

October 3, 2023

Michael MacCabe, P.E.  
Senior Environmental Engineer  
NYSDEC  
Division of Environmental Remediation  
625 Broadway  
Albany, New York 12233-7016

**Re: Site Management Plan – Periodic Review Report  
Reporting Period – June 25, 2022 – September 30, 2023  
Keller Hotel Site  
144-150 Barrow Street  
New York, New York  
Brownfield Cleanup Program (BCP) Site No. C231092  
Langan Project No. 170170901**

Dear Mr. MacCabe:

This Periodic Review Report for the reporting period of June 25, 2022 – September 30, 2022 was prepared in accordance with the New York State Department of Environmental Conservation (NYSDEC)-approved Site Management Plan (SMP). The Keller Hotel site is located at 144-150 Barrow Street in the Greenwich Village neighborhood of New York, New York (the site) and was remediated pursuant to a Brownfield Cleanup Agreement with the NYSDEC under the New York State Brownfield Cleanup Program (NYSBCP). A periodic review of institutional controls and engineering controls (IC/EC) and a summary of groundwater monitoring results is a requirement of the final remedy at the Keller Hotel site (NYSDEC Site No. C231092), as defined in the Certificate of Completion, dated December 19, 2019 and SMP, dated December 6, 2019.

## **Site Background**

The site is identified as Block 604, Lot 1, and the southern portion of Lot 30 (4,045 square feet) on the Manhattan Tax Map (Lot 30 was merged with former Lots 6 and 7 to the north). The site is approximately 7,300 square feet (0.17 acres) in area. Lot 1 is improved with the landmarked Keller Hotel building, a vacant six-story structure with a cellar level, which is undergoing renovation. Lot 30 consists of a newly constructed 7-story building with a cellar with Certificate of Occupancy expected in late 2023. A site location map is provided as Figure 1 and a site map is provided as Figure 2.

The Keller Hotel building (Lot 1) was constructed around 1920 and has been vacant since the 1970s. Lot 30 was historically occupied by an automotive repair shop (as early as 1930) followed

by a towing company in 1998. The former garage building in Lot 30 consisted of a one-story, slab-on-grade structure and was vacant from the late 1990s until demolition in 2018. Two gasoline underground storage tanks (USTs) were documented on Lot 30 from 1950 to 1983, and both site lots were occupied by a coal yard in the late 1800s and early 1900s.

Subsurface investigations are documented in two reports; a January 2008 Limited Phase II Investigation, and a September 2015 Remedial Investigation, conducted by Hillmann Group, LLC (Hillmann) and Langan, respectively. Contaminants of concern identified during the investigations were petroleum-related volatile organic compounds (VOCs) and semivolatile organic compounds (SVOCs) in soil and groundwater, chlorinated VOCs in soil vapor, and metals and semivolatile organic compounds (SVOCs) in non-native material used to bring the area to grade in the mid to late 1800s.

The initial remediation was completed between May and September 2019 in accordance with the Remedial Work Plan (RWP), dated September 2017; Remedial Design 1 (RD1), dated April 12, 2019; and Remedial Design 2 (RD2), dated April 29, 2019, which were approved by NYSDEC on December 19, 2017, May 9, 2019, and June 14, 2019, respectively. As a prerequisite to implementing the remedy, the former one-story garage/storage building on the southern portion of Lot 30 was abated of asbestos and demolished. The components of the remedy included:

1. Excavation on Lot 30 to depths ranging from 10 to 12 feet below grade surface (bgs);
2. Excavation of the petroleum-impacted area on the Barrow Street sidewalk to 12 feet bgs;
3. Off-site disposal of about 1,640 cubic yards (2,447 tons) of excavated soil;
4. In-situ groundwater treatment injections with Petrofix® by Regenesis in the petroleum-impacted areas on Lot 30 and the Barrow Street sidewalk, and within the naphthalene-impacted area beneath the southwest part of the basement on Lot 1;
5. Removal of one underground storage tank (UST), and closure of NYSDEC Spill No. 9400447;
6. Installation of a temporary cover system consisting of at least 2 feet of ¾-inch gravel on Lot 30, 12 feet of gravel and concrete sidewalk flags on the former petroleum-impacted area of the Barrow Street sidewalk, and a temporary 3-inch-thick concrete slab in the cellar on Lot 1;
7. Implementation of long-term ICs in the form of an Environmental Easement (EE) containing use limitations and reference to the NYSDEC-approved SMP

Site management has been ongoing since the NYSDEC issued a Certificate of Completion of remediation on December 19, 2019. Redevelopment of the site began in 2021 with foundation construction completed between May 2021 and June 2022, in accordance with the December 2019 NYSDEC-approved SMP. Information on ground intrusive construction and compliance with

the SMP was presented in a SMP Operations Report attached to the 2022 Periodic Review Report.

## **SMP Compliance**

The remedial program and SMP operation were designed to eliminate or mitigate environmental and potential human health exposure to adverse environmental conditions in soil and groundwater underlying the site.

### *Engineering Controls*

#### Composite Cover

A temporary cover system installed in 2019 and described in the SMP. The temporary cover at 144 Barrow Street was removed for foundation construction for the new building while the temporary cover at the Keller Hotel building was partially breached during interior renovations. Following additional excavation and foundation improvements, a permanent composite cover system consisting of 10- to 26-inch-thick concrete mat foundation slabs was installed across the site between February 2 and June 24, 2022. Photographs of site conditions during the site inspection on September 20, 2023 are provided as Attachment A.

#### Vapor Barrier

A waterproofing/vapor barrier was installed beneath the composite cover system and along the foundation walls of each building from the base of the slab to sidewalk grade. The waterproofing/vapor barrier membrane was manufactured by W.R. Meadows, Inc. and consists of Precon® (73 mils thick) waterproofing membrane beneath the building slab and a combination of Precon® and Mel-Rol® (60 mils thick) waterproofing membrane and Mel-Drain™ drainage boards along the building foundation walls. Hydralastic® 836 waterproofing mastic was used to seal penetrations and overlapping sections of the waterproofing membrane.

Extents of the engineering controls are shown on Figure 3.

### *Institutional Controls*

ICs for this site include:

- Compliance with the EE by the Grantee and the Grantee's successors and adherence of all elements of the SMP is required (a copy of the EE is provided in Attachment B).
- All ECs must be operated and maintained as specified in the SMP.
- A composite cover system that must be inspected, certified and maintained as required in the SMP.
- A waterproofing/vapor barrier membrane underlying the composite cover system in each of the two buildings must be inspected, certified and maintained as required in the SMP.

- All ECs on the Controlled Property must be inspected and certified at a frequency and in a manner defined in the SMP.
- Groundwater monitoring must be performed as defined in the SMP or subsequent NYSDEC correspondence.
- Data and information pertinent to Site Management for the Controlled Property must be reported at the frequency and in a manner defined in the SMP.
- On-site environmental monitoring devices, including but not limited to groundwater monitoring wells must be protected and replaced as necessary to ensure proper functioning in the manner specified in the SMP.
- ECs may not be discontinued without an amendment or extinguishment of the EE.
- Vegetable gardens and farming in contact with residual site soil on the Controlled Property are prohibited.
- Use of the groundwater underlying the Controlled Property is prohibited without treatment rendering it safe for the intended purpose.
- All future activities on the Controlled Property that will disturb residual contaminated material are prohibited unless they are conducted in accordance with the soil management provisions in this SMP.
- The Controlled Property may be used for restricted residential, commercial, and industrial uses only, provided the long-term ECs and ICs included in this SMP are employed.
- The Controlled Property may not be used for a higher level of use, such as (Unrestricted Use without an amendment or extinguishment of the EE.
- Grantor agrees to 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 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. This statement must be certified by an expert acceptable to NYSDEC.

#### Groundwater Monitoring

Langan recommended termination of the groundwater monitoring at MW16 and MW17 in the western portion of the site based on late 2019 to 2020 naphthalene non-detect results or results below NYSDEC Technical & Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Guidance Values (SGVs) for Class GA drinking water (TOGS SGVs) in the Fourth Quarterly Post-Remedial Groundwater Monitoring Report Groundwater Monitoring Report, dated



November 18, 2020. Langan also recommended a reduction in the frequency of sampling at MW18 from quarterly to semi-annual to further evaluate trends of petroleum-related VOC concentrations. The NYSDEC approved the termination of sampling at MW16 and MW17, and reduction in sampling frequency at MW18 via e-mail correspondence on November 23, 2020. Copies of the NYSDEC correspondence are provided in Attachment C. Monitoring wells MW16 and MW17 were abandoned during the SMP operation, so there are no longer monitoring wells present on Lot 1.

The last groundwater monitoring event was in February 2022 and was summarized in the July 8, 2022 Third Semi-Annual Post-Remediation Monitoring Report. Planned groundwater sampling at MW18 in August 2022 could not be completed because of a platform and a hoist/lift for the ongoing construction on Lot 30. During the September 20, 2023 inspection, we observed that the hoist was removed and an about 3-foot deep pit is now present; MW-18 could not be located. MW-18 appears to have either been removed to install the pit beneath the former hoist or it was covered in concrete when paving adjacent portions of the sidewalk. It is anticipated that concrete in this area will be removed to replace the sidewalk in front of the new building at 144 Barrow Street in late 2023. We will coordinate with the construction manager and if the well is located beneath the concrete, we'll assess its condition for sampling. If necessary, MW-18 will be reinstalled and sampled.

#### Inspection Forms and Certification

The required site inspection form was completed and is included as Attachment D. The IC/EC Certification Form is included as Attachment E.

#### **Recommendations**


The IC/ECs continue to function as designed and in compliance with the SMP with the exception of the groundwater monitoring IC. We recommend continuation of annual cap inspection/certification and PRR submission until the groundwater monitoring program is complete, at which time, a reduced frequency of PRRs may be requested.

## Closing

The undersigned certifies that based on the annual PRR activities described herein the site is compliant with the SMP. Should you have any questions, please contact me at 212-479-5427.

Sincerely,

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



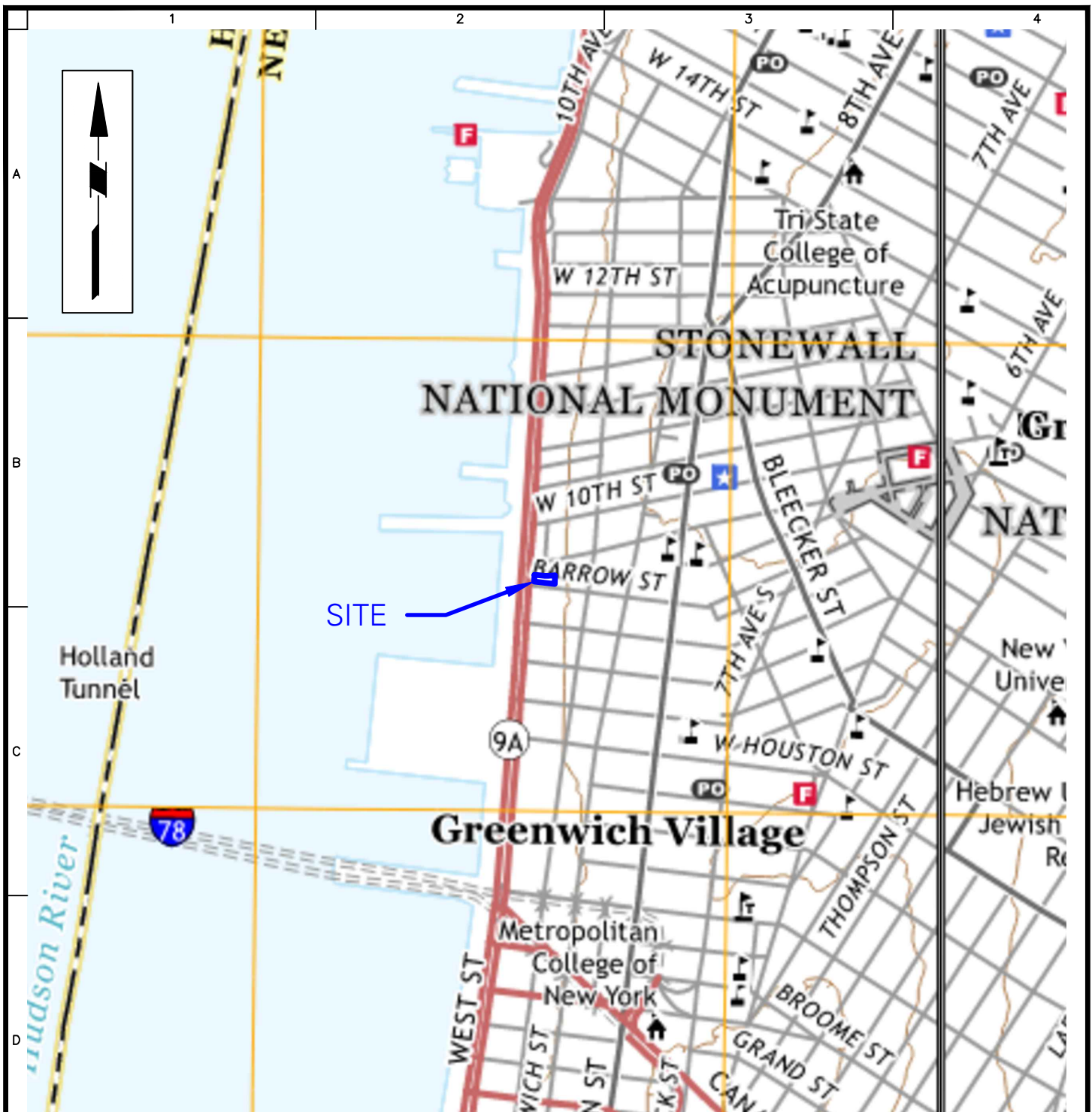
Gerald Nichols, P.E.  
Executive Associate

Enclosure(s):     Figure 1 – Site Location Map  
                         Figure 2 – Site Layout Map  
                         Figure 3 – Engineering Controls Map

Attachment A – Photographic Documentation  
Attachment B – Environmental Easement  
Attachment C – NYSDEC Correspondence  
Attachment D – Annual Site-Wide Inspection Form  
Attachment E – Institutional and Engineering Controls Certification Form

cc: M. Burke and J. Armstrong (Langan) and Neil Bender and Matt Abreu (144 Barrow Street LLC and 150 Barrow Street LLC)

## FIGURES



#### LEGEND

— APPROXIMATE SITE BOUNDARY

#### NOTES

BASE MAP IS REFERENCED FROM THE UNITED STATES GEOLOGICAL SURVEY (USGS) 7.5-MINUTE SERIES BROOKLYN, N.Y. AND JERSEY CITY, N.J. QUADRANGLE MAPS, DATED 2019.



**LANGAN**

Langan Engineering, Environmental, Surveying,  
Landscape Architecture and Geology, D.P.C.  
21 Penn Plaza, 360 West 31st Street, 8th Floor  
New York, NY 10001

T: 212.479.5400 F: 212.479.5444 www.langan.com

Project

**KELLER HOTEL SITE  
144-150 BARROW STREET**

BLOCK No. 604  
LOT No. 1 & P/O LOT 30

NEW YORK

NEW YORK

Figure Title

**SITE LOCATION  
MAP**

Project No.  
170170901

Date  
06/28/2022

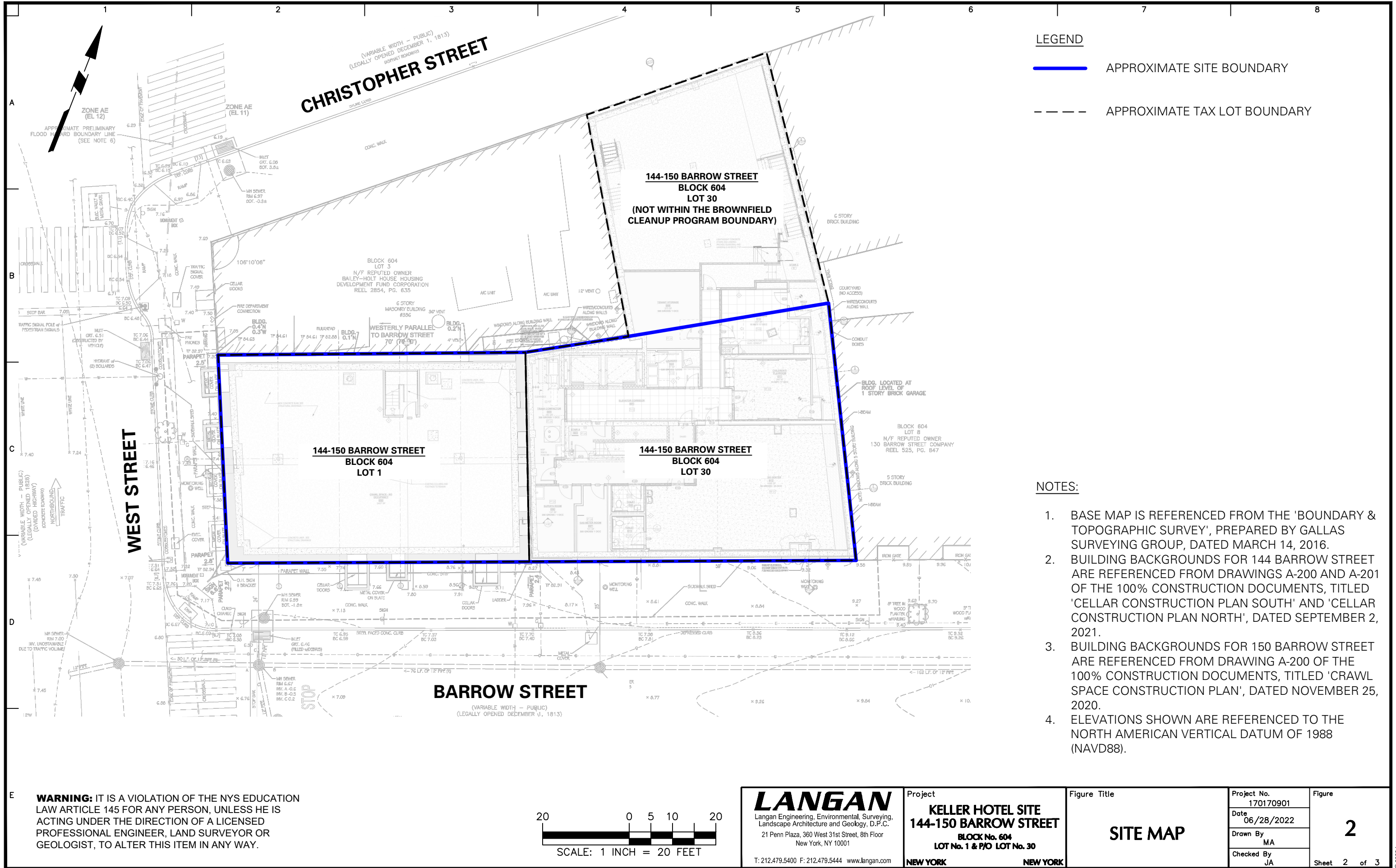
Drawn By  
MA

Checked By  
JA

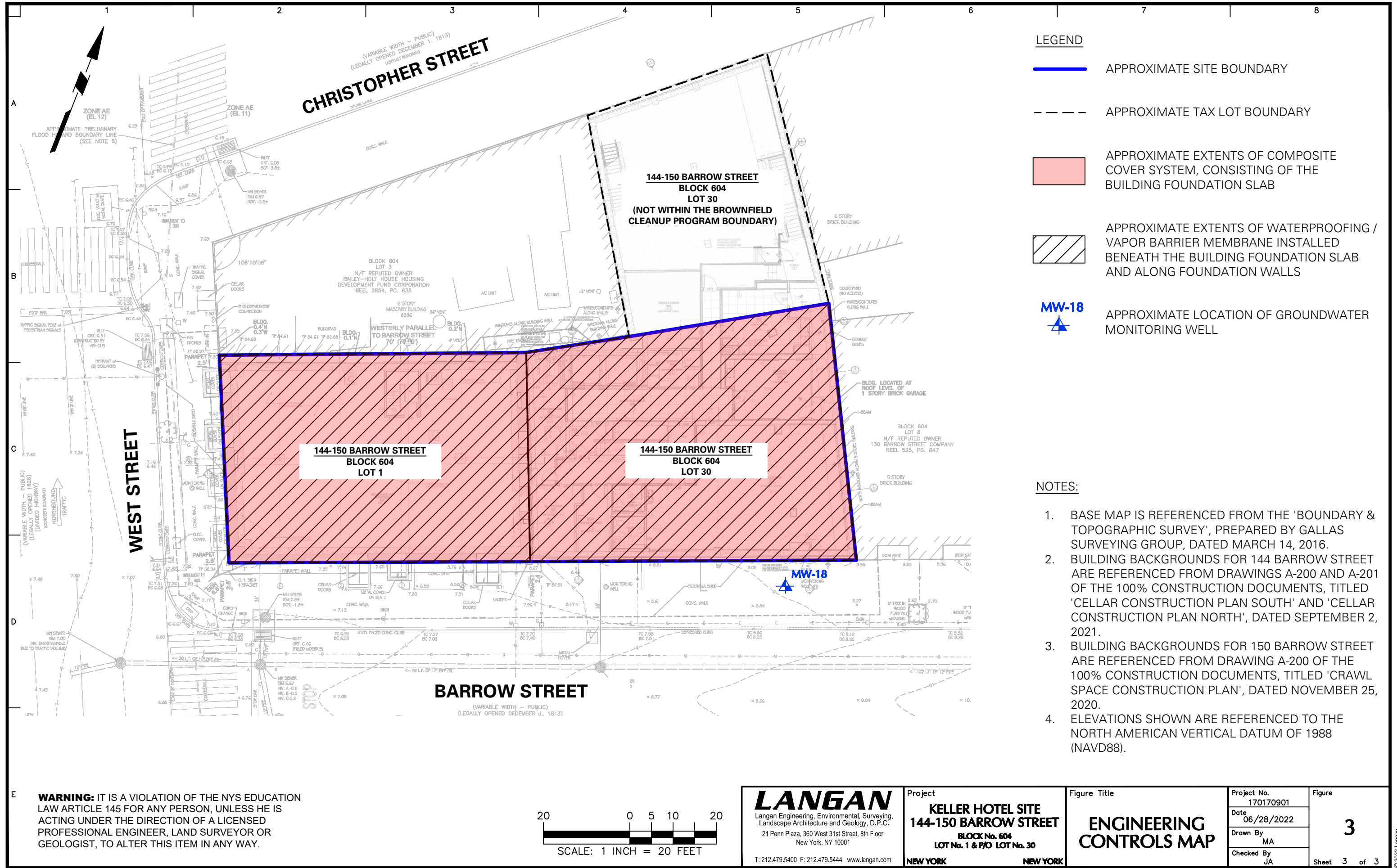
Figure

**1**

Sheet 1 of 3



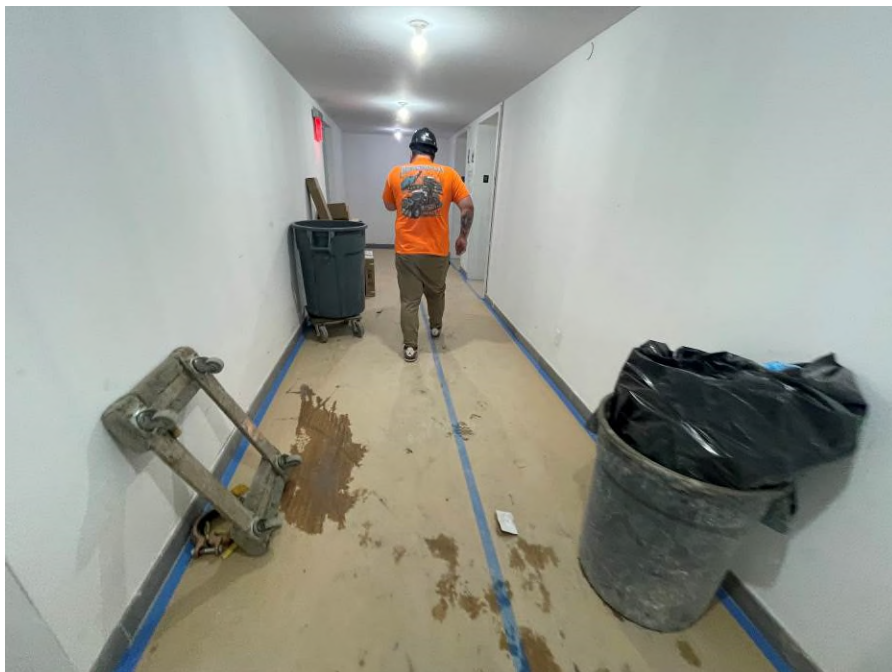




## ATTACHMENT A



**Photograph 1:** View of composite cover system in the southern portion of Lot 30 in the cellar  
(09/20/2023)



**Photograph 2:** View of composite cover system in the southern portion of Lot 30 in the cellar  
(09/20/2023)





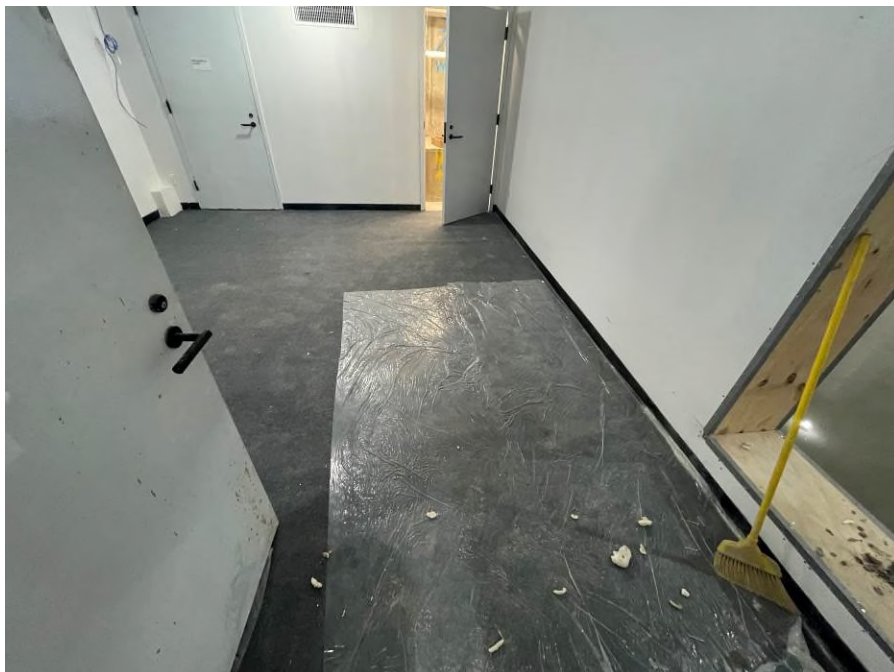
**Photograph 3:** View of composite cover system in the southern portion of Lot 30 in the cellar (09/20/2023)



**Photograph 4:** View of composite cover system in the southern portion of Lot 30 in the cellar (09/20/2023)



**Photograph 5:** View of composite cover system in the southern portion of Lot 30 in the cellar (09/20/2023)



**Photograph 6:** View of composite cover system in the southern portion of Lot 30 in the cellar (09/20/2023)





**Photograph 7:** View of composite cover system in the southern portion of Lot 30 in the cellar (09/20/2023)



**Photograph 8:** View of previous construction hoist area where MW18 was unable to be located (09/20/2023)



**Photograph 9:** View of composite cover system in Lot 1 in the cellar (09/20/2023)



**Photograph 10:** View of composite cover system in Lot 1 in in the cellar (09/20/2023)





**Photograph 11:** View of composite cover system in Lot 1 in the cellar (09/20/2023)



**Photograph 12:** View of composite cover system in Lot 1 in the cellar (09/20/2023)

Attachment B: Photograph Log

144-150 Barrow Street New York, New York

BCP Site No. C231092

Langan Project No. 170170901

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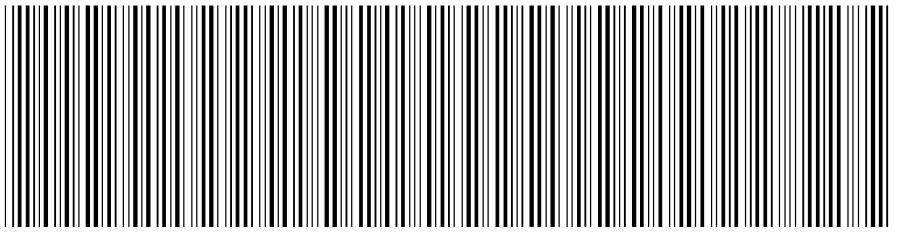


**Photograph 13:** View of composite cover system in Lot 1 in in the cellar (09/20/2023)

## ATTACHMENT B

**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.



2019111900947001002EEC7F

**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 10**

**Document ID: 2019111900947001**

Document Date: 11-15-2019

Preparation Date: 11-19-2019

Document Type: EASEMENT

Document Page Count: 9

**PRESENTER:**

ROYAL REGISTERED PROPERTY REPORTS  
(182870)MB  
125 PARK AVENUE, SUITE 1610  
NEW YORK, NY 10017  
212-376-0900  
MBASALATAN@ROYALABSTRACT.COM

**RETURN TO:**

ROYAL REGISTERED PROPERTY REPORTS  
(182870)MB  
125 PARK AVENUE, SUITE 1610  
NEW YORK, NY 10017  
212-376-0900  
MBASALATAN@ROYALABSTRACT.COM

**PROPERTY DATA**

Borough	Block	Lot	Unit	Address
MANHATTAN	604	30	Entire Lot	144 BARROW STREET
<b>Property Type:</b> COMMERCIAL REAL ESTATE				

**CROSS REFERENCE DATA**

CRFN \_\_\_\_\_ or DocumentID \_\_\_\_\_ or \_\_\_\_\_ Year \_\_\_\_\_ Reel \_\_\_\_\_ Page \_\_\_\_\_ or File Number \_\_\_\_\_

**PARTIES**

**GRANTOR/SELLER:**

144 BARROW STREET LLC  
177 CHRISTOPHER STREET  
NEW YORK, NY 10014

**GRANTEE/BUYER:**

THE PEOPLE OF THE STATE OF NEW YORK  
625 BROADWAY  
NEW YORK, NY 12233

**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: \$ 82.00

Affidavit Fee: \$ 0.00

**Filing Fee:**

\$ 0.00

NYC Real Property Transfer Tax:

\$ 0.00

NYS Real Estate Transfer Tax:

\$ 0.00

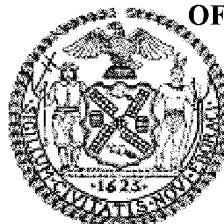
**RECORDED OR FILED IN THE OFFICE  
OF THE CITY REGISTER OF THE**

**CITY OF NEW YORK**

Recorded/Filed 11-21-2019 11:59

City Register File No.(CRFN):

**2019000380925**



*Annette McMill*

**City Register Official Signature**



1

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

**THIS INDENTURE** made <sup>as of</sup> this 15<sup>th</sup> day of November, 2019, between Owner, 144 Barrow Street LLC, having an office at 177 Christopher Street, New York, New York 10014, 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 144 Barrow Street in the City of New York, County of New York and State of New York, known and designated on the tax map of the New York City Department of Finance as tax map parcel number: Block 604 Lot 30, being a portion of the property conveyed to Grantor by deed dated March 29, 2019 and recorded in the City Register of the City of New York as CRFN # 2019000110391, and by a confirmation deed dated March 29, 2019 and recorded in the City Register of the City of New York as CRFN # 2019000341739. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 0.0898 +/- acres, and is hereinafter more fully described in the Land Title Survey dated October 24, 2019 and last revised October 29, 2019 prepared by Gregory S. Galls, L.L.S. of Gallas Surveying Group, which will be attached to the Site Management Plan. The Controlled Property description 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 public 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 Brownfield Cleanup Agreement Index Number: C231092-05-15 as amended June 3, 2019, 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),  
Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial  
as described in 6 NYCRR Part 375-1.8(g)(2)(iv)**

(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) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the New York City Department of Health and Mental Hygiene to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

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

(6) 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;

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

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

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

(10) 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 Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i), 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:

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, at such time as NYSDEC may require, 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 by 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: C231092  
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.

11. Consistency with the SMP. To the extent there is any conflict or inconsistency between the terms of this Environmental Easement and the SMP, regarding matters specifically addressed by the SMP, the terms of the SMP will control.

**Remainder of Page Intentionally Left Blank**

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

144 Barrow Street LLC:

By: 

Print Name: Neil Bender

Title: Manager

Date: 11/9/19

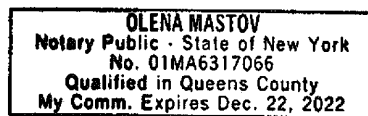
Grantor's Acknowledgment

STATE OF NEW YORK )

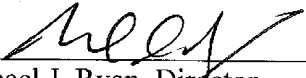
COUNTY OF New York ss:

On the 4<sup>th</sup> day of November in the year 2019, before me, the undersigned, personally appeared Neil Bender 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.

  
Notary Public - State of New York



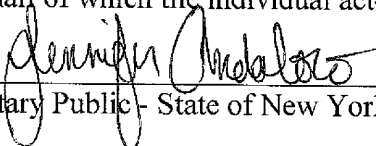
**THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK**, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

By:   
Michael J. Ryan, Director  
Division of Environmental Remediation

**Grantee's Acknowledgment**

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

On the 15<sup>th</sup> day of November, in the year 20  , before me, the undersigned, personally appeared Michael J. Ryan, 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

JENNIFER ANDALORO  
Notary Public, State of New York  
No. 02AN6098246  
Qualified in Albany County  
Commission Expires January 14, 2020



**SCHEDULE "A" PROPERTY DESCRIPTION**

ENVIRONMENTAL EASEMENT PARCEL  
PART OF LOT 30, BLOCK 604

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 A POINT ON THE NORTHERLY SIDE OF BARROW STREET (WIDTH VARIES) SAID POINT BEING DISTANT 70 FEET EASTERLY ALONG SAID LINE OF BARROW STREET FROM ITS INTERSECTION WITH THE EASTERLY SIDE OF WEST STREET (WIDTH VARIES) SAID POINT OF BEGINNING ALSO BEING AT THE INTERSECTION OF THE DIVIDING LINE BETWEEN LOT 1 AND THE HEREIN DESCRIBED PARCEL WITH THE AFOREMENTIONED NORTHERLY LINE OF BARROW STREET, AND FROM SAID POINT OF BEGINNING RUNNING, THENCE;

CONTINUING EASTERLY ALONG SAID LINE OF BARROW STREET, A DISTANCE OF 74' - 8 5/8" (74.72 FEET) TO A POINT, THENCE;

NORTHERLY, ALONG THE WESTERLY LINE OF LOT 8, BLOCK 604, A DISTANCE OF 59' - 7" (59.58 FEET) TO AN ANGLE POINT THEREIN, THENCE;

THROUGH LOT 30, BLOCK 604, A DISTANCE OF 46' - 8" (46.66 FEET) TO THE SOUTHEASTERLY CORNER OF LOT 3, BLOCK 604, THENCE;

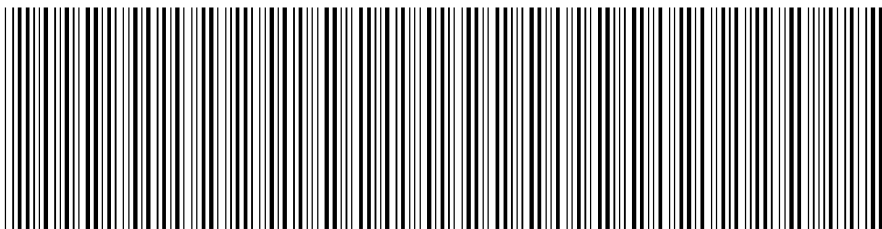
WESTERLY, ALONG THE SOUTHERLY LINE OF LOT 3, BLOCK 604, A DISTANCE OF 24' - 0 3/4" (24.06 FEET) TO A POINT, THENCE;

SOUTHERLY A DISTANCE OF 47'-11 1/2" (47.96 FEET) TO THE POINT AND PLACE OF BEGINNING.

CONTAINING WITHIN SAID BOUNDS 3,910 SQUARE FEET OR 0.0898 ACRE.

**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.



2019111900947002002EEC3B

**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 10**

**Document ID: 2019111900947002**

Document Date: 11-15-2019

Preparation Date: 11-19-2019

Document Type: EASEMENT

Document Page Count: 9

**PRESENTER:**

ROYAL REGISTERED PROPERTY REPORTS  
(182870)MB  
125 PARK AVENUE, SUITE 1610  
NEW YORK, NY 10017  
212-376-0900  
MBASALATAN@ROYALABSTRACT.COM

**RETURN TO:**

ROYAL REGISTERED PROPERTY REPORTS  
(182870)MB  
125 PARK AVENUE, SUITE 1610  
NEW YORK, NY 10017  
212-376-0900  
MBASALATAN@ROYALABSTRACT.COM

**PROPERTY DATA**

Borough	Block	Lot	Unit	Address
MANHATTAN	604	1	Entire Lot	384 WEST STREET

**Property Type:** COMMERCIAL REAL ESTATE

**CROSS REFERENCE DATA**

CRFN \_\_\_\_\_ or DocumentID \_\_\_\_\_ or \_\_\_\_\_ Year \_\_\_\_\_ Reel \_\_\_\_\_ Page \_\_\_\_\_ or File Number \_\_\_\_\_

**PARTIES**

**GRANTOR/SELLER:**

150 BARROW STREET LLC  
177 CHRISTOPHER STREET  
NEW YORK, NY 10014

**GRANTEE/BUYER:**

THE PEOPLE OF THE STATE OF NEW YORK  
625 BROADWAY  
NEW YORK, NY 12233

**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: \$ 82.00

Affidavit Fee: \$ 0.00

**Filing Fee:**

\$ 0.00

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 11-21-2019 11:59

City Register File No.(CRFN):

**2019000380926**



*Annette McMill*

**City Register Official Signature**

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

THIS INDENTURE made <sup>as of</sup> this 15<sup>th</sup> day of November, 2019, between Owner(s), 150 Barrow Street LLC, having an office at 177 Christopher Street, New York, New York 10014, 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 150 Barrow Street in the City of New York, County of New York and State of New York, known and designated on the tax map of the New York City Department of Finance as tax map parcel number: Block 604 Lot 1, being the same as that property conveyed to Grantor by deed dated March 29, 2019 and recorded in the City Register of the City of New York as CRFN # 2019000110390. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 0.0775 +/- acres, and is hereinafter more fully described in the Land Title Survey dated October 24, 2019 and last revised October 29, 2019 prepared by Gregory S. Gallas, L.L.S. of Gallas Surveying Group, which will be attached to the Site Management Plan. The Controlled Property description 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 public 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 Brownfield Cleanup Agreement Index Number: C231092-05-15 as amended June 3, 2019, 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),  
Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial  
as described in 6 NYCRR Part 375-1.8(g)(2)(iv)**

(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) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the New York City Department of Health and Mental Hygiene to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

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

(6) 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;

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

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

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

(10) 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 Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i), 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:

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, at such time as NYSDEC may require, 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 by 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: C231092  
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.

11. Consistency with the SMP. To the extent there is any conflict or inconsistency between the terms of this Environmental Easement and the SMP, regarding matters specifically addressed by the SMP, the terms of the SMP will control.

**Remainder of Page Intentionally Left Blank**



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

150 Barrow Street LLC:

By: [Signature]

Print Name: Neil Bender

Title: Manager Date: 11/9/19

**Grantor's Acknowledgment**

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

On the 4<sup>th</sup> day of November in the year 2019, before me, the undersigned, personally appeared Neil Bender 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.

[Signature]  
Notary Public - State of New York



**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:

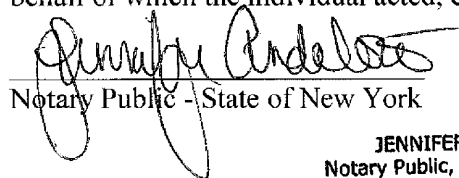


Michael J. Ryan, Director  
Division of Environmental Remediation

**Grantee's Acknowledgment**

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

On the 15<sup>th</sup> day of November, in the year 20  , before me, the undersigned, personally appeared Michael J. Ryan, 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

JENNIFER ANDALORO  
Notary Public, State of New York  
No. 02AN6098246  
Qualified in Albany County  
Commission Expires January 14, 2020

**SCHEDULE "A" PROPERTY DESCRIPTION**

ENVIRONMENTAL EASEMENT PARCEL  
LOT 1, BLOCK 604

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING  
IN 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 EASTERLY  
SIDE OF WEST STREET (WIDTH VARIES) AND THE NORTHERLY SIDE OF BARROW  
STREET (WIDTH VARIES) AND FROM SAID POINT OF BEGINNING RUNNING,  
THENCE;

EASTERLY ALONG THE NORTHERLY SIDE OF BARROW STREET, 70 FEET TO A  
POINT, THENCE;

NORTHERLY, 47' - 11 1/2" (47.96 FEET) TO A POINT ON A LINE PARALLEL WITH  
BARROW STREET, THENCE;

ALONG SAID LAST MENTIONED LINE AND PARALLEL WITH BARROW STREET,  
THENCE; 70' - 10 1/2" (70.875 FEET) TO THE EASTERLY SIDE OF WEST STREET,  
THENCE;

SOUTHERLY ALONG THE EASTERLY SIDE OF WEST STREET, 48 FEET TO THE  
CORNER FIRST ABOVE MENTIONED, TO THE POINT OR PLACE OF BEGINNING.

CONTAINING WITHIN SAID BOUNDS 3,377 SQUARE FEET OR 0.0775 ACRE.

- NOTES:
- PROPERTY KNOWN AS LOTS 1 & 30, IN BLOCK 604 AS DESIGNATED ON THE NEW YORK CITY DIGITAL TAX MAP, HAVING AN EFFECTIVE DATE OF NOVEMBER 8, 2017.  
AREA OF LOT 1: 3,377 S.F. OR 0.0775 AC.  
AREA OF LOT 30: 6,412 S.F. OR 0.1472 AC.
  - AREA OF ENVIRONMENTAL EASEMENT PARCEL (LOT 1): 3,377 S.F. OR 0.0775 AC.  
AREA OF ENVIRONMENTAL EASEMENT PARCEL (PART OF LOT 30): 3,910 S.F. OR 0.0896 AC.
  - LOCATION OF UNDERGROUND UTILITIES HAVE BEEN OMITTED FROM THIS PLAN, BEFORE ANY EXCAVATION IS TO BEGIN, ALL UNDERGROUND UTILITIES SHOULD BE VERIFIED AS TO THEIR LOCATION, SIZE AND TYPE BY THE PROPER UTILITY COMPANIES.
  - THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT AND IS SUBJECT TO THE COVENANTS, RESTRICTIONS AND EASEMENTS THAT MAY BE CONTAINED THEREIN.**
  - BY GRAPHIC PLOTTING, PROPERTY IS LOCATED IN FLOOD HAZARD ZONE AE (BASE FLOOD ELEVATION 10 IN NAVD 29 WHICH IS ELEVATION 8.9 IN NAVD 88) AND PARTIALLY LOCATED IN FLOOD HAZARD ZONE X (AREAS OF 0.2% ANNUAL CHANCE FLOOD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD) PER NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP NO. 380407182G, MAP REVISED, SEPTEMBER 5, 2007.  
BE ADVISED THAT FEMA HAS POSTED A PRELIMINARY MAP FOR THIS AREA AND SHOWS THE PROPERTY LOCATED IN FLOOD HAZARD ZONE AE (BASE FLOOD ELEVATION 11 IN NAVD 88) MAP NUMBER 380407182G, DATED: DECEMBER 5, 2013.
  - THERE WERE NO VISIBLE STREAMS OR NATURAL WATER COURSES IN THE PROPERTY AT THE TIME OF FIELD SURVEY, NOTE THAT THE CELLAR LEVEL OF THE BUILDING CONTAINS WATER THAT APPEARS TO BE INFLUENCED BY THE TIDAL WATERS OF THE HUDSON RIVER WHICH IS WEST OF THE SITE.
  - THE EXISTENCE OF UNDERGROUND TANKS HAS NOT BEEN DETERMINED AS PART OF THIS FIELD SURVEY.
  - ENCROACHMENTS AND VAULTS, IF ANY, BELOW SURFACE NOT SHOWN.
  - SITE WAS UNDER CONSTRUCTION AT THE TIME FIELD SURVEY WAS PERFORMED.

- REFERENCES:
- FINAL SECTION MAP NO. 18 PROVIDED BY THE CITY OF NEW YORK OFFICE OF THE PRESIDENT OF THE BOROUGH OF MANHATTAN, TOPOGRAPHICAL BUREAU.
  - BOROUGH SURVEY MAP NO. 15 PROVIDED BY THE CITY OF NEW YORK OFFICE OF THE PRESIDENT OF THE BOROUGH OF MANHATTAN, TOPOGRAPHICAL BUREAU.
  - MAP ENTITLED "TOPOGRAPHIC SURVEY, CHRISTOPHER ARTS DISTRICT, BLOCK NO. 604, LOT NO. 1, 3, 6, 7, 8, 14, & 30, % BLOCK NO. 606, LOT NO. 1, 4, 5, 7, 8, 11, 13, 14, 15, 22, 33, 34, 37, 38, 39, 40, & 41, BOROUGH OF MANHATTAN, CITY OF NEW YORK, NEW YORK COUNTY, NEW YORK" PREPARED BY LANGAN, DATED, JANUARY 25, 2013, PROJECT NO. 170214601, DRAWING NO. 07.01.

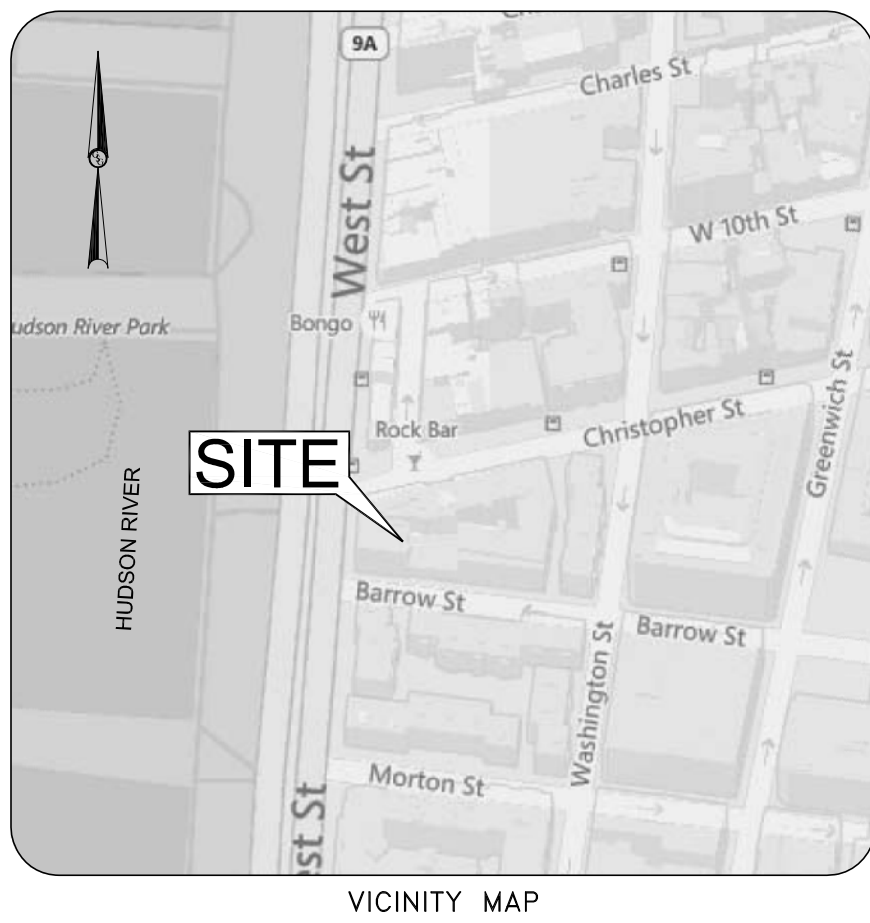
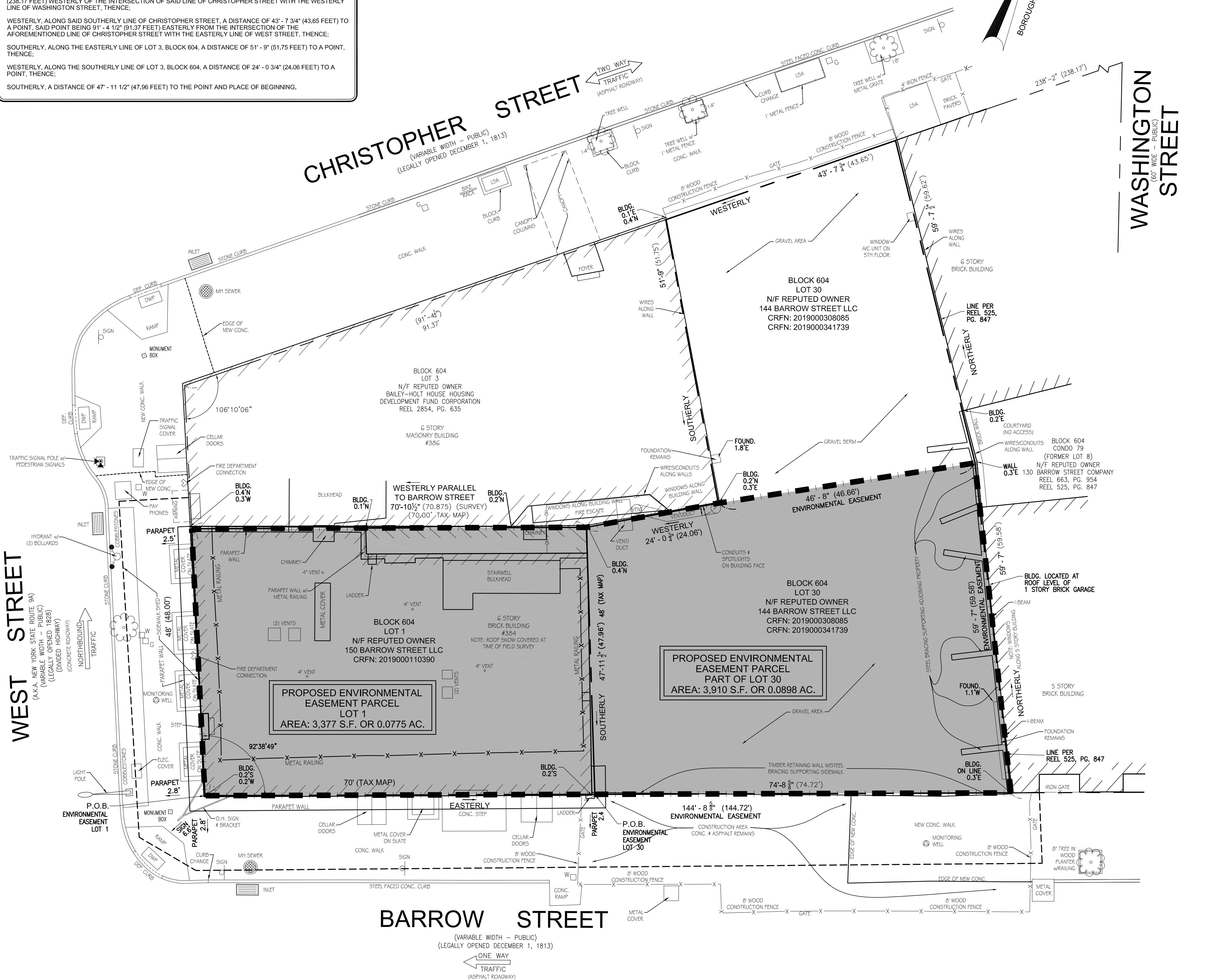
ENVIRONMENTAL EASEMENT PARCEL  
PART OF LOT 30, BLOCK 604  
ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE BOROUGH OF MANHATTAN, CITY, COUNTY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT ON THE NORTHERLY SIDE OF BARROW STREET (WIDTH VARIES) SAID POINT BEING DISTANT 70 FEET EASTERLY ALONG SAID LINE OF BARROW STREET FROM ITS INTERSECTION WITH THE EASTERLY SIDE OF WEST STREET (WIDTH VARIES) SAID POINT OF BEGINNING ALSO BEING AT THE INTERSECTION OF THE DIVIDING LINE BETWEEN LOT 1 AND THE HEREIN DESCRIBED PARCEL, WITH THE AFOREMENTIONED NORTHERLY LINE OF BARROW STREET, AND FROM SAID POINT OF BEGINNING RUNNING, THENCE:  
CONTINUING EASTERLY ALONG SAID LINE OF BARROW STREET, A DISTANCE OF 74' - 8 5/8" (74.72 FEET) TO A POINT, THENCE;  
NORTHERLY, ALONG THE WESTERLY LINE OF LOT 8, BLOCK 604, A DISTANCE OF 59' - 7" (59.58 FEET) TO AN ANGULAR POINT THEREIN, THENCE;  
THROUGH LOT 30, BLOCK 604, A DISTANCE OF 46' - 8" (46.66 FEET) TO THE SOUTHEASTERLY CORNER OF LOT 3, BLOCK 604, THENCE;  
WESTERLY, ALONG THE SOUTHERLY LINE OF LOT 3, BLOCK 604, A DISTANCE OF 24' - 0 3/4" (24.06 FEET) TO A POINT, THENCE;  
SOUTHERLY A DISTANCE OF 47'-11 1/2" (47.96 FEET) TO THE POINT AND PLACE OF BEGINNING.

ENVIRONMENTAL EASEMENT PARCEL  
LOT 1, BLOCK 604  
ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN 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 EASTERLY SIDE OF WEST STREET (WIDTH VARIES) AND THE NORTHERLY SIDE OF BARROW STREET (WIDTH VARIES) AND FROM SAID POINT OF BEGINNING RUNNING, THENCE:  
EASTERLY ALONG THE NORTHERLY SIDE OF BARROW STREET, 70 FEET TO A POINT, THENCE;  
NORTHERLY, 47' - 11 1/2" (47.96 FEET) TO A POINT ON A LINE PARALLEL WITH BARROW STREET, THENCE;  
ALONG SAID LAST MENTIONED LINE AND PARALLEL WITH BARROW STREET, THENCE; 70' - 10 1/2" (70.875 FEET) TO THE EASTERLY SIDE OF WEST STREET, THENCE;  
SOUTHERLY ALONG THE EASTERLY SIDE OF WEST STREET, 48 FEET TO THE CORNER FIRST ABOVE MENTIONED, TO THE POINT OR PLACE OF BEGINNING.

- MAP LEGEND
- PROPERTY LINE
  - ENVIRONMENTAL EASEMENT LINE
  - PROPOSED ENVIRONMENTAL EASEMENT AREA
  - BUILDING FOOTPRINT AND DOORWAY AT GROUND LEVEL
  - HYDRANT
  - WATER VALVE
  - GAS VALVE
  - OVERHEAD WIRES
  - MANHOLE
  - INLET
  - UTILITY POLE/LIGHT POLE
  - BOLLARD
  - SIGN
  - CHAIN LINK FENCE
  - DETECTABLE WARNING PAD
  - DENOTES OFFSET OF STRUCTURE RELATIVE TO PROPERTY LINE
  - 1, 0'
  - NORTH  
S  
E  
W
  - 12'
  - DENOTES TREE AND TRUNK DIAMETER

METES AND BOUNDS DESCRIPTION:  
LOT 30, BLOCK 604  
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 A POINT ON THE NORTHERLY SIDE OF BARROW STREET (WIDTH VARIES) SAID POINT BEING DISTANT 70 FEET EASTERLY ALONG SAID LINE OF BARROW STREET FROM ITS INTERSECTION WITH THE EASTERLY SIDE OF WEST STREET (WIDTH VARIES) SAID POINT OF BEGINNING ALSO BEING AT THE INTERSECTION OF THE DIVIDING LINE BETWEEN LOT 1 AND THE HEREIN DESCRIBED PARCEL, WITH THE AFOREMENTIONED NORTHERLY LINE OF BARROW STREET, AND FROM SAID POINT OF BEGINNING RUNNING, THENCE:  
CONTINUING EASTERLY ALONG SAID LINE OF BARROW STREET A DISTANCE OF 74' - 8 5/8" (74.72 FEET) TO A POINT, THENCE;  
NORTHERLY, ALONG THE WESTERLY LINE OF LOT 8, BLOCK 604 A DISTANCE OF 59' - 7" (59.58 FEET) TO AN ANGULAR POINT THEREIN, THENCE;  
CONTINUING NORTHERLY, ALONG THE WESTERLY LINE OF LOT 8, A DISTANCE OF 59' - 7 1/2" (59.62 FEET) TO A POINT ON THE SOUTHERLY LINE OF CHRISTOPHER STREET (WIDTH VARIES), SAID POINT BEING DISTANT 238' - 2" (238.17 FEET) WESTERLY OF THE INTERSECTION OF SAID LINE OF CHRISTOPHER STREET WITH THE WESTERLY LINE OF WASHINGTON STREET, THENCE;  
WESTERLY, ALONG SAID SOUTHERLY LINE OF CHRISTOPHER STREET, A DISTANCE OF 43' - 7 3/4" (43.65 FEET) TO A POINT, SAID POINT BEING 91' - 4 1/2" (91.37 FEET) EASTERLY FROM THE INTERSECTION OF THE AFOREMENTIONED LINE OF CHRISTOPHER STREET WITH THE EASTERLY LINE OF WEST STREET, THENCE;  
SOUTHERLY, ALONG THE EASTERLY LINE OF LOT 3, BLOCK 604, A DISTANCE OF 51' - 9" (51.75 FEET) TO A POINT, THENCE;  
WESTERLY, ALONG THE SOUTHERLY LINE OF LOT 3, BLOCK 604, A DISTANCE OF 24' - 0 3/4" (24.06 FEET) TO A POINT, THENCE;  
SOUTHERLY, A DISTANCE OF 47' - 11 1/2" (47.96 FEET) TO THE POINT AND PLACE OF BEGINNING.

METES AND BOUNDS DESCRIPTION:  
LOT 1, BLOCK 604  
ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN BOROUGH OF MANHATTAN, CITY, COUNTY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:  
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NORTHERLY, 47' - 11 1/2" (47.96 FEET) TO A POINT ON A LINE PARALLEL WITH BARROW STREET, THENCE;  
ALONG SAID LAST MENTIONED LINE AND PARALLEL WITH BARROW STREET, THENCE; 70' - 10 1/2" (70.875 FEET) TO THE EASTERLY SIDE OF WEST STREET, THENCE;  
SOUTHERLY ALONG THE EASTERLY SIDE OF WEST STREET, 48 FEET TO THE CORNER FIRST ABOVE MENTIONED, TO THE POINT OR PLACE OF BEGINNING.



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 New York Environmental Conservation Law. The engineering and institutional controls for this 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@dec.ny.gov.

UTILITIES:  
THE FOLLOWING COMPANIES WERE NOTIFIED BY NEW YORK CITY AND LONG ISLAND ONE-CALL SYSTEM (1-800-272-4480) AND REQUESTED TO MARK OUT UNDERGROUND FACILITIES AFFECTING AND SERVING THIS SITE. THE UNDERGROUND UTILITY INFORMATION SHOWN HEREON IS BASED UPON THE UTILITY COMPANIES RESPONSE TO THIS REQUEST. SERIAL NUMBER(S): 170031945 2017 MARKOUT  
UTILITY COMPANY: AT&T CORPORATION (800) 241-3624  
CONSOLIDATED EDISON CO. OF N.Y. (718) 472-2304  
EMPIRE CITY SUBWAY MANHATTAN (212) 518-4534  
MCI (800) 288-3427  
CROWN CASTLE (724) 418-2973  
PORT AUTHORITY OF NY & NJ (201) 595-4839  
QWEST COMMUNICATIONS (720) 578-8090  
RCN (718) 472-2304  
TIME WARNER CABLE - MANHATTAN (800) 255-8600  
PHONE NUMBER: (800) 241-3624  
(718) 472-2304  
(212) 518-4534  
(800) 288-3427  
(724) 418-2973  
(201) 595-4839  
(720) 578-8090  
(718) 472-2304  
(800) 255-8600  
NOTE: ALL UTILITY COMPANIES DID NOT RESPOND TO MARKOUT REQUEST.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.

1	REVISE EASEMENTS	K.G.G.	10-29-19
No.	DESCRIPTION OF REVISION	DRAWN:	DATE
ENVIRONMENTAL EASEMENT SURVEY LOTS 1 & 30, BLOCK 604 144-150 BARROW STREET (A.K.A. 176-178 CHRISTOPHER STREET) BOROUGH OF MANHATTAN CITY, COUNTY AND STATE OF NEW YORK			
GALLAS SURVEYING GROUP 2865 U.S. ROUTE 1 NORTH BRUNSWICK, NJ 08902 TEL: 732-422-0700 FAX: 732-940-8786 www.gallasurvey.com			
DATE	SCALE	DRAWN:	CHECKED:
10-24-2019	1"=10'	K.G.G./E.C.R.	D.A.H.
FIELD DATE	FIELD BOOK	PAGE	FIELD CREW
10-14-2019	125	66	D.A./G.S.
FILE NO.:	DRAWING NAME/SHEET NO.		
G16019	G16019-ENV ESMT.DWG 1 of 1		
GREGORY S. GALLAS NEW YORK PROFESSIONAL LAND SURVEYOR #00724			
NOT VALID UNLESS EMBOSSED WITH THE PROFESSIONAL SEAL OF THE STATE OF NEW YORK DATE 10-29-2019			



2865 US Route 1  
North Brunswick, NJ 08902  
Tele: 732-422-6700  
Fax: 732-940-8786  
[www.gallassurvey.com](http://www.gallassurvey.com)

OCTOBER 29, 2019  
GSG PROJECT #G16019

ENVIRONMENTAL EASEMENT PARCEL  
LOT 1, BLOCK 604

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN 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 EASTERLY SIDE OF WEST STREET (WIDTH VARIES) AND THE NORTHERLY SIDE OF BARROW STREET (WIDTH VARIES) AND FROM SAID POINT OF BEGINNING RUNNING, THENCE;

EASTERLY ALONG THE NORTHERLY SIDE OF BARROW STREET, 70 FEET TO A POINT, THENCE;

NORTHERLY, 47' - 11 1/2" (47.96 FEET) TO A POINT ON A LINE PARALLEL WITH BARROW STREET, THENCE;

ALONG SAID LAST MENTIONED LINE AND PARALLEL WITH BARROW STREET, THENCE; 70' - 10 1/2" (70.875 FEET) TO THE EASTERLY SIDE OF WEST STREET, THENCE;

SOUTHERLY ALONG THE EASTERLY SIDE OF WEST STREET, 48 FEET TO THE CORNER FIRST ABOVE MENTIONED, TO THE POINT OR PLACE OF BEGINNING.

CONTAINING WITHIN SAID BOUNDS 3,377 SQUARE FEET OR 0.0775 ACRE.



2865 US Route 1  
North Brunswick, NJ 08902  
Tele: 732-422-6700  
Fax: 732-940-8786  
[www.gallassurvey.com](http://www.gallassurvey.com)

OCTOBER 29, 2019  
GSG PROJECT #G16019

ENVIRONMENTAL EASEMENT PARCEL  
PART OF LOT 30, BLOCK 604

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 A POINT ON THE NORTHERLY SIDE OF BARROW STREET (WIDTH VARIES) SAID POINT BEING DISTANT 70 FEET EASTERLY ALONG SAID LINE OF BARROW STREET FROM ITS INTERSECTION WITH THE EASTERLY SIDE OF WEST STREET (WIDTH VARIES) SAID POINT OF BEGINNING ALSO BEING AT THE INTERSECTION OF THE DIVIDING LINE BETWEEN LOT 1 AND THE HEREIN DESCRIBED PARCEL WITH THE AFOREMENTIONED NORTHERLY LINE OF BARROW STREET, AND FROM SAID POINT OF BEGINNING RUNNING, THENCE;

CONTINUING EASTERLY ALONG SAID LINE OF BARROW STREET, A DISTANCE OF 74' - 8 5/8" (74.72 FEET) TO A POINT, THENCE;

NORTHERLY, ALONG THE WESTERLY LINE OF LOT 8, BLOCK 604, A DISTANCE OF 59' - 7" (59.58 FEET) TO AN ANGLE POINT THEREIN, THENCE;

THROUGH LOT 30, BLOCK 604, A DISTANCE OF 46' - 8" (46.66 FEET) TO THE SOUTHEASTERLY CORNER OF LOT 3, BLOCK 604, THENCE;

WESTERLY, ALONG THE SOUTHERLY LINE OF LOT 3, BLOCK 604, A DISTANCE OF 24' - 0 3/4" (24.06 FEET) TO A POINT, THENCE;

SOUTHERLY A DISTANCE OF 47'-11 1/2" (47.96 FEET) TO THE POINT AND PLACE OF BEGINNING.

CONTAINING WITHIN SAID BOUNDS 3,910 SQUARE FEET OR 0.0898 ACRE.

## ATTACHMENT C



# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## Division of Environmental Remediation

625 Broadway, 11<sup>th</sup> Floor, Albany, NY 12233-7020

P: (518)402-9543 | F: (518)402-9547

[www.dec.ny.gov](http://www.dec.ny.gov)

December 07, 2022

144-150 Barrow Street LLC  
Neil Bender  
c/o William Gottlieb Real Estate  
177 Christopher Street  
New York, NY 10014

Re: Keller Hotel Site, New York  
New York County, Site No.: C231092  
Site Management Periodic Review Report

Dear Neil Bender (as the Certifying Party):

The Department has reviewed your Periodic Review Report (PRR) and IC/EC Certification for following period: April 17, 2021 to April 17, 2022.

The Department hereby accepts the PRR and associated Certification. The frequency of Periodic Reviews for this site is 1 year, your next PRR is due on September 1, 2023. You will receive a reminder letter and updated certification form 75-days prior to the due date. Regardless of receipt or not, of the reminder notice, the next PRR including the signed certification form, is still due on the date specified above.

If you have any questions, or need additional forms, please contact me at 518-402-9687 or: [michael.maccabe@dec.ny.gov](mailto:michael.maccabe@dec.ny.gov).

Sincerely,

Michael MacCabe, P.E.  
Senior Environmental Engineer

cc: J. Armstrong, Langan



Department of  
Environmental  
Conservation

## Joshua Golding

---

**From:** MacCabe, Michael (DEC) <michael.maccabe@dec.ny.gov>  
**Sent:** Monday, November 23, 2020 4:15 PM  
**To:** Jennifer Armstrong  
**Cc:** Michael D. Burke; Julia Leung  
**Subject:** RE: Keller Hotel Site - Report for 4th Quarterly Post-Remediation Groundwater Sampling

Jennifer,

Based on the data showing no naphthalene detection for four quarters, the request to discontinue sampling of monitoring wells MW-16 and MW-17 is acceptable. Sampling of MW-18 may be reduced to semiannually.

Thanks,

**Michael D. MacCabe, P.E.**

Senior Environmental Engineer



Division of Environmental Remediation

New York State Department of Environmental Conservation

625 Broadway, Albany, NY 12233-7016

518-402-9687 | [michael.maccabe@dec.ny.gov](mailto:michael.maccabe@dec.ny.gov)

[www.dec.ny.gov](http://www.dec.ny.gov)



Department of  
Environmental  
Conservation



---

**From:** Jennifer Armstrong <jarmstrong@Langan.com>  
**Sent:** Wednesday, November 18, 2020 9:52 AM  
**To:** MacCabe, Michael (DEC) <michael.maccabe@dec.ny.gov>  
**Cc:** mburke@langan.com; Julia Leung <JLeung@Langan.com>; Jim Eustace (j.eustace@gardinerusa.com) <j.eustace@gardinerusa.com>; martin allum <m.allum@GARDINERUSA.com>; AlexR@cayre.com; David Yudelson <dyudelson@sprlaw.com>  
**Subject:** Keller Hotel Site - Report for 4th Quarterly Post-Remediation Groundwater Sampling

Michael,

Our report for the 4<sup>th</sup> sampling event is attached. We are requesting a reduced sampling frequency for MW-18 and cessation of sampling MW-16 and MW-17. Please let us know if you have questions.

Regards,

**Jennifer Armstrong, CHMM**  
Senior Project Manager

**LANGAN**

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Mobile: 917.613.7234

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360 West 31st Street, 8th Floor  
New York, NY 10001-2727  
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## ATTACHMENT D

# COMPOSITE COVER SYSTEM INSPECTION CHECKLIST

Site Name: 144-150 Barrow Street Location: New York, NY Project Number: 170170901

Inspector Name: Rachel Condon Date: 09/20/2023 Weather Conditions: Sunny, 61° to 72° F

Reason for Inspection (i.e., routine, maintenance, severe condition, etc.): 2023 Periodic Review Inspection

Check one of the following: **Y:** Yes **N:** No **NA:** Not Applicable

		Y	N	NA	Normal Situation	Remarks
	<b>General</b>					
1	What are the current site conditions?	--	--	--	--	Six-story building at Lot 1 with ongoing interior renovation, and a recently constructed seven-story building Lot 30, for which certificate of occupancy is expected in late 2023
	<b>Impermeable Cap</b>					
2	Are there any indications of a breach in the capping system at the time of this inspection?		X			
3	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?		X			
4	If YES to number 3, is there documentation that the Soil Management Plan, HASP, and CAMP for the site was/is being followed? Any breach of the cover system into residual contamination or the sub-slab vapor barrier membrane should be overseen by the remedial engineer and documented and reported in the periodic review report.		X			

**\* If the answer to any of the above questions indicate non-compliance with 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 weather condition events. All inspection events will utilize this checklist.

# SITE INSPECTION CHECKLIST

Site Name: 144-150 Barrow Street Location: New York, NY Project Number: 170170901

Inspector Name: Rachel Condon Date: 09/20/2023 Weather Conditions: Sunny, 61° to 72° F

Reason for Inspection (i.e., routine, maintenance, severe condition, etc.): 2023 Periodic Review Inspection

Check one of the following: **Y**: Yes **N**: No **NA**: Not Applicable

		Y	N	NA	Normal Situation	Remarks
	<b>General</b>					
1	What are the current site conditions?	--	--	--	--	Six-story building at Lot 1 with ongoing interior renovation, and a recently constructed seven-story building Lot 30, for which certificate of occupancy is expected in late 2023
2	Are all applicable site records (e.g., documentation of construction activity, SMD system maintenance and repair, most current easement, etc.) complete and up to date?			X		
	<b>Environmental Easement</b>					
3	Has site use (restricted residential) remained the same?	X				
4	Does it appear that all environmental easement restrictions have been followed?	X				
	<b>Impermeable Cap</b>					
5	Are there any indications of a breach in the capping system at the time of this inspection?		X		N	
6	Are there any cracks in the building slabs?		X			
7	Are there any cracks in the building walls?		X			
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?		X			
9	If YES to number 8, is there documentation that the SMP, HASP, and CAMP for the site was/is being followed?			X		

\* **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.

## ATTACHMENT E





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.** C231092

**Site Name** Keller Hotel Site

Site Address: 144-150 Barrow Street      Zip Code: 10014  
City/Town: New York  
County: New York  
Site Acreage: 0.167

Reporting Period: June 23, 2022 - September 30, 2023

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?

☐      ☒

As Stated in the PRR, if MW-18 is not found or is observed to be damaged during sidewalk restoration, a replacement well will be installed with the same construction methods and will be sampled in accordance with the SMP

**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

10/03/2023

\_\_\_\_\_  
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. C231092****Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**604-1**

150 Barrow Street LLC

Ground Water Use Restriction  
Soil Management Plan  
Landuse Restriction  
Site Management Plan  
IC/EC Plan  
Ground Water Use Restriction  
Landuse Restriction  
Site Management Plan

IC/EC Plan

environmental easement, site management plan, soil management plan land use restriction, groundwater use restriction.

**a portion of 604-30**

144 Barrow Street LLC

Ground Water Use Restriction  
Soil Management Plan  
Ground Water Use Restriction  
Soil Management Plan  
Landuse Restriction  
Monitoring Plan  
Site Management Plan  
IC/EC Plan

Landuse Restriction  
Site Management Plan  
IC/EC Plan

environmental easement, site management plan, soil management plan land use restriction, groundwater use restriction.

**Box 4****Description of Engineering Controls**

Parcel

**604-1**

Engineering Control

Monitoring Wells  
Monitoring Wells  
Cover System

cover system and groundwater monitoring wells.

**a portion of 604-30**

Cover System  
Monitoring Wells  
Cover System  
Monitoring Wells

cover system and groundwater monitoring wells.

**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 complete.

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.

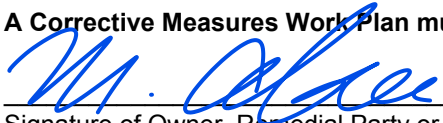
As Stated in the PRR, if MW-18 is not found or is observed to be damaged during sidewalk restoration, a replacement well will be installed with the same construction methods and will be sampled in accordance with the SMP

YES NO

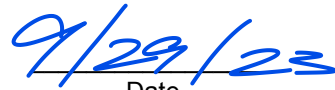


**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

**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. C231092

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 Matthew Abree at 1467 Broadway 4th Fl  
print name print business address NY 10018  
am certifying as Owner (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.

M. Abree  
Signature of Owner, Remedial Party, or Designated Representative  
Rendering Certification

9/29/22  
Date

## EC CERTIFICATIONS

Box 7

### Professional Engineer 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 Gerald Nicholls at 360 West 31st Street, New York, NY 10001,  
print name print business address

am certifying as a Professional Engineer for the Owner  
(Owner or Remedial Party)



Signature of Professional Engineer, for the Owner or  
Remedial Party, Rendering Certification

Stamp  
(Required for PE)

10/03/2023

Date