 10018

Operator 1: Third Avenue Transit Inc.
Address: 101 Lincoln Avenue
Bronx, NY 10454

Operator 2: Oz Moving & Storage
Address: 101 Lincoln Avenue
Bronx, NY 10454

101 Lincoln Associates Property LLC is the current owner. 101 Lincoln Associates Property LLC is not affiliated in any way with the past property owners or operators, or the release of contaminants at the Site. 101 Lincoln Associates Property LLC has access to the Site to implement the required remedial actions that will be required under the BCP (**Attachment C**).

VII REQUESTOR ELIGIBILITY INFORMATION

The Requestor qualifies as a volunteer because (i) it performed a *Phase I Environmental Site Assessment* that complies with the EPA All-Appropriate Inquiries Rule (40 CFR 312), (ii) all disposals/releases of hazardous substances occurred prior to the time of ownership and (iii) the Requestor does not have affiliation with potentially responsible parties. Since acquiring title, the Requestor has exercised appropriate care by implementing a *Remedial Investigation Report* under the supervision of the NYC Office of Environmental Remediation and has prepared a Remedial Action Work Plan to address the releases of hazardous substances that occurred prior to the Requesting acquiring title. In addition, there have not been any ongoing releases and there have not been any new or threatened releases during Requestor's ownership of the Property.

A listing of previous owners and operators for the property is as follows:

Table 1 – Previous Owners

Dates	Name	Comments	Contact Info
Prior to 1974 to 11/13/2014	Gerosa Incorporated	Deed Owner Knowledge	101 Lincoln Avenue, Bronx, NY 10454 and C/O Donovan LLP 152 Madison venue 14th Floor, New York, NY 10016
From 11/13/2014 to present	101 Lincoln Associates Property LLC	Deed	512 7 th Avenue 15 th Floor, New York, NY 10018

Note: 101 Lincoln Associates Property LLC is in no way affiliated with Gerosa Incorporated or any of the prior owners of the property.

Table 2 – Previous Operators

Dates	Name	Comments	Contact Info
From sometime prior to 1908 to sometime between 1951 and 1968	NJ Central Rail - Bronx Freight Terminal	Sanborn Maps	Unknown 101 Lincoln Avenue, Bronx, NY 10454
From sometime between 1951 and 1968 to sometime between 2007 and 2014	Gerosa Haulage Corporation	Sanborn Maps	101 Lincoln Avenue, Bronx, NY 10454 and C/O McKivney & Kluger P.C. 80 Broad Street 23rd floor New York, NY 10454
From sometime between 2007 and April 2014 to the present.	Oz Moving & Storage Third Avenue Transit	Owner Knowledge Phase I Report	101 Lincoln Avenue, Bronx, NY 10454

Note: 101 Lincoln Associate Property LLC is in no way affiliated with Third Avenue Transit, Oz Moving & Storage or any of the prior operators at the property.

The requestor has previously been denied entry to the BCP program. This application was rejected because of insufficient evidence of contamination requiring remediation. Following denial of the BCP application, the Requestor performed additional sampling to comply with the hazardous material “e” designation. This work resulted in discovery of previously unknown contamination. As a result, the Requestor has re-applied with the New York State Department of Environmental Conservation (NYSDEC), to admit the Project Site into the New York State Brownfield Cleanup Program (BCP) in May 2016.

VIII PROPERTY ELIGIBILITY INFORMATION

None of the questions were answered in the affirmative.

IX CONTACT LIST INFORMATION

The following sub-sections provide the minimum contact list information as required in the BCP application form.

9.1 Local Government Contacts

City of New York

William de Blasio

Mayor of New York City

City Hall
New York, NY 10007

Ruben Diaz, Jr.
Bronx Borough President
851 Grand Concourse, Suite 301
Bronx, New York 10451
Telephone (718) 590-3500

George Rodriguez
Chair, Bronx Community Board 1
3024 Third Avenue
Bronx, NY 10455
TEL: (718) 585-7117
FAX: (718) 292-0558

Cedric Loftin
District manager, Bronx Community Board 1
3024 Third Avenue
Bronx, NY 10455
TEL: (718) 585-7117
FAX: (718) 292-0558

Mellisa Mark - Viverito
New York City Council Speaker – District 8
105 East 116th Street
New York, NY 10029
Telephone (212) 828-9800
Fax (212) 722-6378

Carl Weisbrod
Chair of City Planning (Zoning)
22 Reade St.
Third Floor
New York, NY 10007

Carol Samol
Director, NYC Planning Commission – Bronx Office
1 Fordham Plz.
Bronx, New York 10458
Telephone (718) 220-8500
Fax (718) 584-8628

Constance Moran

New York City Department of Transportation
Bronx Borough Commissioner
55 Water Street, 9th Floor
New York, NY 10041
212-748-6680

Bronx County Clerk's Office
Luis M. Diaz, County Clerk
851 Grand Concourse, Room 118
Bronx, New York 10451
Telephone (866) 797-7214

Ms. Letitia James
Public Advocate
1 Centre Street, 15th Floor
New York, NY 10007
Email: kjfoyl@pubadvocate.nyc.gov

Hon. Scott M. Stringer
Office of the Comptroller
1 Centre Street
New York, NY 10007
Email: intergov@comptroller.nyc.gov

John Wuthenow
Office of Environmental Planning & Assessment
NYC Dept. of Environmental Protection
96-05 Horace Harding Expressway
Flushing, NY 11373

Daniel Walsh
NYC Department of Environmental Remediation
100 Gold Street
New York, NY 10038

New York State
Senator José M. Serrano
Senatorial District: 29
1916 Park Avenue Suite 202,
New York, NY 10037
Telephone (212) 828-5829
Fax (212) 828-2420

Asm. Carmen E. Arroyo

84th Assembly District
384 East 149th Street, Suite 301
Bronx, New York 10455
Telephone (718) 292-2901

Federal

Hon. Charles Schumer
U.S. Senator
757 Third Avenue, Suite 17-02
New York, NY 10017

Hon. Kirsten Gillibrand
U.S. Senator
780 Third Avenue, Suite 2601
New York, NY 10017

Rep. José E. Serrano
Congressional District: 15
1231 Lafayette Avenue, 4th Floor
Bronx, New York 10474
Telephone (718) 620-0084
Fax (718) 620-0658

9.2 Adjacent Property Owner Contacts

Properties adjacent to the project site are shown in **Figure 4**. Contact information for the identified owners, as listed in the New York City ACRIS Database, are as follows:

West

1. Owner
2401 Third Avenue Associates Property LLC
512 Seventh Avenue 15th Floor
New York, NY 10018

2. Owner
KAI DEVELOPMENT CORP.
211 W. 58TH ST. APT. 1
NEW YORK, NY 10019-1418

Occupant / Tenant

2403 3RD AVE
BRONX, NY 10451-6330

3. Owner
GLS REAL ESTATE CO.
2413 3RD AVE.
BRONX, NY 10451-6330

Occupant / Tenant
2413 3RD AVE.
BRONX, NY 10451-6330

- 4-5. Owner
MADHATTERS REALTY INC.
2417 3RD AVE.
BRONX, NY 10451-6331

Occupant / Tenant
2417 3RD AVE
BRONX, NY 10451-6331

North

6. Owner / Occupant
1 BRUCKNER,
2412 3RD AVE.
BRONX, NY 10454-4401
7. Owner
ALTAMIRANO'S ENTERPRI
401 DAVENPORT AVE.
NEW ROCHELLE, NY 10805-2110

Occupant / Tenant
3 BRUCKNER BOULEVARD
BRONX, NY 10454

8. Owner / Occupant
GINO FAVA
LIVERPOOL CARTING
5 BRUCKNER BLVD.
BRONX, NY 10454-4411
9. Owner / Occupant
STEPCAR CORP.
7 BRUCKNER BLVD.
BRONX, NY 10454-4411

10. Owner / Occupant
HALMAN ENTERPRISES INC.
9 BRUCKNER BLVD.
BRONX, NY 10454-4411

11. Owner
GORDON ROTH DEVELOPMENT
11 BRUCKNER BLVD. # 1
BRONX, NY 10454-4411

Occupant / Tenant
11 BRUCKNER BOULEVARD
BRONX, NY 10454

East

12. Owner
LINCOLN CORNERS,
545 BROADWAY STE 4
BROOKLYN, NY 11206-2962

Property Manager
CARNEGIE MANAGEMENT
545 BROADWAY STE 4
BROOKLYN, NY 11206-2962

Occupant / Tenant
112 LINCOLN AVENUE
BRONX, NY 10454

13. Owner
14 BRUCKNER LLC
1536 3RD AVE. FL. 3
NEW YORK, NY 10028-2167

Occupant / Tenant
14 BRUCKNER BOULEVARD
BRONX, NY 10454

14. Owner
FM PROPERTIES, LLC

335 CENTER AVE.
MAMARONECK, NY 10543-2304

Occupant / Tenant
290 E. 132nd STREET
BRONX, NY 10454

9.3 Local News Media

Bronx Times

900 E. 132nd Street
Bronx, NY 10454
(718) 597-1116

New York Times

620 Eighth Ave.
New York, NY 10018

New York Daily News

450 W. 33 Street
New York, NY 10001

New York Post

1211 Avenue of the Americas
New York, NY 10036-8790

9.4 Public Water Supplier

New York City Department of Environmental Protection
Bureau of Water Supply
1250 Broadway - 8th Floor
Manhattan, NY 10001

9.5 Requested Contacts

No requests have been made at this time.

9.6 Schools and Daycare Facilities

There are no Schools or Daycare facilities within a 1,000 ft of the project Site. Schools nearest the Site include:

- 1 City of New York: PS 154 Jonathan D Hyatt

- 333 East 135th Street, Bronx, NY 10454
Principal: Dr. Alison Coviello
(718) 292-4742
- 2 Success Academy Harlem 2
144 East 128th Street
New York, NY 10035
Principal: Kaitlin McDermott
(646) 442-6600
- 3 King's Academy
2345 Third Avenue
New York, NY 10035
Principal: Elder T. Streitferdt, Jr.
(212) 348-7331
- 4 Citizens Care Daycare Center #2
2322 3rd Avenue
New York, NY 10035
Director: Ms. Moore
(212) 348-7331

9.7 Document Repository

The following locations will serve as a repository for public access to documents generated under the BCP program:

New York Public Library - Mott Haven Branch

321 East 140th Street
Bronx, NY 10454
(718) 665-4878

Hours:

Mon 10:00 AM - 6:00 PM
Tue 10:00 AM - 7:00 PM
Wed 10:00 AM - 7:00 PM
Thu 10:00 AM - 6:00 PM
Fri 10:00 AM - 5:00 PM
Sat 10:00 AM - 5:00 PM
Sun closed

Bronx 1 Community District

3024 Third Avenue
Bronx, NY, 10455

718-585-7117
brxcb1@optonline.net

Hours:

Mon 9:00 AM - 5:00 PM
Tue 9:00 AM - 5:00 PM
Wed 9:00 AM - 5:00 PM
Thu 9:00 AM - 5:00 PM
Fri 9:00 AM - 5:00 PM
Sat closed
Sun closed

X LAND USE FACTORS

10.1 Current Use

The property is currently developed with a one-story 19,450 sf commercial building constructed in 1931. The property is currently occupied by a moving company and a bus company as a maintenance garage and yard. Possible sources of contamination were noted within the current operations.

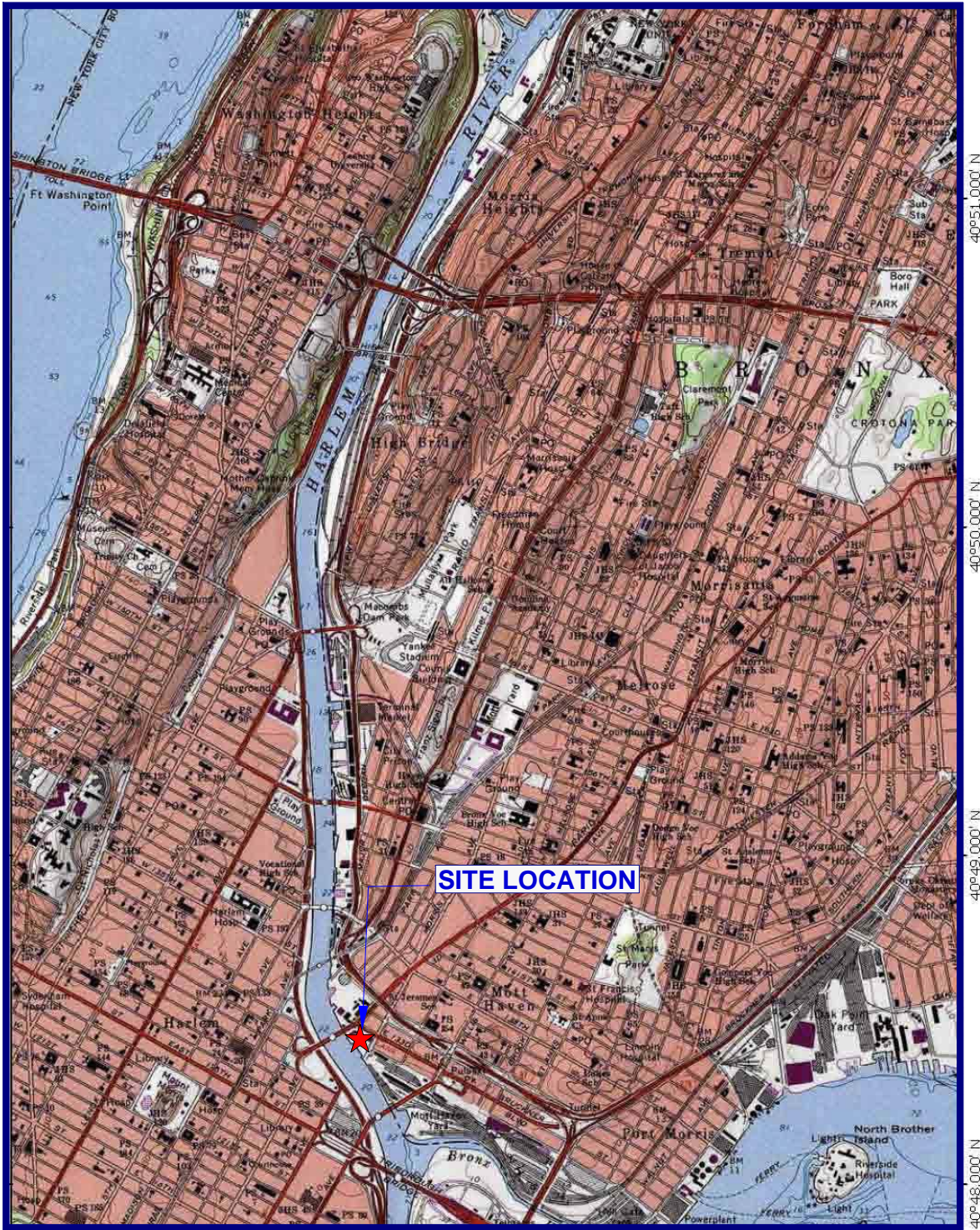
10.2 Post- Remedial Use

The Requestor intends to redevelop the property with three new 24-story and one 14-story residential tower buildings. The towers will be interconnected with a common base which will include three 7-story, two 6-story, two 3-story and one single story buildings. The project will include 74,000 sf of underground parking, 28,747 sf of retail space, 1,900 sf of community space and 844,907 sf of residential space. The proposed use is consistent with existing M1-3/R8 zoning of the property. The project will achieve a Track 1 Cleanup requiring excavation of the entire Site to a depth of approximately 2 feet, with additional excavation of up to 10 feet for the basement level of the new buildings. It is estimated that a total of 23,000 cubic yards (35,000 tons) of soil will require excavation and off-Site disposal.

XI. Supplemental Questions for Sites Seeking Tangible Property Credits in New York City

100% of the Site is located in an En-Zone. Nevertheless, the Requestor reserves the right to seek a determination from NYSDEC if the site is eligible for the “underutilized” tangible property tax credit criteria after the NYSDEC adopts a final definition of “underutilized”. Requestor asks that NYSDEC suspend this determination until the “underutilized” definition is finalized.

FIGURES



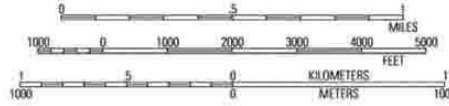
40°51.000' N
40°50.000' N
40°49.000' N
40°48.000' N

73°57.000' W

73°56.000' W

73°55.000' W

WGS84 73°54.000' W



USGS Central Park Quadrangle 1995, Contour Interval = 10 feet



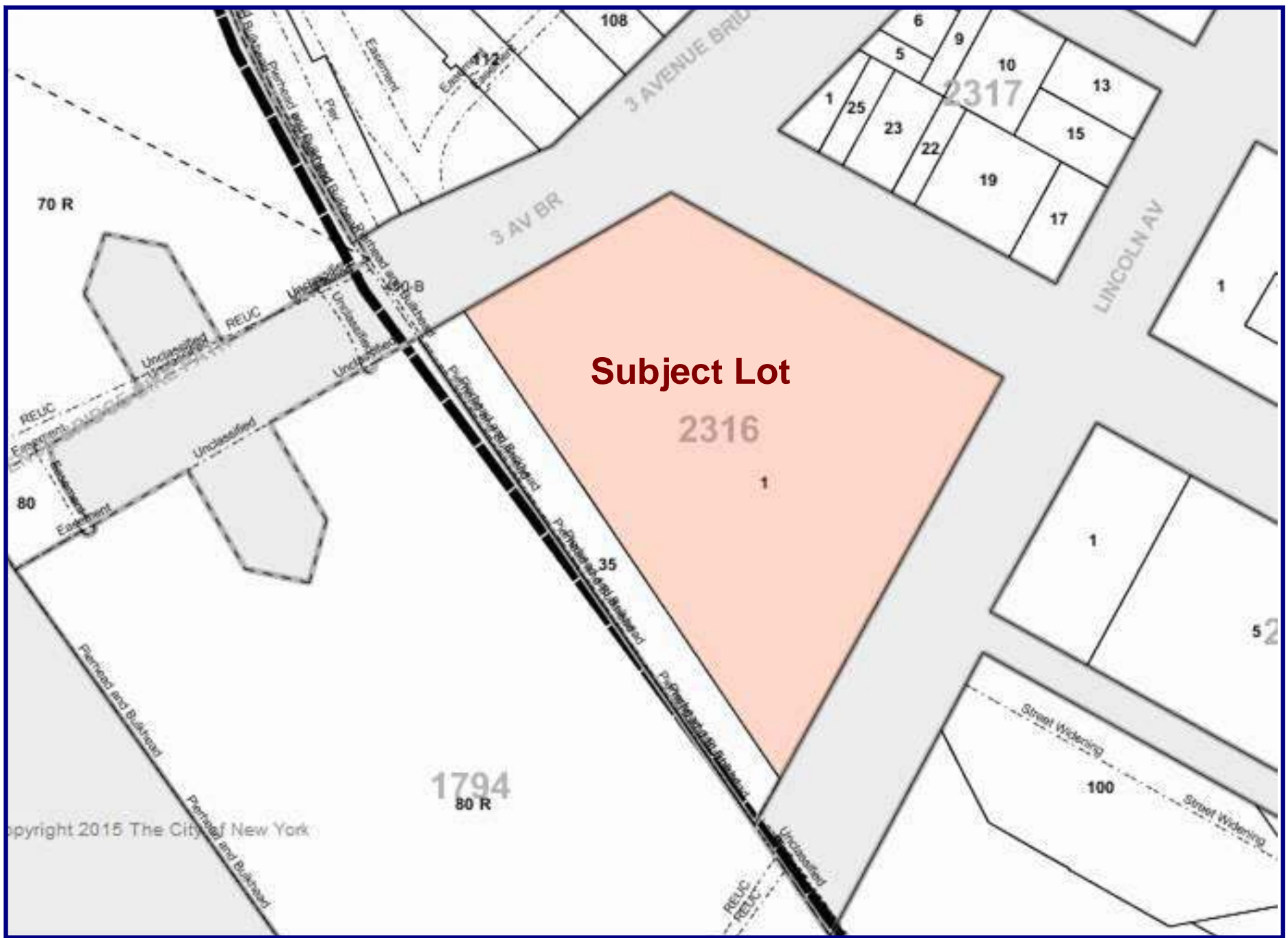
Phone 631.504.6000
Fax 631.924.2870

ENVIRONMENTAL BUSINESS CONSULTANTS

Former Bronx Terminal
101 Lincoln Avenue, Bronx NY

FIGURE 1

SITE LOCATION MAP



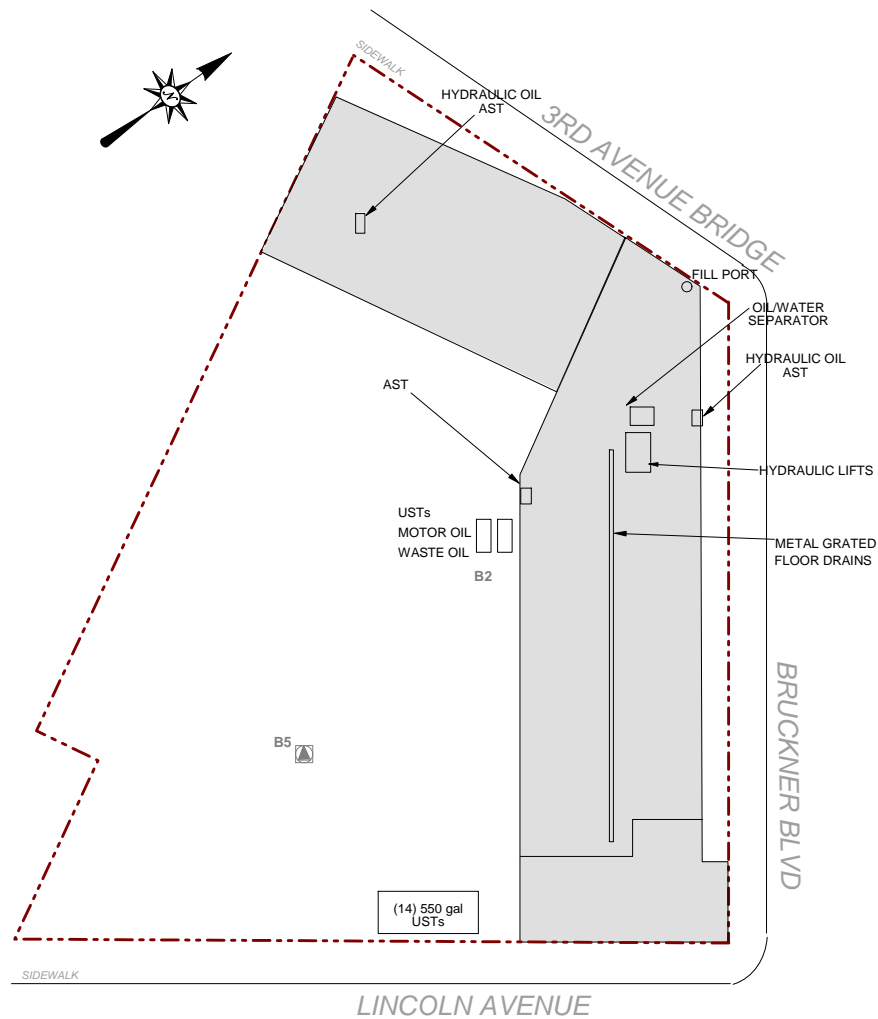
ENVIRONMENTAL BUSINESS CONSULTANTS
 1808 MIDDLE COUNTRY ROAD, RIDGE, NY 11961

Phone 631.504.6000
 Fax 631.924.2780

FORMER BRONX FREIGHT TERMINAL
 101 LINCOLN AVENUE, BRONX, NY

FIGURE 2

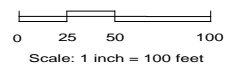
NYC TAX MAP



KEY:

--- Site Boundary

SCALE:



BBC

ENVIRONMENTAL BUSINESS CONSULTANTS

Phone 631.504.6000
Fax 631.924.2870

Figure No.

3

Site Name: **FORMER BRONX FREIGHT TERMINAL**

Site Address: **101 LINCOLN AVENUE, BRONX, NY**

Drawing Title: **SITE BOUNDARY MAP**

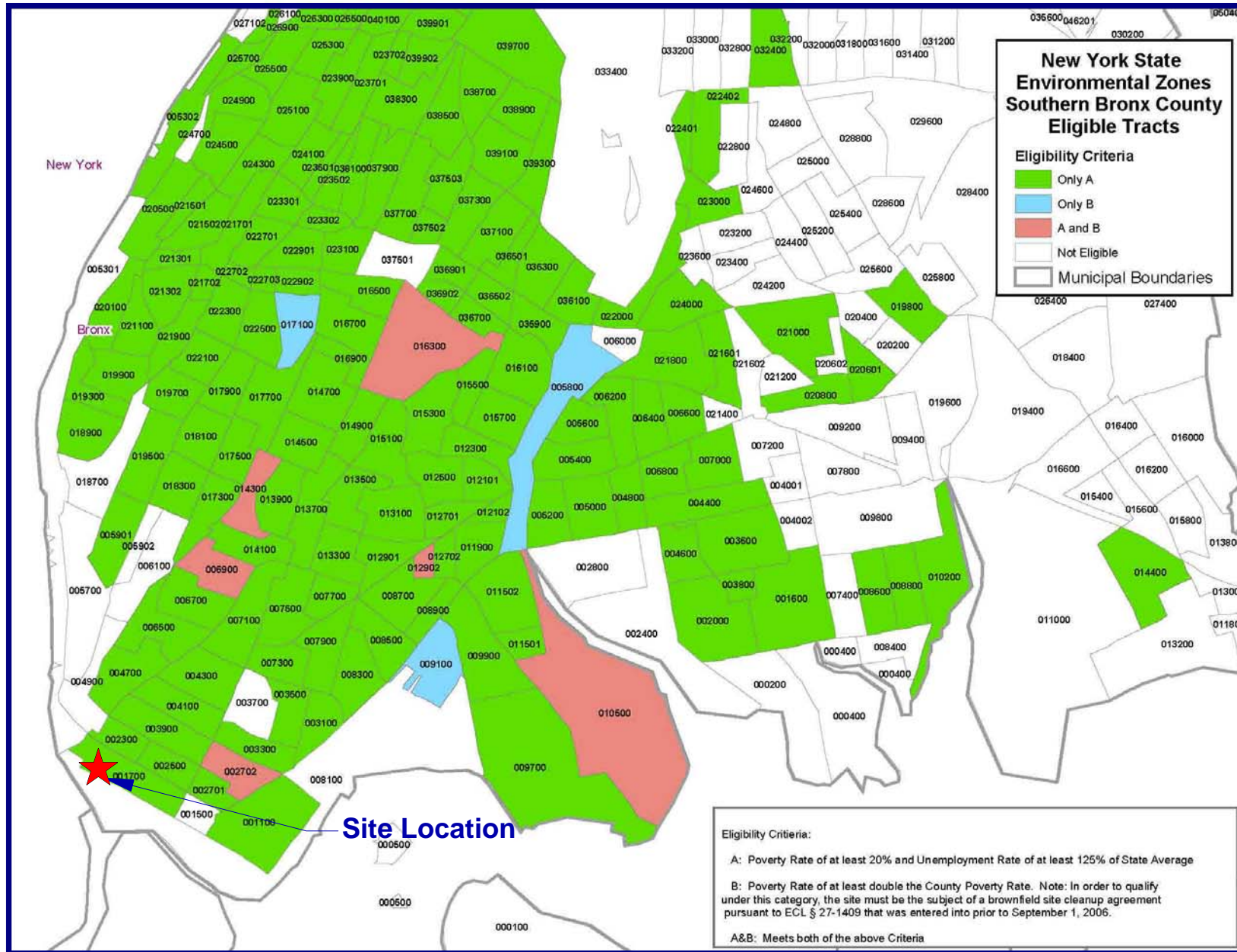


ENVIRONMENTAL BUSINESS CONSULTANTS
 1808 MIDDLE COUNTRY ROAD, RIDGE, NY 11961

Phone: 631.504.6000
 Fax: 631.924.2780

FORMER MANUFACTURING PLANT
 278-282 E. 134TH STREET, BRONX NY

FIGURE 4 PROJECT SITE AND
 ADJACENT PROPERTIES



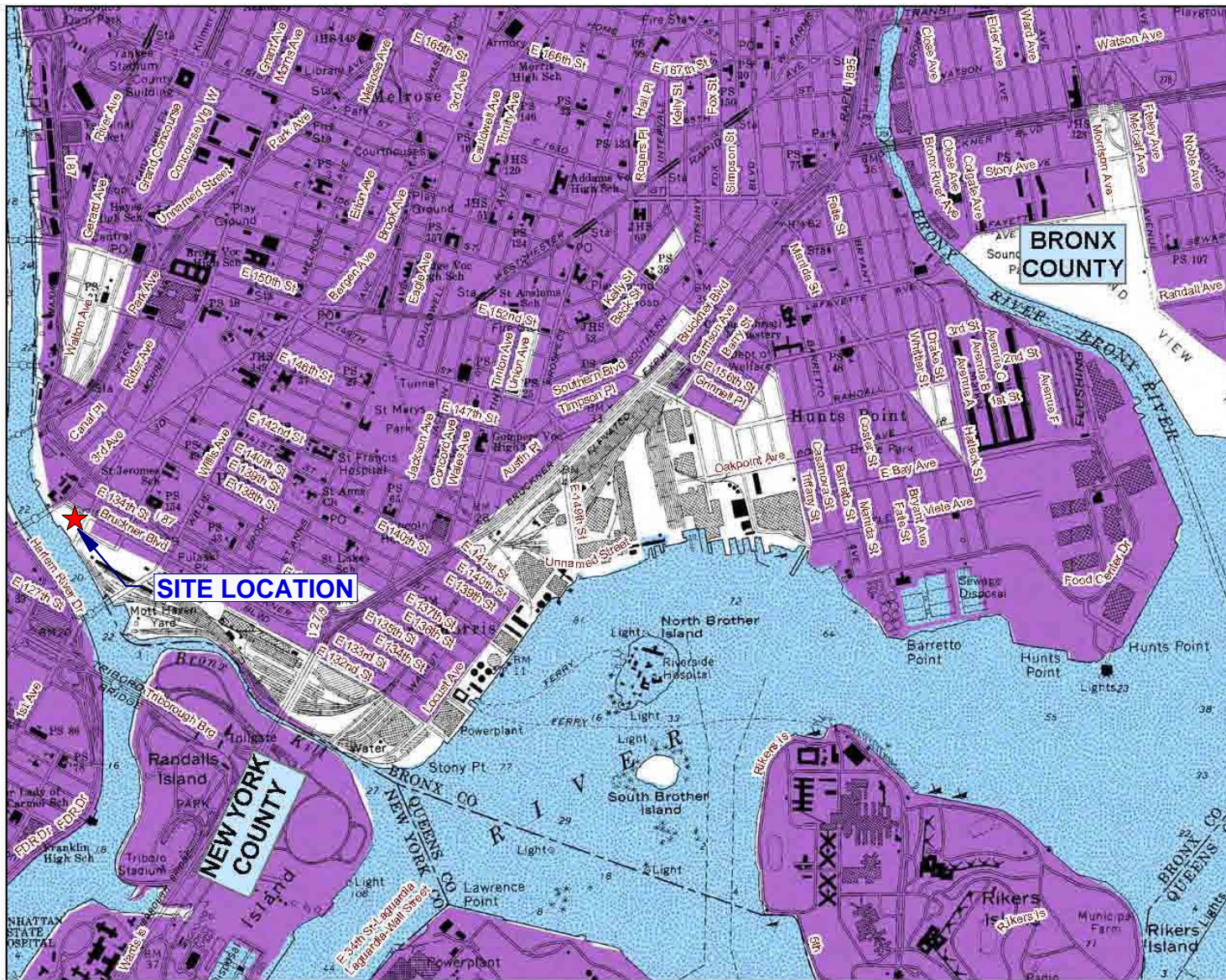
ENVIRONMENTAL BUSINESS CONSULTANTS
1808 MIDDLE COUNTRY ROAD, RIDGE, NY 11961

Phone: 631.504.6000
Fax: 631.924.2780

**FORMER BRONX FREIGHT TERMINAL
101 LINCOLN AVENUE, BRONX, NY**

FIGURE 6 NYS ENVIRONMENTAL ZONES

Potential Environmental Justice Areas in Southwest Bronx County, New York



Legend

- Potential EJ Area
- County Boundary
- Waterbodies

This computer representation has been compiled from supplied data or information that has not been verified by EPA or NYSDEC. The data is offered here as a general representation only and is not to be used for commercial purposes without verification by an independent professional qualified to verify such data or information.


Neither EPA nor NYSDEC guarantee the accuracy, completeness, or timeliness of the information shown and shall not be liable for any loss or injury resulting from reliance.

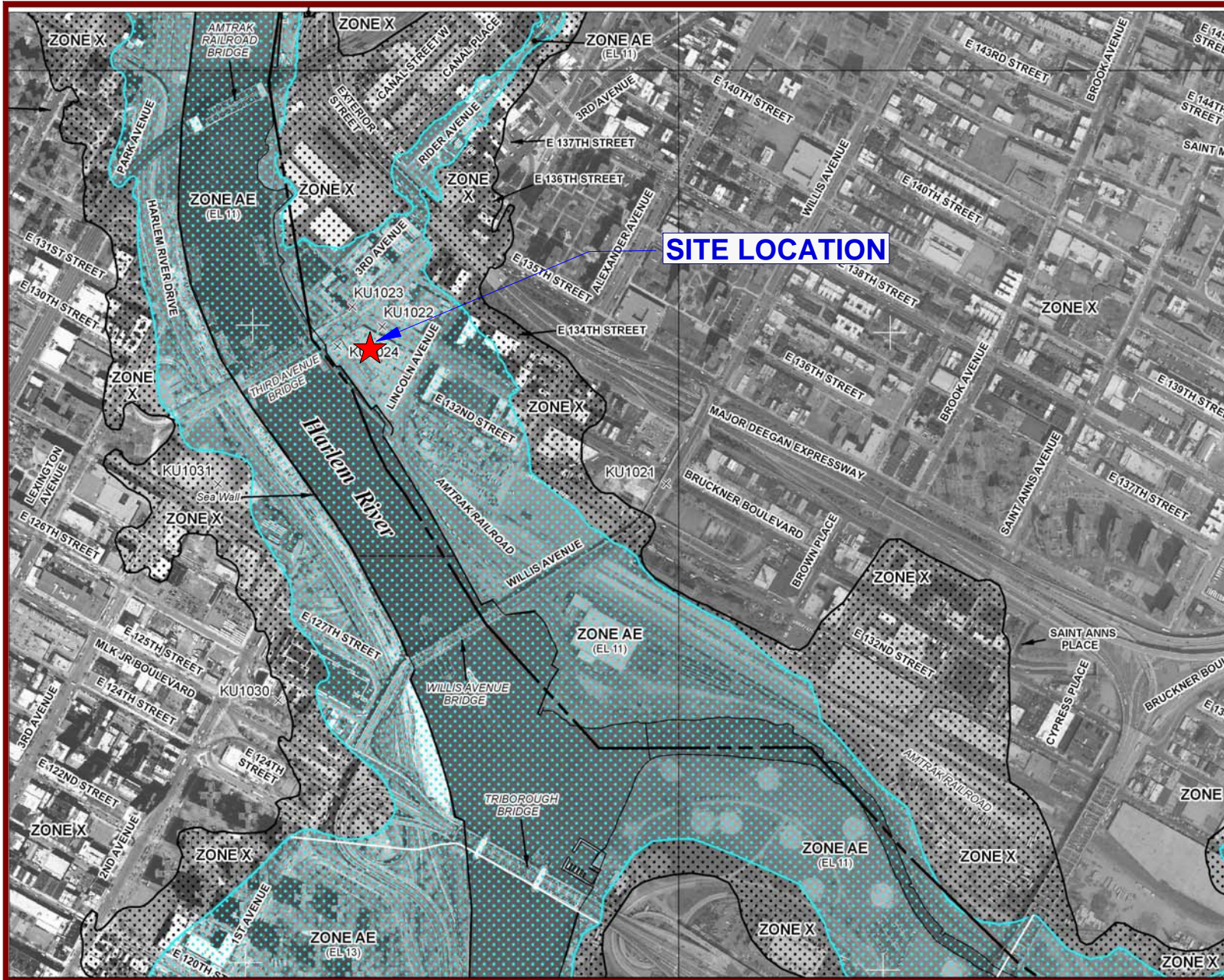
Data Source for Potential Environmental Justice Areas: U.S. Census Bureau, 2000 U.S. Census

For questions about this map contact:
 New York State Department of Environmental Conservation
 Office of Environmental Justice
 625 Broadway, 14th Floor
 Albany, New York 12233-1500
 (518) 402-8556
 ej@gw.dec.state.ny.us



Miles
 0 0.2 0.4 0.6 0.8 1
 SCALE: 1:27,000

 ENVIRONMENTAL BUSINESS CONSULTANTS	Phone 631.504.6000 Fax 631.924.2870	Figure No. 7	Site Name: FORMER BRONX FREIGHT TERMINAL
			Site Address: 101 LINCLON AVENUE, BRONX, NY
			Drawing Title: POTENTIAL ENVIRONMENTAL JUSTICE AREAS



Flood insurance is available in this community. Contact your local Flood Insurance Program at 1-800-638-6620.

MAP SCALE 1" = 500'

NFIP PANEL 0091F

FIRM
FLOOD INSURANCE RATE MAP

CITY OF
NEW YORK, NEW YORK
BRONX, RICHMOND, NEW YORK,
QUEENS, AND KINGS COUNTIES

PANEL 91 OF 457

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
NEW YORK, CITY OF	360457	0091	F

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
3604970091F

MAP REVISED
SEPTEMBER 5, 2007

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

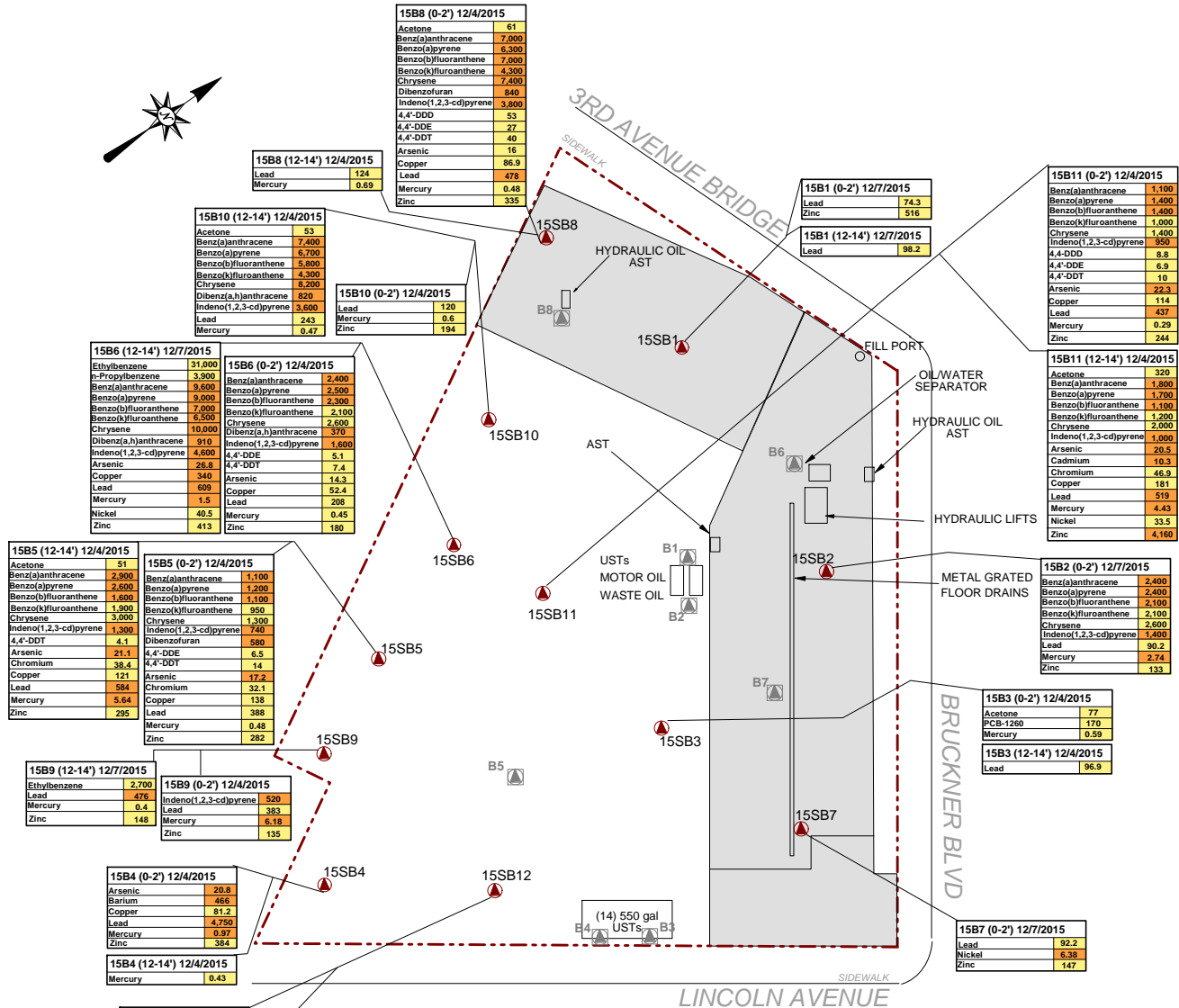
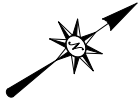


ENVIRONMENTAL BUSINESS CONSULTANTS
1808 MIDDLE COUNTRY ROAD, RIDGE, NY 11961

Phone: 631.504.6000
Fax: 631.924.2780

Former Bronx Freight Terminal
101 Lincoln Avenue, Bronx NY

FIGURE 8 FEMA FLOOD ZONE MAP



15B8 (0-2') 12/4/2015	
Acetone	61
Benz(a)anthracene	7,000
Benzo(a)pyrene	5,300
Benzo(b)fluoranthene	7,000
Benzo(k)fluoranthene	4,300
Chrysene	7,400
Dibenzofuran	340
Indeno(1,2,3-cd)pyrene	3,800
4,4'-DDD	53
4,4'-DDE	27
4,4'-DDT	40
Arsenic	16
Copper	86.9
Lead	478
Mercury	0.48
Zinc	335

15B8 (12-14') 12/4/2015	
Lead	124
Mercury	0.69

15B10 (12-14') 12/4/2015	
Acetone	53
Benz(a)anthracene	7,400
Benzo(a)pyrene	6,700
Benzo(b)fluoranthene	5,800
Benzo(k)fluoranthene	4,300
Chrysene	8,200
Dibenz(a,h)anthracene	820
Indeno(1,2,3-cd)pyrene	3,600
Lead	243
Mercury	0.47

15B10 (0-2') 12/4/2015	
Lead	120
Mercury	0.6
Zinc	194

15B6 (12-14') 12/7/2015	
Ethylbenzene	31,000
n-Propylbenzene	3,900
Benz(a)anthracene	9,600
Benzo(a)pyrene	9,000
Benzo(b)fluoranthene	7,000
Benzo(k)fluoranthene	5,500
Chrysene	10,000
Dibenz(a,h)anthracene	910
Indeno(1,2,3-cd)pyrene	4,600
Arsenic	26.8
Copper	340
Lead	609
Mercury	1.5
Nickel	40.5
Zinc	413

15B6 (0-2') 12/4/2015	
Benz(a)anthracene	2,400
Benzo(a)pyrene	2,500
Benzo(b)fluoranthene	2,300
Benzo(k)fluoranthene	2,100
Chrysene	2,600
Dibenz(a,h)anthracene	370
Indeno(1,2,3-cd)pyrene	1,600
4,4'-DDE	5.1
4,4'-DDT	7.4
Arsenic	14.3
Copper	52.4
Lead	208
Mercury	0.45
Zinc	180

15B5 (12-14') 12/4/2015	
Acetone	51
Benz(a)anthracene	2,900
Benzo(a)pyrene	2,600
Benzo(b)fluoranthene	1,600
Benzo(k)fluoranthene	1,900
Chrysene	3,000
Indeno(1,2,3-cd)pyrene	1,300
4,4'-DDT	4.1
Arsenic	21.1
Chromium	38.4
Copper	121
Lead	584
Mercury	5.64
Zinc	295

15B5 (0-2') 12/4/2015	
Benz(a)anthracene	1,100
Benzo(a)pyrene	1,200
Benzo(b)fluoranthene	1,100
Benzo(k)fluoranthene	950
Chrysene	1,300
Indeno(1,2,3-cd)pyrene	740
Dibenzofuran	580
4,4'-DDE	6.5
4,4'-DDT	14
Arsenic	17.2
Chromium	32.1
Copper	138
Lead	388
Mercury	0.48
Zinc	282

15B9 (12-14') 12/7/2015	
Ethylbenzene	2,700
Lead	475
Mercury	0.4
Zinc	148

15B9 (0-2') 12/4/2015	
Indeno(1,2,3-cd)pyrene	320
Lead	383
Mercury	6.18
Zinc	135

15B4 (0-2') 12/4/2015	
Arsenic	20.8
Barium	466
Copper	81.2
Lead	4,750
Mercury	0.97
Zinc	384

15B4 (12-14') 12/4/2015	
Mercury	0.43

15B12 (0-2') 12/4/2015	
4,4'-DDT	10
Lead	73.9
Mercury	0.32

15B12 (12-14') 12/4/2015	
4,4'-DDD	10
4,4'-DDT	48
Chromium	47.3

KEY:

- Property Line
- RI Soil Boring Location
- Soil Boring Location
- Detections Above Unrestricted Use SCOs
- Detections Above Restricted Residential Use SCOs

VOCs, SVOCs, PCBs, and Pesticides ug/Kg
Metals mg/Kg

SCALE:

Scale: 1 inch = 100 feet

BC
ENVIRONMENTAL BUSINESS CONSULTANTS

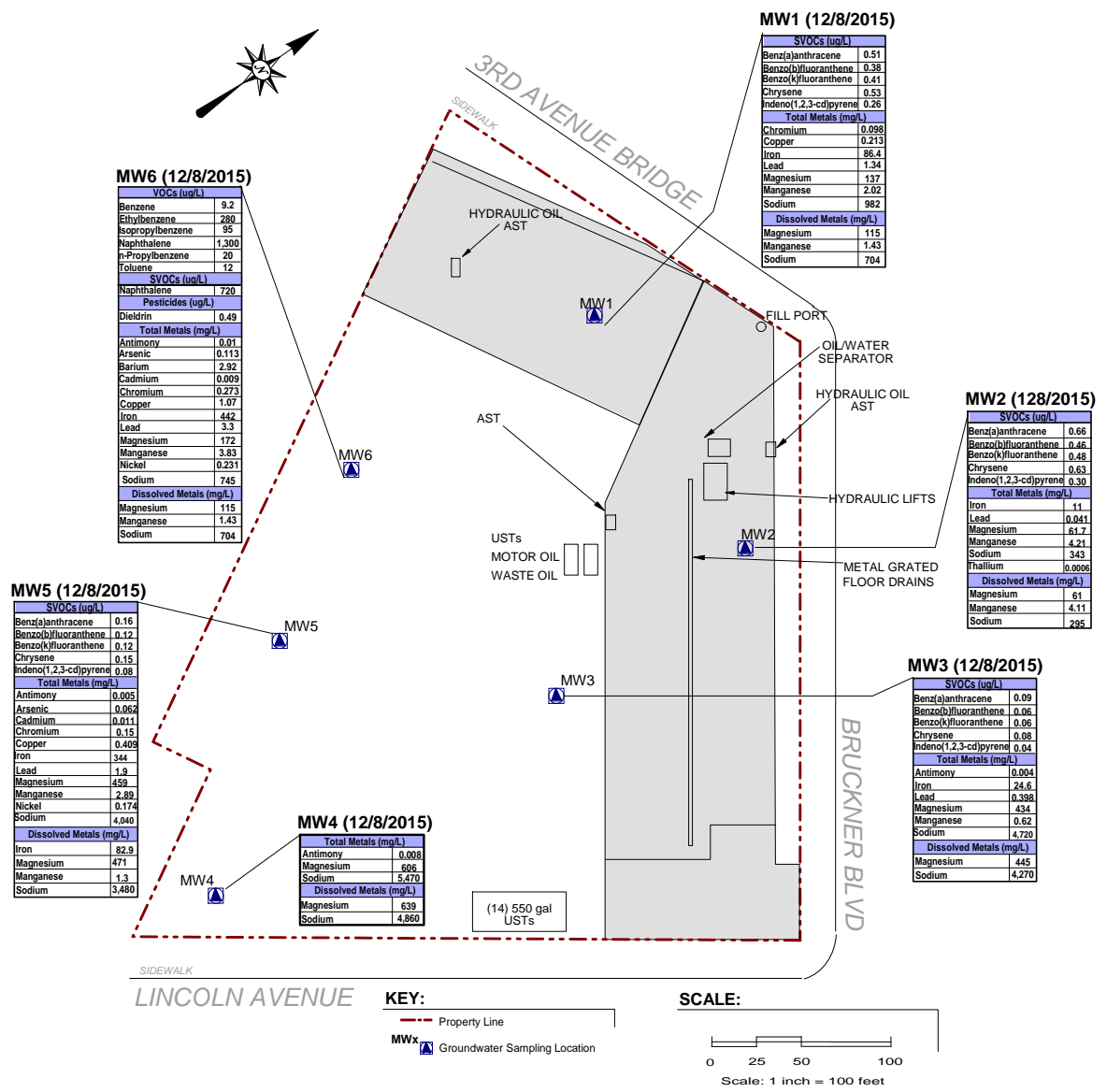
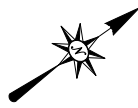
Phone 631.504.6000
Fax 631.924.2870

Figure No. 9

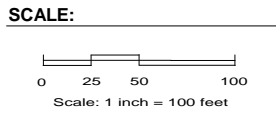
Site Name: **FORMER BRONX FREIGHT TERMINAL**

Site Address: **101 LINCOLN AVENUE, BRONX, NY**

Drawing Title: **SOIL EXCEEDENCES**



KEY:
 --- Property Line
 MWx Groundwater Sampling Location

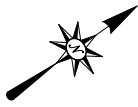


BC
 ENVIRONMENTAL BUSINESS CONSULTANTS

Phone 631.504.6000
 Fax 631.924.2870

Figure No.
10

Site Name: **FORMER BRONX FREIGHT TERMINAL**
 Site Address: **101 LINCOLN AVENUE, BRONX, NY**
 Drawing Title: **GROUNDWATER EXCEEDENCES**



SV8 (12/8/2015)

1,2,4-Trimethylbenzene	9.63
1,3,5-Trimethylbenzene	2.29
4-Ethyltoluene	5.21
4-Methyl-2-pentanone	1.3
Acetone	77.6
Benzene	1.5
Carbon Disulfide	2.34
Dichlorodifluoromethane	2.31
Ethanol	7.97
Ethylbenzene	1.45
Heptane	2.07
Hexane	1.94
Xylene (m&p)	5.03
Methyl Ethyl Ketone	3.21
Xylene (o)	2.38
Propylene	1.01
Tetrachloroethene	23.8
Toluene	8.4

SV6 (12/8/2015)

1,2,4-Trimethylbenzene	29.6
1,3,5-Trimethylbenzene	6.49
4-Ethyltoluene	13.4
4-Isopropyltoluene	1.34
4-Methyl-2-pentanone	2.87
Acetone	605
Benzene	2.45
Carbon Disulfide	10.7
Chloromethane	5.32
Cyclohexane	1.98
Dichlorodifluoromethane	2.2
Ethanol	17.9
Ethylbenzene	1.96
Heptane	2.43
Hexane	2.68
Xylene (m&p)	7.64
Methyl Ethyl Ketone	13.8
n-Butylbenzene	1.94
Xylene (o)	4.6
Tetrachloroethene	3.29
Toluene	10.1

SV4 (12/8/2015)

1,1,1-Trichloroethane	6.71
1,2,4-Trimethylbenzene	34.1
1,3,5-Trimethylbenzene	6.68
4-Ethyltoluene	14.6
4-Isopropyltoluene	1.79
4-Methyl-2-pentanone	1.98
Acetone	570
Carbon Disulfide	2.73
Carbon Tetrachloride	0.29
Chloroform	1.93
Cyclohexane	42.7
Dichlorodifluoromethane	2.22
Ethanol	16.5
Ethylbenzene	2.1
Heptane	3.99
Hexane	54.6
Xylene (m&p)	8.16
Methyl Ethyl Ketone	13.6
Xylene (o)	4.11
Propylene	3.18
Tetrachloroethene	30.3
Toluene	11.6
Trichloroethene	1.39

SV1 (12/8/2015)

1,1,1-Trichloroethane	1.32
1,2,4-Trimethylbenzene	19.2
1,3,5-Trimethylbenzene	4.61
4-Ethyltoluene	11.1
4-Isopropyltoluene	1.15
4-Methyl-2-pentanone	2.22
Acetone	91.2
Benzene	1.48
Carbon Disulfide	3.42
Chloroform	3.64
Dichlorodifluoromethane	2.61
Ethanol	7.14
Ethylbenzene	3.58
Heptane	1.15
Xylene (m&p)	14.5
Methyl Ethyl Ketone	13.8
Xylene (o)	5.73
Tetrachloroethene	161
Toluene	16.4
Trichloroethene	0.53

SV2 (12/8/2015)

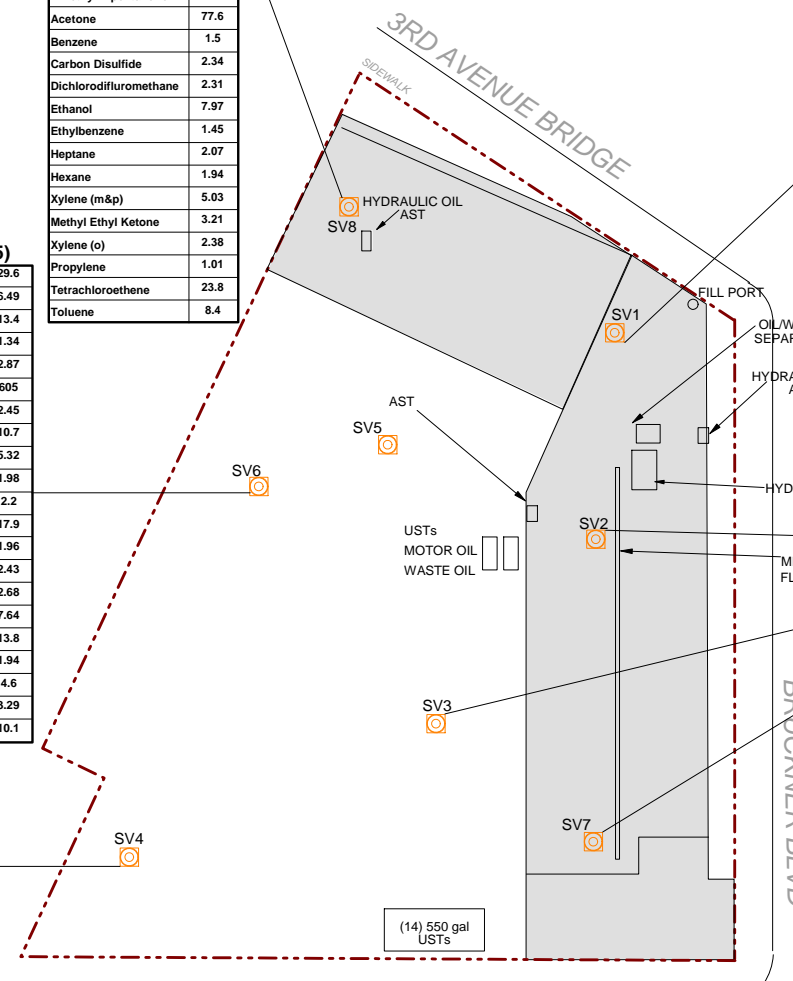
1,2,4-Trimethylbenzene	11.3
1,3,5-Trimethylbenzene	2.66
4-Ethyltoluene	6.24
Acetone	75.7
Benzene	177
Carbon Disulfide	13.9
Cyclohexane	77.1
Dichlorodifluoromethane	2.2
Ethanol	10.1
Ethylbenzene	1.51
Heptane	10.6
Hexane	25.5
Xylene (m&p)	5.81
Methyl Ethyl Ketone	8.84
Xylene (o)	2.6
Propylene	246
Tetrachloroethene	1.78
Toluene	7.83
Trichloroethene	1.06

SV3 (12/8/2015)

1,2,4-Trimethylbenzene	30.1
1,3,5-Trimethylbenzene	6.44
4-Ethyltoluene	14.3
4-Isopropyltoluene	1.48
4-Methyl-2-pentanone	1.65
Acetone	197
Benzene	2.13
Carbon Disulfide	15.8
Cyclohexane	4.99
Dichlorodifluoromethane	2.24
Ethanol	11.1
Ethylbenzene	2.04
Heptane	2.84
Hexane	12.8
Isopropylalcohol	7.39
Xylene (m&p)	8.46
Methyl Ethyl Ketone	7.81
Xylene (o)	4.43
Propylene	6.04
Tetrachloroethene	1.84
Toluene	8.96


SV7 (12/8/2015)

1,2,4-Trimethylbenzene	3.8
1,3,5-Trimethylbenzene	1.32
4-Ethyltoluene	2.91
Acetone	31.1
Benzene	4.25
Carbon Disulfide	12.3
Cyclohexane	8.88
Dichlorodifluoromethane	2.26
Ethanol	7.31
Ethylbenzene	2.68
Heptane	87.2
Hexane	188
Xylene (m&p)	8.81
Methylene Chloride	1.44
Xylene (o)	2.75
Tetrachloroethene	0.94
Toluene	18.4



KEY:
 - - - Property Line
 SVx Soil Gas Sampling Location

SCALE:
 0 25 50 100
 Scale: 1 inch = 100 feet

 ENVIRONMENTAL BUSINESS CONSULTANTS	Phone 631.504.6000 Fax 631.924.2870	Figure No. 11	Site Name: FORMER BRONX FREIGHT TERMINAL
			Site Address: 101 LINCOLN AVENUE, BRONX, NY
			Drawing Title: SOIL GAS DETECTIONS

PRELIMINARY DEVELOPMENT PLANS

ATTACHMENT A
Environmental Reports (Digital Files on CD)

ATTACHMENT B
***Detailed Cost Analysis of Established
Environmental Conditions***

**FORMER BRONX FREIGHT TERMINAL
101 Lincoln Avenue
Bronx, NY**

Summary of Project Costs

**NYS Brownfields Cleanup Program
Costs by Task**

TASK

BCP Entry Documents	\$ 27,850.00
RI Investigation, Work Plans and Reports	\$ 100,800.00
Remedial Work Plan, Remedy Scoping & Coordination	\$ 18,750.00
Remedial Program Implementation	\$ 2,284,720.00
Final Engineering Report DEC Fees, etc.	\$ 100,500.00
Subtotal	\$ 2,532,620.00
15% Contingency	\$ 379,893.00
Total	\$ 2,912,513.00

ATTACHMENT C

Deed and Authorization to Sign on Behalf of LLC

RESOLUTION OF LIMITED LIABILITY COMPANY

The undersigned, being a member and manager of 101 Lincoln Associates Property LLC, a New York limited liability company (the "Company"), does hereby resolve that:

1. Meyer Chetrit is an officer of the Company and has the full power and authority on behalf of the Company to:

(a) Execute documents in connection with the application of the Company for participation in the New York State Brownfield Cleanup Program (the "BCP");

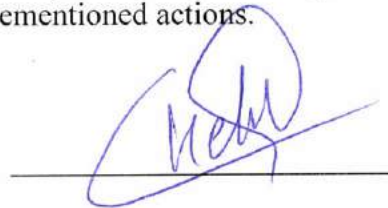
(b) Enter into agreements with the New York State Department of Environmental Protection (the "DEC") in connection with the Company's participation in the BCP;

(c) Execute any and all documents in connection with the Company's participation in the BCP, including but not limited to applications, agreements, and tax returns;

(d) Take any action necessary to the furtherance of the Company's participation in the BCP, including but not limited to conducting negotiations on behalf of the Company.

2. The authority hereby conferred shall be deemed retroactive, and any and all acts authorized herein which were performed prior to the passage of this unanimous consent are hereby approved and ratified. The authority hereby conferred is in addition to that conferred by any other consent heretofore or hereafter delivered to the DEC and shall continue in full force and effect until the DEC shall have received notice in writing, certified by the sole member of this company, of the revocation hereof by a resolution duly adopted by the sole member of this company. Any such revocation shall be effective only as to actions taken by this company subsequent to DEC's receipt of such notice.

3. The undersigned hereby represents and warrants that (i) the undersigned is a member and manager of the Company; and (ii) the consent of any member and manager is sufficient to authorize the Company to take the aforementioned actions.



Dated: April 21, 2015
Brooklyn, NY

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

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



2014111700897001003E34F5

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 8

Document ID: 2014111700897001

Document Date: 11-13-2014

Preparation Date: 12-03-2014

Document Type: DEED

Document Page Count: 7

PRESENTER:

TITLEVEST AGENCY
44 WALL STREET, PICKUP/SST-B-400317
10TH FLOOR
NEW YORK, NY 10005
212-757-5800
RECORDINGS@TITLEVEST.COM

RETURN TO:

TITLEVEST AGENCY
44 WALL STREET, PICKUP/SST-B-400317
10TH FLOOR
NEW YORK, NY 10005
212-757-5800
RECORDINGS@TITLEVEST.COM

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BRONX	2316	1	Entire Lot	101 LINCOLN AVENUE

Property Type: COMMERCIAL REAL ESTATE

CROSS REFERENCE DATA

CRFN _____ or DocumentID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

GRANTOR/SELLER:
GEROSA INCORPORATED
101 LINCOLN AVENUE
BRONX, NY 10454

GRANTEE/BUYER:
101 LINCOLN ASSOCIATES PROPERTY LLC
C/O THE CIETRIT GROUP LLC, 512 SEVENTH
AVENUE, 15TH FLOOR
NEW YORK, NY 10018

FEES AND TAXES

Mortgage :		Filing Fee:	
Mortgage Amount:	\$ 0.00		\$ 250.00
Taxable Mortgage Amount:	\$ 0.00	NYC Real Property Transfer Tax:	\$ 840,000.00
Exemption:		NYS Real Estate Transfer Tax:	\$ 128,000.00
TAXES: County (Basic):	\$ 0.00		
City (Additional):	\$ 0.00		
Spec (Additional):	\$ 0.00		
TASF:	\$ 0.00		
MTA:	\$ 0.00		
NYCTA:	\$ 0.00		
Additional MRT:	\$ 0.00		
TOTAL:	\$ 0.00		
Recording Fee:	\$ 72.00		
Affidavit Fee:	\$ 0.00		

RECORDED OR FILED IN THE OFFICE

OF THE CITY REGISTER OF THE

CITY OF NEW YORK

Recorded/Filed 12-04-2014 10:39

City Register File No.(CRFN):

2014000399717



Guanette McHill

City Register Official Signature

BARGAIN AND SALE DEED
WITH COVENANT

GEROSA INCORPORATED

- to -

101 LINCOLN ASSOCIATES PROPERTY LLC

Location: 101 Lincoln Avenue
Bronx, New York

Description: Block No.: 2316
Lot No.: 1
Bronx County
Official Tax Map

November 13th, 2014

TITLE # SST-B-400317-2014

After recording, please return to:

Dennis Sughrue, Esq.
Pryor Cashman LLP
7 Times Square
New York, NY 10036-6569

BARGAIN AND SALE DEED WITH COVENANT

THIS INDENTURE made and dated ^{as of} the 13th day of November, 2014, by and between GEROSA INCORPORATED, having an address at c/o Donovan LLP, 152 Madison Avenue, 14th Floor, New York, New York 10016 ("Grantor") and 101 LINCOLN ASSOCIATES PROPERTY LLC, having an address c/o The Chetrit Group LLC, 512 Seventh Avenue, 15th Floor, New York, New York 10018 ("Grantee").

WITNESSETH, that Grantor, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby grant and release unto Grantee and Grantee's successors and assigns forever:

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

See "Schedule A" Attached Hereto.

Premises known as and by the street address 101 Lincoln Avenue, Bronx, New York, and designated as Block 2316, Lot 1, as shown on the Tax Map.

Being and intended to be the same premises conveyed to the Grantor (formerly known as Gerosa Haulage & Warehouse Corporation) by deed from G.B. Holding Corporation, dated December 20, 1965 and recorded on December 30, 1965 in Liber 2698 Page 49, less that portion that was appropriated by the New York State Department of Transportation as shown on Maps recorded in Reel 514, Page 1316.

TOGETHER with (a) all right, title and interest, if any, of Grantor in and to any streets and roads abutting the above described premises to the center lines thereof and (b) the appurtenances and all the estate and rights of Grantor in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto Grantee and Grantee's successors and assigns forever.

AND GRANTOR covenants that Grantor has not done or suffered anything whereby the said premises have been encumbered in any way whatsoever, except as aforesaid.

AND GRANTOR, in compliance with Section 13 of the Lien Law, covenants that Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

[Remainder of Page Intentionally Left Blank]

77584
\$127,000.00
AP: JAH
\$840,000.00

IN WITNESS WHEREOF, Grantor has duly executed this Deed the day and year first above written.

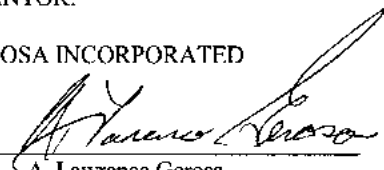
IN PRESENCE OF:



WITNESS

GRANTOR:

GEROSA INCORPORATED

By: 

A. Lawrence Gerosa
President

STATE OF NEW YORK)

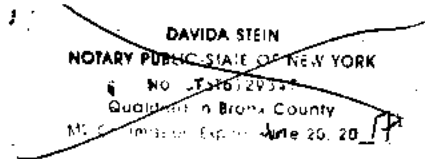
ss.:

COUNTY OF NEW YORK)

On the 17th day of November, 2014, before me, the undersigned, A. Lawrence Gerosa, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



NOTARY PUBLIC



Davida Stein
Notary Public, State of NY
No. 01ST6129347
Qualified in Bronx Co.
Comm. Exp. 6/20/17

SCHEDULE A

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE BOROUGH AND COUNTY OF BRONX, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF BRUCKNER (FORMERLY SOUTHERN) BOULEVARD AND LINCOLN AVENUE AND RUNNING THENCE SOUTHERLY ALONG THE WESTERLY LINE OF LINCOLN AVENUE 240 FEET TO OLD HIGH WATER MARK ON THE EASTERLY SHORE OF HARLEM RIVER;

THENCE NORTHWESTERLY ALONG THE LINE OF OLD HIGH WATER MARK ABOUT 411.73 FEET TO THE EASTERLY LINE OF THE PROPERTY ACQUIRED BY THE MAYOR, ALDERMEN AND COMMONALTY OF THE CITY OF NEW YORK IN THE PROCEEDING COMMONLY KNOWN AS THE THIRD AVENUE BRIDGE PROCEEDING;

THENCE NORTHEASTERLY AND ALONG SAID EASTERLY LINE 54.893 FEET TO THE SOUTHERLY LINE OF BRUCKNER (FORMERLY SOUTHERN) BOULEVARD:

THENCE EASTERLY ALONG THE SOUTHERLY LINE OF BRUCKNER (FORMERLY SOUTHERN) BOULEVARD ABOUT 333.16 FEET TO THE POINT OR PLACE OF BEGINNING.

AND ALSO ALL THE RIGHT, TITLE AND INTEREST IN AND TO THE LANDS, RIGHTS, AND PRIVILEGES GRANTED TO LEWIS MORRIS BY LETTERS PATENT UNDER THE GREAT SEAL OF THE STATE OF NEW YORK DATED AUGUST 14, 1851, AND RECORDED IN THE BOOK OF PATENTS NO. 31, PAGE 173 AND CONVEYED BY THE EXECUTOR OF THE SAID LEWIS MORRIS TO CLARENCE S. BROWN BY DEED BEARING DATE OF NOVEMBER 16, 1865, AND RECORDED IN THE OFFICE OF THE REGISTER OF WESTCHESTER COUNTY IN LIBER 619 OF DEEDS AT PAGE 435, AND CONVEYED BY SAID CLARENCE S. BROWN TO BRYAN LAWRENCE BY DEED BEARING DATE MAY 12, 1868, AND RECORDED IN THE OFFICE OF THE REGISTER OF WESTCHESTER COUNTY IN LIBER 673 OF DEEDS AT PAGE 467 ON MAY 14, 1868, OF, IN AND TO ALL THAT PART OF THE SAME BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE LINE OF OLD HIGH WATER MARK ON THE WESTERLY LINE OF LINCOLN AVENUE AT A POINT DISTANT 240 FEET SOUTHERLY FROM THE SOUTHWESTERLY CORNER OF BRUCKNER (FORMERLY SOUTHERN) BOULEVARD AND LINCOLN AVENUE;

RUNNING THENCE SOUTHERLY ALONG THE WESTERLY LINE OF LINCOLN AVENUE 190 FEET, MORE OR LESS, TO THE OLD BOUNDARY LINE BETWEEN THE COUNTIES OF NEW YORK AND WESTCHESTER;

THENCE NORTHWESTERLY ALONG THE OLD BOUNDARY LINE BETWEEN THE COUNTIES OF NEW YORK AND WESTCHESTER ABOUT 518.205 FEET TO THE EASTERLY LINE OF THE PROPERTY ACQUIRED BY THE MAYOR, ALDERMEN, COMMONALTY OF THE CITY OF NEW YORK IN THE PROCEEDING COMMONLY KNOWN AS THE THIRD AVENUE BRIDGE PROCEEDING;

THENCE NORTHEASTERLY ALONG SAID EASTERLY LINE 186.971 FEET TO THE OLD HIGH WATER LINE OF THE EASTERLY SHORE OF THE HARLEM RIVER;

THENCE SOUTHEASTERLY ALONG OLD HIGH WATER LINE OF THE HARLEM RIVER ABOUT 411.73 FEET TO THE WESTERLY LINE OF LINCOLN AVENUE AT THE POINT OR PLACE OF BEGINNING.

LESS THAT TAKEN IN APPROPRIATION RECORDED IN LIBER 514 PAGE 1316, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WESTERLY STREET LINE OF LINCOLN AVENUE, SAID POINT BEING 130.54 FEET DISTANT SOUTHERLY, MEASURED AT RIGHT ANGLES FROM STATION A129+21.55 OF A SURVEY BASELINE HEREINAFTER DESCRIBED, THENCE ALONG THE DIVIDING LINE BETWEEN LANDS OF THE CITY OF NEW YORK, REPUTED OWNER ON THE SOUTH AND GEROSA HAULING CORP., REPUTED OWNER ON THE NORTH, N 63°-56'-17"W, A DISTANCE OF 392.53 FEET TO POINT, SAID POINT BEING 3.41 FEET DISTANT SOUTHERLY, MEASURED AT RIGHT ANGLES FROM STATION A124+71.24 OF SAID BASELINE, THENCE THROUGH LANDS OF GEROSA HAULING CORP., REPUTED OWNER, THE FOLLOWING FOUR (4) COURSES AND DISTANCES. ONE (1), N62°-24'-40"E, A DISTANCE OF 2.40 FEET TO A POINT, SAID POINT BEING 3.06 FEET DISTANT SOUTHERLY, MEASURED AT RIGHT ANGLES FROM STATION A124+73.61 OF SAID BASELINE, THENCE TWO (2), S64°-55'-35"E, A DISTANCE OF 266.00 FEET TO A POINT, SAID POINT BEING 125.06 FEET DISTANT SOUTHERLY, MEASURED AT RIGHT ANGLES FROM STATION A127+96.34 OF SAID BASELINE. THENCE THREE (3), N25°-04'-26"E, A DISTANCE OF 35.26 FEET TO A POINT, SAID POINT BEING 89.81 FEET DISTANT SOUTHERLY, MEASURED AT RIGHT ANGLES FROM STATION A127+95.44 OF SAID BASELINE, THENCE FOUR (4), S64°-55'-35"E, A DISTANCE OF 104.49 FEET TO A POINT IN THE WESTERLY STREET LINE OF LINCOLN AVENUE, SAID POINT BEING 87.14 FEET DISTANT SOUTHERLY, MEASURED AT RIGHT ANGLES FROM STATION A128+99.90 OF SAID BASELINE, THENCE ALONG SAID STREET LINE, S0°-01'-39"W, A DISTANCE OF 48.50 FEET TO THE POINT OR PLACE OF BEGINNING, BEING 8,033+- SQUARE FEET, OR 0.138 ACRES, MORE OR LESS.

THE ABOVE MENTIONED BASELINE IS A PORTION OF A BASELINE MADE JUNE, 1981 AND DESCRIBED AS FOLLOWS:

BEGINNING AT BASELINE POINT TA-8, STATION A122 +34.48, RUNNING THENCE S56°-21'-02"E TO BASELINE POINT TA-9, STATION A123+52.37 RUNNING THENCE S60°-23'-43"E TO BASELINE POINT TA-10, STATION A124+54.99, RUNNING THENCE N70°-51' 14"E TO BASELINE POINT TA-11, STATION A126+54.90, RUNNING THENCE 68°-27'-50"E TO BASELINE POINT S14, STATION A129+52.77 WHICH EQUALS STATION 129+30.85.

BEARINGS SHOWN HEREON REFER TO THE MONUMENT SYSTEM OF THE BOROUGH OF THE BRONX, AND ARE IN THE TENTH AVENUE MERIDIAN.

MORE PARTICULARLY DESCRIBED AS:

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE BOROUGH AND COUNTY OF BRONX, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF BRUCKNER (FORMERLY SOUTHERN) BOULEVARD AND THE WESTERLY SIDE OF LINCOLN AVENUE AND RUNNING THENCE IN A SOUTHERLY DIRECTION 381.20';

THENCE NORTH 64 DEGREES 55 MINUTES 35 SECONDS WEST A DISTANCE OF 104.49';

THENCE SOUTH 25 DEGREES 04 MINUTES 26 SECONDS WEST A DISTANCE OF 35.26';

THENCE NORTH 64 DEGREES 55 MINUTES 35 SECONDS WEST A DISTANCE OF 266.00';

THENCE SOUTH 62 DEGREES 24 MINUTES 40 SECONDS WEST A DISTANCE OF 2.40' TO THE OLD HIGH WATER LINE OF THE EASTERLY SHORE OF THE HARLEM RIVER;

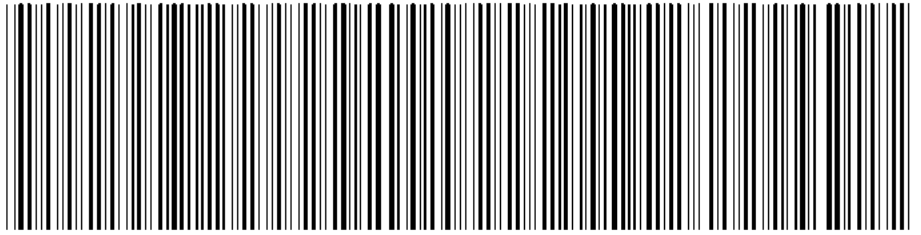
THENCE NORTHWESTERLY ALONG THE OLD HIGH WATER LINE OF THE EASTERLY SHORE OF THE HARLEM RIVER 125.675' TO THE EASTERLY LINE OF THE PROPERTY ACQUIRED BY THE MAYOR, ALDERMEN, COMMONALITY OF THE CITY OF NEW YORK IN THE PROCEEDING COMMONLY KNOWN AS THE THIRD AVENUE BRIDGE PROCEEDING;

THENCE NORTHEASTERLY AND ALONG SIDE EASTERLY LINE 241.864' TO THE SOUTHERLY LINE OF BRUCKNER (FORMERLY SOUTHERN) BOULEVARD;

THENCE EASTERLY ALONG THE SOUTHERLY LINE OF BRUCKNER (FORMERLY SOUTHERN) BOULEVARD ABOUT 333.16' TO THE POINT OR PLACE OF BEGINNING.

FOR INFORMATION ONLY: SAID PREMISES ALSO KNOWN AS 101 LINCOLN AVENUE, BRONX, NY.

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



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SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

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DEP CUSTOMER REGISTRATION FORM FOR WATER AND SEWER BILLING

1

RP - 5217 REAL PROPERTY TRANSFER REPORT

3

FOR CITY USE ONLY

C1. County Code C2. Date Deed Recorded / /
 Month Day Year

C3. Book OR C4. Page
 C5. CRFN



REAL PROPERTY TRANSFER REPORT
 STATE OF NEW YORK
 STATE BOARD OF REAL PROPERTY SERVICES
RP - 5217NYC

PROPERTY INFORMATION

1. Property Location 101 LINCOLN AVENUE BRONX 10454
 STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name 101 LINCOLN ASSOCIATES PROPERTY LLC
 LAST NAME / COMPANY FIRST NAME
 FIRST NAME

3. Tax Billing Address Indicate where future Tax Bills are to be sent if other than buyer address (at bottom of form)
 LAST NAME / COMPANY FIRST NAME
 STREET NUMBER AND STREET NAME CITY OR TOWN STATE ZIP CODE

4. Indicate the number of Assessment Roll parcels transferred on the deed 1 # of Parcels OR Part of a Parcel

- 4A. Planning Board Approval - N/A for NYC
 4B. Agricultural District Notice - N/A for NYC
 Check the boxes below as they apply:
 6. Ownership Type is Condominium
 7. New Construction on Vacant Land

5. Deed Property Size FRONT FEET X DEPTH OR ACRES

6. Seller Name GEROSA INCORPORATED
 LAST NAME / COMPANY FIRST NAME
 FIRST NAME

9. Check the box below which most accurately describes the use of the property at the time of sale:
 A One Family Residential C Residential Vacant Land E Commercial G Entertainment / Amusement I Industrial
 B 2 or 3 Family Residential D Non-Residential Vacant Land F Apartment H Community Service J Public Service

SALE INFORMATION

10. Sale Contract Date 4 / 17 / 2014
 Month Day Year

11. Date of Sale / Transfer 11 / 13 / 2014
 Month Day Year

12. Full Sale Price \$ 3,200,000.00

(Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.

13. Indicate the value of personal property included in the sale

14. Check one or more of these conditions as applicable to transfer:

- A Sale Between Relatives or Former Relatives
 B Sale Between Related Companies or Partners in Business
 C One of the Buyers is also a Seller
 D Buyer or Seller is Government Agency or Lending Institution
 E Deed Type not Warranty or Bargain and Sale (Specify Below)
 F Sale of Fractional or Less than Fee Interest (Specify Below)
 G Significant Change in Property Between Taxable Status and Sale Dates
 H Sale of Business is Included in Sale Price
 I Other Unusual Factors Affecting Sale Price (Specify Below)
 J None


ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

15. Building Class G 1 16. Total Assessed Value (of all parcels in transfer) 1,974,600

17. Borough, Block and Lot / Roll Identifier(s) (If more than three, attach sheet with additional identifier(s))
 BRONX 2316 1

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER			BUYER'S ATTORNEY	
 BUYER SIGNATURE	11/12/2014 DATE		LAST NAME	FIRST NAME
C/O THE CHEVRIER GROUP LLC 512 SEVENTH AVENUE, 15TH FLOOR				
STREET NUMBER	STREET NAME (AFTER SALE)		AREA CODE	TELEPHONE NUMBER
NEW YORK				SELLER
CITY OR TOWN	NY STATE	10018 ZIP CODE	SELLER SIGNATURE	DATE

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER		BUYER'S ATTORNEY	
11/13/2014 <small>DATE</small>		TRAN <small>LAST NAME</small>	
C/O THE CHETRIT GROUP LLC 512 SEVENTH AVENUE, 15TH FLOOR <small>BUYER SIGNATURE</small>		ARI <small>FIRST NAME</small>	
NEW YORK <small>STREET NAME (AFTER SALE)</small>		212 <small>AREA CODE</small>	328-0248 <small>TELEPHONE NUMBER</small>
NEW YORK <small>CITY OR TOWN</small>	NY <small>STATE</small>	10018 <small>ZIP CODE</small>	<i>[Signature]</i> <small>SELLER SIGNATURE</small>
			11/13/2014 <small>DATE</small>



The City of New York
 Department of Environmental Protection
 Bureau of Customer Services
 59-17 Junction Boulevard
 Flushing, NY 11373-5108

Customer Registration Form for Water and Sewer Billing

Property and Owner Information:

- (1) Property receiving service: BOROUGH: BRONX BLOCK: 2316 LOT: 1
- (2) Property Address: 101 LINCOLN AVENUE, BRONX, NY 10454
- (3) Owner's Name: 101 LINCOLN ASSOCIATES PROPERTY LLC
- Additional Name:

Affirmation:

Your water & sewer bills will be sent to the property address shown above.

Customer Billing Information:

Please Note:

- A. Water and sewer charges are the legal responsibility of the owner of a property receiving water and/or sewer service. The owner's responsibility to pay such charges is not affected by any lease, license or other arrangement, or any assignment of responsibility for payment of such charges. Water and sewer charges constitute a lien on the property until paid. In addition to legal action against the owner, a failure to pay such charges when due may result in foreclosure of the lien by the City of New York, the property being placed in a lien sale by the City or Service Termination.
- B. Original bills for water and/or sewer service will be mailed to the owner, **at the property address or to an alternate mailing address**. DEP will provide a duplicate copy of bills to one other party (such as a managing agent), however, any failure or delay by DEP in providing duplicate copies of bills shall in no way relieve the owner from his/her liability to pay all outstanding water and sewer charges. Contact DEP at (718) 595-7000 during business hours or visit www.nyc.gov/dep to provide us with the other party's information.

Owner's Approval:

The undersigned certifies that he/she/it is the owner of the property receiving service referenced above; that he/she/it has read and understands Paragraphs A & B under the section captioned "Customer Billing Information"; and that the information supplied by the undersigned on this form is true and complete to the best of his/her/its knowledge.

Print Name of Owner:

101 Lincoln Associates Property LLC

Signature: _____

Date (mm/dd/yyyy)

Name and Title of Person Signing for Owner, if applicable:

ATTACHMENT D

Port Morris / Bruckner Boulevard Rezoning

CITY PLANNING COMMISSION

August 19, 2009/Calendar No. 20

C 090365 ZMX

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City charter for an amendment of the Zoning Map, Section Nos.3b and 6a:

1. eliminating from within an existing R7-1 District a C1-4 District bounded by Morris Avenue a line 100 feet northeasterly of East 161st Street, a line 100 feet southeasterly of Morris Avenue, and East 161st Street;
2. eliminating from within an existing R8 District a C1-4 District bounded by River Avenue, a line 250 feet northeasterly of East 161st Street, East 162nd Street, Gerard Avenue, East 161st Street, a line midway between Gerard Avenue and Walton Avenue, a line 100 feet southwesterly of East 161st Street, a line midway between River Avenue and Gerard Avenue, and a line 150 feet northeasterly of East 158th Street;
3. changing from an R7-1 District to an R8A District property bounded by East 162nd Street and its southeasterly prolongation, Park Avenue, East 161st Street, and Morris Avenue;
4. changing from an R8 District to a C6-2 District property bounded by East 161st Street, Concourse Village West, a line 50 feet northeasterly of East 159th Street, and a line 100 feet northwesterly of Concourse Village West;
5. changing from a C4-6 District to a C6-2 District property bounded by a line 140 feet northeasterly of East 161st Street, Sheridan Avenue, East 161st Street, and a line 100 feet northwesterly of Sheridan Avenue;
6. changing from a C8-3 District to a C6-2 District property bounded by East 161st Street, Concourse Village East, a line 150 feet southwesterly of East 161st Street, and Concourse Village West;
7. changing from an R8 District to a C6-3D District property bounded by River Avenue, a line 250 feet northeasterly of East 161st Street, East 162nd Street, Gerard Avenue, East 161st Street, a line midway between Gerard Avenue and Walton Avenue, a line 110 feet southwesterly of East 161st Street, a line midway between River Avenue and Gerard Avenue, and a line 150 feet northeasterly of East 158th Street
8. changing from a C8-3 District to a C6-3D District property bounded by River Avenue, a line 150 feet northeasterly of East 158th Street, a line midway between River Avenue and Gerard Avenue, and a line perpendicular to the southeasterly street line of River Avenue distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of River Avenue and the northeasterly street line of East 153rd Street; and

9. establishing within the proposed R8A district a C2-4 District bounded by East 162nd Street, a line 100 feet southeasterly of Morris Avenue, a line midway between East 161st Street and East 162nd Street, a line 100 feet northwesterly of Park Avenue, a line 100 feet northeasterly of East 161st Street, a line perpendicular to the northeasterly street line of East 161st Street distant 100 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of East 161st Street and the northwesterly street line of Park Avenue, East 161st Street, and Morris Avenue;

Borough of the Bronx, Community District 4 as shown on a diagram (for illustrative purposes only) dated March 30, 2009 and subject to the conditions of CEQR Declaration E-225.

The application for an amendment of the Zoning Map was filed by the Department of City Planning on March 25, 2009. The requested action, in conjunction with the related zoning text amendment (N 090364 ZRY), would facilitate redevelopment of the 161st Street and River Avenue corridors in Community District 4, Borough of the Bronx.

RELATED ACTION

In addition to the proposed amendments to the Zoning Map, which is the subject of this report (C 090365 ZMX), implementation of the proposal, also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

N 090364 ZRY: An amendment of the Zoning Resolution, establishing the C6-3D and R9D zoning designations, applying the Inclusionary Housing program to the rezoning area and amending related sections of the Zoning Resolution

BACKGROUND

The Department of City Planning (DCP) proposes to rezone all or portions of eight blocks in three areas along the 161st Street and River Avenue corridors to provide opportunities for new residential, commercial, and community facility development in the civic heart of the Bronx. In conjunction with the rezoning, DCP proposes to create a new zoning district (C6-3D) to facilitate development along River Avenue with its elevated subway line and to employ the Inclusionary Housing Program to encourage development of affordable housing. The 161st Street / River Avenue rezoning is located in Community District 4, and is

generally bounded by River Avenue on the west, East 162nd Street to the north, Park Avenue to the east, and East 159th and East 153rd streets to the south.

The 161st Street corridor includes a variety of land uses ranging from Yankee Stadium at River Avenue, to the Bronx County Courthouse and Borough Hall at the center of the corridor, and the New York City Housing Authority (NYCHA) Morrisania Air Rights development at Park Avenue. The area has ample access to mass transit including the B, D and 4 subway lines at 161st Street and River Avenue and the Bx1, Bx2, Bx6, Bx13, Bx15, Bx21, Bx32, Bx41, Bx55 bus lines, express bus service to Manhattan along the Grand Concourse (BxM4A/ BxM4B), and the Metro- North Melrose Station and a new Metro-North Yankees/153rd Street Station, which opened in May 2009 adjacent to the proposed Heritage Field Park, site of the old Yankee Stadium.

Despite the civic uses and rich access to transit, underutilized one-story properties and seasonal uses are common. Current zoning, which has largely been in place since 1961, unduly limits reasonable residential and commercial expansion in the transit accessible civic center of the Bronx. In addition, current zoning encourages uses and densities that are incompatible with surrounding residential and civic uses.

The Department's proposal seeks to:

Provide opportunities for commercial expansion

As the civic center of the Bronx, the 161st Street corridor is appropriate for additional office and retail development that would cater to legal and court-related offices and employees in the area as well as to nearby residents.

Provide opportunities for residential development

Over the past two decades, the Bronx has experienced a substantial amount of new housing construction, rebounding from the disinvestment and population loss experienced during the 1970s and 1980s. However, most city-owned sites have been developed or are programmed for development, leaving a shortage of available sites for new residential development. With the population of New York City expected to increase by a million people and the Bronx by more than 100,000 by the year 2030, new areas are needed to accommodate this growth.

Encourage the development of new affordable housing

There is a need for affordable housing in the South Bronx and in the city as a whole. Mayor Bloomberg's New Housing Marketplace Plan has set a goal of creating over 165,000 units of affordable housing over 10 years. Establishing select portions of the corridor as an Inclusionary Zoning area would encourage the provision of new permanently-affordable housing in new housing developments in order to help meet the affordable housing needs of the community.

Direct new development to areas with transit access

The proposed rezoning would encourage residential and commercial expansion in a transit-rich, high-profile area of the Bronx. The rezoning proposal includes the creation of a new zoning district (C6-3D) that will include special design controls to facilitate high-density development near an elevated train line.

Strengthen the 161st Street corridor

The proposed rezoning would strengthen the urban design and appeal of a high-profile and significant corridor in the Bronx by requiring new development to provide a contextual street wall built at or near the street line. The proposal would enliven the street level and improve local services by encouraging the redevelopment of vacant and underutilized lots along the corridor's length, better connecting existing civic and residential uses and transportation infrastructure.

Context and History

The 161st Street/River Avenue rezoning area is located in the southwest portion of the Bronx in Community District 4, a transit-rich area that is the civic administrative center of Bronx County, housing the offices of the Borough President, the District Attorney and the County Clerk, as well as the Bronx County Family Court, the Bronx Criminal Court Complex, and the newly constructed Bronx Hall of Justice. The Bronx Borough Hall is prominently located along the Grand Concourse at East 161st Street, between Joyce Kilmer Park and Franz Sigel Park.

161st Street is a high-profile east-west corridor in the Bronx. At its civic core, it intersects the Grand Concourse, which is the Bronx' signature street, a wide boulevard (180 feet wide)

featuring wide sidewalks, tree-lined malls, and a system of underpasses for major east-west streets. To the west, 161st Street is accessible to the Major Deegan Expressway. To the east, 161st Street intersects Third Avenue, another key north-south street in the borough.

The area surrounding 161st Street was mostly farmland until the introduction of rail transit in the latter part of the 1800's brought the way to greater urbanization and development in the area. The early 20th Century defined 161st Street as the civic center of the Bronx with the construction of the Bronx Borough Courthouse, now inactive, at the intersection of 161st Street, Brook and Third avenues. In 1923, Yankee Stadium was constructed at the southwest corner of 161st Street and River Avenue. In 1933, New Deal public funds allowed the construction of the Bronx County Courthouse at the Grand Concourse and 161st Street.

In the decades following the Second World War, the southern Bronx was the site of widespread abandonment. Arson and neglect forced large portions of the population to leave the area. The Melrose neighborhood east of the rezoning area was hit especially hard, losing almost three-quarters of its residents, as populations fled the South Bronx.

Today the area is a stable, growing community. Melrose Commons continues to attract population to the area with home ownership opportunities on formerly city-owned properties. The art deco buildings of the Grand Concourse, spared the devastation that much of the community experienced in the 1970s, remain an architectural hallmark of the Bronx.

Recent investments in the area surrounding the 161st Street corridor have led to the renewal of the civic center of the Bronx and the South Bronx overall. Recent investments include the new Yankee Stadium, on the northwest corner of 161st Street and River Avenue. Parks are planned for the existing Yankee Stadium site, and sites along River Avenue and the Harlem River. The Gateway Center, will bring approximately one million square feet of new retail space south of the proposed rezoning area at 149th Street and the Major Deegan Expressway, and will include additional waterfront parks.

Lou Gehrig Plaza, which formerly was used for parking in front of Bronx Borough Hall, was reconstructed as a new public space as part of the Department of Transportation's Grand Concourse reconstruction project. Joyce Kilmer Park has undergone extensive phased renovation; over the past decade, the Department of Parks and Recreation has

improved all areas of the park, including the Lorelei Fountain area, playground, pathways, fencing and benches. A Greenmarket is open in the park on Tuesdays for five months of the year. At the center of the 161st Street corridor is the new Bronx Hall of Justice, which includes approximately 670,000 square feet of office space for 47 courtrooms and court-related agencies.

The eastern section of the 161st Street corridor runs through the Melrose Commons Urban Renewal Area. Since the renewal plan was established in 1994, more than 2,300 affordable dwelling units and approximately 60,600 square feet of commercial floor area have been built or are currently under construction. In addition, Boricua Village, currently under construction in Melrose Commons along Third Avenue, will accommodate a campus for Boricua College, as well as approximately 700 residential units and 30,000 square feet of commercial space.

Land Use and Existing Zoning

The 161st Street corridor is largely built out; therefore the rezoning is focused on three strategic nodes. From west to east, the three nodes are: the Transit Node, the Civic Node and the Residential Node. Land uses and zoning differ in each node.

Transit Node

Defined as the block fronts on River Avenue from 162nd Street south to 153rd Street and the block fronts on 161st Street from River Avenue east to Walton Avenue, the Transit Node is centered on a transit hub that includes stations for the elevated 4 line and the B and D subway lines, bus lines, and a new Metro-North commuter rail station on the western side of the existing Yankee Stadium/proposed Heritage Field. The rezoning area consists of one- and two-story commercial uses, including a McDonald's restaurant and seasonal baseball-oriented bars and souvenir shops, surface and enclosed parking. Two parking lots on River Avenue on the North and South corner of 157th Street were mapped as parkland as part of the New Yankee Stadium project. The surrounding area is characterized by Yankee Stadium, 6 to 8-story apartment buildings, and parkland. The Transit Node is currently zoned C8-3 and R8 with a C1-4 overlay.

Civic Node

At the center of the 161st Street corridor is the Civic Node, which is defined as the block fronts on 161st Street between Walton Avenue and Morris Avenue. This area is anchored by two major court houses and the Grand Concourse, which intersects 161st Street here. Uses in the area to be rezoned consist of a parking garage, low-scale retail and office uses, a portion of the Concourse Plaza Mall parking lot, and two 10-story office buildings.

Surrounding the rezoning area are the Bronx Criminal Court Complex, the new Bronx Hall of Justice, 6- to 8-story apartment buildings, a 10-story senior housing residential building (the former Concourse Plaza Hotel), and 25-story Concourse Village co-operative housing to the south of the Concourse Plaza Mall. The Civic Node is currently zoned R8, C8-3 and C4-6.

Residential Node

The Residential Node is one full block at the eastern end of the rezoning area north of 161st Street between Morris and Park avenues. The block is characterized by single-story commercial uses, low-scale detached residential buildings, a low-scale community facility, and a 6-story residential building. Open parking uses are also found on the block. The area surrounding the block includes the 19-story NYCHA housing on Park Avenue, the 150 foot tall Bronx Hall of Justice, and an 8-story senior housing development across 161st Street. The Residential Node is currently zoned R7-1 with C1-4 and C2-4 overlays over small portions of the 161st Street block front.

Existing Zoning

R7-1

The R7-1 district is a height factor district that allows residential uses to a maximum floor area ratio (FAR) of 3.44 and community facility uses up to 4.8 FAR. There is no maximum building height, and the building envelope is regulated by the sky exposure plane. The optional Quality Housing regulations allow residential development to a maximum permitted FAR of 4.0 on a wide street and 3.44 on a narrow street. Under Quality Housing rules, the base height of the building at the street must be between 40-65 feet then must set back from the street before rising to a maximum building height of 80 feet. Off-street

parking is required for 60% of the residential units (50% for Quality Housing developments).

R8

The R8 district is a height factor district that allows residential uses up to an FAR of 6.02. Community facilities are permitted at an FAR of 6.5. There is no maximum building height, and the building envelope is regulated by the sky exposure plane. The optional Quality Housing regulations allow residential development a maximum permitted FAR of 7.2 on a wide street and 6.02 on a narrow street. Under Quality Housing rules, the base height of the building at the street must be between 60 to 80 feet then must set back from the street before rising to a maximum building height of 120 feet. Off-street parking is required for 40% of the residential units.

C1-4 and C2-4 Overlays

C1-4 and C2-4 are commercial overlay districts mapped within residential districts. When mapped within an R7 or R8 district, they allow commercial uses up to 2.0 FAR and limit uses to local retail and services. In a mixed residential/commercial building, commercial uses are limited to the ground floor. C2 districts allow a greater range of uses than C1 districts, including funeral homes and local repair services. Typical uses in both districts include grocery store, beauty salon, and restaurants. Off-street parking regulations for both districts vary with use, but generally most uses require one accessory parking space per 1,000 square feet of commercial space.

C8-3

The C8-3 district allows commercial and community facility uses in Use Groups 4 through 14 and 16. The most prevalent uses in C8 districts are automotive and heavy commercial uses such as auto repair and showrooms, warehouses, gas stations and car washes. Residential uses are not permitted. The maximum commercial FAR in C8-3 districts is 2.0. Community facilities are permitted an FAR of 6.5. There is no maximum building height, and the building envelope is regulated by the sky exposure plane. Off-street parking requirements vary with the use, but generally most uses require one accessory parking space per 1,000 square feet of commercial space.

C4-6

The C4-6 district allows residential, commercial and community facility uses. The maximum permitted FAR is 10.0 for community facilities and residential uses and 3.4 for commercial uses. There are no building height limits in this district and building envelopes are regulated by the sky exposure plane. Under optional Quality Housing rules, the base height of the building at the street must be between 125-150 feet then must set back from the street before rising to a maximum building height of 210 feet on a wide street and 185 feet on a narrow street.

The Special Grand Concourse District (C) is mapped along the Grand Concourse intersecting 161st Street between the Transit Node and the Civic Node. The special district was established in 1989 to protect the scale, form and residential character of the Grand Concourse; the special district will not be affected by the 161st Street rezoning proposal.

Proposed Zoning

The Department proposes zoning map changes within the three nodes described previously. In addition DCP proposes amendments to the Zoning Resolution to establish a new zoning district (C6-3D) to facilitate development along the elevated #4 line and to employ the Inclusionary Housing Program in the 161st Street area to encourage development of affordable housing.

Transit Node

In the Transit Node, the proposed zoning would facilitate greater residential and commercial development surrounding the high-profile transit-rich intersection of East 161st Street and River Avenue. Current C8-3 zoning prohibits residential uses. Portions of three blocks generally located along River Avenue south of East 161st Street and north of East 153rd Street would be rezoned from C8-3 to C6-3D and portions of three blocks generally located along East 161st Street between River Avenue and Walton Avenue, south of East 162nd Street and north of East 158th Street would be rezoned from R8/C1-4 to C6-3D.

C6-3D

The related zoning text amendment (N 090364 ZRY) would establish a new C6-3D zoning district. The proposed C6-3D district would allow high-density residential, commercial and

community facility uses with a maximum FAR of 9.0. The related text amendment would also apply the Inclusionary Housing Program to the proposed C6-3D rezoning area. Under the Inclusionary Housing Program, the maximum base residential FAR in the C6-3D would be 7.52; however, developments utilizing the Inclusionary Housing Program bonus could achieve a maximum FAR of 10.0.

Building Form: The C6-3D bulk regulations are designed to facilitate tower development adjacent to an elevated train line . To allow light and air below the tracks and reduce street-level noise, a 15 to 25 foot building base would be required on sites that front the elevated structure, although a secondary base would be allowed to reach a total height of 60 to 85 feet. Where a lot is immediately adjacent to a park the 15 to 25 foot base would not be required. Both the secondary base and the unlimited height tower would be required to set back a minimum of 20 feet from the lot line that fronts the elevated tracks (for sites less than 110 feet deep, the setback would be reduced to between 10 to 19 feet). For a new building where a neighboring existing building with windows is located within 30 feet of an adjacent lot line, a minimum 15-foot setback from the lot line would be required.

Pedestrian Improvements: On corner sites that front an elevated line, a corner setback at the ground level would be required to create additional pedestrian circulation space (a corner setback would be optional on street corners where neither street fronts on an elevated train). In addition, if an existing subway station entrance fronts a property, new development would be required to improve and relocate the subway entrance inside the new building. Sidewalk widening requirements would apply along all wide streets within the rezoning area.

Parking: Parking would be required for 40% of the residential units. There would be reduced parking requirements for public, publicly-assisted and government assisted housing. No parking would be required for commercial or community facility uses.

Civic Node

In the Civic Node, zoning changes would facilitate development of retail uses and office space, allow residential development, and prevent the development of industrial and automotive uses in the heart of the civic center.

C6-2

Portions of three blocks within the Civic Node would be rezoned to C6-2:

- A portion of one block generally located along the south side of East 161st Street between Concourse Village West and Concourse Village East would be rezoned from C8-3.
- A portion of the block located at the northeast corner of East 161st Street and Sheridan Avenue would be changed from C4-6.
- A portion of the block generally located at the southeast corner of 161st Street and Concourse Village West would be rezoned from R8.

The C6-2 district would allow high-density residential, commercial and community facility uses with a maximum permitted FAR of 6.02, 6.0 and 6.5, respectively. C6-2 is an R8 residential equivalent district. There is no maximum building height, and the building envelope is regulated by the sky exposure plane. Because C6 districts are mapped in areas well served by mass transit, no parking is required for commercial and community facility uses. Off-street parking is required for 40% of the residential units.

The optional Quality Housing regulations allow residential development a maximum permitted FAR of 7.2 on a wide street and 6.02 on a narrow street. Under Quality Housing rules, the base height of the building at the street may rise between 60 to 80 feet then must set back from the street before rising to a maximum building height of 120 feet.

Residential Node

In the Residential Node, zoning changes would facilitate development of retail and residential uses and expand the commercial uses allowed in an area of the 161st Street corridor that connects the civic heart of the Bronx with the Melrose Metro-North station and Melrose Commons to the east.

R8A

The block bounded by East 161st Street, Morris Avenue, Park Avenue/Teller Avenue and East 162nd Street, would be rezoned from R7-1 to R8A. The R8A zoning designation

would allow higher-density development with a contextual envelope that would match existing and proposed buildings in the Melrose Commons area.

The Inclusionary Housing Program would be employed in the Residential Node as part of the related zoning text amendment. Under the Inclusionary Housing Program, the maximum base residential FAR in the R8A would be 5.4; however, developments utilizing the Inclusionary Housing Program bonus could achieve a maximum FAR of 7.2. The proposed R8A would allow community facility uses up to a maximum FAR of 6.5. The base height of the building at the street must be between 60 to 85 feet and the building then must set back from the street before rising to a maximum building height of 120 feet. Off-street parking is required for 40% of the residential units.

Commercial Overlays

The existing C2-4 overlay, which is mapped to a depth of 100 feet along Teller Avenue, Park Avenue and for a length of 100 feet along 161st Street, would be extended to cover the entire block front along 161st Street, between Park Avenue and Morris Avenue and the entire block front along Morris Avenue between 161st Street and 162nd Street, including the small area on the southwest corner of the block that is currently mapped C1-4. The proposed change would allow commercial uses along 161st Street where today such uses are prohibited and activate the street level on a block that connects the civic center with the Metro-North station and Melrose Commons. The change from C1-4 to C2-4 would allow a greater range of uses, including local repair services. Commercial uses are allowed up to 2.0 FAR; however, in a mixed residential/commercial building, commercial uses are limited to the ground floor.

Inclusionary Housing

The related zoning text amendment (N 090364 ZRY) would also apply the Inclusionary Housing Program to the proposed R8A and C6-3D districts within the rezoning area, establishing incentives for the creation and preservation of affordable housing in conjunction with development of new housing.

For residential development without an affordable housing component, the maximum FAR within the selected areas would be limited to a base FAR of 7.52 in the C6-3D and 5.4 in the

R8A. Under the Inclusionary Housing program, developments providing affordable housing are eligible for a floor area bonus, within contextual height and bulk regulations tailored to this area. Developments could qualify for a maximum FAR of 10.0 in the C6-3D and 7.2 in the R8A by providing 20 percent of the residential floor area in the development as permanently affordable housing for low- and moderate-income households, or by constructing or preserving off-site affordable units for low-income households. Off-site units must be located within Community District 4, or within one half-mile of the bonused development if outside of Community District 4. Other city, state and federal housing finance programs may be used to provide further assistance in creating affordable units.

ENVIRONMENTAL REVIEW

This application (C 090365 ZMX) in conjunction with the related application (N 090364 ZRY) were reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 090DCP024X. The lead is the City Planning Commission.

It was determined that the proposed actions may have a significant effect on the environment and that an environmental impact statement would be required. A Positive Declaration was issued on November 12, 2008, and distributed, published and filed and the applicant was asked to prepare a Draft Environmental Impact Statement (DEIS). Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on December 16, 2008. A public scoping meeting was held on December 16, 2008. A Final Scope of Work and the Draft Environmental Impact Statement (DEIS), reflecting the comments made during the scoping meeting and during the comment period, was issued on March 20, 2009.

The applicant prepared a DEIS and the lead agency issued a Notice of Completion for the DEIS on March 27, 2009. Pursuant to the SEQRA regulations and the CEQR procedures and other relevant statutes, a joint public hearing was held on the DEIS on July 1, 2009, in conjunction with the public hearings on the related ULURP actions (C 090365 ZMX and N 090365 ZRY).

A Final Environmental Impact Statement (FEIS) was completed and a Notice of Completion of the FEIS was issued on August 7, 2009. The Notice of Completion for the FEIS identified significant impacts and proposed mitigation measures, as summarized in the following:

Traffic And Parking

According to the *CEQR Technical Manual*, a significant traffic impact can be considered mitigated if measures implemented return projected future conditions to what they would be if a proposed action were not in place, or to acceptable levels. For a Future No-Action level of service (LOS) D, E or F, mitigation back to the No-Action condition is required; for No-Action LOS A, B or C, mitigating to mid-LOS D is required (45 seconds of delay for signalized intersections, and 30 seconds of delay for unsignalized intersections).

As discussed in Chapter 3.3, “Traffic and Parking”, during non-game day conditions, the proposed action is expected to result in significant adverse traffic impacts at four intersections during the weekday AM peak hour, five intersections during the weekday PM peak hour, and two intersections during the Saturday midday peak hour. During game day conditions, the proposed action is expected to result in significant adverse traffic impacts at five intersections during the weekday PM peak hour and one intersection during the Saturday midday peak hour. A traffic mitigation plan was therefore developed to address these impacts.

The following mitigation measures would off-set impacts identified above (see chapter 3.3, “Traffic and Parking” for detailed traffic analysis) for both game day and non-game traffic conditions:

Mitigation Measures

- E. 161st Street S. Service Road at Gerard Avenue – Re-allocate one (1) second of green time from the eastbound phase to the northbound phase during the weekday PM peak period.
- E. 161st Street S. Service Road at Grand Concourse – Re-allocate two (2) seconds of green time from the eastbound phase to the northbound-southbound phase during the weekday PM peak period.
- E. 161st Street at Concourse Village East/Morris Avenue
 - Prohibit on-street parking along Concourse Village East northbound approach to accommodate one additional northbound lane. This prohibition should extend for a distance of approximately 150 feet south of E. 161st Street. This change would result in the loss of approximately six (6) existing parking spaces along Concourse Village East northbound approach.
 - Restripe Concourse Village East northbound approach to two (2) 10.5-foot wide lanes.
 - Re-allocate six (6) seconds of green time from the northbound phase to the eastbound-westbound phase during the weekday AM, midday, and PM peak periods.

- E. 161st Street at Park Avenue East and West – Re-allocate two (2) seconds of green time from the eastbound-westbound phase to the northbound-southbound phase during the weekday AM and midday peak periods.
- E. 161st Street at Melrose Avenue
 - Prohibit on-street parking along Melrose Avenue northbound approach to accommodate the northbound left-turns in a separate lane. This prohibition should extend for a distance of approximately 150 feet south of E. 161st Street. This change would result in the loss of approximately six (6) existing parking spaces along Melrose Avenue northbound approach.
 - Restripe Melrose Avenue northbound approach to a 11-foot wide, 100-foot long left-turn bay and a 13-foot wide through-right-turn lane;
 - Re-allocate four (4) seconds of green time from the northbound-southbound phase to the eastbound-westbound phase during the weekday AM and PM peak periods.
- Macombs Dam Bridge at Major Deegan Expressway (I-87) Southbound Ramps – Re-allocate one (1) second of green time from the southbound phase to the westbound left-turn movement lead phase during the weekday AM and PM and Saturday midday peak periods.

Traffic analyses indicate that there is no spare capacity at the intersection listed below in the Future Action condition and traffic impacts identified at this intersection would remain unmitigatable (see Chapter 3.9, “Unavoidable Adverse Impacts”).

- E. 149th Street at River Avenue/Exterior Street/ MDE (I-87) Northbound Off-Ramp. Despite the improved geometry and widening proposed by the Gateway Center at Bronx Terminal Market EIS, which are discussed in Chapter 3.3 (Traffic and Parking), significant traffic impacts remain which are identified below:
 - E. 149th Street westbound left-turn movement during the weekday PM peak hour
 - Exterior Street northbound left-turn movement during the weekday PM peak hour
 - MDE northbound off-ramp during the Saturday midday peak hour

Pedestrians

Pedestrian impacts would occur under Future Action conditions for the weekday PM peak and Saturday midday peak hours. Specifically there would be a marginal impact in the east crosswalk of 161st Street and River Avenue intersection during the PM peak period and the north and south crosswalk of the 161st Street and River Avenue during the Saturday midday peak period.

The results of the analysis account for a peak surge of pedestrians during worst-case (i.e. a sold out stadium) conditions. During pre-game periods, normal traffic operations are expected to be adjusted and NYPD traffic enforcement officers are expected to manage

the flow of pedestrians and traffic to help mitigate any pedestrian impacts and enhance safety. Therefore, no mitigation is proposed for the potential impacts to these crosswalks.

(E) DESIGNATIONS

As part of the Zoning Map amendment, (E) Designations would be mapped for hazardous materials, air quality, and noise. An (E) is designated on the appropriate Zoning Map (by block and lot) and indicates that on that site no change of use or development requiring a New York City Department of Buildings (DOB) permit may be issued without approval of the New York City Department of Environmental Protection (DEP). Under the proposed actions, as set forth in the FEIS, (E) designations for Hazardous Materials, Air Quality and Noise would be mapped as part of the proposed rezoning, as detailed below. A complete list of properties requiring (E) designations for hazardous materials is included in the Environmental Assessment Statement and in the FEIS for air quality and noise.

Hazardous Materials

Hazardous Material analyses were performed for the Environmental Assessment Statement. To preclude the potential for significant adverse hazardous materials impacts on any future residential, commercial or community facility uses on any of the sites an (E) designation would be incorporated into the proposed rezoning for each of the affected sites. Any site that has received an (E) designation for hazardous materials will require that the fee owner of the site conduct a testing and sampling protocol, and develop a remediation plan, where appropriate, to the satisfaction of DEP before the issuance of a building permit by the DOB (pursuant to Section 11-15 of the Zoning Resolution - Environmental Requirements).

Air Quality

Air quality analyses for heating, ventilation, and air conditioning (HVAC) systems were performed for the FEIS. To preclude the potential for significant adverse air quality impacts on other projected and potential developments from HVAC emissions, an (E) designation would be incorporated into the proposed rezoning for each of the affected sites. These "E" designations would specify the required stack set-back distance for fuel oil or the exclusive use of natural gas.

Noise

The *CEQR Technical Manual* establishes building noise attenuation requirements, based on exterior (ambient) noise levels. As part of the proposed action, (E) designations would be placed on the zoning map for select projected and potential development sites to avoid the potential for significant adverse noise impacts. Residential, commercial and community facility development on lots mapped with an (E) designation would be required to provide sufficient noise attenuation to maintain interior noise levels of 45 dBA or lower.

UNIFORM LAND USE REVIEW

On March 30, 2009, this application (C 090365 ZMX) was certified as complete by the Department of City Planning on March 30, 2009, and was duly referred to Community Board 4 and the Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b) along with the related action (N 090364 ZRY), which was referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Review

Community Board 4 held a public hearing on this and the related application (N 090364 ZRY) on May 19, 2009, and on that date, by a vote of 10 in favor, 2 opposed and 3 abstaining, adopted a resolution recommending approval of these applications.

Borough President Recommendation

The applications (C 090365 ZMX and N 090364 ZRY) were considered by the Borough President, who issued a recommendation approving the applications on June 24, 2009, subject to the following conditions:

- Assure sufficient analysis is done to identify ways to mitigate overcrowding and delays for the BX6 bus. Significant impacts (though no mitigation) were identified for the BX 13, which follow the BX6 route along East 161st Street only during rush hours. The BX6 currently has significant overflow and bunching during rush hours. The potential creation of 894 units in this rezoning, in addition to the thousands of units being created at Boricua Village, Courtlandt Corners, St. Ann's Terrace and the Melrose Commons North RFP sites; 553,484 square feet of potential office space; and 113,553 square feet of potential retail space, will only impact this line even further, as it provides a primary conduit to subway access. Bus-only lanes during rush hours should be considered.
- Mitigate the impact of a 2% increase of needed day care slots to 135% utilization. I acknowledge that this figure is below the five percent increase mitigation CEQR

threshold, but increasing need in one of the most underserved areas of the City deserves mitigation. Administration for Children's Services (ACS) is currently looking to build a facility in the area given the high need. I understand DCP is working with ACS to further analyze the matter. I hope sufficient accommodation is made to alleviate this situation.

- The Environmental Impact Statement projects school enrollment increases that exceed seat capacity, yet do not meet the CEQR threshold, it is my position that any over enrollment is unacceptable. I therefore require assurance that school seating capacity will be addressed.

In June 2008 the Bronx Borough President's Office, along with other elected officials and education advocates, engaged the Department of Education and met with Chancellor Joel Klein, to discuss Bronx neighborhoods most impacted by overcrowding. Among these were the Highbridge and West Concourse communities (CSD9). Local public education advocates remain concerned about the enrollment impact of the increase in population anticipated through 2010 and, in particular, say that there is an urgent need for a middle school in Highbridge that has to be addressed. The Department of City Planning population increase estimates for Highbridge and West Concourse are 14.1% and 4.7% respectively.

These increases are being driven by extensive subsidized housing construction with the financial support of the Community Preservation Corporation, the New York City Housing Development Corporation, the Department of Housing Preservation and Development and other sources. Since much of this housing, as aforementioned in the first bullet, is still either under construction or yet to be developed, many of the elementary and middle school students who will occupy these units were not counted in the October 2006 Blue Book data, nor were they considered in the Grier Partnership projections.

- I am profoundly concerned about the projected impacts reported in the Environmental Impact Statement (EIS) at the intersection of East 149th Street at River Avenue, which has no spare capacity and for which the EIS indicates mitigation is not possible. This is the worst of several intersections projected to be impacted.

While the EIS proposes mitigation for impacted intersections on East 161st Street, this is a critical east/west corridor deserving of a more thorough multi-modal assessment, including the benefits of replacing the already mapped and designed East 153rd Street Bridge.

City Planning Commission Public Hearing

On June 17, 2009 (Calendar No. 2) the City Planning Commission scheduled July 1, 2009, for a public hearing on the application (C 090365 ZMX). The hearing was duly held on July 1, 2009 (Calendar No 30.), in conjunction with the hearing for the related action (N 090365 ZRY).

There were four speakers in favor and none in opposition.

Three of the speakers represented an owner of property located on the east side of River Avenue between E. 161st and E. 157th streets. They spoke in support of the proposal and asked for changes to the height and setback regulations for the proposed C6-3D. Specifically they asked that a certification be created to allow the buildings fronting on an elevated line to raise up higher than 25 feet at the street line; that windows be allowed on the lot line fronting a mapped public park; that more flexibility be allowed in the location of the tower, and that the required parking be lowered to 20%.

The last speaker represented a construction trade union and spoke in favor of construction jobs and union labor for new development in the area.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the amendment to the zoning map (C 090365 ZMX) and the related amendment to the zoning text (N 090364 ZRY), as modified are appropriate.

The Commission believes that the rezoning proposal would facilitate the redevelopment of underutilized lots in this high-profile and transit rich area of the Bronx. Furthermore the Commission believes that the creation and mapping of the new C6-3D zoning designation will spur high density, transit oriented development that is responsive to the needs of the community and sensitive to the complex urban environment. Lastly, the Commission believes that the application of the Inclusionary Housing program to segments of the corridors will provide a powerful incentive for the development of affordable housing in this part of the Bronx, insuring that new development will be affordable to a range of income levels.

The Commission recognizes the concerns of the Bronx Borough President relating to mass transit, day care facilities, school seats and traffic. The Commission notes that New York City Transit routinely conducts ridership counts and adjusts bus service frequency to meet its service criteria. Any impacts of the proposed rezoning would be mitigated through this process. The implementation of bus-only lanes on 161st Street would require further study, and the recommendation has been referred to the New York City Department of Transportation and New York City Transit. The Commission notes the Borough President's concern regarding the overcapacity of publicly funded day care facilities in the area. The Final Environmental Impact

Statement does not include in the quantitative analysis the hundreds of private and not-for-profit child care centers or informal child care with a relative or neighbor. With these options, which are how most children are served, the publicly funded day care facilities are no longer overcapacity.

The Commission notes that the quantitative analysis of the elementary and intermediate school seats in the Final Environmental Impact Statement does not include schools that are in the Department of Education's *2005-2009 Five year Capital Plan*, which have not been sited and funded. It also does not include charter schools. With the full build out of the *2005-2009 Five year Capital Plan* and the inclusion of area charter schools there is no longer over-enrollment in Community School District 9E

The Commission notes that the intersection of East 149th Street, River Avenue and Exterior Street has been the subject of numerous studies and continues to be studied by various transportation agencies. The State Department of Transportation has plans that are expected to widen and straighten the Major Deegan Expressway from the 138th Street interchange to the Macombs Dam Bridge interchange. The Environmental Impact Statement for this proposal has been shared with the State so that the highway design can take into account the impacts of development projected to occur as a result of the 161st Street rezoning.

The Commission also recognizes the testimony relating to property on the east side of River Avenue between E. 161st and E. 157th streets. The Commission notes that such changes are out of scope of the current proposal, but suggests the property file an application requesting a zoning text amendment. However, the Commission believes that allowing a higher base fronting on the elevated tracks is not appropriate and that setting back the building a minimum of 10 feet provides relief from the noise of passing trains. The Commission notes that the proposed text does not specifically regulate tower location, rather it contains requirements for rear yards, which due to site constraints result in likely tower locations. Finally, the Commission notes that changing the rear yard requirements and to reducing the parking requirements are out of scope of the proposal.

As originally refereed the text did not reflect the new Inclusionary Housing Text Amendment which was adopted by the New York City Council after this project was referred out. Therefore

the Commission is modifying the related text amendment (N 090364 ZRY) to reflect the changes adopted by the City Council.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on August 7, 2009, with respect to this application (CEQR No. 090DCP024X), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that

1. Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently modified, is further amended by changing the Zoning Map. Section Nos.3b and 6a:

1. eliminating from within an existing R7-1 District a C1-4 District bounded by Morris Avenue a line 100 feet northeasterly of East 161st Street, a line 100 feet southeasterly of Morris Avenue, and East 161st Street;
2. eliminating from within an existing R8 District a C1-4 District bounded by River Avenue, a line 250 feet northeasterly of East 161st Street, East 162nd Street, Gerard Avenue, East 161st Street, a line midway between Gerard Avenue and Walton Avenue, a line 100 feet southwesterly of East 161st Street, a line midway between River Avenue and Gerard Avenue, and a line 150 feet northeasterly of East 158th Street;
3. changing from an R7-1 District to an R8A District property bounded by East 162nd Street and its southeasterly prolongation, Park Avenue, East 161st Street, and Morris Avenue;
4. changing from an R8 District to a C6-2 District property bounded by East 161st Street, Concourse Village West, a line 50 feet northeasterly of East 159th Street, and a line 100 feet northwesterly of Concourse Village West;
5. changing from a C4-6 District to a C6-2 District property bounded by a line 140 feet northeasterly of East 161st Street, Sheridan Avenue, East 161st Street, and a line 100 feet northwesterly of Sheridan Avenue;

6. changing from a C8-3 District to a C6-2 District property bounded by East 161st Street, Concourse Village East, a line 150 feet southwesterly of East 161st Street, and Concourse Village West;
7. changing from an R8 District to a C6-3D District property bounded by River Avenue, a line 250 feet northeasterly of East 161st Street, East 162nd Street, Gerard Avenue, East 161st Street, a line midway between Gerard Avenue and Walton Avenue, a line 110 feet southwesterly of East 161st Street, a line midway between River Avenue and Gerard Avenue, and a line 150 feet northeasterly of East 158th Street
8. changing from a C8-3 District to a C6-3D District property bounded by River Avenue, a line 150 feet northeasterly of East 158th Street, a line midway between River Avenue and Gerard Avenue, and a line perpendicular to the southeasterly street line of River Avenue distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of River Avenue and the northeasterly street line of East 153rd Street; and
9. establishing within the proposed R8A district a C2-4 District bounded by East 162nd Street, a line 100 feet southeasterly of Morris Avenue, a line midway between East 161st Street and East 162nd Street, a line 100 feet northwesterly of Park Avenue, a line 100 feet northeasterly of East 161st Street, a line perpendicular to the northeasterly street line of East 161st Street distant 100 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of East 161st Street and the northwesterly street line of Park Avenue, East 161st Street, and Morris Avenue;

Borough of the Bronx, Community District 4 as shown on a diagram (for illustrative purposes only) dated March 30, 2009 and which includes CEQR Designation E-225.

The above resolution (C 090365 ZMX), duly adopted, by the City Planning Commission on August 19, 2009 (Calendar No. 20), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, , RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ANGELA R. CAVALUZZI, AIA, ALFRED C. CERULLO, III, RICHARD W. EADDY,
NATHAN LEVENTHAL, SHIRLEY A. McRAE, KAREN PHILIPS, Commissioners

ATTACHMENT E
***Port Morris Harlem Riverfront - Brownfield
Opportunity Area***