

**BCP APPLICATION  
SUPPORT  
DOCUMENT**

**BCP APPLICATION SUPPORT DOCUMENT**  
**Exhibit List**

- Exhibit A -** DOS Entity Information
- Exhibit B-** Corporate Consent
- Exhibit C-** Deeds
- Exhibit D-** Site Access Agreement
- Exhibit E-** Previous Owners and Operators
- Exhibit F-** Site Drawing Spider Map
- Exhibit G-** Survey and Tax Map
- Exhibit H-** Site Location Map, Base Map, and En-Zone Map
- Exhibit I-** Zoning Map
- Exhibit J-** Flood Map
- Exhibit K-** Site Contact List
- Exhibit L-** Repository Letters

**ENVIRONMENTAL REPORTS SEPARATELY ATTACHED ON CD:**

1. 2016 March PVES Phase II ESA Ader Group
2. 2017 November PVE Remedial Investigation Report Park Management, Inc.
3. 2019 October PVE Phase I ESA 2017 PVE
4. 2020 August Carlin Simpson & Associates Subsurface Soil & Foundation Investigation  
Park Management LLC
5. 2020 August PVE Phase I ESA Lot 90 Stagg Group

## **PART A**

### **SECTION I - REQUESTOR INFORMATION**

The Requestor is Whitlock Point LLC, a New York limited liability company, located at 5959 Broadway, Suite 3, Bronx NY, 10463. Whitlock Point LLC is authorized to do business in the State of New York. *See Exhibit A, NYSDOS Entity Information.* The sole member is Mark Stagg.

The Sole Member Written Consent provides Mark Stagg with authority to sign all Brownfield Cleanup Program (“BCP”) documents on behalf of the Requestor Whitlock Point LLC. *See Exhibit B, Corporate Consent.*

As further described below in Section IV, the Site is located at 1156 East 165th Street, Bronx, NY 10459 (Consolidated Tax ID # Block 2756 Lot 90). The Site formerly consisted of original Tax Lot 90 and a portion of 1125 Whitlock Avenue (Tax ID # Block 2756 Lot 85), but pursuant to a NYC Lot merger, the portion of 1125 Whitlock Avenue (Tax ID # Block 2756 Lot 85) has been merged into a new larger Lot 90, which consists of 0.656 acres (“Site” or “BCP Site.”) *See Exhibit G Survey and City Lot Merger Approval Form.*

Requestor is not the owner of the site. As more fully described below in Section VI, HP Whitlock Housing Development Fund Company, Inc. is the current owner of the Site. *See Exhibits C, Deeds, and Exhibit G, Survey.* Whitlock Point LLC has received a temporary license from the Owner to access the property to perform investigation and remediation work required by the BCP. *See Exhibit D, Site Access Agreement.*

The Requestor has no prior relationship with any current or past owners or operators of the Site, except Requestor has entered into agreements with the current Owner to become the beneficial owner of the Site once affordable housing construction financing occurs, which is anticipated in December 2022 or sometime in 2023. *See Sections V and VI below, and Exhibit E, Previous Owners and Operators List.* The Requestor did not cause any of the contamination of the Site, which predates the Requestor’s involvement at the Site.

### **SECTION II - PROJECT DESCRIPTION**

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

#### **4. Short Project Description**

The planned redevelopment of the Site entails mixed use commercial and residential project. The residential portion of the project will be 100% affordable. A school is a potential commercial future tenant, but that planned use has not yet been confirmed. The current Owner is a company created by the NYC Housing Partnership, which facilitates affordable housing projects on difficult to develop sites. This Site is in an Environmental Zone high poverty/ high unemployment area in the Bronx. *See En-Zone Map in Exhibit G.*

## **Schedule- Commencement through COC**

Assuming the Brownfield Cleanup Agreement (“BCA”) is fully executed within four months of submission of this Application, or by the end of January 2021, the Remedial Investigation Work Plan (“RIWP”) will be submitted within thirty days thereafter in early March 2021. The RIWP Approval and 30-day public notice process should be complete by April - May 2021. The final RIWP approval should be received by June or July 2021. The Remedial Investigation (“RI”) may commence in the late summer or early fall of 2021 and be completed by the end of 2021 or in early 2022. The RI will occur after Site preparation activities, including on-Site building remediation and demolition, in order to prepare the Site for investigation and remediation under former slabs. The remainder of the schedule is partially based on housing agency financing for the project. If financing is provided by the end of December 2022, then the Remedial Investigation Report (RIR”) will be submitted in early 2022 and the Remedial Action Work Plan (“RAWP”) will be submitted shortly thereafter in spring of 2022. The goal would be for the 45-day public comment period to end and for RAWP approval shortly before the financing date in December 2022 so work can begin thereafter. However, if financing is delayed until mid-2023, these dates might be pushed. The Certificate of Completion is anticipated to be issued on or before December 2023.

## **SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY**

### **1. List of Environmental Reports**

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

1. 2016 March PVES Phase II ESA Ader Group
2. 2017 November PVE Remedial Investigation Report Park Management, Inc.
3. 2019 October PVE Phase I ESA
4. 2020 August Carlin Simpson & Associates Subsurface Soil & Foundation Investigation Park Management LLC
5. 2020 August PVE Phase I ESA Lot 90 Stagg Group

### **2. Sampling Data**

*See Exhibit F, Spider Maps which were prepared by SESI, the engineering form of record for this Site, and which include sampling data summaries from data collected by prior consultants, and Section IV.10.F.*

### **3. Site Drawing**

*See Exhibit F, SESI Spider Maps.*

### **4. Past Land Uses**

See Section IV.10.D for full description of past land uses.

## **SECTION IV – PROPERTY INFORMATION**

### **1. Site Boundary and Tax Parcel Information**

The Site boundary does correspond to the new consolidated tax boundary for Lot 90. See Exhibit G Survey Map and City Lot Apportionment and Merger approval form. The Site formerly consisted of a smaller Lot 90 and a portion of 85. However, the Survey has been updated in Exhibit G even though the official City tax map still shows the former lots 85 and 90 boundaries. Therefore, the Tax Boundary Map, and the En-Zone Map still show these boundaries and are also in Exhibit G. The Site Location Map, Base Property Map and Street Map are in Exhibit H. These maps still show the original lot lines, which have not been adjusted yet on the official City maps. The Site is 100% in En-Zone A, Census Tract 119.

### **2. Property Map**

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

**Please refer to responses to Questions 3-9 on the BCP Application Form.**

### **10. Property Description Narrative**

#### **A. Site Location**

See Response to Section IV.1 and IV.2 above. The Site is located at 1156 East 165<sup>th</sup> Street, Bronx, NY 10459 (Consolidated Tax ID # Block 2756 Lot 90) and is .6256 acres. It is located in a mixed-use neighborhood with light industrial, commercial, and residential uses.

#### **B. Site Features**

There is a vacant former plastics manufacturing building on the Site, which will require demolition. The Site is not in a flood zone and is .5 miles from the Bronx River. See Flood Map in Exhibit J.

#### **C. Current Zoning and Land Use**

The Site is currently located in an R8A District with a C2-4 Overlay.<sup>1</sup> See Exhibit I Zoning Map. The subject property was used as a plastic manufacturing facility, and the building for the former manufacturing facility is still on Site. The surrounding properties consist of industrial/manufacturing (to the north), multi-family residential (to the northwest and west), a parking lot (to the south) and the Whitlock Avenue/Sheridan Expressway/Penn Central Company subway line (to the east). The nearest railway stop is the Hunts Point Avenue Subway Station at .3 miles from the Site. No schools, hospitals or daycares are

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<sup>1</sup> See also [ZOLA NYC Planning Database](#).

located within 500 feet of the site. The Site also has an E-designation.

D. Past Use of the Site

In October 2019, a Phase I was completed by PVE on the Site, in addition to the entirety of Lot 85 at 1125 Whitlock Avenue (most of which is being separately remediated in the OER program and being separately developed).

The 2019 PVE Phase I report and an updated 2020 PVE Phase I report indicated that the Lot 85 was historically operated as an auto repair garage, which previously use petroleum products and solvents, and Lot 90 was historically operated as a plastics manufacturing facility, which previously used solvents and other chemicals.

The Phase I reports both found past operations are likely to have impacted the property and that impacts to soil, soil vapor and groundwater presumably would have resulted from these prior historic uses. PVE considered the historic operation of the plastics manufacturing facility located at 1156 East 165th Street (Lot 90) to represent a Recognized Environmental Condition (“REC”). PVE also discussed a spill (NYSDEC #8706894) that occurred on Lot 90 on November 13, 1987, where reportedly 300-gallons of #2 fuel oil was released in the basement of the building. The spill file was closed November 13, 1987, but PVE concluded that this spill still represented a Historically Recognized Environmental Condition (“HREC”). Additionally, a tank overfill spill (NYSDEC Spill #9201510), took place on this Lot on May 5, 1992. Approximately 1-gallon of petroleum was spilled on the pavement. This spill was closed on October 31, 2006 but PVE still considered this spill to represent a HREC. PVE also noted that the Site contains an E-designation.<sup>2</sup>

Visual inspection of the Lot 90 Site revealed storage tanks, drums, hazardous or regulated substances, unidentified substance containers, evidence of solid waste disposal, pools of liquid, stained soil or pavement, floor drains filled with sediment, wells, a leaking ceiling, irregular patch in the floor and a ceiling cave-in. Additionally, a room in the northwestern section of the structure located on Lot 90) contained a 55-gallon drum of a white unidentified substance leaking onto the concrete floor below. PVE presumed was left over liquid PVC from the former plastics manufacturing operation. Based on the poor condition of the concrete floor beneath the drum area, PVE could not rule out an impact to soil from this release. PVE considered this release to represent a REC.

1125 Whitlock Avenue (Lot 85) was identified as Sonero Auto Repair from 1999 to 2012. Auto repair facilities generate petroleum and solvent wastes, which if handled improperly have the potential to contaminate local soil and/or groundwater. Impacts to soil vapor were documented in the previously completed Phase II ESA and RIR on this Lot. PVE considered the historic automotive repair operation and the known soil vapor impacts on this Lot to represent a REC.

Finally, 2 dry cleaners historically operated within 912-1,277 feet topographically up-gradient of the subject property. Given the elevated concentrations of CVOCs detected in soil vapor samples collected during PVE’s investigation, they considered the historic use

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<sup>2</sup> Id. at p. 19

of these upgradient dry cleaners to also represent a REC.

The 2020 Phase I by PVE added that the remainder of Lot 85 is enrolled in the VCP. **[IT IS IMPORTANT TO NOTE THAT THIS SITE WAS ALSO EVALUATED BY NYC OER AND NYSDEC WHEN THE REMAINDER OF LOT 85 ENTERED THE VCP AT THAT TIME NYSDEC INDICATED THAT THIS SITE SUBJECT TO THIS BCP APPLICATION HAD TO ENTER THE BCP BECAUSE IT WAS TOO CONTAMINATED FOR THE VCP].** The RI completed as a component of the VCP describes the impacts to groundwater and soil vapor on Lot 85 are likely to have originated from the former plastics manufacturing facility on Lot 90.

In addition, a 1950 Sanborn Fire Insurance map depicted two (2) 550-gallon gasoline tanks on Lot 90, which do not appear on the NYSDEC database of petroleum bulk storage facilities. No other information pertaining to these tanks was identified in the 2020 phase I report and these tanks were not discovered during the previously completed Phase II ESA and RIR, but may remain on-site. While no petroleum impacted soil or groundwater was documented during previous investigations, release from these tanks cannot be ruled out. PVE considered the presence of these tanks and the potential for release to represent a REC.

There was also a previous March 2016 Phase II and a November 2017 Remedial Investigation Report by PVE, which were relied on for PVE's 2019 and 2020 Phase I's. Additionally, Carlin, Simpson & Associates completed a Subsurface, Soil & Foundation Investigation Report in December 2017. The results of these subsurface investigations are summarized below in the Environmental Assessment section along with the SESI spider maps.

#### E. Site Geology and Hydrogeology

Based on topography, groundwater is presumed to flow to the east toward the Bronx River. The subsurface lithology encountered during the investigation consisted of brown fine silt-sand with some gravel.

#### F. Environmental Assessment

Based on the investigations conducted to date, the primary contaminants of concern are SVOCs and metals in soil; SVOCs, VOCs and metals in groundwater; and VOCs in soil vapor. *See Exhibit F Site Drawing Spider Maps.*

### **SOIL**

SVOC Restricted Residential Soil Cleanup Objective (RRSCO) exceedances included:  
Lot 90

- Benzo(a)Anthracene in two borings at 2.45 and 7.29 mg/kg exceeded the RRSCO of 1 mg/kg to depths of up to 0-4 ftbgs.
- Benzo(a)Pyrene in two borings at 2.3 and 5.74 mg/kg exceeded the RRSCO of 1 mg/kg

- to depths of up to 0-4 ftbgs.
- Benzo(k)Fluoranthene in one boring at 4.64 mg/kg exceeded the RRSCO of 3.9 mg/kg to depths of up to 0-4 ftbgs.
- Benzo(b)Fluoranthene in two borings at 1.97 and 3.29 mg/kg exceeded the RRSCO of 11 mg/kg to depths of up to 0-4 ftbgs.
- Chrysene in one boring at 7.89 mg/kg exceeded the RRSCO of 3.9 mg/kg to depths of up to 0-4 ftbgs.
- Indeno(1,2,3-C-D)Pyrene in one boring at 1.4 and 4.74 mg/kg exceed the RRSCO of .5 mg/kg to depths of up to 0-4 ftbgs.
- Dibenzo(a,h)anthracene in one boring at .558mg/kg exceeded the RRSCO of .33 mg/kg to depths of up to 0-4 ftbgs.

Metals Restricted Residential Soil Cleanup Objective (RRSCO) exceedances included:

Lot 90

- Barium in one boring at 1,110 mg/kg exceeded the RRSCO of 400 mg/kg to depths of up to 0-4 ftbgs.
- Lead in two borings at 1,170 and 1480 mg/kg exceeded the RRSCO of 400 mg/kg to depths of up to 0-4 ftbgs.
- Mercury in two borings at 1.98 and 3.21 mg/kg exceeded the RRSCO of .81 mg/kg to depths of up to 0-4 ftbgs.

**GROUNDWATER**

SVOCs NY-AWQS NY-TOGS exceedances included:

Lot 90

- Benz(a)anthracene in one boring at .2 ug/L exceeded the NY-AWQS and NY-TOGS-GA of .002 ug/L.
- Benzo(a)pyrene in one boring at .221 ug/L exceeded the NY-AWQS and NY-TOGS-GA of 0 ug/L.
- Benzo(b)fluoranthene in one boring at .179 ug/L exceeded the NY-AWQS and NY-TOGS-GA of .002 ug/L.
- Benzo(k)fluoranthene in one boring at .189 ug/L exceeded the NY-AWQS and NY-TOGS-GA of .002 ug/L.
- Chrysene in one boring at .232 ug/L exceeded the NY-AWQS and NY-TOGS-GA .002 ug/L.
- Indeno(1,2,3-cd)pyrene in one boring at .158 ug/L exceeded the NY-AWQS and NY-TOGS-GA of .002 ug/L.

VOC NY-AWQS NY-TOGS exceedances included:

Lot 85

- Tetrachloroethene in one boring at 12 ug/L exceeded the NY-AWQS and NY-TOGS-GA of 5 ug/L.

Metals NY-AWQS NY-TOGS exceedances included:

Lot 90

- Barium in one boring at 2,630 ug/L exceeded the NY-AWQS and NY-TOGS-GA of

- 1,000 ug/L.
- Beryllium in one boring at 6.69 ug/L exceeded the NY-AWQS and NY-TOGS-GA of 3 ug/L.
  - Copper, Total in one boring at 597 ug/L exceeded the NY-AWQS of 200 ug/L.
  - Manganese, Total in one boring at 3,930 ug/L exceeded the NY-AWQS of 300 ug/L and NY-TOGS-GA of 600 ug/L.
  - Magnesium in one boring at 51,300 ug/L exceeded the NY-AWQS and NY-TOGS-GA of 35000 ug/L.
  - Nickel, Total in one boring at 253 ug/L exceeded the NY-AWQS of 100 ug/L and NY-TOGS-GA of 200 ug/L.
  - Sodium, Total in one boring at 38,400 ug/L exceeded the NY-AWQS of 20,000 ug/L.

Lot 85

- Sodium, Total in one boring at 75,100 ug/L exceeded the NY-AWQS of 20,000 ug/L.
- Iron, Total in one boring at 757 ug/L exceeded the NY-AWQS of 300 ug/L and NY-TOGS-GA of 600 ug/L.

**SOIL VAPOR**

VOC NYSDOH Sub-Slab Vapor Criteria exceedances included:

Lot 90

Tetrachloroethylene (PCE) in two borings at 250 and 3,600 ug/m<sup>3</sup> exceeded the NYSDOH Sub-Slab Vapor Criteria of 100 ug/m<sup>3</sup>.

Trichloroethylene in one boring at 34 ug/m<sup>3</sup> exceeded the NYSDOH Sub-Slab Vapor Criteria of 100 ug/m<sup>3</sup>.

Lot 85

Trichloroethylene in one boring at 6.1 ug/m<sup>3</sup> exceeded the NYSDOH Sub-Slab Vapor Criteria of 6 ug/m<sup>3</sup>.

**Please refer to responses to Questions 11-13 on the BCP Application Form.**

**PART B**  
**SECTION V- ADDITIONAL REQUESTOR**  
**INFORMATION**

*See Section I, Requestor Information and responses in the Application form. As stated in Section I, the Requestor has no prior relationship with any current or past owners or operators of the Site other than the Requestor intends to purchase the Site from HP Whitlock Housing Development Fund Company Inc. See also Exhibit E, Previous Owners and Operators List. The Requestor did not cause any of the contamination of the Site, which predates the Requestor's involvement at the Site.*

## **SECTION VI- CURRENT PROPERTY OWNER/OPERATOR INFORMATION**

HP Whitlock Housing Development Fund Company Inc is the owner of the Site. They have owned the parcels since June 15<sup>th</sup>, 2017. See Exhibit C, Deed.

A past owner and operator list is attached as Exhibit E. This Exhibit includes both current and previous property owners and operators by name, last known address, telephone number, and the Requestor's relationship to each owner and operator (all of which are "None"). Exhibit E also includes the prior operators' use of the Site, which generally included light industrial and commercial uses with some residential uses.

## **SECTION VII- REQUESTOR ELIGIBILITY INFORMATION**

**Please refer to responses to Questions 1-10 on the BCP Application Form.**

11. Are there any unregistered bulk storage tanks on-site which require registration?

No. Whitlock Parking and Storage, owned by 1125 Whitlock Avenue LLC and then 1125 Whitlock Garages LLC had four (4) 1,000-gallon gasoline registered underground storage tanks on Site under PBS #2-603713. All four tanks were closed in place on December 1, 1999. The installation date was not reported. See Exhibit M DEC PBS Registration Information.

### **REQUESTOR CERTIFICATION**

The Requestor certifies it is a Volunteer, since it does not own the Site, and does not have nor has ever had a relationship with any of the past owners or operators of the Site, nor did it have involvement with the Site at the time of disposal. The Requestor has performed all required environmental due diligence prior to acquiring the Site.

## **SECTION VIII- PROPERTY ELIGIBILITY INFORMATION**

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

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

The Site meets the definition of an eligible “brownfield site” in Environmental Conservation Law § 27-1405(2) as “any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by the department that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations.” Environmental investigation results show evidence of impact from the Site’s previous commercial and industrial uses, which can be linked to and caused Site contamination above the applicable cleanup standards. See Environmental Reports and the Spider Maps in Exhibit F, which include the data demonstrating exceedances of the cleanup standards for this Site. As a result, the Site meets the definition of a brownfield site pursuant to Environmental Conservation Law §27-1405(2).

## **SECTION IX - CONTACT LIST INFORMATION**

See Exhibit K for the Site Contact List. See Exhibit L, for the Repository Letter from the Library. Due to the current global pandemic, the Bronx Community Board 2, the local community board for the Site, is currently closed. Therefore, a signed Repository Letter from the community board has not been obtained. For the attempted communication with the Bronx Community Board 2, See Exhibit L.

## **SECTION X- LAND USE FACTORS**

### **1. Current Zoning**

The Site is within the R8A District with a C2-4 Overlay District. See Exhibit I, Zoning Map.

### **2. Current Use**

This Site is currently vacant, as of approximately October 11, 2019.

### **3. Intended Use Post Remediation**

Post remediation use of the Site will be a 100% affordable residential building, including commercial space on lower floors. A school is potentially interested in lower levels of the planned building but this use has not been finalized. See Section II, Project Scope for a more detailed description.

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

Yes, in 2017, the district that the Site is located in was recently rezoned from M1 to R8A with a C2-4 overlay, allowing for mixed commercial and residential uses.

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

Yes, the project will contain affordable housing, which is permitted in R8A districts and C2-4 overlays.

**6. Consistent with the Master Plan?**

Yes, the project is consistent with the NYC Waterfront Revitalization Program Plan, which seeks to increase affordable residential development.