

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director

625 Broadway, 12th Floor, Albany, New York 12233-7011

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

December 28, 2021

Susi Yu  
241 West 28th Street Owner LLC  
142 West 57<sup>th</sup> Street  
New York, NY 10019

Jon Dario  
249 W 28th Street Properties, LP  
c/o Edison Properties, LLC  
110 Edison Place, Suite 300  
Newark, NJ 07102

Re: Certificate of Completion  
241 West 28th Street  
Manhattan, New York County  
Site No. C231139

Dear Ms. Yu and Mr. Dario:

Congratulations on having satisfactorily completed the remedial program at the 241 West 28th Street site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record the Notice of Certificate of Completion in the recording office for the county (or counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record the Notice within 30 days of the date that you acquire the site. If you are a non-owner, you must work with the owner to assure the Notice is recorded within the time frame specified. A standard Notice of Certificate of Completion form is attached to this letter.

- Provide electronic copies of the recorded Notice and proof of recording to the Department's project manager. Please return the hard copy of the proof of recording to:

Michael MacCabe, Bureau B  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-7016

- Provide the Notice of Certificate of Completion to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days.
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in April 2023.

If you have any questions regarding any of these items, please contact Michael MacCabe at 518-402-9687 or [michael.maccabe@dec.ny.gov](mailto:michael.maccabe@dec.ny.gov).

Sincerely,

*Susan Edwards*

Susan Edwards, P.E.  
Acting Director  
Division of Environmental Remediation

Enclosure

cc w/ enclosure:

Susi Yu - [syu@llmag.com](mailto:syu@llmag.com)  
Jon Dario - [jond@edprop.com](mailto:jond@edprop.com)  
Michael Bogin - [mbogin@sprlaw.com](mailto:mbogin@sprlaw.com)  
Elizabeth Adkins, Langan - [eadkins@langan.com](mailto:eadkins@langan.com)  
Christine Vooris, NYSDOH - [Christine.Vooris@health.ny.gov](mailto:Christine.Vooris@health.ny.gov)  
Scarlett McLaughlin, NYSDOH - [scarlett.mclaughlin@health.ny.gov](mailto:scarlett.mclaughlin@health.ny.gov)  
Matt Gokey, [matthew.gokey@tax.ny.gov](mailto:matthew.gokey@tax.ny.gov)  
Paul Takac, [paul.takac@tax.ny.gov](mailto:paul.takac@tax.ny.gov)

ec w/o enc.:

M. MacCabe - NYSDEC

S. Quandt - NYSDEC

G. Burke - NYSDEC

J. O'Connell - NYSDEC

K. McCarthy - NYSDEC

K. Lewandowski - NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)  
*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER:**

**Name**

241 West 28th Street Owner LLC

**Address**

142 West 57<sup>th</sup> Street, New York, NY 10019

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 11/22/19

**Agreement Execution:** 12/9/19

**Agreement Index No.:** C231139-11-19

**Application Approval Amendment:** 2/8/21

**Agreement Execution Amendment:** 2/8/21

**Application Approval Amendment:** 8/16/21

**Agreement Execution Amendment:** 8/16/21

**Application Approval Amendment:** 10/27/21

**Agreement Execution Amendment:** 10/27/21

**SITE INFORMATION:**

**Site No.:** C231139 **Site Name:** 241 West 28th Street

**Site Owner:** 249 W 28th Street Properties, LP and 241 West 28th Street Owner LLC

**Street Address:** 241 West 28th Street

**Municipality:** New York

**County:** New York

**DEC Region:** 2

**Site Size:** 0.670 Acres

**Tax Map Identification Number:** 778-18

**Percentage of site located in an EnZone:** 0 - 49 %

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

**CERTIFICATE ISSUANCE**

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the Final Engineering Report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

**Allowable Uses under the BCP:** Restricted-Residential, Commercial, and Industrial

**Cleanup Track:** Track 4: Restricted use with site-specific soil cleanup objectives

**Tax Credit Provisions:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28 %.

Eligibility for Tangible Property Credit is available because the certificate holder submitted documentation to the Department's satisfaction that the project was an Affordable Housing project. If affordable housing is not constructed there is no Tangible Property Credits. Tangible Property Credit is 10%. Comprised of 10% Base.

Dependent upon the project being developed in a manner consistent with the approved Brownfield Cleanup Program application, additional rate increases may be available if the site is developed as affordable housing (5%), if the Certificate Holder receives a separate Determination of Conformance with the BOA from the Secretary of State (5%), or if the site is used primarily for manufacturing activities (5%) not to exceed a maximum 24 %.



The Remedial Program includes use restrictions or reliance on the long-term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for New York County as 2021000488505.

### **LIABILITY LIMITATION**

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the site and to a person who develops or otherwise occupies the site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

### **CERTIFICATE TRANSFERABILITY**

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

### **CERTIFICATE MODIFICATION/REVOCATION**

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos  
Commissioner  
New York State Department of Environmental Conservation

By: Susan Edwards Date: 12/28/2021

Susan Edwards, P.E., Acting Director  
Division of Environmental Remediation

**NOTICE OF CERTIFICATE OF COMPLETION**  
**Brownfield Cleanup Program**  
**6 NYCRR Part 375-1.9(d)**

**241 West 28th Street, Site ID No. C231139**  
**241 West 28<sup>th</sup> Street, New York, NY 10001**  
**Manhattan, New York County, Tax Map Identification Number Block 778, Lot 18**

**PLEASE TAKE NOTICE**, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to 241 West 28th Street Owner LLC for a parcel of approximately 0.670 acres located at 241 West 28<sup>th</sup> Street in Manhattan, New York County.

**PLEASE TAKE NOTICE**, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

**PLEASE TAKE NOTICE**, the remedial program for the site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- ☐ Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- ☐ Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- ☒ Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

**PLEASE TAKE NOTICE**, since the remedial program relies upon use restrictions or the long-term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for New York County as 2021000488505.

**PLEASE TAKE NOTICE**, the Environmental Easement requires that the approved Site Management Plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

**PLEASE TAKE NOTICE**, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the site and to a person who develops or otherwise occupies the site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

241 West 28<sup>th</sup> Street, C231139, 241 West 28<sup>th</sup> Street, New York, NY 10001

**PLEASE TAKE NOTICE**, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

**PLEASE TAKE NOTICE**, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

**PLEASE TAKE NOTICE**, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

**PLEASE TAKE NOTICE**, the Certificate may only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

**PLEASE TAKE NOTICE**, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at the NYSDEC's Region 2 located at 1 Hunter's Point Plaza, 47-40 21st Street, Long Island City, NY 11101-5401, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C231139/>.

**WHEREFORE**, the undersigned has signed this Notice of Certificate

249 W 28th Street Properties, LP

By: \_\_\_\_\_

Title: \_\_\_\_\_

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

STATE OF NEW YORK        ) SS:  
COUNTY OF                )

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 202\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, 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 and Office of individual  
taking acknowledgment

**Please record and return to:**  
Susi Yu  
241 West 28th Street Owner LLC  
142 West 57<sup>th</sup> Street  
New York, NY 10019

## **Exhibit A**

### **Site Description**

**Environmental Easement Legal Description**

**241 West 28<sup>th</sup> Street, Lot 18 (f/k/a Lots 13, 16, 18, and 66)**

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 West 28<sup>th</sup> Street (60 feet wide) distant 154.83 feet easterly from the intersection formed by said northerly side of West 28<sup>th</sup> Street with the easterly side of Eighth Avenue and running thence;

North 02 degrees 28 minutes 28 seconds West, a distance of 157.23 feet to a point; thence

North 82 degrees 29 minutes 27 seconds East, a distance of 3.094 feet to a point; thence

North 01 degree 24 minutes 48 seconds West, a distance of 39.96 feet to a point on the southerly side of West 29<sup>th</sup> Street (60 feet wide), said point being distant 155.00 feet easterly from the intersection formed by said southerly side of West 29<sup>th</sup> Street with said easterly side of Eighth Avenue; thence

Along said southerly side of West 29<sup>th</sup> Street, North 88 degrees 35 minutes 12 seconds East a distance of 145.00 feet to a point; thence

South 01 degree 36 minutes 00 seconds East, a distance of 24.56 feet to a point; thence

North 82 degrees 27 minutes 02 seconds East, a distance of 0.88 feet to a point; thence

South 02 degrees 26 minutes 58 seconds East, a distance of 173.08 feet to a point on said northerly side of West 28<sup>th</sup> Street; thence

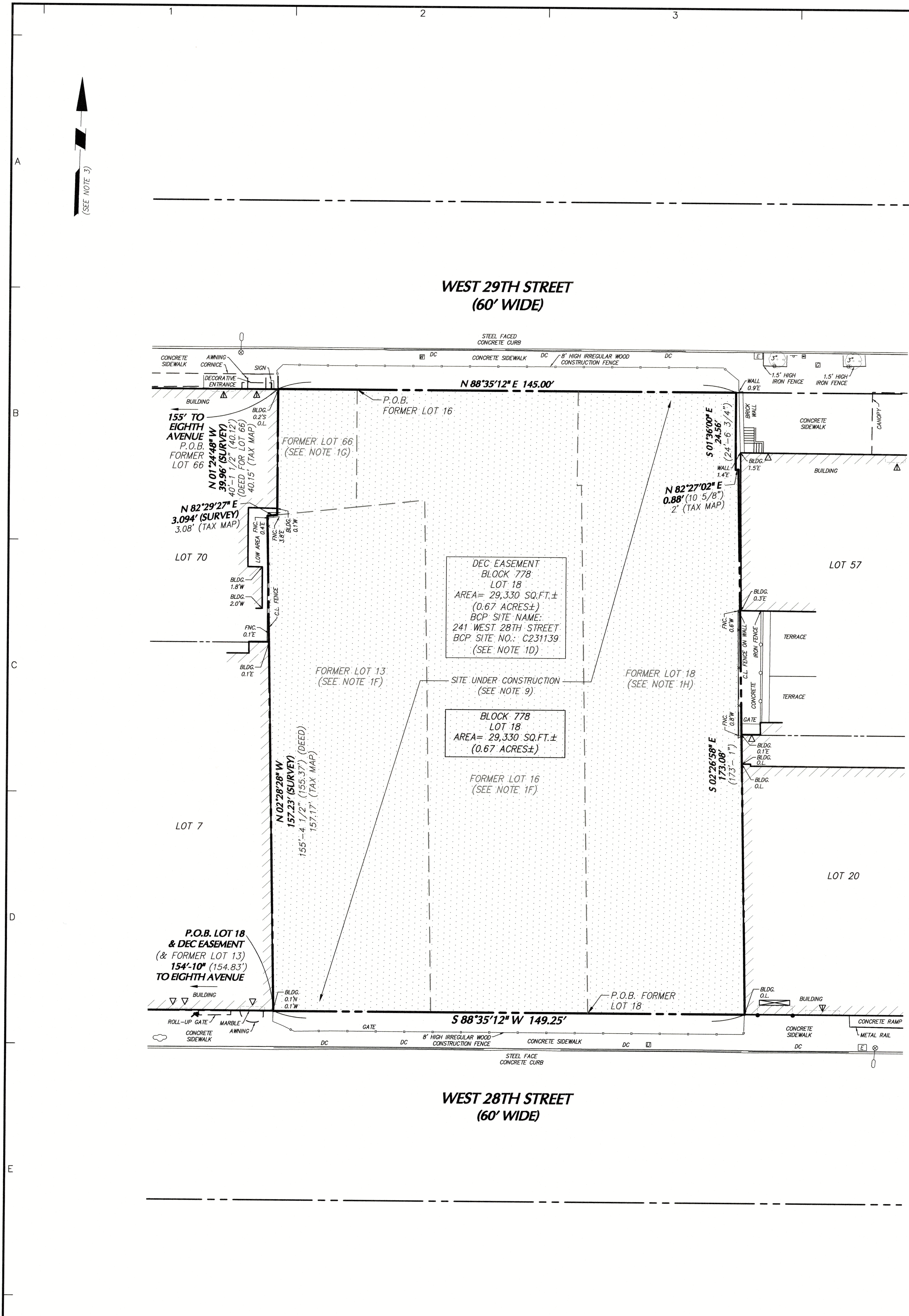
Along said northerly side of West 28<sup>th</sup> Street, south 88 degrees 35 minutes 12 seconds West, a distance of 149.25 feet to the point or place of beginning.

Encompassing an area of 0.67 acres, more or less.

## **Exhibit B**

### **Site Survey**





**SURVEY DESCRIPTION**  
**BLOCK 778 LOT 18**  
**(AKA FORMER LOTS 13, 16, 18, & 66)**  
**& DEC EASEMENT**

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 WEST 28TH STREET (60 FEET WIDE) DISTANT 154.83 FEET EASTERLY FROM THE INTERSECTION FORMED BY SAID NORTHERLY SIDE OF WEST 28TH STREET WITH THE EASTERLY SIDE OF EIGHTH AVENUE, AND RUNNING THENCE;

NORTH 02 DEGREES 28 MINUTES 28 SECONDS WEST, A DISTANCE OF 157.23 FEET TO A POINT; THENCE

NORTH 82 DEGREES 29 MINUTES 27 SECONDS EAST, A DISTANCE OF 3.084 FEET TO A POINT; THENCE

NORTH 01 DEGREE 24 MINUTES 48 SECONDS WEST, A DISTANCE OF 39.96 FEET TO A POINT ON THE SOUTHERLY SIDE OF WEST 28TH STREET (60 FEET WIDE); SAID POINT BEING DISTANT 155.00 FEET EASTERLY FROM THE INTERSECTION FORMED BY SAID SOUTHERLY SIDE OF WEST 28TH STREET WITH SAID EASTERLY SIDE OF EIGHTH AVENUE; THENCE

SOUTH 01 DEGREE 36 MINUTES 00 SECONDS EAST, A DISTANCE OF 24.56 FEET TO A POINT; THENCE

NORTH 82 DEGREES 27 MINUTES 02 SECONDS EAST, A DISTANCE OF 0.88 FEET TO A POINT; THENCE

SOUTH 02 DEGREES 26 MINUTES 58 SECONDS EAST, A DISTANCE OF 173.08 FEET TO A POINT ON SAID NORTHERLY SIDE OF WEST 28TH STREET; THENCE

ALONG SAID NORTHERLY SIDE OF WEST 28TH STREET, SOUTH 88 DEGREES 35 MINUTES 12 SECONDS WEST, A DISTANCE OF 149.25 FEET TO THE POINT OR PLACE OF BEGINNING.

ENCLOSING AN AREA OF 0.67 ACRES, MORE OR LESS.

**NOTES**

- THIS SURVEY IS BASED UPON EXISTING PHYSICAL CONDITIONS FOUND AT THE SUBJECT SITE, AND THE FOLLOWING REFERENCES:
    - BOROUGH OF MANHATTAN SECTIONAL MAP NO. 41.
    - CURRENT NYC DEPARTMENT OF FINANCE TAX MAP FOR BLOCK 778 IN MANHATTAN, EFFECTIVE DATE 08/26/2021 11:20:20.
    - SURVEY BY GARRY M. FAHREY, JOB NO. 20100744/20140919, DATE SURVEYED 12/5/2010, LAST REVISED 11/24/2014.
    - "DEPARTMENT OF ENVIRONMENTAL CONSERVATION, BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT", BCP SITE NAME: 241 WEST 28TH STREET, BCP SITE NO.: C231139, DATE OF ORIGINAL AGREEMENT: 12/20/2019, SIGNED AND DATED 02/08/2021 BY MICHAEL J. RYAN, P.E., DIRECTOR, DIVISION OF ENVIRONMENTAL REMEDIATION.
    - TOPOGRAPHIC, BOUNDARY, AND UTILITY SURVEY, 241-251 WEST 28TH STREET, BY LANGAN, PROJECT NO. 170017001, DRAWING NO. 18101, DATED 03/19/2019, LAST REVISED 05/26/2021.
    - REEL 2720 PG 2166 (DEED) ["PARCEL A" - FORMER LOT 13 AND "PARCEL B" - FORMER LOT 16]
    - ORFN: 2010000388414, RECORDED/FILED: 11/26/2010 16:01 (DEED) ["PARCEL 1" - FORMER LOT 66]
    - ORFN: 2020000217453, RECORDED/FILED: 07/31/2020 11:15 (DEED) [FORMER LOT 18]
  - THE SURVEYED PROPERTY IS SUBJECT BUT NOT LIMITED TO THE FOLLOWING FACTS AS REVEALED BY THE HEREON REFERENCED INFORMATION. THE INFORMATION SHOWN HEREON DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. ALL INFORMATION THAT MAY AFFECT THE QUALITY OF TITLE TO BOTH THE SUBJECT AND ADJOINING PARCELS SHOULD BE VERIFIED BY AN ACCURATE AND CURRENT TITLE REPORT.
  - THE MERIDIAN OF THIS SURVEY IS REFERENCED TO APPROXIMATE NORTH (SEE NOTE 1E).
  - STREET NAMES AND R.O.W. WIDTHS AS PER MAPS REFERENCED IN NOTES 1A AND 1E. BLOCK AND LOT NUMBERS AS PER MAP REFERENCED IN NOTE 1B.
  - PLANNING INFORMATION SHOWN HEREON HAS BEEN OBTAINED FROM GROUND SURVEYS BY LANGAN ENGINEERING, ENVIRONMENTAL, SURVEYING, LANDSCAPE ARCHITECTURE AND GEOLOGY, D.P.C. DURING FEBRUARY OF 2019.
  - OFFSETS (IF SHOWN) ARE FOR SURVEY REFERENCES ONLY AND ARE NOT TO BE USED IN CONSTRUCTION OF ANY TYPE.
  - WETLANDS, ENVIRONMENTAL AND/OR HAZARDOUS MATERIALS LOCATION, IF ANY, NOT COVERED UNDER THIS CONTRACT.
  - UNLESS SPECIFICALLY NOTED HEREON, STORM AND SANITARY SEWER INFORMATION (INCLUDING PIPE INVERT, PIPE MATERIAL, AND PIPE SIZE) WAS OBSERVED AND MEASURED AT FIELD LOCATED STRUCTURES (MANHOLE/CATCH BASINS, ETC.). CONDITIONS CAN VARY FROM THOSE ENCOUNTERED AT THE TIMES WHEN AND THE LOCATIONS WHERE DATA WAS OBTAINED. DESPITE MEETING THE REQUIRED STANDARD OF CARE, THE SURVEYOR CANNOT AND DOES NOT WARRANT THAT PIPE MATERIAL AND/OR PIPE SIZE THROUGHOUT THE PIPE RUN ARE THE SAME AS THOSE OBSERVED AT EACH STRUCTURE, OR THAT THE PIPE RUN IS STRAIGHT BETWEEN THE LOCATED STRUCTURES.
- ADDITIONAL UTILITY (WATER, GAS, ELECTRIC, ETC.) DATA MAY BE SHOWN FROM FIELD LOCATED SURFACE MARKINGS (BY OTHERS), EXISTING STRUCTURES, AND/OR FROM EXISTING DRAWINGS.
- UNLESS SPECIFICALLY NOTED HEREON, THE SURVEYOR HAS NOT EXCAVATED TO PHYSICALLY LOCATE THE UNDERGROUND UTILITIES. NO GUARANTEES THAT THE SHOWN UNDERGROUND UTILITIES ARE EITHER IN SERVICE, ABANDONED OR SUITABLE FOR USE, NOR ARE IN THE EXACT LOCATION OR CONFIGURATION INDICATED HEREON.
- PRIOR TO ANY DESIGN OR CONSTRUCTION, THE PROPER UTILITY AGENCIES MUST BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.
- UNLESS NOTED BELOW SUPPLEMENTAL DOCUMENTS WERE NOT USED TO COMPILE THE SURFACE UTILITY INFORMATION SHOWN HEREON.
- BLOCK 778 LOT 18 IS CURRENTLY UNDER CONSTRUCTION.
  - EASEMENTS AND/OR LIMITING PLANES, IF ANY, IN ADDITION TO THE DEC EASEMENT ARE NOT SHOWN.
  - THIS IS TO CERTIFY THAT THERE ARE NO STREAMS NOR NATURAL WATERCOURSES ON THE PROPERTY AS SHOWN ON THIS SURVEY.
  - UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 2209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.
  - THIS PLAN NOT VALID UNLESS EMBOSSED OR BLUE INK STAMPED WITH THE SEAL OF THE PROFESSIONAL.

**DEED DESCRIPTION**  
**BLOCK 778 FORMER LOTS 13 & 16**  
**(SEE NOTE 1F- "PARCEL A" AKA FORMER LOT 13**  
**& "PARCEL B" AKA FORMER LOT 16)**

PARCEL A:

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN THE BOROUGH OF MANHATTAN, COUNTY, CITY, AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY SIDE OF 28TH STREET, OPPOSITE THE EASTERLY FACE OF THE EASTERLY INDEPENDENT WALL OF THE BUILDING KNOWN AS 253-255 WEST 28TH STREET, WHICH IS DISTANT 154 FEET 10 INCHES EASTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE EASTERLY SIDE OF 8TH AVENUE WITH THE NORTHERLY SIDE OF 28TH STREET; RUNNING THENCE EASTERLY ALONG THE NORTHERLY SIDE OF 28TH STREET, 49 FEET 8 INCHES TO A POINT OPPOSITE THE WESTERLY FACE OF THE WESTERLY INDEPENDENT WALL OF THE BUILDING KNOWN AS 245-247 WEST 28TH STREET; THENCE NORTHERLY ALONG THE WESTERLY FACE OF THE SAID WESTERLY WALL LAST MENTIONED, AND ALONG A LINE IN PROLONGATION THEREOF, 159 FEET AND 7-1/4 INCHES, MORE OR LESS TO THE POINT OF INTERSECTION IN A LINE PROLONGATION EASTERLY OF THE NORTHERLY FACE OF THE NORTHERLY WALL OF THE 2 STORY BUILDING STANDING ON THE PREMISES HEREBY DESCRIBED;

THENCE WESTERLY ALONG SAID LINE IN PROLONGATION EASTERLY OF THE NORTHERLY FACE OF THE SAID NORTHERLY WALL AND ALONG THE NORTHERLY FACE OF THE SAID NORTHERLY WALL, AND ALONG A LINE IN PROLONGATION THEREOF WESTERLY 49 FEET AND 4 INCHES MORE OR LESS, TO ITS INTERSECTION WITH A LINE DRAWN IN PROLONGATION OF THE EASTERLY FACE OF THE SAID EASTERLY WALL OF THE BUILDING KNOWN AS 253-255 WEST 28TH STREET;

THENCE SOUTHERLY ALONG THE SAID LINE PROLONGATION OF THE EASTERLY FACE OF THE SAID EASTERLY WALL OF SAID BUILDING 253 AND 255 WEST 28TH STREET, AND ALONG THE SAID EASTERLY FACE OF SAID BUILDING WALL LAST MENTIONED, 155 FEET AND 4-1/2 INCHES TO THE POINT OR PLACE OF BEGINNING.

PARCEL B:

ALL THAT CERTAIN PLOT, PIECE OF PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, 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 SOUTHERLY SIDE OF WEST 29TH STREET DISTANT ONE HUNDRED EIGHTY FEET EASTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF WEST 29TH STREET WITH THE EASTERLY SIDE OF EIGHTH AVENUE; RUNNING THENCE SOUTHERLY PARALLEL WITH EIGHTH AVENUE THIRTY-SEVEN FEET AND THREE AND ONE-HALF INCHES; THENCE RUNNING EASTERLY ON A LINE FORMING AN ANGLE OF 83 DEGREES 53 MINUTES 40 SECONDS ON ITS NORTHERLY SIDE WITH THE LAST MENTIONED COURSE, TWENTY-ONE FEET AND EIGHT AND ONE-QUARTER INCHES; THENCE SOUTHERLY ON A LINE FORMING AN ANGLE OF 91 DEGREES 3 MINUTES AND 40 SECONDS ON ITS EASTERLY SIDE WITH THE NORTHERLY SIDE OF WEST 28TH STREET ONE HUNDRED SIXTY-TWO FEET AND SIX AND ONE-HALF INCHES TO THE NORTHERLY SIDE OF WEST 28TH STREET; THENCE EASTERLY ALONG THE NORTHERLY SIDE OF WEST 28TH STREET, FORTY-NINE FEET AND NINE INCHES; THENCE NORTHERLY ON A LINE FORMING AN ANGLE OF 88 DEGREES 56 MINUTES 20 SECONDS ON ITS WESTERLY SIDE WITH THE NORTHERLY SIDE OF WEST 28TH STREET, ONE HUNDRED SIXTY-SEVEN FEET AND TEN AND ONE-HALF INCHES; THENCE WESTERLY ON A LINE FORMING AN ANGLE OF 84 DEGREES 57 MINUTES 20 SECONDS ON ITS WESTERLY SIDE WITH THE LAST MENTIONED COURSE, ONE FOOT AND FOUR AND ONE-QUARTER INCHES; THENCE NORTHERLY ON A LINE FORMING AN INTERIOR ANGLE ON ITS WESTERLY SIDE WITH THE LAST MENTIONED COURSE, 96 DEGREES 5 MINUTES 20 SECONDS, TWENTY-NINE FEET AND NINE AND ONE-HALF INCHES TO THE SOUTHERLY SIDE OF WEST 28TH STREET; THENCE WESTERLY ALONG THE SOUTHERLY SIDE OF WEST 28TH STREET SEVENTY FEET, MORE OR LESS, TO THE POINT OR PLACE OF BEGINNING.

PREMISES BEING KNOWN BY STREET NUMBERS 245-7 WEST 28TH STREET AND 244 WEST 29TH STREET.

**DEED DESCRIPTION**  
**BLOCK 778 FORMER LOT 66**  
**(SEE NOTE 1G- "PARCEL 1")**

PARCEL 1: BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF 29TH STREET DISTANT 155 FEET EASTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE EASTERLY SIDE OF 8TH AVENUE WITH THE SOUTHERLY SIDE OF 29TH STREET RUNNING;

THENCE SOUTHERLY PARALLEL WITH 8TH AVENUE, 40 FEET 1-1/2 INCHES, MORE OR LESS, TO LAND FORMERLY OF HAMMERSLEY AND CUDJIP;

THENCE EASTERLY IN A DIAGONAL LINE EXTENDING TOWARDS 29TH STREET ALONG SAID HAMMERSLEY'S LAND 25 FEET 1-3/4 INCHES TO LAND FORMERLY OF THOMAS CRAMER;

THENCE NORTHERLY PARALLEL WITH 8TH AVENUE, 37 FEET 5-1/2 INCHES, MORE OR LESS, TO THE SOUTHERLY SIDE OF 28TH STREET, AND THEN WESTERLY ALONG THE SOUTHERLY SIDE OF 29TH STREET, 25 FEET TO THE POINT OR PLACE OF BEGINNING.

SAID PREMISES BEING NOW KNOWN AS AND BY THE STREET NUMBER 250 WEST 29TH STREET; AND AS LOT 66 IN BLOCK 778

**DEED DESCRIPTION**  
**BLOCK 778 FORMER LOT 18**  
**(SEE NOTE 1H)**

ALL THAT CERTAIN REAL PROPERTY LYING, BEING AND SITUATE IN THE CITY OF NEW YORK, COUNTY OF NEW YORK, AND STATE OF NEW YORK, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY SIDE OF WEST 28TH STREET, DISTANT 254 FEET 4 INCHES EASTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE NORTHERLY SIDE OF WEST 28TH STREET AND THE EASTERLY SIDE OF 8TH AVENUE;

RUNNING THENCE NORTHERLY ALONG A LINE FORMING AN INTERIOR ANGLE OF 91 DEGREES 03 MINUTES 40 SECONDS A DISTANCE OF 187 FEET 8 INCHES;

THENCE WESTERLY ALONG A LINE FORMING AN INTERIOR ANGLE OF 84 DEGREES 55 MINUTES 30 SECONDS A DISTANCE OF 1 FOOT 2-3/4 INCHES;

THENCE NORTHERLY ALONG A LINE FORMING AN INTERIOR ANGLE OF 83 DEGREES 51 MINUTES 50 SECONDS A DISTANCE OF 29 FEET 11-1/4 INCHES TO THE SOUTHERLY SIDE OF WEST 28TH STREET;

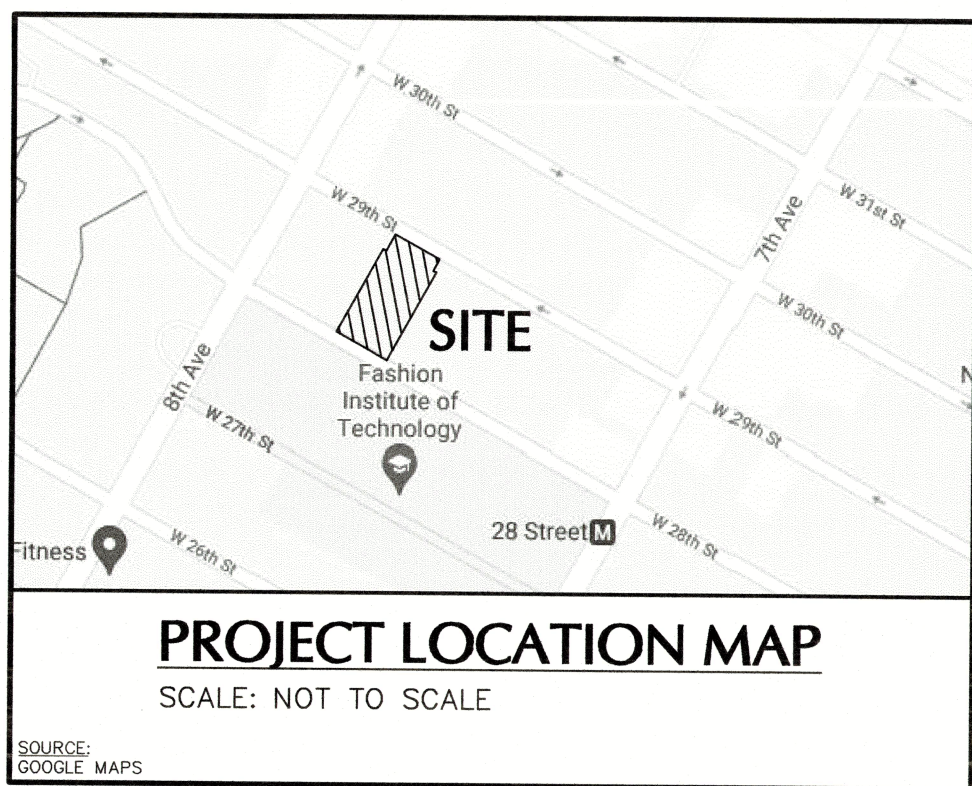
THENCE EASTERLY ALONG THE SOUTHERLY SIDE OF WEST 29TH STREET 50 FEET;

THENCE SOUTHERLY AT RIGHT ANGLES TO THE SOUTHERLY SIDE OF WEST 29TH STREET 24 FEET 6-3/4 INCHES;

THENCE WESTERLY ALONG A LINE FORMING AN EXTERIOR ANGLE OF 83 DEGREES 51 MINUTES 50 SECONDS A DISTANCE OF 10-5/8 INCHES;

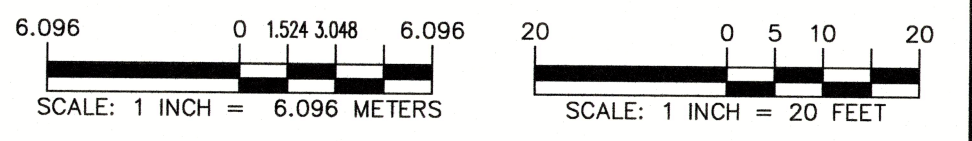
THENCE SOUTHERLY 173 FEET 1 INCH TO A POINT ON THE NORTHERLY SIDE OF WEST 28TH STREET DISTANT 49 FEET 9 INCHES FROM THE POINT OF BEGINNING; AND

THENCE WESTERLY ALONG THE NORTHERLY SIDE OF WEST 28TH STREET 49 FEET 9 INCHES TO THE POINT OR PLACE OF BEGINNING.



**LEGEND** (NOT SHOWN TO SCALE)

- STAND PIPE
- STREET LIGHT
- WATER VALVE
- GAS VALVE
- UNKNOWN VALVE
- TREE
- SIGN
- BOLLARD
- ELECTRIC BOX
- MUNI METER
- DOOR
- DOUBLE DOOR
- ROLL UP DOOR
- BUILDING
- FENCE
- POINT OF BEGINNING
- AKA
- ALSO KNOWN AS
- DROP CURB
- METAL COVER
- CHAIN LINK
- ON LINE
- N
- S
- W
- E
- CHAINLINK FENCE
- WOOD FENCE
- IRON FENCE
- INTERIOR LOT LINES OF THE FORMER LOT CONFIGURATIONS
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- DEC EASEMENT



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 MORE DETAIL 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](mailto:derweb@dec.ny.gov).

10/01/21	Revised and Reissued	1
Date	Description	No.
REVISIONS		

"I hereby state that this plan is based on a field survey made by me or under my immediate supervision in accordance with NYS EPL Code of Professional Ethics, and to the best of my professional knowledge, information and belief, and in my professional opinion, the conditions shown on this plan are true and correct as they exist on the date of this field survey of the subject property."

SIGNATURE: *[Signature]* DATE SIGNED: 10/4/2021

PROFESSIONAL LAND SURVEYOR NY Lic. No. 050784-1

**LANGAN**

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

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New York, NY 10001

T: 212.479.5400 F: 212.479.5444 [www.langan.com](http://www.langan.com)

Project

**241 WEST 28TH STREET**  
**BCP SITE NO.: C231139**

**BLOCK No. 778, LOT No. 18**  
**BOROUGH OF MANHATTAN**  
**CITY OF NEW YORK**

**NEW YORK COUNTY** **NEW YORK**

Drawing Title

**DEC EASEMENT SURVEY**

Project No. **170017001**

Date **05/26/2021**

Scale **1"=20'**

Drawn By **LB**

Checked By **PDF**

Sheet 001 of 001

**DEC101**





NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
12/16/2021



SITE DESCRIPTION

SITE NO. C231139

SITE NAME 241 West 28th Street

SITE ADDRESS: 241 WEST 28TH STREET ZIP CODE: 10001

CITY/TOWN: New York

COUNTY: New York

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan



Monitoring Plan



Operation and Maintenance (O&M) Plan



Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2023

Description of Institutional Control

249 W 28th Street Properties, LP

110 Edison Place, Suite 300

241 West 28th Street

Environmental Easement

Block: 778

Lot: 18

Sublot:

Section:

Subsection:

S\_B\_L Image: 778-18

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

O&M Plan

Site Management Plan

Soil Management Plan



## Description of Engineering Control

### **249 W 28th Street Properties, LP**

110 Edison Place, Suite 300

#### **241 West 28th Street**

Environmental Easement

Block: 778

Lot: 18

Sublot:

Section:

Subsection:

S\_B\_L Image: 778-18

Cover System

Vapor Mitigation