



SUBMITTAL INSTRUCTIONS:

- 1. Compile the application package in the following manner:
a. one file in non-fillable PDF of the application form plus supplemental information, excluding the previous environmental reports and work plans, if applicable;
b. one individual file (PDF) of each previous environmental report; and,
c. one file (PDF) of each work plan being submitted with the application, if applicable.
2. Compress all files (PDFs) into one zipped/compressed folder.
3. Submit the application to the Site Control Section either via email or ground mail, as described below.

Please select only ONE submittal method – do NOT submit both email and ground mail.

a. VIA EMAIL:

- Upload the compressed folder to the NYSDEC File Transfer Service. (http://fts.dec.state.ny.us/fts) or another file-sharing service.
• Copy the download link into the body of an email with any other pertinent information or cover letter attached to the email.
• Subject line of the email: "BCP Application NEW - \*Proposed Site Name\*"
• Email your submission to DERSiteControl@dec.ny.gov – do NOT copy Site Control staff.

b. VIA GROUND MAIL:

- Save the application file(s) and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
• Mail the external storage device to the following address:
Chief, Site Control Section
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

PROPOSED SITE NAME: 245 West 55th Street

Is this an application to amend an existing BCA with a major modification? Please refer to the application instructions for further guidance related to BCA amendments.
If yes, provide existing site number: \_\_\_\_\_ [Radio buttons: Yes, No]

Is this a revised submission of an incomplete application?
If yes, provide existing site number: C231157 [Radio buttons: Yes, No]



BCP App Rev 15 – May 2023

**SECTION I: Property Information**

PROPOSED SITE NAME **245 West 55th Street**

ADDRESS/LOCATION **245 West 55th Street**

CITY/TOWN **Manhattan** ZIP CODE **10019**

MUNICIPALITY (LIST ALL IF MORE THAN ONE)

COUNTY **New York County** SITE SIZE (ACRES) **0.14**

LATITUDE			LONGITUDE		
40	45	55.36	73	58	58.87

Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, please indicate as such by inserting "p/o" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding acreage column.

**ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.**

Parcel Address	Section	Block	Lot	Acreage
<b>245-249 West 55th Street</b>	<b>4</b>	<b>1027</b>	<b>7</b>	<b>0.14</b>

	Y	N
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description.	<input checked="" type="radio"/>	<input type="radio"/>
2. Is the required property map included with the application? (Application will not be processed without a map)	<input checked="" type="radio"/>	<input type="radio"/>
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> for more information) If yes, identify census tract: _____ Percentage of property in En-zone (check one): 0% <input checked="" type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
4. Is the project located within a disadvantaged community? See application instructions for additional information.	<input type="radio"/>	<input checked="" type="radio"/>
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	<input type="radio"/>	<input checked="" type="radio"/>
6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications: _____	<input type="radio"/>	<input checked="" type="radio"/>

<b>SECTION I: Property Information (CONTINUED)</b>		<b>Y</b>	<b>N</b>			
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?		<input type="radio"/>	<input checked="" type="radio"/>			
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.		<input type="radio"/>	<input checked="" type="radio"/>			
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.		<input type="radio"/>	<input checked="" type="radio"/>			
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____		<input type="radio"/>	<input checked="" type="radio"/>			
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____		<input type="radio"/>	<input checked="" type="radio"/>			
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information.  <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><u>Easement/Right-of-Way Holder</u></td> <td style="width: 50%;"><u>Description</u></td> </tr> </table>		<u>Easement/Right-of-Way Holder</u>	<u>Description</u>	<input type="radio"/>	<input checked="" type="radio"/>	
<u>Easement/Right-of-Way Holder</u>	<u>Description</u>					
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information):  <table border="0" style="width: 100%;"> <tr> <td style="width: 30%;"><u>Type</u></td> <td style="width: 30%;"><u>Issuing Agency</u></td> <td style="width: 40%;"><u>Description</u></td> </tr> </table>		<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>	<input type="radio"/>	<input checked="" type="radio"/>
<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>				
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?		<input checked="" type="radio"/>	<input type="radio"/>			
<b>Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.</b>						
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.		<b>Y</b>	<b>N</b>			
		<input type="radio"/>	<input checked="" type="radio"/>			
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?		<input type="radio"/>	<input checked="" type="radio"/>			
17. If you have answered YES to Question 16 above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?		<input type="radio"/>	<input type="radio"/>			
<b>NOTE:</b> If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.						
<b>If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions.</b>						
Initials of each Requestor: _____						

## SECTION II: Project Description

1. The project will be starting at:  Investigation  Remediation

NOTE: If the project is proposed to start at the remediation stage, at a minimum, a Remedial Investigation Report (RIR) must be included, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Action Work Plan (RAWP) are also included (see [DER-10, Technical Guidance for Site Investigation and Remediation](#) for further guidance), then a 45-day public comment period is required.

2. If a final RIR is included, does it meet the requirements in ECL Article 27-1415(2)?

Yes  No  N/A

3. Have any draft work plans been submitted with the application (select all that apply)?

RIWP  RAWP  IRM  No

4. Please provide a short description of the overall project development, including the date that the remedial program is to begin, and the date by which a Certificate of Completion is expected to be issued.

Is this information attached?  Yes  No

## SECTION III: Land Use Factors

1. What is the property's current municipal zoning designation? C6-4 and C6-6

2. What uses are allowed by the property's current zoning (select all that apply)?

Residential  Commercial  Industrial

3. Current use (select all that apply):

Residential  Commercial  Industrial  Recreational  Vacant

4. Please provide a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date by which the site became vacant.  
Is this summary included with the application?

Y	N
<input checked="" type="radio"/>	<input type="radio"/>

5. Reasonably anticipated post-remediation use (check all that apply):

Residential  Commercial  Industrial

If residential, does it qualify as single-family housing?

N/A

6. Please provide a statement detailing the specific proposed post-remediation use.  
Is this summary attached?

<input checked="" type="radio"/>	<input type="radio"/>
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7. Is the proposed post-remediation use a renewable energy facility?  
See application instructions for additional information.

<input type="radio"/>	<input checked="" type="radio"/>
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8. Do current and/or recent development patterns support the proposed use?

<input checked="" type="radio"/>	<input type="radio"/>
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9. Is the proposed use consistent with applicable zoning laws/maps?  
Please provide a brief explanation. Include additional documentation if necessary.

<input checked="" type="radio"/>	<input type="radio"/>
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10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans?  
Please provide a brief explanation. Include additional documentation if necessary.

<input checked="" type="radio"/>	<input type="radio"/>
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**SECTION IV: Property's Environmental History**

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that contamination of environmental media exists on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the site property and that the site requires remediation. To the extent that existing information/studies/reports are available to the requestor, please attach the following:

- 1. Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard ([ASTM E1903](#)). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do NOT submit paper copies of ANY supporting documents.**
- 2. SAMPLING DATA: INDICATE (BY SELECTING THE OPTIONS BELOW) KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED AS AN ATTACHMENT, WITH LABORATORY REPORTS REFERENCED AND INCLUDED.**

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chlorinated Solvents	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other VOCs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SVOCs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Metals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCBs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PFAS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1,4-dioxane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other – indicated below	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*Please describe other known contaminants and the media affected:

- For each impacted medium above, include a site drawing indicating:
  - Sample location
  - Date of sampling event
  - Key contaminants and concentration detected
  - For soil, highlight exceedances of reasonably anticipated use
  - For groundwater, highlight exceedances of 6 NYCRR part 703.5
  - For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation

These drawings are to be representative of all data being relied upon to determine if the site requires remediation under the BCP. Drawings should be no larger than 11"x17" and should only be provided electronically. These drawings should be prepared in accordance with any guidance provided.

Are the required drawings included with this application?  YES  NO

- Indicate Past Land Uses (check all that apply):

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

Other: The building was utilized by DuArt Media Services/DuArt Film Labs since approx. 1922 for film cleaning and film processing, and used chlorinated solvents as part of the film cleaning process.

SECTION V: Requestor Information				
NAME 245 WEST 55TH ST LLC				
ADDRESS 354 Eisenhower Parkway, Suite 1900				
CITY/TOWN Livingston		STATE NJ	ZIP CODE 07039	
PHONE (973) 325-0011		EMAIL michaelm@mandelbaumfirm.com		
			Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?			<input checked="" type="radio"/>	<input type="radio"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the <a href="#">NYS Department of State's Corporation &amp; Business Entity Database</a> . A print-out of entity information from the database must be submitted with this application to document that the requestor is authorized to conduct business in NYS. Is this attached?			<input checked="" type="radio"/>	<input type="radio"/>
3. If the requestor is an LLC, a list of the names of the members/owners is required on a separate attachment. Is this attached? N/A <input type="radio"/>			<input checked="" type="radio"/>	<input type="radio"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of <a href="#">DER-10: Technical Guidance for Site Investigation and Remediation</a> and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? <b>Documents that are not properly certified will not be approved under the BCP.</b>			<input checked="" type="radio"/>	<input type="radio"/>

SECTION VI: Requestor Eligibility			
If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.			
		Y	N
1. Are any enforcement actions pending against the requestor regarding this site?		<input type="radio"/>	<input checked="" type="radio"/>
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?		<input type="radio"/>	<input checked="" type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.		<input type="radio"/>	<input checked="" type="radio"/>
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the ECL Article 27; (ii) any order or determination; (iii) any regulation implementing Title 14; or (iv) any similar statute or regulation of the State or Federal government?		<input type="radio"/>	<input checked="" type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.		<input type="radio"/>	<input checked="" type="radio"/>
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?		<input type="radio"/>	<input checked="" type="radio"/>

**SECTION VI: Requestor Eligibility (CONTINUED)**

	<b>Y</b>	<b>N</b>
7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing, treating, disposing or transporting or contaminants; or (ii) that involved a violent felony, fraud, bribery, perjury, theft or offense against public administration (as that term is used in Article 195 of the Penal Law) under Federal law or the laws of any state?	<input type="radio"/>	<input checked="" type="radio"/>
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	<input type="radio"/>	<input checked="" type="radio"/>
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	<input type="radio"/>	<input checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input checked="" type="radio"/>

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

<p><b>PARTICIPANT</b></p> <p>A requestor who either (1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum, or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p>	<p><b>VOLUNTEER</b> <input checked="" type="checkbox"/></p> <p>A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p> <p>NOTE: By selecting this option, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste.</p> <p><b>If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.</b></p>
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13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?

Yes       No       N/A

**SECTION VI: Requestor Eligibility (CONTINUED)**

14. Requestor relationship to the property (check one; if multiple applicants, check all that apply):

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

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

Is this proof attached?

Yes

No

N/A

**Note:** A purchase contract or lease agreement does not suffice as proof of site access.**SECTION VII: Requestor Contact Information**

REQUESTOR'S REPRESENTATIVE Michael Mandelbaum, Esq.

ADDRESS 354 Eisenhower Parkway, Suite 1900

CITY Livingston

STATE NJ

ZIP CODE 07039

PHONE (973) 325-0011

EMAIL michaelm@mandelbaumfirm.com

REQUESTOR'S CONSULTANT (CONTACT NAME) Gary Weissberger

COMPANY Environmental Logic

ADDRESS 15 Princess Road, Suite K

CITY Lawrenceville

STATE NJ

ZIP CODE 08648

PHONE (609) 910-0720

EMAIL gweissberger@env-logic.com

REQUESTOR'S ATTORNEY (CONTACT NAME) Steven C. Russo

COMPANY Greenberg Traurig

ADDRESS One Vanderbilt Avenue

CITY New York

STATE NY

ZIP CODE 10017

PHONE (212) 801-2155

EMAIL Steven.Russo@gtlaw.com



**SECTION VIII: Program Fee**

Upon submission of an executed Brownfield Cleanup Agreement to the Department, the requestor is required to pay a non-refundable program fee of \$50,000. Requestors may apply for a fee waiver based on demonstration of financial hardship.

	Y	N
1. Is the requestor applying for a fee waiver based on demonstration of financial hardship?	<input type="radio"/>	<input checked="" type="radio"/>
2. If yes, appropriate documentation to demonstrate financial hardship must be provided with the application. See application instructions for additional information.		
Is the appropriate documentation included with this application? N/A	<input checked="" type="radio"/>	<input type="radio"/>

**SECTION IX: Current Property Owner and Operator Information**

CURRENT OWNER 245 WEST 55TH ST LLC

CONTACT NAME Michael Mandelbaum

ADDRESS 354 Eisenhower Parkway, Suite 1900

CITY Livingston, NJ

STATE NJ

ZIP CODE 07039

PHONE (973) 325-0011

EMAIL michaelm@mandelbaumfirm.com

OWNERSHIP START DATE 6/8/2023

CURRENT OPERATOR None (Vacant)

CONTACT NAME

ADDRESS

CITY

STATE

ZIP CODE

PHONE

EMAIL

OPERATION START DATE

**SECTION X: Property Eligibility Information**

	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information as an attachment.	<input type="radio"/>	<input checked="" type="radio"/>
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>

**SECTION X: Property Eligibility Information (continued)**

	Y	N
3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit Type: _____ EPA ID Number: _____  Date Permit Issued: _____ Permit Expiration Date: _____	<input type="radio"/>	<input checked="" type="radio"/>
4. If the answer to question 2 or 3 above is YES, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents.	<input type="radio"/>	<input type="radio"/>
N/A <input checked="" type="radio"/>		
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: _____	<input type="radio"/>	<input checked="" type="radio"/>
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information as an attachment.	<input type="radio"/>	<input checked="" type="radio"/>

**SECTION XI: Site Contact List**

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

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

**SECTION XII: Statement of Certification and Signatures**

(By requestor who is an individual)

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

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

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

(By a requestor other than an individual)

I hereby affirm that I am Manager (title) of 245 WEST 55TH ST LLC (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the DER-32, Brownfield Cleanup Program Applications and Agreements; and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: 10/3/23 Signature:  \_\_\_\_\_

Print Name: Michael Mandelbaum, Esq. \_\_\_\_\_

**PLEASE REFER TO THE APPLICATION COVER PAGE AND BCP APPLICATION INSTRUCTIONS FOR DETAILS OF PAPERLESS DIGITAL SUBMISSION REQUIREMENTS.**

**FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY**

Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27-1407(1-a) must be submitted if requestor is seeking this determination.

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Please respond to the questions below and provide additional information and/or documentation as required. <i>Please refer to the application instructions.</i>	Y	N
1. Is the property located in Bronx, Kings, New York, Queens or Richmond County?	<input type="radio"/>	<input type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input type="radio"/>	<input type="radio"/>
3. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)?	<input type="radio"/>	<input type="radio"/>
4. Is the property upside down or underutilized as defined below?		
Upside down	<input type="radio"/>	<input type="radio"/>
Underutilized	<input type="radio"/>	<input type="radio"/>

**From ECL 27-1405(31):**

“Upside down” shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.

**From 6 NYCRR 375-3.2(I) as of August 12, 2016** (Please note: Eligibility determination for the underutilized category can only be made at the time of application):

375-3.2:

- (I) “Underutilized” means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and
  - (1) the proposed use is at least 75 percent for industrial uses; or
  - (2) at which:
    - (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;
    - (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and
    - (iii) one or more of the following conditions exists, as certified by the applicant:
      - (a) property tax payments have been in arrears for at least five years immediately prior to the application;
      - (b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or
      - (c) there are no structures.

“Substantial government assistance” shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.

**FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)**

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

**Check appropriate box below:**

- Project is an Affordable Housing Project – regulatory agreement attached
- Project is planned as Affordable Housing, but agreement is not yet available\*  
\*Selecting this option will result in a “pending” status. The regulatory agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.
- This is not an Affordable Housing Project

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

- (a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty-seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.
- (1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ household’s annual gross income.
- (2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for homeowners at a defined maximum percentage of the area median income.
- (3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

**FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)**

6. Is the site a planned renewable energy facility site as defined below?

Yes – planned renewable energy facility site with documentation

Pending – planned renewable energy facility awaiting documentation

\*Selecting this option will result in a “pending” status. The appropriate documentation will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

No – not a planned renewable energy facility site

If yes, please provide any documentation available to demonstrate that the property is planned to be developed as a renewable energy facility site.

**From ECL 27-1405(33) as of April 9, 2022:**

“Renewable energy facility site” shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.

**From Public Service Law Article 4 Section 66-p as of April 23, 2021:**

(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and plans to meet the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?

Yes - \*Selecting this option will result in a “pending” status, as a BOA conformance determination has not yet been made. Proof of conformance will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

No

**From ECL 75-0111 as of April 9, 2022:**

(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## BROWNFIELD CLEANUP PROGRAM (BCP) INSTRUCTIONS FOR COMPLETING AND SUBMITTING A BCP APPLICATION

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional Office](#) to schedule a meeting. To add a party to an existing BCP Agreement, use the [BCP Agreement Amendment Application](#).

**For further information regarding the determination of a complete application, please refer to the guidance following these instructions, as well as the [NYSDEC BCP website](#).**

### SUBMITTAL INSTRUCTIONS

- Compile the application package in the following manner:
  - one file in non-fillable portable document format (PDF) of the application form plus supplemental information, excluding the previous environmental reports and work plans, if applicable;
  - one individual file (PDF) of each previous environmental report; and,
  - one file (PDF) of each work plan being submitted with the application, if applicable.
- Compress all files (PDFs) into one zipped/compressed folder
- Submit the application to the Site Control Section either via email or ground mail, as described below.

**Please select only ONE submittal method - do NOT submit both via email and via ground mail.**

#### VIA EMAIL:

- Upload the compressed folder to the NYSDEC File Transfer Service (<https://fts.dec.state.ny.us/fts/>) or another file-sharing service.
- Copy the download link into the body of an email with any other pertinent information or cover letter attached to the email.
- Subject line of the email: *"BCP Application NEW - \*Proposed Site Name\*"*
- Email your submission to [DESiteControl@dec.ny.gov](mailto:DESiteControl@dec.ny.gov) - do NOT copy Site Control staff.

#### VIA GROUND MAIL:

- Save the application file and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
- Mail the external storage device to the following address:

Chief, Site Control Section  
Division of Environmental Remediation  
625 Broadway, 11th Floor  
Albany, NY 12233-7020

<b>SECTION I: Property Information</b>	
<b>PLEASE NOTE</b>	<b>If any changes to SECTION I are required prior to application approval, a new page 2, initialed by each requestor, must be submitted with the revisions.</b>
<b>Proposed Site Name</b>	Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e., ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.
<b>Site Address</b>	Provide a street address, city/town, zip code, and each municipality and county in which the site is located.
<b>Site Size</b>	Provide the approximate acreage of the site.
<b>GIS Information</b>	Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.
<b>Tax Parcel Information</b>	Provide the tax parcel address/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5-minute quad map on which the property appears and clearly indicate the proposed site's location.
<b>Tax Map Boundaries</b>	State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/ reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.
<b>Site Map</b>	Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: (i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and (ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.
<b>En-zone</b>	If any part of the site is located within an En-zone, please provide a map showing the location of the site with the En-zone overlay. For information on En-zones, please see <a href="#">DEC's website</a> . Note that new En-zone boundaries are effective January 1, 2023.
<b>Disadvantaged Communities</b>	If the site is located within a Disadvantaged Community, please provide a map showing the location of the site with the Disadvantaged Community overlay. For additional information on disadvantaged communities, please refer to the <a href="#">Climate Leadership and Community Protection Act website</a> .



**SECTION I: Property Information (continued)**

<b>Brownfield Opportunity Area (BOA)</b>	If the site is located within a NYS Department of State designated Brownfield Opportunity Area, please provide a map showing the location of the site with the BOA overlay. For more information on designated BOAs, please refer to the <a href="#">NYS DOS website</a> . Additional information on BOA conformance determinations can be found at the <a href="#">Office of Planning and Development website</a> . A BOA conformance determination cannot be made until a Decision Document has been issued for the site.
<b>Multiple Applications</b>	Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where (1) the development project spans more than 25 acres; (2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and (3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).
<b>Previous BCP Applications</b>	If all or part of the proposed site has been the subject of a previous BCP application (whether accepted, denied or withdrawn), please provide the assigned DEC site number from the previous application as well as any relevant information regarding why the property is not currently in the program.
<b>Registry Listing and P-site Status</b>	If all or part of the proposed site is now or ever was listed on the Registry of Inactive Hazardous Waste Disposal Sites or is currently the subject of investigation as a Potential Site, please provide the assigned DEC site number.

**SECTION I: Property Information (continued)**

**Property Description  
Narrative**

Provide a property description in the format provided below. Each section should be no more than one paragraph long.

Location:

Example: "The XYZ Site is located in an {urban, suburban, rural} area." {Add reference points if address is unspecific; e.g., "The site is approximately 3.5 miles east of the intersection of County Route 55 and Industrial Road."}

Site Features:

Example: "The main site features include several large, abandoned buildings surrounded by former parking areas and roadways. About one quarter of the site area is wooded. Little Creek passes through the northwest corner."

Current Zoning and Land Use: (Ensure the current zoning is identified)

Example: "The site is currently inactive and is zoned for commercial use. The surrounding parcels are currently used for a combination of commercial, light industrial, and utility rights-of-way. The nearest residential area is 0.3 miles east on Route 55."

Past Use of the Site: include source(s) of contamination and remedial measures (site characterizations, investigations, Interim Remedial Measures, etc.) completed outside of the current remedial program (e.g., work under a petroleum spill incident).

Example: "Until 1992 the site was used for manufacturing wire and wire products (e.g., conduit, insulators) and warehousing. Prior uses that appear to have led to site contamination include metal plating, machining, disposal in a one-acre landfill north of Building 7, and releases of wastewater into a series of dry wells."

When describing the investigations/actions performed outside of the remedial program, include the major chronological remedial events that lead to the site entering a remedial program. The history should include the first involvement by government to address hazardous waste/petroleum disposal. Do not cite reports. Only include remedial activities which were implemented PRIOR to the BCA. Do not describe sampling information.

Site Geology and Hydrogeology:

As appropriate, provide a very brief summary of the main hydrogeological features of the site including depth to water, groundwater flow direction, etc.

**SECTION I: Property Information (continued)**

<p><b>Environmental Assessment</b></p>	<p>The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/ actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semi-volatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths. The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SCGs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site.</p> <p><b>A typical Environmental Assessment would look like the following:</b></p> <p>Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE).</p> <p><i>Soil</i> - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the site. Concentrations of cadmium found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).</p> <p><i>Groundwater</i> - TCE and its associated degradation products are also found in groundwater at the north end of the site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the site has migrated 300 feet down-gradient off-site. The primary contaminant of concern for the off-site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.</p> <p><i>Soil Vapor &amp; Indoor Air</i> - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.</p>
<p><b>Questions 15-17: New York City Sites</b></p>	<p>These questions pertain ONLY to sites located within the five counties comprising New York City. If the requestor is seeking a determination that the site is eligible for tangible property tax credits, this section and the <i>Supplemental Questions for Sites Seeking Tangible Property Credits in New York City</i> must be completed.</p>

## SECTION II: Project Description

As a separate attachment, provide complete and detailed information about the project, including the purpose of the project, the date the remedial program is to start, and the date the issuance of the Certificate of Completion is anticipated.

## SECTION III: Land Use Factors

In addition to eligibility information, site history, and environmental data/reports, the application requires information regarding the current, intended and reasonably anticipated future land use.

This information consists of responses to the “land use” factors to be considered relative to the “Land Use” section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a “brownfield site” pursuant to ECL 27-1405(2).

This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

<b>Zoning and Current Use</b>	Provide the current municipal zoning designation and uses permitted by that designation. Provide a summary of the current use of the site, including identifying possible contaminant source areas. If the site is no longer in use, provide the date by which operations ceased.
<b>Anticipated Use</b>	Identify the anticipated post-remediation use of the site and provide a detailed description of the specific anticipated post-remediation use as an attachment.
<b>Renewable Energy Facility Site</b>	Indicate if the post-remediation use of the site is proposed to be a renewable energy facility. A “renewable energy facility site” shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system. Section 66-p of the Public Service Law: "Renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity. Provide any detailed plans or documentation to support this. Appropriate documentation must be provided as follows: for planned renewable energy facilities generating/storing less than twenty-five (25) megawatts, a local land use approval must be provided. For planned renewable energy facilities generating/storing twenty-five (25) megawatts or greater, a permit issued by the Office of Renewable Energy Siting must be provided.
<b>Compliance with Zoning Laws, Recent Development, and Community Master Plans</b>	Provide an explanation to support the responses to each of these items. Attach additional documentation if applicable.

## SECTION IV: Property's Environmental History

For all sites, an investigation report is required that is sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data include site drawings and data summary tables requested in Section IV, #3 of the BCP application form. Specific instructions regarding the data summary tables are attached at the end of these instructions.

## SECTION V: Requestor Information

<b>Requestor Name</b>	<p>Provide the name of the person(s)/entity requesting participation in the BCP (if more than one, attach additional sheets with requested information). The requestor is the person or entity seeking DEC review and approval of the remedial program.</p> <p>If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear exactly as given in the <a href="#">NYS Department of State's Corporation &amp; Business Entity Database</a>. A print-out of entity information from the database must be submitted to DEC with the application, to document that the requestor is authorized to do business in NYS.</p>
<b>Address, etc.</b>	Provide the requestor's mailing address, telephone number and e-mail.
<b>LLC Information</b>	If the requestor(s) is/are an LLC, the names of the members/owners must be provided on a separate attachment.
<b>Document Certification</b>	<p>All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of <a href="#">DER-10</a>. Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:</p> <ul style="list-style-type: none"><li>• New York State licensed professional engineers (P.E.s), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a P.E. with current license and registration for work that was done by them or those under their direct supervision. The firm by which the P.E. is employed must also be authorized to practice engineering in New York State;</li><li>• qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;</li><li>• remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or</li><li>• site owners, which are the owners of the property comprising the site at the time of the certification.</li></ul>

## SECTION VI: Requestor Eligibility

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

<b>Volunteer Statement</b>	If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer. Be specific as to the appropriate care taken.
<b>Proof of Site Access</b>	If a requestor is not the current owner of the entirety of the site, a site access agreement <b>must be provided</b> that demonstrates that the requestor will have access to the property before signing the BCA and throughout the BCP project. Additionally, the access agreement must include language allowing the requestor the ability to place an environmental easement on the site should the requestor not be the owner at the time remediation is complete and a Track 1 cleanup has not been achieved.

## SECTION VII: Requestor Contact Information

<b>Requestor's Representative</b>	Provide information for the requestor's authorized representative. This is the person to whom all correspondence, notices, etc. will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative of Applications determined to be Participants unless another contact name and address is provided with the application.
<b>Requestor's Consultant and Requestor's Attorney</b>	Provide all requested information.

## SECTION VIII: Program Fee

If the requestor is applying for a fee waiver, sufficient documentation must be provided to demonstrate financial hardship. To demonstrate financial hardship, the applicant must show that with the payment of the program fee, remediation of the brownfield site would not be economically viable. This documentation may be in the form of federal tax returns with applicable schedules, financial statements and balance sheets, proof that the applicant has waived its right to tax credits, or any other documentation deemed acceptable by the Department.

If the requestor is applying for a fee waiver based on the requestor's status as a not-for-profit entity, please provide documentation of non-profit designation.

## SECTION IX: Current Property Owner and Operator Information

<p><b>Owner Information</b></p>	<p>Provide requested information of the current owner of the property. List <u>all</u> parties holding an interest in the property and, if the requestor is not the current owner, describe the requestor's relationship to the current owner. If the property consists of multiple parcels, be sure to include the ownership start date of each.</p>
<p><b>Operator Information</b></p>	<p>Provide requested information of the current operator(s). If multiple operators, attach the requested information for each operator, including the date each operator began utilizing the property.</p>
<p><b>Historical Owners and Operators</b></p>	<p>Provide a list of previous owners and a list of previous operators, including dates of ownership or operation and last-known addresses and phone numbers. Describe the requestor's relationship to each previous owner and operator; if no relationship, indicate "none". When describing the requestor's relationship to current and historical owners and operators, include any relationship between the requestor's corporate members and the previous owners and operators.</p>

## SECTION X: Property Eligibility Information

As a separate attachment, provide complete and detailed information in response to the following eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that that information be summarized.

<p><b>CERCLA / NPL Listing</b></p>	<p>Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.</p>
<p><b>Registry Listing</b></p>	<p>Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) <a href="#">website</a> for a database of sites with classifications.</p>
<p><b>RCRA Listing</b></p>	<p>Does the property have a Resource Conservation and Recovery Act (RCRA) TSDf Permit in accordance with the ECL 27-0900 et seq? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.</p>
<p><b>Registry/RCRA Sites Owned by Volunteers</b></p>	<p>If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27- 1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.</p>

**SECTION X: Property Eligibility Information (CONTINUED)**

<b>Existing Order</b>	Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.
<b>Pending Enforcement Actions</b>	Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information as an attachment.

**SECTION XI: Site Contact List**

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project. For sites located in a city with a population of one million or more, the appropriate community board must be included as an additional document repository, and acknowledgement of their agreement to act as such must also be provided.

**SECTION XII: Statement of Certification and Signatures**

The requestor must sign the application or designate a representative who is authorized to sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each requestor must sign a signature page. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the entity's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database.



## DATA SUMMARY TABLE INSTRUCTIONS

Data summary tables should include the following columns:

Soil Table:

Analytes > SCOs <sup>a</sup>	Detections > SCOs <sup>b</sup>	Max. Detection (ppm) <sup>c</sup>	SCO (ppm) <sup>d</sup>	Depth (ft bgs)
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Groundwater Table:

Analytes > AWQS <sup>e</sup>	Detections > AWQS <sup>f</sup>	Max. Detection (ppb) <sup>c</sup>	AWQS (ppb) <sup>g</sup>
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Soil Gas Table:

Analytes <sup>h</sup>	Total Detections	Max. Detection (ug/m3) <sup>c</sup>	Type <sup>i</sup>
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<sup>a</sup> Include all contaminants over the applicable soil cleanup objectives (SCOs). Column header should specify which SCOs are being compared to. (i.e., "RRSCOs" for Restricted Residential SCOs)

<sup>b</sup> Number of detections over applicable SCOs. Specify which SCOs are being compared to in column header.

<sup>c</sup> Maximum detection in parts per million (ppm) for soil, parts per billion (ppb) for groundwater, or micrograms per cubic meter (ug/m3) for soil gas.

<sup>d</sup> List the respective SCO. Specify which SCOs are being compared to in column header.

<sup>e</sup> Include all contaminants over Class GA Ambient Water Quality Standards (AWQS).

<sup>f</sup> Number of detections over AWQS.

<sup>g</sup> List the respective AWQS.

<sup>h</sup> Include all chlorinated volatile organic compound (VOCs) detections.

<sup>i</sup> Specify type: soil vapor, sub-slab or indoor air.

## Example Data Summary Tables

### Soil Table:

Analytes > RR SCOs	Detections > RR SCOs	Maximum Detection (ppm)	RR SCO (ppm)	Depth (ft bgs)
Benzo(a)anthracene	3	11	1	5 – 7
Benzo(a)pyrene	4	15	1	5 – 7
Benzo(b)fluoranthene	5	15	1	5 – 7
Benzo(k)fluoranthene	1	5.3	3.9	5 – 7
Indeno(1,2,3-cd)pyrene	7	8.4	0.5	5 – 7
barium	2	967	400	0.5 – 2.5
cadmium	2	94.1	4.3	6 – 8
lead	3	1,790	400	0.5 – 2.5

### Groundwater Table:

Analytes > AWQS	Detections > AWQS	Max. Detection (ppb)	AWQS (ppb)
Benz(a)anthracene	2	0.2	0.002
Benzo(a)pyrene	2	0.221	ND
Benzo(b)fluoranthene	2	0.179	0.002
Benzo(k)fluoranthene	2	0.189	0.002
Indeno(1,2,3-cd)pyrene	2	0.158	0.002
Tetrachloroethene (PCE)	1	12	5

### Soil Gas Table:

Analytes	Total Detections	Max. Detection ( $\mu\text{g}/\text{m}^3$ )	Type
Carbon tetrachloride	1	0.84	Soil vapor
Methylene chloride	1	2.6 J	Soil vapor
Tetrachloroethene	2	47	Soil vapor
Trichloroethene	1	1.2	Soil vapor
Trichlorofluoromethane	1	21	Soil vapor

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## DETERMINATION OF A COMPLETE APPLICATION

1. The first step in the application review and approval process is an evaluation to determine if the application is complete. To help ensure that the application is determined complete, requestors should review the list of common application deficiencies and carefully read these instructions.
2. DEC will send a notification to the requestor within 30 calendar days of receiving the application, indicating whether such application is complete or incomplete.
3. An application must include the following information relative to the site identified by the application, necessary for making an eligibility determination, or it will be deemed incomplete. (Please note: the application as a whole requires more than the information outlined below to be determined complete). The application must include:
  - a. for all sites, an investigation report sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data includes site drawings requested in Section IV, #3 of the BCP application form.
  - b. for those sites described below, documentation relative to the volunteer status of all requestors, as well as information on previous owners or operators that may be considered responsible parties and their ability to fund remediation of the site. This documentation is required for:
    - i. real property listed in the registry of inactive hazardous waste disposal sites as a class 2 site, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP; or
    - ii. real property that was a hazardous waste treatment, storage or disposal facility having interim status pursuant to the Resource Conservation and Recovery Act (RCRA) program, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP.
  - c. for sites located within the five counties comprising New York City, in addition to (a) and if applicable (b) above, if the application is seeking a determination that the site is eligible for tangible property tax credits, sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a). If this determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion, using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.
  - d. for sites previously remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law, relevant documentation of this remediation.

## DETERMINATION OF A COMPLETE APPLICATION (CONTINUED)

4. If the application is found to be incomplete:
  - a. the requestor will be notified via email or phone call regarding minor deficiencies. The requestor must submit information correcting the deficiency to DEC within the 30-day review time frame; or
  - b. the requestor will receive a formal Letter of Incomplete Application (LOI) if an application is substantially deficient, if the information needed to make an eligibility determination identified in #4 above is missing or found to be incomplete, or if a response to a minor deficiency is not received within the 30-day period. The LOI will detail all of the missing information and request submission of the information. If the information is not submitted within 30 days from the date of the LOI, the application will be deemed withdrawn. In this case, the requestor may resubmit the application without prejudice.
5. If the application is determined to be complete, DEC will send a Letter of Complete Application (LOC) that includes the dates of the public comment period. The LOC will:
  - a. include an approved public notice to be sent to all parties on the Contact List included with the application;
  - b. provide instructions for publishing the public notice in the newspaper on the date specified in the letter, and instructions for mailing the notice to the Contact List;
  - c. identify the need for a certification of mailing form to be returned to DEC along with proof of publication documentation; and
  - d. specify the deadline for publication of the newspaper notice, which must coincide with, or occur before, the date of publication in the Environmental Notice Bulletin (ENB).
    - i. DEC will send a notice of the application to the ENB. As the ENB is only published on Wednesdays, DEC must submit the notice by the Wednesday before it is to appear in the ENB.
    - ii. The mailing to parties on the Contact List must be completed no later than the Tuesday prior to ENB publication. If the mailings, newspaper notice and ENB notice are not completed within the timeframes established by the LOC, the public comment period on the application will be extended to ensure that there will be the required comment period.
    - iii. Marketing literature or brochures are prohibited from being included in mailings to the Contact List.

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**245 WEST 55TH ST LLC – BCP Site No. C231157**  
**245-249 West 55th Street**  
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**Manhattan, New York**

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## **SECTION I – PROPERTY DESCRIPTION, ENVIRONMENTAL ASSESSMENT, AND PROPERTY MAPS**

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### **Section I, No. 14 – Property Description Narrative**

#### **Location:**

The Site (i.e., 245-249 West 55<sup>th</sup> Street) is in an urban area within the city of Manhattan, New York, and is approximately 1,000 feet southwest of Central Park.

#### **Site Features:**

The Site is developed with one twelve-story commercial/office building with a basement, which was constructed circa 1914.

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

The site is currently vacant and is located within a C6-4/C6-6 Commercial District (i.e., a General Central Commercial Zoning district in NYC). In zones C6-4 and C6-6 you can build a variety of commercial building uses, community facilities, and residential buildings.

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

The site was utilized by DuArt Media Services/DuArt Film Labs for cinematographic film cleaning and film processing from approximately 1922 through 2011. Film production including voiceover work, audio recording, and film editing continued to take place at the Site until 2021. Cinematographic film cleaning operations utilized cleaning and degreasing compounds including tetrachloroethene (PCE) and 1,1,1-trichloroethane (1,1,1-TCA) to remove dirt, grease, and minor scratches from film negatives prior to print.

The on-site storage, use, and disposal of these cleaning and degreasing compounds over a period of approximately 90 years is the likely source of the chlorinated volatile organic compounds identified in ground water, soil gas, and indoor air at the site.

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Site Geology and Hydrogeology:

Based on soil sampling conducted by EL in January and February 2023, shallow soils consisted of sands and silty sands underlain by more clayey material. One soil boring was advanced to the presumed depth of bedrock, approximately 35 feet below the basement floor (i.e., approximately 48 to 50 feet below grade). Bedrock observed in this boring consisted of weathered schist at approximately 32.5 feet below the basement floor.

Bedrock underlying the site consists of the Hartland Formation, which is comprised of a dark grey, medium- to coarse-grained muscovite-biotite-garnet (mica) schist and grey fine-grained quartz feldspar granulite biotite and garnet, with localized concentrations of granite and intrusions of coarse-grained granitic pegmatite.

Based on ground water sampling conducted by Environmental Logic in January 2023, ground water at the site was encountered at approximately 27 feet below grade.

**Section I, No. 14 – Environmental Assessment**

Based upon investigations conducted to date, the primary contaminants of concern for the site consist of chlorinated volatile organic compounds (CVOCs), including trichloroethene (TCE) and 1,1,1-trichloroethane (1,1,1-TCA).

Soil – CVOCs were not detected in soils at concentrations exceeding their respective New York State Department of Environmental Conservation (NYSDEC) 6 NYCRR Part 375 Unrestricted Use and Restricted Residential Use Soil Cleanup Objectives (SCOs).

Groundwater – TCE and 1,1,1-TCA were identified in ground water on the southern (sample location TWP-1) and central (sample location TWP-2) portions of the site, at concentrations exceeding the groundwater standards (typically 5 ppb). The maximum concentration (88 ppb of 1,1,1-TCA) was identified in TWP-1, screened just below the water table. A deeper temporary well was installed just above bedrock, and contaminants were not detected in this deeper well above their respective groundwater standards, indicating that contamination may be limited to shallow overburden groundwater.

Soil Vapor & Indoor Air – Sub-slab soil gas and indoor air samples collected in October 2022 indicated that chlorinated VOCs including 1,1,1-TCA, PCE, TCE, and their derivatives are present in both sub-slab soil gas as well as indoor air, and it was confirmed that vapor intrusion is currently occurring within the Site building. 1,1,1-TCA specifically was detected at concentrations up to

**BCP Application – Supplemental Information**

**245 WEST 55TH ST LLC**

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77,000 micrograms per cubic meter in soil gas, and up to 310 micrograms per cubic meter in indoor air.

Refer to the Phase 2 ESA included as part of this submission for a full discussion of all investigation activities.



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## **SECTION II – PROJECT DESCRIPTION**

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### **Section II, No. 4 – Project Development Schedule**

Redevelopment of the Site building will consist of the rehabilitation of the existing vacant building into residential housing, including the removal of the existing top floor and the construction of 6 additional floors. The rehabilitation of the existing building, including the construction of the 6 additional floors, is expected to be completed in approximately four (4) years.

The remedial program is set to begin immediately following acceptance into the Brownfield Cleanup Program.

**Remediation Start Date: Estimated to be October 1, 2023 – Immediately following acceptance into the Brownfields Cleanup Program.**

**COC Issuance Date: Estimated to be December 31, 2027 – Upon completion of site redevelopment.**

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## **SECTION III – LAND USE FACTORS**

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### **Section III, No. 4 – Current Business Operations or Uses**

The site is currently vacant. Prior operations ceased in 2021 and the prior owner (DuArt Media Services/DuArt Film Labs) vacated the site between 2021 and 2023.

Prior to this vacancy, DuArt Media Services/DuArt Film Labs utilized the site for cinematographic film cleaning and film processing from approximately 1922 through 2011. Film production including voiceover work, audio recording, and film editing continued to take place at the Site until 2021.

Cinematographic film cleaning operations utilized cleaning and degreasing compounds including tetrachloroethene (PCE) and 1,1,1-trichloroethane (1,1,1-TCA) to remove dirt, grease, and minor scratches from film negatives prior to print.

The on-site storage, use, and disposal of these cleaning and degreasing compounds over a period of approximately 90 years likely resulted in the chlorinated volatile organic compounds identified in ground water, soil gas, and indoor air at the site.

### **Section III, Nos. 6 and 10 – Post-Remediation Use**

The existing site and site building are proposed to be redeveloped into residential housing.

The anticipated future residential use will be consistent with applicable comprehensive community master plans or other adopted land use plans.

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## **SECTION V – REQUESTOR INFORMATION**

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### **Section V, No. 3 – Owner/Member Information**

*If the requestor is an LLC, the names of the members/owners need to be provided on a separate attachment. Is this attached?*

The following ownership information is provided for the owner:

**OWNER NAME:        245 WEST 55TH ST LLC**

**MEMBER(S):         Michael Mandelbaum**

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## **SECTION VI – REQUESTOR ELIGIBILITY**

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### **Section VI, No. 13**

*If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?*

This statement is hereby provided to the New York State Department of Environmental Conservation (“DEC”) as a supplement to the Brownfield Cleanup Program (“BCP”) Application of 245 WEST 55TH ST LLC (the “Requestor”).

The Requestor seeks to enter the New York DEC’s BCP as a Volunteer. Under ECL § 27-1405(1)(b) and 6 NYCRR § 375-3.2(c)(2), a Volunteer is defined as an applicant other than a participant, including without limitation, a person whose liability arises solely as a result of such person’s ownership or operation of or involvement with the site subsequent to the disposal or discharge of contaminants, provided however, such person exercises appropriate care with respect to contamination found at the facility by taking reasonable steps to: (i) stop any continuing release; (ii) prevent any threatened future release; and (iii) prevent or limit human, environmental, or natural resource exposure to any previously released contamination.

As part of its pre-acquisition due diligence, the Requestor performed all appropriate inquiries generally consistent with CERCLA and industry standards, including review of available environmental documentation pertaining to the Site, which showed the contamination that is the subject of the BCP application. Based on a Phase I Environmental Site Assessment (ESA) conducted by Environmental Logic, the contaminants of concern for the site are understood to have been released into the environment before the transfer of the property to the Requestor/current owner. This contamination is suspected to be related to the film cleaning and processing operations historically conducted by the prior site owner.

The Requestor intends to redevelop the site into residential housing and has engaged the NYSDEC regarding the investigation and remediation of the site since taking ownership. For these reasons, the Requestor qualifies as Volunteer under ECL § 27-1405 and 6 NYCRR § 375-3.2(c)(2).

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## **SECTION IX – CURRENT PROPERTY OWNER AND OPERATOR INFORMATION**

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### **Previous Property Owner information**

*Per the instructions, provide a list of the previous property owners with last known contact information.*

**Previous Owner Name:** DU-ART FILM LABORATORIES, INC., previously  
DU-ART REALTY CORP

**Ownership Duration:** January 16, 1970 – June 29, 1976 (Du-Art Realty Corp)  
June 29, 1976 – June 8, 2023 (Du-Art Film Laboratories,  
Inc.)

**Contact Information:** DU-ART FILM LABORATORIES, INC.  
**Contact:** Linda Young  
**Telephone:** (646) 585-9311  
**Email:** lyoung@duart.com  
**Address:** P.O. Box 719  
New York 10021

**Relationship to Requestor:** None

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**Previous Owner Name:** STANLEY E. STERNS

**Ownership Duration:** January 18, 1966 – January 16, 1970

**Last Known Address (per Deed):** 950 Fifth Avenue  
New York, NY

**Relationship to Requestor:** None

---

**Previous Owner Name:** JULUIS KATZ

**Ownership Duration:** January 18, 1966 – January 18, 1966

**Last Known Address (per Deed):** 3530 Decatur Avenue  
Bronx, NY

**Relationship to Requestor:** None

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**Previous Owner Name:** STANLEY E. STERN

**Ownership Duration:** Prior to January 18, 1966

**Last Known Address (per Deed):** 983 Park Avenue  
New York, NY

**Relationship to Requestor:** None

---

### **Previous Operator information**

*Per the instructions, provide a list of the previous operators with last known contact information.*

**Previous Operator:** DU-ART FILM LABS

**Description of Operation:** Cinematographic film cleaning and film processing

**Duration of Operation:** Circa 1922 – 2021

**Contact Information:** DU-ART FILM LABORATORIES, INC.

**Contact:** Linda Young

**Telephone:** (646) 585-9311

**Email:** lyoung@duart.com

**Address:** P.O. Box 719  
New York 10021

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## **SECTION XI – SITE CONTACT LIST**

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### **NY Chief Executive Officer**

Mayor Eric Adams  
City Hall  
New York, NY 10007

### **New York City Planning Commission**

Dan Garodnick, Chairperson  
Manhattan Office  
120 Broadway, 31st Floor  
New York, NY 10271

### **Manhattan Borough President**

Mark Levine, Borough President  
The David N. Dinkins Municipal Building  
1 Centre Street, 19th Floor  
New York, NY 10007

### **Manhattan Community Board 5**

Chair: Vikki Babero  
District Manager: Marisa Mack  
450 7th Avenue, Rm. 2109, New York, NY 10123

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*Residents, owners, and occupants of the property and adjacent properties.*

### **Property/Site Owner**

245 WEST 55TH ST LLC  
354 Eisenhower Parkway, Suite 1900  
Livingston, NJ 07039-1061

### **Property/Site Residents**

There are currently no residents at the Site. The Site is unoccupied while redevelopment is planned.

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**245 WEST 55TH ST LLC**  
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**Manhattan, New York**

**Adjacent Properties**

<b>251 West 55<sup>th</sup> Street</b> Block 1027, Lot 6 <b>Owner:</b> West Moore 55 LLC 1 Kent Place, Great Neck, NY 11020	<b>242 West 56<sup>th</sup> Street</b> Block 1027, Lot 160 <b>Owner:</b> ITALIA D. LLC 545 Madison Avenue, New York, NY 10022
<b>238 West 56<sup>th</sup> Street</b> Block 1027, Lot 58 <b>Owner:</b> KOZINN 238 LLC 225 Broadway, New York, NY 10007	<b>236 West 56<sup>th</sup> Street</b> Block 1027, Lot 57 <b>Owner:</b> 236 WEST 56TH REALTY CORP 236 West 56th Street, New York, NY 10019
<b>243 West 55<sup>th</sup> Street</b> Block 1027, Lot 9 <b>Owner:</b> DKE Realty Corp. c/o Niles Schwartz 330 West 56 <sup>th</sup> Street New York, NY 10036	<b>250 West 55<sup>th</sup> Street</b> Block 1026, Lot 55 <b>Owner:</b> Gladden Properties LLC c/o Madison Equities, LLC 555 Fifth Avenue, 9 <sup>th</sup> Floor New York, NY 10017
<b>234 West 56<sup>th</sup> Street</b> Block 1027, Lot 56 <b>Owner:</b> 939-941 SECOND AVENUE ASSOCIATES, INC 234 West 56 <sup>th</sup> Street, New York, NY 10019	

**Public Water Supplier**

New York City Water Supply System

**Any person who has requested to be placed on the Contact List**

TBD

**Administrator of any school or day care facility located on or near the property**

None Identified

**Document Repositories**

**New York Public Library**  
**53rd Street Branch**  
Genoveve Rodriguez, Managing Librarian  
18 West 53<sup>rd</sup> Street  
New York, NY 10019

**Manhattan Community Board 5**  
450 7<sup>th</sup> Avenue, Rm. 2109  
New York, NY 10123  
Phone: 212-465-0907  
Email: office@cb5.org  
Chair: Vikki Babero



**BCP Application – Supplemental Information**  
**245 WEST 55TH ST LLC**  
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## **Entity Information from NYS DOS Database**

# Department of State

## Division of Corporations

### Entity Information

[Return to Results](#)[Return to Search](#)

#### Entity Details



**ENTITY NAME:** 245 WEST 55TH ST LLC

**DOS ID:** 6767918

**FOREIGN LEGAL NAME:**

**FICTITIOUS NAME:**

**ENTITY TYPE:** DOMESTIC LIMITED LIABILITY COMPANY

**DURATION DATE/LATEST DATE OF DISSOLUTION:**

**SECTION OF LAW:** LIMITED LIABILITY COMPANY LAW - 203  
LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY  
COMPANY LAW

**ENTITY STATUS:** ACTIVE

**DATE OF INITIAL DOS FILING:** 03/17/2023

**REASON FOR STATUS:**

**EFFECTIVE DATE INITIAL FILING:** 03/17/2023

**INACTIVE DATE:**

**FOREIGN FORMATION DATE:**

**STATEMENT STATUS:** CURRENT

**COUNTY:** NEW YORK

**NEXT STATEMENT DUE DATE:** 03/31/2025

**JURISDICTION:** NEW YORK, UNITED STATES

**NFP CATEGORY:**

[ENTITY DISPLAY](#)[NAME HISTORY](#)[FILING HISTORY](#)[MERGER HISTORY](#)[ASSUMED NAME HISTORY](#)

Service of Process on the Secretary of State as Agent

**The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:**

**Name:** CORPORATION SERVICE COMPANY

**Address:** 80 STATE STREET, ALBANY, NY, UNITED STATES, 12207 - 2543

**Electronic Service of Process on the Secretary of State as agent:** Permitted

Chief Executive Officer's Name and Address

**Name:**

**Address:**

Principal Executive Office Address

**Address:**

Registered Agent Name and Address

**Name:**

**Address:**

Entity Primary Location Name and Address

**Name:**

**Address:**

Farmcorpflag

**Is The Entity A Farm Corporation: NO**

Stock Information

Share Value

Number Of Shares

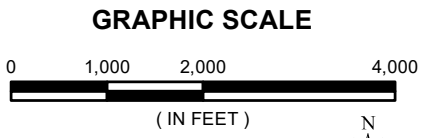
Value Per Share

**BCP Application – Supplemental Information**  
**245 WEST 55TH ST LLC**  
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**Manhattan, New York**

## **Site Maps and Sampling Figures**



**SITE LOCATION**



**Environmental LOGIC**

11 Princess Road Suite B,  
Lawrenceville, NJ 08648

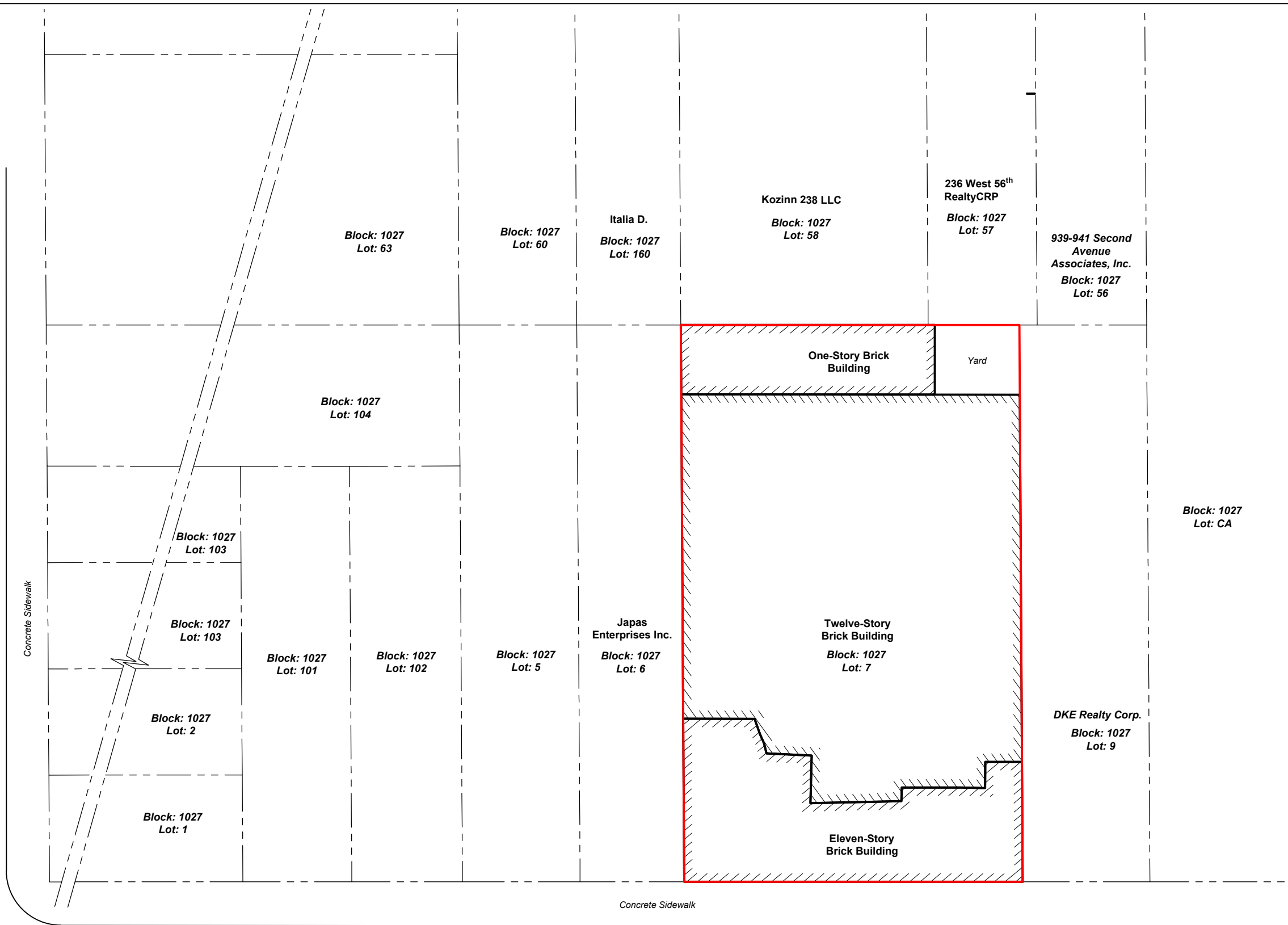
Scale:	AS SHOWN	PROJECT:	23-0001
Date:	6/14/23		
Drawn By:	PM		
Checked By:	BM		

SITE LOCATION ON USGS QUADRANGLE  
245 WEST 55TH STREET  
BLOCK 1027, LOT 7  
MANHATTAN, NEW YORK

FIGURE #  
1

File: X:\Environmental\logic\Manhattan - NY\245 West 55th Street Drawings\245 West 55th Street.dwg: F2\_SM

**Eighth Avenue**



**LEGEND**  
 ——— APPROXIMATE SITE BOUNDARY  
 - - - - - PARCEL BOUNDARY



**GRAPHIC SCALE**



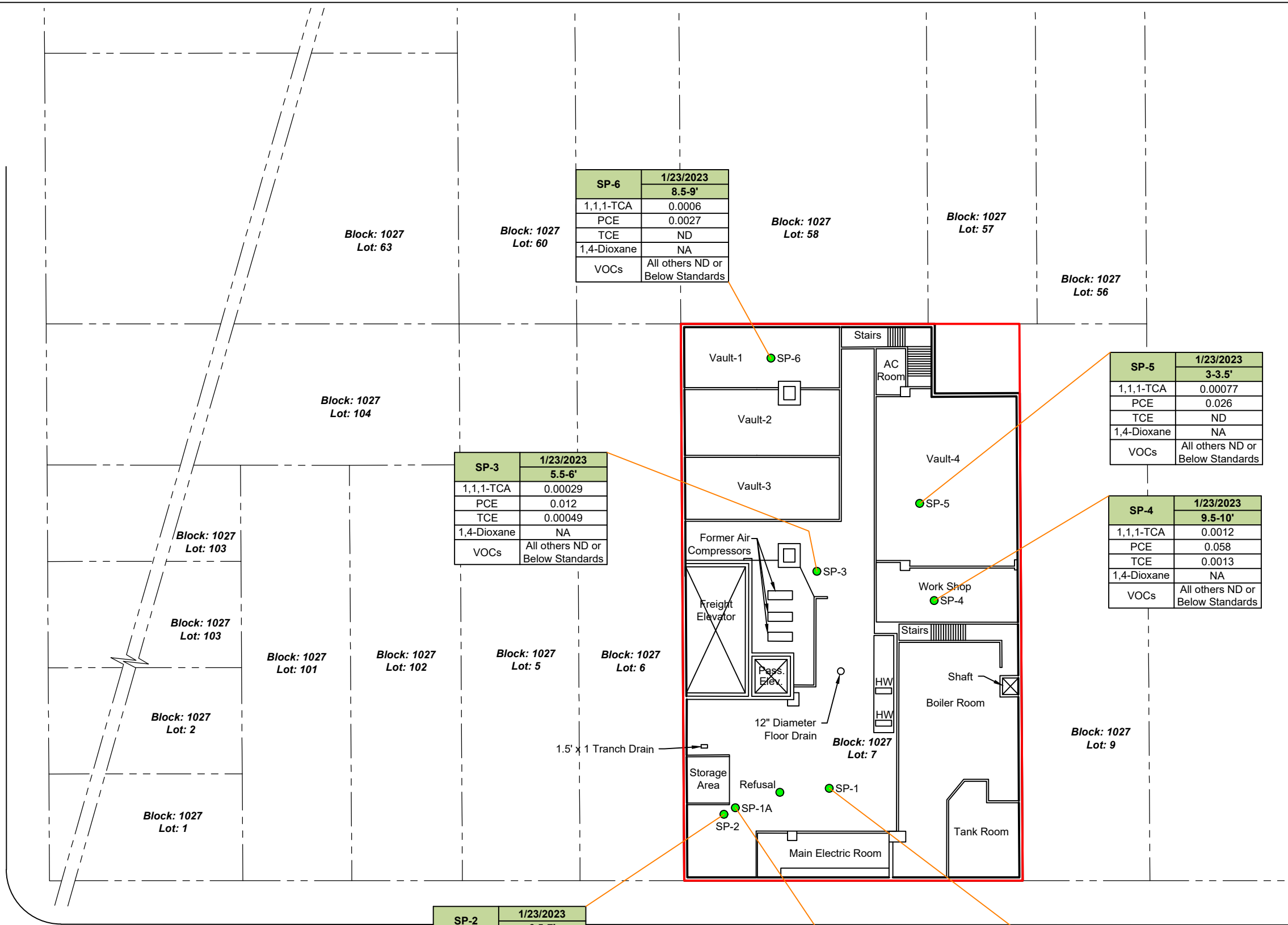
**W. 55 th Street**

**GLADDEN PROPERTIES LLC**  
*(Beyond W. 55th Street to the South)*  
 Block: 1026  
 Lot: 55

 <small>15 Princess Road, Suite K Lawrenceville, NJ 08648</small>	SCALE: AS SHOWN	PROJECT #
	DATE: 6/15/23	23-0001
	DRAWN BY: PM	
	CHECKED BY: BM	
SITE MAP 245 WEST 55TH STREET BLOCK 1027, LOT 7 MANHATTAN, NEW YORK		FIGURE #
		2

File: X:\Environmental\logict\Manhattan\_NY\245W55thStreet\Drawings\245W55\_ManhattanNY.dwg: F3\_SP

Eighth Avenue



SP-6	1/23/2023 8.5-9'
1,1,1-TCA	0.0006
PCE	0.0027
TCE	ND
1,4-Dioxane	NA
VOCs	All others ND or Below Standards

SP-3	1/23/2023 5.5-6'
1,1,1-TCA	0.00029
PCE	0.012
TCE	0.00049
1,4-Dioxane	NA
VOCs	All others ND or Below Standards

SP-5	1/23/2023 3-3.5'
1,1,1-TCA	0.00077
PCE	0.026
TCE	ND
1,4-Dioxane	NA
VOCs	All others ND or Below Standards

SP-4	1/23/2023 9.5-10'
1,1,1-TCA	0.0012
PCE	0.058
TCE	0.0013
1,4-Dioxane	NA
VOCs	All others ND or Below Standards

SP-2	1/23/2023 6.5-7'
1,1,1-TCA	0.0002
PCE	0.0052
TCE	0.001
1,4-Dioxane	NA
VOCs	All others ND or Below Standards

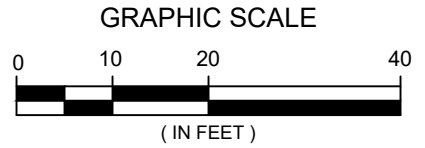
SP-1A	2/3/2023 34.5-35'
1,1,1-TCA	ND
PCE	0.00026
TCE	0.00022
1,4-Dioxane	ND
VOCs	All others ND or Below Standards

SP-1	1/23/2023 5.5-6'
1,1,1-TCA	0.0026
PCE	0.013
TCE	0.00076
1,4-Dioxane	NA
VOCs	All others ND or Below Standards

- LEGEND**
- APPROXIMATE SITE BOUNDARY
  - PARCEL BOUNDARY
  - SP-1 ● SOIL SAMPLE LOCATION

- NOTES:**
- ALL RESULTS ARE REPORTED IN MILLIGRAMS PER KILOGRAM (MG/KG)
  - CONCENTRATION THAT EXCEEDS THE NEW YORK NYCRR PART 375 RESIDENTIAL CRITERIA OR UNRESTRICTED CRITERIA
  - NYCRR NEW YORK CODES, RULES AND REGULATIONS
  - NY-RESR NEW YORK RESIDENTIAL (RESTRICTED USE) CRITERIA
  - NY-UNRES NEW YORK UNRESTRICTED USE CRITERIA
  - ND COMPOUND NOT DETECTED ABOVE THE LABORATORY MDL
  - NA COMPOUND NOT ANALYZED

New York NYCRR Cleanup Criteria		
Compound	NY-RESR	NY-UNRES
1,1,1-Trichloroethane (1,1,1-TCA)	100	0.68
Tetrachloroethene (PCE)	5.5	1.3
Trichloroethene (TCE)	10	0.47
1,4-Dioxane	9.8	0.1



15 Princess Road, Suite K  
Lawrenceville, NJ 08648

SCALE: AS SHOWN  
DATE: 6/23/23  
DRAWN BY: PM  
CHECKED BY: BM

PROJECT #  
23-0001

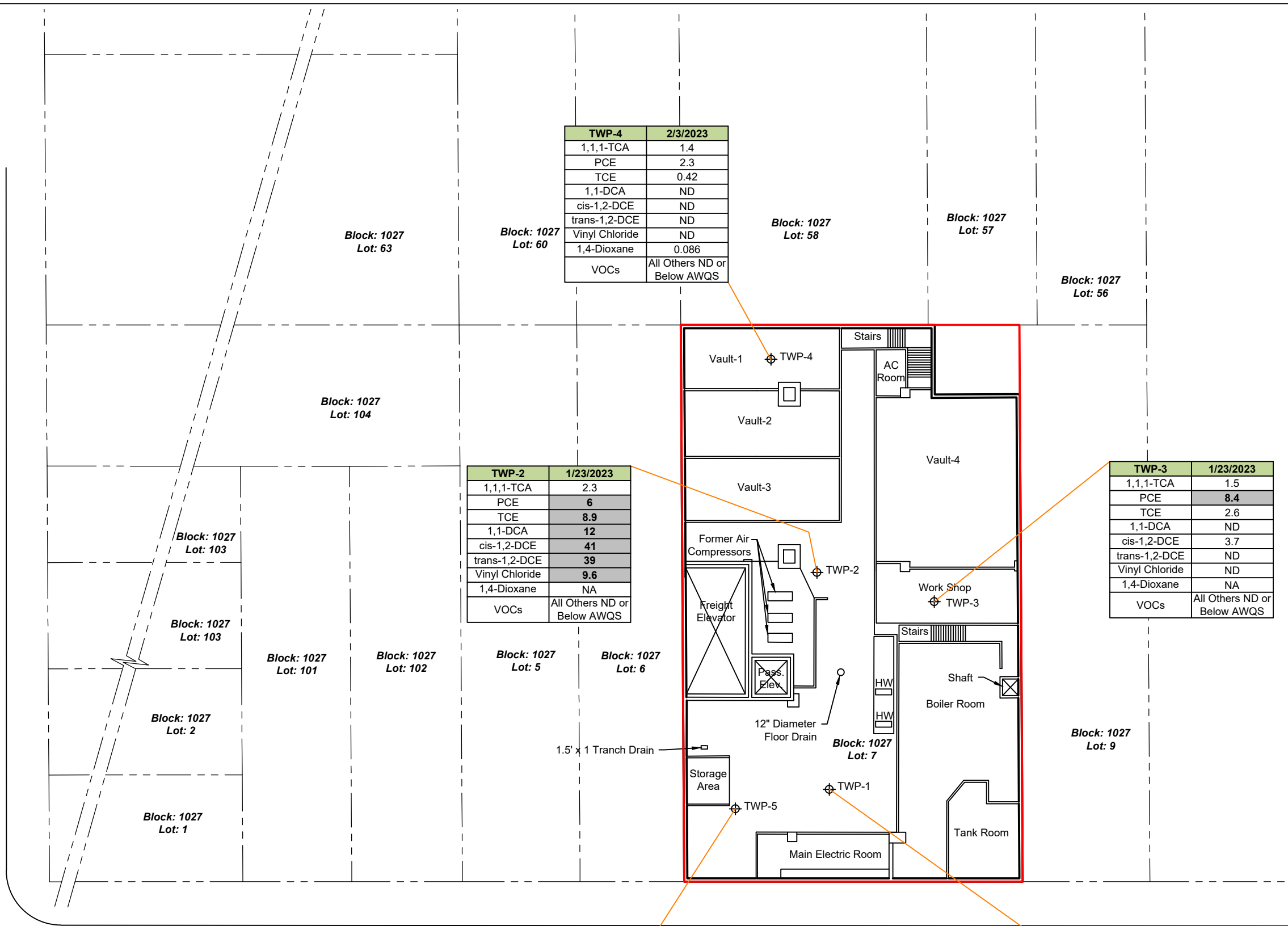
SITE MAP WITH SOIL SAMPLING LOCATIONS AND ANALYTICAL RESULTS  
245 WEST 55TH STREET  
MANHATTAN, NEW YORK

FIGURE #  
**3**

**W. 55 th Street**

File: X:\Environmental\logict\Manhattan NY\245W55thStreet\Drawings\245W55 ManhattanNY.dwg: F4\_TWP

Eighth Avenue



TWP-4	2/3/2023
1,1,1-TCA	1.4
PCE	2.3
TCE	0.42
1,1-DCA	ND
cis-1,2-DCE	ND
trans-1,2-DCE	ND
Vinyl Chloride	ND
1,4-Dioxane	0.086
VOCs	All Others ND or Below AWQS

TWP-2	1/23/2023
1,1,1-TCA	2.3
PCE	6
TCE	8.9
1,1-DCA	12
cis-1,2-DCE	41
trans-1,2-DCE	39
Vinyl Chloride	9.6
1,4-Dioxane	NA
VOCs	All Others ND or Below AWQS

TWP-3	1/23/2023
1,1,1-TCA	1.5
PCE	8.4
TCE	2.6
1,1-DCA	ND
cis-1,2-DCE	3.7
trans-1,2-DCE	ND
Vinyl Chloride	ND
1,4-Dioxane	NA
VOCs	All Others ND or Below AWQS

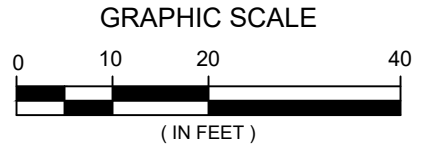
TWP-5	2/3/2023
1,1,1-TCA	ND
PCE	1.1
TCE	0.39
1,1-DCA	ND
cis-1,2-DCE	ND
trans-1,2-DCE	ND
Vinyl Chloride	0.5
1,4-Dioxane	0.102
VOCs	All Others ND or Below AWQS

TWP-1	1/23/2023
1,1,1-TCA	88
PCE	20
TCE	2.4
1,1-DCA	14
cis-1,2-DCE	7.5
trans-1,2-DCE	1.3
Vinyl Chloride	2.8
1,4-Dioxane	NA
VOCs	All Others ND or Below AWQS

- LEGEND**
- APPROXIMATE SITE BOUNDARY
  - - - - - PARCEL BOUNDARY
  - TW ⊕ TEMPORARY WELL POINT

- NOTES:**
- ALL RESULTS ARE REPORTED IN MILLIGRAMS PER KILOGRAM (MG/KG)
  - 10 INDICATES A CONCENTRATION THAT EXCEEDS THE NEW YORK AWQS
  - NY-AWQS NEW YORK TOGS 111 AMBIENT WATER QUALITY STANDARDS
  - ND COMPOUND NOT DETECTED ABOVE THE LABORATORY MDL
  - NA COMPOUND NOT ANALYZED
  - NS NO APPLICABLE STANDARD

Compound	AWQS
1,1,1-Trichloroethane (1,1,1-TCA)	5
Tetrachloroethene (PCE)	5
Trichloroethene (TCE)	5
1,1-Dichloroethane (1,1-DCA)	5
cis-1,2-Dichloroethene (cis-1,2-DCE)	5
trans-1,2-Dichloroethene (trans-1,2-DCE)	5
Vinyl chloride	2
1,4-Dioxane	NS



15 Princess Road, Suite K  
Lawrenceville, NJ 08648

SCALE: AS SHOWN

DATE: 6/23/23

DRAWN BY: PM

CHECKED BY: BM

PROJECT # 23-0001

FIGURE # 4

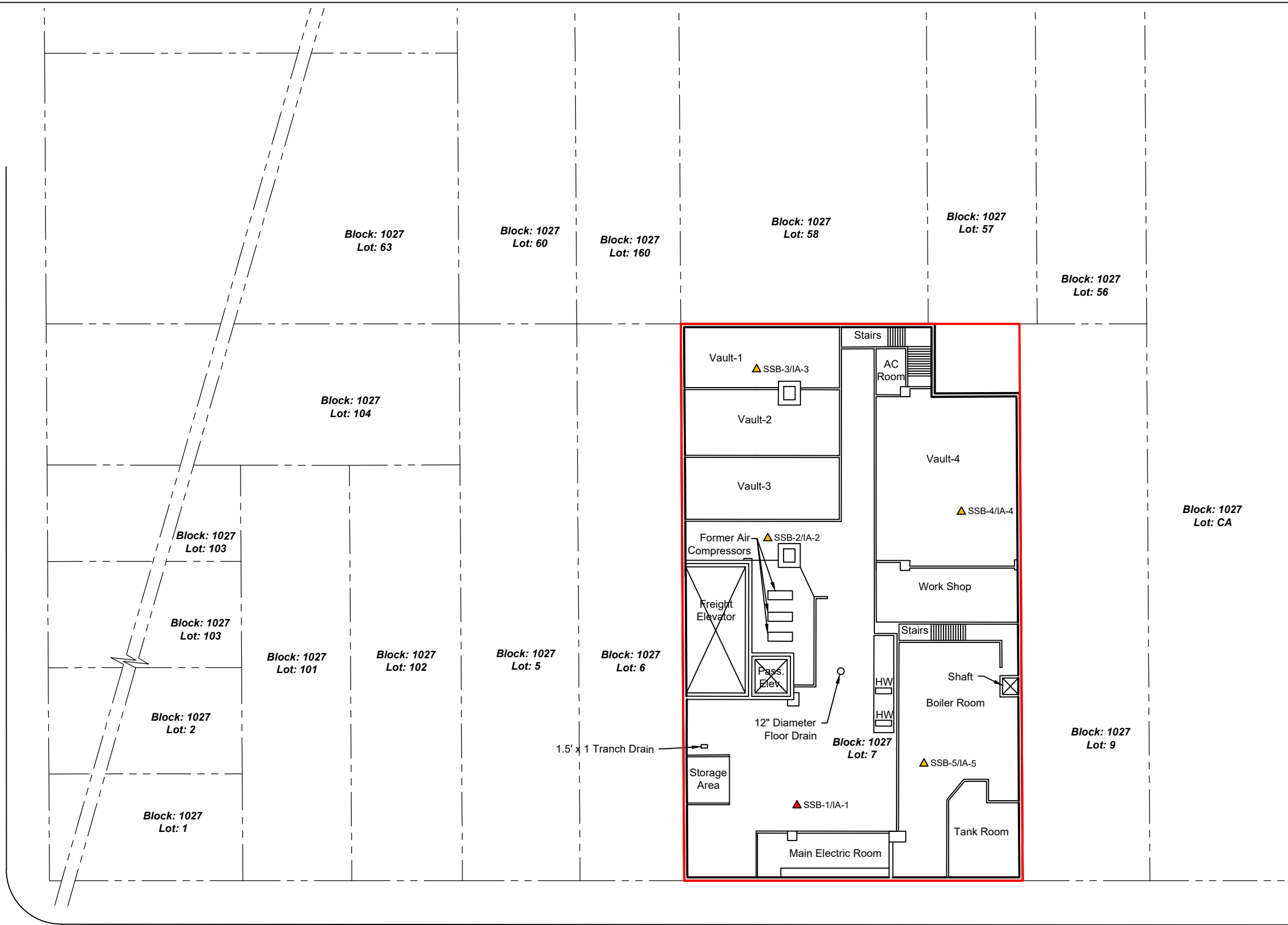
SITE MAP WITH TEMPORARY WELL POINT LOCATIONS AND ANALYTICAL RESULTS  
245 WEST 55TH STREET  
MANHATTAN, NEW YORK

W. 55 th Street



File: X:\Environmental\logic\Manhattan\_NY\245W55thStreet\Drawings\245W55\_ManhattanNY.dwg: FS\_VI

Eighth Avenue

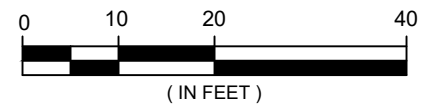


- LEGEND**
- APPROXIMATE SITE BOUNDARY
  - - - - - PARCEL BOUNDARY
  - SSB-1/IA-1 ▲ VAPOR INTRUSION SAMPLING LOCATIONS

- NOTES:**
- ▲ NYSDOH RECOMMENDS MITIGATION TO MINIMIZE CURRENT OR POTENTIAL EXPOSURES ASSOCIATED WITH SOIL VAPOR INTRUSION
  - ▲ NYSDOH RECOMMENDS MONITORING OF SOIL GAS AND INDOOR AIR TO ENSURE A VAPOR INTRUSION CONDITION IS NOT PRESENT
- REFER TO THE INCLUDED NYSDOH DECISION MATRIX FOR MORE INFORMATION



GRAPHIC SCALE



W. 55 th Street

 <small>15 Princess Road, Suite K Lawrenceville, NJ 08648</small>	SCALE: AS SHOWN	PROJECT #
	DATE: 6/23/23	23-0001
DRAWN BY: PM	CHECKED BY: BM	
SITE MAP WITH VAPOR INTRUSION SAMPLING LOCATIONS 245 WEST 55TH STREET MANHATTAN, NEW YORK		FIGURE # 5

Legal Description Title No.: SP48547-NY  
Items Corresponding to Schedule A

PARCEL I:

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situated, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

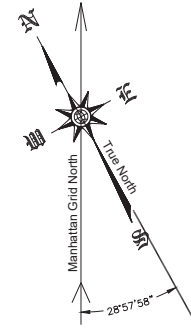
BEGINNING at a point on the northerly side of 55th Street, distant 140 feet easterly from the corner formed by the intersection of the easterly side of 8th Avenue with the said northerly side of 55th Street;

RUNNING THENCE easterly along the northerly side of 55th Street, 60 feet;

THENCE northerly parallel with the easterly side of 8th Avenue, 100 feet 5 inches;

THENCE westerly parallel with the northerly side of 55th Street, 60 feet; and

THENCE southerly again parallel with the easterly side of 8th Avenue and part of the way through a party wall, 100 feet 5 inches to the said northerly side of 55th Street, at the point or place of BEGINNING.



Map Amendments

NO.	DATE	DESCRIPTION	DRAWN BY	APPROV. BY
1	2-2-23	FIELD EDIT	SJ	PJONES

ALTA/NSPS Notes

- The Property described herein is the same as the property described in Title No. SP48547-NY issued by American Land Title Insurance Company bearing an effective date of 1/27/2023 and that all easements, covenants and restriction referenced in said Title Commitment or apparent from a physical inspection of the site or otherwise known to me have been plotted hereon or otherwise noted as to their effect on the subject property. The information shown on the Survey is correct as of the survey date January 24, 2023.
- As per Table A Item 9, there are no parking spaces on the land when surveyed.
- As per Table A Item 10a, there are party walls on the development lot parcel's land when surveyed.
- As per Table A Item 17, there are no proposed changes to the street right of way lines.
- As per Table A Item 18, there are no wet lands observed on the site.
- The properties have direct access to West 55th Street, dedicated Public Streets or Highways.

Flood Note

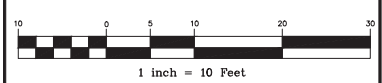
By graphic plotting only, this property lies in Zone X of the Flood Insurance Rate Map, Community Panel No. 3604970088F, which bears the effective date of September 5, 2007 and IS NOT in a Special Flood Hazard Area.

Zone AE are areas subject to inundation by the 1% annual chance flood. The 1% annual flood (100-year flood) is the flood that has a 1% chance of being equaled or exceeded in any given year. The Base Flood Elevation for this property is Elevation 10 (NGVD 29 Datum) by visiting the FEMA Map Service Center on line web page at <https://msc.fema.gov> we have learned this community DOES participate in the program.

Miscellaneous Notes

- UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 2205, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.
- COPIES FROM THE ORIGINAL OF THIS SURVEY MAP NOT MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR HIS EMBOSSED SEAL SHALL NOT BE CONSIDERED A VALID TRUE COPY.
- BEFORE PERFORMING ANY EXCAVATION OR DRILLING ON THIS SITE, IT IS REQUIRED THAT SUBSURFACE SERVICE, INCLUDING THE UNDERGROUND MAINS, DUCTS, AND CABLES BE MARKED AND IDENTIFIED BY THE UTILITY COMPANY OR AGENCY INVOLVED. THIS SHOULD BE DONE BY PROVIDING THE AFFECTED UTILITY WITH THE NOTICE REFERRED TO IN THE STATE OF NEW YORK INDUSTRIAL CODE §3.
- THE OFFSETS AND DIMENSIONS SHOWN FROM THE STRUCTURES TO THE PROPERTY LINES ARE FOR A SPECIFIC PURPOSE AND USE AND THEREFORE ARE NOT INTENDED TO GUIDE THE ERECTION OF STRUCTURES AND ANY OTHER CONSTRUCTION.
- RESEARCH HAS SHOWN THAT THERE ARE NO PROPOSED CHANGES IN THE STREET RIGHT OF WAY LINES FROM AVAILABLE INFORMATION FROM THE MANHATTAN BOROUGH PRESIDENTS OFFICE OR RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
- SUBSURFACE INFORMATION HEREON HAS BEEN OBTAINED FROM NEW YORK CITY AGENCIES AND PRIVATE COMPANIES. THIS INFORMATION IS NOT GUARANTEED AS TO ACCURACY OR COMPLETENESS. THE CONTRACTORS SHALL, BEFORE COMMENCING EXCAVATION, NOTIFY THE APPROPRIATE DEPARTMENTS AND UTILITY COMPANIES OF THEIR PROPOSED WORK AND REQUEST THAT THE PARTICULAR UTILITY LINES BE MARKED BY THE AGENCY OR COMPANY HAVING JURISDICTION. (STATE OF NEW YORK INDUSTRIAL CODE §3)
- THIS IS TO CERTIFY THAT THERE ARE NO STREAMS OR OTHER WATER COURSES OR IN THE PROPERTY EXCEPT AS SHOWN ON THE SURVEY MAP.
- THE LEGAL GRADES SHOWN ON THIS MAP WERE TAKEN FROM THE MANHATTAN BOROUGH SECTIONAL / ALTERATION MAPS. LEGAL GRADES REFER TO TOP OF CURB.
- ALL ELEVATIONS NOTED ON THIS SURVEY MAP ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 AS ESTABLISHED AND MAINTAINED BY THE NATIONAL GEODETIC SURVEY OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OR SUCCESSOR AGENCY WHICH IS HEREBY ESTABLISHED AS THE CITY DATUM BY LOCAL LAW 96 OF 2013.

Graphic Scale



Linetypes

GAS LINE	SEWER LINE
CABLE LINE	STEAM LINE
TELEPHONE LINE	TRAFFIC STRIPE
ELECTRIC LINE	NYC R.O.W.
WATER LINE	PROPERTY LINE
CHAIN LINK FENCE	

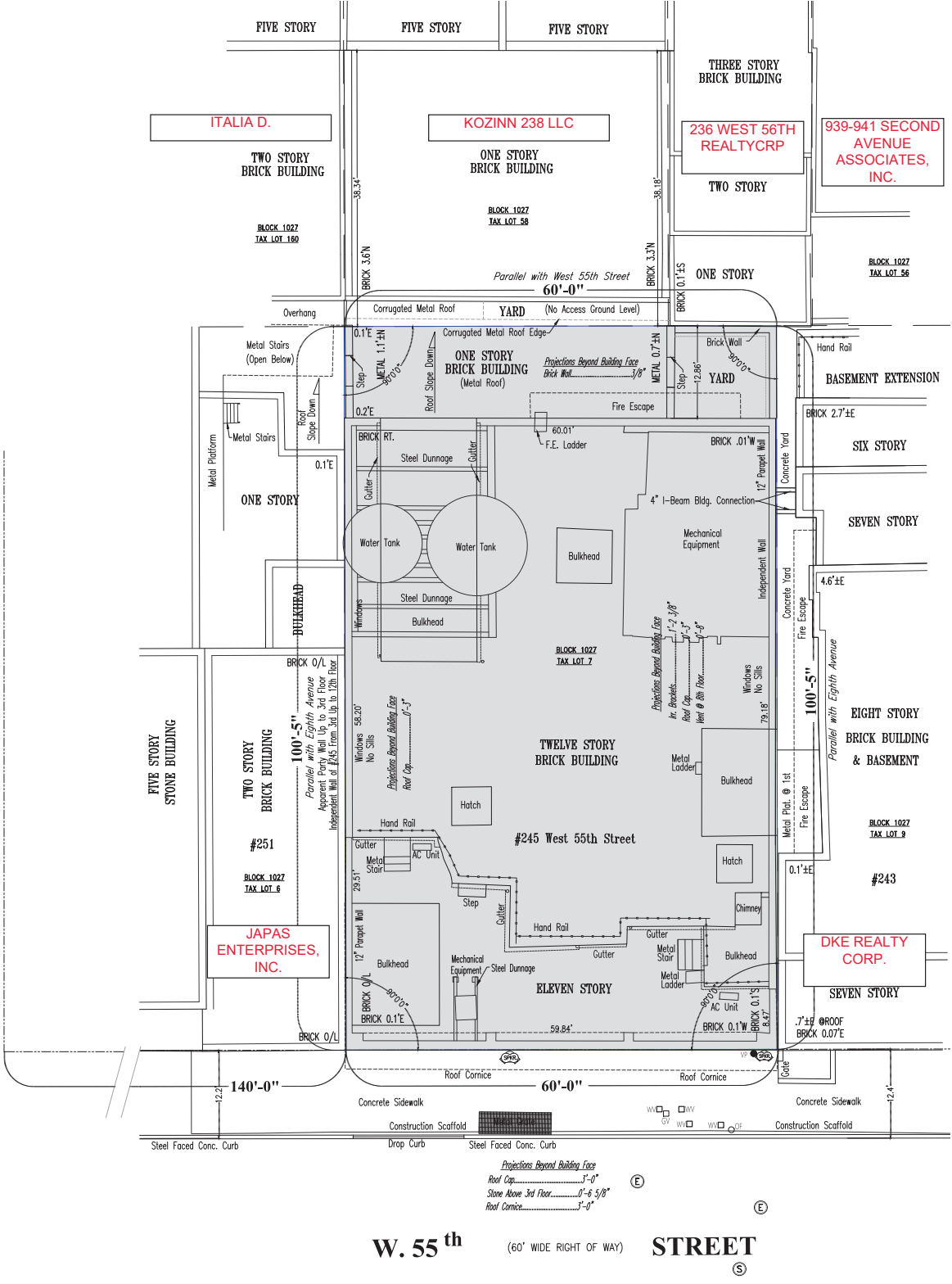
Abbreviations

TOP OF CURB ELEVATION	TC13.29
BOTTOM OF CURB ELEVATION	BC13.29
TOP OF WALL ELEVATION	TW13.29
BASE OF ROOF ELEVATION	BR13.29
TOP OF VENT ELEVATION	TV13.29
TOP OF PARAPET ELEVATION	TP13.29
SPOT ELEVATION	13.29
BLDG.	BUILDING
BM	BENCHMARK
C.C.	CONCRETE CURB
CL	CENTERLINE
C.L.F.	CHAIN LINK FENCE
CONC.	CONCRETE
CRFN	CITY REGISTER FILE NUMBER
C.W.	CONCRETE WALL
D.C.	DROP CURB
ELEC.	ELECTRIC
F.R.P.	FROM RECORD PLAN
FL.	FLOOR
I.F.	IRON FENCE
MON.	MONUMENT
M.B.P.O.	MANHATTAN BOROUGH PRESIDENTS OFFICE
R.O.W.	RIGHT OF WAY
S.F.C.	STEEL FACE CURB
T.M.	TAX MAP
T.P.	TREE PIT
T.V.	TITLE VESTED

Vicinity Map



AVENUE  
(100' Wide Right of Way)  
EIGHTH



GLADDEN PROPERTIES LLC  
(Beyond W. 55th Street to the South)  
Block 1026, Lot 56

nycls  
New York City Land Surveyors, PC  
63 Montgomery Avenue, S.I., NY 10301  
Phone: 718-816-8182 Fax: 718-816-8124  
www.nycsurveyors.com

Map of Survey of Property  
in the  
County of New York  
Borough of Manhattan  
City of New York

Site Address:  
245 West 55th Street  
NEW YORK, NY 10019

Block: 1027 / Lot: 7  
Area: 6,024.90 sq. ft. (0.1383 Acres)

Client: MADIGAN DEVELOPMENT

Project Number: 2022-110-1027NY  
Survey Date: 1-24-2023  
Survey Title: ALTA/NSPS LAND TITLE SURVEY  
Scale: 1"=10'  
Drawn By: SJ / Approved By: P. Jones

Surveyors Certificate

The undersigned hereby certifies to: 245 WEST 55TH ST LLC, Mandelbank GmbH LLC, and First American Land Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 10(a), 10(b), 11, 13, 14, 17, 18, 19 and 20 of the AIA thereon. The field work was completed on January 24, 2023.

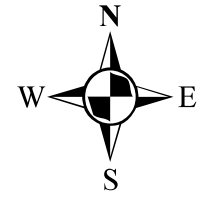
Date of Plat or Map: 5/22/2023  
Patrick Benedict Jones  
New York State Licensed Land Surveyor  
License No. 050624

Legend of Symbols	Legend of Symbols	Legend of Symbols	Legend of Symbols	Legend of Symbols
ENTRANCE ELEVATION	MISCELLANEOUS TRAFFIC SIGN	ANCHOR	ROUND DRAIN	WOOD UTILITY POLE w/ STREET LIGHT
CELLAR ENTRANCE ELEVATION	BOLLARD	CABLE TV IRON	SHRUB	WOOD UTILITY POLE w/ STREET LIGHT & FIRE CALL BOX
GARAGE ENTRANCE ELEVATION	ENTRANCE ELEVATION	CAMERA SECURITY	SQUARE DRAIN	WOOD UTILITY POLE w/ STREET LIGHT & PEDESTRIAN SIGNAL
UNKNOWN UTILITY MANHOLE	LEGAL GRADE/ ACTUAL GRADE FROM FINAL MAP	CATCH BASIN	STEAM MANHOLE	WOOD UTILITY POLE w/ STREET LIGHT & PEDESTRIAN SIGNAL
WATER MANHOLE	LEGAL GRADE INTERPOLATED	COAL CHUTE	STEAM VALVE	WOOD UTILITY POLE w/ TRAFFIC SIGNAL & PEDESTRIAN SIGNAL
ELECTRIC MANHOLE	UNDERGROUND UTILITY VAULT	DEPRESSED CURB (DC)	STORM MANHOLE	WOOD UTILITY POLE w/ TRAFFIC SIGNAL & PEDESTRIAN SIGNAL
SEWER MANHOLE	NYCDOT TRAFFIC SIGN	DRAIN INLET	SUBWAY MANHOLE / VAULT	METAL UTILITY POLE w/ STREET LIGHT
VENT PIPE	ELECTRIC UTILITY BOX	FIRE HYDRANT (HIGH PRESSURE)	TELEPHONE BOOTH	METAL UTILITY POLE w/ STREET LIGHT & PEDESTRIAN SIGNAL
MONITORING VALVE	METAL LIGHT POLE w/ PEDESTRIAN SIGNAL	FIRE CALL BOX	TELEPHONE MANHOLE	METAL UTILITY POLE w/ STREET LIGHT & TRAFFIC SIGNAL
FIRE HYDRANT (LOW PRESSURE)	STANDPIPE/ SIAMSESE CONNECTION (GROUND)	HANDICAP	WATER METER	METAL UTILITY POLE w/ STREET LIGHT & TRAFFIC SIGNAL
GAS VALVE	STANDPIPE/ SIAMSESE CONNECTION (WALL-MOUNTED)	GUY WIRE (TENSION CABLE FOR VERTICAL POLE)	WETLANDS	PEDESTRIAN SIGNAL
OIL FILL	TAX BLOCK NUMBER	GAS MANHOLE	WOOD UTILITY POLE	TRAFFIC CONTROL BOX
WATER VALVE	TAX LOT NUMBER	MAILBOX	WOOD UTILITY POLE w/ FIRE CALL BOX	TRAFFIC SIGNAL
SPOT ELEVATION		MONITORING WELL	WOOD UTILITY POLE w/ PEDESTRIAN SIGNAL	TRAFFIC SIGNAL w/ PEDESTRIAN SIGNAL
PARKING METER (MINI-METER)		N.Y.F.D.	WOOD UTILITY POLE w/ TRAFFIC SIGNAL	



# NYC Digital Tax Map

Effective Date : 01-06-2020 12:02:11  
End Date : Current  
Manhattan Block: 1027



### Legend

- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon



**BCP Application – Supplemental Information**  
**245 WEST 55TH ST LLC**  
**245-249 West 55th Street**  
**Block 1027, Lot 7**  
**Manhattan, New York**

## **Sampling Summary Tables**

BCP Application – Supplemental Information  
 245 WEST 55TH ST LLC – BCP Site No. C231157  
 245-249 West 55th Street  
 Block 1027, Lot 7  
 Manhattan, New York

## Data Summary Tables

---

### Ground Water

Analytes > AWQS	Detections > AWQS	Max. Detection (ppb)	AWQS (ppb)
1,1,1-Trichloroethane	1	88	5
Tetrachloroethene	3	20	5
1,1-Dichloroethane	2	14	5
Vinyl Chloride	2	9.6	2
Trichloroethene	1	8.9	5
trans-1,2-Dichloroethene	1	39	5
cis-1,2-Dichloroethene	2	41	5

### Soil Vapor

Analytes	Total Detections	Max. Detection (µg/m3)	Type
1,1,1-Trichloroethane	5	77,000	Soil Vapor
Tetrachloroethene	5	4,500	Soil Vapor
1,1-Dichloroethane	3	1,400	Soil Vapor
Trichloroethene	5	720	Soil Vapor
cis-1,2-Dichloroethene	4	130	Soil Vapor

BCP Application – Supplemental Information  
245 WEST 55TH ST LLC – BCP Site No. C231157  
245-249 West 55th Street  
Block 1027, Lot 7  
Manhattan, New York

### Indoor Air

Analytes	Total Detections	Max. Detection (µg/m3)	Type
1,1,1-Trichloroethane	5	310	Indoor Air
Tetrachloroethene	5	22	Indoor Air
1,1-Dichloroethane	2	6.9	Indoor Air
Trichloroethene	3	4.3	Indoor Air
cis-1,2-Dichloroethene	2	1.3	Indoor Air

### Soil

No compounds were detected in soil above their respective SCOs.

**BCP Application – Supplemental Information**  
**245 WEST 55TH ST LLC**  
**245-249 West 55th Street**  
**Block 1027, Lot 7**  
**Manhattan, New York**

## **File Repository Documentation**

Environmental Logic, LLC  
15 Princess Road, Suite K  
Lawrenceville, NJ 08648  
(609) 910-0720  
www.env-logic.com



August 1, 2023

Genoveve Rodriguez, Managing Librarian  
New York Public Library  
53<sup>rd</sup> Street Branch  
18 West 53rd Street  
New York, NY 10019  
212-714-8400

RE: Brownfield Cleanup Program Application  
245 West 55<sup>th</sup> Street  
Block 1027, Lot 7  
Manhattan, NY 10019

Ms. Rodriguez:

We represent 245 West 55<sup>th</sup> Street LLC (the Client) in their anticipated New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) application for the above-referenced property located at 245 West 55<sup>th</sup> Street in Manhattan, New York (herein referred to as the "Site").

The Site is approximately 6,025-square feet in area and is fully developed with a vacant 12-story commercial and office building with a basement. Prior to the purchase of the Site by the Client in June 2023, this property was owned and occupied by Du-Art Film Laboratories, Inc., which specializes in cinematographic film cleaning and processing. Initial environmental sampling was conducted in late 2022/early 2023 as part of due diligence activities, prior to the purchase of the Site, and contamination was identified in ground water, sub-slab soil vapor, and indoor air. This contamination is believed to be associated with the historic on-site use of chemicals commonly associated with film cleaning (i.e., chlorinated volatile organic compounds which include 1,1,1-trichloroethane and tetrachloroethylene).

As the Client anticipates redeveloping the Site into residential housing, environmental cleanup will be conducted following the acceptance of the Site into the NYSDEC Brownfield Cleanup Program.

As part of the NYSDEC Brownfield Cleanup Program application, Environmental Logic must provide a letter certifying that your local library branch is willing to serve as a public repository for all documents pertaining to the cleanup of this property. Please note that at the time of this writing, Environmental Logic does not have any files to provide to the library for the repository. Upon completion and submittal of the Brownfield Cleanup Program Application, Environmental Logic will provide the Managing Librarian an electronic link including the BCP Application and supporting documentation.

As additional phases of environmental work (i.e., further investigation of ground water and remediation of contaminants) are proposed, copies of any draft workplans required by the NYSDEC will be provided to the library, as 30- to 45-day public comment periods are required as part of the NYSDEC approval process. Additionally, final reports summarizing the results of any investigation or remediation will also be provided to the library electronically following the completion of those phases of work. The duration of cleanup activities at the Site is not known



Innovation | Remediation | Closure



Genoveve Rodriguez, Managing Librarian  
New York Public Library  
53rd Street Branch  
August 1, 2023  
Page 2

at this time; However, the overall redevelopment of the Site is anticipated to take approximately 4 years following acceptance into the Brownfield Cleanup Program.

Please sign below if you are able to certify that your library would be willing and able to act as the public file repository for this BCP project.


Sincerely,



Bill Major  
Assistant Project Manager

---

*Yes, the New York Public Library – 53<sup>rd</sup> Street Branch is willing and able to act as a public file repository on behalf of 245 West 55<sup>th</sup> Street LLC in their cleanup of the Site under the NYSDEC Brownfield Cleanup Program.*



Genoveve Rodriguez  
Managing Librarian  
NY Public Library, 53<sup>rd</sup> Street Branch

2 August 2023  
(Date)

**Environmental Logic, LLC**  
15 Princess Road, Suite K  
Lawrenceville, NJ 08648  
(609) 910-0720  
www.env-logic.com



July 13, 2023

Community Board Five  
450 Seventh Avenue, Suite 2109  
New York, NY 10123  
phone: 212-465-0907  
fax: 212-465-1628  
email: office@cb5.org

RE: Brownfield Cleanup Program Application  
245 West 55<sup>th</sup> Street (the "Site")  
Block 1027, Lot 7  
Manhattan, NY 10019

To Whom It May Concern:

We represent 245 West 55<sup>th</sup> Street LLC in their anticipated New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) application for the above-referenced Site located at 245 West 55<sup>th</sup> Street in Manhattan, New York. It is a NYSDEC requirement that we supply a letter certifying that the local community board is willing to serve as a public repository for all documents pertaining to the cleanup of this property. Please sign below if you are able to certify that your community board would be willing and able to act as the temporary public repository for this BCP project.

Sincerely,

Bill Major  
Assistant Project Manager

---

*Yes, Manhattan Community Board 5 is willing and able to act as a public repository on behalf of 245 West 55<sup>th</sup> Street LLC in their cleanup of the Site under the NYSDEC Brownfield Cleanup Program.*

Marisa Maad  
(Name)

7/18/2023  
(Date)

District Manager  
(Title)

