PERIODIC REVIEW REPORT AND SITE MANAGEMENT PLAN OPERATION REPORT

(Reporting Period June 15, 2020 to August 19, 2025)

For

KIPS BAY FUEL TERMINAL
Tax Block 967, Lots 1 and Lot 2
New York, New York

NYSDEC BCP No. C231014

Prepared For:

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May 14, 2026
170946901

LANGAN

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1.0 INTRODUCTION

1.1 General

This Periodic Review Report (PRR) and Site Management Plan (SMP) Operation Report was prepared in accordance with the New York State Department of Environmental Conservation (NYSDEC)-approved September 2011 SMP, February 4, 2016 SMP Addendum 1 and Section 6.3 of NYSDEC Division of Environmental Remediation (DER)-10. This report documents site inspections at the former Kips Bay Fuel Terminal site (Brownfield Cleanup Program [BCP] Site No. C231014) for the certification period of June 15, 2020 through August 19, 2025. The site, located at 626 First Avenue in the Murray Hill neighborhood of New York, New York, is identified on the New York City Tax Map as Tax Block 967, Lots 1 and 2. The site was remediated pursuant to a Brownfield Cleanup Agreement (BCA) and a Certificate of Completion (COC) was issued by NYSDEC in December 2011. As the site was not remediated to Track 1 standards, engineering controls and institutional controls (EC/IC) were implemented. A Site Location Map is provided as Figure 1. Figure 2 identifies the site area and tax lots subject to the requirements of the SMP. A copy of the SMP, its addendum and Environmental Easement (EE) are provided as Appendix A.

An active sub-slab depressurization system (SSDS) was installed during the construction of the school building on Lot 2; however, the SSDS is not an engineering control associated with the remedial program for the site. Langan received annual inspection documentation for Lot 2 from Public School M281 personnel on May 6, 2026. Information regarding inspections performed by ATC Group Services, LLC (ATC) during this reporting period are provided in Appendix B.

1.2 Site Location and Background

The approximately 68,800-square-foot rectangular-shaped site is bordered to the north by East 36th Street, to the east by the Franklin D. Roosevelt (FDR) Drive, to the south by East 35th Street, and to the west by First Avenue. The site is located in a neighborhood primarily characterized by multi-story commercial and residential developments. The site operated as a lumber and coal/wood yard prior to 1899. By 1910, the northern portion of the site had been developed with a one-story building and was occupied by the Liquid Carbonic Company. The remainder of the site continued to operate as a lumberyard until circa 1926 when the eastern portion of the site was redeveloped into a steam plant operated by the New York Steam Corporation.

By 1980, the steam plant was owned by the Con Edison Company. Fuel oil underground storage tanks (UST) and transformers were located on the west side of the property. The steam plant was demolished between circa 1987 and circa 1994. The site was then occupied by the Kips Bay Fuel Terminal, which stored fuel oil in a 255,000-gallon UST and served as a backup fuel depot for the natural gas-powered steam boilers at Con Edison's Waterside Generating Station.

The site was remediated in accordance with Voluntary Cleanup Order (VCO) Index #D2-001-01-03, which was executed on June 27, 2001. In 2005, 616 First Realty Company LLC acquired the site from Con Edison. Remediation at the site was completed between March 2001 and August 2004. Remediation included:

- Demolition and asbestos abatement of existing site structures
- Removal of a 255,000-gallon UST (No 4/6 fuel oil) and associated petroleum-impacted soil
- Removal of Pipeline No. 5 (fuel oil supply line) and associated petroleum-impacted soil
- Remediation of transformer area polychlorinated biphenyl (PCB)-impacted soil
- Excavation and disposal of an ash pit
- Removal of Pipeline No. 6 (fuel oil supply line)
- Removal of a 475-gallon UST and associated petroleum-impacted soil
- Remediation of site-wide soil impacts

In December 2009, the New York City SCA acquired a portion of the site (Block 967, Lot 2) for construction of a new public school. The 2001 VCO was superseded (BCA Index # A2-0515-0405, which was executed by the NYSDEC) in June 2010. A COC was issued in December 2011. In February 2013, Block 967, Lot 1 was acquired by 616 First Avenue, LLC with the intention of constructing two high-rise residential towers.

Foundations for the two new residential-use high-rise towers were constructed across the majority of Block 967, Lot 1 between 2013 and 2015. As documented in the 2015 PRR, site material was excavated, stockpiled and transported off site for disposal at facilities permitted to accept the material in accordance with the SMP. Langan provided professional engineering services to document and report on the intrusive activities. The SMP operation was considered complete on May 28, 2015. At completion, excavated materials had been removed from the site and the site cover system was restored with new building structures with reinforced concrete pressure slabs, a four-inch concrete mud slab, and concrete sidewalks. One area of the site outside of the building footprint is a utility easement in the southeastern portion of the site. This area was temporarily capped by approximately 2 feet of gravel. The utility easement area in the southeastern portion of Block 967, Lot 1 was paved with concrete following building construction during this reporting period.

Change in site use during this reporting period consisted of change in ownership on March 1, 2022 from 616 First Avenue LLC to American Copper Building LLC. A Change of Use form was submitted to NYSDEC on August 6, 2025. During the reporting period, the ECs and ICs were maintained on Lot 1.

This report is organized as follows:

- Section 2 – Periodic Review Report Certification – Summarizes the annual certifications documenting that ECs/ICs were operated, maintained and monitored in accordance with the SMP.
- Section 3 – Annual Inspections – Describes the annual SMP inspections completed within Lot 1 between June 2020 and August 2025.
- Section 4 through 7 – SMP Operation Report – Describes site controls and material management at the site.

2.0 PERIODIC REVIEW REPORT CERTIFICATION

2.1 Institutional Controls – Lot 1

The IC for Lot 1 is an EE that contains restrictions and/or prohibitions with respect to disturbances of soil below development depth[1] and usage of groundwater. There have been no changes or actions during this reporting period that require modification to the EE. All ICs were maintained during the reporting period and the EE within Lot 1 remains in-place. A copy of the EE is included as Appendix A.

2.2 Institutional Controls – Lot 2

The IC for Lot 2 is an EE that contains restrictions and/or prohibitions with respect to disturbances of soil below development depth, site use restrictions (Restricted Residential and Commercial Use) and usage of groundwater. There have been no changes or actions during this reporting period that require modification to the EE. All ICs were maintained during the reporting period and the EE within Lot 2 remains in place.

2.3 Engineering Controls – Lot 1

The ECs for Lot 1 include:

- Composite Cover System – The Lot 1 footprint is covered with reinforced concrete pressure slabs, a four-inch concrete mud slab, and/or concrete sidewalks.
- Access Control – Access to the residential buildings within Lot 1 is restricted to tenants and authorized visitors.

ECs within Lot 1 were inspected on January 8, 2021, January 12, 2022, and August 19, 2025 by Langan. No inspections were conducted for the 2023 and 2024 reporting period. Langan did not perform annual inspections in 2023 and 2024 because Langan was not the remedial engineer.

[1] Development depth was redefined in the February 4, 2016 SMP Addendum 1 as the bottom of foundation. Based on final excavation depths as part of site redevelopment, the Development Depth ranges from el. -21.975 to -36.725 NAVD88.

Observations are described in Section 3 and the ECs are shown on Figure 2. Copies of annual inspection forms for Lot 1 are provided in Appendix C.

2.4 Engineering Controls – Lot 2

The ECs for Lot 2 include:

- Composite Cover System – The Lot 2 footprint is covered with reinforced concrete pressure slabs, and/or concrete sidewalks.
- Access Control – Access to the public school within Lot 2 is restricted to students, teachers/ employees, and authorized visitors.

ECs within Lot 2 were inspected on April 8, 2021, April 29, 2022, April 28, 2023, April 3, 2024, and May 5, 2025 by ATC. Copies of annual inspections forms for Lot 2 prepared by ATC are provided in Appendix B.

2.5 SMP Compliance – Lot 1

There have been no changes or actions associated with the ICs/ECs in Lot 1 during this reporting period.

2.6 SMP Compliance – Lot 2

There have been no changes or actions associated with the ICs/ECs in Lot 2 during this reporting period.

2.7 Institutional and Engineering Controls Certificate

The certification period covered by this report is June 15, 2020 through August 19, 2025. Langan did not perform annual inspections in 2023 and 2024 because Langan was not the remedial engineer. Langan can only certify the ICs and ECs from June 14, 2020 to June 15, 2022, and June 15, 2024 to August 19, 2025. Annual inspections, as described in Section 3, were completed in accordance with the requirements of the BCP as certified by the owner and Professional Engineer in the EC/IC Certificate Form. The completed and signed EC/IC Certificate Form for Lot 1 is provided in Appendix D. The completed and signed EC/IC Certificate Form prepared by ATC for Lot 2 is provided in Appendix E.

3.0 ANNUAL INSPECTIONS – LOT 1

In accordance with the SMP, Langan completed annual site inspections within the Lot 1 footprint. Annual inspection activities are described below. Annual inspections performed by ATC within the Lot 2 footprint are documented in annual reports provided in Appendix B. The section below summarizes Langan's observations made within Lot 1 during the reporting period.

3.1 Annual Site Inspection

In accordance with the SMP monitoring requirements, Langan conducted annual SMP site inspections of Lot 1 on January 8, 2021, January 12, 2022, and August 19, 2025. The ECs (composite cover system and fencing/access control) were documented to comply with the SMP. Copies of the annual site inspection forms are provided in Appendix C. Photographs documenting observations from each site inspection are provided in Appendix F.

4.0 SMP OPERATIONS – LOT 1

No modifications to the ECs on Lot 1 occurred during the referenced reporting period.

5.0 COMPLIANCE WITH SMP

With respect to Lot 1, specific SMP measures implemented during the annual site inspections are described in the following sections.

5.1 Construction Health and Safety Plan

The annual site inspections were performed in compliance with the site-specific Construction Health and Safety Plan (CHASP) and applicable laws and regulations. The health and safety Program Manager for Langan was William Bohrer, PG.

5.2 Community Air Monitoring Plan

Ground intrusive activities were not conducted during this reporting period and therefore the SMP Community Air Monitoring Plan (CAMP) was not implemented.

5.3 Soil/Materials Management Plan

The Soil/Materials Management Plan (SMMP) provides details for managing soil/fill at the site, including excavation, handling, stockpile management, transport and disposal. The plan includes controls to guide effective remedial activities in compliance with applicable laws and regulations. Ground intrusive activities were not conducted during this reporting period and therefore, the SMMP was not implemented.

5.4 Stormwater Pollution Prevention

Stormwater pollution prevention measures were not implemented during this reporting period.

5.5 Deviations from the Site Management Plan

No deviations from the SMP were identified during this reporting period.

6.0 SMP OPERATION DESCRIPTION

No modifications to the site were performed during this reporting period. Photographs of site inspections are included in Appendix F.

6.1 Site Controls

6.1.1 Erosion and Dust Control

No ground intrusive activities took place on site; therefore, erosion and dust control measures were not necessary during the reporting period.

6.1.2 Soil/Fill Screening

Residual material beneath the site cap was not disturbed during this reporting period; therefore, soil screening for staining, odors, and elevated photoionization detector (PID) readings was not implemented.

6.1.3 Stockpile Management

Stockpiles were not constructed during this reporting period.

6.1.4 Fluids Management

No fluids requiring treatment and off-site disposal were generated during the reporting period.

6.1.5 Truck Inspection

Soil was not excavated for off-site disposal from the site during this reporting period; therefore, truck inspections were not necessary.

6.1.6 Site Security

Access to the residential towers is limited to tenants and authorized visitors.

6.1.7 Nuisance Control

Community nuisance complaints were not received during this reporting period.

6.1.8 Reporting

A Langan field engineer performed annual site inspections to monitor the ECs in place throughout the site. Observations were recorded in field books that included:

- Project number
- Statement of the activities and locations of work performed
- Photographs of notable site conditions and activities

Digital photographs of from the annual site inspections are provided in Appendix F.

6.2 Soil, Fill or Liquids Handling and Excavation

Soil/fill below the existing composite cover system was not excavated during this reporting period.

6.3 Soil, Fill or Liquids Characterization

Characterization was not conducted during this reporting period.

6.4 Transport and Off-Site Disposal

Soil/fill below the existing composite cover system was not excavated during this reporting period; therefore, transportation and off-site disposal of site material was not conducted during this reporting period.

6.5 Imported Backfill

No fill was imported to the site for use as backfill during this reporting period.

7.0 ENGINEERING CONTROL STATUS

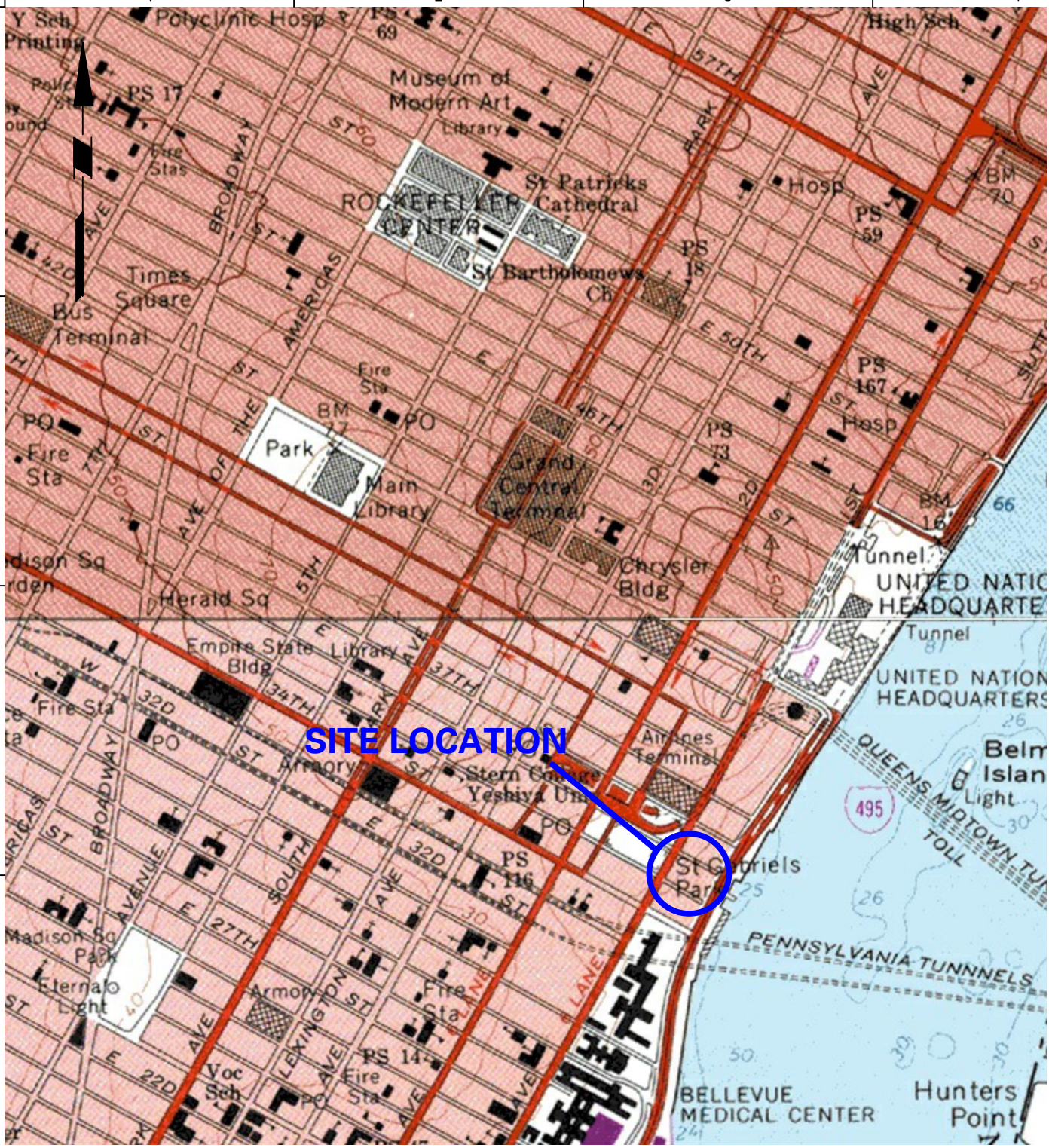
Engineering Control Status – Lot 1:

- Site Cover System – ***Intact****; minor surficial cracks and water seepage were observed in sub-cellar, which have historically been repaired via grout injections as needed*
- Access Control – ***Intact***

No modifications to the site occurred during this reporting period and ECs remained intact.

A copy of the EC/IC certification for Lot 1 is included in Appendix D. The completed and signed EC/IC Certificate Form prepared by ATC for Lot 2 is provided in Appendix E.

FIGURES



WARNING: IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 145 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS ITEM IN ANY WAY.

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Project	626 1ST AVENUE BLOCK No. 967, LOT No. 1 & 2 CITY NEW YORK NEW YORK
Figure Title	SITE LOCATION MAP
Project No.	170946901
Date	08/21/2025
Drawn By	HB
Checked By	RM
Figure No.	1
Sheet	1 of 2

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Filename: \\langan.com\data\NYC\data2\170234201\Cadd Data - 170234201\2D-DesignFiles\Figure 1- Site Location Map.dwg Date: 8/21/2025 Time: 11:16 User: hbluestone Style Table: Langan.stb Layout: ANSIA-BP



LEGEND:

APPROXIMATE SITE FOOTPRINT

APPROXIMATE EXTENT OF COMPOSITE COVER SYSTEM

GENERAL NOTES

1. BASE PLAN TAKEN FROM THE NEW YORK CITY DEPARTMENT OF FINANCE DIGITAL TAX MAP (http://gis.nyc.gov/taxmap/map.htm) ON APRIL 15, 2020.
2. PROPERTY BOUNDARIES ARE APPROXIMATE.
3. THE COMPOSITE COVER SYSTEM CONSISTS OF REINFORCED CONCRETE PRESSURE SLABS, A FOUR-INCH CONCRETE MUD SLAB, AND CONCRETE SIDEWALKS.

WARNING: IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 145 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS ITEM IN any WAY.

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Project	626 1ST AVENUE BLOCK No. 967, LOT No. 1 & 2 MANHATTAN NEW YORK NEW YORK
Figure Title	ENGINEERING CONTROLS LOCATION PLAN
Project No.	170946901
Date	08/21/2025
Drawn By	HB
Checked By	RM
Figure No.	2
Sheet	2 of 2

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Filename: \\langan.com\data\NYC\data2\170234201\Cadd Data - 170234201\SheetFiles\Environmental\PRR\Figure 2 - Engineering Controls Location Plan.dwg Date: 7/27/2015 Time: 11:28 User: hbluestone Style Table: Langan.stb Layout: ANSIB-BL

APPENDIX A

SITE MANAGEMENT PLAN, ADDENDUM, AND ENVIRONMENTAL EASEMENT

SITE MANAGEMENT PLAN
FOR
FORMER KIPS BAY FUEL TERMINAL
616 FIRST AVENUE
NEW YORK, NEW YORK

NYSDEC BROWNFIELD CLEANUP PROGRAM
Site Number C231014

Prepared by

TRC Engineers, Inc.
New York, New York

TRC Project No. 180360

September 2011

Revisions to Final Approved Site Management Plan:

Revision #	Submitted Date	Summary of Revision	DEC Approval Date

SITE MANAGEMENT PLAN
FOR FORMER KIPS BAY FUEL TERMINAL

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SITE MANAGEMENT PLAN
FOR FORMER KIPS BAY FUEL TERMINAL

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1.0 INTRODUCTION AND PURPOSE

This document is required as an element of the remedial program at the Kips Bay Fuel Terminal Site (hereinafter referred to as the "Site") under the New York State Brownfield Cleanup Program (BCP) administered by the New York State Department of Environmental Conservation (NYSDEC). The Site was remediated in accordance with Voluntary Cleanup Order (VCO) Index #D2-0001-01-03; Site #V00430-2, which was executed on June 27, 2001. This agreement was later superseded by Brownfield Cleanup Agreement (BCA) Index# A2-0515-0405, Site #C231014, which was executed by the NYSDEC on June 16, 2010.

The former Kips Bay Fuel Terminal Site at 616 First Avenue, New York, New York is a 1.6-acre vacant property currently owned by 616 First Realty Company LLC and the New York City School Construction Authority. The location of the property is shown on Figure 1. The Site was characterized during several previous investigations and remediation of the Site was completed in accordance with the New York State Department of Environmental Conservation (NYSDEC)-approved *Supplemental Soil Investigation Final Report and Remediation Work Plan* dated August 2003 (RWP) and *Final Report for Kips Bay Fuel Terminal Remediation Work Plan* dated March 2006 (Final Report).

As part of the remediation, all Site soil was removed vertically to a depth slightly below Development Depth. As soil excavation proceeded along the property sidewalls, TRC placed imported clean sand from Amboy Aggregates along the property boundaries to maintain a safe excavation perimeter sloping in accordance with NYCDOB and OSHA requirements. Excavated soil from the sidewalls was temporarily stockpiled on-site until it was transported to an appropriate off-site disposal facility. Imported sand was backfilled and compacted, extending five feet inside the property line and graded down to the Development Depth at a slope of 1.5/1.

The remainder of the Site was backfilled with 6 to 12 inches of imported 1.5-inch crushed stone from Tilcon New York, Inc., West Nyack, New York. Approximately 2,030 tons of stone were used to backfill the Site. Stone was used rather than sand in order to provide a more secure base for vehicular site access and to assist in avoiding surficial ponding of precipitation.

This Site Management Plan ("SMP") primarily establishes the procedures for the management of soil and groundwater generated from below Development Depth, if any, during future construction activities associated with Site redevelopment. As presented in the Final Report and consistent with TRC's contract with the Site Developer, the Development Depth is defined as the

depth to the top of competent bedrock or the mean high water table (-0.4 feet in the Manhattan Highway Datum), whichever is higher. A figure showing the Site boundaries to which the SMP applies and the current property ownership is provided in Appendix A.

This plan is not intended to serve as a design document for the construction activities related to redevelopment activities. It is the owners' or owner designee's responsibility to prepare a design that incorporates the requirements for cover and soil/groundwater management as set forth in this SMP.

Failure to implement the SMP is a violation of the Environmental Easement, which is grounds for revocation of the Certificate of Completion. Failure to comply with the SMP is also a violation of Environmental Conservation Law, 6 NYCRR Part 375 and the BCA (Index #A2-0515-0405, Site #C231014) for the Site, and thereby subject to applicable penalties.

1.1 Overview and Objectives

The objective of the SMP is to set guidelines for management of soil and groundwater generated from below Development Depth during any future redevelopment activities, and to identify periodic reporting requirements.

The SMP establishes the procedures for the following activities:

1. Soil disturbance activities below Development Depth
2. Groundwater dewatering, if required,
3. Management of excavated soil and dewatered groundwater,
4. Management of new fill material,
5. Site-specific health and safety requirements during construction,
6. Notification of Change in Use of Property, and
7. Notification and reporting.

The SMP does not require groundwater and other environmental monitoring, public health monitoring, or monitoring to assess the effectiveness of the remedy. However, periodic inspections must be performed to assess the performance and effectiveness of the remedy.

1.2 Site History

The Site consists of a 340-by-200-foot rectangular-shaped lot. The Site is bordered by East 36th Street to the north, the Franklin D. Roosevelt (FDR) Drive to the east, East 35th Street to the south, and First Avenue to the west.

The area around the Site contains a mix of commercial and residential establishments. High-rise residential buildings are located on blocks immediately to the north and south of the Site. The New York University (NYU) Medical Center and Bellevue Hospital occupy city blocks to the south of the property. St. Vartan's Park is located to the west of the Site.

The Site was initially operated solely as a lumber and coal/wood yard, with various sheds, until 1899. By 1910, a one-story building occupied by the Liquid Carbonic Company had replaced the coal yard on the northern end of the Site. The remainder of the Site continued to be used as a lumberyard until circa 1926 when the New York Steam Corporation built a steam plant on the eastern side of the Site. At that time, the western end of the Site was vacant, and a Provision Factory had replaced the Liquid Carbonic Company as the occupant of the one-story building at the northernmost end of the Site. A 1950 historic Sanborn Map shows that the New York Steam Corporation occupied the entire Site, except for the southwest corner which was vacant. Coal, transported via a conveyer over the FDR Drive, provided fuel to the Steam Plant.

By 1980, the on-site steam plant occupied only the east side of the property, and the plant owner had become Con Edison Company, Incorporated. Three structures associated with underground fuel oil storage tanks, several transformers and vapor vents were present on the west side of the property. Much of the northwestern end of the Site was vacant. Historic Sanborn Maps from approximately 1950-1994 show the current on-site structures located on the western side of the property and the Steam Plant on the eastern side of the property. In the 1996 Historic Sanborn Map, the Steam Plant had been razed and the east end of the Site was shown to be vacant. Demolition of the steam plant began in 1987 and was completed circa 1994.

The Kips Bay Fuel Terminal stored fuel oil in a 255,000-gallon underground tank and served as a back-up fuel depot for the natural gas-powered steam boilers at Con Edison's Waterside Generating Station.

In 2005 616 First Realty Company LLC acquired the Site from Con Edison and in December of 2009 the New York City School Construction Authority acquired a portion of the Site (Block 967, Lot 2) for construction of a new elementary school.

2.0 PREVIOUS INVESTIGATIONS

2.1 Chronology

Several environmental investigations were performed at the property since 1998. The following reports present a chronological summary of the significant investigations performed at the property.

Phase I Environmental Site Assessment, Kips Bay Fuel Oil Terminal, Manhattan, NY, Foster Wheeler Environmental Corporation, September 14, 1998.

Phase II Environmental Site Assessment, Kips Bay Fuel Oil Terminal, 417 East 35th Street, New York, New York, GZA GeoEnvironmental, Inc., March 15, 2000.

Supplemental Soil Investigation Final Report and Remediation Work Plan, Kips Bay Fuel Terminal 616 First Avenue, New York, New York, TRC Engineers, Inc., August 2003.

Environmental remediation was completed at the property in August 2004, as documented in the following report:

Final Report for Kips Bay Fuel Terminal Remediation Work Plan, TRC Engineers, March 2006.

Copies of these reports can be found at NYSDEC's Albany Office and at the BCP document repository at the Science, Industry and Business branch of the New York City Public Library, located at 188 Madison Avenue, Manhattan.

2.2 Nature and Extent of Contamination

The remediation completed at the Site, as reported in the Final Report, resulted in the removal of all soil above the Development Depth. The Site was partially backfilled above Development Depth with clean sand meeting TAGM 4046 requirements and clean crushed stone. The constituents of potential concern (COPCs) for soil remaining at the Site below Development Depth consist primarily of metals and polycyclic aromatic hydrocarbons (PAHs). Results of groundwater sampling indicate that constituents in the soil below Development Depth have not significantly impacted groundwater quality. However, bedrock groundwater at the Site contains several volatile organic compounds (VOCs), each at concentrations slightly above NYSDEC Technical and Operational Guidance Series (TOGS) Ambient Water Quality Standards.

3.0 CONTEMPLATED USE

The objective of the RWP activities was to ready the Site for development for the Contemplated Use (i.e., residential and commercial development) in accordance with Track 4, restricted residential use with site-specific soil cleanup objectives (see 6 NYCRR Part 375-3.8(e)). During the remediation, all materials above the Development Depth were removed and disposed off-site. Activities that will disturb materials below the Development Depth must be conducted in accordance with this SMP and the Site is subject to the institutional controls set forth in the Environmental Easements attached hereto as Appendix F.

The Notification requirements of Section 8.0 of this SMP will be triggered by any change of use, including transfer of the title to all or part of the Site, or the erection of structures on the Site.

4.0 SUMMARY OF REMEDY IMPLEMENTED

As presented in the Final Report, the following remedial activities were completed to ready the Site for the Contemplated Use:

- Asbestos abatement, decommissioning and demolition of all buildings and subsurface structures to Development Depth;
- Removal of the 255,000-gallon UST and the concrete-lined ash pit;
- Excavation and disposal of all impacted soils and solids from the ash pit;
- Excavation and disposal of petroleum- and PCB-impacted soil;
- Excavation and disposal of all soil above Development Depth;
- Evaluation of groundwater conditions within the bedrock and shallow aquifer by installation and sampling of three bedrock monitoring wells and two shallow aquifer monitoring wells for VOCs, PAHs and metals;
- Close-out of all open NYSDEC spill numbers for previously-reported on-site impacts; and,
- Two feet of compacted clean soil meeting TAGM 4046. See Section 5.4 for a description of the future cover system for the Site.

As per the NYSDEC letters dated June 13, 2006 and July 28, 2006 (Appendix B) approving Site remediation and the Final Report**,** the Site meets the standards for development for the Contemplated Use.

In summary, all soils at the Site were removed to Development Depth; therefore, only those activities which will disturb soils and/or groundwater below Development Depth are governed by this SMP.

5.0 REMEDY MANAGEMENT/LONG TERM MAINTENANCE

Site redevelopment may disturb certain areas of the Site below Development Depth. Implementation of the SMP relative to these activities will be the responsibility of the property owner or owner's designee.

5.1 Site Preparation

As part of redevelopment or future intrusive on-site activities, the Site may require grading prior to construction of final Site structures and cover. Soil above Development Depth does not require any special handling for Site preparation activities.

5.2 Erosion and Dust Control

Silt fencing and hay bales will be utilized, as required, to prevent soils from below Development Depth from leaving the Site. Soil from below Development Depth adhered to construction vehicles and equipment will be removed prior to such vehicles and equipment leaving the Site. Brooms, shovels, washing or steam cleaning will be utilized for the removal of such soil from vehicles and equipment. Soil or construction debris from below Development Depth will be removed from vehicles and equipment at a designated area of the Site. Wastewater generated by the decontamination process for materials generated below Development Depth will be collected and analyzed for waste characterization and off-site disposal.

If required, dust suppression measures will be implemented during soil disturbance activities below Development Depth, and will include misting of soil and/or construction debris with water and, if appropriate, applying a dust suppressant, in high vehicle traffic areas. To evaluate the effectiveness of the dust suppression measures, dust particulate levels will be monitored utilizing real-time dust monitoring instrumentation as per the New York State Department of Health (NYSDOH) Generic Community Air Monitoring Plan (gCAMP; Appendix C).

5.3 Excavation Below Development Depth

The property owner or owner's designee will provide NYSDEC with notification of activities that disturb soil below Development Depth or generate dewatering fluids as per the notification requirements presented in Section 8.0 of this SMP. Access to soil/fill on the property will be controlled until final cover is placed to prevent direct contact with soils below Development Depth.

5.3.1 Management of Soil and Other Potential Solid Waste

The area of the Site where soil exists below the Development Depth is shown in Appendix D. Excavated soil and other potential solid waste (i.e., concrete rubble, remnants of former foundation piles, etc.) from below Development Depth will be stockpiled separately from other construction materials at the Site. Excavated soil will be temporarily stockpiled on plastic and covered with plastic or placed in a covered roll-off in a prepared area of the Site. Excavation below Development Depth will be overseen by a person who will provide the requisite annual certification.

Soil temporarily excavated from below Development Depth may be placed below Development Depth again during redevelopment-related construction. Any excess soil or other solid waste from below Development Depth that will not be placed back below Development Depth during redevelopment-related construction will be disposed off-site in accordance with all relevant federal, state and local regulations. Any soils which show obvious signs of significant contamination or free product will be segregated and disposed of off-site in accordance with relevant federal, state and local regulations. Segregation of contaminated soil for off-site disposal will be based on visual, olfactory and instrument-based soil screening performed by a qualified environmental professional during all development excavations below the Development Depth. Based upon the volume of stockpiled soil intended for off-site disposal, a representative number of composite and/or grab samples will be collected for laboratory analysis in accordance with potential disposal vendor requirements to determine waste disposal characterization. The analyses to be performed will depend upon the requirements of the off-site disposal facility selected by the property owner, and may include full toxic characteristic leaching procedure (TCLP) parameters, VOCs, PCBs, PAHs and metals. Based upon the results of the laboratory analyses, the final disposition of these materials will be determined.

Transport of materials will be performed by licensed haulers in accordance with appropriate local, state, and federal regulations, including 6 NYCRR Part 364. Contaminated material transported by trucks exiting the Site will be secured with tight-fitting covers. Loose-fitting canvas-type truck covers will be prohibited. If loads contain wet material capable of producing free liquid, truck liners will be used. In addition, (a) trucks will be prohibited from stopping and idling in the neighborhood outside the project Site; (b) egress points for truck and equipment transport from the Site will be kept clean of dirt and other materials during Site development; and (c) queuing of trucks will be performed on-site in order to minimize off-site disturbance.

Generally, trucks leaving the Site shall exit the Site onto 35th Street and proceed west to the nearest local City of New York-designated truck routes [i.e., First Avenue (to then travel north) or to Second Avenue (to then travel south)]. Trucks will travel via local truck routes to through truck routes leading out of the City. The labeling, packaging, and transportation of the waste shall be in compliance with federal and state rules and regulations, as well as those of the bridge and tunnel operators (i.e. the Port Authority of New York and New Jersey and MTA Bridges and Tunnels). Wastes must travel over or through only those specific bridges or tunnels that are designated for that specific type of waste. Figure 2 depicts the location of the Site and nearby truck transport routes from the Site to locations to the north, east and west.

5.3.2 Management of Construction Water and Groundwater

Water pumped from excavations below Development Depth will be managed properly in accordance with all applicable regulations so as to prevent endangerment of public health, property, or any portion of the construction.

Site development may require the dewatering of groundwater. Dewatered groundwater will be managed using any of the following three methods:

1. Discharge to the New York City sewer system with authorization from the New York City Department of Environmental Protection (NYCDEP);
2. Discharge to surface water pursuant to a SPDES Equivalent permit issued by the NYSDEC; or,
3. Transportation and disposal at an off-site treatment facility.

Discharge to the New York City sewer system is a convenient method for management of dewatering fluids during construction. The NYCDEP regulates discharges to the New York City sewers under NYCDEP's Title 15, Rules of the City of New York (RCNY) Chapter 19. Discharge to the New York City sewer system will require an authorization and sampling data demonstrating that the dewatering fluids meets New York City's Sewer Use Guidelines. If necessary, the dewatering fluid will be pretreated to meet the New York City effluent discharge criteria.

The contractor may alternatively discharge to surface water (e.g., the East River). The NYSDEC regulates such discharges under 6 NYCRR 750. If the discharge utilizes the NYCDEP sewer system, then NYCDEP authorization will also be required as described above. The contractor may alternatively utilize an outfall to surface water not controlled by NYCDEP. Construction of

such an outfall would require NYSDEC and U.S. Army Corps of Engineers permits and approvals.

If discharge to the New York City sewer system is not feasible or is not desirable, the dewatering fluids will be managed by transportation and disposal at an off-site treatment facility, in accordance with all relevant federal, state and local regulations. A representative number of composite or grab samples will be collected for laboratory analysis in accordance with potential disposal vendor requirements to determine waste disposal characterization. Based upon the results of the laboratory analysis, the final disposition of the dewatering fluids will be determined.

5.4 Cover System

Future Site development will constitute the cover system at the Site. Based on the elevation of Development Depth (approximately 6 to 9 feet below sidewalk grade elevation), there will be greater than two feet of cover over the entire Site. The cover system will consist of the building structures, clean fill soil, landscaping, and concrete and asphalt paving, in accordance with the New York City Department of Buildings (NYCDOB)-approved development plan for the Site.

Site redevelopment may, in addition to the new building structures, require the importation of clean fill to restore Site grade above Development Depth. Any soils imported to the Site must meet the backfill and cover soil quality standards established in 6 NYCRR Part 375-6.7(d)(1)(ii)(b) or otherwise approved by the NYSDEC. Appendix E provides a table listing the respective allowable constituent levels applicable to soil material to be placed above and below the Development Depth, respectively.

The NYSDEC previously approved the use of clean fill obtained from Amboy Aggregates, South Amboy, New Jersey for this Site. Additional laboratory testing of fill soil from any Site other than Amboy Aggregates will be performed. One representative sample from virgin soils will be obtained and analyzed for TCL VOCs, SVOCs, pesticides, PCBs, and Priority Pollutant metals to document compliance with TAGM RSCOs. Non-virgin soils will be tested via the collection of one composite sample per 500 cubic yards of material from each fill source area. If more that 1000 cubic yards of soil are borrowed from a given non-virgin soil source area and both samples of the first 1000 cubic yards meet TAGM RSCOs, the sample collection frequency will be reduced to one composite sample for every 2500 cubic yards of additional soils from the same source, up to 5000 cubic yards. For borrow sources greater than 5000 cubic yards, sampling

frequency will be reduced to one sample per 5000 cubic yards, provided all earlier samples met TAGM RSCOs.

5.5 Institutional Controls

The institutional control for the Site (referred to herein after as the Controlled Property) will consist of an Environmental Easement applying to disturbances of soil below Development Depth and usage of groundwater (Appendix F). Soil or material below Development Depth must be properly handled and disposed, if removed, in accordance with all applicable regulations. Any groundwater that is removed from the Site must be properly treated for disposal purposes.

The Institutional Controls that are applicable to this Site are as follows:

1. Compliance with the Environmental Easement and this SMP by the Grantor and the Grantor's successors and assigns;

2. All Engineering Controls must be maintained as specified in this SMP;

3. All Engineering Controls on the Controlled Property must be inspected at a frequency and in a manner defined in the SMP; and,

4. Groundwater, soil vapor and other environmental or public health monitoring are not required to be performed as part of this SMP. However, periodic inspections must be performed to assess the performance and effectiveness of the remedy.

The Site also has a series of Institutional Controls in the form of site restrictions that apply to the Controlled Property as follows:

1. The property may only be used for restricted-residential and commercial use below the Development Depth provided that the long term Engineering and Institutional Controls included in this SMP are employed. No environmental easements, engineering controls, institutional controls, or any other consents, approvals, or authorizations are required for any activities above the Development Depth.

2. A higher level of use, such as residential use, will not be allowed for activities below the Development Depth without additional remediation and amendment of the Environmental Easement, as approved by the NYSDEC;

3. All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with this SMP; and,

4. The use of the groundwater underlying the property is prohibited without treatment rendering it safe for intended use.

The Site owner or remedial party will submit to NYSDEC a written statement that certifies, under penalty of perjury, that: (1) controls employed at the Controlled Property are unchanged from the previous certification or that any changes to the controls were approved by the NYSDEC; and, (2) nothing has occurred that impairs the ability of the controls to protect public health and environment or that constitute a violation or failure to comply with the SMP. NYSDEC retains the right to access such Controlled Property at any time in order to evaluate the continued maintenance of any and all controls. This certification shall be submitted annually, or an alternate period of time that NYSDEC may allow and will be made by an expert that the NYSDEC finds acceptable (see Section 8.0).

5.6 Maintenance

Maintenance of the remedy is the responsibility of the property owner. Erosion of the soil cover system will be reduced by maintaining the cover system. Cover materials will be inspected annually and repaired as needed. The property owner will implement Site maintenance as part of future construction and normal property operations in accordance with NYCDOB requirements. The owner of the subject property will identify a qualified environmental consultant to provide all services described in this SMP. The responsibility to comply with this SMP will be transferred to any future property owners.

6.0 HEALTH AND SAFETY

The Site is not subject to the HAZWOPER requirements under 29 CFR 1910.120. Other OSHA provisions, specifically Construction Safety and Hazard Communication standards, apply. Soil and groundwater disturbance activities below Development Depth will be performed in accordance with all applicable federal, state and local regulations to protect worker health and safety. All contractors performing such work for the property owner will prepare a site-specific, activity-specific Health and Safety Plan (HASP). The HASP must also include provisions for protection of the community as described in Section 6.2 of this SMP.

6.1 Construction Personnel Protection

Contractors engaged in subsurface construction or maintenance activities will be required to implement appropriate construction health and safety procedures. These procedures will involve, at a minimum, donning adequate personal protective clothing and equipment, performing appropriate air monitoring, and implementing other procedures as necessary to avoid potential ingestion, inhalation and contact with residual constituents in the soil or groundwater below Development Depth. Workers will receive appropriate hazard communication information and training.

6.2 Community Air Monitoring Program

Air monitoring for dust particulates and volatile organic compounds (VOCs) will be performed during Site development activities below Development Depth in accordance with the NYSDOH Generic Community Air Monitoring Plan (gCAMP; Appendix C). All air monitoring readings will be recorded in a logbook or other means and will be available for review by the NYSDEC and NYSDOH.

7.0 QUALITY ASSURANCE/QUALITY CONTROL

7.1 Analytical Data

All waste characterization samples collected during Site redevelopment activities below Development Depth will be analyzed using the most recent NYSDEC Analytical Services Protocol (ASP), consistent with Section 2 of DER-10, the Technical Guidance for Site Investigation and Remediation.

The laboratory proposed to perform the analyses will be certified through the New York State Department of Health Environmental Laboratory Approval Program (ELAP) to perform Contract Laboratory Program (CLP) analysis and Solid Waste and Hazardous Waste Analytical testing on all media to be sampled during Site redevelopment. The laboratory will maintain this certification for the duration of the work.

Procedures for chain of custody, laboratory instrumentation calibration, laboratory analyses, reporting of data, internal quality control, and corrective actions shall be followed as per NYSDEC ASP and as per the laboratory's Quality Assurance Plan. If applicable, trip blanks, field blanks, field duplicates, and matrix spike, matrix spike duplicates will be performed at a rate of 5% (1 per up to 20 samples) and will be used to assess the quality of the data. The laboratory's in-house QA/QC limits will be utilized whenever they are more stringent than those suggested by the EPA methods.

8.0 NOTIFICATION AND REPORTING

8.1 Notifications

Notification to the NYSDEC will be required for transfer of the title to all or part of the Site, Site development (erection of structure) and maintenance activities below Development Depth.

Any change in ownership of the Site or the responsibility for implementing this SMP will include the following notifications: (1) at least 60 days prior to the change, the NYSDEC will be notified in writing of the proposed change. This will include a certification that the prospective purchaser has been provided with a copy of the BCA, and all approved work plans and reports including this SMP; and (2) within 15 days after the transfer of all or part of the Site, the new owner's name, contact representative, and contact information will be confirmed in writing.

The following NYSDEC notification requirements apply to the Site:

- Seven (7) - day advance notice of any proposed ground-intrusive activities;

- Notice within 48 hours of any damage or defect to the foundations of structures that reduces or has the potential to reduce the effectiveness of other Engineering Controls and likewise any action taken to mitigate the damage or defect;

- Verbal notice by noon of the following day of any emergency, such as a fire, flood, or earthquake that reduces or has the potential to reduce the effectiveness of Engineering Controls in place at the Site, with written confirmation within seven (7) days that includes a summary of actions taken, or to be taken, and the potential impact to the environment and the public; and,

- Follow-up status reports on actions taken to respond to any emergency event requiring ongoing responsive action shall be submitted to the Department within 45 days and shall describe and document actions to restore the effectiveness of the Engineering Controls.

The requirements for notification shall cease once the Environmental Easement is removed, as approved by NYSDEC.

Notification contacts are as follows:

NYSDEC
Division of Environmental Remediation
625 Broadway
Albany, New York 12233-7011

8.2 Periodic Review Report

The Periodic Review Report (PRR) will be submitted to the Department on an annual basis, beginning 18 months after the Certificate of Completion is issued. The PRR will be prepared in accordance with NYSDEC DER-10 and submitted within 45 days of the end of the certification period.

The PRR will include the following:

- Identification, assessment and certification of all Engineering Controls/Institutional Controls required by the remedy for the Site;
- The results of the required annual Site inspection:
- Results of all analyses, copies of all laboratory data sheets, and the required laboratory data deliverables for all samples collected during the reporting period will be submitted electronically in a NYSDEC-approved format;
- If intrusive work was done below Development Depth during the period covered by that PRR:
    - A certification that all work was performed in conformance with this SMP.
    - Plans showing areas and depth of fill removal and replacement (if applicable).
    - Description of the excavation/dewatering activities performed, quantities of material excavated/pumped, disposal locations for the soil/groundwater, documentation of proper disposal (waste manifests or waybills).
- If backfill material was imported to the Site during the period covered by that PRR:
    - Location of backfill material source.
    - Copy of analytical test results for backfill material, if applicable, documenting compliance with 6 NYCRR Part 375-6.7(d)(1)(ii)(b) or otherwise approved by the NYSDEC.

- A Site evaluation, which includes the following:
    - The compliance of the remedy with the requirements of the site-specific Remedial Action Work Plan;
    - The overall performance and effectiveness of the remedy.

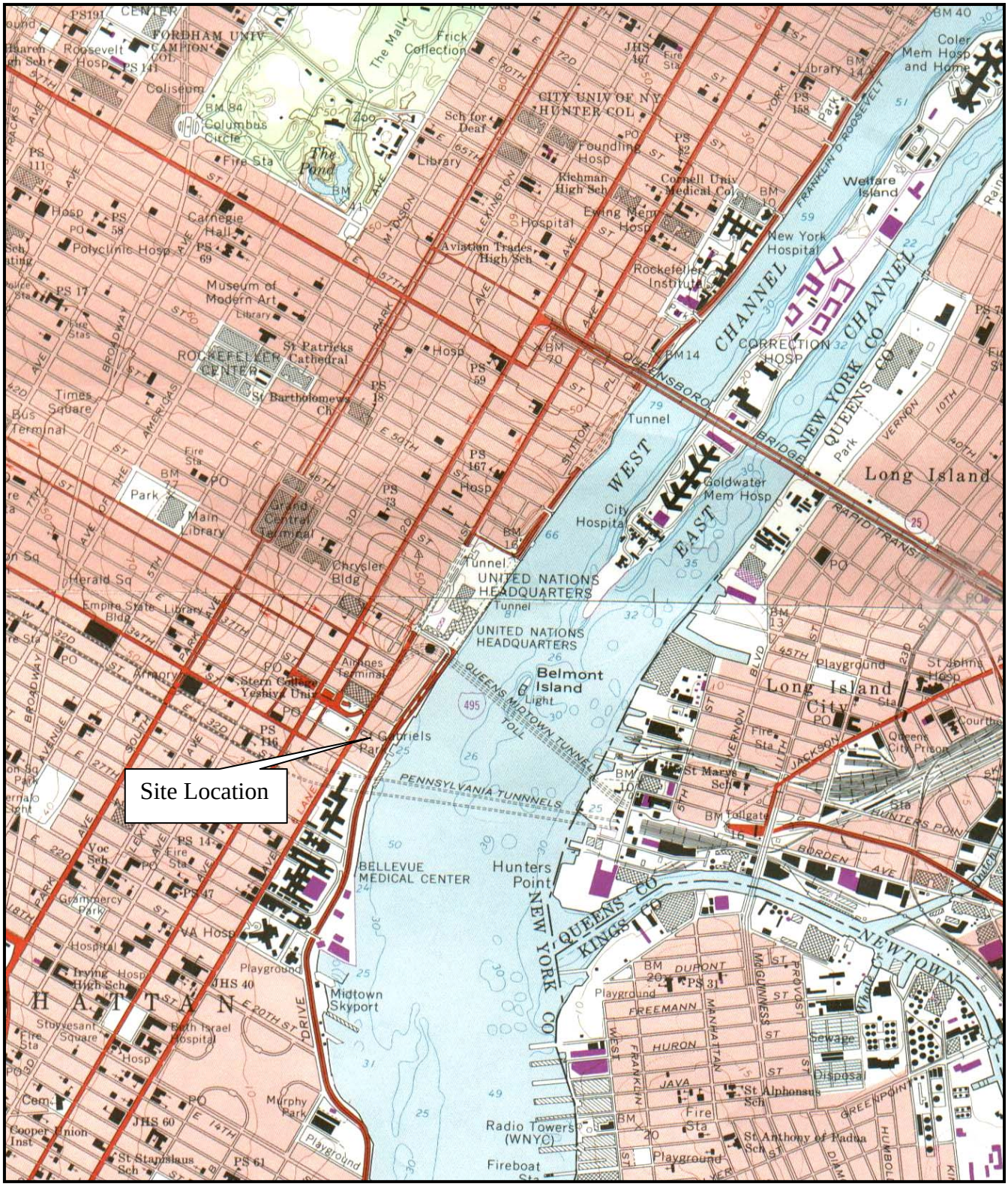
The PRR shall be submitted in electronic format to NYSDEC Central Office and the NYSDOH Bureau of Environmental Exposure Investigation.

The requirement for reporting shall cease once the Environmental Easement is removed, as approved by NYSDEC.

8.3 Corrective Measures Plan

If any component of the remedy is found to have failed, or if the periodic certification cannot be provided due to the failure of an institutional or engineering control, a corrective measures plan will be submitted to NYSDEC for approval. This plan will explain the failure and provide the details and schedule for performing work necessary to correct the failure. Unless an emergency condition exists, no work will be performed pursuant to the corrective measure plan until it is approved by the NYSDEC.

Figures


Site Location
N
Kips Bay Fuel Terminal
616 First Avenue
New York, New York
Figure 1: Site Location Map
Approximate Scale 1: 24,000
Source: USGS Topographical Survey Maps
Central Park NY – NJ Quadrangle, Photorevised 1979
Brooklyn, NY, Photorevised 1979



MAP OBTAINED THROUGH USE OF WWW.NYC.GOV/TRUCKS

TRC
1430 BROADWAY, 10TH FLOOR
NEW YORK, NEW YORK 10018
212-221-7822

DESIGNED BY: TS	PROJECT NAME: SITE MANAGEMENT PLAN FORMER KIPS BAY TERMINAL 616 FIRST AVENUE NEW YORK, NEW YORK
DRAWN BY: HD	
CHECKED BY: SM	
DATE: MAY 2011	DRAWING TITLE: TRUCK TRANSPORTATION ROUTES
SCALE: AS SHOWN	
PROJECT NUMBER: 180360.0000.0000	

FIGURE 2

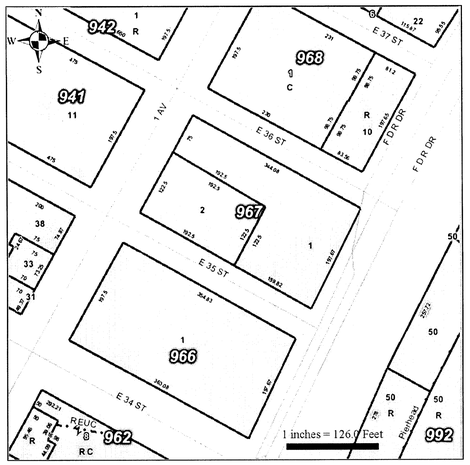
Path\Name: I:\Projects\180360 - Con Edison 1st Avenue\Figures\TRC Working Drawings\Truck Transportation Routes\Figure 2 -Truck Transportation Routes.dwg - Date\Time: Wed, 25 May 2011 - 12:52pm - User Name: hdelgado - Layout Tab: FIGURE 2 KP

Appendix A
Site Survey Maps

SURVEY NO. 63202—4

63202—4.DWG

ALTA/ACSM LAND TITLE SURVEY



VICINITY MAP

NOT TO SCALE

SCHEDULE B ITEMS

1. Sewer Easement Grant by Consolidated Edison Company of New York, Inc. to The City of New York dated 06/23/65 recorded 7/27/65 in Liber 5335 Cp. 259 for the conveyance and transmission of sewage for the Newtown Creek Pollution Control Project.

2. Terms, Covenants and Conditions of the Water Grant made by the Mayor, Alderman and Commonalty of the City of New York to Henry J. Anderson dated 08/01/1850 recorded 08/08/1850 in Liber 553 Cp. 46 (Liber "H" of City Grants, Cp. 514).

3. Terms, Covenants and Conditions of Fixture Rezoning Covenant by and between Consolidated Edison Company of New York, Inc., 616 First Realty Company, LLC, 708 First Realty Company LLC and East River Realty Company LLC dated 3/25/05 recorded 5/4/05 in CRFN 2005000259034.

4. Restrictive Declaration made by 616 First Realty Company, LLC, 685 First Realty Company, LLC, 700 First Realty Company, LLC and 7085 First Realty Company, LLC dated as of 3/24/2008, recorded 4/17/2008 in CRFN 2008000153631.

   With Regard Thereto:

   a. Waiver of Restrictive Declaration/Subordination of Covenant made by the Consolidation Edison Company of New York dated as of 3/24/2008, recorded 4/17/2008 in CRFN 2008000153630.

   b. First Modification to Restrictive Declaration made by 616 First Realty Company, LLC, 685 First Realty Company, LLC, 700 First Realty Company, LLC and 708 First Realty Company, LLC dated as of 12/21/2009, recorded 1/8/2010 in CRFN 2010000007223.

   c. Waiver of Restrictive Declaration/Subordination of Covenant made by The Consolidated Edison Company of New York dated as of 12/21/2009, recorded 1/8/2010 in CRFN 2010000007222.

5. Declaration made by 616 First Realty Company, LLC, as successor to East River Realty Company, LLC (f/k/a FSM East Rier Associates, LLC) dated 5/7/2008, recorded 5/19/2008 in CRFN 2008000200591.

6. Declaration of Zoning Lot Restrictions made by 616 First Realty Company, LLC and The New York City School Construction Authority dated 12/03/2009, recorded 1/8/2010 in CRFN 2010000007225.

7. Declaration of Zoning Lot Covenants and Restrictions made by and between The New York City School Construction Authority and 616 First Realty Company, LLC dated as of 12/23/2009, recorded 1/8/2010 in CRFN 2010000007226.

Metes and Bounds Description

Tax Block 967 Tax Lot 1

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

BEGINNING at the corner formed by the intersection the easterly side of First Avenue (100 feet) with the southerly side of East 36th Street (60 feet wide);

RUNNING THENCE easterly, along the southerly side of East 36th Street, 344 feet 1 inch to the corner formed by the intersection of the southerly side of East 36th Street with the westerly side of F.D.R. Drive;

RUNNING THENCE southerly, along the westerly side of F.D.R Drive, 197 feet 8 inches to the corner formed by the intersection of the westerly side of F.D.R Drive with the northerly side of East 35th Street (60 feet wide);

RUNNING THENCE westerly, along the northerly side of East 35th Street, 159 feet 9 7/8 inches to a point;

RUNNING THENCE northerly, parallel with the easterly side of First Avenue, 122 feet 6 inches to a point;

RUNNING THENCE westerly, parallel with the northerly side of East 35th Street, 192 feet 6 inches to the easterly side of First Avenue;

RUNNING THENCE northerly, along the easterly side of First Avenue, 75 feet to the corner, the point or place of BEGINNING.

The premises comprises of an area of 45,190 sq.ft. or 1.0372 acres.

Being the same parcel described in CRFN 2010000007226 recorded 01-08-2010 more particularly described as follows:

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

BEGINNING at the corner formed by the intersection of the northerly line of East 35th Street with the easterly line of First Avenue;

RUNNING THENCE northerly along the easterly line of First Avenue, 197 feet 6 inches to the corner formed by the intersection of the southerly line of East 36th Street with the easterly line of First Avenue;

THENCE easterly along the southerly line of East 36th Street, 344 feet 1 inch to the corner formed by the intersection of the southerly line of East 36th Street with the westerly line of Franklin D. Roosevelt Drive;

THENCE southerly along the westerly line of Franklin D. Roosevelt Drive, 197 feet 8 inches to the corner formed by the intersection of the northerly line of East 35th Street with the westerly line of Franklin D. Roosevelt Drive;

THENCE westerly along the northerly line of 35th Street, 352 feet 3 7/8 inches to the point or place of BEGINNING.

LESS AND EXCEPTING THEREFROM:

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

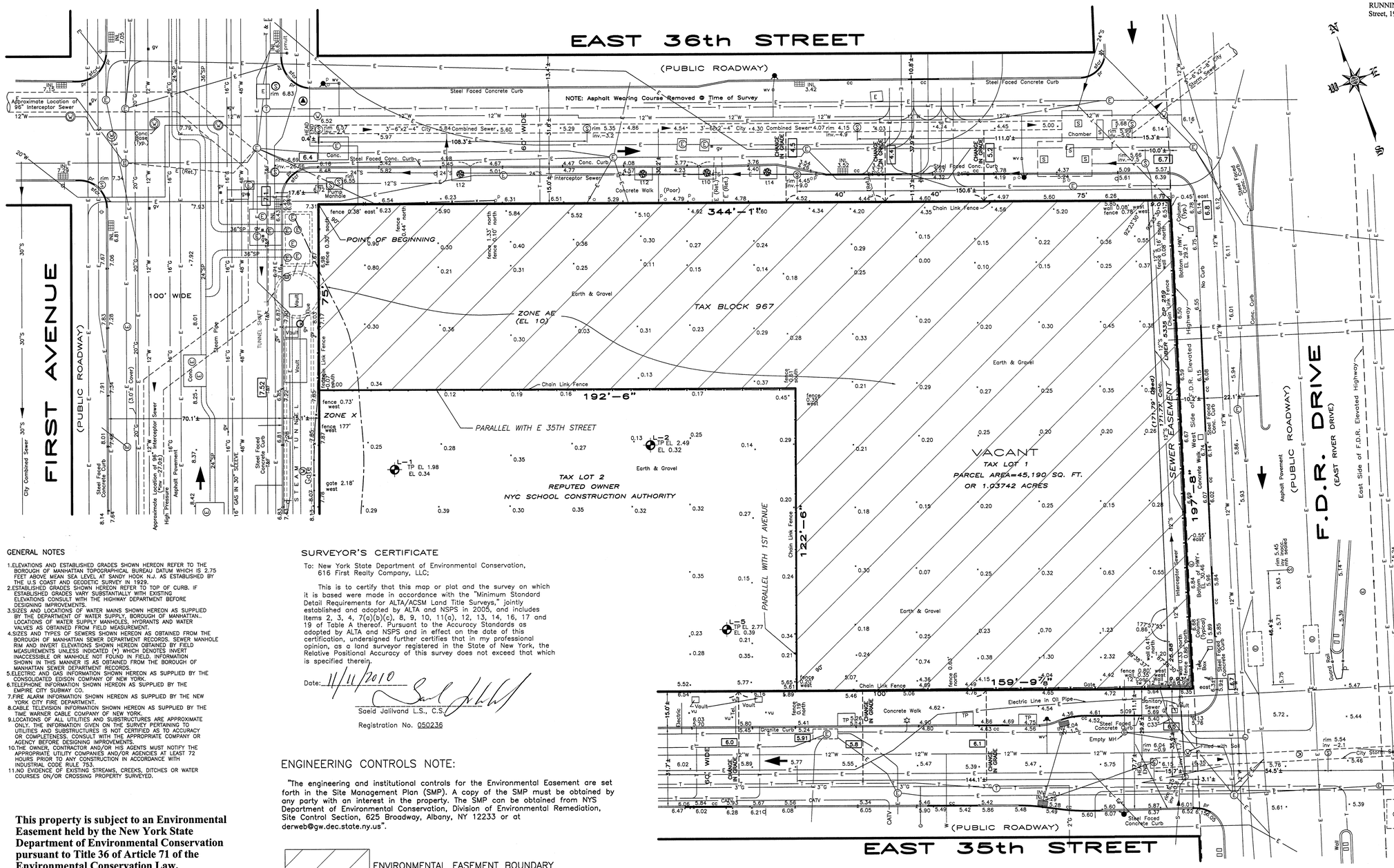
BEGINNING at the corner formed by the intersection of the northerly side of East 35th Street (60 feet wide) with the easterly side of First Avenue (100 feet wide):

RUNNING THENCE northerly along the easterly side of First Avenue, 122 feet 6 inches to a point;

RUNNING THENCE easterly, parallel with the northerly side of East 35th Street, 192 feet 6 inches to a point;

RUNNING THENCE southerly, parallel with the easterly side o First Avenue, 122 feet 6 inches to the northerly side of East 35th Street;

RUNNING THENCE westerly, along the northerly side of East side of East 35th Street, 192 feet 6 inches to the corner, the point or place of BEGINNING.



LEGEND

ASPH.....ASPHALT
BK.....BRICK
BSMT.....BASEMENT
CC.....CURB CUT
CCR.....CONCRETE CURB ROUND
CD.....CELLAR DOOR
CLF.....CHAIN LINK FENCE
CO.....CATCH BASIN CLEAN OUT
CONC.....CONCRETE
CRF.....CHAIN ROPE FENCE
CWA.....CELLAR WINDOW AREA
DR.....DRAIN
EL.....ELEVATION
FAB.....FIRE ALARM BOX
FC.....FILL CAP
FL EL.....FLOOR ELEVATION
GP.....GUARD POLE
GV.....GAS VALVE
IF.....IRON FENCE
INL.....CATCH BASIN INLET ELEVATION
INV.....SEWER INVERT ELEVATION
LP.....LIGHT POLE
MB.....MAIL BOX
MHU.....UNKNOWN MANHOLE
OF.....OIL FILL
OHW.....OVERHEAD WIRES
P.....POLE
PAVT.....PAVEMENT
PM.....PARKING METER
PMULT.....POLE, MULTIPLE USAGE
TP .....TOP OF PIPE

PR.....PEDESTRIAN RAMP
RET.....RETAINING
RIM.....RIM ELEVATION SEWER MANHOLE
SFCR....STEEL FACED CURB ROUND
STY.....STORY
TB.....TOP OF BANK ELEVATION
TF.....TRAFFIC LIGHT
TEL.....TELEPHONE
TP.....TREE PIT
TS.....TRAFFIC SIGN
TW.....ELEVATION AT TOP OF WALL
UP.....UTILITY POLE
VU.....VALVE UNKNOWN
VLTU.....VAULT UNKNOWN
VP.....VENT PIPE
WV.....WATER VALVE
12"G.....GAS MAIN WITH SIZE
12"S.....SEWER MAIN WITH SIZE
12"W.....WATER MAIN WITH SIZE
.....CATCH BASIN
E ...ELECTRIC MANHOLE / VAULT
F .....FIRE MANHOLE
G .....GAS MANHOLE
S .....SEWER MANHOLE
T .....TELEPHONE MANHOLE
W .....WATER MANHOLE
TR .....TRAFFIC VAULT
.....HYDRANT
T8....TREE WITH SIZE
17.0 ....ESTABLISHED/LEGAL GRADE
.....TRAFFIC FLOW

L ... BORING AND DOWN HOLE SEISMETIC TEST
L (OW) ... OBSERVATION WELL
... MONITORING WELL

UTILITY COVERS

ELECTRIC CONDUIT.....2'-6" MIN.
ELECTRIC LOW TENSION.....18" MIN.
TELEPHONE & FDNY.....2'-8" MIN.
WATER MAIN.....4'-0" MIN.
GAS MAIN.....2'-0" – 4'-0"
CABLE TV CONDUIT.....18" MIN.

FLOOD HAZARD NOTE

THE PARCEL SURVEYED IS COMPRISED OF AREAS DESIGNATED AS ZONE X (SHADED) & ZONE AE (EL 10 IN GVD 1929) (EL 7.3 NEW YORK DATUM) FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 360497 0201 F EFFECTIVE DATE SEPTEMBER 5, 2007

20 0 20 40 60
GRAPHIC SCALE – FEET
0 2.4 4.8 7.2 9.6M
1 CM = 2.4 M

GENERAL NOTES

1. ELEVATIONS AND ESTABLISHED GRADES SHOWN HEREON REFER TO THE BOROUGH OF MANHATTAN TOPOGRAPHICAL BUREAU DATUM WHICH IS 2.75 FEET ABOVE MEAN SEA LEVEL AT SANDY HOOK N.J. AS ESTABLISHED BY THE U.S COAST AND GEODETIC SURVEY IN 1929.
2. ESTABLISHED GRADES SHOWN HEREON REFER TO TOP OF CURB. IF ESTABLISHED GRADES VARY SUBSTANTIALLY WITH EXISTING ELEVATIONS CONSULT WITH THE HIGHWAY DEPARTMENT BEFORE DESIGNING IMPROVEMENTS.
3. SIZES AND LOCATIONS OF WATER MAINS SHOWN HEREON AS SUPPLIED BY THE DEPARTMENT OF WATER SUPPLY, BOROUGH OF MANHATTAN.. LOCATIONS OF WATER SUPPLY MANHOLES, HYDRANTS AND WATER VALVES AS OBTAINED FROM FIELD MEASUREMENT.
4. SIZES AND TYPES OF SEWERS SHOWN HEREON AS OBTAINED FROM THE BOROUGH OF MANHATTAN SEWER DEPARTMENT RECORDS. SEWER MANHOLE RIM AND INVERT ELEVATIONS SHOWN HEREON OBTAINED BY FIELD MEASUREMENTS UNLESS INDICATED (*) WHICH DENOTES INVERT INACCESSIBLE OR MANHOLE NOT FOUND IN FIELD. INFORMATION SHOWN IN THIS MANNER IS AS OBTAINED FROM THE BOROUGH OF MANHATTAN SEWER DEPARTMENT RECORDS.
5. ELECTRIC AND GAS INFORMATION SHOWN HEREON AS SUPPLIED BY THE CONSOLIDATED EDISON COMPANY OF NEW YORK.
6. TELEPHONE INFORMATION SHOWN HEREON AS SUPPLIED BY THE EMPIRE CITY SUBWAY CO.
7. FIRE ALARM INFORMATION SHOWN HEREON AS SUPPLIED BY THE NEW YORK CITY FIRE DEPARTMENT.
8. CABLE TELEVISION INFORMATION SHOWN HEREON AS SUPPLIED BY THE TIME WARNER CABLE COMPANY OF NEW YORK.
9. LOCATIONS OF ALL UTILITIES AND SUBSTRUCTURES ARE APPROXIMATE ONLY. THE INFORMATION GIVEN ON THE SURVEY PERTAINING TO UTILITIES AND SUBSTRUCTURES IS NOT CERTIFIED AS TO ACCURACY OR COMPLETENESS. CONSULT WITH THE APPROPRIATE COMPANY OR AGENCY BEFORE DESIGNING IMPROVEMENTS.
10. THE OWNER; CONTRACTOR AND/OR HIS AGENTS MUST NOTIFY THE APPROPRIATE UTILITY COMPANIES AND/OR AGENCIES AT LEAST 72 HOURS PRIOR TO ANY CONSTRUCTION IN ACCORDANCE WITH INDUSTRIAL CODE RULE 753.
11. NO EVIDENCE OF EXISTING STREAMS, CREEKS, DITCHES OR WATER COURSES ON/OR CROSSING PROPERTY SURVEYED.

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

SURVEYOR'S CERTIFICATE

To: New York State Department of Environmental Conservation,
616 First Realty Company, LLC;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005, and includes items 2, 3, 4, 7(a)(b)(c), 8, 9, 10, 11(a), 12, 13, 14, 16, 17 and 19 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of New York, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

Date: 11/11/2010

Saeid Jalilvand L.S., C.S.

Registration No. 050236

ENGINEERING CONTROLS NOTE:

"The engineering and institutional controls for the Environmental Easement are set forth in the Site Management Plan (SMP). A copy of the SMP must be obtained by any party with an interest in the property. The SMP can be obtained from NYS Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at derweb@gw.dec.state.ny.us".

ENVIRONMENTAL EASEMENT BOUNDARY

ESTABLISHED 1876 * SUCCESSOR TO:

B.G. MEINKHEIM C.S.*C.U. POWELL C.E.,C.S.*L.C.L. SMITH C.S.*NATHAN CAMPBELL C.E.,C.S.*A.U. WHITSON C.E.,C.S.*
WILLIAM L. SAYACOOL C.E.,L.S.,C.S.*A.U. WHITSON INC. C.E.,C.S.*G. WEBER L.S.,C.S.*C. STODOLPH R.A.,L.S.*WHITSON &
POWELL INC. P.E.,L.S.,C.S.*KELLER & POWELL P.E.,L.S.,C.S.*LOUIS MONTROSE C.E.,L.S.,C.S.*FRED J. POWELL P.E.,L.S.,C.S.*

REV	DATE	DESCRIPTION	ck

REV	DATE	DESCRIPTION	ck
	11-10-10	ALTA-ACSM LAND TITLE SURVEY	
A			

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES

CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION, CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS

MONTROSE
SURVEYING CO., LLP.
CITY & LAND SURVEYORS
116 20 METROPOLITAN AVE * RICHMOND HILL NY 11418-1059 * (718) 849-0600

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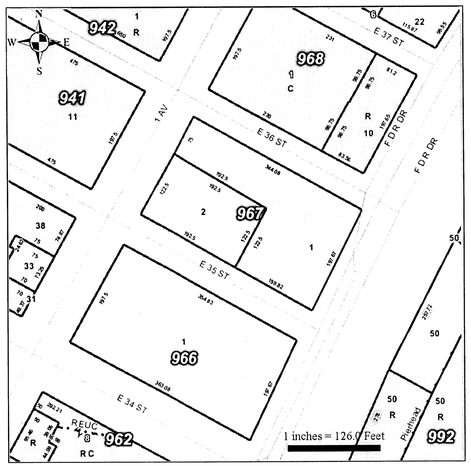
CITY OF NEW YORK
COUNTY: NEW YORK
TAX BLOCK: 967
TAX LOT 1

SCALE: 1" = 20'

SURVEY NO. 63202-3

63202-3.DWG

ALTA/ACSM LAND TITLE SURVEY



VICINITY MAP

NOT TO SCALE

SCHEDULE B ITEMS

1. Sewer Easement Grant by Consolidated Edison Company of New York, Inc. to The City of New York dated 06/23/65 recorded 7/27/65 in Liber 5335 Cp. 259 for the conveyance and transmission of sewage for the Newtown Creek Pollution Control Project. (Affects lot 1 only)

2. Terms, Covenants and Conditions of the Water Grant made by the Mayor, Alderman and Commonalty of the City of New York to Henry J. Anderson dated 08/01/1850 recorded 08/08/1850 in Liber 553 Cp. 46 (Liber "H" of City Grants, Cp. 514).

3. Terms, Covenants and Conditions of Fixture Rezoning Covenant by and between Consolidated Edison Company of New York, Inc., 616 First Realty Company, LLC, 708 First Realty Company LLC and East River Realty Company LLC dated 3/25/05 recorded 5/4/05 in CRFN 2005000259034.

4. Restrictive Declaration made by 616 First Realty Company, LLC, 685 First Realty Company, LLC, 700 First Realty Company, LLC and 7085 First Realty Company, LLC dated as of 3/24/2008, recorded 4/17/2008 in CRFN 2008000153631.

   With Regard Thereto:

   a. Waiver of Restrictive Declaration/Subordination of Covenant made by the Consolidation Edison Company of New York dated as of 3/24/2008, recorded 4/17/2008 in CRFN 2008000153630.

   b. First Modification to Restrictive Declaration made by 616 First Realty Company, LLC, 685 First Realty Company, LLC, 700 First Realty Company, LLC and 708 First Realty Company, LLC dated as of 12/21/2009, recorded 1/8/2010 in CRFN 2010000007223.

   c. Waiver of Restrictive Declaration/Subordination of Covenant made by The Consolidated Edison Company of New York dated as of 12/21/2009, recorded 1/8/2010 in CRFN 2010000007222.

5. Declaration made by 616 First Realty Company, LLC, as successor to East River Realty Company, LLC (f/k/a FSM East Rier Associates, LLC) dated 5/7/2008, recorded 5/19/2008 in CRFN 2008000200591.

6. Declaration of Zoning Lot Restrictions made by 616 First Realty Company, LLC and The New York City School Construction Authority dated 12/03/2009, recorded 1/8/2010 in CRFN 2010000007225.

7. Declaration of Zoning Lot Covenants and Restrictions made by and between The New York City School Construction Authority and 616 First Realty Company, LLC dated as of 12/23/2009, recorded 1/8/2010 in CRFN 2010000007226.

Metes and Bounds Description

Tax Block 967 Tax Lot 2
CRFN 2010000007224, Recorded 01-08-2010

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

BEGINNING at the corner formed by the intersection of the northerly side of East 35th Street (60 feet wide) with the easterly side of First Avenue (100 feet wide);

RUNNING THENCE northerly, along the easterly side of First Avenue, 122 feet 6 inches to a point;

RUNNING THENCE easterly, parallel with the northerly side of East 35th Street, 192 feet 6 inches to a point;

RUNNING THENCE southerly, parallel with the easterly side of First Avenue, 122 feet 6 inches to the northerly side of East 35th Street;

RUNNING THENCE westerly, along the northerly side of East 35th Street, 192 feet 6 inches to the corner, the point or place of BEGINNING.

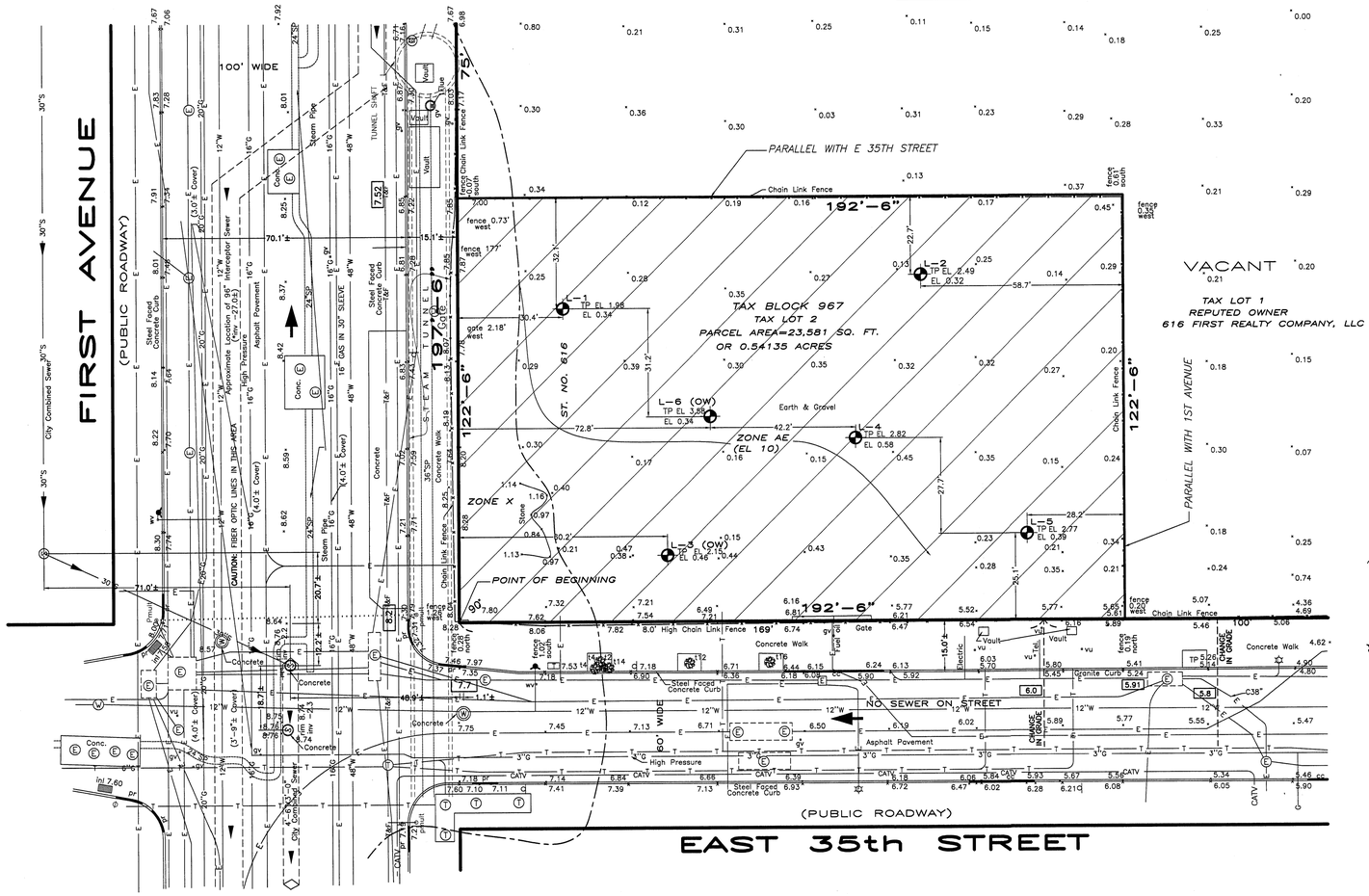
The premises comprises of an area of 23,581 sq.ft. or 0.54135 acres.

ENGINEERING CONTROLS NOTE:

"The engineering and institutional controls for the Environmental Easement are set forth in the Site Management Plan (SMP). A copy of the SMP must be obtained by any party with an interest in the property. The SMP can be obtained from NYS Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at derweb@gw.dec.state.ny.us".

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

ENVIRONMENTAL EASEMENT BOUNDARY



LEGEND

ASPH.....ASPHALT
BK.....BRICK
BSMT.....BASEMENT
CC.....CURB CUT
CCR.....CONCRETE CURB ROUND
CD.....CELLAR DOOR
CLF.....CHAIN LINK FENCE
CO.....CATCH BASIN CLEAN OUT
CONC.....CONCRETE
CRF.....CHAIN ROPE FENCE
CWA.....CELLAR WINDOW AREA
DR.....DRAIN
EL.....ELEVATION
FAB.....FIRE ALARM BOX
FC.....FILL CAP
FL EL.....FLOOR ELEVATION
GP.....GUARD POLE
GV.....GAS VALVE
IF.....IRON FENCE
INL.....CATCH BASIN INLET ELEVATION
INV.....SEWER INVERT ELEVATION
.....LIGHT POLE
MB.....MAIL BOX
MHU.....UNKNOWN MANHOLE
OF.....OIL FILL
OHW.....OVERHEAD WIRES
P.....POLE
PAVT.....PAVEMENT
PM.....PARKING METER
PMULT.....POLE, MULTIPLE USAGE
TP .....TOP OF PIPE
PR.....PEDESTRIAN RAMP
RET.....RETAINING
RIM.....RIM ELEVATION SEWER MANHOLE
SFCR....STEEL FACED CURB ROUND
STY.....STORY
TB.....TOP OF BANK ELEVATION
.....TRAFFIC LIGHT
TEL.....TELEPHONE
TP.....TREE PIT
.....TRAFFIC SIGN
TW.....ELEVATION AT TOP OF WALL
UP.....UTILITY POLE
VU.....VALVE UNKNOWN
VLTU.....VAULT UNKNOWN
VP.....VENT PIPE
WV.....WATER VALVE
12"G.....GAS MAIN WITH SIZE
12"S.....SEWER MAIN WITH SIZE
12"W.....WATER MAIN WITH SIZE
.....CATCH BASIN
.....ELECTRIC MANHOLE / VAULT
.....FIRE MANHOLE
.....GAS MANHOLE
.....SEWER MANHOLE
.....TELEPHONE MANHOLE
.....WATER MANHOLE
.....TRAFFIC VAULT
.....HYDRANT
.....TREE WITH SIZE
17.0 .....ESTABLISHED/LEGAL GRADE
.....TRAFFIC FLOW

L ... BORING AND DOWN HOLE SEISMETIC TEST

L (OW) ... OBSERVATION WELL

... MONITORING WELL

UTILITY COVERS

ELECTRIC CONDUIT.....2'-6" MIN.
ELECTRIC LOW TENSION.....18" MIN.
TELEPHONE & FDNY.....2'-6" MIN.
WATER MAIN.....4'-0" MIN.
GAS MAIN.....2'-0" – 4'-0"
CABLE TV CONDUIT.....18" MIN.

NOTES:

1. BELOW GRADE ENCROACHMENTS AND VAULTS IF ANY NOT LOCATED.
2. THERE ARE NO PARKING SPACES ON THE PREMISES.
3. THE PREMISES IS SERVED BY GAS, WATER, ELECTRICITY, TELEPHONE AND SANITARY SEWER LINES INSTALLED IN STREET.
4. NO EVIDENCE OF THE SITE BEING USED AS SOLID WASTE DUMP.
5. THE PREMISES HAS ACCESS TO 35TH STREET & 1ST AVENUE.

GENERAL NOTES

1. ELEVATIONS AND ESTABLISHED GRADES SHOWN HEREON REFER TO THE BOROUGH OF MANHATTAN TOPOGRAPHICAL BUREAU DATUM WHICH IS 2.75 FEET ABOVE MEAN SEA LEVEL AT SANDY HOOK N.J. AS ESTABLISHED BY THE U.S COAST AND GEODETIC SURVEY IN 1929.
2. ESTABLISHED GRADES SHOWN HEREON REFER TO TOP OF CURB. IF ESTABLISHED GRADES VARY SUBSTANTIALLY WITH EXISTING ELEVATIONS CONSULT WITH THE HIGHWAY DEPARTMENT BEFORE DESIGNING IMPROVEMENTS.
3. SIZES AND LOCATIONS OF WATER MAINS SHOWN HEREON AS SUPPLIED BY THE DEPARTMENT OF WATER SUPPLY, BOROUGH OF MANHATTAN.. LOCATIONS OF WATER SUPPLY MANHOLES, HYDRANTS AND WATER VALVES AS OBTAINED FROM FIELD MEASUREMENT.
4. SIZES AND TYPES OF SEWERS SHOWN HEREON AS OBTAINED FROM THE BOROUGH OF MANHATTAN SEWER DEPARTMENT RECORDS. SEWER MANHOLE RIM AND INVERT ELEVATIONS SHOWN HEREON OBTAINED BY FIELD MEASUREMENTS UNLESS INDICATED (*) WHICH DENOTES INVERT INACCESSIBLE OR MANHOLE NOT FOUND IN FIELD. INFORMATION SHOWN IN THIS MANNER IS AS OBTAINED FROM THE BOROUGH OF MANHATTAN SEWER DEPARTMENT RECORDS.
5. ELECTRIC AND GAS INFORMATION SHOWN HEREON AS SUPPLIED BY THE CONSOLIDATED EDISON COMPANY OF NEW YORK.
6. TELEPHONE INFORMATION SHOWN HEREON AS SUPPLIED BY THE EMPIRE CITY SUBWAY CO.
7. FIRE ALARM INFORMATION SHOWN HEREON AS SUPPLIED BY THE NEW YORK CITY FIRE DEPARTMENT.
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11. NO EVIDENCE OF EXISTING STREAMS, CREEKS, DITCHES OR WATER COURSES ON/OR CROSSING PROPERTY SURVEYED.

FLOOD HAZARD NOTE

THE PARCEL SURVEYED IS COMPRISED OF AREAS DESIGNATED AS
ZONE X (SHADED) &
ZONE AE (EL 10 IN QVD 1929) (EL 7.3 NEW YORK DATUM)
FEDERAL EMERGENCY MANAGEMENT AGENCY
NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NUMBER 360497 0201 F
EFFECTIVE DATE SEPTEMBER 5, 2007

20 0 20 40 60
GRAPHIC SCALE – FEET

0 2.4 4.8 7.2 9.6M
1 CM = 2.4 M

SURVEYOR'S CERTIFICATE

To: New York State Department of Environmental Conservation, New York City School Construction Authority;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005, and includes items 2, 3, 4, 7(a)(b)(c), 8, 9, 10, 11(a), 12, 13, 14, 16, 17 and 19 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of New York, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

Date: 11/11/2010

Saeid Jahvand L.S., C.S.

Registration No. 050236

REV	DATE	DESCRIPTION	ck

REV	DATE	DESCRIPTION	ck
	11-10-10	ALTA-ACSM LAND TITLE SURVEY	
A			

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MONTROSE
SURVEYING CO., LLP.
CITY & LAND SURVEYORS
116 20 METROPOLITAN AVE • RICHMOND HILL NY 11418-1090 • (718) 849-0600

ESTABLISHED 1876 • SUCCESSOR TO:

B.G. MEINIKHEIM C.S.*CU. POWELL C.E.,C.S.*L.C.L. SMITH C.S.*NATHAN CAMPBELL C.E.,C.S.*A.U. WHITSON C.E.,C.S.*
WILLIAM L. SAVACOOL C.E.,L.S.,C.S.*A.U. WHITSON INC. C.E.,C.S.*G. WEBER L.S.,C.S.*C. STIDOLPH R.A.,L.S.*WHITSON &
POWELL INC. P.E.,L.S.,C.S.*KELLER & POWELL P.E.,L.S.,C.S.*LOUIS MONTROSE C.E.,L.S.,C.S.*FRED J. POWELL P.E.,L.S.,C.S.*

CITY OF NEW YORK
COUNTY: NEW YORK
TAX BLOCK: 967
TAX LOT 2

SCALE: 1" = 20'

Appendix B
NYSDEC Approval Letters

APPENDIX B

NYSDEC APPROVAL LETTERS

New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, Albany, New York 12233-7016
Phone: (518) 402-9768 • FAX: (518) 402-9773
Website: www.dec.state.ny.us

Denise M. Sheehan
Commissioner

June 13, 2006

Mr. Michael Skirka
TRC Environmental Corporation
1200 Wall Street West, 2nd Floor
Lyndhurst, New Jersey 07071

RE: Voluntary Cleanup Project
First Avenue Properties VCP Sites
Kips Bay Fuel Terminal, 616 First Avenue
VCP # V00430
Final Report

Dear Mr. Skirka:

The New York State Department of Environmental Conservation (NYSDEC), along with the New York State Department of Health (NYSDOH), have completed a review of the "Final Report for Kips Bay Fuel Terminal Remediation Work Plan" (March 2006) and the "Letter Report, Groundwater Sampling Results for April 2006" (May 17, 2006) for the above-referenced site.

The Final Report indicates that all required remedial activities at the Site have been completed to ready the site for the contemplated use. The site is ready for unrestricted and unencumbered commercial and residential development down to the Development Depth, as described in Section 1.1 of the "Supplemental Soil Investigation Final Report and Remediation Work Plan" dated August 2003 as well as in Section 1.1 of the Final Report, contingent on the approval of a Site Management Plan (SMP).

For sites where institutional and engineering controls are required by the remedy, and will remain in place for longer than 18 months, a SMP must submitted to the Department and approved prior to the approval of the final engineering report. The SMP should provide guidance for the development, implementation and management of the site institutional and engineering controls to ensure that they are in place and remain effective. The institutional/engineering control certification will be scheduled and reported on a periodic basis and provided to the Department in writing by the Property Owner.

Once the SMP is approved by the Department, development may begin at any time, without restriction above Development Depth. If you have any questions, don't hesitate to call me at (518) 402-9768.

Sincerely,

Thomas Gibbons
Project Manager
Remedial Bureau B, Section D
Division of Environmental Remediation

cc: R. Cozzy/File
T. Gibbons
N. Walz (DOH)

New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, Albany, New York 12233-7016
Phone: (518) 402-9768 • FAX: (518) 402-9773
Website: www.dec.state.ny.us

Denise M. Sheehan
Commissioner

July 28, 2006

Mr. Michael Skirka
TRC Environmental Corporation
1200 Wall Street West, 2nd Floor
Lyndhurst, New Jersey 07071

RE: Voluntary Cleanup Project
First Avenue Properties VCP Sites
Kips Bay Fuel Terminal, 616 First Avenue
VCP # V00430
Final Report

Dear Mr. Skirka:

In a follow-up to my letter of June 13, 2006 (enclosed), approving the "Final Report for Kips Bay Fuel Terminal Remediation Work Plan", dated March 2006, I would like to clarify a few issues concerning this approval:

- DEC/DOH approve the March 2006 Final Report and its conclusions and the remedy is complete;
- No post-construction testing or engineering or institutional controls will be required at the site with respect to soil vapor intrusion;
- No deed restrictions, engineering controls, institutional controls, or any other consents, approvals, or authorizations are required for any activities above the Development Depth;
- The Site Management Plan (SMP) is required solely to document the existence of the institutional controls with respect to management of soil and groundwater below the Development Depth and that actions with respect to those media will be conducted in accordance with the SMP and applicable laws and regulations; and
- The agencies will consider the March 2006 Final Report, combined with the final SMP, to constitute the "final engineering report" for the Kips Bay site.

If you have any questions, don't hesitate to call me at (518) 402-9768.

Sincerely,

Thomas Gibbons
Project Manager
Remedial Bureau B, Section D
Division of Environmental Remediation

enclosure

cc: R. Cozzy/File
T. Gibbons
N. Walz (DOH)

Appendix C
NYSDOH
Generic Community Air Monitoring Plan

APPENDIX C

NYSDOH GENERIC COMMUNITY AIR MONITORING PLAN

New York State Department of Health
Generic Community Air Monitoring Plan

A Community Air Monitoring Plan (CAMP) requires real-time monitoring for volatile organic compounds (VOCs) and particulates (i.e., dust) at the downwind perimeter of each designated work area when certain activities are in progress at contaminated sites. The CAMP is not intended for use in establishing action levels for worker respiratory protection. Rather, its intent is to provide a measure of protection for the downwind community (i.e., off-site receptors including residences and businesses and on-site workers not directly involved with the subject work activities) from potential airborne contaminant releases as a direct result of investigative and remedial work activities. The action levels specified herein require increased monitoring, corrective actions to abate emissions, and/or work shutdown. Additionally, the CAMP helps to confirm that work activities did not spread contamination off-site through the air.

The generic CAMP presented below will be sufficient to cover many, if not most, sites. Specific requirements should be reviewed for each situation in consultation with NYSDOH to ensure proper applicability. In some cases, a separate site-specific CAMP or supplement may be required. Depending upon the nature of contamination, chemical-specific monitoring with appropriately-sensitive methods may be required. Depending upon the proximity of potentially exposed individuals, more stringent monitoring or response levels than those presented below may be required. Special requirements will be necessary for work within 20 feet of potentially exposed individuals or structures and for indoor work with co-located residences or facilities. These requirements should be determined in consultation with NYSDOH.

Reliance on the CAMP should not preclude simple, common-sense measures to keep VOCs, dust, and odors at a minimum around the work areas.

Community Air Monitoring Plan

Depending upon the nature of known or potential contaminants at each site, real-time air monitoring for volatile organic compounds (VOCs) and/or particulate levels at the perimeter of the exclusion zone or work area will be necessary. Most sites will involve VOC and particulate monitoring; sites known to be contaminated with heavy metals alone may only require particulate monitoring. If radiological contamination is a concern, additional monitoring requirements may be necessary per consultation with appropriate NYSDEC/NYSDOH staff.

Continuous monitoring will be required for all ground intrusive activities and during the demolition of contaminated or potentially contaminated structures. Ground intrusive activities include, but are not limited to, soil/waste excavation and handling, test pitting or trenching, and the installation of soil borings or monitoring wells.

Periodic monitoring for VOCs will be required during non-intrusive activities such as the collection of soil and sediment samples or the collection of groundwater samples from existing monitoring wells. "Periodic" monitoring during sample collection might reasonably consist of taking a reading upon arrival at a sample location, monitoring while opening a well cap or overturning soil, monitoring during well baling/purging, and taking a reading prior to leaving a sample location. In some instances, depending upon the proximity of potentially exposed individuals, continuous monitoring may be required during sampling activities. Examples of such situations include groundwater sampling at wells on the curb of a busy urban street, in the midst of a public park, or adjacent to a school or residence.

VOC Monitoring, Response Levels, and Actions

Volatile organic compounds (VOCs) must be monitored at the downwind perimeter of the immediate work area (i.e., the exclusion zone) on a **continuous** basis or as otherwise specified. Upwind concentrations should be measured at the start of each workday and periodically thereafter to establish background conditions. The monitoring work should be performed using equipment appropriate to measure the types of contaminants known or suspected to be present. The equipment should be calibrated at least daily for the contaminant(s) of concern or for an appropriate surrogate. The equipment should be capable of calculating 15-minute running average concentrations, which will be compared to the levels specified below.

- If the ambient air concentration of total organic vapors at the downwind perimeter of the work area or exclusion zone exceeds 5 parts per million (ppm) above background for the 15-minute average, work activities must be temporarily halted and monitoring continued. If the total organic vapor level readily decreases (per instantaneous readings) below 5 ppm over background, work activities can resume with continued monitoring.

- If total organic vapor levels at the downwind perimeter of the work area or exclusion zone persist at levels in excess of 5 ppm over background but less than 25 ppm, work activities must be halted, the source of vapors identified, corrective actions taken to abate emissions, and monitoring continued. After these steps, work activities can resume provided that the total organic vapor level 200 feet downwind of the exclusion zone or half the distance to the nearest potential receptor or residential/commercial structure, whichever is less - but in no case less than 20 feet, is below 5 ppm over background for the 15-minute average.

- If the organic vapor level is above 25 ppm at the perimeter of the work area, activities must be shutdown.

All 15-minute readings must be recorded and be available for State (DEC and DOH) personnel to review. Instantaneous readings, if any, used for decision purposes should also be recorded.

Particulate Monitoring, Response Levels, and Actions

Particulate concentrations should be monitored **continuously** at the upwind and downwind perimeters of the exclusion zone at temporary particulate monitoring stations. The particulate monitoring should be performed using real-time monitoring equipment capable of measuring particulate matter less than 10 micrometers in size (PM-10) and capable of integrating over a period of 15 minutes (or less) for comparison to the airborne particulate action level. The equipment must be equipped with an audible alarm to indicate exceedance of the action level. In addition, fugitive dust migration should be visually assessed during all work activities.

- If the downwind PM-10 particulate level is 100 micrograms per cubic meter (mcg/m^3) greater than background (upwind perimeter) for the 15-minute period or if airborne dust is observed leaving the work area, then dust suppression techniques must be employed. Work may continue with dust suppression techniques provided that downwind PM-10 particulate levels do not exceed 150 mcg/m^3 above the upwind level and provided that no visible dust is migrating from the work area.

- If, after implementation of dust suppression techniques, downwind PM-10 particulate levels are greater than 150 mcg/m^3 above the upwind level, work must be stopped and a re-evaluation of activities initiated. Work can resume provided that dust suppression measures and other controls are successful in reducing the downwind PM-10 particulate concentration to within 150 mcg/m^3 of the upwind level and in preventing visible dust migration.

All readings must be recorded and be available for State (DEC and DOH) personnel to review.

June 20, 2000

H:\Southern\gCAMPr1.doc

APPENDIX D

SOIL BELOW DEVELOPMENT DEPTH MAP

Appendix D
Soil Below Development Depth Map



LEGEND

- KB-BOT-03 — TRC Bottom End Point Sample. All bottom samples were collected within 1 foot below development depth. Bottom end point samples were collected approximately every 50 feet.
- KB-SW-20 — TRC Sidewall End Point Sample. All sidewall samples were collected within 1 foot below development depth. Sidewall end point samples were collected approximately every 50 feet.
- 1,140 (400) — Result exceeds soil cleanup criterion (TAGM RSCO). Criterion omitted where result does not exceed criterion.
- J — Estimated Value
- ND — Non-Detect
- ug/kg — All volatile and semi-volatile sample result concentrations are in micrograms per kilogram (ug/kg).
- mg/kg — All metals sample result concentrations are in milligrams per kilogram (mg/kg). Metals standards based on highest background range of Eastern USA.
- Cleanup Criterion — New York State Technical Assistance Guidance Memorandum (TAGM) 4046, January 24, 1994, and December 2000 revisions, Residential Soil Cleanup Objectives (RSCO) and Revisions (1998).
- Source — Base map by GeoEnvironmental, Inc. provided by Con Edison.
- Property Line

Notes

1. All structures shown in background in grayscale have been demolished and removed from the Site.
2. Only detected compounds are shown.
3. Soil samples obtained from soil below Development Depth (just below the mean high water table - elevation -0.4 feet in the Manhattan Datum).

Kips Bay Fuel Terminal
616 First Avenue
New York, NY

TRC
1200 Wall Street West, 2nd Floor
Lyndhurst, New Jersey 07071

Designed by:	Date:
MAS	4/13/07
Drawn by:	Scale:
LM	As Shown
File Name:	Project Number:
Appendix D.dwg	28410-OM02-9110T

APPENDIX D

Drawing Title:

Soil Below Development Depth Map

©\First Avenue Files\Kips Bay Fuel Terminal\ISM\Appendix D.dwg

Appendix E
NYSDEC Allowable Constituent Levels for Imported Soil

APPENDIX E
NYSDEC CRITERIA FOR IMPORTED SOILS
SITE MANAGEMENT PLAN
FORMER KIPS BAY FUEL TERMINAL
616 FIRST AVENUE, NEW YORK NEW YORK

VOLATILE ORGANIC COMPOUNDS (VOCs)	Residential Use	Restricted Residential Use
1,1,1-Trichloroethane	0.68	0.68
1,1-Dichloroethane	0.27	0.27
1,1-Dichloroethene	0.33	0.33
1,2,4-Trimethylbenzene	3.6	3.6
1,2-Dichlorobenzene	1.1	1.1
1,2-Dichloroethane	0.02	0.02
1,3,5-Trimethylbenzene	8.4	8.4
1,3-Dichlorobenzene	2.4	2.4
1,4-Dichlorobenzene	1.8	1.8
1,4-Dioxane	0.1	0.1
Acetone	0.05	0.05
Benzene	0.06	0.06
Carbon tetrachloride	0.76	0.76
Chlorobenzene	1.1	1.1
Chloroform	0.37	0.37
cis-1,2-Dichloroethene	0.25	0.25
Ethylbenzene	1	1
Methylene Chloride	0.05	0.05
MTBE	0.93	0.93
n-Butylbenzene	12	12
N-Propylbenzene	3.9	3.9
sec-Butylbenzene	11	11
tert-Butylbenzene	5.9	5.9
Tetrachloroethene	1.3	1.3
Toluene	0.7	0.7
trans-1,2-Dichloroethene	0.19	0.19
Trichloroethene	0.47	0.47
Vinyl chloride	0.02	0.02
Xylenes, Total	1.6	1.6

SEMIVOLATILE ORGANIC COMPOUNDS (SVOCs)	Residential Use	Restricted Residential Use
Acenaphthene	98	98
Acenaphthylene	100	100
Anthracene	100	100
Benzo[a]anthracene	1	1
Benzo[a]pyrene	1	1
Benzo[b]fluoranthene	1	1
Benzo[g,h,i]perylene	100	100
Benzo[k]fluoranthene	1	1.7
Chrysene	1	1
Dibenz(a,h)anthracene	0.33	0.33
Dibenzofuran	14	59
Fluoranthene	100	100
Fluorene	100	100
Hexachlorobenzene	0.33	1.2
Indeno[1,2,3-cd]pyrene	0.5	0.5
m-Cresol	0.33	0.33
o-Cresol	0.33	0.33
p-Cresol	0.33	0.33
Naphthalene	12	12
Pentachlorophenol	0.8	0.8
Phenanthrene	100	100
Phenol	0.33	0.33
Pyrene	100	100

METALS	Residential Use	Restricted Residential Use
Arsenic	16	16
Barium	350	400
Beryllium	14	47
Cadmium	2.5	4.3
Chromium, hexavalent	19	19
Chromium, trivalent	36	180
Copper	270	270
Cyanide, Total	27	27
Lead	400	400
Manganese	2000	2000
Mercury	0.73	0.73
Nickel	130	130
Selenium	4	4
Silver	8.3	8.3
Zinc	2200	2480

POLYCHLORINATED BIPHENYLS (PCBs)/PESTICIDES	Residential Use	Restricted Residential Use
Total PCBs	1	1
4,4'-DDD	2.6	13
4,4'-DDE	1.8	8.9
4,4'-DDT	1.7	7.9
Aldrin	0.019	0.097
alpha-BHC	0.02	0.02
beta-BHC	0.072	0.09
Chlordane (alpha)	0.91	2.9
delta-BHC	0.25	0.25
Dieldrin	0.039	0.1
Endosulfan I	NC	NC
Endosulfan II	NC	NC
Endosulfan sulfate	NC	NC
Total Endosulfans	4.8	24
Endrin	0.06	0.06
gamma-BHC (Lindane)	0.1	0.1
Heptachlor	0.38	0.38
Silvex (2,4,5-TP)	3.8	3.8

NOTES:
1) Concentrations presented in mg/kg - milligrams per kilogram.
2) All levels from 6 NYCRR 375-6. Table 375-6.8(b) Restricted Use Soil Cleanup Objectives, in accordance with 6 NYCRR Part 375-6.7(d)(1)(ii)(b).
3) Residential Use allowable levels apply to soils to be placed above Development Depth.
4) Restricted Residential Use allowable levels apply to soils to be placed below Development Depth.
5) NC - No criterion.

Appendix F
Environmental Easements

ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36 OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW

THIS INDENTURE made this 17th day of August, 2011, between Owner 700 First Realty Company, LLC, having an office c/o Solow Realty & Development Company, LLC at 9 West 57th Street, County of New York, State of New York (the "Grantor"), and The People of the State of New York (the "Grantee"), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor, is the owner of real property located at the address of 700 First Avenue in the City of New York, County of New York and State of New York, known and designated on the tax map of the Borough of Manhattan as tax map Block 970 Lot 1, being the same as that property conveyed to Grantor by deed dated May 31, 2005 and recorded in the City Register of the City of New York in Instrument No. CRFN 2005000335189, comprising approximately 4.47 acres, and hereinafter more fully described in the Land Title Survey dated November 10, 2010, which will be attached to the Site Management Plan. The property description (the "Controlled Property") is set forth in and attached hereto as Schedule A; and

WHEREAS, the Department accepts this Environmental Easement in order to ensure the protection of human health and the environment and to achieve the requirements for remediation established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

NOW THEREFORE, in consideration of the mutual covenants contained herein and the terms and conditions of BCA Index Number: A2-0515-0405, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement")

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii) and Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii), and any other uses permitted under applicable laws, rules, regulations, codes and/or ordinances to the extent not inconsistent with (x) 6 NYCRR Part 375-1.8(g)(2)(ii) and 6 NYCRR Part 375-1.8(g)(2)(iii) or (y) the other restrictions expressly set forth in Section 2. of this Environmental Easement.

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan ("SMP");

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP.

(4) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(5) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(6) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(7) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP.

(8) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP.

(9) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for raising livestock or producing animal products for human consumption, and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Regional Remediation Engineer
NYSDEC – Region 2
Division of Environmental Remediation
47-40 21st St.
Long Island City, NY 11101
Phone: (718) 482-4995

or

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, New York 12233
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall annually, or such time as NYSDEC may allow, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:

(i) are in-place;

(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved b the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to:

Site Number C2341013
Office of General Counsel
NYSDEC
625 Broadway
Albany New York 12233-5500

With a copy to:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, Grantor and Grantee each has caused this instrument to be signed in its name.

700 First Realty Company, LLC:

By: _____

Print Name: Sheldon H. Solow

Title: President Date: 1/13/2011

Grantor's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF New York)

On the 13th day of January, in the year 20 11, before me, the undersigned, personally appeared Sheldon H. Solow, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Amalia C. DeLucia
Notary Public - State of New York

AMALIA C. DELUCIA
Notary Public, State of New York
No. 01DE6032868
Qualified in Queens County
Commission Expires November 8, 2013

THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

By: _____
Dale A. Desnoyers, Director
Division of Remediation

Grantee's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF Albany)

On the 17th day of August, in the year 2011, before me, the undersigned, personally appeared Dale Desnoyers, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public - State of New York

Drew A. Wellette
Notary Public, State of New York
Qualified in Schenectady Co.
No. 01WE6089074
Commission Expires 03/17/ 2015

SCHEDULE A PROPERTY DESCRIPTION

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

BEGINNING at the corner formed by the intersection of the northerly line of East 38th Street with the easterly line of First Avenue;

RUNNING THENCE northerly, along the easterly line of First Avenue, 515 feet 0 inches;

THENCE easterly, parallel with the northerly line of East 38th Street, 411 feet 7 3/8 inches to a point in the westerly line of Franklin D. Roosevelt Drive;

THENCE southerly, along the westerly line of Franklin D. Roosevelt Drive, on the arc of a circle curving to the right having a radius of 2431 feet 8 inches and a central angle of 6° 13' 33 inches, 264 feet 2 5/8 inches to a point of tangency;

THENCE southerly still along the westerly line of Franklin D. Roosevelt Drive, 56 feet 4 ¼ inches to an angle point therein;

THENCE easterly, still along the westerly line of Franklin D. Roosevelt Drive and parallel with the northerly line of East 38th Street, 1 foot 2 3/8 inches to an angle point therein;

THENCE southerly, still along the westerly line of Franklin D. Roosevelt Drive, 200 feet 3 1/8 inches to the corner formed by the intersection of the northerly line of East 38th Street with the westerly line of Franklin D. Roosevelt Drive;

THENCE westerly, along the northerly line of East 38th Street, 336 feet 10 3/8 inches to a point or place of BEGINNING.

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER

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

2013020401664001001E1AA5

RECORDING AND ENDORSEMENT COVER PAGE **PAGE 1 OF 6**

Document ID: 2013020401664001 Document Date: 02-04-2013 Preparation Date: 02-04-2013
Document Type: SUNDRY MISCELLANEOUS
Document Page Count: 5

PRESENTER:
CHICAGO TITLE INSURANCE CO. (PICK-UP)
711 THIRD AVE, 5TH FLOOR
3112-00179
NEW YORK, NY 10017
212-880-1200
charles.chacko@ctt.com

RETURN TO:
CHICAGO TITLE INSURANCE CO. (PICK-UP)
PILLSBURY WINTHROP SHAW PITTMAN LLP
1540 BROADWAY
NEW YORK, NY 10036

PROPERTY DATA

Borough	Block	Lot	Unit	Address
MANHATTAN	967	1	Entire Lot	N/A 1 AVENUE

Property Type: RESIDENTIAL VACANT LAND Easement

CROSS REFERENCE DATA

CRFN_____ ***or*** Document ID_____ ***or*** _____ Year____ Reel ___ Page ____ ***or*** File Number_____

PARTIES

PARTY 1:
616 FIRST REALTY COMPANY, LLC
C/O EAST RIVER REALTY COMPANY, LLC, 9 WEST 57TH ST, 45TH FLOOR
NEW YORK, NY 10019

PARTY 2:
616 FIRST AVENUE LLC
5 EAST 17TH STREET, SECOND FLOOR
NEW YORK, NY 10003

FEES AND TAXES

Mortgage

Mortgage Amount:	$	0.00
Taxable Mortgage Amount:	$	0.00
Exemption:		
TAXES: County (Basic):	$	0.00
City (Additional):	$	0.00
Spec (Additional):	$	0.00
TASF:	$	0.00
MTA:	$	0.00
NYCTA:	$	0.00
Additional MRT:	$	0.00
TOTAL:	$	0.00
Recording Fee:	$	62.00
Affidavit Fee:	$	0.00

Filing Fee: $ 100.00
NYC Real Property Transfer Tax: $ 0.00
NYS Real Estate Transfer Tax: $ 0.00

RECORDED OR FILED IN THE OFFICE OF THE CITY REGISTER OF THE CITY OF NEW YORK
Recorded/Filed 02-06-2013 17:17
City Register File No.(CRFN):
2013000052236

City Register Official Signature

ASSUMPTION OF ENVIRONMENTAL EASEMENT

by

616 FIRST AVENUE LLC,
a Delaware limited liability company,
as Assuming Party

Dated as of February 4, 2013

BLOCK:	967
LOT:	1
COUNTY:	New York

After recording, please return to:
Pillsbury Winthrop Shaw Pittman LLP
1540 Broadway
New York, New York 10036
Attention: Jill D. Block, Esq.

ASSUMPTION OF ENVIRONMENTAL EASEMENT

THIS **ASSUMPTION AGREEMENT** (this "Agreement") made as of February 4, 2013, by 616 FIRST AVENUE LLC, a Delaware limited liability company ("Assuming Party").

RECITALS

WHEREAS, Assuming Party has entered into that certain Purchase and Sale Agreement (the "Purchase Contract"; capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Purchase Contract), dated as of January 14, 2013, among 616 First Realty Company, LLC as seller ("Seller"), and Assuming Party, as purchaser;

WHEREAS, in connection with the Purchase Contract, Assuming Party wishes to assume certain environmental responsibilities relating to the Site;

NOW, THEREFORE, Assuming Party hereby agrees as follows:

1. Assuming Party hereby assumes all obligations of Seller pursuant to (i) that certain Brownfield Site Cleanup Agreement Index No. A2-0515-0405 among the New York State Department of Environmental Conservation (the "DEC"), TRC Companies, Inc., and East River Realty Company, LLC (the "Cleanup Agreement"), (ii) that certain Environmental Easement between Seller and The People of the State of New York, Acting Through Their Commissioner of the Department of Environmental Conservation, dated August 17, 2011 and recorded September 16, 2011 in CRFN 2011000329548, as modified by that certain Notice of Certificate of Completion recorded on January 30, 2012 in CRFN 2012000041446 (the "Environmental Easement") and (iii) that certain Site Management Cooperation Agreement made by and between 616 First Realty Company, LLC and New York City School Construction Authority (the "SCA") dated as of December 5, 2012 and recorded December 18, 2012 as CRFN 2012000494196 (the "Cooperation Agreement").

2. Assuming Party hereby releases Seller with respect to, and waives all of its rights, including, without limitation, under any Environmental Laws (hereinafter defined), to require Seller to remediate or "clean up" the Property or pay any sums on account thereof (or implead Seller with regard to any such claim), including, without limitation, rights under CERCLA or any analogous state laws; provided, however, that such release shall not apply to the extent any actual losses, damages, liabilities, claims, actions, judgments and reasonable out-of-pocket costs and expenses (including, without limitation, fees and expenses of external legal counsel and consultants) have directly resulted from the negligence, willful misconduct or acts of fraud of Seller. "Environmental Laws" shall mean any federal, state or local statute, regulation, ordinance or rule of common law or any judicial, administrative or arbitral decree or decision, whether now existing or hereinafter enacted, promulgated or issued, in any way relating to the protection of the environment, including, inter alia, hazardous materials, asbestos, petroleum or any fraction thereof, drinking water, groundwater, wetlands, landfills, open dumps, outdoor air quality, indoor air quality, microbial matter, mycotoxins, storage tanks, underground storage tanks, solid waste, waste water, storm water runoff, waste emissions, or wells. Without limiting the generality of the foregoing, the term shall encompass each of the following statutes, and regulations, orders, decrees, permits, licenses and deed restrictions now or hereafter promulgated

thereunder, and amendments and successors to such statutes and regulations as may be enacted and promulgated from time to time: (i) the Comprehensive Environmental Response, Compensation and Liability Act (codified in scattered sections of 26 U.S.C., 33 U.S.C., 42 U.S.C. and 42 U.S.C. Section 9601 et seq.) ("CERCLA"); (ii) the Resource Conservation and Recovery Act (42 U.S.C. Section 6901 et seq.) ("RCRA"); (iii) the Hazardous Materials Transportation Act (49 U.S.C. Section 1801 et seq.); (iv) the Toxic Substances Control Act (15 U.S.C. Section 2061 et seq.); (v) the Clean Water Act (33 U.S.C. Section 1251 et seq.); (vi) the Clean Air Act (42 U.S.C. Section 7401 et seq.); (vii) the Safe Drinking Water Act (21 U.S.C. Section 349, 42 U.S.C. Section 201 and Section 300f et seq.); (viii) the National Environmental Policy Act (42 U.S.C. Section 4321 et seq.); (ix) the Superfund Amendments and Reauthorization Act of 1986 (codified in scattered sections of 10 U.S.C., 29 U.S.C., 33 U.S.C. and 42 U.S.C.); (x) Title III of the Superfund Amendment and Reauthorization Act (42 U.S.C. Section 1101 et seq.); (xi) the Uranium Mill Tailings Radiation Control Act (42 U.S.C. Section 7901 et seq.); (xii) the Occupational Safety & Health Act (29 U.S.C. Section 651 et seq.); (xiii) the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. Section 136 et seq.); (xiv) the Noise Control Act (42 U.S.C. Section 4901 et seq.); (xv) the Emergency Planning and Community Right to Know Act (42 U.S.C. Section 1100 et seq.); and (xvi) the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.).

3. This Agreement shall be governed by and construed in accordance with the laws of the State of New York.

4. This Agreement shall inure to the benefit of and be binding upon Seller, Assuming Party, and their respective successors and assigns and, with respect to the assumption of the Cooperation Agreement, the SCA and its successors and assigns.

5. This Agreement may be signed in any number of counterparts, each of which shall be an original, with the same effect as if the signatures thereto and hereto were upon the same instrument.

[Signature page follows.]

IN WITNESS WHEREOF, the Assuming Party has executed this Assumption Agreement as of the date and year first above written.

ASSUMING PARTY

616 FIRST AVENUE LLC,
a Delaware limited liability company

By: _____
Name: Michael Stern
Title: Authorized Signatory

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

On the 31st day of January in the year 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared Michael Stern, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Jason S. Schlessel
Notary Public
[Notarial Seal]

JASON S. SCHLESSEL
NOTARY PUBLIC, State of New York
No. 02SC6135914
Qualified in New York County
Commission Expires March 5, 2016

SEAL

Revised February 4, 2016

Ronnie Lee
New York State Department of Environmental Conservation
Division of Environmental Remediation, BURB
625 Broadway
Albany, NY 12233-7016

Re: Site Management Plan - Addendum 1
Kips Bay Fuel Terminal Site
626 First Avenue
New York, New York
BCP Index No. A2-0515-0405, Site No. C234014
Langan Project No.: 170234201

Dear Mr. Lee:

Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C. (Langan) prepared this addendum, on behalf of 616 First Avenue Developer LLC, to modify the existing September 2011 Site Management Plan (SMP) for the property located at 626 First Avenue in New York, New York (the Site). Alternate addresses for the Site include 616 First Avenue and 435 East 35th Street. The site is also identified as New York City tax block 967, lots 1 and 2.

SMP Modification
The proposed modifications below will supersede the September 2011 SMP, which is included as Attachment A. Proposed modifications include the following:

1) Periodic Review Report Frequency – The September 2011 SMP requires an annual Periodic Review Report. Due to the extensive removal of contaminated soil and groundwater and the construction of new building structures on both lots, we recommend reducing the frequency of periodic reporting from annual to every five years. We will continue to perform site inspections on an annual basis irrespective of the Periodic Review Report schedule. This proposed modification supersedes the first paragraph of Section 8.2 (Periodic Review Report) and all references to Periodic Review Report frequency in the NYSDEC-approved September 2011 SMP.

2) Development Depth – The September 2011 SMP defines the Development Depth as the depth to the top of competent bedrock or the mean high water table (el -0.4 feet in the Manhattan Borough Datum [corresponding to el. 1.25 NAVD88), whichever is

higher. We propose to redefine the Development Depth on Lot 1 as the bottom of foundation on the attached foundation drawings (Attachment A). Based on final excavation depths as part of site redevelopment, the Development Depth ranges from el. -21.975 to -36.725 NAVD88). Intrusive activities that disturb the waterproofing and soil beneath the foundation will be subject to the provisions of the SMP. This proposed modification to the Development Depth supersedes the fifth paragraph of Section 1.0 (Introduction & Purpose), the first paragraph, second sentence of Section 5.4 (Cover System), and all references to Development Depth in the NYSDEC-approved September 2011 SMP. No changes to the Development Depth are proposed for Lot 2 at this time.

Closing

Should you have any questions regarding the proposed modifications of the SMP, please call me at (212) 479-5582.

Sincerely,

Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C.

Ryan Manderbach, CHMM
Senior Project Manager

Jason Hayes, P.E., LEED^{AP}
Senior Associate

Enclosure: Attachment A- 2011 September SMP Prepared by TRC Engineers, Inc.
Attachment B- Lot 1 Foundation Drawings

cc: W. Scaglione, M. Stern – 616 First Ave LLC
J. Good – Langan

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Attachment A-
2011 September SMP
Prepared by TRC
Engineers, Inc.

SITE MANAGEMENT PLAN
FOR
FORMER KIPS BAY FUEL TERMINAL
616 FIRST AVENUE
NEW YORK, NEW YORK

NYSDEC BROWNFIELD CLEANUP PROGRAM
Site Number C231014

Prepared by

TRC Engineers, Inc.
New York, New York

TRC Project No. 180360

September 2011

Revisions to Final Approved Site Management Plan:

Revision #	Submitted Date	Summary of Revision	DEC Approval Date

SITE MANAGEMENT PLAN
FOR FORMER KIPS BAY FUEL TERMINAL

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SITE MANAGEMENT PLAN
FOR FORMER KIPS BAY FUEL TERMINAL

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1.0 INTRODUCTION AND PURPOSE

This document is required as an element of the remedial program at the Kips Bay Fuel Terminal Site (hereinafter referred to as the "Site") under the New York State Brownfield Cleanup Program (BCP) administered by the New York State Department of Environmental Conservation (NYSDEC). The Site was remediated in accordance with Voluntary Cleanup Order (VCO) Index #D2-0001-01-03; Site #V00430-2, which was executed on June 27, 2001. This agreement was later superseded by Brownfield Cleanup Agreement (BCA) Index# A2-0515-0405, Site #C231014, which was executed by the NYSDEC on June 16, 2010.

The former Kips Bay Fuel Terminal Site at 616 First Avenue, New York, New York is a 1.6-acre vacant property currently owned by 616 First Realty Company LLC and the New York City School Construction Authority. The location of the property is shown on Figure 1. The Site was characterized during several previous investigations and remediation of the Site was completed in accordance with the New York State Department of Environmental Conservation (NYSDEC)-approved *Supplemental Soil Investigation Final Report and Remediation Work Plan* dated August 2003 (RWP) and *Final Report for Kips Bay Fuel Terminal Remediation Work Plan* dated March 2006 (Final Report).

As part of the remediation, all Site soil was removed vertically to a depth slightly below Development Depth. As soil excavation proceeded along the property sidewalls, TRC placed imported clean sand from Amboy Aggregates along the property boundaries to maintain a safe excavation perimeter sloping in accordance with NYCDOB and OSHA requirements. Excavated soil from the sidewalls was temporarily stockpiled on-site until it was transported to an appropriate off-site disposal facility. Imported sand was backfilled and compacted, extending five feet inside the property line and graded down to the Development Depth at a slope of 1.5/1.

The remainder of the Site was backfilled with 6 to 12 inches of imported 1.5-inch crushed stone from Tilcon New York, Inc., West Nyack, New York. Approximately 2,030 tons of stone were used to backfill the Site. Stone was used rather than sand in order to provide a more secure base for vehicular site access and to assist in avoiding surficial ponding of precipitation.

This Site Management Plan ("SMP") primarily establishes the procedures for the management of soil and groundwater generated from below Development Depth, if any, during future construction activities associated with Site redevelopment. As presented in the Final Report and consistent with TRC's contract with the Site Developer, the Development Depth is defined as the

depth to the top of competent bedrock or the mean high water table (-0.4 feet in the Manhattan Highway Datum), whichever is higher. A figure showing the Site boundaries to which the SMP applies and the current property ownership is provided in Appendix A.

This plan is not intended to serve as a design document for the construction activities related to redevelopment activities. It is the owners' or owner designee's responsibility to prepare a design that incorporates the requirements for cover and soil/groundwater management as set forth in this SMP.

Failure to implement the SMP is a violation of the Environmental Easement, which is grounds for revocation of the Certificate of Completion. Failure to comply with the SMP is also a violation of Environmental Conservation Law, 6 NYCRR Part 375 and the BCA (Index #A2-0515-0405, Site #C231014) for the Site, and thereby subject to applicable penalties.

1.1 Overview and Objectives

The objective of the SMP is to set guidelines for management of soil and groundwater generated from below Development Depth during any future redevelopment activities, and to identify periodic reporting requirements.

The SMP establishes the procedures for the following activities:

1. Soil disturbance activities below Development Depth
2. Groundwater dewatering, if required,
3. Management of excavated soil and dewatered groundwater,
4. Management of new fill material,
5. Site-specific health and safety requirements during construction,
6. Notification of Change in Use of Property, and
7. Notification and reporting.

The SMP does not require groundwater and other environmental monitoring, public health monitoring, or monitoring to assess the effectiveness of the remedy. However, periodic inspections must be performed to assess the performance and effectiveness of the remedy.

1.2 Site History

The Site consists of a 340-by-200-foot rectangular-shaped lot. The Site is bordered by East 36th Street to the north, the Franklin D. Roosevelt (FDR) Drive to the east, East 35th Street to the south, and First Avenue to the west.

The area around the Site contains a mix of commercial and residential establishments. High-rise residential buildings are located on blocks immediately to the north and south of the Site. The New York University (NYU) Medical Center and Bellevue Hospital occupy city blocks to the south of the property. St. Vartan's Park is located to the west of the Site.

The Site was initially operated solely as a lumber and coal/wood yard, with various sheds, until 1899. By 1910, a one-story building occupied by the Liquid Carbonic Company had replaced the coal yard on the northern end of the Site. The remainder of the Site continued to be used as a lumberyard until circa 1926 when the New York Steam Corporation built a steam plant on the eastern side of the Site. At that time, the western end of the Site was vacant, and a Provision Factory had replaced the Liquid Carbonic Company as the occupant of the one-story building at the northernmost end of the Site. A 1950 historic Sanborn Map shows that the New York Steam Corporation occupied the entire Site, except for the southwest corner which was vacant. Coal, transported via a conveyer over the FDR Drive, provided fuel to the Steam Plant.

By 1980, the on-site steam plant occupied only the east side of the property, and the plant owner had become Con Edison Company, Incorporated. Three structures associated with underground fuel oil storage tanks, several transformers and vapor vents were present on the west side of the property. Much of the northwestern end of the Site was vacant. Historic Sanborn Maps from approximately 1950-1994 show the current on-site structures located on the western side of the property and the Steam Plant on the eastern side of the property. In the 1996 Historic Sanborn Map, the Steam Plant had been razed and the east end of the Site was shown to be vacant. Demolition of the steam plant began in 1987 and was completed circa 1994.

The Kips Bay Fuel Terminal stored fuel oil in a 255,000-gallon underground tank and served as a back-up fuel depot for the natural gas-powered steam boilers at Con Edison's Waterside Generating Station.

In 2005 616 First Realty Company LLC acquired the Site from Con Edison and in December of 2009 the New York City School Construction Authority acquired a portion of the Site (Block 967, Lot 2) for construction of a new elementary school.

2.0 PREVIOUS INVESTIGATIONS

2.1 Chronology

Several environmental investigations were performed at the property since 1998. The following reports present a chronological summary of the significant investigations performed at the property.

Phase I Environmental Site Assessment, Kips Bay Fuel Oil Terminal, Manhattan, NY, Foster Wheeler Environmental Corporation, September 14, 1998.

Phase II Environmental Site Assessment, Kips Bay Fuel Oil Terminal, 417 East 35th Street, New York, New York, GZA GeoEnvironmental, Inc., March 15, 2000.

Supplemental Soil Investigation Final Report and Remediation Work Plan, Kips Bay Fuel Terminal 616 First Avenue, New York, New York, TRC Engineers, Inc., August 2003.

Environmental remediation was completed at the property in August 2004, as documented in the following report:

Final Report for Kips Bay Fuel Terminal Remediation Work Plan, TRC Engineers, March 2006.

Copies of these reports can be found at NYSDEC's Albany Office and at the BCP document repository at the Science, Industry and Business branch of the New York City Public Library, located at 188 Madison Avenue, Manhattan.

2.2 Nature and Extent of Contamination

The remediation completed at the Site, as reported in the Final Report, resulted in the removal of all soil above the Development Depth. The Site was partially backfilled above Development Depth with clean sand meeting TAGM 4046 requirements and clean crushed stone. The constituents of potential concern (COPCs) for soil remaining at the Site below Development Depth consist primarily of metals and polycyclic aromatic hydrocarbons (PAHs). Results of groundwater sampling indicate that constituents in the soil below Development Depth have not significantly impacted groundwater quality. However, bedrock groundwater at the Site contains several volatile organic compounds (VOCs), each at concentrations slightly above NYSDEC Technical and Operational Guidance Series (TOGS) Ambient Water Quality Standards.

3.0 CONTEMPLATED USE

The objective of the RWP activities was to ready the Site for development for the Contemplated Use (i.e., residential and commercial development) in accordance with Track 4, restricted residential use with site-specific soil cleanup objectives (see 6 NYCRR Part 375-3.8(e)). During the remediation, all materials above the Development Depth were removed and disposed off-site. Activities that will disturb materials below the Development Depth must be conducted in accordance with this SMP and the Site is subject to the institutional controls set forth in the Environmental Easements attached hereto as Appendix F.

The Notification requirements of Section 8.0 of this SMP will be triggered by any change of use, including transfer of the title to all or part of the Site, or the erection of structures on the Site.

4.0 SUMMARY OF REMEDY IMPLEMENTED

As presented in the Final Report, the following remedial activities were completed to ready the Site for the Contemplated Use:

- Asbestos abatement, decommissioning and demolition of all buildings and subsurface structures to Development Depth;
- Removal of the 255,000-gallon UST and the concrete-lined ash pit;
- Excavation and disposal of all impacted soils and solids from the ash pit;
- Excavation and disposal of petroleum- and PCB-impacted soil;
- Excavation and disposal of all soil above Development Depth;
- Evaluation of groundwater conditions within the bedrock and shallow aquifer by installation and sampling of three bedrock monitoring wells and two shallow aquifer monitoring wells for VOCs, PAHs and metals;
- Close-out of all open NYSDEC spill numbers for previously-reported on-site impacts; and,
- Two feet of compacted clean soil meeting TAGM 4046. See Section 5.4 for a description of the future cover system for the Site.

As per the NYSDEC letters dated June 13, 2006 and July 28, 2006 (Appendix B) approving Site remediation and the Final Report**,** the Site meets the standards for development for the Contemplated Use.

In summary, all soils at the Site were removed to Development Depth; therefore, only those activities which will disturb soils and/or groundwater below Development Depth are governed by this SMP.

5.0 REMEDY MANAGEMENT/LONG TERM MAINTENANCE

Site redevelopment may disturb certain areas of the Site below Development Depth. Implementation of the SMP relative to these activities will be the responsibility of the property owner or owner's designee.

5.1 Site Preparation

As part of redevelopment or future intrusive on-site activities, the Site may require grading prior to construction of final Site structures and cover. Soil above Development Depth does not require any special handling for Site preparation activities.

5.2 Erosion and Dust Control

Silt fencing and hay bales will be utilized, as required, to prevent soils from below Development Depth from leaving the Site. Soil from below Development Depth adhered to construction vehicles and equipment will be removed prior to such vehicles and equipment leaving the Site. Brooms, shovels, washing or steam cleaning will be utilized for the removal of such soil from vehicles and equipment. Soil or construction debris from below Development Depth will be removed from vehicles and equipment at a designated area of the Site. Wastewater generated by the decontamination process for materials generated below Development Depth will be collected and analyzed for waste characterization and off-site disposal.

If required, dust suppression measures will be implemented during soil disturbance activities below Development Depth, and will include misting of soil and/or construction debris with water and, if appropriate, applying a dust suppressant, in high vehicle traffic areas. To evaluate the effectiveness of the dust suppression measures, dust particulate levels will be monitored utilizing real-time dust monitoring instrumentation as per the New York State Department of Health (NYSDOH) Generic Community Air Monitoring Plan (gCAMP; Appendix C).

5.3 Excavation Below Development Depth

The property owner or owner's designee will provide NYSDEC with notification of activities that disturb soil below Development Depth or generate dewatering fluids as per the notification requirements presented in Section 8.0 of this SMP. Access to soil/fill on the property will be controlled until final cover is placed to prevent direct contact with soils below Development Depth.

5.3.1 Management of Soil and Other Potential Solid Waste

The area of the Site where soil exists below the Development Depth is shown in Appendix D. Excavated soil and other potential solid waste (i.e., concrete rubble, remnants of former foundation piles, etc.) from below Development Depth will be stockpiled separately from other construction materials at the Site. Excavated soil will be temporarily stockpiled on plastic and covered with plastic or placed in a covered roll-off in a prepared area of the Site. Excavation below Development Depth will be overseen by a person who will provide the requisite annual certification.

Soil temporarily excavated from below Development Depth may be placed below Development Depth again during redevelopment-related construction. Any excess soil or other solid waste from below Development Depth that will not be placed back below Development Depth during redevelopment-related construction will be disposed off-site in accordance with all relevant federal, state and local regulations. Any soils which show obvious signs of significant contamination or free product will be segregated and disposed of off-site in accordance with relevant federal, state and local regulations. Segregation of contaminated soil for off-site disposal will be based on visual, olfactory and instrument-based soil screening performed by a qualified environmental professional during all development excavations below the Development Depth. Based upon the volume of stockpiled soil intended for off-site disposal, a representative number of composite and/or grab samples will be collected for laboratory analysis in accordance with potential disposal vendor requirements to determine waste disposal characterization. The analyses to be performed will depend upon the requirements of the off-site disposal facility selected by the property owner, and may include full toxic characteristic leaching procedure (TCLP) parameters, VOCs, PCBs, PAHs and metals. Based upon the results of the laboratory analyses, the final disposition of these materials will be determined.

Transport of materials will be performed by licensed haulers in accordance with appropriate local, state, and federal regulations, including 6 NYCRR Part 364. Contaminated material transported by trucks exiting the Site will be secured with tight-fitting covers. Loose-fitting canvas-type truck covers will be prohibited. If loads contain wet material capable of producing free liquid, truck liners will be used. In addition, (a) trucks will be prohibited from stopping and idling in the neighborhood outside the project Site; (b) egress points for truck and equipment transport from the Site will be kept clean of dirt and other materials during Site development; and (c) queuing of trucks will be performed on-site in order to minimize off-site disturbance.

Generally, trucks leaving the Site shall exit the Site onto 35th Street and proceed west to the nearest local City of New York-designated truck routes [i.e., First Avenue (to then travel north) or to Second Avenue (to then travel south)]. Trucks will travel via local truck routes to through truck routes leading out of the City. The labeling, packaging, and transportation of the waste shall be in compliance with federal and state rules and regulations, as well as those of the bridge and tunnel operators (i.e. the Port Authority of New York and New Jersey and MTA Bridges and Tunnels). Wastes must travel over or through only those specific bridges or tunnels that are designated for that specific type of waste. Figure 2 depicts the location of the Site and nearby truck transport routes from the Site to locations to the north, east and west.

5.3.2 Management of Construction Water and Groundwater

Water pumped from excavations below Development Depth will be managed properly in accordance with all applicable regulations so as to prevent endangerment of public health, property, or any portion of the construction.

Site development may require the dewatering of groundwater. Dewatered groundwater will be managed using any of the following three methods:

1. Discharge to the New York City sewer system with authorization from the New York City Department of Environmental Protection (NYCDEP);
2. Discharge to surface water pursuant to a SPDES Equivalent permit issued by the NYSDEC; or,
3. Transportation and disposal at an off-site treatment facility.

Discharge to the New York City sewer system is a convenient method for management of dewatering fluids during construction. The NYCDEP regulates discharges to the New York City sewers under NYCDEP's Title 15, Rules of the City of New York (RCNY) Chapter 19. Discharge to the New York City sewer system will require an authorization and sampling data demonstrating that the dewatering fluids meets New York City's Sewer Use Guidelines. If necessary, the dewatering fluid will be pretreated to meet the New York City effluent discharge criteria.

The contractor may alternatively discharge to surface water (e.g., the East River). The NYSDEC regulates such discharges under 6 NYCRR 750. If the discharge utilizes the NYCDEP sewer system, then NYCDEP authorization will also be required as described above. The contractor may alternatively utilize an outfall to surface water not controlled by NYCDEP. Construction of

such an outfall would require NYSDEC and U.S. Army Corps of Engineers permits and approvals.

If discharge to the New York City sewer system is not feasible or is not desirable, the dewatering fluids will be managed by transportation and disposal at an off-site treatment facility, in accordance with all relevant federal, state and local regulations. A representative number of composite or grab samples will be collected for laboratory analysis in accordance with potential disposal vendor requirements to determine waste disposal characterization. Based upon the results of the laboratory analysis, the final disposition of the dewatering fluids will be determined.

5.4 Cover System

Future Site development will constitute the cover system at the Site. Based on the elevation of Development Depth (approximately 6 to 9 feet below sidewalk grade elevation), there will be greater than two feet of cover over the entire Site. The cover system will consist of the building structures, clean fill soil, landscaping, and concrete and asphalt paving, in accordance with the New York City Department of Buildings (NYCDOB)-approved development plan for the Site.

Site redevelopment may, in addition to the new building structures, require the importation of clean fill to restore Site grade above Development Depth. Any soils imported to the Site must meet the backfill and cover soil quality standards established in 6 NYCRR Part 375-6.7(d)(1)(ii)(b) or otherwise approved by the NYSDEC. Appendix E provides a table listing the respective allowable constituent levels applicable to soil material to be placed above and below the Development Depth, respectively.

The NYSDEC previously approved the use of clean fill obtained from Amboy Aggregates, South Amboy, New Jersey for this Site. Additional laboratory testing of fill soil from any Site other than Amboy Aggregates will be performed. One representative sample from virgin soils will be obtained and analyzed for TCL VOCs, SVOCs, pesticides, PCBs, and Priority Pollutant metals to document compliance with TAGM RSCOs. Non-virgin soils will be tested via the collection of one composite sample per 500 cubic yards of material from each fill source area. If more that 1000 cubic yards of soil are borrowed from a given non-virgin soil source area and both samples of the first 1000 cubic yards meet TAGM RSCOs, the sample collection frequency will be reduced to one composite sample for every 2500 cubic yards of additional soils from the same source, up to 5000 cubic yards. For borrow sources greater than 5000 cubic yards, sampling

frequency will be reduced to one sample per 5000 cubic yards, provided all earlier samples met TAGM RSCOs.

5.5 Institutional Controls

The institutional control for the Site (referred to herein after as the Controlled Property) will consist of an Environmental Easement applying to disturbances of soil below Development Depth and usage of groundwater (Appendix F). Soil or material below Development Depth must be properly handled and disposed, if removed, in accordance with all applicable regulations. Any groundwater that is removed from the Site must be properly treated for disposal purposes.

The Institutional Controls that are applicable to this Site are as follows:

1. Compliance with the Environmental Easement and this SMP by the Grantor and the Grantor's successors and assigns;

2. All Engineering Controls must be maintained as specified in this SMP;

3. All Engineering Controls on the Controlled Property must be inspected at a frequency and in a manner defined in the SMP; and,

4. Groundwater, soil vapor and other environmental or public health monitoring are not required to be performed as part of this SMP. However, periodic inspections must be performed to assess the performance and effectiveness of the remedy.

The Site also has a series of Institutional Controls in the form of site restrictions that apply to the Controlled Property as follows:

1. The property may only be used for restricted-residential and commercial use below the Development Depth provided that the long term Engineering and Institutional Controls included in this SMP are employed. No environmental easements, engineering controls, institutional controls, or any other consents, approvals, or authorizations are required for any activities above the Development Depth.

2. A higher level of use, such as residential use, will not be allowed for activities below the Development Depth without additional remediation and amendment of the Environmental Easement, as approved by the NYSDEC;

3. All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with this SMP; and,

4. The use of the groundwater underlying the property is prohibited without treatment rendering it safe for intended use.

The Site owner or remedial party will submit to NYSDEC a written statement that certifies, under penalty of perjury, that: (1) controls employed at the Controlled Property are unchanged from the previous certification or that any changes to the controls were approved by the NYSDEC; and, (2) nothing has occurred that impairs the ability of the controls to protect public health and environment or that constitute a violation or failure to comply with the SMP. NYSDEC retains the right to access such Controlled Property at any time in order to evaluate the continued maintenance of any and all controls. This certification shall be submitted annually, or an alternate period of time that NYSDEC may allow and will be made by an expert that the NYSDEC finds acceptable (see Section 8.0).

5.6 Maintenance

Maintenance of the remedy is the responsibility of the property owner. Erosion of the soil cover system will be reduced by maintaining the cover system. Cover materials will be inspected annually and repaired as needed. The property owner will implement Site maintenance as part of future construction and normal property operations in accordance with NYCDOB requirements. The owner of the subject property will identify a qualified environmental consultant to provide all services described in this SMP. The responsibility to comply with this SMP will be transferred to any future property owners.

6.0 HEALTH AND SAFETY

The Site is not subject to the HAZWOPER requirements under 29 CFR 1910.120. Other OSHA provisions, specifically Construction Safety and Hazard Communication standards, apply. Soil and groundwater disturbance activities below Development Depth will be performed in accordance with all applicable federal, state and local regulations to protect worker health and safety. All contractors performing such work for the property owner will prepare a site-specific, activity-specific Health and Safety Plan (HASP). The HASP must also include provisions for protection of the community as described in Section 6.2 of this SMP.

6.1 Construction Personnel Protection

Contractors engaged in subsurface construction or maintenance activities will be required to implement appropriate construction health and safety procedures. These procedures will involve, at a minimum, donning adequate personal protective clothing and equipment, performing appropriate air monitoring, and implementing other procedures as necessary to avoid potential ingestion, inhalation and contact with residual constituents in the soil or groundwater below Development Depth. Workers will receive appropriate hazard communication information and training.

6.2 Community Air Monitoring Program

Air monitoring for dust particulates and volatile organic compounds (VOCs) will be performed during Site development activities below Development Depth in accordance with the NYSDOH Generic Community Air Monitoring Plan (gCAMP; Appendix C). All air monitoring readings will be recorded in a logbook or other means and will be available for review by the NYSDEC and NYSDOH.

7.0 QUALITY ASSURANCE/QUALITY CONTROL

7.1 Analytical Data

All waste characterization samples collected during Site redevelopment activities below Development Depth will be analyzed using the most recent NYSDEC Analytical Services Protocol (ASP), consistent with Section 2 of DER-10, the Technical Guidance for Site Investigation and Remediation.

The laboratory proposed to perform the analyses will be certified through the New York State Department of Health Environmental Laboratory Approval Program (ELAP) to perform Contract Laboratory Program (CLP) analysis and Solid Waste and Hazardous Waste Analytical testing on all media to be sampled during Site redevelopment. The laboratory will maintain this certification for the duration of the work.

Procedures for chain of custody, laboratory instrumentation calibration, laboratory analyses, reporting of data, internal quality control, and corrective actions shall be followed as per NYSDEC ASP and as per the laboratory's Quality Assurance Plan. If applicable, trip blanks, field blanks, field duplicates, and matrix spike, matrix spike duplicates will be performed at a rate of 5% (1 per up to 20 samples) and will be used to assess the quality of the data. The laboratory's in-house QA/QC limits will be utilized whenever they are more stringent than those suggested by the EPA methods.

8.0 NOTIFICATION AND REPORTING

8.1 Notifications

Notification to the NYSDEC will be required for transfer of the title to all or part of the Site, Site development (erection of structure) and maintenance activities below Development Depth.

Any change in ownership of the Site or the responsibility for implementing this SMP will include the following notifications: (1) at least 60 days prior to the change, the NYSDEC will be notified in writing of the proposed change. This will include a certification that the prospective purchaser has been provided with a copy of the BCA, and all approved work plans and reports including this SMP; and (2) within 15 days after the transfer of all or part of the Site, the new owner's name, contact representative, and contact information will be confirmed in writing.

The following NYSDEC notification requirements apply to the Site:

- Seven (7) - day advance notice of any proposed ground-intrusive activities;

- Notice within 48 hours of any damage or defect to the foundations of structures that reduces or has the potential to reduce the effectiveness of other Engineering Controls and likewise any action taken to mitigate the damage or defect;

- Verbal notice by noon of the following day of any emergency, such as a fire, flood, or earthquake that reduces or has the potential to reduce the effectiveness of Engineering Controls in place at the Site, with written confirmation within seven (7) days that includes a summary of actions taken, or to be taken, and the potential impact to the environment and the public; and,

- Follow-up status reports on actions taken to respond to any emergency event requiring ongoing responsive action shall be submitted to the Department within 45 days and shall describe and document actions to restore the effectiveness of the Engineering Controls.

The requirements for notification shall cease once the Environmental Easement is removed, as approved by NYSDEC.

Notification contacts are as follows:

NYSDEC
Division of Environmental Remediation
625 Broadway
Albany, New York 12233-7011

8.2 Periodic Review Report

The Periodic Review Report (PRR) will be submitted to the Department on an annual basis, beginning 18 months after the Certificate of Completion is issued. The PRR will be prepared in accordance with NYSDEC DER-10 and submitted within 45 days of the end of the certification period.

The PRR will include the following:

- Identification, assessment and certification of all Engineering Controls/Institutional Controls required by the remedy for the Site;
- The results of the required annual Site inspection:
- Results of all analyses, copies of all laboratory data sheets, and the required laboratory data deliverables for all samples collected during the reporting period will be submitted electronically in a NYSDEC-approved format;
- If intrusive work was done below Development Depth during the period covered by that PRR:
    - A certification that all work was performed in conformance with this SMP.
    - Plans showing areas and depth of fill removal and replacement (if applicable).
    - Description of the excavation/dewatering activities performed, quantities of material excavated/pumped, disposal locations for the soil/groundwater, documentation of proper disposal (waste manifests or waybills).
- If backfill material was imported to the Site during the period covered by that PRR:
    - Location of backfill material source.
    - Copy of analytical test results for backfill material, if applicable, documenting compliance with 6 NYCRR Part 375-6.7(d)(1)(ii)(b) or otherwise approved by the NYSDEC.

- A Site evaluation, which includes the following:
    - The compliance of the remedy with the requirements of the site-specific Remedial Action Work Plan;
    - The overall performance and effectiveness of the remedy.

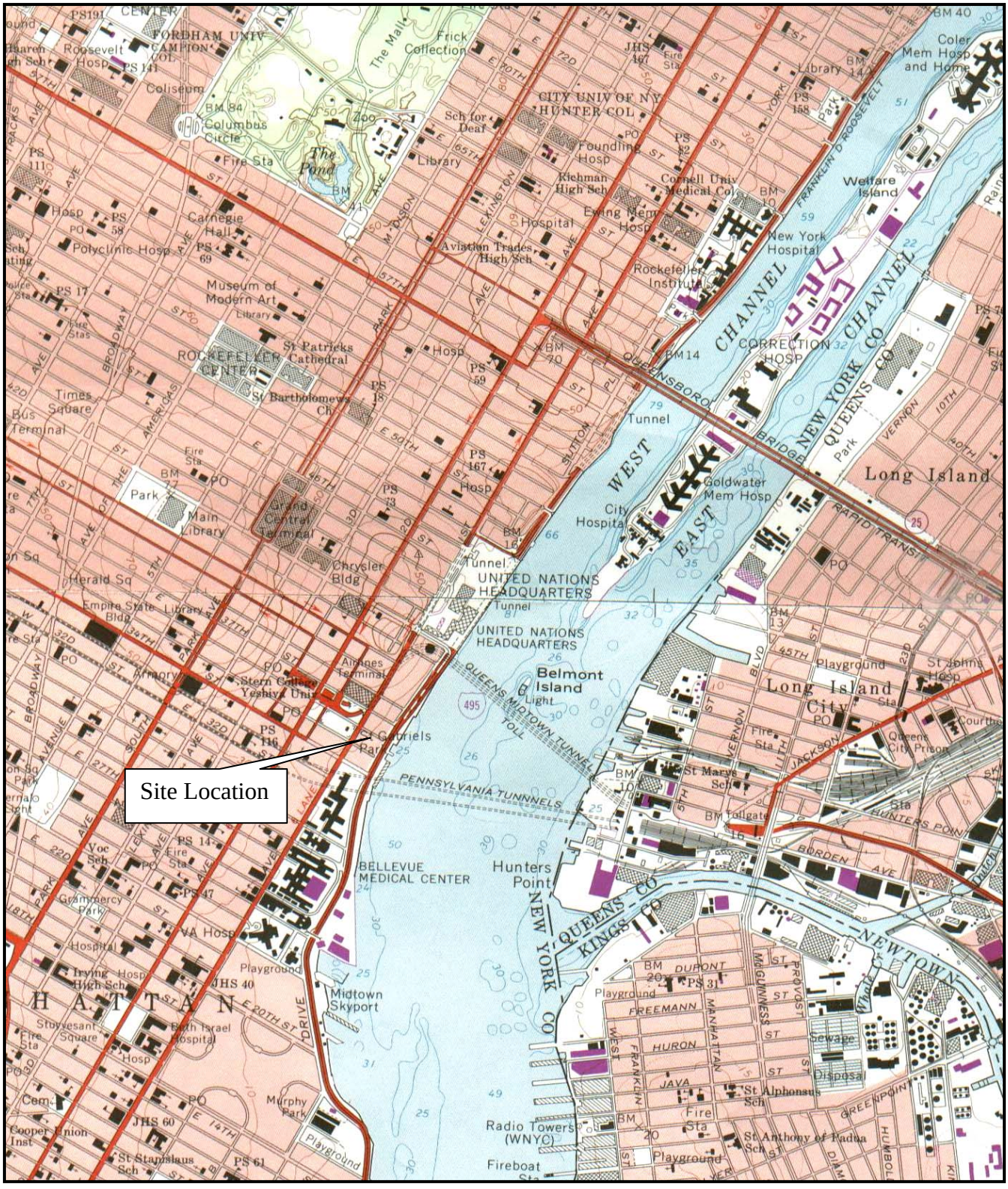
The PRR shall be submitted in electronic format to NYSDEC Central Office and the NYSDOH Bureau of Environmental Exposure Investigation.

The requirement for reporting shall cease once the Environmental Easement is removed, as approved by NYSDEC.

8.3 Corrective Measures Plan

If any component of the remedy is found to have failed, or if the periodic certification cannot be provided due to the failure of an institutional or engineering control, a corrective measures plan will be submitted to NYSDEC for approval. This plan will explain the failure and provide the details and schedule for performing work necessary to correct the failure. Unless an emergency condition exists, no work will be performed pursuant to the corrective measure plan until it is approved by the NYSDEC.

Figures


Site Location
N
Kips Bay Fuel Terminal
616 First Avenue
New York, New York
Figure 1: Site Location Map
Approximate Scale 1: 24,000
Source: USGS Topographical Survey Maps
Central Park NY – NJ Quadrangle, Photorevised 1979
Brooklyn, NY, Photorevised 1979



MAP OBTAINED THROUGH USE OF WWW.NYC.GOV/TRUCKS

TRC
1430 BROADWAY, 10TH FLOOR
NEW YORK, NEW YORK 10018
212-221-7822

DESIGNED BY: TS	PROJECT NAME: SITE MANAGEMENT PLAN FORMER KIPS BAY TERMINAL 616 FIRST AVENUE NEW YORK, NEW YORK
DRAWN BY: HD	
CHECKED BY: SM	
DATE: MAY 2011	DRAWING TITLE: TRUCK TRANSPORTATION ROUTES
SCALE: AS SHOWN	
PROJECT NUMBER: 180360.0000.0000	

FIGURE 2

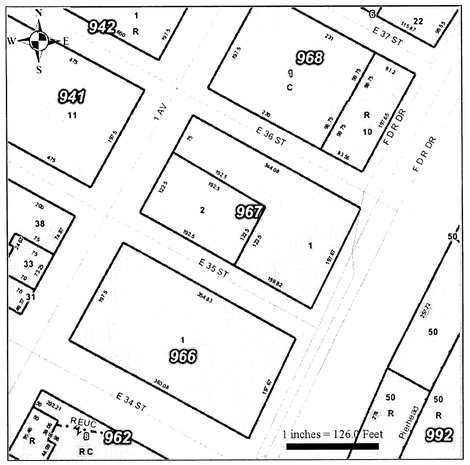
Path\Name: I:\Projects\180360 - Con Edison 1st Avenue\Figures\TRC Working Drawings\Truck Transportation Routes\Figure 2 -Truck Transportation Routes.dwg - Date\Time: Wed, 25 May 2011 - 12:52pm - User Name: hdelgado - Layout Tab: FIGURE 2 KP

Appendix A
Site Survey Maps

SURVEY NO. 63202—4

63202—4.DWG

ALTA/ACSM LAND TITLE SURVEY



VICINITY MAP

NOT TO SCALE

SCHEDULE B ITEMS

1. Sewer Easement Grant by Consolidated Edison Company of New York, Inc. to The City of New York dated 06/23/65 recorded 7/27/65 in Liber 5335 Cp. 259 for the conveyance and transmission of sewage for the Newtown Creek Pollution Control Project.

2. Terms, Covenants and Conditions of the Water Grant made by the Mayor, Alderman and Commonalty of the City of New York to Henry J. Anderson dated 08/01/1850 recorded 08/08/1850 in Liber 553 Cp. 46 (Liber "H" of City Grants, Cp. 514).

3. Terms, Covenants and Conditions of Fixture Rezoning Covenant by and between Consolidated Edison Company of New York, Inc., 616 First Realty Company, LLC, 708 First Realty Company LLC and East River Realty Company LLC dated 3/25/05 recorded 5/4/05 in CRFN 2005000259034.

4. Restrictive Declaration made by 616 First Realty Company, LLC, 685 First Realty Company, LLC, 700 First Realty Company, LLC and 7085 First Realty Company, LLC dated as of 3/24/2008, recorded 4/17/2008 in CRFN 2008000153631.

   With Regard Thereto:

   a. Waiver of Restrictive Declaration/Subordination of Covenant made by the Consolidation Edison Company of New York dated as of 3/24/2008, recorded 4/17/2008 in CRFN 2008000153630.

   b. First Modification to Restrictive Declaration made by 616 First Realty Company, LLC, 685 First Realty Company, LLC, 700 First Realty Company, LLC and 708 First Realty Company, LLC dated as of 12/21/2009, recorded 1/8/2010 in CRFN 2010000007223.

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6. Declaration of Zoning Lot Restrictions made by 616 First Realty Company, LLC and The New York City School Construction Authority dated 12/03/2009, recorded 1/8/2010 in CRFN 2010000007225.

7. Declaration of Zoning Lot Covenants and Restrictions made by and between The New York City School Construction Authority and 616 First Realty Company, LLC dated as of 12/23/2009, recorded 1/8/2010 in CRFN 2010000007226.

Metes and Bounds Description

Tax Block 967 Tax Lot 1

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

BEGINNING at the corner formed by the intersection the easterly side of First Avenue (100 feet) with the southerly side of East 36th Street (60 feet wide);

RUNNING THENCE easterly, along the southerly side of East 36th Street, 344 feet 1 inch to the corner formed by the intersection of the southerly side of East 36th Street with the westerly side of F.D.R. Drive;

RUNNING THENCE southerly, along the westerly side of F.D.R Drive, 197 feet 8 inches to the corner formed by the intersection of the westerly side of F.D.R Drive with the northerly side of East 35th Street (60 feet wide);

RUNNING THENCE westerly, along the northerly side of East 35th Street, 159 feet 9 7/8 inches to a point;

RUNNING THENCE northerly, parallel with the easterly side of First Avenue, 122 feet 6 inches to a point;

RUNNING THENCE westerly, parallel with the northerly side of East 35th Street, 192 feet 6 inches to the easterly side of First Avenue;

RUNNING THENCE northerly, along the easterly side of First Avenue, 75 feet to the corner, the point or place of BEGINNING.

The premises comprises of an area of 45,190 sq.ft. or 1.0372 acres.

Being the same parcel described in CRFN 2010000007226 recorded 01-08-2010 more particularly described as follows:

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

BEGINNING at the corner formed by the intersection of the northerly line of East 35th Street with the easterly line of First Avenue;

RUNNING THENCE northerly along the easterly line of First Avenue, 197 feet 6 inches to the corner formed by the intersection of the southerly line of East 36th Street with the easterly line of First Avenue;

THENCE easterly along the southerly line of East 36th Street, 344 feet 1 inch to the corner formed by the intersection of the southerly line of East 36th Street with the westerly line of Franklin D. Roosevelt Drive;

THENCE southerly along the westerly line of Franklin D. Roosevelt Drive, 197 feet 8 inches to the corner formed by the intersection of the northerly line of East 35th Street with the westerly line of Franklin D. Roosevelt Drive;

THENCE westerly along the northerly line of 35th Street, 352 feet 3 7/8 inches to the point or place of BEGINNING.

LESS AND EXCEPTING THEREFROM:

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

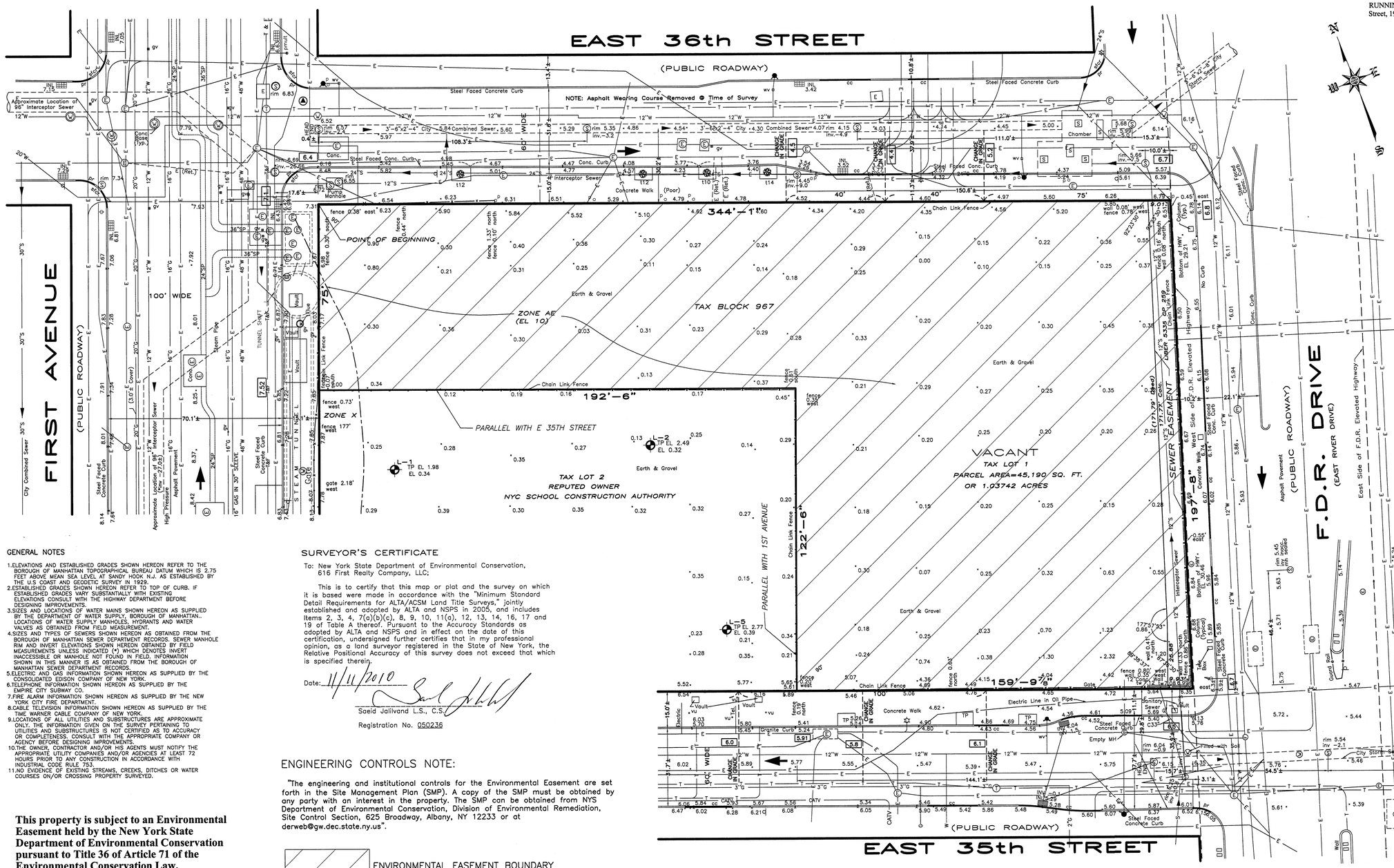
BEGINNING at the corner formed by the intersection of the northerly side of East 35th Street (60 feet wide) with the easterly side of First Avenue (100 feet wide):

RUNNING THENCE northerly along the easterly side of First Avenue, 122 feet 6 inches to a point;

RUNNING THENCE easterly, parallel with the northerly side of East 35th Street, 192 feet 6 inches to a point;

RUNNING THENCE southerly, parallel with the easterly side o First Avenue, 122 feet 6 inches to the northerly side of East 35th Street;

RUNNING THENCE westerly, along the northerly side of East side of East 35th Street, 192 feet 6 inches to the corner, the point or place of BEGINNING.



LEGEND

ASPH.....ASPHALT
BK.....BRICK
BSMT.....BASEMENT
CC.....CURB CUT
CCR.....CONCRETE CURB ROUND
CD.....CELLAR DOOR
CLF.....CHAIN LINK FENCE
CO.....CATCH BASIN CLEAN OUT
CONC.....CONCRETE
CRF.....CHAIN ROPE FENCE
CWA.....CELLAR WINDOW AREA
DR.....DRAIN
EL.....ELEVATION
FAB.....FIRE ALARM BOX
FC.....FILL CAP
FL EL.....FLOOR ELEVATION
GP.....GUARD POLE
GV.....GAS VALVE
IF.....IRON FENCE
INL.....CATCH BASIN INLET ELEVATION
INV.....SEWER INVERT ELEVATION
LP.....LIGHT POLE
MB.....MAIL BOX
MHU.....UNKNOWN MANHOLE
OF.....OIL FILL
OHW.....OVERHEAD WIRES
P.....POLE
PAVT.....PAVEMENT
PM.....PARKING METER
PMULT.....POLE, MULTIPLE USAGE
TP .....TOP OF PIPE

PR.....PEDESTRIAN RAMP
RET.....RETAINING
RIM.....RIM ELEVATION SEWER MANHOLE
SFCR....STEEL FACED CURB ROUND
STY.....STORY
TB.....TOP OF BANK ELEVATION
TF.....TRAFFIC LIGHT
TEL.....TELEPHONE
TP.....TREE PIT
TS.....TRAFFIC SIGN
TW.....ELEVATION AT TOP OF WALL
UP.....UTILITY POLE
VU.....VALVE UNKNOWN
VLTU.....VAULT UNKNOWN
VP.....VENT PIPE
WV.....WATER VALVE
12"G.....GAS MAIN WITH SIZE
12"S.....SEWER MAIN WITH SIZE
12"W.....WATER MAIN WITH SIZE
.....CATCH BASIN
E ...ELECTRIC MANHOLE / VAULT
F .....FIRE MANHOLE
G .....GAS MANHOLE
S .....SEWER MANHOLE
T .....TELEPHONE MANHOLE
W .....WATER MANHOLE
TR .....TRAFFIC VAULT
.....HYDRANT
T8....TREE WITH SIZE
17.0 ....ESTABLISHED/LEGAL GRADE
.....TRAFFIC FLOW

L ... BORING AND DOWN HOLE SEISMETIC TEST
L (OW) ... OBSERVATION WELL
... MONITORING WELL

UTILITY COVERS

ELECTRIC CONDUIT.....2'-6" MIN.
ELECTRIC LOW TENSION.....18" MIN.
TELEPHONE & FDNY.....2'-8" MIN.
WATER MAIN.....4'-0" MIN.
GAS MAIN.....2'-0" – 4'-0"
CABLE TV CONDUIT.....18" MIN.

FLOOD HAZARD NOTE

THE PARCEL SURVEYED IS COMPRISED OF AREAS DESIGNATED AS ZONE X (SHADED) & ZONE AE (EL 10 IN GVD 1929) (EL 7.3 NEW YORK DATUM) FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 360497 0201 F EFFECTIVE DATE SEPTEMBER 5, 2007

20 0 20 40 60
GRAPHIC SCALE – FEET
0 2.4 4.8 7.2 9.6M
1 CM = 2.4 M

GENERAL NOTES

1. ELEVATIONS AND ESTABLISHED GRADES SHOWN HEREON REFER TO THE BOROUGH OF MANHATTAN TOPOGRAPHICAL BUREAU DATUM WHICH IS 2.75 FEET ABOVE MEAN SEA LEVEL AT SANDY HOOK N.J. AS ESTABLISHED BY THE U.S COAST AND GEODETIC SURVEY IN 1929.
2. ESTABLISHED GRADES SHOWN HEREON REFER TO TOP OF CURB. IF ESTABLISHED GRADES VARY SUBSTANTIALLY WITH EXISTING ELEVATIONS CONSULT WITH THE HIGHWAY DEPARTMENT BEFORE DESIGNING IMPROVEMENTS.
3. SIZES AND LOCATIONS OF WATER MAINS SHOWN HEREON AS SUPPLIED BY THE DEPARTMENT OF WATER SUPPLY, BOROUGH OF MANHATTAN.. LOCATIONS OF WATER SUPPLY MANHOLES, HYDRANTS AND WATER VALVES AS OBTAINED FROM FIELD MEASUREMENT.
4. SIZES AND TYPES OF SEWERS SHOWN HEREON AS OBTAINED FROM THE BOROUGH OF MANHATTAN SEWER DEPARTMENT RECORDS. SEWER MANHOLE RIM AND INVERT ELEVATIONS SHOWN HEREON OBTAINED BY FIELD MEASUREMENTS UNLESS INDICATED (*) WHICH DENOTES INVERT INACCESSIBLE OR MANHOLE NOT FOUND IN FIELD. INFORMATION SHOWN IN THIS MANNER IS AS OBTAINED FROM THE BOROUGH OF MANHATTAN SEWER DEPARTMENT RECORDS.
5. ELECTRIC AND GAS INFORMATION SHOWN HEREON AS SUPPLIED BY THE CONSOLIDATED EDISON COMPANY OF NEW YORK.
6. TELEPHONE INFORMATION SHOWN HEREON AS SUPPLIED BY THE EMPIRE CITY SUBWAY CO.
7. FIRE ALARM INFORMATION SHOWN HEREON AS SUPPLIED BY THE NEW YORK CITY FIRE DEPARTMENT.
8. CABLE TELEVISION INFORMATION SHOWN HEREON AS SUPPLIED BY THE TIME WARNER CABLE COMPANY OF NEW YORK.
9. LOCATIONS OF ALL UTILITIES AND SUBSTRUCTURES ARE APPROXIMATE ONLY. THE INFORMATION GIVEN ON THE SURVEY PERTAINING TO UTILITIES AND SUBSTRUCTURES IS NOT CERTIFIED AS TO ACCURACY OR COMPLETENESS. CONSULT WITH THE APPROPRIATE COMPANY OR AGENCY BEFORE DESIGNING IMPROVEMENTS.
10. THE OWNER; CONTRACTOR AND/OR HIS AGENTS MUST NOTIFY THE APPROPRIATE UTILITY COMPANIES AND/OR AGENCIES AT LEAST 72 HOURS PRIOR TO ANY CONSTRUCTION IN ACCORDANCE WITH INDUSTRIAL CODE RULE 753.
11. NO EVIDENCE OF EXISTING STREAMS, CREEKS, DITCHES OR WATER COURSES ON/OR CROSSING PROPERTY SURVEYED.

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

SURVEYOR'S CERTIFICATE

To: New York State Department of Environmental Conservation,
616 First Realty Company, LLC;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005, and includes items 2, 3, 4, 7(a)(b)(c), 8, 9, 10, 11(a), 12, 13, 14, 16, 17 and 19 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of New York, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

Date: 11/11/2010

Saeid Jalilvand L.S., C.S.

Registration No. 050236

ENGINEERING CONTROLS NOTE:

"The engineering and institutional controls for the Environmental Easement are set forth in the Site Management Plan (SMP). A copy of the SMP must be obtained by any party with an interest in the property. The SMP can be obtained from NYS Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at derweb@gw.dec.state.ny.us".

ENVIRONMENTAL EASEMENT BOUNDARY

ESTABLISHED 1876 * SUCCESSOR TO:

B.G. MEINKHEIM C.S.*C.U. POWELL C.E.,C.S.*L.C.L. SMITH C.S.*NATHAN CAMPBELL C.E.,C.S.*A.U. WHITSON C.E.,C.S.*
WILLIAM L. SAYACOOL C.E.,L.S.,C.S.*A.U. WHITSON INC. C.E.,C.S.*G. WEBER L.S.,C.S.*C. STODOLPH R.A.,L.S.*WHITSON &
POWELL INC. P.E.,L.S.,C.S.*KELLER & POWELL P.E.,L.S.,C.S.*LOUIS MONTROSE C.E.,L.S.,C.S.*FRED J. POWELL P.E.,L.S.,C.S.*

REV	DATE	DESCRIPTION	ck

REV	DATE	DESCRIPTION	ck
	11-10-10	ALTA-ACSM LAND TITLE SURVEY	
A			

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES

CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION, CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS

MONTROSE
SURVEYING CO., LLP.
CITY & LAND SURVEYORS
116 20 METROPOLITAN AVE * RICHMOND HILL NY 11418-1059 * (718) 849-0600

© ALL RIGHTS RESERVED 2010

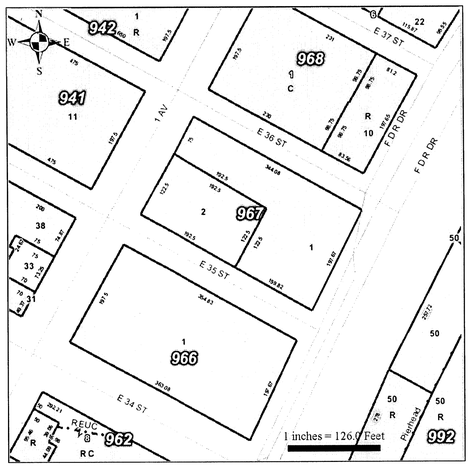
CITY OF NEW YORK
COUNTY: NEW YORK
TAX BLOCK: 967
TAX LOT 1

SCALE: 1" = 20'

SURVEY NO. 63202-3

63202-3.DWG

ALTA/ACSM LAND TITLE SURVEY



VICINITY MAP

NOT TO SCALE

SCHEDULE B ITEMS

1. Sewer Easement Grant by Consolidated Edison Company of New York, Inc. to The City of New York dated 06/23/65 recorded 7/27/65 in Liber 5335 Cp. 259 for the conveyance and transmission of sewage for the Newtown Creek Pollution Control Project. (Affects lot 1 only)

2. Terms, Covenants and Conditions of the Water Grant made by the Mayor, Alderman and Commonalty of the City of New York to Henry J. Anderson dated 08/01/1850 recorded 08/08/1850 in Liber 553 Cp. 46 (Liber "H" of City Grants, Cp. 514).

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   With Regard Thereto:

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7. Declaration of Zoning Lot Covenants and Restrictions made by and between The New York City School Construction Authority and 616 First Realty Company, LLC dated as of 12/23/2009, recorded 1/8/2010 in CRFN 2010000007226.

Metes and Bounds Description

Tax Block 967 Tax Lot 2
CRFN 2010000007224, Recorded 01-08-2010

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

BEGINNING at the corner formed by the intersection of the northerly side of East 35th Street (60 feet wide) with the easterly side of First Avenue (100 feet wide);

RUNNING THENCE northerly, along the easterly side of First Avenue, 122 feet 6 inches to a point;

RUNNING THENCE easterly, parallel with the northerly side of East 35th Street, 192 feet 6 inches to a point;

RUNNING THENCE southerly, parallel with the easterly side of First Avenue, 122 feet 6 inches to the northerly side of East 35th Street;

RUNNING THENCE westerly, along the northerly side of East 35th Street, 192 feet 6 inches to the corner, the point or place of BEGINNING.

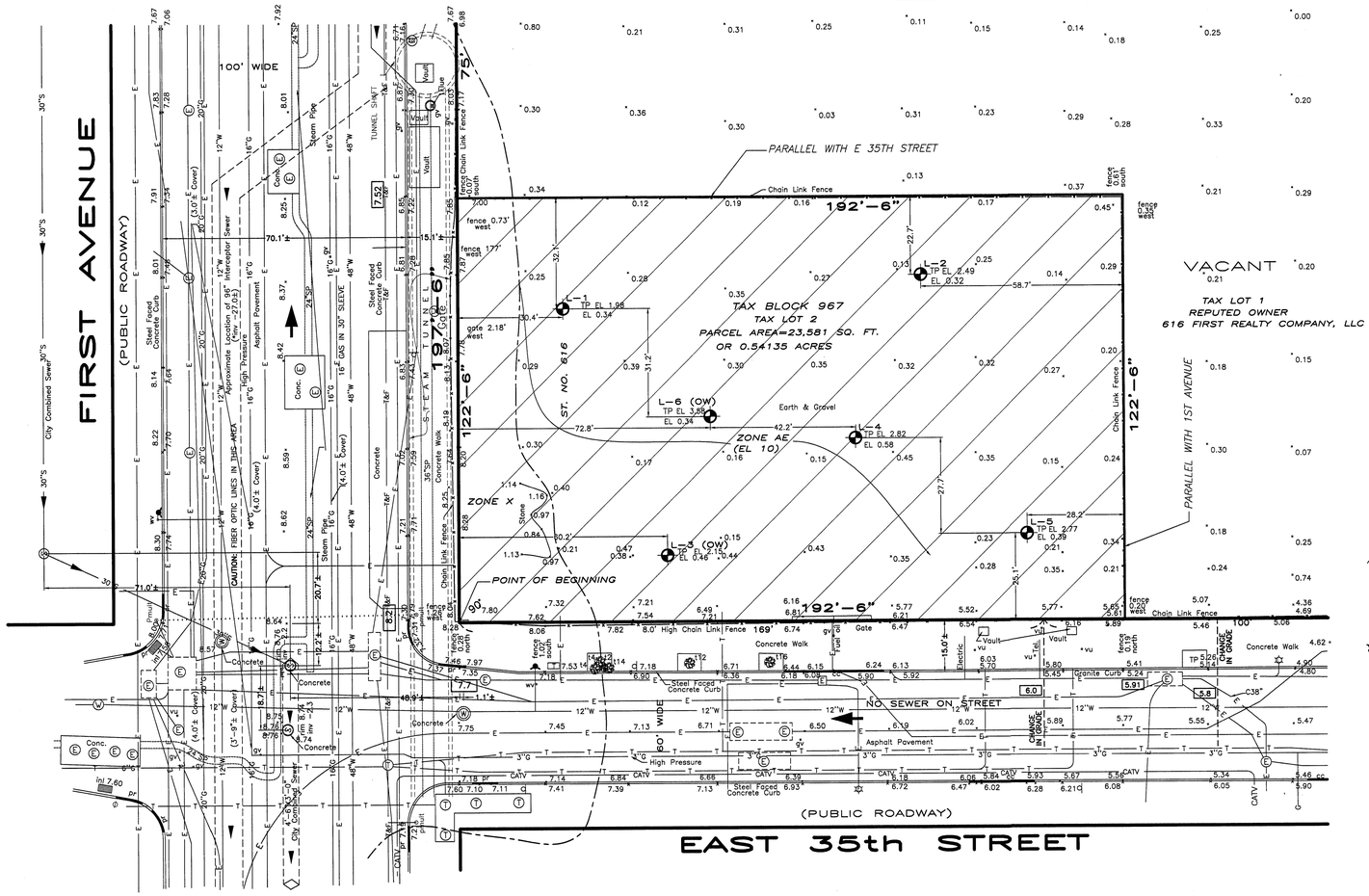
The premises comprises of an area of 23,581 sq.ft. or 0.54135 acres.

ENGINEERING CONTROLS NOTE:

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This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

ENVIRONMENTAL EASEMENT BOUNDARY



LEGEND

ASPH.....ASPHALT
BK.....BRICK
BSMT.....BASEMENT
CC.....CURB CUT
CCR.....CONCRETE CURB ROUND
CD.....CELLAR DOOR
CLF.....CHAIN LINK FENCE
CO.....CATCH BASIN CLEAN OUT
CONC.....CONCRETE
CRF.....CHAIN ROPE FENCE
CWA.....CELLAR WINDOW AREA
DR.....DRAIN
EL.....ELEVATION
FAB.....FIRE ALARM BOX
FC.....FILL CAP
FL EL.....FLOOR ELEVATION
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GV.....GAS VALVE
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MB.....MAIL BOX
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.....TRAFFIC LIGHT
TEL.....TELEPHONE
TP.....TREE PIT
.....TRAFFIC SIGN
TW.....ELEVATION AT TOP OF WALL
UP.....UTILITY POLE
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VLTU.....VAULT UNKNOWN
VP.....VENT PIPE
WV.....WATER VALVE
12"G.....GAS MAIN WITH SIZE
12"S.....SEWER MAIN WITH SIZE
12"W.....WATER MAIN WITH SIZE
.....CATCH BASIN
.....ELECTRIC MANHOLE / VAULT
.....FIRE MANHOLE
.....GAS MANHOLE
.....SEWER MANHOLE
.....TELEPHONE MANHOLE
.....WATER MANHOLE
.....TRAFFIC VAULT
.....HYDRANT
.....TREE WITH SIZE
17.0 .....ESTABLISHED/LEGAL GRADE
.....TRAFFIC FLOW

L ... BORING AND DOWN HOLE SEISMETIC TEST

L (OW) ... OBSERVATION WELL

... MONITORING WELL

UTILITY COVERS

ELECTRIC CONDUIT.....2'-6" MIN.
ELECTRIC LOW TENSION.....18" MIN.
TELEPHONE & FDNY.....2'-6" MIN.
WATER MAIN.....4'-0" MIN.
GAS MAIN.....2'-0" – 4'-0"
CABLE TV CONDUIT.....18" MIN.

NOTES:

1. BELOW GRADE ENCROACHMENTS AND VAULTS IF ANY NOT LOCATED.
2. THERE ARE NO PARKING SPACES ON THE PREMISES.
3. THE PREMISES IS SERVED BY GAS, WATER, ELECTRICITY, TELEPHONE AND SANITARY SEWER LINES INSTALLED IN STREET.
4. NO EVIDENCE OF THE SITE BEING USED AS SOLID WASTE DUMP.
5. THE PREMISES HAS ACCESS TO 35TH STREET & 1ST AVENUE.

GENERAL NOTES

1. ELEVATIONS AND ESTABLISHED GRADES SHOWN HEREON REFER TO THE BOROUGH OF MANHATTAN TOPOGRAPHICAL BUREAU DATUM WHICH IS 2.75 FEET ABOVE MEAN SEA LEVEL AT SANDY HOOK N.J. AS ESTABLISHED BY THE U.S COAST AND GEODETIC SURVEY IN 1929.
2. ESTABLISHED GRADES SHOWN HEREON REFER TO TOP OF CURB. IF ESTABLISHED GRADES VARY SUBSTANTIALLY WITH EXISTING ELEVATIONS CONSULT WITH THE HIGHWAY DEPARTMENT BEFORE DESIGNING IMPROVEMENTS.
3. SIZES AND LOCATIONS OF WATER MAINS SHOWN HEREON AS SUPPLIED BY THE DEPARTMENT OF WATER SUPPLY, BOROUGH OF MANHATTAN.. LOCATIONS OF WATER SUPPLY MANHOLES, HYDRANTS AND WATER VALVES AS OBTAINED FROM FIELD MEASUREMENT.
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8. CABLE TELEVISION INFORMATION SHOWN HEREON AS SUPPLIED BY THE TIME WARNER CABLE COMPANY OF NEW YORK.
9. LOCATIONS OF ALL UTILITIES AND SUBSTRUCTURES ARE APPROXIMATE ONLY. THE INFORMATION GIVEN ON THE SURVEY PERTAINING TO UTILITIES AND SUBSTRUCTURES IS NOT CERTIFIED AS TO ACCURACY OR COMPLETENESS. CONSULT WITH THE APPROPRIATE COMPANY OR AGENCY BEFORE DESIGNING IMPROVEMENTS.
10. THE OWNER, CONTRACTOR AND/OR HIS AGENTS MUST NOTIFY THE APPROPRIATE UTILITY COMPANIES AND/OR AGENCIES AT LEAST 72 HOURS PRIOR TO ANY CONSTRUCTION IN ACCORDANCE WITH INDUSTRIAL CODE RULE 753.
11. NO EVIDENCE OF EXISTING STREAMS, CREEKS, DITCHES OR WATER COURSES ON/OR CROSSING PROPERTY SURVEYED.

FLOOD HAZARD NOTE

THE PARCEL SURVEYED IS COMPRISED OF AREAS DESIGNATED AS
ZONE X (SHADED) &
ZONE AE (EL 10 IN QVD 1929) (EL 7.3 NEW YORK DATUM)
FEDERAL EMERGENCY MANAGEMENT AGENCY
NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NUMBER 360497 0201 F
EFFECTIVE DATE SEPTEMBER 5, 2007

20 0 20 40 60
GRAPHIC SCALE – FEET

0 2.4 4.8 7.2 9.6M
1 CM = 2.4 M

SURVEYOR'S CERTIFICATE

To: New York State Department of Environmental Conservation, New York City School Construction Authority;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005, and includes items 2, 3, 4, 7(a)(b)(c), 8, 9, 10, 11(a), 12, 13, 14, 16, 17 and 19 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of New York, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

Date: 11/11/2010

Saeid Jahvand L.S., C.S.

Registration No. 050236

REV	DATE	DESCRIPTION	ck

REV	DATE	DESCRIPTION	ck
	11-10-10	ALTA-ACSM LAND TITLE SURVEY	
A			

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES

CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION, CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS

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MONTROSE
SURVEYING CO., LLP.
CITY & LAND SURVEYORS
116 20 METROPOLITAN AVE • RICHMOND HILL NY 11418-1090 • (718) 849-0600

ESTABLISHED 1876 • SUCCESSOR TO:

B.G. MEINIKHEIM C.S.*CU. POWELL C.E.,C.S.*L.C.L. SMITH C.S.*NATHAN CAMPBELL C.E.,C.S.*A.U. WHITSON C.E.,C.S.*
WILLIAM L. SAVACOOL C.E.,L.S.,C.S.*A.U. WHITSON INC. C.E.,C.S.*G. WEBER L.S.,C.S.*C. STIDOLPH R.A.,L.S.*WHITSON &
POWELL INC. P.E.,L.S.,C.S.*KELLER & POWELL P.E.,L.S.,C.S.*LOUIS MONTROSE C.E.,L.S.,C.S.*FRED J. POWELL P.E.,L.S.,C.S.*

CITY OF NEW YORK
COUNTY: NEW YORK
TAX BLOCK: 967
TAX LOT 2

SCALE: 1" = 20'

Appendix B
NYSDEC Approval Letters

APPENDIX B

NYSDEC APPROVAL LETTERS

New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, Albany, New York 12233-7016
Phone: (518) 402-9768 • FAX: (518) 402-9773
Website: www.dec.state.ny.us

Denise M. Sheehan
Commissioner

June 13, 2006

Mr. Michael Skirka
TRC Environmental Corporation
1200 Wall Street West, 2nd Floor
Lyndhurst, New Jersey 07071

RE: Voluntary Cleanup Project
First Avenue Properties VCP Sites
Kips Bay Fuel Terminal, 616 First Avenue
VCP # V00430
Final Report

Dear Mr. Skirka:

The New York State Department of Environmental Conservation (NYSDEC), along with the New York State Department of Health (NYSDOH), have completed a review of the "Final Report for Kips Bay Fuel Terminal Remediation Work Plan" (March 2006) and the "Letter Report, Groundwater Sampling Results for April 2006" (May 17, 2006) for the above-referenced site.

The Final Report indicates that all required remedial activities at the Site have been completed to ready the site for the contemplated use. The site is ready for unrestricted and unencumbered commercial and residential development down to the Development Depth, as described in Section 1.1 of the "Supplemental Soil Investigation Final Report and Remediation Work Plan" dated August 2003 as well as in Section 1.1 of the Final Report, contingent on the approval of a Site Management Plan (SMP).

For sites where institutional and engineering controls are required by the remedy, and will remain in place for longer than 18 months, a SMP must submitted to the Department and approved prior to the approval of the final engineering report. The SMP should provide guidance for the development, implementation and management of the site institutional and engineering controls to ensure that they are in place and remain effective. The institutional/engineering control certification will be scheduled and reported on a periodic basis and provided to the Department in writing by the Property Owner.

Once the SMP is approved by the Department, development may begin at any time, without restriction above Development Depth. If you have any questions, don't hesitate to call me at (518) 402-9768.

Sincerely,

Thomas Gibbons
Project Manager
Remedial Bureau B, Section D
Division of Environmental Remediation

cc: R. Cozzy/File
T. Gibbons
N. Walz (DOH)

New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, Albany, New York 12233-7016
Phone: (518) 402-9768 • FAX: (518) 402-9773
Website: www.dec.state.ny.us

Denise M. Sheehan
Commissioner

July 28, 2006

Mr. Michael Skirka
TRC Environmental Corporation
1200 Wall Street West, 2nd Floor
Lyndhurst, New Jersey 07071

RE: Voluntary Cleanup Project
First Avenue Properties VCP Sites
Kips Bay Fuel Terminal, 616 First Avenue
VCP # V00430
Final Report

Dear Mr. Skirka:

In a follow-up to my letter of June 13, 2006 (enclosed), approving the "Final Report for Kips Bay Fuel Terminal Remediation Work Plan", dated March 2006, I would like to clarify a few issues concerning this approval:

- DEC/DOH approve the March 2006 Final Report and its conclusions and the remedy is complete;
- No post-construction testing or engineering or institutional controls will be required at the site with respect to soil vapor intrusion;
- No deed restrictions, engineering controls, institutional controls, or any other consents, approvals, or authorizations are required for any activities above the Development Depth;
- The Site Management Plan (SMP) is required solely to document the existence of the institutional controls with respect to management of soil and groundwater below the Development Depth and that actions with respect to those media will be conducted in accordance with the SMP and applicable laws and regulations; and
- The agencies will consider the March 2006 Final Report, combined with the final SMP, to constitute the "final engineering report" for the Kips Bay site.

If you have any questions, don't hesitate to call me at (518) 402-9768.

Sincerely,

Thomas Gibbons
Project Manager
Remedial Bureau B, Section D
Division of Environmental Remediation

enclosure

cc: R. Cozzy/File
T. Gibbons
N. Walz (DOH)

Appendix C
NYSDOH
Generic Community Air Monitoring Plan

APPENDIX C

NYSDOH GENERIC COMMUNITY AIR MONITORING PLAN

New York State Department of Health
Generic Community Air Monitoring Plan

A Community Air Monitoring Plan (CAMP) requires real-time monitoring for volatile organic compounds (VOCs) and particulates (i.e., dust) at the downwind perimeter of each designated work area when certain activities are in progress at contaminated sites. The CAMP is not intended for use in establishing action levels for worker respiratory protection. Rather, its intent is to provide a measure of protection for the downwind community (i.e., off-site receptors including residences and businesses and on-site workers not directly involved with the subject work activities) from potential airborne contaminant releases as a direct result of investigative and remedial work activities. The action levels specified herein require increased monitoring, corrective actions to abate emissions, and/or work shutdown. Additionally, the CAMP helps to confirm that work activities did not spread contamination off-site through the air.

The generic CAMP presented below will be sufficient to cover many, if not most, sites. Specific requirements should be reviewed for each situation in consultation with NYSDOH to ensure proper applicability. In some cases, a separate site-specific CAMP or supplement may be required. Depending upon the nature of contamination, chemical-specific monitoring with appropriately-sensitive methods may be required. Depending upon the proximity of potentially exposed individuals, more stringent monitoring or response levels than those presented below may be required. Special requirements will be necessary for work within 20 feet of potentially exposed individuals or structures and for indoor work with co-located residences or facilities. These requirements should be determined in consultation with NYSDOH.

Reliance on the CAMP should not preclude simple, common-sense measures to keep VOCs, dust, and odors at a minimum around the work areas.

Community Air Monitoring Plan

Depending upon the nature of known or potential contaminants at each site, real-time air monitoring for volatile organic compounds (VOCs) and/or particulate levels at the perimeter of the exclusion zone or work area will be necessary. Most sites will involve VOC and particulate monitoring; sites known to be contaminated with heavy metals alone may only require particulate monitoring. If radiological contamination is a concern, additional monitoring requirements may be necessary per consultation with appropriate NYSDEC/NYSDOH staff.

Continuous monitoring will be required for all ground intrusive activities and during the demolition of contaminated or potentially contaminated structures. Ground intrusive activities include, but are not limited to, soil/waste excavation and handling, test pitting or trenching, and the installation of soil borings or monitoring wells.

Periodic monitoring for VOCs will be required during non-intrusive activities such as the collection of soil and sediment samples or the collection of groundwater samples from existing monitoring wells. "Periodic" monitoring during sample collection might reasonably consist of taking a reading upon arrival at a sample location, monitoring while opening a well cap or overturning soil, monitoring during well baling/purging, and taking a reading prior to leaving a sample location. In some instances, depending upon the proximity of potentially exposed individuals, continuous monitoring may be required during sampling activities. Examples of such situations include groundwater sampling at wells on the curb of a busy urban street, in the midst of a public park, or adjacent to a school or residence.

VOC Monitoring, Response Levels, and Actions

Volatile organic compounds (VOCs) must be monitored at the downwind perimeter of the immediate work area (i.e., the exclusion zone) on a **continuous** basis or as otherwise specified. Upwind concentrations should be measured at the start of each workday and periodically thereafter to establish background conditions. The monitoring work should be performed using equipment appropriate to measure the types of contaminants known or suspected to be present. The equipment should be calibrated at least daily for the contaminant(s) of concern or for an appropriate surrogate. The equipment should be capable of calculating 15-minute running average concentrations, which will be compared to the levels specified below.

- If the ambient air concentration of total organic vapors at the downwind perimeter of the work area or exclusion zone exceeds 5 parts per million (ppm) above background for the 15-minute average, work activities must be temporarily halted and monitoring continued. If the total organic vapor level readily decreases (per instantaneous readings) below 5 ppm over background, work activities can resume with continued monitoring.

- If total organic vapor levels at the downwind perimeter of the work area or exclusion zone persist at levels in excess of 5 ppm over background but less than 25 ppm, work activities must be halted, the source of vapors identified, corrective actions taken to abate emissions, and monitoring continued. After these steps, work activities can resume provided that the total organic vapor level 200 feet downwind of the exclusion zone or half the distance to the nearest potential receptor or residential/commercial structure, whichever is less - but in no case less than 20 feet, is below 5 ppm over background for the 15-minute average.

- If the organic vapor level is above 25 ppm at the perimeter of the work area, activities must be shutdown.

All 15-minute readings must be recorded and be available for State (DEC and DOH) personnel to review. Instantaneous readings, if any, used for decision purposes should also be recorded.

Particulate Monitoring, Response Levels, and Actions

Particulate concentrations should be monitored **continuously** at the upwind and downwind perimeters of the exclusion zone at temporary particulate monitoring stations. The particulate monitoring should be performed using real-time monitoring equipment capable of measuring particulate matter less than 10 micrometers in size (PM-10) and capable of integrating over a period of 15 minutes (or less) for comparison to the airborne particulate action level. The equipment must be equipped with an audible alarm to indicate exceedance of the action level. In addition, fugitive dust migration should be visually assessed during all work activities.

- If the downwind PM-10 particulate level is 100 micrograms per cubic meter (mcg/m^3) greater than background (upwind perimeter) for the 15-minute period or if airborne dust is observed leaving the work area, then dust suppression techniques must be employed. Work may continue with dust suppression techniques provided that downwind PM-10 particulate levels do not exceed 150 mcg/m^3 above the upwind level and provided that no visible dust is migrating from the work area.

- If, after implementation of dust suppression techniques, downwind PM-10 particulate levels are greater than 150 mcg/m^3 above the upwind level, work must be stopped and a re-evaluation of activities initiated. Work can resume provided that dust suppression measures and other controls are successful in reducing the downwind PM-10 particulate concentration to within 150 mcg/m^3 of the upwind level and in preventing visible dust migration.

All readings must be recorded and be available for State (DEC and DOH) personnel to review.

June 20, 2000

H:\Southern\gCAMPr1.doc

APPENDIX D

SOIL BELOW DEVELOPMENT DEPTH MAP

Appendix D
Soil Below Development Depth Map



LEGEND

- KB-BOT-03 — TRC Bottom End Point Sample. All bottom samples were collected within 1 foot below development depth. Bottom end point samples were collected approximately every 50 feet.
- KB-SW-20 — TRC Sidewall End Point Sample. All sidewall samples were collected within 1 foot below development depth. Sidewall end point samples were collected approximately every 50 feet.
- 1,140 (400) — Result exceeds soil cleanup criterion (TAGM RSCO). Criterion omitted where result does not exceed criterion.
- J — Estimated Value
- ND — Non-Detect
- ug/kg — All volatile and semi-volatile sample result concentrations are in micrograms per kilogram (ug/kg).
- mg/kg — All metals sample result concentrations are in milligrams per kilogram (mg/kg). Metals standards based on highest background range of Eastern USA.
- Cleanup Criterion — New York State Technical Assistance Guidance Memorandum (TAGM) 4046, January 24, 1994, and December 2000 revisions, Residential Soil Cleanup Objectives (RSCO) and Revisions (1998).
- Source — Base map by GeoEnvironmental, Inc. provided by Con Edison.
- Property Line

Notes

1. All structures shown in background in grayscale have been demolished and removed from the Site.
2. Only detected compounds are shown.
3. Soil samples obtained from soil below Development Depth (just below the mean high water table - elevation -0.4 feet in the Manhattan Datum).

Kips Bay Fuel Terminal
616 First Avenue
New York, NY

TRC
1200 Wall Street West, 2nd Floor
Lyndhurst, New Jersey 07071

Designed by:	Date:
MAS	4/13/07
Drawn by:	Scale:
LM	As Shown
File Name:	Project Number:
Appendix D.dwg	28410-OM02-9110T

APPENDIX D

Drawing Title:

Soil Below Development Depth Map

©\First Avenue Files\Kips Bay Fuel Terminal\ISM\Appendix D.dwg

Appendix E
NYSDEC Allowable Constituent Levels for Imported Soil

APPENDIX E
NYSDEC CRITERIA FOR IMPORTED SOILS
SITE MANAGEMENT PLAN
FORMER KIPS BAY FUEL TERMINAL
616 FIRST AVENUE, NEW YORK NEW YORK

VOLATILE ORGANIC COMPOUNDS (VOCs)	Residential Use	Restricted Residential Use
1,1,1-Trichloroethane	0.68	0.68
1,1-Dichloroethane	0.27	0.27
1,1-Dichloroethene	0.33	0.33
1,2,4-Trimethylbenzene	3.6	3.6
1,2-Dichlorobenzene	1.1	1.1
1,2-Dichloroethane	0.02	0.02
1,3,5-Trimethylbenzene	8.4	8.4
1,3-Dichlorobenzene	2.4	2.4
1,4-Dichlorobenzene	1.8	1.8
1,4-Dioxane	0.1	0.1
Acetone	0.05	0.05
Benzene	0.06	0.06
Carbon tetrachloride	0.76	0.76
Chlorobenzene	1.1	1.1
Chloroform	0.37	0.37
cis-1,2-Dichloroethene	0.25	0.25
Ethylbenzene	1	1
Methylene Chloride	0.05	0.05
MTBE	0.93	0.93
n-Butylbenzene	12	12
N-Propylbenzene	3.9	3.9
sec-Butylbenzene	11	11
tert-Butylbenzene	5.9	5.9
Tetrachloroethene	1.3	1.3
Toluene	0.7	0.7
trans-1,2-Dichloroethene	0.19	0.19
Trichloroethene	0.47	0.47
Vinyl chloride	0.02	0.02
Xylenes, Total	1.6	1.6

SEMIVOLATILE ORGANIC COMPOUNDS (SVOCs)	Residential Use	Restricted Residential Use
Acenaphthene	98	98
Acenaphthylene	100	100
Anthracene	100	100
Benzo[a]anthracene	1	1
Benzo[a]pyrene	1	1
Benzo[b]fluoranthene	1	1
Benzo[g,h,i]perylene	100	100
Benzo[k]fluoranthene	1	1.7
Chrysene	1	1
Dibenz(a,h)anthracene	0.33	0.33
Dibenzofuran	14	59
Fluoranthene	100	100
Fluorene	100	100
Hexachlorobenzene	0.33	1.2
Indeno[1,2,3-cd]pyrene	0.5	0.5
m-Cresol	0.33	0.33
o-Cresol	0.33	0.33
p-Cresol	0.33	0.33
Naphthalene	12	12
Pentachlorophenol	0.8	0.8
Phenanthrene	100	100
Phenol	0.33	0.33
Pyrene	100	100

METALS	Residential Use	Restricted Residential Use
Arsenic	16	16
Barium	350	400
Beryllium	14	47
Cadmium	2.5	4.3
Chromium, hexavalent	19	19
Chromium, trivalent	36	180
Copper	270	270
Cyanide, Total	27	27
Lead	400	400
Manganese	2000	2000
Mercury	0.73	0.73
Nickel	130	130
Selenium	4	4
Silver	8.3	8.3
Zinc	2200	2480

POLYCHLORINATED BIPHENYLS (PCBs)/PESTICIDES	Residential Use	Restricted Residential Use
Total PCBs	1	1
4,4'-DDD	2.6	13
4,4'-DDE	1.8	8.9
4,4'-DDT	1.7	7.9
Aldrin	0.019	0.097
alpha-BHC	0.02	0.02
beta-BHC	0.072	0.09
Chlordane (alpha)	0.91	2.9
delta-BHC	0.25	0.25
Dieldrin	0.039	0.1
Endosulfan I	NC	NC
Endosulfan II	NC	NC
Endosulfan sulfate	NC	NC
Total Endosulfans	4.8	24
Endrin	0.06	0.06
gamma-BHC (Lindane)	0.1	0.1
Heptachlor	0.38	0.38
Silvex (2,4,5-TP)	3.8	3.8

NOTES:
1) Concentrations presented in mg/kg - milligrams per kilogram.
2) All levels from 6 NYCRR 375-6. Table 375-6.8(b) Restricted Use Soil Cleanup Objectives, in accordance with 6 NYCRR Part 375-6.7(d)(1)(ii)(b).
3) Residential Use allowable levels apply to soils to be placed above Development Depth.
4) Restricted Residential Use allowable levels apply to soils to be placed below Development Depth.
5) NC - No criterion.

Appendix F
Environmental Easements

ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36 OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW

THIS INDENTURE made this 17th day of August, 2011, between Owner 700 First Realty Company, LLC, having an office c/o Solow Realty & Development Company, LLC at 9 West 57th Street, County of New York, State of New York (the "Grantor"), and The People of the State of New York (the "Grantee"), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor, is the owner of real property located at the address of 700 First Avenue in the City of New York, County of New York and State of New York, known and designated on the tax map of the Borough of Manhattan as tax map Block 970 Lot 1, being the same as that property conveyed to Grantor by deed dated May 31, 2005 and recorded in the City Register of the City of New York in Instrument No. CRFN 2005000335189, comprising approximately 4.47 acres, and hereinafter more fully described in the Land Title Survey dated November 10, 2010, which will be attached to the Site Management Plan. The property description (the "Controlled Property") is set forth in and attached hereto as Schedule A; and

WHEREAS, the Department accepts this Environmental Easement in order to ensure the protection of human health and the environment and to achieve the requirements for remediation established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

NOW THEREFORE, in consideration of the mutual covenants contained herein and the terms and conditions of BCA Index Number: A2-0515-0405, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement")

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii) and Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii), and any other uses permitted under applicable laws, rules, regulations, codes and/or ordinances to the extent not inconsistent with (x) 6 NYCRR Part 375-1.8(g)(2)(ii) and 6 NYCRR Part 375-1.8(g)(2)(iii) or (y) the other restrictions expressly set forth in Section 2. of this Environmental Easement.

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan ("SMP");

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP.

(4) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(5) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(6) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(7) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP.

(8) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP.

(9) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for raising livestock or producing animal products for human consumption, and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Regional Remediation Engineer
NYSDEC – Region 2
Division of Environmental Remediation
47-40 21st St.
Long Island City, NY 11101
Phone: (718) 482-4995

or

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, New York 12233
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall annually, or such time as NYSDEC may allow, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:

(i) are in-place;

(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved b the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to:

Site Number C2341013
Office of General Counsel
NYSDEC
625 Broadway
Albany New York 12233-5500

With a copy to:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

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IN WITNESS WHEREOF, Grantor and Grantee each has caused this instrument to be signed in its name.

700 First Realty Company, LLC:

By: _____

Print Name: Sheldon H. Solow

Title: President Date: 1/13/2011

Grantor's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF New York)

On the 13th day of January, in the year 20 11, before me, the undersigned, personally appeared Sheldon H. Solow, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Amalia C. DeLucia
Notary Public - State of New York

AMALIA C. DELUCIA
Notary Public, State of New York
No. 01DE6032868
Qualified in Queens County
Commission Expires November 8, 2013

THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

By: _____
Dale A. Desnoyers, Director
Division of Remediation

Grantee's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF Albany)

On the 17th day of August, in the year 2011, before me, the undersigned, personally appeared Dale Desnoyers, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public - State of New York

Drew A. Wellette
Notary Public, State of New York
Qualified in Schenectady Co.
No. 01WE6089074
Commission Expires 03/17/ 2015

SCHEDULE A PROPERTY DESCRIPTION

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

BEGINNING at the corner formed by the intersection of the northerly line of East 38th Street with the easterly line of First Avenue;

RUNNING THENCE northerly, along the easterly line of First Avenue, 515 feet 0 inches;

THENCE easterly, parallel with the northerly line of East 38th Street, 411 feet 7 3/8 inches to a point in the westerly line of Franklin D. Roosevelt Drive;

THENCE southerly, along the westerly line of Franklin D. Roosevelt Drive, on the arc of a circle curving to the right having a radius of 2431 feet 8 inches and a central angle of 6° 13' 33 inches, 264 feet 2 5/8 inches to a point of tangency;

THENCE southerly still along the westerly line of Franklin D. Roosevelt Drive, 56 feet 4 ¼ inches to an angle point therein;

THENCE easterly, still along the westerly line of Franklin D. Roosevelt Drive and parallel with the northerly line of East 38th Street, 1 foot 2 3/8 inches to an angle point therein;

THENCE southerly, still along the westerly line of Franklin D. Roosevelt Drive, 200 feet 3 1/8 inches to the corner formed by the intersection of the northerly line of East 38th Street with the westerly line of Franklin D. Roosevelt Drive;

THENCE westerly, along the northerly line of East 38th Street, 336 feet 10 3/8 inches to a point or place of BEGINNING.

Attachment B- Lot 1 Foundation Drawings

ABBREVIATIONS:

AB	ANCHOR BOLT
ABV	ABOVE
AC	AIR CONDITIONER
ACI	AMERICAN CONCRETE INSTITUTE
ADD'L	ADDITIONAL
ADJ	ADJACENT
AFF	ABOVE FINISHED FLOOR
AISC	AMERICAN INSTITUTE OF STEEL CONSTRUCTION
ALT	ALTERNATE ALUM ALUMINUM
ANCH	ANCHOR
ANG	ANGLE
APPD	APPROVED
APPROX	APPROXIMATE
ARCH	ARCHITECTURAL
ASTM	AMERICAN SOCIETY FOR TESTING AND MATERIALS
AVG	AVERAGE
AWS	AMERICAN WELDING SOCIETY
B	BASE
BETW	BETWEEN
BF	BRACE FRAME
BKT	BRACKET
BL	BUILDING LINE
BLDG	BUILDING
BM	BEAM
BOTT	BOTTOM
BRK	BRICK
B/STL	BOTTOM OF STEEL
BS	BOTH SIDES
CANT	CANTILEVER
CF	CUBIC FOOT
CG	CENTER OF GRAVITY
CIP	CAST IN PLACE
C.J.T	CONCRETE JOINT
CL	CENTER LINE
CLG	CEILING
CLR	CLEAR
CM	CONSTRUCTION MANAGER
CMU	CONCRETE MASONRY UNITS
COL	COLUMN
CONC	CONCRETE
COND	CONDITIONS
CONN	CONNECTION
CONST	CONSTRUCTIONS
CONT	CONTINUOUS
CONTR	CONTRACTOR
COORD	COORDINATE
CORR	CORRUGATED
CY	CUBIC YARD
DEMO	DEMOLITION
DEPT	DEPARTMENT
DET	DETAIL
DIA	DIAMETER
DIM	DIMENSION
DIR	DIRECTION
DN	DOWN
DWL	DOWEL
DWG	DRAWING
E	EAST
EA	EACH
EF	EACH FACE
EL	ELEVATION
ELEC	ELECTRIC
ELEV	ELEVATOR
EMBED	EMBEDMENT
ENCL	ENCLOSURE
EOR	ENGINEER OF RECORD
EOS	EDGE OF SLAB
EP	EMBEDDED PLATE
EQ	EQUAL
EQUIP	EQUIPMENT
ETC	ETCETERA
EW	EACH WAY
E-W	EAST WEST
EXIST	EXISTING
EXP	EXPANSION
EXP JT	EXPANSION JOINT
EXT	EXTENSION
EXTR	EXTERIOR
FL	FLOOR
FND	FOUNDATION
FOB	FACE OF BUILDING
FP	FIRE PROOFING
FT	FOOT
FTG	FOOTING
GA	GAUGE
GALV	GALVANIZED
GC	GENERAL CONTRACTOR
GB	GRADE BEAM
GRTG	GRATING
GYP. BD	GYPSUM BOARD
H	HIGH
HDR	HEADER
HGT	HEIGHT
HORIZ	HORIZONTAL
HP	HIGH POINT
HR	HOUR
HS	HIGH STRENGTH
HVAC	HEAT, VENTILATION & AIR CONDITIONING
ID	INSIDE DIAMETER
IF	INTERIOR FACE
IN	INCH
INCL	INCLUDING
INFO	INFORMATION
INSUL	INSULATION
JT	JOINT
K	KIP (1000 POUNDS)
KPF	KIPS PER SQUARE FOOT
KSI	KIPS PER SQUARE INCH

L	LOW
LB	LINK BEAM
LBS	POUNDS
LB/FT	POUNDS PER FOOT
Ld	DEVELOPMENT LENGTH
LG	LONG
LL	LIVE LOAD
LLRS	LATERAL LOAD RESISTING SYSTEM
LP	LOW POINT
LRFD	LOAD RESISTANCE FACTOR DESIGN
LT	LIGHT
LW	LIGHT WEIGHT
MAX	MAXIMUM
MAS	MASONRY
MATER	MATERIAL
MAX	MAXIMUM
MC	MOMENT CONNECTION
MD	METAL DECK
MECH	MECHANICAL
MEP	MECHANICAL ELECTRICAL AND PLUMBING
MEZZ	MEZZANINE
MF	MOMENT FRAME
MFG	MANUFACTURER
MIN	MINIMUM
MISC	MISCELLANEOUS
N	NORTH
NA	NOT APPLICABLE
NIC	NOT IN CONTRACT
NO	NUMBER
N-S	NORTH-SOUTH
NTS	NOT TO SCALE
NW	NORMAL WEIGHT
O/C	ON CENTER
OPNG	OPENING
OPP	OPPOSITE
PC	PILE CAP
PCF	POUNDS PER CUBIC FEET
PL	PLATE
PLF	POUNDS PER LINEAR FOOT
PSF	POUNDS PER SQUARE FOOT
PSI	POUNDS PER SQUARE INCH
PT	POST TENSION
RC	REINFORCED CONCRETE
RD	ROOF DRAIN
REF	REFERENCE
REINF	REINFORCEMENT
REQ'D	REQUIRED
RFI	REQUEST FOR INFORMATION
S	SOUTH
SB	SPANDREL BEAM
SCHED	SCHEDULE
SECT	SECTION
SF	SQUARE FOOT
SHT	SHEET
SL	SLAB
SPA	SPACING
SPEC	SPECIFICATIONS
SQ	SQUARE
SR	STUDRAIL
STD	STANDARD
STIFF	STIFFENER
STL	STEEL
STRUCT	STRUCTURAL
SW	SHEARWALL
SIM	SIMILAR
T&B	TOP AND BOTTOM
THK	THICK
T/	TOP OF
TBD	TO BE DETERMINED
TEMP	TEMPORARY
TSF	TONS PER SQUARE FOOT
TYP	TYPICAL
UON	UNLESS OTHERWISE NOTED
U	UPTURNED BEAM
VERT	VERTICAL
VIF	VERIFY IN FIELD
W	WEST
W/	WITH
W/O	WITH OUT
WF	WIDE FLANGE
WP	WORKING POINT
WPG	WATER PROOFING
WS	WATER STOP
WT	WIND TRUSS
WWF	WELDED WIRE FABRIC
℄	CENTERLINE
ℇ	PLATE
∠	ANGLE
&	AND
ø	DIAMETER
@	AT

GENERAL NOTES:

1. ALL WORK TO BE PERFORMED IN COMPLIANCE WITH THE NEW YORK CITY BUILDING CODE, LATEST EDITION AND ALL SUPPLEMENTS.
2. CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS IN THE FIELD AND BE RESPONSIBLE FOR ACCURATE COORDINATION WHERE POSSIBLE.
3. TEMPORARY SHORING IS REQUIRED, WHERE CONTRACTOR IS RESPONSIBLE FOR ENGINEERING AND CONTROLLED INSPECTION OF TEMPORARY SYSTEMS.
4. THE CONTRACTOR SHALL USE THESE DRAWINGS IN CONJUNCTION WITH THE ARCHITECTURAL AND MECHANICAL DRAWINGS. IN THE EVENT OF CONFLICTS, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT AND THE ENGINEER.
5. ALL SHEETING, SHORING OR OTHER CONSTRUCTION REQUIRED FOR THE SUPPORT OF ADJACENT PROPERTIES, BUILDINGS, SIDEWALKS, UTILITIES, ETC., SHALL BE SUBJECT TO SPECIAL INSPECTION AS REQUIRED BY THE CODE. THE CONTRACTOR SHALL RETAIN A LICENSED PROFESSIONAL ENGINEER ACCEPTABLE TO THE ENGINEER OF RECORD TO PROVIDE THE NECESSARY DESIGN AND THE REQUIRED INSPECTION. THE CONTRACTOR'S PROFESSIONAL ENGINEER SHALL PREPARE AND FILE THE REQUIRED FORMS FOR THE WORK WITH THE BUILDING DEPARTMENT.
6. ALL COORDINATES, COLUMN LOCATIONS AND GENERAL ARRANGEMENT OF SLAB EDGES AND OPENINGS TO BE SET BY THE ARCHITECTURAL DRAWINGS.

FOUNDATION NOTES:

A. PILE NOTES

1. FOUNDATION DESIGN AND PILE STRENGTH ARE BASED ON GEOTECHNICAL REPORT BY RA CONSULTANTS LLC
2. PILE CAPACITY TO BE 250 TONS IN COMPRESSION AND 4 TONS IN LATERAL CAPACITY IN WEAK AXIS AND 10 TONS IN STRONG AXIS. TO BE VERIFIED BY PILE DRIVING CONTRACTOR FOLLOWING A TEST PILE PROGRAM. (SEE PILING SPECIFICATION) THE PROPOSED PILE IS AS FOLLOWS:
   A. PILES TO BE HP14x89 (Fy=50ksi)
   B. SEE SPECS FOR PILE DRIVING OPERATIONS
3. PILE DRIVING TO BE SUPERVISED BY A LICENSED PROFESSIONAL ENGINEER 2008 NYC BUILDING CODE.
4. ALL PILES TO CONFORM WITH THE REQUIREMENTS OF LATEST OF NYC EDITION OF NYC BUILDING CODE AND IN ACCORDANCE WITH PROJECT PILE SPECIFICATIONS.
5. ALL PILES TO BE DRIVEN TO MINIMUM PENETRATION IN BEARING STRATUM AND TO MINIMUM DRIVING RESISTANCE OF 5 BLOWS PER ¼" WITH A 75k-ft HAMMER
6. A PLAN SHOWING THE IDENTIFICATION OF ALL PILES AND PILE NUMBERING PLAN SHALL BE FILED WITH THE BUILDING DEPARTMENT.
7. AN "AS-DRIVEN" PILE LOCATION PLAN(S) AND PILE LOG SHALL BE FILED BY THE GEOTECHNICAL ENGINEER AND APPROVED BY THE BUILDING DEPARTMENT. NO PILE CAPS ARE TO BE PLACED BEFORE THIS IS DONE.
8. PLANS TO INDICATE MINIMUM REQUIRED PENETRATION OF ALL PILES, SHALL BE FILED WITH THE BUILDING DEPARTMENT.
9. LOAD TESTS SHALL BE PERFORMED AS PER REQUIREMENTS OF THE NYC BUILDING CODE.
10. ALL PILE CAP REINF. TO BE PLACED AS BOTTOM REINFORCING AS SHOWN ON PILE CAP DETAIL U.O.N. TOP REINFORCING TO BE PROVIDED WHERE SHOWN OR NOTED. ABBREVIATIONS:
    L.W. = LONG WAY
    S.W. = SHORT WAY
    E.W. = EACH WAY
    ALL HOOK BARS ARE STANDARD 90° HOOK U.O.N. THE SPLICE LENGTH OF HOOK BARS TO MAIN BOTTOM BARS SHALL NOT BE LESS THAN 36d (BAR DIAMETER). EXTEND BEAM REINFORCING INTO PILE CAP WHERE BEAMS INTERSECT PILE CAPS. SEE PLAN FOR REFERENCE TO DETAILS & SECTIONS.
11. ALL COSTS RELATIVE TO THE CERTIFICATION OF PILE DRIVING, PILE LOCATION, PILE IDENTIFICATION AND CORRECTIVE MEASURES RELATED TO PILE DEVIATIONS SHALL BE BORNE BY THE CONTRACTOR.

B. CAISSON NOTES:

1. THE DESIGN AND INSTALLATION OF CAISSONS, CAISSONS CAPS, AND RELATED CONSTRUCTION IS TO CONFORM TO THE REQUIREMENTS SET FORTH IN THE NEW YORK CITY BUILDING CODE AND THE SPECIFICATIONS.
2. DRILLED CAISSONS SHALL HAVE THE FOLLOWING PARAMETERS AS PER RECOMMENDATION FROM GEOTECHNICAL ENGINEER:
   A. 24"ø x ½" (MIN.) CAISSON
      – COMPRESSIVE LOAD CAPACITY = 1500 T
      – TENSION LOAD CAPACITY = 750 T
   B. 13.3258 x ½" (MIN.) CAISSON
      – TENSION AND COMPRESSIVE CAPACITY = 250 T
   C. UPLIFT AND LATERAL FIELD TEST ARE REQUIRED.
4. CAISSON ROCK SOCKETS TO BE SUPERVISED BY A LICENSED PROFESSIONAL ENGINEER.
5. CAISSON OPERATIONS TO BE IN ACCORDANCE WITH THE NEW YORK CITY BUILDING CODE, AND ARE SUBJECT TO SPECIAL INSPECTION IN ACCORDANCE WITH NEW YORK CITY BUILDING CODE.
6. A PLAN SHOWING THE IDENTIFICATION OF ALL CAISSONS AND A CAISSONS NUMBERING PLAN IS TO BE SUBMITTED TO THE ENGINEER OF RECORD FOR FILING WITH THE BUILDING DEPARTMENT PRIOR TO COMMENCEMENT OF DRILLING OPERATIONS.
7. LOAD TESTS (IF NECESSARY) SHALL BE PERFORMED AS PER THE REQUIREMENTS OF THE NEW YORK CITY BUILDING CODE. LOCATION OF TEST CAISSONS TO BE APPROVED BY THE ENGINEER OF RECORD. ALL ROCK SOCKETS SHALL BE VIDEO INSPECTED BY A QUALIFIED GEOTECHNICAL ENGINEER TO CONFIRM CLASS 1C BEDROCK OR BETTER.
8. ALL CAISSON GROUPS AND CAISSON CAPS TO BE CONCENTRIC WITH COLUMNS AND WALLS ABOVE UNLESS OTHERWISE NOTED ON PLAN.
9. RECORDS OF PENETRATION OF EVERY CAISSON AND THE BEHAVIOR OF SAME DURING DRILLING ARE TO BE SUBMITTED TO THE ENGINEER OF RECORD.
10. AN "AS-DRILLED" CAISSON LOCATION PLAN AND CAISSON LOGS ARE TO BE SUBMITTED TO THE ENGINEER OF RECORD FOR APPROVAL, NO CAISSON CAPS ARE TO BE PLACED BEFORE THIS IS DONE.
11. ESTIMATED AVERAGE CAISSON LENGTH IS PER GEOTECHNICAL CONSULTANT. CAISSON LENGTH COULD VARY DUE TO ACTUAL SOIL CONDITION.
12. FOR CAISSON DETAILS AND DESIGN REFER TO GEOTECHNICAL CONSULTANT REPORT AND SPECIFICATIONS.

C. FOOTING NOTES

1. ALL FOOTINGS, PIER AND FOUNDATION WALLS SHALL BEAR ON ROCK WITH A SAFE BEARING CAPACITY OF 40 TON PER SQ. FT. SEE FOOTING SCHEDULE ON DRAWING FO-100.
2. WHERE THE REQUIRED BEARING MATERIAL IS NOT FOUND AT THE ANTICIPATED ELEVATION SHOWN (ELEVATION BASED ON BORING INTERPOLATED DATA) THE FOOTINGS SHALL BE LOWERED TO A DEPTH AT WHICH THE REQUIRED BEARING CAPACITY IS FOUND. PROVIDE PIER AS REQUIRED. FOR MIN. REQUIREMENTS SEE TYP. DETAILS.

CONCRETE AND STEEL REINFORCEMENT

1. ALL CONCRETE SHALL BE NORMAL WEIGHT CONTROLLED CONCRETE, U.O.N., AND COMPLY WITH A.C.I. BUILDING CODE AND THE CURRENT NEW YORK CITY. BUILDING CODE.
2. CONCRETE STRENGTH SHALL BE AS FOLLOWS, UNLESS OTHERWISE NOTED:

–PILE CAPS/FOOTING/MAT SLAB AT EAST & WEST TOWER	7200 PSI
–PILE CAPS AND MAT SLAB AT LOW RISE AREA	5000 PSI
–COLUMNS/SHEARWALLS	SEE COLUMN SCHEDILE
–STRUCTURAL SLAB	6000 PSI (U.O.N.)*
–FOUNDATION WALL & BUTTRESSES	6000 PSI (U.O.N. ON PLAN)

*WHERE SUPPORTING COLUMN STRENGTH IS 8400 PSI OR GREATER THE CONCRETE SLABS (IF POURED BEFORE THE COLUMNS ABOVE) MUST BE OF A STRENGTH ACCORDING TO THE "DETAIL OF BEAM AND SLAB CONCRETE PLACEMENT AT HIGH STRENGTH COLUMN." DWG. S-962.

3. ALL STEEL REINFORCEMENT SHALL HAVE AN ULTIMATE TENSILE STRENGTH OF 90,000 PSI AS PER A.S.T.M. A615-92 GRADE 60 U.O.N.. THE CONTRACTOR SHALL FURNISH AND INSTALL ALL THE NECESSARY CHAIRS, REBARS, TIES, SPACERS, ETC., TO SECURE AND SUPPORT THE REINFORCING WHILE PLACING THE CONCRETE.
   ALL REBARS LARGER THAN #11 SHALL HAVE A MINIMUM YIELD STRESS OF fy=75ksi AND SHALL BE MECHANICALLY TENSION/COMPRESSION SPLICED.
4. ALL BARS MARKED CONTINUOUS, SHALL BE LAPPED AS PER TENSION LAP TABLES (MIN 36 DIA) AT SPLICES AND CORNERS EXCEPT AS OTHERWISE SHOWN ON PLANS. LAP CONTINUOUS TOP BARS AT CENTER BETWEEN SUPPORTS AND BOTTOM BARS AT SUPPORTS. HOOK TOP BARS AT DISCONTINUOUS ENDS.
5. CONTRACTOR TO INSTALL ALL PIPE SLEEVES, BOXED OPENINGS, ANCHOR BOLTS, ETC., AS REQUIRED FOR THE VARIOUS TRADES.
6. PARKING FLOORS, RAMPS, DRIVEWAYS EXPOSED TOPPING, SIDE WALLS
   – ALL DIRECTLY EXPOSED TO CARS AND/OR PEDESTRIAN TRAFFIC
   A. DCI (CALCIUM NITRITE) CORROSION INHIBITOR, (4.0 GAL/YD3)
   B. WATER/CEMENT RATIO NOT TO EXCEED 0.40
   C. USE OF SUPERPLASTICIZER TO ACHIEVE THE W/C RATIO.
   D. CONCRETE TO CONTAIN SILICIA FUME (5% OF TOTAL CEMENT) OR SLAG (40%)
   E. 1.5 LBS/YD3 FIBER MESH.
   F. ENTRAINED AIR AT 6% ± 1.
   G. THE CURING SHALL BE ONLY MOIST TYPE. NO CURING COMPOUND ACCEPTABLE.
   H. ALL TOP REBARS TO BE EPOXY COATED.
   J. ALTHOUGH PROTECTIVE MEASURES WERE INCORPORATED IN THE DESIGN OF THE PARKING AREAS AND RAMPS, THESE AREAS MUST BE CAREFULLY MAINTAINED IN ORDER TO PREVENT EARLY DETERIORATION.
   1. ALL EMBEDDED METALLIC ITEMS SHALL BE HOT DIPPED GALVANIZED OR STAINLESS STEEL.
7. MINIMUM COVER FOR REINFORCING STEEL SHALL BE 1½" FOR SLABS AND INTERIOR WALL SURFACES EXPOSED TO VEHICULAR/PEDESTRIAN TRAFFIC; AND COLUMNS (TIES, STIRRUPS OR PRIMARY REINFORCEMENT). FOR ALL CONCRETE EXPOSED TO WEATHER AND EARTH FILL, COVER SHALL BE 2". FOR CONCRETE PLACED AGAINST EARTH, MINIMUM COVER SHALL BE 3". TOP COVER FOR REINFORCEMENT IN RETAIL(AND RESIDENTIAL) SLABS TO BE 3/4".
8. THE CONTRACTOR MUST SUBMIT REINFORCING SHOP DRAWINGS TO THE STRUCTURAL ENGINEER FOR REVIEW AND APPROVAL. NO CONSTRUCTION IS TO BE STARTED UNTIL THE SHOP DRAWINGS ARE REVIEWED BY THE ENGINEER.
9. THE STRUCTURAL ENGINEER OR HIS FIELD QUALIFIED REPRESENTATIVE MUST CHECK AND APPROVE ALL STEEL REINFORCING PRIOR TO CONCRETE PLACEMENT.

G. CODES AND TESTS

1. THIS STRUCTURE HAS BEEN DESIGNED UNDER THE PROVISIONS OF THE NEW YORK CITY BUILDING CODE AS AMENDED AND A.C.I. 318.
2. ALL CONTROLLED CONCRETE SHALL COMPLY WITH THE A.C.I. 318 BUILDING CODE AND THE NEW YORK CITY BUILDING CODE. A SPECIAL AMENDMENT FORM FOR CONTROLLED CONCRETE WITH CONCRETE TESTS AND CURVES OF TESTS FOR THE PRELIMINARY DESIGN MIX PREPARED BY AN APPROVED LABORATORY MUST BE SUBMITTED TO THE ENGINEER FOR FILING WITH THE BUILDING DEPARTMENT. NO CONCRETE IS TO BE PLACED BEFORE SUCH AN AMENDMENT IS APPROVED BY THE BUILDING DEPARTMENT.
3. DESIGN AND CONSTRUCTION OF FORMWORK IS TO COMPLY WITH THE A.C.I. 318 BUILDING CODE AND THE NEW YORK CITY BUILDING CODE AS AMENDED.
4. TRANSPORTING, PLACING, CURING AND DEPOSITING OF CONCRETE SHALL COMPLY WITH THE A.C.I. BUILDING CODE.
5. ALL REINFORCING BARS SHALL BE DEFORMED BARS CONFORMING TO "SPECIFICATIONS FOR DEFORMED BILLET-STEEL BARS FOR CONCRETE REINFORCEMENT" A.S.T.M. A615 GRADE 60. THE STEEL SUPPLIER SHALL PROVIDE THE ENGINEER WITH AN AFFIDAVIT OF THE PRODUCER OF STEEL CERTIFYING THAT THE STEEL MEETS THE REQUIREMENTS OF THE A.S.T.M.
6. ALL STRUCTURAL STEEL (LINTELS, DUNNAGE BEAMS, ETC.) SHALL CONFORM TO A.S.T.M. A-36, U.O.N.

MASONRY NOTES

1. SEE ARCHITECTURAL DRAWINGS AND SPECIFICATIONS FOR COMPLETE REQUIREMENTS FOR C.M.U. MASONRY CONSTRUCTION AND APPEARANCE. DETAILS AND NOTES SHOWN ON THE STRUCTURAL DRAWINGS ARE INTENDED TO SUPPLEMENT ARCHITECTURAL REQUIREMENTS AND TO DEFINE ELEMENTS WHICH PROVIDE STRUCTURAL STRENGTH AND STABILITY.
2. DETAILS, SECTIONS, SCHEDULES, ETC. AND THESE NOTES, REPRESENT THE MINIMUM REQUIREMENTS FOR STRUCTURAL ADEQUACY. WHERE ARCHITECTURAL REQUIREMENTS DIFFER FROM STRUCTURAL, THE MORE STRINGENT SHALL BE FOLLOWED.
3. CODE: MASONRY WALL CONSTRUCTION SHALL CONFORM TO THE NEW YORK CITY BUILDING CODE AND TO ACI 530/ASCE-5 AS REFERENCED BY THE NYC CODE.
4. MASONRY UNITS SHALL BE LIGHTWEIGHT HOLLOW LOAD BEARING CONCRETE MASONRY (CMU). COMPRESSIVE STRENGTH OF MASONRY F'M SHALL BE A MINIMUM OF 1,500 PSI.
5. MORTAR SHALL BE TYPE M OR S.
6. HORIZONTAL JOINT REINFORCEMENT SHALL BE TRUSS TYPE GALVANIZED COLD-DRAWN STEEL WIRE CONFORMING TO ASTM A 951.
7. PROVIDE HORIZONTAL JOINT REINFORCEMENT IN EVERY OTHER JOINT (16" O.C. VERTICALLY) UNLESS PLANS OR DETAILS CALL FOR CLOSER SPACING OR ADDITIONAL REINFORCEMENT.
8. BAR REINFORCEMENT: ASTM A 615 GRADE 60, PER SCHEDULE. FOR ADDITIONAL REINFORCEMENT SEE WALL REINFORCEMENT ELEVATION.
9. ALL CELLS WITH REINFORCEMENT SHALL BE GROUTED SOLID FOR THE FULL EXTENT OF BAR, VERTICAL AND HORIZONTAL.
10. GROUT SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 2,000 PSI. GROUT SHALL BE "FINE" AS DEFINED BY ASTM C 476.
11. STEEL ANGLES: ASTM A 36. STEEL IN AN EXTERIOR WALL OR EXPOSED TO THE EXTERIOR SHALL BE GALVANIZED. 12. CONTRACTOR SHALL COORDINATE ALL MASONRY WORK WITH WORK OF OTHER TRADES: ARCHITECTURAL, STRUCTURAL, MEP.

D. SEISMIC AND WIND CRITERIA NOTES:

1. THE STRUCTURE HAS BEEN DESIGNED IN ACCORDANCE WITH THE LATEST NEW YORK CITY BUILDING CODE (2008).
2. WIND DESIGN DATA
   WIND LOADS ARE BASED ON PROJECT SPECIFIC WIND TUNNEL TEST REPORTS DATED JANUARY 24/2013 IN ACCORDANCE WITH PROVISION OF NYCBC 2008.
3. EARTHQUAKE DESIGN DATA
   AS PERRA CONSULTANT ENGINEERING GEOTECHNICAL REPORT DATED MAY 20, 2013.
   3.1 EARTHQUAKE DESIGN DATA FOR WEST TOWER:
   – SEISMIC IMPORTANCE FACTOR = 1
   – S_S=0.293g S_1=0.057g
   Fa=1.20 F_V=1.7
   – SITE CLASS = C
   – ANALYSIS PROCEDURE USED = RESPONSE SPECTRUM ANALYSIS
   – SEISMIC DESIGN CATEGORY = B
   – SEISMIC FORCE RESISTING SYSTEM: ORDINARY REINFORCED CONCRETE SHEAR WALL
   – DESIGN BASE SHEAR (V) E/W = 1100* N/S = 1100*
   – SEISMIC RESPONSE COEFFICIENT E/W = 0.0103 N/S = 0.0103
   – RESPONSE MODIFICATION FACTORS R= 5
   3.2 EARTHQUAKE DESIGN DATA FOR EAST TOWER:
   – SEISMIC IMPORTANCE FACTOR = 1
   – S_S=0.29g S_1=0.057g
   Fa=1.57 F_V=2.4
   – SITE CLASS = D
   – ANALYSIS PROCEDURE USED = RESPONSE SPECTRUM ANALYSIS
   – SEISMIC DESIGN CATEGORY = B
   – SEISMIC FORCE RESISTING SYSTEM: ORDINARY REINFORCED CONCRETE SHEAR WALL
   – DESIGN BASE SHEAR (V) E/W = 1000* N/S = 1000*
   – SEISMIC RESPONSE COEFFICIENT E/W = 0.0133 N/S = 0.0133
   – RESPONSE MODIFICATION FACTORS R= 5
4. STRUCTURAL SEPARATIONS, (NYCBC–1617.3.2): THE STRUCTURE SHALL BE SET BACK FROM THE PROPERTY LINE NOT COMMON TO A PUBLIC WAY BY 1"/50 ft. OF HEIGHT. SMALLER SETBACK SHALL BE PERMITTED WHEN JUSTIFIED BY ENGINEERING ANALYSIS BASED ON MAXIMUM EXPECTED GROUND MOTION.

LOADING SCHEDULE

OCCUPANCY		PARTITION/FILL &/OR FINISHES (PSF)	CEIL. & MECH. (PSF)	LIVE LOAD
ROOF		30	5	100
STAIRS		–	5	100
RESIDENTIAL CORRIDORS		30	5	40
RESIDENTIAL		12	5	40
MECHANICAL ROOMS		20	5	75
PUBLIC ROOF		50	5	100
PARKING STACKED		15	5	100
LOBBIES RETAIL		25	5	100
LEVEL 1 PLAZA		500	10	100
BRIDGE STRUCTURE	POOL	100	20	(WATER) 300
	ROOF	50	20	100
	BALANCE	30	20	100

NON-STRUCTURAL ITEMS SHOWN ON THE STRUCTURAL/FOUNDATION DRAWINGS

1. THE FOLLOWING NON-STRUCTURAL ITEMS MAY BE SHOWN ON THE STRUCTURAL AND/OR FOUNDATION DRAWINGS FOR THE PURPOSE OF CLARITY IN INTERFACE WITH STRUCTURAL AND/OR FOUNDATION WORK. ITEMS BELOW MAY NOT BE FULLY DEFINED ON THE STRUCTURAL/FOUNDATION DRAWINGS. THE INFORMATION FOR NON-STRUCTURAL ELEMENTS IS FURNISHED BY OTHER CONSULTANTS AS LISTED BELOW. ALL RFI AND SHOP DRAWINGS RELATED TO THESE NON-STRUCTURAL ITEMS SHALL BE SUBMITTED TO THE CONSULTANTS LISTED BELOW FOR THEIR REVIEW AND APPROVAL.

GEOTECHNICAL ENGINEER:
– FOUNDATION/UNDERSLAB WATERPROOFING, DAMPPROOFING SYSTEMS
– WALL AND UNDERSLAB DRAINAGE SYSTEM, INCLUDING SUMP PITS, GRAVEL & PIPING, CLEANOUTS
– ROCK ANCHORS
– CAISSONS AND PILES, INCLUDING REINFORCEMENT, SECANT PILE WALL
– ROCK CONTOURS

ARCHITECT OF RECORD:
– SUMP PITS
– WATERPROOFING/DAMPPROOFING APPLIED TO EXPOSED SURFACES, ELEVATOR OR SUMP PIT INTERIOR SURFACES
– PAINT
– FIREPROOFING
– CONCRETE CURBS: HEIGHT, WIDTH, EXTENT, LOCATION
– BRICK, BLOCK, TILE MASONRY, METAL PANELS, PRECAST FACADE PANELS, CURTAIN WALLS AND ALL OTHER FACADE SYSTEMS
– ROOFING SYSTEMS, DRAIN LOCATIONS, SLOPES TO DRAINS FILLS, INSULATION, PAVERS OR GRAVEL
– FLOATING/SECONDARY SLABS

LEGEND:

a. [...] INDICATES THE BOTTOM OF FOUNDATION WALL ELEVATION
b. <...> INDICATES THE TOP OF FOUNDATION WALL ELEVATION
c. (...) INDICATES THE TOP OF PILECAP ELEVATION
d. (XXxXX) INDICATES SIZE OF PIER IN INCHES, FIRST DIMENSION SHOWN IS IN THE EAST–WEST DIRECTION.
e. INDICATES ADDITIONAL TOP REINFORCEMENT AT SUPPORTS
f. INDICATES ADD'L BOTTOM REINFORCING AT SUPPORTS
g. INDICATES MAIN DIRECTION OF ONE–WAYS SLABS: 1) BOTTOM CONTINUOUS REINF. IN ELEVATED SLABS 2) TOP CONTINUOUS REINF. AT FOUNDATION SLABS
h. INDICATES ADDITIONAL BOTTOM REINFORCEMENT CONTINUOUS BETWEEN SUPPORTS
i. 1ST & 4TH LAYER; 2ND & 3RD LAYER — INDICATES ORDER OF BAR PLACEMENT IN SLAB
j. INDICATES CHANGE IN ELEVATION
k. INDICATES CONCRETE COLUMN/SHEARWALL/FOUNDATION WALL
l. INDICATES CONCRETE COLUMN/FOUNDATION WALL/SHEARWALL BELOW
m. INDICATES SLAB OPENING (FIRST DIMENSION IS IN EAST–WEST DIRECTION)
n. INDICATES COLUMN/POST ABOVE OR BELOW
o. (XX) INDICATES COLUMN DESIGNATION
p. (P) INDICATES POST DESIGNATION
q. (H) INDICATES HANGER DESIGNATION
r. (SW–X) INDICATES SHEARWALL DESIGNATION
s. INDICATES STIRRUPS
LT INDICATES LENTON TERMINATORS

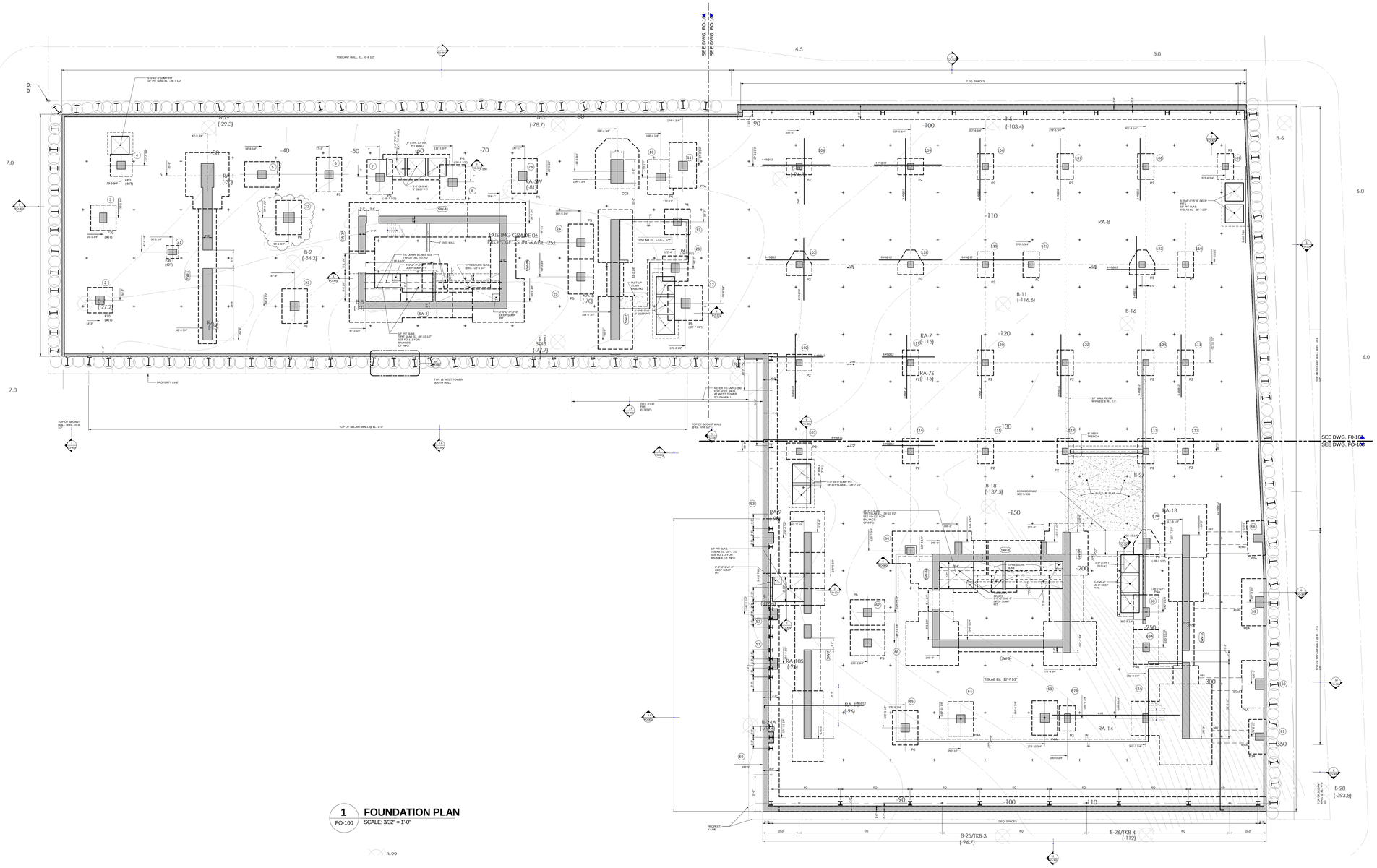
SPECIAL INSPECTIONS

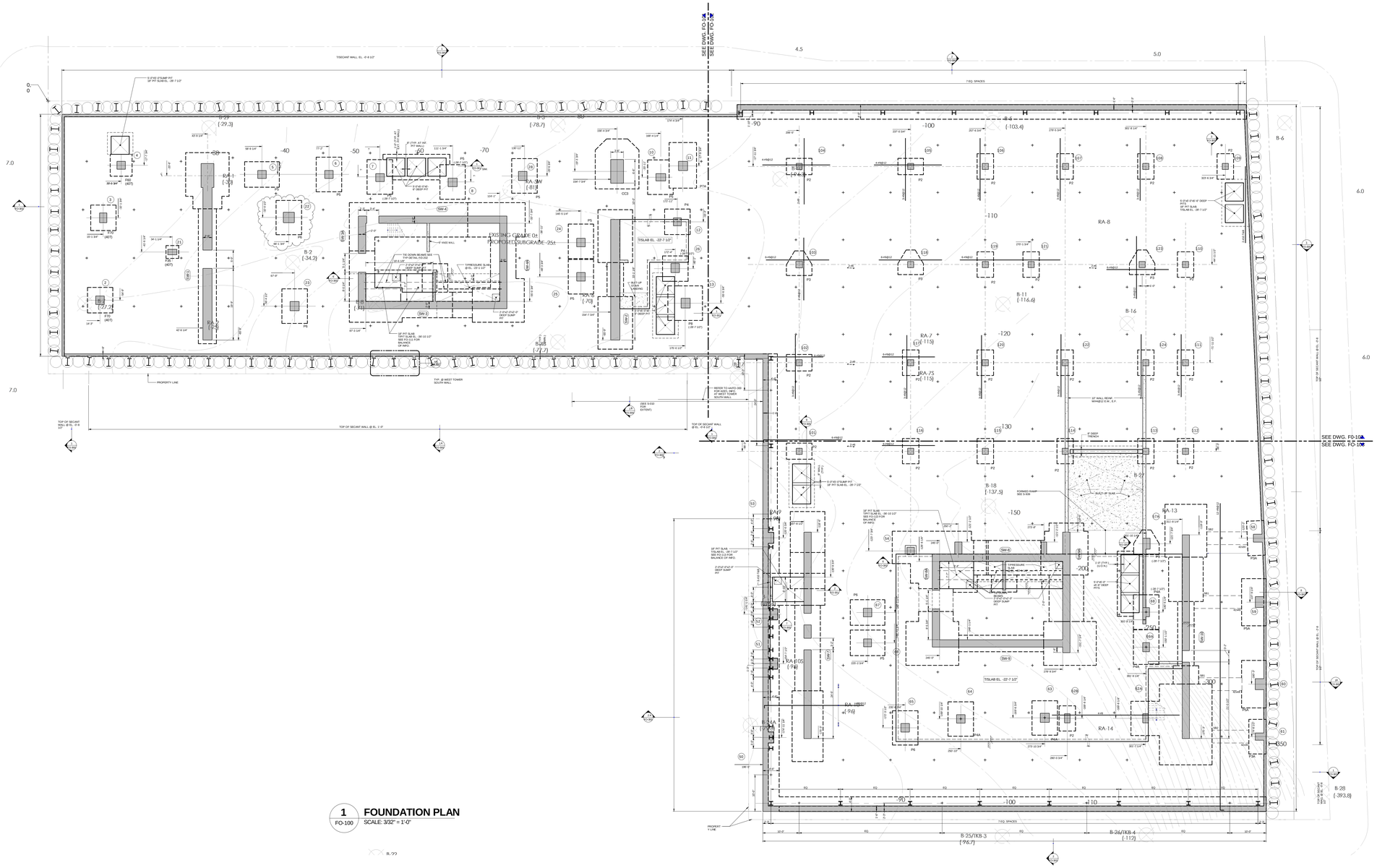
(TERMINOLOGY PER CURRENT TR–1) SPECIAL INSPECTION	CURRENT CODE REFERENCES
STRUCTURAL STEEL – WELDING	1704.3.1
STRUCTURAL STEEL – ERECTION & BOLTING	1704.3.3
STRUCTURAL COLD – FORMED STEEL	1704.3.4
CONCRETE – CAST IN PLACE	1704.4
CONCRETE TEST CYLINDERS* (TR2)	1905.6
CONCRETE DESIGN MIX* (TR3)	1905.3
MASONRY	1704.5
SOILS – SITE PREPARATION	1704.7.1
SOILS – FILL PLACEMENT & IN–PLACE DENSITY	1704.7.2 1704.7.3
SOILS – INVESTIGATIONS (BORINGS/TEST PITS) (TR4)	1704.7.4
PILE FOUNDATIONS & DRILLED PIER INSTALLATION (TR5)	1704.8
PIER FOUNDATIONS	1704.9
WALL PANELS, CURTAIN WALLS AND VENEERS (ATTACHMENT TO BUILDING)	1704.10
SPRAYED FIRE RESISTANT MATERIALS	1704.11
STRUCTURAL SAFETY – STRUCTURAL STABILITY	1704.19
EXCAVATION – SHEETING, SHORING AND BRACING	1704.19 & 3304.4.1
FIRESTOP, DRAFTSTOP AND FIREBLOCK SYSTEMS	1704.25
PROGRESS INSPECTION	
FOOTING AND FOUNDATION	109.3.1
FINAL	28–116.2.4.2 & 109.5 AND DIRECTIVE 14–(1975)

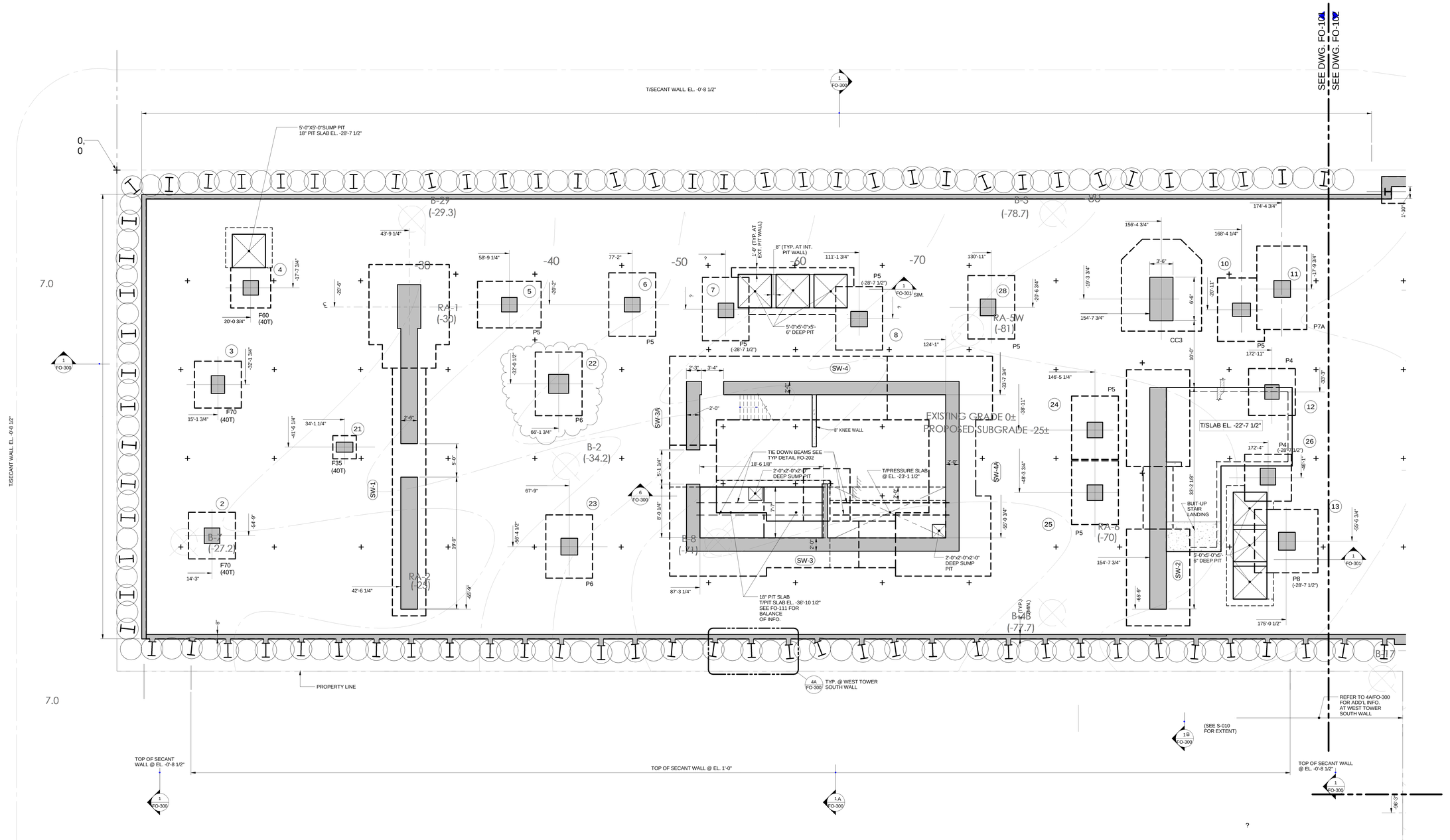
* THESE TEST MUST BE PERFORMED BY A LICENSED CONCRETE TESTING LAB.

NOTES:
1. REFER TO THE PROJECT SPECIFICATIONS FOR ADDITIONAL INFORMATION ON SCOPE AND DETAILED REQUIREMENTS FOR INSPECTIONS.
2. ALL SPECIAL INSPECTIONS SHALL BE PERFORMED IN ACCORDANCE WITH CHAPTER 17 OF THE NEW YORK CITY BUILDING CODE BY THE APPROVED SPECIAL INSPECTION AGENCY RETAINED BY THE OWNER AND ACCEPTABLE TO THE ENGINEER OF RECORD.
3. REPORTS OF RESULTS SHALL BE SUBMITTED TO THE OWNER AND ARCHITECT FOR REVIEW. SIGNED COPIES OF ALL TESTS AND INSPECTION REPORTS SHALL BE FILED WITH THE BUILDING DEPARTMENT (THROUGH THE APPLICANT).
4. REPORTS SHALL STATE WHETHER RESULTS COMPLY WITH CONTRACT REQUIREMENTS, SUMMARIZE THE TYPE OF TEST, THE LOCATION OR COMPONENT TESTED, AND RECOMMEND ANY REMEDIAL MEASURES REQUIRED. REPORT SHOULD NOTE ANY OTHER DEVIATIONS FROM THE CONTRACT DOCUMENTS.
5. FOR ITEMS OF WORK OF OTHER TRADES WHICH ARE SUBJECT TO SPECIAL INSPECTION, SEE THE CITY OF NEW YORK BUILDING CODE, AS WELL AS ARCHITECTURAL, MECHANICAL, ELECTRICAL, PLUMBING, ETC. DRAWINGS AND SPECIFICATIONS.
6. IN ADDITION TO THE ABOVE REQUIREMENTS, ALL COLUMN SPLICE, BEAM MOMENT CONNECTIONS AT BEAMS DESIGNATED AS "LIRS" AND BRACE FRAME OR WIND TRUSS CONNECTIONS (PER S–940 SERIES OF DWGS.) SHALL COMPLY WITH THE INSPECTION REQUIREMENTS OF AWS D1.8 "STRUCTURAL WELDING CODE–SEISMIC SUPPLEMENT", IF WELDING IS PRESENT IN CONNECTION.

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STRUCTURAL ENGINEER	WSP CANTOR SEINUK 229 EAST 45TH


SEE DWG. FO-101
SEE DWG. FO-102
SEE DWG. FO-103
TISCEANT WALL EL -0'-0 1/2"
TOP OF SECANT WALL @ EL -0'-0 1/2"
TOP OF SECANT WALL @ EL -1'-0"
TOP OF SECANT WALL @ EL -4'-6 1/2"
PROPERTY LINE
TYP. @ WEST TOWER SOUTH WALL
EXISTING GRADE El+
PROPOSED SUBGRADE -25±
TISLAB EL. -22'-7 1/2"
B-29 (-29.3)
B-2 (-78.7)
B-2 (-34.2)
B-27 (-27.2)
B-5 (-77.7)
B-28 (-77.7)
B-11 (-116.6)
B-16
B-18 (-137.5)
B-27
B-6
B-28 (-393.8)
RA-1 (-27)
RA-2 (-22)
RA-3W (-81)
RA-4 (-70)
RA-5 (-70)
RA-7 (-115)
RA-7S (-115)
RA-8
RA-9
RA-10S (-74)
RA-13
RA-14
RA-15 (-96)
RA-16 (-96)
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SW-5
SW-6
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SW-8
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SEE DWG. FO-101
SEE DWG. FO-102
SEE DWG. FO-103
TISCEANT WALL EL -0'-0 1/2"
TOP OF SECANT WALL @ EL -0'-0 1/2"
TOP OF SECANT WALL @ EL -1'-0"
TOP OF SECANT WALL @ EL -4'-6 1/2"
PROPERTY LINE
TYP. @ WEST TOWER SOUTH WALL
EXISTING GRADE El+
PROPOSED SUBGRADE -25±
TISLAB EL. -22'-7 1/2"
B-29 (-29.3)
B-2 (-78.7)
B-2 (-34.2)
B-27 (-27.2)
B-5 (-77.7)
B-28 (-77.7)
B-11 (-116.6)
B-16
B-18 (-137.5)
B-27
B-6
B-28 (-393.8)
RA-1 (-27)
RA-2 (-22)
RA-3W (-81)
RA-4 (-70)
RA-5 (-70)
RA-7 (-115)
RA-7S (-115)
RA-8
RA-9
RA-10S (-74)
RA-13
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RA-15 (-96)
RA-16 (-96)
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1 FO-101 FOUNDATION PLAN PART 1

SCALE: 3/16" = 1'-0"

NOTE: FOR BALANCE OF INFORMATION SEE OVERALL FOUNDATION PLAN.

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SITE DIAGRAM
36TH STREET
1ST AVENUE
FDR
35TH STREET

10.20.14	BULLETIN #3		
08/22/14	BULLETIN #2		
05.05.14	DOB FILING SET		
04.04.14	100% CONSTRUCTION DOCUMENTS		
02.20.14	ISSUED FOR FOUNDATION CONSTRUCTION	1	07.09.14 BULLETIN #1
DATE	ISSUE	NO.	DATE REVISON

THESE DRAWINGS ARE INSTRUMENTS OF SERVICE AND AS SUCH MAY NOT BE USED OR LOANED FOR THE EXECUTION OF ANY WORK ON THIS PROJECT OR COMPLETION OF THIS PROJECT BY OTHERS.

626 1ST AVENUE
NEW YORK, NY 10016

DRAWING TITLE
FOUNDATION PLAN PART 1

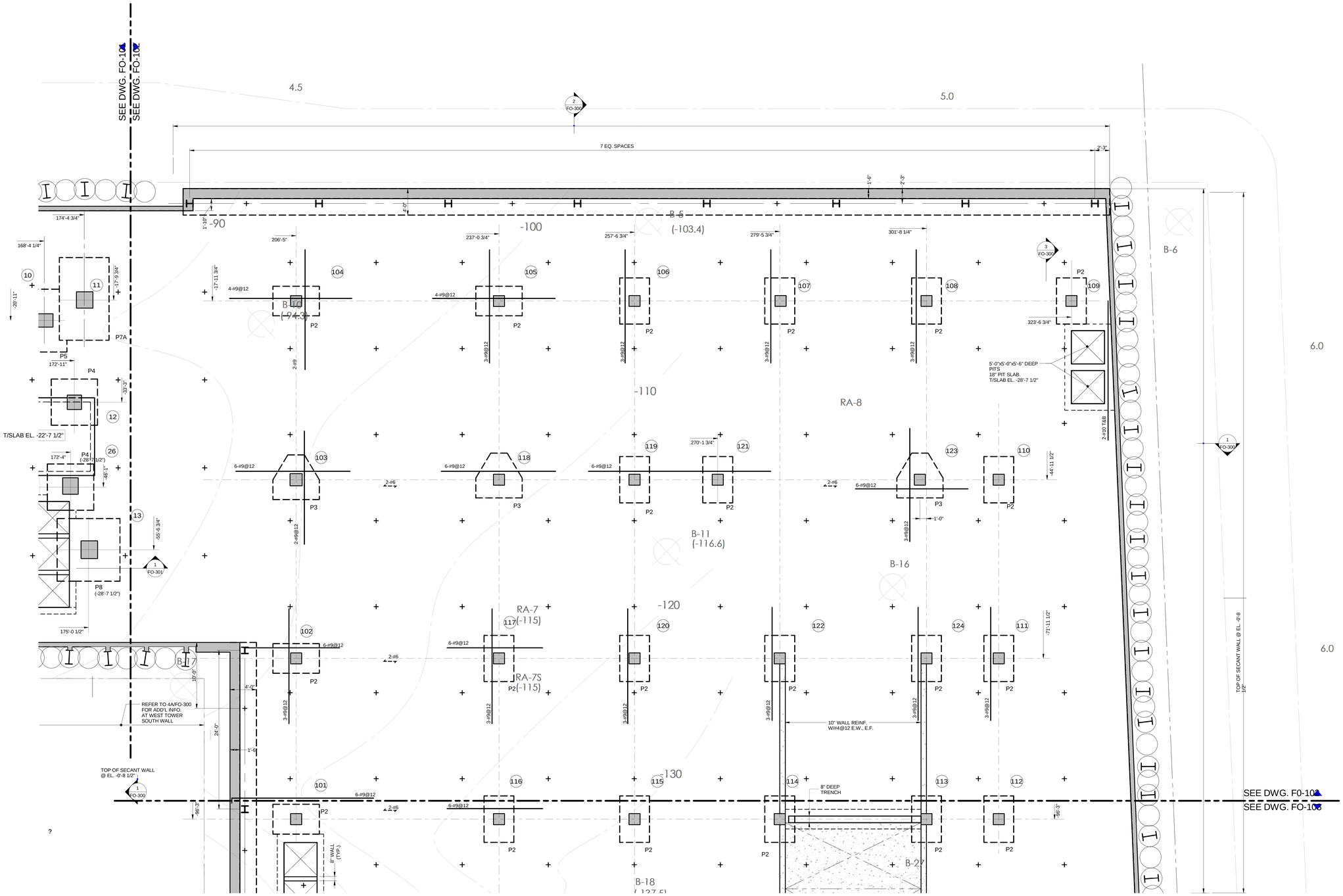
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DATE	02/26/14
PROJECT NO.	1302180
DRAWN BY	Author
CHECKED BY	Checker
DOB NO.	

DRAWING NUMBER
FO-101.00

SHEET XX OF XX

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1 FOUNDATION PLAN PART 2

FO-102 SCALE: 3/16" = 1'-0"

NOTE:
1. FOR BALANCE OF INFORMATION SEE OVERALL FOUNDATION PLAN.

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SITE DIAGRAM

DATE	ISSUE
10.20.14	BULLETIN #3
09/22/14	BULLETIN #2
05.05.14	DOB FILING SET
05.05.14	DOB FILING SET
04.04.14	100% CONSTRUCTION DOCUMENTS
02.20.14	ISSUED FOR FOUNDATION CONSTRUCTION

NO.	DATE	REVISION
1	07.09.14	BULLETIN #1

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626 1ST AVENUE

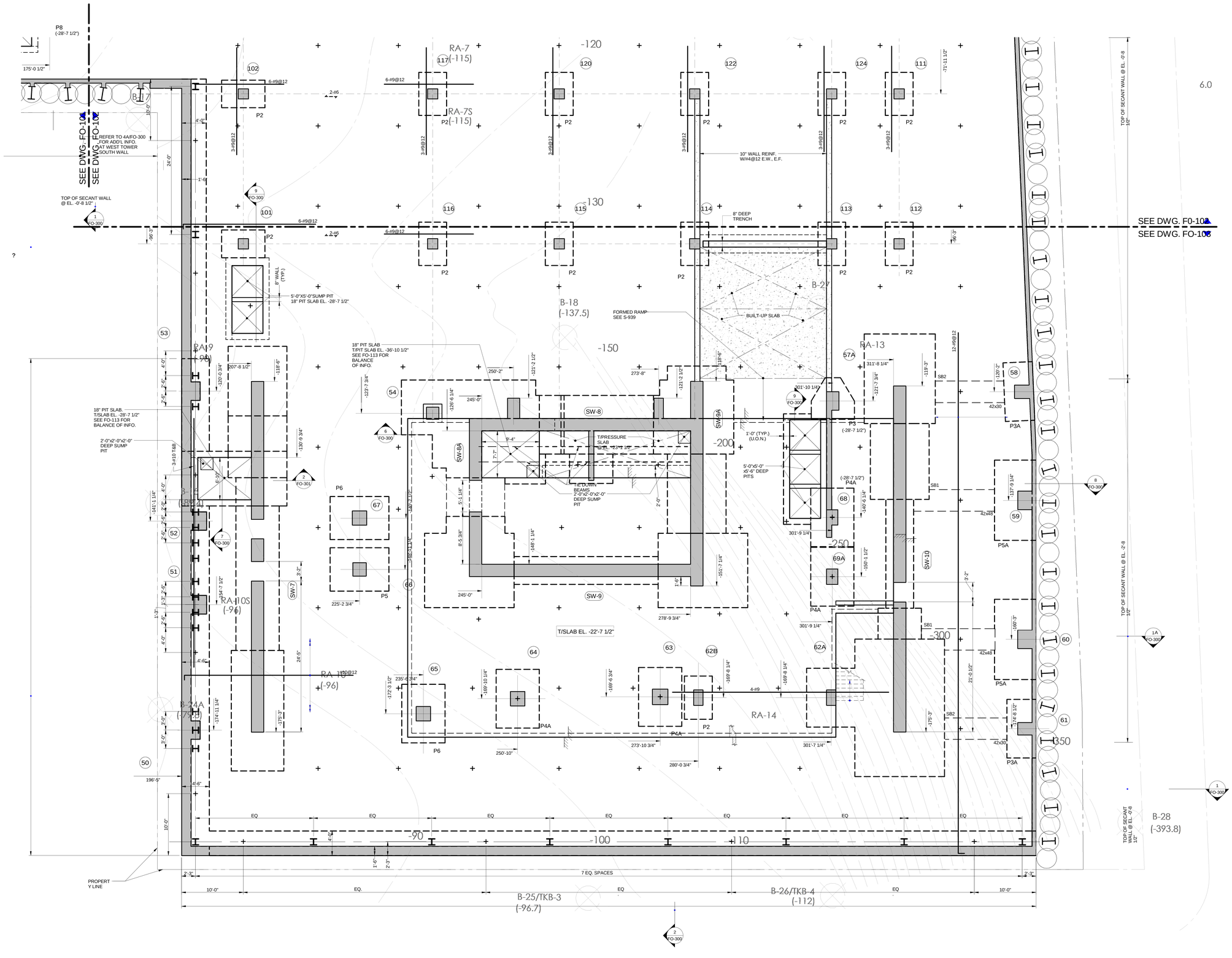
NEW YORK, NY 10016

DRAWING TITLE
FOUNDATION PLAN PART 2

SEAL & SIGNATURE

DATE	02/26/14
PROJECT NO.	1302180
DRAWN BY	Author
CHECKED BY	Checker
DOB NO.	
DRAWING NUMBER	FO-102.00

SHEET XX OF XX

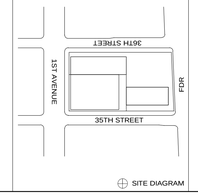


1 FO-103 FOUNDATION PLAN PART 3

SCALE 3/16" = 1'-0"

NOTE:
1. FOR BALANCE OF INFORMATION SEE OVERALL FOUNDATION PLAN.

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CODE CONSULTANT	METROPOLIS GROUP INC. 22 CORTLANDT ST, 10TH FLR NEW YORK, NY 10007 tel 212.889.9005
ELEVATOR CONSULTANT	VDA 5 REGENT ST, STE 524 LIVINGSTON, NJ 07039 tel 212.889.9005



SITE DIAGRAM

NO.	DATE	REVISION
1	07.09.14	BULLETIN #1
10.20.14		BULLETIN #3
08/22/14		BULLETIN #2
05.05.14		DOB FILING SET
04.04.14		100% CONSTRUCTION DOCUMENTS
02.20.14		ISSUED FOR FOUNDATION CONSTRUCTION

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626 1ST AVENUE

NEW YORK, NY 10016

DRAWING TITLE

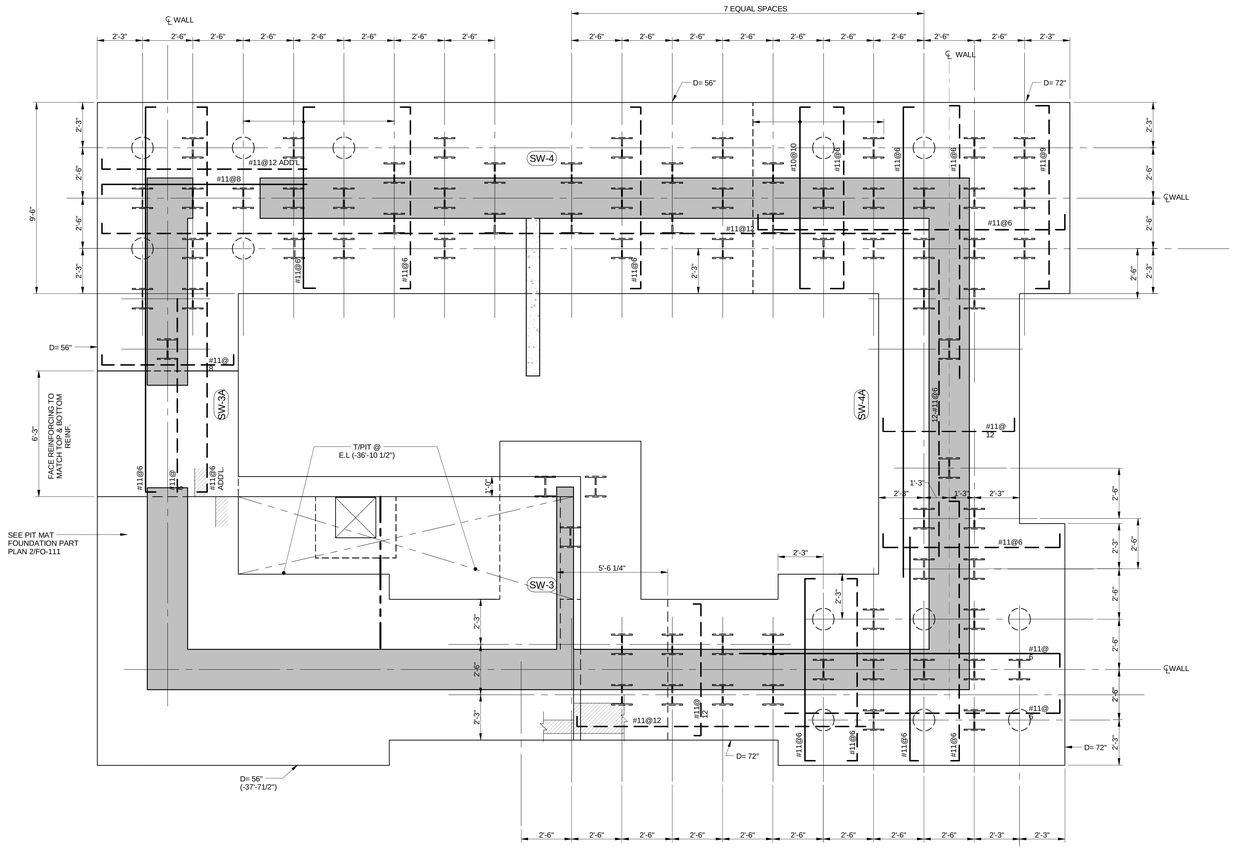
FOUNDATION PLAN PART 3

SEAL & SIGNATURE

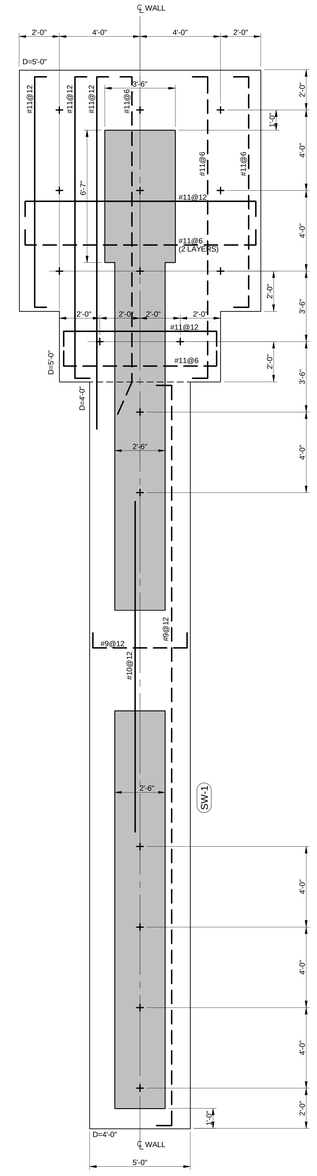
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PROJECT NO.	1302180
DRAWN BY	Author
CHECKED BY	Checker
DOB NO.	
DRAWING NUMBER	FO-103.00

SHEET XX OF XX

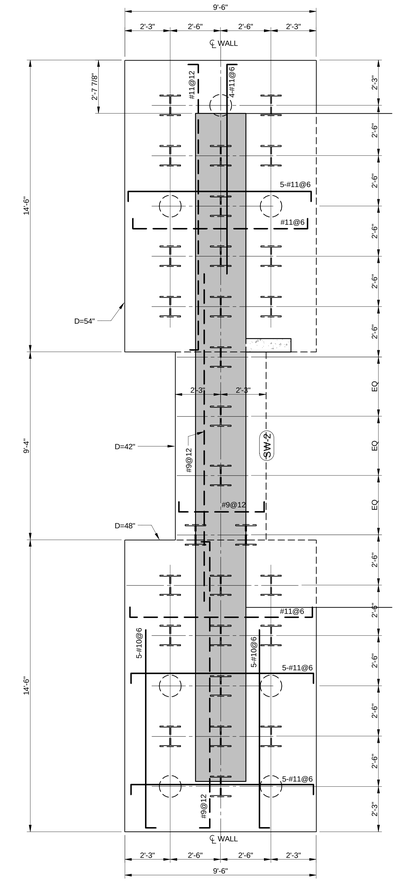
1302180 FO-103.00



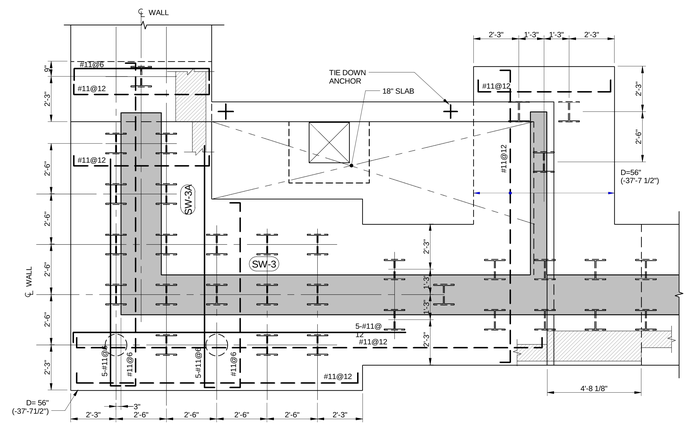
1 FO-111 **FOUNDATION MAT (SW-3, 3A, 4 & 4A)**
SCALE: 3/8" = 1'-0"



3 FO-111 **FOUNDATION MAT (SW-1) ON MIN. 40 TON/SF ROCK**
SCALE: 3/8" = 1'-0"



4 FO-111 **FOUNDATION MAT (SW-2)**
SCALE: 3/8" = 1'-0"



2 FO-111 **PART PLAN OF PIT FOUNDATION MAT (SW-3, 3A)**
SCALE: 3/8" = 1'-0"

LEGEND:

- ON PLAN INDICATES 180T CAPACITY TIE DOWN ANCHOR. (FOR DETAILS SEE DRAWING FO-200) PROVIDE MINIMUM ONE TIE DOWN 13'-0" O/C EACH WAY.
- ON PLAN INDICATES 250T TENSION/COMPRESSION CAPACITY MINI CAISSONS, (FOR DETAILS SEE DWG. FO-200)
- ON PLAN INDICATES 24"Ø CAISSON WITH 1500T COMPRESSION AND 750T TENSION CAPACITY. (FOR DETAILS SEE FO-200 SERIES)
- ON PLAN INDICATES 250T CAPACITY HP14x89 PILES. (FOR DETAILS SEE FO-200 SERIES)

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SITE DIAGRAM

DATE	ISSUE	NO.	DATE	REVISON
10.28.14	BULLETIN #3			
09/22/14	BULLETIN #2			
05.05.14	DOB FILING SET			
04.04.14	100% CONSTRUCTION DOCUMENTS			
02.20.14	ISSUED FOR FOUNDATION CONSTRUCTION			
11.15.13	50% CD			
11.07.13	SUPERSTRUCTURE BID ISSUE			
10.23.13	100% FOUNDATION CD			
08.16.13	100% DD SUBMISSION			
06.07.13	90% FOUNDATION CD			
05.07.13	80% CD FOR PURCHASING			
05.03.13	100% SD SUBMISSION	1	07.09.14	BULLETIN #1

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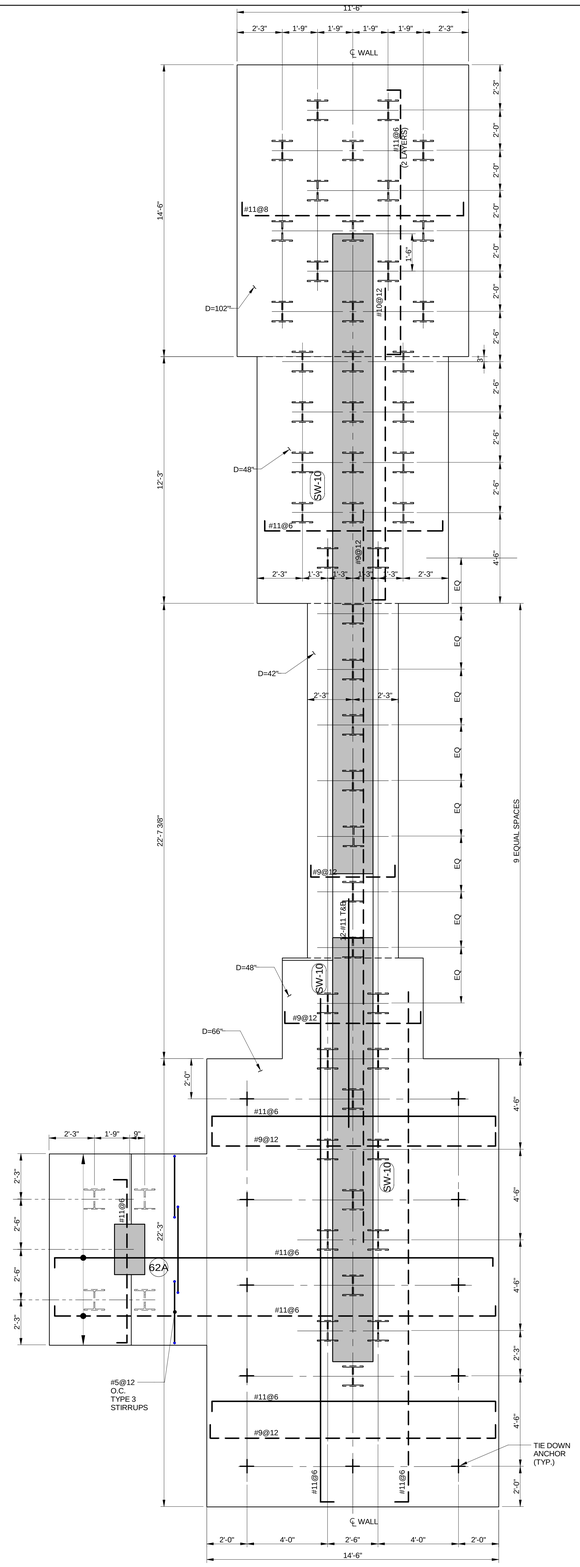
626 1ST AVENUE
NEW YORK, NY 10016

DRAWING TITLE
MAT FOUNDATION DETAILS 1

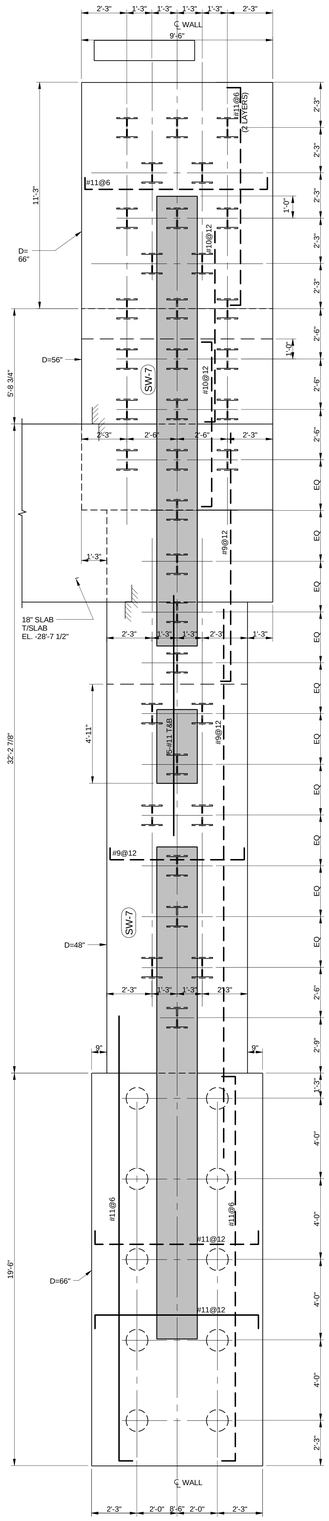
SEAL & SIGNATURE

DATE	04/30/13
PROJECT NO.	1302180
DRAWN BY	CADD
CHECKED BY	SR
DOB NO.	
DRAWING NUMBER	FO-111.00

SHEET XX OF XX



1 FO-112 **FOUNDATION MAT (SW-10)**
SCALE 3/8" = 1'-0"



2 FO-112 **FOUNDATION MAT (SW-7)**
SCALE 3/8" = 1'-0"

LEGEND:

- ON PLAN INDICATES 180T CAPACITY TIE DOWN ANCHOR. (FOR DETAILS SEE DRAWING FO-200) PROVIDE MINIMUM ONE TIE DOWN 13'-0" O/C EACH WAY.
- ON PLAN INDICATES 250T TENSION/COMPRESSION CAPACITY MINI CAISSONS, (FOR DETAILS SEE DWG. FO-200)
- ON PLAN INDICATES 24"Ø CAISSON WITH 1500T COMPRESSION AND 750T TENSION CAPACITY. (FOR DETAILS SEE FO-200 SERIES)
- ON PLAN INDICATES 250T CAPACITY HP14x89 PILES. (FOR DETAILS SEE FO-200 SERIES)

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SITE DIAGRAM

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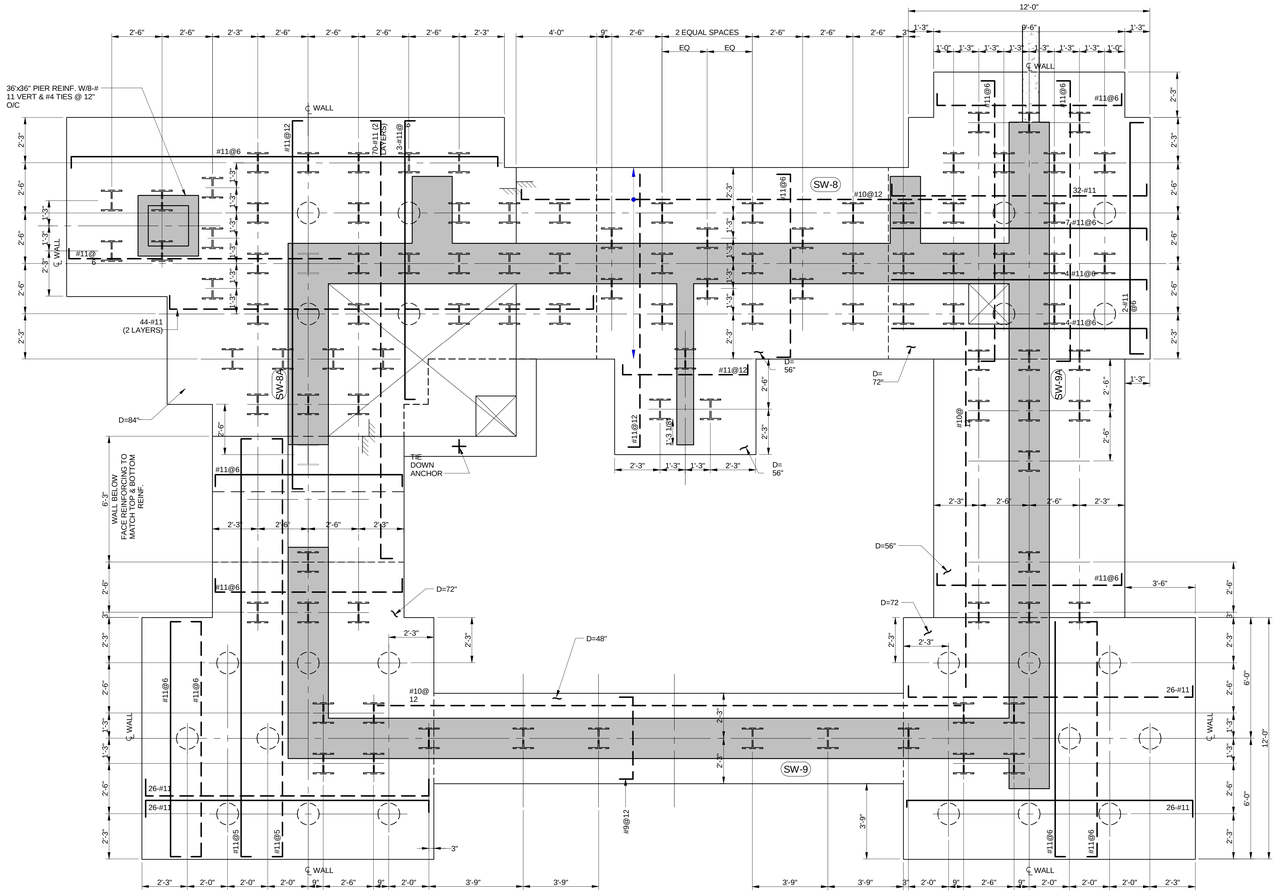
MAT FOUNDATION DETAILS 2

SEAL & SIGNATURE

DATE	05/01/13
PROJECT NO.	1302180
DRAWN BY	CADD
CHECKED BY	SH
DOB NO.	
DRAWING NUMBER	FO-112.00

SHEET XX OF XX

1302180 FO-112.00.dwg



1 FO-113 **FOUNDATION MAT (SW-8, 8A, 9, 9A)**

SCALE: 3/8" = 1'-0"

LEGEND:

ON PLAN INDICATES 180T CAPACITY TIE DOWN ANCHOR. (FOR DETAILS SEE DRAWING FO-200) PROVIDE MINIMUM ONE TIE DOWN 13'-0" O/C EACH WAY.

ON PLAN INDICATES 250T TENSION/COMPRESSION CAPACITY MINI CAISSONS, (FOR DETAILS SEE DWG. FO-200)

ON PLAN INDICATES 24'Ø CAISSON WITH 1500T COMPRESSION AND 750T TENSION CAPACITY. (FOR DETAILS SEE FO-200 SERIES)

ON PLAN INDICATES 250T CAPACITY HP14x89 PILES. (FOR DETAILS SEE FO-200 SERIES)

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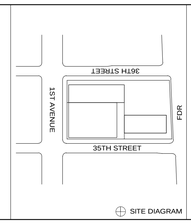
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05.03.13	100% SD SUBMISSION

NO.	DATE	REVISION
2.	09.15.14	BULLETIN #2
1.	07.09.14	BULLETIN #1

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DRAWING TITLE

MAT FOUNDATION DETAILS 3

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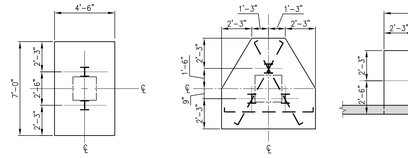
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PROJECT NO.	1302180
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DOB NO.	

DRAWING NUMBER

FO-113.00

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1302180 FO-113.00.dwg

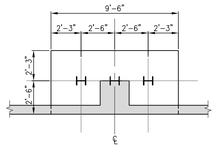


P2

DEPTH: 3'-3"
REINF: 6-#9 E.W.

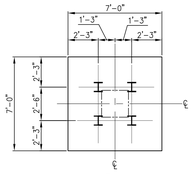
P3

DEPTH: 4'-0"
REINF: 7-#10 E.W. (3 WAYS)



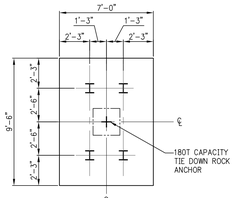
P3A

DEPTH: 4'-0"
REINF: 9-#11 L.W.
10-#8 S.W.



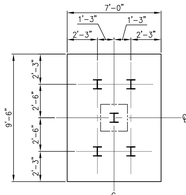
P4

DEPTH: 4'-6"
REINF: 8-#10 E.W.



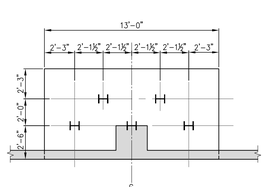
P4A

DEPTH: 4'-6"
REINF: 15-#11 E.W.



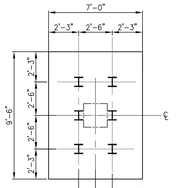
P5

DEPTH: 4'-9"
REINF: 11-#11 L.W.
8-#11 S.W.



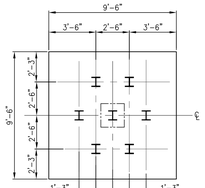
P5A

DEPTH: 5'-0"
REINF: 16-#11 L.W.
14-#9 B S.W.



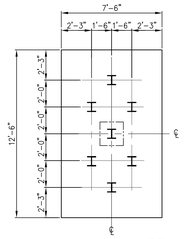
P6

DEPTH: 5'-9"
REINF: 11-#11 L.W.
10-#11 S.W.



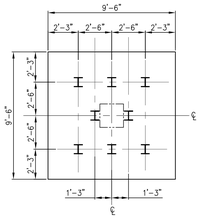
P7

DEPTH: 5'-9"
REINF: 11-#11 E.W.



P7A

DEPTH: 5'-9"
REINF: 12-#11 L.W.
13-#10 S.W.

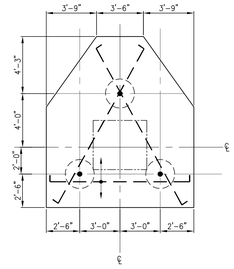


P8

DEPTH: 6'-0"
REINF: 14-#11 E.W.

250 TON CAPACITY PILE CAP DETAILS

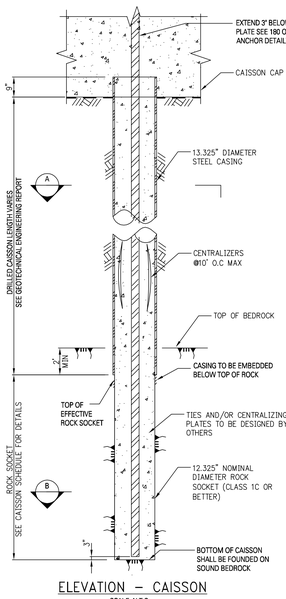
NOTE:
ALL REINFORCEMENT IS BOTTOM REINFORCEMENT, U.O.N.
(f'c PILE CAP = 7000psi, U.O.N.)
ALL BOTTOM REBARS IN P.C. TO BE HOOKED 90° EACH END



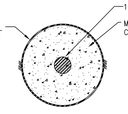
CC3

DEPTH: 6'-8"
REINF: 10-#11 TOP (3 WAY)
14-#10 @ 6 (BOTT. 3 WAY)
(f'c = 8000psi)

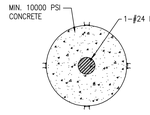
3-1500 TON COMPRESSION/750 TON TENSION CAPACITY CAISSON CAP DETAIL



ELEVATION – CAISSON
SCALE: N.T.S



SECTION A
SCALE: N.T.S.



SECTION B
SCALE: N.T.S.

CAISSON SCHEDULE					
CAISSON OUTSIDE DIAMETER (IN)	ROCK SOCKET DIAMETER TYP.(IN)	ROCK SOCKET LENGTH MIN (FT)	CAISSON CAPACITY		STEEL REINFORCEMENT (GRADE 150)
			AXIAL (KIPS)	UPLIFT (KIPS)	
13.325	12.325	10	500	500	1-#24 BARS

NOTES:

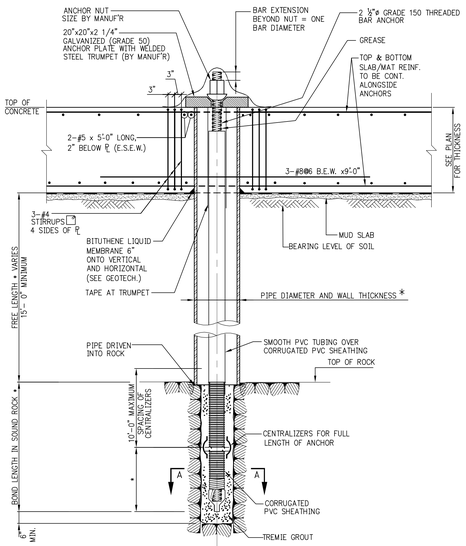
1. GENERAL:
   A. CAISSONS SHALL BE MINIMUM 18 INCHES CLEAR FROM ADJACENT STRUCTURES..
   B. CONTRACTOR TO SUBMIT DESIGN AND DETAILS PREPARED AND SIGNED BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF NEW YORK.
   C. ALL CAISSONS SHALL BE INSTALLED IN THE LOCATIONS AS SHOWN ON THE CONTRACT DRAWINGS.
   D. REJECTED CAISSON SHELLS SHALL BE FILLED WITH CONCRETE.
2. REINFORCEMENT:
   A. ALL CAISSONS SHALL BE REINFORCED WITH DYWIDAG/WILLIAMS/SAS THREADED BARS OR APPROVED EQUIVALENT WITH STEEL SHOWN IN CAISSON SCHEDULE.
   B. ALL REINFORCEMENT SHALL CONFORM TO THE GRADE OF STEEL AS SPECIFICED IN THE CAISSON SCHEDULE.
   C. MECHANICAL COUPLERS SHALL BE USED AS NEEDED TO MAKE UP REQUIRED LENGTHS.
   D. CAISSON REINFORCEMENT EXTENDING INTO THE CAP SHALL BE DEVELOPED AS SHOWN IN THE SECTIONS AND DETAILS.
   E. CENTRALIZERS SHALL BE PLACED ON REINFORCEMENT TO CENTER THE STEEL WITHIN THE CAISSON AT A MAXIMUM SPACING OF 10 FT C/C.
3. INSTALLATION:
   A. SET UP DRILL RIG ON PROPER LOCATION AND PLUMB MAST.
   B. INSTALL FIRST PIECE OF CASING WITH ATTACHED CARBIDE CUTTING TEETH AND INSTALL INNER ROD AND DRILL.
   C. DRILL CASING DOWN WITH EITHER WATER OR WATER AND POLYMER DRILLING MUD, AS NECESSARY
   D. FOLLOW UP WITH ADDITIONAL RODS AND CASING UNTIL CORRECT TIP ELEVATION IS REACHED AND CASING IS EMBEDDED IN ROCK.
   E. DRILL THE SOCKET.
   F. FLUSH HOLE WITH CLEAN WATER.
   G. BEFORE PLACEMENT OF CONCRETE, THE SOCKET SHALL BE THOROUGHLY CLEANED AND THE ROCK INSPECTED TO VERIFY THAT THE ROCK IS OF THE CLASS ON WHICH THE DESIGN HAS BEEN PREDICATED, OR OF A BETTER CLASS. PERFORM VISUAL INSPECTION (VIDEO SURVEY) OF ROCK SOCKET.
   H. INTRODUCE REINFORCEMENT AS REQUIRED.
   I. PLACE GROUT PIPE TO WITHIN 1 FT OF THE BOTTOM OF HOLE AND PUMP GROUT UNTIL CLEAN GROUT FLOWS OUT OF THE TOP.

TYPICAL MINI CAISSON DETAIL

SCALE: ½" = 1'-0"

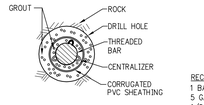
NOTES:

1. WHERE SLAB IS POURED OVER FOUNDATION PRIOR TO COLUMN, VERTICAL REINFORCING AND DOWEL LAP TO START AT TOP OF SLAB.
2. L INDICATES LENGTH OF THE PILES.
3. ✱ INDICATES THAT DEPTH OF PILE CAP SHALL BE INCREASED BY 9" WHEN LENGTH OF THE PILES (L) IS 7'-0"< L< 10'-0" (I.E. PILE EMBED. = 1'-3")
4. ✱✱ PILE CAP REINF. PLACED EITHER SIDE OF PILE WHEN PILE EMBED. = 1'-3"
5. IF LENGTH OF PILES IS LESS THAN 7'-0", PILES SHALL BE CUT AT ROCK LEVEL AND PILE CAP SHALL BE EXTENDED DOWN TO REST ON A MINIMUM 40 TON/SF ROCK.



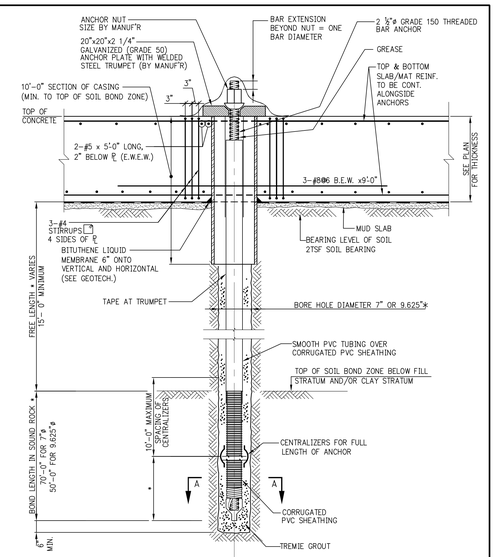
TIE-DOWN ROCK ANCHOR AT PRESURE SLAB (180 TON CAPACITY IN TENSION)

NOTE:
1. ✱ INDICATES COORDINATE WITH GEOTECH.
2. SEE GEOTECH. FOR SOIL ANCHOR DETAILS
3. TIEDOWN SHOULD BE TESTED AGAINST TOP OF CASING PRIOR TO CONSTRUCTION OF PRESSURE SLAB.



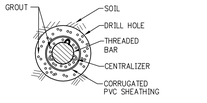
SECTION A-A

RECOMMENDED GROUT MIX
1 BAG – PORTLAND CEMENT TYPE III
5 GALLONS – POTABLE WATER
1/2 LB. SIKA ENTRAPLAST "N"



TIE-DOWN SOIL ANCHOR AT PRESURE SLAB (180 TON CAPACITY IN TENSION)

NOTE:
1.✱ INDICATES COORDINATE WITH GEOTECH.
2. SEE GEOTECH. FOR SOIL ANCHOR DETAILS
3. TIEDOWN SHOULD BE TESTED PRIOR TO CONSTRUCTION OF PRESSURE SLAB

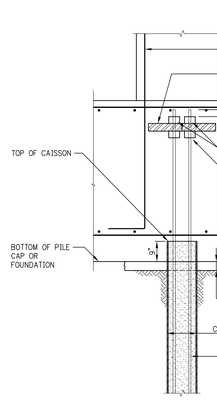


SECTION A-A

RECOMMENDED GROUT MIX
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5 GALLONS – POTABLE WATER
1/2 LB. SIKA ENTRAPLAST "N"

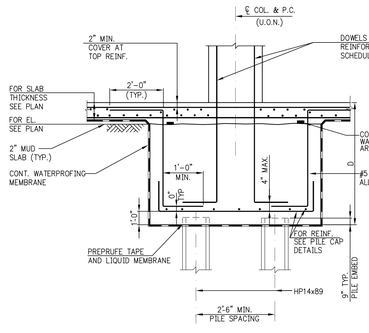
D. ROCK ANCHOR GENERAL NOTES

1. ROCK ANCHORS SHALL BE IN CONFORMANCE WITH LATEST PTI (POST – TENSIONING INSTITUTE) "RECOMMENDATIONS FOR PRESTRESSED ROCK AND SOIL ANCHORS", FOR SIZES AND LOCATIONS SEE FOUNDATION DRAWINGS.
2. ALL ROCK ANCHORS SHALL BE GRADE 150 THREADED BARS CONFORMING TO ASTM A-722. THREADED BARS SHALL BE PROVIDED WITH SHOP FABRICATED DOUBLE CORROSION PROTECTION. THREADED BARS, ANCHORAGE'S, CENTRALIZERS, ACCESSORIES, CORROSION PROTECTION SYSTEM, ETC. SHALL BE PROVIDED BY SAS STRESSTEEL OR APPROVED EQUAL.
3. THREADED BARS SHALL BE ENCAPSULATED WITH HIGH STRENGTH PVC CORRUGATED SHEATHING (COMPRESSIVE STRENGTH = 7,000 PSI) AND SHALL BE PRE-GROUTED BY THE MANUFACTURER.
4. PLATES SHALL CONFORM TO ASTM A-36.
5. ANCHOR NUTS AND COUPLERS SHALL BE CAPABLE OF DEVELOPING 100% OF THE ULTIMATE STRENGTH OF THE THREADED BAR.
6. CARE MUST BE TAKEN NOT TO DAMAGE THE TENDONS. KEEP ALL COMPONENTS OF THE SYSTEM FREE OF DIRT OR OTHER DELETERIOUS SUBSTANCES.
7. DO NOT WELD IN THE VICINITY OF THE THREADED BARS.
8. DO NOT USE ANCHORS AS A GROUND FOR WELDING.
9. THE FIRST THREE ANCHORS INSTALLED, AND TEN PER CENT OF REMAINING ANCHORS, SHALL BE PERFORMANCE TESTED. ALL OTHER ANCHORS SHALL BE PROOF TESTED. ALL TESTS SHALL BE PERFORMED USING A CALIBRATED CENTER HOLE JACK.
10. PERFORMANCE TESTS SHALL BE MADE BY INCREMENTALLY LOADING AND UNLOADING THE ANCHOR IN ACCORDANCE WITH THE FOLLOWING SCHEDULE, WHERE AL= ALIGNMENT LOAD AND P= DESIGN LOAD:
    10.1 AL, .25P
    10.2 AL, .25P, .50P
    10.3 AL, .25P, .50P, .75P
    10.4 AL, .25P, .50P, .75P, 1.00P
    10.5 AL, .25P, .50P, .75P, 1.00P, 1.20P
    10.6 AL, .25P, .50P, .75P, 1.00P, 1.20P, 1.33P (TEST LOAD)
    HOLD 1.33P FOR CREEP TEST. RECORD MOVEMENTS AT EACH INCREMENT USING A DIAL INDICATOR CAPABLE OF READING INCREMENTS OF .001 INCH, ALL IN CONFORMANCE WITH PTI RECOMMENDATIONS. RELEASE TO TRANSFER LOAD AND LOCK OFF ANCHOR NUT.
11. PROOF TESTS SHALL BE MADE BY INCREMENTALLY LOADING THE ANCHOR: AL, .25P, .50P, .75P, 1.00P, 1.20P, 1.33P (TEST LOAD, TEN MINUTE HOLD) RECORD MOVEMENTS AT EACH INCREMENT IN CONFORMANCE WITH PTI RECOMMENDATIONS. RELEASE TO TRANSFER LOAD AND LOCK OFF ANCHOR NUT.
12. CONTRACTOR SHALL SUBMIT ANCHOR SHOP DRAWING(S) FOR APPROVAL PRIOR TO COMMENCING ANCHOR INSTALLATION. SHOP DRAWING(S) SHALL CONTAIN ANCHOR DETAILS, AND INSTALLATION AND TESTING PROCEDURES.



TYPICAL CROSS SECTION THROUGH CAISSON CAP

EACH CAISSON SHOULD HAVE 24"ø x 0.5" THICK CASING EMBEDDED INTO BEDROCK, A 20-FT ROCK SOCKET, 7-#24 GRADE 75ksi THREADED BARS EXTENDING FULL LENGTH INTO THE ROCK SOCKET,10ksi GROUT. (SEE GEOTECHNICAL ENGINEERS DETAILS AND SPECIFICATIONS).



TYPICAL CROSS SECTION THRU PILE CAP

FOR WATERPROOFING DETAILS SEE GEOTECH./ARCH. SPECIFICATIONS DWGS.

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229 EAST 45TH ST, 3RD FLR
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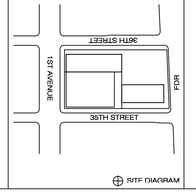
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SITE DIAGRAM

DATE	ISSUE
10.30.14	BULLETIN #3
08.20.14	BULLETIN #2
06.06.14	DOB FILING SET
04.04.14	ISSUED FOR 100% CONSTRUCTION DOCUMENTS
02.20.14	ISSUED FOR FOUNDATION CONSTRUCTION
11.16.13	90% CD
11.07.13	SUPERSTRUCTURE BID ISSUE
10.23.13	100% FOUNDATION CD
08.16.13	100% DD SUBMISSION
06.07.13	90% FOUNDATION DD
05.07.13	60% CD FOR PURCHASING
05.03.13	100% SD SUBMISSION

DATE	ISSUE	NO.	DATE	REVISION
		07.09.14	BULLETIN #1	

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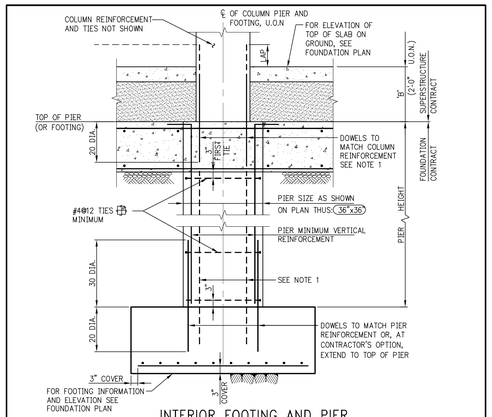
DRAWING TITLE
FOUNDATION TYPICAL DETAILS 1

SEAL & SIGNATURE

DATE	05/16/1
PROJECT NO.	130218
DRAWN BY	CADI
CHECKED BY	SJ-I
DOB NO.	

DRAWING NUMBER
FO-200.00

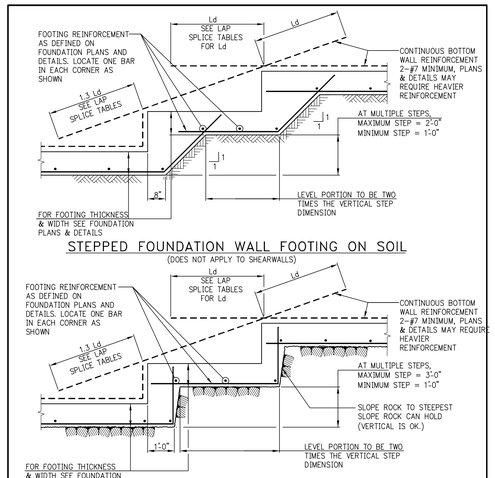
SHEET XX OF XX



INTERIOR FOOTING AND PIER AT CONCRETE COLUMN

NOTES:

1. WHERE PIER HEIGHT IS LESS THAN EMBEDMENT LENGTH OF COLUMN DOWELS, EMBED DOWELS IN FOOTING AND EXTEND THROUGH PIER INTO COLUMN ABOVE.
2. AT CONTRACTOR'S OPTION, A SHORT PIER MAY BE ELIMINATED BY THICKENING THE COLUMN FOOTING TO THE TOP OF PIER ELEVATION.
3. MAXIMUM PIER HEIGHT TO BE EIGHT TIMES THE LEAST PIER DIMENSION. INCREASE PIER SIZE AS REQUIRED TO MAINTAIN THIS RATIO.

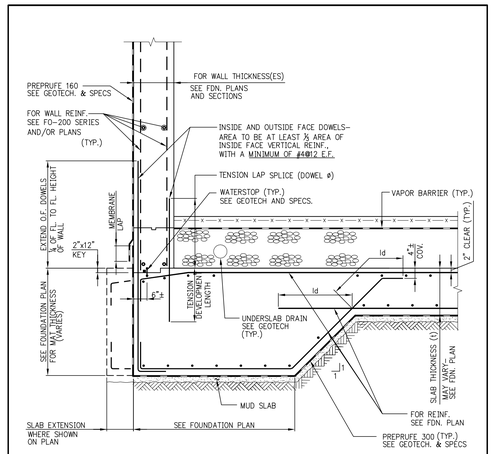


STEPPED FOUNDATION WALL FOOTING ON SOIL

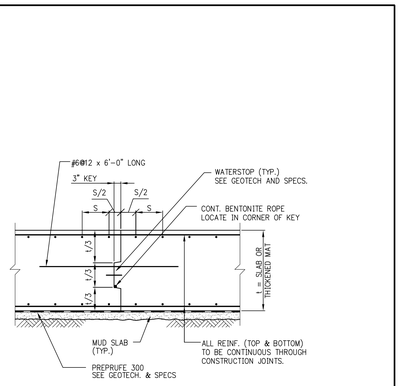
(DOES NOT APPLY TO SHEARWALLS)

STEPPED FOUNDATION WALL FOOTING ON ROCK

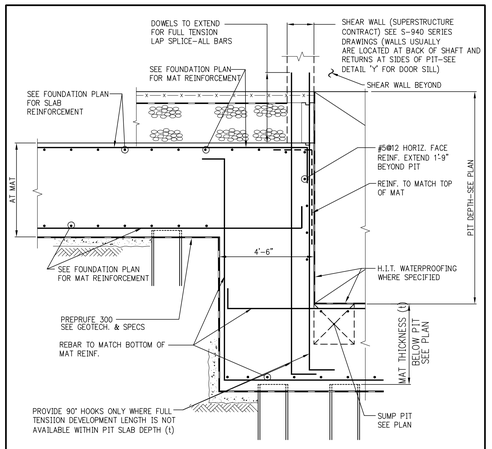
(DOES NOT APPLY TO SHEARWALLS)



MAT FOUNDATION AT EXTERIOR WALL

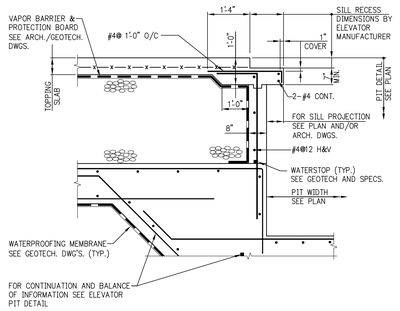


MAT FOUNDATION CONSTRUCTION JOINT

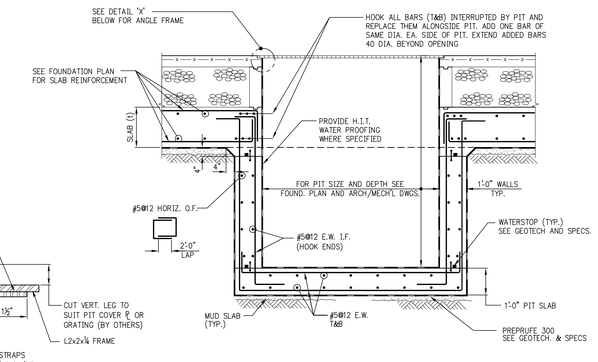


MAT FOUNDATION ELEVATOR PIT (3 SIDES)

SEE DETAIL 'Y' FOR FOURTH SIDE

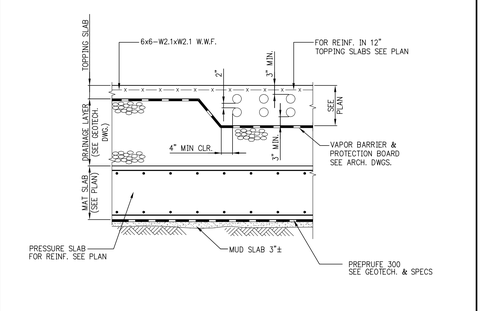


ELEVATOR DETAIL 'Y' AT SILL RECESS

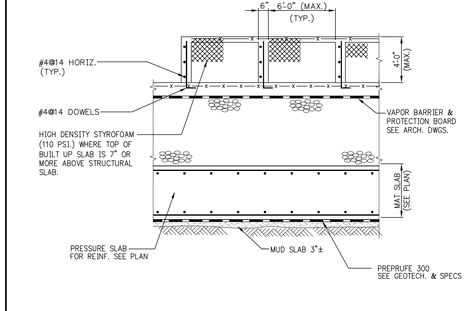


DETAIL X

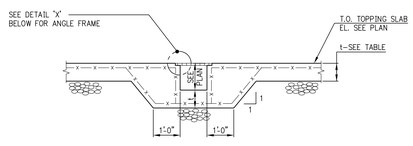
MAT FOUNDATION PIT IN SLAB AREA



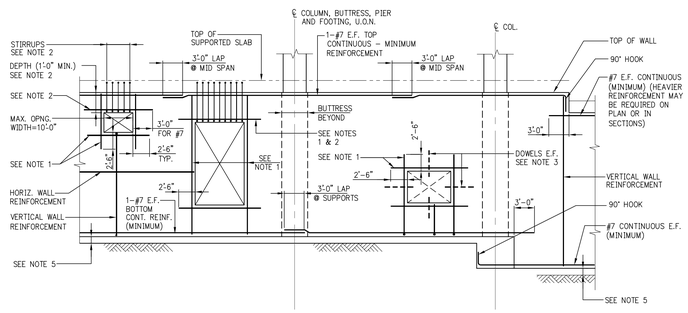
TYPICAL CONDUIT CONCRETE ENCASEMENT DETAIL IN TOPPING SLAB



TYPICAL DETAILS OF BUILT UP SLABS OVER TOPPING SLAB ON GRAVEL



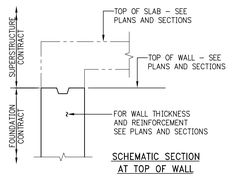
TYPICAL TRENCH DETAIL IN TOPPING SLAB



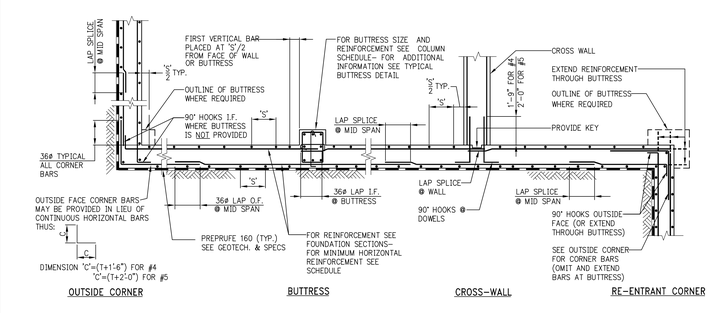
FOUNDATION WALL ELEVATION SHOWING REINFORCEMENT AT OPENINGS AND MISCELLANEOUS DETAILS

NOTES:

1. ADD #5 BARS (HORIZ. & VERT.) AT ALL FOUR EDGES OF OPENINGS. AREA OF ADDED BARS AT EACH EDGE TO BE EQUAL TO ONE HALF OF AREA OF INTERRUPTED BARS IN THE CORRESPONDING DIRECTION. PROVIDE A MINIMUM OF 1—#5 E.F.
2. WHERE TOP EDGE OF OPENING IS LESS THEN 2'-6" FROM TOP OF WALL ADD 1—#7 E.F. (IN LIEU OF #5) OVER OPENING. PROVIDE #4 [ ] STIRRUPS @ 8" EXTEND INTO SLAB WITH 2" COVER AT TOP OF STIRRUPS.
3. AT UTILITY ACCESS OPENINGS WHICH ARE TO BE FILLED IN WITH CONCRETE, PROVIDE DOWELS PROJECTING 1'-0" INTO OPENING. EITHER EXTEND HORIZONTAL AND VERTICAL WALL REINFORCEMENT, OR ADD #4@12± E.F. DOWELS x2'-6" LONG.
4. FOR ACTUAL OPENING SIZES AND LOCATIONS, SEE PLANS, SECTIONS, ARCHITECTURAL DWGS., AND MEP DWGS. SUBMIT SHOP DRAWINGS WITH WALL ELEVATIONS SHOWING ALL OPENINGS AND REINFORCEMENT.
5. PROVIDE FOOTING OR CONCRETE MUD SLAB TO SUPPORT WALL FORMS AND WET CONCRETE. SEE FOUNDATION SECTIONS ON FS-300 SERIES DRAWINGS FOR ADDITIONAL DETAILS.



SCHEMATIC SECTION AT TOP OF WALL



MINIMUM HORIZONTAL WALL REINFORCEMENT REQUIRED AT EACH FACE	
T = WALL THICKNESS	HORIZONTAL REINFORCEMENT
UP TO 10"	#4@18 E.F.
11" TO 12"	#4@16 E.F.
13" TO 16"	#4@12 E.F.
17" TO 20"	#4@10 OR #5@15 E.F.
21" TO 22"	#4@9 OR #5@12 E.F.
23" TO 24"	#4@8 OR #5@12 E.F.
OVER 24"	SEE PLANS AND SECTIONS

HORIZONTAL SECTION SHOWING PLACEMENT OF FOUNDATION WALL REINFORCEMENT

NOTE:
VERTICAL CONSTRUCTION JOINT IN WALL IS NOT SHOWN HERE— SEE TYPICAL CONSTRUCTION JOINT DETAIL.

FOR WATERPROOFING DETAILS SEE GEOTECH./ARCH. SPECIFICATIONS DWGS.

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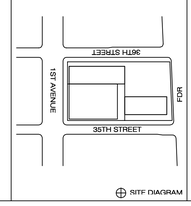
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10.20.14		BULLETIN #3
08.22.14		BULLETIN #2
05.05.14		DOB FILING SET
04.04.14		ISSUED FOR 100% CONSTRUCTION DOCUMENTS
02.20.14		ISSUED FOR FOUNDATION CONSTRUCTION
11.19.13		90% CD
11.01.13		SUPERSTRUCTURE IMD ISSUE
10.23.13		100% FOUNDATION CD
09.16.13		100% DD SUBMISSION
06.07.13		90% FOUNDATION DD
05.07.13		80% DD FOR PURCHASING
05.03.13		100% SD SUBMISSION
07.09.14		BULLETIN #1

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DRAWING TITLE

FOUNDATION TYPICAL DETAILS 2

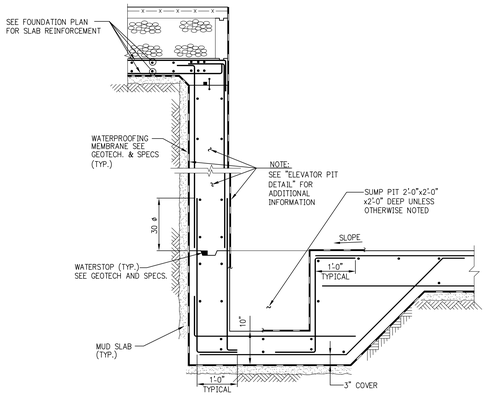
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PROJECT NO.	130218
DRAWN BY	CADI
CHECKED BY	SJ
DOB NO.	

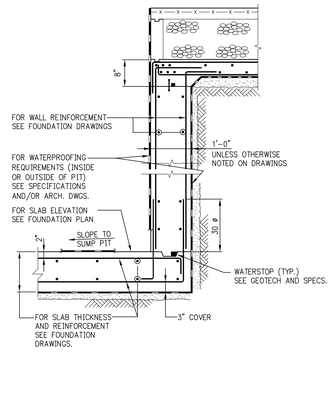
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SHEET XX OF XX

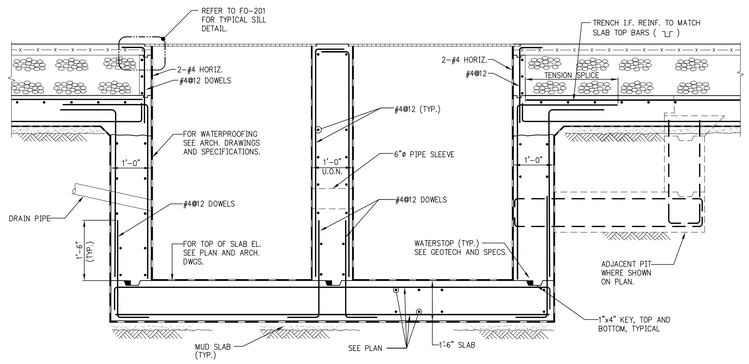


ELEVATOR PIT SILL AND SUMP PIT

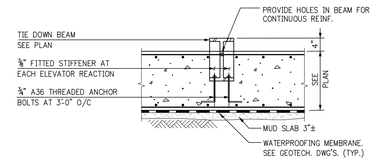


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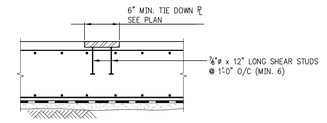
NOTE:
PROVIDE ELEVATOR TIE-DOWN BEAM AS REQUIRED.
SEE PLAN AND "ELEVATOR TIE-DOWN BEAM" DETAIL.



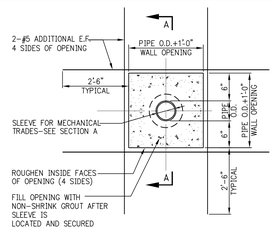
TYPICAL DOUBLE PIT



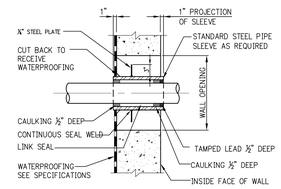
TYPICAL ELEVATOR TIE DOWN BEAM DETAIL
NOTE: FOR LOCATIONS SEE FO-100



ALTERNATE ELEVATOR TIE DOWN DETAIL
NOTE: FOR LOCATIONS SEE FO-100

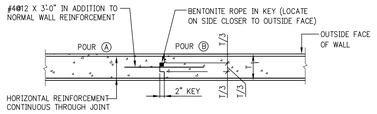


BOX-OUT OPENING THROUGH FOUNDATION WALL

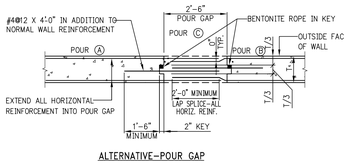


SECTION A-A

WATERPROOFED SLEEVE THROUGH WALL WITH WATERPROOFING



PLAN VIEW OF JOINT

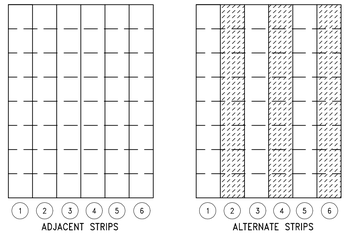


ALTERNATIVE-POUR GAP

VERTICAL CONSTRUCTION JOINT IN FOUNDATION WALL

NOTES:

1. CONSTRUCTION JOINTS IN WALLS SHALL BE LOCATED AT LEAST FOUR FEET FROM FACE OF SUPPORTING PIER, FOOTING, PILE CAP, ETC, OR FROM WALL OPENING.
2. MAXIMUM SPACING BETWEEN JOINTS SHALL BE FORTY FEET UNLESS NOTED OTHERWISE ON THE FOUNDATION DRAWINGS.
3. CONCRETE SHALL NOT BE PLACED IN THE POUR GAP UNTIL 24 HOURS AFTER PLACEMENT OF THE MOST RECENT ADJACENT SECTION.
4. FOR JOINTS IN SHEARWALLS SEE DETAILS IN S-940 SERIES.



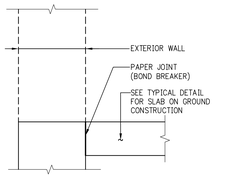
SUGGESTED SEQUENCE OF CASTING STRIPS

SLAB ON GROUND NOTES:

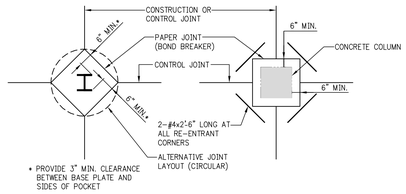
1. SLAB ON GROUND SHALL BE PLACED IN STRIPS, AS SHOWN IN "SUGGESTED SEQUENCE OF CASTING STRIPS".
2. CONTROL JOINTS SHALL BE SAWCUT AS SOON AS CONCRETE IS HARD ENOUGH NOT TO BE TORN OR DAMAGED BY THE BLADE, AND BEFORE THE CONCRETE STARTS TO COOL. TYPICALLY JOINTS SHOULD BE CUT 4 TO 12 HOURS AFTER THE SLAB HAS BEEN FINISHED, DEPENDING UPON WEATHER AND JOB CONDITIONS.
3. SPACING OF SAWCUT CONTROL JOINTS (IN FEET) TO BE APPROXIMATELY THREE TIMES THE SLAB THICKNESS IN INCHES, WITH A MAXIMUM OF TWENTY (20) FEET.
4. A MAXIMUM RATIO OF 1.5 SHALL BE MAINTAINED BETWEEN LONG AND SHORT DIMENSIONS OF PANELS FORMED BY CONSTRUCTION AND CONTROL JOINTS.

LEGEND:

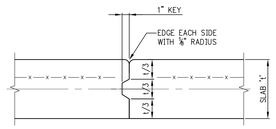
- STRIPS CAST FIRST
- INFILL STRIPS
- FORMED JOINTS
- SAWCUT JOINTS



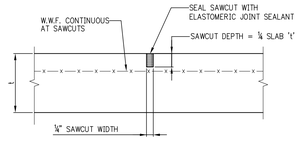
ISOLATION JOINT AT PERIMETER WALL



CONTROL JOINT LAYOUT AT COLUMNS

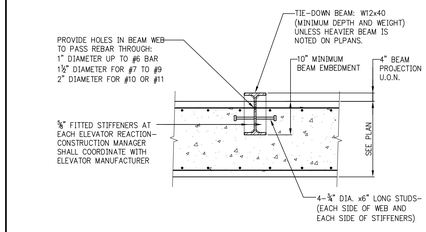


CONSTRUCTION JOINT

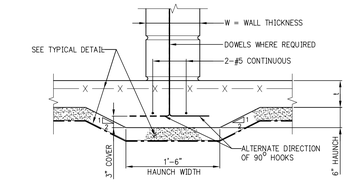


SAWCUT CONTROL JOINT

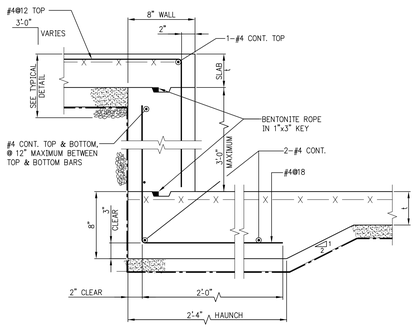
SLAB ON GROUND JOINT DETAILS



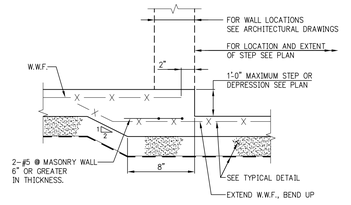
ELEVATOR TIE-DOWN BEAM



THICKENED SLAB AT MASONRY WALLS 6" THICK OR GREATER



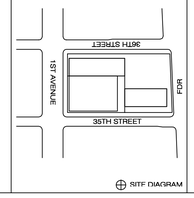
SLAB ON GROUND STEP OR DEPRESSION GREATER THAN 1'0"



SLAB ON GROUND STEP OR DEPRESSION 1'0" OR LESS

FOR WATERPROOFING DETAILS SEE GEOTECH./ARCH. SPECIFICATIONS DWGS.

DEVELOPER	JDS DEVELOPMENT GROUP	104 FIFTH AVENUE, 8TH FLR, NEW YORK, NY 10011, tel 212.889.9005
ARCHITECT	SHoP ARCHITECTS, P.C.	11 PARK PLACE, PENTHOUSE, NEW YORK, NY 10007, tel 212.889.9005
MEP ENGINEER	BURO HAPPOLD	100 BROADWAY, 29RD FLR, NEW YORK, NY 10005, tel 000.000.0000
STRUCTURAL ENGINEER	WSP CANTOR SEINUK	228 EAST 45TH ST, 3RD FLR, NEW YORK, NY 10017, tel 000.000.0000
LANDSCAPE ARCHITECT	SCAPE/LANDSCAPE ARCHITECTURE PLLC	277 BROADWAY, SUITE 1606, NEW YORK, NY 10007, tel 212.889.9005
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SITE DIAGRAM

DATE	ISSUE	NO	DATE	REVISION
10.20.14	BULLETIN #3			
09.22.14	BULLETIN #2			
06.06.14	DOB FILING SET			
04.04.14	ISSUED FOR 100% CONSTRUCTION DOCUMENTS			
02.20.14	ISSUED FOR FOUNDATION CONSTRUCTION			
11.15.13	90% CD			
11.07.13	SUPERSTRUCTURE BID ISSUE			
10.23.13	100% FOUNDATION CD			
08.16.13	100% CD SUBMISSION			
06.07.13	90% FOUNDATION CD			
05.07.13	80% CD FOR PURCHASING			
05.03.13	100% SD SUBMISSION	07.09.14	BULLETIN #1	

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626 1ST AVENUE

626 1ST AVENUE
NEW YORK, NY 10016

DRAWING TITLE
FOUNDATION TYPICAL DETAILS 3

SEAL & SIGNATURE

DATE	08/16/1
PROJECT NO.	130218
DRAWN BY	CADI
CHECKED BY	S.>
DOB NO.	

DRAWING NUMBER
FO-202.00
SHEET XX OF XX

TABLE #1:
TENSION LAP SPLICE LENGTHS (CLASS B MINIMUM)

TABLE 1.A: ¾" COVER TO OUTER LAYER BARS
OUTER LAYER LAP LENGTHS (IN INCHES)

BAR \ f'c	3,000	4,000	5,000	6,000	7,000	8,000	9,000	10,000+
#3	16	16	16	16	16	16	16	16
#4	21	20	20	20	20	20	20	20
#5	31	27	24	24	24	24	24	24
#6	43	37	33	30	29	29	29	29
#7	69	60	53	49	45	42	40	38
#8	85	74	66	60	56	52	49	47
#9	103	89	80	73	67	63	59	56
#10	121	105	94	86	79	74	70	66
#11	140	122	109	99	92	86	81	77

TABLE 1.C: 1½" COVER TO OUTER LAYER BARS
OUTER LAYER LAP LENGTHS (IN INCHES)

NOTE: USE TABLE 1.A IF BAR SPACING IS LESS THAN 4" O/C UP TO #8, 5" O/C FOR #9, #10, #11

BAR \ f'c	3,000	4,000	5,000	6,000	7,000	8,000	9,000	10,000+
#3	16	16	16	16	16	16	16	16
#4	20	20	20	20	20	20	20	20
#5	24	24	24	24	24	24	24	24
#6	29	29	29	29	29	29	29	29
#7	42	37	34	34	34	34	34	34
#8	53	46	41	39	39	39	39	39
#9	66	57	51	46	44	44	44	44
#10	79	68	61	56	51	49	49	49
#11	92	80	72	65	60	57	54	54

TABLE 1.B: ¾" COVER TO OUTER LAYER BARS
INNER LAYER LAP LENGTHS (IN INCHES)

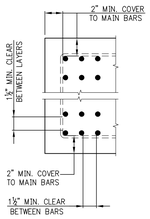
NOTE: USE TABLE 1.A IF BAR SPACING IS LESS THAN 4" O/C UP TO #8, 5" O/C FOR #9, #10, #11

BAR \ f'c	3,000	4,000	5,000	6,000	7,000	8,000	9,000	10,000+
#3	16	16	16	16	16	16	16	16
#4	20	20	20	20	20	20	20	20
#5	24	24	24	24	24	24	24	24
#6	30	29	29	29	29	29	29	29
#7	48	42	38	34	34	34	34	34
#8	61	53	47	43	40	39	39	39
#9	75	65	58	53	49	46	44	44
#10	89	77	69	63	58	55	51	49
#11	104	90	81	74	68	64	60	57

TABLE 1.D: 1½" COVER TO OUTER LAYER BARS
INNER LAYER LAP LENGTHS (IN INCHES)

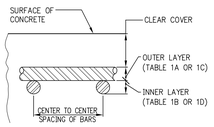
NOTE: USE TABLE 1.A IF BAR SPACING IS LESS THAN 5" O/C UP TO #8, 6" O/C FOR #9, #10, #11

BAR \ f'c	3,000	4,000	5,000	6,000	7,000	8,000	9,000	10,000+
#3	16	16	16	16	16	16	16	16
#4	20	20	20	20	20	20	20	20
#5	24	24	24	24	24	24	24	24
#6	29	29	29	29	29	29	29	29
#7	37	34	34	34	34	34	34	34
#8	43	39	39	39	39	39	39	39
#9	53	46	44	44	44	44	44	44
#10	64	55	49	49	49	49	49	49
#11	75	65	58	54	54	54	54	54



MULTIPLE LAYERS

PROVIDE MINIMUM COVER AND CLEARANCES SHOWN, USE TABLE 1.A FOR LAP SPLICE LENGTHS.



NOTE:

1. ALL REBARS LARGER THAN #11 SHALL HAVE A MINIMUM YIELD STRESS OF fy=75ksi AND SHALL BE MECHANICALLY TENSION/COMPRESSION SPLICED.

NOTES FOR TENSION LAP SPLICES

1. REINFORCEMENT IS UNCOATED, WITH Fy=60,000 PSI.
2. CONCRETE IS NORMAL WEIGHT (144-150#/C.F.).
3. FOR "TOP"" BAR SPLICE LENGTHS ("TOP" IS DEFINED BY ACI 318 AS HAVING MORE THAN 12 INCHES OF FRESH CONCRETE CAST BELOW THE BAR), TABULATED LENGTHS MUST BE MULTIPLIED BY 1.3.
4. LENGTHS TABULATED MUST BE MULTIPLIED BY THE FOLLOWING MODIFICATION FACTORS:
   a. LIGHTWEIGHT CONCRETE 1.3
   b. EPOXY-COATED BARS:
      1.) BARS WITH COVER < 3db, OR WITH CLEAR SPACING < 6db ...1.5 FOR BOTTOM & VERTICAL BARS, 1.3 FOR "TOP" BARS *
      2.) ALL OTHER CONDITIONS 1.2
   * FOR EPOXY-COATED "TOP" BARS THE MAXIMUM FOR COMBINED FACTORS = 1.7
5. WHERE TENSION DEVELOPMENT LENGTH (Ld) IS REQUIRED ON PLANS OR IN DETAILS, SEE TENSION DEVELOPMENT LENGTH TABLES.
6. CLASS A LAP SPLICE LENGTHS ARE EQUAL TO TENSION DEVELOPMENT LENGTHS. SEE TABLES FOR TENSION DEVELOPMENT LENGTHS (Ld). APPLY APPROPRIATE MODIFICATION FACTORS TO CLASS A SPLICE LENGTHS.

TABLE #2:
TENSION DEVELOPMENT LENGTHS (Ld) (IN INCHES)

TABLE 2.A: ¾" COVER TO OUTER LAYER BARS
OUTER LAYER DEVELOPMENT LENGTHS

BAR \ f'c	3,000	4,000	5,000	6,000	7,000	8,000	9,000	10,000+
#3	12	12	12	12	12	12	12	12
#4	16	14	13	12	12	12	12	12
#5	24	21	19	17	16	15	14	13
#6	33	28	25	23	22	20	19	18
#7	53	46	41	37	35	32	31	29
#8	66	57	51	46	43	40	38	36
#9	79	69	61	56	52	49	46	43
#10	93	81	72	66	61	57	54	51
#11	108	94	84	76	71	66	62	59

TABLE 2.C: 1½" COVER TO OUTER LAYER BARS
OUTER LAYER DEVELOPMENT LENGTHS

BAR \ f'c	3,000	4,000	5,000	6,000	7,000	8,000	9,000	10,000+
#3	12	12	12	12	12	12	12	12
#4	13	12	12	12	12	12	12	12
#5	16	14	13	13	13	13	13	13
#6	20	17	15	15	15	15	15	15
#7	32	28	25	23	21	20	19	18
#8	41	36	32	29	27	25	24	23
#9	50	44	39	36	33	31	29	28
#10	60	52	47	43	40	37	35	33
#11	71	61	55	50	46	43	41	39

TABLE 2.B: ¾" COVER TO OUTER LAYER BARS
INNER LAYER DEVELOPMENT LENGTHS

BAR \ f'c	3,000	4,000	5,000	6,000	7,000	8,000	9,000	10,000+
#3	12	12	12	12	12	12	12	12
#4	13	12	12	12	12	12	12	12
#5	16	14	13	13	13	13	13	13
#6	23	20	18	16	15	15	15	15
#7	37	32	29	26	24	23	22	20
#8	47	41	36	33	31	29	27	26
#9	57	50	44	41	38	35	33	31
#10	68	59	53	48	45	42	40	38
#11	80	69	62	57	52	49	46	44

TABLE 2.D: 1½" COVER TO OUTER LAYER BARS
INNER LAYER DEVELOPMENT LENGTHS

BAR \ f'c	3,000	4,000	5,000	6,000	7,000	8,000	9,000	10,000+
#3	12	12	12	12	12	12	12	12
#4	13	12	12	12	12	12	12	12
#5	16	14	13	13	13	13	13	13
#6	20	17	15	15	15	15	15	15
#7	29	25	22	20	19	18	18	18
#8	33	28	25	23	22	20	20	20
#9	41	35	31	29	27	25	23	23
#10	49	42	38	35	32	30	28	27
#11	58	50	45	41	38	35	33	32

NOTE:

1. ALL REBARS LARGER THAN #11 SHALL HAVE A MINIMUM YIELD STRESS OF fy=75ksi AND SHALL BE MECHANICALLY TENSION/COMPRESSION SPLICED.

NOTES FOR TENSION DEVELOPMENT LENGTHS (Ld)

1. REINFORCEMENT IS UNCOATED, WITH Fy=60,000 PSI.
2. CONCRETE IS NORMAL WEIGHT (144-150#/C.F.).
3. FOR "TOP"" BAR DEVELOPMENT LENGTHS ("TOP" IS DEFINED BY ACI 318 AS HAVING MORE THAN 12 INCHES OF FRESH CONCRETE CAST BELOW THE BAR), TABULATED LENGTHS MUST BE MULTIPLIED BY 1.3.
4. LENGTHS TABULATED MUST BE MULTIPLIED BY THE FOLLOWING MODIFICATION FACTORS:
   a. LIGHTWEIGHT CONCRETE 1.3
   b. EPOXY-COATED BARS:
      1.) BARS WITH COVER < 3db, OR WITH CLEAR SPACING < 6db ...1.5 FOR BOTTOM & VERTICAL BARS, 1.3 FOR "TOP" BARS *
      2.) ALL OTHER CONDITIONS 1.2
   * FOR EPOXY-COATED "TOP" BARS THE MAXIMUM FOR COMBINED FACTORS = 1.7
5. WHERE TENSION DEVELOPMENT LENGTH (Ld) IS REQUIRED ON PLANS OR IN DETAILS, SEE TENSION DEVELOPMENT LENGTH TABLES.
6. CLASS A LAP SPLICE LENGTHS ARE EQUAL TO TENSION DEVELOPMENT LENGTHS. SEE TABLES FOR TENSION DEVELOPMENT LENGTHS (Ld). APPLY APPROPRIATE MODIFICATION FACTORS TO CLASS A SPLICE LENGTHS.

TABLE #3
TENSION DEVELOPMENT LENGTHS FOR STANDARD END HOOKS (ldh)
(LENGTHS IN INCHES)

BAR SIZE	CONCRETE STRENGTH (PSI) 3,000	4,000	5,000	6,000	7,000	8,000	9,000	10,000+
#3	9	7	7	6	6	6	6	6
#4	11	10	9	8	7	7	7	6
#5	14	12	11	10	9	9	8	8
#6	17	15	13	12	11	10	10	9
#7	19	17	15	14	13	12	11	11
#8	22	19	17	16	15	14	13	12
#9	25	22	19	18	16	15	15	14
#10	28	24	22	20	19	17	16	16
#11	31	27	24	22	21	19	18	17
#14	37	32	29	27	25	23	22	21
#18	50	43	39	35	33	31	29	27

NOTES:

1. TABLE 3 CONFORMS TO ACI 318-2002 (AND 2005). TABULATED VALUES ARE BASED UPON ACI 12.5.2 , ASSUMING GRADE 60 REINFORCEMENT AND NORMALWEIGHT CONCRETE.
2. PER ACI 12.5.3 a), FOR #11 AND SMALLER BARS, IF COVER TO BAR IS 2½ INCHES OR MORE, AND FOR 90 DEGREE HOOK WITH COVER ON BAR EXTENSION BEYOND HOOK NOT LESS THAN 2 INCHES, A MODIFICATION FACTOR OF 0.7 MAY BE APPLIED. MINIMUM ldh SHALL NOT BE LESS THAN 8db NOR 6 INCHES.

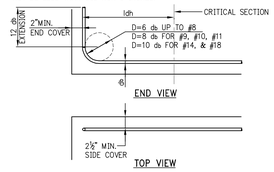


TABLE #4
COMPRESSION LAP SPLICES
(LENGTHS IN INCHES)

BAR SIZE	GRADE OF REINFORCEMENT 60 KSI (30 DIA.)	75 KSI (44 DIA.)	80 KSI (48 DIA.)
#3	12	17	18
#4	15	22	24
#5	19	28	30
#6	23	33	36
#7	27	39	42
#8	30	44	48
#9	34	50	54
#10	38	56	61
#11	43	62	68
#14 AND #18	1. LAP SPLICES ARE NOT PERMITTED USE MECHANICAL CONNECTIONS OR WELDED SPLICES FOR #14 AND #18, PER ACI 318 (12.14.3). 2. LAP SPLICES OF #14 AND #18 BARS TO #11 AND SMALLER BARS ARE PERMITTED PER ACI 318 (12.16.2).		

3. FOR BARS OF DIFFERENT SIZE, USE LARGER OF: SPLICE LENGTH OF SMALLER BAR (TABLE #4) OR DEVELOPMENT LENGTH OF LARGER BAR (FROM TABLE #5) PER ACI 318 (12.16.2).

NOTE:

TABLE #4 APPLIES FOR NORMALWEIGHT CONCRETE WITH f'c = 3,000 PSI OR GREATER.

TABLE #5
DEVELOPMENT LENGTHS FOR BARS IN COMPRESSION
(LENGTHS IN INCHES)

BAR SIZE	fy = 60,000 PSI CONC. f'c (IN PSI) 3,000	4,000	5,000 OR MORE	fy = 75,000 PSI CONC. f'c (IN PSI) 3,000	4,000	5,000 OR MORE	fy = 80,000 PSI CONC. f'c (IN PSI) 3,000	4,000	5,000 OR MORE
#3	12	12	12	12	12	12	12	12	12
#4	12	12	12	14	12	12	15	13	12
#5	14	12	12	17	15	14	18	16	15
#6	17	15	14	21	18	17	22	19	18
#7	19	17	16	24	21	20	26	22	21
#8	22	19	18	28	24	23	29	25	24
#9	25	22	21	31	27	25	33	28	27
#10	28	24	23	34	30	28	36	31	30
#11	31	27	26	38	33	31	40	34	33
#14	37	32	31	48	42	39	51	44	42
#18	50	43	41	62	54	51	65	56	54

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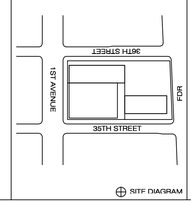
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SITE DIAGRAM

DATE	ISSUE
10.20.14	BULLETIN #3
08.20.14	BULLETIN #2
06.06.14	DOB FILING SET
04.04.14	ISSUED FOR 100% CONSTRUCTION DOCUMENTS
02.20.14	ISSUED FOR FOUNDATION CONSTRUCTION
11.19.13	90% CD
11.07.13	SUPERSTRUCTURE BID ISSUE
10.23.13	100% FOUNDATION CD
08.16.13	100% DD SUBMISSION
06.07.13	90% FOUNDATION CD
05.07.13	80% CD FOR PURCHASING
05.03.13	100% SD SUBMISSION

07.09.14 BULLETIN #1

DATE	ISSUE	NO	DATE	REVISION

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626 1ST AVENUE

626 1ST AVENUE
NEW YORK, NY 10016

DRAWING TITLE

FOUNDATION TYPICAL DETAILS 4

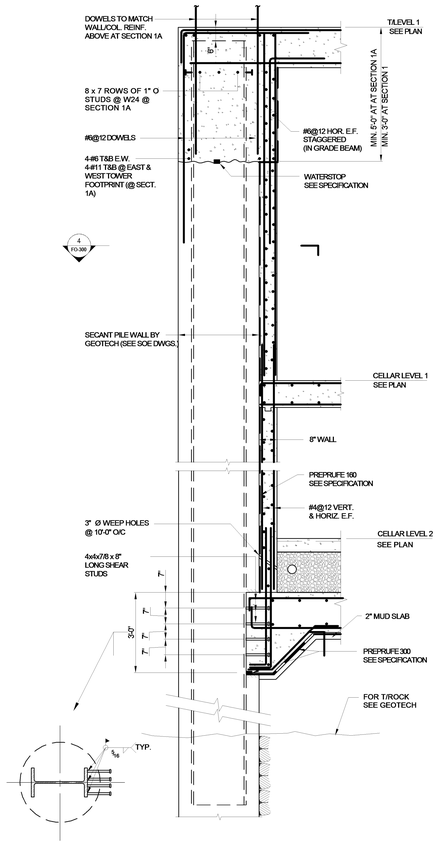
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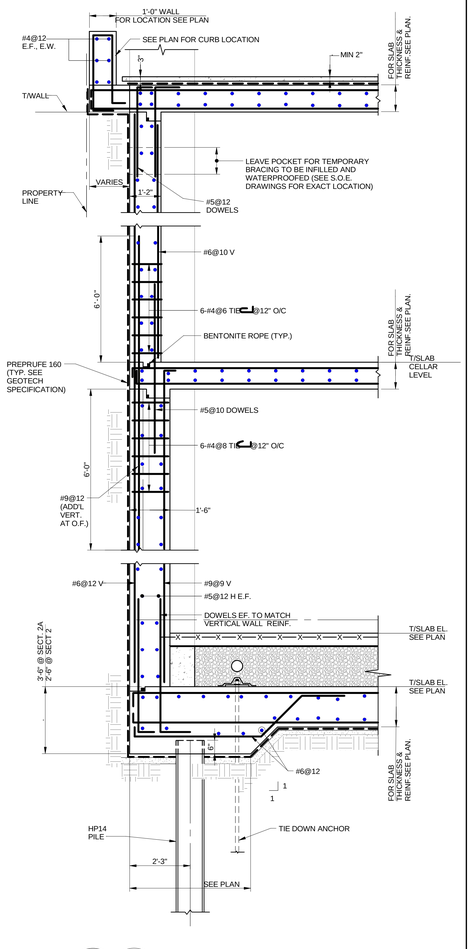
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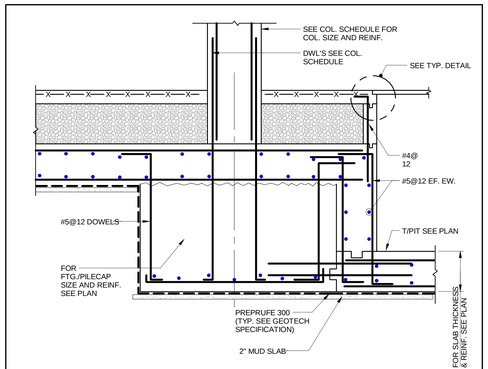
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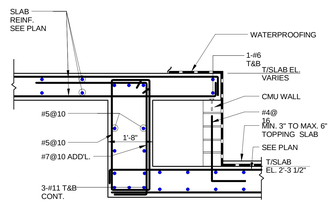
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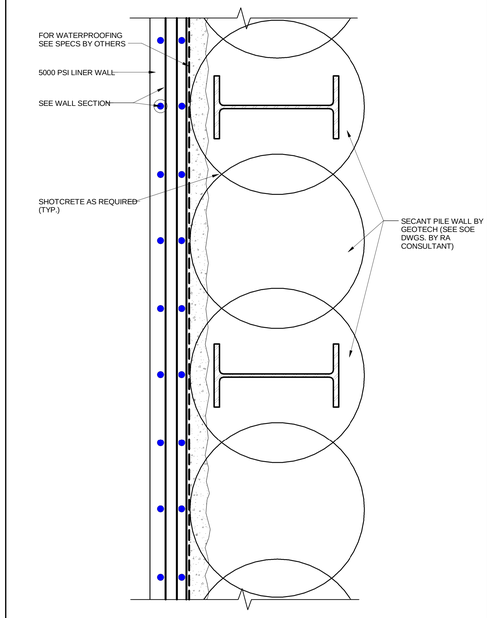
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SCALE: 1/2" = 1'-0"



3 FO-300 **SECTION**
SCALE: 1/2" = 1'-0"

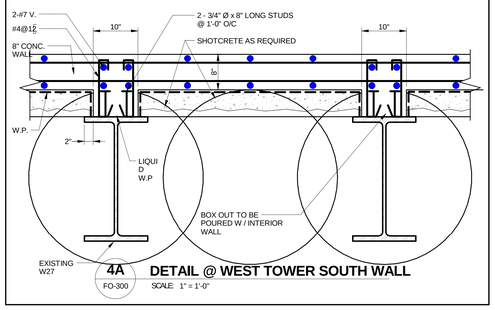


5 FO-300 **SECTION**
SCALE: 1/2" = 1'-0"

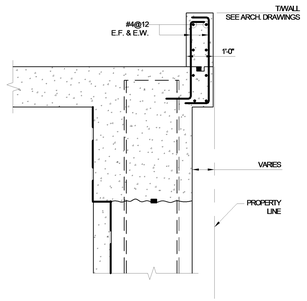


4 FO-300 **LINER WALL @ SECANT PILE (TYP.)**
SCALE: 1" = 1'-0"

NOTE:
1. U.O.N. AT WEST TOWER SOUTH WALL.

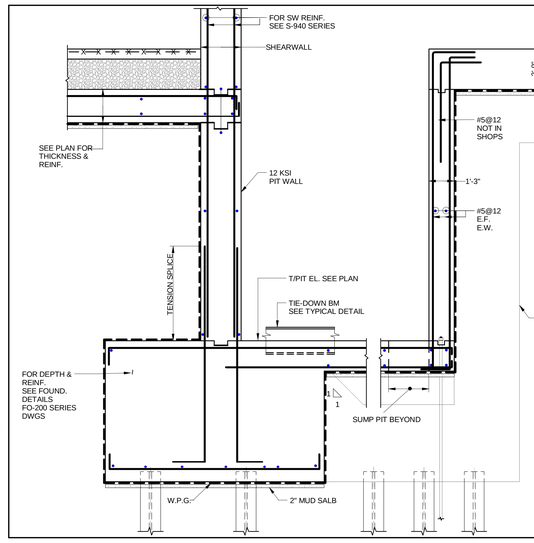


4A FO-300 **DETAIL @ WEST TOWER SOUTH WALL**
SCALE: 1" = 1'-0"



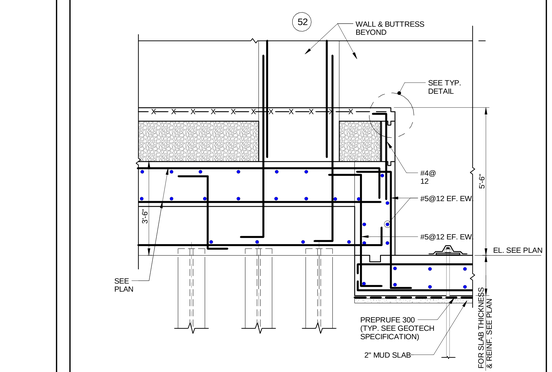
1B FO-300 **SECTION**
SCALE: 1/2" = 1'-0"

NOTE:
1. FOR BALANCE OF INFORMATION SEE SECTION 1/1A.

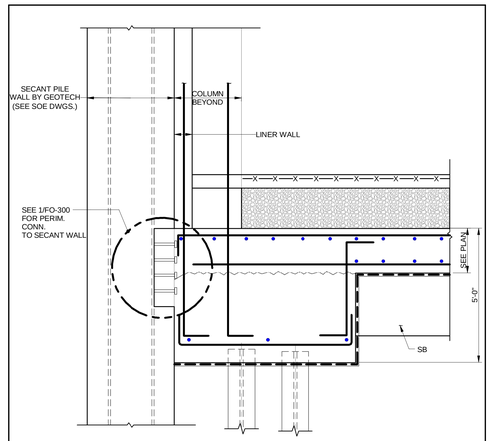


6 FO-300 **SECTION**
SCALE: 3/8" = 1'-0"

NOTE: BALANCE OF REINF. NOT SHOWN FOR CLARITY.

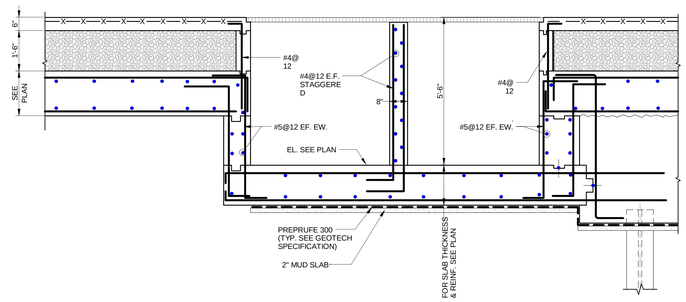


7 FO-300 **SECTION**
SCALE: 1/2" = 1'-0"



8 FO-300 **SECTION**
SCALE: 1/2" = 1'-0"

NOTE:
FOR BALANCE OF INFORMATION SEE SECTION 1A.



9 FO-300 **SECTION**
SCALE: 1/2" = 1'-0"

FOR WATERPROOFING DETAILS SEE GEOTECH./ARCH. SPECIFICATIONS DWGS.

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SITE DIAGRAM

DATE	ISSUE
10.20.14	BULLETIN #3
08.22.14	BULLETIN #2
05.05.14	DOB FILING SET
04.04.14	100% CONSTRUCTION DOCUMENTS
02.20.14	ISSUED FOR FOUNDATION CONSTRUCTION
11.15.13	50% CD
11.07.13	SUPERSTRUCTURE BID ISSUE
10.23.13	100% FOUNDATION CD
08.16.13	100% DD SUBMISSON
06.07.13	90% FOUNDATION CD
05.07.13	80% CD FOR PURCHASING
05.03.13	100% SD SUBMISSION

NO.	DATE	REVISON
1	07.09.14	BULLETIN #1

THESE DRAWINGS ARE INSTRUMENTS OF SERVICE AND AS SUCH MAY NOT BE USED FOR OTHER PROJECTS, FOR ADDITIONS TO THIS PROJECT OR COMPLETION OF THIS PROJECT BY OTHERS.

626 1ST AVENUE

NEW YORK, NY 10016

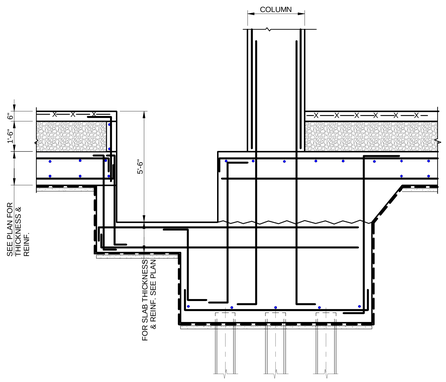
DRAWING TITLE
FOUNDATION SECTIONS 1

SEAL & SIGNATURE

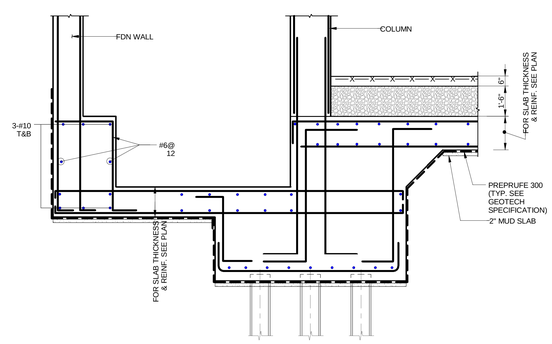
DATE	04/16/13
PROJECT NO.	1302180
DRAWN BY	CADD
CHECKED BY	SH
DOB NO.	
DRAWING NUMBER	FO-300.00

SHEET XX OF XX

PW:FO-300.00



1 FO-301 **SECTION**
SCALE 3/8" = 1'-0"



2 FO-301 **SECTION**
SCALE 3/8" = 1'-0"

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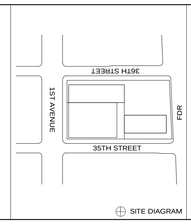
LANDSCAPE ARCHITECT
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SITE DIAGRAM

10.20.14	BULLETIN #3		
08.22.14	BULLETIN #2		
05.5.14	DOB FILING SET		
04.04.14	100% CONSTRUCTION DOCUMENTS		
02.20.14	ISSUED FOR FOUNDATION CONSTRUCTION	1 07.09.14	BULLETIN #1
DATE	ISSUE	NO. DATE	REVISION

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626 1ST AVENUE

NEW YORK, NY 10016

DRAWING TITLE

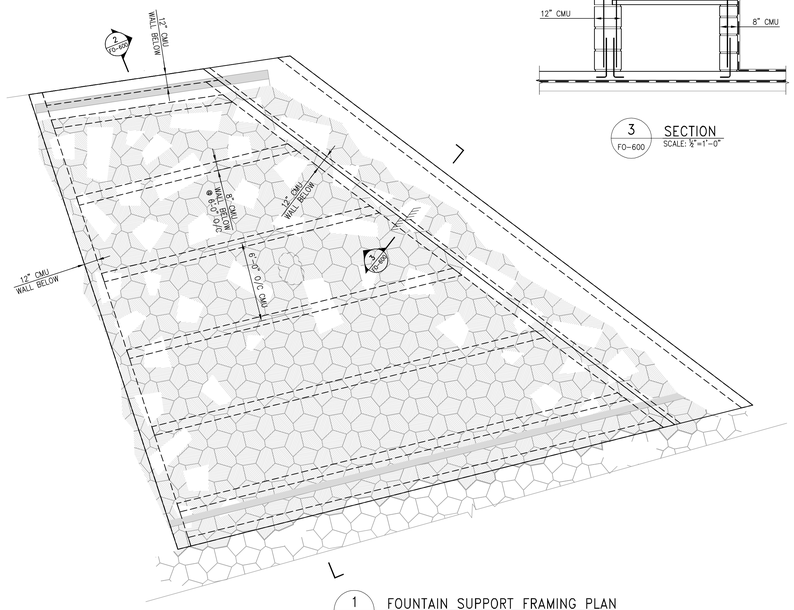
FOUNDATION SECTIONS 2

SEAL & SIGNATURE

DATE	02/18/14
PROJECT NO.	1302180
DRAWN BY	Author
CHECKED BY	Checker
DOB NO.	
DRAWING NUMBER	FO-301.00

SHEET XX OF XX

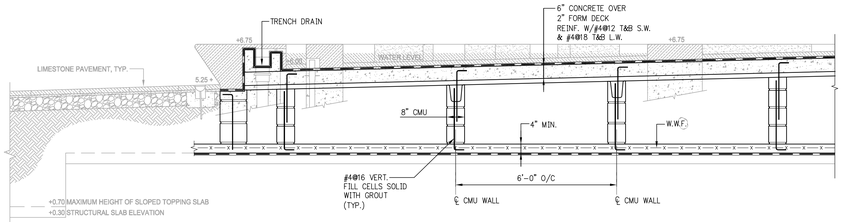
PW 2015.11.4 20151102



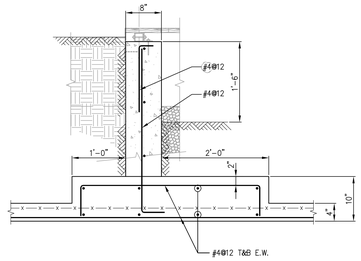
1 FO-600 FOUNTAIN SUPPORT FRAMING PLAN
SCALE: ¼"=1'-0"

NOTE:
ALL REBARS IN THE FOUNTAIN SLAB TO BE EPOXY COATED.

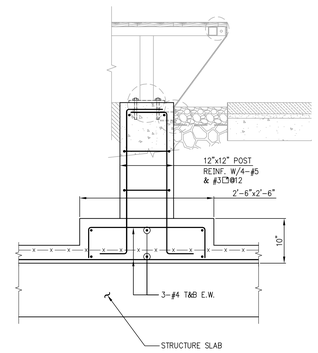
3 FO-600 SECTION
SCALE: ½"=1'-0"



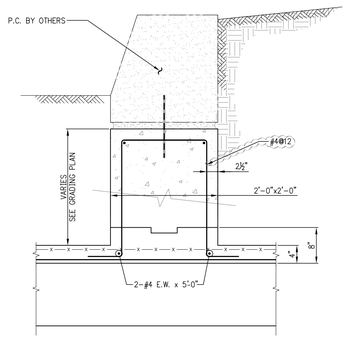
2 FO-600 SECTION
SCALE: ½"=1'-0"



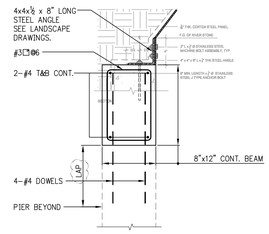
TYPICAL DETAIL FOR CONCRETE RETAINING WALL AT SEATING PLATFORM
SCALE: 1"=1'-0"



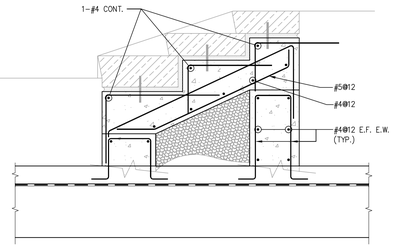
TYPICAL DETAIL AT SEATING PLATFORM FRAME CONNECTION
SCALE: 1"=1'-0"



TYPICAL DETAIL AT PRECAST PLANTER SUPPORT
SCALE: 1"=1'-0"



TYPICAL DETAIL OF SEATING PLATFORM AT PLANTING
SCALE: 1"=1'-0"



DETAIL AT STAIR CHEEK WALL
SCALE: 1"=1'-0"

NOTE:
FOR LOCATION SEE LANDSCAPE DRAWINGS.

NOTES:

1. ALL REBARS TO BE EPOXY COATED.
2. CONCRETE TO BE f'c=5000 psi AIR ENTRAINED N.W. CONCRETE.
3. FOR WATERPROOFING DETAILS SEE GETECH./ARCH. SPECIFICATIONS DRAWINGS.
4. FOR BALANCE OF DETAILS AT PLAZA LEVEL SEE LANDSCAPE AND ARCHITECTURAL PLANS.

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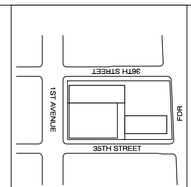
LANDSCAPE ARCHITECT
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tel 212.889.9005



SITE DIAGRAM

10.20.14	BULLETIN #3		
08.22.14	BULLETIN #2		
06.09.14	DOB FILING SET		
04.04.14	100% CONSTRUCTION DOCUMENTS		
11.19.13	90% CD		
11.01.13	SUPERSTRUCTURE IMD ISSUE		
10.23.13	100% FOUNDATION CD		
09.16.13	100% DD SUBMISSION		
06.07.13	90% FOUNDATION DD		
05.07.13	80% CD FOR PURCHASING		
05.03.13	100% SD SUBMISSION	07.09.14	BULLETIN #1
DATE	ISSUE	NO. DATE	REVISION

THESE DRAWINGS ARE INSTRUMENTS OF SERVICE AND AS SUCH MAY NOT BE USED FOR OTHER PROJECTS, FOR ADDITIONS TO THIS PROJECT OR COMPLETION OF THIS PROJECT BY OTHERS.

626 1ST AVENUE

626 1ST AVENUE
NEW YORK, NY 10016

DRAWING TITLE
STRUCTURAL LANDSCAPE DETAILS

SEAL & SIGNATURE

DATE	08/16/1
PROJECT NO.	130218
DRAWN BY	CADI
CHECKED BY	SJ
DOB NO.	

DRAWING NUMBER
FO-600.00

SHEET XX OF XX

APPENDIX B

LOT 2 – ANNUAL INSPECTION FORMS: 2021, 2022, 2023, 2024, & 2025 REPORTING PERIOD, PREPARED BY ATC

LOT 2 – SITE INSPECTION CHECKLIST
2020 - 2021

Site Name: Former Kips Bay Fuel Terminal Location: 425 East 35th Street, New York Project Number: Z214YI2164

Inspector Name: Gilber Gedeon, P.E. Date: 04/08/2021 Weather Conditions: Sunny, 60's F

Reason for Inspection (i.e., routine, severe condition, etc.): Annual Inspection 2021

Check one of the following: **Y:** Yes **N:** No **NA**: Not Applicable

		Y	N	NA	Normal Situation	Remarks
	General					
1	What are the current site conditions?	--	--	--	--	The NYC School Construction Authority constructed a school on the southwestern corner of Brownfields site C231014 (Lot 2). The school is a six-story building on grade with a mechanical penthouse level. The site was partially backfilled with a minimum of two feet and as much as 20 feet of clean sand and crushed stone below the concrete cap. A security fence surrounds for access.
2	Are all applicable site records (e.g., documentation of construction activity, most current easement, etc.) complete and up to date?	Y			Y	
	Easement					
3	Has site use (restricted residential, commercial) remained the same?	Y			Y	
4	Does it appear that all environmental easement restrictions have been followed?	Y			Y	
	Impermeable Cap					
5	Are there any indications of a breach in the capping system at the time of this inspection?	N			N	A cap throughout Lot 2; no breach in capping system was observed during the inspection.
6	Are there any cracks in the building slabs?	N			N	
7	Are there any cracks in the building walls?	N			N	No cracks were observed during the inspection.
8	Is there any construction activity, or indication of any construction activity within the past certification year (including any tenant improvements), that included the breaching of the capping system, on-site at the time of this inspection?	N			-	
9	If YES to number 8, is there documentation that the Soil Management Plan, HASP, and CAMP for the site was/is being followed?			NA	NA if N to 6/ Y if Y to 8	

*** **If the answer to any of the above questions indicate non-compliance with any IC/ECs for the site, additional remarks must be provided and, where applicable, documentation attached to this checklist detailing additional inspection and repair activities.**

Additional remarks _____

_____

_____

Minimum Inspection Schedule: Site-wide inspections will be conducted annually, per certification year, at a minimum. Additional inspections will also be conducted at times of severe condition events. All inspection events will utilize this checklist.

LOT 2 – SITE INSPECTION CHECKLIST
2021 - 2022

Site Name: Former Kips Bay Fuel Terminal Location: 425 East 35th Street, New York Project Number: Z214YI2509

Inspector Name: Denise Cosenza Date: 04/29/2022 Weather Conditions: Sunny, 50's F

Reason for Inspection (i.e., routine, severe condition, etc.): Annual Inspection 2022

Check one of the following: **Y:** Yes **N:** No **NA**: Not Applicable

		Y	N	NA	Normal Situation	Remarks
	General					
1	What are the current site conditions?	--	--	--	--	The NYC School Construction Authority constructed a school on the southwestern corner of Brownfields site C231014 (Lot 2). The school is a six-story building on grade with a mechanical penthouse level. The site was partially backfilled with a minimum of two feet and as much as 20 feet of clean sand and crushed stone below the concrete cap. A security fence surrounds for access.
2	Are all applicable site records (e.g., documentation of construction activity, most current easement, etc.) complete and up to date?	Y			Y	
	Easement					
3	Has site use (restricted residential, commercial) remained the same?	Y			Y	
4	Does it appear that all environmental easement restrictions have been followed?	Y			Y	
	Impermeable Cap					
5	Are there any indications of a breach in the capping system at the time of this inspection?	N			N	A cap throughout Lot 2; no breach in capping system was observed during the inspection.
6	Are there any cracks in the building slabs?	N			N	
7	Are there any cracks in the building walls?	N			N	No cracks were observed during the inspection.
8	Is there any construction activity, or indication of any construction activity within the past certification year (including any tenant improvements), that included the breaching of the capping system, on-site at the time of this inspection?	N			-	
9	If YES to number 8, is there documentation that the Soil Management Plan, HASP, and CAMP for the site was/is being followed?			NA	NA if N to 6/ Y if Y to 8	

*** **If the answer to any of the above questions indicate non-compliance with any IC/ECs for the site, additional remarks must be provided and, where applicable, documentation attached to this checklist detailing additional inspection and repair activities.**

Additional remarks _____

_____

_____

Minimum Inspection Schedule: Site-wide inspections will be conducted annually, per certification year, at a minimum. Additional inspections will also be conducted at times of severe condition events. All inspection events will utilize this checklist.

LOT 2 – SITE INSPECTION CHECKLIST
2022 - 2023

Site Name: Former Kips Bay Fuel Terminal Location: 425 East 35th Street, New York Project Number: Z214SS0143

Inspector Name: Denise Cosenza Date: 04/28/2023 Weather Conditions: Cloudy, 50's F

Reason for Inspection (i.e., routine, severe condition, etc.): Annual Inspection 2023

Check one of the following: **Y:** Yes **N:** No **NA**: Not Applicable

		Y	N	NA	Normal Situation	Remarks
	General					
1	What are the current site conditions?	--	--	--	--	The NYC School Construction Authority constructed a school on the southwestern corner of Brownfields site C231014 (Lot 2). The school is a six-story building on grade with a mechanical penthouse level. The site was partially backfilled with a minimum of two feet and as much as 20 feet of clean sand and crushed stone below the concrete cap. A security fence surrounds for access.
2	Are all applicable site records (e.g., documentation of construction activity, most current easement, etc.) complete and up to date?	Y			Y	
	Easement					
3	Has site use (restricted residential, commercial) remained the same?	Y			Y	
4	Does it appear that all environmental easement restrictions have been followed?	Y			Y	
	Impermeable Cap					
5	Are there any indications of a breach in the capping system at the time of this inspection?	N			N	A cap throughout Lot 2; no breach in capping system was observed during the inspection.
6	Are there any cracks in the building slabs?	N			N	
7	Are there any cracks in the building walls?	N			N	No cracks were observed during the inspection.
8	Is there any construction activity, or indication of any construction activity within the past certification year (including any tenant improvements), that included the breaching of the capping system, on-site at the time of this inspection?	N			-	
9	If YES to number 8, is there documentation that the Soil Management Plan, HASP, and CAMP for the site was/is being followed?			NA	NA if N to 6/ Y if Y to 8	

*** **If the answer to any of the above questions indicate non-compliance with any IC/ECs for the site, additional remarks must be provided and, where applicable, documentation attached to this checklist detailing additional inspection and repair activities.**

Additional remarks _____

_____

_____

Minimum Inspection Schedule: Site-wide inspections will be conducted annually, per certification year, at a minimum. Additional inspections will also be conducted at times of severe condition events. All inspection events will utilize this checklist.

LOT 2 – SITE INSPECTION CHECKLIST
2023 - 2024

Site Name: Former Kips Bay Fuel Terminal Location: 425 East 35th Street, New York Project Number: Z214SS0143

Inspector Name: Gilbert Gedeon, P.E. Date: 04/03/2024 Weather Conditions: Rain, 40's F

Reason for Inspection (i.e., routine, severe condition, etc.): Annual Inspection 2024

Check one of the following: **Y:** Yes **N:** No **NA**: Not Applicable

		Y	N	NA	Normal Situation	Remarks
	General					
1	What are the current site conditions?	--	--	--	--	The NYC School Construction Authority constructed a school on the southwestern corner of Brownfields site C231014 (Lot 2). The school is a six-story building on grade with a mechanical penthouse level. The site was partially backfilled with a minimum of two feet and as much as 20 feet of clean sand and crushed stone below the concrete cap. A security fence surrounds for access.
2	Are all applicable site records (e.g., documentation of construction activity, most current easement, etc.) complete and up to date?	Y			Y	
	Easement					
3	Has site use (restricted residential, commercial) remained the same?	Y			Y	
4	Does it appear that all environmental easement restrictions have been followed?	Y			Y	
	Impermeable Cap					
5	Are there any indications of a breach in the capping system at the time of this inspection?	N			N	A cap throughout Lot 2; no breach in capping system was observed during the inspection.
6	Are there any cracks in the building slabs?	N			N	
7	Are there any cracks in the building walls?	N			N	No cracks were observed during the inspection.
8	Is there any construction activity, or indication of any construction activity within the past certification year (including any tenant improvements), that included the breaching of the capping system, on-site at the time of this inspection?	N			-	
9	If YES to number 8, is there documentation that the Soil Management Plan, HASP, and CAMP for the site was/is being followed?			NA	NA if N to 6/ Y if Y to 8	

*** **If the answer to any of the above questions indicate non-compliance with any IC/ECs for the site, additional remarks must be provided and, where applicable, documentation attached to this checklist detailing additional inspection and repair activities.**

Additional remarks _____

_____

_____

Minimum Inspection Schedule: Site-wide inspections will be conducted annually, per certification year, at a minimum. Additional inspections will also be conducted at times of severe condition events. All inspection events will utilize this checklist.

LOT 2 – SITE INSPECTION CHECKLIST
2024 - 2025

Site Name: Former Kips Bay Fuel Terminal Location: 425 East 35th Street, New York Project Number: Z214SS0288

Inspector Name: Gilbert Gedeon, P.E. Date: 05/02/2025 Weather Conditions: Sunny, 60's F

Reason for Inspection (i.e., routine, severe condition, etc.): Annual Inspection 2025

Check one of the following: **Y:** Yes **N:** No **NA**: Not Applicable

		Y	N	NA	Normal Situation	Remarks
	General					
1	What are the current site conditions?	--	--	--	--	The NYC School Construction Authority constructed a school on the southwestern corner of Brownfields site C231014 (Lot 2). The school is a six-story building on grade with a mechanical penthouse level. The site was partially backfilled with a minimum of two feet and as much as 20 feet of clean sand and crushed stone below the concrete cap. A security fence surrounds for access.
2	Are all applicable site records (e.g., documentation of construction activity, most current easement, etc.) complete and up to date?	Y			Y	
	Easement					
3	Has site use (restricted residential, commercial) remained the same?	Y			Y	
4	Does it appear that all environmental easement restrictions have been followed?	Y			Y	
	Impermeable Cap					
5	Are there any indications of a breach in the capping system at the time of this inspection?	N			N	A cap throughout Lot 2; no breach in capping system was observed during the inspection.
6	Are there any cracks in the building slabs?	N			N	
7	Are there any cracks in the building walls?	N			N	No cracks were observed during the inspection.
8	Is there any construction activity, or indication of any construction activity within the past certification year (including any tenant improvements), that included the breaching of the capping system, on-site at the time of this inspection?	N			-	
9	If YES to number 8, is there documentation that the Soil Management Plan, HASP, and CAMP for the site was/is being followed?			NA	NA if N to 6/ Y if Y to 8	

*** **If the answer to any of the above questions indicate non-compliance with any IC/ECs for the site, additional remarks must be provided and, where applicable, documentation attached to this checklist detailing additional inspection and repair activities.**

Additional remarks _____

_____

_____

Minimum Inspection Schedule: Site-wide inspections will be conducted annually, per certification year, at a minimum. Additional inspections will also be conducted at times of severe condition events. All inspection events will utilize this checklist.

APPENDIX C

LOT 1 - ANNUAL INSPECTION FORMS: 2021,2022, & 2025 REPORTING PERIOD, PREPARED BY LANGAN

LANGAN

SITE INSPECTION CHECKLIST
2020 - 2021

Site Name: Former Kips Bay Fuel Terminal Location: 626 First Ave, NY, NY Project Number: 170946901

Inspector Name: Luke McCartney Date: 01/08/2021 Weather Conditions: Clear, 30'sF

Reason for Inspection (i.e., routine, severe condition, etc.): Annual Site Inspection - 2020 Calendar Year

Check one of the following: **Y:** Yes **N:** No **NA**: Not Applicable

		Y	N	NA	Normal Situation	Remarks
	General					
1	What are the current site conditions?	--	--	--	--	The site includes two towers (east and west towers) with a shared cellar and sub-cellar. The East Tower is a 41-story building (including roof level) and the West Tower is a 48-story building (including roof level).
2	Are all applicable site records (e.g., documentation of construction activity, most current easement, etc.) complete and up to date?	Y			Y	
	Easement					
3	Has site use (restricted residential, commercial) remained the same?	Y			Y	
4	Does it appear that all environmental easement restrictions have been followed?	Y			Y	
	Impermeable Cap					
5	Are there any indications of a breach in the capping system at the time of this inspection?		N		N	
6	Are there any cracks in the building slabs?		N		N	Car lifts anchored into slab with 3-Inch bolts and sealed with epoxy. Only surficial cracks were observed during inspection.
7	Are there any cracks in the building walls?		N		N	Minor cracks were previously sealed using injected grout. No other cracks were observed during inspection.
8	Is there any construction activity, or indication of any construction activity within the past certification year (including any tenant improvements), that included the breaching of the capping system, on-site at the time of this inspection?		N		-	
9	If YES to number 8, is there documentation that the Soil Management Plan, HASP, and CAMP for the site was/is being followed?				NA if N to 6/ Y if Y to 8	

***** If the answer to any of the above questions indicate non-compliance with any IC/ECs for the site, additional remarks must be provided and, where applicable, documentation attached to this checklist detailing additional inspection and repair activities.**

Additional remarks: Evidence of slight water seepage in several sub-cellar rooms.

Minimum Inspection Schedule: Site-wide inspections will be conducted annually, per certification year, at a minimum. Additional inspections will also be conducted at times of severe condition events. All inspection events will utilize this checklist.

SITE INSPECTION CHECKLIST
2021 - 2022

Site Name: Former Kips Bay Fuel Terminal Location: 626 First Ave, NY, NY Project Number: 170946901

Inspector Name: Brad Koontz Date: 01/12/2022 Weather Conditions: Clear, 30'sF

Reason for Inspection (i.e., routine, severe condition, etc.): Annual Site Inspection - 2021 Calendar Year

Check one of the following: **Y:** Yes **N:** No **NA**: Not Applicable

		Y	N	NA	Normal Situation	Remarks
	General					
1	What are the current site conditions?	--	--	--	--	The site includes two towers (east and west towers) with a shared cellar and sub-cellar. The East Tower is a 41-story building (including roof level) and the West Tower is a 48-story building (including roof level).
2	Are all applicable site records (e.g., documentation of construction activity, most current easement, etc.) complete and up to date?	Y			Y	
	Easement					
3	Has site use (restricted residential, commercial) remained the same?	Y			Y	
4	Does it appear that all environmental easement restrictions have been followed?	Y			Y	
	Impermeable Cap					
5	Are there any indications of a breach in the capping system at the time of this inspection?		N		N	
6	Are there any cracks in the building slabs?		N		N	Car lifts anchored into slab with 3-Inch bolts and sealed with epoxy. Only surficial cracks were observed during inspection.
7	Are there any cracks in the building walls?		N		N	Minor cracks were previously sealed using injected grout. No other cracks were observed during inspection.
8	Is there any construction activity, or indication of any construction activity within the past certification year (including any tenant improvements), that included the breaching of the capping system, on-site at the time of this inspection?		N		-	
9	If YES to number 8, is there documentation that the Soil Management Plan, HASP, and CAMP for the site was/is being followed?				NA if N to 6/ Y if Y to 8	

***** If the answer to any of the above questions indicate non-compliance with any IC/ECs for the site, additional remarks must be provided and, where applicable, documentation attached to this checklist detailing additional inspection and repair activities.**

Additional remarks: Evidence of slight water seepage in several sub-cellar rooms. Leaks repaired by injecting grount.

Minimum Inspection Schedule: Site-wide inspections will be conducted annually, per certification year, at a minimum. Additional inspections will also be conducted at times of severe condition events. All inspection events will utilize this checklist.

SITE INSPECTION CHECKLIST
2024 - 2025

Site Name: __Former Kips Bay Fuel Terminal____ Location: ___626 First Ave, NY, NY_____ Project Number: __170946901_____

Inspector Name: _Harrison Bluestone__ Date: __08/19/2025__ Weather Conditions: _Clear, 70'sF_

Reason for Inspection (i.e., routine, severe condition, etc.): Annual Site Inspection - 2025 Calendar Year

Check one of the following: **Y:** Yes **N:** No **NA**: Not Applicable

		Y	N	NA	Normal Situation	Remarks
	General					
1	What are the current site conditions?	--	--	--	--	The site includes two towers (east and west towers) with a shared cellar and sub-cellar. The East Tower is a 41-story building (including roof level) and the West Tower is a 48-story building (including roof level).
2	Are all applicable site records (e.g., documentation of construction activity, most current easement, etc.) complete and up to date?	Y			Y	
	Easement					
3	Has site use (restricted residential, commercial) remained the same?	Y			Y	
4	Does it appear that all environmental easement restrictions have been followed?	Y			Y	
	Impermeable Cap					
5	Are there any indications of a breach in the capping system at the time of this inspection?		N		N	
6	Are there any cracks in the building slabs?		N		N	Car lifts anchored into slab with 3-Inch bolts and sealed with epoxy. Only surficial cracks were observed during inspection.
7	Are there any cracks in the building walls?		N		N	Minor cracks were previously sealed using injected grout. No other cracks were observed during inspection.
8	Is there any construction activity, or indication of any construction activity within the past certification year (including any tenant improvements), that included the breaching of the capping system, on-site at the time of this inspection?		N		-	
9	If YES to number 8, is there documentation that the Soil Management Plan, HASP, and CAMP for the site was/is being followed?				NA if N to 6/ Y if Y to 8	

***** If the answer to any of the above questions indicate non-compliance with any IC/ECs for the site, additional remarks must be provided and, where applicable, documentation attached to this checklist detailing additional inspection and repair activities.**

Additional remarks: Evidence of slight water seepage in several sub-cellar rooms.

Minimum Inspection Schedule: Site-wide inspections will be conducted annually, per certification year, at a minimum. Additional inspections will also be conducted at times of severe condition events. All inspection events will utilize this checklist.

APPENDIX D

LOT 1 - INSTITUTIONAL AND ENGINEERING CONTROLS CERTIFICATION FORM

LANGAN

Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form

Site Details **Box 1**

Site No. C231014

Site Name Kips Bay Fuel Terminal (First Ave.prop) **FOR PARCEL 967-1**

Site Address: 626 First Avenue and 425 E. 35th St. Zip Code: 10016
City/Town: New York
County: New York
Site Acreage: 1.600

Reporting Period: June 14, 2020 to June 14, 2025

	YES	NO
1. Is the information above correct?	☒	☐
If NO, include handwritten above or on a separate sheet.		
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	☐	☒
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	☒	☐
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	☐	☒
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.		
5. Is the site currently undergoing development?	☐	☒

Box 2

	YES	NO
6. Is the current site use consistent with the use(s) listed below? Restricted-Residential, Commercial, and Industrial	☒	☐
7. Are all ICs in place and functioning as designed?	☒	☐

IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

3/2/2026
Date

Box 2A

	YES	NO
8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?	❑	☒

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid? (The Qualitative Exposure Assessment must be certified every five years)	☒	❑

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C231014 **Box 3**

Description of Institutional Controls

Parcel	Owner	Institutional Control
967-1	American Copper Building LLC	Ground Water Use Restriction Landuse Restriction Site Management Plan IC/EC Plan

1. The Property may only be used for restricted residential and commercial use below the Development Depth provided that the long term Engineering and Institutional Controls included in the Site Management Plan (SMP) are employed. No environmental easements, engineering controls, institutional controls, or any other consents, approvals, or authorizations are required for any activities above the Development Depth.

2. All future activities on the Property that will disturb remaining contaminated material must be conducted in accordance with the SMP; and,

3. The use of the groundwater underlying the Property is prohibited without treatment rendering it safe for intended use.

967-2	NYC Department of Education	Ground Water Use Restriction Landuse Restriction IC/EC Plan Site Management Plan

1. The Property may only be used for restricted residential and commercial use below the Development Depth provided that the long term Engineering and Institutional Controls included in the Site Management Plan (SMP) are employed. No environmental easements, engineering controls, institutional controls, or any other consents, approvals, or authorizations are required for any activities above the Development Depth.

2. All future activities on the Property that will disturb remaining contaminated material must be conducted in accordance with the SMP; and,

3. The use of the groundwater underlying the Property is prohibited without treatment rendering it safe for intended use.

Box 4

Description of Engineering Controls

Parcel	Engineering Control
967-1	Fencing/Access Control Cover System

The cover system at the site includes greater than two feet of cover consisting of building structures, clean fill, landscaping, and/or concrete and asphalt paving.

967-2

Cover System
Fencing/Access Control

The site was partially backfilled with with a minimum of two feet and as much as 20 feet of clean sand and crushed stone and is surrounded by a security fence.

Box 5

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

   a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;

   b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and compete.

YES	NO
☒	❑

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

   (a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

   (b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

   (c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

   (d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

   (e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES	NO
☒	❑

IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.



Signature of Owner, Remedial Party or Designated Representative

3/2/2026
Date

IC CERTIFICATIONS
SITE NO. C231014

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Matt Keller at American Copper Building LLC, AH American Copper LLC, & MS American Copper LLC
c/o Black Spruce Management LLC
80 Fifth Ave., Suite 1201, New York, NY 10011,
print name print business address

am certifying as Owner (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.



Signature of Owner, Remedial Party, or Designated Representative Rendering Certification

3/2/2026
Date

EC CERTIFICATIONS

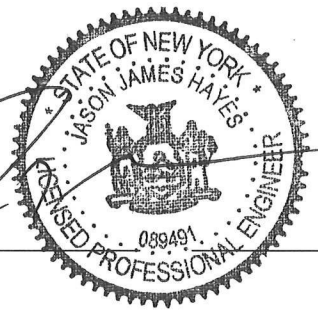
Box 7

Qualified Environmental Professional Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I JASON HAYES at 368 NINTH AVE., 8TH FL, NEW YORK, NY 10001
print name print business address

am certifying as a Qualified Environmental Professional for the OWNER
(Owner or Remedial Party)



2/10/2026

Signature of Qualified Environmental Professional, for the Owner or Remedial Party, Rendering Certification | Stamp (Required for PE) | Date

NEW YORK STATE | Department of Environmental Conservation

60-Day Advance Notification of Site Change of Use

Physical Alteration, Transfer of Certificate of Completion, and/or Ownership Required by 6NYCRR Part 375-1.11(d) and 375-1.9(f)

SUBMITTAL INSTRUCTIONS:

Please submit via Site Control Dropbox as described below, OR, if file size permits, by email to DERSiteControl@dec.ny.gov. Print to pdf before submitting.

You may submit your document(s) via ground mail at the address below however please – DO NOT submit both electronic and ground mail.

a.) VIA SITE CONTROL DROPBOX:

Request an Invitation

In the "Title" field, please include the following: "Change of Use – Site Name, Site # C231014 .

After uploading files, an automated email will be sent to the submitter's email address with a link to verify the status of the submission. Please do not send a separate email to confirm receipt.

Packages submitted through third-party file transfer services will not be accepted.

b.) VIA GROUND MAIL:

Save the COU form w/attached file(s) and cover letter (optional) to an external storage device (e.g., thumb drive, flash drive). Do NOT include any paper.

Mail the external storage device to the following address:
Chief, Site Control Section
Division of Environmental Remediation
625 Broadway, 12th Floor
Albany, NY 12233-7020

Section I: Property Information	
Site Name: Kips Bay Fuel Terminal	DEC Site #C231014
Site Address: 616 First Avenue	

Section II: Contact Information Person Submitting Notification	
Name: Christine Leas	
Address1: Sive, Paget & Riesel, P.C.	
Address 2: 560 Lexington Avenue, 15th floor, New York, NY 10022	
Phone: 646.378.7267	E-mail: cleas@sprlaw.com

Section III: Type of Change and Date
☑ Change of Ownership
☑ Change of Remedial Parties
☑ Transfer of Certificate of Completion
☐ Other (e.g., any physical alteration or other change of use)
Proposed Date of Change (mm/dd/yyyy) 03/01/2022

Section IV: Description of Proposed Change (Required)

Please provide a brief narrative of the proposed changes(s) indicated above. Attach maps, drawings, and/or parcel information as needed. If "other" the description must explain and advise the DEC how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

This notice concerns the transfer of title and transfer of the Certificate of Completion from COC holder 616 First Avenue LLC to tenants in common American Copper Building LLC, AH American Copper LLC and MS American Copper LLC, and transfer of the Remedial Party responsibilities to tenant in common owner American Copper Building LLC.

Section V: Certification Statement

Where the change results in a change in ownership or in responsibility for the proposed, ongoing, or completed remedial program for the site, the following certification must be completed (by owner or designated representative: see § 375-1.11(d)(4)(i):

I hereby certify that the prospective purchaser and/or remedial party has been provided a copy of any order, agreement, Site Management Plan, or State Assistance Contract regarding the Site's remedial program as well as a copy of all approved remedial work plans and reports.

Name: _____ 08/06/2025

(Signature) (Date)

Christine Leas

(Print Name)

Address1: Sive, Paget & Riesel, P.C.

Address2: 560 Lexington Avenue, 15th floor, New York, NY 10022

Phone: 646.378.7267 Email : cleas@sprlaw.com

Section VI: Contact Information for New Owner, Remedial Party, or CoC Holder

If the site will be sold or there will be a new remedial party, identify the prospective owner(s) or party(ies) along with contact information. If the site is subject to an Environment Easement, Deed Restriction, or Site Management Plan subject to periodic certification of institutional controls/engineering controls (IC/ECs), indicate who will be the certifying party (attach additional sheets if needed).

☑ Prospective Owner ☐ Prospective Remedial Party ☑ Prospective Owner Representative

Name: American Copper Building LLC, AH American Copper LLC, & MS American Copper LLC

Address:1 c/o Black Spruce Management LLC

Address2: 80 Fifth Ave., Suite 1201, New York, NY 10011

Phone: 917.405.2152 Email: matt@blacksprucellc.com

Cert. Party Name: Langan Engineering

Address:1 Attn: Ryan Manderbach

Address2: 21 Penn Plaza, 30 West 31st St., 8th fl, New York, NY 10001-2727

Phone: 212.479.5582 Email: rmanderbach@Langan.com

Section VII: Agreement to Notify DEC After Transfer

If Section VI applies, i.e., all or part of the site will be sold, in accordance with § 375-1.11(d)(4)(ii) 30 days after the transfer a letter to notify the DEC of the completion of the transfer must be provided. If the current owner is also the CoC holder for the site, the CoC should be transferred to the new owner using DEC's approved "Notice of Transfer of COC" forms found at Initial Notice And Transfer Of Certificate Of Completion - NYSDEC. This form has its own filing requirements at §375-1.9(f).

Signing below indicates that theses notices will be provided to the DEC within the specified timeframes as follows:

Within 30 days of the sale of the site, I agree to submit to the DEC:

1. The name and contact information for the new owner(s) per §375-1.11(d)(4)(ii)
2. The name and contact information for any owner representative; and
3. A Notice of Transfer using the DEC form Initial Notice And Transfer Of Certificate Of Completion - NYSDEC.

Name:  08/06/2025

(Signature) (Date)

Christine Leas

(Print Name)

Address1: Sive, Paget & Riesel, P.C.

Address2: 560 Lexington Avenue, 15th floor, New York, NY 10022

Phone: 646.378.7267 Email: cleas@sprlaw.com

Continuation Sheet (if needed for multiple owners, representatives, or remedial parties)

☐ Prospective Owner ☑ Prospective Remedial Party ☐ Prospective Owner Representative

Name: American Copper Building LLC

Address:1 c/o Black Spruce Management LLC

Address2: 80 Fifth Ave., Suite 1201, New York, NY 10011

Phone: 917.405.2152 Email: matt@blacksprucellc.com

☐ Prospective Owner ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: N/A

Address:1 _____

Address2: _____

Phone: _____ Email: _____

☐ Prospective Owner ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: N/A

Address:1 _____

Address2: _____

Phone: _____ Email: _____

☐ Prospective Owner ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: N/A

Address:1 _____

Address2: _____

Phone: _____ Email: _____

NEW YORK STATE | Department of Environmental Conservation

Instructions for Completing the 60-Day Advance Notification of Site Change of Use, Transfer of Certificate of Completion (CoC), and/or Ownership Form

Please submit via Site Control Dropbox Request an Invitation

In the "Title" field, please include the following: "Change of Use – Site Name, Site #

OR, if file size permits, by email to DERSiteControl@dec.ny.gov

Section I	**Description**
Site Name	Official DEC site name. (see http://www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm?pageid=3)
DEC Site ID No.	DEC site identification number.

Section II	**Contact Information of Person Submitting Notification**
Name	Name of person submitting notification of site change of use, transfer of certificate of completion and/or ownership form.
Address1	Street address or P.O. box number of the person submitting notification.
Address2	City, state and zip code of the person submitting notification.
Phone	Phone number of the person submitting notification.
E-mail	E-mail address of the person submitting notification.

Section III	**Type of Change and Date**
Check Boxes	Check the appropriate box(s) for the type(s) of change about which you are notifying the Department. Check all that apply.
Proposed Date of Change	Date on which the change in ownership or remedial party, transfer of CoC, or other change is expected to occur.

Section IV	**Description**
Description	For each change checked in Section III, describe the proposed change. Provide all applicable maps, drawings, and/or parcel information. If "Other" is checked in Section III, explain how the change may affect the site's proposed, ongoing, or completed remedial program at the site. Please attach additional sheets, if needed.

Section Certification

This section must be filled out if the change of use results in a change of ownership or responsibility for the proposed, ongoing, or completed remedial program for the site. When completed, it provides DEC with a certification that the prospective purchaser has been provided a copy of any order, agreement, or State assistance contract as well as a copy of

Name	The owner of the site property or their designated representative must sign and date the certification statement. Print owner or designated representative's name on the line provided below the signature.
Address	Owner or designated representative's street address or P.O. Box
Address	Owner or designated representative's city, state and zip
Phon	Owner or designated representative's phone
E-Mail	Owner or designated representative's E-

Section Contact Information for New Owner, Remedial Party, and CoC Holder (if a CoC was issued)

Fill out this section only if the site is to be sold or there will be a new remedial party. Check the appropriate box to indicate whether the information being provided is for a Prospective Owner, CoC Holder (if site was ever issued a COC), Prospective Remedial Party, or Prospective Owner Representative. Identify the prospective owner or party and include contact information. A Continuation Sheet is provided at the end of this form for additional

Name	Name of Prospective Owner, Prospective Remedial Party or Prospective Owner
Address	Street address or P.O. Box number for the Prospective Owner, Prospective Remedial Party, or Prospective Owner Representative.
Address	City, state and zip code for the Prospective Owner, Prospective Remedial Party, or Prospective Owner Representative.
Phon	Phone number for the Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.
E-Mail	E-mail address of the Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.

If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/EC), indicate who will be the certifying party(ies). Attach additional sheets, if needed.

Certifying Party Name	Name of Certifying
Address	Certifying Party's street address or P.O. Box
Address	Certifying Party's city, state and zip
Phone	Certifying Party's Phone
E-Mail	Certifying Party's E-mail

Section VII Agreement to Notify DEC After Property Transfer/Sale

This section must be filled out for all property transfers of all or part of the site. If the site also has a CoC, then the CoC shall be transferred using DEC's form found at http://www.dec.ny.gov/chemical/54736.html

Filling out and signing this section of the form indicates you will comply with the post transfer notifications within the required timeframes specified on the form. If a CoC has been issued for the site, the DEC will allow 30 days for the post transfer notification so that the "Notice of CoC Transfer Form" and proof of it's filing can be included. Normally the required post transfer notification must be submitted within 15 day (per 375-1.11(d)(3)(ii)) when no CoC is involved.

Name	Current property owner must sign and date the form on the designated lines. Print owner's name on the line provided.
Address1	Current owner's street address.
Address2	Current owner's city, state and zip code.

APPENDIX E

LOT 2 - INSTITUTIONAL AND ENGINEERING CONTROLS

CERTIFICATION FORM

LANGAN

Enclosure 2

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form

Site Details **Box 1**

Site No. **C231014**

Site Name **Kips Bay Fuel Terminal (First Ave.prop)** **FOR NYCDOE PARCEL 967-2**

Site Address: 626 First Avenue and 425 E. 35th St. Zip Code: 10016
City/Town: New York
County: New York
Site Acreage: 1.600

Reporting Period: June 14, 2020 to June 14, 2025

	YES	NO
1. Is the information above correct?	☒	☐
If NO, include handwritten above or on a separate sheet.		
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	☐	☒
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	☐	☒
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?	☐	☒
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.		
5. Is the site currently undergoing development?	☐	☒

Box 2

	YES	NO
6. Is the current site use consistent with the use(s) listed below? Restricted-Residential, Commercial, and Industrial	☒	☐
7. Are all ICs in place and functioning as designed?	☒	☐

IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative Date

Box 2A

	YES	NO
8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?	☐	☒
If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.		
9. Are the assumptions in the Qualitative Exposure Assessment still valid? (The Qualitative Exposure Assessment must be certified every five years)	☒	☐
If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.		

SITE NO. C231014

Box 3

Description of Institutional Controls

Parcel	Owner	Institutional Control
967-1	American Copper Building LLC	Ground Water Use Restriction Landuse Restriction Site Management Plan IC/EC Plan

1. The Property may only be used for restricted residential and commercial use below the Development Depth provided that the long term Engineering and Institutional Controls included in the Site Management Plan (SMP) are employed. No environmental easements, engineering controls, institutional controls, or any other consents, approvals, or authorizations are required for any activities above the Development Depth.

2. All future activities on the Property that will disturb remaining contaminated material must be conducted in accordance with the SMP; and,

3. The use of the groundwater underlying the Property is prohibited without treatment rendering it safe for intended use.

967-2	NYC Department of Education	Ground Water Use Restriction Landuse Restriction IC/EC Plan Site Management Plan

1. The Property may only be used for restricted residential and commercial use below the Development Depth provided that the long term Engineering and Institutional Controls included in the Site Management Plan (SMP) are employed. No environmental easements, engineering controls, institutional controls, or any other consents, approvals, or authorizations are required for any activities above the Development Depth.

2. All future activities on the Property that will disturb remaining contaminated material must be conducted in accordance with the SMP; and,

3. The use of the groundwater underlying the Property is prohibited without treatment rendering it safe for intended use.

Box 4

Description of Engineering Controls

Parcel	Engineering Control
967-1	Fencing/Access Control Cover System
The cover system at the site includes greater than two feet of cover consisting of building structures, clean fill, landscaping, and/or concrete and asphalt paving.	
967-2	Cover System Fencing/Access Control
The site was partially backfilled with with a minimum of two feet and as much as 20 feet of clean sand and crushed stone and is surrounded by a security fence.	

Box 5

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

   a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;

   b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and compete.

YES	NO
☒	☐

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

   (a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

   (b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

   (c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

   (d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

   (e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES	NO
☒	☐

IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

IC CERTIFICATIONS
SITE NO. C231014

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Saritha Thumma at 44-36 Vernon Blvd, LIC, NY 11101
print name print business address

am certifying as Owner (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.

Signature of Owner, Remedial Party, or Designated Representative Rendering Certification

01/28/26
Date

EC CERTIFICATIONS

Box 7

Qualified Environmental Professional Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Gilbert Gedeon (print name) at Atlas Engineering, 104 E. 25th Street, NY, NY 10010 (print business address)

am certifying as a Qualified Environmental Professional for the NYC Department of Education (Owner or Remedial Party)



1/22/26

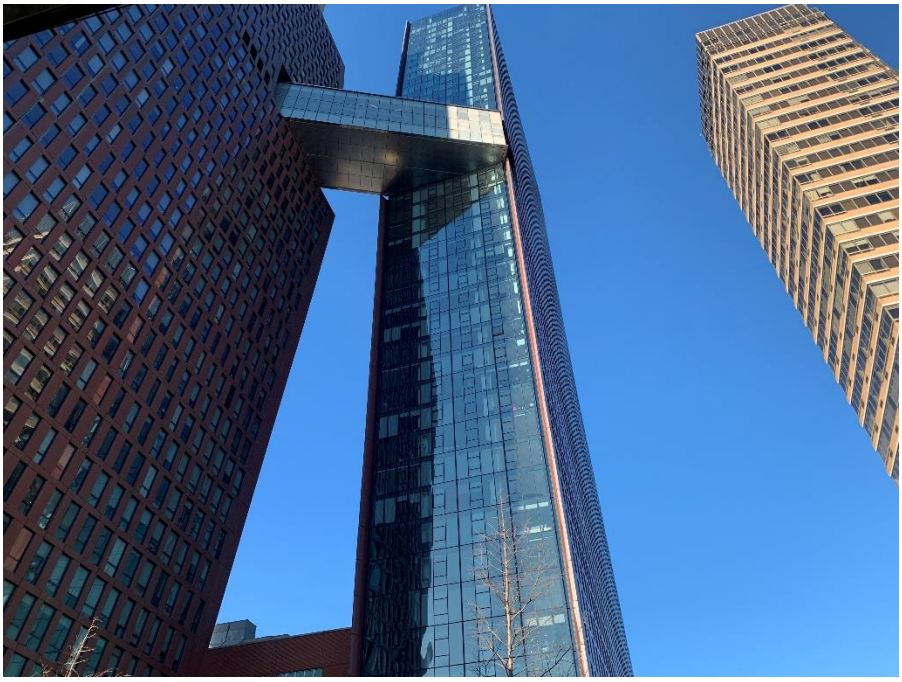
Signature of Qualified Environmental Professional, for the Owner or Remedial Party, Rendering Certification

Stamp (Required for PE)

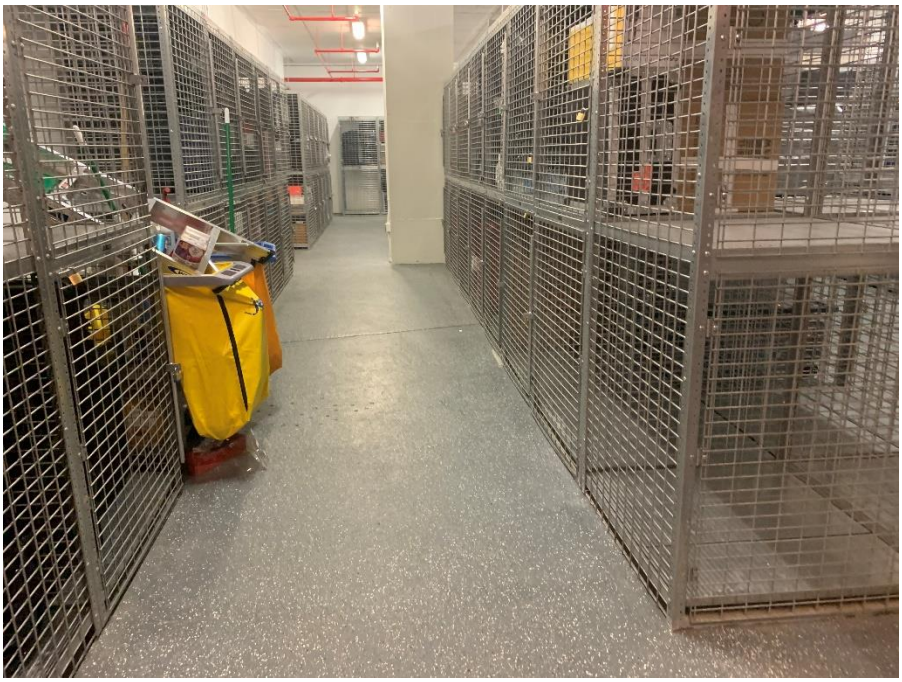
Date

APPENDIX F

LOT 1 - PHOTOGRAPH LOGS: 2015-2020 REPORTING PERIOD



Photograph 1 - View of East and West Towers of the American Copper Building (626 First Avenue; facing west. Dated 12/23/2020.



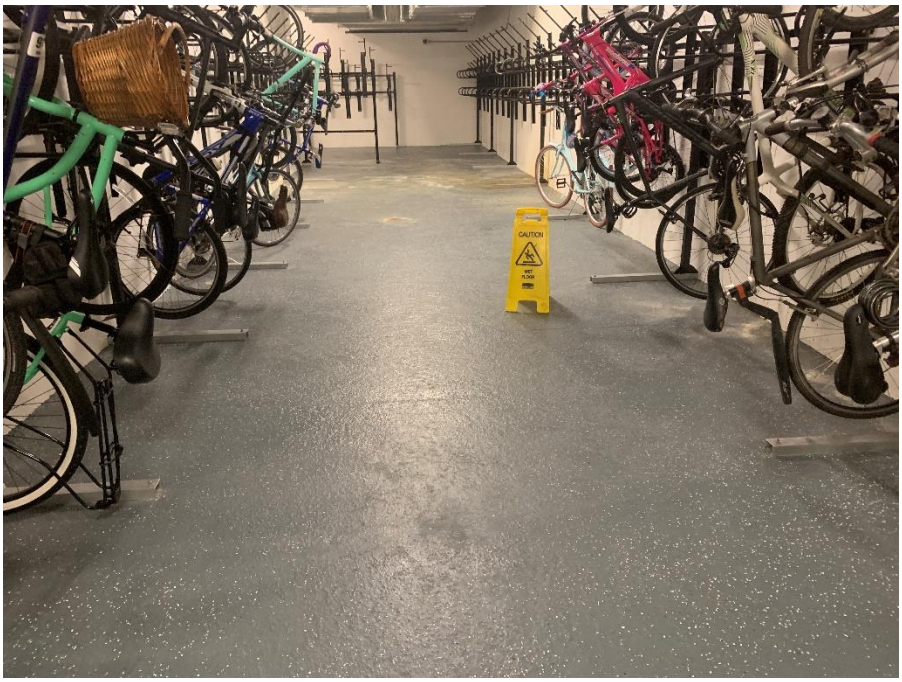
Photograph 2 - View of foundation slab in a tenant storage room in the sub-cellar of 626 First Avenue. Dated 12/23/2020.



Photograph 3 - View of evidence of minor water seepage in a tenant storage room in the sub-cellar of 626 First Avenue. Dated 12/23/2020.



Photograph 4 - View of a sump in the sub-cellar of 626 First Avenue. Dated 12/23/2020.



Photograph 5 - View of foundation slab in tenant bicycle storage area in the sub-cellar of 626 First Avenue. Dated 12/23/2020.



Photograph 6 - View of foundation slab in tenant bicycle storage in the sub-cellar of 626 First Avenue. Dated 12/23/2020.



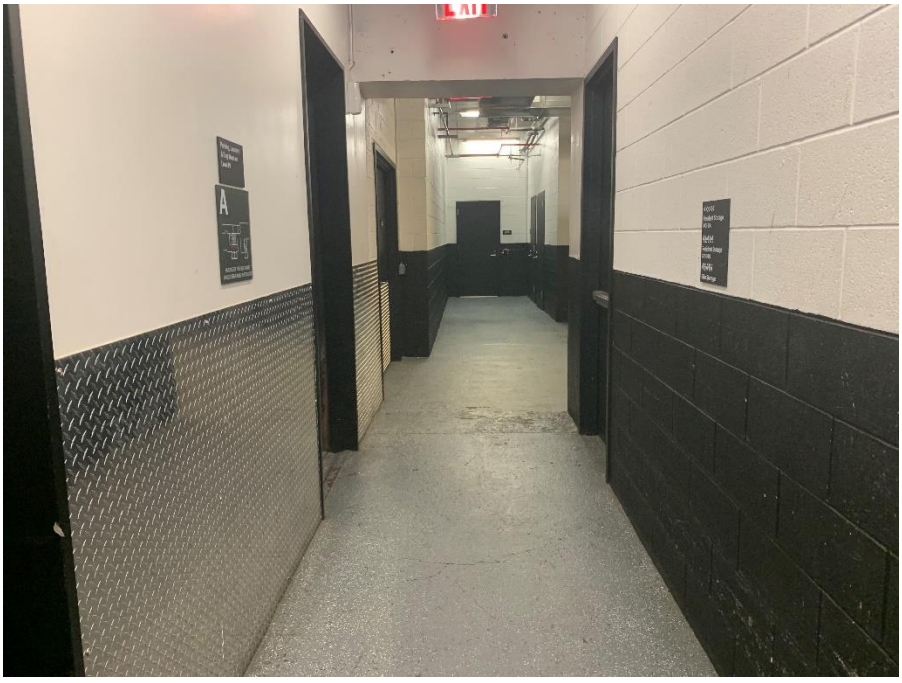
Photograph 7 - View of an elevator pit in the sub-cellar of 626 First Avenue. Dated 12/23/2020.



Photograph 8 - View of foundation slab in a tenant storage room in the sub-cellar of 626 First Avenue. Dated 12/23/2020.



Photograph 9 - View of a section of foundation wall in the sub-cellar of 626 First Avenue. Dated 12/23/2020.



Photograph 10 - View of a foundation slab in hallway in the sub-cellar of 626 First Avenue. Dated 12/23/2020.



Photograph 11 - View of foundation slab in the sub-cellar parking garage of 626 First Avenue. Dated 12/23/2020.



Photograph 12 - View of minor water seepage along foundation wall in the sub-cellar parking garage of 626 First Avenue. Dated 12/23/2020.



Photograph 13 - View of foundation wall and crack repair previously completed (circled) in cellar of 626 First Avenue. Dated 12/23/2020.



Photograph 14 - View of landscaped area in northeast corner of 626 First Avenue, facing southwest. Dated 12/23/2020.



Photograph 15 - View of sidewalk and landscaped area along eastern side of 626 First Avenue grounds, facing north. Dated 12/23/2020.



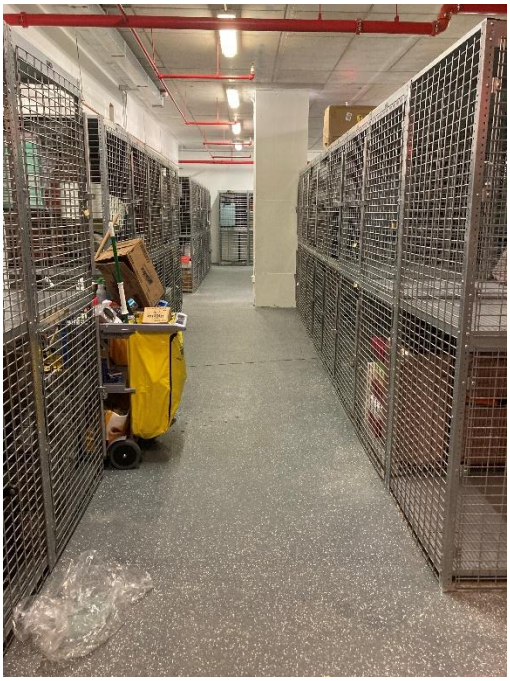
Photograph 16 - View of sidewalk and landscaped area along southern side of 626 First Avenue grounds, facing west. Dated 12/23/2020.



Photograph 17 - View of sidewalk and landscaped area along western side of 626 First Avenue grounds, facing northeast. Dated 12/23/2020.



Photograph 1 - View of East and West Towers of the American Copper Building (626 First Avenue; facing west. Dated 1/12/2022.



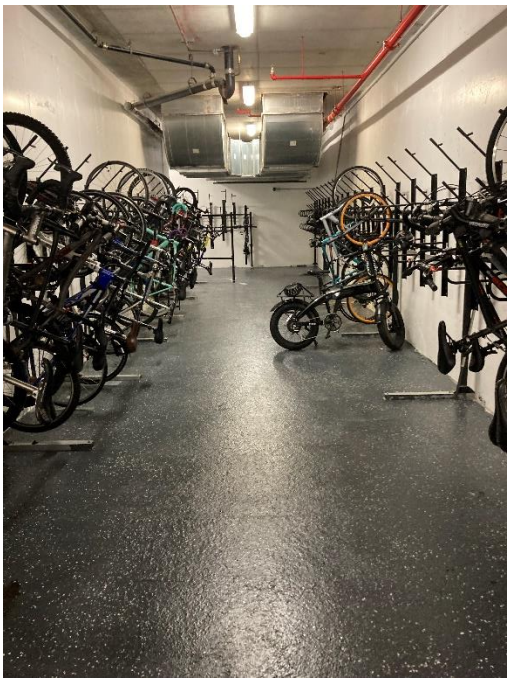
Photograph 2 - View of foundation slab in a tenant storage room in the sub-cellar of 626 First Avenue. Dated 1/12/2022.



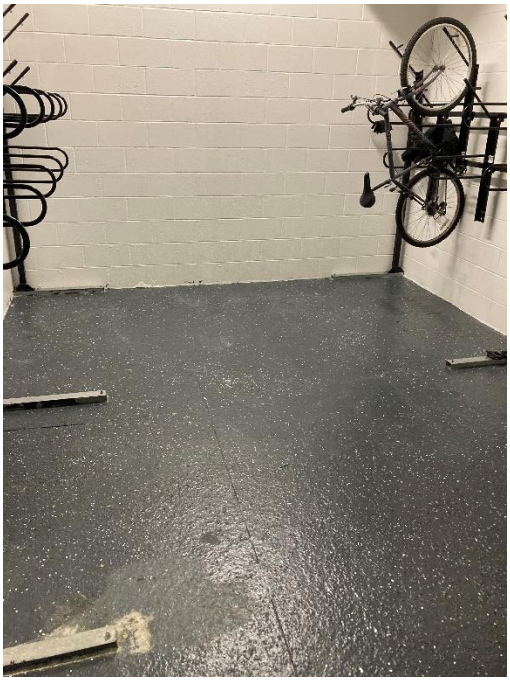
Photograph 3 - View of evidence of minor water seepage in a tenant storage room in the sub-cellar of 626 First Avenue. Dated 1/12/2022.



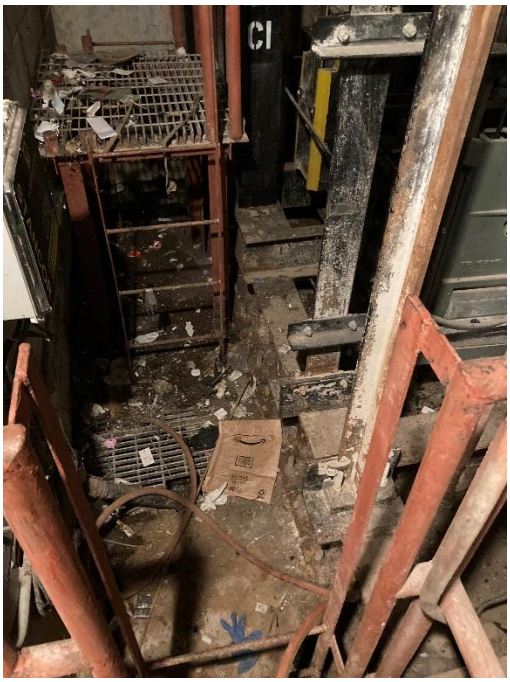
Photograph 4 - View of a sump in the sub-cellar of 626 First Avenue. Dated 1/12/2022.



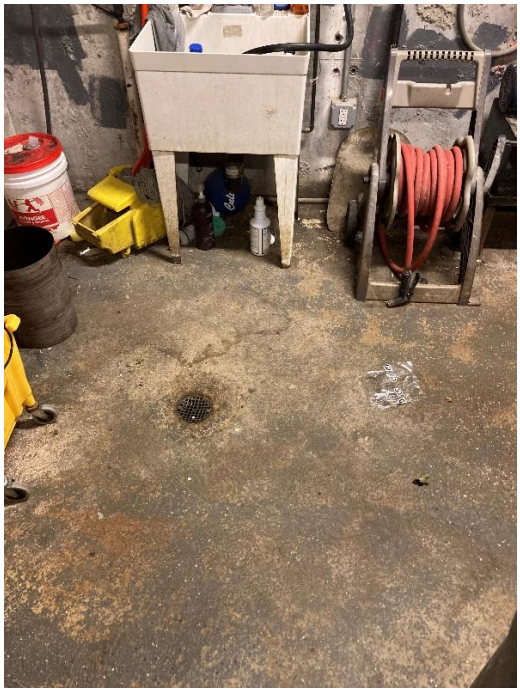
Photograph 5 - View of foundation slab in tenant bicycle storage area in the sub-cellar of 626 First Avenue. Dated 1/12/2022.



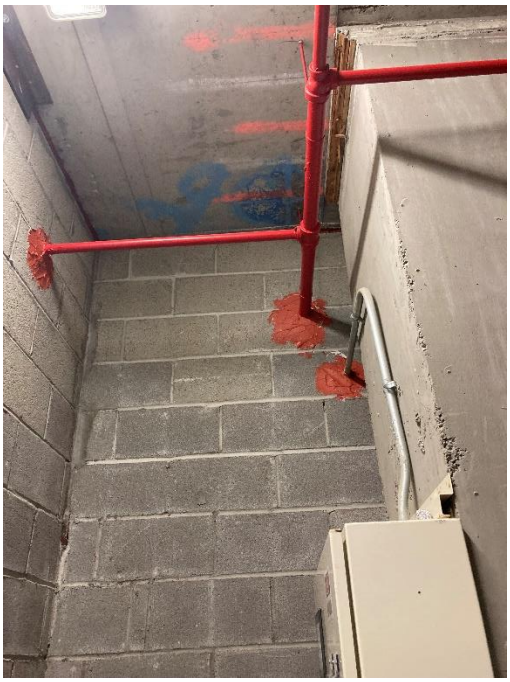
Photograph 6 - View of foundation slab in tenant bicycle storage in the sub-cellar of 626 First Avenue. Dated 1/12/2022.



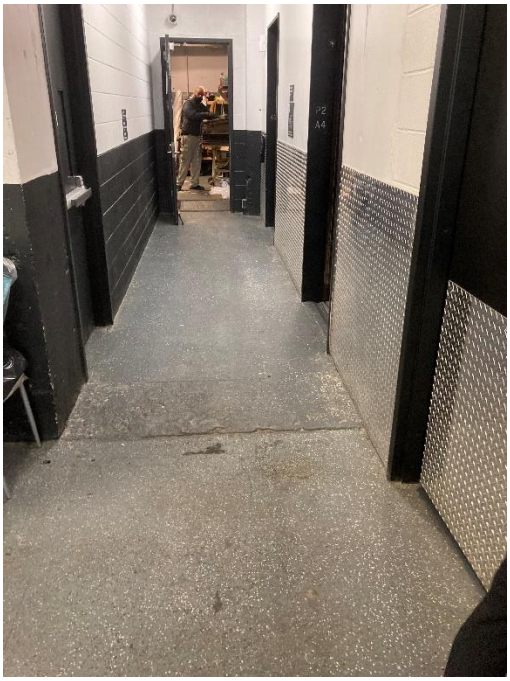
Photograph 7 - View of an elevator pit in the sub-cellar of 626 First Avenue. Dated 1/12/2022.



Photograph 8 - View of foundation slab and floor drain in a maintenance storage room in the sub-cellar of 626 First Avenue. Dated 1/12/2022.



Photograph 9 - View of a section of foundation wall in the sub-cellar of 626 First Avenue. Dated 1/12/2022.



Photograph 10 - View of a foundation slab in hallway in the sub-cellar of 626 First Avenue. Dated 1/12/2022.



Photograph 11 - View of foundation slab in the sub-cellar parking garage of 626 First Avenue. Dated 1/12/2022.



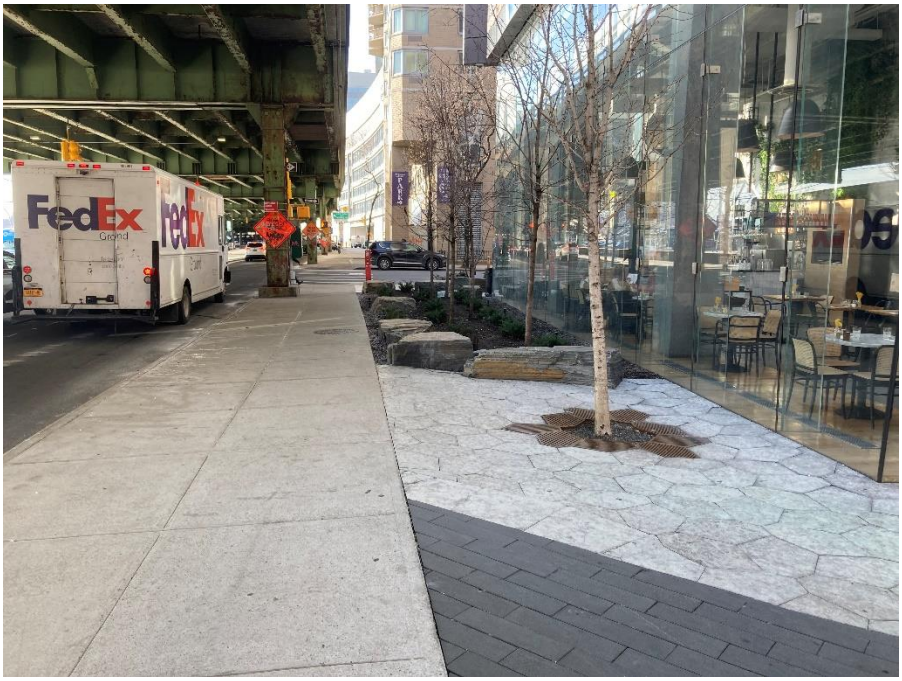
Photograph 12 - View of minor water seepage along foundation wall in the sub-cellar tenant storage room of 626 First Avenue. Dated 1/12/2022.



Photograph 13 - View of foundation slab surficial crack in cellar of 626 First Avenue. Dated 1/12/2022.



Photograph 14 - View of landscaped area in northeast corner of 626 First Avenue, facing south. Dated 1/12/2022.



Photograph 15 - View of sidewalk and landscaped area along eastern side of 626 First Avenue grounds, facing south. Dated 1/12/2022.



Photograph 16 - View of sidewalk and landscaped area along northern side of 626 First Avenue grounds, facing east. Dated 1/12/2022.

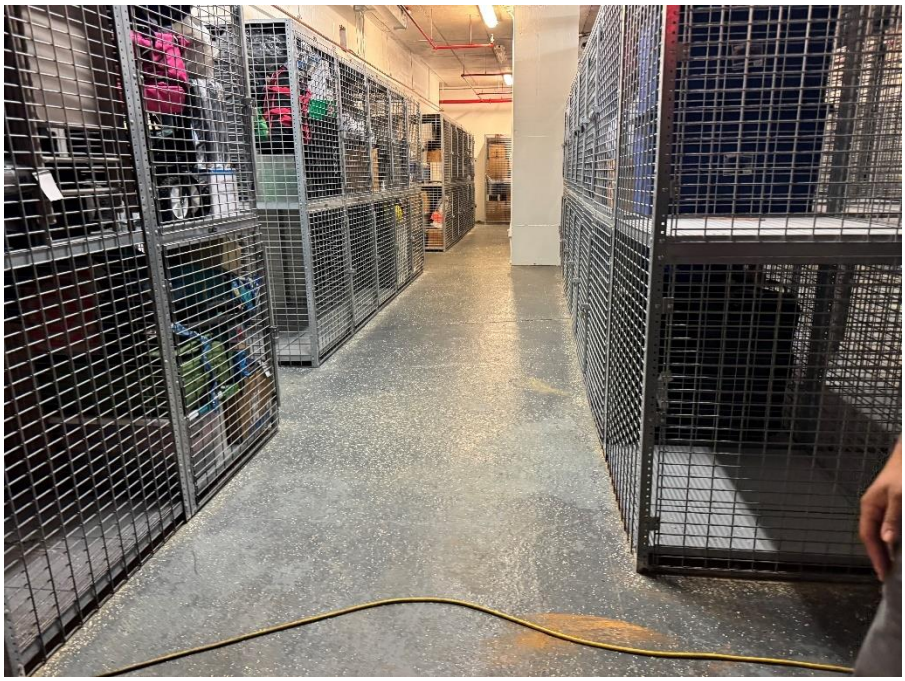


Photograph 17 - View of sidewalk and landscaped area along western side of 626 First Avenue grounds, facing northeast. Dated 1/12/2022.

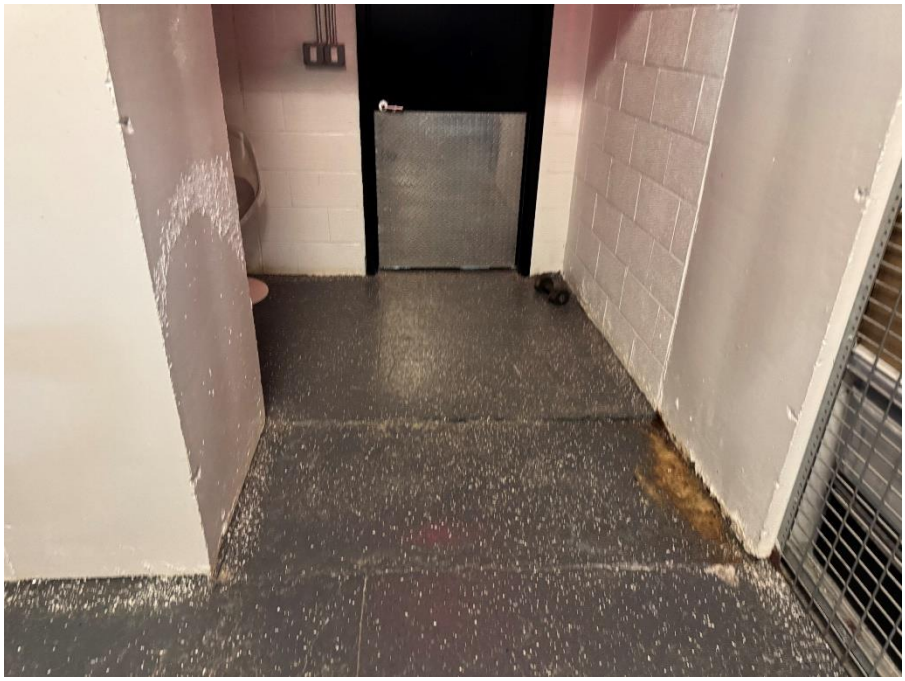
Site Management Plan- Periodic Review Report
Photograph Log
Former Kips Bay Fuel Terminal Site
626 First Avenue New York, New York
BCP Index No. A2-0515-0405; Site No. C231014
Langan Project No. 170234201



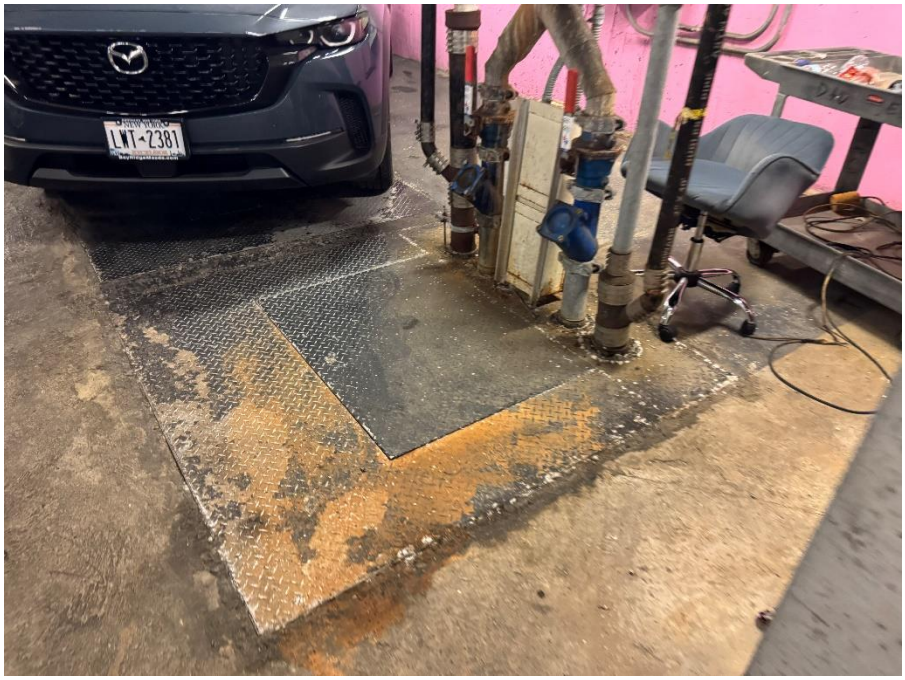
Photograph 1 - View of East and West Towers of the American Copper Building (626 First Avenue; facing southwest. Dated 8/19/2025.



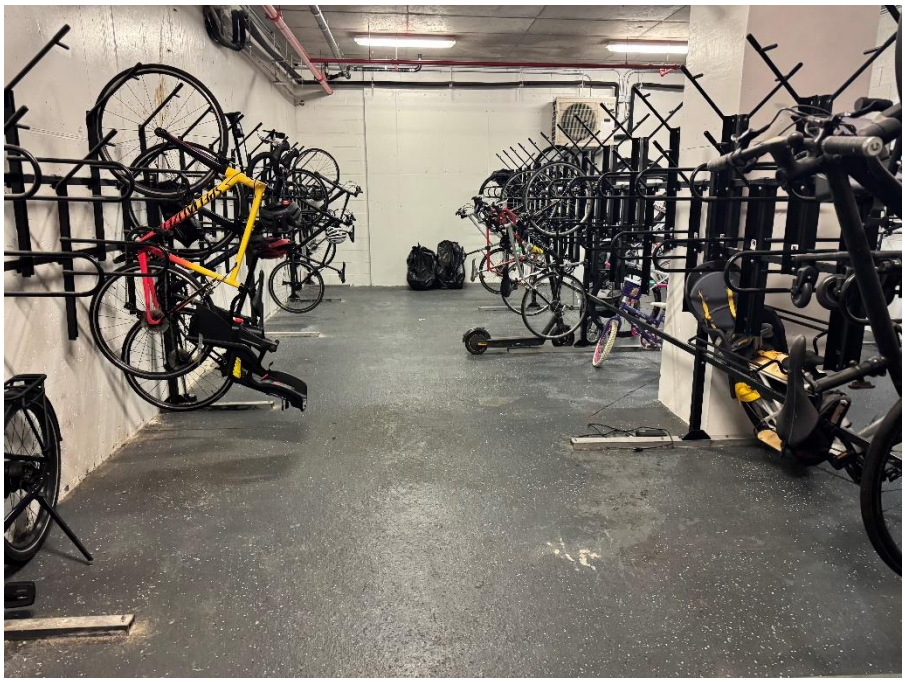
Photograph 2 - View of foundation slab in a tenant storage room in the sub-cellar of 626 First Avenue. Dated 8/19/2025.



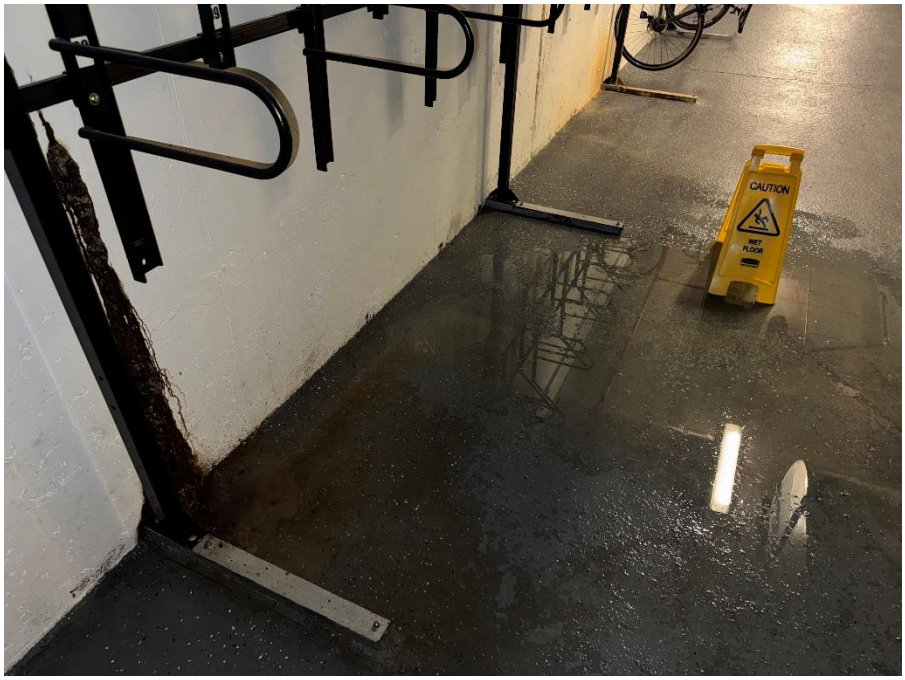
Photograph 3 - View of evidence of minor water seepage in a tenant storage room in the sub-cellar of 626 First Avenue. Dated 8/19/2025.



Photograph 4 - View of a sump in the sub-cellar of 626 First Avenue. Dated 8/19/2025.



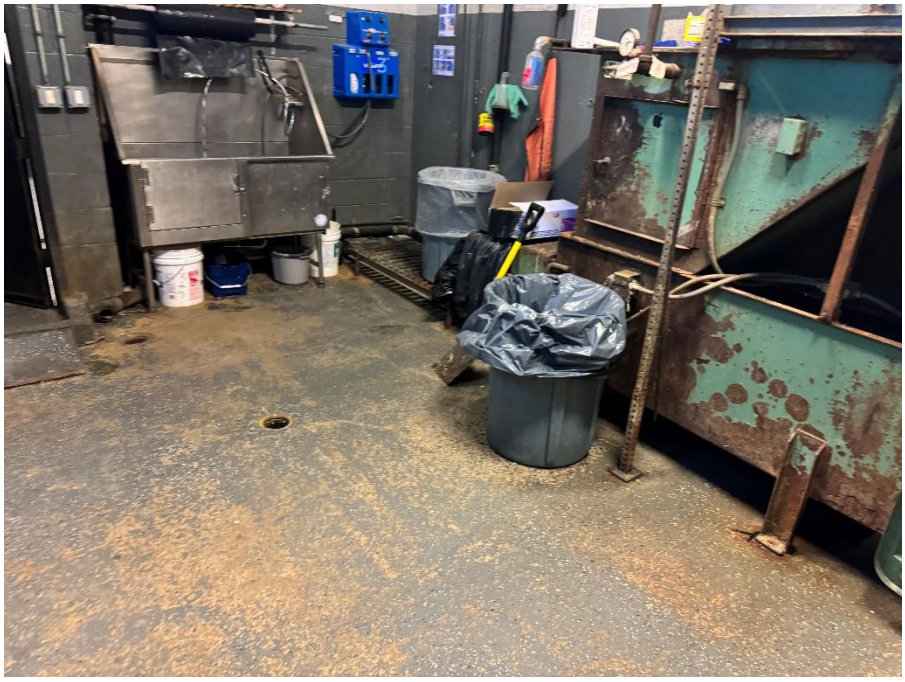
Photograph 5 - View of foundation slab in tenant bicycle storage area in the sub-cellar of 626 First Avenue. Dated 8/19/2025.



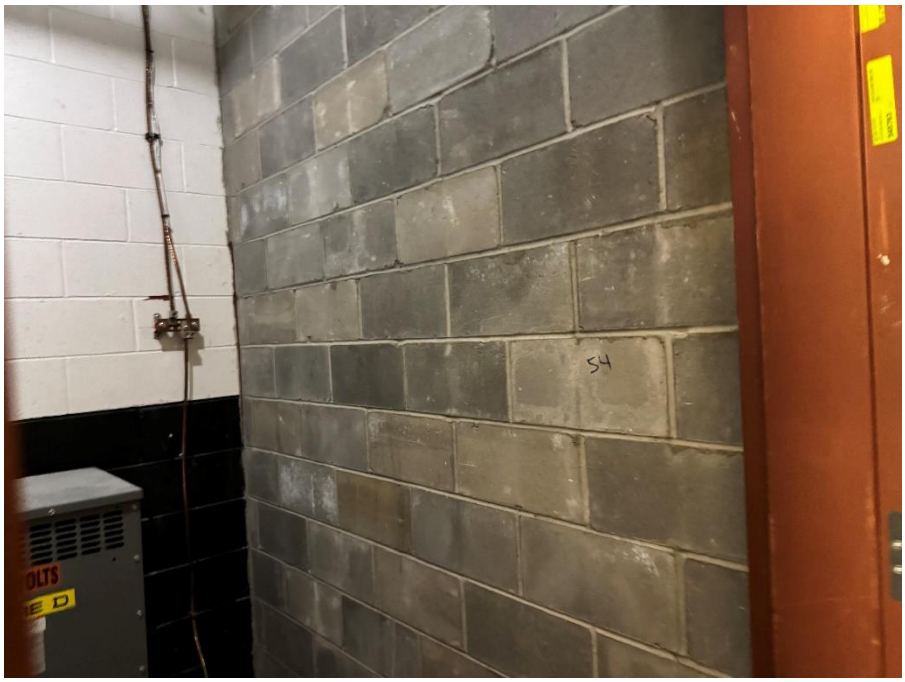
Photograph 6 - View of evidence of minor water seepage in tenant bicycle storage in the sub-cellar of 626 First Avenue. Dated 8/19/2025.



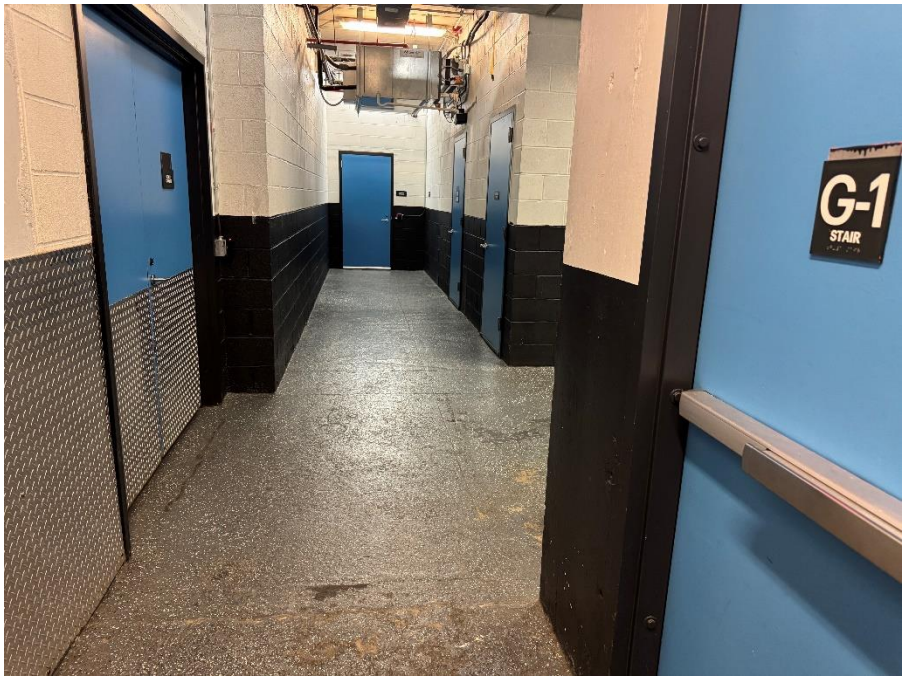
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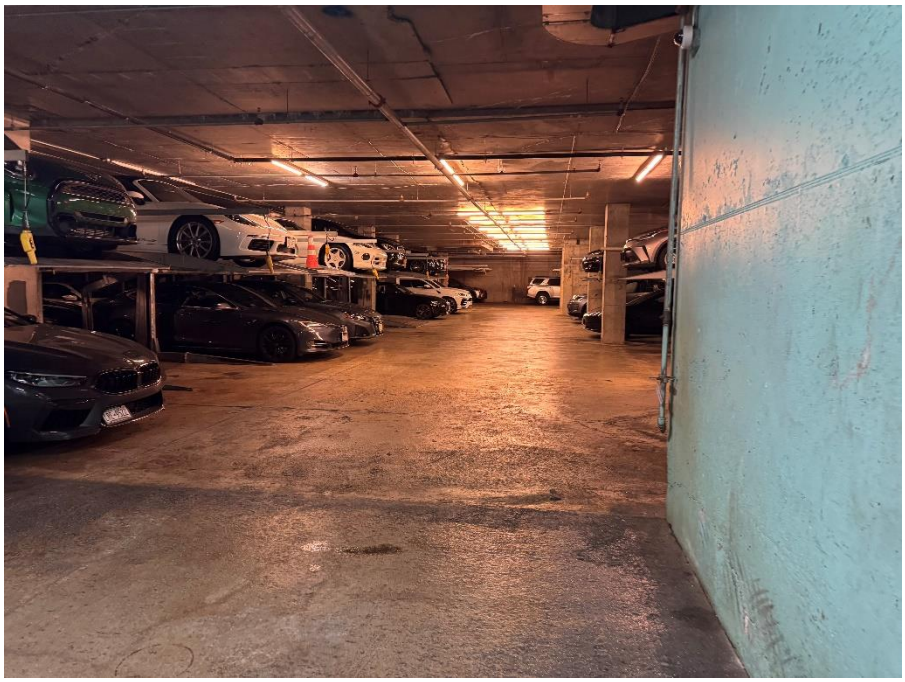
Photograph 8 - View of foundation slab and floor drain in a maintenance storage room in the sub-cellar of 626 First Avenue. Dated 8/19/2025.



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Photograph 15 - View of sidewalk and landscaped area along eastern side of 626 First Avenue grounds, facing south. Dated 8/19/2025.



Photograph 16 - View of sidewalk and landscaped area along northern side of 626 First Avenue grounds, facing east. Dated 8/19/2025.



Photograph 17 - View of sidewalk and landscaped area along western side of 626 First Avenue grounds, facing south. Dated 8/19/2025.



Photograph 18 - View of the southeast corner of the site, where the utility easement is located and capped with concrete. Planters and landscape pavers were placed above the concrete cover in this area, facing southeast. Dated 8/19/2025.



Photograph 19 – View of P.S. 281 situated in the southwest corner of the site, facing northwest. Dated 8/19/2025.