Department of
Housing Preservation
& Development
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Office of Development
Division of Building & Land Development Services
100 Gold Street
New York, N.Y. 10038

QUALIFIED ACTION DETERMINATION

To: Naomi Robalino

From: Anthony Howard - Director, Environmental Planning

Date: July 30, 2026

Re: **Fordham Landing South**
26HPD033X
330 West Fordham Road and 360 West Fordham Road
Block 3231, Lots 264 and 265
Bronx Community District 7

The New York City Department of Housing Preservation and Development (HPD) has reviewed the above-referenced project and determined that, pursuant to Subdivision 5 of section 8-0111 of the Environmental Conservation Law, it is a Qualified Action not subject to further review under SEQRA / CEQR.

This Qualified Action is an action for the purposes of the construction of housing that is:

- Connected to existing community or public water and sewerage systems at the commencement of habitation;
- Located at a previously disturbed site;
- Not located within an area zoned exclusively for industrial uses;
- Not to contain more than fifty thousand square feet of commercial, retail, community facility or other non-industrial non-residential uses;
- Not to exceed an incremental 500 dwelling units in a zoning district that allows residential buildings to exceed 45 feet; *and*
- Not to include construction of only one single-family residence on a parcel of one-half or more acres.

Proposed Project

Fordham Landing South Partners LLC (the "Recipient") seeks enrollment in Section 524(c) Housing Finance Agency Risk Sharing and a zoning map amendment to map a C-2 commercial overlay zone (the "Proposed Actions") at 330 and 360 West Fordham Road in the University Heights neighborhood of The Bronx. The Proposed Actions would facilitate the

development of a mixed-use building containing 901 affordable residential dwelling units, 31,023 gross square feet ("gsf") of community facility space, and 17,037 gsf of commercial space. The Proposed Project would also include a 33,374 gsf public open space, a 4,986 gsf entrance to the University Heights Metro-North Railroad station, two privately-owned publicly accessible 34-foot-wide roadways, and a garage with up to 190 parking spaces.

Attachments

New York State Department of Environmental Conservation Decision Document

CC: Project File
T. Kao
A. Schaefer
S. O'Rourke

DECISION DOCUMENT

330 West Fordham Road
Brownfield Cleanup Program
Bronx, Bronx County
Site No. C203173
November 2024

Prepared by
Division of Environmental Remediation
New York State Department of Environmental Conservation

DECLARATION STATEMENT - DECISION DOCUMENT

330 West Fordham Road
Brownfield Cleanup Program
Bronx, Bronx County
Site No. C203173
November 2024

Statement of Purpose and Basis

This document presents the remedy for the 330 West Fordham Road brownfield cleanup site. The remedial program was chosen in accordance with the New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 375.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (NYSDEC) for the 330 West Fordham Road site and the public's input to the proposed remedy presented by NYSDEC.

Description of Selected Remedy

The elements of the selected remedy are as follows:

1. Remedial Design

A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- Reducing direct and indirect greenhouse gases and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;
- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
- Maximizing habitat value and creating habitat when possible;
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
- Additionally, to incorporate green remediation principles and techniques to the

extent feasible in the future development at this site, any future on-site buildings shall be constructed, at a minimum, to meet the 2020 Energy Conservation Construction Code of New York (or most recent edition) to improve energy efficiency as an element of construction.

As part of the remedial design program, to evaluate the remedy with respect to green and sustainable remediation principles, an environmental footprint analysis will be completed. The environmental footprint analysis will be completed using an accepted environmental footprint analysis calculator such as SEFA (Spreadsheets for Environmental Footprint Analysis, USEPA), SiteWise^{TM} (available in the Sustainable Remediation Forum [SURF] library) or similar NYSDEC accepted tool. Water consumption, greenhouse gas emissions, renewable and non-renewable energy use, waste reduction and material use will be estimated, and goals for the project related to these green and sustainable remediation metrics, as well as for minimizing community impacts, protecting habitats and natural and cultural resources, and promoting environmental justice, will be incorporated into the remedial design program, as appropriate. The project design specifications will include detailed requirements to achieve the green and sustainable remediation goals. Further, progress with respect to green and sustainable remediation metrics will be tracked during implementation of the remedial action and reported in the Final Engineering Report (FER), including a comparison to the goals established during the remedial design program.

Additionally, the remedial design program will include a climate change vulnerability assessment, to evaluate the impact of climate change on the project site and the proposed remedy. Potential vulnerabilities associated with extreme weather events (e.g., hurricanes, lightning, heat stress and drought), flooding, and sea level rise will be identified, and the remedial design program will incorporate measures to minimize the impact of climate change on potential identified vulnerabilities.

2. Excavation

Excavation and off-site disposal of contaminant source areas, including:

- Grossly contaminated soil, as defined in 6 NYCRR Part 375-1.2(u);
- Soil with visual waste material or non-aqueous phase liquid;
- Soils which exceed the protection of groundwater soil cleanup objectives (PGWSCOs), as defined by 6 NYCRR Part 375-6.8 for those contaminants found in site groundwater above standards;
- Any underground storage tanks (USTs), fuel dispensers, underground piping or other structures associated with a source of contamination; and
- Soils that create a nuisance condition, as defined in Commissioner Policy CP-51 Section G.

Track 1 Area

Excavation and off-site disposal of all on-site soils which exceed unrestricted soil cleanup objectives (SCOs) as defined by 6 NYCRR Part 375-6.8 in the central portion of the site.

Track 2 Area
Excavation and off-site disposal of all on-site soils which exceed restricted residential SCOs as defined by 6 NYCRR Part 375-6.8 in the upper 15 feet in the eastern and southern portion of the site. If a Track 1 or Track 2 restricted residential cleanup is achieved, a Cover System will not be a required element of the remedy in those locations.

Track 4 Area
Excavation and off-site disposal of all on-site soils which exceed restricted residential SCOs as defined by 6 NYCRR Part 375-6.8 in the upper 2 feet in the western and northern area of the site.

A total of approximately 46,200 cubic yards of contaminated soil will be removed from the site for remediation. Collection and analysis of confirmation and documentation samples at the remedial excavation depths will be used to verify that SCOs for the site have been achieved. If confirmation sampling indicates that SCOs were not achieved at the stated remedial depth, the Applicant must notify NYSDEC, submit the sample results and, in consultation with NYSDEC, determine if further remedial excavation is necessary. Further excavation for development will proceed after confirmation samples demonstrate that SCOs for the site have been achieved.

To ensure proper handling and disposal of excavated material, waste characterization sampling will be completed for all identified contaminated site material. Waste characterization sampling will be performed exclusively for the purposes of off-site disposal in a manner suitable to receiving facilities and in conformance with applicable federal, state and local laws, rules, and regulations and facility-specific permits.

3. Backfill

As needed, clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to replace the excavated soil and establish the designed grades at the site.

4. Cover System

A site cover will be required in the Track 4 area where the upper two feet of exposed surface soil will exceed the applicable SCOs, to allow for future restricted residential use of the site. Where a soil cover is to be used it will be a minimum of two feet of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material for the use of the site as set forth in 6 NYCRR Part 375-6.7(d). Substitution of other materials and components may be allowed where such components already exist or are a component of the tangible property to be placed as part of site redevelopment. Such components may include, but are not necessarily limited to: pavement, concrete, paved surface parking areas, sidewalks, building foundations and building slabs.

5. Vapor Intrusion Evaluation

As part of the remedy, a soil vapor intrusion evaluation will be completed. The evaluation will include a provision for implementing actions recommended to address exposures related to soil

vapor intrusion.

6. Enhanced Bioremediation

In-situ enhanced biodegradation will be employed to treat volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs) in groundwater in an area to be determined following the removal of the source areas as described in Remedy Element 2 above. The biological breakdown of contaminants through aerobic respiration will be enhanced by the placement of an oxygen release compound (ORC), or similar material within the base of excavation. The application area will be determined during the remedial design.

Conditional Track 1

The intent of the remedy is to achieve a Track 1 unrestricted use in the Track 1 area; therefore, no Environmental Easement (EE) or Site Management Plan (SMP) is anticipated for the Track 1 area. If the soil vapor intrusion (SVI) evaluation is not completed prior to completion of the Final Engineering Report, then a SMP and EE will be required to address the SVI evaluation and implement actions as needed. If a mitigation or monitoring action is needed, a Track 1 cleanup can only be achieved if the mitigation system or other required action is no longer needed within 5 years of the date of the Certificate of Completion.

In the event that Track 1 unrestricted use is not achieved in the designated Track 1 area, including achievement of groundwater and soil vapor remedial objectives, the following contingent remedial elements will be required, and the remedy in the Track 1 area will achieve a Track 2 restricted residential cleanup at a minimum.

7. Institutional Controls

Imposition of an institutional control in the form of an Environmental Easement for all areas of the controlled property that do not achieve a Track 1 cleanup which will:

- require the remedial party or site owner to complete and submit to the NYSDEC a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
- allow the use and development of the controlled property for restricted residential use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
- restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or NYCDOHMH; and
- require compliance with the NYSDEC approved Site Management Plan.

8. Site Management Plan

A Site Management Plan is required for the areas of the site that do not achieve a Track 1 cleanup, which includes the following:

a. an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective:
   - Institutional Controls: The Environmental Easement discussed in Remedy Element 7 above.
   - Engineering Controls: The cover system for the Track 4 area of the site discussed in Remedy Element 4 above.

   This plan includes, but may not be limited to:
   - an Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
   - descriptions of the provisions of the environmental easement including any land use, groundwater use, and surface water use restrictions;
   - a provision for evaluation of the potential for soil vapor intrusion for any occupied buildings on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion;
   - a provision that should a building foundation or building slab be removed in the future, a cover system consistent with that described in Remedy Element 4 above will be placed in any areas where the upper two feet of exposed surface soil exceed the applicable SCOs;
   - provisions for the management and inspection of the identified engineering controls;
   - maintaining site access controls and NYSDEC notification; and
   - the steps necessary for the periodic reviews and certification of the institutional and/or engineering controls.

b. a Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
   - monitoring of groundwater to assess the performance and effectiveness of the remedy;
   - a schedule of monitoring and frequency of submittals to the NYSDEC; and
   - monitoring for vapor intrusion for any buildings on the site, as may be required by the Institutional and Engineering Control Plan discussed above.

Declaration

The remedy conforms with promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration NYSDEC guidance, as appropriate. The remedy is protective of public health and the environment.

November 7, 2024

Date

Scott Deyette, Director
Remedial Bureau B