



# BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

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

Yes  No If yes, provide existing site number: \_\_\_\_\_

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

<b>Section I. Requestor Information - See Instructions for Further Guidance</b>		DEC USE ONLY BCP SITE #:
NAME SIMCHAH 325 YONKERS, LLC		
ADDRESS PO Box 31		
CITY/TOWN Fort Lee, NJ		ZIP CODE 07024
PHONE 212-234-0234	FAX	E-MAIL sassoonrealtymgt@yahoo.com
<p>Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> <li>If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the <a href="#">NYS Department of State's Corporation &amp; Business Entity Database</a>. A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. <b>Please note:</b> If the requestor is an LLC, the members/owners names need to be provided on a separate attachment.</li> </ul> <p>Do all individuals that will be certifying documents meet the requirements detailed below? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> <li>Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of <a href="#">DER-10: Technical Guidance for Site Investigation and Remediation</a> and Article 145 of New York State Education Law. <b>Documents that are not properly certified will be not approved under the BCP.</b></li> </ul>		

<b>Section II. Project Description</b>	
1. What stage is the project starting at?	<input checked="" type="checkbox"/> Investigation <input type="checkbox"/> Remediation
<p>NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required.</p>	
2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2):	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Please attach a short description of the overall development project, including:	
<ul style="list-style-type: none"> <li>the date that the remedial program is to start; and</li> <li>the date the Certificate of Completion is anticipated.</li> </ul>	

**Section III. Property's Environmental History**

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

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

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

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

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

- |   |  |   |   |
|---|--|---|---|
| <input type="checkbox"/> Coal Gas Manufacturing | <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input checked="" type="checkbox"/> Dry Cleaner |
| <input type="checkbox"/> Salvage Yard           | <input type="checkbox"/> Bulk Plant    | <input type="checkbox"/> Pipeline           | <input type="checkbox"/> Service Station        |
| <input type="checkbox"/> Landfill               | <input type="checkbox"/> Tannery       | <input type="checkbox"/> Electroplating     | <input type="checkbox"/> Unknown                |

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

**Section IV. Property Information - See Instructions for Further Guidance**

PROPOSED SITE NAME Simchah 325 Yonkers Ave, LLC

ADDRESS/LOCATION 325-397 Yonkers Avenue

CITY/TOWN Yonkers

ZIP CODE 10701

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):

COUNTY Westchester

SITE SIZE (ACRES) 0.23

LATITUDE (degrees/minutes/seconds)

40 ° 56 ' 0.09 "

LONGITUDE (degrees/minutes/seconds)

73 ° 52 ' 23.65 "

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

Parcel Address	Section No.	Block No.	Lot No.	Acreage
381 Yonkers Avenue, Yonkers	2	2272	P/O 3	0.23

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

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

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

If yes, identify census tract : \_\_\_\_\_

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

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

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

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

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

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

**Section IV. Property Information (continued)**

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

Easement/Right-of-way Holder

Description

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

Type

Issuing Agency

Description

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

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

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

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

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

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

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

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

Initials of each Requestor: \_\_\_\_\_

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

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>	DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____
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NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE **BAROUKH SASOUNESS**

ADDRESS **PO BOX 31**

CITY/TOWN **FORT LEE** ZIP CODE **07024**

PHONE <b>212-234-0234</b>	FAX	E-MAIL <b>sassoonrealtymgt@yahoo.com</b>
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NAME OF REQUESTOR'S CONSULTANT **AEI Consultants**

ADDRESS **30 Montgomery Street**

CITY/TOWN **Jersey City** ZIP CODE **07302**

PHONE <b>201-332-1844</b>	FAX <b>201-332-1880</b>	E-MAIL <b>jfarber@aeiconsultants.com</b>
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NAME OF REQUESTOR'S ATTORNEY **Michael S. Goodman, Esq.**

ADDRESS **3 University Plaza, Suite 350**

CITY/TOWN **Hackensack, NJ** ZIP CODE **07601**

PHONE <b>201-343-6800</b>	FAX <b>201-343-7336</b>	E-MAIL <b>michael@mgoodmanpclaw.com</b>
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**Section VI. Current Property Owner/Operator Information – if not a Requestor**

CURRENT OWNER'S NAME **SIMCHAH 325 YONKERS, LLC** OWNERSHIP START DATE: **2006**

ADDRESS **327 Yonkers Avenue**

CITY/TOWN **Yonkers** ZIP CODE **10701**

PHONE <b>212-234-0234</b>	FAX	E-MAIL <b>sassoonrealtymgt@yahoo.com</b>
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CURRENT OPERATOR'S NAME (multiple)

ADDRESS

CITY/TOWN ZIP CODE

PHONE	FAX	E-MAIL
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**PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".**

**IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.**

**Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)**

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

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

**Section VII. Requestor Eligibility Information (continued)**

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

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

PARTICIPANT

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

VOLUNTEER

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

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

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

## Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

Previous Owner  Current Owner  Potential /Future Purchaser  Other \_\_\_\_\_

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted**. Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached?

Yes  No

**Note: a purchase contract does not suffice as proof of access.**

## Section VIII. Property Eligibility Information - See Instructions for Further Guidance

1. Is / was the property, or any portion of the property, listed on the National Priorities List?  
If yes, please provide relevant information as an attachment.  Yes  No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305?  Yes  No  
If yes, please provide: Site # \_\_\_\_\_ Class # \_\_\_\_\_
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?  Yes  No  
If yes, please provide: Permit type: \_\_\_\_\_ EPA ID Number: \_\_\_\_\_  
Date permit issued: \_\_\_\_\_ Permit expiration date: \_\_\_\_\_
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.  Yes  No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?  
If yes, please provide: Order # \_\_\_\_\_  Yes  No
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?  
If yes, please provide explanation as an attachment.  Yes  No

## Section IX. Contact List Information

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

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

Section X. Land Use Factors	
<p>1. What is the current municipal zoning designation for the site? <u>I District: industry</u></p> <p>What uses are allowed by the current zoning? (Check boxes, below)</p> <p><input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial</p> <p>If zoning change is imminent, please provide documentation from the appropriate zoning authority.</p>	
<p>2. Current Use: <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Vacant <input type="checkbox"/> Recreational (check all that apply)</p> <p><b>Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.</b></p>	
<p>3. Reasonably anticipated use Post Remediation: <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial (check all that apply) <b>Attach a statement detailing the specific proposed use.</b></p> <p>If residential, does it qualify as single family housing? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>4. Do current historical and/or recent development patterns support the proposed use?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.</p> <p>According to the City of Yonkers Land Use and Zoning Regulations, the property is located within an "I District" which indicates districts for "industry, residences excluded". Per Table 43-1 of the Yonkers Code, dry-cleaning establishments are permitted in I Districts. The proposed use of the property is not planned to change from the current use and therefore is consistent with the applicable zoning laws/maps.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>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.</p> <p>The City of Yonkers has master plans for the central business district (Generic Environmental Impact Statement) and the Hudson riverfront area (Alexander Street Master Plan). The area of the property is not in the proposed Downtown Rezoning Area and therefore is not addressed in the community master plans; however, the proposed use of the property is not planned to change from the current use and therefore is expected to be consistent with the community master plans and land use plans.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>



**XI. Statement of Certification and Signatures**

(By requestor who is an individual)

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

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

(By a requestor other than an individual)

I hereby affirm that I am Baroukh Sasouness (title) of Simchah 325 Yonkers, LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 8/19/19 Signature: \_\_\_\_\_

Print Name: BAROUKH SASOUNESS

**SUBMITTAL INFORMATION:**

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

**FOR DEC USE ONLY**  
**BCP SITE T&A CODE:** \_\_\_\_\_ **LEAD OFFICE:** \_\_\_\_\_

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

**BCP App Rev 10**

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Please answer questions below and provide documentation necessary to support answers.</b>	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see <a href="#">DEC's website</a> for more information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input type="checkbox"/> No Underutilized? <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>From ECL 27-1405(31):</b>	
"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.	
<b>From 6 NYCRR 375-3.2(I) as of August 12, 2016:</b> (Please note: Eligibility determination for the underutilized category can only be made at the time of application)	
375-3.2:	
(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and	
(1) the proposed use is at least 75 percent for industrial uses; or	
(2) at which:	
(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;	
(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and	
(iii) one or more of the following conditions exists, as certified by the applicant:	
(a) property tax payments have been in arrears for at least five years immediately prior to the application;	
(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or	
(c) there are no structures.	
"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.	

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

3. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review). **Check appropriate box, below:**

- Project is an Affordable Housing Project - Regulatory Agreement Attached;
- Project is Planned as Affordable Housing, But Agreement is Not Yet Available\* (\*Checking this box will result in a “pending” status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);
- This is Not an Affordable Housing Project.

**From 6 NYCRR 375- 3.2(a) as of August 12, 2016:**

(a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ households annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.

(3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

**BCP Application Summary (for DEC use only)**

**Site Name:** Simchah 325 Yonkers Ave, LLC  
**City:** Yonkers

**Site Address:** 325-397 Yonkers Avenue  
**County:** Westchester **Zip:** 10701

**Tax Block & Lot**  
**Section (if applicable):** 2 **Block:** 2272 **Lot:** P/O 3

**Requestor Name:** SIMCHAH 325 YONKERS, LLC **Requestor Address:** PO Box 31  
**City:** Fort Lee, NJ **Zip:** 07024 **Email:** sassoonrealtymgt@yahoo.com

**Requestor's Representative (for billing purposes)**  
**Name:** BAROUKH SASOUNESS **Address:** PO BOX 31  
**City:** FORT LEE **Zip:** 07024 **Email:** sassoonrealtymgt@yahoo.com

**Requestor's Attorney**  
**Name:** Michael S. Goodman, Esq. **Address:** 3 University Plaza, Suite 350  
**City:** Hackensack, NJ **Zip:** 07601 **Email:** michael@mgoodmanplaw.com

**Requestor's Consultant**  
**Name:** AEI Consultants **Address:** 30 Montgomery Street  
**City:** Jersey City **Zip:** 07302 **Email:** jfarber@aeiconsultants.com

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

**DER Determination:**  Agree  Disagree

**Requestor's Requested Status:**  Volunteer  Participant

**DER/OGC Determination:**  Agree  Disagree  
Notes:

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

**Does Requestor Claim Property is Upside Down:**  Yes  No

**DER/OGC Determination:**  Agree  Disagree  Undetermined

Notes:

**Does Requestor Claim Property is Underutilized:**  Yes  No

**DER/OGC Determination:**  Agree  Disagree  Undetermined

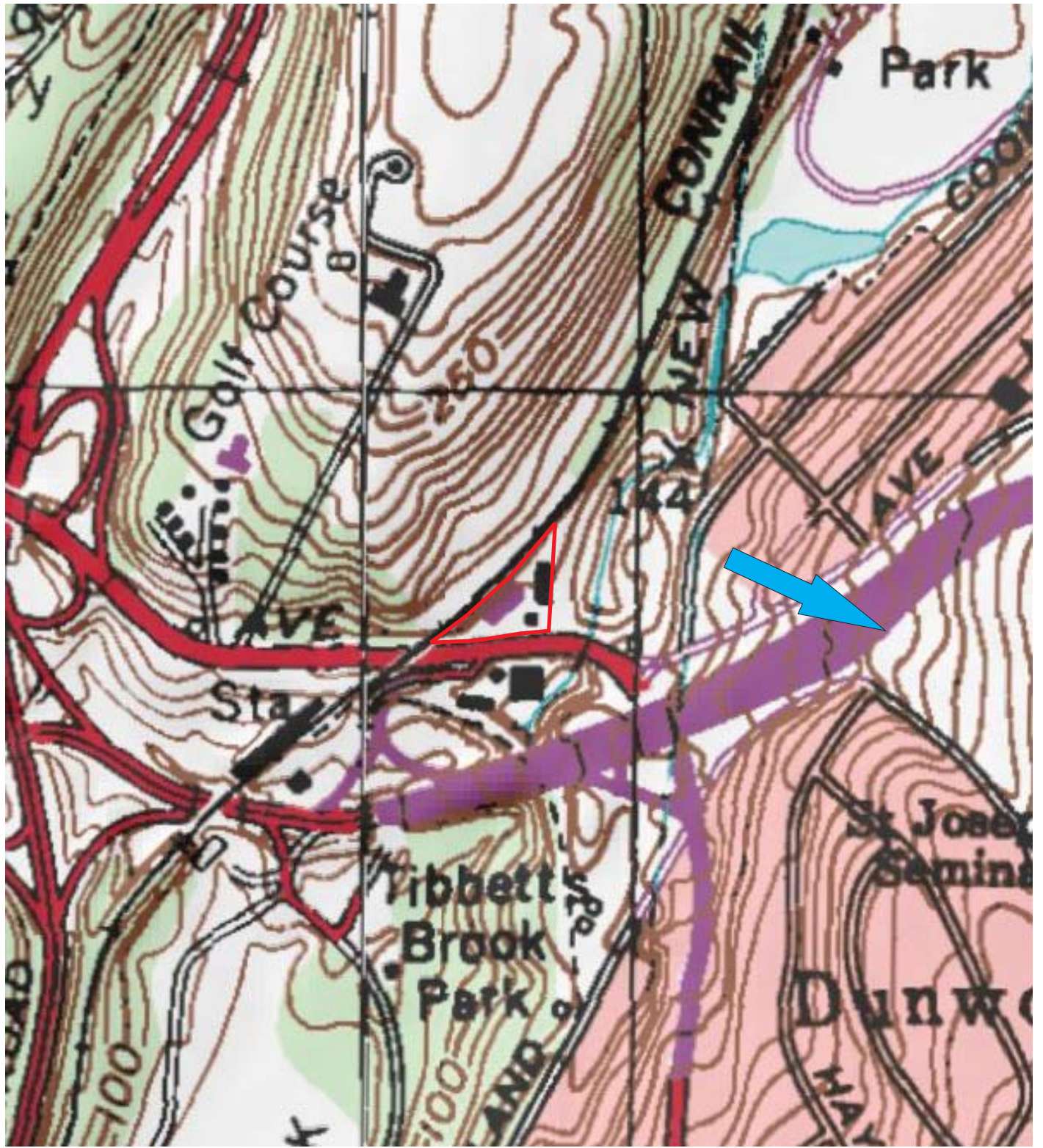
Notes:

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

**DER/OGC Determination:**  Agree  Disagree  Undetermined

Notes:

# FIGURES



Legend

Approximate Property Boundary 

Assumed Direction of Groundwater Flow 



**Figure 1: Site Location Map**  
 325-397 Yonkers Avenue Yonkers, NY 10701





**Waste Management  
Maintenance Yard**  
283 Yonkers Ave.  
Block:8001 Lot:20

**Waste Management**  
325 Yonkers Ave.  
Block:2272 Lot:3

**Yonkers  
Auto Center**  
397 Yonkers Ave.  
Block:2272 Lot:1

**Sunoco Gas Station**  
327 Yonkers Ave.  
Block:2272 Lot:200

Block:9033 Lot:1

**Retro-Fitness**  
300 Yonkers Ave.  
Block:0375 Lot:1

**Dunwoodie Golf Course**  
1 Wasylenk Lane  
Block:9040 Lot:100

**South County Trailway**  
Block:7002 Lot:1

Yonkers Ave

Yonkers Ave

Block:0375 Lot:200

Block:9033 Lot:1

Block:9600 Lot:1

**Legend**

Proposed BCP Site Boundary

Source: Property Research Partners LLC  
Satellite Image: 2019



SCALE: 1" = 120'



**Figure 1A: BASE MAP**

325-397 Yonkers Avenue, Yonkers, NY 10701  
Project Number: 401130








**LEGEND**

Lot Line 

BCP Site Boundary 



DRAWN BY:  
AC

REVIEWED BY:  
JF

APPROVED BY:  
DB


Date:  
6/25/2019


BCP SITE BOUNDARY  
325-397 Yonkers Avenue  
Yonkers, New York 10701

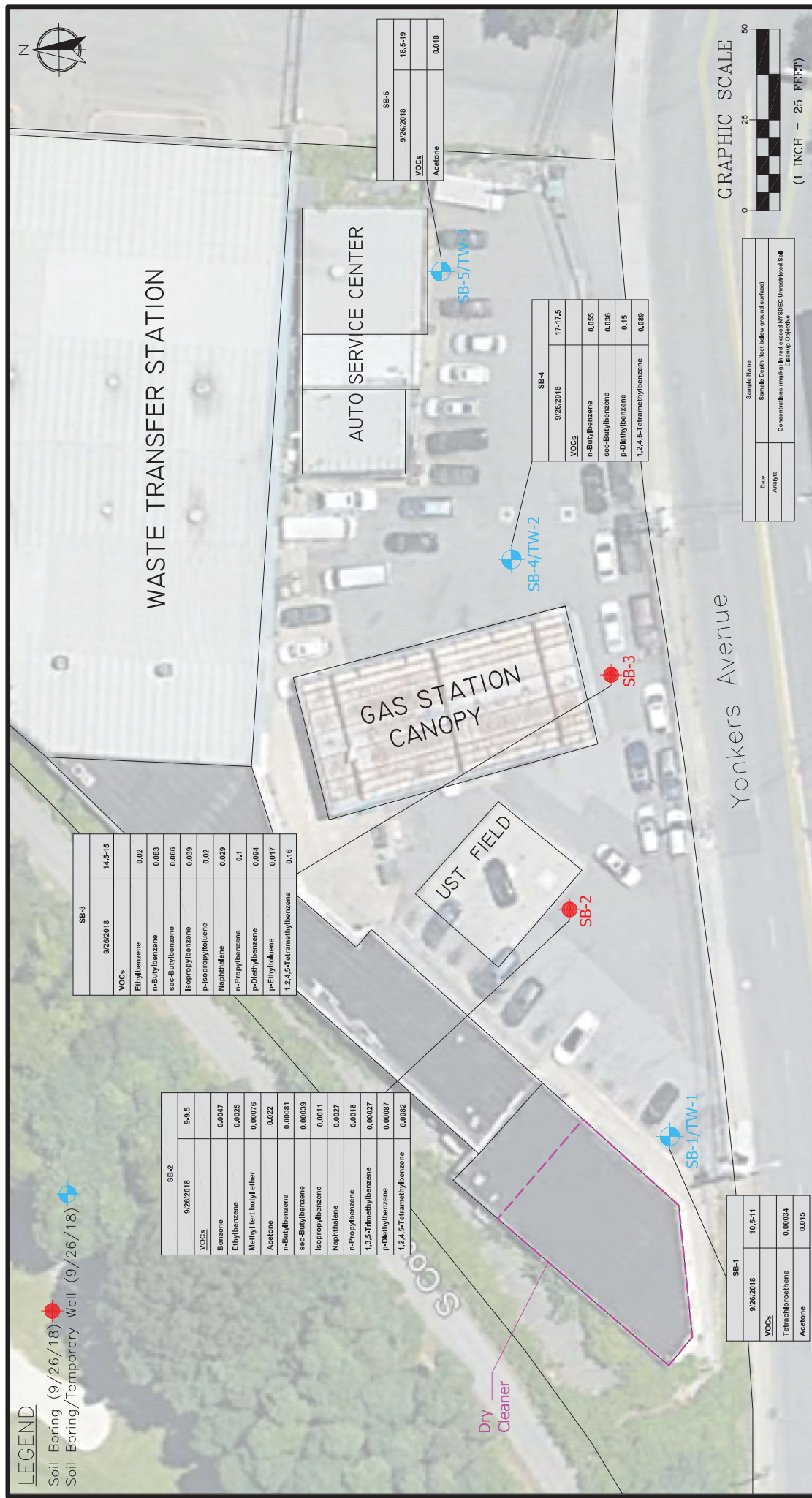
AEI Project #401130

**FIGURE  
2A**

**LEGEND**

Soil Boring (9/26/18) 

Soil Boring/Temporary Well (9/26/18) 



SB-3	
9/26/2018	14.5-15
<b>VOCs</b>	
Ethylbenzene	0.02
n-Butylbenzene	0.083
sec-Butylbenzene	0.086
Isopropylbenzene	0.039
p-Isopropylbenzene	0.02
Naphthalene	0.029
n-Propylbenzene	0.1
p-Diethylbenzene	0.094
p-Ethyltoluene	0.017
1,2,4,5-Tetramethylbenzene	0.16

SB-2	
9/26/2018	9-9.5
<b>VOCs</b>	
Benzene	0.0047
Ethylbenzene	0.0025
Methyl tert butyl ether	0.0076
Acetone	0.022
n-Butylbenzene	0.0081
sec-Butylbenzene	0.0039
Isopropylbenzene	0.0011
Naphthalene	0.0027
n-Propylbenzene	0.0018
1,3,5-Trimethylbenzene	0.00027
p-Diethylbenzene	0.00037
1,2,4,5-Tetramethylbenzene	0.0082

SB-5	
9/26/2018	18.5-19
<b>VOCs</b>	
Acetone	0.018

SB-4	
9/26/2018	17-17.5
<b>VOCs</b>	
n-Butylbenzene	0.055
sec-Butylbenzene	0.036
p-Diethylbenzene	0.15
1,2,4,5-Tetramethylbenzene	0.089

SB-1	
9/26/2018	10.5-11
<b>VOCs</b>	
Tetrachloroethene	0.00034
Acetone	0.015

Date	Sample Name
Analysis	Sample Depth (feet below ground surface)
	Concentrations (mg/kg) in red exceed NYSDEC Unrestricted Soil Cleanup Objective



DRAWN BY: AC  
 REVIEWED BY: JF  
 APPROVED BY: DB  
 Date: 6/12/2019

Soil Sample Results Map (Hits Only)  
 325-397 Yonkers Avenue  
 Yonkers, New York 10701

AEI Project #401130

**FIGURE 3**

**LEGEND**

Soil Boring/Temporary Well (9/26/18)

TW-2	
9/26/2018	
VOCs	
Benzene	89
Toluene	4.6
Ethylbenzene	12
Methyl tert butyl ether	4.9
pim-xylene	11
o-Xylene	1.2
Xylenes, Total	12
Acetone	9.9
n-Butylbenzene	5.5
sec-Butylbenzene	6.6
tert-Butylbenzene	0.71
Isopropylbenzene	20
Naphthalene	22
n-Propylbenzene	33
p-Butylbenzene	14
p-Ethyltoluene	1.2
1,2,4,5-Tetramethylbenzene	51

**WASTE TRANSFER STATION**

TW-3	
9/26/2018	
VOCs	
Ethylbenzene	3.3
n-Butylbenzene	26
sec-Butylbenzene	18
Isopropylbenzene	33
p-Propyltoluene	3.4
Naphthalene	2.6
n-Propylbenzene	56
1,3,5-Trimethylbenzene	5.4
1,2,4,5-Tetramethylbenzene	6.6
p-Ethyltoluene	64
p-Ethyltoluene	4.9
1,2,4,5-Tetramethylbenzene	71



TW-1	
9/26/2018	
VOCs	
Tetrachloroethene	18

NTSDEC Ambient Water Quality Statistics (ug/L)	
VOCs	
Benzene	1
Ethylbenzene	5
n-Butylbenzene	5
sec-Butylbenzene	5
Isopropylbenzene	5
p-Propylbenzene	5
Naphthalene	10
n-Propylbenzene	5
1,2,4,5-Tetramethylbenzene	5
1,3,5-Trimethylbenzene	5
1,2,4-Trimethylbenzene	5
Tetrachloroethene	5

Sample Name	Date
Concentrations (ug/L) in and exceed NTSDEC Ambient Water Quality Statistics	
Analyte	



DRAWN BY: AC  
 REVIEWED BY: JF  
 APPROVED BY: DB  
 Date: 6/12/2019

Groundwater Sample Results Map  
 (Hits Only)  
 325-397 Yonkers Avenue  
 Yonkers, New York 10701

AEI Project #401130

**FIGURE 4**

**LEGEND**

- Sub-Slab Soil Vapor Sample (9/26/18)
- Indoor/Ambient Air Sample (9/26/18)
- Sub-Slab Soil Vapor Sample (11/27/18)
- Indoor/Ambient Air Sample (11/27/18)

**WASTE TRANSFER STATION**

SSV-01		IA-01	
11/27/2018		11/27/2018	
CVOCs		1,1,1-Trichloroethane	0.841
		1,2-Dichloroethane	0.263
		1,1,1-Trichloroethane	0.649
		Tetrachloroethane	7.74
		Tetrachloroethene	5.16

SSV-01		IA-01	
11/27/2018		11/27/2018	
CVOCs		1,1,1-Trichloroethane	2.16
		Tetrachloroethane	8.95

SSV-02		IA-02	
11/27/2018		11/27/2018	
CVOCs		1,1,1-Trichloroethane	0.813
		Tetrachloroethane	5.79

SSV-03		IA-03	
11/27/2018		11/27/2018	
CVOCs		Tetrachloroethane	3.32

SSV-04		IA-04	
11/27/2018		11/27/2018	
CVOCs		Tetrachloroethane	57.8

IA-1		9/26/2018	
CVOCs		Chloroform	1.15
		Carbon tetrachloride	0.398
		Trichloroethane	0.263
		Tetrachloroethane	9.9

SSV-1		9/26/2018	
CVOCs		Tetrachloroethane	1720

AA-01		11/27/2018	
CVOCs		1,2-Dichloroethane	0.081

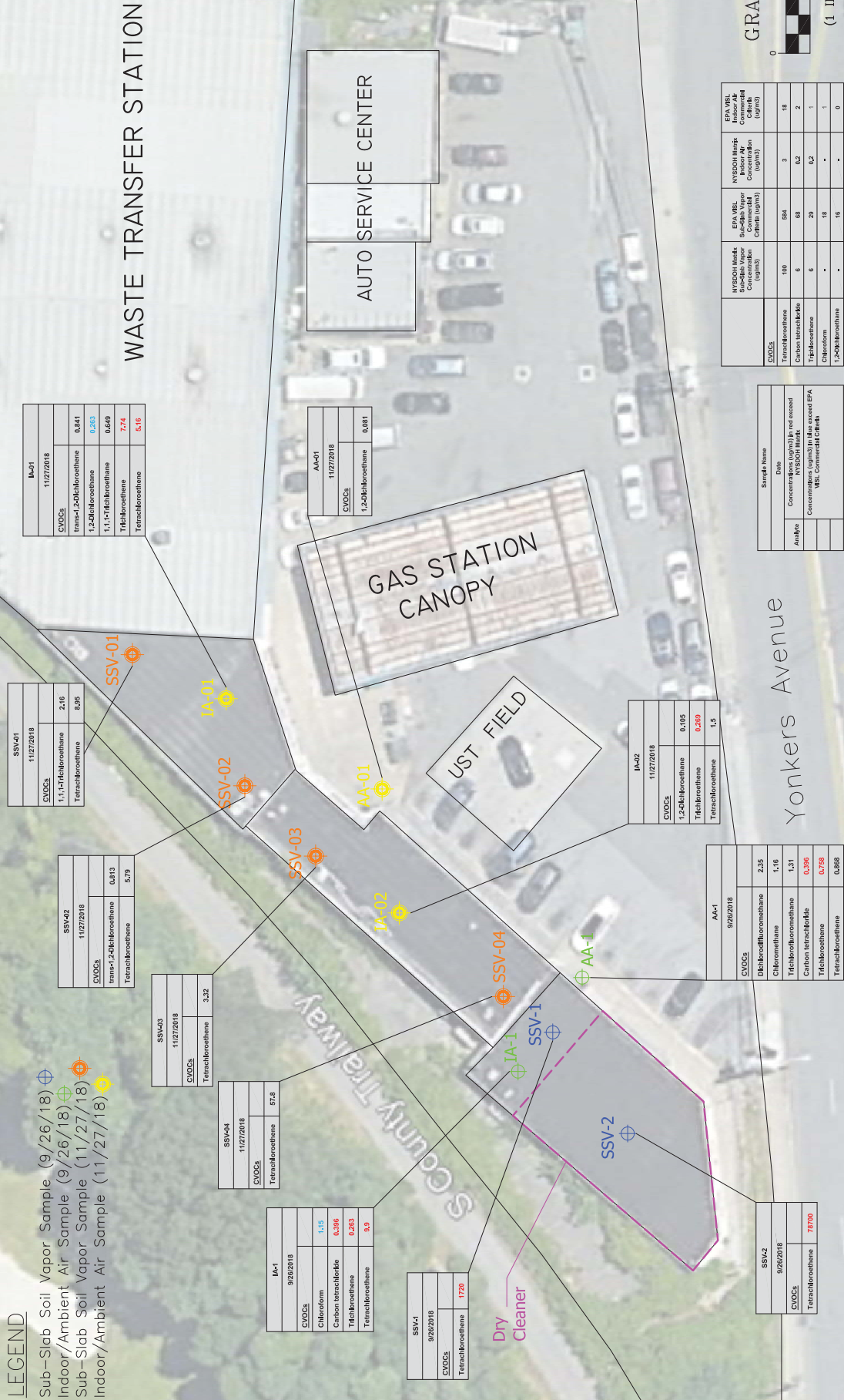
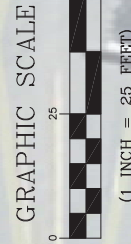
IA-02		11/27/2018	
CVOCs		1,2-Dichloroethane	0.105
		Trichloroethane	0.269
		Tetrachloroethane	1.5

AA-1		9/26/2018	
CVOCs		Dichlorodifluoromethane	2.25
		Chloromethane	1.16
		Trichlorofluoromethane	1.31
		Carbon tetrachloride	0.398
		Trichloroethane	0.758
		Tetrachloroethane	0.868

SSV-2		9/26/2018	
CVOCs		Tetrachloroethane	78700

CVOCs	NYSDEC Methyl Sulfide Vapor Concentration (ug/m3)	EPA VBL Sub-slab Vapor Concentration (ug/m3)	NYSDEC Methyl Sulfide Vapor Concentration (ug/m3)	EPA VBL Indoor Air Concentration (ug/m3)
Carbon tetrachloride	6	68	6.2	2
Trichloroethane	6	29	6.2	1
Chloroform	-	18	-	1
1,2-Dichloroethane	-	16	-	0

Simple Name		Date
Concentration (ug/m3) in excess of NYSDEC Methyl Sulfide Vapor Concentration (ug/m3) in Blue exceed EPA VBL Commercial Criteria		
Analysis		



DRAWN BY: AC  
 APPROVED BY: DB  
 REVIEWED BY: JF  
 Date: 6/12/2019

Soil Vapor/Indoor Air Sample Results Map  
 (CVOC Hits Only)  
 325-397 Yonkers Avenue  
 Yonkers, New York 10701

AEI Project #401130

**FIGURE 5**

# **ATTACHMENTS**



## **SIMCHAH 325 Yonkers, LLC Brownfield Cleanup Program (BCP) Application Attachments**

### **Section I: Requestor Information**

Simchah 325 Yonkers, LLC

Representative:

Baroukh Sasouness

PO Box 31

Fort Lee, New Jersey, 07024

*\*Baroukh Sasouness is the only member/owner of Simchah 325 Yonkers, LLC*

### **Section II, No. 4: Project Description**

AEI Consultants (AEI) was retained by the current Site owner, Simchah 325 Yonkers, LLC, to conduct a Phase II Subsurface Investigation (Phase II) at the Site in September/October of 2018 in order to evaluate potential impacts related to the on-site dry-cleaning operations, the potential heating oil USTs to the west of the retail building, the oil-water separator (OWS), and the gasoline filling and auto service operations.

The groundwater sample analytical results indicated that tetrachloroethene (PCE) was detected in a groundwater sample near the dry cleaner tenant space at a concentration greater than the New York State Department of Environmental Conservation (NYSDEC) Ambient Water Quality Standards (AWQS). Additionally, petroleum-related compounds were detected in groundwater samples near the auto repair shop and/or filling station operations at concentrations greater than their corresponding NYSDEC AWQS. No Semi-Volatile Organic Compounds (SVOCs) were detected at concentrations greater than the applicable groundwater criteria in the groundwater samples analyzed.

PCE was detected at concentrations greater than the New York State Department of Health (NYSDOH) screening levels in the soil vapor and indoor air. Based on the levels detected, the NYSDOH Matrix B guidance table recommends that mitigation be conducted to minimize current or potential exposures associated with soil vapor intrusion.

Since exceedances of petroleum-related Volatile Organic Compounds (VOCs) were detected in groundwater at the Site, the release was reported to the NYSDEC and Spill No. 18-07608 was issued. Furthermore, since exceedances of dry-cleaner solvent VOCs were detected in groundwater throughout the Site, the release was reported to the NYSDEC and the Site was issued DEC site #360184.

On January 17, 2019, the NYSDEC issued a letter requiring the development and submission of a Remedial Investigation Work Plan (RIWP) to delineate impacted groundwater related to the on-site petroleum release. The on-site petroleum release is being investigated separately under spill number 18-07608.

AEI returned to the Site on November 27, 2018, to conduct an additional round of sampling to delineate the extent of the PCE vapor contamination at the Site. Soil vapor and indoor/ambient air samples

collected during the supplemental investigation indicated the need for vapor intrusion mitigation (i.e. Sub-Slab Depressurization System [SSDS]) for the dry-cleaning tenant space and tenant space immediately east of the dry-cleaner tenant space.

Based on the presence of the PCE groundwater and vapor contamination at the Site, the NYSDEC recommended that the current owner enter into the Brownfield Cleanup Program (BCP) to address the onsite PCE contamination.

AEI has been retained by Simchah 325 Yonkers, LLC to assist in the entry into the NYSDEC BCP.

The purpose of the project moving forward is to install a SSDS to remove chlorinated vapors from beneath the building slab of the facility to improve indoor air quality. The SSDS will cover the area occupied by the dry cleaning tenant space and the tenant space immediately east of the dry-cleaner tenant space. Indoor air quality testing will be conducted following SSDS installation to ensure its effectiveness. If approval is granted, the remedial program is planned to start in October 2019 and the Certificate of Completion is expected in January 2020.

The Site owner plans to maintain the property for its current commercial use following completion of remedial action at the Site.

### **Section III, Property's Environmental History – Previous Environmental Reports**

1. Additional Dry Cleaner Soil Investigation (February 2006)
2. Closure Report: Removal of Contaminated Soil (April 2006)
3. Limited Phase II Subsurface Investigation Report (October 2018)
4. Supplemental Subsurface Investigation Report (December 2018)

#### **1. Additional Dry Cleaner Soil Investigation (February 2006)**

Laurel Environmental Associates, Ltd. (LEA) was retained by the former property owner, Yonkers Ave. Realty Corporation, to conduct a soil investigation at the Site. On February 8, 2006, LEA collected six (6) soil samples in the vicinity of the dry cleaning unit, from within the tenant space of 21st Century Dry Cleaning. A total of ten (10) soil samples were collected from zero to a maximum depth of two (2) feet below grade surface (bgs) from the six borings advanced beneath the concrete slab of the building. Bedrock was encountered at varying depths between one (1) to two (2) feet bgs.

PCE was detected in all soil samples at concentrations below the NYSDEC Unrestricted Soil Cleanup Objective (SCO) of 1.3 milligrams per kilogram (mg/kg) with the exception of B-1 and B-4, which had concentrations of 9.8 mg/kg and 5.7 mg/kg, respectively.

A letter report including a summary of this information was reportedly submitted to Mr. Frederick Beck, Jr. of the Westchester County Department of Health (WCDOH).

A copy of the February 2006 Draft Soil Investigation letter is included as a PDF on a CD included with this application.



## **2. Closure Report: Removal of Contaminated Soil (April 2006)**

Based on the results of the February 2006 soil sampling conducted at the Site, LEA was retained by the former property owner to complete the removal of contaminated soil in the area beneath the dry cleaning facility. On March 20-24, 2006, LEA completed the following tasks:

- Disassembled and temporarily moved the dry cleaning machine located inside the building in order to gain access to the proposed excavation area;
- Removed and disposed of approximately 12 tons of concrete;
- Excavated impacted soil in the area beneath the former dry cleaning machine. A total of 23.62 tons of impacted soil were excavated from beneath the concrete slab and disposed of at a licensed facility in Belleville, Michigan;
- Six endpoint soil samples were collected from the sidewalls and bottom of the excavation and analyzed for VOCs;
- Excavation was lined with 6-millimeter poly sheeting and backfilled with clean bank-run sand, concrete slab was replaced sealed with a watertight epoxy coating;
- Dry cleaner was reassembled and installed in its previous location;
- Closure report was submitted to WCDOH and NYSDEC.

This remedial excavation work was conducted with oversight of the WCDOH representative, Mr. Frederick Beck, and the closure report was reportedly submitted to NYSDEC representative, Ms. Michelle Tippel. A copy of the April 2006 Closure Report is included as a PDF on a CD included with this application.

## **3. Limited Phase II Subsurface Investigation Report (October 2018)**

AEI completed a Phase II at the Site on September 26, 2018. The purpose of the Phase II was to evaluate potential impacts related to the on-site dry-cleaning operations, the potential heating oil USTs to the west of the retail building, the OWS, and the gasoline filling and auto service operations. A total of five (5) borings were advanced throughout the Site for the collection of soil and groundwater samples. Additionally, two (2) sub-slab soil vapor samples were collected from beneath the slab of the onsite dry cleaner and the slab of the tenant space adjacent to the northeast of the dry cleaner, along with an indoor and ambient (exterior) air sample.

The soil sample analytical results indicate that no VOCs were detected at concentrations greater than the applicable soil criteria in the soil samples analyzed. Additionally, no SVOCs, polychlorinated biphenyls (PCBs), or metals were detected at concentrations greater than the applicable soil criteria in soil sample SB-5.

The groundwater sample analytical results indicate that PCE was detected in groundwater sample TW-1 at a concentration greater than the New York AWQS. Additionally, 1,2,4,5-tetramethylbenzene, isopropylbenzene, n-butylbenzene, n-propylbenzene, and sec-butylbenzene were detected in groundwater samples TW-2 and TW-3 at concentrations greater than the New York AWQS; 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene were detected in groundwater sample TW-3 at a concentration greater than the New York AWQS; and benzene, ethylbenzene, naphthalene, and p/m-xylene were detected in groundwater sample TW-2 at a concentration greater than the New York AWQS. No other VOCs were detected at concentrations greater than the New York AWQS in the groundwater samples analyzed.

No SVOCs were detected at concentrations greater than the applicable groundwater criteria in the groundwater samples analyzed.



The sub-slab soil vapor sample analytical results indicate that PCE was detected at concentrations greater than the NYSDOH screening levels in both sub-slab soil vapor samples analyzed. No other VOCs were detected above the NYSDOH in the sub-slab soil vapor samples analyzed. Due to the PCE exceedances in sub-slab soil vapor samples SSV-1 and SSV-2, indoor air sample IA-1 and ambient air sample AA-1 were analyzed to determine whether a vapor intrusion pathway exists.

The indoor air sample analytical results indicated that PCE was detected in indoor air sample IA-1 at a concentration of 9.9 micrograms per cubic meter (ug/m<sup>3</sup>). This concentration exceeds the NYSDOH Matrix B Indoor Air Concentrations Criteria of 3 ug/m<sup>3</sup> for PCE. When considered along with the concentrations of PCE detected in sub-slab soil vapor samples SSV-1 and SSV-2 of 1,720 ug/m<sup>3</sup> and 78,700 ug/m<sup>3</sup>, respectively, the NYSDOH Matrix B guidance table recommends that mitigation be conducted to minimize current or potential exposures associated with soil vapor intrusion.

Based on this information, AEI recommended conducting an additional round of sampling that included sub-slab soil vapor and indoor air samples within the Dunwoodie Deli/Buffer space to delineate the extent of the PCE vapor contamination in order to determine which areas of the Site building would require mitigation activities.

Furthermore, since exceedances of dry-cleaner solvent and petroleum related VOCs were detected in groundwater throughout the Site, the releases were reported to the NYSDEC.

A copy of the October 2018 Limited Phase II Subsurface Investigation Report is included as a PDF on a CD included with this application.

#### **4. Supplemental Subsurface Investigation Report (December 2018):**

AEI returned to the Site on November 27, 2018, to conduct an additional round of sampling to delineate the extent of the PCE vapor contamination at the Site.

Four (4) sub-slab soil vapor samples (SSV-01 through SSV-04), two (2) indoor air samples (IA-01 and IA-02), and one (1) exterior (i.e., background/ambient) air sample (AA-01) were collected and analyzed in tenant spaces to the east of the dry-cleaner space.

Sub-slab soil vapor sample analytical results indicated that no chlorinated VOCs (CVOCs) were detected at concentrations greater than the NYSDOH screening levels in the sub-slab soil vapor samples analyzed from beneath the slabs of the additional spaces evaluated.

The indoor air sample analytical results indicated that PCE was detected in indoor air sample IA-01 at concentration of 5.16 ug/m<sup>3</sup>, which is greater than the Matrix B NYSDOH Indoor Air screening level of 3.0 ug/m<sup>3</sup>. Additionally, TCE was detected in indoor air samples IA-01 and IA-02 at concentrations of 7.74 ug/m<sup>3</sup> and 0.269 ug/m<sup>3</sup>, respectively, which are greater than the Matrix A NYSDOH Indoor Air screening level of 0.2 ug/m<sup>3</sup>. No CVOCs were detected in ambient air sample AA-01 at concentrations greater than the NYSDOH screening levels.

Based on the findings above, vapor intrusion mitigation (i.e. SSDS) was recommended for the dry-cleaning tenant space and tenant space immediately east of the dry-cleaner tenant space.

A copy of the December 2018 Supplemental Subsurface Investigation Report is included as a PDF on a CD included with this application.

## **Section IV, No. 10: Property Information – Property Description and Environmental Assessment**

### **Location:**

The Site is located in a mixed residential and commercial area and is bordered by the Fairways at Dunwoodie Golf Course to the north, vacant, wooded land and Tibbets Creek to the east, Yonkers Avenue followed by Planet Fitness to the south, and the Fairways at Dunwoodie Golf Course to the west.

### **Site Features:**

The portion of the Site within the proposed Brownfield Site Boundary totals approximately 0.23 acres and is improved with one (1) two-story, slab-on-grade building. The Site is currently occupied by BoniClean dry cleaner, Deli Buffet, and a church. Additionally, the portions of the exterior of the Site are improved with asphalt-paved parking areas and concrete walkways.

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

The Site is currently active and is zoned for commercial use. The surrounding parcels are currently used for recreational and commercial purposes. The nearest residential area is located 500 feet to the east.

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

Based on a review of historical sources, the Site was used for commercial purposes since at least 1917. Various commercial tenants have occupied the strip mall within the Brownfield Site Boundary including a dry cleaner since 1985. Phase II Subsurface Investigations were conducted at the Site in June 2005, October 2018, and December 2018.

In 2006, LEA also conducted soil excavation beneath the dry-cleaner tenant space. The activities consisted of the following:

- Disassembly and temporary removal of the dry-cleaning machine.
- Removal and off-site disposal of 12 tons of reinforced concrete.
- Excavation and removal of 23 tons of soils.
- Collection and laboratory analysis of six post excavation confirmatory soil samples.

This remedial excavation work was conducted with oversight of the Westchester County Department of Health (WCDOH) representative, Mr. Frederick Beck, and New York State Department of Environmental Conservation (NYSDEC) representative, Ms. Michelle Toppel.

### **Site Geology and Hydrogeology:**

According to information obtained from the United States Geological Survey (USGS) the Site is underlain by Pleistocene glacial till deposits. Based on a review of the United States Department of Agriculture (USDA) Soil Survey, the majority of the soils in the vicinity of the Site are classified as the Charlton-Chatfield complex, which is indicative of coarse-loamy melt-out till derived from granite, gneiss, and/or schist. The soil recovered in the borings advanced during the October 2018 Phase II investigation generally consisted of a layer of fill followed by brown sand and silt.

Groundwater was encountered between 11 and 19 feet bgs in the area of the Site during the October 2018 Phase II investigation. Groundwater on-site is inferred to flow towards the east/southeast. The closest surface water body is Tibbets Creek, which is located 150 feet to the east of the Site.

**Environmental Assessment:**

Based upon the investigation activity conducted to date, PCE is the primary contaminant of concern and is inferred to be sourced from beneath the dry-cleaner tenant space in the southwestern corner of the Site.

*Soil* – PCE was detected in soil sample SB-1/TW-1, located in the southwestern portion of the Site, at a concentration of 0.00034 mg/kg, which is less than the most stringent NYSDEC Unrestricted Soil Cleanup Objective of 1.3 mg/kg.

*Groundwater* – PCE was detected in groundwater sample TW-1, located in the southwestern portion of the Site, at a concentration of 18 micrograms per liter (ug/L), which is greater than the New York AWQS of 5 ug/L. PCE was not detected in groundwater samples collected on the eastern portion of the Site (TW-2 and TW-3). Gasoline related VOCs were detected in groundwater samples collected on the eastern portion of the Site at concentrations greater than their respective AWQS. The petroleum release is being investigated separately under spill number 18-07608.

*Soil Vapor* – PCE was detected in sub-slab soil vapor samples SSV-1 and SSV-2, located in the southwestern-most on-site tenant spaces, at concentrations of 1,720 ug/m<sup>3</sup> and 78,700 ug/m<sup>3</sup>, respectively, which are greater than the NYSDOH Matrix B Sub-slab Vapor Concentration of 100 ug/m<sup>3</sup>.

*Indoor Air* – PCE was detected in indoor air sample IA-1, located in the tenant space immediately east of the dry-cleaner tenant space, at a concentration of 9.9 ug/m<sup>3</sup>, which is greater than the NYSDOH Matrix B Indoor Air Concentration of 3 ug/m<sup>3</sup>.

**Section VI: Current Property Owner/Operator Information**

Year(s)	Owner	Operator	Address	Phone	Relationship
1935	NA	Westchester Service Corp/ice wholesale	327 Yonkers Avenue	NA	None
1940, 1945, 1950, 1955	NA	Dunwoodie Service Station	327 Yonkers Avenue	NA	None
1960	NA	Hank's Service Station; Nicholas Nuzzi; Vallins Trucking Inc.	327 Yonkers Avenue	NA	None
1966	NA	Westchester Hudson Fuel Co. Inc.	325 Yonkers Avenue	NA	None
		Dunwoodie Service Station; U-Haul Company	327 Yonkers Avenue	NA	None
		Vrabel Truck Rental Co. Inc.	391 Yonkers Avenue	NA	None
1970	NA	Westchester Hudson Fuel Company Inc.; A1 Compaction	325 Yonkers Avenue	NA	None
		Vic's Blue Sunoco; Vic Silvestri Sunoco Service Station	327 Yonkers Avenue	NA	None
		Area Paving Co.	391 Yonkers Avenue	NA	None
1975	NA	A1 Compaction; All Westchester Carting; Trumid Construction	325 Yonkers Avenue	NA	None
		Waverly Service Station			



		Area Paving Co.	327 Yonkers Avenue 391 Yonkers Avenue	NA NA	None None
1980	NA	A1 Compaction; Fleetwod Haulage; Westchester Carting; Yonkers Dairy & Deli	325 Yonkers Avenue	NA	None
1985	NA	A1 Compaction; A1 Hydraulic Co.; Fleetwod Haulage; Westchester Carting; Jenny Service Station; Yonkers Dairy & Deli	325 Yonkers Avenue	NA	None
1995	NA	ANR Development Corp.; A1 Compaction; American Disposal; Cho's 21 <sup>st</sup> Century; Dunwoodie Dairy & Deli; Greene Refuse Service; King Bear Yonkers; Yonkers Auto Center	325 Yonkers Avenue	NA	None
2000	NA	A1 Compaction; American Disposal Service; Cho's 21 <sup>st</sup> Century; Dunwoodie Dairy & Deli; Greene Refuse Service; King Bear Yonkers; Yonkers Auto Center	325 Yonkers Avenue	NA	None
2005	NA	21 <sup>st</sup> Century Dry Cleaning Dunwoodie Dairy & Deli; King Bear Yonkers; Parks 21 <sup>st</sup> Century Cleaners; Waste Management; Yonkers Auto Center	323 Yonkers Avenue 325 Yonkers Avenue	NA NA	None None
2010	Simchah 325 Yonkers, LLC	American Disposal Service Inc.; Cho's 21 <sup>st</sup> Century Dry Cleaners; Dunwoodie Dairy & Deli; Greene Refuse Inc.; Waste Management; Yonkers Auto Center	325 Yonkers Avenue	NA	Current owner
2014	Simchah 325 Yonkers, LLC	A1 Compaction; Dunwoodie Dairy & Deli; Frontier-Kemper Constructors; Waste Management; Yonkers Hauling Budget Truck Rental; Yonkers Auto Center	325 Yonkers Avenue 327 Yonkers Avenue	NA NA	Current owner
2018	Simchah 325 Yonkers, LLC	Marim Dry Cleaners A1 Compaction; Dunwoodie Dairy & Deli; Waste Management Budget Truck Rental; Yonkers Auto Center	323 Yonkers Avenue 325 Yonkers Avenue 327 Yonkers Avenue	NA NA NA	None None None

The Site was sold to Simchah 325 Yonkers, LLC on April 28, 2006 by Yonkers Ave Realty Corp. The current owner has no relationship with or information regarding prior owners or operators other than what is provided above.

**Section IX: Contact List Information**
**Community/Planning Board Contacts**

Organization	Representative	Address	Phone / E-Mail
Westchester County Executive	George Latimer	900 Michaelian Building 148 Martine Avenue White Plains, NY 10601	(914) 995-2900 <a href="mailto:CE@westchestergov.com">CE@westchestergov.com</a>
Westchester County Planning Board Chairperson	Richard Hyman	148 Martine Avenue White Plains, NY 10601	(914) 995-4408 <a href="mailto:nv1@westchestergov.com">nv1@westchestergov.com</a>
City of Yonkers Mayor	Mike Spano	City Hall 40 South Broadway Yonkers, NY 10701	(914) 377-6300 <a href="mailto:Mayor@yonkersny.gov">Mayor@yonkersny.gov</a>
City of Yonkers Planning Board Chairperson	Roman Kozicky	87 Nepperhan Avenue, Suite 320-322 Yonkers, NY 10701	(914) 220-4900 <a href="mailto:rkozicky@sumafcu.org">rkozicky@sumafcu.org</a>

**Adjacent Property Contacts**

Occupant(S)	Address	Owner / Address	Direction
Waste Management Inc. BoniClean (dry cleaner) Deli Buffet Church Sunoco gas station Vacant spaces	325-327 Yonkers Avenue, Yonkers, NY 10701	Simchah 325 Yonkers, LLC 327 Yonkers Avenue, Yonkers, NY 107107	Site
The Fairways at Dunwoodie Golf Course	1 Wasylenko Ln, Yonkers, NY 10701	Westchester County 110 Grove St White Plains NY 10601	North and West
Planet Fitness	320 Yonkers Ave, Yonkers, NY 10701	Tower Management LLC 320 Yonkers Ave, Yonkers, NY 10701	South

- Undeveloped wooded land is present adjacent to the east of the Site

**Local News Media**

Organization	Address	Phone/E-mail
Yonkers Daily Voice	Unknown	<a href="mailto:yonkers@dailyvoice.com">yonkers@dailyvoice.com</a>
Yonkers Voice	Ashburton Avenue Yonkers, NY 10701	(914) 618-5033
News 12 Westchester	6 Executive Plaza Yonkers, NY 10701	(914) 378-4855 <a href="mailto:news12wc@news12.com">news12wc@news12.com</a>
Eyewitness News (abc7)	Unknown	<a href="mailto:abc7ny@abc.com">abc7ny@abc.com</a>

**Public Water Supplier**

Organization	Address	Phone/E-mail
Yonkers Water Bureau	40 South Broadway, Room 311 Yonkers, NY 10701	(914) 377-6270

### Local Schools

Organization	Representative	Address	Phone/E-mail
St Ann's School	Michael Vicario (Principal)	40 Brewster Ave, Yonkers, NY 10701	(914) 965-4333 <a href="mailto:michael.vicario@archny.org">michael.vicario@archny.org</a>
Yonkers Middle High School	Michael Shapiro (Principal)	150 Rockland Ave, Yonkers, NY 10705	(914) 376-8191 <a href="mailto:mshapiro@yonkerspublicschools.org">mshapiro@yonkerspublicschools.org</a>
Lincoln High School	Ian Sherman (Principal)	375 Kneeland Ave, Yonkers, NY 10704	(914) 376-8400 <a href="mailto:isherman1@yonkerspublicschools.org">isherman1@yonkerspublicschools.org</a>

### Document Repository

Organization	Address	Phone/E-mail
Yonkers Public Library	1 Larkin Center, Yonkers, NY 10701	Yonkers Public Library

\*Copy of acknowledgement from the document repository is attached

### Section X, No. 2: Land Use Factors – Summary of Business Operations

The Site is currently occupied by Waste Management Inc., BoniClean dry cleaner, Deli Buffet, a church, and a Sunoco gasoline service station located in the center of the property. The Site also includes a former automotive service building, which is currently vacant and in the process of being remodeled. Based on a review of historical sources, a gasoline service station and automotive repair facility have operated onsite since 1940, various waste management companies have operated onsite since 1970, and a dry cleaner has operated onsite since 1985. The occupancy by a dry cleaner is believed to have led to onsite chlorinated solvent contamination.

### Section X, No. 3: Land Use Factors – Statement of Proposed Use

The current commercial use is planned to continue for the foreseeable future.

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through May 30, 2019.

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Selected Entity Name: SIMCHAH 325 YONKERS, LLC  
Selected Entity Status Information  
**Current Entity Name:** SIMCHAH 325 YONKERS, LLC  
**DOS ID #:** 3337992  
**Initial DOS Filing Date:** MARCH 22, 2006  
**County:** NASSAU  
**Jurisdiction:** NEW YORK  
**Entity Type:** DOMESTIC LIMITED LIABILITY COMPANY  
**Current Entity Status:** ACTIVE

Selected Entity Address Information  
**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**  
BAROUKH SASOUNESS  
PO BOX 31  
FORT LEE, NEW JERSEY, 07024

**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
MAR 22, 2006	Actual	SIMCHAH 325 YONKERS, 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.

[Search Results](#) [New Search](#)

Section IX: Contact List Information -  
Document Repository Acknowledgement

**From:** Yonkers E-reference <[ypl@wlsmail.org](mailto:ypl@wlsmail.org)>  
**Date:** June 5, 2019 at 5:01:14 PM EDT  
**To:** [jfarber@aeiconsultants.com](mailto:jfarber@aeiconsultants.com)  
**Subject: Re: Ask A Librarian Document Repository - 327 Yonkers Ave-**

Thank you for your message.

We here at the Riverfront Library (One Larkin Center, Yonkers 10701) maintain an environmental documents depository and would be happy to accept documents for the property in question.

Please send all such documents to the attention of librarian John Favareau.

On Wed, Jun 5, 2019 at 1:01 PM YPL Ask a Librarian Jordan Farber <[yonkerspl@gmail.com](mailto:yonkerspl@gmail.com)> wrote:

From: Jordan Farber <[jfarber@aeiconsultants.com](mailto:jfarber@aeiconsultants.com)>  
Subject: Document Repository - 327 Yonkers Ave

Message Body:

From:  
Jordan Farber  
[jfarber@aeiconsultants.com](mailto:jfarber@aeiconsultants.com)

QUESTION

I am assisting a client in applying to participate in the Brownfield Cleanup Program through the NYSDEC for an environmental investigation and remediation at the property located at 325-327 Yonkers, Avenue. As a requirement of entry into the Brownfield Cleanup Program, the NYSDEC requests that a local public library act as a document repository for future work plans, reporting, and results as the environmental investigation and remediation work progresses. The site document repository is meant to provide the local community with information about the work being conducted at the property and allow for the public to comment prior to commencement of the work. Please let me know if your branch of the YPL would be willing to cooperate as a document repository for the project and feel free to reach out to me with any questions. Thank you!

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This e-mail was sent from a contact form on Yonkers Public Library  
(<http://www.ypl.org/librarian>)



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